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SENATE

TUESDAY, MARCH 15, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Thomas L. Painter, pastor, Kensington Baptist Church, Kensington, Md., offered the following prayer:

Almighty God, our heavenly Father, we offer Thee our sincere thanks for Thy manifold blessings bestowed upon us from time to time.

Holy Father, Thou hast been our dwelling place in all generations. Thou art our refuge and strength, a very present help in time of need. We pray for Thy help in all the experiences of our lives. Grant that we may be conscious of Thy love and filled with Thy power. Lift us out of the darkness of despair, the torture of doubts, that we may be courageous to do Thy will. Enfold us in Thy mercy, that we may find forgiveness for our sins. Surround us with Thy protecting power, that we may find calmness and peace of soul.

Let Thy blessing rest upon these, Thy servants, the Members of this body. Give them strength to carry the weight of the responsibilities which rest so heavily upon their hearts and minds. Guide them in the momentous decisions of these times. We make our prayer in the name of Jesus Christ, our Saviour. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 14, 1960, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Bradley Fisk, of New York, to be an Assistant Secretary of Commerce, which was referred to the Committee on Interstate and Foreign Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1193. An act for the relief of Eleanor Constan;

S. 1703. An act for the relief of Raul Jorge Jose Hermitte; and

S. 2028. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

RESOLUTION OF RED LAKE INDIAN TRIBAL COUNCIL, MINNESOTA

Mr. HUMPHREY. Mr. President, a resolution of the Red Lake Indian Tribal Council requesting the Secretary of Interior to reestablish the Red Lake Indian Agency with appropriate appointed personnel on the Red Lake Indian Reservation and to return certain tribal records to the council has been referred to me by the Beltrami, Minn., County Board of Commissioners, who had in turn approved the council resolution.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Whereas Roger A. Jourdain, chairman of the Red Lake Indian Tribal Council, has submitted a resolution adopted by said council on January 7, 1960, which reads as follows:

"RESOLUTION 9-60

" 'Whereas on December 1, 1954 the Secretary of the Interior merged and relocated the Red Lake and Cass Lake Indian Agencies into a joint Minnesota Agency located in the city of Bemidji, Minn.; and

" 'Whereas section 63 in the Code of Federal Regulations, title 25, provides that before any merger or relocation of Indian Agencies, the Indians affected must first give their consent in their usual manner which is by tribal council action in legal session; and

" 'Whereas the Secretary of the Interior contravened and disregarded the consent of the Red Lake Band of Chippewa Indians to give their consent in their usual manner which is by council action of approval, despite the fact that countless numbers of the members of the band manifested their objections and opposition to the establishment of the consolidated Minnesota Agency in writing deeming such proposal neither being expedient, nor necessary to the best interests of the affairs of the Red Lake Band of Chippewa Indians; and

" 'Whereas the tribal council having appraised the present type of the Bureau of Indian Affairs administration has caused considerable inconvenience with unnecessary expenses for communications, delay of the Bureau of Indian Affairs administrative actions, tribal records are incomplete and are not readily available on the reservation and the Minnesota Agency Superintendent's dual responsibility are overtaxed in relation to his administration responsibility to both the Red Lake Band of Chippewa Indians and the Consolidated Minnesota Chippewa Tribe which nullifies satisfactory and efficient services this agency is required to provide for the Indians in this area: Now, therefore, be it

" '*Resolved*, That the tribal council does hereby respectfully request the Secretary of the Interior to institute the necessary measures to reestablish the Red Lake Indian Agency on the Red Lake Indian Reservation with a full-time appointed Superintendent and personnel, and to return all the tribal records where they can be accessible for the daily conduct of the council business and where they rightfully belong; and be it further

" '*Resolved*, That copies of this resolution be transmitted to the Minnesota congressional delegation in Washington, D.C., State of Minnesota Legislature Commission on Indian Affairs, Beltrami County Board of Commissioners, Clearwater County Board of Commissioners, and to the Consolidated Minnesota Chippewa Tribe requesting their support on this resolution.'

"We do hereby certify that the foregoing resolution was duly presented and enacted upon at the regular meeting of the tribal council held on January 7, 1960, with a quorum present, in the Red Lake Council Hall, Red Lake, Minn.

"ROGER A. JOURDAIN,
"Chairman.

"OTTO THUNDER,
"Secretary."

"Whereas the Beltrami County Board of Commissioners after giving due consideration to the provisions of said resolution feel that the requests contained herein have merit and if granted would tend to eliminate some of the problems with which the Red Lake Agency has to contend: Now, therefore, be it

"Resolved, That the Beltrami County Board of Commissioners does support said resolution adopted by said council; and be it further

"Resolved, That copies of this resolution be forwarded to U.S. Senator Hubert H. Humphrey, U.S. Senator Eugene McCarthy, Congressman Odin Langen and Congressman Fred Marshall, all at Washington, D.C., State Senator John H. McKee, and State Representative Elmer Berglund, of Bemidji, Minn., Harry Basford, Chairman of Indian Affairs, Wolf Lake, Minn., and Roger A. Jourdain,

chairman of the Red Lake Indian Tribal Council, Red Lake, Minn."

I, A. D. Johnson, county auditor of Beltrami County, Minn., do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Beltrami County Board of Commissioners at their regular meeting March 1, 1960.

Witness my hand and official seal this 9th day of March 1960.

A. D. JOHNSON,
Beltrami County Auditor.

LITHUANIAN INDEPENDENCE DAY—RESOLUTION

Mr. JAVITS. Mr. President, a resolution was adopted by a large group of Lithuanian Americans gathered in Webster Hall, New York City, Sunday, February 14, to commemorate the 42d anniversary of the restoration of the independence of Lithuania.

On February 16, Lithuania's Independence Day, we paid tribute to the indomitable courage of the Lithuanians enslaved behind the Iron Curtain. We have refused to recognize the illegal annexation of that country by Russia and we join them in solemn observance of their independence day in prayerful hope for future freedom for Lithuania and all enslaved peoples in the world. I ask unanimous consent that the resolution may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE LITHUANIAN RALLY ON FEBRUARY 14, 1960

We, Lithuanian Americans of Greater New York, loyal citizens and residents of the United States, gathered on February 14 of this year of grace 1960 at Webster Hall in New York City to commemorate the 42d anniversary of the restoration of the independent Lithuanian state after a prolonged eclipse of its liberty;

Voicing once again our indignation and our protest against the brutal suppression by the Government of the Soviet Union of Lithuania's independence and freedom and her subjugation to ruthless Soviet colonial exploitation, perpetrated at a time when Lithuania was living in peace with the U.S.S.R. and was bound to her by a peace treaty and a nonaggression pact;

Pointing out that this year, marking the 20th anniversary of the Soviet subjugation of Lithuania, poses a particular challenge to the West to press for application of the principle of self-determination in Lithuania and the entire captive part of Europe;

Stating that the present Soviet challenge to the West, with Berlin as its direct objective, is aimed at the settlement on Soviet terms of the political problems resulting from World War II, namely, at the legalization and consolidation of Soviet criminal conquests in Europe and at creating conditions for further Communist expansion in Europe and elsewhere;

Considering that the present abnormal and dangerous situation in Europe, characterized by the division of Germany, the subjugation of nine formerly sovereign states of central and eastern Europe, including Lithuania, and by the division of the continent is the major cause of the present international tension and requires an urgent and global settlement in conformity with the wartime and postwar commitments and pledges of the great powers;

Resolve—

1. To appeal to the President, the Secretary of State, and the Congress of the United States firmly to pursue and vigorously to promote their repeatedly declared policy of the restoration of the independence and freedom of Lithuania and other captive countries of central and Eastern Europe free and unfettered elections after the withdrawal of Soviet armed forces and agents, and to reaffirm the determination of the Government of this great country not to be party to any agreement or treaty which would confirm or prolong the subjugation of Lithuania, now held in bondage by the U.S.S.R.;

2. To express gratitude to the President, the Secretary of State, and the Congress of the United States for the proclamation of the Captive Nations Week in July 1959, which importantly contributed to strengthening the determination of the Lithuanian people to achieve freedom, as well as to maintaining their faith in the West;

3. To request the President of the United States that, in line with the pledges and principles enumerated above, and to the advantage of both the United States and captive Lithuania, the issue of Lithuania's subjugation be raised at the forthcoming summit meeting;

4. To rededicate ourselves to the just cause of Lithuania's independence and freedom and to combat Communist aggression and Soviet-Russian imperialism;

5. To assure the Lithuanian people under Soviet occupation of the indissolubility of our ties and of our unswerving determination to spare no efforts and sacrifices for the attainment of the sacred goal of the Lithuanian nation—its independence and freedom;

6. Actively to support the policy of the United States Government aiming at the establishment in Europe and elsewhere of a just and durable peace based on the inalienable right of the respective peoples to governments of their own choosing.

RESOLUTION OF INTERMOUNTAIN VETERINARY MEDICAL ASSOCIATION

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Intermountain Veterinary Medical Association at their 32d annual meeting in Salt Lake City January 20 through 23.

This resolution deals with a problem which is causing much concern among sheep producers in the Western States, the importation of live sheep which may carry diseases and parasites not known in this country.

There is now no adequate quarantine station on the Pacific coast for quarantine of large numbers of sheep. Consequently, I believe the association is certainly justified in its request for a study of this problem.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas three shipments of live sheep of approximately 75,000 animals have been imported from Australia to California since July 27, 1959, and placed under quarantine by the Federal Government at the port of San Diego and then released after 30 days, and;

Whereas diseases of sheep are known to exist in the country of origin that do not exist in this country; and

Whereas it is not feasible to be assured that shipments of live sheep in such large numbers are not carrying other diseases than those observed and diseases that do not exist in this country; and

Whereas the importers of said sheep have made repeated requests to move some of said sheep to the Imperial Valley in California for feeding and possible breeding purposes, there is, therefore, great danger of these sheep disseminating diseases of sheep to California flocks and flocks of other States to which they may be consigned and/or establish new diseases or parasites not known to exist in this country; and

Whereas seasonal movements of sheep are made each year between California and all of the Western States, and there is, for this reason, danger of the future dissemination of the diseases referred to herein to the various Western States and ultimately to the entire United States in the event such imports are not slaughtered immediately after arrival and, furthermore, since the quarantine facilities at San Diego, Calif., where said sheep are being held under 30-day quarantine, are of a temporary nature and there are no adequate quarantine facilities for imported animals on the Pacific coast: Now, therefore, be it

Resolved, That the Western States Livestock Sanitary Officials and the Intermountain Veterinary Medical Association, in session at Salt Lake City, Utah, January 22, 1960, request that the entire matter of the imports of sheep, cattle, and other animals from foreign countries be investigated and the need for adequate quarantine facilities for animals and birds on the Pacific coast be recognized and investigated by the Congress and that necessary funds be provided at the earliest possible time for the establishment and maintenance of an animal quarantine station to serve the Pacific area and that the imports of sheep, cattle, and other animals from foreign continents be prohibited for purposes other than immediate slaughter until adequate facilities are provided and such other steps are taken that will effectively prevent the introduction and dissemination of livestock diseases inimical to the livestock industry of this country; and be it further

Resolved, That copies of this resolution be furnished the Governors of each of the Western States, Members of the Senate Committee on Agriculture and Forestry, and the House Committee on Agriculture, and the congressional delegations from each of the Western States, and the Honorable Ezra Taft Benson, Secretary of Agriculture.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1154. A bill for the relief of Carl J. Fisher, captain, U.S. Army, retired (Rept. No. 1178);

S. 1328. A bill for the relief of Parker E. Dragoo (Rept. No. 1179);

S. 1408. A bill for the relief of Ronald R. Dagon and Richard J. Hensel (Rept. No. 1180);

S. 1410. A bill for the relief of Jay R. Melville and Peter E. K. Shepherd (Rept. No. 1181);

S. 2173. A bill for the relief of Mrs. John Slingsby, Lena Slingsby, Alice V. Slingsby, and Harry Slingsby (Rept. No. 1182);

S. 2234. A bill for the relief of the estate of Hilma Claxton (Rept. No. 1183);

S. 2430. A bill for the relief of certain employees of the General Services Administration (Rept. No. 1184);

S. 2507. A bill to relieve Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil bank benefits (Rept. No. 1185);

S. 2523. A bill for the relief of Harry L. Arkin (Rept. No. 1186);

H.R. 2849. An act for the relief of Oscar A. LaBranche (Rept. No. 1187);

H.R. 5301. An act for the relief of Harry E. Nelson (Rept. No. 1188);

H.R. 6023. An act for the relief of William J. Kaiser (Rept. No. 1189);

H.R. 6402. An act for the relief of Victor Stiglic (Rept. No. 1190);

H.R. 6885. An act for the relief of Neal E. Andersen (Rept. No. 1191);

H.R. 6948. An act for the relief of Miss Marion A. Cramer (Rept. No. 1192);

H.R. 7079. An act for the relief of Don L. Herring (Rept. No. 1193);

H.R. 7116. An act for the relief of George W. Gibson (Rept. No. 1194);

H.R. 7447. An act for the relief of Paul Levitt (Rept. No. 1195);

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks (Rept. No. 1196); and

H.R. 8801. An act for the relief of the Maco Warehouse Co. (Rept. No. 1197).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

H.R. 2310. An act for the relief of Hoo W. Yuey (Rept. No. 1198).

REPORT ENTITLED "CONSTITUTIONAL RIGHTS" (S. REPT. NO. 1199)

Mr. HENNINGS. Mr. President, from the Committee on the Judiciary, pursuant to Senate Resolution 62 as amended and extended, I submit a report entitled "Constitutional Rights," and ask that it be printed.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Missouri.

REPORT ENTITLED "CONSTITUTIONAL AMENDMENTS" (S. REPT. NO. 1200)

Mr. KEFAUVER. Mr. President, from the Committtee on the Judiciary, pursuant to Senate Resolution 58 as extended, I submit a report entitled "Constitutional Amendments," and ask that it be printed.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from Tennessee.

REPORT ENTITLED "ANTITRUST AND MONOPOLY" — INDIVIDUAL VIEWS (S. REPT. NO. 1201)

Mr. KEFAUVER. Mr. President, from the Committee on the Judiciary, pursuant to Senate Resolution 57 as extended, I submit a report entitled "Antitrust and Monopoly," together with the individual views of the Senator from Illinois [Mr. DIRKSEN], and the Senator from Wisconsin [Mr. WILEY].

I ask unanimous consent that the report, together with the individual views, be printed.

The PRESIDING OFFICER (Mr. MCGEE in the chair). The report will be received and printed, as requested by the Senator from Tennessee.

REPORT OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD—SEPARATE VIEWS (PART 2 OF S. REPT. NO. 1139)

Mr. McCLELLAN. Mr. President, as chairman of the Select Committee on Improper Activities in the Labor or Management Field, I ask unanimous consent to file part 2 of the final report of the Senate Select Committee on Improper Activities in the Labor or Management Field. Part 2 of the final report consists of the following:

Reports and findings approved by the chairman and Senators KENNEDY, ERVIN, and CHURCH, who are the Democratic members of the committee on:

First. The Kohler-UAW hearings and investigations.

Second. The Perfect Circle-UAW hearings and investigations.

Third. The Richard T. Gosser, Local No. 12, UAW hearings and investigations.

Also, the separate views of:

First. The chairman and Senator ERVIN on the Kohler and Perfect Circle investigations.

Second. Senators CHURCH and KENNEDY on the Kohler and Perfect Circle investigations.

Third. The chairman on the Richard T. Gosser, Local No. 12, UAW matters, concurred in by Senators ERVIN, KENNEDY, and CHURCH.

Mr. President, I ask unanimous consent that the distinguished Senator from South Dakota [Mr. MUNDT], who is the senior Republican member of the Senate select committee, be permitted at this time to file the separate findings and views of the Republican members of the committee, together with the separate views and findings of the individual members of the Republican membership of the committee, if that is desirable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, there is an appendix or a compilation of findings in our separate views. I assume the unanimous-consent request would include them, but I desired to make that certain.

Mr. McCLELLAN. Is the Senator from South Dakota ready to submit his findings?

Mr. MUNDT. Yes.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that whatever material the Republican members of the select committee desire to submit may be filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ELLENDER. Does this conclude the work of the select committee?

Mr. McCLELLAN. It does, with the exception of two or three more reports. I have in mind, however, holding one executive session of the select committee in order to conclude a matter, but I shall do so within the time limit.

Mr. ELLENDER. As I recall, the resolution provides a cutoff date.

Mr. McCLELLAN. It is March 31. We are submitting our reports. Only two more are to be filed. I may at the time of filing them make a summary statement; and, of course, other Senators may wish to do the same thing.

Also, although I have not determined whether I shall do so, I may hold a brief executive hearing on one day in order to conclude a matter which the select committee has had under consideration.

Mr. MUNDT. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. MUNDT. I believe the chairman might well assure the distinguished Senator from Louisiana, who has been something of a watchdog over select committees, that the Select Committee on Improper Activities in the Labor or Management Field expects to conclude its work on time. I believe it is safe to say also that the select committee will return to the Senate some unexpended funds.

Mr. McCLELLAN. That is correct. We returned $100,000 of last year's money. This year we obtained $50,000 in order to continue our work to this time. I believe that almost half of that amount will be returned. I am not certain at the moment, but I am confident that a considerable amount of that sum will be returned.

Mr. MUNDT. Mr. President, I should like to make a statement in connection with the report the Senator from Arkansas [Mr. MCCLELLAN], the chairman of our committee, has filed. When he filed it, I addressed the Chair; but the Chair failed to recognize me.

Mr. President, pursuant to the unanimous consent received by the committee, I send to the desk the separate views of the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], and myself, and ask—and in respect to this matter, the chairman of the committee and I are in complete agreement—that the several views of the chairman of the committee and the other members of the committee be printed together, under one cover.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, let me say that this report does not quite mark the termination of the activities of our committee, because, as the chairman has pointed out, we still have some minor reports to prepare, and the chairman of the committee has in mind a rather minor matter which is to come before the committee, in the form of a follow-up investigation.

I should like to state that I shall have more to say on the occasion of the final termination of our committee.

Since the retirement of Senator Ives, of New York, it has been my responsibility to serve as the ranking Republican member of the committee. I have been highly pleased with my experience in connection with serving with the distinguished chairman of the committee, who has done an admirable job of conducting the investigation. I have enjoyed my service with him, just as I have had the privilege also, of serving with him on other investigations, some of which have been more tempestuous than these, and some less.

Mr. President, this investigation has been an important one. Its importance is dramatized by the plethora of individual views which have been filed by committee members, and which are to be printed in connection with the committee's report.

Mr. President, if our committee had done nothing other than provide the background and the information for legislation which resulted in the passage of the Landrum-Griffin Act, it seems to me our committee would well have served the public interest and would well have justified its expenditures of public funds during the 3-year investigation on which the committee has been engaged. However, much information has been

obtained; and the newspapers publish almost daily new evidence of changes and alterations in labor-management relationships and in the structure of labor organizations, growing out of the evidence adduced by our committee.

I regret that we could not always act with unanimity; but that is scarcely to be expected in an investigation of an area so controversial as this one.

I feel that the committee has rendered great service; and I shall have more to say about this matter when the committee terminates its activities at the end of the month.

Mr. McCLELLAN. Mr. President, I wish to thank the distinguished Senator from South Dakota for his comments regarding the work of the committee.

I believe the committee's investigation has been more arduous, and possibly of longer duration, than that of any other Senate committee, at least since I have been a Member of this distinguished body.

The work of the committee has not been pleasant; at times it has been quite unpleasant.

Mr. President, when we consider all the facts and circumstances involved, I believe it somewhat remarkable that the committee members could work together as harmoniously and as effectively as they did to obtain some good results; and I feel that we have obtained some very good results.

I certainly agree with the distinguished Senator from South Dakota when he says he believes the Congress and the country got their money's worth. The expenditures made by the committee certainly were not wasted, but have contributed invaluably to the correction of some conditions which definitely needed legislative attention.

Mr. GOLDWATER subsequently said: Mr. President, today the Republican members of the Select Committee To Investigate Improper Activities in the Labor or Management Field filed separate views on three areas of investigation of this committee.

These separate views, which represent more than 2 years' work, and which are exhaustively documented, are, I believe, worthy of comment at this time.

Mr. President, I have no doubt that the charge of political motivation will be leveled at this report, in fact already has, and this charge is bound to be raised again now that the report is officially filed with the Senate.

Let me say to these critics that if it is politics to demand that the electorate of our Nation be given a factual disclosure of the investigation or lack of investigation pertaining to the hearings on Perfect Circle, the Kohler strike, and Richard Gosser, then we must plead guilty as charged.

However, I am convinced that a fair reading of the report which the Republican members of the McClellan committee have submitted will show that it is an accurate presentation of facts, it is thoroughly documented, and above all, it clearly defines the pattern of violence that goes hand in hand with the operation of the United Auto Workers.

Mr. President, that there is substance to this report is demonstrated by the recent action of UAW President Walter Reuther who requested that his union's public review board investigate the material presented in our separate views.

I hope that if the review board accepts jurisdiction of this matter it will be prepared to make the complete investigation which has hitherto been lacking. In that event, we would welcome the opportunity to present to them the material contained in the report which we now submit.

Mr. President, I invite attention to a section in our report which is entitled "The Development of a Technique Whereby Private Interest Can Use Illegal Force To Gain Its Ends." This is the section to which the junior Senator from Michigan objected when, in a preliminary draft, it was discovered that Michigan was referred to as "a privileged sanctuary for the harboring of criminals." This language also stirred indignation on the part of some segments of the press.

As I have noted, the language was subsequently changed for I felt there was merit in the argument of my colleague from Michigan.

However, I believe this change served to strengthen our position, for we then documented the cases of John Gunaca, Emil Mazey, William Vinson, and others, all pointing to the development by these masters of corrupt power of a technique whereby a private interest can use illegal force to gain its ends.

The far-reaching power of the UAW is distilled in the remark Gunaca made to his captor en route to the preliminary hearing:

> Sarge, this will never do you any good. Mazey will never leave Soapy (Governor Williams) send me back to Wisconsin.

It is interesting to note, that following the publicity on this section, mail to my office from the State of Michigan supported our original language in a ratio of 8 to 1.

A Michigan clergyman wrote to me as follows:

> The worst thing about the whole mess is that your report is factual and correct. Conditions such as you describe will obtain in Michigan so long as the Emil Mazeys, Jimmy Hoffas, and Victor Reuthers are in the saddle in the union movement.
>
> I agree with Mr. HART that the facts are an insult and defamation to the fair State of Michigan, but I disagree in that I believe that the facts are still facts, and will continue to be facts until, and unless, stern action is taken by Congress.

It is puzzling to me that a statement by the chief counsel of our committee, Mr. Robert Kennedy, in which he asserted there was lax law enforcement in Michigan failed to stir any righteous indignation on the part of the same principals.

It is significant that an almost unanimous Senate in its current consideration of civil rights legislation approved my proposal making it a Federal crime for anyone who has been guilty of bombing or setting fire to any structure or facility to flee to another State. This is unequivocal recognition that existing legal procedures for dealing with the type of misconduct analogous to that in which Gunaca was involved are entirely inadequate.

I cannot sufficiently emphasize that in offering this proposal I made it perfectly clear that it was designed to reach precisely, among other things, this type of outrage against the general public.

It is ironic that labor legislation must be enacted in a civil rights bill, but that is exactly the posture this body finds itself in today.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES AS OF DECEMBER 31, 1959

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal Stockpile Inventories as of December 31, 1959, and ask unanimous consent to have it printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL STOCKPILE INVENTORIES, DECEMBER 31, 1959

INTRODUCTION

This is the first of a series of monthly reports on the condition of Federal stockpile inventories under the Department of Agriculture, General Services Administration, and Office of Civil and Defense Mobilization. The report is compiled from official data submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the agencies involved.

The three agencies reported that as of December 31, 1959, the cost value of materials in their stockpile inventories totaled $16 billion, as follows:

Summary of inventories, by agency and program, Dec. 31, 1959

Agency and program	*Cost value (in thousands)*
Department of Agriculture:	
Price support program:	
Agricultural commodities	$7,349,095
Exchange commodities, strategic and critical materials	103,353
Total, price support program	7,452,448
Defense Production Act program	3
Total, Department of Agriculture	7,452,451
General Services Administration:	
Strategic and critical materials:	
National stockpile	6,209,713
Federal Facilities Corporation, tin inventory	9,519
Defense Production Act program	1,424,006
Supplemental stockpile	641,902
Supplemental stockpile inventory in transit	45,045
Total, General Services Administration	8,333,185
Office of Civil and Defense Mobilization:	
Civil defense stockpile	201,570
Grand total	15,987,206

Subsequent regular monthly reports will show opening inventories at the beginning of the month in quantity and cost, transactions during the month, and the closing inventories at the end of the month.

Tables which follow in this report show each inventory by commodities except the national stockpile. Commodity detail for the national stockpile is classified. The inventory tables are as follows:

Table 1: Agricultural price support program: Inventories under Commodity Credit Corporation, including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act.

Table 2: Strategic and critical materials: Inventories under General Services Adminis-

tration, including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile.

Table 3: Civil defense stockpile: Inventory under the Office of Civil and Defense Mobilization.

Appendix: Program descriptions, statutory citations, and explanatory notes relating to the reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

APPENDIX

U.S. DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

The price-support program

Price-support operations are carried out under the Corporation's charter powers (15 U.S.C. 714), in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958 and with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities; namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1962. Price support for other nonbasic agricultural commodities is discretionary except that whenever the price of either cottonseed or soybeans is supported, the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. The producer's commodities serve as collateral for price-support loans. With limited exceptions, price-support loans are nonrecourse and the Corporation looks only to the pledged or mortgaged collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for

TABLE 1.—*Agricultural price support program—Inventories under Commodity Credit Corporation, including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act*

EXPLANATORY NOTES

This table shows inventories as recorded in the accounts of the Commodity Credit Corporation as of Dec. 31, 1959. The Commodity Credit Corporation defines the content of each column as follows:

Commodity: Lists each commodity in the form in which it exists when extended support, and in some instances in a form to which the supported commodity is processed or converted to increase marketability. The commodities are grouped under the appropriate statutory subclassifications as "Basic," "Designated nonbasic," "Other nonbasic," and "Exchange."

Unit of measure: The applicable unit used in the accounting records and reports of the Corporation.

Inventory: Shown in terms of quantity (number of units) and cost value. All inventories are recorded in the accounts at cost. "Cost value" is comprised of the initial cost of the commodity plus storage, handling, transportation, and accessorial expenses paid or accrued up to the date of reporting. The initial cost of inventories acquired by delivery of collateral securing loans is the unpaid balance of the notes plus storage and other charges advanced, any equities due or paid to producers on warehouse-stored collateral (by Public Law 85-835, and beginning with 1959 crop production, the Corporation will not make equity payments to borrowers on unredeemed price-support loan collateral, title to which it acquired on or after maturity of the loans), and the net value of any quantity or quality differences determined upon delivery of farm-stored collateral. Amounts paid to lending agencies participating in the loan program for crop years prior to 1958 were recorded as a part of inventory cost.

[In thousands]

Program and commodity	Unit of measure	Inventory, Dec. 31, 1959	
		Quantity	Cost value
Price support program:			
Agricultural commodities:			
Basic commodities:			
Corn	Bushel	1,235,090	$2,172,954
Cornmeal	Pound		
Cotton, extra long staple	Bale	60	16,909
Cotton, upland	do	7,523	1,311,878
Peanuts, farmers' stock	Pound	25,089	2,399
Peanuts, shelled	do	68,968	11,486
Peanut butter	do		
Rice, milled	Hundredweight	3,687	39,745
Rice, rough	do	3,160	17,882
Tobacco	Pound	6,045	4,005
Wheat	Bushel	1,109,175	2,892,141
Wheat flour	Pound		
Total, basic commodities			6,469,399
Designated nonbasic commodities:			
Barley	Bushel	64,648	76,185
Grain sorghum	Hundredweight	269,302	701,682
Honey	Pound	2,002	196
Milk and butterfat:			
Butter	do	17,236	10,253
Cheese	do	28,700	10,126
Milk, dried	do	59,716	8,831
Milk, fluid	do		
Oats	Bushel	17,484	13,316
Rye	do	3,176	4,051
Tung oil	Pound	26,309	5,577
Total, designated nonbasic commodities.			830,216
Other nonbasic commodities:			
Beans, dry edible	Hundredweight	(1)	2
Cottonseed oil, crude	Pound	6	1
Cottonseed oil, refined	do	1	(1)
Flaxseed	Bushel	438	1,397
Linseed oil	Pound	55,616	6,671
Rosin	do	14,474	1,160
Soybeans	Bushel	17,651	40,250
Total, other nonbasic commodities.			49,480
Total, agricultural commodities.			7,349,095
Exchange commodities—strategic and critical materials: [2]			
Aluminum oxide, abrasive, crude	Pound	29,105	$1,973
Antimony, metal	do	1,933	445
Asbestos, amosite	do	3,999	499
Asbestos, crocidolite	do	2,701	427
Bauxite	do	764,440	4,930
Beryllium copper master alloy	do	626	1,242
Cadmium	do	184	247
Chrome ore, chemical grade	do	81,311	691
Chrome ore, refractory grade	do		
Chrome ore, Turkish, metallurgical	do	44,132	1,202
Chromium metal	do	920	884
Colmanite, Turkish boron minerals	do	10,478	274
Copper	do		
Diamonds	Carat	2,896	35,397
Ferrochrome, high carbon	Pound	79,232	13,555
Ferrochrome, low carbon	do	31,491	6,723
Ferromanganese	do	1,492	141
Fluorspar, acid grade	do	16,409	298
Fluorspar, metallurgical	do	65,057	929
Lead	do	60,698	5,912
Manganese ore, chemical grade	do	49,852	2,059
Manganese ore, metallurgical	do	134,914	2,726
Manganese ore, natural, battery	do	21,062	999
Mercury	do		
Mica	do	525	913
Palladium	Troy ounce	60	1,016
Quartz	Pound	77	1,166
Selenium	do	87	566
Silicon carbide	do	19,430	1,779
Thorium nitrate	do	2,720	6,165
Tin	do	4,257	4,326
Titanium sponge	do	1,500	1,800
Zinc	do	35,538	4,070
Total, exchange commodities—strategic and critical materials.			103,353
Total, price support program			7,452,448
Defense Production Act inventory: Cotton, American-Egyptian.	Bale	(1)	3
Total, Department of Agriculture.			7,452,451

[1] Less than 500.

[2] See appendix for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

NOTE.—Figures are rounded and may not add to totals.

TABLE 2.—*Strategic and critical materials—Inventories under General Services Administration, including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile*

EXPLANATORY NOTES

This table shows inventories as recorded in the accounts of the General Services Administration as of Dec. 31, 1959. The General Services Administration defines the content of each column as follows:

Program and commodity: Identifies the program and the minerals, metals, fibers and oils acquired under the program.

Unit of measure: The standard weight or measure of minerals, metals, fibers, and oils determined to be the stockpile unit of measure.

Inventory: Represents quantity and cost of material in storage. For the national stockpile and Defense Production Act acquisitions include open market purchases at contract prices; intradepartmental transfers at market or appraised value at time of transfer; transportation to first permanent storage location; and beneficiating and processing cost in upgrading materials. For the supplemental stockpile acquisition include the market value or Commodity Credit Corporation's acquisition cost whichever is the lower at time of transfer from Commodity Credit Corporation. Figures are net of certain inventory and accounting adjustments.

[In thousands]

Program and commodity	Unit of measure	Inventory, Dec. 31, 1959	
		Quantity	Cost value
National stockpile, total (classified detail omitted).			$6,209,713
Federal Facilities Corporation: Tin	Long ton	4	9,519
Defense Production Act:			
Aluminum	Short ton	690	350,039
Asbestos, chrysotile	Short dry ton	2	2,103
Bauxite, metal grade, Jamaica type	Long dry ton	1,370	18,168
Beryl	Short ton	2	976
Bismuth	Pound	23	52
Chromite, metallurgical grade	Short dry ton	788	28,622
Cobalt	Pound	20,641	43,774
Columbite	do	11,068	54,424
Copper	Short ton	136	75,589
Cryolite	do	39	10,676
Fluorspar, acid grade	Short dry ton	20	1,394
Graphite, lubricating	Short ton	1	178
Lead	do	8	3,036
Manganese, battery grade, synthetic dioxide.	Short dry ton	4	2,524
Manganese, metallurgical grade	do	2,838	161,463
Mica, muscovite block, strained and better.	Pound	5,186	28,041
Mica, muscovite film	do	93	503
Nickel	do	149,794	131,511
Palladium	Troy ounce	8	177
Rare earth residue	Pound	5,551	594
Rutile	Short dry ton	8	1,458
Thorium	Pound	720	36
Tantalite	do	925	6,075
Tin	Long ton	1	1,038
Titanium	Short ton	22	162,332
Tungsten	Pound	79,811	325,459
Subtotal, DPA commodities			1,410,243
Machine tools inventory:			
In storage	Machine	1	9,285
On lease	do	(1)	4,466
On loan	do	(1)	12
Subtotal, DPA machine tools inventory.			13,764
Total, Defense Production Act.			1,424,006
Supplemental stockpile: [1]			
Aluminum oxide, fused, crude	Short ton	101	12,784
Antimony, metal	do	7	3,970
Asbestos, chrysotile	Short dry ton	5	3,499
Bauxite, metal grade, Jamaica type	Long dry ton	1,702	24,632
Beryl	Short ton	7	12,965
Bismuth	Pound	1,146	2,579
Cadmium	do	6,108	10,287
Chromite, chemical grade	Short dry ton	14	9,121
Chromite, metallurgical grade	do	963	153,881
Supplemental stockpile [1]—Con.			
Cobalt	Pound	1,077	$2,169
Colemanite	Long dry ton	33	2,152
Columbite	Pound	42	235
Copper	Short ton	9	6,215
Diamond, industrial; stones	Carat	7,010	91,823
Fluorspar, acid grade	Short dry ton	402	22,671
Graphite, natural Ceylon, amorphous lump.	do	1	341
Iodine	Pound	242	231
Lead	Short ton	176	48,640
Manganese, battery grade, natural	Short dry ton	31	2,881
Manganese, chemical grade, type B	do	17	1,407
Manganese, metallurgical grade	do	1,037	99,563
Mica, muscovite block, strained and better.	Pound	197	591
Mica, muscovite film	do	17	184
Mica, muscovite splittings	do	4,429	5,295
Palladium	Troy ounce	463	8,309
Quartz crystals	Pound	82	1,099
Rare earths	Short dry ton	2	2,427
Selenium	Pound	60	436
Silicon carbide, crude	Short ton	38	7,417
Titanium	do	5	18,937
Tungsten	Pound	4,485	15,627
Zinc	Short ton	294	72,535
Total, supplemental stockpile			644,902
Supplemental stockpile inventory in transit: [2]			
Bauxite	Long dry ton	638	9,756
Beryllium copper master alloy	Short ton	(1)	1,482
Cadmium	Pound	140	189
Chrome ore, Turkish, metallurgical.	Short dry ton	28	1,532
Chromite, refractory	do	153	4,378
Chromium metal	Short ton	1	1,551
Colemanite	Long dry ton	6	391
Ferrochrome, high carbon	Short ton	7	2,232
Ferrochrome, low carbon	do	11	4,662
Ferromanganese	do	5	1,036
Fluorspar, acid grade	Short dry ton	43	1,728
Lead	Short ton	15	2,972
Manganese ore	Short dry ton	4	372
Mercury	Flask	16	3,396
Mica	Pound	145	252
Palladium	Troy ounce	25	426
Ruthenium	do	15	533
Silicon carbide, crude	Short dry ton	16	2,847
Thorium nitrate	Pound	1,200	2,720
Zinc	Short ton	11	2,592
Total, supplemental stockpile inventory in transit.			45,045
Total, General Services Administration.			8,333,185

[1] Less than 500.

[2] See appendix, for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

NOTE.—Figures are rounded and may not add to totals.

price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Dispositions of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of 1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Defense Production Act Program

The programs authorized by and certified to the Secretary of Agriculture under the provisions of the Defense Production Act are administered and operated through the Commodity Credit Corporation.

All present and past programs involved the acquisition and disposition of agricultural commodities or products thereof. Commodities acquired are entered in and maintained through the inventory accounts of the Corporation. As the commodities are disposed of, the realized gains or losses are recorded by CCC as a receivable against the Secretary of Agriculture. Administrative expenses of the Corporation are recorded in this receivable; and interest is computed monthly on the total amount of CCC's investment at the same rate per annum as that paid by the Corporation on its borrowings from the Treasury.

The net total of realized gains and losses, CCC's administrative expenses, and CCC's interest expense represented a payable item under the revolving fund.

The recording of realized gains or losses represents a cash basis, inasmuch as the amounts recorded represent the net results of actual dispositions. Values of inventories on hand at reporting date are not included in these fund accounts and therefore allowances for losses are not included. Administrative and interest expenses are accounted for on an accrual basis. All values are at cost.

When a program is completed, the Secretary of Agriculture secures funds by issuing interest-bearing notes to the Treasury and reimburses CCC. Interest on the notes issued by the Secretary is accrued monthly, compounded semiannually, as an accrued liability of the revolving fund.

TABLE 3.—*Civil defense stockpile—Inventory under Office of Civil and Defense Mobilization*

EXPLANATORY NOTES

This report shows the civil defense inventory as recorded in the accounts of the Office of Civil and Defense Mobilization, as of December 31, 1959. The Office of Civil and Defense Mobilization defines the content of each column as follows:

Commodity: Composite groups of many different items.

Unit of measure: Shown only for engineering supply units and hospital functional units; not feasible by other composite groups.

Inventory-quantity: Shown only for 2 items, namely, engineering supply units and civil defense emergency hospital functional units. It is not feasible to furnish quantity figures on the other commodity groups because they are composite groups of many different items. To report quantities, it would be necessary to list several hundred different items.

Inventory-cost value: The dollar value figures on commodities in the civil defense stockpile inventory reflect essentially the actual costs of the commodities. No transportation, delivery, or storage costs are included. However, these statements should be qualified by the fact that the total inventory includes Government excess property items valued at over $2,000,000 (a little more than 1 percent of the total), which were acquired by Office of Civil and Defense Mobilization at little or no cost. These materials are received into the inventory on 1 of 3 value bases: Items similar or identical to items purchased in the open market for stockpile purposes are accepted at the average unit cost for similar items purchased; the remaining items are accepted at a current fair value, if such has been determined or, at the original acquisition cost to the Federal Government, if a current fair value has not been determined.

[In thousands]

Commodity	Unit of measure	Inventory, Dec. 31, 1959		Commodity	Unit of measure	Inventory, Dec. 31, 1959	
		Quantity	Value			Quantity	Value
Engineering stockpile (engine generators, pumps, chlorinators, purifiers, pipe and fittings).	10-mile units	(1)	$6,210	Chemical and biological equipment			$1,214
Medical bulk stocks and associated items at OCDM locations.			105,763	Radiological equipment			6,168
Medical bulk stocks at manufacturer locations.			34,544	Civil defense emergency hospital functional units.	Each	2	38,822
				Replenishment units for hospitals			8,850
				Total, civil defense stockpile			201,570

[1] Less than 500.

NOTE.—Figures are rounded and may not add to totals.

GENERAL SERVICES ADMINISTRATION

Strategic and critical materials stockpiling and related programs

1. National Stockpile

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. GSA is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Civil and Defense Mobilization. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OCDM. In addition, GSA is responsible for disposing of those strategic and critical materials which OCDM determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V-7, issued by the Director of the Office of Civil and Defense Mobilization and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

2. Tin Received From Federal Facilities Corporation

Public Law 608, 84th Congress (50 U.S.C. 98 note), provided, among other things, for the continuation of operation of the Government-owned tin smelter at Texas City, Tex., from June 30, 1956, until January 31, 1957. It provided also that all tin acquired by the Federal Facilities Corporation by reason of such extension should be transferred to GSA.

3. Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. app. 2093) and Executive Order No. 10480, as amended, GSA is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Civil and Defense Mobilization.

4. Supplemental Stockpile

As a result of a delegation of authority from OCDM (32A CFR, ch. I, DCO V-4), GSA is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. app. 2191-2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

Civil defense stockpile program

This stockpiling program, under authorization of Public Law 920, 81st Congress, section 201(h), is designed to provide some of the most essential medical and engineering supplies for emergency use in event of enemy attack. Materials and equipment not normally available or not present in the quantities needed to cope with such conditions are stockpiled at strategic locations. The Office of Civil and Defense Mobilization stockpile procured to date, including medical supplies, emergency engineering equipment, and radiological instruments, is stored and maintained in a nationwide warehouse system consisting of medical and general storage facilities.

EXPLANATORY NOTES RELATING TO THE REPORTING OF STRATEGIC AND CRITICAL MATERIALS ACQUIRED BY EXCHANGE OR BARTER OF AGRICULTURAL COMMODITIES

Surplus agricultural commodities in the Commodity Credit Corporation's price-support inventory may be exchanged or bartered for strategic and critical materials under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), and other basic legislation, including the CCC Charter Act, as amended, Agricultural Act of 1954, and the Agricultural Act of 1956.

Except for small amounts which may go to the national stockpile, the strategic and critical materials acquired by Commodity Credit Corporation under the barter program are transferred to the supplemental stockpile.

Direct appropriations reimburse Commodity Credit Corporation for materials so transferred from the price support inventory.

The General Services Administration is charged with the custody and management of strategic and critical materials, and becomes the responsible reporting agency when title to these bartered materials is placed in the supplemental stockpile.

For purposes of this report, strategic and critical materials acquired by barter appear in three inventories, reflecting the stages of the transfer of title.

1. The Department of Agriculture reports those to which the Commodity Credit Corporation still has title, prior to transfer to the supplemental stockpile.

2. The General Services Administration reports those which have been transferred from the Commodity Credit Corporation exchange inventory in two parts:

A. Materials for which title is "in transit" from Commodity Credit Corporation to the supplemental stockpile.

B. Materials for which title has passed to the supplemental stockpile.

Totals for these three inventories, as shown in this report, follow:

Exchange commodities held by Commodity Credit Corporation for transfer to the supplemental stockpile	$103,353,000
Inventory "in transit" from Commodity Credit Corporation to the supplemental stockpile	45,045,000
Supplemental stockpile	644,902,000

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost value of materials in Federal stockpiles in custody of three agencies—Department of Agriculture, General Services Administration and the Office of Civil and Defense Mobilization—totals $16 billion.

A summary of the cost value of the materials in these inventories, by agency and program, as of December 31, 1959, follows:

[In thousands]

Department of Agriculture:	
Price support program:	
Agriculture commodities	$7,349,095
Exchange commodities, strategic and critical materials	103,353
Total, price support program	7,452,448

[In thousands]	
Department of Agriculture—Con.	
Defense Production Act program	3
Total, Department of Agriculture	7,452,451
General Service Administration:	
Strategic and critical materials:	
National stockpile	6,209,713
Federal Facilities Corporation, tin inventory	9,519
Defense Production Act program	1,424,006
Supplemental stockpile	644,902
Supplemental stockpile inventory in transit	45,045
Total, General Services Administration	8,333,185
Office of Civil and Defense Mobilization: Civil defense stockpile	201,570
Grand total	15,987,206

These figures were developed in the first of a series of monthly reports on the Federal stockpile situation to be published by the Joint Committee on Reduction of Nonessential Federal Expenditures.

AGRICULTURAL COMMODITIES

The report shows a total of $7.3 billion in 25 agricultural commodities in the Commodity Credit Corporation price support inventory. Commodities leading in cost value include:

More than 1.1 billion bushels of wheat at a cost of 2.9 billion.

More than 1.2 billion bushels of corn at a cost of 2.2 billion.

More than 7.5 million bales of cotton at a cost of more than $1.3 billion.

More than 269 million hundredweight of grain sorghum at a cost of $702 million.

STRATEGIC AND CRITICAL MATERIALS

The report shows strategic and critical materials in six inventories totaling $8.4 billion. Of this total $6.2 billion is in the national stockpile for which the commodity breakdown is classified. Combined figures from the other five inventories show commodities (in all grades and forms) leading in cost value as follows:

Nearly 4.9 million tons of aluminum, bauxite, etc., at a cost of $422 million.

More than 84 million pounds of tungsten at a cost of $341 million

More than 4 million tons of manganese, manganese ores, etc., at a cost of $275 million.

More than 2 million tons of chrome, chrome ores, etc., at a cost of $229 million.

Twenty-eight thousand tons of titanium at a cost of $183 million.

Nearly 150 million pounds of nickel at a cost of $132 million.

More than 9.9 million carats of diamonds at a cost of $127 million.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

The report shows the civil defense stockpile of medical and engineering supplies and equipment in seven composite groups totaling $202 million. Nearly 70 percent of this total is in medical bulk stocks, valued at $140.3 million.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Administrator of General Services, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Lyndall G. Beamer, of Illinois, for appointment as a Foreign Service officer of class 8, a vice consul of career, and a secretary in the diplomatic service;

Theodore C. Achilles, of the District of Columbia, to be Counselor of the Department of State;

Thomas C. Mann, of Texas, a Foreign Service officer of class 1, and Assistant Secretary of State for Economic Affairs, to be the representative to the 16th session of the Economic Commission for Asia and the Far East of the Economic and Social Council of the United Nations;

Sigurd S. Larmon, of New York, to be a member of the United States Advisory Commission on Information;

Selden Chapin, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to Peru; and

Ralph J. Blake, of Oregon, and sundry other persons, for appointment and promotion in the Foreign Service.

By Mr. ANDERSON, from the Joint Committee on Atomic Energy:

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission, for the remainder of the term expiring June 30, 1960; and

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1965.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BENNETT:

S. 3200. A bill to amend the Internal Revenue Code of 1954 to provide that the taxpayer's personal exemption for an individual not related to him shall be allowed if such individual resides in his home for the major part of the taxable year, making special provision where such individual is a child living with him for the duration of a school year; to the Committee on Finance.

By Mr. PROXMIRE:

S. 3201. A bill for the relief of Sonja Dolata; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 3202. A bill to provide extra compensation for Sunday or holiday work by employees of the Department of Agriculture performing inspection or quarantine services; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Hawaii:

S. 3203. A bill to provide for promotion of economic and social development in the Ryukyu Islands; to the Committee on Armed Services.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. ELLENDER (for himself, Mr. LONG of Louisiana, Mr. EASTLAND, Mr. STENNIS, and Mr. YARBOROUGH):

S. 3204. A bill to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota; to the Committee on Finance.

(See remarks of Mr. ELLENDER when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON:

S. 3205. A bill to provide for the construction of recreation facilities in the Elephant Butte Reservoir area, New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 3206. A bill to authorize the construction of an oceangoing hydrofoil vessel in order to demonstrate the commercial application of hydrofoil seacraft; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS of Delaware:

S. 3207. A bill to eliminate block voting for marketing orders; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. WILLIAMS of Delaware when he introduced the above bill, which appear under a separate heading.)

RESOLUTIONS

TRANSFER TO COMMITTEE ON GOVERNMENT OPERATIONS ALL PAPERS OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN LABOR-MANAGEMENT FIELD, AND AUTHORIZING CONTINUING STUDIES

Mr. McCLELLAN (for himself, Mr. ERVIN, Mr. MUNDT, and Mr. GOLDWATER) submitted a resolution (S. Res. 287) to transfer to the Committee on Government Operations all papers of the Select Committee on Improper Activities in the Labor-Management Field, and authorizing continuing studies, which was referred to the Committee on Government Operations.

(See the above resolution printed in full when submitted by Mr. McCLELLAN, which appears under a separate heading.)

ADLER CONSTRUCTION CO.—REFERENCE OF BILL TO COURT OF CLAIMS

Mr. HRUSKA submitted the following resolution (S. Res. 288); which was referred to the Committee on the Judiciary:

Resolved, That the bill (S. 3199) entitled "A bill for the relief of the Adler Construction Company," now pending in the Senate, together with all accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

FUNERAL EXPENSES OF THE LATE SENATOR NEUBERGER OF OREGON

Mr. MORSE submitted the following resolution (S. Res. 289); which was re-

ferred to the Committee on Rules and Administration:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Richard L. Neuberger, late a Senator from the State of Oregon, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

KURE BEACH, N.C.—REFERENCE OF BILL TO COURT OF CLAIMS

Mr. ERVIN (for himself and Mr. JORDAN) submitted the following resolution (S. Res. 290); which was referred to the Committee on the Judiciary:

Resolved, That the bill (S. 3150) entitled "A bill for the relief of the town of Kure Beach, North Carolina," together with all accompanying papers, is hereby referred to the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; and the court shall proceed expeditiously with the same and report to the Senate, at the earliest practicable date, such findings of fact, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy, and conclusions based on such facts as shall be sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

EXTRA COMPENSATION FOR OVERTIME WORK BY EMPLOYEES OF INSPECTION OR QUARANTINE SERVICES, DEPARTMENT OF AGRICULTURE

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference a bill to improve the pay of those working in Department of Agriculture inspectional services at the points of entry into our country. This long-needed step would allow the import-export plant and animal inspectors of the Department of Agriculture premium pay for Sunday or holiday work. Premium pay for this work is now received by the other inspectors who work alongside the plant and animal inspectors at border and port stations. These, the Customs, Immigration, and Public Health inspectors, now receive premium pay for Sunday work or holiday work. The plant and animal inspectors, who hold interchangeable designations with the other inspectors, sometimes performing their work, receive only regular pay for Sunday or holiday work. This certainly does not create desirable morale in the border and port stations and it is hoped that this bill will correct this situation.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3202) to provide extra compensation for Sunday or holiday work by employees of the Department of Agriculture performing inspection or quarantine services, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to enable the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work," approved August 28, 1950 (64 Stat. 561), is amended by inserting the word "Sunday," between the words "night," and "or," and by adding after the last sentence the following: "Pay for Sunday or holiday work shall be computed on the basis of two times the basic hourly rate for each hour of work, in addition to any basic pay for that day. Any employee required to perform work on a Sunday or holiday shall be compensated for at least two hours of such work."

SEC. 2. The amendment made by this Act shall take effect at the beginning of the first pay period following its enactment.

FINANCIAL AID TO OKINAWA

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill to provide for the promotion of the economic and social development in the Ryukyu Islands. For almost 15 years the United States has occupied the Ryukyu Islands, of which Okinawa is the principal island. Our control is under international law; but since April 1, 1952, almost exactly 8 years ago, we have authorized local governmental institutions to participate in the governance of the island group. For the central government, these institutions include a unicameral legislature, a Ryukyuan chief executive, and independent courts. Regional and municipal governmental units also exercise increasing powers. However, the United States has retained overall authority, and therefore has primary responsibility for the well-being of the islands.

Okinawa has been repeatedly caught in the crossfire of international conflict. Themselves famous for their peaceful ways, the people of the Ryukyus saw their islands fortified and defended to the death by Japan, during World War II. Since the war, the United States, in its own defense and that of the other democratic powers, has based an important part of its air defenses in the Ryukyus. It seems clear that we must stay there for the foreseeable future.

The people of Okinawa have both benefited and been disturbed by American occupation. For the most part our occupation has been conducive to friendly relations. Our military expenditures comprise the largest source of jobs and income to Okinawans. Under American occupation, reconstruction of war damage has gone forward and the standard of living has been raised. Health conditions have been improved, life expectancy has been lengthened.

Given the harsh circumstances of the cold war and our essential need for an airbase in Okinawa—which most of its people understand and accept—we have generally acquitted ourselves well. However, there is room for improvement. To make one basic improvement is the purpose of this bill.

What is critically needed in Okinawa is capital for economic development. A young and growing population requires more job opportunities each year. Only new industries and the expansion of long established industries can create these jobs and can reduce the island's dependence on U.S. military expenditures.

To a limited extent, this capital can be supplied from private sources. For example, last December a Hawaiian corporation called Ryu-Sons International, formed of young business and professional men from Hawaii of Okinawan ancestry, was licensed to do business in the Ryukyus. The corporation is capitalized at $500,000. It will manufacture lacquerware and prefabricated houses, and will engage in dredging and land reclamation.

These private investments are laudable, and I hope they will multiply. However, there is need for massive assistance, which at present can come only from government sources, the kind we are giving to nations around the globe.

Furthermore, Mr. President, we have an obligation to reimburse, the Government of the Ryukyu Islands for services performed for the benefit of our Armed Forces stationed there—just as we defray a large portion of the expenses of the District of Columbia for services performed for Federal activities in the Capital. If it were not for the presence of our military personnel, the public health, safety, and other governmental programs in Okinawa would be much smaller than they actually are.

The bill I am introducing would support these programs of direct benefit to the United States, and at the same time would help finance economic development in the Ryukyus, by annually earmarking for the island government up to $6 million of Federal income taxes withheld at the source in Okinawa. In addition, all revenues collected by the Government of the Ryukyus would be covered into its treasury.

Congressional control would be retained by a provision requiring the consent of the Appropriations Committees of the Senate and House of Representatives before retained income taxes could be spent on any program costing more than $5,000. The only exception would be relief from the damage done by typhoons and other natural disasters. In such cases a report to the committees would be required within 60 days of the emergency expenditure.

Ample precedent exists for permitting island territories and dependencies to retain Federal taxes collected within their boundaries. These precedents include similar arrangements made with the Philippine Islands, Puerto Rico, Virgin Islands, and Guam. In each case the effect of the tax transfer was salutary, both to the economy of the area and to the relationship of its people to our Government. I am confident that the same will be true if this bill becomes law.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3203) to provide for promotion of economic and social development in the Ryukyu Islands, introduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on Armed Services.

AMENDMENT OF TARIFF ACT OF 1950, RELATING TO QUOTAS FOR, AND IMPOSITION OF DUTY ON IMPORTATION OF SHRIMP

Mr. ELLENDER. Mr. President, on behalf of myself, my colleague, the junior Senator from Louisiana [Mr. LONG], the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], and the Senator from Texas [Mr. YARBOROUGH], I introduce, for appropriate reference, a bill to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3204) to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota, introduced by Mr. ELLENDER (for himself, Mr. LONG of Louisiana, Mr. EASTLAND, Mr. STENNIS, and Mr. YARBOROUGH), was received, read twice by its title, and referred to the Committee on Finance.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the bill may remain at the desk until 2 p. m. on March 18, so that in the event any other Senators wish to join as cosponsors they may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, the bill would amend the Tariff Act of 1930 to provide for establishment of country-by-country quotas for the importation of shrimp and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota.

Purpose of the bill is to assure an orderly increase in shrimp imports in a manner calculated to protect domestic shrimp producers while promoting growth and stability in the shrimp market throughout the world.

The bill directs establishment of initial quotas for processed and unprocessed shrimp, effective for year 1960. The initial quota by country cannot be less than actual 1958 imports, or January–August 1959, imports, plus 50 percent, whichever is higher. A country with no history of importation would have a provisional quota of 100,000 pounds of shrimp.

After the initial quota is established, the bill provides for a cumulative increase in country-by-country quotas for 5 years in order to determine the permanent quotas for each country. These annual quota increases range from 5 percent annually, compounded, for countries exporting more than 5 million pounds of shrimp to this country to 25 percent for those exporting less than 1 million pounds.

At the end of the 5 years, a permanent basic quota for each country will be calculated under this formula: First, the average annual importations for the years 1960 to 1964, inclusive, not counting any year in which there were no imports; second, a minimum guaranteed permanent basic quota not less than the actual importation for 1964.

Imports of unprocessed shrimp in excess of quota will be subject to 50 percent ad valorem duty. All processed shrimp will pay a 25-percent ad valorem duty within quotas.

Virtually all shrimp importations fall within the classification of "unprocessed" as defined in this bill.

ELIMINATION OF BLOCK VOTING FOR MARKETING ORDERS

Mr. WILLIAMS of Delaware. Mr. President, I introduce, for appropriate reference, a bill to eliminate block voting for marketing orders. I ask unanimous consent that a brief explanation of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 3207) to eliminate block voting for marketing orders, introduced by Mr. WILLIAMS of Delaware, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The explanation presented by Mr. WILLIAMS of Delaware is as follows:

EXPLANATION OF BILL TO ELIMINATE BLOCK VOTING FOR MARKETING ORDERS

This bill requires that any producer approval or disapproval required in connection with the issuance or termination of any marketing order shall be determined by the individual votes of the producers. This would eliminate block voting of their members by cooperative associations.

Paragraphs (8) and (9) of section 8c of the Agricultural Adjustment Act provide that a marketing order may be issued only if the Secretary of Agriculture determines that it is approved by at least two-thirds of the producers by number or volume (three-fourths of the producers in the case of certain citrus fruits). Other paragraphs provide for producer approval of particular provisions of orders and of the termination of orders.

Paragraph (12) of section 8c at present provides that the Secretary of Agriculture may consider the approval or disapproval of a cooperative association of producers as the approval or disapproval of its members. The attached bill would amend paragraph (12) to eliminate such representation by cooperatives of their members and to require instead that the approval or disapproval of producers shall be determined by their individual votes.

Paragraph (19) of section 8c authorizes the Secretary to conduct referendums to determine producer approval or disapproval of the issuance of an order. Section 2 of the bill would amend paragraph (19) so as to require the Secretary to conduct referendums in such cases and so as to eliminate a reference in paragraph (19) to representation by cooperatives of their members.

TRANSFER TO COMMITTEE ON GOVERNMENT OPERATIONS ALL PAPERS OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN LABOR-MANAGEMENT FIELD, AND AUTHORIZATION FOR CONTINUING STUDIES

Mr. McCLELLAN. Mr. President, for myself and on behalf of the Senator from North Carolina [Mr. ERVIN], the Senator from South Dakota [Mr. MUNDT], and the Senator from Arizona [Mr. GOLDWATER], I submit a resolution for appropriate reference. I ask unanimous consent that the resolution may remain at the desk during the day to provide an opportunity for two other Senators who may desire to cosponsor it to place their names upon the resolution.

The resolution provides for the transferring of the files and records of the Senate Select Committee on Improper Practices in Labor-Management Relations to the Senate Committee on Government Operations and authorizes the Committee on Government Operations to make a study of the 1959 act and the manner in which it is administered, to determine if it is effective. I believe the committee already has that authority and jurisdiction, but the resolution also authorizes the Committee on Government Operations, or a subcommittee thereof, which would actually be the Permanent Subcommittee on Investigations, to conduct any hearings or investigations in that field which might be necessary to make those determinations.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and without objection, the resolution will lie on the desk, as requested by the Senator from Arkansas.

The resolution (S. Res. 287) was referred to the Committee on Government Operations, as follows:

Resolved, That upon the filing of the final report of the Select Committee on Improper Activities in the Labor or Management Field, established by S. Res. 74, Eighty-fifth Congress, agreed to January 30, 1957, as amended and supplemented, all files, papers, records, and documents in the possession of such select committee shall be transferred to the Committee on Government Operations for the use of such committee or any duly authorized subcommittee thereof in carrying out its functions under S. Res. 246, Eighty-sixth Congress agreed to February 6, 1960, and under this resolution.

SEC. 2. (a) The Committee on Government Operations or any duly authorized subcommittee thereof is authorized—

(1) to make continuing studies of the administration of the Labor-Management Reporting and Disclosure Act of 1959 and such investigations as may be necessary for the purpose of ascertaining whether such Act

and the administration thereof are adequate to fulfill the needs of labor, management, and the public; and

(2) to conduct an investigation and study of the extent to which criminal or other improper practices or activities are or have been engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities.

(b) For the purposes of this section, the committee from April 1, 1960, to January 31, 1961, inclusive, as authorized, as it deems necessary and appropriate to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony, either orally or by deposition; (7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and, further, with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee.

(c) The expenses of the committee under this section, which shall not exceed $75,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

WHEAT MARKETING ACT OF 1960—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 10, 1960, the names of Senators MOSS, MURRAY, JACKSON, YARBOROUGH, MANSFIELD, KENNEDY, MORSE, ALLOTT, SYMINGTON, SCHOEPPEL, and MCGEE were added as additional cosponsors of the bill (S. 3159) to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat, introduced by Mr. CARLSON (for himself and other Senators) on March 10, 1960.

USE OF TELEVISION STATIONS BY PRESIDENTIAL CANDIDATES—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 10, 1960, the names of Senators CASE of South Dakota, CLARK, HARTKE, MANSFIELD, MCGEE, GRUENING, BARTLETT, MOSS, FULBRIGHT, CANNON, MCNAMARA, ENGLE, ANDERSON, SPARKMAN, YARBOROUGH, HART, and HENNINGS were added as additional cosponsors of the bill (S. 3171) to provide for the use of television broadcasting stations by candidates for the Office of President of the United States, introduced by Mr. MAGNUSON (for himself and Senators MONRONEY, SMATHERS, PASTORE, CHURCH, and KEFAUVER) on March 10, 1960.

EXTENSION OF TIME FOR FILING REPORTS

Mr. McCLELLAN. Mr. President, at the request of the chairman of the Committee on the Judiciary, the distinguished Senator from Mississippi [Mr. EASTLAND], and on behalf of the committee, I ask unanimous consent that the time for the filing of reports pursuant to Senate Resolutions 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, and 91, of the 86th Congress, be extended to April 15, 1960. These reports concern certain subcommittees of the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Article by him for Charleston (W. Va.) Gazette, March 12, 1960, entitled "West Virginia Undergoing Period of Economic Transition Which, When Fulfilled, Will Provide a Broader and More Secure Foundation for Prosperity."

By Mr. WILEY:

Résumé relating to research needed to brighten the economic outlook for the fish industry in the Great Lakes region.

By Mr. HUMPHREY:

Article entitled "The Christian Imperative: Heal the Sick and Feed the Hungry," written by him, and published in the Adult Student, periodical of the general board of education of the Methodist Church, of March 1960.

Article entitled "A Diplomatic Service Second to None," written by him, and published in the January edition of Stentorian, a publication of the Public Administration Society, City College, New York, N.Y.

ONE HUNDRED AND TENTH ANNIVERSARY OF BIRTH OF THOMAS MASARYK

Mr. DIRKSEN. Mr. President, 110 years ago this month, Thomas Masaryk was born in a small Moravian village, the son of a poor coachman and his wife, who had been a serving maid. In his lifetime he became one of the great thinkers and leaders in the broad fields of philosophy, sociology, and statesmanship, and became the President of Czechoslovakia when he had already attained the age of 69.

On the very threshold of spring, we think of new life, because it is the beginning of life, rather than the end, which is important. So a life was launched 110 years ago, when the resurrection of spring was about to bring a burst of new life for that humble country, peopled with rugged men and women to whom freedom was the most priceless thing in the world.

Thomas Masaryk lived to impress his profound wisdom, his vision, and his devotion to freedom upon several generations, and became well known in our own land as a teacher, philosopher, and leader.

How fitting it was that when the Postmaster General authorized a series of commemorative stamps dedicated to champions of freedom, one such stamp was dedicated to Thomas Masaryk, and was issued on the 110th anniversary of his birth.

I am sure that this modest act will serve as an inspiration to the hearts and souls of Czech patriots, not only those in the United States, but also those in their ancestral land, and will help to keep alight the flame of freedom until it shall have consumed every vestige of the tyranny and the despotism which have been imposed upon that great country.

THOMAS MASARYK COMMEMORATIVE STAMP—ADDRESS BY REV. J. J. PELIKAN, JR.

Mr. HRUSKA. Mr. President, the Reverend J. J. Pelikan, Jr., of the Trinity Slovak Lutheran Church, of Chicago, Ill., was one of the speakers at the banquet program of the Thomas Masaryk commemorative stamp committee, held on Sunday evening, March 6, in Washington's Willard Hotel.

Reverend Pelikan made a brief but splendid contribution in a characterization of President-Liberator Masaryk, the founder and the first President of the first Republic of Czechoslovakia, and in well-chosen, expressive words described a personality who justly bears the title "champion of liberty."

Mr. President, I ask unanimous consent that the text of Reverend Pelikan's remarks be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THOMAS MASARYK COMMEMORATIVE STAMP—ADDRESS BY REV. J. J. PELIKAN, JR.

Thomas G. Masaryk's name and life is permanently inscribed in the annals of Czechoslovakia. And now our beloved United States of America, and with it the whole free world, pauses to do him honor.

This is because Masaryk was not an ordinary individual. All his yesterdays can look back with a smile. He was the brave Czechoslovak lion who stood his ground in the dust of battle, strong and indomitable. Hatred, thereby engendered, has passed away, but the impact and the glory remains. His was ever the motto, "I myself must mix with action, lest I wither by despair." He was his people's Moses who led them out of the bondage and wilderness of a medieval monarchy into the pure air of freedom and democracy. He breasted the flow of circumstances with a most resolute will. And, after the dust of battle settled, he turned his penetrating mind to things of peace and most skillfully guided the Ship of State through all the perils of the turbulent sea of mid-European strife and jealousy.

By his philosophy of humanitarianism, he made his mark in the world long before World War I. The University of Oxford knew him as well as the Sorbonne in France and the University of Chicago. His system of philosophy is world renowned, as are his efforts in behalf of the poor, the underprivileged, and downtrodden. But, above all, the world honors him as the father of his country who had a tender heart but a will inflexible. For this he shall flourish in immortal youth.

It goes without saying that he was not infallible. But we may all profit from the lesson his life teaches—strenuously to keep in mind the true and lasting good of all the people, the salus publica, and that personal ambition, popular but passing fancies, and nebulous theories are incompatible with such public good. Masaryk demonstrated that man is able to guide the ship which is in the stream, but not the stream itself; that we cannot make, much less create, truly great things; however, that man is able to observe the natural flow of the stream and make secure those eventualities which the stream has brought to fruition. In other words, everything depends upon the ability clearly to recognize the boundaries of what actually can be accomplished—and then to wager all to attain this end for the good of the country.

For these reasons, Masaryk did not belong to any one country; no coterie can claim him as its very own. He belongs to everyone all over the world who loves freedom, for he never gave up, but followed the motto of the poet who said, "No change, no pause, no hope, yet I endure." Now that Czechoslovakia, like Rusalka in the famous opera by that name, "fell into the clutches of the accursed elements," Masaryk inculcates for all of us today the utter necessity of knowing one's self and remaining true to the ideal of freedom and democracy, no matter what the cost.

He has erected for himself a monument more enduring than brass.

POTENTIAL POISONS ENDANGER YOUR FAMILY—THE NEED FOR A FEDERAL HAZARDOUS SUBSTANCES LABELING ACT

Mr. BUSH. Mr. President, one of the Nation's major health problems is the accidental poisoning of young children who swallow common household products, such as furniture polish, bleaches, detergents, and so forth.

The Public Health Service estimates that every year 600,000 children swallow household aids left within their reach, and about 500 children die each year as a result of such accidents.

In the 85th Congress, I introduced Senate bill 1900, a proposed Federal Hazardous Articles Act, which was intended to protect the public against such tragic occurrence, by requiring manufacturers to label such articles, so as to clearly identify the hazard and the precautionary measures which should be taken to protect life and health.

No action was taken in the 85th Congress, because of the complexity of the proposed legislation and the necessity of submitting the draft for careful study by industry groups, representatives of the Department of Health, Education, and Welfare, the committee on toxicology, of the American Medical Association, and State public health officials who have been concerned with the problem at the State level.

Soon after the 86th Congress convened, I was privileged to cosponsor, with the chairman of the Senate Committee on Interstate and Foreign Commerce, the distinguished senior Senator from Washington [Mr. MAGNUSON] a revised draft, Senate bill 1283, which now has been reported with perfecting amendments which have resulted from further study by that committee.

I compliment the chairman and the staff of the committee on the excellent work which has been done; and I express the hope that the Senate will soon act of the proposed legislation, which can do so much to prevent future occurrences of the tragic accidents which have brought grief to so many American families.

Mr. President, I ask unanimous consent that a portion of the committee's report be printed in the RECORD following these remarks.

There being no objection, the excerpt from the Report No. 1158 was ordered to be printed in the RECORD, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1283) to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

1. THE PROBLEM

In a single year, your committee was informed, there are more than 200,000 poisonings in the United States, resulting in approximately 5,000 deaths, and the loss of over 89,000 man-years. Your committee was told there are over 300,000 common household products such as furniture polish, bleaches, detergents, cleaners, etc., containing poisonous or dangerous substances that lack adequate warning labels and adequate identification of the dangerous substances, information so necessary to the attending doctor in his effort to aid his patient.

Further, we have been informed by the Public Health Service, that as the result of the recent national health survey, the Service estimates that 600,000 children under the age of 15 will swallow a poisonous or potentially poisonous substance each year.

The Federal Caustic Poison Act of 1927 (15 U.S.C. 401 et seq.) lists 12 chemical substances required to be labeled. It is outdated, and your committee hopes the Congress, by approving this bill, will modernize the protection given the public by the 1927 act.

2. IN GENERAL

In 1927 when Congress first required labels on caustic or corrosive substances conditions were considerably different than they are today. At that time there were only a few hazardous substances used to any extent in and about the household. The development and introduction of many new substances during the postwar years for household use has created a public health problem. These substances are widely used and many are essential to the public. At the same time, the nature of a number of these new products, and the frequent introduction of new ones, has focused attention upon the need for warning the user, whenever the hazards in their use are significant. It is no longer possible to list, as did the Caustic Poison Act, chemical substances by name which should have precautionary labeling. At the same time, to be meaningful and to accomplish the purpose of this bill it is equally important that susbtances which, as packaged, present only a minor hazard not be required to display a series of precautionary statements, since the public might quickly learn to disregard the importance and significance of precautionary labeling.

The standards established in this bill for determining whether a substance is or is not a hazardous substance are those which are generally recognized at common law in civil liability cases relating to the seller's duty to warn users of the hazards of his products. Thus, substances to be regulated under this bill are carefully defined in the bill. These definitions are the result of meetings between industry groups, the Committee on Toxicology of the American Medical Association, representatives of the Department of Health, Education, and Welfare, and State public health officials who have recognized the need for and have supported legislation on this subject at the State level. In addition to those States having legislation, other States and some cities have adopted regulations to meet the same problem. The first States to adopt comprehensive legislation on this subject were the States of Texas, Kansas, Indiana, and Connecticut which enacted laws in 1957. The definitions in these State laws, which have had the benefit of 2 years of enforcement, are generally consistent with the definitions in this bill.

The testimony of the witnesses at the hearing on August 13, 1959, and letters and statements filed by various interested persons and groups, show a remarkable unanimity of support for the principle of this legislation. There appears to be no objection to this legislation and all suggestions and recommendations for amendments to S. 1283 have been considered by your committee.

3. PURPOSE OF THE LEGISLATION

The primary purpose of this bill is to establish standards for the labeling of hazardous substances which are used in and about the household but which are not regulated by existing law. The Federal Caustic Poison Act which was enacted in 1927 lists 12 chemical substances which are required to be labeled, when such substances are in a container suitable for household use. This list of substances has been found by your committee to be inadequate in view of the numerous new chemical substances which are being sold for household use.

Economic poisons are regulated under and labeled in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, as amended. Foods, drugs, and cosmetics are subject to the provisions of the Food, Drug, and Cosmetic Act of 1938, as amended. Substances which are neither economic poisons nor foods, drugs, and cosmetics are not regulated with respect to precautionary labeling at the Federal level except for the 12 chemicals listed in the Caustic Poison Act.

In recent years legislation has been enacted in several States—Colorado, Connecticut, Illinois, Indiana, Kansas, Ohio, Texas, and Vermont—regulating the labeling of hazardous substances suitable or intended for household use, many of which are shipped in interstate commerce. It is desirable that labeling of these substances be regulated when shipped in interstate commerce and that the standards and requirements of such labels be uniform. Thus, Federal legislation on this subject is needed to require uniform labeling of hazardous substances for household use to require that the labels of such substances: First, warn the user of any hazard in the customary use of the product; and, second, in case of an accident identify the hazardous ingredient for the attending physician.

4. NEED FOR THE LEGISLATION

The need for this legislation was highlighted, your committee believes, by the testimony of Dr. Charles J. Savarese, Jr., director of the Suburban Hospital Poison Control Center, Bethesda, Md.

His testimony, given in open hearing, August 13, 1959, follows:

"Dr. SAVARESE. My name is Charles J. Savarese, Jr., M.D., residing at 9812 Old Spring Road, Kensington, Md. I am director of the Poison Control Center of Suburban Hospital, 8600 Old Georgetown Road, Bethesda, Md. The Poison Control Center of Suburban Hospital was established officially as of July 1, 1958, by the U.S. Public Health Service, and the Maryland State Department of Health.

"Dr. W. von Oettinger, on my right, is one of the foremost toxicologists in the country. He recently retired from the National Insti-

tutes of Health and he is now acting as our consultant.

"Primarily, poison control centers are designed for the use of physicians, as an information center where they may obtain the list of ingredients in various products, particularly household products, and the antidotes. A file is kept which is supplemented with additional items monthly by the National Clearinghouse of Poison Control Centers. Records are sent to the National Clearinghouse of Poison Control Centers. Records are sent to the national clearinghouse from each poison control center in order to disseminate the information. At present there are approximately 200 such centers in the United States and Canada.

"I appear before this committee today for only one purpose—that of a physician who is primarily concerned with the preservation of human life. Before becoming director of the new poison control center at Suburban Hospital, I gave only passing thought to the problems of household poisonings, simply lamenting the carelessness of parents when youngsters were brought to me suffering ill effects from having consumed some common household products. Now, because we have kept tab on poisonings at our poison control center, and because of the fund of information made available to us through the national clearinghouse, I realize it seldom was gross carelessness on the part of parents but ignorance. Yes, innocent ignorance on the part of a class of people who are better educated, who enjoy better than average living conditions in my particular area, and ignorance because they are not warned by manufacturers of products that contain ingredients that may be fatal, particularly when consumed by young children.

"There are over 300,000 common trade name items that contain poisonous materials, and the huge number of persons who are poisoned by them, the large percentage of them are children. Furniture polish, bleaches, detergents, pot cleaners, cosmetics, hair preparations—I could name an almost endless list of products such as these [indicating] commonly found in the average home within easy reach of children. I show you now but a few of the containers of poisonous materials from the 385 cases that we have collected in only 1 year's period of operation of our poison control center at Suburban Hospital. A substantial percentage of them are household products. Records such as these 385, which represent 1 year's work, are carefully kept at the center, and duplicates of these forms are forwarded to the national clearinghouse for analysis and statistical use.

"You may wonder, 'Why should a child consume something as evil tasting as products such as these?' But, oddly enough they do. In a single year, 1956, there were over 200,000 poisonings in this country, with 5,000 deaths, more than from all the so-called dread diseases such as scarlet fever, meningitis, polio, diphtheria, combined. Poisoning figures can be further dramatized by computing that there are 89,761 man-years lost in a single year due to poisonings. Actually, there are 100 instances of poisonings suffered for every fatality from poisoning.

"These figures are based on death certificates of the Public Health Service and other reliable sources.

"More and more the crying need for legislation to enforce uniform labeling of household products is becoming apparent to the physician, and the more enlightened public. You may question, 'But a preschool child could not read the label.' But his parents can and thereby will be warned. There has been widespread publicity on this subject. MD magazine for the medical profession, February 1958; the Saturday Evening Post, November 16, 1957; the New Yorker magazine, May 4, 1957; Hospitals magazine of the American Hospital Association; Look magazine; the Kiplinger magazine, Changing Times, July 1957; Health News of the New York State Department of Health, and many other publications. Coronet magazine of September 1958, in an article, 'Household Chemicals That Kill,' with the subtitle 'Lax Laws, Carelessness, and Inadequate Labels Allow Potential Poisons To Endanger Your Family,' laid particular emphasis on the need for uniformity in labeling laws. Every article we have read on the subject of poisonings emphasizes this point to a strong degree.

"In our small way at Suburban Hospital we are making an attempt to educate families to the perils that lurk in the kitchen, the bathroom, and the bedroom and garage, as well as the work environment. Publicity goes out regularly to our local newspapers. Civic groups, particularly those composed of young parents, are addressed on the subject by members of our poison control center committee, such as Mrs. Angel here, and invariably these young mothers express astonishment and are appalled to learn of the large numerous poisonous products they are innocently harboring in their homes within reach of children.

"We have distributed stickers to these groups, to be put on suspected products and this past spring, through the Board of Education of Montgomery County, we distributed 7,000 leaflets at the preschool conferences, warning mothers of kindergartners of the dangers in common household products. The Public Health nurses of our county have been thoroughly briefed by us in the subject. But the proportion of parents we reach is, of course, extremely limited.

"Senator HARTKE. Let me ask you, Doctor, do you have a copy of the leaflet you are speaking of?

"Dr. SAVARESE. Yes, sir; I do.

"Senator HARTKE. We will make that a part of the record.

"(The leaflet follows:)

"'KEEP OUT OF REACH OF CHILDREN

"'*Suburban Hospital*

"'Poison Control Center

"'Oliver 6-6000

"'DEAR PARENTS: We want to talk to you about poison. In a single year 240,000 American youngsters were poisoned, and more than 5,000 of them died. Because of the increased number of accidental poisonings among children, particularly in the 1 to 4 age group, poison control centers have been set up throughout the country. Such a center was established last summer at Suburban Hospital in Bethesda, and in the first 9 months of operation, more than 225 cases of accidental poisoning have been treated and recorded at the hospital.

"'Designed primarily as a service for physicians, the poison control center has on file thousands of cards listing products that contain poisonous ingredients, giving their antidotes. The center is located in the emergency roof of Suburban Hospital, and its service is available 24 hours a day.

"'Today there are many thousands of products on the market containing harmful ingredients. No physician could possibly carry all the information in his mind. In the event that your child has swallowed something you suspect may be harmful, contact your physician immediately, or—if you cannot reach him, take your child to the nearest hospital, taking the container with you. The facilities of the poison control center are available to determine the toxicity of the material.

"'*Advice to parents*

"'It's natural for a young child to put everything in his mouth. Unfortunately many common household items don't have warning labels, but are very dangerous. Your home probably has some of these potential poisons:

"'Medicines (particularly aspirin and candy-flavored medications).

"'Petroleum products (kerosene, lighter fluid, furniture polish).

"'Paint remover (including turpentine).

"'Detergents and laundry bleaches.

"'Cosmetics (hair lotions, shampoos, nail preparations, perfumes).

"'Insecticides.

"'"*Out of reach—Out of sight—Keeps your child out of trouble*"

"'Check your home, especially the kitchen, the bathroom, the basement. Keep all potentially harmful products out of reach of children.

"'Lock up all suspected items. Store potentially harmful household products on high shelves.

"'Do not store things in unlabeled bottles or containers that originally had another use—particularly not in drinking cups or pop bottles.

"'Never sell a child on the idea of taking medicine by telling him it is candy. Aspirin is dangerous—12 tablets can be fatal to a small child.

"'In administering medicines, read labels three times, in a good light. Never administer or take medicines in the dark. Place bottles on stable surfaces out of reach of children. Throw away special medications after the patient has recovered.'

"Poisoning is the most common medical emergency among children. Accidental poisonings account for 43 percent of all deaths among children between the ages of 2 and 3. Realizing this, physicians are greatly alarmed at the increasing number of products appearing on the market that contain toxic ingredients, and are in no way labeled as to content and toxicity. We physicians who act as heads of poison control centers keep pleading with manufacturers of these household items that contain potential poison to be a bit more open and informative in the labeling.

"Some producers of these items are reluctant to label their product 'Poison' when it isn't outright poison. They do not want to use the old skull and crossbones insignia on labels because it lowers their sales, is their argument. Some will not indicate a harmful ingredient 'for fear of giving away the formula.' Some suggest to the buyer that a certain polish, cleaning fluid, or deodorant 'may be fatal if inhaled or swallowed,' but too many put this in the tiniest type which few users ever read. Many do not even have a warning label.

"At present no Federal law compels a manufacturer of household and commercial products to list the ingredients in these products on his labels. This leaves the doctor in the dark. When a patient comes in violently sick, convulsing, or in a coma, sometimes hours are spent trying to track down a manufacturer to learn what is in the new cleanser, or anti-trust compound, so that possible treatment may be administered. Often the police are called upon to help locate the manufacturer of some new lethal household liquid or paste. There is strong evidence that the toxicity of common household products is not generally recognized; hence many parents delay hours, even many days, in seeking treatment for children whom they know have swallowed household products.

"The important and sad fact is that each of these many deaths and illnesses is capable of being prevented. Literally hundreds of thousands of poisonings need not have occurred. Unless we get legislation in this country leading to uniformity in labeling household products as to toxic content, these tragic poisonings will continue and will increase.

"Gentlemen, I deeply appreciate this opportunity to appear before this committee to present you with a few of the facts of the poisoning picture, facts which are overwhelmingly substantiated through the national clearinghouse for poison control centers which act under the U.S. Department of Health, Education, and Welfare. I feel that, as a typical poison control center director, I speak for all such directors when I assure you of our earnest desire to see legislation enacted that will help prevent these tragic unnecessary poisonings of our children, legislation that will create a fair and uniform labeling law for household and commercial products.

"Thank you for permitting me to appear."

IS PEACE A RED WEAPON?

Mr. HRUSKA. Mr. President, the threat of Communist subversion is always with us. It is important that we recognize that fact; that we disclose, when we can, the methods which Communists employ; and that we oppose those efforts, so we can protect America.

I know of no one who feels his responsibility in this area more than does the senior Senator from South Dakota [Mr. MUNDT]. The Director of the FBI once described Senator MUNDT as "a fearless and determined opponent of America's criminal and subversive enemies."

A few days ago I read an article written by the Senator from South Dakota [Mr. MUNDT] which appeared in the March issue of Reporting, a monthly publication of the International Council of Industrial Editors. The article is entitled "Is Peace a Red Weapon?" In it, Senator MUNDT discloses how international communism is assuming the pose and wearing the mask of peacemaker in many areas of the world, even in the United States. The able Senator from South Dakota, who is an expert on this problem, lays bare the plans, the programs, and the progress of the Reds in this hypocritical posture.

This warning is timely. I am confident this analysis by Senator MUNDT is correct. His proposals for strengthening the sentiments of Americans against communism and for working out means of combating them are worth careful study.

The editorial staff of Reporting magazine share this opinion. In a striking editorial entitled, "Lest We Forget," Harry Anderson, vice president of International Council of Industrial Editors, wrote telling to this point. I ask unanimous consent that its text be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

One of the most respected and authoritative voices on Capitol Hill is the voice belonging to Senator MUNDT, particularly when he discusses the Communist conspiracy with which he is abundantly familiar.

In response to a request from ICIE's legislation committee (Del Rucker of Washington, D.C., chairman), Senator MUNDT has written the accompanying article for Reporting. It brings the timely reminder to industrial editors that communism, while making peace overtures on the one hand, still remains dedicated to engulfing the fruitful life we now enjoy.

While industrial editors everywhere join in the hope that the current flutterings of peace are a preamble to a lessening of world tensions, they are also aware of the lethal ends to which communism remains dedicated.

Realizing the dangers to our way of life, to our freedoms, to our individual rights—and to the progress we hope to make under freedom in coming decades—every industrial editor of the free world will want to fortify himself with background information of the type which Senator MUNDT here presents—then apply the message as best it may fit into his own communications program.

Mr. HRUSKA. Mr. President, I am of the opinion that we can never overemphasize the menace of the Communist international intrigue.

It is important that experts in this field, such as Senator MUNDT, of South Dakota, call attention to the changing scenes and schemes of the Red conspiracy.

Senator MUNDT's article clearly sets forth the story of treachery as it is practiced by the subversive elements in our country. I commend it to everyone's attention.

Mr. President, I ask unanimous consent that the text of the article written by the Senator from South Dakota [Mr. MUNDT] be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORD OF CAUTION—IS PEACE A RED WEAPON?

(By KARL E. MUNDT, U.S. Senator, of South Dakota)

"I repeat, there is only one way to peace, one way out of the existing tension: peaceful coexistence."—Nikita Khrushchev, Foreign Affairs magazine, October 1959.

The above statement, written by Russia's current strong man, may give to many people in America a feeling of relief from the tension of international strife. To some, it may come as a gratifying surprise. But, to others, it is a statement to be viewed with suspicion since it fits the pattern of political prophecy announced by the Communists nearly 30 years ago.

In 1931, Dimitri Z. Manuilsky, a top Kremlin leader, told students in the Lenin School of Political Warfare that, for the next 30 years, Soviet Russia would lull the capitalist countries into a false sense of security by waging a peace movement. He said that electrifying overtures and unheard-of concessions would be offered and, when the people of the Western World let down their guard, Communists would smash them.

The Communist "peace movement" is not a 1959 innovation. Stronger and more persuasive efforts were made right after World War II and during the following years. The Stockholm peace petition, which was initiated in 1960 at the World Peace Congress, a Communist meeting, was circulated in almost every country of the world. An amazing number of people in the United States were duped into signing it, unaware or unimpressed by the fact that the petition was a highly critical diatribe against the United States and its official policies.

An examination of the names reported to be on the petition show that ministers, teachers, entertainers, and fraternal organization leaders were listed. The Communists were adroit enough to slant their arguments so as to be able to confuse even those who ought to have been able to see through the sham and fraud of the peace movements and petitions.

Since it has happened, it is well to be alerted to all Communist peace moves because it could happen again—to the point where the prophecy of the Communist leader of 30 years ago could be fulfilled.

NOT PEACE BUT THE SWORD

Nothing clinches the argument that Soviet peace programs are fradulent more than the Red record of aggression around the world. While the right hand of the Communists proffers the olive branch, the left hand swings the sword of aggression.

While the Communists were holding international meetings to proclaim the policy of nonaggression, cessation of atomic bomb tests, and self-determination of peoples, Soviet-controlled armed forces were moving into areas of the free world, pulling millions behind the Iron Curtain.

Hungary was brutally assaulted, the citizens gunned down in the street, military law imposed and a strict dictatorship established. The small Baltic States of Latvia, Estonia, and Lithuania were physically invaded and taken over by Red armies.

Soviet stooges are in control of several satellite states in Europe. The people are under complete domination of Communist law, with no opportunity to hold free elections, or to exercise any of the other basic human freedoms.

While the Stockholm peace petition was being circulated around the world, Communist arms, munitions and men were being channeled into North Korea to help in the fight againt the United Nations troops.

Russian troops and Russian munitions were used to overthrow the Nationalist Government in China.

Moscow has used infiltration and intrigue to overthrow governments in neighboring countries. A fifth column of Reds has been successful in such countries as Bulgaria, Czechoslovakia, and Albania. These subversives are operating in every country of the world and on every continent. The United States has not been exempt, nor have our Latin American neighbors. Current history reveals that these subversives have been effective, right on our own doorstep.

Wherever revolt occurs, Soviet agents are on the spot to help in the dissension and uprisings, furnishing arms, money, and political guidance. This has happened in Africa, Cuba, the Middle East, and the Far East.

As this was written, Communist forces were moving against free people in Laos, Tibet, and India. The stark perfidy of the Soviet peace movement can never be more clearly outlined.

SAD EXPERIENCES, BEING SOFT

It is puzzling—but it is a sad fact—that thousands of people who should know better have accepted Communist assertions of peace and good will. This has extended even to heads of government.

Some who have sown the wind of neutralism in regard to the Communist menace, are now reaping the whirlwind of Communist aggression. A good recent case in point is the Nation of India. Nehru, as head of the Government of India, has been disinclined to view communism as a serious threat to his country, or to the free world.

There are many historic instances where heads of governments have tried to do business with the Communist dragon and have ended up by being swallowed. The situation in India points up in a dramatic fashion the failure of such a policy of appeasement.

It will be recalled that India rushed to recognize the new Red regime in China just 3 months after the proclamation setting up the people's republic. India has always had a conciliatory attitude toward Red China and has continuously urged that the Peiping government be admitted to the U.N. as a full-fledged member.

India's friendship has been repaid by betrayal. Communists knew that whenever they violated India's borders, Nehru's answer would be, "Let's negotiate." One wonders how long a man can go on sending diplomatic notes through channels to someone who is giving him a bloody nose. The

example is there—being friendly, courteous, acquiescent, patient or subservient when a Communist steps on your toes just does not pay off.

"SOFT" SPOTS IN AMERICA

We can ill afford to look askance at other nations that have collapsed under Communist subversion as long as we lend encouragement to ideas which cause us to drop our guard against the international menace. There are those in this country who say that they hate Russian communism or any communism existing overseas, but they think that communism in the United States is a "political belief" and that Communists are ill-guided idealists who should be tolerated but not condemned.

These people fail to realize that the Communist in Peiping, Potsdam, or Peoria is guided by the same identical political nerve that leads back to the Kremlin brain. All are dedicated to the success of international communism and each will gladly sell out his own country to help further that cause.

Two questions of current history point up prevalent attitudes among certain self-styled "liberals" who advocate ideas for giving Communists added latitude.

The pressure for recognition of Red China is growing, week by week. To those who do not follow foreign affairs closely, the arguments presented in favor of recognition seem logical and persuasive.

Some say we should trade with Red China. They say that trade does not denote recognition and point out that we do trade with Russia.

First, we officially recognize Russia—we do not recognize Red China. It can be pointed out, if one wants to justify trade with Russia (which I do not) that Russian international sins were committed, in the main, after we recognized her, and not before.

In the second place, there is very little support for the argument that the United States would have any favorable balance of trade with Red China. The things which we could buy are not critical in our economy. The things we could sell are critical to Red China's economy—and, most important, to her military needs. We would be a party to strengthening an aggressor nation at a time when that country is despoiling her neighbors and overrunning Tibet and India provinces in the manner of Genghis Khan.

It can be argued, but not convincingly, that if we trade with Red China we can still show strong disapproval of her actions. Once we open the gates, it will be taken as a gesture of acquiescence toward the Peiping Government.

EROSION SLOWLY SETS IN

Another argument put forward by the advocates for recognition of Red China is that the Communists are there, they are running the country, and we can't force them out, so we might as well recognize them and do business with them.

The only force that stands between Red China and the rest of the free nations of southeast Asia is the United States.

The independence of a dozen southeast Asia nations would be seriously threatened by such recognition. Economic pressures and political pressures would be applied to force them into the Soviet dominated orbit. We would be widening the door to the expansion of communism, but, more important to our own national safety, we would lose the faith and trust of the free nations of southeast Asia who have stood with us during our policy of firm refusal to recognize the Red China Government.

Presidents Eisenhower and Truman have maintained identical policies of nonrecognition of Red China. Both Houses of Congress and both political parties in convention voted almost unanimously to uphold this policy.

However, those who favor reversing this policy are steadily erroding the firmness which both the Democratic and Republican administration have shown. This is definitely a soft spot in our country—it is one which aids the Communist peace offensive because it makes concessions to international banditry.

Currently Congress is studying the problem of what attitude our Government should maintain in the matter of issuing passports to Communists. Since the Supreme Court handed down a decision stating that the Secretary of State does not have legislative authority to ban passports to Communists, Red agents by the score are availing themselves of the new-found privilege of traveling abroad under the protection of a U.S. passport. Legislation has been introduced and is before three Senate committees. The bills vary widely in the provisions dealing with communism.

PASSPORT FOR SUBVERSIVE EFFORT

There is one school of thought which says that Communists, who are citizens of the United States, have a basic right to have a passport. Those opposing that idea (of whom I am one) say that a Communist going abroad is going as an agent of the Communist Party, and, therefore, does not deserve a passport to help him in his subversive efforts.

At the request of the subcommittee of the Senate Committee on Government Operations, the State Department gave the Senate a list of cases of Communists who have obtained passports since the Supreme Court decision opened the way for them to obtain the document legally. A description of a few of these cases should enable most Americans to decide whether the prohibitions against issuing passports to Communists is a good one. Here are some of the cases:

CASE NO. 13

This person joined the Communist Party as early as 1924, and was, at one time, involved in a scheme of counterfeiting for the purpose of financing Soviet espionage. Using the birth certificate of a dead Communist, he obtained a passport under the name of the deceased and used this passport in furtherance of the counterfeiting scheme.

Fortunately, he was apprehended, tried and convicted but throughout his trial Communist Party financial assistance was provided. The Communist Party reportedly considered this person extremely loyal and following his conviction continued efforts were made to effect his release. He has now received a U.S. passport and is free to travel abroad wherever he may be ordered by the leaders of the Communist conspiracy.

CASE NO. 8

This person, allegedly a Communist Party member, was active in Communist-inspired front organizations and while enjoying the benefits of a U.S. passport, is reported to have attended an espionage training school abroad. She violated the travel restrictions in her passport during 1955 when she traveled in Poland, Czechoslovakia, and the U.S.S.R. While residing abroad, subject married a Communist official of a foreign country and reportedly will seek to bring this person to the United States.

CASE NO. 11

This person previously traveled to Communist China, the Soviet Union, Poland, and Czechoslovakia in violation of the restrictions in his passport. He served as a delegate to the so-called Peiping Peace Conference, after which he condemned the United States for engaging in germ warfare.

There are many other cases, but these serve as illustrations of what has happened, and will continue to happen, as long as we have a tolerant view that communism is just a domestic political belief and not a part of the international conspiracy, working against our national interests and safety.

Communist travel abroad has taken a noticeable upturn during the last year. A number of these Communists have taken their passports and have gone immediately into areas for which their passports are not valid. This further supports the view that Communists travel abroad for the purposes of espionage. In that light, they act as foreign agents and do not deserve our protection or our privileges abroad.

A few witnesses before congressional committees have said they think that denial of passports is a denial of a basic freedom, and, in their view, this is more important than the question of whether a man is a Communist. They forget that there is one thing more important than guaranteeing all freedoms and privileges to Communists, and that is our national security and safety.

If we have complete freedom, we end up with anarchy. If personal freedom is paramount to the safety of the group, we would have chaos. Orderly government is based on the premise that some individual freedoms must be restrained in order that basic and fundamental freedoms can prevail for all.

WHAT SHOULD OUR ATTITUDE BE?

Perhaps this recitation of Communist intrigue is confusing. Granted that peace offers by Khrushchev may be phony, that aggression goes on in spite of pious pronouncements, that subversion within our country continues, what can each citizen of this country do to help counter the menace?

We must remember a few facts: The principal deterrent to worldwide aggression by the Soviet Union is the United States; Communists everywhere, inside and outside our country, are dedicated to the overthrow of our Government; Communists, everywhere, are guided in what they do and what they think by the Kremlin; deceit, intrigue, subversion, disloyalty, lying, are all part and parcel of the machination of communism.

Remembering these facts, we can do this: See that communism gets no foothold in our Government at any level; give support to those persons and organizations who strive for restrictions which make it more difficult for Communists to work in the international conspiracy; ask ourselves and our leaders what Communist peace offers really mean, and insist that peace offers are followed by positive action.

If we maintain a stern attitude toward communism at home, we make it more difficult for the conspiracy to operate internally and internationally. This makes it necessary for Reds to operate more openly and honestly. Then we can judge their attitude by their actions rather than by their adjectives.

It can be stated categorically that whenever we have shown ourselves to be tough, the Communists have retreated and have become more realistic. This has happened on a half dozen important international problems, and it is the pattern that should be continued.

This Nation is a nation of people who belong to churches. This high degree of spirituality is the iron core of our resistance to communism.

It would be ironic if a country like ours—built around the great ideal of freedom—were to collapse because we did not appraise the Communist strategy realistically, or were lulled into a sense of false security by Communist peace offers.

It is time for us in the free world to quit being defensive, apologetic, and mealy-mouthed when our system comes under attack. The most effective antidote to communism is a program of intelligent, articulate, positive Americanism. Each citizen has a sober responsibility to know the facts and to do his part in the preservation of our great heritage.

HEARINGS BY SENATE ANTITRUST AND MONOPOLY SUBCOMMITTEE CONCERNING DRUG INDUSTRY

Mr. DIRKSEN. Mr. President, I was delighted to note the editorial in the Washington Post and Times Herald on February 26 commenting on certain disclosures before the Senate Antitrust and Monopoly Subcommittee hearing in connection with the drug industry. One significant sentence in that editorial read as follows:

> The early Kefauver disclosures of fantastic markups in individual drugs made headlines more than they did sense.

One reason for my interest in the editorial is that it supports the criticisms I have made from time to time concerning misleading and unfair exhibits which creep into the hearings.

One of the witnesses before the committee was Dr. Austin Smith, president of the Pharmaceutical Manufacturers Association, who subsequently commented on the editorial in a letter to the Washington Post which was published at length, and I ask consent to have Dr. Smith's statement, together with an additional statement by Dr. Roland E. Bieren, of Falls Church, Va., included as a part of my remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

The entire medical profession and all the allied pursuits that serve it, including pharmacy and pharmaceutical manufacturing, must surely agree with this sentiment expressed in your editorial February 26:

"Obviously, the companies' answers to these latest charges must be awaited before any conclusions are reached."

Therefore, speaking for the Pharmaceutical Manufacturers Association, I must express my disappointment that you failed to follow this excellent advice but instead accepted as fact certain misleading and damaging charges made against the industry as a whole and against physicians in general—charges not supported by the facts.

There is a twofold danger in circulating critical opinions that are obviously based only on a reading of the charges without study of the facts. First, the patient's confidence in the judgment of his doctor can be destroyed by implying that physicians are or even can be brainwashed. Second, physicians may become hesitant to prescribe drugs that are correct for the patient but perhaps discredited in the layman's mind by misleading publicity. In either event, the public would be the loser.

The transcript of the hearings before the Subcommittee on Antitrust and Monopoly Legislation contains ample evidence that many of the critical charges so loosely bandied about today are disproved; and I commend an impartial study of it to you. The pharmaceutical industry, currently under attack, has not only experienced enormous growth but has contributed enormously to the great improvement in the health of this Nation and of the world. This is evident in the wealth of information and statistics that have been presented to the subcommittee.

Consider a few such facts:

Manufacturers' prices have held the line against inflation with an increase of only 3 percent on the BLS Index since 1947, as compared with an increase of 22 percent for all commodities.

Such major breakthrough drugs as the tranquilizers, the corticosteroids, and many important antibiotics are so new they are not even included in BLS Wholesale Price Index but their prices have come down sharply with mass production and consumption.

Top governmental health administrators credit the tranquilizing drugs with reducing the population of mental hospitals.

The 20 years added to life expectancy since the turn of the century are credited in large measure to the development of drugs that have obliterated some killer diseases and taken the sting out of others.

Science is pressing the crucial search for cures for cancer, for heart disease and for many other dread afflictions. There is reason to believe that the drug industry will contribute as importantly to the solution of these problems as it has to the problems of infectious diseases, mental illness, and rheumatoid arthritis. This is possible only if the industry's strength and incentives are not impaired so as to limit research, curb production facilities, or interfere with physician's prescribing.

I think your editorial staff should balance all the factors before reaching a conclusion about this or any industry—should, in short, follow the excellent advice in your editorial. In view of the fact that so many illnesses are now susceptible to rapid drug therapy instead of hospitalization or even death, I am convinced we should be talking about the low cost of drugs not the high cost.

AUSTIN SMITH, M.D.,
President, Pharmaceutical Manufacturers Association.
WASHINGTON.

ON BUYING DRUGS

Undoubtedly a brand name medicine costs the patient more in terms of money paid for a prescription. On several past occasions patients under my care for serious conditions have unexpectedly developed relapses. At that time it was my custom to prescribe by the generic name of the medicine as is suggested by your newspaper. In each instance questioning brought out the fact that the patient had her prescription filled at a discount store which specialized in bargain prices.

I do not doubt that the generic drug had been supplied at a low price but I am certain that it failed to meet required standards of strength and purity. A new prescription for a brand name medicine made by a reputable pharmaceutical manufacturer promptly produced a return to a state of good health in every case.

ROLAND E. BIEREN, M.D.
FALLS CHURCH.

Mr. DIRKSEN. Mr. President, when the Senate Antitrust and Monopoly Subcommittee considered the matter of administered prices in the drug industry, a question arose in the hearings as to whether profits should be considered on the basis of net worth or total capital or on sales.

On this point Dr. Frederick L. Thomsen, a competent consulting economist, presented his views to the subcommittee, and in the course of examination of Dr. Thomsen by the very distinguished Senator from Nebraska [Mr. HRUSKA], the Senator pointed out that Dr. Thomsen's statement would have great value for reference purposes.

I believe the statement is of such importance as to merit wider currency, and I therefore ask unanimous consent that the entire statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMPETITION AND PROFITS IN THE ETHICAL DRUG INDUSTRY

(By Frederick L. Thomsen, Ph. D., consulting economist, Pharmaceutical Manufacturers Association, before the Senate Subcommittee on Antitrust and Monopoly Legislation, February 23, 1960)

Mr. Chairman and members of the committee, Senator KEFAUVER, in the opening session of these hearings on the ethical drug industry you stated that: "What in essence the subcommittee is seeking to determine is whether the public is adequately protected by competition."

Since then, many witnesses have testified, and your staff has inserted in the record a number of interesting exhibits. It has seemed to me, in studying the record, that many of the points brought out have been left hanging in the air, so to speak. The time has come to pull together some of the economic facts that have been presented, together with their implications in terms of the objectives of this committee as stated by you, and to view them dispassionately within the context of an orderly consideration of conditions of competition in the industry. This is the task that I have been asked by Dr. Smith to do.

But since I am testifying in a professional capacity, the committee may wish to have a summary of my professional training and experience.

I received my Ph. D. in economics from the University of Wisconsin, have taught economics at several colleges and universities, and have held a number of professional and administrative positions in the field of economic research with special emphasis on marketing and price analysis. I am the author of several widely used textbooks in those fields and am now engaged in writing a text on industrial prices. I have been professor of marketing at the University of Missouri; associate head of the Division of Statistical Research of the former Bureau of Agricultural Economics responsible for price analyses and the price situation and outlook reports of the Department of Agriculture; Director of the Marketing Research Branch, Production and Marketing Administration, USDA; and director of research for a New York City consulting firm which specialized in price analyses. Since 1952 I have been engaged in private consulting work, with headquarters in St. Petersburg, Fla. In the course of this work I have conducted a number of research projects in drug and medical fields.

In my testimony I will make no attempt to particularize the virtues of the tremendously important research and resulting new health-giving products of the ethical drug industry, although economists are said to delight in particularizing the obvious. This subject has been covered well and rather fully by other witnesses. Instead, I would like to deal directly and solely with the economic questions of competition, prices, and profits.

I. COMPETITION IN THE ETHICAL DRUG INDUSTRY

In considering the nature of competition in the ethical drug industry, let us first see who the competitors are. From the testimony that has been offered, one might get the impression that the industry is composed of only a few large firms. Actually, according to the 1954 census, there are 1,255 companies primarily engaged in the manufacture of drugs and medicines. Most of these firms produce ethical drugs and those which do not are potential producers.

A. Concentration

Ethical drug manufacturers are of widely varying size and compete in different fields, hence have different facilities and functions. Nevertheles, virtually all of them are either competitors or potential competitors of any other firm. There have been instances of small firms getting into the production of a successful drug product, changing the whole course of manufacturing and financial operations of the firm and putting it into more direct competition with others previously predominant in the particular field involved. There has been a marked tendency on the part of chemical companies and manufacturers of proprietary drugs to enter the ethical drug manufacturing field in recent years.

The relative size or concentration of firms composing the industry is indicated by a report of the National Industrial Conference Board. It states that: "Study of standard first 4, 8, and 20 company census-based concentration ratios for the 1947–56 period gives little cause for concluding that concentration in drugs and medicines has become a major economic problem." For pharmaceutical preparations, which account for about 80 percent of total shipments of the drug manufacturing industry (both as defined by the Census Bureau), the share of industry shipments accounted for by the first 4 companies declined from 28 to 25 percent between 1947 and 1956; for the first 8 companies, it remained constant at 44 percent; and for the first 20 companies, it rose from 63 to 72 percent.

These figures indicate that among the top 20 companies (in volume) the smaller companies grew at a relatively faster rate.

The NICB study further states: "With a concentration ratio of 25 percent for the first four companies, the pharmaceutical preparations industry ranked close to the lowest quartile of all industries in size of concentration ratio. Indeed, 300 of the 447 manufacturing industries had higher ratios and 8 others had the same concentration ratio for the first 4 companies in that year (1954)."

Given the situation described without any industry identification, I believe that most economists would conclude that a broader basis for vigorous competition exists here than in many or even most American industries.

B. Forms of competition

Competition as it exists throughout most of American industry and commerce today under the free enterprise system takes three different forms:

(1) "Price competition," which is the attempt to increase earnings by increasing sales through lowering prices, or to increase earnings by raising prices. Such price changes may affect sales of an individual firm in either or both of two ways:

(a) By affecting the total consumption of the product by ultimate users.

(b) By affecting the proportion of total sales obtained by the individual firm.

(2) "Utility competition," which includes all kinds of research and development intended to expand total demand for the products produced by the firm, or its products relative to that of competitors, by enhancing the usefulness of the products.

(3) "Distribution competition," which includes obtaining wide physical availability of the product, advertising, personal selling, education, and a variety of other services, such as the extension of credit.

So far as the seller is concerned, these three forms of competition are interchangeable. All are designed to have the same effect, that is, to increase the net revenue of the firm by increasing sales at the existing or a lower price or permitting the same sales at a higher price. Each of these forms of competition has a cost to the competitor. Viewed from the standpoint of the individual firm, a decrease in price, an increase in research expenditures to improve the utility of the product, or an increase in distribution expenditures, represents a cost. The decision as to which form to use in a given case depends upon the anticipated effect of the cost increase upon sales and the net revenue of the seller.

From a social standpoint, also, there is no special or peculiar merit to any one of these forms of competition. It is quite erroneous, for example, to view price competition as the only or even a particularly desirable form, as seems to be implied by some of the statements that have been made in the course of this committee's deliberations. Depending upon the circumstances, it is often more advantageous to the public for a manufacturer to incur a given competitive cost in the form of an expenditure for utility competition than as a cost to him of lowering the price per unit charged for the product. To dwell upon price as the only or even the main benefit that consumers obtain from competition is to overlook the most important advantages that the public has derived from competition. If this were not so, we would still be driving Model T Fords and using Model T drugs.

Let us suppose, for example, that at the end of World War II the leading firms of the drug industry had been run by executives of limited vision out to grab as much of the prevailing market for existing products as they could get, solely by cutting prices, while holding their expenses for research and distribution to a minimum. Under these conditions, prices of some drugs might have been lower during the intervening years than they were. However, the emphasis on price competition would have precluded the vast expenditures for research and distribution which were made during the intervening years, and we would today be lacking the benefits of hundreds of important new drug products that have played such a large part in the reduction of disease and extension of the lifespan during these decades.

Can there be any doubt that the general public has benefited much more from the fact that competition in the drug industry has taken partly the form of utility and distribution competition, rather than wholly price competition?

Let us suppose that at the end of the war the drug industry had been treated as a public utility, with prices and profits regulated on the basis of direct production costs, plus a limited profit, on drugs then being produced.

I shudder to think, having reached the age at which longevity has a special appeal, of how many diseases I might now be liable to incur without any suitable drug therapy and with a correspondingly dismal prognosis.

To say that any one of these three forms of competition is superior to the others, or that it is more a measure of the vigor of competition existing in an industry, or that it is productive of greater social benefits, is completely erroneous.

Nothing in what has been said about the great benefits derived by the public from utility and distribution competition should be interpreted to imply that there has been any lack of price competition in the industry. The history of the drug manufacturing industry bears striking evidence of the existence of price competition. Various witnesses in these hearings have brought out the fact that wholesale drug prices have not incerased as much as (a) industrial commodity prices, (b) other costs of medical care, and (c) incomes of consumers. "Real" prices of drugs sold by manufacturers, in terms of almost any appropriate measure, have declined. I will not burden you or the record with repetition of these convincing data. Suffice it to say that the record shows that, on a comparative basis, drugs are cheap. They certainly have not contributed to the inflation of prices that has been of so much concern to us all.

II. PROFITS IN THE DRUG INDUSTRY

In the preceding analysis I have shown that strong competition does exist in the drug industry, and that this competition has been responsible for much of the tremendous progress that has been made in recent years in developing new products and therapies, and for making physicians acquainted with these rapid and multitudinous new developments. I am sure that even the severest critic of the drug industry must admit that without this intense competition among the producers of ethical drugs, progress in medicine would have been immeasurably slower and millions of people who at this very moment are enjoying life and health would be suffering from serious diseases or moldering in their graves. To bring this point home to you more forcefully: if there are 400 people in this room, 12 of them would not be alive today if they had not benefited by the modern drug advances that have occurred since 1937.

But, you may say, granted that competition exists, and in important respects is intense, is it of a kind and degree sufficient to hold profits, and hence prices, within reasonable bounds? Actually, the criticisms of the industry, both direct and implied, that appear in the records of these hearings seem to be based largely upon this question of profits, which it seems some of you consider unduly high. Would it not be better, you have asked, if profits and therefore prices to consumers were lower? To this and associated questions I shall now address myself.

A. Profitability of individual products

Much of the testimony concerning profits, and comment thereon, has related to individual products. Certain costs of bulk materials, packaging charges, and selling prices have been used to indicate so-called profits for these particular products.

Nearly all this testimony relating to specific products has dealt, not with profits, but with margins or markups, which are altogether different things.

A profit is a total gross return minus total expenses. Any attempt to arrive at a total or per unit profit on an ethical drug item is foredoomed to failure, because most of the expenses or costs that must be deducted from gross returns, on either a total or per unit basis, are not separable, but "joint" costs. There is no satisfactory basis for allocating these joint costs to individual products.

If a rational system of allocating joint costs among all the different products produced and sold by any one manufacturer were available, the picture with respect to apparent margins, markups, or what have been erroneously viewed as individual product profits, would be entirely different from that indicated by certain superficial figures which have been considered by the committee. We would no longer find the ridiculous percentages of alleged profits on individual products to which so much headline attention unfortunately has been given.

Despite these complications involved in even roughly approximating the margins or "profits" realized on individual products of a drug manufacturer, there is no doubt that some of these products are much more profitable than others.

If these joint costs could be allocated, it would be found that the products yielding the highest profit margins are those that are (1) new, and hence not yet "copied," (2) for which no close substitutes are now

available, and (3) for which a widespread need exists. As time and competitive research progresses, fully or closely substitutable products will be developed and marketed by other firms, and/or the product will be made wholly or partially obsolete by the discovery of generically different products serving the same purpose better. This happens in practically every case, as evidenced by the extremely high rate of obsolescence. Thereafter, the formerly highly profitable product is either discontinued or becomes one of the many also-rans included in the product mix of any company.

Economists refer to unusual profits made on pioneering products, or as a result of pioneering development of more efficient production of marketing methods, as "profits of innovation." The profits of innovation are temporary, persisting only until competitors duplicate the product, develop a better one, or, if the source of the profits is a superior process, adopt the same methods.

Profits on some drug products will appear high to some if price-cost comparisons are restricted to the early stage in their life cycle when the products are unique and the demand is at its peak. By the same token, profits and prices on some drug products would appear low if measured later in their life cycle when substitutes have been developed and demand has fallen. Even limited price-cost and profits comparisons can only be made over the whole life cycle of a product.

At any one time, the product mix of any ethical drug manufacturer consists of many different products in all phases of development, marketing, and obsolescence. Some of the products in this mix are new, the result of years of planning, researching, conferences, laboratory work, pilot plant operation. If they fill a widespread need they may give rise to large sales and better-than-average profits. Without the anticipation and realization of these profits of innovation practically none of the continuing research by manufacturers necessary to provide new theraples and to support constantly improving medical practice would or could be undertaken.

Other products, as a result of obsolescence, competition, or limited need, are barely holding their own, or are even being handled at a loss, retained primarily to offer to pharmacists, the medical profession and their patients, a necessary component of some prescriptions.

Obviously, the situation with respect to any one or a few of these products cannot be taken as representative of the whole, even if that situation, profitwise, could be properly pinpointed without the difficulties presented by joint costs and other obstacles that have been described. It would be as silly to judge the profits of the drug industry by high margins for a selected few products as to judge the profits of the automobile industry by profits made on Cadillacs.

If rates of return on individual drug products are compared with overall company profits, it is clear that the product successes singled out for committee attention do not adequately describe the whole range of successes and failures of the individual drug firm. Any attempt to use individual product profits to reflect profits on the many products supplied by the individual drug firm is in error. This procedure misrepresents the average profit component of drug prices. It completely overlooks the fact that the continued existence of a firm depends upon balancing no return or lower return, mature products with higher return, unique products.

It is quite evident, therefore, that the only way in which the profits of the drug industry can be measured is by looking at these costs, gross returns, and profits as a whole. The profit figures for individual products that have been paraded before this subcommittee by staff members may be a way of raising questions, but they can be misleading to many. They can build up false hopes in the public mind that significant decreases in drug prices can be effected by decreasing these profits. Let us now see if more light can be thrown on this question by examining aggregate or average profits.

B. Profits on invested capital or net worth

Profits stated as so many dollars are meaningless in themselves. Some point of reference is required in order to give such dollar figures significance. In going over the record of the subcommittee's hearings I have noted that a point of reference frequently or even most used has been either net worth or invested capital.

When I see data such as those that have been introduced relating to profits as a percentage of either invested capital or net worth, I wonder whether the effect of some of this testimony will not be to confuse rather than enlighten. Such comparisons may be meaningful to an investment analyst for certain purposes, or to a banker considering credit arrangements for a drug company; but they have no relation at all to the question of how much, if any, drug prices might be reduced by the reduction or elimination of profits.

Let us take an extreme example outside of manufacturing industry to make the point quite obvious. A hardware store with an investment of $150,000 and a law firm with an investment of $12,000 may each be grossing $600,000 per year, with a profit of $30,000, or 5 percent of sales in each case. Expressed as percentage of investment this would be 20 percent for the hardware store and 250 percent for the law firm. The comparison obviously is meaningless. Some businesses require a large inventory of fixed assets such as land, buildings, and equipment, or raw materials and finished or purchased products, or both. Other businesses have very little money tied up in such physical properties. Any comparisons among them of profits as a percentage of investment are simply figures without meaning except for certain very limited purposes that are not included among those for which they have been used.

Let us look at two more illustrations. Let us take the case of two firms, A and B, not necessarily in the same business, for which we may be trying to judge the "reasonableness" of profits made:

Firm	Investment	Sales	Profits (after taxes)	Percent of sales	Percent of investment
A	$500,000	$2,000,000	$50,000	2.5	10
B	50,000	2,000,000	10,000	.5	20

Now, the untrained person, given only the information that sales of the two firms were equal, but firm B made twice as high a rate of profit on its investment as did firm A, is likely to form the opinion that firm B must have much higher profit margins on sales. Actually, his profits per dollar of sales are only one-half of 1 percent, or one-fifth those of firm A. Even if they were eliminated entirely the buyers of the firm's products would hardly notice the difference.

I do not wish to labor the point, but the subcommittee has so frequently been confronted with such meaningless data, and the latter have apparently been misunderstood even by members of the drug industry, that it will be well to clinch the point with another, more detailed example.

The following hypothetical data (table 1) may be used to represent three different establishments, let us say grocery supermarkets. The principle is applicable to all business.

TABLE 1

	Store A	Store B	Store C
Owns building, $100,000 mortgage, net investment	$80,000		
Owns building, no debt, value		$180,000	(1)
Stock of goods, value	50,000	50,000	$50,000
Total capital	230,000	230,000	50,000
Net worth	130,000	230,000	50,000
Annual sales	900,000	900,000	900,000
Interest on mortgage	5,000		
Cost of building maintenance	9,000	9,000	
Annual rent			18,000
Other annual operating expenses	837,000	837,000	837,000
Total annual expenses	851,000	846,000	855,000
Net profit after taxes	49,000	54,000	45,000
Net profit as percent of sales	5.4	6.0	5
Net profit as percent of total capital	21.3	23.5	90
Net profit as percent of net worth	37.7	23.5	90

[1] Store C rents building, no investments.

Store A owns the $180,000 building in which it is located, on which there is a mortgage for $100,000 requiring $5,000 annual interest. Annual cost of building maintenance is $9,000. Store B owns the building outright, with no mortgage or interest to pay and with the same building maintenance cost. Store C rents the building, paying $18,000 per year but incurring no building maintenance cost. All three of the stores have a stock of goods valued at $50,000, giving a total capital for the three stores of, respectively, $230,000; $230,000; $50,000. But their net worth is, respectively, $130,000; $230,000; $50,000. Annual sales for all three stores are $900,000, and total annual expenses other than building, $837,000. Total annual expenses are: Store A, $851,000; store B, $846,000; store C, $855,000. This gives a net profit of, respectively: $49,000, $54,000, $45,000, representing, as a percentage of sales: 5.4, 6, 5. But net profit as a percentage of total capital is, respectively: 21.3, 23.5, 90. Profits as a percentage of net worth are: 37.7, 23.5, 90.

This example, which is by no means extreme, but representative of situations commonly encountered in business, shows how impossible it is to draw any conclusions regarding profits in relation to prices by referring to profits per dollar of capital or net worth. In the above example, all three stores handled exactly the same merchandise at exactly the same costs other than rent, a minor item, and sold at exactly the same prices; yet the profits per dollar of net worth for store C were nearly four times higher than for store B.

Gentlemen, the primary significance of such data on profits per dollar of capital or of net worth, so far as this subcommittee is concerned, is whether or not they are sufficient to attract or retain enough capital in the industry to give it the means to perform the functions expected of it by the public. It has been largely by the use of retained earnings that the technological growth of the drug industry, its new drugs and new therapies, have been financed. On this point, Messrs. Donald B. Woodward and Banks T. Adams, Jr., have prepared a report to the Pharmaceutical Manufacturers Association which has been made available to you.

Frankly, gentlemen, for the principal purposes of this committee, which are related to drug prices, I would consider all such measures of net profit as a percentage of net worth as being almost meaningless. I believe that any objective economist would agree with what I have said on this subject.

So, gentlemen, may I now address my remarks to profits per dollar of sales.

C. Great variation in profits among individual companies and from year to year

Profit rates among companies in almost any industry vary widely, due to differences in managerial ability, the caliber of personnel built up over the years, and the other circumstances conditioning their operation. In automobiles, for example, some companies went on to make large profits while many others were dropping by the wayside for lack of profits. Over 90 percent of independent retail establishments are said to fail within a few years, whereas others in the same kind of business prosper. Even farmers differ tremendously in the financial results of their operations. Similar disparities exist in the drug industry.

To use the profit figures of any one company or several individual companies, without taking into account these differing circumstances, as indicative of conditions in the industry as a whole can be as misleading as using the profits of a single product as representative of the operations of a single firm. I realize that the temptation to do so is great, since individual companies, like individual products, furnish striking cases in apparent support of points one would like to make. At least, we can all recognize the danger and try to avoid drawing wrong conclusions or creating misleading public impressions by generalizing on the basis of operations not representative of the industry.

Because of these differences among companies, profits per dollar of sales as reported in different analyses of the drug industry differ considerably, according to the companies included. The study by Woodward and Adams, of the 10 companies for which figures are available, shows profit margins for each of the years 1947–58.

Profit margins vary substantially from year to year as well as from firm to firm. The study shows a variation in the profit margins from 9.4 percent in 1953 to 15.7 in 1948. The year 1958 was one of the higher ones, and hence should not be used as representative, even though it is the last year for which data were available to the committee. Profit margins declined from 1957 to 1958 and again from 1958 to 1959, and in all these years were significantly lower than for the years 1947 through 1950 and for the prewar years. The average for the years 1951–55, after the industry had about gotten over the dislocations of the war years, may be about as representative as any for at least the larger companies carrying broad lines of ethical drugs. For the 10 companies included in the PMA study the profit margin was 10.5 percent, for the years 1951–55; for the 10 years 1949–58, which include several of the higher postwar years and the unusual years of 1957 and 1958, the average was 12.2 percent. For 1959, the figure for 8 of the 10 companies so far available was 12.8 percent compared with 13.8 percent for 1957.

The variation in profit margins from firm to firm is also great. Among the 10 companies in the study these margins in 1958, the latest year for which all 10 companies' data are available, ranged from a low of 6.5 percent to 16.8 percent.

These variations clearly indicate the danger of using data for one or a few firms or years to represent the industry.

D. "Reasonableness" of profits per dollar of sales

The words "reasonable" and "fair," as applied to profits, are not economic concepts, and not capable of objective appraisal. But we can seek to explain why profits are what they are, and thereby be in a better position to exercise our necessarily subjective judgment about them.

E. Variations in profits among industries

Profit margins vary widely among different industries, as shown by table 2, taken from a study by Cottle and Whitman. These figures are for the years 1951–55; these most comprehensive materials for this completely objective study do not extend beyond this period, and this is a fairly representative economic period.

There are many reasons for the great variation in profit margins among industries.

Most of these may be included in one of four categories: (1) turnover; (2) degree of risk; (3) circumstances such as growth rate and position on the industry cycle, if any; and (4) external conditions such as the business cycle.

Of these, one of the most important is turnover of both inventory and capital. This may sound surprising to the layman, but not to any businessman or economist who has observed the importance of this factor. Any business with a high turnover may make a very small profit per unit or per dollar of sales and still accumulate a respectable total by income tax time. The same applies to different lines of products.

Cottle and Whitman (p. 31) have given rates of turnover of total capital for the industries included in table 2. If rates of profit given in this table are plotted against the corresponding turnover rates for the respective industries, a very substantial degree of correlation is observed. The relationship also appears to be definitely curvilinear; i.e., the lower the turnover rate the greater the proportionate effect upon profit margins of a change in such rate.

When the profit margins shown in table 2 are adjusted by readings from the curvilinear regression depicting the above relationship (see the second column of table 2), they appear entirely different. The apparently low profit margins now closely approach the average, and the higher ones do likewise. The previously apparent discrepancies among industries disappear to a substantial degree. The factor of turnover, in fact as well as in theory, has partly explained why some industries have relatively high profit margins and some have relatively low ones.

TABLE 2.—*Average net profit margin,*[1] *1951–55*

	Unadjusted [2]	Adjusted [3]
Copper	15.1	9.6
Oil	12.0	8.2
Ethical drugs	10.1	7.5
Chemicals	9.5	6.1
Building materials	9.2	5.0
Paper and allied products	8.8	6.3
Proprietary drugs	7.8	3.5
Corn products	7.4	5.7
Automobiles	6.6	8.4
Steel	6.5	4.4
General industrial machinery	6.2	5.5
Glass containers	5.6	5.2
Electrical supplies and equipment	5.4	5.7
Toilet preparations and soap	5.3	5.4
Agricultural machinery	5.2	2.9
Automobile parts and accessories	4.7	5.9
Rubber	4.6	4.7
Mail order houses	4.4	4.8
Cigarettes	4.4	3.1
Distilling	4.3	2.6
Metal containers	4.3	3.5
Limited-price variety	4.0	3.7
Textile fabrics	3.8	2.5
Radio and television	3.6	5.3
Packaged foods	3.4	4.8
Apparel and accessory chains	3.3	6.4
Aircraft	3.0	7.8
Department stores	2.8	3.5
Dairy products	2.7	4.5
Grain mill products	1.9	4.8
Grocery chainstores	1.0	6.5
Meatpacking	.6	5.5

[1] Net profits after taxes as percent of sales.
[2] Cottle & Whitman, "Corporate Earning Power and Market Valuation, 1935–55, Duke University Press, 1959, p. 30.
[3] Adjusted for values of curvilinear regression of profit margins on rates of total capital turnover by adding algebraically, to the average for all industries, the deviations from the corresponding regression values.

Contrary to what might be expected without more thorough examination of the industry, ethical drug firms have a relatively slow annual turnover of capital (only 1.30) compared with the lowest of the industries included, copper (0.72) and, the highest, grocery chainstores (8.54). In other words, for the ethical drug firms included in the PMA study, annual sales were only 30 percent greater than capital, or it required $1 of capital to support each $1.30 of sales. This serves to explain in large measure the relative position of the ethical drug industry in regard to profit margins.

If satisfactory quantitative measures of the three other groups of factors affecting margins were available, and time permitted, they could be used in a multiple correlation analysis to explain the differences in profit margins among industries not accounted for by capital turnover. If this procedure were carried to a completely logical and statistically successful conclusion, all of the adjusted figures shown in the second column of table 2 would be the same, namely, the average figure (5.5).

F. Profits in relation to prices

It has been shown that profits as a percentage of net worth cannot be used to draw significant economic conclusions in relation to possible reductions in prices. It has been shown, also, that profits per dollar of sales (profit margins), although higher for the drug industry than for some other industries, are largely explainable in terms of factors common to all industries. Neither of these measures of profits, on a relative basis, has any significant economic relation to the question of how much drug prices might be reduced by reduction or elimination of profits. However, some light may be thrown on this question by consideration of absolute, as opposed to relative, profit margins.

According to data obtained by your committee from 20 firms for the year 1958, the average profit was 13.1 percent of sales. It has been shown that 1958 was an abnormally high-profit year, as was 1957. For the period 1951–55, the Cottle and Whitman figure was 10.1 percent and the Woodward-Adams figure for the larger group of companies was 10.5 percent. For the 10-year period 1949–58, the profit margin was 12.2 percent for the latter group. But this is on manufacturers' sales. Significant costs are incurred after the manufacturer sells the drug to the trade, reflecting the high standards that the consumer demands of the entire medical services industry. Drugs cannot be handled in the trade in the same manner as nails or sugar, and trade markups necessarily are higher than for such staple commodities. Although I have no specific data on this point, I believe it may be said with confidence that the price paid by consumers for prescription drugs, after the wholesaler's and retailer's markups have been added, is at least twice that received by the manufacturer. So it is evident that manufacturers' average profit per retail dollar paid for drugs is roughly 6 percent.

G. Elimination or reduction of profits no panacea

I believe that even the most ardent critics of the drug manufacturing industry would not have it operate at a no-profit level. Let us presume that they would not object to manufacturers' profits of, say, 3 or 4 percent per dollar of retail sales. Whatever this subjectively determined figure might be, the difference between it and 6 percent would not represent much in terms of retail drug prices, at the most a few cents on a dollar's worth of prescription drugs.

In fact, if the entire profit of drug manufacturers were wiped out completely, buyers of consumer drugs on the average would hardly notice the difference in prices, which could easily be lost in the shuffle. Small changes in wholesale prices frequently are not reflected in retail prices. No, the concern that has been felt over drug prices has not been on the order of a few pennies per dollar, but of fancied profits running to many hundreds or thousands of percents,

that do not exist in reality because the false measures of costs that have been used to adduce such figures have not taken properly into account all costs, position on the life cycle of the drug, and other conditions that have been dealt with in the foregoing analysis.

A company-by-company approach to the drug industry, and the singling out of the most profitable items in each company's line, coupled with inadequate measures of costs, can produce a totally erroneous impression of the across-the-board possibilities for price reductions through profit elimination. Only a very small reduction in the level of drug prices, and an even smaller percentage reduction in the total cost of a cure, would result if all profits of all the drug companies were wiped out.

III. THE PUBLIC'S REAL INTEREST IN DRUG PROFITS AND PRICES

The price that society has paid in the form of drug industry profits is, in the aggregate, very low. The consumers' alternatives of longer hospitalization, more time lost from work, and more medical services would have been far more costly than the aggregate profits of the drug industry.

Even if all drug manufacturers' profits were wiped out, the problem presented by the low-income consumer and the chronically ill would remain, and costs to the ordinary in-and-out user of prescription drugs would not be reduced enough to pay for his daily newspaper.

In fact, the temporarily high profits of innovation accruing from the production and sale of a few drugs during the early phases of the products' life cycle, by stimulating research and development by the originating firm and its competitors, in the long run undoubtedly serve to minimize the total costs of medical care to the consumer and society. These profits induce private capital to devote research and manufacturing resources to the risky undertaking of pioneering new drugs. Prospective gains must be large enough to compensate for unusual risks.

In the midst of a technological revolution society properly demands an outpouring of research and education resources to rapidly bring benefits to consumers. In order to obtain the speed, daring, and flexibility of a private enterprise solution of this social problem, society must pay rewards which in the case of some unusually successful innovators may appear large. Even when research is successful, the financial advantages flowing from it in the drug industry are usually short lived. If profits on such newly discovered, short-lived products were greatly reduced or eliminated, then investment in research and development to produce similarly unique products would be discouraged. In an enterprise economy the level of profits determines incentives. There is no way to tamper with profits without affecting incentives. In the drug field, these incentives are of the utmost importance in promoting advancement in medical science and practice, the discovery of new therapies, and the improvement of the health and well-being of all of us.

The research which has led to the development of so many tremendously useful drugs since World War II already is behind us. The much more difficult research, the research where risks of failure are greatest, lies ahead. Cancer and other important diseases give rise to prodigious research problems. One drug manufacturer already has expended over $7 million in the search for a chemical that might be useful in the treatment of cancer, with no marketable product resulting. If the manufacturers' increasing chances of loss are coupled with new penalties for success, it is hard to see how the consumer can gain. To condemn an industry or a firm for its ability to maintain profits through successful new product development will not only discourage profits, but much more importantly the unique efforts that have produced these profits.

In my humble and very sincere opinion as an economist, gentlemen, the committee's primary concern should be with the incentive function of profits, since consumer welfare stands to be benefited most by research and product development yet to be done. Society's alternatives to sickness, mortality, and inefficiency are priceless compared with the profits of the drug industry which can contribute so much to reducing them in the future.

LOYALTY OATH AND DISCLAIMER AFFIDAVIT FOR STUDENTS

Mr. McGEE. Mr. President, a recent news dispatch from Chicago reported that the National Conference on Higher Education called for the elimination of both the loyalty oath and disclaimer affidavit required in the National Defense Education Act.

This is but another indication of concern in this country about encroachments being made on a rather significant philosophy of freedom, as well as the actual application of that philosophy.

A series of editorials has appeared on this subject. From time to time I have been inserting in the RECORD certain of these editorial sentiments. I should like to add to them an editorial by a distinguished writer for a distinguished newspaper, Mr. William L. White, in the Emporia, Kans., Gazette.

Mr. White writes in the Emporia Gazette that—

In effect this affidavit would mean that boys of 18 who had Communist or Fascist leanings might be denied an education. You can say this is a fuss about almost nothing, since not 1 American boy in 10,000 is disloyal to his country, or dreams of overthrowing our free, democratic institutions.

We answer that it is the principle of the thing: in a free country, a boy's education should not be depending on passing a political test—however sane that test would appear to be.

In Mr. White's text he invokes another concept, that is, our concept that our political system has strength because it is based on the ascertainment of truth. If we really believe that education is a powerful agency for truth—and I, for one, think it is so dedicated—then we ought not to be complaining about anybody's convictions and the eroding effect of his beliefs in fascism and communism. In a somewhat less than facetious tone, if we really are confident in the power of education we ought to demand that every Communist and every Fascist be given a scholarship to our universities, in order that they may be exposed to free education, and let them be led to the truth.

I ask unanimous consent that the editorial by Mr. William L. White be included in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

In effect this affidavit would mean that boys of 18 who had Communist or Fascist leanings might be denied an education. You can say this is a fuss about almost nothing, since not 1 American boy in 10,000 is disloyal to his country, or dreams of overthrowing our free, democratic institutions.

We answer that it is the principle of the thing: in a free country, a boy's education should not depend on passing a political test—however sane that test would appear to be.

We further answer that in this field of political testing, once you give a government an inch, it will take an ell. Once you set this dangerous precedent, who can say that a boy may not someday be denied an education because he does not believe in an eighth term for RICHARD NIXON, Adlai Stevenson or Walter Reuther?

It has happened before: it happened even in Soviet Russia where, for 30 years, no boy of middle class origin was allowed an education, which was restricted to sons of the proletariat. In this political testing for education, are we now to copy Lenin and Hitler?

Political tests have their place. They are proper for members of the Government, for bureaucrats in key positions, and they are indispensable for officers in the Army—all sniveling of the left to the contrary. The people have every right to demand that those who pretend to serve our free Government are not conspiring to overthrow it.

They are, however, utterly inappropriate as applied to the ordinary citizen, who, in a free country, should have a right to believe in anything he chooses, or in nothing at all.

Meanwhile, do not worry about Harvard and Yale. Each has millions of dollars in private student loan funds, available to any and all students who can pass their high entrance examinations. They will not suffer. Nor will they be clogged with Communists.

But in taking this strong stand for freedom of conscience, they have set a noble precedent.

TWENTY-ONE DEMOCRATIC SENATORS CALL ON CHAIRMAN MARTIN OF THE FEDERAL RESERVE SYSTEM TO PUT INTO EFFECT FOUR BASIC REFORMS

Mr. DOUGLAS. Mr. President, on Saturday, March 12, 21 Senators of the United States addressed a letter to Mr. William McChesney Martin, of the Federal Reserve System, calling for the Federal Reserve Board to put into effect four basic reforms in its policy. Before I outline them, may I mention the two major effects which we consider adoption of these reforms would have.

First, in our judgment they would raise the price, and hence lower the yield, or interest rates, on long-term bonds. This could be done without resort either to "pegging" the market or other inflationary devices. The reforms would directly affect the controversy over the removal of the 4¼-percent ceiling on long-term bonds and would make removal of the ceiling unnecessary.

Second, the reforms would provide the Treasury with a considerable increase in revenues. The amounts involved are the interest and profits on one-sixth of $80 billion. The Federal Government would thereby share in the interest and profits created when the Congress delegates its constitutional power to "coin money and regulate the value thereof" to the private banking system through the Federal Reserve Board.

In the introduction of our letter, we stated that we hoped that—

The Federal Reserve Board may adopt certain very definite reforms which, if accom-

panied by parallel action on the part of the Treasury, may remove or greatly lessen the very real dangers to the people of the United States which we believe would be created by the lifting or removal of the interest ceiling on longtime Government bonds.

The four specific reforms which we asked Chairman Martin to signify his intent to put into effect are as follows:

First. The establishment of margins on the purchase of Government bonds and the regulation of the 17 dealers who operate in the market. At present the dealers are unregulated and virtually no margins are required in a market where trading in Government bonds amounts to some $200 billion per year. Such regulation would reduce the speculative nature of this market, as evidenced in the debacle of 1958, strengthen confidence in Government securities, and hence reduce their risk and thus bring down the interest rate.

Second. We asked the Reserve Board to abandon the "bills only" policy. Although it holds over $25 billion in Government securities and buys and sells them regularly, the Federal Reserve now buys and sells only short-term Government bills. We urge that the Federal Reserve buy and sell all forms of Government securities, including long-term bonds. This action would increase the price and reduce the yield, or interest rate, on long-term bonds.

Our third recommendation was that the Federal Reserve should permit the money supply to grow at approximately the same rate as the growth in the economy.

Since 1953 the economy has grown at the slow rate of 2.3 percent per year. Meanwhile, the money supply has expanded by only 1.8 percent per year. On a per capita basis, this expansion has been only 0.1 percent per year. We assert the failure to expand the money supply at a proper rate has been in part responsible for "the increasing unemployment during this period and for slowing down the rate of growth itself." Expansion of the money supply at a proper rate would have the effect of reducing interest rates and stimulating homebuilding and investment by small business and by State and local authorities. This, of course, would reduce unemployment.

Fourth. We urged that such proper expansion of the money supply should take place through the purchase of Government bonds, rather than by lowering the reserve requirements of member banks of the Federal Reserve System.

We pointed out that if the expansion takes place by lowering reserve requirements, as Mr. Martin desires, the banks of the country will receive the interest and profits on some $80 billion, without almost any cost to themselves, and without any increase in the capital assets and reserves of the Federal Reserve System.

If, on the other hand, the needed expansion takes place through open market purchases, the Federal Reserve and the Government would receive the interest and profits on one-sixth of the $80 billion, or on $13⅓ billion.

As 90 percent of the Federal Reserve System's profits are returned to the Treasury, the cumulative amounts of earnings which would go to the Treasury would be over $4 billion during the period that the expansion took place. We stated in our letter:

These [amounts] may be small and inconsequential to you, Mr. Chairman, but to the hard-pressed taxpayers of this country, and to the Members of Congress charged with fiscal responsibility, they are of great importance.

Mr. President, I ask unanimous consent that the text of the letter, together with the names of the signers, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 12, 1960.

The Honorable WILLIAM MCCHESNEY MARTIN,
Chairman, Federal Reserve Board,
Washington, D.C.

MY DEAR CHAIRMAN MARTIN: We are addressing this letter to you in the hope that the Federal Reserve Board may adopt certain very definite reforms which, if accompanied by parallel action on the part of the Treasury, may remove or greatly lessen the very real dangers to the people of the United States which we believe would be created by the lifting or removal of the interest ceiling on longtime Government bonds. Combined with needed Treasury reforms, these would have the effect of increasing the price and lowering the yield and hence the interest rate on Government bonds without resorting either to "pegging" the market or inflationary devices. Somewhat similar proposals for reforms were made to you during 1959 and in January of this year by certain majority members of the Joint Economic Committee. At those times you were firm in your refusal to accept these reforms.

We wish to help the country and reduce the tension which is developing between the Board and a large section of Congress, and we hope that further reflection upon these matters may have induced a greater willingness on your part and that of the Board to reconsider basic issues of policy.

We now appeal to you to signify your intent and that of the Board to make at least four basic reforms or improvements in the conduct of the Board's affairs:

1. To recommend the establishment of margins on the purchase of Government securities by customers of security dealers, and to regulate the activities of the security dealers themselves.

As the debacle of the summer of 1958 clearly showed, it is intolerable that there should be such widespread speculation in Government securities on infinitesimal or nonexistent margins. This can be damaging to the credit of the United States of America. We have waited for you to give us a lead on this matter on the basis of your long study of the incident and have been disappointed by your silence and your failure to act.

This offers the possibility of fruitful cooperation between your Board and Congress, and if you will assign some of your experts to work with us, we shall be glad to draft legislation which will deal with the great abuses which have been revealed and yet be fair to all parties.

2. A second reform which we believe the Reserve Board should adopt is to abandon its "bills only" policy. We have scarcely been able to find a single competent economist who endorses this policy to which, with rare exceptions, you have held for so many years. The abandonment of this mistaken policy would be desirable in itself and would clear the way for further reforms.

3. In our judgment, it is imperative that you should, over a period of time, permit an increase in the money supply (currency plus demand deposits) at approximately the same rate as that at which the real gross national product is growing. This would not be inflationary. Rather it would be a stabilizing force.

We regret that, during the years from 1953 to 1959 when the economy was growing at the excessively slow rate of 2.3 percent a year, your Board would only permit the money supply to grow at the still slower rate of 1.8 percent a year. The increase in population cut the growth of the money supply on a per capita basis to 0.1 percent per annum. In our judgment, this slow rate of growth was one of the causes which artificially increased the interest rate and hence retarded home building, expansion of small business, and State and local investment. It was therefore one of the causes for the increasing unemployment during this period and for slowing down the rate of growth itself.

We must honestly state that your failure to expand the supply of money at an adequate rate has been in large part responsible for this.

Let us, however, emphasize two things: First, we want relative stability in the price level, with the longtime growth in the money supply only matching the longtime growth in the real gross national product.

Second, we are not opposed to some cyclical variations in the growth of the money supply. The availability of credit could, for example, be relatively increased in periods of recession or depression, or slightly dampened down in an undue upswing. But these variations should not be used to alter the longrun policy of expanding the money supply in line with the increase in the production of goods and services so as to avoid both inflation and deflation, but also with a view to maximum employment and adequate growth.

4. The Federal Reserve should use open market purchases to provide the increase in member bank reserves for the needed longtime or secular expansion of the money supply. Taking normal velocity into account, this would be at the rate of about 3 to 4 percent per year.

As you know, such expansion could be achieved by one of two ways: (a) the reserve requirements of the member banks could be lowered; or (b) the same end could be accomplished by open market purchases.

You have stated publicly that you felt that the reserve ratios should be lowered still further and the banking system appears to be aiming for an ultimate average level of about 10 percent as preferable to the present level of approximately 16 percent. A reduction in reserve requirements from 16 to 10 percent would support, with present member bank reserve balances, an expansion in demand deposits from the present $110 billion to about $190 billion, or an increase of $80 billion.

If the creation of this $80 billion is accomplished by lowering reserve requirements, it would be done without any increase in the capital assets and earnings of the Federal Reserve System. The interest on those additional sums and the profits from this great expansion of credit would accrue entirely to the private commercial banks, without the Reserve System or the Government sharing in the profits then made through having delegated the Government's power to create monetary purchasing power or money to the banks. In other words, private banks will get all the interest and profits on this money, with little or no cost to themselves. In these circumstances, one can understand why the banks are so anxious to use this method and why those who support the banks find it possible to justify this method. Huge sums are at stake.

According to Federal Reserve System figures, the average rate of earnings of member banks on their combined capital, surplus, and undistributed profits in 1958, the last

full year for which figures are available, was 17.3 percent before taxes and 9.7 percent after taxes.

In view of the fact that the risks of bank stockholders have been decreased in the last decade by the guarantee of bank deposits and the abolition of double liability, this rate of earnings on capital and surplus (accumulated from prior earnings) would seem to be amply adequate.

Now, if you feel that the private banking system of the country, whose major source of profit is the loans and deposits created by the fractional reserve system at little cost to the banks themselves, deserves higher rates of earnings than these, then you should frankly say so for the record and justify your reasons. You should do this for that would be the effect of creating the long-run needed expansion of the money supply by the method of reducing reserve requirements which you advocate.

If instead, the creation of these amounts is done by open market purchases, the Government will get 90 percent of the interest and profits on one-sixth of the $80 billion, or on about $13⅓ billion. The banks will still receive the interest and profits on $66⅔ billion. Certainly the banks should not be unhappy to see the Government and the people get this small profit for the delegation to them of the constitutional proof of the Congress to coin money and regulate the value thereof.

As you understand, if the expansion were accomplished by open market purchases, then the Federal Reserve System would acquire added earning assets of approximately $13½ billion in Government bonds over the years at an initial rate of about $570 million a year and an average rate of about $740 million per year.

At 4 percent interest, this would mean initial earnings of approximately $23 million a year and rising by slightly more than this amount each year to over $46 million in the second year, $69 million the third year, etc., until at the end of the period, the annual added earnings would be approximately $940 million a year and would continue from then on. The cumulative amounts of these earnings which would accrue to the Federal Reserve System in the period would be over $4.5 billion. Under prevailing practices, at least 90 percent of these sums, or over $4 billion, would be turned over to the Treasury.

These may seem to be small and inconsequential amounts to you, Mr. Chairman, but to the hard-pressed taxpayers of the country and the Members of Congress charged with the duty of fiscal responsibility, they are of great importance. They would help to balance the budget and provide needed services. Moreover, the large volume of annual purchases of Government bonds would raise their prices and lower their yields and hence lower the basic interest rates on governments about which you and the Treasury have been complaining.

This action, along with a more appropriate fiscal policy, would result in long-term interest rates well below the 4¼ percent ceiling and would make the question of whether the ceiling should be removed largely an academic one.

Instead of focusing on the question of the symptoms of our problems, namely the 4¼ percent ceiling, we urge you and the Treasury to get at the basic causes of the problem, namely excessively high interest rates in a period characterized not by full employment, forced draft growth, and inflation but one characterized by excessive unemployment, a slow rate of growth, and stable prices.

We should emphasize that we are not proposing that present reserve requirements be raised but that they be kept at existing levels. Thus, we are not advocating that the Government's share in the creation of additional purchasing power be increased, but merely that it not be reduced, as you would have it done.

When we have questioned you on this issue, you have objected on the grounds that in times of recession, lowering reserve requirements may be a faster and quicker way of expanding credit than through achieving these effects by open market purchases.

However, this answer has to do with the short-run and does not affect the question of the secular or long-run expansion about which we are concerned.

It may be proper to lower and raise reserve requirements for cyclical or short-run purposes. Yet during the years 1951 to 1960, a period dominated by the tight-money policy of the Federal Reserve System, the Federal Reserve has lowered reserve requirements during recessions but has not subsequently raised them during periods of expansion. The effects, therefore, have been to lower reserve ratios permanently.

In other words, since 1951 you have not raised reserve requirements and hence have not used them as a counter cyclical weapon in periods of expansion. This fact seriously diminishes the force of the single argument you have used in opposition to our view that open market operations are to be preferred to the method of lowering reserve requirements for secular expansion. In the first place, you have been using a short-run argument in reply to our point that the long-run expansion should occur by open market purchases. In the second place, even in the short run you have not used reserve requirements fully as a countercyclical weapon for they have been changed only downward and have not been raised.

With respect to the long run, the ultimate effects of the two methods would, as you have admitted, be the same. Even the immediate effects would be substantially similar. The public interest calls for using the open market purchase method for the long run or secular expansion of the money supply and we call upon you and the Federal Reserve Board to issue a clear statement of policy to that effect.

In short, we believe that a proper sense of fiscal responsibility should lead you (1) to work cooperatively with Congress for requiring margins on the purchases of Government bonds and for proper regulation of that market, (2) to abandon the discredited bills only policy, (3) to effect the longtime increase in the money supply at approximately the same rate as the growth in the real national product, and (4) to do this by open market operations rather than by lowering reserve ratios.

We will welcome your cooperation for these worthy ends.

With best wishes.

Sincerely yours,

PAUL H. DOUGLAS, of Illinois; JAMES E. MURRAY, of Montana; WAYNE MORSE, of Oregon; CLINTON P. ANDERSON, of New Mexico; HUBERT H. HUMPHREY, of Minnesota; JOSEPH C. O'MAHONEY, of Wyoming; PAT MCNAMARA, of Michigan, JOHN A. CARROLL, of Colorado; FRANK CHURCH, of Idaho; JOSEPH S. CLARK, of Pennsylvania; WILLIAM PROXMIRE, of Wisconsin; JENNINGS RANDOLPH, of West Virginia; E. L. (BOB) BARTLETT, of Alaska; HOWARD W. CANNON, of Nevada; ERNEST GRUENING, of Alaska; EUGENE J. MCCARTHY, of Minnesota; GALE W. MCGEE, of Wyoming; FRANK E. MOSS, of Utah; EDMUND S. MUSKIE, of Maine; HARRISON A. WILLIAMS, JR., of New Jersey; OREN LONG, of Hawaii.

CIVIL RIGHTS LEGISLATION

Mr. SPARKMAN. Mr. President, several days ago I discussed the section of the Dirksen substitute having to do with obstruction of court orders. I pointed out that the section posed a substantial threat to some of our fundamental freedoms guaranteed by the first amendment to the U.S. Constitution—freedoms of speech, press, and assembly.

This section has been laid on the table, and I hope that no effort will be made to resurrect it. Accordingly, I am reluctant to refer to it again and I would not, were it not for the editorial which appeared this morning in the Washington Post and Times Herald. The editorial is not particularly important in itself, except when considered along with other editorials on the so-called civil rights package.

Taken as a whole, the editorial policy of the Washington Post and Times Herald in respect to this debate demonstrates the value of extended debate in the Senate. At the same time, it shows how shortsighted it is to dismiss the arguments of 18 U.S. Senators as "pish-posh," "filibustering," and "delay."

We have had a story to tell to those who would listen.

We have studied and analyzed these different proposals, and we have found them deficient in many ways. This is a continuing and difficult task, because the proposals are many and varied. In addition, there are new proposals and refinements of old ones being introduced almost daily.

However, in spite of all this and the serious deficiencies we disclosed in these proposals, we were told on February 29, 1960, by the Washington Post and Times Herald that we were engaged in a "shoddy performance," that this was a "niggling controversy," and that our "cause, boiled down to fundamentals, is for a free hand in denying citizens of the United States the right to vote."

On March 2, the newspaper finally admitted that there were other issues involved, one of which "would forbid riots aimed at upsetting desegregation decrees of the courts."

In a later editorial, the Washington Post and Times Herald censured personally the junior Senator from Alabama, his colleague [Mr. HILL], and the Senator from Arkansas [Mr. FULBRIGHT]. According to the newspaper, we were diminishing our luster "during the civil rights debacle"—March 3, 1960.

When I discussed this subject, I pointed out the dangers inherent in this section. I pointed out that it was not needed to "forbid riots aimed at upsetting court orders," since there is sufficient existing law to prevent such action. I warned that this section far transcended this purpose and was subject to much abuse.

Of course, there were only a few Senators on the floor at the time. However, my remarks appeared in the RECORD. Even so, apparently the civil rights advocates did not follow the debate, because last Thursday when it was suggested that a motion to table the section might be made several Senators, proponents of the bill, expressed great concern lest the Senate take precipitous action without adequate debate.

Indeed, after the section was tabled the Washington Post and Times Herald expressed its disapproval of the Senate action and urged that the provision be reincorporated in the bill.

In view of this, Mr. President, imagine my surprise when I read the editorial in this morning's paper.

It now appears that the newspaper is troubled by the "sweep of the prohibition as drafted." It finds that "the language is such as to suggest a serious constitutional issue in abridgment of the first amendment." It warns that "in this as in all other legislation Congress needs to be careful lest, in the objective of furthering civil rights, it impose fetters on the right of protest."

To correct this the Washington Post and Times Herald suggests that the phrase "or by any threatening letter or communication" be struck. Apparently, someone on the newspaper staff has begun to do a little study on this matter. I might suggest that the meaning and effect of the word "corruptly" as it appears in the section also be included in that study. The junior Senator from Alabama believes that the Washington Post and Times Herald will find this language to constitute a more serious threat to our freedoms of speech and press.

I would also point out that in the event these two phrases were struck, it is quite probable no action would be made a crime under the proposal which is not already a crime under the administration of justice section, section 1503.

Senators know, Mr. President, that I have been talking about only one section out of seven appearing in the Dirksen substitute. A review of my comments will show how important careful consideration of this one section is to the preservation of our freedoms. Every other section of the proposal is worthy of similar exhaustive and thorough consideration. In fact, the voting proposals are far more complicated and there are far more differences of opinion in respect to them.

For example, there appeared on the editorial page of the Washington Post and Times Herald this morning a letter from the Senator from Michigan [Mr. HART] to the editor concerning the voting referee proposal. My friend, Senator HART, severely criticized the Attorney General's proposal as being of doubtful constitutionality and deficient in several respects. He supports the proposal of the Senator from Missouri [Mr. HENNINGS]. Mr. HENNINGS' proposal was introduced in this body only last week. No committee has considered it, and we have had very little debate with respect to it, and the Attorney General has not given us his views with respect to it.

These voting proposals affect one of the fundamental processes of Government, the electoral process. They should be studied carefully as to their effect and constitutionality. It is not a question of "denying people the right to vote." It is a question of the proper exercise of the legislative function.

I would hope that the northern press will profit from this experience, and I also trust that each Member of the Senate will study every one of these proposals carefully and thoroughly. There are indications that the Senate has decided to act in a responsible fashion. I am not surprised, because I have faith and confidence in the wisdom of the Senate and in its traditional respect for the rights of all our people all over the land.

If the Senate is to act in the public interest, it must not be stampeded by the emotions of the hour or the pressures of political expediency. We Senators from the Southern States will continue to discuss the sections of the Dirksen substitute on their merits as they come before us. This is not a "niggling controversy." It is a debate of great consequence to the people of America and to their fundamental freedoms.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the several editorials referred to, published in the Washington Post and Times Herald, including the one published in this morning's Washington Post and Times Herald, as well as a letter printed in this paper this morning, written by the distinguished Senator from Michigan [Mr. HART], pointing out some of the things which need to be cleared up in the proposed legislation.

There being no objection, the editorials and letter were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 29, 1960]

WHAT A CAUSE CELEBRE

Let no one call this niggling controversy in the Senate a great debate. It is true that passions have been aroused and tempers are already becoming frayed. Southern orators are crying "tyranny," "torture," and "inhumane treatment." Senator HILL conjured up the bogey of another Reconstruction era. Senator RUSSELL pretended that incendiary organizations are playing with matches—thus creating a danger of setting off some very tragic situation." Senator THURMOND insisted that he and his colleagues will "fight to the finish" for some great principle. But what is the cause for which these men are risking their lives and their standing before the bar of world opinion?

Boiled down to fundamentals, their demand is for a free hand in denying citizens of the United States the right to vote. No amount of shouting, eloquence, or windbaggery can obscure this basic fact. The Civil Rights Commission which Congress itself created has shown that about 25 percent of the southern Negroes of voting age are registered as compared to 60 percent of the white population of voting age in the same area. The evidence that Negroes are deliberately and arbitrarily kept out of the voting booth because of their race is overwhelming. Everyone with a grain of honesty in his system knows that the present struggle has come about only because the South insists on continuing this gross discrimination.

The controversy would not look so bad if the issues were being determined for the first time. Actually, the real issue was decided just 90 years ago. Congress proposed and the States ratified an amendment to the Constitution which provides:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Yet nine decades after this policy was solemnly written into our fundamental law a group of Senators sworn to uphold the Constitution are asserting the right to make it a mockery. In the world's greatest democracy they are trying to make a cause célèbre of racial disfranchisement. Their onslaught against the right to vote by means of a filibuster, which even prevents the Senate from voting on a reasonable remedy, is a shoddy performance indeed; States rights are being invoked to camouflage the denial of other rights.

Of course, it would have been better if the States themselves had respected and applied the 15th amendment when it was first enacted. But most of the Southern States have failed to do so. In the light of that record, is there any shred of reason in asking citizens to wait another 90 years for recognition of rights that were spelled out so clearly?

Anyone who is willing to look facts in the face knows that the people made Congress the special guardian of the right to vote in 1870 because the Southern States had not dealt fairly with Negro citizens. History has proved the wisdom of that decision. But history can only condemn the long failure of Congress to make use of this power. Now at last the issue has been joined. It cannot be regarded as one of the great questions of our day. Rather, it is a belated effort to clear up an item of unfinished business from the 19th century in the face of a stubborn backwash from the tragic era when freedom was thought to be a white man's monopoly.

[From the Washington Post, Mar. 2, 1960]

THE ISSUE BEFORE THE SENATE

Senator RUSSELL's scathing denunciation of our editorial on voting rights (What a Cause Celebre! Feb. 29) had several salutary consequences. First, it focused the debate on the bill before the Senate. Second, it raised at least some hope that southern opposition to the voting provisions of the civil-rights bill may be softened or abandoned when the going becomes rough. Third, it showed how extremely vulnerable the whole case of the filibustering Senators actually is.

The Senator made a heroic effort to convince his colleagues that this newspaper is trying "to deceive the people as to the real purpose of the pending, misnamed civil-rights legislation." The editorial in question, he said, tried to make it appear that only voting rights were at stake. Actually, he said, he sees only a minor objection to the provision requiring the States to keep their voting records and make them available to the Attorney General. Even the vote-guarding referee plan he places "well down the list in the order of obnoxious proposals in the legislation."

Well, this seems to be an important concession, despite the Senator's denial, and we think it should be regarded as such. In making his concession in order to discredit the editorial, however, the Senator distorted what we actually said. We did not, of course, pretend that the entire bill is concerned with voting rights. What we did say is that "Boiled down to fundamentals, their (the filibustering Senators') demand is for a free hand in denying citizens of the United States the right to vote." At one point in his excoriation the Senator left off the qualifying phrase.

We continue to insist that the voting provisions are the heart of the bill. In our opinion, a vast majority of the sponsors of the bill so regard them, and for good reason. For the first time they would provide machinery by which the right of Negroes to vote could be protected in the South.

Mr. RUSSELL wants to play down opposition to voting because such opposition is indefensible in a free country. Let no one suppose, however, that he has at this point

dropped such opposition. On the contrary, he indicated that he is "ready to fight this bill [presumably the entire bill] to the death—whatever this may entail * * *." Apparently he just wants to avoid leading with so fragile an argument.

It is interesting to note that the Supreme Court on Monday upset the absurd contention of Mr. RUSSELL's home State of Georgia that the Civil Rights Act of 1957 is unconstitutional. The case arose out of the efforts of the Attorney General to protect the right of Negroes to vote in Terrell County. The Court has given the Department of Justice a green light to go ahead with its attempt to put Negroes on the voting rolls, but the chairman of the vote registration board says that he will continue its discriminatory practices. In the face of this kind of defiance, it does Senator RUSSELL little credit to pretend that voting rights in the South are not a major issue.

And what of the other provisions of the bill before the Senate? Section 4 at which Senator RUSSELL directs his most bitter epithets is an innocuous recognition that desegregation of public schools has become the law of the land. The Senator sees it as an unholy "mandate to local school trustees of every school district to get out and mix races in the public schools of this country." Where has Mr. RUSSELL been during the last 6 years?

The Supreme Court has found that desegregation of public schools is required by the law of the land. Congress can change that law only by constitutional amendment. The bill before the Senate would merely recognize the existing situation and offer help to the States in adjusting their school systems to the inevitable. This is an admirable example of responsible policymaking. How can Mr. RUSSELL and his colleagues deceive themselves into supposing that this is a sinister plot? On the contrary, it is the essence of orderly government.

Nor has any serious objection been raised to the other sections of the bill. These would forbid riots aimed at upsetting desegregation decrees of the courts; penalize the flight of church- and school-bombing hoodlums across State lines; provide education for children living on Federal property when the local agencies fail to do so; and provide a statutory footing for the Commission on Equal Job Opportunity. Some of the legal language in the bill may be objectionable, but we think that the ends sought are highly commendable.

By far the most important provisions, however, are those throwing additional safeguards around the right to vote. Senator RUSSELL and his colleagues must expect to feel the sting of the country's reproach until they withdraw their obstructionism intended to defeat this fundamental right of American citizenship. The only way in which the filibusterers can escape the stigma of their antivoting-rights crusade is to accept these provisions and let the debate be centered on the remaining less significant issues.

[From the Washington Post, Mar. 3, 1960]

NO COLOSSUS OF RHODES

A number of men of whom this Capital is fond have been diminishing their luster during the civil rights debacle in the Senate. It is distressing, for example, to see such a stout champion of humanitarian legislation as Senator LISTER HILL, of Alabama, abetting the southern extremists. It is dismaying that Senator JOHN SPARKMAN, of Alabama, a former Democratic vice-presidential nominee, has been lending his prestige to the Alice-in-Wonderland effort to paint the voting rights bill as an invasion of civil liberties. It is disturbing that other respected southern Senators have supported Senator RICHARD RUSSELL's attempt to label those who disagree with him as liars or Senator OLIN JOHNSTON's absurd charge that proponents of voting rights have fallen for a Communist plot to destroy constitutional government.

But the onus falls most heavily upon the chairman of the Foreign Relations Committee, Senator J. WILLIAM FULBRIGHT, of Arkansas, because more is expected of him. Mr. FULBRIGHT is a Rhodes scholar and a former university president. By virtue of his role in foreign affairs he is looked to for sane comment and leadership above sectionalism. He is the author of so enlightened a piece of legislation as the scholarship program that bears his name, and during the McCarthy era he gained justified acclaim for his sometimes solitary protests.

Can so intelligent a man seriously contend that present voting protections are adequate without considering the reasons why enforcement of them has been frustrated in large areas of the South? Can he contend with a straight face that there is no voting discrimination despite the irregularities in Louisiana and the outright defiance in Georgia? Can he really believe, as he stated, that "It is merely apathy which keeps more Negroes from voting in the South and, indeed, through the Nation"? Can he be so blind to the real causes of trouble as to think that it is the effort on the part of northerners to impose certain conditions on the South that may give the Communists an opportunity to try to demonstrate to the world the weakness and deterioration of the democratic system in this country?

In short, is Mr. FULBRIGHT doing justice to himself, his position, and the dignity of the body he represents by joining in this cabal of know-nothingism? In particular, does he relish his Alphonse and Gaston colloquies with Senator JAMES EASTLAND, of Mississippi, who refers to decisions of the Supreme Court of the United States as crap and tripe?

[From the Washington Post, Mar. 12, 1960]

SENATE STRIP TEASE

The vote of the Senate to table all of section 1 of the civil-rights bill is a disappointing sequel to its more moderate actions of Thursday. We thought the Senate showed good judgment in rejecting cloture at this time and in turning down the amendment sponsored by the northern liberals to authorize Department of Justice suits for injunctive relief in all civil rights cases. But in ripping out the entire first section of the Dirksen bill the Senate went too far.

This action appears to have been a direct result of Senator LAUSCHE's attempt to broaden section 1. That section was originally intended to enable the Government to cope with riots of the Little Rock type without the use of troops. Penalties were provided for anyone who obstructs a school desegregation order of a Federal court. Mr. LAUSCHE argued that the penalties should be extended to anyone who interferes with a court order in any kind of case, and the Senate agreed with him by a 65 to 14 vote. While there is logic in this argument, the fact is that law-enforcement officials see no practical need for granting this power beyond the scope of desegregation cases, and the generalization would have raised serious questions about the impact of the provision on labor disputes. This apparently caused the Senate to toss out the entire section on a motion by Senator MORSE.

Perhaps the House can repair the damage, as this provision in its restricted form is part of the bill reported out by its Judiciary Committee. The effect of the Senate vote is to throw a great deal of new emphasis on the importance of what the House is doing.

[From the Washington Post, Mar. 15, 1960]

THE RIGHT TO PROTEST

As the House of Representatives moves into detailed consideration of the civil rights bill, it ought to take a close look at the language of the section penalizing obstruction of court school desegregation orders. This is the section that the Senate struck out of the Dirksen bill last Friday after Senator LAUSCHE had made an attempt to broaden it so as to apply generally to obstruction of all legitimate court orders.

What troubles this newspaper is the sweep of the prohibition as drafted. The Judiciary Committee bill now before the House, like the Dirksen bill from which the Senate pruned the section in question, would apply to "whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent * * *" the exercise of duties under a court desegregation order. The Lausche bill which the Senate defeated contained much the same language.

The above section is intended, surely, to deal with crank letters or telephone calls—threats of bombing or bodily harm and the like. But if the prohibition were interpreted literally it might also be brought to bear against a mere vigorous expression of opinion. What is a threatening letter? Might a letter published in a newspaper citing the possibility of dire consequences be construed as an endeavor willfully to obstruct, impede or interfere with the execution of a court order?

The language is such as to suggest a serious constitutional issue in abridgment of the 1st amendment. Yet the offensive portion could easily be deleted, it seems to us, without impairing the effectiveness of the measure. If the phrase "by any threatening letter or communication" were eliminated, the use of threats or force would still be a crime.

We believe firmly that final court orders must be obeyed, and we hope that the bill which finally emerges from the House and Senate will contain an effective section on this point. A strong case can be made, as we acknowledged the other day, that the prohibition against interference ought to be focused especially on court desegregation orders, since it is here that the immediate problem arises. On the other hand, interference with legitimate court orders of any sort (as distinguished from lawful opposition) ought to be prohibited irrespective of the issue at stake.

The argument that the attempt to broaden the prohibition as in the Lausche bill might have impaired the rights of labor seems to us on reflection to be rather thin. Labor has a long fear of the injunctive process, but the Lausche bill would apply only to Federal court injunctions—issued principally, as applied to labor, under the Taft-Hartley Act. Possibly the effort to broaden the interference provision would create an unnecessary diversion from the main purpose of the bill, which is the more effective protection of voting rights; and that might constitute a reason to retain the more limited scope. But it cannot be argued that labor ought to be in a privileged category with respect to obedience to court orders.

In any event, whether the House broadens the prohibition or restricts it to interference with desegregation orders, we hope that legislators will eliminate the unnecessarily sweeping definition of threats. In this as in all other legislation Congress needs to be careful lest, in the objective of furthering civil rights, it impose fetters on the right of protest.

[From the Washington Post, Mar. 15, 1960]

REFEREES OR REGISTRARS?—LETTER BY SENATOR PHILIP A. HART, OF MICHIGAN

In the Senate on March 10 I attempted to point out some of the major defects in the Attorney General's voting referee proposal. I did this in the hope that I might restore a

sense of perspective to the debate over what would be an effective civil rights voting bill.

This appears to be especially necessary in view of the impression which both the President and the Attorney General have given the country during their press conferences in January and February, when they labeled the Civil Rights Commission recommendations for temporary Federal registrars as "possibly unconstitutional" and "unworkable." Neither of these criticisms has been substantiated, but the fact that they were voiced has left confusion between the referee and registrar approaches.

The difference between them is relatively simple. The referee approach would provide an officer appointed by the court to help the court make its determinations and carry out its orders. The registrar approach would provide an officer appointed by the President to perform administrative or clerical functions under State law where State officials fail to do their job or have resigned. Understanding this difference is crucial, if we are to get more than a handful of Negro citizens registered.

Under Attorney General Rogers' plan it would be necessary first for the Federal court to find that there is racial discrimination in registration and voting in a case brought under the 1957 act by the Attorney General. If the court were to make this finding—and only one has been made since the 1957 act was approved—the Attorney General would then ask the court to appoint a referee who would review the cases of others in the area who claimed to have been disfranchised.

Before he went to the referee, however, the individual would first be required to go to a State officer and be turned down. If the referee found that he had been turned down, he would report this to the Federal judge. At that time the State would be permitted to challenge the referee's action by appealing the finding.

The defects in this procedure are many. The most important are: (1) it is cumbersome and invites delay; (2) it subjects the disfranchised citizen to obstacles of public harassment not encountered by other citizens; (3) it involves the courts in administrative functions which are not the courts' job; and (4) it raises questions of constitutionality when it permits referees to act without hearing both sides and without allowing the right of confrontation and cross examination on material issues.

In addition, it will come as no surprise to lawyers that the means are available under present law to designate officers to function as would the referees.

On the other hand, the proposal of the Commission embodied in the new bill proposed by Sen. Thomas C. Hennings, Jr., would permit the findings of racial discrimination to be made by the Commission on Civil Rights, authorize the appointment of registrars who would do the same job which the State official refused to do.

It would provide for full review in the courts of any action of the Federal officials, but would do so in the same way that any other citizen's ballot is challenged—after the ballot is cast. It would put those who interfere with the proper action of registrars in jeopardy of violating a Federal court injunction which is authorized under the act.

In my remarks to the Senate I tried to emphasize that what disfranchised citizens need is not the right to go to court, but the right to go to the voting booths like everybody else. The Rogers proposal is a tedious and laborious judicial approach. We are faced with systematic mass disfranchisement, with not one of 214,213 Negro citizens registered in some 57 counties. What we need is a systematic administrative remedy.

I concur with Father Hesburgh, who expressed the conviction of the Civil Rights Commission: "We all knew that something must be done about this situation, and done as quickly and as simply and as cleanly as possible."

In my view, the administration's proposal does not meet these objectives.

PHILIP A. HART,
Senator From Michigan.

Mr. SPARKMAN. Mr. President, I also ask unanimous consent to have printed in the RECORD an editorial published in the Wall Street Journal of March 14, 1960, entitled "The Cloak of Words."

It has been interesting to note in the last few days the editorials in various newspapers admitting there is, after all, some merit in extended debate.

The being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CLOAK OF WORDS

No one expected the Senate to get the two-thirds vote necessary to limit debate on the civil rights bill—a minority of southerners were supposed to block that.

But as matters turned out, the proponents of the legislation couldn't even muster a simple majority of the Senators willing to turn off the talk against the bill.

The result has been a bit of confusion as to what happens next. It has also, it seems to us, confused the arguments of those who pictured the filibuster as the wicked machination of a stubborn minority thwarting the set will of the majority of the Senate.

The Senate rules, as everyone knows by now, provide that no legislation shall be voted upon until every Senator has had his say, unless two-thirds of the Senators agree to halt debate. The Senate has invoked cloture upon occasion, but rarely.

The purpose of these rules is not to favor a minority southern bloc, although the casual follower of current events might suppose so. The purpose is first of all to make sure that any great issue is fully debated before irrevocable decisions are made; and, beyond that, provide a deliberate brake against a simple majority running roughshod over a large minority on issues of very great moment.

Now it's quite true that these rules—like many other procedural safeguards in our constitutional system—are sometimes put to strange uses. The right of unlimited debate can be used not to debate but simply to delay. The words of a filibuster can be a cloak to cover many things, and it is this aspect of it that has many times brought the filibuster into public disfavor.

But the disfavor, be it noted, has a strange way of shifting. Last week, for example, Senator MORSE, of Oregon, voted to shut off debate because he did not agree with those talking. Yet upon another day and another issue it was Senator MORSE who invoked for himself the same right to talk; for a long time he held the Senate's filibuster record.

Moreover, the power to talk has been vastly overrated as a power to halt the Senate from what it would do. A Senate of a 100 men which truly wanted to vote on an issue could, if it chose to do so, outlisten any handful of Senators. Others besides Senator MORSE have shown remarkable endurance at steady talking, but human endurance still has an end.

The truth is that there are a good many Senators outside the southern bloc who might have had some hard choices to make if forced to vote on this particular bill. The filibuster by the determined opponents delivers them from the necessity of voting on the bill itself and offers them at the same time a whipping boy to castigate.

Thus while there were only 18 Senators who by their talking openly sought to put off a vote on this controversial legislation, there were 52 Senators who, on the test, were opposed to suspending the debate and thus hurrying the bill to a vote.

All this suggests, we think, a little perspective on last week's events and the controversy over the ancient safeguard of unlimited debate provided in the Senate's rules.

What ought not to be obscured in the cloak of words is that the will of the Senate was not thwarted by a handful of Senators. When the Senate gets a civil rights bill which the majority is truly determined to have, then the Senate will have it, filibuster or no.

ONE HUNDRED AND TWELFTH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

Mr. BUSH. Mr. President, today marks the 112th anniversary of the victorious Hungarian revolution against czarist Russia. That revolution was crushed by the czarist army, just as the 1956 revolution was crushed by the tanks of the Soviet Union.

We can imagine the yearning which exists in the hearts of the Hungarian people on this anniversary. They yearn for the freedom, the liberty, and the human dignity which have been denied them by the evil of Communist imperialism.

While criticizing the Western countries and the colonialism of the past, the Soviet Union continues to perpetrate the colonialism of today as it insists on keeping its small neighboring states in slavery.

Throughout the free world, there are being held plebiscites and national referendums granting the right of self determination to the many new nations that are emerging throughout the world. Khrushchev and his henchmen, on the other hand, have their armies at the throats of the Hungarian people and many other nations.

Why do not we hear Khrushchev calling for a plebiscite in the satellite countries? Why do not we hear Khrushchev proclaiming his advocacy of the principle of self-determination? The obvious answer to these questions is that any plebiscite or any referendum would unquestionably produce a defeat for communism. We note the historical fact that never has any country voted, through a free, democratic process, to adopt the system of communism.

We convey to the Hungarian people our fervent desire and our faith that their days of bondage will not long endure. The free world has not forgotten Hungary, nor has it forgotten the other nations which are caught in the web of godless communism.

On this anniversary of the revolution of 1848, we say to the Hungarian people that the free world will continue to work toward their liberation from the whiplash of communism.

Mr. JAVITS. Mr. President, I wish to join in the celebration of the 112th anniversary of the Hungarian revolution of 1848, which is being held today. The brave people of Hungary have been spirited fighters for freedom for many generations, and no conqueror has ever

been able to crush for long their determination to be free.

American ties with the people of Hungary, who are now held captive by the Soviet Union and local Communist rulers, are much more than bonds of sympathy and understanding. For millions of our citizens who trace their ancestry to this ancient land, these are ties of blood. For other Americans, there are strong bonds of history and tradition in which the names of such great freedom fighters as Louis Kossuth figure prominently.

The American people, through the Congress, have set themselves unequivocally on record as being strongly in support of the national aspirations for liberty of the Hungarian people, and their burning desire for freedom from Communist tyranny. I deem it a privilege to be able to contribute my voice in some small measure to this heroic struggle.

Mr. President, I ask unanimous consent that a "Memorandum on the Hungarian Problem To Be Presented to the Honorable Members of the U.S. Congress," by a distinguished Hungarian organization, the Hungarian Committee, headed by Msgr. Bela Varga, known so very well to all of us, and by Mr. Ferenc Nagy, be printed as a part of my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON THE HUNGARIAN PROBLEM TO BE PRESENTED TO THE HONORABLE MEMBERS OF THE U.S. CONGRESS

After World War II, the democratic political leaders did their utmost to establish a truly democratic system of government in Hungary in accordance with the will of the people as manifested in the free elections of November 4, 1945, when the Communists were not able to muster more than 17 percent of the votes, despite Soviet occupation and Communist terror.

However, unfortunately, the Hungarian people were not duly sustained by the Western allies in their efforts of developing and preserving the democratic institutions of the Hungarian Republic. The sad fact that the Western Powers had tolerated that there be no rotation in the chairmanship of the Allied Control Commission in Hungary, had enabled the permanent Soviet chairman to intensify gradually the direct Soviet interference in all domestic matters of the country.

Despite this direct Soviet interference which was virtually sanctioned by the mere presence of the two Western members in this Control Commission and following the elimination of the leading democratic politicians in the Hungarian Republic, the Hungarian people made another desperate demonstration of their unshakable will to reestablish a democratic system of government. In the elections of August 31, 1947, ordered to be held by the Communist Party chief, Matyas Rakosi, the Communist Party polled only 20 percent of the votes. It was Rakosi's aim to erase the non-Communist majority by fraud and terror, exploiting the psychological effect of the presence of Soviet troops.

Transformed in 1949 into a so-called People's Republic whose institutions were set up on the Soviet pattern, Hungary's entire public life, economy and territory was placed under the Kremlin's control in striking defiance of the agreement on liberated Europe and the Hungarian Peace Treaty, both signed by the Allied Powers and the Soviet Union.

The nationwide Hungarian Revolution of October 23, 1956, left no doubt that the Hungarian people, even the youth and the working class, in spite of 10 years of indoctrination, rejected the Communist system and foreign domination. However, while they were ready to sacrifice their lives for freedom and democracy, they very realistically stressed in their political manifestations the necessity of good neighborly relations with the powerful Soviet Union. The authentic spokesmen of the revolution had many times declared that they were not intent on converting Hungary into an anti-Soviet state. On the contrary, they emphatically advocated the idea of an internationally recognized neutrality as this was officially proclaimed by Premier Imre Nagy's government.

All these facts have been established by the United Nations Special Committee on the Problem of Hungary, and accepted by the United Nations General Assembly as trustworthy evidence of the bad faith of the Soviet Union which did not shrink from the assertion that the spontaneous Hungarian revolution was the result of a plot of Hungarian Fascists and foreign secret services.

This Soviet version was completely reversed by Khrushchev himself when he bluntly declared in an off-the-cuff speech delivered in the Ganz factory in Budapest on December 2, 1959, that the revolution was crushed because the Soviets wanted to preserve by force the Communist regime in Hungary. He also openly admitted that the revolution was due to the extreme despair of the Hungarian people as a reaction to Rákosi's terror regime. His third sensational revelation was that even his colleagues in the party presidium had misgivings that the Soviet military intervention in Hungary might be "misconstrued" abroad.

Thus, these revelations have strikingly confirmed, even on the part of the Soviet Union, the facts established by the United Nations factfinding organ on the real causes of the revolution and the brutal crushing of the uprising by the Soviet tank divisions.

The United Nations General Assembly has, since 1956, successively adopted 12 political resolutions on Hungary, demanding the withdrawal of Soviet troops and free elections under international control, while condemning the Soviet Union for the brutal crushing of the victorious Hungarian revolution. The Soviet defiance of these resolutions has gravely affected the prestige of the world organization by creating a dangerous precedent for the impunity of members who do not comply with the General Assembly resolutions.

Although the political actions of the United Nations could not be enforced, the mere discussion of the Hungarian situation during the periodical debates of the General Assembly on Hungary kept alive the Hungarian people's spirit of resistance under a seemingly quiet surface. However, it was shocking for Hungarians at home and abroad that 3 days after the adoption of the latest U.N. General Assembly resolution on Hungary, December 9, 1959, the very same high U.N. body accepted Hungary as a member of the Committee for the Peaceful Exploration of Outer Space December 12, 1959).

By this totally unexpected and inconsistent move the General Assembly accepted the Kadar regime as an equal international partner, although the Hungarian delegation's credentials were not approved, with the motivation that it was issued by a regime which was placed in power by the Soviet armed forces in 1956. This move, which was supported by the Western Powers, virtually amounts to the rehabilitation of the Kadar regime and thus means a complete Western capitulation in the Hungarian case, which is now noisily exploited by the Communist propaganda in Hungary and abroad.

It is the most revolting injustice in the 20th century that the Hungarian people with a record of a thousand years of independence is languishing in the most ruthless colonial bondage of the Soviet Union, while even backward peoples are attaining nationhood and independence, one after another, thanks to the help of the Western Powers.

The present situation in Hungary may be briefly illustrated as follows: increasing persecution of the patriots, secret trials and executions, a ruthless drive for the collectivization of agriculture, institutional violation of the basic human rights, psychological exploitation of the presence of Soviet troops, overcrowding of the forced labor camps, control and persecution of the clergy.

Speeches of Communist Party leaders delivered at the party congress in December 1959, clearly indicate that Moscow wants to tighten the regime in Hungary despite the period of thaw in East-West relations. This mirrors the Soviet determination to present Hungary as a completely socialized state as soon as possible in order to eliminate one of the most outstanding problems in Eastern Europe, and to make it, thus, disappear from the United Nations General Assembly agenda, also.

For all these reasons the Hungarian people who had not received any Western diplomatic or political assistance in the victorious days of their life-and-death struggle for freedom, now rightly expect that the Western Powers seize the very first East-West summit meeting to be held after the adoption of 12 United Nations resolutions on Hungary, to pose the grave problem of noncompliance with the United Nations resolutions to the Soviet Union.

Both the juridical and moral obligations of the Western Powers and the preservation of the prestige of the United Nations equally demand that the Western Powers bring up forcefully the Hungarian question at the forthcoming summit meeting.

Mr. KEATING. Mr. President, March 15 marks the 112th anniversary of the victorious Hungarian Revolution of 1848, a revolution that was crushed by the Czarist army just as the 1956 revolution was crushed by the tanks of the Soviet Union.

Revolutions may be crushed by tyranny, but the great names of history cannot be obliterated from the memory of free men. Such a name was Louis Kossuth. In 1848, this splendid fighter for freedom led his brave Hungarian fellow men in an insurgent action which resulted in the abolition of serfdom, and the proclamation of the inalienable rights of freedom.

We who live in a free land must always think of the Hungarian people as blood brothers in the sublime human cause of liberty and democracy. This day must remain in our hearts and thoughts as imperishably as the courageous acts which made it such a glorious page in the history of Hungary, in the history of freedom. Because Hungarians now bowing under tyranny's yoke in their native land are not permitted to mark the anniversary date of their liberation, it is all the more incumbent upon us who draw the breath of freedom to pay due homage on this day to a brave and magnificent people.

That the fire of liberty still flames in Hungarian breasts is a truth that history has recorded. The revolution of 1956, that splendid if smothered cry of a great people, testifies to the indomitable spirit

that must one day break the bonds that shackle it to the tyranny of communism.

Free Hungary lives for us not only in the spirit of its people, but also in the vital and continuous contribution of Hungarians who have come to the United States and enriched our national life by their talents, their energies and their exemplary citizenship.

In this day of homage to a great people, let us reaffirm our devotion to their cause, and express, in particular to the Hungary fettered still in the chains it so bravely tried to break, our fervent hope that the day of deliverance will be hastened, and Hungary will be, as in the past, the homeland of free men.

At this time our hearts must go out particularly to those brave Hungarian freedom fighters whose valorous acts in 1956 have doomed them to an imprisonment that still continues. I have been proud and honored to associate myself with a number of my fellow citizens in a petition that expresses the fervent hope for an amnesty in the case of these courageous Hungarian defenders of the cause for which they gladly risked their lives and their futures.

This petition was sent to me by Monsignor Bela Varga, who is chairman of the Amnesty for Political Prisoners in Hungary Action Committee, and who has been a tireless leader in all efforts to aid his countrymen now trapped behind the Iron Curtain.

Mr. President, I ask unanimous consent to have this amnesty petition printed at this point in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

AMNESTY FOR POLITICAL PRISONERS IN HUNGARY—DECLARATION OF AMERICAN CITIZENS

We, the undersigned, fully recognizing the great responsibility incumbent upon us in this age when man has the means of total destruction, solemnly declare our intention to serve the most important cause, the preservation of peace.

We agree that all efforts must be directed to that end and every possibility must be employed to ameliorate those problems which result in the present dangerous world tensions. To attain the desired goal all nations must show evidence of their good faith.

We firmly believe that one of the disturbing elements in the effort toward mutual understanding is the fate of those Hungarians who participated in the revolt of 1956. If there is a spirit which radiates understanding and forgiveness, we think that those Hungarian political prisoners, regardless of their age and sentences, must be forgiven, too.

Therefore, we are appealing to the understanding and consideration of the Communist leaders to grant an amnesty to Hungarian political prisoners, gratifying those throughout the world who are yearning for peace and justice. We hope that the Communist leaders will recognize their own responsibilities in connection with our demand and they will act according to their conscience, and with humanity.

Done in the month of March 1960, in the United States of America.

Mr. SCOTT. Mr. President, today is the 112th anniversary of the Hungarian Revolution of 1848.

It is especially important that we note this anniversary date, because that government was wiped out shortly later by Czarist Russia, just the way free Hungary was shackled in more recent years by Soviet Russia.

As a member of the American Friends of the Captive Nations and of the Emergency Committee for U.N. Action on Hungary, I want to call attention to the plight of Hungarians in advance of the East-West summit conference.

As many of us know, whenever the Hungarian people have been able to express their will, they have emphatically voted for freedom and independence. In a free election in November 1945, the Communists were not able to muster more than 17 percent of the votes in Hungary. In August 1947, the Reds polled only 20 percent of the votes.

But by 1949, Hungary was put under Kremlin control and a so-called People's Republic was superimposed upon the nation. Despite years of Communist indoctrination, on October 23, 1956, the Hungarian people rose in defiance of the Communists and only by brute force did the Russians restore the Communist government.

Since then the Communists have instituted a reign of terror that surpasses even Stalin's fanaticism.

A ruthless campaign was launched in 1959 to force peasants back into the kolkhozes they had left during the revolution. State control of church affairs was established by purging hundreds of clergymen, both Catholic and Protestant, and by exacting oaths of allegiance from the rest.

Labor brigades have been organized among the youth to do dangerous and arduous work.

The estimated total of political prisoners in concentration camps is at least 50,000. The chief public prosecutor, speaking before the Budapest National Assembly last year said:

We will vigorously crush our enemies and all troublemakers who disturb our social system.

It is important that we in the Congress recite these facts, unpleasant though they are. They are reminders to us that we must be ever on the alert against bartering the lives of freedom-loving peoples for some temporary gains in international affairs. And our restatement of these facts are reassurance to the captive peoples that we are aware of their slavery and are constantly working toward the day when they may rejoin the assembly of free and independent nations.

JOHAN LUDVIG RUNEBERG

Mr. HUMPHREY. Mr. President, the birthday of Johan Ludvig Runeberg, a great poet revered by the people of both Finland and Sweden, was celebrated on March 5.

This gifted and talented son of a Swedish sea captain, born in Finland 154 years ago, was the national poet of Finland and one of the most loved men of letters in Sweden. In his early youth Runeberg showed keen interest in native folklore, in popular literature, particularly in the literature which has survived in verse. While studying literature at the University of Abo, he became so intensely interested in folklore that he interrupted his studies there, went out to the countryside and, in a number of villages, he heard people recite and sing old Finnish folk songs. He wrote these down, and years later when he began composing his great poems, these folk songs, as preserved in the hearts of patriotic Finns, served him as his most inspiring source.

The fame and greatness of Runeberg rests on a series of popular poems on the Finnish war of independence of 1808, a war in which Swedes supported the Finnish cause through and through. With the publication of these poems he attained national fame and was proclaimed Finland's national poet. His poems, showing much originality and great power, formed the first firm link between the Finns and Swedes. In this he was, in a sense, a great forerunner for international amity and comradeship, and no doubt that is why he is beloved and honored by both the Finns and Swedes. Blessed be the memory of this great and gifted son of Swedish parents, the patriotic national poet of Finland.

THE ALLEGED DISCRIMINATION AGAINST NEGRO EMPLOYEES OF CIVIL RIGHTS COMMISSION

Mr. THURMOND. Mr. President, the ridiculous state of affairs which has been reached in connection with the subject of the pending amendment is well illustrated by an item which appeared in the news releases a few minutes ago. The item speaks for itself.

An attorney who quit his job with the Civil Rights Commission today accused Staff Director Gordon Tiffany of discriminating against Negro employees of the Commission.

John T. R. Godlewski called a news conference to air his grievances against Tiffany, a former attorney general of New Hampshire.

Godlewski, 42, an attorney with the Commission since November 1958, said: "There have been numerous instances of discrimination against Negroes in the Commission."

Stressing that his quarrel was with Tiffany and not with the six Commissioners, Godlewski said his Negro secretary was asked to resign before marrying a German white girl last August. The Negro met the girl while stationed in Germany with the Armed Forces, Godlewski said.

Godlewski also said Negroes were given lower grade ratings than whites even though they had equally high scholastic standings.

AMERICAN TARIFF PROBLEMS

Mr. MURRAY. Mr. President, in the past decade the United States has increasingly provided worldwide leadership in reducing international trade barriers. We have not only reduced our own tariffs through GATT and also in those areas not covered by GATT, we have persuaded other nations to reduce their own tariffs. Sometimes the net results of our efforts have been very gratifying; unfortunately, there have been instances in which the net result has been damaging to American industry. Nevertheless, we have plowed ahead with this program hoping that our leadership would set an example for all the nations of the world

engaged in international trade and commerce. However, when sincere and earnest efforts are not met with reciprocity then we must reexamine not the objectives of our world trade policies but the results they have developed.

During the past 3 or 4 years the United States has been experiencing a greater imbalance in our export-import payments. In the past year many of our Government, financial, and commercial interests have expressed real concern over this imbalance and the resulting outflow of gold from the United States. At this time there are clear signs that as a nation our exports are facing increasing opposition in many parts of the world. The time has now come when we must redress the imbalance of our trade payments and protect our commerce and industry against the imposition of higher foreign tariffs.

When individual nations raise tariffs against goods from our primary industries such as aluminum, that industry can expect to suffer when exporting to those nations. While the aluminum industry may not be able to overcome losses in its trade with an individual nation that raises its tariff it may hope and seek to increase exports to other countries in the same trade area. However, when six major European nations band together to form a so-called Common Market and spread over themselves a tariff blanket of 10 percent against primary aluminum pig, then the blow to this U.S. industry is severe and must be countered.

While reciprocation in kind may not be the most desirable step in international trade the United States can take, such action is immediately available and most likely to produce results.

Our aluminum industry is now faced with the situation wherein the price of primary aluminum pig exported to the six European Common Market countries will be increased by a 10 percent tariff. At the same time European countries are selling primary aluminum in the United States for 22 cents a pound. The domestic price of primary aluminum in the United States currently is 26 cents a pound. The most immediately effective answer to this invasion is an increase in the U.S. tariff on primary aluminum pig to 4 cents per pound.

TRIBUTE TO CHANCELLOR KONRAD ADENAUER ON THE OCCASION OF HIS VISIT TO THE UNITED STATES

Mr. KEATING. Mr. President, this Nation is signally honored by the visit to our shores of Dr. Konrad Adenauer, Chancellor of West Germany. Dr. Adenauer has arrived for talks of high political importance, set in the context of the forthcoming East-West summit discussions.

The United States receives Dr. Adenauer with the warmth of welcome reserved to old and admired friends. A legend in his lifetime, this preeminent German statesman symbolizes to the world both the free spirit of West Germany and its resurgence to a position of strength and prestige in the Western World. The principles and policies espoused by Dr. Adenauer have contributed immeasurably to the rise of Germany from the rubble of war to a position of stability and of respect in the global sphere.

The Chancellor's visit at this time is the more pointed and meaningful because of the impending decisions to be taken at the summit conference in the matter of the status of West Berlin. Premier Khrushchev has applied constant pressures for acceptance of his demand that the West leave Berlin and acknowledge the permanent division of Germany. In the face of this threat to the freedom of West Berlin and to the unity of free Germany, it must remain our pledge and our intent to direct our efforts toward the preservation of the territorial integrity of West Germany.

In another aspect of the free world struggle for true democracy and for the dignity of man, it is heartening to note that Chancellor Adenauer and Prime Minister Ben-Gurion of Israel have met during their concurrent visit to the United States. It was the Chancellor's firmness in rejecting the Nazi past, and in his incisive condemnation of recent anti-Jewish acts in West Germany, that have made possible this desirable and fruitful meeting.

PROTECTION OF RIGHTS OF NEGROES AGAINST RACIAL DISCRIMINATION IN VOTING

Mr. HENNINGS. Mr. President, I shall this morning, within the time limitation applying to the morning hour, attempt to sum up briefly the subject of an effective bill to protect the right of Negroes against racial discrimination in voting.

To a Negro, be he highly educated or uneducated as the case may be, who has never had the privilege of voting in an election the voting booth is a foreign land that he has never seen but hopes to visit and an election registration certificate or other similar qualification, is a passport to that foreign land. If the Congress desires to make it realistically possible for that Negro, who, for purposes of discussion we shall assume can meet the qualifications under State law, to vote, the Congress will have to enact legislation providing for a simple routine procedure without encumbrances and delays for that Negro to be registered or qualified to vote. Anything else we enact will be a sham.

The Attorney General of the United States has suggested that the unregistered Negro is to first try to get registered by State officials who probably have either already refused to register him or some other Negro in his community and after they have declined to register him, he is to seek out a court referee who is appoined by a Federal judge following what will probably be protracted litigation. I suggest, Mr. President, that first getting refused by a State registration officer and then going to the courthouse and finding the referee in his law office and having his testimony taken down by a stenographer, will not be in the eyes of an unregistered Negro a simple routine matter. No, this procedure is law business of a very special kind.

In contrast to this many Senators, including myself, have offered legislation in one form or another providing for a simple routine registration or enrollment procedure before a Federal Government official appointed by the President. Later on today or at some later appropriate time I shall speak in as much detail as possible laying out point by point insofar as time allows the reasons why in my opinion the referee proposal would be bad legislation and why the enrollment officer proposal offered by me or some similar proposal which relies primarily on an administrative official not connected with the courts to register qualified Negroes is much to be preferred.

In summary, for the moment, let me say that the referee proposal would, under the best circumstances, be ineffective, full of delay, and of doubtful constitutionality—depending on what version is presented. On the other hand, the enrollment officer proposal would, with proper administration, be both constitutional and effective.

While we must concentrate on an effective voting proposal we must not fail to act on public school desegregation at the same time.

The very least we should do is to pass a provision authorizing Federal technical assistance and financial aid to communities wishing to accomplish desegregation of their public schools in compliance with the clear mandate of the Supreme Court in the decisions of 1954 and 1955.

If the Senate feels paragraph (1) of subsection (2) of section 4 of the Dirksen amendment—identified as "2-24-60—1"—is ineptly phrased, I suggest adoption of the language in Senate Concurrent Resolution 64, introduced on July 15, 1959, by the junior Senator from Colorado [Mr. CARROLL] and myself. I ask unanimous consent that the text of that resolution be printed at this point in the RECORD.

There being no objection, the concurrent resolution (S. Con. Res. 64) was ordered to be printed in the RECORD, as follows:

Whereas, in very special situations, the Congress may be called upon to express the sense of its Members on extremely important issues of government and public policy; and

Whereas such a situation exists today with regard to public school desegregation inasmuch as, to date, the Congress is the only branch of the Federal Government which has neither spoken nor acted; and

Whereas the Supreme Court of the United States decided in cases on May 17, 1954, that enforced segregation in public education is a denial of the equal protection of the laws and therefore a violation of the fourteenth amendment; and in the implementing decision the following year (May 31, 1955) the Court directed lower Federal courts to proceed, consistent with the opinion, to admit parties to these cases to public schools on a racially nondiscriminatory basis with all deliberate speed; and

Whereas the Supreme Court has spoken and lower Federal courts have acted; and

Whereas the Chief Executive and the Attorney General of the United States also have spoken and acted, but the Congress has been silent; and

Whereas it is not within the competence of the Congress to express an opinion regarding the legal merit of a decision of the Supreme Court of the United States, and for that reason the Congress neither declares its approval nor disapproval of any particular decision of the Supreme Court; and

Whereas the Congress has an obligation to recognize the right and duty of the Supreme Court to interpret the Constitution of the United States in cases and controversies before it and to state clearly and in the plainest terms the intention of the Congress to enforce, by appropriate legislation, the rights of citizens under the Constitution; and

Whereas the Congress owes to the Nation a duty to destroy the mistaken impression which the silence of the Congress has encouraged that the rights of citizens recognized by the Supreme Court may be defeated with the acquiescence of one of the three great branches of our Government: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a healthy public school system is an essential element today in American life;

(2) in the field of public education the doctrine of "separate but equal" has no place, separate facilities on the basis of racial discrimination are inherently unequal, and racial discrimination in public education should be eliminated with all deliberate speed.

Mr. HENNINGS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point those portions of the Civil Rights Act of 1957 bearing on this problem; an analysis of my amendment to House bill 8315; a detailed analysis of the revised voting referee proposal, and a press release from my office, prepared by me on March 13, 1960.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

UNITED STATES CODE, TITLE 42—THE PUBLIC HEALTH AND WELFARE

§ 1971. Voting rights.

(a) Race, color, or previous condition not to affect right to vote.

All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

(b) Intimidation, threats, or coercion.

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part of the purpose of selecting or electing any such candidate.

(c) Preventive relief; injunction; costs.

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

(d) Jurisdiction; exhaustion of other remedies.

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

(e) Contempt; assignment of counsel; witnesses.

Any person cited for an alleged contempt under this Act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel. (R.S. § 2004; Sept. 9, 1957, Pub. L. 85–315, pt. IV § 131, 71 Stat. 637.)

DERIVATION

Act May 31, 1870, ch. 114, § 1, 16 Stat. 140.

REFERENCES IN TEXT

This Act, referred to in subsec. (e), means Pub. L. 85–315, which is classified to this section and sections 1975—1975e and 1995 of this title, section 295–1 of Title 5, Executive Departments and Government Officers and Employees, and sections 1343 and 1861 of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1957—Pub. L. 85–315, § 131(a), amended catchline by substituting "Voting rights" for "Race, color, or previous condition not to affect right to vote."

Subsec. (a), formerly entire section, so designated by Pub. L. 85–315, § 131(b).

Subsecs. (b)—(e) added by Pub. L. 85–315, § 131(c).

§ 1975. Commission on Civil Rights.

(a) Establishment.

There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) Composition; appointment.

The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) Chairman and Vice Chairman.

The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Vacancies.

Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(e) Quorum.

Four members of the Commission shall constitute a quorum. (Pub. L. 85–315, pt. I, § 101, Sept. 9, 1957, 71 Stat. 634.)

§ 1975a. Rules of procedure.

(a) Opening statement.

The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

(b) Copy of rules.

A copy of the Commission's rules shall be made available to the witness before the Commission.

(c) Attendance of counsel.

Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) Censure and exclusion of counsel.

The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

(e) Defamatory, degrading or incriminating evidence.

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpena additional witnesses.

(f) Requests for additional witnesses.

Except as provided in this section and section 1975d(f) of this title, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

(g) Release of evidence taken in executive session.

No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

(h) Submission of written statements.

In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

(i) Transcripts.

Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

(j) Witness fees.

A witness attending any session of the Commission shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed

from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

(k) Restriction on issuance of subpena.

The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business. (Pub. L. 85–315, pt. I, § 102, Sept. 9, 1957, 71 Stat. 634.)

§ 1975b. Compensation of members.

(a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards. (Pub. L. 85–315, pt. I, § 103, Sept. 9, 1957, 71 Stat. 635.)

§ 1975c. Duties; reports; termination.

(a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than two years from September 9, 1957.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist. (Pub. L. 85–315, pt. I, § 104, Sept. 9, 1957, 71 Stat. 635.)

§ 1975d. Powers.

(a) Staff director; appointment and compensation; personnel and services.

There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of $22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 55a of Title 5, but at rates for individuals not in excess of $50 per diem.

(b) Services of voluntary or uncompensated personnel.

The Commission shall not accept or utilize services of voluntary or uncompensated personnel, and the term "whoever" as used in paragraph (g) of section 1975a of this title shall be construed to mean a person whose services are compensated by the United States.

(c) Advisory committees.

The Commission may constitute such advisory committees within States composed of citizens of that State and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

(d) Exemption from conflict-of-interest statutes.

Members of the Commission, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of Title 18, and section 99 of Title 5.

(e) Cooperation with Federal agencies.

All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(f) Hearings; issuance of subpenas.

The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 1975a (j) and (k) of this title, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

(g) Aid of courts in enforcing subpenas.

In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof. (Pub. L. 85–315, pt. I, § 105, Sept. 9, 1957, 71 Stat. 636.)

§ 1975e. Appropriations.

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act. (Pub. L. 85–315, pt. I, § 106 Sept. 9, 1957, 71 Stat. 636.)

ANALYSIS OF THE HENNINGS' AMENDMENT TO H.R. 8315

This amendment provides that the President may in his discretion appoint from among Federal officers and employees who are registered voters enrollment officers who are authorized to enroll applicants whom they determine meet the voting qualifications under State law. The President is authorized to take this action if either of two things happen: (1) a Federal court finds that persons have been deprived of the right to register or vote because of their race, or (2) the Commission on Civil Rights makes a similar finding under its responsibilities set forth in the Civil Rights Act of 1957. This procedure is purely administrative in those cases where the Commission's findings are relied on and also purely administrative in those cases where the district judge's findings are relied on from the time when the district judge makes his finding. The President does not need to wait until the Supreme Court has made a final decision after appeal. Once a district judge has made a finding of racial discrimination in voting in a case brought by the Attorney General, the Attorney General notifies the President and the President acts in his discretion and may delay appointing enrollment officers for a time of grace in which to give State officials a final chance to administer their State registration and election laws fairly.

The other important thing to keep in mind concerning this amendment is that it provides for State officials and citizens of a State a day in court, but places that day after an election has been held and challenged votes have been cast, counted, and separately preserved. This procedure protects all the essential litigious rights of States and citizens, but prevents obstructions to the effective voting by Negroes.

BRIEF POINT BY POINT ANALYSIS OF THE HENNINGS' AMENDMENT

Section 7(a) makes findings that continual denial of rights under the 14th and 15th amendments requires congressional action.

(b) (1) defines elections to include any general or special election or primary.

(b) (2) defines registration district for the purposes of this legislation to correspond with a congressional district. An area this large is used for two reasons: (1) If for purposes of administering this amendment we used the registration district or area established under State law, a State which wished to resist the enrollment of qualified Negroes to the bitter end could by State law greatly increase the number of registration districts and decrease their size to very small units and thereby utterly frustrate administration of the Federal act (the Rogers' referee plan would run smack up against this obstacle). (2) By providing an area as large as a congressional district, as the registration district under the amendment, the President should have no difficulty finding a Federal officer or employee of sufficient stature in the part of the State where he lives and votes to serve as enrollment officer.

(c) (1) provides that whenever under section 131(c) of the Civil Rights Act of 1957 a court finds that under the color of law or by State action persons have been deprived of the right to register because of race, the Attorney General shall notify the President.

(c) (2) makes a similar provision concerning a finding of voting discrimination because of race by the Commission on Civil Rights.

(d) (1) provides that the President, upon notification of a finding either by the Attorney General or the Civil Rights Commission, is authorized to appoint a Federal enrollment officer of among Federal employees qualified to vote in the congressional district.

It further provides that when the President determines there is no further need for the office he may abolish the office, and that the individual appointed enrollment officer shall perform the duties until relieved of them by the President.

(d)(2) provides that the President may, in his discretion, delay the appointment of an enrollment officer in order to permit prompt and continuous good-faith effort by State and local officials to comply with the requirements of the 14th and 15th amendments. This provision was added to this amendment in keeping with the proposal put forward by Senator LYNDON JOHNSON.

(e) provides that the enrollment officer, when appointed shall accept applications and shall enroll all applicants whom he finds to meet the qualifications for voters under the laws of the State and these enrolled voters are qualified to vote for the period provided under State law. The successful applicants are to be given certificates of enrollment and the enrollment officer is directed to provide State and local officials with notification concerning the persons whom he has enrolled.

The last paragraph of (e) provides: "Nothing contained in this section shall be construed as impairing the right of any State to establish nondiscriminatory voting qualifications."

(f) provides that each voter enrolled by the Federal enrollment officer shall have the right to vote and have the vote counted subject to provisions of section (g).

(g)(1) provides that nothing in the amendment shall be construed to deny appropriate State officials or other interested persons of the right to challenge the eligibility of voters at the time of elections. It further provides that if challenged, however, the voter shall be permitted to cast his vote and have it counted, but the vote shall be preserved subject to a later determination of the validity of the challenge in an appropriate action before a U.S. judge.

(g)(2) provides that enrollment officers shall ascertain that persons enrolled by him are afforded the right to vote and have their votes counted and for this purpose is authorized to attend the voting and counting on election day. This subsection further provides that if any enrolled person is denied the right to cast his vote or have the vote counted, this fact shall be forthwith given to the Attorney General.

(g)(3) provides civil and equitable proceedings to enforce the provisions of the amendment and to give immediate injunctive relief if a voter is interfered with on election day at the polls.

(g)(4) sets forth the provisions contained in the Civil Rights Act of 1957 for cases of criminal contempt.

DETAILED ANALYSIS OF REVISED VOTING REFEREE PROPOSAL

NOTE.—Representative WILLIAM MCCULLOCH, of Ohio, is sponsoring in the House of Representatives the revised Rogers' voting referee amendment. Since this is the only referee proposal so far sponsored in the House, where the issue of voting rights is now being debated, this analysis deals with it rather than the original version which has not been replaced in the Senate. (As I noted in a memorandum placed in the CONGRESSIONAL RECORD on Friday, March 11, 1960, at page 5250, Attorney General Rogers apparently still prefers the original referee proposal copies of which he released to the press on January 26, 1960.)

In brief the revised referee proposal provides as follows:

(1) If in a civil suit brought by the Attorney General under the Civil Rights Act of 1957, the judge finds that State registration officials have deprived any person or persons of the right to register or vote because of race or color, the judge must upon request by the Attorney General make a finding whether such deprivation is pursuant to a pattern or practice.

(2) If the judge finds a pattern or practice, for at least 1 year any Negro residing in the affected area (the registration district or districts served by the State registration officials pursuing the pattern or practice of racial voting discrimination) shall be entitled, on application, to a court order declaring him qualified to vote on (1) proof that he is qualified under State law to vote, and (2) that he has under color of law been (a) deprived of the opportunity to register to vote or (b) found not qualified to vote by a State official.

(3) Court order qualifying applicant to vote is to be effective for longest period for which applicant could have been registered by State officials under State law.

(4) Applicant is to be permitted to vote in any election for which he is declared qualified.

(5) In a proceeding before voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or understanding of other [sic] subjects is required by State law, referee's report shall include answers given by applicant.

(6) Copies of referee's report shall be sent to State's Attorney General and to each party in case with order to show cause within 10 days why order of court should not be entered in accordance with the referee's report. Unless exceptions to report are filed interim 10-day period, court order is to be entered. Exceptions as to facts to be considered by judge only if supported by public record or affidavit of person having personal knowledge of such facts. Exceptions as to law must be supported by memorandum of law. Issue of fact or law to be determined by court or referee under judge's direction. A hearing on an issue of fact to be held only when exceptions show existence of genuine issue of material fact. Applicant's literacy and understanding of other [sic] subjects to be determined solely on basis of applicant's answers included in report.

(7) The court is to issue to each applicant declared qualified to vote a certificate to this effect.

(8) The court may authorize referee or other person (1) to attend any place of election and to report whether any applicant declared qualified has been denied right to vote and (2) to attend the counting and tabulation of votes and report any action making such vote ineffective.

(9) Confers on referees powers given "masters" under Rule 53(c) of Federal Rules of Civil Procedure not inconsistent with act and permits compensation payable by United States as fixed by judge.

(10) Court is authorized to make an order giving applicant provisional right to vote pending final determination of any exception taken to referee's report.

PRESS RELEASE FROM THE OFFICE OF SENATOR THOMAS C. HENNINGS, JR., DEMOCRAT, OF MISSOURI, CHAIRMAN OF THE SENATE RULES COMMITTEE, AND CHAIRMAN OF THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

Senator THOMAS C. HENNINGS, Jr., Democrat, of Missouri, chairman of the Senate Rules Committee, today announced that during the coming week he would engage in an all-out two-pronged effort, in the Senate, to enact effective legislation making it possible for qualified Negroes to vote, as guaranteed by the 14th and 15th amendments.

In directing his first appeal to northern and western liberals, HENNINGS called on them to stop dissipating their strength over an entire field of benefits for Negroes, and to concentrate on the heart of the problem of racial discrimination: Enacting a voting right bill that will really permit Negroes who meet State qualifications to register and vote. HENNINGS said that while he was in favor of all or most of the other benefits not already voted down in the Senate, and would vote for them, he considered them "fringe benefits." He said the major effort should be made on the issue of voting. HENNINGS added that when Negroes start voting in adequate numbers, as they are entitled to under the Constitution, a lot of these other discriminations will disappear within a short time.

In announcing his plans, he pointed out that he had presided over hearings before the Senate Rules Committee for a period extending over 3 weeks in January and February of this year, and in 1957 and 1959 he held many weeks of hearings as chairman of the Subcommittee on Constitutional Rights. He said, "I have had this problem under study for years, and last Wednesday I introduced in the Senate the fourth draft of a revised voting bill that will be effective. At the same time this measure need not be offensive to southern officials.

He emphasized the difference between his bill and that known as the McCulloch-Dirksen referee proposal originally put forward by Attorney General Rogers. HENNINGS said: "My bill will not bring a horde of lawsuits and U.S. marshals on the South. The Rogers bill on the other hand," he said, if it is to be effective at all, will involve hundreds and thousands of local and State registration and voting officials in lawsuits and, for this very reason, while it would appear altogether offensive to the South, will probably be utterly ineffective to handle the big problem of registering thousands of Negroes. And furthermore, it is of very doubtful constitutionality.

"I shall develop these points at length in a series of speeches in the Senate."

In his second appeal, directed to the southerners, HENNINGS said: "Distasteful as this entire matter is to many southerners, I would think they would rather accept now, this year, an effective constitutional and moderate scheme such as I have suggested, than to have the Congress pass a measure that will be either ineffective or declared by the Supreme Court to be unconstitutional and, for these reasons, have the Congress again take up this issue in the next session. I can assure them that if the Congress passes a law that proved to be ineffective or unconstitutional, the issue will be with us again and, in fact, will continue to be with us until the Congress does pass an effective law."

The Hennings Enrollment Officer Act would authorize the President to designate Federal employees, living in the South and voting there, as enrollment officers who would be directed to enroll Negroes for voting who could meet State legal qualifications. Under the Hennings bill, the President in his discretion could take this step on notification that (1) a Federal district court had made a finding that Negroes had been denied the right to vote because of their race or color, or (2) that the Commission on Civil Rights (on which three southerners sit) had made a similar finding.

The McCulloch-Dirksen bill would rely on the referees who would be appointed following full-dress civil suits brought by the Attorney General.

ONE HUNDRED FORTY-FOURTH ANNIVERSARY OF THE DEATH OF PHILIP MAZZEI

Mr. PASTORE. Mr. President, during these days the attention of the Congress and of all our people has been

especially directed to the Constitution of the United States. It is the source of the sovereignty of the individual, defining the liberties of the people which not even the Congress may infringe.

It is the oldest written Constitution in any country of the world today. But we are reminded that the Constitution did not come to us as a miraculous revelation, complete and entire. It was the product of the determination of rival States to form a more perfect Union. It owes its stature to the contributions of many able minds.

The history of the Constitution is a fascinating study. It rewards the student and enriches his Americanism. Fortunately for us there are dedicated Americans who foster this study—encouraging queries and stimulating the respect and admiration of all citizens for this treasure house of their powers.

Such a dedicated person is Miss Etta V. Leighton, of Cumberland, R.I. For years her column in the Providence Evening Bulletin, entitled "The Constitution and You," has been a cherished feature of our community life. That column has been the clearinghouse of the historical facts and human romances that surround this document of our destiny.

There is no more fascinating chapter of our national origin and existence than is to be found in the human sources of our binding principles—the various minds and hearts to which so many owe so much.

I have chosen as a specimen of Miss Leighton's scholarship and research her article on Philip Mazzei, Italian statesman, physician, and economist, friend and associate of Washington, Jefferson, Franklin, Patrick Henry, Rochambeau, and Lafayette.

I select it at this time because March 19 will mark the 144th anniversary of the death of this friend of America, credited with developing the philosophy of American independence.

Miss Leighton's column presents it in graphic fashion and I ask that her article be made part of my remarks and printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Providence (R.I.) Evening Bulletin, Sept. 24, 1957]

THE CONSTITUTION AND YOU

(By Etta V. Leighton)

Question. Who was the Italian statesman who helped formulate constitutional principles? I would appreciate knowing his name and something about his work.

Answer. Philip Mazzei, physician and surgeon, adviser in politics to many countries in Europe. Six rulers called him friend and he knew many more. He met Benjamin Franklin in London for the purpose of buying Franklin stoves for the Grand Duke of Tuscany. Franklin suggested that Mazzei come to America, but it was at the invitation of John Adams and Thomas Jefferson that Mazzei, his sons, and friends came to settle on land donated by Thomas Jefferson to begin the growing of grapes and olives. In those days States granted citizenship and Virginia made him a citizen.

Mazzei was a prime mover in organizing the Constitutional Society, a group of Virginia's leaders dedicated to "preserving the handing down of those pure and sacred principles derived from the late Revolution." They pledged themselves "by every holy tie and obligation that everyone in his respective station will keep a watchful eye over the great fundamental rights of the people." Among signers were John Blair and James Madison, called the father of the Constitution; Patrick Henry; Edmund Randolph; John Marshall, later Chief Justice of the Supreme Court; James Monroe, fifth President; Richard Henry Lee, who in later years moved the adoption of the Declaration of Independence. Mazzei signed at the bottom of the sheet to leave room above for the other signers.

Members were to write essays on needed changes in government to remedy faults in the Articles of Confederation which was called a rope of sand. If a member missed writing one, he would have to write two in the succeeding 6 months. A second delinquency would cancel his membership. Mazzei's, written in Italian, were translated by Thomas Jefferson and in 1774–75 were printed in Pinkney's Virginia Gazette. He enlisted as a Virginia private but Gov. Patrick Henry sent him to Europe to obtain financial aid for Virginia. His friend Franklin opposed him, believing all aid should go not to States but to the Continental Congress. From Paris he furnished Thomas Jefferson the plan of coordinating the French Fleet with the Continental Army which brought victory at Yorktown. In 1807 at the invitation of Thomas Jefferson and Latrobe, Architect of the Capitol, he scoured Europe for two capable sculptors with whom Latrobe was greatly pleased. To America Mazzei gave whole-souled devotion for 40 years.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. JOHNSON of Texas. I congratulate the distinguished junior Senator from Rhode Island for his very fine and eloquent speech. I appreciate his having made it to the Senate this morning. I shall look forward with a great deal of interest to reading the very fine article he has placed in the RECORD.

Mr. PASTORE. The majority leader is ever so generous and gracious, and I thank him.

THE MARKET FOR U.S. GOVERNMENT BONDS

Mr. MONRONEY. Mr. President, yesterday I inserted in the CONGRESSIONAL RECORD an article written by Mr. Paul Heffernan, and published in the New York Times, which showed the strong forward surge of Government bonds and the Government's ability to get its money at lower and lower interest cost.

It seemed to me that this was a rather strong reversal of what had been happening in the past. It also seemed to indicate that the Treasury and the administration had been premature in demanding the removal of the alltime, historic interest rate ceiling which Congress had always placed on long-term bonds in the public debt.

Lest some Senators think that this was merely some passing evidence, I ask unanimous consent to have printed at the conclusion of my remarks an article entitled "Bonds: Securities of the Government Lead General Advance," written by Paul Heffernan, and published in the New York Times of today, March 15, 1960. The subheadings read "Treasury Bills Continue Strong—Yields Dip Sharply—Short Issues Shortage Is Seen—Corporates Firm."

It seems to me that this indication of a resurgence of strength in Government gilt-edged securities bears out what many Senators have contended in the past. We have maintained that speculators in the market were sucking off available capital in the hope of making capital gains profits; and that when those who were engaging in quick-buck financing operations found that the goose was no longer laying golden eggs, they would sooner or later come back and invest in Government gilt-edged securities which would pay a greater yield per annum than the dividends being paid on most of the stocks in the market.

Mr. DOUGLAS. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. DOUGLAS. I congratulate the Senator from Oklahoma upon introducing this evidence into the RECORD. If Congress had acceded to the request made by the administration last summer, it was assumed that the intent of the administration was to float from $5 billion to $20 billion of bonds at high interest rates, which the administration then said were necessary. The administration floated one issue of 5-year bonds at 5 percent. The Treasury has refused steadily to issue callable bonds, so the taxpayers of the country will be saddled for at least a generation, possibly longer, with high interest rates. But interest rates have since receded very much, the rate of interest on short-term Government bonds having fallen from 4 7/10 percent to about 3 7/10 percent.

I believe that the much-abused group of Democratic liberals who prevented the proposal for high interest rates from being adopted, and who have been exposed to a drumfire of criticism, may have saved the taxpayers billions of dollars, if the amount is reckoned over a period of years.

I congratulate the Senator from Oklahoma for having introduced this additional evidence. I hope that more material of this nature may be presented in the future.

Mr. MONRONEY. I thank the distinguished Senator from Illinois for his statement, and also I compliment him for the great work he has done as chairman of the Joint Committee on the Economic Report, in helping to expose the fallacy of the necessity for higher interest rates.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 15, 1960]

BONDS: SECURITIES OF THE GOVERNMENT LEAD GENERAL ADVANCE—TREASURY BILLS CONTINUE STRONG—YIELDS DIP SHARPLY—SHORT ISSUES SHORTAGE IS SEEN—CORPORATES FIRM

(By Paul Heffernan)

Resurging of bond prices yesterday made it clear that last week's emphatic rally in the market standing of prime fixed-income securities was not a flash-in-the-pan.

Once again Treasury securities were the center of strength. This was true especially of short-dated Government issues where yields on certain discount bills declined by nearly one-quarter of 1 percentage point from the levels of Friday.

Until yesterday there were reservations in the bill market about the lasting power of the March bidding for these short-dated prime debt investments. Was it not too soon to write off the selling by nonfinancial corporations needing money for tax payments?

BILL SHORTAGE DISCERNED

Bidders at the Treasury's weekly bill auction yesterday did not take long to sense the substantial basis for the short market's strength. The professional sounding of the preauction market indicated that there was a shortage of bills. Instead of nonfinancial corporations being out to raise money before the March tax date, they were out rather to invest idle money. Commercial banks indicated they would participate in the bill auction for their own account, as well as in behalf of customers. Faced with this prospect, the dealers had to sharpen pencils.

The reappraisal of the value of the bills was reflected in a sharp improvement of discount rates in the secondary market. The 91-day issue due June 9 was quoted at a discount of 3.34 percent at the close, equal to a yield of 3.41 percent. On Friday, the discount rate was 3.56 percent and the yield 3.64 percent.

The long-dated January bills, which now have a life of 305 days, closed at a discount rate of 3.58 percent, equal to a yield of 3.77 percent. This marked the first time in months that none of the Treasury's 32 bill issues was not selling at a discount basis to yield 4 percent or more to buyers.

Dealers were encouraged by the lasting strength of the bill market to resume markups for the Treasury's interest-bearing securities. Gains ranged generally from four thirty-seconds to ten thirty-seconds, with most of the business in intermediates, such as the 2½s of 1961 and 1963 and the new 4⅞-percent notes due in November 1964.

The best gain on the day was scored by the 2½-percent war-issued bonds due in June 1967, and callable next year. This issue closed at 89 2/32 bid, a gain of 12/32.

The Government market's stride forward after two trading sessions in which selloffs predominated was taken to augur well for the Treasury's next cash financing—a borrowing of up to $2,500 million expected next month.

The Treasury's next big debt transaction will be related to the maturing of a special issue of $4 billion of tax anticipation bills due on March 22. Generally, about 30 percent of an issue of tax bills is turned in for cash redemption instead of being used to pay Federal taxes.

If this were to apply to the March 22 bill issue upward of $1 billion of reinvestment money would soon be available in the market. It was suggested in financial circles yesterday that the reinvestment potential of the March bill maturity might be one of the forces causing rates to decline in the short market.

Secondary market trading in high-grade corporate and local government bonds was light yesterday, with prices firm. Most of the new prime corporate issues in market supply improved about one-eighth point on the bid side.

ORDER OF BUSINESS

Mr. YOUNG of Ohio obtained the floor.

Mr. KEFAUVER. Mr. President, will the Senator from Ohio yield to me?

Mr. YOUNG of Ohio. I yield briefly.

(At this point, Mr. KEFAUVER, from the Committee on the Judiciary, submitted two reports, and Mr. MUNDT submitted separate views on pt. 2 of S. Rept. No. 1139, which appear under the heading "Reports of Committees.")

CIVIL DEFENSE? RUN OR HIDE? OR BOTH?

Mr. YOUNG of Ohio. Mr. President, after 10 years and spending more than $1 billion of taxpayers' money on muddled civil defense planning, evacuation programs part of the time, siren shrieking still perpetrated in many cities, then shelter programs—what about civil defense? What about the Office of Civil and Defense Mobilization?

Americans are being lulled into a Maginot line feeling of security about civil defense at a time when millions of their tax dollars are being spent to prolong the useless life of a boondoggling, superannuated Civil Defense Agency.

Defense of our civilian population is an important part of the defense of the Nation. Definitely, this is the responsibility of our Armed Forces. We should do away with any dependency for the lives of our people upon political hacks and has-beens now crowding the public trough in Washington, and in every State and large city, with high-sounding titles and lush suites of offices in the Department of Civil and Defense Mobilization headed by ex-Governor Hoegh of Iowa. Voters of that State denied him a second term, but his present sinecure pays him twice as much.

Our people, whose homes and lives are threatened, should know the truth—the cold hard facts of survival in a nuclear war. We, as their elected representatives, are duty bound to provide them with a sane, sound, realistic defense program, instead of subaverage planners drawing big salaries to head up the present outfit.

The truth is, Mr. President, that our civil defense program is suffering from, among other things, an acute case of schizophrenia, a split personality.

Unbelievable as it may sound, at one and the same time civil defense bureaucrats are advocating evacuation and a shelter program.

To illustrate this paradox, the Office of Civil and Defense Mobilization recently issued a 16-page "Guide to Civil Defense Action in the Washington Area." Over a million and a quarter of these pamphlets were delivered to all households within a 20-mile radius of the Washington Monument. Apart from wasting the time and straining the backs of mail carriers in the area, it served only to compound the confusion that already exists in the civil defense program.

On the one hand, they tell us to "dig in" and build fallout shelters. We are assured that these can be built for $150. Of course, no mention is made of the fact that a shallow basement shelter would be of no use in areas where the blast and thermal effects would virtually destroy all existing buildings. They also make the cryptic remarks that "excellent protection can be obtained from—aboveground shelters." They do not explain how, of course, but continue happily on with this make-believe narrative.

These shallow shelters would be no more effective than lying flat on one's face or falling on one's knees in prayer. In my own State of Ohio no salaried civil defense official has taken the trouble and incurred the expense of building such a shelter; unless, since I first exposed this fact months ago perhaps one of these papsuckers, because of shame, has built a shelter in his basement. If so, he has built a likely firetrap in event of a nuclear attack. What the American people really need is shelter from a big new fallout of state regimentation.

On the other hand, they tell us the procedures for evacuation and provide an elaborate map showing the various evacuation routes. From the complexity of the thing, it would require a course in map reading to figure out where one is to flee at any particular hour of any given day. So, after we build our do-it-yourself shelter, we are to head for the hills, leaving it behind.

According to the booklet, we are to hop into our cars and head for the remote areas in Virginia and Maryland. Anyone who has seen or been in the everyday rush hour traffic jam in Washington can easily imagine what would happen if every car in the District of Columbia were simultaneously to begin the trek out of town. The idea is too ridiculous to even contemplate. It is doubtful there would be time enough to reach one's car, much less to drive it out of the city.

Mr. President, intercontinental ballistic missiles fired from the Soviet Union would hit targets in our country within 18 or 20 minutes. Soviet submarines off our coasts could send rockets with nuclear warheads 1,500 miles or more inland with accuracy, and we would be lucky to have 5 minutes' warning.

It is just too absurd to consider evacuation plans under the circumstances. The thermonuclear weapon, with its destructive power, and the missile, with its speed and accuracy, have now made evacuation not only impractical, but impossible.

It is incredible to believe, but it is a fact, that at this late date salaried civil defense officials are issuing plans and directives for evacuation.

These high-paid officials are living in a make-believe world at the taxpayers' expense. I assert that it is high time we brought them back to earth.

Are we to run or hide, or both? Or, are we to revamp this whole program for a new realistic approach to the defense requirements of the Nation?

The present expenditure of millions each year is nothing more than a futile gesture to fool ourselves into thinking that something is being done about civil defense. To face the issue squarely, we should quit wasting taxpayers' money.

May I express the hope that good judgment and commonsense will prevail and appropriations urged for civil defense will be denied.

In his budget message, the President requested $6 million for the General Services Administration for building fallout shelters in Federal buildings. This may be a boon to contractors, but I am sure it will be a bane to taxpayers.

Of what earthly use will shallow shelters be in Federal buildings most of which are located in metropolitan areas where shelters will be of little or no protection? At a time when the Nation faces serious housing problems, which the administration is loath to face head on for fear of unbalancing the sacrosanct budget, this same administration proposes $6 million worth of useless shelters in Government buildings.

In addition, Mr. President, for this costly package of foolhardy euphoria we are being asked to provide over $6 million more than last year for salaries and expenses. Ostensibly, this is to enable other Federal agencies to perform civil defense functions. It is bad enough to have one agency wasting taxpayers' money and employees' time. Now we are asked to provide the money to waste the time of the staffs of other governmental departments.

It is interesting to note that of the $76 million requested for this agency, $47 million, or 62 percent, of the total appropriation request is designated for salaries and expenses of salaried officials and employees.

Mr. President, the ills and ailments affecting this bureau are too numerous to mention at this time. I intend to enumerate them in great detail during this session of Congress, and to continue to urge that this program be thoroughly overhauled.

The defense of our civilian population is a part of the total defense of our country. As such, it should be under the direction of those who know most about defense—our Military Establishment. In his message to the Congress of August 25, 1959, the President himself stated that, along with our military defense and retaliatory forces, civil defense is a vital part of the Nation's total defense.

Why, then, continue with a separate agency, politically inspired and politically staffed, to handle the vital problem of the defense of our people in wartime? The Nation cannot afford to separate the defense of its most valuable resource—our people—from the defense of the Nation as a whole. Our entire Defense Establishment—military and civil—must be unified.

In event of a missile attack, the military would undoubtedly take over, just as it did in our Civil War, when President Lincoln immediately declared martial law.

The Civil War was, of course, a brush fire in comparison to what the holocaust of a thermonuclear war would be. Nevertheless, at that time, Abraham Lincoln seized a series of emergency powers to cope with the situation that added up to a virtual dictatorship. These powers ranged from suspending the writ of habeas corpus to spending unappropriated Government funds.

In any future war—and we pray that there shall never be one—it is an absolute certainty that the President as Commander in Chief and the Armed Forces would assume full and dictatorial powers immediately. There will be no time for congressional debate or political discussions over policy and strategy.

In the ridiculous little booklet on the evacuation of Washington, we are told that local police, augmented by civil defense personnel, will regulate evacuating traffic. Can you imagine, Mr. President, what attention would be given by anyone, soldiers or civilians, to the orders of an officious civilian with an armband?

Mr. ALLOTT. Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. McGEE in the chair). The Chair rules that the Senator from Ohio is proceeding in regular order. The Senator from Ohio had yielded, with unanimous consent, to other Senators.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. YOUNG of Ohio. Mr. President, recently, the mayor of Cleveland, Ohio, joined with several of the suburban mayors in Cuyahoga County, in which Cleveland is located, in taking an emphatic stand in favor of continuing a worse than useless county civil defense program.

The budget adopted by them for 1960 is just short of a quarter of a million dollars, slightly larger than last year's. Additional funds will be used this year to prepare evacuation signs and a special civil defense brochure for every home in Cuyahoga County.

I hope I am mistaken in assuming that this brochure will be modeled on the ridiculous pamphlet in the Washington, D.C., area which I have discussed.

If it is, then once again we shall have a vivid example of the split personality, and an exceedingly wasteful one, of our civil defense program.

Our citizens are to be told, at taxpayers' expense, to build shelters in their basements and backyards at the same time that they are being told to evacuate. Meanwhile, paid civil defense officials are spending taxpayers' money to erect evacuation signs. How absurd can we get?

The mayor of Cleveland commented that those who do not have the responsibility of defending a community find it very easy to be critical. Ohio mayors should know that our State's two U.S. Senators, my distinguished colleague, Ohio's senior Senator [Mr. LAUSCHE] and its junior Senator, and all Senators of the United States, have a far more grave responsibility of providing for the defense of Ohio's communities and the millions of citizens of the Buckeye State than do any of its mayors. We are fulfilling our duty and responsibility. We, as Senators of the United States have the responsibility of seeing to it that taxpayers' money is not wasted, and that all our citizens have an adequate national civil defense program. Ours is the responsibility to protect not alone the citizens of Cleveland, Ohio, but those living everywhere in the United States.

As of this date, over $1 billion has been wasted, and the Nation has no realistic civil defense program. Certainly the type of program followed on the national level and emulated on the local level, including Cuyahoga County, is neither realistic nor economical.

Therefore, I am critical and shall continue to be critical of our civil defense program until a sane, rational program that faces the facts is established for our citizens.

Because of my fervent desire that the people of Ohio and of the Nation should have the maximum protection in event of all-out war, I will continue to urge that our present civil defense setup be scrapped, and that this vital function be put in the hands of those who are best trained and equipped to handle it—the leaders of our Armed Forces.

Apologists for civil defense as now operated cite the public services performed by civil defense volunteers who direct traffic and make themselves available when natural disasters occur. Americans have always responded in times of disaster and will continue to do so without the doubtful leadership of paid civil defense officials.

It is not the volunteer civil defense worker who is to blame for this fantastic boondoggle. He is to be praised. I pay tribute to the many thousands of patriotic Americans who volunteered their time and efforts, often at great risk to themselves. These people performed valuable service while paid civil defense officials directed them from behind safe desks.

This is in the finest American tradition—a tradition that I am sure will continue long after our present Civil Defense Agency is abolished. Citizens as special deputies or simply as good neighbors have always helped in times of floods, fires, windstorms, and other disasters. Along with merging our civil and military defense under one unified leadership, we should initiate a vigorous and continuing campaign of education on self-protection in a nuclear war and first aid procedures, making use of the Red Cross and all the media of communication at our command—television, radio, newspapers, magazines, and our schools.

I seriously doubt, in spite of the millions spent, whether one in a thousand Americans knows what he is to do in event of an attack or understands the rudimentary personal precautions he must take both before and after such an attack.

High paid staffs, useless airstrips, shelters erected in Government buildings at great expense, and untold other examples of waste and inefficiency will not save American lives. This agency has been totally remiss in informing the American people of the fundamentals of personal precautionary measures in a nuclear war.

Mr. President, rather than pour additional millions into shaky, unsound plans for passive defense—many of which are silly—it seems to me that much more logical is the old but sound notion that the best defense is a good offense. Our shelter lies in our weap-

ons; in our power for instant retaliation. If we are prepared, we will not be hit first or at any time.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Ohio had asked for 2 additional minutes only. His time has almost expired.

Mr. YOUNG of Ohio. If we allow this bureaucratic monstrosity to expand itself this year, who knows to what extent it will grow and spend, grow and waste—always a refuge for ex-Governors, defeated politicians, and political hangers-on of the party in power?

Mr. President, now is the time to bring this drain on the treasury to an end. Now is the time for a thorough reappraisal of our entire civil defense program.

Mr. GRUENING. Mr. President, I ask unanimous consent that I may ask the Senator a question on the subject matter he has been discussing.

The PRESIDING OFFICER. Does the Senator from Ohio seek unanimous consent for that purpose?

Mr. YOUNG of Ohio. I ask unanimous consent to yield for a question from the Senator from Alaska.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. YOUNG of Ohio. I yield the floor.

SENATOR JOHNSON OF TEXAS AND THE CIVIL RIGHTS DEBATE

Mr. CHURCH. Mr. President, in the course of the lengthy debate on civil rights legislation, no man has had to bear as much criticism as the man in the middle, our distinguished majority leader. Much of it has been abusive and irresponsible.

One of our foremost columnists, Ralph McGill, has helped to set the record straight in making a fair and objective appraisal of the role of LYNDON JOHNSON in the controversy that now engulfs us.

I ask unanimous consent that the text of his excellent column be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHNSON ARISES ABOVE PASSEL OF DEMAGOGS

(By Ralph McGill)

ATLANTA.—A clear example of an irresponsible press may be seen in the rabid attacks on Senator LYNDON JOHNSON of Texas for calling up the civil rights legislation. Various editorialists in the Deep South have referred to him as a charlatan, a traitor, and worse. They have declared him to be interested only in Negro votes. He has been slandered as being the basest of opportunists, and therefore as lacking in character.

This is irresponsibility which cannot in any degree be exonerated. It deceives those who would know the facts. It betrays the real South in that it appeals to what is base, and false. It bolsters an unworthy stereotype of the South to the delight of those who will gain from such a picture. It inflames passions and intimidates the moderate.

Senator JOHNSON is certainly a politician. But there is nothing in his record that is base or false. He is skilled. He is a parliamentarian of unusual ability. He is a maker of compromises, an essential ingredient of party government. There has not been, and is not, anything dishonorable in his career.

On the final day of the 1959 congressional session Senator JOHNSON announced agreement had been reached so that adjournment could be had to bring up the civil rights legislation in mid-February. No person then attacked him. No Senator made objection. No southern newspaper then referred to him as a charlatan or traitor.

Yet, since he kept the agreement, attacks on him have not ceased.

If one looks back at Senator JOHNSON'S record and searches out his words, it is plain the man believes there should be protection of the right to vote and that basic rights of all citizens should be protected. To say he has no moral convictions is to betray an unreasoning, malignant prejudice. He has never had any real chance at being nominated for the Presidency. This he knows. But he will have a great deal to say about who is selected.

Senator JOHNSON'S ability to be a powerful influence will be the greater because he is on the right side of a moral issue. To oppose the right of citizens to vote and to argue that States rights guarantee the right of discrimination if a State so chooses is not new, whatever it may have been in the past, a position which may be defended.

Civil rights legislation will be voted at this session.

It will not include all the measures introduced by Senator DIRKSEN, of Illinois. It will contain a bit more than the moderate White House bill introduced last year.

It was the Eisenhower measure which Senator JOHNSON sought to get through the Congress in 1959. It was, and is, a mild approach. The tragedy of it is that the more responsible southern leadership so recognized it. But they were, and are, captives of the extremists in their States and could not accept it.

The Nation, not merely the South, is paying a heavy penalty for not having managed, in 1954, to develop a climate of discussion which would not be in the hands of those at the extreme ends of the spectrum. It is, in a sense, the same old story of 1859–60 when the fire-eaters Rhett, Ruffin, Yancay, et al., called the southern tune as the more fanatic abolitionists did that of the North. The voice of commonsense and of acceptable compromise then, as now, was drowned out.

AWARE OF SOUTH'S PROBLEMS

Senator JOHNSON even now is, as a man aware of his region's problems, obviously working on a measure less objectionable to the people of the Southeast and Southwest. He likely will succeed. But if he does not, it will be because of a filibuster against any sort of legislation whatever.

The South will lose. The Nation will lose. Let the thoughtful man and woman today ask of himself what the thoughtful Negro citizen must be thinking as he watches this filibuster. Let the thoughtful citizen ask himself what the rest of the world must be thinking about the American way of life which we so strongly enunciate and to which we give so many pledges of loyalty. And let even those whose brains are on fire hesitate before they say they do not give a damn what the rest of the world thinks.

Historians will, in the years ahead, evaluate this period. And when they do, they will not apply to Senator LYNDON JOHNSON the epithet of charlatan or traitor to the South.

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, I want to say simply, first of all, addressing myself to the situation on the floor of the Senate, that there have been nine Members from the other side of the aisle recognized since I have been on the floor, and I have been on my feet now for in excess of 30 minutes.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). May the Chair state that the Senator from Colorado is the very first Senator the present Presiding Officer has recognized.

Mr. ALLOTT. That statement is correct. I was going to make that fact obvious. I think Senators from either side of the aisle should be recognized alternately. The Vice President always tries to do it. I realize that there are twice as many Senators on the other side as there are Republicans, and allowance should be made for that fact; but I believe the alternate practice of recognition should be followed.

Mr. President, on another question——

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ALLOTT. I shall be very happy to yield for a question, within my 3-minute allowance.

Mr. McGEE. Does the Senator not realize that there have been other Senators likewise on their feet for 30 minutes? The general procedure was to try to accord Senators recognition in the order in which they were arriving in the Chamber during the transaction of routine morning business. There was no intent to discriminate. I think a check with the list at the desk will show that Senators were recognized in the order in which they appeared in the Chamber.

Mr. ALLOTT. If the Senator is asking my opinion, I will say to the Senator that other Senators have not been on their feet during all this time, and I have been on my feet continuously since 10 minutes of 1.

Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

STABILIZATION OF WHEAT PRICES AND PRODUCTION

Mr. ALLOTT. Mr. President, I have today joined in sponsoring S. 3159, introduced by the Senator from Washington [Mr. MAGNUSON] and the Senator from Kansas [Mr. CARLSON], providing a dramatic new approach to the problem of stabilizing wheat prices and production.

It is an approach which seems to me reasonable and one which, for the first time, has the support of most of the farm organizations in this country. It would authorize a program which is fair to wheat producers, to the producers of other crops, to the consumers, and to the taxpayers.

It is "constructive," as the President defined that word in his farm message this year with respect to legislation he would accept. It provides realistic production controls which will reduce wheat

surpluses and, accordingly, storage costs. It will not stimulate excessive production or reduce domestic markets. It will avoid the problems related to direct subsidy payments and would not provoke countermeasures by our friends abroad.

It is a result of a great deal of work by farm leaders and other interested groups. As such it does not, I am sure, represent the thinking of any particular group. It does not represent the exact approach I would prefer. As a matter of fact, Mr. President, there are 537 Members of Congress, and I am sure there must be at least that many solutions to the wheat problem. It may well be that some further revisions in the committees dealing with agriculture of the Senate and House will make it more workable. I certainly would not contend that it is perfect. I, for one, believe that the 15-acre exemption should be completely eliminated or greatly reduced, but recognize that this is not a realistic possibility. I do say, however, that this bill represents the most reasonable proposal yet offered with any substantial backing here in Congress and represents probably our best chance in recent years for a solution of the many problems that have developed in connection with wheat.

HOW IT WOULD WORK

The proposal is designed to stabilize the income of wheatgrowers at a fair level and reduce stocks of wheat now in the hands of Government, thereby providing a much-needed saving for the taxpayers. This would be done by having the Secretary of Agriculture estimate the amount of wheat needed in the coming year for primary use. On this basis, he would establish a national marketing quota of 150 million bushels less than the estimated need for domestic food consumption and export. This quota would then be allocated to the various producers on the basis of their history of production. The historic wheat farmer would then be given marketing certificates representing his share of the national marketing quota, without which wheat could not be marketed for primary use. These would be nontransferable and good for 1 year only. Special adjustments are authorized for producers on fewer than 15 acres.

The Government would be allowed to release primary-use wheat from surplus stocks at not less than 100 percent of parity. This would allow reduction of the wheat surplus by about 150 million bushels per year. Since the Government could not release its wheat for primary use at less than 100 percent of parity, it seems clear that the market price for primary-use wheat would approach 100 percent of parity and probably stabilize in the vicinity of 95 percent. Loans would be available for certificated wheat only at 75 percent of parity, in order to assist an orderly market. After CCC stocks have been reduced substantially, the 150-million-bushel carve out for CCC would be reduced, providing a larger market for the primary producers.

Growers would be required to retire at least 10 percent of their wheat-base acreage, without any payment, in order to qualify for the program. They would be required to retire an additional 10 percent in the soil bank if funds were available. In all other respects, the grower would be completely free to seed, harvest, sell, or put in storage all the wheat he desires.

Many experts and hardheaded wheat farmers have contributed to the present development of this compromise that seems to me workable. I have no doubt that the committees of Congress dealing with agriculture will make further changes and hope they will be able to improve it further.

EFFECT OF PROGRAM

To the wheat producers it seems to me this bill would: First, stabilize income at reasonable levels; second, allow a good deal more freedom from government interference; third, provide a carryover of reserves for short crop years; and, fourth, permit a return to traditional wheat-marketing patterns and uses.

For other farmers, particularly feed grain producers, this program would prevent the shifting of diverted wheat acreage to other crops, reduce substantially the production of feed grain on wheat farms, and assist in the orderly reduction of present Government stocks of feed grain.

Of interest to the consuming and taxpaying public, it would: First, materially reduce the cost of wheat programs; second, stop the buildup, and initiate an orderly reduction of Government stocks; third, encourage marketing of quality wheat through the regular channels of trade; and, fourth, insure the continued ability of wheat producers to contribute to the economic growth of this country through the purchase of the products of labor and industry. It would indirectly, of course, stabilize the incomes of small business operators, rural communities, and strengthen the tax base of these localities.

We in Colorado, where only 18 percent of our farmers produced a $112 million wheat crop in 1958, believe it is important to develop a realistic wheat program. Our other friends in the Great Plains region, where $1½ billion worth of wheat will be produced this year, believe that this very basic industry must be given a chance to work its way out of the problem contributed by increased proficiency and unrealistic Government programs.

I can assure my colleagues that as taxpayers we are concerned about the $1½ million per day storage cost and believe that it would be well worth it to increase the price of a loaf of bread about 1 cent in order to eliminate these absurd storage costs and reduce the burden on the taxpayers of this country. I hope that a majority of my colleagues here and in the other body will concur so that we can get on with the much-needed changes proposed by this bill.

The multifaceted wheat situation can no longer be ignored. Commonsense demands that constructive steps be taken to adjust production to the market, improve net income to the grower, and reduce the size and cost of the Federal operations. Although short of perfection, this bill, it seems to me, is a realistic step and unless and until someone presents a more workable solution, I intend to press forward with this approach.

TRIBUTE TO THE LATE SENATOR RICHARD L. NEUBERGER

Mr. GRUENING. Mr. President, I ask unanimous consent that I may proceed for 7 minutes with regard to our late colleague, Richard Neuberger.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. GRUENING. Mr. President, a tribute to the services of our late colleague, Dick Neuberger, in behalf of the cause of conservation, by Howard Zahniser, executive secretary of the Wilderness Society, appeared in this morning's Washington Post and Times Herald.

I ask unanimous consent that the letter be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RICHARD NEUBERGER

Your March 10 editorial in recognition of Richard L. Neuberger, as an extraordinarily useful, constructive, and independent-minded Member of the Senate is both modest and reserved—an excellent tribute.

There are many particulars in Senator Neuberger's contributions that will come strikingly to light as his conservation leadership, for example, is recorded and discussed by historians.

His courage and devotion to principle led him to become a champion of national park protection when he first took his Senate seat, at a time when this leadership apparently turned the tide. He was one of the earliest champions and architects of the wilderness bill—so strikingly so, that Senator HUMPHREY, on each introduction of this measure, insisted that Senator Neuberger be its first-named cosponsor.

As a member of the Interior Committee handling this measure, Senator Neuberger became a leading advocate, Senator HUMPHREY not being a member of the committee, and Senator Neuberger not only conducted hearings in Bend, Oreg., and San Francisco, Calif., but in many ways—on the Senate floor, in magazine writings, in interviews—advocated the enactment of this bill.

These contributions by Senator Neuberger are familiar to me because of my own association with them, but they will be matched by many others in other fields of the public interest, for Dick Neuberger was not only devoted but also diligent. It was amazing to note his accomplishments—achievements that will be adequately recognized only when a competent biographer has published another volume for our history of great Americans.

HOWARD ZAHNISER,
Executive Secretary, the Wilderness Society.
WASHINGTON.

Mr. GRUENING. Mr. President, Richard Neuberger was, as Zahniser points out, a great supporter of our national park system, of the establishment of wilderness areas, of the setting aside of shorelines as national parks or national monuments. One of those will, if so established, preserve the wonderful Oregon Dunes on the Pacific coast. This national park or monument should

very appropriately bear Dick Neuberger's name. In line with these efforts Richard Neuberger objected to the defacing of our Federal thruways by billboards, and to the extent that these principal arteries will be freed from billboards through the amendatory legislation which Dick sponsored in connection with Federal highway aid legislation and his public advocacy of this cause, much of America's superb scenery will remain visible in all its original beauty to automobile travelers. Mr. Zahniser quite properly says that the contribution of Dick Neuberger in the field of conservation will be matched in many other fields.

A mere listing of them would take a long time and I will name only a few. Senator Neuberger was active in the promotion of health legislation, and even before he was stricken by the dread disease, he did all in his power to promote a crash program for cancer research. In a related field was the legislation which he successfully sponsored to provide health insurance for Federal employees. It is now law, and millions of Government employees and their families will benefit therefrom. Still pending and likewise largely due to his sponsorship, is similar legislation to provide health insurance for the retirees in the Government service.

Richard Neuberger was also a great advocate of our natural resources development. His voice was raised again and again in the Senate and on public platforms, and for many years before, his pen was enlisted in favor of such projects as Grand Coulee, Bonneville, and the many other power dams which have been erected in the West and have done so much to develop the use of hydroelectric power, for irrigation, flood control, and low-cost electricity generation.

His book, "The Promised Land"—one of his many enduring publications—published 22 years ago was both a program and an invocation for much of the development of the West which has followed. His great interest in Alaska was a natural concomitant of his devotion to the West, and a demonstration of his own pioneer spirit—a spirit which led to his creative exploration of so many fields of human activity.

In this connection I am pleased to report that the House of Representatives of the Alaska Legislature has voted to name a mountain in Alaska after Richard Neuberger, and has recommended a specific peak to the Board of Geographic Names. It is a 6,747-foot-high mountain, visible from the Alaska Highway, in the construction of which Dick Neuberger, when in the Armed Forces in World War II, played so active a part. The vote was unanimous and testifies to the appreciation of the 40 house members of Richard Neuberger's great record of service to Alaska during the last 20 years of his fruitful life.

Dick Neuberger was always a great friend and supporter of any group or category of our citizens who for one reason or another were disadvantaged or denied equality of opportunity. Thus, he was a protector of the Indians in fields where he felt their rights were being invaded, and as chairman of the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, was able to secure the conservation of some of their tribal timber properties which were in danger of being despoiled, thus serving at one time the causes of human and resource conservation.

He raised his voice repeatedly against discrimination in employment because of age. He felt that a great injustice was done not only to the men and women who, after a certain time of life, were denied employment even though fully capable—an injustice not merely to the individuals and their families—but also to the entire fabric of our society.

On the other end of the age scale, he strongly supported a bill to establish a Youth Conservation Corps—on the model of the CCC of President Franklin Roosevelt's administration—which was passed by the Senate last year and now awaits action by the House. Likewise, he urged the establishment of a Foreign Service Academy to give our youngsters a chance to be trained for service abroad.

He was a strong supporter of education in all its aspects and for the development of better low-cost housing.

With all his interest in national affairs, ranging over a wide variety of subjects, he was devoted and indefatigable in protecting and advancing the requirements of his own State, although never at the expense of the larger regional and still larger national interests.

In this, as in all his other endeavors, he was greatly aided by his devoted helpmeet, Maurine. Of her our distinguished colleague, the Senator from Maine [Mrs. SMITH] said, when last Wednesday the Senate was paying its tributes to Dick Neuberger:

> If there ever was an instance of a widow deserving to succeed to and carry on the work of her husband, it is Maurine Neuberger because she is the surviving member of a partnership that inspired the people of Oregon and those of us in Washington who saw that partnership in action.

Mr. President, I feel that this gracious and generous tribute from the other side of the aisle on the part of one who has so graced this body and brought such great distinction to her sex, will be widely shared in this body, in a spirit equally above partisanship, as so gallantly displayed by the Senator from Maine [Mrs. SMITH].

Now that Maurine Neuberger has announced her candidacy for the Senate, it is my confident hope that she will be with us after the fall election to carry on the great work which will forever enshrine the name of Neuberger in American annals.

SPEECH OF SENATOR DODD ON ANTI-SEMITISM, THE SWASTIKA EPIDEMIC, AND COMMUNISM

Mr. SMATHERS. Mr. President, just prior to becoming ill, the very able and distinguished junior Senator from Connecticut [Mr. DODD] completed for delivery on the Senate floor, a very excellent and thought-provoking speech on anti-Semitism, the swastika epidemic, and communism.

Unfortunately, his present illness has made it impossible for him to deliver this speech as he intended. I am sure I speak for all of his colleagues here in the Senate when I say that we wish him a speedy recovery and early return to this body.

The speech is a very careful and detailed analysis of the contrast between anti-Semitism in West Germany and in Soviet Russia. It sets forth the determined effort made by Chancellor Konrad Adenauer and his government to wipe out the last vestiges of nazism and anti-Semitism in West Germany.

Because I feel that it is timely and significant during this week when Chancellor Adenauer is visiting the United States, a period when his government is under unjustified attack as a result of anti-Semitic incidents, I am particularly pleased to have been asked by the Senator from Connecticut to have his prepared text printed in the RECORD.

This thought-provoking speech merits the attention of all of us here in the Congress.

I ask unanimous consent that the remarks of Senator DODD which he prepared for delivery be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS PREPARED BY SENATOR DODD FOR DELIVERY TO THE SENATE OF THE UNITED STATES ON ANTI-SEMITISM, THE SWASTIKA EPIDEMIC, AND COMMUNISM

Last Christmas night, swastikas and anti-Jewish inscriptions were painted on the synagogue in Cologne. The incident was the signal for an epidemic of swastika painting on synagogues and Jewish institutions throughout Germany and the free world. There were incidents in almost every West European country, in the United States, Canada, and Latin America, and in Australia. Day after day for a period of weeks, the American press and the press in other countries carried headline stories on the swastika epidemic.

Free men everywhere were horrified by the reappearance of this symbol of intolerance and persecution, under whose aegis 6 million Jews had been brutally murdered by the Nazi regime. At the close of the war in Europe, an incredulous world had recoiled from the fact of this crime—a crime that can never be completely understood, completely explained, or properly required. Slowly, almost unwillingly, sadly, mankind moved to the acceptance of this terrible truth.

The reemergence of the swastika not only brought back to memory the most terrifying act of Nazi bestiality: it again posed the question of anti-Semitism before the conscience of the entire world.

For anti-Semitism is not a specifically German problem—it is a world problem. It exists both in the free world and in the Communist world, in all those countries where there are Jewish communities and, for that matter, in many countries where the Jewish communities are tiny or nonexistent. It varies in degree and in quality from one country to another. In most countries of the free world it has been reduced to residual proportions. In other countries, it is a massive and current phenomenon. But its existence is something that must be combated, no matter what the degree or quality, because prejudice can lead to hatred—and hatred, unbridled, can lead us once again to a totalitarian Gehenna.

It must be combated because it contradicts the doctrine of universal love which

is the heart of our religion and because it does violence to the foundation of our society.

It must be combated because, even in its milder forms, it constitutes a danger to our sanity and moral probity.

It must be combated because it is a tool of the Communist conspiracy.

It is a problem with many parts. To combat it effectively, we must view these parts in proportion, so that our actions may be governed by an intelligent assignment of our energies.

The need for a sense of proportion is something that cannot be overemphasized.

A sense of proportion is the key both to sanity and morality. In the world in which we live today, it may very well be a key to our survival.

Our everyday judgments, our code of morality, our legal system, our political decisions—all are governed, or should be governed, by our sense of proportion.

It is not enough to be able to distinguish right from wrong. There are many gradations of evil, and the civilized society distinguishes between them in its structure of laws. Similarly, it is not enough to be able to distinguish the beneficent from the harmful, the safe from the dangerous.

Without a sense of proportion we should find ourselves equating petty larceny with rape, measles with leprosy, a toy chameleon with a crocodile.

In the balanced mind, in the same society, everything is scaled, everything has its measure or its value.

When an individual loses his sense of proportion, he can no longer cope effectively with the problems of everyday life. When a nation loses its sense of proportion, it courts disaster.

In the light of our reaction to the swastika epidemic events, I wonder whether the free world has not already lost much of its sense of proportion, whether it is not suffering from some kind of mesmeric condition that has destroyed its capacity for judgment. If this is so, then the Kremlin's experts in psychological warfare have achieved a signal victory.

Now that the headlines generated by the epidemic have disappeared from our front pages, and now that the hysteria that accompanied them has died down, I believe we can learn much from a careful analytical postmortem.

Where were the origins of this international rash of anti-Semitic incidents? Does the neo-Nazi movement really constitute a serious danger? Did the Communists instigate the epidemic or did they simply exploit it for cold war purposes? What effect has it had on the Western Alliance? Does anti-Semitism still remain a major world problem—and if it does, how does it manifest itself in various countries and at what points is the problem most acute? These are some of the questions we ought to try to answer.

But I believe the free world has most to learn from a self-analysis of its own reactions to the epidemic. I believe that such an analysis will reveal that, at the height of the outbreak, the free world was afflicted with an almost total collapse of its sense of proportion—so that, in our eyes, small dangers became big dangers while massive and imminent dangers were ignored—so that scattered violations of human dignity in country A made us roar our protest at the top of our lungs, while, in country B, violations of human rights and human dignity a thousand times as grave and ten thousand times as numerous commanded our total silence.

We would be less than human if we did not react with indignation to the persecution of the Jews in any country. My argument is that our indignation to be meaningful, must also be governed by a sense of proportion—and it was not so governed at the time of the swastika epidemic. I do not argue for less indignation; I argue for more indignation—for in indignation that responds in proper measure to every crime and every injustice.

In country B—the Soviet Union—there are some 3 million Jews. In a land where all minorities are persecuted, they are the most persecuted of all minorities. They have been the victims of a policy that can only be described as physical and cultural genocide. They are without political representation, without community organizations, almost without religious or cultural rights and without opportunity for higher education or employment.

Summing up the plight of the Soviet Jews, the Anti-Defamation League of B'nai B'rith said in 1958:

"The prospects for Soviet Jewry are dire and gloomy: at best, the extinction of a once-flourishing and rich cultural tradition and life; at worst, the completion by the Communists of the heinous work begun by the Nazis—the liquidation by forcible assimilation of this community of 3 million Jews."

Between the brutality of Soviet anti-Semitism and the brutality of Nazi anti-Semitism, there is little to choose. About all that is lacking so far in the U.S.S.R. is the gas chambers. For this deficiency, the Communists have made up, at least in part, by employing Siberia and the firing squads as substitute instruments of death.

The crimes that have characterized Soviet anti-Semitism have not been perpetrated by hotheads or juvenile delinquents.

They have been perpetrated, or else instigated, by the Soviet state itself, first under the command of Josef Stalin and then under the command of the present Prime Minister, Nikita Khrushchev. In my opinion, this fact makes these crimes a thousand times more damnable.

How does the free world react to the merciless persecution of the 3 million Jews in the Soviet Union? It closes its eyes to it. Instead of protests and indignation, we witness demands for increased trade with the Soviet bloc, for stepped-up cultural exchange programs, for state visits by the Soviet terrorist in chief.

In country A—Germany—there are some 30,000 Jews who enjoy complete freedom of religion, complete equality before the law, complete acceptance. While there is a residue of anti-Semitism from the terrible days of Hitler, the Government has done its utmost to combat this residue and to make restitution to the Jews for their suffering under nazism.

Suddenly there is a rash of swastika smearing and of other minor acts of vandalism, perpetrated, for the most part, by juvenile delinquents. No Jew is physically assaulted, no Jewish building seriously damaged. The Government moves with the utmost vigor to punish those responsible. The press, pulpit, and political parties join in unanimous condemnation of the hate smearers.

And how does the free world react to this situation?

Overnight, the West German democracy was placed in the pillory, rendered suspect, morally isolated from its Western allies—and this in the critical period preceding the summit conference.

The reaction was strongest in Great Britain. Forty thousand Londoners marched in a protest parade; German maids were dismissed by their employers; orders for German goods were demonstratively canceled by a number of British concerns; and some editors even suggested a reexamination of Germany's role in the Western alliance.

In our own country, although the reaction was milder and more mixed, the swastika campaign brought a flood of protests from U.S. editors, from Members of Congress, and from religious leaders. "The fact that acts of anti-Semitism can take place under present circumstances," said one of our most respected newspapers, is a "clear indication that the sickness still lurks deep in the German soul."

One of my old colleagues in the House said that it was high time the President and Congress considered whether our massive economic and military assistance is making a contribution to the sad events in Germany.

It is to the eternal credit of the Jewish leaders that they kept their sense of proportion while so many people, who had far less reason to fear the reemergence of the swastika, were losing theirs. Heaven knows, no Jew could have been blamed for reacting strongly—even excessively—to the news of the swastika epidemic. Instead, the recognized leaders of the Jewish community, in this country and abroad, spoke with statesmanlike restraint and balance. By their sanity, by their morality, by their abjurence of vengeance and hatred and racism, they showed an example to the entire free world.

Dr. Nahum Goldmann, president of the World Jewish Congress, and Premier David Ben-Gurion of Israel, both told their coreligionists that the record of the Bonn Government toward the Jews was beyond reproach and that it would be nazism upside down to hold the German people guilty in perpetuity for the crimes of the Hitler regime.

Mr. Ben Epstein, director of the Anti-Defamation League of the B'nai B'rith, in an interview over the German radio on January 14, rejected the theory that some international Nazi organization was responsible for the epidemic. He said that while two members of the neo-Nazi party had been responsible for the original incident in Cologne, the epidemic which followed was essentially a wave of imitative behavior by juvenile delinquents and other irresponsible elements.

Dr. Hendrik G. van Dam, president of the Jewish community in Berlin, in an article entitled "Anti-Semitism Without Jews," assailed "the merciless anti-Germanism" in other countries and the tendency to seek any evidence in support of a collective judgment of the German people and he warned against those journalists who "attempt to prove that the Germans never change, that the Federal Republic, therefore, is not fit to be a member of an alliance, and indeed cannot be trusted."

But in the general hysteria that existed for several weeks, these voices of reason were swallowed up. Only the most assiduous readers of the press noticed them

The swastika epidemic was something that lent itself intrinsically to sensationalism, and the democratic press cannot be blamed for treating it as a matter for page 1 reportage. But in doing so, in my opinion, it served—unwittingly—as a vehicle for a Soviet campaign of saturation propaganda.

After several weeks of swastika headlines and exaggerated reactions, the threat of world communism and the Berlin crisis became items of minor importance in the public mind. If the headlines and the hysteria could be taken as a guide, the real menace confronting the free world was not Communist aggression, but the revival of nazism and anti-Semitism in Germany.

Encouraged by the reaction of the free world to the swastika incidents, the Communists propaganda apparatus had a field day. No charges were too extreme, no language too extravagant. Pravda on January 8, for example, charged that "this organized racist campaign had been launched as if at a signal given by Adenauer" and it said that its purpose is to "clear the road for a wide propaganda in favor of a nazi ideology, openly fascist."

The following day the Communist German radio charged that the entire campaign had been organized by the West German office of psychological warfare under the direction of Defense Minister Strauss.

The orgy achieved its peak on February 1, when Mr. Khrushchev wrote in an open letter to Chancellor Adenauer: "People are prosecuted in your country for their thoughts, for their progressive ideas. You actually occupy the same position occupied by Hitler." It would be difficult to find a comparably insulting letter from one head of state to another, even on the eve of war.

The purpose of all this propaganda was obvious. It was designed, very simply, to further isolate West Germany, to further divide the Western Alliance, and to soften our policy by appealing to our still vivid memories of Nazi brutality. In particular, it was designed to appeal to the people of Britain, where antinazism is frequently combined with a strong general dislike of Germans and Germany.

The ultimate goal of this propaganda is the city of West Berlin.

GERMANY'S POSTWAR RECORD

The questions of neonazism and anti-Semitism in West Germany have been posed—and these questions can only be answered by a detailed evaluation of Germany's postwar history.

As executive trial counsel at the major Nuremberg trial, I had spread before me in nightmarish detail the whole incredible story of Nazi barbarism and of its fiendish persecution of the Jewish people. Almost equally incredible, was the story of how this party of madmen and fanatics had achieved power over a nation of 70 million people, and enslaved their minds and warped their characters.

To those of us who were close to the problem in the immediate postwar period, the problem of denazification seemed almost insurmountable. How could tens of thousands of administrators be dismissed—and an administration still be maintained? How could minds be purged of the Nazi virus and a sense of morality and civic responsibility restored? How could teachers be found so that the new generation of Germans could be schooled in dedication to the ideals of democracy? There were many of us who felt at the time that the restoration of Germany would be a work of generations.

I have seen the bottom of the abyss from which the German people had to come—and, for my own part, I cannot help marvelling that they have traveled so far in so short a period of time. There is still much to be done. There are certain hard unpleasant facts that must be confronted. But when we compare the Germany of today with the Germany of yesterday, there is every reason for optimism and confidence.

For the great progress that has been made, I believe that Germany and the free world will remain eternally indebted to the statesmanship and humanity of Chancellor Konrad Adenauer and of men like Mayor Brandt of Berlin and his predecessor, Mayor Ernst Reuter. But one leader or a few leaders by themselves could not explain the rate of recovery in Germany. The fact is that there were in Germany far more anti-Nazis and non-Nazis than we had been inclined to believe.

For more than a decade now, West Germany has had a freely elected parliamentary regime, a free press, and a free society which is watchful of individual liberties.

In successive elections, at federal, state and municipal levels, the overwhelming majority of the German voters have given their support to the Christian Democratic Party or to the Social Democratic Party. Both of these parties are completely dedicated to democratic ideals, are stanchly anti-Nazi, liberal in their approach to social problems, solidly pro-Western in their orientation. Of the long list of splinter parties, the largest is the Free Democratic Party, which in 1958 won the backing of 7.7 percent of the electorate. These splinter parties are also, for the most part, essentially democratic in orientation, some of them liberal, some of them middle-of-the-road, some of them conservative.

The one significant exception, the German Reichspartei, is neo-Nazi in outlook, and is led by a group of diehard ex-Nazis. But it has a national membership of only 13,000 and obtained only 1 percent of the vote in the last election. This means that it has no representation in parliament, because under German electoral law, a party must obtain a minimum of 5 percent of the popular vote before it is given representation. In addition, there are half a dozen other ultranationalist reactionary splinter groups which, between them, were able to obtain 1.32 percent of the total vote.

On the basis of the electoral record of the past decade, it is obvious that there remains a core of unregenerate Germans who are prepared to vote to resurrect the past. But it is a very tiny core, representing no more than about 2.5 percent of the total electorate.

The important thing is the trend. Before the Nazi Party came to power, it obtained an increasing percentage of the German vote in successive elections—18.3 percent in 1930, 37.1 percent in 1932, 44.2 percent in March 1933. Has the trend since the end of the war been toward a revival of Nazi extremism, or toward the parties of moderation? Here, I believe, the proof is conclusive: In 1949 the Christian Democratic Party and the Social Democratic Party between them polled 60 percent of the vote. In 1953, the figure rose to 74 percent, in 1957 to 82 percent.

These, in my opinion, are the basic facts—the central criteria in appraising Germany's political evolution since the end of the war.

What remains to be done?

EX-NAZIS IN GOVERNMENT: EAST AND WEST

There is still a problem of former Nazis in government. The Jewish organization, the B'nai B'rith, speaks of some 900 of them, of whom several hold high office. This is a relatively small number compared with the scores of thousands of Nazis who were dismissed from office—but it is still reason for concern. There is also a number of ex-Nazis who hold positions of importance in private life as editors, writers, publishers, bankers, and industrialists.

It is proper that the problem of ex-Nazi officeholders should be openly discussed by the West German people and by their allies. But it becomes a trifle outrageous when Khrushchev and his German quislings mount their pulpits and prate self-righteously about ex-Nazis in the West German Government.

In Communist Europe there was no process of denazification. In East Germany and in every European country where the Communists have taken power, they have opened their ranks to the most vicious Nazis and Nazi collaborators. Their past was no handicap; quite the contrary, for the dirty work which the Communist regime had to do, a gangster past constituted a decided recommendation.

I have in hand a documentation compiled by the investigating committee of free jurists in Berlin. In it are listed some hundreds of former Nazis who now hold important posts in the Communist government of East Germany, or in its armed forces. Here are their photographs, their Nazi party numbers, the record of their date of entry into the Nazi party, the lists of their awards and decorations from the Hitler government. In it you will find such names as that of Dr. Kurt Schumann, president of the East German Supreme Court; Seigfried Dallmann, chairman of the Law Committee of the People's Chamber; the chief editor of the official Communist theoretical periodical "German Foreign Policy," Hans W. Aust; and a long roster of political leaders, leading judges, officers, publicists, and educators.

When the Berlin Jurists Association first printed its list of ex-Nazis in the service of communism, the German Communists—unable to deny the truth of the charges—replied with the assertion that all of these people had realized their past political errors and had developed into "upright democrats and fighters for peace." By this they mean to say that these people have now become Communists. Such a statement I would not be prepared to dispute. For a Communist to become a Nazi or a Nazi to become a Communist requires no real transformation. They are blood brothers.

DENAZIFICATION AND THE CASE OF DR. GLOBKE

In West Germany, as a result of the denazification process, the apparatus of government was purged of virtually every Nazi who was personally guilty of crimes against humanity. In an operation which involved scores of thousands of people, it was inevitable that there should be some errors of judgment. A number who were guilty escaped punishment, while some who were innocent were wrongly punished. But, in general, the denazification courts made exceptions only for those former Nazi party members who could prove that they used their positions for anti-Nazi purposes, or that their party membership was a simple formality necessary to protect their positions or livelihood.

On the basis of the evidence I have seen, I am inclined to believe that, while there is still a fair amount of housecleaning to be done, many of the ex-Nazis at present employed by the West German Government have demonstrated their innocence. Each case must be considered on its merits; no sweeping judgment could possibly be fair.

About Refugee Minister Oberlaender and Interior Minister Schroeder I have serious doubts. They were not personally involved in any crimes against humanity; Oberlaender, in fact, has voluntarily submitted himself to an examination by a committee of former resistance fighters. Both men have strongly opposed the neo-Nazi movement. But the fact remains that they did belong to the Nazi party and not to the opposition. In the case of Dr. Hans Globke, secretary of the Chancellor's office, however, I have examined a documentation which completely persuades me of the man's innocence.

The story of Dr. Globke illustrates how exceedingly complex the business of making judgments can be. The Communists raise his name at every opportunity. They charge that he was coauthor of a legal commentary on the infamous Nuremberg racial laws. This is true. This information, in itself, would predispose most decent people against Globke. How, they would ask, could such a man be innocent?

In the terrible politics of our time, men have frequently been confronted with choices that torture the soul. If one sees an opportunity to serve the cause of freedom in the ranks of the Nazi movement, does one reject the opportunity because it is morally repugnant—or does one accept? It is not an easy choice; and if one accepts, it is not an easy thing to explain or live down. In fact, during World War II, more than one resister posing as a collaborator was shot down by fellow resisters to whom his identity was unknown.

As a functionary Ministry of the Interior, Hans Globke was given the task of preparing a legal commentary on the Nuremberg law. He was not a Nazi; he was by tradition a devout Catholic who abhorred the brutality of godlessness of the Nazi regime. The specific choice which confronted him was whether to resign and leave the drafting to some fanatical Nazi, or to assume the responsibility and draw up the commentary in a manner which would leave the greatest number of loopholes for Jews, half-Jews, quarter-Jews, and one-eighth Jews. In a torment of conscience, Globke at one point

came to Cardinal Konrad von Preysing, then bishop of Berlin, and suggested that he resign his post. The bishop urged him not to resign because he was in a position to render invaluable services to the anti-Nazi cause.

The loopholes existing in Globke's legal commentary were effectively utilized by thousands of German Jews, many of whom have written letters in his defense. Among other things, according to this testimony, Globke served as their chief go-between with the Ministry of the Interior. Dr. Walter Jellinek, a Jewish professor at Heidelberg University, has written to him: "You belong to the very few men of the Hitler era whom I remember with gratitude and with pleasure."

Under Secretary of Justice Walter Strauss, himself a "non-Aryan," has stated that he can prove Globke saved the lives not only of thousands, but of tens of thousands of German Jews. Dr. Jacob Kaiser, chairman of the Christian Democratic Party and a veteran of Hitler's concentration camps, has testified that Globke played a key role in the anti-Nazi resistance from the beginning of the war, that he helped draw up plans for the overthrow of the Nazi regime, and that he had been slated to take over the post of Minister of Education if the plot of July 20 had succeeded. Cardinal von Preysing has testified that over and above his fundamental opposition to nazism, Globke always "sought to obstruct or prevent unlawful actions and acts of injustice and violence on the part of the Nazis, to the fullest extent possible to him." And there are many more such testimonials from people of unimpeachable anti-Nazi records.

Perhaps the most important testimony comes from Dr. Hans Gisevius, Allen Dulles' chief contact with the German resistance and author of the book "To The Bitter End." Dr. Gisevius has stated repeatedly that few people rendered more decisive services to the resistance than Globke. I met Gisevius during the course of my duties in Nuremberg—and like everyone else who met him, I was enormously impressed. Perhaps better than any other man he knows the moral dilemma which confronted Globke because he himself served the resistance in the ranks of the Nazi secret police.

I have been greatly impressed by the fact that, as a result of the growing body of evidence in Globke's defense, key Jewish organizations concerned with the German situation no longer list his name among the ex-Nazis whose presence in government they consider suspect.

This has been a rather long digression. But since Dr. Globke has been wrongly accused not only by the Communists but by uninformed Western editorialists, I wanted to take advantage of this opportunity to set the record straight.

RESTITUTION AND REEDUCATION

There have been many articles in the Western press dealing with the continuing prevalence of anti-Semitic attitudes among the West German people, the inadequate treatment of the Nazi era in German history textbooks, the unwillingness of the older generation to confront or speak openly about the so-called recent past, the ignorance of German youth concerning the crimes of the Hitler era.

There is a good deal of validity in these criticisms.

But on checking back through a number of such articles I have discovered that, almost without exception, they have been based on public opinion polls or studies conducted by German organizations or on articles or statements by prominent German educators and political leaders. This demonstrates, in my opinion, that there are a substantial number of Germans who understand the weaknesses in their society, who are doing their utmost to expose them, and who are endeavoring to devise remedies. The severest critics of the weaknesses in West German society have, in fact, been the West German people themselves. This is as it should be in a democracy. What is more, it proves that the West German system, despite certain weaknesses, is essentially healthy.

According to a report shortly to be made public by the American Council on Germany, there is a growing trend in West Germany toward public castigation of what happened during the Nazi period. The trend is becoming more and more evident in the press, in the TV programs, in the movies, and, most important of all, in the schools.

"It has taken 15 years," says the report, "but this year marks the beginning of a really noticeable awareness of Nazi crimes and a determination to bring them out into the open, to examine the developments which led up to 1933 and to answer the demanding questions of this generation of youth about the period in their country's history which they did not know."

The report quotes instance after instance of new school programs designed to teach the terrible truth about the Nazi era to German students. It also describes the rapidly expanding program of adult education now being conducted by the Institute on Current Events, the People's High Schools, and other bodies.

The horrors of the Hitler regime are also being brought home to the German people by the series of so-called concentration-camp trials involving former camp directors. These trials have been front-page news throughout the German press. In general, I am not a believer in gory details when it comes to newspaper reporting. But in this case I believe the German press has rendered a service by its detailed and graphic reporting.

Incidentally, the Bonn Government has been so assiduous in tracking down Nazi criminals and bringing them to trial that hundreds of Nazis have fled the country. Certainly no Nazis with criminal records have dared to return to their fatherland. In Egypt alone, there is a colony of some 600 Nazi refugees from anti-Nazi Germany—where many of them are working hand-in-glove with Communist agents in spreading anti-Semitic propaganda and exacerbating Arab-Israeli relations. Those who believe that West Germany is some kind of paradise for former Nazis, might do well to ruminate on the meaning of this inverted historical situation.

Among the older generation, who supported the Hitler regime either through their action or inaction, there has admittedly been a tendency to forget the past or at least not to talk about the evils of the past. Frankly, I do not find this surprising. It is only human to want to put painful memories out of one's mind. But even this older generation has given many evidences of understanding and of contrition. Indeed, it has been remarked that the hundreds of thousands of Germans who came to performances of "The Diary of Anne Frank," sat through the play in a stunned silence more eloquent than any spoken repentance.

But most indicative, in my opinion, of the vast progress Germany has made was the reaction of the German people to the incident at Cologne and the rash of anti-Semitic incidents which followed it. The rabbi of the Cologne synagogue received thousands of wires and letters from individual Germans, expressing their personal indignation and their shame. The Protestant churches, the Catholic bishops, the trade unions, the student and youth organizations joined in condemnation of the desecrations. Virtually every newspaper in the country thundered editorially against the delinquents and criminals who were fanning the evil embers of the past and defaming their country, and they demanded the most stringent measures against them. In Berlin, 15,000 students marched in an anti-Nazi protest demonstration. So great was the public pressure that even the Mutual Society of SS Veterans adopted a resolution threatening expulsion of anyone guilty of an anti-Semitic act. The Federal Government and the Land governments acted with the utmost vigor to track down the perpetrators and to punish them.

On January 20, Prof. Carlo Schmid, vice president of the Bundestag, made a remarkable statement to the Bundestag in the name of all four parties. I quote one paragraph from this statement:

"It is a disgrace that this could happen in our country. This disgrace is not mitigated by the fact that in other countries, too, walls have been smeared with swastikas and abuse of the Jewish people. We Germans have no right to point our fingers at others. It is true that in other countries there has been ruffianism under the sign of the swastika; but in our country 6 million Jews were murdered in the name of this symbol. For this reason, what has happened in Germany during these weeks is a greater disgrace than it would be elsewhere. And for the same reason, our reaction against it must be stronger and must proceed from greater introspection."

When Professor Schmid concluded his statement, the entire Bundestag rose and applauded enthusiastically. No more significant statement of contrition has ever been spoken in a parliamentary body.

The attitude of the German Government on the question of restitution provides perhaps the most concrete evidence of its determination to extirpate the evil vestiges of the past and somehow to atone for the terrible crimes that were committed in the name of the German people.

When they are completed, Germany's payments of restitution and reparations to Jewish victims of nazism and to the State of Israel will total almost $6 billion. Dr. Nahum Goldmann, president of the World Jewish Congress, has declared that Israel has received more money from Germany than from all the Jews in the world put together.

Germany's commitment to pay restitution was entirely voluntary. This in itself is remarkable. Indeed, I believe it is unique in history. But Germany's restitution program is remarkable in many other ways.

It is remarkable because the commitment was made not at a time of general prosperity, but in the year 1951, when the Government was still attempting to cope with the gigantic problems of reconstruction and with the equally gigantic problem of the 9 million refugees and expellees from the Soviet zone.

It is remarkable that for a generosity that refused to be limited by an already generous initial commitment. As Dr. Goldmann pointed out, Germany's restitution payments will amount to two or three times as much as the figure German and Jewish experts had originally agreed upon.

It is remarkable because this onerous voluntary burden was assumed by unanimous vote of the Bundestag, with the complete support of the German press, with the backing of a clear majority of the German people, and in defiance of a threatened Arab boycott of Germany.

This is Germany's postwar record.

THE ORIGINS OF THE EPIDEMIC

Who was responsible—what was responsible—for the swastika epidemic? The white paper issued by the Bonn Government has, I believe, presented a frank and careful analysis of the epidemic. The white paper found that, of the 234 culprits apprehended, 8 percent had clear records of either neo-Nazi or Communist association, while 24 percent acted out of subconscious Nazi or antidemocratic motives. The German police uncovered no evidence to prove that the outbreak was controlled or centrally directed. On the other hand, the white paper made it clear that the neo-Nazi movement could not es-

cape moral responsibility for the individual actions of its members.

It had been suggested by sources both inside Germany and abroad that the entire outbreak was the work of the Communists, bent on discrediting the Adenauer government. The white paper found that once the epidemic got under way, the Communists got in on the act. Of those apprehended, at least seven had proven records of Communist affiliation. Members of Communist youth organizations were found smearing swastikas and pasting up anti-Semitic placards, and agents of the East German police were found operating in Berlin and in some of the neo-Nazi organizations. But it found no proof of Communist masterminding. On the basis of the evidence available, the West German authorities concluded that the epidemic was essentially the work of nonpolitical elements—of hoodlums and juvenile delinquents.

I believe the German white paper did the right thing in bending over backward to avoid any accusation that could not be conclusively substantiated. I cannot escape the feeling however, that the evidence of Communist involvement unearthed by the West German authorities tells only a small part of the story. And I am surprised that there should have been people who felt that somehow the charge of Communist instigation constituted a heinous libel against the Kremlin.

The specific charge that the Communists instigated the swastika epidemic may not be provable. But, from a strictly legal standpoint, is it libel to suggest that a many-times convicted rapist may be guilty of still another act of rape, or that a notorious forger and perjurer may have pulled off another act of deception? Where a crime of a specific type has been committed, is it not common procedure in every country to suspect those criminals whose records show a long list of crimes that are similar in purpose and method?

Whether or not the charge was intrinsically libelous depends on whether or not the Kremlin has a record of collaboration with Nazis or Nazi elements or a record of anti-Semitic instigation which might be relevant to the charge. Such a record does exist—and what a long and terrible record it is.

History records that when the League of Nations imposed economic sanctions against Fascist Italy in an effort to hamper or, if possible, prevent its rape of Ethiopia, the Soviet Government stepped into the gap and provided Mussolini with vast quantities of oil and other commodities essential to the conduct of his war.

History also records that when the Nazi Party in 1931 called for a plebiscite to oust the democratic government of Prussia, the Communist Party voted with the Nazis—even though the ousting of the government would have brought the Nazis to power.

History also records that in 1939 the Soviet state concluded a treaty with Hitler which made it possible for Hitler to unleash his war against the West; that this treaty contained secret annexes providing for the division of Europe between Nazi Germany and Soviet Russia; that at the signing of this treaty, Stalin toasted Hitler with the words—"I know how much the German nation loves its Fuhrer"; that Molotov gloated over the dismemberment of Poland with the shameful words—"One blow from the German Army and one blow from the mighty Red army, and this ugly duckling of Versailles ceased to exist."

History also records that until the Soviet Union itself was invaded, the Communist Parties throughout the world did their utmost to support the war efforts of Nazi Germany and to obstruct and sabotage the war efforts of the Allied democracies; that Walter Ulbricht, the present head of the East German Communist Party, said to his followers on November 23, 1939: "Not only the Communists, but also many social democratic and national socialist workers regard it as their task not in any circumstances to permit a breach of the pact. (By this he meant the Hitler-Stalin pact.) Those who intrigue against the friendship of the German and Soviet people are enemies of the German people and are branded as accomplices of British imperialists."

History also records that the Kremlin turned over to Hitler's Gestapo certain German Communists who were on the Nazi wanted lists. Among those thus turned over was Margarete Buber-Neumann, widow of the German Communist leader, Heinz Neumann, who had been executed by Stalin in 1937. Not even the limited, perverted sense of honor that is customary among thieves was evident in this practice.

History records that the Soviet regime has practiced anti-Semitism in its own territory, has engaged in a genocidal campaign against Jewish culture, has exported anti-Semitism to its satellite countries, and is currently employing the anti-Semitic motif in its broadcasts to the Arab countries. The Kremlin has conducted, and is conducting today, an anti-Semitic propaganda strongly reminiscent of Goebbels and Streicher and that infamous forgery "The Protocols of the Elders of Zion." The general theme of this propaganda is that Jewish bankers and Zionists have combined with the American capitalists and imperialists to plot an attack against the Soviet Union and that Jewish religious and humanitarian organizations are all agents of American intelligence.

How can one possibly "libel" a government with such a record. That the Kremlin is morally capable of having instigated the swastika epidemic is, therefore, indisputable; and while moral reputation does not constitute proof, it does constitute justification for suspicion.

If we accept the finding of the white paper that the outbreak was essentially a psychological epidemic, I feel that the Kremlin still deserves a much larger share of the blame than the white paper has attributed to it. An epidemic is caused by a virus. The swastika epidemic may have been caused in part by the latent virus of anti-Semitism which existed in small pockets in Germany. But since the end of the war the chief breeding place of the virus of anti-Semitism has not been Germany nor has the chief instigator been the neo-Nazi movement. The chief breeding place has been, and remains today, the Soviet Union. The chief instigator is the international Communist movement.

No one can tell me that the Soviet state can encourage internal anti-Semitism on a massive scale, and can direct its exportation to the satellite countries and to the Arab world, without somehow spreading the infection to the peripheral areas. In this sense, even accepting the psychological epidemic theory without reservation, the Kremlin bears an inescapable moral responsibility.

THE RECORD OF SOVIET ANTI-SEMITISM

There should be no secret about Soviet anti-Semitism. The terrible ordeal of the Jewish people under the Kremlin's rule has been painstakingly set forth and documented in a whole series of studies by scholarly authorities. In addition to several full-length books on the subject, there have been studies by the American Jewish Committee, the Anti-Defamation League of the B'nai B'rith, the Jewish Labor Committee, the authoritative Jewish magazine Commentary, the internationally respected weekly, the New Leader, the Select Committee on Communist Aggression of the 83d Congress, and by the Senate Subcommittee on Internal Security. Scattered over a period of 2 decades, moreover, there were some dozens of carefully researched articles in newspapers like the New York Times and New York Herald-Tribune and in magazines like Life.

But for some strange reason, the terrifying story of persecution of the Jews under communism has not penetrated the public consciousness of the free world.

Perhaps the scholarly studies were too esoteric, too limited in distribution.

Perhaps the newspaper and magazine articles were too scattered and infrequent to be effective.

Perhaps the Jewish communities in the Western countries did not speak up as loudly as they should have for fear of further endangering their coreligionists behind the Iron Curtain.

Perhaps our minds are conditioned far more than we ourselves are prepared to admit by the most powerful and most subtle propaganda apparatus the world has ever known.

Whatever the reason may be, I am convinced from many conversations that, in the public mind, anti-Semitism is far more closely identified with Germany than it is with the Soviet Union. I do not blame the public for this. I try to be a reasonably assiduous reader. I was aware before I began preparing this analysis that anti-Semitism existed on a very substantial scale throughout the Soviet sphere. But as I checked through the available documentation, I found myself constantly appalled.

I was appalled by the totality of Soviet anti-Semitism, by its utter ruthlessness, by its doctrinal and practical similarity to Nazi anti-Semitism. I was even more appalled to discover how little I knew, how little my friends knew, about this terrible crime against humanity which has been going on for more than two decades now.

Let me set forth here the full record of this crime.

For many years after the Bolshevik revolution, it was commonly believed, by conservatives as well as liberals, that, despite all its evil features, Communism did not practice discrimination on racial or religious grounds. It was equalitarian in the sense that all men, regardless of race or religion, were equally persecuted. Personally, I question this conception of equalitarianism—but there were, and still are, many people who seem to see some peculiar virtue in equality of persecution.

The myth that all men are equal under communism remains to this day one of the Kremlin's chief propaganda weapons in its appeal to the Negro, Jewish and other minorities in this country, to racial minorities in other countries, and to the colonial peoples.

The fact is that the Soviet Union is a gigantic prison-house of nations where minorities have been persecuted and exploited, and where genocide has been a common instrument of state police. It is an imperialist empire which, for its cold-blooded ruthlessness, has no equal in history.

The fate of the Jews under communism is most illustrative.

The treatment of minorities, historically, may be considered a gage of social and moral progress; and in modern times, it has become a gage of social sanity. Wherever minorities have been oppressed in Europe, the Jews have generally been among the first to suffer and they have often suffered the most acutely. This is so because they are dispersed and more helpless, and because differences of custom and religion and the survival of ancient prejudices make them convenient scapegoats for despotic regimes.

On the specific question of anti-Semitism, the Communist leaders, in the early days, made some very strong statements: "Anti-Semitism," said Stalin, in an interview with the Jewish Telegraphic Agency of America in January 1931, "is an extreme form of racial chauvinism, is the most dangerous survival of cannibalism—anti-Semitism, as a phenomenon hostile to the Soviet system, is

severely punished by law. Active anti-Semites are punished by capital punishment under the laws of the U.S.S.R."

Thus spoke Stalin in 1931. But, in reality, anti-Semitism is as inherent in Marxist totalitarianism as it was in Nazi totalitarianism. Karl Marx himself was, in many of his statements, as virulently anti-Semitic as Goebbels. Over the decades, the Communists have done their utmost to conceal this fact. Marx's translators into English and the European languages carefully eliminated his anti-Semitic diatribes from editions of his books and writings. But the proof exists.

I have in hand the first English translation of the unexpurgated papers of Karl Marx on the so-called Jewish question. It was printed only last year. In it, you will find that Marx referred to the distinguished German Social Democratic leader, Ferdinand Lasalle, whom he considered too moderate, as, I quote, "Judel Itzig—Jewish nigger." In another letter, Marx made the statement: "Ramsgate is full of Jews and fleas." In still another statement he said—and I quote again—"emancipation from usury and money, that is, from practical real Judaism, would constitute the emancipation of our time."

This was not Hitler speaking. It was the recognized ideological father of Soviet communism. This was Karl Marx.

The persecution of the Jews in the Soviet Union can only be understood within the context of the Marxist ideology and of the Kremlin's broad general policy toward all minorities.

In the period immediately after the revolution, when they were still endeavoring to consolidate their regime, the Bolsheviks attempted to purchase the support of the national minorities by preaching the freedom and equality of peoples. The appointment to native Communists to party and government posts was encouraged. The use of the various minority languages, which had been restricted under the czar, was also encouraged.

By the early thirties, Stalin had achieved absolute power. At this point, the toleration and encouragement of national culture gave way to a massive campaign against the languages and cultures of all the national minorities.

The development of a totalitarian state requires total conformity, it requires the reduction of all peoples to a single norm. The Russian language was selected as the instrument for the new cultural straitjacket because it happened to be the language of the largest national group and was the most widely spoken.

In the Ukraine, for example, Russian was again made the main language of instruction in almost 80 percent of the universities. Ukrainian specialists and scientists were assigned to other areas of the Soviet Union while increasing numbers of Russian specialists and scientists were imported into the Ukraine.

The apparatus of government was ruthlessly purged of all those who were suspected of the sin of bourgeois nationalism. Ukrainian intellectuals, party leaders and administrators were the chief targets of this terror. The terror reached its zenith during 1937-38 when, it is estimated, some 200,000 persons were executed in the course of one year. I have documentary evidence concerning the massacre in the city of Vinitsa alone of 10,000 persons; and there is evidence that similar massacres occurred at many other points in the Ukraine.

The man in charge of the Ukraine during this period, I might point out, incidentally, was a certain N. S. Khrushchev, who last summer was invited to visit our country as an honored guest.

What happened to the Ukrainian people happened, with variations in pattern and degree, to all the other national minorities in the Soviet Union.

The imposition of Russian Communist control was even more marked in the case of the minor Moslem nationalities of central Asia. In all of these central Asian republics, Russians held the key posts in the ministries of security and of the interior and, in general, throughout the apparatus of party and government. In the so-called autonomous Kazakh Republic, for example, native Kazakhs, according to a report published in 1948, held only 2 percent of the administrative posts in the ministry of local industry and public health; 4 percent in light industry; 6.7 percent in textiles; and so on down the line.

The Negro in America unquestionably suffers from serious restrictions on rights and opportunities. He is now on his way up. But in the darkest days after emancipation, he enjoyed far greater rights than do some of the Asian minorities in the Soviet Union today.

In certain respects the persecution of the Jews and of Jewish culture in the Soviet Union has been even more severe than that endured by other minorities. Physically their persecution is on a par with that of the Ukrainians. In terms of denial of opportunity, their treatment is even worse than that of the Kazakhs. Culturally, their persecution is total. Instead of being permitted a restricted representation in the apparatus of party and government, the Jews today are virtually excluded from all administrative positions of any importance. While all religion is persecuted and regulated, the Jewish religion is persecuted with particular ruthlessness.

Why is this so? I can think of several reasons. First of all, there is the fact that the Jews have both their own religion and their own national culture; this makes them eligible for persecution on both scores.

Secondly, the rulers of the Kremlin have apparently suspected them of mass disloyalty to the Soviet state. This is not surprising, for no Jew could be expected to enthuse over things like the Hitler-Stalin pact or Moscow's incitation of the Arabs against the State of Israel.

Perhaps even more important, the great majority of the Russian Jews have relatives in America. This makes them suspect, in Khrushchev's eyes of harboring pro-American sympathies.

Finally, Communist anti-Semitism, like czarist anti-Semitism, exploits the Jew as a scapegoat—a convenient outlet for popular resentment which might otherwise be directed against the regime.

A major shift in Soviet policy toward the Jews first became apparent in 1937-38. Zinoviev, Radek, and a few of the other old Bolsheviks who were liquidated in the great purges of the thirties had been born Jews. Of course, they could no more be considered Jews than Stalin and Khrushchev could be considered Christians. But there is reason to believe that in Stalin's paranoid mind, party opposition to his one-man rule somehow became identified with the accident of Jewish birth.

Perhaps more important, there seemed to be a growing possibility of a deal with Hitler. If this deal were consummated, every Jew in the Soviet Union would have to be considered an enemy of the regime.

Surreptitiously, the Soviet Government began to encourage anti-Semitic propaganda. Secret directives went out to the civil service to restrict recruitment of Jews and to demote or remove many of those who held office. Jewish schools and newspapers and community organizations were forcibly closed down. Thousands of the Jewish communal leaders were physically liquidated.

The Nazi invasion of the Soviet Union did not persuade the Kremlin to abandon its persecution of the Jews. Jews in the Red army fought heroically against the Nazi invader and, in many cases, rose to fairly high rank. But Stalin by this time apparently shared Hitler's psychopathic hatred of the Jews. The result was a policy of passive cooperation with the Nazi enemy in permitting their extermination.

When Hitler invaded Russia there were more than 5 million Jews in the Soviet Union proper and in the territories it had annexed under the Hitler-Stalin pact. More than 3 million of these vanished during World War II. Scores of thousands of those who vanished were victims of mass deportations to Siberia. The great majority, however, were captured by the Nazis and perished in their infamous extermination camps.

But the question arises: How is it that more Jews were not able to flee before the Nazi army? How is it that the Nazi were able to capture virtually intact the large Jewish communities in so many cities in Soviet territory?

Jewish organizations in this country are convinced that the Soviet Government did nothing to facilitate the evacuation of the Jews from areas that were threatened by the Nazi army—even though they knew the fate that awaited the Jews under Nazi occupation. According to eyewitnesses before the House Select Committee on Communist Aggression in 1954, those Jews in the occupied territories who succeeded in escaping did so by fleeing individually or in small groups through the swamps and forests. They testified that Jews attempting to flee from threatened areas en masse or in large groups were turned back by Soviet guard units.

The attitude of the Soviet press during the war also deserves some comment. The Kremlin editorialists could find no words strong enough to denounce Nazi inhumanity. But they spoke always of "crimes against Soviet citizens." The systematic extermination of the Jews by the Nazi was, apparently, a crime that did not call for special mention or display of moral indignation.

For several years after World War II, Soviet policy toward the Jews continued to manifest two faces. In its propaganda to the free world, the Kremlin continued to pose as an opponent of anti-Semitism and all forms of racial discrimination. At home, the persecution was intensified. In increasing numbers, the Jews were forced out of administrative positions. Public hostility toward them was encouraged by a hundred subtle devices.

During the period of Soviet occupation, at least 40,000 Jews were deported to Siberia from Hungary alone and many thousands more were deported from Rumania.

Other terrors awaited the Jews of the satellite countries. In the immediate postwar period, the Communists did not yet have complete control of these countries. They were either in the process of consolidating control or preparing to seize power. What more convenient smokescreen could there be for them, what more effective diversion, than a campaign against the Jews, with a few old-fashioned pogroms thrown in?

In Poland during the course of 1946 there was a whole series of murderous attacks on Jews which cost several hundred Jewish lives. In the pogrom at Kielce alone, 41 Jews were killed by a mob, while the Communist militia stood idly by—or else arrested the Jews.

In Czechoslovakia there was also a series of bloody anti-Semitic incidents. The Communists tried to blame these incidents on the Fascists—but there is considerable evidence that they themselves instigated them. The Czechoslovakian Minister of Propaganda during this period, Vaclov Kopecky, referred to the Jews in his statements as "those bearded Solomons" or "this Jewish scum."

In this propaganda he was abetted by the present Prime Minister of Czechoslovakia, Antonin Zapotocky.

In Hungary, local Communist leaders organized bloody attacks on the Jewish people in the cities of Miskolcz and Kunmadaras. According to the testimony of Dr. Zoltan Klar, a Hungarian Jewish leader, and of Mr. Irving Engel of the American Jewish Committee, the Communist police did nothing to prevent the riots and in many cases they protected the instigators. Those responsible for the riots, moreover, were never punished.

But in 1948 Stalin apparently became impatient with the limited, gradual anti-Semitism of the previous decade. The cold war had sharpened. Tito had defected from Soviet control. The Jews of the Soviet Union and the satellite countries had shown unconcealed enthusiasm over the establishment of the State of Israel. In the warped mind of Stalin this situation called for an all-out offensive against everything that might be considered a "foreign" or "Western" influence. Anything which suggested adherence to a non-Russian group was automatically guilty of "bourgeois nationalism;" and friendship for anything outside the Soviet Union was stygmatized as "cosmopolitanism."

In the fall of 1948, with one sweeping administrative decree, Stalin and his cultural commissar, Andrei Zhdanov, completely eliminated what remained of Jewish cultural and communal life in the Soviet Union. Nominally, the campaign was directed against the Zionists. Of course, everyone who considered himself a Zionist had long previously perished in Stalin's concentration camps. In reality, the new Soviet anti-Semitism was directed not against zionism, but against the Jewish religion and all those of Jewish origin, even if they were Communists.

In this respect, I see nothing to distinguish the anti-Semitism of Stalin from the anti-Semitism of Hitler.

At one stroke, all Jewish schools were closed. Jewish newspapers were shut down. The Yiddish publishing house, Emes, was also closed. The Jewish anti-Fascist committee in Moscow was dissolved and its leaders arrested. More than 450 Jewish writers, artists and intellectuals—the cream of the Jewish intelligentsia in the Soviet Union—were executed.

Despite restraints and persecution, Russia under the czar had been the world center of Yiddish culture. In the early period of cultural tolerance, the Soviet Union had the largest number of Yiddish schools in the world, the greatest number of Jewish pedagogical institutions, the only Jewish institution of higher learning in Yiddish, and Yiddish departments in many universities. There were 4 Yiddish state publishing houses and 14 state theaters. And there were 35 periodicals and newspapers, 4 of them dailies.

Some of these institutions and publications had ceased to exist during the anti-Semitic purges of 1936–38. Others had ceased to exist during the war. But with the Zhdanov decree, everything ceased. Where there had once been a flourishing Jewish culture, there was now a desert.

One year after the Zhdanov decree, in September 1949, there took place the first of a whole series of spectacular Communist show trials involving Jewish defendants. The scene of this first trial was Budapest. The chief defendant was the former Minister of the Interior, Laszlo Rajk.

Rajk himself was not a Jew. In fact he was generally considered anti-Semitic. He had uesd his post to instigate the pogroms in Miskolcz and Kunmadaras, or else to protect those Communists who had instigated them. Three of Rajk's codefendants, in this trial, however, were Jewish—and they were forced to sign confessions that they had served as "Zionist spies." These so-called Zionist spies had, according to the charges, conspired with America, England and Tito's Yugoslavia to overthrow the Communist Government.

To the accompaniment of an ominous propaganda about the "world Zionist conspiracy," Rajk and his chief codefendants were sentenced to death.

A few years later, it was the turn of Czechoslovakia. In November 1952 there took place the great Prague trial of Rudolf Slansky, former Secretary-General of the Party, and his alleged confederates. In this trial, 11 of the 14 defendants, including Slansky, were Jews. To make sure that this fact was not missed by the public, the official indictment bore the words—I quote—"of Jewish origin" after the name of each Jewish defendant.

As Communists, it goes without saying, all of these defendants had long previously renounced their Jewish religion and they were violently opposed to Zionism. This apparently was not considered any serious obstacle by the professional brainwashers who prepared Slansky and his colleagues for their appearances in court.

The trial, from the first, was an obscene anti-Semitic orgy. The defendants confessed that they had been participants in a worldwide Jewish conspiracy operating in the service of American and British imperialism. For variety, their conspiracy was sometimes referred to as a "capitalist-imperialist-Trotskyist-Titoist plot." Involved in this plot, if one were to believe the confessions, were former U.S. Secretary of the Treasury Henry J. Morgenthau, Mr. Bernard Baruch, Israeli Prime Minister David Ben-Gurion, and the Yugoslav Communist leader Moshe Pijade.

All of the evils of the Communist regime and all of the suffering of the Czechoslovak peoples were charged to the account of Slansky and his codefendants and their American and British imperialist masters. They confessed to planning the disorganization of the Czechoslovak economy, to contriving artificial scarcities of food and fuel and the inflation of the national currency. The commentaries of the Czechoslovak press, in referring to the Jewish defendants, employed such adjectives as "huckstering," "profiteering," "bloodsucking," "Judases," "scum with a dark past."

On November 28, 11 defendants, 8 of them Jews, were sentenced to death by hanging. The sentences were carried out a few days later.

There is a footnote to the stories of the Rajk trial in Hungary and the Slansky trial in Czechoslovakia. In the fall of 1956, after Khrushchev's denunciation of Stalin's crimes, it was announced that the Rajk trial had been a frameup from beginning to end and that the confessions had been extorted. The rehabilitation of some of Slansky's codefendants implied a similar admission.

What a commentary on the practice of justice under communism.

Needless to say, the Slansky trial was accompanied by a wholesale dismissal of Jews from all public office. The trial also served as a signal for a further intensification of the campaign of official anti-Semitism throughout the Soviet empire. This campaign reached perhaps its lowest point in the infamous "Moscow doctors' plot."

On January 13, 1953, the Soviet Ministry of Internal Security announced that nine prominent doctors, six of whom were Jews, had been arrested on the charge of murdering two Politburo members, Andrei Zhdanov and Alexander Shcherbakov, by medical mistreatment. They were also accused of having attempted the murder of a number of top-ranking officers of the Soviet armed forces. The arrested doctors, said the Kremlin, had all confessed that they had carried out their crimes on orders of the world Zionist conspiracy and that these orders had been transmitted from Israel by the American Jewish Joint Distribution Committee.

According to the American Jewish Yearbook for 1954, the so-called doctors' plot resulted in a universal orgy of denunciations, demotions and arrest of Jewish citizens throughout the Soviet empire. All this, it said, was accompanied by a barrage of propaganda designed to prove that all Jews were apt to be traitors, spies, imperialist agents, embezzlers, and outright murderers.

On March 5, 1953, Stalin died. The public campaign against the arrested Jewish doctors and against the Jews ceased. On April 4 the Ministry of the Interior made the startling announcement that the doctors' plot had been a frameup: the evidence had been falsified and the confessions extorted. This seemed to be a step in the right direction. It caused many people to hope that, with Stalin's death, anti-Semitism in the Soviet sphere had also perished.

Everything that has happened since 1953, however, proves conclusively that Moscow has never abandoned its anti-Jewish campaign.

In Moscow the 13 doctors were released—but this was the only concession granted. The thousands of Jews in prison remained in prison. Zionism remained illegal. Jewish culture and communal life and Jewish emigration remained under total ban, the Jewish religion under a near-total ban. And the basic charges made in the Slansky trial and in the Moscow doctors' plot were repeated and repeated until they achieved the status of articles of faith for all Communists.

Two weeks after the Moscow doctors were released, on April 16, 1953, the head of the Czechoslovak delegation to the U.N., Foreign Minister Vaclav David, upheld all the charges that had been made in the Slansky trial and reiterated the accusation that the Zionists and other Jewish organizations were hotbeds of American sabotage and espionage. Soviet Foreign Minister Andrei Vishinsky backed his Czechoslovak protegé to the hilt on this occasion.

In Czechoslovakia, Hungary, and Rumania, the rash of anti-Jewish show trials continued for more than a year after the release of the Moscow doctors. In Czechoslovakia alone there were four such trials between May of 1953 and April of 1954. The last of these trials, which took place in Bratislava, had a new twist. None of the defendants were Jewish, but they were charged with the crime of having protected Jews or having failed to punish them.

These show trials, involving amalgams of Jewish and non-Jewish Communists, received considerable international publicity. The persecution of the Jewish community leaders and Zionist leaders, unfortunately, received far less publicity. Literally thousands of these leaders had been imprisoned in the satellite countries—in particular in Czechoslovakia, Hungary, and Rumania—during 1948 and 1949. During the course of 1953–54, some hundreds of these were brought to trial, charged with Zionist activities and aid to Jewish emigrants.

These trials were secret, but some of the details inevitably leaked out. Writing in the magazine Commentary, Peter Meyer reported that in the spring of 1954 the secret trials in Rumania reached such numbers as to constitute a mass terror. Not less than 100 Jewish leaders were tried and sentenced in one month, he said. One of the trials involved 22 members of a Socialist Zionist youth group. Its leader defied the Communist court with these words: "You have tortured and killed many of our members in your dungeons. This crime will never be forgotten." He and his comrades were all sentenced to 20 years in prison.

The 5-year period that followed the Zhdanov decree of 1948 is remembered by the Jews of the Soviet Union as "the black years." The facts about this period were documented as early as 1951 by the Jewish scholar, Dr. Solomon Schwarz in his book,

"The Jews in the Soviet Union." But despite such documentations and despite the blatant anti-Semitism of all the show trials that took place during this period, the Kremlin was able to pretend to its followers in the free world, as late as 1956, that there was no anti-Semitism in the Soviet Union.

Even high-ranking Jewish Communists, who should have had access to the facts, assured their followers—and assured themselves—that the charges of anti-Semitism made by Jewish organizations were slanderous fabrications.

In February 1956 there took place the 20th Congress of the Communist Party of the Soviet Union, at which Khrushchev made his famous denunciation of the crimes of the Stalin era. A slackening of control inevitably followed this speech. In his speech to the party congress, Khrushchev said nothing about the persecution of the Jews. But shortly after the congress, on April 4, 1956, the Polish Jewish paper Folkshtimme confirmed the fact that the hundreds of Jewish writers who had disappeared in the wake of the Zhdanov decree, had been executed.

To the scattered Jewish following which the Communist Party still maintained in the free world, the article in Folkshtimme struck a shattering blow. Some of the most eloquent condemnations of Soviet and anti-Semitism have been written by former Jewish Communists and by official Communist Party delegations who went to the Soviet Union to check on the facts. Their eyes were opened by what they saw.

I want to quote a few paragraphs from one of the many revealing articles that appeared in the world Communist press during the period of disarray that followed these revelations. These paragraphs are extracted from the report of a delegation of the British Communist Party to the Soviet Union and they were printed in the London Communist weekly World News in October 1956:

"For some years prior to the death of Stalin, rumors began to spread that all was not well in the Jewish field, and that well-known Jewish writers and intellectuals had disappeared. Then came the revelations of the 20th Congress, and, later, specific charges in the Folkshtimme.

"Naturally these charges created consternation and bewilderment in the ranks of Jewish Communists in all countries, so that it became a matter of urgency and of importance to expose their truth or falsehood.

"The first piece of concrete information came from a visit to the Lenin State Library. Here there exists a Yiddish and a Hebrew section. It turned out that there is nothing in Yiddish later than 1948, when publication of Yiddish papers and journals must therefore have ceased.

"The Soviet Encyclopedia, which in its 1932 edition devoted about 160 columns to the Jews, reduces this in the 1952 edition to four columns. The biographies of many eminent Jews had been removed. Marx was no longer referred to as a Jew.

"The first task, therefore, was to meet a few Jewish writers and to examine their reactions to this. Official requests to this end were made, but we were informed that this was not possible as they were all on holiday, while Halkin (a Jewish writer who survived), who was at home, was too ill to receive anyone.

"Then came the discovery from private conversations by Comrade Levy with Jews that the years 1948–52 were known among them as 'The Black Years,' the period during which many Jews were dismissed from their posts, Jewish poets and writers were arrested and charged with treason and executed, Yiddish disappeared from the street and marketplace, the population closed up together, becoming tense and nervy, and young Jews who might otherwise have merged with the general population and have forgotten that they were Jews, awoke to a new sense of unity in distress.

"But let it be said that this fear did not emanate from any general feeling of antagonism from among the Russian population, but from official or quasi-official sources; from the security police, in fact."

This report, I want to emphasize was written not by critics of the Soviet regime, but by members of the British Communist Party.

The furor which such articles caused in the world Communist movement resulted in a few very minor concessions. In the course of 1957, for the first time since the revolution, the Jews were permitted to establish a small theological seminary in Moscow. Permission was also granted for the publication of a small number of prayer books in Hebrew, for the staging of some Yiddish music recitals, for the printing of a few works of Yiddish writers in Russian translation.

But this is as far as the concessions went. Despite repeated promises to Communist delegations which visited the Soviet Union after 1955, the reestablishment of a Yiddish theater and Yiddish press and Yiddish publishing house was never permitted. Instead, there was an accelerated discrimination against Jews in public life, in the national economy and in the educational field.

The Jewish population of the Soviet Union represents approximately 1.4 percent of the country's total population. In 1958, only 3 of the 1,336 members of the Supreme Soviet—one-fourth of 1 percent of the total, could be identified as Jews. On a per capita basis, this would signify that the Jews had only one-sixth the political representation to which they were entitled.

So far as is known, no Jew is to be found in the foreign service, among the higher ranks of the armed forces, or in the various military academics. Jews are also excluded from leading posts in the Communist Party, from the central party newspapers and the foreign section of the Soviet press. Jews are progressively being excluded from admission to the universities.

The facts which I have just listed here were part of a statement issued by the American Jewish Committee in conjunction with their meeting with First Deputy Premier Anastas Mikoyan in January 1959. Since that time, there seems to have been a further deterioration in the position of the Soviet Jews.

What is the situation today in the Soviet Union? Let me list only a few items from the current catalogs on Soviet anti-Semitism that have been compiled by the New York Times, the New York Herald Tribune, the New Leader, and other publications.

A few months ago the synagogue in the town of Malachovka near Moscow was set afire.

The synagogues of Chernovtsky, Bobruisk, Korosten, Baranovich, Rakhov, Novoselitsa, Orenburg, Chernigov, Staline, Babushkin, and other cities have been closed down by the security authorities.

In the city of Kharkov, where there are 70,000 Jews, there is not a single synagogue to serve their religious needs.

The synagogue at Voronezh has been taken over by the authorities for use as a grain warehouse. The Jewish community has been unable to raise the money required to redeem it.

In Yevpatoriya, in the Crimea, the authorities confiscated 25,000 rubles raised by the Jewish community to rent a building for a synagogue.

Deprived of synagogues, the Jews have attempted to pursue their worship in private prayer meetings. Such prayer meetings have been reported forcibly dispersed in the cities of Kharkov, Olevsk, Tula, Bobruisk, Vitebsk, and other places. In Vitebsk the Jews were threatened with 10 years in prison if they resumed their meetings.

In Bendery, Baranovich, Minsk, Kishinev, Voronezh, and Kiev, Jewish cemeteries have been desecrated and memorials defaced.

In Kiev, Kharkov, Kuibyshev, Rostov, Kishinev, Odessa, and Lvov, a ban was imposed on the baking of matzoh, the unleavened bread which plays a central role in the Passover observance. To my mind, there could be no more pitiless or more pointless deprivation than this.

For the Jewish population of almost 3 million, there are only 60 rabbis in the whole of the Soviet Union. Their average age is well over 70. In the case of the Orthodox religion in Russia, there is 1 priest for every 5,000 faithful. This is bad enough. But in the case of the Jewish religion there is only 1 rabbi for every 50,000 Jews. With virtually no replacements in sight, the situation is bound to become worse over the coming years.

The Orthod x church and the Moslem religion have been permitted to maintain a number of seminaries. The only Jewish seminary permitted is limited to an attendance of 20 students. Patricia Blake, in her article in Life magazine last December, has described how these 20 students pursue their studies in the corners of the Moscow synagogue, because no space has been made available for their seminary.

The teaching of Hebrew remains under the ban imposed at the time of the revolution. In the 40 years of Soviet rule, no more than several thousand Hebrew prayerbooks have been printed; only several hundred distributed.

Openly anti-Semitic books and publications are appearing with increasing frequency. The villains in this literature all adhere to a single stereotype. They all have unmistakably Jewish names; they are all moneygrubbers, without human feeling, dishonest in their relations with the state and their fellow men.

Whether a Jew is religious or nonreligious, whether he is pro-Communist or anti-Communist, he has no way of escaping the fate which the Soviet regime has ordained for his people. The word "Jew" is stamped on his internal passport—the document which is the key to a man's existence in every Communist country. This inscription is not intended as a religious identification because the members of no other religious groups are thus identified. The Soviet internal passport does state the nationality of the bearer—but the Kremlin apparently does not recognize the Jews as a nationality because it refuses to grant them the most elementary communal rights enjoyed by the smallest and most primitive national groupings in the U.S.S.R. The marked passports of the Soviet Jews serve only one purpose—the same purpose served in its time by the yellow badge which the Nazis compelled the Jews to wear for purpose of self-identification. To every factory manager, to every university president, to every party bureaucrat, to every minor official, it constitutes a directive to treat the bearer as a member of a hostile and inferior breed; it constitutes a command to hate and to persecute.

As I was winding up the work on this analysis, I received a communication from a group of professors of the Social Sciences Division of Fairleigh Dickenson University, who had toured the Soviet Union last summer. Appalled by the many evidences of Soviet anti-Semitism, they wrote letters last November and December to 10 leading Soviet educators and editors, including Aleksei Adzhubei, editor of Izvestia and son-in-law of Nikita Khrushchev. Their letters pointed out that the Jews do not appear to enjoy the rights guaranteed by Soviet laws and professed by the Communist philosophy, and they asked for a detailed explanation of this anomalous situation. To date only one Soviet editor has deigned to reply. The reply said that their letter had been forwarded to somebody else.

In their letter to me, the group of American professors wrote: "Our observations have led us to the unhappy conclusions that anti-Semitism in the U.S.S.R. is not an atavistic remnant of czarist Russia, but is the official policy of the Government of the U.S.S.R."

In Rumania, in Hungary, and especially in Poland under Prime Minister Gomulka, there appears to have been limited improvement in the treatment of Jews. In these countries, while they still suffer from discrimination and economic disabilities, Jewish cultural and religious life now enjoy somewhat increased freedom. This limited improvement in the satellite countries is, of course, subject to instant recall if it ever serves Communist purposes.

Why is there this difference between Soviet policy toward the Jews and the policy presently pursued in some of the satellites? I can think of two reasons.

The first reason is that the Soviet Government is more directly interested than are the satellites in influencing Arab opinion in the Middle East and in preventing any settlement between the Arab States and Israel. Soviet anti-Semitism and Soviet strategic objectives in the Middle East complement each other. Arab nationalism must be wooed and fanned by constantly identifying Israel and Zionism with British and American imperialism.

Let me give you one example of the Kremlin's propaganda to the Arab world. I quote from the publication, "The State of Israel—Its Position and Policies," printed by the Soviet state publishing house in 1958:

"The Zionist movement represents a form of the nationalistic ideology of the rich Jewish bourgeoisie, intimately tied to imperialism and to colonial oppression of the people of Asia. Zionism has tied itself to American and other Western capitalism and, with Jewish terrorist tactics, attacked its Arab neighbors. The national liberation movement of the people of the Middle East, spearheaded by its native leaders (such as President Nasser, King Ibn Saud of Saudi Arabia, and King Iman Ahmad of Yemen) is constantly threatened by naked Jewish aggression. The clear duty of all Marxists and Communists in this situation is to help the Asian and African people crush the reactionary Jewish forces."

The second explanation I can think of for the intensified anti-Semitism in the Soviet Union today is the personally irrational attitude of Prime Minister Khrushchev. The Anti-Defamation League has stated that the primitive, vulgar anti-Semitic tone characteristic of Khrushchev's occasional interviews and outbursts on the subject of the Jews is unmistakable. This evaluation coincides with that of the most prominent Jewish member of the Canadian Communist Party, Mr. J. B. Salsberg, after a 2-hour interview with the Soviet Premier in August 1956.

According to Mr. Salsberg, Khrushchev first of all denied that there was anti-Semitism in the Soviet Union, and then went on to list a whole series of personal objections to Jews. He quoted the Soviet Prime Minister as saying that:

"Wherever a Jew settles, the first thing he does is build a synagogue.

"Of the thousands of Soviet citizens who have toured abroad, only three failed to return. All of them were Jews.

"* * * [He, Khrushchev] agreed with Stalin that the Crimea, which had been depopulated at the war's end, should not be turned into a Jewish colonization center, because, in case of war, it would be turned into a base for attacking the U.S.S.R."

"I was much disturbed by the above remarks," concluded Mr. Salsberg. "They reflect a backward prejudice against the Jewish group as a people. * * * Khrushchev's statements smack of White Russian chauvinism * * * his approach to the problem of Jewish nationality is an unforgiveable violation of social democracy. If Khrushchev's distrust of the Jewish people is warranted, then this is a terrible indictment, not of Soviet Jewry, but of Stalinist crimes and of distortions in the nationalities policy, in particular as it is applied to the Jewish people."

This is the Khrushchev who today accuses Konrad Adenauer of being another Hitler.

ANTI-SEMITISM, PATRIOTISM, AND CHRISTIANITY

Having set forth the facts about Soviet anti-Semitism, I now want to deal with anti-Semitism in this country. I have purposely observed this sequence because anti-Semitism in this country can, I believe, only be evaluated against the background of Communist anti-Semitism.

Thanks to our free press and thanks to the energetic attitude of the leaders of both political parties, active anti-Semitism is not now a serious problem in our country. But I would warn against complacency. There is, let us be frank about it, a good deal of passive—or polite—anti-Semitism which expressed itself in various forms of discrimination and segregation.

Moreover, here and there, scattered across the country, there are little hate groups who make the Jews the chief target of their venom. More frequently than not, they have high-sounding names which describe them as "Christian" or "patriotic"—when in reality they are both anti-Christian and antipatriotic.

When Hitler was alive and the depression was still upon us, these groups were able to make some headway. Today they are isolated and without influence. But under certain circumstances, they could again become dangerous.

There is already some evidence that the KKK and other extremists in this country maintain contact with ex-Nazi grouplets scattered around the world. In terms of membership, this pro-Nazi international today has no more than nuisance value. But there is reason to believe that it commands substantial funds which leading Nazis smuggled out of Germany before the collapse of the Hitler regime, and that these Nazi expatriates hate the Western democracies with undiminished passion and yearn for a revival of the Nazi-Soviet pact. In any case, this is a matter that could well stand investigation.

I believe we should keep our eye on these old professional merchants of hate.

I find much more reason for concern, however, in the fact that those involved in the swastika epidemic in our own country have been, for the most part, high school students and teenagers.

Since last Christmas, some 70 synagogues in the United States have been desecrated and a number of Jewish cemeteries have been vandalized. Some of the outrages were perpetrated by members of youthful neo-Nazi clubs, which had their fuhrers and flaunted the swastika emblem. A report from Kansas City this February 1st, for example, said that 13 youths had been suspended from high school for membership in such neo-Nazi clubs. From the many arrests that have been made, however, it would appear that most of the swastika painters operated as individuals or in groups of two or three, and were not members of any organization.

The actions of these young people bore many features of the standard psychological epidemics to which juveniles in every country are prone. But I would urge that we do not dismiss the matter with this easy analysis. A serious study should be made to determine the personal backgrounds of the young people involved, their political attitudes—if any—and the possible social and political consequences of this new type of epidemic.

Perhaps we, in America, too, must find ways of improving the education of our young people—yes, and of our adult population too. Somehow we must communicate to them the unspeakable evil which the swastika and the hammer and sickle both stand for. Somehow we must make them understand that anti-Semitism is anti-American—that it is today an instrument of communism, as it was yesterday an instrument of nazism—and those who ply it in this country, are unwittingly the tools of the Communist conspiracy.

Even more important, we must make them understand that anti-Christianism goes with anti-Semitism, as godlessness goes with totalitarianism. It is no accident, in my opinion, that the two great godless movements of our time, nazism and communism, should both be vehemently anti-Semitic. But in checking through some of the writings of Karl Marx, I have been amazed to discover how similar his views on the relationship between Christianity and Judaism were to the views of the Nazi pagan philosophers.

The Nazis objected to Judaism because, in their eyes, it was the root monotheistic religion, because their creed of race and hate and war and brutality could not be reconciled with belief in God. They objected to Christianity because, in their eyes, it derived from Judaism, because its doctrine of universal love was as difficult to reconcile with their pagan beliefs.

Let me read to you what Karl Marx himself had to say on this same subject:

"Christianity sprang from Judaism. Christianity is the sublime thought of Judaism, Judaism is the everyday practical application of Christianity. But this application could become universal only after Christianity had been theoretically perfected as the religion of self-alienation of man, from himself and from nature."

By their statements both Marx and Hitler have made it clear that any movement which sets out to persecute Judaism inevitably winds up by rejecting and persecuting Christianity.

As free men who worship God, we cannot ignore the existence of anti-Semitism, even on a small scale, in this country or in other countries. We cannot ignore the desecration of a single synagogue, any more than we can ignore the taking of a single life.

Let us strive, therefore, to achieve a clearer understanding of the nature and origins of this evil, and let our leaders and our educators join in an effort to control and ultimately eliminate the virus in our own country.

Let us join in condemning every manifestation of anti-Semitism, wherever it may occur.

Let us give every assistance and encouragement to the Government of West Germany in the long and inevitably difficult struggle to eradicate the last vestiges of the Nazi evil.

Let us do all of these things. But in doing so, let us not lose our sense of proportion and priority. Let us not permit ourselves to be so distracted by the actions of a handful of juvenile delinquents and by the saturation propaganda of the Kremlin, that we take our eyes off the chief source of human injustice in the world today.

Let us raise our voices against the inhuman persecution of the Jews which is today practiced in the Soviet Union, and let us use our offices at every opportunity to persuade the Soviet leaders to grant equality of treatment to their Jewish subjects.

Let us protest, too, at every available opportunity, against the continued enslavement of the 100 million people of captive Europe, and against the vicious oppression of other minorities in the Soviet Union.

Under the Nazi regime many Christians and numberless Jews were united in a community of suffering. Under communism, the community of suffering is total. Thus, by a strange arrangement of circumstances, the godless totalitarians who have sought to destroy both Judaism and Christianity may have laid the foundation for an understanding that will grow best because it will have survived the worst.

RURAL DEVELOPMENT

Mr. SCOTT. Mr. President, the growing interest in area assistance, and particularly in the rural development program, which has resulted from the work going forward in 30 States and Puerto Rico, prompts me to call attention to the action taken by the Extension directors of the United States in the annual meeting of the Association of Land-Grant Colleges and Universities last November.

The policy statement, entitled "Extension in Rural Development," received unanimous approval by all the Extension directors. It originated with the agency's committee on organization and policy, a group of State directors and leaders of home demonstration programs.

Among the major recommendations by the directors were the following:

Use by all States of rural development approaches to aid in the development of potential resources in "lagging" rural communities.

Closer coordination at the local level of Extension program planning and rural development to promote more effective utilization of county or area resources.

Encouragement of and assistance in forming State and area interagency committees to stimulate rural development in all States.

Establishment of a clear channel within existing Extension organization framework with identifiable leader positions to carry out the Rural Development effort. This has been urged by other governmental departments and agencies so as to give more effective coordination to all participating in the work, both private and governmental.

Pointing out that no rural family today can escape the technological revolution in agriculture, the Extension directors observe in their policy statement:

It is obvious that many families are lagging in the present race for an improved position. The same is true of communities. We believe that much of the prevailing frustration is the consequence of an intense and to some extent fruitless search for logical directions. We also believe that families and communities in such situations can be assisted through combined educational approaches.

In the emerging community where progress is being made, an increasing dependence on nonfarm income is obvious. Also found in such communities are effective local leaders who assume a larger responsibility to the rural community.

Out of this matrix of forces comes our proposal for Extension in rural development.

Started in 1955–56 on a pilot basis, the rural development program has as its aim the development of farm, marketing, industrial, educational and other resources in areas with large numbers of small, low production farms. The program is going forward in some 200 counties in 30 States and Puerto Rico.

From the beginning, Extension Services in the participating States have assigned local staff members to support Rural Development Committee in their work. In addition, local representatives of both Federal and State agencies, as well as private organizations, have given wholehearted support to these committees.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further business in the morning hour?

Mr. GOLDWATER. Mr. President——

Mr. DOUGLAS. Mr. President, is the Senator from Arizona seeking recognition to speak in the morning hour, or at the conclusion of the morning hour?

The PRESIDING OFFICER. The Senate is still in the morning hour.

Mr. GOLDWATER. Mr. President, the Senator from Arizona has a short piece of morning hour business. Following the morning hour the Senator from Arizona will seek recognition.

Mr. DOUGLAS. Mr. President, I state that at approximately 12:30 I approached the present occupant of the chair and requested that I be recognized at the conclusion of the morning hour.

Mr. GOLDWATER. Mr. President, will the Senator yield? I think the Senator will find that my name was on the list ahead of his, at 12 o'clock.

The PRESIDING OFFICER. That is correct. The Chair recalls that the Senator from Illinois did speak with the Chair at about 12:20 or 12:30, and the present occupant of the chair did say to the Senator from Illinois that he would recognize him immediately after the morning hour.

Mr. GOLDWATER obtained the floor.

Mr. LONG of Louisiana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for a parliamentary inquiry. Does the Senator from Arizona yield for that purpose?

Mr. GOLDWATER. I yield.

Mr. LONG of Louisiana. Do not the rules provide a way to clear up this debate by providing that the first Senator to address the Chair shall be recognized?

The PRESIDING OFFICER. The Senator from Louisiana is absolutely correct, when the rule is invoked.

Mr. GOLDWATER. Mr. President, I recognize that the rule is exactly as the Senator from Louisiana has outlined, but the Senator from Louisiana will recognize that custom prevails to a certain extent in this body. I asked that my name be placed on the list at 12 o'clock, and it heads the list. If Senators wish to have a race to see who can first rise and address the Chair, I will gladly yield and go to luncheon. I came here with the expectation of being recognized in accordance with the custom of this body.

Mr. DOUGLAS. Mr. President, while I wish to be very courteous to my good friend from Arizona, let me say that it all depends on who first catches the eye of the Chair.

Mr. GOLDWATER. I may observe that my good friend in the Chair (Mr. YOUNG of Ohio) is a member of the opposition party. I would hardly expect him to recognize a Republican first, with all deference to him. Let us have a little contest, and if the Senator is first on his feet, I will gladly go to luncheon.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. LONG of Louisiana. Does the Senator recall that some years ago, when the rule was applied more nearly in accordance with the Senate rule itself, one way of obtaining recognition was for a Senator to start shouting for recognition even before he reached his seat? That gave him a slight headstart.

Mr. GOLDWATER. It does not make that much difference to the junior Senator from Arizona. His remarks will not shake the world, or disturb the dome over our heads. I shall be glad to make them at any time I can obtain the floor.

The PRESIDING OFFICER. Is there further morning business?

Mr. DOUGLAS. Mr. President, has morning business been concluded?

The PRESIDING OFFICER. Is there further morning business?

Mr. DOUGLAS and Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. GOLDWATER. I congratulate the Senator.

Mr. BYRD of Virginia. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. I yield to the Senator from Virginia for an insertion in the RECORD, with the understanding that I will not lose my right to the floor.

(The matter inserted by the Senator from Virginia appears elsewhere in the RECORD under the appropriate headline.)

The PRESIDING OFFICER. Is there further morning business?

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of Virginia. Mr. President, will the Senator withhold that suggestion?

Mr. WILLIAMS of Delaware. I withhold the suggestion of the absence of a quorum.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Chair had recognized the Senator from Illinois in the morning hour.

Mr. DOUGLAS. That is correct.

The PRESIDING OFFICER. Does the Senator from Illinois yield——

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. I understood the Senator from Delaware [Mr. WILLIAMS] to suggest the absence of a quorum. I should like a ruling——

Mr. WILLIAMS of Delaware. I withdrew that suggestion.

The PRESIDING OFFICER. The Chair is advised that the Senator from Delaware withdrew the suggestion of the absence of a quorum.

Mr. DOUGLAS. Mr. President——

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded, and the Chair lays before the Senate the unfinished business.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. DOUGLAS and Mr. GOLDWATER addressed the Chair.

Mr. KEATING. Mr. President, a parliamentary inquiry.

Mr. DOUGLAS. Mr. President, may I ask whom the Chair has recognized?

The PRESIDING OFFICER. The Senator from New York [Mr. KEATING] has the floor at the moment, to propound a parliamentary inquiry.

Mr. KEATING. Mr. President, a parliamentary inquiry.

Mr. DOUGLAS. I suggest that this should be for a parliamentary inquiry only.

Mr. KEATING. That is correct.

The PRESIDING OFFICER. The Senator from New York is recognized for a parliamentary inquiry only.

Mr. KEATING. Mr. President, my parliamentary inquiry is this: When the unfinished business was laid before the Senate the title of the bill was read by the clerk. Is the pending question the amendment which I have offered to section 2 of the so-called Dirksen substitute as amended?

The PRESIDING OFFICER. That is the pending question.

Mr. GOLDWATER and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. The Presiding Officer feels that he should abide by the list at the desk.

Mr. CLARK. Mr. President, a point of order. Whom did the Chair recognize?

The PRESIDING OFFICER. Does the Senator from Arizona yield for a parliamentary inquiry?

Mr. DOUGLAS. Has the Senator from Arizona been recognized?

Mr. CLARK. Has the Senator from Arizona been recognized?

The PRESIDING OFFICER. The Chair has stated that he would abide by the list at the desk.

Mr. CLARK. A point of order. I call for the regular order.

The PRESIDING OFFICER. The Senator from Arizona was recognized by the Chair.

Mr. CLARK. A point of order. I call for the regular order. The Chair is out of order in recognizing the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. CLARK. Mr. President, I appeal from the ruling of the Chair. I call attention to the absence of a quorum.

Mr. GOLDWATER. Mr. President, I am not yielding for that purpose.

Mr. CLARK. An appeal from a ruling of the Chair is always in order.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. GOLDWATER. The Senator from Pennsylvania has called for the regular order. What is the regular order?

The PRESIDING OFFICER. The Chair has recognized the Senator from Arizona. The regular order is for the Senator from Arizona to proceed.

Mr. GOLDWATER. I thank the Chair.

Mr. CLARK. Has my appeal from the ruling of the Chair been ruled to be out of order?

The PRESIDING OFFICER. The Chair will state to the Senator from Pennsylvania that it is the understanding of the Chair that the Senator from Arizona has not yielded for that purpose.

Mr. GOLDWATER. I have not yielded to my distinguished friend from Pennsylvania. He is out of order in calling for the regular order. The regular order is that the Senator from Arizona has the floor. I do not see how the Senator from Pennsylvania can appeal that ruling.

Mr. DOUGLAS. May the Senator from Illinois be heard on the ruling of the Chair?

Mr. GOLDWATER. It might facilitate matters if the Senator from Illinois would indicate about how long he intends to speak.

Mr. DOUGLAS. For 2½ minutes now.

Mr. GOLDWATER. How long does the Senator from Illinois intend to speak?

Mr. DOUGLAS. I intend to speak for approximately 2 minutes.

Mr. GOLDWATER. If the Senator will indicate how long it will take him to make his speech, if it is not overly long, I will entertain a request to yield to him briefly.

Mr. DOUGLAS. I do not ask for any favors. I wished to comment on the ruling of the Chair which reversed a previous ruling by the Chair. I will not ask the Senator from Arizona for any favors. I am not asking him to yield to me. I have merely asked the Chair to give me the right to speak on the Chair's ruling in recognizing the Senator from Arizona after he had previously recognized me.

Mr. GOLDWATER. If that is the extent of the Senator's comment, I shall proceed with my remarks.

The PRESIDING OFFICER. The Senator from Arizona.

THE STATE OF OUR NATION

Mr. GOLDWATER. Mr. President, American freedom has always depended, to an extent, on what is happening beyond our shores. Even in Ben Franklin's day, Americans had to reckon with foreign threats. Our forebears knew that keeping a republic meant, above all, keeping it safe from foreign transgressors; they knew that a people cannot live and work freely, and develop national institutions conducive to freedom, except in peace and with independence.

Mr. THURMOND. Mr. President, will the Senator yield to me for a minute and a half?

Mr. GOLDWATER. I shall be very glad to yield to the Senator from South Carolina.

Mr. CLARK. I object.

Mr. GOLDWATER. Then I shall continue with my remarks.

In those early days the threat to peace and independence was very real. We were a fledgling nation, and the slightest misstep—or faint hearts—would have laid us open to the ravages of predatory European powers. It was only because wise and courageous men understood that defense of freedom required risks and sacrifice, as well as their belief in it, that we survived the crisis of national infancy. As we grew stronger, and as the oceans continued to interpose a physical barrier between ourselves and European militarism, the foreign danger gradually receded. Though we always had to keep a weather eye on would-be conquerors, our independence was acknowledged and peace, unless we chose otherwise, was established. Indeed, after the Second World War, we were not only master of our own destiny; we were master of the world. With a monopoly of atomic weapons, and with a conventional military establishment superior to any in the world, America was—in relative and absolute terms—the most powerful Nation the world had ever known. American freedom was as secure as at any time in our history.

Now, a decade and half later, we have come full circle and our national existence is once again threatened as it was in the early days of the Republic. Though we are still strong physically, we are in clear and imminent danger of being overwhelmed by alien forces. We are confronted by a revolutionary world movement that possesses not only the will to dominate absolutely every square mile of the globe, but increasingly the capacity to do so: a military power that rivals our own, political warfare, and propaganda skills that are superior to ours, an international fifth column that operates conspiratorially in the heart of our defenses, an ideology that imbues its adherents with a sense of historical mission; and all of these resources controlled by a ruthless despotism that brooks no deviation from the revolutionary course. This threat, moreover, is growing day by day. And it has now reached the point where American leaders, both political, and intellectual, are searching desperately for means of "appeasing" or "accommodating" the Soviet Union as the price of national survival. The American people are being told that, however valuable their freedom may be, it is even more important to live. A craven fear of death is entering the American consciousness; so much so that many recently felt that honoring the chief despot himself was the price we had to pay to avoid nuclear destruction.

The temptation is strong to blame the deterioration of America's fortunes on the Soviet Union's acquisition of nuclear weapons. But this is self-delusion. The rot had set in, the crumbling of our position was already observable,

long before the Communists detonated their first atom bomb. Even in the early 1950's, when America still held unquestioned nuclear superiority, it was clear that we were losing the cold war. Time and again in my campaign speeches of 1952 I warned my fellow Arizonians that "American foreign policy has brought us from a position of undisputed power, in 7 short years, to the brink of possible disaster." And in the succeeding 7 years, that trend, because its cause remains, has continued.

The real cause of the deterioration can be simply stated. Our enemies have understood the nature of the conflict, and we have not. They are determined to win the conflict, and we are not.

I hesitate to restate the obvious—to say again what has been said so many times before by so many others: That the Communists' aim is to conquer the world. I repeat it because it is the beginning and the end of our knowledge about the conflict between East and West. I repeat it because I fear that however often we have given lipservice to this central political fact of our time, very few of us have believed it. If we had, our entire approach to foreign policy over the past 14 years would have been radically different, and the course of world events radically changed.

Mr. President, if an enemy power is bent on conquering you, and proposes to turn all of his resources to that end, he is at war with you; and you—unless you contemplate surrender—are at war with him. Moreover—unless you contemplate treason—your objective, like his, will be victory. Not peace, but victory. Now, while traitors—and perhaps cowards—have at times occupied key positions in our Government, it is clear that our national leadership over the past 14 years has favored neither surrender nor treason. It is equally clear, however, that our leaders have not made victory the goal of American policy. And the reason they have not done so, I am saying, is that they have never believed deeply that the Communists are in earnest.

Our avowed national objective is peace. We have, with great sincerity, waged peace, while the Communists wage war. We have sought settlements, while the Communists seek victories. We have tried to pacify the world. The Communists mean to own it. Here is why the contest has been an unequal one, and why, essentially, we are losing it.

Peace, to be sure, is a proper goal for American policy—as long as it is understood that peace is not all we seek. For we do not want the peace of surrender. We want a peace in which freedom and justice will prevail, and that—given the nature of communism—is a peace in which Soviet power will no longer be in a position to threaten us and the rest of the world. A tolerable peace, in other words, must follow victory over communism. We have been 14 years trying to bury that unpleasant fact. It cannot be buried, and any foreign policy that ignores it will lead to our extinction as a Nation.

We do not, of course, want to achieve victory by force of arms. If possible, overt hostilities should always be avoided; especially is this so when a shooting war may cause the death of many millions of people, including our own. But we cannot, for that reason, make the avoidance of a shooting war our chief objective. If we do that—if we tell ourselves that it is more important to avoid shooting than to keep our freedom—we are committed to a course that has only one terminal point: surrender. We cannot, by proclamation, make war "unthinkable." For it is not unthinkable to the Communists: naturally, they would prefer to avoid war, but they are prepared to risk it, in the last analysis, to achieve their objectives. We must, in our hearts, be equally dedicated to our objectives. If war is unthinkable to us but not to them, the famous "balance of terror" is not a balance at all, but an instrument of blackmail. And it cannot be long before a universal Communist Empire sits astride the globe.

Mr. President, the rallying cry of an appeasement organization, portrayed in a recent novel on American politics, was "I would rather crawl on my knees to Moscow than die under an atom bomb." This sentiment, of course, repudiates everything that is courageous and honorable and dignified in the human being. We must—as the first step toward saving American freedom—affirm the contrary view and make it the cornerstone of our foreign policy: that we would rather die than lose our freedom. There are ways which I will suggest later on—not easy ways, to be sure—in which we may save both our freedom and our lives; but all such suggestions are meaningless and vain unless we first understand what the objective is. We want to stay alive, of course; but more than that we want to be free. We want to have peace; but before that we want to establish the conditions that will make peace tolerable. "Like it or not," Eugene Lyons his written, "the great and inescapable task of our epoch is not to end the cold war but to win it."

I suggest that we look at America's present foreign policy, and ask whether it is conducive to victory. There are several aspects of this policy. Let us measure each of them by the test: Does it help defeat the enemy?

DEFENSIVE ALLIANCES

Through NATO, SEATO, and the Central Treaty Organization in mid-Asia, we have served notice on the Kremlin that overt Communist aggression in certain areas of the world will be opposed by American arms. It is likely that the existence of these alliances has helped discourage military adventurism by the Communists.

Still, we should not overestimate the value of the alliances. Although they play a significant role in safeguarding American freedom, there are a number of reasons why it is a limited role.

First, the alliance system is not coextensive with the line that must be held if enemy expansion is to be prevented. There are huge areas of the non-Communist world which the alliances do not touch. Nor—even assuming America is strong enough to guard a world-wide defense perimeter—is there any prospect of bringing these areas into the system. The so-called neutral countries of the Middle East, Africa, and southern Asia have refused to aline themselves with the anti-Communist cause, and it is in those areas, as we might expect, that the Communists are making significant strides. This is a critical weakness. If all of those areas should fall under Communist rule, the alliances would be outflanked everywhere: the system would be reduced to a series of outposts, and probably indefensible ones at that, in a wholly hostile world.

Secondly, the alliance system does not protect even its members against the most prevalent kind of Communist aggressions: political penetration and internal subversion. Iraq is a case in point. We had pledged ourselves to support the Iraqis against overt Soviet aggression—not only under the Baghdad Pact, of which Iraq was the cornerstone, but also under the Eisenhower Doctrine. Iraq fell victim to a pro-Communist coup without an American or Russian shot being fired. Cuba is another example. If the Red army had landed in Havana, we would have gone to Cuba's aid. Castro's forces, however, were native Cubans; as a result, a pro-Communist regime has become entrenched on our very doorstep through the technique of internal subversion. So it will always be with an enemy that lays even more emphasis on political warfare than on military warfare. So it will be until we learn to meet the enemy on his own grounds.

But thirdly, the alliance system cannot adequately protect its members even against overt aggression. In the past, the Communists have been kept in check by America's strategic air arm. Indeed, in the light of the weakness of the allied nation's conventional military forces, our nuclear superiority has been the only real weapon of the alliances. But as the Soviet Union draws abreast of us in nuclear strength, that weakness could prove our undoing. In a nuclear stalemate, where neither side is prepared to go all out over local issues, the side with the superior conventional forces has an obvious advantage. Moreover, it is clear that we cannot hope to match the Communist world man for man, nor are we capable of furnishing the guns and tanks necessary to defend thirty nations scattered over the face of the globe. The long-overdue answer, as we will see later on, lies in the development of a nuclear capacity for limited wars.

Finally—and I consider this the most serious defect of all—the alliance system is completely defensive in nature and outlook. This fact, in the light of the Communists' dynamic offensive strategy, ultimately dooms it to failure. No nation at war, employing an exclusively defensive strategy, can hope to survive for long. Like the boxer who refuses to throw a punch, the defense-bound nation will be cut down sooner or later. So long as every encounter with the enemy is fought on his initiative, on grounds of his choosing and with weapons of his choosing, we shall keep on losing the cold war.

FOREIGN AID

Another aspect of our policy is the foreign aid program. To it, in the last 14 years, we have committed more than $80 billion worth of American treasure—in grants, loans, materiel, and technical advice. I will not develop here what every thinking American knows about this gargantuan expenditure—that it has had dire consequences, not only for the American taxpayer, but for the American economy; that it has been characterized by waste and extravagance both overseas and in the agencies that administer it; and that it has created a vast reservoir of anti-Americanism among proud peoples who, however irrationally, resent dependence on a foreign dole. I would rather put the question, Has the foreign aid program, for all of its drawbacks, made a compensating contribution toward winning the cold war?

This test, let me say parenthetically, is the only one under which the foreign aid program can be justified. It cannot, that is to say, be defended as a charity. The American Government does not have the right, much less the obligation, to try to promote the economic and social welfare of foreign peoples. Of course, all of us are interested in combating poverty and disease wherever it exists. But the Constitution does not empower our Government to undertake that job in foreign countries, no matter how worth while it might be. Therefore, except as it can be shown to promote America's national interests, the foreign aid program is unconstitutional.

It can be argued, but not proved, that American aid helped prevent Western Europe from going Communist after the Second World War. It is true, for example, that the Communist Parties in France and Italy were somewhat weaker after economic recovery than before it. But it does not follow that recovery caused the reduction in Communist strength, or that American aid caused the recovery. It is also true, let us remember, that West Germany recovered economically at a far faster rate than France or Italy, and received comparatively little American aid.

It also can be argued that American military aid has made the difference between friendly countries having the power to fight off or discourage Communist aggression, and not having that power. Here, however, we must distinguish between friendly countries that were not able to build their own military forces, and those that were. Greece, Turkey, Free China, South Korea, and South Vietnam needed our help. Other countries—England and France, for example—were able to maintain military forces with their own resources. For many years now, our allies in Western Europe have devoted smaller portions of their national budgets to military forces than we have. The result is that the American people, in the name of military aid, have been giving an economic handout to these nations; we have permitted them to transfer to their domestic economy funds which, in justice, should have been used in the common defense effort.

Now let us note a significant fact. In each of the situations we have mentioned so far—situations where some evidence exists that foreign aid has promoted American interests—there is a common denominator: In every case, the recipient government was already committed to our side. We may have made these nations, on balance, stronger and more constant allies, although even that is debatable. But we did not cause them to alter their basic political commitments. This brings us to the rest of the foreign aid program, and to the great fallacy that I see underlying it.

Increasingly, our foreign aid goes, not to our friends, but to professed neutrals—and even to professed enemies. We furnish this aid under the theory that we can buy the allegiance of foreign peoples—or at least can discourage them from going Communist—by making them economically prosperous. This has been called the stomach theory of communism, and it implies that a man's politics are determined by the amount of food in his belly.

Mr. President, everything we have learned from experience and from our observation of the nature of man refutes this theory. A man's politics are, primarily, the product of his mind. Material wealth can help him further his political goals, but it will not change them. It is thus the height of folly to try to promote anticommunism by giving money to governments that are not anti-Communist, but that are, indeed, far more inclined to the Soviet-type society than to a free one. And let us remember that the foreign policies of many of the allegedly neutral nations that receive our aid are not neutral at all. Is Sukarno's Indonesia neutral when it encourages Red Chinese aggression, or Nehru's India when it censures the Western effort to recover Suez but refuses to censure the Soviet invasion of Hungary, or Nasser's United Arab Republic which equips its armed forces with Communist weapons and Communist personnel? Is American aid likely to make these nations less pro-Communist? Has it, Mr. President?

But let us, for the moment, concede the validity of the stomach theory, and ask a further question: Is our foreign-aid program the kind that will bring prosperity to underdeveloped countries? We Americans believe—and we can cite 150 years of experience to support the belief—that the way to build a strong economy is to encourage the free play of economic forces: free capital, free labor, a free market. Yet every one of the "neutral" countries we are aiding is committed to a system of state socialism. Our present policy of government-to-government aid strengthens socialism in those countries. We are not only perpetuating the inefficiency and waste that always attend government-controlled economies; but by strengthening the hand of those governments we are making it more difficult for free enterprise to take hold. For this reason alone, Mr. President, we should eliminate all government-to-government capital assistance, and should encourage the substitution of American private investment.

Our present foreign aid program, in sum, is not only ill administered, but it is also ill conceived. It has not, in the majority of cases, made the free world stronger; it has made America weaker; and it has created in minds the world over an image of a nation that puts prime reliance, not on spiritual and human values, but on the material things that are the stock in trade of Communist propaganda.

In the future, if our methods are to be in tune with our true objectives, we will confine foreign aid to military assistance for the nations that need it and that are committed to a common goal of defeating world communism.

NEGOTIATIONS

Mr. President, as I now speak, the world is waiting for another round of diplomatic conferences between East and West. A full-scale summit meeting is scheduled for spring; later on, President Eisenhower and Premier Khrushchev will have further talks in the Soviet Union. And we are told that this is only the beginning of a long-range American policy to try to settle world problems by negotiation.

As the preparations for the spring meetings go forward, I am struck by a singular fact: No one on our side claims—let alone believes—that the West will be stronger after these new negotiations than it is today. The same was true last summer. We agreed to "negotiate" about Berlin—not because we hoped to gain anything by such talks, but because the Communists had created a "crisis," and we could think of nothing better to do about it than go to the conference table. After all, we assured ourselves, there is no harm in talking.

Mr. President, I maintain there is harm in talking under present conditions. There are several reasons why this is so. First of all, Communists do not look upon negotiations, as we do, as an effort to reach an agreement. For them, negotiations are simply an instrument of political warfare. For them, a summit meeting is another battle is the struggle for the world. A diplomatic conference, in Communist language, is a propaganda forum from which to speak to the masses over the heads of their leaders.

Of course, if Communists can obtain a formal agreement beneficial to them, so much the better. But if not, the negotiations themselves will provide victory enough. For example, when the Soviets challenged our rights in West Berlin, we handed them a victory by the mere act of sitting down at the conference table. By agreeing to negotiate on that subject, we agreed that our rights in Berlin were "negotiable"—something they never were before. Thus, we acknowledged, in effect, the inadequacy of our position; and the world now expects us to adjust it as proof of our good faith. Our answer to Khrushchev's ultimatum should have been that the status of West Berlin concerns only West Berliners and the occupying powers, and is therefore not a matter that we are prepared to discuss with the Soviet Union. That would have been the end of the Berlin crisis.

Mr. President, the Berlin situation illustrates another reason why the West is at an inherent disadvantage in negotiating with the Communists. The central strategic fact of the cold war, as it is presently fought, is that the Communists are on the offensive and we are on the defensive. The Soviet Union is always moving ahead, always trying to get something from the free world; the West endeavors, at best, to hold what it has. Therefore, the focal point of negotiations is invariably somewhere in the non-Communist world. Every conference between East and West deals with some territory or some right belonging to the free world which the Communists covet. Conversely, since the free world does not seek the liberation of Communist territory, the possibility of Communist concessions never arises. However, once the West did attempt to use the conference table for positive gain. At Geneva, in 1955, President Eisenhower told the Soviets he wanted to discuss the status of the satellite nations of Eastern Europe. He was promptly advised that the Soviet Union did not consider the matter a legitimate subject for negotiation; and that was that. Since we are not permitted to talk about what we can get, the only interesting question at an East-West conference is what the Communists can get. Under such conditions, we can never win. At best we can hope for a stalemate that will end us up exactly where we started.

There is still another reason, Mr. President, for questioning the value of negotiations. Assume that somehow we achieve an agreement we think advances our interests: Is there any reason for supposing the Communists will keep it one moment longer than suits their purpose? We and they are different in this respect. We keep our word. But the long and perfidious Communist record of breaking agreements and treaties proves that the Soviet Union will not keep any agreement that is not to its advantage to keep. It follows that the only agreement worth making with the Soviets is one that will be self-enforcible—which means one that is in the Kremlin's interest to keep. But if that is the case, why bother to negotiate about it? If an action is in the interest of the Soviet Union, the Kremlin will go ahead and perform it without feeling any need to make it the subject of a formal treaty.

Mr. President, the next time we are urged to rush to the conference table in order to relax world tensions, let our reaction be determined by this simple fact: The only tensions that exist between East and West have been created, and deliberately so, by the Communists. They can, therefore, be relaxed by the Kremlin's unilateral act. The moment we decide to relax tensions by a negotiated compromise, we have decided to yield something of value to the West.

THE EXCHANGE PROGRAM

In recent months, the so-called exchange program has become an increasingly prominent feature of American foreign policy. The program began modestly enough in 1955 at the Geneva summit meeting, when we agreed with the Soviets to promote cultural exchanges between the two countries. Since then we have exchanged everything from opera companies and basketball teams to trade exhibitions and heads of governments. We are told that these exchanges are our best hope of peace—that if only the American and Russian peoples can learn to understand each other, they will be able to reconcile their differences.

In my view, the claim that the conflict between the Soviets and ourselves stems from a lack of understanding is the chief political fable of our time. Whose lack of understanding?

Are the American people ill-informed as to the nature of communism and of the Soviet state? True, some Americans fail to grasp how evil the Soviet system really is. But a performance by the Bolshoi Ballet, or a tour of the United States by Nikita Khrushchev, is certainly not calculated to correct that deficiency.

What of the Soviet leaders? Are they misled? All of the evidence is that the men in the Kremlin have a greater knowledge of America than many of our own leaders. They know about our political system, our industrial capacity, our way of life—and would like to destroy it all.

What about the Russian people? We are repeatedly told that the Russian man on the street is woefully ignorant of the American way, and that our trade exhibition in Moscow, for example, contributed vastly to his knowledge, and thus to his appreciation of America. Assume this is true. Is it relevant? As long as the Russian people do not control their government, it makes little difference whether they think well of us or ill. I suggest it is high time that our leaders stopped treating the Russian people and the Soviet Government as one and the same thing. The Russian people, we may safely assume, are basically on our side—whether or not they have the opportunity to listen to American musicians—but their sympathy will not help us win the cold war as long as all power is held firmly in the hands of the Communist ruling class.

The exchange program, in Soviet eyes, is simply another operation in Communist political warfare. The people the Kremlin sends over here are, to a man, trained agents of Soviet policy. Some of them are spies, seeking information; all of them are trusted carriers of Communist propaganda. Their mission is not cultural, but political. Their aim is not to inform, but to mislead. Their assignment is not to convey a true image of the Soviet Union, but a false image. The Kremlin's hope is that they will persuade the American people to forget the ugly aspects of Soviet life, and the danger that the Soviet system poses to American freedom.

It is a mistake to measure the success of this Communist operation by the extent to which it converts Americans to communism. By that test, of course, the operation is almost a complete failure. But the Kremlin's aim is not to make Americans approve of communism, much as they would like that; it is to make us tolerant of communism. The Kremlin knows that our willingness to make sacrifices to halt Communist expansion varies in direct ratio as we are hostile to communism. They know that if Americans regard the Soviet Union as a dangerous, implacable enemy, communism will not be able to conquer the world. The Communists' purpose, then, is to show that Mr. Khrushchev does not have horns; that he is fundamentally a nice fellow; that the Soviet people are ordinary people just like ourselves; that communism is just another political system.

It would not have made sense, midway in the Second World War, to promote a Nazi-American exchange program or to invite Hitler to make a state visit to the United States. Unless we cherish victory less today than we did then, we will be equally reluctant to treat Communist agents as friends and welcome guests. The exchange program is a Communist confidence game. Let us not be taken in by it. Let us remember that American confidence in the Soviet Government is the very last thing we want.

Many people contend that a normalization of Soviet-American relations, as envisaged by the exchange program, is only a logical extension of granting diplomatic recognition to Communists governments. I agree. Accordingly, I think it would be wise for the United States to reexamine the question of its diplomatic relations with Communist regimes. We often hear that recognition permits us to gather information in Communist countries. I am unaware, however, of any advantage that our diplomatic mission in Moscow confers along these lines which does not doubly accrue to the Soviet Union from its diplomatic spy corps in Washington and other American cities. Espionage possibilities aside, I am quite certain that our entire approach to the cold war would change for the better the moment we announced that the United States does not regard Mr. Khrushchev's murderous claque as the legitimate rulers of the Russian people or of any other people. Not only would withdrawal of recognition stiffen the American people's attitude toward communism; it would also give heart to the enslaved peoples and help them to overthrow their captors. Our present policy of not recognizing Red China is eminently correct, and the reasons behind that policy apply equally to the Soviet Union and its European satellites. If our objective is to win the cold war, we will start now by denying our moral support to the very regimes we mean to defeat.

DISARMAMENT

For many years, our policymakers have paid lipservice to the idea of disarmament. This seems to be one of the ways, in modern diplomacy, of proving one's virtue. Recently, however—under strong Communist propaganda pressure—we have acted as though we mean this talk to be taken seriously. I cite our Government's momentous decision to suspend nuclear tests.

Students of history have always recognized that armament races are a symptom of international friction—not a cause of it. Peace has never been achieved, and it will not be in our time,

by rival nations suddenly deciding to turn their swords into plowshares. No nation in its right mind will give up the means of defending itself without first making sure that hostile powers are no longer in a position to threaten it.

The Communists leaders are, of course, in their right minds. They would not dream of adopting a policy which would leave them, on balance, relatively weaker than before they adopted such a policy. They might preach general disarmament for propaganda purposes. They also might seriously promote mutual disarmament in certain weapons in the knowledge that their superior strength in other weapons would leave them, on balance, decisively stronger than the West. Thus, in the light of the West's weakness in conventional weapons, it might make sense for the Communists to seek disarmament in the nuclear field: if all nuclear weapons suddenly ceased to exist, much of the world would immediately be laid open to conquest by masses of Russian and Chinese manpower.

American leaders have not shown a comparable solicitude for our security needs. After the Second World War, the United States had a conventional Military Establishment rivaling the Soviet Union's, and an absolute monopoly in nuclear power. The former weapon we hastily and irresponsibly dismantled. The latter we failed to exploit politically, and then we proceeded to "fritter away" our lead by belated entry into the hydrogen bomb and guided missile fields. The result is that we are hopelessly outclassed in conventional weapons and in regard to nuclear weapons, we are approaching the point, if it has not already been reached, where Communist power is equal to our own.

To the impending physical parity in nuclear weapons must be added a psychological factor assiduously cultivated by Communist propaganda. The horrors of all-out warfare are said to be so great that no nation would consider resorting to nuclear weapons unless under direct attack by those same weapons. Now the moment our leaders really accept this, strategic nuclear weapons will be neutralized and Communist armies will be able to launch limited wars without fear of retaliation by our Strategic Air Command. I fear they are coming to accept it, and thus that a military and psychological situation is fast developing in which aggressive Communist forces will be free to maneuver under the umbrella of nuclear terror.

It is in this context that we must view the Communist propaganda drive for a permanent ban on the testing of nuclear weapons, and the inclination of our own leaders to go along with the proposal. There are two preliminary reasons why such proposals ought to be firmly rejected: First, there is no reliable means of preventing the Communists from secretly breaking such an agreement. Our most recent tests demonstrated that underground atomic explosions can be set off without detection. Secondly, we cannot hope to maintain even an effective strategic deterrent unless we keep our present nuclear arsenal up to date. This requires testing. But the main point I want to make is that tests are needed to develop tactical nuclear weapons for possible use in limited wars. Our military experts have long recognized that for limited warfare purposes we must have a weapons superiority to offset the Communists' manpower superiority. This means we must develop and perfect a variety of small, clean nuclear weapons; and this in turn means testing. The development of such a weapons system is the only way in which America will be able to fight itself out of the dilemma—one horn of which is Communist superiority in conventional forces, the other the impending neutralization of strategic nuclear weapons.

Our Government was originally pushed into suspending tests by Communist-induced hysteria on the subject of radioactive fallout. However one may rate that danger, it simply has no bearing on the problem at hand. The facts are that there is practically no fallout from tests conducted above the earth's atmosphere, and none at all from underground tests. Therefore, the only excuse for suspending tests is that our forbearance somehow contributes to peace. And my answer is that I am unable to see how peace is brought any nearer by a policy which may reduce our relative military strength. Such a policy makes sense only under the assumption that Communist leaders have given up their plan for world revolution and will settle for peaceful coexistence—an assumption we make at the risk of losing our national life.

If our objective is victory over communism, we must achieve superiority in all of the weapons—military, as well as political and economic—that may be useful in reaching that goal. As a conservative, I deplore the huge tax levy which is needed to finance the world's No. 1 Military Establishment. But even more do I deplore the prospect of a foreign conquest, which the absence of that establishment would quickly accomplish.

UNITED NATIONS

Support of the United Nations, our leaders earnestly proclaim, is one of the cornerstones of American foreign policy. I confess to being more interested in whether American foreign policy has the support of the United Nations.

Here, again, it seems to me that our approach to foreign affairs suffers from a confusion in objectives. Is the perpetuation of an international debating forum, for its own sake, the primary objective of American policy? If so, there is much to be said for our past record of subordinating our national interest to that of the United Nations. If, on the other hand, our primary objective is victory over communism, we will, as a matter of course, view such organizations as the U.N. as a possible means to that end. Once the question is asked—Does America's participation in the United Nations help or hinder her struggle against world communism?—it becomes clear that our present commitment to the U.N. deserves reexamination.

The United Nations, we must remember, is in part a Communist organization. The Communists always have at least one seat in its major policymaking body, the Security Council; and the Soviet Union's permanent veto power in that body allows the Kremlin to block any action, on a substantial issue, that is contrary to its interests. The Communists also have a sizable membership in the U.N.'s other policymaking body, the General Assembly. Moreover, the U.N.'s working staff, the Secretariat, is manned by hundreds of Communist agents who are frequently in a position to sabotage those few U.N. policies that are contrary to Communist interests. Finally, a great number of non-Communist United Nations are sympathetic to Soviet aims—or, at best, are unsympathetic to ours.

We therefore should not be surprised that many of the policies that emerge from the deliberations of the United Nations are not policies that are in the best interest of the United States. United Nations policy is, necessarily, the product of many different views—some of them friendly, some of them indifferent to our interests, some of them mortally hostile. And the result is that our national interests usually suffer when we subordinate our own policy to the U.N.'s. In nearly every case in which we have called upon the United Nations to do our thinking for us, and to make our policy for us—whether during the Korean war, or in the Suez crisis, or following the revolution in Iraq—we have been a less effective foe of communism than we otherwise might have been.

Unlike America, the Communists do not respect the United Nations and do not permit their policies to be affected by it. If the "opinion of mankind," as reflected by a United Nations resolution, goes against them, they, in effect, tell mankind to go fly a kite. Not so with us: We would rather be approved than succeed, and so are likely to adjust our own views to conform with a United Nations majority. This is not the way to win the cold war. I repeat, communism will not be beaten by a policy that is the common denominator of the foreign policies of 80-odd nations, some of which are our enemies, nearly all of which are less determined than we to save the world from Communist domination. Let us, then, have done with submitting major policy decisions to a forum where the opinions of the Sultan of Yemen count equally with ours; where the vote of the United States can be canceled out by the likes of Byelorussia.

I am troubled by several other aspects of our United Nations commitment. First—and here again our cold war interests are damaged—the United Nations provides a unique forum for Communist propaganda. We, too, of course, can voice our views at the United Nations; but the Communists' special advantage is that their lies and misrepresentations are elevated to the level of serious international debate. By recognizing the right of Communist regimes to participate in the United Nations as equals, and by officially acknowledging them as peace loving, we grant Communist propaganda a presumption of reasonableness and plausibility it otherwise would not have.

Second, the United Nations places an unwarranted financial burden on the American taxpayer. The Marxist formula, "from each according to his ability—under which contributions to the United Nations and its specialized agencies are determined—does not tally with the American concept of justice. The United States is currently defraying roughly a third of all United Nations expenses. That assessment should be drastically reduced. The U.N. should not operate as a charity. Assessments should take into account the benefits received by the contributor nation.

Finally, I fear that our involvement in the United Nations may be leading to an unconstitutional surrender of American sovereignty. Many U.N. activities have already made strong inroads against the sovereign powers of member nations. This is neither the time nor place to discuss the merits of yielding sovereign American rights—other than to record my unequivocal opposition to the idea. It is both the time and place, however, to insist that any such discussion take place within the framework of a proposed constitutional amendment—and not, clandestinely, in the headquarters of some U.N. agency.

Withdrawal from the United Nations is probably not the answer to these problems. For a number of reasons that course is unfeasible. We should make sure, however, that the nature of our commitment is such as to advance American interests; and that will involve changes in some of our present attitudes and policies toward the U.N. Let the U.N.-firsters—of whom there are many in this country—put their enthusiasm for international cooperation in proper perspective. Let them understand that victory over communism must come before the achievement of lasting peace. Let them, in a word, keep their eyes on the target.

AID TO COMMUNIST GOVERNMENTS

There is one aspect of our policy that is offensive minded—in the minds of its authors, anyway. Its effect, unfortunately, is exactly opposite to the one intended.

Some time ago our leaders advanced the theory that Communist satellite regimes would, with our help, gradually break their ties with the Soviet Union and evolve political systems more in keeping with our notions of freedom and justice. Accordingly, America adopted the policy of giving aid to Communist governments whose relations with Moscow seemed to be strained. And that policy gave birth to a slogan: "America seeks the liberation of enslaved peoples—not by revolution—but through evolution." Under the aegis of this slogan, we are sending hundreds of millions of dollars to the Communist government of Poland, having already given more than a billion dollars to the Communist government of Yugoslavia.

In my view, this money has not only been wasted; it has positively promoted the Communist cause. It has not made Communist governments less Communist. It has not caused Communist governments to change sides in the cold war. It has made it easier for Communist governments to keep their subjects enslaved. And none of these results should have come as a surprise.

One does not have to take the view that a Communist regime will never evolve into a non-Communist one—though I tend to it—in order to see that this is practically impossible as long as the Soviet Union possesses the military power to prevent it. The Kremlin may, for its own purposes, permit certain liberalization tendencies in satellite countries; it may even permit small deviations from the approved Soviet foreign policy line. It will do so sometimes to confuse the West, sometimes as a prudent means of relieving internal pressures. But it will never let things go too far. Hungary proved that. The moment a Communist government threatens to become a non-Communist one, or threatens to aline itself with the West against the Soviet Union, the Kremlin will take steps to bring the defecting government into line.

Hungary proved this truth, and Poland has proved that dissident Communists learned it. Western leaders, unfortunately, were much less perceptive. In the fall of 1956 there appeared to be a breach between Gomulka's government and the Kremlin. Many Westerners joyfully proclaimed that Poland was pulling away from communism, and, hoping to hasten this movement, our Government began to send the Gomulka regime American aid. The succeeding years witnessed two facts: First, our money made it easier for Gomulka's regime to deal with its economic problems; second, Gomulka moved into an ever closer relationship with the Soviet Government. Gomulka knew, as American policymakers ought to have known, that the price of abandoning communism is a Budapest-type blood bath. This, of course, need not be the case were America prepared to come to the aid of people who want to strike out for freedom. But as long as we give Soviet military forces a free hand in Eastern Europe it is the height of folly to try to bribe Communist governments into becoming our friends.

We must realize that the captive peoples are our friends and potential allies—not their rulers. A truly offensive-minded strategy would recognize that the captive peoples are our strongest weapon in the war against communism, and would encourage them to overthrow their captors. A policy of strengthening their captors can only postpone that upheaval within the Communist empire that is our best hope of defeating communism without resort to nuclear war.

TOWARD VICTORY

By measuring each aspect of our foreign policy against the standard—Is it helpful in defeating the enemy?—we can understand why the past 14 years have been marked by frustration and failure. We have not gotten ahead because we have been traveling the wrong road.

It is less easy to stake out the right road. For it is a new road we seek, and one, therefore, that will hold challenges and perils that are different, though hardly graver, from any we have heretofore known. However, we do know the direction the road will take; and our standard—Is it helpful in defeating communism?—will provide guideposts all along the way.

There are some that can be observed even now:

First. The key guidepost is the objective, and we must never lose sight of it. It is not to wage a struggle against communism, but to win it. Our goal must be victory.

Second. Our strategy must be primarily offensive in nature. Given the dynamic, revolutionary character of the enemy's challenge, we cannot win merely by trying to hold our own. In addition to parrying his blows, we must strike our own. In addition to guarding our frontiers, we must try to puncture his. In addition to keeping the free world free, we must try to make the Communist world free. To these ends, we must always try to engage the enemy at times and places, and with weapons, of our own choosing.

Third. We must strive to achieve military superiority. Mere parity will not do. Since we can never match the Communists in manpower, our equipment and weapons must more than offset his advantage in numbers. We must also develop a limited war capacity. For this latter purpose, we should make every effort to achieve decisive superiority in small, clean nuclear weapons.

Fourth. We must make America economically strong. We have already seen why economic energy must be released from Government strangulation if individual freedom is to survive. Economic emancipation is equally imperative if the Nation is to survive. America's maximum economic power will be forged, not under bureaucratic direction, but in freedom.

Fifth. In all of our dealings with foreign nations, we must behave like a great power. Our national posture must reflect strength and confidence and purpose, as well as good will. We need not be bellicose, but neither should we encourage others to believe that American rights can be violated with impunity. We must protect American nationals and American property and American honor—everywhere. We may not make foreign peoples love us—no nation has ever succeeded in that—but we can make them respect us. And respect is the stuff of which enduring friendships and firm alliances are made.

Sixth. We should adopt a discriminating foreign-aid policy. American aid should be furnished only to friendly, anti-Communist nations that are willing to join with us in the struggle for freedom. We should insist, moreover, that such nations contribute their fair share to the common cause. This policy would, of course, give due consideration to the needs of our economy.

Seventh. We should declare the world Communist movement an outlaw in the community of civilized nations. Accordingly, we should withdraw diplomatic recognition from all Communist governments including that of the Soviet Union, thereby serving notice on the world that we regard such governments as neither legitimate nor permanent.

Eighth. We should encourage the captive peoples to revolt against their Communist rulers. This policy must be pursued with caution and prudence, as well as courage. For while our enslaved friends must be told we are anxious to help them, we should discourage premature uprisings that have no chance of success. The freedom fighters must understand that the time and place and method of such uprisings will be dictated by the needs of an overall world strategy. To this end we should establish close liaison with underground leaders behind the Iron Curtain, furnishing them with printing presses, radios, weapons, instructors; the paraphernalia of a full-fledged resistance.

Ninth. We should encourage friendly peoples that have the means and desire to do so to undertake offensive operations for the recovery of their homelands. For example, should a revolt occur inside Red China, we should encourage and support guerrilla operations on the mainland by the Free Chinese. Should the situation develop favorably, we should permit the South Koreans and the South Vietnamese to join free Chinese forces in a combined effort to liberate the enslaved peoples of Asia.

Tenth. We must—ourselves—be prepared to undertake military operations against vulnerable Communist regimes. Assume we have developed nuclear weapons that can be used in land warfare, and that we have equipped our European divisions accordingly. Assume also a major uprising in Eastern Europe, such as occurred in Budapest in 1956. In such a situation, we ought to present the Kremlin with an ultimatum forbidding Soviet intervention, and be prepared, if the ultimatum is rejected, to move a highly mobile task force equipped with appropriate nuclear weapons to the scene of the revolt. Our objective would be to confront the Soviet Union with superior force in the immediate vicinity of the uprising and to compel a Soviet withdrawal. An actual clash between American and Soviet armies would be unlikely: the mere threat of American action, coupled with the Kremlin's knowledge that the fighting would occur amid a hostile population and could easily spread to other areas, would probably result in Soviet acceptance of the ultimatum. The Kremlin would also be put on notice, of course, that resort to long-range bombers and missiles would prompt automatic retaliation in kind. On this level, we would invite the Communist leaders to choose between total destruction of the Soviet Union, and accepting a local defeat. Had we the will and the means for it in 1956, such a policy would have saved the Hungarian revolution.

This is hard counsel. But it is hard, I think, not for what it says but for saying it openly. Such a policy involves the risk of war? Of course; but any policy, short of surrender, does that. Any policy that successfully frustrates the Communists' aim of world domination runs the risk that the Kremlin will choose to lose in a kamikaze-finish. It is hard counsel because it frankly acknowledges that war may be the price of freedom, and thus intrudes on our national complacency. But is it really so hard when it goes on to search for the most likely means of safeguarding both our lives and our freedom?

The risks I speak of are risks on our terms, instead of on Communist terms. We, not they, would select the time and place for a test of wills. We, not they, would have the opportunity to bring maximum strength to bear on that test. They, not we, would have to decide between fighting for limited objectives under unfavorable circumstances, or backing down. And these are immense advantages.

The future, as I see it, will unfold along one of two paths. Either the Communists will retain the offensive; will lay down one challenge after another; will invite us in local crisis after local crisis to choose between all-out war and limited retreat; and will force us, ultimately, to surrender or accept war under the most disadvantageous circumstances. Or we will summon the will and the means for taking the initiative, and wage a war of attrition against them—and hope, thereby, to bring about the internal disintegration of the Communist empire. One course runs the risk of war, and leads, in any case, to probable defeat. The other runs the risk of war, and holds forth the promise of victory. For Americans who cherish their lives, but their freedom more, the choice cannot be difficult.

VISIT TO THE SENATE BY DR. JOSE M. GUIDO, PROVISIONAL PRESIDENT OF THE ARGENTINE SENATE; AND HON. ALEJANDRO ORFILA, MINISTER OF THE ARGENTINE EMBASSY

During the delivery of Mr. GOLDWATER's address on international negotiations,

Mr. MORSE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. MORSE. I ask unanimous consent that the Senator from Arizona be allowed to yield to me for the introduction of distinguished guests, with the understanding that my interruption will not take him off the floor and with the further understanding that my remarks and introduction will be printed in the RECORD following the Senator's speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. I now ask unanimous consent that the Provisional President of the Argentine Senate, accompanied by the Argentine Minister, and his interpreter, be given the privilege of coming on the Senate floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, the Senate of the United States is greatly honored today to have as our distinguished guest and visitor Dr. Jose M. Guido, who is the Provisional President of the Argentine Senate.

Dr. Guido was elected Provisional President of that body, a position corresponding to that of President pro tempore of the U.S. Senate, when the Argentine Senate was organized in connection with the assumpton of office on May 1, 1958, by the current Argentine Government headed by President Arturo Frondizi. Since there is currently no Argentine Vice President—the last incumbent, elected with Frondizi, having resigned in November 1958—Senator Guido is next in direct line for the Argentine Presidency, and has exercised that office on a temporary basis on several occasions when President Frondizi has left Argentina, including the period of Frondizi's state visit to the United States in January 1959.

Dr. Guido, who was born in 1910, is a lawyer by profession. He has been active in politics since 1936, and was named to the national committee of the Radical Party in 1954, when he began to work closely with President Frondizi. When a major party split occurred in 1957, Dr. Guido allied himself with the group headed by President Frondizi which adopted the name of the Intransigent Radical Party. In the Argentine Senate, Dr. Guido represents the Province of Rio Negro, in the northern section of the Patagonian region of Argentina. San Carlos Bariloche, the resort in the Argentine lake region which was visited by the President during his recent South American trip, is in the Province of Rio Negro.

Dr. Guido is a rather reserved and studious person, whose recognized capabilities and integrity have earned him considerable prestige.

When I was in the Argentine last December, I heard of the renown of this great leader of the Argentine before I had the privilege of meeting him personally, and what I had heard about him was borne out by the very fine impression he made upon me.

He supports President Frondizi's program unreservedly, including the current Argentine policy of close cooperation with the United States.

Senator Guido's present trip to the United States is a personal and unofficial one at the invitation of the Governor of Tennessee. Its principal purpose is to visit the TVA. He is scheduled to travel to Knoxville in this connection, accompanied by the Argentine Ambassador, Dr. Emilio D. del Carril, later this week.

We are honored to have with him today, Mr. President, the Minister of the Argentine Embassy, Mr. Alejandro Orfila.

Mr. President, it is now my great honor and privilege to present to the Senate of the United States Dr. Guido.

[Applause, Senators rising.]

Mr. MORSE. Mr. President, I also introduce the Minister of the Argentine Embassy, Mr. Orfila.

[Applause, Senators rising.]

Mr. GOLDWATER. Mr. President, during my vacation after the end of the last session of Congress it was my great pleasure to visit the Argentine. I enjoyed my stay there greatly, and I hope someday to repeat my visit.

CIVIL RIGHTS LEGISLATION—ORDER OF BUSINESS

Mr. RUSSELL. Mr. President——

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. ELLENDER. Mr. President, I should like to ask a question.

Mr. DOUGLAS. Mr. President, who has been recognized?

The PRESIDING OFFICER. The Chair has recognized the Senator from Illinois. The Chair heard his voice first, and it happens that his name is first on the list.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at the moment. I will yield later but having lost the floor once this afternoon, I do not want to have it repeated.

Mr. President, earlier in the afternoon, when the Senator from Georgia was not here, I was recognized by the Chair. Then the Senator from Virginia asked me if I would yield for the purpose of making an insertion in the RECORD. I did so, saying that I did not want to yield my right to the floor. I yielded to the Senator from Virginia.

Then the Senator from Arizona [Mr. GOLDWATER] took the floor and demanded recognition. It was accorded to him.

Having been taken off the floor once because of a desire on my part, to be accommodating, I hope that the Senator from Georgia will permit me to continue. Then, after I have proceeded with my remarks, I shall be glad to yield to him with the understanding that I do not lose my rights to the floor. But I should like to proceed.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may make a parliamentary inquiry without in any wise impairing the right of the Senator from Illinois to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I do not desire to get into a controversy about the right to the floor. Ordinarily I would have yielded to the distinguished Senator from Illinois, but he now has the floor, and there is nothing I can do about it.

However, during the morning hour I approached the Chair and the clerks at the desk. I asked if there was any list of speakers. I had handed to me from the Chair a list which carried the name of the Senator from Arizona [Mr. GOLDWATER].

I stated that I desired to be recognized and to speak, and I entered my name on the list. I wrote my name on the list right under the name of the Senator from Arizona.

I do not desire to be technical, and I hope I shall not be considered picayunish, but it seems to me that Senators who are being charged with filibustering ought to be able to be recognized at some time and be given a chance to speak. [Laughter.]

Did the Chair see the list which was submitted?

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Chair states for the information of the Senator from Illinois [Mr. DOUGLAS] and the Senator from Georgia [Mr. RUSSELL] that there is a printed list at the desk, which reads: "Mr. President, Senator GOLDWATER would like to be recognized immediately after the morning hour."

Directly beneath that, and not in the handwriting of the present occupant of the chair, but in the handwriting of a preceding occupant of the chair, in the handwriting of the Senator from Wyoming [Mr. MCGEE], the Presiding Officer who preceded the present occupant of the chair, there is the writing "DOUGLAS"; beneath that, the writing "RUSSELL" and "KEATING," to which the present occupant of the chair has added the names "Senator CLARK and Senator THURMOND."

That was the situation which confronted the present occupant of the chair. In addition, the present occupant of the chair heard the loud voice of the Senator from Illinois [Mr. DOUGLAS].

Mr. RUSSELL. Oh, well; oh, well; I am not going to argue about it. The Chair can recognize whomever he desires to hear. I can take it by the way it is played. We have been going by the list. I do not know who wrote the name of the Senator from Illinois ahead of my name, but I know that at the time I read the list, which was a typewritten list, Senator GOLDWATER had asked to be recognized, and I wrote my name underneath his.

I will not try to make any great point about it. I shall try to be reasonable. But I do not think I have been treated exactly fairly, and I would be less than honest if I did not say so. I do not care to get into any argument; I shall await the remarks of the Senator from Illinois.

May I inquire of the present occupant of the chair how many Senators I shall have to wait for, after having written in my name second on the list?

The PRESIDING OFFICER. The present occupant of the chair states that directly under the typewritten word "hour" and apparently written in the handwriting of the Senator from Wyoming [Mr. MCGEE], who occupied the chair preceding the junior Senator from Ohio, is the name "DOUGLAS." Directly beneath that is the name "RUSSELL."

Mr. RUSSELL. All I can say is that the name "DOUGLAS" was not on the list when the name "RUSSELL" was written there, because I wrote the name "RUSSELL" myself. I shall not quibble about it; I shall take my seat and subside.

Mr. DOUGLAS. Mr. President, I spoke to the Senator from Wyoming [Mr. MCGEE] at approximately 12:20 p.m. I stated that I should like to be recognized at the conclusion of the morning hour. I was assured by the Senator from Wyoming at that time that I would be recognized, but that he did not expect to be in the chair; that the junior Senator from Ohio would be in the chair.

So I went to the junior Senator from Ohio and made an oral request at approximately 12:25 or 12:30 p.m., and later made a memorandum to that effect on the piece of paper which I believe the Senator from Ohio, the present occupant of the chair, has in his hand. I simply wish to make it clear that I had received early assurance that I would be recognized.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at this time. May I finish?

Then the Senator from Arizona [Mr. GOLDWATER] announced that he intended to seek recognition. The Chair recognized me, but then upon consultation he recognized the Senator from Arizona, and the Senator from Illinois has been sitting here for an hour and a half, waiting patiently for his chance to speak. I thought I had been recognized by the Chair the second time, and I hope I shall be permitted to proceed.

Mr. RUSSELL. I would not vie with the distinguished Senator from Illinois for priority in this or any other matter; but particularly in view of the circumstances which the Senator from Illinois has related, and the fact that the distinguished Senator from Ohio [Mr. YOUNG] is in the chair, does the distinguished Senator from Illinois think that this time ought to be charged to filibustering?

Mr. DOUGLAS. Oh, no. As I understand, the Senator from Georgia is now willing to bide his time.

Mr. RUSSELL. I have no alternative. When the Chair and the Senator from Illinois form a conspiracy, there is no alternative.

Mr. DOUGLAS. It is no conspiracy; it is merely recognition of properly requested priority.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. DOUGLAS. Mr. President, the discussion of the measure under consideration, namely, H.R. 8315, seems to have bogged down in the last few days into a rather lengthy discussion of relative trivialities. Much time has been spent on matters which are of only secondary or tertiary importance.

There is a common belief in the Senate that what we are doing is marking time on these trivia while the House is proceeding to pass a cut-down and weak civil rights bill, a bill which will be confined almost exclusively to voting rights, and which will have very ineffective provisions so far as the voting rights themselves are concerned.

VOTING RIGHTS ISSUE NEEDS THOROUGH DISCUSSION

Then it is commonly believed that when the House has passed such a cut-down weakened voting rights bill, there will be a strong incentive, backed by both the majority leader and the minority leader, and not opposed too strongly by our friends from the South, to have the House bill substituted for the Senate bill, and that without adequate debate and without adequate consideration by the country, we may find ourselves saddled with a voting-rights provision which will

be heralded by some as a carrying out of the pledges made by both political parties, but in reality will be ineffective, and in practice will fail to carry out the real purposes of any legitimate voting-rights bill.

Therefore, Mr. President, I believe it appropriate that we try to deal with the substantive issues involved in voting rights, so that in the 2 or 3 days' time before the House bill comes to the Senate, we may have a clearer idea of the issues and the weaknesses in the bill now before the House and in the amendment of Representative McCULLOCH, which is likely shortly to be moved, and in order that we may see some of the superior merits, in my opinion, of alternative methods of procedure. In other words, I believe that we should utilize the time available to us to have a thorough airing and discussion of these vital matters.

Excellent addresses on this subject have been made by the Senator from Michigan [Mr. HART] and the Senator from New York [Mr. JAVITS]; and several hours ago the Senator from Missouri [Mr. HENNINGS] made a very brief statement in which he outlined some of the weaknesses of some pending proposals.

Mr. President, if the bill is to be cut down to a pure voting rights measure—as apparently both the majority leader and the minority leader intend—it is important to have it as strong as possible, and not to have a weak and delusive measure put over on the American people.

DENIALS OF NEGROES' RIGHT TO VOTE ARE WIDESPREAD

Let us first ask ourselves whether there is any question that there is a grave abuse for which a remedy is needed.

It does not seem to me that anyone can seriously deny the fact that in most sections of the South, qualified Negroes are denied the right to vote. They are denied this right in various ways, sometimes by open pressure and sometimes by covert pressure at the polls, and sometimes by discrimination in regard to the matter of registration. This is done both by delay and by excessively severe standards of qualification which are imposed upon Negro applicants for the suffrage, but are not imposed upon white applicants. It is quite possible that some of the same discriminations exist in certain parts of the Southwest, against Mexican-Americans.

In 1957, when the Senate was considering the voting rights bill, I introduced into the RECORD certain statistics on registration which had been prepared by the Southern Regional Council. Those statistics showed the very small percentage of Negroes who were registered in the South, particularly in Alabama, where approximately 8 percent of the Negroes of voting age were registered; and in Mississippi, where approximately 4 percent of the Negroes of voting age were registered; and also in South Carolina, in the rural regions of Georgia, and, in fact, in the rural regions throughout most of the South.

The substantial accuracy of those figures was not successfully challenged, although minor faults were found in individual details of the figures for the various States. But since those statistics did not come from an official source—though it was a southern source—they did not have the precise standing before the court of public opinion which official figures would have.

I also placed in the RECORD a summary of the various methods by which Negroes were in effect prevented from registering and voting.

As all of us know, in 1957 the U.S. Commission on Civil Rights was authorized; and, after delays in its creation, it finally, after a year's additional study, made its report during last September. I hope that everyone in the country and certainly every Member of the Senate will have read the vital sections of that report, particularly part II, pages 19 to 146, which deal with voting.

COMMISSION REPORT CONFIRMS WIDESPREAD DISCRIMINATIONS AGAINST NEGROES' VOTING

The Commission, which consisted of six members, three of whom were distinguished residents of the South, agreed unanimously that there was widespread deprivation of the voting rights of Negroes in the South, and that quite commonly it took the form of improper restrictions upon the right to register. Some of the figures which the Commission developed appear in its report from page 42 to approximately page 110. I shall now summarize a few of them.

Mr. President, the Commission showed that in 16 counties in the South, where Negroes formed a majority of the population, not one Negro was a registered voter. I may say that 6 of those 16 counties were in the State of Mississippi.

The Commission also showed that there were 57 counties, with a total Negro population of 214,000, which were without a single Negro voter. Fourteen of them were in the State of Mississippi. I take it that the 57 included the 16 in which Negroes formed a majority of the population.

In 49 additional counties, where Negroes formed a majority of the population, not 1 Negro was a registered but that number amounted to from only 1 percent to 5 percent of the total number of Negroes of voting age.

The Commission concluded that those figures indicated something more than the low status and level of achievement of the rural southern Negro.

Then the Commission conducted investigations in a series of States and in a number of counties—in Gadsden County, Fla.; and in the State of Mississippi, including Bolivar County, Sunflower County, Leflore County, Claiborne County, Jefferson Davis County, Forrest County, and Clarke County. In Tennessee investigations were conducted in Haywood and Fayette Counties. There were various investigations in the State of North Carolina.

The Commission found in Georgia that in Baker County, with some 1,800 Negroes of voting age, none was registered; in Lincoln County, only 3 out of more than 1,500 were registered; in Miller County, 6 out of more than 1,300; in Terrell County, 48 out of 5,000. The Commission's study ascertained that in 22 counties with sizable Negro populations, fewer than 5 percent were registered.

The Commission also considered the question of New York.

May I say that if there are any deprivations of the right to vote in New York which are illegal and improper, we believe that New York should have the law applied in that State just as much as in any other State, and that same statement applies to Illinois.

Mr. JAVITS. Mr. President, will the Senator, as long as he is mentioning New York, yield for a question?

Mr. DOUGLAS. Yes.

Mr. JAVITS. I should like to ask the Senator a question because I do not want in any way to jeopardize the Senator's position on the floor.

Is it not a fact that my colleague from New York [Mr. KEATING] and I have constantly affirmed, without any question, our deep fidelity to the proposition that we want any law that is passed applied to us, and that we are more than happy to meet the challenge of the law? We believe that in our State we are applying the law, without any discrimination or favor, to everyone to whom the law applies. The real reason for our case here, which the Senator is so eloquently making, is the fact that State laws, in the States to which the Senator has been referring from the report of the Civil Rights Commission, are not equally applied. Is that correct?

Mr. DOUGLAS. Yes; that is correct.

Mr. JAVITS. I thank my friend.

Mr. DOUGLAS. Mr. President, I join the two Senators from New York in saying that if there are any illegal or improper acts of discrimination in the State of Illinois, we want the law applied to us as well as to any other State. We do not think there are any such discriminations in Illinois. But if there should be, we want the law to apply with equal strength and equal severity to us as to others.

The Commission went into the State of Alabama and dealt with complaints which had been made from Barbour, Bullock, Dallas, Macon, Montgomery, and Wilcox Counties.

The Commission found that very detailed constitutional questions were asked of the Negroes to which it was almost impossible to give satisfactory answers. Even the most highly cultivated Ph. D. in political science would have had difficulty in answering those questions, which were asked of the Negroes, but not of the whites.

Of course, there was the extraordinary case of Tuskegee, in Macon County, I believe, where the famous Tuskegee Institute is located, and where there is also a hospital which has a very large percentage of Negro doctors and technicians.

The level of education of the Negroes in that county is extremely high; and it is not casting any reflection on the whites to say that, in all probability, the educational standards of the Negroes in that country are superior, on the average, to those of the whites.

I may say that in 1957 we had complaints from a number of teachers at Tuskegee, and we held an informal hearing in this building, where testimony was produced indicating that many of these highly educated teachers had been kept

in line for hours and days and, in effect, denied the right to register; that they had been disqualified because of fantastic questions about the Constitution. We put the evidence in the CONGRESSIONAL RECORD at that time, and it can be found by those who wish to look up the material.

When the Negroes at Tuskegee began to press for registration, then the registrars resigned, and there was no registration board ready to receive any registration. A board was later constituted, and when attempts were again made to register, the registrars resigned once more. So that there was a vacuum. Nobody could register, and therefore, since nobody could register, additional Negroes could not register; and those who were qualified were thus denied the right to register, whereas most of the whites had already registered and hence did not need to qualify.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Will the Senator yield for a question?

Mr. DOUGLAS. Yes.

The PRESIDING OFFICER. Did those registration attempts take place after the passage of the 1957 Civil Rights Act?

Mr. DOUGLAS. The matters I have just referred to took place before the passage of the 1957 act.

Gerrymandering was then carried through, by which the city of Tuskegee was redistricted in such a way as to disqualify the main body of Negroes from voting in municipal elections.

The Commission went to Montgomery, Ala., and held hearings there. I would invite Senators and the general public to look at pages 75 to 81 of the Commission's report on this matter.

It should also be noted that the Governor of that State—who was then its Attorney General—appeared and declared that the Civil Rights Commission had no constitutional right to call a judicial officer and to question him about the affairs of that court although it was the repository of data on the numbers of Negro and white voters and on poll tax payments. There was very unsatisfactory and evasive testimony by the county judge.

In general, I think one can say that there was an attempt made to sabotage the hearings.

Former Governor Battle and Mr. Storey both rebuked the local and State officials for their failure to make an adequate showing.

The Commission also went into the records of Barbour County and Bullock County. It made a finding of fact which declared that in those counties in Alabama, Negroes were seriously impeded from voting and registering.

The Commission went into Louisiana, and held a hearing in Louisiana on the basis of complaints. The Commission found where one voter registration had been challenged on the ground that the applicant could not spell, and the challenge affidavit contained the statement, "error in s-p-i-l-l-i-n-g" as the reason for the challenge, which indicated that the registrar or the challenger had applied somewhat more stringent requirements to the applicant than the qualifications which he himself possessed.

The PRESIDING OFFICER. Will the Senator please repeat his last statement?

Mr. DOUGLAS. Yes. The Commission found, as is reproduced on page 104 of the report, an affidavit with respect to a voter who had been challenged by Curtis M. Thomas, containing a statement why the prospective voter was to be disqualified. The ground for disqualification was stated to be "error in s-p-i-l-l-i-n-g," which as I say, implied that the challenger, the registrar, applied more severe standards to those whose qualifications he was challenging than he himself was capable of meeting.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield for a question.

Mr. CLARK. Is it not correct to say that on the affidavit which the Senator has cited, as shown on page 104 of the report, there is clearly a dot over what otherwise might be construed to be either an "i" or an "e"?

Mr. DOUGLAS. The Senator is correct.

Mr. CLARK. So there is not any doubt that the word is "spilling" and not "spelling"?

Mr. DOUGLAS. That is correct.

FINDING OF IMPROPER DISQUALIFICATION OF NEGROES WAS UNANIMOUS

This whole series of case studies led the entire Commission to state that there were serious and improper disqualifications of Negro voters in the South, and that these included the denial of the rights of registration, and thus of the rights to vote. All six members agreed to this.

FIVE COMMISSIONERS, INCLUDING TWO SOUTHERN MEMBERS RECOMMENDED FEDERAL VOTING REGISTRARS

As a result of this finding of fact, five of the six members, including two of the southern members, Mr. Robert Storey of Dallas, a former president of the American Bar Association and former dean of Southern Methodist University Law School, and a former governor of Florida, joined in a recommendation for the appointment of Federal registrars to meet these difficulties.

The remaining member, former Governor Battle of Virginia, who had agreed that there were serious disqualifications, did not assent to the proposal for the creation of Federal registrars.

Since the decision which we shall have to make will depend in part upon whether we wish to use administratively appointed registrars or judicially appointed referees—what combination we may wish to make of them, what powers we may wish to grant to them, and what legal procedures and steps are to be followed—I think it is important to outline the actual recommendations of the Commission.

We find the Commission's specific recommendation on pages 141 and 142 of the report.

In brief, the Commission wishes to have a number of steps taken. First, it is suggested by the Commission that upon receipt by the President of the United States of sworn affidavits by nine or more individuals from any political subdivision, alleging that the affiants have unsuccessfully attempted to register with the duly constituted State registration office, and that those so sworn believe themselves qualified under State law to be electors but have been denied the right to register because of race, color, religion, or national origin, the President should refer such affidavits to the Commission on Civil Rights.

The Commission on Civil Rights would then investigate whether the charges were true. If they were untrue, the Commission would dismiss them. If any of the charges were found to be true, the Commission would certify them to the President.

The President would then, upon such certification, designate an existing Federal officer or employee in the area from which the complaints had been received to act as a temporary registrar.

The registrar would administer the State qualification laws—that is, the laws concerning literacy, residence, and I suppose the interpretation of the Constitution—and issue to all individuals found qualified, registration certificates which would entitle them to vote in Federal elections.

Implicit in this recommendation is at least the fact that the standards which the Federal registrar should apply should not be more severe with regard to the Negroes than the standards applied to non-Negroes.

I wish to emphasize that the Federal registrar was merely to apply the State standards—he was not to impose specific standards of his own.

The registrar would then certify to the responsible State registration officials the names and the fact of registration of all persons registered by him, and these certifications were to permit the registrants to take part in Federal elections.

I should say that the registrars were to be Federal officers or employees in the area from which the complaints had been received, so that there was to be no possibility of persons from outside the area being designated to come in.

COMMISSION RECOMMENDATION UNNECESSARILY LIMITED TO FEDERAL ELECTIONS

I think this proposal of the Civil Rights Commission was an eminently sensible one. There was one weakness in it; namely, it was confined to Federal elections. I think it is undoubtedly true that this limitation was imposed in order to obtain the approval of the two southern members of the Commission; and it was justified by an exclusive appeal to article I, section 4, of the Constitution, which gives to the Congress the power of determining the time, place and manner of electing its Members, which, since the provision with respect to direct election of Senators has been added, applies to the Senate as well as to the House of Representatives.

To my mind this is not necessary. The Constitution of the United States in its 15th amendment, which provides in part that no State shall deprive any citizen of the right to vote because of race, color, or previous condition of servitude, also has a section 2 which states, "The Con-

gress shall have power to enforce this article by appropriate legislation."

The 15th amendment to the Constitution would clearly seem to give the power to Congress to prescribe regulations and to protect the right of voting against such racial discriminations in State elections as well as in Federal elections.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. JAVITS. Is it a fact that under the 15th amendment some finding has to be made, by whoever the Congress will entrust to make that finding, that there is in fact a violation or a threatened violation of the equal opportunity to vote which is provided by that amendment?

Mr. DOUGLAS. The Senator from New York is a very eminent attorney. I have admired his dextrous skill on many occasions. As everyone knows, I am not an attorney. Perhaps I should not venture an opinion upon a question of constitutional law.

I would merely say that I am not convinced this finding has to be by a judicial body. I think it can also be made by an administrative body, subject of course to judicial review.

Mr. JAVITS. If the Senator will yield further, the Senator from New York would like to put a question in the form of a leading question, for the opinion of the Senator from New York on that subject is well known.

Is it not a fact that the Congress may itself choose that officer or agency of government which it considers satisfactory to it make the finding with respect to violation or threatened violation of the 15th amendment, and therefore may design legislation to give the same or another officer authority to proceed in that instance by appropriate action in order to redress a wrong which is actually done or threatened?

Mr. DOUGLAS. I think the Senator from New York is entirely correct. I think it is also true, however, that there should be an ultimate right of judicial review, after the administrative finding has been made. Is that not true?

Mr. JAVITS. The Senator from New York, again utilizing the technique of a leading question, asks the Senator from Illinois the following question: Is it not a fact that the Congress has in many instances chosen quasi-judicial bodies, such as governmental commissions, the President of the United States, courts, and perhaps even specially created agencies of government, for the purpose of making such determination; and has not the Congress, upon various occasions, given the right of judicial review? In some cases has it not even qualified the right of judicial review by limiting the questions for review, or the nature of the review, all in pursuance of the power to "enforce by appropriate legislation"?

Mr. DOUGLAS. I certainly know that that is true in the case of the National Labor Relations Act, and a number of antitrust laws.

Mr. JAVITS. Is it not also a fact that the burthen of the Senator's speech today is to the effect that we should not await a time when we should be asked supinely to take what comes over from the House? Rather, is it not time to deal with the question as to whether this is really regarded as the heart of the legislation which a majority finds itself capable of passing in this body, and therefore has not the time come to put before the Senate in a definitive way—which I am confident both the Senator from Illinois and I intend to do at the earliest possible moment—the opportunity to fashion legislation for what we are told will be the heart of a civil rights bill, in a way which will best do the job, in answer to the shocking disclosures to the national conscience which have come from the report of the Civil Rights Commission and from cases decided as recently as a few weeks ago—for example, the Raines case and the Louisiana case?

Mr. DOUGLAS. The Senator from New York is completely correct. Our purpose is to discuss these issues, so that when the House bill comes over we shall be better intellectually prepared, and the country will be better prepared intellectually, to consider the questions which will inevitably arise, instead of having the measure rushed through under great pressure from the leaders of both parties.

Mr. JAVITS. Is it not a fact also that our purpose will be to submit to the Senate for definitive adoption various alternatives which are available in order to fashion a measure upon the subject of securing the voting rights by means of some Federal officer empowered to register, through a measure which represents the best creative activity of the Senate? What we are trying to avoid is a situation in which time and the dynamics of continuing pressure compel us to take what the House sends over here.

Mr. DOUGLAS. The Senator from New York is completely correct. We have no assurance that the bill which comes over from the House will be an effective one in its voting-rights provisions—or adequate in other respects.

Mr. KEATING. Mr. President, will the Senator yield, with the understanding that he does not lose the floor?

Mr. DOUGLAS. I am glad to yield with that understanding.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Of course, technically I can yield only for a question; and inasmuch as I was taken off my feet earlier in the afternoon, I am a little wary. So I hope my good friend from New York will forgive me if I say that I shall be glad to yield for a question. I know that my friend from New York is very skillful, and can make a speech in the form of a question. I hope he will do so, so that I will not be taken from the floor.

Mr. KEATING. Let me say to my friend from Illinois that unanimous consent has already been obtained for him to yield to me without the necessity of my framing a statement in the form of a question.

The PRESIDING OFFICER. The Chair informs the Senator from Illinois that if the Senator from New York is incapable of making an argument in the form of a question he may proceed to make it directly, without any danger of the Senator from Illinois losing the floor.

Mr. DOUGLAS. I thank the Chair.

Mr. KEATING. I thank the Chair. I assure the Chair that I mean to be forthright. I do not wish to make a statement in the form of a question unless it should be so designated. I am very grateful for this explanation from the Chair.

I wish to express my complete accord with the distinguished Senator from Illinois in his statement that we should not merely wait here for some bill from the other body and then be expected to accept such a measure here, lock, stock, and barrel. We would not be performing our legislative responsibilities, in my judgment, if we did so.

I agree, from what I have heard, read, and observed, that there is a movement on foot to bring about such a result. However, from the knowledge which I have now, I must challenge any statement regarding the alleged participation of the distinguished minority leader in such an effort. We have heard him repeatedly say, "I will carry the flag, with hand upraised, for the administration's seven-point package." I must say that he has been carrying that flag very nobly since this debate began. I cannot believe that the distinguished minority leader would yield to the idea of eliminating from the so-called Dirksen substitute, which is before us, any essential parts of that package. I include specifically the part which makes the Commission on Equal Job Opportunities statutory, and the provision dealing with aid to school districts which are making sincere efforts to desegregate.

Unless there are things going on with which I am unfamiliar, I must say to my good friend from Illinois that I have seen no evidence that the distinguished minority leader would allow this flag to touch the ground. He has repeatedly asserted that he will not do so. I belive he will not. On the contrary, I believe, from everything he has said, that he can be depended upon to resist efforts to accept whatever bill the House sees fit to pass.

Speaking for myself, I shall not act in that way unless it happens that the House in some manner sends over to us a better package than the one with which we are here confronted. In the pending amendment I am seeking even to strengthen the provisions of section 2, relating to the antibombing provisions.

I am grateful to my friend from Illinois for allowing me a few minutes to interpose and make this statement, because I think it is high time, as does the Senator from Illinois, to bring some of these controversial questions to the floor for discussion. I hope that sometime before it is too late I shall obtain recognition to pursue my theme further.

Mr. DOUGLAS. Mr. President, I am very happy to have this declaration of faith on the part of my good friend from New York. If his hope is realized, I shall be the first to praise my colleague, the minority leader [Mr. DIRKSEN]. Although I shall shortly express some of my doubts about the effectiveness of a section of his bill, in its present form,

faith is one of the three great Christian virtues, the other two being hope and charity. Inasmuch as we have between us both faith and hope, we should perhaps extend charity as well.

Mr. JAVITS. Mr. President, will the Senator yield at that point for a question?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. JAVITS. Does it not seem to the Senator from Illinois—as it seems to me—that, taking everything my colleague from New York says at face value—and I do, as the Senator knows—my colleague from New York and I, and others of our colleagues, will certainly remain faithful to the trust which the Senator has so well described? I am confident that the distinguished minority leader will do likewise.

Is it not a fact that we have now reached the point where there is a great deal of pie dangling in the sky, to the effect that the heart of this bill will be a good voting rights bill? In the meantime, essential sections of the bill have been struck down. Section 1, which in my view was essential, was struck down. Other sections of the bill may be struck down, looking toward the ultimate "pie in the sky."

I should like to ask my colleague, further, whether he does not feel this way about it. Is this not the burthen of everything we have tried to say, namely, that the time has come to get from the Senate majority some delivery on this matter; that is, exactly what is going to be the heart of the bill on voting rights? We have a right to ask the Senate majority what delivery will be made, if there is to be any delivery—if I know the Senator's purpose, it is the same as mine—before more of these sections are struck down. I would appreciate the comments of my colleague on this subject.

Mr. DOUGLAS. Mr. President, I do not believe in questioning motives, and I shall not do so. I agree we should get into the real heart of the voting rights provisions as promptly as possible. However, it was unfortunate in my opinion that the Attorney General did not accept the major outlines of the recommendations of the Civil Rights Commission. Instead of supporting the Civil Rights Commission, he appeared before the appropriate committees and proposed that, instead of administratively appointed registrars, there should be judicially appointed referees.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. CLARK. Is it the intention of the Senator to move into the section of the Dirksen amendment dealing with voting rights?

Mr. DOUGLAS. Yes.

Mr. CLARK. Would the Senator yield further? I should like to have the privilege of asking a few questions about that part of the bill.

Mr. DOUGLAS. Yes.

Mr. CLARK. It is true, is it not, that the distinguished senior Senator from New York and my friend the Senator from Illinois proposed on March 1 an amendment marked 3-1-60-D, which is to be a substitute for section 7 of the Dirksen amendment?

Mr. DOUGLAS. That is correct.

Essentially the difference is that, whereas the Dirksen bill follows the line of the Attorney General for judicially appointed referees, the draft to which the Senator refers, and which was prepared for us by distinguished lawyers at the Yale University Law School and at the University of Pennsylvania Law School, calls for both administratively appointed registrars and judicial referees, permitting the President to take one or the other course, as he wishes.

It was an attempt on our part to reach some form of acceptable compromise with those who advocated judicial referees. Speaking for myself, I would prefer administrative registrars as the sole method.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. CLARK. Is it not true that if the Senate were to consider the amendment of the Senator from New York and the Senator from Illinois, and adopt subsection 7 (a) through (i), and reject the remainder of the proposed amendment, we would then have a registrar bill without any referee provision?

Mr. DOUGLAS. Yes.

Mr. CLARK. Do I correctly understand that if the Senator from Illinois had his way, and if I had my way, which neither of us are likely to have, that that would be the best solution of the question, with one important exception, that is, that the registrar amendment offered by the Senator from Illinois and the Senator from New York would apply only to Federal elections.

Mr. DOUGLAS. I might say that we included these alternative methods in an effort to get the greatest common agreement that it was possible to obtain. We restricted the registrar sections to Federal elections in compliance with the Commission's recommendations, but we would give the President the alternative of using one or the other, so that he would not be tied to the judicial referee proposal alone.

Personally I greatly prefer the administrative registrar proposal. I will tell the Senator why.

It permits mass registration where there has been mass disenfranchisement. The junior Senator from Michigan [Mr. HART] has repeatedly put his finger on that important point; namely, that where there is mass disenfranchisement it is almost impossible to deal adequately with the problem by a case-by-case court method.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I shall be glad to yield further in a moment.

Furthermore, the administrative registrar proposal, as I shall try to show, greatly reduces the delays which occur when we get into a judicial process. Therefore, I greatly prefer the registrar proposal.

Perhaps I was guilty of a minor sin by trying to reach a compromise which had a combination of provisions which I thought had the possibility of getting a wider basis of support.

However, let me say that if we are to tie the new voting rights provisions exclusively to a referee proposal, which is what my colleague from Illinois is proposing, and which Representative McCULLOCH is seeking to do in the House, and which is likely to be the provision included in the House bill, then no matter how much it is improved, it will carry within itself three great faults:

First, there will be excessive delays. Second, there will be the requirement that the applicant must submit himself to going before local white registrars and experiencing all the difficulties, discriminations and humiliations that come from such an experience. Third—and this is connected with the other two points—on a case-by-case basis, if there is any real attempt to cure the evil, the procedure will swamp the courts with work, and therefore deny to any substantial number of applicants the possibility of relief.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. CLARK. Returning to the Senator's registrar proposal, would the Senator agree with me, following the leading question technique of my friend the Senator from New York, that there is no valid constitutional or administrative reason why the Senator's registrar proposal should not be expanded to cover State as well as Federal primary and general elections?

Mr. DOUGLAS. Mr. President, this is really a ridiculous situation. Here is one of the leaders of the Philadelphia Bar—and Philadelphia lawyers have been known to be among the ablest lawyers in the country——

Mr. CLARK. But not always correct.

Mr. DOUGLAS. And the former Attorney General of the State of New York discussing a legal issue through the intermediary of a nonlawyer. Therefore I must say that I certainly do not qualify in the big league with these two gentlemen.

I can only say that, according to the 15th amendment it seems clear to a plain layman that if Congress has the power by appropriate legislation to prevent discrimination on the ground of race, color, or previous condition of servitude, it can apply those powers in State elections as well as in Federal elections.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I am glad to yield for a question, which I would like to be permitted to answer on my own basis, rather than acting as a telephone wire to connect the arguments of the Philadelphia lawyer and the former Attorney General.

Mr. CLARK. Would the Senator prefer not to yield at this time?

Mr. DOUGLAS. No; I am glad to yield.

Mr. CLARK. Of course we must ask questions, or the Senator may be taken off the floor.

Mr. DOUGLAS. I understand.

Mr. CLARK. Leaving aside the legal and constitutional questions involved, does my friend from Illinois not agree

that his bill would be vastly stronger if it were amended to apply to State elections as well?

Mr. DOUGLAS. Yes.

Mr. CLARK. Would the Senator also agree that a bill introduced by the distinguished Senator from Missouri [Mr. HENNINGS], does contain a provision for Federal enrollment officers, who would be authorized to register voters for both Federal and State elections?

Mr. DOUGLAS. I greatly prefer that.

Mr. CLARK. I shall ask the Senator one more question, and then I shall desist.

Mr. DOUGLAS. Oh, no.

Mr. CLARK. I ask the Senator to refer to the preamble of his bill, which reads:

> The Congress finds that substantial numbers of citizens of the United States qualified to vote under State registration and election laws are being deprived of that right, by being denied the right to register to vote—

And so forth. I will not continue to read the preamble, which I know perhaps would be a violation of a strict interpretation of the rules of the Senate.

I ask the Senator, What is the evidence on which he expects that congressional finding to be sustained?

Mr. DOUGLAS. The report of the U.S. Commission on Civil Rights.

Mr. CLARK. Is that report not replete with proof after proof which would sustain such a finding of fact by the Congress?

Mr. DOUGLAS. I certainly agree. I spent some minutes reading into the RECORD some of the salient findings of the Civil Rights Commission.

Mr. CLARK. Is it not true that there are so many salient findings indicating widespread denial of voting rights in that report that the Senate would be here for many hours if the Senator were to read all of the findings into the RECORD?

Mr. DOUGLAS. That is correct. Those which I read were merely as grains of sand on the seashore of discrimination.

Mr. CLARK. The Senator concludes, does he not, the Congress is amply justified in making findings on the basis of the report of the Civil Rights Commission?

Mr. DOUGLAS. Yes, and as to State elections and Federal elections, as well.

Mr. CLARK. I thank the Senator from Illinois.

JUDICIAL REFEREE PROCEDURES OF DOUBTFUL EFFECTIVENESS

Mr. DOUGLAS. Mr. President, the proposal of the Attorney General in its original form is given in the present section 7 of the Dirksen bill, and in the bill introduced in the House on January 28 by Representative MCCULLOCH, of Michigan, H.R. 10035.

But we are likely to have a situation of "now you see it, now you don't." Whenever we criticize this draft, we are told that the later McCulloch bill will supersede it. The revised McCulloch bill was introduced on February 23, and is H.R. 10625.

I shall base my discussion primarily upon the present draft of the Dirksen bill, section 7, but shall summarize the main changes which would be introduced if the later or current McCulloch bill were substituted for it, as we understand it will be in the House.

The referee proposal is based not on the idea of mass registration, but on case-by-case, judicially tested and administered registration. Not only is the official appointed an arm of the judicial branch, but the appeals from his decision take a judicial course with all the delays which the use of the judicial process necessarily entails.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. LONG of Louisiana. Is the Senator from Illinois familiar with the fact that in the Louisiana case the judge found by sampling a number of persons disqualified that there had been discrimination, and that based on the sampling he then proceeded to order a number of persons 10 times greater restored to the rolls, without ever considering specifically the larger number?

Mr. DOUGLAS. Yes, I believe that is true; but if there were to be any considerable volume of cases, I do not believe that procedure could be followed in registering new voters.

Mr. LONG of Louisiana. If a judge can examine 130 cases, and based on those 130 samples proceed to order 1,400 persons restored to the rolls, could he not just as easily examine the cases of the 1,400 who had been denied registration, and order them back on the rolls, based on the sampling of 130?

Mr. DOUGLAS. The Senator from Louisiana is a very skilled lawyer in the Napoleonic code as well as in the Anglo-Saxon law. I certainly do not intend to dispute with him; but I should like to point out, as I shall in just a minute, that under the Rogers-Dirksen-McCulloch proposal the applicant must first make application to local officials for registration before his case can be considered by the referee and, subsequently, by the courts.

So mass treatment is not provided for in this draft. It is on the basis of case by case, individual by individual. Therefore, the proposal we are considering differs from the procedure followed out in the Louisiana case, which was conducted, as I understand, under the voting rights bill of 1957.

Mr. LONG of Louisiana. Yes; but any number of persons who may have been denied the right to register can be joined in a single suit by having their names listed as being subjected to discrimination. Thereby they can have their names placed on the rolls by court order, similar to what happened in the Thomas case, in Louisiana.

In other words, if a judge can do what was done in the Louisiana case, which was simply to take a sample of 130 registrations and conclude that the persons who challenged them had discriminated in choosing those whom they would challenge, and thereby order onto the rolls a number 10 times as great as the sample the judge had examined, could he not do the same thing under existing law with regard to any number who might say they have been improperly denied the right to register, and that they had been discriminated against?

Mr. DOUGLAS. I call the attention of the Senator from Louisiana to page 20 of the Dirksen bill, section (e), which states that the voting referees would "receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election."

So the emphasis is thrown upon the individual, and the individual must give proof not only that he was qualified, but that he applied to the local voting official and was discriminated against.

It might be possible to institute a mass or so-called class suit. But I think that is contrary to the general purport of all the proposals of the Department of Justice. And the procedures to be followed under the referee proposal do not lend themselves to speed and broad coverage.

Mr. LONG of Louisiana. In the Thomas case, in Louisiana 1,377 people claimed that they had been the subject of discrimination, so a suit was filed on behalf of the whole 1,377.

The judge looked at a sample of those situations, and after the sampling process, having considered only about 10 percent of them, concluded that there had been discrimination, and thereby ordered the entire 1,377 placed back on the rolls.

Mr. DOUGLAS. I am not discussing the 1957 act. I am discussing the new proposals for judicially appointed referees.

I think that this provision may, as a matter of fact, supersede the work of that act, and therefore, to that extent, weaken the mass protections which the 1957 act might otherwise have afforded.

Mr. LONG of Louisiana. Does the Senator from Illinois see anything in the bill to prevent suit being filed on behalf of any number of persons who contend that they are the subject of discrimination, joining them in a single suit?

Mr. DOUGLAS. It is not clear, but at times, it is true, the term "applicants"—in the plural—is used, as well as the term "applicant"—in the singular. But I do not believe under the proposed plan it will be easy to find any such groups of 1,350 identified individuals, discriminated against because of race or color, to whom the new referee procedures permitting registration can apply with speed and directness.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. Is it not true that in the Louisiana case the whole 1,377 were the subject of a suit, and that, therefore, the court, after a reasonable sampling of the types of methods which were used to deny them registration, concluded that the discrimination applied to all who were the subject of the suit?

Is it not also true that if we adopt one of these bills, whether it be the administration bill or the bill introduced by the Senator from Illinois and me, what the court will be finding will be a pattern and a practice that applied to persons

who are of the same class, to wit, let us say, Negroes in Louisiana, but who are not subjects of that suit, but who have come in after the suit has been decided, and the pattern or practice found to qualify in accordance with the terms of law? Therefore, we do need a provision which is not included in the present law.

Mr. DOUGLAS. I think the Senator from New York is completely correct.

I also point out that in the Louisiana case, the names of approximately 1,350 persons were restored—I emphasize "restored"—to the voting lists. They had previously been registered, but their names were stricken from the voting lists on specific challenges which the Court found discriminatory.

Apparently the 1957 act provided protection against that type of disqualification. But the 1957 act did not adequately provide protection for the large number of persons who had not previously been registered, and who wanted to be registered, but who encountered delays and unjust disqualifications imposed upon them by local registration officials.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield further.

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. But is that not one of the problems we face here? The Attorney General has never gone to the extent—as he very well could have—of seeing to it that the subject of discrimination was dealt with under the provisions of that act. By analogy, could not what was done for the 1,377 also be done with respect to those who had not previously been registered?

Mr. DOUGLAS. I am not a defender of the Attorney General. I do believe he could have done much more under the 1957 act than he has done. However, I point out that the Commission, which censured the Attorney General in that respect, also said the 1957 act was inadequate to provide a remedy for these wholesale denials of registration; and I am ready to accept the Commission's conclusion.

Mr. LONG of Louisiana. Was not the reason why not one voter was added that the constitutionality of the act had not then been tested; in fact, the Supreme Court did not pass on the constitutionality of the act until 2 weeks ago. That report is 6 months old.

Mr. DOUGLAS. I agree that the Attorney General did not adequately use the power that he could have used.

Mr. LONG of Louisiana. Does the Senator from Illinois see that every United States attorney could have filed suit to have the name of any person or the names of any group of persons in the country placed on the rolls, under the powers already provided?

Mr. DOUGLAS. I would not wish to comment on that point. I simply say that the Civil Rights Commission has held that the Attorney General does not have adequate power, and that additional legislation is needed.

Mr. LONG of Louisiana. But does the Senator not realize that the case to which he has referred and the recommendation of the Commission occurred before a single case had been tested in the courts? Does the Senator realize that the act already on the books refers to persons who are otherwise qualified to vote? But in the Louisiana case, the court in effect ruled that people must have their names placed on the rolls, even if they are not otherwise qualified to vote. So the effect of the Thomas case, in Louisiana, is that people can have their names placed on the rolls en masse, even though they are not technically qualified, under the law, at all.

Mr. DOUGLAS. I could not draw that technical inference. There were 1,350 persons who had proved that they were qualified to vote, even under the voting standards in Louisiana, and they were previously registered. But their names then were eliminated from the voting rolls, as a result of the drive put on by the White Citizens' Council.

I believe that the local Federal district judge and the Supreme Court ruled correctly in ruling that there was sufficient evidence of racial discrimination in the challenge procedure and that the names of those persons must be restored to the voting rolls, under the 1957 act.

But that does not mean that the 1957 act contained sufficient provision of authority to compel the registration of large numbers of persons who had not previously been registered, and whose initial registration was delayed by means of the stringent application, insofar as the Negroes were concerned, of technical requirements which were not applied insofar as the white registrants in those communities were concerned.

Mr. LONG of Louisiana. But the Louisiana case occurred by virtue of their failing to properly fill out their application forms and their failure to spell words correctly, and other technical errors. It is clear that those persons were not held to be properly qualified at all. The courts held that because a large number of white persons who were similarly unqualified had been allowed to register and to vote, therefore both unqualified groups of voters must be left on the rolls, if the white group had not been challenged and was allowed to remain on the rolls. If the courts can go that far, then voters who were not qualified could have their names placed on the rolls. However, I have stated the basis of the Louisiana case decision.

Mr. DOUGLAS. Do I correctly understand the Senator to ask whether new legislation is needed?

Mr. LONG of Louisiana. Yes; does the Senator from Illinois believe that the decision in the Louisiana case shows that the names of various unqualified persons can be placed on the rolls, as a result of the filing of a suit by a U.S. attorney, and thereafter the names of thousands of unqualified persons could be placed on the rolls, even though there might be no basis whatever for having their names placed on the rolls except that other unqualified voters are on the rolls.

Mr. DOUGLAS. Mr. President, I think the Senator from Louisiana is falling into error in that respect. I have not been arguing for the registration of unqualified voters.

I am urging the adoption of administrative procedures, as recommended by the Civil Rights Commission, by which large numbers of the qualified voters who are now barred may take part in our elections without discrimination because of race or color.

In my opinion in the judicial referee proposal, the Attorney General is attempting to provide individual remedies for what in effect is a mass disqualification. I doubt that by that method it will be possible to provide an adequate remedy for the enormous numbers of southern Negroes who are disqualified.

I may say that probably approximately 1,700,000 Negroes in the South would, under northern standards, be entitled to be registered and to vote, but they are not registered and do not vote. Some of that may be due to indifference or to inertia. But, notwithstanding all that, undoubtedly hundreds of thousands of Negroes who are properly qualified are not permitted to register and are not permitted to vote.

In that situation, we have a mass problem on our hands. It is not like the problem involved in an individual lawsuit over property or whatnot. Treatment by medicine dropper will not suffice in this instance. This problem must be approached and dealt with on a wholesale scale. And the process of registration to vote is basically an administrative, not a judicial one. That is the entire burden of the argument I have made thus far, and which I shall try to continue to make—although very imperfectly—in the next few minutes, if my good friend, the Senator from Louisiana, will permit me to proceed, and will not get the RECORD muddied up with all these legal sideshows.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. Yes, Mr. President; I knew that request was coming; and I love my friend, the Senator from Louisiana, so much that I am willing to put myself at a disadvantage, insofar as the RECORD is concerned, by yielding to him.

Mr. LONG of Louisiana. May I point out to my good friend, the Senator from Illinois, that the Louisiana case was a wholesale case; it was not a case of saying that out of a certain number of colored persons who had been challenged, at least half of them were qualified. In that case 1,377 had been challenged, and the entire 1,377 had a case filed in their behalf; and every one of them—not two-thirds of them, but all of them—were placed back on the rolls by means of a single mass action. If that could be done with regard to all those who have been challenged, certainly it could be done with regard to all who had applied to be registered.

Mr. DOUGLAS. Well, I think the Court's decision does prove that the constitutionality of the procedure which we recommend would be undoubted. I think it proves that beyond question.

I do not know that it is worthwhile to pursue this matter much further. I simply say that I think the process of registering persons who had not previously been registered is different from the process of reregistering and placing back on the rolls persons who previously

had been registered, but whose names had been eliminated from the rolls as a result of discriminatory challenges.

Mr. LONG of Louisiana. What would be the difference, from a legal or from a theoretical point of view, between the statement of a judge that "Here are 1,500 people who have applied to register, but whose names have not been put on the rolls, and I order the registrars to put them on the rolls" and the statement of a judge that "Here are 1,377 persons whose registration has been challenged, and I have looked at samples, and I am convinced that the challengers discriminated against them so I order that the names of all of them be put back on the rolls."

Mr. DOUGLAS. Well, if I may make a reply somewhat in anticipation of the argument I shall present, let me say that I think the record in that case would show that the 1,350 were previously qualified. But the trouble comes when a new applicant is required to prove not only that he is qualified, but also that he has been discriminated against and has a long series of hearings and appeals before State officials, referees and courts to look forward to. That is one of the objections I shall make, and one which I do make, to the Rogers-Dirksen-McCulloch bill, which, if we are not properly informed about it we are likely to have jammed down our throats.

Mr. LONG of Louisiana. If the Senator will yield, in the Louisiana case, the Government did not prove that anybody was qualified. It proved only they had been subject to discrimination. The holding was that, even if not qualified, they must be placed on the rolls if they were subject to discrimination. I do not see how anybody could ask for any more than that.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. Is it not a fact that what we are trying to get at is the situation where persons do not get on the rolls so that they are in a position where they can be stricken off, but they are not on the rolls because they are afraid to come to a registrar, or because there is no registrar, as indeed we found in the Alabama case, where the registrars resigned? Is it not a fact also—and I have heard the Senator from Louisiana make this argument before—that it is his interpretation of the Louisiana decision that these people were not qualified, but were put on the rolls only because they were discriminated against? The rationale of the Louisiana decision, according to what the court said, was that it accepted the fact that these people were qualified under Louisiana law, and therefore, under the Constitution, whether it be under Federal law or State law, they could not be registered otherwise.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President, since I was kind enough to yield to the Senator from Louisiana, will he be kind enough to let me continue? Does he wish to speak about the Louisiana case ad nauseam?

Mr. LONG of Louisiana. I dislike to have the law misstated. If the Senator will read the district court decision—after all, the Supreme Court decision said practically nothing about the case except that it was confirmed—and if the Senator will read the briefs on both sides, he will learn that the State of Louisiana and the Justice Department both recognized there were technical defects in the application. The State contended that if the applicants were not otherwise qualified, they could not be placed on the rolls; and that position was not sustained.

Mr. DOUGLAS. I thank my friend.

OBSTACLES ARE NUMEROUS UNDER REFEREE PROPOSALS

May I now indicate the successive hurdles which are set up under the Dirksen bill, and the McCulloch bill in the House, which would make it extremely difficult for the Negroes to get registered and to vote.

First, the court must make a judicial finding that in a given area or election district there is a prevailing pattern or practice of discrimination. That provision is clearly stated. This judicial process would rest upon a complaint filed by the Attorney General under the authority of the 1957 act, and then there would have to be an investigation and a full trial with very substantial difficulties in presenting the essential proofs required for the findings.

Such a procedure would be extremely time consuming.

So we start off with a good deal of time taken up before we can even have a finding judicially, that a pattern of discrimination or practice of discrimination exists.

After that pattern or practice has been found, the district court may appoint a referee whose powers are similar to those of a master in chancery. But I should like to point out that the phrase used is that "He may" appoint a referee. Even after he has found a pattern or practice of discrimination to exist, he is not compelled to appoint a referee. It is optional upon the judge's part.

Then, however, the applicant must go to the local registration board and be turned down by that board or prevented from registering before he can apply to the referee.

I should like to point out that it would take pretty stouthearted Negroes to go before white registration boards and apply day after day, in many cases stand in line for long hours, and be subjected to humiliating questions, and possibly actually incur physical and economic danger.

And yet the Rogers-Dirksen-McCulloch proposal requires that every Negro in the South wishing to avail himself of the offered remedy would have to appear before the local voting registrar, however antagonistic that registrar might be, however unapproachable, however insulting, however threatening, however dangerous that official might be, or the groups about him, to the certain knowledge of the individual Negro, and apply to register to vote; and only after he had been turned down could he then apply to the referee for relief.

When he goes to the referee, he must then show two things: First, that he is qualified; namely, that he meets the literacy tests or other qualifications which the State imposes. I suppose there can be no quarrel about such a requirement, because we do not want anyone registered who cannot meet the tests on the same terms as are imposed on the white population. I want to emphasize that—not more severe terms, but the same terms. But he must also prove that he was deprived of the opportunity to register to vote or otherwise to qualify to vote in any election or that he was found by State officials not qualified to register or to vote in any election.

In other words, he must not only prove that he was qualified, but also that he applied to the local officials and was discriminated against. He must prove this to the referee; and the local officials—under the present Dirksen proposal, section 7—can object and offer proof to the contrary.

We know the subtle ways in which the runaround can be administered. The Tuskegee case is replete with the methods by which this can be done—limited hours of registration, absence of registrars, a long period of time taken to ask a whole battery of questions which I said previously would have challenged the ingenuity of Charles Van Doren, but perhaps I should modify that statement and say now, challenge the ingenuity even of the Parliamentarian of this body.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield, will the Senator tell me where that situation exists in which fantastic questions are asked?

Mr. DOUGLAS. It exists throughout the State of Alabama. The evidence is replete with instances which show that it exists in Alabama, at least, and I think in other parts of the South. Such questions were asked in North Carolina.

Mr. LONG of Louisiana. That same implication was made by the Commission about the State of Louisiana. The situation in Louisiana is that a person does not have to understand everything that is in the law, but he must be able to understand something in the law.

Mr. DOUGLAS. The questions they pick out for the Negroes, however, tend to be much more difficult than the questions they pick out for the whites. The interpretation is that one must answer satisfactorily any question that is asked of him; and by the choice of the question, a local registrar can disqualify a person.

Mr. LONG of Louisiana. Does the Senator know that 10 percent of the Negroes who are registered in Louisiana, more than 17,000 of them, are registered as illiterates, because they cannot read or write? They are nevertheless upon the rolls, on the proposition that if anything is read to them from the Constitution and they can tell what anything in the Constitution means they can be put on the rolls.

In other words, a colored man might not understand the meaning of the first section of the Constitution, but he certainly ought to understand the meaning

of the 15th amendment, which says a person shall not be denied the right to vote because of race or color. That is a simple standard by which it is proposed to differentiate between a person who is completely mentally incompetent and a person who at least has some understanding of what is being said to him.

Mr. DOUGLAS. I will say to my good friend, I am aware of the fact that the standards applied in the State of Louisiana differ from district to district, depending upon the political forces which dominate. I do not wish to embarrass my friend from Louisiana by being too particular on this subject. I shall merely say that some of the political groups in Louisiana are more liberal than others in their willingness to register. The Senator from Louisiana knows what I say is true.

Mr. LONG of Louisiana. If one seeks to secure his rights under the 1957 act, I am sure any court would hold the meaning of the act is that a person must be able to understand not the entire Constitution, but must be able to understand something in the Constitution.

Mr. DOUGLAS. Generally the "something" which is asked the Negro applicant is something extremely difficult to answer. In some other cases the local registrars will throw up a "softie." In some cases a soft ball is thrown to a batter so that he can hit it over the fence. The Senator knows that can be done.

Mr. LONG of Louisiana. It would be my interpretation—and I believe this is correct—that the person would be entitled to specify that part of the Constitution he wanted to have read to him. If he understood any section—any section—he could be placed on the rolls.

Mr. DOUGLAS. Mr. President, I have pointed out that under the proposed referee procedure the applicant, after prior application to the local registration officials, would have to prove to the satisfaction of the referee that he was qualified to vote according to State standards and that he applied to and was discriminated against by the local official. He has to prove both. It is not enough merely to be qualified. Such a person has to prove he applied and was discriminated against.

Only if he can prove the second fact will the referee certify him as being entitled to vote. If he cannot prove the second fact presumably he will be sent back to the local registrar.

Then there is to be filed the report or the opinion of the referee, or the specialized master in chancery.

That matter goes, of course, to the district court, and the district court can give time—it is cut to 10 days in the revised McCulloch version—to the local public officials to make a reply. That represents a further delay.

In my judgment, a reading of the present draft of the referee plan seems to indicate that appeals can be taken on matters of fact as well as on matters of law. In the McCulloch draft, which has still not been adopted by the House, according to my information, this would be appreciably modified, and the finding of the referee that the man is qualified and the statement of fact that the man has been discriminated against, by the referee, are to be accepted as prima facie evidence. But even the revised McCulloch draft provides that a memorandum on the law can be submitted to the district court. If a memorandum on the law is submitted, then arguments on the law can be entertained. That will mean a further delay.

I do not wish to reflect upon my legal brethren. I observe that nearly everyone in the Chamber is a lawyer. I hope my colleagues will not think I am reflecting on their profession when I say that I have never known a group of men more expert in ability to delay proceedings by interminable argument and appeal. The law has become a vehicle not for action, but for delay, in large part. A large part of the ingenuity of the legal profession is devoted to delay and obfuscation. So this will mean still further delay.

I have always understood that the decisions of the district court are subject to appeal to the court of appeals and from that court to the Supreme Court. I do not see any provision in the Dirksen amendment or in the McCulloch bill which would curtail this right of appeal through the judicial system.

It is true that the U.S. Supreme Court took the Georgia case and the Louisiana case directly from the district courts and bypassed the circuit court, but those were exceptional cases. The Court was anxious to give a quick verdict. If the Court had hundreds and thousands of cases, it could not bypass the circuit courts in such a way.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Does the Senator not realize that once a case is decided and the point of law is settled the Court is not likely even to hear the appeal? If the case does not present a new issue or a new point of law, the Court is not likely even to hear an appeal from the district court.

Mr. DOUGLAS. The Senator can depend upon that frail reed for support if he wishes, but I think he will find, if we can consider the school cases to be any precedent, that the decisions of the district courts will be appealed all the way. The defense of those cases has been financed by the localities out of local tax money and State tax money. Where there is massive resistance to the granting of constitutional rights, I think we will have massive resistance applied to the judicial process without stint or limit.

Mr. LONG of Louisiana. Once the district court has made a decision on a point of law it is settled. For example, if there were a question involving the constitutionality of the act, if the act were held to be constitutional then the Supreme Court would not be likely to hear an appeal involving constitutionality of the act. If the case involves the same principle of law which the Court already has had before it on an appeal, ordinarily the Court would not allow an additional appeal on another case.

Mr. DOUGLAS. The ingenuity of lawyers in distinguishing one case from another and in insisting that new points of law are involved is tremendous. The fact is that there is not precise uniformity between cases, and I think the southern lawyers, who are extremely able and good lawyers, as the southern soldiers are good fighters, will be able to spin out appeals in great quantity. Indeed, we may even see special courses given on ways to defeat the Civil Rights Act of 1957 and the voting rights bill of 1960. It will become a very interesting subject for legal study.

As a matter of fact, probably the election will be over and done with before even the district court will have finished its consideration of the matter. Time moves on these things. If the period between registration and election is relatively brief, as it frequently is—and as it can be made to be—after the election the court will hand down a ruling, let us say, that the man was qualified, that the man was discriminated against, that the man should be permitted to vote, but by that time the election may well be over.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I should like to finish, if I may, and then I will yield.

Then in the next registration period the same process would have to be repeated.

The applicant must go again to the local registration officer, and in all probability be turned down. He must go at the proper registration periods, during the proper hours, and observe the local rules and amenities.

Then he must go to the referee appointed by the district court, to prove that he is qualified, and prove that he was discriminated against.

The report must then be taken again from the referee to the district court.

And appeals may be taken from the district court to the higher courts.

This process can go on, and the second election will go by.

It is like the old game of Parchesi, or Going to Jerusalem, except that the Pilgrim will always strike a space where he is ordered to go back to the very beginning. The law will have provided an illusory, inadequate, false remedy for an existing evil.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield for a question. I do not wish to be taken off my feet.

Mr. ELLENDER. Am I to understand that the Senator from Illinois has devised a plan whereby an aggrieved party could not go to court?

Mr. DOUGLAS. Oh, no. He could go to court.

Mr. ELLENDER. What would be the difference? Has he not considered the possibility that if we follow his assumption smart southern lawyers might be able to obtain delays under both the plan the Senator is suggesting, as well as under present laws?

Mr. DOUGLAS. What is needed, as the junior Senator from Michigan [Mr. HART] has pointed out again and again,

is a method of mass registration—by simple administrative procedures—to meet mass disqualification.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. DOUGLAS. Just a moment.

Appeals may be taken. The voters can be challenged; but the ballots can be sequestered and put in envelopes; and the contested points of law can be decided after the election.

That is the provision in the so-called Hennings bill, which is shortly to be introduced. In all fairness, I must say that there is some approach to it in the revised McCulloch draft.

Mr. ELLENDER. I may say to my good friend from Illinois that we have such a provision in Louisiana law. Under conditions of existing Louisiana law, if a sufficient number of ballots have been challenged so that they might have an affect on the outcome of an election, then after it has been determined that the challenges are bona fide, then the entire election must be declared null and void and a new election ordered.

Mr. DOUGLAS. I congratulate the Senator.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. JOHNSTON of South Carolina. In all his research, has the Senator ever found a case in South Carolina in which a prospective voter, white or colored, was not registered when he should have been registered?

Mr. DOUGLAS. The only time I spent in South Carolina was as a "boot" at Parris Island, and as a somewhat overage Marine who was trying to get overseas, but was being held back. I was really so busy with the drill and the work at Parris Island that I did not have an opportunity for deep personal acquaintanceship with all the details of South Carolina election procedures.

Mr. JOHNSTON of South Carolina. Did the Senator read the testimony of the Attorney General this year?

Mr. DOUGLAS. Yes; I did.

Mr. JOHNSTON of South Carolina. There was only one case in which such an allegation was made, and when it was investigated it was discovered that there was nothing to it.

Mr. DOUGLAS. I refer the Senator to some voting registration figures from South Carolina, to be found at page 47 of the report of the Civil Rights Commission.

Mr. JOHNSTON of South Carolina. The Commission said there were 47 counties in South Carolina, when there are only 46. I think the Commission has colonies confused with counties. We have one nudist colony down there.

Mr. DOUGLAS. I am sure the Senator from South Carolina is not a member of that colony.

Mr. JOHNSTON of South Carolina. It fits into this organization.

Mr. DOUGLAS. I am sure the Senator from South Carolina is not a member of the nudist colony.

Mr. JOHNSTON of South Carolina. Not at the present time.

Mr. DOUGLAS. My good friend from South Carolina asked for material from South Carolina. I refer him to page 57 of the report of the Commission, where it appears that there was one county in which there were 2,625 nonwhites—meaning Negroes—but none registered. There were six counties in which less than 5 percent were registered.

Mr. JOHNSTON of South Carolina. Is there any evidence that anyone tried to register in South Carolina and was not allowed to register?

Mr. DOUGLAS. It requires superhuman courage, in many places, for those folks to try to register. The Senator knows that perfectly well. All the massed power of the community and the law is against them.

Mr. JOHNSTON of South Carolina. No——

Mr. DOUGLAS. The requirement that poor individuals must prove to be heroes before their rights are recognized is an altogether excessive demand, which the Senator from South Carolina would not apply in other branches of life, because he is a decent individual.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I do not want to see South Carolina accused of something of which it is not guilty, so far as registration is concerned. Witnesses came before my committee and testified that 200,000 Negroes were able to vote.

Mr. DOUGLAS. I believe that in the past the Senator from South Carolina has profited from their votes.

Mr. JOHNSTON of South Carolina. At times I may have profited, and at other times I may not have profited. Some of them voted for me and some voted against me. I have never tried to obtain their votes as a bloc. Neither have I kept any of them from voting.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. EASTLAND. The distinguished Senator mentioned a county in South Carolina.

Mr. DOUGLAS. I mentioned a county in South Carolina where there were 2,625 nonwhites, meaning Negroes, but none was registered.

Mr. EASTLAND. Let us take that county. Did the Civil Rights Commission investigate that county?

Mr. DOUGLAS. I believe it did, or it obtained registration figures. Are not the registration figures separated by race in South Carolina?

Mr. JOHNSTON of South Carolina. They were not until recent years, when people began talking so much about the subject. We separated the figures by race to show that colored people were being registered.

Mr. DOUGLAS. I believe the statement of the Civil Rights Commission was based on official figures.

Mr. EASTLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield for a question.

Mr. EASTLAND. If there was mass discrimination, as alleged by the Senator from Illinois, why did not the Attorney General of the United States file a suit? He had the Civil Rights Division of the Department of Justice at his disposal. He had the entire Republican organization at his disposal. He had the Civil Rights Commission at his disposal. There were available the Civil Rights Division in the Department of Justice and the Civil Rights Commission, with its reports. If the Senator is correct, why was not a suit filed? There is adequate law.

Mr. DOUGLAS. I am not here to defend the Attorney General. I stated earlier that in my judgment he has not adequately used the powers which he already possessed under the 1957 act. I think in many ways he was delinquent in his duty.

Mr. EASTLAND. I do not think he has been delinquent. I think the distinguished Senator is mistaken. I think there is not the mass discrimination of which the Senator speaks. Perhaps I am wrong. Perhaps the Attorney General is right. I do not know.

Mr. DOUGLAS. The Senator from Mississippi is one of the blandest and most pleasant men one could possibly imagine. I like him very much. But when he says there is no mass discrimination, when there are many counties in his own State in which no Negroes are registered——

Mr. EASTLAND. All right——

Mr. DOUGLAS. Wait a moment. I wish to reply to the Senator. There are many counties in his own State in which the majority of the population consists of Negroes, and no Negroes are registered.

Mr. EASTLAND. That is the first mistake.

Mr. DOUGLAS. That is not a mistake at all.

Mr. EASTLAND. The Senator said the majority of the State's population was colored.

Mr. DOUGLAS. No; I am referring to the county population.

Mr. EASTLAND. That is true.

Mr. DOUGLAS. And yet not a single Negro is registered in some counties.

Mr. EASTLAND. I do not know of that. The Senator knows facts that I do not know.

Mr. DOUGLAS. Does the Senator mean to say that he has lived in Mississippi all his life, and that he does not know that there are counties where no Negroes are registered?

Mr. EASTLAND. All right. A thorough investigation was made by the Civil Rights Commission. The distinguished Senator voted to confirm the nomination of every member of the Commission. An investigation was made by the Department of Justice. There was only one suit filed, in 1 of 82 counties. It was dismissed, and the NAACP did not even appeal it.

Mr. DOUGLAS. The Senator from Mississippi knows that it is pretty hard for a Negro in Mississippi to try to register.

Mr. EASTLAND. I deny that. I challenge the Senator to name one individual who has been intimidated.

Mr. DOUGLAS. Not intimidated. It is difficult to prove that they are intimidated, because they are intimidated before they start.

Mr. EASTLAND. Name one. Let us deal in facts on the floor of the Senate.

Mr. DOUGLAS. The Governor of Mississippi, who is a fine man, and who agrees with the Senator from Mississippi in this attitude, has said that only 4 percent of the adult Negroes in Mississippi are registered. Does the Senator from Mississippi say that only 4 percent of the Negroes are qualified?

Mr. EASTLAND. I have seen the results in several States, including the Senator's State of Illinois, which is represented in the House of Representatives by Negroes. In their districts only a small number of Negro votes were cast.

Mr. DOUGLAS. That is sometimes true——

Mr. EASTLAND. Wait a moment. The Senator is not permitting me to finish. There is no attempt to discriminate against anyone. Everyone who is qualified votes; as a rule, everyone votes who desires to vote. The figures are proven in the Senator's State in the districts which are represented by a Negro Congressman.

Mr. DOUGLAS. I may say to my good friend that it is true, unfortunately, there may be a certain degree of indifference among Negro people about registering and voting. That is true. Where they have full opportunity to register to vote, as in Illinois, they do not take full advantage of it. That is true.

However, as the Civil Rights Commission says, that is not enough to explain the fact that there are 16 counties in the South where the Negroes form a majority of the population and where not a single Negro is registered; that there are 57 counties where Negroes form a very large proportion of the population, having a total population, I believe, of something like 220,000, and where not a single Negro is registered; that there are 49 counties where Negroes form a majority of the population but there are only about 1 to 5 percent registered.

Mr. EASTLAND. Mr. President will the Senator yield?

Mr. DOUGLAS. Those figures cannot be explained away entirely by the allegation of indifference or lack of qualification.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I believe that some 13 of those counties are in the State of Mississippi.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. EASTLAND. The Senator shows that he is inaccurate when he says that 13 of the 16 counties are in Mississippi.

Mr. DOUGLAS. No. I was speaking of the various groups of counties.

Mr. EASTLAND. The Senator voted to give the Department of Justice the right to file suits in those cases, did he not?

Mr. DOUGLAS. On voting rights; yes.

Mr. EASTLAND. They have the FBI at their disposal to make determinations. Does the Senator know of an investigating agency anywhere in the world which is more powerful than the FBI?

Mr. DOUGLAS. I will answer that question by repeating a story about St. Augustine. When Augustine was a pagan, before he was converted to Christianity, he was on the seashore one day, and there met a little child who was trying to bail up the ocean with a pint dipper. St. Augustine asked him what he was trying to do; that it was impossible for the child to dip up the ocean. The child replied, "It is just as possible for me to bail up the ocean with a pint dipper as it is for you, with your finite knowledge, to comprehend the mysteries of the Almighty."

I would say that, effective as the FBI is, for it to try to remedy the mass disenfranchisement in the South would be like trying to bail up the Atlantic Ocean with a pint dipper. What we need to do is to find an effective administrative remedy.

Mr. EASTLAND. The Senator is jumping to another question. We were discussing the State of Mississippi.

Mr. DOUGLAS. I was trying to draw an analogy.

Mr. JAVITS. Mr. President, will the Senator yield to me on the question of Mississippi?

Mr. EASTLAND. The Civil Rights Commission and the FBI could come up with only one suit in Mississippi, and they lost that and did not appeal it. This is the question I am asking the Senator.

Mr. DOUGLAS. I am tempted to call attention to a play by Bernard Shaw.

Mr. EASTLAND. I am asking the Senator a question, and I have been leading up to it. If there was this great mass discrimination which the distinguished Senator from Illinois alleges——

The PRESIDING OFFICER. The Senator from Illinois has the floor. He can yield only for a question.

Mr. EASTLAND. He has yielded to me for a question. My question is this. If there is this mass discrimination which the Senator from Illinois has mentioned, it appears that the Department of Justice and the Federal Bureau of Investigation certainly should be able to find it. They have not found it.

Mr. JAVITS. Mr. President, will the Senator yield to me for a question?

Mr. EASTLAND. We are dealing with facts, not generalities.

Mr. DOUGLAS. I do not know that the Department of Justice has been trying as hard as it should in this matter. I have stated that I am not arguing for or attempting to excuse the Attorney General. I believe he has been delinquent in his duties.

Mr. EASTLAND. The facts are that he has been diligent in his duty and he has not found anything wrong in Mississippi.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. JAVITS. Mr. President, is it not a fact that, so far as the Attorney General is concerned, he has started only four cases; and is it not a fact also that, as I explained on the floor of the Senate on February 27, or, at least, as I tried to give to the Senate the Attorney General's explanation for starting only four cases, it is because it took him so long to get his people confirmed—7 or 8 months to get confirmed the man who is in charge of that division—and because he had first to demonstrate the constitutionality of the act, which has been done only recently, and because it does take time to get a department working under a newly created act; and is it not also a fact that the Civil Rights Commission—I am asking the question of the Senator from Illinois—at pages 58 to 62, inclusive, specifically relating to investigations in the State of Mississippi, to which the distinguished Senator from Mississippi has referred, finds, at page 58: "Racial disparities in voting appear to be wider in Mississippi than in any other State"? And is it a fact also that in the same report of the Civil Rights Commission, at page 60, the Civil Rights Commission describes an actual case which occurred in Leflore County; and that this relates to the question asked by the Senator from Mississippi as to whether anyone had been prevented from registering in Mississippi?

Mr. DOUGLAS. It is the case of a Negro Army veteran. That is correct.

Mr. JAVITS. Of a discharged Army veteran, a technical sergeant. Is it not a fact that the Commission describes this case as follows:

> One Negro Army veteran discharged as a technical sergeant, reported that he went to the courthouse and was asked by a female clerk what he wanted. "I want to register," he said. "To register for the Army?" she asked. When he assured her he wanted to register to vote, she told him she didn't have time because the court was meeting. She did, however, have him write his name and address on a slip of paper. Less than half an hour after his return home, two white men came to his door and asked him why he had tried to register. He replied that it was his duty. They told him that he was just trying to stir up trouble and advised him not to go back. He did return a week later, and again was told by the same clerk that she was busy. Fearful of reprisals, he stopped trying.

Is it not a fact that that is the finding of the Commission?

Mr. EASTLAND. Mr. President——

Mr. JAVITS. Mr. President, may we have the regular order? I have not interrupted the Senator from Mississippi.

Mr. EASTLAND. He is not asking a question. He is making a speech. I call for the regular order.

Mr. DOUGLAS. I have yielded to the Senator from New York for a question.

The PRESIDING OFFICER. The regular order is requested.

Mr. DOUGLAS. I have not had a chance to reply.

The PRESIDING OFFICER. The Senator from New York has been yielded to by the Senator from Illinois for a question.

Mr. DOUGLAS. My reply is that the Senator from New York has correctly read the passage from the civil rights report at page 60.

Mr. JAVITS. If the Senator will yield for a further question, I should like to ask him whether it is not a fact, also, that the Civil Rights Commission has found, at page 138 of its report, the following:

> The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure

of such boards to function on particular occasions or for long periods of time, or to restrict periods of function to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color. It further finds that such failure to act is arbitrary, capricious, and without legal cause or justification.

Is it not also a fact, finally, that these findings, which are the conclusion of the Commission, tie directly to such cases as the one I have cited at page 60 of the report?

Mr. DOUGLAS. The Senator from New York is correct.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am always glad to yield and to be obliging to my good friend from Mississippi, with whom I disagree on most questions, but with whom I have managed to maintain a very pleasant personal relationship, largely due to his charity.

Mr. EASTLAND. In fact, we are personal friends, but we disagree because my distinguished friend is wrong. [Laughter.]

The Senator from New York has described the condition in Leflore County, Miss. If what he has said is true, why did not the Attorney General of the United States, with the FBI behind him, develop the facts and bring suit?

Mr. DOUGLAS. Ask the Attorney General; do not ask me.

Mr. EASTLAND. The answer is, I believe, that the statement of the Civil Rights Commission is incorrect.

Mr. DOUGLAS. I think it was probably delinquency of duty on the part of the Attorney General.

Mr. EASTLAND. How long has the right to bring voting rights suits in this country existed?

Mr. DOUGLAS. By Government injunction suits, since 1957. Other remedies date farther back.

Mr. EASTLAND. And how long before that? For 90 years. How long have the Republicans been in control of the White House?

Mr. DOUGLAS. Since 1953.

Mr. EASTLAND. They have had the legal authority. Why have they not brought suits?

Mr. DOUGLAS. I do not know.

Mr. EASTLAND. The answer is that the conditions which warrant it do not exist. They have done their duty.

Mr. DOUGLAS. That is not the answer at all.

Mr. EASTLAND. It is the answer. The distinguished Senator from Illinois knows that the Attorney General of the United States has had the legal authority. He has the strongest and the most powerful investigative body in the world at his disposal—the Federal Bureau of Investigation. Had the condition which the Senator from New York [Mr. JAVITS] described actually existed, it was the solemn duty of the Attorney General to bring suit. The fact that he has not done so shows that the Civil Rights Commission was wrong.

Mr. DOUGLAS. May I reply to that statement?

Mr. EASTLAND. Oh, certainly.

Mr. DOUGLAS. It is possible that the Attorney General has not acted, but I have a possible explanation. He knows that the distinguished Senator from Mississippi is chairman of the Committee on the Judiciary, and possibly, wanting to have the nominations of some judges confirmed by that committee, he did not want to antagonize the Senator from Mississippi; therefore, he soft-pedaled civil rights.

Mr. EASTLAND. I think the Attorney General has been entirely too diligent, according to what the facts in the South justify.

But here was an investigative body, appointed by the President and confirmed by the Senate. If what they found in Leflore County, Miss., was true, why were not the facts developed and a suit brought?

Mr. DOUGLAS. As I say, possibly the Attorney General was intimidated by the Senator from Mississippi.

Mr. EASTLAND. If the Attorney General had listened to me, he would have been a better Attorney General. The fact is that the Attorney General has never listened to me.

Mr. DOUGLAS. If he had, I am certain that he would have been a more delinquent Attorney General.

Mr. EASTLAND. No; he would have been a better Attorney General; but he has not listened to me.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. It is always interesting when I stand between the Senator from Louisiana and the Senator from Mississippi. I am like a weak bull in a Spanish bullring, with the famous matadors closing in for the kill, because these Senators are not mere picadors; they are matadors. I am really in the big leagues, with the matadors closing in. I may be like a bull in a china shop, but I am ready to take them on. I yield.

Mr. LONG of Louisiana. The Senator from Illinois knows well that he can make a good case any time he has the facts to make such a case.

Is it not true, as was developed in the Louisiana case, that the Commission was taking affidavits, but then they would not permit any of the persons against whom the affidavits were directed to cross-examine or test the veracity of any of those statements? For example, does the Senator from Illinois not know that in one of the Louisiana cases—and that case is before the Supreme Court now—the registrars felt that before they submitted themselves to subpenas, to examination, and to investigation, they had the right to know what they were charged with doing, but that the Commission would never permit even one of the affidavits to be examined?

Mr. DOUGLAS. I am not familiar with all the details of the procedure in the Louisiana case. I do not propose to retry the Louisiana suit.

I am saying that there is wholesale discrimination against Negroes in the South in the matter of voting, a practice which needs to be remedied, and that the referee method, which is what I am trying to get at, inevitably subjects the applicant to the pressures of the local community. It involves a case-by-case judicial treatment, which is inadequate to deal with the evil which we seek to remedy.

SIMPLE ADMINISTRATIVE PROCEDURE FOR MASS REGISTRATION IS NECESSARY

This is the whole burden of what I am trying to maintain. There should be a system of Federal registrars which will permit mass registration according to standards which the States have established, but which are applied by Federal officials, chosen, it is true, from the locality; and although legal appeals should be allowed, the facts should not have to be reargued.

Finally, judicial review should take place after the election; and only if the voter has then been adjudged to be disqualified is the vote to be torn up and not counted; whereas if the voter is qualified, then the envelope can be unsealed and the vote put in the box and counted.

Mr. LONG of Louisiana. Does the Senator know whether the allegation concerning Mississippi, to which he has referred, is a sort of unverified thing which the committee accepted and used without permitting anyone to cross-examine to determine the correctness or honesty of it?

Mr. DOUGLAS. I know the Commission went into Louisiana and tried to hold hearings, but they were served with an injunction to restrain them and to prevent them from proceeding.

Mr. LONG of Louisiana. Does the Senator from Illinois not know that a Federal court issued the injunction, and the basis for its issuance was that a person who is charged with wrongdoing is entitled to know what he is charged with and has the right to confront his accuser and the right to confront adverse testimony against him?

Mr. DOUGLAS. Does the Senator from Louisiana not know that six members of the Commission, three southerners and three northerners, fairminded, conservative gentlemen, would certainly have accorded full individual rights to those with whose cases they were dealing?

Mr. LONG of Louisiana. Would the Senator from Illinois, if he were the subject of investigation, upon the suggestion that he was guilty of wrongdoing in violation of law, and subject to criminal penalties, not feel that he was entitled to know what he charges were and that he should have the right to face his accusers and to cross-examine adverse testimony? Does he not know that the Administrative Procedure Act requires that?

Mr. DOUGLAS. In the first place, this was not a judicial proceeding; it was a proceeding somewhat similar to those conducted by Senate committees. I believe that persons who testify before Senate committees and who are adversely reflected upon should have the right to counsel and should have the right to make a statement in advance. On one investigative committee which I directed, I granted those rights. I think that should be the common procedure. But I am certain that the members of the committee would not have denied these rights to individuals.

What the officials of Louisiana objected to was the action of this Commission in showing up mass disqualification which the white citizens councils had put into effect. The councils did not want the facts revealed.

Mr. LONG of Louisiana. I should like to set the Senator from Illinois straight on that, because he has made a great misstatement. Much of the findings in the report is based on affidavits which can be proved to be completely false, but they were never proved to be false because the Commission would never let those whom they were investigating have the chance to examine the affidavits and to cross-examine those who made the allegations against them or to disprove the statements which were made. That case is before the Supreme Court now. Does the Senator from Illinois not know that?

The Commission made inferences on the basis of unverified affidavits and held persons up to scorn and opprobrium. It brought them in without giving them a chance to defend themselves. They were not told of what they were accused or why they were being investigated, in order that they might reply and cross-examine the adverse testimony to them.

Mr. DOUGLAS. The Senator from Louisiana has made a case for the officials who are accused.

What does he think about the persons who have summoned up their courage to make such affidavits? He knows that if they were subjected to cross-examination by the officials of Louisiana, they would have great difficulty in standing up in the face of that pressure. The Senator from Louisiana is demanding the legal right of the strong to endanger the weak. This would be a travesty on justice.

Mr. LONG of Louisiana. That is not correct. To prove the inaccuracy of that statement, 160,000 Negroes have registered.

Mr. DOUGLAS. In the past.

Mr. LONG of Louisiana. The Senator from Illinois himself voted for a law which provides that any white man who discriminate against a colored man by denying him his rights can be tried before a judge without a jury, and sent to jail without a jury trial.

Mr. DOUGLAS. But the Senator also knows that it is the declared purpose of the white citizens council to reduce the number of Negro registrants from the previous number of 130,000 to approximately 13,000, or to make a reduction to one-tenth of the former number. The Senator from Louisiana certainly knows that; does he not?

Mr. LONG of Louisiana. Well, does the Senator——

Mr. DOUGLAS. Is that not true?

Mr. LONG of Louisiana. May I ask the Senator——

Mr. DOUGLAS. Is it true?

Mr. LONG of Louisiana. Yes; and may I ask the Senator from Illinois a question?

Mr. DOUGLAS. Very well; I yield for a question.

Mr. LONG of Louisiana. Let me ask the Senator from Illinois whether he knows that when he asked that question he completely misrepresented what happened, because while the effort to reduce the number of Negro registrants was being made, instead of Negro registration being reduced from 130,000 to 13,000, it increased from 130,000 to 160,000 during that period.

Mr. DOUGLAS. Well that is proof that they have a good deal of courage.

But I say that in the regions where the white citizens councils were supreme, they did try to reduce the registration to approximately one-tenth of the former number.

Mr. LONG of Louisiana. However, let me inform the Senator, the facts show that during that period the registration of Negroes increased approximately 20 percent—from 130,000 to 160,000.

Mr. DOUGLAS. I do not have those facts.

Mr. LONG of Louisiana. Did not the Senator from Illinois hear those facts stated a number of times for the RECORD? I spoke for about 9 hours, and stated those facts for the RECORD.

Mr. DOUGLAS. The Senators from south of the Mason-Dixon line talked 24 hours a day, for about 7 days, and constantly had quorum calls; one night there were quorum calls every hour on the hour. I believe that during those 7 days I averaged approximately 2½ hours of sleep a night. I tried to read the RECORD, but I was not able to read every word in the RECORD; and evidently I missed the statement to which the Senator from Louisiana now refers—namely, that Negro registration in Louisiana increased from 130,000 to 160,000. I have never known my friend, the Senator from Louisiana, to tell an untruth, so I will not brand that as an untruth. In fact I will say it probably is true.

Mr. LONG of Louisiana. I will say that that statement was made by me, not only once, and not only in the course of one speech, but at least 4 or 5 times in the course of several speeches.

Mr. CLARK. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. DOUGLAS. Yes, Mr. President; I am glad to have a question come from a friendly source. [Laughter.]

Mr. CLARK. Will not the Senator from Illinois agree with me that it is not very material whether the number of Negroes registered in Louisiana increased, if in certain parts of Louisiana there were obvious and clear cases in which the number of registered Negroes had been drastically decreased?

Mr. DOUGLAS. That is correct.

Mr. CLARK. If the Senator from Illinois will yield further, let me ask whether he is familiar with the first paragraph of the opinion of the outstanding and distinguished Federal Judge Wright, of the U.S. District Court for the Eastern District of Louisiana, who stated in the opening paragraph of his opinion.

In the spring of 1959 the Citizens Council, professing a purpose to purge the registration rolls of Washington Parish, La., of all persons illegally registered, succeeded in disenfranchising 89 percent of the Negro voters of the parish and .07 percent of the white. The United States in this action charges that this profession of high purpose was a fraud designed to deny Negro citizens of a right to vote. Made defendants and charged with conspiring with the Citizens Council are several members of the council and the registrar of voters for Washington Parish.

Is my friend, the Senator from Illinois, familiar with that?

Mr. DOUGLAS. Yes, I read that; and the finding of the judge was upheld.

Mr. CLARK. It was upheld by the Supreme Court of the United States?

Mr. DOUGLAS. That is right.

Mr. EASTLAND. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. In just a minute.

I believe that my good friend, the Senator from Louisiana, would not question the integrity or the good faith of that eminent judge, would he?

Mr. LONG of Louisiana. Does the Senator from Illinois not know that, in the very case from which the Senator has been reading, all who were challenged—all 1,377—were placed on the rolls, regardless of whether they were qualified?

Mr. EASTLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. EASTLAND. Let me state that no arguments will be won by quoting from statements made by candidates. J. Skelly Wright is a candidate in Louisiana, and I know what I am talking about. I make this statement as a Senator from Mississippi; and I make this statement on the authority that I have as a Senator, and on the basis of what I know of conditions in the State of Louisiana. Judge Wright wants to be a Supreme Court Justice.

Mr. DOUGLAS. Well, there are many candidates for various offices who are not professed candidates. Of course, one's motives can always be impugned by charging that he is a secret candidate.

Mr. EASTLAND. No; he is a candidate; and I point out that an argument will not be won by quoting a candidate for high office.

Mr. DOUGLAS. Then do I correctly understand that the Senator from Louisiana and the Senator from Mississippi have endorsed him for appointment to the Supreme Court? [Laughter.]

Mr. CLARK. Mr. President, will the Senator from Illinois yield for a question?

Mr. EASTLAND. Mr. President, the answer to the question of the Senator from Illinois, so far as I am concerned, is that I am in a quasi-judicial position. If Judge Wright is nominated, we have to consider the nomination, and I have to give him a square deal. So I cannot say anything.

Mr. DOUGLAS. All I can say is that if he is appointed to the Supreme Bench, then, in view of the present composition of the Judiciary Committee, he is going to have a very rough time.

Mr. CLARK. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. I yield.

Mr. CLARK. I assure the Senator from Illinois that this will be a question.

No one has wished to question the right of the Senator from Mississippi to stand on the floor of the Senate—and I am the last who would question his right to do so—and state that a certain Federal district judge is a candidate for appointment to the Supreme Court of the United States. But does it not occur to the Senator from Illinois that when that statement is made, the evidence in support of the charge would be of interest to the colleagues of the Senator from Mississippi?

Mr. DOUGLAS. Yes; and I should like to hear it.

Mr. EASTLAND. Yes, we will get the evidence if the nomination is ever made. As I said, I have made that statement on my word as a Senator. I believe that. I think some of his rulings are proof of it.

Mr. DOUGLAS. Mr. President, I understand the Senator from Louisiana [Mr. LONG] wishes to ask me a question, and then the Senator from South Carolina does. Perhaps I should yield first to the Senator from South Carolina. After I yield, I should like to make a concluding statement and then yield the floor.

I yield first to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I do not think the Senator from Illinois will deny what the chairman of the South Carolina Progressive Democratic Organization, from Columbia, S.C., had to say before the committee.

Mr. DOUGLAS. I am not acquainted with the gentleman.

Mr. JOHNSTON of South Carolina. McCray is the head of the South Carolina Progressive Democratic Organization. He had this to say. I am quoting from his testimony given when he was before the committee, as appears on page 568 of part I of the hearings. I asked him this question:

Did you make a statement in 1952 to the effect that 100,000 Negroes have voted in the election that year? That is the general election.

Mr. MCCRAY. I probably did, sir.

Senator JOHNSTON of South Carolina. Well, in order to vote they had to be registered, isn't that right?

Mr. MCCRAY. Yes, sir; that was in 1952.

Senator JOHNSTON of South Carolina. 1952.

Mr. MCCRAY. That, I think, at that time—we didn't have any actual count.

I depart from reading from the hearings for a minute to answer something that the Senator said a few minutes ago. We did not have figures on registration separated as to white and colored up to 1958. In 1958 all registrations went out. That is done every 10 years. It is nothing new. The people have to reregister. Then that registration is good for another 10 years.

I continue reading from the hearings. This is McCray speaking:

We estimated we had between 150,000 and 200,000 registered voters among Negroes.

That is a colored man speaking.

Senator JOHNSTON of South Carolina. I see. Now, then, you don't have that many now?

Mr. MCCRAY. We have about 60,000 now.

There had not been an election since 1958. He was testifying in 1959. There were 60,000 registered in that time. There had been no election, and no agitation to get them enrolled at that time, but 60,000 had been enrolled, so McCray said. At that time we knew fairly well how many colored were registered, because after 1958 they were registered by race.

I continue to read from the hearings:

Senator JOHNSTON of South Carolina. Well, the truth of the matter—the reason you don't have them registered, isn't it because our registration law required reregistration in 1958, and you have to be registered again?

Mr. MCCRAY. That is right, at the end of 1958. The new law became operative April 1, 1958, I believe.

Senator JOHNSTON of South Carolina. We had a lot of people registered, both white and colored, duplications, too, at that time, I imagine. They moved from one place to another, isn't that true?

Mr. MCCRAY. It is possible. There were a lot in the graveyard at the time, too.

During those 10 years people had died.

Senator JOHNSTON of South Carolina. I think I was registered in a couple of places when I moved from one place to another.

According to that, there were a good many people being registered and voting in South Carolina, isn't that true?

Mr. MCCRAY. There were 60,000.

He is speaking of having that many on the rolls at that time.

Senator JOHNSTON of South Carolina. Yes. I mean 120,000.

There were 120,000 when they voted in 1952.

Mr. MCCRAY. Oh, at that time.

Senator JOHNSTON of South Carolina. And they will keep registering, you are growing every day, isn't that right?

Mr. MCCRAY. Well, Senator——

Then he goes into a statement and tells how they are, so far as they are concerned, able to vote. If his testimony is read, the Senator will see how the registrations are building up every day.

Mr. DOUGLAS. The Senator has quoted figures of registrations in South Carolina in 1952. I now read from page 47 of the report of the Civil Rights Commission. I will ask the Senator, if he does not have a copy——

Mr. JOHNSTON of South Carolina. I want to tell the Senator that every bit of those figures is guesswork. They had 47 counties instead of 46. Up to that time we did not have voters registered according to whether they were colored or white. Every bit of that information is guesswork.

Mr. DOUGLAS. The Commission's report, on page 47, shows that in 1950 there were 390,024 nonwhites of voting age.

In the next paragraph, the report states that of the registered voters in 1958, 57,978 were nonwhite.

As stated in the next paragraph, the number of nonwhites registered in 1958 represented only 14.9 percent of the total 1950 population of voting age nonwhites.

Mr. JOHNSTON of South Carolina. That is——

Mr. DOUGLAS. Just a minute. According to these figures, not 120,000, not 60,000, but 58,000 were registered in 1958, according to the official figures of the State, which drew a distinction between nonwhites and whites, and the latter represented only 15 percent of the voting age population of Negroes in 1950, and probably that percentage had decreased during that time.

So the Senator was quoting facts perhaps true in 1952, but not in 1958.

Mr. JOHNSTON of South Carolina. The Senator is right and he is wrong. I am going to show him why he is wrong. In April 1958, according to the statement I read of McCray, registrations were cut off after that. There were new registrations. When the figures cited in the report were used, they were taken from the new registrations, and they were only 58,000 or 60,000. But those new registration figures were used without telling the people what the actual facts were. That is what happened.

New registrations were started in April 1958. The new registration figures were obtained and were held up to be the true registration figures. The officials of South Carolina were not given an opportunity to show the true situation. No election was held. People could vote on the old registrations. The new registrations would be good in the future. Those new figures were used, without giving the public the actual facts, which was unfair to South Carolina.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I wish to point out, in regard to the new registration, there was an editorial published at about that time in the leading paper of South Carolina, the Charleston News and Courier, praising the requirement that racial designations be given in registration. The editoral stated:

Those who have no stake in their communities, who have only limited education or who might be herded to the polls should not be encouraged. To encourage the unfit would be to hurt the cause of good government in South Carolina. The need in South Carolina is not for more voters, but for better qualified voters.

I think the implication, though guarded, is pretty clear that this is meant, in effect, to say Negroes were to be discouraged from registering.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. I believe the Senator can understand the point regarding a State which has periodic registration, such as the State of South Carolina or the State of Louisiana. The registration of all voters expires periodically, as a procedure to prevent those who have died or moved from the State from remaining on the rolls indefinitely. The high point in registration occurs toward the end of the period of registration.

For example, in many parishes of Louisiana every fourth year the registration of most voters expires. That being the case, as time progresses more people register, and they continue to be qualified for 4 years. If one compares the beginning of the 4-year period with the ending of the 4-year period of registration, perhaps there would be a 50 or 60 percent higher registration at the end of the 4-year period than at the beginning, after the new registration went into effect.

The Civil Rights Commission made the mistake with regard to Louisiana of comparing 1956 with 1959. It is true that there were fewer colored voters registered in 1959 than in 1956, but there were also fewer white voters in 1959 than in 1956, simply because the end of the 4-year period and the most important elections would be in 1960.

By the time the registration advances to 1960 there are more colored voters than there were in 1956, as well as more white voters.

I assume that is the kind of thing to which the Senator from South Carolina referred in regard to his State. A comparison of the last years of a 10-year period of registration with the early years of the next 10-year period of registration might make it appear that the number of registered voters had declined, without showing the logical reason. In fact, the number of both white and colored voters would decline in such an instance, due to the fact that a completely new set of registration books had gone into effect in the interim.

Mr. DOUGLAS. Of course, 1952 was only 4 years into the 1948–58 period. It was not the end of the term.

Mr. LONG of Louisiana. If the South Carolina registration expired in 1948, the Senator can well understand that 1958 would be the next high point in the registration.

Mr. DOUGLAS. Yet the number was much lower than it was in 1952.

Mr. LONG of Louisiana. The new registration was only 4 years old in 1952. A comparison to a previous period in which the registration had been going on for 10 years to a subsequent 4-year registration period would not allow adequate time for registration to reach the high point of a 10-year period.

Mr. DOUGLAS. Mr. President, I should like to conclude, if I may, with two points.

IF THERE ARE NO DISCRIMINATIONS AGAINST NEGRO VOTERS, PROPOSED LAW WON'T DO ANY HARM

I am really satisfied that people with the intelligence of my friend from Louisiana, of my friend from South Carolina and of my friend from Mississippi cannot seriously argue there is no discrimination on the matter of Negro voting and that the difficulty is that the Negroes do not try to vote or are not qualified to vote. I do not think they are fooling anybody.

But if they are correct then passage of the law would do no harm.

I do not think there is any discrimination in the State of Illinois on the ground of race or color, but I am perfectly willing to have a law passed so that if there is discrimination any voting officials who practice such discrimination can be properly brought to book. The Senators from New York are perfectly willing to have that done in their State also.

If, as the Senators from the South say, there is no discrimination, no harm will be done by passing a law. But we know, as reasonable men, that this elaborate defense—forgive me for saying this—is not in fact true.

If there is discrimination—and I believe it is clearly proven—something should be done. I think what we put into the RECORD in the 1957 debate showed there was discrimination at that time. I do not want to burden the RECORD again, but if necessary I shall do so. The Civil Rights Commission has documented the RECORD more thoroughly in recent days.

I have in my hand, Mr. President, a study written by Margaret Price entitled, "The Negro and the Ballot in the South," issued by the Southern Regional Council. In spite of the efforts made to discredit that organization it is a perfectly reputable organization. This article contains the figures, wherever available, county by county, for the entire South. In some cases the figures are official figures. In some cases it is material which the Council itself collected. The figures are not merely the 1950 population figures, but also the 1958 figures as given by the Bureau of the Census. It is a thorough study.

Mr. President, I ask unanimous consent that the article written by Margaret Price entitled "The Negro and the Ballot in the South," and accompanying tables be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

(See exhibit 1.)

REFEREE PROCEDURE IS NOT ADEQUATE TO MEET PROBLEM OF WIDESPREAD DISCRIMINATION

Mr. DOUGLAS. Mr. President, if there is an evil against which we should proceed, I hope my argument may have demonstrated that the referee method would be an inadequate method of dealing with it.

It involves tremendous delays; first, in obtaining a judicial finding that a pattern of discrimination exists; and, second, in the requirement that the weak Negro must first apply to what is generally a hostile white set of registrars, that then and only then may he go to the referee, where he must prove not merely that he was qualified but also that he applied and was discriminated against.

Then there are involved further delays in the review by the district court. Even under the most truncated procedure these delays would exist. There certainly would be more time consumed to argue the law, even though the finding of the referee might be taken as correct. There would be further appeals from the district court to the circuit court.

As a matter of fact, in all probability the election would be over with by the time the judicial process was completed; and, in all probability, unless the procedure were very carefully guarded, the applicant would not be able to vote.

I know that the recent McCulloch draft tries to modify the provisions on this point, but when the election is over the applicant will have to go back again to the very beginning, during the next registration period, to start the fight all over.

In other words, with the judicial process of case by case or group by group, the procedure would be totally inadequate to deal with the situation. Delays would be involved. Excessive pressures would exist. An adequate remedy would not be available.

AN ADMINISTRATIVE PROCEDURE TO PERMIT SIMPLE, LARGE-SCALE REGISTRATIONS OF QUALIFIED VOTERS IS ESSENTIAL

I insist that we must work for a more adequate remedy, which will permit administrative officials to register groups of people simply and directly. The people should be permitted to vote, subject to challenge, with a hearing upon the challenge to take place after the election. In the meantime, the challenged votes could be sequestered in envelopes. Only those voters who were later found to be disqualified by the court would have their votes, in the envelopes, destroyed, so that their votes would not be cast. Those who were qualified and permitted to vote would then have their ballots counted.

This, I submit, is the simple way to deal with this problem. Some form of this system should be adopted.

I warn the country and the Senate most solemnly not to allow a false bill of goods to be sold to it. We should not permit an inadequate voting-rights bill passed by the House to be rushed through the Senate without adequate examination.

If that were done, the people of the country, and particularly the Negro population, would find that they had been sold a false bill of goods. Their faith in our institutions, already somewhat challenged and somewhat weakened by the experiences they have had, would be still further weakened.

All over the world people of color would say, "This is what is to be expected from governments dominated by white men."

This is a serious matter for national security, and, indeed, national survival, as well as for justice.

The referee proposal reminds me of an analogy which Abraham Lincoln once used. To me it is as thin as the soup made from the shadow of a crow that has starved to death.

Mr. President, I ask unanimous consent that the Javits-Douglas voting rights amendment to section 3, which I now send to the desk, be printed and lie on the table, and also that it be treated as having been read under rule XXII, and be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 4, line 1, strike out section 3 and insert in lieu thereof the following:

"SEC. 3. (a) The Congress finds that substantial numbers of citizens of the United States qualified to vote under State registration and election laws are being deprived of that right, by being denied the right to register to vote, to vote, and to have their vote counted on account of their race or color. It further finds that the unequal application of qualifications to vote by some State and local officials, the failure of such officials to give adequate and reasonable opportunity to certain citizens to register, and the inadequacy of present law to deal with this situation, requires that the Congress implement its constitutional authority over the time, place, and manner of holding Federal elections and with respect to the enforcement of the provisions of the fourteenth and fifteenth amendments to the Constitution, to the extent necessary to overcome interference with such rights. It further finds that such denials of rights of citizens of the United States require the enactment of the provisions of this section, including the delegation by the Congress to the President of the United States of the powers granted herein, in order to effectuate the constitutional rights of all citizens.

"APPOINTMENT OF TEMPORARY FEDERAL REGISTRARS BY THE PRESIDENT

"(b)(1) Any individual who—

"(A) believes that he is qualified, under the laws of the State in which he lives, to vote in Federal elections held in such State; and

"(B) believes that citizens are being denied such right in the county in which he lives on account of their race or color, may file a petition with the President of the United States, petitioning him to appoint a temporary Federal registrar for such county. Such petitions shall be filed in such form and manner as the President may by regulation prescribe.

"(2)(A) Whenever there shall, within a period of not more than one year, have been filed with the President a petition or petitions under paragraph (1) from not less than fifty individuals from the same county, and the President believes, after such investigation as he may deem appropriate and necessary, that citizens in such county are being denied the right to register to vote, to vote, or to have their vote counted in Federal elections on account of their race or color, the President may issue an Executive order designating from among Federal officials or employees living in or near such county, but within the same State, an individual to serve as a temporary Federal registrar for such county, for persons of the class believed by the President to be denied the right to register to vote, to vote, and to have their vote counted on account of race or color.

"(B) The President may, if in his judgment such action appears justified and suitable, delay the appointment of such Federal registrar, in order to permit prompt and continuous good faith efforts by State and local officials to terminate in such county deprivation of the right to register and to vote on account of race or color.

"(C) Any such Federal registrar shall serve until such time as the President determines that citizens living within the county for which such Federal registrar was appointed are no longer being denied the right to register to vote, to vote, or to have their vote counted on account of race or color, and that such denial will not be resumed if the Federal registrar ceases to serve.

"(D) In conducting any investigation under the provisions of this section, the President may designate the Commission on Civil Rights, the Department of Justice, or such other department or agency as he may deem appropriate to make available to him such facts as he finds necessary for his determination.

"(3) The Federal registrar for any county shall accept applications for voting registrations from all individuals of the class designated by the President residing within such county and shall register all such individuals whom he finds to have the qualifications requisite, under the laws of the State wherein such county is situated, for electors of the most numerous branch of the legislature of such State, who shall be registered by him as being qualified to vote in Federal elections held in such county, for such period as would be applicable if such applicant had been registered or otherwise qualified under State law. The Federal registrar shall, from time to time, certify to the appropriate election officials of such State and of such county and of any election district within it, the names of all applicants registered by him and the fact that such applicants have been so registered. The Federal registrar shall also issue to each person so registered a certificate, the form of which shall be prescribed by the President in the Executive order designating the Federal registrar, identifying the holder as a person qualified and entitled, pursuant to this section to vote at any such election.

"(4) In any Federal election, the inclusion on the ballot of candidates for election to other State and local offices and of other provisions for determination by the voters shall be deemed a recognition by the State of the right of any person qualified to vote in Federal elections, under this section or otherwise, to vote for such other officials and proposals as are placed on the same ballot, and to have such votes counted. If, however, there shall be within the State, as a result of the operations of this section or otherwise, any voters eligible to vote in Federal elections who are not eligible to vote for such other officers or provisions as may be placed before the electorate at the same election, then there shall be issued to every voter eligible to vote in Federal elections, whether registered under the provisions of this section or otherwise, a separate ballot containing only such offices and other provisions as may be voted on by all persons eligible to vote in Federal elections.

"(5) Any person denied registration by a Federal registrar designated for the county in which he lives, and any person having standing under State law to challenge the determination of State registration or election officials that another person is qualified to vote, may challenge such determination by the Federal registrar by filing suit in the United States district court for the district in which the county is located, against such Federal registrar, and, where the qualification of a voter registered by the Federal registrar is challenged, against such voter. In any such suit, the determination of the Federal registrar with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this subsection shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal registrar.

"(6) In any case where a voting referee has been appointed for the county or any portion of it by a district court under the provisions of subsection (c) of this section, the decision of such referee as to whether the applicant possesses the qualifications requisite under State law for electors of the most numerous branch of the State legislature shall, when accepted by the district court, supersede any prior inconsistent determination by the Federal registrar. Such appointment shall not, however, deprive the Federal registrar of any other authority under this section.

"(7) Any individual who is registered under subsection (b) of this section by a Federal registrar to vote in Federal elections shall have the right to cast his vote and have such vote counted in any Federal election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(8) The provisions of subsection (b) of this section shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such county is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under subsection (b) of this section shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(c) (1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended, pursuant to subsection (b) of this section, or pursuant to any other law of the United States or to the law of any State, in the event that the courts finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or vote at any election, the court shall upon request of the Attorney General or any other plaintiff make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, (B) found not qualified to vote by any person acting under color of law, (C) registered by a Federal registrar under the provisions of subsection (b) of this section and refused the right to vote in a Federal election pursuant to such registration, or (D) attempts to register under clauses (A) and (B) would be futile. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"(2) Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate

election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"(3) An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"(4) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, (B) found not qualified to vote by any person acting under color of law, (C) registered by a Federal registrar under the provisions of subsections (b) through (i) of this section and refused the right to vote in a Federal election pursuant to such registration or (D) attempts to register under clauses (A) and (B) would be futile. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence and his prior efforts to register or otherwise qualify to vote or to vote pursuant to subsection (b) through (i) of this section. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"(5) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the affidavits in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"(6) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"(7) The court may authorize such referee or such other person or persons as it may designate (A) to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote, and (B) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"(8) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"(9) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"(10) When used in this subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration of other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election; and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

"(d) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence:

" 'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted or continued against the State.'

"(e) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State solely or partially for the purpose of electing any candidate to Federal, State, or local public office, and any primary election held in any State solely or partially for the purpose of selecting any candidate for election to any Federal, State, or local public office, and

"(2) The term 'Federal election' means any general or special election held solely or partially for the purpose of electing any individual to, or any primary election held solely or partially for the purpose of selecting any individual as a candidate or nominee for, any of the following Federal offices:

"(A) The office of President or Vice President of the United States;

"(B) The office of elector for President or Vice President of the United States;

"(C) The office of Member of the United States Senate;

"(D) The office of Member of the House of Representatives of the United States; or

"(E) The office of Delegate or Commissioner of any territory or possession of the United States representing such territory or possession in the House of Representatives of the United States, whether or not such election, or any ballot, voting machine or other means used in such election for casting and counting votes, may also include provisions for the election of other State and local officials, or other provisions for determination by the voters.

"(3) The term 'ballot' means any ballot, voting machine or other means used in any election for casting and counting votes, including provisions for the election of Federal, State, or local officials, or provisions for the determination of any other proposals submitted to the voters.

"(4) The term 'county' means a county, parish, or similar political subdivision of a State, irrespective of whether it consists of one or more election or registration districts which are, under State law, authorized to provide for the registration or qualifications of voters living within such county, parish, or similar political subdivision.

"(5) The term 'State' includes any possession or territorial subdivision of the United States which is authorized, by a law of the United States, to elect a Delegate to, or Commissioner in, the House of Representatives.

"(f) The provisions of neither subsection (b) nor subsection (c) of this section shall supersede or affect the other, except to the extent specified therein. The President of the United States shall, to the extent necessary, coordinate his designation of a Federal registrar, where appropriate, with any actions or other proceedings brought by the United States for the appointment of a voting referee.

"(g) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

"(h) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

"RETENTION AND PRODUCTION OF VOTING RECORDS

"(i) (1) Every officer of election shall retain and preserve, for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by paragraph (1) to

be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) Any record or paper required by paragraph (1) to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

"(4) Any record or paper demanded pursuant to paragraph (3) shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

"(5) Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this subsection, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

"(6) The United States district court for the district in which a demand is made pursuant to paragraph (3), or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

"(7) As used in this subsection, the term 'officer of election' means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for."

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JOHNSTON of South Carolina. Has the Senator, or any member of the staff providing him with information, visited South Carolina to see just how voters are registered? I invite the Senator to come down to South Carolina and visit the courthouse in any county. There are certain days for registration. Immediately preceding the election other registrars go out over the county to different localities to register voters. I wish the Senator would go down there and visit the State before he criticizes South Carolina so much. I invite him to see exactly how we proceed with registering voters.

When Mrs. Johnston and I went to register the last time, I remember that there was a line as long as the distance from here to the door of the Senate Chamber. Ahead of the senior Senator from South Carolina and behind him, there were colored people waiting to be registered.

I know what is done in South Carolina. My position is that the Federal Government has no business coming into a State to regulate its elections. That is a matter for the State alone. It is not a Federal matter.

Mr. DOUGLAS. If there is no discrimination, again I ask, Why should the Senator from South Carolina object to a voting rights law? Why should he object to an effective voting rights law?

Mr. JOHNSTON of South Carolina. I object because the Federal Government has no business sticking its nose into the affairs of South Carolina.

Mr. DOUGLAS. This issue was fought out in the time of Andrew Jackson. It was fought out again in the period between 1861 and 1865. I hope it will not have to be fought out again. The Federal Government has the right—yes, and the duty—to uphold the principles of the Constitution.

Mr. President, I am ready to yield the floor unless some of my colleagues wish to ask questions.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield for a question.

Mr. JAVITS. Has the Senator announced anything with respect to his intention regarding how he feels this particular issue, which we have been discussing, should be projected directly to the Senate?

Mr. DOUGLAS. I think the proposal could well be offered as an amendment in the form of a substitute for section 3, because it embodies some of the eixsting parts of section 3, but adds to it a more effective procedure. In this way, too, we could move to its consideration directly after completing our action upon section 2, the pending section.

However, I think I should say in all fairness that, inasmuch as I prefer the direct approach of the registrar proposal, because it lends itself more readily to mass registration, if the Senator from Missouri [Mr. HENNINGS] proposes such an amendment, I will support it in preference to the present amendment. I do not wish to foreclose the Senator from Missouri from proposing such an amendment.

I may add that we had hoped that the Senator from Missouri would speak today. Really I am a very inadequate substitute for him. But the Senator from Missouri was indisposed. He felt that he should postpone his appearance until at least tomorrow. In a manner of speaking, a pinch-hitter was sent to bat for Mickey Mantle.

Mr. JAVITS. I take it the Senator therefore agrees with me that the time has come in this debate to propose a definitive technique for accomplishing the voting opportunity, whether it be through referees or registrars, or a Federal enrolling officer. If the Senator does not offer such a proposal, I shall do so, or other Senators will do it. I believe it should be clear in the RECORD as to what should be done. I believe that it should be done now in respect of the third section, rather than to wait until other sections have been disposed of, and then get to it. The basis for saying that it should be done now is that it is time to mature into a practical determination of the majority of the Senate what it proposes to do in this connection. This provision has been held off in the distance, as the thing which we all want, and which we will get. I think it is time—and I should like to know whether the Senator agrees with me—for the country to see exactly what the Senate majority proposes. Therefore it is our intention to see that this opportunity is afforded to the majority very currently, in respect to the third section of the bill.

Mr. DOUGLAS. I quite agree with the Senator from New York. It is for that purpose that I sent the amendment to the desk and asked to have it treated as read, and printed in the RECORD, with the understanding that we intend to offer it as an amendment in the form of a substitute for section 3 of the so-called Dirksen substitute.

Mr. President, I yield the floor.

EXHIBIT 1

THE NEGRO AND THE BALLOT IN THE SOUTH

(By Margaret Price)

FOREWORD

Since the white primary was outlawed in 1944, the Southern Regional Council has studied and reported on the growth of Negro suffrage in the region. In the wake of the Supreme Court's school decisions, this continuing analysis became a matter of practical urgency. Resistance to desegregation, and the tensions resulting from this resistance, have focused national concern on access to the ballot by Negro southerners. It was generally, and correctly, concluded that the future rate of progress in civil rights will depend heavily on Negroes achieving their proportionate influence at the polling places.

So it was that in 1956, the Southern Regional Council undertook the most ambitious survey of Negro registration and voting yet attempted. The results were published the following year under the title "The Negro Voter in the South." The publication was remarkably timely, coming at a time when the debate over national legislation to advance voting rights—ultimately enacted—had created a tremendous demand for information in this field. The findings of the council's 1956 survey filed an important gap in public understanding of the problems and progress involved in enfranchisement of Negroes in the South.

One result of the Civil Rights Act of 1957 was the creation of a Federal Commission on Civil Rights, charged especially to investigate and assess alleged discriminations against would-be voters. This welcome development seemed to the Council no reason for private organizations to abandon their interest in the field. On the contrary, it suggested the desirability of supplementing the official and carefuly delimited work of the Commission with more broad-gaged study by voluntary agencies.

Hence, this further report on the status of Negro suffrage in the South. The fact-finding efforts on which it is based were made possible by a grant from the Field Foundation, for which the council is most grateful. Appreciation is also due to the public officials and private individuals who cooperated in the gathering of registration figures and other data—most particularly to the three consultants whose work is reflected in the case studies published at the end of this report.

Finally, the council owes a debt of thanks to Mrs. Margaret Price for her skill and application in the exacting role of author of this report.

SOUTHERN REGIONAL COUNCIL,
HAROLD C. FLEMING,
Executive Director.

AUGUST 1959.

AN AMERICAN RIGHT

Under the American system of government, the vote is the basic tool for all citizens who would "promote the general welfare, and

secure the blessings of liberty," set forth in the preamble to the Constitution.

In recent years, with increasing attention directed to the American ideal of equality for all, the access of Negro citizens to the ballot has assumed new importance.

The ballot is one of the keys to the solution of the myriad problems of segregation. Through his vote, the Negro citizen can be heard and given equal consideration along with other groups representing business and labor, veterans, and farmers.

Due in large part to the power of the Negro vote, both major political parties have included in their platforms stronger resolutions aimed at improving the lot of the Negro citizen.

This is not to imply that only practical considerations will focus attention on the plight of the Nation's 18 million nonwhite citizens. A kind of national soul searching began with World War II. While fighting a war against forces proclaiming a doctrine of racial superiority, it became increasingly difficult to justify racial discrimination at home. Since then, the difficulty has mounted as questions about discrimination have been raised with each new court case, whether involving school desegregation or other efforts to obtain civic justice, with each publicized case of violence against Negro citizens.

At the same time, there has been a new awareness of the threat to all citizens in the denial of individual liberties to some.

During the same period, as the United States became the leader of the free world, racial injustice at home has been an ever-growing source of embarrassment. In emerging areas of Africa and Asia it is one of our greatest liabilities.

No one has understood this better than the Negro citizens of the United States. World opinion, as well as individual rights, has been stressed repeatedly in their demands for political equality.

As one Negro leader, A. T. Walden, Atlanta lawyer, told a Senate subcommittee during the civil rights hearing in 1957:

"The ultimate object of the proposed civil rights bills is the implementation of our democratic ideals and making our constitutional concept of equal justice under law a living reality in our Nation's struggle to deserve to win the minds and hearts of men the world over who are striving to gain or retain freedom for themselves and their children.

"Our Nation is the most favored nation of all history. Providence has smiled upon it as the leader of the free world. However, that leadership is not fully accepted among large segments of mankind because of deficiencies in its implementation and practices of its professed and proclaimed democratic ideals, inclusive of all its citizenry."

Since 1944, when the white primary was held unconstitutional, the Southern Regional Council has reported on the importance and growth of Negro suffrage in the South. In 1956 the SRC undertook the most ambitious survey of the question up to that time. The pace of desegregation—and resistance—has quickened since then. How has this affected the Negro voter?

Opposing forces

Negroes of voting age in the South today are being influenced by two distinct forces.

On one side is the Nation as a whole. Congress has passed the first civil-rights legislation since Reconstruction. Federal courts have spoken with increasing frequency and clarity on the right of every American to legal equality and justice.

On the other side, stand local custom and resistance to change. In this camp there is a vocal, sometimes violent and threatening element. There are also many political candidates who use racism as a stepping-stone to public office. What these elements lack in national support is offset, at least temporarily, by the fact that they are on the scene. The threat of Main Street often can be more real than the hope of Washington.

Negro southerners are caught in the middle by other factors. If more of them voted, they undoubtedly would benefit by improved educational, economic, and political opportunities. But, on the other hand, only when their educational and economic levels are raised can many be persuaded to vote. By the same token, politicans who could aid in their struggle for first class citizenship cannot be expected to seek their vote until enough are registered to make it worthwhile to run the risk of condemnation by many white voters. However, to many Negroes it is not worthwhile to run the risk of registering—and it still is a risk in many places—until candidates seek their votes, and they can expect the same rewards as white voters.

Currently, it cannot be said that either the proponents or opponents of equal suffrage are winning. In the States where the most reliable figures are available, the number of Negro registrants dropped slightly between 1956 and 1958. However, in this off-year election period, registration dropped over the Nation. Even the fact that there was no sharp decrease in Negro registrants might be considered something of an achievement in light of the South's tensions, sporadic violence, tightening of voter registration laws, and the purging of voting rolls in the intervening 2 years.

The influence of basic national forces indicates that the long-range prospect is for a steady, if slow, growth in Negro suffrage in the South. As Negroes improve their educational and economic standing, their interest in voting can be expected to grow. Along with this growth should come an expanded, experienced leadership. If the trend toward urbanization continues, more Negroes can be expected to vote in cities, which are generally more permissive. The existing new Federal agencies also may be expected in the long run to encourage more Negroes to exercise their basic civil rights.

However, there seems to be no reason to expect a sudden, dramatic rise in the number of Negro voters in the South, for the obstacles which have restricted Negro voting in the recent past are still strong.

This report will review the developments since 1956 which have brought both new problems and new hope for the political future of Negro Southerners.

In addition, studies of three southern counties are included to spotlight forces influencing specific areas. These deal with a northern Louisiana parish which experienced a wholesale removal of Negroes from voting lists, a South Carolina coastal county, and a Deep South Black Belt county.

CURRENT NEGRO REGISTRATION

In mid-1956, an estimated 1,238,038 Negroes were registered in the 11 Southern States. At the close of 1958, there were an estimated 1,303,827 registered, a gain of 65,789.

This apparent gain is somewhat misleading, however, largely because the 1956 estimate of Negro registrants in Tennessee proved low in light of later available information.

On the other hand, the 1956 total for South Carolina probably was inflated, since the available figures there were based on out-of-date registration rolls which undoubtedly carried the names of some who had died or moved. Since then, the State has had a complete reregistration as required every 10 years. Both white and Negro totals dropped sharply.

In the 8 States where the Southern Regional Council was able to obtain reliable figures, the number of Negroes registered in 1958 totaled 1,028,827, as compared to 1,074,672 in 1956, a drop of 45,845.

These eight included Arkansas, Florida, Georgia, Louisiana, South Carolina, and Virginia, where registration figures all came from official sources. In North Carolina, a statewide estimate was made by the executive secretary of the State election board. In Texas, SRC sponsored a county-by-county check, the first of its kind in recent memory.

Of the remaining three States, Tennessee presented a special problem in obtaining data. There is no central source for registration figures and any estimate is of necessity always speculative. At election time, even the number of precincts in the State is in dispute. Judging by the number of votes cast in Tennessee in the presidential race of 1956, the previous estimate of all eligible voters available to SRC was low. If the overall strength was underestimated in 1956, it seems likely that the Negro portion of that total also was low. The 1958 estimate was obtained from a veteran capitol reporter.

In Mississippi, for lack of an official source, observers in the State interested in Negro suffrage were relied upon. These generally estimated the number of qualified Negro voters in the State at 20,000, the same figure used since 1952. They felt there had been no increase because of the State's stringent racial restrictions and because the number of Negroes has declined in Mississippi.[1]

As for Alabama, scene of some of the South's strongest resistance to racial change, there also was no central, official source for registration figures. An estimate of 70,000 Negro voters there was made by MacDonald Gallion, attorney general of Alabama, in testimony before a congressional committee in Washington in April 1959.

Virginia figures were revised after SRC issued an interim report on voting in the fall of 1958. In October, the secretary of the State board of elections gave the number of Negroes registered in the counties (cities are listed separately in Virginia) as 82,423, based on estimates submitted to him by the various counties. In January 1959, after the board had met, Negro registration in the counties was listed at 40,455, a drop of nearly 42,000. (At the same time, the white registration figures for the counties went up nearly 45,000 from the October total.)[2]

The foregoing suggests the difficulty of obtaining reliable, current registration figures. Even States which have a central source for registration data usually can rely only on figures submitted by the various localities and except in some of the larger cities, there is generally no sustained procedure for keeping the roles up to date. The names of persons who have died, or who have moved, often are not struck. When a State has had a periodic reregistration, as South Carolina had in 1958, the new figures will be reasonably accurate for several years. On the other hand, a researcher is confronted by such discrepancies as are obvious in the Georgia estimates, where about 50 counties report more white voters than there were white residents over 18 (voting age in Georgia) in the 1950 census. These are rural counties, most of which have been losing population since 1950.

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[1] However, Kenneth Toler, head of the Mississippi Bureau of the Commercial Appeal, in an article in the Atlanta Journal-Constitution, Dec. 14, 1958, said Negro voting strength in Mississippi was estimated at 35,000. He said this "is probably a record high and results from reported FBI checking on county registrars or threats of agents moving in."

[2] In April 1959, the State board of election announced that estimates provided by local clerks and registrars showed a new total of 94,311 Negro voters in Virginia at that time.

The following table shows the changes in Negro registration [3] over the past 11 years.

Negro registration

	1947	1952	1956	1958
Alabama	6,000	25,224	53,366	70,000
Arkansas	47,000	61,413	69,677	64,023
Florida	49,000	120,900	148,703	144,810
Georgia	125,000	144,835	163,389	161,958
Louisiana	10,000	120,000	161,410	131,068
Mississippi	5,000	20,000	20,000	20,000
North Carolina	75,000	100,000	135,000	150,000
South Carolina	50,000	80,000	99,890	57,978
Tennessee	80,000	85,000	90,000	185,000
Texas	100,000	181,916	214,000	226,818
Virginia	48,000	69,326	82,603	92,172
Total	595,000	1,008,614	1,238,038	1,303,827

Negro registration figures probably are more reliable than those for whites. As stated in the 1956 study, Negro registration is supervised more carefully by officials and also is made up largely of names which have been on the books not more than 12 or 13 years; thus, it is less likely to be inflated by the names of persons who have moved or have died.

In Arkansas, Florida, Georgia, and South Carolina, where official figures showed a decline in Negro registration, the number of qualified white voters also dropped.

An estimated 25 percent of the eligible Negroes were registered in the South in 1956, as compared to 60 percent of the white citizens of voting age. The 1958 total represents about the same percentage, a little over 25 percent of the Negroes of voting age at the time of the 1950 census. (Interim population figures do not have an age breakdown.)

The number of registrants who actually vote lowers the score of the region's political participation even more. For example, of some 20,000 Negroes registered in Mississippi, officials there estimated that only 8,000 had paid the poll tax and only about 7,000 voted in 1956.

The South continues to lag generally behind the rest of the country in the percentage of eligible citizens who vote. The one party system and the thousands of Negroes who do not or cannot vote are contributing factors. In the 1956 presidential election the percentage of adults of voting age who cast their ballot ranged from the top of 77.3 percent in Idaho and 76.6 in Connecticut to the lowest percentages in the 11 Southern States. They ranked 38–48 in this order:

	Percent Voting
Florida	48.4
North Carolina	47.6
Tennessee	46.0
Arkansas	39.9
Louisiana	39.3
Texas	38.0
Virginia	34.2
Georgia	30.4
Alabama	28.4
South Carolina	24.5
Mississippi	22.1

Black Belt

While only 25 percent of the Negro voting age population is registered in the South as a whole, many areas have a long way to go to reach even this proportion. Discrimination against Negroes traditionally has tended to be strongest in those areas where the ratio of Negroes to whites is highest. It is there Negroes often experience the greatest difficulty in registering.

Mississippi, the State with the highest proportion of Negroes, has the fewest Negro voters in the South, both in total numbers and in percentage. Thirty Mississippi counties are over 50 percent Negro. According to the best reports available, not more than 2,200 Negroes are registered in 28 of these counties; in the other 2, about 2,500 are registered, or a total of 4,700 in all 30 counties. Half of all Mississippi's 82 counties had, in 1955 (and the situation is not believed to have improved), less than 1 percent of the Negroes over 21 registered.

Twelve Alabama counties have populations over 50 percent Negro. Yet the median percentage of voters in these counties who are Negroes is only 4 percent.

In North Carolina, nine counties (excluding Robeson with its large Indian population) are over 50 percent nonwhite. Registration figures for 1958 were unavailable for these counties and were not obtainable for one of them in 1956. The other eight had in 1956 a total of 5,835 registered Negro voters, which represented 9 percent of the Negro population over 21 in those counties.

Sixteen counties in Virginia have populations over 50 percent Negro. In these, the median percentage of registered voters who are Negro is 22.7.

Twenty-one of the forty-six counties in South Carolina have populations over 50 percent Negro. The median percentage of registered Negro voters in these counties is 10.7.

Forty Georgia counties have populations 50 percent or more Negro. Their median percentage of registered Negro voters is 11.3.

Two Florida counties are over 50 percent Negro. In one, Negroes comprise less than 1 percent of the registered voters, in the other 12.4.

Most of these counties are in a rough arc extending from southside Virginia to east Texas—the old plantation country, or Black Belt. Here is to be found still the highest ratio of Negroes, though their numbers are diminishing through migration to the cities of the South, North, and West. This historic agricultural region has lost much of its economic importance, but not its political dominance. The old Black Belt, which, through inequitable legislative apportionment dominates the politics of several States and heavily influences the politics of others, is the area of highest Negro concentration of population, and of discrimination.[4]

In South Carolina, for example, both the current president pro tempore of the State senate and the speaker of the house are from a county 60 percent Negro in population and 10 percent Negro in registration. Eighteen of thirty-four chairmen of standing committees in the Senate are from the 21 counties with over 50 percent Negro population.

In Georgia, the county unit system gives even greater weight to the political influence of Black Belt counties. Under the system, the State's eight largest counties each have three State representatives and six unit votes in State primaries. The next 30 largest have 2 seats in the house and 4 unit votes each. The remaining 121 counties have 1 seat and 2 unit votes each. The 40 counties of over 50 percent Negro population include only 3 4-vote counties; the rest have 2 unit votes. They have, therefore, 43 seats in Georgia's lower house and 86 unit votes. Their total population is an estimated 410,000. Fulton County, which includes most of Atlanta, has a population of 571,600, substantially more than the entire 40; yet it has but 3 seats and 6 unit votes. The political domination of rural counties of high Negro population is even more marked when it is remembered that the above classification does not include neighboring counties which often have Negro population percentages in the forties.

In Florida, the apportionment of seats in the State legislature gives control to those sections of the State which are most adamant in curtailing Negro voting. Hugh D. Price has written: [5]

"In both houses (of the Florida Legislature) a majority of the members are elected by counties containing less than one-fifth of the State's population. In the lower house the bias in favor of the smaller counties is written into the constitutional formula for apportionment. In the senate, which can draw its own districts provided only that no county shall be divided, the bias is also in favor of the smaller counties and particularly of the north Florida rural counties. Five of the eleven smallest districts are located entirely within the race-conscious Suwannee-Apalachicola River region. Although many of the counties in this area have relatively high proportions of Negro population, they are the counties where Negro registration is least and white supremacy sentiment greatest." [6]

As an additional illustration, it can be seen in the following figures that nearly all of the counties in the South where there is complete disfranchisement of Negroes are counties of heavy Negro population: [7]

County	State	Population percent Negro	Number of Negro voters
Botetourt	Virginia	9	0
McCormick	South Carolina	64	0
Baker	Georgia	64	0
Webster	do	66	0
Lafayette	Florida	7	0
Liberty	do	21	0
Union	do	33	0
Lowndes	Alabama	82	0
Wilcox	do	79	0
Haywood	Tennessee	62	0
Carroll	Mississippi	62	0
Chickasaw	do	43	0
Clarke	do	42	0
George	do	12	0
Humphreys	do	72	0
Issaquena	do	60	0
Jefferson	do	75	0
Lamar	do	15	0
Montgomery	do	46	0
Noxubee	do	72	0
Pearl River	do	24	0
Tallahatchie	do	65	0
Tate	do	60	0
Walthall	do	45	0
Wayne	do	37	0
East Carroll	Louisiana	61	0
Madison	do	67	0
Tensas	do	65	0
West Feliciana	do	73	0

The observation that discrimination against Negro voters goes hand in hand with a high Negro-to-white population ratio requires several qualifications:

1. Marked discrimination also occurs in some localities where the Negro-to-white

[3] See appendix for detailed sources for figures.

[4] Rural dominated legislatures are not, of course, confined to the South. The Associated Press, July 20, 1959, found that in at least 20 States groups of legislators—usually rural—represent a minority of their State's population yet hold a majority of the legislative seats.

[5] Hugh D. Price, "The Negro and Southern Politics: A Chapter of Florida History," New York, 1957, p. 103.

[6] The 1959 session of the Florida Legislature enacted a reapportionment plan which, in the form of a constitutional amendment, will be submitted to the voters in November 1959.

[7] This listing is based on the best available information. There are other counties with only a few, or even one or two, Negro voters. These counties are scarcely superior to the ones listed but nevertheless there is a difference: Where there are no voters at all, there is an indication of either uncompromising discrimination, extreme apathy, or both. The counties in which there are either no Negroes or only very few, have not been listed. Although there are no reliable figures available for Haywood County, Tenn., it is listed on the basis of longstanding reports from political observers in that State.

population is low. The above list, for example, shows counties with as low as 7 to 9 percent Negro populations maintaining all-white registration lists.

2. Negro registration is high in several localities of large Negro population because of factional politics; there Negroes are registered and encouraged to vote in support of one faction.

3. Of greater importance, there are cultural differences even within the Black Belt which are reflected in more permissive racial attitudes by the white population. For example, voter registration by Negroes tends to be higher in coastal areas. This can be seen along the Georgia coast's five counties (excluding metropolitan Chatham County) where Negroes register in substantial numbers:

Georgia coastal counties	Population percent Negro	Registration percent Negro
Bryan	40	29
Liberty	59	54
McIntosh	62	47
Glynn	31	22
Camden	47	35

Another cultural difference is worth noting, although it affects only one State. Louisiana consultants demonstrated in the 1956 voting study that French Catholic parishes of Louisiana are generally more tolerant toward their Negro citizens than are the other parishes.

The cities

The discussion so far has centered on the rural South. Increasingly, however, Negroes are moving to the cities. In Virginia, over half of the Negro registrants reside in the State's 32 independent cities, although considerably less than half of the Negro population is in those cities. Only about three-eighths of Virginia's white voters are in the cities.

Duval County (Jacksonville) and Dade County (Miami) have about one-third of Florida's Negro voters, about one-fourth of the State's Negro population. Over one-third of Georgia's Negro citizens and voters live in the eight largest counties of the State. Shreveport, Baton Rouge, and New Orleans have about one-third of the Negro voters of Louisiana.

Even where discrimination is highest, what Negro vote there is tends to be urban. In Alabama, about one-half of the total Negro vote is in the cities. In Mississippi, perhaps one-third of the Negro voters are in the three counties in which are located Jackson, Meridian, Biloxi, and Gulfport.

However, Negroes have not found it uniformly easy to register in all southern cities, for there are variations in the urban areas just as there are within the Black Belt. But, since the natural tendency of an urban environment is toward a more tolerant racial atmosphere, it seems plausible to regard such cities as Atlanta and Jacksonville as more indicative of a future trend than, say, Birmingham. The first two have relatively high Negro voting participation, but in the latter the political status of Negroes is scarcely superior to that of their country cousins.

DISCRIMINATION

For Negroes in some section of the South, an attempt to exercise their right of franchise as Americans seemed a greater risk in 1958 than at any time since the outlawing of the white primary in 1944.

After the 1954–55 school desegregation rulings of the Supreme Court the white South's resistance to change intensified. A report on the increased tensions of the area, 1955–58, found 530 cases of violence, reprisal, and intimidation in the aftermath of the Court's decision.[8]

"In the past 4 years, the South experienced a widespread erosion of individual liberties," the report concluded.

The threats and illegal activities aimed at individual Negroes and whites who questioned the South's tradition of segregation undoubtedly deterred other Negroes from asserting their rights, including the right to vote. An instance of racial violence in the South is rarely an isolated event—it serves as a reminder to Negroes that what has happened can happen again.

To many Negroes the long-range rewards for voting scarcely seemed worth the risk. Too often they still could make a choice only between equally vociferous racists, waving the banner of white supremacy. Too often, also, they were excluded from the inner circle of local political parties, had no hope of one of their race winning elective office nor promise of immediate, concrete benefits from their vote. It was not surprising that many were unwilling to face possible threats to their jobs and credit, their homes, and even their personal safety.

To Negroes in the more depressed rural areas, the turmoil during the period of transition in the South from an old to a new order only increased their problems. With low education and economic levels and the opportunity to improve either one lagging behind that of the white community, the emphasis on bread before ballots remained.

But there were other Negroes who forged ahead in their efforts to vote. Some cleared the first hurdle of registration only to find their efforts wasted. Others were frustrated in every attempt. What methods were used to disfranchise Negro southerners?

PURGES

One method was the purging of Negroes from registration rolls in Louisiana, largely at the prompting of the citizens councils. Restricting, or even wiping out, Negro registration has been an aim of the segregationist white citizens' councils which have sprung up across the South since 1954. They have been particularly successful in Louisiana. It has been easy for them in a number of rural parishes (counties) to "find mistakes" in practically all Negro registrations. The account of the purge in Ouachita Parish, which is included in this report, offers an example of how the group worked.

Purges were conducted in at least 12 parishes in Louisiana. Within a period of several months in 1956–57 alone about 10,000 to 11,000 voters, mostly Negroes, were dropped from voting rolls. The following percentages are an illustration of their effectiveness:

Percentage change in voter registration in 12 purge parishes, March 1956 to March 1958

	Negro	White
Bienville	−95	−11
Concordia	−71	−12
DeSoto	−36	−1
Franklin	−51	−31
Grant	−39	−18
Jackson	−68	−9
Natchitoches	−52	−36
Ouachita	−87	−9
Red River	−89	−45
Richland	−76	−40
Union	−77	−43
Webster	−95	−36

Of these 12, all in the northern half of the State, 4 have populations over 50 percent Negro—Bienville, Concordia, De Soto, and Red River—according to the 1958 population estimates. Three—Grant, Ouachita, and Jackson—are 16 to 33 percent Negro and the other from one-third to one-half Negro.

In each case, both Negro and white registration fell, although the latter less sharply. By contrast, in 10 representative nonpurge parishes, Negro registration increased in 3, and 6 had only a small drop. In the same 10, white registration increased in 4, showed no change in 1 and fell in the other 5. These 10 nonpurge parishes:

Percentage change in 10 representative nonpurge parishes, March 1956 to October 1958

	Negro	White
Beauregard	−7	−9
Bossier	−5	+16
Caddo	−19	+5
East Baton Rouge	+4	+6
Evangeline	−6	−3
Jefferson	+11	+13
Orleans	−2	−10
St. James	+3	0
St. Martin	−3	−16
Tangipahoa	−7	−3

Assistant Attorney General Warren Olney III, in a letter (February 27, 1957) to Representative EMANUEL CELLER, chairman of a House Judiciary Subcommittee, told of some of the findings of Federal investigators in Louisiana. After outlining State laws which require that a registrant be notified if he is challenged, Olney wrote:

"In none of the 10 parishes which were the subject of FBI investigations did the registrar make it a practice to send a form of reply affidavit to the challenged registrant. On the contrary, investigations in Bienville, Caldwell, De Soto, Jackson, La Salle, and Ouachita Parishes disclosed that the registrar in those parishes did everything to discourage the filing of reply affidavits in the statutory form and generally refused to accept them when offered.

"In Ouachita Parish the registrar refused to accept as witnesses on behalf of a challenged voter, bona fide registered voters of the parish who were not from the same precinct as the challenged voter. She also refused to accept as witnesses bona fide registered voters who had themselves been challenged. She also refused to accept as witnesses registered voters who had already witnessed to the qualification of another challenged voter.

"In Caldwell Parish the registrar refused to accept witnesses on behalf of a challenged voter unless they were accompanied by a law enforcement officer and a member of the Citizens Council to identify them. He even refused to accept white persons as witnesses for Negro voters on the grounds that the witnesses were of a different race from the race of the challenged voter.

"In Bienville Parish, where 560 of the 595 registered Negro voters were challenged, the registrars consistently refused to accept affidavits on behalf of registered voters which were in the statutory form and, as a result, the names of every one of the challenged Negro voters were stricken from the voting rolls.

"In Jackson Parish, where 953 of the 1,122 Negro voters were challenged, the registrar also refused to accept for filing, affidavits on behalf of challenged voters. * * * As a result, all of the challenged Negro voters, with the exception of two who were physically disabled and therefore unable to fill out voter application cards, were stricken from the rolls.

"In a number of parishes when challenged Negro registrants came to the registrar's office in response to the challenging citation, they were told by the registrar that they would have to see a private attorney in order to get the matter straightened out.

[8] Intimidation, Reprisal, and Violence in the South's Racial Crisis," published by the southeastern office, American Friends Service Committee; Department of Racial and Cultural Relations, National Council of the Churches of Christ in the United States of America; and the Southern Regional Council, 1959.

With respect only to cases which have been investigated by the FBI, the following numbers of Negro voters were challenged in each of the following parishes:

"Bienville	560
Caldwell	330
De Soto	383
Grant	758
Jackson	953
La Salle	345
Lincoln	325
Ouachita	3,240
Rapides	1,058
Union	600"

Olney said a Federal grand jury in Louisiana heard evidence during December 1956 and January and February 1957, in connection with civil rights violations in Caldwell, De Soto, and Grant Parishes but that no indictments were returned. On that occasion, a Justice Department attorney outlined evidence relating to cases in Bienville, Jackson, and Ouachita Parishes. The grand jury, after deliberating in private, announced there was no possibility of indictments in the three cases and went on record as not desiring to hear any testimony concerning them.

Meanwhile, indications that the purges are continuing in Louisiana came from State Senator William M. Rainach, chairman of the joint legislative committee on segregation. Rainach, who resigned as head of the Association of Citizens Councils of Louisiana to run for Governor, announced he intends to purge 100,000 of the State's approximately 130,000 Negro registrants from the rolls of qualified voters. In the summer of 1959 he moved into Opelousas, seat of St. Landry Parish, and said his purge there will be a test of what he will do elsewhere. He added that only 700 of some 7,000 Negroes registered in the parish were qualified to vote. Rainach said he had requests from 15 other parishes for similar purges.

Slowdown

Another method of reducing Negro political influence is the slowdown. Caddo Parish, site of Shreveport, largest city in northern Louisiana (population 160,000), offered an outstanding example of the technique. The slowdown—raising barriers which cause Negro registration to slow to a mere trickle—began there in 1958.

The Caddo Parish Citizens Council met in August 1956 and decided not to attempt a purge of Negro voters. It said a check showed there were not enough incorrect registrations to warrant a purge. However, in the purge parishes most determined investigators could manage to find a mistake in practically all Negro registrations. It was more likely that in an area containing a large urban center, the white citizens council was forced to moderate its techniques. No purge has been carried out in a parish containing a large metropolitan area.

(The Louisiana consultant for this report said Monroe, in Ouachita Parish, was no exception to this, since Monroe has remained provincial during the past 20 years when other Louisiana cities such as Shreveport were developing an urban culture.)

In an urban area located in a plantation culture, like Shreveport, segregationists can advocate the continuance of most forms of segregation, but they are on somewhat shaky ground in advocating the more extreme disfranchisement of Negro voters. Before 1958, after their initial registration, Negroes experienced little difficulty in registering. Nevertheless, the number of Negro registrants was low, primarily because of lack of interest and leadership and the absence of any faction seeking their votes. Then, in early 1958, the United Christian Movement, a group composed mostly of ministers, organized a campaign to increase the number of Negro voters. Instruction classes were held, and eventually 2,000 more Negroes were on the voting rolls. Their difficulties began with this campaign and the appointment of a new registrar. The registrar before 1958 had imposed few difficulties for potential Negro voters.

Dr. C. D. Simpkins, Shreveport dentist who heads the United Christian Movement, said he has in his files about 200 documented cases in which Negroes were impeded in their attempts to register. Two tactics were used frequently: (1) Computing of exact age. If a registrant made a mistake in the calculation of his age in years, months, and days, this was considered justification for rejection, (2) establishment of identification.

An example of the extremes to which the second tactic can be carried came from a Negro woman:

(a) On her first trip to the registrar's office she was asked to establish her identity. A doctor's receipt dated 1956, receipts from a mail carrier dated 1957 and 1958, and two hospital receipts dated 1948 and 1958 were not allowed as evidence.

(b) She made a second trip the same day to present written identification from friends and neighbors. They were not accepted.

(c) The following day she returned to ask what kind of identification would be admitted and was asked to bring a registered voter.

(d) The same day she did bring a registered voter but was told that a Negro would not do but that a white voter might establish her identity.

(e) She then returned with a white storeowner and a white notary. Even this identification was deemed insufficient, although after some delay she finally was allowed to register.

The process usually is not so difficult, but applicants often are required to make an extra trip or two and go to a great deal of trouble to secure identifying documents. Needless to say, many are discouraged after one trip, and still others, hearing of the troubles they can expect to encounter, will not even try to register.

How effective was the slowdown? Despite the registration drive, the number of Negro eligible voters in Caddo Parish dropped 19 percent between March 1956 and October 1958. In the same period the number of eligible white voters rose 5 percent.

Refusal

Although registrars who were determined to deny Negroes their right to vote usually could find some technicality for refusing registration, occasionally they didn't bother to advance a reason.

The Reverend W. D. Ridgeway, pastor of the Trulight Baptist Church, Hattiesburg, Miss., told the 1957 Senate subcommittee hearing on civil rights he had been a minister for 31 years and added:

"I have lived in Forrest County, Miss., for more than 30 years, honoring and obeying the many ordinances and statutes enacted by the State, county, and city governments; paying promptly taxes—State, county, and municipal—to enjoy the privileges of a citizen of a great country and State. I have constantly taught and preached good citizenship for many years. However, even until this day, I have not been permitted to register and vote like other Americans.

"The glaring disgrace of Forrest County, Miss., is the uncontested fact that of the 12,958 Negroes in the county, less than 25 have been permitted to register and vote. Included in the remaining 12,933 Negroes are doctors, teachers, preachers, and laymen who are disfranchised simply because they are Negroes.

"On October 16, 1956, I was flatly refused the right to register along with 17 other Negroes who were in the office of the registrar at the same time that I was. Again and again, I have gone to qualify myself so that I might be eligible, along with many other Americans, to cast a vote for Federal and State officials, only to find myself and other Negroes turned down.

"It is always so confusing to me and other Negroes in my county and State to explain to our children when they ask the simple question, 'Why is it so easy for foreigners to spend only 5 years in America and Mississippi, then enjoy all the freedom and privileges that our U.S. Constitution calls for, but, on the other hand, native-born Negro Americans and Mississippians are denied the very basic guarantees that our Constitution provides—the right to vote and petition one's government without intimidations and economic reprisals?' We cannot answer the above question."[9]

Threats and tests

In all the Southern States which permit or require tests to determine literacy or knowledge of Government functions the question must be answered "to the satisfaction of the registrar." Where the law is administered fairly, it can be merely a method of determining the qualification of all applicants but to the registrar determined to limit voting by Negroes, it can be a powerful weapon of discrimination.

However, some Negroes, particularly those in rural areas and small communities, are hesitant about trying to register and not only because of discriminatory literacy tests. Some have been threatened, like those in Lowndes County, Miss., who received anonymous letters reading: "Last warning. If you are tired of living, vote and die." At the same time (1956) 52 of a possible 9,200 Negroes there were registered.[9]

Or, prospective registrants may face economic reprisals like the Negro sharecroppers in McCormick County, S.C., who could not find white buyers' for their produce, or the Negro businessmen in Humphreys County, Miss., who could not get credit. Some Negroes have lost their jobs for trying to register. Others have faced violence, as in Liberty County, Fla., where all but one of the first 10 Negroes in the county's history took their names off the voting list in 1956 after a series of cross-burnings, bomb throwings, and shots fired into their homes.[10]

NEW LAWS AND THE COURTS

In 1957 Congress enacted the first civil rights legislation since the post-Civil War years. This did not bring immediate benefit for prospective Negro voters, but rather the voice of defiance from officials in parts of the South.

Negroes themselves were slow to file well-documented complaints with the new Civil Rights Commission. This was due in part to Negro fears, general political apathy in the South and Negro concentration on school desegregation. However, by April 1959, in hearings before a House subcommittee on appropriations, the Commission reported it had received the following voting complaints from the South.[10a]

	Total	Sworn	Unsworn
Alabama	119	104	15
Arkansas	6		6
Florida	14	12	2
Georgia	1		1
Louisiana	95	88	7
Mississippi	41	40	1
North Carolina	2	1	1
South Carolina	3		3
Tennessee	7	1	6
Texas	1		1
Virginia	2		2
Total	291	246	45

[9] The Reporter, June 27, 1956.

[10] Time magazine, July 29, 1957.

In 1958, no Negroes were registered in the county.

[10a] From the Nation as a whole, including the South, 310 complaints were received, 253 of them sworn.

The Civil Rights Act of 1957 set up the Civil Rights Commission and gave it authority to investigate the status of civil rights anywhere in the Nation. The Commission has the power to subpena witnesses and hold hearings to obtain information, but no enforcement powers. The subpena power is backed by the authority of Federal courts to punish refusals by issuing contempt citations. The Commission is charged with reporting its findings and recommendations for additional legislation to the President and Congress.

The 1957 act also created a new Civil Rights Division of the Justice Department which can seek court orders to enforce voting rights, although it does not have subpena powers.

Alabama: The Civil Rights Commission met its first major test in Macon County, Ala. This rural county, home of noted Tuskegee Institute for Negroes and Negro-staffed Veterans' Administration Hospital, has a population 85 percent Negro—the highest percentage of nonwhites of any southern county. However, only about 28 percent of Macon's registered voters are Negroes.

The Tuskegee Civic Association reported that 1,110 Negroes and 3,016 white persons were registered in 1958. Since the total white population was estimated at 4,671 in 1957, this meant that almost all white citizens over 21 had registered. The disproportionately low number of Negro registrants is despite the fact that Macon County ranks first in Alabama both in the number of Negro high school and college graduates.

Negroes in Macon County have fought a long battle for their right to vote. At a hearing in Montgomery, Ala., in December 1958, witnesses told the Civil Rights Commission their efforts have been thwarted by a series of delaying and evasive tactics. They told of pitfalls from Negroes who are required to read and copy sections of the Constitution "to the satisfaction of the registrars;" of the failure of registrars to take applications from Negroes on several regular registration days, and of the board's policy of allowing an individual Negro to vouch for only two applicants a year. (Alabama requires that a qualified voter vouch for an applicant.) The witnesses told how, when these methods lost their effectiveness, the board either would resign or meet in a place undisclosed to Negroes.

William P. Mitchell, chairman of the Voter Franchise Committee of the Tuskegee Civic Association, said that in the previous 8 years 1,585 Negro applications for registration were made but only 510 granted. He added that hundreds more appeared to file applications but could not do so because only two Negroes were allowed to apply simultaneously in a small, separate room. Mitchell estimated that at the present rate of issuing certificates to Negroes, it would require 203 years to register the approximately 13,000 unregistered Negroes in Macon County then over 21. This estimate did not take into account the yearly increase of population.

The Commission had subpenaed voting officials of Macon and five other rural, south central Alabama counties—Barbour, Bullock, Dallas, Wilcox, and Lowndes, all with a Negro population of from 53 to 82 percent. They were ordered to bring with them voting records for the past 3 years. However, State and county officials refused to produce records and in several instances refused to testify.

Circuit Court Judge George Wallace, unsuccessful prosegregationist candidate for Governor, had seized the records of Barbour and Bullock a month earlier, claiming they were needed for a grand jury investigation of voting frauds. Two days before the Commission met, grand juries impounded the records of Dallas, Wilcox, and Lowndes. The Commission received records from Macon County but they showed only the names of voters already registered and contained none of the requested information about prospective voters who were turned down.

The Commission ended its hearing with a request to the Justice Department for a court order to open voting records in the recalcitrant counties.

Two days later, U.S. District Judge Frank M. Johnson, Jr., in Montgomery, ordered the defiant counties to produce registration records and issued subpenas to Circuit Judge Wallace and five registrars in Macon, Barbour, and Bullock Counties. Shortly thereafter, the two subpenaed Macon County registrars resigned and said they would then appear before the Commission since they were no longer registrars and had no records in their possession. In January 1959, in a compromise settlement, State authorities agreed to let the Commission look at registration books without removing them from custody of the registrars in Bullock, Barbour, and Macon Counties. No mention was made of the other three counties where records were impounded by grand juries. None of the officials of these three had refused to testify at the December hearings.

Subsequently, Wallace turned the registration records of Barbour and Bullock over to grand juries before leaving office. His action resulted in a contempt of court charge, but Federal Judge Johnson acquitted him, ruling that Wallace had in fact complied with the court order, though by devious means. (The county grand juries had opened the records to Commission examiners.)

The Commission released a report July 31, 1959, which Director Gordon M. Tiffany said showed "a consistent pattern of denial of equal protection of the laws as regards voting in six Alabama counties" (Macon, Barbour, Bullock, Dallas, Lowndes, and Wilcox).

The report included testimony taken in executive session from four staff members who had examined voting records in the counties involved. They testified that a double standard was used by some Alabama registrars when considering Negro applicants for registration. Negroes, they said, often were disqualified for minor mistakes that did not generally disqualify white applicants. For example, they told of Negro applicants being turned down for writing the letters "M" or "S" instead of "married" or "single"; of one who gave the month and year he became a resident but was rejected because he left out the day.

They said a spot check of accepted applications showed that 16 persons were registered who had made the same type of mistakes as those rejected. Fifteen of the sixteen accepted were white. Three of those registered had left blank a question on whether they would "give aid or comfort to the enemies of the U.S. Government or the government of the State of Alabama."

The Justice Department, which made its own independent investigation of Macon County complaints, filed a suit in Montgomery February 6, 1959, charging that voting officials in Macon County discriminated against Negroes. Judge Johnson dismissed the suit, which would have required the Macon registrars to enroll 13 Negroes the Department contended were qualified.

Central legal problem in the case was the resignation of the registrars before the suit was filed. The Justice Department argued that under Alabama law the resignations could not be effective until successors qualified. Alternatively, in case the resignations were held legal, the State of Alabama was named codefendant. Judge Johnson ruled that the registrars had resigned legally and that the Civil Rights Act allowed the Department to seek injunctions only against individuals, not States. He was upheld in June 1959 by the U.S. court of appeals in New Orleans. The Justice Department announced that the decision will be appealed to the Supreme Court.

In February 1959 the Alabama Legislature, without a dissenting vote, passed an act authorizing registration boards to destroy their records. Specifically, boards could destroy questionnaires completed by applicants at the end of the 30-day limit for appealing a board ruling.

Georgia: On September 4, 1958, the Civil Rights Division of the Department of Justice filed a suit in U.S. district court against the board of registrars of Terrell County, Ga. It was the first suit filed under section 131 of the Civil Rights Act of 1957. This section gives the Attorney General of the United States the right to institute a suit in behalf of citizens denied the right to vote.

The suit asked for an injunction prohibiting registrars from applying stricter literacy standards to Negroes and from delaying applications by Negroes. It sought registration certificates for five Negroes, four of them college graduates. The Government charged they were denied the right to register by discriminatory use of a literacy test.

The Justice Department also indicated the five instances were part of a systematic exclusion of Negro voters. The complaint said there were only 48 registered Negroes of 5,036 of voting age but that 2,679 of the 3,233 eligible white citizens were enrolled. (The secretary of state's office reported 2,810 registered white voters in Terrell in 1958.)

On January 26, 1959, Federal Judge T. Hoyt Davis dismissed the suit. He ruled that the injunctive clause of the 1957 Civil Rights Act violated States rights and was unconstitutional. The Justice Department appealed and the Supreme Court has agreed to review the case.

The suit was filed several months after Terrell County appeared in the news because of other racial problems. On June 8, 1958, Robert Baker reported in the Washington Post and Times Herald charges of police brutality, as well as of unsuccessful attempts by Negroes to register. Subsequently, Federal investigators proposed indictments based on the death of two Negroes, the pistol wounding of another, the beating of one, and the allegedly illegal detention of a fifth. However, a Federal grand jury refused the Government's request to indict three policemen of Dawson, the county seat of Terrell.

Louisiana: Investigation of voting discrimination complaints from 68 persons in seven northern Louisiana parishes ran into legal snags also. There, in July 1959, U.S. District Judge Ben C. Dawkins granted a temporary restraining order preventing the Civil Rights Commission from holding a scheduled hearing. At the same time, Judge Dawkins ordered a three-judge court to rule on the constitutionality of the Commission.

The judge granted the injunction to Louisiana Attorney General Jack Gremillion, who filed the suit on behalf of 17 north Louisiana registrars subpenaed to appear at the hearing. In charging the registrars were denied their constitutional rights, Gremillion claimed they were not informed of the nature and cause of the accusations against them nor allowed to confront their accusers. The Government then asked the court to require those involved in the case to post bond but the request was denied.

Two weeks earlier, the Justice Department filed suit to stop the purge of Negro voters in Washington Parish in southeastern Louisiana. Named as defendants were the White Citizens Council of Washington Parish, four of its members and the parish registrar. The Government said that during the previous 7 months Negro registration in the parish was reduced from 1,517 to 236, as a result of challenges by Citizens Council members. The petition said that in the same period only 10 affidavits were filed questioning the voting rights of white persons. The complaint said that almost without exception the challenging affidavits were based on minor technical deficiencies. Under Louisiana law any two

bona fide voters may challenge the right of another voter.

From the outset, investigators of voting rights complaints ran into problems in Louisiana. When one staff member of the Civil Rights Commission went to Webster Parish he found the registrar, who had the State attorney general sitting in as legal adviser, refused to turn over voter records. Although Negroes make up 37.1 percent of the total population of Webster, they represent 1 percent of the registration; of the 8,277 registered voters there in 1958, only 80 were Negro.

The same investigator met a similar refusal in Caddo Parish.

Both registrars contended the investigator failed to comply with 2 points of State law necessary to obtain their records: he was not a registered voter of Louisiana and he had not obtained a petition signed by 25 Louisiana voters.

Mississippi: The Civil Rights Commission had a difficult time even getting started in Mississippi, one of the first three States where it announced it would investigate registration complaints. (Alabama and Florida were the other two.) When the Commission announced advisory groups would be set up in each State to work with it on civil rights problems, the word from a citizens council source in Mississippi was that "anyone who would accept an appointment would be considered a traitor to the South." In Washington, the Commission conceded it was having difficulty in getting a "well balanced" committee in Mississippi.

Florida: In Florida, where the Commission announced it would look into registration procedures, Gov. LeRoy Collins said he had no objection, so long as the investigation was carried out in a sound manner.

Edward D. Davis, president of the Florida Voters League, a nonpartisan Negro organization, said he had received no complaints at the time of the 1958 primary. Before that, however, Davis said Negroes complained of registration procedures in the four north Florida counties of Liberty, Lafayette, Union, and Gadsden. As the following figures show, Negroes are almost totally disfranchised in these counties:

	1958 population		Registered voters		Population percent Negro	Percent Negroes registered
	White	Negro	White	Negro		
Gadsden	21,700	28,400	6,310	7	56.7	11
Lafayette	2,600	200	1,902	0	7.1	0
Liberty	2,200	600	1,706	0	21.4	0
Union	7,100	3,500	2,598	0	33.0	0

The States: Since the Southern Regional Council's 1956 voting survey, no Southern State has eased its registration laws. Five States retain the poll tax—Alabama, Arkansas, Mississippi, Texas, and Virginia. More important, literacy tests which could be used to limit Negro registration remain in effect in Alabama, Georgia, Louisiana, South Carolina, North Carolina, Mississippi, and Virginia.

Two States tightened registration laws—Virginia and Georgia.

Georgia passed a new registration law which some of its legislative sponsors frankly admitted was intended to discourage Negro voting. In opposing the bill, the Georgia League of Women Voters claimed the measure would make unequal application possible in several respects:

1. Every county could have a different voter application form.

2. Some voters could register with only one trip to the registrar's office; others would have to make a trip to the clerk's office and the registrar's office also.

3. Registrars could choose any section of the Georgia or U.S. Constitution for applicants to read and write but the law sets no standards of correctness.

4. Answers were not provided with a set of 30 questions to ask the registrant nor was it made clear who would decide the correctness of the answers.

Virginia put a new blank paper registration law into effect in July 1958. It requires new registrants to write from memory, on a blank sheet of paper, answers to 10 questions about age, residence, occupation, etc.

In North Carolina a 1957 State law provides for court appeals from the rulings of registrars. It requires applicants denied registration to file notice of appeal with the registrar the following day; appeals then can be carried to the county boards of elections, and on to the superior court and the State supreme court.

The Louisiana Legislature defeated two bills of Gov. Earl K. Long which would have prevented the removal of any voter from the registration rolls who had been registered for more than 12 months, despite errors found in the registration, and another bill which stipulated that minor errors in the filing of an application would not disqualify the registrant.

Pending before the Alabama Legislature was a constitutional amendment restoring the cumulative poll tax. In 1953 the poll tax law was modified, limiting past due taxes to 2 years, or $3. Previously, a voter might have had to pay as much as $36 in accumulated unpaid poll taxes before registering.

The courts: In November 1958, a three-judge Federal court dismissed a suit brought by a Negro minister, the Rev. H. D. Darby, who in effect contended that Mississippi registration laws were designed to be administered arbitrarily and were used to discriminate against Negroes. The NAACP announced the suit would not be appealed but would instead be referred to the Civil Rights Commission.

The Supreme Court of the United States denied the appeal of a Negro woman, Mrs. Louise Lassiter, to enjoin North Carolina registrars from using literacy tests if an applicant were otherwise qualified. In a unanimous decision, the court said the tests apply regardless of race and are "one fair way of determining whether a person is literate."

THE NEXT MILLION

The climate of opinion

The disturbed atmosphere in much of the South, created by resistance to school desegregation, clearly has retarded the normal growth of Negro suffrage. The fear and hostility generated by demagogs have dampened both Negro initiative and white acceptance of Negro political participation.

While this troubled climate has not lowered the total number of southern Negro registrants appreciably, two adverse effects may be attributed to it. First, it has slowed the evolutionary growth in Negro registration and voting that might have been anticipated in a calmer period.

A second effect of heightened racial feeling has been the artificial deflation in importance of the Negro vote. In normal times, when political campaigns are focused on practical issues, no serious officeseeker or faction will deliberately antagonize a sizable segment of voters, actual or potential.

That this principle works in the South, as well as elsewhere, is amply attested to by many campaigns of recent years, particularly in some of the larger cities. In these cases, the appeal to all voters, Negro as well as white, has become commonplace, accepted alike by candidates and the general population. Seldom, if ever, are Negro voters given preferential treatment, as the racists are wont to charge. But, in many instances, they have come to be regarded with the same degree of respect and consideration as other voters. In such situations, a Negro vote has equal value with any other, no more and no less.

By contrast, in many parts of the region, emotionalism surrounding the segregation issue has led to a sharper division of voters along racial lines. Extremists in and out of public office have based their political appeals on racial fears and antagonisms. By accusing their opponents of "wooing the Negro vote" or "catering to the NAACP," they have sought—with considerable success—to make support by Negro citizens a liability rather than an asset, because Negro support has proved in a number of instances insufficient to compensate for the resulting loss of white votes. Wherever this process has been effective, every Negro voter has seen his ballot artificially devalued. Negro voters are a minority in every State and in most communities. So long as politicians can persuade the electorate that the issue is white against black, Negroes will be denied the normal and proportionate benefits of the ballot.

This unhappy state of affairs is not likely to be permanent. If prior experience is any guide, no southern electorate will remain indefinitely preoccupied with fear of change as the overriding issue in every political conflict. Whenever, soon or late, the segregation-desegregation controversy abates, other more vital issues will come to the fore, and the votes of Negro southerners will weigh no less heavily than others in the political scales.

In the long perspective, there is every reason to expect a steady, if gradual, increase in Negro political participation—along with rising economic and social status. However, no abrupt or dramatic rise in the number of Negro registrants seems likely in the foreseeable future. It probably would be unrealistic to expect this in a time of widespread racial tension. Instead, the next big breakthrough in the field of suffrage may well be the revitalization of the existing Negro vote in the South.

Political consciousness

Many Negro leaders have repeated one theme with growing emphasis in recent years: Our political future rests in our own hands.

In a large sense, this is true, for the discriminatory climate and tactics outlined in this report are not uniformly present in the South. There are many areas where determined Negroes could register and vote in greater number.

This determination must spring, however, from an awareness of the power of the ballot, which in turn comes generally as social and economic status improves. Although the gap is narrowing gradually, Negroes still lag behind the white community in average education and income.

For almost half a century the South was allowed to operate under a "separate-but-equal" doctrine for its Negro citizens. Not until the mid-1940's, under the pressure of Federal court action, did the South give serious consideration to the "equal" meaning of the doctrine. Since then, school facilities for Negroes have improved greatly, but the neglect of years has left its mark.

At the same time, Negroes have faced an uphill fight to improve their economic status. Many jobs still are closed to them

and even the more qualified and competent too often can find only menial work. Credit still rests largely in the hands of white businessmen. Nevertheless, there is a growing body of Negro professional and business men and women. Development of this group is one of the factors which should lead to increased use of the ballot by Negro citizens.

Donald Strong, professor of political science at the University of Alabama, has drawn an analogy with various immigrant groups.[11] He said it was only when these had produced their own lawyers and prosperous merchants that they were able to command a respectful hearing in politics.

"Negroes, too, must develop a corps of middle-class leaders with substantial education and economic independence of whites," he added.

Migration

This leadership is most likely to flourish in metropolitan areas. There, too, Negroes experience the least difficulty in registering and voting. These factors point to a prospect of a growing number of Negro voters, since the South has seen a vast migration of Negroes from rural to urban communities.

Dr. Irene B. Taeuber of the Office of Population Research, Princeton University, has analyzed this migration.[12] A brief summary of some of her findings:

1. In 1950 there were 8.7 million Negroes in the South, almost 2½ times the number in the 15 slaveholding States in 1860.

2. However, there also were 4.8 million Negroes in the North—more than there had been in all the Confederate States at the time of the Civil War.

3. The 5 southern States of Alabama, Georgia, Louisiana, Mississippi, and Virginia had a Negro population of 4.5 million in 1910 and 4.6 million in 1950.

4. Five northern States—Illinois, Michigan, New York, Ohio, and Pennsylvania—had a Negro population of 566,000 in 1910 and 3.2 million in 1950. In the 40-year period, these 5 States absorbed half the increase in the Negro population of the country. Another fifth was absorbed by California, Florida, and Texas.

5. By 1950, only a little more than one-fourth of the nonwhite population of the South was classified as rural farm.

Doctor Taeuber said that "the fundamental change in the Negro population was not the movement from South to North but the concentration in industrial sections of the country, including the South."

(However, she said this great migration seemed to be nearing an end, because the number of sharecroppers, the major source of supply for new urban labor, has dwindled. By 1954 there were only 160,000 farms operated by nonwhite sharecroppers in the South.)

Cities

In a number of cities in the South, Negro voters already are receiving attention from politicians. Negroes are credited with helping elect mayors in at least three major cities—Atlanta, New Orleans, and Houston—in the past few years.

In the July 14, 1959, Democratic primary in Virginia, Negroes in several urban centers showed more interest in voting than white citizens. The Richmond News Leader said 8,850 Negroes in that city, or 57 percent of the number registered, voted as compared to only 34 percent of the registered white citizens. In Charlottesville, 705, or more than half the registered Negro voters, went to the polls, contrasted with less than one-third of the eligible white voters.[13]

More Negro candidates are seeking political office. As early as 1951, Nashville, Tenn., elected two Negroes to the city council. In recent years, Negroes have been serving on boards of education in Greensboro, Durham, Winston-Salem, Atlanta, Houston, Nashville, and Knoxville. Chapel Hill, N.C., has had a Negro on the board of aldermen. In Charles City County, Va., Negroes served on the county board of supervisors, county welfare board, and the county school board.

Admittedly, this sampling tells only part of the story. Many more have filed for office and been defeated. The road to political office remains a stony one for Negroes. However, the mere fact that a Negro is on the ballot sometimes—but by no means always—spurs other Negroes to qualify and vote. It also may bring out a larger than normal white vote in opposition.

Leadership

The quality and vigor of Negro leadership is one of the greatest forces in encouraging voting. Regionally, the two most active groups working to extend the franchise have been the Southern Christian Leadership Conference and the National Association for the Advancement of Colored People.

The Southern Christian Leadership Conference, spearheaded by the Rev. Martin Luther King, Jr., of Montgomery, Ala., was formed in 1957 by Negro leaders throughout the South in a "crusade for citizenship." Its announced aim: to aid and encourage Negroes to register and vote, to gather facts, where resistance is met, and present them to duly constituted authorities.

The NAACP long has been active in encouraging Negroes to vote. In the past few years it has been increasingly busy with a growing number of other problems. It has been in the forefront of the court battles to protect the individual rights of Negroes and to achieve legal equality. At the same time, it has been the target of restrictive legislation which has hampered its work in several southern States.

Roy Wilkins, executive secretary of the NAACP, is among those who believe that Negroes themselves hold the key to their political future.

"Negro citizens must prepare to present themselves in numbers to be qualified, and that preparation is their responsibility," Wilkins has said.[14]

"In reaching this conclusion there is no attempt here to underestimate the forces of resistance, the ignorance, trickery, fear, threats and physical assaults that have been employed and will continue to be employed. But their eradication will not be accomplished by some miracle out of the sky, some wished-for relief from a far-off place; it will be downed primarily through the intelligence, diligence, persistence and courage of the population presently disfranchised."

Dr. Elston E. Roady of the Department of Political Science, Florida State University, has agreed that: "We may well have reached that plateau in the development of greater Negro participation in politics which demands greater efforts by Negroes themselves. The successful assault on the next mountain seems to rest largely in the hands of the Negro citizen in most areas." [15]

A LOUISIANA PARISH: WHOLESALE PURGE [16]

By 1956 Negro registration in Louisiana had attained a size insuring it substantial respect in State and local politics, its 18 percent of total registration ranking as highest in the South. The processes of accommodation and compromise practiced in Louisiana politics out of respect to the Negro vote made State politics an important area of interracial communication.

Then came the purges. In 8 months Negro registration was reduced by 10,000 at the same time that white registration was increasing. According to State Senator Rainach, citizens' council leader and chief political spokesman for the purges, the purge of Negro voters in Louisiana was designed to eliminate 90 percent of Negro registration in Louisiana and its ultimate purpose was to "solve our segregation problem" and "make Louisiana a shining example to the Nation on how to thwart the National Association for the Advancement of Colored People."

This is a report on the purge of Negro voters in the one parish of Ouachita. This particular parish has been selected for analysis for several reasons: Ouachita was the first of the parishes to embark upon the purge and its success in eliminating 5,000 Negro voters of the 5,700 registered tended to set the pattern for the purges which followed in the surrounding parishes. Ouachita's leadership in the purge resulted not only from its success in reducing Negro registration but also from its position as the most populous of the parishes, the site of the city of Monroe with about 50,000 population. Yet with the exception of the rather high degree of urbanism resulting from the presence of the city of Monroe, Ouachita is typical, culturally speaking, of the group of 13 parishes where an effort was made to reduce Negro registration. The story of the purge in Ouachita Parish is thus a story of how it began and also a narrative typical of the purges in northern Louisiana.

The setting of the purge

To know one of the purge parishes, like Ouachita, is to know something about all 13. Not only are they all contiguous but they have many cultural characteristics in common as well. Located in northern Louisiana in what is called the North Louisiana Uplands, Ouachita Parish takes its character partly from the nearby delta regions where a plantation cotton economy predominates, partly from the hill country which extends up to the parish. Its estimated population in 1957 was 86,063, of whom 56,863 were white and 29,200 non-white.

The largest crop raised in Ouachita is cotton, with over 10,000 acres being planted each year. Yet the parish is by no means a plantation-type area, since the cotton is raised for the most part on small- or medium-sized individual farms and there is a low rate of tenancy in the area. Beef cattle, dairying, and forest-produce industries provide important supplementary incomes, as does the truck farming which goes on in the area.

Ouachita is not, however, predominantly a rural parish, since about 65 percent of the population is classified as urban. The largest city is Monroe. Unlike some of the other cities of the State, such as Shreveport and Baton Rouge, Monroe has not experienced the growth and industrialization characteristic of the rapidly growing areas of the South and its position as an urban center is somewhat in decline. Industrially, it depends upon lumber and lumber industries and textiles and has not attracted the heavy industry nor the mass-production manufacturing necessary for rapid development.

The relative slow growth of Monroe has meant that social change has not been rapid, either, and Monroe has not developed the style of life and values of an urban center, but remains merely a capital of the provinces. To emphasize the small-town quality of Monroe, one hears in New Orleans that a shotgun could be blasted down the main street of Monroe at 9 o'clock at night with-

[11] "The Future of the Negro Voter in the South," the Journal of Negro Education, summer 1957.

[12] Irene B. Taeuber, "Migration, Mobility and the Assimilation of the Negro," Population Bulletin, Population Reference Bureau, Inc., November 1958.

[13] Columnist Benjamin Muse, Washington Post and Times Herald, July 26, 1959.

[14] Roy Wilkins, "The Future of the Negro Voter in the United States," the Journal of Negro Education, summer, 1957.

[15] The Negro's Role in American Society, Florida State University, 1958.

[16] Kenneth N. Vines, department of political science, Tulane University.

out hitting a soul—a statement not much exaggerated, as this writer can testify.

The people of the Ouachita area have been characterized as yeomen farmers, and a sociological authority on Louisiana culture speaks of them as "hardy, independent, individualistic, God-fearing people who tend to be somewhat conservative in their approach to new ideas or practices."

Religiously, the area is Protestant and is dominated by the Baptist church, with only 10 percent of the population adhering to the non-Protestant faiths of Catholicism or Judaism. Fenton and Vines have demonstrated in a study of Negro registration in Louisiana [17] the importance of Catholic culture in creating a permissive climate for Negro registration and in weakening white supremacists' ideas on segregation. But in Ouachita it is the role of the different Protestant congregations which is of decisive importance.

A prominent Protestant minister in Monroe, not a Baptist, has characterized the Baptists generally as not "ecumenically minded," that is, not organizationally cooperative with other Protestant religions in matters of faith and work of interest to all, and as "not much concerned with the witness of faith" as this concerns social problems such as race relations.

While it would certainly be premature to attribute causal factors to the religious environment of Ouachita, it should be remembered that in a culture which can be characterized as basically a churchgoing one the set of attitudes and values manifested by the churches are of some importance. In this instance the Baptist churches of Ouachita have provided a setting permitting favorable attitudes toward registration purges or other discriminatory racial attitudes.

In addition, the Baptist churches do not belong to the Ministerial Alliance, the organization of Protestant ministers which generally has worked for a more tolerant attitude on race relations and which tended to oppose the purge.

In politics, the voters of Ouachita as well as the other purge parishes have tended to follow the conservative politics of the Southern cotton plantation culture rather than the more populistic politics of the hill country. Dixiecrats, states' rights, and other white supremacy factions have always done well in Ouachita while the parish, in common with other purge parishes, has been relatively hostile to the Long family and its factional candidates. This hostility to Longism is significant since Long faction candidates have generally relied on the Negro vote, have wooed it in campaigns, and accordingly have shown a willingness to operate politically with Negro voters and a reluctance to resort to racial demagoguery in political campaigning. With the exception of the recent Mayor Cass of Monroe, who was alined with the Long faction and did court the Negro vote, political figures popular in the purge parishes have generally been of the anti-Long faction of Louisiana politics, have not courted the Negro voters, but on the contrary have on occasion campaigned on the basis of appeals involving racial demagoguery.

Structure of race relations

Considering the violence with which the purge erupted in Ouachita, it is surprising to find that within the context of a segregated southern town, race relations were considered good by both white and Negro community leaders. There were no records of police brutality, no incidents of any importance which could be pointed to as evidence of racial tension of an unusual nature. As Dr. Reddix, Negro dentist and leader of Monroe, put it, "I could walk down the streets of Monroe and not feel that I had to fight every white person I met." Much of the harmony of race relations in Monroe was due to the efforts made by Mayor Cass to accommodate Negroes in a small way into the life of Monroe and to improve Negro municipal facilities.

Under the Cass administration a Negro recreation center had been built, the Negro swimming pool improved, and two Negro policemen had been appointed to the Monroe police force and were serving without incident. The usual new schools had been erected for Negroes following 1954, but there were complaints by Negroes that the equipment and curriculum did not live up to the exterior appearance.

Social segregation in Ouachita's public facilities remains unchanged and while race demarcation signs have been removed in the buses the removal is more a matter of complying with distant court decrees than an indication that any ferment is occurring relative to a change in the segregation structure. For indeed there have been no challenges to the segregation structure such as suits for school, public transportation or recreation desegregation. There are no chapters of the NAACP, no Urban League in Ouachita Parish and hence no formal structure to promote Negro aspirations. No Martin Luther King or other charismatic personality has arisen to inspire the Negro people to visions of equality or to lead them in the fight for their rights. The Negro people of Ouachita see the struggle for Negro rights in their particular case as some distance off and, in a region where traditionally the Negro has had a difficult life and lacked the opportunity to expect much more, were relatively satisfied with the achievements which had been made; the comparative lack of violence in race relations, the new Negro schools, and the respect achieved as a result of the power of the Negro vote.

Indeed, the main challenge to the traditional structure of race relations in Ouachita Parish has been political in nature. It is in the campaigns for local office, the structure of political support, in the day-to-day accommodations and communications—in short, in the extension of the powers of the ballot box—that the racial separatism and lack of communication so characteristic of the traditional pattern of segregation have been modified. While the challenges to segregation in the courts had been dormant, a more vital challenge, involving the desegregation of the whole democratic process, had been making great headway in the city of Monroe under the willing sponsorship of Mayor Cass, whose structure of political support and campaign methods involved appealing to Negro voters as well as whites.

The importance of this desegregation of the political process was fully realized by the chief instigators of the purge movement, the citizens' councils. In a statement released just 2 weeks before the start of the purge in Ouachita Parish, Senator Rainach, president of the State citizens' councils and head of the legislative watchdog committee on segregation, spelled out in detail the concern of the white supremacists with the importance of the Negro vote in State politics. Negro registration, the statement read, is "definitely well past the danger point," and the NAACP will trade its bloc of votes "with one group of white people and then another until no political faction feels it can be elected without the Negro support." In a later comment, Rainach emphasized the great importance of the purges to the segregationists: "From the long-range standpoint our only hope in the segregation fight is to clear our rolls of all illegally qualified voters."

Rainach's statement is a clear reference to the prevailing pattern in Louisiana parish politics which includes competition for the Negro vote. In all probability it was designed as a kind of pre-purge justification of the purges since it was released to all newspapers in the State and received wide attention. Two weeks after the Rainach statement the purge in Ouachita began.

The role of the citizens' councils in the purges has been prominent all along but was especially important in the initial motivations of the movement. The exact numbers and the membership composition of the citizens' councils remain an intriguing mystery. Membership is variously estimated in Ouachita Parish at from 500 (a council estimate) to 150. Whatever its numbers and membership, its influence in Ouachita instigated the purge.

The challenges for all 5,700 Negro voters were prepared by members of the citizens' councils working in relays long hours in the registrar's office. It has been suggested, and is generally believed by community leaders in Ouachita Parish, that initially the purges were a conspiracy originating in the citizens' councils and only later received the wider support and application that they now have in northern Louisiana.[18]

In seeking to understand the purge of Negro voters one looks to the nature, the extent and circumstances of Negro registration. As in most of the larger cities of Louisiana registration in Ouachita began in the 1948–49 period and took place with some pressures from Negro leaders but actually with a minimum of difficulty. By 1950 Negro registration was 2,300 and remained at less than 2,500 until interest in local political contests raised the figure to its prepurge high of 5,700.

Proportionately, Negro registration in Ouachita ranked well below that of the white. While about three out of four whites eligible are registered to vote, less than half of the eligible Negroes were registered. To put it another way, Negroes make up 33 percent of the total population of Ouachita but constituted only 19 percent of the voter population. In comparison with the other parishes of Louisiana Ouachita did not rank high with respect to the percentage of eligible Negroes registered. Classifying the parishes into four groups on the basis of Negro registration of potential registration (0–29, 30–49, 50–69, 70–100), Ouachita, with 40 percent of the Negro potential voters registered ranked in the third lowest of the four groups.

Negro registration certainly could not be classified as either hyperactive or extremely interested but could be described at best as "somewhat apathetic." Despite the fact that before the purge there were several years of no hindrances to Negro registration the proportion of Negroes registered to vote from the potential registration was well below that of the white population of Ouachita.

The key to the fear of the Negro vote lies in its potential function as a balance-of-power factor and the strength of this as a political lever for gaining political and social ends. Although Negroes were only 19 percent of the voting population of Ouachita, by voting as a fairly cohesive group, they could decisively influence almost any parish election. Exactly this kind of thing had happened in the city of Monroe, and Mayor Cass in treating them with respect, in improving Negro recreational facilities, and in hiring Negro policemen had earned the respect of the Negro voters. It was known that Cass could probably not be beaten unless the Negro vote was destroyed, and many persons in Ouachita say that the purge was initially an effort to defeat Cass who was coming up for reelection in May 1956. As a result of the purge, Cass was beaten.

[17] Fenton, J. H., and Vines, "Negro Registration in Louisiana," American Political Science Review, September 1957.

[18] An eyewitness account of the planning of the purge for another parish in the meeting of a citizens' council may be had by consulting the Colfax Chronicle published in Grant Parish, p. 1 of the issue of Oct. 12, 1956.

The purge

Direct preparations for the purge of Negro voters in Ouachita Parish began in March 1956, when from six to eight members of the citizens' councils, working in relays every day, began preparing the necessary forms by which every one of the 5,782 Negro voters would be challenged. By mid-April around 3,000 challenges were mailed, and when the great majority of the Negroes failed to gain retractions of the challenges, they were erased from the rolls. By May, when the mayor's race began, only 595 Negro voters were on the rolls.

The procedures by which the Negro voters were successfully purged involved a system of challenging voters, which put the burden upon the voter of demonstrating his proper registration. The system originated in a series of acts passed in 1940 by the Louisiana Legislature, then interested in finding ways to reform elections by removing unqualified voters from the rolls. The acts were in part a reaction against the corrupt practices frequently seen in Louisiana and practiced by the adherents of the Long factions and received the support of the good government groups in Louisiana.

The acts provide (Louisiana Statutes 18: 132–134) that "upon an affidavit signed and sworn to in duplicate by any two bona fide registered voters to the effect that after reasonable investigation and on information or belief certain persons are illegally registered or have lost their right to vote in precinct, ward, or parish" the registrar shall then notify the voters by mail. If within 10 days of notification the voter produces an affidavit signed by three other registered voters of the parish attesting to the correctness of his registration, he may stay on the rolls. Otherwise, if the voter does not produce such a document 10 days from notification, his name is removed.

As originally designated, the statute was intended to provide a means of challenging voters whose place and duration of residence were in question. And while it provides a kind of citizen challenge (two registered voters) it also provides for a citizen refutation of the challenge (three registered voters). Thus as written the statute provides for a relatively easy and casual challenge, but also for an easy refutation of the challenge.

The method of challenge used by the citizens' council, however, did not involve questions of residence but deviations from the "proper" method of filling out the entire registration form; e.g., any mistake in the calculation of age (which had to be put in years, months, and days), or writing "M" instead of "male" and "C" instead of "colored." And if there were none of these "mistakes" the challenged voter was told that the signature on the registration card didn't appear to be his signature, that his identity was questioned, that he was not who he said he was.

A few days after the challenges were mailed pandemonium prevailed at the courthouse in Monroe. Hundreds of Negro voters jammed the registrar's office and overflowed onto the courthouse lawns with the intention of refuting the challenges. The strategy of the registrar's office then involved several procedures. First, the processing of challenges was slowed to a mere trickle by assigning only one or two persons in the office to deal with the challenges and by requiring that a single line of Negroes be formed, and by delaying the individual cases and dragging them out as much as possible. It is estimated that 1,400 or 1,500 persons tried to clear their registration during the first few days after the challenges. Secondly, the proofs required by the registrar for refuting the challenges were stiffer than those listed in the statutes. Negroes were not allowed to sign affidavits for other Negroes because they had been challenged, so initially Negro voters had to secure signatures from white friends and employers. After the first voters were cleared, they could then sign for others challenged. Then the registrar's office required that signers to the affidavit must reside in the same precinct, a requirement definitely not to be found in the statutes. This further slowed down the process.

Some Negro voters were urged by the clerks in the registrar's office to forget about refuting the challenges and to go ahead and reregister as the simplest course of action. However, when quite a few voters, on this recommendation, attempted to reregister, they were confronted with questions concerning the interpretation of the constitution of Louisiana which in most cases they were said to fail.

By the time the 10 days were up, 595 Negroes had managed to stay on the registration rolls and 5,187 or 90 percent of all voters challenged were erased from the rolls. Although it is estimated by Negro leaders that around 1,600 went to the registrar's office in an attempt to stay on the registration rolls, less than half of these were able to do so, so obstructive and time-consuming were methods employed by the office of the registrar.

During the controversy over registration only two groups in the white community gave or expressed sympathy to the beleaguered Negro voters. Initially the most effective opposition came from the local political faction headed by Mayor Cass and from James E. Noe, former Governor of Louisiana and owner of a Monroe television station and member of the Cass faction. Mr. Noe on May 2 accompanied a group of Negroes to the registrar's office in an effort to expedite their filing of affidavits and while there actually came to blows, so the story goes, with an employee of the registrar's office. Later Noe issued a statement that, "If there are any ineligible voters I am 100 percent for taking them off the rolls. But I am going to try every way possible to help everyone who is legally registered, white or Negro, to protect their franchise." Later Noe withdrew from the controversy, reportedly because of economic pressures imposed against him in the form of withdrawal of advertising from his television station.

The Monroe Ministerial Alliance, consisting of Methodist, Presbyterian, and Episcopalian ministers, also opposed the purge and met with Negro ministers to discuss ways in which the situation could be remedied. The Ministerial Alliance later was responsible for a call to the Justice Department to investigate the situation, a move which led the Department in the latter part of 1956 to send several FBI agents into the purge parishes.

Other than the two groups mentioned, the Monroe white community tended to go along with the purge even if it did not actively participate. The Monroe newspapers owned by Colonel Ewing did not incite the purge but tended to report it as a legitimate clearing of the rolls of illegally registered voters, an attitude which is echoed by the editorial staff of the Monroe Morning World. Interviews with various persons indicate that the purge gets a nod of approval from the man in the street who is likely to comment somewhat cynically that the purge was necessary after all because the Negroes do "bloc vote." A leading minister of Monroe declares that some of the prominent business and professional citizens of Monroe have serious reservations about the purge but, if they do, such opinions were not shown during the controversy and there was no organized action or sympathy other than that from the two groups mentioned.

Negro leadership during the purge was furnished chiefly by an organization formed during the purge and called the Guiding Voice. Three months after the purge began, by September 1956, the Guiding Voice had a membership of over 50 business and professional leaders, was collecting money for a defense fund and seemed to be a satisfactory focus for Negro resistance which through the summer of 1956 had grown more determined and had captured the interest and devotion of much of the Negro community. Those active in the Guiding Voice, particularly its president, Dr. Reddix, report that determination and interest in fighting the purge reached almost a fever pitch during the time the Guiding Voice was operating successfully. An office was set up to serve as headquarters for the organization, funds solicited with some success from the Negro community (at one time $1,800 was in the treasury) and meetings were held frequently to decide upon a defensive strategy.

Although initially some aid and encouragement was given to those Negroes trying to defend their registration, the decision was made early in the life of the Guiding Voice that the chief defensive strategy should be legal. Accordingly, a suit was filed in Federal court in September 1956 suing Mrs. Mae Lucky, the registrar, for $50,000 on behalf of Dr. John Reddix and Attorney James Sharp. Mrs. Lucky refused to register Dr. Reddix, it was alleged; and, in the case of Sharp, it was complained that when he appeared at the registrar's office on behalf of a client whose registration was challenged, he was refused permission to inspect the cards in the office because he was a Negro, and was told that he would be waited on by her assistant in another room. The case for plaintiffs Sharp and Reddix was handled by lawyer Sharp while an array of legal representatives from the State attorney general's office, including the parish district attorney, advised the defendant Mrs. Lucky.

During the course of the trial the full story of the purge was detailed by Sharp. Especially stressed were the facts that the purge was timed to coincide with the upcoming municipal election so that the registrar's office was closed May 12, 10 days before the municipal primary on May 22. In this way the office of registrar was not open to process any new registrants or handle any of the challenged voters.

In February Federal Judge Ben Dawkins handed down his opinion, in effect dismissing the suit and charging Reddix with bad faith, in emotional tones somewhat unusual for a Federal judge: "Plaintiff's lack of good faith, in applying here for a declaratory judgment and an injunction * * * is shown plainly by his deliberate failure to seek reregistration since May 15, 1956 * * *. His bad faith * * * his sheer stubborn vindictiveness * * * is doubly demonstrated by the fact that his wife applied for and actually was granted registration * * * he apparently prefers litigation to registration." The case was taken to the court of appeals where Judge Dawkins was overruled and the appellate court commented that the refusal to register Reddix represented "a shockingly unfair act by someone." [19]

The case involving the suit brought by Attorney James Sharp against Mrs. Lucky was decided by Judge Dawkins against Lucky. After the court of appeals reversed and remanded the case, Judge Dawkins still denied the requested relief, because he found that the practice of segregation in the registrar's office had "been stopped voluntarily almost a month before this suit was filed"; he further remarked that the registrar had, in the purge period, segregated Negroes "for their advantage and convenience." [20]

Although *Reddix* v. *Lucky* was decided in favor of the plaintiff in that Reddix was

[19] *Reddix* v. *Lucky* (148 F. Supp. 108, 152 F.

[20] *Sharp* v. *Lucky* (148 F. Supp. 8; 252 F. 2d 910; 165 F. Supp. 405).

held by the appellate court to have been illegally deprived of his registration, in a larger sense, the case represented defeat for the Negroes of Monroe since the court held also that there was no "class action" in the case. And since it was held that there was no class action, the ruling of the case was not applicable to the purge as such, but only to the case of Reddix.

After the defeat on the principle of class action in the Reddix case a virtual collapse of the Negro leadership in Monroe occurred. Those in the Guiding Voice had placed almost total reliance on this case, and its loss was taken as a great disappointment. In addition a bitter and highly personal quarrel developed between the two most active leaders, Reddix and Sharp, over the disposition of funds raised—to what extent these should be used in the payment of Sharp's fees and whether or not the Guiding Voice could maintain an office and a secretary or should operate more informally. Finally Sharp withdrew or was withdrawn from the case and Attorney Jesse Stone from Shreveport was called in to handle the retrial of Dr. Reddix's case advocating a class action. At the present time, however, action on the case is at a standstill.

With the collapse and demoralization of Negro leadership in Monroe, resistance on the part of Negro voters challenged or refused registration seems almost to have disappeared. The Guiding Voice belies its name and guides no one, vocally or otherwise, and continues as an organization in name only. The registrar's office is no longer thronged with Negroes seeking to secure their right of franchise.

In 1956, after the elections, Assistant Attorney General Warren Olney of the Justice Department began action against the registrars and citizens' council leaders. Agents from the FBI were sent into the area to investigate and on December 4, 1956, a grand jury was empaneled to hear testimony on three parishes: Grant, Caldwell, and DeSoto. However, no indictment was issued and on February 12 the grand jury announced candidly that no more testimony would be heard on three other parishes: Ouachita, Jackson, and Bienville. Thus Senator Rainach's prediction that "it is not going to be easy to get Louisiana people to indict Louisiana people" proved all too true.

Aftermath of the purge

In 1959, nearly 3 years after the start of the purge in Ouachita Parish, it is necessary to state that the immediate victory belongs to the purgers. Negro registration has been reduced from 5,782 to 776, and new registrations are discouraged with such vehemence by the registrar's office that in the past year or so there has been virtually no increase in the number of Negroes registered. Twelve other neighboring parishes have followed the lead of Ouachita and together have eliminated some 10,000 Negroes from the State registration rolls. In nearby parishes not a part of the purge, resistance to new Negro registration has stiffened where before it was permissive. Where before the Negro vote was considered politically, now politics has returned to the familiar white supremacy model—notably in the case of Monroe municipal politics.

As yet no effective remedy has developed against this latest disfranchisement of Negro citizens. The white community failed to develop action to block the purge, the cases in court failed to develop a principle of law by which the purge could be limited, and, most demoralizing of all, Negro leadership in Monroe collapsed after a name-calling, futile squabble. It is said that the only time the purgers showed fear and reluctance was during the investigations conducted in Ouachita by FBI agents.

In a real sense the whole people of Louisiana were the losers by the purge because during the time the citizens' council ran the registrar's office, government ceased to be public and was manipulated according to the private purposes of a small group of zealots. Acts of the legislature intended to advance the cause of good government were twisted and misused in a manner wholly foreign to the intentions and purposes of "honest and legal registration." The evasiveness, the hypocrisy of those in power, the cynical frustrations of those attempting to exercise the franchises of citizenship have seemed more like a grim totalitarianism than a democratic polity.

From the long-range point of view it may be doubted that the purges have really been as successful as the immediate record indicates. Negro registration in Louisiana is still well past the 100,000 mark and has been reduced only 7 or 8 percent, considering all factors, rather than the 90 percent reduction set by Senator Rainach as the desirable goal. Instead of engulfing the whole State, as undoubtedly was the intention, purges of Negro voters have taken place in only a group of 13 contiguous parishes and the majority of parishes in Louisiana remained unaffected by the movement.

While Negroes in Monroe did not succeed in fighting the purge effectively, possibly because of lack of able leadership, there is evidence that elsewhere in northern Louisiana determination and resistance to the purges are stiffening. Organizations have formed in several parishes and Negro leaders have come forward to assume the responsibilities of opposition. Even in Ouachita where organized opposition failed, Negroes appear to feel a quiet determination to see issues through and, although somewhat discouraged at the way events turned out, are far from defeatist in their hope for future remedies of the situation.

It is quite possible that in the long run the purges of Negro voters may redound against the aims of its sponsors and to the actual increase of Negro registration. By dramatizing registration and giving it an excitement and importance lacking before, the purges may very well ultimately increase the number of Negro voters. By overcrowding apathy, the most important factor inhibiting registration in Louisiana, the purges can bring Negroes to the registration office, whose interest might never have been aroused. A second possibility, which now seems a probability, is that the publicity resulting from purges will result eventually in a stronger Civil Rights Act which through Federal pressures will open up areas of Negro registration previously restricted.

The political history of the American democracy has seen a progressive extension of the franchise and only rarely has this trend been reversed and groups deprived of the franchise. There would be a certain historical justice, therefore, if the purgers in trying to reverse the historic extension of the suffrage should actually turn out to be the instruments of the increase of Negro registration.

(EDITOR'S NOTE.—An item in Southern School News, May 1959, adds an interesting supplement to Professor Vines' report:

"In a ruling several weeks ago at Franklinton, La., U.S. District Judge C. A. Barnett ruled that members of the citizens council are free to continue challenging registered voters.

"Barnett said two citizens council members had a right to explore public records in a move to purge the rolls of Negro voters.

"He said they are acting within State law. The pair of citizens council members have challenged more than 140 registrants in a single precinct on basis of the intelligence provisions in State voter registration laws.")

A COASTAL COUNTY: QUIET ACCOMMODATIONS [21]

Negroes in Beaufort County, along the South Carolina coast, have a heritage of sea lore, folk music, farming, and freedom.

Beaufort Negroes were among the members of the North's Company A, 1st South Carolina Volunteers, during the Civil War. This was "the first official regiment made up of former slaves; strictly speaking, the first of all the Negro regiments with official military status." [22] Since that war, many have owned land and sent their children to school.

Schools still are segregated in Beaufort County and racial customs of the South prevail, but the atmosphere is more relaxed than in the majority of rural, Deep South counties.

The county once was an era of very large, successful plantations growing sea-island or long staple cotton, rice and indigo. Today there are a number of plantations still in existence but most are occupied by winter residents and used as resorts.

Farms in this coastal county are decreasing in number but growing in size. In 1930 there were 2,021 farms with an average of 62.5 acres; in 1955 there were 1,201 farms with an average of 110½ acres. In 1950, 87.1 percent of the rural farm population was Negro; 12 percent of the rural Negroes were tenants and only one-tenth of 1 percent sharecroppers.

About 60 percent of the population is Negro. In 1957, the population was estimated at 12,357 white persons and 18,209 Negroes.

The Negroes of Beaufort County maintained political influence for a number of years after Reconstruction. In the period from 1878 to 1900 some 75 Negroes were elected to the South Carolina Legislature; of these, 26 came from Beaufort. There were three Negro Congressmen from South Carolina in that period; two of these were from Beaufort. Until 1888 all elective offices in Beaufort were held by Negroes and in fact some Negroes held elective offices there until 1896. At that time, white South Carolinians barred Negroes from the Democratic primaries. However, even in the years between this move and the outlawing of the white primaries in the 1940's, some Negroes voted in general elections in Beaufort County.

Registration

After the 1958 re-registration—required every 10 years in South Carolina—Beaufort County had 4,141 whites and 1,286 Negroes registered to vote. Approximately 31 percent of the registrants then were Negroes, although they comprised 60 percent of the population.

For the most part, both white and Negro persons interviewed felt that at present there is no effort to limit the number of Negroes registered.[23]

Except for an occasional complaint that white applicants seem to be favored slightly, the general feeling among Negroes interviewed was that registrars are cooperative. They said Negro registration is limited primarily by apathy, a failure to realize the importance of voting, or, in some cases, a fear of not being able to pass registration tests.

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[21] Based on a field survey by Courtney Siceloff, director of Penn Community Services, Frogmore, S.C.

[22] Benjamin Quarles, "The Negro in the Civil War," Little-Brown, p. 119

[23] While Beaufort County as a whole is referred to throughout, the interviews for this survey were conducted around the town of Beaufort and St. Helena Island, which are somewhat more advanced politically and economically than the other sections of the county. Consequently, while interviews with officials deal with the county as a whole, those with private citizens may apply to a more limited section of the county.

In general, county officials, and political candidates are not racists; in fact, they seem to avoid the subject of race altogether. Their attitudes are generally friendly toward Negroes and white candidates now are occasionally seeking opportunities to speak before Negro groups during their campaigns.

There are a number of Negro organizations working to increase registration. There is a citizens committee in Beaufort, a voters association on St. Helena, and the NAACP in both, which have active programs in the field of registration and voting.

Within the churches, it is primarily the lay members rather than the ministers who take the lead, although one Negro minister is establishing a social action committee primarily concerned with registration and voting and is trying to get a similar committee in all churches. The Negro teachers do not generally participate in registration movements. One remarked they feel closely watched and so do not feel free to speak out.

Lines of communication remain open between the white and Negro communities, although primarily on an unofficial level. There are four or five self-reliant Negro leaders who serve as spokesmen for particular requests. One of these is vice president of the United Fund and has attended State meetings in that capacity. A local Negro citizens committee, which is nonpartisan, goes to see the city council and mayor. Its spokesmen are cordially received but have not been impressed by the degree of action that has followed. One recent achievement was that, whereas in past parades Negroes always brought up the rear, the 1958 Christmas parade was desegregated with Scouts and other marchers together.

Facilities and social institutions

There have been Negro elementary and high schools under private auspices for a long period. At the beginning of the Civil War a number of northern abolitionists came to the freed areas of Beaufort County to set up schools for Negroes. One of these became Penn Normal, Industrial and Agricultural School, which continued as an elementary and high school until 1948 when the formal school program was turned over to the county. Two other schools were started in that period, one by the American Baptists which still operates as Mather School and Junior College. The Port Royal Training School, established in 1903 as an elementary and high school for Negroes, was operated until 1926 when it was turned over to the county. These schools had boarding departments, and thus pupils came from over the county as well as the locality

In 1951, South Carolina passed a 3-percent sales tax to aid in construction of schools and the operation of school buses; the follow year, school districts were consolidated. Since then transportation and school facilities have been improved for Negroes in Beaufort County. Four new Negro schools have been constructed in the county north of Broad River, in school district No. 1. In 1951–52 the expenditure per Negro child was approximately 55 to 60 percent of that for the white children. In 1956–57, when the expenditure was 70 percent that of the white child, the comparative average costs in Beaufort County were:

	Elementary	High school
Negro	$136	$171
White	199	237

In the 5-year period between 1951–52 and 1956–57, the cost per white pupil went down $3 and increased per Negro pupil by $60. During the 1951–52 school year the total library fund for Negro schools of the county was $35; in 1956–57, it was $7,000. Both white and Negro teachers receive the same salary for equal qualification levels. The salary in Beaufort County for the grade A certificate beginning teacher is the highest in the State. The salary in Beaufort County for the grade A certificate, 14 years' experience, is the second highest in the State. Of the white teachers, 92.4 percent have grade A certificates, the highest percentage in South Carolina; and 37.9 percent of the Negro teachers, the next highest in the State, have grade A certificates. The annual report of the State superintendent of education for 1956–57 lists the average salary for classroom teachers in the county as:

	Elementary		High school	
	White	Negro	White	Negro
Men	$4,250	$3,641	$3,543	$3,101
Women	2,977	2,716	3,054	2,992

The Parris Island Marine Corps Recruit Depot has its own elementary school, which is desegregated, having four Negro pupils at present.

A white doctor interviewed said Beaufort County Memorial Hospital had the same facilities in some cases for both races. For example, the same delivery and operating rooms were used; there were equal facilities for private rooms and lying-in privileges. Negro physicians have been courtesy (nonvoting) members of the hospital staff, although there are none on the staff now, apparently for reasons unconnected with race.

Among the white persons interviewed, including a minister, in the Beaufort-St. Helena area, none had heard of any of the white ministers speaking out pro or con on segregation-integration questions. A white layman prominent in the community indicated that attitudes vary considerably. He spoke, for instance, of one minister who feels that it is not a basic issue, that other questions are of more importance; of another minister who is an avowed segregationist; a third minister who approaches the problem as a psychologist and is apparently liberal in his attitude.

The fourth church in Beaufort has had Negro attendants, primarily students at the Mather School, who presumably have now finished school. About a year ago, there was a Negro applicant from the Mather School who wanted to join this church. The governing body voted unanimously for acceptance but reserved a section in the front of the church for her. It also was suggested to the Negro that she come to last serving of the communion, to which she agreed; she was joined usually by at least one white person. A Negro marine participated in one service, not sitting in the "reserved section" and while there was some adverse comment, it was not known if anything was said directly to the marine, although he attended only the one time.

The Catholic priest said in an interview that he had Negro communicants; the Negroes are welcome to all spiritual activities, but their presence at social functions poses a problem.

Since Beaufort County is not industrial, labor unions have not been a major issue. However, there are a few unions, one with the reactivated State port at Port Royal. A public official has urged Beaufort Negroes to organize a union so as to obtain work, since union members have been coming in from Charleston to service the ships. This official said in an interview that most of the skilled construction workers of Parris Island are union members.

The daily newspaper read most widely in Beaufort is the News and Courier of Charleston, one of the South's strongest advocates of racial segregation. The weekly Beaufort Gazette also is segregationist in tone although editorials dealing with racial problems do not appear frequently, whereas almost every issue of the News and Courier deals with the question.

A State park located on the Atlantic Beach has a segregated section for Negroes which is inferior in both facilities and layout to that for whites.

There are two drive-in movies in Beaufort, both of which are desegregated, so that Negroes can park anywhere, which is rare in the South.

As far as public accommodations are concerned there seems to be no desegregation whatsoever. However, three important military installations in the county are completely desegregated: the Parris Island Marine Corps Recruit Department, the U.S. Naval Hospital, and the Marine Corps Air Station. Not only is military personnel integrated, but also the large civilian personnel.

Police and community attitudes

There are unanimity among both the white and Negro persons interviewed that the attitudes and actions of the sheriffs, deputies and local police were good toward the Negro community. None knew of police brutality.

However, there were comments by some Negroes about the one full-time Negro policeman on the Beaufort staff. One said the Negro community thought of him more as a night watchman that a policeman; the Negroes do not believe he could arrest white persons. Another felt the sheriff was lax with Negro prisoners, for some apparently were allowed to go home at night.

The sheriff, J. E. McTeer, took issue with these impressions. He indicated that in June 1959, a white man was fined in the city court for cursing the Negro policeman who had remonstrated with him for disturbing the peace. Also the sheriff denied that prisoners could go home at night.

The sheriff said he would like to be quoted on the following: "If I had to be tried in my own court, I would like to change the color of my skin." He felt that the judge made it much easier for Negroes. He indicated that he, himself, feels towards Negroes as if they were his children.

The sheriff's attitude toward the Negro community is important in all rural counties in the South, but this is particulary true in Beaufort County, where the sheriff holds a more important position politically than probably any counterpart in South Carolina. He has been in office more than 33 years. He is a close friend of the district's Congressman and of one of the U.S. Senators.

There was an article in a State paper recently about the Beaufort County sheriff, who does not wear a gun. It is obvious that the sheriff does not take a hostile, aggressive attitude in dealing with Negroes in the matter of law enforcement. Sheriff McTeer said there has been Negro deputies in the county since 1900. He said he has three Negro deputies full-time during the summer, stationed particularly around the Negro beach, and part-time the rest of the year. One has held the job for 33 years. He indicated there was no limit to the authority of the Negro policeman or deputies in arresting white violators.

The county seems to have had less racial violence over the years than many other rural Deep South counties. The sheriff said the county never has had a lynching. Both white and Negro interviewees could recall only three or four incidents in the past 30 years which led to heightened racial tensions.

In June 1959, a Beaufort jury in general sessions court convicted a young white Marine of raping a Negro woman. Since the verdict was without a recommendation of

mercy the death sentence was mandatory, a rare finding against a white man in such a case in the South. The decision has been appealed.

This was followed by trial of a Negro accused of raping a white woman. The defendant was convicted and sentenced to death; however, he was committed to the State hospital for a 30-day mental examination, and his counsel has still, at this writing, time to appeal the sentence.

There has been no known Ku Klux Klan active in the county since about 1930 and even then, the sheriff said, it did nothing but collect dues. There is a citizens council which, according to its own figures has 50 members; just about that number turned up at a well-publicized meeting in Beaufort 3 years ago. Despite the strong support given the citizens council by the News and Courier, which serves the county, the local group appears to have failed so far to interest many community leaders.

Some of those of both races interviewed feel there has been no change in Negro-white relations since the Supreme Court school decisions or events in Little Rock. Others think that while the white community is still accessible as before to Negro spokesmen, so far as individual relations are concerned there is a change consisting of a definite "standing off" by white people. However, a white minister said he had heard discussions in favor of preserving public schools, regardless of whether or not they were desegregated. He said this was a change from the absolute defiance predominant soon after the Little Rock crisis.

Negroes were unanimous in feeling they now have a greater determination about extending their civil liberties.

Legal action

There have been only two legal efforts to break the segregation pattern in the county, one handled through the courts and the other in the form of a petition. In July 1948, David Brown, Negro, of Beaufort, brought suit successfully against the State Democratic committee to open primary elections to Negroes. The case came before Federal Judge J. Waites Waring on the eve of an election, after the registration books were closed. Judge Waring ruled in favor of Brown and also ruled that the registration rolls be opened again.[24] Negroes voted without incident in that election and have continued to do so. Brown, a garage owner, said the suit neither led to any threats against him nor to any discernible hard feelings by white members of the community.

About 2 years ago some 75 Negroes signed a petition and presented it to the Beaufort County Board of Education for the assigning of pupils without regard to race. The board did not respond.

Political future

In 1948 four Negro candidates ran for the board of education but none was elected, in part because the Negro vote was split. One Negro has been a member of the trustee board, appointed by the board of education, since 1952. In St. Helena Island precinct, since Negroes began voting in 1948, several of them have met with white leaders to work out a slate of precinct candidates. The chairman of the precinct has always been white, but the other officers have been about equally divided. A number of Beaufort Negroes have served as delegates to county political conventions. The Beaufort delegation to the State Democratic convention included a Negro in 1956, and two in 1958. (There was only one other Negro delegate at this 1958 convention.) Negroes serve as poll officials both in Beaufort and St. Helena in township elections.

[24] *Brown* v. *Baskin* (78 F. Supp. 933); *Baskin* v. *Brown* (174 F. 2d 391).

At the central polling place in Beaufort, there are two ballot boxes, one manned by whites and one by Negroes, but when the line of white voters is long, a number usually drop their ballots in the Negro box. The ballots from both boxes are mingled before being counted, a Negro poll watcher said. Prior to the last election this same Negro had the voting lists and the boxes in his custody.

Five white and three Negro leaders were asked about the future of Negro voting in the county. All the white persons indicated support of the right of all citizens to vote. Although none professed any personal concern about increased voting by Negroes, a few thought there was a certain anxiety among some white men and women who feared the election of Negro candidates. One foresaw "some different reaction if more Negroes register, but I don't know what type reaction it will be."

The Negroes all felt there was a growing interest in voting among their people. They pointed to larger attendance at political meetings. They also believed that before long Negroes would be elected to certain offices. On this subject, a Negro businessman commented:

"If they are elected, some white people may be shocked but I do not expect any severe reaction."

A "BLACKBELT" COUNTY: TOTAL DISFRANCHISEMENT[25]

This is an account of disfranchisement in a Deep South county located in the area commonly called the "blackbelt," both because of the color of its soil and its large Negro population. For reasons that will shortly become apparent, the identity of the county and that of the individuals referred to have been deliberately obscured. The field study on which this study is based was not intended to develop an exposé of the particular county in question. Rather, the object was to shed light on a way of life, still prevalent in rural areas of the lower South, in which all of the economic and political arrangements serve to keep the Negro in abject subordination.

"Blackbelt" county is still one of the most highly agricultural counties in the region, four-fifths of the population being farm-dwellers. Peanuts, pecans, and cotton account for approximately two-thirds of its annual income. Three large plantations cover a large portion of the county—two of them owned by northern families. These plantations are big businesses and have adapted to the racial patterns of the area. Individually owned farms decreased from 1,502 in 1920 to 751 in 1954.

The county, then, has had little industrialization or urbanization which would tend to alter provincial customs. The dominant mentality is rural, with a strong Old South motif. This is due to the racial, as well as the agricultural, composition of the county. In 1958 the total population was not much over 5,000 and showed a sizable decrease since 1950. Negroes comprised over 60 percent of the total.

Voter registration

The racial makeup of the county has generated fears on the part of the white population that, if the voting system is not controlled, Negroes might "take over."

Official records show that nearly nine-tenths of the total white population was registered to vote in 1958. Yet a simple count of the population below voting age indicates that it is a virtual impossibility for so high a percentage of the total to be legally registered. One can only conclude that the white registration figures for the county are inflated.

Although Negroes comprise a majority of the total population, none is registered to vote. In the mid-1940's, after the outlawing of the white primary, several hundred succeeded in getting registered. They were later purged, however, by supporters of a white-supremacist candidate for Governor.

Despite the small population of the county and the much smaller number of voters necessary to decide an election, "blackbelt" county carries weight in State politics. Under the lopsided apportionment of the legislature, characteristic of many States and all of those in the Deep South, this rural county has one-third as much representation as the most populous county in the State. Thus the racial attitudes which prevail there and in other rural counties of the same type heavily influence the workings of State government.

Socioeconomic factors

Most "blackbelt" county Negroes work as farm laborers or domestic servants for $3 or $4 a day. There is a widespread belief among local Negroes that welfare administrators are slow to put aged Negroes on their rolls. They insist that when they do get on, they usually receive $35 a month, while aged white citizens generally qualify for $50. One interviewee commented, "A Negro is just about dead when he gets $50 a month."

Good housing is at a premium. Shacks abound in Negro neighborhoods. Only about seven Negro homes in the county have bathrooms and septic tanks, except for one small housing project built for Negroes in the county seat.

Most of the few white collar jobs in the county are available only to white persons, except for 35 teaching jobs open to Negroes.

Several Negroes own their own farms, which are reasonably large and profitable. However, these landowners must operate carefully within the bounds of racial restrictions that apply to all the Negroes. They feel this is necessary if they want to keep their credit open and their taxes from being arbitrarily increased as a punitive measure.

One effective way to suppress any group is to withhold the right and ability to obtain an education. For years "blackbelt" county, along with many other counties in the area, failed to provide high school facilities for Negro children. In most instances, these children had only one-teacher elementary schools which often operated in a Negro lodge hall or church. If parents wanted a high school education for their children they had to send them outside the county at their own expense. Needless to say, there was a high school for white children and many of them went on to college. Very few Negroes were able to attend high school and even fewer college. This meant that, by and large, Negroes could not form an educated nucleus to provide leadership.

In 1941 the Negroes themselves started a high school in an old house. Several years later, largely as a result of pressure from Federal court decisions in other areas, the educational picture for Negro children in the county began to change. The elementary school for Negroes now has 11 teachers. In 1956 a new combined high and elementary school for Negroes was built and now has 24 teachers. Unlike the long established county high school for white children, the new Negro high school does not have a gymnasium. However, Negro taxpayers have helped pay off a bond issue which financed the construction of a gym for the white school. Each school has classes in agriculture but neither offers trade courses. White pupils, however, can go to an area trade school in a nearby city. There is no area trade school available to Negroes.

[25] Brailsford R. Brazeal, dean of Morehouse College.

Church leadership among Negroes is a weekend affair. All of the Negro preachers live outside the county. Except for emergencies, they come in only for the weekend, and when the Sunday services are over they leave. Several of the Negro churches have received token building and maintenance contributions from the owners or managers of the county's three large plantations. These relatively small gifts—and the anticipation of more—were considered by most of the Negroes interviewed as one reason their ministers do not provide a citizenship program which would encourage registration. Also, some of the ministers are limited in the knowledge of what their leadership roles should be. One person interviewed said, "I am going to tell you the truth about these preachers here—no preacher will tell us about voting. They are scared." In any event, voter registration meetings in churches for Negroes have been rare, apparently because of a feeling of obligation to the leading whites.

Another consensus of the Negroes interviewed was that the overseers of the three large plantations support the rigid system of segregation and tend to exploit labor, both white and Negro. "These hunting reserves mainly for northerners," as one Negro termed them, "help in many ways to maintain the pattern of segregation."

There is a strong citizens council in the county which helps police Negroes, and also whites, who attempt to deviate from the normally accepted pattern of racial behavior. Several of those interviewed said the white ministers have been silenced by the citizens council.

Whatever the reason, the white ministers do not have any line of communication with Negro ministers who serve the county. One Negro said, "Once there was a white minister here who would speak in Negro churches and show some brotherly concern, but they got rid of him." There seems to be no adequate, intelligent communication between the two racial groups in other fields. There is no contact between white and Negro veterans, teachers, or civic groups.

Some Negroes get in touch with whites who wish to learn surreptitiously what other Negroes are thinking about. There is a reluctance on the part of Negroes to communicate with each other about civil rights problems unless they are reasonably sure that what they say will not be communicated to the whites.

Under present conditions, Negro teachers feel that they dare not assert any leadership in the civil rights field if they expect to hold their jobs. They do not openly encourage, or even discuss, Negro voting; nor do they seek this right for themselves. They fear the loss of their jobs and possible physical violence. They know of the firing of two Negro teachers and a bus driver who are relatives of two Negro men who showed interest in registering and voting.

A Negro woman who was a visiting teacher in "blackbelt" county for 30 years decided under pressure that she should resign after she was caught unwittingly in the crossfire of a local political campaign. The episode, as recounted by Negroes interviewed, took this course:

About 3 years ago the incumbent school superintendent was running for reelection against the principal of the high school. The principal's campaign was designed to appeal to citizens council members and their supporters. He attacked the Negro visiting teacher, who is regarded by those who know her as a woman of integrity, dignity, and culture, because her name was listed among the names of other school officials on the official stationery used by the superintendent. The latter was attacked because, it was charged, he tacitly admitted the equality of the races by placing the Negro woman's name along with the white names on the official stationery which was used by the board of education and his office. This was the crux of the campaign. The challenger's promise over the radio and in public political meetings was that when he was elected he was going to remove "that black nigger woman's name from your stationery that has been paid for by your tax money." Some white women resented this type of campaign. The principal was not elected. But the visiting teacher left her job and her home.

Efforts to register

The above factors explain in part why there is not a single Negro registered to vote in "blackbelt" county. But many techniques have been used to disfranchise Negroes.

Shortly after the Civil Rights Act became effective in 1957 four substantial, taxpaying Negro residents of the county decided to sponsor a mass meeting to discuss setting up classes to help prospective registrants answer questions asked under the State voters' law. Later, a registration rally-barbecue was given by one of the leaders. According to those at the rally, the sheriff drove near the barbecue site, stopped and blew his siren. The sheriff left and nothing else happened; yet those at the rally interpreted this as a clear signal that the sheriff was opposed to Negroes registering.

Nevertheless, the Negro leaders continued their efforts with some assistance from one or two Negro civic leaders from a city in the neighboring county. Their efforts were unsuccessful. Negroes said members of the board of registrars have resorted to familiar evasive tactics, such as taking would-be registrants' names under the pretense of enrolling them. Later these Negroes would learn they were not actually registered. At other times the registration books or office would be closed when Negroes sought to register. Some found that no one would tell them the names of the registrars. On 1 occasion, 25 to 30 Negroes went together to register but one of the registrars told them to come back after banking hours. When they returned at the time suggested, the registrars' office was closed. A Negro leader of the group was later approached by a white man who told him, "I know you are a good nigger—just leave that thing off; go up later." Another white man who had known him for many years said "You are one of the best niggers in 'blackbelt' county and I advise you not to bother with this business." This kind of advice from white persons has frequently served to deter Negro registration.

Another tactic has been to discourage outside Negroes from coming to "blackbelt" county to "stir up trouble." After it was learned that one or two members of the voters league in a nearby city were encouraging local Negroes to register, law enforcement officers apparently felt they should discourage visits by these outsiders. In the fall of 1957 one of the visiting Negroes had a picnic in "blackbelt" county and invited a number of Negroes from his city to attend. On their way back home, most of them were arrested for speeding and drinking and each one arrested was fined from $35 to $100 for a total of about $1,400.

The highway through the county has long been known as a speed trap, although this method of raising revenue has been curtailed in recent times, following outside pressure and unfavorable publicity. However, even now drivers must be careful, particularly if the driver happens to be a well-dressed Negro.

Some Negroes characterize "blackbelt" county as "one step down from hell." More specifically one Negro said, "I stay out of that county because I wear a tie." To the uninitiated this would appear to be a casual, flippant remark, but it is not. In rural areas the wearing of a tie or dress clothing, instead of work clothing, by Negroes (except an Saturday afternoon, Sundays, or holidays) is regarded as evidence of a desire to break away from the customary racial pattern, and this is resented by many whites. It may not be the Negro's dress that is involved but his car, his house, his manner of speaking, or his desire to register and vote.

For some time the Voters League in the nearby city has considered methods of opening registration lists for Negroes in several rural counties. It believes that "if we can break through in 'blackbelt' county, the others will follow." The league is aware that strong leadership against the extension of civil rights in the area is centered in the city, which is headquarters for citizens council activities in "blackbelt" and elsewhere in this region.

The daily newspaper of the city serves a large part of the area. Its editor, a vigorous segregationist, is a northerner who has been in the community only since World War II. He has characterized the South's segregation laws as no more immoral than U.S. laws concerning Indians and immigrants. The Supreme Court, he has said, is "very much bent on fostering social revolution."

To Negroes, the daily is known as an anti-Negro paper. Every Saturday it carries a page of "News of the Colored People," but this deals only with such personal items as marriages, deaths, and social events. No news is carried on the page about efforts to extend the Negro's civil rights.

Many Negroes in the area are concerned about a network of opposition they believe is set to "pick off" progressive Negro leaders. A case in point was the ouster, several years ago, of the president of a State-supported Negro college adjacent to Blackbelt County. The Negro educator was accused of aiding the NAACP, because he sat next to a State NAACP leader at a public meeting. He was later summoned before the Governor and the State board in charge of higher education, which subsequently declined to renew his contract.

The college president's difficulties apparently started when some of his faculty members and students decided on a quiet boycott of local businesses which treated Negroes discourteously. The net effect of the president's ouster was to neutralize college-based civil rights activities and to serve as a warning to other Negro leaders that such efforts would lead to reprisals.

Fear and violence

"Blackbelt" county has underscored in a number of ways its opposition to even a fractional extension of civil rights to its Negro citizens. Negroes feel that the sheriff's office has for years used brutality to keep them "in line." They still recall what they regard as a public lynching of a Negro in 1943. The then sheriff had arrested the Negro on a charge of stealing an automobile tire and, before jailing him, beat him in a particularly brutal fashion. As a court later characterized the incident, it was "a shocking and revolting episode in law enforcement." Apparently frightened by their own cruelty, his attackers called an ambulance, and the victim died in a local hospital. The sheriff and two former policemen were indicted by the Federal Government and convicted of depriving the Negro of his life without due process of law. Eventually, on a technical legal point, the case was sent back for a new trial. The second trial ended in an acquittal. The former sheriff was later elected to the State senate. And among local Negroes, the case has never been forgotten.

A man who had worked under the perpetrator of this brutality succeeded him as sheriff. Negroes interviewed said that the present sheriff is opposed to Negroes voting and in fact to their coming to the court-

house except for trial. He too has killed a Negro. He said he acted in the line of duty in shooting to death a Negro sitting in a parked car, and that ended the matter. These instances explain why Negroes in other counties in the South center so much attention on candidates for the sheriff's office. But in "blackbelt" county, Negroes have no political voice.

Some 3 years ago, there were three separate bombings of property belonging to three of the four Negroes who attempted to register to vote and to persuade others to do the same. The front porch of one of them was bombed, as were cars belonging to the other two. (Because of these bombings and other factors, Negroes in the county report that it is increasingly difficult to get liability insurance on their cars.) Although the explosions were extremely noisy in the silence of night, no white persons came to see what had happened. Those whose property was bombed wondered if most of the white population in and around the county seat knew in advance what was going to happen. Negroes quickly showed up at the site of each bombing. The victims were sorely disillusioned because all of them thought they knew some white persons who would befriend them. No white person has publicly condemned the bombings.

Since the bombings, the suspense of not knowing what would happen next has been a source of deep anxiety to the families whose property was damaged. Meanwhile, the daughter of one of the men has lost her job as a school teacher; his brother-in-law was fired as a bus driver and his schoolteacher daughter also suffered the same fate.

The fourth Negro who sought to register was arrested for having illicit liquor on his property and sentenced to jail, although he finally got out of this difficulty. Most persons interviewed believed his arrest was attributable to his registration activities.

Following the dynamitings, FBI agents came into the county to investigate. After several days of questioning the victims and others, the agents left. Undoubtedly, they failed to unearth information or evidence to support any indictments or reveal that a Federal law had been violated. There are two types of reaction among Negroes to this FBI investigation. Two of the victims felt the agents were "on the up and up" but "some Negroes wouldn't talk" and the "good white people held their peace too much." Nevertheless, they felt the "FBI had the Crackers scared." Some outspoken Negroes in the nearby city condemned the failure of the FBI to piece together what they considered an obvious violation of the civil rights of Negroes. When the agents entered Blackbelt County, some whites sent word to the Negroes they could register but none have dared attempt to do so yet.

Finally, widely publicized racial violence in a neighboring rural county served as further warning to "blackbelt" county Negroes and others in the area who might otherwise have pressed their plans to register and vote.

Prospects

This county is but one political and geographical unit in a system of counties in the blackbelt which have decreed that no Negro shall have the privilege of registering and voting, or none beyond a token number that would serve as a safety valve against Federal intervention. These counties are counting on a pattern of sporadic and potential violence to keep civic-minded Negroes from attempting to register and, by their example, to deter others from doing so. Dramatic violence is usually reserved for those Negro citizens who will not heed the warning signals and evasions. Long before Negroes go this far, the opposition seeks to detect signs which indicate that stern warnings are necessary, such as: "It's all right for you to go ahead and register but we advise you not to do so."

Negroes who are pressing for the vote in "blackbelt" county state emphatically that "the white folks watch us like a hawk watches a chicken." And these Negroes in turn watch Negro informants who "carry information to the white folks."

Economic reprisals have been applied only on a limited scale. However, they indicate what might take place if a Negro resident continues to press for his civil rights.

"If you owe money on a place white men will block you," said one Negro who had felt this kind of economic pressure.

They think, too, of the Negro school teachers who have been fired.

Some local Negroes don't do business in the county seat now, and the local merchants are feeling the effects. On the other hand, if a Negro has been somewhat forthright in his insistence on civil and legal rights, it is alleged that he is unlikely to qualify for welfare or old age assistance benefits.

Considering all these factors, there is little likelihood that Negroes in the county will initiate any united effort to register and vote in the near future. It seems unlikely that any formally well-educated Negro litigants will initiate a Federal suit, at least for some time. For one thing, a number of Negro teachers have not established voting residence in the county. Then, too, they feel they would be fired and would thus have to leave the county to obtain another white collar job. There is a dearth of Negro professional and business men and women who would have a reasonable degree of the economic independence which would enable them to provide leadership.

Under the circumstances, most Negroes in the county interested in voting feel that their only hope in the near future must come from Federal action against the Board of Registrars. They reason that Federal intervention would provide would-be Negro registrants with a degree of protection from local white hostility. Without this Federal intervention they feel it will be a long time before Negroes will be able to vote safely in "blackbelt" counties and others of the same type in the rural Deep South.

Appendix

FLORIDA

County	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Alachua	80,500	60,400	20,100	15,602	13,433	2,169	25.0	13.9
Baker	6,800	5,100	1,700	3,820	3,423	397	25.0	10.4
Bay	63,600	53,600	10,000	21,063	19,159	1,904	15.7	9.0
Bradford	12,200	9,100	3,100	5,305	4,535	770	25.4	14.5
Brevard	86,200	75,800	10,400	21,019	19,272	1,747	12.1	8.3
Broward	265,900	218,900	47,000	92,604	84,997	7,607	17.7	8.2
Calhoun	7,800	6,700	1,100	4,303	4,038	265	14.1	6.2
Charlotte	7,200	6,300	900	4,168	3,895	273	12.5	6.5
Citrus	8,400	6,600	1,800	3,976	3,576	400	19.0	10.1
Clay	19,700	17,300	2,400	6,312	5,402	910	12.2	14.4
Collier	13,900	10,300	3,600	4,491	4,164	327	25.9	7.3
Columbia	18,600	12,400	6,200	6,221	5,250	971	33.3	15.6
Dade	846,800	732,000	114,800	358,623	337,838	20,785	13.6	5.8
DeSoto	11,600	9,200	2,400	4,910	3,995	915	20.7	18.6
Dixie	4,400	3,600	800	2,018	1,948	70	18.2	3.4
Duval	427,200	324,400	102,800	132,105	105,652	26,453	24.1	20.0
Escambia	166,400	131,000	35,400	60,033	51,956	8,077	21.3	13.5
Flagler	5,300	3,800	1,500	1,551	1,532	19	28.3	1.2
Franklin	5,700	4,100	1,600	3,420	2,897	523	28.1	15.3
Gadsden	50,100	21,700	28,400	6,317	6,310	7	56.7	.1
Gilchrist	3,300	2,900	400	1,704	1,670	34	12.1	2.0
Glades	3,100	1,700	1,400	881	735	146	45.2	16.6
Gulf	8,900	6,400	2,500	3,736	3,234	502	28.1	13.4
Hamilton	8,300	4,500	3,800	4,317	3,805	512	45.8	11.9
Hardee	13,600	11,600	2,000	4,595	4,303	292	14.7	6.4
Hendry	7,200	4,900	2,300	2,702	2,339	563	31.9	20.8
Hernando	9,800	7,100	2,700	3,734	3,248	486	27.6	13.0
Highlands	17,400	13,100	4,300	9,856	8,922	934	24.7	9.5
Hillsborough	359,300	305,000	54,300	114,938	105,116	9,822	15.1	8.5
Holmes	11,600	11,100	500	6,838	6,698	140	4.3	2.0
Indian River	23,100	18,000	5,100	7,229	6,708	521	22.1	7.2
Jackson	34,100	23,000	11,100	11,530	9,440	2,090	32.6	18.1
Jefferson	9,500	3,700	5,800	3,470	3,038	432	61.1	12.4
Lafayette	2,800	2,600	200	1,902	1,902	0	7.1	0
Lake	52,200	40,900	11,300	17,725	16,362	1,363	21.6	7.7
Lee	40,800	32,900	7,900	15,491	14,359	1,132	19.4	7.3
Leon	78,000	50,800	27,200	19,143	15,054	4,089	34.9	21.4
Levy	9,900	6,700	3,200	5,552	5,139	413	32.3	7.4
Liberty	2,800	2,200	600	1,706	1,706	0	21.4	0
Madison	14,200	7,800	6,400	4,570	3,617	953	45.1	20.9
Manatee	56,300	46,100	10,200	18,207	17,293	914	18.1	5.0
Marion	47,500	31,500	16,000	15,022	12,018	3,004	33.7	20.0

Appendix—Continued

FLORIDA

County	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Martin	13,100	10,000	3,100	6,065	5,450	615	23.7	10.1
Monroe	54,000	49,000	5,000	11,504	9,856	1,648	9.3	14.3
Nassau	14,900	10,700	4,200	6,304	5,041	1,263	28.2	20.0
Okaloosa	56,500	52,100	4,400	13,005	15,321	684	7.8	5.3
Okeechobee	5,100	4,000	1,100	2,514	2,147	367	21.6	14.6
Orange	237,600	201,200	36,400	59,504	56,358	3,146	15.3	5.3
Osceola	16,300	14,600	1,700	7,456	7,102	354	10.4	4.7
Palm Beach	214,300	162,700	51,600	73,300	67,009	6,291	24.1	8.6
Pasco	30,800	27,300	3,500	13,767	13,097	670	11.4	4.9
Pinellas	296,100	264,600	31,500	138,833	134,223	4,610	10.6	3.3
Polk	176,000	142,900	33,100	61,360	55,761	5,599	18.8	9.1
Putnam	33,500	22,000	11,500	12,800	10,979	1,821	34.3	14.2
St. Johns	31,300	21,600	9,700	12,775	10,605	2,170	31.0	17.0
St. Lucie	33,600	24,000	9,600	13,072	11,179	1,893	28.6	14.5
Santa Rosa	25,200	23,300	1,900	11,139	10,390	749	7.5	6.7
Sarasota	59,000	51,700	7,300	21,598	20,915	683	12.4	3.2
Seminole	46,200	33,000	13,200	11,110	9,529	1,581	28.6	14.2
Sumter	11,500	8,600	2,900	4,790	4,216	574	25.2	12.0
Suwannee	14,100	10,200	3,900	5,709	5,312	397	27.7	7.0
Taylor	14,000	10,700	3,300	4,550	4,483	67	23.6	1.5
Union	10,500	7,100	3,500	2,598	2,598	0	33.0	0
Volusia	102,100	80,000	22,100	48,206	43,350	4,856	21.6	10.1
Wakulla	5,100	3,600	1,500	2,994	2,601	393	29.4	13.1
Walton	14,200	12,400	1,800	6,189	5,479	710	12.7	11.5
Washington	10,900	9,000	1,900	6,302	5,664	738	17.4	11.7
State	4,448,000	3,603,100	84,490	[1] 1,593,353	1,448,543	144,810	19.0	9.1

[1] Total of Democratic and Republican registrants. There were also 13,861 voters with other affiliation or independent; as there is no racial breakdown for these, they are excluded from the county figures and the State totals.

Source: Secretary of State of Florida, July 1958. Population figures: Florida State Board of Health, February 1959.

GEORGIA

County	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Appling	14,100	11,300	2,800	7,732	6,612	1,140	19.9	14.7
Atkinson	7,700	6,000	1,700	4,961	4,164	797	22.1	16.1
Bacon	9,700	8,600	1,100	6,127	6,105	22	11.3	.36
Baker	5,200	1,900	3,300	1,670	1,670	0	63.5	0
Baldwin	21,700	13,900	7,800	10,293	7,675	2,618	35.9	24.5
Banks	5,300	5,000	300	4,464	4,420	44	5.1	1.0
Barrow	13,500	11,000	2,500	6,160	5,858	312	18.5	5.1
Bartow	29,400	25,200	4,200	12,442	11,239	1,203	14.3	9.7
Ben Hill	15,400	10,400	5,000	4,727	3,797	930	32.5	19.7
Berrien	13,400	11,600	1,800	4,580	4,177	403	13.4	8.8
Bibb	142,000	94,700	47,300	31,037	26,124	4,913	33.3	15.8
Bleckley	9,100	6,400	2,700	3,391	3,346	45	29.7	1.3
Brantley	6,200	5,600	600	3,993	3,767	226	9.7	5.7
Brooks	17,100	8,900	8,200	5,016	4,321	695	48.0	13.9
Bryan	6,000	3,600	2,400	2,789	1,972	817	40.0	29.3
Bulloch	24,600	15,400	9,200	9,289	7,869	1,390	37.4	15.0
Burke	22,100	6,900	15,200	4,091	3,664	427	68.8	10.4
Butts	9,200	5,000	4,200	5,241	3,810	1,437	45.7	27.4
Calhoun	7,600	2,500	5,100	1,814	1,682	132	67.1	7.3
Camden	8,800	4,700	4,100	3,991	2,606	1,385	46.6	34.7
Candler	7,500	4,900	2,600	4,369	3,195	1,174	34.7	26.9
Carroll	35,000	28,200	6,800	14,605	13,680	925	19.4	6.3
Catoosa	17,600	17,200	400	10,008	9,938	70	2.3	.7
Charlton	4,800	3,400	1,400	2,333	2,293	40	29.2	1.7
Chatham	193,100	124,100	69,000	46,193	36,943	9,250	35.7	20.0
Chattahoochee	1,200	600	600	292	284	8	50.0	2.7
Chattooga	23,400	21,200	2,200	12,261	11,250	1,011	9.4	8.2
Cherokee	21,800	20,800	1,000	1,069	879	190	4.6	17.8
Clarke	42,700	32,400	10,300	17,391	14,255	3,136	24.1	18.0
Clay	5,200	1,600	3,600	1,107	1,013	94	69.2	8.5
Clayton	33,900	29,100	4,800	11,918	11,441	477	14.2	4.0
Clinch	6,500	4,400	2,100	2,748	2,429	319	32.3	11.6
Cobb	83,800	77,800	7,000	30,042	28,134	1,908	8.3	6.4
Coffee	26,100	19,600	6,500	11,000	10,058	942	24.9	8.6
Colquitt	35,700	27,200	8,500	13,965	13,000	965	23.8	6.9
Columbia	11,000	6,100	4,900	3,933	3,423	510	44.5	13.0
Cook	12,700	9,000	3,700	6,500	6,000	500	29.1	7.7
Coweta	28,900	18,300	10,600	13,244	11,597	1,647	36.7	12.4
Crawford	5,600	2,300	3,300	1,651	1,496	155	58.9	9.4
Crisp	18,200	10,300	7,900	5,506	4,785	721	43.4	13.1
Dade	8,500	8,400	100	3,718	3,678	40	1.2	1.0
Dawson	3,300	3,300	0	2,172	2,172	0	0	0
Decatur	25,300	13,700	11,600	8,490	7,530	960	45.8	11.3
De Kalb	202,800	183,800	19,000	66,603	64,450	2,153	9.4	3.2
Dodge	16,200	11,500	4,700	10,756	8,728	2,028	29.0	18.9
Dooly	12,800	6,100	6,700	4,971	4,252	722	52.3	14.5
Dougherty	59,000	36,500	22,500	13,143	10,815	2,328	38.1	19.5
Douglas	14,000	11,900	2,100	7,778	6,946	832	15.0	10.7
Early	17,000	7,700	9,300	4,017	3,812	205	54.7	5.1
Echols	2,300	1,700	600	819	804	15	26.1	1.8
Effingham	9,000	5,700	3,300	2,806	2,618	188	36.7	6.7
Elbert	18,300	12,700	5,600	10,116	9,012	1,104	30.6	10.9
Emanuel	17,800	11,500	6,300	9,014	7,252	1,762	35.4	19.5
Evans	6,400	3,800	2,600	2,689	2,206	483	40.6	18.0
Fannin	15,700	15,600	100	8,522	8,503	19	.63	.22
Fayette	8,000	5,400	2,600	3,229	3,204	25	67.5	.77
Floyd	67,700	58,000	9,700	20,767	19,244	1,523	14.3	7.3
Forsyth	11,100	11,000	100	4,148	4,148	0	.9	0
Franklin	13,900	12,300	1,600	5,800	5,500	300	11.5	5.2
Fulton	571,600	395,000	176,600	133,291	104,877	28,414	30.9	21.3

Appendix—Continued

GEORGIA

County	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Gilmer	10,700	10,600	100	4,460	4,454	6	0.9	0.13
Glascock	3,000	2,200	800	1,358	1,339	19	26.7	1.4
Glynn	35,400	24,600	10,800	9,464	7,425	2,039	30.5	21.5
Gordon	19,600	18,400	1,200	7,702	[1] 7,353	[1] 348	6.1	.47
Grady	18,900	12,300	6,600	5,907	5,076	831	34.9	14.1
Greene	12,500	6,100	6,400	7,781	5,053	2,728	51.2	35.1
Gwinnett	35,600	32,400	3,200	17,500	16,498	1,002	9.0	5.7
Habersham	18,100	17,500	600	8,423	8,223	200	3.3	2.4
Hall	45,000	40,200	4,800	18,751	17,542	1,209	10.7	6.4
Hancock	10,200	2,600	7,600	3,794	2,064	1,730	74.5	45.6
Haralson	15,100	13,900	1,200	12,194	11,443	751	7.9	6.2
Harris	11,400	5,000	6,400	3,850	3,635	215	56.1	5.6
Hart	14,100	10,600	3,500	6,238	5,944	294	24.8	4.7
Heard	6,000	4,600	1,400	2,849	2,475	374	23.3	13.1
Henry	16,800	9,400	7,400	7,104	5,442	1,662	44.0	23.4
Houston	28,600	20,600	8,000	7,739	[2] 7,259	[2] 480	28.0	6.2
Irwin	11,600	7,300	4,300	5,200	4,500	700	37.1	13.5
Jackson	18,700	16,000	2,700	7,659	7,209	450	14.4	5.9
Jasper	6,800	2,900	3,900	3,334	2,530	804	57.4	24.1
Jeff Davis	9,800	7,600	2,200	6,190	6,134	56	22.4	.9
Jefferson	18,500	7,700	10,800	4,384	4,120	264	58.4	6.0
Jenkins	9,500	4,500	5,000	3,196	2,502	694	52.6	21.7
Johnson	8,200	5,700	2,500	3,923	3,655	268	30.5	6.8
Jones	7,300	3,500	3,800	2,659	2,048	611	52.1	23.0
Lamar	10,600	6,400	4,200	3,700	2,801	899	39.6	24.3
Lanier	5,100	3,400	1,700	2,344	1,892	452	33.3	19.3
Laurens	33,600	20,000	13,600	16,725	13,218	3,507	40.5	21.0
Lee	6,200	2,000	4,200	1,310	1,281	29	67.7	2.2
Liberty	9,700	4,000	5,700	4,600	2,128	2,472	58.8	53.7
Lincoln	6,300	3,200	3,100	2,440	2,437	3	49.2	.12
Long	3,400	2,300	1,100	[3] 3,262	[3] 2,201	[3] 1,061	32.4	32.5
Lowndes	42,700	26,800	15,900	14,564	11,860	2,704	37.2	18.6
Lumpkin	7,000	6,800	200	3,995	3,912	83	2.9	2.1
Macon	13,500	4,700	8,800	3,202	3,024	178	65.2	5.6
Madison	11,700	9,400	2,300	4,643	4,588	55	19.7	1.2
Marion	6,400	2,400	4,000	1,382	1,330	52	62.5	3.8
McDuffie	12,200	6,800	5,400	4,468	4,089	379	44.3	8.5
McIntosh	6,600	2,500	4,100	2,615	1,396	1,219	62.1	46.6
Meriwether	20,900	10,400	10,500	6,384	5,457	927	50.2	14.5
Miller	8,600	6,200	2,400	3,363	3,357	6	27.9	.18
Mitchell	22,700	11,400	11,300	7,673	7,298	375	49.8	4.9
Monroe	10,600	5,600	5,000	4,086	3,333	753	47.2	18.4
Montgomery	6,900	4,000	2,900	4,320	3,315	1,005	42.0	23.3
Morgan	11,600	5,600	6,000	3,353	2,615	738	51.7	22.0
Murray	10,600	10,500	100	4,997	4,962	35	.94	.7
Muscogee	144,100	109,900	34,200	26,588	22,859	3,729	23.7	14.0
Newton	21,600	14,400	7,200	10,963	9,058	1,905	33.3	17.4
Oconee	6,800	5,200	1,600	3,596	3,224	372	23.5	10.3
Oglethorpe	8,600	4,800	3,800	3,157	2,958	199	44.2	6.3
Paulding	11,400	10,100	1,300	8,286	7,851	435	11.4	5.2
Peach	12,900	4,900	8,000	3,218	2,539	679	62.0	21.1
Pickens	8,900	8,500	400	4,494	4,393	101	4.5	2.2
Pierce	10,900	8,400	2,500	3,769	3,388	381	22.9	10.1
Pike	7,400	4,100	3,300	3,016	2,520	496	44.6	16.4
Polk	33,200	27,900	5,300	11,006	9,852	1,154	16.0	10.5
Pulaski	8,400	4,500	3,900	3,088	2,853	235	46.4	7.6
Putnam	7,500	3,500	4,000	2,936	2,366	570	53.3	19.4
Quitman	2,800	1,000	1,800	764	721	43	64.3	5.6
Rabun	7,400	7,300	100	4,878	4,867	11	1.4	.22
Randolph	12,300	4,500	7,800	3,078	2,585	493	63.4	16.0
Richmond	154,400	106,200	48,200	29,080	23,260	5,820	31.2	20.0
Rockdale	9,200	6,600	2,600	4,064	3,501	563	28.3	13.9
Schley	3,500	1,400	2,100	1,164	1,004	158	60.0	13.6
Screven	16,900	7,300	9,600	3,562	3,027	535	53.3	15.0
Seminole	7,700	4,800	2,900	3,201	3,172	29	37.7	.9
Spalding	33,500	24,700	8,800	[4] 11,930	[4] 9,930	[4] 2,000	26.3	16.8
Stephens	19,400	16,900	2,500	8,869	8,242	627	12.9	7.1
Stewart	8,600	2,300	6,300	1,662	1,555	107	73.3	6.4
Sumter	24,600	11,900	12,700	5,647	5,164	483	51.6	8.6
Talbot	7,600	2,200	5,400	1,667	1,448	219	71.1	13.1
Taliaferro	3,500	1,200	2,300	1,669	913	756	65.7	45.3
Tattnall	13,700	10,500	3,200	9,904	8,224	1,680	23.4	17.0
Taylor	8,300	4,200	4,100	3,450	3,103	347	49.4	10.1
Telfair	12,400	8,200	4,200	7,558	7,389	169	33.9	2.2
Terrell	13,200	4,700	8,500	2,858	2,810	48	64.4	1.7
Thomas	36,600	22,100	14,500	10,001	8,422	1,579	39.6	15.8
Tift	25,900	18,500	7,400	7,794	6,681	1,113	28.6	14.3
Toombs	18,100	12,900	5,200	5,713	5,543	170	28.7	3.0
Towns	4,800	4,800	0	[2] 2,123	[2] 2,123	[2] 0	0	0
Treutlen	6,000	4,100	1,900	[3] 3,559	[3] 3,541	[3] 18	31.7	.5
Troup	54,700	38,000	16,700	15,940	13,836	2,104	30.5	13.2
Turner	10,500	6,400	4,100	4,367	3,893	474	39.0	10.9
Twiggs	8,000	3,100	4,900	2,865	2,517	348	61.3	12.1
Union	7,200	7,200	0	4,944	4,944	0	0	0
Upson	25,600	19,300	6,300	5,903	5,437	466	24.6	7.9
Walker	43,800	41,100	2,700	24,451	23,324	1,127	6.2	4.6
Walton	20,400	13,900	6,500	7,678	6,873	805	31.9	10.5
Ware	32,800	24,100	8,700	13,736	11,418	2,318	26.5	16.9
Warren	8,000	2,900	5,100	2,201	2,006	195	63.8	8.9
Washington	19,600	8,300	11,300	8,400	6,696	1,704	57.7	20.3
Wayne	15,600	12,500	3,100	9,370	7,931	1,439	19.9	15.4
Webster	3,800	1,300	2,500	934	934	0	65.8	0
Wheeler	5,700	3,700	2,000	3,592	3,157	435	35.1	12.1
White	5,800	5,400	400	4,121	3,932	189	6.9	4.6
Whitfield	40,800	39,100	1,700	16,777	15,920	857	4.2	5.1
Wilcox	8,700	5,900	2,800	3,289	3,059	230	32.2	7.0

See footnotes at end of table.

Appendix—Continued

GEORGIA—Continued

County	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Wilkes	10,900	5,100	5,800	3,654	3,364	290	53.2	7.9
Wilkinson	9,200	4,700	4,500	3,452	3,041	411	48.9	11.9
Worth	18,700	9,200	9,500	6,151	5,855	296	50.8	4.8
State	3,934,000	2,791,000	1,143,000	1,292,343	1,130,385	161,958	29.0	12.5

[1] Total reported by secretary of state not broken down by race. Negro estimate taken from SRC 1956 report; white estimate based on population reports.
[2] Total reported by secretary of state not broken down by race. White and Negro estimates by county board of registrars.
[3] Not reported by secretary of state. Estimates taken from SRC 1956 report.
[4] Not reported by secretary of state. Estimates provided by county board of registrars.

Source: Secretary of state, September 1958, unless otherwise noted. Population figures: Georgia Department of Public Health, July 1958.

LOUISIANA

Parish	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Acadia	55,050	43,771	11,279	21,828	18,324	3,504	20.5	16.1
Allen	21,883	16,550	5,333	8,816	7,053	1,763	24.4	20.0
Ascension	25,919	16,744	9,175	9,406	7,382	2,024	35.4	21.5
Assumption	19,781	11,261	8,520	6,720	4,731	1,989	43.1	29.6
Avoyelles	43,311	31,288	12,023	15,999	14,045	1,954	27.8	12.2
Beauregard	21,030	17,291	3,739	7,787	6,747	1,040	17.8	13.4
Bienville	20,905	10,107	10,796	4,787	4,759	28	51.6	.58
Bossier	50,376	33,994	16,382	10,455	9,983	472	32.5	4.5
Caddo	208,722	127,707	81,015	55,688	51,222	4,466	38.8	8.0
Calcasieu	112,461	87,039	25,422	41,967	35,603	6,364	22.6	15.2
Caldwell	11,398	8,025	3,313	2,572	2,534	38	29.2	1.5
Cameron	6,733	6,284	449	2,003	1,928	75	6.7	3.7
Catahoula	13,566	8,672	4,894	2,409	2,222	187	36.1	7.8
Claiborne	27,325	12,834	14,491	5,713	5,698	15	53.0	.26
Concordia	16,968	7,037	9,931	2,262	2,090	172	58.5	7.6
DeSoto	27,434	11,403	16,031	6,012	5,526	486	58.4	8.1
East Baton Rouge	190,198	127,464	62,734	63,690	54,590	9,100	33.0	14.3
East Carroll	18,681	7,243	11,438	2,028	2,028	0	61.2	0
East Feliciana	21,198	8,343	12,855	2,939	2,485	454	60.1	15.4
Evangeline	35,908	26,626	9,282	15,901	12,815	3,086	25.8	19.4
Franklin	34,146	20,905	13,241	6,056	5,692	364	38.8	6.0
Grant	15,783	11,732	4,051	5,277	4,752	525	25.7	9.9
Iberia	47,533	32,070	15,463	18,602	14,490	4,112	32.5	22.1
Iberville	30,479	15,440	15,039	7,853	5,917	1,936	49.3	24.7
Jackson	17,296	11,756	5,540	5,316	4,956	360	32.0	6.8
Jefferson	130,226	108,398	21,828	66,127	59,392	6,735	16.8	10.2
Jefferson Davis	30,823	23,925	6,888	10,830	9,169	1,661	22.3	15.3
Lafayette	69,568	49,993	19,575	17,121	14,125	2,996	28.1	17.5
Lafourche	50,456	43,584	6,872	22,879	20,926	1,953	13.6	8.5
LaSalle	14,256	12,577	1,679	5,058	4,901	157	11.8	3.1
Lincoln	28,798	16,855	11,943	5,135	4,665	470	41.5	9.2
Livingston	23,238	19,511	3,727	7,107	6,543	564	16.0	7.9
Madison	20,156	6,654	13,502	1,316	1,316	0	67.0	0
Morehouse	38,276	19,308	18,968	4,849	4,647	202	49.6	4.2
Natchitoches	42,796	23,084	19,712	7,528	6,121	1,407	46.1	18.7
Orleans	643,579	424,440	219,539	194,421	163,132	31,289	34.1	16.1
Ouachita	87,967	58,006	29,961	22,755	21,979	776	34.1	3.4
Plaquemines	17,714	10,962	6,752	5,416	5,371	45	38.1	.83
Point Coupee	25,050	11,301	13,750	3,747	3,121	626	54.9	16.7
Rapides	105,119	70,082	35,037	27,924	25,294	2,630	33.3	9.4
Red River	13,260	6,480	6,980	1,973	1,958	15	54.9	.76
Richland	31,261	17,757	13,504	4,452	4,273	179	43.2	4.0
Sabine	23,205	18,128	5,077	9,135	7,643	1,492	21.9	16.3
St. Bernard	14,944	12,919	2,025			802	13.6	
St. Charles	16,600	11,373	5,227	6,433	5,001	1,432	31.5	22.3
St. Helena	9,958	4,458	5,500	2,761	1,702	1,059	55.2	8.4
St. James	18,086	8,783	9,223				51.2	
St. John	17,653	8,565	9,088			2,426	51.5	
St. Landry	92,456	50,536	41,920	22,512	15,367	7,145	45.3	31.7
St. Martin	31,335	19,308	12,027	9,650	7,144	2,506	38.4	26.0
St. Mary	42,703	26,845	15,858	14,021	11,363	2,658	37.1	19.0
St. Tammany	31,177	21,381	9,796	16,129	14,059	2,070	31.4	12.8
Tangipahoa	61,991	41,135	20,856	21,031	17,554	3,477	33.6	16.5
Tensas	15,009	5,210	9,799	928	928	0	65.3	0
Terrabonne	53,184	40,551	12,633	12,192	11,193	999	23.8	8.2
Union	21,164	13,390	7,774	4,303	3,935	368	36.7	8.6
Vermilion	42,245	36,711	5,534	18,753	16,863	1,890	13.1	10.1
Vernon	23,242	20,463	2,779	8,063	7,423	640	12.0	7.9
Washington	44,852	29,838	15,014	12,961	11,444	1,517	33.5	11.7
Webster	41,189	25,890	15,299	8,277	8,197	80	37.1	1.0
West Baton Rouge	13,448	6,354	7,094	2,315	1,301	1,014	52.8	43.8
West Carroll	19,488	15,709	3,779	3,335	3,265	70	19.4	2.1
West Feliciana	11,405	3,091	8,314	901	901	0	72.9	0
Winn	17,742	12,589	5,153			1,430	29.0	
State	3,130,173	2,067,740	1,062,433	[1] 920,675	[1] 793,265	[2] 126,410	33.9	13.7

[1] Excluding St. Bernard, St. John the Baptist, and Winn Parishes, for which registration figures were not available at the time of the survey. The Negro registration figures entered above for these parishes are from SRC's 1956 survey, and are not included in the State totals or percentages.
[2] Plus 4,658 for the 3 excluded parishes equals 131,068.

Source: Secretary of state, Oct. 4, 1958. Population figures: Louisiana State Department of Health, 1958.

Appendix—Continued

SOUTH CAROLINA

County	1957 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Abbeville	24,167	15,995	8,172	5,538	5,420	118	33.8	2.1
Aiken	63,075	41,719	21,356	20,216	18,454	1,762	33.9	8.7
Allendale	13,211	3,704	9,507	2,559	2,419	140	72.0	5.5
Anderson	100,724	77,296	21,428	25,048	23,424	1,624	21.3	6.5
Bamberg	19,733	8,029	11,704	3,660	3,267	393	59.3	10.7
Barnwell	20,074	8,097	11,977	5,317	4,786	531	59.7	10.0
Beaufort	30,406	12,257	18,209	4,141	2,855	1,286	59.8	31.1
Berkeley	34,609	12,427	22,182	7,060	5,147	1,913	64.1	27.1
Calhoun	16,490	4,515	11,975	1,773	1,699	74	72.6	4.2
Charleston	193,973	113,329	80,644	40,136	32,859	7,277	41.6	16.5
Cherokee	39,146	29,976	9,170	11,276	10,612	664	23.4	5.9
Chester	36,716	20,802	15,914	9,143	8,463	680	43.3	7.4
Chesterfield	40,417	24,346	16,071	9,597	8,196	1,401	39.8	14.6
Clarendon	37,376	10,372	27,004	3,782	3,458	324	72.2	8.6
Colleton	31,684	14,405	17,279	6,430	5,695	735	54.5	11.4
Darlington	57,480	30,098	27,382	12,635	10,191	2,444	47.6	19.3
Dillon	35,541	18,045	17,496	5,740	4,924	816	49.2	14.2
Dorchester	25,514	11,153	14,361	5,742	5,330	412	56.3	7.2
Edgefield	18,950	7,231	11,719	3,537	3,267	270	61.8	7.6
Fairfield	24,824	9,692	15,132	4,968	4,218	750	61.0	15.1
Florence	90,885	49,189	41,696	17,953	16,090	1,863	45.9	10.4
Georgetown	37,160	17,127	20,033	5,578	4,667	911	53.9	16.3
Greenville	193,720	157,176	36,544	51,097	47,057	4,040	18.8	7.9
Greenwood	46,524	32,327	14,197	11,682	10,844	838	30.5	29.3
Hampton	20,258	8,625	11,633	3,460	3,210	250	57.4	7.2
Harry	69,224	49,692	19,532	15,122	13,892	1,230	28.2	8.1
Jasper	12,224	4,213	8,011	2,464	1,975	489	65.5	19.8
Kershaw	36,262	18,709	17,553	9,790	8,706	1,084	48.4	11.1
Lancaster	41,921	29,593	12,328	12,977	12,084	893	29.4	6.9
Laurens	51,396	34,988	16,408	11,033	10,102	931	31.9	8.4
Lee	26,754	8,229	18,525	4,908	4,166	742	69.2	15.1
Lexington	50,725	39,833	10,892	14,319	14,106	213	21.5	1.5
McCormick	10,859	3,867	6,992	1,399	1,399	0	64.4	0
Marion	38,196	16,349	21,847	6,252	5,280	972	57.2	15.5
Marlboro	35,204	16,409	18,795	7,411	7,016	395	53.4	5.3
Newberry	34,392	21,283	13,109	8,480	7,984	496	38.1	5.8
Oconee	43,441	38,219	5,222	8,277	7,717	560	12.0	6.8
Orangeburg	78,513	27,910	50,603	12,288	10,068	2,220	64.5	18.1
Pickens	44,737	39,866	4,871	10,734	10,435	299	10.9	2.8
Richland	165,882	106,686	59,196	38,775	32,110	6,665	35.7	17.2
Saluda	17,679	9,952	7,727	4,351	4,135	216	43.7	5.0
Spartanburg	167,990	129,872	38,118	45,084	41,914	3,170	22.7	7.0
Sumter	69,385	30,494	38,891	9,704	7,574	2,130	56.1	21.9
Union	34,687	23,408	11,279	12,124	11,100	1,024	32.5	8.4
Williamsburg	51,222	15,736	35,486	6,390	6,156	234	69.3	3.7
York	82,092	56,145	25,947	18,966	16,552	2,414	31.6	12.7
State	2,415,502	1,461,385	954,117	537,406	479,711	57,978	39.5	10.8

Source: Secretary of State O. Frank Thornton, as reported in the State (Columbia, S.C.), May 24, 1958.

The "South Carolina Legislative Manual, 1959," prints county registration figures as of June 10, 1958 (p. 358); the figures given above were reported by the secretary of state as of May 10, 1958. The later figures are not used because they are not broken down by race. The difference, however, is slight: a total State registration of 536,206, or 1,200 less than the May 10 report used here.

Population figures: State board of health, Jan. 1, 1957.

VIRGINIA

County	1956 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Accomack	33,923	22,094	11,829	4,962	4,469	493	34.9	9.9
Albermarle	27,933	22,805	5,128	4,765	4,120	645	18.4	13.5
Alleghany	11,725	10,834	891	2,214	2,056	158	7.6	7.1
Amelia	8,299	4,128	4,171	2,582	1,975	607	50.3	23.5
Amherst	21,063	15,623	5,440	5,182	4,586	596	25.8	11.5
Appomattox	8,667	6,429	2,238	2,540	2,390	150	25.8	5.9
Arlington	158,710	151,207	7,203	44,526	43,252	1,274	4.5	2.9
Augusta	35,107	33,322	1,785	7,446	7,271	175	5.1	2.4
Bath	5,982	5,321	661	1,776	1,704	72	11.0	4.1
Bedford	31,601	25,693	5,908	6,985	6,130	855	18.7	12.2
Bland	6,185	6,048	137	1,689	1,672	17	2.2	1.0
Botetourt	16,555	15,112	1,443	4,740	4,740	0	8.7	0
Brunswick	20,544	8,095	12,449	4,626	3,856	770	60.6	16.6
Buchanan	38,650	38,636	14	11,625	11,625	0	.04	0
Buckingham	12,135	6,738	5,397	1,515	1,075	440	44.4	29.0
Campbell	33,669	26,063	7,606	6,133	5,358	775	22.6	12.6
Caroline	12,788	6,108	6,680	1,912	1,410	502	52.2	26.3
Carroll	26,882	26,481	401	6,456	6,445	11	1.5	.17
Charles City	4,842	867	3,975	1,186	554	632	82.1	53.3
Charlotte	15,431	9,352	6,079	3,580	3,296	284	39.4	7.9
Chesterfield	56,044	46,385	9,659	12,595	11,325	1,270	17.2	10.1
Clarke	7,267	6,050	1,217	2,330	2,105	225	16.7	9.7
Craig	3,315	3,301	14	1,080	1,080	0	.42	0
Culpeper	14,517	10,662	3,855	3,304	2,827	477	26.6	14.4
Cumberland	6,966	2,868	4,098	1,775	1,475	300	58.8	16.9
Dickenson	23,391	23,181	210	9,305	9,260	45	.9	.48
Dinwiddie	20,575	7,866	12,709	4,260	3,424	836	61.8	19.6
Essex	6,666	3,496	3,170	1,070	845	225	47.6	21.0
Fairfax	176,371	164,269	12,102	48,580	47,506	1,074	6.9	2.2
Fauquier	24,401	18,206	6,195	4,120	3,937	183	25.4	4.4
Floyd	11,580	11,174	406	4,538	4,433	105	3.5	2.3
Fluvanna	7,289	4,492	2,797	890	808	82	38.4	9.2
Franklin	27,188	23,011	4,177	3,995	3,609	386	15.4	9.7
Frederick	20,400	19,972	428	4,265	4,220	45	2.1	1.1
Giles	20,090	19,547	543	5,001	4,950	51	2.7	1.0
Gloucester	11,351	7,942	3,409	3,596	2,949	647	30.0	18.0
Goochland	9,280	4,512	4,768	2,625	1,950	675	51.4	25.7

Appendix—Continued

VIRGINIA—Continued

County	1956 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Grayson	16,887	15,869	1,018	6,501	6,430	71	6.0	1.1
Greene	5,321	4,641	680	1,787	1,700	87	12.8	4.9
Greensville	17,996	7,456	10,540	3,685	2,810	875	58.6	23.7
Halifax	43,418	24,223	19,195	6,332	5,750	582	44.2	9.2
Hanover	26,012	18,374	7,638	5,175	4,640	535	29.4	10.3
Henrico	86,821	80,776	6,045	30,813	29,958	855	7.0	2.8
Henry	36,925	27,400	9,425	6,621	6,270	351	25.6	5.3
Highland	3,811	3,695	116	1,257	1,247	10	3.0	.8
Isle of Wight	16,580	7,899	8,681	4,523	3,592	931	52.4	20.6
James City	7,370	4,037	3,333	1,465	1,123	342	45.2	23.3
King George	6,636	4,652	1,984	1,525	1,200	325	29.9	21.3
King and Queen	6,822	3,110	3,712	915	565	350	54.4	38.3
King William	7,949	4,650	3,299	1,405	1,100	305	41.5	21.7
Lancaster	8,911	5,316	3,595	2,075	1,660	415	40.3	20.0
Lee	30,363	30,013	350	12,311	12,183	128	1.2	1.0
Loudoun	23,764	19,788	3,976	7,919	7,498	421	16.7	5.3
Louisa	13,550	8,181	5,369	2,464	2,085	379	39.6	15.4
Lunenburg	14,925	8,134	6,791	2,660	2,200	460	45.5	17.3
Madison	8,784	6,621	2,163	2,110	1,985	125	24.6	5.9
Mathews	6,900	4,981	1,919	1,675	1,475	200	27.8	11.9
Mecklenburg	33,810	17,220	16,590	5,880	5,250	630	49.1	10.7
Middlesex	6,971	4,049	2,922	1,206	1,003	203	41.9	16.8
Montgomery	32,171	30,647	1,524	6,530	6,100	430	4.7	6.6
Nansemond	28,554	10,081	18,473	4,247	2,909	1,338	64.7	31.5
Nelson	14,218	10,229	4,019	3,444	3,078	366	28.2	10.6
New Kent	4,237	1,925	2,312	1,182	808	374	54.6	31.6
Norfolk	70,128	54,110	16,318	8,040	6,739	1,301	23.2	16.2
Northampton	17,861	8,085	9,776	2,795	2,275	520	54.7	18.6
Northumberland	9,594	5,391	4,203	4,550	3,070	1,480	43.8	32.5
Nottoway	17,964	8,921	7,043	3,220	2,655	565	44.1	17.5
Orange	13,589	10,208	3,381	2,531	2,274	257	24.9	10.2
Page	15,550	15,043	507	6,010	5,900	110	3.3	1.8
Patrick	16,307	14,999	1,308	3,980	3,900	80	8.0	2.0
Pittsylvania	60,674	38,597	22,077	6,918	6,425	493	36.4	7.1
Powhatan	5,823	3,534	2,289	1,796	1,365	431	39.3	14.0
Prince Edward	15,993	9,259	6,734	3,450	2,750	700	42.1	20.3
Prince George	22,134	16,389	5,745	2,246	1,819	427	26.0	19.0
Princess Anne	77,104	64,138	12,666	16,573	15,158	1,415	16.4	8.5
Prince William	28,840	25,852	2,988	4,205	3,851	354	10.4	8.4
Pulaski	30,357	28,284	2,073	8,077	7,572	505	6.8	6.3
Rappahannock	5,839	4,875	964	2,360	2,150	210	16.5	8.9
Richmond	6,136	3,885	2,251	1,275	970	285	36.7	22.7
Roanoke	50,123	46,565	3,558	19,435	18,647	788	7.1	4.1
Rockbridge	25,054	23,013	2,041	5,179	4,834	345	8.1	6.7
Rockingham	39,544	38,928	616	7,933	7,855	78	1.6	.98
Russell	27,858	27,161	697	7,052	6,963	89	2.5	1.3
Scott	28,398	28,134	264	6,360	6,320	40	.93	.63
Shenandoah	21,651	21,240	411	6,260	6,205	55	1.9	.88
Smyth	30,822	30,283	539	8,022	7,931	91	1.7	1.1
Southampton	27,038	11,161	15,877	4,155	3,630	525	58.7	12.6
Spotsylvania	13,770	10,685	3,085	3,900	3,500	400	22.4	10.3
Stafford	14,235	12,430	1,805	3,285	2,940	345	12.7	10.5
Surry	6,662	2,391	4,271	1,340	1,075	265	64.1	19.8
Sussex	13,628	4,726	8,902	2,910	2,275	635	65.3	21.8
Tazewell	49,395	46,807	2,588	7,487	7,140	347	5.2	4.6
Warren	15,622	14,456	1,166	4,090	3,911	179	7.5	4.4
Washington	38,308	37,415	893	7,864	7,686	178	2.3	2.3
Westmoreland	10,825	5,824	5,001	3,543	3,177	366	46.2	10.3
Wise	48,223	46,918	1,305	11,095	11,044	51	2.7	.4
Wythe	23,075	21,848	1,227	12,391	12,131	260	5.3	2.1
York	18,635	14,361	4,274	3,235	2,715	520	22.9	16.1

Independent cities	1956 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Alexandria	85,127	76,767	8,660	28,046	27,175	871	10.1	3.1
Bristol	18,093	16,986	1,107	3,230	3,000	230	6.1	7.2
Buena Vista	6,204	5,979	225	1,124	1,093	31	3.6	2.8
Charlottesville	29,975	24,616	5,359	10,638	9,467	1,171	17.8	11.0
Clifton Forge	5,830	4,736	1,094	2,216	2,000	216	18.7	9.7
Colonial Heights	7,813	7,796	17	2,500	2,500	0	.2	0
Covington	11,453	10,353	1,100	3,215	2,755	460	9.6	14.3
Danville	50,006	36,824	13,182	11,450	9,893	1,557	26.4	13.6
Falls Church	9,752	9,592	160	3,352	3,297	55	1.6	1.6
Fredericksburg	12,597	10,658	1,939	4,411	3,853	558	15.4	2.7
Galax	5,423	5,094	329	1,360	1,350	10	6.1	.74
Hampton	75,980	58,805	17,175	17,440	14,811	2,629	22.6	15.1
Harrisonburg	12,188	11,326	862	3,385	3,200	185	7.1	5.5
Hopewell	18,722	16,052	2,670	4,310	4,000	310	14.3	7.2
Lynchburg	50,528	39,641	10,887	20,568	17,992	2,576	21.5	12.5
Martinsville	18,764	13,159	5,605	3,807	3,397	410	29.8	10.8
Newport News	44,778	22,355	22,423	11,369	6,626	4,743	50.1	41.7
Norfolk	291,896	218,108	73,787	69,310	59,422	9,888	25.3	14.3
Norton	5,139	4,714	425	1,459	1,386	73	8.3	5.0
Petersburg	35,620	19,074	16,546	8,236	6,029	2,207	46.5	26.8
Portsmouth	88,073	54,927	33,146	15,724	11,415	4,309	37.6	27.4
Radford	9,999	9,415	584	4,198	3,957	241	5.8	5.7
Richmond	240,744	152,181	88,563	68,012	55,666	12,346	36.8	18.2
Roanoke	101,540	84,598	16,942	36,524	33,825	2,699	16.7	7.4
South Norfolk	24,105	18,762	5,343	4,535	3,850	685	22.2	15.1
Staunton	22,374	20,016	2,358	5,733	5,337	396	10.5	6.9
Suffolk	12,456	7,977	4,479	3,663	2,988	675	36.0	18.4
Virginia Beach	6,958	6,658	300	3,714	3,591	123	4.3	3.3

Appendix—Continued

VIRGINIA—Continued

Independent cities	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Warwick	58,345	43,411	14,934	12,419	11,116	1,303	25.6	10.5
Waynesboro	14,051	13,028	1,023	4,309	4,165	144	7.3	3.3
Williamsburg	7,865	6,835	1,030	1,293	1,173	120	13.1	9.3
Winchester	14,700	13,377	1,323	4,087	3,996	91	9.0	2.3
State	3,799,174	2,981,893	817,281	[1] 944,727	852,483	92,172	21.5	9.8

[1] Includes 72 Indians in Charles City County.

Source: Secretary, State board of elections, Jan. 15, 1959. Population figures: Bureau of Population and Economic Research, University of Virginia, May 1957.

ARKANSAS

County	1957 registration			Registration, percent Negro	County	1957 registration			Registration, percent Negro
	Total	White	Negro			Total	White	Negro	
Arkansas	8,608	7,308	700	8.7	Lincoln	3,871	2,569	1,302	33.6
Ashley	8,050	6,868	1,182	14.7	Little River	3,730	3,230	500	13.4
Baxter	3,597	3,597	0	0	Logan	6,041	5,996	45	.74
Benton	12,308	12,284	25	.2	Lonoke	7,755	6,597	1,158	14.9
Boone	5,869	5,869	0	0	Madison	3,645	3,645	0	0
Bradley	5,566	4,443	1,123	20.2	Marion	2,792	2,792	0	0
Calhoun	2,907	2,607	300	10.3	Miller	10,740	9,172	1,568	14.6
Carroll	4,195	4,195	0	0	Mississippi	16,841	12,919	3,922	23.3
Chicot	6,286	3,761	2,525	40.2	Monroe	4,389	3,453	936	21.3
Clark	7,083	5,872	1,211	17.1	Montgomery	2,625	2,625	0	0
Clay	5,337	5,337	0	0	Nevada	4,021	3,285	736	18.3
Cleburne	2,839	2,839	0	0	Newton	2,465	2,465	0	0
Cleveland	2,896	2,536	350	12.1	Ouachita	11,421	7,401	4,020	35.2
Columbia	7,544	6,534	1,010	13.4	Perry	2,147	2,117	30	1.4
Conway	7,585	6,189	1,396	18.4	Phillips	9,512	5,900	3,612	37.9
Craighead	14,239	13,929	310	2.2	Pike	3,242	3,139	103	3.2
Crawford	6,584	6,489	95	1.4	Poinsett	9,003	8,653	350	3.9
Crittenden	6,923	5,778	1,145	16.5	Polk	4,803	4,803	0	0
Cross	4,642	4,036	606	13.1	Pope	7,059	6,969	90	1.3
Dallas	4,268	3,240	1,028	24.1	Prairie	3,832	3,632	200	5.2
Desha	6,852	4,693	2,159	31.5	Pulaski	72,190	61,771	10,419	14.4
Drew	5,000	4,500	500	10.0	Randolph	4,428	4,403	25	.56
Faulkner	9,223	8,767	456	4.9	St. Francis	7,162	5,262	1,900	26.5
Franklin	4,547	4,518	29	.6	Saline	9,415	9,328	87	.92
Fulton	2,647	2,647	0	0	Scott	3,275	3,230	45	1.4
Garland	17,347	16,647	700	4.0	Searcy	2,766	2,766	0	0
Grant	3,665	3,479	186	5.1	Sebastian	21,045	20,209	836	4.0
Greene	8,144	8,134	10	.12	Sevier	3,406	3,205	201	5.9
Hempstead	7,034	5,884	1,150	16.3	Sharp	2,823	2,823	0	0
Hot Springs	8,859	8,559	300	3.4	Stone	2,770	2,770	0	0
Howard	4,112	3,852	260	6.3	Union	17,928	15,158	2,770	15.5
Independence	6,862	6,787	75	1.1	Van Buren	3,300	3,280	20	.60
Izard	2,933	2,910	23	.78	Washington	13,933	13,921	12	.09
Jackson	7,368	6,553	815	11.1	White	9,780	9,480	300	3.1
Jefferson	20,970	15,308	5,662	27.0	Woodruff	4,140	3,224	916	22.1
Johnson	4,892	4,877	15	.31	Yell	4,975	4,902	73	1.5
Lafayette	3,830	2,725	1,105	28.9					
Lawrence	5,536	5,506	30	.54	State	563,978	499,955	64,023	
Lee	4,171	2,805	1,366	32.7					

Source: Report of Jimmie "Red" Jones, auditor of State of Arkansas, 1958.

TEXAS

STATISTICAL ESTIMATES OF QUALIFIED NEGRO VOTERS

Explanation: Texas has no personal registration for voting, and the closest thing to it is poll tax payment. The poll tax is levied on all between the ages of 21 and 60, with a few classes of people (e.g., some physically disabled) exempted from payment. For these latter persons to vote, they must obtain a certificate of exemption; so also must persons over 60 who reside in a city of 10,000 or more population. Persons over 60 living in smaller places need not get a certificate to vote, if otherwise qualified. The table below, therefore, shows (1) number of poll taxes paid; (2) number of certified, or listed, exempts; (3) number of unlisted exempts, i.e., persons over 60 living in places of less than 10,000 population. Some of this third group, of course, may not realize that they are eligible to vote.

Counties	Poll taxes paid	Listed exempts	Unlisted exempts (estimate)	1958 voter total	Negro population, 1950	Counties	Poll taxes paid	Listed exempts	Unlisted exempts (estimate)	1958 voter total	Negro population, 1950
Anderson	917	188	656	1,761	4,864	Brazoria	1,419	29	672	2,120	6,845
Andrews	33	0	1	34	34	Brazos	700	350	533	1,583	9,192
Angelina [1]	768	242	188	1,198	5,944	Brewster	7	0	7	14	40
Aransas	54	0	9	63	107	Briscoe [12]	10	0	2	12	98
Archer [12]	1	0	1	2	16	Brooks	4	0	2	6	39
Armstrong [12]	0	0	0	0	7	Brown [2]	127	41	90	258	906
Atascosa	21	0	12	36	240	Burleson [2]	[3] 508	0	704	1,212	4,203
Austin [2]	[3] 365	0	435	800	3,016	Burnet [12]	26	0	16	42	220
Bailey [12]	29	0	6	35	239	Caldwell	370	0	448	820	3,068
Bandera	2	0	1	2	15	Calhoun	118	1	58	177	712
Bastrop	666	0	858	1,524	6,196	Callahan	0	0	2	2	7
Baylor	6	0	8	14	108	Cameron [12]	88	0	39	127	732
Bee	120	0	55	175	470	Camp [3]	[4] 532	0	468	1,000	3,478
Bell	1,007	13	211	1,231	8,646	Carson	3	0	2	5	11
Bexar	6,175	1,376	216	7,767	32,565	Cass [3]	[4] 1,324	0	917	2,241	8,657
Blanco	15	0	23	38	105	Castro	19	0	1	20	64
Borden	0	0	0	0	24	Chambers	621	0	174	795	1,526
Bosque	9	0	59	68	373	Cherokee	883	0	1,101	1,984	10,634
Bowie [2]	1,614	355	922	2,891	15,184	Childress	61	0	62	123	832

See footnotes at end of table.

Appendix—Continued

TEXAS—Continued

Counties	Poll taxes paid	Listed exempts	Unlisted exempts (estimate)	1958 voter total	Negro population, 1950
Clay [12]	9	0	21	30	81
Cochran [12]	20	0	10	30	164
Coke	0	0	0	0	5
Coleman [12]	48	0	38	86	402
Collin [3]	4 444	0	244	688	3,792
Collingsworth [12]	81	0	48	129	671
Colorado	535	0	687	1,222	4,436
Comal	15	0	1	16	277
Comanche	0	0	3	3	8
Concho	0	0	1	1	10
Cooke [3]	4 112	0	18	130	959
Coryell	8	0	49	57	424
Cottle [12]	46	0	14	60	385
Crane	53	0	1	54	104
Crockett [12]	12	0	6	18	106
Crosby [12]	99	0	39	138	827
Culberson	0	0	0	0	4
Dallam	6	0	2	8	35
Dallas [3]	4 17,074	0	1,615	18,689	82,922
Dawson [3]	103	29	2	134	1,091
Deaf Smith	4	0	0	4	6
Delta	24	0	101	125	934
Denton [1]	200	0	105	305	2,321
De Witt [3]	4 387	0	547	934	3,199
Dickens	14	0	31	45	369
Dimmit	3	0	5	8	63
Donley	13	0	20	33	253
Duval	4	0	6	10	23
Eastland [12]	38	0	62	100	313
Ector [12]	557	0	28	585	1,571
Edwards	0	1	1	1	13
Ellis [3]	4 1,270	0	852	2,122	10,843
El Paso [12]	4 905	0	57	962	4,182
Erath	4	0	25	29	148
Falls	321	38	1,121	1,480	8,590
Fannin [3]	4 384	0	490	874	3,282
Fayette	275	0	643	918	3,926
Fisher	31	0	48	79	561
Floyd	36	0	16	52	387
Foard	23	0	15	38	430
Fort Bend [3]	4 909	0	952	1,861	7,520
Franklin	50	0	54	104	424
Freestone	746	5	860	1,611	6,316
Frio	8	0	6	14	98
Gaines [12]	14	0	5	19	119
Galveston	6,011	961	358	7,330	23,712
Garza	37	0	10	47	242
Gillespie	2	0	4	6	15
Glasscock	0	0	1	1	11
Goliad [12]	77	0	105	182	638
Gonzales	224	0	560	784	3,926
Gray [12]	75	0	2	77	623
Grayson [3]	4 1,900	0	232	2,132	6,187
Gregg	4 4,412	0	690	5,102	14,963
Grimes [3]	4 740	0	948	1,688	6,116
Guadalupe [3]	4 438	0	541	979	3,622
Hale [3]	89	0	11	100	1,039
Hall [12]	118	0	38	156	986
Hamilton	0	0	1	1	1
Hansford	0	0	0	0	0
Hardeman [12]	99	0	65	164	822
Hardin	761	4	334	1,099	3,079
Harris	4 44,282	0	1,112	45,994	149,286
Harrison [3]	4 2,000	200	1,543	3,743	24,717
Hartley	0	0	1	1	11
Haskell	35	0	45	80	887
Hays	128	0	187	315	1,144
Hemphill	0	0	0	0	1
Henderson	463	0	518	981	4,766
Hidalgo [12]	73	0	77	150	609
Hill	105	0	490	595	4,677
Hockley	31	0	28	59	940
Hood	4	0	25	29	30
Hopkins	201	0	292	493	2,631
Houston	701	4	1,050	1,755	8,918
Howard [3]	155	27	4	186	890
Hudspeth	0	0	1	10	25
Hunt [3]	4 738	0	260	998	6,309
Hutchinson	113	28	31	172	522
Irion [12]	0	0	1	1	10
Jack [12]	8	0	4	12	74
Jackson	166	1	202	369	1,714
Jasper	636	3	572	1,211	5,305
Jeff Davis	2	0	3	5	26
Jefferson	8,616	1,383	162	10,161	44,122
Jim Hogg	2	0	1	3	13
Jim Wells [12]	48	0	3	51	401
Johnson	80	3	98	181	1,761
Jones	58	0	109	167	1,333
Karnes	74	1	95	170	59
Kaufman [3]	4 1,042	0	465	1,507	8,905
Kendall	8	0	19	27	60
Kenedy	0	0	0	0	0
Kent [12]	6	0	4	10	48
Kerr [12]	68	0	56	114	564
Kimble	1	0	2	3	5
King [12]	7	0	2	9	62
Kinney	56	0	36	92	221
Kleberg	253	0	2	255	810
Knox	21	0	42	63	613
Lamar [2]	561	276	363	1,200	7,971
Lamb [12]	159	0	44	203	1,326
Lampass [12]	24	0	38	62	201
LaSalle [12]	2	0	5	7	15
Lavaca	127	0	372	499	2,278
Lee [3]	4 326	0	425	751	2,695
Leon [3]	4 682	0	636	1,318	4,737
Liberty	4 1,144	22	590	1,756	6,071
Limestone	1,305	22	827	2,154	7,468
Lipscomb	0	0	1	1	2
Live Oak	0	0	2	2	31
Llano [12]	6	0	7	13	54
Loving	4	0	0	4	0
Lubbock [2]	404	90	48	542	7,393
Lynn	28	0	23	51	592
Madison	194	30	315	539	2,618
Marion [3]	4 885	0	721	1,606	5,782
Martin [12]	32	0	8	40	263
Mason	0	0	4	3	64
Matagorda [3]	4 571	0	601	1,182	4,809
Maverick	0	0	4	4	10
McCulloch [12]	44	0	35	79	370
McLennan [3]	4 4,000	0	800	4,800	22,329
McMullen	0	0	1	10	5
Medina	12	0	32	44	207
Menard [12]	3	0	5	8	29
Midland	672	78	13	763	2,123
Milam	210	0	715	925	5,150
Mills	0	0	1	1	2
Mitchell [1]	200	0	63	263	905
Montague	0	0	0	0	1
Montgomery	1,084	0	704	1,788	6,149
Moore	0	0	1	1	6
Morris	269	2	274	545	3,126
Motley	18	0	16	34	259
Nacogdoches [2]	879	191	429	1,499	8,655
Navarro [3]	785	200	550	1,535	9,886
Newton	631	4	436	1,071	3,824
Nolan [2]	61	23	6	90	783
Nueces [3]	1,566	100	30	1,696	7,958
Ochiltree	0	0	0	0	0
Oldham	0	0	0	0	0
Orange [3]	4 632	0	32	664	4,387
Palo Pinto [1]	100	0	82	182	668
Panola	891	0	543	1,434	6,643
Parker [12]	32	0	54	86	263
Parmer [12]	2	0	1	3	17
Pecos	12	0	6	18	136
Polk [3]	4 648	0	599	1,247	4,504
Potter [2]	184	133	2	319	3,556
Presidio	1	0	9	10	57
Rains [12]	51	0	41	92	424
Randall	0	0	4	4	47
Reagan [12]	17	0	3	20	141
Real	1	0	0	1	8
Red River	318	0	647	965	5,230
Reeves [12]	33	0	10	43	276
Refugio [12]	134	0	101	235	1,120
Roberts	0	0	0	0	0
Robertson	753	0	1,147	1,900	8,212
Rockwall [3]	4 197	0	116	313	1,688
Runnels	0	0	60	60	509
Rusk	2,093	29	1,258	3,380	12,632
Sabine [3]	4 322	0	185	507	2,240
San Augustine	236	0	302	538	3,068
San Jacinto [3]	4 542	0	528	1,070	3,767
San Patricio	52	0	41	93	723
San Saba	7	3	11	21	70
Schleicher [12]	12	0	0	17	99
Scurry [12]	47	0	15	62	341
Shackelford	8	0	17	25	135
Shelby [3]	700	0	584	1,284	5,916
Sherman	0	0	0	0	2
Smith [12]	2,000	500	1,276	3,776	22,291
Somervell	0	0	0	0	2
Starr	0	0	1	6	3
Stephens	151	0	50	201	359
Sterling [12]	1	0	0	1	13
Stonewall [12]	12	0	14	26	101
Sutton	4	0	1	5	33
Swisher	4	0	6	10	104
Tarrant [2]	4,590	433	242	5,265	39,674
Taylor [12]	307	0	26	333	2,561
Terrell	1	0	3	4	13
Terry [12]	46	0	16	62	382
Throckmorton	0	0	1	1	1
Titus	566	0	305	871	3,197
Tom Green [2]	500	110	2	612	3,091
Travis	3,919	961	473	5,353	22,493
Trinity	1,100	7	417	1,524	2,688
Tyler	227	0	205	432	2,232
Upshur [3]	4 919	0	604	1,523	6,009
Upton	84	0	11	95	207
Uvalde	10	0	23	33	193
Val Verde [2]	43	15	2	60	355
Van Zandt [3]	181	0	180	361	1,543
Victoria [2]	420	46	182	648	3,073
Walker	792	0	885	1,677	7,494
Waller [3]	4 765	0	626	1,391	6,328
Ward	76	1	21	98	319
Washington [3]	4 846	0	1,202	2,048	6,993
Webb [2]	1	3	0	4	79
Wharton [3]	4 949	0	1,008	1,957	7,843
Wheeler	10	0	25	35	288

See footnotes at end of table.

Appendix—Continued

TEXAS—Continued

Counties	Poll taxes paid	Listed exempts	Unlisted exempts (estimate)	1958 voter total	Negro population, 1950	Counties	Poll taxes paid	Listed exempts	Unlisted exempts (estimate)	1958 voter total	Negro population, 1950
Wichita [2]	803	191	27	1,021	6,276	Wood	328	0	399	677	3,124
Wilbarger [1 2]	210	0	22	323	1,746	Yoakum	17	0	1	18	13
Willacy [1 2]	13	0	12	25	110	Young	17	0	9	26	140
Williamson	56	0	655	711	5,864	Zapata	0	0	0	0	1
Wilson	24	0	60	84	310	Zavala	23	1	7	31	95
Winkler	71	0	6	77	170						
Wise	7	0	16	23	135	Total	163,773	8,954	54,291	226,818	977,458

[1] Estimate of county tax assessor-collector.
[2] County includes a city of 10,000 or over population.
[3] Estimate of SRC consultant.
[4] Includes both poll taxes paid and listed exempts.
Source: SRC Consultant—Population figures: 1950 census.

During the delivery of Mr. DOUGLAS' remarks,

Mr. ERVIN. Mr. President, will the Senator from Illinois yield to me, if unanimous consent is given that he may do so without losing his right to the floor?

Mr. DOUGLAS. I shall be glad to yield to the Senator from North Carolina, on the condition that he will tell one of his stories, as the fee for the privilege which I shall extend to him. [Laughter.]

Mr. ERVIN. I shall do that privately.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that I be permitted to submit at this time a substitute for the pending amendment, that the substitute be read and printed in the RECORD immediately following the remarks of the Senator from Illinois, and that it lie on the table until called up for consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment submitted by the Senator from North Carolina will be stated.

The legislative clerk read as follows:

In lieu of the language contained in the Keating amendment (3–14–60—A) beginning on page 1, line 4, and extending down to and including line 18, on page 4, insert the following:

"SEC. 837. Explosives; illegal transportation.

"(a) Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive with the knowledge or intent that it will be used in violation of the law of any State, Territory, Commonwealth, District, or possession of the United States shall be subject to imprisonment for not more than two years, or a fine of not more than $2,000.00, or both."

"(b) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth, or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section."

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. ERVIN. I am deeply indebted to the Senator from Illinois for his courtesy on this occasion, as on all other occasions when I have made requests.

APPOINTMENT OF HALL S. LUSK TO BE U.S. SENATOR FROM OREGON

Mr. MORSE. Mr. President, I have been advised that the Governor of Oregon has appointed Hon. HALL S. LUSK to fill the Senate vacancy created by the untimely death of Senator Richard Neuberger.

Judge LUSK has been one of the distinguished jurists of our State since 1930. He is a member of the Democratic Party; and for many years he has been an outstanding leader in the Oregon bar. When I was the dean of the University of Oregon School of Law, I came to know Judge LUSK, and formed a very high regard for the brilliance of his mind, the unimpeachable integrity of his character, and his fine human qualities.

Judge LUSK was appointed to the Supreme Court of Oregon on July 21, 1937, and has held that position since that time. He was chief justice of the court from 1949 to 1950. Prior to his membership on the supreme court, Judge LUSK served as circuit judge of Multnomah County, Oreg., from 1930 to 1937; he was a member of the law firm of Emmons, Lusk & Bynon from 1920 to 1930; he served as assistant U.S. district attorney of Oregon from 1918 to 1920; he was a member of the law firm of Dolph, Mallory, Simon & Gearin from 1912 to 1918; he had his own private law practice in Portland, Oreg., from 1909 to 1912; and he served as secretary to Chief Justice Shepard, of the Court of Appeals, in Washington, D.C., from 1906 to 1909.

Born in Washington, D.C., on September 21, 1883, he received a B.A. degree from Georgetown University in 1904; an LL.B. degree in 1907, and an honorary doctor of laws degree in 1954. He was also awarded an honorary doctor of laws degree from the University of Portland in 1941.

Judge LUSK married Sara C. Emmons on September 30, 1914; and they have five daughters.

Mr. President, it will be a privilege and an honor for me to welcome Judge LUSK to the Senate.

The following is the telegram I sent to Judge LUSK today:

MARCH 15, 1960.

Hon. HALL S. LUSK,
Oregon Supreme Court,
Salem, Oreg.:

Congratulations on your appointment to the Senate. It will be a great honor to welcome you to the Senate. Please be assured that my office is at your service. Regards.

WAYNE MORSE.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSTON of South Carolina. Mr. President, I invite the attention of the Senate to what is taking place today in some of the towns of the South, where we had peace and harmony between the white and colored races for many years. They have been stirred up. I think they have been stirred up by some of the proposed legislation which has been debated on the floor of the Senate.

I read a press release which I have today issued to the newspapers:

Senator OLIN D. JOHNSTON, Democrat, South Carolina, today warned citizens of all races to avoid the traps of professional agitators before bloodshed replaces debate and mob violence supplants law and order.

The reason I make this statement is that I have just read an item from the news ticker, from Orangeburg, S.C. It reads as follows:

ORANGEBURG, S.C.—Fire hoses were used to quell the demonstration.

Police asked the leaders to step forward and the rest to disperse. When the demonstrators refused, arrests began.

No violence was reported.

Meanwhile, 10 Negroes were arrested for lunchcounter remonstrations at Columbia and a group of 30 at Sumter sang "America" at the courthouse.

Today's demonstrations came less than a week after Gov. Ernest F. Hollings warned they would not be tolerated in the State.

A similar situation can be found in Columbia, S.C., in Atlanta, Ga., and in Sumter, S.C.

We did not hear of such happenings until this issue was stirred to a fever heat. I say to the proponents of so-called civil rights legislation that they had a great deal to do with stirring up trouble. The agitators who have come into my State from the outside have caused trouble.

This is what I say in my press release of today:

"Calm down and go about your business in an orderly fashion, reject hatemongers, and leave the business of changing laws and debating civil rights to Congress," Senator JOHNSTON advised "people of all races."

The South Carolina lawmaker said he "viewed with alarm" the growing disturbances among the people over racial unrest, and charged that "all these racial incidents are a result of professional agitators. These

promoters of civil strife are preying upon the deeply embedded emotions of people of different beliefs for political purposes and, in so doing, are endangering the very security of our country.

"The lives of millions of citizens who, to this day, have lived side by side peacefully are now endangered by the ravings and rantings of these professional agitators. The true purpose behind all these sitdown strikes is not really a Gandhi like protest, but is actually designed to cause violence and bloodshed in order to further the promotion of civil rights legislation in Congress.

"I appeal to people of all races to stop these demonstrations, which are highly dangerous and could set off bloody strife at any of a number of points. Calm deliberation, which can be carried out only in the Halls of Congress where the duly elected representatives of the people have authority, is the only answer to the question. Attempts by groups of people of any color or any race to undertake the writing or changing of laws by mass demonstration can only lead to disaster.

"While some people promoting civil rights legislation may be sincere in their beliefs and in their endeavors, they must be wary of those who back their endeavors because, behind it all are subversive forces that thrive on violence and disorders such as are being promoted in some sections of our Nation.

"This week's Charleston, S.C., incident where six Negroes armed with a razor cut the initials of the Ku Klux Klan into the back of a 24-year-old white man is an example of the tragedies which can come out of any form of mass demonstration. This terrifying incident would never have happened had not the professional agitators like the Reverend Martin Luther King and others instigated mass demonstrations and hatred.

"There is no civil rights bill that could be devised by the human mind that could have prevented the Charleston incident and the other incidents that are now occurring in the South. Only sane, sober people who refuse to become a part of the mass demonstration and mass violence conspiracy can stop further, and perhaps more widespread, terror like this."

I hope they will heed my warning and stop these demonstrations to try to force us to act here on the bill in the Senate. South Carolina has been peaceful up until recently. We have had no lynchings in almost 20 years. Think of that. No lynching in over 20 years in South Carolina. I say that it is just as much an act of lynching to go riding on the streets of New York or Chicago with a pump gun and machine gunning a person. It is just as much lynching to do that as it would be to shoot a man with a single-shot rifle or with a pistol.

Friends, Senators, we should stop and think on these matters and think of what we are doing here and how we may be stirring up some strife and discontent in certain sections of this Nation of ours.

Mr. LONG of Louisiana. Mr. President, I had not planned to discuss the civil rights proposals this evening, but at the same time I do not like to have the RECORD cluttered up with misstatements, many of which could be corrected if we looked at the facts as we went along. I regret that the Senator from Illinois [Mr. DOUGLAS] is not on the floor, because I would like to apprise him of some of these facts. Perhaps he will read my statement in the RECORD.

Much reference has been made to the report of the Civil Rights Commission, and certain statements have been read from that report. I should like to point out that much of the information in that report is based on unverified information and unverified affidavits which were never permitted to be the subject of cross-examination in order to determine the truthfulness of those statements or affidavits. That happens to be one of the problems involved in the Civil Rights Commission's visit to Louisiana, and I assume the same situation existed elsewhere.

In connection with the investigation of the question of registrars, objection was made on the basis that these people had a right to know what they were accused of doing wrong and what charges or allegations had been made against them and that they had the right to defend themselves against adverse testimony. They had the right to cross-examine. The Commission was not willing to permit any of these affidavits to be examined.

Upon that basis the Federal courts—both the district court and the 3-judge appellate court which reviewed the district court holdings—upheld the local people by holding that the Commission was bound by the law which gave a person accused of committing a wrong the opportunity of hearing what he has been accused of and the right of confronting the accuser and of cross-examining adverse testimony. The Commission never for a moment was willing to permit that kind of cross-examination when it was in Louisiana.

The wholly unverified nature of this information can be seen when we note that the Commission, as an excuse for not permitting the affidavits to be the subject of cross-examination, gave as its reason that it was fearful someone who swore out these affidavits might be prosecuted for perjury or hurt in some fashion. That argument was made in the Federal court.

The Federal judge held that he had no basis whatever for holding or believing that to be true, namely, that a person who swore out an affidavit alleging truthfully that he had been discriminated against would be subject to any harm against him. The judge quite correctly ruled that there was no basis for any such holding.

On the other hand, a lawyer in defending one of the registrars of voters, and in demanding to know what the registrar had been accused of doing wrong, the registrar being a lady well known and highly regarded in her community, made the statement that a person who alleged that the lady was guilty of violating the law would undoubtedly be telling a falsehood, and that a person who would falsely swear against another person should be prosecuted for perjury.

The Commission seized upon this statement and tried to make it appear that persons who might have sworn out affidavits, which the Commission did not permit to be examined, might be subjected to prosecution for perjury.

The fact is that if a person lies under oath, he should be prosecuted for perjury. That is the purpose of the perjury statute. All that the Commission in its single day of hearings in Louisiana could produce to prove intimidation was simply a testimonial by a lawyer to his confidence in the integrity and honor of a very fine and decent lady who had been a registrar for some time in her parish.

Various statements have been made here to the effect that a Negro is afraid to apply to vote when he had a hostile registrar to apply to. None of that sort of information has been verified. It is unfair to any State to produce information which has not been proven or verified, and to condemn a State by that sort of information as a finding of a commission.

The Senator from Illinois has said in his speech this afternoon that a person who was discriminated against could be kept off the rolls until the election was over.

Mr. President, we just had a Louisiana case involving a registrar named Thomas which was appealed to the Supreme Court. The Supreme Court undertook to take the case away from the court of appeals which had granted a stay, and decided it within 6 weeks after the district court acted. That is about the fastest service anyone has ever had in having a case upheld by the Supreme Court when the case was subject to appeal.

In that case, 1,377 persons, who, even though they were technically unqualified, were returned to the rolls in time to vote in the general election, although they had been challenged some few months before that and although they had not availed themselves of their remedies under State law.

There is still no showing that the present law does not adequately provide a remedy for anyone who is the subject of discrimination. The Senator from Illinois [Mr. DOUGLAS] suggested that the junior Senator from Louisiana said there is no discrimination. I did not make that statement; but I say that there is no showing anywhere that the remedies are not adequate under the 1957 act to place on the rolls anyone who feels he has been the subject of discrimination, as was held in the Thomas case, originating in Louisiana. That case goes to the extent of holding that if a person is not qualified, he must be placed on the rolls if there are also on the rolls other persons who are similarly unqualified to vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. JAVITS. The Senator from Louisiana has been making a great deal about the Louisiana case and his construction of it, saying that persons who were not qualified under State law were placed on the rolls.

I am analyzing that case in great detail. I shall be prepared to debate that question with the Senator from Louisiana. I think it is high time we get that matter very clear on the record.

I thank the Senator from Louisiana.

Mr. LONG of Louisiana. I thought perhaps the Senator from New York might want to dispute that point. In that case, the action was taken as a result of a simple sampling process. The

judge undertook to show by sampling that there were defects in the registration of the ten percent whom he sampled.

Then he proceeded to say he had sampled some of those who were also on the rolls, and that there were similar technical defects with regard to large numbers who had not been challenged. Because there were other nonqualified voters on the rolls, the court held that there had been discrimination in the challenging of voters. Ten percent of those who were challenged were not qualified.

A few days ago, I read into the RECORD the brief of the State of Louisiana. The principal point on which the State replied was that although there was no showing anywhere that those people were qualified to vote, nevertheless, the district court held that the persons should have been placed on the rolls, and that decision was upheld.

If the court can go to the extent of placing applicants by the thousands on the rolls, finding that they are qualified in the fact of an affirmative contention that they are not qualified to vote, and without considering their individual qualifications at all, then they can be placed on the rolls even if they are not technically qualified with others who are on the rolls.

There is no showing anywhere that a United States attorney cannot have placed on the rolls any person who can meet the requirements. As a matter of fact, if there are on the rolls persons who cannot meet the legal or technical requirements of State law, there is no showing anywhere that persons who are not qualified cannot be placed on the rolls under the law as it exists, passed by Congress in 1957.

Senators well know that that law requires that when a judge issues such an order the registrar must comply with it; otherwise he can be tried before a Federal judge and placed in jail for contempt of court.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, so far as I am informed, it is not expected that there will be any yea-and-nay votes or rollcalls this evening. However, we will ask the Senate to remain in session to accommodate Senators who desire to address the Senate.

ANNIVERSARY OF VICTORIOUS HUNGARIAN REVOLUTION OF 1848

Mr. PROXMIRE. Mr. President, today marks the 112th anniversary of an important event in the history of Hungary and Europe. In 1848, the Hungarian people, led by the noted patriot, Louis Kossuth, freed themselves from the rule of the Hapsburgs, and later proclaimed the independent Republic of Hungary, with Kossuth as President.

But within a few months, troops of the czarist Russian and Hapsburg armies crushed the new Republic. Kossuth fled abroad, coming to the United States for a time, where he won support for Hungarian freedom.

With this historical basis now over a century old, Americans have great sympathy for free Hungary. We are deeply regretful, because of this, for the present situation of the Hungarian people, who live under a regime clearly not of their free choosing. For this reason, Americans were much moved by the spirit which brought about the Hungarian uprising in 1956, and we are still very deeply disturbed about the unatoned atrocities and indignities that were committed against the Hungarian patriots at that time. We fully recognize the complex and delicate international problems that arose from this situation, and the difficult policy questions that remain to be decided. This is not an easy question to resolve, nor can it be done in a short time, but our country must never lose sight of our goal supporting the right of the Hungarian people to fulfill their desire for freedom, and at the same time to advance toward peace with freedom for the entire world. This must be the goal of every policy position and action taken by our country.

Mr. President, with this idea in mind, I should like to place in the RECORD a statement by the Hungarian committee addressed to me and other Senators on the subject of the Hungarian problem. As a statement of belief by a group with a sincere and fervent interest in the future freedom of the Hungarian nation, I ask unanimous consent that the letter and statement be printed at this point in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

HUNGARIAN COMMITTEE,
New York, N.Y., March 1, 1960.

The Honorable WILLIAM PROXMIRE,
U.S. Senate.

MY DEAR SENATOR PROXMIRE: On March 15, all Hungarians will celebrate the 112th anniversary of the victorious Hungarian revolution in 1848, which was then crushed by the czarist army just as the 1956 revolution was crushed by the tanks of the Soviet Union.

This year the celebration of this national holiday will precede the East-West summit meeting which might be as fateful for the future of the Hungarian people as were the Teheran and Yalta Conferences.

Knowing that Your Honor has consistently raised your voice in favor of the Hungarian people who had sacrificed their lives for freedom and national independence so often in their thousand-year history, we would be very grateful if you would have the kindness to say a few words of remembrance on the heroic struggles of the Hungarian people and in expressing your hope that the Hungarian question may be discussed at the summit meeting.

It would be highly regrettable if the West would fail to raise this question at the very first East-West summit conference following the adoption of not less than 12 U.N. resolutions on Hungary which have been consistently defied by the Soviet Union.

Thus, apart from other considerations the prestige of the U.N. also calls for the placing of the Hungarian question on the agenda of the summit meeting.

Finally, we would be extremely appreciative for any initiative in the U.S. Congress aimed at authorizing the President of the United States of America to proclaim October 23 of each year as Hungarian Independence Day. It was on that day in 1956, that the Hungarian people rose as one man against their Soviet and local Communist oppressors, and we think that this would be the most dignified way to pay tribute to the world-shaking Hungarian freedom fight and to give hope to the heroic Hungarian people that the freedom-loving American people will not forget their immense suffering under foreign colonial domination.

For your kind information I am attaching to this letter a memorandum dealing with various aspects of the Hungarian problem. We would be deeply thankful for its eventual inclusion in the CONGRESSIONAL RECORD.

Being convinced that Your Honor will do what is the best to commemorate in this sense the Hungarian Independence Day, we convey to you the expression of our warmest thanks.

Sincerely yours,

MSGR. BÉLA VARGA,
Chairman of the Hungarian Committee, former President of the Hungarian Parliament.

Mr. FERENC NAGY,
Chairman, Foreign Affairs Committee, former Prime Minister of Hungary.

MEMORANDUM ON THE HUNGARIAN PROBLEM TO BE PRESENTED TO THE HONORABLE MEMBERS OF THE U.S. CONGRESS

After World War II, the democratic political leaders did their utmost to establish a truly democratic system of government in Hungary in accordance with the will of the people as manifested in the free elections of November 4, 1945, when the Communists were not able to muster more than 17 percent of the votes, despite Soviet occupation and Communist terror.

However, unfortunately, the Hungarian people were not duly sustained by the Western Allies in their efforts of developing and preserving the democratic institutions of the Hungarian Republic. The sad fact that the Western Powers had tolerated that there be no rotation in the chairmanship of the Allied Control Commission in Hungary, had enabled the permanent Soviet chairman to intensify gradually the direct Soviet interference in all domestic matters of the country.

Despite this direct Soviet interference which was virtually sanctioned by the mere presence of the two Western members in this control commission and following the elimination of the leading democratic politicians in the Hungarian Republic, the Hungarian people made another desperate demonstration of their unshakable will to reestablish a democratic system of government. In the elections of August 31, 1947, ordered to be held by the Communist Party chief, Mátyás Rákosi, the Communist Party polled only 20 percent of the votes. It was Rákosi's aim to erase the non-Communist majority by fraud and terror, exploiting the psychological effect of the presence of Soviet troops.

Transformed in 1949 into a so-called People's Republic whose institutions were set up on the Soviet pattern, Hungary's entire public life, economy and territory was placed under the Kremlin's control in striking defiance of the agreement on liberated Europe and the Hungarian Peace Treaty, both signed by the Allied Powers and the Soviet Union.

The nationwide Hungarian revolution of October 23, 1956, left no doubt that the Hungarian people, even the youth and the working class, in spite of ten years of indoctrination, rejected the Communist system and foreign domination. However, while they were ready to sacrifice their lives for freedom and democracy, they very realistically stressed in their political manifestations the necessity of good-neighborly relations with the powerful Soviet Union. The authentic spokesmen of the revolution had many times declared that they were not intent on converting Hungary into an anti-Soviet state. On the contrary, they emphatically advocated the idea of an internationally recognized neutrality as this was officially proclaimed by Premier Imre Nagy's government.

All these facts have been established by the U.N. Special Committee on the Problem of Hungary, and accepted by the U.N. General Assembly as trustworthy evidence of the bad faith of the Soviet Union which did not shrink from the assertion that the spontaneous Hungarian revolution was the result of a plot of Hungarian Fascists and foreign secret services.

This Soviet version was completely reversed by Khrushchev himself when he bluntly declared in an off-the-cuff speech delivered in the Ganz factory in Budapest on December 2, 1959, that the revolution was crushed because the Soviets wanted to preserve by force the Communist regime in Hungary. He also openly admitted that the revolution was due to the extreme despair of the Hungarian people as a reaction to Rákosi's terror regime. His third sensational revelation was that even his colleagues in the party presidium had misgivings that the Soviet military intervention in Hungary might be misconstrued abroad.

Thus, these revelations have strikingly confirmed, even on the part of the Soviet Union, the facts established by the U.N. fact-finding organ on the real causes of the revolution and the brutal crushing of the uprising by the Soviet tank divisions.

The U.N. General Assembly has, since 1956, successively adopted 12 political resolutions on Hungary, demanding the withdrawal of Soviet troops and free elections under international control, while condemning the Soviet Union for the brutal crushing of the victorious Hungarian revolution. The Soviet defiance of these resolutions has gravely affected the prestige of the world organization by creating a dangerous precedent for the impunity of members who do not comply with the General Assembly resolutions.

Although the political actions of the United Nations could not be enforced, the mere discussion of the Hungarian situation during the periodical debates of the General Assembly on Hungary kept alive the Hungarian people's spirit of resistance under a seemingly quiet surface. However, it was shocking for Hungarians at home and abroad that 3 days after the adoption of the latest U.N. General Assembly resolution on Hungary (December 9, 1959), the very same high U.N. body accepted Hungary as a member of the Committee for the Peaceful Exploration of Outer Space (December 12, 1959).

By this totally unexpected and inconsistent move the General Assembly accepted the Kádár regime as an equal international partner, although the Hungarian delegation's credentials were not approved, with the motivation that it was issued by a regime which was placed in power by the Soviet armed forces in 1956. This move, which was supported by the Western Powers, virtually amounts to the rehabilitation of the Kádár regime and thus means a complete Western capitulation in the Hungarian case, which is now noisily exploited by the Communist propaganda in Hungary and abroad.

It is the most revolting injustice in the 20th century that the Hungarian people with a record of a thousand years of independence is languishing in the most ruthless colonial bondage of the Soviet Union, while even backward peoples are attaining nationhood and independence, one after another, thanks to the help of the Western Powers.

The present situation in Hungary may be briefly illustrated as follows: increasing persecution of the patriots, secret trials and executions, a ruthless drive for the collectivization of agriculture, institutional violation of the basic human rights, psychological exploitation of the presence of Soviet troops, overcrowding of the forced labor camps, control and persecution of the clergy.

Speeches of Communist Party leaders delivered at the Party Congress in December 1959 clearly indicate that Moscow wants to tighten the regime of Hungary despite the period of "thaw" in East-West relations. This mirrors the Soviet determination to present Hungary as a completely socialized state as soon as possible in order to eliminate one of the most outstanding problems in Eastern Europe, and to make it, thus, disappear from the United Nations General Assembly agenda, also.

For all these reasons the Hungarian people who had not received any Western diplomatic or political assistance in the victorious days of their life-and-death struggle for freedom, now rightly expect that the Western Powers seize the very first East-West summit meeting to be held after the adoption of 12 United Nations resolutions on Hungary, to pose the grave problem of noncompliance with the United Nations resolutions to the Soviet Union.

Both the juridical and moral obligations of the Western Powers and the preservation of the prestige of the United Nations equally demand that the Western Powers bring up forcefully the Hungarian question at the forthcoming summit meeting.

NEW YORK, N.Y., *March 1, 1960.*

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. MORSE. Mr. President, since the close of the debate on Friday, and following the Senate's action in removing section 1 from the administration's civil rights bill, there has been some comment in the press, and elsewhere, that liberals who back strong civil rights legislation have weakened an already weak bill. I say most respectfully that, in my opinion, the newspaper editors who have written editorials to that effect, and the reporters who have submitted articles to that effect, have not displayed much comprehension of the very technical points of legal procedure which are involved in this particular subject matter. At least, they have not reported them.

Mr. President, one editorial writer has recognized the import of the argument we made last Friday when we urged the dropping of section 1 from the administration bill. I refer to the writer of the editorial which appears in tonight's issue of the Washington Star. This editorial gives an excellent analysis of the situation; and I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ATTORNEY GENERAL'S PLEA

Attorney General Rogers has appealed indirectly to the House to retain in its version of a civil rights bill the provision making it a Federal crime willfully to use force or threats of force to obstruct Federal court orders in school desegregation cases. The language used by the Attorney General is somewhat surprising, especially in the light of the debate in the Senate last Friday.

Essentially this same provision was contained in section 1 of the administration bill submitted to the Senate. This section was killed, however, after the Senate, by vote of 65 to 19, had accepted the Lausche amendment which made it a crime to obstruct any Federal court order, not merely orders issued in school desegregation cases.

Why did the Senate adopt the Lausche amendment by an overwhelming vote, and then move on to kill all of section 1 after the Lausche amendment had been added to it? In many respects, we think, this was purely a political performance. But some very persuasive arguments were advanced against section 1 as originally proposed by the administration.

Chief among these was the contention that it would be unjust, as a matter of principle, to legislate with respect to one—and only one—class of cases. In this view, if it is wrong to obstruct court orders in school desegregation cases, it is equally wrong to obstruct court orders in other types of cases. And if such obstruction is to be made a crime, the law should apply evenly to all obstructions, not to just one kind of obstruction. The political hitch is that organized labor would bitterly oppose the application of the Lausche doctrine to court orders in labor disputes. As a matter of principle, however, it seems to us that the argument in support of the Lausche proposal cannot be successfully answered.

The Senate vote (49 to 35) to strike all of section 1 came after the labor lobbyist had been heard from. But this action was not entirely a result of labor pressure. Senator Morse, for example, argued strongly and we thought persuasively to the effect that the new criminal provision in section 1 is not needed. He thought that existing law plus the power of a Federal judge to punish for contempt is sufficient.

The Attorney General does not think that these remedies are adequate. He believes that the criminal provision is needed. If he is right in this, however, it is surprising to us that, in effect, he would be urging the the House to ignore the sentiment of the Senate as expressed in the 65-to-19 vote on the Lausche amendment. The Attorney General, of course, did not say this in so many words. But his appeal was strictly and repeatedly limited to school desegregation cases, and he even tried, not very successfully, to draw a distinction between court orders in school cases and court orders in other cases. Yet, according to Senator MORSE, the Attorney General testified earlier before a Senate committee that "if Congress feels there are other situations where there is a similar need for this [section 1] statute, we obviously would have no objection."

As of this date, however, Mr. Rogers apparently wants a criminal sanction applicable only to school desegregation cases. We think that this, as a matter of principle, is wrong, and we do not see how the 65 Senators who voted for the Lausche amendment can be expected to accept, in the House bill, the very same discriminatory provision which the Lausche proposal was designed to remedy.

Mr. MORSE. Mr. President, instead of weakening the bill when we laid section 1 on the table, we strengthened the bill, as I hope to show once again before I finish, although I am proud to stand on the argument made last Friday in opposition to the recommendation of the Attorney General in respect to his proposal contained in section 1. But the more I study the section, the more I am impressed with its unsoundness.

It was the burden of our contention in the debate that the need for section 1 had not been demonstrated by the Attorney General. All we had from him in the hearing record of the Senate Judiciary Committee was an expression of his opinion. He asked that the obstruction of court orders in school desegregation cases be made a Federal crime. He justified his request with the opinion that existing statutes did not enable the executive branch to protect sufficiently the enforcement of court orders, short of use of troops.

As was pointed out on Friday, the Attorney General did not substantiate his case with any instance of where the present statute had been tested, and found wanting.

Nor did he submit instances where the contempt powers which reside in the Federal courts had been found wanting.

I find in the report of the House Judiciary Committee on H.R. 8601, which unfortunately is the only committee report we have to guide us on the purpose and meaning of our own bill, this explanation of the need for section 1:

> It is the opinion of the Department of Justice that there is doubt as to whether the existing authority of Federal courts is sufficient to impose effective sanctions against the members of a mob who, by threats or force, willfully prevent, obstruct, impede, or interfere with the exercise of rights or the performance of duties under a school desegregation order of a Federal court. The objective of this proposal is to remove that doubt. Under Federal procedure, an individual cannot ordinarily be held in contempt of court unless he was either a party against whom the decree was issued or was acting in concert with such a party. Thus it is clear that in an ordinary situation a mob is not in concert with those named in a school desegregation order. The only alternative the Government would have in such a case of mob action would be to return to the courts for a new injunction against its leaders and then prove subsequent acts on their part violating the order so as to establish a contempt.
>
> The present obstruction of justice statute (18 U.S.C. 1503) also appears to be inadequate for such a situation. The particular provision of that section, namely 4, dealing with one who corrupts or by threats of force endeavors to impede due administration of justice would be applicable only if it could be considered that the action involved obstructed or impeded the due administration of justice. That particular phrase has been a subject of narrow interpretation by the courts and while it is not possible to state categorically that a desegregation decree is beyond the reach of the existing statute, there is much doubt as to whether or not a prosecution of mob leaders could be sustained.

ENACTMENT OF SECTION 1 WOULD CREATE JURY TRIAL IN CONTEMPT CASES

Mr. President, I call attention to this language in the committee report because it states so clearly that no one is certain whether section 1 of the pending bill creates a new Federal crime, or not.

This is to me the key point in the whole discussion.

Another part of the criminal code of the United States is very deeply involved, if obstruction of court orders is really being newly established as a Federal crime.

I call attention to title 18, United States Code, section 401, which reads as follows:

> A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as—
>
> (1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;
>
> (2) Misbehavior of any of its officers in their official transactions;
>
> (3) Disobedience or resistance to its lawful writ, process, order, rule, decrease, or command.

Let me emphasize again that the contempt power of the U.S. courts extends to such contempt of its authority as "disobedience or resistance to its lawful writ, process, order, rule, decree, or command."

I next direct the attention of the Senate to title 18, United States Code, section 3691, which provides:

> SEC. 3691. Jury trial of criminal contempts. Whenever a contempt charge shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.
>
> This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

What section 1 of the administration bill proposes is to make at least some of the disobedience described in section 3691 of the Criminal Code an offense under the laws of the United States, thereby entitling the individual to a jury trial, not only in the resulting prosecution for his crime, but in the contempt proceeding, as well.

Mr. President, that was the burden of my argument last Friday afternoon, here in the Senate Chamber. I am very sorry that, apparently, we set forth that argument in such unclear fashion that no newspaper editor or reporter whose writings on this subject I have seen, caught this controlling point.

But it is the controlling point, let me say to the editors of the Washington Post, for example. The other morning, the editors of the Washington Post published an editorial in which they completely ignored the argument made against the adoption of section 1 by the Senate.

Let me repeat that argument, and expound it in further detail, for the benefit of the editors who made so cursory a study of the debate that they wrote editorials in which they did not set forth the true position of those of us who oppose section 1 of the administration bill, known as the Dirksen section 1.

COUNTRY MUST LOOK BEHIND LABELS IN CIVIL RIGHTS DEBATE

We opposed it because in our judgment, as a matter of legal effect, it weakened the civil rights bill rather than strengthened it. Our charge then, and it is also my charge tonight, was that the Eisenhower administration—and let me say this to the Negroes of America—came to the floor of the Senate with a section 1, as a part of the Eisenhower bill, what would have had the effect of denying to the Negroes of America the protection that is needed in desegregation cases.

It makes no difference how much the Attorney General, speaking for the President of the United States, seeks now to persuade the colored people of America that he was standing for a procedure that would strengthen their position in civil rights. The fact is that in section 1 the Attorney General sought to provide a procedure which would require a jury trial in contempt cases involving the desegregation issue; and I now repeat what I said the other afternoon, here on the floor of the Senate:

If U.S. Senators from the South, far removed from the emotion and the hysteria which prevail when a whole community is aroused over a desegregation case, can say some of the things that have been said in this debate against the U.S. Supreme Court, does anyone really think that when there is before a jury in the South a highly emotionalized case involving the question of whether the person before the bar of justice is guilty of obstructing a court order, there will be a unanimous decision from local juries when only one member of it could hang the jury?

Mr. President, I do not intend to vote to weaken what I consider to be the existing contempt powers of Federal courts by voting for the adoption of a section 1 which would put the Federal courts in a position in which they would have to take the issue of contempt to the jury for determination. That, in my opinion, takes away from the courts the inherent power which should be preserved to them in order to protect the integrity of the judicial process in connection with a desegregation case or, for that matter, in connection with any other case, when a Federal crime is, in fact, not involved.

Let me say, for the benefit of the editors who have not made the legal analysis which must be made in order to understand the position of those of us who made the fight we made last Friday afternoon, that we were seeking to maintain the strength of the Federal courts, in the exercise of the inherent contempt power which they possess, to determine,

without a jury, whether there had been an obstruction of their court order. That is the issue. I think upon rereading the debate of last Friday it will have to be admitted that we made that clear then.

But, because of the political overtones and undertones involved in the whole civil rights issue, it is so easy to give the impression that the group of us who are fighting to protect the contempt powers of Federal courts were really moving to water down the civil rights bill. I wish to say that the watering down was done when the administration proposed section 1, and that what we sought to do was to squeeze that water out of it. We did that by the course of action we took in voting to lay on the table section 1, as amended by the Lausche amendment. I voted to do that because I want the Federal judiciary to remain in the position where it can protect its own judicial integrity without being required to take the issue to a jury.

Thus, it is very important that the Congress have a much better idea than it now has as to whether enactment of section 1 would create a new Federal crime. The Attorney General recommended section 1 on that basis. If it would not create a new Federal crime, then the Attorney General now has authority to proceed against individuals who obstruct court orders in school desegregation cases. That is why I said on last Friday that the Attorney General had completely failed to prove his case; in his testimony before the committee he had failed to come forward with any evidence to substantiate his claim that he was without such power.

Mr. President, it is a sad thing to say, and I say it respectfully; but, in my judgment, the Department of Justice has not done its job in respect to the desegregation issue.

SECTION 1 PROBABLY WEAKENS PRESENT ENFORCEMENT POWER

So I say it is very important that the Congress have a much better idea than it now has as to whether enactment of section 1 would create a new Federal crime. If it would, then we should be deciding whether or not we want to severely weaken the existing power of the Federal courts to deal themselves with contempts of their desegregation orders.

That is why I said if we are proceeding on an assumption that it creates a new Federal crime, then I am against leaving section 1 in the bill, because if it creates a new Federal crime, then the issue of contempt has to go to a jury, and if such cases go to a jury in this type of case, in my judgment, we welcome hung juries.

I do not think we should so weaken what, in the absence of the creation of a Federal crime, involves the power of a Federal district court to protect itself by its own contempt actions.

My views are well known on this subject. I believe the powers of the Federal courts should not be weakened or curtailed in the area of protecting the constitutional rights of Americans. I am no more in favor of a jury trial where contempt of court occurs in a desegregation case than I was in a voting violation case.

In fact, I do not propose—and remember, in 1957, I opposed it, too—to take away from a court, and transfer to the jury box, the common law power of the court to protect its own integrity by way of contempt proceedings.

Because the Attorney General failed to spell out in specific terms and cases whether and where the contempt power was insufficient to deal with desegregation orders, I believe very strongly that Congress should not weaken what appears to be adequate authority in this area.

It can be said that section 1 may not entitle to a jury trial anyone not already entitled to it, because an obstruction of a Federal court order may already be covered by State statutes, and thus under section 3691 the individual would already be guaranteed his jury trial in the contempt proceeding. That is quite possible. But it would put the burden upon the individual to show that he has violated a State law in order to gain his jury trial in the contempt proceeding.

Why remove that obligation from him, and why remove all doubt as to the existing Federal statute by making certain that his action will be a Federal crime?

UNITED STATES SHOULD HAVE POWER TO INITIATE SUITS

Of course, the second paragraph of section 3691 is equally important. It provides that the jury trial shall not apply in cases of contempts where the ruling of the court resulted from "any suit or action brought or prosecuted in the name of, or on behalf of, the United States."

Now, if the Attorney General of the United States were before the congressional committees asking for the authority to initiate suits on behalf of the United States under the 14th amendment, if he were asking Congress for enactment of part III of the 1957 bill, or the Case amendment which a majority of the Senate defeated, then section 1 of the Dirksen bill would have meaning. But he does not want that power; he is not asking for it.

In fact, let the RECORD show once again that the Eisenhower administration was against part III. The Eisenhower administration was against the one part we have been proposing in this debate again this year, as we did in 1957, which would put some teeth in a civil rights bill, which would give some power of enforcement, which would give some meaning to a civil rights bill, rather than the kind of watered down, meaningless bill we are grinding out here in the legislative process, which process in my judgment, started when part III was defeated for the second time here on the floor of the Senate the other day.

In 1957 I was the only northern Democrat who voted against the so-called civil rights bill. Why did I so vote? Because when the Senate was willing to strike part III from the bill, no effective enforcement procedure was left in the bill. I had no intention of voting for a bill which, in my judgment, was bound to lead many people of this country into believing that they were getting an effective civil rights bill in 1957.

I took a great deal of criticism for refusing to go along then with a bill which had been stripped of its main effective enforcement procedure.

It is interesting, is it not, that in 1960 we had brought before us again the same enforcement procedures that were stricken in 1957?

It was a sad day the other afternoon when once again a majority of the Senate was not willing to write part III into the civil rights bill. Let me say to the President of the United States, and let me say to the Attorney General of the United States, this record is clear, that these two gentlemen were the ones in this Government who refused to support a strong section in the civil rights bill.

Mr. President, and Mr. Attorney General, I believe that you owed it to the cause of civil rights to support part III, rather than omit it from this bill, and then have the Attorney General seek to give the false impression to the American people that we who refused to go along with his proposal—if it was his proposal, and he was so confused in his statement, we cannot be sure—were defeating a real civil rights proposal.

By requesting a new Federal crime and thereby assuring individuals in contempt of court of a jury trial, the Attorney General was guaranteeing, in my judgment, that in most of the cases in the Southern States involving a desegregation issue, where a contempt violation was raised, the result would be hung juries. We would get a weakened bill, and not a strengthened one. Because of that fact, I took the position last Friday against weakening the inherent powers of a court in contempt cases. I do not propose to put the Negroes in the South at the mercy of southern juries in contempt cases. I was well satisfied that the probabilities were, in case after case, there would either be a verdict of not guilty or there would be a "hung jury."

Mr. President, are we not perfectly willing to trust the Federal judges? If the Federal judges, upon a review of the evidence in the case, find that the defendant is not guilty of obstructing the court's order, I am perfectly satisfied the Federal judges will not hold a man in contempt when in fact he is not in contempt.

Mr. President, I do not propose to go along with the proposal of the U.S. Attorney General to create this limited area of a crime in desegregation cases. The present Presiding Officer of the Senate, the Senator from Ohio [Mr. LAUSCHE] will recall I took that position last Friday. He unanswerably pointed out that, of course, if we are going to make this action a crime with regard to one limited field of the obstruction of justice, in keeping with the principle of equal administration of the law under our Constitution, it ought to apply to all other cases involving obstruction of justice. So I supported the Lausche amendment because it was in keeping with a principle which I taught for too many years in

the classroom, to walk out on simply because I walked in the Chamber of the U.S. Senate.

After that amendment was adopted, so that the law would be uniform in application, then I took the position that we should not weaken the contempt power of the Federal courts. We should leave it up to the Federal judge to exercise what throughout the whole history of Anglo-Saxon justice has been the reserved power of the judiciary to protect its own integrity and the sanctity of its own judicial processes.

So I said in the argument Friday, as I say again tonight, the Attorney General failed to prove the need for the kind of a new crime he allegedly claimed he wanted stated.

That is the issue. I will say for the benefit of the newspaper editors. Of course, it involves a technical discussion of abstract principles of justice and perhaps we ask too much when we expect busy editors, who have to meet deadlines, to write accurate editorials on complicated legal questions. This statement is good for newspaper reporters, too, I say most respectfully. When they are involved in these problems which are complex legal abstractions, too frequently they miss the point, as they missed the position of those of us who urged the striking of section 1.

I repeat: We urged the striking of section 1 not to weaken the civil rights bill before the Senate, but to strengthen the bill. By striking the section we maintain the power of the Federal judges of America to protect the integrity of their own courts in desegregation cases and other cases as well. Once we adopted the Lausche amendment we had the uniform principle which was going to apply to all cases of obstructing justice.

NAACP CARRYING BURDEN OF DESEGREGATION

Mr. President, I say that the Attorney General is leaving the initiative of school desegregation suits to the National Association for the Advancement of Colored People.

The PRESIDING OFFICER. (Mr. LAUSCHE in the chair). Will the Senator yield?

Mr. MORSE. I yield.

The PRESIDING OFFICER. The Chair will say at this point that generally there has been a failure to recognize the historic and judicial significance of the proposal to make the law equal in its operation upon all citizens.

Mr. MORSE. The Senator from Ohio is absolutely correct about that matter. I did not read that in a single newspaper story. What did we read in newspaper story after newspaper story? We read a charge against the liberals of the Senate of the United States. We read the charge that civil rights advocates in the Senate were doing labor's bidding in connection with this issue, when the fact is we made it very clear to labor last Friday that if we were going to have a new crime involving the obstruction of justice, then labor, as well as every other group, was going to be brought under the law. That was the position the liberals took.

I am quite accustomed to this procedure, Mr. President. Every time anyone makes a fight in the Senate for a principle which involves the uniform application of a rule of law to all concerned, the newspapermen and editorialists smear him by the kind of shallow reporting job that appeared over the last weekend with respect to the motivations of those of us who moved to strike section 1 from the bill.

As is usually the case, Mr. President, eventually this boomerangs against those who make such false charges. At first I received calls from a good many Negro leaders asking, "Is what the Washington Post says true?"

I said to them, goodnaturedly, "If you are going to victimize yourselves by reading hastily written editorials in the Washington Post, you are going to be wrong more than right."

I explained to them what the real objection to section 1 was. This is already beginning to boomerang against these newspaper editors and newspaper reporters who wrote these editorials and stories which misrepresented both the motivation of and the argument made last Friday by those of us who supported my motion to lay on the table section 1.

Mr. President, I was saying that the Attorney General is leaving initiation of school desegregation suits to the National Association for the Advancement of Colored People. By asking that obstruction of an order resulting from an NAACP suit be made a Federal crime, I believe the Attorney General is—inadvertently, I am sure—weakening the enforcement of any court order so obtained.

I think it is a sad thing that only private parties are able to initiate school desegregation suits, in order to obtain their constitutional rights under the 14th amendment. It is unconscionable to me that the U.S. executive does not act to secure the constitutional rights of citizens, and does not even ask Congress for statutory authority to act.

What the Attorney General should be doing is seeking authority to bring these suits on behalf of the United States. Then the existing section 3691 of the Criminal Code would not apply to anyone in violation or obstruction of the resulting order, and section 1 of the Dirksen amendment would strengthen his hand.

But until he does have that power, I shall not vote to weaken the enforcement procedures already available to the courts in NAACP cases. That is why I believe the Senate was very wise in eliminating section 1 of the pending amendment.

ATTORNEY GENERAL SHOULD BE ACTING UNDER PRESENT POWERS

In light of the language of the House committee report, I think it is even more evident that the present status of the courts powers is probably more effective than the change requested.

The committee says that the only alternative the Government would have in such a case of mob action would be to return to the court for a new injunction against its leaders and then prove subsequent acts on their part violating the order so as to establish a contempt.

In such a procedure, no jury trial is provided; but under the language we are being asked to approve, the jury trial would be available, and all the same steps of securing proof would have to be undertaken, too.

But the Attorney General did not tell us that. He has the same mob to consider. What does the creation of a new Federal crime do to change that operative fact situation? Nothing. Simply nothing, Mr. President. So I say the Attorney General simply did not make his case.

In short, I am encouraged by the refusal of the Senate last Friday to create a new jury trial in criminal contempt cases, where constitutional rights are involved. I welcome the overwhelming vote against section 1. I think the hand of the Federal courts would probably have been weakened had it been approved.

My judgment is, unfortunately, based only on a summary review, because we have no body of evidence from the Attorney General. Until evidence is submitted that my analysis of the situation is not borne out by the facts and by the experience of the courts, I hope that Congress will not enact section 1, even if it should happen to come over from the House in the House bill.

Of course, very strong representations are being made on the House side for the inclusion of section 1 in the House bill, on the basis of propaganda from the Department of Justice that we in the Senate weakened the bill.

To keep the record complete in this matter, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the letter from Attorney General Rogers to Hon. WILLIAM P. MCCULLOCH in defense of the section 1 proposal.

The PRESIDING OFFICER. Without objection, the letter may be printed, as requested.

(See exhibit 1.)

SECTION UNCLEAR IN ITS APPLICATION AS WELL

Mr. MORSE. There is another phase which should be mentioned. I say that it would be foolish to let the Attorney General's letter go unanswered in all its misstatements and omissions.

The Senate killed section 1, not because section 1 endorsed by implication the desegregation cases, as the Attorney General contends, but because the administration had submitted the proposal to the Congress under false colors. The administration offered the provision as one dealing with mob violence, but when the Senator from Ohio [Mr. LAUSCHE] offered the amendment to make it applicable to all court orders, the Senate saw, for the first time, that it went far beyond force and threats of force, and was unfair.

In his letter to Representative MCCULLOCH, Attorney General Rogers again claims that the obstruction of court orders provisions is directed against violent interference with desegregation orders. His letter characterizes the provision as

one which would make it a Federal offense willfully to use force or threats of force to obstruct the orders of Federal courts in school desegregation cases. This statement is simply not true. The provision goes far beyond the use of force or threats of force. It reads:

Whoever, corruptly, or by threats or force, or by any threatening letter or communication—

It does not read—

Whoever, by force or threats of force—

The bill as submitted by the Attorney General reads "threats or force," not "threats of force." A little word like that makes a great deal of difference in all the legal implications and effects.

Although the provision clearly includes conduct other than force or threats of force, the administration has tried to sell it as a bill dealing with force from the beginning. The President in his civil rights message of last year, and the Attorney General in his testimony before the House and Senate committees, talked only of violent conduct. I ask unanimous consent that the references to this matter by the President of the United States and by the Attorney General be incorporated at this point in my remarks.

There being no objection, the references were ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE PRESIDENT'S MESSAGE TO CONGRESS ON FEBRUARY 5, 1959

First, I recommend legislation to strengthen the law dealing with obstructions of justice so as to provide expressly that the use of force or threats of force to obstruct court orders in school desegregation cases shall be a Federal offense.

There have been instances where extremists have attempted by mob violence and other concerted threats of violence to obstruct the accomplishment of the objectives in school decrees. There is a serious question whether the present obstruction of justice statute reaches such acts of obstruction which occur after the completion of the court proceedings. Nor is the contempt power a satisfactory enforcement weapon to deal with persons who seek to obstruct court decrees by such means.

The legislation that I am recommending would correct a deficiency in the present law and would be a valuable enforcement power on which the Government could rely to deter mob violence and such other acts of violence or threats which seek to obstruct court decrees in desegregation cases.

EXCERPT FROM STATEMENT BY ATTORNEY GENERAL WILLIAM P. ROGERS BEFORE HOUSE COMMITTEE ON THE JUDICIARY, MARCH 11, 1959

1. Obstruction of court orders in school desegregation cases.

Title I of H.R. 4457 proposes to amend the Criminal Code with respect to obstructions of court orders in school desegregation cases. The measure would make it a Federal offense willfully to use force or threats of force to obstruct court orders in school desegregation cases. Upon conviction the offender could be punished by fine of not more than $10,000 or imprisonment for not more than 2 years, or both.

It is not intended to apply to a person who is named in an outstanding court order for such an individual is answerable in contempt if he violates or resists the order directed to him. This proposal is designed to cover persons who are not in terms subject to the order, but who willfully intervene in the situation for the purpose of frustrating that order. Although the bill properly covers individual action it is contemplated that it would be used principally in coping with concerted action.

A striking demonstration of the need for a bill of this nature is the occurrence at Little Rock in 1957 when, notwithstanding the presence of the local police force, assembly of a large mob made it necessary, for reasons of safety, to remove nine Negro children who had been enrolled in the Central High School pursuant to the decree of the Federal district court. If the execution of the decrees of the courts are obstructed by force or threats of force, the Federal Government should have authority to act effectively. In a democracy, disagreement with court decrees can find free expression in the available judicial or political processes. It cannot be permitted to find expression in force and thus frustrate the lawfully determined rights of individual citizens.

The Department's study shows that there is doubt as to whether the existing authority of the Federal courts is sufficient to impose effective sanctions against members of mobs—or against others who, by threats or force, willfully prevent, obstruct, impede or interfere with the exercise of rights or the performance of duties under a school desegregation order of a Federal court. The purpose of this proposal is to remove that doubt.

The reason for the doubt in the present law is that the contempt power comes into play only when it has been found by the court that the persons charged with contempt disobeyed or resisted the decree of the court. Under Federal procedure, a person cannot ordinarily be held in contempt unless he was either a party against whom the decree was issued or was acting in active concert with a party.

In the example I have given, obviously a desegregation order cannot name the members of a mob not yet formed. Moreover, in the ordinary situation a mob is not in concert with the school board or other defendants who, whatever their personal sentiments, invariably recognize the authority of law.

Let me illustrate the inadequacy of the contempt power by referring again to the resistance to an order of desegregation in the Little Rock case. A mob was incited to resist the orders of the court concerning the operation of the school. This conduct did not involve contempt of the decree which ordered the school desegregated since the persons responsible were not parties to that decree, and there was no proof that they acted in concert with those named in the decree. Of course it would be possible to return to court to obtain a new injunction against mob leaders. Then it would be necessary to prove subsequent acts by those named in the new injunction in order to establish a contempt. Obviously, this is a time-consuming procedure and is of no practical use in producing the prompt action needed to break up a mob which may be threatening the safety of children. It is for these reasons that we believe that additional legislation is needed to deal with individual or concerted action seeking to obstruct orders of the court.

The relevant obstruction of justice statute also appears to be inadequate. It (18 U.S.C., sec. 1503) punishes whoever (1) "corruptly, or by threats or force, or by any threatening letter or communication," intimidates or endeavors to intimidate a witness in a U.S. court or before a U.S. commissioner or any grand or petit jury, or any official in the discharge of judicially connected duties; or (2) injures a party or witness on account of his testimony in a Federal judicial proceeding or a grand or petit juror on account of a verdict or indictment; or (3) injures an officer on account of the performance of judicially connected duties; or (4) corruptly or by threats or force obstructs or impedes the "due administration of justice."

The use of force to obstruct an existing desegregation decree would be covered by this statute, if at all, only if it could be considered to obstruct or impede the "due administration of justice." That phrase has been narrowly interpreted to be qualified and limited by the acts specifically enumerated in the preceding portions of the statute (*United States* v. *Scoratow*, 137 F. Supp. 620 (W.D. Pa., 1956)), and to embrace only conduct similar in nature to the specifically enumerated acts (*Haili* v. *United States*, 260 F. 2d 744 (C.A. 9, 1958)).

Thus, we find that the statute does not cover an assault upon a U.S. commissioner who had required a defendant to execute a bail bond (*United States*. v. *McLeod*, 119 Fed. 416 (C.C.N.D. Ala., 1902)). The court held that since the commissioner had already performed his duty, the assault could not have influenced or impeded the due administration of justice. And in the Scoratow case the statute was held inapplicable to threats made against witnesses in the course of an FBI investigation and prior to the filing of a complaint, the conduct not being related to a pending judicial proceeding.

It is not possible to state categorically that a desegregation decree is necessarily beyond the reach of the existing obstruction of justice statute. It could be argued that interference with an existing order relates to a case that is still pending and thus disturbs the ordinary and proper functions of the court within the meaning of the statute.

However, there is so much doubt as to the scope of the present law that arrests of mob leaders by Federal authorities would be precarious and their prosecution probably unsuccessful. What is involved are deliberate attempts by force or threats of force to frustrate Federal court orders dealing with a settled constitutional right. Such a challenge to the rule of law must be met clearly and unequivocally.

The language describing the actions covered is substantially similar to that employed by the existing obstruction of justice statute,[1] except for the addition of the word willfully. Willfulness, however, would seem to be an implicit element under the present obstruction of justice statute (*Pettibone* v. *United States*, 148 U.S. 197, 206 (1893)). Its insertion here would make it clear that no one could be convicted without evidence of an intention to obstruct the exercise of rights or the performance of duties under a Federal desegregation decree. The defendant would have to know of the existence of the decree. We want to reach only those people who have decided to take the law out of the hands of the court and place it into their own.

The bill would grant Federal officers authority to make arrests on the spot. The offenders would be afforded every procedural protection, including indictment by a local grand jury and a trial by a local petit jury. We anticipate that making this conduct a specific Federal offense, together with the complementary power to make on-the-spot arrests, will undoubtedly deter the formation of mobs and will help in the suppression of such mob action as may nevertheless occur.

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[1] That statute now applies to "Whoever * * * corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice."

The bill should thus contribute substantially to the safety of the schoolchildren involved.

You will note that the bill would not apply to "an act of a student, officer or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

The reason for this exception is that students, or others who are part of a school system, can be dealt with as a matter of school discipline.

To sum up, this is clearly a Federal problem and it calls for effective Federal action. This proposal is a specific and firm response to that proven need.

EXCERPT FROM TESTIMONY OF ATTORNEY GENERAL BEFORE SENATE CONSTITUTIONAL RIGHTS SUBCOMMITTEE, MARCH 20, 1959

Mr. Chairman, I would like first to talk about the obstruction of court orders in school desegregation cases.

A striking demonstration of the need for a bill of this nature is the occurrence at Little Rock in 1957. Notwithstanding the presence of the local police force, the assembly of a large mob made it necessary, for reasons of safety, to remove the nine Negro children who had been enrolled in the Central High School pursuant to the decree of the Federal district court. When the execution of the decrees of the courts are obstructed by force or threats of force, there must be authority to act effectively. If the State is unable or unwilling to act effectively, it is to the Federal Government that the country looks for prompt and decisive action in the face of such a challenge. I believe this proposal would provide authority for the Federal Government to act effectively under such circumstances. In a democracy, disagreement with court decrees can find free expression in the available judicial or political processes. It cannot be permitted to find expression in force and thus frustrate the lawfully determined rights of individual citizens. And if forcible resistance occurs, it must be met.

Our proposal is a specific and firm response to a proven need. It would amend the Criminal Code with respect to court orders in school desegregation cases. The measure would make it a Federal offense willfully to use force or threats of force to obstruct court orders in school desegregation cases. Upon conviction the offender could be punished by fine of not more than $10,000, or imprisonment for not more than 2 years, or both.

The bill is not intended to apply to a person who is named in an outstanding court order. Under existing law such an individual is answerable in contempt if he violates or resists the order directed to him. This proposal is designed to cover persons who are not in terms subject to the order, but who willfully intervene in the situation for the purpose of frustrating that order. Although the bill properly covers individual action it is contemplated that it would be used principally in coping with concerted action.

There is a substantial doubt whether the existing authority of the Federal courts is sufficient to impose effective sanctions against members of mobs—or against others who, by threats or force, willfully prevent, obstruct, impede, or interfere with the exercise of rights or the performance of duties under a school desegregation order of a Federal court. The purpose of the bill is to remove that doubt.

The doubt concerning the present law arises from the fact that the contempt power comes into play only when it has been found by the court that the persons charged with contempt disobeyed or resisted the decree of the court. Under Federal procedure, a person cannot ordinarily be held in contempt unless he was either a party against whom the decree was issued or was acting in active concert with a party. These limitations are provided by rule 65(d) of the Federal Rules of Civil Procedure.

In the example I have given, obviously a desegregation order cannot name the members of a mob not yet formed. Moreover, in the ordinary situation a mob is not in concert with the school board defendants.

The inadequacy of the contempt power is well illustrated in the Little Rock case. A mob was incited to resist the orders of the court concerning the desegregation of the school. The persons responsible were not parties in the litigation, there was no proof that they acted in concert with those parties, hence a contempt case was impossible. Of course it would be possible to return to court to obtain a new injunction against mob leaders. Then it would be necessary, of course, to prove subsequent acts in violation of the new injunction. Obviously, this time-consuming procedure is of no practical use in that situation. It will not produce the prompt action needed to break up a mob which may be threatening the safety of children. For these reasons we believe that the contempt power must be supplemented if we are to deal promptly and effectively with individual or concerted action seeking to obstruct orders of the court.

The present obstruction of justice statute also appears to be inadequate. It is 18 U.S.C. 1503, which punishes whoever (1) "corruptly, or by threats or force, or by any threatening letter or communication," intimidates or endeavors to intimidate a witness in a U.S. court or before a U.S. Commissioner or any grand or petit jury, or any official in the discharge of judicially connected duties; or (2) injures a party or witness on account of his testimony in a Federal judicial proceeding or a grand or petit juror on account of a verdict or indictment; or (3) injures an officer on account of the performance of judicially connected duties; or (4) corruptly or by threats or force obstructs or impedes the "due administration of justice."

Senator JOHNSTON of South Carolina. Does the Attorney General want to be interrupted in giving his paper or does he want to wait until after he finishes before we ask questions?

Mr. ROGERS. Senator, naturally I will bow to the wishes of the committee, but I think it might be a little better first to finish my statement and then have the questions. But I will do as the committee desires. I think it is a little easier sometimes to complete the statement because occasionally I would cover in some subsequent part of my testimony the question you might ask, so I would prefer to finish my statement. But I will be bound by the wishes of the committee.

Senator JOHNSTON of South Carolina. You may proceed then.

Mr. ROGERS. Thank you very much.

The important phrase for our purposes is "due administration of justice." The use of force to obstruct an existing desegregation decree would be covered, if at all, only if it could be considered to obstruct or impede the "due administration of justice." But the phrase has been narrowly interpreted to be qualified and limited by the acts specifically enumerated in the preceding portions of the statute (*United States* v. *Scoratow*, 137 F. Supp. 620 (W.D. Pa., 1956)), and to include only conduct of that nature (*Haili* v. *United States*, 260 F. 2d 744 (C.A. 9, 1958)).

Thus, the statute has been held as not covering an assault upon a U.S. Commissioner who had required a defendant to execute a bail bond (*United States* v. *McLeod*, 119 Fed. 416 (C.C.N.D. Ala., 1902)). The court was of the view that since the Commissioner had already performed his duty, the assault could not have influenced or impeded the due administration of justice. And in the Scoratow case the statute was held inapplicable to threats made against witnesses in the course of an FBI investigation and prior to the filing of a complaint, the conduct not being related to a pending judicial proceeding.

I do not want to be understood as suggesting categorically that a desegregation decree is beyond the reach of the existing obstruction-of-justice statute. It is possible to argue that interference with an existing order relates to a case that is still pending and thus disturbs the ordinary and proper functions of the court within the meaning of the statute.

However, in view of the previous decisions of the court there is so much doubt as to the scope of the present law that arrests of mob leaders by Federal authorities would be of questionable validity and their prosecution probably unsuccessful. What we are trying to reach here are deliberate attempts by force or threats of force to frustrate Federal court orders dealing with a settled constitutional right. Such a challenge to the rule of law must be met clearly and unequivocally.

The language describing the actions covered is substantially similar to that employed by the existing obstruction-of-justice statute, except for the addition of the word "willfully." Now we added this word "willfully" because although we think it is implicit in the present statute (*Pettibone* v. *United States*, 148 U.S. 197, 206 (1893)) we want to make it clear that a conviction could not be obtained without evidence of an intention to obstruct the exercise of rights or the performance of duties under a Federal desegregation decree. The defendant would have to know of existence of the decree. We want to reach only those people who have decided to take the law out of the hands of the court, and we all know the resulting difficulties and trouble that causes our Nation.

Under the measure Federal officers would have the necessary authority to make arrests on the spot. However, those charged would be given every procedural protection, including indictment by a local grand jury and a trial by local petit jury. We believe that making this conduct a specific Federal offense, together with the complementary power to make on-the-spot arrests, will undoubtedly deter the formation of mobs and will help in the suppression of such mob action as may nevertheless occur. The bill should thus contribute substantially to the safety of the schoolchildren involved.

You will note that the bill would not apply to "an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

The reason for this exception is that students, or others who are part of a school system, can be dealt with as a manner of school discipline. We want it to be clear that the statute can in no sense of the word, be thought of as interfering with the normal operation of the schools themselves.

The problems that arise when individuals act by force or threats of force to obstruct desegregation decrees issued by a Federal court are national in scope. They must be met promptly and vigorously, and this proposal has been drafted with this thought and objective in mind.

Now going to the second proposal which relates to flight to avoid prosecution for destruction of educational or religious structures. This important problem we believe requires additional legislation, particularly as it relates to bombing of schools and places of worship. All decent, self-respecting people are shocked by these incidents of lawlessness. They are manifestations of racial and religious intolerance that are of extreme concern on both the domestic and international

scene. While the perpetrators should be dealt with primarily under local law and by local law enforcement officers, supplemental aid from the Federal Government is needed.

We therefore propose to amend the Criminal Code so as to make it a felony punishable by fine of not more than $5,000 or imprisonment of not more than 5 years, or both, for an individual to travel in interstate or foreign commerce to avoid local prosecution, custody, or confinement for willfully damaging or destroying, or attempting to damage or destroy, by fire or explosive any building, structure, facility, or vehicle used primarily for the purpose of public or private education or for religious purposes. Flight to avoid testifying in any criminal proceeding relating to such conduct would likewise be punishable.

In my opinion this bill will serve as an effective deterrent to the bombing of educational and religious structures. It has the full support of the Director of the Federal Bureau of Investigation who recognizes that these incidents have confronted local law enforcement officials with difficult investigation and detection problems. A bombing is one of the most difficult types of crimes to solve. Evidence and clues which might otherwise be available are ordinarily destroyed by the blast. There are no tangible "fruits," the sale or disposal of which can be traced. The offense is most often committed at night and therefore there are usually no eyewitnesses. The collection, sifting, and analysis of whatever physical evidence remains requires not only a great amount of effort and patience, but also expert training, equipment, and experience. And while local officials have been diligent in their efforts to apprehend the offenders, there is no doubt that there are interstate aspects to the offenses and utilization of the resources and powers of the Federal Government is needed.

When it has been requested by local authorities, the FBI in these cases has given its complete cooperation. It has rendered effective assistance in a number of bombing incidents, including those at Clinton, Tenn., Atlanta, Ga., Peoria, Ill., and Osage, W. Va. The FBI has made available the full use of its laboratory facilities, and to coordinate efforts to cope with the problem, it has held 176 field conferences with top local law enforcement officials, attended by over 8,000 officers representing 3,687 local law enforcement agencies. FBI representatives have discussed appropriate techniques for solving these bombings and have outlined the services the Bureau may offer local officials in their investigations.

However, the FBI should be in a position to act independently. For that purpose it requires a clear and solid jurisdictional basis on which it can proceed promptly and with it all its resources to make the necessary investigations and to apprehend the persons involved. The present bill, which has as its model—when I say "the present bill," I mean this part of the administration proposal—has as its model the Fugitive Felon Act (18 U.S.C. 1073), reflects a basic principle that has been long maintained by the legislative and executive branches of the Federal Government. This principle is that the FBI is not a national police force, should not become such, and should not supersede local law enforcement agencies.

Since 1934 the Fugitive Felon Act has been the means for punishing persons who travel in interstate commerce with the intent to avoid prosecution under State law for certain listed felonies, or to avoid testifying in State felony proceedings. While the Fugitive Felon Act established such conduct as a Federal offense, its purpose was to supplement State law enforcement. Under the act the FBI can and does locate and apprehend fugitives from State justice. When fugitives are arrested by the FBI, they are turned over for State prosecution and as a rule are not prosecuted for unlawful flight, except where for some reason State prosecution is impracticable or inadequate. During fiscal 1957, 947 fugitives were located by the FBI proceeding under the Fugitive Felon Act. Of these only nine were prosecuted in the Federal courts under the act.

The proposal, in providing for Federal action as a supplement to, but not a substitute for, State and local action, proceeds on the same principle and policy reflected in the Fugitive Felon Act. It differs from that act in some particulars. While the Fugitive Felon Act applies to flight from prosecution for specified common law and statutory felonies, this bill would apply to flight from any prosecution for the willful destruction or damaging by fire or explosives of any educational or religious building, structure, facility, or vehicle, or for attempting to do so. It would be immaterial whether the State prosecution would be for a felony or a misdemeanor.

It is our belief that enactment of this statute will bring home to terrorists involved in these incidents that the matter is one of serious national concern and that whoever is foolish enough to indulge in such lawless action will have to face up to the formidable array of both State and Federal authority.

Our next proposal, S. 957, is designed to implement the authority vested in the Attorney General by the Civil Rights Act of 1957, to institute civil proceedings for preventive relief against discriminatory denials of the right to vote in Federal elections. We have found that an effective exercise of this authority is seriously hampered by lack of suitable provisions for access to voting records during an investigation.

This bill would vest in the Attorney General the authority to require the production for inspection of records and papers relating to any general, special, or primary election involving candidates for Federal office. It would also require the retention and preservation of such records for 3 years. Willful failure to retain and preserve the records would be an offense punishable by fine of not more than $1,000 or imprisonment for not more than 1 year, or both, and their willful theft, destruction, concealment, mutilation, or alteration, by fine of not more than $5,000 or imprisonment for not more than 5 years, or both. In the event of nonproduction, jurisdiction would be conferred upon the Federal district courts to resolve any dispute which might arise in connection with the exercise of the authority conferred.

To establish a denial or threatened denial of the right to vote because of racial discrimination requires proof not only that qualified persons are not permitted to register or vote, but that the denial is based on racial discrimination. This calls for evidence that individuals of a particular race had in fact either satisfactorily demonstrated their qualifications and had offered to do so, and were nevertheless not allowed to register or vote, while individuals of another race no better qualified had been permitted to register or vote.

To assemble the necessary proof of discrimination is impracticable, if not impossible, without access to detailed information concerning applications, registrations, or other acts, tests, and procedures requisite to voting. It is on the basis of such information that it becomes possible to determine who has been permitted to register or vote and who has not, and to make the necessary racial breakdown. The only source of such comparative information—necessary for proper evaluation of complaints and in the preparation of cases—is the records of registrations or other action required for exercise of the franchise.

In the exercise of his authority under the Civil Rights Act the Attorney General has no existing power to require the production of election records during any investigation of complaints that qualified persons have been denied the right to vote in violation of Federal election law. The need for this power is plain. Some State and local authorities have refused to permit inspection. There are also the recent experiences of the Civil Rights Commission. The Commission, which does have the power to subpena such records (although not for the purpose of enforcing voting rights—in other words, we can't use the evidence that they get as a result of subpena), has found it necessary to utilize its power to compel production. In the recent Alabama case, in the U.S. District Court for the Middle District of Alabama (*In re George C. Wallace, et al.*, No. 1487–N), Judge Johnson, in enforcing the subpena power of the Civil Rights Commission, stated in his opinion of January 9, 1959, that the inspection of voting records "must be considered to be an essential step in the process of enforcing and protecting the right to vote regardless of color, race, religion, or national origin." An even more recent example is the refusal of a Louisiana official to permit the Commission to inspect voting records in his custody.

Our proposal is the considered product of experience. Two of its provisions are of particular significance. The first of these is the provision which calls for production and inspection of the records rather than for the issuance of a subpena. In actual operation production would normally be at the usual place of custody of the voting records. Because of the importance of voting records and the frequent need to refer to them, we believed it would be preferable that the legislation should provide for inspection at their location rather than to permit their removal by subpena to some other place. The subpena power might be viewed by some as an attempt by the Federal Government to interfere unduly with State control over voting records. Inspection at the place of custody avoids such charge. The bill authorizes inspection of the records at the office of the local U.S. attorney as an alternative if for some good and sufficient reason—which the court could pass on—the usual place of custody is unsuitable.

The second provision requiring retention of records for a period of 3 years is extremely important. Its practical need has been strikingly demonstrated in the State of Alabama. After the commencement of a suit by the United States under the Civil Rights Act of 1957, the Alabama Legislature introduced a bill permitting destruction of the questionnaires of unsuccessful applicants for registration. Its obvious purpose was to obstruct the enforcement of the Civil Rights Act. Immediately after the introduction of the bill, the Government applied for and obtained a temporary restraining order preventing destruction of the records in the county involved in the case. Within a matter of days the bill authorizing destruction of the records had been passed into law. Similar action in other States would frustrate Government inspection of the records if the preservation provision of this proposal does not become law.

Mr. MORSE. Note, for example, the President's message:

> First, I recommend legislation to strengthen the law dealing with obstructions of justice so as to provide expressly that the use of force or threats of force to obstruct court orders in school desegregation cases shall be a Federal offense.

The President and the Attorney General have attempted to sell this provision as needed to control mob violence, and leave the clear implication that the provision deals only with force and threats of force.

If the Attorney General should submit a bill to Congress which conformed to the President's message and his own

testimony, and make unlawful the violent interference with any Federal court order, it is doubtful that business and labor interests would openly oppose it, and Congress might well adopt it. The Attorney General would then have what he says he wants—a statute which would deal with violent interference with desegregation orders. All other instances of violent interference with orders of Federal courts would also be covered.

It is very important that any proposal that is made on this subject matter be considered in light of section 3691 of title 18 of the Criminal Code, so that the way may be left open for the Federal courts, through the exercise of their contempt powers, without submission to a jury, to protect their own integrity and their own judicial processes, and the sanctity of their own orders.

We must come to grips with the realities of the situation, and we must leave the Federal courts in a position in which the integrity of the judicial process can be protected against a community which may find itself so aroused, so emotional, so hysterical about a desegregation case that the rights of the courts would not be protected in that community unless we preserved the power of the court to protect itself, through the exercise of its own contempt power.

That is the burden of my argument. I am sorry that the Attorney General did not tell the whole story. I am sorry that the press has so inadequately reported the matter during the past few days that the false impression has been created in many places that those of us who for years in the Senate have been fighting for a civil rights bill with teeth in it followed a course of action last Friday which weakened a civil rights bill.

Mr. President, it is an uncalled for misrepresentation of the liberals in the Senate who took the lead in the fight last Friday. So I took these few minutes today to set the record straight. The insertions which I have had permission to make in the RECORD will be found in the President's message of February 5, 1959, which I have duly marked, and in the testimony of the Attorney General on page 186 of the committee hearings, in respect to the civil rights bill.

Mr. President, I make these remarks in order to call attention to what I consider an injustice to those of us who stood on the floor of the Senate and fought for the principles for which we stood last Friday. When we were fighting for the principle advocated by the Senator from Ohio [Mr. LAUSCHE], I think we represented the Senate in its highest traditions, represented the Senate as a great guardian of the American people, in support of the equal protection of the laws and the equal application of the laws, and uniform justice in America.

When we adopted the Lausche amendment, and then laid on the table the entire section as amended, we were really protecting the rights of the colored people of America.

For any newspaper to seek to give the impression that a single one of us would have sought to deny to the Negroes of the country the full protection of their constitutional rights was to misstate the facts. But we are used to that from American journalism.

I am thankful that this right of untrammeled free speech on the floor of the Senate makes it possible to make the speech I have just made setting the record straight.

EXHIBIT I

[From the New York Times, Mar. 14, 1960]

ROGERS' LETTER ON RIGHTS

In view of the Senate action in tabling section 1 of the administration bill to amend chapter 73 of title 18 of the United States Code, you have asked for my views on the importance of this section. It would, as you know, make it a Federal offense willfully to use force or threats of force to obstruct the orders of Federal courts in school desegregation cases.

I believe it is of the utmost importance that Congress enact this section.

As you know, the Supreme Court in 1954 unanimously held that a State violates the Constitution of the United States when it denies a Negro child, who is otherwise qualified for admission to a particular public school and who seeks admission, the right to enter that school. Subsequently, there have been several court orders requiring State officials and others to comply with these decisions. There will, of course, be others.

The executive branch of the Government has a sworn and solemn responsibility to support the orders of the Federal courts and to make certain that they are complied with promptly. Otherwise, Federal constitutional rights would have little meaning.

Court orders in the school cases will be enforced and the interests of the Nation require that it be done in an orderly manner without mob violence and without the necessity of using Federal troops.

Section 1 deals with this proven need and has as one of its specific purposes preventing a recurrence of what happened in Little Rock, Ark., in 1957. At the present time, when State officials fail to maintain law and order, the Federal Government, as a practical matter, has no certain or very effective way to deal with mob violence except by the use of Federal troops.

The contempt power is of slight practical effect because the mob leaders are not defendants in the litigation in the usual case; nor could it be proved in most cases that they were acting in concert with named defendants. To attempt to add mob leaders as defendants in the litigation would be impractical, for it is too slow a procedure to cope with mob violence. Thus, the need for additional legislation to deal with obstruction of court orders in school cases is imperative.

Section 1 is an extension of an existing statute to give the Federal Government a practical alternative to the use of troops to enforce the orders of a Federal court in school desegregation cases.

It has been said in the debates on civil rights, and I fully agree, that in the long run the right to vote is of fundamental importance to the Negro. This thought should not lull anyone into forgetting that, meanwhile, the Federal Government has a responsibility in other civil rights matters, including the duty to enforce court orders in school desegregation cases.

There are three reasons why school desegregation orders differ from orders in most other types of cases:

1. The injunction is a continuing one which may require day-to-day compliance by State officials over a long period of time.

2. State and local authorities, who are often opposed in principle to the order of the Federal court, may not maintain law and order with the same dedication as in other situations.

3. The lives of children who seek to exercise their constitutional rights are at stake.

Congress should consider an additional fact of importance. If it should shy away from passing any legislation to assist the executive branch of the Government in carrying out its responsibility of enforcing court orders in school desegregation cases because Congress would prefer not to give any express or implied approval to the decision of the Supreme Court in the school cases, it would be most unfortunate.

This would give encouragement to the extremists, who constantly chant that the orders of the court are not the law of the land and thus may be flouted. All thoughtful persons in our country know that they may not be, or anarchy would prevail. The legislative as well as the executive branch of the Government, I believe, should make it clear that they give their full support to enforcing the orders of the Federal courts in school cases. I therefore urge steadfast support of this proposal in the national interest.

Because your inquiry dealt only with section 1, I have confined my response accordingly. It should be understood, of course, that I fully support the other six proposals of the administration.

ADJOURNMENT

Mr. JAVITS. Mr. President, unless another Senator wishes to address the Senate, I move that, under the order previously entered, the Senate now adjourn until noon tomorrow. I am informed by the Parliamentarian that the majority leader's unanimous-consent request was for an adjournment, rather than a recess.

The motion was agreed to; and (at 6 o'clock and 40 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Wednesday, March 16, 1960, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 15, 1960:

DEPARTMENT OF COMMERCE

Bradley Fisk, of New York, to be an Assistant Secretary of Commerce, vice Henry Kearns.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 15, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Proverbs 2: 6: *For the Lord giveth wisdom; out of His mouth cometh knowledge and understanding.*

Eternal God, we are bowing humbly in the fellowship of prayer, seeking together those blessings which none can ever find and enjoy alone.

We beseech Thee to evoke within us, during the serious deliberations of these days, a larger measure of the virtue of tolerance which always grants to others the right of opposing points of view and a willingness to listen to them.

Guide us in our quest for that just and fair solution of our difficult problems which will redound to Thy glory and the blessedness of all the inhabitants of our beloved country.

Inspire us with a firm commitment to maintain and perpetuate the noblest principles and ideals of democracy.

Grant that, in the midst of the world's darkness and confusion, we may always be able to say that our Republic still stands. We pray however that it may never be said that it is standing still but going forward with new vistas of outlook and new ventures of faith.

Lead on, O King Eternal, we follow Thee. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PRIVATE CALENDAR

The SPEAKER. Today is Private Calendar day. The Clerk will call the first bill on the calendar.

MR. HUGHIE D. MARTIN AND IONE MARTIN

The CLERK called the bill (H.R. 7226) for the relief of Mr. Hughie D. Martin and Ione Martin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated (1) to Mr. Hughie D. Martin and Ione Martin, of Lawton, Oklahoma, the sum of $10,000, in full settlement of all claims of the said Mr. Hughie D. Martin and his wife Ione Martin against the United States on account of the death of their son, Darrell, resulting from the explosion of an artillery shell which had been found by this boy and which undoubtedly had come from nearby Fort Sill, Oklahoma, and (2) to Mr. Hughie D. Martin and Ione Martin of Lawton, Oklahoma, the sum of $1,376.06 in full settlement of their claim against the United States for reimbursement of hospital, funeral, burial, and other expenses incurred by them on account of the injuries and death of said Darrell: This claim is not cognizable under the Federal Tort Claims Act: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike "$10,000" and insert "$6,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PATRICIA CROUSE BREDEE

The Clerk called the bill (S. 231) for the relief of Patricia Crouse Bredee.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

LIONIE TARPINIAN

The Clerk called the bill (S. 594) for the relief of Lionie Tarpinian.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lionie Tarpinian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Lionie Tarpinian. From and after the date of the enactment of this Act, the said Lionie Tarpinian shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SIRVART KASABIAN

The Clerk called the bill (S. 1241) for the relief of Sirvart Kasabian.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

RAUL JORGE JOSE HERMITTE

The Clerk called the bill (S. 1703) for the relief of Raul Jorge Jose Hermitte.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Raul Jorge Jose Hermitte has resided and was physically present in the United States or any State since September 23, 1953, shall be held and considered as compliance with the residence and physical presence requirements of section 316 of said Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CANDACE ELIZABETH LEE JOHNSON (KYUNG HEE LEE)

The Clerk called the bill (S. 2028) for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Candace Elizabeth Lee Johnson (Kyung Hee Lee), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Jack H. Johnson, citizens of the United States: *Provided,* That the natural parents of the said Candace Elizabeth Lee Johnson (Kyung Hee Lee) shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELEANOR CONSTAN

The Clerk called the bill (S. 1193) for the relief of Eleanor Constan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the War Claims Act of 1948, as amended, limiting the period of time within which claims may be filed thereunder, the Foreign Claims Settlement Commission of the United States shall have jurisdiction to receive and to determine the validity and amount of the claim of Eleanor Constan, of West Newton, Massachusetts, for civilian detention benefits under subsections (a) through (e) of section 5 of that Act of 1948, as amended, and shall certify to the Secretary of the Treasury for payment out of the War Claims Fund any award made thereunder. The Secretary of the Treasury shall pay to the said Eleanor Constan the amount of any such award so certified by the Commission.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NORTH AMERICAN PHILIPS CO., INC.

The Clerk called the resolution (H. Res. 451) providing for sending the bill, H.R. 7901, with accompanying papers, to the Court of Claims.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that this resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MRS. OLA F. THOMPSON AND MRS. MATTIE F. THOMPSON

The Clerk called the bill (H.R. 2314) for the relief of Mrs. Ola F. Thompson and Mrs. Mattie F. Thompson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs shall pay, out of current appropriations for the payment of compensation for service-connected disabilities, to Mrs. Ola F. Thompson, Vicksburg, Mississippi, and Mrs. Mattie F. Thompson, Wesson, Mississippi, sisters of William M. Farmer (Veterans' Administration claim numbered XC1312694), jointly the sum of $7,744.25. Such sum represents the amount withheld from the compensation payable to the said William M. Farmer while he was receiving treatment in a Veterans' Administration facility, which amount was sent to an address where the veteran was no longer residing, and was not forwarded to his correct address until after his death. The Administrator of Veterans' Affairs has held that the proceeds of such check may not be paid to any person, on the ground that the veteran did not cash the check before his death: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Lines 5 to 7, strike out "Mrs. Ola F. Thompson, Vicksburg, Mississippi, and Mrs. Mattie F. Thompson, Wesson, Mississippi, sisters of".

Line 5, after the word "to" insert "the estate of".

Line 9, strike out the word "jointly".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended to read: "A bill for the relief of the estate of William M. Farmer."

A motion to reconsider was laid on the table.

MRS. VIRGINIA LEE SAGE

The Clerk called the bill (H.R. 3242) for the relief of Mrs. Virginia Lee Sage.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Virginia Lee Sage, Richmond, Virginia, is hereby relieved of all liability to repay to the United States the sum of $3,200, which was erroneously paid to her by the Department of the Army as an allotment of $50 per month between October 31, 1942, and March 1, 1948, pursuant to an application of her former husband, Alfred G. Sage, formerly an officer in the Army of the United States, who was discharged on November 17, 1942. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BETTY KEENAN

The Clerk called the bill (H.R. 5033) for the relief of Betty Keenan.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EMMETT P. DYER

The Clerk called the bill (H.R. 5771) for the relief of Emmett P. Dyer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the application for old-age insurance benefits filed with the Bureau of Old-Age and Survivors Insurance in February 1956 by Emmett P. Dyer (social security account numbered 578–28–5162) shall be deemed to have been filed on December 31, 1956; and the Secretary of Health, Education, and Welfare is hereby authorized and directed, without requiring a further application, to recompute his primary insurance amount (effective with respect to monthly insurance benefits under title II of the Social Security Act for months beginning after the date of the enactment of this act) on the basis of such filing date and in accordance with section 102(e)(6) of the Social Security Amendments of 1954. Such recomputation shall not be deemed to be a recomputation for the purposes of section 215(f) of the Social Security Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY V. JONES

The Clerk called the bill (H.R. 6083) for the relief of Mary V. Jones.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 to Mary V. Jones, of Washington, District of Columbia, in full settlement of all claims against the United States. Such sum represents compensation of personal injuries sustained as the result of an accident at the 8079th Army Hospital, Camp Omiya, Japan, on January 8, 1953: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$20,000" and insert "$13,799.96".

Page 2, line 1, strike out the words "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PLACID J. PECORARO ET AL.

The Clerk called the bill (H.R. 6121) for the relief of Placid J. Pecoraro, Gabrielle Pecoraro, and their minor child, Joseph Pecoraro.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

WESLEY C. NEWCOMB

The Clerk called the bill (H.R. 6149) for the relief of Wesley C. Newcomb.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wesley C. Newcomb of Des Moines, Iowa, the sum of $314.45. The payment of such sum shall be in full settlement of all claims of the said Wesley C. Newcomb against the United States for reimbursement of the amount he was required to pay as the judgment and costs rendered against him in the United States District Court for the Western District of Missouri, arising out of an accident occurring on January 17, 1956, in the city of Saint Joseph, Missouri, when the said Wesley C. Newcomb was operating a Government vehicle in the course of his duties as an employee of the Fish and Wildlife Service, Department of the Interior: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT DOLTON

The Clerk called the bill (H.R. 6493) for the relief of Robert Dolton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the

Treasury not otherwise appropriated, to Robert Dolton, of Holdenville, Oklahoma, the sum of $2,099.54. The payments of such sum shall be in full settlement of all the claims of Robert Dolton against the United States for damages suffered by him by reason of his inability to repair his well because of its proximity to certain high voltage power transmission lines of the Southwestern Power Administration: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "Robert Dolton" and insert "Pearl E. Dolton, executrix of the estate of Clifford Dolton, deceased,".

Page 1, line 8, strike out the words "Robert Dolton against the United States for damages suffered by him by reason of his inability to repair his well because of its proximity to certain high voltage power transmission lines of the Southwestern Power Administration," and insert "that estate against the United States for damages heretofore or hereafter sustained because the location of certain high voltage power transmission lines of the Southwestern Power Administration prevents safe performance of necessary repairs to a well on property owned by that estate: *Provided*,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARL J. FISHER, CAPTAIN, U.S. ARMY, RETIRED

The Clerk called the bill (H.R. 7037) for the relief of Carl J. Fisher, captain, U.S. Army, retired.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Carl J. Fisher, captain, United States Army, retired, is hereby relieved of all liability to refund to the United States the sum of $2,384.86, representing overpayments of retired pay received by him for the period July 1, 1952, to September 30, 1958, inclusive.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carl J. Fisher, the sum of any amounts withheld from him on account of the overpayments referred to in the first section of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHESTER A. SPINDLER

The Clerk called the bill (H.R. 7363) for the relief of Chester A. Spindler.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Chester A. Spindler, Potato Creek, South Dakota, the sum of $2,000. The payment of such sum shall be in full settlement of all claims of Chester A. Spindler against the United States on account of damages alleged to have been sustained by him during 1942 in preparing to move his home and business from certain real property proposed to be taken by the Department of the Army for use as an aerial gunnery range: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$2,000" and insert "$2,376."

Page 2, line 2, strike out "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROYCE C. PLUME, A MEMBER OF THE ARAPAHOE TRIBE OF INDIANS

The Clerk called the bill (H.R. 7582) for the relief of Royce C. Plume, a member of the Arapahoe Tribe of Indians.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives in the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Royce C. Plume, the sum of $1,044.06, plus simple interest at 4 per centum per annum from December 8, 1941, to June 29, 1948, on $2,088.11, and simple interest at 4 per centum per annum from June 30, 1948, to final date of payment on $1,144.06, in full satisfaction of his claim against the United States for being wrongfully deprived of funds due him from the estate of his father, as the result of an erroneous heirship determination of an examiner of inheritance of the Department of the Interior on December 8, 1941.

SEC. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.00.

With the following committee amendment:

Page 1, line 5, strike out "$1,044.06, plus simple interest at 4 per centum per annum from December 8, 1941, to June 29, 1948, on $2,088.11, and simple interest at 4 per centum per annum from June 30, 1948, to final date of payment on $1,144.06," and insert "$1,144.06.".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLARENCE T. TOLPO

The Clerk called the bill (H.R. 8280) for the relief of Clarence T. Tolpo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence T. Tolpo, an employee of the Civil Aeronautics Administration, the sum of $503.20. The payment of such sum shall be in full settlement of all the claims of Clarence T. Tolpo against the United States for the shipment of his household effects from New Orleans, Louisiana, to Boynton Beach, Florida, on February 26, 1958. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 1, strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. JACK E. HUDSON

The Clerk called the bill (H.R. 8383) for the relief of Maj. Jack E. Hudson.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), and section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), are hereby waived for the period beginning June 21, 1956, and ending November 30, 1958, both dates inclusive, insofar as they apply to Maj. Jack E. Hudson, retired (Army serial number O409969), and he is hereby relieved of all liability to repay to the United States the sum of $2,806.22 which was erroneously paid to him by reason of the failure of the Department of the Army to reduce his retired pay in the proper amount so that his income both from retired pay and from his civilian employment as Quartermaster Maintenance Officer at Fort Sam Houston, Texas, would not exceed the maximum allowable income under the provisions of the Act of 1932, as amended. Be it further enacted that he is entitled to refund of all funds collected from his retirement pay as reimbursement of the above sum. In the settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be allowed for all amounts for which liability is relieved by this Act.

With the following committee amendment:

Page 1, line 4, strike out "and section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), are" and insert "is".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. JACK RUBLEY

The Clerk called the bill (H.R. 8456) for the relief of Capt. Jack Rubley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Jack Rubley, O1919848, United States Army, is hereby relieved of liability to the United States in the amount of $2,199.90, the amount of his salary as an officer of the Army during the period from October 8, 1951, through October 31, 1958, said amount having been erroneously paid to Captain Rubley, but without knowledge on his part of any violation of law. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Jack Rubley, O1919848, United States Army, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 11, strike out "in excess of 10 per centum thereof".

This committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ALICE ANDERSON

The Clerk called the bill (H.R. 8941) for the relief of Mrs. Alice Anderson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a), notwithstanding the expiration of the period prescribed by Public Law 615, Eighty-third Congress (68 Stat. 759), for the settlement of claims authorized under subsection (e) of section 6 of the War Claims Act of 1948, as amended, the Foreign Claims Settlement Commission of the United States is authorized and directed to determine the validity and amount of the claim (numbered K-255882) of Mrs. Alice Anderson as surviving mother of Orvill F. Linebaugh, deceased.

(b) Any award made by the Foreign Claims Settlement Commission of the United States with respect to such claims shall be certified to the Secretary of the Treasury for payment, in accordance with applicable provisions of the War Claims Act of 1948, as amended, out of any money in the Treasury of the United States not otherwise appropriated.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary for the payment of any award or awards that may be certified by the Foreign Claims Settlement Commission of the United States pursuant to this Act, including amounts required by such Commission and the Secretary of the Treasury for the payment of their respective administrative expenses in connection therewith.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN J. FINN, JR.

The Clerk called the bill (H.R. 9170) for the relief of John J. Finn, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Finn, Junior, the sum of $437. The payment of such sum shall be in full settlement of all claims of the said John J. Finn, Junior, against the United States for reimbursement of medical expenses incurred by him as a result of an operation performed by an Army dentist on August 18, 1942, during which a surgical needle was left imbedded in his right jaw and was not discovered and removed until May 20, 1952. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DANIEL C. TURNER

The Clerk called the bill (H.R. 9216) for the relief of Daniel C. Turner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Daniel C. Turner, of Cromwell, Connecticut, the sum of $268. The payment of such sum shall be in full settlement of all the claims of Daniel C. Turner against the United States arising out of the destruction of his personal property in a fire in a Government-owned building at Yakutat, Alaska, in August of 1954, while he was an employee of the Fish and Wildlife Service: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 1, strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

ROSINA GARTLING ET AL.

The Clerk called the bill (H.R. 9228) for the relief of Rosina Gartling, Rosa Gartling, Gustav Gartling, and Adolph Gartling.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $350.89 to Rosina Gartling; to pay the sum of $350.89 to Rosa Gartling; to pay the sum of $350.89 to Gustav Gartling, and to pay the sum of $350.89 to Adolph Gartling, all of Würtemberg, Germany, in full settlement of all claims against the United States. Such sums represent their share of the estate of Joseph Ernest, deceased, as set forth in the findings of the Orphans' Court of Montgomery County, Pennsylvania, on November 12, 1953: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE E. WILLIAMS AND WILLIAM L. JOHNSON

The Clerk called the bill (H.R. 9476) for the relief of George E. Williams and William L. Johnson.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $250.25 to George E. Williams, and the sum of $299.92 to William L. Johnson, employees of the United States Weather Bureau, Department of Commerce, in full settlement of all claims against the United States for personal property owned by them

which through no fault of theirs was lost while they were carrying out their official duties.

With the following committee amendment:

Page 1, line 11, after "duties" insert a colon and the following: "*Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. FERENC DOMJAN AND OTHERS

The Clerk called the bill (H.R. 9560) for the relief of Dr. Ferenc Domjan and others.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision contained in section 202 of the General Government Matters Appropriation Act for fiscal years 1957, 1958, and 1959 (70 Stat. 276, 71 Stat. 49, and 72 Stat. 220, respectively), prohibiting the payment of compensation from appropriations contained in that or any other Act to officers or employees whose post of duty is in the continental United States, and who are not citizens of the United States, payments for services rendered by Doctor Ferenc Domjan, Doctor Theodor Tkaczuk, Doctor Karol Sobolewski, and Doctor Alfred Zebrowski, as employees of the United States Department of Agriculture, contrary to the citizenship prohibition, are validated and the said employees shall not be required to refund the amounts thereof. Furthermore, any service rendered by such employees during the period July 30, 1956, through June 30, 1959, for which they were not compensated on account of the citizenship prohibition cited above shall be paid for out of current appropriations or funds otherwise available for salaries and expenses.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE T. MOORE ET AL.

The Clerk called the bill (H.R. 10631) for the relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That George T. Moore of Glencoe, Illinois, an employee of the Department of Commerce, is hereby relieved of all liability to refund to the United States the sum of $3,051, representing payments of a per diem allowance in lieu of subsistence paid to him for the period from December 21, 1953, through November 30, 1954, as a result of administrative error, in connection with service rendered to the Government as consultant and as expert in Washington, District of Columbia. In the audit and settlement of accounts of any certifying or disbursing officer of the United States full credit shall be given for the amounts for which liability is relieved by this Act.

SEC. 2. Carl D. Berry, of Winnetka, Illinois, a former employee of the Department of Commerce, is hereby relieved of all liability to refund to the United States the sum of $1,423.66, $1,127.25 of which represents payments of a per diem allowance in lieu of subsistence for the period from March 9, 1955, through July 31, 1955, and $296.41 represents payments for travel incurred between Washington, District of Columbia, and Winnetka, Illinois, which payments were made as the result of administrative error, in connection with service rendered to the Government as consultant and as expert in Washington, District of Columbia. In the audit and settlement of accounts of any certifying or disbursing officer of the United States full credit shall be given for amounts for which liability is relieved by this Act.

SEC. 3. Doctor Harold J. Heck, of New Orleans, Louisiana, a former employee of the Department of Commerce, is hereby relieved of all liability to refund to the United States the sum of $616.03, representing payments of a per diem allowance and travel expenses paid to him for the period June 1, 1955, through August 31, 1955, as a result of administrative error in connection with services rendered to the Government as consultant and as expert in Washington, District of Columbia. In the audit and settlement of accounts of any certifying or disbursing officer of the United States full credit shall be given for the amounts for which liability is relieved by this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BLUE STAR MOTHERS OF AMERICA, INC.

The Clerk called the bill (S. 1315) for the incorporation of the Blue Star Mothers of America, Inc.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons, to wit: Ann Clumfoot, Port Huron, Michigan; Audree Jonechat, Covina, California; Nettie Ludwig, Milwaukee, Wisconsin; Esther Beer, Mansfield, Ohio; Evelyn Lauritson, Cedar Falls, Iowa; Ethel Stevensen, Fresh Meadows, New York; Etta Drayton, Flint, Michigan; Evelyn Bednar, Milwaukee, Wisconsin; Edna Crorey, Grants Pass, Oregon; Erma Sweeney, Long Beach, California; Josephine Plant, Waterloo, Iowa; Dorothy Christensen, Flint, Michigan; Mary Tracey, Brooklyn, New York; LaVina Shope, Lima, Ohio; Olga Barnes, Roseburg, Oregon; Levia Jamison, Jamestown, Pennsylvania; Jean Williams, Port Orchard, Washington; Ida Alford, Little Rock, Arkansas; Edna May Standing, Orange City, Florida; Charlotte Cobb, Chatham, Massachusetts; Ann Sine Gale, Milwaukee, Wisconsin; Ann F. Fetting, Smiths Creek, Michigan; Irene Uhl, Rosemead, California; Hazel Rue Scott, Arlington, Virginia; Louise Meyerhoff, Queens Village, New York; Ivah Jones, Long Beach, California; Florence Brown, Pontiac, Michigan; Erma Hoffman, Columbus, Ohio; Nellie Leonhardt, Detroit, Michigan; and all past national presidents, and their successors, retiring or leaving their office in good standing, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Blue Star Mothers of America, Inc. (hereinafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act, acting in person or by written proxy, are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with this Act, and the doing of such other acts as may be necesary for such purpose.

PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be: To perpetuate the Blue Star Mothers of America, Inc., and the memory of all the men and women who have served our country as members of the Armed Forces; the further object of this organization shall be patriotic, educational, social, and for service; to maintain true allegiance to the Government of the United States; to educate our members and others not to divulge military, naval, or other Government information; to assist in veterans' ceremonies, to attend patriotic rallies and meetings; to foster true democracy; to care for the unsupported mothers who gave their sons to the service of the Nation; to aid in bringing about recognition of the need of permanent civilian defense for each community and to ever be alert against invasion of un-American activities; to uphold the American institutions of freedom, justice, and equal rights, and to defend the United States from all enemies.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend and alter a constitution and bylaws; not inconsistent with the laws of the United States or of any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount of or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, mortgage, encumber and otherwise alienate real, personal, or mixed property; and

(9) to borrow money for the purpose of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 5. Eligibility: A mother, adopted mother, or stepmother (a stepmother eligible for membership in the Blue Star Mothers of America, Inc., can claim that eligibility only if she has given a mother's care to the stepchild from the age of thirteen or under), living in the United States, of a son or daughter serving in the Armed Forces of the United States, or having a son or daughter who has served, or has been honorably discharged from the Armed Forces of the United States in World War II or the Korean hostilities. The term "Armed Forces" shall include the United States Army; United States Navy; United States Marines; United States Air Force; United States Coast Guard; National Guard; United States Army Reserves; United States Navy Reserves; United States Marine Reserves; United States Air Force Reserves; United States Coast Guard Reserves; United States Naval Militia; merchant marines; and the armed home guards who have served on active duty.

GOVERNING BODY

SEC. 6. The supreme governing authority of the corporation shall be the national convention thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws: *Provided,* That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national convention may be held in any State or Territory or in the District of Columbia.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 8. The principal office of the corporation shall be located in the District of Columbia and shall have in the District of Columbia at all times a designated agent authorized to accept service of process, for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any of its members or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(b) The corporation shall not make loans to its officers or employees. Any member of the council of administration who votes for or assents to the making of a loan or advance to any officer or employee of the corporation, and any officer who participates in the making of such loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and agents as such shall not contribute to any political party or candidate for public office.

LIABILITIES FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national conventions and council of administration. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The financial transactions of the corporation shall be audited annually by an independent public accountant of recognized standing in accordance with generally accepted auditing standards. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. The independent public accountant, or his representatives, shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians

(b) A report of such audit shall be made by the corporation to the Congress and not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

REPORT TO CONGRESS

SEC. 15. On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

USE OF NAME

SEC. 16. The coporation and its subordinate divisions shall have the sole and exclusive right to use the name, "Blue Star Mothers of America, Inc.", and no other organization shall use the name "Blue Star Mothers of America, Inc.". The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the Blue Star Mothers of America.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 17. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the national executive board and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this act is expressly reserved.

With the following committee amendments:

On page 2, following line 18, insert the following new sentence. "It shall be the duty of the persons named in this section, jointly and severally, to file with the Superintendent of Corporations of the District of Columbia a copy of this Act within fifteen days after the date of its enactment."

On page 7, line 2, following the word "process" insert a comma and the following: ", notice, or demand".

On page 7, strike lines 3, 4, and 5 and insert in lieu thereof the following: "Service of such process, notice, or demand required or permitted by law to be served upon the corporation may be served upon such agent. The corporation shall file with the Superintendent of Corporations of the District of Columbia a statement designating the initial and each successor registered agent of the corporation and the initial and each successor registered office of the corporation immediately following any such designation. As used in this Act the term "Superintendent of Corporations of the District of Columbia" means the Commissioners of the District of Columbia or any agent designated by them to perform the functions vested by this Act in the Superintendent of Corporations."

On page 8, lines 22, 23, and 24, strike the following: "by an independent public accountant of recognized standing in accordance with generally accepted auditing standards" and insert in lieu thereof "in accordance with generally accepted auditing standards by an independent licensed or certified public accountant or a firm of independent licensed or certified public accountants."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILHELMINA ORDONEZ

The Clerk called the bill (H.R. 1752) for the relief of Wilhelmina Ordonez.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Wilhelmina Ordonez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAY HOURANI

The Clerk called the bill (H.R. 2007) for the relief of May Hourani.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

JAMES DEMETRIOS CHRYSANTHES, ALSO KNOWN AS JAMES DEMETRIOS CHRYSANTHACOPOULOS

The Clerk called the bill (H.R. 2082) for the relief of James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos, shall be held and considered to be the minor natural-born alien child of Nick Mallas, citizen of the United States, and his wife.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of the Immigration and Nationality Act, James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RIVKA GHESSER

The Clerk called the bill (H.R. 2309) for the relief of Rivka Ghesser.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rivka Ghesser shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JESUS CRUZ-FIGUEROA

The Clerk called the bill (H.R. 2645) for the relief of Jesus Cruz-Figueroa.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CHAN KIT YING AND JAMES GEORGE BAINTER

The Clerk called the bill (H.R. 3786) for the relief of Chan Kit Ying and James George Bainter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Chan Kit Ying and James George Bainter shall be deemed to be within the purview of section 101(a)(27)(A) of the Immigration and Nationality Act, and the provisions of section 205 of that Act shall not be applicable in this case.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. E. CHRISTINE WILLIAMS

The Clerk called the bill (H.R. 3934) for the relief of Mrs. E. Christine Williams.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. E. Christine Williams shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 5, 1953, upon payment of the required visa fee: *Provided,* That unless she is entitled to care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STANISLAW GRZELEWSKI

The Clerk called the bill (H.R. 4562) for the relief of Stanislaw Grzelewski.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(9) of the Immigration and Nationality Act, Stanislaw Grzelewski may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DANIEL WILGING

The Clerk called the bill (H.R. 6843) for the relief of Daniel Wilging.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Naturalization Act, Daniel Wilging shall be held and considered to be a nonquota immigrant.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, notwithstanding the provisions of section 212(a) (6) and (19) of the Immigration and Nationality Act, Daniel Wilging may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond of undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further,* That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SIMEEN HELENA CHAGHAGHI

The Clerk called the bill (H.R. 7254) for the relief of Simeen Chaghaghi.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Simeen Chaghaghi, a citizen of the United States at birth, pursuant to section 301(a)(7) of the Immigration and Nationality Act, shall be held and considered to have complied with the residential requirements of section 301 (b) of the said Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, in the administration of section 301 (b) of the Immigration and Nationality Act, and section 16 of the Act of September 11, 1957, Simeen Helena Chaghaghi shall be held and considered to have complied with the provisions thereof if she establishes residence in the United States prior to attaining the age of twenty-five years."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amened so as to read: "A bill for the relief of Simeen Helena Chaghaghi."

A motion to reconsider was laid on the table.

DR. DEH CHANG TAO

The Clerk called the bill (H.R. 8672) for the relief of Dr. Deh Chang Tao.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Deh Chang Tao (A-6980049) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 9, 1948.

With the following committee amendment:

Page 1, line 6, after "of" strike out "September 9, 1948" and insert "September 10, 1948".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

Mr. HEMPHILL. Reserving the right to object, Mr. Speaker, for what purpose is the gentleman making this request?

Mr. AVERY. This has nothing to do with the program that is before the House today. The request is made merely because the remainder of the bills on the Private Calendar have not been on there the required number of days, and the majority and minority have agreed they would have to be on the calendar the required time.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

SIRVART KASABIAN

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Calendar No. 379, the bill (S. 1241) for the relief of Sirvart Kasabian.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Sirvart Kasabian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Sirvart Kasabian. From and after the date of the enactment of this Act, the said Sirvart Kasabian shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. ABERNETHY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. WALTER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 24]

Anderson, Mont.	Diggs	Metcalf
Barrett	Dixon	Powell
Bow	Durham	Shelley
Coffin	Fogarty	Sheppard
Derwinski	Goodell	
	Kasem	

The SPEAKER. On this rollcall, 416 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there were pending the amendment offered by the gentleman from New York [Mr. LINDSAY], the amendment offered by the gentleman from Ohio [Mr. McCULLOCH] as a substitute for the Lindsay amendment, and the amendment offered by the gentleman from Michigan [Mr. MEADER] to the McCulloch substitute, on which a point of order was reserved by the gentleman from New York [Mr. CELLER].

Does the gentleman from New York withdraw his point of order?

Mr. CELLER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn and the Chair recognizes the gentleman from Michigan [Mr. MEADER] for 5 minutes in support of his amendment.

Mr. MEADER. Mr. Chairman, the amendment I propose has the same objective as the McCulloch substitute, namely, to augment the powers of the Justice Department and the courts in enforcing voting rights guaranteed by the 15th amendment of the U.S. Constitution.

Although each new edition of the so-called voting referee device brings our proposals closer together, there is still a wide gulf between the Justice Department proposal so competently championed by the gentleman from Ohio and the procedural reforms which I advocate to strengthen the Civil Rights Act of 1957.

I hope I can make this distinction so plain that no one can misunderstand it. Incidentally, I believe it will help clear thinking if we drop the euphemistic term "referee" in referring to the Justice Department's proposal. Let us call this proposed Federal officer a "receiver of State governmental power"—a more accurate description of the nature of his office.

Although there is a gulf between our proposals there is no clash between the gentleman from Ohio [Mr. McCULLOCH] and myself. He is an able lawyer and a fine gentleman, and one of the fairest, most judicious men it has ever been my privilege to meet.

When the gentleman from New York [Mr. CELLER], chairman of our Judiciary Committee, proposed merely to hold a briefing in executive session to hear Deputy Attorney General Walsh, it was the gentleman from Ohio [Mr. McCULLOCH] who led the fight within the committee to open the hearing to the public and to give an opportunity for opponents of the proposal to be heard.

In addition, the gentleman from Ohio also sought full committee consideration and recommendations on this proposal. Unfortunately, Members are going to have to take a stand on this measure without the advantage of the analysis of the pros and cons and the considered judgment of the able lawyers who compose the House Judiciary Committee.

It is possible we may enact into law a novel and powerful sanction, a revolutionary change in judicial procedure, without a legislative history in the form of a committee report and considered and informed debate.

The gentleman from Ohio has been most helpful to me personally by providing staff assistance and in valuable informal discussions in my search for adequate strengthening of the Civil Rights Act of 1957, short of authorizing a court subordinate officer, a receiver, to seize and exercise power vested by State constitutions and laws in State officers.

Now let me outline briefly my proposal and then point out differences and similarities between my proposal and that of the Justice Department as set forth in the McCulloch substitute.

My amendment will strengthen the 1957 Civil Rights Act and close loopholes which have been shown to exist in 2½ years' experience in the enforcement of that act. It will:

First. Authorize Federal courts to grant affirmative as well as preventive relief.

Second. Authorize appointment of masters, or genuine referees, if you will, not receivers, to be paid by the Federal Government to assist the court in enforcing voting rights.

Third. Provide that court orders will bind not only the parties to the proceeding but their successors in office.

Fourth. Make a court order finding individuals qualified to vote the equivalent of a registration by the State registration officer.

Fifth. Provide that proceedings under the Civil Rights Act of 1957 shall supersede any State proceedings relating to the same subject matter to the extent of any inconsistency.

Incidentally, the text of my amendment appears on page 5489 of the CONGRESSIONAL RECORD of yesterday, March

14, 1960. Discussion of my proposal and also the Justice Department's proposal appears on pages 5196–5197 and 5221–5225 of the CONGRESSIONAL RECORD of March 10, 1960. The substance of my amendment is contained in my bill H.R. 11042.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. MEADER], may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MEADER. Mr. Chairman, let me point out in as simple terms as I can the differences and similarities between my proposal and that of the Justice Department.

First. The provisions authorizing affirmative relief and for precedence of Federal over State proceedings in my proposal are nowhere to be found in the Justice Department proposal.

Second. My proposal that court orders bind successors in office is an alternative to the Justice Department proposal that a State be a party responsible for the wrongful acts of State officials.

Third. Both proposals provide that court orders finding named individuals are entitled to vote are the equivalent of registration by State officials.

Fourth. Both proposals authorize the appointment of masters, or referees, to assist the court, at the expense of the Federal Government. My proposal however, adopts existing procedures under rule 53 of the Federal Rules of Civil Procedure and the body of case law interpreting that rule with all the provisions of due process under existing law. The Justice Department proposals would amend existing law with respect to the powers and proceedings of masters primarily at the expense of due process. In fact, the various versions of the Justice Department proposal conceding that deficiency are successive restorations of due process, practically nonexistent in the first version.

But there remain in the most recent version of the Justice Department proposal four features which, in my opinion, while technical and innocent-appearing to the laymen, raise such grave constitutional and policy questions as to shake the very foundation of our Federal system:

First. The receiver would operate ex parte, that is, only one party to the controversy would be before him. The opponent would be excluded.

Second. The receiver would be empowered to perform a ministerial or administrative, not a judicial, function.

Third. The receiver would be authorized to assume and exercise powers and duties vested by State constitutions and State laws in State officers.

Fourth. A conclusive, irrebuttable presumption of the existence of the central basic fact to be established in the offense or cause of action would come into being upon a court finding that a pattern or practice of discrimination exists.

It is this novel, ingenious, and revolutionary change in judicial procedure and machinery, which has been carefully hammered out in statutes and decided cases over the decades of our national life, which alarms me as it should my colleagues. If it is a valid constitutional device, and is established as a precedent in carrying out national policy with respect to voting rights, it can be employed in a multitude of other fields of national policy.

It can be applied in the field of labor relations. Court-appointed receivers could be authorized in the future by statute to assume and exercise powers vested in union officials by their constitutions and bylaws.

It can be applied in the field of education. Court-appointed receivers could be authorized in the future by statute to assume and exercise powers vested by State law in school boards.

It can be applied in the field of State police powers for the regulation of health and safety and in the field of public utilities where both the State and National Government have powers and responsibilities.

In fact, this powerful engine for the enforcement of national policy can be employed in any field in which the National Government has authority.

What more powerful device possibly could be invented than to authorize a Federal officer, whether appointed by a court or otherwise, to assume and exercise power and discretionary authority vested in a State officer or left to an individual citizen?

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman may have 5 additional minutes in order to answer questions.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from New York.

Mr. CELLER. What exactly will the gentleman's proposal do that cannot already be done under the Civil Rights Act of 1957?

Mr. MEADER. I think I have explained the features of my proposal.

I think the gentleman may be referring to the matter of affirmative relief. I know that it is the contention of the Justice Department that under the words "preventive relief" the Attorney General may ask and the court may grant "affirmative relief."

In a discussion on the opening day of the debate on this measure I inserted in the CONGRESSIONAL RECORD the decree of the court in the Louisiana case and I quoted from paragraph 3(b) of that decree where the court, by virtue of a double negative, ordered the restoration of 1,377 names to rolls from which they had been deleted.

I think it would be interesting if we could review the legislative history and find that the basis for interpreting "preventive relief" to include "affirmative relief" was a colloquy in the committee between the Attorney General and one of the members of the committee. It is not contained in the report of the committee. I just read it and I have excerpts from the report before me. It is not referred to in the debate on the Civil Rights Act of 1957. This interpretation of preventive relief including affirmative relief is derived from a statement by the Attorney General in the hearings of the Judiciary Committee.

Mr. CELLER. Does not the gentleman's proposal do away with the idea of a presumption of a pattern or practice which would be developed by the court in the original proceedings brought by the Attorney General; and as a result, every case of discrimination would have to be a separate and distinct case under the gentleman's amendment as is the case today under the Civil Rights Act of 1957?

Mr. MEADER. I think I mentioned that the basic distinctions between the Justice Department's proposal and mine were twofold: First, that the referee or master under my proposal could not as a ministerial duty or a ministerial function assume and exercise the power of a State officer. That is one. My proposal does not provide for the conclusive irrebuttable presumption which is contained in the Justice Department's proposal.

Mr. CELLER. Did not the Louisiana case to which the gentleman referred, which was approved by the Supreme Court, provide that there could be interference by the special master or the registrar, whatever you want to call it, so as to prevent interference with a person's right to vote? Witness the fact that there was caused to be restored to the registration rolls 1,300-odd names. Is that not so?

Mr. MEADER. The Supreme Court in a per curiam opinion in which there was no discussion whatever of the affirmative relief granted in the Louisiana case did affirm that case. Let me read paragraph 3(b). This appears on page 5222 of the CONGRESSIONAL RECORD for March 10. Paragraph 3(b) provides that:

> These individuals are hereby enjoined—

And this is 3(b)—

> from permitting the names of any of the approximately 1,377 persons challenged as set out in paragraph 3(a) of this decree, to remain off the present and current rolls of qualified voters of Washington Parish, La., or from a legal supplement thereto, longer than 10 days from the date of this decree. It is the intent and purpose of this paragraph that the persons enjoined shall do whatever is necessary to be done to reinstate within 10 days from the date of this decree upon the current rolls of qualified voters in Washington Parish and upon all official copies thereof, the names of all of the said approximately 1,377 persons.

What I am saying is that I do not believe any Member of this House who gave any voice to his thoughts asserted during the debate on this act 2 years ago that the term "preventive relief" included affirmative relief, but I am willing to spell it out in the statute now.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. MEADER] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Responding in part to the question raised by the distinguished chairman of the Committee on the Judiciary, is it not a fact that had the suit in the Louisiana case been brought by or in the names of all aggrieved parties, they would have had the opportunity for the affirmative relief to which the gentleman's amendment is addressed?

Mr. MEADER. Yes; and the Attorney General, if my bill is adopted, could do it for those people.

Mr. POFF. Is it not also true under the gentleman's bill that all parties to the initial action will be the parties bound to the jurisdiction of the master and bound by the decree issued by the court based on the report of the master?

Mr. MEADER. Also, the order of the court would run against the successors in office to such parties.

Mr. POFF. Exactly. May I compliment the gentleman on this new approach to the problem. I may say that I am not willing to concede that it is necessary, but at least it is a much superior piece of legal craftsmanship.

Mr. MEADER. I doubt the constitutionality of the Justice Department proposal first on the ground that its vests ministerial duties in a judicial officer. I should like to quote and draw the attention of the Committee to page 38 of the committee's hearings on voting proposals, where Judge Walsh said this, referring to the function of the referee:

> But it is the administrative type of action in which a court officer serves in many areas as a receiver of property or as the conductor of a corporate election.

Later on the page he says:

> In other words, the referee will do the work which the county clerk should have done under State law.

There is no question whatever in the cases. In fact, the Attorney General does not dispute this, that the registration and voting functions of State officials are ministerial functions, not judicial.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. CRAMER. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for 5 additional minutes. This is probably one of the most important amendments to be offered.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MEADER. The cases are clear, and I have references here at the desk, that the courts, since they are vested only with judicial power under article III of the Constitution will not accept and have held they cannot accept nonjudicial or administrative and ministerial functions.

The argument the Attorney General makes with respect to the referee, who is an officer of the court and is supposed to act in a judicial capacity, is that that is merely an ancillary matter. His performance of the function of deciding who is qualified to vote under State law is admittedly a ministerial function, but the Justice Department claims that is merely ancillary to the main body of the case. However, I say to you the very purpose of a civil rights act and the original section 1971 is the qualification of a voter to vote. That is not an ancillary matter, that is the purpose of the statute. It is an essential purpose.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Louisiana.

Mr. WILLIS. At page 34 of the hearings in connection with the point the gentleman is talking about, Mr. Walsh said:

> The only question would be whether this was an unnecessary intrusion of the Federal law into the State administrative procedure.

Of course, he calls it the only question, but that is a very big question. He admitted the possibility the gentleman is pointing out.

Mr. MEADER. I believe these voting referees are created for the unique purpose of registering voters. It is not an ancillary matter, it is the purpose of the bill in the first place. I believe that since it is a ministerial function it would seek to impose upon the courts and their officers nonjudicial responsibilities which the courts have uniformly held they will not accept and thus be unconstitutional.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. CRAMER. I know the gentleman is familiar with the Senate discussion on the referee proposal, and I know the gentleman is concerned, as I am, about the suggestions made with regard to the constitutionality of the referee proposal, specifically in reference to the due process clause, which the gentleman has just touched upon, and with regard to the question of the court becoming an administrative agency through the referee exercising present functions of local registrars procedure, which the gentleman has just touched on. Does your amendment avoid those two possible constitutional pitfalls?

Mr. MEADER. I do not think there is the slightest doubt of the constitutionality of my proposal.

Mr. CRAMER. May I ask the gentleman further: Is it not true that as to anyone on whose behalf the Attorney General at the taxpayers' expense and provided with counsel under the 1957 act, and if the person so requests, makes a demand with regard to his having been discriminated against concerning his voting or registering to vote under that act, if in fact the court finds he has been discriminated against, then under your amendment the court would have additional authority to affirmatively order that man to be placed upon the voting rolls or be permitted to vote; is that not correct?

Mr. MEADER. There is no doubt about it.

Mr. CRAMER. So is it not the gentleman's position that this, in fact, also avoids the pitfalls of ex parte procedures and other pitfalls involved in the referee proposal which again raises the constitutional questions?

Mr. MEADER. The court would operate as a court. The court-appointed officer, the special master, would operate as a special master under existing rules of judicial procedure and in no other way. There is a great body of law and judicial procedure, governing masters, and I think we ought to be pretty careful before we start tampering with it.

Mr. CRAMER. In these other cases that have been suggested of these thirteen hundred and some odd persons in the Alabama case, the Attorney General could join each of them as a plaintiff and as to each one of them, it could be determined by the court that they be entitled to be registered and you would get the same result as the referee proposal without running this constitutional gamble.

Mr. MEADER. There is no question but what was done in the Louisiana case to which I referred would be clearly authorized if we provide for affirmative relief and we would not have to go through the legal legerdemain of making a double negative the equivalent of a positive.

Mr. CRAMER. I congratulate the gentleman on his presentation of this matter.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. LINDSAY. I should like to ask the gentleman: Is it not true that the Supreme Court considered at great length the very question that the gentleman is raising on this point of affirmative relief? In fact, it was argued at great length by the Solicitor General of the United States and by opposing attorneys when the court, citing the Raines case, decided the Thomas case, settling for all time the point the gentleman raises under the 1957 civil rights act. Therefore in effect, the gentleman is not doing anything that cannot already be done under the 1957 civil rights act.

Mr. MEADER. The gentleman knows very well that the opinion in the Thomas case was a per curiam opinion and that the Court did not discuss this question.

Mr. LINDSAY. Has the gentleman examined or read the briefs in that case?

Mr. MEADER. In the Georgia case or the Raines case, where there was an opinion discussing legal principles this point was not raised. They based the decision in the Louisiana per curiam opinion on the constitutionality of the 1957 act as upheld in the Georgia case, but they did not discuss this point.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan be permitted to proceed for 5 additional minutes.

Mr. HALLECK. Mr. Chairman, reserving the right to object, and I am not going to object, I wish to call to the attention of the Members that a number of Members want to speak on this amendment, and I sincerely hope that we will have the usual procedure. Certainly, we want to have sufficient debate and orderly procedure, but I do hope we can move along in view of the fact that there are others who want to speak so that we can get to a vote at least on this amendment in a reasonable time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Is it not the fact that the gentleman's point as to affirmative relief was argued before the Supreme Court and the Supreme Court decided the matter in the Thomas case? Is it not true also under the gentleman's amendment that voting relief measures would be confined to the parties to a case?

Mr. MEADER. I will answer the first question first. I know that the Attorney General argued the matter in his brief because I saw a copy of the brief. That brief cited as legislative history a colloquy between the gentleman from New York [Mr. MILLER] and Attorney General Brownell who was a witness before the committee, wherein the Attorney General gave it as his opinion in response to an inquiry by the gentleman from New York [Mr. MILLER] that preventive relief would include the restoration of names to the rolls.

I am going to ask the gentleman, in return, does he believe that is the way we should legislate; that we should authorize a court to grant preventive relief, an injunction restraining a person from a wrongful act, and on the other hand come around with a command to do a specific act?

I say there is a great deal of difference between restraint and command and it is basic to our whole system of government, that citizens can be restrained from doing things which are harmful to others, but we did not adopt the totalitarian system of the Soviets which orders individuals in their society to do specific acts.

I say if we are going to grant authority to a Federal court to order affirmative action, let us spell it out. Why do we have to go around through the back door? All we have to do is to put that word in. If we intended to grant affirmative relief in the 1957 act, why was it not in the act itself?

Mr. LINDSAY. The lower court and the Supreme Court interpreted the 1957 act the only way it can be interpreted. May I say also that I cannot agree that the judiciary is here being put into a nonjudicial role.

I pointed out last week a number of areas where the Federal courts have, under law, established machinery by appropriate decrees whereby the court is made the guardian of the public interest.

Mr. MEADER. If you are talking about receiverships appointed by courts in equity——

Mr. LINDSAY. I am not talking about that. Look at the Sherman Antitrust Act. It says nothing about affirmative or negative relief. It establishes machinery for the writing of a decree by the Federal court. That decree requires a corporate entity or a person not to take certain action, or to take certain action.

Mr. MEADER. Will the gentleman cite me a case where it has been applied to the exercise of authority by a State?

Mr. LINDSAY. Any time when you get a State involved as a party. The Raines case is a good example. Here was a case where the Supreme Court said as follows:

> It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights. But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

Mr. MEADER. Is it the gentleman's contention that the Federal court can appoint a referee who can assume the authority of a State officer?

Mr. LINDSAY. Under the 1957 Civil Rights Act it is my contention that the Federal court can do exactly what the gentleman is trying to write into his proposed amendment.

Mr. MEADER. Is it the gentleman's contention that a Federal district court, under the 1957 act, can appoint a referee to assume and exercise the authority of State officials?

Mr. LINDSAY. No. That is why we have got a bill here.

Mr. MEADER. I just wanted to be sure.

Mr. LINDSAY. That is exactly why we have a bill.

Mr. MEADER. Now I would like to ask the gentleman another question. Does the gentleman believe that the people of a State should have control over the exercise of the sovereign governmental authority of a State?

Mr. LINDSAY. I do not know what the question has to do with this matter.

Mr. MEADER. Would not the gentleman concede that one of the essential ingredients of a republican form of government, guaranteed by the Federal Constitution is that the people, through democratic processes, can determine what they want with regard to the running of their affairs?

Mr. LINDSAY. That question implies that we want no change at all. The reason we are debating this question is because it has been demonstrated beyond doubt that under existing practices in certain States citizens are not being enrolled.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MEADER] has again expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have the highest regard for the gentleman from Michigan, indeed I have an affectionate regard for him; therefore, I dislike to be in the position of having to oppose his amendment. I do so primarily because, as was said by the gentleman from New York [Mr. LINDSAY], it does not add one iota to the present statute, that is, the act of 1957, called the Civil Rights Act of 1957, but it would actually kill the McCulloch substitute.

His provision provides for the appointment of special masters. The act of 1957 provides for the appointment of special masters. There is always inherent power in the courts to appoint special masters under conditions of this sort.

This amendment would give great comfort to those who oppose the bill, because it would strike a blow at the McCulloch substitute. Why do we have the McCulloch substitute? We have it because the present act has been insufficient to cope with the overpowering situation that exists in certain parts of the country. The very guts of the McCulloch amendment is the so-called presumption of a pattern or practice of discrimination which can be a finding of the judge in the original suit brought under the Civil Rights Act of 1957.

The gentleman from Michigan would omit and do away with the idea of a pattern or practice. He would, therefore, vitiate and scuttle the so-called McCulloch substitute which is so desperately needed in the situations that have developed in various parts of the country.

Under the provision contained in the amendment offered by the gentleman from Michigan the civil rules of practice would apply in every case. When I say "every case" this is what is meant: In every case where there is discrimination be it 1 case, 50 cases, a hundred cases, or a thousand cases, exactly that number, 50, a hundred, or a thousand specific individual actions would have to be brought. That is the situation under the present statute. That would remain the situation under the proposal of the gentleman from Michigan. You can see it would take eons and eons of years, if I may use that term, before you would get any relief for the very people who have been discriminated against. The report of the Civil Rights Commission is replete with evidence of discrimination. So the very purpose of our legislation here would be destroyed; we would have no genuine relief whatsoever for present intolerant conditions; in fact, I would say we go backwards, because there are some provisions in the proposal of the gentleman from Michigan that would be quite serious.

It provides that rule 53 of the Federal Rules of Civil Practice shall apply in its entirety. That means that in every one of these individual cases there could be all manner and kinds of subterfuge, all manner and kinds of procrastination, so that the litigation would be drawn out for days and days, weeks and weeks. The election will have gone by, and the record and remedy would be purely abortive.

The gentleman says: "Why, we would be establishing a precedent if we set up this idea of pattern or practice, a precedent which could be applied to labor matters, to education, to health, and to public utilities." Of course it could; but there has not been manifested a need for this overpowering, this overriding remedy in cases of education, health,

public utilities, labor, or what have you. We have a desperate need as to the great desideratum in the South, deprivation of the ballot; we have to meet this need. The voting referee proposal meets this emergency.

We have a desperate need and we must meet that need with unusual remedies. Therefore, this might be termed an unusual remedy. For that reason I think we have to reject the amendment offered by the gentleman from Michigan. Under the present setup, the Civil Rights Act, as was the case in Louisiana, which was mentioned, the special master appointed by the court simply said to the registrar in that particular parish: "You must restore to the registration rolls these 1,300-odd voters."

He did just exactly that, and the Supreme Court upheld the action.

Mr. Chairman, I hope that the amendment will fail.

Mr. SIKES. Mr. Chairman, I move to strike the last word.

On yesterday I noted the concern of the Attorney General of the United States in preserving section 1 of the bill which he proposed on civil rights. As I read between the lines in this bill and in the Attorney General's concern, I see two things in particular in section 1. First, it appears to me Congress is now asked to place its seal of approval on the unfortunate invasion of Little Rock by the Armed Forces of the United States. This inexcusable event, which shook the civilized world and cost $5 million of the taxpayers' money, was done to quiet a disturbance which could have been handled by a dozen deputy marshals. Now, we are asked to place the cloak of congressional sanction around it. Second, it is apparent upon its face that section 1 of the Attorney General's bill and some modifications thereof would set aside the guarantees of freedom of speech. This language is so dangerous that it has even provoked concern on the part of newspapers of the extreme left. This is an almost unheard of occurrence.

Now, let us take the measure as a whole. It is clearly unconstitutional because it would put the Federal Government into the business of conducting elections at State and local levels. No one can read into the Constitution any such grant of authority to the Federal Government. It would authorize the issuance of registration certificates to voters for use in an election without requiring the finding that the 15th amendment had been violated. It would give to the judicial branch of the Government functions which clearly are not judicial, either in substance or in the manner of execution prescribed. It would delegate to Federal officials the function of determining the qualification of voters, a function vested in the States by article I, section 2, and the 17th amendment. It would violate all principles of due process and sound procedure. The ex parte proceedings for the appointment of voting referees and issuance of registration certificates all without notice to the election officials charged with violation of the 15th amendment, without notice to other voters in the same district, and without notice to the candidates involved, violate the most basic standards of fairplay and due process.

This bill, taken as a whole, is one of the worst voter-catch-all hodgepodges submitted to Congress in many a day. It could even make it possible, if my interpretation is correct, for the Attorney General, acting through the Federal courts, to shut off legal processes at any point desired by the Federal Government in those cases where delays are sought by local or State officials in integration cases. This bill constitutes a request for a grant of dictatorial power which has seldom been equaled in peacetime in this country.

We do not seek to avoid the law. We seek to preserve the laws. We know that the laws are written for everyone and they must apply to everyone alike. The rights of the individual are sacred to everyone and must be guaranteed and protected by all the people. By the same token, the laws must have the acceptance and backing of the people or they become a farce, disregarded or violated through subterfuge. When a group of people placed in power by the accident of appointment, whose views and opinions are not subject to approval or disapproval by the electorate, rewrite the laws through socialistic precept and not by legal precedent, those laws do not enjoy the support of the people. When we defer from the rulings of these people, even though they may sit in the highest court, we do not thereby become people who violate the law.

The Constitution is the supreme law of the land—not the courts. The courts only interpret the law and different courts have been known to interpret the same law in different ways. Due process of law is our right. If a man is hung without due process of law, it is called a lynching. If you would lynch the South, you have hit upon the right vehicle in this bill.

Tomorrow's courts may change the present controversial court rulings. We in the South are seeking to find a way to change those objectionable rulings. This is our right under the law. A condemned man has the right of appeal, the right to ask for a new trial or a reversal. We seek the time which the law promises to fight for the things in which we believe. This is the way it should be in free America. This is not lawlessness. We are simply seeking to insure freedom of thought and action for the South as well as for the rest of the Nation. Someday the Nation will thank God that this fight for constitutional government is being made. The drift toward dictatorial power which some of you seek to enhance with bills such as this will come back to haunt you and to haunt the Nation. But, then it may be too late to undo the harm you are doing now to our Nation and to all its people.

I look around and I see many great and serious problems which affect our Nation and which are unsolved. The destinies and economic status of millions of Americans are crying out to us for consideration. I find it hard to understand the detailed interest in this legislation on civil rights which will solve nothing and which fills no actual need.

Many speakers have said the farm problem is the most important one now before us. Certainly it is one of the most important. Farm income continues to shrink year by year. Farm costs continue to grow. A crisis in American agriculture is upon us—not only for the average farmer but for the farm community merchant. Yet this is one of the problems about which we are doing least. And the administration, after vetoing many measures passed by the Congress on the farm problem, now says in effect, "We have no solution. We wash our hands of the whole mess."

Some are concerned about defense, and properly so. We are reducing our conventional defense more rapidly than we are building up our inventory of superweapons. This is resulting in a gap which can be dangerous. We can, if we choose, build more missiles today. We can provide more aircraft, an air alert, modern weapons to replace the World War II weapons of the Army. If we failed to do these things we don't necessarily invite war, but we encourage it. Particularly do we leave the door open for limited war or aggression by the Russian satellites. We provide a golden opportunity for the Communists to throw their weight around and coerce or intimidate our allies or gain concessions at the conference tables. Should that situation which affects the life of this Nation and the future of democracy not occupy our thoughts ahead of this manufactured issue of civil rights?

There are those who believe we are becoming a second-rate power, second in defense, second in diplomacy, eventually second in economy. With the problems of leadership which are ours, we cannot afford to be second-best anything. We are destined to be second best in government if we persist in wasting our time on measures which disrupt rather than solidify the determination of Americans to stand together. Does anyone doubt for an instant that focusing of national attention on this bill has inspired the current wave of racial problems? They make no one happy but the Communists and, no doubt, there are Communist agigators in every one of these incidents. This is an illustration of what may be anticipated from this bill.

Responsible southerners have an obligation to work out voting problems and other racial problems—and they are doing so—and they will continue to do so insofar as these apply to the South, but not as a result of this bill or any civil rights legislation which the Congress may enact.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Meader amendment end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MORRIS of Oklahoma. I object, Mr. Chairman, unless I can be given 5 minutes.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Meader amendment end in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment to the McCulloch substitute. The point was made that under the voting referee proposal a nonjudicial function is being imposed upon the Federal courts. Now, first of all, let us point out that what we are talking about here initially is a case or controversy within the meaning of article III of the Constitution. No proceeding may be begun initially unless you have a judicial case brought by the United States in order to vindicate the interests of persons who have been denied their right to vote under the 15th amendment.

The case or controversy between the United States and the defendants in an action under the Civil Rights Act of 1957 is concluded only when the court is satisfied that in the affected area its processes have completely vindicated the public interest in securing freedom from racial discrimination in voting. When a court utilizes voting referees, it is merely performing a duty, mandated to it by the Congress, to eliminate the effects of the previously found pattern or practice of discrimination in voting. When a court appoints a referee to receive applications, make findings and submit those findings to the court, the court is utilizing the referee to perform the same kinds of functions exercised by court-appointed masters and referees throughout the history of our jurisprudence. Moreover, even those less common duties which the referee would perform—for example, poll watching—are not extrajudicial. In order to give full scope and effect to their decisions, courts, in stockholders' suits to compel the holding of corporate elections illegally delayed by corporate officers, have appointed masters to conduct the elections—for example, *Bartlett* v. *Gates* (118 F. 66 (C.C. Colo., 1902)); *Burnett* v. *Banks* (279 P. 2d 579 (Cal. App., 1955)); *Fein* v. *Lanston Monotype Machine Co.* (85 S.E. 2d 353 (Va. Sup. Ct., 1955))—in suits by a remainderman, where the life tenant has failed to carry out his duties, a court will appoint an officer to manage the estate—(Restatement of property, ch. 13, sec. 189(f); for example, *Keeley* v. *Clark* (211 N.Y. Supp. 391 (1925))—upon failure of a party to comply with an order to convey land or deliver deeds or to perform any other specific act, Federal courts are authorized to appoint a third person to perform the act—(rule 70, Fed. R. Civ. P.)—in a suit by union members, a court has appointed a board of monitors to review and report to the court on the management of the union in order to protect the rights of union members—*English* v. *Cunningham* (29 F. 2d 517), modified 269 F. 2d 539 (C.A., D.C., 1959), cert. denied, 80 S. Ct. 195—in suits for abatement of a nuisance, courts have directed an officer of the court to engage a contractor specifically to abate the nuisance—for example, *Clarke* v. *Chicago B. & O. R. Co.* (62 F. 2d 440 (C.A. 10, 1933))—in a suit for specific performance of a contract for the transportation of personal property, a court has appointed a receiver to take possession of the property and deliver it to the plaintiff—*Madden* v. *Rosseter* (187 N.Y. Supp. 462 (1921)). All of these examples demonstrate conclusively that it is a judicial function for courts of equity, in order to cope effectively with unlawful practices, to appoint officers in ancillary proceedings to insure the complete eradication of both the unlawful practices and their tainted effects.

Even if it should be argued that some of the duties of the referees appear to be nonjudicial, article II, section 2, of the Constitution expressly authorizes Congress to vest the appointment of inferior executive officers in the courts. This power has been exercised by the Congress on various occasions—(for example, 28 U.S.C., secs. 506 and 545).

Let me say also that a few moments ago in a colloquy between the distinguished gentleman from Michigan and myself on the subject of the effects of the proposed amendment to the substitute, I made the point, and the gentleman from New York, the chairman of the full committee, made the point, that the amendment does not do a thing that cannot already be done under existing law.

Let me say further that what the amendment would propose to do is to confine any activity in this area to the parties in a proceeding. It eliminates the concept of a finding of a pattern of practice and the subsequent appointment of referees to examine into this whole subject for the benefit of the court and to report to the court. It eliminates that concept.

Let me say further, however, that a Federal judge, where he is dealing with parties to a case or controversy, is already empowered to appoint a special master, if he so wishes, in order to discover the facts in a particular area, should those facts be complicated of solution. This may be done right now, I should think, under the 1957 act.

The crux of the substitute offered by the gentleman from Ohio [Mr. MCCULLOCH] is, of course, that part of it which makes provision for the finding by the court of a pattern or practice and from then on the processing of applications from persons in like condition who are qualified to vote under the laws of the State, but who have been denied the right to vote.

The CHAIRMAN. The time of the gentleman from New York [Mr. LINDSAY] has expired.

Mr. MORRIS of Oklahoma. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, in my judgment there is great doubt of the constitutionality of the amendment offered by the gentleman from Ohio [Mr. MCCULLOCH] and the one offered by the gentleman from Michigan [Mr. MEADER]. And I will tell you why. The 15th amendment is very brief and I should like to read it. You have all read it, but I want to emphasize a few points. It provides as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State—

That does not say any individual, but by the United States or a State—

> on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Get that adjective; not just by any legislation. And the courts have so held. Congress cannot just legislate any way in the world it might want to. There must be appropriate legislation if any is enacted.

I do not believe there is any Member of this House who is more anxious to see every citizen, colored or noncolored, in this Nation who is qualified given the right to vote and have that vote protected. I am very anxious to help to carry out these rights. But I do want us to proceed in a constitutional and a logical, reasonable way.

Under that article, in my judgment, and I think I have read all the decisions—I spent some time yesterday in the library here taking the United States Code Annotated and reading these decisions—and as I read them Congress would have no right to invade or disturb the machinery set up by the States except to see that it does not discriminate.

There is definitely an exception to that, and I will read you that exception. Section 4 of article I provides as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

I presume the last part of it would not be pertinent, since we now elect Senators by direct vote; but get this: In regard to choosing Representatives, and probably Senators, the Congress can if it feels it justified and proper to do so, step in and determine the manner of holding elections. The Constitution gives them that right, but it absolutely does not give the Congress the right to step in and disturb the machinery of the States in regard to electing a sheriff, a Governor, or any other State official. That is very clear, and these decisions I have read I think bear me out in that. But that is what the amendment offered by the gentleman from Ohio [Mr. MCCULLOCH] and the one offered by the gentleman from Michigan [Mr. MEADER] would do. They would permit going outside the State machinery and let the Federal Government go in and direct the election. That just cannot be done. In my judgment at this moment it is absolutely unconstitutional or at least I seriously question its constitutionality. We are dealing in a very tough area, I recognize that fact. It is difficult to legislate in this area.

So it is not limited. I say we are getting on dangerous ground here. I think the Celler bill is the best bill of all of them, except I think two titles ought to go out, title II and title V, be-

cause they ought to be considered by other committees that have jurisdiction of the subject matters dealt with.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, we all realize that the matter with which we are dealing is highly controversial. There are people who would go a great, long way on one side and some other folks would not go very far on some other side. I should like to put myself in that area where I think something meaningful needs to be done.

I think we must do it and we ought to do it. I want to move in that direction.

It has been argued here in the last day or two that there should have been committee consideration of what is now the McCulloch substitute. I think in the normal course of events that might have been desirable. But, in any event, that action has not been taken. However, I think it is only fair to say that the McCulloch substitute has been considered and reconsidered by a great many people on both sides of the aisle and in the executive branch of the Government where a great responsibility for administration will rest. I can say to you with confidence that the McCulloch substitute, as it has been refined as late as yesterday, is, I think, fair and effective legislation in the direction of voting rights and I believe we should carry it forward to adoption without destructive amendments.

I do not like to find myself in disagreement with my good friend, the gentleman from Michigan [Mr. MEADER], but I sincerely trust his amendment will not be adopted because I do not believe his amendment would accomplish the job we are seeking here to accomplish. Actually, the gentleman from Oklahoma just referred to the constitutional provision which guarantees the right to vote without regard to race or color. The McCulloch substitute seeks to deal only with those actions that defeat the right to vote by reason of race or color. The constitution itself requires us to act. It says we shall guarantee these rights by appropriate legislation. It is not sufficient to say that this legislation is not appropriate because, as I say, people who have worked on it do believe that it is appropriate and so do I.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. CELLER. It is rather important to have noted by this Chamber that the Meader amendment, if carried, would utterly destroy and wipe out parliamentarily and actually the McCulloch substitute, and there would be no McCulloch substitute to vote on, the way the Meader amendment is worded.

Mr. HALLECK. Of course, if it is substituted, then it is destructive of the purposes of the McCulloch substitute. I just wanted to make it clear. I am quite sure the McCulloch substitute is fair and effective. I do not think it is punitive in light of the fact that the Constitution puts upon us the responsibility to guarantee these rights. I sincerely trust that the Meader substitute will be voted down and that the McCulloch substitute will be adopted by the Committee of the Whole.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER] to the substitute amendment offered by the gentleman from Ohio [Mr. MCCULLOCH].

The question was taken; and on a division (demanded by Mr. MEADER) there were—ayes 95, noes 138.

So the amendment to the substitute amendment was rejected.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Chairman, I would like to discuss one of the most far-reaching and dangerous parts of the voting referee proposal. The provision I want to outline is not hard to understand if we set our minds to it. I, therefore, beg your indulgence for the time allotted me, and thereafter if I am granted additional time as was accorded to the gentleman from Ohio [Mr. MCCULLOCH] yesterday, I will be delighted to answer any and all questions.

The first step will be an injunction suit filed by the Attorney General in the name of the United States under the Civil Rights Act of 1957. Who is the defendant in that injunction suit? The defendant, of course, is the local registrar of voters. The court would then issue an injunction to stop the registrar of voters from any alleged discrimination against colored people on account of their race. We cannot object to this initial proceeding because it is authorized under the Civil Rights Act of 1957. We, of course, objected to the passage of that law in 1957, but since it was made the law we cannot at this time object to the initial injunction suit.

It is only after this initial injunction is issued that this bill would come into play. After the Federal judge issues the injunction, then, on request of the Attorney General, the Federal judge must make a finding as to whether the alleged discrimination is pursuant to a pattern or practice. Who is before the court when this finding is made? Again, since this is a continuation of the initial injunction suit, of course, the local registrar of voters is before the court. That is the great concession that the revised McCulloch substitute offered yesterday would make. In reality, however, this is no concession at all because I think my friend from Ohio [Mr. MCCULLOCH], and any members of the Judiciary Committee and others who have studied this bill would concede that it would be implied that the registrar of voters must necessarily be before the court when the finding of an alleged pattern or practice of discrimination is made.

Anyway, when the Federal judge makes this finding the decree would establish a conclusive presumption that all the colored people in the area have in fact been discriminated against. It must be remembered that this conclusive presumption would be made for the exclusive benefit of people who never appeared before the Federal court and who never set foot in the Federal court.

At this stage, the Federal judge would appoint a referee to issue voting certificates to all the people in the affected area. What would these people have to prove in order to obtain a certificate entitling them to vote in any State or Federal election? Would they have to prove that they have been discriminated against on account of their race or color? Oh, no, that is made unnecessary by the conclusive presumption established by the Federal decree.

Now, the 15th amendment provides that the right of citizens of the United States to vote shall not be abridged or denied on account of race or color. The key words, of course, are "on account of race or color." It took another constitutional amendment to prevent the denial of the right of women to vote "on account of sex." And in order to prevent the denial of the right of soldier's below the age of 21 on account of their age, the President asked for another constitutional amendment.

Yet this proposal would make it unnecessary for the people affected to prove the only thing that the Constitution prohibits; namely, denial of the right to vote on account of color. The Deputy Attorney General, Mr. Walsh, blandly said that the purpose of this bill is to "shortcut" this requirement and to "fill this gap."

I think if you listen to the debates carefully, you will catch on how the proponents of this voting referee proposal would gloss over the point I am making. I ask you to just watch them shy away from that proposition.

Now there is an old saying to the effect that it is impolite to look a gift horse in the mouth. But this is not a gift horse—it is a mean and hard-hitting animal. And it is no bargain. The price is mighty high. The price is the circumvention of the 15th amendment and trampling upon all accepted standards of due process. That is why we have the right, we have the obligation to look this horse not only in the mouth but at every point.

I caution you again that the proponents of this bill will be asking you to look only on one side of the picture. I assure you that it is no Rembrandt and that we had better look on the other side.

And so I will offer an amendment at page 2, line 13, to put a comma after the word "law" and to add the words "on account of his race or color", so that the sentence on the proof required will read that the applicant has been "found not qualified to vote by any person acting under State law because of his race or color."

That is exactly what this fuss is all about. The whole argument, the whole tenor of the debate, the only thing we hear complaint about is that these people should not be denied the right to vote on account of their race or color.

We would hope that this voting referee proposal would be defeated. But I suppose we must be realistic about it. I think the will of this body is such that some sort of voting referee proposal will be adopted.

Is it too much to ask the people affected to prove the one and only thing the 15th amendment prohibits, namely: denial of the right to vote on account of race or color? Is it too much to ask the Members of this great body to follow accepted standards of due process? And in this connection, I want to address myself to the very sincere civil libertarians in the House of Representatives, among whom my chairman towers perhaps above all others.

We all know that "seniority" and "precedence" are the two noble words on Capitol Hill. Make no mistake about it, we are now setting a dangerous precedent. Just as sure as I am talking to you, next year, the year after, or sometime in the future, the principle of this bill will be sought to be applied to other matters than civil rights.

Now, how would the principle of this bill operate if we applied it to other areas? Taking only one illustration; suppose a rash of accidents should develop in the District of Columbia because of reckless driving. Suppose a Federal judge would make a finding that reckless driving has developed into a pattern or practice. Suppose the finding establishes a conclusive presumption that all people involved in accidents have been guilty of reckless driving. Suppose the Federal judge appoints a referee to receive complaints of alleged victims of reckless driving. Suppose the defendant or the insurance company involved is deprived of the right in an individual case to prove that a particular accident was not due to reckless driving. Suppose these people were denied the opportunity to appear before the referee with counsel to confront and cross-examine their accusers. And suppose in this ex parte, or one-sided so-called hearing before the referee, the only thing the person who complains that he is a victim of reckless driving would have to say is—my name is John Brown, I live at such-and-such an address, I have been hurt and I have been damaged in the sum of one, ten, or twenty thousand dollars. And suppose the referee would say "OK, Mr. Insurance Company, give this man a check for the amount of his damages." How would you like all of this? Yet, that is exactly what this bill would accomplish. The hearing before the referee would be ex parte. It would be one sided. He would not be required to prove the only thing the 15th amendment prohibits, namely: the denial of the right to vote on account of race or color, and the local registrar of voters would be deprived of the right to be present with counsel and to cross-examine and confront his accusers.

If applied to matters other than so-called civil rights, would it not raise the issue that in this country of ours a person is presumed to be innocent until proven guilty? Would you not urge that each individual case would have to be proven on its merits? That is all my proposed amendment would accomplish.

Thus far these debates have proceeded on a high plane. I, for one, applaud this attitude. If my suggested amendment is adopted, I personally would offer only one or two others to the voting referee proposal. To be sure, others will be offered. And I am quite sure they will be meritorious.

I am in no position to threaten. We do not have the power of filibuster in this body, but the amendment I suggest is so important and strikes at such fundamental constitutional principles that I must say to you that if I were a member of the other body, I would employ all powers at my disposal to defeat this bill. And I suspect that that is exactly what might happen. I do not cherish this prospect, but I am giving you my best judgment on what might happen.

And so I ask you, I plead with you, I emplore you not to pass this bitter cup to us during this lenten season and to vote for the amendment I have discussed.

I realize that if you support my amendment you will probably incur the displeasure of the Attorney General. But somehow I have a feeling that you would not displease the chairman of our committee and the senior minority member too much. In fact, when I brought out these questions about conclusive presumption and violation of standards of due process of law, I was taken to task by these gentlemen. I raised some of these questions on page 101 of the hearing in a colloquy with Mr. MEADER and the chairman. The chairman said:

> Wait a minute, Mr. MEADER. I want to correct the gentleman from Louisiana. There is nothing conclusive about the presumption.

And when Mr. MEADER made the same point that I developed, Mr. MCCULLOCH, at page 105 of the hearing, said:

> Mr. Chairman, I do not agree with that statement. The language of H.R. 10035 does not justify that statement, in my opinion.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. WILLIS] has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WILLIS. Mr. Chairman, I will say that I have completed my statement, but I ask my chairman if he does not think that my proposal has merit enough to seriously consider it before I offer it?

Mr. CELLER. Mr. Chairman, everything the gentleman from Louisiana offers should have serious consideration. I am almost sure when I say that that I speak for the entire membership of the committee because we have great confidence in the gentleman's wisdom and in his fairness. However, sometimes all of us get into a position where our emotions get the better of our judgment, and I think that some of the fears that the gentleman expressed will not eventuate if we pass this bill. I do remember, when we considered the 1957 act, his statement was not dissimilar and all the dire catastrophes that were prophesied by him and others did not come to pass after we passed the 1957 act.

Mr. WILLIS. I thank the gentleman and I would say to him that is one point that I brushed on, and that is, what he says is perfectly true. But we had hearings on the 1957 act. The way the bill was introduced and the way it came out of the full committee were entirely different. One bore no resemblance to the other. And it was modified further on the floor of the House. But we came out with a basic bill.

I am now addressing myself only to the voting referee proposal, a new proposal—the fourth or fifth proposal. I do not accuse anybody of having a new thought every morning, but it is a cold fact that the Civil Rights Commission recommended one thing, the registrar proposal. Then my good friend, the chairman, the gentleman from New York, introduced a bill to carry out that proposal, restricted to State elections and proof of the deprivation of the right based solely upon race. Then the President of the United States made a statement in a press conference that he thought that the registrar bill raised constitutional questions and he said he was waiting for an opinion from his Attorney General. Then the next step—that is the fourth step; not necessarily in bills—the Attorney General made a statement that the registrar proposal was about as effective as a ticket to the Dempsey-Firpo contest of many years ago. Then the Attorney General came back with a proposal, H.R. 10035. Then we had a briefing and pursuant to some rather sharp questioning, he came out with H.R. 10625. Now this morning they come out with H.R. 11160, or some such number. The gentleman from Michigan [Mr. MEADER] has another proposal. None of these proposals has been subjected to hearings and I think my good friend will concede that if we had had hearings, and if the 32 lawyers on that committee, all good, conscientious, amiable gentlemen, would perform as they had in the past, locked up in executive session, without the fanfare of the press and the gallery and the editorials, and worked over this for days in and days out, as we did with the basic bill, H.R. 8601—I will say to the gentleman that at the very least the amendment that we would come out with successfully would be the one that I now propose or shall propose.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I am delighted to yield.

Mr. LINDSAY. Mr. Chairman, I listened with great interest to the gentleman, because I know no finer or more able lawyer or more objective lawyer.

Mr. WILLIS. I thank the gentleman.

Mr. LINDSAY. I should like to ask this question. The gentleman made the point that the bill, from his point of view, would be improved if it were amended to require that a person, in order to receive a certificate from the referee, must show or state that he has been

deprived of or denied the right to vote or the opportunity to register to vote because of race or color; is that not correct?

Mr. WILLIS. Yes. What does that do that the bill does not already do? The bill in its present form, H.R. 10625, page 3, lines 10 to 14, provides that the referee shall receive applications, take evidence, and report to the court findings as to whether or not at any election or elections, one, any such applicant is qualified under State law to vote, and, two, he has been deprived. Is that what the gentleman has in mind?

Mr. WILLIS. "On account of race" would be put at this point also, as the gentleman knows. In order to be brief, I said it would occur on page 2, but that is the same language and there would be a conforming passage to add "on account of race."

Mr. LINDSAY. I thought the gentleman was talking about the referee provision.

Mr. WILLIS. Both. The amendment if offered and accepted would necessarily have to be at all appropriate points in the bill where that same sentence occurs.

Mr. LINDSAY. Let us talk about this particular portion right here.

Mr. WILLIS. That is word for word the same as the provision on page 2. What is the gentleman's question?

Mr. LINDSAY. The question is, if I may talk about the function of the referee for a moment, the applicant must come to the referee and show that he is qualified to vote under State law.

Mr. WILLIS. Right.

Mr. LINDSAY. Second, and that he has been denied the right to vote.

Mr. WILLIS. Why? Why was he denied? The gentleman has put his finger on it. The Constitution said it is prohibited to deny him the right to vote on account of race or color, and those are the words made necessary in the element of proof.

Mr. LINDSAY. The question I am trying to pose—I am looking for education; I am not arguing with the gentleman—is that, if he is qualified under State law to vote, under what circumstances other than race or color would he be denied the right to vote?

Mr. WILLIS. It may be because he has not complied with residence prerequisites; he may have lost his civil rights by criminal conviction or some other legal impediment to his qualification. But the question is that he is qualified to vote under State law. That means that he gives his age and his residence. That is all that he talks about.

What is being very cleverly avoided is the element of proof that he has been deprived of the right to vote on account of race or color, which is the only thing the Constitution protects; and I am told by everybody that the basis of this proposal is the 15th amendment.

Mr. LINDSAY. The gentleman would agree that if a citizen does not live in the proper area he is not a resident. If he is too young he cannot pass the basic test as required under State law. If he cannot pass the literacy test, or whatever it is, he is not qualified under State law.

Mr. WILLIS. Yes; but the only possible basis for Federal jurisdiction is the issue of race or color. Does the gentleman say he wants to take over and, without the issue of race or color being present, issue certificates of registration merely on State qualification, the age or the residence? Unless you bring that issue into the picture, then this Congress indeed is being mighty silly to go into a Federal matter where there is no Federal question presented. The only Federal question presented is the 15th amendment, and that is our only justification to go into this. The only one, single, solitary thing that the 15th amendment prohibits is the denial of the right to vote "on account of race or color."

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I gladly yield to the gentleman.

Mr. ROOSEVELT. Is it not true at the present time there is no State in the Union that specifically denies the right to vote because of race or color, but that it is done through many other methods. Therefore, in actuality that is what happens. Would the gentleman's amendment make it possible to say that if through other devious methods the end result was the denial of the right to vote because of race or color that this would then be possible?

Mr. WILLIS. I appreciate the gentleman's sincere concern on that issue. What I am trying to do is to lay on the table what this thing is all about. My friend then agrees with the mechanics of this bill—very clever, I would say—to get Congress into the picture on the basis of the 15th amendment and thus make it unnecessary to prove the only thing that the 15th amendment deals with.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana may proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WILLIS. I will say to my friend, the gentleman from California, that his question does not take me off my feet—it does not surprise me—because I had that colloquy with Judge Walsh. He asked that question. I said, "Now, look, this is not my bill, this is your bill." There probably is a way to achieve what the gentleman has in mind. I have not thought about it. But certainly the way that has been proposed simply will not work and simply tramples upon my idea of the 15th amendment and accepted standards of due process of law.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. ROOSEVELT. However, would he not have to admit that the effect of his amendment, as he has described it, if it does not do what I asked him, then, in effect, it is actually leaving the matter in the status quo, as it is now—because no State in the Union today deprives an individual of the right to vote because of either race or color by statute.

Mr. WILLIS. I am so glad to hear the gentleman from California make that statement that no State in the Union deprives any individual of the right to vote on the ground of race or color.

Mr. ROOSEVELT. No State in the Union denies any individual of the right to vote specifically on the ground of race or color, but it goes ahead and does it by every other possible method. The effect, of course, is to deprive an individual of the right to vote because of race or color; and it is that which we believe to be unconstitutional, and it is that which we are trying to cure.

Mr. WILLIS. I would also say to my friend that the other amendment, which I will propose later on would require the hearing before the referee to be expeditious. The gentleman may choose any word he pleases. I, for one, am not in favor of dilatory tactics before the referee. If the gentleman wants to say that no dilatory tactics shall be employed and that it shall be expeditious, I do not want to protract this hearing before the referee.

Mr. ROOSEVELT. I think my friend knows that he is not answering the question at all.

Mr. WILLIS. I answered the gentleman's question just a moment ago. It is not up to me to prepare a bill to accomplish what this gentleman said. I am only pointing up that it is unconstitutional. And I would remind the gentleman of one more thing, and that is the virtue of committee hearings. Do not kid yourself on that point. The good chairman of the committee and the proponents of civil rights upon being shown that this does not square with the Constitution in committee, just as sure as I am standing here, would have found a way within the Constitution. It is not my purpose and not my job to rewrite the bill on the floor. I am trying to refine it within the meaning and provisions of the Constitution. I think the great fault with this whole thing and this whole unprecedented idea of writing a bill having to do with and dealing, for the first time I think in the history of our Republic, with the very sensitive area of qualifying voters in the State to vote for a justice of the peace right on up to Governor is that it is being done without any hearings, and that is the great fault of this bill. I know the facts of life. I would prefer that it be stricken. I would prefer that it be referred to the Judiciary Committee. I would not employ dilatory tactics. We should have a hearing. But any time you are going to try to write a bill on the floor of the House on an area which thus far the Members of this Congress have felt wise to leave alone because you are dealing with qualification and issuing voting certificates to people voting in towns and counties and cities and States, the wrong with this bill is that there have been no hearings. If there had been hearings we would not be in this predicament.

Mr. ROOSEVELT. When we voted on the labor bill last year I did not hear the gentleman make this protest then.

Mr. WILLIS. Oh, my friend, let us see. My friends the gentleman from

Tennessee [Mr. LOSER] and the gentleman from Texas [Mr. DOWDY] offered amendments and there were amendments passed to that bill that the gentleman tried to point to us to the South about.

Mr. ROOSEVELT. But there were no hearings.

Mr. WILLIS. Well, I do not know about that. Honestly I do not know. I am not on that committee.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the distinguished gentleman from New York.

Mr. CELLER. It strikes me from what the gentleman has indicated that what sticks like a cinder in the gentleman's eye is the finding by the court of a pattern of discrimination. Am I correct in that?

Mr. WILLIS. I am sorry I did not get the question.

Mr. CELLER. A finding by the judge that there is a pattern or practice of discrimination.

Mr. WILLIS. What about it?

Mr. CELLER. That idea of that finding seems to stick in the gentleman's eye like a cinder.

Mr. WILLIS. No; not at all. That even violates rule 53(b). Rule 53(b) or (c) of the Rules of Practice. Let us see. You have a receivership. Let us say you have a suit for infringement of a patent involving intricate matters of accounting in law. A Federal judge may appoint a master, the same as a referee. If the gentleman will give me that rule, I will show you how it reads. A judge cannot appoint a referee because he is a busy man as a judge. The rule says:

> A reference to a master shall be the exception and not the rule. In cases to be tried by a jury a reference shall be made only when the issue is complicated. In applications to be tried without a jury the referee shall be made only upon a showing that some constitutional conditions require it.

The pattern or practice satisfies the rule of an exceptional situation arising; and, therefore, a referee should be appointed. But what this bill does is to give that referee the powers of a master under that rule when they deliberately do not give him the duties which require counsel, which require notice, which permit cross examination. So I say the element of pattern or practice is a compliance with rule 53.

Mr. CELLER. But in the first instance, under the suggested amendment of the gentleman from Ohio there is an adversary proceeding, and all those who are parties to the original cause——

Mr. WILLIS. Who are they?

Mr. CELLER. The Attorney General or, likely, the registrar in the State.

Mr. MEADER. That is all.

Mr. CELLER. They give notice, and what more notice would you wish? The registrar is a State official. He knows all about what is happening in his own bailiwick. He is given sufficient notice. The hearing is had before the judge. It is not an ex parte proceeding at that stage at all. Then the judge on the record, on the basis of the evidence adduced, issues an order of a pattern or practice which the special master, called the voting referee, follows, and any individual of that particular race is presumed——

Mr. WILLIS. Conclusively.

Mr. CELLER. This is what I am getting at, he is presumed to have been discriminated against because he is a member of that particular race and because there is a pattern or practice proven in that particular community against that particular race.

We have precedents for Congress establishing proceedings of that sort.

Mr. WILLIS. Will the gentleman name one.

Mr. CELLER. In an antitrust case where an action is brought for treble damages, in conflict of interest cases, court officials, and bank examiners under title 18.

Mr. WILLIS. I do not agree with the gentleman, I am sorry I do not have time to challenge it, but I will later on.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent to correct a typographical error in the substitute amendment I offered to the Lindsay amendment on yesterday. I ask that on page 6, line 21, the word "or" after the word "practice" be deleted and that the word "of" be substituted for the word "or", which, I repeat, is a typographical error.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, after the very able exposition of the gentleman from Louisiana, it is not necessary to say that he was an able and persuasive advocate. For that very reason I want to say a word or two concerning that which he said.

The gentleman from Louisiana lays great stress on the fact that after there has been an adversary proceeding in the Federal court and a finding that an otherwise qualified Negro was deprived of his right to register or vote by reason of race or color and finds that such deprivation was pusuant to a pattern or practice, that a person who may be colored may go to a referee and apply for a certificate which will be followed by an order which would entitle him to register and to vote.

I want to say to the House again that which I said yesterday, that when that person goes to the referee and makes an application for the certificate the proceeding is an ex parte proceeding.

But after the ex parte proceeding, the referee must make a written report which is filed with the court and which is served upon the Attorney General of the State, among other people. For 10 days thereafter exceptions may be made to the finding of the referee which gave the certificate to the gentleman who is seeking a right to vote. Upon hearing, if that certificate has been improperly granted, the certificate and the order in connection therewith will be in accordance with the facts of the case and the man will not be entitled to vote.

I ask the members of this Committee, what could be fairer in attempting to grant to citizens of our country a right, a basic, fundamental, constitutional right of the elective franchise?

There is no real objection to that procedure, Mr. Chairman, and I hope when this matter comes to a final decision by the Committee the fundamental rights which are at issue and the manner in which they can be implemented will be taken into consideration and the proposal and the objection of the gentleman from Louisiana put in their proper perspective.

I regret the necessity of doing this, but it may be helpful. You know, until there has been a pattern or practice of discrimination found which denies otherwise qualified citizens of this country the right to vote, the procedures do not come into being. Down in the State from which my very good friend comes I see this is the finding of the Commission on Civil Rights. I am quoting from page 101. First, in the parishes of Madison and East Carroll no Negro was registered or had ever registered to vote.

Just one other State that I picked at random, and I quote from the commission this: "In 27 of the States, 159 counties," and I now refer to the great State of Georgia, "more than 50 percent of the voting-age Negroes were registered in 1958, but in Baker County with some 1,800 Negroes of voting age none was registered."

For that reason I do not want to take further time of the Committee; I say that a pattern has been determined by this Commission on Civil Rights, and I do not believe the statistics have been successfully controverted.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Maryland.

Mr. FOLEY. The gentleman from Louisiana mentioned that under existing power, the Federal district judges in equity court can today appoint a referee in exceptional cases to protect the rights of litigants; is that correct?

Mr. McCULLOCH. I would say that is correct.

Mr. FOLEY. If a Federal judge today is possessed of such powers, is there any defect in the procedure today to protect a person under the 15th amendment from the exercise of his constitutional right to vote and protection against discrimination on the ground of color?

Mr. McCULLOCH. The only remedy which that person has is a remedy which makes it impossible for any relief to be granted where there are hundreds of people in townships, precincts, and parishes being deprived of the right to vote at this time without the pattern of discrimination which was found not only by the district court in Louisiana but by the Supreme Court of the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KASTENMEIER. Mr. Chairman, I offer an amendment to the substitute.

The clerk read as follows:

Amendment offered by Mr. KASTENMEIER: On page 1, line 8 of the McCulloch substitute, before the word "In", insert "(e)(1)(A)" and on page 1 of the McCulloch sub-

stitute strike out "that any person has been deprived" on line 9 and all that follows down through the last page of such substitute, and insert in lieu thereof the following: "that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, of the opportunity of registration, for elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.

"(B) Whenever the Commission on Civil Rights, acting under the duties imposed upon it by section 104(a) of the Civil Rights Act of 1957 (71 Stat. 635, 42 U.S.C. 1975c (a)) or in the event of termination of the Commission such other agency or department as the President shall designate to perform the same function (hereinafter referred to as the Commission) finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration of the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.

"(2) Upon any notification of a finding pursuant to paragraph (1) of this subsection, the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office for such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by the Act until such time as he is relieved of such duties by the President.

"(3) The President may if in his judgment such action appears justified and suitable delay the appointment of Federal Enrollment Officers in order to permit prompt and continuous good faith efforts by State and local officials to terminate in an affected area deprivation of the right to vote on account of race or color.

"(4) The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to paragraph (1) of this subsection. All such applicants whom he finds to meet the qualifications for voters under the laws of the State, wherein such district is situated, shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained herein shall be construed to authorize an Enrollment Officer to enroll any person who is not of the same race or color as the persons found pursuant to paragraph (1) of this subsection to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this subsection shall be construed as impairing the right of any State or establish nondiscriminatory voting qualifications.

"(5) Each qualified voter who is enrolled pursuant to paragraph (4) of this subsection shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of paragraph (6) of this subsection.

"(6) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the U.S. district court having jurisdiction over the registration district in which the challenge is made. The Attorney General shall provide appropriate legal defense to any such enrollee whose eligibility to vote has been challenged in such proceedings.

"(7) Federal enrollment officers shall ascertain that persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(8) The provisions of this subsection shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under paragraph (4) of this subsection of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this subsection to cast their votes and have them counted, subject to the provisions of paragraph (6) of this subsection.

"(9) For the purposes of this subsection—

"(A) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.

"(B) The term 'registration district' means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

"(C) The terms 'qualified voters', 'qualifications for voters', and 'qualified to vote' mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by voting registrars, or other State or local officials, in qualifying other persons in the registration district not of the same race or color."

Mr. KASTENMEIER. Mr. Chairman, I rise in support of my amendment, which is based on the bill introduced by the gentleman from the other body, Mr. HENNINGS on Friday last. Its full and exact text is printed on pages 5504–5505 of the RECORD of March 14, where it was inserted by our colleague the gentleman from Michigan [Mr. O'HARA] who has worked long and hard on this proposal. Incidentally, the gentleman from Michigan and a number of our other colleagues will seek recognition to discuss the amendment further.

The amendment is based on the fundamental proposition that Congress has the constitutional authority and political obligation to aid the courts and to work with the courts to guarantee equal rights to all our citizens regardless of race or color. We should not forget that this problem is not one which is primarily judicial, it is congressional. This is made clear by the enforcement article of the 15th amendment.

Precisely what would my amendment do? Where a court or the Civil Rights Commission finds that people have been denied the right to register because of race or color, the President is notified. If he feels it necessary, he may appoint a Federal enrollment officer, from among Federal employees and officers already registered to vote in the affected local district.

The President is not required to do so. He is permitted to delay so long as he feels local officials are making good faith efforts to eliminate the deprivation of voters' rights.

If an enrollment officer is appointed, applicants deprived of their voting rights because of race or color may go to the enrollment officer and prove their qualifications. Those who are qualified to vote under the laws of the State, he enrolls. They must be permitted to vote and to have their votes counted.

The enrollment officer is authorized to inspect the polls and the counting of the votes to see that this is accomplished.

Appropriate State and local officials are given an opportunity to challenge the right of the enrollees to vote, but in the meantime the enrollee has the right to make his vote.

As compared to the referee bill, my amendment offers a more speedy and effective remedy for those who have been deprived of their right to vote. At the same time, it avoids the serious constitutional problems raised by the referee proposal.

My proposal is more speedy in that it provides a dual trigger for setting into motion the processes necessary to establish a voter's rights. Registration and protection of a voter's rights can begin immediately upon the President acting upon a finding either by a court or by the Civil Rights Commission that persons are being deprived of voting rights because of race or color.

It eliminates several of the steps required under the referee proposal. Under that proposal, the Attorney General must first be persuaded to bring an action in Federal court stating that an unregistered Negro was deprived of his right to vote because of race or color. The Attorney General must also request from the court that an additional finding be made showing that a pattern or practice of discrimination existed. After such adjudication was made there would still be room for judicial appeal through the court system. After this occurs, the Federal judge in his district could appoint voting referees who would consider any other cases of discrimination of voting. These hearings on the part of the Federal referee would be ex parte. Exception could be taken to the finding of the referee, in which case the applicants might have to attend another hearing. If they succeeded there, they would again go to the local registration official

and make another attempt to register. Only after they had taken all these steps might they go to the polls, and even at that point, there is no assurance that they would be permitted to vote.

The amendment which I offer eliminates several of these steps. Applicants of the same race or color as those found by the court or the Civil Rights Commission to have been denied the right to register or vote need only go to the enrollment officer. If they demonstrate their qualifications to his satisfaction, the fact of their qualification is communicated to the local registration official. The prospective voters are then qualified to go to the polls and must be permitted to vote and to have their votes counted.

By eliminating the extra steps, my amendment reduces the potential exposure of the prospective registrant to social, economic, and physical threats before he ever gets to the polls. My proposal also eliminates the opportunity for local officials through exceptions and appeals to delay, possibly for years, the effective protection of the voter's rights. Further, it puts the burden of challenging a voter's rights where it belongs—on those who would deny him the right to vote. This is in keeping with the current practice of the States requiring those who would challenge a voter to assume the burden of proof and to litigate the issues involved.

My proposal avoids the constitutional questions involved in the referee proposal. It clearly assigns administrative functions to administrative officers, judicial functions to judicial officers, thus preserving their traditional roles under the Constitution.

The referee proposal is to a large measure a restatement of existing procedures of the Federal courts which are manifestly inadequate. At this very moment it is possible for the Attorney General to bring an action under the Civil Rights Act which is in the nature of a class action. It is perfectly permissible and has been for years for the Federal court to appoint a "special master" who could carry out the functions which it is proposed to assign to the referee. We are debating this issue today because of the manifest inadequacy of these procedures. It would represent the grossest kind of political cynicism for us to go through the motions of codifying these procedures, which, by their very nature, are slow and cumbersome.

We who are sworn to uphold the Constitution have an obligation to do something more than that. I therefore ask my colleagues to give serious consideration to my amendment, which is the only proposal that promises speedy and effective elimination of a tragic situation, in accordance with the philosophy of our Constitution.

Mr. O'HARA of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there are a number of reasons for favoring the proposal for Federal enrollment officers in preference to the Federal referee plan submitted by Attorney General Rogers.

Important among these considerations, apart from the cumbersomeness and doubtful workability of the referee proposal to be discussed by other speakers, are the serious questions of constitutionality created by the chosen procedures of the referee plan.

These constitutional problems, which relate to the proper functions of the judiciary and to the requirements of procedural due process, can and should be avoided.

The constitutional vice of the Rogers referee proposal begins in its assignment of the task of identification and registration of qualified electors to an arm of the judiciary rather than to an agent of the administration where it properly belongs.

The jurisdiction of the Federal courts, set forth in article III of the Constitution, is limited to cases and controversies arising under the Constitution and laws of the United States.

The Congress cannot assign an administrative or ministerial function to the courts. This clearly follows from the grant of jurisdiction contained in article III, and was conceded by Deputy Attorney General Walsh before the Judiciary Committee when he admitted that registration of voters is not "ordinarily regarded as a judicial function"—page 28 of voting rights hearings.

Mr. Walsh then attempted to salvage the situation by contending that registration becomes a judicial proceeding "when it is challenged and the judge has to decide between two conflicting claims." If this is so, what about unchallenged registrations? Will the Rogers' provision for a perfunctory review by the judge of the referee's determination convert such registrations to judicial functions? I hope so, but I doubt it.

But assuming that the referee proposal has succeeded in converting a ministerial function to a judicial function, it has yet another hurdle to clear. The fifth amendment requires that judicial proceedings provide procedural due process.

Local election officials then must have the opportunity, at some stage, for confrontation and cross-examination of witnesses and presentation of evidence.

Such opportunity is not afforded them when applicants appear before the referee.

Local election officials are permitted, however, to a limited extent to contest the referee's findings at the time of review of his determinations by the judge.

But at no stage of the proceedings are local election officials permitted to explore the applicant's literacy and understanding of other subjects beyond the transcript of the referee proceedings, which local officials are not permitted to attend. Yet the literacy and understanding of those seeking registration is often the very heart of the controversy.

Mr. Chairman, the very least this Congress can do in the field of civil rights is to provide protection for the franchise—the most basic of requirements of a democratic society. This privilege must be secured by the enactment of safeguards which are at once effective and constitutionally permissible.

The Attorney General's proposal for the establishment of Federal referees fully meets neither of these tests.

The proposal of Senator HENNINGS embodied in this amendment does meet these tests. It provides for conduct of registration process by administrative officers, the manner in which registration has always been handled in the United States. It provides for thorough judicial review of the enrollment officers determinations with all of the safeguards of procedural due process. This review which is in no way limited or confined will take place, in the customary manner, after new registrants have been permitted to cast their ballot in the election contests.

Mr. Chairman, I therefore urge this Congress to face up to its responsibilities to our Negro citizens by protecting their right to vote in fact as well as in form by adopting the amendment offered by the gentleman from Wisconsin.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield.

Mr. BARRETT. Mr. Chairman, on September 22, 1862, the Emancipation Proclamation was issued by President Lincoln freeing all slaves, and there was great rejoicing all the way from the Delaware to the Rio Grande. It was apparent the issue that birthed the Civil War had been settled and at last the Negro race would claim its inherited rights to life, liberty, and the pursuit of happiness.

It is, indeed, a pity we do not have in this present-day world more men with the foresight and understanding of Mr. Lincoln. It is regrettable that our colored citizens today are not allowed to vote or permitted to go to schools of their choice.

Mr. Chairman, for the past 2 weeks a nationwide spotlight has been focused on the Congress during its deliberation of civil rights bills in both the Senate and the House, and, I regret to say, little has been accomplished. Every attempt has been made to water down the original bills, and it looks as though ineffective legislation which will do nothing for our colored citizens will be presented to the President.

The Civil Rights Act of 1959, H.R. 8601, will have my full support merely because it is apparent it will be the only piece of legislation scheduled for a vote this session of the Congress; and unless the original provisions are restored, the true purpose of the act will be destroyed.

Mr. Chairman, H.R. 8601, as originally introduced, would provide a workable program and would forge another link in the chain of rights for the colored people. It would elevate them one step higher in their quest to become first-class citizens, entitled to all the privileges the majority of us enjoy today.

Is it not a fact that we were all created equal in the sight of God? Are we not a Christian nation? Then let us not forget our duty to God and to our fellow man. Let us destroy bigotry and prejudice and strengthen the framework of our society and our Constitution.

Mr. KASEM. Mr. Chairman, I move to strike out the last word.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield.

Mr. SANTANGELO. Mr. Chairman, I wish to associate myself with the remarks made by the gentleman from Michigan [Mr. O'HARA] and the gentleman from Wisconsin [Mr. KASTENMEIER]. Of all the amendments that have been proposed on this very technical and complicated subject, this is one which, in my opinion, would be the most effective, which may be the very reason, perhaps, why some of the opponents of civil rights might not wish to vote for it. This amendment preserves the constitutional guarantees which are implied and, perhaps, inherent in the other amendments as to which, however, questions of constitutionality have been raised. But, this is an amendment which will be effective not only in protecting the rights of a person who is denied the right to vote, but also in protecting those States which feel their local power is being encroached upon.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield.

Mr. WOLF. Mr. Chairman, I rise to support the excellent statements of the gentleman from Wisconsin [Mr. KASTENMEIER].

The diligent and aggressive efforts of this outstanding Congressman have contributed greatly to our understanding of this civil rights legislation. I hope the proposal of my friend, the gentleman from Wisconsin, is adopted.

With his excellent discussion it becomes eminently clear to me that herein lies the best approach to securing voting rights for all American citizens.

It is significant to note that no question of constitutionality has been raised to the Kastenmeier amendment.

I wish to congratulate the gentleman from Michigan [Mr. O'HARA] as well, for his assistance in preparing this perfecting amendment. I hope that all Members will vote for this amendment.

Mr. KASEM. Mr. Chairman, I feel that we should review for a moment the history of this legislation. The President sent to the Committee on the Judiciary an excellent bill, which contained a title III which vested in the Attorney General of the United States, the proper officer under the Constitution, the right and the power to move to protect the right of American citizens who are being denied their right to vote.

During our deliberations a message was received from us by the President to the effect that this was a matter for education and persuasion, and no more effective cue could have been given to the party of Abraham Lincoln to join forces with Dixieland to defeat the most effective proposal yet offered to protect the right of our Negro citizens to vote. Title III vested in the Attorney General the power to act on the petition of a person who was being deprived of the right. When that was gone the bill was gutted. Now the administration comes back with a proposal, the so-called referee plan, sometimes called Rogers No. 2. I cannot for the life of me understand why our Representatives from the South opposed the referee plan, because it would freeze into the Federal system the inequities that presently exist in the States. Here is a bill that would have a southern judge, under all of the southern pressures, appoint a southern referee to pass upon the problem that we have in the South. I am going to vote for it on the basis that it is better than nothing, although there is serious doubt in my mind if it is better than nothing. It may be better to keep a clean slate; we may sooner have some legislation to protect the rights.

We have before us a most moderate and intelligent proposal to effect this legislation. The Republicans, it is very obvious, are in control. The Democratic Party is split right down the middle on civil rights. What will be passed in this area will be what the Republicans want passed, and what will not be passed will be what the Republicans do not want passed. I appeal to our Republican colleagues to do something of an effective nature, something beyond the anemic proposal that was inspired by an anemic administration on behalf of our Negro citizens in the South.

Mr. Chairman, this speech is obviously for the purpose of fixing responsibility in this legislation. I think I have done that. I, therefore, yield back the remainder of my time.

Mr. DAVIS of Georgia. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, the clamor for this racial, sectional legislation comes from the North, the East, and the West. These areas have throughout the years dodged their responsibility to care for their proportionate share of the Negro population of this country. They have evaded their moral duty to take their fair share of the Negroes in this country and provide them with education, homes, and jobs. They have been slackers in the past in this respect. They are slackers now in this respect.

They have been quick to point the finger of criticism at our section of the country which has been carrying this burden—our own and theirs. All the while they have disavowed any responsibility on their own part. Their greatest contribution to the problem has been one of faultfinding.

The people in New York, Pennsylvania, Illinois, and Michigan are as segregation-minded as the people in Georgia, Alabama, Mississippi, or Louisiana, and they are far more hypocritical.

During the general debate on yesterday there was a colloquy between the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Pennsylvania [Mr. FULTON]. The gentleman from Pennsylvania disclaimed any unwillingness on his part to welcome Negro migration from the South into the Pittsburgh area. I would not dispute that the gentleman from Pennsylvania properly represented his own attitude in the matter.

I do know, however, that an Associated Press article on last October 29, datelined from Philadelphia, contained this statement:

> Harold E. Stassen says that if he is elected mayor of Philadelphia he will stop an alleged heavy migration flow of Negroes from the South to this city.

The article quoted Stassen as making this statement in a campaign speech:

> The policies springing from this concept during the past years have already caused serious damage to all the people of our great city and if continued for the next 4 years, will lead to tragic results for all the people of both races in Philadelphia and adjacent counties.

There was a former Governor of one of the Northern States, a man who also has held high office in the Federal Government under Republican administration, publicly advocating official action to prevent Negroes moving from the South into Philadelphia and adjacent counties. I shall ask permission at the proper time to insert the entire article in the RECORD as a part of these remarks. The article appeared in the Greensboro, N.C., Daily News, Friday morning, October 30, 1959, and is as follows:

STASSEN PROMISES CURB ON NEGRO MIGRATION

PHILADELPHIA, October 29.—Harold E. Stassen says that if he is elected mayor of Philadelphia he will stop an alleged heavy migration flow of Negroes from the South to this city.

The Republican candidate said tonight Democratic Mayor Richardson Dilworth had declared "the only relief for southern poverty is northern migration."

Stassen, in a debate with Dilworth who is seeking reelection, said:

"The policies springing from this concept during the past years have already caused serious damage to all the people of our great city and if continued for the next 4 years will lead to tragic results for all the people of both races in Philadelphia and adjacent counties."

Yet, if Stassen were a Member of the House or the Senate today, he would be here clamoring as loudly as possible for this civil rights legislation. This is what I mean when I say the people from the North, the East, and the West have evaded their responsibility and have failed in their moral duty to carry their share of this burden.

This is not an isolated instance. Just 1 year ago, in March 1959, in Detroit, Mich., white policemen were assigned to ride with Negro policemen in squad cars. The white policemen immediately started a slowdown strike as a means of registering their protest. These strikers against integration were policemen, presumed law-abiding citizens, and indeed law enforcers.

In 1956, the U.S. News & World Report quoted a Detroit Negro newspaper as saying:

> Detroit seems to be rapidly returning to its old pattern of a few years ago, when we lived from crisis to crisis. * * * In the last 2 years there has been an unmistakable resurgence in organized resistance to Negroes based upon color prejudice.

In the nearby city of Dearborn, Mich., the mayor boasted that no Negroes were permitted in that city. A newspaper reporter quoted him as saying:

> They can't get in here. We watch it. Every time we hear of a Negro moving in—for instance, we had one last year—We respond quicker than you do to a fire. That's generally known. It is known among the Negroes here.

The reporter asked if the NAACP ever called upon him, and he was quoted as answering:

> No, we'd chase 'em to hell out of town.

He was also quoted as saying:

> The politicians have made the race question a football. It's hot up here, but we've taken an open stand in our community. Detroit hasn't done it; they're in a helluva mess. We are for complete segregation, no ifs, ands, or buts about it. That is my position, and I tell the Negroes the same thing.

In Ohio, the Executive Director of an organization known as the Council To Aid Migrant Workers in Cleveland wrote a letter to an Alabama Negro school teacher advising him to urge his pupils to stay in the South instead of coming North. He was reported as having said that:

> The exodus North of southern Negroes has hurt the battle of Negroes to obtain first-class citizenship.

I do not know which member of the "holier than thou" Illinois delegation represents the city of Deerfield, Ill. But, within recent months the city of Deerfield has been taking some very definite and positive steps against immigration of Negroes and integrated housing. A residential subdivision developer let it be known that he was planning an integrated housing subdivision. Loud protests were made by the Deerfield citizens. They went so far as to vote a bond issue to buy the tract of land from the developer and make a public park out of it. The developer objected to selling the tract, and the newspapers quoted the Deerfield people as responding to that with a statement that the land would be condemned under eminent domain proceedings, would be purchased by the city and turned into a park.

In another place in Illinois, a little town called Colp, the public school was ordered integrated, and the white people of the community boycotted the school and sent their children to all-white schools in neighboring towns. This was reported in the Wall Street Journal of October 15, 1958, which reported the incident with the following comment:

> Colp's story points up the fact school integration disputes are not limited to States south of the Mason-Dixon line.

The National Association for the Advancement of Colored People is authority for the statement that 31 percent of all the elementary pupils in Chicago attend schools that are predominantly of one race; that of 355 elementary schools listed in the 1956 school directory, 32 of them, or 9 percent, are mixed racially; 250 of them or 70 percent are predominately white—that is, containing 90 percent or more white pupils—that 73 of them or 21 percent are predominately Negro—that is, 90 percent or more Negro pupils. They further state that the 14,673 Negro pupils in the 32 mixed schools constituted 12 percent of the estimated total number—117,582—of Negro public elementary school pupils. The estimate further stated that 1,002, or less than 1 percent of the total Negro pupils, were in predominately white schools, and that 87 percent of the Negro elementary school children were in predominately Negro schools in the spring of 1957.

A very similar condition prevails in New York City.

With reference to residential construction, in Levittown, Pa., not so long ago there were loud and noisy demonstrations for several days against a family of Negroes moving into that all-white area. The demonstrators went so far there as to attack a policeman who had been guarding the Negro family and knock him unconscious with a rock.

We are all familiar with the story of the court in Ohio, which not so long ago, ordered a Negro woman and her large family of minor children returned to her home in Alabama, although she cried and protested she did not want to return to Alabama but wanted to live in Ohio. While people in Pennsylvania, Illinois, Ohio, and other northern and eastern jurisdictions are building walls around themselves and their towns to keep Negroes out, we have been and are now taking care of them in the South. In contrast to the North and other sections of the country the South has lived with the racial problem for years, and knows how to deal with it. Just recently, Dr. John Hannah, Chairman of the U.S. Civil Rights Commission, which was investigating housing in Atlanta, said:

> The Negro housing situation in Atlanta is better than in the North, and more progress is being made to improve it.

Dr. Hannah was quoted by the Atlanta Journal in April last year as saying, "There is very serious discrimination in housing" in his home State of Michigan. He stated, "What has been described here—in Atlanta—is definitely better than what we have in northern cities."

We are not only providing housing for Negroes in Atlanta and in Georgia and the South. We have been and are providing them, almost wholly at the expense of white people, first-class, excellent educational facilities. I live in De Kalb County, Ga., a county whose population now is about 240,000 people. It was 186,000 in 1950. In 1950 I requested the superintendent of county schools in my home county to give me figures from his school records regarding the number of Negro children in the county public school system and the cost of operating those schools, and by whom that cost was paid. These facts were that we had 2,042 Negro children in the county public school system; that the county spent $85.33 per pupil on white and colored alike—not including the State contribution—which amounted to $174,243.86, the county paid toward the education of these children.

His information further showed that Negro property owners in DeKalb County paid school tax upon 1,348 parcels of real estate, total evaluation, $357,320, net evaluation after deducting the homestead exemptions, $77,600. Negro property owners paid taxes upon 842 items of personal property, gross evaluation $79,500, net evaluation after homestead exemption, $50,750. The Negro property owners thus paid school tax upon $128,350 of taxable property. The total amount of school taxes paid by those property owning Negroes was $1,925.35. The county operated 4 Negro school buses to haul Negro school children to the county public schools at an expense of $2,000 each or a total expense for school buses of $8,000. So the total school taxes paid by the Negroes of DeKalb County into the county school system was actually not enough to pay the expenses of one school bus to haul their children to the schoolhouse. The $1,925.35 school tax paid by them would have provided less than $1 per pupil for the 2,042 Negro children who attended the county public schools.

Again in 1956 I asked the county school superintendent for the same information. In that year, the State of Georgia paid $92.35 per pupil for operating purposes and DeKalb County paid $51.70 per pupil, making a total of $144.05 per pupil. Of the $51.70 county payment the Negro taxpayer paid $1.93 per pupil, the white taxpayer paid $49.77 per pupil. In a 6-year period the DeKalb County Board of Education spent $1,377,223.28 rehousing Negro children and purchasing school equipment for them. That represented $517.95 per Negro pupil in capital outlay. In one day DeKalb County dedicated 13 new school buildings; 8 of them were for white children and 5 were for Negro children. At this time all the Negro children in our county are in new school classrooms. All Negro schools meet full standards for accreditation; in a check recently made I was advised that 17 percent of the Negro teachers hold master's degrees, 75 percent hold A.B. or B.S. degrees, and only 8 percent of them had less than 4 years of college. No Negro teacher with less than a B.S. degree has been employed in the last 6 years.

The city of Atlanta is in my congressional district. I just yesterday obtained from the assistant deputy vice chairman of the Fulton County Board of Tax Assessors information as to the cost of educating Negro children there. In 1959 white property owners in Fulton County paid for school taxes $16,131,763. Negro property owners paid $769,422 school taxes. Of these school taxes, the white property owners paid 95.45 percent and the Negro property owners paid 4.05 percent. In the city of Atlanta schools in 1958 there were 61,137 white pupils and 37,951 Negro pupils. In 1959 there were 61,412 white pupils and 40,625 Negro pupils. These figures show you how we are successfully, efficiently, and uncomplainingly carrying the burden of caring for the Negroes in the South—carrying not only our part of the burden, but the part which should be carried by those people in Michigan, Illinois, Pennsylvania, and Ohio who are building walls to keep the Negroes out and who are

sending them back South after they have traveled from the South to this so-called promised land in the North.

So far as voting is concerned, I want to give you some figures on that. On Saturday, March 12, the registration books were closed for our next Democratic Party primary. At the time of closing there were 102,997 white persons registered in Fulton County and 33,284 Negroes registered. In proportion to the number of white residents and Negro residents in Fulton County, this is a very favorable showing of registered voters for Negro citizens. No obstacles are placed in the way of Negroes registering in my congressional district. They register as freely as white persons, and they vote the same way.

I give you these figures, which are subject to check by anyone who wishes to check them, and they demonstrate that there is no need for Federal legislation to protect the Negroes in my district in the area of education, housing, or voting. We are doing a far better job than the meddlers and the busybodies in the other areas of the country who have been shirking their own responsibility in this respect, and we are doing it with far less friction and ill feeling.

Mr. ROOSEVELT. Mr. Chairman, I move to strike out the requisite number of words, and I ask unanimous consent to proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. QUIGLEY. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Pennsylvania.

Mr. QUIGLEY. Mr. Chairman, I would like to make this observation apropos of the remarks of the gentleman from Georgia and in fairness to the people of the great city of Philadelphia, I think that the record should show that Mr. Stassen went down to the worst political defeat in the entire history of that city.

Mr. ROOSEVELT. Mr. Chairman, the very distinguished gentleman from Virginia [Mr. SMITH], my good friend, remarked yesterday that the gentleman from California was able to note a boobytrap when he saw one. I would just like to say today I have to bow my head in acknowledgement to the gentleman from Virginia because I think he, too, has taught me something about boobytraps.

Mr. Chairman, the rule under which this bill is being considered was ostensibly, to most of us, supposed to be an open rule. It was a rule which covered a good many subjects. By specific provision it was open to a voting rights rule, but we discovered somewhat to our dismay slightly later that other subject matters which had been included in the President's recommendation to this body on civil rights were not to be a part of this bill and in spite of the fact that the bill's title specifically says that it is to be for the protection of constitutional rights, we have found out that under the rule before us these were not germane to the bill. So, I hope that my colleagues and the rest of us will learn too, that a boobytrap must be looked at very carefully and we will look at all rules with the greatest of care in the future.

Mr. Chairman, I rise particularly in support of the amendment offered by the gentleman from Wisconsin because I feel that it overcomes some of the deficiencies of the proposal offered by the gentleman from Ohio [Mr. MCCULLOCH]. I am not, of course, going to vote against the provision offered by the gentleman from Ohio if we should fail in this effort because, as has been said, half a loaf may be better than no loaf. However, it certainly is the duty of every Member of this body to try to improve and better the legislation before us. And, there can be no question that in the amendment offered by the gentleman from Wisconsin, which is largely the Hennings amendment proposed by a Member of the other body, for the first time we definitely do have the executive branch doing the job that it ought to do, and not leave it entirely to the judiciary. I think also that there can be no question that it eliminates a long harassment which would have to be faced by any voter under the McCulloch bill who took advantage of it to try to protect his own individual rights. If I may also say, it seems to me that one of the things that it does is very clearly to bring to all of these voters initially the protection which is needed and not to try to spell it out piecemeal, as I am afraid the eventual record will show will be required under the substitute proposed by the gentleman from Ohio.

On top of that I think also that we must recognize that the individual moving under the substitute offered by the gentleman from Ohio is going to be subject to that economic harassment which has been the bane of the existence of so much of the effort of individual Negroes in the South to obtain their full civil rights stature. I am only sorry that we have not been able to devise a better way under the administration plan that is now offered.

I would also say to my good friend, the gentleman from Louisiana [Mr. WILLIS], that I think he will find in our proposal some of the answers to the constitutional questions that he raised before, because we do, what I was trying to say a bit earlier, specifically say that these findings must be made toward specifically the prevention of registration because of race or color, and if the various acts which are used tend toward that specific thing, then they will be acted upon by the President or they will be acted upon by the Civil Rights Commission as is suggested in this part of the bill.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Louisiana.

Mr. WILLIS. Where does that language occur? Unfortunately I cannot put my finger on it.

Mr. ROOSEVELT. I will try to dig it out, and if I do not do it in my time, I will ask for a few minutes later to read it to you.

Lastly, Mr. Chairman, may I simply say that sometimes we are told, as we were a few minutes ago, that it is just the North or the East or the West that is interested in bringing civil rights to all American citizens. So, I would like to read you these words:

> Whatever the laws may say, however lofty may be their sentiments, a man without a vote is a man without protection. He is virtually helpless, dependent upon the charitable impulses of others. But, a man with a vote immediately acquires status as every one of my colleagues is well aware. He has his destiny in his own hands and he can do far more to help himself than others can do to help him. A man with a vote also does something else. He strengthens the unity of America.

Those words are the words of a gentleman from Texas. Those words, I believe, are patriotic words. And in supporting this bill and particularly the provision of the gentleman from Wisconsin I join with those words. This is not a sectional matter. It is a matter for our country that all citizens everywhere may have the right to vote.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I am happy to yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman said, if I understood him, that he would support the McCulloch substitute. As I said before, I am supporting the McCulloch substitute. I should like to say to the gentleman that he might find himself in a parliamentary situation here where he may not have anything when we get through.

Mr. ROOSEVELT. I think, if the amendment which we are supporting is adopted, we would have that to support, and I presume then, if we had that, the gentleman from Indiana would support that, too, in order to get an effective bill.

Mr. HALLECK. I want to say to the gentleman very honestly that I have not had an opportunity to examine it and I would not commit myself to support it. It has just been brought in here. The gentleman said that somebody on the other side introduced the bill. No one has had a chance to look at it. I have not had a chance to look at it. It seems to provide for Federal registrars and about that there has been great concern. So I would not want the gentleman to put me in the position of committing myself to vote for this.

Mr. ROOSEVELT. The gentleman is putting me in that position, to vote for his amendment; the latest one only came out this morning. So I do not think he has the right to criticize me on those grounds.

Mr. HALLECK. If the gentleman will yield further, he volunteered the statement that he would support the McCulloch substitute.

Mr. ROOSEVELT. Only if the amendment of the gentleman from Wisconsin is defeated. But I would certainly hate to believe that the gentleman or anybody on his side would not fail to support the bill if the amendment of the gentleman from Wisconsin is adopted.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hope that those who favor the Kastenmeier proposal will, if

their amendment fails, vote for the McCulloch substitute. Procrastination and harassment will undoubtedly accompany any proposal. As to which proposal is the better one is quite debatable. I do hope, however, that those who favor the Hennings proposal, as I indicated before, will cast their vote for the McCulloch substitute in the event the Hennings proposal fails.

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the proposal offered by my colleague on the Judiciary Committee, the gentleman from Wisconsin [Mr. KASTENMEIER]. If he has not already said so in his remarks I think it has been said by others that this is the voting registrars bill. While I do not like the word "carpetbagger," if there is any legislation before the Congress which would provide for carpetbaggers, this is the one that would do it.

I have the proposal before me and, in effect, it would either give permanent life to the Civil Rights Commission or would authorize the President to name a new agency or commission which would have permanent status.

Furthermore, each of the people who would be charged with seeing that people who in the past had been denied the right to vote by reason of race or color would have relief from people appointed by the executive department of the Government. I am sure that every lawyer in this Committee well knows that the judiciary keeps a strong watch over its appointees and few, if any of them, go far astray. Why should registrars be Federal employees? What is to fear from court referees?

The proposal by my distinguished colleague would not be nearly as effective and would have few of the safeguards provided by the substitute which I offered on yesterday. I hope the proposal is rejected.

Mr. RIVERS of South Carolina. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am going to take about as much time as my influence will be felt here today.

We are witnessing the gambling for the raiment of the crucified body of the South. These fellows on my left and on my right have decided they have the votes. What do they care about the Constitution? They have the votes. It is a cheap and hypocritical bid for the votes to the left and for the Negro votes of the vastly populated areas of the East, the Far West, and the Mid-northwest.

But let me remind some of these people who are shedding crocodile tears about discrimination of this: You remember how the subcommittee was convened to write the original heart of this bill. The only southerner on that committee came out of southern New Jersey. Out of the nine members on the Judiciary Committee from the South not one was selected from south of the Mason-Dixon Line. Out of the two Republicans on that committee from the South not one was selected. The only qualification anybody needed to serve on that subcommittee was to come from north of the Mason-Dixon line. They have unanimity in mind and body from the cradle to the grave. They are against us. They did not want any of us. That subcommittee could have passed any bill from the suspending of the writ of habeas corpus to the quartering of soldiers in every congressional district in the South if it cost a billion dollars a soldier.

The votes were what they were interested in, not the right of a southern Negro to vote but the right to get his vote in the North, have it counted, and get elected in this election here. That is all there is to it. But let me remind you that you may wake up, some of you from the other areas, and find yourselves in the minority some of these days. You are hanging and trying in absentia the Democratic Party as we know it. One of these days, to the glee of these people on my left, you may find yourselves in the minority. I would not shed any crocodile tears because we in the South would be in the position of holding the balance of power. We have the brains, do not misunderstand me, we just do not have the votes, and brains are not worth anything in this Congress if you do not have the votes to back them up. I see that here today. When the vote comes I will be like the rest of you, only there will not be enough of me but there will be of you.

Mr. Chairman, the distinguished chairman of the Judiciary Committee, in his frantic effort to saddle the South with this monstrous so-called civil rights bill, demonstrated his feelings for the people of the South when he referred to us on Sunday as cattle. This is somewhat surprising, Mr. Chairman, that the able gentleman from New York would stoop to invective in his headlong program to write legislation demanded by the NAACP and other leftwing organizations. When one has a case, he does not have to resort to diatribe and insults by labeling his opponents as animals. Everybody knows that those who wrote the so-called civil rights bill had no interest other than political gain. This is a political bill and nothing else. The civil rights bill actually is designed to protect all the rights of the sponsors to reelection and the only voting rights its sponsors really want to protect are their own rights to enough votes to get reelected.

This recurs in every election year just as positively as the night follows the day. When it was not civil rights bills that the gentleman from New York sponsored in years gone by, it was antipoll tax, antilynching, and everything against the South generally or specifically. This has become a contest between the so-called Democrats of the North and the Republicans to see who can go to the conventions in July to win the political contest of the NAACP. The chairman has talked about discrimination against the rights of others to vote, work, and so on, and so on, and so on. He understands discrimination well. When he appointed a subcommittee to handle this matter, he selected not one southerner despite the fact that we have two Republicans on that committee from the South and nine Democrats. To be sure, every southerner on the committee cannot be unfair, unreasonable. The southern side of this coin was never looked at in the Celler subcommittee on civil rights. On this committee we have CHELF of Kentucky, WILLIS of Louisiana, FORRESTER of Georgia, BROOKS of Texas, TUCK of Virginia, ASHMORE of South Carolina, DOWDY of Texas, WHITENER of North Carolina, and LOSER of Tennessee. Not one of these gentlemen served on the Celler subcommittee this year or in 1957 when the original so-called civil rights bill was considered. The chairman was certain that there was no difference of opinion in this committee as to what kind of antisouthern bill would come to the attention of the Committee on the Judiciary. He did not want the record cluttered up with disagreement. Unanimity was there from the cradle to the grave.

Mr. Chairman, that committee could have reported out any kind of bill it pleased from the suspension of habeas corpus to the occupation of every State south of the Mason-Dixon line with the U.S. Army. This type of leadership, Mr. Chairman, is doing more harm to our national welfare and unanimity than any imaginable thing could do. It is destroying the Democratic Party and destroying our way of life. This is Hitlerism in reverse. Adolf Hitler said:

> All effective propaganda has to limit itself only to a very few points and to use them like slogans until even the very last man is able to imagine what is intended by such a word.

The pattern is the same—perpetuate the big lie and use it over and over and over again. Such is the lie about denial of the right of people to vote only in the South and the ridiculous expression first-class citizens and referring to the colored people as second-class citizens in the South. I say to you a first-class citizen is not born by legislation. A first-class citizen is one who earns this reputation. This was created by the NAACP. They deliberately want to confuse citizenship with social privilege. In his book, "The Case for the South," William D. Workman, Jr., of South Carolina, makes this very compelling observation:

> Citizenship is a conditional, not an absolute, right. It comes unasked as a blessing to those fortunate enough to be born in the United States, and to certain others under varying conditions, so there is no real credit attached to becoming or being an American citizen. It generally stems from the accident of birth. But even so, the right of citizenship can be forfeited, or abridged, by misconduct in any of a number of ways, and therein may lie some basis for distinction between "first-class" and "second-class" citizens.
>
> First-class citizenship demands more than the simple payment of taxes and the rendering of obligatory military or civil service as the need arises. It demands a fulfillment of society's unwritten as well as its written responsibilities. It involves a civic consciousness which contributes to community welfare, a code of personal and family conduct which meets the standard of decency and self-respect, and a willingness to participate in as well as partake of the benefits of the social organization.

Where on earth has a colored person been accorded more first-class citizenship than in Washington, D.C.? What

do the statistics prove as to the manner and way he is conducting himself as a first-class citizen? What do the records show in crime of every category known to man? What do the records show on the integrated schools in the District of Columbia? I say to you Mr. Chairman, legislation will not change this animus in the minds of those who are not prepared for this so-called first class legislated citizenship.

A few years ago a distinguished jurist from Philadelphia by the name of Herbert E. Millen, a one-time official of the NAACP, spoke in my city of Charleston, S.C. He said:

> My people contribute all out of proportion to their numerical ratio to the crime statistics of Philadelphia. Some 90 percent of the assault and battery cases are Negroes. If I receive 42 or 43 cases of unwed mothers in the 12- to 14-year bracket, usually 39 or 40 of them are Negroes. Is this because we have lost our sense of moral standards? Are these children naturally immoral? I think not. It is due to a lack of attention by the parents.

Compare the Negro with the Japanese-American. To again quote from Mr. Workman's book:

> Japanese Americans, it is found, want to solve their problems in their own way—through hard work, education and high moral standards, more than by court action or publicity. Already their educational median is higher than that of Los Angeles County as a whole, and their income is considerably above that of the other minorities. As a result, many Anglo whites of Los Angeles voice a growing respect for Japanese-Americans—respect that means growing acceptance. And Mexican-Americans are heard to cite the Japanese-American community as an example that their own people should emulate.

Who demonstrated more love of America and pride in their citizenship in the battle for Italy in World War II? The 92d Division, which was all colored, or the Nisei Division, which was all Japanese? Never in the annals of American military history has a greater debacle occurred than did with the 92d Division. Never in the annals of military history was greater valor and heroism shown than by the Japanese-American Division, known as the Division of the Purple Heart or the "Go for Broke" Division, with more casualties per capita than any division we had in that last great conflict. From those ranks we have today a Member of this body. What do you think goes on in his mind when he hears of this talk about first-class citizen, and priority in everything, and legislation on this floor on prior consideration in Government jobs, and now, under the guise of so-called right to vote, a monstrous proposal such as this before us at this very moment? It is a sad commentary on what has happened to America.

Mr. Chairman, there is no such thing as a right to vote. It is a right to qualify and have one's vote counted. This has happened in my State ever since I was born. We do not have discrimination against a person and his right to vote in my State. We do not have discrimination against opportunity in my State. Unlike New York, New Jersey, and New England, we hire more colored teachers than that entire area combined. The speaker of the House of Representatives of South Carolina is a Jew and he has held this job longer than anybody in the history of our State. Anybody who wants to be a good citizen can get ahead in my State. We are the last bastion of States rights and States sovereignty. We are the last bulwark against centralized government. When we are gone the Democratic Party is gone and the hope for a Democratic Congress and a Democratic President. In this election year the other side of the coin which we are considering today is, "Where will the South be in 1960?" The Democrats of the North could well wake up and find themselves a minority party in the next Congress and in the next election. We just do not plan to take your insults any longer from a position of defense. From now on, we plan to give you a dose of your own medicine and see how well those who have been giving this prescription of arsenic can stand a similar dose of hemlock.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Kastenmeier proposal end in 20 minutes.

Mr. DINGELL. I object, Mr. Chairman.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Kastenmeier proposal end in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL] for 3 minutes.

Mr. DINGELL. Mr. Chairman, I favor the amendment offered by the gentleman from Wisconsin. I would point out to my colleagues certain of the defects which are inherent in the proposal offered by the gentleman from Ohio [Mr. MCCULLOCH].

I would first point out that the debate here today has shown rather conclusively that the provisions of rule 53(b) for the appointment of referees or special masters, make available this kind of remedy in the extraordinary situation where large numbers of citizens are deprived of the right to vote because of race or color.

In effect we are doing by statute what can already be done under the Federal rules.

But, I would point out, that if after all this work, and if after all of the difficulty of bringing a proposal to the floor of the Congress for a vote to authorize citizens to exercise the prerogatives and the rights guaranteed to them by the Constitution, we were to pass anything less than a good bill and if the future were to reveal that we had passed less than a good bill, then this Congress would be subject to the most justifiable and proper and harsh criticism. Let me point out the provisions of the McCulloch amendment permit opportunity to delay a citizen in the securing of his right to vote for upwards of 6 years. I make that statement advisedly—a delay of 6 years or more may well not be unusual.

First of all, the individual must seek to register. This will require time and involve harassment, pressure, intimidation, and difficulty of social, political, and economic nature.

Then the applicant must seek his relief and go, first, to the Federal court. There may then be an appeal right on up to the Supreme Court. That would take a period of, perhaps, 3 years or more. The matter then goes back down for determination and procedure before the special master or referee. Again there is a long period of delay, perhaps, a year with opportunities again for more appeals and, perhaps, all the way up to the Supreme Court.

Note that the strong structures against the citizen continue and compound at each step and increase with the delay. After this has taken place, the citizen finds that he must then go and again seek to register. That involves more delay; and again considerable opportunity for harassment, embarassment, and danger. We are literally imposing upon the voting applicant the duty, Mr. Chairman, to run the gauntlet of opprobrium and of political, economic and social pressure in the community in which he seeks to vote for a long time and with little hope of immediate relief.

Mr. Chairman, last of all, after this whole proceeding has taken place, there is again the possibility of a judicial review. No one knows how many of national elections will pass before the citizen gets to vote, if ever. I would point out that the proposal offered by the gentleman from Wisconsin [Mr. KASTENMEIER] avoids and obviates all these difficulties. It postpones, as is done under present law in almost every State, the judicial review of any portion of the proceedings until after the election is concluded, but a complete and full review of the matter then takes place. The citizen may have his vote counted subject to a full review and subject to every legitimate and proper challenge and to all requirements of substantive and procedural due process.

I would point out that there are no constitutional objections in the Kastenmeier proposal of the type that have been raised against the McCulloch amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment of the gentleman from Wisconsin.

I do so because it goes directly to the core of what is needed in a meaningful civil rights bill.

To be blunt spoken, I mean a civil rights bill with guts in it—guts to open voting booths to the millions of Negroes to whom these voting booths have been effectively closed for years.

The right of all citizens to cast a meaningful vote is the cornerstone of a democratic government. Securing this right for millions who are now denied it is what this civil rights bill is all about.

Citizens without the right to vote are citizens without protection, citizens dependent upon the benevolence of a dictator or autocratic majority.

To some extent, they are citizens in name only.

In 1776 the American colonists declared their independence because, among other things, they did not have the right to vote. "Taxation without representation" was the way they expressed the grievance. And in declaring their independence, the colonists gave the world a new concept of civil rights when they declared "all men are created equal, that they are endowed by their Creator with certain unalienable rights."

A large part of our development as a Constitutional Republic since then, however, has been devoted to the struggle to close the gap between the lofty declaration of principle and the lower plateau of civil rights in actual practice.

For example, 80 years after the Declaration of Independence, Lincoln was to write to his friend Joshua Speed,

> As a Nation, we began by declaring "all men are created equal." We now practically read it "all men are created equal, except Negroes." When the know-nothings get control, it will read "all men are created equal, except Negroes, and foreigners, and Catholics." When it comes to this I should prefer emigrating to some country where they make no pretence of loving liberty—to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocracy.

Despite the eerie, prophetic quality about Lincoln's words of the 1850's when read in today's world, we have, on balance in our history, been going forward in civil rights. Although sometimes we appear to take three steps forward only to fall back two.

The distance between the lofty heights of asserted principle and the lower level of civil rights in practice has been shortened a step at a time and each step stands out as a noteworthy plateau.

The 14th or due process of law amendment ratified in 1868. The 15th amendment ratified in 1870 affirming the Negro's right to vote and giving Congress the power to enforce and protect this right were milestone advances.

As the Supreme Court said in 1879 (*Ex parte Virginia* (100 U.S. 339, 334)):

> One great purpose of these amendments was to raise the colored race from that condition of inferiority and servitude in which most of them had previously stood into perfect equality of civil rights with all other persons within the jurisdiction of the States.

Legalistic devices, economic pressures, and even threats of violence, however, have made a mockery of the lofty ideals of the 15th amendment. The idealism which Lincoln brought to his country and to his party died shortly after his death.

We had to wait 80 years for the next step forward in civil rights for the Negro. This came when a Democratic Congress enacted the civil rights bill of 1957. There were many at the time who thought this bill a mild, inconsequential statute, but it gave us the Civil Rights Commission which is largely responsible for the seriousness of our debate today.

For civil rights legislation in 1960 was again expected to be bland indeed until the Civil Rights Commission's proposal for voting registrars concept caught fire in the minds of liberals across the country.

Since then we have had the Attorney General's proposal for court-appointed referees. Now we debate whether to accept one or the other or any number of compromises embodying some of the points of each approach.

Mr. Chairman, let me make it abundantly clear that if the choice is between the referee plan or no plan, I am strongly in favor of the referee plan.

However, I very strongly support substituting the proposal of Senator HENNINGS which combines the best of the referee plan and the registrar plan.

I do so because I want to be sure that the American Negro receives from this legislation not only the right to go to the courts but, more directly, the right to go to the voting booths.

I have doubts that the referee plan will fully accomplish the objectives of the proponents of civil rights.

First, this plan probably could be put into effect under present law—under the provisions of section 1971 of the Civil Rights Act of 1957 and rule 53 of the Federal Rules of Civil Procedure. Thus, the referee plan is not the bold, imaginative step which is needed.

Second, the referee plan, with its reliance upon the judicial system, is better suited to bring the vote to individuals or isolated groups rather than to reverse the situation of the mass disenfranchisement which is so evident in many of our States. As a lawyer, I know that judicial proceedings inevitably lead to delay. Our already overburdened Federal courts will be swamped if the plan is used by large numbers of disenfranchised voters.

Third, the Attorney General's amendments to his original plan which are designed to prevent delay by providing for ex parte hearings may very well prove to be unconstitutional.

Fourth, the referee plan shields the executive branch of the Government from any responsibility for providing voting opportunities. For many years all three branches of Government avoided responsibility in the explosive field of civil rights. In 1954 the judicial branch took action in the school desegregation case. In 1957 the Congress took action by enacting the first Civil Rights Act.

With the possible exception of the tardy and awkward handling of matters in Little Rock, the executive branch has avoided even the responsibility of making a moral pronouncement upon the issue.

The registrar plan, or the enrollment officer plan, as Senator HENNINGS has modified it, brings all three branches of Government into the civil rights field.

As stated by Prof. Paul Freund of the Harvard Law School in a memorandum to Senator KENNEDY published on February 15, 1960:

> The Commission plan brings the President into the process of safeguarding the right to vote. The justice plan seems designed to shield the President from any such participation. As a corollary, the justice plan imposes on the Federal courts still further responsibilities. There is reason to believe that the Federal judges have been shouldering more than their fair share of responsibility in this general area and that in all fairness the executive branch should lend its weight to the discharge of this national responsibility.

I fully realize, Mr. Chairman, that there are many other members in both parties with a devotion to the fullest application of constitutional rights who favor the referee plan, and, despite my doubts, I recognize that it is a definite step forward.

I assure them that if the amendment to add the registrar plan is defeated I will vote for any one of these plans or any new compromise which will really effectuate the Negro's opportunity to register and vote. A provision opening the voting booths to millions of American Negroes to whom those voting booths are now closed constitutes the real guts of this civil rights bill. That is what the civil rights debate is all about.

This objective must not be wrecked by political partisanship. This objective is more important than the label applied to the proposal finally adopted. For we are now writing a vitally important chapter in our history of constitutional rights.

Let us write it well and overwhelmingly in the interest of all citizens and for our own respect and standing in the eyes of the rest of this country and the world.

The CHAIRMAN. The gentleman from Ohio [Mr. ASHLEY] is recognized.

Mr. ASHLEY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin, because I have serious reservations as to whether the referee plan advanced by my distinguished colleague from Ohio [Mr. MCCULLOCH] is the best means of achieving the goal which we have in common, that of bringing the right to vote to millions of American Negroes who are presently disfranchised. I say this because I am convinced that the referee plan is not only unworkable but because I fear it is unconstitutional as well. It has been said, Mr. Chairman, that the referee proposal is the least efficient, least speedy, least appealing, and the least systematic remedy that legal ingenuity could devise. Unfortunately, this statement may be true.

Consider the fact that in each instance where a referee is to be appointed a court would first have to find a pattern or practice of racial disfranchisement and that such finding could only be made after a trial in each case and after appeal to courts of appeal and to the Supreme Court.

What this means is that under the referee plan it is doubtful if there would be actual appointment of referees until some time after the 1962 elections. But the delay will not end here. Under the McCulloch proposal judicial referees do not pass on the voting qualifications of the Negro applicants, but instead refer the matter to the district court. This court must hear evidence and make findings and issue decrees, again with the possibility, if not certainty, of appeals in each individual case.

The amendment before us, Mr. Chairman, would correct not only the unworkability defect of the McCulloch proposal but the constitutional defect as well. It has been pointed out that one difference between the first Attorney General proposal offered by the gentleman from New York [Mr. LINDSAY], and the second, offered by the gentleman from Ohio [Mr. MCCULLOCH] is that a District Court under the McCulloch proposal is directed upon request by the Attorney General to make a finding with regard to the existence of a pattern or practice of disfranchisement.

Since such a finding is unnecessary and superfluous in order for the court to decide the case before it, there is every reason to suppose that this requirement runs counter to article III of the Constitution, which has been interpreted for more than 100 years to mean that Congress may not impose on courts an obligation to make a finding except where it relates directly to the case at hand.

The amendment offered by the gentleman from Wisconsin eliminates this constitutional stumbling block by eliminating any judicial finding of a "practice or pattern" of disfranchisement by reason of race or color. It also eliminates the ex parte proceedings under the referee plan—thus skirting the serious due process pitfall about which we have heard so much.

For these reasons, Mr. Chairman, I urge adoption of the amendment before the House.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I take the floor at this time in an effort to conciliate and make everybody happy, if I can. I suggest that the bill be amended to provide for referees, for registrars, and for enrollment officers. Apparently these people can be political employees; they can be anything. I see no qualifications for them in any of these bills. Why not just throw them all in and make everybody happy; give everybody what they want? And why not build a lot of new Federal courthouses over the country to take care of this bureaucracy? Is there any reason why everybody should not be made happy?

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield, if the gentleman can shed any light. Can the gentleman tell us anything about the qualifications of the unlimited number of people he wants to employ?

Mr. KASTENMEIER. The plan provides that these shall be Federal employees or officers. They are not political.

Mr. GROSS. Yes; but what are their qualifications for these jobs?

Mr. KASTENMEIER. That they be registered to vote in the district affected.

Mr. GROSS. What are they going to be paid?

Mr. KASTENMEIER. They are already employees or officers of the Government under salary.

Mr. GROSS. They are what?

Mr. KASTENMEIER. They are already officers or employees of the Federal Government under salary.

Mr. GROSS. Is that so?

Mr. KASTENMEIER. There is no additional compensation involved.

Mr. GROSS. I beg the gentleman's pardon.

Mr. KASTENMEIER. There is no additional compensation involved.

Mr. GROSS. They are already employees of the Federal Government; is that correct?

Mr. KASTENMEIER. That is correct.

Mr. GROSS. There will be no additions to the bureaucracy?

Mr. KASTENMEIER. The gentleman is correct.

Mr. GROSS. I cannot believe that these will be people already employed, and there will be no increase in the payroll.

Mr. KASTENMEIER. The gentleman is correct.

Mr. GROSS. That is amazing, absolutely amazing.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. YATES. Based upon the statement will the gentleman not vote for the amendment?

Mr. GROSS. I should say not.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. DOWDY. As I read what I understand to be the amendment, it is going to create a bunch of new officers at the Federal level, enrollment officers. I fail to find any indication that they will be using people who are already Federal employees.

Mr. GROSS. When the amendment was read I certainly did not get the impression that these were to be persons presently on the payroll of the Government.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HARRIS. I wonder if the gentleman has in mind postal employees being assigned to this job.

Mr. GROSS. It could be.

Mr. HARRIS. And if that were to take place what would happen to the so-called Hatch Act, which says that Federal employees cannot engage in political activity?

Mr GROSS. And what would happen to the postal service and the deficit in the Post Office Department if postal employees were used?

Mr. HARRIS. Or to the service for the people. I would like to hear these questions answered.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The Chair recognizes the gentleman from Pennsylvania [Mr. QUIGLEY] for 3 minutes.

(By unanimous consent, Mr. CELLER yielded his time to Mr. QUIGLEY.)

Mr. QUIGLEY. I thank the gentleman, and if I do not consume all the time I will be delighted to yield it back.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. QUIGLEY. Mr. Chairman, it seems that the rule of life the present administration has been following is, if in doubt propose a commission to study the problem, call a conference to delay it, or appoint a committee to confound it.

For the past 7 years this punting technique has been the standard treatment reserved for just about all of this Nation's problems from classroom space to outer space, from our migrant workers to our missile might.

Mr. Chairman, no matter facing America has been given the full-stall administration more than civil rights. When the administration has not hemmed on civil rights, it has hawed. When it has not dillied, it dallied. It has in fact taken the President even longer to realize the meaning of the Supreme Court's decision in the school integration cases than to grasp the significance of sputnik.

One recalls, for example, the President's initial, however belated, reaction to Little Rock was one more conference. Admitted it was a rather unique conference, held, as I recall, with Governor Faubus on a golf course up in Rhode Island, but the result was the same—nothing. In fact, Mr. Chairman, it took the Eisenhower administration almost three and a half years after it came into office before it got around to submitting to the Congress any legislative proposals on civil rights. And, Mr. Chairman, that civil rights proposal came in the spring of 1956 when the administration felt the hot breath of an election year on the back of its neck. In fact, it was on the very day that the House Judiciary Committee was scheduled to report its own civil rights bill offered by its chairman, that longtime and sincere proponent of civil rights, the gentleman from New York [Mr. CELLER] the Attorney General arrived on the Hill out of breath but bearing the administration's solution to the civil rights problem.

As I remember that event, Mr. Chairman, when the Attorney General appeared before the committee that day he did not even have a bill ready. While he talked, aides downtown were busy slapping together the administration bill. When it finally got up here, what do you suppose was the administration's answer to the civil rights problem? You guessed it. They suggested that the Congress create a commission to study the problem.

In the summer of 1957 the Congress did create such a commission, and while it took the President several more months to appoint the members, it finally got to work toward the end of that year and it submitted its report last September.

Just about everything in that report is at least debatable and, as could be expected, most of the commission's recommendations called for even further study before final action. However, Mr. Chairman, on just one point the commission was unanimous. Every member of the commission from the North and from the South agreed that there did exist in certain parts of this country

a pattern of discrimination to prevent qualified Negroes from registering and voting. When it came to recommending action to meet this problem the commission was all but unanimous, with but one member dissenting. The action they recommended was that the President of the United States appoint an administrative officer to register qualified Negro voters where it was established that a definite pattern of discrimination on the part of local officials prevented them from becoming qualified voters under the State law.

Unfortunately, Mr. Chairman, the Attorney General has taken the simple, direct, workable administrative approach proposed by five out of the six Commissioners and converted it into what strikes me as a complicated, unworkable judicial monstrosity. The administration proposes not to act where the Civil Rights Commission said that the should. Instead, under the McCulloch proposal, they proposed to pass the buck once more, this time to the courts.

Frankly, Mr. Chairman, I am not interested in passing a lawyer's full employment bill. All I am interested in seeing passed here is a bill which will enable American citizens to enjoy the full rights of their citizenship. I am not interested in making a Federal case out of every Negro in the South. All I am interested in doing is making a voter out of him.

The Kastenmeier proposal gets back on the track. It is the only effective administrative way to do the job. I will vote for that amendment, and if it is defeated I will then with reluctance but sincerity support the McCulloch proposal.

Mr. BRADEMAS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRADEMAS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

His proposal is known as the Federal enrollment officer plan and is the same as that introduced in the other body by Senator HENNINGS, of Missouri. In my opinion it will be a far more effective law for insuring the right to vote than the proposal offered by the gentleman from Ohio [Mr. MCCULLOCH] which is known as the referee plan.

Why will the Kastenmeier amendment be more effective than the McCulloch bill?

The chief reason, Mr. Chairman, is that the Federal enrollment officer plan authorizes either the judicial or the executive branch of our Federal Government to initiate the process whereby disfranchised Negroes can secure their voting rights.

Last month, on February 14, a conference on civil rights was held at the University of Notre Dame, in the district I have the honor to represent. Mr. Harris Wofford, of the Notre Dame law school faculty and a former member of the staff of the U.S. Commission on Civil Rights, in the March 5, 1960, issue of the weekly, Ave Maria, wrote a summary of the proceedings of the conference.

Professor Wofford noted that a recurring theme of the Notre Dame Civil Rights Conference was the need for the responsibilities in this matter to be shared more fully by the legislative and executive branches.

The Government of the United States—said Professor Wofford—

is propelled by three great engines, but in civil rights it has been flying on only one engine—the Federal judiciary. This, agreed the participants, is not a problem for the courts alone but for all three branches of Government.

Mr. Chairman, Congress, as the legislative branch, will be doing its part to guarantee voting rights for all Americans if we approve the Kastenmeier Federal enrollment officer amendment. And the executive branch of Government will be enabled to do its part as well because the Kastenmeier proposal authorizes either a Federal district court or the Civil Rights Commission to make a finding that a registrar or State or local official has deprived persons of the opportunity for registration because of their race or color.

The McCulloch bill, on the other hand, by restricting the basic responsibility in this matter to the judiciary, imposes more burdens in this field on the already heavily burdened Federal court system.

Mr. Chairman, I believe that the executive branch of Government should do its share of the work.

I believe that all three of the great engines of our Federal Government should be in operation, moving us toward the day when no citizen of the United States, regardless of his race or color, is denied the right fundamental to any free society, the right to vote in free elections.

Millions of disfranchised American Negroes will be watching and waiting to see what the party of Abraham Lincoln will do when the chips are down and the time for action, not speeches, is at hand.

Mr. Chairman, I hope the amendment offered by the distinguished gentleman is adopted and I hope that the Republican Members of the House of Representatives do not join hands with the southern Members on this side of the aisle to defeat it.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Chairman, I rise in support of the Kastenmeier amendment and I wish to associate myself with the remarks of those who have spoken in support of this measure.

In providing for joint judicial and executive responsibility for protecting the right of everyone to register and vote, this amendment improves upon the so-called Federal referee proposal insofar as it provides for much more effectiveness than could result from local litigation. In its pertinence to all Federal, State, and local elections, it improves upon the so-called Federal registrar proposal which would be limited to Federal offices.

The President is authorized to appoint a Federal enrollment officer when either the courts or the Federal Civil Rights Commission or a similar body finds that local officials have deprived American citizens of the right to register to vote because of race or color, and that enrollment officer does not supersede, but rather implements the local registrar in seeing to it that the job is done.

American citizens are being denied the right to register and vote. This fact is irrefutable. The evidence which exists in great abundance shows clearly that this kind of Federal administrative authority is all important. I cannot urge strongly enough that this amendment, the Kastenmeier amendment, be adopted. With this kind of provision, the 1960 Civil Rights Act can be effective at least as far as voting rights are concerned.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. GIAIMO].

Mr. GIAIMO. Mr. Chairman, I rise in support of the Kastenmeier amendment. We have heard a great deal here today about the rights of the States and we have heard a great deal also about the procedures of the Federal Government and the U.S. judiciary in general. But, what we have not heard enough about is the thousands and thousands of Negro Americans who are denied the right to vote by a concerted, deliberate attempt on the part of the local authorities.

Mr. Chairman, the referee plan, so-called, will not, in my opinion, result in the registration of many Negroes. What we are giving him is not the right to vote but the right to go to court, and we are inviting the Negro to go through this process of what I would call a legal obstruction course. Consider the plight of the Negro. He must first be refused registration. This in itself is often a humiliating and degrading situation. Do not take my word for it. It is written right here in the report of the Commission on Civil Rights. After that he must convince the Attorney General under the proposed legislation to initiate the proper action to set this referee plan into operation. This is another legal step. Then he must appear in an ex parte hearing before the referee to qualify as to his rights to vote. Then, I believe, we have the show cause provision where within 10 days or so those who oppose the rights of the Negro to be registered have the right to take appropriate court action in the courts. Then, finally, if he is certified to vote, then he must go down to the place of registration or to the place of voting and he must, perhaps enforced with additional court orders, seek to actually vote. All along the line we find that there are legal provisions. We find that there will be legal hearings, with the usual provision for review, for appeal, for delay, such as we have seen time and time again in the past. We must be honest with ourselves. We must recognize that this is asking too much of the average man, let alone of a person down

in many of these States, the American Negro, who has been disenfranchised for so long.

I urge you in the spirit of true civil rights legislation to support a workable registrar plan such as is proposed by the gentleman from Wisconsin [Mr. KASTENMEIER].

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, those of you who heard my remarks on the amendment I proposed to the McCulloch substitute know that I was disturbed that after certain court procedures the court-appointed referees would be authorized to exercise powers of State officials.

The proposal offered by the gentleman from Wisconsin authorizes Federal registrars to perform the duties of State officers without any such legal proceedings and without affording such officers any due process as provided in the McCulloch amendment.

Certainly the Kastenmeier proposal goes far beyond the McCulloch proposal and fails to contain some of the safeguards of due process provided in the McCulloch proposal, and I urge that the Kastenmeier amendment be voted down.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from New York.

Mr. LINDSAY. Mr. Chairman, there have been some very harsh statements made in the last few minutes about the effectiveness of the McCulloch proposal. May I say that each one of the persons who made those statements was not even born at the time that the distinguished chairman of the Committee on the Judiciary, Mr. CELLER, was championing the rights of every single human being for the equal protection of the laws. Every single one of these spokesmen must yield to the chairman of the Committee on the Judiciary when it comes to knowledge and advocacy of the right of every single citizen in the United States to vote. And I note with interest that the chairman of the Judiciary Committee does not join with these spokesmen in their condemnation of the referee proposal.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman.

Mr. CELLER. I am not quite as old as that. I am old, but I am young in spirit.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MEADER] has expired. All time has expired.

Mr. ROOSEVELT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROOSEVELT. If the Kastenmeier amendment prevails, would it then become subject to amendment?

The CHAIRMAN. No; the Kastenmeier amendment is an amendment to the pending substitute for the amendment provided under the rule and it would not be subject to amendment.

Mr. ROOSEVELT. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

The question was taken; and on a division (demanded by Mr. HALLECK) there were—ayes 115, noes 98.

Mr. McCULLOCH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. KASTENMEIER and Mr. McCULLOCH.

The Committee again divided, and the tellers reported that there were—ayes 152, noes 128.

So the amendment to the substitute amendment was agreed to.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Ohio [Mr. McCULLOCH], as amended.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CELLER. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. McCULLOCH.

Mr. ROOSEVELT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. ROOSEVELT. Mr. Chairman, on what amendment is the vote now about to be taken?

The CHAIRMAN. The vote is about to be taken on the substitute amendment offered by the gentleman from Ohio [Mr. McCULLOCH] as amended.

Mr. HALLECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. Mr. Chairman, in other words, the vote is on the McCulloch substitute amendment, as amended, as against the original amendment offered by the gentleman from New York [Mr. LINDSAY].

The CHAIRMAN. That is correct.

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, will the Chair state what the situation will be in the event the pending amendment is voted down?

The CHAIRMAN. Then the amendment offered by the gentleman from New York [Mr. LINDSAY] will be before the Committee for further consideration.

Mr. BROWN of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Ohio will state the parliamentary inquiry.

Mr. BROWN of Ohio. Mr. Chairman, if I understand the situation correctly, and I wish the Chair would explain what the situation is, the Committee is now voting on the substitute amendment offered by the gentleman from Ohio [Mr. McCULLOCH] to the bill H.R. 10035.

The CHAIRMAN. Under the rule, as the gentleman well knows, it was made in order to consider the text of the bill H.R. 10035, as an amendment to the bill H.R. 8601. The amendment was offered by the gentleman from New York [Mr. LINDSAY] and a substitute for that amendment was offered by the gentleman from Ohio [Mr. McCULLOCH]. The substitute amendment has been amended and the Committee is about to vote upon the substitute amendment, as amended.

Mr. BROWN of Ohio. In other words, we are voting on the substitute amendment, and if that should be defeated, then the so-called Lindsay amendment will still be in order.

The CHAIRMAN. If the substitute amendment is defeated, then the amendment offered by the gentleman from New York [Mr. LINDSAY] is still before the Committee for further consideration.

Mr. BROWN of Ohio. I thank the Chairman.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Ohio [Mr. McCULLOCH], as amended.

The Committee divided, and the tellers reported that there were—ayes 179, noes 116.

So the substitute amendment was agreed to.

The CHAIRMAN. The question recurs on the Lindsay amendment as amended by the McCulloch substitute.

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 195, noes 155.

Mr. McCULLOCH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. McCULLOCH.

The Committee again divided and the tellers reported that there were—ayes 143, noes 170.

So the amendment was rejected.

Mr. McCULLOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH: On page 12, immediately below line 7, insert the following:

"TITLE VI

"SEC. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) as subsection '(f)':

" 'In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"'Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"'An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"'The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"'Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"'The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"'The court may authorize such referee or such other person or persons as it may designate to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote.

"'Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"'The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"'When used in the subsection, the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice or discrimination was found to exist.'

"(b) Add the following sentence at the end of subsection (c):

"'Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'"

Mr. SMITH of Virginia. Mr. Chairman, I reserve all points of order against the amendment, whatever it is.

The CHAIRMAN. The Clerk has just reported an amendment offered by the gentleman from Ohio [Mr. McCULLOCH].

The Chair recognizes the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, in view of what has just happened in the Committee of the Whole House on the State of the Union and the uncertainty that existed with respect to some of the proceedings that were had, I offer as an amendment at this time H.R. 11160, with the exception that one full paragraph is stricken therefrom. The part that was stricken in this amendment I have offered would reduce the authority of the court to name a referee who would have the authority to go into the election booth and possibly to supervise the election.

At the risk of repetition, I should like to say that this is a voting referee proposal which will, in my opinion, implement the 15th Amendment to the Constitution of the United States which provides that the right of citizens to vote shall not be denied or abridged by the United States or by any State on account of race or color or previous condition of servitude.

This is a matter of great concern and has been debated here for almost 3 full days, and has been under debate in the other body for a much longer time. I think we should all bear in mind that we are considering fundamental rights of the people, rights which are the very cornerstone of representative government, and we are considering proposals that will have far-reaching influence in American life—yes, far-reaching influence all over the world. I do not wish to be dramatic, but I think this matter is of such importance that I would like now to paraphrase a statement of Sir Winston Churchill, and say that we must brace ourselves to our duties, and so bear ourselves that if our Republic stands for a thousand years that historians will say, "This was one of their finest hours."

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield.

Mr. HALLECK. Mr. Chairman, in the debate on March 11, the distinguished chairman of the committee, discussing the amendment offered by the gentleman from New York [Mr. LINDSAY] which was followed, of course, by the substitute amendment offered by the gentleman from Ohio [Mr. McCULLOCH] said, "I am in favor of the proposal. I think the proposal with reference to voting referees is a very direct one, and I do not think there would be an unusual length of time required for a man to get himself counted or to get himself registered."

Then, finally, he said, "I conceive of no undue delay. The matter will be far more expeditious in my mind than the so-called Hennings proposal."

Mr. Chairman, I would just like to point out that many of us agreed with him and, wanting to write a really meaningful bill, we supported the McCulloch substitute. If we had gotten the cooperation that we should have received from the people who say they are in favor of civil rights, we would now be well on our way toward writing meaningful civil rights legislation.

Mr. McCULLOCH. Mr. Chairman, I thank the gentleman from Indiana for his contribution.

Mr. Chairman, I want to say again to the members of the committee that the overwhelming majority of you will be pleased to have supported this last amendment that I have offered when the record is made and we are finally called to account—and I am not referring to the elections.

Mr. Chairman, I am in an enviable position in this matter, and I say this without any sarcasm and without any inference whatsoever. I am not a candidate for President. I am not a candidate for Vice President. I am not a candidate for the U.S. Senate or for any State office. Furthermore, Mr. Chairman, it is probably a fact that 98 percent of the people in the Fourth Congressional District of Ohio are native-born white. I advocate this legislation because I think it is in the best interests

of America. I hope you will support the amendment I have offered.

The CHAIRMAN. The gentleman from Virginia [Mr. SMITH] has reserved a point of order against the amendment.

Mr. SMITH of Virginia. Yes, Mr. Chairman; I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. SMITH of Virginia. Mr. Chairman, I make a point of order against this amendment for several reasons. One is that the rule under which we are operating gives protection only to H.R. 10035 and to no other substitute proposal. In other words, the original bill, the Lindsay amendment, which has already been defeated, was a bill that the rule makes in order. We have already voted upon this bill within the last 30 minutes. The only difference between this bill and the bill we just voted down is two or three very minor corrections; very minor; so minor that many of us are greatly disappointed.

Mr. Chairman, the matter has been passed upon. The House has voted upon it within the last 30 minutes. I make the point of order that it cannot be reintroduced.

Mr. CELLER. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from New York [Mr. CELLER] is recognized.

Mr. CELLER. Mr. Chairman, in the first place, you may recall that you ruled on the first day we were under the 5-minute rule with reference to the amendment which was offered to the effect that this bill was fundamentally a voting bill. The amendment now offered by the gentleman from Ohio [Mr. MCCULLOCH] is fundamentally a voting bill, voting, pure and simple. There has been considerable variance between the amendment offered by the gentleman from Ohio [Mr. MCCULLOCH] now and the previous proposal that was offered by the gentleman, and for these reasons I believe firmly that the amendment offered by the gentleman from Ohio [Mr. MCCULLOCH] is germane, and the point of order is not well taken.

Mr. HALLECK. Mr. Chairman, I would like to be heard on the point of order.

The gentleman from Virginia [Mr. SMITH] has spoken of the rule that undertook to specifically make the provisions of the original bill in order. Without undertaking to state what the facts were, although I know something about them, the fact that the rule makes specific provision in that regard does not mean that the measure itself on its merits is not germane. In other words, if I understand the Rules Committee correctly, out of an excess of precaution, it provided by the special rule that the bill which was offered originally would be in order as an amendment. When it was originally offered we operated under that rule. However, addressing myself to the point of germaneness, and I must say that I agree with the gentleman from New York [Mr. CELLER], title III has to do with the Federal election records. As has been pointed out, the basic purpose of this legislation is to deal with the right to vote—voting rights. Certainly the amendment offered by the gentleman from Ohio [Mr. MCCULLOCH]—and may I say parenthetically it is a different bill from the one we voted on; it is different in a material respect. As we have listened to the debate, it is a referee, voting rights bill. So in my opinion it should be held germane to the original bill reported by the Committee on the Judiciary.

Mr. SMITH of Virginia. Mr. Chairman, of course I made the point that the bill is not germane, but if I may enlarge upon that for a moment, as I said before, the rule protects only H.R. 10035. The rule would not have been granted if it had not been understood that it was not germane to the original bill, which it is not. While the rule protected that bill, it did not protect any other bill, and it did not protect any question of germaneness. In other words, if it was not included in the rule, H.R. 10035, the rule does not protect the germaneness of any other bill.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

It is quite true that the rule House Resolution 359, under which H.R. 8601 is being considered, contains the language that the gentleman from Virginia mentioned a moment ago, concerning putting in order H.R. 10035 in order to eliminate any question of germaneness of that particular proposal.

The Chair dislikes to substitute the judgment of the Chair for that of the distinguished Committee on Rules, but, frankly, the Chair does not believe that including this language necessarily binds the present occupant of the chair.

It is quite true that the measure, H.R. 8601, deals with Federal election records, and the Chair is quite certain that the membership agrees with the Chair that the scope is rather narrow. However, the Chair feels that the amendment offered by the gentleman from Ohio has to do with the basic purpose of title 3 of the bill H.R. 8601.

The Chair overrules the point of order.

The gentleman from Ohio is recognized in support of his amendment.

Mr. MCCULLOCH. Mr. Chairman, I am convinced that the Members of the House, all of whom are so interested in this right which is so basic to all qualified citizens in America, have heard every argument both for and against. I do not like to repeat that which has been said so often, but the objections which have been made to this bill, Mr. Chairman, are objections which are superficial and which would come into play only, if ever, if you please, after fundamental rights had been denied to a portion of the citizenry which had theretofore been found to be entitled to exercise the elective franchise.

Mr. Chairman, I want to say once more that the elective franchise for qualified citizens is the very cornerstone of representative government. Mr. Chairman, if this great country continues to deny qualified citizens that basic fundamental right, this country will not long endure.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MCCULLOCH. I yield to my distinguished chairman, the gentleman from New York.

Mr. CELLER. Having been reminded that H.R. 11160 contains the verbiage of the gentleman's amendment, do I understand the gentleman has stricken out on page 5 lines 9 to 13, inclusive?

Mr. MCCULLOCH. That is correct. That materially changes the bill and takes away from the referee the authority in a field and in a manner which has been objected to, so seriously, by our distinguished colleagues, the gentleman from Louisiana [Mr. WILLIS] and the gentleman from Virginia [Mr. SMITH].

Mr. CELLER. Does that mean also that the Federal referee would not have the right, for example, actually to impound any ballots? That he would not have the right to substitute for the State official? That all he could do is to see that the applicant gets a qualifying certificate permitting him to vote?

Mr. MCCULLOCH. My answer is an unqualified "Yes." The gentleman has pointed up a very important difference in the two proposals.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. MCCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. I think it ought to be pointed out also there was very serious doubt whether this language was superfluous or not because in all probability the court in charge of this matter would have full authority to follow through to see that compliance is had.

Mr. MCCULLOCH. I think that is recognized by all good lawyers that a court of equity would have the authority to issue orders to effectuate its decrees.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MCCULLOCH. I yield to the gentleman from New York.

Mr. CELLER. The court, of course, has inherent power, but you have by striking out that language which was originally in the bill given something in the nature of an admonition to the court that might have the effect of curbing that power so that the court—and I say this for the edification of those who might oppose this amendment—would not actually have the voting referee substituted for the State official in the actual counting of the ballots.

Mr. MCCULLOCH. That is right, but I want to make the record unmistakably clear. It is not my intent to lessen the authority that is inherent in courts of equity to effectuate their decrees by whatever manner is inherent in the Anglo-Saxon system of jurisprudence.

Mr. CELLER. Is it not true in that provision that we have now, we would have no such thing as carpetbaggers? The referees would have to come from the judicial district, they would have to be qualified voters in the Federal district.

Mr. MCCULLOCH. That is right, and that is one of the major improvements in the bill.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McCULLOCH (at the request of Mr. WILLIS) was allowed to proceed for 5 additional minutes.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Louisiana.

Mr. WILLIS. I want to understand very clearly the bill or the proposal that the gentleman has offered. This is a very simple question. Am I correct that the proposal now on the desk is identical to the bill H.R. 11160 except for the deletion of the language appearing on page 5, lines 9 through 13?

Mr. McCULLOCH. The answer is "Yes."

Mr. HARRIS. Mr. Chairman, I raise a point of order if that is true.

Mr. DINGELL. Mr. Chairman, I make a point of order against the point of order.

Mr. HARRIS. Mr. Chairman, I raise the point of order that the Clerk read that language.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. HARRIS. Mr. Chairman, I raise the point of order that the Clerk did read the language referred to that the gentleman from Ohio just advised the Committee was deleted.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent to have the amendment which was transmitted to the Speaker's dais show that lines 9 to 13, inclusive, were stricken in the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. COLMER. Mr. Chairman, I object.

Mr. DINGELL. Mr. Chairman, I still have a point of order pending.

Mr. McCULLOCH.. Which will include material which strikes from H.R. 11160 lines 9 to 13, inclusive.

Mr. DINGELL. Mr. Chairman, I still have a point of order pending.

The CHAIRMAN. What is the point of order?

Mr. DINGELL. Mr. Chairman, I raise a point of order against the point of order of the gentleman from Arkansas which I previously raised, and which I specifically reserved, that the point of order raised by the gentleman from Arkansas was not made in timely fashion.

The CHAIRMAN. The fact of the matter is that an objection was heard.

Mr. DINGELL. Mr. Chairman, I still understand my point of order was in order.

The CHAIRMAN. The gentleman from Mississippi objected to the request to delete the language on page 5, lines 9 to 13, inclusive.

Mr. CELLER. Mr. Chairman, does the amendment not speak for itself?

The CHAIRMAN. Of course it does. The gentleman heard the amendment read.

Mr. DINGELL. Mr. Chairman, I still ask for a ruling on my point of order.

The CHAIRMAN. What is the point of order?

Mr. DINGELL. That the point of order made by the gentleman from Arkansas was not made in timely fashion, and I want to insist on that point of order.

The CHAIRMAN. The point of order made by the gentleman from Arkansas was withdrawn.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. HARRIS. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. CELLER. I do.

Mr. HARRIS. My parliamentary inquiry is this. Since the amendment was read, the gentleman from Ohio then explained his amendment and advised the committee that on page 5, lines 9 through 13 were deleted from the amendment as reported. My parliamentary inquiry is this. Did the clerk not read the amendment and include those lines as he read it?

The CHAIRMAN. That is not a parliamentary inquiry. However, that is the fact.

Mr. HARRIS. I thank the Chair.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. HALLECK. I would just simply like to say that even though that amendment should go by the wayside, this amendment is offered in line with what was expected to be done. It was just simply a matter of confusion of the clerk here at the desk picking up the wrong bill. Whatever action was taken on the previous amendment, this amendment under the ruling of the Chair is germane and is in order.

Mr. SMITH of Virginia. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Virginia. Mr. Chairman, my point of order is that we are really considering a bill that is different from the bill upon which the Chair ruled when I raised my first point of order.

Mr. DINGELL. I make the same point of order to this point of order.

Mr. SMITH of Virginia. Will the gentleman please let me finish?

Mr. DINGELL. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The Chair is trying to hear somebody. The gentleman from Virginia is stating his point of order.

Mr. DINGELL. I make the point of order against his point of order.

Mr. SMITH of Virginia. I will be through shortly if the gentleman on my left will wait until I get through.

Mr. DINGELL. I will reserve my point of order, Mr. Chairman.

Mr. SMITH of Virginia. I make the further point of order, Mr. Chairman, and it will require some clarification and maybe we will have to look at the text on the desk. I make the further point of order that this amendment has been once defeated.

Mr. DINGELL. Mr. Chairman, I make the same point of order.

Mr. SMITH of Virginia. And that the amendment as read is different from what the gentleman from Ohio thought it was when he sent it up. He now strikes out this language, but this language was in the bill when I made the point of order.

Mr. DINGELL. I renew my point of order.

The CHAIRMAN. The gentleman from Virginia [Mr. SMITH] has made a point of order. The Chair would like to rule. There has been no vote on the amendment offered by the gentleman from Ohio. The amendment that the Chair has ruled on, on the question of the point of order, did contain this language on page 5 from lines 9 to 13, inclusive. However, with that language in the amendment, the Chair has ruled that the amendment is germane.

Mr. SMITH of Virginia. I do not want to exhaust the patience of the Chair, and I hope he will bear with me. If I am correct, the Chair never ruled on the question that this amendment had been voted on. This amendment was offered——

The CHAIRMAN. May the Chair call the gentleman's attention to the fact that this has never been voted on. The language contained in this amendment was a substitute for another amendment.

Mr. SMITH of Virginia. It was a substitute for that and it was offered yesterday afternoon by the gentleman from Ohio [Mr. McCULLOCH] and printed in the RECORD.

The CHAIRMAN. But, I should like to remind the gentleman, as a substitute for the bill made in order under the rule.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Would it be in order for me to offer the contents of H.R. 11160 without the language on page 5, lines 9 through 13, inclusive, as a substitute?

The CHAIRMAN. The gentleman could do that, or he could offer that as an amendment.

Mr. CELLER. Mr. Chairman, I offer that as a substitute for the amendment offered by the gentleman from Ohio [Mr. McCULLOCH].

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. McCULLOCH: That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon

proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the word's 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice or discrimination was found to exist."

(b) Add the following sentence at the end of subsection (c):

"Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."

Mr. WILLIS (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, I reserve a point of order against the substitute offered by the gentleman from New York [Mr. CELLER].

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. ROBERTS] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ROBERTS. Mr. Chairman, I rise today as I have on so many occasions in the past when these so-called civil rights bills have been considered in committee and on the floor. My mission is the same: to attempt to point out again to those who consistently harass us with this sort of ill-conceived legislation something of what this does and does not do.

A brave and wise brigade of southern men on the other side of the Capitol tried with great determination to do this for a number of days and even nights.

In the bill presently before this body, as in the Senate, the solutions for a problem are being propounded by those who do not have the problem, and hence cannot understand the problem.

These pressure groups who have spawned this legislation do not understand that legislation like this does nothing to further the cause of racial advancement, provides no new right or privilege, and has no helpful effect in the ethnic groups it purports to serve.

Mr. Chairman, this legislation is aimed at the South, so let us talk for a few minutes about the South. Let me try to impart some modicum of understanding about my beloved homeland.

The prosperous and healthy new South of today is a signal example of progress through determination and spirit. Following the War Between the States, dust and rubble covered the broken Southland. Federal troops still marched in our homeland, and we were at the mercy of numerous newly freed slaves, and irresponsible opportunists. The South was chained and bound and for the better part of a century we have progressed and succeeded to break these chains and emerge as a modern land of diversification of farming, industry, art and culture.

The South, with all this, has had a distinct problem shared by no other part of the country—how to accommodate a large minority group of people, newly freed from slavery, who had radically different customs, practices, origin, and culture. Our area was able to do what no other nation or section of a nation has ever been able to accomplish satisfactorily. We were able to devise a system wherein two races of mankind could live peacefully with mutual respect. It is a system of "separate but equal" opportunities and facilities, allowing each race to work out its own destiny within its own people, allowing, at the same time, each race to preserve its own racial integrity. The Negro has benefited from this mutually agreeable system. He has grown with the South. In terms of point of origin, he actually has grown faster than other races. His race has made more progress in this country, and made it faster, than any other race of people in the history of man. The progress came and was coming from within, real, genuine, in a natural and unforced manner.

And then came developments which were to set back by 50 years race relations in the South. The Supreme Court in 1954 suddenly and without precedent decided social status is to be conferred, not earned. It sought to decree social change. It attempted to force radical new concepts, alien to fundamental beliefs.

The coals of mistrust, confusion, and conflict which smoldered since that iniquitous decree were fanned into life by the action of the 85th Congress in passing legislation attempting to implement this abuse of public trust by legislating a people's moral behavior and social patterns.

This is not the way things are done in a free and democratic society. Listen to the words of the chief judge of the Eighth Circuit Court of Appeals, Archibald K. Gardner, speaking on this subject:

> For centuries there has been no intimate social relations between the white and colored races in the section referred to as the South. There had been no integration in the schools and that practice had the sanction of a decision of the Supreme Court of the United States as constitutionally legal. It had become a way of life in that section of the country, and it is not strange that this long-established, cherished practice could not suddenly be changed without resistance. Such changes, if successful, are usually accomplished by evolution rather than revolution, and time, patience and forbearance are important elements in effecting all radical changes.

Traditions are not changed by revolution. Before one attempts to overthrow them, let there be understanding, patience and forbearance.

The Supreme Court did not act with patience or forbearance. Congress did not act with understanding. Neither took time to study the problem and see whether the so-called solution would be helpful or harmful. Integration, the Court said, must be forced upon the South, quickly and relentlessly.

Mr. Chairman, the South is not at its knees, cowering in fear or begging for mercy. Southerners are proud, patriotic, peace-loving people. We know that our way of life is the best way of life for all of us who live it. Ultimately, we believe this way will prevail, and that any changes made will come naturally from within, not forced unnaturally from without. Our convictions are founded in mutual trust, love, and constitutional law.

We insist that we have a right as citizens of these United States to expect that our lawful and proven way of life will not be disrupted by some self-seeking politicians, that our peaceful coexistence with our colored neighbors will not be overthrown by some socialist philosophers, that our society will not be squashed by the whims of those who do not even attempt to understand that society.

Force bills and force decrees such as we have experienced in the past several years will not be effective in the aims they are alleged to seek.

The former Justice Brandeis of the Supreme Court said:

> No law can be effective which does not take into consideration the conditions of the community for which it is designed; no law can be a good law—every law must be a bad law—that remains unenforced.

There was a force bill enacted by Congress during the black days following the War Between the States. That law operated for more than 20 years until it was finally recognized in both North and South as such a repugnant and disgraceful law that Congress repealed it.

The bill we consider today was cut of the same cloth as the force bills of Reconstruction days.

Some would have us believe that this is "just a voting rights bill."

This is a smokescreen sent up to cloud the issue. Our real fight is not against a voting rights bill but against a bill which threatens to rend the South asunder, to invoke total racial integration by Federal force, treading as it does on unsound legal ground.

Let us examine H.R. 8601. First I would like to commend those members of the Judiciary Committee who authored the very cogent and sound minority report. These members performed an outstanding service in pointing out the inequities, the shortcomings, and the paradoxes of this legislation and in succeeding in eliminating several noxious proposals during committee considerations.

Two section of H.R. 8601 clearly do not belong in this bill.

Title II, making it a felony to flee to avoid prosecution for damaging or destroying any building or any other real or personal property, would certainly seem to be a desirable action in the way that it is written. Certainly all of us deplore bombing any property, but what has this to do with a so-called civil rights bill?

Would the proponents of the legislation have us believe that any bombing or desecration of real or personal property is related somehow to racial disorders, and that this therefore should be included in a panacea civil rights bill?

I would not be surprised if that were the intention of the proponents of this bill, because that is the same sort of smokescreen they have been throwing over this subject.

There was a lot of talk about strengthening Federal law to make it more severe on hate bombers following the dynamiting of the home of one of the colored students involved in the campaign to desegregate Central High School in Little Rock, Ark. The inference was that the student was colored, she helped integrate Central High School, and so it was concluded that race disorder was responsible for the dynamiting of her home.

Later, investigating officers and the prosecutor completely discounted a race disorder motive in this case. Two Negroes were charged with the deed. Of course, this is deplorable. The law ought to be stiff enough to dissuade destruction or damaging buildings and homes, but to blandly infer that all bombings are associated with segregation and to insist, therefore, that a provision on this subject be included in a civil rights bill is unthinkable to me.

This is another example of the sort of conclusion-jumping, uninvestigated legislation which actually causes more racial conflict that it cures.

Title V also is out of place in H.R. 8601. This title relates to education of children of members of the Armed Forces in the event public schools are closed to them.

In the first place, this legislation, if it had to be considered, should have been considered by the Committee on Education and Labor. This clearly is a Federal aid to education provision, and consideration of this type of legislation is clearly the responsibility of the Education and Labor Committee. There is no relevancy between this provision and the overall stated purpose of the bill itself.

Mr. Chairman, in passing will Members note what I have been talking about? Does this sound like just a voting rights bill? We have not as yet even mentioned voting rights. Let us move to title I of this voting rights bill.

Title I, which deals with the obstruction of court orders in school desegregation cases, is a masterpiece of vagueness and broad generalities which could have incredible ramifications

This title strikes to the heart of the subject which I discussed earlier, that of attempting to force in an unnatural manner, social change.

The minority report on H.R. 8601 points up a very serious shortcoming of this title in the language used to describe what act or action constitutes a violation of the section.

It is conceivable that it would make it illegal for a newspaper to voice in its editorial columns opposition to integration under a court order of this type.

This title makes it a crime for one to "willfully endeavor" to prevent, obstruct, impede or interfere with court orders in school integration cases. Use of the word "endeavor," as those of us who have practiced law realize, makes extremely lighter the burden of proving guilt.

The minority report very convincingly repudiates this title, as well as title III.

Title III is the only section of the entire bill devoted exclusively to voting. It is this little section, and a portion of title IV, which must justify the right of the proponents to call this "just a voting rights bill."

This title requires all records of national elections preserved for 2 years along with all records and papers relating thereto so the Attorney General can inspect and reproduce them.

This, of course, rests on the authority of Congress to enact such legislation in the field of Federal elections. The constitutionality of the title is extremely doubtful. The minority report reveals the validity of such doubt with citations and references.

This would be a costly, unwieldy burden on local election officials and gov-

ernments. It would be one more twist of the Federal boot into the face of State and local officials who are trying to conduct their affairs conscientiously and fairly without outside interference. The constitutional rights of the States to govern themselves again would be threatened by the enactment of any provision such as this. It is certainly unwarranted and probably unconstitutional.

Title IV would extend the Civil Rights Commission for 2 more years.

When the 85th Congress was passing that iniquitous legislation creating the Civil Rights Commission, proponents argued for a simple trial period of only 2 years. I asked then whether anyone honestly thought that the minority pressure groups which had spawned such a powerful tool would ever allow it to perish once it was created.

At the end of that first 2 years, the Commission was to all fair-minded observers a dismal failure. All the members but one—the newest, a Negro—were ready to call it quits. The Chairman of the Commission stated publicly that many of the questions referred to the Commission had no right answers. The Commission begged for someone to come in and state that his civil rights were denied, and it only received a handful of witnesses. There was and is evident confusion and discouragement about the function of the Commission.

The Commission submitted its required report, and it turned out to be one of the most incriminating pieces of evidence against this body.

The report was a lengthy, costly attempt to justify the action of the 85th Congress in creating the Commission. The so-called report rambled along through more than 600 prejudiced pages. In the last analysis, it was best described by one of the Commissioners who himself said it was merely an argument advocating preconceived ideas.

The Civil Rights Commission armed itself with malice and set out like Don Quixote to conquer the windmill of civil wrongs. It went to find alleged irregularities whether they existed or not; and in the process it did nothing more than stir up racial unrest and set back harmonious, understanding race relations.

Certainly title IV should be defeated with the rest of this bill, or Congress will be guilty of compounding the error of its action in creating the Civil Rights Commission. The trial period accomplished nothing worthwhile and produced not a shred of evidence to substantiate the need to continue the Commission.

Mr. Chairman, as I stated at the outset, legislation of this type does not serve the best interests of anyone and certainly not those of the group it purports to help.

Passage of this bill would only have a divisive effect, widening the break in relationship between the two races involved, forcing every person to take sides and leaving no place for reason and understanding.

I urge you to consider the seriousness of the social implications involved. I implore you to reflect soberly and objectively, and I vigorously urge the rejection of this foul legislation.

Mr. COLMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLMER. In the status in which we now find ourselves, is it the proper concept that the new substitute of the gentleman from Ohio [Mr. McCULLOCH], will be subject to amendment? Will that be the procedure?

The CHAIRMAN. The McCulloch amendment has been read and there is pending thereto the substitute of the gentleman from New York [Mr. CELLER].

Mr. COLMER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLMER. At the conclusion of that, the balance of the bill will be open to amendment at any point?

The CHAIRMAN. That is correct, under the rule.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. The gentleman from Mississippi [Mr. COLMER] spoke of the McCulloch substitute. I ask whether it is the Celler substitute to the McCulloch amendment; and will that be open to amendment?

The CHAIRMAN. What is pending now is the McCulloch amendment with the Celler substitute.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

UNITED STATES AGAINST ELLIOTT SULLIVAN

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 14, 1960.

The Honorable the SPEAKER,
House of Representatives.

SIR: From the U.S. District Court for the Southern District of New York, I have received a subpena duces tecum, directed to me as Clerk of the House of Representatives, to appear before said court as a witness in the case of the *United States* v. *Elliott Sullivan* (No. C152-238), and to bring with me certain and sundry papers therein described in the files of the House of Representatives.

The rules and practice of the House of Representatives indicates that the Clerk may not, either voluntarily or in obedience to a subpena duces tecum, produce such papers, without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without consent.

The subpena in question is herewith enclosed, and the matter is presented for such action as the House in its wisdom may see fit to take.

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK—UNITED STATES OF AMERICA *v.* ELLIOTT SULLIVAN—No. C152-238

RALPH R. ROBERTS,
Clerk of the House of Representatives,
The Capitol, Washington, D.C.
RICHARD ARENS,
Staff Director, House Un-American Activities Committee, House Office Building, Washington, D.C.:

You are hereby commanded to appear in the U.S. District Court for the Southern District of New York at the Federal Courthouse, room 318, in the city of New York on the 21st day of March 1960 at 10:30 o'clock a.m., to testify in the case of *United States* v. *Elliott Sullivan* and bring with you the papers, documents, correspondence, transcripts of testimony and reports more fully described on the annexed schedule.

(See attached schedule.)

HERBERT A. CHARLSON,
Clerk.

By CATHERINE B. SALAMONE,
Deputy Clerk.

March 8, 1960.

David Scribner, attorney for defendant, New York.

STATEMENT

1. Transcript of testimony of Lee J. Cobb before House Committee on Un-American Activities (hereafter referred to as HUAC) on June 2, 1953.

2. Transcript of testimony of Jerome Robbins before HUAC on May 5, 1953.

3. Transcript of testimony of Martin Berkeley before HUAC in 1951.

4. Transcript of testimony of Nicholas Bela before HUAC on December 14, 1954.

5. Transcript of testimony, or written statement, or written report of oral statement of "a former Communist" who "identified" Elliott Sullivan "in 1951" as a member of the Communist Party; the material sought being that specifically referred to in the HUAC Annual Report for 1953, House Report No. 1192, 83d Congress, 2d session, at page 51.

6. Transcript of testimony of Elliott Sullivan in executive session before HUAC on July 29, 1955, which was later released for publication.

7. HUAC Annual Report for the year 1954.

8. Transcript of testimony of Larry Parks before HUAC on or about April 1951.

9. True copies of any letters or other written communications or reports referring to Elliott Sullivan sent by HUAC or its members, staff members, counsel, agents, or representatives to Aware, Inc., Vincent Hartnett, Godfrey Schmidt, Ted Kirkpatrick, John Keenan, Counterattack (a publication), or Red Channels (a publication) during the period January 1, 1951 through December 31, 1956.

10. Letters or other written communications referring to Elliott Sullivan sent by any of the persons or organizations or publications named in paragraph 9 above to the HUAC, its members, staff members, counsel, agents, or representatives during the period January 1, 1951, through December 31, 1956.

11. True copy of letter dated on or about January 31, 1956, by Frank J. Tavenner, counsel to HUAC, to Charles Collingwood, then president of American Federation of Television and Radio Artists, New York.

12. True copies of any and all letters or other written communications or reports sent by HUAC, its members, staff members, counsel, agents, or representatives during the period January 1, 1951, through December 31, 1956, to any advertising agencies, radio or television broadcasting systems, sponsors of radio and television programs, theatrical agencies and producers, or their counsel, agents, or representatives, in respect to persons called or to be called for their testimony as to Communist methods or activities in entertainment, or in respect to the employment or nonemployment of persons in the field of entertainment.

13. Any and all letters or other written communications received by the HUAC, its members, staff members, counsel, agents, or representatives during the period January 1, 1951, through December 31, 1956, from the individuals, agencies, and companies and organizations referred to in paragraph 12 above in respect to the subject matters referred to in said paragraph.

14. Original stenographic minutes of executive session or any other meeting of the HUAC or any of its subcommittees at which the citation of defendant for contempt was discussed, considered, or acted upon.

15. Original stenographic minutes of any meeting of the committee or of any of its subcommittees at which the issuance of a subpena to appear before the committee or any of its subcommittees was discussed, considered, or acted upon.

16. All transcripts of testimony, memoranda, written statements, reports, and any other material in the custody or under the custody of the committee, its agents other than those already referred to in this subpena duces tecum, which refers or relates to the defendant.

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 476) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas in the case of the United States of America against Elliott Sullivan (criminal case numbered C152–238), pending in the United States District Court for the Southern District of New York, a subpena duces tecum was issued by the said court and addressed to Ralph R. Roberts, Clerk of the House of Representatives, directing him to appear as a witness before the said court on the 21st day of March 1960, at 10:30 a.m., and to bring with him certain and sundry papers in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice, or before any judge or such legal officer, for the promotion of justice, this House will take such order thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That Ralph R. Roberts, Clerk of the House, be authorized to appear at the place and before the court named in the subpena duces tecum before-mentioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, have full permission to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House and take copies of any documents or papers and the Clerk is authorized to supply certified copies of such documents or papers in possession or control of said Clerk that the court has found to be material and relevant (except that under no circumstances shall any minutes or transcripts of executive sessions of committees, or confidential papers, documents, or files of the House of Representatives, or any evidence of witnesses in respect thereto, be disclosed or copied) and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under said Clerk; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpena aforementioned.

The resolution was agreed to.

A motion to reconsider was laid on the table.

UNITED STATES AGAINST PETER SEEGER

The SPEAKER. The Chair lays before the House the following communication from the Clerk of the House.

The Clerk read as follows:

MARCH 14, 1960.

The Honorable the SPEAKER,
House of Representatives.

SIR: From the U.S. District Court for the Southern District of New York, I have received a subpena duces tecum, directed to me as Clerk of the House of Representatives, to appear before said court as a witness in the case of the *United States v. Peter Seeger* (No. C–152–240), and to bring with me certain and sundry papers therein described in the files of the House of Representatives.

The rules and practice of the House of Representatives indicates that the Clerk may not, either voluntarily or in obedience to a subpena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without consent.

The subpena in question is herewith enclosed, and the matter is presented for such action as the House in its wisdom may see fit to take.

Respectfully yours,
RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

The Clerk will read the subpena.

The Clerk read the subpena as follows:

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK—UNITED STATES OF AMERICA *v.* PETER SEEGER—No. C–152–240

RALPH R. ROBERTS,
Clerk of the House of Representatives,
The Capitol, Washington, D.C.
RICHARD ARENS,
Staff Director, House Un-American Activities Committee, House Office Building, Washington, D.C.

You are hereby commanded to appear in the U.S. District Court for the Southern District of New York at the Federal Courthouse, in the city of New York on the 21st day of March 1960 at 10:30 o'clock a.m. to testify in the case of *United States* v. *Peter Seeger* and bring with you the papers, documents, correspondence, transcripts of testimony, and reports more fully described on the annexed schedule.

HERBERT A. CHARLSON,
By CATHERINE B. SALAMONE,
Deputy Clerk.

March 8, 1960.

Wolf, Popper, Ross, Wolf & Jones, attorney for defendant, New York, N.Y.

SCHEDULE ATTACHED TO SUBPENA DUCES TECUM IN THE CASE OF UNITED STATES OF AMERICA *v.* PETER SEEGER

1. House Resolution No. 2, 84th Congress, 1st session, January 5, 1955.

2. Rules of the House of Representatives for the 84th Congress.

3. Journal of the House of Representatives of January 13, 1955, and January 20, 1955, indicating the constitution of the Committee on Un-American Activities of the House of Representatives.

4. The minutes of a January 20, 1955, executive session of the Committee on Un-American Activities adopting a resolution empowering and authorizing the chairman to appoint subcommittees composed of three or more members, a majority of whom to constitute a quorum, for the purpose of performing any and all acts which the committee as a whole is authorized to perform.

5. The written minutes, record, and report of an organizational meeting of the Committee on Un-American Activities in January 1955 at which a preliminary investigation into Communist infiltration in the field of entertaining in New York was authorized.

6. All transcripts of testimony, memorandums, written statements, reports, and any other material in the custody or control of the committee, its clerk, counsel, or staff director, which refers or relates to defendant.

7. Original stenographic minutes or report of any meeting of the committee or any of its subcommittees at which the issuance of a subpena to the defendant to appear before the committee or any of its subcommittees was discussed, considered, or acted upon.

8. Original stenographic minutes of executive session or any other meeting of the committee or any of its subcommittees at which the citation of the defendant for contempt was discussed, considered or acted upon, and particularly the minutes of an executive session of the committee on June 27, 1956.

9. The original report approved by the committee for presentation to the House of Representatives requesting the citation of defendant for contempt.

10. House Reports Nos. 2918, 2919, and 2920 relating to the appearance of this defendant before the subcommittee, and House Reports Nos. 634, 635, and 636, including to July 25, 1956, relating to the certification of these reports to the U.S. attorney.

11. All the annual reports of the committee to the House of Representatives covering its activities from and including the year 1938 to and including the year 1956.

12. Transcripts of the testimony before the committee of the following named individuals, which testimony was given on the dates set opposite their names:

Lee J. Cobb, June 2, 1953.
Jerome Robbins, May 5, 1953.
Carl Foreman, September 24, 1951.
Larry Parks, March 21, 1951.
Marc Lawrence, April 24, 1951.
Sterling Hayden, April 10, 1951.
Richard J. Collins, April 12, 1951.
Meta Reis Rosenberg, April 13, 1951.
Roy M. Brewer, May 17, 1951, and July 12, 1956.
Edward Dmytryk, April 25, 1951.
David Raskin, September 20, 1951.
George Hall, August 17, 1955.
Vincent W. Hartnett, July 12, 1956.

Paul R. Milton, July 12, 13, 1956.
Elizabeth Wilson, September 12, 1951.
Frank Tuttle, May 24, 1951.
Martin Berkeley, September 19, 1951.
Harold J. Ashe, September 17, 1951.
Budd Wilson Schulberg, May 23, 1951.
Mildred Ashe, September 17, 1951.
Leo Townsend, September 18, 1951.
Bernice Polifka Fleury, September 24, 1951.
George Beck, September 25, 1959(?).
Karl Tunberg, September 25, 1951.
Eugene Fleury, September 10, 1951.
Eve Ettinger, September 10, 1951.
Anne Ray Frank, September 10, 1951.
Mendell Morton Krieger, September 11, 1951.
Stanley Roberts, May 20, 1952.
Isobel Lennart, May 20, 1952.
Nicholas Bela, December 14, 1954.
Clifford Odets, May 19, 1952; May 20, 1952.
Elia Kazan, April 10, 1952.
Melvin Levy, January 28, 1952.
George Bassman, January 28, 1952.
Roy Huggins, September 29, 1952.
Allan E. Sloane, January 13, 1954.
Abram S. Burrows, November 12, 1952, and March 20, 1951.
Bernard C. Schoenfeld, August 19, 1952.

13. True copies of any letters or other written communications or reports referring to Peter Seeger sent by the committee or its members, staff members, counsel, agents, or representatives to Aware, Inc., Vincent Hartnett, Godfrey Schmidt, Ted Kirkpatrick, John Keenan, Counterattack (a publication), or Red Channels (a publication), during the period January 1, 1951, through December 31, 1956.

14. Letters or other written communications referring to Peter Seeger sent by any of the persons or organizations or publications named in paragraph 13 above to the committee, its members, staff members, counsel, agents, or representatives during the period January 1, 1951, through December 31, 1956.

15. True copy of letter dated on or about January 31, 1956, by Frank J. Tavenner, counsel to the committee, to Charles Collingwood, then president of American Federation of Television and Radio Artists, New York.

16. True copies of any and all letters or other written communications or reports sent by the committee, its members, staff members, counsel, agents, or representatives during the period January 1, 1951, through December 31, 1956, to any advertising agencies, radio or television broadcasting systems, sponsors of radio and television programs, theatrical agencies and producers, or their counsel, agents, or representatives, in respect to persons called or to be called for their testimony as to Communist methods or activities in entertainment, or in respect to the employment or nonemployment of persons in the field of entertainment.

17. Any and all letters or other written communications received by the committee, its members, staff members, counsel, agents or representatives during the period January 1, 1951, through December 31, 1956, from the individuals, agencies and companies and organizations referred to in paragraph 16 above in respect to the subject matters referred to in said paragraph.

Mr. McCORMACK. Mr. Speaker, I offer a resolution, House Resolution 477, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas in the case of United States of America against Peter Seeger (criminal case numbered C-152-240), pending in the United States District Court for the Southern District of New York, a subpena duces tecum was issued by the said court and addressed to Ralph R. Roberts, Clerk of the House of Representatives, directing him to appear as a witness before said court at 10:30 o'clock antemeridian on the 21st day of March 1960, and to bring with him certain and sundry papers in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice, or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That Ralph R. Roberts, Clerk of the House, be authorized to appear at the place and before the court named in the subpena duces tecum before-mentioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, have full permission to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House and take copies of any documents or papers and the Clerk is authorized to supply certified copies of such documents or papers in possession or control of said Clerk that the court has found to be material and relevant (except that under no circumstances shall any minutes or transcripts of executive sessions of committees, or confidential papers, documents, or files of the House of Representatives, or any evidence of witnesses in respect thereto, be disclosed or copied) and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpena aforementioned.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDER GRANTED

Mr. BAILEY Mr. Speaker, I ask unanimous consent that, following the other special orders heretofore entered into, the gentleman from Pennsylvania [Mr. FLOOD] may be permitted to address the House for 30 minutes and to revise and extend his remarks and include therein extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RECENT PHILIPPINE DEVELOPMENTS

Mr. DORN of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a brief statement.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN of South Carolina. Mr. Speaker, our close friend and ally, the Republic of the Philippines, has shown time and again its loyalty to the ideals of freedom and democracy that we Americans cherish so highly that I believe it important that we in the United States should do all we can to develop closer ties with them. It is for this reason that I would like to give the positive side of recent Philippine developments because such is the nature of modern journalism that it is usually the negative that is transmitted as news. I have for my authority our good friend and former colleague in this House, Gen. Carlos P. Romulo, Philippine Ambassador to the United States, who has just returned to Washington after a 2½ months' stay in his homeland.

I commend his statement to the distinguished Members of this body. It is a factual refutation of press reports that have chosen to feature the sensational. It is a sober and restrained account of what the present administration is achieving in the Philippines today. Because we know the record in war and in peace of General Romulo, because we have faith in him, I know his words carry weight, and it is for this reason that, under unanimous consent, I include his statement with my remarks:

STATEMENT OF GEN. CARLOS P. ROMULO, PHILIPPINE AMBASSADOR TO THE UNITED STATES, UPON ARRIVAL IN WASHINGTON, D.C., FEBRUARY 4, 1960

I have just returned from the Philippines and I would like to give a factual report of conditions now obtaining there.

As a clear and definite index of our steady economic growth, the Philippines for the first time since the war, has achieved a favorable balance of trade.

For the first time also our agricultural production has registered such an increase we not only produce enough rice and corn for domestic consumption but we piled up surpluses that show the success of the present administration's campaign for self-sufficiency in food.

The first ship built by Filipino naval architects and engineers was launched, a significant advance for the Philippines which is an archipelago of more than 7,000 islands.

Oil has been discovered in the Province of Cebu, and together with steel will unquestionably be an important factor in giving the necessary impetus to our newly established agro-industrial economy.

The cornerstone of a nuclear center made possible by America's generosity in granting the Philippines an atomic reactor was laid by President Garcia last month, thus ushering the Philippines into the atomic era with all that this means in revolutionizing us industrially.

A national election was held, clean, free, and orderly, and the results were received as the untrammeled expression of the people's sovereign will.

More than any previous administration, the present one prosecuted its campaign against graft and corruption in the government, giving such positive results as 12,223 cases investigated, roughly 50 percent were decided, and 4,024 respondents were found guilty.

President Garcia has last month reorganized his Cabinet with the appointment of men whose ability and moral integrity are unquestioned and whose excellent record of public service in the past is universally admitted in the Philippines. The new appointments were hailed by the press as an earnest of President Garcia's determination to give the people an honest and efficient government.

The "Filipino First" policy is not the sudden outgrowth of a new surge of nationalism. It had its roots during the Commonwealth period in 1935 when Manuel L. Quezon was the President, and the National Economic Protectionism Association (NEPA) was formed. It was revived and strengthened by President Manuel Roxas under the name "Bagong Katipunan." Today, President Garcia is giving it point and meaning since unlike the Commonwealth period, we now have the attributes of national sovereignty and the formulation of our economic policies is entirely in Filipino hands.

Our economic policies, however, must conform to the Philippine Trade Act and to our Constitution, both of which protect the rights of American citizens. The Filipino-first policy, therefore, cannot be anti-American, firstly, because it is not intended to be so, and, secondly, because in its implementation, the basic laws of the country must be complied with and they fully protect Americans against any discrimination.

In the words of President Garcia, it is a policy designed to secure Philippine economic independence, a national effort to the end that Filipinos may obtain major and dominant participation in their own national economy. He emphasized in his recent state of the Nation message that the Filipino-first policy will be carried out "within the framework of our special relations with the United States to whose citizens we granted until 1974, by constitutional provision, equal rights as Filipinos in the exploitation of our natural resources and public utilities, and to whom we also granted trading parity rights under the amended Philippine Trade Act." He also stressed the fact that the Filipino people under this policy "welcome friendly and understanding foreign capital willing to collaborate with us in the exploitation of our vast natural resources, preferably on joint venture basis."

In other words, the Filipino-first policy means that the Filipino welcomes and will extend hospitality to all who want to be his guest in his house but he wants to remain the master therein. Certainly, no national of any self-respecting sovereign nation in the world can quarrel with that.

MAKING ELECTION DAY A NATIONAL LEGAL HOLIDAY

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, I think that all Americans are in agreement that election day is one of the most significant days in our national life. For this reason I have today introduced in Congress a joint resolution declaring that, beginning this year and applying to every even-numbered year from now on, the first Tuesday after the first Monday in November shall be recognized as a legal public holiday by the Federal Government.

This day is, of course, election day. It is the day on which, in every fourth year, the people elect a President of the United States. It is the day that, every biennium, one-third of the Senate of the United States and the entire membership of the House of Representatives are chosen by the people at the polls.

It is the day when practically all of the States elect their Governors and other top officials, as well as members of their State legislatures. And it is the day on which thousands of local officials—mayors, city councilmen, county commissioners, school board members, and so forth—are elected.

The fundamental meaning and importance of election day actually go beyond the choosing of individuals to fill public offices. It is on this day, more than on any other, that democracy really comes to life. It is on this day that democracy becomes more than a treasured and cherished set of principles and precepts. It becomes a very real, active, and practical expression of a free people.

Yet, we as a nation take no special note of election day. We give it no particular recognition or significance for its own sake.

I believe that this is wrong and that we ought to do something about it. I believe that the day on which we exercise the freedom, the principles, and the ideals expressed in the Declaration of Independence and the Constitution and, for that matter, in the entire tradition and heritage of Western democracy—I believe that this day most certainly should be accorded a very special, official recognition.

That is why I have introduced this resolution.

On George Washington's birthday we honor the memory of a great American who contributed so much toward the founding of this country and then served as its first President. On the Fourth of July, Independence Day, we pay homage to those remarkable men who wrote and proclaimed the Declaration of Independence and were prepared to die in support of its principles.

But we do not celebrate, commemorate, or otherwise acknowledge in any official manner at all that one day above all others, election day, when we put these principles into action. In my opinion this is a serious mistake, but it is a mistake that can easily be corrected by the passage of this resolution.

I think it is interesting and informative to see what the States have done about this question. According to the latest available data, they have set an example which the Federal Government would do well to emulate. In 37 of the States, election day is a full holiday; in one, Ohio, it is a half-holiday. Thus, it would appear that approximately three-fourths of the States grant to election day the much deserved honor and recognition that are not accorded to it by the Federal Government.

There are other reasons why election day ought to be made by Federal law a national public holiday. I am sure it would, for example, result in a large turnout of eligible voters.

It is certainly a fact that many people do not vote because it is inconvenient for them to do so. All of us these days lead very busy lives. As it is now, voting, if it is going to be done at all, may of necessity be a chore for many people that has to be sandwiched hurriedly into the day's schedule.

One should not be forced to vote in this way. It is far too important a civic function to be done when one's mind is occupied with other things—and only then if there happens to be a free moment.

The normal routine of a regular business day—and election day is little more than this now—may interfere far more with voting than many of us realize. The New York Times, for example, reported shortly after the 1956 election that among the large blocs of people who did not vote were an estimated 2,600,000 who were traveling for business reasons on the day of the election.

I suppose it can be argued that these people should have voted by absentee ballot. To me, this is not a persuasive argument. In the first place, people cannot always anticipate when business will take them away from their polling places. Secondly, a few States have no provision for absentee voting. Finally, even where it is possible to vote by absentee ballot, the process may be so slow, cumbersome, and complicated that it discourages people.

We ought to do all we can to encourage people to go to the polls. We ought to do all we can to make it as easy as possible for them to vote.

By making election day a legal national holiday we would not only make it easier for many people to vote but we would also make the day into something special. And election day truly is something special. It is the day of decision for the American people. It is a day of unique significance to the vitality and continuing success of democratic government.

I strongly urge Congress to act promptly and favorable on this resolution.

CAPT. CICERO FRANCIS HOGAN

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, recently a man whom we all know and admire, retired as the national director of claims of the Disabled American Veterans. I refer to Capt. Cicero Francis Hogan, who, for the past 10½ years, has directed the claims and rehabilitation service of the Disabled American Veterans and who has given a lifetime of dedicated effort in behalf of disabled veterans, their dependents, and survivors. I had occasion recently to participate in a retirement banquet in his honor, at which time he was honored by many of his friends and associates in all walks of life. The story of his life and his work and accomplishments in veterans' affairs is so noteworthy and impressive that I feel all the American people, and especially the vet-

erans of this Nation, should join with me in these honors which Captain Hogan so richly deserves.

"Cap," as he is affectionately known to all, was born in Portland, Oreg., in 1891. He is one of four children and the son of Ellen Alice Kenealy and Cicero Lewis Hogan. His forbears emigrated from Waterford, Ireland, originally settling in northern Maryland. In 1849 his grandfather, as a young man, joined the gold rush to California, later going to Oregon and settling in the small town of Portland, where "Cap's" father was born in 1860—100 years ago. So, even though an Oregonian by birth, "Cap" now resides in Maryland, the State from whence his forefathers came.

In 1912 he received his law degree from the University of Oregon. After about 4 years of law practice, in 1915, he enlisted in the Oregon National Guard and, as a first lieutenant of cavalry, served on the Mexican border in 1916 and 1917. On his release from border service, he was commissioned a captain. Seventeen days later he was called back to active duty on the outbreak of World War I. He was placed in charge of recruiting for the Oregon National Guard and established for himself a considerable reputation for his outstanding work in recruitment of the guard in Oregon. He left Oregon as a senior captain and helped organize the 66th Field Artillery Brigade at Camp Greene, N.C. He was then assigned to the 148th Field Artillery and, as an officer in the 148th Field Artillery, participated in five major engagements on the Western front. Following the armistice, he served with the army of occupation, and in April 1919 was ordered to Paris, France, and for 8 months he served as trial judge advocate in the Provost Marshal's Office. On his return to the States in 1920, he was assigned to the 15th Field Artillery and resigned from the service at Camp Travis, Tex., on June 2, 1920.

Following Army service, he returned to Portland to enter law practice, but his war service had taken its toll and for some time the doctors despaired of his life. Despite his poor state of health, he was selected by the Governor of Oregon to go to Washington in 1921 to represent the State of Oregon in the dedication of the Tomb of the Unknown Soldier. It was during these early years that he became interested in veterans' affairs and in particular, the plight of the disabled veteran and his family. In 1922 he joined a small but growing organization called the Disabled American Veterans of the World War. He also joined the Veterans of Foreign Wars and in 1928 became a rehabilitation officer with that organization. In these early years, he became concerned with the lack of hospital and medical facilities and the inadequate compensation for disabled veterans. Since that time he has been a leader in the fight for an adequate Veterans' Administration hospital system, an adequate compensation and pension program for veterans and dependents of veterans, retirement rights for emergency war officers, and the proper observance of events established in honor of veterans.

He became a rehabilitation officer of the Disabled American Veterans in 1933, at about the time the Economy Act was passed. For the next 7 years, he served in Portland as a rehabilitation officer of the Disabled American Veterans and gained the reputation as a fighting leader for improved hospital and medical care for veterans and an adequate benefit program for veterans, their children, widows, and dependent parents. Through his tireless efforts, he was to see much legislation enacted for the returning World War II disabled serviceman. Many will recall his famous convention speeches and the friendly debates with Veterans' Administrator, Frank T. Hines, and other Veterans' Administration officials. It is little known that, in 1938, he was elected national senior vice commander of the Disabled American Veterans and might have become the national commander but for his greater interest in service work.

In 1940, he was finally brought into the Disabled American Veterans national headquarters in Cincinnati, Ohio, and appointed the assistant national adjutant. For the next 9 years, he served as the assistant business and administrative head of the Disabled American Veterans, but never did he lose his interest or his love of work in the service and rehabilitation of disabled veterans.

In April 1949 he was appointed the national director of the Disabled American Veterans claims service by Gen. Jonathan M. Wainwright, at that time the national commander. He was selected from a large group of qualified men to direct the destinies of the Disabled American Veterans claims service. During his tenure of office, he has fought for a strong national claims and rehabilitation program as he believes that the service officer is the most important person in the world to the veteran or his widow who might not know where to turn in their efforts to secure benefits to which he or she may be entitled. His work and accomplishments over the 10½ years he has been the national claims director is known to all who are associated with veterans affairs. He leaves the Disabled American Veterans with a claims service, and with a national staff of trained, qualified national service officers, that is second to none.

He has always fought for what he believed to be right and he has always found time, in his many varied duties and responsibilities, to help and assist any and all disabled veterans and dependents who call on him. He is known to service officers everywhere as the dean of all service officers. His wisdom and sagacity and his forthrightness will be missed by everyone. We, of the Committee on Veterans' Affairs in the House of Representatives, recall his straightforward statements and helpful information given in his scores of appearances before our committee.

He is a "Kentucky Colonel," an "Arkansas Traveler," a "Nebraska Admiral," a "Texas Land Owner," an "Aid to the Governor of Georgia," and has received similar citations from almost every State in the Nation. He is a 42-year member of the American Legion, a member of the Forty and Eight, the Military Order of the World Wars, the Disabled Officers' Association, the Retired Officers' Association, the Elks, the Eagles, and many other organizations.

Captain Hogan lives with his lovely wife, Beatrice, a past national commander of the Disabled American Veterans Auxiliary, at 9219 Mintwood Avenue, Silver Spring, Md. In his retirement they intend to reside in Silver Spring.

To a great American, a dedicated service officer, and a friend of the veterans, I extend wishes for a healthy, happy retirement.

THE FOREIGN INVESTMENT INCENTIVE TAX BILL

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 30 minutes.

Mr. BAILEY. Mr. Speaker, since the recent withdrawal of the foreign investment incentive tax bill, H.R. 5, from this floor, I hope that Members have found time to study the bill. The bill was brought to the floor so suddenly that Members hardly had time to acquaint themselves with it.

When they study the bill I believe they will find it as incomprehensible as I did. I can tell you that a mere reading of the language will get you nowhere. It would call for the training of an expert legislative draftsman to find one's way through the bill. Otherwise its meaning would have to be accepted on faith.

Let me read you the definition of gross income as given in the bill:

(1) The gross income of a foreign business corporation shall be the sum of—

(A) The gross income from sources within the United States, and

(B) The amount (which shall be treated as an item of income derived from sources without the United States during the taxable year) subtracted from its reinvested income account for the taxable year, as determined under section 953.

After the meaning of this has been digested the bill tells us that the taxable income of a foreign business corporation shall be—

the amount determined under paragraph (1) (above), minus the sum of deductions allowed by this chapter to the extent deductible under part I of this subchapter (relating to determination of sources of income), as modified by this subpart, in determining taxable income from within the United States.

Now you know exactly what is taxable income under the bill. The remainder of the bill is just as crystal clear as the parts that I have quoted. If this seems an exaggerated account, let me tell you how "distribution by reason of United States investment and payroll" is to be made, as set forth on page 34 of the printed bill. It says:

(1) General: Under regulations prescribed by the Secretary or his delegate, there shall be treated as distributed to shareholders for the taxable year, out of the reinvested foreign income account, one-half of the amount determined by multiplying the portion of the reinvested foreign income for the taxable year which is attributable to the active conduct of a trade or business by the percentage determined by dividing

(A) the sum of (i) the adjusted basis of the taxpayer's property within the United States, and (ii) an amount two times the amount paid or accrued during the taxable year for labor and personal services performed within the United States, by (B) the sum of (i) the adjusted basis of the taxpayer's property wherever located, and (ii) an amount two times the amount paid or accrued during the taxable year for all labor and personal services.

Now, Mr. Speaker, I know that legislative language sometimes becomes technical but the language of this bill, I feel certain, could be translated into understandable English if an effort were made to do so.

I do not say that clarification of the bill would make it a good legislative proposal or that it would convert a bad policy into a good one. I am simply saying that when we are asked to vote on a bill its language should bring out its purpose rather than obscuring or hiding its meaning. It would be possible then to refer to this or that section and discuss it on its merits.

I am convinced that the bill is against the best interests of this country; but it is difficult to pin this down by reference to any particular part or section of it because of the involved language.

The whole proposal is out of joint with world economic and military realities. Not only is there no need to induce American capital to go abroad; it is already doing this in a growing stream and needs no further incentive. In fact what we should be doing would be to create an incentive for greater investment at home to provide more jobs for the jobless in this country.

Has anyone given thought to the effects of more voluminous foreign investments such as is contemplated by H.R. 5?

Much is made of the need of American industry to get itself established within the confines of the European common market and the outer seven or European free trade area. It is said that we will find it difficult if not impossible to ship into these areas from the outside once the inner tariffs are removed or considerably lowered. It is maintained that we will be frozen out because our exports will encounter tariff and other obstructions that do not apply to member countries.

Therefore, it is argued, American firms will do well to get themselves established inside of the outer walls. They can then get an extra dividend or two extra dividends, so to speak. They will have the employment of much cheaper labor than is available in this country and will be able to supply the new markets from within; but that is not all. They can ship out from these European bases to other parts of the world rather than shipping out from this country. The employment of labor abroad with the lower rates of pay will make our capital more competitive when invested overseas.

We can help reindustrialize Europe with the use of the latest technology; and, abetted by the widening mass markets thus opened up on the Continent, can participate in the intensive manufacturing enterprises that will grow up. Europe will soon surpass this country and we should be in on the ground floor.

There is one bothersome fly in this otherwise beautiful ointment. That is the military vulnerability of Europe to occupation by Russian forces in the event of war. The great industrial complex in which we would be deeply involved might quickly crumble and fall.

Another unwelcome feature of the whole plan is the invitation to reduce exports from this country and to substitute exports from foreign industrial locations. Employment in our export industries would either fall or drop behind in relation to the rest of our economy. Employment would expand overseas rather than here. I think we must all be aware of the serious problem we have in this country with the maintenance of employment. We should give this problem more, rather than less, attention. We should try to solve it, rather than aggravating it as this bill would do.

One of the worst of all the features of the plan would be the substitution of foreign for domestic production. Already considerable volumes of competitive goods generated by our existing foreign investments are creating havoc in this country. Automobiles, sewing machines, typewriters and office equipment, electronic devices, watches, cameras, oil and many other products produced abroad by American capital are already causing varying degrees of distress in this country. Such distress will grow immeasurably and culminate in a crisis if we stimulate foreign investments. Even without additional incentives the situation is already deplorable and getting worse.

Why, indeed, does our capital prefer foreign plants to investments here?

I can tell you why. In this country we have achieved higher labor standards, standards that have brought us the best market in the world. Through our so-called reciprocal trade program we have exposed these standards to the lower standards of other countries.

We have demolished our tariffs and refuse to come to the assistance of the many industries that are sorely beset by imports. Other countries have lower costs of production because they have not followed our system; but their productivity has greatly increased through the use of the modern plants, latest type of machinery, and equipment that they got from us.

I think it must be agreed that the people in this country have worked hard to build our economy to the position it occupies in the world today.

Now we are to see it wrecked, not merely by imports that flow in with little obstruction from foreign-owned plants abroad but from plants opened abroad by our own capital.

This is an upside-down proposal that belongs in Alice in Wonderland. It is almost unbelievable that it should be offered seriously.

We are running a bad deficit already in our foreign account. The more money we send out, the worse the deficit. Already our direct investments abroad are some $30 billion. This gives rise to direct employment of an estimated work force of more than 1½ million and some 3 million additional in indirect employment. We could use these 4½ to 5 million jobs in this country.

If we assured our industries a fair competitive chance at holding their markets in this country, our capital would do its expanding here and would employ the unemployed that now darken the homes and blight the communities in many parts of the country. Hope would shine again in the eyes of those who are told week after week that there is no longer a job for them.

But no, we want to help our money to flow overseas as proposed in H.R. 5 and forget about these people back in West Virginia and other sorely afflicted localities. We will not lighten their tax burden one iota; rather we will burden them by the amount that we lighten the burden on the foreign investments. This is a new type of patriotism.

We all know that in the past year hundreds of our firms have been busy exploring abroad, seeking suitable fields of investment in order to produce abroad what can no longer be competitively produced here. I do not blame these companies. I blame us here in Congress for supporting the kind of trade policy that has brought on the condition that makes the home market less attractive than the foreign.

If we had proper enforcement of the escape clause under the Trade Agreements program our companies could better afford to invest at home and do their expanding here rather than abroad. When our industry has absorbed our unemployed, then it is in order to expand abroad, not before, and not as an escape hatch from home responsibilities.

There is already adequate incentive for our companies that want to go abroad. The profit record of many companies that are already abroad will be sufficient lure to those who want to follow. Here are a few examples:

The Brazilian subsidiary of Addressograph-Multigraph Corp. showed a 38-percent increase in net sales, 26-percent increase in net income in 1958. Its English subsidiary showed a net income which was 12.4 percent of net sales.

Net sales of the foreign companies of American Radiator & Standard Sanitary Corp. for all its branches totaled $139 million—compared with $351 million from domestic operations—provided net income of $10.1 million or 7.3 percent of sales—compared to $4.9 million or 1.3 percent from domestic.

The subsidiaries of Armstrong Cork Co. had combined earnings of $891,000, an increase of 42 percent over 1957. Combined sales were $23,325,000, up 9 percent from 1957.

The French affiliates of Bendix Aviation Co. experienced production increases of 25 to 30 percent in 1958.

American journalists who have interviewed some of the oldtimers in foreign investment work abroad have stated that "it sure does pay to come; there's a great opportunity to make big profits in Europe." There must be some truth in this observation if one considers the re-

cent trends. A survey of 115 American machine tool companies of which 25 percent are already overseas, shows that 16 percent more intend to construct branches there in 1960. In addition, another 10 percent have signed contracts with foreign companies to ship their products back here and another 8 percent intend to do so in 1960.

It has been estimated that the sales generated by our plants abroad now amount to over $30 million annually, a considerable inducement, attractive to almost every manufacturer.

The added attraction of the common markets is another feature which has helped speed up the flow of American direct investment capital. With the lowering of tariffs among the member countries of the common markets it will have the effect of actually raising the restrictions around the economic region insofar as an American product is concerned. If a Frenchman wants to buy an automobile from either a German or American firm the German-domiciled company will now have the advantage of paying a lower tariff compared with the U.S. product exported from here.

That our companies do not need further inducement to go abroad may be concluded from what has already happened. Take Holland for instance. Our subsidiaries are far more numerous there than those of other investing countries: They are by country of origin: United States, 102; United Kingdom, 24; Belgium, 19; West Germany, 12; Switzerland, 9; Sweden, 6; France, 4; other countries, 7.

And H.R. 5 says we have to encourage our enterprises to go overseas.

Without the artificial stimulation which we might unwisely provide if we pass H.R. 5, let us examine the planned expenditures of our industries in Europe for 1960 in relation to 1958 as reflected in a survey made by McGraw-Hill:

[Millions of dollars]

Industry	1958	1960
Primary metals	1.9	24.7
Machinery	99.6	166.0
Transport equipment	52.3	122.7
Chemicals	38.2	57.1
All manufacturing	237.8	417.9
Petroleum	384.0	433.5

NOTE.—Figures reflect only expenditures of companies which participated in survey.

The survey stated that "manufacturing companies are probably setting a new record for capital expenditures overseas this year—1959—with plans for $957 million." This would be an increase of 26 percent over 1958 and even exceed the peak year of 1957. It is expected to go higher in 1960. The actual figures which should be published this month will show that U.S. direct investments in 1959 exceeded all estimates. We shall soon know. In addition all U.S. foreign investments have been running at an annual rate of $3½ to $4 billion.

Mr. Speaker, we do not need H.R. 5. H.R. 5, if successful, could only make worse a situation that is already bad. The bill should not be brought back but given a decent burial by the Ways and Means Committee without further ado.

HUNGARIAN INDEPENDENCE DAY

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, today, March 15, is the 112th anniversary of the victorious Hungarian Revolution in 1848. This date is of great significance not only because it reminds us of the profound spirit of the Hungarian people and the long fight which they have waged in behalf of their own freedom, but also because this victorious revolution which occurred 112 years ago today was crushed just as ruthlessly by the army of the Russian Czar as was the subsequent Hungarian Revolution of 1956, which valiantly displayed the same love of freedom and the same willingness to risk for that freedom, crushed by the tanks of the Soviet Union.

The love of the Hungarian people for freedom and the long fight they have made to achieve it is something which the people of America hold deeply in their mind and hearts. It is particularly appropriate then that we should recall these events today because it so happens that this 112th anniversary of the Hungarian Revolution of 1848 comes only a few weeks before the projected East-West summit meeting which could well be as fateful for the future of the Hungarian people as were the Teheran and Yalta Conferences of an earlier day.

Because of our deep regard for the Hungarian people and because of our sympathy for the situation in which they find themselves, Mr. Speaker, I trust the administration will make certain that the fate of the Hungarian people and their legitimate desire for freedom from Soviet domination be made a topic of the highest priority on the agenda of any forthcoming summit meeting. Surely, in view of the fact that the United Nations has adopted not less than 12 resolutions on the subject of Hungary which have been consistently defied by the Soviet Union, it would be regrettable indeed if the nations of the West were not to raise this whole question at their very first opportunity and insist that no settlement of the outstanding issues of Europe could properly be made with the Soviets without insisting on full freedom for the Hungarian people.

In this connection, also, Mr. Speaker, I believe it would be most appropriate if this country were to recognize the brave fight of the Hungarian people by commemorating in some more concrete way the fight for Hungarian independence which took place on October 23, 1956, one of the bravest and most courageous actions which any people have ever undertaken. I would therefore like to urge my colleagues in the Congress to join in asking the President of the United States to proclaim October 23 of each year as Hungarian Independence Day, not only in commemoration of the brave fight of the Hungarian people but also in recognition that we in America continue to look forward to the day when Hungary will again be free.

HUNGARIAN FREEDOM DAY

The SPEAKER. Under the previous order of the House, the gentleman from Massachusetts [Mr. MCCORMACK] is recognized for 30 minutes.

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and also ask unanimous consent that all Members who desire to do so may extend their remarks in the body of the RECORD today and for 5 legislative days on the subject of Hungarian Freedom Day, the 112th anniversary of the celebration of the independence of Hungary.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, the Revolution of 1848 was like a hurricane in Europe. It swept over most of the continent, reviving long-dormant aspirations among oppressed and downtrodden peoples, and terrorizing autocrats who seemed secure in their posts. Unfortunately, however, in less than a year the whole movement had spent its force. In many countries its leaders were either in jail or in hiding, or had barely managed to escape with their lives.

To the Hungarians that revolutionary movement was of great significance. The Austrian Government had been ruling in Hungary with an iron hand, and there seemed to be little hope for relaxation while Metternich was at the helm. Austria was afraid of the revolution. The threats to its government seemed so serious that for awhile Metternich actually went into hiding, and the Government was prepared to make concessions on many fronts.

Early in 1848, when the situation was clear to the Hungarians, they seized upon the opportunity and made demands upon the Government for reforms that would give them considerable freedom. The Austrian Government, conscious of its weakening position and aware of the threatening dangers, met these Hungarian demands on March 15. That is the day that is marked in Hungarian history as their liberation, or Freedom Day, for that day became a turning point in their history.

Hungary was caught in the vortex of the last war and at the end of the war fell into the Soviet sphere. That itself has multiplied Hungary's woes. Since 1947, when a Communist-dominated government was hoisted over their heads, unhappy Hungarians have suffered more than did their forbears under old tyrannies. The Communists have never been popular in this home of those brave and gallant fighters. Left to themselves, these treacherous traitors would be harried out of the country without much effort, but as they are backed up by the full might of the Red army, helpless Hungarians are not able to deal with their Communist tyrants.

The world-shaking events of October 1956 clearly demonstrated to the world that the indomitable spirit of freedom and independence is burning bright in the hearts of freedom-loving Hungarians. As we all know, and ruefully

remember, they staged a revolt against their oppressors when they knew that they had little, if any, chance of success without immediate outside aid. But they braved the dangers and took all the risks attendant to such a perilous situation. They defied the Communist government imposed upon them and proclaimed their war for freedom. Unfortunately, and in unconcealed sorrow, one must confess that the free West did not in any way extend aid to these gallant Hungarians. In a matter of weeks the world was horrified to learn that the man—Khrushchev—who preaches peaceful coexistence and sweet reasonableness to the statesmen of the democracies in the West, dispatched new troops to Hungary and his powerful and ruthless forces from the Soviet Union cruelly put an end to all uprising in Hungary.

Since those fateful October-November days of 1956, the free world's conscience has been stirred by the fate of the Hungarians. The United Nations Assembly has more than once condemned the treachery of the Soviet Union in Hungary. Unfortunately, all such moves have not helped Hungarians in any effective way. It is now to be hoped that at the forthcoming Summit meeting in May the Hungarian question will be heard, and that perhaps a way may yet be found to help these unhappy victims of Communist tyranny.

Mr. Speaker, Hungary and other Communist-dominated countries, in their opposition to the Communist yoke, have at least one basic thing in common, the restoration of their independence and the freedom of their people.

The peoples of these countries years ago were promised that they would have the right to determine their own form of government through a secret ballot and internationally supervised.

It is due to the ruthlessness of the Soviet Union, of her broken word, that this has not been carried out.

This question should be put upon the agenda of the coming summit meeting by the United States, Great Britain, and France. Such action will keep alive the courage of tens of millions of persons behind the Iron Curtain who despise communism, and who are praying and hoping for the day of deliverance.

Such action would convey to those millions that this question is still alive; such action will also show the Soviet Union that this question is not dead.

For one of the major concerns of Khrushchev and his associates is the knowledge that as long as the United States and the free world keep alive hope in the minds of these millions, that they are a constant threat to the Soviet Union, as well as a reservoir of strength for the West.

There is a strong feeling that Fascist Russia is using the Berlin situation as a means to a greater victory for the Soviet Union, an agreement freezing the present division of Europe.

Such an agreement would be morally wrong.

Such an agreement would be adverse to our national interest.

Such an agreement would be a military and psychological victory of major importance to the Soviet Union.

Such an agreement, through disillusionment, would drive these millions into the influence of the Kremlin, and with the destruction of their prayers and hopes, make them bitter toward those they feel had "sold them down the river."

The results of such an agreement would be to weaken NATO, and in all probability would result in its quick dissolution and death.

Such an agreement would be an appeasement, and experience with Hitler shows that appeasement is the road to war.

This is the 112th anniversary of the celebration of that glorious Independence Day. Let us all hope that soon all stout-hearted and gallant Hungarians who are suffering under Communist tyranny will again have freedom in their once free homeland.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I believe the distinguished majority leader, the gentleman from Massachusetts [Mr. McCORMACK], deserves the praise of the entire country for his remarks today and for again expressing, as he has for many years expressed, his very deep and sincere desire that people of the captive nations be given an opportunity to choose their own form of government, and I certainly wish to associate myself with the remarks of the distinguished majority leader. God grant that we may have the power and the wisdom to make the citizens of our country understand the great benefits that will come to the West by supporting the aspirations of these suppressed people. I congratulate the distinguished majority leader on his great concern for these people.

Mr. McCORMACK. I appreciate what my friend says. Although the gentleman is a new Member of the House, there is no one who is more devoted to freedom, and particularly for the restoration of independence and liberty of the dominated people of Europe, than is the gentleman from Illinois who has just spoken.

Mr. HALPERN. Mr. Speaker, today, March 15, is the 112th anniversary of the Hungarian Revolution of 1848, an eminently successful national endeavor until crushed by the troops of the Russian Czar. The wave of liberalism that swept through continental Europe in 1848, threatened to roll back the stifling autocracy fashioned by the royal governments which were still holding much of Europe under their dominion following the defeat of Napoleon and the French.

Although these revolutions were snuffed out, the groundwork was laid for the rise of parlimentary government in later years. The dead hand of oppression was eventually thrown aside by those to whom liberty and freedom were more precious than life itself.

On October 23, 1956, the pattern recurred and Russian armed forces brutally machinegunned Hungarian patriots in the streets of Budapest. The uneasy peace of despotism has once more descended upon Hungary.

For all who, with anxiety and hope, watched events unfold in the fall of 1956, this day is a fitting occasion on which to salute the brave people of Hungary who have fought foreign oppressors more than once in order to give substance to their deep-seated aspirations for freedom and self-determination.

Those of us who love freedom believe that events in 1956, were a prelude to the eventual dissolution of tyranny in Hungary. We wish the people of that land to know that they are not forgotten. We share with them the hope that the dark night of oppression will soon pass, and that this courageous nation will once again be welcomed into the ranks of the free.

Mr. McDONOUGH. Mr. Speaker, today marks the 112th anniversary of the victorious Hungarian Revolution in 1848, a date commemorated by the Hungarian people and by people of Hungarian descent wherever they may be.

The Hungarian people have demonstrated again and again throughout their history their determination to free their native land from oppression and to establish and maintain Hungary as a free independent nation.

It is one of the great tragedies of our time that in spite of the supreme sacrifice of the Hungarian people, Hungary has not gained independence and the people of Hungary are still enslaved under the domination of the Soviet Union.

In the Preamble to the Constitution of the United States, the Founding Fathers of our Nation stated in part:

> We the people of the United States, in order to * * * secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

As our Nation is founded upon the concept of national liberty and freedom for our people, we join wholeheartedly with the people of Hungary in their fervent prayer for liberation from the oppression and tyranny which now dominate their land.

The Hungarian people, in my opinion, have exemplified a spirit of liberty and independence, and sacrifice for liberty and independence that is unequaled in the contemporary history of the world. They are entitled to all the aid they can obtain from democratic nations throughout the world.

The people of the United States share with the people of Hungary the hope that Hungary may soon be freed from Soviet bondage and emerge a free and independent nation.

Mrs. CHURCH. Mr. Speaker, today, a most important day of the year for all freedom-loving Hungarians, we pause to commemorate the 112th anniversary of Hungarian independence and to pay tribute not only to the freedom fighters of 1848 but also to their descendants, the freedom fighters of 1956.

The history of Hungary portrays a centuries-long struggle for independence and liberty. The nation, founded in 897 A.D., became a Christian nation in 1000

A.D., and in the 13th century won a bill of rights similar to the Magna Carta. Beset on all sides by continental powers with imperialistic tendencies, the Hungarian people have been given little time to enjoy constructive peace. Since 1453, the struggle to maintain their sovereignty has been continuous. The Turks, after nearly 100 years of fighting the Hungarians, finally defeated the Magyar army in 1526 and occupied the major portion of Hungarian territory while the Hapsburgs ruled the remainder. Although in 1683 the Turks were defeated, the Hapsburgs extended their rule over all of Hungary.

It was in 1848 that the Hungarian people, under the brilliant leadership of Louis Kossuth, revolted against the rule of the Austrian Empire and proclaimed their independence. Freedom was short-lived. The Austrian Emperor prevailed upon the Czar of Russia to help crush the insurrection.

It is interesting to note that even in the early days Illinois hailed the courage of this brave people. Certain citizens in Springfield, Ill., met and passed a resolution which read in part as follows: "That, in their present glorious struggle for liberty, the Hungarians command our highest admiration and have our warmest sympathy; and that they have our prayers for their speedy triumph and final success." One of the three-man committee which submitted this resolution at the Springfield meeting was Abraham Lincoln.

After World War I, a freely elected national assembly repealed the measures of the regime of Bela Kun and restored the monarchial constitution, with Admiral Horthy as regent. With the rise of the Nazis, Hungary again lost real independence; and after the Nazis left, the Russians entered and forced upon the Hungarian people a form of government which as lovers of freedom they were bound to abhor. The Hungarians soon openly showed their hatred for this government by a revolt so courageous and fervent that the Soviets had to resort to extreme measures, which shocked the conscience of the world, we vividly and with deep regret remember.

At what cost the men, women, and even the children of Hungary made that bid for freedom we well know. To gain their long-cherished dream of liberty and independence, they paid the price in blood. Their sacrifice, however, although they lost the present battle—could not be held to be in vain. Their battle for freedom, their undaunted sacrificial courage will stand in ineradicable testimony to the demand of mankind everywhere for basic freedom and the right to live in true dignity and brotherhood under governments of their own choosing. Above all, the sacrifice then made unstintingly by the Hungarian people presents a challenge to those of us more fortunate to lift high the torch and carry on mankind's battle against domination of the spirit as well as of the body.

It is in this spirit that we express again to the Hungarian people not only our sympathy but our pride in their stamina and courage. It is in this spirit that we rededicate ourselves to the cause of and battle for human freedom.

Mr. LIBONATI. Mr. Speaker, little Hungary, virile and fertile—blessed by God with the principal crops necessary for the abundant food cellars of her children and formerly stored for her free children—but today stored in the larders of the Soviet nation—wheat, rye, barley, oats, corn, potatoes, sugar beets, hemp and flax. Her abundant variety of wines and extensive output of coal, oil, iron, steel; industries of machines, tools, chemicals, vehicles, railroad equipment, milling and distilling, make it plain for us to see that the Hungarians, from early times under its earliest settlers, chiefly Slav and Germanic, although overrun by Huns and Magyars from the East, and its civilization under Stephen I—997–1038—with the promulgation of its constitution in 1222, was always productive and contributory to the high standards of continental Europe. She fought against the domination of the Turks, who overwhelmed the country in 1526, but were ousted by the Hungarians and Austrians, who found domination difficult.

In 1844 Magyar become the official language and in 1867 Austria recognized the kingdom of Hungary, with the Emperor of Austria as King of Hungary, in a dual monarchy with a single diplomatic service.

Hungary being defeated in World War I—1918—lost Transylvania, Croatia, Bacska, Slovakia, and Carpatho-Ruthenia. It remained as a republic under Michael Karoly and, later, a bolshevist revolt under Bela Kun, and both were followed by a vote for a monarchy in 1920 with Admiral Horthy regent.

Hungary joined Germany in World War II; Horthy was removed and Nazi supporters put in power in 1944. Russian troops captured most of the country in 1945, and, by terms of the armistice, returned to its borders of 1937. In 1946 Hungary declared for a republic and elected Zoltan Tildy President only to find that, in 1947, the Communists forced Tildy out.

A Soviet-type constitution was adopted on August 18, 1949, which vests power in Parliament and a Presidium. Parliament, since 1953, consists of 308 deputies, one for each 32,000 population. The regime, in single list elections, as of November 16, 1956, was overwhelmingly victorious.

Since communism gained control, all industries have been nationalized and an intensive campaign has been conducted to collectivize farms, establish cooperatives, and increase farm production. Those who oppose it are deported to Russia. Hungary has, in recent years, confiscated American property and abused officials and citizens. It was admitted to the United Nations on December 14, 1955.

Premier Imre Nagy, in office since mid-1953, was ousted for his moderate policy of favoring agriculture and consumer production, on April 18, 1955; he was succeeded by Andras Hegedus.

Hungary developed into open revolt in 1956, with popular demands for the ouster of Erno Gero, Hungarian Communist Party secretary, and for the formation of a new government by Imre Nagy, which resulted in the latter's appointment on October 23d of that year. The revolt occurred when the security police fired on the people. Gero called in Soviet armed forces to crush the revolt, but Revolutionary Councils spread throughout the country. The insurrection appeared halted when Premier Nagy announced that the Soviet Union had agreed to withdraw its troops from Hungary; however, by November 1, 1956, Soviet forces again surrounded Budapest and, despite Nagy's protests to the U.S.S.R. and the United Nations, launched a massive surprise attack against the city on November 4th, with an estimated 200,000 troops, 2,500 tanks and armored cars. The gallantry of the young patriots, in their bid for free government, was crushed and the casualties were estimated as from 6,500 to 32,000 dead. Many rebels were reported executed and thousands were deported. About 196,000 persons fled the country. The United States received 38,248 under a refugee emergency program.

Premier Nagy was removed in November 1956, and Janos Kadar installed as chief of the Hungarian Communist Party, June 29, 1957.

On June 17, 1958, Moscow announced the trial and execution of Nagy, General Pal Maleter, who led the 1956 revolt, and Miklos Gimesz and Jozsep Szlagy. The executions were condemned by the United States in both Houses of the Congress on June 19th, and scored by many other nations, including Yugoslavia and neutralistic India.

Hungry refused, on June 27, to provide information on the executions requested by a United Nations special committee on Hungary.

Dr. Ferenc Munnich was appointed Premier on January 27, 1958, and Istvan Dobi was appointed President of the Presidential Council on August 14, 1952.

It is unfortunate that a country, whose 1941 census indicated a population that was 65.7 percent Catholic, and where a public school education is compulsory for 8 years, where church schools were nationalized in 1948, and there are six universities maintained by the state, that a free people, whose many contributions to the civilization of the free world are in the highest tradition of national pride, should be subjected to the domination of a heartless and irreligious leadership, which has enslaved and regimented its citizens and youth to the idolatry of nationalism.

It is the church that keeps alive in the hearts of the religious patriots of Hungary their undying love for freedom. We, of course, in our blunt and awkward way have tried to assuage our own feelings as to our shortcomings in standing up against Russia's slaughter of the innocents, by making it possible to permit political refugees to enter our borders for protection.

It was a kind gesture, but a confession of complete surrender of our national honor in permitting Russia to go unchallenged on its bloodstrewn way to power.

In the near future it is incumbent upon us to redeem our pledge to these liberty-loving people.

Mr. CANFIELD. Mr. Speaker, as time steals by we tend to forget much that is worth remembering. But in our lifetimes we witness a number of significant events that remain with us always. One of these memorable events that will not fade from our minds was the Hungarian revolt of 1956.

It is fitting that we recall the revolt today as Hungarians celebrate the 112th anniversary of the Hungarian Revolution of 1848. The more recent 1956 revolt made it abundantly clear that the Hungarian people, after 10 years of foreign domination and indoctrination, decisively rejected the system of communism.

I recall how impressed I was when there was received into our country at Camp Mercy—Camp Kilmer, N.J.—thousands of Hungarian refugees, most of whom have since become assimilated into the fabric of our society. In particular I recall the work of Maj. Gen. Sydney C. Wooten, now commander of Fort Dix, who was in charge of the camp. I shall always remember how he and his men along with Red Cross workers and other civil groups turned in a remarkable performance in making these people feel at ease and at home.

Since 1956 the United Nations General Assembly has adopted no less than 12 resolutions on Hungary demanding the withdrawal of Soviet troops and the establishment of free elections under international control. The resolutions have met with stubborn Soviet defiance. In the face of this recalcitrance we must continue to pursue the cause of our free and independent Hungarian friends. Would not the coming East-West summit conference be a suitable place to raise again the Hungarian question?

Mr. MURPHY. Mr. Speaker, the year 1848 is a great landmark in the history of many European nations. That year marked the revival of national aspirations and their attainment by means of revolutions. For a while most of Europe was engulfed in a huge revolutionary turmoil, and in many countries where peoples were subjected to despotic regimes there were disturbances. These were serious threats to absolute rulers and monarchs, particularly to those autocrats ruling over alien nationalities.

At the time Hungarians were ruled by the Austrian government in Vienna, and for a long time that government had proved ruthlessly efficient and able to keep Hungarian national aspirations under control. But with the beginning of 1848, the situation had changed considerably, and this change was to benefit the Hungarians. The government in Vienna was, for the first time in the century, seriously threatened. Its leading statesman, the reactionary Metternich, was so worried that he was concerned with his personal safety.

The Hungarians were well aware of this situation. Early in March a group of patriotic, enthusiastic leaders in Budapest prepared a list of their grievances and presented to the Austrian authorities their demands. The government in Vienna was conciliatory and granted the Hungarian demands, including freedom, on March 15. That is the day the anniversary of which is being celebrated today, the 112th anniversary of Hungarian Freedom Day.

Mr. O'HARA of Illinois. Mr. Speaker, I am addressing my remarks on the occasion of our annual observance of Hungarian Independence Day to a fear in many minds that in an effort to reach an understanding with the Soviet, minimizing the possibility of an atomic war, the enslaved peoples of Hungary and the other captive nations of Europe will be sacrificed on the altar of expediency.

This is the fear that has been voiced by delegations of dedicated Hungarian, Polish, Czechoslovakian, Ukrainian and Lithuanian patriots, some in exile in this country, who have visited me as a member of the Committee on Foreign Affairs.

What they fear is that as the price of peace and desistance from further aggression the United States will be drawn into an armistice arrangement with Russia whereby until further summit talks have worked out the terms of a permanent arrangement there will be recognition of the authority and jurisdiction of the Soviet in nations now held by it. This, of course, would amount to an abandonment of the captive nations to their own fate, temporarily on the surface of course, but actually total abandonment, since armistice terms are the reflection of future peace terms.

The delegations that have visited me point out as significant the recent cessation of tensions in the Far East and the Near East and the violent emergence of tensions in the American hemisphere. This it is reasoned could be preliminary to the ultimate Soviet suggestion that Russia should be left alone to take care of the European area while the Americas take care of themselves, unmolested by Russia.

I know of no better way to celebrate Hungarian Independence Day than here in the House of Representatives of the Congress of the United States to make reaffirmation of our position.

We will not abandon the capitve peoples of Europe for the price of a short-lived peace, a temporary easing of tensions, a lull in the cold war; until, the Soviet domain solidified, we ourselves face the enslavement to which we had abandoned our friends. We will not trade freedom in any part of the world for a promise of ease from tensions that will not be kept.

We will not abandon the captive peo-Soviet brutality in Hungary that horrified the world and brought to our shores so many refugees, fine men and women who now are a worthy and respected part and parcel of our American fabric. Nor will we permit cooing words of appeasement that now fill the air to soften the verdict of our indignation against the perpetrators of unspeakable crimes on the people of Hungary. Those crimes stunned the world, even in countries that had been neutral, and it is imperative that the United States press with increasing vigor a demand for drastic action by the United Nations.

Mr. Speaker, from private conversations with my distinguished colleagues and from their remarks on the floor of the House, I am convinced that it is overwhelmingly the sense of this body that the fate of the people of Hungary should not hang in the balance in conversations at the summit. As regards the captive nations there can be no retreat or compromise on the American position.

Hungary lies at the crossroads of Asia and Europe, and the Hungarian people have successfully maintained their national entity against all contending forces only through ceaseless struggle for freedom. In the 18th century, however, they were forced to submit to Austrian rule, and their country became part of Austria's polyglot empire. For more than 100 years the Hungarians endured the oppressive yoke of their unwanted overlords although several times they tried to free themselves, but all these attempts ended in failure. At last in 1848 their efforts along these lines fortunately were successful.

In that year revolutionary forces undermined the authority of Austria over its outlying provinces. Even in Vienna the government's authority seemed to be challenged. Hungarian leaders in Budapest were looking for such an opportunity as the weakening of the Austrian Government. When they learned of this early in March, they presented their just complaints to the authorities in Budapest and demanded freedom. The government was not in a position to refuse any such demand at the time, and, therefore, acceded to the demands made by Hungarian patriots on March 15. That is the day that has become Hungarian national holiday, and every year its anniversary is celebrated by the Hungarian people.

Today, as we all know, they will not be allowed to do this under the Communist regime in their homeland. But more than ever they still cherish the ideas embodied in their independence day and hope for their freedom.

Mr. BUCKLEY. Mr. Speaker, today is March 15—this date is indeed a significant date in the history of the Hungarian nation. It was on this date in 1848 that the victorious Hungarian Revolution brought into being the free nation of Hungary.

The Revolution of 1848 was crushed under the heel of the armies of the czar just as the inspired but abortive October revolution of recent memory, that of 1956, was wiped out by the bloodstained hands of their Communist aggressors.

But that October revolution of 1956 shines as a beacon light in the darkness of those who live under the long night of the Soviet tyranny. It is an indication of the true feelings of the people of Hungary and all those behind the Iron Curtain who are enslaved by their Soviet masters. They are but waiting for the day when they can throw off the yoke of their enslavers and stand once again by the side of free nations throughout the world. Hungary is indeed in this category. Those people are among the most freedom-loving in the world. In any free election they have clearly and

completely repudiated the Communist Party and its aims. This is shown by the fact that in the elections of August 1957, held under the control of the Communist Party, the Communist Party itself held only 20 percent of the votes. Since 1949 Hungary has been a so-called People's Republic and despite years of indoctrination under Communist rule and propaganda both the old and young of Hungary have kept alive their belief in the true democratic principles. They indeed show an unshakable will despite the hardships they live under to recreate once again within their own nation a true democratic government.

I am proud to raise my voice in a tribute to these brave Hungarian people on this significant date in their history. Furthermore, I would like to suggest that as a token of appreciation for their valiant struggle this Congress consider the President be authorized to proclaim October 23 of each year as Hungarian Independence Day. This is the date on which the Hungarian people rose against their Communist oppressors and showed to the whole world the true feelings of that nation. It is my earnest hope that these liberty-loving people will one day be masters of their own destinies and contribute as they have done in the past to the overall freedom and good will of nations.

Mr. COLLIER. Mr. Speaker, the recent history of the Hungarian people is full of woes and tribulations. In our day they have had more than their share of misery and misfortune. This is particularly saddening because the Hungarians have been, in their long history, among the bravest fighters for freedom and independence.

In 1848 they were living under the rule of Austria's despotic Government. They were being oppressed by that great power, and they could not free themselves from its clutches, but the revolutionary events of that year gave the Hungarian people their chance for freedom. The Austrian Government's authority was undermined by revolutionary forces, and that citadel of despotism in Vienna was tottering.

The Hungarians, sensing the weakness of the Government, made drastic demands upon it, including the grant of their freedom. The Government was not in a position to reject their demands, and granted them. That was done on March 15, 1848. The anniversary of that event is celebrated annually as the Hungarian national holiday, for that has been a memorable day for the liberty-loving Hungarians. We all hope that in our time their never-ending search for liberty from the oppressor will be rewarded with eventual success.

Mr. DAGUE. Mr. Speaker, today marks the 112th anniversary of the Hungarian Revolution of 1848 which was crushed by imperial Russia, thereby setting the pattern for the bloody hand with which Communist Russia put down the revolution of 1956.

Scattered throughout the free nations of the world, and particularly in this country, there are countless thousands of these Hungarian patriots who have accepted expatriation rather than live in slavery under the dictator's heel. And in my congressional district there is a substantial number of these God-fearing people who, having set us a shining example of militant patriotism, are now discharging to the fullest the responsibilities of citizenship in the land of their adoption. We are the beneficiaries of the circumstances that forced them to flee from their homeland and it is our responsibility to make them welcome and do all we can to nurture the intense love of freedom that burns undimmed in each Hungarian breast.

As we look back on the tragedy that befell Hungary in 1956 we are further indebted to those brave freedom fighters who by their action exposed the pious fraud perpetrated by the Communist leaders that their regime had the support of the Hungarian people. And when the U.S.S.R. moved in with her troops to exterminate the flaring flame of liberty on the march, the dedication to complete ruthlessness to which Red Russia is committed stood exposed before all the world. For us also there is the lesson that if we go to any summit meeting without taking into account the unchanging attitude of the Communists toward the right of self-determination we will be aiding in the compounding of an evil while at the same time condoning a ruthless colonialism which Mr. Khrushchev attempts to lay at so many other doors. No one advocates the war that would be necessary to liberate an enslaved Hungary. There are, however, many things that we can do to let the world know that we do not accept the present state of enslavement of these brave people and that no man can feel secure and free so long as they are held in bondage.

Mr. ANFUSO. Mr. Speaker, the 112th anniversary of the Hungarian revolution of 1848 and the declaration of independence from foreign oppression is being observed on March 15. This is the date that is traditionally observed by freedom-loving Hungarians everywhere, except in their homeland which is now suffering under the yoke of its Communist oppressor.

It is strange that Hungary's independence of more than a century ago was crushed by the armies of the Russian czar, just as the attempt to establish an independent Hungary in 1956 was drowned in blood by the tanks of the Soviet Union. During that short but heroic effort in 1956, Hungary paid a large toll in human lives lost, in property destroyed, in losing nearly a quarter of a million of its citizens who were forced to flee from the Communist reign of terror, and finally the extinction of its last vestiges of freedom.

Today, the Hungarian people is a captive nation together with the other captive nations of Central and Eastern Europe enslaved by communism. When the U.S. Congress adopted last year the resolution on Captive Nations Week, we struck a hard blow against communism. All of us surely recall the violent reaction of the Soviet leaders to this resolution and its effectiveness in molding public opinion. Their reaction proved the uneasiness existing in the Kremlin concerning its subjugation and domination of the captive peoples.

In May of this year the East–West summit meeting of the "Big Four" is scheduled to take place in Paris. In view of the fact that the United Nations has in recent years adopted at least 12 resolutions on the Hungarian problem, it would seem very logical that this problem be placed on the agenda of the summit meeting. We cannot permit the Soviet Union to continue to ignore this problem any longer, and this would seem to be a most opportune moment for positive action.

In the meantime, despite all adversities, we must encourage the Hungarians not to lose faith or hope for the future no matter how long or difficult the road to freedom and independence may be. We join them in prayer that a free Hungary will once again rise in our lifetime and its people will know the full meaning of human dignity.

Mr. ROONEY. Mr. Speaker, all Hungarians today celebrate the 112th anniversary of the victorious Hungarian revolution in 1848. Unfortunately, because of the Red tyrants in the Kremlin, today's celebration of this national holiday is not one of much rejoicing.

Mr. Speaker, I have always had great admiration for the many Hungarian people who sacrificed their lives for freedom and independence in their thousand-year history. Although the captive Hungarian people now behind the Iron Curtain observe today's anniversary with a sad heart, I am confident that they have great hope and yearning for their eventual independence and freedom. The cruel yoke of the Soviet tyrants has not crushed and will not crush the desire of the Hungarian people for a free and independent nation.

As we all know, in the fall of 1956 the Hungarian people made a courageous effort to overthrow their cruel foreign rule, but the supremacy of Soviet Russian tanks and artillery was too much for them to overcome. The shocking termination of their uprising in 1956 cannot and must not be forgotten by all freedom-loving people throughout the world. It should inspire us all to increase our efforts to aid them in their quest for freedom.

Today's celebration of the 112th anniversary of the victorious Hungarian revolution in 1848 does much more than commemorate the history of a brave nation. It serves notice to Soviet despots that the Hungarian people will never surrender to atheistic Communist doctrines. As long as there is a March 15, every foe of liberty must fear and dread the Hungarian Freedom Day. I pray that the day will soon come when the independence of these brave and valiant people may become a reality.

Mr RODINO. Mr. Speaker, Hungary has been a citadel of freedom and independence for centuries, and its rugged, stouthearted inhabitants among the most gallant warriors in defense of freedom in Europe. But in the 18th century the Hungarians had lost their freedom and were placed under the Austrian regime. For more than a century they endured the foreign yoke, and the

particularly oppressive regime headed by Metternich in the 19th century. They had cherished their independence but had no real chance of attaining it until the revolutionary year of 1848.

In that year when the revolutionary wave was sweeping over many parts of Europe, and the regime in Vienna was definitely tottering, a group of liberty loving and patriotic Hungarians in Budapest staged a bloodless revolution in the form of a demonstration, and presented their grievances to the government, demanding reforms and freedom. The government, well aware of the widespread discontent and the dangers threatening its very existence, acquiesced in these demands, and allowed the Hungarians much of the freedom they had demanded. That March 15, the day on which the demonstration was staged, is marked in Hungarian history as their Freedom Day, as their national holiday.

The freedom gained on March 15 was brief and fleeting. It was only a matter of months before the Hapsburg rulers succeeded in crushing the new republic. Prophetically enough, the Austrian forces were aided in their efforts by reinforcements from Russia.

Hungary today, once again under tyranny and oppression, must celebrate their day of freedom in secret. But all Hungarians throughout the free world, and all free men everywhere, will commemorate the significance of March 15.

Indeed the tragic betrayal of Hungary is remembered not only on this day, but on every day of the year. We join the oppressed peoples of Hungary in a prayer that they will soon regain their treasured liberty and freedom. No people has prized freedom more, nor sacrificed more in order to attain it.

Mr. ROOSEVELT. Mr. Speaker, the revolution of 1848 was one of the most important movements in man's long and arduous road for freedom and liberty. It ranks high as an attempt to revive long dormant national aspirations among peoples suffering under alien yokes. As the movement swept from one end of Europe to the other, these peoples were stirred and roused by the revolutionary spirit. They readied themselves to stage revolts against their autocratic governments and free themselves from their clutches.

At the time Hungarians were subject to Austria's stern and inflexible government run by the able but ruthless Metternich, the outstanding arch-conservative and reactionary statesman in Europe. The government under his chancellorship had successfuly subdued all uprisings and had crushed all revolutionary movements among the Hungarians. But the year 1848 ushered in a new dawn for Hungarians as well as for some of the other peoples suffering under Austrian despotism. Early in the year as the strong revolutionary wave reached Vienna, and as liberal elements there raised their cry against the government, the government felt that its security was in jeopardy. Even Metternich was seriously apprehensive of the impending danger. In March when this situation became known in Hungary, the leaders of the Hungarian recolutionary movement meeting in Budapest drafted a list of complaints against the government and demanded that they be given freedom. The Austrian Government for once acted wisely, and, in a conciliatory spirit, listened to the complaints of the Hungarians and met their demands, including the demand for freedom. This was done on March 14, 112 years ago, and since then that historic day has become the Hungarian national holiday. Today on the 112th anniversary celebration of that memorable day, let us ardently and devoutly hope that Hungarians suffering under Communist tyranny will once more regain their dearly cherished freedom.

Mr. GEORGE. Mr. Speaker, may I congratulate the great leader of the majority, our distinguished colleague from Massachusetts, upon his splendid tribute to the people of a freedom-loving nation. Today all Hungarians celebrate the 112th anniversary of the victorious Hungarian revolution of 1848 which, although crushed, demonstrated the heroic struggle of these great people for freedom and independence. It is indeed unfortunate that the Western Powers tolerated a permanent Soviet Chairman following World War II because gradually these freedom-loving people were subjected to Soviet interference.

Notwithstanding Soviet pressure, the Hungarian people have repeatedly rebuked the Communist system and foreign domination. In the free elections of 1945 the Communists polled only 17 percent of the votes despite Soviet occupation and Communist terror. And again in 1947 the Communists obtained only 20 percent of the vote. In 1949, Hungary was transformed into the so-called People's Republic. Their entire public life was placed under the Kremlin's control despite the agreement between the Allies and Soviet Union on a liberated Europe.

But the real denunciation of the Communist Party and its interference in Hungary came on October 23, 1956. On that day a nationwide revolution took place. Despite 10 years of Soviet indoctrination the Hungarian people, even the youth and the working class, showed that they were ready to sacrifice their lives for freedom and democracy.

The present situation in Hungary is critical. Today we note increasing persecution of patriots, control and persecution of the clergy, secret trials and executions, and many other violations of basic human rights. It is one of the great injustices of the 20th century that the Hungarian people, with their record of a thousand years of independence, are forced to languish in the colonial bondage of the Soviet Union. The United Nations General Assembly has adopted 12 resolutions demanding withdrawal of Soviet troops since 1956. Unfortunately, these resolutions cannot be enforced but we join all freedom-loving people in the hope that the Hungarian situation will be discussed at the coming summit meeting and that soon again the people of Hungary will regain complete freedom.

Mr. KEOGH. Mr. Speaker, it is a privilege to rise on the floor of the House on this date, March 15, to salute the brave people of Hungary and the Hungarian nation. This date, as we all know, is the 112th anniversary of the victorious Hungarian revolution of 1848.

It is particularly fitting and proper I believe to commemorate this date because of its significance in the history of those Hungarian people who have been among the forefront in the fight for freedom for themselves and all men and who have sacrificed their lives in this cause so often in their thousand year history.

Only too well do we recall the brave but valiant effort of the Hungarian people in October of 1956 when they attempted to throw off the yoke of their Communist masters, both within and outside their country. It is true that they failed eventually and that once again Hungary lies supine under the heel of its Communist masters. But by their action in October of 1956 they showed to the world that the spirit of liberty and democracy still beats as strongly as ever within the hearts of all God-fearing Hungarian men, women, and children.

It is my earnest hope that none of us here today will forget what is known as the Hungarian question for I believe it hangs heavy on the conscience of all free nations of the world. There have been many expressions of worldwide sentiment in support of the Hungarian people as witness the no less than 12 United Nations resolutions which have been adopted on the Hungarian question and which have been consistently ignored or defied by the Hungarian peoples' masters—the Soviet Union. I trust that in the near future the people of Hungary will once again stand as free men before the world and that March 15 which is such an important date to the Hungarians will be properly celebrated by them under their own flag and under a government of their own choosing.

Mr. MULTER. Mr. Speaker, Hungary has always been a battlefield for contending forces from East and West, causing much hardship and suffering to its gifted and stouthearted people.

Their suffering was aggravated early in the 19th century when the Austrian Government proved to be unduly oppressive. But even against their most relentless and powerful foe indominable Hungarians refused to bow. Late in the 1840's when all Europe seemed engulfed in the then surging revolutionary tide, Hungarians planned to revolt against the Austrian Government. But to their credit, first they presented their grievances to the government, hoping to attain their goal without bloodshed.

Early in 1848 revolutionary tidings reached Vienna. There the all-powerful Metternich and his regime was shaken. When the news reached Budapest, a band of idealist-patriots drafted a list of their grievances and presented them to the government, and demanded freedom. On March 15 their freedom was granted, and the Hungarian people thus won their freedom without revolution and without bloodshed on March 15, 112 years ago.

Unfortunately, Hungary is again under domination of an oppressor but

Hungarians the world over live in the hope that freedom will soon again come to their homeland.

Mr. BECKER. Mr. Speaker, no one in the free world will ever forget those fateful months in 1956 when Hungary fought and lost to her Communist oppressors. The courage of the Hungarian people then and now in these years of tribulation make us pause to offer her humble tribute today. And with my colleagues in the House I join in extending best wishes as we offer a prayer that Hungary may soon enjoy the freedom participated in by those Hungarian-Americans in the United States.

Mr. FRIEDEL. Mr. Speaker, on March 15, 1848, Louis Kossuth and the freedom-seeking people of Hungary struck their first great blow for independence. For centuries this nation had been tied to Austria and finally its desire for freedom flamed up in open rebellion. That uprising was soon crushed by the czarist army.

It was not until after World War II that the people of Hungary saw another promising opportunity for the establishment of a truly democratic system of government. Despite Soviet interference, free elections were held on November 5, 1945, at which time the people demonstrated their overwhelming desire for independence. History proved this to be an empty victory because for 2 years the Soviets sought to erase the non-Communist majority by every deceitful means at their command. Finally, on August 31, 1947, Communist Party Chief Maryas Rokosi, who had by then assumed political control of the Hungarian Republic, ordered another election. In spite of the illegal tactics used by the Reds, the courageous Hungarian people still voiced their desire for freedom. Yet in 1949, this non-Communist country was modified into a Communist-controlled Peoples Republic.

For 8 years these people lived under the exacting control of the Kremlin. In retaliation, the patriots of Hungary rose up in open rebellion and on October 23, 1956, the world renowned Hungarian Revolution was launched. Almost to a man, this brave nation fought against overwhelming odds to restore their God-given right to live as a free and independent nation. Unfortunately, the efforts of these valiant people of Hungary were again suppressed, but their cry for freedom still vibrates throughout the world.

It is my belief, and I hope the belief of all liberty-loving people, that this problem should be presented at the forthcoming summit conference and that the necessary steps be taken to insure that the Hungarian people be permitted to establish the democratic form of government they have long fought to create.

On this, the 112th anniversary of the Hungarian revolution of 1848, we in the Congress of the United States hope to call to the attention of the world that we fervently share the hope that the time will soon come when the light of freedom and independence will be brightly shining in Hungary.

Mr. LINDSAY. Mr. Speaker, as we find ourselves seriously engaged in a battle to invigorate and revitalize our political institutions, it is significant to note that on this very day, 112 years ago, a bloody struggle was fought by a people in order to assume their rightful place among the free peoples of the world.

But no sooner had the Hungarians took hold of the reins of government after their victorious revolution against Russia than the czarist army crushed any vestige of freedom, just as the Soviet tanks crushed the 1956 Hungarian revolution.

That unconscionable incident of the recent past, paid by millions of innocent lives, still reverberates in the far corners of the world; it is still fresh in our minds.

I distinctly remember, Mr. Speaker, that fateful 23d day of October in 1956. I was shocked, as I am sure all of my distinguished colleagues must have been shocked, to read in the papers and to hear over the radio of the brutal and diabolical slaying of countless Hungarians who, in their unquenchable thirst for freedom, rose against their Soviet and Communist oppressors. The events immediately thereafter shocked the conscience of humanity.

Having spent some time in Austria and on the Hungarian border during this period assisting in the effort to relieve the plight of Hungarian refugees, I know firsthand something of the agony that was Hungary's.

But in the midst of this dismal picture in the life-and-death struggle of the Hungarians for freedom, Mr. Speaker, there is a bright spot which is worthy of emulation. And that is, in spite of the tremendous odds against them the Hungarians behind the Iron Curtain, as well as their compatriots in this country, are incessantly keeping alive, as only a courageous people can, the hope that one day they shall once again breathe the air of freedom which they richly deserve.

These people whose lives are cast in heroic mold are deserving of our unstinted support.

It is for this reason, Mr. Speaker, that we should pause for a moment to pay tribute to a courageous people.

Mr. BOLAND. Mr. Speaker, there is, perhaps, no more fitting time than the present to commemorate the glories and the tragedies of the Hungarian people in their struggle for freedom.

For the past few years we in the West have undergone a period of so-called Soviet peaceful coexistence. The Soviet objective is clear and unequivocal: to erode the resolve of the West to oppose Soviet and Communist expansionism, to soften the will to resist, and to create the impression that communism is really a tolerable and permissible way of life.

Under the superhuman pressure and extraordinary efforts by Khrushchev in trying to sell this bill of goods, I fear many may have been persuaded to re-evaluate the basis of their opposition to communism.

This commemoration of Hungarian Freedom Day comes as a reminder to all of us that millions of people are still held captive by the Soviet Union, that communism is an intolerable way of life, and that the will to resist Soviet and Communist expansionism cannot be weakened if we as free people are to survive.

Our hearts go out to the brave Hungarian people on this day. And we Americans, like free peoples the world over, pray that one day the oppressive yoke will be removed from their shoulders and that Hungarians can once again enjoy the freedom for which they yearn.

Mr. WOLF. Mr. Speaker, 112 years ago when Europe was in the grip of revolutionary waves the Hungarian people took advantage of the situation and on this day of March 15, staged a bloodless demonstration in Budapest demanding various reforms and freedoms. The Hungarian youth, inspired by a spirit of patriotism, circulated stirring revolutionary poems. Their demands were accepted by the government. Since that time the Hungarian people celebrate March 15 as a national holiday. This day has become a symbol of political reforms and ideals of liberty. It has kept alive in them the spirit of freedom and liberty and it will remain so until they win back their freedom and thereafter.

The spirit which has taken roots so deep in the hearts and minds of the Hungarians will, I am sure, someday erupt like a volcano and will win back their freedom. It is my belief that suppression cannot stay forever. A day shall dawn when the spirit of freedom and liberty will overpower tyranny.

Hungary has seen the day of Kossuth, who gave Hungarian people the people's democracy. The experience of democracy is still fresh in their minds. I join the Hungarian people and Americans of Hungarian descent in celebrating their national freedom day and pray for their freedom from oppression.

Mr. WALLHAUSER. Mr. Speaker, we of the free world join today in the solemn observation of the 112th anniversary of Hungarian Freedom Day. Unfortunately, it is a day of sad contemplation, rather than one of great rejoicing.

It is a solemn day and one of sad contemplation because of the rules of Soviet Russia. In defiance of all that is legally and morally right, the masters of the Kremlin have placed the Hungarian nation under the yoke of Soviet Russia and taken from its freedom-loving people all the rights that are inherently theirs.

In observing this anniversary of Hungarian Freedom Day, it is well to relate some of the history of Hungary so none will ever forget the ruthlessness and cruelty of the Soviet and its ultimate aim—the placing of the entire world behind the Iron Curtain and making all people of the world its captives.

It was on March 15, 1848, under the leadership of the famed and great Louis Kossuth, that the patriots of Hungary boldly bid for freedom after being tied to Austria for centuries. It brought freedom and national autonomy.

Then in 1945, Hungary found its freedom crushed through occupation by the crawling octopus called Soviet Russia. Yet, the cruel yoke of the Communists

could not crush the desires of the Hungarian people for a free and independent nation. It burned steadily in their hearts and in their minds. There were many evidences of it. Then, in the tragic fall of 1956 the Hungarian people again rebelled against alien rule.

Once again the Hungarians demanded freedom and independence and they fought courageously for it. Sadly, the freedom day victory of 1848 was not repeated. Soviet tanks and artillery proved too much for these inspired and dedicated people.

The shocking end of the Hungarian bid for freedom in 1956 cannot and must not be forgotten. Although physically and ruthlessly crushed by Russia's disregard for the fundamental aspirations and rights of mankind, the patriots of Hungary gave enduring proof that their desire for freedom remains unquenchable.

Since the uprising of 1956, the United Nations General Assembly has adopted 12 resolutions on Hungary, demanding the withdrawal of Soviet troops and free elections under international control, while condemning the brutality of the Soviet Union. The Soviet has defied each and every one of those resolutions.

The Soviet continues to defy the United Nations and its resolutions. In view of this and what continues to transpire within Hungary, I sincerely hope the opportunity will present itself at the soon-to-be-held East-West summit conference for a full-scale discussion of the Hungarian situation. It is my strong belief that no effort should be spared in our striving for the restoration of independence to Hungary.

Today, as we commemorate an earlier era of Hungarian freedom, we honor all Hungarians for their gallant and tenacious longing for liberty and we pray that the day soon will come when the light of freedom and independence again will be burning brightly in their beloved homeland.

Mr. CUNNINGHAM. Mr. Speaker, I join my colleagues in marking this somber anniversary. For more than a century, the people of Hungary have fought and dreamed of independence and freedom as we have known and loved it in this country.

We can hardly appreciate what freedom means to people who are enslaved by the Soviet military rule, their every institution and activity subject to controls ordered from the Kremlin. Yet we know the yearning these people have for self-government, for true justice in the courts, for freedom of opportunity and individual liberty.

This anniversary of the Hungarian Revolution of 1848 is an appropriate time to pledge our friendship and offer our best wishes to the people of Hungary. Let us hope that the forthcoming meeting of the heads of states will be one at which important blows may be struck for the freedom of the Hungarian people.

Mr. RABAUT. Mr. Speaker, the memory of the valiant freedom fighters of the Hungarian revolt of recent years is still vivid in the minds of all. The heroic efforts of the Hungarian people in the face of the completely overwhelming odds represented by the Russian Army will long live as an inspiration to freedom-loving people everywhere. Indeed the love of freedom has long been a basic characteristic of the Hungarian people. Today, Mr. Speaker, marks the 112th anniversary of the first realization of true freedom by the Hungarian people. It was on March 15 in 1848 that the demands of freedom-seeking Hungarian nationalists were acceded to by King Ferdinand II.

The history of 19th century Europe has been characterized as an age of liberalism and nationalism. At the opening of the century the fall of Napoleon tolled the death knell of the liberal-thinking, democracy-seeking ideals that had arisen by then. The Congress of Vienna that met in 1815 to decide the future of post-Napoleonic Europe was dominated by the Austrian Prime Minister Metternich and culminated in a return to the harshly restrictive conservatism of the absolutist era. This policy, seated in Vienna and backed by the might of the Austrian Army, had the effect of repressing individual freedom and subjugating it to the interests of strong central monarchs. The struggle against this trend and the assertion once more of the basic human liberties implicit in self-government took place in every European country for most of the balance of the 19th century. This struggle was certainly the case in Hungary. The key year in this struggle of the Hungarian people was 1848. In this year the freedom-seeking nationalists, led by such men as Louis Kossuth, were fully prepared to stage a revolution to gain their ends. Happily such a revolution with all its usual bloodshed and terror proved unnecessary. For the tidings of the successful French revolutionary effort came from Paris and the demands of the dedicated Hungarian liberty-lovers were acceded to in a bloodless manner.

And so on this March 15, over a century later, I take great pleasure in saluting the Hungarian people on the 112th anniversary of the freedom day of the Hungarian Nation. And I close, Mr. Speaker, with the heartfelt wish and fervent prayer that before another March 15 passes, we here, and indeed the whole world, may witness and rejoice in a rebirth of that eternal freedom that the Hungarian people have always sought.

Mr. ZABLOCKI. Mr. Speaker, March 15 marks the 112th anniversary of the Hungarian Revolution of 1848. It is fitting that we join with Americans of Hungarian descent and with freedom-loving peoples everywhere in commemorating this date and in assuring those suffering behind the Iron Curtain that they are not forgotten.

The brave people of Hungary have kept alive the spirit of freedom through the years of Communist oppression and enslavement. Their strong national feelings and their love of liberty, were demonstrated clearly during the October 1956 revolution. Their spirit will not be broken in spite of the reign of terror which still prevails in their homeland.

The people of Hungary must not lose their determination to regain their independence, and their hope in the eventual liberation of their nation. Our Nation will continue to work toward this end through every peaceful means, and we hope that our efforts to this end will bring added courage to the Hungarian people and to the peoples of other Communist-dominated nations.

Mr. SANTANGELO. Mr. Speaker, the Hungarian people have not always enjoyed freedom, but they have always had the burning desire to be free and have always been ready to fight for their freedom. In 1848 they were prepared to revolt against their Austrian oppressors, but fortunately that was not necessary because they gained their goal without a revolution.

The revolution of 1848 in Europe was a severe blow to all autocracies there, and the despotic regime in Vienna was no exception. Early in the year the Government in Vienna seemed to be toppling, and the Hungarians knew it. In Budapest a band of Hungarian patriots, instead of staging a revolt against the Government, prepared a list of their complaints, presented it to the Government, and demanded freedom. The Government, realizing its weakness and helplessness, proved conciliatory and granted the Hungarian demands on March 15. This was a significant victory for the Hungarians, and thus March 15 became their day of liberation, the Hungarian Freedom Day. On this 112th anniversary of that memorable day let us hope that Hungarians will again regain their freedom and enjoy liberty in their homeland.

NAVAL RESERVE SURFACE DIVISION 3–77 AWARDED THE FORRESTAL TROPHY

Mr. BOSCH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOSCH. Mr. Speaker, it was my pleasure to have attended the recent ceremonies conducted at the Naval Reserve Training Center in Whitestone, Queens, at which time the Under Secretary of the Navy, the Honorable Fred A. Bantz, presented the James V. Forrestal Trophy to Naval Reserve Surface Division 3–77, under the command of Comdr. A. D. Oder, U.S. Naval Reserve. This represented the first time that a surface division in the Third Naval District had won this award, which is presented annually to the outstanding surface division of the U.S. Naval Reserve, of which there are 300 such units in the United States.

The Forrestal Trophy, which is this Nation's top Naval Reserve award, was named in honor of James V. Forrestal, the Secretary of the Navy who launched the postwar Naval Reserve program.

In addition to the Forrestal Trophy, Surface Division 3–77 received three additional awards for excellence. It was awarded the Commandant's Trophy by Vice Adm. Thomas S. Combs, U.S. Navy, commandant, Third Naval District, for

being the best surface unit in the Third Naval District; Maj. Gen. A. C. O'Hara, chief of staff to Governor Rockefeller and commanding general, New York Army National Guard, presented the award given annually to the outstanding unit of the Naval Militia in New York State; and finally, it was the recipient of the Naval Reserve Association's annual award for being the outstanding surface division in the entire country.

I believe all of us should be proud of this exemplary record which has been established by the officers and men connected with this unit. In particular, I feel that credit should be given to Comdr. Albert Sobel, U.S. Naval Reserve, battalion commander of Battalion 3-22, and Comdr. Robert J. Stankowski, U.S. Navy, commanding officer of the training center, whose untiring leadership and guidance were in a great part responsible for this division receiving these awards.

I am most happy to note that my good friend and our former colleague, the Honorable Henry J. Latham, now a justice of the Supreme Court of the State of New York, is an active member of Battalion 3-22.

HUNGARIAN NATIONAL HOLIDAY—THE 112TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION OF 1848

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, today's Hungarian national holiday, the 112th anniversary of the Hungarian Revolution of 1848, is a reminder of what the free world owes to the heroic and freedom-loving Hungarian people who had sacrificed their lives so often in their thousand-year history for freedom and independence.

This anniversary of the 1848 revolution also reminds us that then it was also the Russian Army which crushed the nationwide uprising just as in 1956, when again Moscow's army crushed so brutally the victorious Hungarian revolution.

In his off-the-cuff speech delivered at the Ganz-Mavag factory in Budapest on December 2, 1959—see New York Times report of December 3—Soviet Premier Khrushchev bluntly admitted, with scornful defiance of world opinion and the United Nations, that there was a parallel between the Soviet armed intervention in 1956 and the czarist crushing of the 1848 Hungarian revolution.

It is sad enough that in the 20th century a dictator can openly boast that his imperialist forces repressed the uprising of peoples in search of national freedom.

The problem is: Should we forget the ruthless reenslavement of self-liberated Hungary? Should the question of Hungary be swept under the carpet? What small, free country can feel secure in the enjoyment of its independence if the doctrine gains even tacit acceptance that it is the privilege of the powerful to police and discipline the weak? It is this very principle which is involved in the question of Hungary, as it has been the case of many small countries since 1945. Is this a principle to be forgotten, to be put discreetly aside, because our temporary convenience might best be served by glossing over awkward, but tragic facts?

I am posing these grave questions with extreme emphasis, because it was shocking for me to learn that 3 days after the adoption of the U.N. General Assembly resolution on Hungary December 9, 1959, the same high U.N. body unanimously accepted Hungary, December 12, 1959, as a member of the 24-member Committee on Outer Space. With this totally unexpected and inconsistent move the U.N. suddenly reversed its stand on the Communist regime in Hungary, which was branded by the General Assembly resolution of September 14, 1957, as "having been imposed on the Hungarian people by the armed intervention of the Soviet Union." Now this very same puppet regime whose delegation was not formally accepted to the U.N. General Assembly, became an equal international partner in a highly important U.N. body which deals with a matter with which Hungary has absolutely nothing to do. Has Hungary made any tangible contributions to achievements in outer space?

This unexpected and unanimously adopted U.N. move made a virtual mockery of the whole U.N. activity on Hungary, and it amounts at the same time to a Western capitulation in the Hungarian case. Is such a Western attitude encouraging for smaller free nations? Is it apt to strengthen the spirit of resistance of these nations against Communist pressures and subversion? Certainly not.

For all these reasons and in the very interest of the preservation of the prestige of the U.N. it seems imperative to pose to the Soviets at the forthcoming summit meeting the grave problem of their noncompliance with the 12 U.N. political resolutions on Hungary.

From raising the Hungarian problem at the summit meeting the West may reap important advantages, since it would enable the West to counter the Soviet efforts to confine the negotiations on Berlin and Germany with an eventual overall plan of a European settlement based on the universally recognized principle of self-determination. This would permit the West to switch from a rather defensive position to a more imaginative strategy which would also demonstrate that the balance of power has not changed so radically as to negotiate under the pressure of Soviet missile supremacy.

The extreme effectiveness of Soviet diplomatic strategy lies in the fact that the Soviets have a long-range, prefixed program which they are realizing step by step, with greatest determination and energy. Therefore, only a consistent and bold Western strategy, aimed at an overall settlement in Europe, instead of a piecemeal method could counter the Soviet diplomatic offensive with success in the long run. Among the international issues the Hungarian question might be regarded as one of the test cases to probe the alleged sincerity and good faith of the Soviet dictator.

Should the Western Powers decide to raise the Hungarian question at the summit meeting they might first of all request the Soviet Government to use its authority in Hungary in order to cease the repressive measures against the patriots, to stop secret trials and executions and to proclaim an amnesty for all political prisoners. This would certainly contribute to the easing of international tension. Furthermore, the Western Powers might attempt to persuade the Soviet negotiators that it would be also in the Soviet interest to eliminate this presently dormant powerkeg by finding an adequate solution to the Hungarian question.

The raising of the Hungarian question at the summit meeting would at the same time show the Hungarian people that the West has not forgotten them. It would keep alive the faith of Hungarians and the other captive nations in the West's determination to stick to the principles of self-determination and noninterference, principles used nowadays by the Soviets so hypocritically in Asia, Africa, and Latin America to promote the overthrow of democratic regimes.

It would also show to the Hungarians at home and abroad, and even to the small free nations, that the acceptance of the Hungarian Communist regime in Hungary as a member of the U.N. Committee on Outer Space does not mean a Western acquiescence in the subjugation of the Hungarian people.

Finally, I think that under these circumstances, the U.S. Congress, as the representative of the freedom-loving American people might pay its tribute to the Hungarian people and their world-shaking freedom fight in the most dignified way if it would pass a joint resolution authorizing the President of the United States to proclaim October 23 of each year as Hungarian Independence Day.

It was on that day in 1956 that the Hungarian people rose as one man against their Soviet and local Communist oppressors. The adoption of such a joint resolution might at least alleviate the Hungarian people's deep grief, caused by the acceptance of the previously condemned Kadar regime as a full-fledged member of the U.N. Committee on Outer Space.

Mr. Speaker, to that end I have this day introduced a resolution that the President is authorized and requested to issue a proclamation designating October 23 of each year as Hungarian Independence Day and inviting the people of the United States of America to observe such day with appropriate ceremonies since it was on that date in 1956 that the Hungarian people rose as one man against their Soviet and local Communist oppressors.

THE 112TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION OF 1848

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, the bloodbath of the recent Hungarian revolt against their brutal oppressors is still

fresh in the minds of men everywhere who cherish freedom and liberty. Although we are contemporary witnesses to a great drama in the struggle for liberty, it is by no means the first time that the brave Hungarian people have given their lives to liberate themselves from the same enslaver. On this date, 112 years ago, the Hungarians temporarily gained their freedom, only like the recent attempt to have it mercilessly taken from them by the czar's army. It is strange indeed, that these two singularly brave acts by a great freedom-loving people should be directed against the same nation, Russia.

Surely, one cannot but feel the tremendous drive for freedom exemplified by their actions. Their revolt against oppression in 1848 was a clear indication that this precious right is an inherent part of their traditions and desires: 1956 proved conclusively that it had never died.

Today, 112 years after, the Hungarian people once again find themselves under the heavy boot of foreign occupation and under the yoke of an involuntarily imposed government. Yet, despite the seeming futility of their efforts, I am certain that the spirit of 1848 is not dead. On the contrary, it will grow, nurtured by the ideals of liberty and freedom to someday erupt again.

In light of this great spirit of 1848, let us pledge our faith and support to the Hungarian people that when this great manifestation shall appear again, that they shall have the liberty and freedom which is their right.

ONE HUNDRED AND TWELFTH ANNIVERSARY OF THE HUNGARIAN REVOLUTION OF 1848

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BENTLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BENTLEY. Mr. Speaker, it is truly a privilege to remind the Congress and the American people that today, March 15, 1960, marks the 112th anniversary of the Hunganian Revolution of 1848, a revolution which was crushed by Russian imperialistic aggression, just as was the case with the well-known uprising of 1956.

It is particularly important to raise the Hungarian question at this time in view of the imminence of the East-West summit meeting in May and to express the hope that the question of Hungary and indeed of all captive peoples will be placed on the agenda of the conference. I should point out in this connection that my resolution, House Resolution 357, which was introduced by me on August 5, 1959, and which is still pending before the House Committee on Foreign Affairs would, if passed, specifically express the feeling of Congress with regard to the inclusion of this topic on the summit conference agenda.

Since the 1956 uprising in Hungary was brutally crushed by the Soviet Union in open defiance of the United Nations and in spite of the adoption of no less than 12 U.N. resolutions condemning Russia for her brutality and unprovoked intervention, little or nothing has been done by the free world to assist the present plight of the Hungarian people. The recent barbaric news that young Hungarian patriots who were arrested by the Communist regime at the time of the uprising are now being executed on their having reached 18 years of age should again serve to remind the world of the utter and complete immorality that has and will always characterize the followers of Lenin, Stalin, and Khrushchev. I just had the pleasure of signing a petition addressed to the Hungarian Communist Government and asking amnesty for all these political prisoners. While I am not too optimistic that this petition will awaken any humanitarian feeling in the hearts of the Hungarian and Russian Communist leaders, I feel that this is little enough to do for these brave children whose only crime was wanting their country once again to be free. I am pleased to include with my remarks a memorandum on the Hungarian problem, dated March 1, 1960, and furnished me by the Hungarian committee and its officials, Monsignor Bela Varga and Mr. Ferenc Nagy, both of whom occupied high posts in the postwar Government of Hungary.

Ever since my own period of residence in Hungary in the service of the U.S. Government, the problem of Hungary and all the captive peoples has been very close to my heart. I sincerely trust that our Government leaves no stone unturned to remind the captive peoples of our deep sympathy and concern for their present plight and that under no circumstances will we ever agree to any step which would tend to confirm them in their captive status.

It is, therefore, particularly appropriate that on this date, the most glorious one in all Hungarian history, we again call the attention of the free world to the eternal desire of the Hungarian people for freedom and to express the hope that they may soon again enjoy that liberty which is rightly theirs and for which they have sacrificed so much.

MEMORANDUM ON THE HUNGARIAN PROBLEM TO BE PRESENTED TO THE HONORABLE MEMBERS OF THE U.S. CONGRESS

After World War II, the democratic political leaders did their utmost to establish a truly democratic system of government in Hungary in accordance with the will of the people as manifested in the free elections of November 4, 1945, when the Communists were not able to muster more than 17 percent of the votes, despite Soviet occupation and Communist terror.

However, unfortunately, the Hungarian people were not duly sustained by the Western Allies in their efforts of developing and preserving the democratic institutions of the Hungarian Republic. The said fact that the Western Powers had tolerated that there be no rotation in the chairmanship of the Allied Control Commission in Hungary, had enabled the permanent Soviet chairman to intensify gradually the direct Soviet interference in all domestic matters of the country.

Despite this direct Soviet interference which was virtually sanctioned by the mere presence of the two Western members in this Control Commission and following the elimination of the leading democratic politicians in the Hungarian Republic, the Hungarian people made another desperate demonstration of their unshakable will to reestablish a democratic system of government. In the elections of August 31, 1947, ordered to be held by the Communist Party chief, Mátyás Rákosi, the Communist Party polled only 20 percent of the votes. It was Rákosi's aim to erase the non-Communist majority by fraud and terror, exploiting the psychological effect of the presence of Soviet troops.

Transformed in 1949 into a so-called People's Republic whose institutions were set up on the Soviet pattern, Hungary's entire public life, economy, and territory was placed under the Kremlin's control in striking defiance of the agreement on liberated Europe and the Hungarian Peace Treaty, both signed by the Allied Powers and the Soviet Union.

The nationwide Hungarian Revolution of October 23, 1956, left no doubt that the Hungarian people, even the youth and the working class, in spite of 10 years of indoctrination, rejected the Communist system and foreign domination. However, while they were ready to sacrifice their lives for freedom and democracy, they very realistically stressed in their political manifestations the necessity of good-neighborly relations with the powerful Soviet Union. The authentic spokesmen of the revolution had many times declared that they were not intent on converting Hungary into an anti-Soviet state. On the contrary, they emphatically advocated the idea of an internationally recognized neutrality as this was officially proclaimed by Premier Imre Nagy's government.

All these facts have been established by the United Nations Special Committee on the Problem of Hungary, and accepted by the United Nations General Assembly as trustworthy evidence of the bad faith of the Soviet Union which did not shrink from the assertion that the spontaneous Hungarian revolution was the result of a plot of Hungarian fascists and foreign secret services.

This Soviet version was completely reversed by Khrushchev himself when he bluntly declared in an off-the-cuff speech delivered in the Ganz factory in Budapest on December 2, 1959, that the revolution was crushed because the Soviets wanted to preserve by force the Communist regime in Hungary. He also openly admitted that the revolution was due to the extreme despair of the Hungarian people as a reaction to Rákosi's terror regime. His third sensational revelation was that even his colleagues in the Party Presidium had misgivings that the Soviet military intervention in Hungary might be misconstrued abroad.

Thus, these revelations have strikingly confirmed, even on the part of the Soviet Union, the facts established by the United Nations factfinding organ on the real causes of the revolution and the brutal crushing of the uprising by the Soviet tank divisions.

The United Nations General Assembly has, since 1956, successively adopted 12 political resolutions on Hungary, demanding the withdrawal of Soviet troops and free elections under international control, while condemning the Soviet Union for the brutal crushing of the victorious Hungarian revolution. The Soviet defiance of these resolutions has gravely affected the prestige of the world organization by creating a dangerous precedent for the impunity of members who do not comply with the General Assembly resolutions.

Although the political actions of the United Nations could not be enforced, the mere discussion of the Hungarian situation during the periodical debates of the General Assembly on Hungary kept alive the Hungarian people's spirit of resistance under a seemingly quiet surface. However, it was shocking for Hungarians at home and abroad that 3 days after the adoption of the latest U.N. General Assembly resolution on Hun-

gary [December 9, 1959] the very same high U.N. body accepted Hungary as a member of the Committee for the Peaceful Exploration of Outer Space [December 12, 1959].

By this totally unexpected and inconsistent move the General Assembly accepted the Kádár regime as an equal international partner, although the Hungarian delegation's credentials were not approved, with the motivation that it was issued by a regime which was placed in power by the Soviet armed forces in 1956. This move, which was supported by the Western Powers, virtually amounts to the rehabilitation of the Kádár regime and thus means a complete Western capitulation in the Hungarian case, which is now noisily exploited by the Communist propaganda in Hungary and abroad.

It is the most revolting injustice in the 20th century that the Hungarian people with a record of a thousand years of independence is languishing in the most ruthless colonial bondage of the Soviet Union, while even backward peoples are attaining nationhood and independence, one after another, thanks to the help of the Western Powers.

The present situation in Hungary may be briefly illustrated as follows: increasing persecution of the patriots, secret trials and executions, a ruthless drive for the collectivization of agriculture, institutional violation of the basic human rights, psychological exploitation of the presence of Soviet troops, overcrowding of the forced labor camps, control and persecution of the clergy.

Speeches of Communist Party leaders delivered at the Party Congress in December 1959, clearly indicate that Moscow wants to tighten the regime in Hungary despite the period of thaw in East-West relations. This mirrors the Soviet determination to present Hungary as a completely socialized state as soon as possible in order to eliminate one of the most outstanding problems in Eastern Europe, and to make it, thus, disappear from the United Nations General Assembly agenda, also.

For all these reasons the Hungarian people who had not received any Western diplomatic or political assistance in the victorious days of their life-and-death struggle for freedom, now rightly expect that the Western Powers seize the very first East-West summit meeting to be held after the adoption of 12 United Nations resolutions on Hungary, to pose the grave problem of noncompliance with the United Nations resolutions to the Soviet Union.

Both the juridical and moral obligations of the Western Powers and the preservation of the prestige of the United Nations equally demand that the Western Powers bring up forcefully the Hungarian question at the forthcoming summit meeting.

THE LATE ADELE ROSENWALD LEVY

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD, and to include editorials.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I am taking the time of the House for a few minutes this morning in order to tell my colleagues about one of the country's most distinguished citizens, and one of my most distinguished constituents, who died tragically on Saturday last, March 12, after a brief illness.

The death of Adele Rosenwald Levy, illustrious daughter of the late Julius Rosenwald, who was so intimately identified with civic, cultural, educational and philanthropic causes in New York City, throughout our country, and even throughout the world, constitutes and irreplaceable loss to the whole country, and particularly to the city of New York.

In all of her work for the benefit of her community Mrs. Levy's horizons were wide, but her chief interest over many years was focused on the welfare of children. For the betterment of their lives she gave not only financial support but she gave her time and she gave of herself.

Among the many awards presented to Mrs. Levy were the following:

In 1946 the National Council of Jewish Women named her the outstanding Jewish woman of the year.

In 1950 she received the Lane Bryant Award for her work for Citizens' Committee for Children.

In 1955 the John Findley Award from City College was presented to her.

In 1957 the fashion division of the Federation of Jewish Philanthropies gave her a Gold Key Award citing her as the woman of the year.

In 1958 she received the Spirit of Achievement Award from the women's division of the Albert Einstein College of Medicine.

Among the many organizations with which Mrs. Levy was active were the Play Schools Association, the Jewish Board of Guardians, the Wiltwyck School for Boys, the Committee for the Nations' Health and Youth House, Hudson Guild and the Child Welfare League of America. She frequently visited the child care shelters and institutions, schools and hospitals, and she always talked from personal knowledge of conditions and needs.

She was one of the founders and the first president of the Citizens' Committee for Children of New York, of which she was still president at the time of her death. Mrs. Levy had been a member of the Mayor's Committee on the Wartime Care of Children.

Her efforts led to the creation of the day care unit in the health department that is responsible for the high standards of day care for children in New York City. In addition, she was instrumental in saving the wartime day care program and in setting up the present New York City program which cares for more than 6,000 children each year. Mrs. Levy had been a member of the Mayor's Committee on the Wartime Care of Children. She was formerly chairman of the Child Care Committee of the Community Service Society. She frequently visited the child care shelters and institutions, schools, and hospitals, and she always talked from personal knowledge of conditions and needs.

She was one of the founders and the first president of the Citizens' Committee for Children of New York of which she was still president at the time of her death.

Mrs. Levy's work in the field of child care was recognized by her official appointments by top governmental officials, such as her appointment in 1950 by President Truman as a member of the Executive Committee of the Mid-Century White House Conference on Children and Youth. Governor Rockefeller appointed her a vice chairman of the State committee for the 1960 White House Conference. She was appointed as a charter member of the New York City Youth Board and was later appointed by Governor Harriman as vice chairman of the Temporary Commission on Youth and Delinquency.

When the New York State Youth Commission was created, Governor Harriman named Mrs. Levy as a member and she was reappointed by Governor Rockefeller.

At the time of her death, Mrs. Levy was a member of the board of trustees of Brandeis University. She was the American delegate to the first World Health Organization Conference in Geneva in 1948. Her past activities included serving as an aide of Waldon School and as a board member of the National Committee on Mental Hygiene.

One of Mrs. Levy's major interests has been that of the refugee and the displaced person. She was vice chairman of the Citizens' Committee on Displaced Persons and for years had been on the board of directors of the American Jewish Joint Distribution Committee. She was the first chairman of the National Women's Division of the United Jewish Appeal and served in that capacity for 2 years. From 1946–48 she was honorary chairman. She was one of the first American women to visit the displaced persons camps in Europe on behalf of United Jewish Appeal and on her return made a nationwide tour of the United States to report on the needs of the European Jewish community and to stimulate women's participation in the UJA campaign of that year. In 1946 she made another visit abroad on behalf of UJA, visiting various parts of Europe and Palestine, now Israel.

In the past she had been executive chairman of the women's division and on the board of directors of the Greater New York United Jewish Appeal.

She was a member of the board of the International Social Service, American branch, and a member of the Zellerbach Commission on the European Refugee Situation.

Mrs. Levy was one of the founders and the first president of the New York Association for New Americans. She had also been active with the United HIAS Service and with the National Council of Jewish Women.

For many years she was a board member of the Federation of Jewish Philanthropies of New York. She was a founder of the women's division and served as honorary officer of it.

Mrs. Levy was a member of the board of directors of the Mount Sinai Hospital.

Mr. Speaker, under unanimous consent I include in the RECORD at this point copies of editorials about Mrs. Levy that were printed in the New York Times and the New York Herald Tribune on this morning's date, March 15, 1960:

[From the New York Times, Mar. 15, 1960]

THE LUCKIEST PERSON

Adele Rosenwald Levy was an engaging, warmhearted, modest woman whose disarming simplicity of manner veiled a deep

sense of social service backed by the firm resolution to make of this world a better place because of her being here.

That she succeeded would be attested by the thousands of persons who knew her, loved her, and mourn for her today, and the hundreds of thousands who never knew her but whose lives have been immeasurably benefited because she lived. The helpless, the hopeless, the downtrodden, the dispossessed, found in Mrs. Levy a sympathetic and understanding friend. Her characteristic, though not exclusive, interest was the welfare of children; and her constructive contributions to this cause alone in time, in ideas, in effort and in money would have been enough to satisfy most ordinary mortals. But Adele Levy was extraordinary. Education, art, music and public service at city, State, National, and even international levels—all claimed a share of her enthusiastic activity.

Daughter of the late Julius Rosenwald, Mrs. Levy came naturally by her abiding sense of public obligation. "I'm the luckiest person," she said, because her wealth gave her the opportunity to serve. Resident in this city only the latter half of her life, she made an impact here that will long be remembered.

[From the New York Herald Tribune, Mar. 15, 1960]

MRS. ADELE LEVY'S MANY-SIDED CAREER

No one who did not know her can view the list of Mrs. Adele Rosenwald Levy's activities without a certain awe. Primarily she will be remembered as a humanitarian; the youth of New York City, in particular, owes much to her intelligent devotion to their cause. But somehow she also found time for the arts, for education, and for politics. In her there was nothing of the dilettante; what she did she did well, with selfless energy and professional skill.

During her life, Mrs. Levy received many honors and, what she cherished more, many responsibilities and opportunities for service. Her death will be mourned by the community she enriched through her works and her example.

FEDERAL RECREATION BILL

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BARRY. Mr. Speaker, I take this opportunity to introduce a bill to create a Federal Recreation Service in the Department of Health, Education, and Welfare. The establishment of a Federal Recreation Service would be of great assistance to the 6 cities, 18 townships, and 22 villages of Westchester County, as well as to many other localities in the Nation. The recreation programs in our communities are limited and we have an ever-increasing need for technical data, research, cooperative studies with other governmental agencies, assistance with programs, and recreation planning. The assistance that is needed by our communities is not limited to the public agencies, but required as well by the private, semiprivate, and other voluntary recreation agencies engaged in providing leisure time opportunities for peoples of all ages.

It is increasingly important that recreation be recognized on the Federal level just as it is on the State, county, and local levels, as there are many things which only a national agency can effectively deal with in the field of recreation. This bill is introduced in the hope and expectation that it will be of assistance in achieving the fullest health for our people and the best type of opportunities for the wholesome use of leisure by the American people. Certainly service of this kind appropriately belongs in the Department of Health, Education, and Welfare which is concerned with the preservation and development of human resources. I hope that the Congress will enact this legislation.

THE PEOPLE'S RIGHT TO EXPRESS THEIR VIEWS ON LEGISLATION WITHOUT THE PENALTY OF UNWARRANTED TAXATION

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. LAFORE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LAFORE. Mr. Speaker, along with many Members of the House of Representatives, I have been concerned over a recent regulation by the Internal Revenue Service which muddied the tax waters concerning the right of our taxpaying citizens and their organizations in the country to petition the Congress or participate in any legislative activities without incurring tax penalties for their efforts.

In essence the IRS regulation, which is now in effect, would deny a business deduction for tax purposes of expenditures for legislative purposes. Contributions to a labor union or a business association would be nondeductible to the extent such organizations engaged in legislative activities, direct or indirect. Even newspapers and their advertisers—and I presume this could be interpreted to include radio and television—could be called to turn by revenue agents on the money they spend in commenting on legislation at all levels of government—local, county, State, and Federal.

The ruling has resulted in a chaotic condition for many of our associations and labor organizations, who have in the past, voluntarily or by request, presented their views to Congress either in direct testimony or by making their views known in printed form.

Surely, any business, association, or other group, threatened by accident or design with legislation that could be ruinous, should have the right to protest by whatever means available, and should not be penalized by our tax collectors for protecting their own and the interest of their employees, members, and stockholders.

At this moment, the House Ways and Means Committee, on which I have the honor to serve, has before it two important communications on this subject, relating to legislation before the committee, designed to correct this situation.

One is from the Secretary of Commerce, Frederick H. Mueller, a longtime businessman and Government official.

Secretary Mueller recommends legislative solution and points out that "the sound policy would be to permit full deduction for all lawful expenditures that are related to the business of the taxpayer." The legislation endorsed by Secretary Mueller is a bill which I have been honored to join in sponsoring (H.R. 10502) along with my distinguished colleague on the Ways and Means Committee, the Honorable HALE BOGGS, of Louisiana, who originally introduced the bill, H.R. 7123, on May 14, 1959. In addition, I am pleased to note that my colleagues in the House, the Honorable WILLIAM E. MILLER, of New York, and the Honorable EDWIN B. DOOLEY, also of New York, have introduced identical legislation.

"Freedom of expression is an essential element of a free economy," the Secretary of Commerce points out in his communication. I am sure every Member of this House will endorse this statement.

The second communication regarding this matter is from the Under Secretary of the Treasury, Fred C. Scribner, Jr., an equally dedicated and perceptive public official.

He points out, in a paragraph which I will now quote in its entirety, one of the anomalous situations that now exist in this area of tax law:

> Existing law as developed has frozen concepts relating to expenditures in the area of legislative process which are quite distinct from generally accepted attitudes in regard to expenditures related to fields of administrative and judicial processes. It appears to many anomalous that no expenditures involving legislation, without regard to their character, are deductible, while similar activities before administrative and judicial bodies are clearly deductible if they otherwise constitute ordinary and necessary business expenses.

Speaking for the Treasury Department, Secretary Scribner "recommends early consideration by the Congress of the various proposals designed to modify the bar to deductibility of expenditures in connection with the legislative process." In this connection, Mr. Speaker, I should like to point out that the Congress has never acted affirmatively in this area of taxation. The present difficult situation resulting in the Internal Revenue Service regulation in question stems from a series of court decisions, rather than direct legislative action by the Congress.

The problem we are faced with is obvious, Mr. Speaker. Measures to correct it are at hand. I hope that the Congress will act during this session, so that the people, whose very existence in many instances depends on their right to petition their legislators, may continue to express their views without the penalty of unwarranted taxation.

TAX DEDUCTIONS SHOULD BE PERMITTED ON INDIAN CHILDREN LIVING IN NON-INDIAN HOMES

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Utah [Mr. DIXON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIXON. Mr. Speaker, today I have introduced a bill which is being cosponsored by Senator WALLACE F. BENNETT in the Senate to permit non-Indian families who take Indian children into their homes for a school year to receive a tax deduction.

Approximately 360 families in the intermountain area are paying the living costs of Indian children and taking them into their homes during the present school year and the number is growing every year. In addition to this there are many families which are similarly financing the expenses of Indian college students.

It is an injustice that the fine citizens who take on this responsibility cannot count these children as tax deductions because of the present Internal Revenue Service ruling that nonrelatives must live in a home an entire year to be counted as tax deductions. Under this program the Indian children are deliberately not kept in the non-Indian families' homes for the entire year because they would then lose their connection with their own families. The Indian children are regularly sent to their own homes for at least two months during the summer.

It is highly desirable to encourage non-Indian families to take in Indian children and help give them the training for future leadership among their own people. So far there has been no significant problem of acceptance of the Indian children in the white communities and that they have adjusted well to the public schools. Some of the Indian children have been outstanding students and athletes.

This program has been in operation for 5 years and is sponsored primarily by the Latter-day Saints Church. Its success thus far should commend the program to the attention of other groups who might consider instituting similar programs.

I would like to add one more reason why it is important that Congress correct this inequity in the tax laws. As is often the case with worthy causes many of the people who take these Indians into their homes and clothe, feed and care for all of their needs for 9 or 10 months a year are above average in generosity but below average in income. And yet I have received letters from them indicating that they are so thrilled with the results of the program that if they were permitted a tax deduction, they would be able to take even more Indian children into their homes. Thus allowing such a tax deduction may be a factor in causing this program to become widespread. This would be most desirable because it would result in the education and rehabilitation of the coming generation among the Indians rather than having them treated as wards of the States as we have tended to do in the past.

THE SOCIAL SECURITY LAW

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentlewoman from Massachusetts [Mrs. ROGERS] may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I include as a part of my remarks the following resolutions from the Commonwealth of Massachusetts:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION AMENDING THE SOCIAL SECURITY LAW

Whereas it is advisable to raise the maximum which an individual can earn while obtaining full social security benefits from the present $1,200 a year to $2,500 a year, and to permit wives to earn more than the present maximum of $1,200 a year: Therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of legislation to amend the social security laws to raise the maximums which may be earned under the social security laws; and be it further

Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

House of representatives, adopted, February 29, 1960.

LAWRENCE R. GROVE,
Clerk.

Senate, adopted, in concurrence, March 2, 1960.

IRVING N. HAYDEN,
Clerk.

A true copy. Attest:

JOSEPH D. WARD,
Secretary of the Commonwealth.

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT A FEDERAL AREA REDEVELOPMENT ACT

Whereas passage of a Federal Area Redevelopment Act would provide Federal aid for the revitalization of older mill and factory areas, and thereby enable the Commonwealth to compete more effectively with other States for new industry and provide funds for the retraining of workers in areas of chronic unemployment: Therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the passage of a Federal Area Redevelopment Act; and be it further

Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

House of representatives, adopted, February 29, 1960.

LAWRENCE R. GROVE,
Clerk.

Senate adopted, in concurrence, March 2, 1960.

IRVING N. HAYDEN,
Clerk.

A true copy. Attest:

JOSEPH D. WARD,
Secretary of the Commonwealth.

NATIONAL CONSTITUTIONAL CRISIS—SEQUEL

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, in a statement to the House in the RECORD of March 14, 1960, I included an editorial in the February 18, 1960, issue of the Pioche Record of Pioche, Nev.

This editorial is an incisive legal analysis of the stand proposed for Virginia in measures introduced in the 1960 session of its General Assembly, among them House Joint Resolution 44, which was referred to committees that held hearings which were notable in the history of this great Commonwealth for the range of experience of the authorities presented.

House Joint Resolution 44, which passed the Virginia House of Delegates, has been referred to a committee in the Senate.

In order that the text of this resolution may be available for reference in connection with the legal analysis of the stand proposed for Virginia, it is quoted as follows:

HOUSE JOINT RESOLUTION 44

Joint resolution concerning the powers of the Commonwealth of Virginia and the United States, respectively

Whereas it is necessary to restate the line of demarcation between the powers conferred upon the United States and those reserved to Virginia and her sister States: Now, therefore, be it

Resolved by the House of Delegates (the Senate concurring)—

1. That there is evidence of foreign intervention in our affairs of government that should be a matter of grave concern to our people.

2. That the persistent effort to upset the happily progressing improvement, in relations that have existed among the different races of the people in our Nation, can only be construed as an effort to weaken the Nation as well as to upset the rule of the people, through the means of artificially contrived controversies.

3. That the trend of the constituted agencies of Federal authority to exercise powers in excess of what is granted to them under the Constitution of the United States has now progressed to a point where the misrule of our people is comparable to the state of our affairs which afforded the grounds for our Revolutionary War.

4. That a study of the statement of the Virginia Commission on Constitutional Government dated September 9, 1958, which classifies the action of the Supreme Court in the school cases as lacking in constitutional authority, raises a question which may be thus stated: Referring to the tyrannical usurpation of power by the British Parliament in its enactment of the Stamp Act, which was questioned and repudiated by the General Assembly of Virginia under the resolutions introduced by the illustrious Patrick Henry in 1765, which Stamp Act was later repealed by the Parliament; was this assumption of power by the British Parliament anything less, by way of usurpation of authority, than was the action of the members of the Supreme Court, who can only act as a court when their actions are held within the bounds of the authority granted to them under the Constitution?

5. That the authority of the Parliament to enact the Stamp Act was limited by the Virginia Charter of James I and was so declared by the 1765 resolutions of the Virginia Assembly, so likewise the authority of the Supreme Court is limited in its authority as fixed by this State and recorded in article III of the Constitution and should be so declared by the General Assembly.

6. That article III, by limiting the activities of the Court to "judicial power," restricts it to the application of established law, as already fixed by the lawmaking agencies of government, to the parties and matters in litigation before the Court, and, that this also requires that in the interpretation of the Constitution the Court shall be guided by the rule of law that the intent of the ratifying parties shall govern in determining its meaning.

7. That the Stamp Act was based on questioned authority, in conflict with the Charter of the Virginia Colony and, for that reason was repudiated by the Virginia Assembly, in like manner the interference with the laws of this State by the unauthorized and therefore unlawful acts of members of the Supreme Court in the matters relating to public education, we likewise repudiate and declare not the law, on the same grounds, namely, the lack of constitutional authority.

8. That no such authority can be found to have been conferred upon the Court within the grant of power accorded to it by the people of this State as recorded in the compact or agreement known as the Constitution of the United States or in any amendment thereto.

9. That no power is granted under that Constitution to interfere with the administration of the laws relating to the public schools of this Commonwealth, without the Constitution of this State or the laws made pursuant thereto being duly determined and decreed to be in conflict with the Constitution of the United States, after a hearing duly held by the Supreme Court in an action to which the State of Virginia is a party, with full opportunity for the State to be heard as required by the Constitution.

10. That the constitution of the Commonwealth of Virginia and the Constitution of the United States are still the law in this State and will remain the law until changed or amended in the manner provided by law.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MCCORMACK for 30 minutes, today, on the 112th anniversary of the independence of Hungary.

Mr. VAN ZANDT (at the request of Mr. COLLIER), for 15 minutes, on March 16.

Mr. CONTE (at the request of Mr. COLLIER), for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. WALTER.

Mr. SMITH of Kansas.

Mr. HOLLAND and to include extraneous matter.

Mrs. ROGERS of Massachusetts.

Mr. GALLAGHER.

Mr. WEAVER.

(The following Members (at the request of Mr. BURKE of Kentucky) and to include extraneous matter:)

Mr. MCDOWELL in two instances.

Mr. TOLL.

Mr. HECHLER.

Mr. PATMAN.

ADJOURNMENT

Mr. BURKE of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 16, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1947. A letter from the Secretary of the Treasury, transmitting the Annual Report of the Secretary of the Treasury on the State of the Finances of the Federal Government for the fiscal year ended June 30, 1959 (H. Doc. No. 243); to the Committee on Ways and Means and ordered to be printed with illustrations.

1948. A letter from the Under Secretary of the Interior, relative to an application for a loan to the Browns Valley Irrigation District in Yuba County, Calif., pursuant to the Small Reclamation Projects Act of 1956 (Aug. 6, 1956, 70 Sat. 1044, as amended June 5, 1957, 71 Stat. 48); to the Committee on Interior and Insular Affairs.

1949. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation entitled "a bill to amend the Small Business Act, and for other purposes"; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1391. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. S. 1185. An act to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam; without amendment (Rept. No. 1392). Referred to the Committee of the Whole House on the State of the Union.

Mrs. PFOST: Committee on Interior and Insular Affairs. H.R. 6851. A bill authorizing the establishment of a national historic site at Bent's Old Fort, near La Junta, Colo.; with amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. H.R. 10213. A bill to amend the National Housing Act to halt the serious slump in residential construction, to increase both on-site and off-site job opportunities, to help achieve an expanding full employment economy, and to broaden homeownership opportunities for the American people; with amendment (Rept. No. 1394). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States; without amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 2185. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea; without amendment (Rept. No. 1396). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 2482. An act to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes; with amendment (Rept. No. 1397). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 5055. A bill to remove a restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States; with amendment (Rept. No. 1398). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 9084. A bill to repeal certain retirement promotion authority of the Coast and Geodetic Survey; without amendment (Rept. No. 1399). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 9599. A bill to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation; without amendment (Rept. No. 1400). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11169. A bill to provide that tips and gratuities received from customers of an individual's employer may be included as part of such individual's wages for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. BARRY:

H.R. 11170. A bill to establish a Federal Recreation Service in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Education and Labor.

By Mr. COLLIER:

H.R. 11171. A bill to amend section 37 of the Internal Revenue Code of 1954 to equalize for all taxpayers the amount which may be taken into account in computing the retirement income credit thereunder; to the Committee on Ways and Means.

By Mr. DIXON:

H.R. 11172. A bill to amend the Internal Revenue Code of 1954 to provide that the taxpayer's personal exemption for an individual not related to him shall be allowed if such individual resides in his home for

the major part of the taxable year, making special provision where such individual is a child living with him for the duration of a school year; to the Committee on Ways and Means.

By Mr. DOYLE (by request):

H.R. 11173. A bill to incorporate the Indoor Sports' Club, Inc.; to the Committee on the Judiciary.

By Mr. LIBONATI:

H.R. 11174. A bill to provide that tips and gratuities received from customers of an individual's employer may be included as part of such individual's wages for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. MULTER:

H.R. 11175. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PERKINS:

H.R. 11176. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer an additional income tax exemption for a spouse or dependent who is a student at a college or university and whose educational expenses are paid by such taxpayer; to the Committee on Ways and Means.

By Mr. RHODES of Arizona:

H.R. 11177. A bill relating to the interest rates on loans made by the Treasury to the Department of Agriculture to carry out the programs authorized by the Rural Electrification Act of 1936; to the Committee on Agriculture.

By Mr. CHIPERFIELD:

H.R. 11178. A bill to amend the Soil Bank Act, as amended, and the Agricultural Act of 1956, as amended; to the Committee on Agriculture.

By Mr. DENT:

H.R. 11179. A bill to provide that tips and gratuities received from customers of an individual's employer may be included as part of such individual's wages for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 11180. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. KING of California:

H.R. 11181. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SPRINGER:

H.R. 11182. A bill to consent to the annexation of certain real property of the United States by the city of Decatur, Ill.; to the Committee on Armed Services.

H.R. 11183. A bill to consent to the annexation of certain real property of the United States by the city of Decatur, Ill.; to the Committee on Armed Services.

By Mr. TEAGUE of Texas (by request):

H.R. 11184. A bill to increase rates of death compensation payable under laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 11185. A bill to increase and equalize all rates of wartime disability compensation and to provide for payment of additional compensation to veterans with dependents when rated less than 50 percent in degree on the same basis as for those rated 50 percent or more in degree; to the Committee on Veterans' Affairs.

By Mr. FINO:

H.J. Res. 650. Joint resolution declaring the first Tuesday after the first Monday of November in each even-numbered year to be a legal public holiday; to the Committee on the Judiciary.

By Mr. FLOOD:

H.J. Res. 651. Joint resolution authorizing the President to issue a proclamation designating October 23 of each year as Hungarian Independence Day; to the Committee on the Judiciary.

By Mr. TELLER:

H. Con. Res. 620. Concurrent resolution expressing the sense of the Congress that the U.S. moratorium on the testing of nuclear weapons shall be continued; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11186. A bill for the relief of Maria DiFranco Cesarino; to the Committee on the Judiciary.

By Mr. BREWSTER:

H.R. 11187. A bill for the relief of Capt. Kemp Tolley; to the Committee on the Judiciary.

By Mr. DEVINE:

H.R. 11188. A bill for the relief of Edward S. Anderson; to the Committee on the Judiciary.

By Mr. DIXON:

H.R. 11189. A bill to authorize the Secretary of the Interior to issue patents in fee to certain persons to lands located in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. LANE:

H.R. 11190. A bill for the relief of Cora V. March; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 11191. A bill for the relief of Maurice Chao Chen Mow, Van Chao-Hsien Mow, Aychuen Wang Mow, William Chao Wei Mow; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.R. 11192. A bill for the relief of Mansureh Rinehart; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 11193. A bill for the relief of Alena Christine Ludwicki; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

373. The SPEAKER presented a petition of Veronica Principalle, and approximately 1 million others, Catholic War Veterans of the Philadelphia County, Philadelphia, Pa., requesting new, strong legislation controlling the sale and distribution of all obscenity, films, photographs, records, magazines, and the like, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Heal the Sick and Feed the Hungry

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Tuesday, March 15, 1960

Mr. HUMPHREY. Mr. President, the needs of the peoples of the Middle East for food, clothing, and medicines and for schools and hospitals are urgent. I have long felt and often said that we Americans have a special responsibility in conscience to share from our abundance of food, fiber, and technical skill with the peoples of the underdeveloped nations still living in desperate poverty.

Mr. President, I ask unanimous consent that an article I wrote which appeared in the March 1960 issue of Adult Student, periodical of the general board of education of the Methodist Church, and which is entitled "The Christian Imperative: Heal the Sick and Feed the Hungry," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CHRISTIAN IMPERATIVE: HEAL THE SICK AND FEED THE HUNGRY

(By HUBERT H. HUMPHREY)

For years the undeveloped Middle East has needed medicine, not machineguns. It has needed schools, not soldiers. It has needed food, not foxholes. Medicine, schools, and food are the three ingredients necessary to battle the "Four Horsemen."

For a long time, some of us have been contending that:

First. Most of the critical areas of the world do not need American arms, guns, and tanks as much as they need American helping hands.

Second. If America will put more of her international effort into constructive channels—such as medicine, schooling, and food—we shall have far more of an impact on the minds of the underdeveloped countries of the world than we shall if we proceed by way of the military type of aid which we tend to extend.

Third. Conditions among the average people in the underdeveloped countries are so bad that they will tend to accept almost any form of quick, dramatic salvation. The tragic truth, which we must realize, is that while the living standard of the people in the industrial nations is rising, that of the people in underdeveloped countries is actually deteriorating.

Interestingly enough, while President Nasser, of the United Arab Republic, continues with his so-called diplomatic victories, the truth is that the standard of living of his people is abysmally low; in fact, there has been little or no improvement. I have heard that there has actually been a drop in the per capita income of the people of Egypt. What a shame. These people desperately need a more constructive use of their meager resources.

Something can be done about this matter; but it cannot be done by the sending of tanks, guns, and soldiers. Instead, it can be done by meeting the needs of these people, by sending to them teachers, medicine, food, social planning. It will not be achieved by sending military missions or by trying to bolster up old, feudalistic governing groups which will be rubbed out of existence as surely as the dawn follows the

night. Today a revolution is underway. No amount of patching up or firming up old, feudalistic, monarchical, or aristocratic systems will succeed; and we shall be well advised if we kept that fact in mind.

This situation means that we must have a program which at least will lend itself to constructive results.

The Middle East is not only a hotbed of intrigue, conspiracy, and East-West conflict but also a hotbed of human disease and suffering. With such conditions, it is impossible to have peace; the world's peace is bound to be threatened. The people of these countries are emotional and explosive in temperament; and with such problems ever present and, indeed, becoming aggravated, there is an inevitable trend toward trouble.

Let the American people ask themselves about the ragged rioters—the pro-Nasser demonstraters—in the streets of Tripoli, Lebanon, or Beirut, or in the streets of Baghdad, Iraq, or Amman, Jordan. "Exactly who are these rioters—these riflemen and hand grenade throwers? What is their condition in life? What, if any, possessions do they have in the world?"

Let the American people also ask, "How well, physically, are these people and their families?"

If we ask ourselves the latter question, we shall find that in these Middle East countries we are dealing with populations which contain a fantastically large number of sick and diseased persons. It is not surprising that in bodies so often racked with pain and disease, judgments may be distorted, and demagogy may be heeded and followed.

The available health statistics on these and other underdeveloped countries are woefully deficient. But they do reveal a tragic picture.

For example, the very eyes with which the people of Egypt or the people of Iraq or other lands view man's problems are, in literally hundreds of thousands of cases, racked with the disease of trachoma, which can lead to blindness. In some places—for instance in some villages in Egypt—the trachoma rate is over 90 percent.

So we would do well to remind the peoples of Egypt and their leaders that we are prepared to wage war against the disease of trachoma, and that our facilities for waging war against disease are even more efficient than are our capacity and our facilities to maintain military defense and to wage war, if need be, in behalf of our own freedom.

Approximately 1 out of every 5 persons in Iraq is suffering from trachoma or some other form of eye disease. In those two countries, the rate of malnutrition is appalling. Well over 50 percent of the entire population is underfed, the victims of hunger and malnutrition.

Egypt and Iraq are plagued by the snail-borne disease known as schistosomiasis, which goes on from generation to generation, racking and debilitating whole segments of the population.

In Syria, malaria is still a long way from conquest, with more than three-quarters of a million persons living in malarious areas.

In some areas of Jordan, 9 out of every 10 people are infected with intestinal worms and diseases.

I have seen those people; and I want to say that never in my life did I experience such emotional pain as when I saw the hunger, the privation, and the disease of literally hundreds of thousands of people.

Is it any wonder they are in rebellion? Is it any wonder they are emotional? Is it any wonder they follow demagogs? Is it any wonder they kill? What do they have to live for? Our answer, all too often, has been more guns for ruling groups, rather than more food, medicine, teachers, and books for the people.

It is not as if we had no way of doing these things. We can work through the United Nations, the World Health Organization, the International Cooperation Administration, and the Food and Agriculture Organization. We can work through these great international organizations and give leadership and counsel against man's ancient enemies of ignorance, poverty, and disease. We can work through our great philanthropic foundations, our colleges, our churches, and our many private groups.

There is no doubt that we must maintain our armed strength in the current worldwide struggle. We would do well to maintain our shield of strength so that there could be no doubt as to our ability to defend ourselves and our allies; but we do not need to continuously shout about it—a little less talk and a little more doing. But this is, and can only be, a negative aspect of our foreign policy. The United States must demonstrate that Americans genuinely and unselfishly are interested in helping to alleviate deprivation and suffering of hundreds of millions in the underdeveloped nations.

There is only one way to win the cold war in those areas, and that is with a warm heart and a clear mind. I might add, a clear and clean mind—a mind that states our objectives and then represents a will to fulfill those objectives.

When are we going to start to act like this? When are we going to demonstrate to the world that our main interest is people, and not power; that our main interest is human welfare, and not just natural resources like oil? We refuse to really use the strength we have. No wonder we are in trouble. No wonder Khrushchev enjoys batting us from one end of the world to the other with his propaganda, because we play the Communists' game of power politics, when indeed we should be acting like ourselves, and being the compassionate, generous, kindly, considerate Americans that we are, and letting the banner of righteousness and doing the right thing be our flag and our shield.

Therefore, from the highest offices and councils of this Republic, from every political and civil and lay leader, let there come the desire, and the expressed desire, to mobilize the great human resources of the free world in an attack against ignorance, poverty, and disease. Indeed, the cost will be little compared to the fantastic costs of arms in which we have indulged ourselves year after year.

Sometimes I wonder where we are going. We voted for a $40 billion defense budget in the Senate in less than 5 hours of debate. Yet we argued for days about $1 billion of food under Public Law 480. Why, we have argued for hours about the extent to which we are willing to utilize our surplus foods to relieve human suffering. What is wrong with us?

This only spells disaster and doom. We are playing into the Communists' hands. We are acting like they act. We are using the tools they use. We cannot win that way. The only way to act is to be one's self, and not to be made over. There is no need to be vindictive; no need to be vituperative; there is a need only to be right; to be firm; to be ourselves. In that way we cannot help but mobilize tremendous popular support. As the great Abraham Lincoln said so beautifully and profoundly: "With malice toward none; with charity for all; but with firmness in the right as God gives us to see the right."

The mistakes of the past cannot be undone, but there may still be time to develop a new relationship with the peoples of the Middle East and other parts of the world. It should be a relationship expressed in terms of food, of education, of jobs, and of medical care.

Diseased bodies and empty stomachs produce warped minds, and indeed bitter hearts. We cannot find peace in a world which is afflicted with diseased bodies, empty stomachs, warped minds, and bitter hearts. These conditions are not conducive to reasoned political decisions. The sooner we begin to attack the fantastic problems of hunger and illness the sooner we are going to see sound political development.

It is not only, in my mind, un-Christian and immoral, but it is positively dangerous to remain smugly content that we are the best fed, best housed, and healthiest people in the world. Until we recognize the brute facts of suffering among other peoples, and put our tremendous resources of food and medicine to work for others, we are simply going to find ourselves ever more isolated in a rising sea of hostility.

But we always think in terms of military aid. We can spend millions of dollars to move tanks to Lebanon. But I ask the question, How much medicine have we moved to the sick? I ask the question, How many teachers have we sent to the illiterate? I ask the question, How much of our abundance of food have we given to the hungry?

Not enough—indeed, not enough. But these are the tools which we must use. These are the wonder drugs, so to speak—the food, the teachers, the technicians, and the schools—the real "wonder drugs" to cure some of man's diseases: diseases of body, of mind, of spirit, and of will. These are the wonder drugs we can use to combat the virus of Communist totalitarianism.

West Virginia Is Getting Shortchanged—XVII

EXTENSION OF REMARKS
OF
HON. KEN HECHLER
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. HECHLER. Mr. Speaker, 16 times before I have addressed the House to advise my colleagues that West Virginia is getting shortchanged by the agencies of the Federal Government.

Particularly I have singled out the Defense Department, which controls the spending of more than $40 billion a year, more than half of our national budget.

The Defense Department, on a per capita basis, has ranked West Virginia a dead last among the States in military and civilian payrolls and in the number of installations within the State.

This is doubly regrettable in view of the fact that our State has the highest rate of unemployment in the Nation today, and that improvement of the condition of the State's economy will require efforts on many levels.

One big boost for the economy would be the fair allocation of military contracts and payrolls within the State.

Today, Mr. Speaker, I want to present recent and comprehensive figures to prove that just the opposite is being done.

These figures pin down not only the total military and civilian payrolls, but also the total spent on supplies, services, and construction within each State.

I hardly need tell you where West Virginia ranks on a per capita listing of

the 50 States and the District of Columbia. It is last, 51st.

In fact, although West Virginia is 30th among the States in population, it ranks a low, low 50th on the list of total funds spent. Only Vermont, with barely a sixth of the Mountain State's population, rates below the Mountain State on this list.

Mr. Speaker, I have never maintained that West Virginia is geographically or strategically situated in a manner that would justify an expenditure as great as California's or New York's.

But surely West Virginia deserves a per capita share more than one-fiftieth that of California's, or more than one-fifteenth that of New York's.

Surely it merits more than one-fifty-eighth that of Alaska's announced per capita share—which does not even include supplies, services, and construction spending.

And it seems hard to explain why Connecticut should get 37 times as much business as West Virginia on a per capita basis, and why Arizona should have 24 times as much spending on supplies, services, and construction.

Mr. Speaker, every single State in the Union shares in the annual budget to more than three times the extent that West Virginia does—while our State remains the most sorely depressed in the country.

Mr. Speaker, the following statistical table documents the unfair way in which West Virginia is getting shortchanged:

States' apportionment of U.S. defense budget for year ending June 30, 1959

[Ranked on per capita basis]

Rank	State	Military spending for supplies, services, construction, etc.	Pay to military personnel	Pay to civilians	Total	Amount spent per capita	Rank	State	Military spending for supplies services, construction, etc.	Pay to military personnel	Pay to civilians	Total	Amount spent per capita
		Million	*Million*	*Million*	*Million*				*Million*	*Million*	*Million*	*Million*	
1	Alaska	(1)	$124	$43	$167	$759	27	Ohio	$1,031	$79	$211	$1,321	$166
2	California	$5,283	757	780	6,820	644	28	North Carolina	321	248	56	625	154
3	Washington	961	185	142	1,288	537	29	Alabama	138	87	209	434	142
4	Arizona	239	84	39	362	483	30	South Carolina	38	182	78	298	141
5	Connecticut	920	20	13	953	475	31	Michigan	783	51	52	886	139
6	District of Columbia	98	73	188	359	448	32	Rhode Island	27	25	48	100	126
7	Hawaii	(1)	133	124	257	438	33	Indiana	389	31	60	480	122
8	Utah	175	13	95	283	411	34	Nebraska	63	61	23	147	111
9	Maryland	509	174	224	907	387	35	Pennsylvania	684	57	376	1,117	106
10	Delaware	74	30	8	112	355	36	Louisiana	151	90	38	279	104
11	Nevada	11	29	15	55	344	37	Montana	28	25	4	57	96
12	New Mexico	73	95	61	229	336	38	Mississippi	87	91	32	210	96
13	Colorado	252	111	77	440	332	39	Illinois	491	170	159	820	94
14	Kansas	450	135	35	620	325	40	Minnesota	238	19	9	266	89
15	Virginia	293	307	428	1,028	310	41	Kentucky	39	156	66	261	88
16	Massachusetts	1,150	143	139	1,432	305	42	South Dakota	12	29	8	49	75
17	Florida	405	248	137	790	285	43	Tennessee	106	71	43	220	67
18	Texas	1,305	630	315	2,250	278	44	Iowa	155	8	3	166	63
19	New Jersey	919	158	142	1,219	252	45	Idaho	9	20	4	33	56
20	New Hampshire	41	36	49	126	237	46	Vermont	14	6	1	21	56
21	Georgia	271	259	180	710	206	47	Wisconsin	168	20	11	199	55
22	Maine	117	54	10	181	198	48	North Dakota	17	12	4	33	53
23	New York	2,409	156	300	2,865	193	49	Oregon	31	19	20	70	46
24	Missouri	571	111	81	763	192	50	Arkansas	16	42	20	78	41
25	Wyoming	41	7	4	52	179	51	West Virginia	20	2	6	28	13
26	Oklahoma	135	118	135	388	174							

[1] Data unavailable.

Source of basic data: U.S. Department of Defense and U.S. Census Bureau.

Research To Brighten Economic Outlook for Great Lakes Fish Industry

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Tuesday, March 15, 1960

Mr. WILEY. Mr. President, in promoting economic progress for the country generally and for industry specifically, we recognize that research plays a tremendously significant role.

In many cases it provides the foundation essential for building progress for the future.

Today I would like to call attention to a specific problem that is confronting the fish industry in the Great Lakes region in terms of the need for an expanded research program.

Over the years the commercial fishing industry has depended upon the supply of choice fish in the waters of the Great Lakes for economic health.

Recently, unfortunately, the deadly lamprey have killed off large numbers of the lake trout, whitefish, and other prized species. As a result, the fishing industry in Wisconsin and the Midwest is facing serious difficulties.

Currently an antilamprey campaign underway is making progress toward elimination of the lamprey eels. However, it will be years before the lake is likely to be replenished with stocks of choice fish.

Meanwhile there is an abundance of other kinds of fish—formerly food for the prize species—in the lakes, including Lake Michigan, which can be utilized for such commercial uses as pet and animal foods, and other purposes.

There are, however, serious difficulties in adapting processing techniques of the fishing industry for a changeover to this kind of commercial operation.

Currently the Bureau of Commercial Fisheries is carrying on research in this field to provide for better, wider utilization of these resources.

Recognizing the plight of the fish industry, I believe that Congress—before which the Fish and Wildlife Service appropriations are pending—should approve adequate funds for a good, sound research program. In addition, I have urged the Bureau of Commercial Fisheries to direct as much of the fish research as possible to meeting the specific problems in the Great Lakes regions.

At this time I ask unanimous consent to have a brief résumé of the kinds of research needed to resolve the problems and thus brighten the economic outlook for the fish industry in the Great Lakes region printed in the RECORD.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

FIVE-POINT RESEARCH PROGRAM FOR COMMERCIAL FISHING INDUSTRY IN GREAT LAKES REGION

1. Exploratory fishing and gear research, including modern fish-finding equipment with trawls and other fishing gear to appraise the commercial potential of the fish stocks on Lake Michigan and Green Bay to determine the most economical means of capture.

2. Technological studies on the adoption of modern mechanized equipment to permit efficient handling and processing of fish catching in sufficient volume.

3. Information on the chemical composition of raw fish supplies and the effect of processing factors on nutrient values of industrial food fish.

4. Market research to provide liaison between industry groups and the various State, Federal and other agencies at work in market development; and to assist producers, processors and industrial shipments in the location and distribution of fish supplies.

5. Biological studies of the entire lake waters to measure changes and to forecast

fishery trends and conditions. These studies should be accompanied by statistical matter to aid in the management and regulation of future fishery harvests.

The Late Walter S. Steele

EXTENSION OF REMARKS

OF

HON. WINT SMITH

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1960

Mr. SMITH of Kansas. Mr. Speaker, as the years roll on there disappear from the Washington scene many men of high stature. Some of these top quality men are defeated for high office, some voluntarily retire, some are called to their final home by the unseen hand of Him who controls all things.

Recently there passed from our national scene one of the most dedicated and most sincere patriots whom it has been my pleasure and good fortune to know since coming to Washington some 14 years ago.

Walter S. Steele, editor and general manager of the National Republic, a magazine of basic and fundamental Americanism, died on March 2, 1960. America and freedom-loving Americans will always be indebted for his advocacy and his burning desire to protect the basic doctrines of the Constitution and Bill of Rights. Walter Steele was unrelenting in his attack on any cause or principle that tended in any way to undermine the institutions of this Republic. It was always to be noted in his endeavors to teach Americans their basic rights that the word "democracy" was little used. He well knew that our U.S. Constitution does not use the word "democracy." This document states our Government is a Republic and guarantees to each State a Republican form of Government. Walter Steele well understood the difference.

Back in 1918, some 42 years ago, a group of farsighted and patriotic Americans saw the necessity of assembling and pointing out some dangers that were beginning to appear—dangers to the well-being of America. This group did not go out parading up and down the street waving the flag to the tune of brass bands. They started out with the quiet purpose of collecting documentary and other reliable facts for presentation to the American public on the dangers of subversion and collectivism within the structure of our own Government.

Walter Steele many years ago became convinced that the American Government would not be destroyed from without, that the real danger was subversion from within our own borders. The sole purpose of his group and the National Republic was to try to get every patriotic citizen to share some of the responsibility for our national security. He well knew and this publication has through the years tried to point out that mere denunciation will not achieve the desired ends—that only through constant endeavor, constant research, constant attention to the ways of "the enemy within" could America be properly made to understand its danger.

Walter Steele was no mere propagandist. He knew the ways and means of the Collectivist, Socialist, Communist, and front organization. He knew their pattern and method of operation. His basic belief was if patriotic Americans could keep Amercan workers, American youth well taught in the principles which made this Nation great, the Communists and Collectivists would have a hard time destroying America from within. Walter Steele knew that the story of why America occupies its present position must be repeated and repeated constantly.

He also knew what apparently is unknown to many, that communism and collectivism is in general a disease of the mind and not a disease of the stomach as many international do-gooders, oneworlders, and demagogues are always proclaiming.

Over the years Walter Steele and his great organization, through their office, maintained a most thorough library on subversive activities in the United States. This National Republic has done more to unmask and expose Red front organizations and Communists at work than any other private organization in America.

It is also a well-known fact that Government security agents check the files of the National Republic as a first source of information. Over 100 front organizations were first exposed by the National Republic which were later placed on the Department of Justice's subversive organizations list.

It is not commonly known that this organization—National Republic—has a card index file of 400,000 names of Communists and their front carrying agents. This work and the large index of subversive members and organizations is a product of planning and work by patriotic Americans with very little pay and no acclaim from the American public at large. This National Republic organization has carried on as the squawkers, the pinks, internationalists, one worlders seem to become more active and deadly in their attacks on our ancient time-proven American principles.

The American people know very little of the service this National Republic has rendered under the guidance of Walter Steele. He never lost courage although many dark clouds appeared. He never compromised his principles for expediency. He lighted his lamp only by the desire to serve his God and country. Certainly, the life of Walter Steele exemplifies the motto for "God and country" to the highest degree.

A great many Americans know full well the debt that is owed to this man. There is genuine sorrow in the ranks of patriots at his passing. The only smiles, no doubt, are those of the Communists and their sympathizers, because they full well know that their best informed enemy of their ways and designs has passed away.

It will be difficult to find another American eagle to sit in his place as one of the guardians of our American heritage. Walter Steele full well realized, in the words of Capt. Tom Gibson of Friars Point, Miss., who has so aptly said, "The American eagle can't fly much longer on two left wings."

West Virginia Undergoing Period of Economic Transition Which, When Fulfilled, Will Provide a Broader and More Secure Foundation for Prosperity

EXTENSION OF REMARKS

OF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 15, 1960

Mr. RANDOLPH. Mr. President, there appeared in the Charleston (W. Va.) Gazette's issue of March 12, 1960, an article the editor of that newspaper invited me to prepare on future prospects in West Virginia and to discuss some of our State's needs in the field of Federal legislation and administrative actions.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WEST VIRGINIA UNDERGOING PERIOD OF ECONOMIC TRANSITION WHICH, WHEN FULFILLED, WILL PROVIDE A BROADER AND MORE SECURE FOUNDATION FOR PROSPERITY

(By JENNINGS RANDOLPH, U.S. Senator from West Virginia)

We have been seeking to diagnose the major economic ailments which beset the State of West Virginia, to evaluate the human and material resources we can bring to bear in providing a cure, and to indicate briefly some of the lines of future development.

There is no element of belief on my part that our economic problems are those of a dying State. The pangs we presently experience are growing pains, not those associated with senility and decay.

There is abundant evidence that West Virginia is undergoing a period of economic transition—though a painful one in some sections—which, when fulfilled, will provide a broader and more secure foundation for the future prosperity of our State.

Our present problems, as well as our future promise, are but different aspects of the transition which emerge from the technological revolution at work in West Virginia and throughout the country. And, in the long run, there cannot be valid objection to the use of machines where men once served in mining and manufacturing—provided that we find economic use and devise adequate living standards for the humans thus displaced. This is one of the fundamental elements of the challenge to which we must address ourselves, and it is to this goal that the creative efforts of both private enterprise and government must be devoted.

TWO FUNDAMENTAL OBJECTIVES

The objectives toward which we should work seem to fit into a fundamental twofold pattern: first, to relieve the immediate effects of the poverty and distress brought to many of our citizens by continued and long-standing unemployment; second, to lay the foundations for long-term development

of a balanced economy and the wise conservation and utilization of our national resources.

As a Senator from West Virginia, a major portion of my endeavor during the past 16 months has been devoted to efforts to help seek the fulfillment of these two goals. Criticism has been directed at me for some of the actions taken on behalf of West Virginia, some claims having been made that I have painted too bleak a picture of the circumstances prevailing in our State. As asserted heretofore, I recognize that public officials are subject to condemnation as well as commendation. It is my hope always to be able to accept both with equal good humor and awareness of the circumstances from whence they arise. But I must emphasize that we do not solve problems in this life by looking the other way or by lulling ourselves into a false sense of security in the belief that they do not exist.

Earlier in this discussion the opinion was expressed that the best efforts of both private enterprise and Government must be devoted to the building of a better State. It has been pointed out, too, that all elements for success are present. If the constructive potentials of private enterprise, government action, and individual initiative are fully developed and made to complement each other—rather than clash—real progress for West Virginia will be assured.

INDIVIDUAL CITIZEN PROVIDES IMPETUS

But in this field, as in others, the initial impetus must come from the enterprise and imagination of the individual citizen. Such a person is Hayes Scott, of Mill Creek, in my home county, who has built a thriving business through his own vision and drive and the natural resources immediately at hand. He started by buying dead chestnut trees, which he hauled home in short sections in the back of his old model Ford. He then trimmed and fashioned chestnut rails and posts for the rustic fence industry. As the market widened for his product, Hayes Scott employed his neighbors, so that he now has an average wintertime work force of 40 men and a summertime peak of approximately 80 men. He has, in addition, expanded his operations to include hardwoods for the furniture industry.

This is but one of many instances of the individual initiative of West Virginians. To preserve and foster its development, and to prevent the demoralization of our people and the destruction of their health, we dare not permit chronic unemployment and lingering distress to continue. In attempting to serve the most immediate needs of eliminating such distress, the State's delegation in Congress has been in the forefront of the constant efforts to increase the quantity and variety of food supplied under the surplus commodity distribution program. We have sought, and will continue to press for the augmentation of the inadequate diet afforded by the few items of food available under this program. Though our efforts thus far have been frustrated by the failure of the national administration to use the means at its disposal, we shall continue to strive to communicate a sense of urgency to members of the executive branch.

A PROGRAM FOR ACHIEVEMENT

Over and over again the testimony recorded during official hearings by Senate committees in West Virginia, and substantiated by constituent correspondence, bluntly and forthrightly states: "West Virginians don't want handouts—they want work." The desire and the will to work is another of our assets which we must preserve through area redevelopment aid in conjunction with industrial development and diversification; by research to find new products and markets for our coal industry and agriculture; by furthering useful public works; by stepping up water antipollution programs in spite of executive decrees to the contrary; through expediting needed military construction and utilizing Government-owned former defense production plants, such as those at Morgantown, South Charleston, and Huntington, for private peacetime production; by qualifying for and utilizing Federal aid for airport improvement and modernization; and by conserving our natural beauty and natural resources and expanding the State and National forests and parks, including the Monongahela National Forest, the Harpers Ferry National Monument, and a proposed Washington's Western Lands Monument area.

All of these would increase tourism, enrich the economy, provide needed employment for thousands of West Virginians, preserve much of our heritage, and help restore dignity, health and self-respect to many of our citizens presently in distressed circumstances.

As one of the Senators from West Virginia, I am dedicated to every activity and desirable result so stated. In most efforts I have been joined by my colleague, Senator ROBERT C. BYRD, and our State's delegation in the House in the advocacy of appropriate action or indicated legislation—some of it pending in the Congress, some enacted by the Congress and in effect, and some of it passed by the Congress and disapproved by the President.

NATIONAL FUELS POLICY IMPORTANT

To further help in stabilizing and, hopefully, to improve the vitality of our basic coal industry, I strongly advocate legislation to bring into existence a sound and necessary national fuels policy, and I am the chief sponsor of a measure in the Senate to bring this into being. The West Virginia delegation in Congress has achieved an active role in successfully advocating mandatory controls on residual fuel oil imports—and we must be vigilant and aggressive in working for the maintenance of this procedure for protecting coal's domestic fuel markets against unfair competition from abroad. There must be equal effort expended on behalf of other of our important industries, especially glass and pottery.

Better opportunities for small enterprises to survive and thrive must continue to be explored. In this respect, there have been some helpful developments in recent weeks for small businesses and small industries in both the northern and southern parts of West Virginia through loans made by the Small Business Administration under liberalized legislation which I supported. We must also work to procure more technical assistance from the SBA facilities.

There is an increasing awareness of the worth of the programs administered by the Federal Housing and Home Finance Agency. There must be additional participation by West Virginia in the programs administered by this agency, especially to increase home building starts, urban development and renewal, and to provide more college dormitory facilities.

BETTER ROADS AND ENRICHED EDUCATION

Certainly collateral with any substantial improvement of the economic and social aspects of our State should come better roads and expanded and modernized education facilities with an enriched curriculum. It is an unfortunate truth that the high cost of living for the individual, and the increasing cost of operations in commerce and industry, also are experienced by the public roads and educational systems. Although there seems to be general countrywide acceptance of and reliance on Federal aid for highways, it is paradoxical that the same is not true with respect to advocated Federal aid for public education.

Yet, as we have reiterated in this series of articles, the people are West Virginia's most important assets, and nothing will contribute more to the development of our human resources than the improvement of our public educational system.

The importance of the individual was again brought to my attention with considerable impact during a recent conversation with a young woman from West Virginia. While preparing this article, I received a visit from Janet Lea Cavender, a charming senior at Morris Harvey College.

Miss Cavender was in Washington as one of six 4-H Club members representing a total nationwide membership of two and a quarter million youth. She is the first person from West Virginia to have achieved this annual distinction in the 4-H movement. During our conversation the Charleston girl referred to her interest in international relations and her desire to help alleviate tension between the people of the world. "But," she remarked, "Senator RANDOLPH, I am just as interested in helping to solve the problems of West Virginia."

With the devoted interest and assistance of young people like Miss Cavender, who see their own community in relation to the world, we possess the certain proof that our West Virginia of the future will usher in a challenging era of notable achievements.

Dennis Baker, of Winchester, Mass., Science Talent Search Winner

EXTENSION OF REMARKS
OF
HON. EDITH NOURSE ROGERS
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mrs. ROGERS of Massachusetts. Mr. Speaker, among the 40 top winners in the 19th annual science talent search, the major science scholarship competition of the Nation's secondary schools was, I am very proud to say, a high-school senior from my congressional district, Dennis Graham Baker, 17, of Winchester High School, Winchester, Mass. These 40 boys and girls were selected from 29,402 high school seniors to be invited to Washington to attend the Science Talent Institute March 3 through 7, and to be judged for the Westinghouse science talent search scholarships and awards in the final phase of the science talent search conducted by Science Clubs of America. I had the pleasure of being Dennis' guest at the Science Clubs of America dinner on Friday, March 4, at the Statler-Hilton Hotel.

There were 9 girls and 31 boys in this group of winners, who excel in such qualities as creative curiosity, independent reasoning, scholarship, and strong drive to explore untried areas of knowledge. They were picked by the judges from among the 29,402 contestants, after having completed their entries by taking a science aptitude examination, obtaining recommendations, and writing a report on "My Scientific Project."

Dennis Baker's project was a 4-year program in meteorology, representing 4 years of weather reporting at his weather station at home. In his project report, he discussed data he collected on five different weather elements: climatological observations; semidiurnal pressure change; local thunderstorms; precipitation totals; and photography

of cloud types. When he finishes at Winchester High School, Dennis says he will go on to Harvard College and study physics. Meteorology is his first choice for a life occupation, and physics is a possible second. He has taken second and third prizes at his high school's science fairs. He plays French horn in the orchestra. He is continuing his weather observations "to improve the accuracy of the climatological results" and will keep his camera handy to photograph any unusual cloud types that pass over this station.

Dennis is the son of Dr. and Mrs. James G. Baker. Dr. Baker, an optical physicist and associate research astronomer, is the inventor and designer of the Baker-Schmidt telescope at Harvard University.

Dennis Baker's mother is also an eminent scientist.

The Massacre of Budapest

EXTENSION OF REMARKS
OF
HON. FRANCIS E. WALTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. WALTER. Mr. Speaker, the uprising of the Hungarian people against the Russian regime on March 15, 1848, has been a monument to the Magyar Nation which has, throughout history, remained faithful to the Western ideals of freedom.

In the Hungarian uprising of 1956, this historical tradition has again revealed itself to the world and proved that the imposition of the Communist ideology on the people of Hungary has failed and that their spirit could not be broken. Thus, the Hungarian people have in a manner triumphed over their Soviet hangmen.

However, and this is a matter of conscience to all of the Western world, these undaunted people are today enslaved by the sheer might of the Soviet army.

No amount of words can ever justify the massacre of Budapest, nor can diplomatic casuistry ever justify any further concessions to or coexistence with the Bolsheviks while present conditions in Hungary exist.

The Soviet rulers may talk about coexistence and they may haggle for peace in the world on their terms, of course. They may raise the issue of Berlin and peddle disarmament proposals. But, it is folly to ignore the fact that they have under their thumb millions of captive human beings, while operating today with the same unvarying purpose of ultimate world conquest that existed in their minds in 1917.

We must remain aware of this and we must avoid any consideration or agreement on issues which would blackout the actual situation existing in Hungary and the other enslaved nations of the Soviet colonial empire.

The issue of Soviet conquests must be brought to the fore and kept alive at the forthcoming summit meeting. We must stand firm if we agree to bargain with the butchers of Budapest, and we must force them to consider the plight of the captive nations before we consider their cover-up issues.

The Facts About the High Interest Policy as Disclosed by the Honorable Byron Johnson, of Colorado

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. PATMAN. Mr. Speaker, the gentleman from Colorado [Mr. JOHNSON] has prepared one of the best and most concise statements on interest rates that I have ever seen.

More than that, this statement brings out some new facts and some new ideas which I have not previously seen. It gives several facts which illustrate how the present high interest policy of our Government is reaching into the pocketbooks of the great majority of the American people. This high interest policy is shooting holes in everybody's pocketbook—everybody's pocketbook, that is, except a small minority of wealthy families who receive their income from clipping bond coupons and, of course, the bankers and other financial institutions, which are all profiting very handsomely.

The Members who read our colleague's statement will, I think, dismiss any question of removing the interest rate ceiling on Government bonds as the President has requested, and dismiss any question of passing the Ways and Means Committee bill, H.R. 10590, which would have the same effect as removing the ceiling. Instead, I believe that the Members who consider this statement will demand an end to the policy of maintaining interest rates at their present artificially high levels. They will demand, in short, that interest rates be brought down to the point where Wall Street has only a finger or two in our pocketbooks instead of having both hands in our pocketbooks.

The statement which has been prepared by our colleague from Colorado [Mr. JOHNSON] is devoid of any oratory. It simply sets out the facts in 1, 2, 3 order. And the importance of these facts surely makes this statement required reading for all Members of the House. It is as follows:

FACTS ABOUT INTEREST RATES

IN GENERAL

Interest is a cost item; it is the price of money.

Higher interest rates increase costs without increasing output. Therefore, high interest is inflationary.

The administration opposes increasing the prices of everything except money.

THE MATHEMATICS OF PUBLIC DEBT

The increased cost to the taxpayer of a one-quarter of 1 percent rise in interest on $1 billion of Government bonds is $2.5 million a year; over 20 years it is $50 million.

During the next year about $100 billion of Treasury borrowing must be undertaken. Each rise of one-quarter of 1 percent will add $250 million to the cost of carrying the debt each year; each 1 percent increase adds $1 billion to the cost of the debt in the first year, and more in later years. Ultimately, each 1 percent adds $2.9 billion a year to the taxpayer's burdens.

None of this increased cost gives the taxpayer a dime's worth of additional services. Instead it pushes up the cost of all the other money borrowed.

The cost of interest on the public debt was $4.8 billion in 1946; $5.8 billion in 1952. Note the rapid upward revisions in estimates now as a result of interest increases: It was first estimated at $8.1 billion for 1960; in June 1959, the President raised it to $8.6 billion for fiscal 1960. The present estimate is $9.4 billion for fiscal 1960, and $9.6 billion for fiscal 1961. This is more than the entire cost of the Federal Government in any New Deal year before World War II. The total Federal budget in 1939 for all purposes was $7.9 billion.

THE EFFECT ON OTHER DEBT

Government debt is roughly one-third of all Federal, State, local, business, and consumer debt. Gross debt, public and private, is roughly $900 billion.

The economy is paying at least $10 billion more this year for the use of money than it would have paid under the rates prevailing in 1952. This is a part of the inflation created by the administration.

The Federal interest rate is basic to all others. Hence private interest rates and State and local interest rates will go up as the Federal interest rate goes up.

EFFECT ON INDIVIDUALS

Higher interest makes homes more costly. In 1952 a $10,000 Government mortgage at 4-percent interest would be paid off over 25 years at a total cost of $15,840, of which interest was $5,840. In 1960, the same mortgage at 6 percent can be paid off over 25 years at a total cost of $19,330, of which interest is $9,330. The increase of $3,490 would have been enough to pay for two more bedrooms and a bath. To put it another way, if you wanted to refinance this 4 percent—25 year—$10,000 mortgage on today's 6-percent market, and keep the monthly payments the same, you would need a 50-year mortgage, making the home twice as costly.

The higher interest rate has added the cost of a new set of tires to your car, which you pay for but do not get; on a new 20-room school, it has added the cost of 6 classrooms which you pay for but do not get. Higher interest makes costs to farmers and small business even higher, and leads to more liquidations and bankruptcies. Higher interest makes home appliances more costly. It raises the cost of living and cuts the standard of living.

HISTORY

The maximum rate of interest of 4¼ percent was fixed by Congress in 1917 in the Liberty Loan Act. The Treasury has operated within that ceiling through World War I, a depression, a boom, the great depression, World War II, postwar readjustment, and the Korean incident, down to date. Within that ceiling the Federal debt soared in a few brief war years from $45 billion to $270 billion, but the 4¼-percent interest rate ceiling held because the Federal Reserve cooperated with the Treasury.

The Treasury can sell its bonds without an increase in long-term interest rates and without inflation if the Federal Reserve will use the power it already has to preserve the value of Government securities by using its open market policies consistently to these ends.

The Federal Reserve notes in your wallet, which carry no interest, always trade at par. It is a sad commentary that Government

bonds, bearing interest, are permitted by the Federal Reserve to sag indefinitely in value. The Federal Reserve is supposed to provide an orderly market for Government bonds. It should do so now. A firm statement by the Federal Reserve that it intends to do so, in a manner sufficient to meet the monetary needs of an expanding economy without inflation, would quickly firm up the market. Increased purchases by the Federal Reserve need not create inflationary pressure. If bank reserves rose too sharply, a simple increase in reserve ratio requirements would prevent any inflation. What is more, a more attractive inducement to the public to buy savings bonds—without piercing the 4¼-percent interest rate ceiling—will also help the Treasury sell long-term bonds.

RECENT DEVELOPMENTS

Along with its hard-money policies, the widespread fear of inflation last year sent investors into stocks and out of bonds, which raised the yields on U.S. Treasury bonds. Forces are now in motion to lower the price of stocks and raise the price of bonds. As a result, the yields of Government bonds are falling. At the first of the year, 1960, almost every issue was selling at prices to yield more than 4¼ percent, three of them to yield more than 5 percent. At the close of business on Friday most Government bonds were selling at yields below 4¼ percent. All the bonds with 10 or more years to run were below 4¼ percent. (See CONGRESSIONAL RECORD, Mar. 9, pp. 5065–5066). In the face of these market developments, there is no urgency in acting at this time. If these trends persist, there may be no need for action.

CONCLUSION

Any sanction of the proposal to breach the 4¼-percent interest rate ceiling at this time would be a betrayal of our own party's position, as set forth in the 1956 party platform:

"Debt management: The Republican debt-management policy of higher interest rates serves only to benefit a few to the detriment of the general taxpayer, the small borrower, and the small and middle-class investor in Government bonds. We pledge ourselves to a vigilant review of our debt-management policy in order to reduce interest rates in the service of our common welfare."

It is economically sound, historically fitting, and a proper discharge of our duties to oppose further increases in interest rates.

Small Independent Business and Professional Men Vote Overwhelmingly for 25-Percent Cut in Business and Agricultural Subsidies to Big Businessmen and Big Farmers in Poll Conducted Among Its Members by the National Federation of Independent Business

EXTENSION OF REMARKS

OF

HON. HARRIS B. McDOWELL, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1960

Mr. McDOWELL. Mr. Speaker, of 150,000 small independent business and professional men polled recently by the National Federation of Independent Business, 89 percent voted "for the reduction by not less than 25 percent of all business and agricultural subsidies."

The nationwide poll was made on my House Resolution 361.

George J. Burger, first vice president, National Federation of Independent Business, today notified me of the results of the poll. Only 8 percent voted against the measure I have sponsored, with 3 percent not voting.

My resolution requests President Eisenhower to prepare and transmit to the Congress advice, suggestions, plans, and proposals, including legislative recommendations "which are better, sounder, and more specific than heretofore" provided, which would not only prevent further increases in Federal expenditures but actually reduce them.

Business and agricultural subsidies to big businessmen and to big farmers, including but not limited to direct grants, disguised grants in the form of nonrepayable loans, postal subsidies, shipping and airline subsidies, although perhaps—and it is a very qualified perhaps—desirable as a means of assisting special groups to retain their relative positions in the economy, should now be reexamined in the light of the overall need for rigid control and a sizable reduction of Federal expenditures.

I have sponsored a number of bills in the Congress to assist small businessmen, farmers, and veterans but there is more interest in this particular bill to reduce subsidies to big businessmen and big farmers than in almost any other bill that I am familiar with.

The National Federation of Independent Business has approximately 500 members in the State of Delaware alone.

It polls each month its national membership of 150,000 small independent business and professional men on 5 legislative and economic issues affecting small business with the purpose of determining their views on these matters.

The National Federation of Independent Business conducts its polls with complete fairness, without bias, and without attempting to lead its members to any predetermined conclusions.

The 16-year-old National Federation of Independent Business is highly thought of by leading Republican and Democratic Members of the Congress.

By invitation in 1948, 1952, and 1956, George J. Burger, first vice president of the National Federation of Independent Business, has appeared before the platform committees of both the Democratic and Republican Conventions on behalf of small business.

I have found that many informed people competent to judge these issues consider the polls taken by the National Federation of Independent Business to be at least as accurate and honest as those better known polls which report regularly to the mass media on matters of general interest to the public.

The argument for my House Resolution 361 was stated this way in ballot 254 of the Mandate, published by the National Federation of Independent Business:

BALLOT 254

Make these fellows stand on their own two feet—that's the aim of this bill. Their profits are running at, or near, all-time highs. There's no need for them to continue dipping their arms into the public till. By enacting this bill, Congress could save upward of $5 billion yearly, and cut this out of spending. This would go a long way toward keeping Government finances in balance, and would relieve all our people of the constant pressure for higher and higher taxes. It could result in some cuts.

I include as part of my remarks the text of my House Resolution 361 for the information of my colleagues:

Resolved, That it is the sense of the House that in view of the increase in the Federal debt by $19 billion in the past six years, and the increase in the cost of interest on the Federal debt from $5,800 million to $8 billion during the same period, there is a pressing need for substantial reductions in Federal expenditures in order to reduce the staggering burden of our ever-increasing Federal debt with its constantly rising interest and refinancing charges and resulting dangerous inflation. The House finds that business and agricultural subsidies to big businessmen and to big farmers, including but not limited to direct grants, disguised grants in the form of nonrepayable loans, postal subsidies, shipping and airline subsidies of various kinds, accelerated tax amortization programs, and indirect grants through long-term, low-interest-rate loans and other methods and programs, although desirable as a means of assisting these special groups to retain their relative positions in the economy, should be reexamined in the light of the overall need for rigid control and a sizable reduction of Federal expenditures.

SEC. 2. In view of the foregoing, the President is requested to prepare and transmit to the Congress, by January 1960, advice, suggestions, plans, and proposals, including legislative recommendations which are better, sounder, and more specific than heretofore, to provide (1) for the reduction by not less than 25 per centum of all business and agricultural subsidies, together with such other specific proposals, including specific legislative recommendations, as he may deem advisable in order not only to prevent further increases in Federal expenditures but to actually reduce them, and (2) for the reduction of Federal income taxes in aggregate amounts equal to the total of the reductions in subsidies effected for the taxable years involved pursuant to such legislative recommendations.

Hospitalization and Medical Care for the Aged

EXTENSION OF REMARKS

OF

HON. ELMER J. HOLLAND

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1960

Mr. HOLLAND. Mr. Speaker, President Eisenhower, our No. 1 recipient of socialized medicine, has seen fit to turn his back on our 15 million other elder citizens in their quest for hospitalization and medical care.

Yesterday, March 23, his Secretary of Health, Education, and Welfare, Mr. Flemming, appeared before the House Ways and Means Committee and said that Mr. Eisenhower would not support the Forand bill or any others like it, nor would he present a substitute measure.

It is hard to believe that our President would take this stand when he has received free all the medical care, nursing

care, and hospitalization he ever needed plus necessary medicines, since he was a cadet at West Point.

Not only has he, personally, received these free benefits, but so has his wife and, now since his son, too, is a major in the Armed Forces, his daughter-in-law and his four grandchildren receive like benefits. And the President can continue to enjoy these privileges until he and his wife no longer need them.

The legislation providing proper health care for our elder citizens could be enacted at a very small additional cost to the wage earners of today who would, in turn, be paying for their own benefits when they were eligible.

But, the President has spoken, and he has said that our elder citizens can continue to beg and borrow for proper medical care, and should they need hospitalization, they can always get it under the free clinics provided by the State with those less fortunate citizens we have on our relief rolls.

He forgets, or ignores, the fact that these 15 million are not as lucky as he was with a Government financed education, Government employment, Government pension plan, and Government retirement benefits that cover everything—even the cost of an aspirin tablet.

A Tribute to Purim

EXTENSION OF REMARKS
OF
HON. HERMAN TOLL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. TOLL. The triumph of righteousness over outrage, and decency over wickedness, has been the goal of mankind, from the beginning, as witness the everlasting popularity of the David and Goliath story and the destruction of the walls of Jericho. Indeed, no news so delights the general public as that describing the comeuppance of some villain, for in this we all can sense the influence of eternal justice.

Such an event in history is annually celebrated by the Jewish people at this season of the year, to honor the deliverance of their ancestors from destruction at the hands of despotism. The occasion is called Purim, the Festival of Lots, and, in the manner of all holidays, is now principally a time for festivity. But its history is awe-inspiring and worthy of review on this occasion.

In ancient days it was the manner of kings to select their wives on a basis of beauty, and so it came about that Ahaseurus, ruler of the Medes and Persians, took to wife one Esther, a Jewish maiden and daughter of Mordacai, an humble servant at the royal gate. Fearing the effects of prejudice, Mordacai forbade his daughter to reveal who her people were or her family, and proceeded to maintain his humble station, unhonored and unsung. Yet, in this capacity, he was soon to uncover a plot against the king's life, and relaying the news through Esther, prevented its execution.

Soon after this there arose in the court of King Ahasuerus an arrogant nobleman named Haman, who issued an order that all the king's servants should bow before him. Enraged by the refusal of Mordacai the Jew to meet this preposterous requirement, Haman vindictively conceived the destruction of all the Jews in the kingdom—a policy to be inaugurated through the hanging of Mordacai upon a gallows 75 feet high, especially constructed for the purpose. But here Queen Esther intervened, advising the king both as to her true identity, and Mordacai's efforts in his behalf, and accusing Haman of plotting the extermination of her people. Enraged, Ahasuerus ordered Haman's arrest and hanged him on his own gallows. The king then appointed Mordacai as one of his advisers and canceled Haman's program of mass extermination.

The Jews of Media and Persia were thereby gladdened in spirit, and in every city throughout the land they celebrated in joy of their deliverance.

On the 14th and 15th days of the month of Adar they rested and devoted their efforts to feasting and rejoicing. And so the holiday has come down through the ages as a Jewish custom. Since Haman had cast pur, that is to say, lots, to destroy them, the Jews designated the holiday as Purim, the Festival of Lots, and so it is known to this day.

Few holidays so specifically represent opposition to the tyrant; a policy as essential to the happiness of the world today as in the world of ancient times. In truth, its celebration stands as testimony by the Jewish people that their influence will ever serve the cause of freedom and justice, so long as mankind remains upon the earth.

A Diplomatic Service Second to None

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Tuesday, March 15, 1960

Mr. HUMPHREY. Mr. President, during my period of service in the Senate I have supported many measures designed to strengthen our Foreign Service. In these days of competitive coexistence with world communism we cannot afford to be second best in our official representation abroad. Mr. President, I elaborated this point in a recent article, "A Diplomatic Service Second to None," which appeared in the January number of Stentorian, a publication of the Public Administration Society, City College, New York, N.Y., and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DIPLOMATIC SERVICE SECOND TO NONE
(By HUBERT H. HUMPHREY)

It is an old American custom to snipe at our diplomats. For generations the virile, aggressive man of business, the laborer, the frontiersman were representative of our forming national tradition. The diplomat, however, was looked upon as an un-American type, distrusted as too cultivated, too restrained. He seemed to be too much at home in the semiaristocratic atmosphere of European courts to be a real, he-man American. And it has only been during the past 30 years, since the Rogers Act of 1924 established a career foreign service, that American diplomacy has become fully recognized as a profession.

American diplomats have a remarkably sensitive and complicated task to perform. They represent abroad a vast, energetic, and diverse nation. Many Americans speak out with different voices, often contrary to the official policy the diplomat must represent.

Yet the diplomat must seek to represent, and interpret, the central, the basic American will and intent.

During the past 20 years few American professions have undergone such rapid change as diplomacy. Before World War II, the United States was believed to be splendidly secure; Europe's quarrels seemed quaint and distant affairs. Then the diplomat merely observed, reported, and kept his superiors in Washington informed. Incidentally, American diplomats even then had a very high reputation for knowing what was afoot abroad.

Since World War II, however, the American diplomat is in the front line of world conflict. We and the rest of the free world rely heavily on his sharp eye, his feel for intricate political or military developments abroad. He is the top administrator overseeing and meshing the complex activities of American military, economic assistance, and information missions. Each of these is made up of specialists, often persuaded that they alone know all the answers to American policies and American needs. It is the diplomat who must fit each specialist into his proper place in the total fabric of American national policy. He represents us in other countries; he also represents us at NATO and at the United Nations, not just during the headline days when the big names come but also during the dog days of patient discussion and the exploration of each party's point of view. He looks out for the needs of Americans doing business abroad.

He recognizes that each nation has its own set of interests that spring from its political life, its traditions and its peoples' sense of what is important. The interests of states often conflict. Specific American interests often contradict the ardent desires of other countries; their needs often work against our own. Our own interests must be protected in such a way as to retain the goodwill of the foreign country with which he deals. If we trample on our friends today, who shall stand with us tomorrow? The diplomat's task is also to seek out areas of agreement and mutual adjustment, to overpass disagreement or details by emphasizing agreement on larger, more fundamental issues.

In dealing with the Soviet Union and China, he takes the measure of the Kremlin's vaulting ambitions; he knows how to interpret Mr. Khrushchev's optimism about the future. He understands the necessity of strength in all its many forms, of showing determination and power in the face of Soviet demands. He also comprehends the costs of ill-considered stand-patism. Often,

by refusing to budge in a fast-moving play, the man who loses the initiative also loses the game. The slow-moving Sunday driver is as much a hazard on the highway as a speeder the police have not yet apprehended.

These are special skills of judgment and personality. They are not given to any man at one moment. Only by training and experience can they be acquired.

American diplomats are often accused of becoming too close to whatever government happens now to be in power. The error is obvious, it is said, since every government now in power is bound to be out of power 10 years from now. The critics argue that we must be friendly with all political groups in a country so that we shall be "in" with a future government. But this is not always easy outside of Europe and North America. In many countries, the notion of a loyal opposition is unthinkable; opponents of the government are looked upon as traitors. For diplomats to consort with them is to render our representatives incapable of performing their principal duty—to represent American interests in dealing with the sovereign government. Yet we must be sensitive to the currents of public opinion, to the ideas of organized labor, or racial or religious groups in other countries. The diplomat must be friendly with these political forces that may mold the politics of tomorrow while he deals directly with the governments of today.

For the sake of serving their country abroad, the diplomats give up normal family life; they stay in no one post more than 4 years as a rule; they forego the warmth of neighborhood, of a permanent circle of friends and loved ones. Mothers abroad sometimes watch their children become stricken with strange diseases. The social obligations of foreign service wives are very heavy, and family life for young children is often disrupted. As children grow, their parents must send them home for advanced education. Our diplomats wander the world like nomads, having seen all places, but profoundly at home in none. Those of us who remain at home might ponder what our lives would be like if we had to uproot ourselves once in every 3 or 4 years for the balance of our working lives, moving from one country to another. These men and women should be amply rewarded for their services.

We continue to show our disregard of the diplomat's skill by our unwillingness to provide highly qualified career men with necessary entertainment and representation allowances, although every salesman and business executive with one-tenth the responsibility of these men have generous entertainment allowances indirectly falling upon the taxpayer through deductible business expenses. As a result, we block the advance of our most qualified men from the responsibilities of some of our most important embassies. These go, instead, to political appointees as rewards for political support and for having been endowed with a private income. The best man for the job is often passed over.

Of course, no profession is perfect. There have been instances where professional American representatives abroad have lacked the necessary sensitivity, curiosity, and openness to cultures that are often very different from our own. Too few of our diplomats in the past have known necessary foreign languages. In exotic lands where mothers do worry about their children's health, where local food and household supplies are short, or where the very safety of our representatives may be at stake, Americans may live too much apart from the local community. Local governments may even encourage the clustering together of American families because it is easier to protect American and other diplomats from local upheavals. Contacts with the local people may then be impeded. Political appointees, ignorant of the country they go to, ignorant, even, of the name of the country's Prime Minister, take a long time to understand the rigorous and difficult art of diplomatic representation. These are all weaknesses we must overcome.

It has been very encouraging to me to see the growing evidences of the American people's interest in the quality and performance of our Foreign Service officers abroad. Numbers of highly qualified young applicants are again competing for Foreign Service appointments by taking very stiff examinations. The Congress has authorized and the State Department has undertaken expanded language training programs. Officers in midcareer now have opportunities to be temporarily relieved of their duties for a period of study and contemplation. New men experienced in Washington have been drawn into the Foreign Service.

These are all good steps in the direction of providing us with a diplomatic service adequate to the task of confronting the total Soviet challenge. We should settle for nothing but the best.

The U.S. Comptroller General Says, Regarding Patents Derived From Federal Research and Development Programs, "The Government Should Retain the Property Rights Thereto"

EXTENSION OF REMARKS

OF

HON. HARRIS B. McDOWELL, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1960

Mr. McDOWELL. Mr. Speaker, I have joined with the gentleman from New Jersey [Mr. THOMPSON] in offering legislation which would establish an overall U.S. patent policy. Other countries, among them Great Britain and the Soviet Union, have overall patent policies which clearly have advanced, not impeded, research and development.

At the present time there is no overall Federal Government policy on patents. Since many contracts with the Federal Government cut across several Federal departments and agencies, the contractor may be forced to deal with half a dozen patent policies on a single project. There is a growing recognition of the fact that U.S. Government patent policies are "a mess." With the Federal Government now footing the cost of more than half the research in the United States, agitation for a general overhaul of the system is increasing both in the Congress and elsewhere.

Government funds devoted to research have grown rapidly in recent years, and the National Science Foundation estimates the total obligations for scientific research and development of all Federal departments and agencies for 1960 at the stupendous sum of $8,148 million. How well this vast amount of money is spent must become a matter of the utmost importance to the Federal Government, as it is already a subject of growing concern to U.S. taxpayers.

Many people today are asking why the United States does not at least recoup its research costs by taking a cut of the commercial royalties. The British Government has been doing this for over 50 years. The Vickers Viscount, developed under government contract, has returned enough to the British treasury to pay off the original research cost and yield a profit. Jet engines have proved to be a profitable investment for the British Government.

The Comptroller General of the United States, Joseph Campbell, in his official report of March 10, 1960, on the bill I have cosponsored with the gentleman from New Jersey [Mr. THOMPSON] declared:

> An examination made by us of the operations of a major defense contractor disclosed that 218 invention disclosures arose from work financed under Government contracts. Of these, 62 patent applications had been filed, 33 applications were approved for filing, 57 disclosures were under evaluation, 3 were awaiting evaluation, and the remaining 62 disclosures were in an inactive status. Two disclosures were combined in a simple patent application. Most of these disclosures for which patent applications were filed or approved for filing were classified by the contractor as having commercial value. The circumstances that the work was sponsored and financed by the Government and performed for the express purpose of accomplishing research and development in the particular field seem to afford persuasive reasons for urging that, in addition to the right to the free use of any inventions, improvements, or discoveries resulting therefrom, the Government should retain the property rights thereto, including any patents that might be granted therefor.

Under the Thompson-McDowell bill—H.R. 5448 and H.R. 7705, 86th Congress—the Government would share in patent royalties on inventions resulting from Federal research contracts, and small business would be given tangible assistance in the form of Government contracts instead of the lipservice which this administration gives to the 4 million small businessmen of our Nation. The present strong monopolistic trend which today dominates the $8 billion Federal research and development program would be halted if the Thompson-McDowell bill was enacted into law.

The magazine Product Engineering, published by McGraw-Hill says:

> Excessive channeling of research contracts into big business is causing considerable worry. Big business (over 500 employees) gets at least 95 percent of the Government research, and 100 firms get 85 percent among them. The top 14 companies getting contracts between 1954–1956 were all big electric and aircraft companies. The Attorney General has warned that channeling all this patent potential into big business is just building up the monopoly trend.
>
> The House Small Business Committee recently spoke of the ominous shadow cast on the future with the monopoly of technology by big business.

The House Small Business Committee insists that since the Nation's 4 million small businessmen help to pay the staggering costs of the Federal Government's

research and development programs through taxes they should at least have access to the patents developed at the taxpayers' expense.

There is a growing awareness in the Congress of the importance of a Government-wide patent policy. Senator RUSSELL B. LONG, chairman of the Subcommittee on Monopoly of the Senate Select Committee on Small Business, held some very important hearings on the patent policies of departments and agencies of the Federal Government on December 8, 9, and 10. Important results are expected to ensue.

More recently, Senator JOSEPH C. O'MAHONEY introduced S. 3156, a bill "to provide for the protection of the interests of the United States in basic research with respect to patent rights arising from research conducted under projects financed by the United States."

In introducing his bill, S. 3156, Senator O'MAHONEY said, in part:

> The Judiciary Subcommittee on Patents, Trademarks, and Copyrights was authorized in the 85th Congress by Senate Resolution 236 to conduct a series of studies on the practices of the various Government agencies. So much divergence among the various Government agencies was discovered that there is every indication that the subcommittee should give immediate attention to establishing a uniform policy among the various agencies.

Senator O'MAHONEY went on to point out that—

> The Government's basic research should be promoted and protected because it is growing clearer every day that the comparable positions of Soviet Russia and this country will depend upon the success and proper conduct of this program and the successful establishment of a uniform and sound Government policy.

As usual, when the present administration ought to be moving decisively in a matter of this gravity it has established yet another committee to study the matter. In accordance with the administration's usual practice of postponing difficult decisions, it has established an interagency committee composed of representatives of the major agencies having an interest in patent policy. The Honorable Robert C. Watson, Commissioner of Patents, is serving as chairman.

After initial examination of the subject, the new interagency committee felt that more factual information should be secured. The interagency committee passed the "hot potato" along by entering into a contract with the Patent, Trademark, and Copyright Foundation of the George Washington University providing for the development of "factual information reflecting both Government and private industry experience under practices heretofore followed," according to a report on the Thompson-McDowell bill by the General Services Administration.

This matter has been under study for more than 13 years by the Federal Government. In 1947 Justice Tom C. Clark, former Attorney General, after intensive study, recommended that the Government should take title to all inventions produced in the performance of research contracts with the Federal Government except in special cases approved by the Government Patents Administrator, an office which he also recommended should be established, and the heads of the agencies involved in making the contract.

On November 9, 1956, former Attorney General Herbert Brownell submitted a report to Congress as required by the Defense Production Act of 1950 in which he found that present patent policy "may be one of the major factors tending to concentrate economic power."

Yet, despite the repeated recommendations by the Attorneys General of both Democratic and Republic administrations, here we go again on another study, a study which can be only for the purposes of postponement and obfuscation since the factual information already available is voluminous and detailed.

If there had to be another study, why wasn't the Attorney General, who has some competence in the matter, placed in charge of it?

I include as part of my remarks a section of the report by the Comptroller General of the United States on the bill which I have cosponsored with my dear friend and colleague, the gentleman from New Jersey [Mr. THOMPSON].

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, March 10, 1960.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Further reference is made to your letter of September 2, 1959, requesting a report on H.R. 5448, 86th Congress, 1st session, "A bill to amend chapter 27 of title 35 of the United States Code with respect to the rights of the United States in certain patents."

* * * * * *

It seems quite evident from the reports on the studies made thus far that there are many divergent views on the subject. The basic problem is whether the Government should take title to patents developed by private concerns under research and development contracts; or whether, in the light of present-day circumstances, the Government's interests may be sufficiently protected by retaining a royalty-free license covering all governmental uses. The former is basic policy under the Atomic Energy Act of 1954 and the National Aeronautics and Space Act of 1958. The latter has been the prevailing practice in the administration of research and development contracts entered into by the military agencies.

Despite the divergent views on the subject, we believe there can be little disagreement as to the need for uniformity where contracts are being performed in the same or similar research and development areas. For example, the Department of Defense and the National Aeronautics and Space Agency sometimes contract with the same contractor on similar types of research and development work, but with entirely different contract provisions on patent rights. Under the Defense contract, the contractor obtains the patent and the Government receives a royalty-free nonexclusive license to practice or have practiced any inventions conceived in the course of the work. Under the NASA contract, all inventions become the property of the Government unless the Administrator determines that the public interest is better served by a waiver of the rights.

As illustrative of the position of the Government, an examination made by us of the operations of a major defense contractor disclosed that 218 invention disclosures arose from work financed under Government contracts. Of these, 62 patent applications had been filed, 33 applications were approved for filing, 57 disclosures were under evaluation, 3 were awaiting evaluation, and the remaining 62 disclosures were in an inactive status. Two disclosures were combined in a simple patent application. Most of these disclosures for which patent applications were filed or approved for filing were classified by the contractor as having commercial value. The circumstances that the work was sponsored and financed by the Government and performed for the express purpose of accomplishing research and development in the particular field seem to afford persuasive reasons for urging that, in addition to the right to the free use of any inventions, improvements, or discoveries resulting therefrom, the Government should retain the property rights thereto, including any patents that might be granted therefor. Cf. *United States* v. *Houghton* (D.C. Md., 1927, 20 F. 2d 434), affirmed by the Fourth Circuit Court of Appeals, 1928 (23 F. 2d 385), holding that where an employee of the Public Health Service made a discovery or invention while employed to conduct experiments for the purpose of making it, his invention was the property of his employer, the United States; and *Ordnance Engineering Corp* v. *U.S.* ((1929) 68 C. Cls. 301, cert. denied, 302 U.S. 708), where the court was of the view that a Government contractor may occupy the same position as a Government employee with respect to rights in an invention made at the Government's direction and expense. We recognize, however, that persuasive reasons, particularly incentive on the part of the contractor, can be advanced for allowing the contractor patent rights to inventions, improvements, or discoveries made during the performance of a research and development contract with the Government.

In considering the provisions proposed by the bill a number of significant differences may be noted between its provisions and those of comparatively recent enactments dealing with specific Government agencies; for example, the National Aeronautics and Space Act of 1958, 42 U.S.C. 2457; Atomic Energy Act of 1954, 42 U.S.C. 2181–2190; and the National Science Foundation Act of 1950, 42 U.S.C. 1871. These differences seem to indicate that the provisions proposed by the bill need clarification so as to minimize the possibility of conflicting interpretations, some of which may be illustrated, as follows:

1. The laws governing patent rights under certain AEC and NASA contracts provide basically that inventions shall become the property of the United States, except that the rights of the United States may be waived under proper conditions. H.R. 5448 states only that the United States shall have a royalty-free, nonexclusive license to practice or have practiced such inventions, improvement, or discovery.

2. The language in H.R. 5448 which describes the circumstances under which the United States shall have an interest in an invention differs from corresponding language in existing law.

3. A provision of the National Aeronautics and Space Act of 1958 stated: "Each such waiver made with respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world or by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with

the United States." The language of H.R. 5448 does not provide the United States the right to assign royalty-free use of an invention to a foreign government pursuant to treaty.

The following general considerations are submitted with respect to the specific provisions of the bill:

1. The relationships between the provisions of the bill and those of existing statutes relating to specific agencies should be set out.

2. H.R. 5448 contains a provision that "Each research or development contract hereafter awarded by the United States shall provide that in the case of any patent covered by the preceding sentence, the United States shall receive a percentage, determined by negotiation as provided in the contract, of the income from the commercial utilization of the invention, improvement, or discovery patented." Some situations might be encountered where it would be impractical to determine or make a reasonable estimate of the income, gross or net, derived from commercial utilization. An example would be where the invention conceived under a research and development contract is used by the contractor as an integral part of the production of his commercial products. It might also be impractical to determine on a reasonable basis what part of the income could be attributed to the conception of a given device as opposed to its engineering development.

3. The income provisions of the bill would be made applicable only to contracts "hereafter awarded." Contracts for services and use of facilities for research and development may be in force for many years, subject to the availability of appropriations. It appears that where long-term contracts are already in existence, the contractors involved would be in a preferential position. It might, therefore, be appropriate to amend the language to cover these situations.

4. The bill does not include provisions for application to subcontracts, and clarification of this aspect seems desirable.

5. The proposed new subsection 35 U.S.C. 268(a) apparently would apply only to research and development contracts or the performance of any prior experimental, developmental, or research work done upon the understanding that a contract (whether or not a research and development contract) would be awarded. It would not seem to include a contract not considered to be primarily a research and development contract but which would have as one of its purposes experimental, research or development work, except in a case of performance of prior experimental, developmental, or research work done upon an understanding that a contract would be awarded. An appropriate amendment to clearly establish the intent is suggested.

6. Consideration might be given to the inclusion of a provision in the bill similar to 42 U.S.C. 2182 to provide full disclosure of any invention, improvement, or discovery conceived or actually reduced to practice in the performance of any research and development contract, etc.

7. Provisions with respect to the effect of an omission of the contract terms specified would seem desirable as an enforcement aid and to fix the validity of contracts not in conformance with the requirements.

8. The proposed requirements relating to the inclusion of specific provisions in Government contracts might be appropriately included under title 41 U.S.C. dealing expressly with "public contracts."

It is apparent there is a need for the establishment by Congress of basic policies for the determination of patent rights derived from Government research and development programs. Whether the policies should provide for retention by the Government of patent rights, or for the granting of those rights to contractors with royalty-free licenses for Government use in the manner provided by H.R. 5448 is a matter which is for determination by the Congress. However, we are of the opinion that thorough consideration of all the various aspects and divergent views concerning this matter is warranted before legislation is enacted establishing a general policy of retaining royalty-free licenses with waiver of such property rights as it might have or acquire in patents arising out of the prosecution of its many extensive research and development projects, as proposed by the bill.

It is suggested that, in lieu of establishing one uniform policy governing patent rights under research and development contracts, consideration might be given to legislation which would give recognition to the functions and problems peculiar to the activities of individual agencies, as well as the differences in the types of research and development being contracted for by the Government. Such legislation might appropriately set forth broad general policies, including basic principles, guidelines, and criteria, permitting a measure of flexibility in administration where circumstances so dictate, and might embrace some features of the present administrative practices and methods. We believe such legislation could give full regard to all considerations designed to serve and protect the national interest, the Government, and contractors. Legislation along these lines would facilitate improved methods and practices for administering and carrying out our extensive research and development programs and bring about a degree of standardization in the handling of patent rights, with substantial benefits to all concerned.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

The People of the First Congressional District of Nebraska Are Asked To Give Their Opinions on Basic Issues

EXTENSION OF REMARKS
OF
HON. PHIL WEAVER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. WEAVER. Mr. Speaker, I am today mailing out to a number of my constituents my regular legislative report and annual questionnaire.

I have made it a practice since coming to Congress to seek the advice and counsel of my constituents on many of the basic problems and issues of the day. To me, this sounding out of public opinion is the very essence of representative government.

I am including in the RECORD both my report and the questions I have asked:

WASHINGTON, March 15, 1960.—When new Government programs are mentioned, they're always talked about in terms of billions of dollars. The figures are always so big that they're hard to understand and comprehend.

What, exactly, is a billion dollars?

As 1 of the 44 million American families struggling with a household budget, it's $22 you cant' spend for food or for shoes for the youngsters.

What I would like to do in this report is relate Government spending and—more important—fiscal honesty and responsibility to you, your dinner table, and your family clothing budget.

This approach seems to me necessary because there has been too much of the "something for nothing" philosophy in Washington over the past quarter-century when the spenders in Congress, after Congress have launched into new and bigger programs of giving the Nation something. When the Federal Government is writing the checks it seems so far away, so easy. Let the Government do it.

But pause just a moment.

What will that school construction program the Senate passed a few weeks ago and which is now pending before the House mean to you?

If you are part of an American family, then it means a dress and a pair of shoes for mother, nearly 2 weeks of groceries for the whole family, half a month's payment on a new Buick or Mercury, or just about half a month's payment if you're buying a new home.

Or how about urban renewal which is being pushed so hard?

A new suit for Dad—3 weeks of pretty good eating for the family—a year's school clothes for the grade-school youngster.

So, when someone tells you that the school-construction program only costs $1.8 billion, or urban renewal just costs $3 billion, associate them with yourself, your family.

There is no such thing as "something for nothing" even when Uncle Sam is footing the bill. You are paying for it with hamburger instead of roast beef, with a secondhand car instead of a new one, by living in an apartment instead of buying a new home.

Take another look at this business of fiscal responsibility.

What does that $290 billion national debt mean to you?

It means that your family owes $6,380.

How about the total obligation written onto the lawbooks by the recent Congresses of the present majority party totaling $680 billion?

Your family owes $14,960.

Can you afford to keep on paying for the luxury of getting "something for nothing?"

MONEY SAVED

The business of saving tax dollars belongs to the House Committee on Appropriations. Our job is to weigh each request for budget money, to measure the needs against the ability to pay for them.

Each bill, and there are 15 major money measures, is first carefully and thoroughly examined by a subcommittee. This takes weeks of testimony. Then it is analyzed dollar-by-dollar and the final bill written. The full Appropriations Committee then reexamines the bill in detail, and votes it to the floor of the House where once again it is carefully gone over.

This is the normal process—the way it should be done. But the spenders have found ways around our committee.

Back door raiding: Tricky methods have been worked out to give some agencies direct access to the Treasury without going through Congress. These back door deals or earmarked funds deny to the Congress, and therefore the people, constitutional controls over the purse strings.

A new method was worked out last year when the Tennessee Valley Authority was given permission to issue its own bonds in competition with the U.S. Treasury without regard to the national debt ceiling.

Regardless of the merits of TVA itself, this new proposal permits a bureaucracy to perpetuate itself without any controls by the people.

So far we on the Appropriations Committee have trimmed Federal spending by $800 million, and we have considered only six bills. It is my firm belief that when we are through we can save up to $2 billion—and I shall most certainly work toward this goal—without impairing our strength or those essentials which tend to help our free economic growth rather than hinder it.

OUR NATIONAL DEFENSE

A great political smokescreen has been launched concerning our national defense posture primarily by a group of men running for the Presidential nomination who are willing to substitute doubt and fear for facts.

For 15 months I have listened to a long series of witnesses and, on assignment by the committee chairman, I have personally looked into our military programs. Our job has been to get the full facts on defense. The man responsible for bringing out these facts is one of the most honored men in Congress—GEORGE MAHON, of Texas, a responsible, hard-working Democrat who has studied the problems of national defense since World War II days.

What does Mr. MAHON have to say about the confusion of charges made by certain Senators, charges that we are lagging behind the Soviet Union, that we are becoming a second-rate power, and that the missile gap means disaster?

Mr. MAHON spoke out recently on a TV program. Here's what he had to say:

"We have a greater overall striking ability than the Soviet Union. * * * This Nation is stronger than any nation in the world today."

Ours is a balanced defense system leaning heavily at present on our bomber fleets capable of delivering a nuclear punch anywhere Slowly these fleets will be augmented by Atlas and Titan ICBM's, and supplemented by Polaris submarine-launched missiles capable of striking at the heart of the Soviet Empire.

With the span of a few years a much cheaper, equally potent missile, Minuteman, will come into operation. Minuteman is mobile and less expensive than the Titan and Atlas weapons.

Along with this growing arsenal of deterrent weapons we are concentrating on an antimissile missile, the Nike-Zeus for protection against a potential missile attack upon America.

The question is not whether we match Russia missile for missile, or whether we have one or 100,000 ICBM's. The question is: Do we have enough striking power to deter the Russians from attacking us or the free world?

Mr. MAHON'S answer to that is: "We have greater overall striking ability than the Soviet Union."

Mr. MAHON has also expressed his opinion against so-called crash programs to build vast arsenals of soon-to-be outmoded ICBM's. He says it may take slightly more money for some parts of the Defense budget than the President requested but that this money can be "recouped by making reductions in low-priority items."

This is an altogether different estimate than the one we hear from Senator SYMINGTON and others of his group who are attempting to build near-hysteria for political advantage. This statement from GEORGE MAHON is by a responsible man of SYMINGTON'S own political party who knows as much about defense perhaps as any civilian in Government today.

QUESTIONNAIRE

To measure the attitude of the people of the First Congressional District is the very essence of representative government. Each year since being elected your Congressman I have asked you to assist me by expressing your personal opinion on various public questions. I must assume full responsibility for my votes. However, in doing this I must carefully weigh the views of those whom I am elected to represent. Your individual opinions therefore, will be extremely helpful.

You need not sign this form.

Your further comments are welcome and will be helpful.

If you have such comments to make, please feel free to do so.

1. The President has predicted a $4.1 billion surplus this year.

Do you favor using this money for:

A. Reduction of the national debt ———.

B. Reduction of taxes ———.

C. A combination of both ———.

D. Using this money for further expansion of Government programs ———.

2. Do you feel the President is best qualified to know what money is necessary to provide a strong, flexible defense posture? Yes ———; no ———.

3. Do you favor matching Russia missile-for-missile in an all-out arms race? Yes ———; no ———.

4. If your answer to No. 3 is "Yes," would you favor financing such an arms race by:

A. Increased taxes ———.

B. Increased public debt ———.

Please fill out the above and return to Congressman PHIL WEAVER, Box 1550, New House Office Building, Washington 25, D.C.

Thank you for your cooperation and guidance.

Sugar

EXTENSION OF REMARKS

OF

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1960

Mr. GALLAGHER. Mr. Speaker, yesterday I submitted to the House a bill, H.R. 11138, which I hope will provide some direction of a new approach in our relationship with Cuba.

H.R. 11138 was the product of my concern with the folly of automatically renewing the present Sugar Act in view of Mr. Castro's charges that this act was enslaving the Cuban people. Similar was my concern that if we eliminated Cuba from the Sugar Act we may be creating additional hardship for the Cuban people, which is not the desire of anyone in the United States.

H.R. 11138 would extend the present act for an additional 4 years when it expires on December 31, 1960. The renewal would, however, be amended with a flexibility permitting the President to adjust or eliminate the Cuban sugar quota at any time during the life of the bill if he deemed it necessary to protect the national interest.

I feel we must adopt a realistic attitude in view of the new challenges presented to us by the irresponsible conduct and policies of Mr. Castro. Sugar quota and sugar price levels are vital factors in dealing with the Castro regime. I therefore feel that control with flexibility should be given to the President, who has the responsibility for dealing with foreign nations. I sincerely hope that the President never has cause to use this authorization. The bill authorizes the President to increase the quota of other sugar producers covered in the act pro rata in the event the Cuban quota must be decreased. Further, H.R. 11138 has a retroactive provision which would create this flexibility in that part of the present act which is unexpired.

Sugar accounts for 76 percent of total Cuban exports. Cuban sugar production accounts for roughly 20 percent of the total world production, and a little over 50 percent of this is sold to the United States.

Cuba, because of its natural advantages as a sugar producer, has a large excess capacity and must therefore regulate its own production. In addition to providing an assured market for over half of its annual production, the U.S. quota for Cuban sugar also allows Cuba to benefit from the higher U.S. price on the commodity. In 1958 this differential amounted to 1.91 per pound which gave a total premium to Cuba of $132 million. In addition, Cuba enjoys a tariff preference of 12.5 cents per hundred pounds which in the same year provided a total additional return of $9 million.

I believe that we have demonstrated great patience toward the outrageous accusations made by Mr. Castro against the United States. The United States has acted with dignity and maturity in this very difficult situation. I believe, however that we must show our friends and those not so friendly that we can act with dignity, maturity, patience, and at the same time with firmness.

I do not believe that merely because we are a great and powerful Nation that we cannot possess a feeling of patriotic pride and self-respect. I do not feel that merely because we are strong and powerful we must constantly assume a bovine posture when some irresponsible leader of a smaller nation challenges our national integrity.

Because we are a great freedom-loving Nation we have greater responsibilities and obligations in the exercise of patience and understanding toward the less fortunate. This, however, should not be allowed to become the basic premise of every hostile planner seeking to undermine the prestige or power of the United States, for they interpret this as a hole in our armour rather than a virtue in our national character. We should not allow our enmity to become a greater advantage than our friendship.

We have secured liberty and maintained our freedom because American leadership was guided by a sense of justice and an adherence to conscience. This should be our guiding principle to the new challenges of our times. The opinion of our enemies whether voiced directly or indirectly should never outweigh our own good sense of doing what we think is right.

Dependent on our sense of right is the real hope for freedom everywhere.

SENATE

WEDNESDAY, MARCH 16, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Rev. Walter A. Pegg, D.D., pastor, Metropolitan Baptist Church, Washington, D.C., offered the following prayer:

O Lord, our God, we come before Thee in response to Thine own invitation when Thou didst say, "Draw nigh to God, and I will draw nigh unto thee." May we sense our need of Thy presence and Thy help as we stand before Thee.

Thou hast endowed us with wisdom and insight into the problems that are common to men, but we freely recognize that we are subject to limitations. There are barriers that our puny powers cannot surmount; there are questions which find us groping for an answer. Help us to be humble enough to acknowledge our shortcomings, and in so doing wait upon Thee for that which we cannot produce of ourselves.

We do acknowledge Thee to be our Creator, the Provider of every good and perfect gift which cometh down from above, climaxing in the gift of Thy well-beloved Son, to be our Saviour. Enable us, therefore, to walk in the light of Thy countenance, to be guided by the precepts of Thy Holy Word, that we may discharge the awesome responsibilities placed upon us with respect to both domestic and foreign affairs in this, our brief day.

Grant us physical strength, mental acumen, and spiritual perception commensurate to our tasks. Keep us from merely rendering Thee lip service; and may our hearts become right in Thy sight by a submission to Thy gracious will and through a right relationship to Thy Son, in whose name we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 15, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 594. An act for the relief of Lionie Tarpinian; and

S. 1241. An act for the relief of Sirvart Kasabian.

The message also announced that the House had passed the bill (S. 1315) for the incorporation of the Blue Star Mothers of America, Inc., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1752. An act for the relief of Wilhelmina Ordonez;

H.R. 2082. An act for the relief of James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos;

H.R. 2309. An act for the relief of Rivka Ghesser;

H.R. 2314. An act for the relief of the estate of William M. Farmer;

H.R. 3242. An act for the relief of Mrs. Virginia Lee Sage;

H.R. 3786. An act for the relief of Chan Kit Ying and James George Bainter;

H.R. 3934. An act for the relief of Mrs. E. Christine Williams;

H.R. 4562. An act for the relief of Stanislaw Grzelewski;

H.R. 5771. An act for the relief of Emmett P. Dyer;

H.R. 6083. An act for the relief of Mary V. Jones;

H.R. 6149. An act for the relief of Wesley C. Newcomb;

H.R. 6493. An act for the relief of Robert Dolton;

H.R. 6843. An act for the relief of Daniel Wilging;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7226. An act for the relief of Mr. Hughie D. Martin and Ione Martin;

H.R. 7254. An act for the relief of Simeen Helena Chaghaghi;

H.R. 7363. An act for the relief of Chester A. Spindler;

H.R. 7582. An act for the relief of Royce C. Plume, a member of the Arapahoe Tribe of Indians;

H.R. 8280. An act for the relief of Clarence T. Tolpo;

H.R. 8383. An act for the relief of Maj. Jack E. Hudson;

H.R. 8456. An act for the relief of Capt. Jack Rubley;

H.R. 8672. An act for the relief of Dr. Deh Chang Tao;

H.R. 8941. An act for the relief of Mrs. Alice Anderson;

H.R. 9170. An act for the relief of John J. Finn, Jr.;

H.R. 9216. An act for the relief of Daniel C. Turner;

H.R. 9476. An act for the relief of George E. Williams and William L. Johnson; and

H.R. 10631. An act for the relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1193. An act for the relief of Eleanor Constan;

S. 1703. An act for the relief of Raul Jorge Jose Hermitte; and

S. 2028. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1752. An act for the relief of Wilhelmina Ordonez;

H.R. 2082. An act for the relief of James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos;

H.R. 2309. An act for the relief of Rivka Ghesser;

H.R. 3242. An act for the relief of Mrs. Virginia Lee Sage;

H.R. 3786. An act for the relief of Chan Kit Ying and James George Bainter;

H.R. 3934. An act for the relief of Mrs. E. Christine Williams;

H.R. 4562. An act for the relief of Stanislaw Grzelewski;

H.R. 6083. An act for the relief of Mary V. Jones;

H.R. 6149. An act for the relief of Wesley C. Newcomb;

H.R. 6493. An act for the relief of Robert Dolton;

H.R. 6843. An act for the relief of Daniel Wilging;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7226. An act for the relief of Mr. Hughie D. Martin and Ione Martin;

H.R. 7254. An act for the relief of Simeen Helena Chaghaghi;

H.R. 7363. An act for the relief of Chester A. Spindler;

H.R. 7582. An act for the relief of Royce C. Plume, a member of the Arapahoe Tribe of Indians;

H.R. 8280. An act for the relief of Clarence T. Tolpo;

H.R. 8383. An act for the relief of Maj. Jack E. Hudson;

H.R. 8456. An act for the relief of Capt. Jack Rubley;

H.R. 8672. An act for the relief of Dr. Deh Chang Tao;

H.R. 8941. An act for the relief of Mrs. Alice Anderson;

H.R. 9170. An act for the relief of John J. Finn, Jr.;

H.R. 9216. An act for the relief of Daniel C. Turner;

H.R. 9476. An act for the relief of George E. Williams and William L. Johnson; and

H.R. 10631. An act for the relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck; to the Committee on the Judiciary.

H.R. 2314. An act for the relief of the estate of William M. Farmer; and

H.R. 5771. An act for the relief of Emmett P. Dyer; to the Committee on Finance.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Preparedness Subcommittee of the Committee on Armed Services and the Aeronautical and Space Sciences Committee were authorized to meet during the session of the Senate today until 1 o'clock p.m.

PERSONAL STATEMENT—THE CIVIL RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, I was asked to make a comment on a statement by an allegedly important

Democratic official. I think that for the RECORD I should like to say only this: I never get involved in family quarrels if I can help it. I particularly do not get involved when the member of the family prefers to remain anonymous. I think I shall leave it at that.

Earlier today I was asked to comment on the action of the House of Representatives yesterday. The House of Representatives is fully capable of conducting its own business, without any interference from the outside.

Basically, I believe the situation remains the same: The Senate, in which I have some responsibility, is trying its best, I believe, to evolve the best possible bill in this very difficult field. Ultimately, if the bill is to mean anything at all, every citizen and every Member of Congress must recognize that it must be approved by a majority of the Members of both branches of the Congress and must be approved and signed by the President of the United States. All of us must always be aware of that fact, in our consideration of the bill.

Mr. President, I feel that in the Congress there is a determination to make progress. No informed man ever underestimates the difficulties of doing that. Because of the wide divergences of opinion and the deep convictions on both sides, no one familar with the situation has ever thought this was going to be a subject which could be handled easily.

Mr. President, I want the Senate to know and I want the Congress to know and I want the country to know that I am completely indifferent to such considerations as to whether the bill is a Democratic bill or whether it is a Republican bill, or whether it is a House bill or whether it is a Senate bill, or whether it is drafted to meet the requirements of Madison Avenue or the requirements of some other emotional symbols.

The test I am going to apply, and the test which I think the Congress collectively will apply, is whether the bill is effective and will do the job.

Mr. President, this is an area in which men must be prudent, careful, and conscientious; and the only standard which I think any Senator will apply in his own conscience is whether what is proposed is the right thing to do. I believe that when Senators apply that standard, we can trust the Senate.

BIRTHDAY CONGRATULATIONS TO SENATOR MANSFIELD

Mr. AIKEN. Mr. President, I wish to call the attention of the Senate to the significance of this day: I am informed that today is the birthday of the junior Senator from Montana [Mr. MANSFIELD], who is one of the most respected and one of the most beloved Members of this body.

I am not going to indulge in a statement regarding the biography or the record of accomplishment of the Senator from Montana, although certainly his biography and his record of accomplishment are most impressive and are greatly to his credit.

I understand that the junior Senator from Montana arrived on this earth prematurely, having been born on the 16th of March, whereas he might more appropriately have been born on the 17th. However, that is something which cannot be corrected at this point. [Laughter.]

Mr. President, I have been asked how old the junior Senator from Montana may be. Unfortunately, up to now that has been a well-guarded secret. His age will not be found listed in the biographies of Senators. In fact, it is as well guarded a secret as the endorsements by Dwight Eisenhower and Paul Butler in expressing their choices for presidential candidates in the coming election. However, Mr. President, inasmuch as I am not President of the United States and I am not chairman of the Democratic National Committee, I am under no compulsion to keep that secret; so I can inform the Senate that at this time MIKE MANSFIELD is 46 again. [Laughter.]

Mr. McGEE. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. McGEE. Let me say that I thought perhaps the Vice President might be here at this time, so we could make the accolade a dual one—to both the junior Senator from Montana [Mr. MANSFIELD] and to the Vice President's lovely wife, whose birthday is also today, I understand. Is that correct?

Mr. AIKEN. I do not know; I go only as far as Montana in my record of birthdays.

Mr. McGEE. I believe it would be well to keep our accolade on a bipartisan basis, so as to make the celebration truly impartial.

Mr. AIKEN. That is why I think it fitting that I call attention to the birthday of the junior Senator from Montana.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. JOHNSON of Texas. Mr. President, I am very grateful to the Senator from Vermont for reminding us of the importance and significance of this day—the birthday of the junior Senator from Montana [Mr. MANSFIELD]. I must confess that I had no knowledge of that fact. I am delighted to know that the Senator from Vermont has brought this valuable information to the Senate.

No Member of the Senate enjoys more greatly the respect of the Senate than does Senator MANSFIELD, and in public life today there is no more dedicated public servant than he. So I am happy to join the Senator from Vermont in the bipartisan wish he expresses; namely, that the Senator from Montana may enjoy many more happy birthdays.

Mr. AIKEN. Furthermore, I should like to say that if the junior Senator from Montana objects to my saying he is 46 again, I will reduce the number. [Laughter.]

Mr. JOHNSON of Texas. Mr. President, I am most grateful to the Senator from Vermont; he is always accommodating.

Mr. RUSSELL. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. RUSSELL. I wish to associate myself with the expressions by the distinguished majority leader and by the distinguished senior Senator from Vermont [Mr. AIKEN], congratulating the junior Senator from Montana [Mr. MANSFIELD] on his natal day.

This is a fine bipartisan gesture of respect to one of the finest men I have served with in the Senate. It is typical of the generous conduct of the distinguished Senator from Vermont [Mr. AIKEN] that he should bring this to the attention of the Senate.

The Senator from Montana is a gentleman to the manner born. Any such suggestion from me may be the kiss of death, politically, but I repeat what I have said before that I think that the Senator from Montana has all of the qualifications to serve as a President of the United States. He is a truly great character.

Let me also say, Mr. President, that if we must have a Republican President for the next 4 years, the Senator from Vermont would be much more acceptable to me than many other Republicans who have been suggested as candidates for the Presidency.

Mr. AIKEN. I want to thank the Senator from Georgia for his nomination, but I remind him that, along with my other work, I would not have time.

Mr. RUSSELL. If I had thought the Senator would take it, I would not have put the handicap of this additional burden on him.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. DIRKSEN. I concur in the expressions of esteem and congratulations to the great Senator from Montana. He really is a dedicated person, for whom I have very great respect, admiration, and affection.

The Senator from Vermont mentioned the fact that, in a way, it was a little dreadful that the Senator from Montana was not born 1 day later, so his birthday would fall on a great day. Since that fact cannot be undone, we might amend the calendar and accomplish the same result. But if anybody has in mind doing that, I would not want such an amendment to come to the civil rights bill. [Laughter.]

Mr. AIKEN. I may say that we have in the past spent more time on less worthy objectives than that.

Mr. GORE. Mr. President, will the Senator yield?

Mr. AIKEN. I yield to the Senator from Tennessee.

Mr. GORE. I wish to join in the extending of felicitations to the junior Senator from Montana upon the attainment of one more birthday. In connection with his qualifications, I should like to say that I have already, in a private way, suggested to some very important Americans the eminent qualifications and eminent availability of the junior Senator from Montana as the Secretary of State of the United States.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. AIKEN. I yield to the Senator from New York.

Mr. KEATING. Without entering into speculations about presidential sweepstakes, I want to express my great admiration for the distinguished Senator from Vermont and to express to

him the gratitude of the new Members of the Senate for the great consideration which he has shown to us. He has always exhibited a fair, calm, moderate attitude and a completely nonpartisan attitude in our dealings.

There is no Member of this body for whom I have greater respect than I do for the Senator from Montana. I join in the expressions of my friend from Vermont, who has thoughtfully brought to our attention that today is the natal day of the Senator from Montana.

Mr. JAVITS. Mr. President, will the Senator yield on the same subject?

Mr. AIKEN. If the Chair will permit me to, I yield.

Mr. JAVITS. I also desire to add my congratulations to Senator MANSFIELD, with whom I served in the House and on the House Foreign Relations Committee. As a Member of the Senate, he properly deserves the high regard and respect which we hold for him for his thoughtfulness. I admire him greatly for that quality, and also, not only for his willingness, but his anxiety, to debate issues, even those in which he has some profound convictions.

Mr. TALMADGE. Mr. President, I desire to associate myself with the remarks which have been made on the birthday of our distinguished majority whip. I have never known a more accomplished, sincere, and dedicated public servant than MIKE MANSFIELD.

Mr. MUNDT. Mr. President, I wish to salute the majority whip, Senator MANSFIELD, on the occasion of his birthday. I had the pleasure of serving with MIKE MANSFIELD in the House of Representatives on the Committee on Foreign Affairs. I have traveled abroad with him. I have recognized him for a long time as an able public servant dedicated to ideals to which he adheres. I congratulate him on his birthday.

Mr. FREAR. Mr. President, it is my fervent hope that the junior Senator from Montana [Mr. MANSFIELD] may experience a very happy birthday anniversary, and that Mrs. Mansfield may also enjoy it.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON 1959 SOIL BANK CONSERVATION RESERVE PROGRAM

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the 1959 soil bank conservation reserve program, dated March 1960 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISING

A letter from the Assistant Secretary of the Navy (Material), transmitting, pursuant to law, a report on military construction contracts awarded without formal advertising, during the period from July 1, 1959, to December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

SMALL BUSINESS ACT AMENDMENTS OF 1960

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the Small Business Act and for other purposes (with an accompanying paper); to the Committee on Banking and Currency.

REPORT OF SECRETARY OF THE TREASURY ON THE STATE OF THE FINANCES

A letter from the Secretary of the Treasury, transmitting, pursuant to law, his report on the state of the finances, for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Finance.

AMENDMENT AND EXTENSION OF SUGAR ACT OF 1948

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend and extend the provisions of the Sugar Act of 1948, as amended (with an accompanying paper); to the Committee on Finance.

REPORT ON EAST-WEST TRADE IN 1958

A letter from the Under Secretary of State, transmitting, pursuant to law, a summary of East-West trade in 1958 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON REVIEW OF SELECTED ACTIVITIES OF PORTLAND REGIONAL OFFICE (REGION 6), FOREST SERVICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of selected activities of Portland regional office (region 6), Forest Service, Department of Agriculture, September 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON RECEIPT OF APPLICATION FOR LOAN UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Acting Secretary of the Interior, reporting, pursuant to law, that the Browns Valley Irrigation District in Yuba County, Calif., had applied for a loan of $4,804,000 (with accompanying papers); to the Committee on Interior and Insular Affairs.

RESOLUTION OF NEPALESE PARLIAMENT

The PRESIDENT pro tempore laid before the Senate a letter from the Assistant Secretary of State, transmitting a copy of a resolution adopted by the Nepalese Parliament, extending its greetings and thanks to the Congress of the United States for its adoption of House Concurrent Resolution 299, extending the greetings of the Congress to the newly established Parliament of the Kingdom of Nepal, which, with the accompanying papers, was referred to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the Commonwealth of Kentucky; to the Committee on Public Works:

"CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO CONSIDER APPROPRIATE LEGISLATION TO PROHIBIT THE CONSTRUCTION OF BRIDGES ACROSS THE OHIO RIVER WHICH DO NOT HAVE ADEQUATE CLEARANCE FOR RIVER TRAFFIC

"Whereas 73,476,894 tons of domestic freight was moved over the Ohio River in 1958 and preliminary calculations indicate an even greater amount in 1959; and

"Whereas the utility of this artery of transportation is threatened by the erection of more bridges across the Ohio River which, because of inadequate clearance, impede the river traffic; and

"Whereas the development of this Nation's natural resources, the prosperity and economic development of the Ohio River Valley, and interests of national defense depend upon the full utilization of this waterway: Now, therefore, be it

"Resolved by the Senate of the Commonwealth of Kentucky (the House of Representatives concurring therein):

"SECTION 1. That the Congress of the United States of America be, and it hereby is, memorialized to consider appropriate legislation to prohibit the construction of bridges which do not have adequate clearance for river traffic across the Ohio River.

"SEC. 2. That the clerk of the senate be directed to forward copies of this resolution to the U.S. Senators and Representatives elected from Kentucky, and to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States.

"JOHN W. WILLIS,
"Chief Clerk of Senate."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Banking and Currency:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT A FEDERAL AREA REDEVELOPMENT ACT

"Whereas passage of a Federal area redevelopment act would provide Federal aid for the revitalization of older mill and factory areas, and thereby enable the Commonwealth to compete more effectively with other States for new industry and provide funds for the retraining of workers in areas of chronic unemployment: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the passage of a Federal area redevelopment act; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by house of representatives, February 29, 1960.

"LAWRENCE R. GROVE,
"Clerk.

"Adopted by senate in concurrence March 2, 1960.

"IRVING N. HAYDEN,
"Clerk."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION AMENDING THE SOCIAL SECURITY LAW

"Whereas it is advisable to raise the maximum which an individual can earn while obtaining full social security benefits from the present $1,200 a year to $2,500 a year, and to permit wives to earn more than the present maximum of $1,200 a year: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of legislation to amend the social security laws to raise the maximums which may be earned under the social security laws; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by house of representatives, February 29, 1960.

"LAWRENCE R. GROVE,
"Clerk.

"Adopted by senate in concurrence, March 2, 1960.

"IRVING N. HAYDEN,
"Clerk."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION OUTLAWING DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE

"Whereas many older people can work as effectively as younger people but find difficulty in obtaining employment: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of legislation outlawing discrimination in employment because of age; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by house of representatives, February 29, 1960.

"LAWRENCE R. GROVE,
"Clerk.

"Adopted by senate in concurrence, March 2, 1960.

"IRVING N. HAYDEN,
"Clerk."

A resolution of the House of Representatives of the State of Rhode Island; to the Committee on Finance:

"H. 1325

"Resolution requesting the Senators and Representatives in the Congress of the United States to amend the Federal income tax laws to permit income tax exemption for the parents of students in accredited colleges and universities for the period while said students are enrolled in said institutions for higher education

"Whereas the future of the United States of America will become the responsibility of young men and women, graduates of accredited colleges and universities, since full and complete higher education will be needed to train these young persons for the challenges ahead in this changing world; and

"Whereas the cost of higher education has so advanced, as well as the cost of living, that, if we are to prepare our young people to be equipped for such challenges, it becomes the responsibility of all to make it easier for the parents to sacrifice for said continuing higher education; and

"Whereas if the Federal income tax laws could be so amended that exemption can be granted to the parents of such students in accredited colleges and universities: Now, therefore, be it

"Resolved, That the members of the General Assembly of the State of Rhode Island and Providence Plantations now respectfully request the Senators and Representatives in the Congress of the United States to take such appropriate action to have passed remedial legislation for such Federal income tax exemption for the parents of such students in the accredited colleges and universities of the Nation; directing the Secretary of State to transmit duly certified copies of this resolution to the Presiding Officers of both branches of Congress and to the Senators and Representatives from Rhode Island in the Congress of the United States urging that remedial legislation of this particular import may be activated to alleviate the financial burden upon parents whose children in accredited colleges and universities are being trained in every possible form of higher education to take their rightful places for the forthcoming challenges of the future of the Nation in a troubled world."

A concurrent resolution of the Legislature of the State of South Carolina; ordered to lie on the table:

"CONCURRENT RESOLUTION COMMENDING THE 18 U.S. SENATORS FROM THE SOUTH ON THEIR COURAGEOUS STAND IN OPPOSING THE PROPOSED "CIVIL RIGHTS" LEGISLATION PENDING IN THE U.S. SENATE

"Whereas the present Republican administration recommended that certain legislation directed at the South be enacted which would be wholly punitive against that section of the county which constitutes the last stronghold of supporters of constitutional government; and

"Whereas the liberal Democrats of the Senate joining with the Republican Members of that body launched a determined drive to carry out the President's iniquitous program in the face of the request of the Senators representing Southern States that they refrain from supporting the administration in this punitive type of legislation; and

"Whereas on Monday, February 29, 18 U.S. Senators from the South began a filibuster to block proposed so-called civil rights legislation proposed by Members of Congress who are determined to interfere with the constitutional rights of Southern States to manage their own affairs; and

"Whereas in the face of tremendous opposition these 18 Senators are continuing their fight through many long and arduous hours to protect the interest of their constituents and to insure the perpetuation of the way of life enjoyed by southerners for generations; and

"Whereas this little band of 18 has stood out against great odds and under the most trying conditions and has refused to compromise the rights of the South on the vital issue of the right of the States to control their own elections and to operate their own schools without Federal interference; and

"Whereas it is the desire of the members of the General Assembly of South Carolina to manifest their pride in and admiration for these 18 champions of constitutional government: Now, therefore, be it

"Resolved by the senate (the house of representatives concurring), That the General Assembly of the State of South Carolina commend the 18 U.S. Senators presently filibustering against alleged civil rights legislation upon their gallant and determined fight against powerful and tyrannical opposition; and be it further

"Resolved, That a copy of this resolution be sent to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to Senators OLIN D. JOHNSTON and J. STROM THURMOND, Members of the U.S. Senate from the State of South Carolina, and to each Representative in the House of Representatives from the State of South Carolina."

A resolution adopted by the Board of County Commissioners of Pinellas County, Clearwater, Fla., favoring the enactment of legislation to provide additional funds for the continuation of construction of the Intracoastal Waterway in Florida; to the Committee on Appropriations.

A resolution adopted by the Board of County Commissioners of Hillsborough County, Tampa, Fla., favoring the enactment of legislation to provide funds for the continuance of construction of the Intracoastal Waterway in the State of Florida; to the Committee on Appropriations.

A letter in the nature of a petition from Robert Richard, of Chattanooga, Tenn., relating to civil rights; to the Committee on the Judiciary.

REPORT ENTITLED "PATENTS, TRADEMARKS, AND COPYRIGHTS" (S. REPT. NO. 1202)

Mr. EASTLAND (for Mr. O'MAHONEY), Mr. President, from the Committee on the Judiciary, pursuant to Senate Resolution 53 as extended, I submit a report entitled "Patents, Trademarks, and Copyrights," and ask that it be printed.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Mississippi.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MUNDT (for himself and Mr. CASE of South Dakota):

S. 3208. A bill to provide for the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social and economic development of the members of the Lower Brule Sioux Tribe, and for other purposes; and

S. 3209. A bill to provide for the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social and economic development of the members of the Crow Creek Sioux Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MUNDT when he introduced the above bills, which appear under a separate heading.)

By Mr. BENNETT:

S. 3210. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Finance.

(See the remarks of Mr. BENNETT when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD (for himself and Mr. KUCHEL):

S. 3211. A bill to establish the Richard L. Neuberger National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MANSFIELD when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3212. A bill to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the county of Mineral, State of Nevada; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. BIBLE when he introduced the above bill, which appear under a separate heading.)

By Mr. KEFAUVER:

S. 3213. A bill for the relief of Dr. Anwar Amin Anthony; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 3214. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MORSE:

S. 3215. A bill to designate the John Day lock and dam on the Columbia River, Oreg., and Wash., as the Richard L. Neuberger lock and dam; to the Committee on Public Works.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT A STUDY ENTITLED "USING OUR FARM PRODUCTIVE POWERS FOR HUMAN PROGRESS AND PEACE"

Mr. HUMPHREY submitted a resolution (S. Res. 291) authorizing the printing as a Senate document a study entitled "Using Our Farm Productive Powers for Human Progress and Peace," which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. HUMPHREY, which appears under a separate heading.)

PAYMENT FOR CERTAIN INDIVIDUAL INDIAN AND TRIBAL LANDS, SOUTH DAKOTA

Mr. MUNDT. Mr. President, I introduce, for appropriate reference, two bills which propose reimbursement to the Lower Brule and Crow Creek Sioux Tribes and their individual members for the tribal and individually held trust lands, which are to be taken by the United States for the Big Bend Dam and Reservoir project on the Missouri River.

These bills also authorize the appropriation of funds to be used for the purposes of social and economic rehabilitation of the individual members of these two Sioux Indian Tribes.

Mr. President, construction activities by the Corps of Engineers are already in progress on the Big Bend Dam, which is to be located between the Oahe and Fort Randall Dams on the Missouri River in South Dakota. If construction proceeds according to current plans and estimates, it is expected that closure of the Big Bend Dam will take place in 1962. This means that within less than 3 years this dam will begin impounding water which will inundate lands on the Lower Brule and Crow Creek Reservations, thus necessitating the relocation of many Indian families.

Mr. President, this will be the second time in less than 5 years that these tribes and their members have been dispossessed of lands located on their reservations because of the construction of multipurpose dam facilities on the Missouri River by the Federal Government. In 1955 members of these tribes were forced to leave their homes and lands in connection with the Fort Randall Dam construction. On the occasion of that dispossession, the Federal Government was shockingly dilatory in compensating these tribes and their individual members for the tangible and intangible damages suffered in the displacement from their lands and homes. As a matter of fact the reservoir waters of Fort Randall had inundated much of this land for a period of over 3 years before Congress finally adopted legislation to compensate these tribes for their losses. This long delay in payment caused serious hardship among the members of the Lower Brule and Crow Creek Tribes, which could have been prevented had Congress and the Federal agencies involved taken prompt and appropriate action to compensate, relocate and rehabilitate these tribes and their individual members.

Mr. President, the only fair conclusion which can be drawn is that the United States failed these good Indian people on the occasion of the Fort Randall Dam construction. I earnestly pray that this shabby treatment will not be duplicated in connection with the building of the Big Bend Dam.

I have been assured by the Bureau of Indian Affairs and the Corps of Engineers that they are anxious to initiate the necessary activities and programs to ensure that the members of the Lower Brule and Crow Creek Tribes are justly compensated and properly relocated prior to the closure of the Big Bend Dam. These two agencies are currently formulating plans for this relocation, but before they can take any material action in this direction Congress must adopt general legislation, authorizing the Corps and the Bureau to proceed with the required projects and programs. Because I feel that action is demanded in the early future if the United States is to remain faithful to its obligations to these tribes, I am today introducing these legislative measures authorizing the Corps of Engineers and the Bureau of Indian Affairs to undertake their respective responsibilities for the relocation and rehabilitation of these Indian families, who will soon be dispossessed by the Big Bend Dam construction. I earnestly hope that Congress also will recognize its considerable obligations in this matter and that hearings can be scheduled on these two bills in the very near future.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills, introduced by Mr. MUNDT, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 3208. A bill to provide for the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social and economic development of the members of the Lower Brule Sioux Tribe, and for other purposes; and

S. 3209. A bill to provide for the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social and economic development of the members of the Crow Creek Sioux Tribe, and for other purposes.

EXTENSION OF SUGAR ACT

Mr. BENNETT. Mr. President, I rise today to introduce the administration bill to extend the Sugar Act for a period of 4 years, and I ask unanimous consent that I may proceed for 8 minutes, in order that this entire statement may appear in full in the body of the RECORD.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Is there objection? The Chair hears none, and the Senator may proceed.

Mr. BENNETT. I am today introducing the administration bill to extend the Sugar Act for a period of 4 years, to December 31, 1964, and ask that it be referred to the appropriate committee.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3210) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by Mr. BENNETT was received, read twice by its title, and referred to the Committee on Finance.

Mr. BENNETT. Mr. President, few developments in international affairs in recent years have attracted so much attention as the revolution in Cuba of a little over a year ago, and the resultant events in that country. Naturally, much of the discussion of our relations with Cuba has centered around the Sugar Act, which in the past has helped to establish strong economic relations between the United States and Cuba.

The intemperate remarks of Fidel Castro and other Cuban officials have aroused many extremists in this country to demand an immediate discontinuance of the Cuba quota under the Sugar Act as a means of reprisal against the Castro regime. However, if the Cuban quota is completely cut off, it may be impossible to get it restored if and when conditions change. Even more important is the question of the serious damage this would inflict upon the Cuban people, who have traditionally been our friends. There is also the question of the effect this will have on our relations with other Latin American countries, and finally, there is the question of touching off serious economic reprisals by the Castro regime against American companies doing business in Cuba.

On the other hand, there are those who believe the act should be extended in its present form with no cognizance of the fact that conditions in Cuba—or any other country receiving a quota—might be changed. This in effect would be rewarding Castro for bad behavior. It would give the administration no discretionary powers whatsoever and would permit no flexibility in our dealings with Cuba.

The bill I am introducing today is a moderate approach embracing neither of these concepts, but gives the President the authority to adjust quotas as he deems advisable. It has the support of the President and represents the culmination of months of work by the Department of Agriculture and the Department of State, who have worked closely with representatives of the sugar industry. I sincerely hope that Congress will adopt this wise and moderate approach.

The bill would accomplish the following objectives:

First. It would extend the act for a period of 4 years; that is, from December 31, 1960, to December 31, 1964. A 4-year extension would follow precedent and give farmers, the industry, and sugar consumers a reasonable period for forward planning—section 4.

Second. Marketing quotas would be increased by 50,000 tons for the mainland sugarcane area and 150,000 tons for the beet area.

This would be in compensation for domestic areas giving up their rights to Puerto Rican deficits.

During the past 3 years the mainland cane quota has on the average received 40,000 tons and the beet quota 130,000 tons through reallocations from Puerto Rico. By giving the two mainland areas fixed increases in their quotas in lieu of claims on future Puerto Rican deficits, mainland producers will be able to market consistently throughout the year and the eastern refiners can depend upon their supplies of raw sugar—section 1.

Third. Section 2 of the proposed bill would amend the provisions for reallocating to other supplying areas the deficits resulting from failures of producing areas to fill their quotas.

(a) Deficits from Puerto Rico or the Virgin Islands would be prorated 96 percent to Cuba and 4 percent to the full-duty countries, to restore quotas to such countries on the same basis that they would lose quotas under section 1, paragraph 4.

(b) The deficit-area provisions—section 204 of the act—would be rewritten for the purpose of simplification and clarification and of providing a better balance of supplies. Deficits from Hawaii, which ships to the west coast and the gulf, would be prorated to the beet and mainland cane areas—paragraph 3; and deficits from the mainland cane area would be prorated to other domestic cane areas—paragraph 2.

(c) Section 204(c) of the act would be amended by providing that quotas for foreign countries other than the Republic of the Philippines would be reduced in accordance with determinations of deficit by the Secretary. At present the Secretary can determine deficits and make reallocations but he cannot cut quotas for the countries having deficits.

The proposed amendment would make the act safe to use when foreign countries develop shortages during our heavy consuming season. Without this amendment, a foreign country against whose quota a deficit has been declared might be able to dump surpluses on our markets late in the year when our import needs are light—section 2(b).

Fourth. Section 3 would authorize the President, in the national interest or to secure adequate supplies, to reduce the quota for a calendar year for any foreign country other than the Republic of the Philippines and authorize the Secretary of Agriculture to cause or permit the importation of a corresponding quantity of sugar.

This would give the President standby authority to deal with emergencies that might develop during the period for which the act will be extended. This section and section 2(b) would become effective upon enactment, whereas the provisions become effective January 1, 1961.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. GRUENING. Are we to understand that Congress is to be asked to give up to the Executive the power to regulate the sugar quotas?

Mr. BENNETT. The Senator should not so understand. Congress sets the quotas, and would continue to set them under the terms of the bill. However, the bill would give the President the power, for 1 year at a time only, to reduce the quota of any country when he deemed it to be in the national interest. It would not give him the power to transfer that quota to any other country. It would simply make it possible for the Government to make up the deficit in any market where it deemed such action advisable.

If Congress were in session, and the President decided, in his wisdom, that it was necessary to reduce the quota of any given country by 5 or 10 percent, Congress would have the power to step in and say, "No, that should not be done. We insist that the quota be maintained."

However, in a situation like that which we now face in respect to Cuba, it would be difficult, and would require many weeks and months of time for Congress to act on this problem when, under some foreign relations situations, it might be wise to act promptly.

We do not propose to transfer to the President the ultimate power to remake the quota system. We are simply proposing to give him the power, for 1 year at a time, to make certain adjustments.

Mr. GRUENING. But some powers Congress now has would be transferred to the President. In other words, the present power of the Congress would be diminished somewhat, would it not?

Mr. BENNETT. Yes; but we must remember that the President has the ultimate responsibility for conducting our foreign relations. Unfortunately, because of the actions of Castro, the Cuban sugar situation has become very much a part of our foreign relations.

The bill would be effective for 4 years. If the emergency in Cuba should pass, I am sure that the President would be very desirous of returning to Congress any temporary power which this bill would confer upon him, because I am sure the Executive is not seeking additional power.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. GRUENING. Mr. President, I ask unanimous consent that the Senator from Utah be granted 1 additional minute, in order that I may make a comment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. GRUENING. I think we all appreciate the very grave situation which has arisen in Cuba. Certainly it is something which requires attention, not merely the executive, but also the legislative branch of the Government.

Nevertheless, I hope the Congress will consider very carefully any proposal for a further diminution of its power and relinquishment of them to the Executive. I think we have traveled a long way in that direction, far too far, indeed, and I think we should scrutinize the bill very carefully from that standpoint.

Mr. BENNETT subsequently said: Mr. President, today I introduced the administration's sugar bill, S. 3210. I ask unanimous consent that the bill may lie on the desk until Monday, so that any Senators who may wish to join in its sponsorship may attach their names.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RICHARD L. NEUBERGER NATIONAL SEASHORE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed for as much time as may be necessary beyond the normal 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. MANSFIELD. Mr. President, on behalf of the senior Senator from California [Mr. KUCHEL] and myself, I introduce, for appropriate reference, a bill to create the Richard L. Neuberger National Seashore in Oregon in honor of our late colleague from Oregon. When I spoke in the Senate on March 9 in tribute to the late junior Senator from Oregon, Mr. Neuberger, I suggested that it would be a fitting tribute if a Federal wilderness area in the Pacific Northwest were named for him. Afterwards, upon reflection, and in discussion with some of my colleagues, I reached the conclusion that the most fitting tribute would be to create a memorial dear to the Senator and more symbolic of the contributions he made.

Last fall when Dick Neuberger should have been resting he crusaded throughout his State on behalf of the creation of a national park on the Oregon coast. He sought this park for posterity, and it was a project into which he threw all of his energies. I shall not detail the efforts he went to, but I call attention to some of the things he did to help create an Oregon Coast National Seashore Recreation Area. On March 25, 1959, he had introduced his own bill to create this park, S. 1526. On May 20, 1959, he introduced S. 2010 at the request of the Secretary of the Interior. This bill would have created three seacoast parks to be selected by the Secretary of the Interior. On October 26, 1959, he prepared a modified version of his own bill, which was circulated widely through the State. This was his effort to meet the criticisms voiced by Oregon's Governor, Mark Hatfield, to his first bill. On January 18, 1960, he received a substitute bill from the Governor of Oregon, which included not only the provisions of the October 26 version of his bill, but a number of additional drastic departures. Then on January 25, 1960, he introduced the bill which combined the Governor's thinking with his own and contained his views plus those of the Governor.

This was typical of Dick Neuberger, and he emphasized in his remarks first that he was not in complete agreement with the Governor, second, that the best way to obtain a park would be to reach

all possible agreement with the Governor, and, third, that it was his firm intention to accept whatever changes the Governor had made which were likewise acceptable to the Secretary of the Interior. Senator Neuberger pointed out:

> Many years from now the important and essential thing will be the existence of a great national park along America's most majestic shoreline. * * * My goal * * * is to bring Oregon its first new national park since Crater Lake was set aside in 1902.

Further, Senator Neuberger stated:

> I am quite willing to abide by the judgment of those who possess this experience. I feel certain that Governor Hatfield will likewise trust the judgment of the Department of the Interior and the National Park Service

This record of events demonstrates effectively the traits which were Dick Neuberger's hallmark and which were referred to so often by his colleagues. In introducing a new version of the Oregon Dunes bill we have done two things: First, we have suggested that this park be named for the late Senator Richard L. Neuberger, and, second, we have sought the advice and counsel of the Department of the Interior in order to present to the Senate Committee on Interior and Insular Affairs a bill which we believe will obtain the official support of the Secretary of the Interior and the President.

I would say, however, in all fairness that one section dealing with payments in lieu of taxes has not been revised, and it is my understanding that as presently suggested by the Governor, this language would not be in accord with the views of the administration. The revised bill has changed the boundaries of the park, primarily as to the area surrounding Lake Tahkenitch. In lieu of acquiring the lands around Lake Tahkenitch immediately, the same provisions would apply as apply to the Sea Lion Caves. So long as the lands are used for their present noncommercial purposes, or for forest management, they will not become a part of the park, but should the present owners wish to change the use of the property, or to dispose of it to others who would change the use, the Federal Government will have the opportunity to purchase these lands. A few tracts on the south and east boundary near Siltcoos Lake have also been excluded. The other revisions in the language of the bill are designed to bring it into better harmony with the manner in which the great majority of our park areas are administered.

I have included this discussion of the bill so that those concerned will be well informed of the changes in the bill and the efforts which have been made to revise it in accordance with the standards set by the late Senator.

Mr. President, I believe that it is incumbent upon me to present the reasons which motivated me to suggest that this great scenic area on the Oregon coast be named in honor of the late junior Senator from Oregon.

The conservation experts of our Nation are in agreement that our ocean shoreline, one of our greatest recreational treasures, is rapidly vanishing from public use. They are also in agreement that there are a limited number of outstanding scenic seashore areas, which are today in a relative undeveloped state. The Oregon Dunes is one of these, so we have selected an area which meets the high criteria prescribed to make it qualify as a national seashore. It is entirely fitting and proper that we create this park, and it is equally fitting that it be named Richard L. Neuberger.

Before this man entered the U.S. Senate, his name was known around the world as one of America's leading conservationists. He understood the true meaning of the word "conservation." He knew the role that wise management of our renewable resources played in our economic, social, and spiritual well-being. He understood that it was necessary to utilize the forest, the range, and the water, to meet the needs of our people for the material requirements of life. He continuously urged that we treat our soil well and husband our resources so that their ability to be renewed would be in no way jeopardized or impaired. Even more, he understood the necessity that we preserve to nature's way of making changes certain areas so that future generations could view the work of nature alone. Thus, he had a keen appreciation of the role that was man's and the role that was nature's. He understood that we could not build a civilization on machines and factories or on material wealth alone, but rather that the spiritual strength which could be obtained only from nature was the solid base upon which a successful civilization must rest.

There is no more fitting spot in Oregon to name in honor of Dick Neuberger than this scenic stretch of coastline. He had the vision and the foresight to see why it must be preserved. This area more nearly typifies his contribution to his fellowman than any other. All through his life he stood on the shores of civilization, looking beyond and thinking of the future. He did not stand on a mountain looking down, nor was he in a wilderness, his view obscured by trees and mountains. New ideas came to him as the wind and waves which swept in from the sea.

It is my hope that the Congress will proceed speedily to enact this bill. It is also my hope that all those who are interested will join to aid in this cause. I urge that those who may have views to express to do so with the same tolerance and thoughtfulness which characterized Dick Neuberger's approach to every problem.

Mr. President, I have but one further thought to offer, that in addition to naming the park for Richard L. Neuberger, that there be placed at an appropriate spot a modest plaque which will read: "To Richard Lewis Neuberger, humanitarian and conservationist. He loved his people and his land."

Mr. President, I ask unanimous consent to have printed in the RECORD two editorials from the March 10, 1960, issues of the New York Times and the Northern Virginia Sun.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 10, 1960]

RICHARD L. NEUBERGER

When the tall young man from Oregon took his seat for the first time in the U.S. Senate on January 3, 1955, he was far better known throughout the country as a writer and crusading conservationist than as a political personality. When untimely death took him yesterday at the age of 47 his extraordinary qualities of mind and heart and spirit had achieved for him in those 5 short years a secure eminence of stature as a Senator.

It is difficult to write of Richard L. Neuberger in the past tense. His enthusiasm and sincerity; his undeviating conscience, and his high sense of public service combined to make him not only one of the most respected Members of the Senate but also one of the most useful and most vital. His powerful pen and his persuasive voice gave life and point to many issues, notably improvement of the legislative process and preservation of this country's dwindling natural and scenic resources that brought him into conflict with interests that a lesser politician would have been afraid to offend.

One of his current projects dearest to Senator Neuberger's heart was enactment of legislation to establish as a national seashore preserve a magnificent stretch of Pacific beachland in his native State, known as the Oregon Dunes. No more fitting tribute could be paid him by the Congress and the people of the United States than to adopt the Neuberger bill that would set aside forever this area in memory of a fine legislator and great outdoorsman who was determined that future generations should share in the great natural heritage of this country that he knew so well and loved.

[From the Northern Virginia Sun, Mar. 10, 1960]

A SYMBOL OF YOUNG COURAGE, INTELLECT—SENATOR RICHARD NEUBERGER

The sudden, tragic death of Oregon's young Senator, Richard Neuberger, will be mourned far beyond the borders of his native State. For the things that Dick Neuberger fought for hold a special value and a higher meaning for mankind everywhere: human rights and the betterment of the lot of his fellow men.

A successful writer, Democrat Neuberger was attracted to politics by his admiration for the late George W. Norris, Nebraska's Republican liberal Senator. Together with his wife, Maurine, he served in the Oregon Legislature as the lone Democrat in a Republican State senate. He was the first Oregon Democrat to be elected to the U.S. Senate since 1914. But Dick Neuberger was a Democrat in the broader sense and so well did he serve his State that he was facing no serious opposition in his forthcoming reelection.

It was only a few months ago that he was assured he had conquered the cancer for which he had been operated on in 1958. His personal struggle against this dread disease won him respect and admiration throughout the Nation and he used his own experience and his position as Senator to campaign successfully for vastly increased medical research.

Following his cancer operation, he wrote: "A brush with cancer tends to place many things in true perspective * * * old antagonisms fade away. I can no longer transform political disagreements into any feelings of personal malice. When one is grateful to be alive, it is difficult to dislike a fellow human being."

For many Americans, Senator Neuberger symbolized young courage and intellect and a dedication to his convictions that were in the highest traditions of political democracy.

He was also a vigorous advocate for conserving the Nation's natural resources and Senator MIKE MANSFIELD's announcement of a bill to name the proposed Oregon Dunes National Park for Senator Neuberger would seem a fitting tribute to the memory of a courageous heart who, in the words of Mr. MANSFIELD, was "a star whose light remains."

Mr. MANSFIELD. Mr. President, I ask unanimous consent also to have printed in the RECORD a copy of the bill which is today being introduced by the distinguished minority whip, the Senator from California [Mr. KUCHEL] and myself.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3211) to establish the Richard L. Neuberger National Seashore, and for other purposes, introduced by Mr. MANSFIELD (for himself and Mr. KUCHEL), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to effect a coordinated method of conserving and developing for the benefit, inspiration, and use of the public certain ocean shoreline, sand dunes, forested areas, fresh-water lakes, and recreational facilities, the combination of which comprises a total recreation area of scenic, scientific, recreational, and historic significance, the Secretary of the Interior is authorized, as provided herein, to establish the Richard L. Neuberger National Seashore, hereinafter referred to as the Seashore, such area to be administered by the National Park Service as a unit of the National Park System.

SEC. 2. (a) The Seashore shall consist of that particular land, water, and submerged land area on the Oregon coast, the exterior boundary limit of which is specifically described as follows:

Township 18 south, range 12 west, beginning at the southeast corner of the southwest quarter of the southwest quarter of section 34;

Thence east to the southwest corner of the southeast quarter of the southeast quarter of the said section 34;

South to the southeast corner of the southwest quarter of the northeast quarter of section 10, township 19 south, range 12 west;

West to the southeast corner of the southeast quarter of the northwest quarter of the said section 10;

South to the northwest corner of the southwest quarter of the southeast quarter of section 15;

East to the point of intersection with the shoreline of Woahink Lake at elevation thirty-eight feet above sea level;

Following the said shoreline generally north and east to the intersection of the said shoreline with the quarter section line of section 11;

East to the northeast corner of the southeast quarter of the said section 11;

South to the southeast corner of the said section;

East to the northeast corner of section 13;

South to the southeast corner of the said section 13;

East to the northeast corner of the northwest quarter of section 19, township 19 south, range 11 west;

South to the southeast corner of northwest quarter of the said section 19;

East to the northeast corner of the northwest quarter of the southeast quarter of the said section 19;

South to the southwest corner of the northwest quarter of the northeast quarter of section 31;

West to the northwest corner of the southwest quarter of the northeast quarter of the said section 31;

South to the southwest corner of the northeast quarter of section 7, township 20 south, range 12 west;

West to the southeast corner of the northwest quarter of section 12, township 20 north, range 12 west;

North to the northeast corner of the southeast quarter of the northwest quarter of section 12;

West to the west right-of-way of Southern Pacific Railway in section 11, township 20 south, range 12 west;

In a generally southerly and westerly direction along Southern Pacific Railway west right-of-way to the intersection with the line between section 11 and section 14;

West to the southeast corner of the southwest quarter of the southwest quarter of section 11;

North to the northeast corner of the northwest quarter of the southwest quarter of section 11;

West to the southeast corner of the northwest quarter of section 11;

North to the northeast corner of the southeast quarter of the northwest quarter of section 3;

West to the northwest corner of the southeast quarter of the northwest quarter of section 3;

North to the northeast corner of the northwest quarter of the northwest quarter of section 3;

West to the northwest corner of section 3;

South to the northwest corner of the southwest quarter of section 3;

West to the northwest corner of the southeast quarter of section 4;

South to the southwest corner of the southeast quarter of section 4;

West to the southwest corner of the southeast quarter of the southwest quarter of section 4;

South to the northeast corner of the northwest quarter of the southwest quarter of section 9;

West to the northwest corner of southwest quarter of section 9;

South along section lines to the point of intersection on the north bank of the Umpqua River with the mean low tide line at a point on a line between section 16 and section 17, township 21 south, range 12 west;

Following the said mean low tide line in a generally southerly and westerly direction to the intersection with the Pacific Ocean, section 1, township 22 south, range 13 west;

Due west 1,320 feet;

In a generally northerly direction paralleling the mean low tide line on the shore to a point due west of the said mean low tide line on the south bank of the mouth of the Siuslaw River;

East to the said mean low tide line on the south bank of the mouth of the Siuslaw River, section 16, township 18 south, range 12 west;

Following the said mean low tide line in a generally southerly and easterly direction to its intersection with a line due north of the point of beginning;

Due south to the point of beginning.

Beginning at a point where the line between ranges 12 west and 13 west (Willamette Meridian), in township 22 south, intersects the mean low tide line on the south shore of Winchester Bay at the mouth of the Umpqua River;

Thence following the said mean low tide line easterly and southerly along the said south shore of Winchester Bay and the west bank of Winchester Creek to its intersection with the west right-of-way boundary of United States Highway Numbered 101, township 22 south, range 12 west;

Following the said right-of-way boundary in a generally southerly direction to its intersection with the mean low water line on the north bank of Tenmile Creek, in section 13, township 23 south, range 13 west;

Following the said mean low water line along the north bank of the said Tenmile Creek in a generally southwesterly direction to the mean low tide line of the Pacific Ocean at the mouth of the said Tenmile Creek;

Due west 1,320 feet;

In a generally northerly direction paralleling the said mean low tide line on the shore to a point due west of the said mean low tide line on the south bank of the mouth of the Umpqua River;

East to the said mean low tide line on the south bank of the mouth of the Umpqua River, in section 14, township 22 south, range 13 west;

Following the said mean low tide line in a generally northerly and easterly direction to the point of beginning.

(b) The Seashore may be extended by Executive order of the President at some future time by the addition of a separate unit known as Sea Lion Caves, after consultation with and consideration of the recommendation of the Governor of the State of Oregon, said separate unit to include the land, water, and submerged land area in the vicinity of Sea Lion Caves, the exterior boundary limit of which is specifically described as follows:

Township 17 south, range 12 west, beginning at the northeast corner of section 4;

Thence east to the northeast corner of the northwest quarter of the northwest quarter of section 3;

South to the northeast corner of the northwest quarter of the southwest quarter of the said section 3;

East to the northeast corner of the southwest quarter of the said section 3;

South to the southeast corner of the southwest quarter of the said section 3;

West to the southwest corner of the said section 3;

Due west 3,960 feet;

Due north to a point due west of the point of beginning;

Due east to the point of beginning.

(c) If the Secretary of the Interior finds that any parcel within the Tehkenitch Lake unit is not being used in its entirety primarily for the growth and harvesting of timber on a sustained yield basis, he may, by publishing notice in the Federal Register, extend the boundaries of the Seashore to include said parcel. As used in this subsection, the phrase "parcel within the Tehkenitch Lake unit" means each ownership of land, water, and submerged land within the following described area:

Beginning at the northwest corner of section 13, township 20 south, range 12 west;

South to the southeast corner of section 23;

East to the northeast corner of the northwest quarter of the northwest quarter of section 25;

South to the southeast corner of the southwest quarter of the northwest quarter of the said section 25;

East to the northeast corner of the northwest quarter of the southeast quarter of the said section 25;

South to the southeast corner of the southwest quarter of the southwest quarter of the said section 25;

West to the southeast corner of the southwest quarter of the said section 25;

South to the southeast corner of the northwest quarter of section 36;

West to the southwest corner of the southeast quarter of the northwest quarter of the said section 36;

South to the southeast corner of the southwest quarter of the southwest quarter of the said section 36;

West to the northeast corner of the northwest quarter of the northeast quarter of section 2, township 21 south, range 12 west;

South to the southeast corner of the southwest quarter of the northeast quarter of the said section 2;

West to the southwest corner of the northeast quarter of the said section 2;

South to the southeast corner of the northeast quarter of the southwest quarter of the said section 2;

West to the southwest corner of the northwest quarter of the southwest quarter of the said section 2;

South to the southwest corner of the said section 2;

West to the northeast corner of the northwest quarter of the northeast quarter of section 10;

South to the southeast corner of the northwest quarter of the northeast quarter of the said section 10;

West to the northeast corner of the southwest quarter of the northwest quarter of the said section 10;

South to the southeast corner of the southwest quarter of the northwest quarter of the said section 10;

Due west to the point of intersection with the east right-of-way boundary of United States Highway Numbered 101;

Following the said right-of-way boundary in a generally westerly and northerly direction to the point of intersection with the section line between sections 4 and 5, township 21 south, range 12 west;

North to the northwest corner of the southwest quarter of section 9, township 20 south, range 12 west;

East to the northeast corner of the northwest quarter of the southwest quarter of section 9;

North to the southwest corner of the southeast quarter of the southwest quarter of section 4;

East to the southwest corner of the southeast quarter of section 4;

North to the northwest corner of the southeast quarter of section 4;

East to the northwest corner of the southwest quarter of section 3;

North to the northwest corner of section 3;

East to the northeast corner of the northwest quarter of the northwest quarter of section 3;

South to the northwest corner of the southeast quarter of the northwest quarter of section 3;

East to the northeast corner of the southeast quarter of the northwest quarter of section 3;

South to the southeast corner of the northwest quarter of section 10;

East to the northeast corner of the northwest quarter of the southwest quarter of section 11;

South to the southeast corner of the southwest quarter of the southwest quarter of section 11;

East to the point of beginning.

(d) Upon approval of extensions of the Seashore as provided in subsections (b) and (c), the provisions of section 3 shall become applicable to the extensions.

SEC. 3. (a) Within the exterior boundaries of the Seashore described in section 2, the Secretary of the Interior is authorized to procure by purchase or donation, with donated or appropriated funds or otherwise, such lands, submerged lands and waters, or interests therein, as he considers necessary to carry out the purposes of this Act, commensurate with the adaptability of such lands and waters to the purposes of this Act: *Provided, however,* That lands, submerged lands, or waters owned by or under the control of the State of Oregon or its political subdivisions within the designated boundaries may be procured only with the concurrence and approval of the State of Oregon or its political subdivisions. Any lands owned by the United States within the designated boundaries may be transferred to the Department of the Interior for administration as a part of the Seashore: *Provided, however,* That the United States department or agency having administration of such land shall agree in advance to such a transfer.

(b) When the Secretary finds that land has been procured by the United States in sufficient quantity to afford an administrable unit under his jurisdiction, he shall declare the establishment of the Seashore by the publication of notice thereof in the Federal Register. Following such establishment, and subject to the aforesaid boundary and other limitations, the Secretary may continue to acquire lands for the National Seashore as authorized in this Act.

SEC. 4. Any owner or owners (hereinafter in this section referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of commercial property for commercial purposes for a term not to exceed twenty-five years, and the right of use and occupancy of noncommercial residential property for noncommercial residential purposes for a term not to exceed twenty-five years or for a term ending at the death of such owner, the death of his spouse, or the day his last surviving child reaches the age of twenty-one, whichever is the latest. The owner shall elect the term to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased, in whole, but not in part. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner. As used in this section the term "improved property" shall mean a private, noncommercial dwelling and structures accessory thereto, and such commercial structures and operations which are, in the opinion of the Secretary, not incompatible with the purposes of this Act. In any event, this term shall only apply to such structures and operations which were in operation, or upon which construction has been commenced prior to the effective date of this Act together with land acreage necessary to the enjoyment of such property, as determined by the Secretary.

SEC. 5. (a) The Secretary is authorized to permit the investigation for, and withdrawal of, ground water from the sand dunes and the conveyance thereof outside the boundary of the National Seashore for beneficial use, in accordance with the laws of the State of Oregon, and to permit the removal of surface water and the conveyance thereof outside the boundary of the National Seashore for beneficial use in accordance with the laws of the State of Oregon, when requested to do so by the State of Oregon when the welfare of the surrounding persons becomes dependent upon the use of such water: *Provided, however,* That the withdrawal and use of water for these purposes will not materially impair the scenic, scientific, and recreational features of the National Seashore.

(b) The Secretary is authorized to permit the transportation and disposal of domestic and industrial wastes within or through the National Seashore in accordance with standards established by the State of Oregon: *Provided, however,* That such disposal does not materially impair the scenic, scientific, and recreational features of the National Seashore.

SEC. 6. (a) In order to provide compensation for whatever tax losses are sustained by the counties and other taxing bodies as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such taxing body which has been authorized under the laws of the State of Oregon to assess taxes upon any present interest in real estate to the owner of such interest, such payments to be made to the State of Oregon for distribution to the affected taxing bodies. In-lieu tax payments shall be made in accordance with the following schedule:

The full amount of the taxes levied on both land and improvements shall be paid for a period of five years. Thereafter, declining annual payments shall be made at the rate of full taxes less 5 per centum of such amount each year for twenty additional years, after which time no further in-lieu payments shall be made.

For the calendar year in which the real estate is acquired in fee simple absolute, the in-lieu payment shall be an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number three hundred and sixty-five. In any case, where an amount in excess of the difference between such proportionate amount and such full amount has already been paid to the proper taxing bodies by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the State of Oregon on account of such taxing bodies.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary holds on behalf of the United States less than a fee simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such taxing bodies in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of the taxing bodies, and such amounts shall be paid to the State of Oregon on account of said taxing bodies by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

(d) The foregoing provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

SEC. 7. The Secretary may conduct such sand dune stabilization and erosion control programs within the Seashore as deemed necessary to insure the protection of man-made developments and the natural resources of the area, and he shall secure the advice and assistance of other Federal and State agencies to accomplish these purposes.

SEC. 8. Nothing in this Act shall interfere with the normal jurisdiction, operation, maintenance and repair of United States Highway Numbered 101: *Provided,* That any relocation of the highway that affects the Seashore shall be subject to agreement between the State of Oregon, the Secretary of Commerce, and the Secretary of the Interior, and any increase in the cost of such relocation which is caused by a request of the Secretary of the Interior shall be borne by the Federal Government out of funds available to the Secretary of the Interior.

SEC. 9. The administration, protection, and development of the Seashore shall be exercised by the Secretary of the Interior, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 and the following), as amended and supplemented, relating to the national park system, and in accordance with other laws of general application relating to that system as defined by the Act of August 8, 1953 (67 Stat. 496; 16 U.S.C. 1c), except that authority otherwise available to the Secretary of the Interior for the conservation and management

of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act. The Secretary is authorized to enter into cooperative agreements with the State of Oregon, regarding rules pertaining to hunting and fishing and management programs pertaining to fish, game, wildlife, and wild furbearing animals which will not materially impair the scenic, scientific, and recreational features of the Seashore.

SEC. 10. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as are necessary to carry out the purposes of this Act.

Mr. KUCHEL. Mr. President, I am honored to join the distinguished majority whip [Mr. MANSFIELD] in sponsoring this proposed legislation to establish the Richard L. Neuberger National Seashore on the beautiful Oregon coast. No tribute we could pay our departed friend would be more symbolic of his life and his ideals.

The late Richard Neuberger was nurtured in the tradition of the great West. He knew well the twin conditioning influences of the West—distance from centralized authority and vastness. He knew its freedom, its spirit of innovation, its love of nature, its distinctive contribution to the brand of democracy which is uniquely American.

His work in the Senate testified to his faith in the ultimate triumph of spiritual values over the material conditions of life. He fought to preserve our seashores as national park sites where all might come to renew their strength at the ocean's edge. He fought to save the pine trees in the Klamath Indian Reservation from uncontrolled decimation. He sponsored the memorial to those intrepid pathfinders of the West—Lewis and Clark—whose great expedition opened the Oregon Trail. He worked tirelessly to bring Canada and the United States together in a program for the development of the upper Columbia River. He was a conservationist in the great tradition of Gifford Pinchot and Theodore Roosevelt. He was a devoted defender of American reclamation policy. And he spoke for the development of the Nation's water resources under which his State and mine, indeed, all the semiarid West has gone forward in their development toward greatness.

He was loyal to his political party, but he was not subservient to it. Above all he was a firm believer in American democracy and in the people who had made it work despite all the vicissitudes of fate and fortune. This legislative tribute will honor the memory, as MIKE MANSFIELD has so well said, of a humanitarian and conservationist who so well served his State and Nation.

CONVEYANCE OF CERTAIN LANDS TO MINERAL COUNTY, NEVADA

Mr. BIBLE. Mr. President, on behalf of my colleague, the junior Senator from Nevada [Mr. CANNON] and myself, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to sell to the county of Mineral, State of Nevada, approximately 2,040 acres of public land adjoining the city of Hawthorne, Nev.

These lands are a portion of the area recently released by the Navy, and will be restored to the public domain. For many years this Nevada city has been completely landlocked by withdrawals for the Hawthorne Naval Ammunition Depot. There has been no room for growth or industrial expansion.

In the past year, decreases in employment at the depot have adversely affected the economic life of this community. Further layoffs are anticipated, due to the shift from conventional weapons to modern types of weapons, a trend that has occurred in other military installations.

These lands will be sold to the community, after appraisal, at their fair market value. They include the town's cemetery, a portion of the watershed area, and an industrial section that will enable industry to move in and provide a labor market for the persons who have been thrown out of work as a result of the reduced demand for personnel by the Navy.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The bill will be received and appropriately referred.

The bill (S. 3212) to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the county of Mineral, State of Nevada, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT A STUDY ENTITLED "USING OUR FARM PRODUCTIVE POWERS FOR HUMAN PROGRESS AND PEACE"

Mr. HUMPHREY. Mr. President, the U.S. farm problem, in its domestic and worldwide aspects, has been moving further and further from solution. We have reason to be deeply concerned and ever more anxious to resolve it. Food surpluses mount, while many families in our own country lack satisfactory nutrition, and while more than half of the people in the free world go hungry. Public costs soar, while farm income continues its appalling decline. The whole economy suffers from the steady adverse pressure of the farm depression. And the accelerating advance of the farm technology, while a potential asset, remains an ironic and ever-increasing liability, so long as waste continues to substitute for use.

Yet I have never for a moment believed that our farm problem is insoluble. I am profoundly convinced that the light of reason—the application of rational efforts—can guide American agriculture into the sunlight of prosperity and keep it there. I am further convinced that a fully prosperous and productive agriculture can shed its benefits upon every American, and make a mighty contribution toward worldwide peace through worldwide plenty. I have made, and will continue to press for, practical proposals directed toward these goals which agriculture needs, and which indeed the whole Nation and the whole world need.

I am certain that all who have studied the farm problem long and earnestly can unite upon this one proposition: Never can we solve this problem, so long as our efforts remain fragmentary, improvised, ad hoc, and exclusively short ranged. We need, most of all, an approach which is integrated, comprehensive, purposeful, and long ranged. We need, in short, to budget over a period of years the optimum potentials of our farm productive resources, and equate these with optimum farm product consumption potentials at home and overseas. We need to set optimum goals for farm incomes and living standards, and equate these with the desired adjustments in farm output and farm product consumption. And we need to set all of these goals for agriculture in a framework of optimum overall prosperity and rising living standards in the United States, and also in the larger perspective of our worldwide economic endeavors.

The first step toward achievement of these interrelated goals is to gather the facts which bear upon them. But since the ocean of facts is limitless, the facts must be gathered in the light of a guiding hypothesis, which offers fair promise of the right answers by asking the relevant questions. Aimless research gets lost in the ocean of limitless facts.

For a year or longer, I have been aware of a most comprehensive endeavor to draw these kinds of facts together, to distill them, to bring them into a purposeful focus, and to look candidly and fearlessly at what they import. This endeavor has now culminated in an objective study, the thoroughness and utility of which—in my judgment—is not overstated by its title "Using Our Farm Productive Powers for Human Progress and Peace—A Study of Free World Food and Fiber Needs. How the United States Can Help To Meet Them, and How We Can Solve Our Farm Problem While Doing So."

The analytic and policy-orientated positions set forth in this study will not meet with universal approval. For these elements in the study involve many imponderables, and the ultimate judgments of each of us in such matters are in part subjective.

The study has this unique usefulness because of its sweeping portrayal of the facts in a meaningful perspective—the facts about the thrust of our farm technology, about production and consumption, prices and incomes, surpluses and costs. These facts, with illustrative charts, are put together not only historically, but also on the basis of forward-looking projections. These facts are developed, not only in the overall, but commodity by commodity. They are developed not only with respect to the United States, but also with respect to all those free areas of the world toward which our foods and fibers might flow in a manner beneficial to us and to them. And all of the projections look forward as far as 1970, in order to introduce essential long-range considerations.

The study has been prepared by a professional staff of able economists, under the able direction of Leon H. Keyserling, former Chairman of the Council of Eco-

nomic Advisers, and now a consulting economist and president of the Conference on Economic Progress. Some of the earlier comprehensive studies of our economic problems, prepared under Mr. Keyserling's direction, have been utilized in full by several committees of the Senate. I know that these have proved useful, regardless of our respective party or policy attachments, because of their scrupulous determination to respect the facts fully, and to set them forth in a most interesting and usable format.

Personally, I am drawn to the study also by its essential hopefulness. The facts therein should help to persuade all open minds that despair and defeatism have no place in our consideration of this overwhelmingly vital issue. The study demonstrates that there is a constructive way out—constructive for farmers, for Government, and above all, for all people.

For these reasons, I believe that this study, a veritable treasury of data on the farm problem in its most far-reaching aspects, should be available for constant reference to everyone who insists—regardless of differing policy viewpoints—that our decisions bearing upon farm policy be guided by the facts. To serve this purpose, I submit a resolution, providing for the printing of the study as a Senate document, with illustrations.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 291) was referred to the Committee on Rules and Administration, as follows:

Resolved, That the study entitled "Using Our Farm Productive Powers for Human Progress and Peace," prepared by Leon H. Keyserling, former Chairman, Council of Economic Advisers, be printed as a Senate document, with illustrations.

PERMANENCY OF PROVISIONS OF SUGAR ACT OF 1948—AMENDMENT

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (S. 187) to make permanent the provisions of the Sugar Act of 1948, which was referred to the Committee on Finance and ordered to be printed.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MANSFIELD:

Address delivered by Senator KERR before New York State Waterways Association, in New York City, on February 19, 1960.

By Mr. HUMPHREY:

Statement made by him on March 6, 1960, in Milwaukee, Wis., relating to the Berlin crisis.

Article entitled "Youth Conservation Corps," written by him, published in Sports Afield of January 1960.

By Mr. KEATING:

Letter to him, dated March 2, 1960, from George B. Galloway, senior specialist in American government and public administration, and S. 3096, both relating to the establishment of an office to disseminate general information concerning the organization of the Federal Government.

By Mr. THURMOND:

Article entitled "The Southern Side on Civil Rights," written by David Lawrence and published in the Washington Evening Star of March 15, 1960.

By Mr. CLARK:

Communications on the Forand bill to add health benefits to the social security program.

TRIBUTE TO SENATOR ERVIN, OF NORTH CAROLINA

Mr. TALMADGE. Mr. President, one of the most able men ever to sit in the U.S. Senate is the able, erudite, and learned Senator from North Carolina [Mr. ERVIN]. It has been a real pleasure to know him during the short time I have been a Member of the U.S. Senate. I have found him to be not only able and dedicated, but he is a profound lawyer, he has great charm, a sense of humor, and a wit about him that is not often found in public servants.

The Winston-Salem Journal on Monday, February 29, 1960, in its lead editorial entitled "Still on the Job," paid an outstanding tribute to this able and distinguished Senator.

I ask unanimous consent that the editorial be inserted at this point in the body of the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Winston-Salem (N.C.) Journal, Feb. 29, 1960]

STILL ON THE JOB

Senator SAM ERVIN'S tireless probings into the whys and wherefores of civil rights legislation have contributed much to a better understanding of developments in the field.

His doggedness in the great civil rights debate of 1957, which finally resulted in the passage of the first civil rights measure since Reconstruction, helped inform the Nation what the arguments were all about. And this was true whether one agreed with the Senator's stand on the bill or not.

Senator ERVIN has brought his formidable knowledge of the law and the Constitution to bear on the debates in an effort to keep civil rights proposals on a narrow path. He has been alert to show where some measures might have a reverse effect from the one intended—that is, restrict liberties instead of broaden them.

The Senator has consistently insisted on uniform laws. He has stood against measures which would single out certain groups and make them special favorites of the laws.

Senator ERVIN is still on the job.

He plans to introduce an amendment to strike out of the administration-backed civil rights measure a proposal making interference with court orders a Federal crime in school desegregation cases.

The Senator has argued that in many areas of the civil rights field laws already on the books are ample to protect the rights of an individual secured to him by the Constitution or laws of the United States. And Senator ERVIN can be expected to argue logically that it is already a crime to flout an order of a Federal court. He can be counted on also to insist that the language of any law on this subject be specific enough to prevent its being used to abridge freedom of speech and assembly, etc.

And in line with his contention that special laws favoring special groups should be avoided, he would advocate broadening any such measure to make it a Federal crime to interfere with all Federal court orders—not just those dealing with school desegregation.

Along the same line, the Senator would favor also making interstate flight to avoid prosecution a Federal crime in all bombings, not just those involving school or church facilities—thus taking the measure out of the specialty realm.

One does not necessarily have to agree with Senator ERVIN on such points to credit him with raising meaningful questions leading to constructive debate. Such debate turns on commonsense and reason. These are the ingredients which often make the difference between good legislation and bad legislation.

THE ATTORNEY GENERAL'S POLITICAL PLEA

Mr. TALMADGE. Mr. President, if any further evidence is needed to prove the political motivation of the pending force legislation it is to be found in the statement of Attorney General William P. Rogers that he must have a law making it a Federal crime to oppose school integration.

The hypocrisy of Mr. Rogers on this point was dealt with sternly yesterday by the Washington Evening Star in its lead editorial.

I hope, Mr. President, that the Senate will not be swayed by the Attorney General's political plea to retreat from the sound and laudable position it has taken in this regard. I ask unanimous consent, Mr. President, to have the editorial printed herewith in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Mar. 15, 1960]

ATTORNEY GENERAL'S PLEA

Attorney General Rogers has appealed indirectly to the House to retain in its version of a civil rights bill the provision making it a Federal crime willfully to use force or threats of force to obstruct Federal court orders in school desegregation cases. The language used by the Attorney General is somewhat surprising, especially in the light of the debate in the Senate last Friday.

Essentially this same provision was contained in section 1 of the administration bill submitted to the Senate. This section was killed, however, after the Senate, by vote of 65 to 19, had accepted the Lausche amendment which made it a crime to obstruct any Federal court order, not merely orders issued in school desegregation cases.

Why did the Senate adopt the Lausche amendment by an overwhelming vote, and then move on to kill all of section 1 after the Lausche amendment had been added to it? In many respects, we think, this was purely a political performance. But some very persuasive arguments were advanced against section 1 as originally proposed by the administration.

Chief among these was the contention that it would be unjust, as a matter of principle, to legislate with respect to one—and only one—class of cases. In this view, if it is wrong to obstruct court orders in school desegregation cases, it is equally wrong to obstruct court orders in other types of cases. And if such obstruction is to be made a crime, the law should apply evenly to all obstructions, not to just one kind of obstruction. The political hitch is that organized labor would bitterly oppose the application of the Lausche doctrine to court orders in labor disputes. As a matter of

principle, however, it seems to us that the argument in support of the Lausche proposal cannot be successfully answered.

The Senate vote (49 to 35) to strike all of section 1 came after the labor lobbyists had been heard from. But this action was not entirely a result of labor pressure. Senator MORSE, for example, argued strongly and we thought persuasively to the effect that the new criminal provision in section 1 is not needed. He thought that existing law plus the power of a Federal judge to punish for contempt is sufficient.

The Attorney General does not think that these remedies are adequate. He believes that the criminal provision is needed. If he is right in this, however, it is surprising to us that, in effect, he would be urging the House to ignore the sentiment of the Senate as expressed in the 65-to-19 vote on the Lausche amendment. The Attorney General, of course, did not say this in so many words. But his appeal was strictly and repeatedly limited to school desegregation cases, and he even tried, not very successfully, to draw a distinction between court orders in school cases and court orders in other cases. Yet, according to Senator MORSE, the Attorney General testified earlier before a Senate committee that "if Congress feels there are other situations where there is a similar need for this (section 1) statute, we obviously would have no objection."

As of this date, however, Mr. Rogers apparently wants a criminal sanction applicable only to school desegregation cases. We think that this, as a matter of principle, is wrong, and we do not see how the 65 Senators who voted for the Lausche amendment can be expected to accept, in the House bill, the very same discriminatory provision which the Lausche proposal was designed to remedy.

JUDGE GEORGE C. WALLACE OF CLAYTON, ALA.

Mr. TALMADGE. Mr. President, the South and indeed the entire country are indebted to the many leaders who have endeavored to preserve the Constitution and the rights of State to exercise those powers which the Constitution clearly shows belong to them.

One of the most vigorous in this fight is a citizen of my neighboring State, Alabama, Judge George C. Wallace, of Clayton, Ala.

Recently, the general assembly of my State honored Judge Wallace by inviting him to address the assembly and by a unanimous resolution of thanks to him.

Also, Judge Wallace has sent me a most excellent statement opposing the adoption of proposed plans for Federal registrars or referees.

I believe that other Senators may profit from reading this statement by Judge Wallace. I therefore ask that it be printed in the RECORD, along with the Georgia Assembly resolution, as part of my statement.

There being no objection, the resolution and statement were ordered to be printed in the RECORD, as follows:

Georgia General Assembly resolution thanking Judge George C. Wallace for his address to the joint session of the general assembly

Whereas the General Assembly of the State of Georgia wishes to express its appreciation to Hon. George C. Wallace for his splendid address to the joint session of the Georgia General Assembly; and

Whereas the general assembly appreciates the efforts of Judge George C. Wallace through the years in his efforts to maintain constitutional government in this country; and

Whereas the vigorous, intelligent, and courageous fight made against the Civil Rights Commission by Judge George C. Wallace has set the pattern for the resistance being carried on all over the South to this roving, meddling group; and

Whereas the Georgia General Assembly in joint session assembled recognizes Judge George C. Wallace as one of the foremost leaders in the South for the preservation of constitutional government and the traditions of the South and appreciates his leadership in opposing the efforts of the so-called Civil Rights Commission on their foray into the South: Now, therefore, be it

Resolved by the General Assembly of Georgia, That we hereby express our sincere thanks to Judge George C. Wallace for his visit and address to the Georgia General Assembly.

STATEMENT

It is an academic question that the proposals before the U.S. Senate to authorize the President of the United States to appoint Federal registrars to administer the election laws of the several States would abolish the dual sovereignty system of government that has existed in this country since its existence. There is no more laudable principle in American jurisprudence than that before resort to Federal courts there should be an exhaustion of State administrative remedies. These present proposals before the U.S. Senate provide for the abolition of this time-honored principle. The rule of comity should be enlarged instead of being abolished. Whenever and wherever any party who feels himself aggrieved at any ruling or the administration of any law by any agency of State government he or she should appeal such ruling or action to a State court where his rights could be adequately protected and then if such person was not satisfied with the action received on his question in the State courts appellate review to Federal courts is always available when a constitutional question is involved. The State courts have always construed Federal questions with respect to the Federal Constitution. It is an unwarranted interference with the orderly processes of State governments when Federal legislation renders ineffective the administrative remedies afforded by the several States. These proposals say in effect that there is a total lack of confidence in the integrity of the States' judicial systems and that there is only one court system where there lodges any virtue and integrity and that is the Federal courts. Nothing could be further from the truth. In Alabama the constitution of Alabama provides for an efficient registration process. The right to vote is provided in the constitution and statutes of our State to all persons over the age of 21 who are qualified under State law. Alabama State statutes provide that any person denied registration as a voter in Alabama may appeal this denial to the circuit court of the county in which the applicant resides and the matter is a trial de novo. If the circuit court finds that the applicant has been denied the right to vote arbitrarily by the registrars while possessing the qualifications of an elector under State law the circuit court will order the applicant placed upon the registration rolls. If the applicant feels aggrieved at the ruling of the circuit court in case of an adverse ruling the applicant may then appeal to the Federal courts. What more orderly procedure can be devised to protect the right to vote? I would say without fear of being contradicted that in every case so appealed to the State courts the State courts proceeded to render a decision based solely on the evidence and that in all future appeals the courts of Alabama would order the registration of any person arbitrarily denied the right to vote for any reason. Irrespective of these safeguards thrown around the right to vote by the State of Alabama the Federal Government without any limitations can step in and take over the registration processes and the holding of elections by the State and this done by registrars (Federal) with virtually no limitation upon their authority in the premises and throw aside all State law with one throw. Here the matter of race is not involved but the arrogant takeover by the Federal Government of the State's electoral processes. If the present Supreme Court continues down the path of invoking the dangerous doctrine of preemption as it did in the *Steve Nelson* v. *State of Pennsylvania* case it can then say since the Congress has legislated in the field of State elections it has preempted the field and the States would be excluded from legislating on the subject of electoral processes. These proposals have referred to State and Federal elections—there is no such thing as a Federal election and never has been. There is no authority found in the Constitution authorizing a Federal election. Every election for any office whether it be municipal, county, State, or for Members of the Congress and for President is and has been conducted since the birth of the Republic by the State under provisions of State law and by State officials. No authority is found anywhere in the Constitution that confers on the Federal Government the right to hold any election but on the contrary provides that the holding of elections is a matter for the several States. It can hardly be seen by any stretch of the immagination how such legislation is constitutional but in reality the legislation is in utter defiance of the Constitution. The passage of this legislation instead of providing orderly elections and protecting the rights of a certain class thereby making it purely class legislation will disturb and destroy orderly election procedures as has heretofore existed.

Mr. Justice Oliver Wendell Holmes in *Baldwin* v. *Missouri* (281 U.S. 586), had this to say: "I have not yet adequately expressed the more than anxiety that I feel at the ever increasing scope given to the 14th amendment in cutting down what I believe to be the constitutional rights of the States. I cannot believe that the amendment was intended to give us carte blanche to embody our economic or moral beliefs in its prohibitions."

Woodrow Wilson said, "Moral and social questions originally left to the several States for settlement can be drawn into the field of Federal authority only at the expense of the self-dependence and efficiency of the several communities of which our complex body politic is made up. Paternal morals enforced by the judgment and choices of the central authority at Washington is not and cannot create vital habits or methods of life unless sustained by local opinion and purpose, local prejudice and convenience—unless supported by local convenience and interest; and only communities capable of taking care of themselves will, taken together, constitute a nation capable of vital action and control. You cannot atrophy the parts without atrophying the whole * * * it is the alchemy of decay."

President Eisenhower while a candidate for President in 1952 made this fine statement although subsequent events have proved that he did not mean what he said or that he did not know of what he said, "America was built by a robust and vigorous people. They operated first through the original States and then through a balance of State and Federal powers. That balance was designed to keep as much of the government as close to the people as possible. No nation of free men was ever built from the top down. That system is one in which

the States have a vital part. The preservation of local order, elbowroom to produce and build, protection of our titles to land, the sacredness of our homes from intrusion, our right to get the best schooling for our children, we were secured these basic freedoms in the first instance by our State, our county, and our own hometown. These are primarily affairs for local administration. We must keep them so. Otherwise an all powerful Washington bureaucracy will rob us one by one of the whole bundle of our liberties. We must preserve and protect this matchless system of States united." Anyone who sponsors and supports such legislation as now proposed does not want to protect the States but to the contrary destroy them.

The U.S. reports abound with cases to support the case for those in the Congress who oppose this legislation at hand. A few for example are *McPherson* v. *Blacker* (146 U.S. 1 (1892)). In a very noted and important case *Breedlove v. Suttles* (303 U.S. 277 (1937)), it is stated "privilege of voting is not derived from the United States but is conferred by the State, and save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate."

McPherson v. *Blacker* (146 U.S. 1 (1892)), it is stated, "In short, the appointment of electors belongs exclusively to the States under the Constitution. Congress is empowered to determine the time of choosing the electors and the day on which they are to give their votes, which is required to be the same day throughout the United States, but otherwise the power and jurisdiction of the States is exclusive, with the exception of the provisions as to the number of electors and the ineligibility of certain persons, so framed that congressional and Federal influence might be excluded." (Also see *In re Green* (134 U.S. 377); *Ray* v. *Blair* (343 U.S. 214, 232 (1952)); *Walker* v. *U.S.* (93 F. (2d) 383 (8th Cir. 1937)), cert. denied, 303 U.S. 644 (1938)).

The Members of the American Congress take an oath to support and defend the Constitution of the United States from her enemies within and without. It is absolutely necessary that prolonged debate be made on the proposals at hand in order that the American people might be awakened from their apathy and nonconcern as to what will be done to them if this legislation becomes the law. In this election year when so many are more interested in being reelected than in what happens to the orderly processes of government it is of paramount importance that these measures be defeated. Therefore, it is necessary that all of the time possible be given to debate this great question for only in debate can the American people be awakened. This legislation will destroy the States as political entities, this legislation is an enemy of the Constitution, and Southern Members of the Congress must under their sworn duty defend the Constitution of the Nation. This defense of the Constitution made necessary in an election year by the introduction of these proposals has consumed more of the Congress' time this year and last year and years before than any other subject considered by the Congress. It is a last thing put first and is there any wonder there is some question as to who is ahead in the matter of missiles, preparedness and the general overall military strength of our country—we or the Russians. If those who have proposed this legislation for purely political reasons had put as much time upon first things such as the military strength of our country—the missile program and general preparedness—there would be no question as to the relative strength of our country with Soviet Russia. * * * This constant agitation of the race problem is bringing us close to the brink of disaster. The restraint and coolness of southern white people is commendable but before it is too late this Congress had better take a good look at itself because the passage of this legislation and its results will best be described as "you have sown the wind and you now reap the whirlwind."

In the light of many decisions rendered in years past by the Supreme Court when made up of men learned in the law and its membership devoid of those whose judicial experience was so limited it can hardly be imagined that even this present Supreme Court would hold that these proposals are constitutional. However, in view of decisions they have rendered since 1954 I would predict that their usurpation rampage would continue down the road to their ultimate goal of the destruction of the States. If this seems harsh to say about the Court let me quote that great American Thomas Jefferson when he said of the Court, "By reason and argument you might as well reason and argue with the marble columns encircling them * * *" he further advised "denounce the acts of usurpation until their accumulation shall overweigh that of separation."

Mr. Eisenhower has made the following statement to the American people: "I want to see maintained the constitutional relationship between the Federal and State Government, for if the State lose their meaning, our entire system of government loses its meaning and the next stop is the rise of the centralized national state in which the seeds of autocracy can take root and grow. You will see that the legitimate rights of the States and local communities are respected. We will not reach into the States and take from them their powers and responsibilities to serve our citizens."

If President Eisenhower meant what he said, then he could do no less than veto this proposed legislation if same passed the Congress. However, I fear, as has been demonstrated before, the present executive leadership in Washington has preached one type of philosophy and is prating the very opposite. The passage of this legislation will reach into the States and take from them the right to control their electoral processes and if that can be done in the face of the Constitution then the Congress next year could pass legislation to appoint executive supervisors to supervise the action of the Governor of the State to see that his actions according to their whim did not violate the civil rights of certain of the State's citizenry. Legislative supervisors could be appointed through Federal legislation to supervise and control the action of the State legislatures and whenever in the opinion of the supervisors the executive and legislative branches of State government took action they deemed to violate the civil rights of certain of its citizens, they could petition the Federal courts to bring about a nullification of such actions. Does this sound absurd? Yes; but not any more so absurd than the present proposals before the U.S. Senate.

The passage of any of the extreme proposals before the Senate allowing Federal registrars or Federal referees to conduct elections in the several States, which means, of course, the Southern States, will precipitate a constitutional crisis in this country the like of which has not been seen since the days of the Reconstruction era.

It is very timely to quote the recommendations of the Committee on Privileges and Elections, House of Representatives of the 53d Congress, when they recommended the repeal of a Reconstruction bill passed in 1871 and repealed in 1893. This committee's report has already been placed in the CONGRESSIONAL RECORD in a speech by Hon. RICHARD B. RUSSELL, of Georgia, on Monday, February 15, 1960.

WELCOME TO DR. KONRAD ADENAUER, CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY

Mr. MUNDT. Mr. President, I have a number of items to present, during the course of which I shall probably try to find an answer to an unresolved enigma, under the 3-minute rule, of whether there is to be allowed 3 minutes per item or 3 minutes per Senator.

Mr. President, I desire to be among those expressing a word of warm welcome to a distinguished world leader, Dr. Konrad Adenauer, Chancellor of the Federal Republic of Germany. I want to express a warm welcome to Dr. Adenauer. I am glad he is visiting our country at this critical moment of time in world affairs. Discussions between leaders in the free world are all to the good.

As we all know, the Federal German Republic is in the front line in the struggle of the free world to stem the advance of the Russian Communists. Dr. Adenauer's views certainly are welcome to the American people, for his intimate experience in the struggle in which we are all engaged now has been extensive. Under his courageous leadership West Germany has stood steadfast for freedom and democracy.

To say that Dr. Adenauer is welcome in our country is not enough without noting the exceptional progress the Federal German Republic has been making under his dynamic leadership. We in the Senate are deeply concerned with strengthening the free world and in improving our position in relation to advances being made or being threatened by the Russian leaders. The progress being made under the dynamic leadership of Dr. Adenauer serves to encourage us and the peoples who strive for freedom everywhere.

We have all marveled at the rapid growth of the West German economy. This has been and continues to be one of the outstanding success stories of our era. In the past 6 or 7 years West German industrial output has grown some 60 percent. West Germany has become a leading producer of steel, and manufacturer of machinery, automobiles, and a wealth of consumer goods.

Now, it is evident that a rapid growth on an economy of that extent under a free enterprise and free political system must make a great impact upon the developing peoples of the world. This success must make an impact upon the minds of people in Communist-dominated Eastern Europe who would like to progress faster and in ways prohibited by the Communist leaders. It cannot be overlooked that the growing industrial strength of West Germany adds greatly to the strength of the entire free world.

As one who has visited in both West Germany and in East Germany I will say that walking from West Berlin into East Berlin is like walking from broad daylight into the darkness of a dismal fog.

The reality of the rapid economic growth under a free enterprise system must give pause to the Russian leaders. It gives the lie to their absurd claims

that only under communism can a people rebuild a society quickly, raise living standards, and provide educational and cultural advantages, as well.

It is hardly necessary to recall that these major achievements were not made in normal times. They have been made while the West German people have been under many and diverse pressures from the Communist world. There was the attempt of Russian leaders to isolate and to starve the free citizens of West Berlin into ignominious surrender in 1948. There was the Allied airlift in 1948–49 in which so many American boys distinguished themselves and which broke this Russian attempt at "peaceful" conquest. They broke it, Mr. President, at considerable loss. A fine young lad from South Dakota, Charles King, of Britton, whom I had the pleasure of appointing to a service academy, was among those who lost their lives in this great mission of mercy and crusade for freedom.

Now, at the very time Dr. Adenauer is a guest of the American people, West Berlin is again at the center of pressures from the Communist world.

Certainly, the devotion of the German people to the cause of freedom has been proven time and time again during all these recent years. Under Dr. Adenauer's leadership West Germany has taken a steadfast position of alliance with the forces of freedom in the world.

I cite as an example of this devotion the fact that armament was legalized in the Federal German Republic in 1956. By July 1, 1957, West Germany placed three divisions in NATO. Today West Germany has seven divisions—all under civilian control; five of them committed to NATO—and all strengthening the position of NATO forces in defense of free peoples.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MUNDT. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

Mr. MUNDT. Mr. President, it is well to remember that the strong position of Dr. Adenauer and his Government against Soviet advances not only encourages people in the free world; his stand encourages people now living under Communist domination to stand up for freedom and to keep alive the belief that their hopes to regain positions as free men are not forgotten.

As we welcome Dr. Adenauer to our Capital, and as we pay tribute to his courage and determination, we in the Senate must note this, too: The crisis in the world today is not being caused by the free world. It is not being caused by West Germany, which is dedicated, as we are, to peace with justice. It is being caused by the Russian Communist leaders who talk of self-determination of peoples, but deny self-determination to the German people, for their own aggressive ends.

Dr. Adenauer's welcome visit to the United States gives us the opportunity to learn to know him better. Many of my colleagues in the Senate, I know, will want to join me in expressing our support and best wishes to this great man, Dr. Konrad Adenauer, Chancellor of the Federal Republic of Germany.

RULE FOR RECOGNITION OF SENATORS

Mr. RUSSELL. Mr. President, I rise in an effort to ascertain something about the procedure which will be followed with respect to the recognition of Senators when the unfinished business is laid before the Senate.

I am fully familiar with rule XIX of the Senate. I am aware that that rule gives to the Presiding Officer of the Senate the very broadest latitude in recognizing Senators whom he may desire to recognize for any reason, good, bad, or indifferent.

For the past several weeks I have encountered a great deal of difficulty in harmonizing my requests to the Chair with the rule which happened to be in operation at the time that I addressed the Chair.

About 2 weeks ago I rose to my feet, as required under rule XIX, and addressed the Chair, before any other Senator addressed it. The Chair recognized another Senator, on the other side of the aisle. I was told the reason for that was that my name was not on some list that was in the hands of the Presiding Officer.

On another occasion I sought recognition and was told that, although I may have been first on my feet, my name was not on the list; therefore I could not be recognized.

Mr. President, I do not care whether we observe a list or whether we conform to the rule of the Senate, but I do say that whether the Chair observes the rule of the Senate and recognizes the Senator who speaks first, or follows a list, there should be some uniformity about the procedure in the Senate. A Senator should not be recognized to the exclusion of another Senator when a fair application of the rule would not bring about that result.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CLARK. I should like to commend the Senator from Georgia for the comments he is making. I know that many of us would like to have an ascertainment made as to whether the Senate will follow the rule or whether it will follow a list. I do not care which procedure is followed, but I say we should have a determination and a definite decision which course will be followed. The Senator from Georgia is 100 percent correct.

Mr. RUSSELL. I thank the Senator. Yesterday, having encountered that difficulty, I went to the desk and asked if there was a list. I was told that there was a list and that the name of the distinguished junior Senator from Arizona [Mr. GOLDWATER] appeared on it, as seeking recognition as the first speaker after the Senate emerged from the morning hour.

I asked for the list, and wrote my name on it, as clearly and as legibly as I could write it, with pencil, immediately beneath the typewritten statement about the Senator from Arizona.

At that time, there was no other name on that list other than some names that had undoubtedly been used the day before and which apparently had been scratched through—as those Senators had spoken.

Mr. President, I then went to the Senator from Arizona and asked him about how long he intended to speak. He said it would be about an hour or more. I said, "I think I will go and get a bite to eat."

He replied, "You will have plenty of time. Go ahead."

I proceeded to the dining room to have my lunch. Then I came back to the Chamber and sat patiently until the Senator from Arizona had concluded his remarks.

I then rose and addressed the Chair, seeking recognition. I sought recognition both under rule XIX and under the list that was supposed to be on the desk of the Presiding Officer. I was told by the Presiding Officer that I was out of order on both counts. He said he heard the Senator from Illinois [Mr. DOUGLAS] address the Chair before he heard me—although the Official Reporter came to another result, and the RECORD shows, at page 5221, that the Official Reporter heard me address the Chair first—and that—in addition—someone had written on the list the name of the Senator from Illinois [Mr. DOUGLAS]. For those reasons the Presiding Officer recognized the Senator from Illinois.

Mr. President, when I first came to the Senate I saw that there were Senators who had been in the Senate so long that they had in a way developed a good deal of arrogance and intolerance in a number of things. In the last 20 years I have started every day with a little prayer that I would be able to retain my humility and my tolerance toward those who disagreed with me.

The PRESIDING OFFICER (Mr. BIBLE in the Chair). The time of the Senator has expired.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may be permitted to conclude my statement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and the Senator may proceed until he has concluded his statement.

Mr. RUSSELL. If anyone had come to me and said that the Senator from Illinois [Mr. DOUGLAS] was disturbed and was anxious to speak—and would I kindly step aside so that he could speak, I would have done it gladly. I have done it before, and I would have done it again. That is one thing. But it is entirely another thing to do what was done—to be treated almost with contempt in the matter of recognition—when I had conformed to the requirement of any other Senator in this body.

Mr. President, I do not know where the responsibility for this lies. I ask

unanimous consent to have printed in the RECORD at this point, as a part of my remarks, the discussion in the Senate which has to do with this controversy, appearing in the CONGRESSIONAL RECORD on page 5578.

The PRESIDING OFFICER (Mr. STENNIS in the chair). Is there objection? The Chair hears none, and it is so ordered.

The material ordered to be printed in the RECORD, is as follows:

CIVIL RIGHTS LEGISLATION—ORDER OF BUSINESS

Mr. RUSSELL. Mr. President——

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. ELLENDER. Mr. President, I should like to ask a question.

Mr. DOUGLAS. Mr. President, who has been recognized?

The PRESIDING OFFICER. The Chair has recognized the Senator from Illinois. The Chair heard his voice first, and it happens that his name is first on the list.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at the moment. I will yield later but having lost the floor once this afternoon, I do not want to have it repeated.

Mr. President, earlier in the afternoon, when the Senator from Georgia was not here, I was recognized by the Chair. Then the Senator from Virginia asked me if I would yield for the purpose of making an insertion in the RECORD. I did so, saying that I did not want to yield my right to the floor. I yielded to the Senator from Virginia.

Then the Senator from Arizona [Mr. GOLDWATER] took the floor and demanded recognition. It was accorded to him.

Having been taken off the floor once because of a desire on my part, to be accommodating, I hope that the Senator from Georgia will permit me to continue. Then, after I have proceeded with my remarks, I shall be glad to yield to him with the understanding that I do not lose my rights to the floor. But I should like to proceed.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may make a parliamentary inquiry without in any wise impairing the right of the Senator from Illinois to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I do not desire to get into a controversy about the right to the floor. Ordinarily I would have yielded to the distinguished Senator from Illinois, but he now has the floor, and there is nothing I can do about it.

However, during the morning hour I approached the Chair and the clerks at the desk. I asked if there was any list of speakers. I had handed to me from the Chair a list which carried the name of the Senator from Arizona [Mr. GOLDWATER].

I stated that I desired to be recognized and to speak, and I entered my name on the list. I wrote my name on the list right under the name of the Senator from Arizona.

I do not desire to be technical, and I hope I shall not be considered picayunish, but it seems to me that Senators who are being charged with filibustering ought to be able to be recognized at some time and be given a chance to speak. [Laughter.]

Did the Chair see the list which was submitted?

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Chair states for the information of the Senator from Illinois [Mr. DOUGLAS] and the Senator from Georgia [Mr. RUSSELL] that there is a printed list at the desk, which reads: "Mr. President, Senator GOLDWATER would like to be recognized immediately after the morning hour."

Directly beneath that, and not in the handwriting of the present occupant of the chair, but in the handwriting of a preceding occupant of the chair, in the handwriting of the Senator from Wyoming [Mr. MCGEE], the Presiding Officer who preceded the present occupant of the chair, there is the writing "DOUGLAS"; beneath that, the writing "RUSSELL" and "KEATING," to which the present occupant of the chair has added the names "Senator CLARK and Senator THURMOND."

That was the situation which confronted the present occupant of the chair. In addition, the present occupant of the chair heard the loud voice of the Senator from Illinois [Mr. DOUGLAS].

Mr. RUSSELL. Oh, well; oh, well; I am not going to argue about it. The Chair can recognize whomever he desires to hear. I can take it by the way it is played. We have been going by the list. I do not know who wrote the name of the Senator from Illinois ahead of my name, but I know that at the time I read the list, which was a typewritten list, Senator GOLDWATER had asked to be recognized, and I wrote my name underneath his.

I will not try to make any great point about it. I shall try to be reasonable. But I do not think I have been treated exactly fairly, and I would be less than honest if I did not say so. I do not care to get into any argument; I shall await the remarks of the Senator from Illinois.

May I inquire of the present occupant of the chair how many Senators I shall have to wait for, after having written in my name second on the list?

The PRESIDING OFFICER. The present occupant of the chair states that directly under the typewritten word "hour" and apparently written in the handwriting of the Senator from Wyoming [Mr. MCGEE], who occupied the chair preceding the junior Senator from Ohio, is the name "DOUGLAS." Directly beneath that is the name "RUSSELL."

Mr. RUSSELL. All I can say is that the name "DOUGLAS" was not on the list when the name "RUSSELL" was written there, because I wrote the name "RUSSELL" myself. I shall not quibble about it; I shall take my seat and subside.

Mr. DOUGLAS. Mr. President, I spoke to the Senator from Wyoming [Mr. MCGEE] at approximately 12:20 p.m. I stated that I should like to be recognized at the conclusion of the morning hour. I was assured by the Senator from Wyoming at that time that I would be recognized, but that he did not expect to be in the chair; that the junior Senator from Ohio would be in the chair.

So I went to the junior Senator from Ohio and made an oral request at approximately 12:25 or 12:30 p.m., and later made a memorandum to that effect on the piece of paper which I believe the Senator from Ohio, the present occupant of the chair, has in his hand. I simply wish to make it clear that I had received early assurance that I would be recognized.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at this time. May I finish?

Then the Senator from Arizona [Mr. GOLDWATER] announced that he intended to seek recognition. The Chair recognized me, but then upon consultation he recognized the Senator from Arizona, and the Senator from Illinois has been sitting here for an hour and a half, waiting patiently for his chance to speak. I thought I had been recognized by the Chair the second time, and I hope I shall be permitted to proceed.

Mr. RUSSELL. I would not vie with the distinguished Senator from Illinois for priority in this or any other matter; but particularly in view of the circumstances which the Senator from Illinois has related, and the fact that the distinguished Senator from Ohio [Mr. YOUNG] is in the chair, does the distinguished Senator from Illinois think that this time ought to be charged to filibustering?

Mr. DOUGLAS. Oh, no. As I understand, the Senator from Georgia is now willing to bide his time.

Mr. RUSSELL. I have no alternative. When the Chair and the Senator from Illinois form a conspiracy, there is no alternative.

Mr. DOUGLAS. It is no conspiracy; it is merely recognition of properly requested priority.

Mr. RUSSELL. That excerpt from the RECORD shows that I had sought recognition. Then I was told that I was not heard and that my name was not first on the list.

Mr. MCGEE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MCGEE. In reprinting that part of the RECORD, I wonder if there might be a correction made. An examination of the list that was at the desk will show that the allusion to the fact that any such insertion was in the handwriting of the Senator from Wyoming [Mr. MCGEE] is incorrect.

Mr. RUSSELL. That was stated yesterday.

Mr. MCGEE. A quick examination of the handwriting on the list will show that there is no connection between this Senator from Wyoming, or this MCGEE, and the "MCGEE" that is written on that list. I do not have many distinctions, Mr. President, but one of them is my bad handwriting. There is some writing on the list which is easily identifiable. It has no connection with me. The RECORD should show clearly that it is not in the handwriting of this Senator from Wyoming.

Mr. RUSSELL. I thank the distinguished Senator for that statement. It was impossible for me to believe that the Senator from Wyoming would have written in the name of the Senator from Illinois over and above the name of the Senator from Georgia which appeared first on the list.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. RUSSELL. Yes; I yield.

Mr. YOUNG of Ohio. I thank the distinguished Senator from Georgia for yielding to me. May I say at the outset that it happened that I was one of those called on to preside over the Senate yesterday. It happens also that I was the Senator who presided at the time in question. Probably the junior Senator from Ohio "should have stood in bed" yesterday instead of presiding over the Senate, because it seems that my distinguished colleagues, the junior Senator from Arizona, the senior Senator from Pennsylvania, the senior Senator from Illinois, and the senior Senator from Georgia were somewhat agitated at the Senator from Ohio who was then presiding.

At the time I was called upon to preside, it is a fact that the Senator who presided just ahead of me was my friend, the Senator who has just spoken, the distinguished junior Senator from Wyoming [Mr. MCGEE]. I hold in my hand

the original paper that was at the desk of the Presiding Officer at the time.

May I say right here, before I read from the list, that I at no time had any reason, good, bad, or indifferent, to recognize anyone ahead of the distinguished senior Senator from Georgia. In that connection, I should like to say that if there is any Senator in this body who has no arrogance whatever, and no intolerance whatever, it is certainly the distinguished Senator from Georgia, with whom I have become very well acquainted.

The paper I inherited when I took the chair shows in typewriting: "March 15, 1960. Mr. President, Senator GOLDWATER would like to be recognized immediately after the morning hour."

Beneath that, in rather large handwriting, in pencil, is "RUSSELL." Beneath that is "KEATING." There is a little space then—and I will have a page take the paper to the Senator from Georgia after I have finished with it——

Mr. RUSSELL. I have seen it.

Mr. YOUNG of Ohio. Someone—it is not in my handwriting—had written in, had penned in, "DOUGLAS" above the name "RUSSELL." I remember that distinctly, because I held it up, and I had difficulty deciphering the handwriting. I ran a line through it and printed the name "DOUGLAS." It then reads "DOUGLAS, RUSSELL, KEATING." There are also a number of other names. I saw the name of the distinguished Senator from Arkansas, "MCCLELLAN," and the names "ELLENDER," "LONG," "YOUNG," "CHURCH," "KEFAUVER," "MOSS," "ALLOTT," and "GRUENING," with lines run through them.

It was my endeavor to be fair to everybody. This has happened to my embarrassment. There is an old saw that "experience keeps a dear school, but fools learn in no other."

It happens that the Senator from Illinois [Mr. DOUGLAS], at about 12:30 yesterday afternoon came up to me as I was seated here and said, "I understand that you will be called on to preside shortly. Will you recognize me directly after the morning hour?"

I said, "Sure."

Shortly thereafter, I was called on to preside. When I took the chair, I saw typed on the paper:

Mr. President: Senator GOLDWATER would like to be recognized immediately after the morning hour.

So I sent this paper by page to my friend, the distinguished senior Senator from Illinois [Mr. DOUGLAS], to show it to him. He wrote on it, which was unnecessary, because I was aware of what I had said when he talked with me, and I said I would recognize him.

When the matter came up, the junior Senator from Ohio, as the Presiding Officer yesterday, followed the written procedure as he saw it and as he read it at that time. I followed the typed procedure despite the fact that the distinguished junior Senator from Arizona [Mr. GOLDWATER] said that the Presiding Officer was a member of the opposite party and would presumably recognize the senior Senator from Illinois first.

I hesitated to reverse myself, I admit, but I did recognize the order. I recognized the junior Senator from Arizona [Mr. GOLDWATER], and following him, I then recognized the senior Senator from Illinois [Mr. DOUGLAS], because his name was written above that of the distinguished senior Senator from Georgia.

I regret any inconvenience that has occurred. If I owe an apology to the Senator from Georgia, who I hope is my friend, I want to extend it. I did my best to be fair. I thought I was following the proper order on the paper.

In all fairness to the Senator from Wyoming [Mr. MCGEE], inadvertently, I undoubtedly made an error. I assumed, as I had succeeded the junior Senator from Wyoming [Mr. MCGEE], in the chair that the handwriting was his. He states it was not, so I made a mistake in that particular.

For the information of any Senator who may wish to look at it, I wrote, in my handwriting, the name "DOUGLAS" as I customarily write, and it is entirely dissimilar to the name "DOUGLAS" as it is written on the paper in question, I say again to the senior Senator from Georgia [Mr. RUSSELL], above his name. I regret this very much. I want to be fair to the Senate.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. STENNIS in the chair). Let us have quiet in the Senate. The Chair does not believe it is necessary, for the welfare of the country, that there be so many independent conferences taking place on the floor of the Senate, many of which do not concern the Senate. Let the cloakroom doors be kept closed.

Mr. RUSSELL. Mr. President, I saw this paper on yesterday. I stated on the floor yesterday that at the time I signed that list the name "DOUGLAS" did not appear on it. I reaffirm that statement today. It was written in at some later time. I do not undertake to fix the responsibility. The distinguished Senator from Ohio [Mr. YOUNG] says he did not write it. I, of course, accept his statement.

The point I make is that someone who is connected with the Senate, either as a Member of the Senate or as a member of the staff of the Senate, must have written the name "DOUGLAS" above my name. What makes it worse is that I sat here for more than an hour expecting to be recognized. There were persons in the Senate Chamber, both Members of the Senate and of the staff, who knew I was expecting to be recognized following the Senator from Arizona [Mr. GOLDWATER]. No one came to me and said anything about it. No one told me there was any confusion or any doubt about it.

But someone who had full knowledge of the fact that my name appeared next on that list, under the name "GOLDWATER," had to have written this name in there.

I say that anything of that kind is an act unworthy of the Senate. It would be unworthy of any employee of the Senate or of any Member of the Senate.

Mr. President, I came to the Senate at a time when Senators tried to treat one another as gentlemen. I have not entirely abandoned that habit. I went to the Senator from Illinois [Mr. DOUGLAS] on Monday and told him that if I could get recognition, I intended to refer to some statistics he had offered for the RECORD, a week or more ago, with relation to crime. I went to him later in the afternoon and told him it was pretty evident that I could not be recognized because I had not been playing the "list game" on Monday, but that I hoped to be recognized on Tuesday as soon as possible after the morning hour. So the Senator from Illinois had full knowledge, at least, that I would seek recognition.

I regret to have to discuss a matter of this kind. It is distasteful to me. But I fear that the fact that I have endeavored to be humble here has led some persons to believe they can take advantage of me.

I have been in Washington a long time. I know that this is a city where almost everybody pushes everybody else to try to get an advantage. But I did not think it would come down to this sort of situation in the Senate of the United States.

Now I desire to propound a parliamentary inquiry to the Chair: Whether or not the Senate will operate today under rule XIX, or whether it will operate from some list.

The PRESIDING OFFICER (Mr. STENNIS in the chair). So far as the temporary Presiding Officer of the Senate is concerned, the Senate will follow the rule. There is a list here at the desk which I have read.

Mr. RUSSELL. I would much prefer following the rule.

The PRESIDING OFFICER. May the Chair finish? So far as the present occupant of the chair is concerned, the Senate will follow the rule. I merely restate that there is a list at the desk. I shall read the names on the list to give notice to those Senators that the present occupant of the chair understands that when the rule is invoked, it means it is invoked. The Senators whose names appear on the list are: KEATING, JAVITS, THURMOND, and CLARK.

As the occupant of the Chair, I announce that we will not follow that list; we will follow the rule.

Mr. RUSSELL. I am willing to follow any procedure which the Senate adopts. But I protest—I resent—being singled out and prevented from speaking when there is a list; and then, when I accord with the rule of the list, I find that due to a combination of circumstances and the act of some person or persons, unknown to me, I am still denied the right of recognition.

Mr. KEATING. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER. At this time let the Chair read the pertinent part of rule XIX:

RULE XIX

DEBATE

1. When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him.

That is the pertinent part of the rule.

Mr. DIRKSEN and Mr. KEATING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. RUSSELL. Mr. President, I yield first to the minority leader; thereafter, I shall yield to the Senator from New York.

Mr. DIRKSEN. Mr. President, obviously the Senator from Georgia has made a clear expression of the situation; and what he has stated here today is in clear conformity with rule XIX of the Senate, namely, that the Senator who first addresses the Chair and first seeks recognition shall be recognized. No statement about a list appears in rule XIX. On the contrary, the custom of using a list has more or less grown up.

I believe we dealt with that matter last year, in connection with the morning hour, when some Members had to wait a long time before they could obtain recognition during the morning hour; and I believe it was agreed at that time that during the morning hour, recognition should alternate from one side of the aisle to the other.

I assume that the use of list has simply become a matter of convenience.

I can well understand that a Senator who might be encumbered with an important engagement might ask for recognition early in the day, but certainly that would not be in accord with the rule.

Some time later in the day I should like to discuss this matter with the majority leader; and we can discuss it with the Presiding Officer, so we do not so clearly get away from following the rule, although I realize that strict observance of the rule does not take into account all the circumstances which may develop from day to day.

Mr. President, at this time I wish to commend the Senator from Ohio [Mr. YOUNG] for the statement he made. I have always said on this floor that open confession is good for the soul. I love to confess my sins in public; it makes me feel better.

Now that we have gotten this far, I believe we should ask whoever modified the list either to stand in his place and say so—if it be a Senator—or, if it be a Senate employee, to fully, freely, and out of an open heart state that he was the one who wrote in the name. I would not like to see this matter become a subject for investigation by the FBI or by Ellery Queen. [Laughter.] I think all of it can be disclosed by simply having whoever did it state openly that he inserted the name; and then we shall know.

Mr. RUSSELL. I thank the Senator, and I should like to have that done.

I wish to say that it has always been a custom in the Senate of recognizing first—if several Senators are clamoring for recognition—the majority leader if he is one of those seeking recognition. Next, the minority leader is entitled to recognition. And after that, all the remaining 98 Members of the Senate ought to stand on their feet and seek recognition, and be recognized in the order in which they address the Chair.

Mr. KEATING. Mr. President, will the distinguished Senator from Georgia yield to me?

Mr. RUSSELL. I yield to the Senator from New York.

Mr. KEATING. I was an extremely junior victim of the same difficulty to which the distinguished Senator from Georgia has referred. I believe he has performed a great service by trying to clarify for us this problem, which has arisen before. I hope something can be worked out in this connection, because the present distinguished occupant of the chair [Mr. STENNIS] may be in the chair only temporarily; and who can say that when the time for recognition comes, the present occupant of the chair will still be in the chair?

I wish to add a word about the distinguished Senator from Ohio [Mr. YOUNG]. I would go a little further than the minority leader did; and I would say the Senator from Ohio has not shown any partiality. I have always found him to be extremely fair in presiding; and I have noticed, before, that he has been confronted with rather ticklish situations.

I confess that if I were in the chair, and if a Senator came to me and asked me, "Will you recognize me next," I might reply, "Of course," and then I might find that I was confronted with a list.

Regardless of the rule, we have rather generally operated by means of such a list.

I commend the Senator for doing what was obviously the right thing with respect to the Senator from Arizona.

I entirely share the view of the distinguished minority leader that this matter must be clarified. It is simply intolerable that any Senator can put his name down or have someone else put his name down ahead of names already on the list, if a list is to be used.

I am grateful to the Senator from Georgia for bringing up this matter, because it so happens that I intended to speak on the pending question, which happens to be my amendment, which has been pending for quite some time. It is still the pending question; but on yesterday, although the Senate proceeded all afternoon, not one word was said about my amendment.

So, although I was a very junior victim of the situation, I felt very much the way the Senator from Georgia does.

Mr. RUSSELL. There is nothing junior in connection with recognition by the Chair on the basis of who first addresses the Chair. The first Senator who addresses the Chair is entitled to recognition.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield; and then I shall yield the floor.

Mr. JOHNSON of Texas. I share the view expressed by the Senator from Georgia. I deeply regret what occurred yesterday. When I learned of it, I inquired of the secretary of the majority and the assistant secretary of the majority, and I inquired of the attachés at the desk; and all of them tell me that they are unaware of who inserted the name of the Senator from Illinois [Mr. DOUGLAS].

I express the hope—previously expressed by my friend, the minority leader—that whoever wrote in the name will so state to the Senate.

I appreciate the fact that many Members of the Senate are called upon to preside from time to time, and I realize that inconveniences them. I believe we are going to have to face this problem of how the Senate is to have a Presiding Officer, because many of the newer Members of the Senate complain that too much of their time is taken by presiding over the Senate—a responsibility which is not theirs.

I express my appreciation to my delightful friend, the Senator from Ohio [Mr. YOUNG], for his willingness to help on many occasions and for his forthright statement today. Certainly, it was forthright. I express equal appreciation to the Senator from Wyoming [Mr. MCGEE].

I hope the one who wrote in the name ahead of the name of the Senator from Georgia will admit it, and also that we can evolve some solution of the very unsatisfactory situation which now exists, namely, of having to call upon freshman Members of the Senate to spend most of their time in the Chair.

Mr. BUSH. Mr. President——

The PRESIDING OFFICER. The Chair understands that the Senator from Georgia has yielded the floor.

Mr. BUSH. Mr. President, is the Senate still proceeding in the morning hour?

The PRESIDING OFFICER. That is correct.

Mr. CLARK and Mr. ELLENDER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania addressed the Chair first. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, I was present in the Senate while the recent colloquy about recognition and rules of the Senate took place. I do not desire to say anything more than to express my regret that the senior Senator from Illinois [Mr. DOUGLAS] was not here during that colloquy, and I am sure he will make a statement on the matter. I also wish to say I was in pretty constant touch with him during the course of events yesterday. I know he thought he had been promised recognition before both the Senator from Arizona and the Senator from Georgia. Perhaps he was wrong in that, but he believed it, I know.

Mr. President, I now turn to another matter.

The PRESIDING OFFICER. The Senator from Pennsylvania.

HOUSING

Mr. CLARK. Mr. President, this morning's Wall Street Journal contains an unusually graphic illustration of the way in which this administration chooses to whistle in the dark on economic matters.

On page 3 of the Journal appears an item headed "Housing Starts Declined 8 Percent During February."

However, Housing Administrator Norman Mason has a ready explanation for all this. He is quoted as saying:

We're seeing the results of a shortage of mortgage money last fall. It takes some time for builders to find that money is once more available and to translate that discovery into new building plans and operations.

In other words there is plenty of mortgage money; the tight money policy is not really causing any injury to the building industry; it is simply that builders have not found out how much money is available.

Yet, the lead story on page 1 of the same edition of that same newspaper says that tight money is so severe that it is causing a price decline in the housing market. While the story's emphasis is on used housing, it contains this statement:

Much of the cutback in available mortgage money affects new as well as older housing, of course. In January and February, the Nation's savings and loan associations put 10 percent less into home mortgages of all types than in the like 1959 period. Also, New York's mutual savings banks are cutting their mortgage lending sharply because many depositors withdrew their accounts to buy high-yielding Government bonds, lending men complain.

I think it would be most helpful if the administrators of the housing program would do as the Wall Street Journal reporters did and go out and talk to the homebuilders of the country, and the lending institutions, rather than sitting in their offices here in Washington and announcing to the press that plenty of money is available, but the builders just have not been alert enough to discover this alleged fact.

I ask unanimous consent that these two articles from the Wall Street Journal appear in the RECORD at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 16, 1960]

HOUSING STARTS DECLINED 8 PERCENT DURING FEBRUARY—OFFICIAL SAYS DROP WAS CAUSED BY SHORTAGE OF MORTGAGE MONEY LAST FALL—DIP SPURS DEBATE ON U.S. AID

WASHINGTON. — Housing starts slumped further during February, sparking a new round of debate over the need for more Federal aid to the construction industry.

The Census Bureau reported February starts of new private homes slowed to a seasonally adjusted annual rate of 1,115,000 units, down 8 percent from the January rate, which in turn was down 9 percent from the December rate.

Federal Housing Administrator Norman Mason said he wasn't surprised by the February figures. "We're seeing the results of a shortage of mortgage money last fall," he declared. "It takes some time for builders to find that money is once more available and to translate that discovery into new building plans and operations."

Mr. Mason reiterated earlier predictions that housing starts in 1960 will amount to 1.2 million units "or even a few more." Starts last year totaled 1.3 million.

However, congressional backers of legislation to pump more money into the housing industry immediately cited the February figures as proof that new Federal help is needed. Representative RAINS, Democrat, of Alabama, said the Census Bureau report "underscores the need for immediate mortgage credit legislation to shore up a sagging key industry."

Representative RAINS, chairman of the House Banking Subcommittee on Housing, is the sponsor of a measure giving an additional $1 billion to the Federal National Mortgage Association for special housing aid. Fannie Mae would use the money to buy existing mortgages on low-cost homes, so that the sellers could finance new construction with the proceeds. Under the proposal, Fannie Mae would pay $100 for each $100 outstanding on the mortgages, a feature designed to attract more mortgage sellers. The agency normally buys mortgages at less than face value.

The Rains bill was approved last week by the full House Banking Committee. The Alabama lawmaker yesterday urged that it be passed "so that its stimulating influence will be available at least for the late spring building season."

The Census Bureau report said the actual number of new homes started in February totaled 74,400 units, down slightly from the January total of 74,800. Starts usually increase in February, which accounts for the seasonally adjusted slump.

While the rate of actual February housing starts was down, a couple of advance barometers of homebuilders' intentions were less gloomy. The Federal Housing Administration earlier this week reported applications for mortgage insurance on new homes rose 30 percent during February, and about in line with seasonable trends. And the Veterans' Administration said yesterday that February requests for appraisal of proposed new homes showed the greatest increase of any month since last June.

A request by a homebuilder or homeowner for VA appraisal generally precedes an application for a Federal guarantee of a veteran's mortgage. Like FHA insurance applications, the rate of incoming appraisal requests is one measure of the housing industry's future construction plans.

The VA said it received 12,868 requests to appraise proposed new homes during February, up 1,702 from January. This was the second straight monthly increase in requests.

The VA doesn't attempt to adjust its figures for seasonal trends, so officials couldn't say whether the February increase was in line with the usual pattern for this time of year. In 1959, appraisal requests of 20,967 in February were 3,036 above the month before.

The agency said it also received 5,031 requests during February to appraise existing homes, up from 4,219 in January, but below the 7,154 received in February last year. Applications for mortgage guarantees on veterans' homes totaled 11,458, down a bit from January's mark of 11,836 and well below the 15,958 applications received the year before. New starts of houses under the VA mortgage guarantee program totaled 4,770 during February, compared with 4,132 in January and 6,154 a year ago.

[From the Wall Street Journal, Mar. 16, 1960]

SECONDHAND HOUSES—SALES DECLINE, PRICES SOFTEN IN MANY AREAS; TIGHT MONEY IS BLAMED—SOME SELLERS MARKET HOUSES ON INSTALLMENT PLAN; MANY OFFER HOMES FOR RENT—IS EASIER MONEY ON THE WAY?

(By Richard F. Janssen)

CHICAGO.—Sales of secondhand homes are dropping in many areas of the Nation, and prices are weakening.

More than two-thirds of the mortgage bankers, savings and loan officials, and real estate dealers questioned by the Wall Street Journal in a nationwide survey, report their own volume is slumping this year, or that used home turnover is lower in their area than a year ago. Even though new home costs continue to climb, used home prices almost everywhere either have leveled off or turned down.

Financing is the chief problem, housing men say. Many lenders simply do not have as much money to put into home loans as they had last year, and prefer to focus their lending on new houses. Traditionally, home mortgage lenders prefer new dwellings to older ones as security on the money they lend. Tight money also has pushed up interest rates, discouraging many prospective buyers of used as well as new homes. As a result, U.S. sales of used houses in January, the latest month for which figures are available, lagged 10 percent behind the comparable 1959 pace, according to Real Estate Research Corp., a private information service based here.

DEPRESSANT ON STARTS

There has been an easing of short-term money rates in recent weeks, lighter than anticipated demand by business borrowers and prospects of a Federal budget surplus, meaning reduced Treasury borrowing, have prompted some predictions of a further easing in the money supply. But mortgage lenders and real estate dealers say that this has not been reflected in any increased availability of mortgage money for used homes. If the tight money trend continues, it could further depress housing starts in 1960 because many prospective buyers of new homes first must sell their old residences. Starts already are down from a year ago, with tight money again blamed.

Last month housing starts fell to a seasonally adjusted rate of 1,115,000 units, down 8 percent from January and off from a rate of 1,403,000 for February 1959.

In any event, the weaker market for older houses already is having some definite consequences. Many buyers of older homes are assuming existing mortgages, often at interest costs well below current rates; in cases where any sizable amount of the original mortgage has been repaid, this sometimes means the buyer must obtain a secondary mortgage as well. Contract sales, little used in the past, are growing more common. Under these, the seller is paid over a period of years and the buyer does not actually own the house until the final payment. Furthermore, more older houses are being placed in the rental field by owners who are unable to obtain what they deem satisfactory prices for them.

Industrial areas are hardest hit by the slump in secondhand home sales, perhaps because the tight-money problem in such areas still is compounded by effects of last year's steel strike. The strike idled not only steelworkers but also many workers in steel-using industries. Many of these workers still have not rebuilt their savings to prestrike levels, and thus are not likely to be in the market for houses. "So far this year we've sold 50 percent fewer existing houses than we did a year ago," says Robert A. Taggart, president of Hannan Real Estate Exchange, Inc., of Detroit. But he insists quickly that the Motor City is "no worse off than any other industrial area." In 1 recent week, 49 Pittsburgh real estate offices checked by a mortgage firm could muster a combined total of only 8 sales; they aggregated about 30 in the like period a year before.

In Seattle, used home sales dragged about 50 percent below the pace of a year earlier in November, December, and January, says Clarence A. Hardesty, president of Carroll Mortgage Co. The pace last month didn't lag as badly, he adds.

"The number of our loan applications since the first of the year is off 25 percent from 1959," reports Roland H. Tornblom, executive vice president of the City National Bank in Council Bluffs, Iowa.

QUICK PROFITS ARE OUT

"Sales are definitely slower here," says Philip C. Jackson, Jr., of Jackson Securities & Investment Co., Birmingham, Ala. "The big problem is that people are not able to make a quick profit like they used to—if you've only lived in a house 2 or 3 years, you have to take a loss to sell now." W. G. Hodupp, president of Toledo Home Mortgages, Inc., Toledo, Ohio, agrees: "It's definitely a buyers' market." Sales by Home Mortgage's real estate department so far this year are running 50 percent below a year ago.

Prices have suffered along with sales in a number of areas. Detroit's Mr. Taggart estimates used home prices in this city average 10 percent below a year ago. The same is true in Wilmington, Del., says a mortgage banker there. A New Haven, Conn., real estate man reports that an attractive Cape Cod style home sold there recently for $18,000 after being on the market for 4 months. Only last summer an identical model sold quickly for $21,500, he adds.

In numerous other areas, prices simply have failed to continue their traditional gains. "Even though prices of new houses on Long Island are still going up, the prices of older homes have leveled off since around the middle of last year," says Philip L. Greenawalt, executive vice president of the Brooklyn Savings Bank in New York. Existing homes previously had been appreciating in value about 2 percent each year, he says.

Home owners frequently must keep their house on the market for a longer time before they can sell at a price they will accept. "A year or two ago, you could sell a second-hand house in 60 days, but now it takes 90 days, 120 days, or even 6 months," says Billy B. Williams, vice president of Ryan Mortgage Co., Fort Worth, Tex.

A big factor in the slower sales and softer prices is a sharply curtailed flow of funds coming to many lending agencies. "The insurance companies are giving us only half as much money to put into mortgages as they did last year," says Lloyd M. Bell, vice president of Rapides Bank & Trust Co., Alexandria, La. Many commercial banks, and most mortgage bankers, don't use their own funds but merely act as outlets for mortgage funds coming from insurance companies and other big investors.

"A year ago our investors would make loans on existing houses, but now they won't even talk to us about it," frets a Michigan mortgage banker. Adds Frank S. Hight, partner in the mortgage banking firm of Bogley, Harting & Hight, Inc., of Chevy Chase, Md.: "So far this year our insurance firms and New York savings banks have allowed us only 50 percent as much money as a year ago."

MANY SAVERS WITHDRAW FUNDS

Much of the cutback in available mortgage money affects new as well as older housing, of course. In January and February, the Nation's savings and loan associations put 10 percent less into home mortgages of all types than in the like 1959 period. Also, New York's mutual savings banks are cutting their mortgage lending sharply because many depositors withdrew their accounts to buy high-yielding Government bonds, lending men complain.

The cost of loans, rather than their scarcity, draws fire from some lenders. "It's a shortage of home buyers, rather than of money," asserts a midwestern mortgage manager. While varying according to region as well as the circumstances of the buyer and nature of the property, mortgage interest rates generally have advanced half a point in the past year to around 6 percent or a fraction higher. "I have friends at a number of mortgage firms, but the best I can do is a 6¼-percent rate," complains a young Chicago attorney. "So instead of buying a house, I guess I'll get some new carpeting for the apartment."

The higher rates stifle many sales by making monthly mortgage payments steeper, lenders say. Borrowers frequently are disqualified by a general lending rule requiring perhaps an extra $25 monthly income to meet a $5 increase in the monthly payment. A home buyer might be able to swing only a $14,000 loan today, while a year ago the same salary would have qualified him for a $15,000 mortgage. "Difficulty in qualifying people for loans is the biggest thing holding down sales," says H. Duff Vilm, owner of the Indianapolis mortgage firm bearing his name.

DISCOUNTS ARE TROUBLESOME

At least equally troublesome is the problem of discounts on loans backed by the Federal Housing Administration or the Veterans' Administration. With interest ceilings fixed by law and now below the free market level, lenders demand a discount. A 5 percent discount means that on a $10,000 loan the borrower actually receives only $9,500, although he must pay back principal and interest as if he had received the full amount. Older homes fare the poorest under discounting. One southern lender now discounts FHA loans on older houses by up to 8 percent against 5 percent a year ago. His discount on new or nearly new homes is 3 percent, up from 2 percent a year ago.

Discounts discourage many homeowners from selling, since by law the seller must absorb the discount on Government-insured mortgages. When the seller receives his payment from the buyer, it comes less the amount of the discount. Like new home builders, many homeowners try to jack up the price of their dwelling to offset the discount. But one hapless householder dutifully absorbed the discount when he sold and unwittingly absorbed it when he bought, too, by paying an inflated price for his new home, a lender relates.

Compounding the problem, at least from the standpoint of would-be buyers and sellers, are new restrictions clamped down by lenders. One bank today won't lend on a house of less than 1,200 square feet of floor space; a year ago it would accept 1,000 square feet. Other lenders no longer take the wife's income into consideration in qualifying a borrower. Another lender won't make a loan if the monthly payments would exceed 20 percent of the borrower's income; a year ago, 25 percent was the cutoff point. Some lenders now demand that loans on older homes be repaid in 15 years instead of 25 years, boosting monthly payments and thus disqualifying many prospective buyers.

PREPAYMENT PENALTIES

"We're much tougher on credit on older houses than we were a year ago," says R. S. Hodge, chairman of City-Wide Mortgage Corp., Kansas City, Mo. Also, to avoid a lot of refinancing if and when interest rates descend again, Mr. Hodge, like some other lenders, has stiffened prepayment penalties. Mortgages he writes now cannot be prepaid for 10 years, and then only with a penalty of up to 2 percent. A year ago, the maximum period was only 5 years, with no penalty.

All these financial roadblocks between buyer and seller have caused a tendency toward what some lenders decry as "makeshift financing." One device being used more is the contract sale. Under this arrangement, title ownership remains with the original owner and the buyer doesn't actually own the house until all his payments are made. Disadvantages: The seller doesn't get all his equity right away and the buyer risks losing everything if he is unable to meet his monthly payments.

Older homes are most subject to this type of sale, says Francis Scott Keye, owner of the Jackson-Keye agency in Rockford, Ill. "About 25 percent of the houses between 30 and 50 years old are sold on contract in our area, up from 15 percent about 18 months ago," he says. He explains the insurance firm routing mortgage funds through his agency demands a 50-percent downpayment on homes of that age. "So the buyer prefers to put down 15 percent and buy on contract," he says.

To avoid costly discounts and interest rates encountered in obtaining a new loan, more buyers of older dwellings are taking over existing FHA and GI loans. To do this, they often have to take out a second mortgage, frequently from the owner himself. This practice of assuming the old loan, which may bear a 4½-percent interest rate, is now so prevalent that it has played a major role in cutting his volume of new FHA loans by 50 percent from the pace of a year earlier, reports William E. Terry, president of William E. Terry & Co., Inc., mortgage bankers in Little Rock, Ark. In easier times lenders say, they would be willing to increase the principal of the old loan at the old interest rate.

DISARMAMENT TALKS AT GENEVA

Mr. CLARK. Mr. President, turning to one final matter, and I shall be brief, we all noted with interest yesterday that in Geneva the disarmament conference began. As is its usual custom, that great journal, the New York Times, has printed the texts of the messages and addresses read at the opening of the Geneva disarmament talks.

I ask unanimous consent that the texts of these messages and addresses as they appear in the New York Times on March 16, 1960, may be printed at this point in my comments.

There being no objection, the messages and addresses were ordered to be printed in the RECORD, as follows:

MESSAGE BY MR. KHRUSHCHEV, OF RUSSIA

[Official translation]

On behalf of the Soviet Government and on my own behalf, I extend greetings to the participants of the 10-nation Committee on Disarmament which begins its work in Geneva.

The 10-nation Committee is entrusted with the most important and responsible task—to work out within the briefest possible period practical ways of carrying out general and complete disarmament, thus putting into effect the recommendation of the 14th session of the General Assembly which was unanimously approved by all members of the United Nations. In our days, when weapons of terrible destructive force—atomic and hydrogen bombs and intercontinental missiles—have been created, the question of disarmament has become the major and the most urgent problem of the present time.

The Soviet Union is making every effort to break the deadlock in the disarmament problem. Last September, the Soviet Government submitted for the consideration of the United Nations the proposals on general and complete disarmament which were transmitted for a detailed consideration to the 10-nation Committee.

BEST WAY TO END WARS

It is precisely general and complete disarmament that is the most secure and reliable means of eliminating wars forever from the life of human society. The Soviet Union is fully resolved to carry out general and complete disarmament. It has demonstrated

its desire to back by concrete deeds this determination by the recent decision to further reduce its armed forces by 1,200,000 men, which, in our view, must facilitate the creation of favorable conditions for the negotiations on general and complete disarmament for which you have gathered now in Geneva.

The Soviet Government gave instructions to its representative on the 10-nation Committee to contribute in every possible way to the fruitful work of the Committee, and to strive for the earliest working out of a treaty on general and complete disarmament.

On behalf of the Soviet Government, I would like to express the hope that other participants of the 10-nation Committee will also make their contribution to the practical solution of the problem of general and complete disarmament. The Soviet Government is ready on its part to give attentive consideration to all proposals aimed at the achievement of this goal.

I am sending to the participants of the Committee our wishes for successful and fruitful work for the benefit of the peoples. I am deeply convinced that the day is not far off when the age-long dream of humanity will come true and the world will live without arms and wars.

MESSAGE BY MR. DAG HAMMARSKJOLD, U.N. SECRETARY GENERAL

This is the first occasion since the discussions in the subcommittee of the Disarmament Commission in London in 1957 that negotiations on general disarmament are being resumed by the powers having special responsibility in this field. This time the consideration of the question is being undertaken on the basis of an agreement by the Foreign Ministers of France, the U.S.S.R., the United Kingdom, and the United States to establish the new 10-nation Disarmament Committee and to report the results of its work to the Disarmament Commission of the United Nations.

In creating this new forum as "a useful means of exploring through mutual consultations avenues of possible progress," the four powers explicitly recognized the "ultimate responsibility for disarmament measures rests with the United Nations" and expressed the hope that "the results achieved in these deliberations would provide a useful basis for consideration of disarmament in the United Nations." The Disarmament Commission and the General Assembly have welcomed this new approach to the problem. Your deliberations, therefore, take place with the full endorsement and support of the United Nations.

It is unnecessary to stress here the seriousness and importance of your work. The Charter of the United Nations has made the establishment of a system for the regulation of armaments one of the prime tasks of the international community, and the General Assembly of the United Nations has repeatedly emphasized the need for controlled disarmament, the urgency of which is underlined by each new technological advance in the field of armaments. Members of the United Nations have expressed their deep and growing concern with the military, political, and economic implications of what is so commonly described as the armaments race. It may be taken for granted that all the members of this committee are fully cognizant of the vital interests of all nations and all peoples in the achievement of universal controlled disarmament.

You convene at a time when an acute concern about mankind's prospects has led to unusually intensive international political activity. This, in itself, could be a good augury for your deliberations, for may it not be that this intensified activity, especially at the highest levels, does in fact reflect at least a first step toward that mutual trust which would seem to be indispensable to the realization of this committee's goals. You know, of course, that the hopes of the world are solidly with you, at the same time as you are more fully aware of the formidable complexities of the task confronting you than probably anybody else.

I assure you that everything possible will be done to facilitate the smooth functioning of your work and to provide you with whatever may be required in the way of services and facilities. I have appointed as my personal representative to your committee, Dr. Dragoslav Protitch, and as deputy personal representative, Mr. William Epstein.

I offer my sincere good wishes and earnest hopes for success in your endeavors.

MESSAGE BY MR. FREDERICK M. EATON, OF THE UNITED STATES

I wish to express my thanks, and that of my Government, for the hospitality which is being afforded to us by the Federal Government of Switzerland, by this city, and by the republic and canton of Geneva. We are most grateful to the Secretary General for the facilities made available by the United Nations. It is appropriate that this conference should convene in a country which for so long has been at peace with the world, whose people enjoy those freedoms which we hold sacred.

We share a heavy burden. We must—in the words of the foreign ministers of September last—explore, through mutual consultation, avenues of possible progress for agreements and recommendations on the limitation and reduction of all types of armaments and armed forces under effective international control.

We must patiently address ourselves to the task of designing a workable plan of general disarmament, in a world in which man can live at peace with himself, where freedoms will flourish, secure from the fear of invasion by forces of oppression. A world of peace under law—this is the goal; disarmament—a means of achieving it.

There is, throughout the world, an all-pervasive yearning for security and peace. But peace—merely the absence of armed conflict—is not in itself sufficient. My country could have enjoyed such a peace during the last two wars. It chose, rather, to fight to preserve our freedoms.

These past wars and fear of nuclear war tend to distort our values. We must be ever-mindful that a disarmed world is not necessarily a secure world; a world in which man's way of life shall be of his own choosing, where thought and action and expression shall be determined by each individual, limited only by those minimum restraints necessary for the preservation of those freedoms; a world in which the right of privacy is respected, in which the individual can pursue his own life unhampered by the intervention of the state, a world which venerates the dignity of man.

We must design a plan broad and promising in scope, and yet realistic in conception, a plan which moves by measured safeguarded steps toward an attainable goal, not one which raises false hopes of a sudden and easy solution to one of mankind's oldest problems—the problem of abolishing war among nations, but a plan which will bring to a halt this frightening race to create even more massive means of destruction.

Existing forces and armaments must be gradually but surely reduced, under proper safeguards, until no nation shall possess the power to destroy its neighbors.

Although we have a great distance to travel, the initial steps must not be overly ambitious. For, until there is some greater degree of confidence and experience with arms control, only carefully measured first steps are feasible. From these can come some reduction in the tensions for which the world so anxiously waits.

Effective verification will be required. This is a difficult problem, more difficult for some than others. It has been said that there must be no inspection without commensurate disarmament. Conversely, the security of the world requires that there be no disarmament without commensurate inspection. We must patiently find our way through this difficulty.

Our speed will be determined by the willingness of States to permit verification of fulfillment of their commitments.

We would only deceive ourselves and those millions who are hungering for peace, for relief from the horrors of a possible war, if we were to place our names on some grand, but hollow, design, some ambitious but unenforceable scheme, some unrealistically timed program of disarmament.

INITIAL STEPS NEEDED

Our most urgent task is, therefore, to sort out, to define, and to agree on those initial steps which will bring increased security to each nation, steps which will provide the experience and evidence of performance that are essential to the more far-reaching measures to come.

We must determine those arrangements by which military forces can be limited and reduced.

We must arrange for reduction of armaments as forces are reduced.

We must find means to halt the uninhibited growth of nuclear stockpiles.

We must take immediate action to prevent the extension of the arms race into outer space.

We must develop arrangements to afford greater protection to all states against surprice attack and to lessen the danger of war by accident or miscalculation.

We must agree on measures which will reduce the threat of missile attack.

We must establish an international disarmament organization to supervise and verify the performance of these arrangements.

When these first steps have been agreed, we should then proceed to design those final measures necessary to attain the ultimate goal. National armaments and forces should be radically reduced. The production of weapons of mass destruction should be prohibited, and, so far as scientific knowledge makes verification feasible, we should move toward their final elimination. Offensive military missiles should be brought under control to the end of their elimination from national arsenals.

As arms are reduced, international arrangements must be strengthened for settling difficulties among nations in accordance with the principles of the United Nations Charter. Certain universally accepted rules of law must be established, backed by a universally recognized international court. For, although in the time of those now alive general disarmament may be achieved, differences among nations will remain.

The call to arms has been the historic means of settling such differences.

There must therefore come into being, as national armaments diminish, an international force within the framework of the United Nations to preserve the peace. A force to insure that seeds of conflict not mature to the point where small nations less endowed with the elements of national power, or even large nations, would be threatened by a more powerful and more highly organized state.

The establishment of such a force will be fraught with great difficulties, but how much more difficult and unhappy the alternative, the continuing, mounting diversion of the efforts, energies and lives of men to the production of the means of their own self-destruction.

U.N. CHARTER IS CITED

These problems affect not only the 10 nations assembled here in Geneva, but all of the United Nations. Happily the world is not without a foundation on which to

build such indispensable machinery. The United Nations Charter contains this mandate:

"To maintain international peace and security and to that end to take effective collective measures for the prevention and removal of threats to the peace * * * and to bring about * * * adjustment or settlement of international disputes or situations which lead to a breach of the peace."

For the past 14 years, the United Nations has been gathering valuable experience in these fields.

This disarmament committee, comprised of only 10 of the members of the United Nations, cannot finally decide upon matters relating to the improvement of the international peace-keeping machinery of the world community as a whole. It is, however, our task to help identify the kind of international machinery necessary for the settlement of disputes and for the safeguarding of the peace in a disarmed world.

With the reduction of expenditures for armament, ever greater means can be devoted to human welfare and to the further development of those new and growing nations of the world which are so in need of assistance.

While we are engaged here, and until, hopefully, the agreements which we shall set down are implemented, my country will continue to maintain the strength necessary to assure its security and to meet its commitments to the world. Past experience has taught us the tragic lesson that to relax prematurely, to permit an imbalance of military power, is not conducive to disarmament and to the just and secure peace which we seek.

Eternal vigilance is the price of liberty, our most precious possession. We shall not let our liberties erode, nor shall we bargain them away. We shall proceed carefully, lest in the course of our quest, we lose those freedoms which we cherish more deeply than our lives.

The United States is conscious of its responsibility to the peoples of the world who share the common hope that in our day the course of events can be turned in the direction of peace. Those assembled here have the opportunity to contribute to the fulfillment of this hope. If each is faithful to this task, measures of far-reaching consequences can be taken toward attaining the goal of a secure, free and peaceful world in which there shall be general disarmament under effective international control.

MESSAGE BY MR. VALERIAN A. ZORIN, OF THE SOVIET UNION

(Official translation)

Please permit me on behalf of the Soviet delegation first of all to express our gratitude to the Swiss Government and to the authorities of the Canton and the city of Geneva who made it possible for us to hold meetings of the committee in Geneva.

The Soviet delegation extends sincere greetings to the representatives of all countries gathered at this conference of the 10-nation Committee on Disarmament.

We note with satisfaction also the presence at the opening meeting of our committee of Mr. Padilla Nervo, the Chairman of the United Nations Disarmament Commission, whose statement shows that a great importance is attached to our work by that commission.

Our committee is faced with a task of tremendous historical importance—to work out an agreement on the implementation of general and complete disarmament under international control. This task follows from the resolution unanimously adopted by the 14th session of the General Assembly, which recognized that the question of general and complete disarmament "is the most important one facing the world today" and which called upon the governments of all countries to make every effort for the earliest achievement of a "constructive solution of this problem."

RADICAL SOLUTION URGED

Only such a radical solution of the disarmament problem can deliver nations from the threat of nuclear-rocket war with its unprecedented grim consequences for mankind, create firm guarantees for the security of all states, big and small. Under the conditions of general disarmament, development of peaceful relations between states will be insured fully and for all time and any possibility of some states resorting to force against other states will be ruled out.

General and complete disarmament corresponds to the interests of all states, it places all states into equal position. It will make it possible to overcome also those difficulties in solving the question of control which invariably appeared when attempts were made to partially solve the disarmament problem. General and complete disarmament will provide a possibility to switch huge material and human resources from producing weapons of death and destruction to satisfying peaceful requirements of people. It will make it possible to render assistance to less developed countries on such a scale that will insure an early liquidation of their age-old economic backwardness.

These considerations have been put in the basis of the proposal on general and complete disarmament, now known to the entire world, by three stages within 4 years which was submitted on September 18, 1959, on behalf of the Soviet Union by the chairman of the U.S.S.R. Council of Ministers N. S. Khrushchev at the 14th session of the United Nations General Assembly.

The Soviet Government and the entire Soviet people are firmly convinced of the necessity and feasibility of this program of general and complete disarmament. The idea of general and complete disarmament is finding an ever-growing support in the whole world. As it has been recently stated in the declaration of member states of the Warsaw Treaty, the proposal on disarmament put forth by the Soviet Government expresses the common stand of all socialist countries.

NATIONS' SUPPORT

The Governments of India, Indonesia, Burma, and Afghanistan came out with a high appreciation and support of the Soviet proposals on general and complete disarmament. This is testified to by joint statements of these countries and of the Soviet Union made public in connection with the recent visit of the head of the Soviet Government to these countries. General and complete disarmament is supported by the overwhelming majority of the population of all continents of the globe, of all states.

The Soviet Government is doing its utmost on its part so that the program of general and complete disarmament be put into practice within the briefest period. Reducing its army by 1,200,000 men unilaterally, without waiting for an international agreement on general and complete disarmament, the Soviet Union is making every effort in order to facilitate and to bring closer the attainment of such an agreement.

We are certainly aware of the fact that difficulties also may arise on the way to the solution of the disarmament problem. There still exists forces in the world which offer stubborn resistance to the genuine disarmament. Without venturing to openly come out now against general and complete disarmament, they are trying to sidestep the practical solution of this problem. Instead of agreeing on concrete measures on the implementation of general and complete disarmament within an established time limit they, for instance, are putting forward the task of a prolonged study of various technical problems and forms of control over armaments, as well as of measures of the so-called insuring of the security of states, leaving the practical solution of the question of general disarmament for an indefinitely far-off future.

These circles are not only trying to prevent the implementation of general and complete disarmament but are taking steps for further intensification of the arms race. Is it not testified to by such steps as preparation for the establishment of a joint nuclear force of the NATO military bloc, arrangements for the deployment of the F.R.G. [Federal Republic of Germany] military bases on the territory of Spain and of a number of other states, and a persistent desire to evade complete cessation of all nuclear weapons tests despite the general demand by the peoples of all countries to stop such tests for all time?

What will be the trend of future developments of events? Will the world be a witness to the continuation of an unbridled race of nuclear-rocket armaments and the further growing of the threat of war with the use of the weapons of mass destruction, or will an agreement on general and complete disarmament, that is an agreement on complete destruction of all instruments and means of war, be worked out and concluded?

SOVIET PROPOSAL BACKED

The Soviet delegation believes that in the interests of securing a stable peace and peaceful coexistence of states the 10-nation committee should promptly proceed to the practical realization of the decision of General Assembly which approved the idea of general and complete disarmament and transmitted the Soviet proposal on this question to the committee for a detailed consideration. In the course of this consideration a treaty on general and complete disarmament should be, in our view, worked out and, first of all, an understanding should be reached on basic provisions of this treaty.

In this light the Soviet delegation will determine its attitude toward all proposals on the disarmament questions which may be submitted for the consideration of the committee by other delegations.

As to the proposal which, as already announced, our Western partners intend to put forward and which certain delegates have referred to today, our first impression is that these proposals are measures for the carrying out of general and complete disarmament, and the approach itself to this problem puts in question its practical solution.

COOPERATION EXPECTED

We count on a businesslike cooperation of all delegations in the constructive solution of the task of working out an agreement on general and complete disarmament of states facing us. The Soviet delegation, on its part, is ready to consider all additions and amendments to the Soviet program of general and complete disarmament as well as other possible proposals which will be aimed at practical solution of this lofty and noble task.

As said in today's message of greetings by N. S. Khrushchev, the Soviet Government gave instructions to the Soviet delegation "to contribute in every possible way to the fruitful work of the committee, and to strive for the earliest working out of a treaty on general and complete disarmament." The Soviet delegation will strictly adhere to these instructions.

The peoples await from the work of our committee a practical solution of the questions of general and complete disarmament. This places a great responsibility upon us and we must make every effort to justify the hopes of the peoples.

Mr. CLARK. Mr. President, I should like to call the attention of my colleagues to the strong statement made by our representative at Geneva, Mr. Eaton, in

which he made abundantly clear the four points of policy of the United States of America in connection with disarmament, with which I find myself in complete accord.

First, that we are in favor of the rule of law, and for a world of peace under world law; and that we are for a strengthened World Court.

Second, that we are in favor of an international disarmament organization supervising and verifying any disarmament agreement entered into.

Third, that we favor, through the United Nations, an international force to police world law to assure us that world law will be enforced.

Fourth, that we are in favor of using some of the savings from disarmament to help the plight of underdeveloped nations.

I am also in accord with Mr. Eaton in his strong statement that we must keep our defenses up and keep them strong until a workable disarmament agreement becomes effective, and further that we must insist on inspection and control in any disarmament agreement entered into.

I notice there seems to be a difference in procedure as between the Soviet Union and ourselves with respect to how we shall reach a disarmament agreement. Russia wants to start from the top down and have disarmament agreed to as a matter of principle, and then to work out the implementation of details. We want things started from the bottom up, with small steps which will eventually lead toward complete disarmament. Those are differences in procedure, and not in substance. I am hopeful, therefore, as to what may come out of Geneva.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. The Chair desires to make a statement.

May we have quiet at the desk.

The Senator now acting as Presiding Officer, speaking as a Member of the Senate, wishes to state, first, that the Chair is not trying to assess blame with reference to the matter concerning the experience of the Senator from Georgia yesterday, because the Senator from Mississippi is not cognizant of all the facts. At the same time, the Senator from Mississippi wishes to commend the Senator from Georgia for bringing this matter to the attention of the Senate; for relating his experience, giving his understanding of the rule, and asking for a ruling from the Chair as to what procedure was going to be followed today, and the Chair assumes every day.

The Chair wishes to make this comment: The situation was so very bad with reference to order, or the lack of order, in the Senate, and the problem relating to a Presiding Officer, that approximately a year ago the Senator from Mississippi proposed that something must be done about it. The Senator from Mississippi made clear, as is done now, that the office of the Vice President has certainly outgrown any concept that the Vice President should remain in the Senate all the time to preside; and certainly work of the President pro tempore of the Senate, as chairman of the Committee on Appropriations, precludes any concept that he should always be in the Chamber to preside. Therefore, the Senate is left to shift and chance as to a Presiding Officer.

Due to the pressure of work it has fallen to the lot of the newer Members of the Senate, without experience, to "put in time," so to speak, in the Chair. As a whole, the newer Members of the Senate have certainly done well, but it is not fair to call on them to preside.

The Senator from Mississippi proposed, at the previous time, to get something definite before the Senate, that the Senate employ an assistant Presiding Officer, a Senator versed in parliamentary law and in the Rules of the Senate. As an alternative, the Senator from Mississippi suggested informally that some Senators of experience should be selected—perhaps 6 or 8—who should be asked to divide the time among themselves.

The Senator from Mississippi reiterates those remarks today. The tone of the Senate debate and the behavior in the Senate can seldom rise above the level and the tone set by the Presiding Officer. That is stated after years of responsibility while presiding in court.

For an illustration, the Senator from Mississippi noticed the other day, when the vote came on the cloture motion, that there were approximately 165 people on the floor of the Senate who were not Members of the Senate. That is an amazing situation, where the 100 Members of the Senate have sat and let a situation such as that grow up without doing anything about it.

The general deterioration on the floor of the Senate, if that term can be used, is not the blame of any one person, but we have a collective responsibility. We certainly must do something about it if we expect to retain the respect of the American people.

It should also be said that the matter of having a list of speakers is not the fault of the majority leader or of the minority leader or of anyone else. That practice grows up, in a way. It is convenient, also. However, there is nothing which can happen along that line which can change the rules of the Senate or preclude a Member from getting recognition. It makes no difference whether the Member has been in the Senate a great number of years, as has the Senator from Georgia, or whether he came to the Senate yesterday; each Member is a Senator of the United States. A new Member ought not to try to run the Senate alone, but he ought to assert his rights and to represent his State. A very wise man in the Senate told me that when I first came to the Senate. He is still a Member of the Senate. He is the Senator from Georgia, who has spoken.

The Senator told me, "You are the newest Member of the Senate, but you are a full-fledged Member." Former Senator Barkley was then the leader. The Senator said, "Now, Senator Barkley is floor leader, but still he is only a Member of the Senate. You have rights and responsibilities in the Senate comparable to those of any other Member."

That was a very fine lesson. The Chair is not aware as to whether the newcomers to the Senate are now told such things, or whether that is emphasized, but the Chair thinks it ought to be.

The Chair will close by saying that the Chair is certainly not trying to assess anything in regard to who, if anyone, is to blame about the situation yesterday, because the Chair does not know the facts. However, the Chair feels very strongly that the Senate has to discipline itself. It must do so. Otherwise, we shall continue to detract greatly from the term we apply to the Senate, "the greatest deliberative body in the world." The Chair does not know whether too many others apply that term to the Senate or not any more.

Mr. DOUGLAS. Mr. President, I rise as a matter of personal privilege.

Mr. MANSFIELD. Mr. President——

Mr. DIRKSEN. Mr. President——

Mr. DOUGLAS. Mr. President, I rise to a point of personal privilege.

The PRESIDING OFFICER. The senior Senator from Illinois has been seeking recognition. The Chair recognizes the senior Senator from Illinois.

Mr. DOUGLAS. Mr. President, I was not able to be on the floor when the senior Senator from Georgia made his remarks a few minutes ago. Though I have sent for the text of his statement, apparently it has not yet been transcribed, and I must speak, therefore, with only a general impression as to what the Senator said.

I understand that the Senator from Georgia raised certain questions as to the legitimacy of my being recognized yesterday afternoon. The account regarding that time is contained on page 5578 of the CONGRESSIONAL RECORD. I made a full and truthful statement of the circumstances attending my request for recognition. I shall repeat them now.

Due to the kindness of the Senator from Georgia, I have in my possession now the much disputed sheet of paper which I should like to have photostated and made a matter of public record.

The circumstances are these: Desiring to have the discussion in the Senate crystallized on the measure before us, the so-called civil rights measure, at about 12:20 p.m. I approached the then Presiding Officer, the junior Senator from Wyoming [Mr. McGEE] and asked that I be recognized at the conclusion of the morning hour. I did not see any sheet of paper at that time on the desk of the Presiding Officer.

The junior Senator from Wyoming, then acting as Presiding Officer, said that at the conclusion of the morning hour he would not be in the chair, but that the junior Senator from Ohio [Mr. YOUNG] would be in the chair.

I found the junior Senator from Ohio approximately 5 or 10 minutes later, and somewhere between 12:25 and 12:30 I approached the junior Senator from Ohio

and asked him if he was to be in the chair at the conclusion of the morning hour, and I asked that I might be recognized at that time.

The junior Senator from Ohio assented, and said he would recognize me. When he assumed the chair, shortly before the termination of the morning hour, I went to him and reminded him of our conversation. At that time I saw this sheet of paper, which was then on his desk. I then added my name, in my own handwriting, on the lower right-hand side of the sheet, as follows:

I spoke to Senator YOUNG asking recognition at about 12:30.

(Signed) P. H. DOUGLAS.

It is news to me that any other insertions of my name had been added to this sheet. I find that my name appears four times on the sheet, in addition to my signature; but I certainly did not write any of those names, and any handwriting expert can tell that I did not, because the other versions of my name are legible, whereas my own handwriting is extremely illegible. It can be seen that the one on the lower right, and not the others, is the real McCoy.

Members of the Senate will remember that at the conclusion of the morning hour both the Senator from Arizona [Mr. GOLDWATER] and I sought recognition from the Chair. The RECORD will show that I was recognized by the Chair. This is shown on page 5570 of the RECORD. The Presiding Officer stated, as shown in the third column:

The Senator from Illinois is recognized.

Immediately after I was recognized the Senator from Virginia [Mr. BYRD] asked me to yield for an insertion in the RECORD, which I did, with the understanding that I would not lose my right to the floor. I am sure that this request by the Senator from Virginia was made in perfect good faith; but immediately after he had made his insertion in the RECORD the Senator from Arizona sought recognition, and this time he was granted recognition and I was taken off my feet.

I made a brief statement of the facts at that time, and protested as politely as I could, that after I had been recognized the recognition had been canceled and the Senator from Arizona was recognized instead.

I thought then that when the Senator from Arizona had finished his speech I would be recognized, so I rose, and the Senator from Georgia [Mr. RUSSELL] also rose. The Presiding Officer, the junior Senator from Ohio [Mr. YOUNG] recognized me, stating that he heard my voice first. He also said that it happened that my name was first on the list. Let me say that I did not put my name first on the list. The only record I made of my name was in the lower right-hand corner.

As I have said, I am laboring at some disadvantage because I did not know the precise charges, if any, which the Senator from Georgia made with respect to me. I simply say that I proceeded in good faith. I believe that the Presiding Officer should certainly not be censured, because, as I believe Members of the Senate have been reminded, the salient rule on this point is in the first section of rule XIX, which reads as follows:

When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him.

Obviously the Presiding Officer stated—and stated correctly—that he heard my voice first, and therefore he was following rule XIX when he recognized me.

I know that passions run high in these debates. I have great respect for the senior Senator from Georgia. I think he is in many ways a great American, and I believe that his services on the Armed Services Committee are beyond praise. So I do not wish to disparage him in the slightest. I am sure that he also feels that he is one of 100 Members of the Senate; and while he has a deserved reputation among us because of his character and ability, I am sure that he would not say that he was privileged under rule XIX to obtain recognition prior to some other Senator if the other Member of the Senate rose first, and first caught the eye or the ear of the Presiding Officer.

I had no intention of being disrespectful to the Senator from Georgia in claiming the right to the floor. I thought it was mine by right; and, having lost it once an hour or so before that time, I was perhaps somewhat wary about losing it again, which technically could have happened had I yielded to the Senator from Georgia.

I think that is as full a statement as I can make at the present time, in the absence of the statement of the Senator from Georgia.

I shall be glad to answer any questions the Senator from Georgia or any other Member of the Senate, or the Presiding Officer, wishes to address to me.

Mr. DIRKSEN. Mr. President——

Mr. DOUGLAS. Mr. President, I am ready to answer any questions on this subject which any Member of the Senate may address to me. If there are no questions, I will take my seat.

The PRESIDING OFFICER. Does the junior Senator from Illinois desire recognition?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. The junior Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Is the Senate still in the morning hour?

The PRESIDING OFFICER. There was no unanimous consent request for a 3-minute limitation, as is usual. The Senate is in the official morning hour, the Senate having adjourned yesterday.

Mr. DIRKSEN. Mr. President, in the light of the observations made by the distinguished occupant of the chair, and in view of the long colloquy which took place, I humbly and respectfully suggest, for the guidance of Senators who may hereafter occupy the chair of the Presiding Officer, that if there is a list on the desk, the list should be numbered.

I make the further suggestion that there might very well be a numbered list each day, so that one Senator could not displace another, if it is the intent of the Senate to follow a list. I recognize the practicalities of the situation, and the inconvenience which sometimes results when a Senator cannot obtain recognition. Other occupants of the chair may find it convenient to have a list showing the order in which Senators have indicated their intention to seek recognition.

The PRESIDING OFFICER. The present occupant of the chair would certainly say to the Senator from Illinois that if there is to be any kind of list, he has made a very practical suggestion, and the present occupant of the chair will make note of it on the list before him, so that if any use is to be made of it, there will be some regularity to it. May we have quiet, please? The Senate will be in order.

Mr. DOUGLAS. Mr. President, may I be heard?

The PRESIDING OFFICER. First I believe it should be stated further that the Parliamentarian advises the Chair that this speaker list custom is something that has grown up fairly recently; that before that, as a convenience to Senators, after a bill had been under long debate and the debate was coming to an end, the custom followed of having a list, as a matter of arranging the time.

Such a procedure is not binding on any Presiding Officer, either on the present occupant of the chair or on any other Senator, unless there is unanimous consent given with respect to it. The present occupant of the chair has called the majority leader's office, at times, and has asked to be put on the list. A Senator is almost compelled to do that in self-defense, because if the list custom is not followed, he might have to stay here all day.

The Senator from Illinois [Mr. DIRKSEN] has made a very good suggestion. The fact that the present occupant of the chair would approve of it is no indication that it will be followed.

Mr. DOUGLAS. I should like to make a comment, if I may, upon the suggestion of my colleague from Illinois. I believe this matter should be referred to the Committee on Rules and Administration, because this is a technical matter involving the conduct of the Senate. I can see certain advantages in the proposal of my colleague from Illinois. I can also see certain disadvantages, in that it might lead Senators to claim the right to speak days and weeks ahead.

I suggest, if it is in order, that this would be an excellent subject to be referred to the Committee on Rules and Administration to consider, and if my colleague wishes to make a motion to that effect, I would be willing to be a cosponsor of it with him.

Mr. DIRKSEN. Earlier in the morning we had considerable colloquy on this whole subject, and I undertook to make

the suggestion that I would confer with the majority leader about it, and that we might confer with the Presiding Officer before it was formalized and sent to the Committee on Rules and Administration.

Mr. DOUGLAS. I have great respect for the distinguished minority leader, and I also have great respect for the distinguished majority leader. However, if I may respectfully suggest, this is not a matter for adjustment between the two leaders; it is instead a matter for the Senate itself to decide, and the proper body is that charged with primary jurisdiction over the rules of the Senate.

Therefore, if my colleague, the junior Senator from Illinois wishes to submit a motion for consideration of the subject by the Committee on Rules and Administration, I would be glad to serve as a cosponsor. However, I do not wish to be understood as necessarily saying that a written list must control, because I can see very grave difficulties connected with such a custom.

I feel guiltless in this matter, Mr. President. I do not feel guilty at all. The Presiding Officers were not at all at fault. I regret that the Senator from Georgia has had his feelings ruffled. If I can in any way make amends to him. I shall be very glad to do so, although I have no feeling of having injured the Senator. But I will say—although he may not care to receive these assurances—that if I can be especially considerate to him in other ways I shall be glad to do so.

I now ask to have this letter photostated and made a part of the official Record of the Senate, with a copy given to the Senator from Georgia, one to me, and other copies to the two Presiding Officers, but that the original, together with one copy, be made a part of the archives of the Senate, in the custody of the Secretary of the Senate or the appropriate official.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. I do not at this time wish to object to the request, but I wonder what the significance of it is inasmuch as the Chair has ruled, as I understand, that the list has no significance and that the Senator who first addresses the Chair should be recognized. Therefore, I do not see why so much importance should be attached to the list. Are we to go back to the list after the Chair has ruled that the Senator who first addresses the Chair shall be recognized? In that case I would notify the Senator from New York [Mr. KEATING] that his name is also on the list.

All I have asked this morning is that we have some definite plan of proceeding, whereby a Senator can know that by clamoring for recognition and addressing the Chair first he will be recognized, or that a list is to be followed. It ought to be one way or the other. I have been caught out both ways.

The Chair has declined to recognize me when I was the first Senator to seek recognition because the Presiding Officer was following a list. Yesterday, the Chair said the list was of no particular significance, although the name of the Senator from Illinois [Mr. DOUGLAS] was first there, and that he saw the Senator from Illinois first. We ought to follow a regular procedure with respect to recognizing Members of the Senate.

I should like to say to the Senator from Illinois [Mr. DOUGLAS] that if he had done me the respect of reading my remarks, he would have found that I said I did not think I was entitled to any unusual recognition. I stated that I have always tried to conduct myself as a humble Senator, and that the newest Member of the Senate has as much right as any other Senator to be recognized if he rises and addresses the Chair. I demand that we have some uniformity of procedure.

Mr. DOUGLAS. Mr. President, the Senator from Georgia implicitly accuses me of not having respect for him by saying that if I had respect for him I would have read his remarks. The first thing I did when I came into the Chamber was to send for his remarks. The Official Reporter at that time did not have them ready. Since then they have been sent to my desk. Apparently the salient portion of the Senator's remarks has just reached me, in this very last minute.

I heard that the Senator from Georgia was speaking on this subject. However, I had some extremely pressing business to attend to in my office from which I could not disengage myself. I came to the Chamber at the first opportunity I could possibly find. My associate, Mr. McCulloch, told me that a dangling doubt had been left by the remarks of the Senator from Georgia as to whether I had written my name above the name of the Senator from Georgia. I came immediately to the floor. I now want to say here and now that I did not write my name above the name of the Senator from Georgia. I did not write my name on any portion of this sheet except this memorandum on the lower right-hand side, which fortunately I had foresight enough to put on it to indicate that I had asked the junior Senator from Ohio [Mr. YOUNG] at approximately 12:30 that he recognize me when I rose after the morning hour.

I do not know whether any further reply is needed. I am hastily going over the remarks of the Senator from Georgia as I speak, and I find on one of the pages of the stenographic transcript the remarks of the Senator from Georgia as follows:

> Mr. President, I came to the Senate at a time when Senators tried to treat one another as gentlemen. I have not entirely abandoned that habit. I went to the Senator from Illinois [Mr. DOUGLAS] on Monday and told him that if I could get recognition, I intended to refer to some statistics he had offered for the RECORD, a week or more ago, with relation to crime. I went to him later in the afternoon and told him it was pretty evident that I could not be recognized because I had not been playing the "list game" on Monday, but that I hoped to be recognized on Tuesday as soon as possible after the morning hour.

The Senator from Georgia did come to me, but I cannot remember that he said he wanted to be recognized as soon as possible after the morning hour. Although I knew he was planning to speak some time on Tuesday, I do not remember the Senator from Georgia telling me that he would seek recognition as soon as possible after the morning hour.

Mr. RUSSELL. I said as soon as I could be recognized. I do remember that I made specific reference to the morning hour. I said I would like to be recognized as soon as possible by the Chair.

Mr. DOUGLAS. Then the Senator from Georgia said:

> So the Senator from Illinois had full knowledge, at least, that I would seek recognition.

Mr. President, I knew that this matter would be brought up at some time during the day, and I made some preparation to reply to the statement which I understood the Senator from Georgia intended to make, because he had discussed that with me.

The Senator from Georgia also said, a few minutes ago:

> But I fear that the fact that I have endeavored to be humble here has led some persons to believe they can take advantage of me.

I never would take advantage of the Senator from Georgia. I do not think I have done so in the present instance. I shall be extremely careful not to do so in the future. I do not think I am at fault, but I shall move with extreme caution in the future not to give offense to the Senator from Georgia.

I am very glad that he has said that we are all Members of the U.S. Senate and that we have equal rights—and, I may say, equal responsibilities, as well. I sometimes have felt that I have been discriminated against in the Senate. I have, however, never openly complained about this; I do not intend to do so. I shall try to bear with dignity and with gentlemanliness whatever slights may be imposed.

Mr. President, if there is to be no further discussion on this subject, I shall be glad to yield the floor; or I shall be glad to try to answer any further questions which any Senator may have.

The PRESIDING OFFICER. There seems to be no further question.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia ask for the floor?

Mr. RUSSELL. I ask for the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, I desire to clarify one statement which the Senator from Illinois has made with respect to the timing of his efforts to get his name on the list. I had no reason to expect any difficulty about it. Therefore, I didn't consult either my watch or the Senate clock to see whether it was 12:20 or 12:25 when I placed my name on the list. It was during the morning hour when I approached the desk and asked if a list was being followed. I was told that such a list was being followed. The list was handed down from the chair. Whatever time it was, I wrote my name underneath the statement about the Senator from Arizona. There was nothing on the list at that time to in-

dicate that the Senator from Illinois [Mr. DOUGLAS] was seeking recognition. I cannot say whether it was before or after the 12:20 or 12:25 conference which the Senator from Illinois remembered so definitely at the time. Even if I had looked at the clock, I would not have paid any attention to it, because I did not think that was necessary. But I did pursue, as diligently as I knew how, my efforts to be recognized. Having twice failed of recognition because I was not on the list, I felt put upon to find the names of other Senators added to the list, and then to find that the rules had changed and the Chair had gone back to rule XIX to recognize Senators under the theory that the Senator who first rises has the floor.

I think this is a perfectly legitimate complaint. I have no apology to make to anyone for having made it.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? The Chair is not enforcing the 3-minute rule today because there was no unanimous-consent request for a 3-minute limitation on speeches. The Senate has been operating under rule VII, which provides for a 2-hour period for morning business, which now lacks 2 minutes of completion.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that since a 3-minute limitation has not been requested, the morning hour be extended to accommodate Senators who are on their feet, and that there be a limitation of at least 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RESIGNATION OF THOMAS G. LANPHIER FROM CONVAIR CORP.

Mr. CASE of South Dakota. Mr. President, some days ago the press contained a statement that Mr. Thomas G. Lanphier, a vice president of the Convair Division of General Dynamics, maker of the Atlas ICBM, had resigned from his post in order to devote his time to what he termed the "defense crisis" or the "missile lag" in this country.

In commenting on his action, I said that I thought his position would be improved before the country, in pursuing his crusade, if it were also made clear that he had no stock interest in any company which was seeking to sell its wares to the Department of Defense.

Yesterday afternoon Mr. Lanphier called me to say he had, as of that date, completely severed his connection with Convair, and that he had no stock interest in General Dynamics or in any other company engaged in defense business.

He further stated that while it was true that he had had some rights for an extension of income into the future he had asked the company to calculate it as of now and that he be completely paid up, so that from this time forward he would have no pecuniary interests in the profits of the company.

Mr. President, I am glad to make this statement for the RECORD. As I said when I commented on this matter earlier—it is Mr. Lanphier's right to crusade for more missiles if he wishes to do so. But his position will be better now that it is clear he is not seeking to drum up business for some company in which he might be interested.

APPEAL TO REASON

Mr. JAVITS. Mr. President, at this time I wish to submit for the RECORD some material under the general title of "Appeal to Reason." In connection with this material, I make the following statement:

Mr. President, at a time of crisis and tension in racial relations in certain of the Southern States, I believe all Americans should welcome the traditional, reasonable American "appeal to reason." This is eloquently set forth in an editorial published on Saturday, March 12, 1960, in the Atlanta Constitution. The editorial comments at one and the same time on a full-page newspaper advertisement entitled "An Appeal for Human Rights," signed by the student bodies of six affiliated institutions which form the Atlanta, Ga., University Center, and on a manifesto on the same subject, issued by 134 Atlanta area ministers of religion. The editorial is entitled "Ministers Reaffirm Appeal to Reason."

Mr. President, no American can condone breaches of law or public order, nor can any American condone denial of the rights of free speech and free assembly. Yet, Mr. President, problems of law enforcement under these circumstances become so complex that an understanding of the deeper reasons for what is taking place becomes essential for all of us. A window upon this tense situation is opened for us by the manifesto of the Negro students and the manifesto of the ministers of religion and the editorial. The deep grievances which are disclosed, which appear intolerable to the students, constitute a clear bill of particulars to the community, and to the Nation as a whole, as to the present trouble. The Atlanta Constitution editorial and the ministers' manifesto indicate a means of release through open communications, without any suggestion of breaches of public order.

Mr. President, for those of us who serve here in the Senate, these events are also very important, for they demonstrate that what we would do, we should do promptly; that such law as we enact should not be permitted to be outrun by events, but should be enacted and put into effect when it may yet provide a means for the assertion of fundamental rights, without the danger of a deterioration of public order.

I hope very much that the Senate will be instructed by these events and will pass as promptly and as decisively as possible a bill that it is within the will of the majority of the Senate to pass.

Mr. President, it is my view that such a bill should effectively assure, without discrimination, the voting right to all Americans qualified under State law; that the bill should give aid and recognition to school districts which seek to desegregate; that the bill should give a statutory basis to the Government Contracts Committee; and that the bill should also include antibombing provisions and provisions in regard to the schooling to be provided for children of military personnel.

Mr. President, let me also state that I have long been convinced that in connection with civil injunction actions in civil rights cases, broader authority should be provided the Attorney General.

Obviously, Mr. President, regardless of what may be my views in this field, under the Constitution the majority of the Senate can take action and should take action, and should do so as promptly as possible.

Mr. President, I ask unanimous consent that the three documents to which I have referred, namely, the editorial published in the Atlanta Constitution; the news article from the Atlanta Constitution, about the ministers' declaration; and the advertisement by the college students, be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the editorial, the article, and the advertisement were ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution, Mar. 12, 1960]

MINISTERS REAFFIRM APPEAL TO REASON

Once again a large group of Atlanta area ministers have issued a forthright and inspiring appeal for sanity and reasonableness in this period of racial tensions during which so many intemperate words are being spoken.

The 134 ministers also reaffirmed their belief in the principles of the earlier manifesto, including its six main points appealing for upholding freedom of speech, obedience to law, preservation of public schools, tolerance, and open communications between the races. They called also for prayer asking divine guidance in solving the conflict between local customs and law.

The ministers have performed a service, too, in upholding the method by which a group of Negro college students expressed their aspirations through an advertisement published in the newspapers. This statement, the ministers declared, "presented the case for our Negro citizens with dignity and restraint."

Certainly the right of self-expression and freedom of speech cannot be denied one group without running the risk of denying these rights to all. Demagogic and bitter attacks on those who exercise those rights, on their patriotism, motives, and sincerity borders on attempts at thought control which is alien to all basic principles of American democracy.

"We believe that careful study reveals that the appeal is not based on an alien point of view," the ministers declared, "but upon the spirit of our Constitution and upon the teachings of the Hebrew prophets and of Christ." Surely it is better than some of the ill-advised demonstrations of the past few weeks which have produced negative results.

As we have witnessed the deterioration of race relations in other communities, the loss of communications between them and the destructive work of extremists on both sides, the challenge to people of good will in Atlanta and Georgia becomes all the more imperative. The way of violence and hatred will benefit no one but could lead to scars which would require many decades to heal. There are enough intelligent people of good will to prevent its happening here.

These ministers again have performed a public service in line with Christian principles. All of us must think clearly on this

emotionally charged controversy which cannot be solved through extremism, hate, and fear.

There is every argument on the side of commonsense and reason. "Dignity and restraint" should be the rule.

[From the Atlanta Constitution, Mar. 11, 1960]

ONE HUNDRED AND THIRTY-FOUR PASTORS ASK 2 DAYS OF RACIAL PEACE PRAYERS

One hundred and thirty-four Atlanta ministers have issued a "call to prayer" throughout Georgia for divine guidance in solving the conflict between local custom and law, and Federal law on school segregation.

The ministers, all signers of the second "Atlanta minister's manifesto," urged that Saturday and Sunday, March 26 and 27, be observed as days of special prayer in all churches and synagogues in Georgia.

Members of all churches were asked to join on those days in earnest supplication for divine guidance and mercy to the end that we may solve our problems aright.

The pastors said the gravest problem currently facing Georgia is the question of public schools.

"We remind ourselves and all of the citizens of our State that the issues before us are too great for mere human wisdom," the ministers said.

"It is our faith, however, that divine wisdom and strength are available for those who seek them in sincerity and in willingness to be guided. In that faith we would dedicate ourselves and summon the people of our State to earnest and continuing prayer."

The ministers also expressed their confidence in the integrity of the general assembly's committee on schools, but asked that the committee increase its effort to be scrupulously fair in hearing those who testify, and objective in considering and reporting the views of all our citizens.

Said the recent "Appeal for Human Rights" by Atlanta Negro college students in newspaper advertisements presented the case for our Negro citizens with dignity and with restraint."

"We believe that careful study reveals that the appeal is not based upon an alien point of view, but upon the spirit of our Constitution, and upon the teachings of the Hebrew prophets and of Christ."

Governor Vandiver said Wednesday that the Negro students' appeal was a left-wing statement calculated to breed dissatisfaction, discontent, discord, and evil.

The 134 ministers met Thursday at the Second Ponce de Leon Baptist Church. It was the first large-scale meeting of signers of the manifesto. There were 312 ministers signing the manifesto. A spokesman said all of the 312 who still live in the city who could be reached were invited to the meeting Thursday.

The group also reaffirmed the principles of the manifesto which we signed more than a year ago, and we would appeal for the application of these principles today, earnestly believing that—

"1. Freedom of speech must at all costs be preserved.

"2. As Americans and as men of faith, we have an obligation to obey the law.

"3. The public school system must not be destroyed.

"4. Hatred and scorn for those of another race, or for those who hold a position different from our own can never be justified.

"5. Communication between responsible leaders of the races must be maintained.

"6. Our difficulties cannot be solved in our own strength or in human wisdom."

The ministers said they are convinced that through calm and judicious consideration, progress can be made in improving the lot of all Georgians.

"In this connection, we would express our primary and immediate concern with the question of our public schools in Georgia," they said in their statement.

"Let us pray for the study committee, for our Governor, for the legislature, and for all in authority over us, that they may be enabled to lead us aright," their statement concluded.

"Let us pray for ourselves and for our people as a whole, that we may be kept free from bitterness and from strife, and that in all our affairs we may be increasingly enabled to do justice, to have mercy, and to walk humbly with our God."

AN APPEAL FOR HUMAN RIGHTS

We, the students of the six affiliated institutions forming the Atlanta University Center—Clark, Morehouse, Morris Brown, and Spelman Colleges, Atlanta University, and the Interdenominational Theological Center—have joined our hearts, minds, and bodies in the cause of gaining those rights which are inherently ours as members of the human race and as citizens of these United States.

We pledge our unqualified support to those students in this Nation who have recently been engaged in the significant movement to secure certain long-awaited rights and privileges. This protest, like the bus boycott in Montgomery, has shocked many people throughout the world. Why? Because they had not quite realized the unanimity of spirit and purpose which motivates the thinking and action of the great majority of the Negro people. The students who instigate and participate in these sitdown protests are dissatified, not only with the existing conditions, but with the snail-like speed at which they are being ameliorated. Every normal human being wants to walk the earth with dignity and abhors any and all proscriptions placed upon him because of race or color. In essence, this is the meaning of the sitdown protests that are sweeping this Nation today.

We do not intend to wait placidly for those rights which are already legally and morally ours to be meted out to us one at a time. Today's youth will not sit by submissively, while being denied all of the rights, privileges, and joys of life. We want to state clearly and unequivocally that we cannot tolerate, in a nation professing democracy and among people professing Christianity, the discriminatory conditions under which the Negro is living today in Atlanta, Ga.—supposedly one of the most progressive cities in the South.

Among the inequalities and injustices in Atlanta and in Georgia against which we protest, the following are outstanding examples:

1. EDUCATION

In the public school system, facilities for Negroes and whites are separate and unequal. Double sessions continue in about half of the Negro public schools, and many Negro children travel 10 miles a day in order to reach a school that will admit them.

On the university level, the State will pay a Negro to attend a school out of State rather than admit him to the University of Georgia, Georgia Tech, the Georgia Medical School, and other tax-supported public institutions.

According to a recent publication, in the fiscal year 1958 a total of $31,632,057.18 was spent in the State institutions of higher education for white only. In the Negro State colleges only $2,001,177.06 was spent.

The publicly supported institutions of higher education are interracial now, except that they deny admission to Negro Americans.

2. JOBS

Negroes are denied employment in the majority of city, State, and Federal governmental jobs, except in the most menial capacities.

3. HOUSING

While Negroes constitute 32 percent of the population of Atlanta, they are forced to live within 16 percent of the area of the city.

Statistics also show that the bulk of the Negro population is still—

(a) Locked into the more undesirable and overcrowded areas of the city.

(b) Paying a proportionally higher percentage of income for rental and purchase of generally lower quality property.

(c) Blocked by political and direct or indirect racial restrictions in its efforts to secure better housing.

4. VOTING

Contrary to statements made in Congress recently by several southern Senators, we know that in many counties in Georgia and other Southern States, Negro college graduates are declared unqualified to vote and are not permitted to register.

5. HOSPITALS

Compared with facilities for other people in Atlanta and Georgia, those for Negroes are unequal and totally inadequate.

Reports show that Atlanta's 14 general hospitals and 9 related institutions provide some 4,000 beds. Except for some 430 beds at Grady Hospital, Negroes are limited to the 250 beds in three private Negro hospitals. Some of the hospitals barring Negroes were built with Federal funds.

6. MOVIES, CONCERTS, RESTAURANTS

Negroes are barred from most downtown movies and segregated in the rest.

Negroes must even sit in a segregated section of the municipal auditorium.

If a Negro is hungry, his hunger must wait until he comes to a "colored" restaurant, and even his thirst must await its quenching at a "colored" water fountain.

7. LAW ENFORCEMENT

There are grave inequalities in the area of law enforcement. Too often, Negroes are maltreated by officers of the law. An insufficient number of Negroes is employed in the law-enforcing agencies. They are seldom, if ever promoted. Of 830 policemen in Atlanta only 35 are Negroes.

We have briefly mentioned only a few situations in which we are discriminated against. We have understated rather than overstated the problems. These social evils are seriously plaguing Georgia, the South, the Nation, and the world.

We hold that: (1) The practice of racial segregation is not in keeping with the ideals of democracy and Christianity; (2) racial segregation is robbing not only the segregated but the segregator of his human dignity. Furthermore, the propagation of racial prejudice is unfair to the generations yet unborn; (3) in times of war, the Negro has fought and died for his country; yet he still has not been accorded first-class citizenship; (4) in spite of the fact that the Negro pays his share of taxes, he does not enjoy participation in city, county, and State government at the level where laws are enacted; (5) the social, economic, and political progress of Georgia is retarded by segregation and prejudices; and (6) America is fast losing the respect of other nations by the poor example which she sets in the area of race relations.

It is unfortunate that the Negro is being forced to fight, in any way, for what is due him and is freely accorded other Americans. It is unfortunate that even today some people should hold to the erroneous idea of racial superiority, despite the fact that the world is fast moving toward an integrated humanity.

The time has come for the people of Atlanta and Georgia to take a good look at what is really happening in this country, and to stop believing those who tell us that

everything is fine and equal, and that the Negro is happy and satisfied.

It is to be regretted that there are those who still refuse to recognize the overriding supremacy of the Federal law.

Our churches which are ordained by God and claim to be the houses of all people, foster segregation of the races to the point of making Sunday the most segregated day of the week.

We, the students of the Atlanta University Center, are driven by past and present events to assert our feelings to the citizens of Atlanta and to the world.

We, therefore, call upon all people in authority—State, county, and city officials; all leaders in civic life—ministers, teachers, and businessmen; and all people of good will to assert themselves and abolish these injustices. We must say in all candor that we plan to use every legal and nonviolent means at our disposal to secure full citizenship rights as members of this great democracy of ours.

WILLIE MAYS,
President of Dormitory Council for the Students of Atlanta University.
JAMES FELDER,
President of Student Government Association for the Students of Clark College.
MARION D. BENNETT,
President of Student Association for the Students of Interdenominational Theological Center.
DON CLARKE,
President of Student Body for the Students of Morehouse College.
MARY ANN SMITH,
Secretary of Student Government Association for the Students of Morris Brown College.
ROSLYN POPE,
President of Student Government Association for the Students of Spelman College.

PROPOSAL THAT POSTMASTER GENERAL ISSUE SPECIAL CHAMPION OF LIBERTY SERIES STAMP IN HONOR OF IGNACE PADEREWSKI

Mr. SALTONSTALL. Mr. President, the Post Office Department has a unique opportunity this year to honor one of the world's greatest musicians and one of the world's greatest fighters for liberty.

All of us have admired the Champion of Liberty series of stamps which the Post Office Department inaugurated in 1957. These stamps have received worldwide attention. Included among those thus honored have been Magsaysay, President of the Philippines; Bolivar, who led Venezuela to freedom; San Martin, of Argentina; Kossuth, of Hungary; Ernst Reuter, of Germany; and Jan Masaryk, of Czechoslovakia.

On November 6 of this year, free men everywhere will pause to honor the birth of the man who did the most to establish Poland as an independent nation. Music lovers around the world will honor, on the same day, one of the greatest of piano virtuosos. Ignace Jan Paderewski was both the first Premier-Foreign Minister of the new Republic of Poland, established following the First World War, and the century's greatest pianist.

Paderewski was born in Podolia, which now is part of the Ukrainian S.S.R. Paderewski began his piano lessons at the age of 6. He showed extraordinary talent, and at 12 he entered the Warsaw Conservatory. In 1887 he began a brilliant career as a concert pianist. American audiences heard him for the first time in 1891 in New York City. Within 90 days he gave 117 recitals in this country. The following year he returned to the United States for another tour.

Paderewski's devotion and service to Poland constitute a bright, courageous page of modern history. During World War I, he gave concerts to raise relief funds and to encourage enlistment in the Polish Army. In the United States he recruited 100,000 Poles, who formed the largest Polish Army fighting in France. He represented his country at the Versailles Peace Conference, and later in the League of Nations. When the new Polish Republic was created, he served as Premier and as Minister of Foreign Affairs.

The great musician-statesman worked tirelessly to build up good will between his native country and America. As an expression of his friendship for the United States, he gave Poland a life-sized statue of Woodrow Wilson, President of the United States, during World War I. The statue was designed by the American sculptor, Gutzon Borglum, and was unveiled in Poznan on July 4, 1931.

In 1922, Paderewski resumed his concerts. He made his last American tour in 1939, at the age of 78. While an audience of 15,000 awaited his appearance at Madison Square Garden in New York City, the great musician collapsed from a mild heart attack. A few months later, Germany invaded Poland, and World War II began. Once more Paderewski devoted himself to the cause of his people. He was named President of the new Polish Parliament in exile. Late in 1940 he returned to the United States, to make his home here. He died in New York City, in 1941; and his body lies in Arlington National Cemetery

Mr. President, I ask that my colleagues join me in urging that Postmaster Summerfield authorize the Post Office Department to issue a special Champion of Liberty series stamp on November 6, 1960, honoring Ignace Jan Paderewski on the 100th anniversary of his birth.

CIVIL RIGHTS LEGISLATION

Mr. HENNINGS. Mr. President, as I have said time and time again, the Congress must pass an effective provision to secure the right to vote as a reality. This can be done only by a simple direct procedure.

I firmly believe that my proposal incorporates the best features of the several proposals which have been suggested, and adds to these the best procedure to insure that the ballot is cast and counted.

Contrary to the Attorney General's proposal, under which election officials would be brought into lengthy litigation, under my proposal no election official need ever see the inside of a courtroom unless he takes the initiative and challenges a federally enrolled voter.

Mr. President, I ask unanimous consent that three editorials which have appeared in the St. Louis Post-Dispatch be printed in the body of the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Feb. 16, 1960]

BEST OF THREE

The Senate has opened consideration of civil rights on schedule, thanks to Majority Leader JOHNSON'S surprise attachment of a voting rights bill to a minor Missouri school measure. Now the confusion begins, and it is compounded by the fact that three different plans have been proposed.

Last year the Civil Rights Commission found that, despite Federal efforts to protect voting under the 1957 law, only 25 percent of eligible southern Negroes were registered, as against some 60 percent of their white neighbors. The Commission thereupon suggested that the President be authorized to name Federal registrars. These officers could register voters for Federal elections upon a finding of discrimination by the Commission.

President Eisenhower proved reluctant to support a measure which put him in the middle of such cases. So Attorney General Rogers later offered a plan to let the Federal courts appoint referees to guard voting rights in Federal and State elections.

Mr. Rogers was quick to point out that the Commission proposal would not aid voting rights in State elections. Moreover, this plan depends entirely on an administrative investigation of discrimination, which would invite prolonged court tests and delaying actions.

The Attorney General's bill eliminates the first drawback but enhances the second. Under this measure, his office would first have to file injunction proceedings. Then Federal judges and their appointed referees would each be required to investigate voting denials before the judge could issue a restraining order. Even then the right to vote would not definitely be granted, but if local officials denied it, they would be subject to contempt proceedings. This process seems unnecessarily extended and subject to constant litigation.

Now Senator HENNINGS, of Missouri, has combined the better aspects of both proposals in a compromise plan which is the best of the three. He would authorize Justice Department suits under the 1957 law and judicial findings of voting discrimination in both Federal and State elections, as in the administration bill. But then the President would be directed to name registrars to admit qualified applicants to the polls, as in the Commission bill. Challenge ballots would be laid aside and the challenges heard after the election.

The Hennings plan is reasonably direct and simple. It limits the arena for legal entanglements, and assures the right to vote first of all. In this respect, it places the burden of proving that a citizen is not qualified to vote on those who would deny him that right, thus reversing the present procedure in which the citizen may be subjected to unreasonable tests of his qualification.

Missouri's senior Senator has offered the Senate an effective program, but whatever happens in the ensuing controversy, one thing is certain. Neither major party, and no serious presidential aspirant, can afford to be dissociated from the effort to extend the basic right of the ballot. The denial of voting in the world's leading democracy is an especially discomfiting fact in this campaign year.

[From the St. Louis Post-Dispatch, Feb. 18, 1960]

DIRECT ACTION ON VOTING

Senator HENNING'S new voting rights bill includes sections from both the administration and Civil Rights Commission measures, and raises two questions.

Why is it advisable to require Justice Department injunction suits rather than immediate Presidential appointment of registrars in places where the right to vote is denied?

Why, on the other hand, is it better to authorize eventual use of Presidential registrars rather than court-appointed referees?

On the first question, the Civil Rights Commission advocated that the President name registrars after the Commission itself found a denial of voting rights existed. This is a purely administrative procedure, legally and inevitably subject to challenge in the courts.

Senator HENNINGS therefore decided to bring the issue directly to the courts to avoid unnecessary delays. This much of the procedure is already permitted under the 1957 Civil Rights Act, which authorizes the Government to ask for injunctions against officials rejecting voters' rights.

On the second question, the administration proposed that after a Federal judge investigated a voting case, he would appoint a referee who would make his own investigation and report back to the judge. Then the judge could restrain interference with voting, while the referee would inspect the voting for possible cases of contempt of the court order.

Here the Missouri Senator intends to cut through duplicatory procedure and to assure the right to vote as quickly as possible. He would require the President to name registrars once a court had made its findings, and these registrars would be empowered to admit qualified voters directly to the polls, subject to challenge after the votes were cast.

Delay and unreasonable legal entanglements are the common weapons employed against the constitutional right of the ballot. The Hennings bill calls for swifter and sounder legal measures to assure that right than either of the other measures.

[From the St. Louis Post-Dispatch, Mar. 6, 1960]

THE RIGHTS MELANGE

As the Senate muddles through the civil rights filibuster, its leaders hope that time and exhaustion will force a compromise. What sort of compromise should it be?

At present the administration is backing a seven-point proposal which is unpalatable to the southerners and strong medicine even for some Republicans, while it sems ineffectual to northern liberals. Out of this melange Majority Leader JOHNSON and Minority Leader DIRKSEN must try to salvage a measure both sound and acceptable.

Aside from its voting rights provisions, the administration bill would make interference with court-ordered school integration a Federal crime, authorize Federal aid for areas faced with school desegregation problems and give enforcement power to the President's Committee on Government Contracts.

In some respects these proposals go beyond those of the Civil Rights Commission and in other respects not as far. The Commission did suggest aid for school officials plannings integration but divided on other integration issues; it also stressed such matters as biracial housing committees which Congress has not even considered. The administration's plans do not meet the demand of Senate liberals for a return to the old "part III" powers, which would allow the Attorney General to initiate civil suits to safeguard all civil rights.

Some of these provisions may have to be abandoned in the interest of action. The most important issue, we think, is voting rights. The Civil Rights Commission pointed out, and nearly every Senator except a few southerners should agree, that this most fundamental right of Americans has been arbitrarily denied to many thousands of citizens.

The administration proposes court hearings on denials of voting rights plus court-appointed referees to assure local respect for such rights. Senator HUMPHREY, on the other hand, has taken up the Rights Commission proposal for investigations of voting denials by the Commission, followed by Presidential appointment of registrars who could, unlike the referees, directly register voters. And Senator HENNINGS has drafted a bill combining court hearings with the Presidential registrars, which seems to us the simplest, most direct method.

The Hennings bill is waiting for Majority Leader JOHNSON if the Texan decides that the time has come for compromise and that this measure is the best vehicle for it. One thing is certain, however. Every Senator, and each party, and all presidential aspirants, will be publicly judged by how forthrightly they support and guard the basic right of the ballot.

Mr. HENNINGS. Mr. President, I would also like to call my colleagues' attention to a brief analysis of my proposal which appears on page 5554 of yesterday's RECORD.

ANNIVERSARY OF VICTORIOUS HUNGARIAN REVOLUTION OF 1848

Mr. CASE of New Jersey. Mr. President, March 15 marks the 112th anniversary of the Hungarian revolution of 1848, an expression of the millennium-long love of the people of Hungary for national independence. As with the repression of the Hungarian freedom fighters in 1956 by Russian tanks, the revolution of 1848 was crushed the following year with the help of Russians serving in the czarist army.

With the memory of the repression of the Hungarian freedom fighters still afflicting the conscience of civilized peoples everywhere, it is appropriate to pay tribute to the historic efforts of the Hungarian people to defend their national independence. But it would be hypocritical to do so if we did not also note that Soviet troops still occupy this brave land, and that many of those who struggled for freedom in 1956 are still in prison.

These harsh facts remain in an era when all sides proclaim their desire for improved international relations and when almost every speech by the rulers of the Soviet world professes a desire to reduce international tensions.

I believe it is appropriate to emphasize that in Hungary alone the Soviet leaders could greatly contribute to the achievement of the peaceful world which they claim they are seeking. They could recall their troops from this valiant little country which poses no threat whatever to the Soviet Union. None of the Hungarian governments since World War II has sought to join any grouping of states which could be seen as a military menace to the Soviet Union. And, at the least, the present regime of Janos Kadar could well extend an amnesty to those who participated in the 1956 demonstration of the Hungarian peoples' will to govern themselves.

Until such time as these things have happened, this anniversary of the temporarily victorious Hungarian revolution of 1848 for national independence can only be greeted with sadness and firm resolve in free countries.

Mr. HUMPHREY. Mr. President, it was on March 15, 1848—112 years ago—that the Russian Army crushed the Hungarian revolution of 1848, just as it stamped out another freedom uprising in 1956.

I think that we should make note of both of those revolutions today, just as historians in centuries to come may make note of the fact that the Hungarian revolution of 1956 might well have been the turning point in the Communist movement. We must constantly remind the world of the sacrifice that thousands of Hungarian freedom fighters laid before the alter of democracy.

Mr. President, I ask unanimous consent that "Amnesty for Political Prisoners in Hungary—Declaration of American Citizens," a declaration which is now being circulated and being signed by many of our leading citizens, be printed in the RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

AMNESTY FOR POLITICAL PRISONERS IN HUNGARY—DECLARATION OF AMERICAN CITIZENS

We, the undersigned, fully recognizing the great responsibility incumbent upon us in this age when man has the means of total destruction, solemnly declare our intention to serve the most important cause, the preservation of peace.

We agree that all efforts must be directed to that end and every possibility must be employed to ameliorate those problems which result in the present dangerous world tensions. To attain the desired goal all nations must show evidence of their good faith.

We firmly believe that one of the disturbing elements in the effort toward mutual understanding is the fate of those Hungarians who participated in the revolt of 1956. If there is a spirit which radiates understanding and forgiveness, we think that those Hungarian political prisoners, regardless of their age and sentences, must be forgiven, too.

Therefore, we are appealing to the understanding and consideration of the Communist leaders to grant an amnesty to Hungarian political prisoners, gratifying those throughout the world who are yearning for peace and justice. We hope that the Communist leaders will recognize their own responsibilities in connection with our demand and they will act according to their conscience, and with humanity.

Done in the month of March 1960, in the United States of America.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there further morning business? If not, morning business is closed.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. BIBLE. Mr. President, if there is no further morning business, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amend-

ment of the Senator from New York [Mr. KEATING] to the Dirksen substitute.

Mr. RUSSELL. Mr. President, on Monday of last week, the Senator from Illinois [Mr. DOUGLAS] inserted in the CONGRESSIONAL RECORD certain data pertaining to the rate of crime and murder in various cities of the Nation. He undertook to show that the rate of crime—and, specifically, murder—was greater in the cities of the South than in the North.

Mr. President, this is not a pleasant subject, nor is it one that I desire to discuss at any great length. It is always painful to be compelled to make comparisons which might seem invidious as between different sections, different cities, or different races of our country.

However, since the question of crime rates has been raised, I have the duty of seeing to it that all the pertinent facts are stated, and that the entire matter is placed in its proper perspective.

Mr. President, I want it clearly understood that I, for one, have not stated during the debate on the miscalled civil rights issue that crime rates in the North were higher than in the South.

What I have stated—and I have done so reluctantly—and what I do maintain, is that the crime rate among Negroes is far higher than among whites, in relation to the population of each race. I know this is true for the country as a whole; I believe it to be true of every city in the country that has any substantial Negro population.

Mr. President, it is with regret that I am compelled to call attention to this unpleasant truth. I yield to no man in my deep affection for those of the colored race. I have known many of them who were as honorable, as high-minded, and as idealistic as any person of any race. They are respected. They are earning their living. They operate their own businesses. They own their own homes. Legislation such as that now pending here is a great detriment to the better class of Negroes.

In discussing the question of crime, I am forced to recognize the facts and the realities of life, as they actually exist. And, Mr. President, I say that the extremely high incidence of crimes of violence among members of the Negro race is one of the major reasons why the great majority of the white people of the South are irrevocably opposed to efforts to bring about enforced association of the races, whether it be by judicial decree or by legislative fiat. That is why the white people so adamantly insist that they have a right—indeed, an inalienable civil right—to form their own individual associations and their own relations freely and without the compulsion of Federal law; and that is why they prefer a social order which recognizes and respects that right.

Mr. President, this feeling may be more readily understood when we bring into focus the fact that in many areas of the South the two races are almost numerically equal in number. There are, in fact, some 150 counties in the South—about 40 of them in my own State—where Negroes outnumber whites.

Mr. President, the figures cited last week by the Senator from Illinois, which were taken from the uniform crime reports issued by the Federal Bureau of Investigation, were all right as far as they went. But they do not get to the real issue. They did not give the full picture of crime conditions as they exist in various parts of the country from the standpoint of those who commit them.

The Senator presented figures for selected cities from two of the eight categories in table I, "Index of Crime, 1958, Standard Metropolitan Areas." These figures gave the rate, per 100,000 inhabitants, of all offenses and for murder in the 35 or so cities selected for comparison by the Senator.

In order to put this entire matter into its proper perspective, I think a second table from the same FBI report on crime for 1958 should be considered. The table I refer to relates to arrests by race for criminal violations in cities all over the country having a population of 2,500 or more. This extremely significant table is found on page 97 of the report.

Mr. President, I ask unanimous consent to have the table printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 21.—*Arrests by race, 1958; 1,586 cities over 2,500; total population, 52,329,497*

Offense charged	Total	Race					
		White	Negro	Indian	Chinese	Japanese	All others
Total	2,340,004	1,583,070	696,209	43,126	1,252	296	16,051
Criminal homicide:							
(a) Murder and nonnegligent manslaughter	2,303	840	1,427	8	2	2	24
(b) Manslaughter by negligence	1,166	904	245	7	2	----	8
Robbery	14,968	6,732	8,034	72	7	----	123
Aggravated assault	25,824	9,073	16,389	75	5	2	280
Other assaults	82,454	45,840	35,733	311	26	4	540
Burglary—breaking or entering	61,045	41,754	18,623	343	27	1	297
Larceny—theft	118,325	80,292	36,642	678	57	13	643
Auto theft	30,240	23,691	6,135	227	31	7	149
Embezzlement and fraud	19,489	15,618	3,782	48	1	2	38
Stolen property; buying, receiving, etc	5,504	3,666	1,765	23	1	----	49
Forgery and counterfeiting	11,317	9,580	1,653	52	9	3	20
Forcible rape	3,680	1,821	1,797	9	----	----	53
Prostitution and commercialized vice	17,482	9,194	7,885	110	20	7	266
Other sex offenses (includes statutory rape)	24,517	17,079	7,058	105	14	8	253
Narcotic drug laws	9,863	3,807	5,740	17	34	4	261
Weapons, carrying, possessing, etc	18,611	8,678	9,693	56	13	4	167
Offenses against family and children	23,701	15,118	8,378	71	7	----	127
Liquor laws	52,707	34,158	17,877	453	21	10	188
Driving while intoxicated	102,219	84,640	16,068	1,008	16	16	471
Disorderly conduct	281,997	161,721	115,171	2,301	83	17	2,704
Drunkenness	908,957	673,894	195,051	33,017	297	128	6,570
Vagrancy	88,351	64,665	20,950	1,929	97	24	686
Gambling	61,546	13,820	46,767	3	341	8	607
Suspicion	96,740	63,231	32,711	579	42	10	167
All other offenses	276,998	193,254	80,635	1,624	99	26	1,360

Mr. RUSSELL. Mr. President, this table discloses that of a total of 2,340,004 persons arrested for all offenses in 1958, 1,583,070 were white and 696,209 were colored. The remainder were of other racial groups.

In other words our Negro population who make up about 10 percent of the total population of the Nation accounted for about 30 percent of all the persons arrested for criminal offenses in 1958.

The figures for murder are even more shocking. According to the FBI report, 1,427 Negroes were arrested for murder and non-negligent manslaughter in 1958 compared to only 840 white persons. Stated another way, 60 percent of the persons who were arrested for murder in 1958 were members of the colored race, though they constitute only 10 percent of the total population.

Mr. President, this table also shows that of a total of 25,824 aggravated assaults, there was a total of 9,073 committed by white offenders, and a total of 16,389 committed by Negro offenders. In the category of other assaults, there was a total of 45,840 committed by white offenders, and 35,733 committed by Negro offenders.

In still another category of burglary—breaking or entering—there was a total of 41,754 offenses by white offenders, and 18,623 by Negro offenders. Finally, in the offense of forcible rape, there were 1,821 white offenders and 1,797 Negro offenders.

Mr. President, I have also undertaken to delve deeper into the statistics on murder that were presented by the Senator from Illinois.

In response to a telegram that I sent to the chiefs of police of the southern cities that were listed, I am informed that the overwhelming percentage of the persons arrested for murder in 1958—the year cited—were Negroes. The same thing is also true for all types of offenses.

Nearly all the southern cities referred to by the Senator from Illinois have a larger Negro population than the national average. If the Senator will break the table down by races, he will find the crime rate among southern whites is far below the rates he gave for Chicago, Detroit, Pittsburgh, or any other large city outside the South.

Mr. President, I ask unanimous consent that some of these telegrams, including those from the Chiefs of Police of Little Rock, Ark.; Asheville, N.C.; Augusta, Ga.; and Greenville, S.C., be printed in the RECORD at this point as a part of my remarks. I do this because they are typical of the telegrams we received.

There being no objection, the telegrams were ordered to be printed in the RECORD.

LITTLE ROCK, ARK.

Senator RICHARD B. RUSSELL,
U.S. Senator,
Washington, D.C.:

Reference your telegram dated March 8, 1960. This is to advise that our 1958 classification of offenses does not reflect offenses of white against Negro or Negro against white, nor age of offenders. A search of our 1959 records revealed two altercations occurred aboard city buses between white and Negro over seating arrangements. One Negro male high school student struck a white female high school student. The Negro was arrested and this case was transferred to juvenile court because of age. One Negro male high school student struck a white man aboard a bus over seating arrangements. The Negro was arrested and fined $109.00 and 90 days.

The 1958 classification of offenses reflect the following:

Charge	Number charged	White	Negro
Murder and negligent manslaughter	5		5
Manslaughter and negligence (female)	1		1
Robbery	55	15	40
Aggravated assault	123	42	81
Female			(17)
Burglary	165	93	72
Female			(2)
Larceny	257	143	114
Female			(39)
Other assaults	139	74	65
Female			(17)
Forgery and counterfeit	48	40	8
Embezzlement and fraud	19	15	4
Receiving stolen property	2	1	1
Carrying weapons	103	50	53
Prostitution and commercial vice	125	76	49
Sex offenses	2		2
Offenses against family and children	62	31	31
Narcotics	1	1	
Liquor laws	83	26	57
Drunkenness	4,748	3,224	1,524
Disorderly conduct	394	211	183
Vagrancy	156	125	31
Gambling	232	28	204
Driving while intoxicated	792	594	138
Suspicion	306	168	138
All other except traffic	710	463	247

GENE SMITH,
Chief of Police.

ASHEVILLE, N.C.

Senator RICHARD B. RUSSELL,
U.S. Senate,
Washington, D.C.:

In 1958 this department made a total of 9,850 arrests: 8,061 whites, 1,759 Negroes, 30 Indians. We had 5 murders, 3 Negroes against Negroes and 2 whites against whites. One rape case: a group of 8 Negroes ages 14 to 17 raped a white woman in one of our city parks. In all other crimes such as aggravated assaults, larceny automobile, breaking and entering, and so forth, the percentage of whites against Negroes and Negroes against whites was approximately 2 percent of total arrests. The percentage of Negroes in comparison to whites, was 1.7 percent. There have been no violent crimes or breach of the peace in our city by organized groups of either race. Our 1959 report is available, if desired.

A. R. SLUDER,
Chief of Police.

AUGUSTA, GA.

Re telephone of March 8.
Hon. RICHARD B. RUSSELL,
U.S. Senate, Washington D.C.:

Total persons arrested Augusta 1958, 20,757; total white, 10,554; total Negro, 10,200; others 3. Murder: White versus white, 3; Negro versus Negro, 7. Rape: White, 2; Negro, 24. Assault: White, 32; Negro, 64. Robbery: White, 3; Negro, 17. Burglary: White, 76; Negro 166. Larceny: White, 142; Negro, 168. Having weapons: White, 17; Negro, 49. Liquor laws: White, 22; Negro, 492. Gambling laws: White, 30; Negro, 437. Unable to furnish better breakdown race versus race except murder. Fortunately, race versus race is not a problem here yet. Hope this will be of some help.

F. B. GREEN,
Chief of Police.

GREENVILLE, S.C.

Re telephone.
Hon. RICHARD B. RUSSELL,
U.S. Senator, Washington, D.C.:

Total arrests this city, 1959: For murder, 19, 4 of which were white, 15 Negro. Offenses were white killing white, Negro killing Negro. No interracial offenses noted. Total arrests all offenses 1959 was 11,954 and involved 7,577 white and 4,377 Negro.

Total arrests 1958 for murder was nine, 3 of which were white, 6 Negro. Offenses were white killing white, Negro killing Negro. No interracial offense noted. Total arrest 11,586 for all offenses. Of these 7,453 were white, 4,133 Negroes.

Have witnessed no violent racial problems relative to fighting, etc. Only one case in 5 years where Negro was killed by white and this was done by a police in line of duty.

P. P. OAKES,
Chief of Police.

Mr. RUSSELL. Mr. President, I have compiled a breakdown by race of those arrested for murder in the various southern cities that were cited last week It is based on official information provided by the chiefs of police of these cities.

The figures are most revealing. They show, for example, that in Atlanta, Ga., 65 of the 75 persons who were arrested for murder in 1958 were Negroes and only 10 were white. Although the Negro population of Atlanta is only 24.6 percent of the total, colored offenders for murder accounted for more than 86 percent of the murder arrests in that city.

In Macon, Ga., Hampton-Newport News, Va., Pensacola, Fla., and Raleigh, N.C.—cities mentioned by the Senator from Illinois—all of the persons arrested for the crime of murder in 1958 were Negroes. In Memphis, Tenn., 28 of the 34 persons arrested for murder were Negroes—a percentage of 82.3, although the colored population of the city is only 37.3 percent.

Asheville, N.C., had only five arrests for murder in 1958, a remarkably good record. Three of those five persons so arrested were Negroes, notwithstanding the fact that the colored population of Asheville is about one-eighth of the city's total.

In Jackson, Miss., where the population is 45 percent—almost half—colored, Negroes accounted for 11 of the 14 persons arrested for murder in 1958—more than 78 percent of the total. The same trend was true in Birmingham. There, some 45 persons were arrested as murderers—39, or 86 percent, of them were Negroes.

Mr. President, I could cite further official statistics provided by the police departments of these cities, but those given confirm the statement I made.

I ask unanimous consent, however, to have a table which I have compiled giving the racial breakdown of murder arrests in these cities printed in the RECORD at this point of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Breakdown by race of arrests for murder in 1958 in southern cities cited by Senator DOUGLAS

City	Total arrests	White	Negro	Percentage of Negros in total city population	Percentage of Negroes in total of arrests
Asheville, N.C.	5	2	3	12.2	60.0
Atlanta, Ga. (1959)	75	10	65	24.6	86.6
Augusta, Ga.	10	3	7	34.6	70.0
Baton Rouge, La.	55	5	50	33.0	90.9
Birmingham, Ala.	45	6	39	37.2	86.6
Charleston, S.C.	7	3	4	41.4	57.1
Charlotte, N.C.	21	2	19	25.3	90.5
Columbia, S.C.	5	1	4	35.4	80.0
Columbus, Ga.	(1)	(1)	(1)	31.4	
Durham, N.C.	10	5	5	33.2	50.0
Fort Smith, Ark.	(1)	(1)	(1)	8.1	
Gadsden, Ala.	5	3	2	14.4	40.0
Greensboro-High Point, N.C.	12	4	8	19.5	66.6
Greenville, S.C.	9	3	6	18.7	66.6
Jackson, Miss.	14	3	11	44.9	78.6
Hampton-Newport News-Warwick, Va.[2]	8	0	8	(1)	100.0
Jacksonville, Fla.	26	18	8	26.9	30.8
Little Rock-North Little Rock, Ark.	7	1	6	24.0	85.7
Macon, Ga.	6	0	6	35.7	100.0
Memphis, Tenn.	34	6	28	37.3	82.3
Miami, Fla.	41	8	33	13.1	80.5
Mobile, Ala.	23	8	15	33.6	65.2
Montgomery, Ala.	8	3	5	43.6	62.5
Nashville, Tenn.	51	9	42	30.9	82.3
New Orleans, La. (1959)	64	10	54	29.1	84.4
Norfolk-Portsmouth, Va. (Norfolk only)	17	4	13	27.3	76.5
Orlando, Fla.	8	2	6	19.8	75.0
Pensacola, Fla.	6	0	6	36.3	100.0
Raleigh, N.C.	6	0	6	29.3	100.0
Richmond, Va.	26	7	19	26.5	73.1
Roanoke, Va.	9	5	4	13.5	44.4
Savannah, Ga.	14	1	13	38.6	92.8
Shreveport, La.	19	1	18	37.6	94.7
Tampa, Fla.	30	12	18	21.9	60.0
West Palm Beach, Fla.	9	4	5	29.6	55.5
Winston-Salem, N.C.[3]	21	3	17	28.3	80.9

[1] Not available.
[2] Figures are Hampton and Newport News only. Warwick not available.
[3] In addition to whites and Negroes cited, Winston-Salem shows 1 Indian arrested for murder.

Mr. RUSSELL. Mr. President, I have not undertaken to obtain comparable figures from the northern cities that were selected by the Senator from Illinois. I doubt very much that the NAACP would permit the police departments of a great many of those cities to issue any information that would reveal a breakdown of criminal offenses by race.

However, we have seen piecemeal evidence in press reports that indicate the trend in the North is similar to that in the South. Indeed, I would not be surprised that Negro offenses are higher in northern cities in proportion to the population than in the South.

Here is some of that evidence:

In Washington, D.C., which has a Negro population of more than 50 percent, the Metropolitan Police Department reported that in fiscal 1959 there were 4.32 arrests for each 1,000 whites for serious offenses compared to 21.4 such arrests for each 1,000 Negroes.

The police chief of Los Angeles, in an appearance before the much-discussed Civil Rights Commission in January of this year, said that Negroes commit 11 times as many crimes as whites in proportion to their population in Los Angeles.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks an article appearing in the Los Angeles Times of January 27, 1960, which reports Police Chief Parker's appearance before the Civil Rights Commission.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PARKER ANGRILY DENIES RACIAL DISCRIMINATION—PRESENTS CHARTS OF CITY DISTRICTS, TELLS OF UNDESIRABLES SHIPPED INTO LOS ANGELES

Angry denial of any discrimination in Los Angeles law enforcement was voiced by Police Chief Parker yesterday in an appearance before the Federal Commission on Civil Rights on the second day of the 2-day hearings in the State building.

The chief was flanked by a battery of aids carrying charts. They showed breakdowns of the city's population by areas and the incidence of crime both by area and by national origin of the offenders.

Parker said that, according to reports of victims to police, Negroes commit 11 times as many crimes as Caucasians, in proportion to their population. Persons of Latin-American origin commit five times as many and Orientals and other nationalities only one-third as many, Parker said.

* * * * *

He cited lack of manpower in the police department, with only 1.8 officers per 1,000 of population. Parker assured the Commission that officers are chosen and promoted strictly on the basis of qualification and ability without regard to race, creed, or color.

Parker's testimony came at the end of the morning's session which was opened by the reading of a prepared statement from Senator KUCHEL.

* * * * *

AT SESSION

Those heard at the afternoon session included Rt. Rev. Msgr. Thomas J. O'Dwyer, representing Cardinal McIntyre; Dwight R. Zook, director of personnel service at North American Aviation; Randolph Van Nostrand, director of public relations for the Merchants and Manufacturers Association; Mrs. Eloise Kloke, regional director of the President's Committee on Government Contracts.

Others were Rev. Gilbert S. Zimmerman, representing the Community Relations Conference of Southern California; William L. Miller, chief engineer of the Los Angeles Fire Department; Percy H. Steele, Jr., executive director of the San Diego Urban League, and Dr. Ray Ragsdale, president of the Church Federation of Los Angeles.

FIRE DEPARTMENT

Miller reported that the Fire Department has prohibited "segregation on the basis of race, color, national origin, or religious creed," that proper procedures have been set up for the report of any instances of violation of this rule, and that those tensions and high emotions which were disrupting the department in 1956 have now been alleviated and most fire companies are functioning at a high level of efficiency.

Commission members left the city by air at 5 p.m. for San Francisco, where they will hold sessions today and tomorrow.

Mr. RUSSELL. Mr. President, during the first 6 months of 1959, the Milwaukee police reported that Negroes committed 43 percent of that city's major crimes even though the colored population of Milwaukee was only 4 percent.

An Associated Press dispatch of last September 25, as reported in the Washington Star, stated:

Although Negroes comprise only about 4 percent of Milwaukee's 764,000 population, they committed 43 percent of the city's major crimes during the first 6 months of this year, the police department reported yesterday.

A listing of major crimes by color in the department's tabulation section showed 682 were committed by Negroes, 916 by whites and 50 by "all others." Negroes were the offenders in 2 of the city's 3 1959 murders, 4 of the 8 manslaughters, and 7 of 11 rapes.

The disclosure, made at the request of newsmen, came as city officials called for tightening of firearm purchase regulations. The demands were made in the wake of the fatal shooting of a 39-year-old white housewife, Mrs. Sylvia Fink, by a Negro religious fanatic on Monday.

It is in New York, however, that crime conditions appear to be at their very worst. I was shocked to read an editorial recently that appeared in the New York Journal American that was headed "Protect Our Women."

This, I remind Senators, is New York City. It is not some southern city. It is a city that has the dubious distinction of being the most thoroughly integrated city in the country.

Mr. President, I ask unanimous consent that the editorial from the New York Journal American of Monday, February 29, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROTECT OUR WOMEN

When the wife of a minister is raped in midevening on the subway platform of a midtown station, the time has arrived for both law enforcement officials and lawmakers to begin invoking emergency measures to give greater protection to the women of New York.

Since the subway crime, there have been new manifestations of the jungle terror that has made it unsafe for women to venture out of their homes during the evening hours. The latest outrage is the raping of a 40-year-old Brooklyn woman, mother of two daughters, in a vacant lot three blocks from her home.

The screams of a young Queens girl saved her from being raped by a confessed burglar who was captured after a furious struggle with her father and brothers.

The high incidence of these revolting sex crimes is incontrovertible evidence that the police department needs help in making the streets safe for all citizens. This help is at hand if only Police Commissioner Kennedy will avail himself of it.

As we have done repeatedly for several months, we urge the commissioner to accept the offer of the Civilian Defense Organization to throw 2,500 specially trained auxiliary patrolmen into the war against the rapists. We again urge the formation of neighborhood home guards, consisting of carefully screened volunteers. We again urge that thought be given to the arming of taxi drivers, with good war records and a knowledge of firearms, to act as a mobile detection and prevention unit.

And, finally, we call upon the legislature to make the penalties for rape so severe as to deter the fiends who prey upon our women.

We are faced with a criminal crisis. The facts warrant immediate emergency action. The people demand it.

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks an editorial in a similar vein that appeared a few days earlier in this same newspaper.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

CHALLENGE TO LAW

Two savage and shocking crimes—committed within hours of each other in different parts of the city Wednesday—present grave challenges not only to those who enforce the laws but to all those who write our laws.

It is difficult, if not impossible, to write calmly or dispassionately about either crime.

No punishment, in our opinion, would be too severe for the fiend who raped and robbed the wife of a Presbyterian minister on a deserted section of the platform of the IND-Eighth Avenue subway's 50th Street-Madison Square Garden Station. This is the latest in a growing series of rapes that have caused New York women to be fearful of going out alone at night.

Likewise, we feel no punishment would be too harsh for the cowardly hit-run cabbie who struck a 4-year-old girl in Harlem, took her in his cab ostensibly to move her to a hospital and then abandoned her a half mile away. The little girl's body was found under a parked car on upper Broadway. It was without a doubt the most vicious hit-run killing in memory.

A LEGISLATIVE PROBLEM, TOO

There is a parallel in these two heinous instances. New York City is suffering from a veritable plague of both these types of crime. Many of New York's streets have been unsafe for women at night and there has even been talk of vigilante action. Since January 1, there have been 14 hit-run killings and few arrests.

This is not only an enforcement problem. It is even more a challenge to the legislature which is the fountainhead of law and security.

Repeated appeals have gone up to the legislature for more stringent and effective laws which would provide a deterrent that does not now exist in the cases of rapists and hit-run killings.

These appeals, we regret to state, have met with a business-as-usual attitude in Albany.

It is time the legislature began considering the use of the lash and capital punishment as deterrents to the human beasts who act as though our town was a jungle. It is tragically obvious that the present powder puff sentences provided in our laws fail to discourage sex criminals.

The laws governing hit-run maniacs are woefully inadequate, in that they classify this type of crime as merely a misdemeanor. Bills pending in the legislature would make it a felony, with prison sentences up to 7 years.

The situation calls for vigorous action by every representative of the city of New York who has been elected to the legislature. Those who do not act swiftly and strongly to make our streets safe for our people do not deserve to be reelected.

Mr. RUSSELL. Mr. President, according to the New York Times of last September 25, 1959, Judge Samuel Leibowitz compiled figures indicating that Negroes, who account for 11 percent of the population of New York City, comprised 46 percent of the city-wide cases awaiting trial in the Brooklyn House of Detention.

Even the police commissioner of New York, Stephen P. Kennedy, has described crime conditions in the Negro section of Harlem as "shocking." Commissioner Kennedy revealed that in 1958, 3,070 felonies were committed in a single precinct of Harlem comprising 122,000 persons.

Mr. President, again I express my regret that I have been compelled to bring these shocking and tragic facts to the attention of the Senate.

But in view of the relentless campaign of slander and abuse that is continually directed against the white people of the South, I do not intend to allow the truth about crime conditions in both the North and the South to go only half told.

Mr. President, the conditions that I have stated are the basis of a great deal of the demand on the part of southern whites that they be permitted to choose their own associates.

I also wish to bring to the attenion of the Senate the testimony which was given by Dr. Anslinger, the head of the Bureau of Narcotics, on January 26, of this year. His testimony casts a great deal of light, for those who are not familiar with the conditions throughout the Nation, as to another reason for the desperate resistance of the white people of the Southern States to the use of Federal power to compel their children to associate with those of the Negro race in our schools. It pertains to narcotic addiction.

A chart appears on page 140 of the hearings on the Treasury-Post Office Departments appropriations for 1961 before the subcommmittee of the Committee on Appropriations of the House of Representatives, 86th Congress. It is a chart giving the breakdown of active narcotics addicts reported in the United States as of December 31, 1959.

The chart shows that the total number of active addicts is 45,391. Of that number, 57.6 percent, or 26,146 addicts, are members of the Negro race. Some 11,703, or 25.8 percent of the total, are members of the white race. There are 3,889 addicts, comprising 8.6 percent of the total, who are Puerto Ricans. Some 2,823 addicts, or 6.2 percent of the total, are Mexicans. All others total 830 addicts, or 1.8 percent.

Under the rules, Mr. President, I cannot ask unanimous consent to have the chart printed in the RECORD, but I can give the figures from the chart.

It is interesting to note the chart shown on page 139 of Dr. Anslinger's testimony. I suppose this is the last time he will be permitted to testify in this vein, since the matter has been brought to the attention of the Senate and printed in the RECORD.

Senators will find active narcotics addicts reported in several selected States as of December 31, 1959. This shows that the total active addicts are 45,391. Of that total, in the State of New York there are 20,732 addicts, or 45.7 percent of the total.

In the State of California there are 6,471 addicts, or 14.2 percent of the total.

In the State of Illinois there are 6,189 addicts, or 13.6 percent of the total.

In the State of Michigan there are 2,366 addicts, or 5.2 percent of the total. According to the chart, all the other 9,631 addicts, or 21.2 percent, are found in the remaining 46 States.

It is also interesting to note that the four States which have 79 percent of all the addicts—and where more than half of them are Negroes, are the States that have attacked, by every conceivable State law, every inclination to separate the races. Some of them have even transported large numbers of Negro children entirely across a city to put them into schools which heretofore had been predominantly white—in order that the races may be intermingled. Other States and cities have passed laws to make it a crime for a man to rent his private property to whomever he wishes. Those are the cities and States that have such high percentages of racial crime. This bears out a contention of those of us from the South have held for years that when an effort is made to force the intermingling of the races, conditions are greatly worsened. No one is benefited. The Negro is not benefited, and certainly the white race is not benefited.

Mr. President, I ask unanimous consent that the table on page 145 of the House hearings before the Subcommittee on Treasury-Post Office Departments Appropriations for 1961, of the House Appropriations Committee, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Active narcotic addicts reported to the Federal Bureau of Narcotics as of Dec. 31, 1959, by State

[Figures include the District of Columbia]

Alabama	112
Alaska	3
Arizona	136
Arkansas	42
California	6,471
Colorado	118
Connecticut	141
Delaware	17
District of Columbia	1,116
Florida	209
Georgia	117
Hawaii	47
Idaho	3
Illinois	6,191
Indiana	171
Iowa	40
Kansas	25
Kentucky	83
Louisiana	434
Maine	12
Maryland	345
Massachusetts	343
Michigan	2,366
Minnesota	168
Mississippi	61
Missouri	1,030
Montana	6
Nebraska	64
Nevada	20
New Hampshire	5
New Jersey	892
New Mexico	124
New York	20,732
North Carolina	81
North Dakota	6
Ohio	619
Oklahoma	94
Oregon	142
Pennsylvania	557
Rhode Island	15
South Carolina	45
South Dakota	5
Tennessee	71
Texas	1,566
Utah	1
Vermont	4
Virginia	187
Washington	162
West Virginia	32
Wisconsin	160
Wyoming	--
Grand total	45,391

Mr. RUSSELL. I further ask that a table showing the Federal narcotics law violations reported during the calendar years 1955–59, appearing on page 147 of the same hearings, before a committee of the other body, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Federal narcotic law violations reported during the calendar years 1955–59, by State

State	1955	1956	1957	1958	1959
Alabama	6	14	10	6	8
Alaska	4		1		
Arizona	20	4	3	2	5
Arkansas	6	7		1	
California	189	270	269	249	322
Colorado	10	21	11	9	2
Connecticut	21	7	7	20	25
Delaware	1			13	3
District of Columbia	86	40	46	45	18
Florida	23	30	25	21	20
Georgia	27	14	18	7	2
Hawaii	8	2			1
Idaho	1		1		1
Illinois	173	151	179	265	227
Indiana	6	49	10	9	32
Iowa	6		12	2	
Kansas	4		3	1	
Kentucky	8	6	4	6	6
Louisiana	25	5	1	39	35
Maine	3	1			
Maryland	24	42	10	25	10
Massachusetts	53	11	17	9	50
Michigan	139	97	123	131	71
Minnesota	4	5	15	8	
Mississippi	4	6		1	9
Missouri	110	94	106	44	51
Montana		2			1
Nebraska	6	3	2	1	
Nevada	3	3	3	12	
New Hampshire	2	1			
New Jersey	51	18	57	35	38
New Mexico	21	11	14	17	6
New York	427	313	304	405	554
North Carolina	18	8	18	18	4
North Dakota	1				
Ohio	153	48	49	28	3

Federal narcotic law violations reported during the calendar years 1955–59, by State—Con.

State	1955	1956	1957	1958	1959
Oklahoma	22	7	27	2	4
Oregon	18	6	14	14	19
Pennsylvania	91	107	27	28	24
Rhode Island		2		2	3
South Carolina	4	4	5		
South Dakota		1	1		
Tennessee	29	10	7	4	
Texas	109	100	64	61	77
Utah	10	5	1		
Vermont					
Virginia	46	36	22	17	13
Washington	52	34	30	17	5
West Virginia	16	2		1	
Wisconsin	4	2		2	
Wyoming	4	1			
Total violations	2,048	1,600	1,516	1,577	1,619

Mr. RUSSELL. Mr. President, I have stated before, and I state again today, that political leaders who are pandering to the Negro vote should get out and urge the Negro people to eliminate these terrible conditions. They would do far more for them than they can do by coming here and seeking to bring to bear the force of Federal power to compel intermingling of the races. If the leaders of the Negro race—and they have some great leaders—were to devote their energies to an appeal to their people to eliminate these conditions, they would do much more for them than they could do by undertaking to strong-arm their way into places where they are not wanted.

The members of the Negro race are not the first minority, whether an ethnic group or a religious sect, who had reason to feel that they were the victims of discrimination. The Negro, however, is the only minority in the United States who has not been willing to work and strive to earn recognition and acceptance. The Negro race and the Negro alone have sought to strong-arm and use physical force to secure the right of association from the majority against the wishes of that majority.

Back in the 1850's, when the tide of Irish immigration was running so high, a new party was formed, called the American or Know Nothing Party. It was aimed at the Irish.

A distinguished national committeewoman from one of the great New England States told me that when she was a little girl she could not play on the main street of the greatest city of her State because she was Irish. If she had done so, the police would run her in. What did the Irish do? They proceeded to demonstrate their worth. They proceeded to take over the politics, the business, and other interests of that State. Today, no one raises a question about the Irish. No one thinks about forming a party to oppose them. The "Know Nothings" have been lost in history of the past. The Irish are a vital part of the warp and woof of the fabric of life of the United States.

When the Italians came along, they faced even greater difficulties, because they had been preceded by some members of the Mafia, who had been driven out of Italy because they were criminals. That prejudiced many people against the decent Italian immigrants.

The Italians did not seek to have a law enacted to make people recognize them and take them in socially. They set about to prove their worth, and they did it. Today we find them in positions of great importance, responsibility, and power in the financial, social, political, and industrial life of the Nation.

Still another minority group, the Mormons, was subjected to attacks by mobs throughout the entire West for years. The United States Army was even called out after members of that persecuted religious group made their great trek all the way to Utah. Today, if a man finds that he has a Mormon for a neighbor, he feels very happy about it, because he knows that his neighbor is a good citizen and an honorable man.

All manner of political pressures are now being brought to bear—to drive the Senate to vote for all kinds of miscalled civil rights bills. The proponents of such legislation might take over the highest court of the land and make it the tool of a group representing the Negro race, but they cannot force social acceptance in that way. It cannot be done by litigation or legislation. It must be earned. An attempt to enact laws to compel social acceptance can result only in creating a tragic era in this country.

The leaders of the Negro race have scorned to preach to their people the necessity of reducing their crime rate, their rate illegitimacy, of venereal infection and of narcotic addiction. They are demanding that the white people take them as they are and, through a process of amalgamation and assimilation, either spread these deficiencies throughout the people of the country or depend upon the strength of the whites who participate in the amalgamating process to absorb and eliminate these tragic vices.

There is nothing in human history to lead us to believe that this can be done. The white people of the South have cheerfully borne the cost of the burden of attempting to civilize and educate the majority of Negroes in the United States. They have borne this burden despite the fact that, since the 1860's, we have been the poorest part of the country with the lowest average per capita income.

The great majority of the white people of the South are not willing, however, to impose upon their children the task of seeking to amalgamate the Negro people into entitlement to social acceptance.

The Negro must do something to earn this for himself. The handful of whites in the Southern States who are telling the Negro that they can find an easy way are doing the Negro a grave disservice.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. ERVIN. I should like to ask the distinguished Senator from Georgia some questions along the line of his recent remarks.

I ask the Senator from Georgia if he agrees with me in the observation that no men or races of men can law or legislate their way to the better life. It is the reward for personal integrity and personal industry, and is something which cannot be conferred upon anyone from on high—even by men wearing judicial robes, or men occupying congressional seats.

Mr. RUSSELL. The Senator has stated better than I could the point I have been endeavoring to make.

Mr. ERVIN. I ask the Senator from Georgia further if he agrees with me in the observation that anyone who contends that a man can law or legislate his way to the better life is either fooling himself or attempting to fool someone else.

Mr. RUSSELL. That conclusion should be inescapable to any normal person.

Mr. ERVIN. I ask the distinguished Senator from Georgia if he agrees with me in the observation that all the agitation for civil rights bills, instead of improving the situation, is worsening the situation.

Mr. RUSSELL. I have just stated that it is my opinion that efforts to use the pending bill to whip up a frenzy throughout the country and to promote efforts of the Negro people to strong-arm their way into social acceptance at eating establishments and similar places can only end in great tragedy. It may elect some man to political office but the people most vitally affected will not benefit from it.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. STENNIS. As one of those who has the privilege of representing the State which has the largest percentage of Negro citizenship of any State in the Union, I wish especially to commend the Senator for the very logical, factual, calm way in which he has presented facts that are not pleasant to anyone. No one, much less the Senator from Georgia, would get any satisfaction from bringing such facts to the attention of the public or the Senate.

Mr. RUSSELL. I want to have the country know the real reason for our position. It is not based upon prejudice. It is not based upon the hatred of the Negro people. It is based upon existing conditions. The Negro people would be much better advised to undertake to clean up conditions in their race, rather than to come to Washington to urge the enactment of a law to enforce the right of Negroes to sit down and eat with the whites.

Mr. STENNIS. That approach is exactly the approach we are trying to take in my State. We have there over 8,000 colored schoolteachers, virtually 100 percent of whom are showing the same approach the Senator outlines in his speech, of self-improvement, gradual betterment, gradual increase of their worth and their earning capacity and their service ability, and it is the approach of building these people to make them more useful and stronger.

If we could entrust this problem to their own leaders, there would not be any problem. It is the outside agitation of political organizations and others who come in and give them misdirected

leadership, for the personal gain which may come to these organizations and others, which will lead them down a dead end alley by injecting politics into the question. That is the source of the trouble.

I am glad the Senator has brought out so clearly to the American people the exact situation.

If the Senator will yield further, I notice that he made reference to the Mormons in Utah. I have had in my desk for some time a paragraph which I clipped from the "100 Years Ago" column published in one of the New York newspapers. It is dated March 11, I think, 1859, and states:

> This bill being discussed before the U.S. Senate is a proposal to increase the standing Army from 18,000 to 24,000. The extra 6,000 are needed to send to Utah against the Mormons.

Mr. RUSSELL. They were burnt out and driven from pillar to post. After they made their long march across the country to Utah, the Government did send the U.S. Army out there against them. It was a disgraceful page in American history.

Mr. STENNIS. A short 100 years later—and a hundred years is a short time in the history of a nation, especially in the history of a race—the Senate is blessed—and I use that word "blessed" literally—with the Membership in the Senate of several Members from that great religious organization. I have said it before, and I say again now, that although there may be some bad Mormons, I have never met one.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEATING. Mr. President, before the pending amendment gets "pended" so long that there is no more life left in it, I should like to explain briefly its provisions. In essence, under this amendment it would be a Federal offense for anyone to import or transport in interstate commerce any explosive with the knowledge or intent that it will be used to damage or destroy any property used for specified objectives or of intimidating any person pursuing those objectives. The property involved can be any building or any real or personal property.

This language is intended to be all-inclusive. The uses to which any such real or personal property are being put are defined in the amendment as "educational, religious, charitable, residential, business, or civic."

In other words, it will apply across the board.

The basis for Federal jurisdiction under this amendment is the importation or transportation of explosives in commerce. Under its provisions, the possession of an explosive in such a manner as to evince an intent to use or the actual use of an explosive for one of the prohibited objectives would create a rebuttable presumption that the explosive was imported to the United States or transported in commerce by the person possessing or using it. However, the amendment expressly provides that no person may be convicted of a violation of its provisions unless there is evidence of a violation independent of the presumptions.

This section is intended to create an immediate basis for Federal intervention in bombing cases without subjecting the accused to a possibility of a conviction solely on the basis of the presumption.

The amendment would also make it a crime willfully to impart or convey any threat or false information through the use of mail, telephone, telegraph, or other instruments of commerce concerning an attempt or act prohibited by the amendment.

The amendment contains a subsection making it clear that it is not intended to preempt State laws dealing with the same subject matter.

The amendment is virtually identical to S. 73, which I introduced on January 9, 1959, on behalf of myself and Senators Javits, Scott, Allott, Beall, Bennett, Bridges, Bush, Case of New Jersey, Cooper, Kuchel, Martin, Prouty, and Smith, and the late Senator Langer.

The amendment also is almost identical to S. 188, introduced by Senator KENNEDY on January 12, 1959, and cosponsored by Senators Ervin, Allott, Anderson, Bible, Bush, Byrd of West Virginia, Cannon, Carroll, Case of New Jersey, Chavez, Church, Clark, Dodd, Douglas, Engle, Green, Gruening, Hart, Hennings, Humphrey, Magnuson, Mansfield, Martin, McCarthy, Moss, Murray, Pastore, Randolph, Symington, Yarborough, Young of Ohio, and Young of North Dakota, and the late Senator Langer.

The latter bill, S. 188, is commonly referred to as the Kennedy-Ervin bill. There are only two differences between this amendment and the Kennedy-Ervin bill. One is that the Kennedy-Ervin bill does not apply to property being used for residential purposes, whereas my amendment does. The other difference is that the Kennedy-Ervin bill also contained a section amending the Fugitive Felon Act by adding to the list of crimes thereunder the following:

> Willfully destroying or damaging any building or other real or personal property for the purpose of interfering with its use for business, educational, religious, charitable, or civic objectives, or of intimidating any person pursuing such objectives.

The latter section is now unnecessary in my amendment, since my amendment will leave intact the fugitive felon provision of section 2 of the Dirksen amendment, simply adding to it the antibombing measure.

In this and other respects, the Kennedy-Ervin bill sought to accomplish the very same objectives in practically the very same language as the pending amendment. It contains the same provisions with regard to importing or transporting explosives, the same presumptions, the same sections with regard to the use of mail, telephone, telegraph, or other instrument of commerce, the same penalty provisions, and the same section negating any preemption.

I should point out that on January 20, 1959, the distinguished majority leader [Mr. JOHNSON of Texas] introduced another bill, S. 499, title IV of which is almost identical with the language of the Kennedy-Ervin bill. In other words, that bill also proposed both an amendment to the fugitive-felon law, which we have already dealt with, and a separate antibombing addition to the Criminal Code.

The majority leader's bill on this point also contained a provision not found in other measures which have been proposed, a provision to deal with bombing incidents. This is the only respect in which the majority leader's bill differed substantially from this amendment or the Kennedy-Ervin bill. This provision would have expedited FBI investigations of all cases involving the damage or destruction of any building by any explosive under circumstances indicating that the substantive provisions of the law had been violated.

While I doubt the necessity for this addition, I should be happy to accept it if the majority leader and other Senators believe it is desirable. Certainly it does no harm. I simply feel that to have this additional provision in the bill, so as to expedite FBI investigations, is not essential to the measure.

A number of Senators sponsored both S. 73 and S. 188. However, not counting any duplications the total number of Senators who have sponsored one of the three bills introduced on this subject is 45, which is 5 less than half of the full membership of the Senate, and includes the distinguished majority leader [Mr. JOHNSON of Texas], the distinguished majority whip [Mr. MANSFIELD], and the distinguished minority whip [Mr. KUCHEL].

It is particularly noteworthy that a major percentage of this number sponsored a bill which would have accomplished exactly what I am now proposing; namely, a dual approach to the solution of bombing cases, both by amending the fugitive-felon law and by adding a new section to the Criminal Code. It is my hope that it may be possible to get unanimous, or almost unanimous, approval of this amendment.

I feel sincerely that it is one which should appeal and will appeal to Members from all sections of our great country. All the Senators who have proposed or sponsored these measures obviously believe, as I do, that this dual approach is necessary in order to make possible a complete counteroffensive against the vicious criminals who have destroyed schools, places of worship, and homes in their fight against law and order. These hoodlums deserve our severest condemnation. Their deeds have disgraced the entire Nation. Their crimes are a stain on the reputation of America throughout the world. We now have an opportunity to remove this stain, and I hope we shall do a complete job.

The present section of the Dirksen amendment would do a good part of the job. That is why it has my full support. However, it will not do the whole job, and that is why I suggest that we stick to the dual approach recommended by so many of our colleagues from all sections of the country—including the distinguished majority leader.

Primarily, the gap in the flight section alone is that it would not come into operation until after there had been a bombing and a flight across a State line. I see no reason to limit our action to apprehension and prosecution after the fact in the case of criminals who attempt to escape from the place where they have been guilty of such a bombing. If it is possible for the felons to be caught by the FBI before the acts reach fruition, certainly the law should be sufficiently broad to cover such situations, and there is no reason to exclude from Federal prosecution—provided they have committed a Federal offense—culprits who never flee the jurisdiction. The amendment would also cover some cases of intimidation, even though an actual bombing did not occur. The amendment would cover cases of possession of explosives with the knowledge or the intent of using them for the prohibited purposes, and the amendment would cover threatening telephone calls such as have been reported from time to time in such cases.

In other words, the amendment will allow action as broad as the problem that is being dealt with, and not just prosecution of felons who flee after the deed is done.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a complete list of the bombings which have occurred in recent years having racial overtones—although this amendment is not limited to such cases.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

BOMBING INCIDENTS (1955–60)

ALABAMA

1. Montgomery, January 30, 1956, home of Rev. Martin Luther King, Jr., Negro leader; bomb blew out windows and damaged front porch. King had organized a bus boycott in December 1955.

2. Birmingham, April 10, 1956, homes of Negroes on 12th Place, North in Fountain Heights; Fountain Heights nicknamed "Dynamite Hill"; association of whites sought to prevent sales to Negroes.

3. Montgomery, August 25, 1956, home of Rev. Robert Graetz; two sticks of dynamite exploded. Graetz is the white pastor of an all-Negro Lutheran Church and a member of the boycott association in Montgomery.

4. Birmingham, December 25, 1956; home of Rev. Dr. F. L. Shuttlesworth, Negro minister; explosion on Christmas night. Shuttlesworth had led a 1-day campaign in defiance of city bus segregation laws. Home heavily damaged. His home and church thereafter guarded continuously by volunteers.

5. Birmingham, December 31, 1956, home of Otis Flowers, Negro, in Woodlawn.

6–11. Montgomery, January 10, 1957, four Negro churches and the home of Negro minister of one church and the home of white minister of another church bombed in one night; outbreak of violence began shortly after bus segregation was ended by Federal court order in December 1956. Churches were First Baptist Church, Hutchinson Street Baptist Church, Mount Olive Church, and Bell Street Baptist Church. Ministers were Rev. Ralph D. Abernathy and Rev. Robert Graetz. Second explosion in Graetz's home. Two white members of Ku Klux Klan arrested and tried. Acquitted May 30, 1957.

12. Montgomery, January 27, 1957, unsuccessful attempt on home of Rev. Martin Luther King, Jr.; 12 sticks of dynamite were tossed on the porch but failed to explode. Second attempt on King home.

13. Montgomery, January 27, 1957, Negro home and a filling station; bomb tossed between both buildings. Three Negroes suffered cuts and scratches.

14. Mobile, February 18, 1957, home of Walter Johnson, Negro; little damage; a small bomb thrown by white boy on bicycle. Johnson lived in mixed neighborhood. Reported by press as fifth of a series of recent bombing attempts in Mobile. Second attempt on his home.

15. Birmingham, April 1957, Negro home on 11th Court, North; six persons in home at time uninjured.

16. Birmingham, April 10, 1957, Negro homes on 12th Place, North.

17. Bessemer, April 28, 1957, Allen Temple A.M.E. Church (Negro); explosion occurred during service. Two hundred persons present, no one injured. Bomb went off in alley behind the church. Minister not active in integration fight.

18. Birmingham, April 28, 1957, home of Asbury Howard, Negro civic leader and vice president of an international union; Howard was president of a Negro organization to encourage Negro voting.

19. Birmingham, October 19, 1957, Negro home on 12th Place, North; heavy property damage.

20. Bessemer, November 1, 1957, home of David Hood, Jr., Negro lawyer; damage $1,000. Hood had sued to open public parks to Negroes. Only two nights earlier, he had dismissed three guards who had protected his home for 3 weeks. The house had been circled with floodlights. Hood had been convicted of carrying a pistol without a permit. He had not been able to obtain a renewal of a permit which had expired.

21. Birmingham, December 7, 1957, home of Robert Greer, Negro, 13th Street, North; two separate blasts in two different rooms. Reported by Associated Press as fourth bombing in Fountain Heights in few months.

22. Birmingham, December 31, 1957, home of Otis Flowers, Negro, in east Birmingham; blast blew out a wall; 12-year-old boy suffered a cut hand. Home in white neighborhood. Prior warning by fiery cross.

23. Brewton, March 25, 1958, Freewill Baptist Church, white; church demolished. No apparent racial angle.

24. Birmingham, April 29, 1958 (Tuesday), unsuccessful attempt on Temple Beth El; 54 sticks of dynamite left in a satchel at the temple failed to explode. Fuse wet by rain.

25. Birmingham, June 29, 1958, unsuccessful attempt on Negro Bethel Baptist Church; smoking package of dynamite in front of church thrown into street where it exploded. F. L. Shuttlesworth, Negro integration leader, pastor of church.

26. Birmingham, July 17, 1958, home of William Blackwell, Negro, and of a white neighbor in a mixed neighborhood; three men who had attended a KKK meeting caught by Negroes in neighborhood and then arrested. Later charged with bombing. One man convicted on December 5, 1958, and given 10-year sentence.

ARKANSAS

1. Little Rock, December 31, 1957, unsuccessful effort to bomb home of Mrs. L. G. Bates; crude bomb in a bottle exploded in driveway causing no damage to home of NAACP leader.

FLORIDA

1. Sorrento, November 13, 1955, home of Allen Platt; gasoline bombs. Platt's children, dropped from school rolls on claim they were part Negro sued to compel their admission.

2. Havana, October 21, 1957, Negro church; blast tore hole in churchyard, the aftermath of killing of white man allegedly by Negro.

3. Miami, March 16, 1958 (Sunday), school annex of Temple Beth El; $6,000 damage. First terror explosion in Miami since 1951.

4. Jacksonville, April 28, 1958 (Monday), Jewish center; $2,000 damage. Telephone threat received immediately after explosion from "Confederate Underground."

5. Jacksonville, April 28, 1958, James Weldon Johnson Junior High School (for Negroes); $20,000 damage. School 4 miles away from Jewish center. Both explosions within half hour. No integration dispute or lawsuit in Jacksonville.

GEORGIA

1. Atlanta, March 25, 1956, home of Mrs. Eddie May Cooper, Negro; home, in mixed neighborhood, destroyed.

2. Atlanta, April 17, 1956, home of Mrs. Gertrude Anderson, Negro, on Old Know Street; West Side Improving Association sought unsuccessfully to buy Anderson home.

3. Atlanta, July 3, 1956, home of Carl Haynes, Negro; heavy damage to home in predominantly white neighborhood. Press reported bombing of several other Negro homes in northwest section earlier in the year.

4. Americus, July 23, 1956, roadside market at Koinonia farm; $3,000 damage. Farm is an interracial religious cooperative. Its leader had aided Negroes seeking admission to white school.

5. Americus, January 14, 1957, roadside market, Koinonia farm; second blast, $7,000 damage, market destroyed.

6. Ringgold, November 29, 1957, unsuccessful attempt on tenant farm home of Phillip Huggins, Negro; Huggins had been warned 2 months earlier by group of robed men to leave country. Seven sticks of dynamite found with burned-out fuse under front porch.

7. Atlanta, March 17, 1958, unoccupied home sold to Negro; home was in predominantly white neighborhood.

8. Columbus, July 2, 1958, home of Mrs. Essie Mae Ellison, Negro; home, in mixed neighborhood, partly destroyed.

9. Atlanta, October 12, 1958 (Sunday), Temple of Hebrew Benevolent Congregation; about $10,000 damage caused by estimated 30 to 40 sticks of dynamite. George Bright tried and acquitted.

LOUISIANA

1. New Orleans, November 23, 1958, parking lot of school building; the school superintendent had a parking place assigned near the site of the explosion.

NORTH CAROLINA

1. Greensboro, October 2, 1957, home of Elijah Herring, Negro; Herring's children were attending a white school.

2. Charlotte, November 5, 1957, home of Negro; vacant house partly destroyed; third blast in neighborhood in 2 weeks, a new development consisting of 65 homes intended for Negro occupancy was being built.

3. Charlotte, Tuesday, November 12, 1957, unsuccessful effort to bomb Temple Beth El; six sticks of dynamite with partly burned 14-foot fuse found outside the temple.

4. Charlotte, January 1, 1958, marquee of drive-in theater; theater admits both white and Negro patrons.

5. Gastonia, Sunday, February 9, 1958, unsuccessful effort to bomb Temple Emanuel; 30 sticks of dynamite found outside of temple; fuse had burned to within 1½ inches of dynamite.

6. Charlotte, March 20, 1958, Negro public school; three members of a KKK group were convicted of plotting to plant a homemade bomb in a Negro school on February 15; discovered by police undercover agent; three men began serving 5-year prison sentences.

7. Durham, July 7, 1958, home of Rev. Warren Carr, white; minister headed Durham Human Relations Committee; four teenagers admitted "prank" and were not prosecuted.

SOUTH CAROLINA

1. Gaffney, November 20, 1957, unsuccessful attempt on home of Dr. James H. Sanders, a white physician; Mrs. Sanders had contributed to a publication entitled "South Carolinians Speak—A Moderate Approach to Race Relations." Five KKK members charged on December 7, 1957, with the attempted bombing. Two were thereafter acquitted and other three never tried.

2. Cowpens, November 21, 1957, home of Lewis Ford, Negro tenant farmer; white owner could give no reason for bombs.

TENNESSEE

1. Clinton, September 1956, five dynamite blasts in Negro section; Federal court had ordered admission of 12 Negroes to Clinton High School in August 1956. One blast in a lot adjoining home of Negro student in Clinton High School.

2. Clinton, December 29, 1956, headquarters of White Citizens Council; three sticks of dynamite ripped hole in side of building.

3. Chattanooga, January 23, 1957, home of Galen Lehman, white man; house had been shown to Negro prospective buyers.

4. Clinton, February 15, 1957, blast in Negro neighborhood; suitcase loaded with dynamite exploded; windows in 30 homes shattered. Two persons injured.

5. Knoxville, February 19, 1957, bombing of municipal auditorium; single stick of dynamite tossed from passing car while Louis Armstrong's band was playing for a segregated audience. Bomb exploded 200 feet from building.

6. Clinton, March 11, 1957, unsuccessful attempt on home of Negro student of integrated high school; 15 pounds of loose explosive found in gallon bucket.

7. Chattanooga, May 25, 1957, home of R. H. Craig, Negro lawyer; Craig had urged more jobs for Negroes in county government. Earlier, crosses were burned on property and guns shot into his home.

8. Jersey, August 13, 1957, home of Negro couple; newspapers also reported that a dynamite attempt on a Negro restaurant occurred a few days earlier.

9. Nashville, September 10, 1957, destruction of one wing of Hattie Cotton Public School, in East Nashville; a Negro child had been admitted as first step in integration plan.

10. Chattanooga, October 27, 1957, explosion in field near Negro residential area; 65 houses being built in new subdivision designed exclusively for Negroes.

11. Chattanooga, October 28, 1957, home of Negro couple in Negro section.

12. Chattanooga, November 5, 1957, home in Negro section; third bombing in less than 2 weeks.

13. Chattanooga, January 19, 1958, Howard School (for Negroes); bomb, homemade. Damage $1,000.

14. Chattanooga, January 27, 1958, Phyllis Wheatley Branch of YWCA (for Negroes); explosion outside building.

15. Clinton, February 13, 1958, white man convicted of conspiring to dynamite integrated Clinton High School. Sentenced for 2- to 10-year prison term; two sacks of dynamite containing 150 sticks found across a river from the school last fall. Two men told the sheriff they had been offered $500 to blast the school, according to press accounts.

16. Nashville, March 16, 1958 (Sunday), Jewish Community Center; $6,000 damage. Telephone call immediately after explosion from "Confederate Underground." Threat also against Federal judge who had issued integration order.

17. Memphis, August 5, 1958, Negro Mount Moriah Baptist Church.

18. Clinton, October 5, 1958, Clinton High School (integrated); three dynamite blasts, $300,000 damage.

19. Nashville, November 1958, unsuccessful attempt on home of Lee Steegal, Negro employee of Fisk University; Steegal had been soliciting membership for NAACP. Stick of dynamite found in his backyard.

TEXAS

1. Beaumont, January 7, 1957, unsuccessful attempt on home of Dr. Ed Sprott, Negro physician; physician was former NAACP official.

2. Beaumont, January 9, 1957, home of Grover Lee Myles, Negro; home in mixed neighborhood.

3. Beaumont, January 28, 1957, truck owned by State Senator Rufus Kilpatrick; Kilpatrick had aided in delaying anti-integration bill.

4. Beaumont, January 28, 1957, home of white retired car dealer, C. R. Smith; he believed it was caused by his "middle of road" stand on integration.

5. Beaumont, January 28, 1957, entrance of St. Michael's Greek Orthodox Church; the pastor of St. Michael's said he had taken no stand on integration but had received a telephone warning "we wanted to get the foreigners." All three blasts occurred in the evening.

6. Beaumont, June 21, 1958, home of Dr. Russell Long, professor at Lamar State College of Technology; college was integrated in 1956.

VIRGINIA

1. Lynchburg, October 29, 1958, attempt on E. C. Glass High School; disconnected dynamite bomb found in the trash pile at school. A bombing threat had been received by the school a week earlier.

PARTIAL LIST OF 1959–60 BOMBINGS

1. Huntington, W. Va., January 13, 1959, a bomb exploded in a boys rest room at Beverly Hills Junior High school shortly before classes opened. Damage was slight.

2. Collins Park, Del., April 7, 1959, a bomb exploded in the rear of a home, climaxing a series of racial demonstrations against Mr. and Mrs. George Rayfield, the Negro owners who had moved in 6 weeks before. The attorney for the owners stated that they had asked for police protection in the past. Collins Park is an all-white suburb of Wilmington. Mobs had demonstrated in front of the home after they had moved in.

3. Little Rock, Ark., June 7, 1959, a homemade bomb was tossed on the lawn of Mrs. Daisy Bates, president of the Arkansas NAACP. No one was hurt. The bomb was the fourth thrown at the Bates home since the start of the integration crisis.

4. Houston, Tex., December 16, 1959, a suitcase of explosives was tossed into a school playground that resulted in the death of the bomber, three children, and two other adults. One of the dead was the son of the bomber.

5. Newark, N.J., September 21, 1959, a bomb was thrown through a window of a Negro storefront church. No one was injured. Five 18-year-old boys were later arrested.

6. Little Rock, Ark., September 7, 1959, the office building of the school board, the private business office of the mayor, and the fire chief's station wagon were bombed. The explosions occurred in all three structures in a 40-minute period. Thereafter, five men were arrested. One pleaded guilty and was sentenced to 5 years in jail. Another was convicted after trial and sentenced to 3 years. A third received a similar sentence after trial.

7. Boise, Idaho, September 11, 1959, a bomb was thrown into a Seventh-day Adventist church. Twenty-five persons in the room at the time escaped injury.

8. Collins Park, Del., August 7, 1959, a second bomb was thrown in the home of Mr. and Mrs. George Rayfield, who had bought a home in an all-white suburb. In September, seven men and one woman were indicted.

9. Kansas City, Mo., January 29, 1960, a bomb explosion shattered synagogue windows of Kehilath Synagogue.

10. Springfield, Mass., February 2, 1960, windows were shattered in a bomb explosion at Temple Beth El which had been defaced by swastika vandals a month before.

Mr. KEATING. Mr. President, the list shows 88 such bombings since 1955, up to February of this year. Of this total, 42 involved Negro homes; 11, desegregated schools or Negro schools; 8, Negro churches; 9, Jewish synagogues or centers; 3, white churches; 3, white homes; and 12, other property, including a theater, a municipal auditorium, a YWCA, a school office, and the private business office of the mayor of Little Rock, Ark. The list shows that while most of these incidents have occurred in southern cities, a number have occurred in areas in the North. For example, in September 1959, a bomb was thrown through a window of a Negro church in Newark, N.J. In the same month a bomb was thrown into a Seventh-Day Adventist church in Boise, Idaho. Just last month a bomb was exploded in a Jewish temple in Springfield, Mass.

It is obvious that this matter is not a sectional one. So I hope the amendment will not be approached on a narrow, sectional basis. In fact, I am sure it will not be approached on such a basis.

There is no question that the decent people of all sections of the country are as much outraged by the rash of bombings which has occurred as they would be by any other kind of lawless violence; and I, for one, do not doubt that most law-enforcement agencies in the communities affected are sincerely trying to apprehend and to punish the perpetrators of these evil deeds.

The difficulties confronting local law-enforcement officials, however, are virtually insurmountable. Only a combined effort at the Federal, State, and local levels will ever be completely effective.

The nature of the acts involved is one of stealth and secrecy. Bombings most often occur at night, and the resultant explosions normally destroy most of the evidence which would show who are the culprits. Expert skill and meticulous care are required in order to sift the meager evidence which remains. For this task, the Federal Bureau of Investigation, which would be called into play under this proposal, would be most helpful. The Bureau is amply prepared, on the basis of its experience, and by means of its techniques, to combat these criminals and to produce the evidence necessary for their conviction. Of course, it is true that the FBI has rendered assistance to local officials in numerous instances in which such bombings have occurred. But, unfortunately, under

present law the Bureau lacks clear jurisdiction to proceed immediately in such matters. This amendment will provide that jurisdiction in unmistakable terms.

It is important to note that many local law-enforcement officials with whom I have discussed this problem agree that action at all levels is essential in order to wipe out the scourge of hate bombings.

Late in the fall of 1958, accompanied by my distinguished colleague [Mr. JAVITS], I toured several cities in the South, to investigate at firsthand the manifestations of this problem. In all, we traveled approximately 2,000 miles, and we talked with more than 50 government officials and community leaders in 3 cities—Jacksonville, Fla.; Atlanta, Ga.; and Birmingham, Ala.

Incidentally, let me state that these cities were selected carefully, in order to obtain a cross section of the types of structures which have been bombed. The object of our mission was to obtain from local leaders firsthand advise as to what help could be rendered by the Federal Government in order to combat these shocking outbreaks of violence.

On the basis of the information obtained in the course of our tour, I am convinced that Federal intervention and assistance are urgently needed, and would be generally welcomed in the communities we visited.

Mr. LONG of Louisiana. Mr. President, will the Senator from New York yield for a question?

Mr. KEATING. I am happy to yield.

Mr. LONG of Louisiana. Did the Senator from New York notice that someone attempted to bomb an auditorium in which Mrs. Roosevelt was speaking last night?

Mr. KEATING. Just before the Senator from Louisiana entered the Chamber—I know he was away on urgent business—I called attention to the 88 recent bombings, running from 1955 to February of this year; and I specifically mentioned three or four which did not occur in Southern States. One was in Springfield, Mass.; one was in Newark, N.J.; and one was in Boise, Idaho.

Mr. LONG of Louisiana. Has the Senator from New York seen the afternoon edition of the Washington News, with the headline "Plant Wrecked by Blast Here"?

The article refers to a blast which occurred in Washington; the blast "skyrocketed 300 feet," and burst windows for seven blocks around. Apparently no one was killed, but several people were injured.

Mr. KEATING. I had not seen that article, but I know there have been several instances of that sort; and I may call attention to the fact that this amendment is so broad in its terms that it would cover any bombing.

Mr. LONG of Louisiana. The Senator is willing to have his proposed criminal statute against bombing apply against all bombings?

Mr. KEATING. Yes; it does by its terms.

Mr. LONG of Louisiana. I am pleased to hear that.

Mr. KEATING. Because of this expression by the various officials and community leaders with whom we discussed this matter, I was somewhat surprised, during the debate on Monday evening a week ago, when the distinguished junior Senator from Florida [Mr. SMATHERS] inquired of the junior Senator from New York whether he knew of any demands for that provision of the pending Dirksen amendment which is aimed at apprehending criminals engaged in hate bombings of churches and schools.

The Senator from Florida [Mr. SMATHERS] asked:

> Does he—

Meaning the junior Senator from New York—

> have in his files any letter from the chief of police of New York, the attorney general of New York, or the State Highway Patrol of New York where they say that they cannot handle the crime of having a bomb thrown against a school building or a religious house, and that they have to have the help of the Federal Government in order to apprehend the criminal and prosecute the crime?
>
> Is the Senator from New York aware of any breakdown in local law enforcement to such an extent that this has to become a province of the Federal Government?

I was glad to respond to the Senator from Florida, and stated, as will be found on page 4722 of the RECORD.

> Is the distinguished Senator from Florida aware that the mayor of Jacksonville, Fla., among many other mayors, feels that it is desirable under certain circumstances to bring the Federal Government and the FBI in, as in the case of certain bombings, and that bills to that effect have been offered by the distinguished Senator from North Carolina and one of the distinguished Members of the House of Representatives from Tennessee?

The Senator from Florida expressed some disbelief that these officials, and particularly a Florida mayor, were for legislation in this area.

But, Mr. President, facts are stubborn things. The Jacksonville mayor, when I saw him about a year ago, did join with other southern mayors in approving Federal action. I found his views particularly heartening since he was at that time the acknowledged leader—I am not sure whether he was an elected leader or just what his status was, but he was the acknowledged leader—of concerted State efforts to bring the perpetrators of these hate bombings to justice.

Mr. President, I have been reminded of certain other facts in fuller answer to the interrogation put to me the other night by the Senator from Florida. I have here the transcript of hearings held before Subcommittee No. 3 of the House Judiciary Committee—on which committee I had the honor of serving for many years—on May 13 and 14 of 1959, less than a year ago. The hearing was called to consider several dozen bills which had been introduced to prohibit certain acts involving the use of explosives.

On page 58 of this volume, I find the statement of CHARLES E. BENNETT, Representative from the Second District of Florida. He appeared in support of his own bill, H.R. 1784, to prohibit and punish certain acts involving the importation, transportation, possession, or use of explosives.

Representative BENNETT, in his statement, referred to bombings of a Jewish center and a Negro high school which had occurred the previous year. After expressing his own deep shock, he reported as follows:

> The day on which these acts occurred, Mayor Haydon Burns, of Jacksonville, asked the FBI to take jurisdiction of this matter and to lend its full assistance to the local law enforcement agencies in their efforts to detect and bring the criminals to justice. On the following day, the distinguished chairman of this committee, Hon. EMANUEL CELLER, directed a letter to Attorney General Rogers asking that the Department of Justice and FBI intervene. I joined in the effort to obtain FBI intervention, writing to Director J. Edgar Hoover as follows:
>
> "In view of the apparent interstate nature of the crime and the desire of local authorities for FBI intervention and assistance, I believe this is a particularly strong case for your taking jurisdiction."
>
> On April 30, 1958, Deputy Attorney General Lawrence E. Walsh advised Chairman CELLER: "* * * There is no basis at present for action by the Federal Bureau of Investigation," and thereafter the Department of Justice refused to take jurisdiction of the matter, pleading the absence of Federal legislation to support their jurisdiction. The FBI did cooperate with local law-enforcement officials as it would on any purely local case by offering the assistance of its laboratory, files, and other cooperative facilities. However, it did not actively enter the case."

That is the end of the quotation from Representative BENNETT'S testimony.

Because of the inadequacies of the present law, Representative BENNETT, along with many others, sponsored new Federal legislation. As Mr. BENNETT declared:

> These bills recognize the interstate nature of such acts and provide for dealing with these as an interstate problem. * * * We will make it possible for the FBI and other Federal agencies immediately to enter such a case with full jurisdiction and to provide maximum assistance and cooperation to local officials.

That is the end of the quotation from Representative BENNETT.

Now, Mr. President, I turn to page 133 of the House hearings, and I find the statement of Mr. DANTE B. FASCELL, a Representative from the Fourth District of Florida, and sponsor of H.R. 3005, to deal with the question of bombings of schools and churches. Mr. Fascell explained his support of new Federal legislation as follows:

> This legislation will in no way interfere with nor prevent local investigation and enforcement of individual State laws prohibiting such acts; on the other hand, passage of this legislation will declare such offenses a Federal crime, thereby making available to local law-enforcement bodies the extensive facilities of the Federal Bureau of Investigation.

That is the end of the quotation from Representative FASCELL.

I submit, Mr. President, that if the Senator from Florida [Mr. SMATHERS] is looking for local support for antibombing legislation, he does not have to travel far to find it. I have now supplied

for the record information on two distinguished Members of the other body from the State of Florida and the mayor of Jacksonville, Fla.

Support for such legislation comes from other parts of the country, too. As I have indicated, the Senator from North Carolina [Mr. ERVIN] has sponsored legislation on the subject. Representative LOSER of Tennessee, and Representative WILLIS of Louisiana—with whom I served on the House Judiciary Committee—are among the Members of the Congress seeking Federal assistance in this area.

I will cite one other instance of impressive support. In the same record of hearings from which I have quoted, I find on page 106 the statement of John Ragsdale, chief of the fire department of Nashville, Tenn. In urging legislation designed to prevent interstate shipment of explosives, Mr. Ragsdale said:

> We have little or no protection from the explosives slipped into Nashville, and I know of no effective way to combat this danger on the local level. There is a definite need for interstate enforcement of legislation on malicious interstate traffic in explosives. I urge you to favorably consider legislation authorizing the Federal Bureau of Investigation to spearhead this enforcement. It is my sincere conviction that this is the only answer to a problem that involves all of us.

I recognize that the measure which Mr. Ragsdale supported would bring the FBI into the problem on a different basis from that contemplated in the amendment I am now offering. Here is an important official of a major southern city asking the Federal Government to help him carry out an important responsibility.

Mr. President, of all of the provisions of the pending bills, I would have thought that the provision dealing with apprehension of criminals who have performed acts of violence against churches and schools would have received the most general support among all the Members of the Senate.

I hope that the opposition on the part of some Senators, which I am sure is sincere and which is completely understood by those of us who differ with them, to anything which is labeled "civil rights" will not be so automatic and so unyielding that even this supremely reasonable objective is attacked. To the charge that this provision has been dreamed up by northern politicians without any support from local officials, I hope I have provided a part of the answer.

Mr. President, two widespread nations about the impact of Federal intervention were strongly discredited by the authorities in several cities we visited. First, it was made clear that Federal assistance in these cases would not be considered an infringement upon States' rights. It was made clear by the officials themselves.

Secondly, it was made clear that the promise of Federal help would not lead to any slackening-off of local efforts to apprehend and to punish the culprits. This means that under a Federal anti-dynamiting and flight-to-avoid-prosecution statute, we could expect a wide degree of cooperation between the State and Federal authorities—the kind of joint anticrime action which holds the greatest promise of success.

The need for broad legislation in this field is manifest. Although the pace of bombings of homes, schools, places of worship, and other structures has tapered off in recent months, the threat remains.

There is still the danger that hate bombers will again rear their ugly heads. The threat continues that these men with warped and bitter minds will resume their jungle warfare against the the law of the land.

The recent outbreaks of anti-Semitism which have called forth heartfelt protests from people and organizations all over the country, bear further witness to the continuing threat of hatemongers. Mr. President, these are problems for all America to meet. They challenge the very essence of our concepts of human freedom and dignity.

While the eventual answer lies in cleansing the hearts and minds of men of the bitter poison of racial and religious hatred, the effort toward that goal must be buttressed with effective legislation. The amendment before us represents the vehicle for putting sound and strong protection on the statute books.

We can all be grateful that there have been fewer dynamitings in recent months. But a wise man once said, "There is no such thing as a little garlic." I submit that there is no such thing as a little bombing.

The heinousness of only one such act putrefies the atmosphere of freedom and self-respect in which our Nation is proud to flourish. Who knows where and when this ugly threat will again reappear?

I hope this amendment will be approved. It is my sincere belief we would be acting wisely, would be acting in the national interest, and could be proud of our action if we were to approve the amendment unanimously.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to my colleague.

Mr. JAVITS. First, my colleague has made, as is customary with him, a most reasoned and thoroughly documented statement in support of his amendment.

Second, Mr. President, I should like to point out this is not an amendment which is based upon abstract knowledge or upon reading the books. My colleague the Senator from New York [Mr. KEATING] and I have been actually on the ground where these events took place and we have an understanding, based upon our contacts with the local people concerned, of the police problems involved not only in respect to finding perpetrators of these crimes, which is a very grim duty on the part of the law-enforcement officials, but also what is even more important, as I think is borne out by the amendment of my colleague, in respect to doing our utmost to head these things off before they occur.

This is such a serious matter that merely depending upon that part of the fugitive felon statute which would deal with arresting a man after the fact, or even after a threat to bomb, may very well not be sufficient. As the Senator from New York [Mr. KEATING] has so forcefully argued, this is altogether too serious a matter to rely solely upon that.

Mr. President, perhaps views have changed, but certainly we found the greatest of acceptance among the southern officials with whom we conferred for the most effective law ingenious legal minds could draw up to deal with this subject. I think my colleague has thoroughly confirmed the need for adding this provision to the fugitive felon aspect of the bill, as demonstrated by the fact that some very distinguished legal minds in this Chamber have come to the same conclusion; to wit, the Senator from North Carolina, the Senator from Massachusetts, and the Senator from Texas, who, though he is not a lawyer, certainly has available to him the best legal brains there are. With humbleness, I came to the same conclusion, and my own amendments were to this effect.

I think it is rather a tribute to the Senate that every Member had stood aside and allowed my colleague to present this amendment. I think my colleague perceived this danger at a very early date, thought through the kind of legislation which should be passed in order to deal with it, and is very much the proper person to bring this matter before the Senate. I am delighted to see he was given this opportunity by the whole Senate.

Mr. President, there are many things about these bills which, as I know and as everybody knows, can be argued about. I feel strongly about certain matters, but others feel as strongly about their points of view. It seems very hard to figure, however, how any of us could refrain from wanting to buttress the antibombing section of the bill with every possible provision which practicable, workable, and legally workmanlike, to do as much as we can devise. I think my colleague has certainly given us an opportunity, on which I hope we will take action. I hope the Senate will not reject this opportunity, and I hope very much the amendment will today be added to the bill before us.

I thank my colleague for yielding.

Mr. KEATING. Mr. President, I am extremely grateful to my distinguished senior colleague from New York for his kind remarks. The senior Senator from New York has an amendment virtually exactly in the terms of the one I am discussing, is a cosponsor of the bill which I introduced originally, and has performed a great service by accompanying me on the investigatory trip.

We were received with the utmost consideration, courtesy, and interest by the officials of the three cities we visited. They extended to us every facility. They called together community leaders, as we requested; and I came away with the definite feeling that not only was the trip helpful, but also that it was welcomed by the officials in the cities involved. I felt that they would welcome Federal legislation on this subject.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to my distinguished friend from Kentucky.

Mr. COOPER. Like other Members of the Senate, I am certainly in sympathy with the objectives of the Senator's amendment, and the objectives of similar amendments which have been offered on this subject.

I should like to ask the Senator about subsection (c) on page 3. It provides that the possession of an explosive creates a rebuttable presumption that the explosive was imported into the United States or transported in commerce. I ask the Senator if there is any precedent with which he is familiar which would establish that presumption of at least one element of the crime. The Senator knows that the general rule is that there must be proof. The presumption is that the person charged with the crime is innocent until proven guilty. I ask if there is any conflict between that general principle and the purported intention of subsection (c) which would seem to create a presumption of at least one element of a crime, which could be rebutted?

Mr. KEATING. I am happy to respond to my colleague from Kentucky. I am not surprised that he made that inquiry, because he is a distinguished lawyer and a former judge in his own State. He has a fine legal background. This subsection is naturally a matter of some concern to anyone with legal training.

In the first place, there is a precedent in the Federal kidnapping law, the so-called Lindbergh law, which has the following provision in it:

> Failure to release the victim within 7 days—

We have changed that by amendment to 24 hours—

> after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

Lines 11 to 20 set forth the proposition that possession of an explosive shall create a rebuttable presumption, first, that the explosive was imported into the United States or transported in commerce; and second, that the explosive was imported or transported or caused to be imported or transported in commerce by the person so possessing or using it.

I would be concerned about subsection (c), so far as the actual trial of the defendant is concerned, were it not for the proviso which follows. I invite the specific and particular attention of the Senator to that proviso:

> *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

In other words, this presumption would give to the FBI the power to come in immediately and investigate; but no defendant could be convicted on that presumption if there were not independent proof of a violation.

Mr. COOPER. I assume that what the Senator intends is that the proviso would mean that in the trial there could be no conviction unless sufficient evidence could be adduced under the general rule to show guilt.

However, would the subsection have the practical result that the mere possession would give to a magistrate the authority to issue a warrant for the arrest, or permit a peace officer to arrest upon the mere ground of possession?

Mr. KEATING. It would if the possession of an explosive were "in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or any other real or personal property used for educational, religious, charitable, residential, business, or civic objectives," and so forth.

There would have to be some circumstances showing such an intent in order to justify the issuance of a warrant.

Mr. COOPER. Does the Senator think this language would in any way change the usual grounds upon which an officer may arrest a person without a warrant when he believes a felony has been committed?

Mr. KEATING. I do not. I would apprehend that there would be relatively few cases brought to trial under this section. It has been pointed out that under the Federal fugitive felon law there have been relatively few cases. I think it was brought out that there were 900-odd cases in which fugitives were apprehended by the FBI, but only nine had been brought to trial under the fugitive felon statute.

What was done in those cases, and what would be done here, presumably, would be, after investigation, to turn the defendants over to the local or State authorities for prosecution. Obviously every State has laws against criminal bombings.

The purpose of subsection (c) is primarily to bring the great arm of the Federal Bureau of Investigation into the problem at an early date; but I think the final proviso is necessary in order to be sure that no one could be convicted without due process. He could not be convicted merely based upon the presumptions set forth in the early part of the section.

Mr. COOPER. The Senator has no doubt, then, that the effect of the language of subsection (c), or at least an effect of the language of subsection (c), would be to preserve to a person who had been arrested and who was in possession of an explosive all the rights accorded to one charged with crime, and the presumption that he is innocent until proved guilty.

Mr. KEATING. I believe there is nothing to interfere with that presumption.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. KEATING. I yield.

Mr. ERVIN. First, I wish to commend the Senator from New York for his interest in this subject. As the Senator from New York has stated, I joined the junior Senator from Massachusetts [Mr. KENNEDY] in cosponsoring a somewhat similar bill. I did so as the result of a telephone conversation.

When I examined the bill which I cosponsored I had certain misgivings, and I have certain misgivings about the amendment of the able and distinguished junior Senator from New York. I wish to ask about those misgivings.

As the Senator from New York knows, I have prepared a substitute for his amendment which I intend to offer. I think my substitute deals adequately with the situation.

I agree with the Senator from New York that this is a question in the field of criminal law, rather than in the category of civil rights.

I also agree with the Senator from New York that it is a field Congress should deal with, because of the difficulty, first, of identifying persons who commit crimes of this nature and, second, because of the difficulty of apprehending them even in cases where they are subject to identification. I should like to ask the Senator from New York about the provision reading as follows, beginning at line 16—and I will leave out words which are not relevant to the question——

Mr. KEATING. Which page?

Mr. ERVIN. Page 2, subsection (b), "Whoever receives for introduction in commerce," and so on——

Mr. KEATING. I am afraid I do not follow the Senator. What line is that?

Mr. ERVIN. I am starting to read at line 16. There are several statements in what we lawyers call the disjunctive. I construe these words "whoever receives for introduction in commerce"—that is, in interstate commerce—"any explosive" with this knowledge and intent, for these purposes, would be guilty of crime under this bill. Is that true?

Mr. KEATING. Yes.

Mr. ERVIN. If a person merely receives for introduction in commerce, that receipt would be a local act, would it not?

Mr. KEATING. If it is received for introduction into the stream of commerce, it would give the Federal authorities jurisdiction.

Mr. ERVIN. I have a question about that. I should like to take a hypothetical case and present it to the Senator. Here is John Doe, who receives from Richard Roe an explosive, with the intent of taking it to the railroad to have it transported in interstate commerce for one of these forbidden purposes, and with the requisite knowledge. He would be guilty as soon as he received it for introduction into interstate commerce, whether he actually introduced it into interstate commerce or not, would he not?

Mr. KEATING. Yes, because he would be receiving it for introduction in commerce. I have had the assistance of a distinguished former assistant U.S. attorney in the District of Columbia, who buttresses my feeling that that would subject that person to Federal jurisdiction. If the Senator has any cases to the contrary, I will of course consider them. The point he has raised is a very valid one. I would make a

change in my language if the Senator could produce such cases. Offhand this does not bother me. I do not believe that that would prevent the Federal authorities from assuming jurisdiction in such a case.

Mr. ERVIN. I have no cases on that point; neither do I have any cases which sanction it as proper legislation.

Mr. KEATING. I understand.

Mr. ERVIN. But under the verbiage as it reads, it is quite possible that a man who does nothing except a local act, entirely within the borders of a State, with a certain intent and for certain purposes in mind, would be subject to Federal prosecution on the basis of the commission of a local act, even though there were no interstate commerce involved.

Mr. KEATING. That is true. It is even perhaps more so under the second subdivision, where he would possess the explosive. He obviously would possess it within the State. I am sure we can produce cases which hold that the possession of something which has been imported or transported across State lines with intent to do something illegal with it is a Federal crime.

Mr. ERVIN. I would think that would be true only in the case of a party, going now to section 2, who possesses it and is a party to the original conspiracy or the original crime of transporting it, because otherwise the Federal Government could punish a person for shooting someone with a pistol which he knew had been transported at some time in interstate commerce.

Mr. KEATING. This is a little more limited than that. If we were to change "explosive" to "pistol," it would read: "possesses a pistol which has been imported into the United States or transported across State lines with knowledge or intent that it be used to shoot somebody." We could make it a Federal crime in that case.

Mr. ERVIN. I do not follow the Senator there. The act contemplated in the second section is a local act. If I have possession of an explosive which has been transported in interstate commerce with this intent and for this purpose, that is entirely local. Assuming that I am not a party to the conspiracy which preceded the interstate act, I am at a loss to understand how the Federal Government would have any jurisdiction in such a case.

Mr. KEATING. I will say to my distinguished friend that if his contention is correct—and I know he is asking these very intelligent questions for the purpose of getting information—then we have passed a great many unconstitutional statutes. We have on the statute books the Federal lottery statute dealing with the importation and transportation of lottery tickets. At the end of that statute there is provided "or knowingly takes or receives any such paper, certificate, instrument, advertisement or list so brought, deposited, or transported." In that case receipt is within the State, because he knowingly receives something that has been carried across State lines. In that case he becomes subject to the Federal statute I am sure there are other statutes similar to that.

Mr. ERVIN. That is what Congress has said.

Mr. KEATING. Yes.

Mr. ERVIN. I doubt whether the court would go along with that. The only theory on which the party could be held would be on the theory that he was a party to the original crime involved in the transportation.

Mr. KEATING. What I am reading from does not contain any annotations, but I am sure the lottery law has been upheld. Whether that specific portion dealing with possession has been upheld, I am not positive. I am reasonably certain that this precise point has been passed upon by the court and has been held to be constitutional.

Mr. ERVIN. If the man is a party to the original crime under which the transportation is had, I would have no trouble with it, because he would be an aider and abetter and a party to the conspiracy.

Mr. KEATING. Under the lottery statute he does not have to be convicted. I again point out that I am only reading the statute. I am sure we can find cases either under that statute or under similar statutes which will satisfy the Senator that that is entirely in order, and will satisfy him that he was smarter than he thought when he became a cosponsor with the Senator from Massachusetts [Mr. KENNEDY] of this precise language.

Mr. ERVIN. Well, I have lost my smartness, because after studying the matter I have come to the other conclusion.

Mr. KEATING. I hope to "reconclude" the Senator and bring him back to his original thesis.

Mr. ERVIN. I should like to ask the Senator a question about this point. First, does the Senator agree with me that in all probability—I put it this way because I have not read all the laws and all the statutes dealing with exposives—that in all probability the act denounced by this bill, that is, the transportation and so on, of explosive, with requisite knowledge and for this purpose, would constitute a violation of the laws of a State in respect to local crimes committed inside the State?

Mr. KEATING. Yes.

Mr. ERVIN. Undoubtedly it is a violation of the law of virtually all the States for anybody to destroy or attempt to destroy with explosives any buildings devoted to the purposes specified.

Mr. KEATING. I am certain that the malicious bombings of buildings is a criminal offense under the laws of all the States, yes.

Mr. ERVIN. My amendment is calculated to cure all the diseases at one time. In seven lines, it provides:

> Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive with the knowledge or intent that it will be used in violation of the law of any State, territory, Commonwealth, District, or possession of the United States shall be subject to imprisonment for not more than 2 years, or a fine of not more than $2,000, or both.

It seems to me that that covers the whole waterfront.

Mr. KEATING. The Senator from North Carolina was kind enough to call my attention to that exact language. He has offered it, and it is printed, as a substitute for this amendment. I do not wish to criticize the Senator's amendment as a quack remedy, and I would not even think of using that term if the Senator had not said he was seeking, by a few words, to cure all the diseases.

I think the Senator will agree with me—and he is a good lawyer; there is none better in this body——

Mr. ERVIN. I appreciate that comment from the Senator from New York. I will return the compliment in kind.

Mr. KEATING. That is expected. We expect that if we say something like that, it will be returned in kind. In this case, I mean it, and I believe the Senator from North Carolina means what he says.

Mr. ERVIN. I am not returning a compliment; I am telling the truth when I say the Senator from New York is a fine lawyer.

Mr. KEATING. I appreciate that compliment.

I am afraid that the Senator from North Carolina is trying to do the job in too few words. I point out, for instance, that the main purpose of what is sought to be done is, frankly, to give the FBI jurisdiction to go in on the ground and investigate these cases. As I said before, I should expect that very few such cases would ever reach a Federal court for prosecution, after the FBI had done its job. It would be like the fugitive felon statute. The FBI would turn the culprits over to the local authorities for prosecution under State laws, except in some aggravated or unusual case. That is the very purpose of this presumption, which I was discussing with the Senator from Kentucky [Mr. COOPER], as it appears on page 3.

I believe the elimination of that provision would do away with much of the value of the bill. It would require, under the Senator's proposal, actual evidence of the transportation of the explosives in interstate or foreign commerce before the FBI could intervene. That would, to a great extent, destroy the effectiveness of the legislation, it seems to me, because speed is of the essence. We discovered that in our investigation of the three bombings which we looked into. The culprits commit the crime and usually they flee across State lines, but they get away from the place of the crime. There is a pattern in the way they act. They wheel out of the location and are gone in a hurry. The local authorities should be enabled to call the nearest office of the FBI and say, "Will you get right into this matter?" So I believe the presumption, which has been very carefully worked out, and as to which we have obtained the best advice we can get from a number of good lawyers, is a very important and essential part of the proposed legislation.

There is a second reason why I am hesitant about accepting the proposal of the Senator from North Carolina. This provision, of course, could be cured, if the Senator would agree to it, by adding another section. I think section (d) of the pending amendment is a very valuable one. The Senator from North Carolina in his amendment has eliminated the prohibition against the use of mail, telephone, telegraph, or other instruments of commerce to make bombing threats. It seems to me that that is a desirable provision in this amendment.

The third reason for preferring my amendment to that of the Senator from North Carolina is that in his amendment he does not have any graduated penalties. He provides for a penalty of not more than 2 years or a fine of not more than $2,000 or both.

My amendment provides, if the offense is an ordinary one, for imprisonment for 1 year or a fine of $1,000. But if personal injury results, the provision for imprisonment goes as high as 10 years; and if death results, the imprisonment can be for a term of years or for life. And the court can impose the death penalty if the jury so recommends.

In other words, I have the feeling that there are degrees of this crime which should be dealt with in the statute, rather than to act in a catch-all way. For instance, if death results as a result of a bombing, I simply do not believe the Senator's provision for imprisonment for 2 years, or a fine of $2,000, or both, is sufficient.

Mr. ERVIN. I think the Senator's observation, a moment ago, that most of these cases would rarely be tried in the Federal courts is sound. I prefer to leave the trial of persons on a charge of murder, where death is involved, to the States, and in case of injury, I prefer that the person be tried for an attempt to murder, because the penalties in the States are very adequate.

I do not agree with the Senator from New York as the necessity for including a provision on presumption, because if there is any reason whatsoever to suspect that an explosion has been transported in interstate commerce, that would give the FBI ample authority to enter into the investigation.

Mr. KEATING. Does not the Senator from North Carolina agree that before the FBI entered a case, they would have to have proof, rather than a presumption, that explosives had been transported in interstate commerce?

Mr. ERVIN. I do not think so, if they had any reason whatever to suspect it, because in many States no explosives whatever are manufactured, so wherever an explosion took place, there would certainly be grounds to believe that the explosives had been illegally transported.

Mr. KEATING. I am told that when the Lindbergh kidnaping law was enacted, it was felt to be very important to include a provision pertaining to presumption, because the FBI could not enter the case without such presumption. The FBI could not come into the case until it had some actual proof that a person had been taken across State lines.

Mr. President, will the Senator from North Carolina permit me to yield to the distinguished Senator from Minnesota [Mr. HUMPHREY], who is very busy these days? I know we all want to be considerate of him. He has a unanimous-consent request to make, and must keep many other engagements.

Mr. ERVIN. I am happy to accommodate the Senator from New York.

Mr. KEATING. Mr. President, I am happy, through the courtesy of the Senator from North Carolina, to yield to the Senator from Minnesota, provided I do not lose the floor.

Mr. ERVIN. I am delighted to do this, because I know the Senator from Minnesota is almost as much in motion as a flying saucer.

Mr. HUMPHREY. I am deeply grateful to my solicitous colleagues.

The PRESIDING OFFICER. The Senator yields to the Senator from Minnesota.

LIBRARY SERVICES

Mr. HUMPHREY. Mr. President, the Library Services Act of 1956 has brought tremendous benefits to rural America. Under this program—a genuine grassroots program—about 30 million Americans in rural areas are getting new and improved library service. But the job is not finished. More than 40 million Americans are still without ready access to the wonderful world of learning, entertainment, and adventure which books open up.

The bookmobile is the symbol of this program, but traveling bookmobiles are not the only achievements of this program. This act has also meant more books more easily available, moving picture film service for rural areas, salaries for bigger library staffs, scholarships, and wokshops to train new library workers, county, and regional library projects, and greatly improved loan, and reference programs.

The American Library Association has urged extension of this program. I was privileged to join the senior Senator from Alabama [Mr. HILL] in sponsoring a 5-year extension of this program, and I hope that the Senate will take early action on S. 2830 for this purpose.

Mr. President, I am proud of the achievements of Minnesota under the Library Services Act. State and local matching funds have demonstrated the strong grassroots support in Minnesota for development and improvement of rural library services. The Minnesota Legislature provided $252,750 in State aid for 1957–59, and $250,000 for 1959–61. This State support is the first State aid for libraries in the history of Minnesota, and it is a result of the stimulating effect of the Library Services Act.

The program has been very successful and I want to give special praise to the Minnesota Library Association for its support of the rural library development program. The success of this program up to now thoroughly justifies continuation until the purposes of the program have been fully achieved.

Mr. Hannis Smith, director of the Library Division of the Minnesota State Department of Education, at my request prepared a report on accomplishments in Minnesota under the Library Services Act. I ask unanimous consent that a statement I have prepared on the basis of his report be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS IN MINNESOTA UNDER THE LIBRARY SERVICES ACT

SUMMARY

Rural library development in Minnesota under the Library Services Act has been very successful. Since every county in Minnesota had at least one small community library prior to the act, the major statistical contrasts are in the greater numbers of people who are getting better library service and in the amount of local money available to support this service. Rural library use has increased almost 50 percent.

Eight rural counties, without library service before, have established countywide library service, either alone or in regions.

Ten rural counties, which previously had countywide service, have improved their services.

These libraries have added 7 professional librarians and 25 other library workers to their staffs to serve rural people.

Ten more counties now have bookmobile service to rural people.

Seventy-five thousand Minnesotans, previously without libraries, now have library service.

Two-hundred and eighty thousand rural Minnesotans, previously served, have improved library service.

One hundred and fifty-eight thousand dollars more a year is being spent on rural library service from county funds.

Over half a million more books have been read by rural Minnesotans in 2 years as a result of LSA funds.

Twelve counties now have 16-millimeter film service through their county or regional libraries.

Now—perhaps the most important point of all—the program is gaining grassroots momentum. More and more rural people are eager to get good library service for themselves and their neighbors. What is more, they are working hard to establish this service and they are supplying the local funds necessary to make sure this service is continued.

FIRST YEAR, FEBRUARY–JUNE 1957

The first year, Federal funds amounting to $40,000 were matched only by the existing State appropriation for operation of the library division. We secured a rural library fieldworker, but the major expenditure was for two bookmobiles to be used in the program, and for additional high-quality library books for the bookmobiles and loans to rural libraries. The bookmobiles are used for exhibit, demonstration, and for loan to rural library systems waiting for delivery of their own vehicles. During this time the library division prepared and published information materials to explain the program to the public in rural areas. A series of meetings in various parts of the State with librarians, library trustees, local officials and other civic leaders developed local interest and local activity—genuine grassroots action.

SECOND YEAR, JULY 1957–JUNE 1958

In the second year, the activities at the State level were continued, a bookmobile driver was added to the staff, and a workshop on rural library development was held for people interested in working for library establishment in their home counties and

regions. The major portion of the Federal funds, now matched by State-aid funds provided by the 1957 legislature, was used for grants to rural library systems. Grants were made to nine counties which qualified. Our program calls for a basic minimum of local support, qualified library staff, and a minimum level of quality in library services. The aid funds may be used to help the library reach these levels, but there must be intent to continue local support after the new or improved services are set up. Here are some accomplishments during 1957–58:

The Anoka County Library, a brandnew county library, was established. This library, now with a headquarters in a rented building, operates a bookmobile regularly every 2 weeks around the county. It has two branches in outlying communities, and a staff of two professional librarians, six clerks, and a bookmobile driver. This library system already has over 17,000 books. It is giving 16mm and phonograph record service, and it is circulating books at a rate of around 150,000 a year. This is an area in which there was no rural library service prior to 1958.

The other grants in the first year were to established county libraries for the improvement of their services. Most of the money was granted to enlarge and to improve book collections and to establish new outlets for library service in small rural communities. Here are some of the accomplishments with these grants:

The Kandiyohi County Library and the Willmar Public Library merged their libraries into a unified system, enlarged professional and clerical staff, started three new branch libraries, expanded their book collection—especially in reference and nonfiction—and began 16-millimeter film service.

The Blue Earth County Library started bookmobile service, improved its branches, and added considerably to its book collection.

The Clay County Library strengthened its book collection, started 16-millimeter-film service and improved the reference and nonfiction collections at its branches.

The Koochiching County Library opened its first "Bookateria Branch" and acquired many new books to make this possible.

The Stearns County Library built up its first substantial collection of adult nonfiction and reference books and improved its three branches with additional furniture and reference books.

The Nobles County Library used its grant to help buy a bookmobile and to enlarge its collection of reference and adult nonfiction books. Thus, it was able to improve its branch library service.

The Waseca County Library bought a new bookmobile, replacing a converted truck. The book collections available to both the headquarters patrons and at the branches were greatly improved, and 16-millimeter film service was added.

As a result of this activity in 1958, the 1959 statistics reflect real gains in library use in the rural areas which received aid funds. While statistics are not yet completely tabulated, there is an apparent increase in rural library use of around 45 percent. This is a combination of more people using rural library facilities and of more use of improved services by people who used libraries before. The bookmobile in Blue Earth County, for example, greatly increased the use of the Blue Earth County Library.

These changes, plus new use of 16-millimeter film services, are direct results of the Library Services Act.

THIRD YEAR, JULY 1958–JUNE 1959

The third year saw continued improvement of services at the State level and to small libraries and rural people without service. The library division, the University of Minnesota, and the Minnesota Library Association held an institute on multicounty and regional libraries to consider further improvements. The first two regional libraries in Minnesota were set up and a new county library was established.

The Dakota-Scott Regional Library was established late in 1958 by the joint action of the county commissioners. The small community libraries in the two counties all joined the regional system as branches and the regional library has established three more community libraries where there was no service before. There are two bookmobiles which have regular 2-week schedules throughout the rural areas. At present the administrative headquarters is in rented rooms, but a headquarters building is to be built cooperatively by one of the larger communities and Dakota County. The library now has nearly 20,000 books and 16-millimeter film service. It circulated nearly 80,000 books in the first 6 months after it began operations. County support has been increased by 40 percent effective January 1, 1960. This library is serving over 60,000 rural people.

The East Central Regional Library was established early in 1959 by Isanti, Mille Lacs, and Pine Counties. This regional library is not yet in full operation but plans to begin bookmobile service early in 1960. This library is using a library division bookmobile until it secures delivery on its own vehicle. The village of Cambridge and Isanti County are putting up the headquarters, and the regional library plans to operate at least two branches in each of the other counties. This library will serve over 45,000 rural people as soon as it begins operations. All but one of the small local libraries have joined in as branches of the system.

The Polk County Library was established in April 1959 after a referendum vote. The Crookston, McIntosh, and Fosston public libraries all merged with the county in a single system. Bookmobile service to the rural areas is now underway. Acquisition of books and site acquisition for branch libraries is progressing. This library is sponsoring an inservice training program—open to nearby librarians as well as to its own staff—under the direction of the University of Minnesota Extension Division.

The Anoka County Library received another grant to get it firmly established.

FOURTH YEAR, JULY 1959 TO DATE (FEBRUARY 1960)

State level activities continue, and the aid program is still growing. We are establishing the two regional libraries in their second year, and a grant has just been made to Chippewa County to establish countywide service as nucleus for regional library development with other neighboring counties. Negotiations are underway to add Meeker County to the Kandiyohi County-Willmar system to make our third regional library. When agreement is reached and approved, this new regional library will be qualified for a grant which will use the rest of aid funds available in 1959–60.

YOUTH CONSERVATION CORPS—SENATE BILL 812

Mr. HUMPHREY. Mr. President, one of the finest tributes to the concept of the Youth Conservation Corps, the bill for which the Senate has passed and has sent to the House, appeared in the Aurora-Virginia, Minn., Facts of February 25, 1960, written by the "Ol' Chief," Herman Keto, founder of this fine northern Minnesota newspaper.

Mr. President, I ask unanimous consent that the article, containing an open letter to the President on Senate bill 812, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Aurora-Virginia (Minn.) Facts, Feb. 25, 1960]

SMOKE SIGNALS—OPEN LETTER TO IKE

(By Ol' Chief)

Ol' Chief has never done this before, wrote a letter to our President. He is writing one now, and here it goes:

DEAR MR. PRESIDENT: I, and thousands of other people from up here I would guess, have strong feelings about conservation, mainly because just about all of our economy here in northern Minnesota is dependent directly on raw natural resources—and perhaps, too, because we have the good fortune here to be living on the doorstep of the country's finest and only real wilderness area left in our great country.

Maybe this is a bad time, politically, to ask this. But I hope that you will express support of the youth conservation bill which has passed the Senate and will come up for House consideration soon. The bill is authored by Senator HUBERT HUMPHREY of Minnesota, who now is seeking to succeed you in the White House, and who, as you may very well know by now, is a Democrat-Farm Labor Party leader and severe critic of many of your policies.

However, it would please me very much, and more important, it would be of great service to our youth and to our economy in the future, if this proposal were successfully enacted into law.

We up here know firsthand what the Civilian Conservation Corps program did for our country in the 1930's. Then, it was a matter primarily of supplying jobs for young men, and it was fortunate that they accomplished something worthwhile for the small recompense they received. Our timberlands up here virtually flowered as a result of this wise program; our rivers and streams ran clear and cold again. You, as a great trouter, know what this means. The burnt-out borders of many of our lakes became green again. Thousands of miles of portage trails were opened up and made passable. Thousands of people each year again can traverse the silent wilderness lakes, to seek some precious solitude and rest for a time.

Timber sales in the wilderness regions of our State again have come to the fore, much of it directly resulting from the work of the CCC in the thirties.

But since those days there has not been any large scale conservation work done in many of the areas formerly worked over by the CCC. Our forests, streams and lakes need another going over. Our soil conservation programs could be expanded as well.

But more important than these material gains, is the conservation of our youth. In my opinion there is not a better way available in our country to reorientate youth, or better yet, to prevent youth from having to be readjusted than through a youth conservation program as outlined in the YCC bill.

A public statement from you in support of this measure—which should be bipartisan if it isn't, would, I am sure, fall within the philosophy of your private and party thinking, and no doubt would go a long way in gaining support for it in the House.

May God protect and keep you in your labors to secure the peace in the world.

Sincerely,

OL' CHIEF.

SENATE SHOULD NOT APPROVE DURFEE FOR COURT

Mr. PROXMIRE. Mr. President——

Mr. KEATING. Mr. President, the Senator from Wisconsin is perhaps more

occupied than is the Senator from Minnesota with the great amount of controversy which is occurring in connection with Wisconsin; and I know that imposes a great burden upon the Senator from Wisconsin. Therefore, if the Senator from North Carolina is willing to wait a minute or two, at this time I should like to yield to the Senator from Wisconsin, with the understanding that in doing so I shall not lose the floor.

Mr. ERVIN. Yes, I have understood there is some turmoil in Wisconsin. So I shall be glad to wait.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Is there objection? Without objection, it is so ordered.

Mr. PROXMIRE. I thank both Senators for their kindness, Mr. President. I do not rise at this time to comment on the turmoil in my beloved State, although there is considerable of it, and we are happy about it because out of this turmoil will come clarity, purpose, understanding, and Democratic victory in November.

I ask unanimous consent that an editorial from the Washington Post, critical of my position in opposition to Mr. Durfee; my reply to that editorial, in the form of a letter to the Post; together with a note of the editor of the Post commenting on my letter, be printed at this point in the body of the RECORD. I am including in my letter the full text, including sections of my letter which were deleted by the Post. I recognize, of course, that the deletions were for the purpose of saving space. The Post's editing of the letter was expert and fair.

There being no objection, the editorial and the letter were ordered to be printed in the RECORD, as follows:

[From the Washington Post]

WRONG TARGET

Senator PROXMIRE wants the Senate to reject the nomination of James R. Durfee to the Court of Claims because Mr. Durfee, as Chairman of the Civil Aeronautics Board, has taken three trips paid for by various airlines which are subject to CAB regulation. We think Mr. PROXMIRE has a better case against some long-standing CAB practices than he has against Mr. Durfee, and perhaps he ought to refocus his sights.

Two of the trips were inaugural flights, one to Mexico City and one to Rome. CAB members, Members of Congress, and other Federal and local Government officials and others have gone on these trips at airline expense for years—and probably should have done so. They are ceremonial public occasions in which official participation is often demanded, however. Under present law and regulation, the airlines cannot charge anyone for inaugural flights, and this is what ought to be changed. Congress could provide for reimbursement of the airlines on such occasions by any Federal agencies represented on the flights, thus removing any appearance of an attempt to influence official behavior.

The third trip was a train ride to Pinehurst, N.C., for an informal weekend conference and golfing party arranged and paid for by two competing air cargo carriers to discuss the Military Air Transport Service. Mr. Durfee and other officials and private participants in the conference went together in a chartered pullman, at a cost per person of about $85.

This is a bill Mr. Durfee could and should have paid and charged to the CAB. Moreover, we think Government business should not be mixed with pleasure trips. If this function of the CAB to promote civil aviation sometimes seems to intrude upon the Board's more judicial functions, the remedy may lie in reshaping Federal aviation activities and responsibilities.

Senator Proxmire also charges that Mr. Durfee lacks the proper experience for the Court of Claims, but the Senate Judiciary Committee has found his qualifications ample and has unanimously recommended his confirmation. Mr. Durfee's long private legal career and extensive experience in both State and Federal quasi-judicial posts seems to us to justify the committee's conclusion.

LETTER TO THE WASHINGTON POST BY SENATOR WILLIAM PROXMIRE, OF WISCONSIN

A few days ago your newspaper attacked Federal Communications Commission Chairman Doerfer because he accepted the 6-days-on-a-yacht hospitality of a wealthy television and radio station owner who had been and would, in the future, be subject to Doerfer's regulation. The Washington Post was right.

But on March 13 you whirl 180 degrees around in what must be one of the fastest turnabouts in editorial writing history and call on this Senator to withdraw his objections to James Durfee, whose ethical misbehavior has been demonstrably more serious, and who is now before the Senate for promotion to a $25,500 lifetime job on the Court of Claims.

Doerfer's 6-day yachting outing is not a violation of any code of ethics of the FCC. The Post condemns him anyway. I agree.

But Durfee's October 1956, safari in a chartered pullman car to swank golf club in Pinehurst, N.C., paid for by two airlines, was a direct violation of a specific CAB code of ethics, which expressly forbids Durfee from doing exactly this. In this case, on the other hand, you say in effect, "so what."

And you say so apparently on the weird ground that Durfee's trip only cost about one-third of Doerfer's trip. Apparently, the Post thinks ethical behavior is a matter of arithmetic.[1]

Doerfer was entertained by a man who had no case pending before his FCC. Yet you disapprove of his conduct and I agree.

But Durfee was entertained at Pinehurst by two airlines, both of which had a number of cases pending before his Civil Aeronautics Board. You blithely admit this may not be exactly ideal, but see no reason why it should interfere with Durfee's promotion to the Court of Claims.

Even more shocking, you suggest that Durfee's trip to Pinehurst would have been all right if the CAB (that is, the taxpayers) had paid for it. Let me ask, would Doerfer's 6 days on the Storer yacht have been all right if the FCC (that is, the taxpayers) had paid for that? Of course not. These trips either were not for the purpose of doing the public's business, or what is even worse, they were for just this purpose.

Durfee admits that at this Pinehurst "golfing, drinking and inside-straight" meeting, he and the two airlines did discuss the Nation's business. They were joined in this discussion by a Military Air Transport Service representative. In a letter to me, one of the airlines executives has written that in effect, the airlines and the MATS representative, with Durfee's help, got more solid work done for their own benefit in the 2½ days at Pinehurst than they had been able to get done in the preceding 2½ years.

Now the only public report on this meeting was a picture that appeared in Sports Illustrated some weeks later of the participants lined up happily together on the Pinehurst golf course.

There was no formal hearing, no record, no reports, no public or press representation, except the Sports Illustrated picture. Does the Post contend that if the taxpayers would pay for this kind of proceeding, it is the way for either the CAB or the Court of Claims to adjudicate?[1]

You easily dismiss the two inaugural flights that Durfee took to Mexico City and to Rome, Italy (the latter with his wife enjoying the hospitality along with him), as the all-expense-paid—including hotel rooms, and the wining and dining—guest of Eastern Airlines and Trans World Airlines.

Yet both airlines had many, many cases pending before Durfee's CAB at the very time that Mr. Durfee was their lavishly entertained guest. The Comptroller General has said that these flights violated good public policy. Initially he also said that in his judgment they violated Federal law. Later he wrote that in his opinion they were not a violation of law, but he said final decision on this matter must rely on the Attorney General and the courts.

You call Durfee qualified and rely on the voice-vote report of the Judiciary Committee to support this position. The report of the Judiciary Committee was made by my senior colleague, ALEXANDER WILEY, a fine gentleman, whose judgment in this case should be just as critically evaluated as my own. WILEY is Durfee's principal sponsor.

This is a Wiley nomination. With all deference to a fine and honest Senator, what kind of a report did the Post expect WILEY to make? But you not only uncritically accept the Wiley report, you cite it as final authority.[1]

The fact is that Durfee is not qualified on the basis of any objective judgment. He has no judicial experience. He has had no government claims experience. He conceded this in the hearings.[1]

The fact is that my office polled practitioners before the Court of Claims and they overwhelmingly told us that in their judgment Durfee is not qualified.[1]

The fact is that the judges now sitting on the Court of Claims are unusually well-qualified men with vast, appropriate experience before their appointment.[1]

In view of all this, I cannot defer to your proposal that I drop my opposition. I am determined to fight it out.

I am deeply disappointed that the Washington Post, which showed its fine sensitivity to the moral issue in the Doerfer 6-day yacht case, demonstrates such a peculiar blindness in the Durfee "golfing, drinking, inside-straight" safari.[1]

WILLIAM PROXMIRE,
Senator From Wisconsin.

WASHINGTON.

EDITOR'S NOTE

As for the Pinehurst trip, we said that Government business shouldn't be mixed with pleasure trips and that Mr. Durfee ought to have paid his way and charged it to CAB. The conference at Pinehurst was attended by representatives of all private parties interested in the subject at hand, the role of the Military Air Transport Service, as well as a representative of MATS. There was no apparent effort to give Mr. Durfee a one-sided presentation or to compromise his judgment, and no evidence that he was unduly influenced.

We agree with Senator PROXMIRE's evaluation, given to the Senate Judiciary Committee, that Mr. Durfee "was chiefly interested in the public purpose." Mr. Durfee's conduct was not blameless, but neither does it seem to us to have involved the gross impropriety inherent in the Doerfer case.

As for the inaugural flights, we said Congress ought to provide for Government payment for official travel of this kind when it is necessary. But we see no reason to single out Mr. Durfee for criticism in this regard

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[1] This paragraph deleted by the Washington Post.

[1] This paragraph deleted by the Washington Post.

since many CAB members, Members of Congress, and others have for years participated in inaugural flights. We agree with Mr. PROXMIRE however—as we said in the editorial to which he takes such strong exception—that the policy ought to be changed.

Mr. PROXMIRE. Mr. President, I thank my good friend, the Senator from New York, for his courtesy; and I also thank my good friend, the Senator from North Carolina, for his courtesy.

Mr. KEATING. I have been very happy to yield.

Mr. ERVIN. It has been a pleasure.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missouri.

Mr. KEATING. Mr. President, I desire to continue my reply to my good friend, the Senator from North Carolina.

The late Senator Vandenberg once said that if one remained in Congress long enough, he would find himself on both sides of every question; also, that if one remained in Congress long enough, he would forget some of the things he had said.

Let me state that when I was in the House of Representatives, I sponsored the measure to change the presumption rule, in connection with kidnaping, from 7 days to 24 hours. At that time we were informed that the FBI did not believe it could wait, under the presumption statute, for as long as 7 days, and be able to take effective action. It was believed that the 7-day rule made effection action impossible in many cases. Therefore, the period of time was changed to 24 hours.

The first part of the statute reads as follows:

> Whoever knowingly transports in interstate or foreign commerce, any person who has been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away and held for a ransom or reward or otherwise, except in the case of a minor, by a parent thereof, shall be punished—

And so forth. It was believed that in such cases it was necessary to have a presumption provision similar to that which is included in this amendment, in order to enable the FBI to take effective action. But it was found that a period of 7 days was too long. The FBI consistently waited that length of time, as then provided by law.

Of course, it is possible that the FBI was overly cautious. However, the FBI adopted a policy of waiting for the 7-day period. That is why we were told there was quite a widespread demand to change the time required from 7 days to 24 hours. Therefore, that change was made in the law.

That situation seems to me to buttress my belief that it is essential that we provide the power to investigate such matters before actual proof of transportation in interstate commerce is obtained.

Mr. ERVIN. With all due respect to the argument the Senator from New York is making on that point, I would say that his argument tends to sustain my position that such a presumption would be unwise, because it would cause delay. Certainly, there are in this Nation, under the Federal system, two separate governments, both of which operate in the same territory and on the same people. One of them has as much right to investigate supposed crimes against it as the other one does. I have never known that any presumption on this point was ever placed in the law before the Lindbergh kidnaping law was enacted. Prior to that time, the Federal officers investigated whenever they had reason to believe a crime had been committed.

So I believe such a provision would hamper, rather than help, enforcement of the law.

Mr. KEATING. Does the Senator from North Carolina believe—I know he shares the high respect I entertain for the FBI and its distinguished leader—that the FBI has been overly cautious?

Mr. ERVIN. I think the FBI has been overly cautious—due, I believe, to the fact that when the FBI was established, many persons feared the establishment of what might be called a Federal gestapo. So the FBI wanted to lean over backward, in order to avoid any idea that it would attempt to thrust itself into what were essentially crimes coming under the jurisdiction of the States. I think the FBI has been overly cautious in that respect.

I do share the Senator's opinion of Mr. Hoover, and also his opinion of the personnel of the FBI. I do not believe any finer body of men has ever been gathered together in any organization.

Mr. KEATING. I am sure the Senator from North Carolina does share that opinion with me, and I am also sure he is sincere in the contention he makes in regard to this provision.

I wish to say that the strongest opposition to taking action in this area—whether by means of the amendment of the Senator from North Carolina or by means of some other provision—comes from those who fear the creation of a Federal police force.

Mr. ERVIN. Yes.

Mr. KEATING. No one would be more opposed than I to the creation of a Federal police force. But I believe that as our society and our economy become more and more complicated, and as communication across State lines becomes easier, it is inevitable that we shall continue to create, in the years to come, Federal statutes which will declare to be a crime coming within the jurisdiction of the Federal authorities the commission of certain offenses in interstate commerce.

I have not talked about this matter with Mr. Hoover; but I venture the assertion that he would be opposed to either the Senator's suggestion or to mine, in connection with the matter now before us, due to Mr. Hoover's fear—and I commend him wholeheartedly for being one bureaucrat who is not trying to expand his agency until it is entirely out of shape and until it exceeds reasonable bounds—and his genuine concern in regard to a national police force. I would expect that on that basis he probably would be opposed to this provision.

The Senator from North Carolina will remember that during the debate on the Federal fugitive felon law, it was stated by the distinguished minority leader—and I have no doubt that it was correctly stated—that Mr. Hoover was concerned about the extension of the powers of his agency, and that additional agents would be required. Of course I suppose that any such provision would require additional personnel in order to enforce the law.

Certainly we must balance the interests involved. But I do not think we can allow that consideration to constitute the prevailing argument in connection with cases such as this one. Certainly we agree as regards the sincerity and the fine Americanism of the great director of the FBI.

As I understand, the FBI has an established policy of not participating in the investigating of kidnaping cases in the absence of some such presumption as that.

I was not in the Senate when the original kidnaping law was enacted, but I was on the periphery of the situation when that amendment was made in the law. As I recall, at that time I raised the question of why this presumption was set forth in the law at all. The necessity for it was explained to me, and I then became convinced that it was desirable.

This amendment is patterned after that one. Certainly I respect the views of the Senator from North Carolina, but I must say that I respectfully disagree with him.

Mr. ERVIN. Certainly there are many statutes which make Federal crimes of certain acts, based upon the power of Congress to regulate interstate and foreign commerce, in which there is no presumption whatsoever.

Mr. KEATING. That is correct.

Mr. ERVIN. One other matter. I appreciate the Senator's courtesy, and also his patience.

Mr. KEATING. The Senator and I, in the Judiciary Committee, have discussed these various proposals—not so much this one, because, as the Senator has pointed out, while it is proper in a civil rights bill, it is by no means limited to so-called racial cases or anything of that kind. But I have always found the Senator's observations interesting and informative, and, upon occasions, I might say, voluminous.

Mr. ERVIN. I thank the Senator.

Mr. KEATING. But I never lost patience with the Senator at any time.

Mr. ERVIN. As the Senator pointed out a while ago, my substitute does leave out subsection (d), which starts on the bottom of page 3. I left it out deliberately for the reason that I am very reluctant to make words a crime. Under subsection (d), if a man, by the use of language, through interstate media of communication, or even if he had a powerful enough voice to shout, or even if he whispered, across a State line false information or a threat about a bombing of a building, knowing it to be false, he would be guilty of a crime, although all he had done was to speak words.

I have great hesitation about making a man guilty of an offense for talking, even when he conveys false information, for this reason: In an ordinary crime, two elements have to be proved. The first is that a crime has to be committed. That has to be proved, ordinarily, by independent evidence, other than extrajudicial admission of a defendant. Second, it has to be proved that the defendant is the man who committed the crime. When a person is charged with homicide, there has to be produced a dead body bearing external marks of violence or other evidence of illegal infliction of death.

But here the only corpus delicti is some words which, unless they are reduced to writing, vanish at once; and there is no way to check on the truth of the charge, as far as the crime is concerned, other than the very evidence that would connect the defendant to the crime. There is no way of establishing by independent evidence the fact that the crime has been committed.

It seems to me it is very hazardous to make the mere use of words a crime, and that is exactly what subsection (d) does.

Mr. KEATING. The Senator is right, to a degree. The crime is not the whispering across State lines; it is the using of the mails or the telephone—one could whisper on the telephone or yell, either one, so long as he was telephoning—or another instrument of interstate commerce, to convey a threat or false information, knowing the same to be false, concerning an intent to do one of these acts.

I call the Senator's attention to the testimony of Representative HECHLER, of West Virginia, before the House Committee on the Judiciary, as it appears at page 50 of the hearings. There was a bombing in his area. He said:

> Almost as damaging to the orderly operation of West Virginia's schools are the bombs which didn't go off.
>
> The wave of publicity accompanying the Osage bombing touched off a wave of vicious pranking that saw school after school closed by bomb threats, usually telephoned anonymously to the principal's office. A telephone call often was sufficient to give the students a half holiday.
>
> This interference with the educational process, plus the nerve-racking possibility that one of the threats might be real, created a situation of worry and tension that severely damaged the educational climate last fall and winter in many West Virginia counties.

I assume such a situation is a real threat, and the Senator will remember, when we passed a law against placing bombs in airplanes, we at the same time made it a misdemeanor to use the facilities of interstate commerce to make a false statement about a bomb having been placed. There has been at least one case brought under the law. It is pretty hard to apprehend people who do a vicious thing like that, but there has been one case of that kind in which a man was apprehended. My recollection is that he pleaded guilty.

There has been a great number of cases in which airplanes have had to be grounded when such threats have been made. When such a threat is made, what is an airline to do? It has to stop all traffic and make a thorough search of the plane. It probably has to take off all the baggage and search all the baggage. We felt it was necessary in such cases to make the offense of conveying of certain threats a crime though a lesser crime.

In the case we are discussing, it would be unfortunate to have children who merely wanted to get out of going to school, and who used the telephone to make such threats, subject to prosecution. But the Senator and I know that any prosecutor would feel differently with respect to a child who made such a call merely because he was trying to close the school than he would about a vicious hate bomber.

I am inclined to think that it is a desirable provision to put into the law. I do not attach as much importance to it as I do to the presumption section.

If the Senator and I could meet halfway on the proposition of taking out this section and leaving the presumption in the section, I would be happy to give it great consideration. But I really think that to do a thorough job here we need something to crack down on such threats.

I have some of the hesitation the Senator from North Carolina has about making language a crime, but we have done it before. We have done it in other cases.

Mr. ERVIN. I think it is a power which ought to be exercised most rarely. I think most of these occasions arise from pranks of children. I do not like to make words a crime, because there is no proof of the corpus delicti.

I thank the Senator. I have enjoyed my discussion with him.

Mr. KEATING. I thank the Senator for his contribution. I appreciate the Senator's statement that something should be done in this area. I feel this rather carefully worked out provision, to which the Senator originally was a party, is preferable to the rather sweeping language which the Senator has suggested. I am grateful to the Senator from North Carolina for participating in this debate. I think we have perhaps helped to clarify the matter in the minds of some other Members.

Mr. STENNIS. Mr. President, will the Senator from New York yield for a question?

Mr. KEATING. I am happy to yield.

Mr. STENNIS. Without suggesting that the Senator limit himself if he has not finished his speech, the Senator from Mississippi would like to inquire what is the situation concerning voting?

Mr. KEATING. I have finished, I will say to my friend.

Mr. STENNIS. As I understand the situation, the Senator from North Carolina is offering a substitute amendment?

Mr. ERVIN. I have not called up the amendment.

Mr. KEATING. I think the senior Senator from New York desires to speak.

Mr. STENNIS. Is the senior Senator from New York going to speak on this subject?

Mr. JAVITS. Mr. President, if my colleague will yield, I will say I desire to speak on a part of the bill, but I shall not speak with regard to this particular matter. If my colleague from New York and my colleague from North Carolina would like to have the Senate come to a vote within a short time, that would be satisfactory to me. I think perhaps we should get the views of the Senator from North Carolina in this regard.

Mr. ERVIN. I should be glad to have an opportunity to call up my substitute amendment formally, to suggest the absence of a quorum, and to have a yea-and-nay vote on my substitute amendment. In case my amendment is rejected, we could have a yea-and-nay vote on the amendment of the Senator from New York.

Mr. KEATING. That is perfectly satisfactory to me.

Mr. ERVIN. Perhaps each one of us could take about 5 minutes after the quorum is obtained.

Mr. STENNIS. If the Senator will yield for one more question, to keep someone from prolonging the debate unduly after the quorum call, will the Senators ask for whatever time they feel is proper?

Mr. KEATING. We can do whatever my friend from North Carolina wants to do.

Mr. ERVIN. I would say 5 minutes would be enough.

Mr. KEATING. Five minutes would be fine.

Mr. JAVITS. Could we make a unanimous-consent request at this time?

Mr. STENNIS. It is customary to suggest the absence of a quorum first.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. STENNIS. The Senator from New York has the floor.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The Senator from New York has the floor. Does the Senator from New York yield to the Senator from Oregon?

Mr. KEATING. Does the Senator desire to ask me a question?

Mr. MORSE. I thought I would make an announcement on this request.

Mr. KEATING. I have been yielding to candidates on other occasions.

Mr. MORSE. The Senator could not yield to a better one.

Mr. KEATING. I am happy to yield to the Senator from Oregon.

Mr. MORSE. I thought I would save time by saying I would object to any such agreement.

Mr. KEATING. That does save quite a little time, for the present.

Mr. STENNIS. I thank the Senator from New York for yielding to me.

Mr. JAVITS. Mr. President, I shall detain the Senate only very briefly.

A question was raised which I think it is important to answer at a time like this, when we are clarifying various parts of the bill. The question was raised by the Senator from Louisiana [Mr. LONG] with respect to the real meaning of the case decided by the U.S. Supreme Court, United States against Thomas, which involved the restoration to the voting rolls, from which they had been stricken, in a parish in Louisiana, of 1,377 Negroes.

As I understood my colleague from Louisiana, who I am glad to see is in the Chamber, it was his contention that what the courts had done was to restore people to the voting rolls notwithstanding the fact that these people were disqualified from voting by State law.

Mr. President, I have analyzed the case very thoroughly. I have come to an exactly opposite conclusion.

I think it is very important that the matter be clarified in the RECORD, for this reason: We are hopeful that we shall have, as an element of the civil rights bill, which I am confident we will pass, a provision with respect to voting and a provision with respect to Federal officers who will register to vote those whom local officials have not or will not register on grounds of race or color. In order to do that, we must be perfectly clear that these Federal officials will operate in accordance with the Federal Constitution, which makes the qualification for voting dependent upon the State qualifications for voting for the most numerous branch of the State legislature.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. JAVITS. If the Senator will permit me, I should like to finish my remarks first, if I may.

There is no question in my mind, Mr. President, about the fact that everything said in this case bears out the view which we take in regard to the statutes. It will, in my opinion, be incorporated in any provision of law which is passed in the Senate. The State qualification for voting will apply. Nothing will be done in any statute to change that situation, and nothing will be done in any decision to change that situation. Mr. President, certainly nothing could be done, because we are referring to a provision in the Constitution of the United States.

I therefore wish to address myself very briefly to this matter, and I am sure the Senator from Louisiana will wish to present his point of view.

I shall address myself very briefly to the implications and the meaning of this case, as I see it, as bearing out the proposition that there is no desire and no intention—and no actual merit in the opposite contention—of the courts or of a statute assuring voting rights through Federal officials, who would take charge of registration in certain cases, to in any way change the constitutional requirement that voters should be qualified according to State law.

Mr. President, I address myself to the case of the United States against Thomas, No. 667 in the October term of the United States Supreme Court, which, on February 29, 1960, by a per curiam opinion, affirmed the decision of the lower courts, the district court in Louisiana and the court of appeals, requiring the restoration to the rolls of 1,377 Negroes.

Mr. President, I shall state my understanding of the basis for the decision. The case is stated as follows: State qualifications for voting apply, but the discriminatory application of State law is wrong and may be corrected by a decree of the court, under the 1957 Civil Rights Act. If the State qualifications for voting are applied in a nondiscriminatory way then the State law on qualifications prevails, and every registrant would be required to comply with the State law. That is the law, as we direct it to be applied by the Federal official who might be handling registration under every one of these measures which is before us.

The Court says, however, that the way the law is actually applied is in substance the State law on qualifications. Therefore, all a State has to do to see that its law in regard to qualifications is carried out to the full, exactly as it intends it should be carried out, is to apply the law in a nondiscriminatory way.

I wish to repeat that, because it is the heart of this case. A State itself can determine whether its qualification statute shall be obeyed to the letter by simply applying the statute in a nondiscriminatory way. If, however, the State applies the statute in a discriminatory way, then the Court will hold that the way in which the statute is applied is in substance the qualifications law and that the State may not apply qualifications in a discriminatory way, but has to apply the law in the same way to all people, including Negroes. That is borne out by the decision of the district court, which is incorporated in its findings of law and findings of fact.

I have the findings of law and the findings of fact of the court before me now in this particular case in the court below.

The findings of fact state:

> The acts and practices of the individual defendants—

I interject to say that certain leaders in the White Citizens Council and the registrar of voters in that particular parish are referred to. I continue to read—

> as described, were committed and engaged in for the purpose and with the effect of depriving Negroes, solely because of their race or color, of the right to register and vote.

Another finding of fact is:

> But for the acts and practices of the individual defendants in filing the affidavits of challenge as described and the action of the defendant registrar in giving effect to such challenges the approximately 1,377 Negroes previously registered to vote and removed from the registration rolls would be presently registered to vote.

In short, the court found very clearly a discrimination which was engaged in by the defendants, except for which discrimination the Negroes in question would have been registered and entitled to vote.

The conclusions of law which bear upon my point are these:

The court says:

> Discriminatory application of a statute, even one unobjectionable on its face, is unconstitutional.

The court goes on, in one sentence, to state the central reason for its decision.

> It is of no bearing that some or all of the defects and deficiencies set out as basis for the challenges may, in fact, exist; and if nondiscriminatorily cited, could constitute legal grounds for removal of voters from the rolls, as indicated in *Thomas* v. *McElveen*.

In short, the court itself said that where the qualification is provided for in a nondiscriminatory way, the laws of the State as to qualification apply. Where it is applied in a discriminatory way, the courts will see to it that the discrimination is obviated, by holding that substantial compliance with the State law on the qualification is found in the State's practices among those against whom it does not discriminate.

I have examined the briefs of the Government and of the respondents. Appearing for the respondents was none other than the attorney general of Louisiana. I find what I have just stated brought out in the briefs. In my opinion the heart of the argument of the Federal Government is found at page 39 of the brief:

> Deficiencies of the type for which Negroes have here been removed from the registration rolls are not treated by the State of Louisiana as being bases of disqualification. This is demonstrated by the fact that thousands of white people whose registration cards have the same deficiencies as the Negroes' in this case are on the rolls today.

That is found on pages 39 and 40 of the brief.

I now turn to the brief of the attorney general of the State of Louisiana, which naturally makes the argument which has been made by the Senator from Louisiana. But, Mr. President, we are not bound by the arguments made by one of the contending parties, especially by the losing party. We are bound by the points which have been found by the court. I think I have very clearly set forth the points made by the court.

One peripheral point. My colleague from Louisiana has made great material of the fact, as he says, that there is no literacy test in his State. I do not know what my colleague from Louisiana calls it, but the attorney general of his State says there is a literacy test. I quote from page 36 of his brief, in which he says:

> If the Government's position is correct they have said in effect that the character and literacy test required under the Louisiana State constitution is of no effect. Nothing could be further from the law.

As a matter of fact, there is a literacy test, except that a prospective voter may either speak or write in the English language or in "his mother tongue."

It seems to me very clear, and I draw the clear conclusion from all this study and deliberation, that there is not, and could not be, any setting aside of the constitutional mandate for State qualification to obtain; second, that it was not set aside in the decision in United States against Thomas, in the U.S. Supreme Court; third, that what the Court said was that if the State applies its qualification in a nondiscriminatory way, it will be so applied by the United States, by the courts, and I have no doubt by any Federal official appointed to register voters; fourth, if the State shows, by its own discriminatory practices, that it is defining its qualification requirements in a certain way, the courts will follow the way in which the State says there is qualification, in substance.

Finally, no matter what anyone does, he cannot change the Constitution, nor does anyone wish to do so.

I therefore state affirmatively that any provisions in the bill before the Senate to have a Federal official cause voters to be registered who are discriminated against by virtue of their race or color would follow the State qualification. I find nothing that contradicts that, either in this case or in any applicable law I have been able to examine.

Mr. LONG of Louisiana. Mr. President, first let me say to the Senator from New York that when he says there is a literacy test in Louisiana, I believe he would want to have the RECORD straight. In Louisiana a person may register to vote even though he cannot read or write. That is contrary to the situation in the State of New York.

The test in Louisiana might be called a literacy test. Actually I would call it a sanity test. In effect, the law provides that if a person can have read to him any section of the State or Federal Constitution, and can give a reasonable explanation of what it means, he can be registered. Upon that basis 10 percent of the Negroes in Louisiana are registered, and the number who cannot read or write exceeds 17,000. They are registered as illiterates. There are 27,000 whites who are also in that category. Ten percent of the Negro voters and 3 percent of the white voters are registered to vote, although they can neither read nor write. The so-called literacy test to which the Senator from New York refers means that if they can understand anything from the constitution of the State or the Constitution of the United States, when read to them, they can be qualified. Some have tried to construe that to mean that they would have to be able to understand everything in the Constitution. My interpretation—and I believe it is the correct one—is that they must be able to understand something.

For example, a colored man may not be able to tell what ex post facto means, but he can tell what the 15th amendment means when it provides that no man may be denied the right to vote because of race, creed, or color. That understanding would show that he had some degree of intelligence, that he was not a moron.

That provision is much more liberal than the law in New York. In New York a prospective registrant must have an eighth-grade certificate, or must be able to pass a literacy test which would place him at that level of mentality.

With regard to the holding of the court, it seems to me that what the Senator from New York is saying amounts to a distinction without a difference. In Louisiana, in the French country, there is an expression "Ca c'est tout la méme chose."

It means, "It is all the same thing."

Let me quote from the decision. I quite agree with the Senator from New York that what is said in the briefs does not represent the interpretation of the law. What the court says is the interpretation of the law. As the Senator knows, there was very little language in the Supreme Court decision, other than to say that the district court decision was affirmed. I will read from the district court decision. I lift these words out of context, but I submit that I do no violence to the context:

> It is of no bearing that some or all of the defects and deficiencies set out as basis for the challenges may in fact exist, and, if nondiscriminatorily cited, could constitute legal grounds for removal of voters from the rolls, as indicated in *Thomas* v. *McElveen*.

The court is saying that, so far as the court is concerned, if every one of these Negroes could be validly challenged and removed from the rolls, the fact that the manner in which they were challenged amounted to a discriminatory approach to the subject required that they all had to be put back on the rolls.

In this decision the court restored all the Negroes and none of the whites, which, again, makes clear the point that there is no holding anywhere that these people were qualified. The court says, in effect, that even if they are not qualified, the fact that they were challenged in a discriminatory fashion means that they must all be put back on the rolls.

That is all the junior Senator from Louisiana was saying. He is not quarreling with this decision. His point was not that the decision was wrong. His point is that from the decision it follows that, under the existing law, any colored persons can be put on the rolls by the thousands, even if not qualified, if they have been discriminated against in the manner in which they were rejected.

The point the Senator from Louisiana made was that any U.S. attorney who has a complaint before him from a colored man who feels that he is being discriminated against can have him placed on the rolls now, and he can do it even if the man is not technically qualified, because that was done in this case.

Mr. JAVITS. If my colleague insists on reiterating the same point time and time again—which is very interesting though it does not prove anything—I do not expect that I can persuade him. I have no desire to persuade him. I merely wish to make the record clear, so that there will be no contention that there has been any change in the Constitution of the United States. No change was made here in the case of United States against Thomas. It is very interesting to note that both the Senator from Louisiana and I have cited exactly the same sentence from the findings of law of the court below and have drawn exactly opposite conclusions.

The only point I can make again and again and again is that no court—not the lower court, not the U.S. Supreme Court—can change the Constitution of the United States. The most that they can say is what complies with the Constitution of the United States. Therefore I reiterate what I said when I began. Any State, including the State of Louisiana, can set its qualifications with respect to voters and have its statute in that respect fully observed, provided it does not discriminate among different voters. If it does discriminate, then it is itself saying that the qualifications it applies to those against whom it discriminates are different than those it applies to those against whom it does not discriminate.

Mr. LONG of Louisiana. Mr. President——

Mr. JAVITS. I must ask the Senator to wait a moment. The Senator from Louisiana can repeat his contention again and again. I can never attempt to keep up with every time he makes the repetition. I know I will not be able to persuade him. However, I hope I can persuade the rest of my colleagues of this fundamental point, that in any statute which we passed, and in the decision in United States against Thomas, there was no change in the basic constitutional proposition that the qualifications of voters shall be according to State law, and that any U.S. official who is appointed under this statute will be required to apply them that way.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LONG of Louisiana. I was reading the exact language of the court and I have said that that is what it means. The court said:

> It is of no bearing—

I will leave out three words which do not change the meaning—

> It is of no bearing that * * * all of the defects and deficiencies set out as basis for challenges may in fact exist, and if nondiscriminatorily cited, could constitute legal grounds for removal of voters from the rolls as indicated in *Thomas* v. *McElveen*.

I would construe the meaning to go this far:

If a colored man cannot read or write and is mentally incompetent and subject to valid challenge, and if someone challenges him and a number of other colored persons, without undertaking to challenge white persons on the rolls who are similarly unqualified, the colored person or persons cannot be removed from the rolls, although the challenge standing alone would be valid.

Some can argue, and it was the attitude of the attorney general of Louisiana, that a Negro had the same right to challenge an unqualified white man that a white man had to challenge an unqualified Negro, and that a person must first be qualified in order to be on the registration rolls; further, that it made no difference whether he had been discriminated against or not, because if he was not qualified, he had no place on the rolls.

I hold in my hand the brief of the attorney general of Louisiana. Throughout his brief the point is stressed in heavy print. It looks like a broken record in that respect, because it makes this point so many times and stresses it so much. Time and time again the attorney general of the State has made the point that these persons were not qualified and that they had been subjected to valid challenge. For that reason he contended that it made no difference if they had been discriminated against, if they were not qualified to begin with.

At page 4 of the brief I read:

> This subsection indicates all citizens of the United States who are—

And then in heavy print—

> otherwise qualified by law to vote.

On the same page the attorney general says, in heavy print, "otherwise qualified by law."

I next turn to page 8 of the brief and read:

All citizens of the United States who were—

In heavy print—

otherwise qualified by law to vote.

At page 18 he does the same thing. Also pages 23, 24, 28, 35, 50, 51, 53.

The Supreme Court upheld the district court, and in upholding the district court it upheld the language of the district court's decision. We have nothing to quarrel about. It is a matter of arriving at the same conclusion by different routes. The language is clear:

It is of no bearing that some or all of the defects and deficiencies set out as basis for the challenges may in fact exist, and if nondiscriminatorily cited—

In other words, if each one of the 1,377 had been challenged individually rather than in a group—

could constitute legal grounds for removal of voters from the rolls.

That is saying, in effect, that a person can be removed from the rolls if he is not qualified, provided that a person who challenges him does not discriminate against him because of color.

I cannot see any other conclusion being reached than that. These people were put on with the understanding and the district judge saying that it does not make any difference whether they were qualified or not qualified, if the challenge was done in a discriminatory fashion.

Mr. JAVITS. The court, it seems to me, is very clear on this subject. The court says:

The action of the defendant registrar in giving effect to the mass challenges of the individual defendants achieved a discriminatory result in violation of his duties under the 15th amendment.

It seems to me that this is the wrong the court was seeking to redress, and in redressing it it did not destroy in any way or change the Constitution of the United States.

As I have said, I have no hope of convincing my colleague from Louisiana. It seems to me, however, that the case is very clear.

Mr. LONG of Louisiana. I cannot for the life of me see that we have any point of difference. The junior Senator from Louisiana did not contend that the Civil Rights Act of 1957 was necessary in order to put these persons back on the rolls. The only difference that that act made is that it makes it possible to try the registrar without a jury and it makes the Attorney General the tax-free lawyer of the person who was challenged.

Therefore I would agree with the Senator that it was the 15th amendment which states that a person cannot be denied the right to vote on the ground of race, color, or national origin. My point was that under existing law a person can be restored to the rolls by suit filed by any U.S. attorney in the United States even if that person is not qualified, provided that he was denied the right to vote by someone who discriminated against him because of his color.

Mr. JAVITS. I cannot hope to convince the Senator from Louisiana. I certainly do not agree with him, because I believe that the 1957 act was indispensable. I believe these wrongs had to be redressed by suits by the United States, and I think that had to be done in a great many cases and situations. I have tried to set the record straight on this issue.

Mr. LONG of Louisiana. Can the Senator from New York show any case holding that, if he were a U.S. attorney, he could not place persons on the rolls if they had been discriminated against, even persons who are not qualified?

Mr. JAVITS. There are just so many people being denied the right to register. We have shown that by going through the civil rights report. Again I cannot convince the Senator from Louisiana. My only hope is that I can convince the country and some of my other colleagues, so that we can enact an effective law, so as to require some other way of proceeding than by depending on the local registrars, who will ask the people how they are going to construe the Constitution, and then make their own judgment as to how they shall answer the question. We have been all through that by an impartial body, the Civil Rights Commission. I think our side of the case, at least, has been thoroughly proved on the facts.

Mr. President, I yield the floor.

DESIGNATION OF JOHN DAY LOCK AND DAM, OREGON AND WASHINGTON, AS RICHARD L. NEUBERGER LOCK AND DAM

Mr. MORSE. Mr. President, I have received a telegram from the executive board of the Democratic Party of Oregon, which reads as follows:

PORTLAND, OREG., *March 16, 1960.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

The executive board of the Democratic Party of Oregon respectfully requests that the John Day Dam on the main stem of the Columbia River be renamed for the late Senator Richard L. Neuberger. Our best to you and Mrs. MORSE.

Chairman Robert Straub, vice chairman Beulah Hand, secretary Lloyd Rea, treasurer Erma Lindquist, Ruth Renfroe, Oscar Kendall, Lyndon Martin, Frank Roberts, Mildred Russell, Dan Dimick, Cornelius Bateson, Dewey Rand, Sr.

Mr. President, in the never-to-be-forgotten senatorial campaign of 1954, Dick Neuberger and I campaigned together across the State of Oregon. I made more than 150 speeches in behalf of his candidacy in that year. One of the promises which we made to the people of the State of Oregon was that we would do everything we could to have a start made on a dam which has become known as the John Day Dam.

In 1956, the President's budget proposed $500,000 for planning money. We fought hard in the Senate and in the House, and with the assistance of our Democratic colleagues from the State of Washington, we raised the figure to $550,000.

In 1957, we proposed $1,500,000, but we could not get that large a sum. We got $1,450,000.

The 1958 administration budget contained not a red cent for John Day Dam. Again, the Democrats of the Oregon and Washington delegations, working together, got $1 million in appropriations for John Day.

In 1959, once construction was started, the administration, at long last, recommended a substantial sum, this time $8 million, which was appropriated.

For fiscal 1960, $20 million was recommended by the administration, and $20 million was appropriated.

Now the administration, in this election year, proposes $41,800,000, which I hope will be the minimum to be appropriated for this purpose.

I have mentioned these figures because Dick Neuberger joined with us each year in our appropriation battles to get these funds for John Day Dam.

Mr. President, I have also received a letter from the vice chairman of the Democratic Party in Oregon, and a member of the House of Representatives of the Oregon State Legislature, Mrs. Beulah Hand, urging that I introduce this bill asking that the John Day Dam be named the Richard L. Neuberger Dam. I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SALEM OREG., *March 12, 1960.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Senator Richard L. Neuberger has taken his place among the immortals of resource conservation. He now is in the company of George Norris, Gifford Pinchot, Theodore Roosevelt, Harold Ickes, and Bernard DeVoto, his teachers whom he revered.

Senator Neuberger's effective and inspired work in the development and conservation of our natural resources deserves a lasting tribute.

In honor of our great Senator I feel that John Day Dam, now under construction on the Columbia River, be named Neuberger Dam. It was through the efforts of Senator Neuberger, along with Senators MORSE, JACKSON, MAGNUSON, and others that this dam was started. It is only fitting that the dam be named for a man who devoted his life to his State and Nation.

Sincerely,

BEULAH HAND,
State Representative.

Mr. MORSE. Mr. President, on the basis of these requests, I have prepared a bill to designate the John Day lock and dam on the Columbia River, Oreg. and Wash., as the Richard L. Neuberger lock and dam. I introduce the bill for appropriate reference.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3215) to designate the John Day lock and dam on the Columbia River, Oreg. and Wash., as the Richard

L. Neuberger lock and dam, introduced by Mr. MORSE, was received, read twice by its title, and referred to the Committee on Public Works.

ORDER OF BUSINESS—ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I appreciate the question which confronts many Senators concerning whether or not there will be any rollcalls this afternoon. It was hoped that it would be possible to dispose of the pending amendment and perhaps some other amendments today. Obviously, that will not be possible.

The weather outside is very bad. Therefore, the leadership would like to make it possible for Senators, and as many of the staff as can be spared, to leave early, with the understanding that there will not be any rollcalls this evening, and that the Senate will convene at 12 o'clock noon tomorrow.

Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, the staff can arrange to continue to work with a limited attendance, which will require the presence of only those who must be here.

Senators who desire to leave may make their plans accordingly, with the understanding that there will be no yea-and-nay votes this evening. As Senator Knowland used to say, "The lid is on." There will be no votes during the rest of the day.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. THURMOND. Mr. President, two wrongs do not make a right. This, in essence, constitutes the case against section 4(A)(1) of the Dirksen substitute which proposes to have the Congress of the United States recognize and endorse the Supreme Court school decision of May 17, 1954.

Article I, section 1 of the Constitution provides:

> All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Article V of the Constitution provides:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

The first wrong was the usurpation of these constitutional provisions by the Supreme Court by virtue of its decision in the school cases on May 17, 1954.

Mr. President, the only justification for a constitutional form of government is to preserve the individual rights of the people themselves. A constitution accomplishes this purpose by giving the law stability, and certainly, through a limitation on the power of any individual or group, and through the establishment of certain basic principles of government which are, from a practical standpoint, almost unalterable because of the degree of unanimity of will essential to a change.

Essentially, then, the Constitution is a protection to individual liberty only so long as it requires such an overwhelming majority of public opinion to change its provisions. This, in essence, is the strength of a constitution, because it is the one factor that enables a people to be assured of a government of laws rather than a government of men.

It is obvious that any circumvention of the prescribed method of change of the Constitution strikes at the very foundation of individual liberty. And here, Mr. President, is where the blow has been struck.

Necessarily, Mr. President, a constitution cannot contain in written word every specific detail to eliminate all possible misinterpretations of its terms. In drafting such a document, our forefathers did not include a manual containing a detailed explanation of the philosophy which underlay the principles embodied in that document. They did not foresee a necessity for such a manual, for, indeed, the whole history of the times is permeated with expressions of their philosophies, both in the relations of the events which led up to the desire for a constitution and in the clear and unequivocal expressions of the drafters and other public figures in all Thirteen Original States, made during the consideration of its ratification. As they undoubtedly foresaw, the record was even further substantiated throughout the early years of our Republic by the correct application of the basic principles of government which they had so ably codified.

These basic philosophies which served as the birthspring of the Constitution, when reduced to application, are known as rules of construction. They are neither confusing nor difficult of application. Essentially, they are but the utilization of common sense and logic. Only by completely ignoring the recorded expressions of history and only by the intentional resort to tortured mental gymnastics can the basic rules of construction be avoided. An intentional act is required. It is impossible to believe that the more basic rules of construction can be misinterpreted in the absence of insincerity and ulterior motives.

Probably the most fundamental rule of construction for written instruments is to the effect that the meaning of the documents must be derived from events and expressions contemporaneous with the instrument's adoption. The interpretation justified by contemporaneous occurrences does not vary with future events, so long as the written instrument remains in force. The terms of the instrument may find new fields of application, or the circumstances to which the terms of the instrument apply may vary; but the meaning of the instrument never varies—it is forever constant. Any other construction would be, obviously, to vary the terms of a written instrument, and thereby to invalidate the only purpose of the writing—constancy. This rule of construction—in actuality, a simple application of logic—applies to all written instruments, but most particularly to the Constitution, of which stability and permanency are the very essence; and without such stability and permanency, the Constitution has no excuse for being.

So universal has been the recognition and application of this rule of construction that a discussion of it at any great length is rare. Rather, the courts have either merely stated it and then have proceeded to apply it, or, more frequently, they have merely proceeded to apply it to the written instrument at hand by an examination of circumstances contemporaneous with its adoption. A discussion of particular clarity of this rule of construction is found, however, in the opinion of the Indiana Supreme Court in the case of *Cory, et al* v. *Carter* (48 Ind. 327) at pages 335 through 336, as follows:

> A cardinal rule in dealing with written instruments is that they are to receive an unvarying interpretation and that their practical construction is to be uniform. A constitution is not to be made to mean one thing at one time and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable. A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or to be modified by public opinion. It is with special reference to the varying moods of public opinion, and with a view to putting the fundamentals of government beyond their control, that these instruments are framed; and there can be no such steady and imperceptible change in their rules as inheres in the principles of the common law. Those beneficent maxims of the common law which guard person and property have grown and expanded until they mean vastly more to us than they did to our ancestors, and are more minute, particular, and pervading in their protections; and we may confidently look forward in the future to still further modifications in the direction of improvement. Public sentiment and action effect such changes, and the courts recognize them, but a court or legislature which should allow a change in public sentiment to influence it in giving construction to a written constitution not warranted by the intention of its founders would be justly chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent, these instruments would be of little avail. The violence of public passion is quite as likely to be in the direction of oppression as in any other, and the

necessity for bills of rights in our fundamental laws lies mainly in the danger that the legislature will be influenced by temporary excitements and passions among the people to adopt oppressive enactments. What a court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require. The meaning of the constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it.

Mr. President, for the application of this rule of construction, we need not go beyond the landmarks of outstanding cases. For instance, let us consider the language of the U.S. Supreme Court in *Martin* v. *Hunter* (1 Wheat 351), as follows:

It is a historical fact that this exposition of the Constitution, extending its appellate power to State courts, was, previous to its adoption, uniformly and publicly avowed by its friends, and admitted by its enemies, as the basis for their respective reasonings, both in and out of State conventions. It is also a historical fact that at the time when the Judiciary Act was submitted to the deliberations of the first Congress, composed, as it was, not only of men of great learning and ability, but of men who had acted a principal part in framing, supporting, or opposing that Constitution, the same exposition was explicitly declared and admitted by the friends and opponents of that system. It is an historical fact that the Supreme Court of the United States has, from time to time, sustained this appellate jurisdiction in a great variety of cases, brought from the tribunals of many of the most important States in the Union, and that no State tribunal has ever breathed a judicial doubt on the subject, or declined to obey the mandate of the Supreme Court, until the present occasion. This weight of contemporaneous exposition by all parties, this acquiescence of enlightened State courts, and these judicial decisions of the Supreme Court through so long a period, do, as we think, place the doctrine upon a foundation of authority which cannot be shaken, without delivering over the subject to perpetual and irremedial doubts.

Mr. President, let us notice that this learned Court, in considering the contemporaneous rule of construction so basic as not even to need a statement, much less an explanation, proceeded first and foremost, in the interpretation of the Constitution, to an examination of contemporary thought at the time of adoption, without so much as a glance at "current conditions."

Mr. President, could there be any doubt concerning the applicability of this purely logical rule of construction? This is the distinction, reduced to its simplest form, between a government of laws, on the one hand, and a government of men, on the other. When the rule of construction is followed in the construction of the Constitution, that great document has the stability essential to the protection of individual liberty. If this simple guide to construction is ignored, the Constitution thereby shrinks from its position as the noblest document of government welded by human hands to a parody of words useful only as a point of departure for the mad rationalizations of emotionally inspired mentalities. Only the blissfully ignorant or the most insidious malcontent could conceive of any other course but the application of this purely logical approach to interpretation of the Constitution.

This area of fundamentals—indeed, the very vitals of our Constitution—has sustained an underhanded blow. The very passions which inspired this dastardly undercutting of constitutional fabric continue to prevail, shielding minds that should, and, in objective analysis, would, comprehend and appreciate the nature of the offense which has inspired the wave of protests that have resulted.

Let us now examine the deed itself. It happened on May 17, 1954. The provision of the Constitution was the 14th amendment. The field to which the provision was sought to be applied was that of public education. The name of the case was Brown against Board of Education of Topeka. No novel questions were presented by the case.

In fact, only one question of any import was before the Court. It was this: Does segregation of children in public schools, solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of either group of the equal protection of the laws?

I repeat, it was far from a novel question. Had the Court proceeded to adjudicate the question, it would have followed the approach of the Court in Martin against Hunter, to wit: First, it would have examined the contemporaneous expressions and actions of the Congress which proposed, and the legislatures which ratified, the amendment; second, it would have considered the decisions of State courts which had passed on the question; and, third, it would have considered, as stare decisis demanded, the prior decisions of the Supreme Court, itself. This would have complied with the rule of contemporaneous interpretation.

There can be not the slightest doubt that both the Congress and the legislatures which proposed and considered ratification of the 14th amendment, respectively, undertook their actions thereon with the firm understanding that the 14th amendment in no way interfered with the rights of the several States to maintain separate schools for the white and colored races. The highest State tribunals which considered the question unanimously confirmed this intention and meaning. The Supreme Court itself considered such contemporaneous construction so valid as to accept it as a basic premise for the decision in the two cases in which the precise question was most nearly approached, to wit, *Cummings* v. *Board of Education* (175 U.S. 528) and *Gong Lun* v. *Rice* (275 U.S. 91).

Now, Mr. President, let us look at the action of the U.S. Supreme Court in the case of Brown against Board of Education of Topeka. A detailed discussion of the facts or the procedures involved is not necessary, for I am certain that the Members of this body are quite familiar with that decision. I have previously stated the question which was actually before the Court, to wit: Does segregation of children in public schools, solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of either group of the equal protection of the laws? Originally, the cases involved the question of whether the facilities themselves were substantially equal, but during argument the issue was obviously narrowed to the issue before stated.

It was clear during the argument that the Court was not thinking in terms of the contemporaneous interpretation rule, as is illustrated by a question of Justice Burton, and I quote:

Don't you recognize it as possible that within 75 years the social and economic conditions and the personal relations of the Nation may have changed so that what would have been a valid interpretation of them 75 years ago would not be a valid interpretation of them today?

Mr. President, never has the application of the trite phrase "immaterial and irrelevant" been more applicable than to this question. It should have been of no concern, and legally was of no concern to the Court, that the social and economic conditions of the Nation had changed in the 75 years since the adoption of the 14th amendment. The law and the Constitution, except as amended, by the process specified in the Constitution, was and is the same today as the day it was adopted. Social and economic changes occurring subsequent to the adoption of a constitutional provision have no effect whatsoever on the interpretation of the particular provision. It is quite possible that, in a much shorter period, what had originally been a necessary and workable provision of law had become most onerous, and from the standpoint of fairness, a most unjust provision. A change in the law itself, however, to respond to changed social, economic, or political conditions is a policy decision reserved for legislative action. It has no place whatsoever in judicial deliberations.

Mr. President, the opinion of the Court in the Brown case completely ignored the oft-repeated expression in Supreme Court decisions that "it is the duty of the interpreters to place themselves as nearly as possible in the condition of those who framed the instrument." By way of contrast—and this is the heart of the matter—I quote the key paragraph from the decision of the United States Supreme Court in Brown against Board of Education:

In approaching this problem, we cannot turn the clock back to 1868 when the amendment was adopted, or even to 1896 when *Plessy* v. *Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of equal protection of the laws.

In those few words, and we might even restrict it further to the clause "we cannot turn the clock back to 1868 when the amendment was adopted," the Court substituted in the United States of America a government of men for a government of laws. It is that simple.

Thus in one bold stroke, Mr. President, the Supreme Court rashly departed

from its judicial function by attempting to legislate rather than adjudicate, in direct conflict with article I, section 1, of the Constitution. By this decision, the Supreme Court clearly arrogated unto itself legislative powers which are granted exclusively to the Congress by the Constitution.

This, then, is the first wrong of which I speak. Now let us turn to the second wrong, which it is proposed that we in the Congress commit.

Article III, section 1, clause 1 of the Constitution provides:

> The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Within this judicial power is included the authority to pass on the constitutionality of legislation. It is quite true that the Supreme Court has, as previously stated, departed from the exercise of judicial power to such an extent that one might say, particularly with reference to the school cases of May 17, 1954, that the Supreme Court has refused to exercise the authority and responsibility set out in clause 1, section 1, of article III of the Constitution.

It is nonetheless astounding, Mr. President, for the Congress to be presented with a proposal that we, in essence, trade or swap functions with the judicial branch of the Government. For section 4(A)(1) of the Dirksen substitute constitutes nothing less than a proposal that we review and confirm the validity of the legislation passed by the Supreme Court in that infamous decision.

This proposal not only contemplates a trading of powers and authority with the Supreme Court by the Congress; but, indeed, it even proposes that we confirm that bit of unconstitutional legislation without even conducting a judicial inquiry.

Mr. President, two wrongs do not make a right. In this instance, the second wrong does not only fail to right the first wrong, but compounds it.

I am loath to believe that the Senate of the United States has sunk to such a low ebb that it would be a party to an assassination of the Constitution and a farce in the eyes of the American public and the world.

Mr. President, for these reasons I intend to support the amendment of the distinguished Senator from Kentucky [Mr. COOPER] on this particular point.

Mr. CLARK. Mr. President, ever since the Senate convened in January of this year, we have been discussing civil rights legislation, off and on. A number of speeches were made on the subject before the 15th of February. On that date the pending business became a civil rights measure. Since then, with relatively few exceptions, the debate has been relevant to the question of civil rights, although on occasion current events made it necessary to set aside civil rights to discuss briefly matters of foreign policy, disarmament, and defense.

Starting the week before last, the Senate went into an around-the-clock session from Monday through Saturday, and since then the so-called debate on civil rights has been droning on.

We are no nearer to passing a civil rights bill in the Senate today than we were last January. Since it now appears that the Senate, being unable to legislate itself, is going to wait until the House legislates, and since the House has not legislated yet and we are marking time in both Houses of Congress, we might as well make as good use of the time as we can.

Parenthetically, Mr. President, in my judgment the activities of the Senate of the United States during the days since February 15 have done this body no good in the eyes of America, in the eyes of our allies, in the eyes of Asia and Africa, or in the eyes, indeed, of the entire civilized world. In fact, I suggest, with all deference to my colleagues, that our activities are rapidly bringing this body into disrepute.

I suggest further that what we have done is to resurrect and to drag out of its honored burial place the repudiated doctrine of the concurrent majority, so ardently advocated by Senator John C. Calhoun, of South Carolina, and made that doctrine the rule for the consideration of proposed legislation.

In effect, we have said that under our procedure it is impossible for the Senate to legislate unless a concurrent majority of every section and every grade of opinion all over the United States is content to permit the legislation to pass. It is not enough to have a simple majority in support of a bill; it is not enough to have two-thirds of the Senate in support of a bill; the bill must be advocated by a majority of every section and every point of view of the country—and if one section feels so strongly about a bill that it will oppose it to the end, then the Senate cannot legislate.

This, to me, is a negation of our duty as an important legislative body in the richest and in many ways the most important country in the world.

We must adjust our procedures, so that we can cope with the problems of the world, and get back to the overall majority rule which, in my judgment, at least, was the intention—and the wise intention—of the Founding Fathers.

Mr. President, having vented myself of that spleen, let me for the next few minutes take advantage of the lull in the legislative process in which we are presently indulging to outline what I think the Senate should do, and to express the hope that I do not stand alone in the expectation that at least some of the views which I outline may eventually prevail.

In the situation in which we find ourselves it seems clear that the most important issue facing the Senate with respect to civil rights is: What can we do as a practical matter to make it easier for all citizens of the United States, regardless of race or color, to vote? There are, it is true, other important sections of the bill before the Senate. I would not minimize their importance. I think they are important. I shall in general support the provisions which remain in the Dirksen amendment now pending, if they can be amended so as to represent a stronger effort to assure to all citizens that equal protection of the laws to which they are entitled under the 14th amendment to the Constitution, and the right to vote to which they are entitled under the 15th amendment.

This evening for a few minutes I should like to devote myself entirely to the question of voting rights. As I see it, Mr. President, we have three major proposals before us from which we can choose the kind of measure we want.

The first proposal is one to create Federal enrollment officers. This proposal is advocated by the distinguished senior Senator from Missouri [Mr. HENNINGS] and the distinguished junior Senator from Michigan [Mr. HART]. In my judgment, the Hennings enrollment officer amendment is the best voting measure which has been offered. I hope we will have a chance to vote on it. I hope it will be approved by a majority of the Senate. In essence, the Hennings amendment proposes an administrative rather than a judicial process for assuring that disfranchised citizens of the United States may be given the opportunity to register, the opportunity to vote, and the opportunity to have their votes counted.

Mr. President, in every State of the Union registration and voting are administrative processes. They are administrative processes outlined by legislation passed by State legislatures. Judicial review is always available, of course, in the event that the administrative officials defy or disobey the mandate of the legislatures or perform their duties unreasonably. Historically, however, the enrollment and registration of voters in the United States has been essentially an administration or executive function and not a judicial function.

Therefore, I believe that when it becomes necessary for the Federal Government to intervene because a State is interfering, in violation of the 15th amendment, with the rights of colored citizens to register and to vote, we should use standard administrative procedures similar to those used in the States, to protect by Federal action the right of all citizens to register and to vote. I can see no reason for departing from that system in connection with Federal legislation. I think it is important that any such system should carry with it a guarantee that if the Federal administrative officers, who undertake to enroll and to assure the right to vote and to assure the counting of the vote of disfranchised citizens, should disobey the Federal law they could be hauled into the courts and made to obey the law.

For that reason I strongly support the Hennings amendment. I would like to note that the junior Senator from Michigan [Mr. HART] made a brilliant speech in support of the Hennings proposal at the end of last week, which I believe deserves the attention of every one of our colleagues.

The administrative procedures to protect voting rights provided for in the Hennings proposal would be triggered in two ways. The first would be a judicial finding in a proceeding brought by the

Attorney General under the Civil Rights Act of 1957 that "under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunities of registration, for elections becauses of their race or color."

The second method, under the Hennings proposal of triggering the Federal enrollment officer procedure is based on an administrative finding. Whenever the Civil Rights Commission or any other executive agency or department designated by the President to perform the same function makes a finding, similar to the judicial one described above, then the Commission shall notify the President of that finding, exactly as the Attorney General shall notify the President in the event of a court finding. When the President is notified of a finding of disenfranchisement in either of the two ways which I have suggested, he may appoint a Federal enrollment officer, who can then, to cut things short, proceed to enroll disfranchised citizens in that particular district.

The President may delay such appointment to permit the State or local authorities to register the persons who have been found to be disenfranchised.

When the enrollment officer has enrolled applicants in accordance with the procedures set forth, the officer is then authorized to attend the polling places to determine that the enrollees are permitted to vote. He is authorized to remain in the polling place to see that their votes are counted.

State or local authorities who believe that the action of the Federal enrollment officer is improper, can go into court and attempt to set aside the registration and the casting of the ballots, but the enrollee's vote would be counted subject to court determination of the validity of the challenge.

The Attorney General is authorized to enforce voting rights by "appropriate civil and equitable proceedings," and the courts are authorized to issue "permanent or temporary injunctions, or other orders" to protect the exercise of such rights. In all cases of contempt of court arising under the amendment, the accused, if convicted, would be subject to criminal penalties, though not particularly severe penalties.

That, in summary, is the Hennings amendment. The distinguished senior Senator from Missouri will doubtless explain his amendment more clearly and at greater length at a later date. I make this brief summary today, because unfortunately, our distinguished colleague has temporarily—and I hope only briefly—lost the use of his voice, and is unable to make a statement of his own.

I support the Hennings amendment as the best measure we can pass to protect voting rights. Many of my colleagues on our side of the aisle feel the same way. The administrative procedure provided in the amendment is the traditional American way of handling enrollment, registration, and voting, and the protection of the voting right. The proposal merely provides for the adaptation by the Federal Government of the same procedure outlined, with very few differences of substance, in the registration and election laws of the 50 States of the Union.

It may be that a majority of my colleagues will not see as I do on this question. If they do not, there is a second amendment which I think should be given careful consideration. I refer to the amendment sponsored by myself and the Senator from New York [Mr. JAVITS], and cosponsored by the Senator from Minnesota [Mr. HUMPHREY], the Senator from Vermont [Mr. AIKEN], the Senator from Alaska [Mr. BARTLETT], the Senator from New Jersey [Mr. CASE], the Senator from Oregon [Mr. MORSE], the Senator from California [Mr. KUCHEL], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. MCNAMARA], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Pennsylvania [Mr. SCOTT]. It is identified as "3-11-60—B." It has been printed and is on the desks of all Senators.

This is a compromise proposal. It is an effort to achieve a meeting of the minds between those who support the administrative enrollment officer proposal, and those who desire a referee bill, dealing entirely through the judicial process and not through the executive or administrative process, with the problems of registration and voting. This compromise measure contains both provisions.

As a further evidence of compromise, and as a mark of good will toward those who fear a swarm of Federal officials descending upon States in the South, this amendment provides that no action to protect voting rights may be taken unless and until there has been a court finding that there has been a pattern or practice of disenfranchisement. If and when a Federal court finds in an action brought by the Attorney General under the Civil Rights Act of 1957, or by an individual or a group, that any persons have been deprived on account of race of the right to register or the right to vote at any election (State or Federal, general or primary) by State action or by local action controlled by the State, and that such deprivation is pursuant to a pattern or practice, the dual remedies provided become available for the first time.

Thus, neither the enrollment officer nor the referee proposal could be triggered into action unless there had first been a court finding in an adversary proceeding that a pattern or practice of discrimination existed, which had resulted in the disfranchisement of voters because of race or color. Once that finding was made, under this compromise proposal, the Attorney General would have, in effect, two choices.

He could request the court to appoint voting referees to register and protect the voting rights of those who had been disfranchised by State action; or, in the alternative, he could notify the President of the finding by the court, and request the President to appoint Federal enrollment officers, who would proceed exactly as I have described the procedure called for by the Hennings amendment.

Thus, those who think the referee proposal would work best would have the opportunity to see it authorized; and inasmuch as the present Attorney General thinks it would work best, he could use that remedy exclusively if he saw fit, until his term expires at the end of this year. If the successor Attorney General in a new administration happened to be of the same view as the present Attorney General, he could continue to use the referee process. However, if, as I suspect—and as I hope—he would take the traditional American view that the registration process is essentially an administrative and not a judicial one, he would have available the shining tool called for by the Hennings amendment.

I do not believe it is necessary to outline in detail the referee proposal called for in the Clark-Javits amendment. I will say, however, that it is stronger than the administration proposal which I understand the House of Representatives had under consideration this afternoon. It would not require a disenfranchised voter to exhaust his remedies before the State registration officers before being permitted to exercise his voting rights through the referee process. It would give a 20-day period of grace to the State to enroll disfranchised voters before the Federal process springs into action. That is a brief period, but long enough to enable remedial action, and to enable the local registration board to register those who have been disfranchised if the board sees fit to do so.

It has the same disabilities in it which any court referee proposal is bound to have, namely, provisions for appeals, court delays, and difficulties in having a judicial officer act in what is essentially an administrative capacity. But there are those who believe that such delays are not as severe as some of us think, who believe that the Federal courts are not already unduly clogged with business, and who believe that it would be no great imposition to place another and heavy burden upon them in connection with voting cases. Therefore they advocate the referee proposal. If that is what they want, it is in the compromise amendment. I would hope that if we were unsuccessful in passing a straight administrative Federal enrollment officer bill, as a second line of defense enough of our colleagues would be induced to vote for the compromise bill to have it passed with a vote of a majority of the Senate.

There are several inducements to persuade our colleagues to do so. In the first place, it would give them the referee proposal, which so many seem to desire. In the second place, the compromise proposal would require a finding by a court of competent jurisdiction, a Federal judge who had been confirmed by the Senate, that there had been a pattern or practice of discrimination by the State, before any of its referee or enrollment officer provisions could go into effect.

Those are substantial concessions to men of good will in this body who want an effective civil rights bill, but want to be sure that it is fair.

Mr. President, it is possible, I suppose, although I hope not, that neither the Hennings bill nor the compromise bill will meet with the approval of a majority of the Senate. In that event the choice would be a strengthened voting referee measure or no voting measure at all.

I would reluctantly, in the last analysis, vote for a strengthened referee bill. I think many of my colleagues on our side of the aisle, from the North and the West, would in some desperation do so also, on the theory that a quarter of a loaf is better than no loaf at all.

I hope we will not come to that.

However, I should like to make it crystal clear that if our choice is between a watered down, phony voting referee bill, which will not result in the registration of more than a scattered handful of disfranchised citizens of the United States, or no bill at all, I am for no bill at all. I do not want to be a party to a fraud on the people of the United States, whether those people live in Pennsylvania or in Mississippi or in any other State.

Mr. President, that is the outline of my position. I do not believe that I speak for myself alone. Other Senators will in due course determine their positions and perhaps state them on the floor of the Senate and indicate whether they are in agreement or not.

I close with this thought: It is highly desirable that we should minimize to the greatest extent possible the number of amendments to the pending bill which will be called up for rollcall votes for determination. It is quite true that those of us who are in support of a strong civil rights bill have submitted too many amendments in the Senate, and have been too long unable to agree on what we are ready to vote for.

We have in recent days been making an effort to reduce the number, and we are making progress. I have reported progress to the majority leader from time to time. I hope to be able to tell him within the next 24 hours or so that we have so crystallized our thinking that the number of amendments on which we strongly feel we should record ourselves in public has been reduced to a minimum.

Mr. President, I suppose that in due course some kind of bill will come over from the House. I imagine that in due course efforts will be made to substitute the House bill for the Senate bill. I, for one, have no very real objection to that procedure if the House bill provides effective protection for civil rights. Perhaps it would be the wise thing to do at this late date, since the Senate has so clearly indicated its inability to legislate in this field, and we might as well take the bill passed by the other branch of Congress if it is a good one.

However, if we are to pass the House bill, then the next question will be: Will the Calhoun doctrine of concurrent majority apply to such an extent that we can get a bill up for final vote without cloture? I imagine that the doctrine of concurrent majority will apply if the bill is no good. If the bill does not help the disfranchised citizens of the South, then it will not be necessary to impose cloture.

I think that one test of whether the bill is any good will be the action of the Senate in passing a civil rights bill without cloture. If we do it without cloture, we can be sure that the bill is not much good.

I suspect that there are enough Senators who want a good bill, so that we will not pass a bad bill or any bill without cloture, and that a meaningful bill will require cloture.

Mr. President, if it is proposed to vote for cloture in order to pass a bill which has no real meaning and carries no real promise of enfranchising citizens of the United States, who have been disfranchised in violation of the 15th amendment because of race or color, then I think some of us will take a good, hard look at the petition to see whether we want to be parties to the imposition of cloture. For myself, I do not intend to be a party to a sham. I hope that time will not arrive.

In all courtesy and good nature and all kindness to our colleagues who do not feel as some of us do on my side of the aisle, who come from the North and in the West, I have felt some of these things should be brought out and laid on the table.

I still have high hopes that we will pass a meaningful bill. It is even possible that we can pass a meaningful bill without cloture. I say again that one test is going to be whether we can get a meaningful bill without cloture. I doubt it. I hope the kind of bill on which we will impose cloture will be one which will permit germane amendments in the field of voting and in the field of technical assistance to school segregation and in some of the other fields covered by the present Dirksen amendment.

It would be a sham to vote cloture on a basis by which these amendments, so pertinent to a meaningful civil rights bill, would be ruled nongermane by the Parliamentarian and the Chair. That is another hazard we will have to look forward to when we come to determine which of us want to vote for what kind of cloture.

I ask unanimous consent that summaries of the Hennings amendment and Clark-Javits amendment may appear in the RECORD at this point in my remarks.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

SUMMARY OF HENNINGS AMENDMENT
(3-10-60—F)

1. INITIAL FINDING OF DISENFRANCHISEMENT AND NOTICE TO PRESIDENT

(a) Judicial: In a proceeding by the Attorney General under section 131(c) of the Civil Rights Act of 1957, the Attorney General is required to notify the President, if the court finds that "under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunity of registration, for elections because of their race or color."

(b) Administrative: Whenever the Civil Rights Commission in a proceeding under section 104(a) of the 1957 act or another executive agency or department designated by the President to perform the same functions as the Civil Rights Commission makes a finding similar to that described in the preceding paragraph, the Commission shall notify the President.

2. APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

Upon notification of a judicial or administrative finding that voting rights have been deprived, the President is authorized to appoint Federal enrollment officers from among qualified voters within the congressional district in question. The President may delay such appointment if he determines that State officials are making efforts to end deprivation of voting rights in the district.

3. ENROLLMENT AND ENROLLMENT RIGHTS

All persons belonging to the race discriminated against, who are qualified to vote under State laws and reside in area covered by the finding, are eligible to register with the enrollment officers and receive certificates of enrollment. Enrolled voters have the right to vote and have their votes counted in any State or Federal primary or general election in the district.

4. ENFORCEMENT

(a) Challenges by State of eligibility of enrolled voters in Federal district courts are permitted, but the enrollees are permitted to vote and have their vote counted subject to court determination of the validity of the challenge.

(b) Enrollment officers are authorized to attend elections, determine whether enrollees are permitted to vote and have their votes counted, and directed to notify the Attorney General of denials.

(c) The Attorney General is authorized to enforce voting rights by "appropriate civil and equitable proceedings" and the courts are authorized to issue "permanent or temporary injunctions or other orders" to protect the exercise of such rights.

(d) In all cases of criminal contempt arising under the provisions of the proposal, conviction carries penalties up to $1,000 and 6 months' imprisonment. The judge can decide whether the trial shall be with or without jury. But the accused is given the right to demand a trial de novo before a jury if the sentence exceeds $300 or 45 days in prison.

SUMMARY OF CLARK-JAVITS AMENDMENT
(3-11-60—B)

Preamble: "Continuing denial of (voting) rights" requires congressional action.

A. INITIAL LEGAL PROCEEDING

Attorney General under section 131(c) of Civil Rights Act of 1957, or individual or group action.

B. JUDICIAL FINDING OF DEPRIVATION OF VOTING RIGHTS

If the court finds, upon request by the Attorney General or any plaintiff, that "under color of law or by State action any persons have been deprived on account of race or color of the right to register or to vote at any election (State or Federal, general or primary), purusant to a pattern or practice," two remedies are made available.

I. Court remedies

1. Direct applications for court orders: A person of the race discriminated against who resides in "the affected area" may apply to the court for an order declaring him qualified to vote and obtain such an order upon proof that he is qualified under State law to vote.

2. Effective date of order: The order is communicated to the State Governor and

the State is given a grace period of 20 days to comply with the order by registering the persons concerned; in which case the order is vacated.

3. Enforcement: Refusal by a State officer to let a person vote, who is covered by a court order of which the officer has knowledge, constitutes contempt.

4. Appointment of voting referees: The court may appoint referees to receive applications for court orders declaring voting qualifications.

5. Ex parte referee proceedings: The voting referees are authorized to take and record evidence of the applicant's voting qualifications in ex parte proceedings and report their findings as to the applicant's qualifications to the court.

6. Effective date of order: The referee's report is communicated to the State attorney general who is given 10 days to show cause why an order declaring the applicant's qualifications should not be issued. The order is entered at the end of the 10-day period, unless timely exceptions are filed. The exceptions may be heard by the court or by the referee.

7. Certificates identifying the persons covered by the court order are issued by the court or referee.

8. Inspection of election process: The court may authorize the referee or other designated person to attend the elections and the counting of the ballots and report to the court any denial of voting rights.

9. Referee powers are the same as those conferred on masters by FRCP 53(c).

10. Provisional voting: The court is authorized to issue orders entitling applicants to vote provisionally pending final determination of exceptions. Court powers to grant other equitable relief are preserved.

II. Administrative remedies

1. Executive order appointing enrollment officers effective date: Upon receipt of notification of a court finding that there has been a pattern or practice of voting right deprivation, the President is authorized to issue an Executive order designating Federal enrollment officers in the congressional district(s) involved from among resident Federal employees who are qualified voters. The order goes into effect 20 days after issuance and delivery to the State Governor, unless the State takes appropriate remedial action during that grace period.

2. Enrollment process: The enrollment officer is authorized to receive applications for enrollment by persons, of the race which has been discriminated against, who reside in the district, and to enroll such persons and to issue certificates of enrollment upon proof that they are qualified under State law to vote.

3. Enrollment rights include the right to vote and to have such vote counted in any election (State, Federal, general, or primary) in the district.

4. Challenges and preservation of challenged votes: State challenges in Federal courts of the right of enrollees to vote are sanctioned. Pending the final judicial approval of such challenge, however, the enrollee is permitted to vote and have his vote counted. Persons denied the enrollment by enrollment officers are given the right to file suit against the officer in Federal court.

5. Penalties: Willful denial of or interference with enrollment rights is punishable by fine of $1,000 and to 6 months' imprisonment.

6. Inspection of election process: The enrollment officer is authorized to attend the balloting and counting of ballots and directed to report violation of enrollment rights to the Attorney General.

7. Enforcement is authorized by appropriate civil and equitable proceeding brought by the Attorney General or an aggrieved individual. Injunction and other relief is provided. The court can try offenders with or without jury, but if the sentence exceeds $300 or 45 days, the accused is entitled to a trial de novo by jury.

C. GENERAL PROVISIONS

1. Intervention: The Attorney General is authorized to intervene in any case in which a person alleges denial of voting rights.

2. Referee-enrollment officer coordination: Referee decisions concerning voting qualifications supersede contrary findings of enrollment officers.

3. Resignation of State voting officials: Actions may be continued aganst the State if defendant State voting officials resign their positions.

Mr. CLARK. Mr. President, in conclusion I should like to reiterate that what I have said today I have said in no belligerent sense, in no unfriendly sense, but only in a spirit of real compromise and real willingness to adjust my views and those of my colleagues in the North and in the West who may feel as I do, with the views of our brethren who do not agree with us.

There is a meeting place on which we can get together. I hope that the meeting place can be found. However, it will never be found if we have a bill that will not result in the registration and in the protection of voting rights of large numbers of American citizens who are presently denied those rights.

CUBA, CASTRO, AND SUGAR

Mr. ALLOTT. Mr. President, despite the attempts of our State Department to deal rationally with Premier Castro, we have seen absolutely no sign of improved relations in the past 3 weeks. As a matter of obvious fact, we can see only deterioration.

Perhaps the turning point came with the unfortunate and disastrous explosions aboard the munitions ship in Havana harbor. Castro used this as an excuse to unleash new tirades, new accusations, against the United States.

As one observer in Cuba described the results of this tirade:

> Americans here feel a new coolness bordering on open hostility from Cubans who had been friendly.

American newsmen on the scene say that Castro's latest outburst has been more effective than his previous blasts because of the dramatic nature of the incident. The number of dead and wounded—which we all so deeply mourn and regret—is a concrete fact that can be parlayed into a campaign of hate by Castro in speeches and the Cuban press. Government-controlled radios and newspapers have been playing and replaying the tragedy of the dead and injured in another of his bitter campaigns. All manner of wild accusations are being tied to the one disaster and with that one fact they are bearing more credence in the eyes of the Cuban people.

The anti-American propaganda is being poured out through approximately 80 radio stations in Cuba—32 of them in Havana. Three Cuban networks broadcast from Havana. Two are government-controlled; one is semi-independent. All must use what broadcasters term "shirttails" to all newscasts. This is a closing paragraph stating whether the story to which it is appended is "true" or "false" by Castro standards. The same rule of disclaimer applies, incidentally, to Cuban newspapers.

Because of the tightening controls in Cuba, the continuing tyrannical abuses of freedoms and rights, and the constant anti-American propaganda, we are now receiving reports that diplomats stationed in Havana from other Latin American nations are beginning to believe the United States should respond with economic reprisals. They are starting to wonder if Castro's actions may not frighten U.S. technicians and investment capital away from other Latin American nations. They express beliefs that the revolutionary government in Cuba is Communist dominated and poses a serious menace to all the Americas.

Many of these diplomats reportedly favor a cut in the price the United States pays for Cuban sugar, which is roughly 2 cents above the world market and above the price for which Cuba sells sugar to Russia.

This certainly is a matter which I will want to consider as a Senator from a State where a good part of the agricultural economy depends on a stable, growing sugar market, in fact $65 million worth. My feelings in this matter have been made plain long before this. We must extend the Sugar Act. We should reallocate the established deficits. We should empower the President upon proper consultation with the Congress to cut the quota of any nation participating, if the need arises.

Mr. President, I understand that today the distinguished senior Senator from Utah [Mr. BENNETT] introduced a bill to amend and extend the Sugar Act of 1948. I ask unanimous consent—and this is with the agreement of the Senator from Utah—that I be included as a cosponsor of that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, in asking to be made a cosponsor of the bill, I wish to state certain reservations I have concerning the bill. For example, section 2(a) provides that the deficit from Puerto Rico and the Virgin Islands would be prorated 96 percent to Cuba and 4 percent to the full duty countries, to restore the quotas of such countries on the same basis on which they would lose quotas under section 1.

I have already advocated that the deficits, in part, from Puerto Rico—at least 200,000 tons of them—should be reallocated to the farmers of the United States of America. This would result in the allocation of some 50,000 tons to the cane sugar growers of this country, and some 150,000 tons to the sugar beet growers. It would be only in keeping with fair treatment to our own farm people, I believe, to reallocate to this country the deficits of Puerto Rico, of which Cuba has been getting the benefit.

There are one or two other perfecting amendments which I think should be made. Perhaps they might be called more than perfecting amendments in the proposed legislation which has been introduced. But I concur in the general purpose of the measure, which is to put

into the hands of the President—and I believe it should be done after conference with the proper chairmen and members of committees in Congress—the opportunity and the right to deal with Castro upon a day-to-day basis, so that as Castro gets worse, we can also use our own methods to show the people of Cuba, and perhaps even to show him, that even a nation as big and strong as the United States will not accept the vilifications which have been heaped upon our shoulders, and are continuing to be heaped upon our shoulders, day by day.

No individual American can avoid the implication that he is personally responsible, under Castro's interpretation, for the explosion which took place in Havana Harbor; a false accusation which has been made by Castro, and one which he knows to be false. As a matter of fact, his technique is not different from that which has been employed by Communists all over the world. That technique is to create an incident themselves and then to accuse their opponents or enemies of having created the incident.

So in cosponsoring the bill, I have some reservations. I shall want to offer some amendments of my own to the bill, when it shall be called up; but I subscribe to the fact that the President should have the right to cut quotas, and not simply to cut them, but to cut the quotas of foreign countries in order that we can deal with the Cuban situation on a day-to-day basis, and not have to deal with it in Congress, where it might be necessary to wait another year or another 4 years to do so.

We would not get very far, either in Congress or with the rest of the world, by composing legislation the purpose of which was to punish Castro. The first purpose of our legislation should be to retain the protection and healthy quality of our own sugar industry.

The second purpose should be to maintain stability for our friends who are involved. This includes the State of Hawaii, the Philippines, and the other Latin American countries. The second purpose, therefore, is important; that we maintain stability for our friends. This is a matter which should always be kept in sight when we are dealing with sugar legislation.

The third purpose should be to put the legislation in such form as will enable us to have an effective economic weapon against Castro, and the Communist infestation which is now well developed 90 miles from our shores. He would be warned that if he continues his vilification, his confiscation, his intermeddling in other countries, he will force us to use the weapon I have described. Unfortunately, this would be a real blow also to the Cuban worker who has always been friendly to us, but he should understand that any action was forced upon us by Castro.

Now, here we come to the nub of our problem. How can we endeavor to assure that the people of Cuba, with whom we still feel the deepest friendship as well as sympathy, understand what might take place? How do we draw a line and tell Castro, the Cuban people, and the world that he shall not cross it without reprisal; that to do so will mean that he triggers whatever action we may have decided upon as a nation?

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excellent editorial entitled "Tell Cubans the Truth," published in the Rocky Mountains News of March 11, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News]

TELL CUBANS THE TRUTH

Let's do something about Cuba. Let's do something about the Fidel Castro cynical hate campaign which is under way against the United States.

Let's tell the Cuban people the truth. As it stands, they cannot hear it.

There are ways to tell them. One way is to adopt the techniques of the Cuban dictator. He has seized the air, and—let's face it—controls the press to whatever degree he feels is necessary, barring a few scattered and courageous voices.

We can't do much at this time about the printed word—the Cuban Government has even protested the pamphlets released by the U.S. Embassy, but the air is still free.

Citizens of our country keep expressing amazement over the turn of events in Cuba. They ask, "What happened?"

Everybody here thought it was good when Tyrant Batista finally was turned out. The whole point is, the original revolution has been lost. Another revolution now is taking place.

The original revolution was supposed to bring stable representative government back to Cuba. The present revolution is simply another demagogic dictatorship; this time, a dictatorship of the proletariat, dyed red.

One purpose of the present anti-U.S. hate campaign is to so shake U.S. ownership of various enterprises in Cuba, that it will urge our State Department to make the best deal possible, soonest, so it can get out with something instead of nothing.

The so-called agrarian reform law under which these properties are being threatened or seized provides for payment in Cuban bonds. But nobody has yet seen these bonds; apparently the first one has yet to be printed.

What the revolutionary government granted itself is a license to steal, and it wants as few victims as possible running to the international police.

Meantime, decent Cubans are being brainwashed by the big lie, told by the big liars of the new Cuban dictatorship.

We propose that the United States tell its story to the Cuban people, directly.

This was possible until 1953. In that year, however, Congress cut the funds of the U.S. Information Agency, and, to stay within its budget and to provide the facilities which were presumably needed in the Near and Far East during that and succeeding crucial years, the USIA Spanish language broadcasts to Latin and South America were stopped.

So, let's reallocate some funds. Doubtless the USIA already is thinking about this.

There is a broadcasting station in Key West. Let's rebeam it, and use it.

There is a radio broadcasting ship, the *Courier*, now stationed at the Island of Rhodes. Let's bring it back, full steam, and set up shop off Cuba.

There are all manner of Government-owned light ships that could be fitted within a short time that could cruise up and down the Caribbean, broadcasting the truth on standard wavelengths, so that the *Courier* could return to Rhodes, if it is needed there more urgently.

The Cuban telecasting industry broadcast the last World Series from airplanes, picking up the U.S. land-based baseball broadcast with airborne equipment and recasting it all over Cuba.

We have all manner of aircraft, from old hurricane-tracking B–17's to modern fast bombers, that could be fitted in no time to blanket Cuba with the truth.

There is nothing new in this; Fidel has been doing it every day. Can't we—with all our facilities—at least match him? We have plenty of friends in Cuba, but they'd like to know what's the real score, and it is our fault if we do not tell them.

Mr. ALLOTT. Mr. President, as the editorial points out, at this point we cannot do much with the printed word in Cuba. What can we do to overcome the "big lie" brainwashing that Castro is inflicting upon the Cuban people?

If we cannot win this phase of the war for men's minds, when it is only 90 miles off our shores, how can we expect to do it in the far corners of Africa and Asia? We have been challenged, right in our own backyard, by the Communist conspiracy. The rest of the world is watching. It is time to bring to bear our unparalleled technical know-how in the field of broadcasting, our expert use of electronic communications, and our outstanding radio and television equipment.

What is the situation today? What are we doing?

First, in Cuba: The Voice of America still is placing some programing in Spanish on Cuban stations. It sends three 15-minute roundups a week to its post in Havana. These are: a Monday roundup of editorial opinion, Wednesday excerpts from President Eisenhower's press conference, and a Friday review of the week's news. The Voice of America also mails to its Cuban offices, for direct placement on Cuban stations, taped radio programs, mostly of the feature type.

Second, what are we doing from the mainland? The U.S. Information Agency has a contract with radio WRUL, with its powerful transmitters in Massachusetts for nightly half-hour broadcasts to Cuba in Spanish and Portuguese. These carry 15 minutes of news and 15 minutes of features, such as interviews with visitors returning from tours to neighboring lands to the south.

Additionally, Voice of America broadcasts 2½ hours daily to Latin America, on shortwave bands. The drawbacks to this are painfully obvious, because these broadcasts are in English. Even by the best estimates, shortwave transmissions reach only 3 percent of the 1½ million radio sets in Cuba. Like Americans, Cubans have formed listening habits geared to their own local stations, rather than to foreign broadcasts. Furthermore, by broadcasting in English, we drastically reduce the effective audience that anything we are saying might reach.

That is all, or nearly so.

Three commercial stations in Florida have some regular Cuban audiences. WKWF, in Key West, a 500-watt station, is heard in the early morning and in the evening in Havana. WMIA, a Spanish-language station in Miami, with 5-kilowatt power at nighttime with 10-kilowatt daytime power, has a few listeners.

WKIX, a 250-watt Key West station, has a very limited entry.

The thought that we might want to give facts to the Cuban people has not escaped Castro and his fellow conspirators.

I may say here, Mr. President, that within the last hour I have received a telephone call informing me that the Press Building in the city of Washington has been flooded with approximately 25,000 letters addressed to all the members of the press who ever have been known to be stationed in this city, as well as to a great many who have long since passed on to the Great Beyond. The letters were sent in an effort to convince the press of Castro's position on this matter. In other words, at this very moment Castro is trying to "beat us to the punch," and is trying to do that through the press of the United States—although, of course, I know he will not be successful.

Cuban newspapers already are harping on what they term "big" U.S. plans to dominate Cuban airwaves through expanded use of American commercial stations. While we could do this, it would mean use of powerful clear-channel stations, to do it effectively. We do not have enough such stations in Florida. The problems, therefore, would become enmeshed with our entire broadcasting pattern.

We also would want to operate within the framework of the North American Radio Broadcasting Agreement, which the Senate so recently ratified. I may add, parenthetically, that our regard for laws and treaties is not shared by Cuba, which reportedly is setting up low-power transmitters on clear channels to openly defy this solemn agreement.

Certainly, we might, as the editorial suggests, bring the ship *Courier* from the islands of Rhodes, station it within broadcast reach of Cuba, and use alternating wavelengths, to offset Cuban radio interference. We might utilize aircraft stations for both radio and TV. We might outfit other idle ships.

This is a broad field. It needs immediate study. I am requesting the Department of State and the U.S. Information Agency to speed whatever studies they are making.

Certainly they should watch closely and should work closely with our other good friends to the south, through the Organization of American States.

I am requesting the chairmen of the Foreign Relations Committee, the Foreign Affairs Committee, and the Appropriations Committee to institute similar studies. We are in a battle for the freedom and the peace of this hemisphere. We had best be prepared.

Mr. LONG of Louisiana. Mr. President, will the Senator from Colorado yield?

The PRESIDING OFFICER (Mr. ENGLE in the chair). Does the Senator from Colorado yield to the Senator from Louisiana?

Mr. ALLOTT. I am very happy to yield to my good friend, the Senator from Louisiana.

Mr. LONG of Louisiana. I thank the Senator from Colorado.

Let me say that I regret that I was not in the Chamber at the beginning of the Senator's speech, but I entered the Chamber during his delivery of it, and I am very much interested in it.

Do I correctly understand that the Senator from Colorado is urging that a strong stand be taken against the Castro government?

Mr. ALLOTT. First, let me say that—as the Senator from Louisiana knows—on several previous occasions, recently, I have addressed the Senate in regard to the Sugar Act and the effect it might have upon our friends to the south.

A moment ago I asked unanimous consent that my name be added as a cosponsor of the bill introduced today by the Senator from Utah [Mr. BENNETT], but I stated I have a reservation about the prorating of the Puerto Rican deficit. In my opinion, at least 200,000 tons of that deficit should be reallocated to the farmers of the United States of America.

Futhermore I suggest that the President of the United States be given power to cut these quotas, so that on a day-by-day basis—not a year or more from now—our country can deal effectively with the Communist menace.

The real subject of my speech tonight is my belief that we should organize and should utilize all our radio facilities, in order to bring our story to the Cuban people and let them know what Castro is doing to them, so that we can retain the friendship of the Cuban people, which we have had for so many years.

Mr. LONG of Louisiana. I should like to commend the Senator from Colorado for his presentation.

Let me say that I would wish to support the proposal that the President be allowed to reduce the quotas, if I could have some reasonable basis for believing that the President would make drastic reductions when Castro started to seize and to confiscate American investments in that area.

It might be contended that such action by us would be economic aggression—in other words, for the United States to reduce the Cuban quota—if Cuba is doing certain things which a nation has a sovereign right to do. However, I do not see how one nation can nationalize and confiscate the investments made by citizens of another nation and not have such action regarded as economic aggression.

Mr. ALLOTT. Mr. President, I am sure the Senator from Louisiana will agree that that property is being expropriated as fast as the cane is being cut in Cuba today; and that also is economic warfare, and it is warfare against people in whom we have a great interest. They have done much to develop Cuba. However, as the Senator from Louisiana is aware, all they are promised is payment in 20-year bonds; but, according to the knowledge of all those to whom I have talked, such bonds have not yet even been printed.

Mr. LONG of Louisiana. Mr. President, if the Senator from Colorado will yield further to me, let me say that there has occurred to me the thought that there are perhaps $800 million of American investments in Cuba, as of now. Of course, most of those investments have been made by private individuals and private corporations. Nevertheless, if our Nation chose to do so, it could allocate the amount of the sugar quota that presently goes to Cuba to an American trading corporation, and could permit that American trading corporation to buy sugar on the world market for less than 3 cents a pound, and sell it on the United States market for perhaps 6 cents a pound or more. That corporation thus could make approximately $125 million profit each year; and it would not take long to accumulate enough funds in that way, from such profits, to pay American claimants who had had their property seized by Castro. If that procedure were used, it might not be necessary to rely on the mercy of Castro to treat our people fairly.

Mr. ALLOTT. Mr. President, the Senator of Louisiana is completely correct in that respect.

I may say that another method—although not one called for by the bill I have cosponsored; but it is a method which I believe should be considered by the committee—is based on the position that really there is no more justification, under the present relationships between the United States and Cuba, for paying any more for Cuban sugar, than the amount the Russians have agreed to pay Cuba; and, as I understand, the Russians have agreed to pay Cuba approximately 3.47 cents a pound.

So it is rather ridiculous for us to think in terms of subsidizing—in effect—the sugar coming from Cuba, by paying 2 cents a pound more than the world market price. Dealing with this is another weapon which we may well have to use.

The method the Senator from Louisiana has outlined is one which should be explored and one which has great practical aspects, because property is being expropriated in the most ruthless way. Some of our people are having trouble getting even an inventory of the property that is taken from them.

Mr. LONG of Louisiana. The Senator has done a service to bring this matter before the Senate. I have seen a number of editorials saying we should be patient, we should not be precipitous. The junior Senator from Louisiana is not one who wishes to move abruptly, but, at the same time, he believes there comes a time when a nation should be forthright and should have the courage to protect its own people and its own interests. I do think that day is approaching with relation to our dealings with the Castro government of Cuba, which, as the Senator knows is either communistic, or, if it is not a Communist government, it is the most friendly government to the Communists that exists in this hemisphere.

Mr. ALLOTT. The Senator is entirely correct, and I thank him very much for his contribution. Neither do I want to act precipitately in this matter, but I wish to say that, in the eyes of the world, it is a ridiculous situation when a small dictator, on a very small island in this great world of ours, can "blast away" and the United States quake in fear about what the rest of the world thinks. I think we ourselves have

to decide what justice is, and then move toward it. I, for one, am not going to stand and quake.

Mr. LONG of Louisiana. I am glad to hear the Senator is not in favor of appeasing Castro. I wish to join him in that expression.

MRS. HAZEL DAVENPORT, OF BECKLEY, W. VA., DESIGNATED 1960 NATIONAL TEACHER OF THE YEAR

Mr. BYRD of West Virginia. Mr. President, it is with pride that I call attention to the fact that Mrs. Hazel Davenport, a teacher from my home county, has been designated 1960 National Teacher of the Year by the national magazine, McCall's.

Mrs. Davenport was selected by McCall's from teachers nominated by State departments of education in all parts of the country at the invitation of Dr. Lawrence G. Derthick, U.S. Commissioner of Education, and Dr. Edgar Fuller, executive secretary of the National Council of Chief State School Officers. The nominees were observed at work over a period of months and rated by representatives approved by McCall's and the U.S. Office of Education. From the recommendations, McCall's selected Mrs. Davenport to receive the ninth citation in this project.

Mr. President, I know that my colleagues, Senator RANDOLPH, and the Members of the West Virginia delegation in the House of Representatives join with me in saluting Mrs. Davenport as the National Teacher of the Year. My fellow West Virginians everywhere are happy because of the recognition that has been accorded to Mrs. Davenport for her splendid work as a teacher.

We congratulate her and we thank McCall's for the service being rendered to America by the publication in encouraging the fine men and women of the teaching profession to give of their best in the day-by-day performance of their vitally important work.

It is my belief that a teacher has one of the most important responsibilities that any person could have. The teacher molds the attitudes and outlooks, the hearts and minds of boys and girls. The teacher never knows where her influence stops, and I think we will all agree that is does not stop with the present generation. It goes on and on, leaving its impression upon our children's children, the leaders of tomorrow.

Mr. President, Hattie Vose Hall once composed a poem entitled "Two Temples."

A Builder builded a temple,
He wrought it with grace and skill;
Pillars and groins and arches
All fashioned to work his will.
Men said, as they saw its beauty,
"It shall never know decay;
Great is thy skill, O Builder!
Thy fame shall endure for aye."

A Teacher builded a temple
With loving and infinite care,
Planning each arch with patience,
Laying each stone with prayer.
None praised her unceasing efforts,
None knew of her wondrous plan,
For the temple the Teacher builded
Was unseen by the eyes of man.

Gone is the Builder's temple,
Crumpled into the dust;
Low lies each stately pillar,
Food for consuming rust.
But the temple the Teacher builded
Will last while the ages roll,
For that beautiful unseen temple
Was a child's immortal soul.

This bit of poetry aptly portrays the teacher's role in our society.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Yes; I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. The Senator from West Virginia has proved to be a constant fountain of some of the best poetry it has been my privilege to hear on the Senate floor during the time I have been a Member of this body. May I inquire how the Senator from West Virginia became so conversant with appropriate poetry for the occasion?

Mr. BYRD of West Virginia. I should like to inform the congenial Senator from Louisiana that I have been committing to memory poetry, Biblical quotations, quotations from Shakespeare and Pope, and other great writers, for a period of about 15 years. On trips to my home in the West Virginia hills, when I am driving along the road alone, I spend the entire 8 hours quoting poetry to myself.

I venture to say that if I should ever endeavor to engage in a lengthy discussion on the Senate floor, I shall be able to quote poetry for at least 8 hours, and perhaps I might even be able to continue for 21 hours, should I decide to try to equal the time I recently spent sitting in the chair of the Presiding Officer. I am attempting to give my delightful friend a modest answer, of course, and I am grateful for his kind reference to the poetry I use.

Mr. President, I have taken the liberty to insert the word "teacher" in lieu of the word "mother," which was the word used by the author in composing this poem.

I ask unanimous consent that I may insert in the RECORD the article which will appear in McCall's magazine this week.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. DAVENPORT GETS AN A

Hazel Davenport, first-grade teacher at Central Elementary School in Beckley, W. Va., considers herself lucky because every afternoon she gets a report card showing what she has accomplished that day. This is recorded in the happy hums and pleased expressions of 6-year-olds as they learn to read. For 28 years, according to pupils, parents, and colleagues, her card has registered an A.

"Children love to learn and are so proud of themselves when they do," she says. "Few things in life can equal the delight of a small child learning to read—or of the teacher who can feel she has helped with this discovery."

Mrs. Davenport, a trim 52-year-old with laughing eyes, sandy hair, and contagious enthusiasm, would not trade jobs with anyone—not even the President. For one thing, she's sure her job is more fun than his. Who, she asks, is surrounded by a more refreshing audience and gets a brighter view of the world than a first-grade teacher does? Or receives more wonderful from-the-heart gifts? The big red apple is not so prominent as it used to be, but Mrs. Davenport will always remember the one she received with a big bite missing. "It's really good," the little boy said. "I took a bite just to make sure."

Along with 30 cheery "good mornings" each day, Mrs. Davenport receives gifts that range from a special smile, a quick touch of the hand, a piece of birthday cake, rocks presented as "sure-enough live fossils," to a breathless proposal from a little boy: "I'm going to the moon when I grow up. Do you want to go with me—or will you be too old?"

She has a soft spot in her heart for the little boy who was telling the class about his summer vacation. "We went to the beach, and I played in the sand. One day, I found some pretty shells and I—I—I—Say, where do the words go when you can't find them?" She, too, has wondered about this at times.

She loves the self-assurance of a little girl who came to school alone on opening day. Later, the child's mother asked, "And what is your teacher's name?" The 5½-year-old looked doubtful, then said, "Mrs. Divan? No. I just don't know, but it's something you sit on."

She rated it a compliment when a little girl looked at a nursery-book picture quite a while, raised her hand, and said, "Mrs. Davenport, you have lots more children than the Old Woman Who Lived in a Shoe. Why didn't she know what to do?"

Mrs. Davenport's aim with first graders is to start them on the road to learning in such a way that they will love school rather than dread it, acquaint them with orderly group behavior, and introduce them to the skill they will need most: reading. That she is successful is attested throughout her State and county. "This We Teach," a practical guide for the teaching of reading, which she helped write, is used by hundreds of her coworkers—as is "We Begin To Teach," a handbook for beginning teachers.

She once taught art and music, and her special hobby is making jewelry. All these talents she uses in the classroom. A former pupil, who's now in high school, declares, "She seemed to glamorize the things around us. Much to our delight, she often wore her very best dress to school. But most of all, I remember her earrings. Some dangled, and many of them sparkled as she taught. Also, she had the healing touch. Whether it was a scratched knee, a broken tooth, or hurt feelings, she always had the right words that would drive the tears away."

Another young adult happily remembers the day she and other first-graders went home with recordings—of songs they sang, the voice of the teacher, and the names of all the class. Mrs. Davenport recalls that these records were made by a proud father. For each class, she herself makes a keepsake booklet, prized by both parents and pupils.

Her car always is piled high with "things for school." She spends so much time preparing material that her mother's most frequent question is, "Hazel, what are you doing now?" Her father, however, an enthusiastic helper, devotes about half his garden to flowers and gourds and shrubs Hazel can use in the classroom. A widow with one son—now in medical school—Mrs. Davenport has lived with her parents for many years. Both women are superb cooks, and the home is a happy gathering place for relatives and friends.

Her life is an excellent illustration of the saying that "busy people have the most time." She is active in civic and teaching associations and such a valued worker for the First Christian Church that when she was selected West Virginia's "Teacher of the Year" in 1958, her pastor included the news in his Sunday sermon. "We know of no one more worthy of this honor," he said, "for in addition to the excellence of her classroom

work, she has proved herself a leader in church, community, and civic affairs. * * * She has won distinction in the most important secular profession in the world—training the minds and developing the character of youth."

Sherman C. Trail, her county superintendent, declares, "It is a joy to watch Mrs. Davenport handle small children. She is a willing worker and prepares herself ahead of time in everything she does." H. E. Ash, principal of her school, points to the tremendous number of visits to her classroom by interested parents and to the gracious manner in which she "goes out of her way to help them appreciate and understand their children. Moreover," she adds, "she is equally willing to do more than her share in helping other teachers. Hers is a true devotion to duty."

In Mrs. Davenport's classroom this spring, there are urns of pussywillows and flowering shrubs. Seeds planted by the children are sprouting in glass jars, and as "an Easter gift for mother," small plants are growing in eggshells. An Easter tree, decorated with eggshell plants, graces a table, and the blackboard wears a border of egg-shape heads, sporting spring hats made by the children from their own designs.

As a child learns to read, Mrs. Davenport often suggests that now he can read to his younger brothers and sisters. One proud little girl reported, "I read so good that my baby brother just laughed and cried. He waved his heels, too, and he yelled some." Baby brother was 8 months old. Another story Mrs. Davenport tells with amusement is about the day she commented, when the children had finished a job: "I am so proud of you. You have all worked hard and learned so many things." Quickly a child replied, "You've worked hard, and we're proud of you, too, Mrs. Davenport."

ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 17 minutes p.m.) in accordance with the previous order, the Senate adjourned until tomorrow, Thursday, March 17, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, March 16, 1960:

PROMOTIONS IN THE REGULAR AIR FORCE

The following-named officers for promotion in the Regular Air Force under the appropriate provisions of chapter 835, title 10, United States Code. All officers are subject to physical examination required by law.

SECOND LIEUTENANT TO FIRST LIEUTENANT

Line of the Air Force

Ahrens, Arthur H., Jr., 29919A.
Albertson, Robert L., 29920A.
Alexander, Douglas S., 29921A.
Alkire, Melvin G., 29922A.
Allen, Harlan G., Jr., 29923A.
Altenburg, Arthur J., 29924A.
Amacker, Jefferson Z., 29925A.
Ames, Ivan G., 50082A.
Anderson, Floyd R., 50075A.
Anderson, Gerald M., 29926A.
Andre, Howard V., Jr., 29927A.
Andrews, Glenn M., 29928A.
Andrews, Harry J., 29929A.
Antoniccelli, John R., 29930A.
Arnold, Robert F., 29931A.
Ausman, Neal E., Jr., 29932A.
Baca, Manuel J., Jr., 29933A.
Balent, John D., 29934A.
Barikmo, Norman M., 32523A.
Barrett, Archie D., 29935A.
Bass, Stanley A., 29936A.
Bateman, Robert P., 29937A.
Bates, Dean E., 29938A.
Bates, Neil G., 29939A.
Bauknecht, Charles A., 29940A.
Baum, Richard G., 29941A.
Bays, Brooks G., 29942A.
Bee, Gerald H., Jr., 29943A.
Began, Robert J., 29944A.
Beimforde, Gene E., 29945A.
Berger, Stephen C., 29946A.
Bernd, David P., 29947A.
Betcher, Raymond R., Jr., 29948A.
Biehunko, Ernest F., 32229A.
Biggers, Edwin L., 29949A.
Bishop, Ronald J. B., Jr., 29950A.
Bortz, John E., 29951A.
Bouvet, George C., 29952A.
Bradley, Martin G., 29953A.
Brewer, Gardner, 29954A.
Brodhecker, Thomas A., 54781A.
Brown, Alan B., Jr., 29955A.
Brown, Robert M., 29956A.
Bryan, Kenneth, 29957A.
Buell, Glenn D., Jr., 32231A.
Burdick, Martin M., 32237A.
Burner, Lee, 29959A.
Bustle, Lawrence E., Jr., 29960A.
Campbell, Bart C., 29961A.
Campbell, William F., Jr., 29962A.
Cannon, Matthew M., 29963A.
Carter, William T., 29964A.
Chaney, Clyde, 29965A.
Chase, Paul N., 29966A.
Christensen, Richard W., 29967A.
Christiansen, Robert P., 29968A.
Ciula, John A., 29969A.
Clark, Don A., 29970A.
Clark, William R., 29971A.
Clover, Craig V., 54778A.
Cochrane, John H., 29972A.
Cole, Alan R., 32241A.
Court, Jerome H., 29973A.
Couture, Donald J., 29974A.
Coyle, Harold S., Jr., 29975A.
Crakes, Patrick J., 32018A.
Crewe, Daniel N., 29976A.
Cudahy, George F., 29977A.
Cudmore, William T., 29978A.
Dahl, Sigvard, Jr., 50085A.
Dahnke, Roy S., 29979A.
Davey, Keith E., 32555A.
Davidson, Alfred H., 3d, 29980A.
Davis, Donald H., 29981A.
Dayton, Thomas E., 29982A.
Deegan, William D., 29983A.
Dehimer, Jerry S., 29984A.
Demott, Lucian K., 29985A.
Dempsey, George F., 29986A.
Desola, John R., 29987A.
Devito, Peter A., 29988A.
Dickson, William E., Jr., 32311A.
Dixon, Robert M., 29989A.
Dixson, Raymond D., 2999OA.
Doby, Herb, 29991A.
Doherty, Joseph P., 29992A.
Dolan, William G., Jr., 29993A.
Dougherty, Thomas H., 29994A.
Doyle, Edward P., 29995A.
Dressel, Ronald C., 29996A.
Ducote, Richard J., 29997A.
Duffley, Joseph C., 29998A.
Duke, Charles M., Jr., 29999A.
Dundervill, Robert F., Jr., 30000A.
Dunlosky, Anthony W., Jr., 30001A.
Durbin, Eugene P., 30002A.
Dwyer, Gerald T., 30003A.
Eidson, Charles W., 30004A.
Ellington, John D., 30005A.
Ellison, Arthur B., 30006A.
Elsby, C. Neale, 32239A.
Etheridge, Louis E., 54782A.
Farris, Jack K., 30027A.
Federici, Fred J., Jr., 30008A.
Fink, Barry N., 30009A.
Fisher, Donald H., 30010A.
Fitzgerald, Byron S., 30011A.
Flora, Roger T., 30012A.
Forsyth, Milton D., Jr., 30013A.
Foster, William H., Jr., 30014A.
Freathy, Frederick C., Jr., 30015A.
Freeman, Robert D., 30016A.
Funkhauser, John L., 30017A.
Gadd, Robert F., 3d., 30018A.
Gallagher, James M., 30019A.
Gammons, Norman E., 30020A.
Gareiss, Kurt W., 30021A.
Gasho, James B., Jr., 30022A.
Gates, Leo V., 2d, 32517A.
Gauntt, Turner M., Jr., 30023A.
Gee, Edward L., 30024A.
Gentry, Jerauld R., 30025A.
Gibbs, David P., Jr., 30026A.
Gibson, Franklin D., 30027A.
Gierhart, Loran W., 30028A.
Gilbert, Harvey B., Jr., 32240A.
Gilbert, Stanley M., 54783A.
Gilstrap, John W., Jr., 30029A.
Gionis, Nicholas G., 30030A.
Glass, Carter M., 30031A.
Gleason, John T., Jr., 30032A.
Gleneck, Norman T., 30033A.
Glyphis, Benedict E., 30034A.
Gober, Paul D., 30035A.
Goggins, William B., Jr., 30036A.
Goodwin, Flay O., Jr., 30037A.
Gorter, Robert, 50083A.
Grieger, Donald L., 54777A.
Gude, William W., 30038A.
Haag, James I., 54763A.
Hagen, James F., 32522A.
Haliday, James T., 51426A.
Hamilton, Paul C., 30039A.
Hamm, William P., 30040A.
Hammond, Claude G., Jr., 30041A.
Hanford, John O., 30042A.
Hanna, Joseph W., 32238A.
Hansborough, John W., Jr., 30043A.
Hansen, Lawrence W., 30044A.
Hanvey, Forrest R., Jr., 30045A.
Harlow, Giles D., Jr., 30046A.
Harp, Kelly M., 30047A.
Harris, Elmer R., 30048A.
Hattings, Clarence, 30049A.
Haupt, Howard F. 2d, 3050A.
Hazelrigs, Maurice L., 30051A.
Hearn, Norman E., 32232A.
Heath, Mark C., Jr., 30052A.
Heckler, Archibald J., Jr., 30053A.
Henry, Eugene M., 54770A.
Heske, William J., 30054A.
Hesse, Jack E., Jr., 30055A.
Hesse, Kenneth R., 54779A.
Hindman, Charles U., 30056A.
Hirst, Donald L., 30057A.
Hobbs, Terrence E., 30058A.
Hocker, Ronald A., 32306A.
Hockney, James N., 30059A.
Hodge, William E., 30060A.
Hogg, Walter L., 30061A.
Holman, Orville E., Jr., 54780A.
Homnick, John A., 30062A.
Hooks, Lawrence E., 32236A.
Horney, Warren R., 54748A.
Houtz, Charles M., 30063A.
Howell, Douglas W., Jr., 30064A.
Hughes, Larry B., 54774A.
Huguley, Donald L., 30065A.
Huie, Richard V., 30066A.
Hurlburt, Richard G., 30067A.
Jagrowski, Gerald L., 30068A.
Jenerette, William D., Jr., 50084A.
Jenkins, Ernest L., Jr., 30069A.
Jensen, Ronald A., 30070A.
Jensen, Ronald J., 30071A.
Jensen, Stanley F., 30072A.
Johnson, Robert E., 30073A.
Johnston, Robert W., 30074A.
Jones, Charles W., 30075A.
Jones, Donald E., 30076A.
Jones, Donald L., 50079A.
Jones, Robert L., Jr., 30077A.
Junker, Joseph P., 30078A.
Kast, Henry G., 54761A.
Keating, Michael R., 30079A.
Keeler, Harper B., 30080A.
Kelly, John J., 30081A.
Kerrigan, Vincent M., 30082A.
Kirnberger, Richard J., 54754A.
Kmetz, Warren W., 50074A.
Knight, James F., 30083A.

Kompa, Bernard R., 30084A.
Koops, Herbert J., 30085A.
Krafft, Gottfried H. G., 30086A.
Krejci, James J., 54753A.
Ksycewski, Joseph C., 30087A.
Kutyna, Donald J., 30088A.
Lally, Richard H., 30089A.
Lamb, Amherst R., 30090A.
Lambert, Luther E., 32310A.
Lannon, Cormac M., 30091A.
Lapierre, Edward A., 54746A.
Larson, Eugene L., 30092A.
Lary, Marion S., Jr., 30093A.
Lawton, Timothy G., 30094A.
Lehman, Hilbert C., 30095A.
Liebesman, Burton S., 30096A.
Linder, Ronald G., 30097A.
Lindquist, Jay D., 30098A.
Llewellyn, Arden C., Jr., 30099A.
Lucas, Ray E., 30100A.
Luethke, Fred W., Jr., 32309A.
Lynde, Nelson M., 3d, 30101A.
Mack, Joseph B., Jr., 30102A.
Madison, Joseph B. H., 30103A.
Malynn, Edward E., 30105A.
Markham, Robert F., 30106A.
Marks, Morton H., 30107A.
Markwood, Calvin H., 32528A.
Martin, Harvey R., 30108A.
Massar, Cyril L. J., 30109A.
Masterson, Joseph L., 30110A.
Mazik, Robert A., 30111A.
McClanahan, John W., 30112A.
McCormick, Dennis A., 30113A.
McCoy, Donald G., 30114A.
McCoy, Robert P., 30115A.
McElwee, Robert T., 30116A.
McGurl, Daniel M., Jr., 30117A.
McIntyre, Owen O., 30118A.
McKean, John S., 30119A.
McKemie, George W., 30120A.
McKinzie, John W., 32521A.
McMahon, Robert J., 30121A.
McMahon Thomas V., 30122A.
McMahon, William W., 30123A.
McNeil, Lawrence F., 30124A.
McQuady, Robert H., 32307A.
McSpadden, John D., Jr., 30125A.
Meredith, Ernest R., 54750A.
Meyerholt, William H., 30127A.
Meyers, Jerome A., 30128A.
Mihelcic, Henry M., 32518A.
Mills, Darrel L., 54749A.
Miller, Donald L., 30129A.
Miner, Norman E., Jr., 30130A.
Mohn, William T. Jr., 30131A.
Mollicone, Richard A., 30132A.
Montgomery, Glen D., 32233A.
Monto, Olgert V., 30133A.
Mooring, James W., 30134A.
Morrow, Robert B., Jr., 30135A.
Morthland, Samuel, 30136A.
Morton, Allan W., 54788A.
Muesegaes, Frederick G., 32304A.
Mulligan, Lawrence H., 30137A.
Mullins, William H. L., 30138A.
Murphy, James R., 30139A.
Murphy, Lawrence J., 30140A.
Murphy, William J., 30141A.
Newman, John D., 30142A.
Nikkola, Edward F., 30143A.
Novak, Donald P., 54767A.
Ogas, John B., 30144A.
Ogrady, John W., 30145A.
Oldfield, Wayne H., 30146A.
Olsen, Paul O., 30147A.
Olvera, Jose J., 30148A.
O'Neil, Joseph W., 30149A.
Orsini, Richard A., 54760A.
Overlock, John F., 32520A.
Pagani, Albert L., 30150A.
Page, Peter M., 54776A.
Page, William F. H., 30151A.
Palanek, Edward J., 30152A.
Papaccio, Philip N., 30153A.
Parent, Michael G., 54756A.
Parkinson, Bradford W., 30154A.
Patrick, Robert B., 30155A.
Patterson, Douglas, 30156A.
Peake, Oliver J., 30157A.
Perritano, Frank R., 54765A.
Peterson, Ronald W., 30158A.
Petruno, Michael J., 30159A.
Pierson, Richard A., 32308A.
Place, Stephen B., 30160A.
Pope, William H., 30161A.
Prichard, Leslie J., 30163A.
Prochko, Robert J., 54758A.
Purdue, Joseph L., 54762A.
Putnam, Gerald W., 30164A.
Quill, Edward B., Jr., 30165A.
Quinn, Charles J., 30166A.
Rabe, Walter J., 30167A.
Ramberger, James H., 30168A.
Rapko, Michael, 54785A.
Rawlings, Peter E., 54757A.
Ray, David P., 30169A.
Redd, Frank J., 30170A.
Redman, Allen R., 50080A.
Rees, William H., 54701A.
Reeves, Garey M., 54751A.
Regenhardt, John D., 30171A.
Reinmiller, Ronald T., 54773A.
Rice, Herbert C., 30172A.
Rice, Herbert E., 30173A.
Ringler, William C., 30174A.
Rodriguez, Robert, 30175A.
Rogers, Craven C., Jr., 30176A.
Rooney, James W., 30177A.
Rosenberg, Robert A., 30178A.
Roth, Thomas L., 30179A.
Rothwell, Roger D., 30180A.
Rowland, Donald D., 30181A.
Roysdon, Douglas A., 30182A.
Ruffner, Monroe S., 30183A.
Rush, Thomas A., Jr., 30184A.
Russell, James F., 30185A.
Russell, John W., 30186A.
Samborsky, Joseph M., 30187A.
Schafer, John V., Jr., 30188A.
Schroeder, Lawrence J., 54769A.
Schwartzman, Larry, 32519A.
Schwehm, Paul J., 30189A.
Sedano, John M., 30190A.
Setnicky, John E., 30191A.
Sheppard, William E., 30193A.
Shoemaker, Rollin R., 54768A.
Simons, Richard W., 50086A.
Slaney, John H., 30194A.
Slaughter, Kent W., 30195A.
Smathers, Edwin D., Jr., 30196A.
Smiley, Wendell W., Jr., 30197A.
Smith, David A., 30198A.
Smith, Frederic H., 3d, 30199A.
Smith, Paul B., Jr., 32234A.
Smith, Philip E., 50087A.
Smith, Richard I., 30200A.
Smyly, Duncan P., 30201A.
Smyser, Craig H., 30202A.
Snider, Delmar E., Jr., 30203A.
Snow, William M., Jr., 30204A.
Sovereign, Allan F., 50076A.
Spackman, Richard H., 30205A.
Speerschneider, Lyle J., 54786A.
Stebbins, Roland A., 30206A.
Steinke, Shawn H., 30207A.
Stephenson, Ralp W., 30208A.
Stewart, John J., 30209A.
Stockton, Douglas W., 30210A.
Strickland, Reginald E., 54787A.
Stroup, Floyd B., 54747A.
Stuart, Floyd R., 30211A.
Sturtevant, James H., 30212A.
Swanson, Dean C., 30213A.
Swartz, Robert E., 30214A.
Swensen, Carman W., 30216A.
Swope, Charles F., 30217A.
Taylor, John R., 30218A.
Tedeschi, James R., 54766A.
Thoeny, Alan R., 30219A.
Thomas, Edgar F., 30220A.
Thomas, Frederick L., 30221A.
Thomas, George J., Jr., 30222A.
Thomas, Nathan H., 54759A.
Thompson, Gary J., 30223A.
Thompson, George E., 30224A.
Thomson, Willis M., 30225A.
Thornhill, John R., 50078A.
Thurman, Stephen P., 30226A.
Tieber, Julius A., 3d, 30227A.
Tillman, John B., 30228A.
Tilson, William T., 30229A.
Timothy, Thomas E., 30230A.
Toner, Richard J., 30231A.
Torrest, Julio L., Jr., 30232A.
Trimpert, Michael J., 30233A.
Twells, Ronald G., 32551A.
Utley, Noble L., 50081A.
Vallerie, Eugene M., 3d, 30234A.
Waddell, Dewey W., 54772A.
Waite, Jordan C., 30237A.
Waller, Benjamin E., 3d, 30238A.
Warner, Glen E., 30239A.
Washam, Billy M., 32554A.
Watcher, Peter, 30240A.
Webb, William B., 30241A.
Wells, Frederick L., 30242A.
Welsh, Edward F., 30243A.
Wessel, Robert L., 30244A.
Wheeler, Charles H., 30245A.
White, Richard T., 30246A.
White, Robert Y., 30247A.
Whiting, Edwin K., 30248A.
Wiesenauer, Robert F., 30250A.
Willes, Richard E., 30251A.
Williams, Gordon E., 30252A.
Williamson, Roger C., 30253A.
Wilson, Charles J., 32552A.
Wolinsky, Ivan L., 30255A.
Woods, James A., 30256A.
Worrell, John R., Jr., 30257A.
Wright, David I., 30258A.
Wright, John H., 30259A.
Zeberlein, James W., 30260A.
Zigelhofer, George N., 32305A.
Zimmer, James W., 30261A.

Medical Service Corps

Beem, Gordon R., 55374A.
Cox, Willis D., 55371A.
Olson, Robert N., 55373A.
Parker, Lester B., 55370A.
Watson, John R., 55372A.

(NOTE.—Dates of rank of all officers nominated for promotion will be determined by the Secretary of the Air Force.)

IN THE NAVY

The following named officers of the Navy, for appointment to the grade of vice admiral on the retired list in accordance with title 10, United States Code, section 5233:

Vice Adm. Stuart H. Ingersoll, U.S. Navy.
Vice Adm. Ruthven E. Libby, U.S. Navy.
Vice Adm. Edward W. Clexton, U.S. Navy.
Rear Adm. Frank T. Watkins, U.S. Navy.

Having designated, under the provisions of title 10, United States Code, section 5231, the following officers for commands and other duties determined by the President to be within the contemplation of said section, I nominate them for appointment to the grade of vice admiral while so serving:

Rear Adm. Ulysses S. G. Sharp, Jr., U.S. Navy.
Rear Adm. Charles L. Melson, U.S. Navy.
Read Adm. George F. Beardsley, U.S. Navy.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 16, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Romans 4: 20: *He was strong in faith, giving glory to God.*

O Thou Lord of truth and of light, grant that our life during this day may be a pursuit of that which is noble and may we look for the best in others and always give unto them our best.

We thank Thee for lofty ideals and aspirations which call us to a life of integrity and service and beckon us to be true for there are those who trust us.

Hear us as we bring to Thy listening ear and understanding heart, the needs of humanity, beseeching Thee to give

strength to all who are carrying heavy burdens and the consolations of Thy grace to those whose hearts are beset by loneliness and beshadowed by sorrows.

Raise up among us, in the affairs of state, men and women of faith and vision who have heard Thy voice and whom Thou hast endowed with the gifts of wisdom and leadership, lest in these troublous days, faltering and confused mankind may lose its way and wander in darkness.

Hear us in His name who is the light of the world. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE SPIRIT OF ST. PATRICK

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREEN of Pennsylvania. Mr. Speaker, last night I was privileged to be a guest at the annual congressional St. Patrick's Day dinner given by our distinguished colleague and my good friend, MIKE KIRWAN, that genial Irishman from Ohio, at the National Press Club. As usual, the affair was outstanding and I am sure everyone had a wonderful time. As a matter of fact, I would be willing to bet that everyone there, Irish and otherwise, laid claim to the Blarney stone and, undoubtedly, some may have even seen leprechauns. It was a very nice affair.

Through the kindness of the Irish Ambassador, the Honorable John Hearn, we have been blessed with the presence of the shamrock, the floral emblem of Ireland. And the plenitude of green carnations casting their emerald glow through this Chamber is the gift from the Ancient Order of Hibernians—that grand organization dedicated to the preservation of Irish culture and tradition.

No two symbols could more clearly convey to us the essence of St. Patrick, honored tomorrow as the patron saint of Ireland. The spirit of Patrick is the spirit of freedom and its symbols are therefore the symbols of freedom. Consequently, we, too, hail the shamrock and the carnation and join with the Irish in their pride of faith, land, and heritage.

Long may they prosper and long may the shamrock flourish. For certainly, in this event, the spirit of freedom through the world shall prosper and flourish in like degree to the benefit of all mankind.

FOOD STAMP PLAN

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan.

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, in the years that I have been in this Congress, I have spent a good deal of time attempting to pass a food stamp plan. Last year, the gentlewoman from Missouri was successful in adding an amendment to farm legislation to authorize the Secretary to institute a food stamp plan.

The citizens of Detroit and the administration of the city of Detroit looked forward eagerly to being one of the pilot cities in the use of the food stamp plan. Detroit had sent its welfare director and the Food Industry Committee of Detroit had sent their executive secretary to Washington repeatedly to testify before the Agriculture Committees of the House and Senate on the need for a food stamp plan and the best method of operating such a plan.

With great regret our city learns that the Secretary of Agriculture, Mr. Benson, has no intention of using the authorization given him by Congress and putting into effect any pilot food stamp plans in this country.

The mayor of the city of Detroit, Louis Miriani, has informed me of his deep disappointment in the Secretary's actions. Mr. Fitzgerald of the Food Industry Committee of Detroit has informed me that after years of carrying the burden of the distribution of food in Detroit, Mich., the welfare department plans to discontinue their present distribution centers and food will be distributed from one focal point. In January, the following number of families were taken care of through the retail store distribution centers of surplus food, all of which were located close to the homes of the recipients: Social security, 1,784; old age, 4,149; blind, 203; disabled, 295; aid to dependent children, 5,354; and straight welfare, 4,218.

To any thinking and feeling person, it is perfectly obvious that the old aged and the infirm cannot possibly cross the city to pick up food from central locations. Many of them cannot do it physically and most of them could not afford the financial drain.

I bring these facts to your attention to show you that once again the administration of the Agriculture Department has thwarted the will of this body and that this administration which has put a great drain upon its own taxpayers to build up vast stores of surplus farm commodities absolutely refuses to take the responsibility to provide these same surplus commodities for its own needy.

CALL OF THE HOUSE

Mr. CELLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 25]

Anderson, Mont.	Diggs	Powell
Ashley	Durham	Rooney
Brewster	Flynn	Shelley
	Mitchell	Withrow

The SPEAKER. On this rollcall 420 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment of the gentlemen from Ohio [Mr. McCULLOCH] and the substitute amendment of the gentleman from New York [Mr. CELLER], on which a point of order has been reserved by the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, I withdraw the point of order.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to correct typographical errors in the amendment I have offered and to make identical changes in the substitute amendment to the amendment offered by the gentleman from Ohio.

On page 6 of the bill H.R. 11160, in line 18, the word "persons" is incorrectly spelled.

On line 20, between the words "practice" and "discrimination" the word should be "of" instead of "or."

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, relative to the substitute which I have offered, I shall not hold the attention of the membership very long. I wish to state that the time has come when some definite action must be taken to preserve the ballot in those parts of the country where evidence has been profusely recorded before the Civil Rights Commission of abuse of the right to cast ballots.

Now, the question is, What shall we do? Shall we look away and do nothing and adopt a laissez faire attitude? We have a duty to perform. The country has grown too closely together for one section of the country to disregard what is happening in the other. That is what we have done too long. Decades have gone by without appreciable results. We put off the remedy too long. I remember it was Cervantes who said, "By the street of by and by one arrives at the house of never." Now is the time for action, and we must, indeed, take time by the forelock and adopt this substitute if we are going to give this right to those who have been denied the right.

Now, there is plenty of constitutional basis for this voting referee proposal—

the 14th and 15th amendments, article I, section 2; article I, section 4; the 17th amendment, article I, section 8, clause 18. I need not go into the matter of the presumption of a pattern or practice of discrimination. That has been developed heretofore. I wish to repeat, however, that the referees to be appointed are to be appointed from the local communities in the sense that the court must appoint a qualified voter resident in the judicial district. All elections would be covered. This substitute would cover State as well as Federal elections. Discrimination must be by State officials or persons acting under color of law. It would not be directed against individuals. The action must stem from or arise out of a suit brought by the Attorney General under the original Civil Rights Act of 1957, subsection (C). Now, that act has proven cumbersome and inadequate. Only three cases have been brought under it because of the inherent difficulties. Hence he made the recommendation that we adopt this voting referee proposal. The referee has the power to act under what is known as Federal Rules of Civil Procedure and Practice, particularly section 53, subdivision (C). The latest change made in the proposal would require Negroes, for example, to show that they had been turned away from the registration desk after the court had found a pattern of discrimination in the community and not before. The effect would be to give the community a chance to correct abuses on its own authority and so escape wholesale intervention in the registration process by referees.

Finally, I wish to state that this substitute that I have offered deletes the following words:

> The court may authorize such referee or such other person or persons as it may designate to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, that deletion did not originate with me. That deletion originated with the minority leader on the Republican side. If I remember correctly he asked unanimous consent that those very words be deleted. Unanimous consent was not granted. So I am accommodating the minority leader by deleting these words from this provision.

Then also I want to sound a warning. I think, from the parliamentary standpoint, if we do not adopt the Celler substitute, and we know those words that the Celler substitute deletes are in the McCulloch amendment, there is a serious question that may arise as to whether you can delete those words from the McCulloch amendment. So that is a warning that I think must be carefully considered when all Members come to the conclusion whether they shall vote up or down the Celler substitute. I hope they will vote for it.

The CHAIRMAN. The time of the gentleman from New York [Mr. CELLER] has again expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. CELLER] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. GROSS. Do I understand that this also goes to municipal elections?

Mr. CELLER. This covers all elections, State and Federal.

Mr. GROSS. And municipal?

Mr. CELLER. It would cover an election for dogcatcher, Governor, presidential elector, Congressman, and Senator.

Mr. GROSS. Mayors, members of city councils?

Mr. CELLER. This is the right to vote.

Mr. GROSS. Mayors, members of city councils; is that correct?

Mr. CELLER. I want to state that this substitute is exactly what the gentleman's side intended.

Mr. GROSS. I am not sure I know right now which side I am on now.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I am happy to yield.

Mr. HALLECK. I might say to the gentleman that it is true that when the McCulloch amendment was offered we had stricken out the language to which the gentleman refers; but in the confusion at the desk one of the bills that was being used that got to the Clerk's desk did not have that language stricken out. The gentleman from New York offered a substitute which struck out the language. I might suggest to the gentleman from New York that if we could have a vote immediately on his substitute against the original McCulloch amendment and that were voted down, then we would have the language back in the bill.

Mr. POFF. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, yesterday during the course of debate, in answer to the complaint that no formal hearings have been held on the McCulloch amendment, it was said that the referee plan had been considered and reconsidered. That was perhaps the understatement of the year. Yes, it has been reconsidered. It has been reconsidered and redrafted four times since it was first introduced. The Celler substitute to the McCulloch amendment now pending represents the fifth version of the referee plan. The first version was that originally conceived by the Attorney General and incorporated in H.R. 10035. The second version was the mimeographed draft from which Deputy Attorney General Walsh testified. The third version was incorporated in H.R. 10625 introduced by the gentleman from Ohio [Mr. MCCULLOCH]. The fourth version was an amended form of H.R. 10625 offered by the gentleman from Ohio as a substitute for the Lindsey amendment. The fourth version, which was sidetracked yesterday, was offered again by the gentleman from Ohio as a primary amendment to the parent legislation, H.R. 8601. The fifth version is the substitute to the latest McCulloch amendment offered by the gentleman from New York [Mr. CELLER].

In summary, the pending substitute amendment represents the fifth generation of the referee plan; it is the great, great grandson of the original progenitor. Upon further reconsideration, who can say that there will not be born yet another offspring? In the most graphic way possible, this cycle of birth, death and rebirth dramatizes the virtue of committee hearings and illustrates the virtual impossibility of writing legislation on the floor of the House.

The time remaining available to me will not permit a proper legal analysis of the merits or demerits of the referee plan. Accordingly, I shall address myself to the question of the utility or the inutility, the necessity or the lack of necessity of the plan. Is this trip into the relatively unknown realms of our American jurisprudence really necessary? Do we need another law to protect voting rights? Let us examine the laws already on the books.

First of all, we have the supreme law of the land, viz, the 15th amendment to the Constitution. The gentleman from New York [Mr. CELLER] says that this is not enough, that it must be implemented with statutory enactment.

But there have already been statutory enactments. Title 42 U.S.C. 1971(a), which was derived from the Civil Rights Act of 1870, says that all citizens, regardless of race, shall be entitled to vote at every election, Federal, State, and local.

Another statute on the books is the Civil Rights Act of 1957. That act was far broader than many people understood. Let us review its contents.

First. It enlarged upon the aforementioned statute—which applied only to State officials acting under color of law—by extending protection of the right to vote against deprivation by private citizens.

Second. It authorized the Attorney General to bring a suit in the name of the United States to protect citizens threatened with violation of their right to vote.

Third. It abolished the time-honored rule that an aggrieved party must exhaust State administrative and judicial remedies and vested original jurisdiction over these voting right cases in the Federal district courts.

Fourth. It established a system of contempt proceedings which practically demolished the historic jury trial guarantee.

The Supreme Court has ruled that the Civil Rights Act of 1957, insofar as it applies to State action, is constitutional. It is yet barely 2 years old. As a weapon in the voting rights crusade, it has been used by the Justice Department only

four times. That can mean only one of three things: First, it is unfit to use; second, it is too bothersome to use; or third, there is no cause to use it. If it is unfit, then the Justice Department is to blame for recommending it in the first place. If it is too bothersome, the Justice Department cannot be excused for laziness. If there is no cause to use it, then there is no cause to justify the referee plan.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Virginia [Mr. POFF] has indicated we should not write this legislation on the floor of the House of Representatives for the reason that it should be discussed in the committee and testimony taken. The gentleman from Virginia well knows that the gentleman from New York [Mr. CELLER] originally introduced the bill H.R. 3147, which had as part of its provisions the so-called right of the Attorney General to institute action for the enforcement and preservation of voting rights. We, on the subcommittee, heard testimony on this for a number of days, and when we reported that bill to the full committee, the gentleman from Virginia and his counterparts on that side of the aisle joined with others to eliminate that from further discussion. Therefore, the only way you can have this legislation is to write it on the floor of the House. Now why is he objecting to this version as submitted by the chairman? The amendment is an orderly procedure authorized after notice where the right of an individual to vote has been taken away from him. The application is made pursuant to this amendment. This is a matter that has been discussed on the floor of the Congress for years. It is a matter that has been discussed in committee. How much longer must we continue to discuss a matter that each of us knows. Therefore, after all of these versions which were recommended by the Attorney General and the Department of Justice of the same political party as the gentleman from Virginia—why can you not rely upon them—why cannot you rely upon the Federal judge to whom these applications are made? Why cannot you rely upon the Federal judge to do equal justice and see that discrimination is not practiced. There is no reason why we cannot proceed to accept the amendment as offered by the gentleman from New York [Mr. CELLER] and then proceed with the proper and prompt enactment of this legislation and get it over with once and for all.

Mr. Chairman, I yield back the balance of my time.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in 1957 there originated in this body a piece of legislation which created that which is known as the Civil Rights Commission. That Commission in its makeup was to be the very essence of purity and perfection in the field of that which is known as civil rights. It was to set the pattern for the country in race relations, and, I might say, for religious relations. It was to be the example, the noble, the pure in heart, that which all of the rest of the Nation was to observe and conform to. In establishing its staff it was to set the pattern by employing an equal quantity of one race and an equal quantity of others, even equal quantities of those of various religions and creeds. It was to organize itself in such a manner as to establish a perfect example of mixology for all else to emulate.

I am sure that all of my very dear friends on the liberal side of the aisle, as well as those on the Republican side, who fostered this Commission and those who foster the legislation now pending, were shocked, extremely shocked, on reading in the papers last night and again in the liberal Washington Post this morning, although buried on page 14 in the Post, that this noble, pure, and perfect Commission had been charged with being guilty of racial and religious discriminations. What a horrible thing. Here, a Commission which was created by my liberal friends, a Commission which was to eliminate all racial and religious discrimination, was about to destroy its usefulness by practicing the very things which it was charged with eliminating—racial and religious discrimination.

The article which appeared in the Washington Evening Star of last night is as follows:

RIGHTS OFFICIALS DENY LAWYER'S BIAS CHARGES

An attorney for the Civil Rights Commission said today he resigned to protest racial discrimination by Staff Director Gordon M. Tiffany, but Mr. Tiffany categorically denied the charges.

John T. R. Godlewski, the attorney, made the charges at a press conference. Less than an hour later, Mr. Tiffany dismissed the allegations as complaints by a "disgruntled Federal employee" whose work had been unsatisfactory.

PLANS TO WRITE

Mr. Tiffany, at a press conference called on another matter, said he had requested Mr. Godlewski's resignation and was prepared to file charges for his discharge if he had refused.

Mr. Godlewski said he resigned voluntarily February 12, effective March 12. He said he intends to write about civil rights.

He made these charges:

1. Mr. Tiffany forced his (Mr. Godlewski's) Negro secretary to resign last August because the secretary planned to marry a German white girl.

2. Mr. Tiffany discriminates against Negro employees by hiring them at lower grades than white employees with similar scholastic qualifications.

3. Mr. Tiffany violated Federal laws and regulations by requesting information from staff members on their religious affiliations.

Mr. Godlewski said he had kept his complaints within the Commission until last Saturday, when he was called before the staff of the Senate Permanent Investigating Subcommittee, headed by Senator MCCLELLAN, Democrat, of Arkansas, which is conducting a preliminary inquiry into complaints of inefficiency and waste in the Commission.

DID NOT VOLUNTEER

Mr. Godlewski, a 42-year-old Republican lawyer from East St. Louis, Ill., said the subcommittee staff contacted him and he did not volunteer to appear.

He said his salary was about $11,455 per year. He said he joined the Commission's staff in November 1958.

Mr. Tiffany, who is a former attorney general for New Hampshire, said Mr. Godlewski could have complained to the Civil Service Commission if he had any grievances.

He said the Negro secretary, whom he identified as Fred Allen, resigned voluntarily to return to college.

Several days after Mr. Allen's resignation was submitted, Mr. Tiffany said, the plans for an inter-racial marriage came to his attention and he discussed the matter with Rufus M. Kuykendall, a Negro who then was a high-ranking member of the Commission staff. The discussion, Mr. Tiffany said, concerned any possible effects such a marriage would have on the Commission.

DENIES MARRIAGE INFLUENCE

He said Mr. Kuykendall told him he would talk to Mr. Allen about the matter.

Mr. Tiffany categorically denied that he asked for Mr. Allen's resignation, and that the prospective marriage had anything to do with Mr. Allen leaving the staff. He quoted a cordial exchange of correspondence between Mr. Allen and him.

Mr. Godlewski said the Commission's files contained a memo in which Mr. Tiffany said Mr. Allen had to resign because of the marriage. Mr. Tiffany denied any knowledge of such a memo.

David Koonce, the Commission's information officer said there have been interracial marriages by staff members without repercussions concerning their employment.

STRESS NEGRO ADVANCES

On the question of discrimination in grading employees, Mr. Tiffany said, "There is no staff or agency in the city of Washington that is more colorblind than this agency." He listed several high-ranking staff members who are Negroes.

Mr. Koonce denied that staff members had been asked to state their religious affiliations. He said he merely asked them to furnish biographical sketches, and gave them sketches of Commission members as guides. There was no form to fill out, Mr. Koonce said, and nothing happened to staff members who did not state their religious affiliations.

Mr. Koonce said Mr. Godlewski told him after his resignation: "I'm going but I'm going to take Tiffany and Bernhard (Berl I. Bernhard, acting deputy staff director) with me."

Mr. Koonce said charges prepared against Mr. Godlewski included allegations that he had told other staff members that the White House put him on the staff to spy on Mr. Tiffany.

And the article which appeared in the Washington Post of this morning had the following to say:

CIVIL RIGHTS DIRECTOR ACCUSED OF RACIAL BIAS

A former lawyer for the Civil Rights Commission yesterday charged its director, Gordon M. Tiffany, with acts of racial discrimination against staff members.

Tiffany denied it and characterized his accuser, John Godlewski, as a "disgruntled employee" who had been asked to resign.

"No agency in Washington is more colorblind than this one," said Tiffany.

Godlewski left his $11,455-a-year staff job Friday and called a press conference yesterday to air his grievances against Tiffany.

Godlewski said his male Negro secretary had been forced to resign by Tiffany last August because he was about to marry a white girl he met in Germany during military service.

NUMEROUS INSTANCES CHARGED

Godlewski said he had been asked by a Commission staff official, in violation of Federal employee regulations, to list his religion (which is Roman Catholic). He also charged there were "numerous" instances where Negroes had been given lower paying

Commission staff jobs than white persons of equal scholastic background.

Tiffany replied at a press conference which had been called to give details on a Commission conference with southern educators on school desegregation experiences in Gatlinburg, Tenn., Monday.

Tiffany said Godlewski's secretary had resigned to go back to college. He said the question of his marriage was not a factor. David Koonce, the Commission's information officer, said "some" other members of the staff were married to members of another race when they were hired.

Koonce said Godlewski and some other staff members had listed their religion on a biographical sheet he had requested for news purposes. But religion had not been asked for, he said.

NEGRO HIRING CALLED HIGH

Koonce also stated that 22 of the Commission's 65 staff employees, including seven of its higher paid professional staff, are Negroes. He said the Commission had no hiring policy, but noted that the proportion of Negro staff members was greater than the national population figures.

Tiffany and Koonce said Godlewski's resignation had been requested because he "told staff members he had been placed here by the White House to spy on Tiffany;" he had told three new staff members "not to work hard because they wouldn't get any credit for it anyway;" his work on the Commission's report had not been satisfactory.

Godlewski, 42, said that during the 1956 campaign he was director of the Polish division of the Republican National Committee. He said he plans to write about civil rights now. He said he had not complained to the Senate Permanent Investigating Subcommittee which has been quizzing Commission staffers about various practices.

Think for a moment, Mr. Chairman. What a horrible thing it is in this day and age for one to ask a person what his religious faith is. How terrible a thing it must be in the eyes of my liberal friends to discharge a Negro because he is about to take unto himself a white wife. I know they feel that this House should do something about such terrible discriminations.

I do not know that we have the power to impeach the Director of the Commission or the members of the Commission themselves who have been guilty of these discriminations. There is one thing we might do and do it now, that is, provide for an investigation. We can establish another Commission to investigate the Civil Rights Commission and thereby determine whether or not the Civil Rights Commission has been guilty of discriminations and of violating the civil rights of others in its effort to eliminate discrimination and restore civil rights. Now, if that sounds a little complicated I agree with you that it is, but just because it is complicated is no reason why we should shirk our responsibility to do something about it.

So, I have prepared an amendment to offer to the bill at the appropriate time. It may be subject to a point of order; I do not know. I trust and hope that our liberal friends who are pushing and handling this bill will let us vote on it.

May I read the amendment, as follows:

On page 12 add a new title, as follows:

"TITLE VII

"There is created in the executive branch of the Government a Commission to be known as The Superior Commission on Civil Rights (hereinafter called 'The Superior Commission'). The Superior Commission shall be composed of nine members, appointed by the President, and who shall be expert in the field of racial and religious relations. Senate confirmation shall not be necessary.

"The Superior Commission shall forthwith investigate the subordinate Commission on Civil Rights created under Public Law 315, 85th Congress. The Superior Commission shall determine whether or not the subordinate Commission on Civil Rights has been guilty of racial and religious discriminations in carrying out its function of investigating racial and religious discriminations. The Superior Commission shall make a report of its findings to the President, the Attorney General, and the Congress in time for it to be thoroughly considered before the 1962 general elections.

"If after an ex parte hearing the Superior Commission should find the existence of a general pattern of racial and religious discrimination on the part of the subordinate Commission, then upon such conviction the members of the subordinate Commission shall be punished by a fine of not more than $10,000, or by imprisonment in the Federal penitentiary not to exceed 5 years, or both in the discretion of the court. Trial by jury is hereby waived."

You will note that I have endeavored to make the processes conform as nearly as possible to those contained in the pending bill. And certainly since it seems to be one of the objectives of the pending bill to send a number of people to jail, then similar punishment should be imposed upon any member of the Civil Rights Commission or its staff who is found guilty of discriminations.

At the proper time I hope to have the privilege of offering this amendment, and I invite the support of all Members of the House, particularly that of my liberal friends who are so anxious to incur the favor of the minority racial and religious groups prior to the general elections this coming November.

Thank you very much.

Mr. O'HARA of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'HARA of Michigan to the amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. McCULLOCH: On page 5, line 21, strike out "The court shall have the authority to make an order" and all that follows down through line 3, on page 6, and insert in lieu thereof the following:

"Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court."

Mr. O'HARA of Michigan. Mr. Chairman, I do not believe it is any secret that a number of Members of this House have serious misgivings about some of the provisions of the referee proposal offered originally by the gentleman from Ohio [Mr. McCULLOCH].

Among these misgivings, is the fear that under the referee proposal as it stands, there is a possibility that judicial review of the decisions of the referee could be prolonged over such a period of time as to, in effect, nullify the right to vote of those who had applied to the referee.

Various proposals have been discussed in an effort to assure that no such opportunity of delay should exist.

The language stricken by my amendment begins at line 21 on page 5; and, in part, states:

The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception.

In that language there is no assurance of any sort that the court will actually issue such an order pending final determination of the exceptions to the referee's findings

The amendment offered today would provide that in the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

Mind you, the court must issue an order authorizing such an applicant to vote provisionally.

If the application is made within 20 days prior to an election, the court may, in its discretion, issue such an order.

My amendment also makes it clear that the striking of the material on lines 9 to 13 on page 5 of the Celler substitute for the McCulloch amendment does not indicate any intention on the part of this Congress to remove from the court its traditional equitable powers to take whatever action is necessary to enforce its decrees.

My amendment states, to this point, that—

The court may take any other action and may authorize such referee or such other person as it may designate to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decree.

This subsection shall in no way be construed as a limitation upon the existing powers of the court.

This affirms the existing power of the court to take appropriate action to enforce its decree and it clearly shows the intention of Congress that the deletion of lines 9 to 13 on page 5 does not signify any attempt on the part of the Congress to remove such powers from the court.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Michigan.

Mr. MEADER. As the gentleman knows, being a lawyer from my home State of Michigan, the Michigan election laws provide that registration must be applied for prior to 30 days before an election. In that 30-day period before an election the clerk is not authorized and may not accept applications for registration. Is it the intent of the gentleman's amendment to alter State law with

respect to the time in which applications for registration may be made?

Mr. O'HARA of Michigan. No; it is not.

Mr. MEADER. Is it the gentleman's opinion that the Congress may not change such election laws in that regard?

Mr. O'HARA of Michigan. There is no intent in my amendment to change State election laws; however, it does provide that an applicant otherwise entitled to apply to the referee who has done so more than 20 days prior to the election, shall be entitled to a provisional order of the court permitting him to vote.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MEADER. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. As I read the gentleman's amendment, if the application is made to the court within 20 days prior to an election the court is required to enter an order entitling applicant to vote provisionally. Do I read the amendment correctly?

Mr. O'HARA of Michigan. That is correct.

Mr. MEADER. If that same applicant had gone to the clerk and sought registration within 20 days prior to an election in Michigan, it would be against the law for the clerk to accept the registration.

Mr. O'HARA of Michigan. I may say to the gentleman from Michigan, my amendment is to the Celler substitute for the McCulloch amendment. We all know the contents of the McCulloch amendment and the Celler substitute for it. If an applicant would be permitted, under the provisions of the McCulloch amendment and the Celler substitute to register within the 20-day period, he may be able to obtain a provisional order under my amendment.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. May I have the attention of the gentleman from Michigan? Directing his attention to the substitute offered by the gentleman from New York, he will find that before he is entitled to vote, on page 2, line 10, he is qualified under State law to vote. If under State law he is required to register 30 days before voting and nobody else can register him during that 30 days, then he must have been qualified to register before the 30 days.

If he made an application for registration within the time, and it was denied to him, then upon application to the court under this proceeding he could be authorized to vote.

Mr. MEADER. In other words, the gentleman from Colorado contends that the applicant to the court must have applied to the registrar or the clerk within the time limit specified by State law, or he would not be qualified and could not prove that he was qualified?

Mr. ROGERS of Colorado. First of all, he must be qualified under the laws of the State in which he makes application.

If he is not qualified, then the court is not going to do anything about it. If the law of Michigan requires that he go to the county clerk and recorder 30 days before election, make application and pass the necessary tests, and he fails to do so, then he is not qualified under the Michigan law as the gentleman has outlined it. The same thing is true in my State. We are permitted to register up to within 10 days preceding the election. Now, if I fail to make my application and go and register as required by the State, then the Federal court cannot and will not enter an order under this amendment.

Mr. MEADER. Will the gentleman give his opinion on whether or not Congress could, even if it wanted to, amend State election laws?

Mr. ROGERS of Colorado. According to the interpretation, if you read the 15th amendment, it says that no State shall deny a person the right to vote because of race, color, or creed. The second section of the 15th amendment says that we can pass laws in connection with it. Now, this amendment as submitted by the gentleman from Ohio [Mr. MCCULLOCH] and the substitute offered by the gentleman from New York [Mr. CELLER] only intends to get at those who are qualified under the State law and permitted to vote and should be permitted to vote, and unless they qualify under State law, then the Federal Government under this provision does not intend to step in.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Georgia.

Mr. FLYNT. I would like to ask the gentleman if his amendment does not provide that in cases of late applications that the court shall do those things which are called for in the gentleman's amendment? Would not that vitiate the election provisions of his own State and probably every other State in that a late applicant could get court relief even though he did not qualify under the provisions of his own State law, simply because he applied late?

Mr. O'HARA of Michigan. I think the gentleman from Colorado explained that point.

Mr. FLYNT. Does not your amendment say that?

Mr. O'HARA of Michigan. Before he can be approved by the referee—and I am talking about the referee's finding in this case—he must establish that he is qualified under State law, and one of the qualifications is that he present himself at an appropriate time.

Mr. FLYNT. Mr. Chairman, will the gentleman yield further?

Mr. O'HARA of Michigan. I yield.

Mr. FLYNT. Will you give your definition of the expression "a late applicant"?

Mr. O'HARA of Michigan. Well, the words "late applicant" are not used in the amendment. I used it in an attempt to elucidate the contents of the amendment.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. O'HARA of Michigan. The amendment states "In the case of an application filed within 20 days prior to an election the court in its discretion may make such an order."

Mr. FLYNT. Then, would not the 20-day provision contained in the gentleman's own amendment have the effect of nullifying the provisions of State law which provides for an application within 30 days?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Colorado.

Mr. FLYNT. If possible, I would like to have the gentleman from Michigan explain it.

Mr. ROGERS of Colorado. Now, for the benefit of the gentleman from Georgia, if you will take page 2, line 12, of the proposed amendment, it says:

> (a) Deprive of or deny under color of law the opportunity to register to vote, or otherwise to qualify to vote.

Now, the objective and purpose of this amendment is that if he has made the application within the time as provided under State law, and he is denied it, he has up to 20 days before an election to go into court. He is qualified at the time he made the application under the State law, and therefore the question of the interpretation of the State law is going to depend upon whether he has made the proper application and whether or not upon the proper application being made he has been denied the right to register and to vote. The gentleman's amendment provides that he can do it within 20 days before an election, but in order for him to do it he must first show that he is qualified under State law, and if it is within the 20 days, as I interpret it, he must also show that he has been deprived or denied the right under color of State law.

Mr. FLYNT. Mr. Chairman, will the gentleman yield further to me?

Mr. O'HARA of Michigan. If the gentleman will withhold his request for just a moment I would like to restate briefly what the gentleman from Colorado [Mr. ROGERS] has so ably said. The qualifications with regard to the time within which a voter may register will remain that of State law. The voter has to establish to the referee that he has presented himself to the local election official for registration during the time allowed by State law and has been turned down. Then he does not have to get into court within the time permitted for registration under State law. If he comes to the referee, after having been denied registration at an appropriate

time, within 20 days before the election, his application will be heard by that referee.

Mr. FLYNT. Mr. Chairman, will the gentleman yield further?

Mr. O'HARA of Michigan. I yield to the gentleman from Georgia.

Mr. FLYNT. I do not have available a verbatim copy of the gentleman's amendment, but I tried to listen as it was being read by the Clerk. It occurs to me—and I would like the gentleman to clarify this—that there is conflicting language between the language of the gentleman's amendment and the language which was quoted by the gentleman from Colorado [Mr. ROGERS] in attempting to answer the question that I asked of the gentleman from Michigan.

Mr. O'HARA of Michigan. I am sorry I do not agree with the gentleman on that.

Mr. FLYNT. Will the gentleman then please explain it to me.

Mr. O'HARA of Michigan. There is no conflict. The requirement of the State law with regard to registration deals with the time period within which the citizen of the State may apply to the local election official and get registered. This deals with persons who have met that requirement of the State law and have been turned down and then go to the referee for redress.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Colorado.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. O'HARA] has again expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ROGERS of Colorado. I fail to see where there is any conflict between the gentleman's amendment and any other provision of the law, because the gentleman's amendment is on page 5, starting with line 21. He strikes all of that out on page 5 down to the end of line 3 on page 6. So, for the benefit of the gentleman from Georgia [Mr. FLYNT], the amendment offered by the gentleman from Michigan says, "Applications pursuant to this subsection shall be determined expeditiously." That subsection is subsection (a) which I have been reading as it relates to the qualifications of the electors in the State. The amendment goes further and says:

> In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order.

There is no conflict between the right of an individual to vote under the State law and under this application. This merely gives a guidepost to the court in determining whether or not an order can be issued and it permits him to issue a provisional order. It is just that simple. How you can have orderly procedure other than in that way, or how you can have any other interpretation of the amendment is beyond my comprehension.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the chairman of the committee, the gentleman from New York.

Mr. CELLER. In essence does not this mean that in the cases pending for more than 20 days the court shall expeditiously—the word "shall" is used—determine the matter? If the case is existing less than 20 days before the election, then the court has discretion whether he shall or shall not issue the order permitting the applicant to register and to vote, and to vote provisionally, and the ballot will be impounded until a final decision is made. Am I correct in that?

Mr. O'HARA of Michigan. The gentleman from New York is correct.

Mr. CELLER. There cannot be any conflict because in the Celler substitute the provision is clear, on page 2, lines 10 and 11, that the applicant is qualified under the State law, so that he must also show that he is qualified, for example, that he has paid his poll tax or established his right under the literacy test or whatever the other qualifications may be.

Mr. FLYNT. If the gentleman will yield further, may I ask him if the language of his proposed amendment would not make it possible for a man to be registered and cast his vote, albeit provisionally, but to cast his vote under the provisions of this when he had never tried prior to 20 days before the election to make an attempt to register.

Mr. O'HARA of Michigan. Under the terms of the Celler substitute to the McCulloch amendment, if my amendment is adopted, that will not be possible.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from New York.

Mr. GOODELL. I am concerned with the provision of the amendment that says the order shall make appropriate provision for the impounding of the applicant's ballot pending the determination. The Attorney General has said he does not want a system under which ballots cast by Negroes would be as clearly identified as if their race were stamped on their ballots. I believe those are the Attorney General's precise words. How can ballots be impounded without doing exactly what the Attorney General says he wants to avoid, namely, segregating the Negro ballots?

Mr. O'HARA of Michigan. I agree with the gentleman's sentiments that it would not be desirable to have the ballots cast by Negroes identified. However, I do not think this is a good argument against my amendment. If the local election officials in any particular election district were absolutely determined to discover how these Negroes cast their votes, they would be able to do so just as well without my amendment.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have had the amendment the gentleman proposes before me for several hours. It has been thoroughly studied. I am pleased to say that I am willing to accept the amendment and we are willing to accept the amendment.

May I say further that my distinguished colleague from Colorado gave a most exhaustive, a most authoritative, a most understandable explanation of the amendment. I concur in every word he said in his first appearance on this matter.

The chairman of our committee touched upon its importance in two or three instances. I agree with what he said.

This amendment does not propose to, will not, and could not change basic State law. This provision can come into play only when a person qualified to vote makes application within the time prescribed by State law. Those times are different in the several States. In the district from which I come we have no registration except in two areas of that district. An application to vote may be made as late as 6:29 on the date of the election. So the question of date has no real significance if the application be made within State law.

I now recommend this amendment to the Committee.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I likewise join with the ranking member of the Committee on the Judiciary, the distinguished gentleman from Ohio, in support of this amendment. I might say in the first instance, to outline the general procedure:

First. An applicant tries to register after the so-called pattern or practice of discrimination has been adopted.

Second. If he is denied, he goes to the referee who has been appointed by the court.

Third. The referee in an ex parte proceeding determines whether the applicant is qualified to vote under the State law. There must be a finding to the effect that the applicant has been denied the right to vote.

Fourth. The referee then reports to the court.

Fifth. The court may issue a decree ordering the applicant be permitted to register and/or be permitted to vote.

Sixth. Before the issuance of the decree, exception to findings may be filed by State officials.

That you will find on page 4, line 14, to the bottom of the page.

Seventh. If an application is filed more than 20 days before the election, the court must determine either, first, the validity of the application under the procedure outlined in the amendment; or second, if less than 20 days before election, the court may in its discretion issue an order authorizing the applicant to vote provisionally; also, provide for impounding of the ballot until the final decision has been made.

Mr. Chairman, that is all that this amendment does. It is a logical amendment, it is a reasonable amendment, and I ask for a vote in favor of it.

Mr. SMITH of Virginia. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, in the mad scramble to determine the basic question involved in all these bills, namely, who is going to get the political credit for this monstrous piece of legislation we are considering, we have got into such a state of confusion that nobody knows and nobody can tell just what our situation is. I have never in my experience here witnessed any more vivid example of the folly and the utter foolishness of trying to write a complicated bill on the floor of the House. I had intended to offer an amendment to strike out this clause. This clause permits provisional voting. Now, I do not know what provisional voting is. The so-called McCulloch bill does not say what provisional voting is. And how is it going to operate? How is a lot of this stuff going to operate? Let me say to you men from other States who think you are doing something to the Southern States—this bill is not confined to the Southern States only.

This bill includes every State in the Union. When you get around to this question of provisional voting, somebody who understands it, if there is any such person and I very much doubt it, ought to at least try to inform the House what they are being asked to vote upon. What does "provisional voting" mean? Are you going to have a separate ballot marked "provisional"? Have one ballot box over here and another one over here and another one marked "provisional"? I suppose all the provisional votes will be dropped in this box and they will wait until whoever is in charge decides how many votes they need. Is that the object of this? If you are going to put them in the same ballot box and you decide that this provisional boy is entitled to a vote, how are you going to vote him? It is in the same box with the others. I do not know how far you are willing to go in order to get some political credit for passing this crazy-quilt civil rights bill. But are you going to go so far as to destroy in your State the secrecy of the ballot?

That is one clause in this bill that has no business there. It invites fraud. It invites utter confusion in your election. I know all this monkey business in the election is not confined to the Southern States, and you know it too. There are some places where they say they go out and get the names off of tombstones and vote them. I have heard that many times. I heard the other day about two fellows who were designated to go out and get names off the tombstones so that they could put them in the box. Finally, in copying down those names they ran across a fellow who had four names. One of the boys said: "This is good. We will get two out of this." The other fellow says: "Why, the idea of such a thing. We have got to be honest about this thing."

Now, I am appealing to you, let us be honest about this thing. Let us know what we are doing before we do it, because you are going to make a trap that will come up to catch you some time in the future.

I think this clause ought to be stricken. I shall offer a substitute amendment to do it. How many people in this Chamber know what the amendment is that was offered by the gentleman from Michigan a while ago?

I tried to get a copy of it and he was kind enough to show me a copy, but that was the only copy he had. It was a page long. It turns this business of provisional voting over to the courts. Have some kind of a trial. If a fellow has not made his application 20 days before, how are you going to make an application 20 days before when the law requires him to register 30 days before? How are you going to solve the numerous problems that are involved in this amendment offered by the gentleman from Michigan, which not a dozen Members in this Chamber know what it is or what it will do?

Now, I am going to yield to the gentleman from Colorado, who is so anxious to explain something.

Mr. ROGERS of Colorado. I wanted to divest your mind of the idea that we are trying to amend any State law. If the State of Virginia requires them to register 30 days before election, and if he is qualified and he does not make application, then we do not change it in any manner whatsoever. I want to make that clear.

Mr. SMITH of Virginia. Does the amendment say that?

Mr. ROGERS of Colorado. Yes, the amendment offered by the gentleman from New York definitely says that.

Mr. SMITH of Virginia. Let me ask you a question right there.

Mr. ROGERS of Colorado. And I direct the gentleman's attention to page 2, line 10, where it says: "One who is qualified under State law to vote." That answers as to the State proposal.

Now on the question that the gentleman has propounded here as to the provisional voting, what the gentleman has in mind is the amendment that has been offered which the gentleman said has been so graciously supplied to him by the gentleman some time ago. That is an action for the court to take when an application is made if there is some doubt in the mind of the court as to whether the man meets these qualifications; then the court having some doubt and election day coming on, the court can provisionally let him cast a ballot to be kept separately by the court until the court is satisfied that he is qualified; then it will be counted. If the court determines he is not qualified it will not be counted. I am sure the gentleman understands that the word "provisional" means "conditional."

Mr. SMITH of Virginia. How are you going to identify the provisional ballot?

Mr. ROGERS of Colorado. I did not understand the gentleman's question.

Mr. SMITH of Virginia. It is a rather simple qustion. After a man has voted provisionally, what are you going to do with his ballot? How are you going to know whether it is John Doe's ballot or John Smith's ballot?

Mr. ROGERS of Colorado. The gentleman has been a lawyer for many years and I am sure he is well qualified to understand.

Mr. SMITH of Virginia. In all my experience I have never run into a mess like this.

Mr. ROGERS of Colorado. The gentleman is well qualified to know that a Federal court having jurisdiction of the matter has the right and the privilege of determining how it shall be helped, and that is the gist of the proposition in the bill and the amendment.

Mr. SMITH of Virginia. I still do not understand what you are going to do with the provisional ballot, how you are going to identify it. Do you intend for the judge to put it in his pocket?

Mr. ROGERS of Colorado. He can put it in his pocket or elsewhere.

Mr. SMITH of Virginia. You are going to let the judge write the laws as he wants?

Mr. ROGERS of Colorado. No; there is where you are confused.

Mr. SMITH of Virginia. No; I am not confused.

Mr. ROGERS of Colorado. We set here a standard, and that judge must follow that standard. The standard is that the man must be qualified under the State law, and the standard is that he has been given the right to vote but because of the denial of the right to vote he makes an appliaction to the court, an arm of the Federal Government, one of the three distinct powers of the Federal Government, for protection; and we have qualified men, I am sure, on the Federal bench who will proceed to enact and carry out this law as we enact it.

Mr. SMITH of Virginia. The gentleman quite advisedly used the phrase that the court will proceed to enact this law, and that is what I do not want the court to do.

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, some statements have been made trying to becloud an interpretation of the word "provisional." "Provisional" is not a new or strange word in the English language nor in the judicial lexicon of this country, and I might say that those of you who have embraced the Agricultural Adjustment Administration program have probably many times cast provisional ballots and that did not become final and many times they were not counted until long after the date of the election.

Furthermore, every State in the Union, I presume, has some law which provides for contesting election results. After the suit is filed every ballot that is in issue in that election contest is a provisional ballot until it is passed upon and counted in accordance with the law. So let us not build a great big bogyman about the word "provisional." It is used in accordance with long-accepted practices in our jurisprudence.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Arkansas.

Mr. HARRIS. The thing that disturbs me about what the gentleman has

tried to explain is that the bill the gentleman favors, which is similar to the substitute except for the one paragraph, includes this provision on page 6: "and having such ballot counted and included in the appropriate total of votes."

Well, now, how are you going to determine that a man received a majority of the votes if you are going to permit provisional votes to be put in a box by themselves and to be counted maybe months or a year or so later? How are you going to avoid a jurisdiction question between the State courts which, as in my State and I am sure the gentleman's State, have jurisdiction with reference to contested elections when a Federal court holding a ballot box over here somewhere when a year later it may be determined if they should or should not be counted?

Mr. McCULLOCH. The Federal court will determine the legality of the application of the vote in accordance with the law of the State. When that determination is made it becomes the law of the case and the vote will either be counted or it will not be counted, depending on whether or not the person was eligible to vote.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from California.

Mr. HOLIFIELD. May I ask the gentleman from Ohio, is it not true that an absentee ballot is in essence a provisional ballot because there are a certain number of days after the receipt of the ballot, after the election, when it is counted? It may be 10 or 15 days later.

Mr. McCULLOCH. An absentee ballot could be a provisional ballot or a conditional ballot. Furthermore, I should like to make this point because it has been raised several times on the floor of the House that the secrecy of the ballot is violated. There is really no secrecy to many absentee ballots.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. That is true, but your absentee ballot under the laws of my State is counted by the commissioners at the time of the election and put in with all the other ballots. Suppose you had a hundred provisional ballots, 50 one way and 50 the other; how are you going to identify the ballot of any individual person? Are you going to call him and ask him how he voted, then take out one of those ballots, whether it be his ballot or not?

Mr. McCULLOCH. That would be a simple clerical matter, and should not present any difficulty whatsoever, and I do not mean to be facetious in answering the gentleman's question.

Mr. BROOKS of Louisiana. I have practiced law for 16 years, and I have had a good many cases and election cases often give plenty of difficulty.

Mr. McCULLOCH. I would like to suggest if someone wants a custom that has apparently worked that they go to the local AAA election officials and find out how they count their ballots, preserve the provisional ones, and how they identify them.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Iowa.

Mr. GROSS. My very good friend from Ohio is not going to say he would like to rest his political future on the basis of an AAA election as loosely conducted as those elections are?

Mr. McCULLOCH. I certainly would not want to do that, but I just suggested it as an example to those who are totally at sea on the matter.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KASEM. Mr. Chairman, I move to strike the requisite number of words.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. I would like to say in affirmation of the remarks of the gentleman from Ohio that we have this provision of keeping ballots separate in every State, I am sure. One method which might be used to maintain secrecy of the ballot until the qualifications of the applicant are established would be to use the same system as they use in the State of Michigan, where the ballot is put to one side in a plain envelope, which is sealed, and placed inside another larger envelope, which has the name of the voter on the outside envelope. Then after the qualifications of the voters have been determined and they are found qualified, you can take their envelopes and open them all at once, sort out the inside envelopes, and you still have secrecy of the ballot.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from North Carolina.

Mr. KITCHIN. I know the gentleman is well qualified to answer this question. I would like for him to explain to this House how provisional ballots would be counted in those precincts using voting machines.

Mr. KASEM. The gentleman compliments me, and I do not deserve it, but the answer is very simple. I think it would merely follow the suggestion of the gentleman from Michigan using absentee ballots as an example, as they do now in those States that have voting machines and also the other machines that I called portable voting machines, facetiously.

Mr. Chairman, about a year ago I had occasion to travel around the country quite a bit, and I rode on airplanes. I had just become a Congressman of the United States, and naturally I was immensely proud of the fact, and I lost no opportunity to let the people that I was in company with know it. When I would sit down beside a person in a plane I would very often ask him who his Congressman was, thinking that maybe I could find a common ground for conversation, that I might personally know his Congressman. Well, Mr. Chairman, I am dismayed that I must report that I spoke to 25 middle class American citizens riding on airplanes before I found a person who knew who his Congressman was, and that person, that 25th person, was a person who was active in politics and had actually served on a campaign committee of his Congressman. Since then, through inquiries I have made, it was indicated to me that perhaps this is not representative, but it is not far from representative.

Another experience I wish to relate was back during the time that we were discussing the labor bill. I was sitting here and I was wondering, Oh, if only the people of the United States could see what was going on in their House of Representatives. And, it occurred to me then, with these wonderful electronic devices called television we could really confer a great benefit upon the people of this country. And, as I heard the deliberations today, and particularly the events of yesterday afternoon, I thought, Oh, my, if there was a television camera right up where that clock is and in each corner of this Chamber there was a television camera looking down upon the floor so that the people of the United States could see how their House of Representatives conducts its business, how the Members vote, when they stand and when they do not stand, and how ably they champion the causes for which they fight, we would find out it would not be very long until this House of Representatives would be composed of Members who would be carrying on the people's wishes.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from Texas.

Mr. DOWDY. If the people do not even know the names of the Congressmen, do you think they would recognize one when they saw him vote on the floor?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KASEM. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KASEM. I think the answer to that is that it would be a very poor politician who would not make it known to the people of his district who was the gentleman here representing them. In some instances he might be very wise to conceal that fact.

Mr. ASHLEY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHLEY. Mr. Chairman, while the technical question before us relates to the counting of challenged ballots, I believe that we must regard this issue and others which we will be considering in terms of the fundamental objective we seek to achieve.

This is not the first time in our country's history that there has been a deep difference of opinion with respect to the right to vote. The framers of our Constitution were anything but unanimous in their view that representative government, predicated on the right of our

citizenry to express itself at the polls, would prove a workable system. Indeed, there was a strong body of opinion, articulated by Alexander Hamilton, which not only feared the tyranny of the masses but advanced the notion—scoffed at by most of us today—that the responsibility for government should rest with an aristocratic elite. Since that time, Mr. Chairman, the American experiment, rejecting the Hamiltonian concept in favor of a faith in the ability of free people to govern themselves, has been universally accepted as a truly historic contribution.

But let us face facts, Mr. Chairman. Among millions of our own people, the principles of Thomas Jefferson—the real cornerstones of our representative system—have never been entirely accepted and are not accepted today. The reason that 4½ million Negroes have been deliberately disfranchised is the result of no petty political fear. It is the result of a deep-seated conviction that these Negroes are not really competent to govern themselves. The anxiety of our southern brethren is no different than the anxiety expressed by Hamilton, nor is their sincerity one measure less. Behind their anxiety is the belief that the whole fabric of society will be rent asunder if Negroes are given the same opportunity as whites at the polls.

All I can say, Mr. Chairman, is that it is high time that those of us who believe in the principles of Jefferson should speak out loudly and clearly. The confidence we express in representative government has a solid foundation—180 years of extraordinary progress and success.

It is with this confidence, I submit, that we should direct ourselves to the task at hand. If we do so, there is no question but that the result will be the source of pride for future generations ahead.

Mr. MORRIS of Oklahoma. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is very important legislation. I am deeply interested in and most favorable toward the real purpose of this legislation to prevent discrimination. Every citizen who is qualified ought to have the right to vote and I am going to do what I can to help along that line. And I am referring to every qualified citizen, regardless of who he is.

Mr. Chairman, let me ask you this about this basic amendment that has been offered here. And let me suggest some wording and see what you think of it. Now, they are talking about referees. I think that the referee system set out in the amendment is wrong in principle but here is what it says—and please follow me, because this is extremely important and I should like the Members' attention on it, because I believe they ought to know about it.

On page 6, line 14, it says:

> And the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice or discrimination was found to exist.

Here is what the Constitution of the United States says, among other things:

> ARTICLE I, SECTION 2
>
> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Under the provisions of this bill, if someone permitted certain people to vote who were not qualified, then by this amendment other unqualified persons could lawfully vote and we shall have determined a different qualification by law than is set out in the Constitution and we are forced to allow people to vote who are not qualified to vote and possibly forbid qualified people from voting.

And that seems to me a rather basic matter here as it appears in this proposed amendment.

So it seems to me, I repeat, that we are trying to change the Constitution by law. I think we cannot do that. On page 4 of this basic amendment—and I hope you will follow me on this, please, because this is extremely important, at least in my opinion—on page 4, line 20, we find this language:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they—

That is, the issues of fact and the law—

> may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

I do not know; that may be constitutional, but I have never known of an instance of such kind of a law being passed—there may be some that I have overlooked, but I have been a lawyer since I was 21 years of age. I do not know all the legal answers, of course, and make no such pretensions. I served nearly 12 years as a district judge which is the highest trial court in Oklahoma. I was a trial judge, and was formerly a county attorney. I have had 10 years experience in the private practice of the law. I do not claim to be a great lawyer but I have studied law all my adult life. I do not know of any law anywhere that will permit a court to delegate to a layman the right to determine law for him, and that is what this does. It says that the referee may determine both the issues of fact and law if the court turns it over to him to do so. Even if it is constitutional and lawful, would it be a proper thing to do? That is the question I raise.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MORRIS of Oklahoma. I yield to the distinguished gentleman from the State of Colorado.

Mr. ROGERS of Colorado. The gentleman says he knows of no case under the law where the judge has a right to set up a master or referee to take evidence and arrive at conclusions.

Mr. MORRIS of Oklahoma. I did not say that.

Mr. ROGERS of Colorado. That is all this does. What does the gentleman mean, then?

Mr. MORRIS of Oklahoma. All right, I will attempt to explain what I mean.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FORRESTER. Mr. Chairman, I aks unanimous consent that the gentleman from Oklahoma [Mr. MORRIS] may proceed for 7 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MORRIS of Oklahoma. I thank the distinguished gentleman from Georgia very much.

On page 3 this is stated, may I say to the gentleman from Colorado [Mr. ROGERS]:

> The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees.

He is not going to be appointing masters, he is just going to be appointing people. There is no qualification that he must be a lawyer, there is no qualification that he must have any legal attainments of any kind, and many of them, I am sure, will not have. In practice the court might not find enough lawyers, especially in some localities. He would not be able to do that if the thing gets rather widespread. So no doubt some of these people appointed will be laymen, and under this bill we are called upon to write, we are going to say that that man, who is unskilled in the law and not a lawyer at all, is going to make decisions on law. That is the very point I raise here.

Let us get back to the other point, talking about usages and customs of the State. What are they talking about? Sometimes in certain school elections they just hold up their hands and vote. What about another situation: In some States if a person votes in a municipal election for a bond issue to bond the people, he has to be a property owner. So conceivably it could turn out that only property owners could vote for public officials.

Now, if you want to go to the customs and practices of the State, you are going to change the qualifications set up by the Constitution.

I want it distinctly understood, that I am deeply interested in working out some kind of good legislation. I am not up here in any way trying to block that. But as a lawyer and as a Member of this House, when we do write legislation I want it to be constitutional and reasonable, to get the job done.

I think the sensible thing for us to do, at least that is my view of it, is to get back to the original Celler bill that was brought out and work our will on that, and do away with this referee business and things of that kind. I think we are getting into deep water, and that instead of settling the problem it is going to complicate the problem. It will very probably do more harm to the colored people as well as other people than if we passed no law on this subject matter.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. MORRIS of Oklahoma. I yield to the distinguished gentleman from Georgia.

Mr. FORRESTER. I know of the gentleman's interest in trying to write fair legislation. I was the gentleman's neighbor for a couple of years, and we got to know each other very well indeed. The gentleman is a great lawyer from the great State of Oklahoma. The gentleman and I talked yesterday or the day before, and both of us decided that we had never heard of any such thing as a conclusive presumption. Is that correct?

Mr. MORRIS of Oklahoma. I thank and agree with the gentleman. There is no such thing in law as a conclusive presumption. You just cannot lawfully conclude by a presumption and stop evidence, proof. May I use this as an illustration that a person is presumed to be innocent until proved guilty, but that presumption may be overcome by proper proof. An officer is presumed to do his duty. That is another presumption, but that also can be overcome by proper proof. There are many presumptions in law, but they all are subject to being overcome by proper proof. If a person violates a city ordinance, in a damage suit, growing out of an automobile collision, he is presumed to be negligent, but he can overcome that presumption by proof. You cannot stop anything in law by a conclusive presumption—you must let the other fellow be heard. I fully agree with the distinguished gentleman.

Mr. FORRESTER. I have demanded and I have insisted with all the sincerity of my soul that they show me one citation of law to the effect that there is such a thing as a conclusive presumption, and I challenge them again. Will not the gentleman join with me in that challenge and will not the gentleman give him time to show you that citation or that decision?

Mr. MORRIS of Oklahoma. Yes, I fully agree with the gentleman on that.

Mr. KASEM. Mr. Chairman, will the gentleman yield?

Mr. MORRIS of Oklahoma. I yield to the distinguished gentleman from California.

Mr. KASEM. I think your objection about the issues of law being referred to a referee who may be a layman has merit. But, does the gentleman think by reference to the lines quoted, page 4, line 20, where it says, "The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred"—"they" meaning issues of fact and law—if the word "they" were changed to "the issues of fact" may be referred to the voting referee—would that cure the weakness to which the gentleman objects?

Mr. MORRIS of Oklahoma. That would certainly improve it so far as that particular objection goes. Of course, I have some other objections that I have mentioned, but that certainly would improve it, there is no question about it.

Mr. KASEM. That is a defect that is easily remedied.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. MORRIS of Oklahoma. I yield to the distinguished gentleman from Kentucky.

Mr. CHELF. I want to commend the distinguished gentleman, who is a former prosecuting attorney and an able and dedicated judge, from the great State of Oklahoma on the statement that he has made. I may say to you that most of these amendments being offered here on the floor today were offered before our committee and that week after week, month after month, our Judiciary Committee studied them, argued over them—amended, corrected, or entirely rejected them. As a result we came up with what we thought was a fair bill. Not a good one—a fair one. I still say there are some things in the present unamended bill that I cannot honestly support. I hope they can be deleted. I hope that in the final analysis that I can go along with it, but as long as the Federal Government (and its Federal courts) is going to attempt to superimpose itself on the State courts I cannot vote for the bill. This amendment makes the bill more objectionable than the one that our committee reported out.

Mr. MORRIS of Oklahoma. I appreciate the contribution of the gentleman.

Mr. CHELF. These amendments that are being offered here now are SOS—the same old stuff that we have heard time after time in and out of the committee and I am afraid that most of the membership is getting just about as frustrated as a woodpecker gnawing on an iron gate post. If we can confine this bill so that it will apply only to Federal elections—not primaries—or State elections, a lot of us might be willing to support this particular title.

Mr. MORRIS of Oklahoma. Mr. Chairman, my time is about to expire. I just want to say in conclusion that this debate has certainly been carried on in a dignified and wonderful way by both sides, each with their own different views. I compliment all those who have spoken and, also, Mr. Chairman, I want to compliment the committee in working hard on a tough proposition, indeed.

Mr. ELLIOTT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ELLIOTT. Mr. Chairman, the amendment we are considering here is extremely far reaching. It deals with the very heart of Federal-State relationships and constitutional interpretation.

Yet the Committee on the Judiciary of the House of Representatives was able to devote only 2 days of hearings to the general proposition of Federal voting referees or registrars.

I think it is imperative that we make a searching examination of this amendment. We should all understand fully its implications.

Let us look at the provisions:

Line 9, page 5, of the McCulloch amendment provides that—

> The court may authorize such referees or such other person or persons as it may designate to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote.

You will note, Mr. Chairman, that considering the definition in this amendment of the term "vote," there is no restriction whatsoever upon the Federal judge as to whom he may appoint to oversee a State election, to be present and watch over the shoulders of the election officials, to be present as the vote is counted, and to be sure that the votes of those persons certificated by the Federal court are counted. I can see no reason under this why the Federal court might not have the power to call in Federal marshals, or maybe even request Federal troops to stand armed at the polling places in any election in the country. This would be tragic. If such should happen, Mr. Chairman, what would then happen to the age-old practice of secret balloting? If the marshal or the referee or the troops, as the case may be, are to carry out the orders of the court to see that the votes are properly counted, then, of course, this removes entirely the secrecy of the ballot, and removes one of the basic safeguards of our democracy.

The overseer, the supervisors if you please, must know how the person voted or else how is he to know that it has been properly counted? One can readily see the kind of abuses which this practice is subject to. The federally certificated voter will know in advance that the Federal supervisor is going to see how he voted. I would think this would have considerable influence upon the federally certificated voter. Mr. Chairman, such a procedure will make a mockery of our election process.

There may be some people who will say that we are being inflammatory and unreasonable in suggesting that Federal marshals or Federal troops would ever be called in to oversee our elections. However, I recall not too long ago during the debate of 1957 when the distinguished Senator from Georgia [Mr. RUSSELL] suggested the possibility of Federal troops being used to influence the integration of the public schools under the bill as it was drafted at that time.

The northern press had much to say about the intemperate language southern Senators and Representatives were using in even suggesting such a course. Yet it was only a matter of a few weeks before the President had authorized paratroops to invade the city of Little Rock and enforce the integration of the public schools in that city. This is an unfortunate story. It will go down in history as a blot upon our times.

The Attorney General of the United States, Mr. Rogers, testifying before the Senate Rules Committee, said:

> The powers which the voting referee proposal would confer upon the courts are plainly consistent with the traditional authority exercised by courts of equity in our constitutional system.

Thus it is seen that the Attorney General proposes to use the equity jurisdiction of our courts to accomplish something which the Supreme Court has ruled on several occasions to be unconstitutional. The right to vote is a precious personal right surrounded by secrecy and

by sanctity and we must not uproot these safeguards which the generations have evolved.

This voter referee, or registrar, proposal should be defeated. It has been poorly and hastily considered. It is unsound.

Mr. MEADER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. MEADER. Mr. Chairman, as I understand the situation, we are now considering the amendment offered by the gentleman from Michigan [Mr. O'HARA], which strikes out certain language on pages 5 and 6 which relates to provisional voting. If the O'Hara amendment is adopted, would it be in order to strike out the language just approved by the committee or would that be the end of any consideration of the provisions relating to provisional voting.

The CHAIRMAN. In reply to the parliamentary inquiry of the gentleman, the Chair will state that the so-called O'Hara amendment to the substitute amendment, as the Chair understands it, does strike out the language which the gentleman has just mentioned and inserts other language, therefore, if the amendment is agreed to the amendment cannot be further amended.

Mr. MEADER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I addressed a parliamentary inquiry to the Chair because I wanted the Members, in considering the O'Hara amendment, to realize that if it is adopted, any efforts to deal with the provisional voting sections of the so-called voting referee bill will be forever gone.

I believe the discussion of the O'Hara amendment has pointed to some practical difficulties that may arise in practice in carrying out the provisions of the voting referee bill.

I do not know how long it would take a Federal district court, with the help of the voting referee, to pass upon all the applications before, but conceivably it might run into weeks or perhaps even months from the time an applicant had applied to a court and final determination by the court.

If meanwhile an election occurs while that application is pending and there is an order for provisional voting you might find the results of the election in doubt for some time.

In the State of Michigan the election officials stay up all night and are required by law to file a report of the election promptly. What would happen if the case of an applicant who had voted provisionally, were not determined one way or the other for 30 or 60 days or even 6 months?

Would the election officials have to reconvene after the court got around to deciding the case, and would the outcome of the election be in doubt in that interval?

I think some Members might prefer to leave provisional voting out of the voting referee, because it might raise headaches and make trouble in practical administration. If you adopt the O'Hara amendment, you will not have a chance to vote one way or the other on that question.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. CRAMER. The matter that concerns me most is the secrecy of the ballot and how it can be carried out and observed under the State law without infringing on that State law and State registrars' duties. In my State there is no provision made for provisional voting at all. Absentee votes have to be in 5 days before the election. Otherwise, voting machines are used. How can this provisional voting possibly be carried out and preserve the voting rights and the secrecy of the ballot?

Mr. MEADER. I do not think the gentleman should address that question to me.

Mr. CRAMER. I would like to ask the gentleman from Michigan [Mr. O'HARA] who offered the amendment.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield to me?

Mr. MEADER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. First of all, we have the judicial system. Remember, there are three departments of Government, the legislative, executive, and judicial. We place in the judicial system certain responsibilities, and we determine the standards. You ask what are the election officials going to do when they count these ballots. The answer is simple. They count the regular ballots, and then they say there are 50 provisional ballots that have not yet been counted, pursuant to court order.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MEADER] has expired.

Mr. FLYNT. Mr. Chairman, I rise in opposition to the O'Hara amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Iowa.

Mr. GROSS. What do they do? Just throw these ballots out willy-nilly, without regard to who voted or for whom the ballots were cast?

Mr. FLYNT. That is a question which should be propounded to the author of the amendment. I have tried to get an answer to that myself, but have received no answer.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield.

Mr. ROGERS of Colorado. The answer to that question is that it is purely the State law that controls in every instance. If some person feels that he is qualified and he is denied his right because of his race, color, or creed, we permit him to go into court, because the 15th amendment provides that he is entitled to vote and not to be discriminated against under that State law. When you have a Federal court intervening in this instance do you not place some faith in the ability of the judiciary to carry out an act of Congress and interpret it?

Mr. GROSS. Not to that extent.

Mr. ROGERS of Colorado. You do not?

Mr. GROSS. No.

Mr. ROGERS of Colorado. If you have no faith in the judiciary, then how can you have faith in the Congress?

Mr. GROSS. Not if my election is involved in it.

Mr. ROGERS of Colorado. Not if your election is involved in it. If your opponents file a contest under the State law under certain procedures the court would have something to say about it, would he not?

Mr. FLYNT. Mr. Chairman, I cannot yield further.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. After I have proceeded for a while.

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The gentleman from Georgia is recognized for 8 minutes.

Mr. FLYNT. Mr. Chairman, I am opposed to the O'Hara amendment. I have asked questions of the author of the amendment and also of the gentleman from Colorado, but I have not received answers to the questions I have asked. I asked a question relative to the application of an unqualified voter to cast a provisional ballot.

Is there anything in the language of the amendment which limits this to the application of a qualified voter? I will ask the gentleman if that is true.

Mr. ROGERS of Colorado. Let me see if I understand the gentleman's question. The gentleman's question is that a man believes he is qualified to vote.

Mr. FLYNT. Or says he is, whether he believes it or not.

Mr. ROGERS of Colorado. Or says he is. He goes to court and when he gets there the court has to know as to whether he is qualified.

Mr. FLYNT. But under the amendment no discretion is granted to the court.

Mr. ROGERS of Colorado. That is where you are mistaken. It is within the court's duty and responsibility to appoint a referee if he wants to or if not he can look into it himself, and he makes the determination as to whether or not the applicant is a qualified voter.

Mr. FLYNT. That may be what the gentleman wants but here is what it says, if you will give me your attention.

In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

The language is "shall" not "may" or some similar word.

It is mandatory, not discretionary.

Mr. ROGERS of Colorado. Now, if the gentleman will yield——

Mr. FLYNT. I understand, I understand that it says here "provisionally";

but under this language if a resident of the State of Colorado goes into the home town of the gentleman from Michigan more than 20 days before the election and files an application under the terms of this subsection, the judge of the court has no discretion but to order him to be permitted to cast a provisional ballot. Is not that true?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I will gladly yield, but is that not true?

Mr. ROGERS of Colorado. Will the gentleman yield?

Mr. FLYNT. I yield.

Mr. ROGERS of Colorado. What were you reading from when you said "in the case of an application filed within 20 days prior to the election"?

Mr. FLYNT. I am reading from what was handed to me by the Clerk as the amendment, and I am certain that I read it verbatim.

Mr. ROGERS of Colorado. The amendment reads:

> In the case of an application filed within 20 days prior to an election the court in its discretion may make such an order.

Perhaps we have different amendments.

Mr. FLYNT. The gentleman is reading the wrong portion. I am reading from the amendment, and I have it from the Clerk's desk:

> In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

There is nothing in that section in reference to an application filed more than 20 days ago which says the court has any discretion. Does the gentleman challenge that?

Mr. ROGERS of Colorado. Read the next sentence.

Mr. FLYNT. I am not concerned with the next sentence. I shall come to that in a minute. Let me ask the gentleman from Colorado: If a resident, a qualified voter of the gentleman's district in Colorado, arrives in the district of the gentleman from Michigan more than 20 days prior to the election, can he not get the right to cast a provisional vote under this language?

Mr. ROGERS of Colorado. The answer is very simple.

Mr. FLYNT. The answer is "Yes."

Mr. ROGERS of Colorado. The answer is very simple because he has to be qualified under the State law.

Mr. FLYNT. If the gentleman will listen, it does not say that. It says in the case of any application, because the question of qualification is a question which under the remainder of this amendment would be determined by the referee. It could be determined even after the election.

Mr. ROGERS of Colorado. Read the first sentence of the amendment. It says, "application pursuant to this subsection shall be determined expeditiously."

Mr. FLYNT. I agree with that, but no one knows what "expeditiously" means. Suppose he has a backlog of these cases, so that he cannot determine them quickly, he cannot possibly reach them prior to election. The gentleman would let a man, wholly unqualified by reason of residence alone, to participation in an election process.

Mr. ROGERS of Colorado. Would the gentleman say the court itself would not exercise some discretion?

Mr. FLYNT. Under the O'Hara amendment the court has no discretion. It says that he shall issue an order authorizing him to cast a provisional ballot.

Mr. ROGERS of Colorado. A provisional ballot.

Mr. FLYNT. All right; but there is no provision in my State, and I doubt very seriously if there is provision in the State of Colorado for a provisional ballot. We do not know what it is, and I doubt if any Member of the House knows what a provisional ballot is.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Does the gentleman have in his State of Georgia any provision for handling the ballots of voters who are challenged at the election booth on election day?

Mr. FLYNT. That comes under the laws relating to question of a contest, under the question of the registrars of the State appointed for the sole purpose of determining the eligibility and the requirements for registration and the right to vote. Those matters are entirely different.

Mr. O'HARA of Michigan. Are not those ballots preserved and kept until a final determination is made on whether the voter is qualified, if he has been challenged?

Mr. FLYNT. There is some doubt about that; there is considerable doubt in the minds of those who have studied this question that there is a conflict between the right to secrecy of the ballot guaranteed by the Australian ballot system and the right to challenge which obtains in my State, and I assume it does in the State of Michigan. There is some legal question whether or not the secrecy of the ballot can be violated even if the election result is contested.

Mr. O'HARA of Michigan. I would like to say that in the State of Michigan we have no difficulty doing this and we do it while protecting the question of the qualification of the voter, and at the same time protecting the secrecy of his ballot. I am sure that the great State of Georgia will have no difficulty in arranging such a provision for any challenged voters in Georgia, and I am sure that the district courts in the State of Georgia will not have any difficulty.

Mr. FLYNT. Replying to the statement of the gentleman from Michigan, there are a great many people in my State, and I assume there are a great many people in the State of Michigan, who consider the sanctity of the secrecy of their ballots as important as the question of their qualifications to register and to vote.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. FLYNT] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Florida.

Mr. CRAMER. The gentleman, I think, has pointed out the key to this amendment which is objectionable. No. 1, he pointed out that if in fact an application is filed within 20 days it is mandatory for the court to permit the applicant to vote.

Mr. FLYNT. There is no discretion.

Mr. CRAMER. For the judge there is no discretion. That person must be provisionally permitted to vote; is that correct?

Mr. FLYNT. That is exactly correct. That is one of the objections which I have announced to this amendment, because the court has no discretion, and if an application is filed, regardless of the validity of the contents of the application, the judge—the court—has no discretion in authorizing that man to cast a provisional ballot.

Mr. CRAMER. May I ask the gentleman this further question: The point has been made, What difference does it make in effect because the man "must be qualified to vote" under State law, the implication being in order for him to be provisionally permitted to vote?

Well, now, an examination of the bill clearly shows, does it not, on page 2, that that is one of the determinations that the referee is going to have to make, whether the man is qualified under State law, and that determination has not been made at the time he is permitted to provisionally vote?

Mr. FLYNT. Yes; and it obtains even before a hearing on the question of his qualification under the requirements of State law.

Mr. CRAMER. May I follow that up with another question? Then there is no provision in the amendment that requires the court to make a timely determination after the votes have been cast as to the person's qualification to vote and as to whether or not he has been denied the right to vote? It could go on for 6 months in the local Federal court and months thereafter on appeal without the court making a determination, and the election of any Member of this House would be subject to question until the court finally got around under its loaded docket to make a determination on the person's qualification to vote; is that not correct?

Mr. FLYNT. I will say to the gentleman that if the normal time presently required in many Federal district court jurisdictions were followed through the Federal district court, through the circuit court of appeals, and finally to the U.S. Supreme Court—and this is not an impossibility or even an improbability—there might elapse more than a year, even more than 2 years, where an election would be in doubt, and perhaps no one would be able to perform the duties for which the election was called.

Mr. CRAMER. One further question. It is true also under the bill on page 4

that the judge himself does not even have to make a final determination nor does he even have to review under the terms of this bill the determination that he himself makes on the provisional voting question. It provides that issues of fact and law raised by such exception shall be determined by the court—this is after the registrar makes the exception—and if due and speedy determination of justice requires, they may be referred—that is, after the registrar objects—even those findings of fact and law may be referred to the determining referee to determine in accordance with the procedures prescribed by the court; therefore, the final determination even after the registrar has objected and filed exceptions to these various things we are talking about, can be decided by the very same person who made the initial determination, the referee.

Mr. FLYNT. The gentleman is absolutely correct. From the statement made a few minutes ago by the gentleman from Colorado it is indeed possible that a state of confusion could exist where the vote could get into a general ballot box without any markings on it to describe it as provisional, and there would be no way on the face of the earth to even recapture that vote in the event the man were determined not to be qualified.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Alabama.

Mr. HUDDLESTON. A great effort has been made by the supporters of this provisional voting section to attempt to draw some sort of a comparison between provisional voting required in this amendment and absentee balloting. I will ask the gentleman from Georgia if it is not a fact that some States have found such difficulty in the administration of their absentee voting laws with fraudulent voting and dishonest elections that the people have abolished absentee balloting in those States?

Mr. FLYNT. I understand that is the case, but I have no knowledge of it.

Mr. McSWEEN. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Louisiana.

Mr. McSWEEN. In connection with the remarks of the gentleman from Florida, is it not correct to say that the result of an election could easily be changed by the findings of the referee after the date of the election?

Mr. FLYNT. The gentleman is entirely correct. That could be done.

Mr. GROSS. Or by the court; is that not correct?

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to my colleague from Georgia.

Mr. FORRESTER. Mr. Chairman, I would like to ask the gentleman a very practical question. I expect to be a candidate to succeed myself again. Is it not partially true that you can have these provisional voters by the thousands and that I would never know it; and do I not have a little interest in seeing that I get an honest election and get a sportsman's chance?

Mr. FLYNT. I will say to the gentleman that unless he found it out purely by accident it is highly probable that he would never know what his position was with respect to these so-called provisional ballots.

Mr. FORRESTER. And if I found it out, what would be my remedy?

Mr. FLYNT. As this is presently written the gentleman would have no remedy whatsoever. It would be a matter in which he would not be considered a party in interest.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. CELLER. Mr. Chairman, reserving the right to object—and I shall not object—I should like to ask unanimous consent that all debate on the O'Hara amendment close in 40 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. DAVIS of Georgia. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I withdraw my unanimous-consent request and my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. FLYNT]?

There was no objection.

Mr. FLYNT. Mr. Chairman, in connection with this amendment and with the referee provision amendment introduced by both the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. McCULLOCH], and that is this. The combination of the referee provision coupled with the provisional vote would make it possible for a referee to control the outcome of any election, from that of constable and justice of the peace to that of President of the United States, because these things could be so tied up in both a state of doubt and a state of utter confusion that in the final analysis, under the provisions found on page 3, lines 10 through 24 of the amendment, which is taken verbatim from H.R. 11160, the referee would have the final say-so in many instances as to whether or not a man were qualified to vote.

It is provided in this very amendment creating election referees that the referee becomes the man who might control the election of every officer within his jurisdiction. The amendment contains no requirements for any qualification of this election referee except that he be a qualified voter in the judicial district in which he is appointed by the court. There is no provision that he be a man learned in the law, election laws, or otherwise. The sole requirement is that he be a qualified voter in that judicial district. And I am sure that even the gentleman from Colorado [Mr. ROGERS] will agree with me that there are some qualified voters who would by no means be qualified to sit as election referees and determine the complex questions which can arise.

There is no provision in this amendment which would effectively prohibit him from voting even though he is not a legal resident of the district or the jurisdiction in which he seeks to vote.

No one has ever contended, so far as I have any present knowledge, that a nonresident has the right to cross boundary lines and vote in a district or State in which he is not a qualified district resident. Yet this amendment would permit this very thing.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman.

Mr. ROGERS of Colorado. First of all, is every man who is qualified to register and vote in the State of Georgia required to be a lawyer before he can serve as an election official?

Mr. FLYNT. Of course not. But our laws have never given an election official these vast powers that are almost beyond reparation that the gentleman seeks to give to these election referees under this amendment.

Mr. ROGERS of Colorado. If the gentleman will yield further, I direct his attention to page 5, in the matter of the appointment of these referees.

> Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure.

I want to direct the gentleman's attention to 53(c) and the powers that are provided therein. This provides that the referee should have the right to swear witnesses. Does the gentleman anticipate that if a referee is authorized to swear witnesses we are going to get people to come in and testify as to whether or not they are qualified voters and risk prosecution for perjury?

Mr. FLYNT. I will answer the gentleman by saying this: I know of no provision in this amendment whereby he would be required to administer an oath. I certainly hope he would be. But I think this language would merely authorize him to administer an oath, not require him to do it. Under the provisions of this thing, I think anybody could come in and, if the referee were so inclined, according to the very language of this amendment, he could hear unsworn testimony and give it greater credence and greater weight than the sworn testimony of 10,000 witnesses.

Mr. ROGERS of Colorado. The gentleman's presumption is based on the proposition that a Federal judge has not the proper consideration for his office, that he would appoint almost any scalawag, as the gentleman has indicated he may, to serve as a referee and corrupt the State laws? Is that the gentleman's contention?

Mr. FLYNT. It is certainly not my contention, and the gentleman knows that is not my contention. I certainly hope such would not be the case. What I want to do while we are writing this legislation is make absolutely certain that our election processes cannot be controlled by tyrannical judges in any jurisdiction in the United States.

Whenever we legislate we cannot only assume what good men will do with the

powers granted; we must carefuly guard against what bad men could do with them.

Mr. PRESTON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PRESTON. Mr. Chairman, it is significant, I think, that three Washington newspapers, the Wall Street Journal, and the distinguished columnist, Gould Lincoln, have strongly supported the provisions of the so-called Lausche amendment and lauded the action of the other body in adoption of this amendment. This should serve notice on the Members of the House that the southerners are not alone in their belief that not only one class of Federal court orders should be implemented by Federal legislation but, in fairness, all court orders should be included if the provision is to be written in the pending bill.

For the information of the body, I include herewith the editorials and article just mentioned:

[From the Washington Post, Mar. 15, 1960]

THE RIGHT TO PROTEST

As the House of Representatives moves into detailed consideration of the civil rights bill, it ought to take a close look at the language of the section penalizing obstruction of court school desegregation orders. This is the section that the Senate struck out of the Dirksen bill last Friday after Senator LAUSCHE had made an attempt to broaden it so as to apply generally to obstruction of all legitimate court orders.

What troubles this newspaper is the sweep of the prohibition as drafted. The Judiciary Committee bill now before the House, like the Dirksen bill from which the Senate pruned the section in question, would apply to "whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent" the exercise of duties under a court desegregation order. The Lausche bill which the Senate defeated contained much the same language.

The above section is intended, surely to deal with crank letters or telephone calls—threats of bombing or bodily harm and the like. But if the prohibition were interpreted literally it might also be brought to bear against a mere vigorous expression of opinion. What is a threatening letter? Might a letter published in a newspaper citing the possibility of dire consequences be construed as an endeavor willfully to obstruct, impede, or interfere with the execution of a court order?

The language is such as to suggest a serious constitutional issue in abridgment of the 1st amendment. Yet the offensive portion could easily be deleted, it seems to us, without impairing the effectiveness of the measure. If the phrase "by any threatening letter or communication" were eliminated, the use of threats or force would still be a crime.

We believe firmly that final court orders must be obeyed, and we hope that the bill which finally emerges from the House and Senate will contain an effective section on this point. A strong case can be made, as we acknowledged the other day, that the prohibition against interference ought to be focused especially on court desegregation orders, since it is here that the immediate problem arises. On the other hand, interference with legitimate court orders of any sort (as distinguished from lawful opposition) ought to be prohibited irrespective of the issue at stake.

The argument that the attempt to broaden the prohibition as in the Lausche bill might have impaired the rights of labor seems to us on reflection to be rather thin. Labor has a long fear of the injunctive process, but the Lausche bill would apply only to Federal court injunctions—issued principally, as applied to labor, under the Taft-Hartley Act. Possibly the effort to broaden the interference provision would create an unnecessary diversion from the main purpose of the bill, which is the more effective protection of voting rights; and that might constitute a reason to retain the more limited scope. But it cannot be argued that labor ought to be in a privileged category with respect to obedience to court orders.

In any event, whether the House broadens the prohibition or restricts it to interference with desegregation orders, we hope that legislators will eliminate the unnecessarily sweeping definition of threats. In this as in all other legislation, Congress needs to be careful lest, in the objective of furthering civil rights, it impose fetters on the right of protest.

[From the Washington Evening Star, Mar. 15, 1960]

ATTORNEY GENERAL'S PLEA

Attorney General Rogers has appealed indirectly to the House to retain in its version of a civil rights bill the provision making it a Federal crime willfully to use force or threats of force to obstruct Federal court orders in school desegregation cases. The language used by the Attorney General is somewhat surprising, especially in the light of the debate in the Senate last Friday.

Essentially this same provision was contained in section 1 of the administration bill submitted to the Senate. This section was killed, however, after the Senate, by vote of 65 to 19, had accepted the Lausche amendment which made it a crime to obstruct any Federal court order, not merely orders issued in school desegregation cases.

Why did the Senate adopt the Lausche amendment by an overwhelming vote, and then move on to kill all of section 1 after the Lausche amendment had been added to it? In many respects, we think, this was purely a political performance. But some very persuasive arguments were advanced against section 1 as originally proposed by the administration.

Chief among these was the contention that it would be unjust, as a matter of principle, to legislate with respect to one—and only one—class of cases. In this view, if it is wrong to obstruct court orders in school desegregation cases, it is equally wrong to obstruct court orders in other types of cases. And if such obstruction is to be made a crime, the law should apply evenly to all obstructions, not to just one kind of obstruction. The political hitch is that organized labor would bitterly oppose the application of the Lausche doctrine to court orders in labor disputes. As a matter of principle, however, it seems to us that the argument in support of the Lausche proposal cannot be successfully answered.

The Senate vote (49 to 35) to strike all of section 1 came after the labor lobbyists had been heard from. But this action was not entirely a result of labor pressure. Senator MORSE, for example, argued strongly and we thought persuasively to the effect that the new criminal provison in section 1 is not needed. He thought that existing law plus the power of a Federal judge to punish for contempt is sufficient.

The Attorney General does not think that these remedies are adequate. He believes that the criminal provision is needed. If he is right in this, however, it is surprising to us that, in effect, he would be urging the House to ignore the sentiment of the Senate as expressed in the 65-to-19 vote on the Lausche amendment. The Attorney General, of course, did not say this in so many words. But his appeal was strictly and repeatedly limited to school desegregation cases, and he even tried, not very successfully, to draw a distinction between court orders in school cases and court orders in other cases. Yet, according to Senator MORSE, the Attorney General testified earlier before a Senate committee that "if Congress feels there are other situations where there is a similar need for this [section 1] statute, we obviously would have no objection."

As of this date, however, Mr. Rogers apparently wants a criminal sanction applicable only to school desegregation cases. We think that this, as a matter of principle, is wrong, and we do not see how the 65 Senators who voted for the Lausche amendment can be expected to accept, in the House bill, the very same discriminatory provision which the Lausche proposal was designed to remedy.

[From the Washington Daily News, Mar. 15, 1960]

TREAT THEM ALL ALIKE

Federal court orders must be enforced, all of them. Otherwise our legal system will collapse, with every man his own Supreme Court, obeying the laws he likes and ignoring the others.

Attorney General Rogers has alined himself with those who would make a special case of court orders on school integration cases, and write it into the pending civil rights bill.

Motives here are excellent. Defiance of the law, as in the case of Little Rock, is intolerable. But the unavoidable implication of this proposal is that other court orders fall into a different legal category, without comparable need for enforcement. That, in our opinion, is bad law, setting a dangerous precedent.

Mr. Rogers says the Government now, "as a practical matter, has no certain or very effective way to deal with mob violence, except by the use of Federal troops."

Troops aren't the only, or even the best, enforcement agency. Deputy U.S. marshals ordinarily can be relied upon.

There's grave question, in retrospect, whether the abrupt assignment of troops to Little Rock was either necessary or wise. We do not criticize President Eisenhower, who did what he considered had to be done; but, with the advantage of hindsight, it seems deputy marshals might have done at least as well—and without alienating southern moderates who otherwise could not have defended the demagogic acts of Gov. Orval Faubus.

Deputies were used in a later Little Rock crisis, with good results.

U.S. judges have broad powers to fine and imprison for contempt and, if these powers are resisted, the executive branch of Government has an obligation to back them up, even with troops if that extreme becomes necessary. If, in the light of experience, further powers are required, they should apply across the board. There should be no special cases or implied exemptions.

[From the Wall Street Journal, Mar. 15, 1960]

ONLY TO SOME

There probably isn't a literate American around who doesn't know how necessary, in the view of most liberal Senators, each and every section of the administration's original civil rights bill was to the American people.

Included in the bill was a section that would have made it a Federal crime to interfere with Federal court orders striking down school segregation. This section was, admittedly, more controversial than that part

of the bill that guaranteed everyone the right to vote. The Attorney General has made a special plea to Congress to grant him powers to deal with obstructed Federal court segregation decisions and orders; only this way, he said, could such situations as Little Rock, if any were to arise in the future, be handled without sending in Federal troops.

Clearly, then, this was an important section and it was one the liberals were adamant about. To a great many of them, the civil rights bill under debate in the Senate was, at best, weaker than they wished. And unless obstruction of Federal court orders were made a crime, the bill became a mockery.

There were, however, other Senators, though not from the South, who thought the section should not apply only to school segregation. Senator LAUSCHE, of Ohio, said so; the section had, he said, "the indefensible weakness of applying only to one part of the country." He proposed to broaden the section to include obstruction of any and all Federal court orders—including court orders directed against labor unions such as in the case of picket line violence.

Since violence and obstruction of Federal court orders is obstruction of Federal court orders wherever and however they may take place, the Senate, to its credit, broadened that section of the bill to include all Federal court orders.

Then a strange thing happened.

The American Federation of Labor and the Congress of Industrial Organizations, whose observers were right on the spot, raised vehement objection to the inclusion of labor unions. This put many of the liberal Senators on the spot. For, although the section included what they wanted for school segregation in the South, now it also included what the union leaders didn't want.

Senator MORSE resolved the dilemma for everybody. He moved to kill the whole section. The Senate then voted to lay it on the table, and the vote disclosed some odd bedfellows, indeed. Senators from the South who were against the section from the onset joined Senators who were crusaders for it so long as it concerned only schools and only the South but who were against it for labor unions. The section was killed.

And the way it happened disclosed not only the willingness of some Senators to penalize civil disobedience in only one area of law. It disclosed also that when the area was broadened to include labor unions, the need to make obstruction of Federal court orders a crime ceased to be the necessary weapon to insure civil rights some of the liberals had claimed it was. The law, it seems, should not apply to all, but only to some.

[From the Washington Evening Star, Mar. 15, 1960]

FIRST- AND SECOND-CLASS COURT ORDERS

(By Gould Lincoln)

Politics continues to dog the steps of civil rights legislation, with major pressure groups playing their full part. This was exemplified when the Senate last Friday—like the King of France—marched up the hill on the Lausche amendment and then promptly marched down again. The Lausche amendment to the pending civil rights bill, offered by a Democratic Senator from Ohio, would have broadened the provision which made any obstruction of a Federal court order for public school desegregation a Federal crime so as to include court orders in labor injunctions and other cases. The Lausche amendment, which in effect made obstruction of court orders a criminal offense in all cases, can well be defended on the ground that to make only a certain kind of court order such an offense is discriminatory in itself—just as a lawmaking obstruction of a court order dealing with a labor injunction, and no other kind of court order, would be considered discriminatory. So the Senate voted 65 to 19 in favor of the Lausche amendment, with both southern Senators and many northern liberals voting for it.

Catching its second wind, however, the Senate then voted to table the entire section of the bill, including the Lausche amendment. The vote to table was 49 to 35. So far as the liberals from the North are concerned, their vote to table was easily understandable. They realized that if the Lausche amendment became law it would be denounced by organized labor as an antilabor act. Having labor on their backs ready to sink them politically would be even more dangerous than having the Negro voters on their backs. The southern Democratic Senators' vote to table was equally easy to understand—they do not want any such legislation applying to obstruction of court orders to enforce desegregation.

As a matter of fact, the courts have authority and power to punish for contempt of their orders without any new legislation. How far, then, does politics enter into the original provision of the civil rights bill, making obstruction of court orders dealing with school desegregation a criminal offense? The politics involved naturally applies to a desire to win Negro votes.

ROGERS' ARGUMENT

It will be argued—as Attorney General Rogers has already done—that the provision making a crime of obstruction of school desegregation court orders should make it easier to compel compliance with such orders. Writing to Representative MCCULLOCH, Ohio Republican Member of the House, urging that body to retain the section in question, Mr. Rogers pointed out that it will make it possible to deal with obstructers much more speedily; that State and local officials opposed to desegregation may not take necessary steps to enforce the court order, thereby not maintaining law and order, and that such a situation may endanger the lives of children sent to certain schools under orders of the court. He was arguing specifically against any future incident comparable to the Little Rock High School case.

These could be very good reasons—and apparently are—for making it a crime to obstruct a court order relating to school desegregation. At the same time, there may arise equally strong reasons for criminal cases against those who seek to obstruct court orders dealing with strikes—when physical violence occurs, with danger to life and to public safety. Why, therefore, should politics prevail to strike down a provision of law similar to the Lausche amendment? The answer again is power politics.

Attorney General Rogers said in his letter to Mr. MCCULLOCH that the executive branch of the Government has a "sworn and solemn responsibility" to support the orders of Federal courts and make certain they are complied with promptly. While he wrote specifically of the need of enacting into law the provision of the civil rights bill relating to court orders for school desegregation, Mr. Rogers did not say he was opposed to the Lausche proposal that other court orders—for example those applying to labor injunctions—should also be promptly enforced. This seemingly would leave Republican Members of Congress free to support the Lausche amendment or some similar amendment if they saw fit.

SOUTHERNERS' CONTENTION

The contest over the court order provision of the bill is only one facet of the civil rights bill struggle. But it has emphasized the contention of the southern Democrats that this legislation is aimed only at their section of the country. It is generally agreed that in the end a civil rights bill will be passed by both Houses and become law. But the fight in the Senate—after many weeks of debate, including around-the-clock sessions of that body—has brought a sober realization that the legislation will be on the moderate side and not go the lengths advocated by the extreme liberals. A majority of the Senate is tending that way. Much will depend on the form in which the House passes the bill—expected this week.

Whether the Senate accepts the House bill without change, or whether the bill will be sent to conference is still a matter of doubt. So, too, is the question whether another marathon filibuster will be undertaken by the southern Democrats of the Senate. They demonstrated last week they could sustain such a filibuster—each southern Senator being on duty to speak and hold the floor for 8 hours, while taking 72 hours off from the Senate Chamber, if they desired.

If Congress winds up with a moderate civil rights bill—not too offensive to the South—it could have some bearing on the situation in the coming presidential campaign. It might make Democratic unity more likely.

Mr. GARY. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, the debates on the so-called civil rights bills, in both Houses of this Congress, have been the most informative and effective ever held on the subject. I say it has been effective because at the beginning I feared that many wrong proposals advanced by the Republicans and some Democrats to trap the Negro votes in the big cities of the Northern States might be enacted into law under the guise of civil rights.

That may yet happen; but as of this moment the votes taken in both Houses show that the light of truth is breaking, and that the painstaking, time-consuming efforts of the southern Democrats to lay the facts before the Congress will bury at least the worst of many vicious propositions which have been advanced.

The press of the Northern States has not yet recognized, or at least has not reported, what is happening; perhaps having been committed to the false premise that the southern Democrats are fighting to deny Americans their civil rights by useless delay and filibusters, they find it hard to print the truth. Some of their readers would not like it. But the fact remains that unless raw political pressure from the Eisenhower-Nixon administration is brought to bear successfully, through its ruthless Attorney General, Mr. Rogers, the bill which will pass as the Civil Rights Act of 1960 will not be the complete travesty of civil wrongs which had been predicted at the outset.

What are the truths of which I speak?

First of all, the Federal Government has no constitutional power to determine the qualifications of voters in the several States, beyond the provision that none shall be denied the right to vote because of race, color, sex, or previous condition of servitude. The cornerstone of American democracy is local control of elections, so the people in a locality may know that only bona fide citizens of the community are voting, and not truckloads of paid voters packed in from other places, possibly through a dozen precincts in a day, as happened in New York the last time Federal registrars operated, in the 19th century.

Secondly, to be reasonable on the matter, and that is all we southern Democrats are trying to do, we must look fairly to see whether some massive voting fraud regarding race, color, sex, or slavery is being perpetrated in the States, some clear and present danger, which might conceivably call for Federal legislation to deprive the State governments of their constitutional power to administer voter qualifications. The Congress has searched for the evidence, and what have we found?

Let no Member believe that the Southern States, as a bloc, deny their citizens the right to register as voters because of race or color. The evidence supports no such contention. There are infractions in registration, just as is true, or, in fact, more true, in the corrupt machine politics of the northern cities. But it is not so general that interfering Federal legislation is required.

To cite my beloved Commonwealth of Virginia as an example, even the wildest of the race agitators has not been able to provide evidence that Negroes or any other citizens are denied the right to register for voting in Virginia on unconstitutional grounds. Why, then, does the Attorney General seek great powers for Federal referees who would operate as voting registrars, or commissars, in the several States, unloosing new dangers of election frauds upon us, on a false and insulting premise?

Apparently, he is trying to convince the Negro minorities in the northern cities that their brothers in the South are being horribly mistreated, segregated in places as bad as Harlem, and denied the voting rights of Americans. He has proposed special punitive legislation to correct these alleged evils. He has done this in the name of the Eisenhower-Nixon administration, claiming it is necessary for law and order; but his position on the issue of penalties for obstruction of court orders has betrayed his true interest in law and order. He wants stricter "law and order" in the South than elsewhere. Is this "equal protection of the laws?"

I give thanks to those fearless Democrats in the Congress, from States outside the South, who have driven a nail right into the heart of the Attorney General's argument by their speeches and votes on the injunction penalties question.

The Attorney General, among his many evil proposals, asked for special penalties to be applied in cases of the obstruction of Federal court orders in school desegregation cases. There is only one part of the country where these cases occur—the South. But what happened when it was proposed that the same penalties be applied to persons who obstruct Federal court orders in other cases, including those involving injunctions in labor disputes? Would we apply these penalties equally, because we Americans believe that the law should be applied equally, and that all Americans should have the equal protection of the laws?

This proposal let the cat out of the bag. A strong movement to strike this whole section from the bill developed because the Attorney General, the Eisenhower-Nixon administration, and crafty political bosses from the northern cities do not want special penalties in all cases involving court orders. They had intended to crucify only the South.

When the shoe is on the wrong foot, it pinches. This one pinched harder than any tried on in Washington this year.

There are dozens of other points which I could make on this bill, particularly regarding offensive proposals far removed from the question of voting rights, which the professional proponents of anti-southern civil rights legislation hoped to slip over in the guise of a voting rights bill. But they have all been discussed by the other southern Democrats who have spoken in both Houses of this Congress, and the brief time allotted me does not permit me to repeat them.

I fervently hope that my present expectation is borne out, and that if a bill is enacted, it will not be the travesty and tragedy which we feared at the start of this debate. No matter what happens, however, believers in the constitutional way of government have cause to be grateful for the magnificent way in which the southern Democrats, under able leadership in the other body and under the superb leadership of my distinguished colleague from Virginia, Representative SMITH, here in the House, have faultlessly presented the logical, factual, constitutional case for State and local control of elections, with such fortitude and patience that the whole course of the so-called Civil Rights Act of 1960 has been profoundly altered.

Mr. QUIGLEY. Mr. Chairman, I move to strike out the last word.

Mr. SHELLEY. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield.

Mr. SHELLEY. Mr. Chairman, I ask unanimous consent to extend my remarks immediately following the gentleman from Pennsylvania [Mr. QUIGLEY].

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the O'Hara amendment end at a quarter after 3 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUIGLEY. Mr. Chairman, I have taken this time primarily to direct a question at the ranking member and chairman of the Committee on the Judiciary. I ask this question for my own information and, particularly, for the guidance of some judge who, in the future, may be called upon to administer the O'Hara amendment.

As I understand the McCulloch proposal and the Celler substitute, the language on page 5, which says "The court may authorize such referee or such other person or persons as it may designate to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote" is out at the present time; is that correct?

Mr. McCULLOCH. That language is out.

Mr. QUIGLEY. I then direct your attention to the language contained in the O'Hara amendment, particularly the latter part of it, which says:

> The court may take any other action and may authorize such referee or such other persons as it may designate to take any action appropriate or necessary to carry out the provision of this subsection and to enforce its decree.

In the opinion of the gentleman from Ohio, is the language in the O'Hara amendment which I have just read, broad enough to include the right of judges to set up poll watchers on election day such as they would have been able to do under the deleted language in the gentleman's amendment?

Mr. McCULLOCH. I think that this language, together with the inherent right in court of equity, results in that power.

Mr. QUIGLEY. I thank the gentleman. In the temporary absence of the chairman of the committee, I direct the same question to the sponsor of the amendment. Does he agree that his amendment is broad enough to include watchers at the polls by the courts?

Mr. O'HARA of Michigan. My amendment authorizes the court to take appropriate action to make sure its orders are being carried out, and I conceive that within the scope of that sort of action is the language stricken out in line 13.

Mr. QUIGLEY. I thank the gentleman, and I yield back the remainder of my time.

Mr. SHELLEY. Mr. Chairman, as we have been debating this Civil Rights Act of 1960 here on the floor of the House of Representatives, I have been turning over in my mind what I think is one of the major problems facing our Nation today. We claim to be a representative of the free world, in fact, the leading representative. Our President has traveled over the face of the globe carrying out the mission of peace for our world. He has pointed with a great deal of pride to the principles of freedom, liberty, and equality contained in our Constitution. Every year this Congress appropriates millions of dollars to persuade the world that the message in these documents is offering a better life than the dogmas of Marxism and Leninism and the current profferings of the Communist state of the Soviet Union.

However, our actions betray our words. Right at this very moment I am speaking to you, another several hundred students have been arrested in cities in the South for daring to order food and drink in business houses in these cities. Overseas our diplomats are harassed and embarrassed by reports of such events. How hollow our offers of life, liberty, and the pursuit of happiness must sound.

I feel this House should pass an effective and meaningful Civil Rights Act in this session. A lot of water has passed under the bridge since Congress passed a mild voting rights bill in 1957, a measure that obviously has proved to be quite

inadequate. As the newspapers and every organ of information tells us there remains—not only in the South—an intolerable amount of racial discrimination which is adversely affecting our national security, health, and strength, both at home and abroad.

Tension among the nonwhite people of America, as throughout the world, is mounting. As I have cited previously, the current protest demonstrations by Negro youth that we are reading about points up the fact that the constant denial of constitutional rights and of equal opportunities for this "life, liberty, and the pursuit of happiness" will no longer be acceptable. Some of those who fail to sense and understand the extraordinary significance and potency of the thrust by the nonwhite peoples of the world may suppose that jailings, fines, intimidations, and other forms of punishment will successfully halt this powerful and thus far, entirely nonviolent movement. Like the fabled King Canute of old, I believe they will find the tide eventually irresistible.

These newspaper reports this week set forth the unusual new situation which faces those who wish to continue to impose second-class citizenship on our colored citizens. These are the angry young men and women of America. They are impatient with the slow progress of desegregation and these students who sing "We are not afraid" realize their actions are in the mainstream of an international movement on the part of peoples throughout the world who are seeking to be free and to do as they please. These areas are not those of sweetness and light, Mr. Chairman, and unless we somehow recognize that this spreading protest can lead to possible bloodshed and enact good legislation, we stand responsible.

A distinguished editor has written referring to the advancement of Negro rights:

> There has been no progress in the South that I know of except under pressure from the Federal Government—the courts, the Congress, or the President.

It is indeed clear in this year of 1960 the Congress of the United States must face up to the changing scene and hasten to protect those disadvantaged citizens for whom some protection is long overdue. This Congress must avert a situation fraught with real and imminent danger to the security of the Nation.

At this point in my statement, Mr. Chairman, I would like to touch briefly on a basic constitutional question involved in this legislation.

The question is, Does the Congress have the right under our Constitution to legislate on civil rights at all? It is my opinion that we not only have the right, but the obligation. The Constitution which guarantees the States certain rights, does not guarantee them the right to do wrong.

Our Government is a government of laws, not of men. The 15th amendment to the Constitution specifically provides with regard to voting rights that "Congress shall have the power to enforce this article by appropriate legislation." Nothing can be clearer on the subject.

It is my firm belief that this legislation should include far more than is provided by the bill before us now in debate. First, there should be the restoration of title III providing for the Federal Government to initiate civil suits whenever the constitutional rights of individual persons have been denied. It is completely unfair and unacceptable that an aggrieved American citizen who is too poor and too weak to confront the massive power of the State and the hurdles of the recently passed harassing moves such as antibarratry laws should be left unprotected by the Federal branch of the Government. The House adopted this section in the 1957 debate on civil rights and I ask the Members to again sustain this section in the bill passed by this House.

The second most important step in preserving the basic American right to vote is an effective referee-registrar section to strengthen registration and voting rights for Negroes along the lines proposed by the Commission on Civil Rights. I also support the amendment to provide technical and financial assistance to States and localities needing assistance in meeting school desegregation problems as the local authorities carry out the Supreme Court's desegregation decision.

The restoration to the bill before us of the title 3 section of the original 1957 bill which this House adopted on June 18, 1957, alone would provide real protection of the constitutional rights of those citizens such as those reported in Montgomery, Ala., where nonviolent protest demonstrations are reported to have created danger to their lives from hostile individuals and mobs.

Mr. Chairman, like many other Members I, too, feel the ending of racial discrimination is a moral problem which would challenge my attention regardless of whether or not it helped or hindered politically. I want to see the House by passing the Civil Rights Act of 1960 take a big step forward toward this goal. Never let it be said this body has failed at a time like this to assure that ours is truly a Government of "all the people, by all the people, and for all the people."

Mr. WILLIS. Mr. Chairman, I move to strike out the appropriate number of words.

The CHAIRMAN. The gentleman is recognized for 3 minutes.

Mr. WILLIS. Mr. Chairman, I want to address myself to the answer given by the gentleman from Ohio [Mr. McCULLOCH]. Here is what we are confronted with: In the bill H.R. 10625 it was provided that Federal judges could send referees, really marshals, at the polling booths; and, second, another provision to make it worse.

Now here comes the bill H.R. 11160 striking out the provision giving broad powers, without saying what those powers might be. Then yesterday the gentleman from Ohio introduced first version. He struck out the first part, where people may attend at the polls. The gentleman from New York [Mr. CELLER] agreed to that. That has been done, and it is already out, but I am getting sick and tired of this amendment. The purpose of this amendment is to restore what has been stricken out.

I yield the balance of my time to the gentleman from Virginia [Mr. SMITH].

Mr. McCULLOCH. Mr. Chairman, I would like to say again to the members of the committee that since the time when Great Britain first became conscious of this great need years ago——

Mr. WILLIS. Mr. Chairman, I yielded the balance of my time to the gentleman from Virginia [Mr. SMITH]. I did not yield it generally. I expect to use it myself if not accepted. I wonder if the gentleman is speaking on his own time.

Mr. McCULLOCH. That was my intention.

Mr. WILLIS. Mr. Chairman, I reserve the balance of my time, even if it is only 5 seconds.

The CHAIRMAN. The gentleman has reserved one-half a minute; and, without objection, the half minute will be given to the gentleman from Virginia [Mr. SMITH].

(There was no objection.)

The CHAIRMAN. The Chair has recognized the gentleman from Ohio [Mr. McCULLOCH] for 3 minutes.

Mr. McCULLOCH. Mr. Chairman, again I want to say that which is known to all the good lawyers on the committee, that since there was first a court of chancery in England, a court of conscience, if you please, and ever since we have had a court of equity or chancery in America, that court has had the inherent power to do all things necessary to make effective its orders and decrees. Even without the language which has so disgusted my good friend and prominent lawyer, the gentleman from Louisiana, the authority would have been there nonetheless. However, Mr. Chairman, I was ready, willing, and anxious to request my very good friend from Louisiana to strike out the major part of the language to which he referred in H.R. 10625, for the very reason which I suggest. We have been marching up the hill and we have been marching down again. I for one in the final analysis would be satisfied to depend upon the inherent authority of the court, if that be necessary.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Chair recognizes the gentleman from Virginia [Mr. SMITH] for 3½ minutes.

Mr. SMITH of Virginia. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Michigan.

The CHAIRMAN. The gentleman from Virginia is attempting to offer an amendment in the third degree.

Mr. SMITH of Virginia. I am offering a substitute.

The CHAIRMAN. That is still an amendment in the third degree. What we are considering is an amendment by the gentleman from Ohio [Mr. McCULLOCH], a substitute by the gentleman from New York [Mr. CELLER], and an amendment to the substitute offered by the gentleman from Michigan [Mr. O'HARA]. Therefore a further amendment at this time would be an amendment in the third degree.

Mr. SMITH of Virginia. May I leave it at the desk?

The CHAIRMAN. Yes.

Mr. DOWDY. Mr. Chairman, because of limited time, it can only be in a general way, but I want to point out a few of the objections to this particular proposal which we hope to partially alleviate by amendment. The O'Hara amendment to the McCulloch substitute by Mr. CELLER to the McCulloch amendment by Mr. MCCULLOCH would make the thing worse rather than better.

When we started out it seemed possible the so-called civil rights bill would be limited to voting, but the U.S. Attorney General has rigged up this Federal referee provision as one of the series of punitive political measures designed to penalize the Southern States in order to appeal the North and East in the coming presidential election.

I am opposed to this as I was opposed to the impairment of the trial by jury proposal 3 years ago when the northern Democrats teamed up with some of the Republicans on that issue.

Few people have read the referee proposal, let alone studied it. Furthermore, its proponents have changed it so fast and so often the last few days that they do not know what is in it, and we who have tried to study it have had a hard time keeping up with it. But fundamentally, this thing restores the old force bills of the aggressive reconstruction days when the people of the South lived under military and carpetbagger government. As has been said, this thing restores the old carpetbagger provisions. We thought those carpetbagger provisions were taken out of the bill, but, now, they are put back in by this proposal called the O'Hara amendment. All of this thing would take from the States and place in the hands of the Federal authorities supervision and control of the elections, which has been traditionally in the hands of the States, and that would include city elections, school trustee elections, and all local officers on up to the State government. It is deceptively written to deprive the States and the people of more of their constitutional rights and privileges, just as the jury trial proposal I already mentioned. The appointment of referees would be left to the whim and caprice of Federal judges. The judge may come from a distant State, such as the judge from the Dakotas who was called to preside over the hearings in the Little Rock tragedy. The judge under the proposal would act under the guidance of the U.S. Attorney General without even having hearings on the issues. This thing would permit the Federal judge to appoint out-of-State referees, at least out-of-State assistants to the referee, which is a carpetbagger provision. Many of the proponents cannot even stomach that part of the thing, and I hope you will vote against the O'Hara amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Chairman, I hope this oppressive amendment and substitute will not be added to this bill. It is an unconstitutional infringement upon the rights of persons to govern themselves locally in these matters. The bill, in any event, is an abridgment of constitutional States rights and local rights of self-government. With this additional provision, it would be all the more objectionable as an abridgment of our constitutional protections against oppressive centralized government.

It is regrettable that Congress has had to occupy so much time with a bill which not only violates constitutional principles but which, if passed, will do little, if any, good. This is particularly true while Congress has given scarcely token consideration to bills introduced to provide educational, housing, and other benefits to which members of the Negro race are justly entitled and which they really desire.

As illustrative of these, I mention bills I have introduced: H.R. 716 on education and H.R. 1060 on housing. The first of these bills is along the line of the impact legislation. It gives grants-in-aid to schools regardless of whether the schools are integrated or segregated, on the basis of colored population in those schools. The other bill, H.R. 1060, deals with the so-called special assistance program. As a matter of fact, when the basic legislation in this field was under consideration, it was my understanding that special consideration was to be given to members of the Negro race who were discriminated against in housing assistance throughout all the United States. Yet, in practice, this legislation has not achieved this objective, largely because the committee involved has not approved specifically enough what is actually needed.

Let us hope that our efforts in the future will be more constructive as well as fully consistent with the wise provisions of our Constitution.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Florida. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman yielding. I cannot agree with the gentleman as to the effects that he says would stem from this substitute. But, would the gentleman not agree with me that whatever the effects of the substitute might be, they could be quickly and completely vitiated and nullified if the "pattern of discrimination" to which the bill refers were eliminated in the locality concerned?

Mr. BENNETT of Florida. I believe, whether this legislation is passed or not, that the colored people within our country will have full access to the ballot in any place where they do not now have it. In the city I represent there are about 20,000 or 30,000 colored people that vote in every election, and I think that is characteristic of the urban as well as other areas of the State of Florida. There may be some small pockets in various areas of the United States where colored people now do not exercise the franchise, but the white people in the South, I think, are making a very real effort to help the colored people, who have themselves done much to provide a forward-looking and prosperous society in which to live.

The CHAIRMAN. The Chair recognizes the gentleman from Vermont [Mr. MEYER].

Mr. MEYER. Mr. Chairman, I have spent quite a few hours on the floor for quite a few days listening to the debate and the discussion of what is a rather important bill. I have seen many extensions of time granted and no one has objected to these extensions. I think that is fitting and proper. I am afraid that this bill is causing a great deal of controversy between people of all sections of the country and between the two political parties. However, I personally believe that qualified voters should have the right to vote. I think this discussion is important and I have no intention to object to extensions of time.

However, I would like to point out to all the Members of the House that I personally believe that many times we have equally important bills and that time for debate and discussion is either limited or completely prevented. As far as I am personally concerned, for the future, if I see other important measures brought up and we are not allowed time I shall reserve the right to object to extensions of time during future consideration of bills of the type now being debated.

I would like to point out that we have the matter of nuclear testing coming up, and the matter of nuclear agreements with other countries, and similar issues that we have had to evaluate previously, and we have never had the time to discuss them.

I certainly hope that those who have been given the courtesy of being granted plenty of time now through extension of their time will not object in the future when some of us may want to discuss what I and others consider to be very important legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. MCSWEEN].

Mr. MCSWEEN. Mr. Chairman, I should like to direct my remarks to the gentleman from Colorado who has been good enough to explain some of the provisions of this amendment.

Mr. Chairman, during the course of this debate on several occasions reference has been made to voting difficulties in Louisiana. I would like to say that over the years we have had a number of voting difficulties of another nature to the extent that in 1953 we adopted voting machines so as to make the temptation for illegal counts impossible. I hope that we can continue to conduct our elections through the use of voting machines.

However, I should like to ask the gentleman from Colorado this question. Would it not be possible under the provisions of this amendment to have at least 100,000 voters come into the picture, with their qualifications undecided, and be given the authority to vote provisionally; and the burden of determining these qualifications be so great, such that their ballots would not be counted until after the election, which would open the door to the problem of counting entire statewide election ballots and the results determined days after the election?

Mr. ROGERS of Colorado. First of all I want to say to the gentleman that the fact that they have voting machines does

not always guarantee that they are going to get a true count, because a lot of people learn how to manipulate voting machines. But answering the gentleman's question specifically, surely it is possible, but I do not anticipate that all the people of the State of Louisiana—I do not know how many qualified voters you may have, but certainly you have State laws, and, as I understand, you have a very good one. That is, if I am a resident of the State of Louisiana, and believe I am entitled to vote, there is a little questionnaire. I fill out that questionnaire and if it is filled out properly then I am qualified to vote according to the registrar. If he says no, that can be taken to the court in the State of Louisiana. Recently in the gentleman's own State there was an attempt to purge some 1,200 or 1,500 names and on an application made by the Attorney General of the United States, he did not have any trouble getting a Federal court to enter an order saying that before these names be purged that they had to be purged according to the State law. And when that came to the Supreme Court of the United States it was sustained. Of course, the gentleman knows his own laws much better than I do. I do not anticipate that the State of Louisiana is going to repeal its voting laws.

Mr. McSWEEN. No. The effect of this amendment is to repeal the voting laws of Louisiana by opening the door to the counting the votes of as many as 100,000 or 200,000 persons after the election.

Mr. ROGERS of Colorado. I have never disagreed so much with the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I rise in support of the pending amendment and urge its adoption by the Committee.

Mr. Chairman, I yield to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in support of the amendment. It strengthens the bill, and it insures that the Court's decree will be made effective.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I rise in support of the amendment. I believe it will help make the purposes of the final bill effective. The Federal courts have long-established authority to put their findings into practical effect. I want to have some effective but fair bill enacted.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. ROOSEVELT].

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ROOSEVELT].

(By unanimous consent, Mr. HOLTZMAN was given permission to yield the time allotted to him to Mr. ROOSEVELT.)

Mr. ROOSEVELT. Mr. Chairman, I rise to support the amendment offered by the gentleman from Michigan [Mr. O'HARA]. It is a significant contribution to improving the so-called referee plan for voting, which has been offered as a substitute by the gentleman from New York [Mr. CELLER]. However, I think in order that the record may be absolutely clear, particularly because many people became confused yesterday, we should just for a moment recapitulate what happened.

What happened was that the gentleman from Wisconsin [Mr. KASTENMEIER] offered a far better method of assuring the right to vote to those who are today deprived of it. What happened? That amendment succeeded. It succeeded because the gentleman from the so-called South decided to support this amendment. As a result it carried in spite of the opposition from the Republican side of the aisle. It went to another vote.

It again succeeded under the same coalition, if you like. Then when the final vote came, a vote which meant that the bill would have no voting rights at all in it, the lineup was changed, the coalition was changed, and all of a sudden our southern friends were completely joined by the Republican Members. Together they voted out the Kastenmeier proposal and we found ourselves with a bill which had no voting rights at all. Then of course the new amendment was offered by the gentleman from Ohio, which is about where we are at this time.

But let the RECORD clearly show that if the Republican members had wanted to have a better and more effective voting rights bill they could have had it then and there by supporting the Kastenmeier amendment. They lost their opportunity to join with those of us who believe it is of the greatest importance that a civil rights bill have a voting provision in it.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York, who yielded me his time.

Mr. HOLTZMAN. I hate to take issue with my distinguished friend from California, but the fact is that there were about six or seven Republicans who did not join in this coalition.

Mr. ROOSEVELT. I think the gentleman has pointed out something I should have included. There were six or seven Republicans on this side of the aisle who did support the Kastenmeier amendment. I bow to them and I am grateful to them for that, but it was a small number.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. If I may say so, I think the political maneuvering was on the other side. On Friday I sat here and listened to the debate when the gentleman from California had the floor, and he asked the chairman of the Judiciary Committee how he felt about the so-called Hennings amendment, which became the Kastenmeier amendment. The chairman said that he felt that the referee bill was the better approach. His final words with reference to the referee plan were, "The matter will be far more expeditious, in my mind, than the so-called Hennings proposal." What you are saying here today is, it seems to me, that after you people went through some sort of maneuvers and supported a proposal which had not had hearings and which did not have the support, at least until yesterday, of the Judiciary Committee chairman, or the Democratic leadership, and you put it through, you found yourselves almost in a parliamentary situation where we could have no voting rights provision in the bill.

Mr. ROOSEVELT. No matter how he may excuse it, may I say to my friend, he comes up with the same result. You have been opposed to a better voting rights bill and you have sustained that position, and I admit you are sustaining it. But the record must show that. Let me simply say, our chairman on this side did vote with us on that point after listening to the debate. We were, however, unable to convince you. Luckily, we were able to convince the gentleman from New York.

Mr. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. BALDWIN. It is my understanding that the gentleman from California [Mr. ROOSEVELT] has now corrected his original statement saying that no Republicans supported the Kastenmeier amendment because I am sure the gentleman from California [Mr. ROOSEVELT] observed the procedure and a number of us of whom I am one, voted for the Kastenmeier amendment at every stage of the proceedings yesterday.

Mr. ROOSEVELT. I agree with the gentleman. I counted seven. While I would not call seven a considerable number, I nevertheless did count them.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. LINDSAY. I think it is regrettable that politics should be injected into this debate at this point. Let me say this. The gentleman's whole premise is that the so-called Kastenmeier approach is a better bill and a better approach. This is not a correct statement. A more efficacious and a more effective approach to this whole problem is exactly what the distinguished ranking minority member of the Judiciary Committee, the gentleman from Ohio [Mr. MCCULLOCH] on this side of the aisle has been proposing. It has had the support of the chairman of the Judiciary Committee because it is a better bill. And yesterday the leadership on the majority side voted for it.

The fact of the matter is, and it seems plain, that some gentlemen from the majority side were very ready to scuttle the whole thing rather than to see a program adopted which happened to have a Republican label on it.

Mr. ROOSEVELT. Let me say to the gentleman that at all times we have known that some of the people on our side of the aisle have been ready to scuttle the whole thing, but we never thought that you were ready to scuttle the whole thing. That is quite a different situation and something that the RECORD ought to show clearly.

Mr. MCCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. McCULLOCH. Mr. Chairman, I would just like to make a remark so that the Members and those who read will be able to come to a conclusion on this matter. I am sure that those who have been interested in a bill which would guarantee the fundamental rights of the Constitution know that the proposal which bore my name was a really effective yet safe proposal, and that those on the other side—without pointing specifically to who did what to whom—I think they know just exactly what happened and what was in the making when it happened. My friend, the gentleman from Texas, said that we were coming up with something worse than what we had yesterday. I agree. You know that is the penalty for their vacillation and for their political maneuvering.

Mr. ROOSEVELT. Yes; and I am glad that the RECORD shows that we, on this side of the aisle, did not vacillate.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. COLMER. I thank the gentleman from California for yielding so that I may make an observation. This colloquy that has just taken place shows very clearly that this is purely a political question, as we have maintained from the very beginning.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER] for 3 minutes to close debate on the O'Hara amendment to the substitute amendment.

Mr. CELLER. Mr. Chairman, it is quite clear and the debate has indicated that the O'Hara amendment is an effective and worthwhile and reasonable amendment. I, indeed, hope that the amendment will prevail. It is an amendment which will clarify a good many provisions in the bill which are now a little obscure. This clearly indicates where a number of cases remain undecided, the referee must act expeditiously. It outlines what happens in cases undecided for more than 20 days before the election and for those cases which are pending for less than 20 days before the election.

The referee in the first instance is compelled to act or to allow the applicant to vote provisionally. In the second instance the referee has discretion, but can issue an order to permit the vote to be counted provisionally. Then the matter can be determined after election. Mr. Chairman, I yield back the remainder of my time, and I ask for a vote.

The CHAIRMAN. The question is on the amendment to the substitute.

The question was taken; and the Chair being in doubt, on a division there were—ayes 146, noes 110.

Mr. FLYNT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. O'HARA of Michigan and Mr. WILLIS.

The Committee again divided, and the tellers reported that there were—ayes 188, noes 120.

So the amendment was agreed to.

EVERY DAY MUST BE FREEDOM DAY

Mrs. GRANAHAN. Mr. Chairman, in the long debate we are experiencing here in the Congress this month on the question of new civil rights legislation, and in the many parliamentary devices being used to block or to try to water down the legislation we are certainly going to pass, it is well for us to keep in mind that this is the last half of the 20th—not the 19th—century and that the issues we are trying to resolve should have been considered solved and disposed of nearly 100 years ago.

Yet these controversies still continue over whether all citizens are truly equal before the law—despite what the Supreme Court building proclaims so proudly to all the world in the great message carved into its stonework just across the street from our Capitol Building.

The 13th amendment ending slavery was adopted just 95 years ago. In recent years, our Nation has begun the practice of conducting an official observance each February 1 as National Freedom Day in commemoration of the passage by Congress and the signing by President Lincoln of the resolution proposing the 13th amendment. Much of the impetus for making February 1 of each year National Freedom Day was provided by a Philadelphia organization dedicated to this purpose, and the legislation which made National Freedom Day an official event was introduced by a Philadelphian, the late Senator Francis J. Myers.

For us in Philadelphia, it is quite fitting that we believe freedom should be made a meaningful thing for all of the citizens of this country for, in the years of our city's history, freedom has always been more than a pious slogan—it has been a way of life. I am proud as a Democrat that, in the short decade in which my party has guided the destinies of our city, Philadelphia has moved into the forefront of all cities in the country in sincere devotion to the principles of equal opportunity for all.

CONSTITUTIONAL GUARANTEES STILL BEING EVADED

I think tremendous progress has been made throughout the country in this direction. But, as we all know, the reason we are now debating this allegedly controversial legislation now before us is that the principles behind our constitutional guarantees of freedom and equal opportunity are still not actualities everywhere in this country.

Last Congress, we enacted a right-to-vote bill which was supposed to guarantee the rights of all citizens to vote on equal terms. Experience under that act has proved that it is not enough merely to proclaim a law—its enforcement must be effective.

I shall, of course, vote for the strongest legislation possible to guarantee the basic constitutional rights of all citizens. Those who oppose the free exercise of constitutional rights for others may have reasons which to them seem appropriate and justified, but those reasons are based neither on law nor on justice. The end of the Civil War 95 years ago did not end the cause for which the Confederacy fought. It is time now, as we prepare to commemorate the 100th anniversary of the start of that bloody and costly and tragic war, to declare a halt to the practices which rob many Americans in many localities in this country of the rights won for them generations ago.

HATE MOVEMENTS ALIEN TO AMERICA

There is no place in America of the second half of the 20th century for hatred, prejudice, and discrimination based on racial or religious or similar differences. We all love freedom for ourselves; we must see to it that it is enjoyed equally by all of our fellow citizens.

Movements founded on hatreds are alien to our Constitution and to our way of life. Those who promote and sponsor such movements are either part of or beholden to the lunatic fringe in our society. Everyone in public life owes it to himself and to the oath of office he has taken to uphold our Constitution to make sure these hate movements are given the brushoff they deserve.

Let us pass the kind of laws here which will assure the safety of every citizen in the exercise of all of his constitutional rights, including the most fundamental of all, the right to vote. Until these rights are so secure that no hatemonger or bomb thrower or school wrecker or church despoiler or nightshirted nightrider can get away with such depredations as have occurred in recent years, it is up to the Congress and to the President to use every power available to the Federal Government to make freedom meaningful to all.

In other words, Mr. Chairman, we must make every day National Freedom Day, not just February 1 of each year. This was the dream of the late Major Wright, of Philadelphia, founder and leader of the organization which worked for the enactment of the National Freedom Day law; this must be the objective of all of us in the Congress of the United States.

It took nearly 90 years after the founding of our Nation for slavery finally to be abolished. In the 95 years since then, the issue has not yet really and completely been resolved. If, in 95 years, gradualism has failed to prevent local despots on many election boards from refusing the right to vote to doctors of philosophy, teachers, preachers, doctors, and other educated Negroes, then certainly gradualism is not the answer.

The answer has to be found in affirmative, effective, uncompromising Federal legislation, backed by the full power of the Federal Government, and that is the kind of legislation we must enact. That is the kind of legislation I intend to vote for.

Mr. McSWEEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McSWEEN. Mr. Chairman, after witnessing the action in the committee on yesterday which resulted in the defeat of the Lindsay amendment as

amended, it should be clear to all impartial observers that this civil rights agitation is without question politically inspired.

The liberal Democrats did not wish to support the referee plan authored by the Attorney General and the Republican civil rights advocates, so they offered their own registrar proposal, which was adopted temporarily with our Southern help. But the Republicans found this to be politically obnoxious and they voted against the amendment to the civil rights bill containing the Democratic proposal. This time we Southerners threw our lot with the Republicans and the amendment was voted down.

Both political parties are fighting for civil rights credit for passing a voting rights plan. Neither side was willing to see the other party gain an advantage. Recognizing this, southerners, having a balance of power, were glad of the opportunity to take advantage of this false pride of authorship and kill the entire voting rights amendment, because it is not needed and would do violence to many more rights than it would protect.

Mr. Chairman, the rights of all American citizens are already well protected, both by Federal and State law. People cannot be made to vote. They cannot be made to be good citizens against their will.

Civil rights propaganda and the report of the Civil Rights Commission have made much of the low percentages of Negro population registered to vote in Southern States. They have tried to create the conclusive presumption that Negroes are systematically denied the right to vote uniformly over the South. It has been helpful for them to cite the recent test cases that have come as a result of racial furor created by agitation since 1954.

But, Mr. Chairman, has anyone tried to point out that the Negro is denied the right to vote in Cleveland where only 25 percent of the Negroes are registered to vote? Or that they are prevented from exercising this privilege in Cleveland where only 25 percent of the registered Negroes actually vote?

Mr. Chairman, this illustrates the hypocrisy and the political propaganda that surrounds and beclouds this issue. I sincerely hope for the time to arrive again when men of good will will have regained their reason and ability to perceive the folly attendant to the unfortunate race problem. I also hope that in the meanwhile, however long, irreparable damage is not done to race relations and the unity of our great Nation.

Mr. BOLAND. Mr. Chairman, we, the Members of this House of Representatives, all of whom have risen from the people through the process of free elections to sit in this great deliberative body, today find a great responsibility resting squarely upon our shoulders. We have been presented with the challenge of passing a civil rights bill that will satisfy the needs of disadvantaged citizens of this Nation, particularly the American Negro and other human beings of dark skin who have come to our shores and have been absorbed into the American pattern of life.

The eyes of the peoples of Asian and African countries, now energetically emerging from centuries of colonialism and suppression, are focused today on this freely elected House of Representatives, and they are waiting to see whether we will adopt legislation that will guarantee to all Americans their basic constitutional rights. If we do not put through a meaningful civil rights bill, the uncommitted peoples of the world will be subjected to blares of Communist propaganda telling them that the United States preaches but does not practice democracy, that discrimination is practiced against dark skinned Americans, and that they are denied the right to vote.

Mr. Chairman, the United States cannot afford not to guarantee to all of its citizens their basic constitutional rights if this country is to continue to exert its leadership among the free countries of the world and meet and conquer the sinister challenges of communism. I am confident that we Americans will face up to this challenge. I am confident that we will endure against every provocation and every threat to our way of life as long as we continue to believe as Christians and Americans that God created all men equal and that these human beings are, as Thomas Jefferson wrote in the Declaration of Independence, endowed with the inalienable rights of life, liberty, and the pursuit of happiness.

It is pertinent at this time to recall some of the words of the late Supreme Court Justice Louis Brandeis, delivered in 1915 at Boston, Mass., on the occasion of the 139th anniversary of the signing of the Declaration of Independence:

> We are not the only nation which combines love of liberty with the practice of democracy and a longing for social justice. But there is one feature in our ideals and practices which is peculiar to Americans. It is inclusive brotherhood.
>
> Other countries, while developing the individual man, have assumed that their common good would be attained only if the privileges of their citizenship should be limited practically to natives or to persons of a particular nationality. America, on the other hand, has always declared herself for equality of nationalities as well as for equality of individuals. It recognizes racial equality as an essential of full human liberty and true brotherhood, and that racial equality is the complement of democracy. America has, therefore, given like welcome to all the peoples of Europe.
>
> Democracy rests upon two pillars: One, the principle that all men are equally entitled to life, liberty, and the pursuit of happiness; and the other, the conviction that such equal opportunity will meet advance civilization.

And in another passage Justice Brandeis pointed out:

> America has believed that each race had something of peculiar value which it can contribute to the attainment of those high ideals for which it is striving. America has believed that we must not only give to the immigrant the best that we have, but must preserve for America the good that is in the immigrant and develop in him the best of which he is capable. America has believed that in differentiation, not in uniformity, lies the path of progress. It acted on this belief; it has advanced human happiness, and it has prospered.

Mr. Chairman, well might we ponder today the meaning of Justice Brandeis' words uttered 45 years ago. We must continue to subscribe to the recognition of differentiation in America, not to discrimination in America. We must enact civil rights legislation that will guarantee to all of the different Americans all of their basic constitutional rights.

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WILLIS: On page 2, line 14, after the first word "vote" insert "on account of his race or color."
>
> On page 2, line 15, after the word "law" delete the period and insert ", on account of his race or color."
>
> On page 3, line 19, after the first word "vote" insert ", on account of his race or color,".
>
> On page 3, line 20, after the word "law" delete the period and insert "on account of his race or color."

Mr. WILLIS. Mr. Chairman, under the amendment that has been read it is necessary to insert it at the various parts of the bill as outlined by the Clerk in order to conform other amendments with those read by the Clerk. In other words, the purpose of the amendment is to do away with the conclusive presumption established by court decree in the initial injunction suit. I do not propose to address you for very long because I explained my amendment yesterday at some length and I think everyone should be given an opportunity to express himself on this issue.

Now, we might as well face it that this is an important amendment. As I explained just yesterday, when an injunction suit is filed and an injunction decree is issued, the judge, upon the application of the Attorney General, must make a finding as to whether or not the alleged discrimination is pursuant to a pattern or practice. If he does make such a finding, then that finding establishes a conclusive presumption that everyone in the affected area has been discriminated against in fact and individually. The beneficiaries of the decree are not the parties before the court. The injunction decree is against the registrar of voters, preventing him from further discrimination. Then thereupon the judge makes a finding that there is a conclusive presumption that all the people in the area who were never before the court have been individually discriminated against. Then the judge appoints a referee to receive applications for voting certificates. What does he have to prove? He simply has to prove or state—he does not have to prove; he simply has to state his age, residence, and so on, and to say that "I have been denied the right to vote." But, he does not have to say why he has been denied the right to vote. That is conclusively presumed. Oh, I know it will be said that if he goes there, that there has been some practice somewhere, but certainly not in my congressional district. The Civil Rights Commission did not go into my district. The colored folks vote, and, incidentally, they vote for me, I am confident.

Then there has been the statement made that they go to the registrar's

office and he absents himself and he is not there. Well, the applicant can say to the referee, "I tried to vote. I went there, but his office was closed." Now, do you know that there are some honest people on earth? There are some honest registrars in these United States. I know mine are. But yet, so long as he was not there, it is conclusively presumed that he was not there for a purpose, because the registrar of voters was discriminating against him on account of race or color. But, do you know it might be that the registrar may have been sick or that maybe his office was closed therefore for all other persons? And, do you know that the registrar of voters cannot come before the referee and say, "Well, I did not mean to deprive this man of his right to vote on account of race or color. Why, it was a fact that the day he came in I was not there." He does not have to show any reason.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WILLIS. The applicant does not have to prove why he has been deprived of the right to vote. That is all fixed up or agreed upon by that decree. Once the decree is issued, with these people not before the court, then everybody is conclusively presumed to have been deprived of the right to vote on account of race or color. Now, that is what the fuss is about, or that was what I understood, that people in some areas had been deprived of the right to vote on account of their race. Is that not the issue? Well, everyone states, including the Department of Justice, that the basis, the starting point, the only legal justification and the only legal possibility that we have jurisdiction over this matter is the 15th amendment.

What does the 15th amendment say? That the rights of citizens of the United States to vote shall not be abridged or denied on account of race or color. That is the only thing the Constitution forbids, the deprivation or the abridgement of the right to vote on account of race or color. Yet here we find a situation where by this pattern of practice persons affected do not have to prove anything, they do not have to prove the only thing that the Constitution prohibits. This bill, in my opinion, has the effrontery to do something we have never done before, to say that the so-called hearing before the referee shall be ex parte. We are putting that in the act. We have never done that before. That is to say, it is one sided.

It compels the referee to prevent—talk about the denial of rights—it compels the referee to prevent and deny, by its very terms, the registrar who is being accused of deprivation of right to vote, from having the opportunity to face his accuser and cross-examine him.

So my amendment is very simple. It would require proof that the applicant has been denied the right to vote on account of his race or color. That is what everybody says is the issue. That is what the debates say. That is what the Civil Rights Commission found, according to some people, that there has been a deprivation on this account, because the very civil rights bill proceeds on deprivation of rights on account of race or color. Everything is based on that. But yet the gimmick in this bill makes proof of that issue conclusively presumed and denies and deprives the registrar of the voters the right to be heard. This, in my book, is massive condemnation by conclusive presumption.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Arkansas.

Mr. HARRIS. What the gentleman is attempting to do here is to bring in line the provisions of the bill at the appropriate place in accordance with the provisions of subsection (a) on the first page of the so-called referee plan, is that right?

Mr. WILLIS. Exactly.

Mr. HARRIS. To make it abundantly clear that the provisions as stated in the very first paragraph are carried into the other paragraphs of the bill.

Mr. WILLIS. Exactly.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Gladly.

Mr. RODINO. Would not the gentleman admit that his amendment would have the effect of actually nullifying this bill?

Mr. WILLIS. No.

Mr. RODINO. Would it not bring us to the very position we are in without the voting referee proposal?

Mr. WILLIS. No. And I will say this to the gentleman. It does no such thing for the very reason that the only justification for jurisdiction of the Congress over this issue is based on the 15th amendment which talks about deprivation or abridgement of rights to vote on account of race and color.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. WILLIS] has again expired.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, while I have the deepest respect for the gentleman from Louisiana, as one whose name appears on the masthead of this bill I cannot support this amendment. The main purpose of this bill is involved in three words, "pattern or practice."

As has been indicated, where an original proceeding is brought under the 1953 act under subsection (c), the Attorney General appears in the court and he cites the discrimination and proves discrimination. Then, under the bill before us, when the judge upon proof is shown that there is a pattern or practice of discrimination, that would apply to a whole array of persons who are in general proscribed and discriminated against and it is not necessary to prove in each individual case that there was a denial of the right to vote or a denial of the right to register on the ground of race, color or creed.

The amendment would force the applicant in each individual case to prove all over again to the referee that he has been denied on the ground of race, color, or creed his right to register or his right to vote. What is the use, then, of having the court in the original instance set forth a rule as to pattern or practice if the individual has to prove all over again that very pattern or practice as applicable to the individual?

The very keystone of the arch of this bill is this provision of pattern or practice. The gentleman from Louisiana would remove that keystone and the arch would fall. It could not sustain itself.

The applicant would have the burden of proof in every instance to prove that he has been actually and specifically denied his right either to register or to vote on the ground of race or color. It is very difficult for a lowly, impoverished Negro in certain communities to employ counsel or get the evidence that he has actually been proscribed. He might fear economic boycott. He could fear economic intimidation. Yet he has to assume this proof.

Let us assume, for example, this Negro goes to a voting place and wants to register. It is closed. After a day he goes again. The place is closed. You know, and I know it has been deliberately closed because they do not want this Negro to vote. On that basis alone it would be very difficult for him to prove that he was proscribed because of race, color, or national origin. As you and I know, and we are not so naive as not to know, the proscription has been directed against him. He could not prove that he was denied because of race or creed, yet we know he has been denied.

That is why we set up this idea of the general pattern or practice. Then within that broad sweep these Negroes come in, and all they need do is show that they were qualified to vote and had complied with the State regulations as to qualification, residence, and so forth. If he is so qualified to vote and brings that proof before the referee, he does not have to show any more if he is colored.

And that is because the presumption is that being of a pigmentation of skin darker than yours and mine, he comes within that broad sweep of pattern or practice. If you are going to put this additional burden upon him to prove in all instances that he has been denied the right, then you put an insuperable burden on him, and you vitiate—no, you eviscerate—this whole bill. You take the whole guts out of it. I hope for that reason that this amendment will not prevail because if this amendment does prevail, you are just exactly where you are today under the 1957 Civil Rights Act. You have exactly the situation today—and the Attorney General has complained to us that, under the provisions of the act, he finds his hands tied and he cannot expeditiously go forward. He needs this implementation without which the bill would be worthless. So I do, indeed, hope that the amendment, and I say this most respectfully, offered by the gentleman from Louisiana, will not prevail.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. HARRIS. Is it not true the very basis of this proposal contained in the language on the first page of the substitute referred to is based on the term "on account of race or color"?

Mr. CELLER. To what line is the gentleman referring?

Mr. HARRIS. Line 10, page 1, of H.R. 11160.

Mr. CELLER. That is in the original proceedings.

Mr. HARRIS. Yes, and that is in the proceedings we have before us at this time.

Mr. CELLER. That is in the proceeding that is brought under the Civil Rights Act of 1957, subsection C.

Mr. HARRIS. After the proceedings have been initiated and the Attorney General makes his move and the court takes its action, then the court or any action after that, the referee or otherwise, can go beyond the purposes stated here—that action shall be taken on account of race or color.

Mr. CELLER. No, the referee then proceeds on the score that the pattern or practice prevails and he, therefore, makes the determination as far as an applicant who appears before him as to whether that applicant comes within that pattern or practice.

Mr. HARRIS. But is it not true that the pattern or practice is based upon the provisions and the words "on account of race or color"?

Mr. CELLER. There is no question about it.

Mr. HARRIS. Does the gentleman argue that it goes beyond that?

Mr. CELLER. No; it does not.

Mr. HARRIS. Is there any provision anywhere in this bill, after the first page, so that it would permit any of the courts or any referee or any person designed by the court to go beyond that provision on account of race or color?

Mr. CELLER. There are no provisions to that effect.

Mr. HARRIS. Then, I cannot see what the argument is about.

Mr. CELLER. The argument is that this is an ancillary proceeding to which the amendment is addressed. It is not the primary proceeding. The primary proceeding is before the court. The amendment of the gentleman from Louisiana refers to a proceeding before the referee.

Mr. HARRIS. The gentleman does not argue that the secondary proceedings can go beyond the primary proceedings; does he?

Mr. CELLER. Of course; no. In the primary proceeding, the pattern or practice is a result of the finding of the judge.

Mr. HARRIS. What finding of the judge?

Mr. CELLER. The finding that there is a pattern or practice of discrimination.

Mr. HARRIS. Based on what?

Mr. CELLER. Based on whatever evidence is brought forward in the original proceeding which is an adversary proceeding. In the adversary proceeding, the Attorney General brings the action against the State official. The State official brings forward all matters and kinds of evidence—written, documentary, and so on, what he suspects may be important according to what he feels should be offered. That is a regular proceeding.

Mr. HARRIS. Yes; but I might say to my distinguished friend: Is it not based upon the fact that some person has been deprived on account of race or color?

Mr. CELLER. That is right.

Mr. HARRIS. Yes, I know; but the basic provision cannot go beyond that, can it?

Mr. CELLER. In other words, on the basic or the single action brought, or it may be brought by more than one in that particular action—the court can make a finding of discrimination because of a pattern or practice of denying on account of race or color.

Mr. HARRIS. But it cannot go beyond that?

Mr. CELLER. It cannot.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the requisite number of words.

Mr. McCULLOCH. Mr. Chairman, from time to time, in debating subjects which are so emotional, words are used which might be interpreted as having some personal reference. If my words sounded that way, it was not my intention. I always feel that if any of the Members use words or tone of voice that might give that inference, they do not intend it.

One of my good friends, one of the ablest Members of this House, has recently said that he was discouraged; that he felt badly that someone, perhaps the author of the voting referee bill, the McCulloch bill, had the effrontery to do something that has never been done before.

In answer to that statement I would like to use, if I can remember them, the words of a famous bard of old, who said:

> New actions teach new duties. Time makes ancient customs uncouth.

That same colleague has said that someone had by massive condemnation done certain things. If there has been massive condemnation, which was not intended by my bill, there was massive discrimination by reason of race or color which brought the language which has been described as massive condemnation.

I want to say to my friends who are interested in implementing the Constitution of the United States, in securing fundamental voting rights to qualified citizens, that the amendment offered by the gentleman from Louisiana, which we are now considering, goes to the very heart of this bill. If you adopt the amendment offered by the gentleman from Louisiana, you will make it extremely difficult, if not impossible, to effectuate the right of qualified people to vote in accordance with the fundamental law of the land.

I want to call to your attention the Supreme Court decision which was handed down within a fortnight which sustained the finding of the District Court of Louisiana that more than 1,350 qualified voters in 1 parish had been stricken from the registration rolls in a single action. The Supreme Court of the United States ordered the names of those people restored to the voting rolls. What money it would have cost, what time it would have taken to order the names, one by one, of all those qualified citizens returned to the registration rolls in an adversary proceeding in a Federal court.

And that is exactly what would be required if the amendment of the gentleman from Louisiana would be adopted.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to my able friend from New York.

Mr. HOLTZMAN. Is not this the very kind of pattern that the bill strikes out against?

Mr. McCULLOCH. That is an excellent question. The gentleman put his finger on the heart of the issue; and that is what the bill as I originally introduced it seeks to circumvent.

First of all, as has been said so many times, there must be a suit by the Attorney General in an adversary proceeding.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. For one question.

Mr. DAVIS of Georgia. I want to ask the gentleman about the Louisiana case where he said so many people were dealt with. Is it not a fact that their voting rights were restored and it did not cost them anything in addition to what was spent in that one case?

Mr. McCULLOCH. That is very true, and that is a fine tribute to the judicial system that we have in America.

Mr. DAVIS of Georgia. What is the gentleman's objection to it?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent Mr. McCULLOCH was allowed to proceed for 5 additional minutes.)

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield at that point?

Mr. McCULLOCH. If I have time when I have finished my statement I shall be happy to yield to my distinguished friend from Louisiana.

I hold, Mr. Chairman, that the proposal before us would require an adversary proceeding on the part of every person in any county, precinct, or parish in America who felt that his right to vote was being denied to him solely by reason of race or color. Since the original proceeding is an adversary one, and the election officials of the precinct, or parish, or State are made parties and since they may call witnesses without end in their behalf, before a decree is entered on the basis of the evidence with a determination that a pattern or practice of discrimination has been had for the reason mentioned, do we proceed to the appointment of a referee, no defendant or community has a good reason to complain. The referee in turn holds hearings; he in turn makes a report which is filed with the Attorney General, and with the court to which

exceptions may be filed, which exceptions may be heard, which are followed by a ruling and decision of the court. If that proceeding, which is so detailed, and which is an adversary proceeding from the very beginning does not give the protection to the States and to the election officials thereof to which they are entitled under the law and under the Constitution, I want to say to the members of the committee there are no litigants in America receiving the protection of the courts to which some members of the committee appear to think they are entitled.

Mr. HARRIS. Mr. Chairman, will the gentleman yield for a question?

Mr. McCULLOCH. I yield to the gentleman from Arkansas.

Mr. HARRIS. I wish to ask a question on the amendment. I follow the gentleman as to the procedure. If there is any pattern determined by the court and then the bill is made to work in any particular case, can at any time during these proceedings, the court officials go beyond the basic purposes of the bill that such right has been denied on account of race or color?

Mr. McCULLOCH. The gentleman means with respect to the qualifications of the voter who is seeking a certificate?

Mr. HARRIS. Not at all, not at all.

Mr. McCULLOCH. I am afraid I did not understand the gentleman's question. Will the gentleman please restate it?

Mr. HARRIS. I follow the gentleman with reference to procedure, with reference to making the request, and the court order directing the hearing of witnesses.

Mr. McCULLOCH. That is right, an adversary proceeding.

Mr. HARRIS. And the determination by the court that a pattern exists; then the provisions of the bill start to work from there.

Mr. McCULLOCH. That is right.

Mr. HARRIS. Start to work to assure any individual his right to suffrage, to vote.

Mr. McCULLOCH. That is right.

Mr. HARRIS. Is it incumbent upon any official to make a finding on any basis other than the finding that the man has been denied the right to vote on account of race or color?

Mr. McCULLOCH. Under the exercise of his duty as a registrar under the State law?

Mr. HARRIS. No, in exercising his duty as a referee appointed by the court.

Mr. McCULLOCH. The referee when he is appointed by the court has the authority to hear applicants for certificates to vote.

Mr. HARRIS. If the applicant has been denied the righ to vote.

Mr. McCULLOCH. That is right.

Mr. HARRIS. On the ground of race or color.

Mr. McCULLOCH. That is right.

Mr. HARRIS. Can he ever make a finding for any other reason insofar as the bill before us is concerned?

Mr. McCULLOCH. The referee makes a finding with regard to voting qualifications, but not with regard to discrimination, by reason of race or color.

Mr. HARRIS. That is the amendment we have here.

Mr. McCULLOCH. The amendment offered would require discrimination in each case.

Mr. HARRIS. That is what I understand the amendment to be.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. The pattern that has to be determined must be on the basis of race or color, which are the only qualifications mentioned in the Constitution. Certainly anyone to be qualified after that finding would have to be in that category, against whom discrimination would be asserted or the prohibition of the right to vote. It cannot be opened wider than that.

Mr. HARRIS. That is the point I make. These amendments are offered and if they are not accepted it seems the history of the legislation might indicate that the purpose was for something else, and I do not want that to be left in the RECORD.

Mr. FORRESTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. FORRESTER] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. FORRESTER. Mr. Chairman, first let me enthusiastically congratulate you gentlemen on the right and on the left who established a Civil Rights Commission in 1957. By virtue of the news I read in the paper of yesterday and this morning I find that they are one group that has taken their job seriously and literally and they are actually intermarrying, and they are going to do their best to see that we mongrelize without too much delay.

Mr. Chairman, I have a few more words I want to say. You know, all of my life I have tried my best to fight the battle of the underdog. I have always tried to represent the heartbeats of the minority races, and I am a little disturbed today because somehow or other I am wondering if those minority races have really been persecuted as much as they say they have, because, somehow, I think with persecution there always comes the milk of human kindness and when I see how these minority races are driving my people into the corner—my people, which happens to be the only minority race in this country, and they have already virtually declared war upon us. I shudder, and I think, "My God, my God; what has happened to those noble sentiments that you expressed so many times when you asked us to come to your aid," and we did so freely?

Mr. Chairman, I want to put a burden on you today.

Now, listen to me. Down in Atlanta, Ga., 500 were arrested yesterday. Down in Montgomery, Ala., 2,000 of them formed a mob. A few days ago 50 automobiles were overturned in Columbia, or Charlotte, down South Carolina or North Carolina. People are being beaten. They are being threatened. And, you listen to me. Those are my folks. I ask you not for sympathy for them, but I ask you for God's sake to give them a fair break. I am their voice. I am appealing to your conscience. And, mark me well, I am going to watch, and I am going to receive an indication from what is done with this legislation. I say to you, I ask no sympathy. All on God's earth I ask you to do is to be fair. Now, I am asking you lawyers, for God's sake do not disappoint me. You know, I have got a white skin, and you know I never had anybody help me go to school. Eight grades is as far as I ever went to school. I studied law at home. I was admitted to the bar, and you know I learned to love the judiciary; I have learned to love lawyers. I expect something out of lawyers. My God, men, do not forsake me; do not forsake the law of this country, because if the lawyers of this country forsake the law at this time, we are gone beyond redemption.

Now, here is all I am going to ask you to do. Please, please, listen to me. All on earth this amendment is trying to get you to do is to take out that pattern, that conclusive presumption set up in the legislation. I have challenged them every step of the way. I tell you, I stand flatfooted, my friends, on this. I tell you that never in the history of America have you had any conclusive pattern or conclusive presumption set up.

Now, I will tell you another thing, and I am going to be honest with you. I do not think you would get Russia to do that. Is that plain talk? I do not think you could. You lawyers know what I am talking about. Oh, you know, I am getting under your skin. You know there is no such thing as any conclusive pattern. I will state now, Do you want to show me a law court decision setting up a conclusive presumption? If you have one, bring it to me and I will eat it. Is that fair enough? I am telling you you have not got it. And, my friends, certainly, a section of these United States deserves the treatment that should be accorded to just ordinary human beings. I know what a prima facie presumption is, but I do not know what any conclusive presumption is, and there is not a lawyer here that knows it. My chairman does not know it. My good friend over on the Republican side does not know it. No living human being knows it. They asked the Attorney General's representative, Mr. Walsh, if he could give them any precedent. He said, "Well, no. The only thing I can think of offhand is the antitrust law." My dear friends, the antitrust law specifically says it shall be a prima facie presumption.

Here is what you are doing; you are destroying the Constitution. Are you going to let hatred of my people cause you to tear it up and make shreds out of it? Are you doing to do that?

Now, to get down to brass tacks, I do not think down in your hearts you hate my people. I will tell you what I think is the matter. I think you just think that the Democrats have got us, and

cannot lose us, and there is no help for it. And the Republicans say, "We cannot get you." Well, I have got something to tell you. They have said in Georgia that all we believed in was hell, calomel, and the Democratic Party. Well, I still believe in hell; I still believe there is a little virtue in calomel, but I will tell you this—I do think that if my people sued you northern Democrats for divorce on the ground of political adultery and abandonment without cause, I do not believe you could contest the action.

This thing stinks; it stinks. How you can vote for it and go home and sleep, I do not know. You know it is illegal, and woe to a nation when its lawmaking body deliberately passes an illegal act.

I am getting an education; I am getting a liberal education. Never did I dream that such a suggestion would be made, and especially by an Assistant Attorney General. And he said, "I want it because discrimination is hard to prove." In other words, he wants to get us going and coming. I think he is out after us, all right, but I want my people to have a sportsman's chance, I want to have a little fighting chance. Do you folks not want to give us a fighting chance?

And I want to tell you another thing. I am sick and tired of this foolishness about discrimination. You know, when I came up here a Congressman said to me, "FORRESTER, where are you from?" I said, "I am from Georgia." He said, "Well, every now and then you have some crooked politics down there, don't you?" I said, "You know, I am glad you did not ask me that until today." He said, "Why?" I said, "If you had asked me that the first few days I was here I would have told you yes, I was afraid we did sometimes, but after seeing you boys, we are just rank amateurs." You are hardly fit to be monitors of my people. We resent you wanting to be.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. FORRESTER] has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia have permission to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. DAVIS]?

Mr. DIGGS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FLYNT. Mr. Chairman, I move to strike out the last word.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield to me?

Mr. FLYNT. I gladly yield to my colleague from Georgia.

Mr. FORRESTER. One more parting shot. I am tired of this helpless Negro stuff I hear so much talk about. They got after me one day about the way I pronounced that word. I never had any trouble with a nigger in my life, but oh, my God, that "neegro," I have had plenty with him. I am tired of this helpless sort of stuff; down South many are running up and down the streets in our cities and our towns and our communities. Do not tell me they cannot go to court. Of course, they do not want to go to court at their expense when you hire them a lawyer and you get up the witnesses and you give them a free ride. They say they are going to integrate. They say, "We are not going to settle for less." And do you know what else they say? They say we are 10 feet tall. Well, I am not but 5 feet 3 and I will be dogged if I do not think it is time to let them be men, assume the responsibilities of men and let them pay their way, like men.

Mr. Chairman, this House will do what it wants to. But history is going to record whether it lived up to the fine obligation and the fine privilege they have, or whether they succumbed to the demands of petty politics.

You know, I am telling you the truth. The record is now made. The verdict is in your hands. Do what you want. I am older than some of you. I am a southerner and I am used to being discriminated against, and I will bet you, I can stand it better than you can.

Mr. FLYNT. Mr. Chairman, with regard to this amendment to strike out the conclusive presumption, the amendment offered by the distinguished gentleman from Louisiana, gives thought to it. Be careful before you write into this or any other legislation the item of conclusive presumption, because while some of us may not live to see it, others of us and our children may; this conclusive presumption will be the very weapon by which every personal right and individual liberty of a proud and free people can be destroyed. Write it in if you will, and it appears that you may have the votes to do so. But if you do it, know that you are putting into the statute law of this land legislation which could strike down every safeguard of personal liberty and individual freedom that we in America and our forebears have fought for for more than three centuries.

If this goes in, there is no assurance where it will strike next and what it can tear down. Mr. Chairman, in the name of common sense and good judgment, in the name of constitutional liberty, support the amendment offered by the gentleman from Louisiana, which is offered to this particular provision in the very utmost of good faith. While you may drive it into the hearts of the people who live in the Southern States today, next, this same weapon can be driven into the hearts of liberty-loving Americans in other sections of our country.

Without this amendment, this legislation provides for established guilt by association never before proposed or contemplated.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Idaho.

Mr. BUDGE. Is it not correct that this legislation as now presented applies to every election held in the United States and in the individual States, whether or not there is a Federal connection? In other words, as written this applies to every municipal election, every election of school trustees; in fact, if the construction which has today been placed on the 15th amendment is correct, it might be broad enough to include elections in the Elks Club, the union halls, or maybe even for the local Queen of the May. Is that correct?

Mr. FLYNT. The gentleman is entirely correct.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Willis amendment close in 15 minutes.

Mr. COLMER. Reserving the right to object, Mr. Chairman, on yesterday or the day before I pointed out when general debate was cut off the machine would start rolling when we got under the 5-minute rule and Members would not be permitted to adequately debate important amendments. Mr. Chairman, there are a dozen or more Members who want to speak on this amendment. They have not had the opportunity to speak. Members of the committee have been taking the time. I think in fairness and in justice on a question as important as this is that this should not be railroaded through in this manner. I hope the gentleman will not insist.

Mr. CELLER. Of course, I will not insist upon the request, but will the gentleman explain to me how many minutes we should take?

Mr. COLMER. I think we should take as many minutes as are required or are desirable so that those who have something to say on this important subject may have an opportunity to say it. They have the responsibility to represent their people.

Mr. KITCHIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I doubt very seriously that very many in this Chamber this afternoon will listen to me to the extent that I will be able to influence anyone who is not already influenced to such a degree that they will not vary in their opinions. We have sat here today and listened to very good and able debate on several amendments that have been brought before this House. We are now considering an amendment which, I think, is essential for every freedom loving American to consider, and to consider it earnestly and as conscientiously as your heart and conscience will allow you, in the political situation in which you now find yourselves. The words "conclusive presumption" together, may I point out for the benefit of our laymen colleagues, constitute a fact, an irrebuttable fact and an absolute fact under the law that cannot be rebutted. Those two words joined together create something in our system of jurisprudence and in this land of ours that we have never heard of before. We do not know of any such thing as conclusive presumption in our law. But, I can tell you I disagree with some of our colleagues who have preceded me. We have had an example of conclusive presumption very vividly brought to our attention during the debate on this civil rights bill. I say that the pattern and the practice has been formed. The pattern and the practice has been witnessed by the press and by the people. The do-gooders and the civil-righters in this country have formed a conclusive presumption to the extent that the South is conclusively presumed to be anti-every minority race on the face of the globe. It has been conclu-

sively presumed that we have no rights in this Nation. That we have no brains or intelligence in the law.

It has been conclusively presumed that we have no right to defy the great do-gooders and civil righters in this country. We have been foreclosed from any presumption that is rebuttable and every presumption that has been pointed at us has been a conclusive presumption. It is a conclusive presumption in this particular instance that there have been great men, the Fathers of our Country, who have been elected as Presidents of the United States from the land that we call the Deep South. It is a conclusive presumption that the situation created today would make it impossible for George Washington, Jackson, Jefferson, Patrick Henry, and any of the other great men who brought this great Nation to the high position that we now enjoy in world popularity today, could not be elected President of the United States today. Why? Because they are southerners—and that has been conclusively presumed by the people who face a situation as serious as this is on the basis of political expediency. Yes, my friends, and neither could Abraham Lincoln be elected President of the United States today. Why? Because he adopted a philosophy and believed in it conscientiously—a philosophy that is contrary to the present day thinking of the NAACP and of the present U.S. Supreme Court. Have we not been conclusively presumed against? Have we not been foreclosed from any rights as a section of this country when we are hollering and screaming for rights of other minority groups? I think so. We have just passed a bill today—an amendment to the substitute that you have to go back to your county commissioners that run elections in your localities and tell them that if they have invested money in voting machines they have to throw them out of the window, because there is no such thing as provisional voting through voting machines. There you have had cast upon you the conclusive presumption; nothing that I can say here today will probably change a vote in this House. But let me admonish you as sincerely as I possibly can that this thing you are about to do has been pointed up very clearly——

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. KITCHIN] has expired.

(By unanimous consent, at the request of Mr. KASEM, Mr. KITCHIN was granted 2 additional minutes.)

Mr. KASEM. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I yield to the gentleman from California.

Mr. KASEM. I do not find any conclusive presumption in the bill. Will the gentleman enlighten me or refer to that part of it which establishes conclusive presumption?

Mr. KITCHIN. I would be glad to if you have the amendment that has been offered to the bill to which it refers.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I yield.

Mr. SMITH of Virginia. Of course it is conclusive presumption. They would not be so bold that they would make it read "conclusive presumption." They have just hidden it in there. None of the advocates of the bill will deny it.

Mr. KASEM. What provision of the bill establishes any kind of conclusive presumption?

Mr. KITCHIN. That I will be glad to answer. As has been stated time and time again this afternoon, the pattern and practice, once established, then causes the presumption that all the rest in that community group, Negroes, are presumed to have been denied the right to vote on account of color or creed or race, because that is the only charge you have got under this bill.

Mr. KASEM. I have read the language on page 2, and all I can see is that when certain conditions are found to exist, a set of rules are to be applied. If that is what the gentleman refers to as conclusive presumption, that is not my idea of conclusive presumption. State laws require that.

Mr. KITCHIN. Now, just a moment.

Mr. SMITH of Virginia. Now, we are getting somewhere with this discussion. The gentleman from California, as a member of the Judiciary Committee, I assume knows all about this bill. It has been debated for days, that once the court sets a pattern, that is conclusive presumption, and it was not necessary for anybody else to prove it.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

(By unanimous consent, at the request of Mr. SMITH of Virginia, Mr. KITCHIN was granted 2 additional minutes.)

Mr. SMITH of Virginia. If the gentleman from California [Mr. KASEM], who is supporting this position, and his other friends who are supporting this provision, will allow it to be known on the floor of this House as a legislative history of this bill, we will have settled one of the biggest disputes in this bill.

Mr. KASEM. Will the gentleman restate his proposition? My attention was diverted and I did not understand it.

Mr. SMITH of Virginia. As a matter of legislative history, is the gentleman from California, and those who are assisting him in railroading this referee position through, willing to concede that it is not intended that this shall be conclusive presumption against the whole community?

Mr. KASEM. I am ready to concede that.

Mr. SMITH of Virginia. I would like to ask the chairman of the Judiciary Committee if he agrees to that?

Mr. KASEM. I can only speak for myself. I say this is the usual tradition that is used in connection with certain employees. You will find it when certain conditions exist and certain rules go into effect to take care of the employees. When there is a pattern of discrimination you need a different set of laws than when there is no pattern of discrimination. That is precisely what this does.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield further?

Mr. KITCHIN. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. The gentleman from California has used a lot of words to say that he agrees that that is to be the legislative history of this bill, that there is no conclusive presumption. Now I wonder if his chief, the gentleman from New York, will make the same concession? Then we will be getting somewhere.

Mr. KITCHIN. Will the gentleman from New York answer? I will ask the same question. Will he, too, say that there is no conclusive presumption in this bill?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the gentleman may continue for 5 additional minutes.

Mr. LATTA. Mr. Chairman, I object.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. I just want to ask this question: Is this not a perfect example of the folly of trying to legislate on the floor of the House without committee consideration when the very men who are putting it through, the chief advocates of this referee provision, themselves disagree as to what it means?

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be delighted to yield to the gentleman from New York on this very same question.

Mr. LINDSAY. I will say to the gentleman from Arkansas in the absence of the ranking minority member of the Judiciary Committee, who is momentarily absent——

Mr. HARRIS. I would like to ask the gentleman from Indiana, the majority leader, to let me ask him the same question.

Mr. LINDSAY. In the absence of the gentleman from Ohio [Mr. MCCULLOCH] I should like at this point to bring to the gentleman's attention the testimony of the Deputy Attorney General of the United States, Mr. Walsh, on the subject of the practice of pattern.

Mr. HARRIS. Is it on the conclusive presumption item?

Mr. LINDSAY. It is on the point that has just been discussed.

Mr. HARRIS. I do not have the time to let the gentleman read from a report, I am sorry, because I would like to help the members of this great committee and the Members of this House, the leadership, to clear up this point. I think it is exceedingly important.

Mr. LINDSAY. The gentleman asked a question; I am attempting to answer it for him.

Mr. HARRIS. The gentleman was about to read from a long report. I do not have time for that.

I would like to ask the gentleman from Indiana, the minority leader, who has been taking a very active part in this, and who is very familiar with the legislative history and the background of this bill, the same question that was asked

the gentleman from California: Does the gentleman from Indiana, the minority leader, take the position that when a court establishes and finds that a pattern exists, that it is "conclusive presumption" that has been used here, that it is against the entire community? That the practice is permitted by the entire community?

Mr. HALLECK. I do not know whether that sort of presumption would be indulged in. Let me say to the gentleman, as far as I am concerned, as I understand the language of the amendment, first of all a pattern has to be found to exist. Now, whether you say that is a presumption that everybody in the community is a bad person, I do not know. I would not indulge it to that extent. All I would say is that certainly if the pattern is found to exist, then that pattern must be some sort of abridgement of the rights of people who are otherwise qualified except on the question of race or color; and if that is what the gentleman wants as a matter of legislative record I am perfectly willing to have it; but I think from that point on the referee in undertaking to make a decision would necessarily have to determine that the man or woman to whom he is undertaking to accord the right to vote is within the category of people found to be forbidden the right to vote because of a pattern against race or color.

Mr. HARRIS. It would seem to me that this bill should be applicable to those election officials who have to do with this problem; but, nevertheless, it is said here on page 2, I say to the distinguished gentleman from New York, "within the area affected."

Then on the final pages of the bill you attempt to define what is meant by "area affected." It seems to me that the whole community is condemned when it very well could be those who are responsible for it.

Addressing myself to the gentleman from Ohio, the ranking minority member of the Committee on the Judiciary, I wonder if he would attempt to clarify this for the RECORD by giving us the benefit of his opinion?

Mr. McCULLOCH. Mr. Chairman, I will be happy to try to clarify this for the RECORD. I do not think it is too important what you have in mind with respect to community or otherwise. If the duly elected or qualified State officials, who are charged with the responsibility of registering qualified people to vote, proceed with a pattern or practice of discrimination which denies otherwise qualified people the right to vote by reason of color or race, and there is a finding in an adversary proceeding in a Federal court, that is what goes on in an area, I do not care whether it is precinct, village, city, town, parish, or a county or congressional district, or State, then we have that finding, and from there on I want to use the language of Judge Walsh of the Justice Department so that it will be in the RECORD.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. McCULLOCH. I thank the gentleman from Arkansas because this is an important matter and if we get it in the RECORD it may be helpful. I am quoting from page 6 of the hearings on voting rights.

Mr. HARRIS. I may say to my colleagues that in my judgment this is a very important matter. You are writing legislative history here that could very well kick back on you sometime because all of you are interested in elections.

Mr. McCULLOCH. I want to say I am going to quote from the booklet entitled "Voting Rights" which contains the hearings before the Committee on the Judiciary, serial No. 15, under dates of February 9 and February 16, 1960, and I quote from page 6 of that report under the title "Voting Rights":

> One of the things you will do is enjoin the State registrar, or whoever the State officer is, from following that pattern any more. And the second thing you will do is, or that I think you would do, realizing that there are a large number of people who have been hurt this way: Instead of trying to hear all those people yourself, as a judge who has a lot of other things to do, you are going to appoint a man you have confidence in as a voting referee—in other words, that is just an easy title for a special master that Federal judges use for many purposes. You appoint him to hear persons who feel they have been aggrieved.
>
> Ordinarily, when you open up a proceeding like that, and a person wants to take advantage of a judgment which somebody else has obtained, he would have to come in and prove to the referee that he was in exactly the same position as the persons under consideration in the original case; in other words, that he was a qualified voter, that he tried to vote, and that he had been discriminated against because of his race.
>
> The great value of this proposed bill is that it eliminates that last element of proof. Where a judge has just found a pattern or a practice of racial discrimination, it seemed a silly thing to leave it to the master or the referee to fight it out all over again.

May I add one more thought—and that is what I had in mind when I made my original presentation against this amendment—that if there were an action, as in the Louisiana parish where there were over 1,350 people stricken from the rolls, without this kind of a bill you would have to have 1,350 adversary proceedings.

Mr. HARRIS. I thank the gentleman for his explanation, but it certainly does not make it any more palatable to me because of the great danger inherent in this, and from what the gentleman has said, and from what the gentleman from Indiana has said, is the very reason that the amendment offered by the gentleman from Louisiana should be adopted, to make it abundantly clear that that is what is intended. And it should be written into law, as I see it, instead of merely being stated in the report read by the gentleman in the RECORD.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Florida.

Mr. CRAMER. Following up the gentleman from Ohio, on page 31 of the hearings, again quoting Judge Walsh:

> We thought that all over, and we came to this one hurdle: Should he be required to prove in each individual case he personally was discriminated against? And we concluded that the burden of proof was too difficult under all these circumstances; and, indeed, the answer to that link and proof was so obvious from the previous pattern of discrimination that we could ask Congress to enact this conclusive presumption at the benefit of the applicant.

So there should not be any question about the fact that this does imply a conclusive presumption.

Mr. HARRIS. And for that very reason this amendment ought to be adopted.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that after the gentleman from North Carolina has 5 minutes all debate end on the Willis amendment in 10 minutes.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield me 3 minutes?

Mr. CELLER. Mr. Chairman, I move that all debate end in 10 minutes on the Willis amendment.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WHITENER].

Mr. MEADER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEADER. How many Members were standing at the time the debate was limited?

The CHAIRMAN. The request was that after the Chair recognized the gentleman from North Carolina and the gentleman from Virginia that debate on the Willis amendment to the substitute end.

Mr. HOFFMAN of Michigan. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN of Michigan. Does the adoption of this motion deprive individual members of making delaying tactics which can be taken advantage of here?

The CHAIRMAN. The Chair trusts that nobody will indulge in delaying tactics.

Mr. HOFFMAN of Michigan. And still make a point of order?

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. WHITENER. Mr. Chairman, my friend from Georgia has admonished that we, as lawyers, should be true to the trust which has been given to us as members of the bar. I was somewhat astounded to hear a member of the Committee on the Judiciary express some surprise at the use of the expression "conclusive presumption," knowing that that particular member of the committee was present at the time the emissary of the Attorney General—who did not see fit to honor our committee with his presence—submitted a formal mimeographed statement.

On page 5 of that mimeographed statement the Deputy Attorney General, Judge Walsh, had this to say:

A key feature of the Attorney General's bill is that, where a pattern of discrimination against Negroes has been found, a qualified Negro who has been deprived of the right to vote is conclusively presumed to have been so deprived because of the existence of that pattern.

On page 6 of the same mimeographed statement the Deputy Attorney General said this:

It will not be necessary for the applicant to prove anew the existence of the pattern or practice of discrimination which the judge has already found. Neither will it be necessary for him to prove that the denial of his right to register was because of that pattern. This difficult element of proof is the one which the statute would eliminate.

Now, what does that mean? That means that any area, whether it be a precinct, a county, or a city, may have one case arise where someone has alleged and contended in an unsworn statement that he has been deprived of the right to vote by reason of some pattern or custom of depriving that particular ethnic group of the right to vote; and thereafter, any ragtag member of that particular group, totally without qualifications, can march into the Federal court clothed with this conclusive presumption without any responsibility to prove anything. And he will have a right, I presume, under this amendment that we recently adopted, to provisionally vote in the election.

That was not all that the Deputy Attorney General said. The chairman of our committee asked this question:

The CHAIRMAN. Let us assume a pattern of practice where a group is involved. Does that mean the voting referee would have to make a determination based on the deprivation or the discrimination in each individual case in that group?

Mr. WALSH. No, sir. The voting referee would not make the determination. That is the whole purpose of this statute, to avoid the need for that determination in each individual case.

In other words, if one person in a house is engaged in the pattern of practice of selling liquor, then you bring in everybody in the house and without any proof or without any evidence that individual, by reason of his residence, is guilty of violating the alcoholic beverage laws of your particular area or region.

And then the Deputy Attorney General had this to say in answer to a question from our chairman.

The CHAIRMAN. And there is no evidence that he was a victim of the practice or pattern when the original order was issued.

That is the question the gentleman from New York asked. In effect, our chairman asked this: Mr. Attorney General, what happens if this new individual can present no evidence that he was a victim of this pattern which somebody has said exists in the community?

And then the Deputy Attorney General gave this remarkable and shocking answer:

Well, if you found a pattern and practice against Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WHITENER] has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent to yield one-half minute of my time to the gentleman from North Carolina.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WHITENER. Yes; that is the answer given by the Deputy Attorney General notwithstanding that the question presumed that no such evidence was applicable to this particular applicant. That is the Deputy Attorney General of the United States speaking. How any one holding himself out as a member of my beloved profession can for political expediency so close his mind to the basic principles of Anglo-Saxon jurisprudence is a mystery to me.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOFFMAN of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. MEADER. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. CURTIS of Massachusetts. Mr Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. CURTIS of Massachusetts. Mr. Chairman, we ought to get back to the substance of this motion and get away from technicalities.

Let us consider some facts about the deprivation of voting rights as reported by the Civil Rights Commission. I refer to a speech made by one of the distinguished members of that Commission, Father Theodore M. Hesburgh. He describes how people go and stand in line to register to vote in certain sections of the country. They stand in line and answer questions, and then in three months or so they find that they have been denied. Then they have to go back. That happens again and again, and they do not find themselves registered.

The motion before the Committee would require that in order to get relief the applicant would have to prove that he was denied the right to register on account of race or color. That is something that is impossible to prove, Mr. Chairman. This motion would cut the heart right out of this bill.

The question is not whether there is a conclusive presumption. The question is, sir, whether under the Constitution this is appropriate legislation to try to remedy this deprivation. I submit that it is. I submit further that this question of conclusive presumption is immaterial. This proposed law says that after a pattern of discrimination on account of race has been found, a person of the same race can go before a referee and say that he has been denied registration, and the referee may find that he should be registered. There is nothing wrong with that. Anything else would be unworkable. If we want effective legislation, we have to vote down this amendment.

Mr. MEADER. Mr. Chairman, with reference to the matter of conclusive presumption, the reason it was impossible to find any language in the bill saying that there will be a conclusive presumption of deprivation on account of race or color is because it is just not there.

Here we have a case of legislation by the absence of words, and it is done in this precise fashion: Once the pattern or practice is found to exist in an area, then any applicant of that race in that area can come in and prove these two elements: First, that he is qualified, and, second, that he has been deprived. He need not prove that he has been deprived on account of race or color.

That is the manner in which this language is drawn, and the effect of it is to give him a cause of action without proving the basic element of it, which appears in the 15th amendment, namely, the only basis for Federal action in this field being where people have been deprived on account of race or color. We provide in this bill, by failing to mention it, that that element of the cause of action need not be proved where a pattern is found to exist.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Georgia for a question.

Mr. FLYNT. I ask the gentleman in all frankness and in all sincerity, Would it not make it possible to create a cause of action where no cause of action, in fact, existed?

Mr. MEADER. This is the law of the Congress and this is the cause of action we create. He needs to make proof of only two elements and then he is entitled to an order.

Mr. FLYNT. Even though he has no cause of action, as a matter of fact; is that not correct?

Mr. MEADER. It does not require him to prove the element that he was deprived on account of race or color. It excuses him from making that proof in order to be able to get relief.

Mr. FLYNT. In spite of the fact that that very element is the whole basis for the cause of action.

Mr. MEADER. That is the basis for Federal authority in this field.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan [Mr. HOFFMAN].

The motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, I think this discussion is beginning to let the old cat gradually claw its way out of the bag. We are beginning to see the utter futility that some of us have mentioned here before in trying to write as intricate and as important a bill to every State in the Union as this bill is

on the floor of the House of Representatives. I would like to clarify this thing a little bit more with these gentlemen whom we have been trying to get to say whether it is the intention of this bill and whether it is the intention of the drafters of this bill that when the judge establishes a pattern in my town of Alexandria of discrimination, does that then establish a conclusive presumption that everybody of the colored race in Alexandria has been and is being discriminated against?

Now that is a simple thing. The gentleman from California, who I think is a good lawyer, says he does not know. I asked the gentleman from New York, who I know is a good lawyer, because I have known him for a long time, if he would not confirm that statement, and he said he would not. Then the gentleman from Arkansas called on the minority leader to tell what his construction of it was. The minority leader is a good lawyer. He is not only a good lawyer but he is an honest man. He never said this thing was intended to be any conclusive presumption. Is the country entitled to know whether or not you are putting conclusive presumption of guilt upon a community by reason of one or two incidents? We ought to know. The country ought to know, and you gentlemen ought to know. I do not know. I thought I knew. The question is whether it is a conclusive presumption, and we are trying to cure it by putting in two or three words "race or color." That is what it is all about. Why should you people who are in favor of this bill shy away from those words "race and color"? I think you would want it in there on every line. That is what we are talking about.

I am going to make this suggestion. My suggestion is that instead of voting on this proposition that the Committee rise and give the combination of Republicans and Democrats which is operating today an opportunity to caucus again and let them decide what they do mean, and let them come back here tomorrow and tell this House what they mean so we can tell the country and the newspapers if you are intending to put the stamp of guilt upon a whole community just because two or three people have been discriminated against. That is what the Attorney General intends. Do not make any mistake about that.

Now tonight, without knowing where you stand, I ask you in all seriousness, because this is a serious question, to do that.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

All time has expired. The question is on the amendment offered by the gentleman from Louisiana [Mr. WILLIS].

The question was taken, and on a division (demanded by Mr. CELLER) there were—ayes 113, noes 161.

Mr. WILLIS. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chair appointed as tellers Mr. WILLIS and Mr. ROGERS of Colorado.

The Committee again divided, and the tellers reported that there were ayes 121, noes 149.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

CONGRESSMAN UTT APOLOGIZES FOR MISTAKEN CHARGE RELATIVE TO CAMPAIGN REPORT OF CONGRESSMAN McGOVERN

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I have today received a written apology from the gentleman from California [Mr. UTT] for a completely false charge contained in an insertion which he placed in the CONGRESSIONAL RECORD of Thursday, March 10, relative to receipts and expenditures in my 1958 campaign.

The unfortunate insertion of last week was based on a deceptive article from an extremist propaganda organ, Human Events, which alleged that I filed a different report with the Clerk of the House from the one filed with the secretary of state in South Dakota. The facts are that both reports are exactly the same. State law, however, requires that committees formed on behalf of a candidate must also file a report with the secretary of state. Such committees are not required to report to the Clerk of the House. Naturally, the total of funds in my personal campaign report would not be the same as the amount raised and expended by the McGovern for Congress Committee or any other committee formed by my South Dakota friends. The misleading insertion of last Thursday's RECORD also charged that the campaign report of the Committee on Political Education—COPE—indicates that they gave two $2,000 contributions to my 1958 campaign whereas my campaign report lists only one. This is equally false. The COPE report indicates only one contribution and this was made to my campaign committee as filed in the report of that committee.

The gentleman from California [Mr. UTT] now knows that his insertion was not correct and has fully apologized to me for it. In his letter to me of today's date, he states:

> I am asking the Speaker to recognize me for the purpose of making an apology on the floor of the House and for unanimous consent to strike the offending paragraph in the permanent RECORD. I sincerely regret the incident, for which I must assume the responsibility.

I publicly accept the gentleman's apology and thank him for his correction of the permanent RECORD.

I also want to state publicly that I am proud of every dollar that has been contributed to my two campaigns for the Congress, including the dollars from the Committee on Political Education. These dollars represent the voluntary contributions of working men and women.

It has been my privilege to receive both moral and financial support from businessmen, farmers, ranchers, workers, clergymen, housewives, teachers, students and the whole cross section of our citizenry. I am grateful for this broad support for as a schoolteacher and the father of five children, I could not finance a campaign for high office from my own resources. Frankly, I do not understand the attitude of those who feel that corporation executives and bankers should be permitted to contribute to campaigns but that it is wrong for working people to do so. I know that there are some few labor elements that are dishonest. They have never offered to contribute to my campaigns, nor would I accept their support if they did. But, I hope and pray that I never become so snobbish as to reject the honest dollar contributions of the man in overalls. The railroadman, the packing-house worker, the carpenter, and the electrician have as much right to participate in election campaigns as do the oil tycoon or the investment banker.

During the years that I have been privileged to serve in the Congress, no worker, businessman, or farmer contributing to my campaign fund has asked me to support a dishonorable cause or to vote against the public interest. I want to thank these hundreds of patriotic citizens for assisting me in the rebuilding of healthy two-party government in South Dakota.

PIONEER V: A TRIUMPH IN OUR SPACE PROGRAM

Mr. BASS of New Hampshire. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS of New Hampshire. Mr. Speaker, thus far, the new satellite of the sun, Pioneer V, which the United States put up into space last Friday has been behaving admirably.

It is traveling along its chosen path into orbit between Venus and Earth, an area never before probed by man. At its closest point to the sun it will be 74 million miles from the sun, or 20 million miles closer to the sun than the earth. It is sending back its reports in a voice that is loud and clear, and speaks whenever spoken to—upon command of a radio signal from earth. Also, Pioneer V reports that it is keeping cool and collected, within the range of temperatures at which it functions best, and getting neither too hot nor too cold. The internal temperature is about 75° F. and the external temperature is about 27° F.

By 5 p.m., Tuesday, March 15, the 94.8-pound, 26-inch sphere was 742,730 miles from the earth and setting new

long-distance communications records with each radio transmission.

Pioneer V is equipped with solar paddles to keep its batteries charged and has already returned more than 10 hours of scientific data since it was launched at 8 a.m. e.s.t. on March 11, 1960, at Cape Canaveral, Fla.

Pioneer V's instruments are constantly recording information on the space environment encountered. About every 4 hours, the spacecraft's 5-watt transmitter is commanded by radio signal and the data is relayed to several of half a dozen receiving stations on earth. After each 15- to 30-minute interrogation, the Pioneer V transmitter is turned off to save power and prolong the life of the payload's highly complex electronic components.

When Pioneer V is several million miles out in space, it will be sent a signal to turn on its second transmitter, a more powerful 150-watt unit. Depending on the lifetime of its components this transmitter should permit earth-probe contact for up to 50 million miles.

Both the United States and the U.S.S.R. have previously placed artificial planets in orbits around the sun between the Earth and Mars. Neither of those, however, contained an auxiliary power source such as the solar cells in Pioneer V. Thus their batteries failed and both were silent after reaching a distance of approximately 400,000 miles from the earth.

The Pioneer V program is under the direction of the National Aeronautics and Space Administration. Technical assistance was furnished by the Air Force Ballistic Missile Division—Air Research and Development Command—with overall system engineering by Space Technology Laboratories, Inc., of Los Angeles. Through the supplying of component parts more than 50 business firms and two universities, the University of Chicago and University of Minnesota, have had a direct part in this new space exploration adventure. And indirectly hundreds of other industrial firms have contributed to this excellent achievement.

REPORT OF 1959 SIGMA DELTA CHI ADVANCEMENT OF FREEDOM OF INFORMATION COMMITTEE

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, my attention has been called to the report of the 1959 Sigma Delta Chi Advancement of Freedom of Information Committee. I am most grateful to Mr. Milburn P. Akers, editor of the Chicago Sun-Times, for calling this report to my attention.

I urge every Member of Congress to familiarize himself with this very penetrating analysis of one of the most serious problems confronting our Government today, namely, the widespread use of so-called executive privilege to withhold from the American people information about activities of their Government.

The Sigma Delta Chi Advancement of Freedom of Information Committee has performed one of the most profound public services in the history of our country. This analysis of the administration's almost complete blackout on objective and impartial information about its activities is a document that should be read by every American. The report quite properly points out that the President's persistent adherence to the so-called doctrine of executive privilege has "furnished the umbrella under which the Federal bureaucrats have effectively hidden while they withhold legitimate information from both the public and Congress."

This report does not suggest any easing of disclosure rules affecting national security, nor do I, but it effectively marshals indisputable evidence to show how records of expenditures of taxpayers' money by the Federal Government are closed to both the press and the public.

It will do us little good to debate the vital issues of civil rights, labor legislation, the lag in missile development, waste in foreign aid expenditures, and all the other vital issues pending before this Congress if we remain completely oblivious to the fact that the very cornerstone of our freedom rests in the unhindered right of the American people to know what goes on in their Government. The Sigma Delta Chi report clearly details the myriad obstructions that have been placed between the people and their Government by these executive privileges sanctioned by the President. We cannot survive as a free nation if an intolerable curtain of secrecy continues at the executive level of Government.

I am in full agreement with one of the many penetrating statements included in this report, which says, "The bureaucratic attitude which holds that the people must justify their right of access to Government information requires a continuing congressional pressure to remind Federal agencies that public business is the public's business." I also agree with the conclusion reached in the report that the privilege of secrecy claimed by officials far down the administrative line from the President is nothing more than an insidious resurgence of the divine right of an all-powerful executive—a doctrine laid to rest more than a century and a half ago by the American Revolution and the Constitution of the United States.

Mr. Speaker, it is my honest opinion that this report prepared by Sigma Delta Chi, the Nation's professional journalistic fraternity, should serve as a basis for sweeping reforms in this unconscionable practice of secrecy in Government, which indeed threatens the very survival of our Nation as a community of free people.

This report demonstrates so well the way in which the executive branch of our Government refuses to trust the intelligence and judgment of the American people by withholding from them essential information on which they could exercise their greatest privilege as Americans, that is, the right to free judgment of their executive leadership.

This report also deals with secrecy at the legislative level in Congress. I am proud to be a Member of the 86th Congress, which has come a long way to correct practices of secrecy described in this report regarding the legislative branch of Government.

While the Sigma Delta Chi report is in three parts—the first part dealing with secrecy at the Federal Government level, the second part dealing with secrecy in government at the State level, and the third part dealing with the press and the bar—for the purpose of my remarks today, I am including only the first part of the report, dealing with secrecy at the Federal Government level. I hope every American will become familiarized with this report so we can all fully appreciate how the freedoms so diligently carved out for all Americans are being eroded through the mounting torrent of so-called executive privileges.

In view of this very excellent analysis prepared by the Sigma Delta Chi committee, I hope the House Subcommittee on Government Information will redouble its efforts and present an effective program of corrective legislation to curb these abuses. I hope the program will be prepared in sufficient time for action by this Congress.

Mr. Speaker, the report follows:

REPORT OF THE 1959 SIGMA DELTA CHI ADVANCEMENT OF FREEDOM OF INFORMATION COMMITTEE—PART 1: THE FEDERAL GOVERNMENT

I. PROGRESS IN FREEDOM OF INFORMATION

Piecemeal progress was made in 1959 against unjustified secrecy imposed by Federal officials on information involving the operations of Government. At the same time, however, the imposition of secrecy on the broad and undefined ground of "executive privilege" reached a new peak posing the most serious threat to the theory of open government so far in U.S. history.

The major victory in the fight against Government secrecy was the opening of the Senate office payrolls for publication. Newspaper pressure forced the U.S. Senate to open for publication the payrolls of individual Senators. Vance H. Trimble of the Scripps-Howard Washington bureau led the way to elimination of this payroll secrecy with his series of articles on congressional payroll scandals. Senator THOMAS C. HENNINGS, of Missouri, initiated the action in the Senate which resulted in the opening of the payrolls.

It is important to note that the pressure of public opinion resulted in opening the Senate payrolls after a Federal court had rejected Trimble's lawsuit in which he had contended the Senate had no legal right to hide the payroll records. The court ruled that the Congress had a right to make its own rules relative to administration of its own affairs.

The case demonstrated how an overwhelming public opinion and a solid front of newspaper editorial support can force the opening of Government records, even when an agency of Government might have some legal right to withhold the records.

Late in 1959, Representative JOHN E. Moss' House Subcommittee on Government Information issued a 454-page report on the year's running fight against secrecy in Federal Government, and it drew the following conclusions:

"1. Continued withholding of information and officials reports from the public and the Congress solely because knowledge might create 'controversy' or affect the sensibilities

of Federal employes will inevitably destroy the very keystone of American Government—the principle that the operations of government must endure the crucible of public debate.

"2. Neither the Constitution, nor the laws enacted by Congress, nor the decisions of the courts provide any basis for the claim of 'executive privilege' now imposed upon the public and the Congress. The 'privilege' of secrecy, claimed by officials far down the administrative line from the President, is nothing more than an insidious resurgence of the divine right of an all-powerful executive—a doctrine laid to rest more than a century and a half ago by the American Revolution and the Constitution of the United States.

"3. To an alarming degree, the Pentagon's information organization has assumed characteristics of a propaganda ministry, and confusion has replaced candor in areas of vital importance to the survival of a democratic society.

"4. The bureaucratic attitude which holds that the people must justify their right of access to Government information requires a continuing congressional pressure to remind Federal agencies that 'public business is the public's business.' "

On October 17, in a speech to the college of journalism at the University of Colorado, Samuel J. Archibald, staff administrator of the House Subcommittee on Government Information, said:

"The problem of secrecy in Federal Government probably will get a lot worse before it gets better; and it will not get better until the majority of the Nation's newspapers realize that the fight for freedom of information is a lot more than an attempt to get more handout's from more Government agencies so newspapers can fill their news columns using fewer reporters."

Your committee subscribes wholeheartedly to these statements from a congressional committee which has spent 4 years investigating secrecy in Federal Government.

II. THE "DOCTRINE OF EXECUTIVE PRIVILEGE"

As a result of the concerted action by your Sigma Delta Chi Freedom of Information Committee, the American Society of Newspaper Editors, other newspaper groups, and the Moss and Hennings congressional committees, the Congress in 1958 adopted a law to prevent Federal officials from misusing a 170-year-old "housekeeping" statute as grounds for agency regulations imposing secrecy on the public business. Following the removal of this improper crutch for secrecy, Federal officials from the President on down have resorted more and more frequently to the vague claim of "executive privilege" to withhold information from the public, the press and the Congress.

For the record, your committee has not challenged the President on his exercise of the "doctrine of executive privilege" in the matter of White House policy. But your committee has challenged both the President and Federal agencies in the transferral of that "doctrine of executive privilege" from White House policy to a general umbrella of secrecy over all the transactions of the public's business throughout the Federal bureaucracy. And we urge that this careful distinction be kept in mind throughout the reading of this report.

Attorney General William P. Rogers first officially and publicly proposed the "doctrine of executive privilege" before Senator HENNINGS' Subcommittee on Constitutional Rights early in 1958 as the "legal excuse" for the withholding of legitimate information of Government by all the Federal bureaucracy. In subsequent testimony before Senator HENNINGS' subcommittee, your chairman termed Mr. Rogers' "doctrine" as the bureaucrats' fanciful theory of doing as they please in the domain of the people's business and pointed out that there is not a single judicial decision in existence upholding it. Your chairman called upon the Senators for a return to the original American "doctrine of the people's privilege."

But nevertheless, the Federal bureaucracy has persisted in its "doctrine of executive privilege" and this resulted in a running fight throughout 1959 between the bureaucracy and the Congress over the withholding of information of government.

Most immediately affected was the General Accounting Office (GAO), an arm of the Congress directed by law to audit virtually all Federal expenditures and to assess the efficiency and economy of the Federal Government. By law the GAO is specifically entitled to "access to and the right to examine any books, documents, papers, or records of any such department or establishment. * * *" Despite this clear statutory authority, the GAO during 1959 encountered a greater number of refusals than ever before, particularly in efforts to investigate the expenditures of the Defense Department and the International Cooperative Administration, which handles the economic phases of the foreign aid program.

The Congress added riders to the foreign aid authorization and appropriations bills for the express purpose of trying to force the ICA to make an accounting of its spending to the GAO and the Congress. The adoption of the riders to the foreign aid bills was an indication of the wide concern in Congress over the use of executive privilege. The effectiveness of these riders should be apparent in 1960.

III. THE STRAUSS CASE

One of President Eisenhower's major setbacks in his relations with Congress involved the unwillingness of a top administration official to make available to Congress the full, candid facts about the operation of his agency.

The congressional rejection of the President's nomination of former Atomic Energy Commission Chairman Lewis L. Strauss to be Secretary of Commerce was the first rejection of a Cabinet nomination in 44 years. Mr. Strauss' defeat stemmed from his continued assertion that he would arbitrarily use the claim of executive privilege to withhold information from Congress, even if no question of national security was involved.

Mr. Strauss had been involved in a number of disputes with Congress on information policies while he was Chairman of the Atomic Energy Commission. The controversy centered around the question of whether Mr. Strauss had made misleading reports to the Congress.

The debate in the Senate indicated that the rejection of Mr. Strauss was based to a large extent on his testimony in which he said that in his administration of the Commerce Department he would give the Congress information on final decisions but would feel that "executive privilege" entitled him to withhold documents containing advice and recommendations of persons within the executive branch of the Government.

After prolonged hearings by the Senate Commerce Committee, seven members of that committee concluded that:

"It appears to us from careful attention to the testimony, that Mr. Strauss has withheld or manipulated information to serve policy or personal ends. On the basis of the record, we have grave doubts as to whether or not information furnished by Mr. Strauss, as Secretary of Commerce would be accurate or complete."

The Senators, in their opposition report, stated, among other things, that "the nominee often resorted to unnecessary untruths and what appeared to be an attempt to put himself in the best possible light before the committee."

Senator MIKE MONRONEY, of Oklahoma, in addition, as the eighth member opposing Mr. Strauss' nomination, stated:

"His initial assertions on almost every topic were misleading, and only after persistent questioning was the full story available to the committee.

"Information on the conduct of their Government is not only the people's right, but an absolute necessity for their effective supervision of that Government."

Although Mr. Strauss won the approval of the committee by the narrow margin of 9 to 8, the Senate overrode the narrow committee majority and voted to reject the Strauss nomination.

This case was of extreme importance in the fight for freedom of information in Federal Government simply because it was the first public repudiation of the bureaucrats' "doctrine of executive privilege" in the withholding of facts of Government on the part of the Congress.

IV. SECRECY IN FOREIGN AID

The General Accounting Office was refused access to evaluation reports prepared by the International Cooperation Administration of the foreign aid programs in Pakistan, India, Brazil, and Guatemala. Comptroller General Joseph Campbell, head of the General Accounting Office, protested to Congress that these refusals were hindering the GAO in the performance of its statutory duties and "could be almost fatal" to GAO's effectiveness.

Campbell had similar protests against the Air Force and the Navy. Both of these agencies have declined to make various inspector generals' reports available to the GAO auditors.

The House Foreign Operations Subcommittee, headed by Representative PORTER HARDY, JR., Democrat, of Virginia, was likewise stymied by refusal of ICA to make certain records available on the operation of the foreign aid program in Laos. Through the GAO and through other sources outside of the Government, HARDY was able to establish evidence of widespread waste, mismanagement and bribery in the foreign aid program in Laos.

The Senate Constitutional Rights Subcommittee headed by Senator HENNINGS conducted hearings on the administration's claims to a right to arbitrary secrecy. Acting International Cooperation Administration Director Leonard J. Saccio, in his testimony before the subcommittee, made it emphatically clear he believed "executive privilege" gave him the right to refuse the GAO virtually every document in the ICA's possession. He testified:

"I am not falling back now on legal distinctions or principle here. I am saying in effect that if ICA wanted to apply the executive privilege, GAO would not see one thing because practically every document in our agency has an opinion or a piece of advice."

No agency in the executive department has carried executive privilege to the extreme point indicated in Mr. Saccio's testimony. However, the testimony by Mr. Saccio was a clear showing of the danger inherent in a doctrine that any executive department official could withhold any document that includes advice or recommendations.

The major opposition to executive privilege came from Democratic committee chairmen who were intent on investigations involving the Republican administration. However, there were some Republicans who were equally concerned over this use of arbitrary secrecy and warned that this doctrine might be used by some subsequent Democratic administration to bar Republican congressional committees from conducting thorough investigations. Representative GEORGE MEADER, of Michigan, was

one of those most active in the effort to convince the administration that elimination of the broad "executive privilege" secrecy doctrine was not a partisan political issue.

The work of Representative HARDY, of Virginia, and Representative MEADER was largely responsible for the fact that the House unanimously adopted an amendment to the foreign aid authorization bill on June 18, 1959. That amendment stated:

"All documents, papers, communications, audits, reviews, findings, recommendations, reports, and other material which relate to the operation or activities of the International Cooperation Administration shall be furnished to the General Accounting Office and to any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for, or expenditures of, such Administration upon request of the General Accounting Office or such committee or subcommittee as the case may be."

The Senate approved the amendment, and it was included in the legislation sent to the President for signature.

President Eisenhower signed the bill on July 24, 1959, but announced that he would ignore the Hardy right-to-information amendment. The President stated:

"I have signed this bill on the express premise that the three amendments relating to disclosure are not intended to alter and cannot alter the recognized constitutional duty and power of the Executive with respect to the disclosure of information, documents, and other materials. Indeed, any other construction of these amendments would raise grave constitutional questions under the historic separation-of-powers doctrine."

Following the President's statement, Representative HARDY offered an amendment to the Mutual Security Appropriations Act which provides the actual funds for the foreign aid program authorized under the previous legislation. The new Hardy amendment stated that unless ICA provided the information requested by Congress and the GAO, funds for the foreign aid project in question would be cut off. His amendment applied solely to economic aid.

The Senate Appropriations Committee substituted for the Hardy amendment a watered down version by Senator A. WILLIS ROBERTSON, of Virginia, which would not cut off the funds in event of a refusal if the President certified that it was his decision in each case to withhold the information.

Although the legislation as finally sent to the President lacked the teeth which Representative HARDY proposed, it placed the responsibility for refusals squarely in the hands of the President and requires him to state his reason in each instance.

Senate debate during the consideration of the legislation showed that the Senate was not conceding a broad right of privilege to the President.

V. A CHRONOLOGY OF "EXECUTIVE PRIVILEGE" DEVELOPMENTS

Because of the great danger of the Federal bureaucrats' "doctrine of executive privilege" to the free flow of information of Federal Government to the American people, your committee early in 1959 officially requested Representative Moss' House Subcommittee on Government Information to keep a play by play record of the developments.

Most of these public developments involved the refusal of the Pentagon to release documents to the Congress, and this, of course, sparked a running debate between the bureaucracy and congressional committees.

Actually, it is impossible to ascertain how much the claim, or the threatened claim, of "executive privilege" hampered the Congress and the press in its search for information from the Federal departments and agencies. In many cases, the bureaucrats' refusals are made orally to congressional committee staffs and summaries or expurgated versions are accepted in lieu of actual documents. Undoubtedly, congressional committees, and the press, too, in many cases do not request information because they anticipate refusals.

Your committee therefore offers the following chronology of developments involving the "doctrine of executive privilege," compiled by Representative Moss' subcommittee, as a most important record of the fight for freedom of information in Federal Government in 1959:

January 22: Comptroller General Joseph Campbell formally protests Navy refusal of access to report on procurement activities of the Military Sea Transportation Service. (House Government Information Subcommittee hearings, pt. 17, p. 3973.)

February 17: Complaint from Congressman RICHARD E. LANKFORD of Maryland, to the House Government Information Subcommittee about the Navy refusal of Congressman LANKFORD'S request for a report on the Naval Gun Factory, Washington, D.C. (House Government Information Subcommittee hearings, pt. 17, p. 3925.)

February 26: Congressman PORTER HARDY, JR., of Virginia, chairman of the House Foreign Operations Subcommittee, requests documents relating to the Office of Evaluation in the International Cooperation Administration as part of his subcommittee's investigation of the foreign aid program.

March 13: Hearings by the Senate Constitutional Rights Subcommittee with officials of the General Accounting Office on refusals to GAO. (Constitutional Rights Subcommittee hearings on "Executive Privilege and Freedom in Information," pt. 1.)

March 19: Report by the House Government Operations Committee based on hearings by the Government Information Subcommittee on the Air Force refusal of a General Accounting Office request for a report on management of the billion-dollar-a-year ballistic missile program. The committee concluded:

"The Air Force refusal to the Comptroller General is based solely on a naked claim of 'executive privilege.' The Constitution grants no such authority nor has the mythical doctrine of privilege been supported by the courts. The refusal not only violates the duly enacted law of the land but also is contrary to a specific constitutional requirement (art. II, sec. 3) that the President 'shall take care that the laws be faithfully executed.'

"No executive act can modify, amend, or contravene a statute. Laws can be amended only in the way they were enacted. Any attempt by the Executive to alter or supersede the law does violence to the Constitution.

"When the Executive can select which laws shall and shall not be enforced; when this selective power is applied to laws providing information necessary for the legislative branch to carry out its constitutional duties; when the executive privilege to control information for the Congress flows down from the President throughout the executive bureaucracy, then the Government of the Nation ceases to be a representative democracy. Sweeping claims of an unrestrained executive privilege to control the facts of Government are a step toward despotism" (H. Rept. No. 234, 86th Cong., 1st sess., p. 83).

April 2: Refusal by Acting ICA Director Leonard J. Saccio of Hardy request for documents.

April 15: Comptroller General Joseph Campbell, in testimony before the House Appropriations Subcommittee on Independent Offices, complains that refusals by ICA and the Department of Defense severely handicap the GAO in the performance of its statutory duties and may prove fatal to GAO's effectiveness (pp. 1045 ff).

April 20, 21, and 23: Hearings by the House Government Information Subcommittee on the Navy refusals to Congressman LANKFORD and to the GAO. GAO lists refusals by the Department of Defense and by ICA including reports on aid to Formosa, Laos, Brazil, India, Guatemala, Pakistan and Bolivia. (House Government Information Subcommittee hearings, pt. 17.)

May 15: Mr. Saccio, in testimony before the Senate Constitutional Rights Subcommittee, makes it emphatically clear that he believed he had the privilege to refuse GAO virtually any document in his agency. He testified (Senate Constitutional Rights Subcommittee hearings, pt. II, p. 395):

"I am not falling back now on legal distinctions or principle here. I am saying in effect that if ICA wanted to apply the 'executive privilege,' GAO would not see one thing because practically every document in our agency has an opinion or a piece of advice."

June 15: Hardy subcommittee, in a report adopted by the House Government Operations Committee, documents waste, mismanagement and bribery in the foreign aid program for Laos. (H. Rept. No. 546.)

June 16: "Executive privilege" discussed during Senate debate on nomination of Lewis L. Strauss as Secretary of Commerce (CONGRESSIONAL RECORD, vol. 105, pt. 8, pp. 10908–10920.)

June 18: Congressman PORTER HARDY, JR., of Virginia offered, and the House unanimously adopted, the following amendment to the pending Mutual Security Act of 1959 (H.R. 7500):

"All documents, papers, communications, audits, reviews, findings, recommendations, reports, and other material which relate to the operation or activities of the International Cooperation Administration shall be furnished to the General Accounting Office and to any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for, or expeditures of, such Administration upon request of the General Accounting Office or such committee or subcommittee as the case may be." (CONGRESSIONAL RECORD, vol. 105, pt. 9, pp. 11305–11307.)

July 1: President Eisenhower questioned at his press conferences about the claim of "executive privilege."

July 2: Senator WILLIS ROBERTSON, of Virginia offered, and the Senate unanimously adopted, the Hardy amendments during debate on the Mutual Security Act of 1959. (CONGRESSIONAL RECORD, vol. 105, pt. 10, pp. 12587–12590.)

July 14: Senate Subcommittee on Governmental Organization for Space Activities headed by Senator STUART SYMINGTON, of Missouri, complained in a report that the imposition of "executive privilege" by the head of the National Aeronautics and Space Administration had hindered Congress "from obtaining basic policy information" about U.S. space plans and programs. (S. Rept. No. 806, 86th Cong., 1st sess., July 14, 1959.)

July 15: President Eisenhower again questioned at press conference about executive privilege; reporter Clark Mollenhoff, at the President's suggestion, submits a written inquiry.

July 17: Claim of executive privilege discussed with Pentagon officials at hearing of the House Armed Services Investigating Subcommittee.

July 21: Reply to reporter Clark Mollenhoff from Gerald D. Morgan, Deputy Assistant of the President, reiterating claim of executive privilege.

July 24: The President signed the Mutual Security Act of 1959 (H.R. 7500) and issues the following statement on the Hardy amendments included in that bill:

"I have signed this bill on the express premise that three amendments relating to

disclosure are not intended to alter and cannot alter the recognized constitutional duty and power of the Executive with respect to disclosure of information, documents, and other materials. Indeed, any other construction of these amendments would raise grave constitutional questions under the historic separation-of-powers doctrine."

July 24: Congressman HARDY, pointing out the newly enacted Hardy amendments, requests James W. Riddleberger, Director of ICA, to make available ICA evaluation reports on foreign aid operations in Laos and Vietnam. The information was refused informally the same day, and refused formally by letter on August 5, 1959.

July 28: Congressman HARDY offers, and the House unanimously adopts, the following amendment to the Mutual Security Appropriations Act of 1960 (H.R. 8385) to cut off funds in the event that information is refused about economic aid projects:

"None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, during any period when more than 20 days have elapsed between the request for, and the furnishing of, any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration, to the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for or expenditures of the International Cooperation Administration and the Department of State." (CONGRESSIONAL RECORD, vol. 105, pt. 11, p. 14530.)

July 29: President Eisenhower again comments on "executive privilege" at press conference and states that he does not believe the Hardy amendment to the appropriations bill "will ever get to my desk."

July 30: American Bar Association Journal article by Senator THOMAS C. HENNINGS of Missouri, "Constitutional Law: The People's Right to Know." (Reprinted in CONGRESSIONAL RECORD, vol. 105, pt. 11, pp. 14693–14697.)

August 5: ICA Director Riddleberger formally refuses Hardy request for evaluation reports on Laos and Vietnam.

August 5: C. Douglas Dillon, Acting Secretary of State, testifies in opposition to Hardy amendment. (Senate Appropriations Committee Hearings on Mutual Security Appropriations for 1960, pp. 81–82.)

August 6: HARDY informs Riddleberger that he cannot accept Riddleberger's position and that if the Hardy amendment to the Mutual Security Appropriations becomes law he will again demand that Riddleberger make the documents available.

August 6: Riddleberger testifies in opposition to Hardy amendment. (Senate Appropriations Committee Hearings on Mutual Security Appropriations for 1960, p. 163.)

August 10: Memorandum on claim of "executive privilege" sent by Congressman Moss to Members of the Senate in support of the Hardy amendment.

August 18: Statement by Senator HENNINGS to Senate Appropriations Committee in support of Hardy amendment. (Senate Appropriations Committee Hearings on Mutual Security Appropriations for 1960, pp. 582–585.)

September 3: A report by the House Government Operations Committee, based on the work of the House Government Information Subcommittee including the hearings on the Navy refusals to Congressman LANKFORD and the General Accounting Office, lists numerous instances of the abuse of "executive privilege" and concludes, in part:

"Neither the Constitution, nor the laws enacted by the Congress, nor the decisions of the courts provide any basis for the claim of 'executive privilege' now imposed upon the public and the Congress. The 'privilege' of secrecy, claimed by officials far down the administrative line from the President, is nothing more than an insidious resurgence of the divine right of an all-powerful executive—a doctrine rejected more than a century and a half ago by the American Revolution and the Constitution of the United States." (H. Rept. No. 1137, 86th Cong., 1st sess., Sept. 3, 1959, p. 400.)

September 8: The Senate Appropriations Committee, in a late night session, eliminates the Hardy amendment from the pending Mutual Security Appropriations Act of 1960 (H.R. 8385). (S. Rept. No. 981.)

September 9: Assistant Comptroller General Frank H. Weitzel informs Congressman HARDY that failure to enact the Hardy amendment not only will seriously affect GAO's work in ICA but also other departments and agencies will view the failure as congressional recognition of executive privilege.

September 10: Senator WILLIS ROBERTSON, of Virginia, proposes a substitute for the Hardy amendment to cut off funds in event of a refusal unless the President certifies in each instance that making the information available would be contrary to the public interest. The proposed Robertson amendment is as follows:

"(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the 20-day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee as the case may be (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (2) a certification by the President that he considers the disclosure of such document, paper, communication, audit, review, finding, recommendation, report, or other material to be contrary to the public interest and has forbidden its being furnished pursuant to such request." (CONGRESSIONAL RECORD, vol. 105, pt. 15, p. 18929.)

September 10: Letter from Chairman WILLIAM L. DAWSON of House Government Operations Committee, Congressmen HARDY and Moss to Members of the Senate warning of dangers if Hardy amendment not adopted.

September 12: Senate adopts the Robertson amendment. (For the debate see CONGRESSIONAL RECORD, vol. 105, pt. 15, pp. 19255–19259, 19269–19299, and 19302–19305.)

September 14: Speech by Senator MIKE MONRONEY, of Oklahoma, setting forth legal background of "executive privilege" and showing how the claim was being used to contravene duly enacted statutes. (CONGRESSIONAL RECORD, vol. 105, pt. 15, pp. 19509–19530.)

September 15: In the early morning hours shortly before adjournment of the 1st session of the 86th Congress, the House-Senate conference committee on the Mutual Security Appropriations Act of 1960 (H.R. 8385) agrees on the following language in a compromise between the Hardy and Robertson versions:

"(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee, as the case may be (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden its being furnished pursuant to such request, and his reasons for so doing." (CONGRESSIONAL RECORD, vol. 105, pt. 15, pp. 19647 and 19735–19745.)

VI. YOUR COMMITTEE AND THE WHITE HOUSE

Your committee, through its Washington news member, Clark Mollenhoff, of the Des Moines Register and Tribune, twice engaged President Eisenhower in public controversies involving bureaucratic secrecy in Federal Government. Both incidents concerned the foreign aid program.

On July 15, at the President's press conference, Mollenhoff stated that committees of Congress have accused the administration of using secrecy "to hide imprudence, mismanagement, fraud, and in some cases material that has later resulted in indictments." Then he asked:

"I wonder if you have taken any steps to correct this, or how you reconcile this withholding with the Budgeting and Accounting Act which says it must be put forth to the Comptroller General, and your own constitutional requirement that you faithfully execute the laws?"

News accounts reported that this question visibly angered President Eisenhower, who replied as follows:

"I think you had better put that question in written form and let me take a look at it, because you start, right off the bat, with the premise or implication that someone is guilty of fraud. And I don't believe it."

Mollenhoff started again: "Mr. President—" but President Eisenhower cut him off with: "I will see your letter, if you would like to submit it."

In his subsequent letter, Mollenhoff pointed out that Congress had complained that Federal agencies were using the "doctrine of executive privilege" to withhold information from it, and that Comptroller General Joseph Campbell had complained that the International Cooperation Administration and the Department of Defense both had violated the law by withholding several reports from his office. Then Mollenhoff asked:

"Do you feel you have an executive responsibility to carry out the law in line with the Comptroller General's views?"

The White House did not answer this question. In his reply, Gerald D. Morgan, Deputy Assistant to the President, wrote that the Eisenhower position has not changed since the President wrote on the same subject last year to Representative

CLARE HOFFMAN, of Michigan. Morgan quoted the President as saying then:

"I believe, of course, that the public, the Congress, and such auditing units as the General Accounting Office should have all the information departments and agencies can properly make available.

"However, the public interest also demands order and efficiency in the operation of these departments and agencies. And in my judgment the public interest is not necessarily served by divulging the advice, suggestions, or recommendations which subordinate employees periodically make to their superiors.

"In this connection, recommendations of inspectors general have been a most useful advisory tool in administering the military departments; and historically, recommendations and other advisory matter in such reports have not been released. I think this practice is a correct one, and is in the best interest of the Nation."

Such statements, coming directly from the President and as reasonable sounding as they are, have furnished the umbrella under which the Federal bureaucrats have effectively hidden while they withhold legitimate information from both the public and the Congress, as has been brought out time and again by the hearings of the Hennings and Moss congressional committees.

The $3,186,500,000 foreign aid bill before Congress included a section that would cut off all foreign aid funds except military assistance if the administration held back from Congress reports evaluating the aid program. The White House had publicly opposed this provision.

On July 29, Mollenhoff rose at the President's press conference and asked if the President regarded the "'freedom of information' provision of the foreign aid bill as a criticism of the administration's 'secrecy policies.'" The President, again apparently angered, said sternly:

"You start your question with an implied fact that is not a fact. You say the administration's secrecy policies. There has been no administration."

At this point, Mollenhoff again rose to amplify his question.

"Please sit down," President Eisenhower said sharply. Mollenhoff sat down, and the President continued:

"There has been no administration since my memory, and I have been in this city since 1926, who has gone to such lengths to make information available as long as the national security and the national interest of this country is not involved."

Your chairman promptly wrote the following public letter to President Eisenhower:

"The official reports of the Moss Subcommittee on Governmental Information in the House of Representatives and the Hennings Subcommittee on Constitutional Rights in the Senate, covering their investigative hearings of the last 3 years, show clearly that there is more unnecessary secrecy in the Federal Government today than at any time in our history.

"These reports, totaling millions of words, carry the testimony of scores of leading Federal officials, who stated for the record that they were accustomed to withholding information of Government, which had nothing to do with either the security of the interests of our country, from both the press and the people. These reports are easily available to the White House.

"Mr. Mollenhoff's question at the press conference about your administration's 'secrecy policies' had to do with the House of Representatives' provision in the foreign aid bill that would force the bureaucracy to give information of this foreign aid to the Congress. I would like to state relative to this that since the end of World War II some $75 billion of the American people's tax funds have been expended on foreign aid, yet the American people have not been given an accounting of a single penny of these expenditures by the Federal bureaucrats.

"This secrecy, of course, explains the great confusion in the public mind over the expenditure of our tax funds in foreign aid, and the same secrecy in other departments of our Federal Government also explain the great confusion over other leading issues of our day in the public mind. Both the Congress, which votes the expenditure, and the American people, who pay the tax funds, are entitled to full information.

"The mere declaration by the bureaucrat that publication of news of Government would affect the public interest is not sufficient safeguard for the interests and the future well-being of the American people. Congressional hearings during the last 3 years have revealed time and again that such declarations simply are not justified and that they are being freely used by the bureaucrat to eliminate the proper restraint of public opinion, which is so necessary to the functioning of the free, American society.

"I am enclosing copies of the 1957 and 1958 reports of the Freedom of Information Committee of Sigma Delta Chi, the professional journalistic fraternity, of which I am chairman. These reports will show clearly the following trends in Federal Government today, which are carefully documented:

"1. Virtually all of the records of the expenditure of the American citizen's tax funds by the Federal Government are closed to both the press and the public, and most of the meetings of Federal Government dealing with these expenditures of tax funds are closed.

"I would like to point out that in the last 7 years, while the Federal Government has been increasing its secrecy, the legislatures of 19 States have adopted laws against secrecy in both govermental records and governmental meetings. Today 32 States have laws guaranteeing their citizens open records of government and 23 States have laws stipulating that governing bodies must meet in the public for all to see and hear.

"2. I have in my files 15 documented cases in the last 2 years wherein the bureaucrat has denied proper information of government to the Congress, and this, of course, points up definitely the usurpation of the functions of our legislative branch of Federal Government by the bureaucracy, a most dangerous trend for the future well-being of the free American people.

"3. It would take a super-Houdini to navigate the mushrooming maze of the Federal bureaucracy which places a restraining finger upon every phase of living of every American citizen.

"4. There is an unhealthy 'hostility of attitude' among the Federal bureaucrats toward the free press and its obligation to report all the facts of free American government to the free people.

"Let me stress to you that the free press of our country is just as interested in preserving the national security as you, and that this letter deals solely with the legitimate information of American government and not with the revelation of security secrets. And I might point out that the record shows clearly, despite the numerous charges of the bureaucrats, that not one case has been documented wherein the press revealed a security secret that harmed the interests of our country.

"Therefore, this is to call upon you, both humbly and respectfully, for a change of attitude in your administration toward freedom of information and the American people's right to know about their Government, which is so necessary to the retention of American freedom in a most trying era."

The White House did not even acknowledge this letter. In January 1958, a copy of your committee's 1957 Freedom of Information Report, documenting 93 cases of outright abridgement of the American people's right to know, also was sent to Mr. Eisenhower. All of which leads your committee to the belief that those around the President are carefully keeping from him the true state of affairs in our national problem of freedom of information within the Federal Government. Otherwise, these controversies between the press and the White House would not be necessary.

VII. THE PRESS SUES THE CONGRESS

Your committee took a hand in a strange drop-the-handkerchief game involving both the Federal bureaucracy and the Congress over the matter of congressional secrecy during April and May.

While both the Hennings Committee in the Senate and the Moss Committee in the House were hammering away at Attorney General Rogers for his "doctrine of executive privilege" as the legal grounds for bureaucratic secrecy, Rogers and his aides were defending Congress in a suit in Federal court brought by the press to eliminate some of the congressional secrecy.

Under the rules of the Congress, House of Representatives office payrolls were open, whereas the Senate kept its financial transactions a deep, dark secret.

Early in 1959, Vance H. Trimble, Washington correspondent for the Scripps-Howard newspapers, began a series of stories on congressional nepotism, which revealed that many Senators and Representatives had wives, children, and political friends on their payrolls and which bared much political privilege in the rental of Congressmen's office space. These stories attracted wide national attention.

On March 24, House Clerk Harry Livingston slapped a top-secret label on the records of the Congressmen's rental of office space, apparently with the blessing of Speaker SAM RAYBURN, and declared that "we don't have the time or personnel to handle all requests to see them." This censorship resulted in so much public criticism that it lasted less than a week.

On April 2, Trimble sued both Houses of Congress in Federal court to force them to make public their expenditure of the public's tax funds in operation of their offices. He said: "The people have a right to know how Congress spends their tax money."

Your chairman met with Trimble's attorneys in Washington a short time later, agreed to serve as amicus curiae (friend of the court) in the case, and appointed Clark Mollenhoff, Washington correspondent for the Des Moines Register and Tribune and a member of your Freedom of Information Committee, as his attorney. Mollenhoff is an attorney as well as newspaperman and has all the privileges of practicing in Federal court.

All of this created great stir in the Congress. Senator FRANK J. LAUSCHE, of Ohio, rose on the Senate floor on April 8, declared that the Senators were inviting suspicion through "seemingly clandestine efforts to conceal" their payrolls, and called for public disclosure.

But Senator NORRIS COTTON, of New Hampshire, retorted sarcastically that "the Senate is not a factory," and Senator HOMER CAPEHART, of Indiana said we would have chaos if the Senate told the taxpayers how it was spending tax funds in operating its offices. And Senator EVERETT M. DIRKSEN, of Illinois, the Senate Republican leader, opposed the proposal on the grounds that "Everything, as far as I know, has been most circumspectly administered."

On April 15, with great public fanfare, Senators JACOB K. JAVITS and KENNETH B. KEATING, of New York, and HUGH SCOTT and JOSEPH S. CLARK, of Pennsylvania, called in the press and announced the details of their office expenditures.

There was an equal stew in the House of Representatives. The question came before a House Administration Subcommittee on April 27, and Representative GEORGE M. RHODES, of Pennsylvania, charged there was "unethical control of important news and information" and that newspapers were keeping the "public mind off great issues" by their stories on congressional nepotism. He also said that newspapers should be required to reveal the details on their own salaries and pensions. Representative FRANK E. SMITH, of Mississippi, agreed with him and declared that newspapers had been "wasting a lot of time" on congressional nepotism. But Representative WILLIAM E. MINSHALL, of Ohio, challenged them and said that newspapers were private organizations and "any attempt to force them to give such information would be socialism to the *n*th degree."

Under the law of our land, the Attorney General's office defends the Congress in all court proceedings. In mid-May, Attorney General Rogers filed a brief in court based solely on the doctrine of separation of powers in Federal Government, the same legal argument on which he based his "doctrine of executive privilege," contended that the courts lacked the power to compel the Senate to disclose its records, and suggested that Trimble's relief rested solely with the Senate itself.

On June 2, Judge Alexander Holtzoff threw Trimble's suit out of court. He ruled that "it is not the judicial function to supervise or control the business of the executive or legislative departments of government," which was Attorney General Rogers' claim not only in this particular court proceeding but also in his fight with Senator HENNING'S Subcommittee on Constitutional Rights in behalf of his "doctrine of executive privilege."

Judge Holtzoff declared that freedom of the press did not extend to the right to inspect secret documents in Federal Government, which, together with his ruling on the separation of powers, apparently knocked into a cocked hat all the rights and privileges of both Senator HENNINGS' Committee and Representative JOHN E. MOSS' House Subcommittee on Government Information in pummeling the bureaucrats over their secrecy. The judge declared:

"It would hardly be urged that the press is entitled to written material that the law does not regard as being automatically open to public examination, such as, for example, staff reports submitted to congressional committees, until the latter choose to release them; letters to the President from his advisers, unless he sees fit to make them public; memoranda written by personnel of executive departments to their superiors. * * * Numerous other instances of a similar nature might be cited at length."

The ink had hardly dried on Judge Holtzoff's decision when the Senate suddenly, by voice vote, decided to make public four times a year the lists of its employees and their salaries.

Thus the press, although losing the court decision, won its fight for open government in the Senate only because of the pressure of public opinion. But your committee warns that Judge Holtzoff's opinion, a judicial decision supporting the bureaucrats' doctrine of executive privilege, may come home to haunt all of us in the free press; that it is certain to be used by the bureaucracy as the legal precedent for its secrecy, and that eventually the press may be forced to take the whole matter to public opinion for final decision.

VIII. THE SUPREME COURT SANCTIFIES THE BUREAUCRAT

Judge Holtzoff's ruling was not the only judicial decision in 1959 which enhanced generally the growing estate of the Federal bureaucrat in the American society.

On June 29, the U.S. Supreme Court, in a 5 to 4 ruling, held that policymaking bureaucrats in the Federal Government are absolutely immune to libel suits against them for something they said or did in the line of duty.

This ruling had nothing to do with freedom of information, yet it, in effect, supports Attorney General Rogers' doctrine of executive privilege, which has been used freely in recent years to withhold information of Federal Government from both the American people and the Congress. And, for this reason, your committee feels impelled to include it in this report.

The Court's opinion involved a suit brought by two Federal employees, who were suspended and denounced in a press release in 1953 by the Director of Rent Stabilization for the way they handled cash annual leave settlements for some agency employees. In writing the majority opinion, Justice John M. Harlan said:

"In this instance it has been thought in the end better to leave unredressed the wrongs done by dishonest officers than to subject those who try to do their duty to the constant dread of retaliation."

But Justice William J. Brennan, who wrote the dissenting minority opinion, said absolute immunity for officials below Cabinet rank went too far and added that it makes them libel free even though they defamed someone maliciously and untruthfully.

And Chief Justice Earl Warren, another dissenter, was even plainer in his criticism of the majority opinion when he said:

"It will sanctify the powerful and silence debate."

At any rate, the Court's ruling poses some most interesting questions, and among them is this one: Could a policymaking bureaucrat, angered by newspaper criticism of him, deliberately and dishonestly, under the guise of official concern for his agency, defame the newspaper with immunity?

Two weeks later Attorney General Rogers sent a memorandum to all Federal agencies warning them to exercise "care and thoughtful restraint" in making derogatory statements about anyone under their newly won immunity from libel suits, and he put them on notice that they could face disciplinary action or removal from office if they used their privilege irresponsibly.

But the cold fact remains that the U.S. Supreme Court has extended to the Federal bureaucrat a privilege that is denied to both the American people and to the American press.

IX. HASSLE OVER CONGRESSIONAL JUNKETS

Your committee engaged the Committee on House Administration and its subsidiary, the House Subcommittee on Accounts, in another hassle involving congressional secrecy.

Early in the year, Representative H. R. GROSS, of Iowa, introduced H.R. 5401 in the House of Representatives, a bill stipulating that Members of Congress must make a public accounting of Government and counterpart funds they spend in traveling in oversea areas.

The bill was referred to the Committee on House Administration and then to the House Subcommittee on Accounts. There it languished for longer than 3 months, with only one secret meeting on it by the Subcommittee on Accounts. Several Washington correspondents advised your committee that it was being deliberately pigeonholed for a quiet death.

On June 5, your chairman wrote Representative OMAR BURLESON, of Texas, chairman of the Committee on House Administration, protested both the secrecy and the delay and called for prompt public consideration of the bill. A carbon was sent to Representative SAMUEL N. FRIEDEL, of Maryland, chairman of the Subcommittee on Accounts, and it produced immediate fireworks.

On June 16, Representative FRIEDEL wrote your chairman as follows:

"The hearing was not secret; it was held in executive session as is the usual practice when Members of Congress interrogate their colleagues on matters of policy."

In reply, your chairman wrote Representative FRIEDEL as follows:

"What is an 'executive session' but a secret meeting? The press is locked out. The public is locked out. Behind those locked doors, Members of Congress, the people's elected representatives, do as they choose about the people's business. Who knows whether or not there are any sweet little deals cooked up behind those locked doors? Who knows but the Congressmen present when political privilege enters into the people's business? The only information the people get from these secret meetings are censored reports by the committee or slanted verbal statements from those Congressmen who attend them."

On June 16, Representative FRIEDEL announced that H.R. 5401 would be considered in public hearing, which subsequently was held on June 30. It was a very colorful hearing, to say the least. Representative FRANK E. SMITH, of Mississippi, devoted most of the hearing to impassioned and personal vilification of your chairman in which he questioned the latter's knowledge of the legislative process. The next day the Washington Daily News reported that Representative SMITH swung a water pitcher at Clark Mollenhoff, a member of your committee and correspondent for the Des Moines Register and Tribune, during the course of the hearing.

Your chairman immediately wrote Representative SMITH and demanded that he justify both his words and actions, but in the ensuing correspondence your committee gathered only that Representative SMITH has a thick skin. Meanwhile, Representative GROSS wrote your committee:

"I do want you to know that Clark Mollenhoff was an excellent witness in behalf of Sigma Delta Chi and yourself when he appeared before the House Administration Committee. I am sure that you know that efforts were made repeatedly to bait Clark into arguments completely foreign to the merits or demerits of the bill, but he wisely refused to be baited, meanwhile holding firmly to his position in support of the bill."

The House committee subsequently approved the bill, but the Congress was adjourned before getting around to consideration of it. Meanwhile, Members of Congress can still spend tax funds on their oversea junkets without an accounting to the people who pay the taxes.

Your committee presents the foregoing simply as an illustration of what usually takes place when it protests an incident of secrecy in the Federal Government.

X. CONGRESS MAINTAINS SECRECY IN ITS COMMITTEES

Despite all the public hullabaloo over secrecy in Washington during the year, the Congress quietly maintained its own standards of secret government throughout 1959, with only slight improvement over former years.

In October, Congressional Quarterly, a Washington publication which rides herd on Congress, reported that 29.6 percent of the committee sessions of the 86th Congress were secret executive meetings. This compared to 34 percent in 1957 and 1958 and 36 percent in 1955 and 1956.

The Quarterly said that the Senate closed 433 of its 1,350 committee meetings and the House 434 of its 1,639 committee meetings. Joint committees of the Senate and House closed 73 of their 163 meetings to the public.

Your committee noted that most of these 940 secret congressional committee meetings

did not concern our security but were devoted largely to matters pertaining to the expenditures of the people's tax funds and should have been held in the open for all to see and hear in the sole interest of an informed public opinion.

Throughout the year, the Hennings committee in the Senate and the Moss committee in the House called the bureaucrats on the carpet for secrecy in the executive branch of Federal Government. This, of course, poses the key question of how can Congress pummel the bureaucrats over their secrecy when Congress itself practices the same secrecy in its transactions of the people's business.

Immediately after Judge Holtzoff's ruling out of the suit of Vance H. Trimble, of the Scripps-Howard Newspapers, to force the Congress to open its records of office expenses, your chairman wrote to Senator HENNINGS and Representative Moss and laid down the following points for discussion:

1. Since the greater part of the executive branch of Federal Government is closed to the press and public, perhaps largely through Attorney General William P. Rogers' doctrine of executive privilege, it would now appear that both the closed executive sessions and closed records of Federal Government have been made the law by the Federal judiciary.

2. This leaves the status of the free American press in relationship to the Federal Government very much in doubt. More and more, the bureaucrats of the executive branch have placed the press in the position of a handmaiden of governmental press handouts, much of them nothing more than propaganda to glorify the Federal bureaucrats and to prolong their political lives.

3. It has been a most ridiculous situation in Washington, wherein, on one hand, the House Subcommittee on Government Information and the Senate Subcommittee on Constitutional Rights place the Federal bureaucrat, including Attorney General Rogers and his assistants, upon the witness stand and question them on the withholding of information of Government from both the people and the Congress; whereas, on the other hand, Attorney General Rogers defends the U.S. Senate and the House of Representatives in Federal court—and wins the suit—on the matter of both the Senate and the House withholding information of Government from the people.

4. Attorney General Rogers' victory in this case leaves the Hennings and Moss committees in a most peculiar position in their investigation of secrecy in the executive branch of Federal Government. It is extremely doubtful that either committee can again question Attorney General Rogers in this matter simply because he can use the Federal court's ruling as sufficient legal means to decline to answer any congressional question.

5. Judge Holtzoff's ruling all but validates Attorney General Rogers' doctrine of executive privilege; it also all but limits Congress' investigative powers only to the people of the country; and it all but leaves Congress in the position as only a rubber stamp for the Federal bureaucracy. I might point out here that Judge Holtzoff's ruling was based on the separation of powers in Federal Government and that this was the same argument presented by Attorney General Rogers to the Senate Subcommittee on Constitutional Rights in behalf of his doctrine of executive privilege.

6. Judge Holtzoff's ruling installs the Federal bureaucracy as the sole arbiter of all affairs of Federal Government without restraints from the courts, the Congress, or the people. This, without a question, is a direct step down the road to an American bureaucratic dictatorship.

7. Judge Holtzoff's ruling indicates plainly the close relationship between the Federal judiciary and the Federal bureaucracy, and particularly the kinship with the Attorney General's office, and it, by necessity, pushes Congress into a final alliance with the people if it is to survive at all as a principal participant in Federal Government.

In reply, Representative Moss wrote, in part, as follows:

"I do not defend any unnecessary secrecy practiced by either the executive, the Congress, or the judiciary, but the Scripps-Howard case poses the question of legal authority to withhold information. If any right exists—and I do not say it does—the framers of the Constitution granted only to the Congress the authority to determine how much of its information should and should not be made available. I would guess that this congressional privilege was left in the Constitution because the framers recognized that abuse of the privilege could be prevented by the people who have direct control over the membership of Congress.

"In all its activities, the House Government Information Subcommittee has moved slowly and carefully, recognizing that in the important area we are studying one hasty misstep would mean the loss of all the freedom-of-information work which had gone before the creation of the subcommittee. Although the current ruling is prejudicial to both the case of freedom of information and to the best interests of the press, I believe a calm, careful consideration of the road ahead can prevent any further misstep."

Thus, Representative Moss lays down the challenge that this whole question of Federal secrecy must be decided by the American people and, in turn, your committee passes the challenge along to Sigma Delta Chi with the earnest plea that all of us do something about it because the future freedom of the American press is tied up with the future freedom of the American people.

XI. GAINS AND LOSSES IN 1959

During the year, Representative Moss' House Subcommittee on Government Information continued its watchdog surveillance over the Federal bureaucracy, taking up many complaints from the press and the public. In its final report for the year, the subcommittee listed 35 areas of inquiry, citing some gains and some losses. Here is its record:

"1. Every department which had cited the 'housekeeping' statute (5 U.S.C. 22) as authority to restrict information reported that the 1958 freedom of information amended to the statute did not limit executive power to restrict information.

"2. The Defense Department established an elaborate 'hold for release' system to control nonsecurity information about missile and satellite projects and create a favorable public reaction.

"3. The Defense Department shrouded the Atlas-Score talking satellite project in deep secrecy and, when the event was publicized, created the false impression that the satellite was more than twice as big as the largest comparable Russian satellite.

"4. The Defense Department repeatedly used the claim of military security to refuse information about the use of monkeys in scientific efforts.

"5. The Defense Department refused to release pictures of the outside of the Titan missile even though the outside configuration had been declassified and the missile stood in full public view, but pictures were released of the President viewing the completed missile just before the November 1958 elections.

"6. The Defense Department reorganized information activities to give the Department's public relations office greater control over the release of information by the military experts.

"7. Executive agencies used the excuse of security censorship to delete nonsecurity information from congressional testimony.

"8. The Army supported the Board of Engineers for Rivers and Harbors' policy of doing business in secret, admitting there is no statutory authority for the Board's secret meetings but contending secrecy permitted free discussion of controversial items in the billions of dollars' worth of public works projects handled by Board.

"9. The Federal Aviation Agency refused to make public reports on malfunctions of new-type altimeters installed in commercial jet airplanes after restricting use of the altimeters, claiming the public might misinterpret the facts.

"10. The Federal Power Commission refused to make public a Commission staff report on a proposed power exchange contract, claiming the staff would not comment freely on controversial matters if the information were available to the public.

"11. The Labor Department claimed Federal-State cooperation would be weakened by public access to Bureau of Employment Security analyses of administration of State unemployment insurance laws.

"12. The Bureau of Prisons denied public access to studies of conditions in local jails for fear of controversy; claiming an executive privilege for the restriction.

"13. The Housing and Home Finance Agency refused to make public audit reports of local housing authorities financed with Federal funds, claiming employees would not comment freely if the information were made public and asserting an executive privilege to restrict the reports.

"14. The Air Coordinating Committee cited an executive privilege as authority for refusing a State official access to minutes of its meetings.

"15. The Civil Service Commission claimed an executive privilege to hide the result of an investigation of irregularities in a Virginia rural mail carrier examination.

"16. The Army refused to make public the records of military trials which had been held in public even though records of comparable civil trials are available, claiming as authority for the restriction the 'inherent authority of the executive branch to safeguard records in the public interest.'

"17. The Navy backed up a subordinate official's refusal of a congressional request for an unclassified report on the Naval Gun Factory, claiming that the report would cause controversy and asserting an executive privilege for the refusal.

"18. The White House refused a congressional request for information on Operations Coordinating Board guidelines directing the Defense Department information policies, claiming an executive privilege to withhold the information.

"19. The House and Home Finance Agency claimed an executive privilege to refuse information on an investigation of the Los Angeles City Housing Authority to the California State Legislature, the attorney general of California, and to the Congress.

"20. The General Accounting Office reported the citation of executive privilege for numerous refusals by executive agencies to make available information which the agencies are required by law to provide the GAO.

"21. The Civil Service Commission reversed its earlier policy of making public the names of retiring Federal employees, contending that the information should be restricted because there was no law authorizing the release even though no law prohibited it.

"22. The Electronic Production Resources Agency in the Defense Department reversed the policy of making available to the public nonsecurity statistics after the Department of Commerce protested release of the information.

"23. The Department of Justice continued restrictions on access to information about Federal prisoners.

"24. The Navy provided reports of tests of an arctic cargo sled to the designer of the sled

who had been trying to get the information for 10 years.

"25. The Army disclosed information on medical payments after a private citizen had tried for 8 years to obtain the information.

"26. The Comptroller of the Currency initially refused to make public the blank forms filled out by persons applying for national bank charters, contending that only 'legitimate' requests for the blank forms should be honored, but later made the blank forms available when asked to cite statutory authority for the refusal.

"27. The Budget Bureau clarified restrictions on testimony by Defense Department witnesses before congressional Appropriations Committees, contending that military experts are not completely free to express personal views at variance with budget requests.

"28. The Bureau of Public Roads removed restrictions on the availability of nationwide highway statistics, making the information available to local government officials who needed it for tax planning purposes.

"29. The Defense Department issued a directive declassifying most military documents originated before 1946 and continued its study of methods to declassify current documents and prevent overclassification.

"30. The Defense Department stated that an attempt by a Navy public information officer to screen questions which reporters ask of high-ranking officials was a mistake contrary to Department policy.

"31. The Federal Aviation Agency made available a previously restricted engineering report on the materials to be used in paving the new Washington International Airport.

"32. The Agriculture Department clarified regulations which had been misused to restrict public access to crop allotment records, particularly in California.

"33. The Interior Department made available previously restricted information on leases of public lands and took steps to revise information practices in Bureau of Land Management offices.

"34. The Treasury Department, under requirements of a new law, provided for public access to applications filed by nonprofit organizations for tax exempt status.

"35. The Internal Revenue Service made more information publicly available about tax court cases and established an information seminar for executives."

* * * * *

This report respectfully submitted on the first day of November 1959 by the Freedom of Information Committee of Sigma Delta Chi. V. M. Newton, Jr., Tampa Tribune, chairman; Clark Mollenhoff, Washington correspondent, Des Moines Register and Tribune, Washington, D.C.; Theodore Koop, Columbia Broadcasting System, Washington, D.C.; David Howe, publisher, Burlington (Vt.) Free Press; Don Carter, Wall Street Journal, New York; Sam Saran, NBC Merchandise Mart, Chicago, Ill.; Alvin E. Austin, Department of Journalism, University of North Dakota, Grand Forks, N. Dak.; Bo Byers, Houston Chronicle correspondent, Austin, Tex.; Bob Murphy, the Castle, Syracuse University, Syracuse, N.Y.; Harm White, 4010 East Hazelwood, Phoenix, Ariz.; John L. Chandler, 140 Homestead Avenue, Albany, N.Y.; Howard Cleavinger, managing editor, the Daily Chronicle, Spokane, Wash.

BETHLEHEM STEEL CO.

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, it is with sincere regret that I ask to include the following letter which I received from Mr. D. D. Strohmeier, vice president of the Bethlehem Steel Co., Inc., Shipbuilding Division:

BETHLEHEM STEEL CO., INC.,
SHIPBUILDING DIVISION,
New York, N.Y., March 10, 1960.

The Honorable LEVERETT SALTONSTALL,
U.S. Senate,
Washington, D.C.
The Honorable JOHN F. KENNEDY,
U.S. Senate,
Washington, D.C.
The Honorable JAMES A. BURKE,
The House of Representatives,
Washington, D.C.

DEAR MR. BURKE: Your concern about the continuing strike at Quincy, as expressed in your letter of March 4, 1960, is of course shared by the company. However, it is noticed that you express concern for only three groups—the strikers, the community that depends for its welfare on the shipyard, and the Navy whose ships are regrettably being delayed. Nowhere do you express concern for the company whose business has been brought to a halt by unions so greedy that they do not recognize their already superior benefits. These represent in toto the most favorable wage and benefit provisions that have ever been granted by any private shipbuilder in the world. Our company, which is also concerned about our "immediate and * * * long-range interests," does not intend to increase its competitive disadvantage, particularly at a critical time such as this in the future of American shipbuilding. To do so would be a disservice to the country, the economy of the community, and the economic well-being of Massachusetts.

Your seeming lack of concern for the company that provides the jobs and the payroll that oils the economic gears in the South Shore communities is not, we hope, another manifestation of the dire trend in the business atmosphere created by opportunistic political policies that have dominated Massachusetts affairs in recent years.

We are witnessing in Massachusetts a state of anarchy that is a disgrace to the State. I was born, raised, and educated in Massachusetts and I must hang my head in shame over the lack of respect for law that we are now experiencing there. A state of siege has been and is being maintained by the unions at Quincy. The company has been forcibly prevented from its lawful access to its own property by picketing that has been adjudged in this instance by a Massachusetts court as "unlawful and in some instances criminal," but against which an employer has no practical basis for relief under Massachusetts statutes. Nor are the police disposed to enforce the law. Some 2,000 nonstriking employees are denied access to their place of employment by this lawless activity. Important design and engineering work for the Navy is being seriously hampered by this activity. Yet, no responsible elected official has had the political courage to admonish the unions to obey the law.

The settlement of this dispute on the union's terms would insure the end of shipbuilding at Quincy. We do not intend to see that happen.

My last letter to you was somehow referred to the unions and was distorted by them publicly. I hope that will not happen to this letter, which I am sending in the spirit of the 5th and 6th lines of the second verse of Rudyard Kipling's "If" and trust you will not be among those who may be trapped.

Sincerely yours,

D. D. STROHMEIER,
Vice President.

My reasons for regret is based on the reckless statements made by Mr. Strohmeier, particularly his intemperate remark in the first sentence of the third paragraph of his letter stating:

We are witnessing in Massachusetts a state of anarchy that is a disgrace to the State.

For the benefit of Mr. Strohmeier, I would like to read the definition of the word "anarchy":

The absence of all political government; by extension, confusion in government.

The absence of government; a state of society where there is no law or supreme power (*Spies* v. *People*, 122 Ill. 253, 12 N.E. 865, 17 N.E. 898, 3 Am. St. Rep. 320).

A social theory which regards the union of order with the absence of all direct government of man by man as the political ideal; absolute individual liberty (Century Dictionary).

Taken in its proper sense, the word has nothing to do with disorder or crime, but in the act of Congress of March 3, 1903, the word "anarchists" is used synonymously with "persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law or the assassination of public officials," and this would seem to be the popular sense attaching to the word. In the address of U. M. Rose, president of the American Bar Association in 1902, criminal anarchy is defined as the doctrine that organized government should be over thrown by force and violence, or by assassination of the executive head or of any of the executive officials of the Government by any unlawful means—Fifteenth Report, American Bar Association, page 210.

In *U.S.* v. *Williams* (194 U.S. 294, 24 Sup. Ct. 719, 48 L. Ed. 979) it was held that even though an alien anarchist only regarded the absence of Government as a political ideal, yet when he sought to attain it by advocating a universal strike and discoursing upon "the legal murder of 1887"—*Spies* v. *People* (122 Ill. 1, 12 N.E. 865, 17 N.E. 898, 3 Am. St. Rep. 320)—there was a justifiable inference that he contemplated the ultimate realization of his ideal by the use of force, or that his speeches were incitements to that end. And further, that even if "anarchists" should be interpreted to mean political philosophers innocent of evil intent, yet the tendency of the general exploitation of such views is so dangerous to the public weal that aliens who hold and advocate them would be undesirable additions to the population and their exclusion infringes none of the constitutional guarantees respecting freedom of speech, and so forth.

PADEREWSKI POSTAGE STAMP

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to address the House for I minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, the No. 1 problem facing the Members of Congress, our Government, and the free world in general, is to curtail the future spread of communistic aggression and bring to the minds of all the people

in our country and the free world the necessity to sacrifice and continue the fight to preserve liberty and freedom.

Never in history has the liberty of mankind been threatened by such a powerful and well-organized set of tyrants as the Communist conspiracy operating from Moscow. No nation has, over the centuries, fought for liberty and freedom for its people more than Poland.

Of the many great patriots and leaders who have spearheaded the Polish resistance against tyranny no one holds a higher status than the late Ignace J. Paderewski. November 6 of this year marks the 100th anniversary of his birth.

The U.S. Post Office Department is now authorizing special commemorative stamps honoring world patriots under its "champion of liberty" series. It is fitting and proper that the Post Office Department should designate a stamp honoring Ignace J. Paderewski in this series, reminding our Nation and the people of the world of its reverence for former champions of liberty and freedom.

I do hope that every Member of Congress will communicate by letter, requesting Postmaster General Summerfield to include Ignace J. Paderewski in the "champion of liberty" series, honoring him on the 100th aninversary of his birth.

Mr. Speaker, under unanimous consent I also include a letter which I have received from Mr. Charles Burke, Washington representative, Polish American Congress, Inc., Washington, D.C., endorsing the issuance of this commemorative stamp to honor this great Polish hero and patriot:

POLISH AMERICAN CONGRESS, INC.,
Washington, D.C., March 8, 1960.

Hon. RAY J. MADDEN,
House Office Building,
Washington, D.C.

MY DEAR CONGRESSMAN MADDEN: The U.S. Post Office Department is now issuing special stamps in the "champion of liberty" series honoring heroes and great men of other lands who have worked and fought for the freedom of man.

It seems to us that such a stamp honoring Ignace J. Paderewski on the 100th anniversary of his birth (November 6, 1860) should be issued by our Post Office Department.

Ignace J. Paderewski was in a true sense a champion of liberty. He was not only a great artist and humanitarian but also a statesman who throughout his life worked, fought, and pleaded for the freedom of man.

During the First World War he interrupted his artistic career and worked for the independence of Poland. He was instrumental in organizing an independent Polish Army in France recruited in 1917–18 in the United States, Canada, South America, and Western Europe. This army fought at the side of the Allies on the Western front.

He was chairman of the Polish delegation to the Peace Conference in Versailles and on behalf of Poland signed the Peace Treaty by which Poland regained her independence.

He assisted in organizing the Polish Republic in 1918 and 1919, and was the first Polish delegate to the Council of Ambassadors at the League of Nations in 1920.

When the Second World War broke out and Poland was overrun by Soviet Russia and Germany, Paderewski, for the second time in his life, interrupted his career and set himself the task of laboring for the liberation of his native Poland.

He was instrumental in forming the Polish Government in Exile in 1939 and was chairman of the National Council of the Republic of Poland functioning in France and later in England.

In 1940 on his 80th birthday, aged and weary but spiritually valiant, Paderewski arrived in the United States to work for the independence of his distressed homeland. He died in New York on June 29, 1941, and by special authorization of President Franklin D. Roosevelt is buried in Arlington National Cemetery.

It seems to us that a stamp honoring this great man, this true champion of liberty, Ignace J. Paderewski, should be issued by our Post Office Department in the series of stamps honoring "Champions of Liberty" of other lands.

This matter is now under consideration by the Postmaster General who advises us that the name of Ignace J. Paderewski is still being considered. Your intervention with the Postmaster General would be greatly helpful and deeply appreciated.

Respectfully yours,

CHARLES BURKE,
Washington Representative, Polish American Congress.

BILLS TO HELP SMALL BUSINESS

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, our distinguished Chairman of the House Small Business Committee, the gentleman from Texas [Mr. PATMAN], and other members of the House Small Business Committee, have introduced bills which, if enacted into law, would improve the lot of small business.

These bills include H.R. 10235, which was introduced by the Honorable WRIGHT PATMAN, chairman of the House Small Business Committee, on February 8, 1960. Among other things, H.R. 10235 would provide a Federal law against sales below cost in or affecting interstate commerce where such sales would have the effect of substantially lessening competition and tending to create a monopoly. Another bill, H.R. 8841, was introduced several months ago by our colleague the gentleman from Oklahoma [Mr. STEED] to clarify the authority and power of the Federal Trade Commission to enter temporary cease and desist orders pending the disposition of litigation involving practices deleterious to small business.

On January 25, 1960, I introduced six bills, H.R. 9893 to 9898, inclusive. The first three of these bills, as I explained at the time I introduced them, would provide a measure of relief to small business concerns engaged in the sale and distribution of petroleum and related products at retail. H.R. 9896–9898 would provide small business concerns engaged in the distribution of food products with relief from unfair trade practices and conditions now faced by small business concerns in that segment of our economy. Specifically, H.R. 9898 would apply to the integrated operations of large chain food retail organizations which have extended their operations to include the processing of foods. The bill would prohibit the integration of food processing and the sale of food at retail only in those instances where such integrated operations would have the effect of substantially lessening competition and tending to create a monopoly.

These bills to help small business, to which I have referred, have been introduced only after the accumulation of an abundance of evidence clearly showing that unless action of the nature indicated is taken, small business will suffer irreparably. The special subcommittee and Subcommittee No. 5 of the House Small Business Committee have held hearings in various sections of the country. Before these subcommittees many representatives of small business concerns have appeared and explained how monopolistic conditions and practices are eliminating small business concerns wholesale. In the hearings before the special subcommittee, our colleague the gentleman from Oklahoma [Mr. STEED] has been told by representatives of small business concerns many times that unless legislation prohibiting sales below cost is enacted soon, small business concerns in the dairy industry will become a thing of the past. Likewise, witnesses representing hundreds of thousands of small business concerns in the food industry appeared before Subcommittee No. 5 of the House Small Business Committee and pointed out how the distribution of food is falling into the hands of a few large, nationwide chain food retailers. They have detailed in their testimony how the small processors, meat packers, wholesalers, and retailers are being swallowed up through the ever-expanding integrated operations of the large food chains. Their testimony has included references to the facts that the large food chains, through the exercise of their enormous economic power, are demanding and receiving preferred treatment in the form of favored prices and otherwise not available to their smaller competitors.

Mr. Speaker, it is believed that time will limit our opportunity to act with any hope of rendering effective help to small business. Time is running out. Unless we act in some effective way, there will be no small business for us to consider. The problem is far more alarming than I appreciated before our Subcommittee No. 5 held its hearings regarding small business problems in food distribution. I am convinced that if the Members were provided with the opportunity I have had to see and hear these small businesses in their appealing way request legislation providing only for simple justice, the Members would be moved as I have been to the conviction that we should act. It is noted that these small business concerns who are appealing for help are not only constituents of mine, but are the constituents of all of the Members. In that connection, I would like to refer to a letter recently received from Mr. J. E. Stovall, of Douglas, Ga., who is president of the National Independent Dairies Association, the members of which are small business concerns engaged in the processing and distribution of dairy products. They are located throughout the United

States. Mr. Stovall wrote me under date of March 1, 1960, about some of the problems of small business. I believe the Members would be interested in reading the contents of his letter. Therefore, under leave to extend and revise my remarks, I wish to include at this point Mr. Stovall's letter:

DOUGLAS, GA., *March 1, 1960.*

HON. JAMES ROOSEVELT,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: I want to take this opportunity to thank you and to congratulate you on the hard, conscientious work and the clear thinking you have done in Subcommittee No. 5 of the House Select Committee on Small Business.

Your H.R. 9898 seems to go to the heart of the matter with reference to the effect which the enormous buying and merchandising power of a few food chains is having on the farm, labor, and small business segments of our Nation.

The regulatory laws administered and enforced by the agencies charged with that duty, together with proposed corrections and amendments such as Congressman Patman's H.R. 10235 are very necessary and can help so very much when brought to bear and successfully prosecuted. We need them.

I characterize them as the salve or drugs to heal the sores and ravages of malnutrition.

I characterize your H.R. 9898 as a part of the prevention of the malnutrition of the food business. To help stop bad practices in their incipiency seems no less important, in fact, very, very desirable. We need to remove the causes and to heal the wounds.

As president of the National Independent Dairies Association, I thank you.

Respectfully,

J. E. STOVALL.

RED GROWTH RATE FOUND LAGGING

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I am placing in the RECORD an article appearing in the Saturday, March 12, 1960, Washington Post commenting upon the article in Fortune magazine which in turn comments upon the forthcoming book of Colin Clark, eminent British economist, entitled "The Real Productivity of Soviet Russia."

I am happy someone outside the United States has finally advanced the thesis that "the specter of burgeoning Russian productivity" is "in effect, tripe."

The Washington Post reporter states that almost alone this British economist has advanced this thesis in the face of "politicians, businessmen, economists, and scientists pointing to figures showing Russian growth rate of 6 percent or more against our 3.5 average."

It just goes to show that prophets are without honor in their own country. Last fall a subcommittee of the Joint Economic Committee held lengthy panel-type hearings on a series of papers prepared at the request of the Committee by a group of outstanding economists who were our panelists and published well ahead of the hearings on the subject of the relative postures of the Russian and United States economies.

A fair analysis of these papers and hearings, I think, would reveal that in essence they support the opinion of Colin Clark, "The specter of burgeoning Russian productivity is tripe."

As a member of this subcommittee of the Joint Economic Committee, indeed as the person who was largely responsible for these study papers and the hearings being held, I was somewhat surprised to notice the press attendance at the hearings fell almost off to nothing as soon as it became apparent that there was going to be little or no substantiation of the Russian specter. I had thought we Americans were interested in the truth and I was satisfied that it was very important to find out as much as we could about Russia's real prowess.

The papers and the hearings of the Joint Economic Committee are still available for anyone interested in the truth rather than the specter. Let me just point out a few interesting facts.

RUSSIAN EDUCATION

We have been hearing a great deal about Russia's great strides in the field of education, largely, I regret to say, from people who think the scare technique is one way to make the Federal Government do more than it is doing in the field of education. These cries of alarm for the most part come not from any serious belief or from even the most cursory study of what Russia really is or is not doing in education. In saying this I would make it clear that I do not advocate complacency; instead I advocate that our future actions be predicated on knowledge of the pertinent facts.

Here are some points to think about. Fifty percent of Russian population is still in rural areas. The rural families, as is usual in most societies, have a greater number of children per family than those in urban areas. Approximately 60 percent of Russian children may be presumed to be in rural areas. Russia has 4 years compulsory education in the rural areas. Roads are poor, housing is poor, transportation is poor. There is practically no electricity. What then can we properly conclude with respect to rural education in Russia?

In the Soviet urban areas compulsory education involves an 8-year period. It was increased from 7 years about 2 years ago. However, there has been a decline in overall enrollment inasmuch as in the additional 3 years of noncompulsory, secondary education there has been a policy decision to divert students from full time further education into industrial production. Lenin is cited on the subject of the inseparability of work and study to give this unpalatable move the backing of orthodoxy. I do not believe our educators would accept this explanation to be an advance in education. Nor do I believe that the Russian leaders do. The important fact is there is a serious shortage of Russian manpower resulting from, first, the great death rate in the agrarian reforms of the early 1930's; second, the death rate of World War II; third, a very small baby crop during the World War II years; and the maintenance of a large military force.

Russia clearly cut back upon its educational program in order to meet its manpower problems. This is undoubtedly one of the reasons she is currently undertaking a reduction in her military manpower under the guise of peaceful protestations.

HEALTH AND HOUSING

The people who come to Washington to promote Federal aid for health and housing do so partly on the plea that this is good economics. Bad housing makes for bad health, which promotes low productivity of the worker, including greater absenteeism.

Does not poor housing and poor health facilities produce low productivity in Russia? The answer is that of course it does and Russia which has very poor housing has a very low rate of productivity compared to the United States. For example, in urban areas Russia has 79 square feet of living space per person. The equivalent figure in the United States is 370 square feet per person. In Russia's new housing units in Moscow residents have 400 square feet per family of four. Each family shares a kitchen and bathroom with at least one other family. In 1959 in the United States in contrast 61 percent of our nonfarm dwellers—and 70 percent of farm dwellers—owned their own homes and in standard metropolitan areas 93 percent of the owner-occupied units have full plumbing facilities and are classified as "not dilapidated."

ELECTRIC POWER

One way of testing a nation's economic capabilities is through the electric power available to the nation.

In 1958 Russia had a total generating capacity of 53 million kilowatts. The same year the United States had a capability of over 167 million kilowatts.

In 1959 Russia jumped to 59 million kilowatts.

During the same period the United States jumped to 183 million kilowatts.

Russia's announced goal for 1965 is 110–112 million kilowatts.

The United States is expected to have about 245 million kilowatts in 1965.

One of the important aspects of power is its usability and this depends to a large degree upon transmission lines.

At the end of 1957 the total length of transmission on lines of 35,000 volts and above in Russia was about 46,485 miles.

In the United States the same year the total length of lines 35,000 volts and above was 240,000 miles.

I need not dwell on the fact that Russia has at least three times the distances to be covered as the United States.

In 1958, 80 percent of the power generated in Russia was devoted to industry and construction. Only about 16 percent went for rural and residential use.

In 1959 Russia produced 1,161 kilowatt-hours per capita.

In 1959 the United States produced 4,481 kilowatt-hours per capita.

The average home use of electricity in Russia is about 400 kilowatt-hours a year.

In the United States the average home use of power in 1959 was about 3,550 kilowatt-hours per year.

Just imagine how this affects productivity per worker. Just imagine how this relates to education, and home study entirely apart from the well-being of the people.

Incidentally there is practically no rural electrification in Russia and Russia's farm production utilizing half her population shows it.

But even in the area of utilization of personnel in the power industry itself which Russia has upgraded well ahead of almost any other industry we find some startling contrasts—as we should expect when we analyze the health, housing, and educational standards of Russia. Russia has shown remarkable progress for Russia, however. From 1950 to 1957 the number of personnel per megawatt of installed capacity was reduced from 9.6 to 5.6 persons. By 1958 in the larger power stations with a capacity of 500,000 kilowatts or over, the number of personnel was 2 to 2.5 persons per megawatt of installed capacity. In the United States, according to the Federal Power Commission, the large coal-burning plants built during the last decade require from 0.2 to 0.5 employees per megawatt of plant capacity.

TRANSPORTATION

I have discussed on the floor of the House before, the inadequacy of Russian transportation, so I will merely touch the high spots. However, I would point out that like power, transportation is a good statistical index on any modern economy regardless of whether it is directed to peaceful or warlike pursuits.

In 1958, 81.6 percent of Russian freight was handled on railroads.

In the United States the comparable figure is about 40.9 percent.

About 5.3 percent was handled on inland waterways and about 2.1 percent on pipelines in Russia.

In the United States about 28 percent was handled by inland and coastwise waterways, 15 percent truck, and 15 percent pipeline.

Total freight ton miles for Russia in 1956 in billion short ton miles was 821.1, contrasted with 1,664.0 for the United States. A ratio incidentally of 2.0 in comparison with a 2.3 ratio in 1938 before World War II.

Russia makes up for some of its shortcomings in railroad mileage and rolling stock by a much more intensive use of what they have. For example, the railway, not the shippers, route traffic and schedule it. Imagine, if you will, the restrictions and inefficiencies imposed on the manufacturers who must await the railroads' pleasure on receiving their production materials and on shipping out of their products.

I hope I have said enough to make the point. A reading of the papers the Joint Economic Committee received on various aspects of Russian economy all point to the same conclusions. At best it is one-third of that of the United States and that third is rather inflexible and brittle. The United States aside from being three times the size has a flexibility that would permit it under pressure of war or emergency to expand to six times the size of the already straining Russian economy.

I hope we in the United States will get back to reality. If we want progress in education, in science, in research and development, in more jobs, in better standards of living, in military prowess—and we certainly do—let us go about getting it in the traditional American way of objective self-criticism and constructive self-appraisal which include welcoming the criticisms of any on the outside who may contribute something to our better understanding. But let us not do it the way some of our misguided people are trying to do it by scaring ourselves to death with a nonexistent bogeyman. Fear does not really promote progress. Fear is really debilitating.

Russia is growing and it may be well that she is. Particularly I am happy to see her grow in the field of education. In her growing, our studies reveal, she has almost as a matter of course begun to abandon the Communist theories for running a society and to adopt many of the incentive features of the private enterprise system. Russia is a threat to us, of course, in a military way, just as every man, regardless of his size and physical prowess, became a threat to every other man when the pistol was perfected. In gangster language a pistol is referred to as an equalizer because it made the little runt equal to the biggest and most powerful male. So atomic bombs are in effect equalizers among nations which have atomic bombs and the ability to deliver them.

But should the strong man be afraid of the little man if both have guns? He has to look at things a bit differently, but it is spiritual values that are the test of whether he is or is not afraid, not weapons.

The real threat to America is ideological. If we believe in the private enterprise system, and I do, then we must understand it and promote its philosophy. The crass timidity and stupidity of playing Russia up as the giant she is not is bringing dangerous and unwarranted results among the uncommitted nations. These nations perhaps do not fear the bogeyman some of our people have pictured Russia to be, but can the thought escape them that if Russia really has achieved all that this silliness pictures her as having achieved under a system of communism, then America's story that communism is self-defeating cannot be true.

I believe the facts in history, and of the present day, demonstrate beyond much doubt that communism is self-defeating and to the extent that we in this country have abandoned some of the basic features of the private enterprise system by substituting political bureaucratic or industrial oligopolic decisions for the decisions of the marketplace—and we have—to that extent we have weakened ourselves. Herein lies our danger, not the specter that Colin Clark, in effect, has called "tripe."

The following is the news article in the Washington Post I have referred to:

RED GROWTH RATE FOUND LAGGING—ECONOMIST FINDS SOVIET PERFORMANCE MEDIOCRE

(By Frank C. Porter)

The specter of burgeoning Russian productivity has caused considerable consternation in the United States.

Politicians, businessmen, economists, and scientists have pointed to figures showing an annual Russian growth rate of 6 percent or more against our 3.5 percent average.

Some have called for extraordinary measures to close the gap, to protect the U.S. productive superiority, to give the lie to Khrushchev's boast that the Soviet's real national product will match or top ours in a decade or so—a boast which many Americans seem to fear may prove only too true.

Almost alone is a British economist who, in effect, calls the whole thesis tripe.

"Like so many other things which everybody knows, this supposed growth trend of the Soviet economy is an illusion," writes Colin Clark, Oxford University economist and research director of the Econometrica Institute. Fortune magazine has printed the main conclusions of Clark's forthcoming book, "The Real Productivity of Soviet Russia," in its current issue.

The illusion arose, Clark says, through expectations that a spurt in Russian productivity, reflected in data for the period 1948–53, will continue indefinitely. He chides fellow economists for overlooking a commonplace: After a war or other disaster which has drastically reduced its productivity, a nation will go through a period of rapid growth followed by gradual deceleration of this rate as productivity approaches that position on its normal trend line which it might have been expected to reach had the war not occurred.

"The information for the years after 1953 shows in actuality the rate of (Russian) growth slowing down," he points out.

Clark likens neurosis over Russian growth to the prognosis of a physician who, finding that a child recovering from a serious illness shows a rapid gain in weight for 2 successive weeks, plots the figures on a logarithmic diagram and tells the parents that in a year the child will weigh more than the father.

As for Clark's own figures, he finds the annual rate of Soviet growth per man-hour to be only 1.2 percent over the period 1913–56. Reckoned from 1928, the average is 1.7; from 1939, only 1.6 percent.

Against this, the average rate of growth per man-hour in the United States has been 2.3 percent a year from the 1890's, Clark says.

Since population increase is also a factor in growth of the total national product, Clark takes some pains to show that the Soviet Union falls far behind the United States in this category as well.

Russia's rate of population growth has been 1.5 percent and "possibly" is now decreasing while the U.S. rate stands at 1.8 percent and is increasing, Clark claims.

The British economist comes to a political and moral conclusion: "Governed by fanatical materialists, the Russian people have been called upon to sacrifice their personal liberties, their national traditions, and their religion for the sake of material progress; and all that they have received in return is a rate of material progress far below that of most other countries * * *. It should be made clear how very mediocre the economic results of communism have, in fact, been."

VAN ZANDT BILL TO CONSTRUCT 100 NUCLEAR-POWERED ATTACK SUBMARINES AT THE RATE OF 20 VESSELS PER FISCAL YEAR

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, in 1958, during the 85th Congress, and again in this Congress I introduced legislation which would authorize the Secretary of the Navy to construct 100 nuclear-powered attack submarines.

My bill, which is H.R. 6483, would direct the Secretary of the Navy to construct the 100 nuclear-powered attack submarines at the rate of 20 per fiscal year, starting with the present fiscal year which expires June 30, 1960.

H.R. 6483 would authorize to be appropriated out of any money in the Treasury not otherwise appropriated, such sums not to exceed $4 billion as may be necessary to carry out the provisions of such an act.

In urging that immediate attention be directed to the necessity of constructing 100 nuclear-powered attack submarines over a 5-year period, I wish to make it clear that I am not criticizing the present posture of our national defense.

In my opinion we have an adequate national defense. Moreover, I am convinced that the vast majority of Americans are in accord with President Eisenhower's reassuring statement that we have a strong defense system.

The one disturbing factor, however, is that everyone seems to be concerned solely with the need of concentrating on building more Polaris missile-firing submarines. Thus, in doing so we tend to neglect to recognize the imperative need of also increasing the fleet of nuclear-powered attack submarines which have a greater all-around capability as an arm of our national defense.

Mr. Speaker, it is common knowledge that all of our alliances and our ability to maintain the integrity of the free world are dependent upon keeping open the sealanes. And, in that respect, I am convinced that the most serious threat to the ability of the Navy to control the seas is the large Soviet submarine fleet already in being and the nuclear fleet now under construction by the Soviets.

Then too, Mr. Speaker, we must realize that a few of these Soviet submarines now equipped to fire missiles can place our coastal cities in danger of being destroyed in the event of war. Speaking frankly, many believe there is little doubt that the Soviets are capable of effecting their own marriage of the IRBM to the nuclear-powered submarine, as we are doing with the Polaris type submarine.

At the same time, the Soviets are advanced in the missile field and are known to be building nuclear-powered submarines. In this connection, over a period of years they have long pointed out the vulnerability of the United States to such attacks. In short, missile launching submarines are the Soviet equivalent to our overseas air and missile bases.

Mr. Speaker, no longer is the ocean our protector. In fact, the ocean now becomes the hiding place, the breeding ground, and the potential battlefield of the most serious threat to our safety. Frankly, the Navy must expedite all efforts to cope with this threat, sacrificing if necessary other functions of lesser importance.

In analyzing our position today, it is well to recall that at the outbreak of World War II, Germany had 57 submarines of which 22 were ocean going. Before the war was over, 14 million tons of allied shipping went to the bottom of the sea. It took us four long years to gain control over the German sumbarine menace.

In this age of atomic power and missilery, the submarine is even a more powerful and more versatile weapon. The knowledge that the Russian submarine fleet is nearly nine times as large as was the German submarine force at the outbreak of World War II should stir us to action now, rather than waiting for destruction. For survival we not only must be able to control the air above and the surface of the sea but also the waters beneath.

Fortunately, we have in our arsenal the nuclear-powered attack submarine—a superior weapon which, if produced in sufficient numbers, could defeat the large Soviet submarine fleet.

With that thought in mind, it is pertinent to review the following tables showing the estimated maximum numbers of combat submarines we now have on hand and will have from now until 1966.

ESTIMATED MAXIMUM NUMBERS OF COMBAT SUBMARINES

TABLE I.—*Attack type less than 20 years old*

	Now	Late 1960	1961	1962	1963	1964	1965	1966
Nuclear	7	13	16	23	27	30	33	36
Conventional	87	87	87	87	84	59	23	19
Total	94	100	103	110	111	89	56	55

TABLE II.—*Missile types less than 20 years old*

	Now	Late 1960	1961	1962	1963	1964	1965	1966
Nuclear-Polaris	1	5	7	9	12	15	18	21
Nuclear-Regulus	1	1	1	1	1	1	1	1
Conventional-Regulus	4	4	4	4	4	3	2	2
Total	6	10	12	14	17	19	21	24

TABLE III

	Now	Late 1960	1961	1962	1963	1964	1965	1966
Nuclear total of table I and table II	9	19	24	33	40	46	52	58

BASIS FOR TABLE

First. Submarines have a maximum useful life of 20 years. This is due to two factors: (a) Hull deterioration becomes so pronounced that the ships become unsafe to operate except at very shallow depths. Repairs to the hull become prohibitively expensive. (b) Space and arrangement restrictions make it impossible to install the later types of equipment needed to keep the submarine militarily effective. Modern submarines require more and more electronic devices. These cannot be installed in World War II hulls without unacceptable infringements on habitability.

Second. Nuclear attack submarines will continue to be authorized at the present rate of about three per year.

Third. Nuclear Polaris type submarines will continue to be authorized at the present rate of about three per year.

Mr. Speaker, the majority of scientists and tacticians agree that the best way to hunt down and destroy a submarine is with another submarine. When dealing with the threat of Soviet submarines with nuclear power this naval fact becomes intensely significant. An atomic submarine is an extremely durable, elusive craft and is immune to many of the search and attack techniques effective against conventional submarines.

Further, as demonstrated by the cruises to the North Pole by the *Nautilus*, the *Skate*, and the *Sargo*, a whole new strategic area of the world has been opened. No longer can we comfort ourselves with the protection afforded the most northern boundaries of our continent by the Arctic ice cap. Nuclear submarines of any nation will be free to militarily exploit the Arctic Basin.

Only a strong force of nuclear attack submarines will provide us with the ability to check missile-firing submarine threats from that area.

Mr. Speaker, it is reassuring to know that the United States is for the present ahead of Russia in the development of nuclear submarines by a significant if not commanding margin. However, as

Rear Adm. Hyman Rickover testified a considerable time ago, if the Soviets build their nuclear-powered submarines at even a fraction of the rate they have been building conventional submarines we could very soon lose our present lead in submarine nuclear propulsion.

No one will deny that it would be devastating and nothing short of criminal for us to let this happen.

The dramatic successes of our nuclear-powered submarines have captured the imagination and the admiration of all Americans and millions of people throughout the world. To these people these splendid ships are a modern symbol of America's capacity for progress and leadership in the field of science and exploration. If we permit the Russians to surpass us we not only invite destruction but we destroy this world-wide image. In a few words, it is an accepted fact that we now possess an actual weapon superiority and a psychological supremacy of incalculable value in the nuclear submarine. Frankly, we must retain it.

We should be mindful, too, of the fact that our current submarine fleet is composed mainly of ships built during World War II which was clearly demonstrated by the tables called to your attention a moment ago. These ships are rapidly becoming obsolete and overage. Therefore, as the tables show, if we are to have anything more than a token attack submarine fleet, we must immediately increase our submarine construction program.

Let me submit one further point for your consideration.

The Navy has been quick to point out that fighting Russian submarines is not a numbers matching game. The Navy has said that the usefulness of the nuclear-powered attack submarine best accrues when we are able to take advantage of its unique characteristics in conjunction with other tools which supplement it.

I do not deny this, but I am very much concerned that if we continue the construction of attack submarines at the present rate we very soon will not even have enough submarines to run target for these other tools of antisubmarine warfare.

Of all the elements of the U.S. Navy the nuclear-powered attack submarine will probably be the last to become obsolete. Even the Polaris submarine, now being developed so vigorously, will undoubtedly give way to improved deterrent systems utilizing the nuclear underwater concept.

As my bill, H.R. 6483 provides, I again urge that we immediately build large numbers of attack submarines that have the capacity to sink Russian submarines. My bill proposes that the Congress authorize, for construction in the next 5 years, 100 nuclear-powered attack submarines.

To get started on this effort now, I propose that we immediately authorize in the fiscal year 1961 supplemental budget $500 million for the construction this year of 10 additional attack submarines. If we start now I am confident that these ships could be completed in 1964 and 1965. If we build them on an accelerated basis, with top priority, and I propose that we do so, I am confident they can all be completed before the end of 1964.

Mr. Speaker, from my own investigations I have determined that these 10 ships could be built without constructing new facilities. In other words, no retooling would be required.

Failure to immediately start constructing these attack submarines is a national admission that we do not intend to protect the lead we now have in the nuclear submarine field.

To make my position crystal clear, I heartily support all efforts in the anti-submarine warfare program.

In addition, I recognize the urgency of ship construction, including new carriers, Polaris submarine, amphibious ships or vessels, and all the other elements involved in establishing and maintaining sea power.

I also recognize that ICBM missiles encased in hardened sites or moving around the countryside on flat cars, also play an important role in our defense structure.

But when all is said and done, considering the present state of the art, we have high hope of being able to at least briefly anticipate ICBM's by tracking devices as they travel through thousands of miles of space.

We have reason to hope that we will have enough advance notice to detect and intercept such missiles.

But no one has yet found a way to overcome the natural cover of billions of tons of sea water particularly under conditions of variable temperature.

Commonsense, therefore, would seem to indicate that this natural protection for our submarines is also our greatest danger.

Thus, that weapon which can seek out and destroy a submarine underwater is the weapon we should accelerate.

That weapon, Mr. Speaker, is the nuclear attack submarine.

It is the weapon that will destroy the ballistic missile submarine that would otherwise be able to fire its lethal load practically undetected.

Mr. Speaker, in concluding these remarks, I urge that we give immediate consideration to the construction of 100 nuclear-powered attack submarines as provided for in my bill, H.R. 6483, pending since April 16, 1959, before the House Armed Services Committee.

RURAL LIBRARY SERVICES

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, one of the fundamental means of transmitting knowledge in our country is through the written word. Of all the methods of recording the written word, books have proved to be the most durable. Books are of value, however, only insofar as they are available to be read. To make them more readily available to the rural people of America, Congress in 1956 passed the Library Services Act.

Mr. Speaker, I have today introduced legislation to extend for another 5 years this act which has done so much to bring the world of books to the rural residents of our Nation.

In my State of South Dakota, there are many living in areas far removed from established libraries. These people are just as interested in the quest for knowledge as is the suburban population.

Passage of the original act has done much to bring books closer to rural America. More than 1 million persons now have library service for the first time. Some 66 counties formerly without any public libraries now are receiving service. More than 200 new bookmobiles are bringing books and information to rural citizens. The hunger for books and information has been emphatically demonstrated by the tremendous increases in library usage as a result of these improved services.

The Library Services Act has encouraged States to inaugurate and extend their own programs tremendously. State funds, under impetus from this Federal legislation, appropriated for the improvement and extension of public library service to rural areas, have been increased more than 54 percent since 1956, and local funds have been increased by 45 percent.

In South Dakota, as in other States, there are areas which have inadequate library service or no service at all. As more persons realize the values of a library, the needs for improved service will increase.

It is my conviction that an extension of the act for another 5 years would benefit rural people, not only in South Dakota, but in the entire Nation. Education certainly must not stop with the classroom or upon graduation from school. Citizens should have the opportunity to enjoy the enrichment that reading can provide for them.

I strongly urge the proposed extension of the Library Services Act to better meet the needs of our rural citizens.

CHANCELLOR ADENAUER'S VISIT TO THE UNITED STATES

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. BOSCH] is recognized for 60 minutes.

Mr. BOSCH. Mr. Speaker, on this occasion of his visit to meet with President Eisenhower, it might be well to say a few words about a truly distinguished leader in the Western bloc, namely, Chancellor Konrad Adenauer, of the Federal Republic of Germany.

We all know the importance of the future of Berlin, and indeed Germany, in the overall aspiration of peoples everywhere for the restoration and the securing of world peace. It is logical therefore to review for the benefit of the RECORD certain fundamental facts.

It was on August 11, 1919, that Germany ceased to be a constitutional monarchy and became a Republic with

Berlin remaining the capital. It was governed by what is commonly referred to as the Weimar Constitution. This instrument was in many respects similar to our own Constitution and it contained certain emergency provisions which, unfortunately, were flagrantly abused rather than sparingly used in the days of the Nazi regime.

At the end of World War II in 1945, Germany surrendered its rights of sovereignty to the allied powers. A devastated Germany was divided into zones and the respective military commanders took over all governmental functions. It is now history that the Potsdam Treaty ceded all German territory east of the Oder-Neisse Rivers to Polish and Soviet administration, but with the specific reservation that the same was to be the subject of further consideration in a final peace treaty. The city of Berlin was divided into four sectors and was afforded a status independent of the established occupation zones. The administration by the four respective military commanders in the administration of Berlin began on July 7, 1945.

It was in March 1948 that the Allied Government of Germany broke down and there was no German Government to take over the functions of administration. With this development came the creation of what was known as the United Economic Area, a combination of the United States, British, and French Zones, under its own semi-governmental institutions. In the meantime, central Germany, under the control of the Soviets, was being governed by a German economic mission. The Soviet members of the Allied Control Commission and of the Allied Kommandatura of Berlin departed. It was here that Berlin's functions as the capitol of Germany ceased.

After a period of blockade and Soviet police terror, the freely elected German city council had to move to West Berlin. With this development, the Soviet commander on November 30, 1948, appointed a second city council and a mayor, thus creating the split of the city into its present East Berlin and West Berlin status.

It is now common knowledge that during the first postwar years the almost completely isolated Berlin was dependent on the Soviet Zone of Germany for food, supplies and raw materials. One can understand, therefore, that the exploitation by the Soviets of this situation put tremendous pressure on the western sectors by making communications with West Germany difficult indeed. There is no need to go into the various phases in which this pressure and exploitation was carried on other than to say that what was at first a curtailment of communications, finally on March 20, 1948, when the Soviets left the Allied Control Commission, developed into a complete throttling off of all lines of communication between Berlin and West Germany.

During this trying period, roads were blocked, trains ceased running, and rivers were closed to transportation. Yes, even the shipment of coal and milk from the Soviet Zone was discontinued, creating an emergency for the peoples of West Berlin. There were other incidents in this period, including monetary reform, which necessitated the order of June 25, 1948 of an airlift of supplies, food, medicines—yes, and even industrial products. It is recorded that on the 300th day of the blockade, 927 aircraft landed in Berlin, depositing more than 6,000 tons of supplies in their missions of mercy to the population of West Berlin. The success of Operation Airlift finally compelled the Soviets to lift the blockade. There then existed a period of limited relaxation of tensions.

Then, suddenly, we were again faced with threats of another blockade and with the establishment of an independent regime for East Berlin, coupled with the threat that this could be avoided only by withdrawal of our military occupation forces. One can well imagine the position in which we found ourselves, knowing that we were rightfully there under respected agreements, the honoring of which has always been our practice and policy. How different indeed from the experiences which we have encountered in our negotiations with the Soviet regime, replete as that record is with the common knowledge that of some 52 treaties, agreements, and conventions, the Soviets have violated 50 of them.

It is not my purpose to dwell at length on the results of the Geneva Conference which began on May 16, 1959, and was participated in by Great Britain, France, the Soviet Union, and our own country, other than to remind my colleagues that during the entire period of said conference, lasting into August of last year, no appreciable progress was made in solving what would appear to be the primary areas of tension and anxiety in this period of cold-war tactics.

Now, as we look forward to another conference, it is well that we reflect and frankly speak of certain charges made by the Soviets and compare them with actual reality.

First. They have charged that West Germany has a program of remilitarization which is a threat to the so-called German Democratic Republic—Soviet occupied zone.

What is the truth?

The German Democratic Republic has increased its regular army to almost double the size of the fighting force of West Germany. Its troops are equipped with the latest Czech and Soviet weapons, including tactical missiles from Russia. The East German Workers' Militia, originally formed for the purpose of guarding industrial plants against slowdowns and sabotage, has now been reorganized and armed with tanks and artillery. The Society for Sport and Technical Training, which is, in fact, a military branch of the Communist Youth Organization, is recruiting teenage troops. Youngsters are being trained in every war skill from firing small arms to driving jeeps and flying planes. It is reported that as of June 1959 the armed forces strength of the German Federal Republic was around 228,000, while the military manpower of the German Democratic Republic was 1,126,000.

Second. It has been also variously reported that Mr. Khrushchev on March 7, 1959, at Leipzig, had stated that the Soviet Union had "always been for a united Germany." He further asserted that the Soviet Government, and especially Stalin, had "persistently and consistently" advocated the idea of German unity.

What is the fact?

In the third volume of Sir Winston Churchill's history of the Second World War there appears on page 628 a report from Foreign Secretary Anthony Eden, dated January 5, 1942, as follows:

> At my first conversation with M. Stalin and M. Molotov on December 16 (1941) M. Stalin set out in some detail what he considered should be the postwar territorial frontiers in Europe, and in particular his ideas regarding the treatment of Germany. He proposed the restoration of Austria as an independent state, the detachment of the Rhineland from Prussia as an independent state or a protectorate and, possibly, the constitution of an independent state of Bavaria. He also proposed that East Prussia should be transferred to Poland.

In the published documentary volume on the Yalta papers we read from the Bohlen minutes of the second plenary meeting, February 5, 1945, 4 p.m., Livadia Palace—present: Roosevelt, Churchill, Stalin:

> Marshal Stalin said that in the discussion of Germany he would like to include the following points: (1) The question of the dismemberment of Germany. * * * Marshal Stalin inquired whether the three Allies should bring up dismemberment at the time of the presentation of the terms of unconditional surrender. In fact, he added, would it not be wise to add a clause to these terms saying that Germany would be dismembered without going into any details?

Third. Khrushchev and the Soviet regime have from time to time expounded on the virtues of self-determination as a cardinal principle to which they contend they subscribe for the peoples of Asia, Africa, and yes, even Latin America. To this the only answer can be: Why have they denied this right to 17 millions of peoples now living in the satellite nations behind the Iron Curtain? Why have they denied this right to the people of East Berlin and East Germany? It is obvious that this cannot be a one-way street or, to coin a phrase, "You do as I say, not as I do."

Into this category of obviously unsupported charges, classified probably more accurately as propaganda, is also the charge of colonialism. How can such a charge be justified when we review the actions of the Soviet regime in India, Burma and other areas which clearly demonstrate that they have been doing just the reverse.

Mr. Speaker, on the record it can only be said that it is firmness and a unified determination to remove for all time the areas of tension, namely, the problems of Berlin and reunification of Germany, which offer the possibility for a sound foundation upon which may be built the basic terms of a just and equitable peace. There cannot and should not be any compromise with principles for we all know that appeasement holds for the entire world a catastrophic nightmare.

We are pleased that in the 15 years since the end of World War II the Federal Republic of Germany has, under the distinguished and able leadership of its renowned and respected Chancellor, Konrad Adenauer, demonstrated its willingness to join the West as a bulwark against communism, its ideologies and philosophies. Mutual understanding and confidence is the only firm pillar of continued friendship between the Federal Republic of Germany and this great Nation of ours. The millions of peoples in the satellite nations, yes, throughout the world, look with hope to the Western Powers for the sorely needed leadership to end the cold war. The probable solution could be the reunification of Germany and the restoration of Berlin as its capital. Thus, Mr. Speaker, may our distinguished visitor, Chancellor Konrad Adenauer, and our esteemed and revered President, Dwight D. Eisenhower, enjoy divine guidance and worldly wisdom in their deliberations and during the arduous task that confronts them.

Mr. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. BOSCH. I yield.

Mr. BENTLEY. Mr. Speaker, I want to associate myself with the comments and views of my colleague, Representative ALBERT H. BOSCH, of New York, in tribute to Dr. Konrad Adenauer, Chancellor of the Federal German Republic, and to the heroic people of West Germany.

I need not remind the House that during the past 14 months the people of West Germany have been under a concentrated attack from Communists not only those in Moscow and in other Communist-run countries of Eastern Europe, but also from those in the United States. Since November 1958 when Chairman Nikita Khrushchev threatened to take actions which would isolate West Berlin and place West Berlin at the mercy of the East German regime, a campaign has been under way to defame and discredit the government and policies of Dr. Adenauer.

It is my view that tribute is due to the courageous position of Dr. Adenauer and of the German people in the face of this campaign aimed to influence, I might even say to poison, world public opinion against a stanch and unwavering free people. It is a credit to qualities of the German people that they have withstood these treacherous attacks and have grown stronger.

Morning, noon, and night the great press of our country has been warning that free peoples and free principles are under massive attack around the world today as never before. And that this attack is coming both from without and from within. No free people are under greater concentration of attack at this moment than the people of West Germany. For my part, it seems imperative now, just a few weeks before the summit meeting in Paris, to reassure Dr. Adenauer and the German people of the wholehearted support of the Congress in their continued struggle to maintain freedom of West Berlin.

To refresh the memories of the Members of the House as to one direction this attack has been taking recently, I call attention to the widely circulated charges of anti-Semitism leveled against West Germany. Where have these charges come from? On what are they based? Who alone in the world has anything to gain from them?

During the last weeks of 1959 a series of episodes were widely reported in the press. These episodes consisted of a few individuals, mostly unidentified, who smudged swastikas on Jewish synagogues in West Germany. Similar anti-Semitic acts were also reported in Britain, Italy, Norway, Austria, the Netherlands, the United States, and even in Israel.

People in the United States and people all over the world asked; who could do such things? The Communist propagandists were there first with answers. I will quote a few of the charges that Communists immediately hurled not at Britain or at Israel, or the United States, but at West Germany.

From Pravda, January 8, 1960:

These loathsome Fascist provocations and the flaunting of the swastika are designed to fan up the cold war and to set some peoples against others. These efforts against the relaxation of international tension are especially to the advantage of the reactionary rulers of Western Germany engaged in arming the Bundeswehr.

Radio Pressburg, Czechoslovakia, January 12, 1960:

The world public is condemning the Bonn initiators and organizers of the fascist campaign, only the reactionary press said that this movement was not organized, but resulted from irresponsible activity of individuals. And the old Chancellor did nothing against the poor activity of Bonn justice.

Radio Prague, January 11, 1960:

The present neo-Fascist campaign in the West must be compared with the beginning of fascism in the thirties. Fascist provocations in Western Germany are encouraged in their activity by the fact that there are former Nazis occupying posts in the Adenauer government.

Ceteka, official Czechoslovak news agency, January 3, 1960:

The anti-Semitic outbursts on Fascists in West Germany, Great Britain, Italy, Norway, Austria, and the Netherlands, all occurring in the last week of 1959, would seem to indicate that this is an organized action directed centrally.

Anxiety is also voiced at the fact that atomic armament in the German Federal Republic makes this situation more dangerous. There is no guarantee that in an atmosphere where extreme nationalism is rampant the neo-Nazi elements might use these weapons not only against Germany's neighbors to the east, but also to the west. No trust can be placed in the statements of Bonn official spokesmen, trying to allay the fears aroused by these actions.

Deutschlandseder, the official radio of the Soviet Zone of Germany, January 5, 1960:

The Western Powers bear the blame for the anti-Semitic drive by having given considerable assistance to the creation of the West German state and all its consequences. The reaction to the anti-Semitic drive is now growing in the other Western States, culminating in an open revolt in British and French papers. This is understandable. Millions of Englishmen and Frenchmen during the last war took up arms to make a definite end to fascism. For many of them it was a legitimate war just because they believed that its end would also be the end of suffering for the Jewish population in Europe. Was the victory against the most terrible barbarianism useless? Anti-Semitism is a main part of the Bonn system: Whoever inscribes revengism and anticommunism on his flag cannot live without anti-Semitism either.

Communist press and radio have been putting out a steady flow of this kind of statement. Mr. Speaker, I ask what other purpose could they have than to influence world opinion against a stanch ally of free peoples. What other aim could be advanced except that of exploiting acts of a few individuals possibly inspired by them in an attempt to alienate Western allies from supporting West Germany.

There can be no doubt who will profit if this campaign is believed. The only beneficiary is the Soviet Union, which is so widely accusing others of anti-Semitism. The irony is that the Soviet Union is the country guilty of violent anti-Semitism. It is not West Germany where Dr. Adenauer's government has striven to root out any vestiges of anti-Semitism. The guilty party is the one today shouting loudest accusations of anti-Semitism. It is the Soviet Union.

I call to your attention the following excerpts from a memorandum by Dr. Richard C. Hertz, rabbi of Congregation Beth El, of Detroit, Mich., which he presented to the White House upon his return from a visit to the Soviet Union. Dr. Hertz is an objective observer and I believe his observations which I have placed in the CONGRESSIONAL RECORD will be of interest to Members of the House. He comments:

What is the situation now with respect to Jews and Judaism?

1. U.S.S.R. says it officially guarantees equality of rights in law and fact for all its citizens.

(a) Yet discrimination is widely practiced against Jews.

(b) Anti-Semitism has not been uprooted as its leaders claim.

(c) The Government is dedicated to the complete extinction of Jewishness and the liquidation of all Jewish culture.

2. Jews are recognized and singled out as a special minority, yet Jews have none of the privileges granted other national minority groups.

(a) No newspapers, no voluntary associations, no cultural groups, no Yiddish schools (primary, secondary, or of higher education), no books, no artistic or cultural life—none are permitted to Jews.

(b) Synagogues are being closed by the Government despite their denials, in a calculated program of spiritual starvation for Soviet Jewry.

(c) Again and again people expressed their fears to me at attending synagogue worship lest in retaliation their jobs be jeopardized and they be reported.

A similar appraisal of anti-Semitism in the Soviet Union has been made by Béla Fabian, chairman, Federation of Hungarian Former Political Prisoners, and a Jew. I quote excerpts from his report published in the March 7, 1960, issue of U.S. News & World Report:

Discrimination against Jews in the Soviet Union may be seen by the following facts:

1. Each Soviet citizen has to have an internal passport that serves as a certificate

of identity within the country. Ordinary Soviet citizens have only the place of their birth marked on the cards, while those of the Jews are marked by the word "Evrei"—Jew.

2. Jews cannot be civil servants or Army officers. Since 1949 no Jews are admitted to Soviet military schools.

3. The world was shocked that, under the czars, only 5 percent of the Jews were allowed to study at Russian universities. Today there are no more than 1.5 percent, while at the universities of the Ukraine no Jews are admitted. Today there are still Jews who practice medicine and are employed as teachers and professors, but now they are excluded from the medical faculty, from training schools for teachers and from training schools for diplomats.

4. Jews are gradually being pushed out of administrative jobs in industrial plants. Nowadays, they even rarely hold the job of a foreman.

Mr. Fabian states later in the same article:

On February 9, I was invited to the Tuesday Panel to lecture on "Khrushchev and the Jews" at the Baltic Freedom House in New York. I told my audience in detail that, today, the Soviet Union was the only Nazi state in the world. Should the world continue to keep silent, then the governments of the so-called Soviet satellite states will openly pursue an anti-Semitic policy and the Jews of these countries will likewise be reduced to the level of Jews in the Soviet Union and will have to live under the same miserable conditions.

The complete report is as follows:

SOVIET ANTI-SEMITISM—STORY THAT KHRUSHCHEV TRIES TO HUSH UP

(Are the Soviet Communists taking up where Hitler's Nazis left off? A former political leader in Hungary who was once imprisoned by the Communists traces today's outbreaks of anti-Semitism to the Kremlin's official policies of oppression directed against Russian Jews. What was behind the rash of Nazi-like outbursts in widely separated areas of the world? The head of an organization of 15,000 former political prisoners and a close observer of Soviet affairs sees it as deliberate Communist camouflage to conceal the Nazi principles now at work in Russia.)

(By Béla Fabian, chairman, Federation of Hungarian Former Political Prisoners)

Within the last 6 months, a large number of synagogues have been closed down in the Soviet Union. Among them are the synagogues of Babushkin, Baranovichi, Bobruisk, Brest, Chelyabinsk, Chernigov, Chernovtsy, Karaganda, Kharkov, Korosten, Minsk, Novoselitsa, Orenburg, Rakhov, Samakand, Stalino, Tashkent, Tiraspol, Uzhgorod, and Vitebsk.

In Kiev, the big synagogue was closed down and only a small one remained open.

In Kharkov there is only one synagogue serving a Jewish population of 90,000, and it is even worse in Moscow, where there is only one synagogue for 600,000 Jews.

At present only 60 synagogues are functioning in the Soviet Union. The ones that were closed down are used for various purposes.

The great synagogue in Baranovichi was taken over by the State Security Committee. The one in Voronezh is used as a grain warehouse.

In Kharkov, Torah scrolls in private apartments where prayer groups used to meet were confiscated and 20 such groups were dispersed during the Jewish New Year service. Torah scrolls were also confiscated in Minsk and in the Moscow suburb of Kuntsevo.

The pretext for such actions is that the synagogues and prayer meetings are the hotbeds of anti-Soviet conspiracy and black marketeering. The officials of the Chernovtsy synagogue were forced to tell outsiders that the synagogue was closed down because it had been used for "nonreligious and illegal purposes."

Soviet authorities deliberately destroy memorials to Nazi victims. In Baranovichi, a memorial erected to 4,000 Jewish victims has been destroyed and a public lavatory built in its place. Near Kiev, a highway was constructed obliterating the mass graves of Nazi victims.

Acts of vandalism go unpunished. On New Year's Eve, the windows in Moscow's synagogue were broken, and this was repeated a few days later. In the town of Tamiriazevsk, an apartment used for prayer meetings was broken into and the worshipers beaten up by hoodlums.

In Baranovichi, Bendery, Kishinev, Kiev, Minsk, Voronezh, and Wilna, Jewish cemeteries were desecrated and memorials defaced. No punitive actions were taken against the perpetrators, which also shows that they were inspired or encouraged by the authorities.

Discrimination against Jews in the Soviet Union may be seen by the following facts:

1. Each Soviet citizen has to have an internal passport that serves as a certificate of identity within the country. Ordinary Soviet citizens have only the place of their birth marked on the cards, while those of the Jews are marked by the word "Evrei"—Jew.

2. Jews cannot be civil servants or Army officers. Since 1949, no Jews are admitted to Soviet military schools.

3. The world was shocked that, under the Czars, only 5 percent Jews were allowed to study at Russian universities. Today, there are no more than 1.5 percent, while at the universities of the Ukraine no Jews are admitted. Today, there are still Jews who practice medicine and are employed as teachers and professors, but now they are excluded from the medical faculty, from training schools for teachers and from training schools for diplomats.

4. Jews are gradually being pushed out of administrative jobs in industrial plants. Nowadays, they even rarely hold the job of a foreman. This is illustrated by the following little story, which comes from Soviet Russia.

A young Jewish engineer had applied in vain for a job for some time. At the next opportunity, when interviewed by the personnel manager, he said that he had lost his passport, and that he was an Indian. The manager engaged him with the remark, "How interesting, we already have an Indian here. You two must talk Indian; I never heard that language." The pseudo-Indian, on seeing the other, was very much afraid that he would lose his newly found job. He started to recite a Hebrew prayer, which was continued in perfect Hebrew by the other "Indian."

On February 9, I was invited by the "Tuesday panel" to lecture on "Khrushchev and the Jews" at the Baltic Freedom House in New York. I told my audience in detail that, today, the Soviet Union was the only Nazi state in the world. Should the world continue to keep silent, then the governments of the so-called Soviet satellite states will openly pursue an anti-Semitic policy and the Jews of these countries will likewise be reduced to the level of the Jews in the Soviet Union and will have to live under the same miserable conditions.

There are already signs that point to this. In Rumania, for example, within the last year 1,500 Jews were convicted for treason because they had asked their relatives in Israel to help them to emigrate to that country. Zionists, who were arrested in 1951, sentenced and later amnestied, were now rearrested. Among them were Magda and Elizabeta Herzl, relatives of Theodor Herzl (Hungarian-born journalist who was a founder of the modern Zionist movement). Magda Herzl was sentenced to 10 years' imprisonment for allegedly transmitting literature from the Israeli Legation in Bucharest to Rumanian Jews. It is regarded as high treason if anyone wants to emigrate because he cannot make a living in Rumania.

In the discussion following my lecture, Bogdan Raditsa, a Yugoslav exile and professor at Brooklyn College, spoke on the subject and said that, on his recent visit to the Soviet Union with a group of professors, he was followed by the secret police only when he and two of his colleagues, who were of Jewish faith, visited the Moscow synagogue. The Jews were afraid to talk to them when they told him they had come from America. It was terrible to see how frightened they were and how miserable they looked.

Later a lady who was a teacher at Hunter College approached me and said that she had recently been to Israel to visit her relatives. Her cousin, who had been deported from Poland to Russia in 1939, was later repatriated, and later succeeded in getting out to Israel with 70,000 other former deportees.

"If anyone wants to know what it means to live under Soviet nazism," the teacher said, "he should talk to the Jews in Israel who got out from the Soviet Union."

When Khrushchev visited the United States last September, leaders of the Jewish organizations wanted to talk to him, hoping to find means to remedy the situation of the Russian Jews. Khrushchev refused to receive them, with the standard phrase of Soviet double talk: In the Soviet Union all men are equal and enjoy equal rights.

The recent outbreaks of anti-Semitism, the desecration of synagogues, the smearing of swastikas and other acts of vandalism which simultaneously flared up in diverse spots all over the world—even in places where there are hardly any Jews—has given rise to widespread speculation.

Had the synagogue of Cologne been defiled by swastikas because German youth had not been taught about Hitler's crimes in school? Was swastika-smearing in this country due to the failure of education, which neglected to enlighten American youth about one of the most shameful epochs in history? If the swastikas were the work of hoodlums, why did they appear to have been drawn by an expert hand? And why did latent anti-Semitism erupt at this particular time and in so vastly different places?

Who was interested in compromising the liberal-democratic Chancellor Adenauer of Germany before the summit conference? Who would profit by breaking up the united front of the Western Alliance?

It is obvious that this anti-Semitic campaign did not serve the interest of West Germany—now waging a battle of life and death for Berlin and for the reunification of Germany—as, for this country, not only the support but also the sympathy of the free world is essential.

The weakening of West Germany's morale and the disruption of Western unity would profit only one power: the Soviet Union.

The anti-Semitic campaign would also serve to camouflage the tragic fact that, within the last 6 months, the Soviet Union is the only country to introduce legally and in practice the Nazi principles of Nuremberg.

Contrary to general belief, pogroms are not spontaneous outbreaks of mob violence. In Russia under the Czars, in Hitler Germany, as now in the Soviet Union, pogroms start and last as long as the authorities want them to.

I spent a year in Tashkent as prisoner of war in World War I and we were allowed to move freely in the city. One day our camp commandant warned us not to go to a cer-

tain part of town as a pogrom would take place. Some of us were curious to see what was happening. Looting went on freely for 2 days. Only after that did the authorities disperse the crowd.

On October 4, 1959, hoodlums set fire to the synagogue at Malakhovka, a Moscow suburb, on the second day of the Jewish New Year. The 70-year-old wife of the caretaker was strangled and her body thrown into the flames.

The tragic situation of the Jews in the Soviet Union is something that everybody knows but, unfortunately, no one wants to speak about.

The Jewish question is the skeleton in the Soviet cupboard. As long as silence is maintained, the gradual liquidation of Jewry goes on.

History may repeat itself. Had the world raised its voice in time—before Hitler sent millions of Jews to the gas chambers, and not after, when there was nothing one could do but lament—millions of lives would have been saved.

Mr. Speaker, even if we did not have these excellent and revealing reports by Dr. Hertz and Bela Fabian, the poison of anti-Semitism in the Soviet Union under Communist rule could be documented from statements and actions of Communists themselves. During the very period—during the last weeks of 1959—when swastikas were being smudged onto synagogues in free countries throughout the world, Communist propagandists were preaching hate against Jews inside the Soviet Union and—may the Members of the House note this—they were broadcasting this same kind of anti-Semitism into the turbulent and emotionally unstable Middle East.

Here are two examples of this kind of anti-Semitism rampant in the Soviet Union. I quote here what Soviet propagandists are broadcasting to poison the minds of the peoples in the Soviet Union:

There are unusual goings on at No. 56 Kirov Street in Kirovograd, where the synagogue on the Jewish community is located, and where the Orthodox Jews are drugged with moonshine and the Jewish religion. Of course, in our Soviet country a great majority of citizens of Jewish nationality broke with religion a long time ago. But an inconsiderable portion have not yet freed themselves from its shackles.

These propagandists continue:

The city synagogue has become a shelter for all sorts of hobos, preachers, prophets, who come here from Odessa, Siberia, Nikolayev, Orenburg, and other places. They beg money from the till of the Jewish community, spread various superstitions, and carry out the rites of circumcision.

Judaic sermons are sermons of bourgeois Zionists. Such sermons are tools of the nationalistic, Israeli, cosmopolitan, American bourgeoisie. With their tentacles, the Jewish bourgeois nationalists, with the help of Judaism, try to reach into our Soviet garden. But they will never succeed. At present the working people of Jewish nationality, together with all peoples of the Soviet motherland, are actively building the Communist society.

Those are not the words of justice and equality Nikita Khrushchev claims exist under his government. Mr. Speaker, as we can all recognize, these are words of deliberate prejudice and hate. There can be no substantial disagreement between honest and fair men on one basic element in Communist society. Where Communist governments have found it possible to close churches and to persecute religious people, they have done so. When it has been expedient, they have limited themselves to strict control over the churches coupled with increased atheistic propaganda and education to win believers away from religion.

Communists, in fact, proclaim there is no place for any religious belief in a Communist state. Their most advanced campaign toward this end today is against the Jews. Inside the Soviet Union their objective is obviously to destroy the Jewish religion, close the synagogues, and wipe Judaism from the face of the Soviet Union.

As Bela Fabian states it so well:

The Soviet Union is the only Nazi state in the world.

And for how cynically these arch anti-Semites carry on their foreign propaganda and diplomacy, Mr. Speaker, let us look at their propaganda appeals directed toward the Middle East. In a series of broadcasts from Moscow to the Near East late in December 1959, Communist propagandists made these revealing statements:

The State of Israel has been ruled since its foundation by the Mapai Party led by Ben-Gurion. * * * The main pillar of the Mapai Party is the Histadruth trade union federation, a strong organization comprising more than half the country's inhabitants. * * * The main preoccupation of the Histadruth's businessmen is the making of more profits from colonizing Israel. Next, they dream of colonizing neighboring territories, and this impels them to follow an aggressive foreign policy.

I call your attention particularly to the next Communist argument, made at the very time the anti-Semitic acts were taking place, in West Germany, and dozens of other countries, including Israel.

Said the Communist propagandists:

The real financial headquarters of the Histadruth is not in Israel but in the United States.

The Israeli leaders are likewise increasing their links with West Germany. It is well known that Israel receives large sums from West Germany as reparations, and a special bank has been set up in West Germany, called the International Trust Corporation, for settling matters relating to the payment of reparations. An interesting fact is that one of the close associates of the bank is Adenauer's intimate friend and adviser, Robert Pferdmenges, one of the most influential monopolists in West Germany.

The Communists obviously have no difficulties in adjusting their thinking to charge Dr. Adenauer with anti-Semitism in one area of the world and accuse him of aiding Israel in another area, at the very time they are carrying on an active anti-Semitic program right inside the Soviet Union. These are actions we can expect of a party whose morality is judged on the basis that—

Moral is only that which facilitates the destruction of the old world and strengthens the new, Communist regime.

Permit me, Mr. Speaker, to recall a dictum of Baron Karl von Clausewitz, the 18th century military strategist. It is:

Disarm your enemy in peace by diplomacy and trade if you would conquer him more readily on the field of battle.

Had Clausewitz lived in today's complex world with its worldwide network of communications media, he would have added, I am sure, "Disarm and weaken your enemy with propaganda if you would conquer them more readily at the conference table."

By filling the news channels with their own propaganda, Communists hope to convince world opinion to accept things which are not true. Further, knowing that people act on what they believe to be true rather than on what actually is true, they want people to act upon false information to make the hand of Moscow stronger and the cause of freedom weaker.

Is it any wonder that millions of people of the world and right here in the United States are confused by what is really going on in the world? I am sure there is no wonder here why there is so much concern over the summit meeting in May and the fate of West Berlin and of West Germany.

In summary, Mr. Speaker, these facts appear to me to be well established.

First. The anti-Semitic acts which took place in West Germany and in many countries of the free world in all probability were inspired by the only government which had anything to gain from them, the Soviet Union.

Second. The source of the strongest anti-Semitic agitation and action in the world today is the Soviet Union which is promoting anti-Semitism both inside its own borders by a determined program of discrimination against Soviet Jews and outside the Soviet Union by means of propaganda and incitement of emotionally unbalanced individuals to action.

Third. Our role here in the United States is to expose the supreme duplicity of the Soviet Union on this issue of anti-Semitism.

Fourth. We owe it to ourselves, our own consciences, our own religious convictions and our dedication to freedom, to support the Federal German Republic and the government of Dr. Konrad Adenauer in his struggle to maintain the freedom and integrity both of West Germany and of West Berlin.

Only today, Mr. Adenauer, in speaking before the Press Club, stated:

West Germany will remain a democratic State and every citizen of Jewish faith enjoys the same rights and same privileges of any other citizen there.

Mr. BENTLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mrs. WEIS. Mr. Speaker, I should like to concur in the remarks of my colleague the gentleman from the State of New York [Mr. BOSCH].

The visit of Chancellor Konrad Adenauer to our country is indeed a fitting

time for us to reflect on the growth and development of the democratic way of life in West Germany since the end of World War II, for it is Chancellor Adenauer who has steered the West German ship of state during all of these turbulent years.

It is he who has guided and promoted the democratic institutions which have replaced the old totalitarianism of the Hitler era. It is he who has supervised the economic resurgence which today marks West Germany as one of the most prosperous nations of Europe. Under his leadership, West Germany, 15 years ago a thoroughly defeated, completely discredited nation, today stands as a citadel of freedom and democratic self-government. It has been a truly remarkable metamorphosis, and it is difficult to understate the role of Chancellor Adenauer in effecting this dramatic change.

At the same time that we call to mind the developments which have taken place in Germany since World War II, it is, I think, also fitting that we remember the tremendous contributions which have been made to our own way of life by those of German origin who have made their homes in America.

In my own 38th Congressional District of New York—and I am sure this is true in other districts as well—German-Americans have made, and continue to make, large and lasting contributions to every community in which they live. They are industrious, hard-working, practical people who take a real interest in their work and in community activities as well. They are first-rate citizens in every way, and I consider it a privilege to represent them in the Congress.

America's relations with West Germany, based as they are on mutual respect and mutual love of freedom, are today at a high peak, and I am certain they have been even further improved by Chancellor Adenauer's visit. Let us hope that in the years ahead this relationship will continue and that our two nations will always maintain the same spirit of friendship and mutual cooperation which exists today.

IMPROPER ACTIVITIES IN THE LABOR FIELD

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, Walter Reuther, president of the UAW–CIO and Emil Mazey, secretary-treasurer, have told us to yield to their demands or else. Yesterday the members of the McClellan committee released a statement to the press, and the one released by Senator MCCLELLAN reads as follows:

SEPARATE STATEMENT OF SENATOR JOHN L. MCCLELLAN ON UAW–GOSSER MATTER

As chairman of the committee, I think it proper for me here to state that the foregoing UAW–Gosser investigation was conducted by the Republican members of the committee and their counsel; also that the subsequent executive and public hearings were held at the request of Senator CURTIS. All subpenas for witnesses and documents requested by him were issued by the chairman.

The witnesses, however, were not examined by the regular members of the staff, nor were the Democratic members of the committee made acquainted by Senator CURTIS, or other Republican members of the committee, with the nature of the testimony that was to be presented. All documentary evidence which had been procured by Senator CURTIS and by subpenas issued by the chair was withheld and kept secret from the Democratic members and the regular staff of the committee until actually presented at the hearings.

Thus, this particular investigation was conducted by the Republicans and the hearings thereon were held for their accommodation. Therefore, they are entitled to all credit and chargeable with all blame for the adequacy or inadequacy and for the character of the record made, which record now speaks for itself.

JOHN L. MCCLELLAN,
Chairman.

(Senators KENNEDY, ERVIN, and CHURCH join and concur with the chairman in the views hereinbefore expressed.)

Just why the chairman turned over the investigation to Republicans I do not know. Later on he made this statement, and he is referring to the Kohler-Perfect Circle-Gosser matter:

Thus, this particular investigation was conducted by the Republicans and the hearings thereon were held for their accommodation.

Well, I had always understood up to the time I received that statement that the hearings were held to disclose what was happening in connection with the labor organizations which was improper and to learn what, if any, legislation was needed.

Then Senators FRANK CHURCH and JOHN F. KENNEDY released a statement which reads as follows:

SEPARATE VIEWS OF SENATORS FRANK CHURCH AND JOHN F. KENNEDY

SUPPLEMENTARY FINDINGS OF THE KOHLER STRIKE, THE PERFECT CIRCLE STRIKE, AND LOCAL 12, UNITED AUTOMOBILE WORKERS, TOLEDO, OHIO

At the time that the committee's findings were prepared, we did not have the benefit of the separate views of the Republican members of the committee or of the appendixes to these separate views. An analysis of those documents, made available to the committee only recently, indicates a complete absence of one favorable word for the United Automobile Workers or of one critical word for the companies involved. Such a totally one-sided and distorted picture of our investigation does a disservice to the reputation for impartiality which this and other committees of the U.S. Senate have built up through the many years of their history.

Therefore, having considered the separate views and appendixes, we desire to record the following findings:

1. We hold the chief counsel and the staff of the committee blameless of the charges made against them. We reaffirm our confidence in the chief counsel and the staff, and we restate our belief that they have done the Nation a tremendous service in their fearless investigation of labor-management corruption without regard to political considerations.

2. There is no credible evidence of corruption, misappropriation of union funds, or collusion with the underworld in the United Automobile Workers. The union and its leaders have worked hard to keep the union clean, and the appointment of a public review board to deal with this problem is to be commended.

3. The strikes at Kohler and Perfect Circle do not reflect credit upon either union or management. But it is noteworthy that the UAW has had no such difficulties with thousands of employers who, as contrasted with these companies, are willing to accept the letter and spirit of the law of the land and to live in good faith with the trade-union movement of America.

4. The strikes at Kohler and Perfect Circle highlight the necessity for good-faith collective bargaining and the importance of speeding up NLRB procedures so that critical cases can be resolved before they fester and make good-faith collective bargaining impossible.

STATEMENT AND SEPARATE VIEWS OF SENATOR JOHN L. MCCLELLAN AND SENATOR SAM J. ERVIN, JR., ON THE KOHLER, PERFECT CIRCLE, AND GOSSER-LOCAL 12 SUMMARY REPORTS AND FINDINGS

First we wish to emphasize certain aspects of the findings herein made by the Democratic members of the committee.

THE UNION

From the evidence developed in the course of these hearings we are convinced and find that the UAW and the Kohler strike improperly engaged in:

1. Mass picketing as an economic force to coerce and prevent men and women from exercising their freedom and right to engage in work of their choosing at a plant where they were lawfully employed. (This mass picketing was improperly used as an economic weapon in support of a strike by the union against the Kohler Co.)

2. Mass picketing and acts of vandalism and violence directed at the homes and families of nonstrikers, which were intended to intimidate and coerce nonstrikers not to work at the struck plant. (These acts were utterly indefensible in the light of the ancient legal principle that every man's home is his castle and the Biblical injunction implicit in these words of Micah 4:4: "But they shall sit every man under his vine and under his fig tree: and none shall make them afraid: for the mouth of the Lord of hosts hath spoken it.")

3. Vandalism—the willful injury to, damage, and destruction of property.

4. Mass picketing and violence to prohibit the lawful unloading of a boatload of clay shipped to Sheboygan, Wis., for use in the manufacture of products at the struck Kohler plant.

5. Condoning of brutality and criminal assaults by outside union members who had been directed to the Kohler area by union officials to support and assist the local union in the conduct of the Kohler strike. (The providing of counsel by the union and payment of legal expenses for John Gunaca and William Vinson, and the payments of Vinson's salary while he was in prison, not only evidences approval of this violence by these union members, but it also served to encourage the use of further violence and vandalism as strike weapons in this dispute.)

6. The use of secondary boycotts by the union (now forbidden by the Labor-Management Reporting and Disclosure Act of 1959).

Some of the foregoing findings (with respect to violence and mass picketing) are also applicable to the Perfect Circle strike.

MANAGEMENT

We do not find management—the Kohler Co. and the Perfect Circle Co.—blameless. The attitude of the Kohler Co. was not conducive to bringing about a peaceable settlement of the strike. Its attitude in many respects had, we think, the effect of discouraging peaceful and good-faith collective bargaining. It is clear to us that the Kohler Co. decided (whether rightfully or wrongfully) that it would not seriously bargain with this union and determined to get rid of the UAW as a bargaining representative of its employees. For all practical purposes it has, in our judgment, won the strike and succeeded in that effort.

In the Perfect Circle case we have also concluded that both management and the union were guilty of improprieties, shootings, and violence. Neither the UAW nor the Perfect Circle Co. can shrug off its responsibilities for the violence that occurred in connection with that strike.

RICHARD T. GOSSER AND LOCAL 12, UAW

In the Gosser-Local 12 case, the record is crystal clear that this was an investigation by the Republican members. They insisted on conducting their own independent investigation and withheld and kept secret from the Democratic members of the committee all material, documents, and information they procured until they presented it in testimony by witnesses at the hearings. The chairman fully cooperated with them to the extent of issuing subpenas for all witnesses and documents which the Republican members requested. It will, therefore, be observed from the record that after prolonged hearing, at which the Republican members were afforded full opportunity to present all of the facts and information they had procured by their investigation, the evidence adduced was quite inconclusive on many aspects of the issues involved.

We have submitted a separate statement on this hearing which will be found immediately following the Gosser findings in this report.

OTHER CHARGES

In view of certain statements and charges made by the Republican members in their report of findings and separate views that should not be left unchallenged, we make these further comments:

From the inception of this Senate select committee, the chairman has strongly urged that it be organized as a completely bipartisan committee, composed of an equal number of Democratic and Republican members, in the sincere belief that to accomplish the objectives for which the committee was created, it should rise above partisan politics in its deliberations and in the conduct of its work. We deeply regret, therefore, that we are forced to the conclusion that some of the findings and separate views of the Republican members in the Kohler, Perfect Circle, and Gosser-Local 12 cases, transgress the nonpartisan spirit in which the chairman has endeavored to conduct the proceedings and report our findings and conclusions.

It should be stated that at the outset of the Kohler-United Automobile Workers hearing a disagreement arose between the Republican and the Democratic members of the committee with respect to the procedures to be followed in the presentation of witnesses and the conducting of the hearing. After serious controversy this disagreement was finally resolved by the chairman's yielding to the demands of the Republicans, stating at the time that he was yielding not out of deference to the views of others, because he did not agree with them, but out of deference to what he conceived to be a higher duty; to keep the committee from breaking up and in order to hold it together, if it was possible to do so, so that it might carry out its mission and assignment. The chairman further stated that if we proceeded as the Republican members desired, he would not accept the blame or the full responsibility for the results, whatever they might be, for he did not believe we were going to get the most satisfactory results by following such procedure. With this background the committee proceeded to public hearings.

At the opening session of the Kohler hearings the chairman made the following statement for the record:

"There has been some controversy within the ranks of the committee over the proposed procedure for these hearings. I want to say at this time that any Senator on this committee who feels that any particular witness can shed further light on these cases can ask for that witness to testify, and he will be required to do so. Some 70 witnesses have already been invited to testify in order to present the committee with as broad a picture as can be obtained.

"The Senate and the American people look to this committee to continue its efforts resolutely. To do less would be to shirk our responsibility and to bring comfort to those forces in organized labor and management who cannot stand the scrutiny of an investigation.

"I only wish to make this comment about it: The proceedings that will be followed here are not the proceedings in keeping with the Chair's views as to how this matter should be presented. I have yielded to this procedure out of what I conceive to be deference to a higher duty and responsibility.

"I believe the work of this committee, and I believe its task and its assignments and the importance of it transcend all other considerations of any person, any individual, any party, anybody's policy, or the political fortunes of any member of this committee.

"I am interested in neither side, and I want to get the whole truth and get it on record, so that the public may know from sworn testimony what occurred, what was wrong, and what should be corrected" (p. 8330).

The record reflects that the Kohler, Perfect Circle, and Gosser local 12 matters are contained in parts 21, 22, 23, 24, 25, 26, and 58 of the printed committee hearings. These hearings covered 32 days in which the commtitee received the testimony of 102 witnesses, testimony which is spread over 2,572 pages of the printed record.

The testimony in these hearings, in our judgment, could have been developed more thoroughly and presented more effectively had the Republicans permitted the chairman to arrange and conduct the proceedings in accordance with his judgment, as had been done in all previous hearings.

Criticism or a charge of failure to investigate these cases wholly lacks foundation and credibility. Walter Reuther, president of the United Automobile Workers, was a witness and testified for 3 continuous days. The Republicans were afforded, and took advantage of, the opportunity to ask him and all of the other 101 witnesses any and all questions they desired. Every witness they requested was called. If they are unhappy and disappointed in the record they made, obviously, the Democrats are not to blame for their failure.

In view of the fine contributions made by Republican members to the progress and effectiveness of the work of the committee in many instances, we deeply regret that they have now made, in their separate views, statements derogatory to Democratic members of the committee and of the chief counsel and staff of the committee. The partisan ring of such unwarranted derogatory statements is so revealing that it clearly obviates the necessity for us to make any defense of ourselves, and we shall not do so.

We assert, however, that the other Democratic members of the committee were diligent, intelligent, and courageous in the performance of their duties; that Robert F. Kennedy, chief counsel of the committee, assembled a most loyal, able, and competent staff of assistants, and brought to the discharge of his duties courage, integrity, and industry of the highest order. We, therefore, heartily commend Robert F. Kennedy and all members of the staff for the magnificent job they did for the committee, for the Senate, and for our country. Their most excellent services have earned for them the profound appreciation and gratitude of the American people.

At the same time, or perhaps a little before, an advance copy of the report of the Republican members of the committee came to me, and it reads as follows:

SEPARATE VIEWS OF SENATORS GOLDWATER, MUNDT, CARLSON, AND CAPEHART

PURPOSE OF THE HEARINGS

The purpose of the hearings before the Senate Select Committee on Improper Activities in the Labor or Management Field was to investigate all allegations concerning such activities and to recommend to the Senate of the United States such legislation as would appear to be appropriate or calculated to correct existing abuses and to protect the rights of labor, management, and the public as guaranteed under our constitutional free enterprise system.

In a previous series of hearings dealing with the Teamsters Union, the committee adduced evidence of an overwhelmingly persuasive nature indicating the misappropriations of union funds, corruption, criminality, and malfeasance in office of union leaders. The investigation by the committee was vigorous and productive and the full committee was able to agree, with only one Democratic member dissenting, on its findings and recommendations. Republican members supported the committee findings unanimously. It was a job well done. Legislation was enacted incorporating recommendations of the committee.

Unfortunately, the same cannot be said concerning investigation of the Kohler and the Perfect Circle strikes of the UAW and the Gosser investigation, with which this report is concerned. The Kohler and the Perfect Circle strikes are two of the most tragic disturbances in the modern history of American labor. The tragedy is compounded by realization that neither strike represented the wishes of more than 33 percent of the workers involved. The Gosser affair is of the same cloth from which the Hoffa pattern was cut. Yet, in our opinion, the committee failed properly to investigate pertinent allegations,[1] failed to examine key witnesses,[2] failed to affix responsibility, and failed to submit constructive corrective recommendations.

We cannot condone such a disservice to the American workingman, to American management, to the public, and to the U.S. Senate; and are, therefore, submitting these separate views for the consideration and appropriate action of responsible authority.

A clear case of UAW wrongdoing for which proof was readily available but which was never pursued was the Renda matter.

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[1] See app. D.

[2] See app. C, p. 3.

On or about December 22, 1953, Emil Mazey as secretary-treasurer of the UAW, ordered the UAW disbursing officer to write a check for $25,000 payable to an attorney by the name of Moran in the city of Windsor, Ontario, Canada, which was carried on the books as a disbursement for the purchase of Canadian real estate. Mr. Mazey, however, described this item as reward money for a statement by one Donald Ritchie to the prosecuting attorney resulting in the arrest and conviction of the person or persons responsible for the shooting of Walter Reuther. Mazey then described for the committee how the arrangement was to have worked:

"The reward offer that was made, and I have it here, I have the agreement we made with the Crown Trust Co. and Donald R. Moran—provided that if Mr. Ritchie gave a statement to the prosecuting attorney in the presence of police that would lead to the issuing of a warrant on the people involved in the Walter Reuther shooting that at the point that a warrant was issued * * * wife would get $5,000. If the people were brought to trial, his wife would get an additional $10,000. If they were convicted, there would be an additional $10,000 paid to his wife, a total of $25,000." (See hearings, p. 9044.)

Mazey then stated that Ritchie "signed a confession that was taken by the prosecuting attorney in the presence of police in Detroit, in which he said that he rode with Clarence Jacobs and with Pete Lombardo, to Walter Reuther's home when Walter Reuther was shot, and he also said in his statement that Walter Reuther was shot by Clarence Jacobs." The statement named Santo Perrone as the instigator of the shooting and Perrone's son-in-law, Carl Renda, as the "payoff man" who received "$5,000 for going along on this (i.e. shooting) job." Mazey said that Renda "had a scrap contract with the Briggs Manufacturing Co. that was worth $168,000 net profit each year." (See hearings, p. 9054.) Renda was subsequently arrested on the basis of the confession, $5,000 was paid according to the agreement. Ritchie fled to Windsor, Canada, where he renounced his confession as false, indicating that he had been induced to make it by persons acting on behalf of the UAW. Renda brought suit for malicious prosecution, naming the UAW as defendant for subornation of perjury causing his false arrest. The court awarded him a $400,000 judgment against the UAW.

During the hearings Mr. Mazey was asked about disbursements he was allowed to make without consulting the executive board. Senator Goldwater asked him: "On real estate, would the executive board be consulted on that, or do you have carte blanche approval to spend what you want?" Mazey answered: "No, the executive board would be consulted on that." (See hearings, p. 9041.)

Committee investigators (referred to in footnote 37 infra), however, failed to disclose this patent discrepancy.

We further are in disagreement with the statements of fact found in the committee-staff-prepared reports on Kohler, Perfect Circle, and the Gosser affair, and likewise with their findings and recommendations contained therein.

SUMMARY OF FINDINGS

As members of the committee, we are deeply disappointed that the Chief Counsel of this Senate Select Committee, who had been delegated broad authority, was not only reluctant, but actually refused in more than one instance to probe into areas which would have fixed the responsibility for the clear pattern of crime and violence which has characterized and has generally been associated with UAW strikes.[5]

We are not at all impressed by the evasive answers of such witnesses as testified, nor by the demagogic utterances and the legal semantics which were used in an attempt to conceal the truth. To us the pattern seems plain and the responsibility clear.

We do not contend that the Kohler Co. management was wholly blameless in this controversy, but it is clear that the violence which took place there was not in response to any company misconduct. That it was solely attributable to the UAW method of operation is borne out by the violent Perfect Circle Co. strike occurring a year later.

The company and the union in that case had enjoyed good relations for some 15 years prior to the strike; the violence there was not a response, it was an implement of the characteristic UAW pattern of violence.

It is curious that in the two UAW investigations, the Chief Counsel divorced himself from these probes and selected one staff member for the investigation with an entirely inadequate staff. In the case of Kohler and Perfect Circle, it was assigned to Jack McGovern who operated almost entirely without assistance. In the Gosser case it was assigned to Robert Manuel and Senator Curtis, who operated with no assistance whatsoever. Also, a fair reading of the testimony shows that the Chief Counsel associated himself with the witnesses supporting Gosser.[6]

From the very outset of the UAW investigation, it became apparent that the committee faced an awkward—if not an impossible—situation growing out of the natural conflict of interest situation in which its chief counsel found himself. When investigating unions other than those affiliated with the leadership of Walter Reuther, the chief counsel worked effectively and cooperatively with all members of the committee—Democrats and Republicans alike. But whenever an investigation touched upon the domain of Walter Reuther, an altogether different procedure was followed. Throughout the course of the investigation a double standard of committee morality prevailed—one procedure was employed for the unions not connected with Walter Reuther and a different procedure was employed for the investigation of activities of the United Automobile Workers. As a result, in the Kohler and Perfect Circle investigations, the staff used averaged less than one-tenth that utilized in other investigations. Not until the final days of the hearings when the Gosser case was before the committee did Assistant Counsel Manuel even have the opportunity to question witnesses at the open hearings and in that hearing the chief counsel frequently attacked those endeavoring to ascertain the true status of events attributable to Gosser instead of aiding in the investigation.

In both the Kohler and the Perfect Circle strikes, sufficient testimony was presented, representing but a small portion of that which we are confident was available, to establish that the following illegal and intolerable practices were committed:

1. Impairment of civil liberties.

2. Destruction of free collective bargaining.

3. Willful violation of law and organized incitement to riot by professional goons and thugs.

4. The development of a technique whereby a private interest can use illegal forces to gain its ends.

Furthermore, we are convinced, based on the information obtained during the investigation of Richard T. Gosser, senior vice president of the UAW and second in power only to Walter Reuther himself, that corruption, misappropriation of funds, bribery, extortion, and collusion with the underworld has occurred within the UAW.[5]

1. IMPAIRMENT OF CIVIL LIBERTIES

Civil liberties in the United States are constitutional guarantees extended to American citizens regardless of race, sex, creed, or economic circumstances. Under the laws of this country, employers are entitled to operate their plants during periods of labor strikes. Furthermore, nonstriking employees have a legal right to continue to work.[8] These are not matters of debate. These are moral and legal rights ingrained in our constitutional system. Any individual or group which interferes with the exercise of these rights is impairing the civil liberties of our citizens, among the most important of which is his right to earn a living.

In both the Kohler and Perfect Circle strikes, the employers were prevented from operating their plants and employees were prevented from continuing their employment.[7] It was the deliberate policy of the UAW to force the closing of the plants and to prevent employees from continuing to work.[8] This was the mechanism used by the union in its attempt to bring about the surrender of management.[9] There was an organized, directed campaign led by imported professional hoodlums [10] who, through mass picketing,[11] terroristic tactics, personal threats, and intimidation [12] sought to achieve the union objectives. The proposition that such activity was spontaneous or coincidental is so demonstrably inaccurate as to insult the intelligence of any rational person.

[5] See app. C, p. 3; app. 4, pp. 10–11.

[6] In the two UAW investigations which were conducted the chief counsel divorced himself from these probes. Instead, in each instance one staff member was selected to conduct the investigation and assigned an entirely inadequate staff. The case of the Kohler and Perfect Circle strikes was assigned to John J. McGovern who, despite numerous requests for additional help, operated almost entirely without assistance. The Gosser case was assigned to Robert Manuel and Senator CURTIS, who likewise operated with insufficient help.

During the investigative period prior to the airing of the Kohler and Perfect Circle strikes numerous requests had been made for additional personnel to be assigned to McGovern because of the immense amount of investigation which would be required in order to properly present factual accounts. Upon checking into the nature of the staff of the Select Committee, the Republicans found that although the regular staff numbered only 35 to 40, additional personnel had been recruited from the Government Accounting Office, the General Services Administration, Internal Revenue Service, and the Department of the Army who served on loan from these departments, bringing the number working on and with the staff of the committee to, at times, over 100. All acted under the direction of the chief counsel with the exception of McGovern and the two people who were assigned to help him. To have done an adequate job for public presentation, in one of the McGovern reports it is estimated that it would have taken a staff of five additional accountants and five additional investigators acting under his direction, which were requested several times. Considering the total number acting under the direction of the chief counsel, it is difficult to understand why this relatively modest request could not be filled. Mr. Manuel was even more severely handicapped. He was the sole investigator, accountant, and counsel.

[5] See app. D.

[6] See app. B, pp. 11–12.

[7] See app. B, pp. 7, 50; app. C, pp. 4–6.

[8] See app. B, p. 49; app. C, pp. 17, 49.

[9] See app. B, p. 49.

[10] See app. B, pp. 8, 65; app. C, p. 16.

[11] See app. C, p. 8.

[12] See app. C, pp. 8–14.

The fact of the matter is that those who engaged in the impairment of civil liberties of citizens at Kohler and Perfect Circle were the paid agents and accredited representatives of the UAW, acting with the consent and the approval of the highest officials of that union.[13]

It is ironic and incongruous that the so-called liberals of America have applauded when a battalion of combat-ready paratroopers was dispatched to guarantee the rights of a racial minority to desegregated education in one State, while the same groups have stood idly by when entire communities have been intimidated, terrorized and deprived by the UAW of civil rights to which they are entitled under the law.[14] The American people have a right to know why.

2. DESTRUCTION OF FREE COLLECTIVE BARGAINING

American labor, management, and the general public have recognized that the principle of free collective bargaining is most beneficial to our society. Those who destroy the principle and the application of free collective bargaining render a disservice to the Nation.

From the viewpoint of labor, the essential ingredient of free collective bargaining is the right to strike. Conversely, from the viewpoint of management, the essential ingredient of free collective bargaining is the right to refuse the demands made upon it by labor during periods of negotiation or strike.

The UAW has claimed that it believes in free collective bargaining. Their conduct, however, makes such a claim a mockery and a farce. In the Kohler and Perfect Circle strikes, the UAW exercised its right to strike, but it then denied, through force and violence, the right of management to operate its plants and the right of nonstriking workers to continue employment. Such conduct destroys the principle which has allowed American labor to grow and prosper.

The testimony of these hearings is replete with evidence adduced from UAW officials admitting that there would have been no violence at either of these strikes had management not dared to exercise the right to which it was legally and morally entitled.[15] In other words, the UAW had the arrogance to proclaim publicly that when strike notices were issued, management must automatically cease operation. This is not free collective bargaining. This is abject surrender to labor bossism in its arrogant defiance of the law.

3. WILLFUL VIOLATION OF THE LAW AND ORGANIZED INCITEMENT TO RIOT BY PROFESSIONAL GOONS AND THUGS

In the previous sections we have demonstrated that the activities of the United Auto Workers deprived decent American citizens of the civil liberties guaranteed to them under our constitutional system, and that they jeopardized and contradicted our established American concepts of collective bargaining.

Examination of the Kohler and Perfect Circle strikes gives a shocking demonstration of what can happen in America if any group is allowed to place itself above and beyond the law. Testimony before the Senate select committee contained in the appendixes of this report enumerated crimes of violence against persons and property which are almost unbelievable. Entire communities were terrorized [16] in a characteristic pattern which occurred repeatedly.[17] People—decent law-abiding American citizens—including innocent bystanders, were actually in fear of their lives.

Were the activities of the UAW in violation of the law? We have only to enumerate the acts committed to determine the answer.

At Kohler and at Perfect Circle there were stonings; sluggings; assaults; rotten egg throwings; paint smearings; shotgun and rifle firings into homes and at individuals; shadowing; elbowing; kicking; reckless driving; stomping; destruction of homes; throwing of bottles; rocks, and paint bombs; destruction of automobiles; sugar, emery dust, and other substances placed in gas tanks of autos and trucks; dynamiting; ransacking of houses, ammonia bombings; slashing of tires and brake hoses. Almost every type of felonious aggravated assault with intent to commit great bodily harm or to destroy property and render it inoperative occurred.[18]

The communities involved in these labor disturbances were actually under siege as though invaded by foreign mercenaries. In this case, however, the invaders were the arm-locked professional goons and thugs employed and imported by the UAW to enforce its dictates.

It is a sad commentary that in both of these disturbances, the power of the UAW superseded and abolished the normal police authority and the legal and political processes of the municipality, the State and even the Nation.[19] Police officials either disappeared or refused to enforce the law in the presence of the mob rule and flying squadrons of the union.[20]

It is frightening to conjecture what will become of this Nation if we ever adopt the philosophy of Emil Mazey, secretary-treasurer of the UAW. He had the audacity to state before this committee that he believed that when the UAW called a strike "it is the same as when Congress declared war," [21] and referring to nonstrikers: "They have joined the ranks of the enemy, and they ought to be treated as such. During the war, when they joined the enemy, they were shot when convicted.[22]

This shocking record of crime and violence is all the more fantastic in view of the fact that at no time in either one of these major strikes did more than 33 percent of the workers vote to walk out.[23]

Never has there been a more clear-cut pattern of a minority dominating and destroying the rights of the majority through force and violence.

It has been said that the United States cannot ignore events which occur in the far-flung corners of the globe since they may ultimately have an impact upon our society. Can America afford to ignore what happened in Wisconsin and Indiana? Will America allow force and violence to supplant law throughout our Nation? Can American labor remain free under such leadership?

4. THE DEVELOPMENT OF A TECHNIQUE WHEREBY A PRIVATE INTEREST CAN USE ILLEGAL FORCES TO GAIN ITS ENDS

There is an inherent danger in the investigation of corruption that such an investigation will focus its efforts on matters such as larceny, consorting with criminals, and other activities normally related to police courts. In doing this we run the risk of overlooking the most dangerous departures from public morality. This is the case in the matter of the UAW.

Corruption which is most dangerous to our society is power that frequently masquerades as legal and in fact has a superficial legality. It is based on the ability to utilize legal loopholes and to enforce dictates with a private enforcement agency.

Judge Brandeis recognized such a danger when he said:

"You may compromise a matter of wages, you may compromise a matter of hours—if the margain of profit will permit. No man can say with certainty that his opinion is the right one on such a question. But you may not compromise on a question of morals, or where there is a lawlessness, or even arbitrariness. Industrial liberty, like civil liberty, must rest upon the solid foundation of law.

"Disregard the law in either, however good your motives, and you have anarchy. The plea of trades unions for immunity, be it from injunctions or from liability for damages, is fallacious as the plea of the lynchers. If lawless methods are pursued by trade unions, whether it be by violence, by intimidation, or by the more peaceful infringment of legal rights, that lawlessness must be put down at once and at any cost."

That such a pattern as Judge Brandeis describes exists within the framework of UAW policy is evident from testimony before the committee.

There has existed within the UAW what is called by them "Flying Squadron," a group of men well trained in UAW tactics. When needed, they assisted the employees of struck plants by providing "strike violence" and "intimidation." [24] By curious coincidence when these men appear on the scene a violent pattern follows. Examples of this are seen in the following items and footnote 17.

Item: "William P. Vinson, an admitted member of a UAW 'flying squadron,' served a 13-month prison term for assaulting a nonstriker with such ferocity that he drove some of his broken ribs into his lungs. The union paid for his defense and continued payments to Vinson's wife while he served his sentence.[25] In January 1960 he was again arrested for another strike-connected assault." [26]

Item: "Emil Mazey, now secretary-treasurer of the UAW in 1947 led 400 pickets from Detroit into the town of Clinton, Mich., during the strike at the Clinton Machine Co. Violence occurred. The union was ready to dispatch 'additional people, thousands if we had to' into this town of 1,600." [27]

[13] See app. B, p. 7.

[14] States' responsibility requires adherence to the U.S. Constitution. In a comparable situation late in 1959, however, the union met with success when the Governor of Minnesota intervened to close the plants of Wilson & Co., denying this employer its constitutional right to continue to operate during the strike. Thus, by resorting to violence, the strikers achieved their major objective of closing the plant; meanwhile protection of workers who wished to exercise their constitutional right to enter was denied.

[15] See app. C, p. 17.

[16] See app. B, pp. 7–8; app., p. 6.

[17] This pattern was duplicated recently when the United Packing House Workers of America called upon the master craftsman of strike violence and lawlessness, UAW secretary-treasurer, Emil Mazey, to assist in creating the turmoil necessary to reduce the situation to chaos. Mazey went to Albert Lea, Minn., to express his solidarity with the packinghouse union. In further expression, Walter Reuther's union sent along $25,000 to be distributed at Mr. Mazey's discretion. Immediately the strike took on the usual violent pattern characteristic of UAW strikes with the concomitant terrorization of the town of Albert Lea. The technique was eminently successful. Once again this dean of the UAW school of violence accomplished his mission of complete subjugation by terrorist warfare of a management whose only offense was an attempt to operate its plant in a law-abiding manner.

[18] See appendix B, pp. 53–65; appendix C, p. 14.

[19] See appendix B, pp. 29–33, 68–72; appendix C, p. 6.

[20] See appendix C, p. 6.

[21] See hearings, p. 9002.

[22] See hearings, p. 9003.

[23] See appendix B, p. 5; appendix C, p. 2.

[24] See hearings, p. 8996; app. D. p. 37.

[25] See hearings, p. 8955.

[26] See Detroit News, Jan. 8, 1960.

[27] See hearings, p. 9369.

Item: "A strike at the Flint, Mich., Cadillac plant prompted this statement from Kenneth Cole, financial secretary of local 14 of UAW at Toledo: 'I expect between 3,000 and 5,000 Toledo union men will be in Flint before night.' 3,000 employees from Ohio came, gathered with those from Flint and in spite of the fact that the Governor called out the 126th Infantry, later the cavalry, little protection was given the public. Employees were inside as the strikers descended on the plants, welded the doors shut and did an enormous amount of damage. As a result of the union induced violence, 24 people were injured.[28]

"Just prior to the 1955 strike of Perfect Circle plants in Indiana, a UAW organizer, William Caldwell, stated that there would be a $2 million strike fund to support the strike, that 'it will be the roughest thing you have ever seen. There will be outside people come in, cars will be overturned, and someone will get hurt.' He promised UAW strikers 'he would get us out of jail if we were put in for knocking heads,' and 'there would be plenty of help to keep the plant shut down.'[29]

"As the strike began, the UAW blocked plant entrances, assaulted employees and terrorized townspeople with large numbers of imported goons. Typical was the pattern followed in Hagerstown, Ind., the location of Perfect Circle Co.'s largest plant: Over 700 strangers accomplished this mission in a town which had a population of 1,800."[30]

Item: "Nicholas Flynn was arrested for overturning an automobile at the Nylon Products Co. He was convicted and sentenced to serve 18 months to 4 years and the case was carried to the Supreme Court of Michigan by UAW attorneys who defended Flynn throughout, where it was affirmed. Yet Flynn had served only a month and a day at the time his sentence was commuted by Governor Williams.[31]

"At the time the Detroit News carried this story: 'Emil Mazey, UAW treasurer, and Nicholas Rothe, Detroit attorney, recently came here to ask executive clemency for Flynn.'"[32]

Such violence on the part of employees or members is not condoned and defended by any other type of American organization.

Foremost is the case of John Gunaca which demonstrates the political influence of Walter Reuther and the UAW in the State of Michigan, influence so dominant that a goon may invade Wisconsin and then return to Michigan expecting to find a haven from which he could not be extradited for trial and punishment.

Gunaca entered Wisconsin and, according to the testimony of witnesses, committed felonious assault with intent to do bodily harm upon the person of a Wisconsin citizen. The victim of this beating never recovered and died a year later.

Gunaca fled to Michigan, was indicted and declared a fugitive from justice. According to proper legal processes, the Governor of Wisconsin requested that the Governor of Michigan comply with the Constitution of the United States,[33] and extradite this individual for trial to determine his guilt. The request for extradition was denied by the Governor of Michigan for 4 years.

Gunaca was finally returned to Wisconsin in 1958, after our hearings focused national attention on this intolerable situation, and convicted and sentenced to 3 years' imprisonment.

The far-reaching power of the UAW is distilled in the remark Gunaca made to his captor en route to the preliminary hearing: "Sarge, this will never do you any good. Mazey will never leave Soapy send me back to Wisconsin."[34]

Could it be that the exposure of this sordid affair before the committee and public opinion in the State of Michigan prompted the Governor to give up Gunaca for trial?

The right of Americans to be secure in their homes is a constitutional guarantee upon which our entire system is predicated. Those who violate such guarantees are subject to the penalties of the law. It certainly must be agreed that circumstances which result in a refuge of immunity from law and a bastion of private interest power is intolerable. Yet the masters of this corrupt power are subtly developing a technique which is by slow degrees gaining the aspect of quasi-legal status whereby a private interest can use force to gain its ends.

THE GOSSER HEARING[35]

One of the most fantastic developments resulting from the select committee's investigation of improper labor and management activities is the unsupported claim of Walter Reuther, that this committee has found the UAW to be free of corruption, misappropriation of funds, bribery, extortion, collusion with the underworld, and denial of the basic rights of its membership. Such a claim, to be accurate, would have necessitated a thorough and searching investigation of all of the facets of the UAW operation, with the same tenacity and staff as was utilized in the instance of the Teamsters, the Carpenters, the Hotel and Restaurant Workers, and other union investigations.

Such an investigation was not conducted. In fact, attempts to initiate and to develop such an investigation were successfully resisted and actually prevented by the chief counsel.[36]

We do not profess to have all the facts in our possession concerning corruption in the UAW. Nevertheless, with what we know about Richard T. Gosser, senior vice president of the UAW, we cannot tell the American people that this union deserves a "clean bill of health." We have seen sufficient evidence during the Gosser hearing of kickbacks, terrorism, collusion with gamblers, conflicts of interest, destruction of records, misappropriation of funds, falsification of records, and evasive tactics to convince us that a thorough investigation of the machinations of this individual and others would produce criminality on a scale comparable to that which has been previously exposed by this committee.

Two key UAW witnesses, when questioned on these matters, took the fifth amendment, leading us to believe even more strongly that a full-scale investigation of the affairs of this union should be conducted.

It is strangely significant to us that when Mr. Gosser appeared to become a potential target for our investigation that he suddenly was shorn of most of his authority by the other leaders of the UAW and relegated to an inactive status under the guise of illness.

We recognize that for sound legislative reasons it is desirable that any committee and especially a select committee, such as ours, should speak, whenever possible, with one voice when submitting its reports of findings, conclusions, and recommendations. The record will show that we have followed this policy since the inception of this committee and have joined in good faith in the reports, regardless of the subject matter, or personalities involved in the hearings, for our decisions to do so have been warranted by the evidence. However, in the reports in issue here which involve the UAW we detect a disparity of treatment not accorded others and a disinclination to follow the evidence wherever it leads, objections not heretofore encountered during the three years this committee has existed.

The authors of the report from which we dissent create the impression that this committee investigated the UAW for corruption with the same staff and zeal it has shown for other unions and employers in previous and later hearings (actually only a mere handful of our large investigative staff were ever permitted to work on any investigation of UAW improprieties), instead of acknowledging the fact that the committee limited its investigations here into the UAW's participation in the labor disputes; and on the sole basis of a cursory invited examination of a small part of the UAW's financial records by one member of the staff, the authors proceed from this fragmentary and entirely inadequate and incomplete investigation to issue a clean bill of health to Reuther, the UAW International, all of its officers and to its more than 1,300 locals and many joint councils.[37]

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[28] See hearings, pp. 9377–9378.

[29] See app. C, p. 3.

[30] See app. C, pp. 5, 7.

[31] See app. B, pp. 115–116.

[32] See hearings, p. 10123.

[33] Art. IV, clause 2, of the U.S. Constitution reads as follows:

"Clause 2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

The Courts have held that:

"The constitutionally required surrender is not to be interferred with by habeas corpus upon speculations as to what ought to be the result of a trial" (*Drew* v. *Thaw* (235 U.S. 432)). "Nor is it proper thereby to inquire into the motives controlling the actions of the Governors of the demanding and surrendering States" (*Pettibone* v. *Nichols* (203 U.S. 192, 216)).

[34] See the Sheboygan Press, Dec. 19, 1958.

[35] See app. D.

[36] See app. D, pp. 10–11.

[37] Counsel Kennedy indicated during the hearing that his staff, assisted by accountant Carmine Bellino, had gone into "a number of different unions regarding the financial records that are kept by them," and that "we went into the UAW also, extensively." Further, "we found that a different procedure was followed by the UAW from that followed by these other unions that we have examined." (See hearings, p. 10242.) Questioned, Mr. Bellino stated that in going over the books, he found no instances of false entries (see footnote 1) and in the case of organizational expenses, supporting documents had been required showing the plant where the expenses were incurred, a detailing the nature of the expenses. There was also a weekly expense form entailing "a regular statement of expenses which is broken down by each day. It covers a period of 2 weeks and accounts for every expenditure, whether it is a car allowance or taxi, limousine, parking, telephone, telegraph, and to whom the telephone call was made. That would be listed. That is something we have never found in any other union." (See hearings, p. 10243.) Mr. Bellino indicated that he had examined Mr. Reuther's records extending over a period from 1942–57. No discrepancies were found. He concluded as follows:

"Mr. KENNEDY. Do you have any summary, Mr. Bellino, * * * just generally, what you found? * * * I mean generally on your review of the books and records of the international. What is your opinion, your view?

"Mr. BELLINO. Generally, I believe it was one of the reasons why we have never received any letters in all my experience, going back to the House Committee on Education and Labor, that involve any of these UAW–CIO locals, because of the excellent way that they keep their records and the auditing which is done in their organization."

We resent this obvious attempt to place the power and prestige of a committee of Congress at the disposal of Reuther so that he, having resisted all attempts to inquire into the books, records, and spending of enormous sums of dues by his union, can, as he has already, cite this committee report as evidence of his self-serving and oft-repeated hyperbole that the UAW is the model of what a "clean and democratic" union ought to be. We must say that if Walter Reuther desires a "clean bill of health," he must first submit the body of the UAW to the X-ray machine of public scrutiny. Such scrutiny in order to be adequate and penetrating would also have to investigate the so-called flower fund of the UAW and its use of dues moneys on a wide variety of political activities.

Under the very difficult circumstances which confronted the committee, by virtue of its chief counsel's understandable conflict of interest in pursuing certain aspects of the investigation with the same intensity and zeal devoted to other investigations—because of Walter Reuther's unique position in the national political picture—we feel the chairman did a commendable job in heading the committee and achieving the results obtained in the areas of investigation which were undertaken with the full committee cooperation and with the cooperative efforts of the entire staff.

RESPONSIBILITY

Knowledgeable individuals in American labor and management are aware of the pattern of violent acts which have accompanied the footsteps of UAW marchers from Walter Reuther's first sitdown strike in the 1930's to the present time.

We cannot deny our senses. We will not be dissuaded from stating the truth. It is a monstrous fiction to maintain that the leaders of the UAW have no personal responsibility for the outrages committed against decent American workers in the Kohler and Perfect Circle strikes. Those who perpetrated the outrages were their agents acting with their consent and tacit approval. One word from Reuther or his deputies would have put an end to violence and restored legal collective bargaining. The word never came.

Violence and intimidation are essential parts of the Reuther formula for power. This committee has previously condemned violence and intimidation when they used for the purpose of extorting or misappropriating union funds. It is equally if not more insidious and potentially dangerous to our society to allow these tactics to be used to (1) prevent employers from exercising their constitutional right to operate their plants, (2) deprive employees of their right to employment or (3) increase the organizational strength and bargaining position of a union.

Furthermore, it is our opinion that the committee could have secured ample evidence to prove that the pattern of crime and violence as devised and developed by the UAW is being increasingly imitated by other unions who have not remained unaware of the success of Reuther or his apparent immunity from the law.[38]

We believe that the entire American labor movement and many of the freedoms of our people are jeopardized as these practices continue. Under our system no class, no organization and certainly no man can be above the law—if our form of Government is to be preserved.

RECOMMENDATIONS

We have stated before that for the good of our Nation, crime and violence associated with labor-management disputes must cease. We must in candor further state that in our opinion, the immunity which the strike violence enjoys is based upon political intimidation and influence.

Local, State and Federal public officials are vilified if they attempt to enforce the law against such violence;[38a] the UAW blatantly claims to control political votes; union money, both "voluntary" contributions from members and direct payments from the union treasury, is used to support favorable candidates and to advance their cause through so-called educational campaigns in newspapers, through union publications and on radio and TV; union personnel are used as paid workers at election time, etc. Shocking as these practices are, under the specific privileges and immunities guaranteed these unions by law[39] the situation promises to get worse in those areas where unions are improperly led.

An increasing number of knowledgeable persons now recognize that the problem now confronting the American public in the

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Although the implication of this testimony is that there were no discrepancies to be found in all of the UAW books and records of the UAW including some 1,300 locals, it was discovered that only selected books and records had been scrutinized:

"Senator CURTIS. Mr. Bellino, Mr. Reuther stated on Thursday of this week, page 4189, and I quote: 'I met on a number of occasions with Mr. Bellino. I think large numbers of the staff of our union, other officers have, and we turned over to him all of the records of the international union.' My question is, did you have any records turned over to you relating to these payments made by Mr. Rand?

"Mr. BELLINO. I don't quite follow you, Senator.

"Senator CURTIS. Mr. Rand testified that he paid about $10 a week into a fund of some kind—flower fund—he stated that it was regular as to time and I asked him if it amounted to about $500 a year and he said, 'Yes.' In the records turned over to you, did you have any records that would reveal to you Mr. Donald Rand's transaction or contribution or any similar ones?

"Mr. BELLINO. Senator, the records which were turned over to me were only those that I specifically requested. I did not, when in Detroit, specifically request any flower funds in which Mr. Rand may have contributed. Therefore, I did not get any such records (hearings, p. 10213).

In footnote 2 (supra) the details of a transaction are set forth which show that a $25,000 check was drawn on the general fund of the UAW ostensibly for the purchase of Canadian real estate. It was charged against the general account. (Hearings, p. 9043.) In reality the proceeds were to be used to obtain a perjured statement which caused the false arrest of Carl Renda. Since expenditures for the purchase of real estate were required to be approved by the executive board and this one was not (hearings, p. 9044), an audit of the UAW general account would have disclosed this $25,000 discrepancy. Yet, apparently the books and records ordered selected by the chief counsel did not include the international union general account records of the UAW. We are perplexed that Mr. Bellino, a distinguished and very able auditor was not given sufficient instructions to enable him to examine books of the UAW that would have had a bearing on the relevancy of our contentions. It can only have been that such were his instructions from the chief counsel.

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[38] In the recent United Packing House Workers of America strike against Wilson & Co., Emil Mazey went to Albert Lea, Minn., to assist in strike activities. Violence ensued (see footnotes 14 and 17).

[38a] See app. B, pp. 42–49.

[39] Unions are immune from the Federal income tax and similar taxes in a number of the States. Only employers pay the unemployment compensation tax, the railroad unemployment insurance tax, and the payments required under workmen's compensation laws by both Federal and State Governments. Unions are not subject to the Federal antitrust laws and have substantial immunity from the granting of injunctions against them by the Federal courts under the Norris-LaGuardia Act and in some States which have little Norris-LaGuardia Acts. Among the additional privileges and immunities enjoyed by labor unions are the following:

1. They are not required to be incorporated under either State or Federal law. Corporations on the other hand owe their existence to State corporation law and their activities are limited to the provisions of their corporate charters which are required to be in conformity with State law.

2. Labor unions immunity against the misconduct of their members who are engaged in union activity as, for example, strikes and picketing. This kind of immunity is not possessed by other types of unincorporated associations.

3. Labor unions enjoy the right to bargain exclusively for all the employees in the unit, including those employees who are not members and even those who are strongly opposed to the union. This can mean, as it often does, that a union selected as the bargaining agent by as few as 25 percent of the employees in the unit becomes the bargaining spokesman for all the employees.

4. Labor unions are not subject to anything similar or equivalent to suits by minority corporate stockholders against their corporations.

5. Through collective bargaining contracts labor unions may require union membership as a condition of continued employment although employers are forbidden by law to require nonmembership in a union as a condition of employment.

6. Unions enjoy a right to strike without either the union or its members being penalized therefor. If the strike results from the employer's unfair labor practice, the strikers cannot be replaced. The employer does not have any equivalent right to engage in a lockout, except in two types of situations, both extremely rare and both of minor significance. All other types of lockout are illegal under the Taft-Hartely Act.

7. The prohibition imposed on unions by the Taft-Hartley Act against restraint and coercion of employees is limited to physical violence, direct economic coercion or to threats of either of these two types of conduct. On the other hand, the prohibition imposed on employers under the Act is against interference as well as restraint and coercion, and goes far beyond the violence and direct economic coercion which is forbidden to unions.

8. When management discriminates against an employee in violation of the Taft-Hartley Act, the Board may issue not only a cease-and-desist order but may require the employer to reinstate such employee and to pay him backpay as well. These remedies are in substance sufficient to take care of most of the unfair labor practices committed by employers and to restore employees to the status they would have enjoyed if the unfair labor practice had not been committed. Unions, on the other hand, even though they may engage in illegal conduct which results in loss of pay for employees, are not required to compensate employees for such loss, except where the union itself was responsible for causing an employer to discriminate. Thus, an illegal mass picket line where picketing denies access to the plant to employees who wish to continue to work and which as a result causes such employees to lose pay is not the type of misconduct which the NLRB has required the offending union to remedy by compensating the employees for loss of such pay, but an employer must

field of labor concerns primarily power. Edward H. Chamberlain, professor of political economics, Harvard University, states:

"There is certainly an anomaly in allowing a large union to concentrate resources drawn from its entire membership on the objective of ruining a single employer. The analogy with local price cutting, whereby a large firm takes losses in one small area in order to eliminate a local competitor—a practice forbidden to industry by the antitrust laws—seems complete to me, and I think means should be found to protect individual businesses from this abuse of big-union power.

"The size of unions and the size of bargaining units in different areas of the economy—in short, the structure of labor organization—should be dictated by the public interest rather than by the desires of the laborers concerned. The application of this principle might involve diluting the strength of some unions which are powerful because they are small and strategically situated, by merging them with larger units. In other cases, it might involve the breaking up of large units into smaller ones. The criterion should be not mere size but size in relation to industrial structure. The public interest should also prevail in the matter of collusive action between unions." [40]

The power which we feel has become basic to the types of excesses and improper activities exposed by our committee and covered by this report is the result of a few men exercising too much authority over too many union members in the trade union movement. When a few top labor officials, determined to perpetuate themselves in authority, have the power to call strikes without secret strike ballots; to establish administrative controls over locals showing a display of independent spirit or opposition; to assess fines, penalties, or other harassment punishment against rank and file dues-paying members and nonunion workers who exercise their America and constitutional right to dissent; to use dues money paid by the members to support partisan political causes and candidates through a whole family of direct and indirect activities and publications; to order violence or to use union funds to protect those who practice it against nonstrikers and nonconformists in or out of the union movement; and to engage in numerous other manifestations of rulership from the top down rather than from the bottom up, we confront a situation in which the general public and individual business or industrial concerns constantly face situations likely to erupt into improper practices and attacks upon the public interest or the property or persons of those marked for retribution by leaders of labor far removed from the site of controversy.

We have every confidence in and respect for the individual trade union member of America. We are determined to help advance the best interests and future opportunities of the rank and file dues-paying members of our unions. We believe unions have an important function to perform in our modern industrial society. We believe they must retain the right to strike as part of the collective bargaining process. And just as we believe that unions have an important place in our American democracy we also believe that democracy must have an important place in our American trade unions. The democratic rights of individual trade union members must be increasingly protected and promoted. As they attain greater stature we believe most of the evils and excesses exposed by our committee will be eliminated by corrective measures instigated by trade union members themselves.

We do not believe that the problem which faces us in the area of improper labor and management activities can be solved unless these legislative measures are enacted. We therefore recommend:

1. That a special committee be established to review the entire labor law structure with the objective of making recommendations for protection of the public interest.

2. Effective Federal legislation to outlaw the expenditure of union funds, manpower, and facilities for political purposes.

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compensate for loss of pay suffered by locked-out employees.

9. Unions have the right under certain circumstances to examine an employer's books and records inthe course of collective bargaining. The employer has no equivalent right.

10. Labor unions in many situations have a legal right of acess to the employer's property, the right to compel the employer to make his property available for use by the union, and the right to invade the privacy of employees who are not union members and sometimes even against their wishes. Employers enjoy no equivalent or similar rights.

[40] "The Public Stake in Union Power," University of Virginia Press, 1959.

This morning's Chicago Tribune carries a story by William Moore, a very capable, accurate reporter of the news and not an editorial writer or a columnist, which reads as follows:

CHARGE UAW WHITEWASH IN KOHLER PROBE—REPUBLICANS FILE OWN REPORT

(By William Moore)

WASHINGTON, March 15.—Walter Reuther, Emil Mazey, Robert F. Kennedy, and Gov. G. Mennen (Soapy) Williams, of Michigan, were the targets of Republicans of the Senate Rackets Committee Tuesday in a blistering report on the Kohler Co. strike.

The Republicans, accusing the Democrats of whitewashing Reuther and his United Auto Workers, refused to accept the report of the Democrats, and wrote their own.

The Democratic report, filed with the Senate at the same time as the Republicans', was submitted by Senator JOHN MCCLELLAN, Democrat, of Arkansas, committee chairman.

THREE DEMOCRATIC REPORTS

Then Senators JOHN KENNEDY, of Massachusetts, and FRANK CHURCH, of Idaho, who had signed the Democratic report, filed a supplemental report. So did Senators MCCLELLAN and SAM ERVIN, of North Carolina, who also had signed the Democratic report.

Seldom have there been such violent clashes in reporting an investigation to the Senate. Below are examples of conflicting statements about the UAW and its strike against the Kohler plant at Kohler, Wis., and the Perfect Circle plants at New Castle and Hagerstown, Ind.

Kennedy-Church report: "There is no credible evidence of corruption, misappropriation of union funds, or collusion with the underworld in the UAW."

CONVINCED OF OPPOSITE

Republican report: "We are convinced, based on the information obtained during the investigation of Richard T. Gosser, senior vice president of the UAW and second in power only to Walter Reuther himself, that corruption, misappropriation of funds, bribery, extortion, and collusion with the underworld have occurred within the UAW."

Kennedy-Church report: "The strikes at Kohler and Perfect Circle do not reflect credit upon either union or management. But it is noteworthy that the UAW has had no such difficulties with thousands of employers. * * *"

PATTERN WELL KNOWN

Republican report: "Knowledgeable individuals in American labor and management are aware of the pattern of violent acts which have accompanied the footsteps of UAW marchers from Walter Reuther's first sitdown strikes in the 1930's to the present time * * * Violence and intimidation are essential parts of the Reuther formula for power."

Kennedy-Church report: "We hold the chief counsel (Robert F. Kennedy) and the staff of the committee blameless of the charges made against them."

Republican report: "It is curious that in the two UAW investigations, the chief counsel divorced himself from these probes and selected one staff member for the investigation with an entirely inadequate staff. In the case of Kohler and Perfect Circle, it was assigned to Jack McGovern, who operated almost entirely without assistance. In the Gosser case, it was assigned to Robert Manuel and Senator CARL CURTIS, Republican, of Nebraska, who operated with no assistance whatever. Also, a fair reading of the testimony shows that the chief counsel associated himself with the witnesses supporting Gosser."

RAP GOP SECRECY

McClellan-Ervin report: "In the Gosser case the record is crystal clear that this was an investigation by the Republican members. They insisted on conducting their own independent investigation and withheld and kept secret from the Democratic members all material, documents, and information they procured until they presented it in testimony at the hearings."

The Republicans investigated Gosser to ferret out facts on the UAW "flower funds."

The UAW insists that these funds are built up from voluntary contributions for the use of UAW officers seeking reelection.

The Republicans insist that the funds consist of compulsory payments, and are used to aid or defeat political candidates of the UAW. The Republicans insist that lack of cooperation by the Democrats and Robert Kennedy frustrated their investigation.

REBUKE BOTH SIDES

The report of the four Democrats recounted violence and terrorism by the union in both the Kohler and the Perfect Circle strikes, and rebuked both union and management.

The report was peppered with such passages as this one, which concerns Edmund Biever, Kohler plant manager.

"Biever was known as 'Butcher Boy Biever' to the strikers because he was believed to have fired the first shot in the 1934 strike killings, and because he had earlier during the 1934 strike been convicted of running down a picket with his automobile."

Senator BARRY GOLDWATER, Republican, of Arizona, in a Senate speech recalled the goon attack made upon a Kohler worker by John Gunaca, who fled to Michigan and was protected by Governor Williams against extradition for several years.

SHOWS NO FEAR

On the way to a preliminary hearing in Michigan that led to denial of extradition requests, GOLDWATER said, Gunaca showed the "far-reaching power" of the UAW by telling the arresting policeman:

"Sarge, this will never do you any good. Mazey will never leave Soapy send me back to Wisconsin."

GOLDWATER said the Republicans gave up their plans to term Michigan "a privileged sanctuary for the harboring of criminals," after Senator PHILIP HART, Democrat, of Michigan, protested. GOLDWATER said mail from Michigan, however, supported the charge in a ratio of 8 to 1.

One Michigan minister, he said, wrote him:

"The worst thing about the whole mess is that your report is factual and correct. Conditions such as you describe will obtain in Michigan so long as the Mazeys, the Hoffas, and the Reuthers are in the saddle in the union movement."

QUICK TO SOFTEN SENTENCE

More about Mazey and Williams was told in the Republican report, which said:

"Nicholas Flynn was arrested for overturning an automobile at the Nylon Products Co. He was convicted and sentenced to 18 months to 4 years, and the case was carried to the supreme court of Michigan by UAW attorneys, who defended Flynn throughout. There it was affirmed. Yet Flynn had served only a month and a day at the time his sentence was commuted by Governor Williams."

GOLDWATER said that the commutation came after Mazey asked executive clemency for Flynn.

The report also charged that the UAW maintains "flying squadrons" that provide violence and intimidation in strikes.

Later on, perhaps tomorrow, Mr. Speaker, or on some subsequent occasion I will, from the well of the House, show that the statements made by two of those who signed the report to the effect that Walter Reuther had not had any trouble with other employers just is not true. And, I will include a list of investigation of 17 strikes, one of them in 20 States of the Union, held by the labor committee, which shows that hundreds of thousands of employees were subjected to violence by Walter Reuther, Mazey, and criminals hired by them. And, when I say "criminals," I mean people who were convicted of crime in a court before a jury.

Then there is another statement in connection with the Kohler strike that the UAW was not responsible for violence, and it will be my purpose to show that the UAW-CIO through its president, Mr. Reuther, and the secretary-treasurer, Emil Mazey and five vice presidents of that union joined in authorizing the appropriations of union funds to carry on the Kohler strike and that more than a million dollars was spent by the union in that effort and that it is an absurdity to say that the union did not employ criminals, because I will place in the RECORD testimony taken before the McClellan committee—it is nothing new—testimony that shows that the union paid the wages of these criminals.

And when I say "criminals," again I mean people who were convicted of crime and who served time in prison. There is a long list of them which I shall include in the RECORD.

With that advance notice, Mr. Speaker, I yield back the balance of my time.

AGRICULTURE BILLS PENDING BEFORE THE CONGRESS

The SPEAKER pro tempore (Mr. STRATTON). Under previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, I have asked for this time to discuss several agriculture bills now pending before the Congress.

The so-called Poage bill, No. 10355, labeled the Family Farm Income Act of 1960, pending before the House Agriculture Committee and virtually identical with some 18 other measures introduced in this Congress, has been described as the Democratic reply to President Eisenhower's call for a sensible farm program.

I am quite willing to accept the view that these bills are a political answer by some of my colleagues across the aisle. They are certainly not an economic answer.

If the sponsors want to be identified with an effort to put the American farmer in perpetual bondage, that is certainly their privilege, though I, for one, do not envy them such a reputation.

We have seen some attempts in the past to enact a farm program designed to make all of agriculture subservient to the will of government. Fortunately, these attempts for the most part have been rather overwhelmingly repudiated by this Congress and this Government in its ultimate wisdom.

But master plans for controlling the lives, habits and incomes of farm families from one end of this great land to the other have a way of popping up, like the proverbial bad penny, time and time again.

Time and time again, they have to be exposed for what they are and knocked down by those of us who believe in the future of agriculture and are convinced the farmer is entitled to the same freedom to grow and prosper as all other segments of our society in this Republic.

I, therefore, seek the indulgence of this House to allow me a few moments today to expose this proposed legislation for what it is.

It is basically the infamous Brannan plan with a "New Look."

It was in 1949 that the then Secretary of Agriculture, Charles Brannan, advocated the widespread use of subsidy payments to all farm people. Yet, even though his price objectives were more modest and the scope of his program less broad than called for in the family farm income bills, the Brannan plan was decisively rejected.

Mr. Brannan gave us a taste of his ideas, just the same, when he decided in 1952 to lift the lid on production while retaining the high, rigid incentive prices to which he and the previous administration were so wedded.

In an effort to avoid too much upheaval in the planning of farmers, President Eisenhower assured them in the campaign of 1952 that he would not upset the applecart set in motion by Mr. Brannan for a 2-year period—in effect providing that adjustment would begin with the passage of an intelligent farm program in 1954 applying to the crop year of 1955.

Well, Mr. Brannan's bit of lidlifting on production coupled with his profit guaranteeing support levels—let me repeat, profit guarantees not just price guarantees—piled up the greatest accumulation of surpluses in Government storage bins ever known to man. He provided us with a price-depressing, first-class headache, which is still scandalizing the Nation in the case of wheat, and is costing the taxpayers a fortune.

It was not until 1954 and 1955 that this administration was able to start applying the brakes to this runaway production. Since then surpluses have continued to advance despite heroic efforts to move out of storage the vast inpouring of a few crops.

This administration has moved into consumption more than $17.5 billion worth of surplus commodities since 1953. This effort meant that the surplus has increased since 1955 from about $7 billion—when the brakes took hold—to $9 billion currently—only a slight rise in terms of the astounding production of these crops brought about by two excellent growing years, and the stimulants to production of science and legislatively fixed profit guarantees.

Now the sponsors of the family farm income bills with a new look on the old Brannan plan ask that we impose on all farmers, including hog producers, cattlemen, and sheep raisers, legislation to let Uncle Sam tell them how much they may produce, what price they should get, and what their gross income should be.

If such legislation were enacted:

Hog production would face a 30-percent cutback, requiring tight allotments and strict marketing rules for every hog producer.

Cattle production would be similarly regulated and cattle prices would be fixed.

The poultry industry would be geared to a program of scarcity.

Egg production would have to face a cutback of 40 percent on an across-the-board basis.

Wheatgrowers whose 1959 allotment was 55 million acres would face an allotment of approximately 25 million acres and possibly even less.

Cotton farmers would face an allotment reduction down to 11 million acres

from their present allotment of 16 million acres.

Consumer prices would go up on the food and fiber purchased.

In terms of international trade no American farm product could reach the export market without a subsidy.

These bills incorporate all of the crazy, mixed up ideas possible to conceive for controlling agriculture. They contain the same fuzzy thinking, in terms of economics, that a distinguished Missourian recently displayed while touring through my State.

When this speaker was in my hometown of Peoria, he addressed a Democratic party luncheon with a series of statements that made glib news quotes but strayed far afield from the facts.

He talked about grain storage. He talked as if he may have forgotten that the Department of Agriculture is bound by a congressional decision to store surpluses with private warehouse operators in preference to Government-owned facilities. Out of testimony, limited because of the adjournment of the public hearings, he picked a few exceptional cases of high storage charges without explaining that these charges were not typical or anywhere near average.

He hammered away at the old, hackneyed theme that the Secretary of Agriculture has spent a lot of money. This speaker did not dare tell his listeners that the money was spent carrying out programs the Congress passed—programs designed long before the present administration and the present Agriculture Secretary took office.

In Peoria, Ill., my friends, this man from Missouri complains about the dwindling farm population. Perhaps he is unaware that the farm population declined more rapidly during the previous administration of another Missourian than since January 1, 1953. He was long on charges and short on facts to support them. This is about the way the Family Farm Income Act strikes me—long on claims and short on fundamental, economic facts.

The farmers of my district and my State are responsible, enterprising and imaginative citizens who understand something about the laws of supply and demand, profit and loss, and the factors that make realized net income more important than gross income. They know, for instance, that the price per unit of production must be raised while costs of production are trimmed to improve the margin of profit. They do not work on the assumption that their costs are fixed at ironbound levels or that the goal of a better price per unit of production is unattainable.

They know, for instance, that whenever Government guarantees or tries to guarantee an incentive price for output, the output is apt to be carried to extremes. They know that such a program of incentives is apt to create excessive production which will tend to depress normal, free markets. They know farmers cannot long continue in the business of producing for Government warehouses—that sooner or later farmers must meet the competitive, healthy demands of the free market at home and abroad. They know, from sad experience with the obsolete farm laws inherited from previous Administrations, that a program conceived to meet an emergency is ruinous when continued long after the emergency.

The farmers of Illinois, Mr. Speaker, know what is bad for them. They want no part of the Family Farm Income Act of 1960. They also know what is good for them. They prefer to work toward greater freedom and a more prosperous future.

These farmers of my district and State want the Congress to enact laws which will get agriculture out of the mess it has been in for 30 years. They are not impressed with a record of agricultural programs during the 1930's and 1940's that had to be bailed out of serious surplus trouble by droughts and wars.

They are encouraged by the efforts of the present Administration to get some sense back into farm legislation; by the efforts to treat the problems facing agriculture with sound, economic answers instead of political answers.

So what have our friends across the aisle offered the farmers of Illinois? Charles Shuman, the president of the American Farm Bureau Federation, and an Illinois farmer put it pretty well in his testimony the other day. He said the family farm income bills offer farmers nothing but "payments, permits and peasantry."

Four-fifths of our agriculture today is free of Government subsidy and control. The so-called Poage bills would forever seal the exit from price-fixing and production restrictions for the one-fifth tied into controls. At the same time, it would open the trap-door that would gobble up the four-fifths that is free.

With no pun intended, I must say the so-called Poage bills appear to me to be nothing more than a "pig in a poke."

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield.

Mr. DIXON. I appreciate the willingness of the gentleman from Illinois to give me an opportunity to join in his remarks and to support his opposition to the lovely sounding family farm income bill. That bill is just another futile attempt of the majority party to repeal the law of supply and demand. The former operations have gotten the basic commodities into serious trouble. The basic commodities are in trouble, but the commodities receiving very little price support or no price supports at all are in good shape. This bill would increase the number of commodities getting supports from 21 to 250 regardless of whether the farmers wanted it or needed it. The Poage bills provide for a referendum of growers of one specific crop. These growers must raise $500 worth of that crop on the average over the past 5 years before they can vote. The bill in that respect is based on a spurious foundation. A farmer, for instance, could raise $400 worth of wheat, $400 worth of corn, $400 worth of cotton and still he could not vote. This bill would eliminate the farmers who need the help the most because our Census Bureau defines a farm, I think, as an institution that markets $250 worth of farm crops, and I think I am correct in that statement. So this Poage bill is based on a spurious voting basis. That is one of the chief provisions of the bill and the chief objection to the bill.

In the second place, Mr. Speaker, I submit that the growers of one specific crop should not write their ticket when they write the law.

First of all, the consumer should be represented. In the second place, the growers of other crops should have a voice. By this gimmick of having the growers of one specific crop write the ticket they can do irreparable damage to others. Let me illustrate.

Under the measure the Secretary would allocate approximately 500 million bushels of wheat for feed, and give certificates to these farmers to the extent that the 500 million bushels would allow. These farmers would be paid about $2.45 a bushel for this wheat. The rest of the wheat they would grow, and it would be a vast amount, would have to go for export or for livestock feed. Not nearly all of it could be supported, so a great quantity would go for livestock feed.

This wheat would be dumped onto the market at lower prices than your corn and your other feed grains. So the prices of feed grains would be so depressed that that industry would be wrecked, in my opinion.

And what good does it do if they should take some wheat out of Government storage only to more than fill that space with feed grains? That is why I say it is entirely unjustifiable to let the growers of one commodity write your ticket to the ruination of other commodities.

Let us follow out the argument for wheat, and that is why we need legislation now, and let us have it. What else would it do? It would require an army of people to enforce it by increasing the commodities under support from 21 to 250. It would be almost impossible. It would allow tremendous opportunity for irregular practices and it would be impossible to administer fairly.

In my opinion it would certainly ruin our livestock industry, because the prices of livestock pretty well follow the price of feed grains. This dumping of wheat, the ruination of the prices of the feed grain would ruin the prices of your livestock.

I was startled and surprised to hear Governors from certain livestock States testify for this family farm bill, for as I pointed out it would actually ruin the whole economy.

Again, this overplanting, formerly overplanting and not abiding by the law: The speculators would hold their crops. They would speculate and the cooperators would be penalized while the noncooperators with the program on overplanting would be subsidized. This would be a tremendous injustice.

Again the proponent of the criteria says that he did not want a bill that would raise the subsidy on exports. If we refer again to wheat, it would be necessary for the Government to raise the subsidy on wheat from 60 cents to $1.15 a bushel which, in my opinion, is ridiculous. Then the minute we do

that what have we done to our allies, with Canada and other fine countries when we raise our subsidy to $1.15 a bushel?

The minute we raised the subsidy to $1.15 a bushel there would be a cry go up to the heavens that we are dumping wheat and ruining their entire economy.

LIVESTOCK

A program for agriculture has been suggested to this Congress that would have the effect of legislating cattle and hog producers out to pasture.

The so-called Family Farm Income Act of 1960, represented by 19 or 20 virtually identical bills, calls for something livestock producers have never favored or sought—namely, Government production controls and price fixing.

Oh, yes, we had our little experience in the Middle West with the corn-hog program, and the idea nearly died aborning. After a brief trial, farmers and consumers alike agreed the effort was ill advised and dropped the program.

Now the sponsors of this new legislation with its old Brannan plan trimmings come along and ask that we impose on cattlemen, hog producers, sheep raisers, legislation to let Uncle Sam tell them how much they can produce and what price they should get on the ranch, in the feedlot, and in normal marketing channels.

And I suppose it is fair to conclude that instead of grain-storage warehouses to handle the surplus of such another price-supported commodity, the backers of Family Farm Income Acts would provide us with Operation Deep Freeze to handle the excess carcasses?

The cattle industry is the largest single source of income in American agriculture. Cattlemen, opposing Government interference in their business, have increased production, improved the American diet and consumer demand for their products, and have lifted their own incomes.

Presently hog producers are facing a somewhat improved prospect. Farrowings in the spring of 1960 will be reduced by about 12 percent; the producers themselves, without Government intervention, are bringing their industry into balance. Why should it be necessary, with this demonstrated ability of hog producers to solve their own production problems, for the Government to intervene, gratuitously, and bring this great industry under Government controls?

In order to obtain the price objective specified in this act, hog production would have to be cut back about 30 percent from present levels. This would mean individual allotments for every hog farmer, with strict regulations as to the conditions of marketing.

The proposed act would virtually cartelize the livestock industry.

When the livestock people find out what the family farm bill contemplates doing to them and to their industry, the voices of protest will be loud and long.

Mr. MICHEL. I appreciate the remarks of the gentleman from Utah. He has been a very distinguished educator and knows how to think clearly and soundly. I appreciate the value of his contribution.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. COLLIER. As my colleague from Illinois knows, I do not represent a farm district. If my figures are correct I understand that with transportation and storage the present cost of the storage program for farm surpluses runs to approximately $3 million per day; is that correct?

Mr. MICHEL. As a matter of fact, the entire program would be in the neighborhood of $300 million to $400 million per year. I think the figures would be predicated on a working day rather than on 7 days a week.

Mr. COLLIER. I am talking about the storage figure per day, storage and supplementary or complementary cost of transportation to pursue the surplus storage program.

Mr. MICHEL. In the Agricultural Subcommittee on Appropriations, we are confronted principally, of course, with that which has to do with actual storage, and I say that figure would still be in the neighborhood of what I mentioned. Whether or not some of the extraneous cost came under a different category, suffice it to say the figure is astounding.

Mr. COLLIER. The point I proposed to make with the preceding question was this: The gentleman mentioned in his discourse that the Congress or by congressional action the choice of storage or the dictation that the storage should be in private storage facilities rather than in Government facilities was something that was years ago set up by this Congress.

Now, that in itself is somewhat new to me. What would the gentleman say was the purpose or the alleged purpose behind this decision?

Mr. MICHEL. Actually, I think in the wisdom of the Congress we wrote into law that private enterprise should do the storing job and, as a matter of fact, they can accomplish it cheaper than the Government itself by getting into a long and protracted storage construction program of its own. We have facilities in my own district where the Government itself owns the bins and operates through the Commodity Credit Corporation. I must say that in many areas it has proved a failure because the facilities have not been of the quality that we know in private industry where they turn the grain regularly, they aerate it and keep it in good condition. Some of these Government facilities are built in low areas where in time of high rains they become flooded and, of course, then the grain deteriorates and you have a net loss to the Government.

May I say on this matter of storage that we have gone into it at considerable length. I noticed on the ticker today that the Department is anticipating a reduction in the storage rate on many of these commodities, but here is a problem that many people overlook when they cast a reflection upon the Department of Agriculture, and its storage problem. That is that the Commodity Credit Corporation and the Department of Agriculture are charged with the responsibility of getting the grain into storage when it is produced and when it has to be moved, and sometimes the situation is so tight and so critical that you just cannot go out anywhere and get x million bushels of storage space. Sometimes because of the urgency of the situation they have had to pay somewhat of a premium because the Congress itself charged the Commodity Credit Corporation with getting the grain under storage. Several years ago in a real bind the Department explored the possibility of putting millions of bushels of wheat under tents in million-bushel piles which were 200 or 300 feet long in a conical shape. Burris Mills, I believe, was the name of the company which undertook this multi-million-dollar project. Much of the grain deteriorated because the flaps blew open and the winds came in and the rains came in. But, nonetheless, it did not result in any loss to the Government, because he was a private warehouseman and took it with that responsibility. As a result, the gentleman lost millions of dollars trying to help the Government to get this grain under some sort of roof. But, here was an extreme situation where we accumulated millions and millions of bushels of grain with no place to put it.

Mr. COLLIER. That clarifies the question I had, because I was aware, of course, that there are Government storage facilities. Certainly, as a basic philosophy not only in this area but in other areas, I have always felt that at no time should the Federal Government ever compete with any enterprise of private business. I simply want to make the point, or at least square away my own thinking as to when the Government facilities, such as they are, are available, that then I believe they should be used inasmuch as the investment has been made.

Mr. MICHEL. I think the record will show that when Government storage has been available, it has been utilized. But, one must also recognize that Government storage in the East may not be readily adapted to a particular crop that is raised in some far distant western State. You have to have the storage at the proximity where the problem exists in order to be able to utilize it, and I am sure the gentleman appreciates that.

Mr. COLLIER. I thank my colleague for this edification of a city slicker who does not know the farm problem as well as the gentleman does.

Mr. MICHEL. I want to say to my good friend who represents the suburbs in the western part of the Chicago area that right in his neighborhood there would be a serious repercussion if this kind of legislation were enacted if for no other reason than the resultant cutback in cattle and hog production.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Minnesota.

Mr. NELSEN. I wish to thank the gentleman for his comments relative to the proposed farm legislation. I would like to make this observation, being one of the few farmers in the Congress and operating what is termed a family farm. I want to make an observation relative

to the bill under discussion that I think one of the areas in which this bill presents a very serious problem is in connection with the family farm that we talk so much about. On page 16 of the bill there is a provision there relating to a condition for eligibility, and it provides that the producer shall contribute not less than 10 percent of his tillable acres, and then in addition to that he may take another 30 percent which he will be compensated for in payment or kind. I would like to call attention to the fact that we have about 150 million acres of land in the United States that have never been in any kind of a program, which includes practically all of my own farm operation. The farmer that takes out 10 percent, he must pay taxes on that land. He probably borrowed the money to buy the land. He must pay interest on the money that he borrowed to buy this land. Yet he must contribute 10 percent, which returns nothing to him. And, imagine the many 80-acre farms and 100-acre farms around the country. If they are to take out 10 percent of their tillable land to qualify under this program, it will be a very, very severe load for them to carry. And, I think it should be highlighted a little more. I would also like to mention, as a farmer, that I would dislike very much to surrender the freedom I enjoy on my farm where my hog totals and my chicken and beef totals would be put in the hands of some committee. And, I presume the time would come when I would have to go to a county committee to get a rooster on the farm.

I thank the gentleman for his observations relative to the proposed legislation. I might mention that I will have a bill of my own relative to the farm program that will be introduced within the next 2 weeks and I hope that the gentleman will do me the honor to examine the provisions of our bill. I think it more nearly fits the family farm than the one under discussion.

Mr. MICHEL. I appreciate the remarks of the gentleman from Minnesota, coming as they do from a farmer and incidentally one who has served previously in Washington as Administrator of the Rural Electrification Administration, a true friend of the farmer who knows whereof he speaks. Again, I appreciate the valued comments he has contributed here this afternoon.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield.

Mr. SHORT. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from South Dakota [Mr. BERRY] may have permission to extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MICHEL. I appreciate the gentleman's making that request for the gentleman from South Dakota as he did want to make his position clear at this point.

Mr. BERRY. Mr. Speaker, I am glad to have an opportunity to add my comments to the remarks of the gentleman from Illinois [Mr. MICHEL] on the so-called Family Farm Income Act of 1960 because I believe this bill is in direct contradiction to the thinking of a majority of the farm operators in my part of South Dakota and, I believe, of the Nation generally.

I am just in the throes of completing the tabulations on a questionnaire which I sent out to all boxholders in my district a month ago. I have not had an opportunity to check this proposition percentagewise, but I believe, from having gone over each returned questionnaire and having read the comments which were made, that 75 percent of the farmers and the farmer-ranchers have told me that the farm program should be junked. They have told me over and over again that the present support program has simply made the large farmers larger and the small farmers smaller.

You can imagine my interest, Mr. Chairman, in studying the so-called farm bill introduced in the House by some 20 of my colleagues, most of whom are inclined to lean just a little toward the idea of regulating and controlling the lives of the American people. This bill would completely regulate, completely control, and completely place into a straitjacket all of agriculture. As it has been described on the floor of this House, the family farm income bills offer the farmers of this country only payments, permits, and peasantry.

The present farm program has more or less control over some 21 crops; this proposed farm bill would add regulations, permits, and controls to some 250 farm products, including cattle, hogs, sheep, chickens, turkeys, eggs, and everything else. In fact, everything that is produced on the farm will come under strict regulation and control. Someone in Washington will decide how many head of beef may be placed on the market each year, and then the distribution will be handed down from here to the States, to the counties, to the farmer, and he will be given an allotment. If he has been running 300 cattle, he will be allowed to run 250. If he has been raising 10, he will be cut to 7½ head.

This is not bad. On his croplands, he must give up 10 percent without any compensation and then, in addition, he can give up another 30 percent for which he will receive payment in kind.

Now, Mr. Speaker, let us remember this: We can take 10 or 30 percent from the large operator and we have not hurt him much, but take 10 or 30 percent from the small operator without any compensation and he is forced out of business. This is not a small farmer bill—it is a big farmer bill. It freezes a man's operations and then reduces that operation by from 10 to 40 percent.

Young farmers write to me constantly and demand the repeal of the present law which freezes the acreage of wheat. They tell me that the big operator overplants, pays his penalty, and soon obtains additional acreage allotment, while the small operator cannot afford this route. He is forced to operate the small acreage he is allowed and must turn to production of some other product in order to increase his income, to meet rising costs resulting from New Deal spending inflation. A young man cannot start now—what would it be like if everything his area produces is frozen into a production straitjacket?

This bill is intended to simply further regiment the farmer. As I have said so many times before, there is no farm problem. The problem is one of foreign policy—the problem is one of foreign imports. What we are doing is importing the food that goes onto our tables and the fiber which goes onto our backs, and the production of the acreage supplanted by these imports must go somewhere, so we call upon the Federal Government to purchase this production. This production is not surplus to American needs, it is simply supplemental. Supplemental, that is, to these agricultural imports.

Last year we imported more than two million head of beef. Across the Nation generally it requires the annual production of an average of 20 acres to produce a beef. It also requires an average of 2 years to put that beef on the market. The beef imports last year alone supplanted the production of more than 80 million acres. These 80 million acres had to be used for some other purpose, and the production is branded by this Congress and the Nation as surplus.

This production is not surplus, Mr. Speaker, it is supplanted.

This so-called Family Farm Income Act of 1960 makes no pretense of getting at the root of the evil. The evil is imports. Agricultural imports is the cancer that is eating away the life of the great agricultural industry in America. This so-called farm bill is not a farm bill—it is simply another import subsidy bill. It is just another patch, if you please, placed upon the open sore where the import cancer is draining.

If Congress is interested in doing something for agriculture, it will operate and remove the cancer. Covering the sores where the cancer is draining is only a subterfuge. It is only admitting that Congress does not have sufficient intestinal fortitude to go to the root of the evil, which evil is agricultural imports.

Instead of trying to stop the evil, this Congress passed a law reducing tariffs, and beef, lamb, mutton, pork, feed grains, sugar, wool, and processed woolen goods, and everything else that domestic agriculture should be producing comes rolling across our borders in ever-increasing amounts, and the American farmer is asked to reduce his acreage and his production to make room for it.

Mr. Speaker, we have no farm problem—we are blighted with only an import problem. All that these so-called farm bills do is to further put the farmer out of business, force him to cut down his production in order to make room for more imports, and to further shackle him with regulations, controls, payments, permits, and peasantry.

My suggestion for a Family Farm Income Act of 1960, Mr. Speaker, is to pass the Bailey-Mason bill, which would return the regulation and control of tariffs and quotas to the Tariff Commission, an arm of the Congress, which would limit these agricultural imports. Then we should freeze all of the so-called surpluses, taking them off the market completely and then remove all regulations,

controls, and shackles from agriculture and put it completely on a free-enterprise, supply-and-demand basis.

If this were done today, Mr. Speaker, the Tariff Commission would find that it would be necessary to allow substantial imports to come into this country, as we do not have sufficient acres in this country to produce the food and fiber needed by the people of this Nation.

Remove the cancer. Let the patient get well. Give the youth of America an opportunity to live on the farm, expand and grow according to his own ability. Prove to the world that America is still the land of the free and the home of unshackled free enterprise.

The choice, Mr. Speaker, is between that and payments, permits, and peasantry.

Mr. SHORT. Mr. Speaker, I want to compliment very highly the gentleman from Illinois [Mr. MICHEL] taking the time, at this late hour on this busy day, to set the record straight about this so-called Family Farm Income Act of 1960. This bill, if my limited experience in Congress means anything or shows me anything, has had very peculiar consideration so far. The proponents of this bill took time on the floor of the House not long ago and we witnessed the rather peculiar procedure of the merits of the bill being debated on the floor of the House before it had actually been assigned for consideration to the committee to which it properly belonged.

Mr. MICHEL. And, of course, the gentleman serves on the Committee on Agriculture, does he not?

Mr. SHORT. Yes, the gentleman is correct.

This bill, as somebody has stated, certainly opens a Pandora's box for the American farmer. The bill proposes to do everything that all of us are in complete accord with. All of us in Agriculture certainly are interested in and very concerned about—I will add that—the situation facing agriculture today and facing the American farmer, and facing our Government in relation to the American farmer.

All of us who live in agricultural areas are very sincerely desirous of attempting in some way, somehow, to come up with some kind of an answer to the farm dilemma we are in. We must somehow protect the income of the American farmer. At the same time it is very obvious that we have to take steps that are going to stop this, I hate to say, ridiculous, but I can think of no better word, building up of continuing surpluses in the hands of the Federal Government.

Now to get back to this bill. Someone remarked here on the floor of the House or before the committee that this bill would do some of the things that we all are in agreement need to be done for the American farmer. No. 1, it would increase the farmer's income. No. 2, it would reduce the cost to the Federal Government. And No. 3, it would provide more freedom in marketing for the American farmer.

To go back to point No. 1. I question very sincerely, and I do not see any language in the bill that says, that the bill intends to increase the income of the American farmer. There is nothing in it that says it will. There is much in it that says it will increase or attempt to increase the price, but after all, those of us who are farmers all know that it is the price plus volume that makes income. By simply increasing the price we are not necessarily going to increase the farmer's income. That is the basic objective all of us are concerned about.

No. 2, and this is the objective of the bill with which I heartily agree, that is, that it will reduce surpluses going into Commodity Credit stocks. I think it will restrict farm production to the extent that it will stop that. Certainly with that objective I am in complete agreement. How you are going to bring that about without adversely affecting the farmers' income is the question raised in my mind.

It has been alleged by the proponents of this bill that it will provide more freedom of market as far as the farmer is concerned, and that is an objective about which I am sure the gentleman and I are in complete agreement.

Mr. MICHEL. I concur with the gentleman.

Mr. SHORT. I see nothing in the bill that says it intends to bring that about. Certainly by specific provisions in the bill it will do exactly the opposite. The objective of the bill is to restrict production in the interest of bringing about a higher price. It certainly cannot be interpreted as a device that will bring about freedom of marketing.

The gentleman from Utah [Mr. DIXON] talked a few moments ago about the provisions of this bill in regard to wheat and how it might affect wheat farmers. I was very interested in one of these, shall I say extemporaneous and unintended, hearings that took place before the committee in regard to this bill a few days ago, when a very distinguished and very able representative of one of our national farm organizations said before the committee in very plain language that a special section would have to be added to the bill to provide for wheat, that the bill as written would not provide for wheat and solve the problem that exists as far as the wheat farmer is concerned.

Finally, the thing about this bill that concerns me most is this: As you know, I am a livestock man. I have a great many friends that are livestock people. I am interested in the livestock industry perhaps more than any other segment of agriculture.

Mr. MICHEL. The gentleman knows that is a very important segment of the agricultural economy in my district.

Mr. SHORT. It is one segment of agriculture that has never had any price supports and that has never had any controls, and presently pricewise it is in the best position of any single commodity in the United States. They are more interested perhaps that this free market we believe in so sincerely can work.

We have heard a lot about the plight of the hog farmer. I was extremely pleased and gratified yesterday that under a free market situation, at a time when we have a terrific surplus of hogs, as many people would have us believe, the top price in Omaha yesterday was 17 cents a pound for hogs, at a time when hogs are supposed to be going down and down all the time and the hog farmer is in more trouble all the time.

Mr. MICHEL. If I may interrupt the gentleman, may I say that the third largest hog producers of the country are in my congressional district. I have talked to many of them in the last several months. They were not so concerned about the drop in prices as being a long-term eventuality. They did not like it. No one likes $11, $12, and $13 hogs. You cannot make money on them at that price. But the long-term producer who has been producing hogs from the day he was just out of school until now recognizes that there is such a thing as a hog cycle and a corn-hog ratio and that there are going to be these ups and downs, and that the fellow who fouls up the market is the inner-and-outer.

Mr. SHORT. Lots of times it is that sidewalk farmer.

Mr. MICHEL. That is true. I am happy to note, too, that on the Peoria market just last week hogs were selling for $16 and $16.50, and with the projection of figures showing an 11- or 12-percent reduction in hog farrowing this year, I suspect that prices will be buoyed up and improved as we move along throughout the year.

Mr. SHORT. If my colleague will permit just a little bit further observation on this subject, cattle which are my primary interest, perhaps, have been able to maintain a very satisfactory price relationship in comparison to the other farm commodities. All of the prophets and breeders of gloom and doom as far as the future of agriculture is concerned will tell us that this buildup of feed supplies is going to immediately force the price of cattle down and you ranchers who think you are so smart are going to be so sorry one of these days. The price of calves out in my country got down to 26 cents or 27 cents a pound a couple, or 3 months ago, and we find the same calves today selling at 30 cents. The people in the livestock business in the range areas, and I talked to some of them in Washington at a dinner the night before last, are contracting their calves today for 30 cents a pound for delivery next October.

That does not indicate to me that the livestock people are very pessimistic about the outlook for livestock prices. There is just one further thing I want to say. I have no quarrel with this bill if it would provide the mechanism for certain segments of our agricultural economy to band together someway and somehow to work out a better means of bringing about a better supply and demand and price relationship for their commodity. This bill hinges on the marketing order principle, so to speak. That principle has been applied in certain restricted areas and to certain limited commodities very successfully. I certainly have no quarrel with that approach. I do say this. When you attempt to apply that principle on a nationwide basis, you are immediately getting into much greater trouble because of the diversity of interest and because of the diversity of production problems that people have across

the country. As far as livestock is concerned, I can see no possible way that it can ever be applied.

May I close with this statement. As far as the livestock industry is concerned, as I understand it, and I am a part of it individually and personally, we want no part of any price-support program with the inevitable controls that go along with it.

I thank the gentleman for yielding to me.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Kansas [Mr. AVERY] may extend his remarks at this point in the RECORD and that my colleague the gentleman from Texas [Mr. ALGER] may have the same privilege.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. AVERY. Mr. Speaker, some of our Democratic friends across the aisle have proposed the surest possible program to price our agricultural products completely out of domestic and foreign markets. They have offered this Congress, for consideration, the so-called Family Farm Income Act of 1960.

Proposed in 18 or 19 virtually identical bills, this act would have the effect of destroying the liberal trade policies the United States has developed on a bipartisan level over nearly three decades.

The suggested legislation would totally divorce farm prices from competitive world price levels. It would also set up a price objective that has no relationship to existing prices in this country.

The act could operate only if the U.S. market was sealed off from competition by a series of quotas, tariffs, embargoes, or similar restrictions. Without such machinery, high prices of our farm products would attract other products to our shores like lamplight lures moths. And we might have to place our domestic agricultural outlets in mothballs.

If the bill became law, no American farm product could reach the export market without a subsidy. And because of the additional steps the United States would have to take to protect farm people from disaster, export markets for American manufactured products would be impaired.

There would be interference with the normal processes of trade and the resultant effect on world markets would be disruptive, to say the least.

This proposal would set back this Nation and its agricultural plant at least 50 years.

Mr. ALGER. Mr. Speaker, I would like to join in applauding the gentleman from Illinois for his appraisal of some of the farm bills pending. The gentleman mentioned the adverse effects upon the cotton farmer which concerns many of our citizens in Dallas and the Southwest. The family farm income bill would take us in the direction of scarcity. Since no more than 5 percent of the value of the cotton crop could be expended on this program, the outlay for the export subsidy would have to be sharply curtailed. Presently, the export subsidy is 8 cents a pound; under the bill it would be about 17 cents a pound.

We have been exporting in the neighborhood of 4, or 5, or 6 million bales of cotton a year. With the increased cost of the subsidy under this bill, and with the limitation on total expenditures, it is doubtful whether exports would exceed a million and a half bales. This tremendous loss in market outlets would necessitate a sharp reduction in acreage allotments. Allotments would have to be cut from about 16 million acres, the present figure, to about 11 million acres. This is a greater cut than the cotton people can stand.

The family farm income bill would have the effect, if implemented, of raising the price of cotton to almost 39 cents a pound, about 10 cents above the present level. This might seem at first like an excellent idea. But there is a trap here.

In recent years, the price of cotton has been permitted to work gradually downward. This shift has checked the inroads of synthetic fibers, and has reduced the incentive for foreign producers to get into the cotton business. As a result, the cotton industry has somewhat improved its competitive posture.

To reverse this trend and put the price of cotton back to and above any previous support level would price cotton out of the market, encourage the synthetic fibers, and increasingly hand our markets over to our competitors.

One must conclude that those who drafted the family farm income bill of 1960 were unaware of its effect on cotton farmers. As soon as the cotton producers learn the consequences of this bill, and they are already becoming aware of its impact, they will raise their voices loud in protest against this cutback of production, and this gratuitous gift of the textile market to synthetic fibers and foreign producers.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Texas and the gentleman from Kansas for expressing themselves on this subject.

Mr. Speaker, in conclusion, I ask unanimous consent to have printed in the RECORD at this point a recent speech of Secretary of Agriculture delivered at Yankton, S. Dak., on March 1, and following that a newspaper account of that speech appearing in the Sioux City Journal the day after.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

(The speech and newspaper article referred to are as follows:)

ADDRESS BY SECRETARY OF AGRICULTURE EZRA TAFT BENSON BEFORE FARMER-BUSINESSMEN'S DINNER OF YANKTON CHAMBER OF COMMERCE, YANKTON, S. DAK., MARCH 1, 1960

I have been looking forward to this opportunity to visit with you. I feel very much at home with you farmers and other businessmen of this great agricultural State.

Like many of you I was farm-born and farm-reared. Our crops and livestock, as well as our problems on our farm in Idaho, have been much the same as yours.

My brother and I farmed in that area through the 1920's—until I became a county agent and then went on to marketing and farm management extension work at the University of Idaho. My brother still operates a livestock and crop farm. As for me, practically my whole life has been devoted to farming or working with farm people on farm problems.

American farmers and ranchers are the salt of the earth. They are doing a wonderful job.

Through their enterprise, initiative, and self-reliance, our American farmers have done much to lift the standard of living in this country higher than has ever been known before, in any land, at any time.

Each farmer on the average produces enough food and fiber to support about 25 persons. This has released manpower for the industries and the professions. Farmers have taken hold of advances in technology to produce better and better commodities in greater and greater volume.

The increase in man-hour productivity on the farm is exceeding that in the factory.

Since 1950, output per man-hour in nonagricultural industry has risen 2 percent per year. In agriculture the increase has averaged 5 percent per year.

But unfortunately because of outmoded farm laws and related problems which this administration is striving to change, American farmers are not sharing equitably in the national prosperity they have helped to create.

Certainly this remarkable production achievement of our farmers and ranchers is important to you here in South Dakota where agriculture is basic to all of your economic life.

This region of the United States appropriately termed the "breadbasket of the Nation" has produced some of our finest quality crops and livestock. It has also given us two of the Nation's important Senators, KARL MUNDT and FRANCIS CASE.

Senator MUNDT is, as you know, a member of the Senate Committee on Agriculture and Forestry, before which I am a frequent witness. While Senators MUNDT and CASE have disagreed honestly with me on price support mechanisms, we share a common belief that it is important to America generally that the net income of our farmers be improved.

We have worked together successfully on the passage of Public Law 480, which sets the stage for the President's food for peace program, on expanding utilization research, on programs to increase farm exports through the development of our foreign agricultural marketing services, and on other activities.

Both of your Senators are devoted and earnest advocates of the interests of farm people.

This must be the objective of all of us—to work together to lessen the problems of agriculture and improve the economic position of our farmers and ranchers.

I have never known a time when agriculture did not have problems—sometimes more serious, sometimes less—but always we have problems.

This is unavoidable in a dynamic and growing nation—in a dynamic and growing industry. Adjustment to changing conditions is never ending.

Adjustment is necessary when war and the insatiable demands of war require maximum production, when there appears to be never enough of anything to fill all demands. With patriotism and efficiency, the farmers of South Dakota joined forces with farmers throughout the Nation in meeting the requirements of World War II, the Korean war, and related emergencies.

For most farm commodities, war brought rising prices and unlimited markets. War bailed faulty farm programs out of trouble in 1941 and again when the Korean fighting broke out in 1950. But no one would rec-

ommend war as a solution to farm price problems. We should not be misled by agricultural prosperity based on casualty lists.

My admiration for the job farmers are doing now in time of world peace is exceeded only by my sympathy for their problems. The cost-price squeeze and the spread in marketing margins are two economic factors in agriculture that disturb me greatly, as they do all farmers. We are trying to hold the line on inflation. Through increasing emphasis on utilization, marketing, and production research, we are constantly striving to reduce the gap between what farmers receive for their goods and what the consumer pays.

These two fundamental problems, plus the more spectacular dilemma of the vast surplus in a few crops, are certainly not the fault of our farmers. They are not to blame. I make this point because there is a growing public tendency to point the finger of blame at the farmer. This is unfair. Farmers are not responsible for the high costs of the Government's involvement in agriculture.

These excessive costs are directly traceable to depression- and war-bred legislation continued too long in peacetime. The farmer's response to mandatory price supports at production-stimulating levels was what any reasonable person might expect.

Moreover, all the outlay of public money resulting from this overproduction does not find its way back to farmers' pockets, as some mistakenly believe. Far from it. To give one example, costs of storage, interest, and handling alone on the farm surpluses are now over a billion dollars a year. Very little of this billion dollars plus goes to farmers.

As I mentioned this noon in Minneapolis, I deplore farm policies that fill storehouses instead of stomachs. A Government warehouse is not a market.

If we are to develop programs for agriculture to meet the needs of today and tomorrow, we must be sure of the facts. It is only from an understanding of the facts that we can move forward to solutions.

Here is the first basic fact: Every commodity, if it is to hold and expand its markets, must be competitive in price, quality, and promotion.

A second basic fact is that inflation has been, and is, one of the major problems affecting agriculture.

Between 1939 and 1952 the index of prices paid by farmers, including interest, taxes, and wage rates, rose 133 percent. Since 1952 the index has risen only 4 percent. But the damage had already been done.

Here is what the immediate postwar inflation did to farmers from 1946 to 1952: Gross farm income increased from $30 billion in 1946 to $37 billion in 1952—a rise of $7 billion. But realized net farm income was actually $800 million less in 1952 than in 1946. More sales, less income.

Unlike many other businessmen, farmers generally cannot pass along their increased costs by raising prices.

Although inflation in the nonfarm economy has been greatly slowed, it is still creeping upward. It is preventing wider markets for farmers and lower prices for consumers.

We must stop inflation. We can do so only by working together. Government can do part of the job by exercising restraint in its expenditures and sound control over credit. A balanced budget is of the utmost importance. But labor and management must do a better job of holding down costs. I do not believe that the competitive struggles of labor and management must always result in higher prices. I do not believe farmer's production expenses must go up and up and up. As productivity improves in industry, we want to see some savings passed along in lower prices.

Yes, there are serious and perplexing problems confronting agriculture, but we have also made significant progress. Some political demagogues would have the Nation believe that all is bad in agriculture. There is a certain type of demagogue who thrives on discontent and crises. If no trouble exists, he sometimes seems to do his best to create it. He sows the seeds of doubt. When doubt appears, he feeds it, builds it up into a threat of disaster—all so he can rush in with a phony remedy for a phony crisis. Fortunately we don't have many such persons in America.

The simple truth is that our agriculture is fundamentally sound. The following basic facts should also not be overlooked:

Total agricultural assets are at an all-time high of $208.2 billion.

Total debt owed by farmers is $24 billion, or only 11½ percent of agricultural assets.

The net equity of U.S. farmers is $184.2 billion—an increase of $33 billion since 1952 and $141 billion since 1940.

Per capita income from all sources of persons living on farms last year was $960, about the same as in the Korean war year 1952 and $109 more than the 1947–49 average.

Farm ownership is record high, with two out of three farms free of mortgage debt.

Farm foreclosures are extremely rare—near an all-time record low.

On the other hand, as a farmer for many years, I do not minimize the seriousness of falling farm prices and increasing costs to the farmer. They are real, very real problems. I am deeply concerned about the drop in net farm income last year.

We look for improvement in some commodities in 1960. Besides record cash receipts from dairying, we anticipate an increase in income from poultry and eggs and a rise in hog prices. The farm price index went up 3 points in January. We all hope this trend continues.

The key to the more prosperous agriculture we all seek is the expansion of markets for farm products. There is no satisfactory substitute for markets. Again I say, a Government warehouse is not a market.

Our normal channels of trade are being widened. Our Foreign Agricultural Service estimates that U.S. agricultural exports will total about $4.2 billion during the current fiscal year.

Exports at this level would be the second highest in our history, exceeded only by the $4.7 billion total reached in 1956–57.

The improved outlook since last November results primarily from larger export prospects for wheat, feed grains, cotton, and soybeans.

Our exports for dollars will also be the second highest on record—close to 70 percent of the year's total export movement.

The food for peace program begun last year is moving ahead. We are working closely with Canada, Australia, France, and Argentina to promote better use of surplus wheat. A Wheat Utilization Committee, composed of representatives of the five nations, has just sent a mission to the Far East for 6 weeks to explore possibilities of making more effective use of wheat in that area.

Our efforts center on building upward and outward from the solid foundation of existing programs of which Public Law 480 is the cornerstone.

We have made an outstanding record in the field of food donations—moving substantial quantities of our surplus to deserving people at home and abroad. And, from time to time, we have temporarily stepped into a market with special purchases to alleviate a very troublesome oversupply. The food commodities acquired under these surplus removal operations have also been moved into domestic consumption.

Here are some highlights of our food donations:

Since 1953 we have distributed a total of 13 billion pounds of surplus foods, valued at $2.7 billion.

A record number of U.S. citizens—over 21 million—benefited from these food donations last fiscal year.

We have donated to the needy abroad nearly $2 billion worth of farm products.

Some 60 million people in 91 foreign countries received such donations last year. They were distributed by U.S. voluntary agencies like CARE, Church World Service, Catholic Relief, and other church groups in the name of the people of the United States.

This is a tremendous ambassador of good will. It is a concrete affirmation of our belief as a nation in the brotherhood of man.

I have visited some of these needy people whom we are helping—refugees in Hong Kong, Calcutta, and Karachi, for example. I visited them with representatives of U.S. voluntary relief agencies. I cannot describe to you the heart-rending scenes I saw. But I tell you that our food is truly helping to fill a great need.

Again and again we have used our abundance also for relief of distress arising out of natural disasters. A few years ago when an area in Turkey was stricken by floods, extreme cold weather, and a severe earthquake, we donated millions of dollars worth of food. When floods along the River Indus in Pakistan caused great distress, we made large donations to the Government of Pakistan to relieve the suffering.

No nation under Heaven has ever been so generous with its abundance. I am proud of it, and I think every American who knows the story is proud of it, too.

We propose to strengthen the President's food-for-peace program by additional amendments to Public Law 480. Our recommendations to Congress include food stockpiling in underdeveloped countries and payment in commodities for work done on foreign economic development.

Here at home, utilization research and development is a major segment of the U.S. Department of Agriculture's overall research program, which also includes studies of farm production, marketing, home economics, and forestry. Funds available for all USDA research have been increased over 100 percent in the past 7 years.

Worthwhile new uses for farm products must be practical uses. The final product must be able to sell consistently at a competitive price.

A Coordinator for Utilization Research has just been selected. He will have responsibility to determine how even greater progress can be made in developing and promoting new uses for farm products.

Research can create expanded markets for farm products. It already has. How many new products and new markets can be developed, and how fast, depends on the size and vigor of the effort devoted to the task.

I know that here in South Dakota, with your great agricultural heritage, you are most interested in these developments. You are blessed with a highly diversified agriculture, producing many kinds of grains and livestock.

Traditionally this area has produced milling wheat of the highest quality. In many years of normal production there was not enough of your high-quality milling wheat to meet the demand.

Nevertheless, this region has lost wheat acreage allotments under our outmoded farm law that was passed in the late 1930's. For example, since 1939, South Dakota has lost 1,200,000 acres of wheat allotment. North Dakota has lost 3 times that much. In contrast, during this same period, other States have increased wheat acreage. The Wheat Belt has been spread all over America. During the past 3 years, the number of wheatgrowers has increased under the stimulus of the 15-acre loophole, from 538,000 to 690,000, a total increase of 152,000 new wheatgrowers.

Why did this happen? Because we lost large portions of our cotton and tobacco markets by pricing ourselves out of competition.

Again, I say, we must be competitive in price, quality, and promotion. Winston-Salem, N.C., was one of the largest tobacco markets in the world, but Southern Rhodesia now claims that distinction. At one time we had lost 60 percent of our world cotton market. Artificial pricing was placing cotton in Government warehouses instead of selling it abroad. Those farmers who produce cotton and tobacco had no choice but to divert acres to corn, wheat, and livestock.

But as acreage allotments were cut back on your best crops in the upper Midwest, you did not have the choice of equally good alternatives. I have yet to see any cotton or tobacco produced in South Dakota.

It doesn't make sense to me that this traditional wheat should be deprived of production and economic wealth by unsound farm programs that lose markets and depress prices through imbalance of natural production.

That is why the President has recommended changes in the old basic farm law which would restore the rightful agricultural position of the upper Midwest and be fair to farmers in each of the 50 States. Farm programs that cause one region of the Nation to benefit at the expense of another region are unsound, uneconomic, and completely undesirable. They do not serve the Nation's welfare.

Certainly the way to cure our present farm problems is not to give the patient more of what made him ill in the first place. Yet this is what some would have us do. Some of the schemes proposed would be even more harmful to agriculture than the unrealistic programs of the past 20 years.

For example, recently there was introduced into the Congress a series of virtually identical bills—identical even as to the same typographical error—each with a discredited Brannan plan rigid control approach. The American people should know that these bills provide for controls over the production and marketing of virtually every agricultural commodity. This would take farmers on the road to eventual socialism. They would provide cuts so drastic as to shock the American farmer. Can the wheatgrower survive a cut in acreage of over 50 percent? Not only would these proposed controls sharply restrict production, they would adversely affect employment and business in every community in the United States.

Here in South Dakota about two-thirds of your agricultural income is derived from livestock. A few years ago when cattle prices were in a downcycle, I recall so well the cattle caravan that came to Washington—a cattle caravan with practically no cattlemen in it. A political caravan—political pressure. They demanded I put price supports under live cattle. I knew, as anyone does who understand simple economics, that you can't put supports under live cattle without putting the Government in the cattle business. I don't want the Government in the cattle business. The Government is in too darn many businesses now.

Instead of bowing to the pressure for price supports, we cooperated with cattlemen in an intensive sales promotion; we launched a program of beef purchases and diversion, of emergency credit, and of drought relief.

Cattlemen kept their freedom. Markets expanded. Prices recovered.

I pledge to you that I will never do things in the name of helping farmers that actually would work to their disadvantage, and be a disservice to them.

One of my greatest problems as Secretary of Agriculture has been in being misrepresented. There are those who consciously try to do this. Very frankly the upper Midwest is our major problem area. Some are attempting to conceal their own inability to offer anything constructive for agriculture by reckless charges. This is a great disservice to agriculture and an insult to the intelligence of the American people. Because of the smokescreen of untruth about agriculture which some demagogs have poured out, it is sometimes difficult for many honest people to distinguish between fact and fiction. They have tried to force me out of office. They have distorted my actions—sought to create a false image of the Secretary of Agriculture.

I only wish those people who have fallen for these distortions could be with me in my office for a month. I wish they could see for themselves what we are trying to do—what we are doing. We have nothing to hide. We are proud of our record. We are proud of our team.

There are many facts I would like to cite, but let me mention a few briefly.

Fact No. 1: The family farm has been, is now, and always will be the backbone of American agriculture, operated by the most efficient farmers in all the world. The family farm is not passing out of the picture. It is changing. It is growing stronger.

The charges by our opposition that farm programs of this administration are driving people off the farm are not only false, they are ridiculous. The fact is that more people left the farms during the last 4 years of the Truman administration than in any other period before or since.

The fact is that 96 percent of our commercial farms are family farms—about the same percentage as 30 years ago.

Fact No. 2: The existing, obsolete support program does not materially help the small farmer. The fact is that more than half of our farms market only 9 percent of agricultural production. Obviously, most of the Government dollars are routed in the direction of the biggest producers.

Fact No. 3: Most farm products are being sold competitively and on free markets. It is untrue that most farm prices and incomes are Government supported and on an artificial basis. Only 19 crops, plus dairy products, are being supported out of 250 commodities that farmers produce. On only five commodities are there production controls. Only one is produced in South Dakota.

Fact No. 4: As Secretary of Agriculture, I want to make it perfectly clear, we have never proposed—and we do not now propose—that we should scrap price supports. Price supports can and should be used to facilitate orderly marketing. But they should not be misused to destroy farm markets by pricing commodities out of markets.

Fact No. 5: Some people dramatize and exaggerate the size of the agriculture subsidies. This is partly because aids to agriculture are out in the open where everybody can see them. But let's remember that farmers do not want to depend on subsidies. Let's remember, too, that many other groups also receive sizable subsidies. Moreover, many of the services rendered by the Department of Agriculture are primarily in the public interest. Meat inspection, to give just one example, serves the public primarily and directly. The extension service gives much assistance to urban and other nonfarm groups. Research, which results in better products and new uses, and in lower costs, too, benefits consumers generally. Surplus disposal helps the needy at home and abroad.

Fact No. 6: Congress passes farm laws, the Secretary of Agriculture administers what Congress passes. This administration has been trying for several years to make needed changes. Until Congress acts, our farm programs will be burdened with too much government, too much politics, and too little common sense.

Fact No. 7: Farmers should not be saddled with the responsibility for the high cost of existing outmoded programs.

As some of you may have heard from another speaker in this community not too long ago, I am charged with spending more money than any other Secretary of Agriculture in history. May I say first of all that if that expenditure would have solved farmers' problems, I would have defended it. But this immense Government spending has not eased farmers' problems, it has complicated them.

The incredible situation is that some of those who devised these obsolete expensive farm laws are now attempting to saddle me and the American farmers with the responsibility for their mistakes. This administration inherited many serious agricultural problems, including a 19-point drop in the parity index level during the 23 months prior to our taking office. We also inherited an obsolete, expensive depression and war-born farm law mechanism which some demagogs are attempting to blame on this administration after their own failure to act realistically and in a manner truly beneficial to farmers.

By December 1955, before any change in the old law could become really effective, our surplus accumulation had reached nearly $9 billion. Why? Because, under the existing law, we could not even begin to put a sound program into operation until the 1955 crops. All during 1953 and 1954 our hands were tied by the law on the books.

These are some basic facts I believe the American people have a right to know, and I know you people in the Upper Midwest want to know them, and need to know them. I have faith in the American farmer.

Last fall some members of my staff and I made a trade development trip to seven European countries, including the Soviet Union.

We saw hundreds of posters in the U.S.S.R. urging farmers to surpass the United States in per capita production. We also saw numerous posters forecasting the ultimate victory of the Communist system.

After a firsthand look at agriculture under contrasting forms of government in three Communist countries, and after comparing it anew with United States and Canadian agriculture, I am all the more convinced of the superiority of our system of privately-owned family farms, the profit motive, competitive markets, and freedom for the farmer to decide what he wants to grow and market. The farms of America cannot be run from a desk in Washington.

The Soviets will not equal or surpass our productivity in our lifetime, if ever, under their system of agriculture. Why? Because they can never duplicate the levels of efficiency and productive ingenuity which are called forth in a free society. But we must be very sure that we preserve our own precious freedom.

I came back to my homeland grateful for its blessings, humble in the face of the responsibilities that confront us as free people, but filled with hope for the future, too.

The men and women who preceded us here in this choice land—from the explorers to the woodsrunners to our pioneer ancestors—set a great stage. We occupy that stage now. We must keep up the standard of performance set by those who dared to be free. Because they dared to be free, they prospered and left us a wonderful heritage. We have untold generations to follow us. We must keep the lights bright, the performance untarnished.

With God's help, let us build a prosperous, expanding, and free agriculture—a prosperous, expanding, and free economy—in a prosperous, expanding, and free America, an America that is economically, socially, and spiritually sound.

[From the Sioux City (Iowa) Journal, Mar. 2, 1960]

APPLAUD EZRA AT YANKTON—1,200 HEAR HIM REPLY TO CRITICS—SECRETARY WINS AUDIENCE FAVOR WITH SINCERITY

(By Robert Dodsley)

YANKTON, S. DAK.—Ezra Taft Benson flew into Yankton Tuesday, sounding like anything but a "lame duck" Secretary of Agriculture, and the climate of his reception seemed to lack the characteristics of the seedlings of a "farm revolt."

"I will never support a program which is economically unsound, nor one which will hurt the farmers in the long run," he intoned before 1,200 who jammed Nash Gymnasium for the 13th annual farmer-businessman banquet—a creed which he, a religious man, has religiously adhered to through 7 years of the Eisenhower administration.

It was a digression from his prepared text, but it seemed to point up his philosophy.

And when he had concluded, at least 150 farmers queued up to shake his hand.

Farmers constituted the bulk of the audience. They were guests of Yankton business men and, according to Mayor Clayton Christopherson, who introduced Benson, at least another 300 were turned away. It was the largest crowd ever to attend the banquet here.

NO INCIDENTS THIS TIME

There were no incidents such as marred the Secretary's last visit to South Dakota 2 years ago when he was the target for eggs at the national cornhusking contest at Sioux Falls.

In his address, Benson lashed out at what he termed "misrepresentation" and "political demagogery" with regard to his highly controversial farm program. Applause continued for about 20 seconds following conclusion of the hour-long talk.

Benson, who has held his office despite almost constant Farm Belt opposition, took cognizance of what he regarded as serious farm problems, but said their solution certainly "is not to give the patient more of what made him ill in the first place." In this category he listed a series of bills recently introduced in Congress, all virtually identical with what he termed "the discredited Brannan plan, rigid control approach."

"This would take farmers on the road to eventual socialism," he asserted.

PRINCIPAL PROBLEMS

Among the farmer's major problems he listed were those of falling farm prices and of increasing costs to the farmer. He expressed himself as deeply concerned with the drop in net farm income last year, but said improvement is seen for some commodities in 1960, listing dairying, poultry, eggs, and hogs among them.

Sharpest blast of the talk was that against "demagogs," who, Benson said, "pour out a smokescreen of untruth" about agriculture, and whose remarks constitute "a great disservice to agriculture and an insult to the intelligence of the American people."

"One of my greatest problems as Secretary of Agriculture has been in being misrepresented," he told his large audience. "There are those who consciously try to do this. Some are attempting to conceal their own inability to offer anything constructive for agriculture with reckless charges."

The upper Midwest, Benson said, is our major problem area in this respect. He said the demagogs have "tried to force me out of office. They have distorted my actions * * * sought to create a false image of the Secretary of Agriculture."

He added that "some political demagogs would have the Nation believe that all is bad in agriculture. There is a certain type of demagog who thrives on discontent and crises. If no trouble exists, he sometimes seems to do his best to create it so he may offer a phony remedy for a phony crisis."

"The simple truth is that our agriculture is fundamentally sound," Benson emphasized, and cited several significant figures. Total agricultural assets are at an all-time high, while total farmer debt is only 11.5 percent of the assets, he said. Net equity of farmers has shown an increase of $33 billion since 1952 and $141 billion since 1941.

PROUD OF RECORD

Also, he pointed out that per capita income, from all sources, of persons living on farms last year was $960, about the same as in the Korean war year of 1952 and $109 more than the 1947–49 average. Two of three farms now are free of mortgage debt, and farm foreclosure is "extremely rare," he said.

"We are proud of our record. We have nothing to hide," he said of the Agriculture Department team.

In a digression from his prepared text, Benson noted that "the economics of the farm dilemma is simple—it is the politics of the problem that is baffling. What farmers want and need is less government in the farming business, and less politics in agriculture.

"Four-fifths of agriculture is free of Government controls and doing fairly well. It is in the areas where Government has been most solicitious and has interfered the most that there are real difficulties. Futile attempts by Government to control production and fix prices at artificial levels are the cause.

"Despite repeated administration recommendations, the old rigid program still is in effect on a very few crops. It is not the Benson program, yet the Secretary must administer it. Congress must not postpone longer the action needed. The existing, outmoded farm laws must be changed," he asserted.

In spelling out details of his own program, the Secretary emphasized that he had "never proposed and * * * do not propose that we should scrap price supports," but asserted that "the existing obsolete support program does not materially help the small farmer." He pointed out the size of agriculture subsidies is being dramatized and exaggerated by many persons and that farmers should not be saddled with the responsibility for the high cost of existing outmoded programs.

Benson cited two "fundamental problems confronting the farmer—holding the line on inflation through increasing emphasis on utilization, marketing and production research, and striving to reduce the gap between what farmers receive for their goods and what the consumer pays." He also added what he termed a "more spectacular dilemma of the vast surplus in a few crops."

He emphasized these problems were not the farmer's fault, saying he was doing so "because there is a growing public tendency to point the finger of blame at the farmer. Farmers are not responsible for the high cost of government involvement in agriculture."

The Secretary stressed that "these excessive costs are directly traceable to depression and war-bred legislation continued too long in these times. I deplore farm policies that fill storehouses instead of stomachs. A government warehouse is not market," he asserted. Benson there reiterated a remark made earlier in the day at a Minneapolis luncheon.

Some proposals he outlined included strengthening of the President's food-for-peace program, including food stockpiling in underdeveloped countries and payment in commodities for work done in foreign economic development; utilization research and development, developing and promoting new uses for farm products; and expansion of our agricultural markets, especially in foreign trade.

Benson praised South Dakota Senator KARL MUNDT while admitting MUNDT had "disagreed honestly with me on price support mechanisms." He said they shared, however, a common belief that it is important generally that the net income of our farmers be improved.

The Secretary concluded with an expression of faith in the American farmer. "With God's help, let us build a prosperous expanding and free America."

Benson arrived here about an hour late after an all-day tour which saw him leave Washington early Tuesday and give talks at Detroit, Milwaukee, and Minneapolis before coming here. He left by plane for Omaha immediately after his speech.

He also visited the Edward Schramm farm about 10 miles north of here late Tuesday afternoon.

THE RICHARD L. NEUBERGER NATIONAL SEASHORE

Mr. PORTER. Mr. Speaker, there is before this House and the other body legislation to establish a national seashore area on the Oregon coast.

The bill to create a seashore park was one of the major pieces of work in which Senator Richard L. Neuberger was engaged at the time of his death. Dick Neuberger had spent a great amount of time last fall and winter working on details of the bill trying to iron out differences, trying to accommodate everyone so that a workable and meaningful park could be created.

I am introducing today a revised bill to establish this national park in Oregon on the coast in an area popularly known as the Oregon Dunes and to name it the Richard L. Neuberger National Seashore. Identical legislation is being cosponsored in the other body by Senator MANSFIELD and Senator KUCHEL.

Dick Neuberger accomplished much for conservation in our country. He did it through his writings and by his record of legislative accomplishments in the Oregon State Legislature and here in our Nation's Capitol.

Conservationists throughout this country agree that the Oregon Dunes area is an outstanding scenic attraction. There is no real difference of opinion over whether this area has the necessary scenic stature to warrant its being a national park. There is some difference of opinion locally and in other parts of the State over the type and nature of such a park. But here, as in all the things that Dick Neuberger worked on, there have been negotiations and compromises. I know there will be more give and take before enactment to insure that the solution will be in the best long-term public interest. Dick Neuberger was working toward that solution.

Mrs. Neuberger has said that she feels the renaming of the proposal national park would honor her husband. I believe such a memorial would serve as a lasting symbol of the great service Richard L. Neuberger rendered to our Nation in the field of conservation and of his own deep appreciation of the outdoors.

The revised bill I introduce today has an interesting history. It points up the

remarkable ability Dick Neuberger had to combine the thoughts and suggestions of many people with his own ideas.

When Senator Neuberger introduced S. 2898 on January 25, 1960, he noted that it was a bill presented to him earlier the same month by Governor Hatfield and that the bill was largely modeled after legislation Senator Neuberger had originally proposed. Dick also pointed out that where he and the Governor were in disagreement he would rest his case and permit the Secretary of the Interior to act as the arbitrator on any of the differences.

The bill I introduce today represents an effort to proceed exactly along the lines outlined by the late Senator from Oregon.

NOT THE LAST WORD

I want to stress that this bill does not contain the last word on the proposed park. I am, however, confident that it will meet with the approval of the Department of the Interior and of the administration.

There certainly is time for Oregonians who are affected by this bill or who have an interest in it to express their views to me or to the House Committee on Interior and Insular Affairs. It is my hope that we can proceed on this bill on the basis Dick Neuberger worked from—a basis of understanding and an ability to agree on adjustments.

I am filing this revised bill because the Senators have agreed to do so and because I believe it should have consideration in the House at this time. It is not my idea of a perfect or even the best bill we can enact. I understand the administration has informally approved the legislation. I file the bill with the understanding that further amendments will be considered. Certainly I feel that the language of the bill ought to direct certain actions by the Secretary as well as to authorize them. I am confident that these problems can be worked out and that this lovely area can be preserved.

Interest in the proposed national seashore area in the Florence-Reedsport area has been intense. Proponents and opponents of the bill appeared before congressional investigating committees which traveled to Oregon to get first-hand information. In this House the Interior and Insular Affairs Subcommittee on Public Lands spent 2 days in the Fourth Congressional District looking over the proposed park area. My good friend and colleague from Idaho, the Honorable GRACIE PFOST, was chairman of the House hearing in Florence last fall. At the hearing with her to meet with residents of the area were Representative J. EDGAR CHENOWETH and my great friend and colleague from eastern Oregon, AL ULLMAN.

Before that hearing I had sent to Gov. Mark Hatfield a letter in which I listed nine modifications which I felt should be studied to help formulate legislation so that the national seashore park could be established on a reasonable and fair basis. The modifications which I listed were:

NINE SUGGESTED MODIFICATIONS

1. Boundaries: These should be stated specifically in the bill. Sea Lion Caves should be omitted. The Crown Zellerbach tree farm lands should either be included entirely, in which case Lake Tahkenitch and the other lands in that vicinity should also be included, or they should be omitted completely. Please let me know your preference as to these alternatives and also with respect to the proposal to extend the southern boundaries to Ten Mile Creek.

2. Residents in the proposed park area who choose to remain shall be allowed to do so for their lives but of course paid fair value for their property minus the fair rental value for the period involved. Moreover, any children (along with their spouses) living at the time the park is formed would also be allowed life estates on the same basis.

3. School, hospital and other districts losing money because of land withdrawal will be paid sums in lieu of taxes. This was done at Jackson Hole in Wyoming.

4. Highway relocation done for the interests of the park would be paid for entirely by the Federal Government with no effect on matching funds for the State of Oregon.

5. The use of campgrounds and facilities but not admission to the park, should entail the payment of fees by the users so that the capital costs could ultimately be amortized.

6. Fishing and hunting of birds would be permitted subject to appropriate coordination of State and Federal regulations.

7. Industrial reservations for water under dunes and in lakes should be preserved consistent with park development. Particularly, an easement should be reserved across the south portion of the proposed area for a pipe to carry effluent to the ocean from a possible pulp plant in the Reedsport area.

8. Residents of the area who are renting boats, acting as guides or otherwise supplementing their incomes in ways consistent with the purposes of the proposed park should be allowed to continue these activities.

9. Sand dunes stabilization programs in key areas, such as adjacent to the Siuslaw River channel and near the highway, must be continued and improved.

HOW THE BILL MEASURES UP

I am glad to report today that the legislation I introduce contains a good part of these suggested modifications.

First. The Sea Lion Caves are omitted. The acreage of the Crown Zellerbach tree farm which had been included within the suggested park area has been substantially reduced—to 1,500 acres from 2,600 acres. These lands are distributed around Tahkenitch Lake. The suggested boundary revision is designed to keep the tree farm holdings reasonably intact.

The new bill extends the southern boundaries of the park to the area around Ten Mile Creek. It is still my hope that reductions in acreage may be made on the east side of Woahink Lake.

Second. The new bill contains language which would allow residents in the park to remain on their property, if it is not commercial, for a term not to exceed 25 years or for a term ending at the death of such owner, the death of his spouse, or the day his last surviving child reaches the age of 21, whichever is the latest. The owner shall elect the term to be reserved. Owners of commercial property may remain for a term not to exceed 25 years under the terms of the proposed bill. If the owner wishes, he may convey or lease his property in whole, but not in part, during this time.

It is not clear whether an owner of land can build on it. This must be clarified.

Third. The Jackson Hole provision, which authorizes the payment of money in lieu of taxes to schools, hospitals and other districts which would lose money, is left in. This was suggested by Governor Hatfield in his bill. I understand that there may be Bureau of the Budget opposition, but I hope the Governor can help us resolve this provision.

Fourth. Should there be relocation of Highway 101 which is requested by the Secretary of the Interior such expense would be borne by the Secretary of the Interior.

Fifth. This suggested payment of fees falls under the general authority of the Park Service, I am informed.

Sixth. Language is included in the suggested revised bill which insures appropriate coordination of State and Federal regulations for fishing and hunting of birds. My own preference is that this language be directive, not permissive.

Seventh. There may be the use by industry of water under the dunes and in the lakes. An easement may be reserved across the park area for a pipe to carry effluent to the ocean from a possible pulp plant in the Reedsport area.

Eighth. I understand that residents who rent boats and otherwise have commercial enterprises would be allowed to continue such enterprises during the suggested 25-year period.

Ninth. The National Park Service assures me that sand dunes stabilization programs in key areas will be continued and improved.

Also the revised bill has changed the boundaries of the park, primarily as to the area surrounding Lake Tahkenitch. In lieu of acquiring the lands around Lake Tahkenitch immediately, the same provisions would apply as apply to the Sea Lion Caves. So long as the lands are used for their present noncommercial purposes, or for forest management, they will not become a part of the park. However, should the present owners wish to change the use of the property, or to dispose of it to others who would change the use, the Federal Government will have an opportunity to purchase these lands. A few tracts on the south and east boundaries near Siltcoos Lake have also been excluded.

HE LOVED HIS PEOPLE AND HIS LAND

The National Park Service tells me that the primary park area as proposed in the bill I am introducing today is approximately 26,000 acres. This is a substantial reduction.

The bill I introduced originally, H.R. 6260, stated specifically that the acreage would not exceed 35,000 acres. The acreage described by the National Park Service at that time was approximately 32,000 acres.

The Governor's bill, later introduced by Senator Neuberger by request, set aside approximately 40,000 acres.

This revised bill includes a primary park area of approximately 26,000 acres. Under the language of the bill the size could be increased 340 acres if the Sea Lion Caves were ever added to it and another 10,000 acres if the Crown Zellerbach tree farm in the Tahkenitch Lake area were added. The tree farm would be added only if the company stopped using it as a tree farm.

I have recently asked the owners of property within the proposed park area to let me know the suggestions and objections they have. I will carefully consider them and will make them known to the committee when I receive them.

Senator MANSFIELD has suggested that there be placed in the park at an appropriate spot a plaque which would read:

"To Richard Lewis Neuberger, humanitarian and conservationist. He loved his people and his land."

Mr. Speaker, the text of the proposed bill follows:

H.R. 11204

A bill to establish the Richard L. Neuberger National Seashore, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to effect a coordinated method of conserving and developing for the benefit, inspiration, and use of the public certain ocean shoreline, sand dunes, forested areas, freshwater lakes, and recreational facilities, the combination of which comprises a total recreation area of scenic, scientific, recreational, and historic significance, the Secretary of the Interior is authorized, as provided herein, to establish the Richard L. Neuberger National Seashore, hereinafter referred to as the Seashore, such area to be administered by the National Park Service as a unit of the National Park System.

SEC. 2. (a) The Seashore shall consist of that particular land, water, and submerged land area on the Oregon coast, the exterior boundary limit of which is specifically described as follows:

Township 18 south, range 12 west, beginning at the southeast corner of the southwest quarter of the southwest quarter of section 34;

Thence east to the southwest corner of the southeast quarter of the southeast quarter of the said section 34;

South to the southeast corner of the southwest quarter of the northeast quarter of section 10, township 19 south, range 12 west;

West to the southeast corner of the southeast quarter of the northwest quarter of the said section 10;

South to the northwest corner of the southwest quarter of the southeast quarter of section 15;

East to the point of intersection with the shoreline of Woahink Lake at elevation thirty-eight feet above sea level;

Following the said shoreline generally north and east to the intersection of the said shoreline with the quarter section line of section 11;

East to the northeast corner of the southeast quarter of the said section 11;

South to the southeast corner of the said section;

East to the northeast corner of section 13;

South to the southeast corner of the said section 13;

East to the northeast corner of the northwest quarter of section 19, township 19 south, range 11 west;

South to the southeast corner of northwest quarter of the said section 19;

East to the northeast corner of the northwest quarter of the southeast quarter of the said section 19;

South to the southwest corner of the northeast quarter of the northeast quarter of section 31;

West to the northwest corner of the southwest quarter of the northeast quarter of the said section 31;

South to the southwest corner of the northeast quarter of section 7 township 20 south, range 12 west;

West to the southeast corner of the northwest quarter of section 12, township 20 north, range 12 west;

North to the northeast corner of the southeast quarter of the northwest quarter of section 12;

West to the west right-of-way of Southern Pacific Railway in section 11, township 20 south, range 12 west;

In a generally southerly and westerly direction along Southern Pacific Railway west right-of-way to the intersection with the line between section 11 and section 14;

West to the southeast corner of the southwest quarter of the southwest quarter of section 11;

North to the northeast corner of the northwest quarter of the southwest quarter of section 11;

West to the southeast corner of the northwest quarter of section 11;

North to the northeast corner of the southeast quarter of the northwest quarter of section 3;

West to the northwest corner of the southeast quarter of the northwest quarter of section 3;

North to the northeast corner of the northwest quarter of the northwest quarter of section 3;

West to the northwest corner of section 3;

South to the northwest corner of the southwest quarter of section 3;

West to the northwest corner of the southeast quarter of section 4;

South to the southwest corner of the southeast quarter of section 4;

West to the southwest corner of the southeast quarter of the southwest quarter of section 4;

South to the northeast corner of the northwest quarter of the southwest quarter of section 9;

West to the northwest corner of southwest quarter of section 9;

South along section lines to the point of intersection on the north bank of the Umpqua River with the mean low tide line at a point on a line between sections 16 and section 17 township 21 south, range 12 west;

Following the said mean low tide line in a generally southerly and westerly direction to the intersection with the Pacific Ocean, section 1, township 22 south, range 13 west;

Due west 1,320 feet;

In a generally northerly direction paralleling the mean low tide line on the shore to a point due west of the said mean low tide line on the south bank of the mouth of the Siuslaw River;

East to the said mean low tide line on the south bank of the mouth of the Siuslaw River, section 16, township 18 south, range 12 west;

Following the said mean low tide line in a generally southerly and easterly direction to its intersection with a line due north of the point of beginning;

Due south to the point of beginning.

Beginning at a point where the line between ranges 12 west and 13 west (Willamette Meridian), in township 22 south, intersects the mean low tide line on the south shore of Winchester Bay at the mouth of the Umpqua River;

Thence following the said mean low tide line easterly and southerly along the said south shore of Winchester Bay and the west bank of Winchester Creek to its intersection with the west right-of-way boundary of United States Highway Numbered 101, township 22 south, range 12 west;

Following the said right-of-way boundary in a generally southerly direction to its intersection with the mean low water line on the north bank of Tenmile Creek, in section 13, township 23 south, range 13 west;

Following the said mean low water line along the north bank of the said Tenmile Creek in a generally southwesterly direction to the mean low tide line of the Pacific Ocean at the mouth of the said Tenmile Creek;

Due west 1,320 feet;

In a generally northerly direction paralleling the said mean low tide line on the shore to a point due west of the said mean low tide line on the south bank of the mouth of the Umpqua River;

East to the said mean low tide line on the south bank of the mouth of the Umpqua River, in section 14, township 22 south, range 13 west;

Following the said mean low tide line in a generally northerly and easterly direction to the point of beginning.

(b) The Seashore may be extended by Executive Order of the President at some future time by the addition of a separate unit known as Sea Lion Caves, after consultation with and consideration of the recommendation of the Governor of the State of Oregon, said separate unit to include the land, water, and submerged land area in the vicinity of Sea Lion Caves, the exterior boundary limit of which is specifically described as follows:

Township 17 south, range 12 west, beginning at the northeast corner of section 4;

Thence east to the northeast corner of the northwest quarter of the northwest quarter of section 3;

South to the northeast corner of the northwest quarter of the southwest quarter of the said section 3;

East to the northeast corner of the southwest quarter of the said section 3;

South to the southeast corner of the southwest quarter of the said section 3;

West to the southwest corner of the said section 3;

Due west 3,960 feet;

Due north to a point due west of the point of beginning;

Due east to the point of beginning.

(c) If the Secretary of the Interior finds that any parcel within the Tahkenitch Lake unit is not being used in its entirety primarily for the growth and harvesting of timber on a sustained yield basis, he may, by publishing notice in the Federal Register, extend the boundaries of the seashore to include said parcel. As used in this subsection, the phrase "parcel within the Tahkenitch Lake unit" means each ownership of land, water, and submerged land within the following described area:

Beginning at the northwest corner of section 13, township 20 south, range 12 west;

South to the southeast corner of section 23;

East to the northeast corner of the northwest quarter of the northwest quarter of section 25;

South to the southeast corner of the southwest quarter of the northwest quarter of the said section 25;

East to the northeast corner of the northwest quarter of the southeast quarter of the said section 25;

South to the southeast corner of the southwest quarter of the southeast quarter of the said section 25;

West to the southeast corner of the southwest quarter of the said section 25;

South to the southeast corner of the northwest quarter of section 36;

West to the southwest corner of the southeast quarter of the northwest quarter of the said section 36;

South to the southeast corner of the southwest quarter of the southwest quarter of the said section 36;

West to the northeast corner of the northwest quarter of the northeast quarter of section 2, township 21 south, range 12 west;

South to the southeast corner of the southwest quarter of the northeast quarter of the said section 2;

West to the southwest corner of the northeast quarter of the said section 2;

South to the southeast corner of the northeast quarter of the southwest quarter of the said section 2;

West to the southwest corner of the northwest quarter of the southwest quarter of the said section 2;

South to the southwest corner of the said section 2;

West to the northeast corner of the northwest quarter of the northeast quarter of section 10;

South to the southeast corner of the northwest quarter of the northeast quarter of the said section 10;

West to the northeast corner of the southwest quarter of the northwest quarter of the said section 10;

South to the southeast corner of the southwest quarter of the northwest quarter of the said section 10;

Due west to the point of intersection with the east right-of-way boundary of United States Highway Numbered 101;

Following the said right-of-way boundary in a generally westerly and northerly direction to the point of intersection with the section line between sections 4 and 5, township 21 south, range 12 west;

North to the northwest corner of the southwest quarter of section 9, township 20 south, range 12 west;

East to the northeast corner of the northwest quarter of the southwest quarter of section 9;

North to the southwest corner of the southeast quarter of the southwest quarter of section 4;

East to the southwest corner of the southeast quarter of section 4;

North to the northwest corner of the southeast quarter of section 4;

East to the northwest corner of the southwest quarter of section 3;

North to the northwest corner of section 3;

East to the northeast corner of the northwest quarter of the northwest quarter of section 3;

South to the northwest corner of the southeast quarter of the northwest quarter of section 3;

East to the northeast corner of the southeast quarter of the northwest quarter of section 3;

South to the southeast corner of the northwest quarter of section 10;

East to the northeast corner of the northwest quarter of the southwest quarter of section 11;

South to the southeast corner of the southwest quarter of the southwest quarter of section 11;

East to the point of beginning.

(d) Upon approval of extensions of the Seashore as provided in subsections (b) and (c), the provisions of section 3 shall become applicable to the extensions.

SEC. 3. (a) Within the exterior boundaries of the Seashore described in section 2, the Secretary of the Interior is authorized to procure by purchase or donation, with donated or appropriated funds or oherwise, such lands, submerged lands and waters, or interests therein, as he considers necessary to carry out the purposes of this Act, commensurate with the adaptability of such lands and waters to the purposes of this Act: *Provided, however,* That lands, submerged lands, or waters owned by or under the control of the State of Oregon or its political subdivisions within the designated boundaries may be procured only with the concurrence and approval of the State of Oregon or its political subdivisions. Any lands owned by the United States within the designated boundaries may be transferred to the Department of the Interior for administration as a part of the Seashore: *Provided, however,* That the United States department or agency having administration of such land shall agree in advance to such a transfer.

(b) When the Secretary finds that land has been procured by the United States in sufficient quantity to afford an administrable unit under his jurisdiction, he shall declare the establishmment of the Seashore by the publication of notice thereof in the Federal Register. Following such establishment, and subject to the aforesaid boundary and other limitations, the Secretary may continue to acquire lands for the National Seashore as authorized in this Act.

SEC. 4. Any owner or owners (hereinafter in this section referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of commercial property for commercial purposes, for a term not to exceed twenty-five years, and the right of use and occupancy of noncommercial residential property for noncommercial residential purposes for a term not to exceed twenty-five years or for a term ending at the death of such owner, the death of his spouse, or the day his last surviving child reaches the age of twenty-one, whichever is the latest. The owner shall elect the term to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased, in whole, but not in part. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner. As used in this section the term "improved property" shall mean a private, noncommercial dwelling and structures accessory thereto, and such commercial structures and operations which are, in the opinion of the Secretary, not incompatible with the purpose of this Act. In any event, this term shall only apply to such structures and operations which were in operation, or upon which construction has been commenced prior to the effective date of this Act together with land acreage necessary to the enjoyment of such property, as determined by the Secretary.

SEC. 5. (a) The Secretary is authorized to permit the investigation for, and withdrawal of, ground water from the sand dunes and the conveyance thereof outside the boundary of the National Seashore for beneficial use, in accordance with the laws of the State of Oregon, and to permit the removal of surface water and the conveyance thereof outside the boundary of the National Seashore for beneficial use in accordance with the laws of the State of Oregon, when requested to do so by the State of Oregon when the welfare of the surrounding persons becomes dependent upon the use of such water: *Provided, however,* That the withdrawal and use of water for these purposes will not materially impair the scenic, scientific, and recreational features of the National Seashore.

(b) The Secretary is authorized to permit the transportation and disposal of domestic and industrial wastes within or through the National Seashore in accordance with standards established by the State of Oregon: *Provided, however,* That such disposal does not materially impair the scenic, scientific, and recreational features of the National Seashore.

SEC. 6. (a) In order to provide compensation for whatever tax losses are sustained by the counties and other taxing bodies as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such taxing body which has been authorized under the laws of the State of Oregon to assess taxes upon any present interest in real estate to the owner of such interest, such payments to be made to the State of Oregon for distribution to the affected taxing bodies. In-lieu tax payments shall be made in accordance with the following schedule:

The full amount of the taxes levied on both land and improvements shall be paid for a period of five years. Thereafter, declining annual payments shall be made at the rate of full taxes less 5 per centum of such amount each year for twenty additional years, after which time no further in-lieu payments shall be made.

For the calendar year in which the real estate is acquired in fee simple absolute, the in-lieu payment shall be an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number three hundred and sixty-five. In any case, where an amount in excess of the difference between such proportionate amount and such full amount has already been paid to the proper taxing bodies by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the State of Oregon on account of such taxing bodies.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary holds on behalf of the United States less than a fee simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such taxing bodies in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of the taxing bodies, and such amounts shall be paid to the State of Oregon on account of said taxing bodies by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

(d) The foregoing provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

SEC. 7. The Secretary may conduct such sand dune stabilization and erosion control programs within the Seashore as deemed necessary to insure the protection of man made developments and the natural resources of the area, and he shall secure the advice and assistance of other Federal and State agencies to accomplish these purposes.

SEC. 8. Nothing in this Act shall interfere with the normal jurisdiction, operation, maintenance and repair of United States Highway Numbered 101: *Provided,* That any relocation of the highway that affects the Seashore shall be subject to agreement between the State of Oregon, the Secretary of Commerce, and the Secretary of the Interior, and any increase in the cost of such relocation which is caused by a request of the Secretary of the Interior shall be borne by the Federal Government out of funds available to the Secretary of the Interior.

SEC. 9. The administration, protection, and development of the Seashore shall be exercised by the Secretary of the Interior, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, relating to the

national park system, and in accordance with other laws of general application relating to that system as defined by the Act of August 8, 1953 (67 Stat. 496; 16 U.S.C. 1c), except that authority otherwise available to the Secretary of the Interior for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act. The Secretary is authorized to enter into cooperative agreements with the State of Oregon regarding rules pertaining to hunting and fishing and management programs pertaining to fish, game, wildlife, and wild furbearing animals which will not materially impair the scenic, scientific, and recreational features of the Seashore.

SEC. 10. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as are necessary to carry out the purposes of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SCHERER, for March 21 through March 25, on account of discussions in California and Ohio on highway legislation and problems with Associated General Contractors and Ohio Society of Professional Engineers.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ALBERT, for 1 hour, on May 11, on the silver anniversary of the creation of the Rural Electrification Administration.

Mr. OLIVER, for 30 minutes, on tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. PRESTON, his remarks today on H.R. 8601 and to include extraneous matter.

Mr. DORN of South Carolina and to include an article.

Mr. CURTIS of Missouri and to include extraneous matter.

(At the request of Mr. COLLIER, and to include extraneous matter, the following:)

Mr. BRAY.

Mr. GLENN.

(At the request of Mr. BURKE of Kentucky, and to include extraneous matter, the following:)

Mrs. KELLY.

Mr. BARING.

Mr. FRIEDEL.

(At the request of Mr. BURKE of Kentucky, and to include extraneous matter, the following:)

Mr. DADDARIO.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1193. An act for the relief of Eleanor Constan;

S. 1703. An act for the relief of Raul Jorge Jose Hermitte; and

S. 2028. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

ADJOURNMENT

Mr. BURKE of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.) the House adjourned until tomorrow, Thursday, March 17, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1950. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation entitled "a bill to amend and extend the provisions of the Sugar Act of 1948, as amended"; to the Committee on Agriculture.

1951. A letter from the Assistant Secretary of Agriculture, transmitting a report on the 1959 soil bank conservation reserve program, pursuant to Public Law 540, 84th Congress; to the Committee on Agriculture.

1952. A letter from the Comptroller General of the United States, transmitting a report on the review of selected activities of the Portland regional office (region 6), Forest Service, Department of Agriculture, September 1959; to the Committee on Government Operations.

1953. A letter from the Under Secretary of Labor, transmitting a report of claims paid by this Department during the year ending December 31, 1959, pursuant to title 28, section 2672, United States Code; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee on Interior and Insular Affairs. H.R. 10455. A bill to amend the Mineral Leasing Act of February 25, 1920; with amendment (Rept. No. 1401). Referred to the Committee of the Whole House on the State of the Union.

Mr. VINSON: Committee on Armed Services. H.R. 10474. A bill to authorize the construction of modern naval vessels; without amendment (Rept. No. 1402). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 10840. A bill to amend Public Law 85-626 relating to dual rate contract agreements; without amendment (Rept. No. 1403). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 2483. An act to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; without amendment (Rept. No. 1404). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLMER:

H.R. 11194. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. DOOLEY:

H.R. 11195. A bill to provide for the temporary suspension of the duty on corkboard insulation; to the Committee on Ways and Means.

By Mr. DORN of South Carolina:

H.R. 11196. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. FINO:

H.R. 11197. A bill to provide that tips and gratuities received from customers of an individual's employer may be included as part of such individual's wages for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 11198. A bill to provide for loan insurance on loans to students in higher education; to the Committee on Education and Labor.

By Mr. GARMATZ:

H.R. 11199. A bill to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HALEY:

H.R. 11200. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in lands located in the State of Florida to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 11201. A bill to equalize certain rates of wartime disability compensation by amending section 314 (a), (b), (c), (d), (l), and (j) of title 38, United States Code; to the Committee on Veterans' Affairs.

By Mr. McGOVERN:

H.R. 11202. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PORTER:

H.R. 11203. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11204. A bill to establish the Richard L. Neuberger National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. REES of Kansas:

H.R. 11205. A bill to authorize the use of certified mail for the transmission of service of matter required by certain Federal laws to be transmitted or served by registered mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REUSS:

H.R. 11206. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit lawn bowling clubs from the tax on club dues; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 11207. A bill to amend the Small Business Act so as to authorize an additional $150 million for loans to small business, and for other purposes; to the Committee on Banking and Currency.

By Mr. GUBSER:

H.R. 11208. A bill to amend section 1074 of title 10, United States Code, to provide that retired reservists with 30 years of satisfactory Federal service who performed active duty during both World War I and World War II shall have the same privileges with respect to medical care as retired reservists who served 8 or more years on active duty; to the Committee on Armed Services.

By Mr. HOLIFIELD:

H.R. 11209. A bill to amend title II of the Social Security Act to permit public employees in the State of California (other than policemen and firemen) to elect coverage as self-employed individuals in cases where they do not have coverage under the applicable State agreements; to the Committee on Ways and Means.

By Mr. JOHNSON of Wisconsin:

H.R. 11210. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. McGOVERN:

H.R. 11211. A bill to amend title V of the Agricultural Act of 1949, as amended to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. O'KONSKI:

H.R. 11212. A bill to amend section 12(b) of Public Law 85-857 to provide for payment of the World War I bonus to certain individuals discharged on account of alienage except pursuant to their own application or solicitation; to the Committee on Veterans' Affairs.

By Mr. PUCINSKI:

H.R. 11213. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 11214. A bill to provide for the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the Lower Brule Sioux Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAGEN:

H.R. 11215. A bill for the relief of Pedro Rodrigues; to the Committee on the Judiciary.

By Mr. JACKSON:

H.R. 11216. A bill for the relief of Mrs. Sevim Zafer Altolka Ipar; to the Committee on the Judiciary.

By Mr. KASEM:

H.R. 11217. A bill for the relief of George Tillson Weed; to the Committee on the Judiciary.

By Mr. MAHON:

H.R. 11218. A bill to provide for the conveyance of certain mineral rights to Marvin B. King, Bledsoe, Tex.; to the Committee on Interior and Insular Affairs.

By Mr. O'NEILL:

H.R. 11219. A bill for the relief of Peter Ernst Fritze; to the Committee on the Judiciary.

By Mr. RUTHERFORD:

H.R. 11220. A bill for the relief of Arie Katzman, his wife, Zipora Katzman, and their two minor children, Orfa and Crna Katzman; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 11221. A bill for the relief of Mr. and Mrs. Dezso Simon; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 11222. A bill for the relief of Miss Takako Inove; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 11223. A bill for the relief of Ryszard Wikiera; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

374. By Mr. GROSS: Petition of 22 residents of Charles City, Iowa, and vicinity in support of a pension for veterans of World War I, as stipulated in H.R. 9336; to the Committee on Veterans' Affairs.

375. Also, petition of 30 residents of Charles City, Iowa, in support of payment of a pension to World War I veterans as stipulated in H.R. 9336; to the Committee on Veterans' Affairs.

376. Also, petition of 108 residents of Marshalltown, Iowa, in support of payment of a pension to World War I veterans as stipulated in H.R. 9336; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

The 42d Anniversary of Proclamation of Independence of Byelorussian Democratic Republic

EXTENSION OF REMARKS
OF
HON. EMILIO Q. DADDARIO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. DADDARIO. Mr. Speaker, March 27 marks the 42d anniversary of the proclamation of independence of the Byelorussian Democratic Republic.

More than 10 million Byelorussians have been so completely isolated in the Soviet Union and have been so firmly sealed off from the free world that we in the West seldom hear of them. Just as they were almost lost in Czarist Russia, so they seem to be today in Communist Soviet Russia, and one seldom hears or reads about them except on rare occasions. March 25 offers such an occasion, for that day is their Independence Day.

For centuries these stouthearted people had suffered under the autocratic regime of Russia, but they had not given up hope for their eventual freedom and independence. Toward the end of the First World War when the Czarist regime was shattered, Byelorussians felt free to proclaim their independence, and this they did on March 25, 1918. Then for about 2 years they worked, fought, and lived freely in their reconstituted Byelorussian National Republic. But the new state, surrounded by foes, could not survive the powerful onslaught of the Red Army. Early in 1921 the country was overrun, and then made part of the Soviet Union. Thus ended the free and independent Byelorussia, but it still survives in the lives and memories of millions of liberty loving Byelorussians in and out of their homeland, and they celebrate March 25 as their national holiday, their Independence Day.

Referees and Storm Troopers

EXTENSION OF REMARKS
OF
HON. W. J. BRYAN DORN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. DORN of South Carolina. Mr. Speaker, the civil rights bill passed today is a blueprint for dictatorship. It is a bill against free voting rights. It is the opposite of a bill to protect voting rights. It will promote controlled and rigged elections. It favors the bloc voter herded to the polls by goons and ward bosses operating under the watchful eye of Federal referees appointed by the political party in power. It will promote intimidation, discrimination, and fraud in elections. It can and will lead to a one-party system with Federal referees and party storm troopers. It will lead to a Stalin-Hitler type election with only one ticket on the ballot.

Konrad Adenauer—Leader in the Revival of West Germany

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. CURTIS of Missouri. Mr. Speaker, it is fitting on the occasion of the visit of the distinguished Chancellor of West Germany, Konrad Adenauer, to review the record of West Germany's economic revival, its return from a position of collapse to the important and vital position it now holds in the economic strength of the free world.

Less than 15 years ago Germany was in desolation. The collapse of the monetary system had reduced exchange in the country to a barter system. The effects of defeat and destruction had sapped the physical and moral strength of the country and the economy had reverted to an unhappy subsistence level. Today we see in West Germany

a strong and growing industrial plant and an economy that offers to its workers, managers and citizens the immense benefits of productive free enterprise.

In the decade from 1948 to 1958 Western Germany's annual rate of growth in its gross national product was 8 percent, in its real per capita gross national product 6.9 percent. During this same time, there was a seven percent increase in consumer prices, an increase at the rate of a mere eight-tenths of 1 percent per year. From these figures can be drawn a picture of substantial economic growth coupled with great success in preventing rising price levels from taking the benefits of this growth from the people. This is an expression of the vitality of the free enterprise system in providing economic growth and welfare.

A large measure of the credit for this growth must be given to the leader of West Germany, its Chancellor, Konrad Adenauer. His strength of character and strength of purpose have given the country a leadership under which it has risen from the desolate days of 1945 to its present position of economic prosperity.

H.R. 10385

EXTENSION OF REMARKS
OF
HON. EDNA F. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mrs. KELLY. Mr. Speaker, on February 11, I introduced a bill, H.R. 10385, to provide a much-needed salary increase for postal employees and those paid under the Classification Act schedule.

In sponsoring this bill, I am pleased to associate myself with more than 50 of my colleagues from this body who have introduced similar pay measures. Particularly am I pleased to note that this is a bipartisan effort to give a modicum of financial relief to these public servants; both Democrat and Republican Members have joined in sponsoring more than 50 pay bills thus far in the current session.

Unfortunately, this effort to grant a measure of economic equality to these workers has not found favor in the White House or with the Postmaster General. Both the President and Mr. Summerfield have been quoted in strong opposition to any pay bill this year.

In his most recent budget message, President Eisenhower said that a wage increase now was "unwarranted." Instead, he suggested that we "study" the problem. The Postmaster General has suggested that postal wages compare very favorably, particularly when one considers the fringe benefits Congress has approved for employees over the years.

If an increase in Federal salaries is unwarranted then I think our Republican friends in high places in the executive department owe it to Congress and the employees to explain one thing. I would like an explanation of why Vice President NIXON and Labor Secretary Mitchell considered it all right to urge the steel industry to grant better wages—and the steelworkers had my complete sympathy in their wage demands—while at the same time ignoring the plight of our own civil servants.

According to Mr. Roger Blough, spokesman for the steel industry, steelworkers were getting $3.11 per hour before the recent strike. Under the terms of my bill, a postal worker with 20 years' service would still be paid only $3.06 per hour.

In reply to Mr. Summerfield's suggestion that fringe benefits take the place of hard, cold cash in the marketplace, I should like to read an excerpt from a letter recently received from one of my constituents.

He is a letter carrier, 43 years of age. He is married and has a wife and two children to support on an annual gross postal salary of $5,075.

This is his story:

> As for Mr. Summerfield, I haven't found a grocer, butcher, or baker yet who will take a day of my leave, sick or annual, for the groceries, meats, etc., that I buy.

Mr. Speaker, the committee to which my pay bill has been referred, the Committee on Post Office and Civil Service, under the chairmanship of the distinguished gentleman from Tennessee [Mr. MURRAY] has a well-deserved reputation for its interest in legislation affecting Government employees. I, along with the million and one-half workers covered by my bill, have complete confidence in the continued interest and concern of that committee. It is my earnest hope that it will forthwith schedule hearings on this vital subject and that we will have an opportunity in the near future to consider the recommendations of the committee here on the floor.

President Leads Hoosiers in Tribute to Representative Halleck

EXTENSION OF REMARKS
OF
HON. WILLIAM G. BRAY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. BRAY. Mr. Speaker, on Thursday, March 10, hundreds of fellow Indianians and Government notables of both political parties joined to pay tribute to our colleague CHARLIE HALLECK for his distinguished service of more than 25 years in the Congress and of the great honor which he has brought to his native State. "Hoosier of the Year" was the designation bestowed on the Congressman from Rensselaer and Republican leader.

A list of all the notables and distinguished guests who gathered for this gala dinner would be a very long one indeed, headed by the President of the United States and the Speaker of the House of Representatives. Most of the Indiana congressional delegation were there and more than half a hundred other House colleagues. The great number of Hoosiers who journeyed to Washington for this occasion were led by Governor and Mrs. Handley.

The Indiana State Society of Washington issued a scroll honoring the second district Congressman. After he responded with words of gratitude the remainder of the evening was given over to entertainment with a truly Indiana flavor. A vocal quartet from Indiana University sang a variety of numbers including, of course, "Back Home in Indiana." World-famed Hoagy Carmichael performed some of his top hits, concluding with the song he said now belongs to everyone, "Stardust."

Herb Shriner, who has tickled the Nation's funnybone with Hoosier humor for the past many years, ended the evening by leaving everyone laughing in the best show-business tradition. To people in other parts of the country Herb's local mannerisms and stories seem completely fictitious but to those familiar with the Indiana scene his stories are very much of the same type that you will hear on street corners in hundreds of Indiana communities.

All in all it was truly "A Night to Remember" which was the theme chosen by the Indiana State Society for this event. I am sure CHARLIE will cherish memories of the evening, and especially the remarks of President Eisenhower which I now submit in full:

REMARKS OF THE PRESIDENT AT THE INDIANA STATE SOCIETY DINNER IN HONOR OF CONGRESSMAN CHARLES HALLECK AT THE SHERATON PARK HOTEL, WASHINGTON, D.C.

Mr. HALLECK, Mr. SAM, distinguished guests, ladies and gentlemen, I am just sort of a wanderer that just dropped in on this party.

First of all, I am not from Indiana. Actually, I was born in the district of my friend here, Mr. SAM. And all of these years he has allowed me to call myself his vicarious constituent to this moment.

I understand that about two-thirds of Indiana is here—the other third is probably snowbound.

As I understand it, they call today "Charlie Halleck Day," because he is Indiana's Man of the Year. I would like to say that for me, during a session at least, every day is "Charlie Halleck Day."

He once pleased me mightily. He said: "Mr. President, this is going to cost me a lot of votes, but I'll do it." That kind of loyalty to a leader of the party and to an administration is priceless. I know it. Everybody in the executive department knows it.

Indeed, I think that some of my very distinguished members of the opposition, of whom the chief one is here, knows it, too. For that reason he not only has a great affection for CHARLIE but he respects him mightily.

A political party should stand for something. If the issues of our country are to be debated intelligently and properly, it is only proper that Americans just as good as we are should have political views that do not coincide with our own. That's why we have two major parties.

Among them both CHARLIE and I claim many, many friends—personal friends—no matter how much we may battle them in those factors and those subjects where are properly partisan or political.

I think it is only proper that I should say on CHARLIE'S behalf—and my own—when it comes to matters that extend beyond the water's edge, we have had the cooperation

and we have sought the cooperation of the opposition, which I think has been most effective for our country.

So as I come here—not to praise CHARLIE, because he doesn't need it—but merely to recognize what he has done, and to be one of you in sharing a great privilege of saying, "Thank you, Mr. HALLECK." I think it's a very good thing for us to realize that the politics in Washington should be—and I think most frequently is—a means by which we promote the welfare of America, not merely to satisfy the ambitions of any particular individual or any particular party, much as all of us are partisans.

I leave you with this thought: CHARLIE is doing a job not just for Republicans but above all and first of all for the United States of America. I am quite sure that my first Congressman would join with me in tribute to this very topflight, fighting, tough little Hoosier.

God bless you, CHARLIE—and goodby.

Recognition of the Order of the Knights of Pythias

EXTENSION OF REMARKS
OF
HON. SAMUEL N. FRIEDEL
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. FRIEDEL. Mr. Speaker, ever since Biblical times the question has been asked, "Am I my brother's keeper?" We are told to love one another and to practice friendship, charity, and benevolence.

While we have our churches, synagogues, and other places of worship, it is an acknowledged fact that it is through the medium of the various fraternal organizations that the great lessons of brotherly love are more firmly inculcated and friendships among men promoted.

In order to help heal the wounds, allay the ill-feelings engendered by the Civil War, the Order of the Knights of Pythias was founded in 1864. This great fraternal order, which bases its lessons and builds its ritual largely on the familiar story of the friendship of Damon and Pythias, has grown to such an extent that it now embraces more than 3,000 subordinate lodges in the United States and Canada with occasional lodges having been formed elsewhere.

No doubt, it will interest my colleagues in the Congress that when President Abraham Lincoln was advised of the teachings of the Order of the Knights of Pythias he said in part:

> The purposes of your organization are most wonderful. If we could but bring its spirit to all our citizens, what a wonderful thing it would be. * * * I would suggest that these great principles be perpetuated and that you go to the Congress of the United States and ask for a charter.

The suggestion made by President Lincoln was adopted, and the Order of the Knights of Pythias was the first fraternal order chartered by an act of the Congress.

In recognition of its truly wonderful charitable and benevolent accomplishments, His Excellency J. Millard Tawes, Governor of Maryland, has proclaimed the week of March 13–19, 1960, as Pythian Week. The Governor's proclamation is as follows:

> Whereas the Order of the Knights of Pythias is a great brotherhood with high principles based on the virtues of friendship, charity, and benevolence; and
>
> Whereas it had its conception and takes its inspiration from the ancient friendship of Damon and Pythias; and
>
> Whereas when the Pythagorean philosopher Damon was sentenced to death, he asked for a leave of absence to settle his affairs, and his friend, Pythias, pledged to give his own life if Damon did not return; and
>
> Whereas such friendship and loyalty are the ingredients of true brotherhood—the great need of the world today,
>
> Now, therefore, I, J. Millard Tawes, Governor of the State of Maryland, in recognition of the Pythians' fine accomplishments and in tribute to the order's magnificent principles, do hereby proclaim March 13–19, 1960, as Pythian Week throughout the great State of Maryland.

It is altogether fitting that we pause in our deliberations today and join in this tribute to the Order of the Knights of Pythias. In these days that try men's souls, when we know not what an hour may bring, it is both a comfort and an inspiration to know that organizations such as this are ever striving to bring about true friendship and charity among men.

Commentary on Civil Rights

EXTENSION OF REMARKS
OF
HON. MILTON W. GLENN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. GLENN. Mr. Speaker, I have listened to all of the debate on H.R. 8601, the civil rights bill, for the past 5 days. I have listened to the explanation of the provisions of the bill by the proponents and the opponents. I have heard recitals in detail of the differences between the referee and the registrar plan of supervision of elections. I have heard repeated references to the voting rights of American citizens under the Lindsay amendment, the McCulloch amendment, the Meader amendment, and the Kastenmeier amendment, and on sober reflection, considering the provisions of the Declaration of Independence, the Constitution, and the Bill of Rights, it does not seem possible that we, the Members of this great deliberative body, must at this late date in the history of our Republic consider these things.

Starting with the famous phrase in the Declaration of Independence "that all men are created equal," and considering the supreme law of the land embodied in the Constitution, which guarantees to all people the blessings of liberty, due process and equal protection of the laws, it just does not seem possible that we must legislate on civil rights, year after year after year.

Further, the Constitution has conferred upon all native born and naturalized citizens, not only citizenship in the State where the individual resides, but citizenship of the United States as well, and this is an unqualified right, regardless of race, creed, or color. Therefore, I submit under these basic truths forming the foundation of our way of life in these United States of America, there would appear to be no rhyme or reason why there should be any dispute, disagreement, or distinction in the enjoyment of these things by every citizen of the United States. It is, indeed, unfortunate that so much litigation has been necessary to both define and enforce these rights within the past several years. Even so, the U.S. Supreme Court, the court of last resort of our judicial system, has had to say and reiterate that racial discrimination in publicly supported schools must be eliminated. It has directed that school desegregation shall be accomplished with "all deliberate speed" locally through Federal district courts.

I find the consideration of the need for this type of accomplishment difficult to comprehend, coming from the State of New Jersey, where we have enjoyed integration in our school system for years. In fact, I recall in my grammar and high school days in Atlantic City, the white and colored children not only studied and worked together, but formed friendships which have lasted throughout my lifetime—friendships for which I have the sincerest and deepest regard. I see no reason why the same mingling of the races cannot be effected in every State of the Union, the same as it has been in New Jersey for many years. It grieves me to think that it is necessary, as it is, to formulate and to act on legislation on these things, which are so fundamental in this life.

I naturally am in favor of this bill, the civil rights bill, and will support any amendment which gives it strength and simplicity to effect its purpose. I can only hope and pray that we are making true progress, and that we will eventually obtain through understanding and good will the ideal of equality before the law, regardless of race, creed, or color.

Expert Support for the Establishment of a "Know Your Government Office"

EXTENSION OF REMARKS
OF
HON. KENNETH B. KEATING
OF NEW YORK
IN THE SENATE OF THE UNITED STATES
Wednesday, March 16, 1960

Mr. KEATING. Mr. President, several weeks ago, I introduced S. 3096 which would establish a Know Your Government Office in the National Archives and Records Service of the General Services Administration.

Dr. George B. Galloway, senior specialist in American Government and Public Administration in the Legislative Reference Service of the Library of Congress, has written me a very informative and thoughtful letter commenting on this proposal. Dr. Galloway, who is one of the Nation's leading experts on governmental reform, indicates that he

is in agreement with this proposal and in a most interesting fashion describes a similar office which existed from 1934 to 1948.

I feel that Dr. Galloway's letter contains much useful background material with reference to the idea of establishing a Know Your Government Office. For this reason, Mr. President, I ask unanimous consent that this letter and the text of S. 3096 be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., March 2, 1960.

Senator KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have examined with much interest your bill (S. 3096) and supporting statement for establishing a "Know Your Government Office."

It seems to me that this is an excellent proposal for at least two reasons: (1) It would establish a central clearinghouse for informing the public on the organization and operation of the Federal Government; and (2) it might well reduce the workload on congressional offices created by constituent inquiries for such information.

The proposal to locate the new office in the National Archives and Records Service of the General Services Administration seems appropriate since that is where the U.S. Government Organization Manual is prepared.

An alternative title of the new Office might be the "Government Information Service."

It is pertinent to recall that such an agency as you now suggest actually existed in Washington from March 1934, to June 30, 1948. In March 1934, a "U.S. Information Service" was established as a division of the National Emergency Council, to function as a central clearinghouse for information on all phases of governmental activity. It continued as a division of the Office of Government Reports when that agency succeeded to the functions of the National Emergency Council pursuant to the President's Reorganization Plan No. 2, effective July 1, 1939. It was transferred and consolidated, along with other functions of the Office of Government Reports, into the Office of War Information by Executive Order 9182 of June 13, 1942, where it functioned as the Division of Public Inquiries within the Bureau of Special Services. Executive Order 9608, of August 31, 1945, transferred the Bureau of Special Services to the Bureau of the Budget where it functioned as the Government Information Service. Upon the reestablishment of the Office of Government Reports by Executive Order 9809, December 12, 1946, the service again became a unit of this office. Subsequent to the enactment of the act approved July 30, 1947 (61 Stat. 588), the functions of the OGR were restricted and liquidation of the OGR was completed on June 30, 1948.

Sincerely yours,

GEORGE B. GALLOWAY,
Senior Specialist in American Government and Public Administration.

S. 3096

A bill to establish in the General Services Administration an office to disseminate general information concerning the organization of the Federal Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to achieve a better public understanding of the organization of the Federal Government, and the operation of its various agencies, the Administrator of General Services shall establish in the National Archives and Records Service an office, to be located in Washington, District of Columbia, and to be known as the "Know Your Government Office" (hereinafter referred to as the "Office").

(b) The functions of the Office shall include—

(1) the dissemination of general information concerning the functions of the various departments and agencies of the Government;

(2) providing students and other interested persons with information concerning the organization of the Government;

(3) the furnishing of information upon request concerning the officer or agency to be contacted for specific inquiries bearing upon the activities of a particular agency of the Government; and

(4) enhancing by an educational program public interest in and understanding of the structure and operations of the Government.

SEC. 2. Such sums as may be necessary to carry out the purposes of this Act are hereby authorized to be appropriated.

Free Berlin and the Summit

EXTENSION OF REMARKS
OF

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 16, 1960

Mr. HUMPHREY. Mr. President, in a recent statement made in Milwaukee, Wis., on March 6, 1960, I briefly summarized my assessment of the situation 10 weeks before the Geneva summit conference, with particular reference to the critical problem of Berlin. I ask unanimous consent at this time to have printed in the CONGRESSIONAL RECORD, the text of my remarks on the Berlin crisis.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUMPHREY

Big and dramatic events are on their way. It is only 10 weeks until the opening of the summit conference at Geneva. It is 16 months since Khrushchev launched his ultimatum against the freedom-loving city of free Berlin, and he is losing no opportunity to show his impatience—his toughness.

He very badly wants to push the West—and freedom—out of Berlin.

Even during his recent junket to Indonesia, he took time to threaten Berlin again. He demanded that the Western Powers sign peace treaties with both Germanies—West Germany and East Germany.

If they did not, he threatened to sign his own treaty with East Germany, and to snuff out the legal rights of the occupying powers in Berlin.

"West Berlin," he said, "is on the territory of East Germany."

The 1958 ultimatum has already yielded big dividends to Khrushchev—two foreign ministers' conferences, his visit to America, and an invitation to a series of summit meetings. But the appetite grows with eating, and he wants more and more and more.

At his press conference last month, our Secretary of State Herter acknowledged that the tough Soviet talk on Berlin has him worried. He attributed this tough Communist talk to the lead the Soviet Union now holds over the United States in intercontinental missiles—the so-called missile gap.

This raises a very grave question—what have we done with the 16 months since Khrushchev launched his warning?

One thing we certainly cannot complain of—the attitude of the free people of West Berlin. Under the leadership of their gallant mayor, Willy Brandt—a man whom I am proud to number among my close friends—they have remained steadfast in the face of a long series of threats.

I was in Europe in 1958 when the Khrushchev ultimatum was delivered, and I went direct to Berlin to assure its mayor and people that the American people backed them to the hilt.

I remember, as if it were yesterday how warmly Mayor Brandt welcomed me and with what pride he showed me his half of the city—from its bustling shops and factories to its modern housing for workers.

In long and frank talks as we drove about the city, he shared with me the grave problems in maintaining this little island of freedom in a totalitarian sea.

At the heart of the city, by famous Brandenburg Gate, we stood together on the very frontier between freedom and slavery.

I was deeply moved as he told me of the hardships of the first Berlin blockade, and expressed the gratitude of his people for the allied airlift which kept the city alive. The people of Berlin have put up a beautiful memorial directly in front of Tempelhof Airport to the 38 flyers who lost their lives in the course of the airlift, and I was privileged to lay a wreath before it.

I spoke to many Berliners, and asked them how their nerves were standing up under the strain. They told me: "Don't worry about our nerves, and we won't worry about yours."

I don't worry about our nerves—but I do worry about the yawning gaps in our readiness to meet a crisis which may burst upon us in 10 weeks time—or even sooner.

I am concerned, as many well-informed observers are, about the space gap and the missile gap.

Soviet sputniks and luniks are blazing out into space with a magnitude of thrust which, even now—2 years after the first sputnik—we are unable to match.

I am alarmed by the prospect that, within the next 2 or 3 years, the Russians may have a 3-to-1 advantage over us in missiles—but I am even more alarmed that the administration reacts to this appalling prospect as if it were nothing more than the Russian victory in the winter Olympics.

It is the "complacency gap" which troubles me even more than the missile gap.

We have been warned—again and again and again. But all the administration does is to administer us another tranquilizing pill.

There is another huge gap that bothers me—what I call the "testimony gap," the gap between what we are told and what we uncomfortably suspect to be the painful truth.

Recently we were told, in an official manual that shall remain nameless—and, in fact, unsanctified—that the idea of Americans having a right to know what's going on is, and I quote: "Another foolish remark often heard."

The manual has been shot down, but the malady lingers on. Only a few days ago the President blasted two of our most responsible newspapers—the New York Times and the Washington Post—for printing perfectly accurate reports of the testimony of former Defense Secretary Robert A. Lovett—a Republican, by the way.

I for one shall keep repeating this so-called foolish remark until someone up there hears and heeds—and lets the American people know what's going on.

Who are we fooling, anyway? Maybe our own people—but not, by Secretary Herter's admission, the Soviets.

Then there is a third threatening gap—the "moral gap," the gap between what we preach and what we practice.

Almost 6 years have passed since the Supreme Court's decision outlawing segregated schools. Yet the administration and Congress still shirk their share of responsibility for enforcing that decision.

We haven't even heard from the White House what we have every right to expect—a clear and unequivocal affirmation of the moral rightness of that historic decision.

We talk of our prosperous society—and yet we leave over 20 million of our people languishing in poverty: the aged, the sick, and those marooned in the depressed areas which pockmark our country.

Khrushchev doesn't need a "seeing eye" satellite to spy out our weaknesses.

As he sees it, ours is a dying system—and his hands are itching for the spade so that he can "bury" us—to quote his own blunt word.

There isn't any quizmaster who can slip us, under the table, the answers to the grave questions which hang over us. There isn't any "payola" that will ensure our prestige in the world, unless we earn it by deeds as well as words.

I have made a careful study of Soviet strategy.

There is no day-to-day fumbling in their policy, as there too often is in ours. They think in terms of years and of decades. They weigh future trends as well as present facts.

They will have one kind of policy if they think America is rising in the world—a policy of respect and carefulness. They will have another, and much more unpleasant one, if they see we are sinking.

They will be watching what we do, listening to what we say, in the coming weeks. They will form their own shrewd judgment about whether we will continue sleepwalking into the limbo of second-class powers—or whether we will, at long last, wake up and rally our great energies and capabilities for the crisis that lies ahead.

It is good that we—Democrats and Republicans alike—have said in one united voice that we will stand firm on Berlin. But we must do more than say the right words—much more. We must move to close the gaps that cloud with doubt the firmness of our purpose.

I have just heard that Mayor Brandt of free Berlin has cancelled plans to visit America and put the case of his beleaguered city before us—because of the renewed gravity of the situation there.

He wants to be on the job 24 hours a day, to meet and to cope with whatever may come. Oh, how I wish that our own Government had been on the job 24 hours a day for all these recent 7 years.

For myself, I shall continue to blow the bugle, sound the warning, seek to awaken the American people to the peril in which they stand. Given the full facts and alert, on-the-job leadership, we shall—I am utterly confident—surmount this coming crisis.

The Forand Bill To Add Health Benefits to the Social Security Program

EXTENSION OF REMARKS

OF

HON. JOSEPH S. CLARK

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 16, 1960

Mr. CLARK. Mr. President, like many of my colleagues I have received a great deal of mail pro and con the Forand bill to add health benefits to the social security program. Since the Ways and Means Committee is currently holding executive sessions to discuss social security amendments, and the Senate Subcommittee on Problems of the Aged and Aging—on which I serve—will soon resume hearings on health problems of the aging, increased public attention is bound to be focused on the Forand bill and similar proposals.

Some of the mail that has come into my office on this subject has shed more heat than light, but I am delighted to say that much of it has been so thoughtful and reasonable that the exchange of views has educated both my constituents and me. I have been especially heartened by the correspondence I have had with Mr. Jay Lavenson, Jr., president of the Denson Insurance Agency, Inc., of Philadelphia, Pa. I ask unanimous consent to include our exchange of correspondence in the RECORD.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

PHILADELPHIA, PA., *December 18, 1959.*

Re the Forand bill (H.R. 4700).

Hon. Senator JOSEPH S. CLARK,
U.S. Senator, Washington, D.C.

DEAR SENATOR CLARK: Regarding the captioned bill which I understand is now pending I would like to ask your consideration in voting against it.

It is my personal feeling that this legislation would result in unnecessary tax burden upon the citizens of the country and produce only quasi-desirable results.

Your cooperation in soliciting and working on behalf of those who are opposed to this measure would be very much appreciated.

Cordially,

JAY LAVENSON, Jr.

JANUARY 8, 1960.

Mr. JAY LAVENSON, Jr.,
President, Denson Insurance Agency, Inc.,
First Federal Building, Philadelphia, Pa.

DEAR MR. LAVENSON: I have your recent letter opposing the Forand bill.

While I am not committed to the specific provisions of that bill, I believe action is urgently needed in this field. During recent hearings of the Subcommittee on the Aging, of which I am a member, elderly people in every part of the country testified that their most frightening financial problem is that of meeting hospital and medical bills. They are most subject to catastrophic illness at a time when they earn the least (in 1958, 60 percent of those over 65 had less than $1,000 a year income) and when about two-thirds are not covered by private hospitalization plans, either because of cost or age limitations.

So far, nobody has come forward with any solution along other lines that shows promise of being effective, and I am not satisfied that this major human problem should continue to drift along without solution.

Rather than hurting private hospitals and hospitalization plans, the inclusion of some of these benefits under social security would be of great assistance to them in dealing with increasingly complex financial problems. (May I refer you to an article entitled, "Can Blue Cross Survive Its Own Success?" in the October 29, 1959, issue of Reporter magazine, for an illuminating discussion of these problems. And may I also refer you to the forthcoming report of our subcommittee.)

Since there is a good chance that the Forand bill will be considered in this session of Congress, I appreciate having your views. I hope you will also give serious consideration to the points I make above.

Sincerely,

JOSEPH S. CLARK.

DENSON INSURANCE AGENCY, INC.,
First Federal Building,
Philadelphia, Pa., February 9,1960.

Hon. JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CLARK: I was particularly pleased to receive yours of January 8 in reply to my letter asking you to oppose the Forand bill. I was particularly pleased at the fairness of your answer, your obvious complete awareness of the situation, and your open mind.

Enclosed is a copy of a letter I have written to Mr. Harold G. Evans, president of the American Casualty Co. of Reading, Pa. In addition, identical letters went to: Mr. James Powell, vice president, Provident Life & Accident Insurance Co., Chattanooga, Tenn.; Mr. James S. Kemper, chairman of the board, Kemper Insurance Group, Kemper Building, Chicago, Ill.; Mr. David Kilgour, president, Great-West Life Assurance Co., Winnipeg, Manitoba, Canada; Mr. V. J. Skutt, president, Mutual of Omaha, Omaha, Nebr.; Mr. Frank V. McCullough, vice president, Continental Casualty Co., Chicago, Ill.; Mr. Neville Pilling, U.S. manager, Zurich Insurance Co., 135 South La Salle Street, Chicago, Ill.

Again many thanks for your prompt and courteous response.

Cordially,

DENSON INSURANCE AGENCY, INC.,
JAY LAVENSON, Jr.,
President.

DENSON INSURANCE AGENCY, INC.,
First Federal Building,
Philadelphia, Pa., February 9, 1960.

Mr. HAROLD G. EVANS,
President, American Casualty Co.,
Reading, Pa.

DEAR MR. EVANS: I am writing to the chief officer of every company with which our office holds an agency contract engaged in the writing of accident and sickness insurance and to a few additional companies we know as being extremely active in the accident and sickness field although we may not represent them at this moment.

We, as most other agencies, have received a flood of literature and letters from a number of insurance companies asking us to contact our Senators and Representatives to take a stand against the Forand bill. The brochures and letters we have received all quite directly criticize the Forand bill as being inadequate, encroachment in the sanctuary of private industry, and as a threat to the future of our social security system. In addition, we have been led to believe that the evil of the Forand bill is far-reaching in its effect on future taxation costs, deterioration of individual initiative and independence, and the possibility of excessive use of our present hospital facilities.

As a good and loyal agent, I took up the cudgel of the insurance companies and wrote a letter to my Senator, JOSEPH S. CLARK, asking him to oppose the Forand bill. Mr. CLARK promptly replied in a manner that makes me proud to have him be my representative in our Federal Government. A copy of his reply is enclosed and I would like to call your attention to a few pertinent remarks.

First of all he reminds us that the problem of medical expenses for older persons is not only a financial but a human problem; second, and in my opinion a most valid observation, is the fact that apparently no one has as yet come forward with any solution better than the Forand bill.

Certainly we all are keenly aware that this problem is not a new one, and we have

known for years that something would have to be done about it ultimately. Only a handful of insurance companies active in the field of hospitalization and medical expense insurance have done anything in the way of designing or affording any type of coverage for the older individual, particularly if the individual is not in good health when he initially applies for insurance.

We can't avoid the problem any longer; it's here—it's going to stay and undoubtedly become enlarged. If we of the insurance fraternity are going to be constructive and do the job we are certainly equipped to do, the time is now to design a standarized program of adequate coverage for the aged to be underwritten by the private companies, handled by the private companies, and supervised by the industry rather than the Government.

The only way we will effectively keep the Government out of the insurance business is to do such a damn good and effective job that it won't have any reason to come into our field. By spending our time designing literature of criticism for a job we have not been able to do ourselves, we are merely spinning our wheels, and we're being passed by the governmental machinery with its chains on.

Cordially,

DENSON INSURANCE AGENCY, INC.,
JAY LAVENSON, Jr., *President*.

Southern Side on Civil Rights

EXTENSION OF REMARKS
OF
HON. STROM THURMOND
OF SOUTH CAROLINA
IN THE SENATE OF THE UNITED STATES
Wednesday, March 16, 1960

Mr. THURMOND. Mr. President. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article entitled "The Southern Side on Civil Rights: Talmadge Remarks on TV Interview Called Masterful Presentation," written by David Lawrence and published in the Washington Evening Star of March 15, 1960.

Mr. Lawrence is one of the ablest writers in this country. He has written an excellent article, which I hope Senators will take the time to read.

The distinguished junior Senator from Georgia [Mr. TALMADGE] was an able, progressive Governor of his State. He has made an outstanding record in the Senate. He is a member of that school which believes that the Constitution says what it means and means what it says. Senator TALMADGE is a strong exponent of constitutional government.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SOUTHERN SIDE ON CIVIL RIGHTS—TALMADGE REMARKS ON TV INTERVIEW CALLED MASTERFUL PRESENTATION

(By David Lawrence)

Much has been heard lately from the so-called liberal side about the need for balanced programing on television, but something happened the other day which indicates that maybe the broadcasters are doing better than the press in the balancing technique.

Just a week ago Sunday, for example, many persons heard a dramatic and informative debate on Meet the Press over the National Broadcasting Co.'s TV network and watched Senator HERMAN TALMADGE of Georgia, Democrat, do a masterful job in presenting his viewpoint on the civil rights issue. But how much of it was printed in most metropolitan papers of the North? Virtually nothing.

The Georgia Senator made some good points which still are news to many readers. What he said represents the other side of the controversy, and most Americans like to hear or read both sides. Asked what could be done to insure the right to vote, Senator TALMADGE held up a sheaf of papers and said in part:

"Here are 17 pages of Federal laws that guarantee every citizen in America the right to vote. * * *

"Now, in my own State we have approximately 175,000 to 185,000 Negroes who are registered and who do vote. They have elected officials within my State. Frequently, they are the balance of power in mayors' races and local races of all kinds. The Negroes in Georgia do vote in very substantial numbers. In some counties in Georgia we have a greater percentage of Negroes registered than we have of the white population. In three counties in Georgia we have more Negroes registered and voting than there are white people * * *.

"All citizens who are qualified have been encouraged to vote. We can't help it if some citizens don't exercise that right. My colleague, Senator RUSSELL, inserted in the CONGRESSIONAL RECORD this past week a statement by the leader of the National Association for the Advancement of Colored People in Cleveland, Ohio, which stated that only 25 percent of the Negroes in Cleveland were registered, and of that 25 or 26 percent only about 25 or 26 percent of them voted. Now, we have a much higher percentage than that who are registered in Georgia and a far higher percentage vote in Georgia."

The Georgia Senator was then reminded that, according to the U.S. Civil Rights Commission, there were 22 Georgia counties where less than 5 percent of the Negro population believed to be eligible was registered. He replied that there were adequate remedies and added:

"First, any citizen who thinks that he is being illegally deprived of the vote can go into the Federal court, he can get an injunction, he can recover damages against the registrar.

"Second, there is a criminal law. He (the registrar) can be indicted, he can be convicted and sentenced to the Federal penitentiary and fined. And, thirdly, there is the Civil Rights Act of 1957 that authorizes this group to have the Attorney General of the United States of America file a suit in the name of the United States of America as their tax-paid private lawyer to enforce their rights. Now, if those remedies aren't sufficient, there are no laws on the face of the earth that will be."

Then why did the Attorney General write a letter this week urging the House of Representatives to restore the section of the civil rights bill that was voted down by the Senate a few days ago? The answer is that politics is back of it all.

The moment Senator LAUSCHE of Ohio, a courageous Democrat, proposed that the principle of equal justice under law be applied so as to provide criminal penalties, not just for violations of court orders on school desegregation, but also for violations of court orders relating to picketing and violence in labor disputes, a northern group of Senators promptly voted against it. They were plainly afraid of the reprisals from the labor union vote.

The Attorney General, moreover, in his latest communication to Congress, writes that while the right to vote is of fundamental importance to the Negro, "this thought should not lull anyone into forgetting that, meanwhile, the Federal Government has a responsibility in other civil rights matters, including the duty to enforce court orders in school desegregation cases."

The Attorney General then makes an unhappy reference to what happened at Little Rock in 1957, and declared that the section deleted by the Senate and now up for passage in the House is designed to prevent a recurrence of the situation which, he says, required the use of Federal troops. He adds:

"At the present time, when State officials fail to maintain law and order, the Federal Government, as a practical matter, has no certain or very effective way to deal with mob violence except by the use of Federal troops."

Is this really so? The State of Arkansas did order its militia to maintain order and prevent mob violence, but the Federal Government obtained a court injunction which ordered the Governor to withdraw the militia. Then mob violence did ensue.

What the Attorney General is saying about the need to enforce court orders on school desegregation would be received with more enthusiasm if the Department of Justice had not remained strangely inactive in recent months when labor union pickets were refusing in many strikes in Northern States to allow nonunion workers and management personnel to enter plants where they wanted to work. So long as there are these examples of hypocrisy in Government, there will be little tendency to regard the present ruckus about enforcing court orders in civil rights cases as little else than a brazen attempt to win an election by wooing Negro votes in the North.

Baring Letter Exchange on Bureau of Public Roads False Technical Data

EXTENSION OF REMARKS
OF
HON. WALTER S. BARING
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. BARING. Mr. Speaker, under leave to extend my remarks, I wish to place in the RECORD information on an exchange of letters between Mr. Robert E. Merriam, Deputy Assistant to the President, and me. On January 27, 1960, I addressed a letter to Mr. Merriam which was substantially identical to a letter I addressed to the Secretary of Commerce on the same date, now appearing in the CONGRESSIONAL RECORD of February 4, 1960, pages 2133 and 2134. In that letter to Mr. Mueller I showed conclusively that the Bureau of Public Roads did falsify pertinent technical information in presenting its side of the picture to the John A. Blatnik Special Committee investigating the selection of the routing of the Interstate Freeway System from the California State line through Reno and Sparks to Vista, Nev. I now wish to insert in the RECORD the unusual answer Mr. Merriam sent on February 16, 1960, and the letter I addressed to Mr. Merriam on March 4, 1960, in which I showed that the responsibility for disciplining the Bureau of Public Roads on account of its issuance of false technical data to the John A. Blatnik Special Committee rests with the President of the United States in the exercise of his executive power in accordance with article II, section 1 of the

Constitution of the United States. The letters follow:

THE WHITE HOUSE,
Washington, February 16, 1960.

The Honorable WALTER S. BARING,
House of Representatives,
Washington, D.C.

DEAR MR. BARING: I wish to thank you for your letters of January 26 and January 27 with their further information regarding the National Defense Highway program for the Reno area.

There is very little I can add to my letter of September 22, 1959, to you.

Your two recent letters are mostly concerned with statements made in the Blatnik subcommittee report with which I was acquainted when I wrote my letter of September 22. It appears advisable at this time for you to discuss questions of interpretation of information contained in this report directly with the subcommittee. In this direct manner the problem of the third party is not produced.

While it would appear that the questions you have recently raised regarding the data furnished the subcommittee by the Bureau of Public Roads should be taken up with the subcommittee, I am requesting the Department of Commerce to furnish me with an analysis and interpretation of the comments in your letters with respect to the benefit cost data.

I am sure we are all interested in insuring that the information furnished public bodies shall be as accurate and complete as possible, and your interest on this occasion is appreciated.

Sincerely yours,

ROBERT E. MERRIAM,
Deputy Assistant to the President.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 4, 1960.

Mr. ROBERT E. MERRIAM,
Deputy Assistant to the President,
The White House, Washington, D.C.

DEAR MR. MERRIAM: This will acknowledge your letter of February 16. In my letter to you dated January 27 I told you that the Bureau of Public Roads' testimony before the John A. Blatnik subcommittee that the benefit-cost ratio of the Reno-Sparks Third Street Route would be 4.6 is false.

As all the affected constituted authorities as they reached their decisions were using essentially the same false data, their decisions, although possibly in agreement, are unsupported by technical fact and are, therefore, valueless. The Blatnik subcommittee, page 17 of its House Report No. 292, did "attach no sinister motives to the action of the Bureau in the above regard."

Now that the Blatnik subcommittee members know through unrefuted charges that the Bureau of Public Roads has presented false technical information to it at the Reno hearings, it may wish to reexamine its attachment of "no sinister motives to the action of the Bureau in the above regard."

The Blatnik subcommittee may wish to reexamine its conclusions and recommendations, report, page 17:

(a) The record contains falsely high benefit-cost ratio figures for a downtown highway through Reno.

When the record has been purged and factual technical data supplied, the record may well support charges that Federal participation in financing the construction of a downtown interstate highway through Reno would be a wasteful expenditure of Federal moneys.

(b) Line J—Verdi: Coercion and pressure. Report, page 17, shows there was not technical compliance by State officials with Federal statutory requirements on public hearings. It shows that the Bureau of Public Roads colluded with the State officials in violating the statutory requirements.

The record shows that the citizens of Reno, who live near and have full knowledge of the line J—Verdi infamy, received ample communication from the State to support their commonsense appraisal of the outrages being perpetrated upon them by the State, Federal, and county authorities. The citizens may well demand a house cleaning, rather than a justification and whitewash.

(c) Possible guidelines and paperwork in the "consideration of economic effects" by the Bureau of Public Roads would be an insult to the citizens as long as the Bureau of Public Roads can serve false information to the Congress of the United States and to the public with impunity.

(d) A falsifying Bureau of Public Roads does not need its "investigative function * * * strengthened." The Bureau of Public Roads needs to be investigated.

Nothing in your letter of September 22, 1959, bears on the infamy of the interstate highway program scandal in Reno.

We are not discussing "questions of interpretation of information contained in this (Blatnik) report." We are discussing false testimony presented to Members of the Congress of the United States as they were properly exercising their legislative powers in accordance with article I, section 1, of the Constitution of the United States by the Bureau of Public Roads which is a Bureau of an executive department acting under the executive power of the President of the United States and answerable to him in accordance with article II, section 1, of the Constitution of the United States.

There is no third party; the President of the United States is the first party where a bureau responsible to him presents false testimony.

We are more than "interested in insuring that the information furnished public bodies shall be as accurate and complete as possible."

The continuing viability of the United States of America depends on the furnishing of accurate technical and economic fact to public bodies by constituted authorities and their consultants.

Sincerely,

WALTER S. BARING,
Congressman for Nevada.

Youth Conservation

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Wednesday, March 16, 1960

Mr. HUMPHREY. Mr. President, public support for my proposal for a Youth Conservation Corps, authorized in S. 812 and sent to the House of Representatives last year continues to mount. In my travels throughout the country, and particularly in the great States of the Middle West and Northwest, there is the most intense interest and anticipation of the possibilities for good of such a corps of young men. I am deeply hopeful that we shall yet have hearings and action on the bill in the House before the end of the current session.

In an article which I prepared for the January issue of Sports Afield, I described the Youth Conservation Corps in some detail, and outlined the legislative situation with respect to S. 812. I ask unanimous consent that the text of this article, entitled "Youth Conservation Corps" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUTH CONSERVATION CORPS

(By Senator HUBERT H. HUMPHREY)

On August 13, 1959, the forces of conservation in America squeaked through a surprise victory in the Senate, with the passage (47 to 45) of S. 812, a bill creating a youth conservation corps to consist eventually of 150,000 young men, trained to attack the major problems of resource conservation which have plagued our Nation since the onset of World War II.

It was a victory in which conservationists shared the glory with educators, judges, and youth authorities—sickened by the constant substitution of brave words for any meaningful action to deal with the growing problem of juvenile delinquency.

It was a victory, but the Youth Conservations Corps is not yet a reality.

Between now and next January, the infantry of conservation and those enlisted in the struggle against delinquency must move up into the line of battle. If the YCC bill cannot be passed by the House in 1960, any significant action on the conservation needs in our national forests and parks, our wildlife refuges and our other Federal-owned lands will inevitably be postponed until well into 1961.

Opposition to the proposal has been almost entirely underground, except for a blunt statement of opposition from the Bureau of the Budget. During the extensive hearings on the bill, no organization came to testify against it. Indeed, not one of the opponents of the bill in the Senate even attended a single hearing on the bill. The word was simply passed: "Kill the bill." And the forces that have always fought against any meaningful regulation of the public lands in the public interest, who have always tried to block any significant investment in conservation, quietly went to work. They have failed in their first attempt, but they will not give up with one defeat.

The outdoorsmen of America have better cause than most of their fellow-Americans to remember the Civilian Conservation Corps. They know that before the old CCC was thrown into the breach in 1933, only the most token efforts had been made to carry out the dreams of Gifford Pinchot and Teddy Roosevelt and their friends who succeeded in setting aside great tracts of the public lands for the benefit of future generations. The hunter and the fisherman, the family camper, the wilderness rider, the just plain nature-lover, each of these Americans every year can afford to say a word of thanks for those 3 million raw young men who were sent into the woods during the 1930's with no plans, no training, no preparation—just willing brain and muscle during a time when society seemed unable to offer men jobs in industry. The cleared camping area, the second-growth grove of trees, the stabilized streambank, the wilderness trail, the upstream reservoir, the handsome retaining wall, the still-sturdy but now rundown recreational facilities in the national forests and parks constitute a gift from one generation of boys to the next—and from one enlightened group of leaders to the sportsmen and outdoor-lovers of the next 500 years.

In 9 years the CCC boys—averaging more than 300,000 of them a year scattered throughout the country—built into our public land holdings almost incalculable values, in terms of timber and water and soil and recreational opportunities.

There were many harsh words said about some of the bold experiments of the New Deal, but there was virtually unanimous agreement that the CCC was a resounding success.

What happened to the CCC? It was one of the first casualties of World War II. The

boys who had been volunteering for the corps by the tens of thousands suddenly were swept up by an even more urgent call to arms. The manpower—or boypower—of the CCC just went to war.

And, strangely enough, when the last shot was fired, and the last GI returned to the United States, the country was just not in the mood to buckle down. We wanted to produce and consume all those goods we had been doing without for 5 years. We wanted to have fun, to get postponed families started, to buy that new car, the new house we had been dreaming about, the new gun, the new boat.

We hit a tremendous production stride. And to the surprise and consternation of all the population experts, we also began to produce what now looks like a virtual population explosion.

Conservationists soon began to have bad dreams about the available soil and water and timber resources for this mushrooming population, and the pressure on the outdoor recreational areas of the country began to get out of hand. In the national forests alone, there were 68.5 million visitors last year. By 1969 there will be 130 million.

Even the conservative Secretary of Agriculture of an administration publicly committed to a balanced budget at all costs was finally persuaded to sign his name to a report that outlined a vast new investment program for the national forests that would, he said, produce $245 million annually in new revenues from the sale of timber in the national forests by the year 2000. (P.S.—He did not ask Congress for the money.)

Conservationists outside the Government, unhampered by the wraps of the Budget Bureau and with long professional experience under previous Federal administrations, estimated the "conservation gap" in 1958 at $3 billion in needed investment over the next 10 years to put our forests into adequate productive shape. (There are 560,000 acres needing reforestation, 11 million acres that require thinning, pruning and other remedial action.) An investment of $4.5 billion is needed to halt the loss of our topsoil and to protect our vital watersheds. (At least 1.3 million acres of national forest lands need erosion control, and 235 flood prevention structures should be built. About $1 billion is needed to stabilize the soils and increase the forage yields on our western range lands. (Four million acres of national forest range lands needed revegetation.) There should be an investment of $2 billion over the next decade to upgrade and expand the areas of outdoor recreational facilities, and another $1 billion to improve wildlife refuges. Planned, detailed projects, adding up to these 10-year investment figures, the conservationists pointed out, are waiting in the files of the major Federal agencies concerned with the management of our public lands.

And while conservationists were worrying about the population pressure on our natural resources, a second and even uglier problem was developing in American cities.

From the files of police authorities and juvenile court judges an ugly and disturbing story has been brought to light—of boys dropping out of school and finding no jobs, of gang-formation and violence, of arrests and convictions on a scale so unprecedented that the FBI Director has felt himself compelled to call it to public attention. The Navy reports that one out of four of its recruits has a record of arrest for a nontraffic violation of the law. Police forces have been augmented, juvenile court dockets saturated and reformatories jammed.

With slum clearance moving at a snail's pace, school construction lagging and automation making it increasingly difficult for boys just out of school to find satisfactory jobs, youths from underprivileged families are turning to dark and desperate roads in increasing numbers.

During the hearings on S. 812, we heard witness after witness from the great metropolitan areas tell of the tremendous burden being placed on the police and the courts, and of the rising curve of costs to deal with delinquency. There was general agreement that a figure of $25,000 was a good estimate of the cost to the taxpayer for every juvenile delinquent who went the police-courts-reformatory road. The sickening waste of human lives was being accompanied by a staggering rise in costs. Worst of all, what was being spent apparently was not doing anything to solve the problem.

I particularly recall the comment of the warden of the Oklahoma State Reformatory, who wrote me: "The solution to our crime situation is not more jails, reformatories, and penitentiaries, but some educational program which will prevent boys from coming to our penal institutions." And Warden Joe Harp concluded, "It is so very hard to rehabilitate a boy behind prison walls."

The problem of juvenile delinquency is acute now, at a time when employment is at record heights, and before the great population bulge resulting from the marriages during and after World War II has hit its peak. The Bureau of Labor Statistics tells us that the rate of unemployment of young people between 16 and 19 is almost three times the national average for all workers. Furthermore, as Katherine Oettinger of the U.S. Children's Bureau points out, "It is all too easy to step from low pay or unemployment into delinquent behavior. * * *" And Ewan Clague of the Bureau of Labor Statistics predicts very firmly that by 1965 the number of persons in the work force under the age of 20 will increase by 40 percent. Where we now have about 9 million boys and girls between ages 18 and 21, by 1965 there will be more than 12 million, and by 1975 more than 16 million.

Unless we succeed in bringing down the rate of delinquency, the figures on delinquency are going to leap also.

It all adds up to trouble—big trouble—a shocking waste of young lives and a scandalous waste of the taxpayers' money in fruitless efforts to seal off nonrehabilitable boys from society.

When I first proposed the Youth Conservation Corps I tried to make it crystal clear that we were not proposing a panacea for the cancer of juvenile delinquency, but we were trying to save some boys who would otherwise go wrong. And we could point to the experience of hundreds of thousands of CCC boys who had been encouraged to lead a constructive life, who had been given both physical and mental health by their few months in hard, well-led work on the land.

Putting boys on the land, putting them to work on projects that needed to be done, on patriotic undertakings to build for the future of America, this I am ever more convinced would do more for America in terms of our Nation's mental health and physical fitness than even the important resource-conservation work.

We are creating no new agency, no make-work boondoggles, but a simple and direct way to channel the creative energies of American boys into the planned projects of our Federal conservation agencies—under the direct supervision and leadership of our splendid forest and park rangers, wildlife management specialists, and soil conservationists.

Although the Youth Conservation Corps will not be a "new CCC," it can proudly and rightfully draw upon the invaluable experience gained from that notable experiment in government. It has the vast successes and the minor mistakes of the CCC to guide the new corps. One has only to look at the record to know that what the YCC can do for America is not a matter of theory, but of proved practice.

Here is an opportunity to take action in a sea of words, to move purposefully and swiftly to deal with the two apparently unrelated problems of resource wastage and the wastage of youth, in one great forward step. Boys on the land in a Youth Conservation Corps—this can become a reality if every American who understands the wholesome and healing nature of the great outdoors will make it a personal project to express to his Congressman, and to his President, his support of S. 812.

Address by Hon. Robert S. Kerr, of Oklahoma, Before New York State Waterways Association

EXTENSION OF REMARKS
OF
HON. MIKE MANSFIELD
OF MONTANA
IN THE SENATE OF THE UNITED STATES
Wednesday, March 16, 1960

Mr. MANSFIELD. Mr. President, on February 19, of this year, the distinguished senior Senator from Oklahoma [Mr. KERR] made an address before the New York State Waterways Association in New York City. In that speech, which I think is worthy of the attention of every Member of the Senate—and I think we ought to keep in mind that the Senator from Oklahoma is chairman of the Select Committee on National Water Resources—the distinguished Senator had the following to say:

The Nation as a whole will require 2½ times as much municipal water in 1980 as we used 5 years ago. The six major water-using industries will use 3½ times more water in 1980 than they were using in 1954. The electric power generating facilities will require 4½ times as much water for cooling purposes.

Water is more than a natural resource. It is a necessity of life. It is the priceless ingredient for continuing increase in population and growth in industrial and agricultural production. The necessities and uses of water in modern society are so tremendous that they stagger the imagination.

Mr. President, I ask unanimous consent that the text of the speech delivered by the distinguished Senator from Oklahoma, chairman of the Select Committee on National Water Resources, be incorporated in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR ROBERT S. KERR BEFORE THE NEW YORK STATE WATERWAYS ASSOCIATION, NEW YORK CITY, N.Y., FRIDAY, FEBRUARY 19, 1960

I was happy when your fine president, Mr. David A. Wright, invited me to address you. I am especially honored to have a part in your program as you observe your 50th anniversary.

New York City and State have always possessed a strange fascination for me. I am thrilled each time I visit this city, the greatest upon the earth.

New York City is not only the largest center of population in the world; it is more than that. It is a symbol of progress, of the most powerful of all nations. The heartbeat and pulse of American industry, trade and commerce, growth and development, are here in this wonderful metropolis. All

America shares your pride in this city and all America has a part in your success.

We, out in the middle prairies—all of the people between the two great mountain ranges, and those beyond the rugged western Rockies—have an interest in your further progress and development.

We see the mystic beauty of your skyline, unequaled in the realm of architecture; the sweep of your harbors; fleets of commerce sailing from every corner of the seven seas; the hum of your industries, unparalleled in the annals of time. All of these we have seen and heard. We have felt that this is a picture, not only of your progress but also of the Nation's development, of the strength of all the people, North, East, South and West. For truly, New York City is an expression of the production that takes place throughout the Nation and around the world.

And your city is but a part of the great Empire State. One of the countless assets of your State and one of its greatest is a man of rugged character and manner, and of tremendous ability and vision—Robert Moses.

I wish we had one such human dynamo and leader in each of the 50 States. It has been my privilege to watch and feel his drive, not only in connection with the St. Lawrence power project, but also the Niagara power project as well. I led the fight to give the State of New York the right to build the Niagara hydroelectric power project—one of the greatest in the world. You are now building it. You are bonding your own assets to finance it.

I led the fight to enable you to consume most of the power to be generated by it for domestic and industrial use within your own State.

That power is a necessity for the continued operation, the growth and expansion of domestic consumption and your thriving industrial economy. That great project and Robert Moses, who did so much to get it under way are, however, but symbolic of the building of the Empire State.

It was in the early dawn of our Nation's history when the pressure for a transportation route to the West induced New York to build the Erie Canal. Its promotion and building are now history, but it has long been a monument to the vision, daring and courage of the people of your State.

To me, however, its greatest significance is in what it has meant to the Nation and what it symbolizes as we think of the future.

The Federal Government long since took a leaf from your book and launched its own program of improvement of rivers and harbors, building of inland waterways, dams for flood control, hydroelectric power, and irrigation.

Attracted by these improvements, people by the uncounted millions have migrated to the improved areas to play their part in the enjoyment of the benefits and building the economy in the areas where the Federal Government has thus far spent great sums of Federal tax money. Efforts of people everywhere have increased to an intensity never before known to expand the Federal Government's program of development of our natural resources, primarily soil and water.

We in Oklahoma are working with the zeal of crusaders for such projects. We know that their development will determine what opportunity we can have in building an industrial economy in which our State and its people can grow, increase and prosper.

Now, the people of New York pay more income taxes to the Federal Government than those of any other State. We know that you are keenly aware of this fact. Yes, even painfully aware of it. I hope that your feeling in this regard is helped to some degree by the knowledge and assurance I now give you that we, in Oklahoma, are really grateful to you for the tremendous sums of Federal taxes you pay. In fact, and I say this in all reverence, we hope and even pray that you may live long and prosper more and more and accordingly pay more and more Federal taxes in order to make it possible for us to expedite the building of projects in Oklahoma.

We, too, pay vast sums in Federal taxes, and when we have developed our soil and water potentialities, we will pay much more. We know that this will be of benefit to our country, and also to your State which has the largest volume of trade and commerce of any State in the Union.

And, then I want to make this clear to you that while we are more interested personally in the development of the soil and water resources of Oklahoma, we will work just as diligently for the development of your soil and water resources as is appropriately possible.

Your navigable waterways have been of inestimable value in the development of your industrial economy. If it conforms with your wishes, their improvement, enlargement, extension and operation should be paid for by the Federal Government as are those throughout the Nation.

Yours are a part of the 23,000 miles of improved inland waterways which have been developed since the building of the Erie Canal. It was the forerunner of barge transportation in America. The mighty St. Lawrence Seaway with its international identity and its enormous potential for growth and progress, not only along its shores, but for the Nation, is a product of the same impetus that produced the Erie Canal.

I am not one who regards the expenditure of Federal funds for such projects as "pork barrel." I know of no national and domestic responsibility of government more worthy and more important than that of conservation of the water resources and the development of the waterways in our country. The need for more and wider and deeper harbors and waterways is illustrated by the experience of the first big trans-Atlantic steamer, *The Great Eastern*, which came to our shores a century ago. She required a channel 30 feet deep. Thus Portland, Maine, was the only harbor on the Atlantic sea coast she could use. New York Harbor was then only 23 feet deep. *The Great Eastern* failed commercially because she was too big for her day. She did make history though, and earned undying fame for making possible the laying of the Atlantic cable where smaller craft had failed. And, also, she pointed the way to the development of harbors and waterways which could handle ships not only of her tonnage and draft, but also those of the superspecifications of today.

Transportation today is one of the largest business operations in America. The public spends about $65 billion a year for transportation facilities, equipment, and service. This is about one-sixth of our national income. Yet the transportation business is one of the fastest growing in our economy. Its traffic grew from 544 billion ton-miles in 1939 to 1⅓ trillion ton-miles in 1957. Only an integrated system of highways, airways, railroads, waterways, and pipelines has made possible an increase in industrial production similar to the increase in transportation. It amounts to more than two and one-half times what it was 20 years ago. Each type of transportation has its place in the pattern. Each complements the other, and all are necessary. A significant fact about the industrial development in the past 10 years has been the growth of new industrial plants, facilities, and capacities along our navigable waterways. In 10 years we have seen a $15 billion expansion of industrial plants in the Ohio Valley. At the same time, we have seen tremendous developments along the Mississippi River and its navigable tributaries, as well as on the gulf coast. This expanded industry along our navigable waterways not only enables our country to grow more rapidly than would otherwise be possible, it feeds a constantly increasing volume of business to the entire Nation, including all other forms of transportation. It is especially noteworthy that some of our most prosperous railroads today are those which parallel the tremendous industrial developments along our water routes.

When I see New York City and State of today in relation to the Nation of today, I wonder what tomorrow will bring. Let's lift the curtain of the golden sixties and the fabulous decades beyond and inspect their entrancing possibilities. We are aware that it has taken 352 years to achieve a population of 180 million Americans. Yet Census Bureau experts assure us that the number will double in 40 years. Our mighty agricultural and industrial economy is now producing at the rate of $500 billion gross products per year. Authoritative engineers assure us that this production will double in 20 years. By 1980, they say the value of our gross national production will be $1 trillion per year based on the value of the 1959 dollar. It seems very probable that in that year our population will exceed 240 million.

Where will the agricultural production occur? Where will the enlarged and new industrial workshops be located? And, now for the $64 billion question, Will New York State achieve for herself the same relative position in the America of the eighties that she now claims as her own? The answer can be found in the quality and quantity of your water resources. Look to your inland waterways; look to your deep channels and enlarged harbors; look to your industrial, agricultural, and municipal water supplies.

The Nation as a whole will require 2½ times as much municipal water in 1980 as we used 5 years ago. The six major water-using industries will use 3½ times more water in 1980 than they were using in 1954. The electric power generating facilities will require 4½ times as much water for cooling purposes.

Water is more than a natural resource. It is a necessity of life. It is the priceless ingredient for continuing increase in population and growth in industrial and agricultural production. The necessities and uses of water in modern society are so tremendous that they stagger the imagination. The Department of Commerce tells us that the cities and towns in America must invest $80 billion in the next 20 years to keep abreast of the requirements for domestic and industrial water. Four years ago the Army Chief of Engineers reported that many areas even at that time were "constantly going through the ceiling of available average water supply." Even on the basis of our present national population, a U.S. Geological Survey hydrologist finds that most water which is immediately available, and inexpensive at each individual point, is already in use.

Please do not misunderstand me. I do not regard these problems as burdens, but as opportunities. They are burdens for men of little mind and limited vision and inadequate initiative or resourcefulness. They are the source of nearly as much worry to the pessimist as the pessimists are to a growing, thriving, prosperous America.

I am reminded of an incident that took place in Congress soon after the turn of the century. Members then complained of the burden of bureaucracy to the Government. People at home were demanding the elimination of any nonessential in Government. As a result a bill was introduced to eliminate the Patent Office. Its sponsors made the argument that since no more inventions could possibly be made, why keep a bunch of Government employees sitting around a Patent Office with nothing to do?

I once heard the story of an old grandfather who possessed most of the family wealth. He was urged by one of his daugh-

ters to provide the money to send her son, his grandson, through the necessary college and postgraduate work to become a doctor. The old man indicated his purpose to refuse—complained of the extravagance, low rated the young man's choice—and finally with a frown on his face demanded to know of his grandson what field of medicine he intended to pursue. "Obstetrics," the young man replied. "Yeah," the old man growled, "that's about what I thought—you spend 10 years and $20,000 getting ready to do it—by that time they will have a cure for it, and you'll starve to death trying to practice it."

Even the President of the United States twice vetoed the water resources appropriation bill last year, complaining that it contained provision for some 60 new starts which his Budget Bureau had not approved. He reminded Congress that he had declared a policy of "no new starts." Imagine if you can what America would have been at any point in her glorious history had she been shackled by an effective policy of "no new starts." There would have been no Government of the United States of America had King George's policy of "no new starts" prevailed. And then, upon the founding of a government with 13 States—that would have been it.

America has reached the greatest heights of wealth, power, industrial production, growth and prosperity of any nation in all history because its people believed in and practiced "new starts." I'm glad my father believed in new starts—else the log cabin in which I was born would never have been built. And then, tragedy of tragedies, had he practiced no new starts, I would not now be enjoying this blessed privilege of speaking to you here today.

The America of 1980 with its 240 plus million people and its gross annual national production in excess of $1 trillion will be the product of "new starts" of today and tomorrow.

I told you a moment ago of the estimate that our cities and towns must invest $80 billion in the next 20 years to keep abreast of requirements for domestic and industrial water. Add the presently projected Federal program to these figures and we learn that the total cost of all water development projects during the next 20 years will require in excess of $180 billion.

This program is an absolute necessity for the population, economy, and way of life in our country two short decades from now. It is an absolute necessity if we are to maintain and develop the military strength and power required for our survival in this modern world. It is an absolute necessity to meet the challenge of the Soviet rulers whose spokesman, Mr. Khrushchev, now says that he will not need to engage in military conflict to win the cold war or humble and subdue the free world. He has declared that Soviet Russia will achieve its aims of world domination through economic development and power. We stand today appalled at the sight of a godless nation and a pagan philosophy daring the free world to meet it in competition for economic growth and progress.

Undaunted and unafraid, America will answer this challenge. I know that the Empire State of New York and her proud people demand that we accept this challenge. They will cooperate in meeting it. To meet this challenge, we will plan ahead, and then work our plans, to adequately conserve our water resources and develop them as the prime necessity in reaching our goal. This we must do to achieve the agriculture production required. This we must do to build the industrial workshops our people will require. This we will do to improve and provide the recreational facilities for the teeming millions of Americans of today and tomorrow, who in their increasing periods of leisure will need them. Man who is made in the image of God feels an irresistible urge and necessity to spend increasing amounts of time in nature's environment as God made it. He yearns for the murmer of flowing water from pure mountain streams. He yearns to see the glint of the sunshine from the surface of reservoirs, large and small. Man is renewed when he walks within the arches of the cathedrals among the trees of God's forests.

A stronger, nobler America will be built as its people are permitted to enjoy the recreational facilities of a natural environment as nearly as we can keep it like the Creator fashioned it.

The people of the world respect you of the Empire State. The people of the Nation envy you with your natural resources, and unlimited quantities of water. They glory in the opportunity which is yours to play such a great role in the building of the America of tomorrow.

To contemplate the phenomenon which is the Empire State not only strains our powers of perception, it staggers the imagination. Nothing like it has ever existed before. But mark these words: Your fabulous economy has been possible under God, but is man made. And God is no respecter of persons. What man has done here, men are now doing elsewhere. Listen. Are you listening? If you are, you can hear the thunderous roar of the proud and mighty production machines in which the men and women of other States are even now threatening to catch and surpass you.

I know they cannot do so, except by your permission. Does their youth and vigor make you relatively old and feeble? Not at all. Do you posess a boldness and a daring which you once had but now have lost? Never. Yours is the tradition and glory of leadership. It is written in your factories and mills. It is attested on your farms and meadows. It is certified in your giant financial institutions which have achieved not only nationwide but worldwide leadership.

All of these are fortified by the abundance of your soil and water resources; by your vast forest and mineral wealth; by the wisdom of your leaders; by the daring of your men and women; by the courage and fidelity in the souls of your sons and daughters.

SENATE

THURSDAY, MARCH 17, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Edward L. R. Elson, S.T.D., LL.D., minister, the National Presbyterian Church, Washington, D.C., offered the following prayer:

Eternal God, in the sacred silence of this moment, incline our thoughts to Thee, and to Thee alone. As we contemplate the majesty and perfection of Thy being, may our souls be purified and renewed in strength and beauty. Dispel all weariness of body or fretfulness of spirit, and put within us a new heart and a new mind full of grace and joy in serving Thee. Lift all the consultations of this body into the higher order of Thy kingdom.

Make this Nation, which Thou hast given us for our heritage, good enough, strong enough, and great enough for its solemn responsibilities, that its destiny and that of all mankind may be fulfilled according to Thy holy will.

In the great Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 16, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9228. An act for the relief of Rosina Gartling, Rosa Gartling, Gustav Gartling, and Adolph Gartling; and

H.R. 9560. An act for the relief of Dr. Ferenc Domjan and others.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the Judiciary:

H.R. 9228. An act for the relief of Rosina Gartling, Rosa Gartling, Gustav Gartling, and Adolph Gartling; and

H.R. 9560. An act for the relief of Dr. Ferenc Domjan and others.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXPRESSION OF APPRECIATION BY SENATOR MANSFIELD FOR CONGRATULATIONS ON HIS BIRTHDAY

Mr. MANSFIELD. Mr. President, I should like to take this occasion to extend my thanks to the Senator from Vermont [Mr. AIKEN], the Senator from Texas [Mr. JOHNSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Wyoming [Mr. MCGEE], who is presently the Presiding Officer, the Senator from Illinois [Mr. DIRKSEN], the Senator from Tennessee [Mr. GORE], the junior Senator from New York [Mr. KEATING], the senior Senator from New York [Mr. JAVITS], the Senator from Georgia [Mr. TALMADGE], the Senator from South Dakota [Mr. MUNDT], and the Senator from Delaware [Mr. FREAR] for the very many pleasant things they had to say about me on my birthday yesterday. I deeply appreciate their congratulations, but I

would say that the older we get, the more we think condolences rather than congratulations are in order. To all these friends, thank you and may you all have many happy birthdays in the years ahead.

ST. PATRICK'S DAY — BIRTHDAY CONGRATULATIONS TO SENATOR PASTORE AND SENATOR McGEE

Mr. JOHNSON of Texas. Mr. President, this is a day upon which Americans everywhere—whatever their ancestry—become sons of Ireland.

Shamrocks and green carnations sprout from every buttonhole. People who have never seen the Emerald Isle suddenly speak with a brogue. And the "wearing of the green" even tops the popularity of rock and roll.

The blessed Patrick becomes the patron saint of millions. And there is not a spot of orange anywhere to mar the color of the Gaelic skies.

But, Mr. President, the universal reverence for St. Patrick's Day is not just a bit of sentimentality on the part of Americans. It is a tribute to the rich contribution the Irish have made to our Nation.

Irish picks and Irish muscles built the railroads that span our continent. Irish humor has enlivened our scene. Irish courage has stood between our country and the aggressor at all times.

And, as everyone in our profession knows, it was certainly the Irish who taught us what we know about politics.

I am not going, on this day, to cite the Members of the Senate who can truly claim descent from the counties of Ireland. Early in life, I learned never to ask a man whether he is Irish.

There is an old saying that if he is Irish, he will tell you about it; if he is not Irish—why embarrass the man?

But, Mr. President, I do want to point out that for the Senate, this is a double celebration. We are not only commemorating St. Patrick's Day; we are celebrating the birthday of two of our distinguished Members.

One of them, the able junior Senator from Rhode Island, JOHN PASTORE, is one of the ablest, one of the finest, one of the most effective, one of the most genuine, and one of the most beloved Members of the Senate.

It is a little more than a coincidence that JOHN PASTORE was born on St. Patrick's Day. Senator PASTORE has displayed the courage and the leadership abilities for which the Irish are famous.

The Irish refer to themselves as the "Sons of the Mil." And historians speculate that the original founders may have been a Roman legion that landed on the island during the dim, misty days of early history.

And it is not difficult to find a connection between a son of the Romans and the sons of the Gaels.

I think that all of us share a deep respect and affection for JOHN PASTORE. And I know that the Irish do not for a moment begrudge sharing their national day with him.

The other colleague whose birthday we celebrate today is GALE McGEE, of Wyoming. It is my understanding that GALE McGEE is of Scotch descent. But Gaelic blood is a common bond among Gaels. And certainly anyone would be proud to claim the junior Senator from Wyoming, who in such a short time has distinguished himself in the Senate by such effective and dedicated service.

Mr. President, it has been said of the Irish that their songs are sad and their battles are gay. I do not presume to pass judgment upon either statement. But we do know that their haunting melodies and their gaiety have become permanent parts of our American life. And all of us, whatever our ancestry, share with them their pride in their history; and all of us, whatever our ancestry, are equally proud to be fellow Americans with them.

Mr. DIRKSEN. Mr. President, I am more than delighted to concur in these encomiums and these salutes and tributes, first to the great junior Senator from Rhode Island [Mr. PASTORE], who has greatly distinguished himself in public service, not only at the Federal level, but likewise at the State level, and also to the very distinguished junior Senator from Wyoming [Mr. McGEE].

Mr. President, this is a great day for all the O'Pastores, all the O'McGee's, all the O'Mansfields, all the O'Johnsons, and all the O'Dirksens, as we join in this enriching fellowship; and it is a great day as we salute one who has made such an indelible imprint upon history.

The other day I said I thought it was remarkable that, insofar as my memory and my knowledge of history go, St. Patrick is the only person whose death day, rather than whose birthday, is commemorated. He was such a humble person, he was a shepherd boy, and I presume his birth anniversary was lost in the dusk and the confusions of history. But history does identify the day when he left this earth; and that is the day that is celebrated by the children of the Gael in all parts of the world.

St. Patrick could not have persisted and endured in the remembrance of people unless their memory of him was predicated upon imperishable accomplishments and imperishable action. He was a great crusader who invigorated the faith of people. He was a great builder who left a legacy of schools and churches and monasteries. He was a great scholar who encouraged learning and the illumination of the sacred parchments. He was a great missioner who met every impediment and who met every resistance. And he was constantly fortified with a deep conviction and a deep faith.

So we salute one who left an imperishable imprint upon history; and that is why this day has endured.

Mr. President, I join with the majority leader in saluting the great qualities and attributes of the Irish.

It was my good fortune, 2 years ago, to be host to the President of Ireland in the State of Illinois. The distinguished Senator from New Hampshire [Mr. BRIDGES] and I extended a personal and cordial invitation to the President, when we were in Dublin, to come and to be our guest—the first President of Ireland to visit the United States of America.

And so I think of this sturdy race, who have a genius for government, who so deeply protest all despotism and all tyranny, and who have ever been in the forefront in the battles for freedom for humankind.

So this is something of a great day. It is a salute to those of the Irish race, including the Patron Saint who made such a contribution to the cause of human freedom, and I am delighted indeed to associate myself with it, and to join also in congratulations to our two very distinguished colleagues who can claim this as their natal day.

Mr. GREEN. Mr. President, today marks the 53d anniversary of the birthday of my Rhode Island colleague and very good friend, Senator JOHN O. PASTORE. In extending my heartfelt congratulations to him, I know I echo the sentiments of the people of our State, who respect him highly as a strong champion and dedicated public servant.

His unstinted industry, lively brilliance, and courage have won their highest esteem. For these sterling qualities they give him full credit. His gracious personality and lively wit have won their hearts. Some of our constituents do not give him full credit for these characteristics. They seem to reason that anyone lucky enough to be born on the 17th day of March, St. Patrick's Day, comes into this world endowed with the power to charm. Perhaps that is why on this worldwide feast of St. Patrick those who know JOHN PASTORE best always refer to him with the accent on his middle initial as JOHN O. PASTORE.

With the help of the Lord and the support of the people of Rhode Island, I have been most fortunate in having the opportunity to serve four terms in the Senate. This is my last year as the senior Senator from Rhode Island; and, as I say "happy birthday" to Senator PASTORE, who was born during my 40th year, I want to add that one of the greatest comforts I shall have when I leave the Senate will be the knowledge that he will fall heir to the title of "senior Senator from Rhode Island."

When somebody has a birthday, it is customary to extend him good wishes. I have been thinking about what I could wish for Senator PASTORE, and this thought comes to me. Today, I am the oldest Senator, in point of age, ever to serve in the U.S. Senate or Congress. My wish for Senator PASTORE is that he may have the life, the health, and the success some day to take this title away from me, too. At least, I will know that it stays in Rhode Island.

Mr. MANSFIELD. Mr. President, I am delighted to be here with 99 of my colleagues, all of whom, on this day at least, claim some descent from the Irish. I am happy to participate in the encomiums and the congratulations extended to the Senator from Wyoming [Mr. McGEE] who, in his period of service here, has made a record of distinction,

and certainly has justified the faith which the people of his State placed in him.

Mr. President, for years the Public Printer has been carrying in the CONGRESSIONAL RECORD as JOHN O. PASTORE the name of our distinguished colleague from Rhode Island. That spelling, while adequate in ordinary circumstances, is not genealogically correct, and is certainly not sufficient for this special day. I serve notice, therefore, that unless the name of the Senator from Rhode Island is spelled, for the purposes of these remarks, in accordance with its Gaelic origins rather than in accord with its later Latinization, I shall be compelled to offer a resolution to correct the RECORD.

On St. Patrick's Day the name of the Senator should appear in its correct genealogical form, that is, as JOHN O'PASTORE, with the apostrophe rather than the period. I stress the point because the Senator from Rhode Island, Mr. O'PASTORE, in spirit is as clearly a descendant of Ireland as the better known O'Briens, O'Hares, and O'Sullivans. Indeed, some of these great Irish clans have lost the "O" in migrating to the Americas, whereas the O'Pastores cling to it with typical Irish tenacity.

I have had occasion to witness at close hand the strong bond of the spirit which unites JOHN O'PASTORE to the Irish. He visited my State of Montana, where many other Irishmen have gone before him. In no time at all, he was besought to run for the Senate, as a native son, in place of both MURRAY and MANSFIELD. We compromised by making him the third Senator from the State, along with AIKEN, MCCARTHY, MONRONEY, MCGEE, O'MAHONEY, and MCNAMARA's band, and including—at least till July 11—JOHNSON, KENNEDY, SYMINGTON, and HUMPHREY, who, I hear, are running for some office or other—the name of which escapes me at the moment.

On another occasion, the Senator from Rhode Island and I were together in Eire. He accompanied me on a visit to my old aunts and uncles in Lowhill, Balinakill, Kilkenny. My relatives greeted me, properly, as somebody or other's son from America. For the Senator from Rhode Island, however, arms were thrown open in loving welcome as though for a long lost clansman returned to his native soil. For long nights thereafter, the talk over the village fires in Lowhill, Balinakill, was not of the Mansfield person from someplace-or-other called Montana. Rather, it was of the bright and smiling lad who is called SEAN O'PASTORE, and of the wonderous things he is bringing to pass in the U.S. Senate for another Ireland, a mite smaller, to be sure, but an Ireland, nevertheless, called Rhode Ireland.

Indeed, if JOHN O'PASTORE is now a living legend in Kilkenny, he is a living example of the finest Irish tradition, a man who fights the good fight for his people, his State and for the Nation. I wish to salute him on this St. Patrick's Day, his birthday as well, and to express again my deep respect and admiration for his outstanding public service, and my deep affection for him personally.

Mr. BUSH. Mr. President, I applaud the comments of those Senators who have spoken about my friendly neighbor from Rhode Island, and wish to say that it is a pleasure to see him sitting here today in the warmth of admiration and affection that we all feel for him; and I certainly wish him many happy returns of the day.

Likewise, to our newer colleague from Wyoming, I salute him and offer my congratulations on his birthday.

Mr. BRIDGES. Mr. President, I wish to congratulate my distinguished colleagues JOHN PASTORE and GALE MCGEE on the occasion of their birthdays, and to join in what the distinguished majority leader and minority leader have said about them.

We are delighted to have JOHN PASTORE come from New England, and to observe his very helpful fight for our section of the country. GALE MCGEE showed wisdom enough so that he chose a New Hampshire man as his administrative assistant.

Mr. ANDERSON. Mr. President, I was very much pleased a few moments ago to hear the senior Senator from Rhode Island pay tribute to the qualities of the junior Senator from Rhode Island. I was also interested in hearing the Irish expropriate him and assimilate him in the numbers of those who would enjoy St. Patrick's Day.

Speaking in behalf of the Scandinavian bloc in the Senate, I also wish to commend the able junior Senator from Rhode Island, and say to him, as I am sure others will say, we are glad he has reached this fateful turning point and is now past 50 years of age.

One of the finest things about the junior Senator from Rhode Island is the consuming interest he has in his family—the care and thought he demonstrates in regard to members of his family. Many, many times, while we were working in the Joint Committee on Atomic Energy, I have heard him express his interest in each one of his children. I have watched him with his children, and I am happy to pay tribute to him as he reaches the exalted age of 53 years.

Mr. MCGEE. Mr. President, I rise today, not green with envy, but green with pride, along with my colleague from Rhode Island.

I wish to add, so that the RECORD will be straight, that while I had very little to do with my birthday date I think it involved a considerable amount of planning. I have just come to the Chamber after having a telephone conversation long distance with my father. This is his birthday, also. I figure there was some kind of a prescribed fortuitiousness, that I should be his birthday gift. He is 85 years old today.

I take no credit for this happy coincidence. However, I suggest, in view of some of the things that have been said, that if our distinguished assistant majority leader, the Senator from Montana [Mr. MANSFIELD] had not been in such a hurry he would have been with us on this occasion today. His birthday was yesterday. We might have made it even a merrier crew.

Mr. BARTLETT. Mr. President the junior Senator from Wyoming is entirely too modest. Few things can have more importance than a birthday anniversary. Therefore, I should like to join my colleagues in extending greetings to the junior Senator from Wyoming and to the junior Senator from Rhode Island [Mr. PASTORE]; also to the junior Senator from Montana, whose anniversary falls so close to this day.

St. Patrick's Day babies must be a happy lot. I am on the other end of the scale, because my birthday happens to fall on the same day as that of Adolf Hitler. [Laughter.]

Since bouquets are being distributed here today—verbal as well as in the form of carnations—I hope that Senators have noted the fact that Members of the freshman class are wearing unusual green ties on this day. I wish to thank Mrs. Moss, the wife of the junior Senator from Utah [Mr. Moss] for having fashioned and made these ties for us freshmen. They are very elegant, and I know on that point there will be that which is so rare in any legislative body—unanimity.

Mr. SCOTT. Mr. President, I wish to join in the tributes of other Senators to our colleagues, the junior Senator from Rhode Island and the junior Senator from Wyoming, in congratulating them upon their birthdays, and in particular on having had the fortuitous prescience in selecting March 17 as their natal day.

All of us who have some Irish blood in our veins are proud of the fact that we exercise in this body one of the great privileges of the Irish, that is, to talk for as long as we want to talk. Surely, every Irishman everywhere must be very proud of the Senate of the United States and of all the Senators who have been exercising at such generous length one of the privileges of the Irish.

Mr. MCCARTHY. Mr. President, I wish to make one observation with respect to St. Patrick's Day. The green carnations which Senators are wearing have been supplied by the Ancient Order of Hibernians of the United States and Canada as a gesture of international good will on this particular day.

I desire to add my compliments to those which have already been paid to the Senator from Rhode Island [Mr. PASTORE] and the Senator from Wyoming [Mr. MCGEE], and to note especially that it is they who have been honored today, because on St. Patrick's Day, generally it is expected that only the Irish should be praised by the non-Irish. But in the Senate today, the Irish have been praisin the non-Irish on St. Patrick's Day. This is truly a high compliment which is being paid.

Mr. RUSSELL. Mr. President, I wish at this time to associate myself with all the complimentary expressions which may have been made to the Senator from Rhode Island. I know that all of them would be in that category, because Senators would be hard put to find anything to criticize in the life and public service of JOHN O'PASTORE. He possesses an unusual legal mind, and has a great power to express his thoughts in very few words.

I have often said that if I were in difficulty and were looking for a lawyer, I should like to have the distinguished Senator from Rhode Island [Mr. PASTORE] represent me. On occasion I have endeavored to have him do so here on the floor; but there are areas in which I have been unable to get him to assume that responsibility. [Laughter.]

But, Mr. President, I do have the greatest admiration and respect for the Senator from Rhode Island.

Mr. President, I am also informed that today is also the birthday of our able young colleague from Wyoming [Mr. McGEE].

The Senator has made a distinguished mark in the Senate during the time he has been here and I predict great things for him in the future. I would like to join with my colleagues in wishing the Senator from Wyoming, along with the Senator from Rhode Island, a most happy birthday.

Mr. KEATING. Mr. President, I wish to join my colleagues in extending felicitations to our two distinguished colleagues, Senator PASTORE and Senator McGEE. It is very fitting to have this celebration occur. I wish both of them long life, great happiness, and great prosperity.

Mr. President, it is also eminently fitting that today we join with all our fellow Americans of Irish descent in paying tribute to St. Patrick, who remains an undying symbol of the great Irish people. Today, the emerald green of Ireland is in rich evidence throughout our land, worn not only by the authentic descendants of Irish forebears, but also by the many millions of Americans who have adopted St. Patrick and proudly wear his traditional color on this time-hallowed day.

As a Senator whose own ancestors once called County Wexford home, I am particularly happy and honored to mark the day sacred to St. Patrick. Moreover, as a United States Senator from the State of New York, where so many fine Irish families have for generations enriched the life of the State, contributing to its growth, its character, and its prosperity, I find special reason to associate myself with the many tributes that will be paid to St. Patrick today in the city of New York and throughout the entire State and the entire Nation.

Mr. President, while we Irish are claiming to be the first in everything, as is our birthright, particularly on this day, let me say that, incidentally, I am not surprised to find among the advocates of the pending civil-rights bill, and among those who favor strengthening all our civil rights laws, so many who are of Irish descent. Perhaps as keenly as any group that exists, we have felt the sting of discriminatory treatment; and I am sure no group has fought harder for the right to vote for its own leaders. Therefore, Mr. President, it is particularly fitting that while we are in the midst of this important civil rights debate, we celebrate this day.

Mr. YARBOROUGH. Mr. President, I desire to have the privilege of associating myself with all of the commendatory remarks that have been made today about the distinguished junior Senator from Rhode Island [Mr. PASTORE], this being his birthday, which is commemorated on the same day as that on which the memory of St. Patrick is observed.

The Senator from Rhode Island has an enviable record in this body, and he has an enviable record outside of this body. The distinguished Senator from Rhode Island's achievements might be noted, on one score, in the fact that he has already been granted, during his services in this body, which have not yet been long, honorary degrees by at least seven American universities and colleges in recognition of his outstanding leadership.

Mr. President, it is my privilege to serve on one committee with the distinguished junior Senator from Rhode Island, the Interstate and Foreign Commerce Committee. A matter seldom comes before that committee which does not receive the benefit of his sharp reasoning and his facility for expression. We all envy his ability to express himself on the floor of the Senate. Unfortunately, he is not always on the same side as I am. I wish he were, because, for extemporaneous speech, he has few equals in the Senate, and no superior.

As one who was a practicing lawyer until I came to the Senate a little less than 3 years ago, I marvel at his ability to grasp the content of a bill which had not even been before his committee, his aptitude for incisive reasoning and logic, and his sharpness and ability in debate.

It is a privilege to serve in a body in which the distinguished Senator from Rhode Island is one of the ornaments, and to have the benefit that comes from associating with sharp minds is one of the rewards of serving in this body. To be able to lock horns with the Senator from Rhode Island, or to be fortunate enough to be on the same side with him, is a privilege. I congratulate him on his birthday, and hope that he will have many more active years in the Senate.

Mr. KUCHEL. Mr. President, with all their other friends and colleagues here in the Senate, I want to be associated on the occasion of the birthday greetings received by the junior Senator from Rhode Island, Mr. JOHN O'PASTORE, and the junior Senator from Wyoming, Mr. GALE McGEE.

I imagine on this great St. Patrick's Day Mr. PASTORE will interpose no objection if the printer eliminates a period after his middle initial and substitutes, at least for 24 hours, an apostrophe.

I have great pride in calling the Senator from Rhode Island my good friend. I have known him as a friend ever since I first came to the Chamber.

I call GALE McGEE a friend, too, although my years of knowing him have not extended as long as those in which I have known the junior Senator from Rhode Island.

I wish many happy returns of the day to both of them on this occasion.

Mr. HILL. Mr. President, I want to join in the tribute to my good friend Senator PASTORE and to extend to him my warmest congratulations on his birthday. He is so able, so brilliant of intellect, so powerful in his analysis and exposition and so persuasive in his eloquence that I have long since given him the richly deserved accolade of the little giant. He is ever the gentleman and the scholar and his character and his devotion to our country is a challenging example to all of us. I salute him—the friend, the patriot, the statesman.

Mr. PASTORE. Mr. President, my colleagues this afternoon have been overly generous in their commendatory remarks, and I rise at this time to express my deep appreciation. The remarks may not be true—and I doubt very much that they are—but indeed, being a mortal as I am, I appreciate them nevertheless.

Mr. President, throughout this entire land today our people rise, in one part and another, to pay tribute to the Irish people. It has been said on the floor of the Senate that the Irish gave of their muscle to build the railroads, gave of their humor and their wit to bring laughter and gladness to sad hearts, and exhibited tremendous courage in times of crisis. Indeed, they have done so.

Mr. President, spirituality is the very essence of our democratic system. We believe in and we revere the dignity of man. We revere the thought of equal opportunity for all in this great blessed land which is known as the United States of America.

Today I think the one outstanding tribute which must be paid to the Irish people as a race is that while all other racial strains and all other religious groups have made their contribution to the development and to the grandeur of this great country of ours, indeed the Irish consistently have made one magnificent contribution to the bounty. The Irish have given richly of their sons and daughters to the religious community of our great Nation—men and women who have been dedicated to and devoted to building up the moral fiber of our children and of the people of this country as a whole.

Today if I were to pay a single tribute to the Irish, it would be to thank God as humbly as I can for all the priests, brothers, and nuns they have given to the religious life of the United States. They have done this in order that our children may be given the moral fiber and the understanding to be good Americans, and to be devoted and law-abiding citizens.

REPORT ON CONTRACTUAL ACTIONS TAKEN TO FACILITATE THE NATIONAL DEFENSE

The VICE PRESIDENT laid before the Senate a letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, a report on contractual actions taken in the calendar year 1959 to facilitate the national defense, which with the accompanying papers, was referred to the Committee on the Judiciary.

PETITION

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from the Conference of Jewish Women's Organizations, Los Angeles, Calif., signed by Bertie Kashare, president, expressing sorrow at the death of the late Senator Richard L. Neuberger, of Oregon, which was ordered to lie on the table.

REPORT ON USE OF FOREIGN CURRENCIES BY COMMITTEES AND JOINT COMMITTEES OF THE SENATE

Mr. HAYDEN. Mr. President, the Mutual Security Act of 1958, chapter IV, section 502(b) requires the Committee on Appropriations to publish in the CONGRESSIONAL RECORD, within 10 legislative days after receipt, the consolidated report of each committee of the Senate, and each joint committee whose funds are disbursed by the Secretary of the Senate, using foreign currencies during the preceding year. I ask unanimous consent to have printed in the RECORD a summary table showing the total amounts of foreign currencies used by all committees as well as the individual reports from the committees.

There being no objection, the summary table was ordered to be printed in the RECORD, as follows:

Report on foreign currencies and U.S. dollar equivalents, utilized by committees of U.S. Senate, for the period Jan. 1, 1959, to Dec. 31, 1959 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)

Committee	Transportation	Lodging	Meals	Other	Total
Aeronautical and Space Sciences	$539.71	$504.50	$299.43	$467.19	$1,810.83
Appropriations	8,192.86	6,815.19	4,928.56	3,024.49	22,961.10
Armed Services	1,993.05	4,624.36	3,849.77	1,544.45	12,021.63
Foreign Relations	3,591.25	4,281.34	3,262.15	2,311.22	13,445.96
Interior and Insular Affairs	1,740.82	4,011.50	5,966.00	1,394.52	13,112.84
Interstate and Foreign Commerce	12,148.31	6,268.17	4,787.20	3,367.56	26,571.24
Judiciary	11,116.23	2,243.24	3,008.15	854.26	17,221.88
Post Office and Civil Service	4,526.71	1,431.72	1,688.72	550.65	8,197.80
Public Works	4,752.00	974.00	697.00	360.00	6,783.00
Rules and Administration	351.80	438.75	266.67	570.68	1,627.90
Joint Committee on Atomic Energy	11,273.59	3,310.10	3,625.47	1,745.50	19,954.66
Joint Economic Committee	1,265.17	276.72	321.25	259.07	2,122.21
Total	61,491.50	35,179.59	32,700.37	16,459.59	145,831.05

COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
United Kingdom	Pound	112.19.0	$316.26	90.10.10	$253.51	31.4.0	$88.32	48.16.6	$136.71	283.17.2	$794.80
West Germany	Deutsche mark	168	40.00	147	35.00	168	40.00	357	85.00	840	200.00
Switzerland	Franc	620	143.19	360	83.14	340	78.52	540	124.71	1,860	429.56
Italy	Lira	25,000	40.26	82,500	132.85	57,500	92.59	475,000	120.77	240,000	386.47
Total dollar equivalent			539.71		504.50		299.43		467.19		1,810.83

LYNDON B. JOHNSON.

COMMITTEE ON APPROPRIATIONS

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Argentina	Peso			3,084	$37.00	2,700	$32.40	716	$8.60	6,500	$78.00
Belgium	Franc	4,500	$90.00	2,000	40.00	3,000	60.00	1,500	30.00	11,000	220.00
Brazil	Cruzeiro			16,875	87.76	21,208	110.26	11,392	59.25	49,475	257.27
Cambodia	Rial	2,625	75.00	3,150	90.00	2,100	60.00	1,125	32.14	9,000	257.14
Chile	Peso			16,875	15.62	4,125	4.14	4,000	4.03	25,000	23.79
Colombia	do	12,665	1,584.20	1,805	227.42	1,856	233.50	868	107.08	17,194	2,152.20
Denmark	Kroner	250	37.77	450	65.03	350	50.58	100	14.45	1,150	167.83
England	Pound	30	75.00	25	62.50	35	87.50	10	25.00	100	250.00
Formosa	New Taiwan dollar			9,300	232.50	7,843	196.07	994	24.86	18,137	453.43
France	Franc	122,570	290.96	83,000	219.01	71,795	179.17	47,635	117.57	325,000	806.71
Germany	Deutsche mark	14,458	3,442.11	702	167.10	772	183.77	218	52.02	16,150	3,845.00
Hong Kong	Hong Kong dollar	561	98.33	4,591.40	805.50	3,333.50	584.79	3,415.10	600.30	11,901	2,088.92
India	Rupee	1,675	334.68	3,846	814.23	1,724	365.36	1,244	264.13	8,489	1,778.40
Israel	Israeli pound	249	138.33	486	270.00	162.5	90.17	130.73	72.19	1,028.23	570.69
Italy	Lira	39,420	63.48	103,995	167.45	133,486	214.83	225,158	362.70	502,059	808.46
Japan	Yen	20,786	755.69	220,400	612.22	155,800	432.79	53,964	149.89	450,950	1,950.59
Jordan	Dinar	8	22.56	19.905	56.13	26.165	73.79	5.43	15.31	59.5	167.79
Korea	Hwan							90,000	180.00	90,000	180.00
Lebanon	Lebanese pound	62.07	36.62	1,072.44	533.28	719.91	365.01	265.22	126.75	2,119.64	1,061.66
Netherlands	Guilder	3,697	972.79	450	120.70	650	171.88	175	45.79	4,972	1,311.16
Pakistan	Rupee			402	85.00	146.5	31.04	362.5	76.76	911	192.80
Peru	Sole			4,026.30	148.44	3,700.70	136.72	2,061	76.34	9,788	361.50
Philippines	Peso			572	286.00	181	90.50			753	376.50
Spain	Peseta			36,900	615.00	27,000	450.00	11,601	193.35	75,501	1,258.35
Thailand	Baht	2,190	104.25	7,122	339.05	5,157	245.45	3,668	172.37	18,137	861.12
Turkey	Lira	90	10.00	3,744	416.00	3,420	380.00	1,533.24	167.36	8,787.24	973.36
United Arab Republics	Egyptian pound	21	47.25	41	92.25	8	18.00	5	11.25	75	168.75
Vietnam	Piaster	1,006	13.84	15,304	210.00	5,888	80.84	2,552	35.00	24,750	339.68
Total dollar equivalent			8,192.86		6,815.19		4,928.56		3,024.49		22,961.10

CARL HAYDEN.

Report on foreign currencies and U.S. dollar equivalents, utilized by committees of U.S. Senate, for the period Jan. 1, 1959, to Dec. 31, 1959 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)—Continued

SENATE ARMED SERVICES COMMITTEE

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Austria	Schilling	260	$10.00	1,950	$75.00	2,080	$80.00	858	$33.00	5,148	$198.00
Denmark	Krone	64	9.60	194	29.00	126	18.75	31	4.65	415	62.00
Formosa	Dollar			2,092	52.30	1,046	26.15			3,138	78.45
France	Franc	556,390	1,139.00	329,510	671.00	276,250	562.50	147,300	305.00	1,309,650	2,677.50
Germany	Deutsche mark	995	237.00	2,209	526.38	2,424	577.12	1,065	253.55	6,693	1,594.05
Ghana	Pound			12	33.60	8	22.40			20	56.00
Hong Kong	Dollar			1,120	206.74	1,500	280.72	380	73.00	3,000	560.46
India	Rupee			500	105.00	250	52.50			750	157.50
Israel	Pound			570	316.66	285	158.33			855	474.99
Italy	Lira	43,570	70.20	585,590	942.26	547,194	881.26	348,490	561.50	1,524,844	2,455.22
Japan	Yen			204,000	571.00	135,300	375.50	34,000	95.00	373,300	1,041.50
Jordan	Jordan dinar			35	99.40	15	43.03			50	142.43
Korea	Hwan			19,000	38.00	6,000	12.00			25,000	50.00
United Kingdom	Pound	18.33	51.25	137.77	385.70	151.50	424.20	74.15	207.75	381.75	1,068.90
Netherlands	Guilder	1,755.6	462.00							1,755.6	462.00
Nigeria	Pound			15	42.80	15	42.80			30.00	85.60
Philippines	Peso			167	83.50	83	41.50			250.00	125.00
Spain	Peseta	840	14.00	8,018	133.63	4,890	81.50	1,380	21.00	15,128	250.13
Switzerland	Franc			660	152.43	340	78.52			1,000	230.95
Thailand	Baht			2,000	93.96	1,000	46.99			3,000	140.95
Turkey	Lira			600	66.00	400	44.00			1,000	110.00
Total dollar equivalent			1,993.05		4,624.36		3,849.77		1,554.45		12,021.63

RICHARD B. RUSSELL.

COMMITTEE ON FOREIGN RELATIONS

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Japan	Yen	11,379	$31.62	106,472	$300.75	99,227	$276.78	14,608	$40.60	231,686	$649.75
Vietnam	Piaster	6,406	87.10	50,343	683.69	32,859	455.34	10,127	141.17	99,735	1,367.30
Hong Kong	Hong Kong dollar.	330.30	53.37	1,622.60	269.62	1,664.70	270.36	743.40	125.30	4,361	716.65
Thailand	Baht	500.00	23.75	3,330.70	158.82	1,912.90	91.08	1,177.00	55.62	6,920.60	329.27
Indonesia	Rupiah					37,850	841.18	6,450	143.24	44,300	984.42
Jordan	Dinar	18,000	51.12	72,070	202.61	37,800	106.36	52,755	147.72	180,625	507.81
India	Rupee	522	111.07	1,562.28	330.31	379.64	80.21	1,601.08	338.24	9,065.00	859.83
Pakistan	do			124.00	26.27	47.38	10.34	47.20	10.00	220.00	46.61
Ceylon	do			829.45	174.18	65.30	13.72	94.30	19.56	989.05	207.46
Laos	Kip							5,250	150.00	5,250	150.00
Lebanon	Pound	53.19	16.62	288.25	90.07	120.56	37.68	48	15.00	510.00	159.37
U.A.R.	do	21.00	47.25	76.09	171.20	19.16	43.11	24.35	54.79	140.60	316.35
Israel	do	15	8.33	234	130.00	43.5	24.17	12.5	6.95	305	169.45
Germany	Deutsche mark	11,092.11	2,640.98	252	60.00	372	88.57	168	40.00	11,884.11	2,829.55
France	Franc							21,340	45.56	21,340	45.56
Italy	Lira							11,240	18.12	11,240	18.12
Spain	Peseta	13,900	232.65	10,944	180.15	7,007	115.95	12,699	213.75	44,550	742.50
Australia	Pound	97.9.0	218.52	123.6.6	278.00	170.18.2	386.17	165.6.4	372.64	557.0.0	1,255.33
Argentina	Peso	1,834	22.27	29,845	362.42	5,200	63.15			36,879	447.84
Brazil	Cruzeiro	6,080	32.45	46,916	251.16	41,980	223.78	27,669	146.40	122,645	653.79
Chile	Peso							30,900	29.40	30,900	29.40
Colombia	do			1,646	235.14	714	102.00	949.26	136.90	3,309.26	474.04
Peru	Sol	392	14.15	10,497	378.95	892	32.20	1,669	60.26	13,450	485.56
Total			3,591.25		4,281.34		3,262.15		2,311.22		13,445.96

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Australia	Pound	13	$30.00	107	$240.00	119	$268.00	11	$25.00	250	$563.00
Denmark	Krone	3,421	295.00	13,260	1,950.00	22,100	3,250.00	6,730	975.00	45,511	6,470.00
Finland	Markka	9,570	30.00	58,640	185.00	98,890	310.00	31,900	100.00	199,000	625.00
France	Franc	64,998	130.00	220,710	450.00	380,122	775.00	110,360	225.00	776,190	1,580.00
Germany	Mark			150	35.70	350	83.30			500	119.00
Hong Kong	Dollar	1,946	348.00	1,168	200.00	886	150.00			4,000	698.00
Japan	Yen	48,600	135.00	110,200	320.00	160,200	445.00			319,000	900.00
Netherlands	Guilder	50	13.15	125	32.88	125	32.88	40	10.52	340	89.43
New Zealand	Pound	30	84.00	36	100.00	37	107.00	22	59.00	125	350.00
Norway	Krone	200	28.17							200	28.17
Philippines	Peso	100	50.00	350	175.00	350	175.00			800	400.00
Poland	Zloty			1,191	35.00	3,836	70.00			5,027	105.00
Sweden	Krona	3,000	580.28	1,450	287.92	1,700	299.82			6,150	1,168.02
United Kingdom	Pound	6.2	17.22							6.2	17.22
Total dollar equivalent			1,740.82		4,011.50		5,966.00		1,394.52		13,122.84

JAMES E. MURRAY.

Report on foreign currencies and U.S. dollar equivalents, utilized by committees of U.S. Senate, for the period Jan. 1–Dec. 31, 1959 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)—Continued

SENATE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Australia	Pound	7.19.0	$17.92	46.9.0	$103.90	26.18.10	$60.32	19.17.8	$44.54	101.4.6	$226.68
Belgium	Franc			3,250	65.00	2,598	51.96			5,848	116.96
Cambodia	Riel	600	17.14	472	13.40	2,800	80.00	3,600	102.86	7,472	213.40
Egypt	Egyptian pound	108.060	257.60	105.034	263.86	85.000	226.71	30,076	79.72	328,170	827.89
England	Pound	282.19.6	792.32	259.17.2	728.42	151.5.5	424.14	114.6.1	320.06	808.18.2	2,264.94
France	Franc	215,817	439.32	416,308	857.20	237,514	488.17	238,912	484.00	1,108,551	2,268.69
Germany	Deutsche mark	18,831.86	4,490.87	1,652.95	394.15	1,329.14	316.76	1,512.96	361.15	23,326.91	5,562.93
Greece	Drachma	110	3.66	1,030	34.33	1,300	43.33	360	12.00	2,800	93.32
Hong Kong	Dollar	1,718.75	301.58	3,328.45	584.10	2,206.50	387.24	1,521.30	266.90	8,775	1,539.82
India	Rupee	851	181.84	1,213.34	258.77	932	198.22	743	157.99	3,739.34	796.82
Ireland	Pound	42.2.0	117.88	12.6.0	34.44	12.12.0	35.28	3.0.0	8.40	70.0.0	196.00
Israel	Israeli pound	341	188.83	774	429.25	523.5	289.17	771.5	426.97	2,410	1,334.22
Italy	Lira	711,268	1,144.34	457,706	734.04	410,230	657.72	266,124	426.90	1,845,328	2,963.00
Japan	Yen	8,538	721.66	34,793	96.60	26,457	73.40	4,750	13.10	74,538	904.76
Jordan	Dinar	8	22.56	22	61.57	29	81.88	27	77.32	86	243.33
Kenya	East African shilling	800	112.00	510	71.40	855	119.70	1,515	222.10	3,680	525.20
Lebanon	Lebanese pound	53.19	16.62	340	106.25	88.8	27.75	48	15.00	530	165.62
Netherlands	Guilder	11,366.75	2,991.25	200	52.63	180	47.37	20	5.26	11,766.75	3,096.51
Pakistan	Rupee			118	25.00	28.5	6.04	23.5	4.98	170	36.02
Philippines	Peso	20.00	10.00	87.20	43.60	50.00	25.00	34.30	17.15	191.50	95.75
Portugal	Escudo	1,393	48.34	5,132	178.23	4,890	169.70	1,531	53.12	12,946	449.39
Saigon	Piaster	1,006	13.84	9,099	125.00	4,168	57.28	727	10.00	15,000	206.12
Spain	Peseta	5,820	97.00	15,100	251.67	13,490	224.83	4,680	78.00	39,090	651.50
South Africa	South African pound	25.4	70.34	161	449.64	191	533.15	28	78.18	405.4	1,131.31
Sweden	Krona			120	23.21	70	13.54			190	36.75
Taiwan	Dollar	107	2.40	1,311.60	35.20	300.40	7.50	320	8.00	2,039	53.10
Thailand	Baht	1,530	72.42	3,308	156.49	2,174	102.85	1,444	68.30	8,456	400.06
Vienna	Shilling			1,000	38.46					1,000	38.46
Vietnam	Piaster	674	16.58	2,195	52.36	1,490	38.19	1,001	25.56	5,360	132.69
Total dollar equivalent			12,148.31		6,268.17		4,787.20		3,367.56		26,571.24

WARREN G. MAGNUSON.

COMMITTEE ON THE JUDICIARY

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Australia	Pound			4.0.0	$9.00	4.5.3	$9.59			8.5.3	$18.59
Austria	Schilling			624.00	24.00	490.10	18.85	52.00	$2.00	1,166.10	44.85
France	Franc	342,128	$698.57	295,490	603.04	469,460	958.09	138,898	283.47	1,245,976	2,543.17
Germany	Deutsche mark	31,388.82	7,473.54	199,950	476.12	226,272	538.71	95,976	228.43	36,610.80	8,716.80
Greece	Drachma	950	31.67	2,380	79.34	5,140	171.33	835	27.82	9,305	310.16
Israel	Pound			55,800	31.00	44,244	24.58			100,044	55.58
Italy	Lira	240,139	386.26	310,533	499.60	459,134	738.61	99,932	160.79	1,109,738	1,785.26
Netherlands	Guilder	7,729.00	2,033.95							7,729.00	2,033.95
Portugal	Escudo	120,770	42.24	471,640	164.96	701,680	245.43	1,622.00	56.88	14,562.90	509.51
Switzerland	Franc	1,694.20	394.00	840.13	195.38	695.05	161.64	227.34	52.87	3,456.72	803.89
United Kingdom	Pound	20.0.0	56.00	57.8.7	160.80	50.2.1	141.32	15.0.0	42.00	142.10.8	400.12
Total dollar equivalent			11,116.23		2,243.24		3,008.15		854.26		17,221.88

JAMES O. EASTLAND.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Austria	Schilling			3,900.00	$150.00	4,600.00	$176.93	1,500.00	$57.69	10,000.00	$384.62
France	Franc	325,003.00	$663.27	178,434.75	330.26	210,461.50	389.56	68,628.75	127.02	782,528.00	1,510.11
Germany	Deutsche mark			1,801.80	429.00	2,125.20	506.00	693.00	165.00	4,620.00	1,100.00
Greece	Drachma			4,680.00	156.00	5,520.00	184.00	1,800.00	60.00	12,000.00	400.00
Netherlands	Guilder	10,966.15	2,906.29							10,966.15	2,906.29
Switzerland	Franc	1,450.00	343.05	626.93	148.06	739.45	174.63	241.12	56.94	3,057.50	722.68
United Kingdom	Pound	217.47	614.10	78.00	218.40	92.00	257.60	30.00	84.00	417.47	1,174.10
Total dollar equivalent			4,526.71		1,431.72		1,688.72		550.65		8,197.80

OLIN D. JOHNSTON.

Report on foreign currencies and U.S. dollar equivalents, utilized by committees of U.S. Senate, for the period Jan. 1–Dec. 31, 1959 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)—Continued

COMMITTEE ON PUBLIC WORKS

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Denmark [1]	Krone	31,362	$4,612	5,472	$805	3,219	$473	1,984	$291	42,037	$6,181
Finland	Markka	4,000	13	8,000	25	16,000	50	4,000	12	32,000	100
Poland	Zloty	275	5	1,100	20	1,260	23	1,116	20	3,751	68
France	Franc	59,740	122	60,890	124	73,878	151	18,190	37	212,698	434
Total dollar equivalent			4,752		974		697		360		6,783

[1] Includes purchase of intourist coupons for 59 days (2 persons) in U.S.S.R. and $4,224.80 air travel from United States to Russia and return.

DENNIS CHAVEZ, *Chairman.*

COMMITTEE ON RULES AND ADMINISTRATION

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
France	Franc	172,474	$351.80	215,505	$438.75	129,879	$266.67	279,799	$570.68	797,657	$1,627.90
Total dollar equivalent			351.80		438.75		266.67		570.68		1,627.90

THOMAS C. HENNINGS, Jr., *Chairman.*

JOINT COMMITTEE ON ATOMIC ENERGY

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Austria	Schilling	55,456	$2,132.90	33,472	$1,287.37	33,210	$1,277.23	20,497	$788.35	142,635	$5,485.85
Poland	Zloty	1,800	32.73	2,880	52.36	3,970	72.18	1,571	28.56	10,221	185.83
Finland	Finmark					2,975	9.33	9,852	30.80	12,800	40.13
Sweden	Krone	1,222	235.45	365	70.33	503	96.91	174	33.53	2,264	436.22
Norway	do	44	6.20	223	31.40	204	28.73	22	3.10	493	69.43
Denmark	do	1,905	276.09	1,788	259.13	1,806	261.74	421	61.02	5,920	857.98
Netherlands	Guilder	14,562	3,832.11							14,562	3,832.11
Spain	Peseta					7,280	121.33			7,280	121.33
United Kingdom	Pound	139.8.0	390.34	37.5.8	104.36	5.0.0	14.00	16.13.4	46.63	198.7.0	555.33
Switzerland	Franc	6,081	1,427.64	1,127	258.90	1,191	267.31	127	28.95	8,526	1,982.80
Belgium	do	6,743	134.86	9,664	193.28	12,226	244.52	3,730	74.60	32,363	647.26
Italy	Lira	870,675	1,402.05	74,520	120.00	25,480	41.03			970,675	1,563.08
Germany	Deutsche mark	30	7.14	313	74.52	37	8.81	20	4.76	400	95.23
France	Franc	683,459	1,396.08	420,151	858.45	578,864	1,182.35	317,725	645.20	2,000,199	4,082.08
Total dollar equivalent			11,273.59		3,310.10		3,625.47		1,745.50		19,954.66

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON ATOMIC ENERGY,
March 2, 1960.

HON. CARL HAYDEN,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR SENATOR HAYDEN: In accordance with the provisions of section 502(b) of the Mutual Security Act of 1954, as amended, there is submitted herewith an itemized report showing the amounts in dollar equivalent values of foreign currencies expended by members and staff of the Joint Committee on Atomic Energy, in connection with attendance by committee members as congressional advisers at the Geneva Conference on Suspension of Nuclear Weapons Tests, the third general conference of the International Atomic Energy Agency in Vienna, and visits to various atomic installations abroad.

The period covered in the report is from June 28, 1959, to October 19, 1959. The countries visited were: Austria, Poland, U.S.S.R., Finland, Sweden, Norway, Denmark, Belgium, France, Italy, West Germany, Spain, Switzerland, the Netherlands, and Great Britain.

The members of the Joint Committee and staff who attended the conferences and visited one or more of the above countries are as follows:

Senator Bourke B. Hickenlooper; Senator Albert Gore; Senator Wallace F. Bennett; Representative Chet Holifield; Representative James E. Van Zandt; Representative Melvin Price; Representative Craig Hosmer; Edward J. Bauser, staff technical adviser; John T. Conway, assistant executive director; Richard T. Lunger, staff consultant; Robert M. McKinney, consultant to the committee; and George F. Murphy, professional staff member.

In addition, the following representative of other agencies or departments accompanied the Joint Committee in the capacity of liaison officers: Comdr. Thomas Brady, U.S. Navy, Department of Defense; Thomas D. Huff, Department of State.

The attached table lists by country the amounts of foreign currencies expended and their dollar equivalents. It breaks down the expenditures in the following categories: Transportation, meals, lodgings, and other expenses. It should be noted that while the committee did not visit the Netherlands, this country was listed because counterpart Dutch guilders were utilized in payment for some of the transportation. In addition, some members and staff visited the U.S.S.R. However, Austrian schillings were used rather than Soviet rubles. Therefore, expenditures within the U.S.S.R. are combined with Austrian expenses.

The total expenditure in counterpart funds for calendar year 1959 for the Joint Committee on Atomic Energy was $19,954.66.

Sincerely yours,

CLINTON P. ANDERSON,
Chairman.

Report on foreign currencies and U.S. dollar equivalents utilized for the period Jan. 1–Dec. 31, 1959 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)

JOINT ECONOMIC COMMITTEE

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
France	Franc	11,500	$23.25	38,950	$77.78	46,000	$92.12	56,550	$114.47	153,000	$307.62
Denmark	Krone	39.5	5.71	114.65	16.57	85.5	12.37	10.5	1.52	250.15	36.17
Italy	Lire	831,555	1,186.83	39,300	62.88	60,090	96.14	39,700	63.68	1,027,445	1,409.53
West Germany	Deutsche mark	23	5.48	217.85	51.85	216.85	51.54	150	35.72	607.7	144.59
Belgium	Franc	375	7.50	1,863	37.26	1,235	24.70	1,680	33.60	5,153	103.06
England	Pound sterling	13.0	36.40	10.17	30.38	15.17	44.38	3.12	10.08	43.6	121.24
Total dollar equivalent			1,265.17		276.72		321.25		259.07		2,122.21

PAUL H. DOUGLAS

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LAUSCHE:

S. 3216. A bill for the relief of Anton Urbancic and Antonia Urbancic; to the Committee on the Judiciary.

By Mr. ANDERSON (by request):

S. 3217. A bill to waive certain restrictions of the New Mexico Enabling Act with respect to certain sales of lands granted to the State by the United States; and to consent to an amendment of the constitution of the State of New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. SCHOEPPEL:

S. 3218. A bill for the relief of Mah Ngim Bell (Bill Mah); and

S. 3219. A bill for the relief of Mah Ngim Hay (Joe Mah); to the Committee on the Judiciary.

By Mr. BUTLER:

S. 3220. A bill to amend the Internal Revenue Code of 1954 so as to allow a deduction for payments of redeemable ground rent and for real property taxes paid on property subject to redeemable ground rent; to the Committee on Finance.

(See the remarks of Mr. BUTLER when he introduced the above bill, which appear under a separate heading.)

By Mr. EASTLAND:

S. 3221. A bill directing the Secretary of the Interior to convey certain property in the State of Mississippi to the heirs of H. A. McNemar; to the Committee on Interior and Insular Affairs.

By Mr. BARTLETT (for himself and Mr. GRUENING):

S. 3222. A bill to authorize the modification or reconstruction of certain works of the Eklutna project, Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S. 3223. A bill for the relief of John W. Bos; to the Committee on the Judiciary.

By Mr. BRIDGES (for himself, Mr. BYRD of Virginia, Mr. CURTIS, and Mr. COTTON):

S.J. Res. 174. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

(See the remarks of Mr. BRIDGES when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. MURRAY (for himself and Mr. MANSFIELD):

S.J. Res. 175. Joint resolution to authorize the Secretary of the Interior to defer the reclassification of certain lands of the Malta Irrigation District, Milk River Federal reclamation project, Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MURRAY when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

STUDY OF ACTIVITIES IN CERTAIN CENTRAL AND SOUTH AMERICAN COUNTRIES

Mr. CURTIS submitted the following resolution (S. Res. 292); which was referred to the Committee on Foreign Relations:

Whereas activities directed toward the removal of heads of government in certain Central American and South American countries seek to depose leaders of governments friendly to the United States; and

Whereas these activities may be a cumulative effort tending toward a conspiracy to depose heads of governments inimical to international communism: Therefore be it

Resolved, That the Senate Committee on Foreign Relations, or a subcommittee thereof, make appropriate studies of these activities for the purpose of advising the Senate whether the Monroe Doctrine is being violated and whether existing statutes and treaties enable the United States to take any actions that may be necessary or desirable to avoid encroachment upon governments of Western hemispheric countries who seek to resist international communism.

PROGRAM OF U.S. EXPORT CREDIT GUARANTEES BY EXPORT-IMPORT BANK OF WASHINGTON

Mr. JAVITS (for himself and Mr. KEATING) submitted a resolution (S. Res. 293) relative to the effectiveness of the program of export credit guarantees carried out by the Export-Import Bank of Washington, which was referred to the Committee on Banking and Currency.

(See the above resolution printed in full when submitted by Mr. JAVITS, which appears under a separate heading.)

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO DEDUCTION FOR PAYMENTS OF CERTAIN GROUND RENT

Mr. BUTLER. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 so as to allow a deduction for payments of redeemable ground rent and for real property taxes paid on property subject to redeemable ground rent. I ask unanimous consent to have printed in the RECORD a statement, prepared by me, relating to the bill.

The PRESIDING OFFICER (Mr. COTTON in the chair). The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3220) to amend the Internal Revenue Code of 1954 so as to allow a deduction for payments of redeemable ground rent and for real property taxes paid on property subject to redeemable ground rent, introduced by Mr. BUTLER, was received, read twice by its title, and referred to the Committee on Finance.

The statement presented by Mr. BUTLER is as follows:

STATEMENT BY SENATOR BUTLER

Presently pending before the House Ways and Means Committee as part of the Technical Amendments Act of 1960, H.R. 9625 and its companion bill, H.R. 9626, section 4, is an amendment to the Internal Revenue Code which would have the effect of negating recent Court decisions relating to the tax treatment of ground rents. I oppose that section of the bill.

For a number of years the Treasury Department has treated the sale of property subject to annual ground rent as a mortgage transaction; that is, in computing the amount of taxable gain on the sale of property impressed with a ground rent Treasury took into consideration as part of the sale price the redemption value of the ground rent. This amount, which is computed by capitalizing the annual ground rent at 6 percent, was added to the actual selling price and the seller's profit was computed and taxed accordingly. In subsequent years, an interest deduction was granted to the purchasing home owner for his annual ground rent payments. The home owner was also permitted to deduct all real estate taxes he paid on the property notwithstanding that part of the taxes were attributable to the house and part to the land.

It should be noted that a Maryland State law permits a homeowner whose land is impressed with a ground rent to redeem it after 5 years, if he so desires, by capitalizing the ground rent at 6 percent. There is no requirement that he do so and if he doesn't choose to, the builder will never receive the redemption value of the ground rent unless he sells his interest.

In 1956, the U.S. Fourth Circuit Court of Appeals in the Simmers case, and subsequently the tax court in the Welsh Homes case, held that the Treasury Department

could not tax the seller according to its previous practice. Those cases held that when property is sold subject to ground rents, the seller sells only his leasehold interest in the property and retains a reversionary interest. The cases stated that the redemption value of the reversionary interest could not be taxed until it was actually sold, or redeemed by the homeowner. Thus, the decisions postponed the taxable event from the time of the sale of the leasehold interest until the time of sale or redemption of the reversionary interest.

H.R. 9625 (and H.R. 9626) section 4, would reimpose the income tax on the redemption value of the reversionary interest at the time of the sale of the leasehold interest and thereby overturn the decisions in the Simmers and Welsh Homes cases. This should not be done.

The Treasury Department contends that this legislation is needed in order to protect the ground rent interest deduction and tax deduction for amounts attributable to the land presently permitted the homeowner. Treasury reasons that it would have to change its regulations in this respect in order to be consistent with the result of Simmers and Welsh.

I do not agree that the homeowners should lose tax deductions to which they are justly entitled and, as well, I do not believe a home builder should be taxed on sums of money which he has never received.

I think the Simmers and Welsh Homes cases expound sound law. They postpone the taxable event until the time when it actually occurs; that is, to the time when the builder actually receives the money upon which he is being taxed. I can see no logical reason why anyone should be assessed an income tax before he receives the money that is being taxed. In the case of ground rents, there is no certainty that the builder will ever receive the redemption value of the ground rents since no one can make the homeowner redeem. I do not see that the Court decision will cause the Treasury Department any appreciable revenue loss, or, as a matter of fact, any revenue loss at all.

In addition, I feel that the homeowners should continue to receive the annual ground rent and tax deductions since they have traditionally been permitted them and since the ground rent situation is peculiar to Maryland (and there only in the Baltimore area), and probably one other State—Pennsylvania.

With this in mind, I am introducing at this time a bill for consideration by the Finance Committee when the Technical Amendments Act of 1960 is before it. This bill will guarantee the referred to deductions to the homeowners. It leaves intact existing law, as interpreted by the Simmers and Welsh Homes cases, relating to taxability of the reversionary interest held by the home builder. I think those cases adequately and properly state the law and that no change is needed in that respect.

RECONSTRUCTION OF CERTAIN WORKS OF EKLUTNA PROJECT, ALASKA

Mr. BARTLETT. Mr. President, on behalf of myself and my colleague the junior Senator from Alaska [Mr. GRUENING], I introduce, for appropriate reference, a bill to allow modification or reconstruction of the Eklutna hydroelectric project, near Anchorage, Alaska, by the Secretary of the Interior, acting through the Bureau of Reclamation. My colleague, the junior Senator from Alaska [Mr. GRUENING], joins me in sponsoring this legislation, under which the city of Anchorage would finance the modification or reconstruction costs.

Bureau of Reclamation and city officials agree that passage of this legislation would increase the total kilowatt-hour production and increase the load factor. A higher dam to increase the storage for additional power generation is contemplated.

Mr. President, I am happy to introduce this proposed legislation. The Eklutna hydroelectric power project is proving to be a financial success. The proposed legislation introduced today would improve—at no expense to the Federal Government—this fine facility. Projections now indicate that the project will repay the Federal Government's investment, with interest, in 44 years. At the end of the 50-year repayment period established initially, the projections show Eklutna should earn a surplus in excess of $8 million.

Of course, if improvements are made which will make possible increased revenues, and if these improvements are made at no cost to the Federal Government, the result will be that the U.S. investment in the Eklutna hydroelectric power will be even more secure and even more assured of reimbursement. The Eklutna project is proof that America acts wisely when it encourages the development of Alaska.

In addition, Mr. President, the proposed legislation which I introduce today reflects the desire of Alaskans to assume responsibilities consistent with the growth of the Alaska economy. Alaskans are a self-reliant people, and to the extent feasible, Alaskans, of course, want to develop the 49th State on a self-help basis, turning to the Federal Government for financial aid only when resources in Alaska are insufficient to raise needed capital for long-term investment. As I have noted, the improvements to Eklutna under this bill would be financed by the city of Anchorage.

It may be wondered why this proposed legislation is necessary, since the costs of the modification or reconstruction which it would authorize would be borne by the people of Alaska. The reason is that the statute authorizing the Eklutna project makes reference to a report which embodied a plan and design for the project as it now exists. To make fuller use of this project's potential, to meet the needs of an expanding power requirement in the area, to further the security of defense installations in the area which are major customers of the project's nonfirm power, this further authorization is necessary.

Mr. President, I ask unanimous consent that a table showing the latest available statistics concerning Eklutna be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the table will be printed in the RECORD.

The bill (S. 3222) to authorize the modification of reconstruction of certain works of the Eklutna project, Alaska, and for other purposes, introduced by Mr. BARTLETT (for himself and Mr. GRUENING), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The table presented by Mr. BARTLETT is as follows:

Eklutna hydroelectric project

	Kilowatt-hours
Calendar year 1958:	
Total energy sold (approximate)	159,000,000
Firm power sold to—	
City of Anchorage	72,811,200
Matanuska Electric Association	15,614,120
Chugach Electric Association	43,555,082
Nonfirm power sold to—	
Elmendorf AFB	11,367,900
Fort Richardson	6,216,900
Chugach Electric Association	9,289,318
Income from energy sold—firm power from—	
City of Anchorage at rate of 10.74 mills per kilowatt-hour	$782,162
Matanuska Electric Association at rate of 12.93 per kilowatt-hour	201,814
Chugach Electric Association at rate of 10.46 mills per kilowatt-hour	455,426
Income from energy sold—nonfirm power at rate of 6 mills from—	
Elmendorf AFB	68,207
Fort Richardson	37,301
Chugach Electric Association	55,735
Total income, 1958 calendar year (approximate)	1,600,000

PROPOSED AMENDMENT TO CONSTITUTION RELATING TO BALANCING THE BUDGET

Mr. BRIDGES. Mr. President, for myself, the distinguished Senator from Virginia [Mr. BYRD], the distinguished Senator from Nebraska [Mr. CURTIS], and my colleague, the distinguished junior Senator from New Hampshire [Mr. COTTON], I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget. I ask unanimous consent that the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 174) proposing an amendment to the Constitution of the United States relative to the balancing of the budget, introduced by Mr. BRIDGES (for himself, Mr. BYRD of Virginia, Mr. CURTIS and Mr. COTTON), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds

of each House concurring thercin), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. On or before the fifteenth day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth his estimate of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing and his recommendations with respect to expenditures to be made from funds other than trust funds during such ensuing fiscal year, which shall include an amount not less than $500,000,000 for reduction of the public debt and which shall not exceed such estimate of the receipts. The President in transmitting such budget may recommend measures for raising additional revenue and his recommendations for the expenditure of such additional revenue. If the Congress shall authorize expenditures to be made during such ensuing fiscal year in excess of such estimate of the receipts, it shall not adjourn for more than three days at a time until such action has been taken as may be necessary to balance the budget for such ensuing fiscal year, nor shall it take any such adjournment without having provided for reduction of the public debt during such fiscal year by at least $500,000,000. In case of war or other grave national emergency, if the President shall so recommend, the Congress by a vote of three-fourths of all the Members of each House may suspend the foregoing provisions for balancing the budget and for reduction of the public debt for periods, either successive or otherwise, not exceeding one year each.

"SEC. 2. This article shall take effect on the first day of the calendar year next following the ratification of this article.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Mr. CURTIS. Mr. President, I am very happy to join with the distinguished senior Senator from New Hampshire [Mr. BRIDGES] and the distinguished senior Senator from Virginia [Mr. BYRD] in the introduction today of a proposed constitutional amendment.

This proposal, if made a part of our Constitution, would end deficit financing by the Government of the United States. It would require the Federal Government to operate on a pay-as-you-go basis and it would further require the net reduction of the national debt by at least $500 million a year. The amendment simply provides that Congress cannot adjourn until provision has been made for a balanced budget and this minimum payment on the national debt.

The proposal does provide that, in case of war or other grave national emergency, the Congress can, by vote, suspend the operation of the amendment.

Mr. President, it is the rank and file of our citizens who carry the burden of our Federal taxes. Our Federal tax load falls directly and indirectly upon our workers, our farmers, our small businessmen, our white-collar people, and upon everyone. Our Federal expenditures are so high that any contention that they can be financed by taxing the rich is utter deception. To illustrate this, I want to cite a few facts:

Our budget for the coming year calls for expenditures of $79.8 billion, or almost $80 billion. Were the Federal Government to tax at 100 percent, or, in other words, confiscate all individual incomes over $100,000 per year, we would only take in $0.4 billion, or, in other words, enough money would be obtained to run the Federal Government for less than 3 days.

Were the Federal Government to confiscate all individual incomes over $25,000 per year, we would only realize $1.8 billion in revenue. The rest of the taxpayers would still have to raise approximately $78 billion for our expenditures in the coming year.

Were the Federal Government to confiscate through taxation all individual incomes over $10,000 per year, it would only bring in $5.6 billion. The rest of the taxpayers would still have to raise over $74 billion. The amount of money obtained by taking all incomes over $10,000 a year would run the Federal Government much less than 1 month out of the year.

To further illustrate the fallacy that Federal expenditures can be financed by taxing the rich only is shown by the following facts:

At the present time, the top bracket rate for individuals is 91 percent. Were this to be reduced to 75 percent, we would only lose $45 million in revenue. Were the individual top bracket rate to be reduced to 50 percent, the revenue loss would only be about $550 million, or less than one one-sixtieth of our expected revenue for next year.

Mr. President, what I am trying to say is that the burden of Federal expenditures falls upon young people who are getting a start and who are buying homes, upon parents who are educating their children, upon farmers and businessmen and workers who are trying to pay their bills and acquire their property. To increase Federal expenditures is to hurt and damage the rank and file of our citizens. To add to our Federal debt is to do damage to the same people. To lessen our expenditures and our taxes means that the benefits will flow to the same fine group of producers which constitute the vast majority of American citizens.

Mr. President, the spenders are an enemy of the people. Their activities should be curtailed. I hope that the proposed constitutional amendment can receive its two-thirds favorable vote of the Congress and be submitted to the States.

DEFERMENT OF RECLASSIFICATION OF CERTAIN LANDS OF THE MALTA IRRIGATION DISTRICT, MILK RIVER PROJECT, MONTANA

Mr. MURRAY. Mr. President, on behalf of myself and my distinguished colleague, the junior Senator from Montana [Mr. MANSFIELD], I introduce, for appropriate reference, a joint resolution to defer reclassification of certain lands of the Malta irrigation district, Milk River project, Montana.

This proposed legislation is necessary until the flood problem in the Beaver Creek Valley is resolved by the Bureau of Reclamation and other Federal agencies. The payment of that part of the district's construction charge obligation attributable to these lands may be deferred.

The Secretary of the Interior would be authorized to negotiate an appropriate amendatory repayment contract to carry out the provisions of the joint resolution.

The Malta irrigation district is one of the major developments of the Milk River project and its splendid groups of water users have made substantial contributions to the resource and agricultural development of eastern Montana.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 175) to authorize the Secretary of the Interior to defer the reclassification of certain lands of the Malta irrigation district, Milk River Federal reclamation project, Montana, and for other purposes, introduced by Mr. MURRAY (for himself and Mr. MANSFIELD), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

MORAL AND LEGAL RESPONSIBILITY OF CONGRESS TO ASSIST IN THE OPERATION OF SCHOOLS IN IMPACTED SCHOOL DISTRICTS—AMENDMENT TO SUPPLEMENTAL APPROPRIATION BILL

Mr. KUCHEL. Mr. President, I ask unanimous consent that I may speak to the Senate for not to exceed 8 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KUCHEL. Mr. President, as soon as the parliamentary situation in this Chamber permits, I expect the Senate will be asked to act promptly on an urgent piece of legislation on the calendar for several days, the second supplemental appropriation bill, which was reported on March 11 and contains funds critically needed to carry on a variety of Federal activities.

I desire to call the attention of my colleagues to one provision which is of significance to every single one of our 50 States and to 2 American possessions as well. Among the numerous items in the bill is one for $8,330,000 for the Office of Education in the Department of Health, Education, and Welfare, the purpose of which is to enable the United States to discharge a most imperative moral commitment to our people. The money was added on the floor of the House and approved by the Senate Appropriations Committee in order to make up a lately discovered deficiency between the amounts available and the amounts required for payments to federally impacted school districts under Public Law 874.

Since the Senate committee hearings ended it has been learned from a review of applications for assistance toward operation of schools in these districts that the shortage actually will be $22,343,000. In other words, since the House took steps to prevent the Federal Government from reneging on its promises, the Office of Education has found that another $14 million odd will be needed if this assistance program is to be carried on as Congress several times has signified it intends shall be done.

Because of the far-reaching consequences of this situation, I wish to give notice that at the proper time I will undertake to prevent injustice from being done and to see that our Government does not break faith with our people. I intend to offer an amendment to H.R. 10743, the pending deficiency bill, which would replenish the accounts of the Office of Education so that full payment of all entitlements under the present Federal law can be made.

I have spoken, Mr. President, of the moral commitment upon the Congress. In my view, appropriation of these funds is an inescapable duty. The Congress only 2 years ago extended the law providing this assistance. Despite recommendations of the President, there has been clearly an undeniable unwillingness on the part of the legislative committees in both Chambers and the Congress itself to revise the law or to alter the assistance formula. We have not yet abandoned the legal responsibility—and I add the moral responsibility—of seeing that facilities are available to educate the children of federally connected personnel in these impacted school districts.

The obligation is clear and unavoidable. In the entire Union there are approximately 4,000 districts where the burden is heavy of providing classrooms, books, laboratories, and teachers for federally connected children. In some of these districts, upward of 50 percent of the entire budget for operating the schools is allotted to these Federal statutory costs. Consequently, even a 5 percent shortage in available funds for payment will have a severe impact in many areas.

I am naturally concerned about this problem because California stands at the head of the list of States in regard to the costs imposed on school districts by Federal activities which have brought large numbers of families within our borders.

It is true that California welcomed the defense installations and the defense industries which occasion the presence of these military and civilian residents attached to them. Our people have assumed a variety of financial obligations which these Federal activities made necessary, such as roads, police protection, utilities, and public services. At the same time, we have seen additional areas of land removed from the tax rolls in many other areas. On the other hand, it is certain that real estate owners in the vicinity of such Federal activities cannot bear the full burden of providing for education of children whose parents live on Federal property or who otherwise do not carry an equitable share of the local taxload.

The same conditions unquestionably exist in every other State of the Nation. Hence, these Federal contributions under Public Law 874 are essentially payments in lieu of taxes. They are a reasonable item of expense for the Federal Government.

The effect of the shortage in available funds will be nationwide. Latest figures, which I invite my colleagues to examine, show the deficiency will run from $1,000 in the case of the Virgin Islands to $3,234,000 in the case of California, unless the appropriation I am proposing is made. Let me cite a few other States to show how school districts will be shortchanged without the funds I shall request by way of amendment. Even with the additional amount voted by the House, West Virginia districts will fail to receive $3,000; Vermont districts, $8,000; Texas districts, $470,000; Washington districts, $913,000; and Maryland districts, $929,000.

Mr. President, I have a table supplied by the Office of Education showing the total now available to pay entitlements, the additional amount estimated to be needed which prompted the House to add $8,330,000 to this deficiency bill, and the far greater amount which a recheck of applications shows must be provided if justice is to be done.

I ask unanimous consent that the table be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. KUCHEL. Mr. President, I now submit on behalf of myself and my colleague, the junior Senator from California [Mr. ENGLE], an appropriate amendment to H.R. 10743 which I ask to have lie on the table until tomorrow afternoon, in the hope that other Senators whose States are adversely affected may add their names as coauthors.

The PRESIDING OFFICER. The amendment will be received, and, without objection, the amendment will lie on the table as requested by the Senator from California.

EXHIBIT 1

Summary of fiscal year 1960, Public Law 874, estimated entitlements, by State (based on data as of Nov. 30, 1959, to Mar. 1, 1960)

[Nearest thousands of dollars]

State or territory	Requirements as of Nov. 30, 1959 [1]	Amount appropriated	Difference	Requirements as of Mar. 1, 1960 [2]	Amount appropriated	Difference
Total	172,286	163,957	8,329	186,300	163,957	22,343
Alabama	3,844	3,647	197	4,030	3,647	383
Alaska	5,292	5,021	271	5,832	5,021	811
Arizona	3,827	3,632	195	3,903	3,632	271
Arkansas	970	920	50	990	920	70
California	28,977	27,490	1,487	32,211	27,490	4,721
Colorado	4,614	4,378	236	4,819	4,378	441
Connecticut	1,646	1,562	84	1,878	1,562	316
Delaware	197	187	10	211	187	24
Florida	4,515	4,285	230	4,985	4,285	700
Georgia	4,341	4,119	222	4,741	4,119	622
Hawaii	3,162	3,000	162	3,762	3,000	762
Idaho	1,274	1,209	65	1,350	1,209	141
Illinois	2,724	2,585	139	2,924	2,585	339
Indiana	802	761	41	861	761	100
Iowa	440	417	23	500	417	83
Kansas	4,327	4,106	221	4,617	4,106	511
Kentucky	1,115	1,058	57	1,139	1,058	81
Louisiana	980	930	50	1,405	930	475
Maine	1,344	1,274	70	1,368	1,274	94
Maryland	6,358	6,033	325	7,287	6,033	1,254
Massachusetts	4,458	4,230	228	4,940	4,230	710
Michigan	826	784	42	901	784	117
Minnesota	411	390	21	445	390	55
Mississippi	1,268	1,203	65	1,291	1,203	88
Missouri	2,030	1,926	104	2,103	1,926	177
Montana	1,157	1,098	59	1,328	1,098	230
Nebraska	1,533	1,455	78	1,615	1,455	160
Nevada	1,141	1,083	58	1,215	1,083	132
New Hampshire	885	840	45	965	840	125
New Jersey	2,632	2,497	135	3,180	2,497	683
New Mexico	3,973	3,770	203	4,374	3,770	604
New York	3,947	3,745	202	4,052	3,745	307
North Carolina	1,823	1,730	93	2,025	1,730	295
North Dakota	293	278	15	341	278	63
Ohio	4,173	3,960	213	4,397	3,960	437
Oklahoma	6,082	5,771	311	6,148	5,771	377
Oregon	874	829	45	1,038	829	209
Pennsylvania	4,126	3,915	211	4,426	3,915	511
Rhode Island	1,506	1,429	77	1,545	1,429	116
South Carolina	2,658	2,522	136	2,817	2,522	295
South Dakota	1,764	1,674	90	1,774	1,674	100
Tennessee	1,776	1,686	90	2,017	1,686	331
Texas	10,366	9,836	530	10,836	9,836	1,000
Utah	1,500	1,423	77	1,561	1,423	138
Vermont	84	80	4	92	80	12
Virginia	11,767	11,165	602	12,092	11,165	927
Washington	7,098	6,735	363	8,011	6,735	1,276
West Virginia	129	122	7	132	122	10
Wisconsin	564	535	29	570	535	35
Wyoming	492	467	25	727	467	260
Guam	651	618	33	678	618	60
Virgin Islands	50	47	3	51	47	4
Federal installations	9,500	9,500		9,800	9,500	300

[1] Based on data as of Nov. 30, 1959.
[2] Based on data as of Mar. 1, 1960.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 17, 1960, he presented to the President of the United States the following enrolled bills:

S. 1193. An act for the relief of Eleanor Constan;

S. 1703. An act for the relief of Raul Jorge Jose Hermitte; and

S. 2028. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. HUMPHREY:

Radio address entitled "A Program for Senior Citizens," delivered by him to his constituents during the week of March 7.

IGNACE J. PADEREWSKI SHOULD BE SELECTED FOR "CHAMPION OF LIBERTY" STAMP SERIES

Mr. BUSH. Mr. President, the U.S. Post Office Department's "champion of liberty" stamp series honoring those of other lands who have worked and fought for liberty is deserving of the highest praise.

It is said that a picture is worth a thousand words. The "champion of liberty" stamp series is a case in point. As the U.S. mail reaches the four corners of the world, the likenesses of those represented on the "champion of liberty" stamps will serve as a reminder of their outstanding accomplishments and heroism in the cause of liberty.

Those of us who live in freedom will be reminded that the preservation of liberty is best served by an active participation in the processes of democratic government. On the other hand, those who are living in lands under the control of forces which deny freedom will be reminded that through dedication, work, and prayer, liberty can be achieved despite almost overwhelming odds.

Mr. President, November 6, 1960, will mark the 100th anniversary of the birth of the great Polish patriot, Ignace J. Paderewski. His artistry, his humanitarianism, and his statesmanship have inspired millions in his homeland and throughout the world.

At this point, Mr. President, I should like to quote part of a letter which I received from the Polish American Congress, dated March 10, 1960, which describes the heroic record of Ignace J. Paderewski:

During the First World War he interrupted his artistic career and worked for the independence of Poland. He was instrumental in organizing an independent Polish army in France recruited in 1917–18 in the United States, Canada, South America, and Western Europe. This army fought at the side of the Allies on the western front.

He was chairman of the Polish delegation to the Peace Conference in Versailles and on behalf of Poland signed the peace treaty by which Poland gained her independence.

He assisted in organizing the Polish Republic in 1918 and 1919, and was the first Polish delegate to the Council of Ambassadors at the League of Nations in 1920.

When the Second World War broke out and Poland was overrun by Soviet Russia and Germany, Paderewski, for the second time in his life, interrupted his career and set himself the task of laboring for the liberation of his native Poland.

He was instrumental in forming the Polish Government-in-exile in 1939 and was chairman of the National Council of the Republic of Poland functioning in France and later in England.

In 1940 on his 80th birthday, aged and weary but spiritually valiant, Paderewski arrived in the United States to work for the independence of his distressed homeland. He died in New York on June 29, 1941, and by special authorization of President Franklin D. Roosevelt is buried in Arlington National Cemetery.

The Post Office Department is now considering candidates for the 1960 "champion of liberty" stamp series. I have expressed to the Postmaster General my sincere hope that Ignace J. Paderewski will be included among those chosen. No person, in my opinion, could better exemplify the noblest characteristics of the human spirit in its quest for universal freedom than that great champion of liberty, Ignace J. Paderewski.

PAUL BUTLER DOING FINE JOB—SHOULD NOT RESIGN

Mr. PROXMIRE. Mr. President, as the grandson of Pat Flannagan and Rose O'Reilly, I rise on St. Patrick's Day to pay tribute to a fighting Irishman, and I call on Democratic National Committee Chairman Paul Butler to continue on as chairman. I commend Butler for "his gallant fight for the platform and principles of the Democratic party."

In my judgment, Paul Butler is one of the best chairmen the Democratic Party has ever had. No chairman in my memory has more consistently or eloquently fought for the platform of our party than has Butler.

Butler has been under attack for a long time because he has violated the old chestnut that the party chairman has one job and only one job—to keep peace in the family. In my book it is far more important that a party chairman slam some backbone and moral strength into the family than harmony and peace. Butler has repeatedly done this. In doing so, he has—predictably—made enemies, but if he should resign it would be an enfeebling blow to our party. A Butler resignation under fire would mean that the party would be losing some of the fight, the fire, the zest, the zeal that has made our party worth belonging to.

I admire and respect the Senator from Minnesota [Mr. HUMPHREY]. I have not taken and will not take sides between him and the Senator from Massachusetts [Mr. KENNEDY] in the primary in my State. They are both splendid Senators and excellent candidates. But if any prediction has been made by Butler that the Senator from Massachusetts [Mr. KENNEDY] will win in Wisconsin, the Senator from Minnesota [Mr. HUMPHREY], should not resent it. In the past 9 years I have engaged in five hotly contested general election campaigns and three primary contests in Wisconsin. I have found that no outside person ever successfully tells the people of Wisconsin for whom to vote. I have also found that Wisconsin voters admire and support a candidate who is waging an uphill fight against odds. The Senator from Minnesota [Mr. HUMPHREY] should not regard any prediction that Butler may have made that he is behind as hurtful. I think it will help him.

If Butler has made any such prediction, I would not regard it as favoring one candidate over others in the slightest, unless of course the candidates want it to appear that way.

WASTE AND DUPLICATION IN DEFENSE SPENDING

Mr. BRIDGES. Mr. President, on Monday last, I made a statement on the floor of the Senate regarding the absolute necessity for avoiding waste and duplication in our defense spending. In connection with my remarks, I inserted an editorial from the Washington Daily News which points out the fallacy of assuming that we can maintain a superior defense posture simply by expending our financial resources without regard to economic good sense.

However, I did not intend to imply agreement with that portion of the editorial which calls for elimination of the individual military services as a device for curbing our defense spending. I have been, and remain, unequivocal in my position that interservice rivalry, when held within proper bounds, provides a healthy and productive contribution to the goal of acquiring a sound and effective defense posture. In short, for reasons which I have stated previously on the floor of the Senate, I consider such proposals as total unification, a single uniform, and a single Chief of Staff to be inherently inferior to the system we have at the present time.

Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire.

TRIBUTE TO THE MOST REVEREND ERNEST J. PRIMEAU, BISHOP OF MANCHESTER

Mr. BRIDGES. Mr. President, my distinguished colleague and junior Senator from New Hampshire [Mr. COTTON] and I had the privilege on Tuesday of joining thousands of other New Hampshire citizens in honoring our State's new Catholic bishop, the Most Reverend Ernest J. Primeau, at an impressive installation ceremony in St. Joseph's Cathedral at Manchester. Many dignitaries of the city of Manchester, the State, and the Catholic Church, including His Eminence Richard Cardinal Cushing, of Boston, were present as

Bishop Primeau became the sixth spiritual leader of the more than 200,000 Catholics in New Hampshire.

Upon his arrival from Chicago, where he was elevated to his new high office in the church, Bishop Primeau issued an excellent statement on his responsibilities and his aims as bishop of Manchester. In addition, the Manchester Union issue of March 15 published a fine editorial entitled "Welcome to Bishop Primeau."

Mr. President, I ask unanimous consent that Bishop Primeau's statement and the editorial be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement and editorial were ordered to be printed in the RECORD, as follows:

[From the Manchester Union, Mar. 15, 1960]

TEXT OF STATEMENT BY BISHOP PRIMEAU

Following is the text of a statement issued yesterday by Most Rev. Ernest J. Primeau, S.T.D., new bishop of Manchester, shortly after he arrived in New Hampshire to assume authority as head of the diocese and spiritual leader of its 217,000 Catholics:

"I come, of course, with a salutary fear of the heavy responsibility which the office of bishop implies. I hope that I am laboring under no illusions in this matter. But I have great confidence in the grace of office and the trust, understanding, and cooperation of the priests and people of New Hampshire.

"I come as a stranger but eager to be of service in every way possible to those entrusted to my care. My work is primarily religious but the church through its religious, doctrinal, and moral values brings dignity to the individual and makes important contributions to the community and to the social, economic, political, and cultural welfare of our Nation in which we live. A good Christian must be a good citizen. National morality will prevail only if grounded on religious principles.

"I have drawn great encouragement and consolation from the warmth of the response with which my nomination has been received. I look forward to an interesting and challenging future. Kindly extend my greetings to all the people of the State of New Hampshire and assure them that I come to dedicate myself to their service and welfare."

WELCOME TO BISHOP PRIMEAU

All of New Hampshire joins in extending a hearty welcome to the Granite State to Most Rev. Ernest J. Primeau, S.T.D., bishop of Manchester and worthy successor to the late beloved Bishop Brady.

The inspiring and elaborate installation ceremony at St. Joseph Cathedral this morning is noteworthy not only in its deep religious significance, but also as a demonstration of the high esteem in which Bishop Primeau is held by civil dignitaries at all levels of government.

The attendance of such a large number of prominent citizens of all religious beliefs at this inspiring service has its own significance. Bishop Primeau comes to New Hampshire not only as a distinguished churchman but also as a highly respected fellow citizen.

Bishop Primeau has had an impressive career. He has been a parish priest, educator, social worker, administrator, and specialist in canon law, in which he holds a licentiate from Lateran University in Rome. Bishop Primeau, then Father Primeau, earned his licentiate, while serving as rector of Santa Maria del Lago, house of studies for Chicago students in Rome. He later obtained a doctorate in theology at Mundelein Seminary in Illinois.

From 1956 to 1958 Bishop Primeau served as an official with the Sacred Congregation of the Holy Office, as an aid to Cardinal Pizardo, who was then secretary of the congregation. Bishop Primeau speaks several languages, including Italian and French.

This brief review of some of the highlights of Bishop Primeau's career is ample justification for the many good things which are said about him.

We know that God will bless his works here.

FARMERS' OPINIONS ON THE FARM PROBLEM

Mr. MUNDT. Mr. President, I think we all agree that the greatest domestic economic problem we have in this country is the farm problem. It is not new. We have had a farm problem in this country for a great many years.

Many experts, many observers, and many commentators, have expressed opinions about the problem. Recently Mr. F. J. Gilbride, the State editor of the Sioux Falls Argus-Leader of Sioux Falls, S. Dak., which is the largest daily newspaper in the five-State farming area, decided it might be of interest to the country and it might be helpful to the Congress to find out what the farmers themselves thought about the farm problem. He has prepared a very interesting series of articles based on the observations of the farmers.

Mr. President, we have heard from politicians, from Senators, from Representatives in Congress, from bureaucrats, from college professors and from economists. I think it is good, on occasion, to go to the farmers themselves to see what are their reactions and their reflections. I therefore ask unanimous consent to have printed at this point in the RECORD this series of articles, and with the articles I ask unanimous consent to have printed the charts and graphs which it is possible for the Government Printing Office to include in the text of the RECORD. I think some can be included, Mr. President, and some cannot. I ask only that insofar as it meets the customs and convenience of the Government Printing Office those charts and those graphs be printed in the RECORD with the articles.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

There being no objection, the articles, charts, and graphs were ordered to be printed in the RECORD, as follows:

[From the Sioux Falls Argus-Leader, Feb. 28, 1960]

SOUTH DAKOTA FARMERS: "SOLONS SWEETEN US VOTEWISE TO GET REELECTED—FARM PROGRAM SHOULD NOT BE POLITICAL FOOTBALL"

(First in a series)

(By F. J. Gilbride)

Are farm measures politically inspired?

Many South Dakota farmers are of a mind that many of them are.

At least a number expressed such a view in a survey conducted by the Argus-Leader which covered 28 counties in all sections of the State.

The survey asked farmers for points they would include in a farm bill if they had the opportunity to author farm legislation.

NOT HESITANT

Some were not the least bit hesitant in declaring they felt farm measures are aimed toward their votes, not their welfare.

Others were not quite as outspoken in volunteering the thought.

A Harding County stockman said:

"I know that politicians have failed miserably since 1924 in solving any farm problem except their immediate problem of being reelected."

"A farm program satisfactory to everyone is very likely an impossibility," Clarence A. Dybvig, Baltic, said. "Politicians tend to be concerned about farmers as election time draws near. Farm programs should not be political footballs."

The Minnehaha County farmer added, "A farm program acceptable to farm people and city people alike is very complex and will very likely not be achieved on the political battlefield."

NO DOUBTS

There were no doubts in the feelings of Harold E. Harms, Hitchcock.

Harms, who feeds stock and operates an irrigation system on his Spink County farm, said his pet peeve is the politician who sits back and waits until he sees if a new farm plan is successful or not.

"Then," said Harms, "He yells loud and long against its failures but has no constructive program of his own to offer."

A Harding County rancher was equally as outspoken on the point of farm measures being politically inspired.

Claude E. Olson, Ludlow, said, "The U.S. Congress has created the present farm chaos by their attempt to sweeten us farmers votewise that they may get reelected. And I think the U.S. Congress must correct the example by removing the cause."

Olson is a trustee for the National Cowboy Hall of Fame.

DIVIDES BLAME

Lloyd B. Dye, Hitchcock, put a portion of the blame on the farmers, as he scored politicians' efforts to cure the farm ills.

The Beadle County farmer said:

"Politicians have had their say and to me a politician is primarily a liar and this, of course, he must be in order to be elected to the office he seeks. However, upon being successful in his political venture he becomes a farm management expert regardless of his past training, education, experience, etc.

"These things he cannot be," Dye continued, "and to make sure that I am right only necessitates the looking up of what politicians, with the help of the farmer himself, have done for the farmer in the past few years.

"When the politician and the farmer with enough guts (and believe me there are still a few) say they are done with the present mess and go back to statesmanship and two-handed farming, it is my belief that prosperity may return to the farm and thereby mushroom throughout every other industry in the Nation."

Dye described one-handed farming as the "farmer who holds his right hand out to Uncle Sam for a subsidy, soil bank or approved practices check and tries to farm with his left."

FIRST STEP

Speaking of the farm problems, Albert Vanhove, Madison, said he felt the first step toward new farm legislation would be "to set a basic policy."

"The way it is now," the Lake County man continued, "and in the past is something for politicians to mess around in.

"Agriculture is still one of the great industries of this Nation and its ups and downs affect everyone sooner or later. We have many farm organizations in the United States but each one seems to represent a cer-

tain field in agriculture such as grain, livestock, dairy, etc. It doesn't seem that they will ever get together on a common policy. Now I don't know if it is the government's duty to bring these people together but it surely must be someone's job. The politicians are making things worse."

Vanhove said he felt the politicians had better become statesmen before it is too late.

NEUTRAL VIEW

There was a neutral position in legislation issue.

It was expressed by William D. Duba, Ethan, who said at his Davison County farm:

"All legislation should have as its purpose the strengthening of the family farm enabling its operator to earn his fair share of the national income."

OPPOSITE VIEW

There were also extremely opposite views from those expressed above.

A county agent was asked for the names of several farmers in his county who could be contacted for views on what they would like to see in the way of farm legislation.

He replied:

"It isn't so much what the farmers want; it boils down to what President Eisenhower and Mr. Benson want. What good does it do to get a farm bill through Congress only to have it vetoed by the President and Mr. Benson."

This particular county agent is serving in a county some distance from a farm he owns in Moody County.

And a Grant County farmer, H. D. Brink, Ortley, said:

"Much of our trouble could easily be solved if our Secretary of Agriculture would work with agriculture-minded people."

[From the Sioux Falls Argus-Leader, Feb. 29, 1960]

SOUTH DAKOTA FARMERS ARE FOES, FRIENDS OF SOIL BANK

(Second in a series)

(By F. J. Gilbride)

The soil bank must go.

The soil bank must stay.

These directly opposite views are held by South Dakota farmers.

MAY BE CLUE

Perhaps they give a clue as to why it is difficult to write farm legislation that finds acceptance in all quarters.

The views were expressed in an Argus-Leader survey which asked farmers for points they would include in a farm bill should they have an opportunity to write such a measure.

Those wanting to put a lock on the soil bank offered arguments to support their beliefs and those favoring the continuance of the plan were equally eloquent in their beliefs.

CHANGES SUGGESTED

There were farmers in the 28-county survey that suggested modifications in the soil bank.

Those opposing the soil bank were not as large in number as those favoring it but they didn't mince words.

Bob Hlavka, Meade County's outstanding young farmer, said:

"I don't believe the soil bank program has served of any value for our State.

"It has caused many people to leave their rural homes and move to town, making for more unemployment, juvenile delinquency and abandoned farms slowly becoming run down and blown about, which does not make a very pretty sight."

Earl H. Sly, Platte, said the present farm program encourages large farmers—private or corporate—to produce for sale or storage thus swelling the surplus.

The Charles Mix County man said, "The soil bank is crowding many a young family off the land and forcing them to move to the cities and help swell the ranks of the unemployed.

"When opportunity is gone, when a man has nothing to lose he may become an easy prey to unrest or even communism.

"It removes much personal property, and in some cases, improvements from the tax list.

"By moving these families off the farm our smaller towns are losing much of their trade."

The soil bank has been a boon to three classes of people in the eyes of Lloyd B. Dye, Hitchcock.

He classed them as: (1) The farmer too old to continue farming his land; (2) the farmer with too many acres of land to farm without additional investment in new and expensive equipment; and (3) the town and city people who bought land simply for an investment and turned it into the soil bank acres of weeds.

WANTS IT OUT

Lawrence Lutz, who farms near Webster in Day County, said the sooner the soil bank is thrown out, the better.

"I have some land in the soil bank," he said, "not because I approve of it wholeheartedly, but it is a good way for a young farmer to be sure of the payment that must be made on the land.

"It is not only a bad deal for city farmers who own land, put the renters off and put the land in the soil bank, but also for the people on smalltown main streets who depend on the farmer."

Lutz said he would get much more satisfaction from being able to farm the land and get a fair return on the grain harvested, rather than "going to the mailbox on the 15th of October and picking up a check for a couple of thousand dollars of the taxpayers' money and doing practically nothing for it."

OTHER SIDE

Now let's take a look at the other side of the fence.

Lloyd A. Johnson, Brookings County, gave his endorsement of the plan when he said he believed it is much cheaper to store the grain in the soil before it is produced than to store it in bins.

"At the same time," he said, "we are conserving our land for future generations. We must conserve our land for the future when our population will increase and need it."

CONCERN TO ALL

A Miner County farmer said he feels the soil and water concerns everyone, regardless of who they are or where they live.

"I hear no complaint from city dwellers on the cost of the soil bank," M. W. Walter, Roswell, said, "and there should be none because it is their insurance as well as the farmers."

H. H. Ehlers, Presho, who combines farming and cattle feeding in Lyman County, said he would like to see more soil bank. He added perhaps more would have to be paid per acre to get the good land out of crop.

The treasurer of the Hand County Soil Conservation District, Wilford Herman, said it is desirable to extend soil bank coverage sufficiently to actually decrease production.

"Stopping with the present acreage will completely emasculate the program and its effect upon our crop surpluses," the miller-farmer said.

Herman said he felt if the size of the plan is not increased as a partial solution to the farm problem, the plan will be sabotaged before it is given a chance to function.

A Beadle County farmer sees the soil bank as a good effort to bring supply and demand into a closer relationship.

"But in the beginning," he continued, "there were loopholes that made it a speculator's paradise, which was bad."

MAKES PLEA

A large expansion of the program was the plea of Bert P. Mason, Spink County.

Farming near Frankfort, Mason said: "Expand the soil bank plan to a point whereby actual acres left in production would supply farm products nearly in balance with demand. As we progress toward this goal, support prices and crop controls could gradually be eliminated. Then each farm crop would compete for its price and position in the market."

Other believers in the soil bank program included Rich Daly, Columbia, in Brown County; Ed Leuning, Flandreau, in Moody County; and Francis Kelly, Corsica, in Douglas County.

[From the Sioux Falls Argus-Leader, Mar. 1, 1960]

FARMERS WOULD TOUGHEN SOIL BANK LOAN

(Third in a series)

(By F. J. Gilbride)

South Dakota farmers would put teeth in soil bank laws if they went to the congressional halls in Washington.

They would also extend some of the bank's dividends.

They see in their "legislation I would like to have" less absentee ownership, soil conservation, and a means to cut surpluses among other things.

Their opinions were given in a survey by the Argus-Leader which contacted farmers in 28 South Dakota counties.

WOULD SET LIMIT

Under a plan advanced by William D. Duba, Davison County, each farm operator would be permitted to put not more than half or 250 acres of his farm, whichever is smaller, into the soil bank.

The Ethan farmer said, "This would discourage absentee landlords from buying land and putting it into the soil bank. This would eliminate large tracts of land going into the soil bank under one ownership."

Duba's point is that if not more than half the farm could be put into the soil bank, it would require an operator to farm the other half, thereby putting him in a better position to maintain the soil bank acres.

STIFF PENALTY

He would impose a stiff penalty for not controlling the weeds on the soil bank acreage.

The Davison County farmer then advanced this plan so far as payments are concerned:

"Substitute surplus commodities for cash in payment for soil bank acres."

Land put in the soil bank would draw its payments in commodities (corn, oats, rice, etc.) on the already established average yield for that field. These figures are part of the records of the ASC offices.

POINTS TO PROBLEM

At Pipestone, Minn., Richard Ellefson pointed to overproduction as the main farm problem.

Ellefson, who farms in Moody County, said he would like to see a farm program that would employ the old principle of supply and demand.

"If a large enough price was paid for conservation acres," he said, "the supply of land going out of production would also be large enough. This payment should be payable to farm operators to prevent landlords from putting the renters off and receiving not only rent but also operators' share of conservation payments."

He felt such a program would aid the farmer and would also "conserve the land which will be greatly needed in generations to come."

WOULD REWRITE LAWS

Out in Spink County Harold E. Harms would rewrite soil bank laws to give each farmer his allotted acres.

Harms would not allow any landowner to put more than his allotted share into the soil bank.

"This would stop the buying of land for the purpose of putting it into the soil bank and would also give younger farmers an opportunity to rent land," he said.

PLAN IS SIMILAR

A member of the South Dakota House of Representatives offered a plan similar to that of Duba's.

This suggested plan came from Charles Droz, miller, in Hand County.

Droz would have rental payments geared or related to the assessed tax value of the land, building improvements not included.

Only land cultivated within the last 3 years would be eligible for inclusion under the soil bank, and rental agreements with the Government would not be over 5 years, perhaps not over 3.

Droz would not allow entire farms into the program. He would hold the limit to the point where at least 50 percent of the acreage would be under cultivation by a landlord or tenant living on that farm.

A Douglas County farmer, Francis Kelly, Corsica, said:

"I would raise the rate per acre to induce farmers to join, but I would limit each farm to not more than 10 percent of their plowed acres."

He said this would prevent farms from being bought "by some and expelling tenants and in 10 years being paid by the Government the amount he paid for the farm."

[From the Sioux Falls Argus-Leader, Mar. 2, 1960]

SOUTH DAKOTA FARMERS FAVOR BUSHEL PLAN IN LEGISLATION IDEAS

(Fourth in a series)

(By F. J. Gilbride)

"Give us bushels."

"Take away the acres."

South Dakota farmers would write out the acreage idea in crop allotments and write in a bushel plan.

At least that's the way a number of them expressed themselves in an Argus-Leader survey in 28 counties. The survey sought to determine what farm measures the State's farmers would write if they had such an opportunity.

BASED ON YIELD

Fern Foland, Ottumwa, said he would like to see wheat acreage allotments removed and bushel allotments imposed with the allotment based on the farmer's normal yield according to his wheat base.

The Haakon County farmer would freeze the allotments as of 1959, according to the 55 million acre national allotment until the present excess is depleted or stabilized.

"This, I believe," he said, "would eliminate the 15-acre minimum and the noncommercial areas that now plague our excesses. The machinery is all set up and I see nothing difficult or time consuming about it."

OTHERS SUPPORTED

Foland continued: "From these figures each farmer would be allotted his share of the national wheat used for home consumption plus export with this wheat supported at 90 percent of parity. After all the farmer isn't the only one getting Government supports. Your very paper is supported by the Government through postage costs, etc."

Under Foland's plan, any excess grain the farmer had would be stored at his own expense. He said he was not familiar with cotton, tobacco, etc., but saw no reason why these crops could not be handled in the same manner.

"If our main cash crops were stabilized, I believe the rest of the feed grain would soon level off according to the demand," Foland added.

WOULD CUT CONTROLS

M. E. Bierwagen, also of Haakon county, said he would like to see a farm bill that wiped out all wheat acreage allotments and controls.

The Milesville farmer, a former State legislator and active in soil and water conservation circles, would let a farmer plant all the wheat he desired and sell it on the open market.

Under Bierwagen's plan the Government would pay the difference between what the farmer gets on the open market and what the price would be at 100 percent of parity.

Bierwagen said, "Let's say the farmer would sell his wheat for $1.60 and 100 percent of parity would be $2 a bushel. The Government would then pay the farmer 40 cents a bushel or whatever the difference might be between open market and 100 percent of parity."

SETS LIMIT

He would place a limit of $5,000 as the amount any one operator could collect in 1 year.

This Haakon County farmer declared his plan would eliminate the large Government expense for wheat storage, checking acreages and keeping records.

He said under his plan a farmer could raise as much wheat as he desired and that if he raised more than he could get support on in 1 year, he could hold it on his own farm. If he had a crop failure the following year he would then have some wheat to sell.

"If a farmer had a number of good crops," Bierwagen said, "and had more wheat than he cared to sell without price support, he would naturally cut back on his acreage."

He envisions his plan as a protection for the family type farmer.

SEES SURPLUS CUT

Dropping down to Douglas County, Francis Kelly said he felt an allotment on the bushel plan would reduce the surplus in a few years.

"I would suggest anyone overproducing his quota of bushels would not qualify for price support," the Corsica man said.

Lawrence Bentz, Butte County, said he would like to see the elimination of acreage allotments and marketing quotas with a gradual lowering of price supports.

WANTS BUSHELS

"Do away with acre allotments and have bushel allotments instead," declared Harold E. Harms, Spink County.

"It would stabilize farming," he continued. "In years of abundance a farmer would sell his allotted bushels and in a year of crop failure he could sell from storage."

This Hitchcock farmer would throw out the idea of the Government storing grain. He cited the savings in this arrangement.

"Suppose a farm had an allotment of 1,000 bushels of wheat to sell," he said. "If the free market wouldn't pay a fair price ($2.50) per bushel, reduce every farm a percent until the market would pay that. In other words regulate the market by the amount of grain on the market. Farmers could regulate their own farms to what they could sell."

IDEA SAID WRONG

A Miner County farmer said he has always felt that an acre allotment was wrong.

"If we have a short crop we could not raise enough for feed and if a big crop the Government is caught with a big storage problem," is the view given by M. H. Walter, Roswell.

"I feel we should have a bushel allotment with a support price based on 100 percent parity for our domestic use," he said.

He would have the Government take for storage only that portion of the crop needed to fill the bushel allotment. If a farmer planted more or had an extra large crop it would be up to the farmer to take the world market price or store on his own farm.

"With a bushel allotment," he concluded, "If you have a large crop the place to store that big surplus crop is on the farm where it was produced. When the storage gets to be a problem, it is the problem of the man who produced it—not someone else."

HAND COUNTY RESPONSE

In Hand County, Wilford Hermann said:

"Let's write a realistic paragraph in the law about acreage allotments. Perhaps a little less humanity is needed when handing out new allotments.

"The longtime, established wheat raisers in South Dakota are limited to allotments which are percentages of the historical wheat acres on the respective farms. But if a man from the southern Great Plains comes into the community, buys a couple sections of grass and breaks them up, the newcomer frequently is given a wheat allotment which is greater than that of his longtime resident neighbors.

"What a paradox. Wheat allotments are determined by the wheat cropping history of the farm but if the new owner plows up grassland, he is given a sizable wheat base on land which has no wheat history.

"Furthermore, why is everyone in this Nation entitled to 15 acres of wheat for market production? If a farmer wants to raise wheat for his hogs instead of corn that should be permissible but not for market.

"This is my second suggestion. No more wheat acres for anybody under any circumstances and strict enforcement of allotment compliance for every wheat raiser. I have used wheat as an example. Every allotment crop should be administered in a similar manner."

THINKS IT BETTER

Bob Hlavka, Meade County, wondered if a bushel allotment, rather than an acre allotment wouldn't be better for the farmer and Government.

It is the opinion of Lawrence Lutz, Webster, that acreage restrictions have not done any good.

"We used to think an 8 or 10 bushel wheat crop was pretty good," the Day County farmer said. "Now with acreage restrictions we put wheat on our best land, use fertilizer to up the yield to 20 or more bushels per acre and it doesn't reduce the surplus.

He aimed his favoritism toward bushel restrictions on grain at a fair rate of parity, preferably not less than 90 percent.

"I think if we would have a bushel restriction on grain, then we couldn't sell it all 1 year. We would have something to sell when we get a crop failure like we had in 1959," he concluded.

FEWER FARMS

WASHINGTON.—South Dakota lost 1,200 farms during 1959 according to the Agriculture Department.

The Department said South Dakota had 60,500 farms at the end of 1959 as compared to 61,700 at the end of 1958.

Iowa had 191,000 in 1959 as compared to 193,000 at the end of 1958; Illinois had 172,000 in 1959 as compared to 176,000 in 1958; Wisconsin had 144,000 and 150,000, Minnesota 158,000 and 162,000, Missouri 212,000 and 215,000 and Nebraska 101,000 and 102,000.

[From the Sioux Falls Argus-Leader, Mar. 3, 1960]

CROP SUPPORTS CONTROVERSIAL ON SOUTH DAKOTA FARMS

(Fifth in a series)

(By F. J. Gilbride)

The matter of supports on South Dakota crops seems to be a point of controversy among South Dakota farmers.

Some want them as they are.

Some want the support pegged at a higher figure.

And some want them tossed out.

GIVEN IN SURVEY

These varied opinions were expressed in an Argus-Leader survey in 28 counties in all parts of the State. The farmers were asked to give expressions on points they would include in a farm bill should they have the opportunity to author farm legislation.

It is the opinion of W. E. Holiway, Humboldt, the support program is a failure.

"Loans of 65 to 90 percent of parity are incentives to increased production, attracting to agriculture interests that are not dependent on farming because this program gives them a guaranteed profit for their large farming operations," the Minnehaha County farmer said.

LOAN PROGRAM

Holiway would make it a loan program based upon banking and loan principles. He would make loans of 30 to 40 percent of parity value.

He feels this plan would allow the farmer to adjust his marketing to a seasonable favorable market. He also feels it would discourage the large operators. He also believes it would reduce cost of administration for the Government.

Meade County's outstanding young farmer, Bob Hlavka, said present day farm price supports should never drop below present support prices as "I believe all businesses—rural and city—would suffer a severe blow."

DELL RAPIDS VIEW

Another Minnehaha County farmer, Justin Mortvedt, Dell Rapids, holds this view:

"Reasonable price supports which should be high enough to give producers a fair and reasonable remuneration for their efforts and yet not too high for consumption of the product."

Price supports would be confined to allotment crops by William D. Duba, Ethan, in Davison County.

His view is like this:

Price support should be set at not less than 90 percent of parity. There would be no supports on crops raised outside allotment. Price supports to any one operator in any year would be limited to $10,000.

On livestock and perishables, Duba would set price supports at not less than 90 percent of parity by payments similar to the payments in the wool program. Limits on such payments to any operator in any year would be $5,000.

TWO PLANS

Albert Van Hove, Madison (Lake County), came forward with two plans.

He said, "If the farmer expects 100 percent of parity he will have to limit his production. If a farmer would limit his production he would get a decent price and more farmers would stay in farming. But the farmers don't seem to want production controls. He wants to have his cake and eat it too."

His second thought is that if a farmer doesn't want production controls he doesn't see how the Government can support at 100 percent.

"A farmer should have, is entitled to, and to survive has to have a floor price of at least 90 percent of parity," said Arthur L. Reitz, Ralph, Harding County.

SEES DESTRUCTION

Then there is this view of Gene Gerard of Kennebec in Lyman County: "It is my firm belief that a continuation of our present program, or adoption of even higher, rigid price supports can accomplish nothing but the destruction of our disappearing family type farm.

"We consider our farm to be in this category. I am 30 years of age, born and raised on a farm and would really dread the thought of making a living and raising my family by working at any other occupation.

"To support my stand against high supports, I should point out what most of us already know, the larger the farm operation the greater the benefits from artificially supported prices.

"I further believe that the present farm laws were originally intended to be a relief measure during the depression and have therefore outlived their usefulness.

He would allow the Commodity Credit Corporation to act as a leading agency rather than its present interests as a sole purchasing agent of farm commodities.

SHOULD BE REPEALED

In Charles Mix County there is this view of Earl H. Sly, Platte: "I feel the measure supporting farm prices should have been repealed as soon as the emergency passed."

Guy F. Barnes, Pierre, speaking of wheat, said:

"I would make price supports contingent on the grade of wheat. Don't pay the same price for chicken feed that is paid for high-quality milling wheat."

[From the Sioux Falls Argus-Leader, Mar. 4, 1960]

FARMERS CITE NEED FOR RESEARCH

(Sixth in a series)

(By F. J. Gilbride)

Stimulate new uses for South Dakota agricultural products, declare those working with South Dakota soil.

They see much good from a research program they would include in farm legislation.

WIDE RANGE

It ranges from depleting surplus crops to a better standard of living.

Perhaps not much thought has been placed on an intensive research program in past legislation.

South Dakota farmers make a strong point of it in a survey conducted in 28 counties by the Argus-Leader.

CRASH PROGRAM

State Representative Charles Droz, Miller, favors the enactment of legislation "providing a crash program for stimulating industrial uses of farm products."

"Over the long pull," the Hand County farmer said, "An energetic program of this type can burn, chew, grind, distill, convert and utilize almost limitless acres of products from the American soil.

Clarence A. Dybvig, Baltic (Minnehaha County), said farm legislation should contain a research clause to find new uses for farm crops to provide new outlets for surplus crops.

A Bon Homme farmer said: "Research and education should be a part of the farm program. We should find new crops and new uses for old crops. We should look ahead or be progressive in a farm program."

Lloyd B. Dye, Hitchock (Beadle County), would like to see one-tenth of the "money now spent on our farm programs channeled into research to promote better crops, more uses for the things we can produce and better marketing procedures."

Eric J. Hermanson, Garretson, had this approach to the research idea:

"Our long-range program in agriculture should be toward a goal of all-out production and total consumption.

"This can be achieved by a highly activated approach through research to create new uses for our products and by modification of our products through science to fit the ever-changing needs of a changing world. This will give us an opportunity to use our ability to produce in volume, cut down our cost per unit, and put us on a more favorable competitive basis."

COMPREHENSIVE IDEA

Another Minnehaha County farmer, W. E. Holiway, Humboldt, had a more comprehensive idea on research.

This included an increase in number and pace of programs carried on by land-grant colleges and experiment stations with particular emphasis on livestock management and economics. He would have an economist in every county agent's office.

Holiway would expand the Agricultural Research Service with emphasis on soil and water research and new crops.

He would secure the cooperation of the petroleum industry for research in the possibilities of using farm products for motor fuels and lubricants.

"We have heard much about the industrial uses of agricultural products, especially those in the surplus supply, and research into that field of use should be continued," declared Willford Herman, Miller.

"But can we actually expect agricultural products to be so processed that they can be used in place of metals?" he asked.

"Are we justified in hoping that agricultural chemistry can convert crop surpluses into products which will displace petroleum products? No doubt chemurgy and industry can find new uses for farm products, but we must face realities while planning our program."

"So research is a must," the Hand County man said. "It will pay its way, but let's not expect too much."

[From the Sioux Falls Argus-Leader, Mar. 6, 1960]

IMPORTS WORRY SOUTH DAKOTA FARMERS

(Seventh in a series)

(By F. J. Gilbride)

Watch those imports.

South Dakota farmers want effective controls on agricultural imports.

They want the imports watched to prevent adding to products already in surplus or in depressing prices South Dakota farmers are entitled to receive.

Steadily rising costs of farm operations can't bear laxity in importing farm products.

Arguments for import controls came in a survey on legislation South Dakota farmers would like to write.

NO. 1 PROBLEM

"Our No. 1 farm problem, in my opinion, is the tremendous increase in imports in agricultural commodities," said Lawrence Bentz, Newell.

The Butte County rancher continued:

"Those of us engaged in lamb feeding have lost much of our west coast market to imported lamb from Australia and New Zealand.

"I feel that the American farmer is first entitled to the domestic consumption. If we cannot supply that demand, then allow imports to satisfy it. This can be accomplished by imposing quotas and tariffs on all imports."

Another West River rancher, Arthur L. Rietz, Ralph, said:

"I don't believe we farmers need a price-support program if grains from Canada and meat products from other countries were kept out of the United States by a protective tariff."

WANTS LIMIT

A limit on imports is wanted by William D. Duba, Ethan.

He would limit imports on any commodity which is at less than 100 percent of parity by a tariff which would be used to raise the price of that commodity.

A bit of a different twist was put on this particular point of importing and exporting by a Haakon County farmer, Vern Foland, Ottumwa.

We would like to see "legislation to improve and guarantee high grades of farm products to be exported. Thus foreign countries receiving our commodities would soon learn of our quality products."

He felt this would be a factor in increasing a demand for American farm products.

NEEDS STRENGTHENING

"A point I believe needs strengthening," said Bob Hlavak, Plainview, "is the tariff on imported farm products."

The Meade County man wondered if "We aren't using other nation's surpluses, thus causing our own products to be considered as surplus and creating the problem of what to do about them."

At Redfield, Harold E. Harms, said:

"Let's stop imports of farm and livestock products.

"For instance we imported in 1957 enough beef from Australia and New Zealand to supply the United States for 14 days. We import meats and other products from other countries.

"Labor is cheap in these countries and in many cases the people are undernourished and should be using the exported food themselves."

This Spink County resident would also stop imports on livestock.

PROTECTION NEEDED

"As we are living in a highly legislated and protected economy, there is a need for agriculture to have some protection against the hazards of the competitive market and yet produce enough foods for the growing needs of an expanding population," said Justin Mortvedt, Dell Rapids.

To this end he would place effective controls on imports of products that are in surplus together with an expanded program for moving surpluses to needy areas abroad.

[From the Sioux Falls Argus-Leader, Mar. 7, 1960]

FARMERS SAY "KNOW" PROGRAM A MUST

(Eighth of a series)

(By F. J. Gilbride)

Is a public relations program a needed element in a satisfactory farm program?

South Dakota farmers feel their fortunes can rise or fall on what the people know or don't know.

As a result there is a desire for a strong public relations or information clause in farm legislation which would be written by South Dakota farmers.

MAJOR PROBLEMS

"One of our major problems," said W. M. Kanago, Webster, "is poor public relations."

"This is where the larger publications and press could really help. The eastern papers write articles without even coming out here to see what they are writing about.

"The facts that the public should know are that we are fast approaching the time that if the farmers were to give away his products it would make little or no difference in price to the consumer."

GOOD EXAMPLES

"Good examples of this," the Day County farmer continued, "are breakfast foods that cost 35 cents a box have about 2 cents worth of grain. Bread has about 3 cents worth of wheat. Chicken and pork prices to consumers often do not follow prices paid to farmers.

"I believe the farmer, through some information programs, should try to reach the consumers with the facts on high prices as well as truth in advertising in competitive goods and brand names.

"The thing that really concerns me is that while the average American farmer is the most efficient he has ever been and certainly the most efficient farmer in the world, that he should find himself in such a position in the eyes of the consumer. * * * The farmer is certainly not getting the benefit of the high costs to the consumer."

WANTS FACTS

A Bon Homme County farmer feels public relations should be a part of the program so people "get the facts and not just the bill."

A Pipestone, Minn., man who farms in Moody County ventures this view on a public relations clause in farm legislation:

"We need some way to promote better public relations for agriculture.

"The farm operators," said Richard Ellefson, "are getting a very small percentage of what is appropriated and I think the public taxpayers should know this. The public should also know that what is spent on agriculture is very small compared to what is spent to subsidize other businesses that have a much more lucrative position than agriculture."

NEED OVERHAULING

Public relations are in need of overhauling, according to Clarence A. Dybvig, Dell Rapids.

At his Minnehaha County farm he said, "Some large magazines have been carrying articles which tend to overemphasize storage problems and farm subsidies in general."

From Bob Hlavaka, Plainview (Meade County), comes this thought:

"I think provision should be made to promote better understanding between city and rural people rather than to blame one another for higher costs of living and surpluses."

PROGRAM NEEDED

"Have an education program," asserts Harold E. Harms, Redfield.

"Let the city people know how much the farmer receives from his product. They won't think he is getting rich on 2½ cents worth of wheat in a 28-cent loaf of bread or quality grade A eggs that are shipped to New York which the farmer gets 25½ cents a dozen for and the produce house gets 1 cent for handling and the trucker gets 3 cents a dozen for hauling."

"Therefore," Harms continued, "they arrive in New York for less than 30 cents a dozen but the housewife there pays 60 to 65 cents a dozen for them."

[From the Sioux Falls Argus-Leader, Mar. 8, 1960]

EVER-NORMAL GRANARY, BETTER WHEAT CONTROLS FARM DESIRES

(Ninth in a series)

(By F. J. Gilbride)

Don't sell the South Dakota farmer short when asking him to express his ideas on the farm legislation he would write if he had such an opportunity.

He has thoughts on a varied list of subjects and is able to give you arguments why he would favor such desired legislation.

This was clearly expressed in a survey which covered 28 counties in all areas of the State.

They want the ever-normal granary; they have thoughts on the storage problem and they have ideas on wheat controls. They also want greater use of Public Law 480.

WANTS CONTINUANCE

Lloyd Schrag, Marion, wants the ever-normal granary continued.

The Turner County farmer said if a bumper crop creates a surplus, in spite of reduced acreage, the Government could buy and store the surplus. In a lean year this surplus could be sold back to the farmers.

The ever-normal granary is also a desire of William D. Duba, Ethan.

"First," he said, "There should be a reserve set aside for emergency use only.

"This would be entirely separate from any other agricultural commodity held by the Government. This should be handled similar to the stockpiling of other vital commodities such as copper and other strategic materials."

DESIRES PRESERVATION

Preserve the ever-normal granary, declares Arnold Matzner, Stickney.

The Aurora County farmer said:

"The ever-normal granary has been a real help to us in South Dakota and other States. It has held the grain on farms in South Dakota when the price was low and still gave the farmers grocery money."

Lloyd B. Dye, Hitchcock, wants the ever-normal granary maintained on the farms and not spend huge amounts for storage to other organizations.

He said, "Any of our land-grant colleges could come up with the number of bushels needed to maintain an ever-normal granary on each farm and Government might help farmers secure this amount of storage space and loan the money on this amount and no more. This grain could be readily available to that particular farmer in times of drought and disaster."

CONTROLS ON WHEAT

A better control of wheat production would be the aim of Leonel M. Jensen, Wall.

The Pennington County rancher would set up this plan:

Any farmer who raised only 15 acres of wheat could keep on raising that amount. For every acre over 15, up to 50 acres, cut off 10 percent; above 50 acres, reduce 15 percent; over 100 acres, cut 20 percent, and after 500 acres, cut 35 percent, and after he gets to 1,000 acres, cut 50 percent.

"This adjustable scale," said Jensen, "should be maintained so that as surpluses are reduced and the free market is usable again, each farmer will be reinstated by the same percentages."

"During the period of severe surgery," he continued, "Farmers should be compensated to a degree for the reductions they make. Not full compensation but enough to see that taxes and interest on borrowed money could be paid."

WOULD CUT ACREAGE

Carl Cronin, Gettysburg, would cut the wheat acreage to what is needed below the 55 million acres set by Congress. He would increase the support price the same percentage and the land affected by the cut be left idle or planted to a cover crop.

In Brown County, Verl H. Cutler, Claremont, would put the wheat price at 90 percent of parity and control supply by acre control.

He would give a premium to those controlling the acreage.

Along this line of crop controls, Justin Mortvedt, Dell Rapids, feels cross-compliance is very necessary.

The Minnehaha County man said, "It just does not reduce the output to curtail production of a product in a certain area, then increase production of the same product in other areas."

WANT LAW 480

In the legislation they would write if they could, South Dakota farmers would make greater use of Public Law 480.

Said Duba:

"We should sell, barter, or give to friendly needy nations our surpluses but this ex-

change should be charged to our defense program and not agriculture.

"We should expand our school-lunch program and we should put into effect the national food allotment stamp plan enacted in 1959 to aid our aged and needy."

Vern Foland, Ottumwa, said simply, "Strengthen Public Law 480."

GETTYSBURG VIEW

Fred E. Bartels, Gettysburg, has this to say:

"I firmly believe that we are wrong in calling this surplus a liability or a curse.

"I believe it is one of God's blessings and that it is one of the duties of our Government to use it wisely by helping to feed the people of the world with it and not waste it."

"My desire in farm legislation," he concluded, "is a better way of life for all people who are willing to work."

[From the Sioux Falls Argus-Leader, Mar. 9, 1960]

FARMERS WANT UNUSUAL LAWS

(Tenth in a series)

(By F. J. Gilbride)

Any time you ask anyone to legislate you had best brace yourself.

You are going to get all sorts of answers.

Individuals can think of many things they want laws for or against.

This survey of legislation desired by South Dakota farmers has been no different.

For obvious reasons names of the individuals will not be used.

One southeastern South Dakota farmer said:

"I do not know if this would be workable or not.

"I would like to have a law that livestock prices could not drop more than 25 cents a hundred in a given market day. I believe this would create a more even flow of livestock to market."

He apparently would not place a limit on how much the market could go up on any given day.

A north central area farmer said:

"I believe the corporation farm of several thousand acres is not in the best interests of the community and the public in general so I would give those not in excess of 10 years to disperse their holdings. In that way they could once again be converted to family farms."

An eastern South Dakota farmer has these laws in mind:

"1. Our farm roads are becoming public dumping grounds for all refuse such as cans, bottles, etc., due to little or no control. I know that this is a big problem due to available help but it certainly is a farm problem. I would place a rather high deposit on all containers such as bottles and cans so they will be returned by the user or will be picked up for profit by the youngsters.

"2. I would like to see a law to help control big raises or drops in livestock markets as it hurts so many producers to come and find their stock is worth a dollar or more a hundred less than the day before.

"3. Many farmers are high pressured into buying seeds which are not recommended for the soil and climate they live in and also into buying tools and equipment which they don't need or could buy cheaper in the local store. I would like to see rural agents stopped or at least controlled by some law.

"4. I would like to see a law making it illegal for airplane hunters to hunt foxes, rabbits, etc. I think fox and rabbit hunting should be saved for our farm youth as a sport and moneymaking hobby. We sure used to enjoy the sport until airplanes took over."

[From the Sioux Falls Argus-Leader, Mar. 10, 1960]

SOUTH DAKOTA FARMERS WANT UNCLE SAM OUT OF THEIR HAIR

(Last of a series)

(By F. J. Gilbride)

"I'm going to wash that man right out of my hair" are the words of a popular American song.

Some South Dakota farmers feel they would be better off if they could wash Uncle Sam out of their hair.

Their forward views were expressed in a survey which sought views on farm legislation they would author should such an opportunity present itself. The survey covered 28 counties in all sections of the State.

TO FREE ENTERPRISE

Jack Hunter, Ardmore, said: "The only legislation I want passed is to take Government out of agriculture, slowly perhaps, but it must be done to turn it back to free enterprise, which is the thing that made our country great and will keep it that way."

The Fall River County stockman, a former member of the State fair board, said he was of the opinion problems cannot be solved by more laws "and then adding more laws on top of those laws, which seems to be the trend in Washington."

"I personally feel," he continued, "we will have to take supports off in the near future. I realize that when this happens the whole farm economy will crash, but the question uppermost in my mind is when is the farm economy crash coming anyway?

"I feel that much ado is being made about the family-type farm. This is a political football.

"The constant harping on this subject has angered our city cousins, the small businessmen and he has an excellent reason to feel as he does. Were I in his shoes I would feel the same way. If his store does not make enough for him to exist, he closes his doors. The same thing will have to be done by the farmer whose operation is so small that he cannot make a decent living.

"The argument against this is that a farmer does not have any other trade.

"Do you know of any group of people that have experience in so many different fields?

"I certainly do not myself. Example: Welding, mechanics, bookkeeping, animal husbandry, heavy equipment operators and I could go on and on. The average farmer is by necessity a very versatile man with some knowledge in many types of work."

VIEWS AT PRESHO

In Lyman County, H. G. Ehlers, Presho, said:

"Do away with the giveaways that got started in the 1930's they call the ASC. I think the farmer can build his own dams and wells and build up his land for more crop himself."

LeRoy Thompson, a wheat farmer and stockman in Meade County, said he would like to see all the Government supports, subsidies, and gimme deals thrown in the trash can and let the business stand on its own feet.

VICIOUS THING

The Sturgis man feels subsidies of any sort are a vicious thing in the economic system and are a handicap to true progress.

"There's nothing wrong with the family-sized farm if it's about three times as big as it used to be," he continued, "and if the farmer is going to enjoy good automobiles, modern homes and all of the other benefits of modern progress, he had better produce and efficiently."

FOR REPEAL

At Ludlow, Claude E. Olson declared the Government should repeal all laws that guarantee anyone, including the farmer, a guaranteed price for any commodity.

"The Congress," Olson said, "should never interfere with the law of supply and demand only in emergencies like during wars. The support prices have always been too high, like wheat for instance. Large operators claim they can produce wheat for 32 cents a bushel. Whenever one is guaranteed six times cost of production there is bound to be a surplus created.

"The Government has no business in business. They can hardly run the Government much less all sorts of businesses. The present practice that has been applied for some 30 years can only lead to Federal bankruptcy."

NO MEAT SUPPORTS

Vern Foland, Ottumwa (Haakon County) would like to see the Government stay out of the support of the meat industry.

This same feeling was expressed in Minnehaha County by Henry Knochenmus, rural Sioux Falls. He said:

"I am opposed to any Government support for hogs, cattle, eggs, or poultry. I believe in the past we have been better off without them and would be better off in the future without them."

Clarence A. Dybvig, another Minnehaha County farmer, wants the termination of all Government assistance in draining potholes.

PURPOSE GONE

And in another part of Minnehaha County, a Humboldt farmer said he felt the agriculture conservation program has outlived its purpose.

W. E. Holiway said he doesn't think good farmers need the ACP incentive to carry out good soil and management practices on their land.

"As we know in the past," he said, "it has served as an incentive to drain away scarce and valuable water from South Dakota, destroying wildlife habitat and often destroying more land with ditches than was covered with water."

A rancher near Buffalo feels this way about it:

"It is a national disgrace, the manner in which surpluses have been handled.

"Also the education given to the actual farmer in believing that his own Government owes him a living. This is the penalty of being a democracy but worth every cent of it unless we do find ourselves no longer a power in world affairs and forced to where maybe we should sacrifice a little now and retain future choice of our own destiny.

"This freedom that one hears about to be given back to the farmer is worthless unless the right to eat, educate his children, etc., goes along with that freedom.

"Really, if the agricultural part of our economy could unite, control prices, acreage, etc., as the industrial economy has done, we could write our own farm bill.

"But, as long as the U.S. Treasury is so liberally dispersed to the agricultural section of our economy, why should farmers do anything except complain, vote for the one who promises the most, and feel sorry for himself as he has been educated to do for 40 years."

OWNERSHIP OF THE AIR

Mr. McGEE. Mr. President, on several occasions during the past few weeks I have been inserting editorials and newspaper articles in the RECORD which relate to the problem of television programing, and the regulation of television in the interests of the public at large.

I was delighted that the Senator from Connecticut [Mr. BUSH] placed in the RECORD the excellent article on this subject by Claire Boothe Luce, which was recently published.

On Monday of this week I included some quotations from many years ago,

consisting of statements by the then Secretary of Commerce, Herbert Hoover, who suggested some of the elements that have gone into the creation of the public interest factor in broadcasting.

Since then Mr. Hoover has had a change of mind. That fact has been called to my attention by one of the ablest women executives in America today, Helen J. Sioussat, of the Columbia Broadcasting System.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "A Historic Switch by Herbert Hoover," published in the March 14, 1960, issue of the trade magazine Broadcasting, which describes Mr. Hoover's present position.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A HISTORIC SWITCH BY HERBERT HOOVER

For more than three decades critics of commercial broadcasting have been quoting former President Herbert Hoover to bolster their cause.

When he was Secretary of Commerce and radio was in its infancy, Mr. Hoover expressed misgivings about advertising on the air. He was speaking on a subject about which there was still very little known, but his words have been used time and again in efforts to demean commercial radio and television.

Last week Mr. Hoover publicly changed his stand, and, in the act deprived commercial broadcasting critics of one of their sturdiest cliches. After 37 years, he said, he had come to realize that advertising made a great radio and television system possible.

He made the statement in a telegram acknowledging a special award given him by the Radio and Television Executives Society in New York. The telegram was read by Frank E. Pellegrin, of H–R Representatives, president of the society, at an RTES banquet last Thursday. Here is what Mr. Hoover said:

"It is a great honor to receive the award of the Radio & Television Executives Society. This revives memories of days when the older members of this group and I worked together to bring the benefits of a great scientific discovery into American homes. You have carried it to the level of a great art and a sturdy protector of the American way of life.

"On this happy occasion I will not expand my forebodings to you of 37 years ago as to commercials. They surround your great programs fore and aft with a half dozen plugs. However, even in the pain of singing commercials, I justify even these by the realization that from the support of advertisers you have kept the wavelengths and channels in the safer hands of private enterprise rather than in those of government."

THE ORIGINAL STAND

The time was 1924. The scene the hearing room of the House Committee on Merchant Marine and Fisheries. The witness was then Secretary of Commerce Herbert Hoover. This is what he said about radio:

"Radio communication is not to be considered merely as a business to be carried on for private gain, for private advertisement, or for entertainment of the curious. It is a public concern impressed with the public interest to the same extent and upon the same general principles as our other public utilities."

Two years later the same Mr. Hoover said this at the Third National Radio Conference in Washington:

"Direct advertising is the quickest way to kill broadcasting. The reader of the newspaper has an option whether he will read an advertisement or not, but if a speech by the President is to be used as the meat in the sandwich of two patent medicine advertisements there will be no radio."

Mr. McGEE. I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Sarnoff Proposes Broad TV Parleys," written by John P. Shanley and published in the New York Times of March 11, 1960. I do not entirely agree with some of the statements, but I think they all point up the importance of opening this question wide and having a complete look at all the problems which the present communications issues have raised in recent months. I believe that only in this way will we be able to get at the real base of the problem and fairly serve the interests of all sides.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SARNOFF PROPOSES BROAD TV PARLEYS—ASKS CLOSED TALKS YEARLY WITH LEADERS IN OTHER FIELDS TO CHART FUTURE

(By John P. Shanley)

David Sarnoff, chairman of the Radio Corp. of America, proposed last night that broadcasters exchange ideas about television with leaders in other fields at closed annual conferences.

Advocating that leaders in government, religion, education, business, labor, advertising and publishing attend the meetings, Mr. Sarnoff said:

"In an appropriately cloistered atmosphere, away from kleig lights, microphones, printing presses, the broadcaster and his guests could exchange views face to face, could seek new ideas from each other, could clarify misunderstandings, could explore new uses of the specialized services and in the process, perhaps, could dislodge chips from shoulders on all sides of the table."

RECEIVES AWARD

Mr. Sarnoff spoke at a dinner of the Radio & Television Executives Society in the Waldorf-Astoria Hotel, at which he received the organization's first gold medal award for outstanding achievement in broadcasting.

He noted that he had made no public statement about fixed quiz programs and payola "since the storm broke last October in Washington."

He added, however, that he could not "ignore events and proposals that threaten to make more remote, or even to blot out" television.

Referring to disclosures of dishonest practices in TV, he said: "I cannot believe that the American people will ever permit this child of infinite promise to be thrown out because its bathwater once became murky."

He declared that "the responsible men in this industry had no part of and never attempted to defend rigging and payola."

Discussing the criticism that has been leveled at TV's mass-appeal programs, Mr. Sarnoff said:

"Violence on the home screen finds ample companionship in the lurid headlines on the front page. Mediocrity is no stranger to the theater or to the movies. The great moment of art is the rarity, not the rule, whatever the forum. One of television's needs—and it seems to me not an unreasonable one—is to be measured by the same criteria that apply to others."

FINDS FEW ERRORS

He referred to the rapid growth of television and said: "I find it remarkable that television has made as few serious errors as it has and that the errors, serious as they were, have not been irretrievable."

One error that could be irretrievable, he declared, would be acquiescence to proposals for more control of broadcasting.

Of censorship, Mr. Sarnoff said:

"Either you have censorship or you don't. Either it applies across the boards or not at all. How can one with reason relate it to a nonsubsidized communications medium which uses the public airways to reach the people free of charge, and ignore the other media that make a circulation charge and, in addition, use public subsidies to reach those same people?"

Mr. Sarnoff predicted global TV, electronic translation, and other advances.

"Technical developments, I firmly believe, will one day provide numerous additional channels capable of supplying many different services to small audiences with special educational, scientific, and cultural interests."

Mr. McGEE. Mr. President, I also ask that a statement which I have prepared on the subject be printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCGEE

On several occasions during the past few weeks, I have inserted editorials and newspaper articles in the RECORD apropos to the problems of television programing and regulation in the interests of the public at large.

Many of these articles and columns have condemned the television industry and pointed out that television has failed to meet its challenges and responsibilities. Some of the other articles have praised television and suggested that, with the passing of time, the industry will "grow up" and mature or "clean their own houses."

My purpose in bringing these articles to the attention to the Senate is to suggest that merely ridding ourselves of payola doesn't cure the basic ills of television, and that we should perhaps remain aware of the larger objectives which television should strive toward in fulfilling their obligations to the viewing public. Many industry executives and leaders have expressed these desires and diagnosed their failings far more perceptively than I.

However, one of the most powerful television executives—Mr. David Sarnoff, chairman of the Radio Corp. of America, as quoted in the March 11, 1960, edition of the New York Times, seems to resent criticism of the TV industry.

In discussing such criticism Mr. Sarnoff is quoted as saying: "Violence on the home screen finds ample companionship in the lurid headlines on the front page. Mediocrity is no stranger to the theater or to the movies. The great moment of art is the rarity, not the rule, whatever the forum."

Now, I submit that it is precisely this attitude, which seems to be altogether too common, that is perhaps the real "villain" which is retarding an establishment of public standards to be met by the TV industry.

I should hope that other television industry leaders do not share Mr. Sarnoff's view that "two wrongs make a right," or that we must look forward to only "rare" moments of art on television in the future. Certainly the public, whose airways are used to bring this medium to their homes, are entitled to more effort and responsibility than that.

CIVIL RIGHTS LEGISLATION—THE SUPREME LAW OF THE LAND

Mr. STENNIS. Mr. President, I shall address the Senate briefly on section

4(a)(1) of the Dirksen substitute. Included in this section is the bald statement: "The Constitution of the United States as interpreted by the Supreme Court is the supreme law of the land." This language is expressly pointed at the school desegregation decisions of May 17, 1954.

This quoted section is not what the Constitution says. Article VI, paragraph 2, states:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

I flatly disagree with the statement included in section 4(a)(1). A Supreme Court decision is the law of the case and the policy of the Court, but it is not the supreme law of the land. It can be made the law of the land by spelling out the substance of the holding in a bill and having Congress enact it into law. But it is not the supreme law of the land merely by virtue of the judicial decision nor by virtue of a mere declaration by the Congress stating as a conclusion that the decision is the supreme law of the land.

The foregoing quoted statement in the Dirksen substitute is not liberal. It is certainly not conservative. It is reactionary. Enactment of section 4(a)(1) would put many legal issues, including social issues, in a new kind of legal deep freeze. It would arrest the development of constitutional law, not only in cases espoused by liberal groups, but in all fields.

This is not what I believe the liberals want, but it would be the unwitting legal consequence of enactment of this subsection.

Congress, by enacting language which says "The Constitution, as interpreted by the Supreme Court of the United States is the supreme law of the land," would elevate the Court's opinion to the level of Federal statutes—not because such opinions are the supreme law of the land, but because Congress, which is the only branch of the Government authorized to make such law, conferred such status on opinions.

This language in question, as quoted from the Dirksen amendment, will cause Congress to ratify and freeze every Supreme Court decision interpreting the Constitution.

Does anyone want to do that? I think not. We would thus tread in the realm of unknown and ponderous legal problems as need might arise to change these rulings that we would now call the law of the land.

The Congress could not thereafter change the status quo, because under this language of the proposed act it would require both a legislative and judicial determination before we could change the effect of a decision. It is clear as daylight that the Court could not thereafter change the status quo, for they would be legislatively bound by their own precedent.

Let there be no mistake. The language in section 4(a)(1) is exactly the same, in legal effect, as a legislative act stating, "Congress hereby ratifies each and every Supreme Court decision interpreting the Constitution as of the date of passage of this act."

Would there be a single vote for such a proposition? Of course not.

The so-called conservatives would not want it, because they are concerned about some recent Supreme Court decisions which they would like to see overruled later.

The middle-of-the-roaders would not want it, because they would not like to see our constitutional law stagnate and wither.

The liberals would not want it, because the growth of the liberal movement has depended on the willingness of the Court in recent years to reverse precedent, overrule itself, and actually legislate in support of the liberal movement's aims. They would not like to see the Court lose the flexibility which has enabled them to uphold the minimum wage laws, the social security laws, and other programs previously held unconstitutional.

I have other objections to section 4(a)(1), but my plea here is that we do not abdicate our lawmaking, law-changing, and law-repealing power to another branch of our Government.

CENSURE OF THE PRESIDENT BY PUERTO RICAN LEGISLATORS

Mr. SCOTT. Mr. President, one house of the Puerto Rican Legislature has taken the extraordinary action of voting censure against the President of the United States, and press reports indicate that the other house is considering doing the same thing.

This was a purely political measure, taken on a political vote. In my judgment, it was in extremely bad taste. I do not recall that any State legislature ever acted in this fashion in recent times in regard to any President.

The action was incited by petty political spite and cheap partisan motives. Certainly it has cost Puerto Rico good will in many quarters on the mainland.

I hope the Puerto Rican Legislature in a more mature moment—if it has such moments—will reconsider this rash, ill-tempered, and bad natured action.

Mr. YOUNG of Ohio subsequently said: Mr. President, a few minutes ago the distinguished junior Senator from Pennsylvania [Mr. SCOTT] castigated the house of representatives of the Legislature of the Commonwealth of Puerto Rico for adopting a resolution criticizing the President of the United States for permitting Luis A. Ferre the political opponent of Luis Muñoz-Marín, Governor of the Commonwealth of Puerto Rico, to have a free ride on the President's plane from Puerto Rico and for expressing his support for Mr. Ferre in his campaign for Governor of the island commonwealth. It seems a pity that someone did not place a primer on Puerto Rican politics into the President's briefcase during his good will tour to the south.

This morning, the Washington Post and Times Herald printed an excellent editorial on this very subject, taking an opposite view to that stated by the junior Senator from Pennsylvania.

Gov. Luis Muñoz-Marín, Governor of the Commonwealth of Puerto Rico, is a great and good friend of the United States, a man who is generally regarded as one of the great statesmen of the Western Hemisphere, if not of the entire world. The Puerto Rican people are our friends. They are fellow Americans. They are a proud people, members of a great Commonwealth.

Through the unique arrangement of Commonwealth status, Puerto Rico has transformed itself from an economic and psychological slum into a proud and prosperous island under the leadership of Governor Muñoz-Marín. Americans and Puerto Ricans alike can take great pride in this continuing achievement. It is a remarkable example of good will toward Latin America and of effective economic self-help.

The Republican Party of Puerto Rico is in reality nothing more than a splinter of the mainland Republican Party. In Puerto Rico it is also, and more importantly, the Statehood Party. Governor Muñoz-Marín's party, the Popular Democrats, has no ties with any mainland party.

The President was ill advised in interfering with the purely local political campaign in Puerto Rico. This interference may be interpreted by some Latin Americans as Yankee intervention in the affairs of our neighbors south of the border.

This unfortunate incident was a heavy-handed blunder, especially coming on the heels of the President's successful South American tour.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the editorial to which I have referred, entitled "Puerto Rican Fumble," published in the Washington Post of March 17, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PUERTO RICAN FUMBLE

It is a pity that someone did not stick a primer on Puerto Rican politics into President Eisenhower's briefcase during his good will tour to the south. This might have averted the gratuitous blunder made by the President in seeming to endorse the gubernatorial candidacy of Luis A. Ferré, leader of the island's Republican Statehood Party.

Puerto Rico, as Price Day of the Baltimore Sun points out elsewhere, is "not Iowa." It is a proud, self-governing Commonwealth and ought not be treated as just another ward in Philadelphia to be carried by a mainland party. Little wonder the island's house of representatives has rebuked Mr. Eisenhower for improper intervention in the Commonwealth's affairs.

The President's news conference comments yesterday, obviously intended to mollify only make matters worse. While withholding judgment on the merits of Puerto Rican statehood—the chief plank in Sr. Ferré's party—Mr. Eisenhower did not retract his endorsement. "He is a Republican candidate, I understand," quoth the President, "I believe that he is not in any primary struggle." A wealthy industrialist, Sr. Ferré is indeed a Republican and in 1956 contributed $2,000 to GOP organizations. But the important point is that the usual laws of politics do not apply in Puerto Ricco's case.

The island's Governor, Luis Muñoz-Marín, is a member of the Popular Democratic

Party—a group unaffiliated with any mainland faction. More that that he is a hemisphere figure held in highest esteem by all Americans, north and south. In 1958, Vice President NIXON observed correctly that the Governor is a man of whom "all of us can be immensely proud." A key reason for his prestige is that he has been freely chosen by his own people as their leader.

This country has gone to great pains in showing that Puerto Rico is not subject to the whim of Washington and its Governor not a puppet. Congress is considering legislation which would further enhance the island's autonomous status. But suppose, after Mr. Eisenhower's heavy-handed meddling, Sr. Ferré should win? It would conceivably be a Republican victory but a national defeat. Mr. Eisenhower ought to reconsider his misplaced party zeal.

GOLD PRODUCTION DECLINES

Mr. BARTLETT. Mr. President, I am fully aware that the price of domestically mined gold will not be increased by our Government on account of the fact that the U.S. gold-mining industry has come upon troubled days. Whether or not I would make such a statement if gold miners numbered tens or hundreds or thousands or even millions of people is another proposition. Then pressures for relief in behalf of a large and distressed segment of our economy might become effective. But the cruel fact is, under present circumstances, the economic welfare of individuals and companies engaged in gold mining is a matter for regret but not for action, and I cannot foresee any circumstances which will alter this. The fate of the gold miner is inextricably tied to national and international monetary considerations which are held to be of paramount importance, and the gold miner is certainly not the master of his own fate.

When the price of gold was raised in 1934 it is true that this was a bonanza for some. But their number was limited. The chief effect so far as the industry itself was concerned was that it attracted new members and mines were opened both in placer and lode which could not be profitably operated under the old price of $20.67 an ounce. The gold miner is adventurous and willing to take a chance in a manner that few others in our economy are. Even so, many then took chances that in the bitter light of experience were discovered not to be warranted. Even with gold at $35 an ounce, plenty of miners discovered that the ratio of gravel to gold, of rock to gold, was unchanged and the ratio remained too high on the side of gravel and rock. So many miners went broke.

Mr. President, if I may make a personal reference it would be to say that I count myself an extraordinarily successful miner. For after my mine was worked out and the last gold had been placed in the bank and the last bill had been paid I fortunately discovered that the books were in balance and that I was among the minority who got out with a whole skin.

Mr. President, gold mining was suspended during the war. It was held not to be an essential industry. After the war's end gold mining was resumed. But a change had come over the scene. Inflation was under way, and its pressures have never ceased. Those desiring to go into gold mining today buy their machinery at 1960 prices; they pay 1960 wages; their supplies are bought at 1960 prices. The price of their product, however, has not changed 1 penny in more than a quarter of a century, during the last part of which we have experienced this fierce inflationary storm. Gold is still bought by the U.S. Treasury at the price of $35 an ounce established so long ago. Of course, the miner does not get $35 an ounce, because he does not produce gold in pure form to sell to the Treasury. If his gold has a value of $30 an ounce when it goes from his mine he is fortunate indeed.

As I say, gold miners are under no delusions. They realize that they can go broke one after another in the process of working out valuable deposits, and there are few who will shed tears for them. Notwithstanding, Mr. President, there are those of us who can and will shed a sympathetic, figurative, and almost literal, tear at the decline and fall of this part of our American life which is possessed of long and honorable tradition. It is a "clean" business. It offers the fierce joy of battling against great natural obstacles, of surmounting hardships of every kind, where a single clean-up may make or break, and yet it is free of the fierce competition to be found in many areas of our economy. As to that, there are those of us who would like to become a little bit more competitive, who would like to see newly mined gold from the United States made available for sale on the world market at whatever price it would command instead of adherence to the requirement that it flow to the U.S. Treasury at $35 an ounce.

Mr. President, as the gold mining industry comes to increasingly hard days, there is reason for concern about the human beings involved. I think at the moment of a single Alaska community. It is Nome. Nome is the largest community in the northwestern part of Alaska. It was founded more than half a century ago. It came into being because gold was discovered on its fabulously rich beaches. It has survived because of gold mining. Gold mining has been the basic industry there all these years. Now the dredges of the U.S. Smelting, Refining & Mining Co. produce most of the gold which is mined on the Seward Peninsula where Nome is located. The announcement has been made that before long these dredges can no longer operate profitably and will be shut down. This is a sad thing to contemplate. It is true that Seward Peninsula has been described as a veritable storehouse of mineral wealth; but time and capital and need for these minerals will be required before a sound economy based upon them may be erected.

The question is: Do we have that much time so far as Nome is concerned? I have been told that about 80 percent of the working force of the U.S. Smelting, Refining & Mining Co. at Nome is composed of Eskimos, and James D. Crawford, vice president of the company and general manager of its Alaska operations, has told me that these native people are first-class workmen. Many of them fill jobs on the dredges requiring high technical skills. These people are hard working and industrious. By reason of necessity, if nothing else, they have become dependent upon a dollar economy.

They depend upon their regular paychecks just as the rest of us do. They could not return, even if they desired to, to the way of living of their ancestors. What will happen to these Eskimos when the dredges close down? Even if they wanted to leave the land in which they have lived all their lives, where would they go? There is no requirement for the skills they possess elsewhere, because gold mining everywhere else is similarly depressed and languishing.

Oh, Mr. President, perhaps the welfare of a small group of Eskimos whom we have trained in our ways is inconsequential and scarcely worthy of consideration matched against theories of international finance, but there are some of us who will always say that the well-being of the Eskimos and all other gold miners merits some attention, too.

It is argued, and with plausibility, so far as a layman such as I am concerned, that to advance the price of gold a nickel an ounce would have the direst national consequences. Maybe it is true. And I have heard economists otherwise minded make the argument that to delay longer in raising the price of gold would be to cause stress and strain to be exerted against our economic house. They sounded plausible, too. I don't know. And I am not so sure that anyone else does. I do know that away up in Nome before long welfare checks will have to be substituted for the good honest toil which has brought in paychecks.

The prospector is almost gone from the American scene, he of that special breed of men who dared greatly in the far places searching for the great rewards and the great adventures and who seldom found the rewards but always had the adventures. When he goes, much that has been part and parcel of America will have gone, too.

Mr. President, gold miners whom I have known—and I have known many of them—are sensible men, men who don't expect gold prices to be increased for their benefit. They know the problem that faces them, the handicaps that stand in the way of reviving what was once a vigorous, going, useful industry.

Only the other day, Mr. President, I had a letter from a man whom I have known all his life, Carl Parker, who is not only a gold miner but who is now chairman of the Fairbanks branch of the Alaska Miners Association.

In writing me, Mr. Parker had this to say:

> Should it be felt necessary to increase and strengthen our gold reserves without upsetting the delicate dollar balance throughout the world, it might conceivably be held necessary to do this through a premium for newly mined, domestic gold only. This would fit the wording of S. 590 quite well, and it might even be argued that it would cost little in the long run, since all effect and benefit would be confined to a domestic picture. It is our purpose to show that a relatively large increase is needed to stimulate such production and to

justify an increase to $70 or more per ounce. This purpose is just as relevant if a world price rise is considered.

Mr. Parker sent along with his letter some very interesting figures, ones which I have long sought for but never before had been able to obtain. He informs me that in 1940, before inflation struck, 50 gold dredges were operating in Alaska. In 1958 the number had been cut back to 23, a reduction of 54 percent. In 1940 there were in Alaska 45 gold lode mines. In 1958 there was not a single such mine anywhere in Alaska. Other placer operations in 1940 numbered 501. By 1958 the decrease had been 81 percent; only 95 were left and this number includes, of course, the very smallest operations as well as the larger ones.

Mr. President, back in 1940 gold production in Alaska from all sources was valued at $26,458,950. Of this $12,418,210 came from dredging, $6,632,234 from other placer operations, and $7,408,506 from lode operations. What was the total production in 1958? Mr. President, it had declined to $6,518,255. Not a dollar came, naturally, from lode operations. Dredges accounted for the bulk of the production and the value of dredged gold was $5,261,970, while other placer operations accounted for $1,256,255.

In 1940 gold brought $35 an ounce in pure form. In 1960 gold brings $35 an ounce in pure form. How about expenses? They have not remained constant. The cost of heavy equipment in the last 20 years has gone up 265 percent. Labor costs have risen 234 percent and fuel costs have jumped 150 percent. The overall increase is 213 percent. The wonder of it is that there is a single gold miner left anywhere.

Mr. President, the Fairbanks branch of the Alaska Miners Association has made certain recommendations based upon this situation which I should like to call to the attention of the Senate. As communicated to me by Mr. Parker, they are:

It would appear that an increase in gold price commensurate with cost increases since 1940 would initiate an almost immediate and very substantial response from the Alaska mining industry. This would be reflected to the greater degree by placer operation other than dredging. While it is doubtful that the larger type of operations would make so complete or so rapid a recovery, they should, within 2 to 3 years, reach a substantial proportion of prewar production. The composite effect would result in a production stabilized somewhere between 70 and 85 percent of prewar figures, based on presently known deposits. The increased incentive for prospecting could well result in location of substantial new commercial deposits of gold, as well as valuable discoveries of other minerals of prime importance. Since this estimate is made for production in terms of fine ounces, the impact on the State economy of any such action in terms of dollar value is self-evident.

It is readily apparent that under present conditions, gold mining as an Alaskan industry is approaching extinction. The majority of the mines now producing are rapidly exhausting their workable reserves. Those mines still operative are mainly tagends of projects developed or operated prior to World War II—very little further development even of existing mines has been hazarded since that time. Many of the smaller operations were unable to recover from the effect of L208, and the extremely adverse influence was industrywide. A large increase in costs during the enforced idleness had removed a large share of the profit incentive. To combat rising costs, operators were forced to drastically curtail or eliminate that share of profit normally expended for further development. Such an undesirable condition can lead only to final closure. It would appear that the larger dredging operators purchased existence through these methods; there was little if any margin for further economy in an already highly efficient operation. Lode mines, with a higher labor cost proportion, were completely abandoned. In most cases, however, the small placer operator was forced to adapt new and more efficient methods to exist. This latter result will have an important effect in the future of the industry, if there should be an increase in the price of gold.

An answer to the question of how much new production will be stimulated by various degrees of gold price increase must consider many relative factors. Production and cost figures serve to establish trend only—a theoretical guide to provide a ratio to basic standard, and can be inaccurate and incomplete without consideration of the variance factors. Information of value from this standpoint must be sought from those intimately acquainted with and active in the respective fields concerned. An increase of small proportion will aid only those surviving operations, and will in general merely tend to extend their life for a more or less brief period. A very substantial price increase or aid is needed to generate significant new production. For purposes of comparison an increase of 100 percent, in line with cost rise, may be assumed.

The field of dredging in the Fairbanks area, a major past producer, is limited by factors other than the economy of the operation in itself. Little actual expansion is probable; a considerable extension in the life of present operations would be effected, however. The relatively large initial capital outlay necessary to start such activity demands a correspondingly large volume of workable gravel, and a relatively unrestricted operation. The Seward Peninsula and other of the outlying areas offer the best chance for expansion or resumption of such activity on a large scale. An estimate made by the general manager of one large dredging operation in Alaska predicts a return to 70 percent of the prewar production in that area under such conditions.

Lode mining faces many of the same restrictions as dredging, yet has a somewhat better chance for expansion, at least for smaller operations. A considerable advance has been made in mechanization, to offset at least in part the high ratio of labor to total mining cost. Better air transport and overland methods allow for penetration of more remote areas. Certainly a good percentage of prewar mines would be reopened. Since such a large part of this production came from one large operation, however, it would be dangerous to attempt any prediction without a specific estimate from this source. It would seem reasonable to assume a resumption of vigorous activity, but to what degree is difficult to foretell accurately.

The smaller individual placer operations will reflect the greatest reaction to such a stimulus. By nature a more flexible and mobile type of operation, advantage can be taken of modern transportation development to move into once remote areas of known value to initiate new production. The improvement in methods previously mentioned, and the present availability of types of equipment necessary for this method of mining would allow an almost immediate resumption of production in most of the now inactive mines. This same advance in technique would allow the opening of properties not operable before such progress, profit possibility being equal. It is a self-created margin for the small operator. Many of the "long corners" left by cessation of dredging, not large enough to warrant renewal on such a scale, would be reopened by this method. Added to the feasible expansion of existing operations, a rapid return to near normal prewar production levels is probable, and a considerable increase beyond that level quite possible in the near future.

Mr. President, if past experience is a guide to the future, I seriously doubt whether the U.S. Treasury or the big banking institutions in this country will willingly endorse the proposal that the price of gold should be raised. I, since one man's prediction is as good as another, predict notwithstanding that this increase will inevitably occur. It will occur not out of a desire to do justice to the gold mining community, but because it will be dictated by the course of events. Even now, Mr. President, our gold reserves continue to be drained away. Much of the gold on deposit in this country is, as we all know, foreign owned and there have been material losses in the total owned by this country. So for many reasons I believe that not too much time can pass before prudence will require a higher gold price. And when this comes about I am not so sure that this action will cause the flame in the lamp of inflation to burn so brightly as some have argued it will; that lamp has had its chimney scorched already from manmade causes.

CIVIL RIGHTS LEGISLATION

Mr. KUCHEL. Mr. President, I have been very glad to be one of those who has supported the so-called Dirksen substitute. In section 4 of that pending proposed legislation is a statement reading as follows:

The Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land;

An attempt will be made by some Senators to eliminate that and other provisions of section 4. I do not quarrel with the right of any Senator to try, by appropriate amendment, to change the present bill in any fashion, but I must say that was asseverated on this floor earlier today by the distinguished junior Senator from Mississippi—that this statement, "The Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land," is not a correct statement of fact and of law in America—is shocking to the senior Senator from California. I deny it, and I deny it as vigorously as I can. The Senator's statement is completely incorrect. He is wrong.

Mr. President, the Constitution of our country sets forth in article VI:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme

law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Mr. President, of course the Constitution is the supreme law of the land; and when, under its constitutional responsibility, the highest judiciary under the Constitution is required to interpret what the language of the Constitution means and, being required to interpret it, registered its own considered judgment and opinion, that judgment and opinion then represents the supreme law of the land also. Our basic charter created a Supreme Court for the purpose, among others, of interpreting the provisions of the Constitution.

It is surprising to me, Mr. President, that anyone can disagree with that statement contained in the bill.

Senators may take it out, Mr. President, if they desire to vote it out of the bill, but I say to them, Do not say that the Constitution as interpreted by the Supreme Court of the United States is not the supreme law of the land. If that were the fact, God help the United States.

THE PRESIDENT'S PROPOSAL ON IMMIGRATION LEGISLATION

Mr. SCOTT. Mr. President, the President of the United States has submitted a proposal for new immigration legislation, legislation which is needed, legislation which goes to correct the present inequalities in the law, legislation which will be welcomed by all those who are students of this problem as fair and as wise and as well thought out.

However, now the game will begin. The President has submitted his proposal. Will it be promptly enacted into law? It is much more likely that what we will see now is that which happens every time the administration submits a proposal. Someone will come along and propose that we admit twice as many immigrants as the President proposes. Then someone will come along who will propose that we admit four times as many as the President proposes. Then I am sure someone will come along, who also may be up for election this year, and who will propose that we admit 10 times as many as the President proposes. Then those entertaining these views will load the bill to cover every possible vote-getting expedient which can be conceived of by the mind of any politically concerned individual. In that way they will endanger the fair and moderate and wise proposal of the President.

Mr. McCARTHY. Mr. President, I should like to speak to the statement of the Senator from Pennsylvania [Mr. SCOTT]. I sincerely hope that what he prophesies will not come true, and that the Democrats will give support to the President's immigration proposal.

However, I must note that we have been waiting ever since the campaign of 1952 for a recommendation from the President with regard to reforming and modifying the Immigration Act in keeping with one of the principal points emphasized in that campaign. We are now in the dying months of the President's second administration, almost 8 years since the campaign promise of 1952.

I shall urge all Democrats to support the President in his proposal exactly as he has made it, if necessary, because I am afraid if we do not do so, or if we modify it in any respect, we will get from him the same kind of comment that we got on the education bill. At one time he had recommended it, but when we proposed it to him he said it was all right for a starter, but it went too far.

I will do my utmost to urge my Democratic colleagues to support the President's position, and I hope that we will get the kind of measure he recommends.

Mr. SCOTT and Mr. KEATING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield; and if so, to whom?

Mr. McCARTHY. I yield first to the Senator from Pennsylvania.

Mr. SCOTT. Does the Senator from Minnesota not agree that as a result of the earlier recommendations of the President we did, in fact, enact good immigration legislation?

Mr. McCARTHY. There has been some modification of the Immigration Act. In the 1952 campaign he promised a general revision of the Immigration Act. I am glad this recommendation has come, even though it is very late.

Mr. SCOTT. I am glad the Senator will support it.

Mr. McCARTHY. I now yield to the Senator from New York.

Mr. KEATING. I certainly would not want to have the Senator from Minnesota leave any impression on the RECORD that the President has done nothing about this matter since 1952. It was only 2 years ago, and, earlier, 4 years ago, when he sent his message to Congress asking for constructive immigration legislation. He has been consistently doing that over all these years, and Congress has taken some constructive steps in accordance with his recommendations. It would be inaccurate to say that he had simply sent a message in 1952 and then had done nothing about it.

Mr. McCARTHY. It was not a message to Congress to which I referred. The promise was made during the campaign. I will make the same answer to the Senator that I made to the Senator from Pennsylvania. We have not had from the administration a recommendation for a general revision of the Immigration Act corresponding to what was indicated in 1952.

Mr. KEATING. Mr. President, will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mr. HILL in the chair). The time of the Senator from New York has expired.

Mr. McCARTHY. Mr. President, I ask unanimous consent that I may have 2 additional minutes in which to yield to the Senator from New York.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota to have an additional 2 minutes to answer a question of the Senator from New York? The Chair hears no objection, and it is so ordered.

Mr. KEATING. I appreciate the Senator's yielding. I shall not consume 2 minutes.

It happens that I served as a member of the Committee on the Judiciary in the other body. I serve on the Committee on the Judiciary in this body, and also on the Subcommittee on Immigration and Naturalization.

The President has submitted comprehensive recommendations several times since the original submission, and has repeated them in his state of the Union messages and in other messages on several occasions. I am very happy that he has repeated them now. I feel that this is one subject on which I can speak with some authority, because I have a rather intimate knowledge of what has taken place in that field.

Mr. McCARTHY. I also have followed the matter closely. I am glad the President has made specific recommendations for a general revision of the Immigration Act. I hope Congress will act on his recommendations.

Mr. KEATING subsequently said: Mr. President, I am delighted, as I am sure most forward-thinking and fairminded Americans will be, by the President's appeal yesterday for liberalization of our present immigration system.

Too long have we overlooked and veered from the needed reforms which he cited in his message; and on many previous occasions he has called to our attention many of the needed changes. Now he has taken just the action needed to center attention upon our unduly restrictive and inequitable immigration system.

Last year, approximately 26 general immigration and naturalization bills were referred to the Immigration and Naturalization Subcommittee of the Senate Judiciary Committee. Of this total, only three—and these were of relatively limited nature—were reported favorably to the Senate, and subsequently were enacted into law.

What is needed is not incidental, remedial alterations, but a basic change in our immigration and naturalization policies.

For years, Mr. President, I have sponsored legislation calling for many of the recommendations urged by President Eisenhower. A number of other Members have introduced similar measures. It is my sincere hope the President's strong message will jar the Congress into action, and will result in the enactment of urgently needed comprehensive reforms in our basic immigration law.

DISARMAMENT AND DIPLOMACY

Mr. BUTLER. Mr. President, on Tuesday of this week the latest Geneva Disarmament Conference began amidst mixed feelings of high optimism and low cynicism. The optimism is engendered by some slight relaxation of tension in the world during the last year or so while the cynicism is based upon the failure of Premier Khrushchev to match his peaceful words with peaceful deeds. The fate of this Conference cannot be predicted although it can be prophesied

with some degree of reliability that what ever it may be, its end will not be a swift one.

Herein lies a problem for the impatient American. Almost all of us like results—quick results—and for some of us, the strain of the cold war is beginning to tell and to persuade us to say and recommend things which might better be left unsaid.

For example, last weekend, 106 members of the faculties of Johns Hopkins University and Goucher College sent a telegram to Secretary of State Christian Herter stating:

The survival of civilization requires the control of armaments of unlimited power and their eventual elimination as instruments of national policy.

Mr. President, there can be little quarrel with that statement. But the conclusion of the telegram strikes a far more debatable note:

In view of the gravity of the present situation we are convinced that the United States should, if necessary, accept considerable risks to achieve the goal of general disarmament in order to avoid the far greater risks attendant upon continuing the arms race.

Mr. President, "considerable risks" is the stuff of which catastrophes are made in the field of international diplomacy. The Baltimore Sun in an editorial published on Sunday, March 13, underlined this political fact with clarity and dispatch. I ask unanimous consent to have printed at this point in the body of the RECORD the editorial and an accompanying article published in the Baltimore Sun.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Mar. 13, 1960]

ONE HUNDRED AND SIX TEACHERS BID UNITED STATES SEEK ARMS CHECK—HOPKINS-GOUCHER BLOC URGES HERTER TO ACCEPT RISKS

A large group of Johns Hopkins University and Goucher College faculty members said yesterday in a telegram to Christian A. Herter, Secretary of State, that "the survival of civilization requires the control of armaments of unlimited power and their eventual elimination as instruments of national policy."

And the telegram, sent 3 days before the start of the Disarmament Conference at Geneva, concluded that:

"In view of the gravity of the present situation we are convinced that the United States should, if necessary, accept considerable risks to achieve the goal of general disarmament in order to avoid the far greater risks attendant upon continuing the arms race."

ONE HUNDRED AND SIX SIGN TELEGRAM

It was signed by 71 members of the Hopkins faculty and 35 Goucher faculty members.

The message to the Secretary of State had its beginnings in the Seminar on Arms Control and World Peace, composed of about 15 Hopkins faculty members and two or three from Goucher.

The group has no official connection with either institution. It meets informally every other Sunday night and was formed last November by four Johns Hopkins professors—Dr. Charles A. Barker, professor of history; Dr. H. Bentley Glass, professor of biology; Dr. Jerome D. Frank, professor of psychiatry, and Dr. Leon Eisenberg, associate professor of psychiatry and pediatrics.

MESSAGE GIVEN

The telegram, in full:

"The forthcoming disarmament conference at Geneva impels us, members of the faculties of the Johns Hopkins University and Goucher College, to make the following statement which represents our personal views.

"Never have the peoples of the world spent so much on armament in time of peace and never have they been so insecure.

"During the past year the arms competition between the United States and the Soviet Union has become more intense than ever. The continuing spread of nuclear weapons to an enlarging circle of nations increases the danger of war and makes disarmament even more difficult.

"The survival of civilization requires the control of armaments of unlimited power and their eventual elimination as instruments of national policy."

SUSPICION NOTED

"The Soviets in disarmament negotiations have shown a suspicion of American proposals for inspection and control, and our own representatives have been reluctant to consider any scheme that would not eliminate every risk of deception.

"But every alternative open to the United States involves risk.

"Insistence upon a perfect system only insures that there will be no inspection and no control; the result must be an unrestricted arms race which sooner or later will almost certainly bring about unrestricted nuclear war.

"The present impasse must be broken.

"Serious as are the conflicting interests between the United States and the U.S.S.R., both countries, we believe, have been too preoccupied with their differences and not enough concerned with their common goals.

"Americans need not shed all their skepticism about Soviet words and actions; successful international agreements are based more on mutual advantage than on trust."

CONCESSIONS CITED

"Although the prevailing attitude of distrust has made agreement difficult, the American and Soviet positions on a test ban are now very close as a result of mutual concessions.

"Any resolution of the remaining differences is preferable to the dangers which would follow a breakdown of negotiations.

"The United States and the Soviet Union have a strong common interest in preventing the spread of nuclear weapons, which appears inevitable without an agreement to stop testing.

"Recent administration suggestions that such weapons be furnished to American allies would, if carried out, jeopardize further negotiations to end the arms race.

"We believe that the test ban is an essential first step toward comprehensive arms control."

SOME RISK URGED

"In view of the gravity of the present situation we are convinced that the United States should, if necessary, accept considerable risks to achieve the goal of general disarmament in order to avoid the far greater risks attendant upon continuing the arms race."

The telegram was signed by these members of the Johns Hopkins faculty:

D. C. Allen, Donald H. Andrews, Charles A. Barker, Ernst Cloos, Leighton E. Cluff, Elliott Coleman, Fred F. Converse, Richard T. Cox, J. D. H. Donnay, Nathan Edelman, Leon Eisenberg.

Also, A. Murray Fisher, Jerome D. Frank, John Freccero, Palmer H. Futcher, Olcott Gates, Hans Getzke, H. Bentley Glass, J. L. Gossman, Richard H. Green, Carola B. Guttmacher, Albert L. Hammond, Thomas R. Hart, Jr., C. A. Hopson.

Also, William H. McClain, Clara P. McSimmon Kuznets, W. G. Lambert, Frederic C. Lane, Louis Lasagna, Victor G. Laties, Owen Lattimore, Allan H. Levy, Victor Lowe, Fritz Machlup, A. J. Mandy.

Also, William M. McClain, Clara P. McMahon, Eugene Meyer, G. H. Mudge, Earl H. Nash, Jr., Helen Nash, Abraham G. Osler, Lee C. Park, E. T. Penrose, F. J. Pettijohn, Kingsley Price, Herbert J. Rapp.

Also, Jerzy E. Rose, Lawrence J. Ross, Francis E. Rourke, Regina Slaughter, F. Wilson Smith, Lex B. Smith, David Spring, Joseph H. Stephens, Arthur R. Stone, Wolfgang Thormann, Robert W. Tucker, Robert R. Wagner, Esther Walcott, John Walton.

Also, Bruce Wardropper, Earl R. Wasserman, Bernard Weiss, William D. Wheat, Frances Williams, M. S. Wilson, C. Vann Woodward, Kenneth R. Zeirler and Frank Albrecht, secretary.

These were the Goucher faculty members who signed the telegram:

Sherodd Albritton, John V. Chamberlain, Virginia Canfield, Lester C. Crocker, Sara deFord, Rhoda M. Dorsey, George A. Foote, Elliott W. Galkin, William L. Hedges, Lincoln F. Johnson, Jr., K. Lems John I. Lodge, Jame Morrell, Walter M. Morris.

Also, William R. Mueller, Rolf Muuss, William L. Neumann, Enrique Noble, Clifford R. Noll, Jr., Sonia F. Osler, Brooke Peirce, Olive Westbrooke Quinn, Norma K. Raffel.

Also, Donald Risley, Frederick G. Reuss, Marion Robison, Alice J. Reynolds, Annelies A. Rose, Peter J. Rose, James P. Scanlan, T. Guthrie Speers, Martha Taber, Richard Waidelich, Kenneth O. Walker and John C. Williams.

Signers represented about one-half the Goucher faculty and a large percentage of the Hopkins faculty.

[From the Baltimore Sun, Mar. 13, 1960]

DISARMAMENT MANIFESTO

When the Hopkins and Goucher professors in their manifesto urge the need to control nuclear weapons, beginning with a ban on atomic testing, 9 out of 10 Americans will echo them.

But when they state that "the United States should, if necessary, accept considerable risks" in negotiating for disarmament, they contradict themselves and they raise questions.

Just what does "considerable risks" mean?

The idea seems mild enough in the abstract. Concretely, it means that we lower our guard without any firm guarantee that the Russians will lower their guard also and in the same degree. It means abandoning the idea of "control" in favor of its opposite, mutual trust, as the operative principle in disarmament. The "considerable risks" would be that the Russians might not follow our trustful lead, so that, having guessed wrong, we would soon find the contest settled in Russia's favor. In the atomic age, one such wrong guess is all we get.

If the rival in the atomic arms race were Hitler's Germany, not Soviet Russia, would the professors favor taking considerable risks? That seems doubtful—and yet the record of Soviet Russia is not one to inspire trust.

There is hope for some progress toward disarmament without resort to "considerable risks." We are seeing it being realized at Geneva, where the negotiators after months of skeptical bargaining are close to agreement on the banning of atomic tests—under an agreed system of inspection and control. The remaining gap is so small that with some ingenuity it can certainly be bridged. And this fruitful bargaining has been based on the best and soundest of motives: an intense interest on the part of all the negotiators in ending atomic testing—by the others.

The same motive applies to disarmament generally. We want the Russians to stop

arming. They want us to stop arming. If the desire is genuine on each side—and we can't think why it shouldn't be—then each will yield as much as is necessary to accomplish the immediate step by the other, and no more. To yield more than tough bargaining requires, and especially to take "considerable risks," is to hand over the very tool by which the next step can be forced. A willingness to take "considerable risks" is not the right temperament for a disarmament negotiator—not when the fate of nations is at stake. Skepticism, ingenuity and infinite patience, backed by a powerful deterrent, are the qualities most likely to get results. The professors will discover this by examining the practice of Russian diplomacy.

PROGRESS IN EL SALVADOR

Mr. BUTLER. Mr. President, I ask unanimous consent to have printed in the RECORD, a recent letter to the New York Times by His Excellency, Dr. Hector David Castro, Ambassador of the Republic of El Salvador, who is accredited to the White House, and is one of the most respected diplomats in Washington, D.C. The Ambassador's picture of his country's socioeconomic and political condition is important, because it demonstrates that the officials and people of El Salvador are working constructively toward a solution to their problems. It is especially encouraging to learn from this high authority that "there is not a single political exile from El Salvador or any political prisoner in the country."

My attention was directed to this letter by my good friend, the Reverend Father Joseph F. Thorning, Ph. D., D.D., who resides in and works as a specialist on inter-American history at Carrollton Manor, Md., the original home of Charles and Daniel Carroll, of Carrollton.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 24, 1960]

EL SALVADOR'S PROGRAM—COUNTRY DECLARED PROCEEDING WITH HER ECONOMIC AND SOCIAL GOALS

To the EDITOR OF THE NEW YORK TIMES:

An editorial published in the Times of February 9 and a February 8 article by your correspondent Paul Kennedy present El Salvador as a country where political and social unrest prevails due to a difficult economic situation and to adverse political conditions impairing the stability of the country.

All Latin American countries suffer in their economies the results of continuous price fluctuation of their basic products, mostly raw materials, in the international market. While in recent years these prices have fallen to a very low level, at the same time the prices paid by these countries for imported manufactured goods have shown a continuous increase in price.

El Salvador is not an exception to this rule. The fall in the price of coffee and cotton in the last 2 years has seriously affected its economy. However, efforts made by El Salvador and other coffee-producing countries have resulted in an international agreement which has stopped the decline in the prices of this commodity, therefore stabilizing the market.

Efforts of the government are devoted naturally to decrease expenditures, to keep a balanced budget and to find stable markets for its basic products. A sugar import quota for El Salvador has been requested from the Government of the United States of America in order to decrease the dependence of El Salvador's economy on coffee and cotton.

NEW ELECTORAL LAW

As to political unrest in the country, a new electoral law has been enacted. It has been criticized in some sectors of opinion and upheld in others. El Salvador is approaching the election of members of Congress and local authorities.

Any political campaign produces political agitation. But it is not fair to regard it as a danger to the stability of the country concerned. There is absolute freedom of the press in El Salvador. The parties interested in the political campaign are already very active. All these facts reveal only the normal process of a democracy striving to solve its own problems.

It should be noted that there is not a single political exile from El Salvador or any political prisoner in the country.

El Salvador is carrying out an important social program for the purpose of improving the living conditions of workers in the cities and in the rural sections of the country. Of the appropriations in the national budget, 40.8 percent are devoted to education, sanitation, and public works, which include the housing program of the government. In the first two years of the present administration, 485 school buildings, including 59 of the largest type, were built. It is important to note that, in addition to grammar and high school education, instruction in colleges of the government and at the national university is free.

In brief, there is no reason to regard El Salvador as a country in danger. It is a young democracy facing the problems common to Latin American countries. El Salvador, as well as her sister republics, will find a way to solve them.

HECTOR DAVID CASTRO,
Ambassador of El Salvador.

WASHINGTON, *February 15, 1960.*

SEE HOW THE BUREAUCRATIC BABY GROWS

Mr. YOUNG of Ohio. Mr. President, a recent editorial entitled "See How the Bureaucratic Baby Grows," which was published in the Cleveland Press, a member of the Scripps-Howard league of newspapers, on March 16, 1960, is worthy of careful study.

This newspaper and the entire Scripps-Howard league of newspapers have long been aware of the waste and the danger in our civil defense program. Their editors, including Louis B. Seltzer, of the Cleveland Press and News, have repeatedly called for a complete reappraisal of this program as now operated.

I believe the editorial presents convincingly the waste of taxpayers' money on an ever-increasingly futile boondoggling bureaucracy which continues to attempt to propagate itself. It points out clearly the danger in allowing any further expansion of this bureaucracy.

The Office of Civil and Defense Mobilization has this year again requested $12 million for matching funds to pay the salaries of State and local civil defense officials.

It will not save any more lives in the event of a nuclear attack, but it certainly will add 6,480 new civil defense jobs in city halls and county courthouses throughout the land. There is no doubt that it would only serve to expand and encourage a lethargic bureaucracy that has already carried almost a billion dollars of taxpayers' money down the drain.

If the Congress approves this request, we can rest assured that in all probability we shall receive an even larger request for even more useless paid employees next year.

During the last session of Congress, this request was denied. It is my fervent hope that we will do so again this year.

Mr. President, as I pointed out to the Senate only recently, of the $76 million requested for this agency, $47 million, or 62 percent, is designated for salaries and expenses.

This year's budget request also includes $6 million more than last year for salaries and expenses to enable other Federal agencies to perform civil defense functions. It also contains a request for $6 million for the General Services Administration for building useless fallout shelters in Federal buildings.

As this editorial points out, rather than spend the $24 million, $12 million of which is State matching funds, on this senseless boondoggle, and rather than spend an additional $12 million on completely useless innovations, we would be wiser to spend this money on building new schools, more housing, sewage-treatment plants, and a multitude of vitally needed social-welfare improvements.

Mr. President, the ills and ailments affecting this bureau are too numerous to mention at this time. This excellent editorial succinctly points out the foolish philosophy behind our civil defense program.

I embody this fine editorial as a part of my remarks and ask unanimous consent that this editorial be printed at this place in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Cleveland Press, Mar. 16, 1960]

SEE HOW THE BUREAUCRATIC BABY GROWS

The persistent operation of Parkinson's Law is clearly illustrated by continuing pressures from Civil Defense.

In case you've forgotten, the law as defined by Prof. C. Northcote Parkinson is as follows:

"In any public administration organization, the number of new subordinates increases at a predictable rate, irrespective of any variation in the amount of work—if any—to be done."

A stubborn Congress has held back the normal rate of increase, in the case of CD, but steady pressures continue and it's no cinch that, in the end, this wistful bureaucracy won't be able to take up the slack.

For the last year or so, pressure has taken the form of a request for a $12 million extra annual appropriation to pay half the salaries of 6,480 new CD employees. The States and cities would be expected to pay the other half, so the total cost would be $24 million a year.

Just what work these 6,480 would do, aside from watching for ICBM's and passing out pamphlets, is not exactly clear. If any bombs ever came, the military would have to take over anyhow, aided by police and fire departments. There's a cynical suspicion they mainly would serve to justify still further expansion in personnel with still larger appropriations—all in conformance with the law as expounded by Professor Parkinson.

Nevertheless the Senate Appropriations Committee has approved the project and so

may the whole Senate. But the House, which has blocked it twice before, remains unpersuaded and probably will turn it down again. This is another case where three strikes should be out. If the States have the spare $12 million to squander on this boondoggle, they would be better advised to use it to build some schools.

PREPAREDNESS AGAINST COMMUNIST THREAT

Mrs. SMITH. Mr. President, yesterday the Secretary of Defense appeared before the Senate Preparedness Investigating Subcommittee and make a statement which I feel should be brought to the attention not only of every Member of Congress but of every American. Consequently, I ask unanimous consent that it be printed in the body of the RECORD, and I invite everyone to read and study it.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE SECRETARY OF DEFENSE, THOMAS S. GATES, JR., BEFORE THE PREPAREDNESS INVESTIGATING SUBCOMMITTEE OF THE SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES, MARCH 16, 1960

Mr. Chairman, I have a short statement. The major threat confronting us today is the persistent and relentless drive of communism toward an unchanged goal—a Communist controlled world. This threat is real and formidable. It encompasses all fields of human endeavor. It is military, political, economic, and psychological.

It is important that we keep this complex threat in perspective. To do so we must examine each part in relationship to the whole.

By the same token we must examine our own capabilities in the same manner. In the military field we must consider the entire picture and not an isolated part, regardless of how dramatic that part may be. Our military requirements must be based on our needs and consistent with national objectives. The Communist military requirements are vastly different. That is one reason we do not need to match the Communists bomber for bomber, missile for missile, division for division, or submarine for submarine.

We need military strength which will convince the Communist leadership that no matter how hard it strikes it will be hit back so hard that its structure will collapse. An aggressor's destruction must be so inevitable that initiating war is tantamount to suicide. That strength I believe we have now, and our defense programs are designed to maintain this strength. This conviction is shared by my principal military and scientific advisers.

First. Some of the facts which support this judgment are:

(a) Our total strength, widely deployed within the United States and around the periphery of a single strategic target area, is so great that any surprise attack upon us would result in unacceptable destruction to the attacker. Contributing to this deterrent are tactical fighter bombers and light bombers plus tactical missiles and carrier attack aircraft in addition to the weapons of the Strategic Air Command.

(b) The establishment of early warning systems, the capability for an airborne alert at the time and on the scale needed, and the deployment of mobile, hardened, and concealed missiles are progressing as planned. Our defense programs are under continuous review to insure that we maintain a long-range program of military strength. For example, we are accelerating the second BMEWS station to bring it into operation 4 months ahead of schedule.

(c) Funds are included in the 1960 and 1961 budgets to provide an airborne alert capability for our heavy bombers. The extent of this effort is substantial: $142 million will be obligated this year and $85 million next year. This entails the procurement of extra engines and spare parts and the training of crews so that an airborne alert can be mounted if and when the need should arise. The Joint Chiefs of Staff and I agree that we do not need to fly airborne alert now but we do need the capability to do so during periods of tension which may lie ahead. The Congress has assisted this program by enacting section 612(b) in the 1960 Defense Appropriations Act which authorizes the incurring of deficiencies for this purpose. We are requesting reenacting of this provision in the 1961 act.

(d) The intercontinental missile is a new and vitally important weapon that will profoundly affect the character of our problem. However, the threat it poses is not best countered by matching missile for missile. In fact, we must not allow ourselves to overconcentrate on any instrument of war. Rather the solution to our maintaining a valid an effective defense posture is by having in being a variety of types of weapons systems capable of successfully countering all types of threats facing us and our allies.

Second. We have nuclear weapons that exceed those of the U.S.S.R. by several times in total destructive power. We have long-range means of delivery that exceed theirs by several times in total carrying capacity. We have, in combination, enough to bring destruction to anyone who attacks us. We are designing our programs to maintain this strength.

Last year we had available to us the national intelligence estimate which gave us the numbers of operational ICBM's which the U.S.S.R. could achieve or might achieve in various time periods. These were calculated to cover either of two possibilities: One, that the Soviets would pursue a vigorous but orderly ICBM program, and the other, that they would pursue a highly accelerated or crash program.

A year has now passed. Additional information has been acquired and further refinement has been accomplished. Considering all the available evidence, we believe it is now well established that the U.S.S.R. is not engaged in a crash program for ICBM development.

Whether we take the estimate of a year ago or the current estimate, it is my firm judgment and that of my military and scientific advisers that our deterrent and retaliatory position remains adequate to meet the threat today and in the years ahead. We do not foresee a time when the Soviets could launch an attack on us without inviting unacceptable damage to themselves in return.

I should also like to make it clear that neither General Twining nor I have been deprived of essential elements of intelligence, nor do I believe that our testimony indicates that we have been deprived of such essential elements.

The flow of intelligence information and its assessment by the intelligence experts is a continuous process. General Twining and I are kept constantly informed on important developments in this area.

Because they started much earlier and stayed persistently with the same program, the U.S.S.R. has booster engines, making possible exploration in deep space. Meanwhile, our Nation has had to telescope time in this effort. The lost years cannot be regained overnight, even though our scientists and engineers have worked wonders. For the years immediately ahead it is important that we clearly differentiate space exploration from military weapons systems. At present the Department of Defense has no specific military requirements for so-called super-boosters. We are vitally interested in the development of larger boosters because the future may well bring specific military requirements for them. Our military satellite program is progressing as a matter of priority and is well supported by the propulsion systems of our ballistic missiles.

Mr. Chairman, we are continuously reviewing our programs. We will not hesitate to come back to the Congress for additional funds at any time we feel such funds are required. We will not hesitate to take emergency measures. As of this time, I am convinced that we are on a sound basis and have presented a properly balanced concept. We will continue to plan and to change as necessary. We must always remain superior in total power. Along with the President, I am convinced that we will.

TRIBUTE TO REPRESENTATIVE E. H. REES, OF KANSAS

Mr. SCHOEPPEL. Mr. President, a few days ago a very distinguished Kansan, with whom many Members of this body have served in the House of Representatives, announced his intention of not being a candidate for reelection to the House of Representatives from the Fourth Congressional District of Kansas. The Representative of whom I am speaking is our beloved Representative EDWARD H. REES.

On March 9, of this year the Wichita Eagle, a daily newspaper in my hometown of Wichita, Kans., reprinted a guest editorial written, in part, by the owner and editor of the El Dorado, Kans., Times. I ask unanimous consent that this editorial be printed in the RECORD as a tribute to a very fine legislator. We regret to see him leave the public service.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wichita Eagle, Mar. 9, 1960, as reprinted from the El Dorado Times]

GUEST EDITORIAL—CONGRESSMAN ED REES PROTOTYPE OF HONEST PUBLIC SERVANT

In the simple and straightforward fashion which has always characterized his every act, Representative E. H. REES stood before the Fourth District Republican Convention at Emporia Saturday, and said:

"I am here not only to express my appreciation and gratitude to the Republican Party and to the citizens of the Fourth Congressional District, but to tell you that I am not a candidate for reelection in 1960."

This was a memorable and emotion-packed event in Kansas political history. For almost a quarter of a century—24 years at the end of his current term—ED REES has carried the trust and confidence of his constitutents in a degree with few parallels in the State's annals.

Some say sentiment has no place in politics; nearer the truth likely is the belief that sentiment rules as strongly in this field as in all other human relationships. At least, this was true at the moment when ED REES—silvery-haired and bent from the public burdens he has borne—voluntarily surrendered the office with which he has so long been entrusted and which he has served so well.

He was given a rousing ovation when he first went to the rostrum; he was given another when he stepped down, after his brief address with its unwelcome announcement. Then two of his friends went to the microphone to pay him tribute. Their words were impromptu, halting and unpolished—but minted directly from their hearts' deep feeling. When they had finished, a remarkable

occurrence took place. The entire assembly arose—without cheers—and stood for a long moment in spontaneous silence, in token of deep affection for this man who has served his people's needs with unbroken and unwavering faithfulness.

Poignant regret hung like a blanket over the scene. Tears rolled unashamedly down many cheeks. A spirit of reverence and allegiance to the truest ties of friendship ruled the entire gathering. As a testimonial to a living man who was present, this instance comprises one of rare precedent.

What has brought about his singular standing that ED REES enjoys among the hundreds of his fellow Kansans who know him best? He has no "side." He has never practiced the arts of the statesman, nor employed the genteel tricks of the seasoned politician.

He is not a brilliant orator. In all his long congressional tenure, he has never set himself at the head of a legislative crusade. In the main, he has worked quietly and diligently, without fanfare of any sort. What then has so endeared him to his district?

The answer lies in the rock-solid fact that he has always been his honest, conscientious self, that he has never indulged in double-talk, that he has dealt fairly and squarely with all men over the years, and that he has been guided by unwavering uprightness and unshakable integrity.

He has carried his credentials in his square-hewed, Welsh features and has never departed from the basic simplicity of his character. He has rendered countless favors to the people of his district and has extended effective help in many important instances. While steadfastly true to his party creed, he has never been domineering nor hidebound in his views—but gentle and persuasive in his approach. And so, he has made fast friends without number, and has always been able to turn back the sternest challenges to his occupancy of high office that the opposition has flung at him.

When the Fourth District came into its present form of 15 counties, it was so arranged with a practical political purpose. This was that the normal Republican majorities in the up-district counties would be sufficient to offset what was once a dominating district Democrat majority in Sedgwick County.

ED REES became the first Congressman of the remodeled district—and the force of his personality was such he went one better than the framers of the district had intended. He gained so much headway in the esteem of Sedgwick County that he frequently carried it by smashing margins. This originally unexpected development, coupled with his unbreakable hold upon the up-district counties has combined to give him uninterrupted possession of his office. He retires with the satisfaction of never having been defeated.

As a Congressman, Mr. REES has been industrious and always available. He has kept in close touch with his constituency, not just as an errand boy but as counsellor and friend. He has enjoyed high standing among the House membership for his responsible and obliging ways. As chairman of the Post Office and Civil Service Committee, he performed a vast amount of useful service. He also has been a member of other important committees. Since Dwight D. Eisenhower calls Abilene his home, the President refers fondly to ED REES as "my Congressman."

Now, ED REES is out of the congressional picture. He took himself out, making his own decision after long wrestling alone with his problem. He will serve out the balance of his term this year. In another 2 years, the present form of the Fourth District will have disappeared—under the knife of the State's enforced congressional redistricting—and another Fourth (of impossibly speculative form) will have taken its place.

So the old Fourth will be gone and ED REES along with it. It is not a pleasant outlook to contemplate for those who have always held pride and affection for the Fourth as it now stands.

Mr. REES' abdication has left the field wide open for both Democratic and Republican contesting. After the election tumult and shouting has died, the Fourth will have a new Congressman—and doubtless a good one, whatever his political affiliation.

Whoever he is, he will not be ED REES. None will be like ED REES. The mold that shaped him on a Lyon County farm, in the edge of the hills, 70-odd years ago has long been broken.

The fast-moving world of today will create its own paladins and prodigies. But to many thoughtful and sincere men and women in the Kansas Fourth District, ED REES will always stand as the prototype of the finest figures in American public life in his day and generation.

Mr. KEATING. Mr. President, will the Senator from Kansas yield to me?

Mr. SCHOEPPEL. I yield.

Mr. KEATING. I am delighted to add a word of tribute to ED REES. I served in the House with him for many years. He was extremely helpful to me and he has rendered a great service in the House of Representatives. I deeply regret seeing him leave. He will be hard to replace and I only hope that a worthy successor to ED REES will be chosen from the Fourth District.

Mr. SCHOEPPEL. I appreciate the very fine tribute paid to ED REES by the junior Senator from New York.

UNITED NATIONS CONDEMNS ANTI-SEMITISM

Mr. KEATING. Mr. President, I should like to draw attention to a report, published in the New York Times of March 16, which states that the United Nations Commission on Human Rights has condemned the recent world outbreaks of anti-Semitism as a "threat to the human rights and fundamental freedoms of all people." This condemnation was expressed in a resolution adopted by a unanimous vote of the 18-member Commission, now holding its 16th session in Geneva, Switzerland. The Commission noted with deep concern that the demonstrations of anti-Semitism and of racial prejudice and religious intolerance might once again be the forerunner of other heinous acts endangering the future. It called on all members of the United Nations and its specialized agencies to take all appropriate action to prevent effectively such acts, and to punish those who have committed them.

It is timely and fitting to point out, in this regard, that the "appropriate action" urged on member nations of the United Nations should be made to apply with special emphasis and urgency to the Soviet Union. Inside Russia, Jews are, in effect, treated as second-class citizens. They are consistently discriminated against, and often are used as scapegoats—as in the infamous "doctors' plot" in Stalin's last days. This situation has not changed in the slightest since the advent of Premier Khrushchev. Indeed, according to accurate eyewitness reports, this second largest Jewish community in the world today lives a restless, uncertain existence within the Soviet Union. Estimates of the Jewish population there range from 2,500,000 to nearly 4 million. And every Jew within the Soviet Union carries an identity card clearly marked "Jew." An American Jew thinks of his nationality as American, and his religion as Jewish. But in the Soviet Union, where the state stands for atheism, Jews are considered a separate national group, and no recognition is given to religion.

Searching analyses by thoughtful and able scholars confirm entirely the truth of the statements and the reports that in Soviet Russia there exists a calculated and brutal anti-Semitic campaign.

PLANS TO DUMP RADIOACTIVE WASTE IN GULF OF MEXICO MUST BE ABANDONED OR DELAYED

Mr. YARBOROUGH. Mr. President, Dr. Albert Schweitzer, the famed humanitarian and Nobel Prize winner, recently stated that he considered the present to be the most dangerous period in history, not merely modern history but all human history. He said this was true because heretofore nature has controlled man, but now man has learned to control elemental forces before he has learned to control himself.

Surely all of us recognize the great danger that at some farflung world crossroads the powers of the earth might be accidentally or even deliberately plunged into an atomic holocaust. But I think there is perhaps a greater danger that we will poison ourselves and contaminate mankind with radioactive waste disposal and fallout.

At this time the Atomic Energy Commission is considering whether to grant a license to dump radioactive wastes in the Gulf of Mexico. If the AEC does permit such dumping, it will be over the strongest possible protest of thousands of gulf coast area residents.

When this matter came up more than a year ago, I strongly urged the AEC to abandon its plans or at least to delay them until it had completed studies and knew beyond all reasonable doubt that the plan was safe or that it require dumping out in water over a mile deep—1,000 fathoms—and over 200 miles off shore. Our argument is not that the dumping of radioactive waste is definitely harmful to mankind: our argument is that in this program the AEC is setting sail on a hazardous, uncharted course that could irreparably endanger the health and welfare of millions of people.

Mr. President, there is an extremely penetrating and thought-provoking article on this subject in the current issue of the Reporter, written by Mr. Walter Schneir. At one point he reports:

> A few years ago, scientist Louis A. Krumholz conducted a 3-year study for the AEC and TVA to determine if partially purified liquid radioactive waste discharged by Oak Ridge into White Oak Lake had any effects on life in the lake. Dr. Krumholz reported that the fish in the lake grew more slowly and died younger than was normal for the species.

At one point in the article, the author points out that one species of fish in the lake has died, and that only four are left. I continue to read:

Large quantities of strontium 90 had been absorbed into the bone structure of bluegills and black crappies in concentrations 20,000 to 30,000 times those found in the lake itself. The same scientist and Dr. John H. Rust reported earlier that a muskrat that had been eating food of its own choice around Oak Ridge had a huge burden of radioactivity in its bones. The "insignificant amounts" of radioactivity released in nearby streams were concentrated many times in water plants on which the animal apparently fed and by thousands of times in the muskrat's cancerous right hind leg.

Mr. President, with millions of tons of fish being taken from the Gulf of Mexico every year by sports and commercial fishermen and distributed on the tables of America, the importance of reports such as the findings at the lake near Oak Ridge is very clear.

I cannot too strongly urge the AEC and all other interested parties to abandon or at least long delay plans for the disposal of radioactive wastes in the Gulf of Mexico until additional studies prove beyond the shadow of a doubt that such disposal can be safely made.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD following my remarks, the article entitled "The Atom's Poisonous Garbage," written by Mr. Walter Schneir and published in the Reporter magazine of March 17, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reporter magazine, Mar. 17, 1960]

THE ATOM'S POISONOUS GARBAGE

(By Walter Schneir)

One basic fact of life in the atomic era is that you cannot use the fissioning atom for war or peace without producing vast quantities of lethal radioactive wastes.

Over the past 15 years, while one arm of the Atomic Energy Commission has been conducting bomb tests, spreading fallout globally (and frequently insisting on its relative harmlessness), another arm has been transporting precisely the same kind of radioactive material to isolated areas and warily, entombing it in underground steel-lined reinforced concrete tanks. The only real difference between radioactive fallout and wastes is that the former is blown high into the stratosphere by an uncontrolled nuclear reaction with its subsequent course determined by the vagaries of wind and rain, whereas radioactive wastes are the byproduct of a carefully controlled nuclear reaction, and their ultimate disposal is up to man.

Not all of the atomic wastes are buried; some of the less radioactive material is released into rivers or dumped into the sea by the AEC and its licensees. It is this form of disposal that has provoked much of the recent controversy.

Although the controversy over the disposal of radioactive wastes has been going on for some time, it was heightened last spring when the National Academy of Sciences released a report, "Radioactive Waste Disposal Into Atlantic and Gulf Coastal Waters," prepared at the AEC's request, suggesting 28 tentative sites for offshore dumping of low-level radioactive wastes. The anguished howls from chambers of commerce, citizens' groups, State conservation departments, fishing and recreation interests, and many Congressmen are still ringing in the AEC's ears.

The essence of the AEC's disposal problem lies in the nature of the waste itself: compared with all other industrial pollutants, radioactive waste is millions of times more toxic, undetectable by human senses, and absolutely ineradicable except by a process of natural decay that may take centuries.

Clearly this is the most hazardous and treacherous material man has ever tried to deal with. The danger of accidents was dramatically illustrated last November 20 by a minor explosion at the Oak Ridge National Laboratory in a room where highly radioactive wastes are processed to recover plutonium. The explosion destroyed about $10,000 worth of equipment and scattered one-fiftieth of an ounce of plutonium over a few acres. For the following 3 months, cleanup crews tracked down the minute quantity of plutonium; they painted buildings, tarred roofs, replaced asphalt roadways, removed and resodded grass, and destroyed several trucks. Physicians examined 250 employees and found that 9 had absorbed some plutonium internally. By February 15, the job was nearly but not altogether finished. Total cost to decontaminate a $10,000 explosion—between $250,000 and $350,000.

This 3-month cleanup task was made necessary by a little more than half a curie of plutonium waste. A curie is the basic unit of radioactivity. Physically it is a very tiny fraction of an ounce of material; from the standpoint of human health it can be an enormous amount of radioactivity. We have heard much about the unfortunate women who in the early 1920's painted watch dials, tipping their brushes between their lips and swallowing tiny amounts of radium and other radioactive materials used to make the paint luminous. Some of these women died in about 3 years or gradually developed various painful bone ailments; in others, bone cancers appeared 15 years or more later. As little as one two-hundred-and-sixty-thousandth of a curie of radium produced bone cancer, and harmful bone changes occurred in women who had retained less than one two-millionth of a curie.

THE GARBAGE CANS ARE ROTTING

In the preatomic bomb world of 1940, only a few thousand curies of radioactive material (mostly radium) were available in the entire world. Today our weapon manufacturing program (not counting testing), plus our peacetime reactor program, is producing billions of curies of liquid, solid, and gaseous wastes every year.

These wastes derive from every step of nuclear energy production: uranium milling, fuel fabrication, reactor operation (on both land and sea), and especially from the chemical reprocessing of partially spent reactor fuels. This latter type of waste is far and away the most dangerous of all and may contain hundreds or even thousands of curies of various radioactive substances per gallon. The huge steel tanks interred at five different locations (primarily at Hanford, Wash.) in the United States contain more than 65 million gallons of this high-level radioactive waste. Within the boiling-hot caldrons is enough radioactive material to cause severe pollution of all of the land and water area of the United States. The tanks themselves may last for another 10 to 50 years; their contents will be deadly to man for many centuries.

The wastes can probably be successfully transferred to new tanks, but no one regards tank storage as a long-term answer to the problem. The hope is that some permanent means of disposal will eventually be developed. One suggestion is to pump high-level liquid wastes into deep, mined-out rock salt deposits. Possible hazards from this technique, however, include the contamination of waters that supply surface streams and the formation of radioactive geysers as a result of the tremendous heat generated by the wastes. If some way can be found to solidify the liquid wastes and fix them in an inert material, such as glass or clay, permanent disposal in a salt mine or other deep cavern might be practicable.

Two general approaches are at present available for the disposal of radioactive wastes: concentrate and contain or dilute and disperse. For the immediate future at least, the AEC will certainly continue to concentrate and contain the hottest wastes. Only the low-level wastes are being released into the environment. For this reason many people believe that low-level wastes constitute the greatest present health hazard from our nuclear program.

Low-level wastes generally contain from a few millionths to several thousandths of a curie per gallon; some, loosely classified as intermediate, may be as hot as a few curies per gallon. The low-level wastes are produced in enormous quantities; according to the AEC, any plan to concentrate and contain any considerable fraction of them would be impracticable and extremely costly. The Columbia, the Mohawk, and many other rivers are currently being used to dispose of low-level wastes; within a few months the Hudson will be used for such disposal. Other low-level liquid wastes are poured directly into the ground. Solids and solidified liquids are sometimes placed in concrete-lined 55-gallon barrels and dumped at sea; gaseous wastes are released to the atmosphere.

The disposal of these wastes is carefully guided by maximum permissible levels for human exposure set up by various national and international bodies. Still, people living today in the vicinity of nuclear reactors (and eventually this may include just about all of us) do receive a small additional amount of radiation from low-level wastes; for the most part the dose is still less than that from fallout from bomb tests. This radiation dose is added, of course, to what we already receive from medical X-rays, natural sources, and fallout. Some authorities have prophesied that unless we take extreme precautions, low-level wastes may some day head the list of manmade radiation to which we are exposed.

As with fallout, one question is frequently asked: Is the so-called maximum permissible level of radiation a completely safe level? The answer is "No." It is impossible to have a completely safe level of radiation; permissible levels must therefore be chosen in an essentially arbitrary fashion by a balance of political, economic, and scientific factors.

This point was illuminated last month when Health, Education, and Welfare Secretary Arthur Flemming announced a sharp reduction in the amount of strontium 90 intake permissible for humans over a lifetime. The new level for strontium 90 for milk, foods, and air is 33 micromicrocuries a liter as compared with the former maximum permissible level of 80 micromicrocuries.

Some interesting comments on maximum permissible levels were made last year by a National Academy of Sciences report on "Radioactive Waste Disposal From Nuclear Powered Ships": "At the onset it should be recognized that such a maximum permissible rate of exposure is not the most desirable rate. The latter, where technical and economic feasibility allow, should be as close to zero as possible. Thus in making this evaluation, some real, though admittedly extremely slight, risk to the general public is assumed."

THE MUSKRAT'S RIGHT HIND LEG

The trouble with the dilute-and-disperse theory is that low-level wastes released into the water do not dilute in any completely predictable way. For example, many organisms concentrate radioactive elements in their bodies by factors many times the quantity of radioactivity in the water.

A few years ago, Scientist Louis A. Krumholz conducted a 3-year study for the AEC and TVA to determine if partially purified liquid waste discharged by Oak Ridge into White Oak Lake had any effects on life in the lake. Dr. Krumholz reported that the fish in the lake grew more slowly and died younger than was normal for the species. Large quantities of strontium 90 had been absorbed into the bone structure of bluegills and black crappies in concentrations 20,000 to 30,000 times those found in the lake itself. One species, the white crappie, relatively common in the lake when the study began, had died out; another, the redhorse, had nearly disappeared—only 50 were found, all 3 or 4 years old.

The same scientist and Dr. John H. Rust reported earlier that a muskrat that had been eating food of its own choice in the area around Oak Ridge had a huge burden of radioactivity in its bones. The "insignificant" amounts of radioactivity released into nearby streams were concentrated many times in water plants on which the animal apparently fed and by thousands of times in the muskrat's cancerous right hind leg.

Incidents such as these have been cited in the current controversy over ocean and offshore dumping as reasons for an extreme degree of caution. The Wall Street Journal of February 17 quotes Dr. Paul C. Aebersold, an AEC official, in rebuttal: "Underwater disposal is absolutely safe when it's properly executed." Critics of the AEC feel that such statements bespeak a certain lack of humility, considering the present state of our knowledge. As with fallout, the AEC is frequently reassuring and positive in areas where a lot of uncertainty remains. Much of the rich harvest of the sea comes from coastal waters. A mistake cannot be easily rectified.

Moreover, the problem is not merely a national one. Most countries interested in the problem, with the exception of the United States and Great Britain, are strongly opposed to the disposal of any radioactive wastes at sea. Mexico has already filed a formal protest over dumping of wastes in the Gulf of Mexico.

Reporting an international conference on the subject at Monte Carlo last November, the London Observer's science correspondent John Davy stated: "It is not within the terms of reference of the conference to pass resolutions on matters of policy, but if it had been, it is quite likely that a resolution would have been passed today urging that radioactive waste disposal at sea should be banned."

A SEA OF TROUBLES

Huge gaps remain in our knowledge of the seas. We still are very far from knowing all there is to learn about the ocean's currents or the mixing rates of the deepest layers of water with the surface. Not long ago many oceanographers felt that the deepest waters might not mix with surface water for 2,000 years; now they are not at all sure.

We do know that the ocean, like rivers and lakes, is not a simple dilution tank: microscopic organisms, plankton and shellfish, concentrate radioactivity by many thousands or even millions of times the level in the surrounding water. Fish range freely between deep ocean and Continental Shelf. Shrimp, squid, and other organisms help spread radioactive elements from the depths to the surface.

The natural radioactivity of the oceans is much less than that of the land. Soon man will have the power to increase this radioactivity just about indefinitely. What would be the effects of such a change on the life in the sea and on human beings who depend on the sea for billions of pounds of protein each year? Frankly, no one knows.

With this uncertainty as background, U.S. Bureau of Standards Handbook 58, issued in 1954, gives this advice regarding radioactive wastes: "Disposal * * * shall be in regions where water depths exceed 1,000 fathoms. * * *

"In the case of sea disposal * * * the act is final * * * if disposal at sea is carried out under conditions or to an extent that later appears to have been ill-advised or dangerous, there is no way of correcting the situation."

This warning was contradicted last spring by the report of the National Academy of Sciences, which stated: "The panel is of the opinion that certain Atlantic and Gulf of Mexico coastal areas can be used as receiving waters for the controlled disposal of packaged, low-level radioactive wastes."

Of the 28 tentative dump sites suggested by the NAS, some were as little as 3 miles from shore in water 40 or 50 feet deep. At Cape Cod, where commercial fishing and the bathing beaches are essential to the local economy, a protest committee was formed. Its research disclosed that unknown to local residents and contrary to the warning in Handbook 58, offshore dumping had been going on for years. The Crossroads Marine Disposal Corp., of Boston, had been dumping radioactive wastes in 50 fathoms of water in Massachusetts Bay since 1946, and on an AEC license since 1952.

The AEC has since amended the license of this company so as to prohibit dumping in less than 1,000 fathoms. Even today, however, the AEC's attitude toward this offshore dumping is less than frank. As recently as January 27, the chief of the AEC's Environmental and Sanitary Engineering Branch, Joseph A. Lieberman, mentioned in a speech the dumping over the past 15 years of 14,000 curies into the Pacific and of 8,000 into the Atlantic. He said: "All of these disposals are in depths of water of a thousand fathoms or greater."

Questioned about the Crossroads dumping, Dr. Lieberman said that this was not done by the AEC but by an AEC licensee. Since the use of radioactive material by licensees is regulated by the AEC Division of Licensing and Regulation, such verbal tightrope walking by the AEC has not inspired much confidence in the Commission's pronouncements.

A number of Congressmen exhibited some skepticism about AEC practices and promises at last July's hearing of the Radiation Subcommittee of the Joint Congressional Committee on Atomic Energy. This 1-day hearing was called to enable east coast and gulf coast Congressmen to be heard on the NAS's proposed offshore dumping sites. Most of those testifying were in favor of a bill (H.R. 8187) proposed by Texas Representative CLARK W. THOMPSON, calling for disposal of wastes at least 200 miles from shore in water over 1,000 fathoms deep and in leak-proof containers.

This last point is important, inasmuch as the AEC does not require that barrels be so constructed as not to break open at 1,000 fathoms. Nor does anyone know how many barrels dumped into the sea spill their radioactive contents on the way down. Even those which reach the ocean floor safely are expected to corrode within 10 years.

One of the most illuminating exchanges at the July hearing took place between Senator JOHN O. PASTORE, Democrat, of Rhode Island, and Dr. Dayton E. Carritt, who headed the NAS panel on offshore waste disposal.

Senator PASTORE. "As you sit there now, you are in no position to say that as far as you have gone in your research of this subject and the selection in choosing these sites that this is foolproof insofar as hazard is concerned. Is that correct?"

Dr. Carritt. "Senator, you are absolutely right. * * * A good many people have come to me since publication of this report * * * and have ended up * * * by saying, 'I hope you have made absolutely sure that there will never be a radioactive atom get into our waters.' * * * It is impossible to assure anybody that that will not happen. When the decision was made by this country or by any other country to embark upon a program involving fission products, it was at that point that we lost that decision. From now on it is absolutely impossible to say that we cannot have any contamination in the human environment. The only possible question we can ask now is * * * How much time, money and effort can we expend to keep the contamination down to a permissible level? * * * The more money you want to put out over and above that, the lower it is going to go."

In any conflict between cost and contamination, the AEC finds itself in an embarrassing position: it conducts and encourages operations that produce radioactive waste; then it must regulate itself and its licenses to insure that the waste disposal does not harm the public.

A case in point is the pollution of the Animas River in Colorado and New Mexico, where the water used by 30,000 people was found by the Public Health Service to contain radium far in excess of maximum permissible levels. For a proper assessment of the danger from the wastes, the Public Health Service sought to learn what other man-made radiation the people of the area were exposed to. By unhappy coincidence, the peas, cabbages, lettuce, and other vegetables grown in the area were also discovered to have extremely large amounts of strontium-90 from fallout.

The radium in the Animas River comes from a uranium refinery run by the Vanadium Corp. of America. For more than 10 years the company had been pouring wastes into the river without regulation. Colorado and New Mexico assumed that the AEC was supervising the process; the AEC insists that it had no regulatory authority over a score or more of uranium mills until 1957. If this is true, it does not, of course, explain why the AEC did not ask Congress for authority to protect a public wholly unaware that it was being dosed with radiation.

At the 1958 conference on the pollution of the Animas River, Charles G. Caldwell, director of environmental sanitation services at New Mexico's Department of Health, seemed surprised to learn that the AEC had only recently begun surveying the pollution problem. "We of the State health department in the past assumed the AEC was attending to this problem, or had some control, and that because of the nature of the national defense effort it was pretty well kept quiet."

To many of the foregoing criticisms, AEC spokesmen reply that the critics are misinformed or just don't understand. These spokesmen note that the AEC has no present plans for ocean dumping of high-level wastes, which are the only wastes that could substantially alter the radioactivity of the oceans. Furthermore, they say, the quantity of low-level wastes dumped to date in the Atlantic and Pacific is infinitesimal compared with the amount the British are piping into the Irish Sea. The NAS report restricts the amount of strontium-90 that can be dumped at each site to 250 curies annually, and the waste dumped in shallow water near Cape Cod consists largely of one of the less dangerous radio active elements. Finally, the AEC emphasizes that the NAS report is merely advisory and that the AEC has no immediate need or intention of conducting offshore dumping. (Whether this is also true of private industry under AEC license is not clear.) Nevertheless, the AEC would like the matter left to administrative fiat and opposes the Thompson bill, which would prohibit offshore dumping.

Proponents of the Thompson bill claim that once a precedent is set for dumping of wastes in shallower coastal waters, it will be

a simple matter for the AEC gradually and quietly to increase the allowable amount over the years. In Great Britain 1,000 curies were originally piped into the Irish Sea each month; now the quantity has been raised to 10,000 curies monthly, and some people have begun mentioning 25,000 or even 100,000 curies as the allowable monthly quota.

ON THE BEACH

Although the British experience with offshore dumping of radioactive wastes is often cited by the AEC as reassuring, some of the facts and figures now available on this disposal operation provide reason for concern. In a report on "The Disposal of Radioactive Liquid Wastes Into Coastal Waters," Dr. H. J. Dunster, of the United Kingdom Atomic Energy Authority, asserts: "In estimating the permissible activity of the shore sand, it has been assumed that no one regularly spends more than 100 hours per year on the sands."

This assumption may well be valid for English weather, but it simply does not apply here. In the Cape Cod area many people spend 200 or 300 hours a year on the beach, and in Florida 500 to 1,000 hours annually would not be unusual, especially for children. Furthermore, young children tend to spend most of their playtime close to the water's edge, the very area where Dr. Dunster reports levels of radioactivity in silt more than a hundred times those he found on shore sand.

If the United States had poured liquid wastes into the sea exactly as the British have done since 1952 and under similar conditions, then taking the British figures as a guide, we find that by 1957 many beaches would have become the leading source of radiation exposure for millions of American children and adults. Children who played long hours near the water's edge would receive approximately one-half to 2 roentgens a year, or between 5 and 20 times the dose they receive from natural background radiation.

When the Atomic Energy Act of 1954 was passed, the very existence of radioactive waste was largely unknown to the public. This ignorance prevailed until about 1956 or later, because the majority of AEC reports on wastes were classified "secret" or "for official use only." The act provided opportunities for privately owned industries to enter the field of atomic energy, and many of these firms will naturally want to construct their reactors near their markets in heavily populated areas.

The present policy of the administration is apparently to encourage as wide a use of nuclear power here and abroad as possible. Whether such a policy is based on realistic need is a serious question. One answer was suggested by Barron's on February 8 in an article entitled "Nuclear Fizzle": "In 1957, after Suez was clamped shut, much of Europe looked to nuclear power as the only way to assure its energy supply. A scant 3 years later, oil is on tap in quantities exceeding current needs, and new sources are opening in the Sahara, Libya, and West Africa. The once-feared shortage of coal has turned into a glut. Looming on the horizon, too, are generous supplies of natural gas. Not unnaturally, then, the members of Euratom have grown reluctant to invest large sums in atomic fission."

THE BALANCE SHEET

This apparent slowing down of reactor development may provide an opportunity for Congress to reconsider the path we chose to take in 1954. Most of the present reactors in the United States are owned by the military or the AEC—the era of commercial power reactors is just beginning. We can still take a rational approach, carefully balancing social gains against social losses, instead of treating atomic power, almost mystically, as the inevitable wave of the future.

On the side of gains would certainly be the AEC's isotope program, which provides invaluable research aids to medicine, industry, and agriculture. But is the production of atomic power to be counted a gain when fossil fuels are far cheaper and still abundant? Is the construction of more and more atomic ships with their potential for mass disaster a gain? Perhaps the answer is "Yes." But shouldn't we at least ask the question?

For example, some sources predict 300 fission-powered ships by 1975, dumping over a million curies of waste into the sea each year. Nuclear submarines and icebreakers have great and obvious advantages, but is it worth while to build merchant and passenger ships with atomic reactors? If the *Andrea Doria* had been nuclear-powered, millions of curies of radioactivity would have been released in the sea close to Nantucket, and very likely all the passengers would have been killed. To judge the effects on beaches and fish, we need only recall what our Bikini tests did to Japanese tuna.

Certainly, any careful weighing of the pros and cons of nuclear power will have to consider the very latest recommendations on "Somatic Radiation Dose for the General Population," just released by the National Committee on Radiation Protection and Measurements. Here are a few of the report's conclusions:

"Even the smallest dose is associated with some risk. Under these circumstances, the exposure of the population to any increase in radiation should not occur unless there is reason to expect some compensatory benefits.

"We believe that the population permissible somatic dose from manmade radiations, excluding medical and dental sources, should not be larger than that due to natural background radiation, without a careful examination of the reasons for, and the expected benefits to, society from a larger dose.

"The levels should be set so that the typical person in the area will not receive more than the established permissible dose when all sources are combined."

The burden of these conclusions is that the maximum permissible dose for fallout, atomic waste, and all other manmade radiation, excluding medical X-rays, should be no more than one-tenth of a roentgen annually, or a total of three roentgens for 30 years. Whether it will be possible to develop nuclear power on a large scale and still meet such a criterion is a question yet to be faced.

One major development could make all our problems about radioactive wastes academic. Many of the world's leading physicists believe that man's ultimate source of power will be atomic fusion rather than fission. There is a strong possibility that the power of a thermonuclear reaction (such as is utilized in the hydrogen bomb) can be tamed and harnessed—perhaps within the next two decades. Dr. Ralph E. Lapp has said: "Our brightest hope for future power is not the energy produced by nuclear fission, the splitting of heavy atoms like uranium. It is the energy produced in fusion, the joining together of light atoms." Happily, fusion power would produce no atomic wastes and for all practical purposes would be inexhaustible. One fuel that could be used for such energy is deuterium, a form of hydrogen found in sea water. According to an expert in the field, Dr. Lyman Spitzer, Jr., "The deuterium in the ocean's waters is sufficient to provide many times the present rate of world energy for more than a billion years." Technology may yet rescue us from technology, and the huge tanks of high-level waste may become relics of the crude science of the past.

Meanwhile, the Nation stands committed to an expanding program of commercially produced fission power that will inevitably entail increasing levels of environmental radiation for the general public. Today, 6 years after we embarked on this program, our ignorance about the effects of relatively small doses of radiation on human beings is still profound—and much of what we have most recently learned gives cause for caution. Using the facts that are available to us today, we might do well to pose a few last questions before deciding irretrievably to set full sail on an uncharted course:

Just how essential is a large-scale fission reactor program to enable us to meet our power needs over the next few decades?

When do we actually expect to be faced with shortages of fossil fuels?

Do we need some separate Federal regulatory agency, other than the AEC, to protect the public health from radiation hazards of both atomic waste and fallout?

Our answers to these and related questions will be better reasoned if we can free ourselves from the fatalistic notion that a complete changeover to fission power is inevitable. It is not too late at this point for us to reconsider old decisions and make new ones. For the moment at least, a choice is available.

THE PRESIDENT SHOULD BE GRANTED POWER TO ADJUST SUGAR QUOTAS

Mr. YARBOROUGH. Mr. President, yesterday the President of the United States appealed for authority to adjust sugar quotas for foreign countries and to reallocate quotas at home and abroad. The President warned that our foreign supply of sugar could be endangered, thus denying the American people an adequate supply of sugar.

Mr. President, under the quota system the United States is permitted to produce only 27 percent of the sugar used in the United States. Under this system, my home State of Texas is allocated, for sugar-beet production, about 1,800 acres, only 3 square miles, while the American people, including the people of Texas, are forced to buy from foreign sources 3 out of every 4 pounds of sugar they use. We ought to produce more sugar at home, as a matter of national safety, and for our own defense.

Sugar beets form the best paying crop, not only in the high plains of Texas, but also in many high plains regions of the central-western part of the United States, extending through the western Oklahoma Panhandle, through western Kansas, and through western Nebraska. Sugar beets produce a crop worth approximately $100 or $150 an acre. Neither wheat nor maize nor any other crop grown in that area will produce as much.

Those farmers should have some sugar beet acreage. They have sought it for years. I have inquired about it, and I am told that they cannot get it because there is a sugar cartel.

Mr. President, it is time that we thought more of America and her security and her prosperity than of a high-powered lobbying cartel. I refuse to go hat in hand and beg a Washington sugar-cartel lobby to give Texas a few more measly acres of sugar beets. I think this should be a governmental matter, not a private cartel matter.

Mr. President, I have not always seen eye to eye with the President of the United States on foreign policy, but I am 100 percent behind him on his request for power over sugar quotas. For

our national security, I hope the President is given this standby power over foreign sugar quotas, and that he will allocate to our own American farmers more than 27 percent of our domestic market. Once we go beyond our own borders, I think we might well consider the situation of our neighbors who have a common land boundary with the United States—and who, incidentally, want to furnish more sugar to the United States—because no hostile submarines could cut off their trade with the United States.

Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD an article entitled "Important That He Rule Sugar Quotas, Ike Says," which was published in the Washington Post of today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 17, 1960]

IMPORTANT THAT HE RULE SUGAR QUOTAS, IKE SAYS

(By Carroll Kilpatrick)

President Eisenhower said yesterday that he needed discretionary authority over sugar quotas to protect the American consumer against a possible disruption of the supply from Cuba.

The President made his comment at a press conference before forwarding to Congress the draft of a bill to extend the Sugar Act for 4 years.

It would give him power to cut Cuba's quota should relations between the two countries worsen or should Cuba fail to fill its quota.

Mr. Eisenhower said at his news conference his request for standby authority to cut quotas of foreign suppliers was in no way intended as an act of reprisal against Cuba.

HOSTILITY IN THE HOUSE

On Capitol Hill and in Havana, however, his proposal provoked bitter comments, and it was freely predicted that the House, at least, was in no mood to go along.

The Senate seemed somewhat less hostile to the President's plan than the House. In introducing the administration bill, Senator WALLACE F. BENNETT (Republican, of Utah) called it wise and moderate. Senate Democratic Leader LYNDON B. JOHNSON (Texas) said it would receive thoughtful consideration.

House members predicted that they would approve a simple 1-year extension of the act as proposed by Chairman HAROLD D. COOLEY (Democrat, of North Carolina) of the House Agriculture Committee.

Disturbances in Cuba "could easily endanger our source of supply," the President said. He noted that the United States has been buying "on the order of 3.5 million tons of sugar from Cuba yearly," better than a third of its total requirements.

Mr. Eisenhower said that it was his responsibility to make sure of an adequate supply. If the supplying areas should fall down in supplying the quotas assigned to them he would want to be able to "go to somebody else to get it," the President said.

REJECTS PUNISHMENT VIEW

"I have flatly stated again and again that we are not trying to punish Cuba, particularly the Cuban people or even the Cuban Government," he said.

"We are trying to get a basis of agreement with them that it is based upon justice, on international usage and law, and so that the interests of both sides are protected."

In Havana, Prime Minister Fidel Castro conferred with President Osvaldo Doritcas after receiving word of the American proposal.

"The Prime Minister was not in a good mood," a Cuban source told the Associated Press. However, there was no official comment.

Last Sunday, Castro charged that the objective of a quota change would be to force his government to "leave things as they are, no social reforms or * * * they strangle us economically through an arbitrary measure."

COMPROMISE PROPOSED

Chairman ALLEN J. ELLENDER, Democrat, of Louisiana, of the Senate Agriculture Committee proposed a compromise which some observers believed eventually might provide a basis of agreement between the President and Congress.

ELLENDER said Congress should empower the President to alter foreign quotas only when Congress is not in session.

Another suggested compromise was for Congress to empower the President to act after appropriate consultation with congressional leaders.

RELATIONS WITH CUBA

Mr. GOLDWATER. Mr. President, some few days ago I made a few remarks concerning Cuba and her continuing insults to the United States and our people. At that time I said one form of reprisal we might take to remind the people of Cuba that their leadership is antagonistic to one of their historic best friends was to reallocate their sugar quota. I called attention to the ability of Mexico, which borders our country on the south, to supply us with sugar.

We watch Mr. Castro while he continues to insult the United States and the American people and seizes properties held by Americans in Cuba. Nothing has been done other than the exchange of some rather mild notes.

My mail increasingly indicates the concern of the American people over the apparent attitude of the United States that it will take these insults rather than risk some further trouble.

Not only is my mail reflecting this feeling, but so are editorials from newspapers in my State of Arizona.

I ask unanimous consent that four editorials on the subject be printed in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Arizona Daily Star, Mar. 10, 1960]

SOME FACTS ABOUT CUBA—I

As Premier Castro of Cuba continues his vicious anti-Yankee campaign, it is well to bear in mind a few salient and impersonal facts about Cuba itself.

Cuba is an island 44,778 square miles in size, located 90 miles south of Florida. It has a population of approximately 5 million people which has been growing at the rate of 100,000 a year. No matter who governs Cuba, its 5 million people face the task of earning existence by their labor and their ability to develop the resources of the island.

Until the coming of the Castro regime, life in Cuba had developed to a point where it was 'way ahead of life in the Caribbean area, save perhaps Puerto Rico. This had been accomplished by official and private help from the United States. American citizens for years had paid Cuba a preferential higher price for its sugar to the tune of more than $100 million. American investors had played a large role in the development of Cuba's natural resources. They had helped to develop a highly prosperous tourist trade.

This activity had helped to meet the needs of the Cuban people in the only ways that their needs can be met. There is not enough land in Cuba to make her agricultural resources sufficient to support 5 million people. Experience the world over shows that the division of agricultural land into small holdings, lessens rather than increases production. At its best, it creates a peasantry that barely can eke out its existence. That is why all Communist countries, save Poland, have abolished small holdings and have established a system of collectivized agriculture.

This forecasts that Castro's agrarian reform will reduce the productivity of Cuban agriculture, and thus reduce the income of the people of the country, at a time when an increase is badly needed. So it goes with industry. As nationalization of industry continues, investors will not put any more of their savings in the development of Cuban industry. Industry will languish, and so will the income from it which is desperately needed by the Cuban people. The highly profitable tourist industry that Cuba had developed, has now been reduced to a trickle.

These are stubborn facts that any government of Cuba must face. The welfare of the people cannot be improved by reducing so drastically their total economic income.

Under Perón, a relatively wealthy country like Argentina found that out. Perón literally looted his country, just as Castro is doing, with the same old anti-Yankee slogans. He consumed the seed corn of Argentine productivity. Not until life got desperate, so desperate that men were willing to risk their lives, was Perón overthrown.

Castro can last for possibly a couple of years as he consumes Cuba's liquid resources. The time will come, just as it did in Argentina, when Cuba's cupboard will become so bare, that the 5 million people will find out, after they have suffered long enough, that they cannot live on slogans of hatred against the United States.

[From the Arizona Daily Star, Mar. 11, 1960]

SOME FACTS ABOUT CUBA—II

Are the American people going to sit idly by and allow a Communist peoples democracy to be established in Cuba, which can be used as a base of operations for armed invasions in the neighboring countries of the Caribbean and Central America?

The course of events seems to be going in that direction. Castro's revolution from its inception has been running the way a professionally conducted Communist revolution should run. The agrarian reform, the rights of workers, the nationalization of private property, the extermination by death of opposition leaders, the denunciation of the United States, the lying, the cheating, the lack of any kind of elections, and the unlimited promises of wealth and influence to the people, comprise a pattern of professionally trained Communists in putting over a seizure of power.

This development is today self-evident, but more recently the revelation that the Castro government has been importing munitions, while Commissar Mikoyan, of the Soviet Union, pays an extended visit to Cuba, should awaken the American people to the possibility of Cuba's being used as a base for revolutionary activity beyond its own shores.

What are we going to do about it?

What can we do about it?

There was a time in American history when the Monroe Doctrine would be used as a guiding star. That doctrine warned all nations of Europe that the United States would not tolerate any kind of colonization in the Western Hemisphere. By the beginning of the 20th century that doctrine has

been expanded to the point of forbidding any European nation from intervening in the life of any nation in the Western Hemisphere.

Today the Monroe Doctrine is a virtual dead letter. It has been supplanted by F. D. R.'s "Non-Intervention Protocol of Buenos Aires of December 23, 1936." Its article 1 reads:

"The high contracting parties declare inadmissible the intervention by any one of them, directly or indirectly, and for whatever reason, in the internal or external affairs of any of the other parties."

This treaty was ratified by the Senate without a single dissenting vote on June 29, 1937. It has been confirmed by a supplementary treaty made at Caracas, negotiated by Secretary Dulles, which provided for consultation and the use of the Organization of American States, in case of trouble comparable to what has been going on in Cuba.

Thus the American Government, since 1937 under both Democratic and Republican administrations, has changed its policy of the Monroe Doctrine, which was used for unilateral intervention by the United States, to new treaties that forbid any kind of intervention, "directly or indirectly, and for whatever reason" by us or any other Western Hemisphere Powers.

However, the Buenos Aires Treaty does carry one encouraging provision. Article 4 authorizes any one of the signatories to denounce the treaty on 1 year's notice. Possibly the time is coming when the United States should give that year's notice, and thus be free to take whatever action is necessary to protect its best interests.

It is hard to believe that the American people will permit the establishment of a Communist state in the Caribbean or the Western Hemisphere, at the same time they are being called upon to give their lives and wealth to stop communism in the Orient, Africa, and Europe.

[From the Arizona Republic]

WHO WILL BE NEXT, AFTER CASTRO?

The Castro government of Cuba now has seized four American-owned properties, three sugar mills, and a railroad. Its so-called intervention of these properties is the prelude to outright nationalization.

Under present Cuban law, the government can repay the American investors with 20-year bonds at 4½ percent, bonds which no doubt will be worthless.

This is only the latest of indignities heaped upon the U.S. Government and American citizens by this Communist-led, Communist-controlled government installed just 90 miles from our coast. Our Government has been falsely accused of bombing Cuban cities and canefields, of exploiting the Cuban people, of blowing up an ammunition ship, of every sort of heinous crime Castro and his Red henchmen can think up. We have been insulted, laughed at, and threatened by this pipsqueak dictator.

Yet the Eisenhower administration still stands helplessly by, looking like a big, fat, and sloppy Uncle Sam, while these attacks and depredations against us and our people continue. Our country has been made to look like a cowardly fool who can be abused and kicked at by any little bully boy who happens in the neighborhood.

It is clear that it will not be long before Castro, encouraged by the pusillanimous and inept policies of the President and Secretary of State, will demand the ouster of the U.S. naval base at Guantanamo Bay. At the same time Castro is certain to go even farther along the dangerous road of Soviet-Cuban political, diplomatic, and even military cooperation.

Soviet diplomats are experts on secret international agreements, and a Soviet-Cuban friendship pact could well have been signed during the recent Havana visit of Soviet Deputy Premier Mikoyan.

The Soviet-Cuban partnership is a direct violation of the Monroe Doctrine, which has been successful for over 100 years in keeping foreign domination away from this hemisphere. It is a direct threat to the military security of this country.

Should we lose our base at Guantanamo, and should Soviet-Cuban military cooperation become even closer, Russia might well get the use of a fully equipped naval base right under the shadow of our shores.

If the Government of the United States permits this situation to deteriorate any further, the consequences will be the seizure of American property all over Latin America.

Who will be next? The leftwing governments in Colombia and Venezuela are just waiting to see whether Castro can succeed before taking their turn at making the Eagle squeak.

If Castro gets away with his insults, his seizures of American property, his ousting of American business from Cuba, it will be only a matter of time before Venezuela and Colombia follow by seizing American oil, which constitutes one of the largest oil reserves in the world, mostly developed by American investors.

It is long past time for the President to get up off his easy chair and take a stand against this bush-faced dictator.

His very first move should be to reinforce the American naval base at Guantanamo with U.S. Marines.

Second, he should tell Castro in plain words that the United States will look upon any Cuban cooperation agreement with the Soviet Union as a direct threat to the security of the United States and will take any necessary moves to prevent it.

He should make it clear that this Government will use all economic or political measures in its power, and military measures, if necessary, to insure the rights of American citizens in Cuba or American investors in Cuba.

Diplomatic relations with the Cuban Government should be severed until the demands of American security are fulfilled. At the time, subsidy payments on sugar to the Castro government should be abolished forthwith.

This is a real and present danger to the people of the United States. It should be met with firmness and speed. Appeals to the Organization of American States for intervention are as fruitless as the Hungarian appeals to the U.N. for help.

But we need no help. We have the power. The danger exists. It must be met and met now—before it is too late.

[From the Arizona Republic, Mar. 13, 1960]

WHAT GOES ON HERE?

What's happening to American foreign policy? Have we lost completely our self-respect, our political judgment, our diplomatic skill? Have we thrown overboard our vigilant guard against the Communist menace? Where is the policy of peaceful coexistence with Moscow really leading us? Are we going back to the World War II United States-Russian alliance, which brought us on the brink of national disaster?

These are important and disturbing questions which the American people have the right to ask especially in view of two very regrettable foreign policy decisions made by the Eisenhower administration during the past few days. The first is sickening appeasement to the Communist-dominated Castro regime in Cuba, revealed in President Eisenhower's TV and radio speech on Latin America. The second is the cowardly retreat, announced by Secretary of State Christian Herter on the question of American high altitude flights over the Berlin corridor.

Castro's government, as it is known, has been maltreating American citizens and confiscating American property with a systematic brutality hardly seen since the days, some 12 years ago, when the Chinese Reds descended on the peaceful American communities on the Chinese mainland. Yet the United States proposes to do nothing about Castro. The United States will even go on paying the Castro regime a handsome sugar subsidy, as well as substantial military aid and other economic assistance. In his TV and radio speech President Eisenhower, who didn't even dare mention Castro by name, only suggested that the Organization of American States might, perhaps in some distant future, deal collectively with the Cuban situation. This, of course, amounts to giving Castro the green light, and letting him know, officially, that he can go on indefinitely with his anti-American policy. For Castro is as afraid of the collective action of the Organization of American States as Russia's Nikita Khrushchev was afraid of the collective action of the United Nations during the 1956 Hungarian national revolution.

Instead of talking about the theoretical possibilities of future collective actions, President Eisenhower should invoke the Monroe Doctrine under which the United States—and not any noneffective collective group of states—can give notice to all non-American powers not to intervene in any way in the internal affairs of the American Continent. The Monroe Doctrine was effective for nearly 150 years because the world knew that the power of the United States stood behind it. In the face of Communist provocations in Cuba, the United States is more than justified to take steps, under the Monroe Doctrine, to defend its national interests and not to allow the setting up of a Communist-controlled regime on the territory of the American Continent.

Equally shocking is the case of the Berlin flights. The United States stopped its high level flights through the Berlin corridor about a year ago, on Soviet demand. But the United States, Britain, and France insisted that they could and would resume the flights any time they felt necessary. This happened 2 weeks ago and the United States officially served notice that it was resuming the flights. The Soviets immediately staged a hue-and-cry campaign, and accused the United States of aggressive intentions, etc. The West German Government of Chancellor Konrad Adenauer sent several urgent pleas to Washington warning that the Soviet protests should be ignored. But Secretary of State Herter announced 4 days ago that, after all, the United States has decided against the flights. He added that this has been a technical decision, not connected with the coming summit conference.

This is, of course, pure nonsense. To say the least, Secretary Herter is guilty not only of making a shamefully wrong foreign policy decision, he is also guilty of telling untruths about it to the American people. The truth is that the Berlin flights are not to be resumed in deference to those Western foreign policy advisers—in London and Washington—who believe that the Red dictators should not be displeased in any way before the summit conference. For the same reason the United States joined Britain a few weeks ago in vetoing a sensible German-Spanish military cooperation agreement. For the same reason U.S. delegates at the East-West disarmament conference, which starts in Geneva tomorrow, have been instructed to show cool indifference toward the positions of the French delegation, which takes a sensible anti-Soviet stand.

In short, U.S. foreign policy is at present being conducted under the guiding principle of appeasement of communism. Whether officials in Washington call it peaceful coexistence, or relaxation of tensions, or working

for a better international climate, this policy is producing the same results—concessions to Soviet viewpoints, retreats of U.S. diplomacy under Soviet pressure, surrender of important American political and ideological positions. There is also no doubt that President Eisenhower is personally responsible for this situation. Since the tragic death of John Foster Dulles, Mr. Eisenhower has been his own Secretary of State and has conducted the foreign policy of the United States on the basis of his "personal diplomacy" approach. Unfortunately, President Eisenhower's ardent ambition to prove himself the world's greatest peacemaker has blinded his political vision to such an extent that he doesn't see he might become the world's greatest appeaser of communism.

Mr. GOLDWATER. Mr. President, I should like to read a paragraph each from two of those editorials.

Mr. Eugene Pulliam, owner of the the Arizona Republic in Phoenix, wrote a front page editorial on this subject and said in one paragraph:

This is a real and present danger to the people of the United States. It should be met with firmness and speed. Appeals to the Organization of American States for intervention are as fruitless as the Hungarian appeals to the U.N. for help.

Appearing at the same time in the Arizona Daily Star, one of the leading newspapers in my State, under the pen of Bill Mathews, was another editorial from which I should like to read:

It is hard to believe that the American people will permit the establishment of a Communist state in the Caribbean or the Western Hemisphere, at the same time they are being called upon to give their lives and wealth to stop communism in the Orient, Africa, and Europe.

THE MYTH OF RUSSIAN PRODUCTIVITY

Mr. BENNETT. Mr. President, during the past few months we have heard many statements about the tremendous rate of growth that has taken place in the Soviet Union, and how badly the American system is being outproduced.

In the March issue of Fortune magazine is printed the preface to a forthcoming book, which has been written by Mr. Colin Clark, a distinguished British economist. The title of the book is "The Real Productivity of Soviet Russia."

This particular reprint has headings such as "The Growth Debate: A Phony"; "What is U.S. Policy Toward Europe?"; "Childish Economics"; "The Communist Lie"; and "The Myth of Russian Productivity."

I think it will be reassuring to my colleagues in the Senate if they have the opportunity to read this preface, and I hope all of them will read the book when it appears.

This is another of the situations in the great debate about the relative position of the United States and Russia with respect to which I am sure there has been much misinformation, which needs to be corrected.

I ask unanimous consent that the article to which I refer, which was published in the March issue of Fortune magazine, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GROWTH DEBATE: A PHONY—WHAT IS U.S. POLICY TOWARD EUROPE?

MYTH OF RUSSIAN PRODUCTIVITY

(Many people are today arguing that the United States is lagging behind Russia in economic growth, and are proposing new Government spending measures to close the gap. These assumptions have been challenged by Colin Clark, distinguished British economist, of Oxford University, and research director of the Econometrica Institute. Fortune prints below Clark's main conclusions as embodied in the introduction to a forthcoming book, "The Real Productivity of Soviet Russia.")

A statement which has now circulated so extensively that nobody ever questions it is the proposition that the real product of the Soviet Union is growing at the rate of 6 percent per year (some even make it higher), and that therefore it is mathematically inevitable that it must, within quite a few years, overtake and then surpass the real product of the United States of America, which is only growing at the rate of 3.5 percent per year. Such statements have been circulated not only by university professors working on Soviet studies, but also by public officals. It is the circulation of these statements about Soviet productivity which has provoked the belief, now held by a number of economists, that some extraordinary steps (of a nature not very clearly specified) should be taken to raise the U.S. rate of growth to 4.5 percent per year.

Like so many other things which "everybody knows," this supposed 6-percent per annum growth trend of the Soviet economy is an illusion. The illusion arose through examining the data—such as were available—for the period 1948 to 1953, and expecting their movement to continue indefinitely. It should be a commonplace of economics—though many prominent economists have in fact failed to see it—that when a country is recovering from war, invasion, and similar disasters, which have reduced its productivity to a low level, there will be a recovery period in which growth is rapid, followed by a period of gradually decelerating growth as productivity approaches that position on its normal trend line which it might have been expected to reach had the war not accurred. This is exactly what has been observed in Germany, Japan, and Italy, countries which suffered devastation comparable with that in Soviet Russia. This was indeed pointed out, during the comparable period in the 1920's, by some of the official Soviet statisticians (they were more free to comment then than they are now).

CHILDISH ECONOMICS

However, this is a point which many economists apparently find very difficult to grasp. So let us reduce the matter to a simple simile. A child recovering from a serious illness shows, for 2 succeeding weeks, a rapid gain in weight. The doctor plots these figures on a logarithmic diagram and deduces the conclusion, which he tells to the parents, that in a little over a year the child is going to weigh more than its father. If any doctor acted in this manner, he would be regarded as not qualified to practice. Yet economists go on making the same mistake.

The results obtained by long and careful analysis of Soviet productivity can all be brought to a single conclusion. The information for the years after 1953 shows in actuality the rate of growth slowing down, as had been predicted. * * * Over the whole period 1913 to 1956 the long-period rate of growth averaged 1.2 percent per year. It may be contended—but not very plausibly—that the 1920's or the 1930's ought to be left out of the reckoning. If we reckon the productivity trends from 1928 or from 1939 we get figures of 1.7 or 1.6 percent per year.

The U.S. long-term growth rate of 3.5 percent per year outstrips that of Russia as a result of productivity and population increase. U.S. productivity has risen 2.3 percent per year versus Russia's gain of 1.2 percent. U.S. population also grows faster than that of the U.S.S.R.

These figures should be compared with the rate of growth of real product per man-hour found in the United States and other free-market countries. Subject only to minor fluctuations, the United States, ever since the 1890's, has maintained a steady rate of growth of real product per man-hour of 2.3 percent per year. Similar figures, with growth rates of real product per man-hour at over 2 percent per annum, are shown by a number of other countries, including Australia, Belgium, Canada, Finland, France, Italy, Japan, Netherlands, New Zealand, Sweden, Switzerland, and South Africa. Growth rates as low as 1.2 percent per annum are found, among the countries for which we have information, only in some of the Latin American countries, with chronically disordered currencies, Portugal, and Great Britain (where economic growth is being checked by grossly excessive taxation).

These conclusions about the comparatively low long-period rate of economic growth in the Soviet Union, so much in conflict with generally received opinion, are fully confirmed, however, by some very thorough researches into the trend of man-year and man-hour productivity in Soviet manufacturing industries carried out by Professor Nutter, of the University of Virginia, for the National Bureau of Economic Research, New York. Some extracts from these results have appeared in American Economic Review, 1957–58.

POPULATION SLOWDOWN

It is not only in the rate of growth of real product per man-hour that the Soviet Union falls far behind the United States. The Soviet Union now also has a lower rate of growth of population (a subject on which Soviet statisticians have been remarkably reticent). Some of the recently claimed figures of population growth (the same thing was true of the rates of population growth claimed by Stalin) cannot be reconciled with the census figures, or with the figures of the numbers of people on the electoral register—numerous "elections" are held in Soviet Russia. It seems clear that the official records of deaths are understated, perhaps through administrative incompetence rather than deliberately. The number of births has fallen heavily. The Soviet rate of population growth during recent years has been at 1.5 percent per annum, and is possibly now decreasing, whereas the U.S. rate of population growth is increasing, and has now reached 1.8 percent per annum.

THE COMMUNIST LIE

Governed by fanatical materialists, the Russian people have been called upon to sacrifice their personal liberties, their national traditions, and their religion for the sake of material progress; and all that they have received in return is a rate of material progress far below that of most other countries. The poor and uninformed peoples of Asia, Africa, and Latin America are persistently being told, by Communists, by fellow travelers, and by just plain muddleheads, that communism, while it may have certain drawbacks, is nevertheless the key to material advancement. It should be made clear how very mediocre the economic results of communism have, in fact, been.

Nor can it be contended that, while free-market economies may represent the best system for comparatively advanced countries, poorer countries need communism in order to get them started on economic development. Japan started from an eco-

nomic level, at the end of the 19th century, far lower than that of Russia, and with a predominantly free-market economy has been able to obtain a far higher rate of economic growth.

Least of all is there any truth in the claim frequently made in the poorer countries, that communism will fill empty bellies. It will do the exact opposite. Agriculture is the field in which communism has had its most outstanding failures. Russia became a Communist country in 1917; but the property seized by the state at that time was still limited. The collectivization of the property of farmers and of small craftsmen and traders, which constituted the bulk of all private property in Russia, did not take place until 1928. Some of the results can be seen in the form of a really disastrous fall in productivity. The forcible collectivization of all farm property resulted in a famine in which millions of lives were lost. The first effect of communism, instead of enriching poor countries, is to take away from them some of that little which they have.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Is there further morning business?

Mr. BIBLE. Mr. President, I was about to inquire if there was further morning business.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

Mr. BIBLE. I suggest that the unfinished business be laid before the Senate, and then I shall suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. KEATING] to section 2 of the so-called Dirksen substitute, as amended.

Mr. BIBLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I modify my amendment, and I have sent to the desk the language which shows the modifications in the pending amendment. The amendments, as modified, are as follows:

On page 2, strike lines 16 through 24 and insert in lieu thereof the following:

"(b) whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive,".

On page 3, line 8, after the word "years", insert "or a fine of not more than $10,000, or both".

On page 3, strike the language after the word "explosive" on line 17, up to and including the word "it" on line 20, and substitute in lieu thereof the following: "was transported in interstate or foreign commerce or caused to be transported in interstate or foreign commerce by the person so possessing or using it, or by a person aiding or abetting the person so possessing or using it".

On page 4, line 4, strike out the words "to perform any act prohibited by this section" and insert in lieu thereof the following: "to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives, or of intimidating any person pursuing such objectives".

The PRESIDING OFFICER. The Chair would like to inquire whether the yeas and nays have been ordered.

Mr. KEATING. The yeas and nays have not been ordered.

The PRESIDING OFFICER. The amendment will be modified as the Senator from New York requests.

Mr. KEATING. Mr. President, I wish to say a word in explanation of the modification. It is the result of the colloquy which I had with the distinguished and able Senator from North Carolina [Mr. ERVIN] yesterday afternoon. The first part of the modification has been taken from the proposed substitute which the Senator from North Carolina intended to offer. I believe that we are in accord that these changes should be made.

I wish to express my gratitude to the Senator from North Carolina for his assistance in bringing this about. It is my understanding that in the light of this modification he is prepared to withdraw his proposed substitute for this amendment.

Mr. ERVIN. Mr. President, I wish to state that the able and distinguished junior Senator from New York has performed a real service in making these modifications in his original amendment. These modifications accomplish the end which he and his cosponsors had in mind and that I had in view in proposing the substitute for his amendment.

I believe that the amendment as modified by the able and distinguished junior Senator from New York provides for legislation in a field which is properly a field for the Federal Government, and a field in which legislation is necessary. For this reason, I wish to commend the fine work he has done in this matter, and to ask that I may be permitted to withdraw my substitute at this time.

The PRESIDING OFFICER. Has the Senator from North Carolina actually offered his amendment?

Mr. ERVIN. I had not formally done so. I presume that for that reason it will not be necessary for me to withdraw it.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield.

Mr. DIRKSEN. This might be a good opportunity for me to express my individual view with respect to the whole amendment which the Senator from New York proposes to amend with his modified version of his amendment. It still leaves it out of context with the civil rights proposal, because it goes across the board.

I think I could make the same objection to it that I made in the first instance, when this particular section was broadened so as to make it a general criminal statute. However, I wish to say that that is all I have to say on the subject, except only to keep the RECORD clear and consistent; secondly, to say that for my part I certainly do not ask for a yea-and-nay vote. I do not know what the disposition is of the distinguished Senator from New York, or whether the distinguished Senator from Georgia intends to ask for the yeas and nays.

Mr. RUSSELL. The distinguished Senator from Illinois has completely ruined my speech. I intended to observe how great and perfect it is for brethren to dwell together in unity, after I had seen the Senator from New York and the Senator from North Carolina in agreement. Now the Senator from Illinois sounds a sour note by saying he does not agree.

Nevertheless, I believe we should have the yeas and nays on the amendment in order to formally ratify this pact between the Senator from North Carolina and the Senator from New York. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. There are an insufficient number of Senators present to order the yeas and nays.

Mr. RUSSELL. Even two Senators can ask for the yeas and nays.

The PRESIDING OFFICER. There is an insufficient number present to order the yeas and nays.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

Mr. DIRKSEN. Mr. President, will the Senator withhold that suggestion for the time being?

Mr. RUSSELL. I reserve my request for the time being.

Mr. DIRKSEN. I think the distinguished Senator from Georgia will admit that the position I take is consistent with the earlier position I took, when the Senate ran over me by a thumping majority, and when I cast the only vote on the other side.

Mr. RUSSELL. If the Senator perseveres in standing alone, I commend his courage. I recall once hearing a story, when I was a boy, about a little bull who came out to see a great locomotive coming down the track. He got up on the track and met the locomotive head on. A man who saw it said he admired the little bull's courage but deplored his judgment. I can make that statement with respect to the position of the Senator from Illinois.

Mr. DIRKSEN. Mr. President, does the Senator from Georgia have the floor?

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield.

Mr. DIRKSEN. I had hoped that his reply would be responsive to my direct question.

Mr. RUSSELL. I do think the Senator is consistent; yes. I do not think this involves the same matter of principle, though.

Mr. DIRKSEN. Definitely so.

Mr. RUSSELL. It is in much less degree than the original position. In the first instance he was standing foursquare upon his responsibility as the spokesman for the Republican administration.

Mr. DIRKSEN. That is correct.

Mr. RUSSELL. In this instance I do not believe the same principle obtains.

Mr. DIRKSEN. Yes; except, of course, that when there is included in the amendment a provision with reference to a residence or dwelling, it gives it a general character that is unrelated to religious or educational institutions. I think that position is quite consistent with the one I earlier asserted.

Mr. RUSSELL. I am sure the distinguished Senator will be consistent. It is most laudable in this case. I hope no one will be so cruel as to take the emphasis from the observation of the Senator.

The PRESIDING OFFICER. Does the Senator from Georgia withdraw his request for a quorum call?

Mr. RUSSELL. Yes. I renew my request for the yeas and nays. I should like to have a vote on the amendment. I think a sufficient number of Senators is now present.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. RUSSELL obtained the floor.

Mr. DIRKSEN. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I am glad to yield.

Mr. DIRKSEN. I have in mind that rather fundamental observation by Ralph Waldo Emerson:

A foolish consistency is the hobgoblin of small minds.

However, I must always accent the proper word, because I do not say "consistency," standing by itself, but "a foolish consistency." I thought this position was not a foolish consistency.

Mr. RUSSELL. I would be the last to argue any such position to the distinguished Senator from Illinois, for whom I have very great admiration.

Mr. DIRKSEN. Having disposed of that philosophical observation, the Senate can now work its will.

Mr. KEATING. Mr. President, will the Senator yield for an observation?

Mr. RUSSELL. I yield.

Mr. KEATING. I again wish to compliment, as I have before, the distinguished Senator from Illinois for the course he has followed throughout the debate. He has carried the flag nobly for the bill at the desk, which is the administration's measure.

I pointed out yesterday, I may say in order that it may be clear to the Senator, that he and I are not at variance on fundamentals with respect to a number of instances where homes and business houses had been bombed in connection with racial disputes. But I wish to make it very clear that this proposal does go beyond simply any racial troubles, or anything of that nature.

Mr. DIRKSEN. May I make an observation in response?

Mr. RUSSELL. I yield for that purpose.

Mr. DIRKSEN. I should be the last to object to the Senator's contention. As I have said, I could readily support such a proposal. But I go back to the observation I made originally, that we should act according to the civil rights context, as I understand it. That is the only reason for my objection.

Mr. RUSSELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. KEATING], as modified.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEACHER SHORTAGE REMAINS ACUTE PROBLEM IN PHILADELPHIA

Mr. CLARK. Mr. President, one of the problems which still confronts the country as a whole, and my State in particular, is the shortage of teachers, due largely to the fact that our school districts are unable to offer adequate salaries and other compensation, so as to be able to recruit the number of teachers needed in order properly to conduct our schools.

Evidence of this appears in this morning's issue of the Philadelphia Inquirer, in an article entitled "Teacher Shortage Remains Acute Problem in Philadelphia." I ask unanimous consent that the article be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Mar. 17, 1960]

TEACHER SHORTAGE REMAINS ACUTE PROBLEM IN PHILADELPHIA

Teacher vacancies are still the most urgent problem facing Philadelphia public schools, although they have been reduced, Dr. Allen H. Wetter, superintendent of schools, reported Wednesday.

Overcrowding in elementary schools has also been cut but still remains a problem, Dr. Wetter said.

Easing of the teacher supply situation has been aided, he said, by the higher wage scales introduced on January 1 and by a continuing recruitment program.

"Vacancies in teaching positions have decreased substantially," he said, "from a high of 740 in September 1958, to the present 480, an improvement of 35 percent. There are 115 vacancies in elementary classes, 85 in special classes and 280 in junior, senior and vocational-technical schools."

Dr. Wetter said he was not happy about the vacancies and will not be satisfied until all are filled.

On overcrowding he said there are 3,220 pupils out of a total of 118,000 in elementary grades who are on part time, which represents the lowest number in 15 years. There are 66 first-grade, 18 second-grade, 6 third-grade, and 2 fourth-grade classes on part time. All secondary schools are operating on full time.

"Intensive study and determined action will be applied to reduce the present part-time situation even further," Dr. Wetter said.

The overcrowding, he said, is in the Strawberry Mansion, northeast and north central areas and these will have top priority in any relief measure.

Earlier Add B. Anderson, secretary and business manager of the board of education, stated that two schools in the Strawberry Mansion area have been listed for replacement. These are the Blaine School at 30th and Norris Streets and the McIntyre School at 30th Street near Dauphin. A third school, the McMichael, at 35th Street and Fairmount Avenue, is also scheduled for replacement, he said.

Wetter said a $5,500,000 combination junior-senior high school is on the drawing boards for the Bustleton area. Exclusive of this, he said the board of education has spent some $90 million since 1946 on capital improvements.

Improvement in the textbook situation also was reported, due to a 40-percent additional allotment for them in the 1960 budget. This assures every pupil an individual textbook in the basic subjects, Dr. Wetter said.

Also included in the 1960 budget is $100,000 to be spent on science facilities and equipment. This is to be matched by a Federal grant of $100,000 under the National Defense Education Act.

With one foreign language laboratory now operating, located in the Philadelphia High School for Girls, four more are to be instituted during this year, financed by $25,000 from the budget and a matching Federal grant.

Dr. Wetter reported vocational shops in excellent condition, with modernization being carried forward continuously. The budget allotted $90,000 for new vocational equipment. An application has been made for Federal funds of $40,000 to pay one-half the cost of special technical program in automation and instrumentation.

The School District of Philadelphia has allotted an extra sum of $75,000 for commercial education equipment in 1960.

With 40 percent additional allotted for books, Dr. Wetter said the school libraries will increase their purchases by a substantial amount. In addition a special sum of $50,000 has been set up in 1960 for library books.

This year's budget also includes $250,000 to provide for modern pupil furniture in grades 3 and 4 throughout the entire city.

WISDOM OF CONGRESSIONAL REFUSAL TO REMOVE 4¼ PERCENT INTEREST CEILING ON LONG-TERM GOVERNMENT BONDS

Mr. CLARK. Mr. President, each day's news reaffirms the wisdom of the Congress in refusing to accede to the request of the President and the Secretary of the Treasury to remove the 4.25 percent interest ceiling on long-term Government bonds.

In January, the bond market began to rise from its extraordinarily low levels, as many of us had predicted. The Treasury's response was that that was a seasonal phenomenon. But here we are in the latter half of March, and the trend is continuing—and even more rapidly.

Today's quotations show not a single series of long-term Treasury bonds selling at a yield as high as the 4.25 percent limit. A number of issues have sunk below 4 percent. The 4-percent bonds maturing in 1969 are selling almost at par.

It seems prefectly clear that the Treasury can at this moment sell at least some long-term bonds below the legal ceiling.

I ask unanimous consent to have printed at this point in the RECORD a table of U.S. Government and agency bond prices and yields, from this morning's edition of the New York Times.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. Government and agency bonds, Wednesday, Mar. 16, 1960

TREASURY BONDS

Maturities	Outstanding (millions)	Rate	3:30 p.m. Bid	3:30 p.m. Asked	Change in bid	Yield
1960, November	$3,806	2¼	99.2	99.4	0.4	3.48
1965–60, December	1,485	[1]2¾	98.0	98.8	+.10	3.08
1961, September	2,239	2¾	98.4	98.12	+.6	3.97
1961, November	11,177	2½	97.10	97.14	+.6	4.11
1962–59, June	5,267	2½	95.30	96.2	+.8	4.11
1967–62, June	2,112	2½	89.18	89.26	+.4	4.13
1962–69, December	3,456	2¼	95.2	95.6	+.12	4.11
1963, August	6,755	2½	94.22	94.26	+.12	4.15
1968–63, December	2,820	2½	87.14	87.22	X.4	4.18
1964, February	3,854	3	95.28	96.0	X.12	4.11
1969–64, June	3,745	2½	86.24	87.0	+.4	4.20
1969–64, December	3,819	2½	86.6	86.14	+.4	4.20
1965, February	6,896	2½	93.0	93.4	+.10	4.18
1970–65, March	4,709	2½	85.24	86.0	+.4	4.23
1971–66, March	2,948	2½	85.20	85.28	+.4	4.10
1966, August	1,184	3	94.0	94.4	+.10	4.05
1972–67, June	1,840	2½	85.14	85.22	+.4	3.97
1972–67, September	2,716	2½	85.2	85.10	X.4	3.99
1972–67, December	3,715	2½	85.14	85.22	X.4	3.92
1969, October	1,256	4	98.30	99.6	+.12	4.09
1974, November	654	3⅞	96.30	97.6	+.10	4.13
1983–78, June	1,604	3¼	87.26	88.2	+.14	4.06
1980, February	884	4	98.16	98.24	+.10	4.10
1985, May	1,135	3¼	87.2	87.10	+.18	4.08
1990, February	1,727	3½	90.8	90.16	+.18	4.05
1995, February	2,741	3	85.6	85.14	+.8	3.74

[1] Exempt from normal income tax.

Mr. CLARK. Mr. President, the same edition of the New York Times carries a renewed appeal by Under Secretary Baird for removal of the interest rate ceiling. Mr. Baird explains that a new bond "always has to carry an interest rate somewhat higher than the going yields in the market."

In order to anticipate this point, some days ago I addressed to Secretary of the Treasury Anderson a letter in which I asked what experience has shown to be the spread between the interest rate on new bonds and the yield on comparable outstanding issues at the time when the new bonds were issued. Yesterday, I received from Under Secretary Baird a reply which shows that in the case of nine issues between 1953 and 1959, the average spread was .11 percent.

From this, it seems fair to conclude that the Treasury can issue bonds within the 4.25 percent ceiling when current yield quotations fall below 4.14 percent. The table which I have just inserted in the RECORD shows that not a single issue maturing after 1970 is now trading at prices which produce a yield as high as 4.14 percent, and they range as low as 3.74 percent.

Under Secretary Baird, in his letter, acknowledges that "the interest rate trend at the moment seems to be downward" and that "a further substantial decline in rates would make it possible for the Treasury to issue long-term bonds at interest rates of 4.25 percent or less." Since this letter, which is dated March 15, was written, it appears clear that the further substantial decline which Under Secretary Baird has been waiting for has already occurred.

Mr. President, I ask unanimous consent that my letter to Secretary Anderson and Under Secretary Baird's reply to me be printed at this point in the RECORD; and I call particular attention to table 2, attached to the letter, which contains the figures, referred to earlier, as to the spread between the interest rate on new issues and the current yield on comparable outstanding issues at this time.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 9, 1960.

The Honorable ROBERT B. ANDERSON,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In considering your repeated request for removal of the 4¼ percent interest rate ceiling on long-term Government bonds, some Members of the Senate have been wondering whether the trend in interest rates is such that the ceiling may shortly be no longer a practical limitation upon the Treasury's ability to float long-term bonds.

This morning's quotations, as reported in the Wall Street Journal, show marketable bonds maturing after 1966 are selling at yields of from 3.80 to 4.24. The 4 percent bonds maturing in 1969 are selling very close to par.

We realize that the Treasury must set rates on new issues at a point somewhat higher than the current yield quotations. However, it is not clear to us the extent to which the market on outstanding bonds must fall below the 4¼ percent yield before the Treasury can successfully market new issues at that rate.

I would appreciate your advising me your best estimate as to how far the market quotations on the 4 percent bonds maturing in 1980, for example, would have to fall below the 4.16 percent yield quoted in this morning's paper before the Treasury would feel it could successfully market 20-year bonds within the legal ceiling, and what other factors related to the state of the market would have to be taken into account?

It would also help our consideration of this question if you would supply information comparing the interest rates on some of your long-term issues over the past few years with the yield quotations on bonds of comparable maturity at the time the new issues were offered.

Sincerely yours,

JOSEPH S. CLARK.

UNDER SECRETARY OF THE TREASURY,
Washington, D.C., March 15, 1960.

Hon. JOSEPH S. CLARK,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: I have your letter of March 9 addressed to Secretary Anderson, and your inquiry as to "whether the trend in interest rates is such that the ceiling may shortly be no longer a practical limitation upon the Treasury's ability to float long-term bonds."

As you suggest, there has been a recent substantial increase in the market prices of all Government bonds. The 4-percent bonds maturing in 1969, for example, are now selling in the market at approximately 98, with a yield to the investor of 4.27 percent. The 4-percent bonds of 1980 are selling at approximately 97¾, with a yield to the investor of 4.18 percent. The decline in the interest yield on the shorter of these two issues from the peak early in January has been approximately one-half of 1 percent, with a decline of almost three-eighths of 1 percent on the longer issue.

Some people are suggesting that the recent decline in interest rates might go far enough so that the ceiling will no longer prevent the Treasury from engaging in some badly needed debt lengthening.

Such a wait-and-see attitude is, in my judgment, very much in error, unless we are convinced that we are actually entering an economic recession. A big portion of the recent decline in rates has resulted from seasonal factors, which are always apparent in January and February of each year. Part of it may reflect the prospect of a much reduced amount of Treasury cash borrowing in the next year or so, in view of the projected surplus in the Government's budget. And part of it may reflect the growing judgment that 1960, instead of being a year of strong inflationary pressures and an unsustainable upsurge in economic activity, is more likely to be a year of normal, healthy growth.

We do not believe any prediction that we are entering a recession is either prudent or warranted. What we look forward to is a long period of sustainable high activity, with a minimum of fluctuations.

It is not possible, in our opinion, for the Treasury to sell any significant amount of long bonds within the 4¼ percent ceiling on the basis of quotations on the current market—quotations which are almost exactly the same as when the President made his initial request last June.

In the first place the pattern of rates in the market for Government securities of 5 years and longer can be misleading since no new bonds have been sold for almost a year now. An artificial scarcity value has become associated with the longer term issues with the result that interest yields decline as maturities lengthen. A more realistic appraisal of the market for possible new issues of Government securities can be obtained by reference to the pattern of rates in the high-grade corporate securities market, a pattern which discloses no tendency for yields to decline as maturities lengthen.

A second factor to consider is that all outstanding Treasury long-term bonds are selling at a discount. When an investor buys such bonds, therefore, the difference between the price he pays and the maturity

value of the bond for tax purposes is capital gain rather than ordinary income. The effect of this tax factor is to make a long-term bond selling at a discount more attractive to a taxable investor than a new bond issued at par carrying the same yield to maturity. Thus, because of this tax factor, the yield to maturity on outstanding bonds selling at a discount cannot be taken as the basis for setting a rate of interest at which new long-term bonds could be marketed at par. The attached table 1 presents yields on all bonds with more than 5 years yet to run to maturity in terms of actual market quotations and on the basis of the comparable yield on a par issue after allowance for this tax factor.

A third factor is that almost all Treasury bonds now outstanding can be turned in at par on the death of the owner to pay Federal estate taxes. The exact effect of this tax privilege on market prices of outstanding bonds is difficult to measure, but it is obvious that it also tends to make discount bonds more attractive than new bonds issued at par.

As you have correctly stated, the Treasury cannot, of course, set rates on new issues that are exactly equal to current yield quotations and expect the issue to be a success. Over a number of years, the Treasury on average has had to price its new issues of long-term bonds at yields about one-eighth of 1 percent above the quotations on outstanding securities of comparable maturity. You may be interested to know that on highest grade corporate securities offered during recent years the average spread between the new issue and the outstanding market for such bonds is about three-eighths of 1 percent, or approximately three times the spread on new issues of Government bonds. That spread is higher when demands on the capital markets are heavy. Most recent issues of highest grade corporate securities have been sold at rates averaging about 5 percent, as compared with a highest grade corporate average yield in the market of approximately 4½ percent. The attached table 2 has been prepared in response to your request to indicate spreads for recent years on each specific Treasury long-term bond issue and on new highest grade corporate bond issues (on a quarterly basis) with reference to the market for outstanding issues of comparable maturity.

Although we do not believe that it is possible to issue any significant amount of long-term bonds in the present market within the 4¼-percent ceiling, a further substantial decline in rates would make it possible for the Treasury to issue long-term bonds at interest rates of 4¼ percent or less. As I mentioned, however, we do not yet know how much of the decline in interest rates to date may represent purely seasonal factors and how much may represent a more fundamental rappraisal by investors of interest rate trends.

The reasons for the removal of the 4¼ percent ceiling are fully as strong today as they were when the President first made his request last June. There is no justification for the continuation of the ceiling. Experience during the past year has demonstrated beyond question that the existence of the ceiling has (1) added unnecessarily to the cost of interest on the public debt to the American taxpayers, (2) added unnecessarily to the short-term borrowing costs of small businessmen, farmers, and consumers, (3) added unnecessarily to the difficulty of raising much-needed mortgage money, (4) added unnecessarily to the mounting size of a more inflationary short-term debt, and (5) added unnecessarily to the misgiving of investors both here and abroad as to the willingness of the U.S. Government to manage the public debt in the future in the most responsible way.

While it is true that the interest rate trend at the moment seems to be downward, we know from experience that this trend can easily shift—and the shift can occur rapidly. If the market improves to the point where we can undertake long-term financing at rates of 4¼ percent or less we certainly will do so. In view of the ever-mounting volume of the short-term debt, we would not be acting prudently if we relied completely on the likelihood of lower rates in the foreseeable future. To be responsible, therefore, we should work together to achieve the removal of the interest rate ceiling, so harmful to both the short- and long-range best interests of the American people.

Sincerely yours,

JULIAN B. BAIRD,
Under Secretary.

TABLE 1.—*Market yields of U.S. Government bonds having 5 or more years to maturity as of Mar. 11, 1960* [1]

Coupon rate	Date of maturity	Market yield	Comparative yield of new par issue of tax-equivalent value [2]	Coupon rate	Date of maturity	Market yield	Comparative yield of new par issue of tax-equivalent value [2]
		Percent	*Percent*			*Percent*	*Percent*
3 percent	Aug. 15, 1966	4.25	4.95	2½ percent	Sept. 15, 1967–72	4.10	5.00
2½ percent	June 15, 1962–67	4.31	5.33	2½ percent	Dec. 15, 1967–72	4.04	4.91
2½ percent	Dec. 15, 1963–68	4.35	5.39	3⅛ percent	Nov. 15, 1974	4.23	4.43
2½ percent	June 15, 1964–69	4.38	5.44	4 percent	Feb. 15, 1980	4.18	4.28
4 percent	Oct. 1, 1969	4.27	4.42	3¼ percent	June 15, 1978–83	4.15	4.06
2½ percent	Dec. 15, 1964–69	4.36	5.41	3¼ percent	May 15, 1985	4.16	4.67
2½ percent	Mar. 15, 1965–70	4.35	5.39	3½ percent	Feb. 15, 1990	4.14	4.50
2½ percent	Mar. 15, 1966–71	4.24	5.22	3 percent	Feb. 15, 1995	3.82	4.28
2½ percent	June 15, 1967–72	4.08	4.97				

[1] Closing bid yields as reported by the Federal Reserve Bank of New York.
[2] On basis of 52 percent corporate tax rate on coupon and 25 percent on excess of yield over coupon.

Source: Office of the Secretary of the Treasury, Debt Analysis Staff, Mar. 15, 1960.

TABLE 2.—*Comparison of interest rates on new issues of U.S. Treasury and highest grade corporate bonds, 1953–60*

	Date of issue	Amount	Interest cost	Yield on comparable outstanding issues	Spread		Date of issue	Amount	Interest cost	Yield on comparable outstanding issues	Spread
		Millions	*Percent*	*Percent*	*Percent*			*Millions*	*Percent*	*Percent*	*Percent*
U.S. Treasury: [1]						Corporate (quarterly): [2]—Con.					
3¼ percent, June 15, 1978–83	May 1, 1953	$1,606	3.25	3.11	0.14	1955—3d		$30	3.20	3.05	0.15
3 percent, Feb. 15, 1995	Feb. 15, 1955	1,924	3.00	2.92	.08	4th		85	3.27	3.12	.15
Do	July 20, 1955	821	3.00	2.99	.01	1956—1st		80	3.31	3.12	.19
4 percent, Oct. 1, 1969	Oct. 1, 1957	657	4.00	3.87	.13	2d		415	3.52	3.27	.25
3⅞ percent, Nov. 15, 1974	Dec. 2, 1957	654	3.88	3.59	.29	3d		40	3.99	3.42	.57
3½ percent, Feb. 15, 1990	Feb. 14, 1958	1,727	3.50	3.33	.17	4th		90	4.06	3.63	.43
3¼ percent, May 15, 1985	June 18, 1958	1,135	3.22	3.17	.05	1957—1st		125	4.28	3.67	.61
4 percent, Feb. 15, 1980	Jan. 23, 1959	884	4.07	3.99	.08	2d		245	4.60	3.81	.79
4 percent, Oct. 1, 1969	Apr. 1, 1959	619	4.00	3.99	.01	3d		165	4.72	4.09	.63
Average spread					.11	4th		170	4.60	4.07	.53
Corporate (quarterly): [2]						1958—1st		140	3.83	3.60	.23
1953—1st		12	3.21	3.03	.18	2d		285	3.75	3.57	.18
2d		115	3.78	3.38	.40	3d		265	4.40	3.98	.42
3d		117	3.64	3.30	.34	4th		145	4.51	4.07	.44
4th		320	3.27	3.14	.13	1959—1st		85	4.34	4.13	.21
1954—1st		55	3.26	3.09	.17	2d		5	4.65	4.26	.39
2d		100	3.02	2.88	.14	3d		79	4.77	4.44	.33
3d		140	3.01	2.88	.13	4th		197	5.22	4.57	.65
4th		75	2.97	2.87	.10	1960—1st (through February)		345	5.06	4.57	.49
1955—1st		81	3.07	2.94	.13	Average spread (1953–60)					.36
2d		50	3.15	3.01	.14						

[1] Over 10 years to maturity.
[2] Moody's AAA rated bonds. Interest cost and yields on outstanding issues weighted by amounts of new offerings.

Source: Office of the Secretary of the Treasury, Debt Analysis Staff, Mar. 15, 1960

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD the New York Times article which refers to Under Secretary Baird's new request for the lifting of the bond ceiling, which repeats in many respects his letter to me.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPEAL RENEWED ON BOND CEILING—BAIRD SAYS NEED FOR REPEAL OF LIMIT ON U.S. ISSUES REMAINS URGENT

WASHINGTON, March 16.—The Treasury said today that interest rates had not declined far enough to permit it to sell long-term bonds within the legal ceiling of 4¼ percent on interest rates.

The need for repeal of the ceiling, the Treasury said, was just as urgent now as when the President first made the request last year. Despite the recent decline in yields of outstanding Government bonds, these yields now "are almost exactly the same as when the request was first made," it declared.

The Treasury position was stated by Julian B. Baird, the Under Secretary, in a letter answering a question raised by Representative FRANK IKARD, Democrat, of Texas.

It would be a "very serious mistake," Mr. Baird said, for Congress to gamble on the chance that rates would go lower and permit sales within the ceiling. He pledged that "if the Government securities market improves to the point where the Treasury can undertake long-term financing at rates of 4¼ percent or less, then we shall certainly do so."

FOUR REASONS LISTED

The Under Secretary gave four reasons why the Treasury would have to pay more than 4¼ percent now to sell any significant amount of long-term bonds, even though outstanding bonds are selling to yield less than that.

The first was that there was something of an artificial scarcity of long-term Treasury issues now because none had been issued for almost a year. This has the effect of pushing up their price and reducing their yields. Thus, present yields do not give a true picture of what the interest rate on a new bond would have to be.

The second related to taxes. There is a capital gains element in bonds now outstanding because they are all selling well below par. A new bond would not have this advantage and thus would have to carry a higher interest rate.

The third was also a tax angle. Because outstanding bonds can be turned in at par for payment of estate taxes, discount bonds are more attractive than new bonds issued at par.

Finally, there is the fact that any new bond always has to carry an interest rate somewhat higher than the going yields in the market. This is because a "sweetener" is necessary to attract investors to take the new bond in preference to old ones, and because any new bond tends to depress prices and raise yields for a while in that maturity sector.

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed in the RECORD an article, published in today's New York Times, by the highly respected reporter, Edwin L. Dale Jr., which begins with the assertion:

The upward movement in the economy came to a dead stop in February, two key economic indicators disclosed today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO YARDSTICKS SHOW ECONOMY LEVELED OFF DURING FEBRUARY—INDUSTRIAL OUTPUT AND PERSONAL INCOME FAIL TO RISE—EISENHOWER DESCRIBES CONDITIONS AS VERY HEALTHY

(By Edwin L. Dale, Jr.)

WASHINGTON, March 16.—The upward movement in the economy came to a dead stop in February, two key economic indicators disclosed today.

The Federal Reserve Board reported that industrial production in the month fell by a point on its index below the January figure, which was revised downward by a point. The Department of Commerce said personal income failed to rise, with a small increase in wage and salary income offset by a drop in farm income.

President Eisenhower said today, however, that he thought the economy was "very healthy" and "very fine." He was asked a question on the subject at his news conference this morning, before today's reports were issued.

The President said some people "always want to have a recovery curve mounting more steeply." He noted that there were "some rather bold predictions made as late as December and early January and even early February," but he said his advisers "have always counseled to take a moderate target."

"The outlook for American business is indeed good," the President concluded.

Today's indicators did not dispute that conclusion, but they showed that general activity had leveled off, at least temporarily.

The industrial production index, seasonally adjusted, was put at 110 in February, with the 1957 level as 100. This compared with 111 in January, 109 in December, and 102 in February a year ago. The January figure originally had been 112 before the revision today.

The decline was accounted for by consumer goods, chiefly consumer durables. Auto production in February was off from the "very advanced rate" of January, and production of appliances and apparel also declined.

The reason for these declines, today's report suggested, was that "retail sales remained below earlier levels of output." January and February retail sales were no better than the level of last summer, though they were up from those of December.

Today's report emphasized that "most measures of business activity remained at advanced levels in February and unemployment declined." Output of business equipment and materials "was maintained at peak rates," and the same was true for "consumer staples." Although production of farm machinery fell a little, output of nonferrous metals rose sharply after settlement of the copper strike.

The personal income report was not encouraging for an early increase in retail sales. Actually, retail sales this winter have been up only 3 percent from the like months last year, while personal income was up 6 percent.

The report showed personal income in February at a rate, seasonally adjusted, of $393 billion a year. This compared with $392,800 million in January, $392,100 million in December and $369 billion in February a year ago.

February showed a $700 million rise in wage and salary payments, all of it outside manufacturing.

Mr. CLARK. Mr. President, this leveling off of the economy has occurred before we are even out of the last recession—with approximately 4 million men and women, or 4.8 percent of the labor force on a seasonally adjusted basis, still unemployed.

I believe this trend indicates once more the incredible folly of a tight money, high-interest-rate policy which restricts the growth of the economy at a time when growth, rather than restraint, is clearly our pressing need, and which, when pursued over the years by the Eisenhower administration, has done nothing whatever to decrease or to control inflation. Yet the administration tells us, through Mr. Baird, that we must raise the interest rate ceiling, in order to facilitate a further application of the discredited tight money, high-interest-rate policy.

It is indeed fortunate that the Congress has refused to give its assent to this misguided policy. We have already saved the country billions of dollars in interest charges, as the senior Senator from Illinois [Mr. DOUGLAS] recently pointed out. The longer we continue to hold the line, the more money we shall have saved the U.S. taxpayers.

Mr. YARBOROUGH. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to my friend, the Senator from Texas.

Mr. YARBOROUGH. I desire to congratulate the distinguished senior Senator from Pennsylvania, both on behalf of myself and on behalf of my constituents and, I think, on behalf of the entire country, for the outstanding service he has been rendering with a group of Senators which includes the junior Senator from Oklahoma [Mr. MONRONEY] and the junior Senator from Tennessee [Mr. GORE].

Mr. CLARK. And also the junior Senator from Texas [Mr. YARBOROUGH].

Mr. YARBOROUGH. Well, Mr. President, modesty forbids that I place myself in the category of rendering service such as that rendered by those I have named, because they have been in the forefront of the fight to hold the line against the tight-money, high-interest-rate, slow-growth policies of this administration. By their continued fight, day after day, on the floor of the Senate, and by their submission of statistical proof of the bad effects of such a policy, they have slowed down the rise in interest rates.

It has been truly said, I believe, that U.S. bonds at their high interest rates furnish one of the best bargains in the history of our country. That is shown by the fact that now, with declining rates, there is such a demand for bonds that the interest rate is going steadily down. Under the leadership in the Senate of those who are fighting high interest rates, the interest rate on bonds has declined to the extent that the Treasury Department not only is able to sell long-term bonds at 4¼ percent interest, but at lower interest rates. The interest rate is so high it is shocking the Treasury should ask that there be a higher interest rate set. I think the Treasury Department should be seeking

ways of getting cheaper interest rates than 4¼ percent on long-term bonds, and should not be seeking to discourage people from buying them, and saying to people, "Just wait until we get a higher interest rate on bonds before you buy them."

I think the Treasurer owes to himself the duty that any creditor owes to himself, namely, to try to get money at the lowest rate he can. We think the Secretary of the Treasury ought to try to sell these bonds at a cheaper rate, instead of saying to the public, "Hold off, do not buy these bonds yet. We are trying to get a higher interest rate for you."

I think those of our people who are buying the bonds are beginning to see the handwriting on the wall and will rush in to buy the bonds, without waiting for higher interest rates to be established, because, as the people of the country get the information which is being gotten to them by such contributions as the Senator from Pennsylvania is making, they are going to be able to see the results of the high-interest-rate policy the present administration has put into effect.

I congratulate the Senator from Pennsylvania for his outstanding service, which is resulting in the saving of money to the taxpayers of the United States, and also is resulting in the turning back of the policy of the slowing down of the economic growth of this country.

Is this high interest rate policy not slowing up the economic growth of the United States by slowing down the gross national product?

Mr. CLARK. There is no question that what my friend from Texas has said is correct. We who are on the special committee on unemployment are presently working on our final report. We find that pretty close to 4 million individuals in America today are totally without work, and another million or so are underemployed. The productive capacity of this country is not being utilized to the fullest extent possible. Housing starts and general construction are falling off, and all because of the high interest rate, tight money policy that was fastened on the country by the Federal Reserve Board and the Treasurer of the United States, in a most unwise and unfortunate way, as a weapon to be used against the threat of inflation, which has pretty well ceased to bother us, and which policy is not suited for the fight against inflation.

I hope that by continuing to have talks on the Senate floor from time to time, and in discussions such as the Senator from Texas has helped me to have today, we shall be able to educate even the financial writers of this country, and even the New York papers, and even some of the people in Wall Street, and possibly even the very intelligent but misguided gentleman, Mr. William McChesney Martin, that the policy he has been following is not in the national interest.

I thank my friend for his helpful comments. I am hopeful that there will be enough of us on the floor of the Senate who feel as he and I do to see that no lifting of the 4¼ percent interest rate will take place.

Mr. President, I yield the floor.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. KEATING], as modified, to section 2 of the Dirksen substitute, as amended.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from New York [Mr. KEATING], as modified, to section II of the Dirksen substitute, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN (when his name was called). Mr. President on this vote I have a pair with the distinguished Senator from Massachusetts [Mr. SALTONSTALL]. If he were present and voting he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Washington [Mr. MAGNUSON], and the Senator from Oklahome [Mr. MONRONEY] are absent on official business.

The Senator from Massachusetts [Mr. KENNEDY] and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent. The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Hawaii [Mr. FONG] are necessarily absent.

The result was announced—yeas 87, nays 0, as follows:

[No. 123]

YEAS—87

Aiken	Fulbright	McNamara
Allott	Goldwater	Mansfield
Anderson	Gore	Martin
Bartlett	Green	Morse
Beall	Gruening	Morton
Bennett	Hart	Moss
Bible	Hartke	Mundt
Bridges	Hayden	Murray
Brunsdale	Hennings	Muskie
Bush	Hickenlooper	Pastore
Butler	Hill	Prouty
Byrd, W. Va.	Holland	Proxmire
Carlson	Hruska	Randolph
Carroll	Humphrey	Robertson
Case, N.J.	Jackson	Russell
Case, S. Dak.	Javits	Schoeppel
Chavez	Johnson, Tex.	Scott
Church	Johnston, S.C.	Smathers
Clark	Jordan	Smith
Cooper	Keating	Sparkman
Cotton	Kefauver	Stennis
Curtis	Kerr	Talmadge
Douglas	Kuchel	Thurmond
Dworshak	Lausche	Wiley
Eastland	Long, Hawaii	Williams, Del.
Ellender	Long, La.	Williams, N.J.
Engle	McCarthy	Yarborough
Ervin	McClellan	Young, N. Dak.
Frear	McGee	Young, Ohio

NAYS—0

NOT VOTING—12

Byrd, Va.	Dodd	Monroney
Cannon	Fong	O'Mahoney
Capehart	Kennedy	Saltonstall
Dirksen	Magnuson	Symington

So the Keating amendment, as modified, to section 2 of the Dirksen amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to section 2 of the so-called Dirksen amendment in the nature of a substitute, as amended.

Mr. RUSSELL. Mr. President, such a fine spirit of unity pervades the Senate that I think we should have a yea-and-nay vote on this section, as amended. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business.

The Senator from Massachusetts [Mr. KENNEDY] and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. LONG], the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Hawaii [Mr. FONG] are necessarily absent.

If present and voting, the Senator from Massachusetts [Mr. SALTONSTALL] would vote "yea."

The result was announced—yeas 86, nays 1, as follows:

[No. 124]

YEAS—86

Aiken	Frear	Mansfield
Allott	Fulbright	Martin
Anderson	Goldwater	Morse
Bartlett	Gore	Morton
Beall	Green	Moss
Bennett	Gruening	Mundt
Bible	Hart	Murray
Bridges	Hartke	Muskie
Brunsdale	Hennings	Pastore
Bush	Hickenlooper	Prouty
Butler	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Carlson	Humphrey	Russell
Carroll	Jackson	Schoeppel
Case, N.J.	Javits	Scott
Case, S. Dak.	Johnson, Tex.	Smathers
Chavez	Johnston, S. C.	Smith
Church	Jordan	Sparkman
Clark	Keating	Stennis
Cooper	Kefauver	Talmadge
Cotton	Kerr	Thurmond
Curtis	Kuchel	Wiley
Douglas	Lausche	Williams, Del.
Dworshak	Long, La.	Williams, N.J.
Eastland	McCarthy	Yarborough
Ellender	McClellan	Young, N. Dak.
Engle	McGee	Young, Ohio
Ervin	McNamara	

NAYS—1

Dirksen

NOT VOTING—12

Byrd, Va.	Hayden	Monroney
Capehart	Kennedy	O'Mahoney
Dodd	Long, Hawaii	Saltonstall
Fong	Magnuson	Symington

So section 2 of Mr. DIRKSEN's amendment in the nature of a substitute, as amended, was agreed to.

Mr. DIRKSEN. Mr. President, I was merely going to observe, with respect to section 2, that I have sought to follow a consistent course.

Mr. CLARK. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DIRKSEN. The vote I have recorded on section 2 is merely the reflection of an individual view. The Senate has worked its will on section 2 and has modified it very considerably beyond the original context. So in the interest of consistency I was compelled, even though mine was the only vote against the section, to follow that consistent course.

I should now like to ask the majority leader, if he is free at the moment, to give some indication about the weekend, because there have been a good many inquiries of me with respect to speeches Members wish to make and meetings they wish to attend, and so forth. This may be somewhat anticipatory, but I should like to be able to oblige Members who are trying to make plans for the weekend.

Mr. JOHNSON of Texas. How would the Senator like to oblige them?

Mr. DIRKSEN. Well, still being a devotee of consistency, and still feeling the effects of 120 continuous hours in a week, I am sure we would be sharply and deservedly criticized if we had no Friday session. However, if there were no Saturday session, I am sure that would be extremely helpful to the Members of the Senate, and I would assume the responsibility for making the suggestion to the majority leader.

Mr. JOHNSON of Texas. I should like to see the Senate stay here and work as long as it will. If Members are prepared to debate their amendments and call them up, I am prepared to ask the Senate to stay here as long as Senators are willing to do so. I have no desire to impose my personal judgment on a majority of the Senate. But we have this proposed legislation before us, and it has been before us for a month now. About this time each day a Senator comes to me and says, "I have a dinner to go to," either at the German Embassy or a St. Patrick's Day dinner, or something else. I do not know how we are going to dispose of the pending business if we do not stay in session and try to vote up or down the various proposals, or at least withdraw them, or perhaps get consent agreements on when we can vote on amendments.

Has the Senator from Kentucky called up his amendment?

Mr. COOPER. I have one to offer, but I understand——

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I am asking a question of the Senator from Kentucky.

Mr. COOPER. I will reply to the Senator by saying that I am ready to offer the amendment. I understood that we were ready to proceed with section 3.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I should like to get the statement of the Senator from Kentucky.

Mr. COOPER. I will offer my amendment.

Mr. CLARK. I object.

Mr. COOPER. Mr. President, I am glad to yield to the Senator from Pennsylvania, if he wishes me to yield to him.

Mr. DIRKSEN. There is nothing to object to.

Mr. CLARK. Mr. President, a parliamentary inquiry.

Mr. DIRKSEN. The minority leader has the floor.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. DIRKSEN. The minority leader has the floor. I am engaging in a very delightful colloquy with the majority leader. I thought I would get some expression from him as to the disposition of the weekend.

I have suggested that perhaps there will not be a Saturday session. I predicate that mainly upon the notable achievement we have made thus far and the advances and progress we have made in the consideration of the pending bill. I think on the basis of that achievement, and considering the fidelity of Senators in being in their places consistently all week, it would give them an opportunity to catch up with the obligations they have to meet as a part of their public service. So I wish to renew my inquiry as to whether some agreement can be developed with respect to Saturday.

Mr. JOHNSON of Texas. I am reluctant to oppose the Senator's request that we have no session on Saturday. First of all, he is the author of the bill pending before the Senate, and I know he needs to be here to explain it and to defend it against amendments if amendments are offered. Second, he speaks for a rather substantial group in the Senate, in numbers, and if he is expressing their desire, I do not wish to be adamant about the matter. I should like to see us work until a reasonable hour this evening, perhaps 5:30 or 6 o'clock; then come in tomorrow and work tomorrow to the same hour; and then come in on Saturday and work on that day also.

There is a great deal of legislation pending. Several appropriation bills have been reported. We have before us the very troublesome measure now pending. I have no assurance that the questions concerning it are anywhere near resolution. So, unless there is some engagements that are very urgent, and Members must keep those engagements on Saturday, I should prefer to come in on Saturday.

Mr. DIRKSEN. In answer to the majority leader, I should like to observe that, first, within reason I shall always be here no matter what happens to this brainchild of mine that is reposing on the desk and that is the order of business. I am confident, of course, that no successful effort can be made to lay aside the pending business, because there would certainly be objection. So this is going to be the long, hard furrow that we must continue to plow. However, I know that work piles up in senatorial offices. As for myself, I am frightfully behind in my mail, and I wonder whether I will ever be able to catch up. I have a list of phone calls as long as both of my arms, and I try to catch up on them in the cloakroom and elsewhere.

Therefore, a little respite from our current labor would be extremely helpful, for in catching up on our outside work we would also serve our constituents. The departmental and other routine work we must attend to in our senatorial offices is all proper business, and in attending to it we serve there just as well as on the Senate floor. But I am merely making a suggestion in the interest of Senators who find themselves encumbered with engagements.

Mr. JOHNSON of Texas. Mr. President, I will be prepared to make a recommendation as soon as the Senator from Pennsylvania has made a request.

Mr. CLARK. Mr. President, who has the floor?

Mr. DIRKSEN. I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Illinois has the floor. He has yielded to the Senator from Pennsylvania.

Mr. CLARK. I merely wish to say, in reply to the distinguished majority leader and the distinguished minority leader, that I have an amendment to section 3 of the Dirksen substitute

amendment, which I understand is now the pending business. Needless to say, I shall abide by the wishes of the majority leader about when it should be called up.

Mr. JOHNSON of Texas. I have nothing to do with who calls up what. Senators can call up amendments when they get recognition. I am trying to determine whether the Senate should meet on Saturday or not. In the light of the statement of the distinguished minority leader, and of what I believe to be the sentiment on this side of the aisle, as well, I will recommend that the Senate go over from tomorrow evening until Monday, and that we not have a Saturday session.

Mr. DIRKSEN. I thank the majority leader.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that earlier in the debate the Senator from Georgia [Mr. RUSSELL] asked for a division of the various sections of the Dirksen amendment, as amended, and that section 3 is the next section to be reached. The regular order would be section 3.

Mr. CLARK obtained the floor.

Mr. COOPER. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. The amendment I shall offer is to section 4, so I shall postpone the offering of my amendment until that section is reached. The amendment I shall offer will, I have no doubt, provoke some controversy. It is designated "3-10-60—C," and its purpose is to strike out the preamble of section 4.

Mr. CLARK. Mr. President, I call up my amendment designated "3-11-60—B." Before the clerk reads it, I should like to advise Senators that once it has been presented and read, or perhaps its reading waived, I intend to modify it so as to make it applicable to section 3 instead of to section 7. I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk read as follows:

Beginning on page 19, line 23, it is proposed to strike out section 7 and insert in lieu thereof the following:

"SEC. 7. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(b)(1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637; 42 U.S.C. 1971(c)); pursuant to subsection (c) of this section; or pursuant to any other law of the United States, in the event that the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election, the court shall upon request of the Attorney General or any plaintiff make a finding whether such deprivation is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote. Any such application shall be heard within ten days of its filing.

"(2) An order issued pursuant to paragraph (1) of this subsection shall become effective twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote. Except as provided in this paragraph, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"(3) Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

"(4) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not any such applicant is qualified under State law to register and vote at any election or elections.

"(5) In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"(6) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceedings together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report or the applicants have been registered and will be entitled to vote pursuant to State law. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the public record or affidavit in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"(7) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"(8) The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action, including the counting and tabulation of votes, relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"(9) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"(10) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS BY THE PRESIDENT OF THE UNITED STATES

"(c)(1) Whenever the Attorney General shall notify the President of the United States of any affirmative finding of deprivation on account of race or color of registration or voting rights pursuant to a pattern or practice rendered by a district court of the United States pursuant to subsection (b) the President may thereupon issue an Executive order designating one or more temporary Federal Enrollment Officers from among officers or employees of the United States who are qualified voters within such district, or if there be no such qualified officer or employee, from among officers or employees of the United States living in or near such registration district, but within the same State. A copy of such Executive order shall be delivered to the Governor of the State concerned, and shall become effective twenty days after such delivery unless the President shall determine that appropriate remedial action has been taken in the intervening period. Any such temporary Federal Enrollment Officer shall serve until such time as the President determines that there is no further need for such Enrollment Officer. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

"(2) The Federal Enrollment Officer for any registration district shall accept enrollment applications from any persons living in such registration district who are of the

race or color as to which a finding has been rendered as described in subsection (b). Any such applicants whom he finds to meet the qualifications for voters under the law of the State wherein such registration district is situated shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like periods as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him.

"(3) Each qualified voter who is enrolled pursuant to this subsection shall have the right to vote, and to have such vote counted, in any election held in his registration district subject to the provisions of paragraph (4) of this subsection.

"(4) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other persons having standing under State law the right to challenge the determination of State registration or election officials that another person is qualified to vote or the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made. In the event the challenge is sustained the vote shall be disregarded in determining the result of the election. Any person denied registration by a Federal Enrollment Officer may challenge such determination by filing suit in the United States district court for the district in which the registration district is located, against such Federal Enrollment Officer. In any suit under the provisions of this paragraph, the determination of the Federal Enrollment Officer with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this paragraph shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal Enrollment Officer.

"(5) Any individual who is enrolled under this subsection by a Federal Enrollment Officer shall have the right to cast his vote and have such vote counted in any election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(6) Federal Enrollment Officers shall determine whether persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted. For this purpose each such officer shall be authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(7) The provisions of this subsection shall be enforceable by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such registration district is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under this subsection shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"(d) In any action, suit or proceeding in a court of the United States to which the United States is not a party, wherein any person alleges on oath or affirmation that he has been deprived on account of race or color of the right to register or to vote at any election, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene as a party for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether any person or persons have been deprived on account of race or color of the right to register or vote at any election, and to recommend to the court the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party, including those provided for in subsection (b) of this section, and be subject to all the liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and determination of the issues.

"(e) In any case where a voting referee has been appointed by a district court under the provisions of subsection (b) of this section for an area which is a registration district or a part thereof for which a Federal Enrollment Officer has been designated by the President of the United States under the provisions of subsection (c) of this section, the decision of such referee as to whether an applicant possesses the voting qualifications requisite under State law shall, when accepted by the district court, supersede any inconsistent determination by the Federal Enrollment Officer. Subject to this provision, neither subsection (b) nor subsection (c) of this section shall supersede or affect the other. The President of the United States shall, to the extent necessary, direct any Federal Enrollment Officer appointed for any registration district to coordinate his operations with those of any voting referee appointed for the same area or any part thereof.

"(f) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence: 'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'

"(g) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to any elective office and any primary election held in any State for the purpose of selecting any candidate for any elective office.

"(2) The term 'registration district' means an area in a State coterminus with a district established by State law for which a Member of the House of Representatives of the United States is elected.

"(3) The term 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

"(4) The term 'affected area' means any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election.

"(5) The term 'qualified under State law' means qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

"(h) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

"(i) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

"(j) If any provision of this section or the application of such provision to any person or circumstance is held invalid, the remainder of this section or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby."

Mr. CLARK. Mr. President, I desire to modify my amendment which has just been read by the clerk; I wish to modify it in order to make it apply to section 3, instead of to section 7. I have had the modified amendment prepared, and in a moment I shall send it to the desk.

The amendment, as modified, will be a substitute for section 3. The substitute will incorporate the amendment which has just been read, as well as the present text of section 3 which is retained without change.

Mr. President, I now send to the desk the modified amendment, which applies to section 3 of the Dirksen substitute amendment, in order that the bill clerk may have a copy of it available.

Mr. McCLELLAN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. Yes, if I may do so with the understanding that I shall not lose my right to the floor.

Mr. McCLELLAN. I wish to make an inquiry. The Senator from Pennsylvania said his amendment would precede section 3. Will his amendment become a part of section 3, if the amendment is agreed to?

Mr. CLARK. Yes.

Mr. McCLELLAN. It will not be a part of the preceding section?

Mr. CLARK. My amendment will be a substitute for the present section 3. My amendment will modify the present section 3 by inserting new material at the beginning of section 3, in advance of the present text of section 3.

Mr. McCLELLAN. And without striking out any of the present text of section 3?

Mr. CLARK. The text of section 3 is retained without change in my substitute amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania wish to have his amendment, as modified, read?

Mr. CLARK. No, Mr. President.

The PRESIDING OFFICER. Does the Senator from Pennsylvania ask unanimous consent that the reading of his modified amendment be dispensed with?

Mr. CLARK. I do, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, will be printed in the RECORD.

The amendment as modified, submitted by Mr. CLARK (for himself, Mr. JAVITS, Mr. HUMPHREY, Mr. AIKEN, Mr. BARTLETT, Mr. CASE of New Jersey, Mr. MORSE, Mr. KUCHEL, Mr. PROXMIRE, Mr. MCNAMARA, Mr. WILLIAMS of New Jersey, and Mr. SCOTT) to the amendments proposed by Mr. DIRKSEN, is as follows:

Beginning on page 4, line 1, strike out section 3 and insert in lieu thereof the following:

"SEC. 3. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(b)(1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637; 42 U.S.C. 1971(c)); pursuant to subsection (c) of this section; or pursuant to any other law of the United States, in the event that the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election, the court shall upon request of the Attorney General or any plaintiff make a finding whether such deprivation is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote. Any such application shall be heard within ten days of its filing.

"(2) An order issued pursuant to paragraph (1) of this subsection shall become effective twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote. Except as provided in this paragraph, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"(3) Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

"(4) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not any such applicant is qualified under State law to register and vote at any election or elections.

"(5) In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"(6) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceedings together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report or the applicants have been registered and will be entitled to vote pursuant to State law. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the public record or affidavit in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"(7) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"(8) The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action, including the counting and tabulation of votes, relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"(9) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"(10) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS BY THE PRESIDENT OF THE UNITED STATES

"(c)(1) Whenever the Attorney General shall notify the President of the United States of any affirmative finding of deprivation on account of race or color of registration or voting rights pursuant to a pattern or practice rendered by a district court of the United States pursuant to subsection (b) the President may thereupon issue an Executive order designating one or more temporary Federal Enrollment Officers from among officers or employees of the United States who are qualified voters within such district, or if there be no such qualified officer or employee, from among officers or employees of the United States living in or near such registration district, but within the same State. A copy of such Executive order shall be delivered to the Governor of the State concerned, and shall become effective twenty days after such delivery unless the President shall determine that appropriate remedial action has been taken in the intervening period. Any such temporary Federal Enrollment Officer shall serve until such time as the President determines that there is no further need for such Enrollment Officer. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

"(2) The Federal Enrollment Officer for any registration district shall accept enrollment applications from any persons living in such registration district who are of the race or color as to which a finding has been rendered as described in subsection (b). Any such applicants whom he finds to meet the qualifications for voters under the law of the State wherein such registration district is situated shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like periods as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him.

"(3) Each qualified voter who is enrolled pursuant to this subsection shall have the right to vote, and to have such vote counted, in any election held in his registration district subject to the provisions of paragraph (4) of this subsection.

"(4) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other persons having standing under State law the right to challenge the determination of State registration or election officials that another person is qualified to vote or the right at the time of

elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made. In the event the challenge is sustained the vote shall be disregarded in determining the result of the election. Any person denied registration by a Federal Enrollment Officer may challenge such determination by filing suit in the United States district court for the district in which the registration district is located, against such Federal Enrollment Officer. In any suit under the provisions of this paragraph, the determination of the Federal Enrollment Officer with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this paragraph shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal Enrollment Officer.

"(5) Any individual who is enrolled under this subsection by a Federal Enrollment Officer shall have the right to cast his vote and have such vote counted in any election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(6) Federal Enrollment Officers shall determine whether persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted. For this purpose each such officer shall be authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(7) The provisions of this subsection shall be enforceable by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such registration district is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under this subsection shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order, or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"(d) In any action, suit, or proceeding in a court of the United States to which the United States is not a party, wherein any person alleges on oath or affirmation that he has been deprived on account of race or color of the right to register or to vote at any election, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene as a party for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether any person or persons have been deprived on account of race or color of the right to register or vote at any election, and to recommend to the court the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party, including those provided for in subsection (b) of this section, and be subject to all the liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and determination of the issues.

"(e) In any case where a voting referee has been appointed by a district court under the provisions of subsection (b) of this section for an area which is a registration district or a part thereof for which a Federal Enrollment Officer has been designated by the President of the United States under the provisions of subsection (c) of this section, the decision of such referee as to whether an applicant possesses the voting qualifications requisite under State law shall, when accepted by the district court, supersede any inconsistent determination by the Federal Enrollment Officer. Subject to this provision, neither subsection (b) nor subsection (c) of this section shall supersede or affect the other. The President of the United States shall, to the extent necessary, direct any Federal Enrollment Officer appointed for any registration district to coordinate his operations with those of any voting referee appointed for the same area or any part thereof.

"(f) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence: 'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'

"(g) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to any elective office and any primary election held in any State for the purpose of selecting any candidate for any elective office.

"(2) The term 'registration district' means an area in a State coterminus with a district established by State law for which a Member of the House of Representatives of the United States is elected.

"(3) The term 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

"(4) The term 'affected area' means any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election.

"(5) The term 'qualified under State law' means qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

"(h) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

"(i) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

"(j) If any provision of this section or the application of such provision to any person or circumstance is held invalid, the remainder of this section or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"(k) Every officer of election shall retain and preserve, for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(l) Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by subsection (a) to be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(m) Any record or paper required by subsection (a) to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

"(n) Any record or paper demanded pursuant to subsection (m) shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

"(o) Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this section, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

"(p) The United States district court for the district in which a demand is made pursuant to subsection (m) or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

"(q) As used in this section, the term 'officer of election' means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for."

Mr. CLARK. Yesterday afternoon, on the floor of the Senate, I discussed this amendment at reasonable length. I then pointed out, and I point out now, that this is a compromise amendment, intended to persuade Senators who desire a meaningful civil rights bill to protect the voting rights of disfranchised citizens to accept a proposal which, in the first place, will insure a finding by a court of the existence of a practice or a pattern of discrimination as a condition precedent to the triggering into action of either a referee process or an enrollment officer process. This amendment is to insure that a Federal judge, confirmed by the Senate of the United States, will have an opportunity to determine whether the Attorney General or any private individual or group of individuals is making a valid claim that a practice or pattern of discrimination exists.

I believe this is a very real concession on the part of those who would support the Hennings amendment—in which no such concession is made—and to our friends who feel so deeply that the judicial process should be invoked in order to determine that a pattern or practice of discrimination actually does exist before the Federal Government shall intervene to provide machinery by which disfranchised voters—those disfranchised because of race or color, in violation of the 15th amendment—will be given the protection of Federal machinery to enable them to exercise their civil right to vote.

In addition to this substantial concession, this compromise amendment incorporates with modifications the referee proposal offered as section 7 of the Dirksen amendment.

However, the amendment gives the Attorney General, in effect, the option of proceeding by the enrollment officer process or by the referee process, or by both, as they may at the time see fit.

In my judgment, any Attorney General, except the present one, would prefer to move by the Federal enrollment officer road. But if this amendment is adopted and is enacted into law, the present Attorney General, if he sees fit to do so, can refuse to utilize the registrar proposal, until his term of office expires at the end of this year; and any Attorney General who may succeed Mr. Rogers could, if he saw fit to do so, utilize either course. He could either go down the referee road, with what I believe would be its inevitable delays and its imposition on the Federal courts of a burden which they should not be asked to carry; if the Attorney General preferred to go down the Federal enrollment officer road, which provides the same kind of administrative apparatus and procedure with respect to enrollment and voting which is universally used in all 50 of the States of the Union, the Attorney General could proceed in that way; or, both procedures could be used.

Mr. McCLELLAN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. Yes, Mr. President, with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLELLAN. I thank the Senator. I should like to ask the Senator, for clarification, whether the amendment provides for registrars and also for referees.

Mr. CLARK. Either enrollment officers or referees or possibly, both. If they are both provided for, coordination would be required, but the referee orders would supersede the enrollment officer orders to the extent that they were inconsistent. In other words, the judicial would take precedence over the administrative function if they were both in effect.

Mr. McCLELLAN. I thank the Senator. I am asking these questions for clarification.

Mr. CLARK. I thoroughly understand. I thank my friend for his helpful intervention.

I do not think that I shall make any further detailed explanation of my proposed amendment at this time. I should like to call to the attention of my few colleagues who are on the floor, and to those colleagues who may conscientiously, tomorrow, read the RECORD, that I spoke at great length on this subject yesterday, and that those comments appear at pages 5743 and the following of the CONGRESSIONAL RECORD for yesterday, March 16.

As I said last night, Mr. President, I personally would infinitely prefer a straight registrar or Federal enrollment officer proposal, to this compromise amendment which I have just called up, and I stated in my speech last night, in some detail, my reasons for that belief.

I regret that a voice condition makes it impossible for the distinguished senior Senator from Missouri [Mr. HENNINGS] to offer at this time his enrollment officer amendment. He tells me that he will offer it at a later date if opportunity affords itself. Mr. President, my fear is that the opportunity will not afford itself. I fear that when the House passes the administration's voting referee proposal, as it is expected to do in the near future, we shall be asked to substitute the House bill for this bill; with the possibility that cloture will be imposed on the House bill within a few days after it comes to the Senate; with the fear that the amendment of the Senator from Missouri would be ruled not germane to the House bill after cloture, I am afraid the Senator will never get an opportunity to offer his enrollment officer proposal in the Senate. Therefore, reluctantly, I have concluded, with the concurrence of my cosponsors, to offer the amendment at this time.

I will say this, however, Mr. President. I am under no illusions that this amendment will come to a quick vote. It is, of course, always possible that a Senator will move to table, and that a motion to table will be sustained. I have such confidence in the good will of every one of my colleagues in this body that I am sure no motion to table will be made until we have had a reasonable opportunity to debate the amendment.

I will also say that if any Senator, on either side of the aisle, desires to offer as an amendment to section 3 of the pending bill, the section which we are now considering, a registrar bill or a Federal enrollment bill, a bill which follows the administrative instead of the judicial route toward the enfranchisement of the citizens denied the right to register or to vote by reason of race or color, in violation of the 15th amendment, I shall be only too happy and willing to withdraw this amendment and permit that Senator to offer his amendment as a substitute therefor.

I bring this amendment before the Senate at this time only because I know of no Senator, so far as I can ascertain, who is now ready to make such an offer. But I assure my friends that if and when such an offer is made, I shall be only too happy to yield and to withdraw my amendment until after a vote has been had on a registrar or a Federal enrollment amendment, and, if a vote on such an amendment is favorable, not to reoffer my amendment.

It was only because I feared we might find ourselves in a position in which the House bill would come over to the Senate and we would not have an opportunity to discuss these various alternatives for protecting the voting rights of disfranchised citizens that I moved today.

Does the Senator from Arkansas desire that I yield to him? I shall be only too happy to do so.

Mr. McCLELLAN. I shall be glad to interrogate the Senator upon one point. I did not want to interrupt his train of thought.

Mr. CLARK. I am happy to yield.

Mr. McCLELLAN. The Senator made some reference to the fact that a motion to table his amendment might be made, but he hoped a reasonable time would be given to discuss it before such a motion was made. I have no intention at this time to make any such motion, but I should like to inquire what the Senator considers may be a reasonable time for adequate discussion of his amendment.

Mr. CLARK. If my friend will excuse a comment made in a somewhat jocular vein, I would say considerably less time than our friends who feel as he and his colleagues do have taken in order to enlighten the Senate, and I use the word "enlighten" advisedly and in no derogatory sense, by the statement of their reasons for opposing any legislation at all in this regard.

I would not want to fix any definite time, I will say to the Senator from Arkansas, in direct response to his question, because I have not had an opportunity to confer with my colleagues. There are 12 sponsors and cosponsors of this amendment, among whom, with one or two exceptions—and my friend will

recognize who they are—are Members of the Senate who are customarily brief in their remarks. I would not think it would take an undue length of time. It might very well run into sometime tomorrow, and, if we, sit, conceivably sometime into Saturday. I myself will make no strenuous effort to prevent the Senate from voting at any time it desires to vote. I realize that my response has not been a specific answer to the Senator's inquiry.

Mr. McCLELLAN. I was not asking my question facetiously. I was trying to ascertain the time that Senator contemplated it would take to develop the purpose of his amendment so that I might take some action with respect to some other matters I have in mind, not necessarily relative to this subject matter.

The Senator spoke of the desire for a reasonable time to have his amendment debated. I may point out that he is more familiar with it than I or other Senators are, with the exception, possibly, of the cosponsors. From a reading of the amendment by the clerk, from my glancing through it, and from the Senator's brief statement about it, it occurred to me it needed some explanation.

I frankly confess I am unable to say I understand the entire effect of the amendment at the moment. The Senator did explain a minute ago that the amendment embodies both the registrar approach and the referee approach. That is a kind of double-barreled action I would say—though not critically. It seems to me it will require some study. I hope this matter will not come to a vote this afternoon.

Mr. CLARK. I share my colleague's views.

Mr. McCLELLAN. I think it ought to be debated. I do not mean by that we should debate it for eternity, but it should be discussed for the next few hours, while the Senate is in session, so that some real understanding may be had of it. I confess I do not immediately grasp the full significance of the amendment.

Mr. CLARK. I thoroughly agree with my friend from Arkansas about the need to discuss the amendment. We are in complete accord. It might be of some help to the Senator, if he feels inclined to do so, if he would read my speech of last night on this amendment and the insertions which follow it in the RECORD. The speech begins at page 5743 of the RECORD.

I shall, before a vote is had, undertake to make a necessarily repetitious explanation of the amendment, and to explain a little more fully. I think, meanwhile, perhaps some of my colleagues would like to be heard on the matter.

Mr. McCLELLAN. I thank the distinguished Senator. I would be most happy to read the Senator's explanation as it now appears in the RECORD. I was not fortunate enough to hear the Senator make his explanation on the floor of the Senate. I shall be glad to read it. I am quite certain other Senators would like to do the same.

Mr. President, I do not believe that we could reach a vote on the matter today, since the Senator from Pennsylvania feels the need for further discussion, and some of us certainly feel that we need more explanation of the matter.

If the Senator will bear with me——

Mr. CLARK. I am happy to yield further.

Mr. McCLELLAN. The Senator made some reference a moment ago to another anticipated cloture motion. I did not quite understand the frame of the reference. In what context was the statement made? Did the Senator say when we could expect another cloture motion? I did not understand the remark.

Mr. CLARK. Like the Senator from Arkansas, and like his great State mate—I think he was a State mate, Will Rogers—all I know is what I read in the papers.

Mr. McCLELLAN. I am perfectly willing to have Mr. Rogers identified with my State. He was from a neighboring State across the border, Oklahoma, but he was a great man.

I do not know, myself. The Senator made some reference to another cloture motion. I did not know whether it was anticipated another cloture effort would be made. As I understood the Senator, what he said was that another cloture effort would not be made until after the House bill comes to the Senate.

Mr. CLARK. I can answer my friend by saying that some of us on this side of the aisle are like those afraid of the dark at the head of the stairs. There are goblins and things around, and we do not know under which rug they are buried. We are not in anybody's confidence.

It has been suggested that perhaps—who knows?—when the House bill comes to the Senate there will be an effort made to substitute the House bill and to invoke cloture. At that point nongermane amendments to the House bill would not be in order.

If that time should ever arrive, then we would have no opportunity to pursue this proposed amendment to a decision one way or the other. I do not know any more about that matter than my friend from Arkansas. I simply have been reading the papers.

Mr. McCLELLAN. Mr. President, the Senator referred to goblins and to something else, also, I believe, that there was something under the rug. I did not quite understand the statement.

Mr. CLARK. Let us say gremlins.

Mr. McCLELLAN. The Senator refers to gremlins and goblins under the rug, and so forth, concerning cloture. Certainly the Senator did not mean to imply that the Senator from Arkansas, or those who may entertain views similar to his, have any thought of invoking cloture or of attempting to invoke cloture, or that we have such a gremlin or goblin, or whatever it is, under the rug. I am sure the Senator did not mean to imply that.

Mr. CLARK. I would be happy to absolve my good friend from Arkansas of any complicity.

Mr. McCLELLAN. I thank the Senator very much. Mr. President, I did not want any constituent of mine to get any impression from anything which might be said, or to have any inference possibly drawn from anything which is said, that I would ever be a party to stopping debate on such an important issue as this, because I believe it should be discussed until we can all understand not only what the intent is, granting the best of intentions to those who sponsor the proposed legislation, but also what will be the unhappy consequences, in some instances, if such proposed legislation as is contained in some of these proposals which have been before us should ever become law.

I thank my distinguished friend for yielding.

Mr. CLARK. If my friend from Arkansas thinks it would be of any assistance to him in his home State if I should make a public announcement there or elsewhere that he and I are in complete accord on this matter, I should be happy to assist him in that regard. My thought was that perhaps the Senator would decline my help with thanks.

Mr. McCLELLAN. We are in accord on what? Again, I do not want the RECORD to be cluttered up. We are in accord on what? We are not in accord on some things.

Mr. CLARK. We are in accord as to the need for free and full debate in regard to my amendment.

Mr. McCLELLAN. We are in accord on that, Mr. President, and I hope we can debate the matter until it is thoroughly understood.

Mr. CLARK. I thank my friend.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I yield to my friend from Colorado.

Mr. CARROLL. Mr. President, I ask unanimous consent that the Senator from Pennsylvania may be permitted to yield to me so that I may make an observation and ask a question, without the Senator from Pennsylvania losing his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

Mr. CARROLL. I will say to my able friend from Pennsylvania, this is one day on which we should not be talking about goblins and gremlins. This is the day we ought to be talking about leprechauns, since it is St. Patrick's Day.

Mr. CLARK. And we should speak of the Senator from Colorado [Mr. CARROLL], who is of the same ancestry.

Mr. CARROLL. I wish to commend the able Senator from Pennsylvania for the service he is about to render in this particular field. The Senator has rendered service in many other fields in this regard, in making the record. This is what we must do, even though we may lose the fight. We have to make a record about what we mean in regard to Federal registration.

Mr. President, in commending the Senator from Pennsylvania, I wish to state that I have read many articles in the newspapers. I hope my colleagues will pay special attention to this matter. These articles have made statements as

to the extremists or radicals who were trying to get something besides a voting referee bill.

Mr. President, we did not initiate the so-called registration concept. That occurred last September, when the Civil Rights Commission, the members of which were appointed by the President of the United States, made the recommendation. It was that Commission which asked for the Federal registrar system. This has been abandoned by the administration now, and the administration has come forward with a voting referee proposal.

There are many able and conscientious men in the Senate and in the House of Representatives who believe there should be a Federal registrar system. I am one of those who is willing to entertain the thought, and to examine it thoroughly, although I feel there is some merit to the voting referee proposal.

With this as background, may I ask the able Senator from Pennsylvania whether some of us did not get together to seek to merge the voting referee concept, in one section of the bill which is now before the Senate, with the Federal registrar concept? Is this not the proposal which the able Senator is now discussing?

Mr. CLARK. The Senator is quite correct. I see no reason why our colleagues should not be advised, if they have any interest in what went forward, that a group of pro-civil-rights Democratic Senators met with a group of pro-civil-rights Republican Senators. In fact, I suspect it is no secret that we have been meeting off and on for several weeks now in an effort to harmonize our views.

There was a difference of opinion as to whether the Federal registrar proposal, the enrollment officer proposal, would be the more effective, or whether the referee proposal would be more effective. After a good deal of discussion we finally concluded we would marry the administrative and the judicial proposals. I am hopeful indeed that the couple can be married and live happily ever afterward, with the blessing of the Senate.

A few of us on each side of the aisle who are lawyers by training undertook to draft this compromise measure which, I say again, incorporates the thinking with regard to both the Federal enrollment officer and the voting referee concepts, as to how voting rights could be protected.

Mr. CARROLL. Mr. President, will the Senator yield further?

Mr. CLARK. The amendment now before us is the result of that work.

I am happy to yield further to my friend.

Mr. CARROLL. That is exactly the way the situation arose. But, more important, whether we pass a bill or not—and I suspect that we shall probably come up with a voting referee proposal, such as the able Senator from Pennsylvania has outlined—I think we should give warning today that many sincere people feel that this administrative function should not be lodged in the judiciary. There is some merit to that argument.

Be that as it may, we may come up with a voting referee proposal; but we are laying the foundation and giving warning for the future that if the situation does not change in the areas outlined by the Civil Rights Commission, there will be another movement made in connection with a Federal registrar proposal. This is not to demean the effort to be made in the Senate today, tomorrow, or the next day. The real reason I rise at this time is to commend the able Senator from Pennsylvania for laying the foundation and to give a warning, as well as to note the fact that there are serious-minded Members of this body who believe implicitly in the Federal registrar system.

I ask the able Senator from Pennsylvania if it is not true, with respect to both categories of the bill, the voting referee proposal and the administrative proposal, that both are motivated—I think the Senator from Pennsylvania said they are triggered—by a court finding?

Mr. CLARK. The Senator is correct.

Mr. CARROLL. A finding of a pattern or practice of discrimination. If we use the voting referee proposal, is there any reason why the President of the United States should not have the executive club in his hand to use if he deems it necessary?

Mr. CLARK. I think not.

Mr. CARROLL. It is entirely possible that in some areas of the South the court machinery may not function. This is one of the reasons why the junior Senator from Colorado, whose name does not appear on this amendment, is very happy to say for the record that he participated in its discussion.

Mr. CLARK. And in its drafting.

Mr. CARROLL. And in its drafting. I hoped that we could arrive at a compromise with Senators who have different ideas as to the relative merits. I believe that this is a standard to which all of us could repair.

Mr. CLARK. I thank my friend.

TOTAL DISARMAMENT—SENATOR HUMPHREY'S ANALYSIS OF PREMIER KHRUSHCHEV'S ADDRESS

Mr. HUMPHREY. Mr. President, the subject of Premier Nikita Khrushchev's major address of January 14, 1960, to the Supreme Soviet in Moscow on the subject of "total disarmament" is still a very lively topic indeed. As a matter of fact, I received in my office this week a handsomely printed text of the Soviet Premier's address, complete with photographs.

This is especially interesting in view of the fact that the Russian newspaper, Pravda, continues to refuse to print my detailed comment and rebuttal to the Khrushchev address, a copy of which I furnished Pravda on January 26.

I may add that Pravda had asked for this article, and have suggested that I prepare a statement relating to Mr. Khrushchev's address.

Mr. President, my reply to the Soviet Premier's address was deliberately moderate in tone, although it was quite candid and forthright. I have stated that the rejection of my reply—which had been specifically requested by Pravda—is but added evidence that the Soviet press wants a monologue, and fears a dialogue with the West.

I am pleased to announce, nevertheless, Mr. President, that the text of my rebuttal to the Soviet Premier's disarmament address has now been thoroughly broadcast behind the Iron Curtain by Radio Liberation. I am in hopes that through this means the Russian people will have an opportunity to hear the other side of the question, and while hearing some of the weak points in the Khrushchev proposal, will also get a message of friendship from the American people to the people of Russia. If the Soviet Government refuses to permit a fair exchange of ideas through the regular channels of mass communications, then we have no recourse but to bypass the Government and go directly to the people.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks the text of the article prepared for Pravda, and now broadcast directly to the Russian people over Radio Liberation. The article which I had been asked to write for Izvestia also was not printed.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUBERT H. HUMPHREY, PREPARED AT THE REQUEST OF THE EDITORS OF PRAVDA, MOSCOW, U.S.S.R., JANUARY 26, 1960

I appreciate your invitation to comment upon the speech of Chairman Khrushchev before the Supreme Soviet on January 14, 1960. The cause of peace stands to gain if the public opinion media of our respective countries make available to the people representative views on world issues.

Premier Khrushchev reports that the Soviet economic plan is proceeding satisfactorily. This should mean more food and consumer goods will be available to Soviet citizens. The people of the United States rejoice that better living conditions may now be realized by the Soviet people. We Americans want to see living conditions improved in all areas of the world.

Apparently Mr. Khrushchev did not have accurate information concerning the conditions of American workers. Permit me to report that while the days and hours of work of American workers have decreased steadily the wage and salary income have increased.

Premier Khrushchev reported in his speech that within 2 years the Soviet armed forces will be reduced. We welcome this news that over a million Soviet citizens will now have the opportunity to return to their families and homes to engage in productive work, and that, according to the figures given by Chairman Khrushchev, some 16 or 17 billion rubles annually will be diverted from preparation for warfare to an improvement of the standard of living of your peoples. We Americans wish that your people, and indeed all people, may enjoy in ever-greater measure the benefits of a peaceful, and abundant life. As Chairman Khrushchev saw on his recent visit to our country, the American people are dedicated to a harmonious life guided by the principles of freedom and opportunity for all. Through hard and rewarding labor they have attained high levels of material, spiritual and cultural well-being. The heavy burden of armaments threatens these

achievements. We sincerely seek to relieve the world of these dangerous and costly weapons.

Premier Khrushchev called on other countries to follow the Soviet Union and reduce their armies and he told the Supreme Soviet: "The United States will possess larger armed forces than the Soviet Union." I hope this was an error in translation, because never since the end of World War II have the Armed Forces of the United States been larger than the Soviet Union.

U.S. troops already are reduced far below the Soviet Union, and even following the completion of the announced reduction, U.S. military manpower will be only approximately at a par with Soviet military manpower.

The Soviet announcement, welcome as it is, does not remove the need for progressive elimination of the weapons of war under mutual agreements and effective control. Surely, everyone agrees that the world must live in peace, without the great costs and tensions created by an armaments race.

Chairman Khrushchev admitted that the manpower reduction had already been compensated for by increasing firepower and that he will see to it that this firepower will be even further increased. He reported also of yet "more perfect, more formidable * * * incredible weapons" to come. He spoke of "literally wiping" countries "off the face of the earth." These statements, unfortunately, do not sound very peaceful to me. Perhaps he said them to reassure the Soviet people that the manpower reduction would not leave the Soviet Union defenseless. But such statements are viewed with concern in other countries and cause the people of the United States to wonder whether the Soviet Union is truly seeking to end the cold war.

Such statements detract from the portions of Mr. Khrushchev's speech in which he says "we suggest solving ideological arguments between states not by the force of arms, but by the force of conviction and by good example." We welcome the statement by Premier Khrushchev that the Soviet Union does not wish to impose its will by force on others. And we hope that the Soviet Union will be able to persuade the Government of the Peoples Republic of China that force should not be used in the settlement of disputes among nations.

After speaking of the military advances of the Soviet Union, Chairman Khrushchev turned to the need for disarmament. My country fervently desires to see the terrible weapons of warfare reduced. We want the countries of the world to live in peace and to solve their differences through peaceful means. To live in peace we must secure meaningful disarmament, and to achieve meaningful disarmament we must have appropriate inspection and control measures to assure that each nation is living up to its commitments to disarm. I am hopeful that the Soviet Union, the United States, and other countries will agree on the appropriate control measures to accompany each stage of disarmament.

An agreement to stop tests of nuclear weapons with appropriate safeguards would be an important first step toward comprehensive disarmament. But the Soviet Union must be willing to accept the same control measures on its territory that we in the United States are prepared to accept on our territory. Mr. Khrushchev's speech is not clear on whether the Soviet Union will accept the necessary inspection. The Government of the United States is not asking any more of the Soviet Union in the way of inspection than it is requiring of itself. We shall let you check on us and we, then, will check on you. Then, our respective Governments and the government of other nations can work out agreements to stop the production of nuclear weapons and the production of military rockets and missiles.

The first and basic approach to peace and disarmament requires that together we seek to disarm the international political atmosphere. The use of abusive and aggressive language should be stopped. It is time to talk together rather than to shout at each other.

We must seek mutual trust instead of mutual suspicion. We should be able to sit down in a calm atmosphere and discuss frankly the issues that divide us, without the tensions engendered by a stockpile of nuclear weapons on both sides of the ocean. If we get an agreement on disarmament, it will make political settlements much easier.

With respect to the easing of tensions, we are pleased that Premier Khrushchev was able to visit our country and meet our people. We are also pleased that President Eisenhower will visit the Soviet Union. These exchange visits can contribute to better understanding.

But let us not confine the visits to the chiefs of states. Let us see more of the Soviet Union's great artistic attractions, your intellectuals, your farmers, and workers. And let the Soviet Union receive more of our outstanding artists, our intellectuals, business and labor leaders, and our farmers.

Yes, let us have a much greater people-to-people exchange. We would like to welcome thousands and thousands of Soviet tourists here every year. We want you to see our country, our cities, our farms, our factories, our schools, and our homes. We want to welcome you into our homes and show you American family life. Above all, we should have a greatly expanded exchange of students and professors.

In ways such as these, we can do much to lessen international tensions.

Finally, let me say this: That the only war the American people and Government want is a war against disease and hunger, illiteracy and poverty. The United States and the Soviet Union can and should join together in this noble struggle.

ADDRESS BY SENATOR HUMPHREY TO BUILDING TRADES UNIONS

Mr. HUMPHREY. Mr. President, this morning it was my privilege to address 3,000 delegates attending the sixth annual national legislative conference of the AFL–CIO Building and Construction Trades Department.

I ask unanimous consent that the text of my address be inserted in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR HUBERT HUMPHREY AT THE NATIONAL LEGISLATIVE CONFERENCE, BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AFL-CIO, SHERATON-PARK HOTEL, WASHINGTON, D.C., MARCH 17, 1960

It is good to be here and to meet so many of my friends in the labor movement. It is inspiring to see 3,000 delegates of the building trades unions gathered here. You know what you want, and you've come to Washington to tell us.

As you know, some people call HUBERT HUMPHREY a "labor" Senator. I like to think of myself as a Senator who respects labor and who listens to what labor has to say.

I happen to think that, out of your rich practical experience, you have much of value to contribute to us in our deliberations here in Washington.

And, as I listen to you and read the programs adopted—democratically adopted, too—by the great labor bodies, I find much reassurance.

I find that, on just about every important public issue, the labor movement is on the same side of the fence as this Senator.

We seem to agree, and I like it that way.

Out of 214 votes tabulated by the AFL-CIO, I agreed with you 213 times.

That's 99.5 percent—purer than Ivory Soap, and that's no payola.

There's no mystery why you and HUBERT HUMPHREY see eye to eye. Yours is a genuine public-interest program.

It flows from your realization, your profound understanding, that labor's welfare depends upon the general welfare. As AFL-CIO Secretary Bill Schnitzler said recently: "We believe that what is good for America is good for American labor. In one area after another, it is clear that our own members will improve their lot in life only as all the people in the community improve theirs * * *. The welfare, happiness, and security of our people requires sound legislation."

The labor movement of America is virtually a people's lobby. Each of you this week, as you went about buttonholing your Senators and your Congressmen, was serving the public interest. This is good citizenship, good Americanism, and I salute you for it.

Now, I didn't make this discovery about labor in an election year. I didn't wait for 1960. As long ago as last June, I got sick and tired of listening to speeches—in and out of the Senate—and reading articles that told us everything that was wrong with the labor movement.

Even the President and his Cabinet got into the act. They were working every angle to get antiunion legislation enacted. The country's press and the airwaves overflowed with antilabor poison. I thought someone ought to stand up and balance the record. So I arose on the Senate floor and told my colleagues—and the country—what was right with labor. As you all know, I said a mouthful, and a heart full.

To me, the labor movement means making "democracy" and "citizenship" and the "right to petition" more than fine phrases you read in a civics textbook. The labor movement made these a reality for millions of men and women.

I can give personal testimony—and you can call on me any time as a witness—about what labor seeks from the Congress of the United States. Your lobbyists aren't coy or tongue-tied or mealy-mouthed about expressing labor's goals. They lay it right on the line. Of course, they seek legislation that will permit them to organize and to function with a minimum of government interference. But labor relations legislation is only a small part—although an important one of their program.

Labor asks that the Federal minimum wage be increased to $1.25 and its coverage greatly expanded—and so do I.

It's the administration that seems to think $50 a week is too much for millions of workers—even now, in the 1960's, in what some people call our "affluent society."

Union members have their wage standards protected by contracts, negotiated through collective bargaining. Very few union members need a Federal minimum wage. But they have the generosity and the vision to speak and work for the unorganized—those who cannot speak and work for themselves. If that's narrow self-interest, I'd better get myself a new dictionary.

Labor asks for improvements in unemployment insurance, and so do I. Here again, it is the administration that gives you the stone face and the stone-deaf ear.

Union members would benefit from this, but there are a greater number of nonunion workers who need it. Many union members, in fact, look to union-negotiated supplementary employment benefits for their own protection.

Labor asks for health benefits for retired people. It asks for higher appropriations for education and hospitals and medical research and child welfare. And so have I. These are practicable, desirable social goals, and long, long overdue.

Labor lobbies for slum clearance and urban redevelopment and a housing program for America's growing families. This surely is in the public interest.

Labor seeks depressed areas legislation, help for community facilities, bigger public roads programs and vitally needed public works. And so do I, for these are sorely needed by everybody, not just by labor.

Labor favors conservation of natural resources, and so do I, for this is a duty all of us owe to our children and grandchildren.

Labor supports legislation to help the family farmer—as I have long been doing in the Senate.

Labor wants a healthy legislative climate for small business. Is not such promotion of our free enterprise system in the public interest?

My friends, I could go on and on, listing all the good causes in which labor and liberals have fought shoulder to shoulder. But I can sum it up in six words: Labor works for a better America.

My friends, you are—by virtue of your trades and skills—essential to the building of this better America: To the homes and hospitals, the highways and harbors, the factories and the power stations.

This Senator is sick and tired of hearing talk of the housing problem, the school problem, the highway problem. These are not problems, they are opportunities.

We'd be pretty poor parents if we kept complaining that our children caused us a problem by outgrowing their clothes, instead of rejoicing in their growth and their development. And, no parents—even the worst ones—try to stop their children from growing. But this administration is so bothered by the growth of our economy that it is constantly cramping and curtailing it with tight-money policies.

You all know what industry that is hit first and hardest—the construction industry. Yet the tragic thing is that we have the manpower, the skills, the materials, the capital to build that better America. All that we need is the intelligence and the will to use them.

We are building homes for our people at only two-thirds the rate that is needed. The decaying central sections of our cities need rebuilding and, if you please, facelifting. We need more adequate highways, airports, hospitals, and all that is required to accommodate a growing population and its increasing needs and expectations.

This administration is dedicated to the worship of a new kind of golden calf—the fiscal budget.

I say that we have to balance the social and moral budget by a truly massive program of construction, public and private, to meet the needs of the great America of today and the greater America of tomorrow.

I know and sympathize with some of your particular objectives. That's why this Senator is proud to be the author of S. 1119, the bill to modernize and broaden the scope of the Davis-Bacon Prevailing Wage Act. That's why this Senator will work for the adoption of S. 2643, the bill to reverse the Denver rule and permit situs picketing. Both the bills are just. Both are needed. I join with you in urging their speedy enactment.

Much of what the unions of America have done for their members and for others can be measured in statistics: Wages increased, hours reduced, pensions gained, contributions to charity, CARE packages to refugees abroad. But the biggest contribution of all cannot be measured in dollars or in hours.

Almost 2,000 years ago the Apostle Paul said: "Be ye members one of another." That is what the labor movement has meant for millions of working men and women. It has brought them together, made them members one of another, given them common tools for common goals. And, as they won strength through unity, each of them gained the strength to speak up for himself, to talk back when necessary, to push back when the bosses tried to push him around.

Unions have put flesh on the bare bones of the democratic process by giving this voice to millions of individuals. Every day, literally thousands of men and women are speaking out for their fellow workers—the shop stewards, the grievance committees, the contract negotiators, the local executive boards. This is American democracy at work. This is one of the things I find so right about the labor movement.

You have met and mastered the challenge of Communist infiltration. You have met and are mastering the problem of corruption. And you are in process of solving a problem you have inherited from the society in which we live. I refer, of course, to discrimination.

I cannot tell you how proud I was of the labor movement when I read 2 weeks ago of the action taken by your retiring president, my good friend Dick Gray.

When the National Association for the Advancement of Colored People submitted a report to the Vice President indicating that there was much discrimination in the apprenticeship program, Dick Gray didn't run away from the problem or make excuses. He promptly wired the Vice President. Reminding him that the building trades department fully supported the AFL–CIO constitution on discrimination, Dick Gray requested that the Government committee involved notify the department of all complaints it may receive on discrimination in either apprenticeship or employment.

"I can assure you," Dick Gray added, "that this office will investigate each and every such complaint and will do everything within our power to immediately correct any incidents of discrimination. I am sure that I speak with the support of the overwhelming number of building trades leaders throughout the country in telling you that discrimination because of race, color, or creed must be wiped out whether it be in the arena of casting a vote for public office or employment."

I know that Dick Gray's commitment will be honored by his successor, Neil Haggerty, whose record in California is magnificent, and by his associates.

Labor's dedication to human rights—on the job and in the community—has been demonstrated over and over again. Only last week, George Meany wired me and urged that the Senate end the filibuster and proceed to the adoption of an effective civil rights bill. I didn't need the wire, I can assure you, but I was glad to know that labor was, once again, on the job and working for the common good.

My friends, one of the things I like most about you is that you aren't content to rest on past achievements; you are always pressing forward to new and higher goals.

I know you, and I know you will never be content to have America second-best in any field. Like me, you want America to roll up its sleeves, go to work, and prove to Mr. Khrushchev that the time will never come when we will lie down and let him "bury" us.

You want an educational program second to none, capable of developing our full brain power.

You want an economy, second to none, and going ahead at the giant strides of which America is capable.

You want a defense program second to none.

And, after almost 8 years of drift at home and the decay of our position in the world, you want—we all want—the very best and not the second best in national leadership.

RESOLUTION OF STUDENTS OF CATHOLIC UNIVERSITY ON RACIAL EQUALITY

Mr. HUMPHREY. Mr. President, this noon the student council of the Catholic University of America here in Washington, presented to the senior Senator from Kentucky [Mr. COOPER] and myself a resolution, and requested that it be presented to the Senate. I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

We, the undergraduate students of the Catholic University of America, cannot stand idly by while the rights of many of our fellow students, our fellow Americans, our fellow brothers in Christ, are being openly violated.

We reaffirm our belief that discrimination based on the accidental fact of race or color cannot be reconciled with the truth that God has created all men with equal rights and equal dignity.

We state our support of prudent, considered actions, such as the present nonviolent sit-in demonstrations, which are intended to work toward the elimination of such discrimination.

We protest any unwarranted retaliations, such as illegal arrests and politically inspired expulsions of our fellow students, as gross violations of their civil and moral rights.

The time must come when all men, regardless of race, will stand equal before their fellow man and before the law, as they now stand before their God. We, as American Catholic youth, will not rest until such justice is achieved.

Mr. HUMPHREY. Mr. President, it is indeed a great honor to present this resolution to the Senate of the United States.

The students of Catholic University are to be commended for this forthright expression of their belief in the equality of men regardless of race or color, and for their determination to work for racial justice.

We have been hearing and reading a great deal about what is wrong with our young people, but all too little about their accomplishments and concern for social justice.

I happen to believe that our young people do have a desire to do the right thing and to help build a better world in which to live. This resolution from Catholic University is testimony to the basic idealism of our young people, and their desire to lead useful and good lives.

I also ask unanimous consent, Mr. President, that a statement of the bishops of the United States of the Catholic Church entitled "Discrimination and the Christian Conscience," be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DISCRIMINATION AND THE CHRISTIAN CONSCIENCE

(Statement of the Bishops of the United States, 1958)

Fifteen years ago, when this Nation was devoting its energies to a World War designed to maintain human freedom, the Catholic Bishops of the United States issued a prayer-

ful warning to their fellow citizens. We called for the extension of full freedom within the confines of our beloved country. Specifically, we noted the problems faced by Negroes in obtaining the rights that are theirs as Americans. The statement of 1943 said in part:

"In the providence of God there are among us millions of fellow citizens of the Negro race. We owe to these fellow citizens, who have contributed so largely to the development of our country, and for whose welfare history imposes on us a special obligation of justice, to see that they have in fact the rights which are given them in our Constitution. This means not only political equality, but also fair economic and educational opportunities, a just share in public welfare projects, good housing without exploitation, and a full chance for the social advancement of their race."

PROGRESS MADE

In the intervening years, considerable progress was made in achieving these goals. The Negro race, brought to this country in slavery, continued its quiet but determined march toward the goal of equal rights and equal opportunity. During and after the Second World War, great and even spectacular advances were made in the obtaining of voting rights, good education, better-paying jobs, and adequate housing. Through the efforts of men of good will, of every race and creed and from all parts of the nation, the barriers of prejudice and discrimination were slowly but inevitably eroded.

Because this method of quiet conciliation produced such excellent results, we have preferred the path of action to that of exhortation. Unfortunately, however, it appears that in recent years the issues have become confused and the march toward justice and equality has been slowed if not halted in some areas. The transcendent moral issues involved have become obscured, and possibly forgotten.

Our Nation now stands divided by the problem of compulsory segregation of the races and the opposing demand for racial justice. No region of our land is immune from strife and division resulting from this problem. In one area, the key issue may concern the schools. In another it may be conflicts over housing. Job discrimination may be the focal point in still other sectors. But all these issues have one main point in common. They reflect the determination of our Negro people, and we hope the overwhelming majority of our white citizens, to see that our colored citizens obtain their full rights as given to them by God, the Creator of all, and guaranteed by the democratic traditions of our Nation.

There are many facets to the problems raised by the quest for racial justice. There are issues of law, of history, of economics, and of sociology. There are questions of procedure and technique. There are conflicts in cultures. Volumes have been written on each of these phases. Their importance we do not deny. But the time has come, in our considered and prayerful judgment, to cut through the maze of secondary or less essential issues and to come to the heart of the problem.

QUESTION IS MORAL AND RELIGIOUS

The heart of the race question is moral and religious. It concerns the rights of man and our attitude toward our fellow man. If our attitude is governed by the great Christian law of love of neighbor and respect for his rights, then we can work out harmoniously the techniques for making legal, educational, economic, and social adjustments. But if our hearts are poisoned by hatred, or even by indifference toward the welfare and rights of our fellow men, then our Nation faces a grave internal crisis.

No one who bears the name of Christian can deny the universal love of God for all mankind. When Our Lord and Saviour, Jesus Christ "took on the form of man" (Philippians 2: 7) and walked among men, He taught as the first two laws of life the love of God and the love of fellow man. "By this shall all men know that you are my disciples, that you have love, one for the other" (John 13: 35). He offered His life in sacrifice for all mankind. His parting mandate to His followers was to "teach all nations" (Matthew 28: 19).

Our Christian faith is of its nature universal. It knows not the distinctions of race, color, or nationhood. The missionaries of the church have spread throughout the world, visiting with equal impartiality nations such as China and India, whose ancient cultures antedate the coming of the Saviour, and the primitive tribes of the Americas. The love of Christ, and the love of the Christian, knows no bounds. In the words of Pope Pius XII, addressed to American Negro publishers 12 years ago, "All men are brothered in Jesus Christ; for He, through God, became also man, became a member of the human family, a brother of all" (May 27, 1946).

Even those who do not accept our Christian tradition should at least acknowledge that God has implanted in the souls of all men some knowledge of the natural moral law and a respect for its teachings. Reason alone taught philosophers through the ages respect for the sacred dignity of each human being and the fundamental rights of man. Every man has an equal right to life, to justice before the law, to marry and rear a family under human conditions, and to an equitable opportunity to use the goods of this earth for his needs and those of his family.

From these solemn truths, there follow certain conclusions vital for a proper approach to the problems that trouble us today. First, we must repeat the principle—embodied in our Declaration of Independence—that all men are equal in the sight of God. By equal we mean that they are created by God and redeemed by His Divine Son, that they are bound by His law, and that God desires them as His friends in the eternity of Heaven. This fact confers upon all men human dignity and human rights.

PERSONAL DIFFERENCES AMONG MEN

Men are unequal in talent and achievement. They differ in culture and personal characteristics. Some are saintly, some seem to be evil, most are men of good will, though beset with human frailty. On the basis of personal differences, we may distinguish among our fellow men, remembering always the admonition: "Let him who is without sin * * * cast the first stone" (John 8: 7). But discrimination based on the accidental fact of race or color, and as such injurious to human rights regardless of personal qualities or achievements, cannot be reconciled with the truth that God has created all men with equal rights and equal dignity.

Second, we are bound to love our fellow man. The Christian love we bespeak is not a matter of emotional likes or dislikes. It is a firm purpose to do good to all men, to the extent that ability and opportunity permit.

Among all races and national groups, class distinctions are inevitably made on the basis of like mindedness or a community of interests. Such distinctions are normal and constitute a universal social phenomenon. They are accidental, however, and are subject to change as conditions change. It is unreasonable and injurious to the rights of others that a factor such as race, by and of itself, should be made a cause of discrimination and a basis for unequal treatment in our mutual relations.

ENFORCED SEGREGATION

The question then arises: Can enforced segregation be reconciled with the Christian view of our fellow man? In our judgment, it cannot, and this for two fundamental reasons.

1. Legal segregation, or any form of compulsory segregation, in itself and by its very nature imposes a stigma of inferiority upon the segregated people. Even if the now obsolete court doctrine of "separate but equal" had been carried out to the fullest extent, so that all public and semipublic facilities were in fact equal, there is nonetheless the judgment that an entire race, by the sole fact of race and regardless of individual qualities, is not fit to associate on equal terms with members of another race. We cannot reconcile such a judgment with the Christian view of man's nature and rights. Here again it is appropriate to cite the language of Pope Pius XII: "God did not create a human family made up of segregated, dissociated, mutually independent members. No. He would have them all united by the bond of total love of Him and consequent self-dedication to assisting each other to maintain that bond intact" (September 7, 1956).

2. It is a matter of historical fact that segregation in our country has led to oppressive conditions and the denial of basic human rights for the Negro. This is evident in the fundamental fields of education, job opportunity, and housing. Flowing from these areas of neglect and discrimination are problems of health and the sordid train of evils so often associated with the consequent slum conditions. Surely Pope Pius XII must have had these conditions in mind when he said just 2 months ago: "It is only too well known, alas, to what excesses pride of race and racial hate can lead. The church has always been energetically opposed to attempts of genocide or practices arising from what is called the 'color bar.' " (Sept. 5, 1958.)

ECONOMIC AND EDUCATIONAL OPPORTUNITY

One of the tragedies of racial oppression is that the evils we have cited are being used as excuses to continue the very conditions that so strongly fostered such evils. Today we are told that Negroes, Indians, and also some Spanish-speaking Americans differ too much in culture and achievements to be assimilated in our schools, factories, and neighborhoods. Some decades back the same charge was made against the immigrant, Irish, Jewish, Italian, Polish, Hungarian, German, Russian. In both instances differences were used by some as a basis for discrimination and even for bigoted ill treatment. The immigrant, fortunately, has achieved his rightful status in the American community. Economic opportunity was wide open and educational equality was not denied to him.

Negro citizens seek these same opportunities. They wish an education that does not carry with it any stigma of inferiority. They wish economic advancement based on merit and skill. They wish their civil rights as American citizens. They wish acceptance based upon proved ability and achievement. No one who truly loves God's children will deny them this opportunity.

To work for this principle amid passions and misunderstandings will not be easy. It will take courage. But quiet and persevering courage has always been the mark of a true follower of Christ.

PLANS SHOULD BE BASED ON PRUDENCE

We urge that concrete plans in this field be based on prudence. Prudence may be called a virtue that inclines us to view problems in their proper perspective. It aids us to use the proper means to secure our aim.

The problems we inherit today are rooted in decades, even centuries, of custom and cultural patterns. Changes in deep-rooted

attitudes are not made overnight. When we are confronted with complex and far-reaching evils, it is not a sign of weakness or timidity to distinguish among remedies and reforms. Some changes are more necessary than others. Some are relatively easy to achieve. Others seem impossible at this time. What may succeed in one area may fail in another.

It is a sign of wisdom, rather than weakness, to study carefully the problems we face, to prepare for advances, and to bypass the nonessential if it interferes with essential progress. We may well deplore a gradualism that is merely a cloak for inaction. But we equally deplore rash impetuosity that would sacrifice the achievements of decades in ill-timed and ill-considered ventures. In concrete matters we distinguish between prudence and inaction by asking the question: Are we sincerely and earnestly acting to solve these problems? We distinguish between prudence and rashness by seeking the prayerful and considered judgment of experienced counselors who have achieved success in meeting similar problems.

VITAL THAT WE ACT NOW

For this reason we hope and earnestly pray that responsible and sober-minded Americans of all religious faiths, in all areas of our land, will seize the mantle of leadership from the agitator and the racist. It is vital that we act now and act decisively. All must act quietly, courageously, and prayerfully before it is too late.

For the welfare of our Nation we call upon all to root out from their hearts bitterness and haterd. The tasks we face are indeed difficult. But hearts inspired by Christian love will surmount these difficulties.

Clearly, then, these problems are vital and urgent. May God give this Nation the grace to meet the challenge it faces. For the sake of generations of future Americans, and indeed of all humanity, we cannot fail their short life here.

Signed by members of the administrative board, National Catholic Welfare Conference, in the name of the bishops of the United States:

Francis Cardinal Spellman, Archbishop of New York; James Francis Cardinal McIntyre, Archbishop of Los Angeles; Francis P. Keough, Archbishop of Baltimore; Karl J. Alter, Archbishop of Cincinnati; Joseph E. Ritter, Archbishop of St. Louis; William O. Brady, Archbishop of St. Paul; Albert G. Meyer, Archbishop of Chicago; Patrick A. O'Boyle, Archbishop of Washington; Leo Binz, Archbishop of Dubuque; Emmet M. Walsh, Bishop of Youngstown; Joseph M. Gilmore, Bishop of Helena; Albert R. Zuroweste, Bishop of Belleville.

THE WORLD COURT STATUTE—CONNALLY RESERVATION

Mr. HUMPHREY. Mr. President, a recent editorial in the Herman, Minn., Review of March 3, 1960, emphasizes the bipartisan national support that has been voiced for my proposal to rescind the U.S. reservation to the World Court statute in order to strengthen the Court. The editorial also objects to the argument that the Court does not need stronger U.S. support since peaceful means for settlement of disputes already exist.

Mr. President, I ask unanimous consent that the editorial entitled "The Connally Reservation" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CONNALLY RESERVATION

A letter to the editor, elsewhere on this page, points out one of the most important and far-reaching subjects under consideration by our Government officials—the World Court and the Connally amendment. The clipping which was enclosed was one authored by Father Ginder under the heading of "Right or Wrong."

The author made a strong plea for retention of the Connally restriction which says, in effect: "That the United States will not recognize the jurisdiction of the World Court in matters which we may consider to be none of their business." This action, taken in 1945 when we joined the U.N., has made the World Court ineffectual.

Senator HUMPHREY has introduced a resolution to repeal this restriction, and Eisenhower, NIXON, etc., have supported the bill. Father Ginder feels that this action would be comparable to giving a key to your house to everyone in the community. His opinion is shared by many. They feel that an all-powerful World Court could cause the will of one country to be imposed on another—even though their cultures and moral standards be entirely different.

We shant pretend to understand the many implications of this thorny problem. Perhaps it does hold dire possibilities, as Father Ginder fears. Why then, we must ask ourselves, do our leaders seek to abolish this safeguard to the American way of life. Are we to conclude that Hubert Humphrey, Dwight Eisenhower, Earl Warren, and the rest are traitors or idiots? We would hardly think so.

Father Ginder's article goes on to say, "Up until now, international controversies have quite satisfactorily been settled by diplomatic negotiations and boards of arbitration."

At this point, we must take issue with Father Ginder—and we think that our Nation's millions of Gold Star Mothers will join with us. Their dead sons, buried from one end of this globe to the other, are mute testimony that negotiations do not settle international arguments.

That may be the reason that our Huberts, and our Ikes, and our Dicks, are seeking some new approach that will settle these troubles. The World Court, which they now support in bipartisan fashion, may not be the answer. But certainly there is justification for continuing to seek a workable solution.

ST. PATRICK'S DAY

Mr. HUMPHREY. Mr. President, we have a distinguished visitor to our shores this St. Patrick's Day, the Right Honorable Senator Mrs. Jane Dowdall, Lord Mayor of Cork and Member of the Irish Senate.

In recognition of this happy occasion I would like to say a word in tribute to the stateswomen of Ireland.

It is worthy of note that among Mrs. Dowdall's colleagues are three other woman senators—Mrs. Nora Connolly O'Brien, Mrs. Mary F. Davidson, and Mrs. Margaret Mary Pearse. The Irish House of Representatives has five women members—Mrs. Honor M. Crowley, Mrs. Bridget Hogan, Mrs. Celia Lynch, Mrs. May Renolds, and Mrs. May B. Ryan.

The delegate from Ireland to the United Nations on the Third Committee is Miss Marie MacEntee, a well-known poet and daughter of the Irish Deputy Prime Minister and Minister for Health, Hon. Sean MacEntee. She has played a prominent part in the deliberations of the Third Committee on Social and Humanitarian Problems. Also there is Miss Thecla Beere, permanent civil head and Secretary of Transport and Power, and in the diplomatic service, Her Excellency Mrs. Josephine McNeill, Irish Minister to Switzerland and Austria.

Ireland has always been personified as a woman: In olden times she was the mature, beautiful woman, Mother Ireland, and in more modern times she is the young beauty described in the haunting ballad beloved of Irish patriots:

To hear your sweet and sad complaints,
My life, my love, my saint of saints,
My Dark Rosaleen.

That the Irish are poets and dreamers is not news—there have always been distinguished Irish women in the fields of literature, art, the theater, the lecture hall, labor and social reform, national and international affairs. But to find that its women battled for social political justice is to find the poetic and the practical paired in a delightfully effective way. There is a reason, however, for their remarkable progress in the field of statesmanship.

The Brehon laws, governing the Irish from ancient times to the reign of James I of England, guaranteed the rights and privileges of women more carefully and specifically than any other civil code. Thus, even before the Christian era, she was directed to exercise hospitality; care for the needy; be merciful in war and kind to prisoners; a generous patron of the arts; faithful in prayer and in sacrifices for the security of the home. Also, the University of Dublin was the first university in the British Isles to give degrees to women. To top it off, the national wisdom contained in the following proverb enhanced their position immensely:

Woe to him who does not heed the counsel of a good wife.

Finally, with the promulgation of the Irish Constitution in 1918, the right of equal suffrage and opportunity was assured.

It is interesting to recall that while Elizabeth I reigned in England, Grace O'Malley reigned on the west coast of Ireland. She commanded an army or fleet as the need arose, to defeat the enemy. On good advice Elizabeth sought to court her favor by inviting her to England. There, her guest scorned to ask a favor when requested to do so, with the words "I'll honors give but none receive."

In American history, we have Irish Molly Pitcher, who took part in the Revolutionary War, and who, I am told, received a lieutenant's commission from General Washington and was retired at half pay for life in recognition for her bravery at the Battle of Monmouth. Also, Anna Ella Carroll, a master of state and military questions and one of Lincoln's advisers, aided the War De-

partment strategy for the Tennessee campaign of the Civil War—the plan was put into operation by General Grant.

Both those of strong and positive temperament and those of delicate poetic bent have contributed generously of their talents in the cause of political and social justice in Ireland. The two most outstanding female figures of recent Irish history are the Countess Constance de Markievicz, Irish wife of a Polish nobleman, and Mme. Maud Gonne MacBride. They ardently engaged in political activity which greatly influenced the course of Irish affairs. The countess was court-martialed in Britain for her part in the revolution and was sentenced to death. She was released from prison, however, and returned to Ireland to be elected in 1918 as the first woman in Parliament under the British franchise. She did not take office but accepted rather the post of Minister of Labor in the First Dail Eireann, a perfect culmination of her previous efforts in labor and trade union organization.

The most glamorous heroine of all, and the most liberally endowed with human talents, was Maud Gonne. Brought up in society in England and the Continent as the daughter of an Irish father and English mother, she made her debut in St. Petersburg, Russia, while her father was military attaché there. Shortly after, she was moved to devote her life to public service at the sight of the sufferings of evicted farm families during the land troubles in Ireland. She married Maj. John MacBride in 1903 and took up the cause of freedom for Ireland, despite the tragic loss of her husband in the Easter Rising of 1916. For 50 years she worked for political reform and in the promotion of a renaissance of Irish language, history, literature and drama, through her organization, The Daughters of Ireland.

She inspired the youth of her time to seek eagerly the opportunity to enter the service of their motherland. Eloquent, generous, of splendid attitude and appearance, she aroused wild enthusiasm wherever she spoke throughout Europe or America in Ireland's cause.

These wonderful examples from Ireland of the spirit and influence which women naturally can exert in political life are counterparts of the political power of women in America. As the historian De Tocqueville gallantly said in 1840:

> If I were asked to what the singular prosperity and growing strength of the American people ought mainly to be attributed, I should reply: To the superiority of their women.

A woman's task today is not merely to preserve our liberal traditions and pass them on to our children, but to achieve through democratic leadership a lasting world peace in our time. This is an infinitely difficult assignment. America has need for a woman's instinctive capacity for doing the appropriate thing, and for her applause when a blow is struck for the right. As fighting pacifists they are impatient with dilatory action on problems. It is our women, the dreamers and idealists who keep enthusiasms alive, not the statesmen. They will proceed not merely with a defiant gesture, but constructive thought; not only strength, but gentleness, not only escaping from the tyranny of fear, but all tyrannies of whatever stripe.

Writing articles, making speeches at the grassroots, applauding those who cherish the common weal, the vital question of disarmament, and the works of international peace, these are a woman's fields. The good cause is still truth, humanity, and hope. Public activity in critical times calls for the highest courage. Inspire the young, and do all you can to help shape events, and maintain your standards at a high level on behalf of the family of nations. Better than anyone else, a woman understands that a principle is really believed, only when one tries to bring about its realization in daily life. A woman's capacity for service to the community, her impatience with compromise, and her great courage in the battle for principle, makes her a most valuable asset in political life.

The oldtime genius of the Irish is still alive and active, and the opportunities of the present hold great potential for the talents of women of Irish blood in America, to respond to the awful problems of national and world crisis which are our portion today.

Just as Irish women worked for the cause of peace, of oppressed nationalities, in absolute fearlessness and loyalty, I am sure their descendants in America today, moved by their inspiring example, continue the noble traditions of the Gaels in their efforts to keep our country great and increase its prestige before the world.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CLARK. Has the distinguished Senator from Minnesota ever kissed the Blarney stone?

Mr. HUMPHREY. The senior Senator from Minnesota feels that sometimes he was born kissing the Blarney stone. I may say that I thoroughly enjoyed it. It lends joy to one's life, hope to one's spirit, and the possibility of a promising future for all those who engage in this noble act.

Mr. CLARK. Is the answer to my previous question "yes"?

Mr. HUMPHREY. I will say to the Senator that such a concise answer would hardly do justice to the Irish, especially on St. Patrick's Day.

Mr. CLARK. This explains a great deal about the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator from Pennsylvania for his observation.

Mr. CLARK. It is my pleasure and my privilege. I thank the Senator.

THE INTERNAL AFFAIRS OF PUERTO RICO

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial and a column from the Washington Post and an editorial from the Baltimore Sun. There is food for thought in these comments dealing with the internal affairs of Puerto Rico, a Commonwealth associated with the United States.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 17, 1960]

PUERTO RICAN FUMBLE

It is a pity that someone did not stick a primer on Puerto Rican politics into President Eisenhower's briefcase during his good-will tour to the south. This might have averted the gratuitous blunder made by the President in seeming to endorse the gubernatorial candidacy of Luis A. Ferré, leader of the island's Republican Statehood Party.

Puerto Rico, as Price Day, of the Baltimore Sun, points out elsewhere on this page, is "not Iowa." It is a proud, self-governing Commonwealth and ought not be treated as just another ward in Philadelphia to be carried by a mainland party. Little wonder the island's House of Representatives has rebuked Mr. Eisenhower for improper intervention in the Commonwealth's affairs.

The President's news conference comments yesterday, obviously intended to mollify, only make matters worse. While withholding judgment on the merits of Puerto Rican statehood—the chief plank in Senor Ferré's party—Mr. Eisenhower did not retract his endorsement. "He is a Republican candidate, I understand," quoth the President, "I believe that he is not in any primary struggle. * * *" A wealthy industrialist, Senor Ferré is indeed a Republican and in 1956 contributed $2,000 to GOP organizations. But the important point is that the usual laws of politics do not apply in Puerto Rico's case.

The island's Governor, Luis Muñoz Marín, is a member of the Popular Democratic Party—a group unaffiliated with any mainland faction. More than that he is a hemisphere figure held in highest esteem by all Americans, north and south. In 1958, Vice President NIXON observed correctly that the Governor is a man of whom all of us can be immensely proud. A key reason for his prestige is that he has been freely chosen by his own people as their leader.

This country has gone to great pains in showing that Puerto Rico is not subject to the whim of Washington and its Governor not a puppet. Congress is considering legislation which would further enhance the island's autonomous status. But suppose, after Mr. Eisenhower's heavy-handed meddling, Senor Ferré should win? It would conceivably be a Republican victory but a national defeat. Mr. Eisenhower ought to reconsider his misplaced party zeal.

PLAYING POLITICS IN PUERTO RICO

(By Price Day, of the Baltimore Sun)

If the White House is to be credited with a new knowledgeability about Latin America it needs to revise its notion of what goes on in Puerto Rico.

On the word of James C. Hagerty, the President will support the candidacy of Luis A. Ferré for the governorship of Puerto Rico in the November elections. "Mr. Ferré is head of the Republican Party of Puerto Rico," the White House press secretary is quoted as having said. "He is also the Republican national committeeman from Puerto Rico. Can you imagine the head of the Republican Party being against a recognized candidate of his own party?"

Mr. Hagerty, and Mr. Eisenhower might take a moment to try to imagine it, after first consulting an ABC of Puerto Rico.

Puerto Rico is, shall we say, not Iowa. Its parties are not Iowa's parties. The insular political organization for which Mr. Ferré is the gubernatorial candidate does, as Mr. Hagerty indicated, have certain connections with the mainland Republicans. But besides being the Republican Party of Puerto Rico it is also the Statehood Party of Puerto Rico: it is the Republican Statehood Party.

Its opponents are the Populares, or the Popular Democrats, for two decades overwhelmingly dominant in Puerto Rican politics. They are led by the present Governor, first to hold that office by election, Luis Muñoz-Marín. They have no ties with any mainland party.

Unlike, shall we say, Kansas, Puerto Rico is not a State. It is associated with the United States in a unique arrangement as the Commonwealth of Puerto Rico.

Puerto Rico in this status partakes of nationhood—though the Populares in the campaign already strenuously under way refrain from saying so, lest their statehood adversaries raise the false charge that the goal of the Populares is independence.

The Statehood Party holds that partaking of nationhood is bad; it makes Puerto Ricans second-class citizens. The Statehood Party brings forward figures from which the most earnest examination cannot remove the fuzz of vagueness, to dispute the Populares' contention that statehood with its federal income taxes would bring ruin; that the island would be condemned indefinitely to the condition of poorest State in the Union. (Last fall the annual per capita income for Puerto Rico crept over $500: In Mississippi it is about $1,100.) Anyway, the Statehood Party says, it is not a question of economics but of dignity and pride.

The Populares say that it is a question of pride, dignity, and economics all together, and believe that citizenship in the Commonwealth of Puerto Rico is more dignified than citizenship in a State of Puerto Rico would be.

They believe that in the past 24 years Muñoz-Marín and a group of able men around him have transformed the island from an economic and psychological colony slum into a proud, free, prospering community; a lesson in United States good will toward Latin Americans, and an example of effective economic self-help.

This new Puerto Rico, they believe, has the duty of helping to show other peoples of the hemisphere—and beyond the hemisphere—what the United States is about. Dr. Arturo Morales Carrion, under secretary of state for the Comomnwealth, has put it this way: "It is a place where the Latin American feels at home, where he sees the great impact of United States industrial culture on a Hispanic land, and yet feels that the land and the people have retained their identity, their dignity, and their values and traditions."

Does the White House perceive that to take sides in a Puerto Rican election will for some Latin Americans seem to have just a taste—considering Puerto Rico's degree of nationhood—of the interventive?

Is it the judgment of the White House that the value of Puerto Rican votes in New York next fall (both the Populares and the Statehood people in Puerto Rico think this the reason for the White House favors to Mr. Ferré) overweighs the disadvantage of backing in Puerto Rico a sure loser with no program but the perhaps not quite wholehearted one of statehood?

Would it even get the votes?

Looking ahead, does the Republican Party wish in effect to give to the minority of Puerto Ricans who sincerely want statehood soon a pledge that cannot in the foreseeable future be fulfilled?

A bit of rethinking seems indicated.

[From the Baltimore Sun, Mar. 17, 1960]

EISENHOWER CENSURED

Nonintervention was a constant theme in Mr. Eisenhower's public remarks on his recent trip to Latin America. But as he returned via Puerto Rico he showed particular favor to Mr. Luis A. Ferré, gubernatorial candidate of the Statehood Republican Party in opposition to the incumbent, Gov. Luis Muñoz-Marín; and Press Secretary James C. Hagerty, questioned on the matter, said that Mr. Eisenhower was supporting Mr. Ferré.

The kindest possible reading is that Mr. Eisenhower and Mr. Hagerty know little about Puerto Rico or about Muñoz-Marín, and are ignorant of the simple political facts that Puerto Rico is not a State of the Union, as Mr. Ferré wishes it were, but a Commonwealth associated with the Union, and that its political parties do not parallel the political parties of the mainland. Yet guidance was available to them.

They could have considered what Vice President NIXON said to the National Press Club on May 21, 1958, when he spoke of "Muñoz-Marín, a man that all of us can be immensely proud of for his leadership for not only his own Commonwealth but for all Latin America and the United States."

They might have consulted a statement made at the airport in San Juan on February 22 of this year:

"Puerto Rico is truly unique. * * * We are happy that Puerto Rico is a proud, free, self-governing Commonwealth, joined to the United States of America by her own choice. This island, in the Caribbean waters between two great continental land masses, has been stirred by two mighty currents of history, enriched by two great traditions of culture. Out of them, Puerto Rico has fashioned its own way of life. * * * Your program of development—rooted in self-confidence, self-help and self-achievement—has aroused tremendous interest in every area of the free world. * * * By what you have accomplished for yourselves, by the help you have given others toward a like accomplishment for themselves, you have made for the Commonwealth a record of achievement in which many other people around the globe have found hope and inspiration."

Those words were spoken by Mr. Eisenhower, en route to South America, and addressed to Muñoz-Marín.

An especially unfortunate—indeed, a politically unethical—aspect of the affair is that when a President expresses an opinion on Puerto Rico's internal politics the Puerto Rican electorate has no direct means of answering: it has no vote in mainland national elections.

Still, the Puerto Rican electorate is not voiceless. Its representatives can speak. They have now done so, in an extraordinary vote of censure of Mr. Eisenhower for improper intervention.

The rebuke was asked for, invited; nor does the President's statement in his press conference yesterday that his support of Mr. Ferré does not at this time extend to advocacy of statehood fix up the blunder. If the incident has any good in it at all, its value may lie in the demonstration that if Puerto Rico is not a State neither is it the colony in thrall that some Latin American extremists say it is.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. DOUGLAS. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield to the Senator from Illinois.

Mr. DOUGLAS. I should like to ask the Senator from Pennsylvania whether it is not true that the precise differences between registrars or enrollment officers on the one hand, and referees on the other, are very imperfectly understood both by the members of the public and Members of the Senate.

Mr. CLARK. I fear my friend from Illinois is correct. There are great differences, however.

Mr. DOUGLAS. I wonder whether it would be helpful if we tried to develop the differences by means of a series of questions.

Mr. CLARK. I think it might be helpful to do so. Will the Senator proceed?

Mr. DOUGLAS. Will the Senator inform me whether I am correct in believing that under the current voting rights proposals the registrars or enrollment officers are administrative officers appointed by the President or by agents of the President?

Mr. CLARK. The Senator is correct. I should like to make one amplification of what he says, and that is this: They are agents of the executive arm of the Government, and their intervention in the registration and voting procedure as agents of the executive arm of the Government is in accord with the universal practice in the 50 States of the Union, where the legislatures have laid down registration and voting requirements by law and have directed that they be carried out by either appointed or elected agents or officials, who are themselves arms not of the State legislative, not of the State judicial, but of the State executive arm of the government.

Mr. DOUGLAS. Mr. President, I thank my friend from Pennsylvania. Is it not true that the referee, so-called, proposed for voting rights cases by the Attorney General, would be appointed by a Federal judge?

Mr. CLARK. The Senator is correct. The referee to be appointed by a Federal district judge under both the administration bill and the pending compromise amendment would be an agent of the judiciary. There are in Federal law some precedents for it. The first that comes to my mind is the referee in bankruptcy, to whom is referred the detailed proceedings to determine the assets of an insolvent bankrupt, and how they shall be distributed.

Mr. DOUGLAS. Is it true that the judicially appointed referee would serve in the approximate capacity of a master in chancery?

Mr. CLARK. The Senator is correct. There is much in common, at least from the standpoint of a layman and of this cornfield lawyer, between a Federal master and a Federal referee. A master is normally the agent of a court in equity proceedings where it is determined that the nature and detail of the testimony is such that the time of the court should be conserved by having a subordinate agent of the court take the testimony by permitting witnesses to testify and to be

subject to cross examination and to listen to argument of counsel; then to make his findings of fact and arrive at his conclusions of law, and to make report on it to the court, where the same proceedings may start all over again.

The Federal judge, acting on the report of the master or referee, makes his finding of fact and states his conclusions of law. Then that proceeding is subject to appeal to the court of appeals for the particular circuit in which the Federal judge sits. After they have heard the argument and rendered their decision, the proceedings are subject to certiorari to the Supreme Court, where, if it grants the writ of certiorari, there is more argument, and again a decision. What I have outlined is one reason why I do not believe the referee proposal will work very well in the voting situation.

Mr. DOUGLAS. May I ask my friend whether it is not also true that under the various forms of the so-called judicial referee plan, the process is triggered off, so to speak, by a judicial finding by a Federal district judge in a suit filed to enjoin interference with voting rights that there exists a pattern or practice of discrimination within a given area or voting district?

Mr. CLARK. The Senator is correct with respect to the various proposals which I have seen. I do not know of any of them that does not have that preliminary requirement. In some cases, the preliminary procedure is definitely set out in accordance with the Civil Rights Act of 1957, which calls for proceedings to be instituted by the Attorney General. Under the pending amendment the referees could also be appointed in proceedings instituted by an aggrieved individual or by a group of individuals. The Senator, of course, is aware of the antibarratry statutes in a number of Southern States which substantially restrict the right of a group of individuals to support a single individual.

Mr. DOUGLAS. I should like to ask the Senator from Pennsylvania, one of the very eminent members of a very eminent bar, the Philadelphia bar, whether such a process of making a judicial finding that there is a pattern or practice of discrimination, would not be time consuming?

Mr. CLARK. I am confident it would be very time consuming in districts where those who oppose action by the Federal referee desired to consume time. Once we get into a judicial proceeding, quite properly all the protections which are afforded to litigants are available. In this case there would be a conversion of what has always been considered an administrative process into a judicial process. In my judgment that is a hard thing to do in a way that will work with the expedition which is necessary in connection with registration and voting. I am also of the view that if we curtail too far the rights in a court of those who oppose action by a Federal referee, we run the danger of having such action held to be unconstitutional.

Mr. DOUGLAS. Mr. President, will the Senator yield for another question?

Mr. CLARK. I yield.

Mr. DOUGLAS. Is it not true that in the plan proposed by the Civil Rights Commission, for a voting registrar, action would be triggered by complaints from at least 9 persons within a given voting district that a pattern or practice of discrimination existed, and that thereafter the administrative body, in this case the Civil Rights Commission, would conduct an inquiry to determine whether or not the charges were well-founded; that they would throw into the discard those charges which they found to be ill-founded, but that if there were a sufficient number of complaints which they believed were justified, they could then ask the President to appoint a voting registrar?

Mr. CLARK. The Senator is entirely correct.

Mr. DOUGLAS. Is it not true that the President would then appoint a registrar who would be a Federal official or employee in the district about which complaint was made?

Mr. CLARK. Not only an official or employee, but a qualified voter within the district.

Mr. DOUGLAS. So that there would be no importation of outside persons to register voters.

Mr. CLARK. Carpetbaggers were out.

Mr. DOUGLAS. But they would be Federal employees, protected by civil service laws, normally speaking, and therefore not as much subject to local pressure and economic reprisals as would the citizens who were picked out of the main stream of the economic and political life of the community.

Mr. CLARK. Yes; I should like to make this one additional comment, that the proposal of the Civil Rights Commission—and the Senator will correct me if I am wrong—was recommended by five of the Commissioners, and two of the concurring Commissioners were from the South; but their proposal had this grave defect in it, that it applied only to Federal elections, not to all elections.

Mr. DOUGLAS. Is it not true that the Senator from Pennsylvania and the Senator from Illinois discussed this matter 2 days ago, and that the Senator from Illinois then said that in his judgment the decision thus to confine the process to Federal elections only was made to obtain the support of the two southern members, but that it was not necessary under the 15th amendment to the Constitution?

Mr. CLARK. I think, no doubt, that it is entirely unnecessary under the 15th amendment to the Constitution. The Senator from Illinois and I are two Members of this body who do not believe in attributing it to anybody. I do not know what caused the Civil Rights Commission to make this suggestion. The Senator from Illinois may well be correct. He is far more familiar than I with the detailed findings and the discussion of the Commission on Civil Right.

Mr. DOUGLAS. I have raised this question with certain members of the Civil Rights Commission, and they have not denied it.

Mr. CLARK. I thank the Senator from Illinois for his elucidation, which I believe is important.

Mr. DOUGLAS. Is it not true that the 15th amendment to the Constitution reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. * * *

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Mr. CLARK. The Senator from Illinois is correct. It contains no words limiting its application to Federal elections, does it?

Mr. DOUGLAS. Therefore, was not the 15th amendment intended to apply to State elections as well as to Federal elections?

Mr. CLARK. Of that, I believe there can be little doubt.

Mr. DOUGLAS. According to section 2, has not Congress the power to prevent the denial or the abridgment of the voting rights in State as well as in Federal elections because of the race, color, or previous condition of servitude of the person in question?

Mr. CLARK. I do not believe that any competent lawyer would deny that statement. My recollection is that that interpretation was first given by the Supreme Court of the United States in the historic decision of Ex Parte Virginia, 75 or more years ago, and it has never been seriously questioned since.

Mr. DOUGLAS. Is it not true that the decisions reversing the so-called white primary laws have been, in part, based upon the 15th amendment?

Mr. CLARK. I think the Senator from Illinois is correct.

Mr. DOUGLAS. We have discussed thus far, have we not, the differences between the appointments of registrars and referees, a registrar being an administrative officer, and a referee being a judicial officer; and we have also discussed, have we not, the triggering-off process, if I may use that phrase, in the two methods? It is not true that in the draft which the Senator from New York [Mr. JAVITS] and I have prepared, we provide for a somewhat more stringent requirement than that of the Civil Rights Commission; namely, a complaint by 50 citizens rather than by 9?

Mr. CLARK. The Senator from Illinois is quite correct.

Mr. DOUGLAS. Is it not also true that the draft which has been circulated by the senior Senator from Missouri [Mr. HENNINGS] but which has not been introduced, provides for a somewhat more lenient standard; namely, a complaint by one individual?

Mr. CLARK. The Senator from Illinois is, I believe, correct. I am not certain, but my own thought is that——

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Colorado. I hope he can enlighten us on this question.

Mr. CARROLL. I see in the Chamber the able Senator from Michigan [Mr. HART]. I will ask him to correct me if my understanding is not correct. It is my impression that the Clark-Douglas-Javits bill provides for complaints by 50

persons, and the Clark bill provides a pattern of practice, while the Hennings bill does not provide for a court finding of a pattern of practice. I think that 1 person may institute such a suit, rather than 9, or 50.

I ask the able Senator from Michigan if my statement is not correct.

Mr. HART. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from Michigan, with the understanding I do not lose the floor, in order that he may respond to the Senator from Colorado.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK. The understanding expressed by the Senator from Colorado reflects accurately my understanding of the so-called Hennings draft. For the purpose of the RECORD, it might be helpful to indicate that the Hennings amendment bears the identification "3–10–60—F."

Mr. President, the Hennings proposal has been filed, has it not?

Mr. HART. It is on file.

Mr. CLARK. I thank the Senator from Michigan.

Mr. HART. It is my understanding that there may be a subsequent draft, but there is a Hennings bill.

Mr. DOUGLAS. If we may proceed to the next step, is it not true that under all the various referee proposals which the administration has put forward; namely, the original McCulloch bill, the Dirksen bill, and the second McCulloch bill——

Mr. CLARK. And the third, the fourth, and the fifth.

Mr. DOUGLAS. Yes—that in all those cases, even after a judicial finding that a pattern or a practice of discrimination has been made, it is then necessary for a person seeking to utilize the proposed registration procedure to go to the local registrars—the State election officials—and seek to be registered before he can apply to the judicial referee?

Mr. CARROLL. Mr. President, will the Senator from Pennsylvania yield at that point? I think a question may be helpful.

Mr. CLARK. I am happy to yield to the Senator from Colorado, while I am inspecting a copy of the Dirksen amendment in order that I may effectively answer the Senator from Illinois.

Mr. CARROLL. If I can recollect correctly, when we consider all the changes which have been made since the original Rogers presentation, I believe the last concept is that after the court finds a pattern and practice of discrimination with respect to a Negro who presents himself—this is a bill pertaining to race and color—and who seeks to bring himself under the umbrella of that court's opinion, he has to go back to the registrar again before he can come before the voting referee.

Whether this section has passed the House, I do not know. I believe it will be in the House bill. I think the words are similar to these, that he will have to have presented himself personally and physically to the registrar "since" the court order.

I observe the able Senator from New York [Mr. JAVITS] on his feet.

Mr. CLARK. In my draft of the referee proposal, which is pending in the Senate, there is no such provision requiring that the local citizen should go back to the State officials before he is entitled to an order by a Federal referee, once a pattern or practice of discrimination has been found.

There is a provision which permits State authorities to purge themselves of their failure to register the applicant by acting after the court has issued its decree, but before the actual registration procedure has been set up.

Does the Senator from Illinois ask me to yield further?

Mr. DOUGLAS. I ask the Senator from Pennsylvania to refer to page 20 of the Dirksen bill, H.R. 8315, which is now before the Senate, and to notice the following words in section 7(a), subsection (e):

> The court may appoint one or more persons (to be known as voting referees) to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election and to take evidence and report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, and (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote or to vote at any election.

Is it not the clear import of this requirement that after the pattern has been found, the first step is for the applicant, who would be a Negro from the South, to go to the local registration officer and there seek to be registered?

Mr. CLARK. Correct. I believe the Senator from Illinois is correct in his understanding.

I point out that no such provision or restriction appears in the amendment offered by me and my colleagues.

Mr. DOUGLAS. I am very glad the Senator from Pennsylvania makes that distinction. I was not saying that this requirement was in the Senator's amendment; I was merely asking, Was it not in all the drafts of the so-called administration bill; namely, the first McCulloch, the Dirksen, the second McCulloch, and, so far as I know, the third and fourth McCulloch proposals?

Is not this a very crucial point that the administration has been unwilling to yield upon? In other words, does not the administration insist that, first, the applicant must go to the local registration officials, and there must seek to register and be turned down?

Mr. CLARK. It is my understanding that that is correct, My understanding is that the necessity for a registrant to exhaust State remedies before being entitled to vote is spelled out more clearly is the latest administration proposal now being considered in the House of Representatives.

Mr. CARROLL. Mr. President, will the Senator from Pennsylvania yield?

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. CLARK. I yield.

Mr. CARROLL. Let me say that—as indicated by the Senator from Illinois—I think we were talking about various changes in the Rogers bill, not in the bill of the Senator from Pennsylvania.

Mr. CLARK. Yes.

Mr. CARROLL. I wish to state for the RECORD what I believe to be the last position of the Attorney General on this matter.

Mr. CLARK. Has not the Senator been in touch, within the last 24 hours, with representatives of the Attorney General?

Mr. CARROLL. Yes; and I wish to read into the RECORD, so there will be no doubt about it, from the Celler bill, which probably is under consideration at this very moment by the House of Representatives. I read now from page 5659 of the CONGRESSIONAL RECORD for March 15; and I believe this will clarify their position—not the position of the Senator from Pennsylvania:

> The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and—

And here is the clincher—

> (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

I have read that excerpt from the Celler amendment, as then read in the House of Representatives by its Clerk.

In other words, after the court order was issued, the applicant would have to go back again, and would have to repeat his effort to register; and if they then denied him an opportunity to register, he would go before the referee; and then the applicant would have, first, to show that he was qualified to vote and second, that he had been denied the right to vote. He almost would have to prove again that he had been discriminated against.

Mr. CLARK. I thank the Senator. Apparently the Attorney General was afraid his original language was a little vague, and he modified it to make it crystal clear that he wanted the poor fellow to have to go back a second time to the local officials, if they were available, and if he could find them, and prove again that he had been turned down.

Mr. JAVITS. Mr. President——

Mr. CLARK. I yield to the Senator from New York.

Mr. JAVITS. First, let me express my appreciation to the Senator from Pennsylvania for undertaking to present this matter to the Senate. In due course, I hope to discuss the details in regard to how it came to be, and why we are proceeding in the way we are, and what we hope this will result in; namely, in allowing the majority of the Members of the Senate to crystallize their views in regard to what the voting rights provisions should do.

But for the moment I wish to comment on the matter now under discussion: It

seems to me that in view of the fact that a pattern or practice would have to be found by the court, and in view of the fact that there would be a provision in regard to the personal last, clear chance of the individual voter to be registered by the voting referee, the court would endeavor to reconcile both sets of language; and it seems to me that in that effort the court would inevitably hold that a finding of such a pattern or practice was required, in order to justify the issuance of a decree under which a voting referee would be appointed, and that then a showing of a last, clear chance would be required, in order to entitle the referee to register the individual voter, in lieu of having the State registrar do so.

Therefore, I hope that before the voting-referee provision is voted on by the Senate, we shall deal with this section, so as to eliminate that consideration, because unless we do, we shall run afoul of a whole host of wrongs for which we do not provide a remedy—in other words, the wrongs in regard to registrars who resign and the wrongs in regard to circumstances which amount to intimidation of voters.

Mr. CLARK. The Senator from New York understands, of course, that there is no such requirement in our pending amendment.

Mr. JAVITS. I understand.

But I believe it very important to point out that, in the final analysis, we must invoke one principle of equity—and it is invoked in our present amendment, and I hope very much the Senate will not forget it: No matter what happens to our amendment or to the registrar proposal or to any other proposal, at least the Senate should proceed in recognition of the principle of equity that in circumstances in which such an act would be futile or in which there would be jeopardy to the one called upon to act, equity will not require him to perform that act. Only if we keep in mind that this is established horn book law in equity, will the Senate "keep its eye on the ball" and will not allow the voting referee provision to be disposed of until at least that much is done with respect to it.

Mr. CLARK. I thank the Senator from New York.

Mr. DOUGLAS. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. DOUGLAS. Mr. President, it was precisely to bring out that point that I addressed my last series of questions to the Senator from Pennsylvania.

I wish now to ask another question, which apparently is superfluous, but deals with a point which I believe needs to be cleared up; namely, if a pattern or practice of discrimination had already been found to exist, would not this provision in itself imply that the local registrars did not administer the laws with equal justice, but, instead, practiced discrimination?

Mr. CLARK. I would say that was quite clear. Of course we know how easy it is to "skin the cat" in many ways. If we are going to require the individual applicant to go back again, it might well be that testimony to show that he did not really return would be presented, or that when he presented himself, he did not comply with the requirements—in other words, testimony in regard to many points which, as the Senator from New York has said, would have no substance, but certainly would result in delays.

Mr. DOUGLAS. Did not the Civil Rights Commission find that in many cases, and in many places, local registrars would be absent when Negro applicants came to register?

Mr. CLARK. That is quite correct; and I believe that the Senator from Illinois and the Senator from New York have already stated for the RECORD case after case after case in which such was the fact.

Mr. DOUGLAS. Is it not also true that there were many other cases, which the Civil Rights Commission developed, in which the applicants were kept standing in line for undue periods of time, with the result that, in effect, they were tired out?

Mr. CLARK. That is correct. I understand there were several instances—which the Senator from Illinois probably will recall—in which a long line of Negro applicants was kept waiting for hours. Two registrars were attempting to register that great mass of people, and the registrars took hours with respect to each one; and, in the end, many of the applicants became exhausted.

Mr. DOUGLAS. Did not the Civil Rights Commission also find that in many cases the questions asked the Negro applicants were such as to be virtually impossible for even the most highly educated person to answer?

Mr. CLARK. That is correct. As I recall, they turned down several doctor of philosophy candidates who applied for registration; they were turned down on the ground that they could not answer the questions.

Mr. DOUGLAS. Is it not also true that in many cases economic intimidation was exerted upon those who did persist in applying?

Mr. CLARK. Yes, I believe the reports so show.

Mr. DOUGLAS. Is it not also true that there were covert, and in some cases, overt threats made against those who sought to register?

Mr. CLARK. That is my understanding.

Mr. DOUGLAS. After a judicial pattern or practice of discrimination has been found, does the Senator from Pennsylvania think that it is fair to require the applicant to go to the same group which has practiced discrimination and to go through this process once again?

Mr. CLARK. No, I do not.

Mr. DOUGLAS. And would not this requirement in fact deter the vast majority of those who have previously been disqualified from voting because of a pattern or practice of discrimination from actually applying again?

Mr. CLARK. I think it highly likely it would.

Mr. DOUGLAS. Then this second "strainer", so to speak, would eliminate all but a relatively small minority of cases. Is that correct?

Mr. CLARK. I think the requirement is quite unrealistic, unwise, and unsound. I believe in all likelihood it would have the result which my friend from Illinois has just stated.

Mr. DOUGLAS. Without going into the question of motive, let me ask the Senator another question. If the administration had sought to get a method which would reduce to the greatest minimum possible the number of Negroes who would be registered, could it have been more successful than by using the method which it finally adopted? I do not say that this was the administration's motive. I simply ask, if it was its purpose, could it have been more successful in carrying it out? Could the administration have used a more clever device to restrict registrations than the device which it finally adopted?

Mr. CLARK. I am sure my friend will excuse me if my answer is not completely responsive. In my judgment this provision in the administration proposal so waters down the referee plan that any bill which contained it on final passage would be ineffective. I doubt very much if I would vote for it.

I yield again to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, will the Senator from Pennsylvania yield, to permit me to ask unanimous consent to place in the RECORD, at this point following our discussion concerning the difficulties of Negro applicants applying to local registrars, a letter which I have received from Mr. William P. Mitchell, of the Tuskegee Civic Association, together with a series of petitions presented by the Negroes at Tuskegee to the Governor, asking the Governor to appoint a local registration board where none has existed for a considerable period of time? It is a valuable illustration in a specific case of the obstacles we have been outlining.

Mr. CLARK. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Illinois for that purpose, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the request of the Senator from Illinois is granted.

The letter and petitions are as follows:

TUSKEGEE CIVIC ASSOCIATION,
TUSKEGEE INSTITUTE, ALABAMA,
January 25, 1960.

Senator PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: We are forwarding some material to you that is self-explanatory of our efforts to get a functioning board of registrars for Macon County, Ala. The petitions (which follow) have been sent out each week since January 20, 1959. A total of 53 such petitions have been sent.

Citizens have requested to serve on the board but the Governor says otherwise. Enclosed is just one of the letters from a local citizen offering to serve. We have copies of other letters in our files. We have had no board for over 13 months. We are totally unable to get a hearing with our State officials. Our letters go unanswered, and some of our registered letters are refused. We have all this evidence in our files.

We feel there is a dire need for a civil rights bill that provides for Federal registrars for national and local elections. Years of experience have taught us that we may expect no appreciable relief on the local level.

We urge you to give this matter serious consideration and active support.

Sincerely yours,

WILLIAM P. MITCHELL,
Chairman, Voter Franchise Committee, TCA.

OCTOBER 19, 1959.

The Honorable JOHN PATTERSON,
Chairman, State Board of Appointment, State Capitol Building, Montgomery, Ala.

DEAR GOVERNOR: Representatives of the Tuskegee Civic Association respectfully request an audience with you and the other members of the State board of appointment, at a time and date set by you, for the purpose of trying to assist you in finding citizens in Macon County who would be willing to serve on the Macon County Board of Registrars.

Respectfully yours,

WILLIAM P. MITCHELL,
Chairman Voter Franchise Committee, TCA.

JANUARY 18, 1960.

The Honorable JOHN PATTERSON,
Chairman, State Board of Appointment, State Capitol Building, Montgomery, Ala.:

We, the undersigned residents of Macon County, Ala., respectfully request you, the commissioner of agriculture and industries and the State auditor, to appoint a publicly functioning board of registrars for Macon County in order that we may register as voters in said county:

Jessie S. Hicks, William E. Bufford, Earl Newsome, Wm. H. Carter, W.B. Miller, Paul Dauy, Worley L. Davis, Howard A. Dunlap, Griffin Howard, Charlotte E. Butts, Lloyd Clements, Amy A. Upshaw, Tuskegee, Ala.

JANUARY 20, 1959.

The Honorable JOHN PATTERSON,
Chairman, State Board of Appointments, State Capitol Building, Montgomery, Ala.:

We, the undersigned residents of Macon County, Ala., respectfully request you, the commissioner of agriculture and industries, and the State auditor, to appoint a board of registrars for Macon County in order that we may register as voters in said county:

Fidelia Jo Anne Adams, Daniel W. Wynn, Elvira W. Palmer, Johnie G. McPowen, Joe Grimm, Elizabeth Padgett, David Strand, J. S. Padgett, Roshell Bass, Marie Mahone, John S. Outlaw, Bertie Winfield.

TUSKEGEE INSTITUTE, ALA.,
May 22, 1959.

GOV. JOHN PATTERSON,
Chairman, State Board of Appointments State Capitol Building, Montgomery, Ala.

DEAR SIR: I have been a resident of Macon County, Ala., for some 35 years. I am a qualified voter of that county. I have been advised that there is no functioning board of registrars in Macon County, and in discussing it there has been some possibility that no one contacted is willing to serve. I take this opportunity to express my willingness to serve as a member of the Board of Registrars of Macon County.

I am a retired Federal employee and would have ample time to perform this service in accordance with the prescribed laws of Alabama.

Very truly yours,

ROGER E. MCDONALD.

OFFICIAL RESTRICTION OF THE OPPORTUNITY OF NEGROES TO REGISTER AND VOTE IN MACON COUNTY, ALA., 1951–60

For more than 20 years, Negro citizens in Macon County, Ala., in their efforts to register and vote, have almost continuously met strong official resistance. Various techniques have been employed to limit or prevent the participation of Negroes in politics. Although Negroes have constituted more than four-fifths of the total population, they have only just recently constituted one-fourth of the total voters in the county.

Between January 1, 1951, and December 31, 1959 (9 years), certificates of registration were issued to only 510 (32 percent) of the 1,585 Negroes from whom applications were accepted. This was an average of 56.7 per year.

Following is a list of techniques which have been employed by the white officials to limit or prevent Negroes from political participation:

1. Requiring Negroes and Whites to register in separate rooms and in separate parts of the Macon County Courthouse.

2. Registrars frequently reporting for work late and leaving work early, thus reducing the number of hours available to Negro applicants.

3. Permitting only two Negro applicants in the registration room at the same time.

4. Requiring Negro applicants to read and transcribe articles from the Constitution of the United States, in addition to filling out the voter registration questionnaire.

5. Conversing with applicants as they write, which practice disturbs them, and stimulates making errors.

6. Permitting a Negro voter to vouch for only two applicants per year.

7. Preventing some Negro voters from vouching for any applicant.

8. Failing to issue certificates of registration to Negroes immediately upon the successful completion of the requirements for registration.

9. Failing to inform unsuccessful applicants of their failure to fulfill the requirements for registration.

10. Failing to work on many registration days.

11. Resigning from the board in order not to register Negroes.

To the foregoing restrictions, other county officials have (1) refused to appoint any Negro voter to serve in any capacity as one of the 108 workers at the polls on election days and (2) refused to appoint any Negro to serve on the seven-member county board of public welfare.

The State legislature has also contributed to the restrictive measures by enacting legislation which (1) permits boards of registrars to use 12 of their working days for clerical work only, and in even years to use up to 20 additional days in the precincts away from the courthouse. (There is no requirement that the board announce in advance which days will be so used.) (2) gerrymandered the city of Tuskegee in such a manner as to eliminate from residence in the city 400 of its 410 Negro voters. (Not a single white voter was removed from the city.)

Supplementing the foregoing, many local white citizens refuse to accept appointment to serve on the board of registrars, and the Governor and his two associates (the State appointing board) refuse to appoint qualified Negro voters to serve.

Mr. HILL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. CLARK. Mr. President, will the Senator from Alabama withhold his request until the request of the Senator from Pennsylvania has been passed upon?

The PRESIDING OFFICER. The Chair announced that the Senator's request was agreed to.

Mr. CLARK. Then I am happy to yield to the Senator from Alabama.

Mr. HILL. I wondered if the Senator had read the testimony of the attorney general of Alabama before the Senate Committee on Rules and Administration concerning Federal registrar legislation.

Mr. CLARK. I regret that I have not.

Mr. HILL. The attorney general of Alabama, Mr. MacDonald Gallion, appearing before the Senate Committee on Rules and Administration last month—February—not too many days ago—explained that of the three members of the board of registrars at Tuskegee, which is the county seat of Macon County, Ala., one died; another one qualified a year before, or almost a year before, as the attorney general of Alabama said, and was elected to the State legislature; and the third member resigned and became a member of the board of equalization.

I may say that under the Alabama statute, a person is not eligible to hold two positions. If he is to be a member of the board of equalization, he cannot be a member of the board of registrars.

One man died; one man had qualified about a year ahead of time and was elected to the legislature; the third man became a member of the board of equalization. That is how that board became vacated.

Following the testimony given by Mr. Gallion, the attorney general of Alabama, the Governor of Alabama, the Honorable John Patterson, appeared before the Committee on Rules and Administration on February 2, 1960. On that day, he made this statement to the committee in connection with the vacancies on the board of registrars in Macon County, the county of which Tuskegee, Ala., is the county seat:

I have appointed numerous persons to fill these positions and they have declined stating that they do not feel that they should have to subject themselves to public intimidation and harassment by Federal agents. The responsibility for the breakdown of our registration machinery in these counties rests squarely at the doorstep of the Federal Government. I feel confident that we will be able to find someone to serve on these Boards soon, if we can have some assurance from the Federal Government that we will be able to carry out our duties within the framework of our laws without harassment and intimidation.

Mr. CLARK. I thank the Senator from Alabama. I am happy to have yielded to him so that he might make that statement.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. CARROLL. I ask unanimous consent that I may make an observation without the Senator from Pennsylvania losing the floor. May I say to both my distinguished friends from Pennsylvania and Illinois that I think it is very important that we make a record. At least we think the courts will read the RECORD.

I may say to the Senator from Pennsylvania that in the case which recently went to the Supreme Court excerpts of opinions given by Senators in this body were used in arguments before the Supreme Court.

I cannot wholeheartedly agree with my able friend from Illinois, for the reason that in 1957 we conferred a new power on a court of equity, and we conferred a new power upon the Attorney General. It is the opinion of the junior Senator from Colorado that, no matter what restrictions we write into the bill, we cannot impair that equity power. It is my hope that, if we pass a voting rights bill, a court of equity, in the appointment of a voting referee, will not permit these restrictions to stand in the way of constitutional rights of American citizens, no matter what interpretation is given on the floor of the Senate. I look upon these provisions as restrictive, and in good conscience not in keeping with our obligation to protect the right of an American to vote; and I hope a court of equity will ignore such restrictions on the ground that it would be interfering with a judicial power.

Mr. CLARK. I thank my friend for his comment. I would hope that it will not be necessary to have such a judicial interpretation of the legislative history of the bill we pass, and that that bill will contain no provision requiring a registrant to go before State officials to qualify to vote.

Mr. CARROLL. I agree wholeheartedly that we ought to strike out the restrictive provisions; but if we do not, I think there is a catch-all phrase in the bill to the effect that "this shall not impair the jurisdiction of a court of equity," and we hope we are not bound by these restrictive provisions.

Mr. CLARK. I thank the Senator; and I yield to the Senator from Illinois with the same understanding I have had.

Mr. DOUGLAS. Would not the best way of getting a court to ignore these restrictions be to eliminate them from the bill?

Mr. CARROLL. Exactly. I agree with the Senator that the best way would be to eliminate those restrictions from the bill.

Mr. DOUGLAS. Let me ask the Senator from Pennsylvania a question. If a hardy soul goes to the registration officer or officers who practiced discrimination in his case and is turned down, probably for the second time, and then goes to the referee, is it not true that he must prove not one, but two, facts?

Mr. CLARK. Is the Senator now referring to the pending proposal or to the Dirksen amendment?

Mr. DOUGLAS. To the Dirksen bill.

Mr. CLARK. Yes. I thank the Senator.

Mr. DOUGLAS. I have been directing my criticisms to the Dirksen bill and to the various drafts of the so-called McCulloch bill.

Is it not true that the applicant must prove not only, first, that he is qualified to vote at any election, but also, second, that he has been deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or has been found by State election officials to be not qualified to register or to vote at any election? In other words, he must prove not only that he is qualified, but that he has been discriminated against?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. Is it not possible for the local election officer to say, "Why, if he had merely waited in line, if he had merely followed ordinary procedure, he would have been registered. We did not discriminate against him. We merely asked him to follow ordinary procedure."

Mr. CLARK. The Senator is quite correct.

Mr. DOUGLAS. And could not many crimes and discriminations be committed in the name of ordinary procedure?

Mr. CLARK. The Senator is surely right.

Mr. DOUGLAS. If the referee makes a finding that the person in question was both qualified to vote and had been deprived of the opportunity to be registered to vote, and issues a report stating that the person in question is qualified, does not this matter then go to the Federal district judge who originally appointed the voting referee?

Mr. CLARK. The Senator is correct. The court must review the referee's findings. To be sure, the court will probably accept the findings in most cases, unless they are clearly erroneous, but in some States this review by referees in the Federal courts could take months, particularly where there are congested court dockets.

Mr. DOUGLAS. And would not the Senator from Pennsylvania agree that even if the finding of fact by the referee were to be accepted, arguments could still be made on the question of law?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. Would not the district court, in reviewing the finding of its special master or voting referee, necessarily have to take into consideration the arguments of law which could be made by local election officials or their judicial representatives?

Mr. CLARK. I would think that would be clear.

Mr. DOUGLAS. Would not that be a delaying process?

Mr. CLARK. I would think that would be likely to be the case. A great deal would depend upon the zeal of the local Federal district attorney, himself a resident of the district; upon the zeal of the local judge, presumably a longtime inhabitant of the area; and upon the congestion in the court docket, and a number of other factors. There could be requests from the defendants, the local officials, for delays. I would think the matter could be dragged out for a long time. I say that as a longtime practitioner in the Federal courts.

Mr. DOUGLAS. I ask my good friend whether it is not true that after the district judge made a finding and supplementary decree, an appeal could be taken from his decision to the circuit court?

Mr. CLARK. I would think it could be. That is a rather tough legal question on which I would not want to give a curbstone opinion. There is a U.S. statute which says one cannot appeal from anything other than a final decree, from the district court to the court of appeals. That statute has been interpreted in many different ways in many different actions. I would not want to give a curbstone opinion at this time, other than to say I think there is a substantial chance the appeal could be taken. Certainly there is nothing in the proposal which says that the decree shall not be subject to appeal until after the counting of the ballot.

Mr. DOUGLAS. May I further ask the Senator from Pennsylvania whether this whole process would not be subject to excessive delays, so that the final binding opinion of the Federal court in a vast proportion of the cases would occur after the election had been held?

Mr. CLARK. I am afraid that would be true. I do not think any man can say categorically that that would be the result, for I think we would have to wait and see, but I believe, as I said before, that the registrar proposal is far better. I have grave doubts as to the effectiveness of the referee process in giving speedy justice to disfranchised citizens. I ought not to get overboard on this, and I would prefer not to go any further than that in my statement.

Mr. DOUGLAS. Is it not also true that in addition to the legal and procedural delays during this period of time, the application would, in a very large proportion of the cases be subject to economic and social pressure not to go on with his application and appeal?

Mr. CLARK. I think that is true, but I must point out, in all fairness, I believe that would be equally true with regard to the registrar proposal; although, to be sure, the registrar proposal would be somewhat less involved and would permit less delay. I point out that the registrar proposal is also subject to court supervision and court appeal.

Mr. DOUGLAS. Yes, but is it not true that under the registrar proposal, or the enrollment officer proposal, there would not be the requirement that the applicant must first go to the local registrar and be turned down?

Mr. CLARK. The Senator is quite correct about that.

Mr. DOUGLAS. Under the voting registrar proposal, the applicant could go directly to the Federal registrar or enrollment officer.

Mr. CLARK. The Senator is correct. Of course, under our version of the referee proposal, he could do that, also.

Mr. DOUGLAS. I understand, but I am speaking of the administration proposal.

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. So that source of delay and intimidation under the administration's referee plan would be removed under the registrar proposal; is that true?

Mr. CLARK. The Senator is correct as to that. It would also be removed under the particular referee proposal incorporated in the pending amendment.

Mr. DOUGLAS. May I further inquire whether it is not true that in the various registrar proposals which have been advanced that while the right of

judicial review is retained the court hearings are to be held after the election?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. In the meantime, the applicant would be privileged to vote, and his vote would be sequestered.

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. In such a situation, if later the court found the man to be disqualified, what would happen, in all probability, would be that the envelope within which the ballot of the man in question was contained could be torn up and destroyed; whereas if the man were found to be qualified the envelope could be opened and the ballot cast in a way similar to what happens in the case of absentee voters now.

Mr. CLARK. I think the Senator is quite correct.

The Senator has raised a very interesting question. I have heard it said in the course of the House debate that this kind of a provision will not work in the jurisdictions where voting machines are used. This seems to be a plausible argument at first blush, but I think we should place in the RECORD now the fact that it has no substance, because in any case where a voter is challenged when he goes to the polls, provision can be made for him to vote on a paper ballot, instead of on the machine.

It is true in a great many jurisdictions—it is true in my own, and I think in the State of the Senator from Illinois—that absentee voters can vote in that manner, and military voters can vote the same way, without coming to the polls to vote by machine. So in my judgment the question of voting by machine has no real bearing on the problem.

Mr. DOUGLAS. Mr. President, may I respectfully request that there be order in the Chamber?

The PRESIDING OFFICER (Mr. JORDAN in the chair). Let the Senate be in order.

Mr. CLARK. Mr. President, I join in that request. May the Senate suspend proceedings until it is in order? We have difficulty hearing even ourselves.

The PRESIDING OFFICER. The Senate will suspend until we have order in the Chamber.

The Senator may proceed.

Mr. DOUGLAS. Is it not true that in the revised registrar proposal there would be provided an opportunity for mass registration where mass disfranchisement exists?

Mr. CLARK. The Senator is correct. I regret to say I do not like much to use that phrase "mass registration" because, purely as a matter of semantics, it can be turned much against us. I think under the registrar proposal the citizen who had been disfranchised by reason of race or color could register as easily before a Federal registrar as any white individual who was a resident of the same voting district would be permitted to register before a State registrar, which is quite a simple process, indeed, as every Member of this body knows.

Mr. DOUGLAS. I am very glad indeed that the Senator from Pennsylvania has qualified his reply. What he has suggested was precisely the intent of the Senator from Illinois.

Mr. CLARK. I am sure it was.

Mr. DOUGLAS. Is it not true that the same standards of qualification would be applied by the Federal registrars to the Negro voters in the South or to the Mexican-American voters in the Southwest as are applied to the so-called native whites?

Mr. CLARK. That is the intention of the proposal.

Mr. DOUGLAS. In other words, the standards are not intended to be less severe but are intended to be uniform?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. Where mass disfranchisement exists, the proposal would permit a much larger share of those who were disfranchised and who were qualified to be registered to register and vote; is that not true?

Mr. CLARK. I think that should follow, and I think it would.

I wish to point out for the record that whether it is registration of large numbers of persons or not, each individual citizen who had been denied the right to register and to vote would have to appear in person before the Federal enrollment officer; would have to give his name, his address, his age and so on; and would have to show his qualifications to vote under State law and do all other necessary things as a condition precedent to being registered. He would have to do all those things, but certainly it should not take more than a few minutes.

Mr. DOUGLAS. Is not the proposal of the administration really an attempt to cure widespread disenfranchisement by the use of a medicine dropper?

Mr. CLARK. I am not in favor of the administration proposal. I think I will confine my answer to that.

Mr. DOUGLAS. Would it not at best, in all probability, result in only an insignificant fraction of the disenfranchised voters of the South actually being registered and actually voting?

Mr. CLARK. I will say again that no one can know until we try, but my own best judgment, for whatever it is worth, is that it is a pretty ineffective procedure. I think there is a high degree of possibility that it would not result in very many disfranchised citizens being given the right to register and vote. No one can tell until we try. I hope we shall have a more effective procedure, so that we shall not have to try the administration proposal.

Mr. DOUGLAS. Would it not be true that a Federal registrar or voting officer at the polls, stripped of the delay and legal obfuscations, would permit a much larger number of qualified voters to be registered?

Mr. CLARK. I feel confident that it would, and that is why I support the registrar proposal.

Mr. DOUGLAS. Therefore it is without question the more effective remedy for the evil which the President's Commission on Civil Rights showed to exist.

Mr. CLARK. That is my best judgment, for whatever it may be worth.

Mr. DOUGLAS. I know the Senator from Pennsylvania does not like to ascribe motives, but can he offer any explanation as to why the administration should reject the proposal of its own Civil Rights Commission, which, as the Senator from Colorado pointed out, had been appointed by the President, and turn instead to the ineffective, delaying, and intimidating process of the voting referee?

Mr. CLARK. This has puzzled me, even in an election year.

Mr. DOUGLAS. Does the Senator from Pennsylvania think it is a good practice to sell something to the country on the pretense that it is an effective remedy when it is not an effective remedy?

Mr. CLARK. This is what concerns me very much: These things are difficult to analyze. It is hard to get to the bottom of them. They are difficult even for trained lawyers skilled in the field. I must say that I have no special competence in this particular field, but I think the more one analyze these proposals, the more one studies how to bring about an effective remedy to meet a revealed and clear evil, the more one is puzzled as to why the Attorney General chose this particular remedy, which seems, on analysis, to be so ineffective, and why he rejected the registrar remedy, which seems, on analysis, to be not only so much simpler, so much more effective, but so much more in accord with American practice.

Mr. DOUGLAS. Is it not true that in the various attempts which have been made, off the floor, to get the administration to agree to an effective bill, the Attorney General has stubbornly and persistently refused to eliminate the requirement that the applicant must, as a condition prior to having his case considered by a voting referee, present himself to the local voting registrar? Has not the administration taken the position that, at all costs, this provision must be retained, and that it will throw its strength against any measure which eliminates this requirement?

Mr. CLARK. My friend so advises me. I have not been in touch with the administration.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the distinguished Senator from Colorado.

Mr. CARROLL. This is a very important point. Again I ask unanimous consent to make an observation without the Senator from Pennsylvania losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARROLL. This is very important. This is why I say to my able and distinguished friend from Illinois that we must make the record.

Some day, in the months ahead, I am sure that a Federal judge, sitting as a court of equity, will look into the record. I hope he can follow this viewpoint. No matter what concessions the administration makes now with respect to these restrictive provisions, if a court of equity once finds a practice and pattern of discrimination which is widespread, and

under which the prospective voter is compelled to go back and try again, the court will take action. There is an old saying in law that the law does not require a futile gesture. I believe that a court of equity could say that the pattern is so widespread and the discrimination is so deep that it is not necessary for the prospective voter to go back and try again. The court would say to the voting referee, "First, determine whether or not the person is qualified to vote; and, second, follow the State practice. It is not necessary that the person should have been rejected recently, or since the court order."

Why do I say that? Let me cite an old, familiar example. Circumstances may have changed. Assume a case in a certain county where there are 40,000 people, 26,000 whites and 14,000 Negroes; and assume that for 30 years not a single Negro has been permitted to register.

Mr. CLARK. Or to vote.

Mr. CARROLL. Of course they could not vote if they could not register. Assume that in 30 years, not one has been permitted to register. Assume that the Attorney General brings suit. The pattern and practice is so widespread that, by simple logic the court would say, "Are those people, who have never in 30 years, a generation, been permitted to register or to vote, to be compelled to apply for registration and be denied?"

In my opinion the court of equity would say to the voting referee, "Register them."

Some of my friends are very strong for the Federal registrar proposal. I disagree with them on certain points, although I believe in that proposal. There would have to be a judicial ascertainment of the voting standards in the particular State. I believe the independent voter would have to conform to the two provisions to which reference has been made. That is why I believe it is important to make the record. I hope some day a Federal judge or the Supreme Court may read it. I believe that a court of equity would have great power if there were widespread discrimination.

Mr. DOUGLAS. Mr. President, let me ask the Senator the same question I asked before. Instead of trusting merely to the sense of equity of a Federal judge, would it not be better to eliminate this constraining provision from the statute, so that the judge would not be tempted to turn to the statute rather than to the broader principles of equity?

Mr. CARROLL. Will the Senator from Pennsylvania permit me to respond?

Mr. CLARK. I yield for that purpose.

Mr. CARROLL. I say, eliminate it; and if we cannot do so, let us modify it, or state in clear and simple language that the court may take certain action if he believes that any requirement is useless. In other words, he may abandon the concept that the prospective voter must have applied for registration and been rejected since the court order.

I do not know why the Attorney General and the House are accepting this provision. I repeat for the record that I do not believe a court of equity would be bound by it. I hope that if the court finds widespread discrimination it will ignore this provision, because I think it is an invasion of a judicial function.

Mr. CLARK. With all deference to my friend from Colorado, with whom I find myself completely in accord on most of these questions, let me state that I would find it very difficult indeed to conclude, as a lawyer, that the general principles of equity would permit a court to ignore a specific statutory provision such as that in the administration proposal pending in the House, that, as a part of the qualifications to vote, which are listed, the prospective voter must show positively that since the finding by the court of a pattern of discrimination he has again been deprived of or denied the right to register and vote by State officials. This may be an argument between lawyers, but I would have a little difficulty going along on this point with my friend, to whom I am happy to yield.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. CARROLL. There is another provision in the administration bill which in essence provides—I believe I am right in this, although I do not have the bill before me—"No provision in this bill is designed to impair the powers of a court of equity." I look upon this as legislative advice. This is not mandatory upon the court. This is legislative advice to the court. I want to make this record because I believe it is very important to do so. I believe the provision is much stronger. We recognize the powers of the court of equity, and we are not attempting to mitigate those powers. I hope this is not merely a discussion by lawyers. If the Senator from Pennsylvania has before him that provision, I think it would be well to read it into the RECORD.

Mr. CLARK. I applaud the Senator for his suggestion, and I hope that what he has said may be effective in determining legislative history, in the unhappy event that the administration proposal becomes law. The clause my friend has in mind reads:

> Applications pursuant to this subsection—

This has to do with the referee—

> shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

So far, this only has to do with orders permitting provisional voting, but I continue to read:

> The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

My friend makes a good case out of that, but in spite of his effort to make legislative history, I could not, as a lawyer, help but say that while I hope he is right, I am afraid he is not.

Mr. CARROLL. It is necessary to look at the whole history of the act,

Mr. CLARK. The Senator is correct.

Mr. CARROLL. It is now 57 years—I think it was in 1903—since Oliver Wendell Holmes in Giles against Harris resisted the concept that a court of equity should get into the political field. Whatever the concept was, we changed it in 1957. We have conferred upon the court of equity a new power, by congressional mandate.

I suppose it might be argued that we have to place a limitation on how it shall be done. However, we are dealing with a court of equity. We would say to the court that if it is going to assume this great power, if it is going to assume this great responsibility—and we have given the court the necessary machinery under the voting referee portion—we must get out of the way of the court and let it do its work.

Of course, certain minimal standards must be set up, but we cannot hedge in the great powers of the court of equity. It is my hope, therefore, that a judge, who knows the facts and who knows what is going on, when he sees widespread discrimination would not let 10,000, or 5,000, or 3,000 people go to a registrar, and let them stand in line, never to be recognized. Is he going to do that, or is he going to say to the voting referees, "Follow my findings and register these people"? He is bound, of course, by certain statutory provisions such as that the people are qualified to vote under State law.

This is my hope. This is what we are trying to do by following the referee plan.

Mr. CLARK. I hope the Senator is correct.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. DOUGLAS. Does my good friend from Pennsylvania recall, in the light of what our friend from Colorado has said, Oliver Goldsmith's lines:

> To the last moment of his breath
> On hope the wretch lies;
> And e'en the pang preceding death
> Bids expectation rise.

Mr. CLARK. I was thinking of some other lines by Oliver Goldsmith, which I think are also applicable to our friend from Colorado:

> And still they gaz'd, and still the wonder grew,
> That one small head could carry all he knew.

Mr. CARROLL. The Senator from Pennsylvania and the Senator from Illinois should have hope, because hope deferred maketh the heart sick. The Senators must have great hope. Let me, for a moment, be the devil's advocate for the Attorney General. Why did not the Attorney General follow the Civil

Rights Commission recommendation? This administration was frightened after what happened at Little Rock. When the Civil Rights Commission came up last September with the Federal registrar concept, and began to consider all the marching and all the flashing of bayonets, they did what they did the year before. They retreated from the 1958 fight. They then came up with the voting referee proposal. I am not opposed to the proposal. I shall vote for it. I think it is a step in the right direction. That is why I am making the record of what I believe to be the case. It is only 2 weeks or so since the Supreme Court has spoken. This is a wonderful achievement in American history, that we have been able to get this much on the books since 1957. I am not going to throw out the window all the progress we have made just because I cannot get all I want. I know that my friends feel the same way. It is not as strong as I would like it to be. However, it is a very difficult and tough field. It is not that I am soft on this issue. I am very toughminded on this subject. I can see, however, based on my lengthy experience, what we are confronted with. I commend the Senators for blazing a trail. Some day we will achieve this thing. We will achieve it some day in the future. Let us be filled with hope, therefore, and continue the fight.

Mr. CLARK. I thank my friend.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. DOUGLAS. I should like to ask the Senator this question. We have said that in our judgment the judicial process of referees, with all the delays which are involved and all the pressures to which an applicant would be subjected, would result in a relatively insignificant number of persons being qualified.

Mr. CLARK. That is what we fear.

Mr. DOUGLAS. If this were not true, and if a significant number were qualified to vote and so declared, would not the courts be swamped with work?

Mr. CLARK. I am very much afraid that that would be the case.

Mr. DOUGLAS. In other words, is not the judicial process one which can only operate effectively as a matter of fact for a relatively insignificant fraction of those who are now disfranchised who will be able to take ultimate advantage of this process?

Mr. CLARK. That has certainly been my experience as a practitioner in the Federal courts.

Mr. DOUGLAS. Does it not follow, therefore, that this method is grossly defective on virtually all counts?

Mr. CLARK. Let me say to my friend that I do not want to be pushed too far on this. I believe the registrar proposal is infinitely better, but we have included the referee proposal in the pending amendment. I am not ready to sell that proposal down the river. I do agree that in my judgment it is not as effective an instrument for realizing the registration and voting rights of disfranchised citizens as the registrar or enrollment officer process.

Mr. DOUGLAS. Let me say to my friend from Pennsylvania that he should realize that in the criticisms which I have been making of the referee proposal I have been referring to the administration proposal.

Mr. CLARK. I know the Senator has, but some of his comments would be equally applicable to the pending referee proposal, I fear, such as delays in the Federal courts.

Mr. DOUGLAS. Does the Senator remember the statement of Stephen Leacock, when he said:

> My friend the professor says that a knowledge of the classics has made him what he is. This is a very grave charge, if true.

If the proposals of the Senator from Pennsylvania are subject in some degree to the criticisms which I have been advancing, has not the Senator from Pennsylvania leveled a very grave charge against his own bill?

Mr. CLARK. I suppose the answer is: Look out for the lawyers. They are difficult people. I try to be moderate; I do not always succeed.

Mr. DOUGLAS. Are not many crimes committed in the name of moderation?

Mr. CLARK. I have no doubt about that.

Mr. DOUGLAS. Could not one paraphrase Madam Roland, and say, "Oh, moderation, moderation. What crimes are committed in thy name"?

Mr. CLARK. The Senator from Illinois is quite correct.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Colorado.

Mr. CARROLL. Again, making a legislative record, which I hope some day will be read, I have been led to believe by able lawyers that some persons have asked the question: Why is a bill needed at all, if power has been given to the Attorney General to go into the Federal courts?

I said a little earlier that we now have courts of equity. Since we are now moving into the field of voting rights, why do we need a bill? I do not think this question has ever been put before the Senate at all. I do not believe it has been answered. I will attempt to answer it. I hope the courts will pay attention to what I say, and find with it.

It is most important that we understand why we need further legislation to guarantee the right to vote. I cannot emphasize enough how vital it is that the Congress and the courts know exactly why we need to reinforce our 1957 action with further legislative strengthening. What would happen if we left the law as it is today and walked away from it?

I have been informed by the best lawyers that a court of equity would have to try the cases individually. The essential element in the civil rights proposals before us is a court finding of a pattern and a practice of discrimination. By such an umbrella finding, a voting referee can move into a much wider area and will not have to have a finding on each single individual in an adversary proceeding. So I agree with the Senator from Illinois [Mr. DOUGLAS] that there will be many complications.

In the years ahead—it will not be before the next election—there will be findings by the courts. It will take some years to achieve a sound measure of progress in this field; make no mistake about it. We have all been disappointed by what has happened since 1957. The Attorney General has filed only four suits; but at least there have been two Supreme Court decisions.

Therefore, I agree with the Senator from Pennsylvania: We would like to move into the field of Federal registrars—and I will vote for them, and I should like to see such a provision sustained. Nevertheless, if the registrar proposal fails I cannot walk away and do nothing, if my legal information is correct. I have a pretty good lawyer advising me—not myself, because one who has himself for a lawyer has a fool for a client. What I have said is the position of some very able attorneys. I think we must prepare to strengthen, as much as possible, the referee proposal.

Mr. CLARK. The Senator from Colorado has made a very full and complete record.

Mr. President, earlier today I advised the Chair and the Senate that if any other Senator desired to offer as an amendment to section 3 of the pending bill a section which dealt only with registrars or enrollment officers, instead of with both referees and registrars, I would be prepared to withdraw my amendment in order that that amendment might first be disposed of.

I desire to address a parliamentary inquiry: Am I at liberty at present to withdraw my amendment?

The PRESIDING OFFICER. The Senator is at liberty to withdraw his amendment.

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois [Mr. DOUGLAS], who has advised me that he desires to offer a straight registrar proposal, in order that he may be permitted to offer his amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania first withdraw his amendment?

Mr. CLARK. I wish to see, first, if I am permitted to yield to the Senator from Illinois. If I am, I will then withdraw my amendment.

Mr. HILL. Mr. President, reserving the right to object, this is very irregular procedure. Since the Senate has taken no action on the amendment of the Senator from Pennsylvania, the yeas and nays have not been ordered, and it has not been amended in any way, and no action has been taken on it, the Senator has the right to withdraw his amendment. Then, after he has withdrawn his amendment, a Senator who has an amendment he wishes to offer has a right to address the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. CLARK. Mr. President, I withdraw my request.

Mr. HOLLAND. We were not going to interfere.

Mr. CLARK. Let me say to the Senator from Alabama and the Senator from

Florida that I recognize the friendly manner in which we are proceeding.

Mr. President, I now withdraw my amendment.

I shall now yield the floor; and I hope the Senator from Illinois will be recognized.

Mr. DOUGLAS. Mr. President, I now send to the desk and submit, in behalf of the Senator from New York [Mr. JAVITS] and myself, an amendment in the nature of a substitute for section 3 of the pending Dirksen substitute, which, as I understand, is also the pending business. I may say that this amendment in the nature of a substitute retains the existing features of the third section of the Dirksen substitute proposal, but adds to it a provision for Federal registrars, applied to both Federal and State elections.

Therefore, I send the amendment to the desk, and ask that it be considered as the pending amendment, and also be treated as having been read.

The PRESIDING OFFICER (Mr. MCGEE in the chair). Is there objection?

Mr. HILL. Mr. President, reserving the right to object, let me say that I believe the amendment should be read, so we may know what it provides, particularly if the Senator from Illinois wishes to have it be the pending question.

The PRESIDING OFFICER. The amendment will be read.

The amendment submitted by Mr. DOUGLAS, on behalf of himself and Mr. JAVITS, was read, as follows:

Beginning on page 4, line 1, strike out section 3 and insert in lieu thereof the following:

"SEC. 3. (a) The Congress finds that substantial numbers of citizens of the United States qualified to vote under State registration and election laws are being deprived of that right, by being denied the right to register to vote, to vote, and to have their vote counted on account of their race or color. It further finds that the unequal application of qualifications to vote by some State and local officials, the failure of such officials to give adequate and reasonable opportunity to certain citizens to register, and the inadequacy of present law to deal with this situation, requires that the Congress implement its constitutional authority over the time, place, and manner of holding Federal elections and with respect to the enforcement of the provisions of the fourteenth and fifteenth amendments to the Constitution, to the extent necessary to overcome interference with such rights. It further finds that such denials of rights of citizens of the United States require the enactment of the provisions of this section, including the delegation by the Congress to the President of the United States of the powers granted herein, in order to effectuate the constitutional rights of all citizens.

"APPOINTMENT OF TEMPORARY FEDERAL REGISTRARS BY THE PRESIDENT

"(b)(1) Any individual who—

"(A) believes that he is qualified, under the laws of the State in which he lives, to vote in elections held in such State; and

"(B) believes that citizens are being denied such right in the county in which he lives on account of their race or color, may file a petition with the President of the United States, petitioning him to appoint a temporary Federal registrar for such county. Such petitions shall be filed in such form and manner as the President may by regulation prescribe.

"(2)(A) Whenever there shall, within a period of not more than one year, have been filed with the President a petition or petitions under paragraph (1) from not less than fifty individuals from the same county, and the President believes, after such investigation as he may deem appropriate and necessary, that citizens in such county are being denied the right to register to vote, to vote, or to have their vote counted in elections on account of their race or color, in violation of the provisions of the fifteenth amendment and other provisions of the Constitution the President may issue an Executive order designating from among Federal officials or employees living in or near such county, but within the same State, an individual to serve as a temporary Federal registrar for such county, for persons of the class believed by the President to be denied the right to register to vote, to vote, and to have their vote counted on account of race or color.

"(B) The President may, if in his judgment such action appears justified and suitable, delay the appointment of such Federal registrar, in order to permit prompt and continuous good faith efforts by State and local officials to terminate in such county deprivation of the right to register and to vote on account of race or color.

"(C) Any such Federal registrar shall serve until such time as the President determines that citizens living within the county for which such Federal registrar was appointed are no longer being denied the right to register to vote, to vote, or to have their vote counted on account of race or color, and that such denial will not be resumed if the Federal registrar ceases to serve.

"(D) In conducting any investigation under the provisions of this section, the President may designate the Commission on Civil Rights, the Department of Justice, or such other department or agency as he may deem appropriate to make available to him such facts as he finds necessary for his determination.

"(3) The Federal registrar for any county shall accept applications for voting registrations from all individuals of the class designated by the President residing within such county and shall register all such individuals whom he finds to have the qualifications requisite, under the laws of the State wherein such county is situated, who shall be registered by him as being qualified to vote in Federal elections held in such county, for such period as would be applicable if such applicant had been registered or otherwise qualified under State law. The Federal registrar shall, from time to time, certify to the appropriate election officials of such State and of such county and of any election district within it, the names of all applicants registered by him and the fact that such applicants have been so registered. The Federal registrar shall also issue to each person so registered a certificate, the form of which shall be prescribed by the President in the Executive order designating the Federal registrar, identifying the holder as a person qualified and entitled, pursuant to this section to vote at any such election.

"(4) Any person denied registration by a Federal registrar designated for the county in which he lives, and any person having standing under State law to challenge the determination of State registration or election officials that another person is qualified to vote, may challenge such determination by the Federal registrar by filing suit in the United States district court for the district in which the county is located, against such Federal registrar, and, where the qualification of a voter registered by the Federal registrar is challenged, against such voter. In any such suit, the determination of the Federal registrar with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this subsection shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal registrar.

"(5) Any individual who is registered under subsection (b) of this section by a Federal registrar to vote in elections shall have the right to cast his vote and have such vote counted in any election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(6) The provisions of subsection (b) of this section shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such county is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under subsection (b) of this section shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"(7) When used in subsections (a) and (b) of this section, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'qualifications requisite, under the laws of the State' shall mean qualifications required according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist; the word 'election' means any general or special election held in any State solely or partially for the purpose of electing any candidate to Federal, State, or local public office, and any primary election held in any State solely or partially for the purpose of selecting any candidate for election to any Federal, State, or local public office; the word "county' means a county, parish, or similar political subdivision of a State, irrespective of whether it consists of one or more election or registration districts which are, under State law, authorized to provide for the registration or qualification of voters living within such county, parish, or similar political subdivision; and the word 'State' includes any possession or territorial subdivision of the United States which is authorized, by a law of the United States, to elect a Delegate to, or Commissioner in, the House of Representatives.

"(8) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this subsection (b) of this section.

"(9) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or

amend any other provisions of law providing for alternative relief or penalties under such circumstances.

"RETENTION AND PRODUCTION OF VOTING RECORDS

"(c) (1) Every officer of election shall retain and preserve, for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by paragraph (1) to be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) Any record or paper required by paragraph (1) to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

"(4) Any record or paper demanded pursuant to paragraph (3) shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

"(5) Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employees of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this subsection, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

"(6) The United States district court for the district in which a demand is made pursuant to paragraph (3), or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

"(7) As used in this subsection, the term 'officer of election' means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the office of President, Vice President, presidential electror, Member of the Senate or Member of the House of Representatives are voted for."

PROMOTION OF EXPORT TRADE—LIBERALIZATION OF IMMIGRATION LAWS—MESSAGES FROM THE PRESIDENT

Mr. MANSFIELD. Mr. President, the President of the United States has today transmitted to the Senate two messages—one dealing with the matter of increased exports, and the other with the liberalization of the immigration laws.

These messages, I am informed, have been read in the House. I therefore ask unanimous consent that they be printed in the RECORD, without having been read, and be referred to the appropriate committees.

The PRESIDING OFFICER (Mr. MCGEE in the chair) laid before the Senate a message from the President of the United States, which was referred to the Committee on Interstate and Foreign Commerce.

(For text of the President's message see House proceedings for today.)

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was referred to the Committee on the Judiciary.

(For text of the President's message see House proceedings for today.)

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, would the Senator from Illinois like to utilize the time during which he is entitled to the floor?

Mr. DOUGLAS. Mr. President, has the reading of the amendment been concluded?

The PRESIDING OFFICER. The amendment has been read.

Mr. DOUGLAS. I yield the floor.

Mr. JAVITS. Mr. President, I shall detain the Senate for but a short time, but I have three matters I should like to deal with.

First, I should like to submit a resolution with respect to U.S. export credit guarantees. Second, I should like to make some brief observations on the message on immigration which the President sent to Congress today. Lastly, I should like to make some observations on the pending amendment.

PROGRAM OF U.S. EXPORT CREDIT GUARANTEES BY EXPORT-IMPORT BANK OF WASHINGTON

Mr. JAVITS. Mr. President, I submit, and ask unanimous consent, since it is being done outside the morning hour, that it may be received and appropriately referred, a resolution on behalf of myself and my colleague, the junior Senator from New York [Mr. KEATING] to declare the support of the Congress for a new program of export credit guarantees to be carried out by the Export-Import Bank of Washington, in line with the administration's emphasis on the need to expand the U.S. export trade.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 293) was referred to the Committee on Banking and Currency, as follows:

Whereas the United States is the world's largest single exporter with a more than 17 per centum share of total world exports during the past decade, and United States exports form an important part of the resources available to the nations of the free world and make possible United States oversea private investment and economic aid programs vital to the strengthening of free institutions in the developing areas of the free world; and

Whereas the losses during the past two years in the world market share of United States manufactured goods are responsible for a large part of the increased United States balance of payments deficit which should be dealt with if this Nation is to continue in its role of free world leadership; and

Whereas the impact of production for foreign markets on domestic economic activity and its influence on stabilizing employment and production in various industries has become an increasingly important factor during the past two years; and

Whereas the Export-Import Bank of Washington during the past 25 years has stimulated the foreign trade program of the United States with some $10,000,000,000 in credits which have been and are being repaid; and

Whereas a large-scale program of United States export development is being launched by our Government, including among its most important elements the provision of improved export credit guaranty facilities by the Export-Import Bank, which will for the first time extend such guaranties to short-term credits; and

Whereas the Export-Import Bank is authorized by the Congress to "guarantee notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfer and other evidence of indebtedness" which constitute the exchange media used in foreign trade; and

Whereas a program of export guaranties authorized by the Congress and now called for by the President to be undertaken by the Export-Import Bank is a vital supplement to the important activities in this field undertaken by the United States banks; and

Whereas the other major exporting nations of the free world for up to forty years have supported their foreign trade programs by means of government export credit guaranties, so that now between 5 per centum and 15 per centum of their exports are insured by their governments against commercial and political risks; and

Whereas United States businessmen are now in the keenest competition with producers assisted in this manner by friendly foreign governments: Now, therefore, be it

Resolved, That it is the sense of the Senate that a program of export credit guaranties carried out by the Export-Import Bank of Washington is deserving of the full support of the Congress; and be it further resolved that the Export-Import Bank should in its semiannual reports, required by Act of Congress, include an evaluation of the effectiveness of that export credit guaranty program to be pursued by the United States compared with similar programs pursued by the other major exporting nations of the world.

Mr. JAVITS. The President today sent Congress a message emphasizing the urgent need for expanding the exports of the United States. There also was issued an announcement by the Export-Import Bank of Washington, under the hand of its president, a very distinguished American, Samuel C. Waugh, of a new program of guarantees for short-term export credits, those of 6 months and less, and the giving of political risk guarantees, inaugurating a new program which the Export-Import Bank of Washington had not theretofore carried on.

For some time I have been studying the question of how to increase American exports, as this need is absolutely

dictated for us by considerations of national interest and national security, and even more urgently by the imbalance of our international payments, which is a very serious aspect of our present economic condition.

The United States has been behind the world parade in respect of export credit guarantees, for practically every leading industrial nation in the world has a program for export credit guarantees, and the United States did not, in a major way, until today, when the program is being effectively inaugurated.

Therefore, the resolution which I send to the desk for my distinguished colleague and myself—and I call this to the attention of the Senate because it is not merely a sense resolution favoring the program—calls for the evaluation of the effectiveness of the export credit guarantee program to be pursued by the United States compared with similar programs pursued by the other major exporting nations of the world.

This is very important, because it is a terrific race in which we have two factors to consider, first, our competition with other export nations; and, second, our economic position in the world, and the way that economic position is buttressed by our exports.

The continuance of U.S. economic leadership in the world today is directly related to our role as the globe's biggest single exporter during the last decade, when we were responsible for over 17 percent of total world exports. Then, in 1959, we incurred a deficit in the balance of our international payments of $3.8 billion, which prompted the President to stress in his state of the Union message that "continuing deficits of anything like this magnitude would, over time, impair our own economic growth and check the forward progress of the free world. We must meet this situation by promoting a rising volume of exports and world trade."

Right now, U.S. private oversea investment and the U.S. economic aid program represent the single largest source of development capital available in the free world, and particularly to the newly developing nations, where free political and economic institutions are just starting to take root. A prolonged slump in the U.S. export trade would seriously diminish these resources, which currently strengthen freedom and resistance to the Communist bloc's economic offensive in Latin America, Africa, the Middle East, and south and southeast Asia.

It is with these realities in mind that this resolution is being introduced to help stimulate a resurgence of U.S. export trade in the face of the mounting foreign competition in world markets. One of the most obvious and most necessary first steps in this effort is a broad program of guarantees of export credits. The United States would at last be adopting a policy which has been in practice for up to 40 years in some countries, and which has proved very profitable to many businesses in the nations of Western Europe which have scored major export trade gains in recent years.

In 1958, the share of the world market which had previously been held by U.S. manufactured goods began to shrink. An estimated $500 million worth of U.S. manufactures which we expected to sell overseas found no buyers abroad. If that trend also held true last year, then our total sales in this category for 1958 and 1959 fell almost $1 billion below expectations as based on our sales of manufactured items from 1954–56.

Meanwhile, export credit guarantee programs were already in operation in some 18 foreign countries, including the United Kingdom, Germany, other major European nations, Canada, Japan, Australia, India, Israel, and South Africa. Between 1957 and 1958, while our exports declined some 15 percent, several of these countries increased their share of world markets. In the first half of 1959, most of these countries registered a remarkable export increase, in complete contradiction of the U.S. export trend for the same months.

Most of the nations that are our strongest foreign-trade competitors have comprehensive guarantee programs, covering both commercial and political risks, where the exporter obtains from his government insurance or guarantee and then takes his insured credit to a private bank for financing. Between 5 and 15 percent of these countries' exports are insured by their own governments, with the result that foreign businessmen have profited as billions of dollars in foreign goods have been sold abroad as a direct result of government programs of short-term export credit guarantees covering political, and in some cases commercial, risks which could not have been obtained by a U.S. businessman in most cases. We can also draw on the experience of other government guarantee programs and predict that the very existence of such a system now put into an operational basis by the Export-Import Bank would encourage U.S. banks and companies which now have limited or no experience in export to get into this area if such guarantees were offered.

The designation of the Export-Import Bank, a federally chartered lending institution with $2 billion of its $7 billion authority currently available, to perform this function is a natural choice. During its 25 years in existence, the bank has extended some $10 billion in credits to spur U.S. foreign trade, and it is already authorized by the Congress to guarantee notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness which represent the exchange media for foreign trade. Eventually, should export credit guaranties be available in the United States on a scale comparable to other plans, it is conceivable that the sale of anywhere from $800 million to $2 billion in U.S. goods abroad could be expedited annually.

Contrary to what is generally supposed, the Export-Import Bank is not now extending any export credit guarantees, although it technically has the authority to do so. As competition in world markets becomes still keener, the drive for U.S. export expansion will encompass efforts to raise productivity, to keep our goods at competitive prices, and to develop new products while helping open up new markets in underdeveloped areas. But the Congress should not overlook the development of anything as basic as an export credit guarantee program—it is an international trade technique which has played a most significant part in the 70-percent increase since 1950 in total world export trade of $100 billion annually today.

Mr. President, I should like to make a few remarks in conclusion, and then I shall yield to my colleague from New York on this subject.

Mr. President, we are going to hear a great deal about foreign economic policy in the coming campaign. It is my belief this will be one of the major issues, since it involves exports and imports, and since a lot of the industries in our country complain about the impact of imports.

This involves the consumers, for imports affect consumers and have a tendency to give consumers greater supplies at competitive prices, by having an impact upon domestic prices.

This also affects export trade, which involves millions of people who are employed in various industries.

This involves our economic aid program which is heavily contributed to. Private industry carries some of that burden.

This involves our whole political effort in the world, because it deals with the viability and prosperity of a tremendous number of Nations, many of which are less developed and require an acceptable rate of development if they are to remain in the roll of the free nations.

Mr. President, I hope, because of this resolution, which I hope will have early consideration by the committee to which it is referred, and as a result of the impending hearings of the Senate Committee on Interstate and Foreign Commerce, which committee is going into this subject in a rather comprehensive way, first, that the American people will be alerted to what is going on in our country and in the world on this subject; and, second, that we shall move out in a very vigorous way with great initiative, especially employing the tool of credit, in order to materially expand our export trade and therefore to materially expand the amount of help we will give to the rest of the world.

Mr. President, I now yield to my colleague.

Mr. KEATING. Mr. President, I am very pleased to join as a cosponsor of the resolution offered by my distinguished senior colleague from New York. I sincerely hope the resolution will prove to be a positive and forward step in increasing American trade with the nations of the world.

It is very timely for the resolution to be offered today, since we have received this splendid message from the President, in which the President sets forth the efforts which are being made to expand our foreign trade. While, as the President says, most of the proposals can be taken without congressional action, there may be an area in which it may be necessary—in my judgment, there is an area in which it will be necessary—for

Congress to act. Certainly the resolution which my colleague and I are offering is one which is in complete conformity with the recommendations made by the President.

I am extremely interested, Mr. President, in every possible approach to our Nation's balance-of-payments deficit which is specifically referred to and discussed in the second clause of the resolution, and which of course has actuated the President to send us this message. I have on a number of occasions commented on the need for additional export credit guarantees as a means of increasing exports and in this way serving to alleviate our present balance-of-payments deficit. As is well known, the balance-of-payments deficit has become increasingly more serious in recent months.

I wish to commend my distinguished colleague from New York for the leadership which he was undertaken in this field toward strengthening and expanding the credit guarantees available to American exporters. There is no question in my mind that improved credit facilities will serve to stimulate our trade and the purchase of U.S. goods overseas. I am grateful to my colleague for yielding to me in order that I might add these few words to those which he has spoken on this subject.

Mr. JAVITS. Mr. President, I thank my colleague for his very gracious comments. I am hopeful that our joint interest in this field may continue with profit to the country and for the benefit of the best kind of work on the part of the Senate.

Mr. President, I desire to speak on another subject.

The PRESIDING OFFICER. The Senator from New York has the floor.

U.S. IMMIGRATION POLICY

Mr. JAVITS. Mr. President, I wish to say a word about the immigration message which the President sent to the Congress today.

Mr. President, for some reason or other, it is extremely difficult to get any action on immigration in the Congress. The most we have been able to get are some palliative measures to meet the most urgent requirements as they affect refugees and escapees.

The President has constantly tried, and many of us in the Congress have constantly tried, to get something done. The progress, I must say, has been very slow, except when it came to passing measures like the so-called McCarran-Walter bill, which very considerably restricted the opportunities for immigration, and which, in my opinion, carried out other very unjust aspects of the law as they affected immigration.

Mr. President, I think the fundamental difference between us and the Communists is that we want an open world in which people can move from place to place, in order to give the greatest opportunities in life and in order to have the liberty of the world. The Communists want a society in which people cannot move. The Communists want a world which is restricted within compartments, controlled by the state. We want a world in which movement is easily possible.

From the larger point of view of our struggle with the Communists, the plight of the escapees and refugees is tremendously important. Unless the United States takes the lead, as has been shown in regard to various statutes passed in recent years, it will be impossible to unlock the door for refugees. We still have a hard core of refugees and escapees from behind the Iron Curtain in Europe, and many of them are in camps. We still have tremendous refugee problems, no matter where one looks in the world.

There is a high commissioner for refugees working under the United Nations. We have an Intergovernmental Committee for Refugees in which Members of Congress, I think including my colleague from New York, have taken a very active part. There are also other measures which relate to this question, which come under our own State Department.

Mr. President, in my opinion, the highest kind of governmental policy is involved. I believe that we mark ourselves as a nation which has not yet fully grasped the significance of our role in the world when we allow other small countries—for example, like Venezuela—to show a record very much better than our own in respect to the resettlement of refugees and escapees. That is true not only with respect to Venezuela but also with respect to a dozen other countries, which have shown a better proportionate approach to this problem. Australia immediately comes to mind, as do other countries.

Mr. President, with the backing of the administration we now have had an eminently reasonable and moderate program presented to the Congress. I understand that the minority leader will, on tomorrow, introduce proposed legislation which a number of us, including my colleague from New York and myself, will have the privilege of joining as sponsors.

Mr. President, I can only hope that we shall not again, as we have so often before, forgo the opportunity to be true to ourselves, since essentially we are a nation built on immigration and made by immigrants, by denying the elementary justice of the very moderate bill called for by the administration. I hope that enough support will be marshaled this time to get action on that bill.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS] for himself and the Senator from New York [Mr. JAVITS] as a substitute for section 3 of the amendment in the nature of a substitute offered by the Senator from Illinois [Mr. DIRKSEN] as amended.

Mr. JAVITS. Mr. President, there are not many Senators present; but Senators will be reading the RECORD. Hence, I wish to make a statement, because I believe it is important to put in focus what was started today.

It seems to those of us who are for a civil rights bill that it is necessary, in order to have an orderly debate and orderly consideration, to give the Senate an opportunity to consider the various alternative proposals which have been authoritatively suggested in order to implement the right to vote.

Everyone on the civil rights side, including the administration, the President, the group on the Democratic side identified as Democratic liberals, Republican liberals, and others who are interested in voting for a bill, agrees that a bill, to have any meaning at all, will have to contain some provision for a Federal voting official in lieu of State officials, who will register those who wish to vote. It seems to us, therefore, a service, at a point in the bill where it could be done with the least damage to the substantive parts of the bill, to give the Senate the free opportunity to accept or reject the three alternative proposals which have been brought forward in this connection.

In order to do that in an orderly way, it was necessary to start with the proposal which the Senator from Illinois [Mr. DOUGLAS] and I have offered in the form of the pending amendment. This is the Federal Civil Rights Commission's proposal, the so-called pure registrar plan, which is based upon the Presidential finding, and based upon the right of the Federal Government to act in a situation in which the voting right is being denied, contrary to the precepts of the 15th amendment. That is one proposal which has been made.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. Of course.

Mr. DOUGLAS. Is it not true that the proposal which we advance, which has been sent to the desk and has been read as an amendment in the form of a substitute for the present section 3, differs from the proposal of the President's Commission on Civil Rights in two vital respects: First, it applies to State elections as well as to Federal elections; and, second, it is triggered into action not by the complaint or petition of 9 individuals but of 50?

Mr. JAVITS. I am glad the Senator has made those points clear. I was about to come to them. I appreciate the Senator's intercession, because it anticipates what I was about to say.

The idea of applying the registrar proposal to the whole of the election process is based upon researches which the Senator from Illinois and I have had pursued by a very distinguished group of law school professors, primarily from two law schools; namely, Yale University and the University of Pennsylvania.

The general legal theory which backs up the registrar proposal within this compass is that in the case of Federal elections the Federal Government, under the Constitution, has the right to determine the time, place, and manner by which they shall be held, though the qualification remains the qualification prescribed by the State; and in the case

of State elections the Federal jurisdiction is based upon the 15th amendment.

We see no reason, in law, why the authority to the President to make a conclusive enough finding to include both the 15th amendment and the provision inherent in the Constitution cannot be combined under the authority given to one Federal officer. All the power which he exercised would still be subject to the judicial jurisdiction, in terms of due process of law, equal protection of the laws, and other questions which are properly raised in court. But the point is that both authorities of the Federal Government may be married in the one officer, based upon an adequate finding to give the basis for jurisdiction by the President.

That is one approach. It is essentially the Federal Civil Rights Commission's approach. However, as the Senator from Illinois has properly pointed out, it has now been designed to meet the needs of the situation and give a broader base by requiring a larger number of complaints.

That is one alternative which the Senate should have before it. Coming as it does, from so authoritative a source as the Federal Civil Rights Commission, which investigated this subject with such care, it seems to me that it would be almost improper, in our own interest and in the interest of the country, not to submit, in debate, this authoritative proposal to the Senate.

At the other end of the spectrum comes the voting referee proposal. I know that my colleague from Illinois is not very enthusiastic about the voting referee proposal. Nevertheless, I must state in all honesty that if all else fails, I shall support the voting referee proposal, and I hope very much that it will be supported by a majority of the Senate. I say that because it at least represents a method by which there may be broader-scale registration for voting than individual litigation by the individual nonregistered voter would produce. That is already an important step forward.

Also I think that we must not forget that where we meet very tough opposition, which will go to any extreme in order to frustrate the right of the individual to vote, the voting referee is an officer with real impact, because he is an officer of the court in the area, and the contempt power of the court is there, to back up the decrees which the court makes upon the recommendations of that kind of referee.

That is a very powerful position. Indeed, in my opinion, it is the most powerful of any position in the range of all the alternatives which will be available to the Senate.

True, it has its complexities, in that it is based on litigation in a particular court, with all the opportunities for delay which that gives, but it is a very strong remedy, and in my opinion will be absolutely essential in the so-called hard core cases in areas where there is the most pronounced resistance, with every artifice and every device utilized to frustrate the right to vote of certain members of that particular community, on grounds of race or color.

Those are the two opposite ends of the proposition—the voting registrar, as I have described him, and the voting referee.

If it should please the Senate to try to find some amalgam of those propositions, I know that the Senate will have an opportunity, if it does not prefer to accept the registrar proposal, to vote upon a combined proposal, popularly identified by the names of the Senator from Pennsylvania and myself. That proposal was offered and then withdrawn, so that, quite properly, the pure registrar proposal could be submitted first.

The combined proposal has, in my opinion, a great deal to commend it. The main aspect which commends it, of course, is the fact that it does represent an amalgam of views, pounded out in negotiation and joint draftsmanship among a group of lawyers from both sides of the aisle.

The combined proposal uses as its fulcrum a case under the 1957 act, and provides that when a case has been brought which results in a decree that there is a pattern or a practice of discrimination on grounds of race or color, which denies people the right to register and vote, the appointment of an officer may move in either direction. It may move toward the voting referee; or the Attorney General may use a finding in that case as the basis for requesting the President to appoint a Federal enrollment officer. It may move, then, in the other direction.

Another great advantage of that procedure is that it enables one to deal with the hard core case where there is a tough proposition—a tough nut to crack, so to speak—in a county, as well as to deal generally with respect to other counties, in a way which permits of the most competent facility for registering a large number of people.

These, then, are the three alternatives which, in my opinion, the Senate should have an opportunity to consider. Through the wonderfully fine work of my colleague from Illinois [Mr. DOUGLAS] and my colleague from Pennsylvania [Mr. CLARK] those opportunities will be afforded to the Senate.

Finally, a residual opportunity is set up for the Senate to proceed as it will with the referee proposal in an integrated way under section 7, when that section is reached.

Of course, no one can interfere with the right of any Senator to offer any amendment, and such amendments, of course, can be offered as an amendment to section 7 when that section comes under consideration. However, at least there is provided a very easy way to proceed, with the least possible damage to what we feel would be the most meaningful bill that can be made available by this procedure. That is now offered to us through the efforts of the Senator from Illinois and the Senator from Pennsylvania through their successfully proposing their alternatives.

Finally, so that the record on this subject may be complete, it should be noted that oftentimes we discuss these matters with no contact with reality. Yet we are very much aware of reality, and it is essential that we be constantly reminded of reality.

This is not a light matter, even with respect to voting, because it is estimated that if the same proportion of Negroes were to vote in the South as do whites, there would be an increase in registration and voting of approximately 1,800,000 people. That is an enormous amount, and therefore represents an enormous issue, with a great impact upon a section of the country which so many of us feel lags behind the times in respect of recognition of its human resources.

I know how deeply and sincerely my colleagues from the South feel when they say, "You just let us alone. These are our human resources. We are doing our utmost in the best way we can do it for our States and communities."

Again, Mr. President, I say that this is the United States, and this is the U.S. Senate, and I sincerely hope that we will be able to realize this tremendous potential in human addition to the total national store of resources which is available to us in this field by getting the franchise for so many hundreds of thousands of Americans who, notwithstanding the Constitution, have been denied the franchise.

I have made these remarks not in any forensic way—and there are only a few Senators on the floor, although those who are here are very distinguished—and certainly not with any hope of swaying anyone with my eloquence, but because I believe these things must be said, so that Members of the Senate may have clearly before them the pattern which is expected to be followed in respect of these proposals to which we will address ourselves in the Senate, and so that all Members may have an understanding at least equal to that of those of us who have been working so actively on this subject, and thereby, perhaps, will be able to judge better how they might vote on particular proposals by having a concept of the whole of the area of opportunity which will be available to the Senate.

ADJOURNMENT

Mr. HART. Mr. President, if no other Senator desires to address the Senate, I move that the Senate adjourn until noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p.m.) the Senate adjourned until tomorrow, Friday, March 18, 1960, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 17, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 128: 1: *Blessed is everyone that feareth the Lord; that walketh in His ways.*

O Thou infinite and eternal God, with gladness and gratitude we are coming unto Thee in this moment of prayer.

May we be numbered among those who, in the midst of these strange and

strenuous days, have the courage to live in Thy spirit and to walk in Thy ways.

We humbly acknowledge that, in the area of human relationships, there are chasms which patience and sympathy, insight and understanding, diplomacy and statesmanship must help to bridge.

Grant that there may be in the heart of humanity a new birth of charity and considerateness, of kindness and good will, and a belief in the reality of moral and spiritual values and of loyalty to them.

To Thy name we shall ascribe all the praise. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratchford, one of his secretaries.

SINCLAIR G. STANLEY — CONFERENCE REPORT

Mr. LANE submitted a conference report and statement on the bill (S. 607) for the relief of the estate of Sinclair G. Stanley.

RESTRICTIONS ON IMMIGRATION— MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 360)

The SPEAKER laid before the House the following message from the President of the United States, which was read by the Clerk, referred to the Committee on the Judiciary, and ordered to be printed:

To the Congress of the United States:

I again urge the liberalization of some of our existing restrictions upon immigration.

The strength of this Nation may be measured in many ways—military might, industrial productivity, scientific contributions, its system of justice, its freedom from autocracy, the fertility of its land, and the prowess of its people. Yet no analytical study can so dramatically demonstrate its position in the world as the simple truth that here, more than any other place, hundreds of thousands of people each year seek to enter and establish their homes and raise their children.

To the extent possible, without dislocating the lives of those already living here, this flow of immigration to this country must be encouraged. These persons who seek entry to this country seek more than a share of our material prosperity. The contributions of successive waves of immigrants show that they do not bring their families to a strange land and learn a new language and a new way of life simply to indulge themselves with comforts. Their real concern is with their children, and as a result those who have struggled for the right of American citizenship have, in countless ways, shown a deep appreciation of its responsibilities. The names of those who make important contributions in the fields of science, law, and almost every other field of endeavor indicate that there has been no period in which the immigrants to this country have not richly rewarded it for its liberality in receiving them.

In the world of today our immigration law badly needs revision.

Ideally, I believe that this could perhaps be accomplished best by leaving immigration policy subject to flexible standards. While I realize that such a departure from the past is unlikely now, a number of bills have already been introduced which contain the elements of such an idea. The time is ripe for their serious consideration so that the framework of a new pattern may begin to evolve.

For immediate action in this session I urge two major acts.

First. We should double the 154,000 quota immigrants that we are presently taking into our country.

Second. We should make special provision for the absorption of many thousands of persons who are refugees without a country as a result of political upheavals and their flight from persecution.

The first proposal would liberalize the quotas for every country and, to an important extent, moderate the features of existing law which operate unfairly in certain areas of the world. In this regard, I recommend the following steps:

1. The removal of the ceiling of 2,000 on quotas within the Asiatic-Pacific triangle;

2. The basing of the overall limitation on immigration on the 1960 census as soon as it is available in place of that of 1920 which is the present base;

3. The annual acceptance of one-sixth of 1 percent of our total population;

4. Abandonment of the concept of race and ethnic classifications within our population, at least for the purposes of the increases in quotas I have recommended, by substituting as the base for computation the number of immigrants actually accepted from each area between 1924 and 1959. In other words, the increase in the quota for Italy, for example, would not be based upon a percentage of a so-called Italian ethnic group within our country, but upon a percentage of actual immigration from Italy between 1924 and 1959; and

5. The unused quotas of undersubscribed countries should be distributed among oversubscribed countries. This distribution should be in proportion to the quotas of the oversubscribed countries.

My second major proposal is for authorization for the parole into this country of refugees from oppression. They are persons who have been forced to flee from their homes because of persecution or fear of persecution based upon race, religion, or political opinions, or they are victims of world political upheaval or national calamity which makes it impossible for them to return to their former homes.

This year has been designated "World Refugee Year." The United States and 68 other nations have joined together in an attempt to seek permanent solutions for the problems of these peoples. Nations who in the past have granted entry to the victims of political or religious persecutions have never had cause to regret extending such asylum. These persons with their intellectual idealism and toughness will become worthwhile citizens and will keep this Nation strong and respected as a contributor of thought and ideals.

I have asked the Attorney General to submit a draft of legislation to implement the recommendations I have made. The administration stands ready to supply whatever information is necessary to permit appropriate action by the Congress during its present session. If, notwithstanding my specific recommendations, the Congress should enact other or different liberalizations of our immigration law that are constructive, I will be glad to approve them.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 17, 1960.*

RESTRICTIONS ON IMMIGRATION

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, if anybody had any doubt as to when elections are going to take place, the President's immigration message certainly makes it clear that it is this year. We had an identical message from the President 4 years ago, and we are certainly going to have one like it 4 years hence. It is all a part of seeking political dividends by catering to groups representing special interests.

If we were to consider the President's proposal seriously, we would find that its enactment would raise the present annual average of immigrants entering this country from 260,000 to 500,000. Simple arithmetic indicates that the doubling of the regular immigration quota coupled with the retention of immigration not subject to quota limitations—natives of the Western Hemisphere and all spouses and children of U.S. citizens plus special classes such as clergymen and their immediate families, and so forth—will have precisely that effect.

Our present annual immigration quota is 154,000, but the actual number of immigrants who entered this country reached 2,499,268 in the last 10 years, instead of the theoretical figure of 1,540,000.

The problem of whether the United States is capable of absorbing economically and assimilating socially twice the number of immigrants which we presently admit annually is a matter to be tackled by qualified economists and sociologists, rather than to be tossed about by the Republican political advisers of the President. Economists and not politicians must ascertain whether

there are sufficient jobs, schoolrooms, hospital beds, and houses for the accommodation of the increased number of immigrants as proposed by the President. According to the Bureau of the Census, a new citizen of the United States is born every 7½ seconds; a person dies in the United States every 20 seconds; and an immigrant enters this country every 90 seconds. The effect of these three officially established facts is the net increase of our population by 2,890,800 annually, all of whom must be absorbed by the United States.

I wish to add one more thought. The sound and time-tested basic tenets of our immigration policy and the laws implementing it, have permitted this country to accept, whenever the international situation called for it, a sizable number of homeless refugees and victims of political persecution. Since the end of World War II, pursuant to this policy, the United States has led the whole world in admitting well over 1 million displaced persons and refugees. At the present time, my subcommittee is actively considering legislation under which an additional number of people in need of resettlement opportunities would be offered new homes and a new start in life in the United States.

The President's proposal, providing for a permanent automatic increase of the size of our annual immigration intake, will, of course, preclude the passage of legislation needed in emergent situations.

We must not sacrifice the welfare of the Nation in general to the dictates of election year politics, there is too much at stake.

APPOINTMENT TO COMMITTEE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 478) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That JACOB H. GILBERT, of New York, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Post Office and Civil Service.

The resolution was agreed to.

PROGRAM FOR EXPANDED EXPORTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 359)

The SPEAKER laid before the House the following message from the President of the United States, which was read by the Clerk and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

Because increased exports are important to the United States at this time, the administration has developed a program to promote the growth of our export trade. While most of the public steps to be taken with this end in view can be accomplished under existing legislative authority, the cooperation and support of the Congress are vital to the success of this program.

Expanded exports can add substantially to the millions of jobs already generated for our people by export trade. At the same time, our export surplus contributes significantly to our capacity to sustain our expenditures abroad for investment, private travel, maintenance of U.S. military forces, and programs of foreign economic cooperation. To support these essential activities, which are reflected in our international balance of payments, we must, as I pointed out in my State of the Union message, promote a rising volume of exports and world trade.

Unlike the sellers' markets of early postwar years when productive capacity abroad was limited, world markets have recently become highly competitive. To expand exports in these circumstances demands a more vigorous effort by both Government and business to improve our capacity for international competition.

Through the trade agreements program we shall continue to work with other countries toward the removal of unnecessary obstacles to international trade and payments. The discriminatory restrictions that other countries imposed at a time when they had serious balance of payments difficulties have been especially burdensome to our exports. Economic improvement in many countries has removed the justification for such barriers, and with the assistance of the General Agreement on Tariffs and Trade and the International Monetary Fund, much has been accomplished in eliminating those restrictions. We shall continue to seek the elimination of the discriminatory restrictions that still remain; we shall also continue to seek the general reduction of quantitative controls.

To assist our exporters to meet current international competition in export financing arrangements, the Export-Import Bank will inaugurate a new program of guarantees of noncommercial risks for short-term export credits. The Bank will also expand and improve its existing credit facilities for medium-term export transactions. These steps, which can be taken under existing statutory authority, should improve the ability of our exporters to compete in world markets. These arrangements will be designed and administered to encourage full participation of commercial banks and other private sources of credit and guarantees.

To help our exporters in the development of their foreign sales, we should improve the numerous Government services now available to business firms and especially useful to our smaller producers. These services have been available all along, but we must infuse them with a new purpose and strengthen them with additional resources. Accordingly, I have directed comprehensive steps to strengthen the trade-promotion services of the Department of Commerce, including its field offices located throughout the United States; to expand and give higher priority to the commercial activities of the Foreign Service; to expand the agricultural trade promotion activities of the Department of Agriculture; to place greater emphasis on the prompt reporting of information useful to American exporters; to establish new oversea trade centers; to make fuller use of international trade fairs, trade missions, and other promotional means to stimulate the interest of foreign buyers in U.S. products while continuing to emphasize the basic objectives of the special program for international understanding; and to emphasize the promotion of tourist travel to the United States.

The details of this program will be presented during the congressional hearings soon to be held on the expansion of U.S. trade and in connection with a forthcoming request for the supplemental appropriations necessary for rapid progress in the export promotion program. Government promotion, however, can be effective only to the extent that it stimulates and encourages private business efforts to expand sales abroad. Government can help enlarge export opportunities, but it is American business that must supply and sell the goods that world markets demand.

To this end I have asked the Secretary of Commerce, in cooperation with other department heads, to enlist the efforts of the business community. Consultations have already been held in connection with the preparation of this program. In addition, a group of business leaders will be asked to organize an export drive by business, to enlist the active support of existing national and local business groups, to discover the sectors in which better results can be obtained, to assist and encourage businessmen newly entering the export field, to strengthen contacts with business groups abroad, and to develop an organization structure adequate to these purposes.

The individual steps in this export program are modest ones. Their cumulative effect, however, will be substantial if American enterprise will make the necessary effort. With the support of the Congress, this Government can both facilitate and give continued impetus to the expansion of our exports as free world economic progress continues to enlarge the potential for international trade. The rising tide of productivity and prosperity in many nations creates a timely opportunity for mutual benefits from expanding world trade. By pursuing this opportunity, we can promote vigorous economic growth both at home and abroad.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 17, 1960.*

PROGRAM FOR EXPANDED EXPORTS

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, the President has expressed highly desirable objectives regarding exports.

I am happy his message takes note of the discriminatory restrictions other nations have imposed on American products.

I question whether the expansion of export markets he contemplates can be accomplished without removal of all such restrictions.

I question that it can be accomplished quickly enough to overcome the damage that is being done each day by American policies that force American producers to compete at a disadvantage with foreign competitors, even for U.S. Government work.

Our policy of encouraging imports as well as the use of foreign products in Government work is injurious not only to American business and American workers but also to the Government itself.

The latest example with which I am familiar is the award of a contract for construction of the Canal Zone bridge using West German steel.

West German steel was the deciding factor in award of contract to the John F. Beasley Construction Co., Dallas, Tex., for construction of the superstructure of this $20 million bridge across the Panama Canal. Beasley based his winning bid of $9,119,000 on use of foreign-made steel. An alternate bid of $10,849,000 was submitted by Beasley based on materials manufactured in the United States. United States Steel Export Co., the second lowest of nine bidders on the project, priced the job at $9,861,000. However, the difference between winning and losing the bid for United States Steel was a bare $22,000, since added to the Beasley German-made steel bid, was $520,000 "Buy American" allowance, and $200,000 for cost of possible redesign because of the foreign steel use, and for expenses and other costs involving inspection of the steel in production. The bridge requires some 14,300 tons of structural steel. The United States Steel figure for supply of steel and erection was $8,727,000, against Beasley's $7,770,000 for nondomestic metal. The structure, suspension design, is to reach 5,425 feet from abutment to abutment, with a 1,000-foot main span and 201-foot main high-water clearance. The contract was awarded by the Panama Canal Company, an independent agency of the U.S. Government.

The award of this contract, based on use of foreign-made steel, will deprive our steelworkers, many in critical labor areas, of an estimated $2.3 million in basic wages alone for making the 14,300 tons of steel for the project. Had this contract for an American project gone to a firm using American steel, the movement of the steel in the United States by way of barge to New Orleans and thence in a U.S. vessel to Panama would involve a transportation charge of more than $600,000. Shipment of the erecting equipment to the site in the Canal Zone would require an additional expenditure of some $150,000.

Besides these substantial losses to the U.S. economy, it is pertinent that an American company using American-made steel would also use American-made equipment for erection of the bridge structure. It is estimated the new erection equipment needed for the project costs more than $600,000, plus transport costs to the site.

Conservative estimates indicate the total loss to American economy on this one $10 million contract may be close to $5 million. The loss to American steelworkers, equipment manufacturers and their employees, and transportation companies and their workers aggregate $3.6 million. This is an obvious loss. But, add to that imposing sum, direct losses to the U.S. Treasury in taxes it would have received from the wage earners involved—estimated in excess of half-a-million dollars. But this is not all of the tax loss to the Treasury. We have what is known as the corporation income tax applying to the producers of the steel in question, the equipment manufacturers, and the common carriers involved.

Every day we see startling and extensive evidence of the injurious inroads on our economy by foreign competition, mainly because such competition enjoys far lower labor costs and a benign U.S. policy which permits underselling us in our own backyards. The extent to which this has been accomplished reaches into the Halls of Congress. May I remind you gentleman our CONGRESSIONAL RECORD and all Government documents published by the Government Printing Office are bound with foreign-made bookbinder wire costing at least 20 percent less than the lowest U.S. price for the same product.

Much of our difficulty in foreign competition underbidding our own producers can be traced to an Executive order of December 19, 1954. It reduced the buy-American protection from 25 percent to 6 percent. In other words, a foreign firm bidding against an American firm need only be 6 percent under the American bid to be eligible for the Government contract. This is, in essence, no protection at all. Had the 25-percent factor been in effect on the Panama Canal Zone bridge superstructure contract, American workmen would be making the steel for it, as well as equipment for erection, in addition to being employed for transportation of both to the site—a territory under the sovereign power of the United States. And our Treasury would be collecting taxes from these sources to help pay for the project—rather than adding to our horrendously mounting debt.

There are hundreds of examples such as this where U.S. manufacturers and workmen have lost out to low labor-cost producers abroad under our so-called Buy American Act protection. Signs point to further acceleration of this trend—augmented by the very Federal agencies which depend on the tax dollars this policy deprives our workmen and businessmen from earning.

This sell-America-out principle, to put it more accurately, can also be applied to our highway program. "Policy and Procedures Memorandum 21–13," issued by the U.S. Bureau of Public Roads requires the States to use materials of foreign origin on Federal-aid highway projects when quoted 6 percent or more below domestic prices. An exception is made in critical areas of unemployment where a 12-percent differential is allowed.

It has been indicated by the Bureau of Public Roads, unofficially I think, that some of these materials can be bought for up to 30 percent less from foreign sources. Fortunately for our economy and our American workmen, this directive of the Bureau, which was to go into effect March 1, has been suspended to May 1. We have the Governor of Pennsylvania and the Senators from that State, and our colleague in the House, the Honorable FRANCIS E. WALTER, largely to thank for this deferral. They made a 12th hour appeal a day before the March 1 effective date to Commerce Secretary Mueller for further consideration of the impact of the order on industries and critical unemployment areas in that State. This protest of the Pennsylvania delegation has eloquent support from many of the other States, including 13, among which is California, which have State laws prohibiting use of foreign materials in roadbuilding. These laws as far as I know would be superseded by the Roads Bureau directive, or else the States in question would lose their eligibility for Federal aid for their State and Interstate Defense Highway Systems.

The Public Roads directive would be particularly damaging to small business enterprises which do not enjoy the diversification of the larger firms. I sincerely commend this matter to the attention of the House.

It is entirely possible that at some future date our exports may increase sufficiently to overcome the effects of these policies. I am not optimistic. I hope that the President's program will be given most sympathetic study. At the same time, I trust the President will give consideration to policies that will help American businessmen to compete for Government work on a realistic basis, taking into account the fact that the face value of a contract, as in the case of the canal bridge, is sometimes the least important consideration insofar as our economy is concerned.

NATIONAL LOTTERY

Mr. FINO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, while the Members of this House persist in refusing to recognize, accept and capitalize on the natural gambling urge of the American people and while we keep our eyes closed and ignore the tremendous revenue producing features of a national lottery, millions of dollars continue to leave our shores every year in support of foreign run lotteries.

On Monday, March 21, Mr. Speaker, the official drawing for the Irish Sweepstakes will take place in Dublin, Ireland. Hundreds of thousands of American citizens across this country will be anxiously awaiting the results which, in some cases, will mean the happy fulfillment of a dream.

Ireland is one of many foreign countries where lotteries are legal and proper and where the gambling spirit of their inhabitants is tied together with the need for revenue. Last year, the total gross receipts from worldwide sale of Irish

Sweepstakes tickets were a record high of $46,059,680. I venture to say that at least $40 million of that amount represents our own American dollars.

Yet, Mr. Speaker, we permit and allow hypocrisy to blind us from the obvious. We raise moral issues where none are involved. We allow fear to grip us and prevent a sensible and realistic approach to this whole question of gambling.

However, we have no religious or moral scruples when it comes to collecting taxes from these sweepstake winners. What price hypocrisy?

Mr. Speaker, we can shut off the flow of billions of dollars now siphoned off by the underworld in the United States and by foreign-run lotteries by adopting a logical and sensible plan. A national lottery in this country would bring $10 billion a year in new revenue to our Government Treasury and badly needed tax relief to our people.

I hope, Mr. Speaker, the Members of this House on this St. Patrick's Day will take a second and longer look at this proposal. It is worth a try—at least, for the sake of our hard-pressed taxpayers.

CALL OF THE HOUSE

Mr. WINSTEAD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 26]

Barry	Jennings	Rogers, Mass.
Baumhart	Mahon	Shelley
Brown, Mo.	Minshall	Sheppard
Durham	Mitchell	Springer
Holifield	Osmers	Watts
Horan	Powell	Withrow

The SPEAKER. On this rollcall 413 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment of the gentleman from Ohio [Mr. MCCULLOCH] and the amendment offered by the gentleman from New York [Mr. CELLER] as a substitute for the McCulloch amendment.

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIS to the amendment by Mr. CELLER as a substitute for the amendment by Mr. MCCULLOCH. On page 2, line 15, after "law" insert "such proof shall be prima facie evidence that such person has been denied the right to vote on account of his race or color."

The CHAIRMAN. The gentleman from Louisiana is recognized in support of his amendment.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana is recognized for 10 minutes.

Mr. WILLIS. Mr. Chairman, I think it is regrettable that the amendment I offered yesterday did not prevail. It is my honest opinion that we will live to rue that action; and I think the precedent we would have by putting in an act of Congress conclusive presumption is surely going to haunt us in the future.

The fact of the matter is that there is no precedent for such action; in fact, I will be so bold as to challenge anyone here to bring forth an act of Congress, any act of Congress in the history of our Republic, that establishes a conclusive presumption.

At the briefing when we heard from Judge Walsh, I asked his specifically: Is there a precedent for this procedure? He cited as a precedent, but not in point, the antitrust laws. I have been pressing the Department for a suggestion of an act of Congress at any time in the history of our Republic so that there could be some semblance of support for what we are doing.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the amendment may be again reported because the reading of it could not be heard originally.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk reread the Willis amendment.

Mr. WILLIS. Mr. Chairman, the precedent cited by the Attorney General, as I said, is the antitrust law, which is found in title XV, section 16, of the United States Code Annotated.

What does that law say? It says:

A final judgment or decree heretofore or hereafter rendered in any civil or criminal proceeding brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any action or proceeding brought by any other party against such defendant under said laws.

What does that mean? That means that if the United States of America files a suit against, let us say, the Standard Oil Co. and Shell Oil Co., just like the United States of America through the Attorney General initiates an injunction against a registrar, and if in that antitrust law said judge after full consideration finds that the Standard and Shell Oil Co.'s have combined in order to depress the small operators, then all the filling stations in the area that have been hurt, like all the people here applying for voting certificates say they have been hurt, file a damage suit because of the effect of that decree, then they get a break. The law says that the decree shall be prima facie evidence in that proceeding by outside parties.

That is exactly what my amendment proposes.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. The gentleman was present yesterday when it was asserted by several proponents of this legislation that the antitrust law was an example of law which had created a conclusive presumption. The gentleman has just read from the law which provides that prima facie presumption has been created. That is entirely different from a conclusive presumption?

Mr. WILLIS. It is very much different.

Mr. DAVIS of Georgia. Is there any other section or provision in the antitrust law which does create a conclusive presumption?

Mr. WILLIS. There is no such provision in the antitrust law, and I would like to have any Member get up and cite an act of Congress in the history of our Republic establishing a conclusive presumption.

Why is a conclusive presumption obnoxious to our system of Government? Why does it violate due process of law? It violates due process of law and is unconstitutional because under our system a person is presumed to be innocent until he is proven guilty. But here, under the structure of that bill, upon a finding by a Federal court, where only one or two people are before the court, it constitutes a conclusive presumption that everybody in the area has individually been discriminated against and that the registrar of voters is not here, he is not permitted to cross-examine his accusers at any point. And, it is conclusively presumed that the registrar of voters has, in fact, discriminated against everybody in the affected area without requiring those people to prove anything about race or color, which is what this fuss is all about.

Let me point this out. I think the gentleman from California, a member of our committee, yesterday helped to clarify this whole proposition. He said that in his opinion this bill did not establish a conclusive presumption. And, there were a lot of titters going on—you know what I am talking about—that he was treading on dangerous ground. And, I think the gentleman from Arkansas made a great contribution at that point in the debate by pointing up what this thing is all about.

But then we were forced to vote at that point. The Members of this great body were just about to understand what this thing is all about, when we were forced to vote. But as it is, although the point had just commenced to sink in, my amendment was defeated. I think if we had been permitted to talk about this thing some more, a different vote would have resulted. As it is, my amendment did not prevail, I think by about only 21 or 22 votes. Anyway, the damage has been done.

What does this important amendment do? My amendment puts in this bill the only precedent that they have been able to cite in support of this procedure, namely, that this court decree shall establish or be equivalent to prima facie evidence; that as to people not before the court it shall be prima facie evidence on the point.

Now, as a matter of fact, the gentleman from New York, the chairman of our committee, and the gentleman from Ohio, the ranking minority member, themselves were shocked about what was being attempted to be done and took us to task in committee on this very question. In a colloquy between the gentleman from Michigan [Mr. MEADER] and myself, when I was bringing out what this thing was all about, our good chairman said, "Wait a minute, Mr. MEADER. I want to correct the gentleman," meaning the gentleman from Louisiana. "There is nothing conclusive about the presumption. It is a rebuttable presumption; not conclusive."

Well, now, that is taking him at his word.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WILLIS. That was his position. And if I may be so bold, I think my good friend down in his heart is not at all pleased about the establishment of a conclusive presumption. Then the gentleman from Ohio said the same thing.

Mr. Chairman, I do not agree with that statement. The language of the bill does not justify that statement, in my opinion.

And so I offer this amendment. Frankly, it has been said time and time again that after the judge makes his decree and after these people appear before the referee and after the referee makes his report, at that point only the Attorney General can file exceptions to the report. But if the proceeding is ex parte, if it is a onesided affair, and if we establish a conclusive presumption that the registrar is discriminating, he is not being given an opportunity in filing his exceptions to show that the representations as to the race or color issue of the man applying for the certificate is not well founded. I think at least at some point, say in the filing of the exceptions, we should not shut off the registrar from overcoming the presumption.

I regret to have to offer this amendment. I am conceding a great deal because under my amendment now proposed I am shifting the burden of proof. The Attorney General and not the voter would have to prove that there was no disqualification on account of race or color. Is that too much to ask, to at least conform to standards of due process?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Do I understand then that the gentleman's amendment is limited only to page 2, line 15, where he adds "Such proof shall be prima facie evidence?"

Mr. WILLIS. Yes.

Mr. ROGERS of Colorado. And that is the only place the gentleman amends it?

Mr. WILLIS. That is correct.

Mr. ROGERS of Colorado. The gentleman recognizes that on that part of the section at least you are dealing with the proceeding where parties have been notified and have come into court for the purpose of having the judge determine whether or not there is a pattern or practice. That is the part the gentleman is amending. Then does the gentleman mean to say that the amendment means that after the judge has determined that there is a pattern or practice, that is only going to be prima facie evidence although he, himself, has determined that there has been a pattern or practice you are going to limit it and say that it is only prima facie evidence?

Mr. WILLIS. In the first place, that is not the purpose of the amendment at all. The establishment of the prima facie case has to do with proof before the referee. That is to say, this applies to third parties. Of course, a court decree is res judicata and is conclusive as to the people he heard from. But this has nothing to do with that. This strikes at the point where the people apply for a voting certificate and their statement as to what happened, we dignify as being prima facie true.

It is unnecessary to repeat the language on page 3, line 20, after the word "law" because the referee there is hearing the evidence. But the weight to be given that evidence—that occurs at page 2.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. WILLIS. Yes.

Mr. ROGERS of Colorado. Assume that the court has found the pattern or the practice and has entered the order and in his opinion he feels that a referee should be appointed. Would the gentleman's amendment say that the referee has a right to take as prima facie that an individual in the area has been deprived of his right to vote because of race, or color?

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. WILLIS] has again expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Let me clarify this. If the gentleman has the bill before him, he will see in line 9 that upon his application therefor a third party is entitled "to an order declaring him qualified to vote," upon what proof? "Upon proof that at any election or elections, first, he is qualified under State law to vote, and second, he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote," by a person acting under State law.

But do you not see that he is not required to prove that he has been individually discriminated against? That is the idea of the bill. He is not required to prove that he has been denied the right to vote on account of his race. So this establishes a conclusive presumption, and that is the gimmick that does it. My bill says that such proof—what proof?—that he is qualified to vote, that he has been denied the right to vote without saying why. I say the purpose of my bill is to copy the antitrust law and say that such proof shall be prima facie evidence that that person has been deprived of the right to vote on account of race or color.

Mr. ROGERS of Colorado. As I understand the gentleman, the gentleman points out line 9 and makes reference to a third party.

Mr. WILLIS. Right.

Mr. ROGERS of Colorado. That applies only after the court has found these things.

Mr. WILLIS. Right. But what is the third party required to prove?

Mr. ROGERS of Colorado. What the gentleman is saying is that in order for the third party to come to the court or a referee he must then again prove——

Mr. WILLIS. I am saying no such thing.

Mr. ROGERS of Colorado. Then does it follow that the pattern exists?

Mr. WILLIS. It is on page 3 that the referee takes the evidence.

Mr. ROGERS of Colorado. I know, but on page 3, when the referee takes the evidence is there this prima facie presumption that the man who makes the application comes within this act? Is it prima facie evidence to that effect?

Mr. WILLIS. Yes, exactly, that his statement, the statement of the applicant that he is of age, that he lives within a certain area, and that by simply stating that someone deprived or denied him the right to vote, that statement under oath constitutes a prima facie case.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Virginia.

Mr. POFF. As I understand the gentleman's amendment, it is in the nature of a compromise gesture.

Mr. WILLIS. Right.

Mr. POFF. The amendment offered by the gentleman yesterday would have removed every part of the conclusive presumption. The amendment the gentleman offers today goes halfway to meet those who disagree with the gentleman and offers to make the presumption prima facie only. A prima facie presumption is a rebuttable presumption. A rebuttable presumption is a presumption subject to being disproved by probative evidence.

Mr. WILLIS. I could not state the case more clearly than my friend from Virginia.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Florida.

Mr. CRAMER. To follow it up, the proponents of this substitute are agreed that proof can be given by the registrar to overcome other facts, so why should not the registrar be permitted to submit facts on the most crucial point, which is the constitutional guarantee points as to whether the man has been denied the right on the basis of race, color, or creed?

Mr. WILLIS. That is correct.

Mr. CRAMER. Secondly, and I ask the gentleman as the distinguished chairman of Subcommittee No. 3, on which I have the privilege of serving, can the gentleman understand how the Attorney General can take a position with regard to the bill of the gentleman from Tennessee [Mr. LOSER] on antibombing and my bill on antibombing that he does not approve of and does not condone rebuttable presumptions even, when such explosives were carried in interstate commerce, and he refuses to accept that approach with regard to antibombing, one of the worst offenses that could be committed, and he will not condone that rebuttable presumption in that instance, but he wants a conclusive presumption in the case of voting. Can the gentleman explain that?

Mr. WILLIS. I would say to the gentleman that I would not want to monopolize the time, and I beg him to take 5 minutes and develop that point further.

Mr. CRAMER. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SOUTHERNERS MUST UNITE TO SAVE THE NATION

Mr. WHITTEN. Mr. Chairman, I just listened to the very fine presentation of our colleague, the gentleman from Louisiana [Mr. WILLIS]. It is inconceivable to me as a fellow lawyer that the proponents of the legislation before us could even argue against the provision that the gentleman from Louisiana offers. They desire to prevent any question of fact being open to determination even before a Federal judge. The gentleman from Louisiana and other distinguished lawyers from my area have made a marvelous presentation of what is involved here as a matter of law. However, sound legal argument passes over the backs of the proponents of this measure, like it would a duck.

My friends, sound legal argument against this measure is ignored because this is politics, pure and simple—but not by reason of purity. My friends, leaders of both parties agree that legislation in this field must be passed every election year. Next time it will be more.

We earnestly insist that the road you follow here leads to the destruction of our Nation. Since the situation gets worse and worse, and the danger of an all powerful Federal Government becomes greater, thoughtful people in the South are being forced to explore every possibility to best use their numbers and their Members of Congress.

Let us look at the election of a President and at the organization of a Congress.

I quote the Constitution on election of the President:

> The executive power shall be vested in the President of the United States of America. He shall hold his office for the term of 4 years and together with the Vice President, chosen for the same term, be elected as follows: Each State shall appoint in such manner as the legislature thereof may direct a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress; but no Senator or Representative or person holding an office of trust or profit under the State shall be appointed an elector. The Congress may determine the time of choosing the electors, and the day on which they shall give their vote, which day shall be the same throughout the United States.

A number of Southern States even now are considering the selection of independent electors. Such electors can wait 6 weeks after the election to determine how they shall cast their vote—perhaps for the Democratic nominee and perhaps for a third candidate. It will be theirs to determine.

ELECTION AND REMOVAL OF THE SPEAKER

Also, Mr. Chairman, I point out again the rules governing the election and removal of a Speaker.

We find that the House of Representatives shall choose their Speaker and other officers. In 1809 it was held that the Speaker should be elected by a majority of all present, and in 1879 that the Speaker might be elected by a majority of those present if a quorum; and a majority of all the Members was not required. In two instances the House chose the Speaker by plurality of votes, but confirmed the choice by majority vote. In Jefferson's Manual, in line with the Constitution, we read that a Speaker may be removed by the will of the House, and a Speaker pro tempore appointed.

The meaning of this, Mr. Chairman, is that a majority of the House of Representatives can change Speakers from time to time under the rules, if it so desires.

LINES TO BE DRAWN

Mr. Chairman, we have made an agreement to join with other Members of the Congress to meet here in Washington, on Friday, November 11, 1960, that we may unify our forces to use our votes in the Congress to preserve this great Nation.

I ask the attention of my colleagues. My friends, we are ready. We have enough commitments now to have changed the makeup of the last Congress. I note 93 Members voted against the present rule. That number could change the present Congress. To those we have not been able to talk to, we have made arrangements to list those southerners, and others who are willing to go all out to protect this Government from destruction. The time has come for us to accept the fact that we must unite, not only for the South but for the country. May I say if the division here in the next Congress is as close as expected, this number will be sufficient to determine control in 1961; and having that ability, this group can make its weight felt in committee makeup, both membership and ratio.

To those Members from the South who may not join in our efforts, may I say I wish you well; but you will be taken to be on the other side.

I remind you, involved is not merely the honor of who will be Speaker—involved is not merely chairmanships. Mr. Chairman, whoever organizes this House, be it party or coalition, will determine ratios and numbers on the Labor Committee, the Judiciary Committee, Appropriations, Ways and Means; yes, and of the powerful Rules Committee.

THE NATION IS THREATENED

It was Lord Benchley, I believe, who said in the 18th century that a democracy could not long endure. For, he said, the elected officials will give the country away in order to keep being elected. The last few days lead me to believe he may have been right.

For the last several years I have seen the leadership of the Democratic Party, my party, go along this road to an all-powerful National Government, absolutely ignoring, in my opinion, not only the people of the South in our party, but using my section as a whipping boy, while they destroyed the Constitution in their efforts to obtain this minority vote to win national elections and to run the Congress, where committees have been stacked to serve their purpose.

Mr. Chairman, during the last several years, and again this week, I have seen the leaders of the Republican Party try to outdo Democratic leadership in their efforts to pass legislation even more political. I know that 99 percent of those within the sound of my voice realize and recognize that this effort in the so-called civil rights field comes primarily from competition between the leaders of both major parties to get this minority vote in northern cities. Their desire is so great that they are apparently willing to do anything—deprive American citizens of the right to trial by jury, open up the ballot to the gaze and dictation of Federal agents, a la Hitler, set up an all-powerful Federal Government in the face of the lessons of history—which called for the Magna Carta and all the

rest. They would forget what caused our Nation to be formed in the first place.

ACTIONS MOTIVATED BY POLITICS

It has been easy for my friends on the right and my friends on the left to handle their local politics by pointing out what they are doing to straighten out, as they say, a great section of this Nation, ignoring their own local inadequacies. It is a sleight of hand trick. Our section is far ahead of yours in treatment, in oportunity for, and in love of the Negro people. You have run roughshod over the membership from the South, a membership whose ability and experience, knowledge of the law and the Constitution, compare most favorably with that of the Members from any section.

THEY BELIEVE THE SOUTH IS HELPLESS

Mr. Chairman, the leaders of the Democratic Party in the House, the leaders of the Republican Party in the House, have gone all out on this course, because on the one hand the Republicans felt they would not get the support of the Southern States in the Presidential race or southern Members here in the Congress in organizing this body—the Democratic leadership because they felt that those of us here from the South had nothing we could do and nowhere we could go.

Mr. Chairman, here in the last several days I have been convinced that unless the South, through those of us here from the South, regains some bargaining power not only is the South going to have to undergo another reconstruction era, but the Nation is bound to fall.

SOUTHERN PEOPLE ARE NOT HELPLESS

Mr. Chairman, it comes hard with me to have to acknowledge these facts to myself. However, knowing as I do that the people of the Southern States are not helpless, knowing as I do that they have more than 100 Members of the House of Representatives, approximately 22 U.S. Senators with 18 standing steadfast—Members whose votes are essential to organize this Congress, knowing as I do that whichever group organizes the Congress will set the number and ratios on the various committees, Labor, Judiciary, Appropriations, Ways and Means, the powerful Rules Committee, et cetera, I am saying to you now, southern Members will not have done all they can unless they unite here to make their weight felt.

It comes hard to me to have to acknowledge to myself that the national interest has deteriorated to the low level which quite clearly it has. It has not been easy to make this decision. I recognize that the road ahead will not be all smoothness; but there comes a time when those of us from the South must face up to what is happening and show the courage essential to the preservation of this great Nation. If we did less than we propose we would not only be untrue to the great Democrats who preceded us but we would be untrue to the founders of this great Nation.

To my national Democratic friends on the right I say, you may win your local elections but you are losing the main fight.

To my Republican friends on the left I say, you should be ashamed to forget everything in your efforts to gain the minority vote.

And to my colleagues from the South, do not tell your homefolks you have done everything you could to stop this course unless you join this bloc, made necessary by the leadership of both major parties.

I have talked to many of my colleagues from my area, and I know you are ready. Some I know will hesitate for the moment. To those of you who may not wish to join, again we wish you well. Let me remind you, however, as the strife and turmoil continues, you are going to be on this side or you are going to be on the other. The choice is yours.

COMMITTEE RATIOS AND MEMBERSHIP MORE IMPORTANT THAN CHAIRMANSHIPS

My friends, many southerners hold chairmanships, mine happens to be that of a rather important subcommittee on appropriations. But those in these key positions are bound to admit that the most any southerner can hope to do with a chairmanship or a key position is to have a better office, more employees, and he is lucky if he can retard and slow down or force the combined leadership, Republican and Democrat, to bypass his committee.

To point out what a hard fight we made, before the country was lost, does not save the country; and I trust that will no longer be good politics.

My friends from the South, the doors are open. I know the majority of you are ready, not merely to prevent another Reconstruction era in the South but to save the Nation from destruction.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would say that this amendment offered by the gentleman from Louisiana is just a little less unpalatable than the amendment that we voted down yesterday. It is however still unpalatable and hence objectionable. The proof would be prima facie evidence, I admit, only as to qualifications and denial on account of race or color. That evidence, I admit, can be rebutted. The amendment nonetheless is without merit.

This is just the same as the amendment we voted down yesterday except it is in a little different form. It is an amendment that may sound a little better, but I would say to my good friends on the committee, it may sound better, but the sound is deceptive. You would destroy almost completely the idea of "pattern or practice," which is the very keystone of this bill. Each case under the proposed amendment individually would have to be considered separately and tried separately. You would have a lawsuit, a genuine lawsuit in every individual case as to qualifications and as to discrimination. It would be possible in each case for witnesses to be called, examined, cross-examined, examined in rebuttal and surrebuttal; documentary evidence would be offered, records of the State would be offered. There would be contests as to the records and the data that might be submitted by either side. The contest in each case would be so interminably long drawn out as to render relief utterly useless and valueless.

Now, we are not childish, human nature being what it is, and our knowledge of discrimination being what it is in certain sections of the country, I would say that this amendment would open a Pandora's box of evasions, delays, difficulties, and postponements. Then actually voting for those who desperately desire the vote would be but a figment of imagination.

If you have an adversary or contested proceeding before a referee in each case, I repeat, the remedy offered by this bill would be just as useless as a $3 bill.

Now, let us take an illustration. Suppose in a certain precinct there were 500 Negroes qualified to vote. A pattern or practice of discrimination has been the court's finding in the original proceeding. Then, despite the finding by the court of a pattern of discrimination or a practice of discrimination concerning these very 500 Negroes in that particular precinct, you would have, on top of all of it, 500 separate and distinct proceedings. Everyone of these cases would be contested, I can assure you, knowing the situation as you know it today in the South.

Do not be misguided by the words "prima facie." They simply mean a shifting of the burden of proof, a shifting of the burden to the State officers who are charged with discrimination. There would be 500 individual cases separately tried, I say again, as far as that precinct is concerned, and it would render this bill a complete nullity.

Now, multiply the 500 by the thousands and thousands and thousands of other cases and you see where you would get as far as this particular amendment is concerned.

Those opposing this bill want these contests, they want more and more contests. The more contests they have, the more bridles they can place on the right to vote; and they would have contests galore with this amendment. Judge this amendment from the milieu of the South, judge it from the history of discriminations that we have heard of, consider the continued resistance to the right of the ballot. Judge the amendment in the light of the conclusions of the Civil Rights Commission as to denial of voting rights.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HOFFMAN of Michigan. Mr. Chairman, reserving the right to object, are you not the gentleman who yesterday shut us off with a minute or two?

Mr. CELLER. I did not shut anybody off.

Mr. HOFFMAN of Michigan. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. I thank the gentleman.

Mr. Chairman, consider the continued resistance to the right of the ballot in certain sections of the country. Take the poll tax, the extreme literacy tests unevenly applied and the many refusals to permit registration, the record established by the Civil Rights Committee, and what I might say, for lack of a better term, a pitiless denial of the ballot. Consider such environment in which this amendment, providing for contests, would be applied and you come to the inevitable conclusion that the ballot would be kept from the Negro for generations.

I do indeed hope, therefore, that this amendment will be voted down because it is in effect and in essence no whit different than the amendment that we actually voted down on yesterday.

Mr. WHITENER. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, in supporting the amendment offered by the gentleman from Louisiana, I think that I am taking the only position that is consistent with proper procedures and with the preservation of certain basic concepts which have developed under the Anglo-Saxon system of jurisprudence. This amendment is nothing which should shock anyone's mind, but, rather, should appeal to the mind of anyone who has even had the privilege of walking through the front door of a law school. A prima facie case—and it shocks me that we would go that far in this case—is established under the bill as it now stands if some person in an area has been deprived, or if it is said that they have been deprived, of the right to vote by reason of race or color.

And, at that point, let me say that the word "creed" has been used rather generously throughout this debate. But, you can search the Constitution, the 15th amendment, as long as you like, and you will never see the word "creed" used. So, we are talking about people who allege that they have been deprived of their right to vote by reason of their race or color. This proposal would mean that a prima facie case would be established, which is going rather far.

Now, what do we mean by the words "prima facie"? Our chairman of the Committee on the Judiciary has talked as though that would be a terrible sort of thing to do in this bill. He says that we should not be content to merely establish a rule of prima facie evidence, but should engraft into the law a conclusive presumption rule.

But, in volume 72 of Corpus Juris Secundum, at page 499, we find the following discussion of the words "prima facie," and it says this:

> Latin words which have, by long usage, become a part of the English language, and the meaning of which is readily understood by a person of common understanding. They are words of very common use in the courts and in newspaper reports of judicial decisions, and they import that the evidence produces for the time being a certain result, but that the result may be repelled. They have been defined as meaning apparent. They have further been defined as meaning as it first appears; at first sight; at first view; on its face; on the face of it; on the first appearance; presumably; so far as can be judged by the first disclosure.

Now, I take it that the proponents of this legislation and the opponents of the Willis amendment would have you take the position that we should write a law which would bind a court in any area of the United States ad infinitum because at first disclosure or at first blush it appeared that a certain pattern or practice existed.

Now, my friends, those of us who call ourselves lawyers must have some pride in our profession. We must have some intellectual honesty and intent and purpose to do that which we were trained to do. Are we, as lawyers, and particularly as Members who are privileged to serve on the Committee on the Judiciary of the House, to take these strained and tenuous positions and talk about certain things which we imagine to exist, as I suspect my dear friend from New York has just done and say that notwithstanding time-honored customs and precedents, which have been found to be the best rules to follow in maintaining concord and harmony in a democratic country, we are to abandon those principles in order to meet some situation which we imagine exists somewhere in this great land of ours?

Is the amendment offered by the gentleman from Louisiana contrary to what you would want to have done if you were brought into court just because some other person in your community had been found to be guilty of the practice and the custom of doing some unconscionable act?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Are we, as individual Americans, to use the expression, to be "tarred by the same brush" as our erring neighbor and be deprived of a fair trial in the courthouse? Is it the position of the opponents of this legislation that because in the State of North Carolina someone in my community would engage in some of these terrible things which the chairman of the Committee on the Judiciary seems to think happened, and he is without any proof, that I should be accused of the same sort of thing and then not have an opportunity to defend myself?

Mr. Chairman, I appeal to the ladies and gentlemen of the House, not as a southerner, but as an American and as one who from his contact with a study of our system of jurisprudence has led him to have some devotion to the orderly processes of the law which we have had throughout the history of this country. And let me say this to you: That at no time in the history of the country have the people of this Nation, whether North or South, permitted themselves to be led into excesses for long.

There were excesses following the War Between the States—and I am not here to fight the Civil War again, as someone might accuse me of doing—but I would call your attention to the fact that many excesses were indulged in at that time in our history by members of the political party which sits to my left here. But as a result of those excesses we find that the people, not only of the South, but of the Nation, in the elections of 1867 did this—and I quote from Mr. Coleman's book entitled "The Election of 1868," pages 48 and 49. He said this:

> The results of the congressional election of 1866 were very discouraging to the Democrats, but they did not have to wait long for better omens. State elections were held in 1867 in 19 States—all of New England, all of the Middle States except Delaware and Maryland, West Virginia, Kentucky, Tennessee, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and California. In 1866 the Republicans had carried all of these States except Maryland and Kentucky. In 1867 the Democrats carried not only those two but also Connecticut, New York, Pennsylvania, New Jersey, and California. Still more significant was the fact that in each of the 19 States the Democratic majorities increased or the Republican majorities decreased. Even in local elections, not statewide, as in Indiana and Illinois, the Democrats made large gains. In New England the Republican majority for Massachusetts shrank from 65,000 to 28,000, the vote for the Democratic candidate for Governor increasing from 36,000 to 70,000. Boston elected a Democratic mayor ("The Election of 1868," Coleman, pp. 48 and 49).

Mr. Chairman, I point that out to you, not to wave a partisan flag, but to show you that in my judgment the people of this Nation are fair minded. Even as people in the areas that I have mentioned at that time were laboring under the propaganda and the feeling generated by this conflict between sections of our country, that when excesses were indulged in and when the people's idea of the American approach to problems was not followed, there was a revulsion on the part of the very people in the area who had been on the Union side of the conflict when military conflict was in existence.

And I would say to you, not as a political statement, that you and I as American citizens should not underrate the intelligence of the people of this country or the sense of fair play of the people of this country. Wherever you may come from, if you establish the precedent on the statute books of this country, of setting up conclusive presumptions which will meet your people in the courthouse, I predict that within not more than 2 years another piece of legislation relating to other subjects, perhaps distasteful to you, will be here. At that time I predict that this will be argued as a precedent for setting up a conclusive presumption. Many of our brethen will then be uncomfortably reminded of their statements in support of engrafting a philosophy of conclusive presumption on our statutes.

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. HOFFMAN of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN of Michigan. Is there any reason why, when a Member of the

Committee rises, and he is recognized under the rules or precedents of the House, another Member may not object to any unanimous-consent request for a 5-minute extension?

The CHAIRMAN. Of course, there is no reason why any member may not object at any time to such a unanimous-consent request.

Mr. LINDSAY. Mr. Chairman, let us get back into focus here as to what we are talking about. The gentleman from North Carolina is attempting to create the impression that what we are trying to do here by this measure is to indict an entire community, that somehow there is an element of guilt by association whereby the guilt of a registration board is imputed to all the members of the community who live there. This is not so.

It is agreed we are talking about powers granted under the 15th amendment of the Constitution. The 15th amendment applies only to States or State officers or persons acting under color of law under a State. The target is not the folks who live in the neighborhood but those who are acting under the power and color of law of the State involved.

The voting referee bill we are talking about here authorizes a court to certify as qualified to vote persons of the race or color found discriminated against pursuant to a pattern or practice, but does not require each such person to prove that his inability to vote was the result of this discrimination. This is an elimination of an item of proof, mind you, it is not an adjustment of it, it is not a modification of a burden, it is rather the total elimination of that burden. Therefore, we are not talking about shifting burdens here which go back and forth and which begin with the registration officer and then shift back on the applicant. There is no burden on the applicant except that of showing qualification.

First of all, let me say that the powers of the Congress to enact appropriate legislation, which is the wording in the 15th amendment, are sweeping and broad. There is ample statutory and case history on the breadth of our powers in this area.

Secondly, let me say that the elimination of an item of proof has ample statutory precedent. When you do eliminate an item of proof, Congress is sometimes said to be creating a conclusive presumption. But a conclusive presumption is merely a ruling of law which makes an element of proof unnecessary, and as such it is a device which is often used by Congress and also by legislative bodies of the States.

Let me just for one moment say this on this subject: This is not substantially different from the relief accorded by courts of equity in cases brought to vindicate a public interest. The bill permits the extension of the protection of a court decree to other persons of the group found to have been the victims of the illegal acts of the defendants. When we say "defendants" we are talking again about those who are acting under color of law. In suits involving the public interest, equity provides numerous examples of decrees which afford protection far beyond the redress of the particular wrongdoing which has been litigated. It should be remembered, and here I quote from a Supreme Court case decided in 1937:

> Courts of equity may, and frequently do, go much farther both to give and withhold relief in furtherance of the public interest than they are accustomed to go when only private interests are involved (*Virginia R. Co. v. System Federation* (300 U.S. 515, 552)).

The Attorney General was absolutely correct when he suggested that the antitrust field particularly provides a significant parallel in this area. Here suits are brought by the United States to vindicate a public interest, and the decrees in those cases are fashioned accordingly.

For example, in the case of *United States v. Bausch & Lomb Co.* (321 U.S. 707), decided in 1944, the Supreme Court, finding that the defendant had illegally established a system of retail price maintenance, invalidated all its price maintenance agreements, even those which were lawful. Similarly, under the proposed bill, that we are talking of here, once a pattern of discrimination has been found, the defendants' authority over all threatened victims of the pattern will be scrutinized by the Court "in order that the ground may be cleansed effectually from the vice of the former illegality."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman has said that there is nothing here that would involve innocent people in unjust accusations. I take it the gentleman is saying, if one election registrar in your county or in my county has a pattern and practice of depriving people with certain qualifications from voting, that he is doing no injury or damage to the registrar in the next precinct, but that, ipso facto, he is guilty of the same sort of thing.

Mr. LINDSAY. Now the gentleman is giving me an opportunity to read the balance of what the Supreme Court said.

Mr. WHITENER. I asked the gentleman whether he is talking about a prima facie case right now?

Mr. LINDSAY. Let me answer the first question first. Let me say to the gentleman, here is what the Supreme Court said on this subject:

> Equity has power to eradicate the evils of a condemned scheme by prohibition of the use of admittedly valid parts of an invalid whole (321 U.S. at 724).

Let me give the gentleman one further example again. In the antitrust case of *International Salt Co. v. United States* (332 U.S. 394), decided in 1947, the Supreme Court said:

> In an equity suit, the end to be served is not punishment of past transgression, nor is it merely to end specific illegal practices. A public interest served by such civil suits is that they effectively pry open to competition a market that has been closed by the defendant's illegal restraints. If this decree accomplishes less than that, the Government has won a lawsuit and lost a cause.

Mr. WHITENER. I take it then that the gentleman, when he refers to antitrust cases and alleged conclusive presumptions that he finds himself in diametrical opposition to the testimony of Deputy Attorney General Walsh when he said:

> The first thing that occurs to me is in the antitrust cases where the presumption is not conclusive, but presumptive. * * * This is not a conclusive presumption; that would establish a prima facie case.

So you are in absolute opposition to that.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional 2 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. LINDSAY. The last question asked by the gentleman from North Carolina reveals the trick that is being used here. Here is where the confusion is being compounded by those who oppose the measure. They attempt to confuse the thinking of the Committee as to the meaning of conclusive presumption. As I attempted to point out in my main remarks, all you are talking about when you mention the words "conclusive presumption" is the elimination of an item of proof. Now, if the elimination of an item of proof to you means a conclusive presumption—well, then, so be it. Call it that if you will. But, the fact of the matter is, having established a pattern of practice which goes to the guts of the whole problem under the 15th amendment, from then on you eliminate this item of proof. The gentleman would not eliminate it. The gentleman would have the subject relitigated time after time in every individual case.

Mr. WHITENER. What the gentleman is saying is that he subscribes to the philosophy of the Deputy Attorney General when he talks about jumping the gap; is that right?

Mr. LINDSAY. I am not sure what the gentleman means by "jumping the gap," and I am not sure what the Deputy Attorney General said because I do not have the transcript of his testimony before me. But, again I come back to this question of an elimination of an item of proof—if that to the gentleman means "jumping the gap," then let us call it jumping the gap.

Mr. WHITENER. So then you might jump the gap on the age qualification of the voter, if you start jumping gaps.

Mr. POFF. Mr. Chairman, I move to strike out the last word.

Mr. SANTANGELO. Mr. Chairman, a parliamentary inquiry. Is there any way in which a nonmember of the Judiciary Committee can get in a word?

The CHAIRMAN. The Committee will be in order. The gentleman from Virginia [Mr. POFF] has been recognized.

Mr. POFF. Mr. Chairman, I want to begin my remarks by saying that while the philosophy of the gentleman from New York [Mr. CELLER] and my own philosophy are not always entirely harmonious, I do have a genuine personal fondness for the gentleman and a personal admiration and abiding respect for the integrity of his conduct.

Having said that, however, I want to ask this question: When before in the history of this Congress has the proposition ever been urged that a statement of fact should not be subject to contradiction? Essentially that is the proposition the gentleman from New York [Mr. CELLER] urges. Are we to understand from what he has just said that hereafter there are no longer two sides to every issue? Are we to understand that the Congress hereafter intends to define for every bill a "conclusive presumption"? If so, it is immaterial whether it is called "conclusive presumption," "jumping the gap," or "elimination of an element of proof"?

It is still the same animal; namely, that when this Congress makes its utterance on a proposition it is thereafter forever foreclosed from contradiction.

Let us inquire exactly what the amendment before us seeks to accomplish. As I said earlier in the colloquy with the gentleman from Louisiana, this was intended in good faith as a gesture of compromise. Yesterday the gentleman from Louisiana offered an amendment which would have completely removed all presumptions rebuttable and irrebuttable, from the legislation. Today the gentleman offers an amendment which would establish a prima facie presumption only. That is, the new presumption is not so formidable as the conclusive presumption. It affords the registrar an opportunity to bring proof to bear to disprove the presumption which the applicant enjoys. Is that unreasonable? How will a prima facie presumption arise as a procedural matter? An applicant of the same race mentioned in the court's decree will appear before the referee. When he appears before the referee he offers proof that he is qualified to vote under the State law and that he has since the court's decree been deprived of the right to vote or has been found not qualified to vote.

At that point the applicant is entitled to the prima facie presumption that the reason he was denied the right to vote was his race or color. When that presumption arises the registrar has the opportunity to prove that the reason he was not allowed to register was not his race or his color but some other substantive reason inherent in the State statutes.

What is unreasonable about that? Should the registrar not be permitted to show that there was some other valid reason, some reason other than the race or color of the applicant that, some 6 months or a year previously, he was denied the right to register? I ask you, is it unreasonable to set up a prima facie presumption in favor of the applicant but yet preserve to the registrar the opportunity to prove that there is no factual foundation for the presumption?

No more than that does this amendment accomplish; and may I say that if we are to follow the philosophy that has been suggested here, this Congress may as well discontinue its sitting, because we meet here in this body each with different viewpoints. One viewpoint may be correct and another may be incorrect, but it would be unbecoming of any Member to say arbitrarily that he is right and deny his colleagues the opportunity to prove that he may be wrong.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ABBITT. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may be permitted to continue for 5 additional minutes.

Mr. WOLF. Mr. Chairman, reserving the right to object, and I shall not, I only hope that when some of us other Members have items of interest that we would like to discuss in some detail that we will not be cut short by the operation of this rule.

Mr. POFF. I will be glad to yield to the gentleman at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 additional minutes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman has heard a great deal of this conversation here in the debate, I am sure, as I have, with reference to the alleged conclusive presumption established under the antitrust law. I think in order to set that speculation at rest once and for all it might be well to read section 16, title 5, U.S. Code Annotated, which is the section with reference to presumption.

Mr. POFF. If I may interrupt the gentleman for a moment, I will be happy for him to read it, but after it has been read I am sure the membership will draw but one conclusion, namely, that it creates only a prima facie presumption, not an irrebuttable presumption.

Mr. WHITENER. It says:

> Final judgment or decree heretofore or hereafter rendered in any civil or criminal proceeding brought by or on behalf of the United States under the antitrust law to the effect that the defendant has violated said law shall be prima facie evidence against such defendant in any action or proceeding brought by any other party against said defendant.

And so forth, and so on. The point I would like to bring out, if the gentleman will permit, is this: Is it not true that the situation under the antitrust laws to which the gentleman called attention is only a prima facie evidence situation, not a conclusive presumption? And, secondly, is it not true that the prima facie presumption under the statute applies only to the defendant who was in the original action?

Mr. POFF. It certainly does not apply to any person who was alien to the suit; it applies only to a party to the proceeding.

Mr. WHITENER. But some of the opponents who have spoken to the Willis amendment are saying that it is different from the antitrust laws, when, in fact, there is no semblance whatever. Does the gentleman agree?

Mr. POFF. I might go further and say that the rule of the Willis amendment is even broader in the protection of the rights of the applicant than it is in the antitrust situation.

Under the Willis amendment a person who is not a party to the original action may enjoy the privileges of the presumption.

Mr. WHITENER. Does the gentleman feel this so-called jumping the gap which the Deputy Attorney General so glibly recommends to the Congress as a proper course of legislative procedure could commence one of the most dangerous legislative procedures in our system of government that has ever been presented to the Congress?

Mr. POFF. Of course, it is a rather novel concept. The elimination of a so-called element of proof is almost entirely alien to our system of jurisprudence. It has always been understood in America that proof of every essential element of a proposition is sine qua non. If we are going to adopt the philosophy that no longer must the prosecution establish an element of proof and extend this philosophy to its ultimate extreme, we might as well abolish the presumption of innocence.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Florida.

Mr. CRAMER. It was stated by the gentleman from New York, Mr. LINDSAY, that there are examples where facts are not required to be proved. Does the gentleman know of any circumstance where the critical fact involved by which the Federal Government acquires jurisdiction—that is, race, color or creed—is not required to be proven in any case? That is, the critical element involved.

Mr. POFF. With his usual keen insight into the law, the gentleman has put his finger on the heart of the issue. Of course, the question of discrimination on account of race is the essential element of the 15th amendment on which this plan is grounded for constitutional justification. If we are to eliminate that element of proof, we will have repealed or rewritten the 15th amendment.

Mr. CRAMER. The person against whom this conclusive presumption is raised is not a criminal. He is not a murderer; he is not a thief. He is an elected public official within the State whose functions this referee is taking over.

Mr. POFF. Yes.

Mr. CRAMER. We are not talking about a person who has committed a

heinous crime. We are talking about an elected State official against whom this conclusive presumption theory is lodged.

Mr. POFF. And who presumably at least is trying to carry out the statutory law of the State as his oath of office requires.

Mr. CRAMER. There is a presumption that he does act so.

Mr. POFF. Yes.

Mr. CRAMER. Some question has been raised as to the Attorney General's position with reference to whether this itself creates a conclusive presumption. On page 31 of the hearings the Attorney General specifically said:

> We thought that all over, and we came to this one hurdle: Should he be required to prove in each individual case he personally was discriminated against? And we concluded that burden of proof was too difficult under all these circumstances; and indeed the answer to that link and proof was so obvious from the previous pattern of discrimination that we could ask Congress to enact this conclusive presumption at the benefit of the applicant.

Is there any question about this being a conclusive presumption?

Mr. POFF. There can be no reasonable doubt that it is and was intended to be a conclusive presumption to "jump the gap" in order to eliminate the burden of proof which the Deputy Attorney General said was too heavy to bear.

Mr. CRAMER. The gentleman, I think, is familiar with the fact a number of bills introduced in reference to antibombing contained a provision that created a rebuttable presumption that explosives were transported in interstate commerce. The Attorney General has, as I understand it, objected to that legislation on the basis that it creates a prima facie presumption and, therefore, makes it questionable law. Yet, on the other hand, he turns around and asks for a conclusive presumption in voting legislation.

Mr. POFF. In other words, in one case he considers a rebuttable presumption too strong and in the other case nothing less than a conclusive presumption is strong enough.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, a great deal of confusion has been creeping in here trying to really cloud up the issue by saying, "Oh, this is a presumptive conclusion." But, let us analyze exactly what this amendment is and what it proposes to do as to this piece of legislation and how it will work out.

First of all, this is not a criminal proceeding, so whenever you make any reference to repealing the law as it relates to presumption of innocence, you are begging the question and do not know what you are talking about. That is No. 1.

No. 2. What happens in this amendment? Proceedings are had by the filing of a complaint by the Attorney General to the effect that discrimination has been brought about under a certain pattern or authority of law to deprive an individual to cast his vote because of race or color. Now, that is the main part. Now, the individual who is deprived or is alleged to be deprived of the right to vote because of race or color, has an opportunity to have the Attorney General come into court and show that the pattern or practice of the State official has denied him the right to vote, and if the pattern or practice is proven then an order can be entered.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Arkansas.

Mr. HARRIS. In his request, does the Attorney General make an application to the court that such a pattern exists?

Mr. ROGERS of Colorado. Yes. If you will take and read page 1, line 8, it says:

> In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured under subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

Mr. HARRIS. That is my question.

Mr. ROGERS of Colorado. Yes. That is the plain reading of the amendment.

Mr. HARRIS. Does the Attorney General charge in his request that there is a pattern that exists?

Mr. ROGERS of Colorado. Well, how on earth would you get into a court if you did not make some kind of an allegation? You are lawyer enough to know that you do not walk up to the courthouse and say, "Listen, Judge. I want to try something." You usually file a proceeding, and that is what happens here.

Mr. HARRIS. What I am trying to develop for this RECORD is whether the court on its own determines whether there is a pattern or whether the Attorney General alleges that there is a pattern.

Mr. ROGERS of Colorado. The Attorney General is authorized to represent any person under the pattern here, and he can come in and file a proceeding. It says "in any proceeding instituted pursuant to subsection (c)."

Mr. HARRIS. That is the point.

Mr. ROGERS of Colorado. He has the right to institute that proceeding. After a full determination of the issue is had, if the court then determines that a pattern exists, he may then enter an order for a period not to exceed a year or until the pattern or practice has ceased, which would allow those who have been deprived of the right in that area under this pattern or practice to vote, and then he can, if he believes it necessary, appoint a referee.

Now, what does that mean? Does that mean, if he lives in another county and not in that area, he cannot come in under this pattern? The court has a right to limit the area of the pattern and that limit is based on the proof that is submitted. So what happens? If the man does come in and show that he is within that area and the court has appointed a referee, then he no longer has to prove that he falls within the group that has been discriminated against.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. ROGERS] has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROGERS of Colorado. After the order has been entered and the individual makes his appearance before the referee then there is a conclusive presumption that he falls within that pattern. What the amendment here proposes to do is to make it absolutely unnecessary that he again prove that which the judge has already found. Why should this be so? If a white man went down to register he would not have to prove that he fell within the pattern, because he could go to the regular registrar and register. After the proof has been made to the judge, why should a black man be required to prove it again? And that is the only thing you are fussing about here, because a white man would not have to make the proof. He could go to the county clerk or the registration official and register without having to prove that he is a white man. Showing discrimination being practiced or that there is a pattern because he is a black man, he does not have to prove it all over again. He then must prove to the referee appointed by the court that he is qualified under the State law. Why there is this fuss about presumptions one way or the other when you have a practical application of it, I do not understand.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I am happy to yield to the gentleman.

Mr. HARRIS. Do I understand the gentleman to mean, then, that the only question or issue involved with this individual, the third party, is whether or not he is white or black?

Mr. ROGERS of Colorado. No; it is true that I gave that illustration of the white man and the black man. But if the pattern or the practice shows discrimination against the black man and it is in this area, then he can go down and show that he is qualified to vote under the State law.

Mr. HARRIS. Mr. Chairman, will the gentleman yield further?

Mr. ROGERS of Colorado. I yield.

Mr. HARRIS. That is precisely the issue here, and I hope every Member of this Committee will get this clearly in his mind. Do you believe that those who are charged with being guilty of such practice, of permitting such practice, should not have the opportunity to come back and show the court that this individual's application was not in good faith?

Mr. ROGERS of Colorado. May I first reply to the gentleman by stating that the official in charge that the gentleman mentions has had the opportunity before the Federal judge to show that he did not discriminate, that he had not set up a pattern of discrimination in the first instance.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. ROGERS] has again expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. WHITENER. Does the gentleman agree, following the argument that he has just made, that if you have a ward or a precinct in your city or in my city with three voting places, if a person of color had been deprived of his right to vote pursuant to custom or practice, that this conclusive presumption would apply with equal force to the other two voting precincts or wards in that one area, even though the two registrars when they are hauled into court by this colored person prove that they were diligent in protecting the rights of the voters?

Mr. ROGERS of Colorado. May I direct the gentleman's attention to line 6 on page 2, which states "resident within the affected area." It would become the duty of the judge to whom this complaint has been made to ascertain what is the affected area.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Arkansas.

Mr. HARRIS. Assume that a court after a hearing as provided under the proposal determines there is a pattern within an affected area. It is presumed, then, under this proposal conclusively that those within that area come within the pattern; is that true?

Mr. ROGERS of Colorado. He states the area and the pattern, yes.

Mr. HARRIS. What about those who move into the area after the pattern has been established? Do they come within it?

Mr. ROGERS of Colorado. If they are to qualify to vote under the laws of the State.

Mr. HARRIS. Then for a whole year, although they were not there at the outset, they can move in. You can move in 50 or 100 or 1,000, any number, and then the judge himself is powerless to change it. It that not true?

Mr. ROGERS of Colorado. No, the judge is not powerless. The judge can do it. The gentleman knows and I know that the judge has the authority at all times to set aside his own decree, if it is unjust and unreasonable.

Mr. HARRIS. Let me read the gentleman the language: "Shall, for 1 year and thereafter until the court subsequently finds that such pattern or practice has ceased." You are bound for 1 full year. That is what the language states.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a question?

Mr. ROGERS of Colorado. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Is it not true that the citizen who makes the application for an order to vote must be a qualified voter in acordance with the laws of the State where the application is made, and the registrar has at all times the right to decline the certificate or the registration if the applicant is not qualified under the laws of the State, and the registrar ultimately has his day in court in an adversary proceeding when he may prove that fact?

Mr. ROGERS of Colorado. It is my understanding and belief that the amendment offered by the gentleman as a substitute and that we are now considering relates to those who are qualified under the State law to vote. In response to the question asked by the gentleman from Arkansas a moment ago, we know that there are many State laws which would authorize one to move into a county within 90 days or a precinct within 30 days. Then he can register and vote within that particular precinct. So, if after the order is entered a black man should move into that area and qualify under the State law, he would come under the pattern, but he must meet the qualifications of the State law. I know a great deal has been said about the question of the administration by the referee who has been appointed by the court to carry out these responsibilities. But, let us remember that this referee is never appointed until a Federal judge has determined that a pattern exists.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASEM. Mr. Chairman, I move to strike out the last word.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. KASEM. Mr. Chairman, I yield to the gentleman from New York, and I think I can do so in good conscience because I have worked with him in the preparation of some material that he is about to present, and the gentleman from New York presents it for me as well as for himself, and I join with the gentleman from New York in the remarks that he will make.

Mr. SANTANGELO. Mr. Chairman, I, and some of my colleagues from the East and from the North, have listened with a great deal of interest to the words of the gentleman from Louisiana [Mr. WILLIS]. We listened with an open mind and we were almost persuaded. We listened to the easy and convincing words about a prima facie case. We recognize the harshness of a conclusive presumption. The gentleman from Louisiana was followed by another gentleman from the South who challenged us and said that unless we showed reason that this body would pack the committees and that we would rue the day. Well, gentlemen, these committees so far as I can see have been packed already. It took 219 signatures on the petition to discharge at the Speaker's desk before we could get the Committee on Rules to pass a rule making in order the consideration of this bill. The Committee on Rules is controlled by the gentlemen from the South. The Committee on Education and Labor is also controlled by the gentlemen of the South. The Committee on Appropriations and the Committee on Ways and Means and the Committee on Armed Forces, the Committee on Post Office and Civil Service, the Committee on Veterans' Affairs and the Committee on Interstate and Foreign Commerce, and the Committee on Merchant Marine and Fisheries, the Committee on Outer Space, the Committee on House Administration and some other committees are all controlled by the gentlemen of the South. But, Mr. Chairman, I am not concerned about that aspect of the matter, but I do want to see if we can work out something which is fair and reasonable. I do want to see if these easy words of the gentleman from Louisiana have substance or whether they are just the lure of the siren attracting us to destruction on the rocks between Scylla and Charybdis. You say you want to have a prima facie case with respect to these situations after there has been a court trial where the proof has been presented and where the court has made the determination and the finding that there is a pattern and a practice which shows discrimination in a locality. And this is so after the Civil Rights Commission has found that there is discrimination in the South and in the East and in the North. After 3 years of study the Civil Rights Commission has found these acts and these practices of discrimination.

After a court has found a practice and pattern of discrimination, after a trial has been held, then you say you want to have the right to have that sort of proof considered as establishing only a prima facie case, when as a matter of fact that sort of proof is sufficient to prove the case altogether. If you gentlemen would say that you want to have the right of rebuttal, for example, in the case involving a question of the age of an applicant or involving the residence of the applicant or involving the fact that an applicant was a criminal and, therefore, could not qualify to vote, I, in good conscience, could say to you, "Yes, gentlemen, you have the right to show that the applicant is a carpetbagger and not a resident and you have the right to show that these applicants are floaters who come into an election district to change the result of an honest election"—but you do not say that, you go further—you ask for the right to dispute once again this information as to discrimination in the locality, and you want to disprove the fact that he has been deprived of the right to vote and denied that right under the color of authority. You want to dispute that a person has failed to register when the registrar absented himself or took a walk so that a Negro would not find anyone to register him.

Gentlemen, I say to you with respect to these provisions under (a) and (b), we do not want to give you the right to

rehash the facts in the case. You have hindered and obstructed them, and now you want the right to do it all over again. I say there comes a time for the end of litigation. If you come forward and say, "We want a rule providing a prima facie case so that we can present proof with respect to age or his record as a convict or with respect to residence or to explore the question of the length of his residence," I would say we would go along with you, but do not try to deceive us and kid us. We have been frustrated long enough by dillydally tactics, and we want to see that the citizen gets the right to vote which the Constitution guarantees him, and to fulfill the promises which our Declaration of Independence pronounced when it said "all people are created equal." This promise applied to black as well as white. It is time to act. Let us not dillydally. Let us come forward with a proposition giving these people the right to vote. Do not delay this proposition any longer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURTIS of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have such high respect for many of the attorneys and others on the other side of the aisle, with some of whom I have worked on the Judiciary Committee, that I am sorry to have to disagree with them on these matters.

I agree with what the gentleman from Oklahoma [Mr. MORRIS] said yesterday—that we Members of the Congress who happen to be lawyers are deeply interested in seeing that wise and proper legislation is passed to accomplish the object before us.

The great difficulty with the Celler amendment, urged by the Members who are opposing it, is this so-called conclusive presumption. The distinguished and able gentleman from New York [Mr. CELLER], chairman of the Judiciary Committee, referred to this difficulty as a cinder which was in the eyes of those who oppose it.

However that may be, let us look at this so-called conclusive presumption. Is it so bad? Would it be a proper step to make it instead a prima facie presumption? I submit that to create a prima facie presumption is exactly as bad as the amendment before us yesterday. That amendment would have required the applicant to prove that he had been denied registration as a voter on account of race or color.

Why do I say that the amendment now before us is equally destructive of this legislation? Under the Celler amendment, that item of proof is eliminated. I will mention in a moment how it is eliminated. The motion that was defeated last night would have put that item of proof back. The present motion puts that item of proof back just as surely, except that the burden of proof is shifted. It is just as destructive of this legislation.

Now what is this conclusive presumption? Let us not think too much about technical terms. Let us look at the realities of the situation. As I said last night, the Commission on Civil Rights has found that various subterfuges are used to prevent certain people from getting their names registered as voters. There may be delays, there may be difficult literary tests, and then these men are refused. They try again and again.

The Celler amendment seeks a remedy for that. It eliminates the need for the applicant to prove that he was refused because of race or color. If the bill required the applicant to prove that, it would be unworkable. Such proof cannot be furnished under the circumstances of these cases. That fact just cannot be proved, Mr. Chairman.

So what does this proposed legislation do? It says in effect that it shall be sufficient proof of that fact, namely, refusal on account of race or color, if three things are proved:

First. That in that area there is a pattern of discrimination on account of race or color.

Second. That you have an applicant who is found to be qualified to vote under the laws of that State.

Third. That since the finding of this pattern of discrimination he has again applied to be registered as a voter and has been refused.

In other words, all this proposed legislation says is that it is proper to find on the basis of that proof that the applicant has been refused on account of race or color.

I think that is the better way to think of this situation than to talk about a conclusive presumption. I like the approach of the present motion better than that of the motion of last night. The present motion says in effect that the three items of proof mentioned above shall be prima facie evidence that the applicant has been refused on account of race or color. All that this legislation does is to go a step further and say that if those three things are proved, the court can properly find that the applicant was discriminated against on account of race or color.

The Constitutiton provides that the right to vote shall not be denied on account of race or color, and empowers the Congress to enforce that by appropriate legislation. The provisions of this bill are such appropriate legislation.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, one trouble so many of us have with this bill is that there are so many lawyers interested in it, and they give us so much advice as to what should or not be in the bill that I at least just cannot learn what it is all about. It was my understanding that we were trying to make it possible for those who were deprived of the right to vote should have opportunity to exercise that right when qualifed. One thing, I think, though, is true generally, that this is an attempt on the part of the two major parties—is the gentleman from Iowa [Mr. GROSS] listening?

Mr. GROSS. Yes, yes, yes.

Mr. HOFFMAN of Michigan. Thank you. Your advice is always helpful—you usually have knowledge of what should be done. The bill is an attempt on the part of the political leadership of the two major parties to corral the vote of certain minority groups.

Be that as it may, while I am not authorized to speak for my colleagues, it is possible neither party will be satisfied with the result or that its wishes will be realized. Probably not a vote will be changed unless it is by the granting of some special advantage or special benefit.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. GROSS. I want to say that the gentleman from Michigan can speak for the gentleman from Iowa.

Mr. HOFFMAN of Michigan. We are agreed?

Mr. GROSS. In our party, yes.

Mr. HOFFMAN of Michigan. Thank you, sir. If what is said is out of line with the thinking of the gentleman it will be a pleasure to revise my remarks.

The gentleman from Mississippi [Mr. WHITTEN] a little while ago, talking about his fear that a minority group might be organized and their votes bought—and be decisive on a vital issue or the selection of a President—suggested caution—a more than worthwhile thought. From what I see in the papers that may be true in Chicago, for example, and I take that from the Chicago Tribune; that is my political bible. It appears that while Chicago has an exceptionally effective police force the professional criminals have been able to corrupt a few policemen. Just recently they have gotten into trouble and several policemen have been arrested and are awaiting trial. Beyond question the Tribune and the other papers will drive the crooks out or get them in prison as happened before and will again.

But I do want to help with a suggestion for my friend from Mississippi, at least, I think he is my friend, for we have much in common. Now, this question of organizing and purchasing the vote of a minority. I know a Republican, at least he says he is a Republican, who is an able, effective, unafraid, aggressive organizer who can deliver. I know something about his record. While he is not my personal friend, and I receive no compensation from him and I give him none, when he takes on a job he usually finishes it. No one ever accused him of a lack of effort. Nor of being afraid of consequences. I am speaking of Jimmy Hoffa, who has demonstrated his ability to organize employees as well as voters. There is no question about his ability, his courage political, as well as physical. He lacks the yellow streak so abundantly possessed by Mazey and Reuther. Hoffa wants money and power. He is not finicky about how he gets either. Reuther would take over and destroy our Government. He has views similar if not the same as those of Tugwell who said in 1937 that business must be made to disappear, as those of Browder, onetime Communist Party head, who said he would

take over industry because "we want it; we need it; we have the power," as he has demonstrated. By combining with Harry Bridges on the west coast and others on the east coast he could tie up the entire transportation system not only of the waterfront on the east and west coasts, but with his Teamsters, the entire country. If you can get him interested, if you will employ him as an organizer there is no doubt in my mind that he can organize and deliver the voters provided of course he is not in prison—and we might add—an election. He may have to pay off somebody. He may have to promise greater benefits, greater relief handouts, larger unemployment benefits, but he is the one who can organize and deliver the votes. If there is to be a delivery of votes, why fool around with a so-called expert politician who is a candidate back of a candidate but trying for a secondary position?

If votes are being purchased get an expert of proven ability. This attempt being made here is advertised as a crusade for the right to vote, but as our able colleague from Ohio [Mr. Bow] has so often said, we forget or ignore the right to vote to which some of our servicemen are entitled.

Does someone ask how the votes will be or may be purchased? Just as hundreds of thousands of other groups have been bought. Labor groups through special privileges. People in want through the promise of needed benefit payments. Unemployed through promise of increased cash payments. Some employees through an increase in minimum wages. Farmers through subsidies—the list is without end.

May I say to the gentleman from Texas [Mr. POAGE] who has obtained so much for his cotton farmers, and other groups, Do you remember that relief against the flood and before you could get the money to Texas you asked for more because the country was too dry? Or was it the other way around? An organizer can promise all those things and many more. He can charge a nominal fee to register with a group of voters who can elect the next President of the United States, either Republican or Democrat. The group of new voters, if properly handled by a Hoffa or a Reuther, will hold the balance of power. In more than one city election the result is now determined by the vote of a minority group. That is one danger that now exists. We should not, thoughtless, add others.

Many people do not want to vote, and many do not vote. At least in my district they do not vote. I have at least 7,000 colored voters in the section. They do not all vote for me, that is all right, they all have the right to vote. A delegation within the past week said they knew of no one who had been deprived of the right to vote.

Their only complaint was that somewhere someone, it was alleged, was deprived of that right. No doubt there always has been a denial of equality. There is no reason why we should not try to lessen the evil. But let us do it in the best possible way.

I can see no reason for this bill. I may vote for it. Why? Because it may be so worded that it will help correct wrongdoing in some sections. Because I do not want those professional organizers chasing me all over the six counties of my district. If some people want something they do not mean to use, all right. It is like the grandsons or great-grandchildren, they want an extra stick of candy, or an added dish of ice cream. I know it is going to make them sick, but if they want it and it is not going to kill them or hurt them seriously, give it to them. But if the end result is bad rather than good, the answer is "No."

What is there about this bill? I have had a certificate to practice law ever since I was 21, 63 years ago and that is a long, long time. I have tried for the last 2 or 3 days to understand the proposed legislation, but I must confess I am a little confused. I do not know what is now in it. Maybe I will vote for it. Maybe not. As the gentleman from Virginia suggested, why not take a recess—let the leaders get together. See if a fair agreement can be reached—explain it to the rest of us and then vote; then issue a press release saying we are all entitled to the support of the new voters. Do I hear approval. Not yet.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, the amendment under consideration strikes at the very heart of this bill. If the amendment be adopted it will ruin the major effectiveness of it. We have heard a lot of talk about conclusive presumptions, about a possible denial of the person accused of some offense not being able to meet his accusers face to face; that this is an ex parte proceeding and is contrary to the principles of American jurisprudence. Notwithstanding the fact some of my very best friends have made statements that I interpret in that manner, I insist that they have not presented the true import of this bill.

I want to say to the Members of the Committee if this amendment is defeated—and I certainly hope it will be defeated—every person who is charged with a violation of law or with denying a person the right to vote will ultimately have his day in court, the Federal court of the United States of America, and his rights will be therein protected.

Mr. WINSTEAD. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Mississippi.

Mr. WINSTEAD. I am wondering what would happen in a State where you have a runoff in a primary election, and this whole thing gets tied up for a period of time. Nobody knows for certain who won the runoff in the primary election. How would that problem be solved?

Mr. McCULLOCH. I would say that the problem would be solved just as a contested-election problem would be solved in my congressional district if there are challenges by the score or hundreds or thousands in the primary election to be held on May 3, 1960.

Mr. WINSTEAD. But is this not true, that when these election officials operate in your State, you will have far fewer contests under that circumstance than we might have in this case if you get a Republican or a Democratic administration start appointing these referees? This thing could turn into a veritable political machine all over the country.

Mr. McCULLOCH. Members of the Committee, I am not disturbed by thinking that the election processes under this law will be perverted to such purposes. I would like to say to the gentleman who submitted the question to me, if the duly appointed or elected election officials of the United States will proceed in accordance with the Constitution of the United States and in justice, as it is recognized in an overwhelming majority of voting precincts in this country, the problems which he conjures up will not arise.

I repeat, members of the Committee, I hope the amendment is defeated.

Mr. WINSTEAD. Mr. Chairman, if the gentleman will yield further, had you rather risk the appointed referee than to risk the elected official? It seems to me that you have got to trust somebody.

Mr. McCULLOCH. Well, if the elected officials do not do their duty and if they pervert the Constitution of the United States, then I must place my reliance in a referee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Iowa.

Mr. GROSS. Now, then, if everyone who may be brought in under this bill is guaranteed his day in court, that must be found in some other law; is that not correct?

Mr. McCULLOCH. That is not correct. His day in court is guaranteed in the McCulloch bill, H.R. 11160.

Mr. GROSS. Is there no other law that guarantees an American citizen the right to have his day in court?

Mr. McCULLOCH. Oh, yes. All laws, all the accepted practices at common law, or under equity or under the statutes guarantee a citizen his day in court.

Mr. GROSS. That being true, then why some of the provisions in this bill?

Mr. McCULLOCH. We want to make it abundantly clear that under H.R. 11160 people who are charged with violation of the law and of discriminating against people on account of race or color may have their day in court and prove that that was not the case.

Again, Mr. Chairman, I hope this amendment is defeated.

Mr. DOWDY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, 2 years ago last June in the debate on the so-called civil rights bill then under discussion, I made the observation that I was sorry I had lived to see the day when men elected to serve their people in the U.S. Congress would get up on the floor of this House, and advocate and vote to impair the right of trial by jury. I thought at the time that never again would this great legislative body fall so low.

But I was mistaken. We now have this Celler substitute before us which will not only amend the U.S. Constitution by statute—a means not recognized as legitimate—but it will legislate a new

concept, foreign to our ideals, that there can be and is to be such a thing as a "conclusive presumption" in law. The presumption of innocence can be overcome by adequate proof, but, in this bill, there is a conclusive presumption established, and a person, innocent though he may be, may not be heard to refute the presumption. I believe this to be an ebb even lower than the impairment of the constitutional right of trial by jury. I know not what precedence for this is, but I know that it is a philosophy that is alien to America and our jurisprudence.

On yesterday, the chance came to correct this grave defection from principle, but this House voted it down. I cannot say for you, as did Jesus dying on the cross, "Father, forgive them, for they know not what they do," because the House knew what it was doing. It was amply warned here from the well of the House. That plea will not avail—the only resort will be a plea of temporary insanity.

This plan that is being followed, to insidiously erode and tear down the U.S. Constitution and Bill of Rights will surely destroy all liberty of American citizens, unless this enemy within is defeated. If this plot is not exposed for what it is, and this Congress and all America awakened to defeat it, then remember what Christ said when he found his disciples asleep for the third time: "Sleep on now, and take your rest. It is enough, the hour is come; behold, the Son of Man is betrayed into the hands of sinners."

We have too much at stake—our freedoms are too precious to be insanely surrendered. Before it is too late, do a little thinking for yourselves—quit following the Judas goat, as sheep to the slaughter. If you do not, you and your people will pay a dear price for your folly. You have here one more chance for partial redemption.

Mr. HEMPHILL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think it is time in the consideration of this legislation that we begin to talk to some of the people who are proponents, and especially the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH], and ask them if they intend what they are writing in this legislation. I recognize that on the face of it and so far as the hypocrisies of the situation are concerned, this legislation is supposed to be the political legislation to get the Negro vote, to say to the Negro that, "We in the House of Representatives fought here day after day to get you the right to vote." But actually, if you adopt the Celler substitute for the McCulloch amendment, you are putting into every kind of election—not only the presidential election and the elections to the U.S. Senate and the House of Representatives—but I should like to say to my friends from Chicago and New York and Los Angeles and San Francisco and Detroit and Cleveland and Buffalo and other places where you have city elections—you are putting these referees and you are putting these patterns into the city elections, county, State, and all others.

I hope somebody will face you with the problem and with the accusation that you are substituting a voting referee, whose only qualification is that he be qualified to vote, who has no qualification that he must know the election laws, who has no qualification that he must know the State laws, who has no qualification, or prerequisite that he must know the U.S. statutes—but because of the fact that he is picked by a Federal judge who may want an election to go one way or another, he has the right to make decisions which honest election officials would not have the right to make under this particular legislation.

The gentleman from New York, who is sitting at the counsel table, was up on Friday last or perhaps it was Monday, and I asked him what qualifications they require. He could not answer, because they had no qualifications written in. Evidently in an attempt to cure that particular defect in the bill, when they came back with the McCulloch substitute, they had written into the bill, I believe on page 3, "one or more persons who are qualified voters in the judicial district."

Is that the only thing you are going to require? Leaving aside all the emotion that this legislation has accounted for, are you going to substitute a man whose only qualification is that he may vote, for the judges of your election, for the managers of your election, for the registrars? Are you going to say to the people running in your city council races or running for judge or district attorney, "We can disfranchise you or we can put your political effort into difficulty or disrespect by a pattern process in which somebody comes to a Federal judge and says, 'I have been discriminated against' "? Then we have a conclusive presumption that because he is white or black, yellow or tan, that it is because of his race. Then you are going to say to the person running in the election, "Did you exclude this man?" What about the candidate? What position does that put him in if he is accused falsely or truthfully of being a party to the discrimination? You are going to say the pattern exists because it is conclusively presumed to exist.

This is going to apply to you city boys, too. It is conclusively presumed that the pattern exists in the city race.

Now we are going to get somebody to carry out the law with no qualifications except that he either be a political hack, a stooge, a Communist, or something of that nature and you are putting this into the realm of potentially being able to upset any election. You can castigate any candidate either directly or indirectly. You can say to people who have been working at the polls for years, or to registrars who have been working at the polls for years, that they have been violating the law and it is conclusively presumed that they are violating the law, whether you had a trial or not or whether there has been a hearing or not.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. HEMPHILL] has expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina [Mr. HEMPHILL] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HEMPHILL. That being the situation, I want your attention because I think you have the votes to write the kind of laws you are determined to write and that political expediency will demand here when we are writing this legislation, but I think you have conscience enought, at least I hope you have, to take the legislation and say, if you are going to write this law, "We are going to recognize the situation, we are not going to have the kind of law that will get us into trouble or allow a political party not visibly here proposing this legislation but happy at the difficulties caused, we are going to say to that party that here is the first time in the history of this country that we have had any statutory vehicle by which the elections of this country could be controlled. We are going to say to that particular party"—to which some of you may have some hidden allegiance, although I doubt it I hope not—that up until this time a man had his day in court, up until this time the sanctity of the ballot box in the United States was presumed. We have created here a monstrosity in which the sanctity of the ballot box is not presumed, but there is a conclusive presumption in the opposite direction. Not only has the sanctity of the ballot box been presumed, as far as I know, but the sanctity of the patriotism of the election officials, whether or not there have been evidences of discrimination, and I am happy to say I will match my own State against any. We are saying now that there is no sanctity, that it is necessary in America for political expediency to cast a shadow on every election official whether he comes from the much persecuted South or whether he comes from the city wards of one of the great municipalities.

You are writing this legislation. You are writing it with your votes. I say this in no acrimonious sense and not to denounce anyone, but I say that the country as a whole is going to suffer far more from this legislation than any of the southland. The country as a whole is going to suffer from the fact that this kind of statute exists on the books. All we ask you to do by this Willis amendment is say that we do not want any conclusive presumption without a hearing, that the man who is at the registration books in the United States of America, whether he is from the South or the North or the East or the West, has because of one man's affidavit ex parte, because of some political chicanery, been conclusively presumed to be crooked, to be a part of a plot against the people who vote in a particular precinct. If that is what you want, heaven help you. If you are faced with it in the future back home, where they are going to begin to ask questions, if the press is honest enough to give this provision its place in the sun, to give it to the people in the cities

back home, they will say, "We do not want it in our elections." But that is what you city boys are voting for, and that is exactly what you are going to get unless you have either the courage to vote for what you know to be your convictions or the intelligence to vote for the amendment necessary to cure this defect.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Willis amendment conclude in 30 minutes.

Mr. DAVIS of Georgia. Mr. Chairman, reserving the right to object, I would like to ask the gentleman if he would not let the debate proceed for a while without limiting it because many of the Members who get 5 minutes present matters that require a little longer to answer.

Mr. CELLER. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are considering a bill here today to enforce constitutional rights and for other purposes. I hope in our attempt to enforce constitutional rights, we do not do violence to the Constitution. But, I am afraid in some areas we have come dangerously close to that. I want to call the attention of the Members to matters that I have spoken of in this House on many occasions, namely, that some constitutional rights have been denied many of our citizens of this country and yet the House of Representatives has done nothing about that situation. We have come close enough to have a bill voted out of the Committee on Foreign Affairs, but it was held in the Committee on Rules. That bill has for its purpose the protection of the constitutional rights of the American soldier. It has been ruled that this is a voting bill so there has been some question as to whether we are protecting all constitutional rights. But, I was interested to see in my home paper, which came in just this morning, the Canton, Ohio Repository, a fine paper, this article. This article says: "Franchise for Thousands Requested."

We have heard a lot of talk here about the franchise for certain individuals. But, listen to this further headline: "GI's on Ohio Bases Appeal for Vote."

Mr. Chairman, this is a voting bill. Let us begin to protect the constitutional rights of the American GI both here at home and abroad. This is home—this is in my State of Ohio.

The article reads as follows:

FRANCHISE FOR THOUSANDS REQUESTED—GI'S ON OHIO BASES APPEAL FOR VOTE

(By Reed Smith)

COLUMBUS, OHIO.—Demands by military personnel for the right to vote where they live outside their Ohio stations has kicked up a new fuss in this presidential election year.

Attorney General Mark McElroy has promised prompt ruling and Secretary of State Ted W. Brown said a court test and possible action by the legislature may result.

Thousands who entered service in other States are stationed in Ohio but the number is restricted information.

The question pops up almost every year, Brown said, but the latest rumble from the Dayton area is louder than usual.

That's because election boards told service personnel living outside Wright-Patterson Air Force Base they could not vote.

HAVE VOTED FOR YEARS

Hardest hit were several hundred living in Greene County and a number in neighboring Montgomery County. Many of them have voted in their areas for years.

Typical of numerous protests was a letter from Mrs. Jack Falleru, of Fairborn, to Representative Herman Ankeney, Republican, of Greene. She wrote:

"As 8-year residents and voters of Fairborn, my husband and I would like to make it known to you that we do not think the military residents of Greene County should be disfranchised because they wear a uniform.

"These personnel pay taxes, are subject to our municipal and State laws, are supporting members of our churches and contribute to our charitable organizations.

"Since they have met our residency requirements, how can they turn them away from the polls?"

Ankeney checked with local officials and Brown, the State's chief election official. They cited the constitution and State laws for their stand but called for an early decision on conflicting views.

Article V, section 5, of the Ohio Constitution reads: "No person in the military, naval or marine service of the United States, shall, by being stationed in any garrison, or military or naval station, within the State, be considered a resident of this State."

WIVES ALLOWED TO VOTE

Ohio laws provide that adults, to vote for President and Vice President, must live in the State for at least 40 days before the November election and for 1 year in the State and 40 days in their county and precinct to vote for local candidates and issues in all elections.

Voting information prepared by the Federal Government says the State, city, or county where a person lived before entering military or Federal service is usually considered his legal residence for voting purposes.

Officials have commended Brown for his efforts in aiding Ohioans, stationed elsewhere, to vote by using military service ballots sent out and marked early for counting at their legal residence.

He said wives of out-of-State servicemen stationed in Ohio have been allowed to vote locally when they met residency requirements, but military personnel living on bases in Ohio must vote where they entered service, he added.

Although Greene County previously allowed voting by those living off military bases, Montgomery County officials said only a few have voted there. They explained that some military personnel had slipped past by registering in civies without being asked if they were in service.

But some officials feel that the ban is wrong. Fairborn Mayor John S. Honaker said he was very unhappy about it. And Kettering Mayor Claude J. Cannon asserted it didn't seem fair.

COURT ACTION ADVISED

Maj. Gen. Moody R. Tidwell, Jr., staff judge advocate at Air Materiel Command, asserted that military personnel who met requirements are entitled to the same voting privileges as anyone else.

Answering a letter from Dwight W. Barnett, Greene County Republican chairman, Brown suggested he bring the issue to a head by starting court action. The secretary of state promised him full cooperation in any litigation.

Brown added that the legislature could help by clarifying election statutes and that the legislature, if it desired, could provide for a popular vote to change the constitution by placing an amendment on election ballots.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order that the members of the committee in charge of the bill are not in order.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BOW. I might say to the gentleman from Michigan that I have been fearful that in the past, many have been neglectful of these American soldiers and their constitutional rights—and this may be no exception.

Here we have people who for years are wearing the uniform of the United States who have been denied the right to vote in this country. Are we going to continue to cry about the areas that you are talking about here on the floor of the House for 3 days and neglect even the right to vote of our GI's? We have taken other constitutional rights away from them. We deny them the right of an indictment and the right to face witnesses and the right to a presumption of innocence. We have failed to let their constitutional rights follow them when they have been sent abroad, and now here we have a case where even the right to vote in this country is being denied to thousands of American soldiers.

Mr. Chairman, I have taken this time to serve notice that I am going to introduce an amendment, when the time comes, by which amendment I am going to try to preserve the rights of American soldiers to vote. I am going to try to preserve their constitutional rights when they are outside of their own country and are stationed abroad. You have all heard me go over this time and time again—those of you who have been here for some years—and as long as I am here, I am going to continue and some day, perhaps, we can call the roll and stand up and be counted and see who believes in the rights of our American GI's.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. These thousands of soldiers to whom the gentleman refers, are they colored or white soldiers?

Mr. BOW. Most of them are white, I will say to the gentleman.

Mr. SMITH of Virginia. No white man is given any protection under this bill.

Mr. BOW. I hope that my amendment will protect them.

Mr. SMITH of Virginia. I will say to the gentleman no white man comes under the protection of this law.

Mr. BOW. I thank the gentleman.

Mr. FLYNT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it has been said that the most dangerous thing that can happen to a people or to a government is mass hysteria. Yet I am inclined to believe that this committee in the position that it seems to take, in insisting upon writing into this legislation a conclusive presumption, is approaching a stage of mass hysteria.

The chairman of the Judiciary Committee, as all of us know, is a very able man. I think he understands this legislation just as well as any man on earth. In fact, he showed his close understanding when on yesterday in discussing Mr. Willis' amendment on page 5773 of the RECORD—and I wish some of you would get yesterday's RECORD and turn to that page so that you can follow what I am going to read—yesterday the distinguished chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER] made this statement, and I am quoting:

> That is why we set up this idea of the general pattern or practice. Then within that broad sweep these Negroes come in, and all they need do is show that they were qualified to vote and had complied with the State regulations as to qualification, residence, and so forth. If he is so qualified to vote and brings that proof before the referee, he does not have to show any more if he is colored.

I think that is a correct statement under this bill, and I just wonder if the gentleman realizes the effect of that. I want to take this example. If a colored man and I went to the courthouse together to register on the last day permitted by State law for registration but arrived, say, 1 minute late. It is too late for either of us to register in accordance with the State law pertaining to registration. But under the statement of the gentleman from New York, which I just read, if this should become law, and we then tried to appeal the action that the registrar took by denying us the right to register, and if we followed the rule and came before this referee, under the statement of the gentleman from New York under the language of the bill here is what would happen——

The CHAIRMAN. The time of the gentleman from Georgia [Mr. FLYNT] has expired.

(By unanimous consent, at the request of Mr. CELLER, Mr. FLYNT was granted 5 additional minutes.)

Mr. FLYNT. Here is what would happen under this law: He would be permitted to be registered and I would be denied the same right simply because, as the gentleman said, the question of color is the determining factor. It would mean, as the gentleman from Virginia [Mr. SMITH] said a moment ago in colloquy with the gentleman from Ohio [Mr. BOW], it would mean that a white man is given no protection whatsoever under this law.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. Assuming that two men sought to vote in the State of New York, if one man was a Puerto Rican and the other was a colored man, would the Puerto Rican be able to vote in New York City?

Mr. FLYNT. Not unless he was a colored Puerto Rican.

Mr. RIVERS of South Carolina. That is right.

Mr. FLYNT. I think under this language that is absolutely what would happen.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield further?

Mr. FLYNT. I yield.

Mr. RIVERS of South Carolina. What about a Puerto Rican if he came from the district of one EMANUEL CELLER?

Mr. FLYNT. The language that concerns me about this conclusive presumption—as the gentleman from New York described it, and he described it accurately—that that is exactly what this thing does. I cannot for one minute believe that the gentleman from New York would want to write legislation on the floor of this House or in his committee that would discriminate against anybody whether he be white or colored; yet the very language of this section and the very language the gentleman used yesterday is discrimination of the rankest sort.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Mississippi.

Mr. COLMER. In other words, the gentleman is saying that this is a bill that gives one particular class of people, to wit, the colored people, preference over the majority of the people who happen to be of another race or color and, therefore, it is discrimination.

Mr. FLYNT. That is exactly what it is. The gentleman from Mississippi is so right.

This legislation itself, when you analyze it, is one of the first times I have ever seen in the period of my service in this House where the very language of the legislation discriminates, and the author of this legislation himself undertakes to write discriminatory legislation and to give sanction to discrimination of the worst sort.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I gladly yield to the gentleman from Virginia.

Mr. SMITH of Virginia. The gentleman has pointed out a very glaring one of many defects in this piece of legislation which is being written on the floor of the House without benefit of committee consideration. To point up the gentleman's remarks I would like to challenge anyone on this floor supporting this bill, to challenge his statement that the language here is not discrimination against the white man and that the white man has any protection under this bill, and that the Negro is favored over the white man.

Mr. FLYNT. I thank the gentleman, and I make the challenge. If I have been incorrect in my statement that this calls for discrimination and gives statutory sanction to discrimination, I call upon any Member present to challenge that statement.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Alabama.

Mr. HUDDLESTON. Let me ask the gentleman this question: Suppose an applicant for voting were refused the right to register to vote because he was in favor of repeal of section 14(b) of the Taft-Hartley Act; or suppose he were denied the right to register to vote because he was opposed to our mutual security program. His right is not even protected under this legislation.

Mr. FLYNT. He would have no protection whatever.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield.

Mr. ROGERS of Colorado. I assume the gentleman has in front of him the amendment which was offered by the gentleman from New York, H.R. 7160.

Mr. FLYNT. I do.

Mr. ROGERS of Colorado. Directing the gentleman's attention to page 1, line 10, where it reads "has been deprived on account of race or color of any right, or privilege secured by subsection (a)." Is there anything in that language that states whether that is a white man or a black man?

Mr. FLYNT. I am quoting the statement of the chairman of his own committee.

Mr. ROGERS of Colorado. You are quoting the chairman of our committee rather than relying upon the bill; is that right?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. FLYNT was allowed to proceed for 5 additional minutes.)

Mr. FLYNT. I follow the language of the bill, and I think the interpretation placed upon it by the chairman of the Judiciary Committee is a correct interpretation of it.

Mr. ROGERS of Colorado. Then the gentleman is basing it upon an interpretation of the chairman of the committee rather than the words of the bill itself?

Mr. FLYNT. I do not seen any other interpretation to be given to this language.

Mr. ROGERS of Colorado. The language is "on account of race or color." The gentleman says that applies only to the white man?

Mr. FLYNT. That is not all it says. You have to take the legislation altogether as a parcel. It further says that once a pattern has been established, the presumption is that he has been discriminated against for the reason of color and for no other. I would like to ask the gentleman this: Does he agree with the interpretation placed on that language by his chairman?

Mr. ROGERS of Colorado. I am sorry, I did not hear the gentleman.

Mr. FLYNT. I would like to know how the gentleman feels about that.

Mr. ROGERS of Colorado. I am referring to the interpretation. I am not acquainted with that particular part.

Mr. FLYNT. I can refer the gentleman to the page and line number, if he wants it. It is on page 5773, next to the last paragraph, right-hand column of that page in yesterday's RECORD.

Mr. ROGERS of Colorado. What does it say?

Mr. FLYNT. I read it a while ago.

Mr. ROGERS of Colorado. I did not hear it.

Mr. FLYNT. Here is what it says: "If he is so qualified to vote and brings that proof before the referee he does not have to show any more." If he is colored, the presumption is that is why he was discriminated against regardless of what the real reason may have been. That is what is so dangerous about this bill.

Mr. ROGERS of Colorado. Now, the gentleman says that refers to referees. The gentleman and I as lawyers know that before it gets to a referee there must be a complaint filed by the Attorney General of the United States in a Federal court which alleges discrimination on account of race, color, or creed. A pattern or practice must be proven before a referee is appointed. After that is done, the presumption that the gentleman is talking about, that is, if this pattern exists in this area because of discrimination on account of race, color, or creed, it can be applied to white as well as black. That is to be determined before you go to the referee.

Mr. FLYNT. I disagree thoroughly with the statement of the gentleman from Colorado.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. On yesterday I asked the gentleman from Ohio in reference to this provision regarding provisional voting. I think one of the most vicious portions of the bill is that providing for provisional voting. It would be far better to let a man vote initially, count the votes and set aside his ballot. Here is what is going to happen: Those who can vote absolutely are going to use the voting machines. Those that are provisionally permitted to vote are going to put their ballots in an envelope, marked on the side, and after the election is over the same man who provided the ability for him to vote, the referee or anybody else, is going to check them to see how their part of those provisional votes were cast. It leads to intimidation and violation of the Australian secret ballot system and all of the abuses that come from the nonsecret ballot. I think that provision is especially vicious.

Mr. FLYNT. The gentleman is entirely correct. I think he was on the floor yesterday when I made the statement that I know a great many people who, if they became convinced that their vote is not secret, and if an election official, referee or anybody else can see his ballot and knows it is his ballot, many persons of my acquaintance might decline to vote because they value the secrecy of their vote highly.

Mr. BROOKS of Louisiana. There is no other way in provisional voting. The gentleman from Ohio whom I questioned yesterday says there is no way to have a secret ballot under a provisional balloting system such as is contemplated in this bill.

Mr. FLYNT. The gentleman is correct.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Does the State of Georgia have absentee ballots?

Mr. FLYNT. Of course, we do.

Mr. ROGERS of Colorado. There is provided a method by which they are counted?

Mr. FLYNT. There is.

Mr. ROGERS of Colorado. Would there be any objection on the part of the gentleman if they were counted in the same manner—and I refer to these provisionals?

Mr. FLYNT. There is no comparison between the secrecy of the absentee ballot and the secrecy of one of these monstrosities of a provisional ballot. And, if the gentleman will wait just a moment, I will tell him why. When the absentee ballots come in, the gentleman knows they come in in a double envelope. There is no marking on the inside envelope. There is no marking on the ballot. Once that outside envelope is stripped off of it, nobody on earth can tell how that man voted when all these absentee ballots are sent in.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. FLYNT] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. I want to come back and ask the gentleman whether he agrees with his chairman or not on his interpretation of this language.

Mr. ROGERS of Colorado. Yes. All you have done, you have been reading something out of context.

Mr. FLYNT. I did not read anything out of context. I read the whole thing.

Mr. ROGERS of Colorado. Where did you start reading?

Mr. FLYNT. I started reading the paragraph where it says "That is why we set up this idea of the general pattern or practice."

Mr. ROGERS of Colorado. Will you read the paragraph ahead of it?

Mr. FLYNT. I read it.

Mr. ROGERS of Colorado. Does that not say: "Let us assume, for example, this Negro goes to a voting place and wants to register. It is closed. After a day he goes again. The place is closed. You know and I know it has been deliberately closed because they do not want this Negro to vote."

Now, on that basis alone it would be very difficult for him to prove that he was proscribed because of race, color, or national origin.

Mr. FLYNT. I do not want to get into a battle of words here on this thing. I want to ask the gentleman if he agrees with the statement of his chairman on it.

Mr. ROGERS of Colorado. With the statement that is made here?

Mr. FLYNT. Yes.

Mr. ROGERS of Colorado. Yes.

Mr. FLYNT. I just wanted to get that straight.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Georgia.

Mr. FORRESTER. I would like to ask the gentleman if there is any comparison whatsoever between an absentee ballot and one of these ballots by these referees.

Mr. FLYNT. None whatsoever.

Mr. FORRESTER. When you cast your absentee ballot, you prepare that in the presence of the postmaster of the United States; is that not correct?

Mr. FLYNT. That is correct.

Mr. FORRESTER. And he seals that envelope and sends that ballot in; is that not correct?

Mr. FLYNT. That is correct.

Mr. FORRESTER. There is all the difference in the world, and I think the gentleman from Colorado knows it.

Mr. FLYNT. Once the outside envelope is stripped off there is no method on earth by which that ballot can be identified.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude at 10 minutes to 4.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. I would like to make the unanimous-consent request that we vote on that amendment at that particular time.

The CHAIRMAN. Well, all debate will be closed, of course, and then the vote will be taken.

Mr. COLMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLMER. That is on the Willis amendment?

The CHAIRMAN. That is on the Willis amendment, exactly.

Mr. COLMER. I thank the chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, I ask unanimous consent that I may be permitted to yield my time to the gentleman from Georgia [Mr. DAVIS].

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Chairman, I ask unanimous consent that I may be permitted to yield my time to the gentleman from Georgia [Mr. DAVIS].

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH] have both stated that the amendment now under consideration would strike at the heart of this bill. These two gentlemen know the contents of this amendment as provided in H.R. 11160. Many of the Members who have not read this amendment, known as H.R. 11160, are not acquainted with what it provides or what this amendment now offered by the gentleman from Louisiana

[Mr. WILLIS] would do. I want to call your attention specifically to what it would do. On line 15, page 2, of H.R. 11160 it would add these words:

Such proof shall be prima facie evidence that such person has been denied the right to vote on account of his race or color.

This provision would come into effect not when the applicant is before the judge of the Federal court who is passing upon the question whether there is a pattern or practice. This provision would come into effect when that part of H.R. 11160 which is set out on page 3, beginning with line 10, comes into operation; and that deals with the acceptance of the application by the voting referee and his action thereon.

This provision of the gentleman from Louisiana [Mr. WILLIS] would come into operation when the referee is passing upon the ex parte application. The language of the amendment says this: That he receives the application, that he takes evidence, and reports to the court findings as to whether—

(1) any such applicant is qualified under State law to vote, and (2) he has, since the finding by the court heretofore specified, been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

The sponsors of the bill say they do not want any prima facie provision in here. They say it would create delays which would go to the heart of the entire operation and nullify the effect of the law. The prima facie presumption is already here in the McCulloch amendment, on page 3 line 22. As to what? As to his residence, as to his age, as to his prior efforts to register or otherwise qualify to vote.

Why give the registrar the right to disprove the age, the residence and the prior efforts to register or otherwise qualify to vote and deny him the right to disprove that there was discrimination on account of race or color?

They say that this is explained in the statement of the Attorney General set out on page 31 of the hearings of February 9 and 16, as follows:

We thought that all over, and we came to this one hurdle: Should he be required to prove in each individual case he personally was discriminated against? And we concluded that burden of proof was too difficult under all these circumstances; and indeed the answer to that link and proof was so obvious from the previous pattern of discrimination that we could ask Congress to enact this conclusive presumption at the benefit of the applicant.

They say this is why the conclusive presumption is provided for. The Willis amendment would not eliminate the presumption of discrimination. It would not place any burden whatever on the applicant to prove that he was discriminated against. It would place the burden on the registrar himself to prove that there was no discrimination. Consequently, the statement that this goes to the heart of the bill and that this would eliminate the protection that it is sought to provide is not a correct statement of fact. The burden would not be on the applicant to prove discrimination. The burden under the Willis amendment would be upon the registrar to show that there was not discrimination. You already have in the amendment known as H.R. 11160 language creating the prima facie presumption set out in line 22 on page 3. What is the objection to adding this one more item to the prima facie presumption already provided in the bill?

Mr. ABBITT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Chairman, we have before us the so-called Civil Rights Committee bill and a number of proposed amendments to that bill. The committee bill itselfs deals with five different titles.

Many of us thought that the bill as reported out by the Judiciary Committee was bad enough. It was far reaching in taking over the rights and prerogatives of our States localities and people. Now we find that a new subject has been brought in and an amendment has been offered setting up the so-called voting referee plan of the administration. If adopted, this is the beginning of the end of free elections in America. It is a bobtailed, totalitarian effort to let the Federal Judiciary take over the electorate of the Nation.

It permits the Federal district judges to set up a little gestapo to take over the registration, the voting and the counting of the ballots in all elections—Federal, State, and local—from a justice of the peace of a locality to the President of the United States.

If this iniquitous, destructive, suppressive proposal is adopted, it will be the first time in the history of this Republic that the Federal Government has stretched its long arm into the election of local officials. It permits the District Court to send armed marshals to the local precincts to oversee and supervise the registration of voters, the casting of the ballots, and the counting thereof.

I am shocked that this administration and many leaders on both sides of the aisle, Democrats and Republicans, would advocate, endorse, and support such un-American, undemocratic, and liberty-destroying legislation.

This proposal also provides that, if the district court finds that there has been discrimination against one member of a minority group and finds that a pattern is in existence to discriminate, then an entire community is conclusively presumed to be guilty and every member of the minority group will be permitted to come under the supervision, protection, and domination of the so-called voting referee and/or his agents, hirelings, and hatchetmen.

The proposal strikes at the very foundation stone of our Nation, free elections by a free people. If this proposal is enacted into law it will be a long step toward the abolition of our Republic and the beginning of the establishment of a totalitarian government presided over by a judicial oligarchy.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. RODINO].

(By unanimous consent, the time allotted to Mr. ROGERS of Colorado was transferred to Mr. RODINO.)

Mr. RODINO. Mr. Chairman, much has been said here today about conclusive presumptions. As the gentleman from New York [Mr. LINDSAY] said initially, the conclusive presumption eliminates an item of proof. That item of proof is a showing of racial discrimination. As a general rule, and I want to be fair about this, I am opposed to the insinuation into the law of presumptions. But, in determining whether or not to adopt a presumption, we have to look at two considerations in this matter. I think we have to find out first of all: Is the presumption consistent with human experience?

We know in this kind of situation when the court has already found that there is a pattern or a practice of racial discrimination against certain members of a particular race, it is exceedingly unlikely that other members of that race are not being treated the same way. For instance, when the window of the registrar has been shown to have been closed by the registrar to 50 or 100 members of the Negro race who have appeared to register and not closed to any white man who has appeared we must assume, and I think we cannot be naive about it—we must assume that this sort of situation will apply to all Negroes appearing before that registrar. Therefore, it is not difficult to understand why this presumption is brought into play in this kind of situation.

With reference to all the talk we have heard here about the poor registrar, and the stigma that may be attached to an entire area or community because a certain discrimination has been actually found only in the initial proceeding, that argument, in my opinion, is not a valid argument. I ask the question: What harm is actually done? We do not make the registrar guilty of any criminal act. All we do in this case is to actually make it possible for the individual who is qualified to vote under State law to exercise his right to vote.

Furthermore the registrar has his day in court. The registrar has the opportunity in the initial proceeding, to raise every possible question, and is there given the opportunity to cross-examine. He is given the same opportunity that he might be given in any kind of litigation, including the right to appeal. As a result, I feel the registrar is not being excluded in any way from any and all opportunities to bring out the facts.

Do we harm anyone? No. Do we stigmatize anyone? No. All we do is give the individual, who under the law is qualified to vote, an opportunity to vote.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield.

Mr. HOLTZMAN. The gentleman from New Jersey has asked the question academically: Do we harm anyone? And, he has answered, "No." I think there is one qualification that should be

attached to that answer of "No." That qualification is—no; no one is hurt who has complied with the law and no one who is complying with the law can be harmed by this procedure.

Mr. RODINO. That is absolutely right.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, the statement of the gentleman from New Jersey [Mr. RODINO] correctly describes this bill. The jurisdiction of the voting referees extends only to the "affected area." Let us remember that the affected area is defined as "any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a)." Subsection (a) is the statute, which has been on the books since 1870, and which declares that all citizens who are otherwise qualified to vote at any election shall be allowed to vote at all such elections without distinction as to race or color. Further, subsection (a) is not found to have been violated until after the Attorney General has brought a successful proceeding under the 1957 act. Such a proceeding is a judicial proceeding, from which any party has a right of appeal to the court of appeals and to the Supreme Court of the United States. Bear in mind also that this is a civil proceeding. So all the conversation we have heard in which it has been stated that this proposal will result in the indictment of an entire community is simply not correct.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I yield my time to the gentleman from Michigan [Mr. O'HARA].

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Chairman, we have heard a great deal today about the "conclusive presumption," said to be a new judicial device which has not often found approval in Congress. I had begun to think that a "conclusive presumption" was something like a "bill of attainder" or an "ex post facto law."

I checked into the matter and found to my great surprise that many, many times in the past, Congress has used this exact device when it was appropriate to do so. It is for instance used in Federal statutes dealing with conflicts of interest, corporate officers, and fiduciaries. It is found in literally hundreds of State statutes, both criminal and civil. Section 2 of the 15th amendment specifically grants Congress "power to enforce this article by appropriate legislation" to assure that no citizen shall be denied the right to vote because of race. It is the duty of Congress therefore to enact legislation that is appropriate, that is effective, and will accomplish the objectives of the 15th amendment.

What are the circumstances under which the conclusive presumption involved here is invoked?

First, there must be a determination of a pattern or practice of racial discrimination in voting. This determination follows a complete judicial hearing, of which all affected local officials are given notice. They are afforded an opportunity to present evidence, call witnesses, and cross-examine opposition witnesses. If they disagree with the decision of the court, they may appeal, first to the circuit court of appeals and then to the Supreme Court of the United States. They receive all of the protections of due process. Once it has been established, after a fair and thorough hearing, that a pattern of racial discrimination in voting exists, is it not a reasonable assumption to say that if they have discriminated against, say, a hundred citizens they are going to discriminate against the next hundred, and the next hundred? Must we require proof of that fact in each and every individual case? To do so would render the law totally ineffective and would be a violation of our clear duty under the 15th amendment to enforce the 15th amendment by "appropriate legislation."

But what if, in spite of the careful procedure I have outlined, a mistaken determination of racial discrimination in voting results? Who is harmed by it? We have used such presumptions in criminal statutes. But under this legislation there is no civil or criminal penalty attaching to the registrar who is found to have practiced racial discrimination.

Whether the determination of a pattern or practice of denial of the right to vote because of race is correct or incorrect, the local voting officials have the right anytime after the expiration of 1 year from the determination to completely relitigate the matter by applying for a vacation of the court's order.

The worst that can happen when a conclusive presumption that an applicant has been denied the right to vote because of his race or color, following a mistaken determination of the courts of a pattern or practice of discrimination in voting is that some citizens of the United States, qualified to vote under the law of the State, receives an opportunity to do so. Remember, all this proposal does is to provide for the registration and voting of American citizens qualified under their State law. Use of the "conclusive presumption" might then result in the registration of a qualified voter discriminated against by the local election official not because of his race but because of the way he combs his hair or some personal mannerism which the local official may have found offensive. Is this such a terrible thing? Is this deserving of the entire attention for a period of hours of every Member of the United States House of Representatives?

Mr. Chairman, I think it is not. I urge the Members of the House to reject the amendment of the gentleman from Louisiana.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. QUIGLEY] is recognized.

Mr. QUIGLEY. Mr. Chairman, we have heard so much in the last 2 days about presumptions, conclusive and otherwise, but the fact of the matter is that anybody who has spent longer than 3 weeks in a law school knows beyond peradventure of doubt that a presumption is a standard traditional device resorted to by the courts since back in the days of ancient England and constantly used by the Parliament of England and the Congress of this country. It is a device that is used to prevent the law in its operation from bogging down completely. The presumption, rebuttable or otherwise, goes to the very foundation of our whole system of jurisprudence.

There are many unrebuttable presumptions in the law. One that comes to mind is that everyone is presumed to know the law. This presumption goes to the very foundation of our legal system, for if every time one came into court we had to argue as to whether or not the parties involved and their counsel did or did not know the law at the time the crime or the events occurred, we never would get around to trying the case and resolving it on its merits. This is just one example of a conclusive presumption that has been used for centuries under our system of law, and, in fact, without which our laws and our courts could not even begin to operate.

We should clearly recognize that the purpose of the Willis amendment is to bog this whole judicial proceeding down into the valley of utter confusion after the court has already found a practice of discrimination against Negro votes does in fact exist.

The purpose of the Celler-McCulloch amendment is to give the Negroes of this country, wherever they are, the right to vote, when, as, and if they are qualified, and to give them court help when that right is denied to them. By voting for the Willis amendment you are gutting the whole thing. All you are doing is creating an impossible legal maze through which the Negro will never be able to make his way to the voting booth where he is entitled to be just the same as you or I or any other American citizen.

The Willis amendment and all the confounding confusion about presumptive conclusion which has been spread about throughout this debate is a deliberate effort to strike at the very heart of the Celler-McCulloch amendment.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield to the gentleman from North Carolina.

Mr. COOLEY. How many conclusive presumptions can the gentleman mention within the criminal jurisprudence of the country?

Mr. QUIGLEY. How many conclusive presumptions can I mention?

Mr. COOLEY. Mention just one.

Mr. QUIGLEY. The first one that comes to my mind is that the child born of a man and wife in wedlock is conclusively presumed to be legitimate.

Mr. COOLEY. That is under the civil jurisprudence. Name one in the criminal jurisprudence.

Mr. ZELENKO. Innocent until proven guilty.

Mr. QUIGLEY. The gentleman from New York suggests that one is presumed

to be innocent until proven guilty. That, in my judgment, is not a conclusive presumption but a rebuttable one.

Mr. COOLEY. I am talking about conclusive presumption.

Mr. QUIGLEY. Any presumption applicable to a civil case could likewise be applicable in a criminal case.

I would point out to the gentleman from North Carolina that in the matter now before us we are not concerned with a criminal case. We are dealing in this bill with a civil proceeding.

Mr. COOLEY. This involves conclusive presumption. Why is it that the gentleman is unwilling to make it a simple presumption other than a conclusive presumption?

Mr. QUIGLEY. If this is not a conclusive presumption the whole proceeding will bog down. Testimony will be taken and retaken on the very fact of why the person was discriminated against.

Mr. COOLEY. The gentleman wants to deprive a citizen of the right to rebut the presumption.

Mr. QUIGLEY. No; I do not. I want the citizen to have the right to vote, and I would point out if the worst happens under this conclusive presumption, all that would happen is that an unqualified voter would be given, not the right to vote but merely the right to go to the polls and offer his vote, which could be challenged and no harm would be done.

Mr. CURTIS of Massachusetts. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, in answer to the question that was just raised, I can cite a conclusive presumption in criminal law. The statute books make it a crime for any person who is an agent of the United States to do business with a company in which he has an interest. You lawyers know that we cannot have a crime unless there is willful intent to do wrong; therefore, sir, that statute creates a presumption that if a person engages in such a transaction he is guilty of a willful intent to do wrong.

Mr. QUIGLEY. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. QUIGLEY. This is a little belatedly, perhaps, but there are two other conclusive presumptions which exist in American criminal law. A girl under the age of consent is conclusively presumed not to be able to give her consent to carnal knowledge; and, second, in American criminal law, a male under the age of 14 is conclusively presumed to be incapable of committing rape. I do not know whether that is a fact or not, but it is a conclusive presumption.

Mr. CURTIS of Massachusetts. Mr. Chairman, I do think it is important to clear up one other point; namely, why the pending motion is so destructive. The difficulty was referred to by the able gentleman from New York [Mr. LINDSAY] when he pointed out that the legislation before us without the Willis amendment eliminates one item of proof, proof that the applicant was refused because of race or color. It does that in the manner which has been explained here this afternoon. The amendment before the Committee last night offered by the gentleman from Louisiana put that item of proof back into the picture. The present amendment offered by the same gentleman puts that same item of proof back into the picture.

It sounds very nice to say instead of having a conclusive presumption, let us make it a prima facie presumption, but making it a prima facie presumption opens up that issue, Mr. Chairman, which under the proposed legislation is not opened up, for the reasons which have been explained. So this amendment is just as killing as the one that was offered last night. It destroys the whole scheme of the legislation.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from North Carolina.

Mr. COOLEY. I want to say to my friend, after the statement of the gentleman from Pennsylvania about the two instances of conclusive presumption which he referred to a moment ago, I wonder if he is right about this.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I would like to make an observation for those who are not lawyers. There has been so much talk this week about presumptions and conclusive presumptions that maybe our patience has been worn a little bit thin. It reminds me of the story about the three Trappist monks who had taken the vow, which included the proviso of not being able to speak. The head of the monastery decided that they should have some opportunity to talk, and he agreed that every 5 years one of them could talk. So after 5 years one of the monks got up on his feet and said: "I am sick and tired of the oatmeal every day."

After another 5 years, another monk got up and said, "I do not mind the oatmeal every day." And after another 5 years the third monk got up on his feet and said: "I think I am about to leave this place. I am getting weary and tired of this bickering over oatmeal."

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman used the expression "the scheme of this legislation." What is the scheme of this legislation that makes the prima facie amendment unacceptable to the gentleman?

Mr. CURTIS of Massachusetts. I will try to answer that question, Mr. Chairman. The scheme of this legislation is to avoid an item of proof which is, in fact, impossible to furnish. It provides that it shall be deemed sufficient proof that the applicant was denied registration on account of race or color if three things are proved: one, that there is a pattern of such denial in that district or area; two, that since the finding of such pattern of discrimination the applicant has sought to be registered; and, three, that he is, in fact, qualified to be registered. In other words, what this legislation does is to say if you find those three things, that is deemed sufficient evidence to show that the applicant was refused on account of race or color.

Mr. MORRIS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. If I have any more time.

Mr. MORRIS of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman have 1 additional minute to answer a question.

Mr. DAVIS of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Georgia. Was not the time fixed for this debate, and was not the time limited to those who were standing on their feet seeking recognition?

The CHAIRMAN. The time was fixed at 3:50. The Chair made a list of the names of those Members who indicated they desired to speak. However, the thing that governs is the time that was fixed in the unanimous consent request made by the gentleman from New York, but because the time has not arrived when debate will end, the Chair will recognize those Members who seek recognition.

Mr. DAVIS of Georgia. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Georgia. Does that limitation then of 2 minutes apply to me, or could I have some of this additional time?

The CHAIRMAN. Yes, the gentleman could be recognized again if he sought recognition.

Mr. CURTIS of Massachusetts. I now yield to the gentleman from Iowa.

Mr. GROSS. I was trying to get some time. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Massachusetts has been recognized, and he still has half a minute.

Mr. MORRIS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. MORRIS of Oklahoma. I respect the gentleman greatly and I respect his views, and I agree with what has been said, that there are such things as conclusive presumptions in regard to certain situations. But, can the gentleman or anyone name any instance where there is a conclusive presumption against a third party that is not involved? That is the question raised here. You cannot conclusively presume against a third party. You can conclusively presume in certain situations against the parties involved.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

The Chair recognizes the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, I would like to ask the gentleman

from Massachusetts, who just left the well, if it is not true that under the Willis amendment there is no burden of proof which rests upon the holder of this voting certificate.

Mr. CURTIS of Massachusetts. I agree with the gentleman. There is no burden of proof, but this item of proof is injected into the bill where it is now out of it completely.

Mr. DAVIS of Georgia. Would not the Willis amendment create a prima facie presumption that the applicant for the voting certificate had been discriminated against and eliminate any necessity on his part for proving that discrimination?

Mr. CURTIS of Massachusetts. I do not think so, sir. Because there is a prima facie presumption, that means in the law that it is rebuttable, and therefore that item of proof is opened up in the case where it is now not there.

Mr. DAVIS of Georgia. Well, I would like to call the gentleman's attention to the Willis amendment that "such proof shall be prima facie evidence that such person has been denied the right to vote on account of his race or color."

Mr. CURTIS of Massachusetts. Well, I say again that that opens up the issue, and that is an item of proof which cannot be furnished.

Mr. DAVIS of Georgia. He does not have to furnish it if there is a prima facie presumption that it is true.

Mr. CURTIS of Massachusetts. Yes. The burden of proof then shifts.

Mr. DAVIS of Georgia. The burden then shifts to the registrar who would have to prove himself that there has been no discrimination.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. DAVIS] has expired.

The question is on the Willis amendment to the Celler substitute for the McCulloch amendment.

The question was taken; and there were—ayes 121, noes 192.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

PREMIUMS ON GOVERNMENT LIFE INSURANCE

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the requestion of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the purpose of H.R. 170 is to relieve the veterans of World War I, from the payment of premiums on Government life insurance for which they are qualified by their military service as soon as they reach the age of 65.

Such insurance, under the provisions of this bill, shall be considered as fully paid when the veteran of World War I becomes 65 years of age, or on or after the date of enactment of this law, whichever date last occurs.

The insurance shall remain in force without the payment of any further premiums.

The average age of these veterans is approximately 65¾ years. A few have retired and are dependent upon the small benefits provided by old age and survivors' insurance, or other pension plans. Others are unable to secure employment. Most of them are employed, but as their earning power gradually declines, they will find it increasingly difficult to pay the premiums on their Government insurance.

The prospect that their insurance will lapse, through inability to maintain it, is a source of nagging worry. To lose the protection they have paid for through many years increases the insecurity of their old age.

This points up a serious defect in our insurance programs as they affect the older veterans.

This problem, with complicating factors which could not have been anticipated 42 years ago, cannot be solved by prevailing methods. We propose that the extra cost involved by suspending premium payments after the World War I veteran becomes 65, shall be paid for through congressional appropriations.

To help defray this cost, all dividend payments would be suspended after the paid-up age, and these savings would be applied to the payment of insurance benefits at death.

Two years ago there were only 18,000 policyholders with United States Government 5-year level premium term insurance. The number in effect today is considerably less. Furthermore, only a few thousand of these would qualify for the benefits of H.R. 170 at the present time. The remainder would become eligible when they reach the age of 65.

H.R. 170 will provide relief for these veterans who have faithfully paid premiums on their insurance for many, many years.

Veterans of World War I are the victims of a "benefit-deficit." They have never enjoyed the comprehensive programs provided for the veterans of World War II and the Korean war.

Through H.R. 170, and other bills pertaining to these older veterans of 1917–18, we have the opportunity to make up for the discrimination that has operated against them in fact and as a result of legislative neglect. It is part of the GI bill of rights for World War I veterans, so long delayed that it will be of benefit to them only in their old age.

THE TRAGEDY AT HOLDEN

Mr. SLACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. SLACK. Mr. Speaker, I arise before the House to bring to your attention a story of courage and self-sacrifice which deserves a place among the epics which describe the historical brotherhood of man. During the past 8 days the press and the radio and television newscasts have reported from hour to hour the tremendous effort being made to free 18 trapped coal miners in a Logan County mine. It has been a story of drama and suspense, triumph and disappointment, hope and tragedy.

This mine is in my district, and I know the men of the Logan area, I am proud to serve them in Congress, and I hope that in the time of my service I will be able to muster a tiny fraction of the fortitude they have shown during the past week. These men are literally without fear. They have worked around the clock, 7 days and nights, 500 feet below the surface of the earth, exposed to blinding smoke, 130° heat, and the deadly fumes of carbon monoxide gas. They have crawled for miles on their hands and knees through abandoned tunnels to seal off passages and construct a new ventilation system, without which there can be no hope of rescue.

As we meet here today, their superhuman efforts have met only disappointment. The bodies of 13 of the trapped men have been found, and hopes are very small for the remaining 5. This is a grievous blow to those who have given every ounce of their skill and energy in the rescue effort. Nothing we can say or do here can bring back those who died, or give adequate comfort to their loved ones who remain behind. Yet, I would note for the RECORD that no human or material resource has been withheld from the battle. Every ounce of knowledge, energy, and skill—every iota of know-how about the mining profession—has been put to use, and it cannot be said that these men shall have died in vain.

In recent months our ears have been assaulted by waves of shouting about enemies who have temporarily surpassed us in some respects, and who boast they will one day be our superiors. I say to you that today is not that day. There are no human beings superior to the men of Logan. They have taken to heart the age-old injunction to all of us: that he is the greatest among us who will lay down his life for a friend. We must learn from them, and remember their deeds when we are told that Americans are soft and have lost the will to survive, that the grim courage of the pioneer is gone from our people.

In this tremendous effort to surmount an inferno of fire, smoke, and gas every divisive force among our people has been swept aside to create a unity of purpose and determination seen all too rarely. There has been no time to think of people in terms of race, color, or creed. No attitudes were taken to differentiate labor from management. The keenest knowledge and sharpest skills of employer and employee, union and public

official, were joined together in an unrelenting drive to save human lives. There can be no higher dedication of purpose.

During the term of this Congress there has been frequent discussion of the economic conditions prevailing in the mining regions, of the long-term unemployment resulting from displacement of men by machines. The area redevelopment bill designed to lend corrective assistance to this matter has lain dormant for almost a year. During that time I have noted attempts to justify this delay by means of statements to the effect that unemployed miners are looking for a Federal handout—that they are shiftless and should migrate from their homes to seek work elsewhere, rather than wait for economic redevelopment.

The men of Logan have this very week branded the untruth of such comments in the steaming fire of the Holden mine. There is no more demanding and dangerous way of life than mining, and the miner loves the mountains in which he was born. When next you hear talk of depressed areas, and of the miners who are unemployed, remember these men for what they have proven themselves to be, not for what the greedy special-pleaders tell you about them. Ask yourself whether you would go 2 miles underground to crawl on your hands and knees toward a sheet of flame in a gas-filled tunnel so that a friend might have a bare chance to survive. Ask yourself, and by your answer, measure the justice of the bill proposed to give them a chance for dignity again when our economy has destroyed their livelihood and has cast them aside.

HIGH PRICES OF DRUGS: DRAWING CONCLUSIONS BEFORE EVIDENCE IS IN

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I am placing in the RECORD an editorial appearing in the Washington Post of February 26, 1960, entitled "The High Price of Drugs." Because of the rules of the House I have had to make deletions from the editorial which I have marked with asterisks.

My following remarks must relate to House committee hearings but by logic they apply to other committees.

If a committee has been guilty of improper procedures to the extent that this editorial alleges, why does the writer argue for extending further power to it until there have been assurances against further abuse?

Then too why does the editorial in its lead paragraph make this statement, "An alarming—and certainly disgusting—picture of some industry practices is emerging" only to say in the fourth paragraph, "obviously, the companies' answers to these latest charges must be awaited before any conclusions are reached"?

However, I particularly want to call attention to the second paragraph of the editorial:

The early * * * disclosures of fantastic markups in individual drug items made more headlines than they did sense; many essential steps in the development, manufacturing and marketing process were simply not taken into account in the calculations. The committee acknowledged this, but the resulting publicity was nonetheless unfair.

I was unaware that there has been any attempt by any committee or the press except in the editorial I am placing in the RECORD to either correct the original unfairness or to start being fair.

Surely, this kind of congressional committee investigation-press relationship does a very poor job in assisting either the Congress or the people to understand the real problems that exist in the field of health costs so that the problems can be solved.

The minority members of the Joint Economic Committee in their separate views on the President's 1960 Economic Report have this to say about this subject:

COSTS OF GROWTH

Furthermore, we point out that rapid technological advancement (real economic growth) brings in its wake increased frictional unemployment. It also brings in its wake increased real costs resulting from obsolescence of human skills and machinery and from the recoupment of the funds invested in the research and development which has enabled the growth to come about. * * * Do we want to increase the already rapid rate of technological growth rate in the field of drugs and hospitalization until we have been able to cope with the cost problems which already confront our citizens because of the rapid growth?

The important fact about the high cost of our wonder drugs and hospitalization is not that there is a scapegoat to blame, but rather a lucky star to be thanked that these drugs, these new instruments, these new skills are available in our society. Instead of looking for scapegoats let us look for methods of taking care of the costs that progress brings in its wake—and as we work for more progress be prepared to shoulder the new costs it will bring.

[From the Washington Post, Feb. 26, 1960]

THE HIGH PRICE OF DRUGS

The * * * investigation of the prescription drug industry is getting onto distinctly firmer ground. An alarming—and certainly disgusting—picture of some industry practices is emerging, and * * * would do the * * * and the public a favor by dropping his ill-considered objections to the orderly continuation of the hearings at normal hours, even though they may conflict with * * * sessions.

The early * * * disclosures of fantastic markups in individual drug items made more headlines than they did sense; many essential steps in the development, manufacturing and marketing process were simply not taken into account in the calculations. The committee acknowledged this, but the resulting publicity was nonetheless unfair. As the broader picture has emerged, however, it has become apparent that profits of many larger pharmaceutical houses are outrageously high—twice the average for all industry. The way in which this stunning financial success has been achieved makes the really dismal reading, however.

As the hearings have shown, the enormous growth of the drug business in the past decade has been brought about in part by the development of an infinite variety of similar drugs which have been patented, labeled with brand names and peddled with massive promotion and advertising campaigns among doctors. The cost of all this has added considerably to prices, but it now appears that this may be the least of the evils of widespread hucksterism.

At yesterday's hearings, Dr. Haskell J. Weinstein, a former research director for Charles Pfizer & Co., charged that incompletely evaluated drugs have been brought on the market "which not infrequently are hazardous." Doctors, he said, are virtually "brainwashed" into prescribing new medicines, under their costly brand names, even without adequate information about their efficacy. Dr. Weinstein's predecessor at the Pfizer Co., Dr. Martin A. Seidell, said he had quit because of such "perverted marketing attitudes" which he found "incompatible with both the ethics of my profession and my sense of morality." If drug promotion, in addition to burdening patients with inordinate costs, is also resulting in the distribution of dangerous (or even merely useless) pharmaceuticals, the * * * committee has at last struck legislative "pay dirt."

Obviously, the companies' answers to these latest charges must be awaited before any conclusions are reached, and it would be wrong to indict all drug manufacturers for the practice of some. But if there is doubt about what the Government could or should do to end profiteering, there is no doubt whatever about its powers—and its obligation—to protect the public from the premature dissemination of drugs that may be of dubious value or even dangerous.

It is also beginning to appear that physicians themselves must bear a considerable part of the blame for their patients' increasingly burdensome drug bills. By relying so heavily upon brand-name promotions, they may be denying their patients considerable savings possible through the prescription of medicines by their generic names. Indeed, if the * * * hearings do no more than educate the public to demand more economical drugs whenever possible, they will have performed a genuine service.

MONETARY SAVINGS AND RECOVERIES ATTRIBUTABLE TO ACTIVITIES OF THE COMMITTEE ON GOVERNMENT OPERATIONS (1959)

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAWSON. Mr. Speaker, I include for the RECORD a breakdown of the savings of the Government Operations Committee previously filed with the House Administration Committee:

MONETARY SAVINGS AND RECOVERIES ATTRIBUTABLE TO ACTIVITIES OF THE COMMITTEE ON GOVERNMENT OPERATIONS (1959)

The following table is designed to give an idea of the significance in dollars and cents for a 1-year period of the committee's activities. With one or two noted exceptions, the following figures reflect the savings or recoveries during a single year. Many items

are of a recurring nature and the saving listed will be repeated annually; for example, the savings on telephone and telegraph rates will continue for many years, as well as the savings resulting from an improved commercial airlift program.

In many cases precise dollar estimates cannot be computed since the greater part of the identifiable savings are those which flow from the elimination of wasteful practices, the initiation of prudent ones, and the knowledge that the committee is ever watchful over the efficiency and economy of Government operations. A glance at item 3 below will show that if these items were included, the annual savings would exceed $100 million.

Grand total (computable savings and recoveries for 1 year)---------- $68,886,550

1. Resulting from activities of the committee during 1st sess., 86th Cong. (actual and prospective):

(a) Discontinuance of YC-121-F aircraft---------- 1,526,250

(Military Operations Subcommittee) discontinuance by the Air Force of use of high cost unnecessary experimental YC-121-F aircraft after subcommittee staff inquiries. Maintenance and operating costs of these aircraft if not withdrawn—$1,526,250.

(b) Increased competition in military procurement of aircraft hardware and fresh milk---------- 200,000

(Military Operations Subcommittee) more competitive bid offers to military procuring agencies in fields of aircraft hardware and fresh milk procurement following subcommittee staff inquiries into alleged price fixing and other collusive practices. Recent awards showed reduction in price to the Government of $200,000.

(c) Committee action on negotiated sales---------- 472,000

(Government Activities Subcommittee) proposed negotiated sale by the GSA of a portion of the Camp Adair Military Reservation in Benton County, Oreg. (123 acres and several frame buildings) to Plywood Products Corp. for $35,000 was reviewed thoroughly, the investigation indicating that a higher price was in order. Acting on the subcommittee recommendation that the sale not be consummated for less than $50,000 the GSA Administrator consummated the sale on Nov. 12, 1959, for $50,000, a net savings to the Government of $15,000.

Proposed negotiated sale by GSA of the Naval Supply Depot, Spokane (Velox), Wash., to the D-J Co., of Seattle, Wash., for $2,100,000 was extensively reviewed by the subcommittee and information developed relating to the possibility of a higher offer than the one accepted by GSA. The subcommittee recommended to GSA on Sept. 21, 1959, that consummation of the sale be rejected and a new, higher offer considered. As a direct result of the subcommittee's action, sale of the property subsequently was consummated on Nov. 10, 1959, for $2,557,000, an increase of $457,000 over the originally proposed price and a corresponding saving to the Government.

(d) Grain storage (potential)- $25,000,000

(Intergovernmental Relations Subcommittee) the Department of Agriculture now spends nearly $2,000,000 per day for commodity storage, an increase of more than 400 percent in the past few years. The subcommittee's investigation has disclosed that rates paid private warehousemen for storage of Government commodities are three or more times as high as the cost of storage in Government facilities; despite this, grain has been moved from Government facilities to private warehouses for storage, leaving hundreds of millions of bushels of Government space empty. Commercial warehousemen are storing Government grain in buildings rented from the Government; payment by the Department of Agriculture have been as much as 100 times greater than the rent received by the Government.

New contracts for storage of grain in private warehouses are now being negotiated and will become effective on July 1, 1960. Since a reduction of only 1 cent per bushel per year in the contract storage rate will mean a saving of more than $25 million annually, it is expected that the subcommittee's investigation will contribute to substantial savings.

(e) Foreign currency commodity transactions---------- 100,000

(Intergovernmental Relations Subcommittee) $5,000,000,000 has been spent during the past 5 years to finance exports of agricultural commodities for foreign currencies. Although the commodities financed have often come from Government surplus stocks, little apparent concern has been shown for the size of the markup. As a result of the subcommittee's investigation, the Justice Department is now considering legal action to recover about $100,000 in overpricing on a single rice transaction. If filed, this will be the first legal action of its kind and will probably serve as a precedent for additional claims in other situations of the same type now being studied by the subcommittee.

Some improvements have been made in price review procedures on foreign currency transactions which should result in future savings.

(f) Sale of CCC commodities to Armed Forces---------- 50,000

(Intergovernmental Relations Subcommittee) as a result of disclosures at subcommittee hearings, the Army obtained new contracts for furnishing of recombined milk for troops in Japan, Okinawa, and Guam which are expected to save about a million dollars annually. Approximately $50,000 was refunded to the Department of Agriculture by a dairy firm which had purchased a substantial quantity of nonfat dry milk from CCC for less than 10 cents per pound and resold it to the U.S. Armed Forces for more than 30 cents per pound. The armed services and the Department of Agriculture have taken steps to coordinate their activities with a view to preventing windfall profits through resale to the Armed Forces of agricultural commodities sold or subsidized by the Commodity Credit Corporation.

(g) Minimization of cash grants---------- $3,000,000

(Foreign Operations and Monetary Affairs Subcommittee) because of the magnitude of foreign aid funds and the nature of their use, even small improvements in procedure and practice may result in very large money savings indeed. The minimization of cash grants recommended by the committee, which now appears to be the trend in ICA, could, in Laos alone, mean at least 10-percent improvement in the effectiveness of U.S. aid funds. On the basis of the level of cash grants in 1957, this would represent more than $3,000,000 worth of aid.

(h) Unlawful gains of ICA employees (Laos)---------- 10,000

(Foreign Operations and Monetary Affairs Subcommittee) exposure by the subcommittee investigation in Laos of unlawful or unreported gain on the part of certain persons employed by ICA will probably result in tax recoveries, with penalties, aggregating several thousand dollars.

(i) Substandard housing construction (Laos)-------- 4,300

(Foreign Operations and Monetary Affairs Subcommittee) the Department of State has advised that the U.S. attorneys office now has under review the possibility of prosecuting legal violations by the Universal Construction Co. The U.S. operations mission to Laos has been instructed to file a claim of $4,311.39 as the result of the substandard construction of 14 houses. The General Counsel of the International Cooperation Administration is reviewing the legal steps possible to secure additional recoveries.

(j) Yellowstone Park power contract (potential)---- 30,000

(Special Subcommittee on Assigned Power and Land Problems) as a result of the investigation and hearings held by the subcommittee on the contract for electric power for Yellowstone National Park the Department of the Interior has ordered a restudy of the contract and of the figures used in determining that the Montana Power Co. would provide the lowest cost source of electric power. The Department of the Interior has indicated that a mistake amounting from $15,000 to $32,000 a year may have been made in its original computations. The subcommittee figures indicate that this may run as high as $70,000 a year. As yet, no decision has been made to cancel or renegotiate the contract.

2. Savings and recoveries occurring in calendar year 1959, resulting from the committee's activities in the 85th Cong:

(a) Offshore procurement; recovery of taxes (total)--- $825,000

(Executive and Legislative Reorganization Subcommittee) the 17th report of the committee to the 85th Cong. (H. Rept. No. 1281, 85th Cong.) contained a recommendation the matter of taxes improperly paid to foreign governments in offshore procurements be given immediate attention by the Department of Defense in order to clarify policy and procedure at the operating level, and to provide uniform guidance to the procurement agencies. This recommendation flowed from a study of the Comptroller General's efforts to secure the recoupment of such taxes. The committee found that there had been a culpable failure by the Federal agencies to consider and implement the Comptroller General's recommendations. Subsequently on Jan. 29, 1960, the Comptroller General reported, "erroneous tax payments of about $825,000 have been received and claims have been made against contractors for an additional $1,013,000."

(b) Stabilized, longer term procurement of commercial airlift by Armed Forces--- 13,600,000

(Military Operations Subcommittee) subcommittee investigations and reports ("Military Air Transportation," H. Rept. No. 2011, 85th Cong, 2d sess., and "Military Air Transportation" (Executive action in response to committee recommendations, H. Rept. No. 1112, 86th Cong., 1st sess.), have led the President to direct a complete reexamination of this whole problem. Among other things, the Air Force specifically has accepted the subcommittee's recommendation for more stabilized, longer term procurement of commercial airlift services. As a result of Air Force action under this recommendation, approximately $13,600,000 were saved in contracts for 1 year's services.

(c) Adjustment of nickel procurement at Nicaro, Cuba---------- 2,000,000

(Government Activities Subcommittee) appended to the subcommittee's report, ninth report of the Committee on Government Operations, titled "Disposal Problems of Government-owned Nickel plant at Nicaro, Cuba" (H. Rept. No. 684, 86th Cong., 1st sess., July 17, 1959), is a letter dated Mar. 20, 1959, from the GSA Administrator pointing out that, as a direct result of testimony in the subcommittee hearings on the matter in 1958, GSA made a money-saving downward adjustment in the amount of privately owned ore taken for the Nicaro plant. The GSA Administrator said the result was a saving for the first 7 months of the 1958–59 fiscal year of $740,540. He added that the savings to the operation and the Government over the remaining 9 years of the ore contract will be over $2,000,000 a year if the royalty ore requirements are held to this adjusted level and normal operating conditions ensue. Potential savings in the long run then can be estimated at more than $18,000,000 if the cited conditions prevail.

(d) Sale of Naval Shipyard, Newport News, Va------ $2,000,000

(Government Activities Subcommittee) the subcommittee, during the 85th Cong., blocked the proposed negotiated sale of the Naval Industrial Shipyard at Newport News, Va., because the price of $3,510,000 appeared grossly out of proportion to the true fair market value of the $20,391,000 facility. GSA, at subcommittee request, withdrew its delegation of authority to the Secretary of Defense and made a new appraisal. Negotiations are proceeding and, as a result of the subcommittee's insistence on the true fair market value, it is now estimated that the shipyard will be sold for a price at least $2 million more than the one originally proposed and may exceed that estimation by a considerable amount.

(e) Substitution of purchase for lease-purchase of Rock Island, Ill., post office--- 1,800,000

(Government Activities Subcommittee) study was initiated during the 85th Cong. of a GAO review of the financing and construction of a post office and courthouse public building project at Rock Island, Ill., under the lease-purchase program. After study and conferences with GSA officials upon recommendation of the subcommittee and with the cooperative action of the Appropriations Committee, authorization was made in the 1st sess., 86th Cong., for GSA to use funds from savings on new construction projects to pay off the Government's lease-purchase obligation on this project. This action eliminates the necessity of paying interest and real estate taxes over the cancelled period, resulting in a direct saving to the Government of approximately $1,800,000.

(f) Sale of portion of VA lands in St. Cloud, Minn------ 13,000

(Government Activities Subcommittee) review began Aug. 18, 1958, on proposed negotiated sale by GSA of a surplus 209-acre portion of the VA hospital reservation in St. Cloud, Minn., to the city of St. Cloud for $24,000. The city planned to retain a portion of the tract for park purposes and turn the balance over to St. Cloud Opportunities, Inc., a quasi-public organization, for industrial purposes. Acting on subcommittee recommendations, the GSA transferred 27.4 acres to the city for park purposes for $932.50 which represented the allowable 50 percent of its value. The remaining 182.31 acres were offered at public auction on Aug. 27, 1959, and GSA accepted the high bid by St. Cloud Opportunities, Inc., of $36,462 a cash return of more than $13,000 above the terms proposed in the negotiated sale.

(g) Cash recoveries on illegal cheese transactions (total)---------- $2,371,000

(Intergovernmental Relations Subcommittee) on Nov. 18, 1959, the subcommittee received a letter from the Department of Justice advising that total recoveries in cheese transactions investigated by the subcommittee had reached $2,159,792.24 and that additional recovery of $216,933.91 was expected from 26 outstanding cases. The Justice Department letter expressed appreciation for the subcommittee's assistance.

(h) Telephone and telegraph rates ---------- 15,385,000

(Special Subcommittee on Donable Property.) This work of the subcommittee is responsible for the passage of the basic statute, Public Law 968, 84th Congress, and for following through to insure that GSA represented the Government before the Federal Communications Commission in obtaining equitable rates. The GSA did an excellent job in following through on this matter, and it has been estimated that the annual savings to the Government in telephone and telegraph rates will be about $15,385,000 per year. It was estimated that a 15-percent savings on the rates applied to SAGE alone, or $10 million annually, and for other agencies other than SAGE $4,600,000 annually, making a total of $14,600,000 reduction on telephone rates and, in addition, a reduction for certain services, of $785,000 per year. The total annual savings for all classes is estimated at $15,385,000.

(i) Handling of certain classified documents---------- 500,000

(Special Subcommittee on Government Information.) During 1959, monetary savings directly attributable to the work of the House Government Information Subcommittee totaled about $500,000. Comparable savings will continue during 1960. These savings result from improvements in the handling of "historical" classified Defense Department documents which save an estimated $400,000 a year in storage costs alone, and from abolition of the Office of Strategic Information in the Department of Commerce, which was costing about $100,000 a year.

3. Savings and recoveries where only general dollar estimates can be made:

(a) Improvements in organization and management of the missile program----- (1)

(Military Operations Subcommittee.) The subcommittee's

[1] Many million dollars annually.

investigation and report on "Organization and Management of Missile Programs" (H. Rept. No. 1121, 86th Cong., 1st sess.) already have resulted in Executive actions which should save many millions of dollars each year. Precise figures cannot now be given.

(b) Improvements in military supply management----- (2)

(Military Operations Subcommittee) the same comment applies to the subcommittee's investigation and report on single manager agencies ("Military Supply Management (Single Manager Agencies)," H. Rept. No. 674, 86th Cong. 1st sess.). Executive action following the committee report has brought about further improvements in military supply management programs which should produce savings of several million dollars annually.

(c) New supply concepts and improved organization of military aid program for Western Europe---------- (1)

(Military Operations Subcommittee) new supply concepts and improved organizations in U.S. military aid programs to Western Europe were recommended in the Subcommittee's report entitled "United States Military Aid and Supply Programs in Western Europe," (H. Rept. No. 1371, 85th Cong., 2d sess.). This report has received careful consideration by the special committee appointed by the President (Draper Committee) to study military aid. If the recommendations are carried out, many millions of dollars will be saved each year.

(d) Exposure of deficient public land appraisals and resulting anti-speculation rules---------- (2)

(Special Subcommittee on Assigned Power and Land Problems) hearings held by the special subcommittee during the month of January 1960 in Phoenix, Ariz., indicate that Government appraisals of land being disposed of by the Bureau of Land Management, Department of the Interior, have been shockingly low. In one instance it appears that an appraisal of a tract of 58,000 acres was somewhere between $2½ to $5 million below the true fair market price. Other cases studied by the subcommittee showed losses running into several thousands of dollars and appraisals running into one-tenth to one-quarter of the true fair market value of the land. On Feb. 5, 1960, the Secretary of the Interior announced that he was making five major changes in the Bureau of Land Management exchange procedures to eliminate speculation and to prevent further losses to the Government. Each of the changes is directly traceable to the subcommittee's hearings.

[2] Several million dollars annually.

HONOR THE GREAT PADEREWSKI

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, it is with a deep sense of honor that I am privileged to join with my colleagues in the House in urging the issuance by the Post Office Department of the special stamp to commemorate the historic contributions of Ignace J. Paderewski.

I can presently conceive of no more fitting addition to the Department's series of stamps recognizing champions of liberty than this illustrious Polish statesman and artist who unselfishly dedicated most of his life to the cause of human freedom.

I understand that the Post Office Department is carefully considering the proposal for a special stamp for the great Paderewski and ardently hope that this fitting tribute may be paid to one who in life was such a gallant fighter for freedom and who in memory is so richly deserving of the plaudits of sincere liberty lovers of the world.

It would be even a more fortuitous circumstance if such a stamp could be issued this year since the 100th anniversary of Paderewski's birth will fall on November 6, 1960. It would be equally fitting and agreeable if the Postmaster General, in his wisdom and discretion, would authorize this special stamp at an early date so that appropriate commemorative ceremonies can be arranged by interested Polish organizations as well as American admirers of this great and celebrated world figure.

Whatever I might say concerning the contributions of Ignace Paderewski I fear might well be all too inadequate.

As a mark of the esteem and admiration and affection with which he is held by Americans, the mortal remains of this great patriot lie in the hallowed soil of Arlington National Cemetery where heroes and great statesmen rest and where the Unknown Soldier, known but to God, sleeps in eternal honor and peace.

Paderewski unselfishly devoted the greater part of his life to his beloved country and to the perpetuation of freedom. In World War I, he was largely instrumental in organizing an independent Polish Army to serve and to fight in France with the fighting sons of America and our allies on the western front.

At the end of the war, as chairman of the Polish delegation to Versailles, Paderewski strove for a just treaty of peace and, in the name of his great nation of Poland, signed the historic document by which his noble country regained her independence.

In World War II, while advanced in years, Paderewski again labored and fought for the Polish cause and helped to shape the Polish Government in exile which became the symbol and spearhead of indomitable Polish allegiance to the cause of the free world.

As Chairman of the National Council of the Republic of Poland which functioned in France and later in England, he rendered noteworthy service in keeping his country in the vanguard of the loyal, the true and the dedicated.

Even in the year 1940, when he was 80 years of age, still undimmed in spirit, still resolved to labor and fight for the great principles in which he believed, Paderewski came to the United States to continue his advocacy and his great work in behalf of Polish independence and freedom.

It was here on American soil, in our very city of New York, on June 29, 1941, that he passed to his heavenly reward, leaving behind him saddened hearts the world over and a legacy of devotion and loyalty to democratic principles that brought deepest inspiration to those of his own blood and to all who loved liberty.

The contributions of the great Paderewski were, by no means, confined to the political field. Illustrious as he was as a statesman, he was perhaps even better known for his outstanding artistry as a renowned pianist recognized generally as one of the greatest the world has ever known. Gifted beyond expression, trained in the great continental music salons of Warsaw, Berlin, and Vienna, endowed with veritable genious, he commenced his public career as a concert pianist in 1887, and was immediately acclaimed for his brilliant and remarkable talents and impressive histrionic performances. He swept the music-loving people of Europe in triumph after triumph in the great capitals where good music is so deeply appreciated, and in 1891, when he came to this country, literally took America by storm.

In the years that followed, as he achieved even greater success as a concert pianist, his name virtually became a household word among the American people and indeed throughout the civilized world. Time and time again, he was acclaimed for the brilliance of his artistry, the perfection of his technique and the inspiring quality of his showmanship and performance.

It was, perhaps, this quality so implicit in his makeup, his bounding enthusiasm and his ability to arouse commendation and admiration that helped him in his political endeavors and made him one of the most colorful and appealing statesmen in world history.

A magnificent personality, impressive in appearance, articulate and eloquent of tongue, Paderewski with his flair for showmanship easily captivated his political audiences and won the confidence and acclaim of his people as well as democratically minded people throughout the world.

In fact, his reputation, grandeur, and appeal was not confined to democratic nations alone. Paderewski spoke the language of music and that is a language understood and appreciated by all peoples whatever their station or political status.

He had the faculty and ability of attracting the attention literally of a world

audience that not only looked upon him as a great musician but also listened to him with respect and appreciation whenever he spoke on political questions. It was this unusual and unique duality of personality and duality of appeal that gave Paderewski a position in the world that few, if any, statesmen have ever known, and his concept of a free Poland standing proudly with other nations of the world became just as much of a byword as his immortal "Minuet" which had found such a lasting place in the hearts of all peoples.

But it was to Poland, his beloved country, and its noble cause that he devoted most of his life and all of his dreams. It was to Poland that he gave of himself so unselfishly. It was to his lovely native land that he gave "his last measure of devotion."

Ringing down through the unbroken channels of history with a greater clarity and impressiveness than ever before resounds his inspiring message so meaningful for his fellow countrymen, for America, and all free peoples:

The vision of a strong and independent Poland has always been the lodestar of my existence. Its realization is still the great aim of my life.

I make a strong, vigorous, and heartfelt appeal to our distinguished Postmaster General, Arthur E. Summerfield, and his advisers to give immediate consideration to this just and timely proposal to issue a commemorative stamp for the immortal Paderewski.

Champion of liberty, sponsor of self-determination, prophet of human rights, encourager and uplifter of the human spirit, certainly Ignace J. Paderewski richly deserves this honor. From my heart I urge that it may soon be accorded him.

CIVIL RIGHTS

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, germane to the issue before the House today is a letter I have sent to the Attorney General of the United States within the last 24 hours. I include a copy of that letter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 16, 1960.

The Honorable WILLIAM P. ROGERS,
Attorney General of the United States,
Washington, D.C.

DEAR MR. ROGERS: I have grown completely weary of your continuous and unbecoming references to Little Rock in your efforts to rally support for harsh, unrealistic, political, and totally unnecessary civil rights legislation.

I know from firsthand observation, which opportunity you did not have, the seriousness of the events that transpired in Little Rock in September 1957. And I know, furthermore, that almost daily events of far greater seriousness have occurred in all parts of this Nation, especially in the East and North.

I cannot understand, then, why you do not refer to Levittown, Deerfield, New York City, even Washington, D.C., as you cite conflicts between the races. You also could point out the continual boiling up of racial unrest in Chicago, Detroit, Los Angeles, and many other places.

The only reason I can see for your repeated references to Little Rock is that the administration still is attempting to cover up for its unwarranted and illegal use of U.S. troops against the people of the sovereign State of Arkansas.

If this is your objective, I feel that you owe a very definite and emphatic apology to the people of my city, district, and State for making them the whipping boy of an obviously political propaganda move.

I also cannot in all seriousness believe that you feel that one man—the Attorney General of the United States—should have the power of injunction to wield over the people of the Nation without due process in the courts. By all the standards of our traditional constitutional form of government, I think you must agree, deep down within your heart, that this is far too great a power to place in the hands of one individual.

Furthermore, the legislation which you are advocating has been given the dubious designation of voting rights. There is absolutely no evidence of anyone in the city of Little Rock ever having been denied the right to vote because of race, creed, or color.

Therefore, in the name of all morality, decency, and fair play, I request that the name of the fair city of Little Rock be eliminated from your future political propaganda statements in behalf of so-called civil rights. Surely, all educated and intelligent individuals will agree that such references should be beneath the dignity of the high office of the Attorney General of the United States of America.

Sincerely,

DALE ALFORD,
Member of Congress.

POSTAL SUBSIDIES

Mr. RHODES of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RHODES of Pennsylvania. Mr. Speaker, last Friday the President sent to Congress his message urging that postal rates be increased to produce $554 million to eliminate the postal deficit.

A letter we received from Postmaster General Summerfield set forth in detail the administration's postal rate increase proposals.

This administration proposal is another effort to place an unfair and unjust burden on the users of first-class mail and to protect the beneficiaries of unwarranted subsidies to big magazine publishers.

It is interesting to note that of the $554 million to be raised by the administration bill, $409 million would come from the proposed increase in first-class rates from 4 to 5 cents, while only $47 million would come from second-class mail. Yet Mr. Summerfield's letter states that the second-class mail loss—largely newspapers and magazines—was nearly $300 million last year and that first-class mail is paying 111 percent of its fully allocated cost to the Department.

Mr. Speaker, I cannot see how Congress can, in good conscience, require first-class mail users to pay three-fourths of the rate increases, while they are already paying more than the cost of handling this type of mail. The big publishers, who account for over half the deficit, would be charged less than 9 percent of the proposed rate increases under the administration proposal.

In effect, the administration is saying to the average mail user, "You must pay for the multi-million-dollar subsidy that goes to Life, Reader's Digest, Saturday Evening Post, and other large profit-making publications so that the postal deficit can be reduced." During last year's hearings before the House Appropriations Subcommittee on Treasury-Post Office Departments, Mr. Hyde Gillette, Assistant Postmaster General, Bureau of Finance, put it another way when he said:

Mr. Chairman, it is true that magazines probably pay more than a hundred million less than the cost of handling them, but part of that is offset by the extra amount that the first-class mail pays over and above its fully allocated cost, so that the net effect is not carried through directly to the deficit.

Mr. Speaker, I introduced legislation last year—H.R. 8433—to produce additional revenue from the sources now incurring the largest postal deficit by instituting a 5-year program to gradually reduce publishers' second-class postal subsidies. My bill is also sponsored by the gentleman from Wisconsin [Mr. REUSS] and in the Senate by the senior Senator from Pennsylvania [Mr. CLARK] and the junior Senator from Wisconsin [Mr. PROXMIRE]. It would place an annual limitation on the amount of subsidy going to any individual publication, ranging from $5 million during the first year of the act to $100,000 in the fifth year.

Enforcement of the act would be based on data developed under section 105 of the Postal Policy Act of 1958 which requires the Postmaster General to submit to Congress by April 15 of each alternate fiscal year information on postal rate expenses and revenues.

In view of the President's concern over the postal deficit, which he puts at $2 million every working day, it is surprising that the Post Office Department and the Presidents' own Bureau of the Budget have submitted adverse reports on H.R. 8433.

Two recent polls conducted by the National Federation of Independent Business may be of interest to my colleagues in this connection. For many years this organization has circulated "the Mandate" among its membership in conducting survey polls on legislation before the Congress. The results of these polls are sent to each Member of Congress by his own district chairman of the federation.

Bulletin 252 asked the following question:

Are you for or against Congress requiring all large national magazines to pay their full share of post-office mailing costs, the same as users of first-class mail are required to do?

The membership of the National Federation of Independent Business voted 84 percent for reducing second-class postal subsidies, only 13 percent against. In my own district, 94 percent of the

members voted for reducing such subsidies.

This year in bulletin 254 the federation conducted a poll of its members on the President's proposal to increase first-class postal rates, based on his budget message to Congress. The nationwide results were 26 percent in favor of the President's request, 72 percent against.

Mr Speaker, if the administration were genuinely interested in reducing the huge postal deficit it would support my bill to get at the heart of the subsidy problem—second-class publishers' mail, which accounts for the major portion of the deficit. I trust that the House Post Office and Civil Service Committee will take a good look at the exorbitant multimillion dollar annual subsidies going to profit-making publications and act to curb these subsidies before considering any increase in first-class mail rates.

THE LATE RAMON MAGSAYSAY

Mr. JUDD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. JUDD. Mr. Speaker, it is appropriate that in connection with the debate on civil rights we pay tribute to the memory of a man of another race, Ramon Magsaysay, who had as deep an understanding of dedication to the fundamental principles on which this country was founded and grew great as any man I have ever known anywhere.

Three years ago today, and 10,000 miles from this Chamber, the free world and particularly the Filipino people suffered a tragic loss. On March 17, 1957, Ramon Magsaysay's life was snuffed out against a mountainside in the Province of Cebu. The world had lost a champion of liberty. The loss, as Secretary Dulles later said, was one that was felt everywhere by those who, having liberty, would preserve it; by those who, never having had liberty, would gain it; and by those who, having lost liberty, would regain it.

Ramon Magsaysay was a great man, and the source of his greatness was precisely those qualities we most admire in the Filipino people. He was a man of humility and quiet pride, of great sensitivity and greater courage. Above all else we remember his burning dedication to the ideals of democratic self-government and his conviction that the state exists not to enhance the interests of a few but to serve the welfare of all its citizens, and particularly the welfare of those who could not otherwise help themselves. Democracy has had a proud history in the Philippines, and its finest chapter was written under the leadership of Ramon Magsaysay. José Rizal had pointed the way to Philippine independence from Spain. Ramon Magsaysay opened the path to Philippine world prestige on the basis of genuine achievement.

Preeminently a man of the people, Magsaysay taught his people that the good things in life were worth fighting for. He was a brilliant guerilla fighter during World War II. As Secretary of Defense he waged an equally effective campaign against the armed insurrection of the Huks, principally because he understood that the Huk insurrection sprang as much from hunger, poverty and social injustice as it did from Communist conspiracy and subversion. As President he did his vigorous best to insure a better life for each Filipino. Resettlement programs, land reform, agricultural credit facilities, community development, education, social security, public health improvement: all these he undertook in the knowledge that the democratic way of life comprehends more than the right to vote. Not least, Magsaysay understood that corruption in public life leads swiftly to the collapse of public confidence and perhaps even of democracy. Throughout his career in public office he waged a relentless campaign against those who enriched themselves in public office at the expense of national progress.

Perhaps Magsaysay's greatest achievement was the establishment of the Republic of the Philippines as a respected and influential member of the community of nations. It was my privilege to have something to do with the first mutual defense treaty entered into by the United States with any Pacific nation. Quite properly it was with the Republic of the Philippines. The Pacific Charter and the instrument establishing the Southeast Asia Treaty Organization were both signed in Manila and under Magsaysay's administration. I would like to read to you an excerpt from the speech Ramon Magsaysay made on July 4, 1956, the 10th anniversary of Philippine independence. He said:

> On several occasions in recent months I have urged our people toward greater expression of what I have called positive nationalism. Just what do I mean by positive nationalism? Actually, I could just as accurately say true nationalism. For example, I see no real patriotic or constructive contribution for those who resurrect buried enemies or revive dead issues, from those who sneer at the worth or validity of our national institutions or culture, from those who try to imprison us behind a wall of suspicion, distrust and hatred of the outside world, from those who would have us follow a policy of cynical expediency. Honest and fearless criticism should be welcomed as a healthy manifestation of democracy, but we should insist that it be presented soberly, based upon evidence, and accompanied by a constructive alternative.
>
> Positive or true nationalism is that which places the national good above personal interest, bias or prejudice. It seeks, discloses, and cultivates what is good in the community and the nation, knowing that the stronger growth of what is good will choke out the weeds of what is bad. The true nationalist does not ignore or conceal national shortcomings, but works hard to correct them; he does not advertise them to feed his own vanity.

Mr. Speaker, I would like also to read to you his definition of national interest from the same speech:

> What comprises the national interest? Security, first of all. Without security, sovereignty is controlled by, and at the mercy, of, the nearest aggressor, making it no sovereignty at all. Next comes the material well-being of our people and our progress in maintaining and expanding that well-being. Those are the tangible, the physical elements of national interest. But no less important, certainly, are those aspects of the national interest which cannot be measured in pesos or in firepower, such elements as our racial and national code of ethics, morality, and justice; our principles and ideals; our reputation and prestige as a member of the free world community. Determined, for instance, to honor our commitments and conduct ourselves nationally in a manner that does credit to our national dignity.

These are the words of a great champion of liberty, a great national leader, a very great man. Ramon Magsaysay was each of these—and to me he was also a warm and cherished personal friend. The world is a better one for his example, and his example is one that we shall not soon forget.

THE LATE JOHN B. HUSSEY, OF SHREVEPORT, LA.

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BROOKS of Louisiana. Mr. Speaker, I have just been informed of the untimely and tragic passing of my old and good friend, John B. Hussey, of Shreveport, La.

Many Members of this body also knew Mr. Hussey as a Commissioner of the Federal Power Commission. He had been serving in that position since taking the oath of office in June 1958.

John Hussey's life came to an end in San Antonio, Tex., where he had gone on official business.

Mr. Hussey was born in Jefferson, Tex., in 1907, and was graduated from St. John's High School in Shreveport, La., in June 1927, as valedictorian of his class. Later he was awarded an L.L.B. degree from Georgetown University in 1929. From 1952 to 1958 he was Commissioner of Conservation for the State of Louisiana. He was married to the former Inez Daniels, and had five lovely children, all of whom survive him.

Mr. Hussey was an able authority on oil and gas and was a tireless fighter against foreign import.

Truly, the Federal Government has lost a great public servant, and the State of Louisiana and the city of Shreveport, one of its favorite sons.

PROTECTING THE AMERICAN FAMILY FARM AND FARMWORKER

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. McGovern] may extend his remarks at this point in the body of the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McGOVERN. Mr. Speaker, yesterday I introduced H.R. 11211, to amend

title V of the Agricultural Act of 1949—more commonly known as Public Law 78. This statute governs the importation of farmworkers from Mexico into the United States.

H.R. 11211 would place certain safeguards on this importation and would gradually eliminate the importation program.

The bill has two direct beneficiaries, the American family farmer and the American farmworker. And it has an indirect beneficiary, the conscience of our Nation.

Economic distress stalks much of rural America. In recent years there has been a sharp decline of income for those who operate our family farms. And there is destitution and underemployment for many of our farm laborers.

H.R. 11211 seeks to improve the conditions of both of these groups. It would do so by striking at the same source of unfair competition which endangers the livelihood of both. This common source is the cheap labor imported each year.

Some half million foreign farmworkers were brought into the United States last year. Some 450,000 of them were Mexican nationals imported under the provisions of Public Law 78.

These workers did not go to family farms. The overwhelming majority of them were, and are, employed by either large corporate farms or by large food processing and distributing corporations.

Consider the following statistics on farm employment for proof of this statement.

Fifty-three percent of the farms in the United States do not hire any labor at all.

Farm families provide most of the labor on 9 out of 10 American farms.

Only 5 percent of the total number of farms have a cash expenditure for hired labor of more than $2,000 a year—or an average of $40 a week. And it is these farms which employ the vast majority of farmworkers.

And what is the effect of the importation of Mexican farmworkers?

On the family farm, it results in a further weakening of the ability to compete with the corporate agricultural enterprises. It is an important factor in the failure of many family farms.

The corporate farm is able to exploit its cheap hired labor. The lower it can drive wages, the more it can undersell the family farm and still make a profit.

The family farm, which hires no, or virtually no, labor, has no such opportunity to lower its cost. Furthermore, the close personal relationship which exists between the family farmer and his hired man normally results in better working conditions than those which exist where foreign labor is employed on corporate farms.

One family farmer from South Dakota put the matter very succinctly in a letter to me:

> The cost of labor on large farms helps determine the price of farm products I have to sell. A 70-hour plus week at 50 cents an hour is pretty rough competition to beat.

Were all farm workers to get a decent wage and have decent working conditions, then the unit labor costs of the corporation farms would be increased. The family farm would be little, if at all, affected because it uses little, or no, hired labor.

The small farmer must have a fighting chance to compete with the corporations. The cards must not be stacked against him.

But by perpetuating a farm labor system which is based on poverty and destitution, we are very much stacking the cards.

And that brings us to our second beneficiary of H.R. 11211, the domestic farm laborer.

No American worker is so poverty-stricken and has such abysmally low living standards as do farmworkers in large sections of the Nation.

His wages average $892 a year. He has an average of 125 days of work a year at farm jobs.

A wage of $1 an hour is high among farm workers. Earnings of many of the agricultural workers go as low as 40 cents an hour.

Child labor is prevalent. With wages so low and work so scarce, children of 7, 8, and 9 must work in the fields with their parents if the family is to survive.

The mass importation of foreign farmworkers—and especially Mexicans—plays a major role in maintaining these incredibly bad conditions.

The importation provides a continuous source of cheap labor to compete against domestic farmworkers. As a result, more workers are available than are jobs. A continuous competition exists to keep wages low or drive them lower.

In addition, the Mexican laborers actually displace American farmworkers. In some areas 100 percent of the seasonal work on crops is performed by the foreign workers.

Those domestic farm workers who try to compete suffer from great underemployment. The average farmworker can expect only 125 days of agricultural work. But if foreign laborers are available, his days of employment will be even fewer.

In short, the importation of the nearly half million Mexican farmworkers contributes to the unfortunate condition of American farmworkers, just as it does to the loss of livelihood of the farm family.

It is time for Congress to act on this problem.

That was also the conclusion of four distinguished men who acted as consultants to the Secretary of Labor in a study of Public Law 78. These men were Edward J. Thye, former U.S. Senator from Minnesota; the Very Reverend Msgr. George G. Higgins, director of the social action department, National Catholic Welfare Conference; Glenn E. Garrett, chairman of the Texas Council on Migrant Labor; and Dr. Rufus B. von Kleinsmid, chancellor of the University of Southern California.

They came to the unanimous conclusion that the law has failed in its stated objective of protecting the domestic labor force from the adverse effects of the importation of workers.

The consultants recommended a series of steps to provide greater protection. My bill incorporates all of these recommendations. In fact, I have attempted to use the language of the consultants' report as much as possible in the bill.

But these distinguished students of Public Law 78 are not the only ones to urge corrective action. Many important organizations and individuals have called for such a course.

For example, the general board of the National Council of Churches of Christ in the U.S.A. recently stated in a resolution that:

> The present practice of our Government in authorizing the importation of Mexican nationals for agricultural labor in the United States involves human and ethical issues of grave concern to the conscience of Christian people.

The National Council of Churches went on to recommend specific changes in the law and urged that the extension of Public Law 78 be for "a temporary period with a specific date of final termination and with definite provisions for annual reductions in volume written into the act."

H.R. 11211 does exactly that. It contains the changes found necessary by the National Council of Churches. And it provides for the reduction of the number of Mexican workers by 20 percent each year until Public Law 78 expires on June 30, 1966.

Catholic and Jewish clergymen and laymen also have cried out against the injustices of Public Law 78. For example, Monsignor Higgins, wrote recently,

> It is morally indefensible to deny our own American migrants even the admittedly substandard guarantees which are provided for the braceros (imported Mexican farmworkers).

And eight organizations representing religious groups, small farmers, and consumers recently said in a joint statement:

> This program (of Public Law 78) has become a means for providing a surplus of cheap labor, so that wages and working conditions can be kept at worse than a substandard level on corporation farms • • • (They recommended) improving the lot of American farm workers and family farmers by stemming or stopping this stream of cheap, competitive foreign labor.

I could go on and on quoting organizations and individuals, Mr. Speaker, but their remarks all agree in the moral shock and shame expressed. They are distressed by the exploitation permitted and the poverty and hardship caused by the importation program.

They are demanding action.

H.R. 11211 provides that action for the benefit of the family farm, farmworkers, and the conscience of America.

Mr. Speaker, under unanimous consent, I include at this point in the RECORD an analysis of H.R. 11211:

ANALYSIS OF H.R. 11211—A BILL TO AMEND TITLE V OF THE AGRICULTURAL ACT OF 1949, AS AMENDED, TO PROVIDE, IN CONNECTION WITH THE EMPLOYMENT OF WORKERS FROM MEXICO, PROTECTION AGAINST UNFAIR COMPETITION FROM CORPORATE AGRICULTURE TO THE AMERICAN FAMILY FARM AND PROTECTION FOR THE EMPLOYMENT OPPORTUNITIES OF DOMESTIC AGRICULTURAL WORKERS IN THE UNITED STATES, AND FOR OTHER PURPOSES

Section 1(a) of the proposed bill would delete the first paragraph of section 501 of title V of the Agricultural Act of 1949, as

amended, which authorized the Secretary of Agriculture to determine which agricultural commodities and products were necessary so as to permit the Secretary of Labor to authorize the admission of workers from the Republic of Mexico to augment the domestic agricultural work force. It would substitute a new paragraph thereto authorizing the Secretary of Labor to determine whether or to what extent it is necessary to augment the domestic labor force by the admission of agricultural workers from Mexico.

Under the proposed amendment Mexican workers will be admitted for employment only if the Secretary of Labor certifies (A) that there are not available, at the time and place that Mexican agricultural workers are needed, sufficient able, willing and qualified domestic agricultural workers, (B) that the wages and working conditions of similarly employed domestic agricultural workers will not be adversely affected by the employment of such Mexican workers, and (C) that reasonable efforts were made to obtain domestic agricultural workers at terms and conditions comparable to what is being offered to Mexican workers and that employers requesting domestic workers have engaged in direct and independent recruitment for domestic agricultural workers. The substitute paragraph further provides that no workers will be admitted pursuant to the act for other than unskilled or seasonal employment.

Section 1(b) of the proposed bill further amends section 501 by renumbering paragraphs (2), (3), (5), and (6) as paragraphs (4), (5), (6), (7) and (8), inserting after paragraph (1) new paragraphs (2) and (3). New paragraph (2) would authorize the Secretary of Labor to establish the ratio of Mexican agricultural workers to domestic agricultural workers to be employed by any employer when in the Secretary's judgment such action is necessary to assure active competition for the available supply of domestic agricultural workers.

New paragraph (3) authorizes the Secretary of Labor to establish specific standards for determining whether the employment of Mexican agricultural workers is adversely affecting or will adversely affect wages, working conditions and employment opportunities of similar employed domestic workers. Under new paragraph (3) such standards would include but would not be limited to (1) the relationship between wages and earnings in activities and areas where Mexican workers are employed and wage increases generally; (2) comparisons of wage trends in areas using Mexican workers and Mexican workers' employment trends, and (3) comparisons between wage and earning levels of domestic workers employed on farms using Mexican agricultural workers and on farms where such workers are not employed.

New paragraphs (2) and (3) are added to carry out the recommendations of the consultants appointed by the Secretary of Labor to investigate and make recommendations concerning the Mexican labor program.

Section 1(c) and section 2 of the bill include technical and editorial amendments necessitated by the addition, in section 1(b) of the bill, of new paragraphs (2) and (3) to section 501 of the act.

In section 3 of the bill, section 503 of the act is deleted at this point since the substance of this provision has been included in new section 501. A substitute paragraph is added which would prohibit making Mexican workers available to an employer unless he paid domestic agricultural workers in his employ wage rates not less favorable than he is required to offer to Mexican workers. This is designed to assure that no employer who employs Mexican nationals pays his domestic agricultural workers a lesser wage rate than he pays to the Mexicans employed by him.

Section 506 of the act is amended by adding a new paragraph number (4) which would authorize the Secretary of Labor to issue rules and regulations he deems necessary to carry out the provisions of title V.

Section 5 of the proposed bill amends section 509 of the act by providing that, effective with the fiscal year beginning July 1, 1961, the number of workers to be made available under the act will be reduced by 20 percent of the total number of workers made available in the preceding fiscal year and further provides that in no event will any Mexican workers be made available under the act for employment after June 30, 1966. The purpose of this provision is to provide for a gradual discontinuance of the Mexican labor program.

NATIONAL DEFENSE NEEDS

The SPEAKER. Under previous order of the House, the gentleman from Maine [Mr. OLIVER] is recognized for 30 minutes.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain relevant material.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. OLIVER. Mr. Speaker, on February 11, an extension of my remarks on pages 2398–2399 in the RECORD contained a copy of my January 30 letter to Secretary of the Army Brucker. This letter called attention to several areas of current vulnerability, as I evaluate them, in our defense posture, resulting from inadequate consideration by this administration of the vitally pressing needs of the Army.

The areas of vulnerability to which I called attention, and concerning which I requested the observations of Secretary Brucker, can be summarized as follows:

First. The apparent lack of any attitude of urgency on the part of this administration to fund adequate modernization of the Army in the areas of tanks, guns, rifles, and planes.

Second. The failure of the Commander in Chief to order the Defense Department to allocate or provide specific units of emergency airlift for our STRAC forces.

Third. The impounding of appropriated funds by the Director of the Bureau of the Budget, who, apparently, is the alter ego of the Commander in Chief, thereby causing the Department of the Army to get along as best it can with antiquated, wornout mobile equipment which is eating up hard-to-get Army dollars through repeated repairs, far beyond good business practice, especially for such a widely advertised businessman's administration as this one.

Fourth. The dilution of Army personnel, trained for Strac combat duty, together with too much of the combat equipment which is ready to go, for the purpose of summer training of Reserve and National Guard components, resulting in reduced readiness levels of such Strac forces, when, as, and if emergencies, such as Lebanon, might once again arise.

These and other points of weakness were referred to in my letter to the Secretary because of my personal alarm, aroused by the weaknesses of our Army, as I consider them to exist.

Frankly, Mr. Speaker, I had expected the reply of Secretary Brucker, when written, to be in the nature of a brushoff. I should have known, however, that the Secretary feels as keenly disturbed because of these deficiencies as many of us, Mr. Speaker.

His reply, which follows, manifests his concern. It also indicates that "higher authority" and the Bureau of the Budget are not willing to face the facts of life. It almost appears as though the Director of the Budget has taken over the duties and the responsibilities of the Commander in Chief in the making of these defense decisions:

DEPARTMENT OF THE ARMY,
Washington, D.C., February 25, 1960.

Hon. JAMES C. OLIVER,
House of Representatives.

DEAR MR. OLIVER: In reply to your inquiry of January 30, 1960, let me assure you that I greatly appreciate your concern over the personnel strength, rate of modernization, and combat posture of the Army. Before addressing myself to the very significant individual questions you have raised, I should like to make clear my position, and that of the Army, in two general areas:

First, concerning the readiness posture of the Army, when we say that high priority elements of the Army such as Strac, for example, are "equipped, trained, and ready to go," we mean that such a posture exists to the extent that the Army is able to make it so. The state of training and morale in these units is the highest it has been in our peacetime history. They are fully equipped with the best weapons and equipment currently available to the Army. The provision of additional airlift or of additional funds for greater quantities of modern equipment would, of course, further increase the combat potential and readiness status of these forces. Final decisions in such matters are beyond the control of the Army, although we would welcome the allocation of additional resources in these fields. On the other hand, we must not lose sight of the fact that Strac units, and other high priority Army units such as those in Germany, are very potent military forces even as currently equipped and supported. In keeping with its high traditions of the past, the Army today is ready and willing to undertake any assigned mission, utilizing all resources available to it at the time.

Secondly, as regards budgetary limitations, it is not within my area of responsibility or competence to determine how the many competing demands on our national resources are to be resolved. Such resolution, by appropriate authority, results first in budgetary guidelines for the services which establish a general order of magnitude for each, and finally, after comment, discussion, and decision, in specific budgets for each. At every stage, the Army expresses its views and states its requirements. I believe that my own position on the budget has been made clear in my recent testimony before various committees of the Congress. As Secretary of the Army, I feel that the Army requires more funds than are currently being allocated to do the kind of job we would like to do in defense of the country. However, the Army will continue to execute its assigned missions in the most effective manner possible with the resources made available. To feel otherwise would not be in consonance with the traditions of the Army.

With respect to your more specific questions:

I consider the 870,000 strength of the Active Army marginal in view of the many commitments we have which can be met only through the assignment of fixed numbers of

high-quality personnel. Any lesser strength would seriously jeopardize our ability to execute the complex and widespread tasks which the Army performs for the Nation. As you probably know, the Army has stated, in response to congressional inquiries, that it considers an active strength of 925,000 appropriate for full execution of its present missions.

As you have noted, a large part of our equipment inventory is aging and requires costly repair. Lacking the necessary replacement equipment, however, we have no alternative but to undertake this repair, as economically as we know how. This situation is complicated, as I have pointed out to the Congress, by the austere levels of operations and maintenance funding authorized. Although the Army has made an intensive effort to reduce its maintenance costs by reducing where possible the amount of maintenance required, by improving procedures, and by more efficient use of facilities, we still have a large backlog of equipment maintenance, deferred for lack of funds. Modernization of our inventory would obviously solve many of these problems.

The question of equipment modernization, particularly as it pertains to when such modernization will be achieved, is a difficult one. First, it cannot be predicted when or at what rate the necessary funds will become available. Second, modernization is a dynamic thing—we must measure our status against that of the potential enemy who is always pushing ahead—the large and in many cases very modern ground forces of the Sino-Soviet bloc. This is the criterion for modernization that we in the Army consider proper. We have in development, or ready for production, appropriate models of the many weapons and other items of equipment needed at this time. Our funds for research and development, while not at optimum level, are generally adequate for highest priority needs. But procurement funds available, while providing some new equipment, are not sufficient to modernize the Army at the rate we would deem required. As you may know, we have provided for Mr. VINSON's committee, at his request, a list of priority equipment which we would procure if a modest amount of additional procurement funds were available.

In regard to your expressed concern about the additional funds appropriated by the Congress for modernization of the Army in fiscal year 1960, I would like to explain briefly the exact status of these funds. In acting upon the fiscal year 1960 appropriation bill, the Congress appropriated $382.6 million more for Army procurement than had been recommended in the budget submitted. Of this total, $43.4 million has been made available for procurement in fiscal year 1960; $164.2 million was required to cover a deficiency in the Army's procurement appropriation which resulted from fiscal procedures prescribed by higher authority and beyond control of the Army. These procedures have recently been rescinded.

One hundred and seventy-five million dollars has been held in reserve by higher authority to be used to help finance Army procurement in fiscal year 1961. As you know, the Army has requested release of all fiscal year 1960 funds added on by Congress, including the $137 million for Nike-Zeus preproduction. However, it was directed by higher authority that $175 million of these funds would not be used during fiscal year 1960. This included the $137 million for the Nike-Zeus preproduction and $38 million for other modernization.

We would, of course, like to feel that sufficient strategic airlift is available for emergency deployment of Strac units, and that tactical airlift is adequate to meet our probable requirements in combat theaters. We fully realize that Army interests are not the only consideration involved here. As you know, Mr. RIVERS is preparing to examine this problem with a subcommittee established for the purpose. There are two aspects which concern the Army: The allocation of sufficient numbers of aircraft to meet its requirements in general or limited war, and modernization of the airlift fleet to insure that the aircraft made available can carry the loads and get into the areas necessary to proper execution of the Army mission.

I believe that we can allay your concern over the impact which support of summer Reserve component training has on Strac's readiness posture. We would, of course, be pleased to have enough active strength and enough active units so that this function could be performed completely by those elements of the Army which have a lesser readiness priority. This would allow Strac units to devote their full energies at all times to their own training and readiness. On the other hand, the summer training load which Strac units do carry does not seriously impede their day-to-day ability to assemble personnel and equipment and move out in an emergency. Those units on highest priority alert do not support such training during the period of their alert. Other units carry only that load which is necessary to get the training job done. In all cases, the personnel and equipment involved can be reassembled immediately in any emergency, and the units can move without appreciable delay.

I have attempted to avoid unnecessary detail in this reply to your letter. I feel, however, that it is important to outline the situation as clearly and completely as I can to one who has demonstrated such understanding and commendable interest in the Army's problems. If I may be of further assistance, please feel free to call upon me.

With best wishes.

Sincerely,

WILBER M. BRUCKER,
Secretary of the Army.

Far from being a military expert or strategist, Mr. Speaker, it could be considered as brash and presumptuous of me to criticize the judgment of so-called experts. But I have found, Mr. Speaker, that recognized experts in many subjects have been known to make mistakes and errors of judgment. If it should happen, God forbid, that mistakes are being made in these decisions to treat our Army as an unwanted stepchild in this defense picture; then, we Americans, could very well find ourselves on our knees before a foreign tyrant.

For example, what action shall we take in Korea, Mr. Speaker, if the North Koreans supported by the Red Armies of China and Russia start marching again down the peninsula? Would this be a limited war action? Would horror of the thought of nuclear devastation forestall the holocaust of general warfare, which can be envisioned from our debate over missiles, rockets and such? If so, then, our attention is necessarily directed toward and must become focused upon weaknesses now so obvious in our conventional forces, especially the Army.

To point up our exposure, Mr. Speaker, even more graphically there is need only to read the article by J. Robert Moskin, Look staff writer, in a recent issue of that magazine, entitled "An Army Poised for Disaster," which follows:

AN ARMY POISED FOR DISASTER

(By J. Robert Moskin)

It is cold in the Korean hills now. And tense. Up front, the infantry patrols in bulky parkas and boots hug old tank trails to avoid the mine fields. Rifles and radios weigh heavily on their backs. The wind from Siberia burns their faces. Sentries shout "Halt," in English and Korean and, if unanswered, shoot to kill.

Almost 6 years after the Korean war armistice, there is still no peace. A single strand of barbed wire separates North and South Korea; beyond it waits an alert, bitter enemy. Americans back home, listening to the debates over missiles, space shots, and taxes, have forgotten that we still have more than 40,000 soldiers in Korea.

These soldiers, most of them youngsters in their teens and twenties, are helping guard a nervous frontier of the free world. Their military mission is to block the key invasion routes to Seoul. If the Communists attack, they are supposed to help the Republic of Korea's army defend South Korea, held at such a bloody price 10 years ago, and to throw back the invaders if they can.

The shocking fact about our Army in Korea is that it faces disaster. Gen. Carter B. Magruder, commander of United Nations forces and the American Eighth Army in Korea, admits, "If there was fighting that used up equipment rapidly, we could not support sustained operations." The thousands of Americans soldiers there are in danger of being wiped out if war should begin again.

Our Army in Korea is armed chiefly with World War II-style weapons. General Magruder says, "The Army has many items of proved hardware that it has not been able to afford to buy in adequate quantities to equip the whole U.S. Army—including the people out here." The Eighth Army has no M–14 rifles—the equal of modern Russian rifles—no M–60 machine guns, no M–48 tanks, no M–59 personnel carriers, no surface-to-air missiles for air defense.

"We could do a better job with less casualties if we had new weapons," says Gen. Isaac D. White, commanding all U.S. Army units in the Pacific. "Our equipment is in good operating condition, but it is old and isn't as modern as we'd like to have. We've been passed by the Russians in the modern quality of equipment they have given their troops since World War II."

DOWN TO ROCK BOTTOM

Much of our old-style equipment in Korea is in short supply. "We are right down to rock bottom in logistic support," says Gen. George H. Decker, U.S. Army Vice Chief of Staff. Vehicles the Army needs for modern mobility—2½-ton trucks, for example—are rebuilt as many as six times to keep them running.

General Magruder adds, "We need funds for operation and maintenance to have the reserve we are authorized to have to support combat opertions. We do not have that reserve now."

A major at the supply depot near Seoul sums up the resupply problem thus: "We are at the end of the longest supply line in the world. There is nothing behind us."

If ordered to fight with nuclear weapons, the Eighth Army would be no better off. It would have to depend on a few primitive types like the obsolescent Honest John rocket, the 8-inch howitzer, and the dinosaurian 280-millimeter gun. The Army has developed better nuclear weapons, but they are not available in Korea. And even the newer types would not insure us battlefield superiority. An officer in charge of Army special-weapons development warns, "We would be utterly naive to think Russia didn't have missiles as good as ours."

Equipment is only one of the critical problems that endangers our frontline Army in Korea. Another is manpower. Even at peak moments, our two divisions there have only two-thirds of the Americans they are supposed to have. They are filled out with native Korean troops. Veteran officers know of no precedent for using members of a for-

eign army to man American units. For the most part, these Korean soldiers, called Katusas, are unskilled conscripts who speak no English. Because they are useless in technical or skilled jobs, they are used as infantrymen. In some of our rifle squads, more than half the soldiers are Koreans. Says one U.S. general, "Fifty percent of our fighting soldiers are missing."

The tour of duty for American soldiers in Korea is now 13 months. This means that a sizable portion of the 8th Army leaves every month. After 13 months, everyone has been rotated—from battle-group commanders to infantry privates. The Katusas, who serve in our units from 18 to 24 months, provide the continuity.

Our troops in Korea are supposed to be able to fight until more men and equipment could be rushed in to support them. The trouble is that no one in the U.S. Army knows how long they would have to hang on. Officers in charge of the Army's war plans have been unable to win commitments from the Air Force, which is responsible for airlifting troops. Army planners don't know the numbers or types of planes that would be ready to meet specific emergencies. "We have no planning figures available to us," protests one war-plans colonel. The defense of Korea, he says, has to be planned in a vacuum.

REASONS FOR THE ARMY'S PREDICAMENT

Why does the U.S. Army lack the weapons and manpower it needs if lives are not to be wasted and a war in Korea lost almost before it begins?

National policy put ceilings on the $41 billion defense budget and on the Army's 23-percent share of it. Stretched over the jobs the Army has to do around the world, this money is regarded by the men responsible as inadequate to put more men and material into Korea.

According to national policy, the threat of massive nuclear retaliation will prevent the Communists from starting another war. Army officers point out that this deterrent did not prevent Red aggression in Korea, Indochina, Laos, or India. And the recent Rockefeller report on foreign policy and defense asserts that the "frightfulness" of nuclear weapons "makes the retaliatory threat less credible" against local aggression. An enemy like the Chinese Reds might gamble that we would not throw the first hydrogen bomb.

The Army itself is torn between preparing for a ground war and obtaining a role in the missile and space revolution. It is also eager to "go for broke" to develop an antimissile missile for the defense of the continental United States. The Army's leaders argue that they cannot separate ground and space. Even a future nonnuclear war, they say, may require reconnaissance from space or communication via space satellites. Fifty percent of the Army's research and development money, for example, goes into speeding up missile and space work. New rifles and tanks have to move more slowly. But General Decker says, "We have to be ready to fight either way."

An investigation of what could be done to make our troops in Korea ready to fight points to these conclusions:

1. Our national policy must include adequate preparation for ground warfare to hold the borders of the free world and to protect the safety of American troops overseas. Last spring, Gen. Maxwell Taylor, then Army Chief of Staff, bluntly told Congress, "We do not have the necessary forces to cope with the threat of limited war."

2. Modernization of the Army must be speeded up. The Russians have completely reequipped their army since the end of World War II and are already in a second round of modernization. As in missiles and satellites, we have been passed by the Russians in the quality of the soldier's arms and equipment. President Eisenhower, in his state of the Union address in January, said Army modernization is going forward "at a rate which will steadily add to our strength." But it will be years, for example, before our soldiers in Korea have the M–14 rifle. They still use a World War II rifle and a 1918 machinegun. This weapons gap is not being closed. General Decker warns, "At the present rate, we are going to lag behind."

3. Money must be spent to maintain our current World War II-type equipment. General Magruder estimates that it would cost $5 million to give our troops in Korea enough spare parts for combat—a relatively small sum in an age when a bomber costs $6.7 million.

4. The 8th Army—nose to nose with an armed enemy—must be relieved of depending on foreign conscripts to fill out its ranks. Until recently, Army brass refused to criticize the Katusas arrangement. But now General Magruder, while praising the Korean soldier as a fighter, admits, "A unit that is partially Korean and partially American is not as satisfactory as one that is all American." He estimates he would need 6,000 more men to fill his ranks properly with Americans. Whether they can be obtained by freeing backline troops for combat duty or by raising the Army's ceiling of 870,000 men needs to be determined.

5. Plans for airlifting troops must be made in advance. The Air Force is reluctant to do this because it would cut into its missile and Strategic Air Command bomber funds. But until the airlift problem is faced up to, all military planning for a ground war is meaningless. The Army's leaders do not want planes sitting idle awaiting an emergency, but they do plead that new long-range, fast troop carriers be developed and built, that aviation fuel and parts be stockpiled at strategic points and that crews and aircraft be earmarked so they can move out at a moment's notice. Even with such planning, it would require weeks to move a division into Korea.

6. Our soldiers in Korea must be provided with adequate air defense. "There is a very great need here for surface-to-air missiles," says General White. Nike-Hercules missile batteries have already been sent to Formosa and Okinawa, but they are not now being used to protect our own soldiers in Korea. Only within the past few weeks has the Army admitted the need there. Some will be sent in the future.

7. The Army's generals must be encouraged to fight for their ground-war needs. Representative DANIEL J. FLOOD, Democrat, Pennsylvania, told the generals at the defense budget hearings last spring: "The Army does not fight for itself any more. You quit in the last several years." The generals are afraid to speak out and tell the public what they need. Recently, they were warned again that if they opposed the official Washington reliance on a nuclear deterrent too vigorously, they would be "fired." An Army running scared before the fighting begins will cost American lives if war does come.

"IF JOE CAME ACROSS WE'D BE ANNIHILATED"

The American soldier north of the Imjin River lives with danger. Occasional shooting still erupts. Secret agents sneak across the line. Everyone stays armed and alert. Says Lt. Col. Myron T. Johnston, commanding the most forward squadron of the 1st Cavalry Division, "We are the people who are up in front. These kids grow up in a hurry out here." The men realize the spot they are in, and keep combat ready. Young Pfc. James Graham, Jr., of the all-volunteer Demilitarized Zone (DMZ) Police Company, says, "If Joe came across, we'd be annihilated. It would be impossible to get back across the river."

For a soldier who has known them, the danger and tension of Korea are not easy to forget. When Sergeant Enfinger and Private Graham returned recently from a brief furlough to Japan, the enemy was there to remind them. For Americans at home, it is harder to remember that thousands of GI's like these are facing the Communists in Korea today. Enfinger and Graham are typical of them. Enfinger comes from Charleston, S.C. At 30, he is a professional soldier who won the Bronze Star and six battles stars in the Korean War. In his wallet, he carries a picture of a Red Chinese soldier he bayoneted.

Graham, 20, is from Altha, Fla. He volunteered for the Army because his family has fought in every war since his great-grandfather helped defend Vicksburg. An uncle died at Bastogne; several cousins, in Korea.

Enfinger and Graham help guard the valley down which Russian-made tanks moved to start the Korean war 10 years ago next June 25. The lesson of that war is clear to them. Although belittled today as a limited war, it cost 33,629 American lives (54,402 Americans died in the battle in World War I). Colonel Johnston, who would lead these men if the Communists attacked today, says thoughtfully, "I'll get most of the men out. Our hope is to choke the enemy off, delay them, skip out, blow the bridges and laugh in their faces. That's the ideal situation. It won't always happen." To survive, an army has to be ready to win. Our forgotten Army in Korea is not ready.

I submit, Mr. Speaker, that this most alarming story of our exposure of 40,000 military personnel to possible annihilation in Korea should shake all of America out of its complacency.

I recognize, of course, that my remarks and the Look article to which I have referred focus on the deficiencies which exist. Fortunately, there is a brighter side to the picture. We do have an Army which is well trained and experienced, and which possesses a "can-do" attitude. As Secretary Brucker has indicated:

In keeping with its high traditions of the past, the Army today is ready and willing to undertake any assigned mission, utilizing all resources available to it at the time.

A very significant aspect of the situation in Korea is that, despite all of the difficulties noted, the soldiers of our Army are doing their job and are determined to continue to do their job if and when the full weight of a Communist attack should fall upon them. It is our duty to give the Army every possible assistance in the execution of such essential and difficult tasks.

This issue is far from being a politically partisan problem, Mr. Speaker. The responsibility rests heavily upon the shoulders of every one of us. The testimony, recently, of such representative citizens as Robert A. Lovett, Dr. James P. Baxter 3d, and Robert C. Sprague, as well as Thomas Watson, all of whom have had wide experience, in business and governmental affairs cannot be shrugged off.

Any objective analysis, first, of their viewpoints as expressed before the Jackson subcommittee of the U.S. Senate; second, of the article on Korea in Look magazine; and third, of Secretary Brucker's reply to me can only result, in my opinion, in these conclusions:

First. That America is faced with a deadly implacable challenge, threatening our survival as a free people.

Second. That we are not doing enough to meet this challenge to our existence.

Third. That time is running against us while we continue to act on a business-as-usual basis and while we refuse to remove the rose-hued glasses of smug optimism.

Fourth. That the Director of the Budget who acts with authority while having no responsibility for adequate defenses should be told, rather than telling us what must be done to make certain that we win in this contest for survival.

In conclusion, Mr. Speaker, let me observe, that dollar budgets mean nothing to the communistic systems. They are concerned only with the budgeting of their total human and natural resources to the end that they may "bury us." We can die the richest and best-balancing budgeteers in the cemetery if America, Mr. Speaker, does not wake up and soon.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from Massachusetts.

Mr. KEITH. May I say to the distinguished gentleman from Maine that it has been my good fortune as a Reserve officer on active duty and to go in that capacity to Korea to inspect these troops about whom he has been speaking. My old chief of section, Major General Beauchamp, commanded the 1st Cavalry Division in that theater. The morale of these troops is superb. They are proud of the fact that they are ready for action. I have been up to O.P. Maizie and looked down on the Communist forces. I believe that this is the third largest army in the free world. It is on the alert on the border of South Korea and is able to give a good account of itself in the event that it is called upon to do so. I feel that in view of my particular knowledge of this sector it is my duty and a privilege to bring to the attention of this House the fine morale and the splendid efficiency of those units. A man who was a sergeant in my old outfit commands the outstanding company on the firing line in South Korea. These men, I know from experience, are able to defend the free world in that theater.

Mr. OLIVER. I thank the gentleman from Massachusetts for the remarks which he has made. It helps to renew my confidence, may I say, when he speaks of the morale that is now current among our armed forces in Korea. However, I still feel from the statements that have been made in this article which, it is true, does not have official status so far as that is concerned, nevertheless do have to be considered. I would like to ask the gentleman from Massachusetts this: When you speak about the morale of the military personnel that we have there, do you also speak about equipment and the condition of the equipment, as to whether it is modern equipment or whether it is World War II equipment?

Mr. KEITH. I saw a very substantial task force of tanks out there. Admittedly it is not as modern as those which were coming off the production line in the year 1959. But, these tanks were manned entirely by Korean forces, and they certainly were capable in comparison with the equipment that faces these boys on the other side of the line.

Mr. OLIVER. Do you know what the equipment is on the other side of the line? Did you see any of it?

Mr. KEITH. I did not get over there, personally, across the line, but we have a good intelligence force there that has acquainted our forces with the capabilities of the enemy. Our morale would not be as high as it is if they did not feel that they were able to give a very good account of themselves if called upon to do so.

Mr. OLIVER. I thank the gentleman for his additional comments. I would like to ask him this further question. Then the gentleman would not agree that this article—by the way, has the gentleman had an opportunity to read this article in Look magazine?

Mr. KEITH. No, I do not see Look magazine.

Mr. OLIVER. I did not happen to see it because of being a regular reader. It was sent to Members of the House and it came to my home. That is when I had the opportunity to read it. Having had one of my family in Korea during the conflict for 14 months, in the frontline, I had a rather lively appreciation of what the problems are over there. We may be doing all we should be doing. I question this. But I cannot say from firsthand knowledge that this is not true; I do not know. All I know is that Gen. Isaac D. White, commanding the U.S. Army units in the Pacific is quoted as saying:

> Our equipment is in good operating condition, but it is old and it is not as modern as we would like to have it. We have been passed by the Russians in the modern quality of equipment they have given their troops since World War II.

I say that this must be the guide for us, not having had the opportunity to make a personal inspection.

Mr. KEITH. I should like to say to the gentleman, referring to his son or his relative who was in Korea——

Mr. OLIVER. It was my son; that is right.

Mr. KEITH. One reason the gentleman's son was in Korea, perhaps, is because in 1948 the Truman administration requested this Congress for funds in the amount of $10 billion and this year we have asked for $44 billion for that same purpose.

Mr. OLIVER. May I say to my friend that I did not intend to stand here and try to assess blame, per se, because of conditions which I think are deficient. I do not know where the blame rests. It may rest upon the shoulders of all of us to a certain extent. However, in the light of this article and the quotations which have been made here it seems to me that we do not seem to have a lively appreciation of what is described as being a very desperate situation. We have 40,000 military personnel in Korea with such South Koreans as there are to fill out those units, and it has been described as "an army poised for disaster." That, to me, is no basis for complacency, and I am sure the gentleman from Massachusetts agrees with me on that.

Mr. KEITH. There is no reason to be complacent, but we must look at the source of our intelligence. That is a basic concept of the military science. I do not know who the gentleman is who wrote this article, but it has a catching headline. However, I do not believe he is as qualified as those who are really responsible for our defenses. I know that he quoted from context a particular comment of General Magruder.

Mr. OLIVER. General White, too, I might add.

Mr. KEITH. General Magruder seemed to be very confident that his forces could do the job, when I was there, only 3 or 4 months ago.

Mr. OLIVER. I hope the gentleman is right.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield to my friend from Iowa.

Mr. GROSS. I am surprised to hear that there is any question about the defenses in Korea because of the fact that, as I understand, this is a United Nations operation. Outside of the South Koreans, can the gentleman tell me how many of these wonderful free world friends of ours in the United Nations have troops over in Korea? And if there are none, why not?

Mr. OLIVER. May I say to the gentleman that I have not been there personally and I do not know. The particular information here does not throw any enlightenment on that point. It would be my judgment, knowing what has been going on in other areas of the world, of the commitments that we have and of the responsibilities which we have undertaken, which I suspect are not being backed up by our allies so-called, that such a situation probably exists in Korea as well.

Mr. GROSS. In other words, we are holding the bag over there again, and as usual?

Mr. OLIVER. It would seem to me that such could very well be the case, with our own manpower exposed and without the modern equipment that they need to protect themselves.

Mr. GROSS. So the United Nations is just another glorified debating society.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from New York, a member of the Committee on Armed Services. Maybe he can enlighten us on this matter.

Mr. STRATTON. May I say to my friend from Maine that I think he is performing a most useful service in taking this time to discuss the situation as regards the U.S. Army. I think it is unfortunate that more Members are not here to hear his presentation.

I should like to join with him particularly in what he has to say about the distinguished Secretary of the Army, who answered quite frankly the questions the gentleman from Maine put to him. As a member of the Committee on Armed Services it was my privilege to sit in on several of the hearings at which Secretary Brucker and General

Lemnitzer appeared. No one could have presented more eloquently or more effectively the need of the Army in today's situation for modernization than the Secretary himself, with complete frankness and at the same time without any carping or criticism of the team of which he of course is a loyal member.

As the gentleman has pointed out, at the request of the distinguished chairman of our committee the Secretary presented to the committee a list of the items which he felt the Army sorely needed if it was to be modernized properly so as to meet the threat the Army is expected to meet. I think the gentleman is performing a most useful service, because while many of us have focused attention in recent weeks on the so-called "missile gap" and the threat of long-range nuclear warfare, I think it is only fair to remark that it may well be that the most serious threat of all we face will not be a threat of all-out nuclear war at all but a threat of limited conventional war. Therefore, unless the Army is prepared and is modernized to meet the threat of a Soviet army which is certainly very well modernized we may find ourselves in a difficult situation no matter what happens to the closing of the missile gap.

I might add that while I have no personal knowledge of the situation in Korea it was my privilege last year to go to West Germany and see our Army forces deployed there. They too are deployed on one of the frontlines and certainly would have a very heavy responsibility to bear in the event of hostilities or in the event the Berlin situation were to get hotter in the months ahead.

I noted, for example, that some of the tanks in operation there and that would be called on to meet the full thrust of the Soviet army if it ever came across the line there, had 30,000 miles on their speedometers, which I was advised is about comparable to 100,000 miles on an automobile.

I would feel a lot more secure if Secretary Brucker could be given some of the modern equipment he has urgently requested. I am sure that if the Members of the House had the opportunity to hear the presentation of the gentleman from Maine today, we might well vote those funds when the time comes.

Mr. OLIVER. I thank the gentleman from New York for the comment he has made. Knowing the distinguished service he has given on the Committee on Armed Services in the short time he has been here. I am sure he has a very broad understanding and a complete comprehension of the problems that confront us.

One question I should like to put to the gentleman, if I may. Could I be entirely wrong in my thinking that maybe the Army is more or less considered as a stepchild of this Defense Department of ours, and is being maybe limited more than should be the case in the face of the danger of limited warfare in any part of the world to which we are committed?

Mr. STRATTON. I might say to the gentleman I think there is, perhaps, that danger. It is my recollection that in the 1961 defense budget the Army comes off, percentagewise in respect to its original request, if my recollection is correct, the poorest of the three services. I think it is true that much of the glamour relates to these long range missiles, but we would, in my judgment, be making a serious mistake to assume that we do not also face a very real threat of limited war and a need for a modern and effective army.

Mr. OLIVER. I thank the gentleman for his contribution.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield.

Mr. COLLIER. I have listened with interest and with concern to the remarks of the gentleman from Maine, and it only leads me to ask this question: Does the gentleman feel that the approximately $43 billion budgeted for national defense this year is insufficient?

Mr. OLIVER. I would say to the gentleman, I have no intimate or expert knowledge of how many dollars are needed. I have listened to the various debates during this past session of the Congress and I have read as many statements as I could find during the time I have had, but I am convinced in my own mind that we are not spending as much money as we should in the overall defense budget, and I think very definitely we are not allocating a sufficient amount of money to the Army for its desperately needed modernization and to give us the number of personnel we need to meet these worldwide commitments that we have.

Mr. COLLIER. Did the gentleman attempt to determine from the Secretary of the Army, in order to take care of these so-called inadequacies, what additional amount would be needed by the Department of the Army to bring this up to the standards which the gentleman feels are necessary in order to have adequacy?

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I am happy to yield to my distinguished leader, the gentleman from Massachusetts.

Mr. McCORMACK. We appropriated several hundred additional millions of dollars last year for the Army for this fiscal year, and the greater part of those funds has been frozen.

Mr. OLIVER. That is what Secretary Brucker said, I might say to the distinguished gentleman from Massachusetts, in his reply to me which will be in the RECORD in its complete text tomorrow, and I am sure the gentleman will have the opportunity then to get answers that I am not able to give him offhand.

Mr. COLLIER. Mr. Speaker, will the gentleman yield further?

Mr. OLIVER. I yield.

Mr. COLLIER. Why was it then that the House Appropriations Committee cut the appropriations, if my memory serves me correctly, in the last session of the Congress?

Mr. McCORMACK. Might I further state that that is only a starting point. The year before we appropriated enough money to keep the strength of the Army at 900,000 and, of course, the money was frozen. We appropriated money in the preceding fiscal year to keep the strength of the Marine Corps at 200,000. These are facts and you cannot argue to the contrary. The evidence is very clear from the Department of the Army that they are very much concerned both on the civilian level and the military level over the fact that most of their equipment is still World War II equipment. I am not making that statement for any partisan purpose, and I would suggest to my friends that they should not become sensitive when somebody talks about facts. We are concerned with the preservation of our country—and you are just as much as I am—I know that. Any Member here is concerned for the preservation of our country regardless of what party they belong to. There can be honest disagreement and differences of opinion on this score so let these matters be discussed on that level and not by impugning the motives of people because they are a member of this or that party. And they should stop this argument that when a Democrat talks about our national defense, he is doing it for political reasons. As a matter of fact, it would be mighty poor politics for us to do that because we advocate more expenditures, and I am one of those who advocates more taxes so that we can have greater national defense. So you see, from a political angle, personally, that would not be good politics on my part. But, Mr. Speaker, my judgment and my conscience tell me that we must speak of these things and advocate these things for the perservation of our country. Somebody else might feel differently. So on both sides we can discuss the facts, and we can keep the debate on the level of a discussion of the facts.

Mr. OLIVER. May I say to our distinguished majority leader to supplement and confirm what he said that I find in this letter, this reply from Secretary Brucker, speaking about the fiscal year 1960 appropriation bill:

> The Congress appropriated $386,600,000 more for Army procurement than had been recommended in the budget submitted.
>
> Forty-three million four hundred thousand dollars has been made available for procurement in fiscal year 1960.
>
> One hundred sixty-four million two hundred thousand dollars was required to cover a deficiency in the Army's procurement appropriation which resulted from fiscal procedures prescribed by higher authority and beyond control of the Army. These procedures have recently been rescinded.

This indicates that the impounding action of the Bureau of the Budget must have been an error in the first place, it seems to me. That is, at least, a partial answer to the gentleman's observation.

Mr. McCORMACK. If the gentleman will yield for a further observation, we allowed $137 million for Nike-Zeus, but that was frozen too.

Mr. COLLIER. Let me say to the distinguished majority leader that the series of three questions which I directed to the gentleman from Maine could not possibly be taken to presume that I was taking a partisan point of view in this; I was simply seeking information and I directed three specific questions to the

gentleman from Maine for the purpose of getting some information.

Mr. McCORMACK. The gentleman's statement is absolutely correct and I thoroughly agree with the gentleman, and my remarks about the question of politics when a Democrat attempts to suggest changes was not directed to the gentleman.

Mr. COLLIER. I understand that and I appreciate it.

SPECIAL STAMP HONORING PADEREWSKI SUGGESTED

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, the excellent special series of stamps being issued by the Post Office Department, titled "Champions of Liberty," should, I believe, include the great Polish patriot, Ignace Jan Paderewski. Although respected internationally as a musical composer and virtuoso of the piano, he was first and foremost a man whose entire life was dedicated to the independence of his beloved Poland. His unstinting efforts before, during, and after World War I for his country's liberation and foundation clearly ranks him as an outstanding champion of freedom. Prime Minister in 1919 he played an important role in establishing government stability in the new nation.

Retired from political life in 1921, he nonetheless continued to be an international symbol of Polish independence.

During the dark hours of 1939 when his country was crushed by the Nazi terror he, once again, used his musical talent to keep alive the spirit of freedom and patriotism of the brave Polish people. His music became the symbol of hope for a free Poland. Until his death in 1941, he dedicated himself to the cause of liberty which had been a motivating force of his life. As Paderewski declared:

> This vision of a strong and independent Poland has always been the lodestar of my existence.

Because of these facts of history, I urge my distinguished colleagues in the House, to join me in requesting that the Postmaster General favorably consider Ignace Jan Paderewski for the "Champions of Liberty" issue of stamps, on the 100th anniversary of his birth, November 6, 1960.

HON. WILLIAM C. HULL

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, like many Members of the Congress, the Government service, and so many people in Washington and throughout the Nation, I was deeply saddened by the passing of the Honorable William C. Hull, for so many years executive assistant to the U.S. Civil Service Commission.

Mr. Hull was a most extraordinary public servant. In my many contacts with the Federal Government, I have never known a greater or more devoted one.

He was everything that a real servant of the people should be—honest, efficient, capable, and unfaltering in his devotion to duty. He was a man of great ability, untiring industry, and a most unusual and impressive spirit of cooperation.

Kindly, generous, magnanimous in his personal relationships he carried into the performance of his important tasks that rare understanding of the problems of others and that ever-ready willingness to help, which are not so often found in such marked degree.

William Hull served the executive department of the Government, the Congress, and the American people with a zeal, loyalty, and devotion that has never been excelled.

He was a true and loyal man dedicated to his work and devoted to his family and friends. We shall not soon look upon his like again.

I join with his family in mourning his passing and trust and pray that they will find in his exemplary public service and many achievements for our country and faith in the Almighty that consolation which may lighten their heavy burden of grief and sorrow. May he find peace and repose in his heavenly home.

ST. PATRICK'S DAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, St. Patrick is one of the greatest saints of the Catholic Church, and of the entire history of Christianity. St. Patrick's Day is a day of honor and celebrated as such by millions of Irish and persons of Irish descent throughout the world. It is also a day of jubilation. And in America, where St. Patrick's disciples have grown in such numbers and prospered to such an astonishing extent, St. Patrick's birthday has taken on the air of an unofficial national holiday. For men and women, without regard to race, color, and creed, in America and elsewhere throughout the world, honor and respect the great patron saint of Ireland, St. Patrick.

The arrival of those of Irish blood goes back to the earliest of the colonial days and has continued uninterruptedly through the days of colonialism and the days of constitutional government until the present time. Those of Irish blood played a very important part in the building and development of our country for over 300 years. They have served with distinction in every field of national endeavor. In the roll of heroes in our country's wars, those of Irish blood have always evidenced their fighting spirit and their love of America and of our institutions.

Sensitive to the point of creative brilliance, they have contributed widely to every field of the arts. Verbally and intellectually gifted, they have long played a most important part on the political scene.

Being devout in their religious ways, they have provided a strong impetus to the increasing development of Christianity in the land. Indeed, their contributions to our blessed American way of life takes second place to those of no other ethnic group, for obviously, to those of Irish blood, America has been and is truly a land of opportunity.

At the time of the drafting of the Constitution, one of the great Americans of those days, the renowned educator and founder of Georgetown University, John Carroll, was one of the signers.

And carrying on the military tradition of their ancestors—who so valiantly fought for the freedom of the Emerald Isle—the Americans of Irish blood have consistently stood as the stanch defenders of the Constitution.

I might say that in an investigation by the House of Commons after the British lost the Revolutionary War one of the foremost disclosures made by the committee that made the investigation was that over half of Washington's army were of Irish blood.

We find those of Irish blood brightening American literature and there are many numbered in this field who made outstanding contributions. We find them among the sculptors of the world, and in the field of music. We find them in the field of sports, making America foremost among the nations of the world in all aspects of the field of sports.

We find those of Irish blood playing an outstanding part in the field of Government and of our Nation's great political history. It has well been said by one who is not of Irish blood in referring to the Americans of Irish blood, "This is the land where the Irish have flourished" and no wonder, for the principles of America are naturally attuned to the Irish spirit.

In the world of today with the danger of atheistic communism, constituting an international conspiracy, confronting us, we need a revival and dynamic expression and action of the spirit of St. Patrick. We need the great deep faith of St. Patrick permeating the minds of all Americans without regard to race, color or creed, actuating their words and thoughts and actions. For the spirit of St. Patrick is the spirit of deep faith of love of God and neighbor, of love of country and the willingness to make every sacrifice to preserve the great gifts that mankind have received from God.

In recognition of this day, all America joins in honoring St. Patrick, the patron saint of Ireland, and in wishing well the case of the Irish people of this and all succeeding generations.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I wish to again congratulate the distinguished majority leader of the House, the gentleman from Massachusetts [Mr. McCOR-

MACK] for bringing to our attention the great holiday that we are observing today. Certainly, no one can question the tremendously magnificent contribution that the people of Ireland have made to the growth of this country. I am disturbed only to the extent that as we pause in this country to pay tribute to these various ethnic groups, there are the pseudo-intellectuals who look upon this practice with disfavor and would want us to forget that this is a heterogeneous Nation made up of people from many lands. I am indeed grateful and proud to associate myself with the remarks of the gentleman and only so long as we Americans recall and remember the great contributions that these people from Ireland and all the other countries who came to this country have made to America will we be able to make this a land rich in culture and tradition and make it the kind of country we like to live in. I congratulate the gentleman for his remarks.

Mr. McCORMACK. I appreciate what the gentleman has said, and the gentleman did well to refresh our memories, and I know he had it in mind that America is not a race but America is a people.

GENERAL LEAVE TO EXTEND

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of St. Patrick's Day and St. Patrick's birthday, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WOLF. Mr. Speaker, today, St. Patrick's Day, should remind us of the great works and contributions of St. Patrick. He was a man with a mission—a mission for the spiritual enrichment of all mankind. St. Patrick pulled the Irish people up from darkness and infused in them the love of God and love of mankind. He was a great believer of freedom of mankind. St. Patrick's selfless devotion to his fellow men is reflected in the Irish people the world over.

The Irish people have contributed a great deal to America's growth and freedom, which should properly and thankfully be recognized. Among other things, the Irish have brought to us qualities of humor and musical talents. They have brought to us love of God, love of political freedom, love of learning, and love of things spiritual.

Let us rejoice in the spirit of St. Patrick on this day, and show the world that we have a place in our hearts for memories of his noble deeds.

Mr. PHILBIN. Mr. Speaker, today the whole world pauses in its daily routine to pay fitting tribute to the birthday of the great patron saint of Ireland, St. Patrick.

Today the heart of every Irishman and every person of Irish blood is stirred and quickened by the crowding memories of Erin's glories, the piety of its sainted scholars, the lyrical beauty of its poets, and its minstrels and the indomitable courage of its courageous sons and daughters.

The history of Ireland has often been colored with the dark clouds of sorrow and tragedy. Cruel oppression and tyranny has been its lot. Stark hunger and privation has often afflicted its loyal people to the point where everything was lost but hope itself.

Whatever the depth of sorrow, and want, the Irish never gave in; they were inconquerable; they were unbeatable; they were adamant in their fierce resolve to carry on the fight for liberty and independence. They would not be conquered; they could not be put down; they prayed and fought to the death in defense of their God-given rights and for the achievement of their self-determination.

No power on earth could ever beat them down or suppress them. Where in darkest hours, they were stripped of everything but the breath of life, they resolutely fought on; they always fought one more round until at last in a burst of glorious fury they threw off the masters who had tyrannized them for over 700 years and set up their own free government.

It is impossible to estimate the magnitude and the greatness of the Irish contributions to our own beloved country. In every war from the Revolution on, they were in the front ranks of the gallant and the brave, living and dead, and in civilian life in every walk from the Congress of the United States to every other calling and activity in the political, professional, and economic system they have rendered in war and in peace such contributions to the national and general weal that rank with the brightest pages in American history. Who could excel the Irish in loyalty to God and country and in dedicated patriotism to the Nation?

Both the Nation and the world can greatly benefit today by paying more attention to the example of the Irish. If on this great St. Patrick's Day we could all be refreshed, encouraged, and inspired and refortified by the tenacity and loyalty of the Irish in adhering to the cause of God and country, and freedom, this Nation could greatly simplify the grave problems of the so-called nuclear age.

Because Irish realism, Irish fearlessness, Irish undaunted courage could give us all the spirit of fortitude, the high purpose, the vigor and resolution to face up to these problems without fear or favor, without cringing or appeasement, yet with Christian charity, without malice, but with unyielding determination to preserve liberty and freedom against every challenge and to undergo any sacrifice, even death, to keep our country great, prosperous, and free—secure alike from communism and selfish materialism—secure and free to strive to bring the blessings of freedom, peace, and plenty to this Nation and all those worthy of enjoying them.

Mr. HALPERN. Mr. Speaker, today, March 17, the Nation is celebrating St. Patrick's Day. It is a day when people break out with green ties, green socks, green hats, and green kerchiefs. Shamrocks blossom on every lapel.

But St. Patrick's Day means more than this. The Irish have never been selfish about these things—they have always been willing to share their beloved saint with one and all on March 17.

People everywhere have an affection for St. Patrick and for that Emerald Isle with which he is inseparably linked. The glories of Ireland, its people and traditions, are proclaimed in the far reaches of the world. Their magnificent contributions to our civilization are beyond counting.

The spirit of St. Patrick, with his strength, his dedication to justice, and his love for humankind, his goodness and cheer, is the aspect that lends to his day its special quality. It is a time when everybody is, or ought to be, good natured and in a kindly mood toward everybody else.

St. Patrick's Day is the harbinger of spring. There is a certain spring thought in it, with its accent on green, a welcome touch after a dreary winter.

We are happy that the Irish so willingly share their great saint's day with everyone. May we enjoy it in the spirit of friendliness but also of respect for its deeper spiritual meaning.

Mr. CONTE. Mr. Speaker, on this day, the feast of St. Patrick, wherever men of good will gather, a special spirit is manifest. Although St. Patrick belongs to the sons of Erin, his feast has assumed the unique characteristic of universality. Somehow it has come to exemplify the transcendental qualities of good will among men no matter their nationalities or creeds.

While we think of St. Patrick in respect to Ireland, we, of the Western World are indebted to his influence. History shows that after the establishment of religion in Ireland by St. Patrick, the subsequent growth of monasticism became, during the Dark Ages, a respository of knowledge and culture for the Western World. Indeed, the influence of Celtic culture spread over the West European Continent even as far as Germany. Therefore, we are indeed indebted to St. Patrick for his influence on a culture to which we are heirs.

We join with those citizens of Irish descent in celebrating this feast and share their joy. Yet, in the true spirit which prevails on this day, let us join with men everywhere to reaffirm our faith in the brotherhood of man for which good St. Patrick stands.

Mr. ADDONIZIO. Mr. Speaker, the passage of time is a mighty and wondrous force. It alters, beclouds, and erases with astonishing effect, transforming days of quiet resolution into days of festivity in a figurative twinkling of an eye.

So it has been in the case of our Fourth of July, changed overnight from an occasion of solemn remembrance to one of high frivolity. So also has it been for many national and cultural holidays, including St. Patrick's Day, celebrated all over the world today by the Irish and those of Irish descent.

Dedicated to a saintly man, in honor of his work among the oppressed, St. Patrick's Day has nonetheless become a gay and spirited occasion. The fact, I think, is significant, for it represents the innate hopefulness and optimism of the

Irish people and reflects their capacity for overcoming the greatest of obstacles.

The story of Ireland has been, until recently, one of trouble and travail. Never a wealthy land, she lay for centuries beneath the heel of an oppressor, unable to develop even the few resources at her command. But the Irish people never surrendered and in time of persecution turned to St. Patrick, a former slave and the national symbol of unity, faith, and freedom.

It was this oppression, this poverty, which gave the traditional mournful tone to the songs and stories of old Ireland. And it was this determination never to yield that made the wearing of the green a symbol of unity and purpose and the will to be free.

That Eire is today a free nation is a tribute to the symbols of St. Patrick and the wearing of the green. And that her people now treat St. Patrick's Day as an occasion of high celebration is a tribute to their optimistic spirit.

The land is not yet triumphant economically and the road toward this goal will no doubt be difficult to travel. But the spirit of the Irish, as exemplified by their joyful celebrations throughout the world today, suggests that when at length this battle is over, victory shall once again be theirs.

How could it be otherwise? For, indeed, the optimism of the Irish people is fully justified by history and the symbol of St. Patrick is strong enough to encourage the weakest heart.

His qualities are not limited to any one country or to any single faith. They are the qualities of God as they manifest themselves in man.

Perhaps as never before these qualities have taken on great importance today, for it is upon them that the free world balances precariously in its struggle with the enemies of freedom.

Undoubtedly with this in mind, the peoples of the free world join with the Irish on this occasion in their pride of land, tradition, and accomplishment. Theirs is a record that has strengthened the cause of freedom at this critical hour and deserves the praise of every God-fearing man and woman on the face of the earth.

Mr. RODINO. Mr. Speaker, all eyes are turned today toward Ireland, the land of the green-visaged leprechaun, the shamrock, and the shillelagh. For this is the day set aside for the wearing of the green, in honor of Patrick, the patron saint of Ireland.

It is both a day of joyous celebration and a day of reverence. And I think it symbolic of the Hibernian race that they should have managed, over the years, to combine such divergent sentiments into one hallowed event.

Their happiness springs from accomplishment, in wresting liberty from beneath the heel of foreign oppression, and in achieving the right to develop the land of their forefathers, free from foreign interference.

So also does it spring from the carefree spirit of a people to whom song and verse have ever played a major part in life.

And yet the object of their festivity—Saint Patrick of blessed memory—pervades the gay spirit of the day and dominates the occasion in a most significant fashion. For the story of Ireland is one of struggle and the story of Saint Patrick is one of triumph. And the memory of St. Patrick cannot but remind the Irish of the difficulties of the past, the hardships of the future, the faith that has borne them thus far and upon which they still rely to bear them further.

No one more appropriately symbolizes the will of Ireland than Patrick, a former slave who rose to champion the cause of Christ in a heathen land and, through force of will and righteousness, banished the curse of paganism from the Emerald Isle.

His zeal in the cause of the Almighty transformed a spiritual wilderness to a Christian nation which in turn came to fulfillment as a champion of the faith, and, concomitantly, as a champion of democratic principles.

In a world still strife ridden over the collapse of 19th century colonialism, the Irish stand as a beacon for all nations emerging from colonial status. Though compelled to fight for independence, they remained firmly aloof from Marxist propaganda, and they stand today as the leading former colonial in the Western World, side by side with their former British foe.

With high regard for the principles, Christian spirit, industry and great cordiality of the Irish, the free world salutes their accomplishments, today, and wishes them well for the future.

May they continue their constant march toward the goals set forth by Patrick, their beloved patron.

Mr. Speaker, I cannot close without a reference to our great St. Patrick's Day parade, which we in Newark held last Sunday. Twenty-four thousand of us marched down McGovern's Boulevard before unprecedented crowds, led by my good friend Frank McGovern, the grand marshal of the grand parade.

Here is the way the press described it:

A PERFECT DAY—24,000 IN PARADE FOR ST. PATRICK

Twenty-four thousand Irish men and women paraded in Newark and thousands more lined the way on a sunny day yesterday, a perfect day for wearing of the green.

The 25th annual St. Patrick's Day parade in Broad Street from Lincoln Park to Washington Park, drew a huge throng estimated by Deputy Police Chief Paul G. Caffrey as "way over 100,000—the biggest we've ever had."

The parade was dedicated to Archbishop Thomas A. Boland, of Newark, who reviewed the marchers from a stand in front of St. Patrick's Pro-Cathedral. A large crowd gathered there, and also near the city hall reviewing stand for city and parade officials.

The turnout was especially heavy, however, along the line of march in New Street, between Broad and Washington Streets, where Frank McGovern's Tavern is located. That stretch had been temporarily renamed McGovern Boulevard, in honor of the grand marshal of the parade, the first man to be so designated by unanimous vote of the parade committee.

A huge green banner, spanning the street, greeted paraders with the welcoming words, "The world's finest now marching along McGovern Boulevard."

An exhibition of Irish dances by some 75 youngsters from the Peggy Smith Schools in front of city hall preceded the parade, which got under way at 2:30 p.m.

More than 80 marching units from Irish-American, religious and fraternal organizations from all parts of New Jersey followed some 35 bands and bugle corps along the bright green stripe painted down the center of Broad Street.

To paint the centerline took 20 gallons, appropriately enough obtained from the O'Brien Paint Co. of South Bend, Ind.

MUSIC FROM DUBLIN

Among the marching bands was one flown in for the parade from Ireland—the St. Lawrence O'Toole Pipe Band of Dublin—and among the viewers were three stewardesses for the Irish International Airlines, who had been on the plane carrying the band here.

Mayor Leo P. Carlin headed the city officials at the city hall reviewing stand before he joined the marchers.

Joseph A. Dougherty was general chairman of the parade committee. Mrs. Margaret Quinn was deputy grand marshal.

Mr. DONOHUE. Mr. Speaker, no true Irishman could let this great day pass without being modestly mindful of his glorious heritage and recalling the inspiration, for all peoples, that resides within the life of the revered St. Patrick.

Seldom have the circumstances of our deliberations in this Chamber been more propitious for observance of the traditional pause in our activities to pay tribute to this renowned patron saint of Ireland and the example he left behind for us all to follow.

St. Patrick was born about 385 in Roman Britain; he was captured by Irish raiders at the age of 16 and taken as a slave, to Ireland, where for 6 years he tended the flocks of a pagan master. It was during this period of servitude that he discovered the secret of divine love. So imbedded in him was this experience that, after escaping to his homeland, he returned to Ireland as a priest, and a bishop, to dedicate the remainder of his life to the elimination of paganism and the conversion of the Irish. In the comparatively short period of 30 years he converted practically an entire nation to the Christian faith.

We can only account for this almost miraculous performance by the character of the man, guided by the divine hand.

The best description of the standards of character that I have had the pleasure of reading was made, in 1954, by the Reverend David Knowles, regius professor of modern history in the University of Cambridge.

Speaking of the manner in which the historian observes the course of events and the actions of men in an effort to record them as best he may, Professor Knowles said:

As he watches, he looks to see whether a man, by and large during his life, shows any evidence of acting according to a devine or moral law outside himself; whether he ever sacrifices his own profit or pleasure for the sake of a person or a principle; whether he shows evidence of loving other men, where by love we understand the classical definition of wishing them well and doing well to them; whether he puts justice before expediency; whether he is sincere and truthful.

His writings, and a study of his deeds, show how splendidly St. Patrick met these tests of true greatness. In the face

of the fiercest opposition from the pagan druids, St. Patrick declared:

> Regardless of danger I must spread everywhere the name of God so that after my decease I may leave a bequest to my brethren and sons whom I have baptized in the Lord.

Not only did St. Patrick thus act according to a law outside himself, but from the moment of his youthful conversion among his flocks in Slemish, his entire energies were devoted to the fulfillment in his own life of the law of Christ and to its incessant promulgation in the lives of others.

In fact, one might say that for St. Patrick there was no other law than the divine law that he had learned through prolonged prayer and penance. As a consequence the Irish who listened to him preach knew at once that here, indeed, was a man of God.

Every quality that endears a man to his fellow men St. Patrick had in abundance: a supernatural faith held aloft as an exalted ideal for which he would gladly die; a love of others so great that he would sacrifice all that he possessed for their well-being; a touching humility; an earnestness of purpose generating the clearest sincerity and truthfulness; and, finally, an utter reliance on God for whatever strength he had and for whatever good he had been able to accomplish. These are, in brief, the qualities that changed a whole nation and by which one man made his everlasting mark on the pages of history.

Mr. Speaker, it is, indeed, an honor for me to join with my colleagues of all nationalities in recalling the life and deeds of this wonderful man. The vision of Christian welfare that St. Patrick held for and imparted to the people of Ireland is the same substantial vision that we desire for ourselves and all the other peoples of the free world. Let us then, in the spirit of St. Patrick, dedicate our actions here to the preservation of liberty and freedom throughout the world. Let us resolutely unite in recognition of and persevering opposition to the deadly evil of atheistic communism to insure that the inspiration left to us by St. Patrick, and all the other noble men and women of civilized history, shall not be denied to the lives of those who come after us, God willing.

Mr. FEIGHAN. Fifteen hundred years ago a civilization was dying. The great Empire of Rome still wore the insignia of power and glory, but its heart was gone. From the north and east the barbarian tribes were battering at the walls of the Empire, and the walls were crumbling.

In those years a young slave escaped from Ireland to France. Historians disagree about where the young slave, Patrick, was born and where he was captured. But beyond that, Patrick has left historians little to disagree about. He found Ireland pagan and he left it Christian. He made it the isle of saints and scholars, so that when the Roman Empire finally went down, and Europe was sunk in spiritual darkness, it was from Ireland that the light came to illumine it again. St. Patrick taught fidelity to God, devotion to the cause of liberty, and recognition of human rights. What he taught, the Irish remembered and from his life and teachings took inspiration. The teachings of St. Patrick became firmly inculcated in the hearts and minds of the Irish people.

These are the reasons why the feast day of St. Patrick means a great deal more than the wearing of the green and festive activities. These can be nothing more than symbols of our dedication to the great spiritual ideals and values, which St. Patrick bestowed upon the people of Ireland, and which remain his everlasting contribution to our civilization.

It is fitting on this occasion that we turn our thoughts to the life and times of our patron saint. As we do, we are immediately impressed with how different everything seems today from the days of that holy man. It is breathtaking to review how mankind has progressed—the shape of things in the world has changed so much we may feel comparison is impossible. We live in the jet age. Comparatively the world has been reduced in size from a huge and mysterious globe to the size of a melon. We are now reaching for the stars as we rush into the age of outer space.

How different things are from the days of St. Patrick—or are they? Has the nature of man changed? Has the purpose of man in the divine order of things changed? Have the physical changes of the centuries altered man's obligations to God and his fellow men? The answer to all these questions is an unequivocal "No."

To be sure, we in our times face problems which are peculiar to this age. But this has been the case with each generation—facing and resolving new problems. Changes in the physical order of things, which we usually call progress, have always created new problems. The one constant and unchanging factor in all generations, is man; that is, the nature of man. Neither time nor manmade changes in the physical order can alter this truism. That is why the teachings and admonitions of St. Patrick are as meaningful today as they were 15 centuries ago. Let us then look briefly at some of our present-day problems in light of the teachings of the good St. Patrick.

It has been said and said well that materialism has taken a dangerous grip on our civilization. We see on all sides the insidious quest for physical comforts and luxuries to the exclusion of spiritual values and ideals. We see a spirit of selfishness in which too many people think only of themselves and care nothing about the welfare of their neighbor. With this, the companion attitude of "please don't disturb me" has taken on an all too popular vogue. How different this is from the life and times of St. Patrick, who, as we know, gave up all worldly comforts and prospects of ease, who placed himself in physical jeopardy, and who gave completely of himself, without expecting to receive any worldly returns for his efforts. St. Patrick, to be sure, was disturbed about the spiritual welfare of his fellow man, and the only attitude he knew was "Please let me help you."

How disturbing it is to hear the claim made that dollars are more important than the human values of our American way of life. We hear it said all too often that there is a limit to the amount of dollars that can be made available for the preservation of our American way of life. Since when, I ask, has the dollar sign replaced those great spiritual ideals which are the foundation of our free way of life and in support of which generations of Americans have fought and died. Dollars did not make our country great and dollars harvested up for pagan worship will not preserve us. When worship of the dollar replaces dedication to spiritual and human values, our civilization will fall, just as Rome fell. This is the sure lesson of history—a fate which will befall us unless our people are awakened to the full meaning of this trend in our national life.

With the paralyzing comforts of materialism, we are rapidly becoming a nation of spectators. We seem contented with merely watching events taking place in the world—even watching the world pass us by. St. Patrick was a doer of the word which hardly qualified him as a spectator. As a doer of the word he was a maker of history, not just an observer of history in the making. And here lies a distinction. St. Patrick believed that man made history, and he was determined that the wave of the future would carry on its crest, the Sermon on the Mount and the Ten Commandments as the foundation stones of all future history. Please God that our country be blessed with more doers of the word.

As a nation, we are having all sorts of fears impressed upon us. The greatest fear of all seems to be that of being disturbed, of having to sacrifice for the common good, for the higher purposes of our fleeting years here on earth. There is a growing fear in some quarters that we will soon be required to do something drastic if we are to preserve the civilization of which we are a part.

This is a strange fear for a free people, because our freedom was won by disturbing evil and tyranny, and our freedom has been preserved only by the willingness of past generations to sacrifice for it. Freedom of the spirit will never tolerate fear based upon material values.

St. Patrick was one of the makers of our civilization and its greatness results in large measure from his complete disdain of fear in all its forms. He was constantly concerned with doing something drastic in order to civilize the pagan. He considered no sacrifice too great, including his life, in this work. As the inheritors of his great work, we must accept the responsibility of doing whatever is required of us to preserve Christian civilization.

Intolerance has raised its ugly head in our public life. Racial and religious intolerance has become the nest for a wide assortment of fledgling dictators and autocrats. They seek to spread hatred and suspicion in our public life through petty untruths, distortion of the truth, and the big lie. In times of great national and international stress these

shameless opportunists spring up like dandelions in the springtime. What a contrast this is to the teachings of St. Patrick, whose entire life was dedicated to the divine precept of love thy neighbor as thyself for the love of God. The only intolerance St. Patrick knew was intolerance of evil and in this he excelled. The world of our times would be much better if the teachings of St. Patrick on man's responsibilities to his fellow men were practiced by all in their daily lives.

Grave uncertainties now grip the entire Western World. Our civilization faces the greatest challenge to its existence since the Dark Ages. A new paganism has arisen in the East which worships material power and rejects all the spiritual values of Christian life. The more timid among us are asking whether our civilization has lost its driving force, whether we will be able to withstand the assault now being made on every phase of Christian life and finally what the world holds for future generations. Those of strong heart among us are calling out for enlightened leadership, for bold action. Panaceas are offered, some simple and some complex, but all carrying the promise of victory.

These are the signs of a restless age, these are the earmarks of a civilization which has strayed from the paths of its founders.

The basic tenets of our civilization have not lost their value. They are simply buried under a heap of impotent, materialistic values. The powerful human appeal of these tenets has thus been shackled. Spiritual values are stored up for once-a-week use or for emergency use in times of a great and present crisis. We are attempting to fight against the forces of organized atheistic materialism, that is communism by the use of material means alone.

If we continue along this misguided course, we have little or no chance of withstanding the assault being made against our free way of life. For to do so will remake our country into the image of the alien philosophy which now threatens us. We will have lost all that is precious as life itself, we will have forsaken the teachings of St. Patrick, and future generations of mankind will wonder at our stupidity as they struggle upward to regain those great spiritual values which spell the difference between the good life and a life of pagan misery.

The great challenge of our times is how can we clear away the debris of materialism which rests so heavy upon us and unshackle those great spiritual values which stir the souls and minds of all mankind. This is not an easy task but then we who make claims to being Irish know that our important tasks have never been easy ones. In darker days than these, Irish missionaries carried the message of St. Patrick to multitudes in Europe who had long suffered under the pagans. These multitudes were enlightened and uplifted to the higher purposes of mankind. Our mission is to give life and meaning to the teachings of St. Patrick to a world that anxiously awaits a spiritual rebirth. There will be those who will question our high purposes. How shall we answer them?

There are no more loyal citizens in this land of ours than those who trace their ancestry to the little Isle of Erin. None among us holds a divided allegiance to any power, foreign or domestic, temporal or ecclesiastical. Loyal sons and daughters of Erin fought and died to establish our national independence. Others from our ranks toiled and sacrificed to make the great American dream a reality. In times of crisis our people have risen up as one to defend her against any and all who would threaten our free institutions. So shall they serve our country in the future, faithful to her institutions, proud of her history, cherishing her ideals, and with abiding faith in her noble destiny.

As we approach the tomorrow in the affairs of men and nations we who carry the light of St. Patrick do so in the full knowledge of our heritage. As Americans we are ever mindful that the bedrock foundations of our country are the spiritual ideals and values of Christian civilization. This is the wellspring of our national strength. In these spiritual ideals and values we will find the answer to the perplexing problems of our times. These are the tried and true guideposts to domestic tranquillity and a world peace worthy of the name.

Mr. BOLAND. Mr. Speaker, in the present age, darkened by a lingering threat of universal war, the inspiration of the Christian saints takes on an added emphasis. For were not the vast majority of those blessed men the advocates of peace? And did they not, through peaceful means, alleviate the suffering of their followers and astonish the world in the performance of wondrous deeds?

The hope of mankind is tied inseparably to the stories of the saints, pointing the way to successful life and the establishment of peace on earth. And when, some happy day, the people of the world awaken to the fact, human hope will, at last, achieve fulfillment.

Today, throughout the world, millions are visiting honor upon St. Patrick, the patron saint of Ireland. And, amidst the brandishing of shamrocks and shillelaghs, one may perceive in this the worship of the saintly principle of peace and good will. True, the Irish are not famed as a peaceful people, for, indeed, they have earned too much honor in battle to hold such an opposite distinction. Yet, their patron is St. Patrick, and to any Irishman worthy of the name, St. Patrick's principles are a living force—and, do not forget, St. Patrick was a man of peace.

Does this seem to present a contradiction? Surely, it should not.

Raised in England, carried in slavery into Ireland and escaped to France, Patrick returned to England and thence to Ireland as an apostle of Christianity. His return came at a time when the Irish were divided into warring pagan tribes, and Patrick was obliged not only to spread the faith but calm the passions of war. Largely successful in both respects, he rose to a position of great influence, founding many churches, ordaining many priests, and baptising with his own hand more than 12,000 people. Though, at the conclusion of his work, Ireland was still more pagan than Catholic, yet Patrick had dealt a death blow to paganism—and done so through the power of peace.

In later times the Irish people, as a whole, fell victim to the weight of foreign oppression and, being men, rather than saints, were compelled to fight for liberty and justice. Yet, what men do and what they strive for are often different things; and, as followers of St. Patrick, the Irish are of necessity the advocates of peace.

As all the Western peoples have fought for liberty in the past, so have the Irish. Yet the fighting was but prolog—a prolog to the peaceful goals of St. Patrick, the beloved saint of a beloved and respected people.

Mr. BECKER. Mr. Speaker, today being known as St. Patrick's Day, a day dear in the hearts of the Irish, and yet all people are Irish-American on St. Patrick's Day, I want to express my word of tribute and appreciation to the Irish and all Irish-Americans for the great contribution they have made to our country from the time of the Revolutionary War to this present day.

Very few people realize the great part of the Revolutionary Army under General George Washington comprised of hundreds of Kellys, Murphys, Connors, Ryans, O'Connors, Reillys, Sullivans, et cetera. Americans of Irish descent have been decorated with the greatest of all honors, the Congressional Medal of Honor, for high service in our wars. Some of greatest boxing champions were of Irish descent. Great musical contributions have been made by the Irish, and whoever can resist the lilt of "When Irish Eyes Are Smiling?" In the sports field, amongst our Irish-Americans was immortal John L. Sullivan, Parry O'Brien, and many others in our baseball and football stadiums.

So, today it is only right and proper that we join in celebration with all Americans in the day set aside to honor the great St. Patrick, the patron saint of the Irish.

Mr. TOLL. Mr. Speaker, this is a day of great rejoicing on the part of the Irish and their descendants throughout the world. It is the day on which high honor is paid to Patrick, the patron saint of Ireland. And due to the nature of this holy man, his goals, his accomplishments, and his shining splendor, Christians everywhere have come to lend a sympathetic ear to those who praise his name. In this respect, the day now represents far more than a simple ethnic custom, taking on a universal meaning and extending its influence far and wide.

To some, no doubt, it remains a mere excuse for gaiety; for breaking out the green necktie and brandishing the shamrock. And certainly there is no harm in that. But to the vast majority, it has come to mean decidedly more. For St. Patrick was, first and last, a dedicated Christian, whose spirit drove the pagans from Ireland and brought Christianity to the land. His was a holy calling, car-

ried out in a spirit of devotion and unrelenting zeal, and under his authority some 360 churches were established on Irish soil, and, it is said, over 12,000 persons were baptized at his hand.

Carried into slavery in his youth, Patrick escaped to freedom and soon determined to return to Ireland, the place of his captivity, to preach the principles of eternal liberty.

How fitting that such a person should hold the place of honor in Irish hearts, for in later times the land, itself, would undergo a merciless captivity, from which it, too, arose—much in the nature of St. Patrick.

And in these times of trouble, the Irish came to see in Patrick, their patron saint, the principles of freedom which underlay their fight for freedom and, ultimately, guided them to their blessed goal.

Perhaps as never before, this quality, this urge to be free—which marked the character and molded the spirit of St. Patrick—has come to hold unparalleled significance in the eyes of the Christian world. And the lesson taught by Patrick, that faith in God and perseverance in His work is the prime step toward eternal freedom, now dominates the Western mind.

So, Mr. Speaker, let the celebrants sing out; let the wearing of the green proceed. The free world joins today in honoring the people of Ireland for their pride in land and tradition, mindful of the truths espoused by Patrick, the spiritual symbol of a courageous people, dedicated to the purposes of Christ and liberty.

Mr. GALLAGHER. Mr. Speaker, St. Patrick, the patron saint and the apostle of Ireland, is one of the most celebrated and revered church fathers in Christendom, and his birthday, St. Patrick's Day, is the Irish national holiday. His exact birthplace in Britain—called Bannauenta—has not been definitely identified, and even the year of his birth is not certain, but it is said to fall between 385 and 389. He was brought up as a shepherd, and when he was 16 years old, he was set upon by a band of Irish bandits who had been making a raid on King Niall. They took him and his sheep to Connaught and kept him there in captivity for 6 years. Then he made his escape on a ship used for exporting fierce Irish wolfhounds. He landed on the coast of Gaul—France—and eventually made his way to the monastery of Lerins, where for several years he studied the principles of Christianity.

While there he saw in a dream a man named Victorious, bearing many epistles in his hands. On one of these St. Patrick read the words, "The Voice of the Irish," and imagined he heard his people say: "We pray thee, holy youth, come and walk among us as before." This vision inspired him to return to Ireland as a missionary. After preparing for his mission he returned to Ireland to teach his people the new religion.

At first the Irish were ready to stone him for attempting an innovation in the religion of their ancestors. He obtained a hearing, however, and to explain his point he picked up a shamrock from the roadside, using the three leaves on one stem to illustrate the principle of the trinity. This simple comparison so greatly impressed his hearers that they allowed themselves to be baptized there and then. That was the glorious beginning of Christianity in Ireland.

During his long ministry he founded many churches, among them the church and monastery of Armagh, where he spent the latter part of his life and where he died at the age of 72. The Irish, being at heart a deeply religious people, always remember St. Patrick and celebrate St. Patrick's Day with particular enthusiasm and joy.

It is also a day to recollect that the Irish has always fought the fight for freedom. Self-expression has long been one of the aims of Irish patriots and leaders. Let us hope that in the days to come freedom will be a reality to people everywhere.

Mr. MULTER. Mr. Speaker, the sons of Aaron once again salute the sons of Erin and wish to one another and to all the world liberty and peace.

Each year St. Patrick's Day, March 17, is celebrated as a national holiday in Ireland.

We Americans, of whatever national descent, join the Irish in doing honor to that great apostle, bishop, and patron saint of Ireland. Saint Patrick, like his Ireland, stands before the world as the symbol of indomitable resistance to tyranny and oppression.

According to his own account, Saint Patrick was born in Britain, at a place called Bannavem Taberniae. There is no general agreement as to the location of that place, but scholars now favor the Severn valley as the most probable region. His father, Calpurnius, seems to have been a man of some influence in the community, a member of the municipal council and apparently a friend of the Romans.

Somewhere around the year 400 Irish invaders came in several score of ships and landed in the rich west country. The Twentieth Legion, which for 350 years had been stationed at Chester, had been recalled to defend the home provinces of Rome against the barbarians. The Britons, weakened by prosperity and comfort, fell easy prey to the raiders. Patrick, along with other captives, was carried off to the land that was called Antrim, where he became the slave of a lord who owned land on the slopes of Slemish.

After 6 years of slavery he made his escape to western France and finally found refuge in the Monastery of Lérins, on an island off the west coast of Provence. After some years he returned to his own folk in Britain. They pleaded with him to remain with them, but he felt a call to go as an apostle of Christianity to the Irish. The love of Ireland and the nostalgic memory of the hills of Antrim were in his heart.

To prepare for his mission he returned to Auxarre in Gaul where, after a period of study, he was ordained a priest. In 432 he was consecrated a bishop and then sailed for Ireland.

The task of the new bishop was not only to minister to the Christian communities in the southern and western parts of Ireland, but also to gain the good will of the various local kings and to convert them and their subjects. His knowledge of the Irish language and his insight into the character of the people, gained during his 6 years in the country as a slave, served him well. His enthusiasm, his tireless energy, his ability as an organizer, and his success in dealing with kings and princes, all contributed to his achievements for Christianity. It is said that he founded 360 churches, baptized with his own hand 12,000 converts, and ordained many priests. At the conclusion of his work he had dealt a death blow to druidism in Ireland.

Surely it is appropriate that the memory of such a man should remain forever green among us. A symbol of peace, courage, and freedom, brought to America by the Irish, St. Patrick now belongs to all of us.

Mr. RABAUT. Mr. Speaker, of all the many various ethnic and national groups there are very many which have as their standard bearer a patron saint. In most cases this patron saint is a person who brought to the people concerned the living word of the Lord and a vivid awareness of and love for their God and His doctrine. In all the history of the world, Mr. Speaker, no such patron saint is so widely renowned or so widely loved and remembered as good St. Patrick, patron saint of the Irish people. And indeed, also, Mr. Speaker, no group, no people in all the world is so dedicated to their patron saint as are the Irish people to St. Patrick. In fact a most prominent characteristic of the Irish people has always been their intense and unswerving devotion to their God and their faith. This lasting dedication may be traced to St. Patrick and his untiring efforts in bringing to the people of Ireland the word of the Lord and in so inspiring those people with the faith that they have never swerved from their devotion nor ceased their efforts to promote the growth of that faith throughout the world. On this St. Patrick's Day, Mr. Speaker, may I salute the Irish people and nation and may I also take this opportunity to deliver a brief testimonial to the great Irish patron saint.

ST. PATRICK'S DAY

More than 14 centuries ago an old bearded man, about whom we know so little, departed from this earth; yet each year his memory is venerated on the 17th day of March. This is his day, St. Patrick's Day. He was born in western England about A.D. 389. At the age of 16, he was seized by Irish raiders, and the Christian youth was enslaved in a pagan Ireland. Here he was, a boy, a slave from Britain, guarding swine on the snowy sides of Slemish, dreaming that he would one day bring Rome and Christianity to the ends of the earth. Patrick's dreams were realized. He escaped to the Continent, entered the Holy Orders, and about 432 returned to Ireland as a missionary. There he labored with notable zeal until his death. He earned and fully deserves his title of "Apostle of Ireland."

The spirit of St. Patrick was an early immigrant to the New World. Like many other notable Irish, the "Apostle of Ireland" became a part of our culture in the first half of the 18th century. He was brought to these shores along with his people who were seeking freedom and a new way of life. The earliest American celebration of St. Patrick's Day, of which a written record has been found, took place in 1737. On March 17, of that year, the Charitable Irish Society was organized in Boston, Mass., by a number of leading Irish citizens. The preamble adopted by the founders reads, in part, as follows:

Whereas several gentlemen, merchants, and others, of the Irish nation residing in Boston in New England, from an affectionate and compassionate concern for their countrymen in these parts, who may be reduced by sickness, shipwreck, old age, and other infirmities and unforeseen accidents, have thought fit to form themselves into a charitable society, for the relief of such of their poor and indigent countrymen, without any design of not contributing toward the provision of the town poor in general as usual.

Even though the Charitable Irish Society was comprised of a single nationality and faith, and their foremost purpose was to help their Irish brethren, the "in general" phrase in the preamble was all inclusive and enveloping. Thus it was, St. Patrick had arrived in America.

There are many early records of St. Patrick's Day celebration in the early history of our Nation. St. Patrick traveled with the Irish immigrant but was readily adopted by all settlers. On March 17, 1757, a celebration of the day was held at Fort William Henry, at that time the most northerly outpost of Great Britain in America. The fort was built by Sir William Johnson, an Irishman by birth. On the evening of March 16, 1757, it was recorded that an extra ration of grog was distributed to the Irish troops in the fort, in which to "drown the shamrock." In 1763, St. Patrick's Day was celebrated at Fort Pitt. Captain Ecuyer, in command at the fort, wrote to Colonel Bouquet, and in the course of his communication said:

We had St. Patrick fetes in every manner.

St. Patrick's Day was enthusiastically observed in the ranks of the American Army during the Revolution. The British evacuated Boston on St. Patrick's Day, 1776, and the Americans marched victoriously into the city to take possession. General Washington, in the camp at Cambridge, authorized the password of the day to be "Boston" and the countersign to be "St. Patrick." Again, in 1778, March 17 was recognized by George Washington and his men at Valley Forge. It was on this occasion that Washington is alleged to have said, "I, too, am a lover of St. Patrick's Day." An extra issue of grog was poured out to the troops "and thus all made merrie and were good friends."

From the earliest period of our country's history until the present time, St. Patrick's Day has become an integral part of our way of life. Brought to America's shore by the Irish, St. Patrick is shared by all. From few celebrations in the mid-18th century, the observation of St. Patrick's Day has become a fixed institution in most American cities and towns. Every community gives welcome and honor to the Irish patron saint's anniversary. From north, south, east and west, bits of green are worn on March 17 by all races, religions, and creeds. To America, the green, the shamrocks, the harps, these are the symbols of Ireland's patron saint. A saint who, from slavery, became a symbol of peace, Christianity, and freedom to all of Ireland and all of America.

Mr. DEROUNIAN. Mr. Speaker, this is the day of Patrick, the patron saint of Ireland. And if from such a grand event some seem to draw forth merely gaiety and mirth, let us recall that this in no way precludes reverence; for, indeed, the Irish are a deeply reverent clan.

Admittedly the day is one of great rejoicing, devoted to the wearing of the green, the singing of songs, and general celebration. But all too often the real meaning of St. Patrick appears to the observer lost beneath such artificial trappings. And yet, in fact, it is not lost but burns eternally in the Irish heart.

For nothing is more clear to the Irish than the serious nature of St. Patrick. In centuries past when foreign sentries stalked the land and the people lay crushed beneath the hand of foreign rule, what but Patrick's steadfast influence carried them through to victory and freedom. Nor is it likely that the Irish today will soon forget the fact, which plays so vital a part in their everyday lives.

True to the optimistic traditions of democracy, the Irish are a happy clan and true to the devout nature of Western civilization they stand by Christian principles.

No wonder that the rest of the free world responds today to the sound of their rejoicing. For in these sounds one senses the hope—indeed, the faith—of God and the future, so typical of the Irish nature; so admirable in the eyes of all.

The free world joins today in paying respect to St. Patrick, the patron of a noble race and sponsor of a mighty dream. Long may his influence prevail.

NEWS OF OPPOSITION TO INCREASING INTEREST RATES HAS BECOME UNFIT TO PRINT, PARTICULARLY IN NEW YORK TIMES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, some things about the New York Times are greatly disturbing to me. It has the reputation of being a great newspaper. And the truth is, it is a great newspaper in most respects—or at least I have always thought so. I have read and depended upon it for the news during most of my life. I have no way of being sure, but I believe that it does carry most of the important news in many realms of human interest.

But on matters that affect the interests of the bankers—and I have in mind particularly monetary policies and legislative issues over raising or lowering interest rates—it is impossible to avoid the conclusion that the New York Times propagandizes on only one side of the issue. It is always on the side of the bankers.

I am not speaking, of course, about what position the paper takes in its editorial columns. It is recognized and expected that editors will take sides in their editorial columns. That is the place where the editors are supposed to express their views.

No, I have reference to the news pages.

For example, on this question whether Congress should pass a bill to remove in one way or another the interest-rate ceiling on Government bonds, the New York Times is always playing up as an important news story every event, every incident, and every expression of opinion that happens to be on the side of raising interest rates. But I almost never find anything in the New York Times which reports on the facts, events, or expressions of opinion on the other side of the issue.

To illustrate, I notice that the Times this morning gives prominent space to an Associated Press dispatch which is headed "Bond Rise Backed by Home Builders." This dispatch has to do with the fact that the executive committee of the home builders association has come out in support of increasing interest rates on Government bonds, and has sent each Member of Congress a letter to this effect.

Several other private organizations which are just as important as the home builders association have taken just the opposite stand—not just by their executive committees, but by their whole memberships in convention—and sent letters to all Members of Congress also. But I have failed to see anything in the New York Times about these.

And of all the speeches which have been made in Congress against this legislation, advancing persuasive reasons why the legislation would be bad for the country, none of these, I think, has ever received mention in the New York Times. You would think from the way the opposition to this legislation has been treated that the New York Times has no correspondent in Washington, and receives no news dispatches through the Associated Press.

But just let Secretary Anderson make a speech, or send up a letter in answer to some question raised by a Member of Congress, which argues for raising interest rates, and the New York Times displays the argument in a very prominent way. Let Chairman Martin of the Board of Governors of the Federal Reserve System make some inane utterance on behalf of raising the interest rates, and the New York Times practically headlines the event.

Perhaps I have been reading more significance into this one-sided treatment of the news than I should, but I really do not think so. It is an extremely important matter for the very reason

that the New York Times enjoys the reputation it does enjoy and has the leadership in the newspaper field that it does have. So many of the other newspapers around the country look to the New York Times for leadership on questions of what news is fit to print. The result is when the Times carries on a one-sided stream of news and maintains a sort of blackout on the other side, the other newspapers of the country do the same thing. People all over the country are then informed of the news and the arguments on only one side of the issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BENNETT of Michigan, for 5 days, to attend the funeral of a relative.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ZABLOCKI (at the request of Mr. REUSS), for 1 hour, on Monday next.

Mr. CONTE, for 5 minutes, on today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. FERNÓS-ISERN and include two letters recently published in the New York Times.

Mr. ROOSEVELT and to include a press release and a copy of a bill.

(At the request of Mr. COLLIER, and to include extraneous matter, the following:)

Mr. BARRY.

Mr. BROOKS of Louisiana.

Mr. FEIGHAN.

Mr. GILBERT.

(At the request of Mr. DULSKI, the following Members were granted permission to revise and extend their remarks in the CONGRESSIONAL RECORD and to include extraneous matter:)

Mr. PORTER.

Mr. ANFUSO in three instances.

Mr. HOLTZMAN.

Mr. BOLAND.

Mr. BARING.

Mr. FLYNN.

ADJOURNMENT

Mr. DULSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p.m.) the House adjourned until tomorrow, Friday, March 18, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications, were taken from the Speaker's table and referred as follows:

1954. A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting copy No. 2 of the Statistical Supplement Stockpile Report for the period ending December 31, 1959, pursuant to section 4 of the Strategic and Critical Materials Stockpiling Act, Public Law 520, 79th Congress; to the Committee on Armed Services.

1955. A letter from the Assistant Secretary of Agriculture, transmitting a report relating to the cooperative program of the United States with Mexico for the control and eradication of the foot-and-mouth disease for the month of February, pursuant to Public Law 8, 80th Congress; to the Committee on Agriculture.

1956. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and the Army General Staff as of December 31, 1959; pursuant to Public Law 581, 81st Congress; to the Committee on Armed Services.

1957. A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting reports of contractual actions taken in calendar year 1959 to facilitate the national defense, pursuant to section 4(a) of Public Law 85-804; to the Committee on the Judiciary.

1958. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Toh Jung Lin, A9653774, pursuant to Public Law 863, 80th Congress; to the Committee on the Judiciary.

1959. A letter from the Attorney General, transmitting a draft of proposed legislation entitled "A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes;" to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee of conference. S. 607. An act for the relief of the estate of Sinclair G. Stanley (Rept. No. 1405). Ordered to be printed.

Mr. KILDAY: Committee on Armed Services. S. 1795. An act to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the Regular components of the Armed Forces; with amendment (Rept. No. 1406). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. PFOST: Committee on Interior and Insular Affairs. H.R. 3122. A bill directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm; with amendment (Rept. No. 1407). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 11224. A bill to amend title II of the Social Security Act to increase from $1,200 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ANFUSO:

H.R. 11225. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. ASHLEY:

H.R. 11226. A bill to amend the Sugar Act of 1948, as amended, to authorize the President to reduce quotas of certain foreign countries; to the Committee on Agriculture.

By Mr. BARING:

H.R. 11227. A bill to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the county of Mineral, State of Nevada; to the Committee on Interior and Insular Affairs.

By Mr. BREWSTER:

H.R. 11228. A bill to amend the District of Columbia Business Corporation Act; to the Committee on the District of Columbia.

By Mr. BUCKLEY:

H.R. 11229. A bill to amend the Fair Labor Standards Act of 1938 so as to increase from $1 to $1.25 the minimum hourly wage prescribed by section 6(a)(1) of that act; to the Committee on Education and Labor.

By Mr. CLARK:

H.R. 11230. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. COOK:

H.R. 11231. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DANIELS:

H.R. 11232. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of Colorado:

H.R. 11233. A bill to provide for the use of television broadcasting stations by candidates for the Office of President of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of New York:

H.R. 11234. A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 11235. A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes; to the Committee on the Judiciary.

By Mr. SAUND:

H.R. 11236. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. McGOVERN:

H.R. 11237. A bill to provide for the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social and economic development of the members of the Crow Creek Sioux Tribe,

and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MONAGAN:

H.R. 11238. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. O'HARA of Michigan:

H.R. 11239. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. RIVERS of Alaska:

H.R. 11240. A bill to amend title 23, United States Code, to provide for participation of Federal-aid highway funds in the construction of approach roads to ferry facilities on the Federal-aid systems; to the Committee on Public Works.

By Mr. YATES:

H.R. 11241. A bill to provide for issuance of a special postage stamp in commemoration of the centennial anniversary of the birth of Jane Addams; to the Committee on Post Office and Civil Service.

By Mr. HOLTZMAN:

H.J. Res. 652. Joint resolution declaring the first Tuesday after the first Monday of November in each even-numbered year to be a legal public holiday; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly memorializing Congress to enact legislation amending the Social Security Act so that all four federally aided categories of public assistance (old-age assistance, aid to the blind, aid to dependent children, and aid to the permanently and totally disabled) shall be governed by a uniform 1-year ceiling of residence requirements; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of Kentucky, memorializing the President and the Congress of the United States to make possible the construction of Cave Run Reservoir on Licking River; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLEY:

H.R. 11242. A bill for the relief of Mrs. Fortune Kurkjian; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11243. A bill for the relief of Indalecio Contreras Ramos; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11244. A bill for the relief of Lt. Col. Albert R. Morris; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 11245. A bill for the relief of Atomic Energy of Canada, Ltd.; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 11246. A bill for the relief of Paolo Lazzaro; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

377. By Mr. GROSS: Petition of 635 residents of Waterloo, Iowa, and vicinity in support of H.R. 4488, a bill to raise the minimum wage to $1.25 per hour and extend minimum wage coverage to include retail and service employees; to the Committee on Education and Labor.

378. By Mr. PATMAN: Petition of J. I. (Buck) Mathews and eight other veterans of World War I, favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

379. Also, petition of J. E. Manning and 62 other members of MCM Barracks No. 1612, favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

380. Also, petition of G. R. Jefferson and 48 other members of veteran organizations favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

381. Also, petition of T. L. Simmons and 29 other veterans of World War I, favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

382. Also, petition of H. F. Russell and 125 other citizens of Bowie County, Tex., favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

383. Also, petition of Mabern D. Humphrey and 56 other citizens of Cass County, Tex., favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

384. By Mr. REUSS: Petition of Barracks 530, Veterans of World War I of the United States, of Milwaukee, Wis., in favor of the World War I Pension Act of 1960 (H.R. 9336), as submitted by Comdr. Robert Bauman; to the Committee on Veterans' Affairs.

385. By the SPEAKER: Petition of the chief clerk, the Council of the City of New York, New York, N.Y., petitioning consideration of their resolution with reference to urging the enactment of a minimum wage law of $1.25 per hour; to the Committee on Education and Labor.

386. Also, petition of the president, American Bar Association, Chicago, Ill., petitioning consideration of their resolution with reference to recommending the enactment of legislation with respect to the control of travel abroad by U.S. citizens; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Sir Oliver Franks, the Treasury, and Our Gold Reserve Position

EXTENSION OF REMARKS

OF

HON. CHARLES O. PORTER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. PORTER. Mr. Speaker, under unanimous consent previously granted, I am including hereunder my letter of February 23, 1960, to the Secretary of the Treasury and the reply on his behalf from Alfred H. von Klemperer, Assistant to the Secretary.

FEBRUARY 23, 1960.

Hon. ROBERT B. ANDERSON,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: Enclosed is an insertion I made in the RECORD recently of certain portions of a report written by Sir Oliver Franks for Lloyds of London. I call your attention to his remarks as set forth on page A1247 with particular reference to his suggestion that the $12 billion of gold which is at present "locked up as backing for Federal Reserve notes and deposits" be set free for effective use. I'd very much appreciate having your comments on his suggestion and on his reasons for our going ahead along these lines.

It does seem to me incongruous to have gold backing our Federal Reserve notes in any proportion at all since the holder of such note is not at all entitled to gold under any circumstances, whereas we have no gold reserve in connection with our foreign obligations but we do have to pay them in gold. I should be interested in your comments on this situation and upon any plans you might have for changing it.

With every good wish.

Sincerely,

CHARLES O. PORTER,
Member of Congress.

OFFICE OF THE SECRETARY
OF THE TREASURY,
Washington, March 10, 1960.

Hon. CHARLES O. PORTER,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. PORTER: The U.S. gold reserve position and our balance of international payments situation, discussed by Sir Oliver Franks in his annual report of Lloyds Bank, Ltd., which you forwarded for our examination on February 23, 1960, are of continuing interest to this Department, and we are glad to have an opportunity to present our views to you.

Sir Oliver proposes that the $12 billion gold at present serving as backing for Federal Reserve note and deposit liabilities should be set free for "effective use." What he seems to be suggesting is that the United States does not have gold stocks, in excess of statutory gold reserve requirements, adequate for international settlements. As we have indicated in previous correspondence, foreign holders do not undertake to exchange all of their dollar balances into gold since a large portion is essential for ordinary working balances and other purposes. Moreover, as Secretary Anderson indicated on January 20, 1960, to the House Committee on Appropriations, no run on our gold stocks need be feared so long as the rest of the world retains confidence in the United States. We have such confidence and we can maintain that confidence, he pointed out, if the U.S. economy, both Government and private, pursues budgetary, fiscal and cost-wage policies that are reasonable, policies which will demonstrate that we are going to maintain the purchasing power of our currency. The Secretary also expressed the hope that we will always remain on the

international gold standard, the present world system of payments and reserves, and no change is contemplated.

It is also important that our balance of payments position show a satisfactory trend in order to justify confidence. Among the measures which the United States has taken in connection with our present balance-of-payments position and its impact on gold movements are the following: It is urging other governments to eliminate quotas which discriminate against U.S. exports. With regard to direct loan funds appropriated for foreign economic development projects, it is placing primary emphasis on the financing of goods and services of U.S. origin. It is also encouraging other industrialized countries to improve and increase their financing of development in the less developed areas of the world. In this connection, you may be interested in the enclosed copy of my recent address, "The U.S. Balance of Payments in a Changing World Economy."

Let me point out that at the January 20, 1960, hearings before the House Committee on Appropriations, the Secretary also discussed in some detail the subject of gold and our balance-of-payments position. References appear on page II of the index, following page 135.

The increased resources of the International Monetary Fund will undoubtedly provide the additional equity to finance international trade, which Sir Oliver intimates should be provided by the United States through the mechanism of eliminating our monetary gold reserve requirement. You will recall that last June the Congress amended the Bretton Woods Agreements Act so as to permit an increase in the U.S. quota in the International Monetary Fund, and, under the terms of the resolutions of the Board of Governors of the Fund, this increase in our quota, as well as the quotas of other countries, became effective in September. In the Treasury's view, the increase in the Fund's resources provided for expanding world trade in the foreseeable future, and will enable the Fund to deal with the problems of temporary imbalance in international accounts which are likely to arise. Moreover, the exchange reserves of other industrial countries have increased considerably, and the adoption of nonresident convertibility by these countries will make the Fund's holdings of their currencies more available for use of operations.

It is always a pleasure to have an opportunity to be of assistance to you. Please do not hesitate to call on me should you wish to explore other aspects of these important subjects.

Sincerely yours,

ALFRED H. VON KLEMPERER,
Assistant to the Secretary.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. EDWARD P. BOLAND
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. BOLAND. Mr. Speaker, 139 years ago, on March 25, 1821, Greeks rose in arms against the Ottoman Empire which had oppressed them for four centuries. In a long and difficult struggle the Greeks regained their freedom. They have maintained it intact through many difficult challenges to this day.

It is hardly necessary to say that the Greeks are a freedom-loving people. Much of the heritage of Western civilization, including much of our concepts of personal and individual freedom, are in their genesis Greek ideas. Indeed, it is hardly possible to point out an aspect of what we Americans hold to be good and worthwhile in which there is not some important historic root in Greek experience, Greek culture and above all, Greek thought, passed down to us through the ages. It was the ancient Greeks who conceived of the "good life" as the high expression of man's existence and who elaborated the conditions and reasons for the "good life," which have been so pervasively influential in Western civilization.

Greek ideas are by no means confined to Western civilization; their influence has been truly universal. The thought of the ancient Greeks civilized and informed the early Arab empires and traveled through the Arabs to the West; Greek ideas and Greeks informed the Persians, the Indians and traveled through Russia and into China. That a people capable of such brilliance and such contribution to civilization should have fallen under the domination of an alien power was to be deplored. Equally, their reemergence to freedom, the anniversary of which is celebrated on March 25, is a cause of celebration not only for the Greeks.

"Believing"

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. ANFUSO. Mr. Speaker, in these trying days when the struggle for the minds of men reaches new heights and greater fury, let us also remember that we have a most encouraging weapon which can help bring ultimate victory to the peoples of the free world in their efforts to live in freedom, democracy, and human dignity.

I refer to faith in God and the belief in the existence of the Supreme Being. Communism is a godless ideology, without a soul, without a heart, without any resemblance to a decent way of living. Its leaders are heartless and ruthless. Its whole way of life is devoid of any understanding or appreciation of the individual human being, his moral concepts, and his belief in the Supreme Ruler of the World.

It matters not what one's creed may be, whether Protestant, Catholic, or Jew, whether Mohammedan, Buddhist, or other faith. What matters is the fact that one has faith in his heart and prays in his own way to his God. A person with faith is a better and more moral human being. A person who believes cannot lose faith in the future of mankind or in the hope for a better world.

Mr. Speaker, these thoughts came to my mind as I was reading the words of a new song, called "Believing," which has just been recorded and released to the public. The words and music were composed by Ethel Phillips, Kenneth Roberts, and Anne Lavere. It is recorded on Genie Records with the noted singer, Jeannie Thomas, as vocalist. I want to congratulate all these people for a magnificent job.

The words of this brief song are as follows:

Believing is like a prayer,
Believing is everywhere;
Believing can be the start,
And happiness will soon be in your heart.

A little faith in all you do,
And miracles will soon come true;
The magic a wish can weave,
Is yours and yours alone—if you just believe.

Air Force Flag

EXTENSION OF REMARKS
OF
HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. BROOKS of Louisiana. Mr. Speaker, this morning the U.S. Air Force honored the Committee on Science and Astronautics by presenting it with the official Air Force flag. The presentation was made by Gen. Thomas D. White, Chief of Staff of the Air Force, in the presence of committee members and Air Force Under Secretary Joseph V. Charyk. I should like at this point to include my remarks, made in acceptance of the flag on behalf of the committee:

Mr. Secretary, General White, distinguished guests, and members of the Committee on Science and Astronautics, on behalf of the Committee on Science and Astronautics I want to thank you, and each of you, and the Air Force generally, for this beautiful official flag of the U.S. Air Force. It is a gift to the committee and will stand in its proper place in a proud position here in this committee room throughout the long, and I believe glorious, career of this new standing committee of the Congress of the United States.

The Air Force is the youngest department of the Department of Defense. In a few short years, however, it has built for itself an enviable position in the minds of the people of the United States and a glorious history because of its fine accomplishments and outstanding achievements.

I can recall when the Air Force was a part of the Signal Corps. Later on, it expanded the bonds which held the Air Force tightly within the confines of the Signal Corps and it became the Air Corps, with its own organization and with its own command. The day came when those with imagination conceived the idea that the Air Force should be a coequal part of the armed services along with the Army and the Navy—brothers in arms in joint defense of the United States. This seemed a simple matter to most of us but others in Congress did not agree. A bitter fight ensued, but out of the smoke of battle and out of the travail of our efforts came this great patriotic and defense organization known as the Air Force.

This fact alone did not make the Air Force a coequal branch in the Defense Department. On the contrary, the Army and the Navy both had academies to teach their young officers all the routine and the knowledge of their own branches. The Air Force

had none. I am proud to say, Mr. Secretary and Members, that I was one of those who introduced a bill to establish an Air Force Academy. True, Mr. Secretary, I had in mind that the Academy would be located in Louisiana—that is really the best place for it—but instead it went to Colorado and it is now performing its appointed task of turning out graduates for commissions in the Air Force. At this time, there are other jobs to be done—not major ones, but minor fringe-types to round out the Air Force into a well-ordered, well-organized, coequal branch of the Department of Defense. I am not going to go into that matter here. It is not the proper place, it is not the proper time for a presentation of such a discussion. In the final analysis, the Air Force can continue to function in a manner which is the pride of the people of the United States.

Since World War I almost on every field of battle, members of the Air Force have actively participated and by their gallantry brought glory to this banner. They have been rugged, vigorous, brave, and patriotic persons who have been willing to die—and many have died—in the defense of this banner.

Of course, therefore, Mr. Secretary and General White, we are proud of this flag—proud that it will belong to this committee and will have a proper place in this committee room where all who come to help us in the work of legislating within our jurisdiction may see it and glory in the fact that men like you and others have given unstintedly of their time and talent in their efforts to help this committee chart a direct course in this new field, so that that banner may be held aloft with pride and conviction.

Let me again thank you, Mr. Secretary and General White, that your kindness has brought you here this morning and for your interest in our committee and for your patriotism and devotion to our membership.

Civil Liberties and National Security

EXTENSION OF REMARKS
OF
HON. JAMES ROOSEVELT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. ROOSEVELT. Mr. Speaker, under leave to extend my remarks, I wish to insert in the RECORD a copy of a joint press release issued by my able colleague of New Jersey [Mr. THOMPSON] and myself regarding a measure which we recently introduced. In addition, I place in the RECORD a copy of the proposal, introduced on March 14.

The release, issued on the following day, explains that the legislation would amend the "Administrative Procedure Act to guarantee protection of certain basic civil liberties for the employees and agents of contractors with the United States, as well as for Federal employees."

I might add that as this body engages in historic debate in the area of civil rights we should always keep in mind that a closely allied matter—that of civil liberties—should also be a constant concern of Congress.

My colleague and I sincerely hope and trust that the Members of this body will give all due consideration to our proposal. We would be pleased, of course, to have others join us in sponsorship of the bill.

The press release and text of the measure follow:

JOINT RELEASE BY REPRESENTATIVE JAMES ROOSEVELT, DEMOCRAT, OF CALIFORNIA, AND REPRESENTATIVE FRANK THOMPSON, JR., DEMOCRAT, OF NEW JERSEY, MARCH 15, 1960

Legislation to amend the Administrative Procedure Act to guarantee protection of certain basic civil liberties for the employees and agents of contractors with the United States, as well as for Federal employees, was introduced jointly yesterday, March 14, 1960 by Representative JAMES ROOSEVELT, Democrat of California, and Representative FRANK THOMPSON, JR., Democrat, of New Jersey.

The new Roosevelt-Thompson civil liberties bill, only one paragraph long, amends section 12 of the Administrative Procedure Act by adding at the end thereof a new subsection which reads as follows:

"Notwithstanding any other provision of law, the decision or adjudication by any agency as to its officers, employees, and agents in the course of the administration of any Federal employee loyalty or security program or law and as to officers, employees and agents of any contractor with the United States in the course of the administration of any industrial security review program or law shall be made on the record as contemplated by this act and shall be subject to all other provisions of this act."

President Eisenhower issued, on February 20, 1960, a new Executive order revising industrial security procedures despite insistent AFL–CIO requests for an opportunity to discuss the new program before it was instituted. The AFL–CIO News, commenting on the President's Executive order, said on March 12, 1960 that—

"The Executive order sets forth as a principle the right of persons accused of being security risks to face and cross-examine their accusers, but leaves areas of exception. These areas appear capable of administrative contraction or expansion to the point where the principle might become meaningless."

AFL–CIO President George Meany called revision of the confrontations element, as laid down in President Eisenhower's new Executive order, a "welcome liberalization." "However," Mr. Meany wrote Deputy Assistant Secretary of Defense Stephen S. Jackson, "the Executive order likewise contains broad authorizations for the denial of these safeguards in particular cases, so that whether the new program will in actual operation utilize fairer procedures than the old will depend on how the order is effectuated through regulation and in actual operation."

President Meany noted that the AFL–CIO in the past has voiced three major objections to the way the industrial security program operated. These objections were:

1. The fact that the testimony of absent witnesses was allowed to stand without the accused being given the chance to break it down by questioning.

2. The fact that clearance board members did not face the accusers or know their identities, but usually were forced to rely on the summary report of an investigator without even examining the investigator.

3. The practice of permitting employers to clear workers for access to confidential (as distinguished from secret or top secret) data, a power AFL–CIO President Meany said "is obviously susceptible of anti-union or other abuse" by persons with scant qualifications for such a function.

President Eisenhower's new Executive order revising industrial security procedures has run into a barrage of criticism from other quarters.

The New York Times said editorially (Feb. 23) regarding President Eisenhower's order—"We can't yet say that an accurately just balance has been reached between private and public security. However, some progress has been made, and if necessary the Supreme Court can still pass on the basic constitutional issue of a confrontation. Sooner or later we must ask ourselves what security is—that is, whether it consists in the liberties of the citizen or in the smooth functioning of the agencies of government."

The Washington (D.C.) Post, commenting on President Eisenhower's new Executive order, said (Feb. 22) editorially—"the second category of exception seems to us much more serious—and especially because it embraces the bulk of the sources of information in security cases. In special circumstances, statements of so-called casual informants—neighbors, coworkers, servants, and other such acquaintences of an accused employee—could be used without requiring the informant to appear in person and submit to cross-examination, if the head of the department handling the security case excused him on account of death, severe illness or some other good and sufficient cause. That phrase, good and sufficient cause has an orotund, catchall quality that is disquieting. Casual informers ought not to be used at all unless their allegations can be tested by cross-examination. Cross-examination protects the Government no less than an accused individual. For it safeguards justice. It ought to be given full application in the Federal employee security program as well as in the industrial security program."

TEXT OF ROOSEVELT-THOMPSON BILLS—H.R. 11151 AND H.R. 11155

A bill to amend the Administrative Procedure Act to guarantee protection of certain basic civil liberties for the employees and agents of contractors with the United States and other United States citizens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Administrative Procedure Act (5 U.S.C. 1011) is amended by inserting "(a)" after "SEC. 12." and by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, the decision or adjudication by any agency as to its officers, employees and agents in the course of the administration of any Federal employee loyalty or security program or law and as to officers, employees, and agents of any contractor with the United States in the course of the administration of any industrial security review program or law shall be made on the record as contemplated by this Act and shall be subject to all other provisions of this Act."

Representative Gilbert Elected To Serve on House Committee on Post Office and Civil Service

EXTENSION OF REMARKS
OF
HON. JACOB H. GILBERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. GILBERT. Mr. Speaker, I am gratified to be elected to serve on the House Committee on Post Office and Civil Service.

I am very happy to have the honor to serve on this important committee, whose work directly affects the lives of

all of us. It will give me an opportunity to be of special service to our post office and classified Federal employees, as well as to work for the best interests of all the people of our Nation in all matters under the jurisdiction of our Post Office Department.

Johnson Is Strongest Possible Candidate, Congress Democrats Believe

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. ANFUSO. Mr. Speaker, Congressional Quarterly, which is regarded as one of the most authoritative references on Congress and politics, recently conducted a special poll of Members of both Houses of Congress as to their judgment of the strongest possible ticket the two major political parties could present to the voters in November.

The results were subsequently released to the press for publication last January 31. According to the results, the Democrats were of the belief that the strongest ticket their party could nominate this year would consist of Senator LYNDON B. JOHNSON as candidate for President and Senator JOHN F. KENNEDY for Vice President.

Mr. Speaker, under leave to extend my remarks, I wish to insert into the RECORD the full text of the story as released by Congressional Quarterly and I urge all my colleagues to read it and to analyze it as to its full meaning:

[From Congressional Quarterly]

CONGRESSMEN RATE JOHNSON, NIXON STRONGEST CANDIDATES

Congressional Democrats think Senator LYNDON B. JOHNSON, Democrat, of Texas, is the strongest presidential candidate their party can field in November, according to a Congressional Quarterly poll released today.

Republican Members of Congress overwhelmingly chose RICHARD M. NIXON as their presidential candidate. But they gave the vice presidential slot to New York Gov. Nelson A. Rockefeller with less unanimity.

More than half the voting Democrats, from all regions of the country, said Senator JOHN F. KENNEDY, Democrat, of Massachusetts, would be the strongest vice presidential nominee their party could select.

The poll, distributed January 12, asked every Member to give "your judgment on your party's strongest possible ticket." Replies came from 53 percent of the Representatives and Senators. (While delegations to the national conventions are often controlled by State Governors or others active primarily in local politics, many of the Members who answered the Congressional Quarterly poll will have large influence on the way their delegations vote in the conventions.)

JOHNSON, KENNEDY, and NIXON all gained in percentage support in comparison with a similar Congressional Quarterly poll taken last July. Rockefeller, leading a 24-man vice presidential field, lost 15 percentage points as compared with the July poll.

In the interval between the two polls, Rockefeller took himself out of the Republican presidential race, leaving Nixon the sole apparent contender; and both Kennedy and Senator Hubert H. Humphrey, Democrat, of Minnesota, openly declared themselves candidates for the Democratic presidential nomination. All three men said they would not accept vice presidential nominations.

DEMOCRATIC RESULTS

JOHNSON had placed third in a January 1959 Congressional Quarterly poll with 14 percent of the vote and then took first place in July with 32 percent. Leading the field behind Johnson in the present polling was Senator Stuart Symington, Democrat, of Missouri, who had finished first in January 1959 but dropped to a second-place tie with Adlai E. Stevenson in July. Behind Symington in the current poll came Kennedy, Stevenson, and Humphrey.

Democratic President

[Percent]

	January 1960	July 1959	January 1959
Johnson	37	32	14
Symington	21	18	33
Kennedy	16	17	17
Stevenson	10	18	12
Humphrey	8	6	13
Others	6	7	8
No choice	2	2	3

JOHNSON'S strength rested primarily on his southern support. Almost three-quarters of his votes came from southern Members. JOHNSON also had more western votes than any other candidate, while KENNEDY led in presidential votes from eastern Members. SYMINGTON led in the Midwest and was second in strength in both the South and the East.

Other Democrats who received votes for President were Representative Chester Bowles, Democrat, of Connecticut, five; Michigan Gov. G. Mennen Williams, Democrat, two; Kansas Gov. George Docking, Democrat, Senator John L. McClellan, Democrat, of Arkansas, and Representative James Roosevelt, Democrat, of California, one each.

These results were based on replies from 170 Democratic Members of Congress, constituting 49 percent of the total Democratic membership of House and Senate.

REPUBLICAN RESULTS

NIXON received virtually all the votes for the presidential nomination, gaining the support of all the southern and western Members who returned ballots. Rockefeller received five votes, all from eastern Members, and one midwesterner voted for Secretary of the Treasury Robert B. Anderson.

Republican President

[Percent]

	January 1960	July 1959	January 1959
Nixon	95	84	78
Rockefeller	4	14	17
Anderson	1		

These results were based on replies from 112 Republican Members of Congress, constituting 60 percent of all GOP membership.

VICE-PRESIDENTIAL RESULTS

KENNEDY received the Democratic Vice-Presidential designation on more than half the ballots. He was strong in all regions of the country, particularly in the South where he received 42 of his 91 votes. Most of those who supported Johnson, Symington and Stevenson for the Presidency named Kennedy at or near the top for the second place on the ticket. Leading the 24-man field after Kennedy were California Gov. Edmund G. "Pat" Brown, Democrat, Symington, Johnson, and Humphrey.

Democratic Vice President

[Percent]

	January 1960	July 1959	January 1959
Kennedy	53	49	41
Brown	7	12	5
Symington	5	6	12
Johnson	5	4	6
Humphrey	3	4	5
Others	16	14	22
No choice	11	11	9

While Rockefeller's strength dropped from 53 percent of those voting for the Republican vice-presidential candidate to 38 percent, House Minority Leader Charles A. Halleck, Republican, of Indiana, took 12 percent of the votes compared with 4 percent in July 1959. Those with some strength behind Halleck were Secretary of Labor James P. Mitchell and Senators Kenneth B. Keating, Republican, of New York, and Thruston B. Morton, Republican, of Kentucky. Nineteen others each got some support.

Republican Vice President

[Percent]

	January 1960	July 1959	January 1959
Rockefeller	38	53	21
Halleck	12	4	8
Mitchell	6	3	5
Keating	5		3
Morton	4	1	
Others	30	25	37
No choice	4	14	26

Baring Calls on Secretary of Commerce To Cause Resignation of Those Who Are Responsible for Issuance of False Technical Data by the Bureau of Public Roads

EXTENSION OF REMARKS
OF
HON. WALTER S. BARING
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. BARING. Mr. Speaker, under leave to extend my remarks, I wish to place in the RECORD an extract of a certain document dated October 16, 1959, and certain relevant letters of a subsequent exchange between Frederick H. Mueller, Secretary of Commerce, and me. These letters previously have not been released. These items studied in context reveal more clearly the gravity of the highway program scandal, the fact that parties ranking the Bureau of Public Roads know about the unrefuted charge of issuance of false technical data by the Bureau of Public Roads in the Reno matter and have not acted to cause resignation from office of those officials and engineers who are responsible for the falsification, the magnitude of the task which must be accomplished by the John A. Blatnik Special Subcommittee on the Federal-Aid Highway Program, and the degree to which the interstate highway program administration has eroded the moral fiber of the American people. I now wish to insert in the RECORD the relevant extract of a document signed by WALTER S. BARING, Congressman for Nevada, dated October 16,

1959, and sent on October 22, 1959, to Frederick H. Mueller, Secretary of Commerce, and acknowledged by the Secretary, and the letter of November 4, 1959, from Frederick H. Mueller which dates the acknowledgement. Continuing the letter exchange, on January 27, 1960, I addressed a letter to the Secretary of Commerce now appearing in the CONGRESSIONAL RECORD of February 4, 1960, pages 2133–2134. In that letter to Mr. Mueller I showed conclusively that the Bureau of Public Roads did falsify pertinent technical information in presenting its side of the picture to the John A. Blatnik special subcommittee investigating the selection of the routing of the interstate freeway system from the California State line through Reno and Sparks to Vista, Nev. I now wish to insert in the RECORD the unresponsive answer Mr. Mueller sent me on February 18, 1960, and the letter I addressed to Mr. Mueller on March 9, 1960, in which I set forth that it appears incumbent on the Secretary of Commerce to cause the resignation from office of those officials and engineers who are responsible for the falsification of technical and economic fact. The extract of document and letters follow:

RELEVANT EXTRACT OF A DOCUMENT SIGNED BY WALTER S. BARING, CONGRESSMAN FOR NEVADA, DATED OCTOBER 16, 1959, AND SENT ON OCTOBER 22, 1959, TO FREDERICK H. MUELLER, SECRETARY OF COMMERCE, AND ACKNOWLEDGED BY THE SECRETARY

NEVADA

The President, the Members of Congress, my constituents, and the American public at large know that for more than 2 years I have been opposing efforts by the Bureau of Public Roads and the methods employed by it to bisect downtown Reno with a Third Street interstate route which would cause irreparable damage to Reno's industrial growth.

The people of Reno sense that the planning and geometric design standards demanded by the Bureau of Public Roads for the Third Street route will permanently injure Reno, yet these people and the Congress of the United States have been confronted with the presentation of false data by the Bureau of Public Roads.

Public resentment against the Third Street route caused the House Subcommittee on the Reno Interstate Highway to hold hearings in Reno on February 24, 25, and 26, 1959, as reported in "House Report No. 292," April 23, 1959.

As shown on page 10 of that report, the Bureau of Public Roads submitted a 4.6 benefit-cost ratio for the Third Street route and only a 1.1 benefit-cost ratio for the North Rim route.

The North Rim route is important because the people of Reno believe it would spare their city and they have asked its adoption as opposed to the Third Street route.

Analysis of the data on page 10 of the report, on the map in the report, and in "Road User Benefit Analyses for Highway Improvements," American Association of State Highway Officials, reprinted April 1957, reveals that the 4.6 benefit-cost ratio for the Third Street route is false, as it derives from a necessarily implied assumption that operating costs on the present streets and Highway Route 40 exceed 18.8 cents per mile, which is false.

The Bureau of Public Roads, by its presentation of this false information before the House subcommittee in favor of the Third Street route which the Bureau had approved, has influenced the judgment of the Congress of the United States in a manner to deprive the people of Reno of the effectiveness of their constitutional right for a redress of grievances.

Elsewhere than in Nevada I learn the citizens have found the Bureau of Public Roads at work with State highway departments and their consultants to force unwarranted highway construction upon the public.

THE SECRETARY OF COMMERCE,
Washington, D.C., November 4, 1959.

Hon. WALTER S. BARING,
House of Representatives,
Washington, D.C.

DEAR MR. BARING: I have received your note of October 22, 1959, and the accompanying papers. We have discussed the materials with the Federal Highway Administrator and will consider them in our future administration of the Federal-Aid Highway Act.

With respect to the situation in Reno, we have approved the Third Street route as requested by State officials. It is our belief that the initiative for any change lies with the State government.

I appreciate very much your courtesy in sending me the materials on the administration of the highway program.

Sincerely yours,

F. H. MUELLER,
Secretary of Commerce.

THE SECRETARY OF COMMERCE,
Washington, D.C., February 18, 1960.

Hon. WALTER S. BARING,
House of Representatives,
Washington, D.C.

DEAR MR. BARING: This is in reply to your two communications dated January 27 and February 3 concerning the location of the interstate route in the Reno-Sparks area in Nevada.

The Bureau of Public Roads has authorized the State of Nevada to acquire the right-of-way on the section of this interstate route extending from the California State line eastward to Lawton, Nev. One parcel was authorized on November 7, 1958, and the remainder on October 30, 1959.

In your letter of January 27 you discuss the calculation of the benefit-cost ratio used in justifying the Third Street route. This ratio was computed on the basis of standard procedures which have been developed by the Bureau of Public Roads in cooperation with the States, and which are published and available to any interested person. The factors developed in the Reno case are not substantially different from those in many other urban route studies in all parts of the country.

The benefit-cost ratio is used as an objective guide to engineering judgment, but was not the sole basis for the decision on the Third Street route. There was in addition a considerable volume of engineering and traffic studies which took into account local conditions. All of this material was available to the State highway department, and the county and city governing bodies in their decision to recommend this route to the Bureau of Public Roads, after consultation in detail with the Bureau on the same basis as is done on other projects throughout the country.

All of the pertinent materials and records were made available to the Blatnik subcommittee and evaluated by that group. In all our highway work we deal with objective data which are developed and presented to us by State officials, who in turn deal with local governing bodies. In the Reno case all the responsible governing bodies have been informed and have participated in the interstate route location, and the decision that was made has not been changed by them.

We have been requested by the House Public Works Committee to express our views on your bill, H.R. 9802, which would prohibit the expenditure of Federal funds on the Third Street routing. We shall present our views to the committee in the near future. Generally, this Department does not favor legislation dealing with specific routes, believing that such matters should be handled through the authorities of the States acting in cooperation with the Federal Government as provided in the present law.

We realize that in matters of individual route location there is room for disagreement. We feel that our policy of using objective criteria and continued cooperation with the duly constituted State and local authorities will provide the best means of appraising the issues involved in route location.

Sincerely yours,

F. H. MUELLER,
Secretary of Commerce.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 9, 1960.

Re issuance of false technical data by the Bureau of Public Roads.

Mr. FREDERICK H. MUELLER,
Secretary of Commerce,
Commerce Building,
Washington, D.C.

DEAR MR. SECRETARY: This will acknowledge your letter of February 18, 1960.

Thank you for the information that the Bureau of Public Roads—a bureau of your Department—"has authorized the State of Nevada to acquire (the remainder on October 30, 1959 of) the right-of-way on the section of this interstate route extending from the California State line eastward to Lawton, Nev."

The Bureau of Public Roads made this authorization after I sent to you on October 22, 1959, in a document dated October 16, 1959, a charge that the Bureau of Public Roads did falsify pertinent technical information in presenting its side of the picture to the John A. Blatnik subcommittee investigating the selection of the routing of the Interstate Freeway System from the California State line through Reno and Sparks to Vista, Nev.

This matter is recorded in the CONGRESSIONAL RECORD, February 4, 1960, pages 2133–2134.

To date, my charge has been accepted without objection.

I am not discussing whether the 4.6 benefit-cost ratio assigned by the Bureau of Public Roads to the Third Street route in Reno "was computed on the basis of standard procedures which have been developed by the Bureau of Public Roads in cooperation with the States, and which are published and available to any interested person."

I am not now discussing the issue of route location.

I am discussing the issuance of false technical data by the Bureau of Public Roads.

If my charge remains unrefuted, it appears incumbent upon you to cause the resignation from office of those officials and engineers who are responsible for the falsification of technical and economic fact.

On February 4, 1960, I wrote a letter to Congressman JOHN A. BLATNIK, Chairman, Special Subcommittee on the Federal-aid highway program, which contained the following paragraphs:

"Misstatement of technical or economic fact is almost invariably a necessary first step to collusion and fraud.

"Do you believe payment of Federal appropriation or aid funds should be withheld from any agency at any level of Federal, State, county, or local administration as long as any revealed falsifier continues to hold office in the agency or continues to advise the agency as a consultant?"

The continuing viability of the United States of America depends on the furnishing of accurate technical and economic fact to public bodies by constituted authorities and their consultants.

Sincerely,

WALTER S. BARING,
Congressman for Nevada.

Adenauer Visit

EXTENSION OF REMARKS
OF
HON. ROBERT R. BARRY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. BARRY. Mr. Speaker, on the occasion of this visit of Chancellor Adenauer to President Eisenhower, it would seem appropriate to express the great satisfaction that we all feel on the continuing close cooperation between the people of West Germany and the people of the United States. It is a source of satisfaction to realize that both countries have been able to change from former enmity of a few years ago to the firm friendship which now exists. Today West Germany is the keystone of the North Atlantic Alliance on the Continent of Europe. During the NATO Parliamentarians' Conference held in Washington last fall, to which I was a delegate representing the United States, it was a heartwarming and satisfying experience to participate with the West German delegates in our deliberations. West Germany is a pillar of strength to the allies in their uncompromising stand against communism. On the freedom of West Berlin, Chancellor Adenauer sets the tone for the whole free world. We honor him for his leadership and his heroic stand.

West Germany has taken a prominent lead in the new European economic groupings which are resulting in freer trade and greater economic prosperity to Western Europe.

To a country which had just suffered the greatest devastation in her history, the achievement of such a prosperity as she has never before known is largely due to the inspired leadership of this great Chancellor.

America has many historical ties with Germany. The first large unit of German settlers, who arrived in America in 1683, under the leadership of Franz Pastorius founded Germantown, Pa. To this body belongs the honor of having published the first formal protest in this country against slavery.

Among the recent great of our Nation of German ancestry, Generals Wedemeyer, Stratemeyer, Kreuger, Spaatz, and Admiral Nimitz come to mind. One of the founders of our country was General Von Steuben who offered his services to General Washington as a volunteer during the War of Independence. He served as Inspector-General of the Continental Army and trained the colonial troops at Valley Forge. Of all the foreign officers who served in the Continental Army, he alone remained to become an American citizen. In his honor a great society exists today which bears his name. The members of the Steuben Society of America are American Citizens of Germanic origin dedicated to the principles of duty, justice, charity, and tolerance. It endeavors to instruct its members in their rights, duties, and obligations as citizens so that they may exercise their right to vote with intelligence, and symbolizes the bond that exists between the people of the United States and the people of West Germany.

A Program for Senior Citizens

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Thursday, March 17, 1960

Mr. HUMPHREY. Mr. President, with all the talk about prosperity, with all the self-congratulations going on about the state of the economy, I hope that we shall none of us forget that for literally millions of Americans, prosperity is only a phrase in a newspaper headline. For farm families in general, for the families who live in areas of chronic unemployment, and for the elderly who are trying to get along in their years of retirement on small incomes, there is no real prosperity.

Recently, Mr. President, I set forth my thoughts on what we must do in the Federal Government to see to it that this last group—our senior citizens—can spend their years in dignity and comfort. I did so in a radio address to my Minnesota constituents during the week of March 7 this year, and I ask unanimous consent that the text of this address be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A PROGRAM FOR SENIOR CITIZENS

(By Senator HUBERT H. HUMPHREY, Democrat, of Minnesota)

We often hear the word "crisis" thrown about these days. It is a word which is used all too often to describe problems of all types.

Today I want to talk with you about a problem which is truly critical. It is a problem which cannot wait for more talk and more study. It is the crisis faced by our Nation's senior citizens.

Let me first give you an idea of the immensity and growth of this crisis. In the year 1900 there were only 3 million Americans over the age of 65. Today there are nearly 16 million. In 10 years there will be more than 20 million.

But these are just figures. They do not tell the pathetic story of the needs of our senior citizens in terms which all of us can understand.

They do not tell the story of the elderly widow whose income is so low her day begins and ends with a sense of hunger.

They do not tell the story of the elderly man who needs, but cannot afford, hospital or nursing-home care for illness or disease.

They do not tell the story of the elderly couple who live each day in fear of losing the roof over their heads.

We hear noble talk about "the golden years." But more and more people are finding that these are years of despair and anxiety. This is a disgrace for a nation with our wealth and luxury.

I'm not just talking about a few isolated cases. Millions of Americans, through no fault of their own, are existing without adequate incomes, health care, or housing, and without a recognized role in the community.

The Department of Health, Education, and Welfare tells us that it costs at least $2,300 a year for a couple to live by themselves in modest fashion.

But the average retired couple on social security receives only about $1,440 a year.

And 60 percent of the individuals retired on social security have less than $1,000 a year in money income.

Even more desperate is the crisis facing the 1,300,000 aging widows who now receive an annual social security benefit of $56 a month.

I ask you: Is this what our mothers and fathers deserve? Do these fine citizens deserve a shabby rented room and a diet of bread and soup in their final years?

There are selfish and narrow-thinking persons who say the problem is not theirs. They say: "It's every individual for himself." They say every individual has total responsibility to plan for retirement.

I agree that we should all plan on an individual basis to provide for our future needs. But the best plans and preparations of all men can be crushed by forces beyond their control. Disease, economic fluctuations, and just plain bad luck can make a mockery of even the wisest investments and preparations.

What we need is a new dedication to end the crisis facing our senior citizens. What we need is a government with heart and understanding. And what we need right now is action on a program to allow our senior citizens to live with dignity, security, and a sense of usefulness.

Let me specify six steps which are vital to such a program:

1. Increase social security benefits to keep pace with living costs.
2. Increase from $1,200 to $1,800 the amount which individuals may earn without losing social security benefits.
3. Extend the social security system to cover costs of hospital and nursing-home care for senior citizens.
4. Establish minimum Federal standards which States must meet for old-age-assistance programs.
5. Provide effective Federal assistance for specialized housing programs for the aged.
6. Allow a tax-credit incentive to encourage hiring of older workers.

I have sponsored legislation for these purposes in the Senate and will continue to fight hard for favorable action. This is no sudden effort on my part. I have never forgotten—and I will never forget—the crisis facing our senior citizens. We must let them know they are not alone.

Byelorussia's 42d Anniversary of Independence

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. ANFUSO. Mr. Speaker, the 42d anniversary of the proclamation of independence of the Byelorussian Democratic Republic is being observed on

March 25. It was on March 25, 1918, in the city of Minsk, when Byelorussia was proclaimed an independent country and its people a free nation.

Three years later the Communist rulers of Russia extended their domination over Byelorussia and subjugated its people. They have remained subjugated ever since, but the date of the proclamation of their independence is traditionally observed by freedom-loving Byelorussians wherever they live, with the exception of their ancestral homeland where freedom is forbidden.

Today, the people of Byelorussia are a captive nation facing the threat of physical and cultural extinction together with the other captive nations of eastern and central Europe. It is therefore most urgent for us, in the United States and throughout the free world, to encourage these peoples, to give moral and where possible all other support, so that they can survive this dark hour in their history. We must keep alive their yearning for freedom, their hopes for a better day to come, their desire to shake off the bonds of enslavement and tyranny.

In the month of May the "Big Four" are scheduled to meet in Paris at an East-West summit meeting. This would seem to me to be a logical time, place and occasion to bring up the question of the captive nations so that they may again enjoy the fundamental freedoms and the human rights to which they are entitled, to live under governments of their own choice, and to continue to develop their culture and to worship their God without fear of reprisal. We cannot permit the Soviet Union to ignore this problem any longer.

In the meantime, in the face of all adversities, I feel it is of utmost importance for the American people to join the Byelorussian people in prayer and hope that Byelorussia will once again rise in our lifetime as a free, democratic and independent nation.

The Right To Vote

EXTENSION OF REMARKS

OF

HON. LESTER HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. HOLTZMAN. Mr. Speaker, the right to vote has been described as the very heart of our democratic way of life, and I know of no one in or out of public service who would take issue with this proposition. Given that right, men and women immediately acquire dignity and status. Take it away and you open the door to the totalitarian philosophy.

At this very moment we are engaged in a consuming debate on a bill designed to put teeth into the guarantee against the deprivation of our right to vote, contained in our Constitution, and it is my impression that we will enact into law in this session some form of this bill.

Mr. Speaker, responsible leaders of Government, however, need to do more than just to make certain that qualified persons are not denied this constitutional right. We must perforce, as such leaders, do everything within our power to enlighten and inform our citizenry that this fundamental right carries with it the crucial responsibility that it must be exercised if we are to enjoy the fruits of a full and free society. Too often have we read statistics that reflect an abundance of apathy on the part of our citizens in the exercise of this great right. Too often have I, as a Member of Congress, been approached by postal workers and civil service employees who advise me that they have been given little or insufficient time to get to the election polls on the basis of economy and efficiency.

In a democratic government, I submit that this kind of thinking is narrowminded and shortsighted. Economy does not just mean saving money; it means spending it wisely and in the public interest. On election day we cannot afford to save this kind of money. Our postal workers, our civil service employees, yes, Mr. Speaker, all our citizens, are entitled to dedicate their thinking and to cast their votes on election day without the pressure of knowing that they must return quickly to work. With this in mind, I am today introducing a joint resolution declaring the first Tuesday after the first Monday of November in each even-numbered year to be a legal public holiday.

This resolution if enacted will give national recognition to the great importance of the exercise by our citizens of their right to vote, and will result in sparking even greater interest in Government participation by all.

In 37 of our States the importance of this day has already been recognized and election day is a full holiday. So it would appear that about three-quarters of the States have already attested to the need for this resolution on a national basis.

I do hope that my colleagues will support me in this effort.

The Status of Puerto Rico

EXTENSION OF REMARKS

OF

HON. A. FERNÓS-ISERN

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. FERNÓS-ISERN. Mr. Speaker, the uniqueness of the present relationships of the Commonwealth of Puerto Rico with the United States gives rise at times to misunderstandings, as illustrated by a letter which I include at the end of these remarks, together with a letter in reply, both recently published in the New York Times.

In this connection, it may be enlightening to recall certain aspects of the historical development of the Federal system of the United States. In the growth of the United States from the Thirteen Original States to the present 50, new States were formed in areas which were ceded to the United States by the original States, and admitted into the Union. Although the formation of those States and their admission have been simultaneous, the formation of a State by the people of a territory is a political act separate and distinct from the act of admission by Congress. In fact, the Ordinance of 1784 of the Continental Congress, drafted and reported by a committee presided over by Thomas Jefferson, provided for the formation of the State to precede its later admission.

The Ordinance of 1784 provided that—

> The settlers of the territory * * * either on their own petition or on the order of Congress receive authority from them with appointment of time and place for the free males of full age to meet together for the purpose of establishing a temporary government to adopt the constitution and laws of any one of these States.
>
> That such temporary government shall only continue in force in any State until it shall have acquired 20,000 free inhabitants when, given the proof thereof to Congress, they shall receive from them authority with appointment of time and place to call a convention of representatives to establish a permanent constitution and government for themselves; provided that both the temporary and permanent governments be established on these principles as their basis: (1) That they shall ever remain a part of the United States; (2) that in their persons, property, and territory they shall be subject to the Government of the United States in Congress assembled and to the Articles of Confederation, in all those cases in which the original States shall be so subject.
>
> That whensoever any of the said States shall have of free inhabitants as many as shall then be in any one of the least numerous of the Thirteen Original States, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original States. * * * Until such admission by their delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a sitting Member in oCngress with the right of debating but not of voting.
>
> That all the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the United States in Congress assembled under his hand and the seal of the United States; shall be promulgated and shall stand as fundamental conditions between the Thirteen Original States and these newly described, unalterable but by joint consent of the United States, in Congress assembled, and of the particular State within which such alteration is proposed to be made.

The similarity between the provisions and the philosophy of the 1784 Ordinance and Public Law 600 of the 81st Congress, under which the Commonwealth of Puerto Rico was created, is striking.

As provided in the Ordinance of 1784 for States to be formed in the western territory, the people of Puerto Rico received, under Public Law 600, 81st Congress, authority from the Congress to adopt a constitution and to form their own government. They did so and they organized the Commonwealth of Puerto Rico. As provided under the Ordinance of 1784 for the States formed under it, Public Law 600 (sec. 9 of the Puerto Rican Federal Relations Act) provides that the laws of the United States, with

some exceptions, have the same force and effect in Puerto Rico as in the United States. The ordinance provided that States to be formed in the western territory would have, until admitted, a nonvoting Delegate in Congress; the Puerto Rican Federal Relations Act provides that Puerto Rico be represented in the United States by a Resident Commissioner who has been accorded the privileges of a nonvoting Member of the House of Representatives. The ordinance provided that the articles thereof be formed into a charter of compact; Public Law 600 was enacted "in the nature of a compact," to become effective upon its acceptance by the people of Puerto Rico.

The conclusion is inescapable that, under the terms of Public Law 600, 81st Congress, the Commonwealth of Puerto Rico occupies a position parallel to that envisioned for such States as might have been formed under the Ordinance of 1784, except for the absence of an explicit or implied promise or commitment for admission. Puerto Rico was not an incorporated territory.

It was not until the Ordinance of 1784 was repealed, with the adoption of the 1787 Ordinance of the Northwest, that the territorial form of government was originated.

That the thinking of the men of 1950 may have so closely paralleled the thinking of the men of the glorious founding years is clear proof that time may pass, circumstances may change, but the fundamental principles upon which this Nation was founded are never obsolete and never change; they are always current and, indeed, eternal.

The letters follow:

[From the New York Times, Nov. 10, 1959]

LETTERS TO THE TIMES—PUERTO RICO'S STATUS—ISLAND DECLARED AN AUTONOMOUS TERRITORY, NOT A COMMONWEALTH

(The writer of the following letter is Bishop of the Roman Catholic Diocese of Ponce.)

To the EDITOR OF THE NEW YORK TIMES:

Your lead editorial of February 28 on the status of Puerto Rico is misleading and far from the reality.

Puerto Rico was a possession of the United States from the signing of the Treaty of Paris to 1952 and during most of that time was governed by an act of Congress known as the Organic Act.

About 1948 Congress consented to a modification of the Organic Act of 1917, permitting it to be modified by a constitution drawn up and voted upon by the people of Puerto Rico. However, a necessary condition for the acceptance of the new constitution by Congress was the retention of the "Federal relationship" established by the old Organic Act of 1917. This is clear from the CONGRESSIONAL RECORD for June 30, 1950, wherein Congressman JAVITS expressed his opposition to the bill for the reason that it did not give Puerto Rico the opportunity to vote for independence or statehood, but only the opportunity to vote for a new constitution within the structure of the old Organic Act.

It was this new constitution (which modified but did not abolish the Organic Act and therefore did not abolish or change the territorial status of Puerto Rico) which was approved by Congress in 1952.

GOVERNOR'S STATEMENT

In 1953 Mason Sears, an official of the U.S. Government, declared before the United Nations Commission for Nonautonomous Territories that the United States would no longer report to this Commission in regard to Puerto Rico, which by law 600 of 1952 had ceased to be a nonautonomous territory. Presuming that a change from nonautonomous to autonomous was the same as a change from a territorial status to one of independence, Governor Muñoz-Marín began to proclaim publicly that the law 600 of 1952 had somehow given independence to Puerto Rico, which then, in its turn and by the same law, freely united itself to the United States in a bond of "permanent association."

This is not what the law 600 did. It maintained the Organic Act as the basic law for Puerto Rico and by the Organic Act Puerto Rico is and remains a possession of the United States. In fact one of the necessary conditions for acceptance of the new constitution of Puerto Rico by the Congress was the retention of the Federal relations established by the Organic Act of 1917.

The result of the confusion being spread by Governor Muñoz-Marín is that the New York Times and even the President of the United States are speaking as though Puerto Rico has been given its independence and is now independent but voluntarily associated with the United States. It is for the sake of continuing this thinking that Governor Muñoz-Marín is now requesting the Congress of the United States (Fernós-Murray bill) to change the terminology of Law 600 of 1952 so that the words "Federal relations" will no longer appear and that they be substituted by the words "articles of permanent association."

CONGRESSIONAL ACTION

This may continue the confusion. But it will not change the reality, which is that only Congress can give independence to Puerto Rico. There is no evidence that that has been the intention of Congress, and the recent congressional investigation regarding the Fernós-Murray bill made that quite clear.

When the Times states that "Puerto Rico does not belong to the United States" and "Puerto Ricans themselves have chosen the commonwealth status and are equally free to choose independence or ask for statehood," and when Governor Muñoz-Marín states, "We are happy to say that Puerto Rico is a proud, free, self-governing commonwealth, joined to the United States by her own choice"—these are all statements which do not square with the legal realities, and which usurp the powers of Congress over territories or possessions of the United States.

Puerto Rico up to 1952 had been a nonautonomous territory or possession of the United States. In 1952 Congress made it an autonomous territory.

If we are ashamed to have colonies, and we should be, then let us get rid of them in a legal way and in a way in which there will be no room for doubt by anyone. The people of our colonies should be given a fair opportunity to choose between independence or statehood. If independence is not wanted and statehood is not practical at the time, there is still the possibility of legislation by Congress that will make our territories that do not want independence a definite and integral part of the United States with the assurance of statehood if the conditions warrant it.

But let this be done by act of Congress after consulting with those concerned.

The present condition in Puerto Rico is that Governor Muñoz-Marín is, by his own will, imposing upon the people of Puerto Rico and on the Congress of the United States, an independence which was never granted and a voluntary association which is absurd unless independence has been granted.

JAMES MCMANUS.

PONCE, P.R., *February 24, 1960.*

[From the New York Times, Mar. 14, 1960]

LETTER TO THE TIMES—PUERTO RICO'S STATUS—BOTH FEDERAL AND COMMONWEALTH GOVERNMENTS SAID TO EXIST

(The writer of the following letter is Resident Commissioner, Commonwealth of Puerto Rico.)

To the EDITOR OF THE NEW YORK TIMES:

The letter published on March 10 and signed by the Bishop of Ponce, P.R., interprets Public Law 600, 81st Congress (in accordance with which the Commonwealth of Puerto Rico was created), as a mere grant by the Congress of its consent to a modification of the Organic Act of Puerto Rico. With all due respect to Bishop McManus' point of view, I must disagree as to the interpretation of the facts involved.

Public Law 600, entitled "an act to provide for the organization of a constitutional government by the people of Puerto Rico" states: "That fully recognizing the principle of government by consent, this act is now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption."

It also states: "This act shall be submitted to the qualified voters of Puerto Rico for acceptance or rejection through an islandwide referendum to be held in accordance with the laws of Puerto Rico. Upon the approval of this act by a majority of the voters participating in such referendum, the legislature of Puerto Rico is authorized to call a constitutional convention to draft a constitution for the said island of Puerto Rico. * * *

"Upon adoption of the constitution by the people of Puerto Rico, the President of the United States is authorized to transmit such constitution to the Congress of the United States if he finds that such constitution conforms with the applicable provisions of this act and of the Constitution of the United States.

"Upon approval by the Congress, the constitution shall become effective in accordance with its terms."

OTHER PROVISIONS

Certainly this goes far beyond mere consent to a modification of an organic act. Moreover, sections 4 and 5 of Public Law 600 provided that when the Constitution of Puerto Rico became effective all but 21 of the 58 sections of the Organic Act would be repealed. The continued sections were to be cited thereafter as the Puerto Rican Federal Relations Act.

The Senate Committee on Interior and Insular Affairs, reporting on what is now Public Law 447, to approve the Constitution of Puerto Rico (enacted July 3, 1952), stated: "The provisions of the present Organic Act which will remain in force and effect as the Puerto Rican Federal Relations Act, however, relate to matters affecting not the internal affairs of Puerto Rico but the relationship of Puerto Rico to the United States * * *. Applicable provisions of the U.S. Constitution and the Federal Relations Act will have the same effect as the Constitution of the United States has with respect to State constitutions or State laws."

Furthermore, the Constitution of Puerto Rico provides: "Article I, section 1: The Commonwealth of Puerto Rico is hereby constituted. Its political power emanates from the people and shall be exercised in accordance with their will within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America.

"Section 2. The Government of the Commonwealth of Puerto Rico shall be republican in form and its legislative, judicial, and executive branches as established by this

constitution shall be equally subordinate to the sovereignty of the people of Puerto Rico."

POWERS OF PEOPLE

Territorial status has always been interpreted to mean the status of an area which is subject to the plenary authority of Congress. Whatever political authority is exercised by the people of the area is delegated to them by Congress. The political powers now exercised by the people of Puerto Rico emanate from themselves. Therefore, since the proclamation of the Commonwealth, two governments operate and coexist in Puerto Rico similarly as in the States of the Union—namely, the Federal and the Commonwealth Governments, each within its respective sphere. To hold that the status of Puerto Rico continues to be territorial is to ignore the true meaning of territorial status and give the term a new meaning.

Neither Governor Muñoz-Marín nor anyone who has had any significant part in the advent of the Commonwealth of Puerto Rico has ever claimed that commonwealth is independence, for it is not separation but rather it is freedom in association.

It is unfortunate that because commonwealth status, as created for Puerto Rico, has no precedent in the United States political system, it is not always properly comprehended. For this reason the recognition given to the Commonwealth by the President in his recent address in San Juan was not only enlightening but extremely valuable, while editorials such as yours of February 23 are most helpful and commendable.

A. FERNÓS-ISERN.

WASHINGTON, *March 10, 1960.*

The 112th Anniversary of Hungarian War of Independence of 1848

EXTENSION OF REMARKS

OF

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. FEIGHAN. Mr. Speaker, by leave previously obtained, I insert in the RECORD my address delivered to the United Hungaries Societies of Cleveland, on Sunday, March 13, on the 112th anniversary of the Hungarian War of Independence of 1848:

Hungary has a proud record of more than 1,000 years of history. In my judgment, the outstanding chapters in this long history point up the unbroken record of dedication by the Hungarian people to human values and the dignity of man. These same values are the foundation of all our liberties and freedom and the high road to national independence.

King Stephen, who reigned in the 10th century, set these goals for the Hungarian people. Down through the ages the Hungarian people have remained stanch defenders of these ideals and basic spiritual values. The long history of Hungary in world affairs is replete with heroic chapters of sacrifice in support of these ideals. This record of deeds by the Hungarian people has earned for their nation the merited accolade of "defender of the West."

It is little wonder then that King Stephen is the patron saint of Hungary and a great saint known and revered by all the Christian world.

The war of independence of 1848 led by Louis Kossuth was based on the historic ideals of the Hungarian people. But Louis Kossuth also received much stimulation from the events which had taken place here, beginning with the American Revolutionary War. Kossuth knew well the ideals and methods of the new American experiment in representative government.

Kossuth was aware that we were pledged to constitutional government and that our Constitution was a guarantee for government of, by, and for the people.

Kossuth also knew that our form of government under law, which took its authority from the consent of the governed, was in sharp contrast with government by the whims and fancy of the few—whether that few be a hereditary aristocracy or an imposed autocracy.

Kossuth felt the powerful stimulation of the meaning of national independence of all Americans, and saw in it the answer to the strivings of his people for complete self-government.

In our times we have seen the Hungarian nation realize the full flower of its national independence. We have also seen that national independence snuffed out by the new colonialism, the new imperialism of the Russian despots. Hungary was a victim of World War II—a victim of profound ignorance on the part of the leaders of the Western World concerning the true nature and intent of imperial Russian communism. This profound ignorance led our leaders to believe that the Russian Communists were our allies and that they would support the pledges of the Atlantic Charter. What a price we paid to dispel that ignorance. Hungary, along with Poland, Czechia, Slovakia, Rumania, and Bulgaria, were subjected to the nightmare of Russian occupation which today plagues all those once independent nations. It is tragic that the leaders of the Western World failed to realize that the Soviet Union was nothing more than a prison of nations, that is, non-Russian nations. It is equally tragic that they failed to understand that these captive non-Russian nations of the Soviet Union desire their national independence just as much as any subjugated nation of the world. Had the leaders of the Western World understood these basic facts, the world of our times would be quite different than we find it today.

All the world knows that Hungary, true to her long and rich traditions, rose up in total political revolution against Russian occupation in October 1956. The people, from small children to aged grandmothers, rose up spontaneously against the organized tyranny of the Russians. That is why I call the Hungarian freedom revolution a total political revolution. In 5 days the Red Army, which had been publicized as an unbeatable force, was completely defeated and driven from Hungarian soil; and I repeat, this was done by the Hungarian people without any assistance from the outside world. Then, for 5 historic days, the Hungarian people were free of alien rule and on the road to reconstructing their national independence and restoring freedom to all the people.

The events which followed are known equally well to all the people of the world. In the absence of any support from the free world—even words of encouragement from the heads of any Western nation—the Russian despots reinvaded Hungary to crush the provisional government and to smother all liberty and freedom. Here again the leaders of the Western World, particularly the United States, as leaders of the free world coalition, maintained a strange silence. The many pleas for assistance from the Hungarian patriots in their hour of greatest need went unanswered.

In these circumstances, I telegraphed President Eisenhower requesting that he take the lead in supporting the cause of the freedom fighters. Allow me to read to you from my telegram to the President—which I sent to him before the revolution was 3 days old, and 9 days before the Russians reinvaded Hungary:

"I urge you instruct our Ambassador to the United Nations to take necessary steps to bring about emergency session of the United Nations Security Council in order to take positive measures to support the brave people of Poland and Hungary in their great struggle to throw off Russian occupation of their homelands. The cruel acts of aggression committed by the Russian armies against these brave people stand as a serious and imminent threat to the peace of the world. We cannot help but aid the cause of human freedom and dignity throughout the world by taking this step. Our many millions of allies behind the Iron Curtain look to the United States to take the lead at this critical hour in history."

I received no answer from President Eisenhower to my appeal for the Hungarian patriots. The State Department, however, provided an answer to my appeal and the appeal of millions of other Americans to act in support of freedoms cause. Forty-eight hours before the Russians reinvaded Hungary the State Department sent a cable message to the Dictator Tito informing him that "the Government of the United States did not favor governments unfriendly to the Soviet Union on the borders of the Soviet Union." This message was sent in the certain knowledge that Tito would relay this good news for communism to his cronies in the Russian Kremlin. This message stands as clear and precise notice to the Russian tyrants that our Government would not intervene in any action taken by them to crush the freedom revolution then taking place in Hungary. Within 48 hours after the message was sent by our State Department to Tito, the Russians reinvaded Hungary—in the certain knowledge that they could do so without fear of provoking a counteraction by the United States.

I am confident that if this message had not been sent to Tito the Russians would not have dared to reinvade and today Hungary would be free.

Long after the Russians had reinvaded Hungary and when they were in the process of carrying out mass terror and reprisals against the people, then and only then did the United Nations General Assembly take up the cause of human freedom in Hungary. The wave of public indignation which swept the world forced this action.

You and I know that the General Assembly of the United Nations, after a long and bitter debate, adopted a resolution which condemned the Russians for their aggression against Hungary and called for the immediate and complete removal of all Red army elements on Hungarian soil. The only votes against the resolution in the General Assembly came from the Russian delegation and their trained seals who have been put up as alleged representatives of seven of their captive nations. The record is clear that the Russian imperialists have since not only ignored this resolution, but have exposed it to contemptuous attack.

As of this late date, almost 4 years after the action taken by the United Nations, nothing whatever has been accomplished to support the purposes of the resolution. Recognizing the danger of this situation, the dangers to the cause of peace when one member of the United Nations completely disregards a resolution to prevent war, I have carried on a campaign, the objective of which is to cause the Russians to adhere to the United Nations Resolution on Hungary or be ejected from membership in the United Nations.

The most powerful sanction the United Nations has against aggression is the denial of membership in that body to an aggres-

sor nation. Nothing would harm the cause of the Russian Communists more than to be ejected from membership in the United Nations for nonconformance with the resolution on Hungary. This would be not only a severe blow to Russian prestige, but it would also serve notice to the hundreds of millions of captive peoples and the many submerged nations under Russian control that the nations of the free world were determined to make the United Nations an effective organ of peace with justice. I shall continue my efforts to bring about Russian conformity with the United Nations Resolution on Hungary and I invite you to join with me in this effort.

One of the major considerations which caused me to be one of the original sponsors of the Captive Nations Week resolution was my concern for the growing ignorance of the nature of Russian Communist imperialism in the Eisenhower administration. The present trend toward appeasement of the Russians, which I am sure is well known to all of you here, is the certain course to war. Two world wars in my lifetime were started because of appeasement of the dictators. No thinking person can deny that the more the dictator is appeased, the greater becomes his appetite for more conquest. The only way we can prevent war is to stand up against the dictator and to be firm in our support of the right of all people and all nations to self-government and free political institutions.

The people of the world were uplifted by the action taken in Congress to memorialize the third week of July as Captive Nations Week. The stirring words of this resolution brought a message of hope not only to the hundreds of millions of people who yearn for freedom behind the Iron Curtain, but also to the people in the some 20-odd countries of the free world which have won their national independence since the end of World War II, and those now struggling for this goal on the African continent. This was the clarion call of freedom's cause, and it was received as such by the multitudes of the world who had been awaiting positive political leadership from the Government of the United States. To the common man the world over, the Captive Nations Week resolution stands as a denouncement of any efforts to appease the Russian dictators.

The people of the United States were shocked when, a few days after Congress enacted the Captive Nations Week resolution and it became the law of the land as Public Law 86–90, President Eisenhower announced that he had invited the bloody handed Russian leader Khrushchev to make a state visit to the United States. This shock resulted from the inability of the common man the world over to reconcile our Government issuing a universal declaration of national independence, and a few days later witnessing our President embracing the leader of the most brutal tyranny known in the long history of mankind. It is little wonder that people the world over are losing faith in our word when the actions of our President belie that word.

I do not know what caused President Eisenhower to invite the new Russian Czar Khrushchev to the United States, although several reasons have been advanced for this strange behavior. Some people hold that the Khrushchev tour of the United States, accompanied as it was with complete access by him to all our mass media of communication, particularly television, was part of the "mirage of peace" concocted by the Madison Avenue soap salesmen. This was intended to be a 1960 political special in which the "mirage of peace" would be used to justify the Republican campaign slogans of peace, prosperity, and progress. Fortunately for the cause of peace with justice, the "mirage of peace" has now been exposed as a fraud and a massive deception of the American people.

For those who innocently believe that by allowing Khrushchev to see first hand the great industrial power of the United States, he would be dissuaded from his evil ways and would, practically overnight, give up the Communist objective of world conquest, the evidence is overriding to the contrary. Khrushchev has interpreted his visit to the United States as a sure sign of the triumph of communism in the world, as an indication of weakness on the part of the United States, as reason to believe that the policy of appeasement guides our foreign policy. Our allies in NATO and SEATO have begun to wonder whether the United States has wearied in its task of leading the cause of human freedom. The uncommitted peoples of the world are showing dangerous signs of looking toward Moscow and its claims to represent the wave of the future. The people of the captive nations behind the Iron Curtain are surely wondering whether the United States is being led down the road to associating the destiny of our Nation with the Russian despots in a common effort to hold the slave empire of communism together. This, my friends, is the Pandora's box in the field of world affairs which President Eisenhower's invitation to Khrushchev has opened up.

But there is a brighter side to life than that which results from the Khrushchev visit to the United States. There are evergrowing signs that the people of the United States are becoming restless and dissatisfied with the failure of leadership by the Eisenhower administration. The American people will not long suffer at being second best, too little, too late, and a national posture of passivity in circumstances of opportunity calling for dynamic action. Here is what I mean by circumstances of opportunity calling for dynamic political action:

1. The second summit meeting: President Eisenhower must challenge the Russians on the Captive Nations Week resolution. He should make certain that the Russians understand that we mean business by the terms of this resolution. He can seize the initiative by challenging the Russians to permit free and unfettered elections in all of the captive nations listed in Public Law 86–90, now the Captive Nations Week resolution, such elections to be under United Nations supervision.

2. President Eisenhower should challenge the Russians to either live up to the terms of the United Nations Resolution on Hungary or face action by the United States to strip them of their membership in the United Nations.

3. President Eisenhower should demand that the Russians live up to their 1955 summit conference pledges for a free and united Germany. A free and united Germany, attained by unfettered elections under United Nations supervision, would automatically eliminate the Berlin crisis.

If the President fails to take action on these three points it will be fair and proper for the American people to say that the second summit conference was nothing more than a part of the Republican "mirage of peace" and a further step along the road of appeasement.

I share with you the glorious memory of the ages long struggle of the Hungarians to win and maintain their national independence. Like you, I am convinced that the cause of justice among and between nations must be made the foundation stone of our foreign policy. The Captive Nations Week resolution, now Public Law 86–90, proclaims that the aspirations of the people of the captive non-Russian nations for their national independence and freedom, is a powerful deterrent to war and one of the best hopes for a just and lasting peace.

I am completely convinced of the truth of this statement and shall continue to support this cause with all the strength and vigor at my command.

St. Catherine's High School Plays in the Knights of Columbus Invitational National Basketball Tournament at Georgetown University, Washington, D.C.

EXTENSION OF REMARKS

OF

HON. GERALD T. FLYNN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. FLYNN. Mr. Speaker, St. Catherine's High School of Racine, Wis., a former girls' academy became a coeducational Catholic high school in 1924. It serves the city of Racine, Wis., and has an enrollment of approximately 1,350 boys and girls. Its enrollment continues to increase and is limited only by the physical capacity of the school to accept more students. The school is under the management of the Sisters of St. Dominic, who maintain a convent at Racine. The president of the school is Rt. Rev. Msgr. S. B. Witkowiak who has done an admirable job in inaugurating a program designed to secure the greatest effort from every individual student. His plan is being studied carefully.

The school has always had an excellent record scholastically. Its athletic teams have enjoyed recognition for their ability and for winning many championships on both a city, district, and State level. The athletic director for the school is Rev. Anthony Zukaitis and the basketball team has been coached for the last several years by John McGuire. His talents and fame, as a coach in Wisconsin, are legend. He has the ability to get the most from a boy and has a record of wins that would do credit to the most famous coach of our day. His teams have won the last two Wisconsin State Catholic basketball championships and, for the second time, have been invited to play in the Knights of Columbus Invitational National Basketball Tournament at Georgetown University. Last year, St. Catherine's won the consolation championship.

The students of St. Catherine's High School staged a fundraising drive and raised the money necessary to send their team to Washington. Over 100 students will accompany the team by train and there will be, at least, that many adults coming to Washington from Racine for the basketball tournament this weekend.

The 1959–60 team averaged 61 points per game. Their opponents averaged 34 points per game. They have long been known by the nickname of Angels. Their colors are black and white. The players on this year's team are: James Hesse, Joseph Gamell, Charles Wood,

Tom Schilke, Jim Poulson, Bob Letsch, Rocke Calvelli, Todd Pettit, Tom Cramer, David Koenings, Tom Donavan, Donald Hartig, Roger DeMark, Edward Evenson, Brian Verhayen. The managers of the team are: Robert Olley, David Dudor, and Jef Miller.

The players who will participate in the national tournament play are: Joseph Gamell, Charles Wood, Tom Schilke, Jim Poulson, Bob Letsch, James Hesse, Rocke Calvelli, Todd Pettit, David Koenings, Tom Cramer and Donald Hartig.

The tallest man on the team is Tom Schilke; he is 6 feet 8 inches tall. The high-point man for the year has been the so-called eagle-eyed Chuck Wood. Three of his teammates were picked on the all-city team for Racine, Wis., to wit: Tom Schilke, Chuck Wood and Jim Poulson. Jim Poulson and Chuck Wood were picked for the all-Catholic conference team for the State of Wisconsin.

The team will arrive in Washington, D.C., at Union Station on Thursday, March 17, at 8:40 a.m. and will stay at the Roger Smith Hotel while in Washington.

It is with great pride that I am able to report the arrival of St. Catherine's High School basketball team to Washington, D.C. St. Catherine's is the alma mater of both my wife and myself and it is indeed a true and real pleasure to see this group of splendid young men, whom I have watched play on several occasions, come to Washington with the enthusiastic backing of their schoolmates and the adult population of the entire city of Racine. The spirit of teamplay has permeated their actions during the entire year and I predict that they will leave Washington Sunday evening as the winners of the tournament and with the 1960 trophy tucked away in their luggage.

I believe that St. Catherine's High School should be congratulated for its consistent ability to develop such fine athletic teams and for its dedication to the development of manhood in those participating in its athletic programs.

SENATE

FRIDAY, MARCH 18, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God of men and of nations, we come to Thee with deep gratitude for our surpassing heritage.

Our charter of freedom tells us that our worth and our dignity as individuals lie not in our role as citizens of any state, but because Thou hast created us in Thy image.

Thou hast given us the vision of a righteous nation with freedom and justice and opportunity for all. Grant us the grace to be loyal to that mission.

Beneath our diversities may we keep sacred the fundamental unity which is the true glory of this dear land of freemen. May our concern for impoverished, exploited, and enslaved people everywhere be equal to that for our own welfare.

In a vision that may startle us, and open our eyes to the solemn facts of these crucial days, make clear to us that the massed difficulties besetting us are not so much political and economic, as they are moral and spiritual; and that in all our baffled search for solutions, only by fresh awareness of Thee can the present social decay which threatens the inner life and the outer strength of the Nation be redeemed to decency and righteousness.

We lift our prayer in the Saviour's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 17, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 361)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

Pursuant to the provisions of the National Aeronautics and Space Act of 1958, I transmit herewith for the information of the Congress the Second Semiannual Report of the National Aeronautics and Space Administration, covering the period of April 1, 1959, through September 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 18, 1960.*

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar, beginning with the new reports.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDENT pro tempore. If there be no reports of committees, the nominations on the calendar, beginning with the new reports, will be stated.

UNITED NATIONS

The Chief Clerk read the nomination of Thomas C. Mann, of Texas, to be the representative of the United States of America to the 16th session of the Economic Commission for Asia and the Far East of the Economic and Social Council of the United Nations.

Mr. JOHNSON of Texas. Mr. President, I know Mr. Mann very well. He comes from my State, and we take great pride in his distinguished service. So I am very much pleased that he has been nominated to this very important assignment.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

DEPARTMENT OF STATE

COUNSELOR OF THE DEPARTMENT OF STATE

The Chief Clerk read the nomination of Theodore C. Achilles, of the District of Columbia, to be Counselor of the Department of State.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. ADVISORY COMMISSION ON INFORMATION

The Chief Clerk read the nomination of Siguard S. Larmon, of New York, to be a member of the U.S. Advisory Commission on Information for a term of 3 years expiring Jan. 27, 1963, and until his successor has been appointed and qualified.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO PERU

The Chief Clerk read the nomination of Selden Chapin, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ATOMIC ENERGY COMMISSION

The Chief Clerk read the nomination of Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1960.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1965.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ROUTINE DIPLOMATIC AND FOREIGN SERVICE NOMINATIONS

The Chief Clerk proceeded to read sundry routine nominations in the Diplomatic and Foreign Service.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

That completes the new reports on the Executive Calendar.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

The PRESIDENT pro tempore. Morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON COOPERATION WITH MEXICO IN CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE

A letter from the Assistant Secretary of Agriculture, reporting, pursuant to law, that there have been no significant developments to report for the month of February 1960 relating to the cooperative program of the United States with Mexico for the control and eradication of foot-and-mouth disease; to the Committee on Agriculture and Forestry.

REPORT ON STOCKPILE OF STRATEGIC AND CRITICAL MATERIALS

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting, pursuant to law, a secret report on the stockpile of strategic and critical materials, for the period ended December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

REPORTS ON REAL PROPERTY EXEMPT FROM TAXATION IN THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, a report on real property exempt from taxation in the District of Columbia, for the calendar year 1956 (with an accompanying report); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, a report on real property exempt from taxation in the District of Columbia, prior to December 24, 1942 (with an accompanying report); to the Committee on the District of Columbia.

LIBERALIZATION OF IMMIGRATION AND NATIONALITY ACT

A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF LABOR

A letter from the Under Secretary of Labor, transmitting, pursuant to law, a report on tort claims paid by the Department of Labor during the year ended December 31, 1959 (with an accompanying report); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF AN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of the order suspending deportation in the case of Toh Jung Lin, together with a statement of the facts and pertinent provisions of law pertaining to the case, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the Commonwealth of Kentucky; to the Committee on Appropriations:

"CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO MAKE POSSIBLE THE CONSTRUCTION OF CAVE RUN RESERVOIR ON LICKING RIVER

"Whereas it has been long recognized that the Licking River has many advantages as a potential reservoir site; and

"Whereas a dam in the Cave Run area close to the source of the river would prevent the floods that periodically sweep the length of the river; and

"Whereas the opportunities presented by the power source and the recreational facilities that would attend the construction of the dam and reservoir would attract industries and visitors, to the benefit of the entire State: Now, therefore, be it

"Resolved by the House of Representatives of the Commonwealth of Kentucky (the Senate concurring therein):

"SECTION 1. That the U.S. Congress is hereby petitioned and memorialized to appropriate funds to construct the Cave Run Reservoir, on the Licking River.

"SEC. 2. That the clerk of the senate cause copies of this resolution to be sent to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and to each of the Senators and Representatives of the Commonwealth of Kentucky now serving in the Congress.

"JOHN T. TILLIS."

RESOLUTIONS OF ORGANIZATIONS OF STATE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD several resolutions adopted by organizations of the State of New York.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE BOARD OF EDUCATION, CITY SCHOOL DISTRICT, SCHENECTADY, N.Y., URGING THE ENACTMENT INTO LAW OF SENATE BILL 105 FOR THE GRANTING OF SCHOLARSHIPS TO CHILDREN OF VETERANS UNDER CERTAIN CIRCUMSTANCES

Resolved by the Board of Education of the City School District of the City of Schenectady, N.Y.:

SECTION 1. This board urges Congress and the President of the United States to enact into law Senate bill 105 for the granting of scholarships for certain persons from income resulting from the investment of certain alien property seized during World War II by the U.S. Government.

SEC. 2. The clerk of the board of education is hereby directed to send copies of this resolution to our Representatives in the U.S. Congress, namely, Senator KENNETH B. KEATING, Senator JACOB K. JAVITS, and Congressman SAMUEL S. STRATTON.

SEC. 3. This resolution shall take effect immediately.

RESOLUTION ADOPTED BY THE SCHENECTADY COUNTY BOARD OF SUPERVISORS, SCHENECTADY, N.Y., AT THE MARCH 8 MEETING URGING SCHOLARSHIPS FOR VETERANS

Whereas legislation has been introduced in Congress that would set aside and invest $100 million in World War II enemy war assets seized from Germany and Japan—with the interest thereon—to be used for the establishment of 2,000 educational scholarsips in the field of science and engineering; and

Whereas, although priority and preference in the awarding of the aforementioned scholarships will be given to children of veterans of World Wars I and II and the Korean conflict, nonveterans will also be eligible for the awards; Now, therefore, be it

Resolved, That the Schenectady County Board of Supervisors urge the passage and enactment into law of U.S. Senate bill No. 105 as a positive step in strengthening and broadening educational programs in science and engineering; and be it further

Resolved, That copies of this resolution be transmitted to U.S. Senators KENNETH B. KEATING and JACOB K. JAVITS, and Congressman SAMUEL S. STRATTON.

RESOLUTION ADOPTED BY THE NEW YORK CITY COUNCIL ON MINIMUM WAGE MEMORIALIZING CONGRESS AND THE STATE LEGISLATURE TO SUPPORT THE $1.25 MINIMUM WAGE BILL

Whereas the Council of the City of New York, through its special committee to investigate the causes of low wages in the city of New York and the feasibility of establishing an adequate minimum wage, undertook a study which had amongst its purposes the ascertainment of the causes of low wages in the city of New York, the extent to which low wages have increased the cost of services provided by the city of New York to those workers who receive low wages, and ways and means of remedying this serious basic problem; and

Whereas the study included analysis of available statistics and other pertinent material, as well as public hearings to which representatives of the city government, trade unions, industry and business, and privately supported social service, civic, and welfare groups were invited and were heard; and

Whereas it was found that many thousands of families in the city of New York are subsisting under substandard living conditions primarily because of the low wages paid to the wage earners of the families, that this constitutes a social and economic danger to the welfare of our city, the State, and the Nation, that this condition with living costs mounting, has resulted in great demands for, and the expenditure of many millions of dollars annually by the city of New York and by private voluntary social services, hospitals, and charitable organizations in an effort to alleviate these conditions; and

Whereas, under present conditions, unless remedied, such needs and expenditures will mount to a point where they cannot be met; and

Whereas this problem is not unique to the city of New York, but exists to a greater or lesser degree in every community throughout the State of New York and the United States; and

Whereas these vast expenditures constitute subsidies by the taxpayers and contributions to business and industry, which are neither morally nor economically justifiable; and

Whereas the immediate means of affording some relief to the low-paid workers and to the local governments and charitable organizations, already too heavily burdened, is by the establishment of a minimum wage which comes closer to meeting actual needs: Now, therefore, be it

Resolved, That the Council of the City of New York most urgently petitions the Legislature of the State of New York to enact a law, without delay, which will establish at the earliest possible date a minimum wage of $1.25 per hour for a 40-hour work week, with appropriate premium overtime thereafter, the same to apply to employees in all businesses and industries and to regular nonprofessional employees of voluntary nonprofit organizations, such as hospitals.

Practices existing in industries of computing tips, board and lodging or other considerations of actual value as part of wages may be committed to continue, but the real value of such allowances must be such as assures receipt by the employee of at least the minimum wages prescribed. Exceptions in the law should be narrowly limited in carefully defined areas, as similarly should be the discretion of the industrial commissioner to grant exceptions; and be it further

Resolved, That the Legislature of the State of New York enact such a law without waiting for action which may be taken by the Congress of the United States; and be it further

Resolved, That the clerk of the council is hereby directed to transmit a copy of this resolution to the Governor of the State of New York, the Lieutenant Governor of the State of New York, the majority leader of the senate, the minority leader of the senate, the speaker of the assembly, the majority leader of the assembly, the minority leader of the assembly, to each member of the senate and assembly whose district is in the city of New York and to the industrial commissioner of the State.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOUGLAS:

S. 3224. A bill for the relief of Min-sun Chen; to the Committee on the Judiciary.

By Mr. DIRKSEN (for himself, Mr. SALTONSTALL, Mr. KEATING, Mr. JAVITS, Mr. CASE of New Jersey, Mr. SCOTT, Mr. BEALL, Mr. PROXMIRE, Mr. MAGNUSON, and Mr. PASTORE):

S. 3225. A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 3226. A bill to amend section 809 of the National Housing Act; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 3227. A bill to amend the District of Columbia Business Corporation Act; to the Committee on the District of Columbia.

By Mr. SMATHERS:

S. 3228. A bill to amend the provisions of part II of the Interstate Commerce Act which authorize certain operations within a State as a common carrier by motor vehicle engaged in interstate or foreign commerce if State authorized; to the Committee on Interstate and Foreign Commerce.

By Mr. DOUGLAS:

S. 3229. A bill to amend the Public Buildings Act of 1959 to provide for the preservation and maintenance of the Dolly Madison House, the Benjamin Taylor House, and the old Belasco Theater for historical, cultural, and civic purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUTLER:

S. 3230. A bill to amend section 35 of title 18 of the United States Code so as to increase the punishment for knowingly giving false information concerning destruction of aircraft and motor vehicles; to the Committee on the Judiciary.

(See the remarks of Mr. BUTLER when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

ADDITIONAL COPIES OF COMMITTEE PRINT CONTAINING STATE REPORTS ON WATER RESOURCES AND PROBLEMS

Mr. KERR submitted the following concurrent resolution (S. Con. Res. 94); which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Select Committee on National Water Resources four thousand additional copies of the committee print, prepared by that committee, containing the reports of the States to the committee on their water resources and problems.

LIBERALIZATION OF QUOTA SYSTEM OF IMMIGRATION AND NATIONALITY ACT

Mr. DIRKSEN. Mr. President, certainly one of the most difficult problems before Congress—and this statement is true with regard to nearly every session—relates to the broad question of immigration. When all is said and done, I believe the nub of the problem is how to protect the country against a great stream of immigrants who could have a dislocating effect on the economy, yet at the same time to ease the explosive effect of overpopulation in other countries and do our fair share in the refugee field, not closing the door so tight as to destroy all hope for all people that there will be a haven and a life in America.

I think that is the basis for the message the President sent to the Congress with regard to a new immigration bill. I shall not try to belabor the matter, but I think, in order to round out the full case, I should ask unanimous consent to have printed in the RECORD at this point, in connection with my remarks, some pertinent data.

First, I ask unanimous consent to have printed in the RECORD the President's message, which was sent to the Congress on yesterday.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

I again urge the liberalization of some of our existing restrictions upon immigration.

The strength of this Nation may be measured in many ways—military might, industrial productivity, scientific contributions, its system of justice, its freedom from autocracy, the fertility of its land, and the prowess of its people. Yet no analytical study can so dramatically demonstrate its position in the world as the simple truth that here, more than any other place, hundreds of thousands of people each year seek to enter and establish their homes and raise their children.

To the extent possible, without dislocating the lives of those already living here, this flow of immigration to this country must be encouraged. These persons who seek entry to this country seek more than a share in our material prosperity. The contributions of successive waves of immigrants show that they do not bring their families to a strange land and learn a new language and a new way of life simply to indulge themselves with comforts. Their real concern is with their children, and as a result those who have struggled for the right of American citizenship have, in countless ways, shown a deep appreciation of its responsibilities. The names of those who make important contributions in the fields of science, law, and almost every other field of endeavor indicate that there has been no period in which the immigrants to this country have not richly rewarded it for its liberality in receiving them.

In the world of today our immigration law badly needs revision. Ideally, I believe that this could perhaps be accomplished best by leaving immigration policy subject to flexible standards. While I realize that such a departure from the past is unlikely now, a number of bills have already been introduced which contain the elements of such an idea. The time is ripe for their serious consideration so that the framework of a new pattern may begin to evolve.

For immediate action in this session I urge two major acts:

First, we should double the 154,000 quota immigrants that we are presently taking into our country.

Second, we should make special provision for the absorption of many thousands of persons who are refugees without a country as a result of political upheavals and their flight from persecution.

The first proposal would liberalize the quotas for every country and, to an important extent, moderate the features of existing law which operate unfairly in certain areas of the world. In this regard, I recommend the following steps:

1. The removal of the ceiling of 2,000 on quotas within the Asiatic-Pacific triangle;

2. The basing of the overall limitation on immigration on the 1960 census as soon as it is available in place of that of 1920, which is the present base;

3. The annual acceptance of one-sixth of 1 percent of our total population;

4. Abandonment of the concept of race and ethnic classifications within our population, at least for the purposes of the increases in quotas I have recommended, by substituting as the base for computation the number of immigrants actually accepted from each area between 1924 and 1959. In other words, the increase in the quota for Italy, for example, would not be based upon a percentage of a so-called Italian ethnic group within our country, but upon a percentage of actual immigration from Italy between 1924 and 1959; and

5. The unused quotas of undersubscribed countries should be distributed among oversubscribed countries. This distribution should be in proportion to the quotas of the oversubscribed countries.

My second major proposal is for authorization for the parole into this country of refugees from oppression. They are persons who have been forced to flee from their homes because of persecution or fear of persecution based upon race, religion, or political opinions, or they are victims of world political upheaval or national calamity which makes it impossible for them to return to their former homes.

This year has been designated World Refugee Year. The United States and 68 other nations have joined together in an attempt to seek permanent solutions for the problems of these peoples. Nations who in the past have granted entry to the victims of political or religious persecutions have never had cause to regret extending such asylum. These persons with their intellectual idealism and toughness will become worthwhile citizens and will keep this Nation strong and respected as a contributor of thought and ideals.

I have asked the Attorney General to submit a draft of legislation to implement the recommendations I have made. The administration stands ready to supply whatever information is necessary to permit appropriate action by the Congress during its present session. If, notwithstanding my specific recommendations, the Congress should enact other or different liberalizations of our immigration law that are constructive, I will be glad to approve them.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 17, 1960.*

Mr. DIRKSEN. Mr. President, secondly, I ask unanimous consent to have printed in the RECORD an outline of the administration's immigration bill; which deals with revision of quota system, including quota computation, quota basis, quota figures, quota allocation, unused quota numbers, Asia-Pacific triangle, new political entities; refugee provisions, including definition, admission, and status; Asian spouses; and visa applications.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

OUTLINE OF ADMINISTRATION'S IMMIGRATION BILL

I. REVISION OF QUOTA SYSTEM

A. Quota computation

1. Present quotas computed on basis of white U.S. population.

2. Proposed quotas to be computed on total U.S. population.

B. Quota basis

1. Present quota based on 1920 census.

2. Proposed quota to be based on—

(a) The 1950 census.

(b) The 1960 census, when available.

C. Quota figures

1. Presently, based on 1920 white United States population, 154,657.

2. Proposed, based on 1950 total United States population, 256,000.

3. Proposed, based on 1960 total United States population, 300,000 (estimated).

D. Quota allocation

1. Present quota of 154,657 continued to be allocated as at present.

2. Quota of each minimum quota area raised from 100 to 200.

3. Remainder of quota increase to be distributed among the several quota areas in proportion to total immigration to United States from each area between July 1, 1924, and July 1, 1959.

E. Unused quota numbers

1. At present, unused quota numbers are forever lost.

2. As proposed, unused quota numbers are to be placed in a pool.

(a) Each oversubscribed quota area shares in pool in proportion to relationship between its proclaimed quota and the aggregate quota of all other oversubscribed areas.

F. Asia-Pacific triangle (20 nations)

1. Presently, has quota ceiling of 2,000 (100 to each existing nation).

2. As proposed, ceiling is eliminated although each affected nation continues to have quota of 100.

G. New political entities

1. Guaranteed quotas of not less than the total of subquotas or minimum quotas previously applicable to areas involved.

II. REFUGEE PROVISIONS

A. Definition

1. "Refugee" is an alien—

(a) Who has fled Communist area or country in Middle East to escape persecution based on race, religion, or political opinion; or

(b) Who is away from and unable to return to his usual place of abode because of natural calamity, military operations, or political upheaval; and

(c) Is in a non-Communist area; and

(d) In need of resettlement help.

B. Admission

1. President, by proclamation may direct the Attorney General to parole into United States refugees selected by Secretary of State, upon finding—

(a) Existence of refugees;

(b) It is in the interests of the United States to permit them entry.

2. Without Presidential proclamation Attorney General has authority to parole into United States—

(a) Ten thousand refugees;

(b) Refugees to be selected by Secretary of State.

C. Status

1. Attorney General may adjust status of admitted refugee to that of alien lawfully admitted for permanent residence if alien—

(a) In United States for 2 years;

(b) Person of good moral character;

(c) Adjustment of status not contrary to national welfare, safety, or security.

2. Attorney General reports to Congress each adjustment of status case—

(a) Adverse resolution of either House before close of congressional session next following the report requires Attorney General to call for departure of alien from United States.

III. ASIAN SPOUSE

1. Asian spouse to be chargeable to the quota of accompanying spouse.

2. Asian spouse of native of Western Hemisphere country to be classified as nonquota immigrant if accompanying or following to join such spouse.

IV. VISA APPLICATIONS

1. Applications for visas no longer to require information as to applicant's race or ethnic classification.

Mr. DIRKSEN. Mr. President, in connection therewith I ask unanimous consent to have the bill in its entirety printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1151) be amended to read as follows:

"Sec. 201. (a)(1) The annual quota shall be a number equal to one-sixth of 1 per centum of the number of inhabitants in the United States in 1950, as determined by the United States census of 1950: *Provided,* That when the 1960 census is completed, the annual quota shall be a number equal to one-sixth of 1 per centum of the number of inhabitants in the United States in 1960, as determined by the United States census of 1960.

"(2) The annual quota shall be distributed in the following manner:

"(A) Each quota area shall first be allotted the same quota as it received under the law in existence prior to the enactment of this Act;

"(B) The minimum quota for each minimum quota area as heretofore determined under the law in existence prior to the enactment of this Act shall be increased by one hundred numbers, and the total of such increases shall be deducted from the remainder of the annual quota;

"(C) The remainder of the annual quota shall then be distributed among the several quota areas in proportion to the actual immigration into the United States of immigrants chargeable to each such quota area between July 1, 1924, and July 1, 1959.

"(b) The determination of the annual quota of any quota area shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly. Such officials shall, jointly, report to the President the quota of each quota area, and the Secretary of State shall proclaim and make known the quotas so reported. Such determination and report shall be made and such proclamation shall be issued as soon as practicable after the date of enactment of this Act. Quotas proclaimed therein shall take effect on the first day of the fiscal year, or the next fiscal half year, next following the expiration of six months after the date of the proclamation, and until such date the existing quotas proclaimed under the Immigration and Nationality Act shall remain in effect. After the making of a proclamation under this subsection the quotas proclaimed therein shall continue with the same effect as if specifically stated herein and shall be final and conclusive for every purpose, except (1) insofar as it is made to appear to the satisfaction of such officials and proclaimed by the Secretary of State, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in section 202(e).

"(c) Except as otherwise provided in subsection (f), there shall be issued to quota immigrants chargeable to any quota (1) no more immigrant visas in any fiscal year than the quota for such year, and (2) in any calendar month of any fiscal year, no more immigrant visas than 10 per centum of the quota for such year; except that during the

last two months of any fiscal year immigrant visas may be issued without regard to the 10 per centum limitation contained herein.

"(d) Nothing in this Act shall prevent the issuance (without increasing the total number of quota immigrant visas which may be issued) of an immigrant visa to an immigrant as a quota immigrant even though he is a nonquota immigrant.

"(e) The quota numbers available under the annual quotas of each quota area proclaimed under this Act shall be reduced by the number of quota numbers which have been ordered to be deducted from the annual quotas authorized prior to the effective date of the annual quotas proclaimed under this Act under—

"(1) section 19(c) of the Immigration Act of 1917, as amended;

"(2) any other Act of Congress enacted prior to the effective date of the quotas proclaimed under this Act: *Provided*, That the quota deductions required under the provisions of the Displaced Persons Act of 1948, as amended, the Act of June 30, 1950 (64 Stat. 306), and the Act of April 9, 1952 (66 Stat. 50), are hereby terminated effective July 1, 1957.

"(f)(1) Quota numbers of all quota areas authorized under the provisions of subsection (a), which have not been issued or otherwise used at the termination of a fiscal year, shall be assigned to a quota pool.

"(2) The Secretary of State shall, at the end of each fiscal year, determine the amount of quota numbers in the quota pool. He shall proclaim the number thereof on or before October 1 following the end of each fiscal year. The quota numbers so determined and proclaimed by the Secretary of State shall be available for use in the following manner, during the ensuing twelve-month period, beginning October 1 and ending September 30 of the following year:

"(A) The quota numbers in the quota pool shall be available for visa issuance to qualified quota immigrants chargeable to the quotas of the quota areas whose quotas have been oversubscribed during the previous fiscal year in the following manner: Each quota of such quota area shall receive a percentage of the number of visas in the quota pool equal to the percentage that its quota proclaimed by the President bears to the aggregate of the quotas of all those quota areas whose quotas were oversubscribed during such previous fiscal year.

"(B) The exceptions to the determination of quota to which an immigrant is chargeable, specified in section 202(a) in respect to quota areas, shall apply in determining the quota area to which an immigrant is chargeable under this subsection;

"(C) Immigrant visas shall be issued to qualified quota immigrants under this subsection in the manner and to the preference classes specified in paragraphs (1), (2), (3), and (4) of section 203(a). An eligible immigrant shall be entitled to receive such a visa only if there is not immediately available to him an immigrant visa under the quota specified in subsection (a);

"(D) Quota immigrant visas issued to aliens under this subsection shall be issued in the order specified in section 203 (b) and (c) of this Act;

"(E) There shall be issued to quota immigrants under this subsection in any calendar month of the twelve-month period specified in this paragraph no more immigrant visas than 10 per centum of the respective percentage of the quota pool to which the particular quota area may be entitled, except that during the last two months of such period immigrant visas may be issued without regard to the 10 per centum limitation contained herein;

"(F) Quota numbers not issued or otherwise used under this subsection during the twelve-month period specified in this paragraph shall not be available for issuance or other use at any other time."

SEC. 2. Section 202(c) of the Immigration and Nationality Act (66 Stat. 177; 8 U.S.C. 1152(c)) is amended to read as follows:

"(c) Any immigrant born in a colony or other component or dependent area of a governing country for which no separate or specific quota has been established, unless a nonquota immigrant as provided in section 101(a)(27) of this Act, shall be chargeable to the quota of the governing country, except that (1) not more than two hundred persons born in any one such colony or other component or dependent area overseas from the governing country shall be chargeable to the quota of its governing country in any one year, and (2) any such immigrant, if attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, shall be chargeable to a quota as provided in subsection (b) of this section. Immigrant visas authorized under the provisions of subsection (f) of section 201, as amended, shall not be available to persons born in any colony or other component or dependent area described in this subsection."

SEC. 3. Section 202(e) of the Immigration and Nationality Act (66 Stat. 178; 8 U.S.C. 1152(e)) is amended to read as follows:

"(e) After the determination of quotas has been made as provided in section 201, revision of the quotas shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, whenever necessary, to provide for any change of boundaries resulting in transfer of territory from one sovereignty to another, a change of administrative arrangements of a colony or other dependent area, or any other political change, requiring a change in the list of quota areas or of the territorial limits thereof. In the case of any change in the territorial limits of quota areas, not requiring a change in the quotas for such areas, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all consular offices concerning the change in the territorial limits of the quota areas involved. Whenever one or more colonies or other component or dependent areas overseas from the governing country, or one or more quota areas have been subject to a change of administrative arrangements, a change of boundaries, or any other political change, the annual quota of the newly established quota area or the number of visas authorized to be issued under section 202(c)(1), notwithstanding any other provision of this Act, shall not be less than the sum total of quotas in effect or number of visas authorized for the area immediately preceding the change of administrative arrangements, change of boundaries, or other political change."

SEC. 4. Paragraph (5) of subsection (d) of section 212 of the Immigration and Nationality Act (66 Stat. 188; 8 U.S.C. 1182(d)(5)), is amended (1) by inserting "(A)" after "(5)" at the beginning of such paragraph and (2) by adding the following additional subparagraph:

"(B) (i) As used in this paragraph, the term 'refugee' means any alien (A) who because of persecution or fear of persecution on account of race, religion, or political opinion has fled or shall flee from any Communist, Communist-dominated, or Communist-occupied area, or from any country within the general area of the Middle East, and who cannot return to such area or country on account of race, religion, or political opinion, or (B) who is out of his usual place of abode because of a natural calamity, military operations, or political upheaval, and who is unable or unwilling to return to his usual place of abode, and (C) who is in a country or area which is neither Communist nor Communist dominated, and (D) who has not been firmly resettled and is in urgent need of assistance for the essentials of life.

"(ii) Whenever the President shall find that a situation has arisen causing the creation of a class or classes of aliens who fall within the meaning of the term 'refugee' as defined in this paragraph and that it would be in the interests of the United States to permit the prompt entry into the United States of refugees, he may by proclamation direct the Attorney General to parole into the United States refugees selected by the Secretary of State: *Provided*, That the Attorney General is authorized, in the absence of any such proclamation by the President, to parole into the United States refugees selected by the Secretary of State, and their accompanying spouses and unmarried sons or daughters under twenty-one years of age, including stepsons and stepdaughters and adopted sons and adopted daughters, except that the total number of aliens paroled into the United States under this proviso in any fiscal year shall not exceed 10,000."

SEC. 5. Subsection (d) of section 212 of the Immigration and Nationality Act (66 Stat. 188; 8 U.S.C. 1182(d)) is hereby amended by adding a new additional paragraph (9) reading as follows:

"(9) (A) Notwithstanding any other provisions of this Act or any other law, any alien who is or has been paroled into the United States by the Attorney General under the authority of paragraph (5) of this subsection and has not otherwise acquired permanent residence status in the United States may apply to the Attorney General for adjustment of his status to that of an alien lawfully admitted for permanent residence.

"(B) If it shall appear to the satisfaction of the Attorney General that the alien has remained in the United States for at least two years, is a person of good moral character, and that such action would not be contrary to the national welfare, safety, or security, the Attorney General, in his discretion, may record the alien's lawful admission for permanent residence as of the date of the alien's last arrival in the United States. A complete and detailed statement of the facts and pertinent provisions of law in the case shall be reported to the Congress with the reasons for such adjustment of status. Such reports shall be submitted on the first and fifteenth day of each calendar month in which Congress is in session. If during the session of the Congress at which a case is reported, or prior to the close of the session of Congress next following the session at which a case is reported, either the Senate or the House of Representatives passes a resolution stating in substance that it does not favor the adjustment of status of such alien, the Attorney General shall thereupon require the departure of such alien in the manner provided by law. If neither the Senate nor the House of Representatives passes such a resolution within the time above specified, the alien shall be regarded as lawfully admitted to the United States for permanent residence as of the date of the alien's last arrival in the United States."

SEC. 6. Section 202(a)(5) of the Immigration and Nationality Act (66 Stat. 177; 8 U.S.C. 1152(a)(5)) is amended to read as follows:

"(5) Notwithstanding the provisions of paragraphs (3) and (4) of this subsection, any alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle defined in subsection (b) of this section, unless such alien is entitled to a nonquota immigrant status under paragraph (27)(A), (27)(B), (27)(D), (27)(E), (27)(F), or (27)(G) of section 101(a), shall be chargeable to a quota as specified in subsection (b) of this section: *Provided*, That the spouse or child of an alien defined in

section 101(a)(27)(C), if accompanying or following to join him, shall be classified under section 101(a)(27)(C), notwithstanding the provisions of subsection (b) of this section."

SEC. 7. Section 222 of the Immigration and Nationality Act (66 Stat. 193; 38 U.S.C. 1202), is amended by deleting from subsection (a) the language "race and ethnic classification;", and by deleting from subsection (c) the language "his race and ethnic classification:".

Mr. DIRKSEN. Mr. President, finally, because this is pertinent information, I ask unanimous consent to have printed in the RECORD an estimated quota increase based on immigration between July 1, 1924, and July 1, 1959, and probable 1960 census figures.

Those are the new suggested years as a basis for the additional quota numbers.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated quota increase based on immigration between July 1, 1924, and July 1, 1959, and probable 1960 census figures

Quota area	Immigrants admitted from quota areas [1] (1)	Percent from quota areas (2)	Annual quota in 1959 (3)	Increase in minimum quota (4)	Quota increase (5)	Total quota (6)
All quota areas	3,772,388	100.000	154,887	5,900	139,213	300,000
Europe	3,565,848	94.525	149,597	900	131,591	282,088
Albania	6,171	.164	100	100	228	428
Andorra	48	.001	100	100	1	201
Austria	51,326	1.360	1,405	-------	1,893	3,298
Belgium	29,860	.792	1,297	-------	1,103	2,400
Bulgaria	4,293	.114	100	100	159	359
Czechoslovakia	89,163	2.363	2,859	-------	3,290	6,149
Danzig, Free City of	3,651	.097	100	100	135	335
Denmark	35,895	.952	1,175	-------	1,325	2,500
Estonia	14,609	.387	115	-------	539	654
Finland	15,645	.415	566	-------	578	1,144
France	95,162	2.522	3,069	-------	3,511	6,580
Germany	823,446	21.828	25,814	-------	30,387	56,201
Great Britain and Northern Ireland	639,082	16.941	65,361	-------	23,584	88,945
Greece	70,571	1.871	308	-------	2,605	2,913
Hungary	83,226	2.206	865	-------	3,071	3,936
Iceland	2,525	.067	100	100	93	293
Ireland	251,140	6.657	17,756	-------	9,267	27,023
Italy	386,929	10.257	5,666	-------	14,279	19,945
Latvia	44,315	1.175	235	-------	1,636	1,871
Liechtenstein	275	.007	100	100	10	210
Lithuania	39,365	1.044	384	-------	1,453	1,837
Luxembourg	2,368	.063	100	100	88	288
Monaco	303	.008	100	100	11	211
Netherlands	76,358	2.024	3,136	-------	2,818	5,954
Norway	72,696	1.927	2,364	-------	2,683	5,047
Poland	319,175	8.461	6,488	-------	11,779	18,267
Portugal	27,448	.728	438	-------	1,013	1,451
Rumania	38,203	1.013	289	-------	1,410	1,699
San Marino	1,693	.045	100	100	63	263
Spain	19,370	.513	250	-------	714	964
Sweden	78,081	2.070	3,295	-------	2,882	6,177
Switzerland	38,449	1.019	1,698	-------	1,419	3,117
Turkey	19,849	.526	225	-------	732	957
Union of Soviet Socialist Republics	99,297	2.632	2,697	-------	3,664	6,361
Yugoslavia	85,861	2.276	942	-------	3,168	4,110
Asia	160,529	4.255	3,090	2,800	5,924	11,814
Afghanistan	154	.004	100	100	6	206
Arabian Peninsula	234	.006	100	100	8	208
Asia-Pacific	-------	-------	100	100	-------	200
Bhutan	24	.001	100	100	1	201
Burma	520	.014	100	100	20	220
Cambodia	5	-------	100	100	-------	200
Ceylon	225	.006	100	100	8	208
China and Chinese persons	47,720	1.265	205	100	1,762	2,067
Asia—Continued						
Guinea	-------	-------	100	100	-------	200
India	5,944	.158	100	100	220	420
Indonesia	5,579	.148	100	100	206	406
Iran	4,579	.121	100	100	169	369
Iraq	2,813	.074	100	100	103	303
Israel	7,875	.209	100	100	291	491
Japan	45,335	1.202	185	-------	1,674	1,859
Jordan	2,548	.068	100	100	95	295
Korea	5,614	.149	100	100	208	408
Laos	1	-------	100	100	-------	200
Lebanon	3,084	.082	100	100	114	314
Malaya, Federation of	232	.006	100	100	8	208
Muscat (Oman)	5	-------	100	100	-------	200
Nepal	11	-------	100	100	-------	200
Pakistan	795	.021	100	100	29	229
Palestine, Arab	6,548	.174	100	100	242	442
Philippines	19,483	.516	100	100	718	918
Saudi Arabia	49	.001	100	100	1	201
Thailand	319	.008	100	100	11	211
Vietnam	219	.006	100	100	8	208
Yemen	614	.016	100	100	22	222
Africa	22,538	.598	1,600	1,600	832	4,032
Cameroons (British)	29	.001	100	100	1	201
Cameroun (French)	18	.001	100	100	1	201
Ethiopia	343	.009	100	100	13	213
Ghana	106	.003	100	100	4	204
Liberia	317	.009	100	100	13	213
Libya	642	.017	100	100	24	224
Morocco	2,911	.077	100	100	107	307
Ruanda-Urundi	10	-------	100	100	-------	200
Somaliland	13	-------	100	100	-------	200
South-West Africa	128	.003	100	100	4	204
Sudan	163	.004	100	100	6	206
Tanganyika	116	.003	100	100	4	204
Togo	8	-------	100	100	-------	200
Tunisia	860	.023	100	100	32	232
Union of South Africa	4,172	.111	100	100	154	354
United Arab Republic	12,702	.337	100	100	469	669
Oceania	23,473	.622	600	600	866	2,066
Australia	17,257	.457	100	100	636	836
Nauru	7	-------	100	100	-------	200
New Guinea	30	.001	100	100	1	201
New Zealand	5,355	.142	100	100	198	398
Pacific Islands (Trust Territories)	464	.012	100	100	17	217
Samoa, Western	360	.010	100	100	14	214

[1] In addition, 1,803,773 immigrants were admitted from nonquota countries.

Mr. DIRKSEN. Mr. President, the bill does preserve the so-called national origins concept and modifies it in some particulars, so that instead of 154,000 immigrants a year the number is estimated at roughly 300,000 or a little more. I believe the breakdown of the figures will be extremely helpful to the Members in a discussion of this whole matter, and that the whole body of material should be at one place in the RECORD.

Mr. President, I introduce the bill and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The bill will be received and appropriately referred.

The bill (S. 3225) to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes, introduced by Mr. DIRKSEN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the bill lie on the table for the rest of the day, in case other Members would like to join in sponsorship.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. Mr. President, I am very honored to be a cosponsor of the administration bill.

Mr. President, we seem to have almost a tacit acceptance of the fact that there is a roadblock in regard to immigration and that we shall not get anywhere—that the only thing we will be allowed to do are some peripheral things concerning orphans and concerning some refugees and escapees.

Mr. President, again I say, this is a time when the majority of the Senate has a chance to assert itself. I hope very much the majority will be fully informed that the administration backs a modern and intelligent approach to reform of the immigration law, which is unjust as it stands and defies our role as a world leader.

I hope very much, Mr. President, since we talk constantly about the fact that the majority will assert its will, that the majority will assert its will in respect to seeing that this measure is not roadblocked by whatever those in seats of control may feel about it.

Mr. KEATING subsequently said: I was very happy, Mr. President, to join with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]

as a cosponsor of the immigration bill which has been recommended by President Eisenhower. I hope to obtain recognition later in the day to say something more on this subject. I do not want to infringe upon the 3-minute rule.

Mr. President, allegations have been made on the floors of both bodies of Congress and elsewhere that this is purely a political move. That statement, in effect, was made yesterday on this floor. I challenged it at the time, and I pointed out repeated instances in which the President of the United States and the Attorney General have recommended specific action in this field, to modernize and to bring up to date our immigration laws, as well as to remove discriminatory features from our immigration laws.

I shall later in the day document this, because I have now received more information as to the specific times from 1952 to date when the attention of Congress has been called to this problem and action requested.

AMENDMENT OF SECTION 809 OF THE NATIONAL HOUSING ACT

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend section 809 of the National Housing Act. This bill changes existing law to permit essential employees engaged in work of the National Aeronautics and Space Administration to obtain needed housing with the assistance of mortgage insurance by the Federal Housing Administration.

Section 809 was added to the National Housing Act in 1956 to help solve the housing problems of essential civilian employees of research and development installations of the military departments.

This program has been very helpful in areas surrounding Cocoa and Eglin Air Force Bases, Fla.; China Lake, Calif.; and Redstone Arsenal at Huntsville, Ala.

The program functions in this manner: First, the Secretary of Defense designates a base as a research and development installation; second, the Secretary then determines the housing requirements of the essential civilian employees of that installation, and on the basis of this determination issues certificates to essential employees needing housing; third, when the employee finds a home commensurate with his need, the certificate is presented to the FHA and the employee is eligible to obtain an FHA-insured loan; and fourth, the Secretary guarantees the FHA against loss on the transaction.

Thus far this program has worked very successfully. As of December 31, 1959, the Secretary had certified the need for 6,275 dwelling units at research and development installations, and had guaranteed the FHA against loss on loans made by approximately 3,355 essential civilian employees.

Administrative jurisdiction over certain research and development installations has been transferred from the Department of Defense to the National Aeronautics and Space Administration. While these transfers do not alter the intent of section 809 of the National Housing Act, it has been concluded by the housing agency and the Space Agency that this program as presently constituted would not be available to essential employees of the Space Agency at the installations so transferred. The reason for this conclusion is that the Administrator of NASA cannot certify eligible employees and cannot guarantee the FHA against loss; and the Secretary of Defense no longer has jurisdiction.

My amendment is designed to overcome this technical difficulty, so that essential civilian employees at installations transferred from the Defense Department to the National Aeronautics and Space Administration may use this program to obtain needed housing.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3226) to amend section 809 of the National Housing Act, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Banking and Currency.

INCREASED PENALTY FOR GIVING FALSE INFORMATION CONCERNING DESTRUCTION OF AIRCRAFT AND MOTOR VEHICLES

Mr. BUTLER. Mr. President, I have had my attention recalled to a problem which has been a thorn in the side of the aircraft industry for some number of years—that of the bomb hoax.

During the 1st session of the 85th Congress, I introduced a bill, S. 1963, which would raise the penalty from a $1,000 fine or 1 year in jail, or both, to a $5,000 fine or 5 years in jail, or both, for persons convicted of knowingly giving false information concerning the destruction of aircraft or motor vehicles. That bill was passed by the Senate on May 21, 1958, but died in the House Judiciary Committee.

S. 1963 was prompted by the increasing number of instances in which individuals—pranksters primarily—had given false or misleading information relating to the presence of bombs on airplanes with a resultant disruption of the orderly operation of the aircraft carrier. Such reports cause a serious inconvenience to the air carrier and those utilizing the service—not to mention the added expense involved.

I have been informed by the members of the industry that the bomb-hoax problem is as prevalent today as it ever was, if not more so. The problem was apparently unheard of prior to about 5 years ago. When the incidents began, there was no penalty for the action, but Congress soon filled that void when on July 14, 1956, it passed Public Law 709. That law provided for the present penalty of 1 year in jail or a $1,000 fine, or both. While the imposition of the penalty served as a deterrent, it was apparently inadequate since the hoaxes did continue. From September 1957, through December 1959, there were 142 hoax incidents, an average of 5 per month. In January of this year, however, there were 16 instances. This presents an intolerable situation as the inconvenience of a hoax every other day can readily be seen.

The problem of how to combat the situation, however, is, to say the least, most difficult. Both the airlines and the national news media have made efforts, as has the Congress of the United States.

The airlines have educated their employees on the problem so that they will remain constantly alert for possible infractions. They have even given awards to certain employees who have, as a result of their alertness, caused the arrest and conviction of violators.

There is little doubt that the hoaxer thrives in the bright glare of publicity. The FBI, police officials, and psychiatrists all agree that for a hoaxer to be satisfied, he must read of his dirty work, or hear it described over radio or TV.

Most news media understand this and have cooperated wholeheartedly by either not carrying stories of a hoax, or if they did carry the story, they were careful to include the fact that there is a penalty attached. And when the hoaxer has been apprehended, the media have often given good coverage to the proceedings, operating on the theory that this will serve as an example that hoaxes just do not pay.

In fact, in the long run, the news media of the Nation are the single most critical factor in the diminution of the hoax problem.

There is general agreement that if every newspaper, every radio station, and every TV station, agreed with one single accord not to carry a line about a hoax—and this includes not only hoaxes about commercial airlines, but also about schools, churches, and so forth—the hoaxer would curtail severely his activity.

There have been encouraging signs that the news media are becoming increasingly aware of the problem and are taking definite steps to erase the hoaxer by the simple means of ignoring him.

Certainly the news media are to be commended for their interest in the problem, and it reaffirms the belief that we all have in the integrity of the Nation's newspapers, wire services, broadcasting stations, and networks.

While it is desirable to eliminate or minimize publicity on bomb hoaxes themselves, at the same time it is necessary that potential hoaxers be made aware of the seriousness of this crime which is already a violation of Federal law. Moreover, it seems clear in view of the severity of the problem that there must be a correspondingly severe penalty.

Only yesterday, within 2 hours of the tragic explosion of a plan over Indiana, a bomb hoax was reported at Chicago's Midway Airport, causing passengers needless worry, police needless work, and airlines needless delay and expense.

These bomb hoaxers must be made to understand that they are not playing a game but committing a serious crime.

I am, therefore, at this time reintroducing my bill to raise the penalties to $5,000 or 5 years in jail, or both, and urging speedy action by the Judiciary Committee with the hope that the increased penalty, and publication thereof,

will act as a deterrent to those who engage in this type of vicious activity.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3230) to amend section 35 of title 18 of the United States Code so as to increase the punishment for knowingly giving false information concerning destruction of aircraft and motor vehicles, introduced by Mr. BUTLER, was received, read twice by its title, and referred to the Committee on the Judiciary.

DEPARTMENT OF COMMERCE APPROPRIATION BILL, 1961—AMENDMENT

Mr. SPARKMAN. Mr. President, on behalf of myself, the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Montana [Mr. MURRAY], the Senator from Utah [Mr. MOSS], and the Senator from Kentucky [Mr. COOPER], I submit an amendment, intended to be proposed by us, jointly, to H.R. 10234, the bill making appropriations for the Department of Commerce and related agencies for the fiscal year 1961.

The purpose of the amendment is to include an appropriation of $2,080,000 for the program of grants for studies, research and counseling under section 7(d) of the Small Business Act.

Section 7(d) of the Small Business Act, as amended by the Small Business Investment Act of 1958, provides for a program of grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small business enterprises. The act provides that no grant shall exceed $40,000 annually and that only one grant shall be made in any State.

The Small Business Administration included in its 1961 submission to the Bureau of the Budget a request for an appropriation of $2,080,000 for this program, which was denied. According to a letter dated February 10, 1960, addressed to the Senator from Arkansas [Mr. FULBRIGHT] by the Administrator of SBA, "the administration's decision on this matter reflected doubts as to the intrinsic value of the program relative to other demands on the budget and the view that further funding of the program should be deferred until the results of the 1959 program were available and could be evaluated."

Curiously enough, however, the President's Economic Report, chapter 4, "A Legislative Program for 1960," under the subchapter entitled "Small Business," lists this program as one of several small business programs which also contribute to the competitive quality of our enterprise economy. In other words, the President's Economic Report gives no indication that the program is to be allowed to expire and, on the contrary, cites it as one of the beneficial administration programs contributing to the economy.

As I have indicated above, this program had its inception in the bill which became the Small Business Investment Act of 1958. Senators will recall that this bill, in various forms, had been pending before the Congress for about a decade. The Senate Committee on Banking and Currency finally approved the bill on the basis of a thorough study by the Federal Reserve Board and after extensive hearings. In the course of these studies and hearings, information was developed that two of the most important needs of the small business segment of the economy were first, access to long-term aid equity capital and second, improved management. The bill which was then reported was designed to approach both of these needs, first by chartering and assistance in the financing of small business investment companies and State and local development companies, and second by providing for a program which would assist small business concerns in improving management.

In the long run it is quite possible that the contributions which this program can make toward improved management of small business concerns may well be more important than the assistance which the bill gives to access to long-term and equity capital.

Often a small business enterprise is created by a person or a group of persons who may be quite capable in one line of business endeavor, but who have not the time nor the resources to develop all the talents and to acquire all the knowledge necessary to a growing enterprise in a competitive economy. Often financial difficulties of these companies have resulted from a management or technical deficiency which additional funds alone could not solve. While large businesses may overcome these difficulties by hiring executives or obtaining professional advice, small businesses are often not able to do so, and even when able, may not be informed as to the type and accessibility of the assistance which they need. While there are many Federal Government programs such as those of the Department of Commerce and the Small Business Administration itself, and there is a vast body of information available locally, there is great difficulty in bringing this information to bear on a particular business problem at the proper time. Conceivably, this program of research and counseling in small business problems could be as fruitful to this segment of our economy as the program of agricultural research and extension has been to the farm economy. At any rate, I know it is a very promising step forward.

In the bill which became the Small Business Investment Act of 1958, this program of grants for studies, research, and counseling was to have been financed from funds which had been held by Federal Reserve banks under section 13(b) of the Federal Reserve Act. This amount of approximately $27.5 million had been provided many years ago, not from appropriated funds but, through a rather complicated process, which I shall not attempt to describe here, through the repayment to Federal Reserve banks of their subscription to the capital stock of the FDIC. The fund was held under section 13(b) of the Federal Reserve Act as a program for small business lending by the Federal Reserve banks. As it had never been an appropriated fund, and had been devoted largely to the benefit of small business, the committee thought it proper to transfer the fund to this program. It was believed that the program required continuity. However, in the Commerce Department appropriation bill for 1960 the Committees on Appropriations rescinded the fund and provided that the remaining sum, after fiscal year 1960, be covered into the Treasury—Public Law 86–88. This action, while probably not intended, had the effect of leaving SBA without authority for appropriations to finance the grants after fiscal 1960.

The Subcommittee on Small Business, under the chairmanship of the Senator from Wisconsin [Mr. PROXMIRE], reopened the question of reauthorizing the program in hearings held in June and July of 1959. As a result, S. 2612—Public Law 86–367—was enacted authorizing the continuation of the program on an appropriated basis.

I mention this history to indicate there is authority for this appropriation and to emphasize the fact that the Committee on Banking and Currency has twice gone into the matter very carefully, and has twice authorized the program. There is now pending before the Committee on Banking and Currency a bill in the form of a committee print, which has been reported by the Small Business Subcommittee to the full committee, making other changes in the program. For example, it permits matching of funds provided in the program by grantees and, under certain circumstances, requires matching. It also permits two or more eligible grantees to form a corporation to receive grants and to enable the coordination desired in some States by two or more of the eligible grantees.

Of the approximately 4½ million small business firms in the United States, hundreds go out of business every year. Not all of them are bankrupt, but many go out of business due to the retirement of owners, inability to obtain adequate management to carry on the business profitably, and for many other reasons. For those business concerns that are on a going basis, however, the need for facts to assist the managers to make wise and correct decisions is very great. Big, established organizations usually have adequate financial resources upon which they can draw for research, technical assistance, and counseling. Small concerns in most cases do not have such resources, yet they must compete with larger firms.

Dun & Bradstreet lists poor management as the leading cause of business failures. In a study of 9,162 business failures during 1950, Dun & Bradstreet found that over 85 percent of the underlying causes were those ascribed to poor management. Many of these cases could have been avoided if the managers had possessed more accurate facts upon

which to rely in the management of their organizations. A program of grants of up to $40,000 in each State, of course, will not cure all the management deficiencies of our small business economy. However, there is a great deal of evidence in hearings before the Committee on Banking and Currency that this fund, under the administration of the SBA, can serve as a catalytic agent in devising plans and programs within States which can themselves give a great deal of impetus to better management. For example, the fund, if matched by the recipient agency, can provide a framework under which colleges, universities, State development agencies or departments of commerce, State chambers of commerce, banks, and local development corporations can each make intelligent and practical contributions to better management of small businesses within the State.

A framework for a Federal-State relationship for research and counseling with business can be created whereby much information at both the Federal and State levels may be channeled into effective use by local groups.

It would be a great mistake to terminate this program after only 2 years' operation; that is, in fiscal years 1959 and 1960. Most of the grants which have been made so far have been for the purpose of research.

I ask unanimous consent that there may be printed in the RECORD at this point a list showing the grants made in fiscal 1959. This list indicates the recipient, the amount, and the title of the research projects.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF GRANTS IN FISCAL 1959

GRANTEES, 1959—SMALL BUSINESS RESEARCH GRANT PROGRAM

1. Alabama, $40,000.

Grantee: University of Alabama, University, Ala.

Project director: Paul W. Paustian.

Title of research project: "A Proposal To Investigate the Prevalence of Small Business in the Alabama Economy and To Study the Problems of Small Business in Selected Fields of Operation."

2. Alaska, $28,873.

Grantee: University of Alaska, College, Alaska.

Project director: Vernon R. Kiely.

Title of research project: "Wholesale-Retail Functions and Warehouse Facilities in Fairbanks and Anchorage, Alaska: The Development and Possibilities for Expansion."

3. Arizona, $38,860.

Grantee: Arizona State University, Tempe, Ariz.

Project director: William A. Nielander.

Title of research project: "Basic Patterns of Operation of Selected Small Business in Arizona."

4. Arkansas, $40,000.

Grantee: University of Arkansas, Little Rock, Ark.

Project director: John M. Peterson.

Title of research project: "Studies of Small Business Problems in Major Arkansas Industries: (1) Marketing Prospects in Major Arkansas Industries; (2) Economic Problems of Arkansas Sawmills; (3) Management Staffing Needs in Sawmills; (4) Business Budgeting for Independent Department Stores."

5. California, $40,000

Grantee: San Diego State College, San Diego, Calif.

Project director: Charles W. Lamden.

Title of research project: "A Study of the Problems of Small Electronics Manufacturing Companies in Southern California."

6. Colorado, $40,000

Grantee: University of Colorado, Boulder, Colo.

Project director: L. J. Crampon.

Title of research project: "(1) Informational Needs and Problems of Small Businesses in the Mountain States; (2) Management Case Studies of Small Business Operation in the Mountain States; (3) The Generation and Selection of New Product Ideas for Small Manufacturers in the Mountain States."

7. Connecticut, $40,000.

Grantee: University of Connecticut, Storrs, Conn.

Project director: L. J. Ackerman.

Title of research project: "Problems of Manufacturers in Connecticut and Effects of Shopping Centers on Small Retailers: (1) Mortality Experiences in Connecticut Manufacturing Establishments; (2) Personnel Factors in Manufacturing Plant Location in Metropolitan Hartford, Conn.; (3) Highways as a Factor in the Location of Small Manufacturing Business in the Hartford Area.

(4) Relocation of Business and Industry from Renewal Areas in Connecticut.

(5) Behavior Patterns and Attitudes in the use of External Assistance by Small Manufacturers in the Hartford Area.

(6) Some Effects of the Growth of Planned and Controlled Shopping Centers on Small Retailers."

8. Delaware, $40,000.

Grantee: University of Delaware, Newark, Del.

Project director: Robert L. Bull.

Title of research project: "Success Factors in the Management of Small Food Wholesaling and Retailing Businesses."

9. District of Columbia, $39,905.

Grantee: George Washington University, Washington, D.C.

Project director: A. M. Woodruff.

Title of research project: "Management Advisory Requirements for Small Business Firms: (1) The Need for Management Assistance as Seen Through Analysis of the Experience of 500 New Proprietors; (2) The Need for an Availability of Counseling as Seen Through the Experience of a Structured Sample of 300 Service Agencies."

10. Florida, $40,000.

Grantee: Florida Development Commission, Tallahassee.

Project director: William C. Shelton.

Title of research project: (1) Popularization of Small Business Research; (2) Case Studies in the South Florida Construction Industry.

11. Georgia, $30,705.

Grantee: Georgia Institute of Technology, Atlanta.

Project director: Ernest W. Swanson.

Title of research project: "Identification and Evaluation of Prpblems and Needs of Small Manufacturing Management."

12. Hawaii, $39,215.

Grantee: University of Hawaii, Honolulu.

Project director: Harold S. Roberts.

Title of research project: "A Study of Business Needs in Hawaii as Compared With Business Failures During the Last 10 Years."

13. Idaho, $7,465.

Grantee: Idaho State College, Pocatello.

Project director: Frank D. Seelye.

Title of research project: "Revenue Quality Control for Motor Common Carriers."

14. Illinois, $38,211.91.

Grantee: University of Chicago, Chicago.

Project director: Michael Gort.

Title of research project: "The Characteristics of Industries and the Economics of Firm Size."

15. Indiana, $40,000.

Grantee: Indiana University, Bloomington.

Project director: S. F. Otteson.

Title of research project: "Adaptation and Development of Management and Financial Controls for Small Business Operations."

16. Iowa, $39,900.

Grantee: State University of Iowa, Iowa City.

Project director: C. Woody Thompson.

Title of research project: "An Interindustry Analysis and Management Audit of the Small Manufacturing Industry in Iowa."

17. Kansas, $39,905.

Grantee: University of Kansas, Lawrence.

Project director: H. K. L'Ecuyer.

Title of research project "Management Strategy in Establishment Sizes Operated by Both Independent and Centrally Controlled Companies."

18. Kentucky, $40,000.

Grantee: University of Kentucky, Lexington.

Project director: James W. Martin.

Title of research project: "An Evaluation of Key Decisions of Small Businesses, With an Emphasis on the Quantitative and Economic Concepts Used in Reaching Those Decisions."

19. Louisiana, $32,329.

Grantee: Louisiana Department of Commerce and Industry, Baton Rouge.

Project director: P. F. Boyer.

Title of research project: "(1) A Guide to Proper Management Planning for Small Business; (2) Determination of the Educational Needs for Small Business Management; (3) Selecting, Developing, and Utilizing Competent Executives into Small Businesses; (4) Adaptive Behavior by Small Businessmen."

20. Maine, $40,000.

Grantee: Maine State Department of Economic Development, Augusta.

Project director: Sulo J. Tani.

Title of research project: "A Survey of Maine's Potentials for Economic Growth: (1) A Study To Review the Current Economic Status of the State of Maine and To Project Areas of Opportunities That Exist for Small Business Enterprises; (2) A Study of the Vacation Industry in Maine; (3) Sources and Availability of Funds to Small Manufacturing Firms in Maine."

21. Maryland, $35,525.

Grantee: Washington College, Chestertown, Md.

Project director: George Soule.

Title of research project: "Small Business in Food Processing, Distribution, and Retailing on the Eastern Shore of Maryland: A Study of Competition With Large Concerns and the Impact of Vertical Integration."

22. Massachusetts, $39,933.75.

Grantee: Babson Institute, Babson Park, Mass.

Project director: Edward Handler.

Title of research project: "Small Business and Large Unions."

23. Michigan, $39,986.

Grantee: University of Michigan, Ann Arbor.

Project director: William M. Hoad.

Title of research project: "A Continuing Analysis of the Management Factors Contributing to the Success or Failure of New Small Businesses (Manufacturing)."

24. Minnesota, $40,000.

Grantee: University of Minnesota, Minneapolis.

Project director: D. C. Basil.

Title of research project: "Basic Planning for Small Business: (1) Management Development as Part of Basic Planning; (2) Transportation Function of Management; (3) Forecasting in Basic Planning; (4) Market Research in Basic Planning; (5) 'Pattern' Collective Bargaining—Emphasis on Iron Ore Mining and Steel Fabrication; (6)

Basic Financial Planning; (7) Planning Organization Structure During Periods of Growth."

25. Mississippi, $40,000.

Grantee: Mississippi Industrial Research Center, Jackson.

Project director: W. Paul Brann.

Title of research project: "Industrial Opportunities for Small Business To Utilize Mississippi's Forest Resources: (1) The Availability, Ownership, Volume, and Characteristics of Forest Resources in Mississippi for New and Expanded Small Manufacturing Industries; (2) Marketing Charcoal Produced in Mississippi; (3) The Potential for Furniture Manufacturing in Mississippi."

26. Missouri, $40,000.

Grantee: Missouri Division of Resources and Development, Jefferson City.

Project director: Richard E. O'Brien.

Title of research project: "The Communication and Information-Gathering Techniques and Behavior of the Small Businessman."

27. Montana, $40,000.

Grantee: Montana State Planning Board, Helena.

Project director: P. F. Roys.

Title of research project:

1. "Research on Operating and Marketing Problems of Small Business Enterprises Engaged in Lead and Zinc Mining."

2. "Analysis of Expansion and Diversification Possibilities for Existing Small Manufacturing Concerns in the State of Montana."

3. "An Investigation of the Training Requirements of Small Business With Regard to the Educational Needs of Prospective Employees."

4. "Research on Small Business Success and Failure in a Natural Resource Economy."

28. New Hampshire, $40,000.

Grantee: New Hampshire State Planning and Development Commission, Concord.

Project director: Charles L. Crangle.

Title of research project: "A Study of the Small Business Sector of the Economy of New Hampshire To Determine the Necessary Economic Climate To Encourage Further Small Business Development."

29. New Jersey, $40,000.

Grantee: New Jersey Department of Conservation and Economic Development, Trenton.

Project director: Joel H. Sterns.

Title of research project: "Defining Problems of Small Business in New Jersey: (1) An Analysis of the Financial Problems of New Jersey's Small Manufacturers; (2) An Analysis of the Financial Problems of the Small Independent Distributors in New Jersey; (3) Direct Investigation Into the Problem of Small Business; (4) An Analysis of the Changing Patterns in New Jersey Retail Businesses."

30. New Mexico, $30,864.

Grantee: University of New Mexico, Albuquerque.

Project director: Ralph L. Edgel.

Title of research project: "Expansion of Food Manufacturing in New Mexico."

31. New York, $40,000.

Grantee: Syracuse University, Syracuse.

Project director: Donald H. Davenport.

Title of research project: "An Evaluation of the Interrelationships Between Large Manufacturers and Small Suppliers."

32. North Carolina, $39,805.

Grantee: Duke University, Durham.

Project director: F. Hodge O'Neal.

Title of research project: "Research in the Legal and Economic-Legal Aspects of Small Business Planning."

33. North Dakota, $40,000.

Grantee: University of North Dakota, Grand Forks.

Project director: R. D. Koppenhaver.

Title of research project: "(1) Industrial Market Potentials for Selected North Dakota Agricultural Commodities; (2) The Development of Accounting and Statistical Data for Small Business Management."

34. Ohio, $40,000.

Grantee: The Ohio State University Research Foundation, Columbus.

Project director: James C. Yocum.

Title of research project: "Adaptation of Manualized Business Procedures to Small Business Needs."

35. Oklahoma, $40,000.

Grantee: Oklahoma Department of Commerce and Industry, Oklahoma City.

Project director: Raymond D. Thomas.

Title of research project: "(1) Factors Which Determine the Economic Survival of Small Business Firms in Several Important Industries and Trades in Oklahoma; (2) Factors Which Should Determine the Location of Small Retail Firms; (3) Factors Which Determine the Managerial Efficiency and Profitableness of Small Business Organizations in the Motor Freight Industry; (4) Factors Which Determine the Opportunities for Small Business in Areas Experiencing Development of Inland Water Resources."

36. Oregon, $34,480.

Grantee: The University of Oregon, Eugene.

Project director: Wesley C. Ballaine.

Title of research project: "An Appraisal of Risk Management in Small Retailing Establishment."

37. Pennsylvania, $40,000.

Grantee: Temple University, Philadelphia, Pa.

Project director: Nathaniel Jackendoff.

Title of research project: "An Exploratory Survey of Financial Ratios and Other Business Services With Special Attention to Their Application to Problems of Small Business."

38. Rhode Island, $40,000.

Grantee: Brown University, Providence, R.I.

Project director: Kurt B. Mayer.

Title of research project: "Some Economic and Sociological Factors Influencing the Distribution of Business Firms by Size: I. The Effect of Suburbanization on the Size and Growth of Small Business Establishments; and II. Critical Internal and External Aspects of the Financial Management of Business Firms Affecting Size and Growth."

39. South Carolina, $30,010.

Grantee: University of South Carolina, Columbia.

Project director: Olin S. Pugh.

Title of research project: "Financial Management Problems of Single Unit Firms in South Carolina."

40. South Dakota, $35,420.

Grantee: State University of South Dakota, Vermillion.

Project director: R. F. Patterson.

Title of research project: "Some Basic Problems of Small Business in South Dakota: An Appraisal and Possible Solutions (1) Financing Small Business in South Dakota: Retailing, Service, Wholesaling, and Small Manufacturing; (2) Small Business in South Dakota To Be Affected by Proposed Superhighways in South Dakota."

41. Texas, $40,000.

Grantee: University of Houston, Houston.

Project director: Paul H. Rigby.

Title of research project: "A Study of Decisionmaking Processes in the Small Business Firm."

42. Utah, $40,000.

Grantee: University of Utah, Salt Lake City.

Project director: Osmond L. Harline.

Title of research project: "Evaluation of the Use and Impact of (1) Informational Aids, and (2) Government-Sponsored Financial Assistance Programs Available to Small Business."

43. Vermont, $25,000.

Grantee: Vermont Development Commission, Montpelier.

Project director: John M. Thompson.

Title of Research project: "Sample Survey of Small Business Operations in Vermont."

44. Virginia, $40,000.

Grantee: University of Virginia, Charlottesville.

Project director: Lorin A. Thompson.

Title of research project: "A Proposal on Small Business Training and Development: (1) Study—Administrative and Management Problems of Small Business; (2) Analysis of Trends in Sales Volume for Major Classes of Retail Business."

45. Washington, $40,000.

Grantee: University of Washington, Seattle.

Project director: Warren W. Etcheson.

Title of research project: "Problems of Small Business in Washington: (1) Financing Small Business: Survey of Credit and Capital Sources in Washington State; (2) Regulation of Retail Competition in Washington; (3) Factors Affecting the Growth of Small Manufacturing Enterprises; (4) An Analysis of Business Terminations; (5) Pricing Policies and Practices of Small Manufacturers in Washington."

46. West Virginia, $13,800.

Grantee: West Virginia University, Morgantown.

Project director: James H. Thompson.

Title of research project: "Methods of Plant Site Selection Available to Small Manufacturing Firms."

47. Wisconsin, $40,000.

Grantee: Division of Industrial and Port Development, State of Wisconsin, Madison.

Project director: James S. Earley.

Title of research project: "Problems of Financing Growth of Wisconsin Small Business" (a research project to determine sources of funds for small- and medium-size Wisconsin companies and whether there is significant variation in the rates of growth of companies of various sizes and industry classification, including a study of demised, merged, and relocated companies).

48. Wyoming, $34,950.

Grantee: University of Wyoming, Laramie.

Project director: Floyd K. Harmston.

Title of research project: "An Investigation Into Problems Peculiar to Small Businesses in Wyoming and the Rocky Mountain Area: (1) An Investigation To Determine the Management and Administrative Problems Encountered by the Owners and Managers of Small Business Units; (2) A Time and Duty Study of Retail Sales Personnel; (3) A Study of ICC 1 percent Waybill Data To Determine Existing Markets for Various Commodities."

49. Puerto Rico, $40,000.

Grantee: Economic Development Administration, San Juan.

Project director: Morris Moses.

Title of research project: "The Removal of Obstacles to the Growth of Small Locally Owned Manufacturing Firms in a Newly Developing Industrial Area."

50. Nebraska, $15,392.

Grantee: University of Nebraska, Lincoln.

Project directors: Clifford M. Hicks and Harold E. Wise, associate dean, graduate college, and deputy research administrator.

Title of research project: "Problems in the Sale of an Interest in a Small Business Proprietorship As Influenced by the Federal Income Tax Laws and Retail Store Hour Survey in all of the Nebraska Towns of 10,000 to 25,000 Population."

51. Nevada, $32,213.30.

Grantee: University of Nevada, Reno.

Project director: Robert C. Weems, Jr.

Title of research project: "The Extent of Retail Advertising as a Management Tool—Its Scope and Importance in Small Business."

52. Tennessee, $40,000.

Grantee: Tennessee Polytechnic Institute, Cookeville.

Project director: Louis Johnson, Jr.

Title of research project: "Investigation of the Marketing and Management Practices of Selected Small Businesses":

(1) "Newly Developed Industry."

(2) "Long-Established Industry."

Mr. SPARKMAN. Mr. President, the great hope of the program, as I have indicated, is that as it continues to operate, it may serve as a catalyst for the development of a permanent Federal-State relationship which will devise greater means for not only research, but also for the use of that research, and the technical assistance and know-how which is already available, in a form and at a time when the individual small businessman can and will make greatest use of it. The program, in other words, will not be confined simply to research, but the development of organizations and techniques for getting the research used. This cannot be done if the program is allowed to expire after only 2 years which have been largely confined to research programs.

I also ask unanimous consent that there be printed at this point in the RECORD an excerpt from Senate Report No. 834 dealing with this subject.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM SENATE REPORT NO. 834

2. GRANTS FOR STUDIES, RESEARCH, AND COUNSELING

Section 7(d) of the Small Business Act, as amended by the Small Business Investment Act of 1958, provides for a program of "grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges, and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small-business enterprises."

The last sentence of the subsection reads: "Such grants shall be made from the funds established in the Treasury by section 602(b) of the Small Business Investment Act of 1958."

This fund was derived from moneys which had been held by Federal Reserve banks under section 13(b) of the Federal Reserve Act.

Public Law 86-88, appropriations for the Department of Commerce (which includes appropriations for SBA), rescinded the unobligated balance of this fund as of June 30, 1959, except that $2,080,000 was made to remain available for grants in fiscal 1960. Thus, this action had the effect of leaving the SBA without authority for appropriations to finance the grants after fiscal 1960. This bill, by deleting the last sentence of section 7(d) of the Small Business Act, provides authority for appropriations under section 20 of the Small Business Act which contains general authority for appropriations to carry out the purposes of the act.

Administration of the program of grants for studies, research, and counseling

As indicated above, section 7(d) of the Small Business Act provides for a program of "grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small-business enterprises."

In recommending the enactment of this program in an amendment to the Small Business Act in 1958, the committee was impressed by testimony describing a program for assisting small businesses in a direct and timely manner by providing case studies and on-the-spot counseling concerning particular and sometimes local problems of a business or group of businesses. The language of the law is sufficiently broad to cover this type of activity. However, the Small Business Administration in its regulations under the section has interpreted the word "counseling" so as virtually to exclude direct contact between the grantee and small-business concerns.

The Small Business Administration's interpretation generally confines the program to one of grants for research into the problems of small business. While the committee does not deprecate the importance of research, it was favorably impressed at the hearings on this matter, held on July 28, 1959, with description of a variety of programs which could be developed by State and local agencies and institutions for utilizing the grant funds. The committee believes that the program can be most useful if it encompasses different types of programs developed locally to meet different needs in the various States.

Some of these programs may involve one or more of the concepts of research, case studies, and counseling. Some of them may involve associations of two or more eligible grantees, in order that combinations of studies, research, and counseling may be undertaken. They may be developed in such a way that opportunities for study and counseling may arise when small businessmen seek financial assistance from private lenders, the Small Business Administration, small-business investment companies, and State and local development credit or finance companies.

The committee understands that this approach may create administrative difficulties for the Small Business Administration in allocating the grants and in supervising the programs. Nevertheless, the committee feels that the State programs should be allowed to develop with a maximum of flexibility and local ingenuity and control. The committee also believes that in the development of programs for counseling, particularly, continuity of a program is desirable so long as it is consistent with proper safeguards to protect the interests of the Federal Government.

The committee also considers that the SBA should use its discretionary authority to require matching funds to the extent that the State programs provide for counseling, in order that the funds for this type of program may be increased.

As indicated in its testimony, SBA believes undue emphasis on counseling may tend to replace research and, in general, it believes research projects at this time are more desirable than counseling projects. However, it has stated a willingness to make grants to finance counseling on a limited basis as an experimental program to determine what types of counseling are most productive and valuable to small business, how counseling best can be fostered without destroying the research aspects of the program, and how it can be done efficiently and economically.

This program is not inconsistent with the views of the committee as stated above. The committee agrees with this approach to the problem; that is, in the initial stages, pending further evaluation, the programs of counseling grants are to be considered experimental, and confined to a relatively few States, to determine what types of counseling are most helpful to small business. When these programs have been evaluated by SBA and the Congress, further legislative changes may be considered.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

PRINTING OF REVIEW OF REPORTS ON WILMINGTON HARBOR (CHRISTINA RIVER), DEL. (S. DOC. NO. 88)

Mr. CHAVEZ. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated February 9, 1960, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of reports on Wilmington Harbor (Christina River), Del., requested by resolutions of the Committee on Public Works, adopted March 18, 1953, and February 14, 1955. I ask unanimous consent that the report be printed as a Senate document, with an illustration, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF TARIFF ACT OF 1950, RELATING TO QUOTAS FOR, AND IMPOSITION OF DUTY ON, IMPORTATION OF SHRIMP—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 15, 1960, the names of Senators TALMADGE, HOLLAND, MAGNUSON, KERR, GRUENING, and BARTLETT, were added as additional cosponsors of the bill (S. 3204) to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota, introduced by Mr. ELLENDER (for himself, Mr. LONG of Louisiana, Mr. EASTLAND, Mr. STENNIS, and Mr. YARBOROUGH) on March 15, 1960.

SUPPLEMENTAL APPROPRIATION BILL, 1960—ADDITIONAL COSPONSORS OF AMENDMENT

Under authority of the order of the Senate of March 17, 1960, the names of Senators GRUENING and BARTLETT were added as additional cosponsors of the amendment submitted on March 17, 1960, by Mr. KUCHEL (for himself and Mr. ENGLE) to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. LONG of Hawaii:

Article entitled "Hawaiians Have Enjoyed Billboard Ban 33 Years, and Profited by It."

written by Milton Britten and published in the Memphis Press-Scimitar of February 6, 1960.

By Mr. Young of North Dakota:

Letter to Mr. G. R. Milburn, president of the American National Cattlemen's Association; article entitled "Intensive Study of Food Urged," published in the New York Times of today, March 18, 1960; and testimony of J. C. Wetzler and A. P. Davies before House Appropriations Subcommittee on Agriculture.

THE FILIBUSTER HAS YIELDED SOME GOOD—ARTICLE ON ADDRESS BY SENATOR ROBERTSON

Mr. RUSSELL. Mr. President, during the course of the 5-week fight we have waged here to preserve constitutional government in this country, many excellent speeches have been made, and a few great speeches have been made in this body. Some of them have been equal to any that have ever resounded in this Chamber and have been in the very best traditions of the Senate.

Unfortunately, many of these speeches have not been widely publicized, and they have been enjoyed only by the exceedingly small group of people who regularly read the CONGRESSIONAL RECORD.

Among the outstanding speeches was one which the Senator from Virginia [Mr. ROBERTSON] made on the 8th of March.

Mr. Holmes Alexander, a careful student of history and of the proceedings in this body, and, I may say, one of the fairest members of the fourth estate, has written an article about Senator ROBERTSON and his great oratorical effort dealing with one of the most important of all civil rights, namely the right of a man to face a jury of his peers before he is punished.

The article appeared in the Richmond News Leader of Thursday, March 17, 1960. I heartily concur in the sentiments which Mr. Alexander expresses in respect to the address by the Senator from Virginia; and I ask unanimous consent that the article by Mr. Alexander be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Richmond News Leader, Mar. 17, 1960]

FILIBUSTER HAS YIELDED SOME GOOD

(By Holmes Alexander)

"There is another advantage annexed to the trial by jury; the jurors may indeed return a mistaken or ill-founded verdict, but their errors cannot be systematical"—James Wilson, of Pennsylvania (1742–98).

In the darkest-before-dawn hours of March 8 Senator WILLIS ROBERTSON, Democrat, of Virginia, nearly a half-century man in our courts and legislatures, was delivering "the best address I ever made."

Tall, rugged, learned, forthright, courteous, ROBERTSON could have been one of his own early American heroes—Jefferson, Marshall, Mason, Henry, Washington—and he was pleading their favorite cause: Justice under law.

But the Old Dominion's junior Senator was also enacting two immutables in human history. Irony, it seems, never fails in man's affairs. Here was ROBERTSON, aged 72, a candidate for reelection to the Senate, and he had to make what he considered his best speech to empty seats on the floor and in the galleries.

But the other big unchangeable here involved—personal and institutional integrity—was in his favor. It would have been far easier for him to filibuster with a claptrap, jerrybuilt speech, piously reading from the Bible or the Federalist papers. "Conscience," H L. Mencken used to say, "is the fear somebody is looking." But hardly anybody was looking, and almost nobody was listening to ROBERTSON. The Senator could have gotton away with hogwash, instead of doing himself and the Senate this unsung credit.

His speech was prepared, annotated, and delivered like a brief for delivery before the U.S. Supreme Court. It was a scholar's advocacy for the principle of the right of jury trial, as against injunctive procedures by seated authority. The speech is printed in the CONGRESSIONAL RECORD and this is no place to digest it. But the main points of his argument seem to be these: that speed and efficiency, though we often gnash our teeth at their opposites, are not the main purposes of government; and that the surest way to civil disaster is to permit the sovereign of any nation, rather than a jury of his peers, to inflict criminal punishment upon an individual citizen.

Not many Americans, scanning the headlines or catching the evening TV summaries, have a chance to know the constructive side of the monthlong filibuster. The occasion has brought out the best on both sides, or more correctly, on all sides, because there are many shades of opinion in the Senate. Far from needing to feel apologetic before the world, we have seldom deserved the decent opinion of mankind for better reasons than the highminded debate of this hair trigger subject.

This opinion, I am convinced, will be the general one as we look back upon the 1960 civil rights Senate battle, but there seems some value in offering it while the guns have not yet cooled. By all existing signs the centrists of the upper Chamber are going to write a mild civil rights bill which will neither lacerate the South nor constitute a triumph of the radical left.

If this happens, it may also happen that an omen has been given for the Democratic convention and the November election. The rollcall on the first key vote divided the Democratic presidential candidates into two camps: Majority Leader JOHNSON pitched tent with the successful majority. Candidates KENNEDY, SYMINGTON, and HUMPHREY made their home with the foiled, frustrated radicals. This was how it went:

Vice President: "The question is, is it the sense of the Senate that debate (on Mar. 10) shall be brought to a close. The clerk will call the roll."

Candidate JOHNSON, among 53, voted not to foreclose debate. Candidates KENNEDY, HUMPHREY, SYMINGTON, among 42, voted for cloture or gag.

The meaning seems to be that the Senate, the Democratic Party, the country are closer to JOHNSON'S views than to those of his rivals for the Democratic nomination.

INVITATION TO "CHEESE BREAK"

Mr. WILEY. Mr. President, as we know, the Senate, in recent weeks, has had a rough schedule of grueling hours.

After around-the-clock sessions—as well as the regular heavy schedule of the Senators—I believe my colleagues not only deserve—but also need—rejuvenation.

This afternoon, I have planned to provide just such a "work break."

As my colleagues know, Wisconsin has long been famous for its fine, health-giving cheese. From 2 to 3:30 today, a cheese treat will be served in the Vandenberg Room. I invite all of you to enjoy this "cheese break."

The break, I believe, will provide a double treat. This includes not only the privilege of enjoying delicious cheese snacks, but also that of having these delectables served by Wisconsin's lovely, talented "Alice in Dairyland"—the official public relations "Voice of Agriculture" for Wisconsin.

Although I know you are extremely busy, I hope you will have a chance to drop in for a real, refreshing cheese treat.

BERLIN AND THE EAST-WEST SUMMIT MEETINGS

Mr. JAVITS. Mr. President, Chancellor Adenauer who has just visited us has left us with a challenging proposal in preparation for the East-West summit meeting scheduled to begin May 16 which ought to have the prompt and urgent attention of our State Department. He suggested a "free plebiscite" in the three zones of the Western Powers in Berlin carried through before the East-West summit meeting asking Berliners to vote whether they want the present status of Berlin to remain or whether they want that status to be changed. It is properly pointed out that to govern with the consent of the governed this plebiscite is most advisable. Also, to be sure that the people of West Berlin are determined to resist pressures which the East German regime and its Soviet sponsors can put upon them if Chairman Khrushchev determines that this is the next step. Though Berlin's voters it is true in the 1958 municipal elections gave less than 2 percent of their vote to the Communists this was before the definitive Soviet proposals on making Berlin a "free city" came out in detailed negotiations together with United States, British, and French counterproposals of the Geneva Foreign Ministers Conference in May 1959. It is these proposals and in the ensuing international pressures and negotiations upon which the people of West Berlin should have their say. I support this proposal of Chancellor Adenauer.

It is widely recognized in the United States, perhaps more widely recognized and understood than any other foreign policy question, that the fate of Berlin is intimately linked with the continuance of Germany as a dynamic part of an integrated Western Europe with bright prospects for a continuing development of this integration most helpful to the free world's cause. Also that Berlin is the symbol to the Communist enslaved nations of eastern and southern Europe of the determination of the free world that they too shall one day have their opportunity to be free again. Finally it is the most advanced showcase of the free world facing toward the Communist bloc and makes possible the constant comparison between the drab grimness of Communist living and the security, dynamism and interest of free

world living. Because of its critical importance to the free world, Chancellor Adenauer's suggestion deserves high consideration and I urge that our Government enter into the necessary negotiations with the other two powers concerned, the United Kingdom and France, and with the West Berlin government to bring about this plebiscite in time for the May summit meeting.

DECLINE AND FALL OF THE LIBERALS

Mr. PROXMIRE. Mr. President, in Shakespeare's Julius Caesar, Cassius foresees the difficulty with Democratic liberal Senators in this 86th Congress when he says, "The fault, dear Brutus, is not in our stars, but in ourselves."

Mr. President, one of the great disappointments for many Americans must be the dismal performance of liberals as a group in the Congress and particularly in the Senate, since the election of 1958. If ever an election was viewed as a popular mandate for legislative progress to meet our great national problems, it was the 1958 election. It was a smashing victory for the northern liberal wing of the Democratic Party—the wing that believes that in our domestic economy, as well as in our relations with the rest of the world, it is time to stop treading water, and to move ahead.

We have failed. Why? The fault, Mr. President, "is not in our stars, but in ourselves."

Of course we have excuses. The veto is a mighty weapon. It has defeated us directly. More frequently it has defeated us because we knew it was available and we knew the Congress is far from two-thirds in favor of progressive legislation.

Our majority leader has been properly recognized as an immensely skilled parliamentarian and a prime realist. He is nowhere considered as one of the small bloc of so-called liberals in the Senate. And the majority leader controls fully and completely all of the organization of the Democratic Party in the Senate, as I have been at pains to point out. Then, Mr. President, there is the overwhelming opposition of the American press to a liberal, progressive program. This opposition has become more expert and competent as it has become more omniscient with the vast reach of modern communication media.

But, Mr. President, all these are excuses. Liberals have always suffered obstacles. They have always had to battle the entrenched inertia of established institutions. But rarely have they been such spectacular failures when they have had such great opportunity and public mandate as we have today.

In the words of Cassius, "Our fault, dear Brutus, is not in our stars, but in ourselves." It is time for some painful introspection. Our first step should be carefully to consider thoughtful criticism. This is why, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a blunt, hard-hitting, article highly critical of U.S. Senate liberals, by the well-known columnist, Joseph Alsop, which appeared in this morning's papers. It is an intelligent and perceptive analysis. It is a call to responsibility and a call to some hard homework.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DECLINE OF THE LIBERAL

(By Joseph Alsop)

Barring unforeseen mishaps, Senate Majority Leader LYNDON B. JOHNSON will get almost exactly what he set out to get from the civil rights fight. The Senate may first be driven to vote cloture twice over—an extraordinary event. Nowadays, however, the Senate seems to have a new rule: "JOHNSON'S will be done."

If JOHNSON succeeds, the country will have reason to rejoice. A civil rights bill insuring progress on the most vital single front, the voting rights of the southern Negroes, will be successfully passed without undue bitterness. Such a bill, if seriously enforced, will go straight to the heart of the matter.

If he succeeds, moreover, JOHNSON will also have reason to rejoice. He will have gone within a micromillimeter as far as he could possibly go, toward making himself an available presidential candidate in the North without leaving his large herds of southern convention delegates. If Senator JOHN F. KENNEDY, of Massachusetts, then stumbles along the road to Los Angeles, LYNDON JOHNSON will be the true frontrunning Democratic contender.

The Johnson phenomenon is not only remarkable in itself. It also offers the best text for a badly needed sermon on the plight of American liberals. Our political liberalism is semiofficially represented at present by the Senate's 18 liberal Democrats. Numerically, they exactly balance the Senate's 18 southerners.

And if JOHNSON wins his predicted victory in the civil rights fight, one may be sure there will be more angry liberals than angry southerners.

This capacity for outraged indignation when they are given half a loaf is only one of the more peculiar liberal traits. In the present instance, the civil rights half-loaf might have been improved in every way, if the liberals had chosen to fight for this objective. Instead, they made their customary choice. They fought for the whole loaf, which was the legislatively unattained title III of the old civil rights bill. Thus, in reality, they aided their enemies.

The choice was made, early in the struggle, at a meeting convened by Senators PAUL DOUGLAS of Illinois, and JOSEPH CLARK, of Pennsylvania. The vote in the meeting was symptomatic—nine for fighting for title III "on principle"; seven for fighting for the best bill that was practically feasible; and two abstentions.

The vote meant, in effect, that a narrow majority of the Senate's liberal Democrats were less interested in the dusty legislative process than in striking noble, popular postures. This preference for posture over process is, in fact, the main cause of the Senate liberals' decline.

The great figures of the liberal-progressive past—George Norris, the two La Follettes, Fiorello La Guardia, Robert Wagner, bitter witty old Couzens of Michigan, and the rest—were almost all men who took a passionate, practical, detailed interest in the business of lawmaking. Norris, for instance, looked like a saint, and sounded like a particularly high-minded saint when he took the floor for a speech. But no lone wolf Senator has shown more legislative craft than the saintly seeming Norris.

Craft was needed in order to topple Speaker Cannon with a perfectly timed resolution changing the iron-clad rules of the House of Representatives. Craft was needed, in order to stave off, all through the 1920's, successive Republican President's attempts to sell Muscle Shoals, the heart of TVA, to private power interests. Good, hard, detailed homework and craft were both needed, in order to be ready with the TVA bill when the election of Franklin Roosevelt gave George Norris his long-awaited chance.

Nowadays, despite the high average ability and high average purpose of the Senate liberals, there is not a man among them who has made a single problem peculiarly his own. None of them has a new TVA, for which he has been fighting doggedly, through bad times and good. In truth, none of them is the Senate's acknowledged master of any particular subject, as the late Robert A. Taft was master of half a dozen subjects, or even as JOHN F. KENNEDY was master of his subject when he was fighting for his labor bill.

This concentration is just as necessary as craft, for any lawmaker who wants to get things done in the teeth of a passive, or indifferent, or hostile majority. The great figures of the liberal-progressive past were not great because they made fine speeches or stood forward in fine attitudes. They were great because, from time to time, after infinite hard work, they got things done. The good statutes enacted, the mediocre statutes amended, the bad statutes blocked, were their monuments. They deserve modern study.

AMERICAN MORAL DECLINE DEMANDS PASSAGE OF CODE OF ETHICS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that a statement I made to the House Interstate and Foreign Commerce Committee on the need for a code of ethics for our regulatory agencies and Congress be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILLIAM PROXMIRE, MARCH 18, 1960, BEFORE THE HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, REGARDING A CODE OF ETHICS FOR THE REGULATORY AGENCIES

Mr. Chairman, I very much appreciate this opportunity to appear before you and your committee which has already done such an outstanding job of alerting the Nation to the serious problems of ethical conduct in this country.

I particularly commend you, Mr. Chairman, for your authorship of the pending bill. I feel very strongly that this kind of legislation can help immensely not only in insuring more ethical and honest conduct in government, but in setting a national tone of morality which I think is probably more urgently needed in America today than anything else.

It is unnecessary to call to the attention of this committee the scandals so ably revealed by you in the television industry. Unfortunately, this is not an isolated example of moral weakness in America.

Religious leaders of all faiths have deplored the lowering of our moral standards as a nation. One of the leading New York clergymen indicted our ethical looseness recently when he said: "Integrity is our deepest lack today."

FBI Director J. Edgar Hoover, probably the outstanding expert on criminal behavior in our country, said recently: "Our present society has substituted indulgence for discipline, pleasure for duty, and money for morals."

An Army report on Korea has disclosed a different picture than the gallant American tradition of high morale and bravery among our prisoners of war that had gone back to the Revolution. In the past, American captives refused to collaborate and they refused to die.

In Korea nearly one of three collaborated with the enemy. For the first time in American history not one American prisoner escaped. Thirty-eight percent of our men died in captivity, the highest rate in all history. Communist cruelties killed some, but an enfeebled will to resist and even a weakened will to live killed others.

During the same period 221 Turkish soldiers were taken prisoner in Korea by the same Communist foe. Half were injured when captured. Not one died. Not one collaborated.

There have been many eloquent speeches in and out of Congress lately about the need for American strength and the need for American economic, educational, and military power. The basic need I believe is for American moral strength. The strength of our Armed Forces, our economy, our educational system depend fundamentally on the strength of character of the American people in meeting the Russian challenge. Professor Toynbee, in his outstanding historical study, showed very clearly how the vast majority of great civilizations have been destroyed, not as a result of external aggression, but as a consequence of domestic corruption.

Over 100 years ago, one of the most perceptive observers this Nation has ever had, the celebrated young Frenchman Alexis de Toqueville, wrote: "America is great because she is good and, if American ever ceases to be good, America will cease to be great."

Your bill, Mr. Chairman, is one of the very few attempts to do something about this situation, and it is a proposal of the first importance because it recognizes that, as Aristotle wrote: "Virtue and goodness in the state are not a matter of chance but the result of knowledge and purpose. A state can be virtuous only when the citizens who have a share in the government are virtuous."

So I enthusiastically support this bill, Mr. Chairman. I have asked to testify, however, because I have recent and vivid experience with the application of your bill in two ways. Just last week the head of the Portland office of the Commodity Stabilization Office of the Department of Agriculture testified before a Senate Agriculture Subcommittee of which I am a member. He conceded that he had a profit of many thousands of dollars through an interest-free investment he had made—but concealed—in a warehouse company which had business with the office which he headed. Representatives of the personnel office of the Department of Agriculture testified that this man had had available to him various pamphlets and regulations forbidding this conduct. The Commodity Stabilization Office chief conceded this but said that he had in many years with the Department never—until he disposed of his holdings—had a direct verbal or written communication from the Department informing him that in view of his position with the Department, his investment was illegal.

I cite this example, Mr. Chairman, because if this excellent bill is to have the kind of deterrent force it should have, it should provide that the head of every agency affected shall have the duty to establish systematic procedures to insure that all members or employees of the agency are fully cognizant of the provisions of this law and exactly what it means in terms of their own behavior. I am positive that ignorance of what the rules and regulations are is at least as responsible for the misconduct of employees as moral failure. And, of course, the real tragedy is the destruction that comes to persons whose carelessness or ignorance has innocently led them into illegal behavior and perhaps destroyed them and their careers.

My second concern, Mr. Chairman, is with the implications of the provisions in the bill dealing with the acceptance of unusual hospitality. These provisions apply to each of the six regulatory agencies.

In title II–A, which pertains to the Civil Aeronautics Board, section 223(b)(2) specifies that the Congress recognizes that it is improper for any employee of the Board to, and I quote:

"Accept or solicit any money, gift, favor, unusual hospitality, loan, service, employment, or thing of value from any person, or representative of any person, who has a pecuniary interest in any proceeding or matter before the Board and in connection with which the member or employee has any duty to perform."

This is very similar to a section of the judicial code of ethics that has been in force for some years for the Civil Aeronautics Board. Experience under the CAB code suggests to me how the provisions in this bill might be improved. Here's the way the parallel section of the CAB code reads:

"Unusual hospitality: It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted."

Now, Mr. Chairman, the weakness of the CAB code is that "unusual hospitality" has been interpreted by the CAB to exempt, for example, a trip by the Chairman of the CAB and another member of the Board to Pinehurst, N.C., in a chartered pullman car for two and a half days at the expense of two airlines which had business pending before the CAB at the time. The host airline executive called the group the golfing, drinking, and inside-straight society. At the Pinehurst meeting, the business of the Board was discussed in great detail. The two airlines, Overseas National and Flying Tigers, were interested in working out a more profitable arrangement with the Military Air Transport Service, and wanted to use the good offices of the CAB Chairman to accomplish this. As the then vice president of Flying Tigers, Mr. L. C. Burwell, later wrote me:

"We got far more accomplished in 2½ days than we had in the past 2½ years."

The only public report on this meeting appeared in Sports Illustrated in a picture of the participants entitled "High-Flying Golfers."

Was this a violation of the unusual hospitality provisions of the CAB code? Mr. Chairman, it seems perfectly obvious to me that it is almost a classic violation of the code. It would be hard to hypothesize a more perfect violation. A chartered pullman trip to Pinehurst for a weekend of this kind would certainly be regarded as unusual hospitality by this Senator. Public business was discussed. The recent Senate testimony of the head of the CAB who took part in the trip confesses this as follows:

"As to the trip to Pinehurst, this was a weekend golfing trip as a guest of L. C. Burwell, vice president of Flying Tigers, who resided in Pinehurst, and one of its principal competitors, Overseas National Airways. Also present was Mr. Juan Trippe, president of Pan American, another principal competitor, particularly in the business of transporting passengers and cargo by contract with the Military Air Transport Service and other defense establishments. When the invitation was tendered by Mr. Burwell, I was advised that representatives of these competitive airlines would be present, and also representatives of the Military Air Transport Service, including General Wilson, deputy commander. One of the reasons the trip was organized, as explained to me, was to afford an opportunity for a congenial get together with representatives of the defense establishments concerned and some of the airlines principally concerned with the MATS civil airlines problem. The carriers and the Board were trying to get a larger allocation of military airlift for all eligible commercial air carriers. This is an objective which, while it lies completely outside the quasi-judicial responsibilities of the Board, does rest well within our responsibility under the Federal Aviation Act to foster and encourage civil and commercial aviation. I have participated in at least 10 or 15 conferences with defense officials and others over the past 4 years for this same purpose (one just last week) and I have testified before committees of Congress as to our efforts in this direction. Congressional committees have repeatedly endorsed the Board's objectives and successful efforts to get more commercial airlift business from the Department of Defense and the Military Air Transport Service."

The letter from Mr. Burwell, who was vice president of Flying Tigers at the time of this trip and is now an official of Overseas National, also confirms this. He wrote:

"The Flying Tiger Line, at that time, operated a business amounting to about $6 million a season in transatlantic commercial charters. The two largest competitors in this business were Pan American and, potentially Overseas National. However, there was one thing on which the management of these three companies could agree, and that was a plan to curtail the competition of MATS in moving routine line haul traffic that rightly should go by commercial air carrier.

"I conceived the idea of a golfing weekend and of inviting not only airline officials, but persons in the Government who represented both sides of the argument, plus the Chairman of the CAB and the Federal Communications Commission, whom we wished to persuade to our point of view; but only with advocates for both sides on hand.

"We invited in addition to those that did attend, Lieutenant General Smith, Commander of MATS (who sent his alternate, General Wilson); General Twining, Chief of Air Staff; and Senator SYMINGTON. Neither of these could come. However, we did have Mr. Frank Pace, formerly Secretary of the Army; Mr. Juan Trippe, president of Pan American, and one of its directors, Mr. Mark McKee; Col. Harmar Denny, member of the CAB; Mr. Eugene Zuckert, formerly Assistant Secretary of the Air Force; and several others who are not important at this time. Mr. Prescott, president of the Flying Tiger Line, and I were there, as well as Mr. George Tompkins, president of Overseas National. * * *

"I would like to add that in addition to the golf and good fellowship, we had serious and, I believe, fruitful discussions as to possible ways and means of allocating logically and fairly certain airlift missions of MATS to the civil industry. When I invited Mr. Durfee, I pointed out that under the act Congress had charged him with the responsibility of fostering the growth of civil aviation and here was a good chance for him to 'strike a blow for freedom.'"

The meeting was productive of profit for the airlines, as Mr. Burwell wrote:

"We got far more accomplished in 2½ days than we had in the past 2½ years, or would have gotten in the next 2½ years through uncoordinated random efforts. The CAB, MATS, and the airlines, I believe, saw each other's positions clearly and without prejudice. I think much good has come out of the meeting."

Mr. Durfee was there in his official capacity and useful to the airlines in his official capacity.

As Mr. Burwell said:

"The Flying Tiger Line at that time operated a business amounting to about $6 million a season in transatlantic commercial

charters. The two largest competitors in this business were Pan American and, potentially, Overseas National. However, there was one thing on which the management of these three companies could agree, and that was a plan to curtail the competition of MATS in moving routine line-haul traffic that rightly should go by commercial air carrier.

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"I would like to add that in addition to the golf and good fellowship, we had serious and, I believe, fruitful discussions as to possible ways and means of allocating logically and fairly certain airlift missions of MATS to the civil industry. When I invited Mr. Durfee, I pointed out that under the act Congress had charged him with the responsibility of fostering the growth of civil aviation and here was a good chance for him to 'strike a blow for freedom.'"

Mr. Durfee admitted that:

"One of the reasons the trip was organized, as explained to me, was to afford an opportunity for a congenial get-together with representatives of the defense establishments concerned and some of the airlines principally concerned with the MATS civil airlines problem. The carriers and the Board were trying to get a larger allocation of military airlift for all eligible commercial air carriers. This is an objective which, while it lies completely outside the quasi-judicial responsibilities of the Board, does rest well within our responsibility under the Federal Aviation Act to foster and encourage civil and commercial aviation."

The airlines paid the bill in full, provided the hospitality for the Chairman of the Civil Aeronautics Board.

I quote from Mr. Burwell's letter:

"In order to avoid any appearance of impropriety, I asked Mr. Tomkins [George Tompkins, president of Overseas National] if he wished to share the cost and be cohost, which he agreed to do.

"As many of the guests as I could accommodate stayed at my house. All of the guests were from time to time entertained at my house. This was entirely at my personal expense. Those who were accommodated at the Carolina Hotel had their bills paid by the two airlines. The transportation was by rail, and this was paid by the two airlines, using a chartered pullman car. The costs were borne jointly on a 50–50 basis.

"Now answering your questions specically:

"1. Mr. Durfee was present.

"2. The two airlines bore the costs jointly and the approximate figure per person was $85."

I would like to ask any member of this committee what possible ingredient is missing to make this a prima facie violation of the code of ethics.

And yet, Mr. Chairman, the CAB Chairman denied that it was.

And the Judiciary Committee of the U.S. Senate has just confirmed his view in a committee report that approves the Chairman of the CAB—who took part in this outing—for promotion to a lifetime job at $25,500 as a Court of Claims judge.

Let me say, Mr. Chairman that the Comptroller General told me verbally only yesterday that in his opinion this trip was a violation of the criminal code, a section that calls for a fine of $1,000 or 6 months in jail. But the Attorney General has opined that this kind of trip does not violate the law

Now, if the Congress is going to mean business in an ethical code, the code should be specifically worded so as to prevent a recurrence of the kind of misconduct indulged in by not only Durfee, but by John Doerfer, who was forced recently to resign as FCC Chairman.

The bill as now drafted would prevent neither. Under the bill—which prohibits the acceptance of "unusual hospitality" and I quote: "from any person, or representative of any person, who has a pecuniary interest in any proceeding or matter before the Board"—Mr. Doerfer would have been perfectly within the code of ethics to accept the 6-days-on-a-yacht hospitality of George Storer, wealthy owner of a chain of TV and radio stations. He could have done so because at the time Storer had no cases pending before the FCC. This loophole can be closed—and I feel very strongly that it should be closed—by proscribing entertainment by persons who recently had or might be expected in the future to have cases pending before the agency.

Similarly, the conduct of Mr. Durfee in accepting a 2½-day junket to Pinehurst, N.C., plus two lavish inaugural flights, one a 4-day flight to Mexico City, the other a junket to Rome, Italy (the latter, with his wife enjoying the hospitality along with him), all paid for by airlines with many cases pending before the Durfee-headed CAB—escapes the restriction of this code because the Senate Judiciary Committee has already said in a report on Durfee's nomination to the Court of Claims that this hospitality is not regarded as unusual.

This loophole can—and again I feel very strongly that it should—be closed by eliminating the word "unusual" from the language of the pending bill.

Our sagging American moral tone urgently needs a rigorous we-mean-business ethics law like we have in Wisconsin. The Wisconsin statute makes it a crime for a lobbyist to give a legislator so much as a martini or a cigar. This law may seem drastic to some, but the fact is that in Wisconsin it works. It has been on the statutes for more than 2 years and newspapermen, legislators, and lobbyists alike agree that the law has been thoroughly enforced and there is no such thing as entertainment or favors of any kind being extended to members of our State legislature.

I believe sincerely that we in Congress have a special responsibility to set the highest example of ethical conduct for the Nation. To this end, I feel that Congress should be similarly guided by a code of ethics and I hope that during this session we will pass a bill which spells out a definite and explicit code of ethical conduct for Members of the Congress.

The ancient Chinese sage Confucius was asked by one of his disciples: "Master, who is the higher man?" Confucius answered: "The higher man is he who first carries out himself what he demands of others, and then demands of others only what he does himself." This, to me, is the heart of ethics.

Mr. Chairman, I would like to conclude my remarks by saying that I vigorously support your excellent bill. At the same time, I believe that it should be strengthened in certain areas to prevent the kind of misconduct of which Mr. Durfee and Mr. Doerfer are guilty. Without a prohibition against this notorious misconduct, any ethical code might be regarded by the cynical as a namby-pamby, fool-the-public-in-an-election-year waste of time.

REVISIONS OF IMMIGRATION ACT OF 1952

Mr. PROXMIRE. Mr. President, yesterday the President sent to Congress a message urging liberalization of U.S. immigration policy through revisions of the Immigration Act of 1952. I believe the President's proposals deserve high praise as well as our most serious consideration.

The President indicated that what he hopes eventually will be achieved is a complete abandonment of the quota system of immigration. I share that hope, for while there is no inherent right of aliens to enter the United States on an equal basis, it seems to me that the quota system of discrimination against some nationalities is indefensible under any principle of American history or democracy. What is more, I believe it is very bad foreign policy in a day when the attitudes and actions of peoples other than northern and western Europeans are increasingly important to our future.

I must say, however, that the President's fears that such a sharp shift in our policy is unlikely at the present time are probably justified. The specific reforms which he has proposed in yesterday's message attempt to deal with some of the most flagrantly discriminatory features of the present law and to soften some of its worst features. These proposals would, first of all, double the number of immigrants coming in under the quota—raising it to approximately 300,000—and provide for admission of some 10,000 refugees from oppression and persecution each year.

One of the best features of the President's recommendations, and one which has been advocated by others for some time, is to permit the unused quotas of undersubscribed countries to be distributed among oversubscribed countries. Thus, in years when Germany, for example, fails to fill its very large quota, the number of Italians, Greeks, and other groups could be correspondingly increased.

I am also strongly in favor of removing the ceiling of 2,000 on quotas within the Asiatic-Pacific triangle. Whatever good feelings may have been engendered toward the United States in Asia by the admission of Hawaii as a State are annually undermined by the realization on the part of our friends in that part of the world that we discriminate against them in the matter of immigration.

The steps which the President has advocated are a definite move in the right direction. I strongly urge that action be taken on them in this session so that we can go on in future Congresses to a complete overhauling of our outdated immigration system.

JOHNNY KEMP, OF BISMARCK, N. DAK., SELECTED AS 1960 NATIONAL EASTER SEAL CHILD

Mr. YOUNG of North Dakota. Mr. President, we of North Dakota are very proud that a citizen of North Dakota has been selected as the 1960 National Easter Seal Child. Johnny Kemp, of Bismarck, has been selected for this honor.

Johnny Kemp was born with incomplete arms and legs. In spite of his handicap, he is an active 10-year-old boy participating in all of the activities of youth. He is an active Cub Scout, and is very eagerly looking forward to the day when he can participate in all scouting activities.

As the 1960 Easter Seal Child for the National Society of Crippled Children and Adults, Johnny Kemp typifies America's crippled children who are striving for useful lives with the help of private and public health agencies.

Baseball is a favorite sport with Johnny. In fact, he plays shortstop on one of the Peewee League baseball teams sponsored by the Bismarck Recreation Department. Although Johnny is very interested in athletics, he hopes, in spite of his handicap, to become a doctor when he grows up. He is a B-plus student at St. Anne's School in Bismarck. Johnny is intensely interested in all phases of school life, but he still finds time for a Sunday newspaper route.

Mr. President, North Dakota is extremely proud of Johnny Kemp. Few, if any, have accomplished as much as Johnny. Throughout it all, he has remained a very pleasant, likable boy, with a tremendous personality. His life and accomplishments should lend great encouragement, not only to handicapped children, but to us all.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. MANSFIELD. I wish to join in what the distinguished Senator from North Dakota has just said about Johnny Kemp. His father happened to be a student of mine at the University of Montana. I have known the family for years, and Johnny Kemp's grandfather and grandmother, who live in Wolf Point, Mont., are old and longtime friends.

Johnny Kemp has furnished an example to all of us, so that when we think we have it really tough, we can look at what this youngster is doing. Our admiration for him is unbounded.

It is my understanding that Johnny Kemp is coming to Washington next week. I should like at that time to join with the distinguished Senator from North Dakota to do everything we possibly can to make Johnny's stay in the Nation's Capital as pleasant as possible. He is a great youngster, and a wonderful inspiration.

Mr. YOUNG of North Dakota. I thank the distinguished Senator from Montana. I know Johnny Kemp will be very happy to have these compliments.

SUPPORT OF AMENDMENT TO H.R. 10743 RELATING TO INCREASED APPROPRIATIONS FOR FEDERAL AID TO SCHOOLS IN IMPACTED AREAS

Mr. GRUENING. Mr. President, earlier in this month I testified before the Senate Appropriations Committee which was then considering the bill, H.R. 10743, the Second Supplemental Appropriation Act for the current fiscal year, on matters which are of special concern to the State of Alaska and for which funds would be provided by this bill.

One of the items for which I requested approval of the committee, and which was included in the bill as reported, was the amendment adopted by the House of Representatives which would add an amount of $8,330,000 to funds available to the States for maintenance and operation of schools under provisions of Public Law 874 of the 81st Congress. The money that is allocated under Public Law 874 is a firm obligation of the U.S. Government to the eligible school districts, and these districts are dependent upon it for the operation of their schools.

It is unthinkable that the Federal Government should default on its obligations to the children of the United States by failing to supply funds for the education to which they are entitled.

At the time I testified before the Senate Appropriations Committee, on March 3, it was my understanding, based on the action of the House of Representatives on this matter, that the extent of the failure of the Federal Government to meet its obligations under Public Law 874 would amount to some $8,330,000, or approximately 5 percent of the amount committed. However, as was made clear to the Senate yesterday by the distinguished senior Senator from California [Mr. KUCHEL] it appears that on the basis of most recent calculations, there is a deficiency of some $23,340,000 in the amounts required for the impacted areas, rather than the sum of $8,330,000 which the Senate Appropriations Committee and the House of Representatives have approved.

I am glad to be a cosponsor of the amendment to the Supplemental Appropriation Act which has been introduced by the two able Senators from California [Mr. KUCHEL and Mr. ENGLE]. I wish to urge support of the amendment, and in doing so I call the attention of the Senate that these funds are needed throughout the United States.

As for my State of Alaska, this increase in funds is needed. The new 49th State has faced many difficulties in providing financing for the many responsibilities which devolved upon the State administration with the advent of long desired statehood. In connection with our need for Federal funds for impacted areas there is a peculiarly acute problem in my State. As a result of statehood and the passage, at the last session of Congress, of the Alaska Omnibus Act, there have been transferred to the State activities formerly under control of the Federal Government. As a result of this transfer of responsibility, our State has been faced with an unanticipated decrease in eligibility for funds under the Federal program of aid to schools in federally impacted areas. For this reason, it is of the greatest urgency that Alaska receive all the funds to which it is entitled.

Aside from this particular problem with which Alaska is faced, my State, to a greater extent than is the case with some others, is especially in need of Federal assistance to schools in impacted areas. The activities of the Department of Defense have a very heavy impact on the State of Alaska. Alaska is a bulwark of defense for North America. The Federal Government owns nearly 99 percent of its land, a state of affairs which results, even since the advent of statehood, in a situation in which the activities of the Federal Government are a major factor in the economy and the daily lives of the citizens of the State. In some instances this is beneficial, in others, not.

Alaska needs the additional $811,000 which would be provided by the Kuchel-Engle amendment to the Supplemental Appropriation Act. I urge support of the amendment, and I am grateful to my colleagues from California for introducing it.

LETTER FROM CHARLES J. BLOCH ON SUPREME COURT RULING IN SCHOOL CASES

Mr. ERVIN. Mr. President, one of America's greatest lawyers, Charles J. Bloch, of Macon, Ga., is making a gallant and intelligent fight to preserve constitutional government in America.

On March 16, 1960, Mr. Bloch wrote a letter to the editor of the New York Times which has direct relevancy to some of the matters under discussion in the civil rights debate.

For that reason, I ask unanimous consent that Mr. Bloch's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BLOCH, HALL, GROOVER & HAWKINS,
Macon, Ga., March 16, 1960.

EDITOR, THE NEW YORK TIMES,
New York, N.Y.

DEAR SIR: I have just read in the Times of Saturday, March 12, 1960, a letter to the editor signed by Professor Westin, of Columbia University, in which he refers to the so-called campaign of slander against the Supreme court, allegedly being conducted by the southern Senators.

When I read it, I immediately thought of one of your editorials which appeared during the week of February 29. It was an editorial severely criticizing the opinion of the Supreme Court announced February 29, 1960, in the case of *Nelson* v. *County of Los Angeles*.

I wonder why people think that newspaper editors have a perfect right to criticize decisions of the Supreme Court, but when southern Senators in the course of their duties do the very same thing, their acts are characterized as "slanderous."

The validity of the position of the southern Senators with respect to utterances of certain Justices of the Supreme Court of the United States is demonstrated by utterances of Mr. Justice Black in the case of *Federal Power Commission* v. *Tuscarora Indian Nation*, in a dissenting opinion delivered on March 7, 1960 (28 Law Week pp. 4185, 4186).

Justice Black said: "These Indians have a way of life which this Government has seen fit to protect, if not actually to encourage. Cogent arguments can be made that it would be better for all concerned if Indians were to abandon their old customs and habits and become incorporated in the communities where they reside. The fact remains, however, that they have not done this and that they have continued their tribal life with trust in a promise of security from this Government."

I cannot help but wonder where the sentiment expressed by those words was on May 17, 1954.

Prior to that time, we southerners had a way of life which the Government had seen fit to protect, if not actually to encourage, by inaction of Congress on the subject and by repeated decisions of the Supreme Court and other courts on the subject.

Further, Justice Black said: "It may be hard for us to understand why these Indians

cling so tenaciously to their lands and traditional tribal way of life. The record does not leave the impression that the lands of their reservation are the most fertile, the landscape the most beautiful, or their homes the most splendid specimens of architecture, but this is their home and ancestral home. There they, their children and their forebears were born. They, too, have their memories and their loves. Some things are worth more than money and the cost of a new enterprise."

We cannot help but wonder why Mr. Justice Black and the Chief Justice and Justice Douglas, who concurred with him, can so well understand and express the feelings of the Indians and at the same time not understand why we southerners wish to cling tenaciously to our customs and traditions, which have had the blessing of the law for 90 years.

The dissenting opinion concludes: "Great nations, like great men, should keep their word."

This is the self-same sentiment which our southern Senators and most southern lawyers have been sturdily and strenuously advocating since May 17, 1954.

Prior to May 17, 1954, the word of this great Nation as pronounced by the Supreme Court of the United States with respect to the segregation of the races in the public schools was this: "The decision is within the discretion of the State in regulating its public schools, and does not conflict with the 14th amendment." These were the words of Chief Justice William Howard Taft in the case of *Gong Lum et al.* v. *Rice, et al.* (275 U.S., at p. 87). That language, which we southerners considered to be the word of our great Nation, was concurred in by Justice Oliver Wendell Holmes, Willis Van Devanter, James C. McReynolds, Louis D. Brandeis, George Sutherland, Pierce Butler, Edward T. Sanford, Harlan Fiske Stone.

Very truly yours,

CHARLES J. BLOCH.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Georgia.

Mr. RUSSELL. I wish to express my appreciation to the distinguished Senator from North Carolina for offering the letter for the RECORD. I think that letter presents one of the strongest arguments I have ever seen in behalf of the position that has been taken by those of us on the floor who are making this fight for the Constitution of our fathers.

I hope, Mr. President, that the great periodical to which it was addressed, the New York Times, will see fit to print Mr. Bloch's letter in full. The New York Times certainly has carried a number of communications which were much less deserving.

POSTAL RATES

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial which appeared in the Washington Evening Star concerning postal rates. I believe it to be important to this body to know that in the 13 years from 1947 to 1959 alone, our postal deficits aggregated $6.8 billion and accounted for approximately one-half of the $15.3 billion increase in our Federal debt.

I feel that this is an excellent article on the subject, and I commend it to my colleagues.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PAY FOR THE MAIL

Congress should forget its election-year coyness and authorize the postal rate increases recommended by President Eisenhower.

Failure to do so, in the face of an estimated $554 million postal service deficit in fiscal 1961 under existing rates, would be completely irresponsible and an affront to budgetary good sense. Furthermore, it would amount to a violation of policy which Congress itself spelled out in 1958 to the effect that "rates should be adjusted whenever necessary to recover postal expenses."

The longtime failure, and it is primarily the fault of Congress, to put the Nation's postal service on something approaching a self-supporting basis has been a costly one to the taxpayers. As the President pointed out in his budget message, and again in his special message to the Congress last week, the cumulative postal deficit for 13 postwar years totaled $6.8 billion—almost half the increase in the Federal debt during that same period. Interest charges alone on this $6.8 billion fragment of the debt amount to $200 million yearly.

Economies and improved efficiency in postal operations during the postwar years have been more than offset by two factors. One has been the vast increase in volume of mail. The other has been the steady rise in cost of virtually everything the Post Office Department uses or buys. Revenue-producing rates have not kept pace. Increases recommended at this time would apply to virtually every category of mail, but would raise by only 1 cent the basic charges on first class and airmail. The Department estimates that this increase on first-class letters, for example, would cost the average family only about $1.80 yearly. In the long run, perpetuation of the deficit habit is apt to cost more—either in money or in deterioration of the service.

THE CUBAN SITUATION

Mr. SMATHERS. Mr. President, in this morning's Washington Post there appeared a story written by Warren Unna, under the title "Three More Cuban Aides Quit Castro's Regime." The article names them:

Three Cuban officials—a Cabinet minister and two members of the Cuban delegation to Washington—have severed relations with Premier Fidel Castro's government.

In Havana, Finance Minister Rufo Lopez Fresquet, the last member of the Castro cabinet who could be linked with the term "moderate," yesterday resigned because of what was described as "poor health."

At a closed-door meeting of the Inter-American Defense Board in Washington yesterday, Miguel F. Pons announced he had had enough of Castro. Board members quoted Pons as having denounced Castro as a "stooge of international communism" and as the "new dictator of Cuba."

The Embassy's military and air attaché, Capt. Angel L. Saavedra, disclosed he had quietly resigned his posts Wednesday.

Both Pons and Saavedra, United Press International reported, are expected to seek and be granted political asylum in the United States.

As we read the article, we see that it states that the gentleman who quit the Inter-American Defense Board, on which he had been serving while he was a naval attaché at the Cuban Embassy, received a standing ovation from the Inter-American Defense Board when he announced that he was stepping out of the Communist government of Castro. He made this statement:

There are no individual guarantees in the Cuba of today. There is no respect for property and, even in its social and collective functions, there is no liberty of enterprise. Individual initiative is prohibited. People who would not dare work openly for communism before are doing it now under the guise of aiding Fidelismo.

I thought that was rather significant, because, as the article points out, there are left only 5 of the original members of the 26th of July movement, which at one time had in the neighborhood of 130.

What disturbs me is that on another page of the same newspaper there is an article by Marquis Childs entitled "A Greek Tragedy Unfolds in Cuba." Mr. Childs states:

In the works are important new moves to try to retrieve something out of the rapidly deteriorating situation in Cuba. First and foremost is the return of Ambassador Philip W. Bonsal to his post in Havana.

Mr. Bonsal was our Ambassador, whom we had withdrawn from Cuba. In my judgment this article has been inspired by the State Department. I am almost certain that it is planned to send Mr. Bonsal back to Cuba.

I ask, What are these men who just resigned from the government of Fidel Castro, and who stated that it was a Communist government, going to do if our State Department, if the Secretary of State and this administration, allow our Ambassador to go back and, in effect, hold out the hand of friendship to the government which is accused by the three Cubans who resigned yesterday of being Communist? What happens to our friends in Latin America who think that we are opposed to communism, when they see this Ambassador come marching back down there, holding out once again the hand of friendship? What side are we on?

When we think of Major Diaz Lanz commander of the air force in Cuba; when we think of Major Matos, commander of a Cuban military province, and when we think of all the others who have quit, every one of whom has said that this is a Communist-controlled government, even though Fidel Castro himself may not be a Communist; and when we consider that we have withdrawn our Ambassador from that country, and are now thinking about sending him back do we not give aid and comfort to those whom we all admit are our greatest enemies in the world? Do we not make it appear that we are supporting this man who follows a line which has every hallmark of communism, even though he himself, as an individual, may not be a Communist?

Where is the sense in such a course? I think the time has come for the U.S. Congress to undertake some resolution which might permit us to stop an act which would live to haunt us, however long we may live, whether 50 or 100 years into the future? By such an unwise, indiscreet act as this, we would

uphold and give support to the very group of people who we say are out to destroy us. Not only do we say it, but they say it, too.

I think this would be the worst capitulation we have ever seen the United States make in the Western Hemisphere. I, for one, protest an act on the part of the State Department which I have reason to believe is coming; namely, the return of Ambassador Bonsal to Cuba. It would mean a greater loss of prestige and friendship for us in Latin America than anything else we have ever done. It would negate the trip by President Eisenhower. It would wipe out the efforts of the Senator from Vermont [Mr. AIKEN], the Senator from Oregon [Mr. MORSE], and myself to help people who believe in democracy. This would be the catastrophic result of any decision to return our representative to a government which is obviously a dictatorship in every respect, which engages in the suppression of elections, the deification of one man, the expropriation of property, and the destruction of civil rights.

The present government of Cuba is the same type as that of the Soviet Union. When we send back to Cuba our own representative and say, in effect, "We want to do business with you because we are afraid of you," I say that we have lost a great deal of our own pride and dignity; but, worse than that, we have lost most of the friends we have heretofore made in Latin America.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. SMATHERS. I am glad to yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Florida may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Does the Senator suggest that we completely sever diplomatic relations?

Mr. SMATHERS. While I am not at this moment recommending that we sever diplomatic relations, I suggest that we stop capitulating and bowing down to the browbeating we are getting from the little dictator, Fidel Castro. To send our Ambassador back would be a terrible mistake.

Mr. DIRKSEN. Is it the judgment of the Senator that we should not return a diplomatic representative to Cuba?

Mr. SMATHERS. The Senator is absolutely correct. I think we should not send Mr. Bonsal back. We now have down there a chargé d'affaires and a vast embassy staff. What has transpired since Mr. Bonsal left? The government of Fidel Castro has continued to abuse us. It has entered into a trade agreement with Mikoyan of the Soviet Union. It expects to receive arms and munitions from the Soviet Union.

Recently Che Guevara, the head of the National Bank of Cuba, stood before University of Havana students and said, in effect, "The American imperialists are trying to force us to our knees, because they demand that we sell them all this sugar for 5 or 6 cents a pound, whereas the Soviet Union has endeavored to help us, and has agreed to buy the same sugar from us for 2 cents a pound."

Since that time, how many original members of the 26th of July movement have had all they could stand and have gotten out, and called the Government of Cuba a Communist government? Three resignations are announced in this morning's Washington Post. Does the minority leader maintain that because that has transpired we should now send the Ambassador back? Is that an act of friendliness toward us?

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the time be extended for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. I commend the Senator from Florida for a long trip and for an earnest effort to find answers in the Latin American areas of this hemisphere, for the report he made, and for the very succinct and penetrating questions he asked in the Foreign Relations Committee when it was my privilege to attend the hearing.

It is easy, of course, to indulge in generalities. The only reason for any questions I may ask is not to offer advice on the subject at the moment, because I pretend to no expert knowledge in this field. However, I do like to seek specific answers to specific questions when I can.

Mr. SMATHERS. I shall endeavor to give specific answers.

Mr. DIRKSEN. That raises a third question. Does the distinguished Senator from Florida wish to recommend a course with respect to sugar which could be regarded as a reprisal at this particular time? By that I mean either cut the quotas or, in the temper and intent of a bill already pending in the House of Representatives, prohibit any sales of Cuban sugar in this country except at the world price, all of which would be regarded as punitive and in the nature of a reprisal.

Mr. SMATHERS. I may say to the Senator from Illinois that the only people who would consider an act on our part reducing the sugar quota as a reprisal would be the present Communist-dominated Government of Cuba. My own observation from traveling through 10 countries this year is this. Our friends have said to us, "Are you going to give to that country which abuses you and condemns you and fights with you preferential treatment, when you will not even give countries like Brazil or Peru or San Salvador or Haiti or even Mexico an adequate sugar quota, when these countries vote with you and are on your side?"

We have helped the Cuban Government of Fidel Castro by letting it sell to us 3,200,000 tons of sugar at 3 cents above the world price. The only one who would regard that to be a reprisal would be Fidel Castro's government. In business, is it considered an act of reprisal to say that we will deal with everyone on the same level? Why must we continue to do this when that Government is abusing us, and when in each morning's paper we read of more officials resigning from that Government? This morning the newspapers carry the story of three more men of responsibility and stature who have resigned. Do we have to continue to do this for fear that what we do will be considered a reprisal? I do not believe so. It would be considered a sane and sensible action.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I ask unanimous consent that the Senator may be yielded 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Let us take one step further. As I understand, the Senator does not want us to send our Ambassador back to Cuba. Is that correct?

Mr. SMATHERS. That is correct.

Mr. DIRKSEN. Does the Senator have any other specific suggestion with respect to our course after that?

Mr. SMATHERS. I would say at this time, as long as the government of Fidel Castro is following its present course, it would be a terrible mistake for us even to indicate that we approve the course of that government by sending our Ambassador back. Only one conclusion could be reached if we were to send him back; namely, that we approve of the course which that government is following and that we accept the abuse which it is pouring on us openly. Furthermore, it can be interpreted only as an act of appeasement. I have heard my good friend from Illinois make many speeches against appeasement. We should not appease this little dictator by sending our Ambassador back to that country.

Mr. DIRKSEN. I have one other question. The mere withholding of the Ambassador would not be an affirmative act in seeking a solution of this vexing problem. What would be the next step suggested by the distinguished Senator from Florida?

Mr. SMATHERS. I cannot help feeling that we should turn this matter over to the Organization of American States, under the Caracas resolution, and turn over to that Organization all the information available to us from CIA and military intelligence agencies. Under the Caracas resolution joint action can be taken against any government which is considered to be a Communist-controlled government. If we were to work through that Organization, we could probably get rid of this fellow, and we would not be acting unilaterally.

When the President of the United States rode into Chile and Uruguay, whose picture was brought out and paraded on the streets? It was the picture of Fidel Castro. If we were to send our Ambassador back to Cuba, we would be saying, in effect, "I guess we approve of him." That would be a terrible mistake.

We must be firm. We must encourage those people who have the courage to defect from the government of Fidel Castro. What happens to all those

thousands of people who have fought for Cuba, and those who in recent weeks and months have been able to get away from Fidel Castro and his Communist-type government? What happens to them, when they see that we send our Ambassador back to Fidel Castro's government? Do we encourage them to continue their fight for freedom?

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. CHAVEZ. The Senator from Florida is contributing a great deal of information to the Senate. However, if we do not recognize Castro's government because of its purported Communist tendencies and do not send our Ambassador back to Cuba, why should we not also recall our Ambassador from Moscow, where the men live who are behind the throne in Cuba, according to some people who are familiar with the situation?

Mr. SMATHERS. We have withdrawn Ambassador Bonsal from Cuba. Why? He was withdrawn because the Communist government of Fidel Castro was hurling insults at the United States. Since our withdrawal of the Ambassador, there has been no change in the attitude of the Castro government. In fact, it has even been getting worse than it was before, as the Senator from New Mexico knows.

Mr. CHAVEZ. If I had my way, I would give him a shave first.

Mr. SMATHERS. At least 13 former agents of the Castro government have quit Castro and have said, "This is a Communist government." In the face of all that, and the continuing abuse by that government of the United States, is there any justification for sending back our Ambassador?

Mr. CHAVEZ. I am poud of the fact that the Senator from Florida has been able to take a trip to Latin America. I only wish more Members of the Senate would take such trips, whether they are members of the Committee on Foreign Relations or whether they go as individual Members of the Senate. I wish more Senators could take such trips to Latin America. The difficulty is that we do not know Latin America. I should like to ask the Senator this question. When he went to Latin America, did he talk to the local officials who might have been only in temporary control or power, or did he have an opportunity to talk with the rank-and-file people who actually represent Latin American countries and who are actually the ones who do business with Uncle Sam?

Mr. SMATHERS. I have had an opportunity to talk with the rank-and-file people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that 5 additional minutes may be yielded to the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. I talked with the rank-and-file people and also with government officials. I talked with a considerable number of rank-and-file people. Obviously when a person is in a country for only 4 days, he cannot go into a subject as widely as when he is in that country for 4 months or so. I did make an effort to talk to a great number of rank-and-file citizens.

Mr. CHAVEZ. I am glad to hear that. Generally when a Senator visits a country he is met by three or four generals and officials of the government and someone from the American Embassy. They keep the visitor so busy, entertaining him, that he does not have an opportunity to get across the railroad tracks to see how the people are living. I think I know Latin America. I read and speak their language. I read their newspapers. I talk to their people when they come here. Whenever the State Department brings a group of schoolchildren to the Capitol, they bring them to my office.

When they come from Colombia or Chile, it is my office to which they are sent. So I think I understand the situation. But I am so glad the Senator from Florida has had an opportunity to talk to the rank and file, because while dictators come and dictators go, we hope that Latin America will continue forever.

Mr. SMATHERS. I thank the Senator from New Mexico. I share his sentiment.

Mr. DIRKSEN. Mr. President, will the Senator yield for another question?

Mr. SMATHERS. I yield.

Mr. DIRKSEN. I am drawing strictly on memory, but it seems to me there are two provisions or two sections in the Caracas convention which are rather inhibiting so far as the United States is concerned, and which could offer some difficulty and certainly add to the delicacy of the whole situation. I have never heard them discussed except once, and that was privately; but it is public information. Therefore, in connection with this whole discussion, I should like to have those two sections of the Caracas convention incorporated in this rather running colloquy on this all-important subject, if the Senator from Florida has no objection.

Mr. SMATHERS. That is a constructive request.

Mr. President, I ask unanimous consent to have printed at some point in the RECORD, at the request of the able Senator from Illinois, the pertinent sections of the Caracas resolution.

There being no objection, the material was ordered to be printed in the RECORD.

Mr. BUSH. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. BUSH. As the Senator from Florida probably knows better than any of the rest of us, we are discussing a very sensitive subject today. I wish to raise a point with the Senator, and ask him to comment on it.

If we should refuse to let Ambassador Bonsal return to Cuba now, we would be doing so on the eve of negotiations on the sugar quota, the debate on which will come before the Senate shortly. The Senator from Utah [Mr. BENNETT] introduced a bill on that subject the other day. It gives the President some permissive powers.

I wonder if the Senator from Florida does not believe it might make the negotiations concerning this very important matter more difficult for us if we, in a sense, severed diplomatic relations at this stage of the proceedings.

Mr. SMATHERS. We are already in the position of having had our Ambassador to Cuba in the United States for the better part of 3 months.

Mr. BUSH. But was not his return to Washington simply for consultation? His return was not in the nature of a recall.

Mr. SMATHERS. It was interpreted in Cuba as being in the nature of a recall. It was believed he had been brought back here because of intemperate remarks which were made about the United States and the President of the United States by the government of Fidel Castro and Castro himself, they being one and the same.

With respect to negotiations with Cuba, the Senator has been a businessman, and he knows that when he holds all the cards, or all the stock, he does not have to do much negotiating. Every country wants to sell sugar to the United States. That is one commodity which can be grown all over Latin America; as a matter of fact, it can be grown all over the United States. It is grown in the beet area of the Senator from Utah [Mr. BENNETT], and in the cane area of Florida, and also out in the State of Washington, and everywhere else where sugar can be produced. Everyone wants to grow more and more sugar.

I state as a fact that the junior Senator from Florida was one of the chief architects of the plan by which Cuba got its very favorable quota when the sugar act was last before the Senate. The junior Senator from New Mexico [Mr. ANDERSON] and I, on the floor of the Senate, had the quotas for the Dominican Republic and Peru reduced.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. BUSH. Mr. President, I ask unanimous consent that the Senator from Florida may have 5 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMATHERS. The Senator from New Mexico and I had the sugar quotas for the Dominican Republic and Peru reduced in order to make liberal provision for Cuba, because while Cuba at that time had a dictatorship, the argument was—and I thought it a worthy one—that at least Cuba was cooperating with the United States. Some persons believe it is very bad if the person who is cooperating is not able to pass a sanitary test. In any event, there is no problem concerning negotiations. There are all the other Latin American countries to be considered.

For example, Brazil has no quota whatever, but would love to have a quota. Brazil needs a quota.

El Salvador has no quota whatsoever. Mexico, which is our best customer, cannot get a sufficient amount of sugar as its quota to sell in the United States, in

order to get the dollars with which to buy the equipment needed to modernize Mexico's refineries.

So all those countries would like to have their quotas increased. That is all they ask.

Therefore, I say to the Senator from Connecticut that we do not have to worry about whether the government of Cuba will like us. They want to sell all the sugar they can sell to the United States. They are not out looking for markets. They are threatening us and are saying, in effect, "If you do not let us have the quota we have previously had, we are likely to go out and do more business with the Soviet Union." That argument, unfortunately, seems to be getting some support, even in the United States.

Mr. President, I do not believe the United States should knuckle under to that kind of threat, which is that if we reduce Cuba's sugar quota, Cuba is likely to go off and do business with some other country.

Mr. BUSH. It is not a question of knuckling under; it is a question of facing the renegotiation of this quota once every 4 years, and we are now coming to that point. It is a question also of a supply of sugar for the people of the United States. It is not simply a one-way street. We are somewhat dependent, as I believe the Senator from Florida will agree.

Mr. SMATHERS. No. At the moment, according to the latest figures, there is something like a 10-million-ton sugar surplus.

Mr. BUSH. In the world.

Mr. SMATHERS. Certainly. We can buy that sugar at the world price. We would pay 3 cents more a pound to get it from Cuba. Does it make sense for us to pay 3 cents more a pound to get sugar from Cuba, when we can get surplus sugar on the world market, or even grow more sugar ourselves? If we cannot grow it, we can buy it at much less cost on the world market than the price for which we can get it from Cuba.

Mr. BUSH. I do not know whether, if we purchased sugar on the world market, we could buy it at the price the Senator has suggested.

Mr. SMATHERS. The price might go up a little, but not to the price at which we would contract to buy it from Cuba. I am certain the Senator from Connecticut is no apologist for Castro.

Mr. BUSH. The Senator from Florida must know that I submitted a resolution in January, which I am certain has come to the Senator's attention, in which, in effect, I asked for a revival of the Montroe Doctrine right now. The only reason why I have not pressed for hearings on the resolution in the Committee on Foreign Relations is that the chairman of the committee, after a discussion of the resolution with me, thought it would be better to delay action on it for a while. I think perhaps he is right.

Mr. SMATHERS. The man who was with Castro from the days of Oriente Province, a Navy commander who has been serving in the triple capacity of head of the Cuban delegation on the Inter-American Defense Board, Cuban delegate to the Organization of American States, and naval attaché at the Cuban Embassy, said when he quit yesterday:

> There are no individual guarantees in the Cuba of today. There is no respect for property and, even in its social and collective functions, there is no liberty of enterprise. Individual initiative is prohibited. People who would not dare work openly for communism before are doing it now under the guise of aiding Fidelismo—

A stooge of international communism. Does the Senator from Connecticut believe that that man knows what he is talking about?

Mr. BUSH. I believe that what we do in this instance should be done after the most careful consultation with other members of the Organization of American States. I am certain the Senator from Florida realizes better than any of us how sensitive that Organization is and how important it is for us to work in the closest proximity and harmony with them.

Mr. SMATHERS. There is no question about that.

Mr. BUSH. It would be undesirable for the United States to take unilateral action all of a sudden and announce that we were going to withdraw our Ambassador. To sever, in effect, our diplomatic relations with Cuba would be a very serious step.

Mr. SMATHERS. Certainly the Senator does not maintain that we cannot send or withdraw an Ambassador only with the approval of the Organization of American States.

Mr. BUSH. No; we have a perfect right to act as we please. But what we do will be of such interest to the whole Organization of American States, including ourselves; and at this stage of the game with Castro, I would want to be very much in consultation with the other Latin American States in reaching a decision of such major importance.

Mr. SMATHERS. Would not the able Senator agree that we would be wise not to embrace a Communist government or a government which looks as though it has embraced communism?

Mr. BUSH. I do not believe there is any doubt in anyone's mind that we are not forced to embrace a government dominated by Communists. That has nothing to do with the situation.

Mr. SMATHERS. I completely disagree with the Senator from Connecticut that we must do business with Cuba. That is the whole point. Do we intend to give leadership to the people of the Western Hemisphere in our opposition to a growing Communist movement or do we intend to endorse the Communist movement and recognize it by returning our Ambassador to Cuba directly in the face of the statements by three more Cubans that they are getting out of Cuba because its government is Communist dominated? That is the whole issue.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may have an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUSH. I shall take but one moment. I was pointing out to the Senator from Florida that to take the leadership does not necessarily mean taking unilateral action in a sensitive situation like this, and doing so at this time.

Mr. SMATHERS. Let me ask the Senator a question: If I had a contract with the Senator, and if I suddenly began to back out and violate the contract—as the Cubans have backed out on their bilateral agreement with the United States—and if then I began to abuse the Senator, would it be construed to be unilateral and unfair on the Senator's part if, after I abused him, he said, "I do not want to do business with you any more"?

Mr. BUSH. But the Senator from Florida forgets that we have sugar contracts with 12 or 15 other countries.

Mr. SMATHERS. But they do not relate to our sugar contract with Cuba.

Reference has been made to international organizations. In that connection let me ask whether the Organization of American States helps us pay Cuba under our sugar contract with Cuba? No; all those payments are made solely with the funds of the American taxpayers, and the contract is directly between Cuba and the United States.

Mr. BUSH. I understand that; but the question involved here is one of our total relationships with Latin America; and in these circumstances we must provide the proper leadership.

Mr. SMATHERS. I agree with the Senator as to that; we must provide leadership. When these people are teetering between communism and democracy and free enterprise, how much does it confuse them to see us suddenly embrace a government which has been abusing us, and which, according to its own people, has now gone completely Communist? Does that confuse the people in the other countries in this hemisphere? Of course it does. They were already rather thoroughly confused by our soft position toward Castro, and many of them asked, "Why is it that you treat your enemies better than your friends?"

Mr. President, what sort of operation is it when we continue to give preferential treatment to the one who abuses us, and when we turn our back on those who stand with us?

Mr. BENNETT. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. SMATHERS. I am happy to yield.

Mr. BENNETT. The Senator from Florida has properly referred to his trip to Latin America and to the impressions he received during it. I am sure he realizes that we have Ambassadors to all those countries, and that the sugar-quota question and the question of our relations with Cuba have been very much within the responsibilities of those Ambassadors. Furthermore, the President of the United States himself has only

recently returned from a trip which included Brazil and some of the other Latin American countries; and, upon his return, the President decided—and I am sure he did so on the basis of the information supplied by our State Department, plus his own consultations with these people—that it would be wisest, under the circumstances, to continue our present sugar-quota relationships.

So I do not believe that these people are teetering with regard to our leadership. I am sure the President has returned with a clear understanding of the point of view which the people there would like us to take.

Mr. SMATHERS. The Senator is absolutely correct when he speaks about our Ambassadors. In the countries to which I went, I conferred with the President of each one; and we talked generally about this matter. Exactly what we said is not to be revealed; but in each case I asked the Ambassador to accompany me to the meeting, and I can say without fear of contradiction that the general impression was that the United States is losing stature and is losing dignity and is losing respect in the eyes of all the people in the Latin American world by this continuing, soft, vacillating, timorous policy of hope—a policy of hoping that, somehow, the cancer is going to vanish. But the policy of hope is getting us nowhere. The Ambassadors accompanied me to those meetings. I do not say that all of them will approve exactly of what I am saying; but they were present when I heard those comments made.

And, Mr. President, I remember that one President put the matter this way—and I thought he was exactly correct: He said: "I want to tell you one thing: If you deal firmly and toughly, you are going to be respected."

I replied, "But isn't it true that in that event we would be widely criticized in Latin America?"

He replied, "Yes." He said: "You have been in politics, and I have been in politics, and both of us have learned that it is impossible to have everyone in favor of you. What is happening to you is that if you act soft, you are going to lose the friends you now have. If you act firm, you may not create any new friends; but remember that those who then would be against you have been against the United States from the start, and they are going to be Communists right down to the end."

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I realize that the time in the morning hour is limited. Therefore, if necessary, I shall later obtain the floor in my own right, and then shall be glad to yield, in turn, to the Senator from Florida.

I should like to commend the Senator from Florida for the position he has taken. I, for one, cannot for the life of me understand why our Nation must appease Castro.

About 4 years ago we had a sugar measure before us; and the members of the Finance Committee had the courage to do what they thought should be done with the sugar quotas. The Sugar Act is our domestic law; it does not involve any reciprocity. In dealing with that Sugar Act, we made reductions in the quota which Cuba otherwise would have had; and we increased slightly the quota for Mexico; and we took the advice of the State Department in certain other respects. We allowed a little more to our own producers, as the Senator from Florida will recall. But in dealing with quotas at that time, we were dealing with friendly governments.

On the other hand, now we are confronted by a fellow who would drink our blood, if he could. Yet some say, "Oh, my goodness, don't offend him. All he wants to do is destroy you." And people tell us day in and day out, "O, we must not offend Castro. He might get mad." And in the House of Representatives some say, "My goodness, if you don't give Castro everything he wants, you might offend the Cuban people."

Well, Mr. President, some of us did not want to fight the Germans, because we felt that the German people did not approve of what Hitler was doing. But, on the other hand, we could not stop Hitler without fighting the German people. Does the Senator from Florida agree with that point of view?

Mr. SMATHERS. I completely agree.

I do not agree at all with this Chamberlain-umbrella appeasement policy. As a matter of fact, I am amazed at some of my good friends, who for years have criticized other administrations for a policy of appeasement; but now, somehow, they want to embrace a policy of appeasement. I do not understand it.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield further to me?

Mr. SMATHERS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. The State Department, at least, wanted the President to have some flexibility of authority, so that at least he could have the power to reduce the sugar quotas in order to protect American interests, so they would not be 100 percent dependent on the mercy of Castro. Yet when the State Department said it expected to urge the President to do this, and when the State Department said it believed the President would ask for it, lo and behold, to my surprise, instead of finding that the committee urged and demanded that the State Department take a firmer stand and advocate a firmer course, the committee itself appeared to be timorous about maintaining a firm policy with Castro. That is difficult for some of us to understand, because for years there has been criticism of the State Department for being fearful and timid. Yet, Mr. President, now we find that some of the committee members are being even more fearful of dealing firm with Castro himself.

Mr. SMATHERS. I agree with the Senator from Louisiana. Certainly we are making a tragic mistake here; and we have caused very great confusion among, for instance, the people who have had the courage to leave the Communist-dominated government of Castro, for thereafter they have found that we are dealing softly with Castro.

The PRESIDING OFFICER. The time available in the morning hour to the Senator from Florida has expired.

Mr. HICKENLOOPER. Mr. President, I should like to discuss this matter for a few minutes with the Senator from Florida. So far as the Caracas Declaration is concerned, I have some little knowledge of it, because I was a member of our delegation to that conference, and I went through those discussions.

With reference to the Senator's suggestion that this matter be turned over to the Organization of American States, under the Caracas Declaration, I call his attention to the terms of the Caracas Declaration which presents some difficulties. The pertinent section of the declaration, which I now hold in my hand, is as follows:

The agreeing states—

And I believe that all of them except two agreed—

declare that the domination or control of the political institutions of any American state by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat to the sovereignty and political independence of the American States, endangering the peace of America, and would call for a meeting of consultation to consider the adoption of appropriate action in accordance with existing treaties.

I may suggest to the Senator from Florida that I agree with many of the things he has said about Latin America. I also have had an opportunity to be in South America a number of times. But I point out definitely that one of the prerequisites in the Caracas Declaration is the establishment of the fact that a foreign power is imposing its Communist system upon a nation in this hemisphere.

Whether or not that can be established at this time, I do not know. Without a doubt, Castro and his minions in Cuba are operating under the Communist philosophy. Whether the government is being run by the Communist Kremlin or not may be subject to argument, but certainly they are operating under the Communist doctrine.

Secondly, the Caracas Declaration contemplates unity of action by the American Republics. Anyone who attended the Caracas Conference, the Rio Conference, and some of the other conferences in Latin Amercica knows that one of the most touchy situations that can arise in Latin America is the subject of intervention. The cry of intervention, when it is raised, goes like wildfire through the whole Latin American complex. The charge of "colossus of the north" is fair game for any political harangue, discussion, or campaign in Latin America. All a demagog has to do is talk about "dollar diplomacy," "the colossus of the north," and "nonintervention," and we have a hornet in our nest.

There are many Latin-American leaders who will privately tell the Senator, or me, or any other official who talks to them privately, that we should take a stronger stand. The difficulty is that when we take a stronger stand, in reliance on those statements, we then excite all the emotions of the rank and file of the people in those countries, and we set ourselves back in our relations be-

cause we have taken a stronger stand, in reliance on what some of the leaders have told us privately, but which they do not advocate or say publicly.

One of the difficulties we have—and we may as well be realistic about it—is that this is a very proper field in which the Latin American States or the American Republics can take a direct hand, but up to date they have not done so. The United States has stood ready to cooperate with them. We have offered to give, and have given, them information on the Cuban situation, but we have seen what in my judgment are dilatory tactics on the part of the Latin American States, who do not want to come to grips with this problem as I think they should.

I think a great responsibilty rests on the Latin American States to come forward, in cooperative action, to help us arrive at some solution of the problem.

We have the power to send our forces there and invade Cuba. We can overrun Cuba. But that is not what we should do. The Latin American States have a responsibilty in this problem, and I, for one, am not willing to say that the United States has all the responsibilty on its hands.

Mr. MAGNUSON. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. Yes.

Mr. MAGNUSON. I do not think the Senator from Florida disagrees basically with what the Senator from Iowa has said.

Mr. SMATHERS. No. I am in agreement with him.

Mr. MAGNUSON. The Senator from Florida made a very fine report, which has been made a Senate document. I recommend its reading. I think it is a good background for this whole problem. But we do have the problem of sugar quotas, on which we must act unilaterally and make a decision. The Latin American countries surely will not criticize us if we ask for an equitable rearrangement of the sugar quotas—which should be done regardless of Castro.

Mr. HICKENLOOPER. A lot of them would be pleased if we entirely cut off the sugar quota to Cuba.

Mr. MAGNUSON. Here is what is happening: Some of our farmers on reclamation lands are not allowed to raise sugar beets, and they cannot make payments on the land. We are haggling with the Department of the Interior not to raise payments. They are shocked over the fact that Castro is going to be benefited at their expense. This is a business proposition. We should take care of our own people first. They say, "Here is a fellow kicking us around like this, and we cannot make enough money off the land to pay the water costs."

What kind of a basis is that? We have to start on the basis that first we will first take care of those at home, put our own house in order, and then add to that house, and look at the overall picture. I do not know how anyone in Latin America could complain if we wanted to do the right and fair thing on the question of sugar quotas.

Mr. HICKENLOOPER. There is more than that involved. The fact is that we have had a great interest in Cuba ever since its establishment as a sovereign Republic. It is the Cuban people we must have some consideration for, in addition to the fact that we do not want to be a party to getting kicked around by an immature, irresponsible leader in Cuba, who happens to be temporarily in power at the moment.

Mr. MAGNUSON. What about our own people?

Mr. HICKENLOOPER. Our own people have their interests, of course, but I say the problem is a little broader than that of Castro himself. The problem goes as much to our relationships not only in the past, but our hope for friendly relationships in the future with the people of Cuba. I do not think we should let ourselves be led too emotionally by this bogey of a man with a beard down there, and lose sight of the fact that the Cuban people are involved.

Mr. MAGNUSON. If we give in to things of this kind, the people of Cuba are going to say, "Castro must be a great man."

Mr. SMATHERS. Mr. President, I agree with every point the Senator from Iowa has made except the last. The Cuban people who do not like dictatorships, who resisted Batista, and who were delighted when he was thrown out by Castro, are now appalled by and want to get rid of Castro. What happens to them when they are thinking of plotting a revolution to overthrow him? What happens to them when they see the United States suddenly send back to Cuba an Ambassador? That somehow the United States approves of this fellow? Such action strengthens Castro. It holds him up. When one is trying to defeat somebody, even for election in a State, we do not bring a "big guy" down from New York or from Washington and have a picture taken of that person with his arm around the shoulder of the man we want to see defeated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that we may continue this discussion for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMATHERS. What happens when we want to get rid of a dictator, or even a politician in our own State? We do not give him stature. We do not do it by sending our Ambassador back to that country. By so doing we are giving the dictator stature which he does not deserve, and which certainly confuses the people of Cuba who want their liberty. It certainly is not in keeping with our policy. The very able Senator from Iowa has said he thinks the Cuban Government is Communist operated. He does not know whether it is operated in concert with the Soviet Union. I do not know, either. I am sure he does not care. But it is a government he does not like. If we have withdrawn our Ambassador, what earthly good can be done by sending him back to the kind of government which the Senator has described as he has?

Mr. HICKENLOOPER. May I correct an apparent misapprehension? I evidently did not make myself clear. I realize that under certain circumstances we might create either a sense of futility on the part of the Cuban people or make a hero of Castro in the eyes of the Cuban people.

I did not mean that at all. What I meant to say was that if we center our activities so much on Castro that we in effect do irreparable damage to the Cuban people at some time in the future, it would be a mistake. I think we should temper our action, with full realization and full vigor, against the unacceptable activities and irresponsible activities of this fellow Castro and his henchmen. I think we should center on that problem but we should keep our perspective, so that, in effect, in order to cure a cold we do not cut off our heads. We should not, in going after Mr. Castro, do unwarranted damage to the Cuban people themselves.

Mr. SMATHERS. I agree with the Senator on that point. I think we have conducted ourselves with restraint so far. We have taken no action. We have not even defended ourselves. We have listened to the abuse night after night and day after day. We have tried to stop any aid going to those who would defect from Castro. We have even taken the citizenship rights away from American citizens because they indicated some willingness to overthrow Castro. I shall talk about that at a later date.

Mr. President, we have done everything with restraint. I will say to the Senator from Iowa, I had printed in the RECORD last week an article from the Wall Street Journal. I think it was a very thorough article. It discussed how the people of Cuba themselves, in their efforts to get rid of this new dictator, are willing to encounter a little trouble. The people of Cuba know they will have to go "through the wringer" sometime or other.

What will happen if we continue this kind of a sugar quota and let this fellow get $400 million? What will he do with that money? He announced the other day that he had 25,000 new Belgian rifles. That is more than the NATO organization has. What does he do with these things, Mr. President? He uses them for control of the people over whom he rules.

Are we going to continue to give Castro money so that he can continue to use it for arms and munitions? That does not make sense.

Apparently most of us agree that this fellow is bad and that he "ought to go." Why should we support him with money, with cash, or with the intangible support of sending an Ambassador to Cuba, so that Castro can prate and brag to the world, "I brought the United States to its knees by abusing it. I had them send that man back even though I kicked them in the face. They are afraid of me."

Mr. President, every person in Latin America who does not like dictators and who wants to get rid of dictators is discouraged by this kind of action. We are,

in fact, giving aid and comfort to a dictator, and are doing it in a fashion which will set us back for generations in our efforts in Latin America.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The time of the Senator has expired.

Mr. BENNETT subsequently said: Mr. President, earlier today there was a long, sustained colloquy, during the morning hour, about our proper relations with the Government of Cuba. In the course of that colloquy the Senator from Illinois [Mr. DIRKSEN] tried to remember certain passages from a certain treaty. I have been able to get a copy of the treaty, and I ask unanimous consent that before the end of that colloquy this reference be included in the RECORD. I refer to the Charter of the Organization of American States, particularly chapter III, article 15 and 16. Article 15 reads:

ARTICLE 15

No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic, and cultural elements.

Article 16 provides:

ARTICLE 16

No state may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another state and obtain from it advantages of any kind.

Mr. COOPER subsequently said: Mr. President, I have been very much interested in the comments made on Cuba. They were made by Members of the Senate who have intimate knowledge of our involved relations with Cuba.

I believe, considering the delicate negotiations which have been taking place between the United States and the countries of Latin America and the attempted negotiations with Cuba, that as long as these negotiations are going forward, and until we are called upon to vote upon the sugar issue, it might be best that comments upon Mr. Castro's fulminations be limited as much as possible. I know that the people of the United States have been surprised, disappointed, and have felt deep sorrow about the occurrences in Cuba. This is particularly saddening because of historical association and our friendly relations with the people of Cuba.

I agree with the distinguished Senator from Iowa [Mr. HICKENLOOPER] that while we are concerned with Mr. Castro's actions, larger issues are involved—our ultimate relations with the Cuban people, as distinguished from Mr. Castro, and our relations with the peoples of the Latin American countries, for they are our oldest and best friends.

Our country is a great country. We can afford to be a great country in dealing with Mr. Castro's government. I believe the President of the United States will set forth clearly our policy toward Cuba. When he does so, I have no doubt that it will be a policy tempered with reason and forbearance. I have confidence that in a choice between the statements of Mr. Castro and the reasonable policy of forbearance and dignity expressed by President Eisenhower, the people of Latin America and the people of the world will believe President Eisenhower.

It is my own belief that for at least a year there should be no change in our sugar policy toward Cuba, even though there is provocation for making a change. If we should make a change now, the people of Cuba and the people of Latin America, whatever their views toward Castro, may be led to believe that it is an act of economic pressure on the part of the United States, made for political reasons. In a year's time, we will know more clearly Mr. Castro's position.

I agree with the position taken by the distinguished Senator from Iowa [Mr. HICKENLOOPER].

Mr. DIRKSEN. Mr. President, I asked unanimous consent to have printed as a part of the discussion the pertinent sections of the Charter of the Organization of American States, in the course of the rather long colloquy which was initiated by the distinguished Senator from Florida [Mr. SMATHERS], which sections were alluded to and which might have some bearing on the discussion.

The pertinent sections are sections 15 and 16 of part 1, chapter I; but in order to make certain that no one will feel that anything has been lifted out of context, I think that in the public interest, and because the matter will be discussed further both in the Senate and the House, the entire charter, including the signatures, should be made a part of the RECORD at this point. That would start on page 5 of the charter, as is set forth in the message to Congress from the President on January 13, 1949, down to and including the signatures on page 26.

I ask unanimous consent that the matter be included as a part of the colloquy.

There being no objection, the Charter of the Organization of American States was ordered to be printed in the RECORD, as follows:

CHARTER OF THE ORGANIZATION OF AMERICAN STATES

PART ONE

Chapter I

Nature and Purposes

Article 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence. Within the United Nations, the Organization of American States is a regional agency.

Article 2

All American States that ratify the present Charter are Members of the Organization.

Article 3

Any new political entity that arises from the union of several Member States and that, as such, ratifies the present Charter, shall become a Member of the Organization. The entry of the new political entity into the Organization shall result in the loss of membership of each one of the States which constitute it.

Article 4

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

(a) To strengthen the peace and security of the continent;

(b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;

(c) To provide for common action on the part of those States in the event of aggression;

(d) To seek the solution of political juridical and economic problems that may arise among them; and

(e) To promote, by cooperative action, their economic, social, and cultural development.

Chapter II

Principles

Article 5

The American States reaffirm the following principles:

(a) International law is the standard of conduct of States in their reciprocal relations;

(b) International order consists essentially of respect for the personality, sovereignty and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

(c) Good faith shall govern the relations between States;

(d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;

(e) The American States condemn war of aggression: victory does not give rights;

(f) An act of aggression against one American State is an act of aggression against all the other American States;

(g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;

(h) Social justice and social security are bases of lasting peace;

(i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;

(j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex;

(k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;

(l) The education of peoples should be directed toward justice, freedom, and peace.

Chapter III

Fundamental Rights and Duties of States

Article 6

States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

Article 7

Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

Article 8

The fundamental rights of States may not be impaired in any manner whatsoever.

Article 9

The political existence of the State is independent of recognition by other States.

Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.

Article 10

Recognition implies that the State granting it accepts the personality of the new State, with all the rights and duties that international law prescribes for the two States.

Article 11

The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

Article 12

The jurisdiction of States within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

Article 13

Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

Article 14

Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States. International treaties and agreements should be public.

Article 15

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

Article 16

No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 17

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Article 18

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

Article 19

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 15 and 17.

Chapter IV

Pacific Settlement of Disputes

Article 20

All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations.

Article 21

The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

Article 22

In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the Parties shall agree on some other peaceful procedure that will enable them to reach a solution.

Article 23

A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period.

Chapter V

Collective Security

Article 24

Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

Article 25

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extra-continental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

Chapter VI

Economic Standards

Article 26

The Member States agree to cooperate with one another, as far as their resources may permit and their laws may provide, in the broadest spirit of good neighborliness, in order to strengthen their economic structure, develop their agriculture and mining, promote their industry and increase their trade.

Article 27

If the economy of an American State is affected by serious conditions that cannot be satisfactorily remedied by its own unaided effort, such State may place its economic problems before the Inter-American Economic and Social Council to seek through consultation the most appropriate solution for such problems.

Chapter VII

Social Standards

Article 28

The Member States agree to cooperate with one another to achieve just and decent living conditions for their entire populations.

Article 29

The Member States agree upon the desirability of developing their social legislation on the following bases:

a) All human beings, without distinction as to race, nationality, sex, creed or social condition, have the right to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and economic security;

b) Work is a right and a social duty; it shall not be considered as an article of commerce; it demands respect for freedom of association and for the dignity of the worker; and it is to be performed under conditions that ensure life, health and a decent standard of living, both during the working years and during old age, or when any circumstance deprives the individual of the possibility of working.

Chapter VIII

Cultural Standards

Article 30

The Member States agree to promote, in accordance with their constitutional provisions and their material resources, the exercise of the right to education, on the following bases:

(a) Elementary education shall be compulsory and, when provided by the State, shall be without cost;

(b) Higher education shall be available to all, without distinction as to race, nationality, sex, language, creed or social condition.

Article 31

With due consideration for the national character of each State, the Member States undertake to facilitate free cultural interchange by every medium of expression.

PART TWO

Chapter IX

The Organs

Article 32

The Organization of American States accomplishes its purposes by means of:

(a) The Inter-American Conference;

(b) The Meeting of Consultation of Ministers of Foreign Affairs;

(c) The Council;

(d) The Pan American Union;

(e) The Specialized Conferences; and

(f) The Specialized Organizations.

Chapter X

The Inter-American Conference

Article 33

The Inter-American Conference is the supreme organ of the Organization of American States. It decides the general action and policy of the Organization and determines the structure and functions of its Organs, and has the authority to consider any matter relating to friendly relations among the American States. These functions shall be carried out in accordance with the provisions of this Charter and of other inter-American treaties.

Article 34

All Member States have the right to be represented at the Inter-American Conference. Each State has the right to one vote.

Article 35

The Conference shall convene every five years at the time fixed by the Council of the Organization, after consultation with the government of the country where the Conference is to be held.

Article 36

In special circumstances and with the approval of two-thirds of the American Governments, a special Inter-American Conference may be held, or the date of the next regular Conference may be changed.

Article 37

Each Inter-American Conference shall designate the place of meeting of the next Conference. If for any unforeseen reason the Conference cannot be held at the place designated, the Council of the Organization shall designate a new place.

Article 38

The program and regulations of the Inter-American Conference shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Chapter XI

The Meeting of Consultation of Ministers of Foreign Affairs

Article 39

The Meeting of Consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.

Article 40

Any Member State may request that a Meeting of Consultation be called. The request shall be addressed to the Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

Article 41

The program and regulations of the Meeting of Consultation shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Article 42

If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

Article 43

In case of an armed attack within the territory of an American State or within the region of security delimited by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Council of the Organization, who shall at the same time call a meeting of the Council itself.

Article 44

An Advisory Defense Committee shall be established to advise the Organ of Consultation on problems of military cooperation that may arise in connection with the application of existing special treaties on collective security.

Article 45

The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the Meeting of Consultation. Under exceptional circumstances the Governments may appoint substitutes. Each State shall be entitled to one vote.

Article 46

The Advisory Defense Committee shall be convoked under the same conditions as the Organ of Consultation, when the latter deals with matters relating to defense against aggression.

Article 47

The Committee shall also meet when the Conference or the Meeting of Consultation or the Governments, by a two-thirds majority of the Member States, assign to it technical studies or reports on specific subjects.

Chapter XII

The Council

Article 48

The Council of the Organization of American States is composed of one Representative of each Member State of the Organization, especially appointed by the respective Government, with the rank of Ambassador. The appointment may be given to the diplomatic representative accredited to the Government of the country in which the Council has its seat. During the absence of the titular Representative, the Government may appoint an interim Representative.

Article 49

The Council shall elect a Chairman and a Vice Chairman, who shall serve for one year and shall not be eligible for election to either of those positions for the term immediately following.

Article 50

The Council takes cognizance, within the limits of the present Charter and of inter-American treaties and agreements, of any matter referred to it by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs.

Article 51

The Council shall be responsible for the proper discharge by the Pan American Union of the duties assigned to it.

Article 52

The Council shall serve provisionally as the Organ of Consultation when the circumstances contemplated in Article 43 of this Charter arise.

Article 53

It is also the duty of the Council:

(a) To draft and submit to the Governments and to the Inter-American Conference proposals for the creation of new Specialized Organizations or for the combination, adaptation or elimination of existing ones, including matters relating to the financing and support thereof;

(b) To draft recommendations to the Governments, the Inter-American Conference, the Specialized Conferences or the Specialized Organizations, for the coordination of the activities and programs of such organizations, after consultation with them;

(c) To conclude agreements with the Inter-American Specialized Organizations to determine the relations that shall exist between the respective agency and the Organization;

(d) To conclude agreements or special arrangements for cooperation with other American organizations of recognized international standing;

(e) To promote and facilitate collaboration between the Organization of American States and the United Nations, as well as between Inter-American Specialized Organizations and similar international agencies;

(f) To adopt resolutions that will enable the Secretary General to perform the duties envisaged in Article 84;

(g) To perform the other duties assigned to it by the present Charter.

Article 54

The Council shall establish the bases for fixing the quota that each Government is to contribute to the maintenance of the Pan American Union, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. The budget, after approval by the Council, shall be transmitted to the Governments at least six months before the first day of the fiscal year, with a statement of the annual quota of each country. Decisions on budgetary matters require the approval of two-thirds of the members of the Council.

Article 55

The Council shall formulate its own regulations.

Article 56

The Council shall function at the seat of the Pan American Union.

Article 57

The following are organs of the Council of the Organization of American States:

(a) The Inter-American Economic and Social Council;

(b) The Inter-American Council of Jurists; and

(c) The Inter-American Cultural Council.

Article 58

The organs referred to in the preceding article shall have technical autonomy within the limits of this Charter; but their decisions shall not encroach upon the sphere of action of the Council of the Organization.

Article 59

The organs of the Council of the Organization are composed of representatives of all the Member States of the Organization.

Article 60

The organs of the Council of the Organization shall, as far as possible, render to the Governments such technical services as the latter may request; and they shall advise the Council of the Organization on matters within their jurisdiction.

Article 61

The organs of the Council of the Organization shall, in agreement with the Council, establish cooperative relations with the corresponding organs of the United Nations and with the national or international agencies that function within their respective spheres of action.

Article 62

The Council of the Organization, with the advice of the appropriate bodies and after consultation with the Governments, shall formulate the statutes of its organs in accordance with and in the execution of the provisions of this Charter. The organs shall formulate their own regulations.

(A) The Inter-American Economic and Social Council

Article 63

The Inter-American Economics and Social Council has for its principal purpose the promotion of the economic and social welfare of the American nations through effective cooperation for the better utilization of their natural resources, the development of their agriculture and industry and the raising of the standards of living of their peoples.

Article 64

To accomplish this purpose the Council shall:

(a) Propose the means by which the American nations may give each other technical assistance in making studies and formulating and executing plans to carry out the purposes referred to in Article 26 and to develop and improve their social services;

(b) Act as coordinating agency for all official inter-American activities of an economic and social nature;

(c) Undertake studies on its own initiative or at the request of any Member State;

(d) Assemble and prepare reports on economic and social matters for the use of the Member States;

(e) Suggest to the Council of the Organization the advisability of holding specialized conferences on economic and social matters;

(f) Carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 65

The Inter-American Economic and Social Council, composed of technical delegates appointed by each Member State, shall meet on its own initiative or on that of the Council of the Organization.

Article 66

The Inter-American Economic and Social Council shall function at the seat of the Pan American Union, but it may hold meetings in any American city by a majority decision of the Member States.

(B) The Inter-American Council of Jurists

Article 67

The purpose of the Inter-American Council of Jurists is to serve as an advisory body on juridical matters; to promote the development and codification of public and private international law; and to study the possibility of attaining uniformity in the

legislation of the various American countries, insofar as it may appear desirable.

Article 68

The Inter-American Juridical Committee of Rio de Janeiro shall be the permanent committee of the Inter-American Council of Jurists.

Article 69

The Juridical Committee shall be composed of jurists of the nine countries selected by the Inter-American Conference. The selection of the jurists shall be made by the Inter-American Council of Jurists from a panel submitted by each country chosen by the Conference. The Members of the Juridical Committee represent all Member States of the Organization. The Council of the Organization is empowered to fill any vacancies that occur during the intervals between Inter-American Conferences and between meetings of the Inter-American Council of Jurists.

Article 70

The Juridical Committee shall undertake such studies and preparatory work as are assigned to it by the Inter-American Council of Jurists, the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization. It may also undertake those studies and projects which, on its own initiative, it considers advisable.

Article 71

The Inter-American Council of Jurists and the Juridical Committee should seek the cooperation of national committees for the codification of international law, of institutes of international and comparative law, and of other specialized agencies.

Article 72

The Inter-American Council of Jurists shall meet when convened by the Council of the Organization, at the place determined by the Council of Jurists at its previous meeting.

(C) The Inter-American Cultural Council

Article 73

The purpose of the Inter-American Cultural Council is to promote friendly relations and mutual understanding among the American peoples, in order to strengthen the peaceful sentiments that have characterized the evolution of America, through the promotion of educational, scientific and cultural exchange.

Article 74

To this end the principal functions of the Council shall be:

(a) To sponsor inter-American cultural activities;

(b) To collect and supply information on cultural activities carried on in and among the American States by private and official agencies both national and international in character;

(c) To promote the adoption of basic educational programs adapted to the need of all population groups in the American countries;

(d) To promote, in addition, the adoption of special programs of training, education and culture for the indigenous groups of the American countries;

(e) To cooperate in the protection, preservation and increase of the cultural heritage of the continent;

(f) To promote cooperation among the American nations in the fields of education, science and culture, by means of the exchange of materials for research and study, as well as the exchange of teachers, students, specialists and, in general, such other persons and materials as are useful for the realization of these ends;

(g) To encourage the education of the peoples for harmonious international relations;

(h) To carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 75

The Inter-American Cultural Council shall determine the place of its next meeting and shall be convened by the Council of the Organization on the date chosen by the latter in agreement with the Government of the country selected as the seat of the meeting.

Article 76

There shall be a Committee for Cultural Action of which five States, chosen at each Inter-American Conference, shall be members. The individuals composing the Committee for Cultural Action shall be selected by the Inter-American Cultural Council from a panel submitted by each country chosen by the Conference, and they shall be specialists in education or cultural matters. When the Inter-American Cultural Council and the Inter-American Conference are not in session, the Council of the Organization may fill vacancies that arise and replace those countries that find it necessary to discontinue their cooperation.

Article 77

The Committee for Cultural Action shall function as the permanent committee of the Inter-American Cultural Council, for the purpose of preparing any studies that the latter may assign to it. With respect to these studies the Council shall have the final decision.

Chapter XIII

The Pan American Union

Article 78

The Pan American Union is the central and permanent organ of the Organization of American States and the General Secretariat of the Organization. It shall perform the duties assigned to it in this Charter and such other duties as may be assigned to it in other inter-American treaties and agreements.

Article 79

There shall be a Secretary General of the Organization, who shall be elected by the Council for a ten-year term and who may not be reelected or be succeeded by a person of the same nationality. In the event of a vacancy in the office of Secretary General, the Council shall, within the next ninety days, elect a successor to fill the office for the remainder of the term, who may be reelected if the vacancy occurs during the second half of the term.

Article 80

The Secretary General shall direct the Pan American Union and be the legal representative thereof.

Article 81

The Secretary General shall participate with voice, but without vote, in the deliberations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, the Specialized Conferences, and the Council and its organs.

Article 82

The Pan American Union, through its technical and information offices, shall, under the direction of the Council, promote economic, social, juridical and cultural relations among all the Member States of the Organization.

Article 83

The Pan American Union shall also perform the following functions:

(a) Transmit ex officio to Member States the convocation to the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(b) Advise the Council and its organs in the preparation of programs and regulations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(c) Place, to the extent of its ability, at the disposal of the Government of the country where a conference is to be held, the technical aid and personnel which such Government may request;

(d) Serve as custodian of the documents and archives of the Inter-American Conference, of the Meeting of Consultation of Ministers of Foreign Affairs, and, insofar as possible, of the Specialized Conferences;

(e) Serve as depository of the instruments of ratification of inter-American agreements;

(f) Perform the functions entrusted to it by the Inter-American Conference, and the Meeting of Consultation of Ministers of Foreign Affairs;

(g) Submit to the Council an annual report on the activities of the Organization;

(h) Submit to the Inter-American Conference a report on the work accomplished by the Organs of the Organization since the previous Conference.

Article 84

It is the duty of the Secretary General:

(a) To establish, with the approval of the Council, such technical and administrative offices of the Pan American Union as are necessary to accomplish its purposes;

(b) To determine the number of department heads, officers and employees of the Pan American Union; to appoint them, regulate their powers and duties, and fix their compensation, in accordance with general standards established by the Council.

Article 85

There shall be an Assistant Secretary General, elected by the Council for a term of ten years and eligible for reelection. In the event of a vacancy in the office of Assistant Secretary General, the Council shall, within the next ninety days, elect a successor to fill such office for the remainder of the term.

Article 86

The Assistant Secretary General shall be the Secretary of the Council. He shall perform the duties of the Secretary General during the temporary absence or disability of the latter, or during the ninety-day vacancy referred to in Article 79. He shall also serve as advisory officer to the Secretary General, with the power to act as his delegate in all matters that the Secretary General may entrust to him.

Article 87

The Council, by a two-thirds vote of its members, may remove the Secretary General or the Assistant Secretary General whenever the proper functioning of the Organization so demands.

Article 88

The heads of the respective departments of the Pan American Union, appointed by the Secretary General, shall be the Executive Secretaries of the Inter-American Economic and Social Council, the Council of Jurists and the Cultural Council.

Article 89

In the performance of their duties the personnel shall not seek or receive instructions from any government or from any other authority outside the Pan American Union. They shall refrain from any action that might reflect upon their position as international officials responsible only to the Union.

Article 90

Every Member of the Organization of American States pledges itself to respect the exclusively international character of the responsibilities of the Secretary General and

the personnel, and not to seek to influence them in the discharge of their duties.

Article 91

In selecting its personnel the Pan American Union shall give first consideration to efficiency, competence and integrity; but at the same time importance shall be given to the necessity of recruiting personnel on as broad a geographical basis as possible.

Article 92

The seat of the Pan American Union is the city of Washington.

Chapter XIV

The Specialized Conferences

Article 93

The Specialized Conferences shall meet to deal with special technical matters or to develop specific aspects of inter-American cooperation, when it is so decided by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs; when inter-American agreements so provide; or when the Council of the Organization considers it necessary, either on its own initiative or at the request of one of its organs or of one of the Specialized Organizations.

Article 94

The program and regulations of the Specialized Conferences shall be prepared by the organs of the Council of the Organization or by the Specialized Organizations concerned; they shall be submitted to the Member Governments for consideration and transmitted to the Council for its information.

Chapter XV

The Specialized Organizations

Article 95

For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.

Article 96

The Council shall, for the purposes stated in Article 53, maintain a register of the Organizations that fulfill the conditions set forth in the foregoing Article.

Article 97

The Specialized Organizations shall enjoy the fullest technical autonomy and shall take into account the recommendations of the Council, in conformity with the provisions of the present Charter.

Article 98

The Specialized Organizations shall submit to the Council periodic reports on the progress of their work and on their annual budgets and expenses.

Article 99

Agreements between the Council and the Specialized Organizations contemplated in paragraph c) of Article 53 may provide that such Organizations transmit their budgets to the Council for approval. Arrangements may also be made for the Pan American Union to receive the quotas of the contributing countries and distribute them in accordance with the said agreements.

Article 100

The Specialized Organizations shall establish cooperative relations with world agencies of the same character in order to coordinate their activities. In concluding agreements with international agencies of a world-wide character, the Inter-American Specialized Organizations shall preserve their identity and their status as integral parts of the Organization of American States, even when they perform regional functions of international agencies.

Article 101

In determining the geographic location of the Specialized Organizations the interests of all the American States shall be taken into account.

PART THREE

Chapter XVI

The United Nations

Article 102

None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.

Chapter XVII

Miscellaneous Provisions

Article 103

The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

Article 104

The Representatives of the Governments on the Council of the Organization, the representatives on the organs of the Council, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General of the Organization, shall enjoy the privileges and immunities necessary for the independent performance of their duties.

Article 105

The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the Governments concerned.

Article 106

Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

Article 107

The Organization of American States does not recognize any restrictions on the eligibility of men and women to participate in th activities of the various Organs and to hold positions therein.

Chapter XVIII

Ratification and Entry Into Force

Article 108

The present Charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese and French texts of which are equally authentic, shall be deposited with the Pan American Union, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the signatory States of such deposit.

Article 109

The present Charter shall enter into force among the ratifying States when two-thirds of the signatory States have deposited their ratifications. It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

Article 110

The present Charter shall be registered with the Secretariat of the United Nations through the Pan American Union.

Article 111

Amendments to the present Charter may be adopted only at an Inter-American Conference convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedure set forth in Article 109.

Article 112

The present Charter shall remain in force indefinitely, but may be denounced by any Member State upon written notification to the Pan American Union, which shall communicate to all the others each notice of denunciation received. After two years from the date on which the Pan American Union received a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter.

In witness whereof the undersigned Plenipotentiaries, whose full powers have been presented and found to be in good and due form, sign the present Charter at the city of Bogotá, Colombia, on the dates that appear opposite their respective signatures.

For Honduras:
M. A. Batres
Ramón E. Cruz
Virgilio R. Gálvez
30 de abril de 1948

For Guatemala:
L. Cardoza y Aragón
J. L. Mendoza
Virgilio Rodríguez Beteta
M. Noriega M.
José M. Saravia
30 de abril de 1948

For Chile:
J. Hernández
E. Barros Jarpa
W. Muller
Julio Barrenechea
D. Bassi
J. Ramón Gutiérrez
Rodrigo González
Gaspar Mora Sotomayor
30 de abril de 1948

For Uruguay:
Dardo Regules
Pedro Chouhy Terra
Juan F. Guichón
Héctor A. Grauert
Gen. Pedro Sicco
R. Píriz Coelho
Nilo Berchesi
Ariosto D. González
Blanca Mieres de Botto
Carlos Manini Ríos
30 de abril de 1948

For Cuba:
O. Gans y M.
Ernesto Dihigo
Carlos Tabernilla
Ricardo Sarabasa
Guy Pérez Cisneros
E. Pando
30 de abril de 1948

For the United States of America:
Norman Armour
Willard L. Beaulac
William D. Pawley
Walter J. Donnelly
Paul C. Daniels
30 de abril de 1948

For the Dominican Republic:
Arturo Despradel
Minerva Bernardino
Temístocles Messina
Joaquín Balaguer
E. Rodrígues Demorizi
Héctor Incháustegui
30 de abril de 1948

For Bolivia:
J. Paz Campero
E. Montes y M.
Humberto Linares
H. Palza
A. Alexander
30 de abril de 1948

For Peru:
A. Revoredo I.
V. A. Belaúnde
Luis Fernán Cisneros
Juan Bautista de Lavalle
G. N. de Arámburu
Luis Echecopar García
E. Rebagliati
30 de abril de 1948
For Nicaragua:
Luis Manuel Debayle
Guillermo Sevilla Sacasa
Modesto Valle
Jesús Sánchez
Diego M. Chamorro
30 de abril de 1948
For Mexico:
J. Torres Bodet
R. Córdova
Luis Quintanilla
José M. Ortiz Tirado
J. Campos Ortiz
J. Gorostiza
E. Villaseñor
G. Ramos Millán
J. López B.
M. Sánchez Cuén
E. Enríquez
Mario de la Cueva
F. A. Ursúa
30 de abril de 1948
For Panama:
Mario de Diego
Roberto Jiménez
R. J. Alfaro
Eduardo A. Chiari
30 de abril de 1948
For El Salvador:
Héctor David Castro
H. Escobar Serrano
Joaquín Guillén Rivas
Roberto E. Canessa
30 de abril de 1948
For Paraguay:
César A. Vasconsellos
Augusto Saldívar
30 de abril de 1948
For Costa Rica:
Emilio Valverde
Rolando Blanco
José Miranda
30 de abril de 1948
For Ecuador:
A. Parra V.
Homero Viteri L.
P. Jaramillo A.
Gen. L. Larrea A.
Alberto Puig Arosemena
H. García Ortiz
B. Peralta P.
30 de abril de 1948
For Brasil:
João Neves da Fontoura
Arthur Férreira dos Santos
Gabriel de Rezende Passos
Elmano Gomes Cardim
João Henrique Sampaio Viera da Silva
A Camillo de Oliveira
Jorge Felippe Kafuri
Ernesto de Araújo
30 de abril de 1948
For Haiti:
Gustave Laraque
J. L. Dejean
30 de abril de 1948
For Venezuela:
Rómulo Betancourt
Luis Lander
José Rafael Pocaterra
Mariano Picón Salas
30 de abril de 1948
For the Argentine Republic:
Enrique Corominas
Pascual La Rosa
Pedro Juan Vignale
Saverio S. Valenti
R. A. Ares
30 de abril de 1948
For Colombia:
Eduardo Zuleta Angel
Carlos Lozano y Lozano
Domingo Esguerra
Silvio Villegas
Luis López de Mesa
Jorge Soto del Corral
Carlos Arango Vélez
Miguel Jiménez López
Augusto Ramírez Moreno
Cipriano Restrepo Jaramillo
Antonio Rocha

I hereby certify that the foregoing document is a true and faithful copy of the authentic texts in English, French, Portuguese and Spanish, of the Charter of the Organization of American States, signed at the Ninth International Conference of American States, held at Bogotá, Colombia, from March 30 to May 2, 1948, and that these texts have been duly examined for purposes of coordination by the Special Commission appointed to that end by the Council of the Organization of American States.

Washington, D.C., September 30, 1948.

William Manger,
Secretary of the Council of the Organization of American States.

Mr. KEATING. Mr. President, I want to speak only briefly on this matter. The subcommittee on Internal Security of the Committee on the Judiciary, of which I am a member, has been holding extensive hearings, in regard to the situation in Cuba. If a hostile—and especially a Communist—regime establishes a beachhead 90 miles from our own shores, that certainly is a matter affecting the internal security of this country. I commend the Senator from Florida for bringing this matter before the Senate.

No one has been more critical of Mr. Castro in public and in private than I. However, I think it is very easy to oversimplify the problem. I have been interested in, looked into, and studied, this subject as much as anyone, I believe. I confess that at this moment my own thinking on it has not completely jelled. I am not in complete agreement that all the other Latin American countries would commend us if we "cracked down" on Cuba.

Castro is clearly a dictator. But we must think of our relations with the Cuban people, not with this one dictator.

Our hearings have been held, for the most part, in executive session. However, it can be said that there has been a difference of opinion among those who have testified, most of whom are escapees from this tyranny which is going on in Cuba, as to whether this is a Communist regime, a Communist-tainted regime, a Communist-infiltrated regime, or exactly what it is. One fact is clear, however, and that is that elements of the Communist movement have taken high position in Cuba.

It seems to me that it is not necessarily any further recognition of the regime to have our Ambassador, who has been to the United States for consultation, return to Cuba again.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for 1 minute more on this subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. KEATING. Mr. President, I am not convinced this would have a detrimental effect on us and our relations with other Latin American countries, as the Senator from Florida has indicated. At the present moment the other Latin nations are extremely cool to Cuba, and they believe that Castro and the fanatical men around him have embarked on a wild, senseless adventure. We do not want to take any action which would lead these other nations to regard Castro as a martyr. I would counsel great caution in dealing with the problem. I think it is a time for very cool heads and calm thinking in the face of the very definite provocation which this tyrant is visiting upon us.

Mr. President, I desire to address myself to another subject.

The PRESIDING OFFICER. The Senator from New York has the floor.

CATHOLIC UNIVERSITY STUDENTS SPEAK OUT FOR EQUALITY

Mr. KEATING. Mr. President, I was pleased yesterday to receive from student representatives from Catholic University an eloquent and strong resolution supporting the American principle of equality. In reaffirming their belief that "discrimination based on the accidental fact of race or color cannot be reconciled with the truth that God has created all men with equal rights and equal dignity," the students of this fine institution buttressed the firm statement on discrimination adopted in 1958 by members of the administrative board of the National Catholic Welfare Conference, in the name of the bishops of the United States. A copy of this message was also delivered to me yesterday by the student representatives.

Mr. President, the vigorous manner in which the undergraduates at Catholic University have backed the idea of equality before the law is most reassuring. It is an emphatic testimonial to the dedication of our young people to this cardinal principle of the American way of life. I was particularly impressed by the fact, as outlined by the student emissaries, that this statement was adopted by the undergraduate student council with but one dissenting vote.

This near-unanimity of opinion would be a good lesson for their elders to emulate. Emotionalism and deep-rooted prejudices must never blind Americans to the fact that, as this statement says, "The time must come when all men, regardless of race, will stand equal before their fellow men and before the law, as they now stand before their God."

By means of the proposed civil rights legislation now before Congress, by means of the activities of church leaders, by means of firm application of existing statutes, and by untiring efforts to cleanse the minds of men of bigotry and promote mutual understanding, we

can continue to move toward the goal of equality for all Americans. In this great crusade, the firm stand of our young people, as exemplified by the fine position outlined by the undergraduates at Catholic University, will be essential.

SCARCITY OF FUNDS AND HIGH INTEREST COSTS IN THE HOUSING INDUSTRY

Mr. BENNETT. Mr. President, over the recent months some Democratic Senators and other members of the Democratic Party, have tried to blame the administration for a scarcity of funds and high interest costs in the housing industry. The argument is that the administration's so-called tight-money policy is drying up the availability of funds for homebuilding, and is at the same time discouraging many prospective buyers because of high interest rates. In the same breath these individuals argue that the administration proposal to remove the interest ceiling on long-term Government bonds will drive rates even higher.

As reported in Wednesday's CONGRESSIONAL RECORD, the Senator from Pennsylvania [Mr. CLARK], urged the administration to "go out and talk to the homebuilders of the country and to lending institutions" concerning the scarcity of money. I suggest that the Senator from Pennsylvania and others seeking to block the removal of the interest ceiling talk to these same groups. If they do, they will find, much to their surprise, that these men feel that it is the ceiling on Government bonds that is at the root of their troubles. Just last Friday the National Association of Home Builders in its weekly Washington letter came out strongly in favor of the removal of that ceiling on the grounds that the current squeeze for housing is worse with the ceiling than without it. It recommended strong support for H.R. 10590, the compromise bill which would remove the ceiling. The homebuilders letter stated:

> If partisan politics is permitted to defeat H.R. 10590, the supply of funds for the homebuilding industry is bound to be affected adversely and severely.

This is exactly the opposite picture to that which members of the opposition party have been painting.

I ask unanimous consent to have printed in the RECORD the full text of the letter of the National Association of Home Builders, signed by the association president, Martin L. Bartling, Jr.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON LETTER FROM THE PRESIDENT OF THE NATIONAL ASSOCIATION OF HOME BUILDERS OF THE UNITED STATES, WASHINGTON, D.C., MARCH 11, 1960

We must support H.R. 10590. It will permit the Treasury to refinance the Government debt without unduly invading mortgage funds. Passage will make possible a more stabilized debt management to the benefit of home buyers, builders, and the general public. Defeat could well mean tighter mortgage money and higher interest rates. Your help is needed at once.

Your national officers, executive committee, regional vice presidents and several NAHB past presidents attending meetings just concluded in Washington agreed unanimously that NAHB and the homebuilding industry have no choice but to endorse the bipartisan effort in the bill (H.R. 10590) recommended February 29 by the House Ways and Means Committee to aid the Government in its financing without repealing the statutory 4¼-percent ceiling on Government bonds having a maturity in excess of 5 years. We urge your strong support for passage by Congress of H.R. 10590 at the earliest possible date.

This bill has been urged by leaders in both parties as the most effective means of aiding the Treasury in its debt management under the existing statutory ceiling. Previously, President Eisenhower had called for removal of the ceiling as "imperative" and "fully consistent with the public interest." If partisan politics is permitted to defeat H.R. 10590, the supply of funds for the homebuilding industry is bound to be affected adversely and severely. The purpose of this letter is to tell you briefly what H.R. 10590 would do and why it is so very important to us.

PROVISIONS OF H.R. 10590

First, the bill provides a series of limited adjustments to the 4¼-percent ceiling which will permit the Treasury to issue bonds in excess of 5 years and thus avoid future high-interest, short-term issues such as the "magic 5's" issue of last December which effectively took away large sums of mortgage money from savings banks, savings and loans and other mortgage lenders.

Secondly, without removing the 4¼-percent ceiling, the bill is designed to give the Secretary of the Treasury more flexibility in managing the public debt. It should enable him to economize in interest charges to the Government; to lessen the competition of Government financing with certain areas of private credit, and to cut down the inflationary effects of public borrowing. Needless to say, if he succeeds in all of these purposes it will greatly benefit mortgage financing and homebuilding.

Specifically, H.R. 10590 will provide the following:

1. Permit the Treasury to refund outstanding bonds in advance of their maturity by exchanging them for new bonds with longer terms. This is called "advance refunding" and is especially important in refinancing currently outstanding long-term Government bonds which will mature in the next few years. Under H.R. 10590, any discount at which the new bonds might be issued will not be counted in applying the 4¼-percent limit.

2. Upon a finding by the President of the United States that the national interest requires financing above the 4¼-percent limit, the bill also would permit the Treasury in any fiscal year to issue new bonds up to a total of 2 percent of the public debt. This, in effect, is an "escape valve" for the whole Government financing structure. To the extent the authority is not used during fiscal 1961, it would be carried forward for use during the next 2 fiscal years.

3. Also upon a finding by the President that the national interest requires the action, the bill would authorize the Treasury to provide special issues of U.S. securities to Government trust funds and also savings bonds at rates in excess of the 4¼-percent limit. This provision is expected to be noncontroversial.

THE BILL HAS BIPARTISAN SUPPORT

Influential Democratic leaders in the House of Representatives urge passage of this bill as an effective way of meeting the urgent request of President Eisenhower and the Secretary of the Treasury. The bill was reported favorably in a bipartisan 18-to-7 vote from the House Ways and Means Committee. It should be on the House floor for debate and voting within the next 2 weeks. This is the crucial time therefore to advise your Congressmen.

Although the Treasury and the President have asked for complete removal of the bond interest-rate ceiling, the Secretary of the Treasury has testified that the financing permitted by this bill "is adequate" to provide for the Treasury's needs in the foreseeable future.

The Ways and Means Committee report emphasized that "retaining the interest-rate ceiling without modification would not reduce the level of interest rates either for the Government or for private borrowers. However, not to modify the interest-rate ceiling would raise the cost of financing the public debt and, at the same time, would make the management of the debt more difficult."

Despite these well-considered conclusions, it is clear that the proposed legislation faces rough sledding in the House and perhaps later in the Senate. It will be attacked on a partisan basis and by many who strongly protest, as do we, the tight-money and high-interest-rate policies of the Federal Reserve and other monetary authorities. We are convinced such an attack will be ill-founded; yet the vote is bound to be close and the bill will need our complete support if it is to pass the Congress.

WHY THE BILL IS IMPORTANT TO NAHB

Certainly in our own interests as homebuilders, we should realize fully the significance of this legislation to our industry. Expressed very simply, the tight-money policy and the resulting high level of interest rates have put the Treasury in a position where it must do virtually all of its financing in the short-term market. The rates it has been paying (and unless H.R. 10590 is passed, the rates it will probably have to pay in the future) are so high that the Treasury's unavoidable financing activities are draining money out of the very institutions on which we must rely for mortgage credit.

When short-term Treasury bonds are issued at an interest rate of 5 percent it is not difficult to understand why thousands of depositors in savings banks, savings and loans and banks line up to withdraw their deposits in order to buy short-term Government bonds which will net them more than the interest they have been getting on their deposits. If this trend continues it is bound to create serious problems for all builders, and particularly for a great number of our membership who rely on conventional loans for their mortgage commitments. Passage of H.R. 10590 will prevent this.

The bill's provisions will permit the Treasury to negotiate with these same financial institutions and exchange new long-term issues for bonds which will be maturing shortly. Further, the President's budget for the next fiscal year contemplates a surplus. This means the Treasury will not be in the market for new funds. In fact, for the first time in a long while the Treasury may be able to pay off some of the public debt. It is in the interest of the homebuilding industry that the Treasury be able to manage the public debt in a way which will not disrupt the long-term investment market in which we have so great a stake. Only passage of H.R. 10590 can make this possible.

The Treasury will be forced to go into the market this year to refinance some $80 billion worth of securities. If it can only go into the short-term market, we are bound to suffer severely. For this reason alone, all of us who have studied this admittedly complicated matter are convinced that we have no choice except to support the bipartisan effort in Congress to pass the Ways and Means Committee bill, H.R. 10590.

I should like to emphasize as strongly as I can that this conclusion in no way changes the basic policy position of this association in opposition to tight-money and high-interest rates. We deplore the disproportionate reliance of monetary authorities upon tight money and higher interest rates as primary means of combating inflation. It has been carried to the point where even the U.S. Treasury cannot manage the public debt on a sound and businesslike basis because of a statutory interest rate ceiling.

We shall do everything we can to convince the monetary and fiscal authorities in Government that the policies they have been pursuing for a number of years are responsible not only for our financing problems but for those of the Treasury as well. At the very least we hope to bring about a change in basic attitudes on this matter. In the meantime, the current crisis facing the Treasury must be relieved soon by passage of H.R. 10590. Otherwise, the Treasury's problems will make even more difficult the efforts of homebuilders to obtain the funds they need, at prices buyers and builders can afford, to finance the volume of homebuilding needed in this country.

CONGRESS MUST KNOW YOUR VIEWS

Every one of your elected Representatives and Senators finds himself in a difficult position on this legislation. Your views will be of vital importance to him in arriving at his decision to support or oppose this bill, H.R. 10590. Therefore, I urge you to communicate at once with your Representatives and Senators upon your receipt of this letter.

Your Congressmen should know that you and your industry support the passage of H.R. 10590 at the earliest possible date. Our reasons are simple. They are:

The Treasury's hands must be untied if we are to prevent an excessive drain of small depositors' funds out of the pool of mortgage money which supports our industry and into Treasury short-term obligations. Passage of H.R. 10590 will accomplish this.

Mortgage lenders must be able to plan their future commitments to builders with greater certainty of having funds available and without fear of being raided by Treasury financing. Passage of H.R. 10590 will contribute substantially to this.

Stability in the mortgage market requires stability in the general long-term investment market, which will be aided substantially if the Treasury is permitted to refund outstanding debt with new and longer term securities. Passage of H.R. 10590 will authorize this.

Congressional and administration leaders are convinced the public interest now demands that the Treasury be given greater flexibility in management of the public debt without removal of the statutory ceiling and Congressional control over maximum Government bond rates. We concur in this view.

The bill, H.R. 10590, is a sincere, well considered bipartisan effort to accomplish this objective in the national interest. It should be supported with the full vigor of the homebuilding industry. I urge that you advise your Congressmen at once of your views.

Sincerely.

MARTIN L. BARTLING, Jr.,
President.

Mr. BENNETT. If Senators will read this letter carefully, they will understand very clearly why those individuals who claim to be helping homebuilders by keeping a ceiling on long-term Government bond rates are in reality doing great harm to the homebuilding industry. The Treasury's financing activities under such a policy must unavoidably drain money out of the very institutions on which homebuilders must rely for mortgage credit. I urge every Member of Congress to read the NAHB letter.

In this connection, I ask to have printed in the RECORD a resolution passed by the National Association of Real Estate Boards last fall, in which they adopt this same position.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

STATEMENT OF POLICY, 1960, NATIONAL ASSOCIATION OF REAL ESTATE BOARDS, ADOPTED NOVEMBER 12, 1959, TORONTO, CANADA

1. Remove the statutory interest rate ceiling on long-term Government bonds in order to reduce inflationary pressures and the impact of rising interest rates resulting from the Treasury's necessity for refunding the public debt through issuance of short-term obligations.

2. Require allocation of a portion of each year's Federal revenue to the reduction of the public debt to insure its systematic retirement.

3. Amend the 1946 Employment Act to give equal stress to price stability as well as maximum employment as primary objectives of national economic policy.

4. Require that loans and contractual obligations which ultimately become charges on the public debt be approved by the Appropriations Committees as well as legislative committees of both Houses of Congress.

Federal Reserve System: We deplore the widespread current misunderstanding and criticism to the effect that the Federal Reserve System has created the present tight-money condition. On the contrary, the Federal Reserve System has pursued a policy directed against inflation to the long-term benefits of not only the real estate industry but all segments of the American economy. We applaud these actions of the Federal Reserve System and urge its continued zealous regard for preserving the soundness of our monetary system.

FEDERAL HOUSING ADMINISTRATION

We congratulate the Federal Housing Administration on its 25th anniversary, and share with millions of American people a heartfelt appreciation for the great contribution which this agency has made to the principles of home ownership.

We urge the 86th Congress upon its reconvening in January 1960, to provide the FHA with insurance authorization on a continuing basis thereby avoiding any threatened reduction in its insuring activities.

We commend the Federal Housing Administration for its extension of the certified agency program to small communities on a national basis. We urge its early extension to the sale of existing housing in larger communities and metropolitan areas.

We strongly recommend that the Congress authorize the Federal Housing Administration to use up to 35 percent of its earnings from fees, charges, and insurance premiums for administrative expenses.

INDEPENDENT FEE APPRAISERS

The use of fee appraisers in connection with the processing of FHA mortgage insurance applications on existing homes and the certified agency program, with its use of fee appraisers, are making a material contribution to the existing house market and reflect a heartening recognition by FHA of private enterprise in the appraising of homes.

We recommend the support and cooperation of the American Institute of Real Estate Appraisers and the Society of Residential Appraisers in the development of an educational program which would be directed at: (1) Providing a source of qualified fee appraisers to meet the needs of an expanding certified agency program, and (2) maintaining a desirable degree of proficiency on the part of FHA fee appraisers and fee appraisers approved for the CAP program.

VETERANS' ADMINISTRATION

The expansion of the FHA certified agency program, coupled with the lowering of minimum downpayments and extension of maturities during the past years, make unnecessary the extension of the veterans' home loan program for World War II veterans beyond its present July 25, 1960, termination date.

We urge the Congress, pending the complete termination of the VA program, to authorize the Administrator of Veterans' Affairs to adjust the interest rate on such loans to the same extent as the FHA Commissioner may adjust such rates.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

We call upon FNMA in its secondary market operations to activate without further delay the two changes in its charter approved by the Congress in the 1959 Housing Act, to (1) increase the maximum mortgage eligible for purchase to $20,000 and (2) make advance standby commitments for the purchase of mortgages on existing housing.

Like the Federal Reserve Board, the Federal National Mortgage Association's secondary market operations should be within the executive branch but not under it. Its secondary market operations cannot function effectively unless it is divorced from the Housing and Home Finance Agency and freed from Treasury control in its public borrowings. Only then can FNMA serve the mortgage needs of the American people in the same manner and with the same degree of effectiveness that the Federal Reserve Board serves the commercial banking system. We urge the Congress to enact such legislation.

EXCESSIVE DISCOUNTS

We view the present state of the residential mortgage market as posing a great threat to the home-buying public and the national economy. We deplore the lack of restraint by those mortgage lenders whose insistence on unreasonably high discounts on residential mortgages reflects their anticipation of future tightening of the market rather than current conditions. The resulting spiral of rates and discounts is most apparent.

We call upon the lenders to exercise restraint in charging discounts and to impose only those discounts which actually reflect the current price of mortgage money in the area.

HOUSING FOR LOW INCOME FAMILIES

We commend the increasing efforts in private industry to provide good quality new and rehabilitated housing for families of low income, particularly in use of the FHA Section 221 program for families displaced from their residences by governmental action. We urge an increasing use of this program for expanding the extent of home ownership among families of low income.

For adequate housing of dependent families, we support direct assistance through local welfare agencies and existing State and Federal public assistance agencies. However, such direct assistance should be provided only with respect to shelter which meets the standards of an adequate modern housing code.

HOUSING FOR ELDERLY PERSONS

The growth of our population has directed increased attention to the housing needs of elderly persons. We urge member participation in section 231, added to the Federal Housing Administration programs by the Housing Act of 1959, which provides the means for financing the construction and acquisition of housing for elderly persons, without subsidy, and within the framework of private enterprise.

PUBLIC HOUSING

We commend the Administrator of the Housing and Home Finance Agency for his decision to launch a searching analysis and review of the public housing program and its failure to meet its much vaunted objectives of housing families of lowest income.

We commend to both the Administrator and the Congress consideration of the clear and unmistakable evidence that the social evils generated by public housing have aggravated rather than alleviated the economic and social problems which spawned the public housing program.

We call upon the Administration to exercise its constitutional executive discretion by declining to implement the recent action of the Congress authorizing an expansion of this program.

OMNIBUS HOUSING LEGISLATION

Annual omnibus housing bills distort the will of Congress by bringing about the enactment of controversial subsidy housing programs whose enactment would be unlikely were they to be considered separately. Such omnibus housing bills which generated the bitter legislative controversies in 1958 and 1959 constituted a disservice to the American people, who thereby suffered the enactment of costly, unpopular programs in order to keep alive programs essential to the national economy.

We urge the Congress to consider legislation affecting the statutory functions of each constituent agency of the Housing and Home Finance Agency as separate bills.

FEDERAL TAXATION

Retirement deductions for self-employed: We urge the U.S. Senate to take favorable action on the Smathers-Keogh-Simpson bill (H.R. 10) which was approved by an overwhelming majority of the House of Representatives. This legislation would permit self-employed persons to take certain tax deductions for investment in retirement funds.

Subchapter S: We recommend that subchapter S of the Internal Revenue Code be amended to repeal the restriction that a real estate corporation, more than 20 percent of whose income is attributable to rents, may not make an election not to be taxed as a corporation.

We also recommend that the holding of preferred stock by the FHA in project mortgagor corporations not be a bar to election not to be taxed as a corporation under subchapter S.

We oppose the legislative recommendations of the Treasury that stockholder-employees of electing corporations under subchapter S not be permitted to participate in tax deductible pension and profit-sharing plans if they own more than 5 percent of the stock of the electing corporation.

Capital gains for real estate dealers: Real estate dealers often fail to obtain capital gains tax treatment on property held for investment because of the difficulty in overcoming the presumption that all real estate held, and sold by dealers is primarily for sale in the ordinary course of business. The Federal Tax Code should be amended by establishing definite criteria, the fulfillment of which would make it certain that capital gains tax treatment would be permitted upon the disposition of real estate held by a dealer for his investment account.

Real estate investment trusts: Increased equity investment in real estate is vital to the growth of our economy. Real estate investment trusts enable small investors to put savings in real estate but Federal laws subject such trusts to corporate tax rates, thereby imposing a disproportionate burden on investments in real estate as distinguished from other forms of investment.

We urge Congress to enact the necessary legislation so that the passive income from real estate investment trusts may be accorded tax treatment comparable to that now applicable to income from security investment trusts.

Residential capital losses: Since the gain on the sale of a taxpayer's residence is taxable to the home owner, the Federal tax law should be amended so as to recognize losses as well.

Depreciation: The depreciation of income-producing real estate should be considered by the Treasury Department as a return of invested capital rather than as a means of replacing property upon the expiration of its useful life. The depreciation rate or period should be determined by the taxpayer.

If annual deductions for depreciation continue to be determined by the remaining useful life of the property, we recommend that such depreciation allowance be adjusted annually by the application of a cost index to reflect the current replacement cost of the improvements.

THE PUBLIC DOMAIN

Disposition of public lands: We urge a basic policy of retaining in the public domain lands that are clearly charged with a public interest, including parks, national monuments, and forests necessary for watershed protection and erosion control. With respect to public lands that now lie in the path of urban business, industrial, and residential development, and which are suitable for sound development to those purposes, we urge disposal to private ownership with reversionary rights to the Federal Government in the absence of private developments within a reasonable time.

Shoreline areas: We view with concern the pendency of Federal legislation providing for the condemnation of privately owned farms, business, residential, and resort properties for transfer to the national park system. Approval of these bills will establish a precedent which will threaten the concept of private ownership of shore properties. Federal condemnation authority for this purpose should be exercised with great restraint, and with due regard for the public interest already being served by private ownership.

URBAN RENEWAL AND NEIGHBORHOOD CONSERVATION

The work of overcoming blight, squalor, and deterioration in older city areas is of paramount importance to the stability of urban centers and the health of local government.

Equitable public policy requires that federally assisted urban renewal programs seek the greatest possible extent of improvement to housing and neighborhood environment. This can be attained through a conservation emphasis in urban renewal giving the greatest feasible scope to the curative power of rehabilitation and modernization, and resorting to the more costly and slow moving process of total clearance with complete redevelopment only in those exceptional areas of extreme deterioration that will respond to no other treatment. We support the urban renewal program urging its administration under such a policy.

Specifically, we urge that conservation be given its full scope in urban renewal by formal policies that will require:

(1) Actual performance in the enforcement of a modern municipal ordinance containing health, safety, and sanitary standards for housing as a firm prerequisite to any measure of Federal cooperation in urban renewal.

(2) A system of processing applications for Federal assistance in proposed urban renewal projects that will give priority to those programs based predominantly on rehabilitation or conservation procedures.

Looking to the future, in order that cities may depend less upon Federal assistance in urban renewal, we urge that Congress gradually reduce the Federal portion of financing urban renewal costs.

BUILD AMERICA BETTER

We commend the Association's Build America Better Committee for the work it is doing to build a more adequate understanding of the importance of conservation and economic foresight in urban renewal programs; for its encouragement and tangible assistance to municipalities in establishing local neighborhood conservation programs to eliminate slums and blight; and for the special advisory service it provides to our member boards.

DISPOSITION OF GOVERNMENT SURPLUS PROPERTY

We applaud the action of the General Services Administration in its use of private real estate brokers in the disposition of Government-owned surplus industrial properties. We urge expansion of this program in the disposition of all surplus real estate.

ADVANCE FEE RACKET

We commend the Federal Trade Commission for its past and current efforts to suppress the so-called advance fee racket involving fraudulent representations in connection with the sale of real estate in interstate commerce, and we also commend the Senate Permanent Investigating Committee for its painstaking probe of this racket. We strongly urge the Department of Justice to assist these efforts to suppress this racket by diligent prosecution of its perpetrators under existing provisions of the United States Criminal Code.

POLITICAL PARTICIPATION

We urge upon individual members the acceptance of the citizenship responsibility of active participation in political activity of the member's choice. In no other way can we be assured of good government in the United States.

HOMEOWNERSHIP

Widespread homeownership is a distinguishing attribute of the American way of life, contributing to a high level of citizen responsibility, and providing the individual family with an aid to stability and saving.

The real estate profession will continue its efforts to put homeownership within reach of a wider range of family incomes. One force toward a greater extent of homeownership is the growing public esteem for it, and we urge all member boards to participate actively in the Association's annual buy a home—first program.

LICENSE LAWS

We urge that licensing of persons to engage in the practice of real estate be based upon uniformly high standards of business conduct and incorporate provisions that will justify States entering into agreements for reciprocal licensing of brokers and salesmen without the necessity of additional examinations.

We urge upon our State legislatures and license law officials the establishment of educational prerequisites for qualifications prior to examination.

We offer to State associations every cooperation in securing the adoption of real estate license law provisions consistent with the recommendations contained in the "pattern license law" as developed by this Association.

EDUCATION

To elevate the standards of our profession and our service to the public, we again urge real estate boards in States which have no educational requirements for licensing, to establish appropriate educational requirements for board membership.

Realtors should accept responsibility for encouraging full-time employment and "on the job" training of employees and salesmen.

We will continue to cooperate with universities, colleges, and other institutions of learning to improve the knowledge and capacity of our present and future members, and we encourage such institutions to continue to include the best qualified members of our profession as consultants or lecturers in order to provide the most effective program.

MEMBERSHIP DEVELOPMENT

Membership as a Realtor is a valued privilege and responsibility, to be jealously guarded by members and member boards alike. Membership should be open to all persons qualifying by character, training, and ability in accordance with standards determined by the individual board having jurisdiction.

PROFESSIONAL STANDARDS

Consistent adherence to high standards of professional conduct must be the practice of every Realtor. We recommend that every member board maintain ethics and arbitration committees charged with the duty of enforcing the Code of Ethics.

REAL ESTATE RESEARCH

The competence of Realtors is furthered by the development of information through technical studies in the field of real estate. Our own valuable work in current market studies should be expanded, and we urge continued cooperation between this Association, its institutes, and the Urban Land Institute in the development and financing of special research studies.

REALTOR PROMOTION

It is important that the public fully understand the meaning of the term Realtor as a designation applying only to active members of boards of our National Association who are committed to our Code of Ethics. We urge Realtors and member boards to promote the term Realtor, and to use the many aids for this purpose provided by the National Association of Real Estate Boards.

RESOLUTION OF THANKS

At the close of a memorable annual convention in Toronto, we express our thankful appreciation to James M. Udall, president of our Association, for his untiring efforts on behalf of the real estate profession, to our convention cochairman, Clifford W. Rogers, of Toronto, and Leonard P. Reaume, of Detroit, to the Toronto Real Estate Board and its convention committees, to the Ontario Provincial Association and the Canadian Association of Real Estate Boards, to the speakers and participants in our sessions, and to our competent staff for the careful planning and thoughtfulness that have contributed so largely to the success of our meeting.

We also express our appreciation of the fair and able manner in which press, radio, and television have reported our proceedings to the public.

Respectfully submitted.

NAREB Resolutions Committee: Fred C. Tucker, Jr., Indianapolis, Ind., Chairman; Benjamin F. Bermel, Minneapolis, Minn., Vice Chairman; Warren M. Atkinson, Indianapolis, Ind.; Arthur F. Bassett, Royal Oak, Mich.; William R. Blake, Flushing, Long Island, N.Y.; J. Beverly Brignac, Lafayette, La.; Alan L. Emlen, Philadelphia, Pa.; Arnold Goldsborough, Wilmington, Del.; A. A. Horsfeldt, Portland, Oreg.; D. W. Martin, Prescott, Ariz.; Sylvan M. Maxwell, North Miami, Fla.; Hugh Potter, Houston, Tex.; Percy E. Wagner, Oak Park, Ill.; Floyd Willey, Manchester, N.H.; Charles W. Williams, Albuquerque, N. Mex.

AMERICA'S DETERIORATING POSITION IN WORLD TRADE

Mr. MAGNUSON. Mr. President, last week I introduced a bill which sets forth a problem involved in the field of foreign commerce.

During the last session of Congress, our Committee on Interstate and Foreign Commerce began an intensive study of America's deteriorating position in world trade. I am sure that Senators are all well aware of the magnitude of this problem. During the past 2 years, the United States has lost many of its markets to foreign competition, while our imports have risen to their highest level ever.

In 1959 our country experienced one of the smallest surpluses in commodity trade in its history, which means another year of deficit financing to realize the millions of dollars which we are spending abroad in the form of military and economic aid, and to compensate for the millions more which flow overseas through private investment, shipping charges, personal remittances and the like. As a result of our failure to pay our way in the world by earnings from the export of American products abroad, the United States has suffered an unprecedented balance of payments deficit in the order of $3½ to $4 billion for the second consecutive year—a turn of events which can only lead to a further depletion of gold reserves and loss of international confidence in the dollar.

Realizing that the strength of our export trade is the foundation upon which America's economic leadership in the free world must be based, our committee has concentrated its study on discovering the specific areas where our sales abroad have faltered and why. We have been concerned to find what action this Government can most effectively take to stimulate foreign demand for American goods and services in order to bring foreign earnings back into balance with our expenditures abroad.

We proceeded down the line, commodity by commodity, and found that a part of the reason for our current trade deficit is that the United States is now buying more foreign iron and steel abroad than it sells, buying more passenger cars than it sells, buying more textile products than it sells, and so forth. Yet our net loss of dollars through the exchange of these products turned out to account for only a small fraction of the dramatically adverse tilt in our balance of payments. Then we made the discovery that the largest single factor in that imbalance does not arise from the exchange of goods at all, but from the exchange of people.

I have recently seen a document issued by the Department of Commerce entitled "U.S. Participation in International Travel." I heartily commend it to the attention of every Member of the Senate. You need only read the first page to know one of the main reasons why we have a balance of payments problem and to identify the one export market most deserving of our attention. One need not be an expert in international trade to know that a dollar spent for the purchase of foreign goods and services represents an import whether it is spent in the United States or outside of the country. By the same token, an export occurs whenever and wherever a foreigner purchases American goods and services. In 1958—the last year for which statistics are available—this pamphlet shows that American tourists spent almost $1,800 million abroad, making foreign tourism by far our largest single import. In 1958, Americans spent $150 million more on foreign tourism than on foreign oil, our largest commodity import, $600 million more than on coffee. In 1958, Americans spent more on foreign tourism than on foreign automobiles, foreign textiles, and foreign newsprint put together. In contrast to this, the combined expenditures of foreigners who visited the United States in 1958 were slightly more than one-half as much, making tourism stand a poor fourth among America's exports. As a result, the imbalance between America's international tourist expenditures and tourist receipts was a staggering $866 million—an amount equal to 25 percent of our Nation's balance of payments' deficit.

This net outflow of tourist dollars—the travel dollar gap—is nothing new, of course. Americans have always traveled abroad in larger numbers than foreigners who visit the United States. The important thing is that the gap has never been so large nor increased so fast. Since World War II, the volume of America's foreign trade, both imports and exports, has fluctuated up and down; our balance of payments position has varied from year to year. But the remarkable thing about this travel dollar gap is that, unlike the other elements in our total trade picture, it becomes consistently worse every year. In 1949 it amounted to only $360 million. By 1953 it had jumped to $477 million. In 1954 it reached $540 million, in 1955 it was $640 million, 1956, $751 million, 1957, $770 million, and in 1958 it had climbed to $866 million. At the present rate of increase, last year's loss of foreign exchange due to travel abroad will be periously close to $1 billion, and it will be double that within the next decade.

Why are we slipping further and further behind in the field of international travel? I believe that much of the answer to that question lies in the fact that we are almost the only country in the world which does not promote foreign tourism as a matter of national policy. Each year, foreign governments through their national tourist officers or through government-owned carriers, spend lavish amounts to lure tourists to their countries. Here are the figures: In 1958 Great Britain spent $2.8 million for the British Travel and Holidays Association; France spent $2.6 million on its Office of Tourism; India spent $1.5 million; New Zealand, $1.6 million; Russia, $500,000; even little Haiti spent $200,000 on tourist promotion. These are worldwide expenditures. The amount spent in the United States alone by all foreign government tourist offices was over $5 million in 1958. Add to this the huge

sums of money spent in advertising and promotion by such foreign government-owned carriers as Air France, BOAC, KLM, and so forth, and the total amount devoted directly and indirectly by foreign governments to luring Americans abroad every year would probably total well over $20 million. But Senators need not take my word for it. They need only to pick up the morning newspaper and count the number of foreign advertisements which proclaim the excitement of touring Europe in the know, the pleasure of an air-conditioned cruise to the West Indies and South America, and the fun of relaxing at a Nassau beach where the temperature is 80 degrees. One has only to scan the latest copy of one's favorite magazine to see why gourmets go to Europe in the spring. Let him turn on his local radio station and hear Charles Boyer invite him to enjoy the Paris theater with him. If laid end to end the amount of foreign government-subsidized travel literature appearing in the American press every day would probably stretch from here to the French Riviera and back. Considering the number and variety of such foreign travel inducements—reaching every home in America—it is easy to understand why the promotion of foreign travel is big business in most other countries. In many of these countries the national director of tourist promotion is a cabinet level position.

Foreign tourism is sometimes referred to as an "invisible export." I always wondered about that description until I examined what the United States is doing to encourage visitors from abroad. So far as its relation to our total world trade picture is concerned, the importance of tourism seems to have been completely invisible to our own Government. In contrast with the efforts of other nations it is fair to say that the United States does virtually nothing to encourage foreigners to travel here. Incredible as it seems, our national tourist promotion budget is only one-third what is spent by Haiti, for example. It is even less than what is spent by the Government of Singapore and only slightly more than what is spent by the island of Cyprus. The closest approach we make to a ministry of tourism is a small office buried far down in the lower echelons of the Department of Commerce, and even this group has only recently come into existence. At present, virtually the entire burden of promoting the United States internationally as a tourist goal must be shouldered by a handful of privately operated international carriers such as Pan American, TWA, and the United States Lines. Yet even these carriers must understandably direct their efforts toward selling their own services rather than promoting the United States as a travel destination.

I should say at this point that one small attempt was made by our Government to encourage foreign travel when President Eisenhower announced his visit-U.S.A.-1960 program. A high sounding proclamation was issued, committees were formed, letters were written—but not one nickel of money was appropriated to finance the promotional effort required if this program is to be a success. As a matter of fact, the President's announcement was accompanied by a 40 percent cut in the Department of Commerce's funds for the Office of International Travel, the office responsible for coordinating this program.

One would have to be deaf, dumb, and blind not to see some correlation between the massive efforts at tourist promotion made by foreign governments as compared with ours, and the ever-increasing flight of tourist dollars from the United States. If our Government is serious about righting its balance of payments, if we are really in earnest about stimulating American exports, then it is high time we did something to correct the greatest single gap in our balance of payments and shore up our most important export market. If the Government can afford to spend millions on promoting the sale of American commodities abroad through international trade fairs, commercial attaché services and other trade development work, then surely we can afford something more than pious words for the promotion of tourism.

Unlike the sale of an American automobile, a tractor, or a shipload of wheat abroad, which benefits only one American exporter, the foreign tourist provides a market which benefits scores of businesses in this country—the carriers, the hotel and restaurants, the dry cleaners, the bootblacks, and every one else with whom he comes into contact. But more important than this, the foreign tourist takes with him not only American goods and services, but a vivid and lasting impression of American life, American friendliness, and American good will. And these are the commodities we should most of all be concerned to export.

The type of program urgently required if we are to broadcast America's welcome to potential travelers throughout the world cannot be obtained without purposeful direction backed by adequate funds. This is something our foreign friends have known for years; but we need not look that far away. Our own 50 States are now spending a total of over $17 million per year in tourist promotion activities, and in many cases it is the most profitable investment a State can make. Based on their experience, it has been shown that the amount spent in bringing visitors into an area is returned many times over in the form of additional tax revenue resulting from tourist expenditures. On the national level, it has been estimated that $1 out of every $10 spent in the United States by foreign visitors flows into the Federal Treasury through various forms of taxation. Thus, in 1958 foreign visitors accounted for over $85 million in Federal revenue. An adequate national program for travel promotion could easily be conducted for a small percentage of this amount, and therefore would be completely self-supporting.

This type of program is called for in the legislation which I now introduce. The bill provides for the creation of a high-level Office of International Travel and Tourism which, for administrative purpose only, would be within the Department of Commerce. It would be headed by a Presidentially appointed Director and would have authority to establish branch offices overseas. The primary function of the Office as set forth in section 3 of the bill would be to develop, plan and carry out a comprehensive program, utilizing all appropriate media of public information and communication, designed to stimulate and encourage travel to the United States by the residents of foreign countries for the purpose of study, culture, recreation, business and other activities conducive to better international understanding of the people and institutions of the United States. In addition, the Office would inherit the various statistical and representational duties of the present Office of International Travel and would be the Government agency responsible for facilitating international travel generally.

I should stress here that it would be the chief purpose of the new Office to publicize the benefits and attractions of the United States generally as a travel destination, and not to support, supplement, or subsidize the self-interest advertising done by any component of the private U.S. travel industry. On the other hand, the Office would be prohibited from engaging in any activity in competition with private industry; it would not, for example, sell tickets, arrange tours, or provide other normally commercial services.

The Office would be assisted by a Travel Advisory Board composed of 12 members appointed from private life by the President, with the duty of recommending policies and programs to be followed by the Office in carrying out the purposes of the act.

In support of their functions the Office and Board would have an authorized budget equal to one-half of 1 percent of the amount spent in the United States by foreign visitors during the preceding calendar year, as determined by the Secretary of the Treasury—an amount equal to a mere one-twentieth of what these visitors contribute to the U.S. Treasury, as I have already explained.

In asking for support of this measure, I shall conclude by reminding Senators of these facts:

The travel dollar gap now accounts for a full 25 percent of the U.S. balance-of-payments deficit, yet foreign travel is the one "export" which we are doing nothing tangible to promote.

Foreign travel is the one export which offers a direct market benefit to the greatest number of Americans—down to the smallest businessman.

Foreign travel is the one export which provides a psychological as well as a monetary dividend to the United States.

Foreign travel is the one export which can be promoted on a self-supporting basis.

I think these are compelling reasons for making the real effort toward expanding our foreign travel market that is called for in this bill.

MUTUAL SECURITY PROPOSALS OF THE DEPARTMENT OF STATE—INDUS WATERS PROJECT

Mr. MAGNUSON. Mr. President, the mutual security proposals of the Department of State currently before our Con-

gress contain an item of great interest; namely, the Indus waters project. This project is significant both from its humanitarian intent, involving the future welfare of 40 million people who live in the Indus Basin, and because it promises the possibility of an early settlement of a major dispute which since 1947 has embittered the relations between India and Pakistan. This project is also significant for a third reason. It is a proposal which departs from our normal bilateral approach to foreign assistance and contemplates a cooperative multilateral effort to be taken with other friendly governments for the financing of this huge program.

The program itself has been conceived by the International Bank for Reconstruction and Development and would be administered by that agency. The cost of the project is estimated to be in the order of the equivalent of a billion dollars. The dollar value of the proposed U.S. contribution is $515 million, exclusive of our contribution as a member of the World Bank itself. This U.S. contribution would consist of $177 million in dollar grants, $103 million in dollar loans, and $235 million in local currencies. Other contributing nations are Australia, Canada, Germany, New Zealand, and the United Kingdom.

Implementation of the financial plan and the participation of the governments concerned is contingent upon ratification of a water treaty now under negotiation between India and Pakistan. Participation is also subject to such legislative action as may be required in each contributing country. Thus, the proposed mutual security legislation, in addition to seeking authority for the use of funds for this project, contains other provisions specified as necessary to facilitate participation on the part of the United States. It is one of these special provisions to which I would refer.

Section 404 of the bill contains a provision that such funds as may be appropriated "may be used in accordance with requirements, standards, or procedures established by the Bank, rather than with requirements, standards, or procedures concerning such matters set forth in this or other acts." Among the U.S. requirements which would be set aside are the provisions of the Cargo Preference Act. This would be accomplished by providing that funds appropriated for this Indus Basin project may "be used without regard to the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended, whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of such purposes." In this connection it has been reported to me that Hon. Douglas Dillon, testifying on this subject before the House Committee on Foreign Affairs, urged the waiver of this shipping clause in such terms as to imply that determination of the necessity for a waiver from the Cargo Preference Act has already been made.

This comes without Mr. Dillon appearing before any committee. It comes without any hearings on the subject, and would seem to me to imply that, despite the fact that our contribution in this particular case will run well over $515 million of a $1 billion project, exclusive of our contribution as a member of the Bank, there is not much intention of obtaining most of the supplies in the United States in cases in which that would be consistent with the project itself.

I can assure Senators that no one is more interested than I in the success of a project of this nature. At the same time I can assure you that no one is more concerned than I that such action might be taken on an arbitrary basis which would be detrimental to our workers and our industry. So far as I am aware, this proposed waiver of our shipping statutes has been put forward without any consultation with the agency of our Government most directly concerned with the state of our merchant marine, nor, so far as I am aware, have there been consultations concerning the necessity for such waiver as an incident to the success of the program.

A proposal of this nature creates a serious problem for the Congress. It has been our policy to require that whenever U.S. funds are contributed to programs for the assistance of foreign nations at least half of the material or commodities procured with such funds shall be transported on privately owned U.S.-flag commercial vessels.

It is appreciated that Mr. Dillon is concerned over the problems which may befall the International Bank in administering such a provision. This concern appears to center around the fact that U.S. funds would be comingled with the contributions of other nations and may be spent for procurement anywhere in the world. Is this not then the heart of the problem? Waiver from a requirement to transport a portion of the materials to be procured for this project must be sought because there is no assurance that any portion of such procurement will be made from the United States. We all know that our mutual security programs have provided jobs for U.S. workers as well as foreign assistance. It is a fact, however, that in recent years more and more of these funds have been used for procurement from foreign sources, and less and less spent in the United States. Was it not only a few months ago we awoke to find a deficit in our balance of foreign payments, and caution was urged by our fiscal guardians on this very subject?

It is now proposed under the terms of this legislation to waive any and all of such protective requirements as the Congress may have established as safeguards in the administration of its foreign assistance programs. Over one-half billion dollars of U.S. funds would be involved in this project. Are we to understand that as a contributor of more than half of all the funds to be used it would be improper, or detrimental to the project, to retain or apply any of the measures which have been found necessary in our own administration of foreign assistance? Is it necessary to this project to relinquish all control to the International Bank?

It is my hope that the Department of State will make a careful analysis of this situation to ascertain whether such assistance cannot, in fact, be accomplished without the necessity of such drastic waiver of our laws.

PERSECUTION OF BISHOP JAMES E. WALSH IN RED CHINA

Mr. BEALL. Mr. President, I rise to call the attention of the U.S. Senate to an atrocity of great magnitude. I have just learned through the Department of State that a so-called court in Red China has sentenced Bishop James E. Walsh to a term of 20 years in prison on trumped-up charges.

Bishop Walsh is a brother of the distinguished Judge William C. Walsh, of Cumberland, Md., and Father John Walsh, of the Maryknoll order. The bishop grew up in western Maryland.

This dedicated official of the Roman Catholic Church and a representative of the Catholic Foreign Mission Society is a victim of Communist terrorism. Some months ago, the news leaked through that Bishop Walsh had been arrested on charges that he was part of a revolutionary scheme against the Red regime. Bishop Walsh was in China as a missionary, concerned with the souls of the Chinese, not with politics.

Claims that Bishop Walsh was a tool of any government are fantastic. There is positive evidence that Bishop Walsh never had any connection with the American Government. When our consulates were there, he never once contacted them. He stayed away from national and international politics. His interest was solely in the religious life of the Chinese people.

His arrest was a shock to all of us who know him and to all right-thinking people everywhere. It had been hoped that the Red Chinese could be persuaded to release him. And now comes the dreadful news that they have condemned him to imprisonment for what likely amounts to a life term.

Bishop Walsh has given the best years of his life to the Chinese people. He could have left when the Reds came in, but he felt that his flock needed his moral support more than ever. Bishop Walsh chose to remain with the Chinese people whom he loved and for whom he had worked so diligently. It is sad that his self-sacrificing work for the Chinese people should be so miserably "rewarded."

The persecution of Catholic priests and nuns in Red China has been going on for years. Eighteen foreign Catholic priests have died of malnutrition while in the hands of their Red Chinese prison guards.

Here we have a horrible illustration of the methods of the Reds. They hate the church. They hate Christianity. And so, they strike out at a man who to them personifies the church.

I am not a Roman Catholic, I am a Protestant, but I want to say here and now that I for one have admired the firm stand the Roman Catholic church has taken against communism. It has never compromised with right. It has never wavered.

Mr. President, I hope that those people in this country who have been soft on communism and those who, while professing Christianity, have supported the deadly philosophy of godless communism will be unable to force from their minds the picture of this man of God suffering the torture of his dungeon.

If I felt that there was even an ounce of justice in the Red Chinese warlords, I would appeal to them to release this man who has never done anything worse to the Chinese than to comfort and console and counsel their people.

The atrocity of the Reds is here brought close to home.

ANNIVERSARY OF FOUNDING OF NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION — ADDRESS BY SENATOR OLIN D. JOHNSTON

Mr. SYMINGTON. Mr. President, the distinguished senior Senator from South Carolina [Mr. JOHNSTON] recently addressed the annual meeting of the National Rural Electric Cooperative Association in St. Louis, Mo. This meeting commemorated the 25th anniversary of the founding of the association. In his address Senator JOHNSTON pointed up the contrasts in his State and in our Nation between pre-REA days and the present. He spoke of what the REA program has meant to all our people, as well as to the farmers.

The Senator's speech also contained an illuminating discussion of the subject of interest rates and their effect on the American consumer.

I commend this address to the attention of all my colleagues.

Mr. President, I ask unanimous consent that the address by Senator JOHNSTON at the 18th annual meeting of the Rural Electric Cooperative Association on February 23, 1960, at St. Louis, Mo., be inserted at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DON'T LET THEM PUT YOUR LIGHTS OUT

(Address of Senator OLIN D. JOHNSTON, Democrat of South Carolina, at the 18th annual meeting of the National Rural Electric Cooperative Association on Feb. 23, 1960, St. Louis, Mo., commemorating the 25th anniversary of the founding of the National Rural Electric Cooperative Association)

Distinguished ladies and gentlemen, I am deeply honored by the invitation to speak to you today. I know of no public occasion which would give greater pleasure than to be with the men and women who have sustained and who are maintaining the rural electrification program of our Nation.

My director from South Carolina, Bill Hunter, who is a native of Newberry, S.C., reminds me of the long haul we have had during the past 25 years, and more, to bring light to the farmers of America in an era of electricity.

I remember, when Hoover was President and I was campaigning for Governor of my State, how dark the times were and how dark the rural areas of my State were. I was traveling through Newberry County during this particular campaign and I stopped on the roadside. We had heard a lot about Mr. Hoover's promise that prosperity was just around the corner.

Bill Hunter was born in a town called Prosperity, and it just so happened that I stopped on the road right alongside a sign which said, "Prosperity." Politics will be politics. I stood up in the sunlight on that hill and, shading my eyes, I looked down the road to see if I could see the town of Prosperity around the corner. I knew if there was any "prosperity" in South Carolina under Hoover, it was only Bill Hunter's home town.

Some photographer took my picture and they spread it all over the countryside in the papers. As things turned out, the only prosperity South Carolinians had while Hoover was in office was Prosperity, S.C. The people must have remembered me and my picture along the roadside because it wasn't long after that they elected me Governor. That was in 1934. I know Mr. Hunter remembers those days.

One of the promises I made during the campaign was to do something to help our farmers obtain electricity. There had been all kinds of statements to the effect that it was not feasible to bring city electricity in any way to the farmers of our country. Of course, in most cases the only word that we had on the economics of the situation was the word of the big power companies. High financing was just something the average farmer could not delve into too deeply because he had no facilities or organization to help him.

As Governor of South Carolina I thought I could help, and so I went to Washington as governor-elect even before I took office. I had an idea President Roosevelt could help us bring electricity to the rural people of our Nation. Of course, I had South Carolina primarily in mind at the time. When I outlined to President Roosevelt South Carolina's case, he called in Harry Hopkins, his right-hand man at the time, and told him immediately to take the necessary steps to grant South Carolina $100,000. Roosevelt said if we would set up a State rural electrification agency, he would give South Carolina the money with which to conduct a survey and determine the feasibility and requirements of a rural electrification program. Simultaneously he said he thought it would be a good program for the Nation.

I went back to South Carolina and, with the help of the General Assembly, established a State Rural Electrification Administration. We received the $100,000 and made our study. Later in the year the Congress of the United States created the National Rural Electrification Administration. This was the beginning, and you know the rest of the story. Farmers mustered their strength and in the vacuum of need created rural electric cooperatives all over our Nation. Now, when I fly over the countryside it is no longer dark at night, for the farmers of my State and every other State in this Nation have electricity. The Nation's bright cities are linked with shimmering chains of lighted farms. What was once declared impossible by the powerful private power trusts today is an economic success story, second to none. The entire rural electrification program has been the greatest investment the Federal Government ever made in rural America. It is truly a cooperative program. The farmers, through these cooperatives, have created an electrical distribution system that is not only paying its way but is paying back the Government loans with interest.

There are about a thousand rural electric cooperatives that have paid back well over a billion dollars in principal and interest on loans made through the years. This is more than one-fourth of all the money loaned to all cooperatives in the entire history of the co-ops.

No program ever undertaken like this between the people and the Government has ever been so successful.

I only wish we had as little to grumble about concerning loans made to foreign nations during and after World Wars I and II as we do regarding the loans made to Rural Electric Cooperatives. We certainly would not have the national debt that we have today. There is not one politician in all of America, Republican or Democrat, who can blame 1 cent of the national debt on the rural electrification program in America.

With this thought in mind, I ask, in all sincerity, of all people in and out of politics who criticize the rural electrification program: Why do you want to turn the clock back and put the lights out in rural America with high interest rates?

When I made that trip to Washington in 1934, 97 percent of the farms in my State had no electricity. Today, in 1960, the 25th silver anniversary of the founding of the rural electric cooperatives of this Nation, I am proud to report that the picture is the reverse. More than 97 percent of South Carolina farms are receiving central station electric service.

I want to emphasize that in all the loans made to all the rural electric cooperatives throughout this Nation, there has never been the first ounce of scandal. No, not one Dixon-Yates deal in the 25 years of the rural electric programs. You know the kind of people who were mixed up in the Dixon-Yates deal and who are now running ads in national magazines pointing an accusing finger at the rural electric cooperative programs as being some sort of subsidy to the farmers? The same kind of people today have launched their latest attack against the rural electrification program in the form of an attempt to hike interest rates.

Completely overlooked in this attempt to raise the interest rates on loans to co-ops is the fact that in this era of inflation, the farmers' income has been deflated. Farmers' incomes have dropped almost a billion dollars a year ever since the present administration took office. The cost of living to the farmers in the form of goods and services they must buy and their production costs for running their farms has increased every year since Mr. Eisenhower took office. The administration on every hand has increased interest rates in practically every field where they thought they could get away with it. The most heinous statement yet to come from the Eisenhower administration was uttered by the President himself earlier this year when he said if there were to be any tax cuts that he would recommend they come to the high bracket boys, the industrialists, the manufacturers, the money lenders, and those who need a tax cut the least.

Can you imagine the President of the United States, on the one hand advocating tax cuts for the highest income group people in the world; and, on the other hand, advocating higher interest rates against the people who have suffered the most in an inflation-deflation squeeze economy?

I could have imagined such ridiculous economic figuring 30 years ago, but I never thought I would see the same situation arising again in one lifetime. To me, there is little difference between Hoover's predictions of prosperity just around the corner, and Eisenhower's promises of a halt to inflation just around the corner.

There is not one person in the whole crowd of criers for higher interest rates for rural electrification programs who has ever said one word about the high interest rates that the rural electric co-ops paid when the program was first started. The co-ops when first started, were paying practically the highest interest rates charged anyone for that day. Is there not to be some consideration of this fact?

Another thing: Every time some foreign country gets in a financial squeeze and can't make some loan repayment to the World Bank, or the United States, or some other branch of internationalism, we look down sorrowfully at our friends and say, "That is all right; we will put the loan off another year and lend you a few billion to help you along, and we'll also forget about the interest." I don't know how many times that has been done for some foreign country. But here we have our own people, the American farmers, in the worst economic squeeze in 30 years, and what does our Government want to do? Does it want to help them? Does it want to forget any of its loans? No, this Republican administration wants to make it even tougher for them by increasing the interest rates on their loans.

Knowing the farmers of this country as I do, I know they don't want their Government to forget these loans. They don't mind paying the interest rates they are paying. They are happy to do it, and proud to do it because they know that they are paying a fair return of an investment that all of America has made in the farming people of this Nation. If the truth were known, there is only a handful of people who seek to crucify the rural electric programs of America with high interest rates. The general public of America realizes what a great thing the Rural Electrification Administration has done for our economy and for the farmers of our country, and they don't want to scuttle this program.

The farmers are in a squeeze and those attempts to make the squeeze tight through high interest rates are unfair.

To the farmer it makes no difference whether a depression is cutting off his income, or monstrous inflation is eating up his income. He is in a squeeze either way, and any attempt to raise interest rates on co-op loans would surely result in a higher cost of living for the farmer. You just can't stop using electricity any more than you can stop eating. The good faith of the Federal Government is behind the rural electrification program, and it is time that big business woke up to the fact that in the long run, it is benefiting more from this program than are the farmers.

The people who lead the attack against co-ops are cutting off their nose to spite their face. There have been billions of dollars spent creating the electric lines, the utility poles, the switching stations, the generating plants, and the hundreds of thousands of other things needed to build and maintain co-op lines and central powerplants. All these things have been built by big business, and the co-ops have paid for them with hard-earned money. The Government didn't buy this material; the co-ops bought it.

Another thing overlooked by the uninformed enemies of the co-ops in this struggle for survival is the billions of dollars that have been spent by the individual farmers on electric irons, electric stoves, electric hot water heaters, electric toasters, electric hair dryers, air conditioners, and hundreds of other household appliances. Not one of these appliances would have been bought if it were not for the rural electric cooperatives which brought electricity to those farmers' homes.

I would hardly even attempt to expound on the billions of dollars spent by farmers in this Nation during the past 25 years for electrically operated machinery and equipment used in running our farms. The tremendous market that was exploded open by the creation of the rural electric cooperatives in America was a big help in the rejuvenation of industry after the depression.

Now I know I have been talking a great deal about the co-ops and their financial problems, or, I might say, threats against their financial stability. But then we are primarily concerned with the co-op program here today. We must look around us to see what to expect if the administration's drive for tight money and high interest rates succeeds.

Farmers, who represent most co-op members, always need credit to carry on their operations in every direction. Let's look at the record for a minute.

Nine days after Eisenhower took office, the Secretary of the Treasury sold Government securities at 2¼ percent or 2½ percent to replace the previous rate of 1⅞ percent. The increased rate might have sounded infinitesimal to the average citizen, but it added more than $30 million to the taxpayers' bill for repaying the public debt.

In 1952 it cost taxpayers $5.8 billion every year just to pay interest on the national debt. In 1960 it will cost us $8.6 billion. Approximately a 50-percent increase. What has caused this increase? Nothing but inflationary financing promoted by the present administration. Between now and 1961, the Treasury intends to borrow roughly $100 billion with which to pay off maturing bonds which were issued at the older lower rates of interest. Now each boost of one-fourth of 1 percent will add $250 million to the cost of carrying the debt each year. In 20 years it will add up to about $5 billion.

Last October the Treasury offered a 5-percent interest rate on a short-term issue. Compare this with the rate of approximately 2 percent that was in existence before Eisenhower's tight-money policy took hold. The difference, my friends, is the equivalent of $3 billion a year in interest on the books of the taxpayers of this Nation. Where is this money going? Why, it is going to the moneylenders, the people who are fighting to hike Rural Electrification Administration loan rates.

This type of financing has its effects on other debts. It helps to increase interest rates on the debts of not only the Federal Government but States, local, business, and consumer debts. If it were not for the fact that rural electric co-op loans are still fixed by law at 2 percent, the administration would probably be getting 4 to 6 percent from you today. They knew that the rural electrification program would be the hardest nut to crack in the drive to help the moneylenders increase their income on loans. So what did the administration do?

First it started pushing up the interest rates they would pay for money borrowed by the Government. It was not absolutely necessary to do this. They made plenty of excuses to hike interest rates, but I believe there were sufficient moneylenders in the country who were loyal enough to invest their money in the Nation's welfare at the then prevailing rates. There was never any subpena or concerted pressure on Eisenhower by the public to raise these interest rates. His requests for increasing these rates were voluntarily made. After the administration started hiking the rate of interest we would pay for money borrowed, then it started crying we would have to hike the rate of interest on money loaned by the Government in order to pay the higher interest rate the Government was paying on the original loans. Boosts were made in interest on loans for veterans' housing, and for Federal Housing Authority programs. Loans made through the Department of Agriculture in certain areas were increased and, in general, money has become scarce for farmers. The housing industry is in a bad way for lack of money resulting from high interest rates.

A homebuilder, before tight money, could have gotten a $10,000 Federal Housing Administration loan at 4 percent for 25 years. The same loan today requires 5¼-percent interest, which will amount to over $2,000 more in the cost of the home for which the homebuilder will get nothing. In some instances discounts are required which hike the tribute to the moneylenders by several hundred more dollars.

Before tight money, Farmers Home Administration loans were 3 percent. The administration hiked them to 5 percent. I fought this bitterly, and in one instance we achieved victory. By departmental order, the Agriculture Department raised the interest rate on emergency loans to farmers who had been wiped out by catastrophe from 3 to 5 percent. As a member of the Agriculture Committee in the Senate I introduced and successfully passed through Congress legislation requiring those loans to be set back to 3 percent. That, to my knowledge, is the only place where high interest rates were turned back.

I might add here that this interest rate hike was made without public notice and slapped on the farmers of the country during a time when farmers were suffering from drought and floods, and the peach farmers of my State from a terrible freeze. The Farm Credit Administration not long ago tried to get Congress to remove a 6-percent ceiling on loans made to farmers, but, as you may know, the effort failed.

The rural electric cooperatives today stand like an island in an ocean of inflationary financing. The floodwaters have been let in upon the lands of other programs to destroy the people's ability to build homes and finance crops and farm machinery. These financial floodwaters have similarly washed away savings accounts of millions of consumers, both city and rural in nature, and have now created the beginning of what amounts to a buyers' strike in many areas.

As we look around, we wonder who, if anyone, benefits at all from the vicious squeeze. No one benefits except the moneylenders. They, too, will lose if they continue on their insane drive for higher interest rates. When millions of people cannot buy homes, then millions of factories stop producing the requirements for constructing homes. It is in an evil cycle that eventually can put people out of work and can place the American economy in a depression posture.

It is predicted that in 1960 the volume of construction of homes in America will drop 12 percent simply because of tight money and high-interest rates. What does this mean? It simply means that 12 percent of the American population is going to be unable to buy a home because either the interest rate is too high or they just couldn't find the money to borrow. That is how high-interest rates and tight-money policies are affecting all Americans in just one field. If people are building less homes because of high interest rates and tight money, they will be buying less cars, less refrigerators, and less everything. When people buy less, the country must produce less; when we produce less, it means people work less; when people work less, they make less. When people make less, they pay less taxes; and when they pay less taxes, the Government must borrow more to keep going. Now we begin to see the picture of why the moneylenders don't seem to worry because tight money is taking a hold on the economy. The cycle means more borrowing at higher interest rates by the Government.

What is really behind the drive to increase rates against the rural electrification program?

Because the co-op loan program was written into law and cannot be changed by administrative action, it has become a symbol of resistance against high interest rates in the money world. The Rural Electrification Administration loan program is a thorn in the side of those who have promoted tight money and high-interest rates. It is a source of antagonism to Agriculture Department officials who have hiked hardship interest

rates on farmers; it is a point of departure from the smooth-operating high-interest rates imposed on housing loans by the present administration. It represents contrariness by a certain group of people to the moneylenders who have succeeded in raising their rate of income from every other group of Americans. The co-op program in truth has become the last remaining symbol of reasonable rates of interest on loans of any sort in this Nation.

This is one of the foremost reasons why the co-ops have now become the challenge to an amalgamation of enemies comprised of the tight-money policymakers in this administration, the moneylenders, and the utility monopolies who were enemies of the rural electrification program even before tight money and high interest.

The utility monopolies slipped into the fight for higher interest rates because it is the best current vantage from which they can attack the co-ops with effectiveness. They know that interest rates boosted high enough can ring the death knell of the rural electric cooperatives. The monopolists know that higher interest rates will make it tougher for cooperatives to be successful. They know that if interest rates go high enough, the cooperatives will have to raise their utility rates to members or go out of business.

Farmers, who are now caught in this economic squeeze, cannot pay higher rates. The co-ops, faced with delinquent members and dwindling income, would have to renege on note payments to the Government because of unbalanced budgets. It is then that high-interest rates would begin to put out your lights.

At the right moment, if the situation becomes grave enough, the monopolists, with help from the high-interest boys, would move in. With a burst of patriotic propaganda they would probably offer to buy up the bankrupt cooperatives "to help our Government."

Since cooperatives are thriving businesses, they would make a rich plum for anyone to gobble up in such a squeeze play under the present conditions. Of course, no one wants to pay the true value of the co-ops. The monopolists would probably offer to take up the cooperatives for whatever was owed the Government, raking in all equity as gravy.

With fee simple title in one pocket and unlimited utility rates in the other, the monopolists would walk off with 25 years of sweat, blood, and tears of millions of farmers as a net profit.

This is what could happen to you. This is how your lights could be turned off. Fantastic? No more fantastic than the situation you were in 25 years ago when you didn't have electricity. The attempts to drown the co-ops along with all the other programs that have been engulfed by high interest rates and tight money policies are becoming more numerous and come in ever-varying ways. Not long ago the President asked for blanket authority with which to change interest rates in any direction he wants. The administration is out to take away all authority Congress has over the financial policies of this country.

The Federal Government, by the stroke of the pen of the President or by his word passed on to the various executive branches, can change the market situation on any commodity. The Federal Government buys more of everything than anybody else in America. It uses more food, more steel, more automobiles, and more money than anybody else.

We cannot afford to give any administration blanket monopolistic powers to change the price of money. You are buying money when your Government borrows it, and the price it pays takes on the form of interest rates which you have to pay for in taxes.

To me, the loan program to the rural electric co-ops represents the last thing for us to hang onto if we are to turn back the tide of inflationary high-interest-rate policies. It may be a thorn in the side of those who want to monopolize their control over our economy, but to me, it is a crusade banner for all to follow who oppose high interest rates. You can mark me up as your first enlisted soldier in this fight, and I, for one, will carry your banner in the U.S. Senate. Each one of you here is a soldier enlisted in the cause of preserving our rural electric co-ops, and it is your duty to go home and talk and vote the way you feel about high-priced money. It is up to you, because there is no one in the White House who will fight your battles this day.

As you know, I am a partisan politician. I am a solid Democrat, and I could not talk to you sensibly about your cause without injecting some politics, because politics runs the country. If you are unhappy with the present policies toward the rural electric co-ops, then it is your duty to see to it that a different kind of administration is put in the White House in November. Whatever administration is elected to succeed Eisenhower, it will continue to be the tool of the high-interest-rate and tight-money policies if it is the same kind as the present. The faces of White House occupants may change, but their financial policies will not change so long as they are of the same breed which is now running things.

Don't let them put your lights out.

VISIT TO THE SENATE BY BRAZILIAN CONGRESSIONAL GROUP

Mr. SPARKMAN. Mr. President, it is my pleasure to present to the Senate some distinguished visitors who are now present in the Chamber. The group consists of seven members of the Parliament of the great Republic south of us, Brazil.

These seven gentlemen are in the United States for about a month to study public works, particularly river valley improvements, to see if they can find something of value to apply in their own country, in the great Sao Francisco Valley there.

It is my pleasure to introduce the following members of the delegation:

The Reverend Luiz Medeiros Neto, member of the Chamber of Deputies from Alagoas, and vice chairman, Sao Francisco Valley Committee, Social Democratic Party.

The Reverend Paulo Freire de Araujo, member of the Chamber of Deputies from Minas Gerais, Republican Party.

The Honorable Jose Passos Porto, member of the Chamber of Deputies from Sergipe, National Democratic Union.

The Honorable Edgard Agnello Pereira, member of the Chamber of Deputies from Bahia, Social Democratic Party.

The Honorable Manoel Jose de Almeida, member of the Chamber of Deputies from Minas Gerais, Social Democratic Party.

The Honorable Oswaldo Ribeiro de Oliveira, member of the Chamber of Deputies from Bahia, Social Democratic Party.

The Honorable Antonio Sylvia Cunha Bueno, member of the Chamber of Deputies from Sao Paulo, Social Democratic Party.

[Applause, Senators rising.]

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Chair would like to express to our distinguished visitors and colleagues from the great Republic of Brazil our honor and pleasure in having them visit us on this occasion. We know that this is their first visit, and that there will be many others to come. We wish to congratulate these honored guests wholeheartedly because we recognize them as great friends, and because we are fully aware of the outstanding friendship which has existed between our two great republics over many, many decades.

Mr. DIRKSEN. Mr. President, I wish to associate myself with the expressions of esteem and affection by the Chair for our colleagues from Brazil, a great country indeed and of amazing potentialities. It is in the interest, of course, not only of good fellowship but also of public relations that they should come here so soon after the visit of our distinguished President to Brazil. I join with the occupant of the chair in extending to these honored visitors the hand of fellowship and friendship from all of us.

LINCOLN BOYS' CHOIR OF LINCOLN, NEBR.

Mr. CURTIS. Mr. President, it is my happy pleasure to announce that we have visiting in Washington, D.C., today one of the outstanding musical organizations of the country, the Lincoln Boys' Choir of Lincoln, Nebr. They are directed by Mr. Hugh T. Rangder. I am sure the many music lovers in the Senate, as well as the other readers of the RECORD, will welcome their visit to Washington, D.C., today.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, has the morning hour been concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the senior Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. JAVITS] to strike out section 3 of the amendment proposed by the junior Senator from Illinois [Mr. DIRKSEN].

Mr. JOHNSON of Texas. Mr. President, I am informed that the Senator from Illinois [Mr. DOUGLAS] is en route to the Chamber, and that he expects to speak for about an hour on his amendment. Other Senators may desire to speak on that amendment. If so, I should like to have the aides of the Senate notify interested Senators that the amendment is about to be discussed.

The only other Senator who I understand desires to speak on the amendment is the minority leader, the distinguished junior Senator from Illinois [Mr. DIRKSEN], who will speak very briefly. Then a motion to table will be made. It is hoped that we may reach that point as early as possible; and after the vote has been taken, it is planned to have the Senate go over until Monday, if it has been possible to obtain a vote this afternoon.

How long does the distinguished minority leader expect to speak on the Douglas amendment?

Mr. DIRKSEN. Probably not more than 10 minutes at the most.

Mr. JOHNSON of Texas. Mr. President, if any other Senators desire to speak on the Douglas-Javits amendment, I should like to have them notified.

I shall suggest the absence of a quorum to enable the senior Senator from Illinois to come to the Chamber and offer his amendment. When the distinguished majority leader has had an opportunity to reply, it is hoped that it will be possible to make a motion to table the amendment at an early time this afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the Douglas-Javits amendment to section 3 of the Dirksen substitute.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DOUGLAS. Mr. President, let me thank the Chair for recognizing me.

In view of the statements which the Senator from Georgia made the other day, in implying that I had improperly taken the floor from him, let me now say that if any Senator from south of the Mason-Dixon line wishes to address the Chair at this time, I shall be very glad, indeed, to sit down and allow such Senator to proceed.

With the permission of the Chair, I should like to pause for a few seconds, to permit any Senator who wishes to claim the floor to do so.

I wonder whether someone will inform the cloakroom attendants that if there is in the cloakroom any Senator who wishes to speak, I shall be glad to yield to him.

Mr. HOLLAND. The Senator does not mind if, in going to the cloakroom, I stay there, does he? [Laughter.]

Mr. DOUGLAS. Not at all.

Mr. President, my good friend, the Senator from Florida, implied when he left, that he might remain in the cloakroom. Since he has had a chance to return and since he has not brought with him any Senator who wishes to claim the floor, I hope I shall not be regarded as being forward if I acknowledge the recognition the Presiding Officer has given to me and proceed to try to develop the argument.

Mr. President, I rise to explain the amendment which the Senator from New York [Mr. JAVITS] and I submitted last night as an amendment in the form or nature of a substitute for section 3 of the so-called Dirksen bill. Our amendment is the pending question.

AMENDMENT EMBODIES COMMISSION'S REGISTRAR PROPOSAL

In brief, the amendment adopts the main outlines of the recommendations of the President's Commission on Civil Rights—that there be administratively appointed Federal registrars who will serve as voting registrars or enrollment officers when it has been proved, through proper processes, that discrimination exists against a particular race or class in a given territorial division. But the amendment goes beyond the Commission's recommendation by applying this procedure to State as well as Federal elections.

Of course, the amendment is designed to deal with the disenfranchisement of Negroes in large sections of the South and the possible disenfranchisement of Mexican-Americans—or "Latinos," as they are sometimes called—in the Southwest, and any other cases of disenfranchisement because of race or color which may exist, wherever they may occur—whether in the North, the South, the East, or the West.

SUMMARY OF REGISTRAR AMENDMENT

First, I should like to explain what the amendment provides; and then I should like to comment on the superiority of this amendment to the so-called referee proposal. Thereafter, I wish to deal with certain of the impalpable objections which are urged against the amendment.

This amendment includes first an initial finding of fact by Congress itself—based upon the report of the Civil Rights Commission—that substantial numbers of citizens of the United States who are qualified to vote under State registration and election laws are being deprived of that right on account of their race or color; and one of the means of disqualification is set forth as being inadequate methods of registration and abuses in the registration process.

The amendment then provides that upon the petition of 50 citizens, from the same county, that they have been discriminated against, the President, either himself or acting through agents, may initiate an investigation to determine whether the complaints are well founded.

Mr. President, I think I should pause here, to say that this requirement is more severe than that imposed by the recommendation of the President's Commission on Civil Rights, which would require the petition of only nine citizens. This amendment requires a petition by 50 citizens from the same county.

The President or his agent is to investigate as to whether this race or class has been discriminated against; and if it is found that it has been discriminated against, the President is then authorized—although not necessarily directed—to appoint a registrar from among the Federal employees or officials who live in or near the county itself. Such registrars must in any case come from the same State.

It should be noted, therefore, that this proposal does not provide for the appointment of outside officials from territories other than the county in question or nearby counties, or from regions of the country other than the region involved.

The President, however, even after such petitions and a finding of discrimination, may hold back on the appointment of such a registrar if the State and local authorities give convincing proof that they intend to change the policies of discrimination which they have followed in the past. So that an opportunity is offered to the localities to purge themselves of the fact of discrimination if the President and his agency have found that such a practice exists.

If, however, such a change in policy is not followed, the President can appoint the administrative registrar, and he is to accept applications from all persons in the disenfranchised class. In practice, to get away from legal terms, this class would, in the south, be Negroes; in some cases in the southwest, Mexican-Americans; and if Puerto Ricans were discriminated against in New York, it would apply then to Puerto Ricans as well.

The registrar is merely to apply the qualifications required under State law. He is not to impose separate qualifications of his own; he is not to make the test easier for the applicants than for others—for the whites, for example; he is not to make the test more severe, but approximately equal.

Again, I want to emphasize that the qualification standards to be applied are those which prevail inside the State.

If the Negro applicant is found by the Federal registrar to be qualified, he is entitled to vote; and he shall be issued a certificate, and his name and others so registered shall be certified to the State officials.

I should emphasize here that the qualification of these voters applies under this amendment to State elections as well as to Federal elections. That is a second difference from the proposal of the President's Commission on Civil Rights, which in its recommendations limited the power of a Federal registrar to certify an applicant merely in Federal elections.

We believe that this proposal is thoroughly constitutional, because, as I have pointed out on the floor of the Senate repeatedly, the 15th amendment, as we all should know, provides that no State shall discriminate in the matter of voting against any person because of race, color, or previous condition of servitude; and the Congress has the power, by appropriate legislation, to enforce that provision.

The 15th amendment does not draw any distinction between State elections and Federal elections, and therefore the way is open, in my judgment, and in the judgment of competent lawyers, for the

protection to be extended to State elections under the 15th amendment.

But it should be noticed that there is in the amendment a basic finding of discrimination by Congress and there will have previously been a finding—in each case of appointing a registrar—by the President, as Chief Executive of the United States, on the basis of an investigation by an agency such as the Civil Rights Commission or a section in the Department of Justice to whom he has delegated such authority, that the 50 petitions have been in the main well founded, and that discrimination, on the basis of race or color, exists.

So that this essential constitutional test is met, though met by other bodies than a judicial body.

Of course, in any such proceeding as this, we should provide for the right of judicial review and the right of appeal from the decisions of the registrar. And so in the later sections of this amendment, notably on pages 5 and 6, there is a provision for appeal from the decisions of the registrar to the district court.

But it is provided that the hearing upon this matter shall be as expeditious as possible and give due consideration to the time of the next election. It is thus clearly implied that the hearing shall not be prolonged, if it is at all possible, beyond the election date, and that if it is prolonged beyond the election date, then the person who has been registered shall have the right to cast his vote, with the understanding, of course, that if a challenge is continued, the ballot, if the local election officials so desire, can be sequestered and handled later.

The ordinary procedure, though it is not precisely spelled out in this amendment, would be for the ballots which are thus challenged to be put inside individual envelopes; and if a given person were later disqualified by the court, that envelope could be destroyed, and it would not be known how the person in question had voted. If the right to vote were affirmed, then the envelope could be opened and the ballots could be mingled and counted, without individual identification.

And if voting machines were used, of course, the very simple procedure would be for the challenged voter to be given a paper ballot which he could use, so that it would be treated in the same manner as when the paper ballots were the sole means of voting.

In other words, although the right of judicial review is retained, and correctly so, the delays of the law cannot be used to prevent the challenged voter from voting and having his vote counted if he is later found qualified.

A final section of the amendment retains the present third section of the so-called Dirksen bill; namely, the preservation of the voting records.

I am very frank to say I think that section could be improved, because while it requires the retention of voting records, I am not certain it requires the original making of a voting record. It thus leaves an apparent loophole for States that may want to evade this requirement.

Mr. President, this may serve as a brief explanation of what the registrar provision actually encompasses.

WHY THE REGISTRAR PROPOSAL IS SUPERIOR TO THAT OF REFEREES

I think we should ask ourselves why this is appreciably better than the referee proposal of the Attorney General and the administration, which apparently is favored by both the leader of the Democratic Party and the leader of the Republican Party in this body.

We should bear in mind that what we are dealing with is a matter of systematic disfranchisement. There are probably some three and a half million Negroes in the South who would ordinarily be able to meet the specific tests of qualifications, who at present are barred in one form or another from registration and voting. While it is probably true that indifference and inertia, which are characteristics of all people, and perhaps especially so of people who have felt there was not much use in trying, anyway, would prevent a considerable number from trying to utilize the election machinery even under the most favorable circumstances, still I think it is conservative to say at least between 1 and 2 million people could be enfranchised if we could devise a proper system of registration.

Mr. President, I think the choice we have, if we agree that people do have the right to vote, is as to whether we shall have an effective system or an ineffective system. That is really the choice.

While I am discussing this subject I will say I do not intend to refight the old battle as to whether we should have a part III guaranteeing civil rights under the 14th amendment. I think this bill should have such a provision, but we proposed that, and although we received a sizable vote in support of the proposition it was defeated. I do not intend to raise that question any further, because the vote was quite decisive. There were our friends from the South voting solidly against it. The administration forces, with the exception of 10, voted solidly against it. The group known more or less as the majority leader's group voted against it. These three forces were sufficient to defeat the proposal. I think they would defeat any other proposal of a similar nature which might be advanced.

I think the responsibility for the defeat of the protection of civil rights under the 14th amendment is now clearly known—or at least it would be clearly known if the press were to do its job—and I shall not refight old battles.

We now have before us a voting rights provision, and the administration says it is anxious to have an effective voting rights provision. The minority leader says he is anxious to have an effective voting rights provision. The majority leader says he wants an effective voting rights provision. We Democratic liberals on this side of the aisle certainly want an effective voting rights provision. We would all seem to be in unanimity on this point. I have sometimes felt, from the overtures of our good friends from the South, they would not heatedly oppose a voting rights provision, provided it were ineffective.

Mr. President, I think the question is, What is the most effective measure we can get? The two main alternatives were mentioned by the Senator from New York last night in his able summary. First, there is the registrar method, which I have previously described. Second, there is the referee method of the Attorney General, now supported by the administration and by the majority leader of the Democratic Party in this body—at least, I imagine it is supported by the majority leader of the Democratic Party in this body.

On Tuesday I tried to indicate at some length and in some detail the vital weaknesses which are necessarily contained within the referee provision.

Yesterday in the colloquy with the Senator from Pennsylvania [Mr. CLARK] this was developed again by means of a series of questions, as was shown from pages 5880 to 5888 of the RECORD.

I hope that my colleagues who are too busy to come to the floor and listen to the discussion may at least have sufficient leisure over the weekend to read these pages in the CONGRESSIONAL RECORD, because I think they indicate pretty clearly what the vital weaknesses are in the referee plan.

In general, the judicial proceeding the Attorney General and the majority leader and minority leader are advocating involves great delays—great delays—which will make it extremely difficult to have cases decided before the election takes place, delays which will tire out and weary a very large proportion of the applicants themselves.

Second, the method permits a great deal of discouragement and intimidation to operate against the Negroes who are trying to establish their right to vote, with a minimum of judicial protection being accorded to them.

The effect of all this, Mr. President, would inevitably be that only a small and minute fraction of the some millions who are now disfranchised would, in my judgment, be enabled to be registered under the plan. Therefore, it is an ineffective proposal.

While the steps involved in the referee plan have been outlined in the previous discussion, I think it is appropriate to remember that Dr. Samuel Johnson once said, "Men need not so much to be informed as to be reminded."

I hope, therefore, this assemblage of Senators will excuse me if I inform them once again as to what are the specific features of delay and discouragement which the referee system necessarily entails.

INEVITABLE DELAY UNDER REFEREE PLAN

In the first place, there must be an initial judicial finding that a pattern or a practice of discrimination actually exists. This would involve not merely complaints from individuals, but it would also require a judicial process itself. This would, of course, permit full legal opportunities for those who do not wish Negroes to be registered and vote, or who do not wish Mexican Americans to

be registered and vote, to be present, to contest the ruling in every way, and to resort to such dilatory or evasive tactics as they might choose.

The applicant or applicants for the court injunction and finding would initially be required to prove that a pattern or practice of discrimination actually existed. Discrimination inevitably involves a comparison. Are Negroes, for example, more discriminated against than white applicants? They would have to establish a benchmark to show how white applicants were treated before they could establish that Negro applicants were treated more severely.

They would have to prove that there was a disparity between the requirements imposed upon Negroes as a class and those imposed upon whites as a class, and that this disparity was so great and so adverse to the Negroes that discrimination actually existed.

This may seem very easy to do. But if we have white witnesses—both registrars and applicants for registration—who do not wish to testify, who avoid testimony; and if we have such tactics as have been used in Tuskegee, for example, a judicial determination is not at all easy to establish; quite the contrary, it is very difficult.

In many cases there are no records of registrants for application who have been rejected. The records of the applicants who were accepted frequently do not indicate what procedure was followed or what literacy test was administered. The few records that are available can often be obtained only after a critical delay, occasioned by legal action to obtain the records. I cite the case of United States against Wallace. Generally, white persons in the South are in such cases hostile witnesses, unwilling to discuss their experiences with representatives from the Justice Department. They are amenable only to judicially applied coercion, and often evasive in their stories.

So this initial determination would not only be time consuming, but involve a very difficult burden of proof. But even once it has been established, the Negro applicant is not permitted to go to the Federal registrar immediately. Even though the pattern of discrimination has been found, before the Negro applicant can go to the judicial referee, he is first required to go to the same local groups of registrars who, according to the finding, have previously discriminated against him.

I emphasize that this is a feature of the administration's plan which the administration stubbornly refuses to change. Time after time they have been asked to waive this requirement. Each time they have refused; and in the final draft of the McCulloch bill, which, it is understood, will probably be passed by the House, through the cooperation of the Democratic majority, led by the Speaker, and the Republican minority, led by Mr. HALLECK, this point is made absolutely clear.

Whatever doubt or ambiguity existed on this point was cleared away last night when the Senator from Colorado [Mr. CARROLL] read the latest draft of the McCulloch proposal, which specifically requires that prior application must be made to the local registrars. I read from page 5882 of the CONGRESSIONAL RECORD for yesterday:

> Mr. CARROLL. I wish to read into the RECORD, so there will be no doubt about it, from the Celler bill, which probably is under consideration at this very moment by the House of Representatives. I read now from page 5659 of the CONGRESSIONAL RECORD for March 15; and I believe this will clarify their position—not the position of the Senator from Pennsylvania:
>
> "The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote."
>
> And here is the clincher: "and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law."

I invite attention to the insertion of the words "since the finding by the court heretofore specified." Those words were not in the previous draft of the McCulloch amendment. I thought they were implied. It was sometimes said, "Oh, no; they are not in it." But to make the situation perfectly clear, they were inserted in the draft which is now before the House, and which in all probability will be adopted by the House.

In other words, the thumbscrew has been very definitely turned on this clause, to make it explicitly clear that, even after the judicial finding of discrimination has been made, the individual applicant must go back to the same registrars who discriminated against him and seek once again to be registered. This is a crucial and, to my mind, vital defect.

REQUIREMENT OF FURTHER APPLICATION TO STATE REGISTRAR IS MAJOR DEFECT IN REFEREE PROPOSAL

I cannot emphasize too strongly the significance of this requirement. Here Negroes have been discriminated against by local registrars, according to a judicial finding. They have met with hostility and, in many cases, pressure, and then they are asked to go back to the very same people who have humiliated them, and subject themselves to the same process the second time, before they are entitled to go ahead and seek to surmount the rest of the hurdles in the long obstacle course that the referee plan would set up.

A person would have to be an exceptional hero to do that, and, in addition, he would have to be well supplied with the world's goods, to withstand the pressures which would inevitably be put upon him. Since by definition the number of heroes in the world is limited, and since Negroes are socially and economically at the bottom of the totem pole in the South, it means in practice that only a small fraction of Negroes could be expected to go back and try to reregister.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. PROXMIRE. I ask the Senator if it is not true that the section which he has read from page 5882 of the CONGRESSIONAL RECORD of yesterday is the crux of any right-to-vote legislation which is going to be effective. That section reads:

> (2) He has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

Mr. DOUGLAS. I think it is the most vital defect, although it is not the only defect. I think the referee plan involving a lengthy, judicial process is not only inadequate in itself, but I think it is also the worst feature of it.

Mr. PROXMIRE. Is it not true that in order to understand what is at issue and is one of the most important issues of the right-to-vote controversy, particularly by anyone who is interested in discerning the differences between those who really believe in accomplishing registration as expeditiously and justly and fairly as possible, and those who do not believe in expeditious action, it must be understood that this is the crux of the whole issue?

Mr. DOUGLAS. I agree. I think that the impending vote on this amendment is going to be one of the most important votes on this bill.

Mr. PROXMIRE. Can the Senator see any reason why, in terms of justice and fairness and recognition of the rights of all parties, there is anything wrong with a proposal which provides that once there has been a finding that there is a pattern of discrimination against a class, they should not be enrolled or registered by a referee appointed by the court, provided they are qualified voters and provided they fall into this class?

Mr. DOUGLAS. I do not. That is why many of us—and I believe this includes the Senator from Wisconsin—favor the administrative registrar system rather than the judicial referee system.

Mr. PROXMIRE. Would the Senator from Illinois indicate at this point why this is critical to the registrar system rather than the referee system, and why this could not apply to the referee system?

Mr. DOUGLAS. Because under the registrar system, after a finding has been made by the President that there is discrimination and a Federal registrar is appointed, the Negro applicant can go directly to the Federal registrar and then register. He is not compelled to go back to the local registrar.

Mr. PROXMIRE. In order to get the most comprehensive understanding possible of this point, would it be possible to set up the law in such a way that a Federal judge could determine that this pattern existed?

Mr. DOUGLAS. I suppose so.

Mr. PROXMIRE. And thus permit this disfranchised class to be enrolled by the referees appointed by the Federal court.

Mr. DOUGLAS. I suppose that could be done. I believe the Senator from Pennsylvania [Mr. CLARK] has an amendment which does that. There are various combinations and permutations of the referee-registrar provision which can be worked out.

Mr. PROXMIRE. Is it not true that this is the crucial point, because if the law is passed in such a way that qualified persons who are discriminated against, in a class, are permitted to register with a referee, or with a registrar, who has been appointed, that then the pattern cannot be continued by those who previously, on the basis of the finding, have been successfully following the policy of excluding persons who fall in that class?

Mr. DOUGLAS. I believe it is possible to devise a referee plan which would take out the requirement of going to the State or local registrar. But the significant thing is that the administration has always refused to grant this right, and has insisted that a prior application is required, and in fact, it has tightened the requirement.

The Democratic leadership of the House and, apparently, the Democratic leadership of the Senate have decided to make common cause with the administration on this matter. So that we are faced, in a sense, with a united front for an ineffective bill.

Mr. PROXMIRE. In the 57 counties in which, I understand, the Civil Rights Commission has reported there has been not simply a pattern of discrimination against Negroes registering and voting but also an absence of actual legal registration. Under the proposal that is made in this particular section to which the Senator from Illinois has called our attention, is it not true that unless this proposal is included, which permits the enrollment officer, or registrar, to register the disfranchised class, any law would likely be, if not a sham, exceedingly ineffectual and ineffective, and that exactly the same kind of discrimination that has been practiced in the past could be practiced in the future?

Mr. DOUGLAS. The Senator from Wisconsin is completely correct.

Mr. PROXMIRE. Does it not mean that what the disfranchised Negro would have to do would be to prove that as of a certain day at a certain time he went to the proper registering authority in his local district, and that he went to the right window, to the right person, that he asked for the right person; and are there not all kinds of details which could be asserted and under which he could be prevented from proving that he had been actually and legally denied?

Mr. DOUGLAS. The Senator from Wisconsin is completely correct.

Now he has also touched on still another difficulty which is thrown into the path of the disfranchised Negro or possibly the Mexican-American, namely, that he must not only go to the local or State registration officers and expose himself to pressure, delay, humiliation, and so forth; but if he is turned down, he must then go to the referee and prove not merely that he is qualified but that he has again been discriminated against.

In other words, although the court may have found initially that there is a practice or a pattern of discrimination, the individual must prove that he, John Jones, has been discriminated against, and he must therefore show that more severe standards have been applied to him than have been applied to the white applicants at the same time and place.

As I said in discussing the initial finding, in order to show discrimination, an applicant such as our John Jones must not only show that he has had a rough time, but that he has had a much rougher time than the white applicants. Therefore, it will be necessary to have a benchmark of the treatment of white applicants against which can be measured the treatment of Negroes, before it can be said that John Jones has been discriminated against.

In view of the hostility of white witnesses, and in view of the delays which can be practiced, the treatment of Negroes as compared with the treatment of whites will be very hard to establish; in fact, it will have to be proved twice: initially, as a general practice or pattern; secondly, in individual instances. Therefore, in practice, I believe such a procedure would be almost completely ineffective.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that in every individual case it will have to be proved again, again, and again? There will be a pattern of going to court and establishing a practice in the case of the first applicant, the second applicant, the third applicant, and so on, hundreds and hundreds of times; and it would still be necessary to go through an expensive legal process, which could be so easily obstructed every single time.

Mr. DOUGLAS. I think that is substantially true, as I have said on many occasions, although it is possible that these cases might be grouped somewhat, together. It is possible, but it is not at all certain.

I thank the Senator from Wisconsin. His questions have been most helpful.

In other words, this process will have to be gone through twice: First, to establish the general practice; second, to establish individual discrimination.

FURTHER DELAYS CAN FOLLOW REFEREE'S REPORT

Then, of course, there are always the appeals which can be taken from the decisions of the voting referees. In the first case, there will be appeals to the district judge. The referee really serves as the judge's special master in chancery. While the district judge, in some drafts of the McCulloch bill would be given the authority to accept the decisions on fact of the referee as correct unless contradicted under oath or by a public record, nevertheless, arguments can always be made on the law. The McCulloch draft specifically provides that memorandums may be submitted on the law. If memorandums can be submitted, then they certainly can be argued about. This will be time consuming.

So the election may well have passed completely before the final decision of the district judge has been handed down. Next election, if there is a new registration period, the Negro will have to go through the whole process again.

Then there is always the possibility of appeals to the higher courts—to the circuit courts of appeals, and possibly ultimately to the Supreme Court of the United States. I know that in some of the McCulloch drafts, steps have been taken to curtail these delays in the later phases of this process; but they will still largely exist.

I think that any sensible person who will take the trouble—and it is not difficult to do—to compare the two methods, will conclude that the President's Commission on Civil Rights was correct in wanting an administrative process; and that the Attorney General has been wrong in insisting upon the judicial process. It is a source of deep regret to me that the congressional leaders of my party have apparently chosen to agree with the Attorney General rather than with the President's Commission on Civil Rights.

COURTS WOULD BE SWAMPED

I think a further point should be made: Suppose the courts under the referee plan treat not the minute number of voting rights cases which I believe they will treat, but that they treat a significant number. If that is the case, then the courts will be swamped with work, because the judicial process, with its insistence upon full argument and full representation—and it is one of the glories of Anglo-Saxon jurisprudence that it does—can necessarily handle only a limited number of cases and indeed the dockets of the Federal courts are already clogged with an excessive volume of work.

So in all probability, it can be said that very few persons will be added to the voting lists if this measure becomes law—very few.

But if we should chance to be wrong, and a considerable number were registered, the courts would be so swamped with work that they could not handle it. So whatever happens—and I believe it will be the first method which will happen—the judicial method which the Attorney General has chosen is a blind alley. If Senators want to find the most ineffective method for dealing with this problem, let them choose the route of the Attorney General; let them choose the route which the leadership on my side of the aisle, in both the Senate and the House, has adopted.

Registering to vote is essentially a simple administrative procedure. It is not a judicial process and we should not try to make it such. I cannot emphasize that fact too strongly.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. PROXMIRE. One of the outstanding experts on constitutional law in the State of Wisconsin—and I believe in the Nation itself—is Prof. David Fellman, of the University of Wisconsin. Professor Fellman has written to me exactly on this point. He feels that the

price the Attorney General would have Congress pay for achieving a system in which more Negroes could vote may, in his judgment—and he has gone very deeply into the question of civil rights—be too high. He thinks this is an exceedingly bad precedent.

He has said in his letter that if the courts should ever become administrative agencies in this sense, they would become extremely overburdened, exactly as the Senator from Illinois has said they would; that many persons who understand our constitutional system and our judicial system would oppose this method although they fervently believe we should do all in our power to achieve the opportunity for Negroes to vote.

The difficulty in this respect is that two very deep-set values which persons have are set against one another. They believe the 15th amendment to the Constitution should be thoroughly enforced. They also, however, believe very deeply in an orderly judicial system, a judicial system which functions as such.

For this reason, I think the argument which the Senator from Illinois is making now is most pertinent and important. I earnestly hope that the amendment he proposes, providing for the Federal registrar system in the administrative branch of the Government, providing administration, as it should, will be adopted.

Mr. DOUGLAS. I thank the Senator from Wisconsin.

THE OBJECTIONS OF THE POWER ELITE AMONG THE OPEN PERSUADERS

I well know what those of us who are advocating a Federal registrar system are facing. It is not the logic of the situation. If logic and workability were the tests, I believe there is no doubt that the registrar system would be chosen in preference to the referee system.

But we are facing the unseen opinion makers: the columnists, the newspapermen, the shapers of public opinion—the group otherwise, and somewhat irreverently, known as pundits, who tell Congress and the country what they should think and what they should do.

I find that there are three very facile charges which are made against those of us who are working for effective registrar proposals, and these aside from the controlling fact of brute power are the obstacles which we really have to face. The first charge is that we are extremists. That is an unlovely characterization in these times.

The second is that we are trying to go too fast.

The third is that since this measure is opposed by the great power blocs in the Congress, in all probability it will be defeated, and therefore it should not be opposed.

Those are the real arguments we have to answer. It is very difficult to answer them, because they are not put in terms of logic. Instead, they are put in terms of social acceptability.

Mr. PROXMIRE. Mr. President, at this point will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Illinois yield to the Senator from Wisconsin?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that at the time when the Attorney General made his first plea for the judicial referee system, it was a most convincing performance—at least in the eyes of editorial writers throughout the country—because he used what he called "Jim Crow" ballots, and at the time he argued that the registrar proposal would exclude persons from voting in State and National elections, and that the ballots in those States—as well as in my own State, for example—mixed the State and the Federal elections, and that on that basis the registrar proposal will be unworkable and impracticable?

It seems to me that much of the acceptance of the argument of the Attorney General was based on this fact. I recall an editorial in the New York Times which pointed out that the Attorney General had brought in ballot after ballot, from State after State, and had pointed out that the registrar system simply would not work—that when people went to vote, they would be denied the ballot.

Is it not true that that argument not only has been met by those of us who advocate the registrar proposal, but that, on the other hand, we find many of our good friends in the Republican Party urging that the referee proposal apply only to national elections?

Mr. DOUGLAS. I think that is true. Of course, the Senator from Wisconsin implicitly calls attention to the fact that the pending amendment, which provides for administrative registrars, applies to both State elections and Federal elections, and, therefore, it does not involve in the slightest degree the problem of "Jim Crow" ballots. The Senator is completely correct in stating that that reason for accepting the proposal of the Attorney General no longer exists, and that the question now is simply as to the workability of the two plans both covering State as well as Federal elections.

In other words, if we wish to allow qualified Negroes to be enfranchised, the question of "Jim Crow" ballots is not involved; the only question is as to the relative workability of the two plans.

On that basis, I submit that the Federal registrar plan is infinitely superior to the referee plan. In fact, I will say that if one sought to devise the most ineffective system for dealing with this problem, if one tried to find a method which would enfranchise the smallest number, I do not believe it would be possible to hit on a device more effective in that respect than that which the Attorney General, the Republican leadership of the House of Representatives, the Republican leadership of the Senate, and the Democratic leadership of the Senate are now supporting.

Mr. President, as I have said, what we are contending against is not logic; we are confronted with the impalpable developments in public opinion which have been created by the charges that we are extremists, that we are trying to move too fast, and that we are not organization men.

We remember that when Socrates came to trial he said that those who really were accusing him were not the ones who actually were making charges against him, such an Anytus, but were the popular opinions and the public sentiment in Athens, where certain ideas about him had already been formed.

Although we certainly do not wish to compare ourselves to Socrates, nevertheless, it is true that the impalpable charges against us come from the framers of public opinion, who say we are extremists, that we are going too fast, and that since these measures cannot pass they should not be proposed.

Mr. President, may there be order in the Chamber?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Senator from Illinois will suspend.

All other Senators will take their seats. The Senator from Illinois is making a very important speech, and he is entitled to be heard by the membership.

Now the Senator from Illinois may proceed.

Mr. DOUGLAS. Mr. President, is there now order in the Chamber?

The PRESIDING OFFICER. All Senators except the Senator from Illinois, who has been recognized, will take their seats. All conversations by attachés of the Senate will cease. The only person who will be heard will be the Senator from Illinois.

The Senator from Illinois may now proceed.

Mr. DOUGLAS. I thank the Chair.

REGISTRAR PROPOSAL IS NOT EXTREME

Mr. President, of course, no one likes to be called an extremist. We do not think we are extremists. In recent days we have been somewhat pained by being compared to the White Citizens' Councils in the South. It has been said that we are as much extremists, on the one hand, as Governor Faubus and the White Citizens' Councils and certain other gentlemen are, on the other side.

I believe it appropriate to point out that we want to carry out the American tradition of making the 15th amendment actually applicable, and that we seek to do so under the reign of law, whereas what many groups in the White Citizens' Councils want to do is to reverse the American tradition, throw into the wastepaper basket the 15th amendment to the Constitution, and do so with the threat or the actuality of violence.

Yet, Mr. President, I wish to point out again that, in essence, our proposal originated in a group of five men, two of them Southerners: Mr. Robert G. Storey, formerly president of the American Bar Association; and Mr. Doyle E. Carlton, formerly Governor of Florida—and three very eminent Northerners, all of them conservatives. Two of the Northerners are conservative Republicans: Mr. John A. Hannah, and Mr. George M. Johnson. The fifth member, the very distinguished President of Notre Dame University, is Rev. Theodore M. Hesburgh, one of the noblest men of our times.

These gentlemen are not extremists, Mr. President. They are patriotic Americans. It is extraordinary that the

proposal which they advanced is now being treated as an extreme proposal and is being condemned by the pundits of the Metropolitan Club.

Mr. President, I should like to say that America has grown great, not merely because of its growth in population or its growth in material resources, but because America brought new principles of human equality into the world, and gave them tangible expression, and because in large part our political history has been one of the progressive application of those ideals.

The Declaration of Independence is not merely a document to be read on the Fourth of July, and then to be forgotten for the rest of the year.

Certainly Thomas Jefferson meant it when he wrote:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

Jefferson said, "all men." He did not say "all white men." He did not say "all rich men." He did not say "all landowners." No, Mr. President, he said, "all men"; and he meant precisely that—Negroes as well as whites, poor as well as rich, artisans and farm laborers as well as landowners. It is true slavery existed at that time. There were many features in American life in which the practice did not conform to the principle. But the history of America has been a progressive movement toward those principles.

I dislike to refer to the Civil War, which broke out 99 years ago, and in which there was great heroism and devotion on both sides, but I think it is worth remembering that a very large proportion of those who wore the uniform of blue, who were wounded and who died, did so not merely to establish a continuing political union, but also to abolish chattel slavery and to bring about a greater degree of equality for the Negro race.

Yes, and a considerable percentage of those in the South had the same desire, because one of the most extraordinary statements by a Supreme Court judge was handed down by a great southerner, John Marshall Harlan. This was in 1896, in the famous case of Plessy against Ferguson, where Harlan was the one dissenting judge. And this judge, who had been a slave owner himself, dissented from the opinion and said that the Constitution was color blind and drew no distinction on the basis of race or class.

To me it is a source of satisfaction that the grandson of the great judge who bears his name now sits upon the Supreme Court, and thus the great name of John Marshall Harlan is perpetuated.

I may say that the son of John Marshall Harlan, and the father of the present Justice Harlan, John Maynard Harlan, was a personal friend of mine. We were joined together in Chicago in fighting Sam Insull in the late 1920's. At times I have thought that battle was far more severe and dangerous than any formal battle where physical bullets fly.

As a result of the Civil War, we not only passed the 13th amendment, freeing the Negroes, but we passed the 14th and 15th amendments to the Constitution. The 14th amendment, passed in 1867, which declared that all persons born within the United States or naturalized therein were citizens not only of the State where they reside, but of the United States as well, citizens on equal terms. There were to be no first class citizens, no second class citizens, but all citizens on an equality. The amendment included the provision that no State shall deprive any person of the equal protection of the laws.

Some of us think the Supreme Court was right in its 1954 decision in the Topeka case, when it held that segregation in the schools on the basis of race was a violation of the equal protection of the laws.

REGISTRAR PROPOSAL CARRIES OUT PROMISE OF 15TH AMENDMENT

I am not going to fight that battle now. It is not involved. I appeal rather to the 15th amendment, which provides that no State shall deprive any person of the right to vote because of his race, color, or previous condition of servitude, and that Congress has the power, by appropriate legislation, to enforce that provision.

Mr. President, those provisions are parts of the Constitution. I have heard again and again the 10th amendment to the Constitution quoted, the last amendment of the original Bill of Rights, which provided that any powers not specifically granted to the Federal Government inhered in the States and the people; and, therefore, the conclusion is sometimes drawn that since the original text of the Constitution did not provide for the equal protection of the laws, therefore the 15th amendment should be disregarded, and hence the Supreme Court has no power to act in such matters.

Mr. President, the Bill of Rights was ratified in 1790 or shortly thereafter. The 15th amendment of the Constitution was ratified in 1870. The 15th amendment, therefore, supersedes the 10th amendment to the Constitution.

Now the question is whether we mean to give the Negroes and Mexican-Americans the effective right to vote. Do we really mean it, or do we intend to give only lip service to it but apply it in such a way that only a few can qualify? Are we trying to get a system in which, in practice, the 15th amendment will be denied, even though we may give verbal adherence to it? Are we trying to put into effect some kind of a face-saving device, possibly intended to fool the other peoples of the world, or do we really mean it? That is really the question.

Mr. President, I have great respect for the frank and open opponents of this measure who state, very frankly, they do not believe in allowing the Negroes to vote; they fear that there would be real difficulties created by this proposal. They are very frank and open in their opposition. I respect these men. I think they are mistaken, but I respect them. Indeed, I have more respect for them than for those who give verbal adherence to the principle, but who deny it in practice.

COLORED PEOPLES OF WORLD WATCH OUR ACTIONS

Mr. President, there are 17 million Negroes in this country, and about 3 million Mexican-Americans. To take the population of the world as a whole, two-thirds of it would be described by those who are sensitive to color as colored—the yellow, the brown, the black peoples of the world. These are people who, under colonial rule, have been discriminated against—not so much economically, though that has been true—not so much politically, although that has also been true—but discriminated against socially by the white colonial officers and traders who have relegated them to an inferior position.

I can remember that a sign used to be put up in the park in the foreign section of Hong Kong, which friends of mine told me they had seen, reading, "Chinese and dogs not permitted here." This was a frank statement of the practice which tended to be carried out in the East under British, Dutch, and German colonialism, and partially under French colonialism.

We were probably not as guilty as any of those people, but we drew the color line, too.

This fact has aroused resentment in the world of color. And what the world of color, which probably comprises two-thirds of the population of the world, is asking us is, "How can you reconcile your practice with your principles?" and those peoples are demanding that we put our practice into conformity with our principles.

Having a certain sense of falling behind in the economic world, not being as powerful as we, they naturally have a tendency, as those who are militarily weak do, of trying to find flaws in the armor of strength and to point out all the weaknesses we have. I think I can say, with complete truthfulness, the greatest difficulty we have in winning the wholehearted cooperation of the uncommitted peoples of the world is the treatment which we accord to the Negroes in our country.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. PROXMIRE. Mr. President, I asked the Senator to yield to ask him this question: Is it not true that the Commission on Civil Rights, appointed by the President, consisted of six members.

Mr. DOUGLAS. There were six members, five of whom made this recommendation.

Mr. PROXMIRE. Five of the six made this recommendation. Is it not true that of the six members one was Robert Gerald Storey?

Mr. DOUGLAS. That is true. He is a former dean of the law school at Southern Methodist University, a former president of the American Bar Association. He was southern born and bred. He is one of the leading lawyers of the United States.

Mr. PROXMIRE. With the Senator's indulgence, I ask unanimous consent that I may read in the RECORD at this point, because I think it is extremely important, a brief biography of Mr. Storey. This shows not only the fact that this gentleman is a southerner and understands the southern traditions but also the very high quality of this man.

Mr. DOUGLAS. I shall be glad to yield for that purpose, Mr. President, if I am granted unanimous consent to do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and the Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, before I read this I should like to emphasize that, as the Senator from Illinois has pointed out, this is a suggestion or a proposal which originated with the Civil Rights Commission. Those of us who are trying to advance the proposal are being labeled as extremists or as people who are impetuous or as people who are not sufficiently grounded in the background and theory of the social structure of the South.

The first man on the Civil Rights Commission whose biography I shall briefly mention is Robert Gerald Storey.

Education: University of Texas and Southern Methodist University, B.A.; honorary degrees, LL.D., Texas Christian University, 1947; Laval University, 1953; Drake University, 1954.

Professional: Partner, Storey, Armstrong & Steger, Dallas, Tex.; dean, Southern Methodist University Law School; president, Southwestern Legal Foundation.

Public service: Assistant attorney general of Texas for criminal appeals, 1921–23; member, national executive committee, American Legion, 1921–22; regent, University of Texas, 1924–30; governor, Kiwanis Club, Texas-Oklahoma district, 1931; president of Park Board, city of Dallas, 1938–41; executive trial counsel for United States, Nuremberg, trial of major Axis war criminals, 1945–46; member, Commission To Reorganize Executive Executive Branch of U.S. Government (Hoover Commission), 1953–55; adviser to Korean Government on judicial system and legal profession, 1954; State Department representative in the Far East and Middle East to assist legal profession of friendly free nations—summer 1954–55; member, Board of Foreign Scholarships (International Educational Exchange), 1956.

Bar association activities: President, Dallas Bar Association, 1934; president, State Bar of Texas, 1948–49; president, American Bar Association, 1952–53; president, Inter-American Bar Association, 1954–56; member of council, International Bar Association, 1952.

Business: Director, Southwestern Bell Telephone Co.; chairman of board, Lakewood State Bank; director and general counsel, United Fidelity and Universal Life Insurance Companies, and Sabine Royalty Corp.

Mr. President, I also wish to mention briefly the biography of John S. Battle, Commissioner.

Mr. DOUGLAS. Mr. President, I think I should interject to point out that while Governor Battle found there was discrimination in the South, he did not recommend the creation of Federal registrars. He was the one member on the Commission who did not.

Mr. PROXMIRE. Yes. I desire to give the biography, because John S. Battle was a member of the Civil Rights Commission. It was a well-balanced Commission, on which there was no overbalance on the side of the North. There were three southern members and three northern members.

I am sure all of the members were influenced by the quality of Governor Battle, which is extremely high, and by his eloquence and persuasiveness. Governor Battle served on the Commission. I am sure his viewpoint was thoroughly expressed on the Commission and fully understood by the other outstanding members of the Commission.

Mr. ERVIN. Mr. President, will the Senator yield so that I can keep the RECORD straight as to this matter?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Does the Senator yield; and, if so, to whom?

Mr. DOUGLAS. I shall be happy to yield, with the understanding that I shall not lose my right to the floor.

Mr. ERVIN. I simply want to bring attention to the fact, to keep the RECORD straight, that Governor Battle said he thought there ought to be no legislation passed by Congress interfering with the rights of States in voting matters. Furthermore, he said, in effect, that he did not believe there was any new legislation needed in this field.

Mr. DOUGLAS. Yes. We made that clear earlier in the statement.

Mr. PROXMIRE. Mr. President, the reason why I mentioned Governor Battle is I think Governor Battle possesses very high qualities. It is extremely important to know that this man, who does take the position the distinguished Senator from North Carolina properly emphasizes and refers to, was on the Commission. His viewpoint was thoroughly heard. He has a background which would give him a peculiar and particular understanding of the situation in the South. That is the reason why I desire to go into a little bit of the details as to his record. This will require only a minute or two.

JOHN S. BATTLE, COMMISSIONER

Born: New Bern, N.C., July 11, 1890.

Home and office: Charlottesville, Va.

Married.

Education: Wake Forest College; University of Virginia, LL.B.

Honorary degrees: LL.D., Hampden-Sydney College, University of Richmond, Wake Forest College, William and Mary College.

Member, House of Delegates, Virginia General Assembly, 1929.

State senator, 1926–49.

Governor of the State of Virginia, 1950–54.

Member, law firm of Perkins, Battle & Minor.

The one other member of the Commission whose background I desire to mention is Commissioner Doyle Elam Carlton.

Born: Wauchula, Fla., July 6, 1887.

Married; three children.

Education: University of Chicago, A.B., 1910; Columbia University, LL.B., 1912; admitted to Florida Bar, 1912.

Member, Florida State Senate, 1917-19.

Governor of the State of Florida, 1929–33.

Practicing attorney, Tampa, Fla., 1933 to present.

He is a man who has lived in the State of Florida and obviously has had extensive experience, as Governor, in regard to the problems of a Southern State.

Mr. DOUGLAS. And Commissioner Carlton also recommended the establishment of Federal registrars.

Mr. PROXMIRE. Along with Mr. Storey.

I simply make this point to emphasize what the distinguished Senator from Illinois has said. This is not a proposal by extremists or a group of northern Senators. This is a proposal which originated with a group which included some of the most eminent legal scholars and eminent lawyers of the Nation, men who were selected by the President of the United States to serve on the Civil Rights Commission. These men have a fine background, which would give to them the kind of understanding of southern problems very few people in the country have.

Mr. DOUGLAS. I thank the Senator.

Mr. President, I think the statement of the Senator from Wisconsin is valuable in many respects, one of which is that it indicates the source of this proposal is in no sense derived from extremists.

We sometimes have a picture of an extremist as a thin and emaciated gentleman, not too well shaven, carrying an umbrella, his eyes agleam with hate, looking like the caricature of the prohibitionist which various newspapers used in the 1920's.

I admit that I am not very well dressed myself, but I had never thought of myself in that capacity as an extremist. I am quite certain my eyes do not reflect any hatred, because my heart does not feel any.

I have said again and again that this is largely a matter of history and geography; that because of climate and because of accident the South had the terrible institution of slavery fastened upon it, whereas the North, because of a cold climate and more rocky soil, was relatively protected from slavery. We of the North are not innately superior in moral qualities to those of the South. We simply were extremely fortunate in not having this institution historically fastened upon us. Slavery is evil, both for the master and for the slave. Its consequences endure after the institution itself has passed away.

I do not want to seem patronizing, but let me say that I not only have no hatred, but I have a real feeling of understanding, I believe, of the difficulties.

The South consists, however, not merely of the whites in the South as is sometimes assumed, but also of the 12 million Negroes in the South. They are human beings, too, and they should be considered, both for their own sake and for the sake of the international position of this country.

COMMON HUMANITY, DESPITE DIFFERENCES IN RACE

There are certain very obvious matters—at least obvious to me—which I think need to be stated. I know that there was a school of purported anthropology which existed in the South prior to the Civil War, which denied that Negroes were men and which asserted that the Negro race and the white race had a different origin, that Negroes were, in essence, animals, and that it was no

more wrong to enslave Negroes than it was to own and work donkeys, mules, and horses.

I think that argument or claim of different origins was, even at the moment, demonstrably false from a biological standpoint, which I shall not go into here, except to say that by the ordinary tests, it is obvious that the two different races are not vitally dissimilar groups.

I hope I am not old fashioned when I say that I think Negroes are men, men substantially of the same nature as ourselves. Because of climate and the rays of the sun, those with dark visages had greater survival value in Africa than those of white skin. So, variants in that degree of pigmentation had survival value, and those with darker skin perpetuated themselves, whereas those with lighter skin had survival value in the regions toward the north, where the sun's rays were less intense.

So I start with the assumption, which I hope is not old fashioned and does not mark me as an extremist, that the Negro is a man. If he is a man, and if we believe in the divine origin of man, if we believe that there is a divine spark within man, as I believe, then it follows that there is something of the divine in the Negro, as well as in the white man.

If we reject that thesis, if we say that the Negro is not a man, if we say that there is not something of the divine in him, I suppose his disfranchisement can be justified. But if he has something of the divine in him, he should not be humiliated. He should not be discriminated against. He should be treated as a person who has at least the capacity for immortal greatness. He should be treated as a son of God. Hence, since we hope we are also sons of God, he should be treated as one who is a human brother to ourselves.

If we do not believe in the divinely implanted quality in man, but believe that the evolutionary process itself favors respect for life, and that the workings of survival perpetuate and increase the same qualities of mercy and kindness and tenderness which Christianity, and all the other great religions, with the possible exception of Mohammedanism, inculcate, then we come to precisely the same conclusion. The Negro has an ethical sense which is capable of development, just as we have an ethical sense which is capable of development. He should not be humiliated. He has the right to be treated as we would like to be treated.

I sometimes ask myself this question: How would I like to be treated as the ordinary Negro is treated? How would I feel? That is a good question for us all to ask ourselves, for the white race, as a race, to ask itself. How would we like it if we were treated as the Negro race is treated?

Because of the accident of birth, because of the accident of color, because of historical conditions, the Negro knows that, however hard he tries to acquire skill, however hard he tries to acquire virtue, he is marked and set aside as inferior and excluded from participation in the main stream of life.

How would we like to have our children go through that process, with the more sensitive ones never quite knowing how they would be treated from person to person, never quite knowing what to expect, but always knowing that sometime during the course of the day they would meet with humiliation.

The average Negro in the South knows that others can vote, but that he cannot vote; that others can take part in the political stream of life, but that in the Southern States, at least, he cannot take part in the political stream of life. Therefore he knows that, since government largely reflects the interests and desires of those who have the vote, this means that government, in the States where Negroes are excluded, even though they exist in large numbers, will largely be shaped in the interest of the white group, but not in the interest of the Negro group. They are excluded, so to speak, from the stream of life.

I believe that many of us in these last days have asked ourselves this question: Suppose we had been among that group of 400 Negro students in South Carolina who peacefully assembled to protest because, in other positions of the South, Negroes who tried to sit down at a lunch counter and eat a hamburger had been prevented from doing so. Those 400 students who were peacefully assembling according to the news reports, had a fire hose turned on them, in a 40-degree temperature. Then they were arrested and put into a stockade, still dripping wet. Then as fast as sentence was passed upon them, they were put in a bus and taken away to jail or to the State penitentiary. Then the 400, still dripping wet after this experience, got together and sang "God Bless America."

How many of us, if we had gone through that experience, would have had the patience to sing "God bless America, land that I love"?

How many of our children who might have gone through such an experience would have been able to respond in such a fashion? Not many, I think.

One of the things which frightens me is the question of how long we can expect them to sing "God Bless America."

How long can we expect the black, brown, and yellow peoples of the world to line up on the side of freedom, as symbolized by America, if present conditions continue? We are paying a high price for our prejudices, a price which, as one looks ahead through the years, is very heavy.

Are we extremists, we who simply say that the Declaration of Independence means something and that it is not mere words; that the Gettysburg Address means something; that the sacrifices of the men who wore the uniform of blue at Gettysburg, at Antietam, at Cold Harbor, at Petersburg, and at Vicksburg meant something and that the 15th amendment really means what it says?

It is said all this is extremism, which sensible men of the world who live in the northwest section of Washington, and who have lunch at the Metropolitan Club, can have the privilege of disregarding themselves and of ridiculing those who take the American dream seriously.

ARE WE GOING TOO FAST?

Then the charge is made that we are going too fast. It is said, "Don't hurry. Take your time. Don't try to get any considerable numbers of Negroes registered and voting. Just get a little token number."

Are we going too fast, 100 years after the Civil War, and 90 years after the 15th amendment? It this were 1870 or 1890 or even 1900, perhaps that argument might be valid. We have largely lost, although not entirely, almost a century.

With the world as it is now, we cannot afford to go at the slow pace at which these gentlemen would have us go. We must make up for the past neglect. We must accelerate our pace, because we have been lagged for so long. The color consciousness over the world will not permit us to operate in any piece-meal or fragmentary fashion. The very security of the United States does not permit it.

One of the extraordinary things is that many of the columnists who write about the alarming tendencies in Africa and Asia, and the great difficulties that we are in, never seem to associate this fact in the slightest with color conditions here at home. While they advocate vigorous action—and properly so—to rehabilitate our position abroad and to strengthen it, they also urge that nothing be done, nothing really effective be done, here at home. I have tended to agree with these gentlemen in their views on foreign policy in the past. However, now that I see how wrong they are in their domestic judgment, perhaps I should reconsider those views, because they could be just as wrong on foreign issues as they are wrong domestically. They may not be such pundits after all.

How long can we expect to hold the allegiance or confidence of the rest of the world if we continue to behave as we are doing? How long can we expect the black race, in particular, to be patient elsewhere and in the United States? We do not have as much time as many people think.

IS VICTORY THE ONLY TEST OF A RIGHT OR REASONABLE POLICY?

The final argument is: "You know you cannot get this measure passed. If so, why do you propose it? You were beaten 42 to 53 on the proposal for cloture. You were beaten 38 to 55 on voting to include in the bill the protection of rights under the 14th amendment. You will not win this time. So why propose it? Why not go along with the administration, and go along with the parliamentary leadership of the Democratic Party?"

That may be the position of parliamentary leadership of the Democratic Party, Mr. President, but I believe that it is not the position of the whole Democratic Party, as evidenced in the statement of its advisory committee and in the soundings which I have taken among the people.

It is urged that we should go along with the pundits; that we join the organization, and have pinned on our lapel the medal of moderation in politics and thus be recognized as members of the inner club of the Senate.

I am certainly aware of the difficulties which we face. I am aware that our friends from the South are opposed to us. I wish to say that I honor the frankness with which they state their point of view. It has been my pleasure since I have been in the Senate to have had very friendly personal relations with most of the Senators from the South. They are charming gentlemen. Frankly, I think they would be better companions on a fishing trip than I would be myself.

However, we do not have only those men against us. We also have against us the main group of the administration followers, with the exception of the Republican liberals. I wish to take my hat off to the Republican liberals and to say to them that in my judgment if it were not for them this country would be in a very sad state indeed. They not only defend great principles, but I think they are keeping the Republican Party alive.

I do not know whether they appreciate this certificate of good character coming from me. However, let me say that I deeply appreciate the way in which this small group of Republican liberals have helped us in the planning and in the efforts we have been making to secure an effective civil rights bill.

We know that on this issue we also have against us the majority leader in the Senate and the Speaker of the House of Representatives. We know that they wield great power, and that it is pretty hard to buck them. I have had my troubles with the Speaker of the House of Representatives twice in the national conventions, when he was serving as permanent chairman. He had quite an efficient steamroller.

The truth is that, despite the press' concentration on Democratic differences, there is a split in both parties, between Republican liberals and Republican conservatives, and between Democratic liberals and Democratic conservatives. In the main the race issue separates them, although not entirely, because there are some of our friends in the South who, on economic matters, certainly cannot be classed as conservatives. But I suppose that so far as the parliamentary strength is concerned, the liberal elements of the Democratic Party and the liberal elements of the Republican Party are a relative minority in Congress. But I believe they are not a minority in the country, and I hope at the national conventions of the Democratic Party.

What should one do in that circumstance, if he believes in something in which the holders of political power do not believe? Should he give up and not advocate what he believes in? Or should he make an effort to present his case in as good temper as possible, and then abide by the results, but with the understanding which always exists in a democracy that one's case can be carried to the people, to the people who, in a democracy, are the ultimate possessors of political power, and who determine who are to represent them, not merely in Congress, but also in the Presidency?

I know this is the period of the organization man. I have read Mr. David Riesman's book, "The Lonely Crowd." I have read Mr. William H. Whyte's book, "The Organization Man." I have read Mr. Vance Packard's books "The Status Seekers," and "The Hidden Persuaders." They describe a large portion of reality. There is a tendency to "go along." We are told, "Don't stick your neck out; advocate only those things which you know will be put into effect immediately." I suppose that is the way to get ahead.

But it is also the way to lose one's soul. It does not advance humanity.

These last nights I have been reading, when I could not sleep, a number of American biographies: of Theodore Parker, the great reformer of New England, who was driven out of the churches, but who became a great spiritual force in New England. I know something of the experiences which the early advocates of woman suffrage and of the rights of labor and of abolition experienced. I know something of the way in which William Lloyd Garrison was dragged through the streets of Boston with a rope around his neck, threatened with death because he had declared in favor of the abolition of slavery.

Someone later came from England and asked a citizen of Boston, "What was that mob doing? Trying to lynch Garrison?" The reply was, "That was not a mob; that consisted of the best citizens of Boston."

The grandchildren and great-grandchildren of those who stoned Garrison and Wendell Philips and Theodore Parker now imagine that their ancestors were the defenders of these men.

I believe it was Anatole France who said:

> The dead lend themselves very readily to reconciliation.

Possibly it is true that after this battle has passed, history may be rewritten in such fashion that those who are now opposing an effective voting rights bill may be treated in the light of history as the great protagonists of voting rights and of civil rights.

Such are the amusing features of history, particularly if one has a good press agent, and more so if one has connections with a strong group of newspaper columnists and commentators.

Appeals are now being made to the sacred name of George Norris, who for 40 years fought on the floor, first of the House, and then of the Senate, for progressive legislation, in particular for public power. Now it is being said that Norris knew how to get things done; that he always worked with the leadership. He worked with the leadership, it is said, and they helped put those things through for him.

Mr. President, those who say that simply do not know history. Norris was a pariah in this body for many years, shunned by his colleagues, shunned by the leaders of his party, shunned by the leaders of my party. It was only when there was a great popular change in 1932 that he came into his own. But he would not have been able to get the Tennessee Valley Authority and the REA through Congress if in the previous decades, standing almost alone against the massed power of the Senate, he had not fought for what he believed to be right, and had not been willing to be voted down time after time.

The committee which was designated to choose the five great Senators rejected Norris, for reasons which I have never quite been able to understand. But they did choose, as one of the five great Senators, Bob La Follette, of Wisconsin, whose portrait will be found in the anteroom of the Senate Chamber. Bob La Follette never consulted the leadership to find out what it wanted or what had a chance of passage. He did what he thought was right.

When he first came to the U.S. Senate and rose to speak on monopolies and the railways, every Senator got up and walked out. La Follette spoke to a completely empty Chamber, much as I have been speaking to an empty Chamber this afternoon, although I am not trying to compare myself with La Follette. La Follette then made a statement which was very prophetic when he said:

> I predict that many of those who have temporarily absented themselves from this Chamber will be permanently absented from this Chamber.

That is precisely what happened, because he went out over the country, to chautauquas and other public meetings, and called the roll. He gave the results of the rollcalls on significant votes. In the space of 8 years, we had the popular election of Senators. While the Senate may have continued as a club, it ceased to be a millionaire's club—although we are glad to have a few of them with us.

What I am trying to say is that there is a case for dissent. If one believes a cause to be right, even if every other Member of the Senate is opposed to him, it is proper to advance it—yet not to take too much time in advancing it; not to do it with complete disregard for the feelings of others; not to condemn those who think differently from one's self; but to argue the logic, as I have tried to do this afternoon; not to be taken in by the statement, "Well, you will never get it by."

If we considered only those things which could be immediately passed, society would always be on dead center, and would never advance whatsoever.

Please do not think I am trying to include myself with Wendell Philips of William Lloyd Garrison or Julia Ward Howe or Robert La Follette or George Norris.

I simply say that there are great wrongs in the treatment which we mete out to the Negroes, wrongs which deserve to be remedied.

One of the things on which we should concentrate is the right to vote. It is not the sole reform, but is a very important reform. If we believe in it, we should get an effective measure. I believe that an effective measure consists far more in the registrar proposal than in the referee proposal, which, in my judgment, is illusory and will result in only an insignificant fraction of the Negroes being given the right of suffrage.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. JAVITS. Is the Senator from Illinois not cognizant of the fact that even assuming that his amendment to section 3 of the bill carries, it would still leave section 7 of the bill intact? Is the Senator from Illinois not aware of that?

Mr. DOUGLAS. Yes, I am. This is an amendment to section 3; that is correct.

Mr. JAVITS. Is the Senator from Illinois not also aware that, whatever may be the views of himself and other Senators who desire to see the registrar plan adopted as the plan for voting, it is a fact that if this amendment were adopted, the Senate would have an opportunity, in due course, to work its will and to say whether it wanted only the Senator's amendment or whether it wanted both the Senator's amendment and the voting referee provision. Is that correct?

Mr. DOUGLAS. Yes.

Mr. JAVITS. Thus the Senate could take its choice, let me say, even though I, as one of the proponents of this amendment, have firm views on the subject, in that I want the registrar proposal, only, adopted.

Mr. DOUGLAS. That is correct.

Mr. JAVITS. Is it not also correct to say that in giving the Senate these alternatives—which by now are standard—the Senate has a full opportunity to work its will; and that the three alternatives are as follows:

First, the pending proposal, submitted by the Senator from Illinois, on behalf of himself and myself—to wit, the registrar proposal, which may be joined with—if the Senate so chooses—the voting referee proposal.

Second, the proposal for Federal enrollment officers—it is the so-called Clark proposal, and is cosponsored by me—which turns upon the fulcrum of a decided Supreme Court case, and also retains the voting referee proposal.

Third, the voting referee proposal.

In view of those alternatives, it is not the view of the Senator from Illinois that, at the very least, the Senate should have an opportunity—in view of the fact that, for reasons which are known to all of us, there has been no committee procedure in connection with this bill—under these circumstances to consider these classic alternatives, and to either adopt or reject them?

And does the Senator from Illinois not also agree that that is particularly true in view of the fact that the chief of these alternatives is not the product of the ingenuity of some one Senator, but is the product of the very deliberate and considered thinking and judgment on this entire subject—and now I refer to the Federal registrar proposal—by the Civil Rights Commission, and that two of the members of the Commission who concurred in that proposal are very distinguished men from the South; and that the proposal for Federal enrollment officers is not strictly a product of the brain of the Senator from Pennsylvania [Mr. CLARK] or of my brain, but represents the consensus of opinion of six Members of this body, three Democrats and three Republicans—and also represents the thinking of the Senator from Missouri [Mr. HENNINGS].

Is that not the situation which faces the Senate; and do not such auspices give these alternatives such standing and such quality that the Senate almost has a duty to consider them and to permit the majority of the Senate to work its will in deciding which one of them will best carry out its purposes?

Mr. DOUGLAS. The Senator from New York is correct, and I am very glad he has so well illustrated the variety of choices before the Senate.

He has joined me in sponsoring the pending amendment which calls for the appointment of Federal registrars; and, as he has said, the pending amendment really has been endorsed by five of the six members of the Civil Rights Commission. The Senator from New York has also pointed out that there are other possibilities or alternatives.

As the Senator from Pennsylvania [Mr. CLARK] pointed out yesterday evening, the reason why we brought up the registrar proposal as an amendment in the form of a susbtitute for section 3 of the Dirksen measure, instead of waiting for the Senate to reach the consideration of section 7, is that if we were to wait for section 7 to be considered, by that time the House bill might well have come to the Senate, and then we might be faced with a move to substitute the House bill for the Dirksen measure, with cloture then imposed; and if that happened, then a registrar proposal, as a susbtitute for the referee proposal, would in all probability be ruled not germane.

Therefore, we felt that time did not permit us to have any further delay, and that we should move as rapidly as possible to a consideration of the question of voting rights, and that we should begin with the proposal for the plan suggested by the Civil Rights Commission.

Mr. JAVITS. In view of the fact that this matter has been discussed, now, for weeks on end, and that at long last—whatever may be the reason for it; and I think both the Senator and I have a right to feel that we had something to do with bringing on the sudden spurt of voting amendments either up or down by means of the much maligned but, I believe, extremely useful cloture petition—voting has been had, does the Senator from Illinois not believe that when propositions have been so deliberately and so elaborately designed by authorities as important as the members of the Federal Civil Rights Commission, they deserve a deliberation and a discussion which bear some remote facsimile to the weeks of discussion which the Senate has had upon generalities, which resulted in no voting at all?

Mr. DOUGLAS. I agree.

Mr. President, I hope the Senator from Michigan [Mr. HART] will take part in this debate. I also hope that the Senator from Missouri [Mr. HENNINGS], who hitherto has not discussed this subject at any length, will take the floor and will discuss this matter.

However, personally, I have no desire to prolong the proceedings to any great length. I have now said about all I wish to say.

Mr. President, I shall close by saying that I think the press, the public, and we ourselves have all too often succumbed to the temptation merely to ask ourselves, "What will win?" Then we adopt only the course of action which we believe will win. However, Mr. President, to succumb to that view is, in my judgment, to give in to the sickness of our society—to the worship of power, to the worship of success—and not to adhere to fidelity to ideals.

Mr. President, to me, the Declaration of Independence still has validity. To me, the Gettysburg Address is still true Americanism. To me, the 14th amendment and the 15th amendment still are valid. To me, the Negro is a man. To me, every human being, whatever his race, color, or religion, should be treated as a son of God, and we should not knowingly humiliate anyone.

I believe that we should try to develop the best that is in people; that the democratic process of participation forces people to make moral choices, and that by making those moral choices, the character of people is necessarily improved; that in the long run, public discussion tends to winnow out the false and to retain the true, or to obtain a blending of different proposals which perhaps is better than any original proposition.

That is why I believe we should have a broader participation in public life; that groups should not be excluded because of extrinsic qualities of color or race; and that if we really mean what we say, we should try to do this in a fair fashion, not in the least effective fashion possible. That fair and effective method is the basis of the present amendment.

Mr. CASE of South Dakota. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. DOUGLAS. I yield.

Mr. CASE of South Dakota. I should like to ask the Senator from Illinois several questions.

Mr. DOUGLAS. Certainly.

Mr. CASE of South Dakota. First of all, let me say that, personally, I regard the ballot box as the ultimate guardian of liberty in a government by the people; and, personally, I feel that the 15th amendment warrants appropriate legislation to secure the safety of the vote for all citizens, regardless of race or color.

Mr. DOUGLAS. And that is what I have been contending for this afternoon.

Mr. CASE of South Dakota. And I have failed to find in the 15th amendment any distinction between State elections or Federal elections. The 15th amendment clearly states that the right to vote shall not be abridged by reason of race or color.

Mr. DOUGLAS. I quite agree, and earlier in the afternoon I argued that point.

Mr. CASE of South Dakota. I respect the Senator's sincerity on that point. With me, however, the problem is, How can we best get it done? I have some reservation with respect to the so-called referee provision as it is proposed in the Dirksen substitute. I feel it would possibly make the courts too much of an

administrative agency, and perhaps overburdened the courts which have a clogged calendar.

Mr. DOUGLAS. That is one objection.

Mr. CASE of South Dakota. On the other hand, I feel that to burden the President with making all the findings necessary to set up a registrar might be overburdening the Presidency. I had thought that possibly the proposal advanced by the Senator from New York [Mr. JAVITS], the Senator from Pennsylvania [Mr. CLARK], and other Senators, offered a way to implement the 15th amendment without overburdening the court on the one hand, or the President on the other.

Under the parliamentary situation, how can I best express my conviction by a vote? What shall I do?

Mr. DOUGLAS. I do not want to give the Senator advice on how to vote. Let me say that if the registrar proposal is turned down, we can then proceed to the Clark-Javits proposal.

But in the meantime, before the Senator makes up his mind, I ask him to look at page 4, subsection (D) of our amendment, as regards the question of overburdening the President. That provision reads:

> In conducting any investigation under the provisions of this section, the President may designate the Commission on Civil Rights, the Department of Justice, or such other department or agency as he may deem appropriate to make available to him such facts as he finds necessary for his determination.

Mr. CASE of South Dakota. I thank the Senator for his yielding and for his answer to my question.

Mr. DOUGLAS. Mr. President, I am ready to yield the floor, unless there are questions.

Mr. JOHNSON of Texas, Mr. JAVITS, and Mr. CHURCH addressed the Chair.

Mr. DOUGLAS. I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Illinois yields to the Senator from Idaho for a question.

Mr. DOUGLAS. Or statement, with the understanding that I do not lose my right to the floor.

Mr. CHURCH. Mr. President, first of all, I want to commend the Senator from Illinois for the excellent address he has given this afternoon. I honor him for the leadership he has shown in the civil rights field, and for his efforts to convey the importance of this matter to the entire country.

I should like to ask the Senator this question. Is it not true that under the Constitution it is left to the States to determine the qualifications of voters, with the limitation that no State may deny the vote on account of race, color, or previous condition of servitude, as provided in the 15th amendment?

Mr. DOUGLAS. I think that is substantially true, although as the Senator knows, there are two provisions on this point, the 4th section of the first article of the Constitution; namely, that Congress may prescribe the time, place, and manner of electing—initially—Representatives, and then later the meaning was broadened to include Senators, and the word "manner" may have a somewhat elastic definition; and, secondly, the 15th amendment, to which the Senator has referred.

Of course, as the Senator knows, in the particular amendments which are before us, none of them proposes to set up different qualifications. They provide that the State qualifications shall be carried out or applied by the federally appointed registrars, or enrolling officers, or referees. But where there is proof that the administration of the qualifications is carried out in a discriminatory fashion, then a Federal officer, either judicial or administrative, may be appointed, who will apply the State's standards—not new standards, but the State's standards.

Mr. CHURCH. I understand that is so, but, apart from the restriction imposed upon the States by the 15th amendment, the States, under the Constitution, have the authority to establish the qualifications for voters. That is true, is it not?

Mr. DOUGLAS. Yes, but they cannot be applied in a discriminatory fashion.

Mr. CHURCH. I agree, because the 15th amendment specifies that no State shall deny the right to vote to any person on account of race, color, or previous condition of servitude.

Mr. DOUGLAS. Not only shall not deny, but also shall not abridge.

Mr. CHURCH. That is true. Now, since under the Constitution it is left to the States to establish the general qualifications for voting, which they must establish in a nondiscriminatory fashion, has it not always been customary for the States to handle the registration of voters within their own jurisdictions?

Mr. DOUGLAS. Yes. That is correct, of course.

Mr. CHURCH. And the purpose of the legislation that we are now considering is to provide a remedy to citizens who are disenfranchised improperly, by virtue of the failure of a State, in any given case, to register those voters in accordance with their rights under the Constitution?

Mr. DOUGLAS. That is correct.

Mr. CHURCH. That brings me to the principal question I should like to ask the Senator from Illinois. Since normally the States provide the registrars to register the voters, and since it is our purpose to furnish a remedy to citizens who may be improperly denied the right to vote by a given State, in an unconstitutional manner, and since, to do so, whether we proceed by way of a registrar or a referee, it is first necessary for a finding to be made that the State in question has in fact improperly denied citizens of their right to register and vote, then is it not a matter of central importance to determine by what method that finding is made? And, in this connection, I will ask the Senator whether, under his proposal, that finding would have to be made in an adversarial proceeding in a Federal court, where competent evidence must be presented to establish that discriminatory practice is in fact taking place, or whether it could be made administratively without such a procedure, or in what manner it could be made?

Mr. DOUGLAS. On pages 3 and 4 of the amendment we provide that the findings shall be made administratively, and the President may designate the Commission on Civil Rights, if it is continued, as I hope it will be continued, or the Department of Justice, or such other agency as he may deem appropriate to conduct the investigation and make available to him all the facts necessary for his determination.

This is not something new in American Government. In many acts we have quasi-judicial bodies which are given this power; and the Commission on Civil Rights, though not the Department of Justice, could be held to be a quasi-judicial body.

Mr. CHURCH. Are there any other precedents in Federal law which permit Federal officers to supplant State officers on the basis of a purely administrative determination? This is the problem which troubles me, and it troubles me very deeply.

Mr. DOUGLAS. As the Senator from Idaho knows, I am not a lawyer.

I remember, however, the first Child Labor Act, which I think was passed in 1914. At that time standards were laid down. It was provided that where State administrative officials came up to a given standard of efficiency they could serve as Federal officials for the purpose of the act, but where they did not come up to those standards the Federal inspectors would substitute for them. While the first child labor law was declared unconstitutional, I do not think it was declared unconstitutional on that ground. I think that provision of the act was not reversed.

Mr. CHURCH. I do not raise, in connection with the amendment presented by the Senator, a constitutional question.

Mr. DOUGLAS. I understand.

Mr. CHURCH. I raise instead a question of policy. It seems to me that where the objective is to replace local registrars—who have customarily been State officers and who, under the Constitution, are intended to be State officers—with Federal registrars, who would supplant the State officers, it is very important that the initial determination that a pattern of discrimination does in fact exist, of a kind to justify the use of Federal officers in the place of the State officers, ought to be carefully and properly made. I fail to find, in the language of the amendment, sufficiently specific provisions to satisfy me that an administrative determination by the Civil Rights Commission—or, indeed, by the Attorney General, who is, after all, an appointee of the President—would be sufficient to assure me that due process of law would be followed in the making of this finding. So the fault I see in the Senator's proposal is with respect to the initial finding. It is my feeling that since such a finding could only safely be made upon competent evidence, and since the rules of evidence and judicial procedure which have grown up over the centuries ought properly to apply in a case of this kind, this initial finding should be made in a Federal court.

Mr. DOUGLAS. I appreciate the Senator's feelings.

Mr. CHURCH. For this reason I find I cannot support the amendment offered by the Senator, but I again commend the Senator from Illinois for the splendid address he has made and for the leadership he has shown in advancing the cause of civil rights. I want the Senator to understand why I differ with him in regard to this amendment.

Mr. DOUGLAS. Yes. I appreciate the position of the Senator from Idaho very much.

Perhaps my use of the language was inexact. I wish to point out that the Federal registrar appointed by the President would not replace the local or State registrar. Those local registrars would indeed continue to function. The Federal registrar would merely serve to register groups which Congress and the Commission have found in general to be discriminated against, and whom we know as men have been discriminated against, in localities where the President or the agent of the President specifically found this discrimination to exist. I do not see any reason—and eminent law professors agree—why the action cannot be based on such findings by Congress and the President, as well as on court findings.

We are not going to put in a new wholesale system of registration which supplants the old one. The present system would continue, in those cases where the Federal registrar was appointed, for the white voters. The Federal registrar would merely serve as a registration officer for the disbarred Negro voters.

I know there are many facets to this problem, and it is hard to get an answer which satisfies all queries on every fastidious point, so to speak.

The evil against which we are moving, is, to my mind, however, so great that we have to have a fairly effective means of dealing with it.

I think the chief fault with the referee system is not so much in the original judicial finding—although that is not simple and fast—that a general practice or pattern of discrimination operates, but is in the fact that after the finding has been established each individual Negro has to go through the process once again with the State or local registrar. Each individual must submit himself to the humiliation and to the delays and pressures of being forced to register at the same place. He must again go to the referee, and then once more to the judge, to prove not only that he is qualified to vote but that he has been discriminated against. I think that is the chief fault with regard to the proposal.

There are all kinds of combinations and permutations which one can include in regard to the registrar and referee system. We chose one that seemed to us most simple, direct and effective. Perhaps later along the way the Senator from Idaho will want to join us on some variant.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from Texas is recognized.

Mr. JOHNSON of Texas. Mr. President, I ask that the yeas and nays be ordered on the Senator's amendment.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I intend to move to table the amendment, but I shall withhold that motion temporarily, with the understanding that I shall not lose my right to the floor. I shall be glad to yield for reasonable amounts of time to other Senators, with the full understanding that I reserve my right to the floor and my right to offer the motion to table the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and, if so, to whom?

Mr. DIRKSEN. I yield to my colleague from Illinois.

Mr. DOUGLAS. I thank my colleague for yielding.

I will say I ascertained earlier today that a number of Senators, or their offices had inferred that there would probably be no votes today. Those Senators are therefore absent on various forms of official business. I am personally ready to vote at any time, of course.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DOUGLAS. May I finish, please?

Mr. JOHNSON of Texas. I should like to correct the impression that anyone in authority in the leadership informed any Senator there would be no votes today. I think I have talked to most Senators, and to everyone who asked me I said we expected votes, even during the evening, if necessary.

Mr. DOUGLAS. It is hard to get testimony from absent Senators as to what they believed or inferred.

I will merely say that the offices of these Senators have in general told us they inferred that probably there would not be a vote today.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. DOUGLAS. It so happens that most of these Senators who are away are men who, if present, would probably vote with us. I do not think it would be wholly fair to a number of the absent Senators to push the amendment to a vote today.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. TALMADGE. Mr. President, will the distinguished minority leader yield to me for 1 minute, so that I may make an insertion in the RECORD?

Mr. DIRKSEN. Mr. President, I will yield to the Senator from Georgia with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Illinois yields to the Senator from Georgia.

TRIBUTE TO SENATOR RUSSELL

Mr. TALMADGE. Mr. President, an impressive example of the profound respect and unqualified esteem which all Americans hold for Georgia's illustrious senior Senator [Mr. RUSSELL] is the excellent column by Bill Henry which appeared in a recent issue of the Los Angeles Times and was reprinted in the March 17, 1960, issue of the Atlanta Journal.

Mr. Henry pays deserved tribute to the senior Senator from Georgia [Mr. RUSSELL] as an outstanding lawyer, a great Governor and a U.S. Senator of unparalleled stature. He expresses the opinion that were the U.S. Senate called upon to name the Nation's most talented and successful diplomat of modern times it would unanimously choose the Senator from Georgia [Mr. RUSSELL].

As the Member of this body who has the honor to serve as the Senator's junior colleague, I wish to endorse Mr. Henry's conclusions about the greatness of this incomparable statesman and I wish to observe that it is my personal conclusion that historians of the future will record that the greatest mistake our Nation has made during the past half century was in not calling him to the higher service of President of these United States.

I ask unanimous consent, Mr. President, that the text of Mr. Henry's column, as reprinted in the Atlanta Journal, be printed herewith in the body of the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

SENATOR RICHARD RUSSELL: NATION'S BEST DIPLOMAT

(By Bill Henry)

If it were ever left to the membership of the Senate of the United States to name the most talented and successful diplomat of modern times, it would not be John Foster Dulles or Dean Acheson or any of the other professional practitioners of the art of accomplishing-something-without-ruffling-too-many-feathers.

Instead of thumbing through the State Department personnel files for the greatest diplomat of them all, the Senate would turn to its own membership and offer the name of the distinguished gentleman from Georgia, RICHARD BREVARD RUSSELL. The balding bachelor from the tiny town of Winder has demonstrated the exact mixture of determination, tact and procedural skill required for success on so many occasions that even those who disagree completely with some of the things he stands for will swear that no man in modern times has so perfectly combined the judicial qualities with tact and skill.

LOOKING BACK

Just look back at his most recent accomplishment of keeping the whole Senate without sleep for more than a week and preventing a majority from having its way, without having any of the Members mad at him. The actual fact is that those who most furiously resent what they feel is his obstructionism not only grudgingly admire his skill and tact but find it impossible to stir up any personal antagonism over the situation. It's a pretty good trick to keep people up without much sleep for a week, deny them what they feel are their rights, and still lose neither their respect nor their friendship.

Senator RUSSELL has, as a matter of fact, made a career of defending what he regards as the right of the individual States to settle their own problems. He's been at it, successfully, for more than a quarter of a century in the Senate.

But he has not limited his activities to this matter. His judicial tact, demonstrated in many different fields and on many differ-

ent matters, is such that when the touchy matter of investigating the dismissal of Gen. Douglas MacArthur came up, RUSSELL was the unanimous choice of his fellow Senators to preside over the hearings. The conduct of those sessions has been hailed as an example of perfect handling of an almost impossible problem. A major secret of his success is the fact that he doesn't lose his temper or his poise. He has planned his present campaign to prevent what he regards as an injustice to the South in a manner that would do credit to a military genius like Robert E. Lee. One error could easily bring the wrath of an infuriated majority down on his head—but he doesn't make that sort of mistake.

REMARKABLE CAREER

RICHARD BREVARD RUSSELL is a smalltown gentleman attorney who comes by his political skills rightly. His father was a struggling smalltown lawyer who eventually became chief justice of Georgia. RUSSELL spent a decade in the general assembly, becoming speaker and then being elected Governor at the ripe old age of 33. He at once cut his own salary, eliminated 85 of 102 bureaus and agencies in his State, and when his term expired was elected to the Senate. As a symbol of the South he received 263 votes for the presidential nomination in 1948 and 292 votes in 1952. It is quite a tribute that he is highly regarded by his colleagues despite the bitterness of their disagreement with him on the touchy subject of civil and States rights.

Mr. President, I thank the distinguished minority leader for yielding to me.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JAVITS. Mr. President, will the minority leader yield to me?

Mr. DIRKSEN. Mr. President, with the understanding that I do not lose the floor, I shall be glad to yield. I think the distinguished senior Senator from New York would like 20 minutes.

Mr. JAVITS. That is correct.

Mr. DIRKSEN. I believe the distinguished junior Senator from New York [Mr. KEATING] would like 10 minutes.

Mr. KEATING. The Senator is correct.

Mr. DIRKSEN. May I have the attention of the Senator from Michigan [Mr. HART], who is on his feet? I thought perhaps he wanted a little time.

Mr. HART. I apologize for distracting the Senator.

Mr. DIRKSEN. I merely wished to ascertain how many Senators desired time before I press the motion to table.

Mr. HART. I would welcome the opportunity briefly to state my views.

Mr. DIRKSEN. Could that be done within the compass of 10 minutes?

Mr. HART. Yes.

Mr. MANSFIELD. Mr. President, in order to keep the record straight, there have been allegations that assurances had been given to Senators that there were to be no votes today. I understand, indirectly, through the grapevine, that I am said to be one of those who gave such assurance. I deny absolutely that I gave any such assurance. I stated that I did not think there would be any votes today, but that I could not assure Senators there would be no votes. I told Senators that if they would leave their names with me, if there were to be votes I would see that they were notified as soon as possible.

I wish to have that statement on the record, because no assurance has been given to anyone, so far as I am concerned, that there would not be any votes today.

Mr. DIRKSEN. Mr. President, obviously assurances are unpredictable things. I know of no assurance that I gave on that point. Besides, I believe, in fairness to Senators who have remained in the Chamber, we are entitled to make some progress in this matter, so no apologies are necessary from any side.

Mr. President, I ask unanimous consent that, with the understanding that I shall not lose the floor, I may yield 10 minutes to the junior Senator from New York [Mr. KEATING], 10 minutes to the Senator from Michigan [Mr. HART], and 20 minutes to the senior Senator from New York [Mr. JAVITS], or a total of 40 minutes, following which I shall take 5 minutes for myself, and if no Senator wishes additional time, I shall press the motion to table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. MANSFIELD. Mr. President, reserving the right to object, does the Senator intend to make a motion to table the pending amendment?

Mr. DIRKSEN. I do.

Mr. MANSFIELD. I assume that, so far as the Democratic side is concerned, we can notify all absent Senators, even to the extent of telephoning them long distance or sending telegrams. I wish the attachés on the Democratic side would attend to that matter immediately.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield provided I do not lose the floor.

Mr. ERVIN. A moment ago the majority leader, the Senator from Texas [Mr. JOHNSON] asked for the yeas and nays on the pending amendment, which were ordered. I wonder if there is to be a yea-and-nay vote on the motion to table.

Mr. DIRKSEN. I expect to ask for the yeas and nays.

The PRESIDING OFFICER. There is a unanimous-consent request now pending. Is there objection to the request of the minority leader that he be permitted to yield to various Senators the times indicated, without losing the floor? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, after 45 minutes I shall make the motion to table, and ask for the yeas and nays.

I now yield to the junior Senator from New York [Mr. KEATING].

Mr. KEATING. Mr. President, I thank the Senator from Illinois. I wish to speak on another subject very briefly, but before doing so I shall speak for a moment or two on the pending amendment.

In my judgment the voting referee proposal is by all odds the soundest single method of protecting the right to vote against discrimination. I strongly support section 7 of the Dirksen amendment, which embodies the referee proposal. However, I feel that the registrar proposal has been greatly strengthened over the one originally proposed, in that the present version applies to both Federal and State elections, and there is no doubt in my mind whatever that under the 15th amendment Congress has the power to legislate in this field as regards both Federal and State elections.

Furthermore, it is entirely impracticable to legislate only as to Federal elections, because in many States the ballots cover both Federal and State officers, on the same ballot.

Those of us who favor further strengthening the rights of our citizens to vote do not wish to be whipsawed, as almost happened in the other body, by having one group, who favor a particular method, line up with those who do not want any method, against the other side; and, in turn, when some other plan is presented, have another group form the same kind of coalition to defeat the second measure. Therefore, I think it is very desirable, since this amendment does not supplant section 7, to have an alternative plan before us for consideration at this stage.

As I understand, if the motion to table is agreed to, it is the intention of the Senator from Pennsylvania [Mr. CLARK], the senior Senator from New York [Mr. JAVITS], and other Senators to offer another proposal.

I think it is very important that we should have this opportunity to test the sentiment of the Senate on these alternatives without jeopardizing the referee section.

Mr. President, I now desire to discuss another subject.

The PRESIDING OFFICER. The junior Senator from New York has the floor.

RECOMMENDATIONS OF THE PRESIDENT FOR REVISION OF IMMIGRATION LAWS

Mr. KEATING. Mr. President, earlier today I was happy to cosponsor a bill to carry out the recommendations of the President for revision of the immigration laws. I hope that the Subcommittee on Immigration and Naturalization, of which I am a member, will give this legislation prompt and favorable attention. The problems in this field have been too long neglected. Our present immigration laws are very fine in many respects. Nevertheless, they are riddled with discriminatory, inequitable, and unjustifiably stringent provisions; and the sooner we come to grips with this problem the better.

Charges were made yesterday, both here and in the other body, that the President's message was motivated by election year politics. At the time I said this charge was completely baseless. I repeat that statement now and I wish to document my position.

The charge is made by those who wish to cover up for the failure on the part of the Congress to do anything substantial to reform our immigration laws.

Let me briefly review the actions which the President has taken in this field since 1953.

On February 2, 1953, within 1 month after taking office, the President, in his state of the Union message, requested the Congress to review existing legislation in this field and to "enact a statute which would at one and the same time guard our legitimate national interests and be faithful to our basic ideas of freedom and fairness to all."

This message reminded us that "we are—one and all—immigrants or the sons and daughters of immigrants." It pointed out that existing legislation contained "injustices" and did in fact "discriminate."

Later that same year, on April 22, 1953, the President sent a letter to the Vice President of the United States and the President of the Senate, and the Speaker of the House of Representatives, wherein he recommended the enactment of emergency immigration legislation for the special admission of a total of 240,000 immigrants.

On February 17, 1954, the President requested supplemental appropriations to continue the refugee relief program.

On January 6, 1955, in his state of the Union address, the President again urged the correction of certain inequitable, and discriminatory provisions in our immigration laws.

On April 20, 1955, the President transmitted a message to the Congress on the mutual security program which contained his request for funds for the United Nations and the Intergovernmental Committee for European Migration for the purpose of carrying on their humanitarian assistance to uprooted and oppressed refugees throughout the world.

On May 27, 1955, the President, in a most comprehensive message, suggested approximately 10 changes to the Refugee Relief Act.

On January 5, 1956, in his state of the Union message, the President again demanded immediate attention to our immigration problem and requested a revision of our immigration and nationality laws which would deal realistically with present-day conditions.

On February 8, 1956, the President delivered a special message to the Congress which again was a comprehensive statement on the need for a major overhauling of our immigration laws.

This message took up four separate and distinct subject matters respecting our immigration policies: First, the quota system and the use of national origins; second, the private relief bill system of handling hardship cases; third, unnecessary restrictions and administrative provisions of our immigration laws; and fourth, judicial review in deportation.

In this message the President said:

> Experience in the postwar world demonstrates that the present national origins method of admitting aliens needs to be reexamined and a new system adopted which will admit aliens within allowable numbers according to new guidelines and standards.

On September 25, 1956, the President addressed a letter to me as the ranking minority member of the Judiciary Committee, wherein he expressed great disappointment over Congress failure to meet his repeated requests for legislation which would provide asylum for a substantial number of refugees and escapees in Europe. He expressed hope, however, that this much-needed legislation would be forthcoming in the next session of Congress and stated that he would again urge its enactment.

In the President's budget message of 1957, the President again requested amounts for escapee program and for contributions to Governmental Committee for European Immigration and the United Nations Refugee Fund, which aid in the relief and settlement of refugees from behind the Iron Curtain and in immigration from Europe.

On May 23, 1957, the President, in a message to the Congress, once again urged corrective legislation to alleviate the tremendous refugee problem existing throughout the world. And, in this same message, the President again urged that the quota be based on the 1950 population in place of the 1920 census. He called for the equitable distribution of the additional quota numbers and recommended that they be distributed among the various countries in proportion to the actual immigration into the United States since the establishment of the quota system in 1924 and up to July 1, 1955. He further recommended that quota numbers unused one year should be available for use in the following year. He called for a pool of the unused quota numbers for Europe, Africa, Asia, and the Pacific oceanic areas. He also made recommendations that would eliminate the so-called mortgage on quotas arrangement existing under the Displaced Persons Act. In addition, he noted the need for proper alien orphan adoption legislation, together with several other liberalizing features on our immigration policy.

On May 21, 1957, in a message to the Congress, the President further urged contributions to the United Nations and other international programs in the field of technical operation, assistance to refugees, migrants, children's welfare and assistance to escapees from Communist despotism.

On March 13, 1959, the President again called for funds to continue the just-mentioned programs.

On May 21, 1959, the President held a conference at the White House on refugee problems and cited this country's role in the World Refugee Year.

On January 18, 1960, in his budget message for 1961, the President again requested funds to continue his mutual security program.

The Chief Executive can urge laws but he cannot enact them. No one can fairly shift responsibility to the President for Congress' inaction these past 8 years.

On the contrary, it is plain from the record that the President has done everything which could reasonably be expected to center attention on the flaws in our present immigration policy. His efforts deserve recognition from all those interested in these objectives. If we had more action in Congress and less partisan backbiting, there would be no need for the President's constant reminders to us of our legislative responsibilities.

I for one intend to follow the President's lead and to continue my unceasing efforts for constructive results. I will not be drawn into any partisan debate on a subject so important to the poor souls throughout the world who look to America for welcome and haven. Let us devote our energy and time to a discussion of the merits of these issues and not waste them on questioning anyone's motivation.

This is a field which cries out for action. Let us respond to that cry sympathetically and constructively—rather than by bitter carping and wrangling. Let us not play politics with the problems of broken families, displaced refugees, orphaned children, and all the other people throughout the world who love and respect our great country and who expect from America a warm and generous response to their needs.

I am grateful to my friend from Illinois for permitting me to make these brief remarks on this subject. I ask unanimous consent that an analysis of S. 3225 be printed in the RECORD at this point as a part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF S. 3225

(Outline of proposal "to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes.")

QUOTA PROVISIONS

Under existing law the annual quota of 154,657 is computed by taking one-sixth of 1 percent of the white population in 1920.

1. The proposal (section 1) would provide for increasing the annual quota.

(a) The quota would be increased by applying the same percentage to the 1950 total population rather than to the 1920 white population. This would provide an increase of 101,343 or a total annual quota of 256,000.

(b) It would provide a further increase in the annual quota when the 1960 census is completed by applying the same percentage to the 1960 total population. This would provide an increase of about double the present quota or a total annual quota of 300,000.

Existing law provides for the distribution of the quota as determined under the provisions of the Immigration Act of 1924 based upon "national origin." It also provides that the minimum quota for any quota area shall be 100.

2. The proposal (sections 1 and 2) would provide for an equitable distribution of the additional quota numbers authorized.

(a) Each quota area would receive the same quota provided by existing law.

(b) The proposal would increase the quota of each minimum quota area from 100 to 200.

(c) Under the proposal the concept of "national origin" would be discarded insofar as distribution of the remainder of the increase in the quota is concerned. The remainder of the increase in the quota would

be distributed among the several quota areas in proportion to the total immigration to the United States from each area between July 1, 1924 and July 1, 1959.

Existing law makes no provision for the use of unused quotas.

3. The proposal (section 1) would provide for the use of unused quotas by pooling such quotas and providing for their redistribution.

(a) Quota numbers in the pool would be made available to natives of quota areas whose quotas were oversubscribed during the previous fiscal year.

(b) Each oversubscribed area would receive a percentage of the number of visas in the pool equal to the percentage that its allotted quotas bears to the aggregate of all quota areas whose quotas were oversubscribed.

Existing law provides that "any increase in the number of minimum quota areas above 20 within the Asia-Pacific triangle shall result in a proportionate decrease in each minimum quota of such area in order that the sum total of all minimum quotas within the Asia-Pacific triangle shall not exceed 2,000." There are 20 minimum quota areas each with a quota of 100 or a total of 2,000.

4 The proposal (section 3) would delete entirely the present ceiling of 2,000 on the minimum quotas within the Asia-Pacific triangle.

Existing law does not adequately provide new political entities with an immigration quota of not less than the total of subquotas or minimum quotas previously comprising the area in which such political change occurs.

5. Under the proposal (section 3) provision would be made to assure new political entities a quota of not less than the total of subquotas or minimum quotas previously comprising the area.

REFUGEES

1. The proposal (section 4) defines "refugees" as including persons forced to flee from Communist territory or from a country in the Middle East because of persecution or fear of persecution. It also includes persons who are victims of war, political upheaval, or natural calamity who are unable to return to their former homes.

2. Under the proposal the President would be given the power to authorize by proclamation the parole by the Attorney General into the United States of "refugees" whenever he finds:

(a) That a situation has arisen which justifies it, and

(b) That it would be in the interests of the United States to do so.

3. Specific authority would be given the Attorney General to parole into the United States 10,000 "refugees" annually in the absence of any proclamation by the President.

4. The proposal (sec. 5) sets up a procedure for the adjustment of the immigration status of parolees to that of lawful permanent residents.

(a) The Attorney General would be authorized to adjust the status of refugees after 2 years residence if not contrary to the national interests;

(b) A report of the Attorney General's action would be submitted for congressional approval and unless disapproved refugee's immigration status would be adjusted.

OTHER CHANGES

Existing law makes no provision under which an Asian spouse may be given the benefit of the quota of an accompanying spouse or if the accompanying spouse is a nonquota immigrant (a native of a Western Hemisphere country) classification as a nonquota immigrant.

1. The proposal (sec. 6) would remove this inequity in existing law by granting to an Asian spouse the benefit of the quota of an accompanying spouse or permit the Asian spouse of a native of a Western Hemisphere country to be classified as a nonquota immigrant if accompanying or following to join such spouse.

Existing law requires information concerning "race and ethnic classification" to be furnished in applications for both immigrant and nonimmigrant visas.

2. The proposal (sec. 7) would eliminate this requirement of existing law by deleting the language requiring that information concerning "race and ethnic classification" be furnished. This language is not susceptible of definition and serves no useful purpose.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished Senator from Michigan.

Mr. HART. Mr. President, I appreciate the fact that the Senator from Illinois has yielded to me at this time. Possibly I shall not take all the time he has allotted to me. Mr. President, I realize that one is now speaking under the notice that a motion to table the amendment offered by the distinguished Senator from Illinois [Mr. DOUGLAS] is just around the corner.

A week ago, and at some length, I attempted to outline the reasons which persuaded me that an enrollment officer, or registrar, was the most effective device available to us to meet the serious facts which have been reported to us as of last September by the President's Commission on Civil Rights.

Nothing which has been stated in the ensuing week has persuaded me that the enrollment officer approach, or the registrar approach, is not the best instrument. I would hope that reference would be made to my remarks of a week ago, beginning at page 5187 of the RECORD, for the specifics in support of this position.

Today I shall content myself to make two additional points. One of them is to make more specific the statement I made initially that the referee approach is guaranteed to delay and to discourage.

This is true whether it is a referee appointed to handle an emotionally charged question like enrolling a minority group, or a referee appointed to handle one of the more traditional functions of a Federal district court, to review a patent matter or an accounting proceeding.

Let me refer to a man who has stature in American jurisprudence. All would acknowledge Chief Justice Vanderbilt. Every member of the American bar has great respect for him. At pages 1240 and 1241 of his work, "Cases and Materials on Modern Procedure and Judicial Administration," published in 1952, Chief Justice Vanderbilt made this comment, which is most appropriate:

There is one special cause of delay in getting cases on for trial that must be singled out for particular condemnation, the all-too-prevalent habit of sending matters to reference—

A synonym for "referee."

There is no more effective way of putting a case to sleep for an indefinite period than to permit it to go to a reference with a busy lawyer as referee. Only a drastic administrative rule, rigidly enforced, strictly limiting the matters in which a reference may be had and requiring weekly reports as to the progress of each reference will be put to rout the inveterate enemy of dispatch in the trial of cases.

Justice Vanderbilt there was describing the experience most lawyers have had with referees or masters. He was not discussing, as we are in Congress these days, a proposal to turn over the problem of enrolling thousands of a minority group who for 90 years have sought to be placed on the voting books. He was referring to the assignment of cases to referees as an inveterate enemy of dispatch, as it is engaged in, used, and experienced in the traditional function of a district court.

The proposal which is offered in the McCulloch amendment in its several forms is to respond to the President's Civil Rights Commission's report of thousands of persons not on the voting rolls by saying "Federal court referees will be appointed to handle the matter." This in the face of a hue and cry of several years' standing that the Federal courts are overcrowded, overloaded, and discouragingly congested. This in the face of the most recent statement of the Judicial Conference that additional judgeships over and above those already recommended are required in the Federal courts.

Let me cite areas where district court congestion is the greatest. One finds the "Field Study of the Operations of the U.S. Courts," a report to the Senate Committee on Appropriations of April 1959, as an answer to the question of where the delays are now. On pages 11 and 12 of this report is a table which shows the civil docket status in the various districts of the several Federal circuits. On page 12, one notes that whereas the average caseload per judge in the U.S. district courts is 259, the average load in the following districts is away above the national average:

The eastern district of North Carolina, the eastern district of South Carolina, the eastern district of Virginia, the northern district of Georgia, the eastern district of Louisiana, the western district of Louisiana, the southern district of Mississippi, and the eastern and western districts of Tennessee. In these districts the caseload per judge right now is much larger, much heavier, than the national average.

Certainly these are the districts in which referees could be expected to function, and in which the district courts could be expected to function in voting rights cases. The McCulloch approach proposes loading an already overburdened Federal district court with a job of enormous size.

On March 10, the Judicial Conference of the United States proposed additional judges as needed and as essential.

Where? Among other places, an additional judge is requested in the Court of Appeals for the Fourth Circuit, which includes North Carolina, South Carolina, and Virginia; an additional judgeship in the fifth circuit, which includes Alabama, Florida, Georgia, Mississippi, and Louisiana; additional district judges in the southern district of Florida and the middle district of Tennessee.

What is the pending recommendation of the Judicial Conference with respect to the need for additional Federal judges? Here it is, in part:

In the circuit courts of appeals, the Judicial Conference recommends two additional judgeships in the fourth circuit; two additional judgeships in the fifth circuit; additional judgeships in the middle, eastern, and western districts of North Carolina; an additional judgeship for the eastern district of South Carolina; two Federal judges for the southern district of Florida; two additional judges for the eastern district of Louisiana; one additional judge for the southern district of Mississippi; one additional judge for the eastern district of Tennessee; one additional judge for the middle district of Tennessee.

They recommend, further, that the existing temporary judge in the middle district of Georgia be made permanent.

This is the present state of the Federal court docket. The McCulloch referee approach would load into that already overburdened court system perhaps the most difficult assignment which has ever been proposed to be given to the Federal district courts, an assignment which, by all American tradition, is administrative and executive, not judicial. Referees would do this work. As one Federal district court has described it, a referee is a device which, it is common knowledge, greatly increases the cost of litigation, and delays and postpones the end of litigation.

It is for this practical reason that some Senators feel so strongly that an enrollment or a registrar approach is infinitely preferable to the referee approach. I know this is a matter of relatively small significance in the face of the enormous constitutional questions which have been injected into this debate; but it is a very practical and real problem. It is a reason which should not be overlooked when one is offered the proposition: Do you or do you not agree with the President's Civil Rights Commission that the answer to this enormous problem, a problem which has cried for solution for generations, is to be handled by an enrollment officer? Surely those of us who advance the proposal of an enrollment officer do so with knowledge of an enormously overburdened Federal court system, as it is now, and we ask that others recognize this condition, too.

Mr. DIRKSEN. Mr. President, I previously agreed to yield next to the Senator from New York [Mr. JAVITS]; and I now yield 20 minutes to him.

The PRESIDING OFFICER (Mr. MCCARTHY in the chair). The Senator from New York is recognized for 20 minutes.

Mr. JAVITS. First, Mr. President, I should like to pay tribute to my gallant friend, the Senator from Illinois [Mr. DOUGLAS], who has put forward this proposal, in which I have been privileged to join.

Regardless of what may be the vote on the motion to lay on the table, and no matter what may be the problem involved, and aside from the fact that a number of Members of the Senate are not present today, I believe it would have been shocking to both the country and to the Senate if we had not given careful consideration to the registrar alternative, which has been put forward under such splendid auspices, and is based on so much careful study, research, and findings of fact.

Mr. President, if I say nothing else this afternoon, I wish at least to state that I think my colleague, the Senator from Illinois, has continued to play his great role in this Chamber, for the cause here involved has, in the Senator from Illinois, a most eloquent friend who will fight for it almost to his last breath.

Mr. President, we are now dealing with a very key point in respect to the entire bill.

We have constantly been told that the moderate position dictates that the bill shall be a voting rights bill. But we already know that the bill will also include antibombing provisions; and I certainly expect that it will also include provisions which will deal with the children of military personnel; and I also hope the bill will include provisions in regard to school desegregation and provisions in regard to employment by those who have Government contracts. So, Mr. President, certainly the bill will not be confined to provisions dealing with voting rights.

However, if the main consideration is voting rights, then it seems to me that this afternoon we are discussing the very heart and core of the bill.

For myself, I believe we should retain the voting-referee provision; and I am able to join in supporting the pending registrar provision because it will not disturb the voting referee provision which is dealt with in another section of the bill.

All of us know that the voting referee provision is directed at a particular target—namely, a community which represents hard-core resistance to widespread voting, a community in which there needs to be present, right on the ground, an individual with authority, under the jurisdiction of the judge of a Federal court who has the power to punish for contempt if a judicial order is violated.

We also know the complexities and the difficulties involved in litigation.

My eloquent and distinguished friend, the Senator from Michigan [Mr. HART], has recently pointed out the problems involved because of the number of judges available and the complexity of litigation—all of which would make this approach slower, and certainly would make it difficult of application to the large numbers of persons who have been denied the right to vote.

So the registrar approach, which has been carefully thought through by the Civil Rights Commission, seems to me to be the optimum approach. As I have already stated, for the hard-core areas where great resistance is encountered, the voting referee provisions will also be needed as an alternative plan available to the Attorney General; but in order to assure the right to vote to the large numbers of persons who are being denied the right to vote, the registrar plan is, I believe, the proper one.

Mr. President, this remedy is designed to correct a very obvious wrong.

In the report of the Civil Rights Commission, we find, on page 134, that—

> Our investigations have revealed further that many Negro American citizens find it difficult, and often impossible, to vote.

And then the Commission says:

> The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasion or for long periods of time, or to restrict periods of function to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color.

And, finally, in recommending the appointment of registrars, the Commission recommends this remedy as being a means by which the large numbers of persons involved may be given the most expeditious opportunity and the fairest opportunity to register and to vote.

Mr. President, one of the most impressive aspects of the recommendation for the appointment of registrars is that, among all six of the members of the Commission, there was only one dissent, and it was by Commissioner Battle, formerly the Governor of Virginia. Not only did all three of the members who, roughly speaking, come from the North concur in the recommendation for the appointment of registrars, but so did Dean Robert G. Storey, of the Southern Methodist University Law School, and so also did Doyle E. Carlton, formerly the Governor of Florida.

When the report of the Civil Rights Commission was issued, its recommendation which was widely heralded and widely discussed throughout the country was the Commission's recommendation for the appointment of Federal voting registrars.

There was some dispute as to whether such a provision would be a proper and legal one and as to whether it would be constitutional. So the Senator from Illinois [Mr. DOUGLAS] and I caused that recommendation to be submitted to a group of law school professors at Yale University Law School and at the University of Pennsylvania Law School. Among those law-school professors are some of the most distinguished authorities on constitutional law. For example, we had the benefit of the views of Professor Pollak, of Yale University Law School, who is a very widely celebrated authority on constitutional law; and at the University of Pennsylvania Law School we had the benefit of the views and the judgment of Dean Jefferson B. Fordham, who also is a very well known authority on this subject. This group of law-school professors arrived at an opinion which has been widely circulated; and many Senators have stated

that, in their view, the double-barreled approach by means of the appointment of voting registrars as well as the appointment of Federal voting referees was, in their opinion, entirely legal, entirely constitutional, and constituted the optimum approach in dealing with this problem.

Here is their opinion as to why this is the most effective approach; and I shall read now from the objective, considered judgment of a group of highly respected law school professors at two of the outstanding law schools in the Nation:

> It would seem clear that there are great advantages in an accommodation of the two plans which would empower the President and his assistants to use either or both approaches, as occasion demands. Legislation combining the proposals would permit the President to try, in the first instance, to ameliorate local discrimination in elections through the use of the swifter but more moderate registrar device. The referee plan could be brought into play if the registrar plan's criminal sanctions did not prove fully effective or if, as the Attorney General fears, the enrollment by the registrar of voters eligible only for Federal elections stimulates "Jim Crow" balloting.

I point out that in the pending amendment, State elections as well as Federal elections are covered; so in this instance we do not have the "Jim Crow" balloting problem.

Now I read the conclusion which was reached by these law school professors:

> Thus, where the registrar plan worked smoothly and generated acceptance of Negro participation not merely in Federal elections but in the total political process, it would then be unnecessary to invoke the more drastic referee machinery. A two-phased approach of this kind seems an appropriate way of insuring that in our zeal to protect vital constitutional rights we do not too precipitately unsettle the Federal-State equilibrium.

Mr. President, I call that point particularly to the attention of the Senate, in order to show the solicitude which was exercised by those who reached that judgment upon this question, and to point out their belief that there should not be undue disturbance to the equilibrium between Federal and State relationships in this field.

Mr. President, the pending amendment, as proposed by the Senator from Illinois [Mr. DOUGLAS], not only carries out the recommendations of the Federal Civil Rights Commission—which, as I have said, were concurred in by two of three Southern members of the Commission—but also would make it more difficult to have Federal registrars appointed, because whereas the Federal Civil Rights Commission recommended that such action be taken upon application by nine persons who would execute sworn affidavits regarding the denial to them of the right to register or to vote on grounds of race or color, the pending amendment calls for not less than 50 persons from the same county to make such a request of the President. I respectfully submit that when we are dealing with the paucity of voting which exists in the counties to which this provision would apply, the provision for a petition signed by 50 persons from the county concerned will require a very large and representative sample of voters from that particular community.

Therefore, it seems to me that the Federal Civil Rights Commission has give us an optimum way by means of which thousands upon thousands of persons who now are denied the right to vote may be given the right to vote in the most convenient way and—as the Senator from Illinois has also pointed out—without interfering with the functioning of State registrars, wherever they are appointed and are functioning.

It is very clear that the Federal registrar appointed by the President will certainly have a right to act where the State registrars have either defaulted in their duty or have sought to frustrate the electoral process.

As to the question of constitutionality, Mr. President, it seems to me, insofar as the registrar proposal deals with Federal elections, that the question of constitutionality is completely set aside by the provision of the Constitution which vests in the Congress the right to establish the time, place, and manner of holding elections for Federal officials.

Let me direct attention to what has been pointed out time and again, but which constantly needs reiteration, that this has nothing to do with the qualification of individuals. Those qualifications remain to be established by the State law. But this has to do with the time, manner, and place of electing a Federal official. So the Congress could, under the Constitution, without any excuse, without needing the establishment of the fact that people have been discriminated against, or that there has been a pattern or practice of discrimination on account of race or color, take over, itself, the manner of holding elections for Federal officials. So that is one great part of the amendment.

The other part, as it relates to State elections, depends on the 15th amendment. The cases have held very clearly that the 15th amendment requires equal opportunity for voting, and therefore for registration, and it has also been applied to primary elections which relate directly to State elections. There is no question about it. Accordingly, to constantly define that power, Congress may determine who is to make the determination of fact which gives it the power to invoke the provisions of the 15th amendment.

If the President, therefore, finds, and there is a basis in fact for finding, that there is a pattern of discrimination, Congress may, as a matter of law, give the President the power to make that determination, and then to institute action, according to the law that Congress has passed, to see that the wrong is redressed in such a way as Congress prescribes.

Mr. President, there is nothing unusual about this. The books are full of cases in which the President may make a determination in matters of law and, having made such a determination, put into effect a remedy which has been provided for according to the laws passed by Congress.

If there was any question left about the fact that this is a perfectly constitutional grant of power on the part of Congress to the President, it was certainly settled by the case of the United States against Raines. In that case the court very clearly held that it is not necessary, in order to invoke congressional power, for every possible remedy provided by State law to be availed of, but if there were a denial or a frustration of the right which is guaranteed by the Constitution, under color of State law, at the lowest echelon in the State government, by the lowest ranking registrar, there could immediately be invoked the power and authority which the Congress may give to the Federal establishment by law. In that connection, I refer to the case of United States against Raines at page 7, which reads as follows:

> And as to the application of the statute called for by the complaint—

Which in this case is the Civil Rights Act of 1957—

> whatever precisely may be the reach of the 15th amendment, it is enough to say that the conduct charged—discrimination by State officials, within the course of their official duties, against the voting rights of U.S. citizens, on grounds of race or color—is certainly, as State action and the clearest form of it, subject to the ban of that amendment, and that legislation designed to deal with such discrimination is "appropriate legislation" under it. It makes no difference that the discrimination in question, if State action, is also violative of State law.

Then the Court goes on and says:

> The argument is that the ultimate voice of the State has not spoken, since higher echelons of authority in the State might revise the appellees' action. It is, however, established as a fundamental proposition that every State official, high and low, is bound by the 14th and 15th amendments.

Then the Court cites a case and concludes as follows:

> We think this Court has already made it clear that it follows from this that Congress has the power to provide for the correction of the constitutional violations of every such official without regard to the presence of other authority in the State that might possibly revise their actions.

In short, by way of summary, this is a perfectly constitutional devolution of power to the President, to be applied to both Federal and State elections. We have the opinion of outstanding law-school professors on that point. We have the findings of the Civil Rights Commission. And we have the latest case on the subject, United States against Raines. They all favor that view.

Second, for the thousands upon thousands of people who are not registered, the voting referee approach, although very good for the hard-core cases, is not adequate for the proper protection of the large numbers of those who need registrars. In short, they probably need the double-barreled plan of both registrars and referees; and therefore their problem may be more directly and more properly approached by means of both Federal registrars and referees.

Finally, it seems to me that if this is to be a voting rights bill, it should be one which has teeth in it and meat to it, and will get done the job that needs to be done in view of the very proper complaints which have been made. According to the findings of the Federal Civil

Rights Commission, there is an estimated number of 1,800,000 persons, largely Negroes, in the South, who could have an opportunity to vote and who could be added to the voting rolls, and who, in one way or another, have been frustrated, by situations in that area of the country, from exercising this elementary franchise.

Finally, there is the point that if the motion to table is defeated—and I shall certainly vote against the motion, and I hope the Senate will turn it down—then the Senate will have before it, not a single-barreled proposition of the referee plan, but the registrar proposal and the proposal for a Federal enrollment officer. The Senate will act, in that case, on both of those propositions, one of them applying to the great number of people who need registrars, and the other applying to the hard core cases, where there is tough resistance against the right of some to vote.

This is an effort to adopt the plan to which we wish to give effect. I think this proposal follows the plan. I hope the Senate will be given an opportunity, through failure of the motion to table, to vote on it.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KEATING. I should like to ask my distinguished colleague a question. Suppose the motion to table were defeated and we had this proposal before us. Let us assume it later was carried. Would it then be the intention of my distinguished colleague from New York to offer the alternative proposal with the two-way street in it, which I much prefer to this one?

Mr. JAVITS. The steps are as follows, I think: If the Senate does not want the Federal registrar proposal, we shall then offer the proposal to which the Senator has referred. On the other hand, if the Senate wants the Federal registrar proposal, it would stand in the place of the enrollment officer proposal. I emphasize that the registrar proposal would be the double-barreled proposal, so far as I am concerned, to wit, the provision for the registrar and voting referee, and not merely the registrar.

Mr. KEATING. I agree with that. The provision for voting referees is in section 7 now. Is that correct?

Mr. JAVITS. That is correct.

Mr. KEATING. And this proposal does not affect that provision at all, does it?

Mr. JAVITS. Not at all.

Mr. KEATING. As between the plan for registrars alone and the double plan which is sponsored by my colleague from New York, I prefer that the Senate affirm the double plan. I think it is a preferable method of approaching this problem. I think anyone who feels that way is in somewhat of a quandary as to how he should vote on the motion to table at this time.

Mr. JAVITS. Since I feel as I do, that registrars and voting referees together represent the optimum plan, I hope very much those in a quandary may vote against the motion to table.

I thank my colleague.

Mr. KEATING. I thank my colleague.

Mr. DIRKSEN. Mr. President, in further pursuance of our understanding I should like to yield for a half minute to my distinguished friend from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I thank the able and distinguished minority leader.

Mr. President, on Wednesday, March 16, 1960, the distinguished Governor of South Carolina, the Honorable E. F. Hollings, issued a statement in respect to President Eisenhower's statement regarding demonstrations by Negroes in the South. This is a very important statement and I think it would be helpful to the Members of the Senate if they would take the time to read this statement in full.

Mr. President, I ask unanimous consent that this statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF GOV. E. F. HOLLINGS, OF SOUTH CAROLINA, IN REPLY TO PRESIDENT EISENHOWER

COLUMBIA.—The full text of Governor Hollings' statement, in which he took issue with President Eisenhower's recommendation that biracial committees be appointed in southern communities, follows:

"I have the greatest respect for our President and know that he intended to be helpful by advocating biracial committees. However, this recommendation and some of his other comments are most harmful. To begin with the President is confused both as to the facts and the law.

"We indulged peaceful demonstrations as long as they remained peaceful and could be maintained peacefully. However, after 3 weeks of such incidents in numerous cities of South Carolina, it became perfectly obvious to everyone on the scene in South Carolina that things were getting out of hand. Demonstrators, even though they carried Bibles, were intent on being jailed and promoting violence, and observers were intent on their communities not being taken over by national antagonistic groups even under the guise of the Bible and the national anthem.

"As Governor, with positive and overwhelming proof of these conclusions, I could no longer concern myself only with constitutional guarantees of freedom of assembly and redress of grievances. I had to take cognizance of the explosive nature of these circumstances and assume my primary responsibility for maintaining the public peace.

GOVERNOR OF ALL

"These are facts. I realize fully that I am Governor of all the people of South Carolina, both white and Negro. I welcome suggestions from both. I know the value of maintaining friendly communications with both, and, again I commend the far majority of both white and colored for helping us maintain public peace in South Carolina. However, the issue is one of maintaining the public peace and not of establishing rights. One does not need a biracial committee or conference to determine the responsibility and authority of the Governor and peace officers of South Carolina to maintain the public peace, and we will have no such confusion over law and order in South Carolina.

"As to the law, under the Federal court decision of *Charles E. Williams* v. *Howard Johnson's Restaurant*, a store owner or restaurant operator has the constitutional right to serve whomever he pleases. According to the President's statement, then, he is mistaken as to the law. In accordance with the law, we have not dictated or suggested to any store owner whom he should serve or whom he should not serve. Rather we have sought his cooperation in affording him and his property police protection.

"Necessarily, when the President infers that—if such assemblies and demonstrations are orderly, he thought they fell within the area of constitutional rights, he did great damage to peace and good order in South Carolina. Up until now we have prevented violence in South Carolina and our warnings have been both to colored and white and demonstrators and spectators alike. The President and everyone should understand that the measures we have taken are to primarily protect the safety of the colored people and he ought not to enter into what he himself has termed 'a local matter for local authority.'

"We have tremendous respect between the colored and white people of South Carolina. Up until now we have maintained good communications. During the last few days I have conferred, and will continue to confer, with responsible white and Negro citizens to receive their counsel and cooperation. However, there is no trust in South Carolina for a biracial committee or conference. The white people don't trust such a committee, and the colored people don't trust such a committee. If I were to place together such citizens for a conference as the President suggests, the only sure result would be a complete repudiation of both white and colored citizens involved in such a conference. I would be taking good colored leaders who are helping us in South Carolina and ruining them. This I do not intend to do.

TROUBLE BREWED

"These recent incidents in the South point up our original concern that progress would be destroyed by force. Back in 1952, we told the Supreme Court that such forced commingling was explosive in nature and tended to provoke violence. Gunnar Myrdahl, a psychologist from Sweden, said he knew better and that all would be peace and harmony. Unfortunately, incidents over the South in the past few weeks prove conclusively that he was wrong. These incidents are explosive. If you can understand and appreciate this fact of life, you will realize these situations have moved from a consideration of rights to a consideration of maintaining peace and good order. No one should be mistaken about this. South Carolina will not tolerate public violence."

Mr. DIRKSEN. Mr. President, I hope I can complete my remarks in about 4 minutes. Then I shall offer a motion to lay on the table the so-called Douglas-Javits amendment which would amend section 3 of the so-called package.

In the package substitute section 3 relates to the preservation of voting records. The amendment would strike out and offer an amendment which deals with protection of the right to vote.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. DOUGLAS. If the Senator will look at the concluding section of our amendment, beginning on page 8, he will find that it retains the existing language which the Senator has in his proposal.

Mr. DIRKSEN. Yes.

Mr. DOUGLAS. So the amendment does not strike out the proposal of the Senator from Illinois, but adds to it.

Mr. DIRKSEN. I am sorry if I conveyed the impression that that was not taken care of later.

Mr. President, in rough compass this is what the amendment would do: First, it would make a general finding with respect to the denial of the right to vote. Second, it would provide for the employment of temporary registrars in any county under certain conditions, if there are enough people who would sign a petition with respect to the general denial of the right to register and to vote.

Mr. President, after such a petition has been filed the President would be empowered by Executive order to appoint the registrars, and in regard to the appointment he could appoint any employee or any Federal official, not necessarily in the county in which the petition with respect to the denial of the right to vote may have been filed.

One other thing is important. The voting registrars, as I read the amendment, would hold the authority for an indeterminate period of time. There is no cutoff provided. It might be an authority which would last for a long or a short time.

That is the essence of the proposal which is before us. My judgment is that there are two very obvious and sound defects, which are the reasons why I shall move to table the amendment.

First, the amendment applies to Federal, State, and local elections. The only authorities under which we operate, of course, are the 14th and 15th amendments to the Constitution. It seems to me that the amendment, at the State and local level, would actually displace the State machinery on a bare finding by the President of the United States.

I found further that, after the President makes such a finding on the basis of a petition signed by 50 aggrieved people, there is nothing in the amendment to provide a single opportunity for a State official to protest, to go into court, or to go into an administrative hearing.

Mr. President, I am willing to go pretty far in the field of civil rights, but I am not going to go quite that far, I can assure the Senate. I regard that as a major defect.

Second, I think the amendment has a tremendous enforcement weakness. The registrar, under given circumstances, can issue a certificate. The voter will then go to the polls, and perhaps the election official will say, "We will not recognize your certificate." So the person would be refused the right to vote. What would the man do?

We could resort to a criminal penalty, if we could get it, but it certainly would not cure the problem of obtaining for that man the right to vote.

Also, the amendment provides for appropriate court proceedings. The man can go to the precinct station, and can shake the certificate in the face of the judge and say, "Look; I have a certificate. Now you let me vote." For some reason or other he may not be permitted to vote. Then what can he do? The amendment says there shall be appropriate court proceedings by the Attorney General, and injunctive relief and otherwise will be provided. It is sought to help this poor fellow with a certificate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield myself 2 additional minutes.

By that time, of course, we will have these men trotting back and forth between the court and the precinct, if the polling place stays open long enough. That approach, in my judgment, is an impractical one, to the point where it becomes a little absurd. I think this is a major enforcement weakness, for one thing.

It seems to me that there is another defect of going across the board, with no opportunity for a State official to have either a court or an administrative appeal if he so desires. Willing as I am to commit great powers to the President of the United States, even in regard to the issuance of an executive order, when that happens under these circumstances I still believe there has to be some review authority by way of protection.

In those circumstances, Mr. President, I for one could not accept this amendment, and I think the best way to deal with it at this time is to table it.

Mr. President, I move that the amendment be tabled.

Mr. JAVITS. Mr. President, before the Senator makes his motion to table, though I have a pretty good idea as to what will happen, I think the RECORD ought to be clear in regard to one point. It is not a fact that there will be no review. It is my considered judgment that the court will review the findings of the President in accordance with established law, and such a review could be obtained.

Mr. DIRKSEN. I could find nothing on page 1, and I could find nothing on page 2 or on page 3, to state that after the petition is lodged with the President and the order is issued a State official can get a court or administrative review, if a State official files a protest. I have not found such a provision.

Mr. President, I move that the pending amendment be tabled.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Illinois will state his inquiry.

Mr. JOHNSON of Texas. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes.

Mr. DOUGLAS. Mr. President, is it in order to suggest the absence of a quorum at this time?

The PRESIDING OFFICER. Will the Senator repeat his question?

Mr. DOUGLAS. Is it in order to suggest the absence of a quorum?

The PRESIDING OFFICER. It is in order.

Mr. JOHNSON of Texas. I will say to the Senator that every office has been called.

Mr. DOUGLAS. Mr. President, I understand one or two of our colleagues have pressing engagements, so I shall not suggest the absence of a quorum.

Mr. DIRKSEN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOUGLAS. Mr. President, may we have the question stated so that late comers may know precisely what is the question?

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Douglas-Javits amendment to section 3 of the Dirksen amendment in the nature of a substitute.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio (when his name was called). On this vote I have a pair with the junior Senator from Louisiana [Mr. LONG], who is temporarily absent. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. CANNON. I have a pair with the Senator from West Virginia [Mr. RANDOLPH]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. CHURCH. On this vote I have a pair with the distinguished senior Senator from Pennsylvania [Mr. CLARK]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senators from Tennessee [Mr. GORE and Mr. KEFAUVER], the Senator from Indiana [Mr. HARTKE], the Senator from Louisiana [Mr. LONG], the Senator from Michigan [Mr. MCNAMARA], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

On this vote, the Senator from Tennessee [Mr. GORE] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Tennessee would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Connecticut would vote "nay," and the Senator from Arizona would vote "yea."

I further announce that, if present and voting, the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "nay."

I also announce that if present and voting the Senator from Tennessee [Mr. KEFAUVER] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Colorado [Mr. ALLOTT], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kentucky [Mr. MORTON], the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

If present and voting, the Senator from Massachusetts [Mr. SALTONSTALL] would vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote the Senator from Arizona [Mr. GOLDWATER] and the Senator from Connecticut [Mr. DODD] are paired. If present and voting the Senator from Arizona would vote "yea," and the Senator from Connecticut would vote "nay."

The result was announced—yeas 53, nays 24, as follows:

[No. 125]

YEAS—53

Aiken	Ellender	Monroney
Beall	Ervin	Mundt
Bennett	Fong	Murray
Bible	Frear	Prouty
Bridges	Fulbright	Robertson
Brunsdale	Green	Russell
Bush	Hayden	Schoeppel
Butler	Hickenlooper	Smathers
Byrd, Va.	Hill	Smith
Byrd, W. Va.	Holland	Sparkman
Carlson	Hruska	Stennis
Case, S. Dak.	Johnson, Tex.	Talmadge
Chavez	Johnston, S.C.	Thurmond
Cotton	Jordan	Wiley
Curtis	Kerr	Williams, Del.
Dirksen	McClellan	Yarborough
Dworshak	Mansfield	Young, N. Dak.
Eastland	Martin	

NAYS—24

Anderson	Hart	McCarthy
Bartlett	Hennings	McGee
Carroll	Jackson	Magnuson
Case, N.J.	Javits	Moss
Cooper	Keating	Muskie
Douglas	Kuchel	Pastore
Engle	Lausche	Proxmire
Gruening	Long, Hawaii	Symington

NOT VOTING—22

Allott	Hartke	O'Mahoney
Cannon	Humphrey	Randolph
Capehart	Kefauver	Saltonstall
Church	Kennedy	Scott
Clark	Long, La.	Williams, N.J.
Dodd	McNamara	Young, Ohio
Goldwater	Morse	
Gore	Morton	

So Mr. DIRKSEN's motion to lay on the table the amendment offered by Mr. DOUGLAS for himself and Mr. JAVITS was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the Senate agreed to the motion.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion of the Senator from Texas to table was agreed to.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in adjournment until 12 o'clock on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JAVITS. Mr. President, I send to the desk an amendment to section 3 of the pending bill.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. JOHNSON of Texas. Mr. President, I should like to announce that so far as the leadership is concerned, there will be no more rollcall votes this evening.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the amendment may be dispensed with because the amendment was read only yesterday. It is the amendment which was submitted by the Senator from Pennsylvania [Mr. CLARK]. It is the amendment identified as "3–11–60—B."

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Beginning on page 19, line 23, strike out section 7 and insert in lieu thereof the following:

"SEC. 7. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(b)(1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637; 42 U.S.C. 1971(c)); pursuant to subsection (c) of this section; or pursuant to any other law of the United States, in the event that the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election, the court shall upon request of the Attorney General or any plaintiff make a finding whether such deprivation is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote. Any such application shall be heard within ten days of its filing.

"(2) An order issued pursuant to paragraph (1) of this subsection shall become effective twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote. Except as provided in this paragraph, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"(3) Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

"(4) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not any such applicant is qualified under State law to register and/vote at any election or elections.

"(5) In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"(6) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceedings together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report or the applicants have been registered and will be entitled to vote pursuant to State law. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the public record or affidavit in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"(7) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"(8) The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action, including the counting and tabulation of votes, relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"(9) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"(10) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS BY THE PRESIDENT OF THE UNITED STATES

"(c)(1) Whenever the Attorney General shall notify the President of the United States of any affirmative finding of deprivation on account of race or color of registration or voting rights pursuant to a pattern or practice rendered by a District Court of the United States pursuant to subsection (b) the President may thereupon issue an Executive order designating one or more temporary Federal Enrollment Officers from among officers or employees of the United States who are qualified voters within such district, or if there be no such qualified officer or employee, from among officers or employees of the United States living in or near such registration district, but within the same State. A copy of such Executive order shall be delivered to the Governor of the State concerned, and shall become effective twenty days after such delivery unless the President shall determine that appropriate remedial action has been taken in the intervening period. Any such temporary Federal Enrollment Officer shall serve until such time as the President determines that there is no further need for such Enrollment Officer. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

"(2) The Federal Enrollment Officer for any registration district shall accept enrollment applications from any persons living in such registration district who are of the race or color as to which a finding has been rendered as described in subsection (b). Any such applicants whom he finds to meet the qualifications for voters under the law of the State wherein such registration district is situated shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like periods as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him.

"(3) Each qualified voter who is enrolled pursuant to this subsection shall have the right to vote, and to have such vote counted, in any election held in his registration district subject to the provisions of paragraph (4) of this subsection.

"(4) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other persons having standing under State law the right to challenge the determination of State registration or election officials that another person is qualified to vote or the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made. In the event the challenge is sustained the vote shall be disregarded in determining the result of the election. Any person denied registration by a Federal Enrollment Officer may challenge such determination by filing suit in the United States district court for the district in which the registration district is located, against such Federal Enrollment Officer. In any suit under the provisions of this paragraph, the determination of the Federal Enrollment Officer with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this paragraph shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal Enrollment Officer.

"(5) Any individual who is enrolled under this subsection by a Federal Enrollment Officer shall have the right to cast his vote and have such vote counted in any election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interefere with such right, shall be fined not more than $1,000, or imprisoned not longer than six months, or both.

"(6) Federal Enrollment Officers shall determine whether persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted. For this purpose each such officer shall be authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(7) The provisions of this subsection shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such registration district is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under this subsection shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"(d) In any action, suit or proceeding in a court of the United States to which the United States is not a party, wherein any person alleges on oath or affirmation that he has been deprived on account of race or color of the right to register or to vote at any election, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene as a party for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether any person or persons have been deprived on account of race or color of the right to register or vote at any election, and to recommend to the court the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party, including those provided for in subsection (b) of this section, and be subject to all the liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and determination of the issues.

"(e) In any case where a voting referee has been appointed by a district court under the provisions of subsection (b) of this section for an area which is a registration district or a part thereof for which a Federal Enrollment Officer has been designated by the President of the United States under the provisions of subsection (c) of this section, the decision of such referee as to whether an applicant possesses the voting qualifications requisite under State law shall, when accepted by the district court, supersede any inconsistent determination by the Federal Enrollment Officer. Subject to this provision, neither subsection (b) nor subsection (c) of this section shall supersede or affect the other. The President of the United States shall, to the extent necessary, direct any Federal Enrollment Officer appointed for any registration district to coordinate his operations with those of any voting referee appointed for the same area or any part thereof.

"'(f) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence: "Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'

"(g) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to any elective office and any primary election held in any State for the purpose of selecting any candidate for any elective office.

"(2) The term 'registration district' means an area in a State coterminus with a district established by State law for which a Member of the House of Representatives of the United States is elected.

"(3) The term 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

"(4) The term 'affected area' means any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election.

"(5) The term 'qualified under State law' means qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

(h) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

(i) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

(j) If any provision of this section or the application of such provision to any person or circumstance is held invalid, the remainder of this section or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that I may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I do not intend to detain the Senate this evening at all. I understand that the desire is to adjourn promptly.

I can explain the situation in 1 minute, if the Senators will permit me to do so and remain to hear me.

The amendment which I have sent to the desk I have sent up in fairness to the position of those of us who have worked this matter out as a compromise basis between the proregistrar people and the provoting referee people. It was worked out by three Senators who are lawyers, on each side. The Senator from Pennsylvania [Mr. CLARK] submitted it yesterday, and then decided to allow the Senator from Illinois [Mr. DOUGLAS] to press the registrar proposal, and withdrew it.

I am submitting it today in the absence of the Senator from Pennsylvania, because he and I are cosponsors of the amendment. When he arrives here on Monday, we will have a reasonable chance to consider the amendment, and at that time he will take up the burden of the argument itself, as will I also, as a cosponsor of the amendment.

I wished to make the point clear that I am acting today only out of courtesy and convenience to the Senator from Pennsylvania [Mr. CLARK].

I should also like to have Senators note that this amendment has a rather considerable list of sponsors. Aside from the Senator from Pennsylvania [Mr. CLARK] and myself, and the Senator from South Dakota [Mr. CASE], who has just added his name, the cosponsors are Senators HUMPHREY, AIKEN, BARTLETT, CASE of New Jersey, MORSE, KUCHEL, PROXMIRE, MCNAMARA, WILLIAMS of New Jersey, and SCOTT.

In short, this is an honorable and studied effort to deal with a problem which faces us in the Senate and is a solution which we believe should commend itself to a majority of the Members of the Senate. We shall press it with great seriousness, and shall do our utmost to explain in detail why we believe it is an effective way in which to accomplish the voting result which I believe so many Senators seek.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RUSSELL. I would certainly not wish to impugn the honor or intent of the sponsors of the amendment, but I am interested in knowing just which amendment we are now discussing. Will the Senator identify it, so that I may pick it out of this mass of amendments I have on my desk?

Mr. JAVITS. I shall be glad to. It is identified as "3-11-60—B."

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I am trying to answer the question of the Senator from Georgia. It is "3-11-60—B." It shows the Senator from Pennsylvania [Mr. CLARK] as the principal sponsor. To the amendment there has been added the text of what is now section 3 of the Dirksen substitute.

Mr. RUSSELL. In other words, the Senator is adding this language to the Dirksen substitute. I thought the Senator was offering it to section 3 of the bill.

Mr. JAVITS. I am. In view of the fact that it is offered as a substitute amendment, it is added to the present text of section 3, so that the idea of a dual Federal enrollment officer and voting referee bill is added to the text.

Mr. RUSSELL. The enrollment officer and referee would be one and the same person.

Mr. JAVITS. Not necessarily. I will explain that in detail. The only reason why I have asked that the amendment be not read at this time was that it was read in detail yesterday and was printed in yesterday's RECORD. Therefore, I took the liberty of asking that we not take the time of the Senate to read the amendment this evening.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. Is this not the same amendment which was offered by the distinguished Senator from Pennsylvania [Mr. CLARK] yesterday and debated at length and then withdrawn?

Mr. JAVITS. It is exactly the same amendment. I would not say it was debated at length. The Senator from Pennsylvania spoke to it and then decided to yield an opportunity for the consideration of the registrar proposal of the Senator from Illinois [Mr. DOUGLAS].

I should like to inquire of the leadership, because I do not believe it would be fruitful to discuss this amendment tonight, how late the leadership desires to keep us in session this evening.

Mr. DIRKSEN. I hope we can adjourn right now, speaking for myself.

Mr. MANSFIELD. I second that idea.

Mr. JAVITS. I yield the floor.

ADJOURNMENT TO MONDAY

Mr. DIRKSEN. Mr. President, I move that, under the order previously entered, the Senate now adjourn until noon on Monday.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned, under the order previously entered, until Monday, March 21, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 18, 1960:

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals

Brig. Gen. John Charles Hayden, O18174, U.S. Army.

Brig. Gen. Stephen Read Hanmer, O18348, U.S. Army.

Brig. Gen. Tom Robert Stoughton, O18156, U.S. Army.

Brig. Gen. John Archibald Barclay, O18420, U.S. Army.

Brig. Gen. Creighton Williams Abrams, Jr., O20296, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Jean Evans Engler, O19198, Army of the United States (colonel, U.S. Army).

Brig. Gen. Daniel Aloysius O'Connor, O29454, U.S. Army.

Brig. Gen. Hiram Dudley Ives, O29509, U.S. Army.

Brig. Gen. Richard Collins, O29375, Army of the United States (colonel, U.S. Army).

To be brigadier generals

Col. Vernon Price Mock, O19906, Army of the United States (lieutenant colonel, U.S. Army).

Col. Walter Brown Richardson, O30597, Army of the United States (lieutenant colonel, U.S. Army).

Col. Merrill LeRoy Tribe, O42374, U.S. Army.

Col. John DuVal Stevens, O19414, U.S. Army.

Col. Harry Jacob Lemley, Jr., O19756, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Frederick Leonard, Jr., O19829, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Carl Garrison, O30144, Army of the United States (lieutenant colonel, U.S. Army).

Col. Claire Elwood Hutchin, Jr., O21092, Army of the United States (lieutenant colonel, U.S. Army).

Col. Duncan Hallock, O18960, U.S. Army.

Col. Joseph Rieber Russ, O19860, Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Herndon Critz, O19786, Army of the United States (lieutenant colonel, U.S. Army).

Col. Lester Lewes Wheeler, O19951, Army of the United States (lieutenant colonel, U.S. Army).

Col. Durward Ellsworth Breakefield, O19781, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Benton Neely, O19114, U.S. Army.

Col. Melvin Delos Losey, O42235, U.S. Army.

Col. Julian Alexander Wilson, O30359, U.S. Army.

Col. Richard Martin Hurst, O30191, U.S. Army.

Col. Hamilton Austin Twitchell, O19843, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Stafford Eckhardt, O19766, Army of the United States (lieutenant colonel, U.S. Army).

Col. Hugh McClellan Exton, O19780, Army of the United States (lieutenant colonel, U.S. Army).

Col. Ralph Edward Haines, Jr., O19849, Army of the United States (lieutenant colonel, U.S. Army).

Col. Francis Mark McGoldrick, O19857, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Ruhlen, O19733, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Thomas Mildren, O21992, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frederick Carlton Weyand, O33736, Army of the United States (major, U.S. Army).

Col. James Bowdoin Stapleton, O19656, Medical Corps, U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18, 1960:

UNITED NATIONS

Thomas C. Mann, of Texas, to be the representative of the United States of America to the 16th session of the Economic Commission for Asia and the Far East of the Economic and Social Council of the United Nations.

ATOMIC ENERGY COMMISSION

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1960.

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1965.

DEPARTMENT OF STATE

COUNSELOR OF THE DEPARTMENT OF STATE

Theodore C. Achilles, of the District of Columbia, to be Counselor of the Department of State

U.S. ADVISORY COMMISSION ON INFORMATION

Sigurd S. Larmon, of New York, to be a member of the U.S. Advisory Commission on Information for a term of 3 years expiring January 27, 1963, and until his successor has been appointed and qualified.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Selden Chapin, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

DIPLOMATIC AND FOREIGN SERVICE

The following-named person for appointment as indicated:

Lyndall G. Beamer, of Illinois, to be a Foreign Service officer of class 8, vice consul of career, and secretary in the diplomatic service of the United States of America.

The following-named Foreign Service officers for promotion from class 2 to class 1:

Ralph J. Blake, of Oregon.
James E. Brown, Jr., of Pennsylvania.
Joseph B. Costanzo, of New Jersey.
H. Francis Cunningham, Jr., of Nebraska.
Olcott H. Deming, of Connecticut.
Andrew G. Lynch, of New York.
Lionel M. Summers, of the District of Columbia.
Gerald Warner, of Massachusetts.
Barr V. Washburn, of Utah.

To be class 1 and to be also consul general of the United States of America

Patten D. Allen, of New York.
Norbert L. Anschuetz, of Maryland.
Miss Ruth Bacon, of Massachusetts.
Milton Barall, of New York.
J. Paul Barringer, of Pennsylvania.
Wymberley DeR. Coerr, of Connecticut.
Earl T. Crain, of Virginia.
Robert H. S. Eakens, of Texas.
John W. Evans, of the District of Columbia.
William A. Fowler, of Washington.
Eugene A. Gilmore, Jr., of Nebraska.
Sam P. Gilstrap, of Oklahoma.
John Goodyear, of New York.
Marshall Green, of Massachusetts.
Wesley C. Haraldson, of Virginia.
Ralph Hilton, of Texas.
Robert G. Hooker, Jr., of California.
Raymond G. Leddy, of New York.
Roy M. Melbourne, of Virginia.
Frederick T. Merrill, of the District of Columbia.
Armin H. Meyer, of Illinois.
John Ordway, of the District of Columbia.
Walter A. Radius, of Virginia.
Milton C. Rewinkel, of Minnesota.
Rufus Burr Smith, of Montana.
Charles Nelson Spinks, of California.
C. Allan Stewart, of Arizona.
William W. Walker, of North Carolina.
George Lybrook West, Jr., of California.
William A. Wieland, of New York.

The following-named Foreign Service officers for promotion from class 3 to class 2:

Kenneth B. Atkinson, of Virginia.
Taylor O. Belcher, of New York.
Donald C. Bergus, of Maryland.
Lee B. Blanchard, of Oklahoma.
Louis C. Boochever, of Maryland.
Howard Brandon, of Georgia.
John L. Brown, of Massachusetts.
Stanley S. Carpenter, of Massachusetts.
Albert E. Carter, of Tennessee.
Clyde L. Clark, of Iowa.
Otho T. Colclough, of North Carolina.
William B. Connett, Jr., of the District of Columbia.
Roy T. Davis, Jr., of Maryland.
Donald A. Dumont, of New York.
William B. Dunham, of Virginia.
Robert A. Fearey, of the District of Columbia.
Seymour M. Finger, of New York.
Richard B. Finn, of New York.
Edmund E. Getzin, of New York.
Joseph Godson, of New York.
Leo M. Goodman, of New York.
Windsor G. Hackler, of Nebraska.
Theo E. Hall, of Virginia.
Paul W. Haliman, of Virginia.
Norman B. Hannah, of Illinois.
John Hay, of Virginia.
Alton W. Hemba, of Mississippi.
David H. Henry 2d, of New York.
Jack A. Herfurt, of California.
William K. Hitchcock, of Virginia.
A. Guy Hope, of Virginia.
Albert E. Irving, of Maryland.
Frederick Irving, of Rhode Island.
William G. Jones, of Maryland.
John Keppel, of the District of Columbia.
Alexander F. Kiefer, of New York.
Clinton E. Knox, of Maryland.
Max V. Krebs, of California.
John A. Lacey, of Ohio.
Edward T. Lampson, of Connecticut.
Guy A. Lee, of Maryland.
Jack W. Lydman, of New York.
Eugene V. McAuliffe, of Massachusetts.
James A. McDevitt, of Illinois.
Adrian T. Middleton, of Texas.
George T. Moody, of Maryland.
George S. Newman, of New York.
Dana Orwick, of Ohio.
Albert Post, of the District of Columbia.
Donald L. Ranard, of Vermont.
Alfred Reifman, of Maryland.
Idar Rimestad, of North Dakota.
Edward F. Rivinus, Jr., of Pennsylvania.
Robert Rossow, Jr., of Indiana.
M. Robert Rutherford, of Montana.
Edward L. Smith, of Arkansas.
John L. Stegmaier, of Massachusetts.
John H. Stutesman, Jr., of New Jersey.
Charles Wilson Thomas, of Utah.
Miss Margaret Joy Tibbetts, of Maine.
Richard W. Tims, of Maryland.
S. Roger Tyler, Jr., of West Virginia.
Sheldon B. Vance, of Minnesota.
William L. Wight, Jr., of Virginia.
Joseph O. Zurhellen, Jr., of New York.

The following-named Foreign Service officers for promotion from class 4 to class 3:

Rodger C. Abraham, of Connecticut.
William C. Anderson, of Indiana.
John A. Armitage, of Tennessee.
Laurin B. Askew, of Tennessee.
John R. Barrow, of California.
Chester R. Beaman, of Indiana.
Frederic H. Behr, of New Jersey.
Miss Elizabeth Ann Brown, of Oregon.
Emerson M. Brown, of Michigan.
Stephen J. Campbell, of California.
Allan Chase, of Virginia.
Dennis A. Collins, of Ohio.
Stephen A. Comiskey, of Colorado.
Douglas W. Coster, of New York.
Leonard R. Cowles, of Florida.
Oliver S. Crosby, of Washington.
David C. Cuthell, of Connecticut.
Robert W. Dean, of Illinois.
Thomas J. Duffield, of Massachusetts.
William R. Duggan, of Colorado.
Lester E. Edmond, of Maryland.
David H. Ernst, of Massachusetts.
Charles C. Finch, of Kansas.
Miss Edelen Fogarty, of New York.
David L. Gamon, of California.
Edwin J. Garrity, of Virginia.
Scott George, of Kentucky.
Charles Gilbert, of New York.
William Giloane, of Maryland.
John K. Hagemann, of Maryland.
Philip E. Haring, of Pennsylvania.
Thomas R. Hodet, of Connecticut.
Adolf B. Horn, Jr., of the District of Columbia.
Alan G. James, of the District of Columbia.
Walter E. Jenkins, Jr., of Texas.
Jack R. Johnstone, of Washington.
Harold G. Josif, of Ohio.
Morris Kaufman, of New York.
William M. Kerrigan, of Ohio.
Thomas D. Kingsley, of Maryland.
Northrop H. Kirk, of California.
David Klein, of Kansas.
Francis X. Lambert, of Massachusetts.
Jerome B. Lavallee, of Massachusetts.
Frederick D. Leatherman, of Ohio.
Armistead M. Lee, of Vermont.
W. J. Lehmann, of the District of Columbia.
James F. Leonard, Jr., of Pennsylvania.
Guy O. Long, of Pennsylvania.
Albert K. Ludy, Jr., of Arizona.
Frederic K. Lundy, Jr., of Pennsylvania.
Dayton S. Mak, of New Mexico.
David J. S. Manbey, of California.
James H. McFarland, Jr., of Michigan.
Clarence J. McIntosh, of Florida.
Everett K. Melby, of Illinois.
John E. Mellor, of Connecticut.
Bruce H. Millen, of Louisiana.
George Moffit, Jr., of Connecticut.
Neil H. Muhonen, of Virginia.
George F. Muller, of Maryland.
James F. O'Connor, Jr., of New York.
John G. Oliver, of Texas.
Miss Mary S. Olmsted, of New York.
Melville S. Osborne, of Florida.
James P. Parker, of Connecticut.
Robert Person, of Virginia.
Robert M. Phillips, of California.
David Post, of Pennsylvania.
Sandy MacGregor Pringle, of New York.
Vladimir P. Prokofieff, of Virginia.
Normand W. Redden, of New York.
Robert J. Redington, of Connecticut.
Jordan T. Rogers, of South Carolina.
Morris Rothenberg, of Maryland.
J. Phillip Rourk, of California.
William T. Sandalls, of Connecticut.
Dwight E. Scarbrough, of Minnesota.
Robert R. Schott, of Oregon.
George W. Skora, of Arizona.
Walter W. Sohl, of Illinois.

Albert W. Stoffel, of New York.
William N. Stokes, of North Carolina.
William H. Sullivan, of Rhode Island.
Harrison M. Symmes, of North Carolina.
M. Gordan Tiger, of Virginia.
Francis T. Underhill, Jr., of New Jersey.
Christopher Van Hollen, of the District of Columbia.
Hendrik van Oss, of New Jersey.
Bertus H. Wabeke, of Massachusetts.
Milton C. Walstrom, of Hawaii.
Wayland S. Waters, of Michigan.
Harry J. Wetzork, of Pennsylvania.
Louis A. Wiesner, of New Hampshire.
Miss Jean M. Wilkowski, of Florida.
William H. Witt, of South Carolina.
Chalmers B. Wood, of Virginia.
Parker D. Wyman, of Illinois.

The following-named Foreign Service officers for promotion from class 5 to class 4:

Miss Hilda M. Anderson, of Maryland.
Daniel N. Arzac, Jr., of California.
Robert J. Ballantyne, of New Jersey.
John H. Barber, of California.
George M. Barbis, of California.
Robert E. Barbour, of Tennessee.
St. John Bargas, of Louisiana.
Robert S. Barrett IV, of Virginia.
William R. Beckett, of Michigan.
Norman J. Bentley, of California.
David B. Bolen, of Colorado.
Lewis W. Bowden, of the District of Columbia.
Mrs. Mildred L. Brockdorff, of Maryland.
John A. Brogan III, of New York.
Jack B. Button, of Kansas.
William C. Canup, of Michigan.
Charles C. Carson, of the District of Columbia.
Peter R. Chase, of Massachusetts.
Willis B. Collins, Jr., of Alabama.
William F. Courtney, of Michigan.
Miss Virginia I. Cullen, of Pennsylvania.
Joseph H. Cunningham, of Nebraska.
Frank A. Davis, of Ohio.
David Dean, of Florida.
Francois M. Dickman, of Wyoming.
Arthur R. Dornheim, of Maryland.
Stephen Duncan-Peters, of New York.
William L. Eagleton, Jr., of Illinois.
Virgil M. Elliott, of Florida.
George A. Ellsworth, of Georgia.
Lawrence B. Elsbernd, of North Dakota.
Elden B. Erickson, of Kansas.
Guy Ferri, of Pennsylvania.
Thomas M. Gaffney, of Massachusetts.
Miss Elizabeth G. Gallagher, of Pennsylvania.
Millard L. Gallop, of Virginia.
Samuel R. Gammon III, of Texas.
John L. Gawf, of Colorado.
Richard D. Geppert, of New Jersey.
Loren L. Goldman, of Maryland.
H. Kent Goodspeed, of California.
Malcolm P. Hallam, of South Dakota.
Miss Betty R. Hanes, of Ohio.
William N. Harben, of New York.
William C. Harrop, of New Jersey.
Arthur A. Hartman, of New Jersey.
Robert C. Hayes, of Maryland.
Harry W. Heikenen, of Minnesota.
Mrs. Hallye A. Heiland, of California.
Herschel Hancock Helm, of Kentucky.
William A. Helseth, of Florida.
Gregory Henderson, of Massachusetts.
Richard V. Hennes, of Illinois.
Gerrit J. W. Heyneker, of the District of Columbia.
Max E. Hodge, of New York.
Paul R. Hughes, of California.
Thomas J. Hunt, of New York.
Johannes V. Imhof, of California.
Joseph R. Jacyno, of Massachusetts.
Gordon D. Johnson, of California.
Gerald G. Jones, of California.
Howard D. Jones, of Oklahoma.
Walter T. Kamprad, of California.
George R. Kaplan, of Massachusetts.
William G. Keen, of Tennessee.
George R. Kenney, of Illinois.
Miss Virginia L. King, of Nebraska.
Richard F. Kitterman, of Maryland.
William S. Krason, of New York.
John Krizay, of Pennsylvania.
Lyle F. Lane, of Washington.
Miss Lillie Levine, of Iowa.
Miss Eleanor V. Levy, of the District of Columbia.
Samuel W. Lewis, of Texas.
Philip M. Lindsay, of California.
John L. Loughran, of Pennsylvania.
Miss Doris Meltana Luellen, of California.
Mrs. Andrée P. Maddox, of the District of Columbia.
LeRoy Makepeace, of Connecticut.
Donald C. Mansfield, of Virginia.
Robert J. Martens, of California.
Miss Roberta McKay, of Michigan.
Delano McKelvey, of the District of Columbia.
Warren M. McMurray, of Georgia.
John A. McVickar, of New York.
Jack C. Miklos, of Idaho.
Paul M. Miller, of Maryland.
Robert H. Miller, of Washington.
William B. Miller, of Ohio.
George C. Mitchell, of Nebraska.
George C. Moore, of California.
Laurent E. Morin, of New Hampshire.
Albert D. Moscotti, of New Jersey.
Charles Willis Naas, of Massachusetts.
Michael H. Newlin, of North Carolina.
Edward P. Noziglia, of New York.
Frank V. Ortiz, Jr., of New Mexico.
John B. Penfold, of Missouri.
Peter J. Peterson, of California.
Lyle R. Piepenburg, of Wisconsin.
Onesime L. Piette, of New Hampshire.
Clifford J. Quinlan, of Minnesota.
James A. Ramsey, of Massachusetts.
Miss Catherine A. Rock, of Pennsylvania.
Woodward Romine, of Indiana.
Miss Helen W. Rose, of Minnesota.
Robert W. Ross, of California.
Frederick H. Sacksteder, Jr., of New York.
Edwin E. Segall, of Nebraska.
Robert G. Shackleton, of Ohio.
Lawrence W. Sharpe, of Ohio.
Max L. Shimp, of Ohio.
Emery Peter Smith, of the District of Columbia.
Paul A. Smith, Jr., of Virginia.
Eldridge A. Snight, of Virginia.
Herbert Spielman, of Maryland.
Christopher A. Squire, of the District of Columbia.
William A. Stoltzfus, Jr., of New Jersey.
Miss Cherry C. Stubbs, of Minnesota.
Michael H. Styles, of Delaware.
Sidney V. Suhler, of Texas.
Ralph C. Talcott, of Tennessee.
Robert J. Tepper, of New York.
Erwin C. Thompson, of California.
Arthur T. Tienken, of New York.
William D. Toomey, of North Dakota.
Richard D. Vine, of New York.
Robert H. Wenzel, of Massachusetts.
Miss Josephine D. Wharton, of Florida.
Frank S. Wile, of Michigan.
Robert B. Williams, of Kentucky.
Daniel L. Williamson, Jr., of North Carolina.
J. Robert Wilson, of Pennsylvania.
William D. Wolle, of Iowa.
Samuel H. Young, of Florida.

The following-named Foreign Service officers for promotion from class 6 to class indicated:

Class 5

Paul S. Dwyer, of Ohio.
Chris C. Pappas, Jr., of New Hampshire.

To be class 5 and to be also consul of the United States of America

Miss Jane S. Abell, of New Hampshire.
Dwight R. Ambach, of Rhode Island.
Miss Leona M. Anderson, of Iowa.
Robert F. Andrew, of California.
George R. Andrews, of Tennessee.
Richard B. Andrews, of Illinois.
Sam G. Armstrong, of Texas.
James H. Bahti, of Michigan.
Richard W. Barham, of Texas.
Kyle D. Barnes, of Alabama.
Charles White Bass, of Tennessee.
Frederick O. Beattie, of Virginia.
Joel W. Biller, of Florida.
Martin S. Bowe, Jr., of New Hampshire.
Merritt C. Bragdon, Jr., of Maryland.
Michael Buzan, Jr., of Florida.
Byron E. Byron, of California.
Norman L. Cansler, of the District of Columbia.
Frank C. Carlucci, of Pennsylvania.
Robert W. Chase, of Massachusetts.
Ward Lee Christensen, of Oregon.
Joseph A. Cicala, of Connecticut.
Miss John M. Clark, of New York.
Charles B. Cook, 3d, of Pennsylvania.
Dwight M. Cramer, of Nebraska.
Miss Maurine Crane, of Utah.
Miss Jane A. Culpepper, of Louisiana.
Martin A. Dale, of New Jersey.
Allen C. Davis, of Tennessee.
Thomas W. Davis, Jr., of California.
John L. De Ornellas, of Alabama.
Willard A. De Pree, of Michigan.
Morris Draper, Jr., of California.
Frank D. Durfey, of Minnesota.
Richard W. Dye, of New York.
Harland H. Eastman, of Maine.
Raymond W. Eiselt, of California.
Michael E. Ely, of New York.
Edward B. Fenstermacher, of Pennsylvania.
Richard W. Finch, of Ohio.
Eric W. Fleisher, of Maryland.
Francis L. Foley, of Colorado.
Richard Forschner, of New Jersey.
Theodore T. Franzen, of Massachusetts.
C. Jefferson Frederick, of Washington.
Gerald A. Friedman, of Florida.
Jack Friedman, of the District of Columbia.
Miss Ellen Cavrisheff, of Texas.
Robert K. German, of Texas.
Miss Eleanor Van Trump Glenn, of Georgia.
Dirk Gleysteen, of Pennsylvania.
Roderick W. Grant, of California.
William B. Grant, of Massachusetts.
James M. Hall, of Washington.
Nea C. Hallett, Jr., of Texas.
C. Norman Hanley, of Washington.
Tobias Hartwick, of Montana.
Miss Edele P. Hauber, of Minnesota.
Frank J. Haughey, of California.
Mrs. Hertha Wegener Heiss, of New York.
Clarence J. Heissel, of California.
Brewster R. Hezenway, of New York.
Charles W. Henebry, of California.
Miss Frances D. Howell, of North Carolina.
James A. Howell, of Texas.
George O. Huey, of Illinois.
Mrs. Ellen G. Johnson, of Missouri.
Richard C. Johnson, of Massachusetts.
Miss Bernice T. Jones, of California.
Miss Betty-Jane Jones, of Wisconsin.
Robert V. Keeley, of Virginia.
Miss Alice E. Kinnare, of Illinois.
Roger Kirk, of Michigan.
Henry G. Krausse, Jr., of Texas.
P. Wesley Kriebel, of Pennsylvania.
Archibald Lappin, Jr., of California.
Burton Levin, of New York.
Orville M. Lewis, of Virginia.
Robert A. Lewis, of New York.
David E. L'Heureux, of New Hampshire.
Jack Liebof, of New York.
Miss Marcia N. Lindgren, of California.
Stephen Low, of Ohio.
Miss Helen K. Lyons, of California.
John W. MacDonald, Jr., of New York.
Julian F. MacDonald, Jr., of Ohio.
Byron P. Manfull, of Utah.
Ernest J. Mansmann, Jr., of Massachusetts.
Hugh J. McCall, of New York.
Franklin O. McCord, of Iowa.
John M. McIntyre, of Illinois.
Frazier Meade, of Virginia.
Calvin E. Mehlert, of California.
Miss Ruth G. Michaelson, of Michigan.
Curtis L. Mills, of West Virginia.
John L. Mills, of Georgia.

Leo J. Moser, of California.
Harry J. Mullin, Jr., of Kentucky.
Frederick E. Myers, of Ohio.
Philip M. Nagao, of California.
Ernest A. Nagy, of Ohio.
Leonardo Neher, of Illinois.
Miss Jeanne C. Nelson II, of Arizona.
Joseph B. Norbury, Jr., of New York.
Miss Geraldine M. Oliva, of Oregon.
Miss Nancy Ostrander, of Indiana.
John G. Panos, of Illinois.
Gabriel J. Paolozzi, of Nevada.
Grenfall L. Pennollow, of Nebraska.
Frederick P. Picard III, of Nebraska.
Arthur L. Price, of Illinois.
Leon Pukach, of Maryland.
Harry A. Quinn, of California.
Miss Nancy V. Rawls, of Georgia.
Owen W. Roberts, of New Jersey.
J. Leopoldo Romero, of California.
Miss Brynhild C. Rowberg, of Virginia.
Paul Sadler, of Tennessee.
Edward W. Schaefer, of Connecticut.
Alfred Schelp, of Missouri.
Miss Ruth Schneider, of New York.
Gerald Schwab, of New Jersey.
Mrs. Ree C. Shannon, of North Carolina.
Harry W. Shlaudeman, of California.
George W. Small, of West Virginia.
Miss Violet Smith, of New York.
Michael Smolik, of Oregon.
Raymond J. Swanson, of California.
Joseph Terranova, Jr., of Maryland.
Ross P. Titus, of Illinois.
Terence A. Todman, of the Virgin Islands.
Donald R. Toussaint, of California.
Miss Frances A. Usenik, of Minnesota.
Nicholas A. Veliotes, of California.
Leland W. Warner, Jr., of Kansas.
Mrs. Margaret P. A. Welsh, of Louisiana.
John P. Wentworth, of Washington.
John Quincy White, of Minnesota.
Frontis B. Wiggins, Jr., of Georgia.
Miss Suzanne S. Williams, of Ohio.
Victor Wolf, Jr., of New York.
Arthur H. Woodruff, of the District of Columbia.
Miss Olga M. Zhivkovitch, of Illinois.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Anthony C. Albrecht, of Virginia.
J. Bruce Amstutz, of Massachusetts.
Andrew Andranovich, of Connecticut.
Oler A. Bartley, Jr., of Delaware.
Frank L. Berry, of Kentucky.
David A. Betts, of New York.
H. Eugene Bovis, of Florida.
Everett E. Briggs, of Maine.
Bazil W. Brown, Jr., of Pennsylvania.
Thomas R. Buchanan, of Illinois.
Charles R. Carlisle, of Florida.
Gordon Chase, of Massachusetts.
Richard S. Dawson, Jr., of California.
Miss Stella M. Deinzer, of New York.
Robert W. Drexler, of Wisconsin.
Thaddeus J. Figura, of Illinois.
Robert L. Flanegin, of Illinois.
Robert L. Funseth, of New York.
Paul F. Gardner, of Texas.
Miss Kathryn M. Geoghegan, of Colorado.
Ralph H. Graner, of New York.
Carl J. Grip, of California.
Walter V. Hall, of Virginia.
Charles R. Hartley, of the District of Columbia.
Roger P. Hipskind, of Illinois.
Thomas J. Hirschfeld, of New York.
Robert M. Immerman, of New York.
George W. Jaeger, of Missouri.
James T. Johnson, of Montana.
Donald A. Johnston, of New York.
Robert M. Kline, of Connecticut.
Tadao Kobayashi, of Hawaii.
Larry E. Lane, of Texas.
Robert Gerald Livingston, of Connecticut.
Alan Logan, of California.
Peter P. Lord, of Massachusetts.
James Gordon Lowenstein, of Connecticut.
Paul B. McCarty, of Massachusetts.
Robert Marden Miller, of California.
Jay P. Moffat, of New Hampshire.
Beauveau B. Nalle, of Virginia.
Edward R. O'Connor, of New York.
John L. Offner, of Pennsylvania.
Charles R. O'Hara, of Maryland.
Mark S. Pratt, of Rhode Island.
John D. Scanlan, of Minnesota.
David E. Simcox, of Kentucky.
Edward H. Springer, of Oregon.
Roger W. Sullivan, of Massachusetts.
Miss Thelma R. Thurtell, of California.
D. Dean Tyler, of California.
William Watts, of New York.
William B. Young, of New Hampshire.
Albert L. Zucca, of New York.

The following-named Foreign Service officers for promotion from class 8 to class 7:

Dan Alexander, of Washington.
George Aneiro, of Ohio.
Terrell E. Arnold, of California.
Thomas H. Baldridge, of Iowa.
David P. Banowetz, of Louisiana.
Thomas J. Barnes, of Minnesota.
John M. Barta, of California.
Eugene J. Bashe, of California.
Frank C. Bennett, Jr., of California.
Harry E. Bergold, Jr., of New York.
Miss Emma Bernardon, of New York.
Richard C. Bialock, of Oklahoma.
Nichele C. Bozzelli, of Ohio.
Carroll Brown, of Alabama.
Eugene B. Bruns, of Maryland.
Alanson G. Burt, of California.
Robert S. Cameron, of California.
William Clark, Jr., of California.
John R. Clingerman, of Michigan.
Richard T. Conroy, of Tennessee.
Goodwin Cooke, of New York.
Emmett M. Coxson, of Illinois.
John E. Crump, of Kansas.
Robert R. Dennis, of Pennsylvania.
Robert B. Dollison, of New York.
Miss Suzanne E. Dress, of Pennsylvania.
Robert W. Duemling, of California.
Ernest A. Duff, of Virginia.
William L. Dutton, Jr., of Iowa.
Richard A. Dwyer, of Indiana.
William J. Dyess, of Alabama.
Raymond C. Ewing, of California.
Miss Mary L. Eysenbach, of Connecticut.
Charles E. Finan, of Washington.
Miss Alta F. Fowler, of Virginia.
Howard V. Funk, Jr., of New York.
George A. Furness, Jr., of Massachusetts.
Herbert Donald Gelber, of New York.
Richard J. Gibson, of Michigan.
James L. Gorman, of Oregon.
John M. Gregory, Jr., of New York.
Philip J. Griffin, of the District of Columbia.
John C. Griffith, of Connecticut.
William H. Hallman, of Texas.
Miss Jo Ann Hallquist, of Wisconsin.
Clifford H. Harpe, of Tennessee.
Miss Ange Belle Hassinger, of Louisiana.
Ashley C. Hewitt, Jr., of California.
John W. Holmes, of Massachusetts.
James R. Holway, of Illinois.
Michael P. B. Hoyt, of Illinois.
Martin Jacobs, of New York.
Alton L. Jenkins, of Massachusetts.
Warren Mark Johnson, of California.
Peter E. Juge, of Louisiana.
Frederick T. Kelley, of Massachusetts.
Edson W. Kempe, of California.
James E. Kerr, Jr., of the District of Columbia.
Walter F. Keville II, of Ohio.
John W. Kimball, of California.
Robert Kurlander, of New York.
David C. Lacey, Jr., of Ohio.
Miss Morelle Lasky, of California.
Alan F. Lee, of Illinois.
Sam K. Lesher, of Colorado.
Melvin H. Levine, of Massachusetts.
Wingate Lloyd, of Pennsylvania.
Robert S. Lowen, of New York.
George Q. Lumsden, Jr., of New Jersey.
Edward J. Maguire, Jr., of California.
Edward J. Malonis, of Massachusetts.
Wade H. B. Matthews, of North Carolina.
Henry Ellis Mattox, of Mississippi.
James A. Mattson, of Minnesota.
W. Douglas McLain, Jr., of Illinois.
Noble M. Melencamp, of Kansas.
Stanley R. Miller, Jr., of Florida.
Herbert T. Mitchell, Jr., of North Carolina.
John C. Monjo, of Connecticut.
John T. Morgan, of Illinois.
Gottfried W. Moser, of New York.
Robert B. Oakley, of Louisiana.
Oscar J. Olson, Jr., of Texas.
Ronald D. Palmer, of Michigan.
Thomas J. Pape, of Texas.
Sydney E. Paulson, of Michigan.
George A. Pavlik, of Iowa.
John A. Perkins, of California.
Miss Emily Perreault, of Illinois.
Lawrence Pezzullo, of New York.
Homer R. Phelps, Jr., of New York.
Martin Polstein, of New York.
Dale M. Povenmire, of Ohio.
Frederick D. Purdy, of Pennsylvania.
Walter G. Ramsay, of Virginia.
William E. Rau, of Missouri.
Miss Rozanne L. Ridgway, of Minnesota.
George B. Roberts, Jr., of Pennsylvania.
John T. Rogerson, Jr., of Florida.
George M. Scanlan, of New York.
Orville H. Schmidt, of Minnesota.
Roger C. Schrader, of Missouri.
Glenn E. Schweitzer, of California.
Leslie Andrew Scott, of New York.
Arthur P. Shankle, Jr., of Texas.
David D. Shobe, of Illinois.
Robert Lee Shuler, of Virginia.
John P. Shumate, Jr., of California.
William L. Simmons, of Mississippi.
Clint E. Smith, of New Mexico.
Joseph L. Smith, of Indiana.
Walter Burges Smith II, of New York.
Wayne S. Smith, of California.
C. Richard Spurgin, of Illinois.
Linwood R. Starbird, of Maine.
Andrew L. Steigman, of New York.
Gerald M. Sutton, of California.
John J. Taylor, of Tennessee.
James M. Thomson, of Minnesota.
Thomas A. Thoreson, of Illinois.
Donald C. Tice, of Kansas.
Blaine C. Tueller, of Utah.
John T. Vanderveen, of California.
Leonard A. Warren, of California.
Ronald A. Webb, of California.
Benjamin Weiner, of New York.
Alfred J. White, of the District of Columbia.
Alfred W. Whiting, of Kansas.
James P. Willis, Jr., of California.
Dawson S. Wilson, of Florida.
Herbert Gilman Wing, of Pennsylvania.
Edward C. Woltman, Jr., of Indiana.
Brooks Wrampelmeier, of Ohio.
Edward E. Wright, of Louisiana.

The following-named persons for appointment as Foreign Service officers to the grade indicated:

Class 2, consul, and secretary in the diplomatic service of the United States of America

George Dolgin, of Maryland.

To class 3, consul, and secretary in the diplomatic service of the United States of America

Merrill M. Blevins, of Kentucky.
Horace F. Byrne, of New York.
Edward A. Dow, Jr., of New York.
Thomas H. Englesby, of the District of Columbia.
Elmer M. Falk, of Virginia.
Jorma L. Kaukonen, of California.
James F. Magdanz, of Virginia.
William J. Tonesk, of Alabama.
Paul A. Toussaint, of New Hampshire.
Mrs. Virginia C. Westfall, of Virginia.
Mrs. Doris S. Whitnack, of Virginia.

To class 4, consul, and secretary in the diplomatic service of the United States of America

John Royle Baxter, of Maryland.
George M. Bennsky, of Virginia.
Irving G. Cheslaw, of Maryland.

David S. Ennis, of Florida.
Edzard S. Hermberg, of California.
Murray E. Jackson, of Illinois.
John Church Renner, of Ohio.
W. John Wilson, of California.

To class 5, consul, and secretary in the diplomatic service of the United States of America

Lawrence H. Harris, of California.
Harry V. Ryder, Jr., of Pennsylvania.
Miss Elizabeth B. Tolman, of Massachusetts.

To class 6, vice consul of career, and secretary in the diplomatic service of the United States of America

Miss Bernice M. Kelly, of Texas.
Elwood J. McGuire, of Connecticut.
William G. Murphy, of Massachusetts.

To class 7, vice consul of career, and secretary in the diplomatic service of the United States of America

Burton M. Chadbourne, of the District of Columbia.
Miss Rose M. Dickson, of New York.
Lyman W. Priest, of Arkansas.
Miss Marjorie A. Sutton, of Colorado.
James A. Verreos, of Missouri.

To class 8, vice consul of career, and secretary in the diplomatic service of the United States of America

Morton I. Abramowitz, of Massachusetts.
Francesco J. Alberti, Jr., of California.
Scott I. Amour, of California.
Carl A. Bastiani, of Pennsylvania.
Calvin C. Berlin, of Ohio.
David E. Biltchik, of New York.
John A. Bushnell, of California.
David W. Carr, of Massachusetts.
Anthony S. Dalsimer, of New York.
V. Raymond Dickey, of South Dakota.
Richard A. Dugstad, of Virginia.
Jay P. Freres, of Illinois.
Miss Marlene W. Futterman, of New York.
George G. B. Griffin, of South Carolina.
Miss Lois Haase, of Missouri.
Gabriel C. Hanson, of Illinois.
Pierre N. Hartman, of Colorado.
Martin G. Heflin, of Florida.
David C. Holton, of Virginia.
Richard F. King, of Louisiana.
Anthony S. Kochanek, Jr., of New Jersey.
William E. Landfair, of Ohio.

To class 8, vice counsel of career, and secretary in the diplomatic service of the United States of America

Paul A. London, of New York.
David W. McClintock, of California.
Harry Macy, Jr., of Florida.
Miss Priscilla E. Mitchell, of Indiana.
Miss Sandra A. Nelson, of New Jersey.
Donathon C. Olliff, of Alabama.
Gerald G. Oplinger, of Pennsylvania.
Miss Allison Palmer, of New York.
Frederick J. Piotrow, of New York.
Allen Van Potts, of Utah.
Anthony C. E. Quainton, of Washington.
Thomas J. Roesch, of Ohio.
David Rowe, of Maryland.
Thomas J. Scanlon, of California.
Miss Marilyn M. Shepherd, of North Carolina.
Richard W. Smith, of New York.
Roger A. Sorenson, of Utah.
Frederic N. Spotts, of Massachusetts.
Dirck Teller, of Maryland.
Richard S. Thompson, of Washington.
George R. Tolles, of Ohio.
Gary L. Vyne, of Arizona.
Raymond J. Wach, of Ohio.
John D. Whiting, of Wisconsin.
William B. Whitman, Jr., of Illinois.
Roderick M. Wright, of California.

The following-named Foreign Service officer to class 8, vice consul of career, and secretary in the diplomatic service of the United States of America. (This nomination is submitted for the purpose of correcting an error in the nomination as submitted to the Senate on Aug. 4, 1959, and confirmed by the Senate on Aug. 12, 1959.)

Arthur J. Laemmerzahl, of New Jersey.

The following-named Foreign Service Reserve officers to the office indicated:

To be consul of the United States of America

Martin H. Armstrong, of Washington.
Willard B. Devlin, of Pennsylvania.
John A. Noon, of Maryland.
Edward Stansbury, of Connecticut.

To be consul and secretary in the diplomatic service of the United States of America

Richard P. Mitchell, of Pennsylvania.

To be vice consul of the United States of America

Maurice J. Gremillion, of Texas.
Russell S. Hibbs, of Missouri.
F. Raymond Senden, of California.

To be secretary in the diplomatic service of the United States of America

Richard T. Akins, of California.
Edwin U. C. Bohlen, of Maine.
G. Stanley Brown, of Oklahoma.
James P. Burke, of Maryland.
William A. Campbell, of California.
Harold C. Champeau, of Maryland.
Thomas J. Flores, Jr., of New York.
Joseph E. Lazarsky, of Virginia.
Robert D. Murphy, of Maryland.
Oliver M. Silsby, of Maryland.

The following-named Foreign Service staff officers to be consul of the United States of America:

Roger K. Ackley, of Maryland.
Arthur C. Bartlett, of Connecticut.
William L. Green, Jr., of North Carolina.
Preston Vallen, of Tennessee.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 18, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I Corinthians 3: 9: *We are labourers together with God.*

Our Father God, we rejoice that in every age there have been those who lift up hands in prayer and find in Thee a refuge. Put into our hearts that restlessness that calls to Thee in the voice of love, of intercession, of thanksgiving.

Let not our hands be withered by the selfish apathy of indifference in this time of international tension, of misunderstanding, of fear. Rather, may they be stretched forth in loving service at Thy command.

Amid surrounding temptations, grant us, hour by hour, the strength to be Thy disciples. Open our hearts and minds to the needs of those in whose midst Thou hast placed us, that we may live among them as the salt of the earth.

Forgive our many failures to live worthily as Thy children. Grant each of us grace enabling us in thought, word, and deed, so to live that Thy kingdom may come and Thy will be done on earth as it is in heaven, through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

DISPENSING WITH CALENDAR WEDNESDAY NEXT WEEK

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Calendar Wednesday of next week be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDERS GRANTED FOR MAY 11

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that immediately preceding the special order granted me for May 11, the following Members may be permitted to address the House in this order: Mr. COOLEY, of North Carolina, for 30 minutes; Mr. POAGE, of Texas, for 30 minutes; and Mr. WHITTEN, of Mississippi, for 30 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PRESERVE THE NATIONAL FORESTS

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Speaker, the national forests have become highly important to the economy of the areas in which they are situated. This is particularly true of the Seventh Congressional District of Texas, which I am honored to represent. Our national forests are highly developed and well managed. They provide large supplies of raw material for industry, and create employment for many people living in the area. A generous portion of the proceeds from timber sales is paid to the counties and school districts in lieu of taxes. In addition, the national forests provide recreation facilities, range, water conservation and wildlife preserves.

Periodically, and particularly in election years, these national forests in East Texas become a political football, as special interests seek to obtain ownership and control. This should not be.

The forests have been brought to the stage of near maximum production at the expense of the taxpayer. They are now paying a profit—one of few Government ventures that do show profit. For many reasons, these forests should be preserved for posterity. Need for them will increase, and their value will be greater with passing years. So long as I am a Member of Congress, I will continue to oppose any proposal to sell, give away or otherwise dispose of the national forests in our area. I am sure most of you feel the same way.

There is a pending House bill, H.R. 10465, to confirm management of our national forests by the National Forest Service under the Department of Agriculture. This bill should be enacted, and when it comes up for vote, I ask your consideration and support of an amendment to assure that ownership of the national forests remains with the people and does not pass into the hands of vested interests.

WORLD DAY OF PRAYER

Mrs. ST. GEORGE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, today has been set aside by many Christians in our country and all over the world as "World Day of Prayer."

No matter what church we belong to, we who live and work in these troubled times, both at home and abroad, know the necessity of prayer. We are happy that this day is another reminder that we have the power to turn to Him who has all power and glory, to ask His blessing upon us, upon our work here and upon our country.

Our Chaplain has just used one of the prayers suggested for today by the National Council of the Churches of Christ in their "Call to Prayer." He has read the text for today:

> For we are laborers together with God, ye are God's husbandry, ye are God's building.

This we believe and so, believing, we are well assured that under all things are the Everlasting Arms.

ADJOURNMENT UNTIL MONDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I ask for this time in order to inquire of the majority leader concerning the program for next week.

Mr. McCORMACK. Mr. Speaker, Monday we will take up the Consent Calendar.

There are several suspensions.

First. H.R. 7279, to authorize Hubbell—Arizona—Trading Post National Historical Site.

Second. H.R. 7579, land acquisition, Pan American Health Organization.

That is, if these bills are not passed on the Consent Calendar, or some of them.

Third. S. 601, construct Bardwell Reservoir.

Fourth. H.R. 5055, relating to real estate in St. Augustine, Fla.

Fifth. H.R. 9084, relating to retirement promotion, Coast and Geodetic Survey.

Sixth. H.R. 9599, authorizing service to Canadian vessels in Alaska ports.

Seventh. H.R. 10840, to amend the Shipping Act regarding rate contracts.

Eighth. S. 1712, to extend the Motor Boat Act to possessions of the United States.

Ninth. S. 2185, recognition of SS *Meredith Victory.*

Tenth. S. 2482, relating to geographical limitations, Coast and Geodetic Survey.

Eleventh. S. 2483, relating to the Coast and Geodetic Survey and Weather Bureau functions.

Then there will be the continuation of the consideration of the bill H.R. 8601, the civil rights bill of 1959, and that will proceed until it is disposed of. After that will be the bill H.R. 5, the foreign investment incentive bill of 1959. I understand about 30 minutes remain in general debate on that bill.

I make the usual reservation that any further program will be announced later, and that conference reports may be brought up at any time.

Further, I understand there are two or three reports out of the Committee on House Administration in relation to funds for a number of different committees of the House. I do not have those resolutions before me, at this time, but of course they will have preferential status and will be listed for the information of the House.

In all probability the following bills will be brought up next week:

House Resolution 437, to provide an additional $15,000 for the Committee on Interior and Insular Affairs;

House Resolution 441, to provide an additional $168,000 for the Committee on Education and Labor—technically amended;

House Resolution 460, to provide an additional $400,000 for the Committee on Government Operations;

House Resolution 472, authorizing the printing as a House document a publication entitled "Sports-Fishing Industry in California and the Pacific Northwest";

House Concurrent Resolution 607, authorizing the printing as a House document of the pamphlet entitled "Our American Government. What Is It? How Does It Function?" and an additional 1,074,000 to be printed for congressional distribution—2,000 copies to each House Member and Senator;

Senate Concurrent Resolution 80, authorizing the printing of 1,000 additional copies of part I of the hearings on an inquiry into the satellite and missile programs;

H.R. 7923, to eliminate the fixed limit of authorization for expenditures of the Commission of Fine Arts;

House Joint Resolution 502, authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune;

House Joint Resolution 546, authorizing the Architect of the Capitol to present to the Senators and the Representative from Hawaii the first official flag of the United States bearing 50 stars which is flown over the west front of the Capitol;

Senate Joint Resolution 128, to establish a commission to formulate plans for a memorial to James Madison; and

A resolution declaring that Representative WINT SMITH was duly elected to the 86th Congress from the Sixth Congressional District of Kansas.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 361)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of the National Aeronautics and Space Act of 1958, I transmit herewith for the information of the Congress the second semiannual report of the National Aeronautics and Space Administration, covering the period April 1, 1959 through September 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 18, 1960.*

CALL OF THE HOUSE

Mr. SMITH of Virginia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 27]

Anderson, Mont.	Derwinski	Montoya
Ayres	Diggs	Moore
Barry	Edmondson	O'Brien, N.Y.
Baumhart	Gray	Powell
Becker	Green, Pa.	Quie
Bennett, Mich.	Hess	Rogers, Tex.
Bentley	Jackson	Scherer
Blitch	Johnson, Colo.	Shelley
Brewster	Judd	Sheppard
Broomfield	Kasem	Taylor
Burdick	Landrum	Ullman
Carnahan	Miller, N.Y.	Van Pelt
Cederberg	Minshall	Willis
	Mitchell	

The SPEAKER. On this rollcall 391 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the

Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment of the gentleman from Ohio [Mr. MCCULLOCH], and the substitute amendment of the gentleman from New York [Mr. CELLER] to the McCulloch amendment.

Mr. MEADER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEADER to the amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. MCCULLOCH: On page 3, line 21, strike out the word "shall" and insert "may".

Mr. MEADER. Mr. Chairman, the effect of this amendment is to permit the court, appointing a referee, to specify whether or not the proceedings before the referee will be ex parte or adversary. I think this amendment should be accepted.

Mr. Chairman, I voted for the Civil Rights Act of 1957. In the Antitrust Subcommittee of the Committee on the Judiciary, I voted for the civil rights bill introduced by the gentleman from Ohio [Mr. MCCULLOCH], to report it to the full committee. Actually the subcommittee reported the bill of the gentleman from New York [Mr. CELLER].

I attended the lengthy executive sessions of the Committee on the Judiciary and voted to report out the bill which is before us, H.R. 8601, and I intend to vote for the bill.

We did not have before us the so-called voting referee proposal when we considered and reported H.R. 8601. I attended both of the hearings that were held on that proposal last month and participated actively in the discussion.

I must say, Mr. Chairman, on an issue of this kind, on a national policy so important as guaranteeing the right to vote to all citizens, we may have a tendency to be impatient and perhaps to take shortcuts. And I may say that in the discussion of the amendments which have been acted upon before, many of us who have been doubtful about the provisions of the original voting referee bill I believe have made a contribution to the improvement of that measure because the bill H.R. 11160 we now have before us is far superior to the original bill H.R. 10035, primarily in guaranteeing due process to the persons affected thereby.

Mr. Chairman, this amendment is important, and I want to quote from the hearings because, when Judge Walsh appeared before us he did not insist on the ex parte type of referee proceeding. I want to quote from page 5, starting with the question asked by the chairman of the committee, the gentleman from New York [Mr. CELLER]. His question was:

In other words, you do not spell out the nature of the proceeding before the referee at all?

Mr. WALSH. No, sir.

I realize that there has been some comment that that would be desirable. We have no rigid views on that. We felt that this should be left in the hands of the local Federal judge. He knows his community, he knows his problem, he knows his people, and he knows his referee that he is going to appoint. He can control all that in his own discretion. But, I have submitted this morning, not as a recommendation of the Department, but as language to show how these incidental procedures could be spelled in greater detail than the Attorney General's proposal and Congressman MCCULLOCH's bill now spell them out.

Mr. MEADER. Are you referring to page 7, where you say the court will provide in its order for notice to the other parties, and so on?

Mr. WALSH. Page 7 of my statement; yes, sir.

Mr. MEADER. You think that is what the court will do, but you do not think it should be written into the law, that the procedure that you outline on page 7 should be incorporated in the bill as a requirement?

Mr. WALSH. That is right. I did not think it was necessary. I think any judge would do it that way, Congressman MEADER. That is the way he would do it.

The only thing we needed this bill for was to make clear what the applicant would have to show in order to qualify to vote before the referee. That was the important part of the bill.

The incidental procedures of how the referee shall report to the court and when, and exactly how notice will be given to the other parties of the action, we intend to leave to the judge. He would follow the usual practices you do where you have a referee to report to you.

Mr. MEADER. Well, it is conceivable that the judge in his order appointing the referee might provide, not for an ex parte proceeding, but an adversary proceeding before the referee.

Mr. WALSH. He could. He could do that.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I want to ask this question as a matter of legislative history. Do I correctly understand that what the gentleman has in mind, the import of his amendment, is to the effect that a proceeding before the voting referee shall be conducted under such rules as a Federal judge may himself promulgate from time to time?

Mr. MEADER. That is precisely the effect of my amendment, to do precisely what Judge Walsh said he thought would happen if no language to that effect were in the bill at all.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. MEADER] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Specifically these rules would be left to the Federal judge. It is definitely understood, I take it, that it will not be left up to the referee to determine whether or not the proceedings will be ex parte. That will have to be under the direction of the judge.

Mr. MEADER. In the order appointing the referee the judge would specify whether the referee would proceed upon an ex parte or an adversary basis. As I understood the testimony of Judge Walsh, that was all right with him when he appeared before our committee on February 9.

I read another passage from the proceedings of the same day, at the bottom of page 9:

Mr. MEADER. This question of procedure again comes up. The referee proceeds, as I believe you said, on an ex parte basis.

Mr. WALSH. No. That is the way I would assume the judge would have him proceed. That is the way it is anticipated he would proceed.

Mr. MEADER. I think in most referee and master proceedings, all parties to the controversy are given an opportunity to be present, to present evidence, to cross-examine witnesses and be heard before a referee, and some kind of a record is maintained of the evidence. There is nothing in here that provides for notice to the parties against whom a decree is going to run; there is no provision for their appearance, presentation of evidence, cross-examination of witnesses, or the preservation of a record of the evidence.

Mr. WALSH. That is all left to the judge. The anticipated procedure is that he would have the referee report to him as to the qualifications of individual applicants, and when he had enough to conduct a worthwhile hearing on it, he would give notice to the State registrar and to the other parties of the original, underlying proceeding, so that they could come in and except to the referee's report and be heard to whatever extent they are entitled to be heard before the court itself.

I know the gentlemen opposing this amendment will say, Yes, the referee proceeds in a star chamber proceeding hearing only the applicant, and the people who are charged with having denied the right to vote are not entitled to be present, they are excluded. Then after the report is served on the defendants by the attorney general with an order to show cause, they may come in and file exceptions to the report of the referee. Then if there is an issue of fact the court may hear that issue of fact himself or refer it back to the referee.

I believe that the court, if it feels that it should, should have the discretion to provide that those against whom the contempt order of the court is going to run should be able to participate in the making of the factual record upon which they will be held in contempt of court, right from the very beginning.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. SMITH of Virginia. Would the gentleman indicate in which line on page 3 the word "shall" will be changed to "may"?

Mr. MEADER. Line 20, page 3. The sentence would then read as follows:

In a proceeding before a voting referee, the applicant may be heard ex parte.

Not "shall be heard ex parte."

Mr. Chairman, I think we have an obligation to make this bill, if it becomes law, one that will be upheld by the courts.

If there is a denial of due process, that will be one ground upon which this bill would not become operative. If there is anything we can do, in addition to what we have done, to make certain this law will work, I think we have an obligation to do it. I believe when we vest discretion in the court to specify whether the referee proceed on an ex parte or adversary basis, we strengthen the law and avoid one ground on which its constitutionality could be challenged.

It seems to me that it is only proper and that it will insure that persons who will be charged with contempt on the record made by the referee will not have been denied their day in court. That is something, which to me, is rather against our whole system of justice, to have important findings that may affect the liberty of an individual made in an ex parte star chamber proceeding. What is wrong with an adversary proceeding?

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. HOLTZMAN. The gentleman speaks of important findings. Naturally, the only findings the voting referee can make is as to the applicant's age or residence and his or her prior efforts to register and vote; is that not so?

Mr. MEADER. The findings of the referee would be as to whether the person was qualified to vote under the State law, and, second, that he had been deprived of the right to register.

Mr. HOLTZMAN. What is wrong with having a referee administratively determine those things ex parte? What is so important about those particular findings that we must open the door to another contest each and every time?

Mr. MEADER. I say it is important for the referee to get the truth, and the best way to get the truth is to have both parties to the controversy present there before him.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, anticipating the amendment offered by the gentleman from Michigan, I communicated with the Department of Justice to get their views on this very matter. I now read a communication I received from Deputy Attorney General Lawrence E. Walsh:

I understand that Mr. MEADER has proposed an amendment to the voting provisions of the administration's civil rights bill—

As a matter of fact, I should say it is not necessarily the administration's civil rights bill—the bill bears my name—but, however, continuing—

which would make it discretionary for the judge who appointed the referee to provide that the proceedings before the referee be adversary proceedings rather than ex parte.

As you will remember, the bill which was first submitted on this subject did not prescribe the procedure to be followed before the referee, and it was originally—

And I emphasize the word "originally"—

it was originally the view of the Department of Justice that this could be left to the discretion of the judge. This was my view at the time I testified before the Judiciary Committee on February 9, as I also testified—

And the distinguished gentleman who offered the amendment does not point that out—

I also testified, however, it was always the assumption of the Attorney General and me that the proceedings before the referee should be ex parte.

Mr. Chairman, I should now like to read what the Deputy Attorney General, Judge Walsh, said in that regard. The distinguished gentleman from Michigan read only part of his testimony. What I am about to read from now is to be found on page 10 of the committee hearings.

Mr. MEADER. Mr. Chairman, will the gentleman yield since he has referred to me?

Mr. CELLER. I yield.

Mr. MEADER. I am sure the gentleman from New York did not hear me read that, but I did read that part of his testimony.

Mr. CELLER. The gentleman says he read the testimony on page 10?

Mr. MEADER. I read it, and he said, "Certainly, he anticipated that." It is on pages 5 and 6 and pages 9 and 10.

Mr. CELLER. Yes; but I want to continue and I should like to read this and I should like the members of the committee to harken faithfully unto what Judge Walsh said, and you will find this on page 10:

Mr. MEADER. My attention has been called to a mimeographed draft with no number and no indication who the author is. On page 2 of this draft, it expressly directs that the application shall be heard ex parte.

Mr. WALSH. I can explain who the author is of this draft, because it is the Department and I. The purpose of the draft was this:

There had been considerable comment exactly along the lines on which you have been proceeding: that the procedures before the referee are not spelled out, and there is not a clear understanding of how this would proceed before the referee, and how it would come to the court, and where there would be opportunity to be heard, and so forth.

We thought that this was all a matter which should be left in the hands of the Federal district judge. He will provide for all that in his order. He issues an order of injunction, and he appoints a referee, and then he is going to tell the referee exactly how he wants him to proceed, whether ex parte or how, and when he is to give notice to the other parties, and so forth. That would all be laid out in the district judge's order in the basic case in which the court found a pattern of discrimination.

But if it were felt by Congressman MCCULLOCH or any member of this committee that this would be better clarified, this language has been prepared which I have just submitted, and which I should like to make a part of the record, if the chairman will permit it——

And the language is as we have it in H.R. 10625.

Now, going further and reading from the letter just received from the Deputy Attorney General, I find the following:

When it was so clearly indicated by the members of the committee that the procedure to be followed should be spelled out in greater detail, we undertook to do this, prescribing the procedures not only before the referee but before the court as well. The result was the bill which was introduced as H.R. 10625.

This bill, in addition to requiring that the proceedings before the referee shall be ex parte, also provided the exact manner in which exceptions to the referee's report should be determined. Whereas the original bill would have required the court to accept the findings of the referee unless clearly erroneous, H.R. 10625 and the later draft of the bill do not contain that provision.

I think the gentleman from Michigan will remember there was a change where the bill was modified, and the word "erroneous" was stricken.

As now drawn it requires an adversary proceeding at that point after the report of the referee is submitted to the court. To permit the proceedings before the referee also to be adversary proceedings would cause unnecessary duplication. It would result in the matter being tried out in adversary fashion before the referee and then again on exceptions before the judge. This would be altogether too cumbersome.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. CELLER was granted 5 additional minutes.)

Mr. CELLER (reading):

There can be no justification for such duplication which will only throw new difficulties in the path of the applicant.

Having now spelled out in detail the procedure to be followed from beginning to end, there is no place or need for adversary proceedings before the referee. The rights of all parties can be adequately protected by exceptions raised to his report.

When the matter comes before the referee, all he determines is whether an individual is qualified under State statute. To make that an adversary proceeding, with all that it implies, with examinations, cross-examinations, the subpenaing of all records, cross-examinations, redirect examinations and recross-examinations, the matter will be drawn out until kingdom come. Therefore you will have the same situation that we would have if we had adopted the amendment offered by the gentleman from Louisiana [Mr. WILLIS], which we turned down.

For that reason, I hope that the amendment offered by the gentleman from Michigan [Mr. MEADER] will be rejected.

The CHAIRMAN. The time of the gentleman from New York [Mr. CELLER] has again expired.

Mr. BUDGE. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, at an appropriate time it will be my purpose to seek recognition to introduce an amendment to this bill and which I think should be adopted.

When one goes back to the enforcement acts, to implement the Reconstruction Act, back in 1870, and again in the recommendations of the Civil Rights Commission and again in the original registrar proposal of the gentleman from New York, the distinguished chairman of the Judiciary Committee, and when we read the expressed sentiments of the distinguished gentleman from Ohio, the ranking Republican member of the committee, we find that throughout there has been always a limitation that the Federal procedures shall be limited to elections of Federal officials.

What has happened in this last draft which was introduced on March 14? Instead of containing any limitation as to Federal officials or any Federal connection, in any event, this bill now covers every election which is held in the United States. It covers all municipal elections; it covers all school trustee elections, highway trustee elections, it covers all bond elections, all local option elections; as a matter of fact, in my State of Idaho we have had very vigorous campaigning recently in our municipalities on what is called the dog-leash law. It has attracted real attention. The sole issue is whether or not a dog off the owner's premises should be required to be constrained with a leash.

The bill we are now considering would permit the invoking of Federal procedures in such an election as it would with every municipal officer, every county officer, and all of the other subdivisions of the individual States.

My proposal is simply this: I do not restrict it to Federal officials only, or Federal offices, but I propose to offer language which will not take anything from the bill but will simply provide that these Federal procedures shall be invoked only when there is a Federal official on the ballot. In other words, if there is a candidate for the U.S. Congress, if there are presidential electors, or if there is any other possible Federal connection, then the Federal procedures can be invoked, and the individual shall be entitled to vote for every proposition on the ballot and every public official being voted on in that election.

I note that our great President in his news conference day before yesterday said he thought far too much Federal interference had been injected into this question and he hoped the States would be permitted to resolve some of these things locally.

There is absolutely no justification for requiring Federal intervention in purely local matters, and I sincerely hope I may have the support of the committee.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from New York.

Mr. CELLER. I asked the gentleman to yield merely for the purpose of correcting the RECORD, and I am sure the gentleman does not mind being corrected. The gentleman made reference to the old Reconstruction statute and stated it applied only to Federal elections. I have the old Reconstruction statute right before me. It reads as follows:

> All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote in all such elections without distinction of race, color, or previous condition of servitude, any constitution, law, custom, usage, or regulation of any State or Territory or by or under its authority to the contrary notwithstanding.

I am referring to the United States Code Annotated, title 42, page 62. We have the citations of the Supreme Court which held that the original statute was constitutional and when we had the 1957 act before us we used this exact wording. In the 1957 act where there has been proscription under color of law, where there has been a denial under color of law, by a State authority or State official, that act applies to all elections, Federal, State, municipal, parish or county—all elections. I can assure the gentleman that he may not be correct in his citation in view of the old language.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

(By unanimous consent, Mr. BUDGE was allowed to proceed for 5 additional minutes.)

Mr. BUDGE. I may say to the distinguished chairman of the Committee on the Judiciary, and I hope he is noting what I am about to say, the act which he read is the basic act. The enforcement provisions, as I have previously said, of the Reconstruction days were limited to Federal officers. We are here considering an enforcement statute. I have heard it said if this amendment were adopted, that in the South they would change the dates of their elections so they would not coincide. If there is a boobytrap in this law that would be it. Actually you are restricting all of the rest of the country. In the Southern States, as we all know, nomination on the Democratic ticket is tantamount to election. All they have to do in the Southern States is to abolish their primaries and nominate in convention and they have gotten over any objection which can be made to this amendment. It is the remainder of the country which will be left with this Federal projection into purely local affairs.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from Mississippi.

Mr. COLMER. I am wondering whether the gentleman from New York [Mr. CELLER], under his interpretation of the law, is now advocating—and I would like to have his attention—that we return to the dark days following the Civil War and enact the type of legislation that would make the South again in servitude and under the domination of the black man?

Mr. BUDGE. I would say to the gentleman I think we might proceed with this observation too, that the Celler bill requiring registrars to supervise elections is limited to Federal officials, a much more restrictive provision than I intend to offer later on.

Mr. COLMER. Again I would like to have the attention of the distinguished gentleman from New York [Mr. CELLER]. I am going to present another question to him.

When he started this matter of referees he started it by introducing the so-called registrar bill. Now, that registrar bill which he introduced after the committee reported out the bill under consideration here, provided only that the provision would be effective for the election of Federal officials.

Mr. BUDGE. That is right.

Mr. COLMER. That is in his bill. The gentleman had in mind, evidently, he wanted to stay within the recommendations of the Civil Rights Commission which recommended on pages 141 and 142, and I cannot take the gentleman's time to read it, that only elections involving Federal officials would come under that plan that they recommended should be applied. But the gentleman goes beyond that, as does the gentleman from New York, and wants to make it apply to all elections.

May I ask the gentleman from New York again, is he advocating return to the Reconstruction days in this matter?

Mr. BUDGE. Of course, I think this is very pertinent, that the legislation introduced by the gentleman from New York in restricting it to Federal officials was far more restrictive than the proposal which I intend to offer and which I think is very reasonable and certainly more within the framework of the Constitution.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from Virginia.

Mr. POFF. The gentleman a moment ago, I believe, made reference to what he called the Reconstruction Act and said that the Reconstruction Act applied only to election of Federal officers. I wonder if the gentleman did not have reference to the Enforcement Act of 1870 and 1871 which did apply only to Federal elections, as I am advised.

Mr. BUDGE. I am quite sure that is what I said.

Mr. POFF. And if the gentleman will yield further, I believe that it should be made plain that the difference lies in the fact that the Enforcement Act to which the gentleman intended to refer had to do with Federal supervisors of elections in the South following the War Between the States.

Mr. BUDGE. I thank the gentleman.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. BUDGE. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. BUDGE. I yield, but I wish the gentleman would direct his remarks as to why he has changed this proposal now to make it include all elections instead of just applying to Federal offices, which was the original proposal in the Celler bill.

Mr. CELLER. I first want to indicate that the recital of the situation by the gentleman from Virginia is correct. I think it coincides with what I said, because there are two distinct old statutes, one, the Reconstruction statute and then the one with reference to Federal registrars, or whatever it was called in those days. Now, as to why I want this bill to apply to both Federal and State elections, it strikes me that if you wanted it to apply only to Federal elections, then you must admit that there is something wrong, and if there is a wrong, that is, a denial of the ballot in

Federal elections, why do you not go all the way and remedy the entire wrong? There must be a wrong also in the denial of the State ballot, and for that reason——

Mr. BUDGE. Mr. Chairman, I decline to yield further, because my time is about up and I want to reply to the gentleman. I would say that the question of right or wrong need not be considered here. It is simply a question whether or not there is a Federal interest in an election in a municipality in Idaho to elect a constable, and I do not think there is any such Federal interest. I also object to setting up this elaborate and expensive procedure where there is no Federal connection. I also think that the gentleman may jeopardize the constitutionality of this legislation by making it as broad as he has done in this most recent proposal. It certainly was not the original proposal that he was talking about when he blamed the Republicans for keeping this bill in the Committee on Rules.

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. BUDGE. I yield.

Mr. CELLER. The basis for making this proposed statute apply to all elections is found in the 15th amendment, which is very simple, and it says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> Congress shall have the power to enforce this article by appropriate legislation.

The amendment does not say only Federal elections. The amendment says the right to vote. And it has been construed quite frequently that when the Constitution says the right to vote it means in all elections, not only in Federal elections.

Mr. BUDGE. Mr. Chairman, I would say in answer to the gentleman that the 15th amendment says this: It guarantees the right to vote; period. We can say that that means for Federal officials. We can read into it what the gentleman is trying to read into it, that it applies to State and local officials. Or we can take it one step further and make it apply to officers of the Elks Club. Maybe we can even make it apply to the office of Idaho State princess in the cherry blossom festival.

Mr. MORRIS of Oklahoma. Mr. Chairman, I rise in support of the Meader amendment.

Mr. Chairman, if the Meader amendment is adopted I think it will improve the bill considerably. I am still very doubtful about the constitutionality of the bill and about the general idea of these referees, and so on.

Mr. Chairman, I went over to the Congressional Library this morning, because I was interested in some legal phases that are involved here that I think are extremely important. I would like to call them to your attention.

It was argued that there is no such thing as a conclusive presumption and at the end of the debate yesterday that statement was challenged. Now I have here the law, very briefly stated, in regard to that matter. I might say that the distinguished gentleman from Georgia [Mr. FORRESTER] asked me to yield and he raised that question and I agreed with him, that I knew of no such thing as a conclusive presumption. I meant by it and my judgment is that he meant by it and all of us meant, who argued that way, that you cannot conclusively presume against somebody who is not in court. You just cannot do that; it is utterly impossible as I see it. There are certain technical conclusive presumptions and concerning that, I should like to read this brief statement. This is from the Cyclopedia of Law and Procedure, volume 16, under the subtitle of "Evidence," at page 1080, under title C. I especially direct this to the attention of those Members who are lawyer Members of the House:

> C. PSEUDO-PRESUMPTIONS OF LAW
>
> 1. In general: Certain so-called presumptions of law deal with no inference of fact; they are usually paraphrases for a rule of substantive law or administration. This is universally true of those termed "conclusive" presumptions—a term which is a misnomer, since ex vi termini a presumption is rebuttable.

So there is no question, as I view it, but that there is no such thing as a conclusive presumption in law in reality even though it is sometimes called that. Now I would like to read something else, and I would like particularly the gentleman's attention in regard to this, because it seems to me this goes to the very vitals of this situation. As I said, I went over to the Congressional Library to look this up and I found that the following statement is made in "Words and Phrases"—permanent edition, volume 33—at page 492:

> A "presumption" can arise only from facts actually proven by direct evidence. A presumption is not a legitimate foundation for a presumption. If this were not true, there would be no limit to conjecture (*Thayer* v. *Smoky Hollow Coal Co.* (90 N.W. 718, 721, 121 Iowa, 121)).

So you cannot base a presumption upon a presumption.

This bill provides, referring to the person who complains:

> His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

On that there is a presumption. Now you are going to base upon that presumption that some other registrar has failed to do his duty and has discriminated, so you are basing a presumption on a presumption. Not only are you bringing about a conclusion that has been called a conclusive presumption against people that are not in court, you are also basing a presumption upon a presumption. I doubt seriously if you can do that.

The reason I support the amendment offered by the gentleman from Michigan [Mr. MEADER] is that when he strikes the word "shall" and uses the word "may" it is possible, at least, that a judge controlling the matter might be able to operate lawfully and constitutionally under this proposed law. That is a possibility. But as it is now, I doubt seriously if it would be possible to operate under the law constitutionally.

As I have said before, I do not like to use the word "extreme" because I cannot look into the minds of other people. I truly respect all of my colleagues here on both sides. It may be that there are some distinguished ladies and gentlemen in the House who would like to see no bill at all written. There may be some who are willing to write almost any kind of a bill. I do not mean that disparagingly and do not say it is positively true but they apparently feel so deeply about it that they may feel that most any kind of a bill should be written or that none at all should be. I do not belong to either school if such they be. I should like to see a bill that will do definitely all the law can do to do away with discrimination. I want to see every qualified citizen given the right to vote, and I want to help all I can along that line. But when we pass a law, I want it to be good law, that will not be an unconstitutional law or one that will be disruptive of the general welfare of the country and that may do more harm than good. That is why I am so deeply interested in this matter.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the last three words.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. HOLTZMAN. The gentleman from Oklahoma spoke of a presumption based upon a presumption. I am sure the gentleman from Ohio will agree with me that that is not the situation in this bill. The fact is that the pattern or practice will have been established, and the law of the case would be that there has been a deprivation. Is not that right?

Mr. McCULLOCH. I agree with the distinguished gentleman from New York. He has correctly stated the effect of the provisions of this bill.

Mr. Chairman, I regret the necessity of opposing the amendment of my able friend from Michigan. He has worked so diligently, so ably, so carefully, and so effectively on this bill in almost every other field that I am unhappy to oppose his amendment. But I want to say this. The amendment offered by the gentleman from Michigan would make it possible to substitute for the ex parte procedures of my voting referee bill a full-scale hearing before the voting referee at which State officials would have an opportunity on notice to appear and be heard.

The mechanics of this whole thing are as follows: First of all, the Attorney General of the United States brings a suit in the Federal court and therein establishes the fact that some people have been denied their right to vote by reason of discrimination solely on grounds of race and color. Therefore, the Attorney General in the same case makes an application to the court to find that that pattern exists. Thereafter and as a part of the same proceeding, the court appoints a referee to receive applications from people who are otherwise qualified to vote under State law and who have been denied the right to vote by reason of race and color.

This amendment of the gentleman from Michigan would set up another

adversary proceeding or hearing where witnesses, both pro and con, would be heard on such application. The type of hearing under this amendment or the authority under this amendment would of necessity be declared at the time the pattern or practice was found by the court because thereafter, without it, the referee would proceed ex parte, anyway. For that reason, Mr. Chairman, I think the amendment ought to be defeated.

Mr. MEADER. Mr. Chairman, will the gentleman yield for a correction?

Mr. McCULLOCH. I am glad to yield for a correction, always.

Mr. MEADER. I want simply to state that the record should show it is permissive with the court. The court could still order the referee to proceed ex parte, if my amendment were in the law.

Mr. McCULLOCH. I agree with the statement of the gentleman from Michigan, but the significant part of the amendment is this, when the pattern is determined and when the referees are authorized and appointed, then the court would of necessity exercise the discretion under the Meader amendment. If no adversary proceedings were ordered, then there would be an ex parte proceedings ordered. But, if adversary proceedings were ordered and the hearings were had, it would apply to every application before the referee even if there were 5,000 separate and distinct applications. You can see that the amendment is unworkable and for that reason the amendment ought to be defeated.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield.

Mr. HOLTZMAN. If this amendment, which has been offered by the gentleman from Michigan [Mr. MEADER] were adopted would it not actually defeat the whole purpose and intention of this civil rights legislation?

Mr. McCULLOCH. It certainly would. Finally, Mr. Chairman, this amendment would give voting officials who have already been found twice guilty of discriminating against people, by reason of race or color who are qualified to vote a third day in court. Such procedure is not in accordance with the expeditious disposition of contested rights in America.

The amendment should be defeated.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. MEADER. The gentleman from New York [Mr. HOLTZMAN] made the statement that this amendment would defeat the whole purpose of the bill. That is an extravagant remark, and I think the RECORD should show that the Department of Justice witness, Judge Walsh, testified that that was their intention originally, to leave it to the discretion of the local judge. That is all that my amendment would do. It would do precisely what the Department of Justice witness suggested at our hearings on February 9.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield to me to respond to the gentleman's statement?

Mr. GROSS. I will yield in just 1 minute. That is just about as extravagant as the remarks we heard here in 1957, when another civil rights bill was before the House and we were told that unless trial by jury in contempt cases was outlawed it would wreck the purpose of that bill. Yet the other body took the bill passed by the House and reestablished the right to trial by jury in contempt cases. Is that not correct? Yes, I will say to the gentleman from Michigan, just as extravagant as some of the claptrap we heard in 1957.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. HOLTZMAN. In response to the gentleman from Michigan, I should like to refer to the fact that the Attorney General, after mature consideration, changed the statement about what he said at the committee hearing.

Mr. GROSS. I would like to have the attention of the gentleman from New York [Mr. CELLER] to get the answers to a question or two. I am disturbed about this referee proposition. Do I understand correctly that a referee can conduct hearings in the climate of a star-chamber session, if he so elects?

Mr. CELLER. At that particular stage to which the gentleman refers, he does exactly what a State registrar does. When an applicant comes before a State registrar, he will say, "What are your qualifications?" He will say, "I have resided in this community a certain length of time. I am of a certain age. I pay my poll tax. I want to register so I can vote."

Then the registrar, acting in a proper official way, registers the man. If he says, "I do not think you have been here long enough; I do not think you are a citizen," the applicant may have to come back and bring a birth certificate. Under the State law, he may have to bring two or three witnesses who were present at the time of his birth.

Those are administrative functions. That is all the referee would do at that point—act in the same administrative fashion as a registrar does under the State law.

Mr. GROSS. I am not an attorney, and in all seriousness I want to know if that is all the authority that the referee has.

Mr. CELLER. To all intents and purposes, that is all the authority he has. He determines whether a man is qualified; whether he has been denied the right to register or the right to vote on the basis of the principle of practice or pattern of discrimination. If the principle or pattern of discrimination has been established by a judge, then the voting referee, when he confers with the individual who happens to be a Negro, assumes that he has been discriminated aginst on the basis of the pattern or practice established. Then he asks about his qualifications. If he determines he is qualified, if he determines he has been discriminated against on account of that pattern, then he insists that he be permitted to register and to vote. The State official denying that right may be guilty of contempt of court.

Mr. GROSS. But there is nothing in the bill defining the authority of the referee, is there?

Mr. CELLER. I have just indicated what his authority was.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent (at the request of Mr. ANDREWS), Mr. GROSS was granted 5 additional minutes.)

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I thank the gentleman from Alabama, and yield to the gentleman from Louisiana.

Mr. WILLIS. What the gentleman fails to state in his description of the proceeding about the referee is this: He stated that a man states his age and his residence in his effort to register. Then he slipped. He said he withdrew the statement, and it will not appear in the RECORD tomorrow, but it really read like this: He said he was to state his age and where he lived, and then he said to show that for some reason he had been denied the right to vote on account of his race. Then he said he would withdraw that. That will not be in the RECORD tomorrow. That is the whole idea. Under the changed situation prohibiting his right to vote on account of color, the gimmick is that the referee is not prohibited from inquiring into the race or color, which is all this fuss is about.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. ANDREWS. I would like to ask the gentleman from Louisiana a question.

Mr. GROSS. I yield for that purpose.

Mr. ANDREWS. On the other hand, suppose the applicant who applies has a criminal record; he can nowhere be questioned about this criminal record. Most States deny the right to vote to persons who have been convicted of a crime involving a felony or a crime involving moral turpitude.

Mr. WILLIS. The gentleman is right.

Mr. ANDREWS. What would be the situation where a man who had a criminal record applied to the referee for permission to vote after the pattern had been established?

Mr. WILLIS. Here is what the situation would be, and that is one of the pitfalls of the bill. The bill specifically provides that the statement of the applicant before the referee shall be prima facie evidence as to his age, responsibility, and his prior efforts to register and being otherwise qualified to vote. Whatever the applicant says is taken for true and there is no inquiry into that. I doubt very much that an applicant for a voting certificate would against his interests say "I am a criminal," and all that sort of thing.

I do not imply any evil to any person, but the pitfall is that the local registrar back home is right back there in the precinct and he knows pretty well the matter of the criminal record of any person, white or colored. So to that extent that is one of the pitfalls, not only in establishing a conclusive presumption

as to race or color but that whatever statement he makes is true. There is no option on the part of the referee. Prima facie, the statement shall be taken as the truth.

Mr. GROSS. And will not the referee make a recommendation to the Federal judge?

Mr. WILLIS. That is right.

Mr. GROSS. And the Federal judge will not have time to review the evidence in connection with the applications.

Mr. WILLIS. Let me address myself to that point. After a voting referee hears the individual ex parte, then he makes a report to the Federal judge. He says: "Judge, I find this person to be qualified; I have given him a certificate to vote."

At that point only in the bill the attorney general of the State has the right to file an exception to the report. But, Mr. Chairman, that invitation to file an exception is legally meaningless, for this reason: It is conclusively presumed that he has been discriminated against, so the attorney general cannot go into that. The applicant's statement before the referee is taken for true. It is one sided; it is self-serving. Now, you try to attack that report of a referee in this situation. It is meaningless.

Mr. GROSS. The point of my asking these questions is that I am deeply concerned about how much authority is being given the referees who will be created in this legislation.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I gladly yield.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. GROSS] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a statement?

Mr. GROSS. Yes; I yield to my friend from Ohio and thank him for the extension of time.

Mr. McCULLOCH. Mr. Chairman, it should be recognized that the referee is an official of the court and when the Negro comes in there asking for his certificate or finding by the referee concerning his right to vote, the Negro is under oath just the same as the gentleman from Iowa is under oath when he makes an application to register in his State. If the Negro says that he is 21 when he is only 19, or that he is a resident of the State, or more particularly of the voting precinct, when he is not, then he is subject to indictment and prosecution and penalty for perjury.

Furthermore, after the referee makes the finding that the gentleman is entitled to vote, there is a report made thereon. It is served on the Attorney General and there are 10 days in which he may file exceptions to it. It becomes then an adversary proceeding and all the facts that can be brought to bear on the case are considered by the court.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. WILLIS. I would like to ask the gentleman from Ohio, will he say whether or not the so-called adversary proceeding on the exception of the Attorney General is such that the Attorney General or the referee may offer proof that the denial of the right to vote was not on account of race or color?

Mr. McCULLOCH. I would answer the question by saying "that which is material." Anything can be shown in the exceptions, in the hearing on the exceptions, which shows that he was not qualified to vote, or that he was qualified to vote.

Mr. Chairman, when we get to that point it makes no difference about a man's race or color. The question is, Is he qualified to vote under State law?

Mr. WILLIS. The answer to the question is that the Attorney General is not given an opportunity to show matters involving race or color?

Mr. McCULLOCH. Because it is no longer an important question. The only important question is, Is he qualified to vote under State law?

Mr. WILLIS. It is no longer an important question because the whole proceeding has been locked up by virtue of the conclusive presumption principle.

Mr. GROSS. Can the chairman of the Judiciary Committee give us any idea at all of how much this referee system is going to cost the taxpayers of the United States?

Mr. CELLER. I would answer in this way, if there is very little discrimination on account of race or color there will be very little cost; if there is a great deal of discrimination there might be a great deal of cost.

Mr. GROSS. I looked up the figures on appropriations for this so-called Civil Rights Commission that was supposed to end all of this business when the bill was passed a couple of years ago. In 1959 we spent $770,000 on the Civil Rights Commission; in 1960 another $780,000; and the Commission is presently before the Appropriations Committee asking for $995,000.

Now, I am quite sure this bill is going to pass, and if I should offer an amendment to the bill providing for termination of the Civil Rights Commission, I wonder if the gentleman would support it so we could save some money to pay for the army of referees that you apparently are going to set up with no qualifications other than that they be qualified voters. Incidentally, are these referees going to be attorneys?

Mr. CELLER. Does the gentleman want me to answer the question? I would like to answer one of the inquiries. There is one I can answer without much question. There is a termination date set by Congress on the life of the Civil Rights Commission. Its life expires 2 years after the bill that we passed a few months ago, so that there will be no more appropriations after its life has expired.

Mr. GROSS. I want the Commission to expire when this bill becomes law, and save that money, since this is designed to take care of all the evils and it will undoubtedly be costly to administer.

Mr. CELLER. The gentleman has just extended the life of the Commission by 2 years.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent (at the request of Mr. HALEY), Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. CELLER. How can we place any value on the right to cast a vote?

Mr. GROSS. Well, now, the gentleman knows that is not an answer to the question of selecting referees with the only qualification in the bill being that of a voter in the judicial district, and with not the slightest indication of how much they are to be paid.

Will the gentleman tell me what the qualifications for a referee will be?

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Certainly.

Mr. CELLER. Of course, if there is a persistency of the denial to vote in certain sections of the country, what must we do? Will that denial persist, or shall we come forward and see to it that it is proscribed and they be given the right to vote, and if it costs something, must we not defray the expenses? What other choice have we got?

Mr. GROSS. How are you going to pay these referees, on a per diem basis, on a yearly basis, on a monthly basis, or how?

Mr. CELLER. On a per diem basis. The court determines the situation just the way the court passes on or determines the cost of a special master that the court appoints or a referee in bankruptcy or any other adjunctive officer that the court chooses from time to time to select.

Mr. GROSS. And the gentleman expects this bill to become a lawyer's bonanza, does he not?

Mr. CELLER. Oh, no; I do not think that is a fair statement.

Mr. GROSS. Why not?

Mr. CELLER. Because I do not think it would become a lawyer's bonanza at all.

Mr. GROSS. Do you not expect that most of the referees will be attorneys?

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. The gentleman from New York well knows that there is not money enough to pay the lawyers to carry out the provisions of this bill. You have the NAACP and all these other organizations to contend with.

Mr. CELLER. He will be a qualified voter in the judicial district.

Mr. GROSS. That is right; but one of the weaknesses in this bill is that you have set up no other qualifications.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. In reference to the gentleman's inquiry about the cost of this Commission, a Commission which was created under a bill offered by the gentleman from New York, I call the attention of the gentleman to the fact that that Commission, with all its expense and all its study and all its work, in its report made two and only two important recommendations. One was for registrars, official registrars; the other one was that it should be confined to Federal elections. Now the gentleman from New York has repudiated both of those recommendations. What is the use of keeping this Commission on if those who proposed it are not going to follow any recommendation that they make?

Mr. GROSS. And if you want further evidence of what a boondoggle this Commission has been, turn to page 5459 of the March 14, 1960, CONGRESSIONAL RECORD, and you will get a pretty good idea of how little it has accomplished for the more than $2 million which will have been spent if the Appropriations Committee hands out the money now being sought.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield.

Mr. HOFFMAN of Michigan. I thank the gentleman and call the attention of the gentleman from Virginia to a former discussion—CONGRESSIONAL RECORD, volume 91, part 3, page 3959—when the House had under consideration an FEPC bill, H.R. 2232.

The President had appointed a Fair Employment Practices Committee on June 25, 1941. The committee was appointed to promote the fullest utilization of all available manpower and to eliminate discriminatory employment practices.

The Member from the Fourth District of Michigan said, referring to the committee:

The Committee, whose principal duty it was to eliminate discriminatory employment practices, has, if its acts are any proof of its purpose, itself been guilty of the most flagrant discrimination in favor of a minority group.

It has considered complaints, held hearings and issued orders against others, but it has not itself, in its own activities, frowned upon discrimination.

In fact, this particular agency, like so many minority groups when once they get power, has used its power to advance the interests of its own followers, to discriminate against all others, even though the group to which they belong be in the minority.

From a statement furnished by the FEPC itself on March 8, 1945, we get the following figures:

The total number of employees of the FEPC is 110. They are divided as follows:

	Number of employees	Percentage of total number	Salaries	Percentage of salaries
White	43	39.1	$150,180	43.13
Colored	65	59.0	194,580	55.88
Japanese-American	2	1.9	3,420	.99
Total	110	100.0	348,180	100.00

From the foregoing, it appears that, although, of the total population of the United States, 89.78 percent are whites and but 9.77 percent Negroes, when this agency, created to prevent discrimination, transacts its own business, it discriminates against the whites of all races, of all faiths, and gives to the Negroes 59 percent of the jobs, and 55.88 percent of the money paid in salaries, although, on the basis of population, they constitute but 9.77 percent of the population.

Here you have one example of the manner in which one minority group handled what it had been pleased to term was a discriminatory denial of jobs because of race.

Mr. SMITH of Virginia. Well, to show how we progress, they are going to get 100 percent of whatever comes out of this legislation.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Georgia.

Mr. FORRESTER. The gentleman said he was not a lawyer, but he is a mighty close observer. I would like to ask the gentleman if he is familiar with the provisions in this bill that this pattern or practice, that conclusive presumption, is going to exist for 1 year thereafter and ask the gentleman if he has ever heard of any provision like that to apply against a defendant, whether it be for 1 year? Even the judge will be helpless to change it.

Mr. GROSS. And it will go down to the election of a dog catcher, as the gentleman from New York said the other day.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. CELLER. Mr. Chairman, we have debated everything but the amendment, apparently.

Mr. Chairman, I ask unanimous consent that all debate on the Meader amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, as the gentleman from New York [Mr. CELLER] said, we have talked about everything except the pending amendment.

My amendment would do only one thing. It would leave the discretion in the judge in appointing a referee to tell that referee how to proceed. That is what the Justice Department testified they wanted when they came before our committee. Now, as the gentleman from New York [Mr. HOLTZMAN] says, they have changed their minds and they want the referee to proceed ex parte and to prevent the judge from exercising discretion over the manner in which the referee proceeds.

I think it is wrong to proceed by a star chamber method when the truth of the qualifications of the voter is the subject matter of the proceedings. The voter is qualified or he is not qualified. Why should we not be interested in the truth by having both parties before the referee and when the report is made to the judge, the exceptions can be heard, if the parties do not agree, and the judge can pass on it finally.

The bill now provides that the judge may, if the exceptions raise an issue of fact, refer the matter back to the referee. But if they have already been before the referee and have had an adversary proceeding and the truth of the statements made were attested by the referee in the first place, the court could make a final disposition of the matter when the exceptions are filed with him.

Mr. Chairman, I think this is a good amendment. I think it will remove one possible constitutional objection that might be raised, that the parties affected have not had their day in court. I do not think the bill as drawn now gives them their full day in court. I think we ought to leave it up to the judge to prescribe the proceeding by which the referee will act under his appointment by the judge.

Mr. Chairman, I urge that the amendment be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I am of the opinion that the amendment serves no useful purpose in this bill and would slow the proceedings immeasurably, make it difficult if not impossible for people who are otherwise qualified to vote and who have been denied the right to vote by reason of race or color upon their application to do so.

I should like to remind the Members of the House or those who need the reminder that the local registrar of voters in their respective districts does not carry on an adversary proceeding. If a citizen desires to be registered, he goes before the registrar, says that he is 21, that he has been a resident of the State in accordance with the law and is otherwise qualified under the laws of the State. Then the registrar either registers him or he does not register him. There is no adversary proceeding there. There is no necessity for one here.

The amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER].

The question was taken; and on a division, demanded by Mr. WILLIAMS, there were—ayes 62, noes 90.

Mr. MURRAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MEADER and Mr. CELLER.

The Committee again divided, and the tellers reported that there were—ayes 91, noes 119.

So the amendment was rejected.

Mr. BUDGE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BUDGE to the amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. MCCULLOCH: On page 6, line 9, after the word "office", insert "in any election in which any candidate for the office of President, Vice President, presidential elector, Member of the

Senate or Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico is voted upon".

On page 6, line 10, after "in", insert the word "such".

On page 2, starting on line 22, strike out "in any such election".

Mr. COLMER. Mr. Chairman, I ask unanimous consent that the gentleman from Idaho may proceed for 5 additional minutes to speak on his amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BUDGE. Mr. Chairman, most of the amendments which have been offered to this bill have been amendments on which there seems to be a great deal of disagreement among the Members of the House who are attorneys as to interpretation. The proposal I offer here is clear and simple. I doubt that there can be any difference of opinion as to its meaning. I should like to start with just a little bit of history.

In 1870, after the Civil War when we went into the Reconstruction period and when the Congress of the United States passed some rather severe legislation on this subject, even at that time the Congress never went as far as it intended to go in this particular proposal. In the Enforcement Act of the Reconstruction days, the enforcement was always limited to a Federal office. When we got into this subject this year, the bill introduced by the gentleman from New York [Mr. CELLER] was also limited to Federal offices. The gentleman from Ohio, the distinguished ranking member of the Judiciary Committee, has been extensively quoted to the effect that, in his opinion, any such legislation should be limited to Federal offices. The recommendations made by the Civil Rights Commission were to the effect that this civil rights legislation should be applied only to Federal offices.

Until this new proposal came along the entire intent was to keep this within the framework of Federal activities. Now, however, this proposal that is currently before the House provides that the Federal machinery may be invoked in any election held in the United States. That refers to all municipal elections, to all county elections, elections for school districts, for highway district trustees. It applies to bond elections, to local option elections; and, as I pointed out a few minutes ago, in my own State of Idaho, had it been invoked there during the past year, it could have been invoked in a number of municipal elections where the sole proposition on the ballot was whether or not a dog which was away from its owner's premises should be required to be restrained on a leash.

I submit that the language of this bill goes much further than the recommendation of the Civil Rights Commission or any other official recommendation of which I am aware. The proposal which I make to limit the invoking of this Federal procedure to any election wherein a Federal official is being voted upon, and to cover all public officials covered in that election, is much, much broader than the recommendation of the Civil Rights Commission. It is a much, much broader proposal than that of the gentleman from New York [Mr. CELLER] in his registrar bill. It is much broader than the quoted expressions of the gentleman from Ohio [Mr. MCCULLOCH]. It is much broader than the enforcement act of Reconstruction days.

Actually, what we are doing here, if this bill is not amended, and if these Federal procedures which may be invoked for every election in the United States, is to just place Uncle Sam just another big step closer to handling the local affairs of the people of this country.

I noted with satisfaction the expression of President Eisenhower in his news conference the other day, that he felt that on this subject the Federal Government had injected itself a little too far, and that he hoped we could work out some things on a local basis. This bill would certainly not follow the pattern recommended by the President of the United States. In fact, it places Uncle Sam in every local election held in the country.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from New York.

Mr. HOLTZMAN. If we follow the gentleman's argument, and we assume that in his State there is a pattern of discrimination because of race or color, under color of authority do I take it that the gentleman's position is that we want to deprive those people of the right to vote, even on a dog leash case?

Mr. BUDGE. My response would be this: I do not want to deprive anyone of the right to vote on any proposition, but I think the Federal Government should have very definite limitations as to just how far it is going to inject itself into the affairs of local people. I say to the gentleman that when the Federal Government takes it upon itself to police an election to be held on whether or not a dog should be on a leash, the Federal Government is going much farther than the Constitution of the United States ever intended.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield at that point?

Mr. BUDGE. I yield to the gentleman from New York.

Mr. HOLTZMAN. I suggest that the gentleman read very carefully the 15th amendment to the Constitution. The gentleman will find it applies to all elections, not just Federal elections.

Mr. BUDGE. Had the gentleman been on the floor a few minutes ago, he would know that the same suggestion was made by the gentleman from New York [Mr. CELLER], to which my reply was that the 15th amendment guarantees the right to vote, period; it does not say for what offices.

It is my position, and I think other sections of the Constitution adequately bear it out, that the intention was for Federal officials, and that has been the history of all proposals here including the proposal of the gentleman from New York [Mr. CELLER] that it be confined to Federal officials.

But let us take it one step further. If we are to accept the gentleman's argument and say it applies to a dog-leash election, then would it apply to an election in an Elks' Club? Would it apply to an election for the Idaho princess at the Cherry Blossom Festival?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. ROGERS of Colorado. The gentleman, as a lawyer, well knows that the rules and regulations governing elections in a fraternal club are based on the constitution and bylaws of the club and have nothing to do with the question of citizenship and civil rights of a citizen.

Mr. BUDGE. In reply to the gentleman from Colorado on the matter of rules and regulations, let me call his attention to the fact that the rules and regulations setting up voting in municipal elections are controlled by the municipality.

I see no justification for the Federal Government's injecting itself into purely local matters.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. FORRESTER. Does the gentleman mean to say, and I think he does, that he would like to see the Federal Government do less meddling in everything, that it might leave a little something for the local communities to decide?

Mr. BUDGE. I will say to my colleague something in which I very sincerely believe, that the people themselves should be in a position to know and see what is going on; and I submit that in handling their own affairs in their own communities and having them handled by their own neighbors they can tell much better what is going on when they handle it themselves than when they transfer it to this tremendous bureaucracy which we have built up in this Nation.

I think this issue goes to the very core of whether or not we are going to retain some semblance of local government and preserve it from the bureaucracy of Washington which presently has 2½ million civilian employees.

I again want to emphasize that the Enforcement Act in Reconstruction days was limited to Federal officials. I want to emphasize that the bill introduced by the gentleman from New York [Mr. CELLER], applied to Federal officials.

I want again to emphasize that the recommendation of the Civil Rights Commission related only to Federal officials. The proposal which I have made that every proposition and every officer on the ballot in an election wherein a Federal official is voted on is far broader than the proposal which was made by the Civil Rights Commission or the Reconstruction Enforcement Act or by the gentleman from New York [Mr. CELLER].

I sincerely hope the amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the gentleman

from Idaho [Mr. BUDGE] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. HARRIS. Is it not a fact that the original bill introduced by the distinguished chairman of the Committee on the Judiciary was limited to Federal elections?

Mr. BUDGE. It was far more restrictive than that, I will say to the gentleman. The original bill introduced by the gentleman from New York [Mr. CELLER] and the proposal of the Civil Rights Commission said that these procedures shall be confined to Federal officials. In the proposal which I make I am permitting the invocation of the Federal procedure to every proposition and every individual being voted upon in an election in which a Federal official is a candidate. That is done to meet a practical objection that you cannot qualify a man to vote for one individual on a ballot and not qualify him to vote for other individuals on the ballot.

Mr. HARRIS. Does not the gentleman's amendment bring this so-called voting referee plan into compliance with the proposition that was offered by the distinguished chairman of the Judiciary Committee at the outset?

Mr. BUDGE. It is much more liberal, I may say to the gentleman, than the proposal of the gentleman from New York [Mr. CELLER] or the proposal of the Civil Rights Commission.

Mr. HARRIS. Is it not true this is the first time legislation has been seriously considered on the floor of the House extending such authority to any and all elections regardless of what they might be?

Mr. BUDGE. I may say to the gentleman this is the first enforcement statute which does what the gentleman says. In Reconstruction days the basic law extended to local affairs, but the enforcement provisions, and this is an enforcement bill, have never before in the history of this country attempted to invade local communities on matters of local nature.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. KASEM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it would seem, perhaps, at first blush that the amendment proposed by the gentleman from Idaho might have some merit. But on due reflection, when we consider that we are here to protect the equal rights under the law of all citizens everywhere, we find that we have in fact more, or certainly as much, of an interest in the democratic character of local elections as we do in Federal elections. It would be idle for us to try to attempt to guarantee the equal protection of the laws to our citizens on such a refined basis as the amendment requires. Certainly the guarantee of the 15th amendment goes to the protection of the right to vote in a local election as much as it does in a Federal election.

It goes far beyond elections into areas of participation in public facilities and so on, as the Supreme Court has held, much to the chagrin of some of our Members; nevertheless, we have found that there is always this attitude whenever the Supreme Court rules in a manner which does not please us. Abraham Lincoln indulged in a tirade against the Supreme Court, F. D. R. did, and now some of our Southern and Republican Members are doing it.

I would like further to make the observation that I as a citizen of California am very much interested in the democratic character of the State of Vermont or Illinois or Mississippi, and I am duty bound to insure the democratic character of those States. Even if I were to adopt the theory of those who believe in a Confederated States rather than in that of a Union and a Nation, I would have a right to be concerned about the democratic character of the States with which my State is federated. If we are going to do the job here in any way at all, let us not do it in such a way that we can evade it by setting up separate elections, Federal elections, and State elections, and have separate Federal registrations and separate State registrations. Experience has proven that many States will go into a legislative flurry immediately after some action is taken by the Court or Congress to protect the right of certain citizens.

Now, that legislative flurry would surely result in an attempt to limit the operation of this law as much as possible, and I foresee that that is exactly what would happen. Whatever test would be set up for State elections and Federal elections and whatever registrars provisions there might be we would be able to use the machinery to be prescribed to fully protect the rights of our citizens to equal participation in government.

Mr. WHITENER. The gentleman mentioned the rights that he seeks to protect, and I ask him if those rights are constitutional rights.

Mr. KASEM. Those are precisely the rights to which I refer and to none other; constitutional rights.

Mr. WHITENER. What constitutional right does the gentleman say exists for the Federal Government regulating and determining the election of township and county officials. What section of the Constitution does that come under?

Mr. KASEM. It seems to me that a duty is set out for us in the 15th amendment to the Constitution which imposes upon us the duty to preserve the right of equal protection of the law in all governmental activities. I would remind the gentleman that the 15th amendment was adopted after the action of the States of the Union and not pursuant to action of the Federal Government, and it was adopted to correct inadequacies and discriminations that existed within the States and not on the Federal level.

Mr. WHITENER. I will ask the gentleman if he, by his pronouncements, would seek to disregard the 10th amendment to the Constitution which reserves to the States and the people the powers not specifically delegated to the United States.

Mr. KASEM. The gentleman refers to the 10th amendment?

Mr. WHITENER. That is exactly what I refer to.

Mr. KASEM. I thought you said the fifth amendment. The 10th amendment is fine, but specific power is delegated and specifically imposed upon the Congress of the United States in the 15th amendment.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. In response to the question propounded by the gentleman from North Carolina, his quotation of the 10th amendment was absolutely correct. But, he understands and we know that that was adopted in 1789. Now, the 13th, 14th and 15th amendments were adopted after the War Between the States. If there is any question in the mind of the gentleman from North Carolina as to the right and duty and responsibility of the Congress of the United States, I direct his attention to the 15th amendment, which reads as follows:

Mr. WHITENER. I have it in my hand.

Mr. ROGERS of Colorado. All right. Let me see if you have read it. It says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. KASEM] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KASEM. In view of the fact that the request for extension of time was made by the gentleman from North Carolina, and wishing to thank the gentleman from Colorado for his excellent assistance in pinpointing the duty of the Congress, I now yield to the gentleman from North Carolina.

Mr. WHITENER. I will not detain the gentleman much longer, except to ask him this question. Does the gentleman from California subscribe to the apparent philosophy and theory of the gentleman from Colorado?

Mr. KASEM. I certainly do.

Mr. WHITENER. That the 15th amendment has the effect of expressly or by implication repealing article I, section 2, and article I, section 4 of the Constitution of the United States?

Mr. KASEM. If the gentleman will enlighten me further, because my famil-

larity with the Constitution does not adequately serve me when you mention article and section numbers.

Mr. WHITENER. Article I, section 2, says:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States * * * and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Article I, section 4 reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

With the reading of that I am sure the gentleman, without any coaching from the gentleman from Michigan [Mr. DINGELL] may have some degree of familiarity with those important provisions of the Constitution.

Mr. KASEM. Yes and the gentleman's question is, Do I contend that the 15th amendment vitiates those? I do not so contend. And at this time I yield to the gentleman from Colorado [Mr. ROGERS], who is on his feet.

Mr. ROGERS of Colorado. Mr. Chairman, may I point out that prior to the adoption of the 15th amendment the right of the Congress of the United States to see that its own elections were purified was set out. After the War Between the States, when the question arose about discrimination, so to speak, in the equal application of the 14th amendment, in 1870 we adopted the 15th amendment for the purpose of seeing that no citizen be deprived of his right to vote or deprived of the exercise of his citizenship both by the United States and by the State. And to make sure that there was not any question about it, section 2 gave the Congress the appropriate authority to carry it out.

The 13th amendment abolished slavery and we adopted statutes under which the Federal Government could prohibit such slavery. Why can you not with equal application of the 15th amendment prescribe methods of seeing to it that a citizen is not deprived of his right to vote? That is all there is to it.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, I would like to try to divert the gentleman's mind from the War Between the States. My friend from Colorado seems to be quite concerned about that. Getting down to 1912, the 17th amendment was adopted—I am sure the gentleman is familiar with it—and it reads as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

That was quite a time after the unfortunate and "uncivil war" to which my friend has referred. And the gentleman says now that these amendments recognizing that the States have absolute authority in the field of State elections as well as in Federal elections is just a myth which some of us have conjured up for the purpose of argument.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MEADER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the bill pending before us, the voting referee bill, amends subsection (e) of 42 U.S.C. 1971; (a) gives the right to citizens to vote in all elections.

The gentleman from New York [Mr. CELLER] has read that subsection to you.

In 1957 we added some other subsections: (b) related only to Federal elections, but (c), the enforcement provision, relates to all the rights secured by subsection (a). This bill is made applicable to the rights secured by subsection (a), which is the right to vote in all elections.

Really, the effect of the amendment offered by the gentleman from Idaho would be the same as if we added to the 15th amendment, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State with respect to some elections but as to other elections it is all right to deny the right to vote."

Not only do I think it is a question of attempting to amend the Constitution of the United States by statute, I think this would be wrong in policy, because if it is right for a citizen to vote regardless of race or color in a Federal election it is just as right in a local election. He has just as much interest in the election of a school board or in the election of his mayor. If you disfranchise him on his local election, that may be the most important election to him.

In addition, I think this provision would be unworkable. Once a person has been registered on the rolls, how are you going to tell one person from another as to whether he is entitled to vote in a local election unless you keep separate registration?

In other words, if the defendants in one of these suits brought by the Attorney General should comply with the direction of the court that they include the names of specific individuals on their regular registration rolls, how would you be able to separate those people with respect to local elections and refuse to recognize a certification of eligibility to vote for a local election, yet permit them to vote in a Federal election?

Mr. Chairman, I have in my efforts so far on this bill both in committee and on the floor tried to make certain that this legislation when we adopt it will be constitutional so that we will not find that we have committed an idle act in passing this law.

I believe the amendment offered by the gentleman from Idaho goes in exactly the opposite direction of the policy of the 15th amendment, the policy that Congress has adopted not only in the first clause of the 15th amendment but in carrying out that amendment in the Civil Rights Act of 1957. I believe the gentleman's amendment would be very harmful, and I think it ought to be defeated.

Mr. BUDGE. Mr. Chairman, will the gentleman yield since he has mentioned my name?

Mr. MEADER. I yield to the gentleman from Idaho.

Mr. BUDGE. Can the gentleman tell the House of any previous statute ever enacted by the U.S. Congress, any previous enforcement statute, which injects itself into the local affairs as does this bill? Just cite me one example.

Mr. MEADER. The Civil Rights Act of 1957 in paragraph (c) reads as follows:

> Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.

Mr. BUDGE. If the gentleman's interpretation of that statute is correct, then you already have law on the books to enforce this law in local elections, and you do not need it here.

Mr. MEADER. What the voting referee provision does is simply add another sanction. It permits the court in a proceeding instituted by the Attorney General under subsection (c) to appoint voting referees under certain circumstances.

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. SMITH of Mississippi. In the event that this section becomes law; how would the gentleman reconcile the operation of the enforcement of the provision in relation to the primaries with that provision of the amendment, which has been tentatively adopted, which provides for provisional ballots? Purely from a practical standpoint, without regard to the other questions about the various amendments to the Constitution, how would it be possible where there are provisional ballots which are challenged to decide, between the first and second primary, the type of primaries that are held in some 10 or 12 States of the Union, before the time comes that is fixed by law for the second primary? That is a practical question which, it seems to me, raises grave doubts about the practicability of making this amendment applicable to primaries as distinguished from general elections. Has the gentleman any suggestions as to how these provisional ballots, which are contested and taken into court, can be counted before the second primary takes place?

Mr. MEADER. If the gentleman will permit me, I would suggest that that question should be addressed to somebody else because it does not relate to the amendment offered by the gentleman from Idaho. It relates to the provisional voting section which we passed; namely, the amendment offered by the gentleman from Michigan [Mr. O'HARA].

Mr. SMITH of Mississippi. It relates very closely to the amendment offered by the gentleman from Idaho because, if the gentleman's amendment is adopted, any conflict will be eliminated because the primaries will have taken place and under the terms of the gentleman's amendment, it would bar the application of the amendment to the primaries.

Mr. MEADER. I suggested yesterday that the provisional voting provision raised some practical difficulties, but I assume that the provisional votes would be handled on the same basis as any challenged vote.

Mr. SMITH of Mississippi. It is hard to see how any practical application can be made of this provisional voting provision in the law insofar as it would affect the first and second primaries, and it is going to bring about the wholesale reshuffling or elimination of primaries within the States involved, if it is allowed to become the law, as its provisions are now written in the amendment. I suggest the only way of avoiding that complete interference with the elections of the various States that have the first and second primaries would be to adopt the amendment offered by the gentleman from Idaho.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. KITCHIN. Mention has been made here in this particular colloquy concerning the application of the 15th amendment, giving us the constitutional authority to pass the legislation that is proposed in this referee section of the bill. I will ask the gentleman and, of course, he is familiar with section 4, article IV, of the Constitution of the United States which says that the United States shall guarantee to every State in the Union a republican form of government. I ask the gentleman if he has any knowledge of any amendment to the Constitution of the United States that has repealed that section of our Constitution.

Mr. MEADER. Of course not.

Mr. KITCHIN. Then, does it not sound logical and reasonable as a constitutional question that we should guarantee to every State in the Union this republican form of government, and in conformity with the decisions of the Supreme Court, which by the way has occurred since the passing of the 15th amendment. It has been decided by the Supreme Court of the United States that this section of article IV still is valid and that the laws of the States shall not be attacked for their constitutionality by the Federal Government.

Mr. MEADER. That is as to laws that are not unconstitutional, because of provisions of the Federal Constitution.

Mr. KITCHIN. I will ask the gentleman if the Supreme Court has not held some 16 to 18 years after the passage of the 15th amendment to the Constitution that a republican form of government is guaranteed to every State in the Union, and that the distinguishing feature of that form of government is the right of the people to choose their own officers and their own governmental administration and pass their own laws. That same opinion by the Supreme Court says "whether certain statutes have or have not binding force is for a State to determine; and that determination itself involves no infraction of the Constitution of the United States and raises no Federal question giving the courts of the United States jurisdiction."

That opinion was handed down by Chief Justice Fuller in *State in re Davlon* (139 U.S. 449). and was handed down at the October term in the year 1890, some 18 years after the passage of the 15th amendment.

Mr. MEADER. In my judgment, section 4, article IV guarantees a republican form of government and does not prevent the Congress from passing this kind of legislation. In fact, we did it in the Civil Rights Act of 1957. That act has been held constitutional within the last few days.

Mr. ROGERS of Colorado. Will you state again to the House any State that has not been granted a republican form of government?

Mr. KITCHIN. I will answer that in particular.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MEADER] has again expired.

Mr. FORRESTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia [Mr. FORRESTER] is recognized.

Mr. FORRESTER. I yield to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. In answer to the gentleman from Colorado [Mr. ROGERS] who posed the question as to whether or not there had been any incident to my knowledge where States have not been guaranteed a constitutional form of government——

Mr. ROGERS of Colorado. You said a republican form of government.

Mr. KITCHIN. A republican form of government. Is that the question of the gentleman?

Mr. ROGERS of Colorado. I want to know if you know of any State that has been denied the right of a republican form of government under the Constitution.

Mr. KITCHIN. Up until 1957 I could say I do not know of any particular instance, but the passage of this act of 1957 was the first time it had been so infringed. Now we are getting ready to do it again on the basis of not requiring the validity of State laws and the right of the States to appoint qualified registrars to hold our own elections under the laws of the State of North Carolina, or any other State. That is infringing section 4 of article IV of the Constitution.

Mr. ROGERS of Colorado. Will the gentleman yield to me further?

Mr. FORRESTER. I will yield to the gentleman if he will get me some more time.

Mr. ROGERS of Colorado. I will be glad to do that.

Will the gentleman point out where in any manner whatsoever in this legislation the State of North Carolina or any other State is denied the right to proceed with its own election?

Mr. KITCHIN. In this instance I will say, "Yes."

Mr. ROGERS of Colorado. Will you name an instance?

Mr. KITCHIN. I will. Either the gentleman did not understand it or did not want to understand it on yesterday. This particular legislation, in my opinion and the opinion of other lawyers, is creating a presumption which is conclusive against the officer of any State of the Union where he does not have any right guaranteed to his own State, under his State constitution under the laws passed by his own State.

Mr. ROGERS of Colorado. Will the gentleman yield further?

Mr. FORRESTER. I yield.

Mr. ROGERS of Colorado. Do you not know that under this bill the question of the appointment of a referee never arises unless there is a pattern or practice to deprive individuals of their rights, because of race or color, and only after that pattern has been established does the referee come into force. Prior to the time of the establishment of that pattern, or practice, the State can proceed in its own manner, but if it is proposed to violate the 14th and 15th amendments of the United States, you do not deny the right of the Federal Government to enforce those two amendments, do you?

Mr. KITCHIN. Not as it pertains to the parties who have had their day in court, but when you come to the conclusive presumption that everybody has practiced discrimination against the Negro I think I am right.

Mr. ROGERS of Colorado. Does the gentleman not realize that this bill itself provided that proceedings pursuant to subsection (c) must be had, and then it is presented to the court, and then each party has been given notice and an opportunity to be heard and make its finding whether pursuant to pattern or practice?

If an election official in the State of North Carolina is summoned into the Federal court and it is proved that he has a pattern or practice of discrimination because of race or color, he has had his day in court. That has to be proved first before you have a referee. The gentleman agrees with that construction, does he not?

Mr. KITCHIN. To answer the gentleman would take 20 or 30 minutes. We have already exhausted the time of the gentleman from Georgia.

Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. FORRESTER] may continue for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FORRESTER. Mr. Chairman, after all this debate I cannot help but think of an old piece of poetry to the effect:

The centipede was quite happy, until
One day the toad through fun, said, pray
Which leg comes after which?
And that wrought him up to such a pitch
He lay distracted in the ditch,
Forgetting how to run.

Mr. Chairman, I cannot help but be a little confused when my good friend the gentleman from California [Mr. KASEM] seeks to instruct the people of my State on democracy and on the Constitution. The truth of it is our people made his State, instead of his State making ours. Georgia was a century old when California came into being. My State of Georgia was one of the Thirteen Colonies, and it left its impress upon the Constitution. We not only feel that we know something about democracy, which Mr. KASEM would instruct us upon, we also believe we might know a little something about a republican form of government.

I want to tell you something that is a little strange to me. I have a great admiration for my chairman, the gentleman from New York [Mr. CELLER]. I have an admiration for the gentleman from Colorado [Mr. ROGERS], even if he did take up quite a bit of my time; but I am just wondering if it would not be all right if those gentlemen would decide that they were not going to meddle with us all the time, and just let us sometimes decide something for ourselves.

My mind goes back to the history of the War Between the States, and I know a little something about it. All of my people knew something about it. There has not been a war in the United States that Forresters were not at the forefront for some reason or other, and some fell in the midst of battle. Listen to me. My people know something about this Government, and know what that freedom cost and knows that it will not stay with cowards, it simply will not consort with a coward. One who would have freedom has got to stand for freedom and stand for it in an honest sort of way.

A few years ago the Queen of Holland stood right over there in front of the Speaker's desk and I heard her make a great speech. I was hoping that this Congress was going to get a lesson from the statement that wonderful woman made.

She was thousands of miles from home, she was representing just a small kingdom, but she leaned over, she smiled, and she said:

After all, my friends, my little country is older than yours.

Do you not believe it would be all right if you would let us decide something for ourselves sometimes? I do not know whether you caught what she was saying or not. I will tell you what I think she was saying. I think that elegant lady was telling us she would appreciate it if we would not meddle with their business in season and out of season and stick our mouths into everything. That seems to be somewhat chronic with some of our leaders.

You know, my people cannot understand it. Ninety-five years ago was the last civil rights legislation passed until 1957. You know this maybe as a matter of history, and if you do not know it, I want to tell you about it. William Tecumseh Sherman, the man who was so careless with fire and who invaded Georgia, protested vigorously against such legislation as you are talking about passing now, and he refused and repudiated the nomination for President of the United States because of that and other reasons. That is history. He said: "I say you do not know what you are talking about. Let those people govern themselves. The South knows their problems and will solve them if you who sat on the sidelines and never heard a gun shoot will leave the South alone."

You know U. S. Grant said that too. If you will read history you will find out all of those boys who were really in the battles said that. The trouble is we had too many boys who stood on the sidelines and who were never in the battles, and who never knew what war meant, who were determined to wreck our constitutional concepts.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. FORRESTER was allowed to proceed for 5 additional minutes.)

Mr. FORRESTER. Mr. Chairman, I just do not believe this Congress, if they think about it a little bit, would be willing to say that they must be the keeper of our consciences down South. I believe honestly and I believe humbly, let me say to you that we know as much about Christianity as you do. I believe we are as sympathetic as you are. The truth is that down where I live sometimes you people make fun of us and call us the Bible Belt. But every time we get into a war you hop into bed with us. Of course, when the war is over you boys get right out. We are still the Bible Belt down there, and we are proud of it.

We can deal with these matters just as honestly and just as sensibly as you can, getting down to brass tacks.

I never will forget in 1940 in my home town down in Georgia a man by the name of Cohen addressed a Lion's Club meeting down there. Do you know what he said? He was saying that Hitler was trying to destroy civilization and he said: "I am talking to you people, a Christian people, who if we do not get your help the light of civilization is going out."

He said: "Hitler is going to conquer this world unless you good people from the South save the day."

You know, there was some semblance of truth in what he was saying. We did help save the day. But since that time we have gotten to be mighty bad boys according to some of you, and I do not understand it. Take a little fellow like me; I could not be too bad. I have to stand for the courthouse, the forum where the vicious and the meek can come together on equal terms. I am for that.

Now, listen to me, and I do not mean any harm, but I was not born yesterday. If we could have a secret ballot on this proposition it would be shocking to you how few votes this bill would get.

Now, do you want me to tell you something else? There is nobody in America that is particularly interested in this legislation except a few minority groups that ought to be down on their knees thanking God for the South; that is right—thanking God for the South. They are against the South and, you know, they are against anything else, except civil rights. Most of them are against the Committee on Un-American Activities; most are against all of these American ideals that you are trying to accomplish. There is nothing uncommon about that. Now, do you think the people back home are for this legislation? You have not been getting any mountain of mail about this; no, you have not. You just think about that now. The people back home are not concerned about this. I tell you what they wish you would do. They wish that you would, after the 17th or 18th day of March, address yourself to the serious questions that are confronting this whole world. If you do that, they will appreciate it, and when you got back home, they would say that you were statesmen.

Now, listen to me, my friends. You talk about discrimination. You do not know anything about discrimination. You know, we have a man over in the Senate by the name of Senator RUSSELL. Everybody tells me he is the greatest lawmaker in the United States. That is, they tell me that for 5 solid years, and then in the sixth year they shut their mouths. Why? He has to run for reelection then. Up here you brag on him 3 years out of 4, but you are silent the fourth because that is the year to elect a President. You forget about him then. But, just as soon as the election is over and you are in trouble, you depend upon Senator DICK RUSSELL to pull you out of the fire, and he always does.

It would be highly appreciated by the great people of the South if you would accept the pending amendment taking the Federal Government out of our State and local elections.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in order that we not be confused about so many things that have developed about the application of the Constitution and our right to enact legislation, I think we should bring our attention first to the argument that has been made concerning it. The 10th amendment to the Constitution of the United States reads:

The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people.

Now, the interpretation of this amendment has been that everything that has not been given by the Constitution, and prior to the 10th amendment, still remains with the States. Now, if that is true, why did they adopt the 13th amendment? Why did they adopt the 14th amendment? And why did they adopt the 15th amendment? It is plain and simple that they placed a limitation upon the States. The 13th amendment

certainly prohibited slavery. We have enacted statutes, and we can enforce them today. Now the 14th amendment is the equal protection amendment, and the 15th amendment prohibits not only the Federal Government and also the State government from taking away from citizens their rights to vote. The second section gives to the Congress the right to enact this legislation.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield.

Mr. BUDGE. Did the gentleman favor the proposal of the gentleman from New York [Mr. CELLER], in regard to registrars, which was limited to Federal officials?

Mr. ROGERS of Colorado. Well, I do not think that that is a question that we are now discussing. I think that the Attorney General of the United States properly disposed of that when he made a separate recommendation, because we all know that eventually this matter is going to wind up in the courts. So why not start it there in the first place?

Mr. KING of Utah. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. KING of Utah. Is it not true that it is a fundamental canon of statutory interpretation that the specific always takes precedence over the general where there is a conflict, so that in interpreting the 10th and 15th amendments to the Constitution, if there is a conflict, since the 15th amendment deals very specifically with the specific subject matter, namely the matter of voting, that would take precedence over the 10th amendment?

Mr. ROGERS of Colorado. I agree with the gentleman that that is a proper statutory construction.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Ohio.

Mr. VANIK. I would like to take this time to ask the gentleman from Idaho [Mr. BUDGE] whether he has received any expression from the Attorney General with regard to his amendment.

Mr. BUDGE. I think it is the province of the Congress of the United States to do the legislating, not the province of the Attorney General.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. COLMER. First I should like to endorse what the gentleman from Idaho [Mr. BUDGE] has just said. He is one of the Members of the House who does not take orders from the Attorney General or anybody else. He feels it is his responsibility to legislate here.

I want to ask the gentleman from Colorado this question. Was this question of referees and registrars, as introduced here by the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH], considered in the gentleman's committee before this bill was originally reported out?

Mr. ROGERS of Colorado. In response to the question asked by the gentleman from Mississippi I may point out that, as he well knows, in the Civil Rights Act of 1957, which was reported by our committee, full authority was given in section 3 to the Attorney General to take certain action to protect the rights of citizens to vote under the 15th amendment. When that legislation was presented to the floor of the House and as it finally passed, section 3 was completely taken out.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. When our chairman introduced H.R. 3147, it included giving to the Attorney General broad authority to come in and represent these people to vote. When that was reported by our subcommittee to the full committee that was deleted. That was last August. A rule was asked at that time and the gentleman from Mississippi did not see fit at that time to vote in favor of reporting the rule.

Mr. COLMER. No, sir.

Mr. ROGERS of Colorado. But thereafter the Civil Rights Commission did file its report. The report recommended these Federal registrars. Then only in the month of January did the Attorney General of the United States send somebody before the committee to testify and the chairman of our committee, with a full understanding of the situation, permitted the Attorney General of the United States to send up his deputy who testified at great length and under close cross-examination of the gentleman from Georgia [Mr. FORRESTER] and the gentleman from Louisiana [Mr. WILLIS] and others on our committee. And our chairman was fair and permitted Mr. Bloch, of Georgia, to come forward and offer his explanation of these bills. So it was considered by the full committee, in that respect.

Mr. COLMER. The question I originally asked the gentleman was whether this proposal, either the registrar proposal of the gentleman from New York [Mr. CELLER] or the referee proposal of the gentleman from Ohio [Mr. MCCULLOCH], was considered by his committee in reporting this bill.

Mr. Chairman, I move to strike out the last word.

Mr. Chairman, may I ask the gentleman from Colorado whether either one of these proposals was voted upon by his distinguished Committee on the Judiciary?

Mr. ROGERS of Colorado. The gentleman means the full committee?

Mr. COLMER. Any committee.

Mr. ROGERS of Colorado. As far as I know, it was not.

Mr. COLMER. It was not voted on by the gentleman's committee?

Mr. ROGERS of Colorado. I am sure the minutes of the House Committee on the Judiciary will not reflect that H.R. 11160, which is a substitute for the McCulloch amendment on this floor, was ever voted on by the full committee.

Mr. COLMER. It was not voted on, neither was the registrar provision?

Mr. ROGERS of Colorado. No.

Mr. COLMER. Then why was it not voted on?

Mr. ROGERS of Colorado. This is why it was not voted on. When the chairman's bill, H.R. 8147, was reported by Subcommittee No. 5 an unfortunate situation developed in the Committee on the Judiciary, where the gentlemen down South joined with the gentlemen on that side and they really tore it apart until the only thing you have is this bill H.R. 8601. Even when a rule was asked during the month of August for H.R. 8601, we did not get any.

Mr. COLMER. The gentleman is very vocal in getting around these questions. The fact still remains that although this original bill was introduced back at the beginning of the session last year and extensive hearings were held you are trying now to write in here on the floor something that was not considered by your Committee on the Judiciary, but you are trying to bring it in here now and ram it down the throats of these people, many of whom do not understand what it is.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from North Carolina.

Mr. WHITENER. May I say to the gentleman from Mississippi that I will not follow the pattern or practice of my friend from Colorado in answering the question whether the Judiciary Committee had an opportunity to vote on this question. The answer is a plain, simple "no."

Mr. DINGELL. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, when I first got up I had the intention of speaking on the amendment. Having gotten a certificate from two States to practice law, I wanted to pay appropriate tribute to the members of the Judiciary Committee, to say they obviously are qualified to be Philadelphia lawyers. I have sat here now for 2 days and listened to the House confuse and be confused by various members of the Judiciary Committee. When I first got up today I was determined I was going to say that apparently the members of the Judiciary Committee were confused. I do not think that would be an appropriate thing for me to say. I think it would be more appropriate to say, perhaps, the Members of this House had been confused by them. I think the members of the Committee on the Judiciary who have spoken in opposition to this amendment should take the trouble to read the United States Statutes Annotated, and I refer specifically to the provisions of the 15th amendment and look at the annotations in the United States Code Annotated, and I think they would find the points they have been raising have very little to do with the bill itself. I would certainly point out that many of the points about guaranteeing the republican form of government and so on have absolutely nothing to do with the bill which is presently before this House and before this committee.

Now I would like to ask a question of the distinguished gentleman from Ohio [Mr. McCULLOCH] but I see he has left the floor. I notice that the minority leader, the gentleman from Indiana [Mr. HALLECK], has also left the floor. I am wondering if anybody over on the Republican side can tell us whether they have gotten any mandate or ukase from either the President or the Attorney General, who, I assume, is calling the strategy on this bill, as to whether the proposal or amendment offered by the gentleman from Idaho should be adopted. I am wondering if, perhaps, the gentleman from New York [Mr. LINDSAY] would like to speak on this. Have we heard anything from the administration that they want to have no Federal interference in local elections?

Mr. LINDSAY. I am glad the gentleman from Michigan is undertaking to try to shed some light on the confusion that seems to be reigning in the committee and, as he says, he thinks the Committee on the Judiciary has badly botched it up. I am further enlightened by the remarks that the gentleman has made as to what is going on, and everything is now entirely clear. The reason, and obviously one reason, why the Attorney General of the United States has been pressing for a referee voting procedure is because he feels it is the most effective procedure that could be enacted in order to cover the problem. The problem involves not just Federal elections but State elections as well. The Attorney General testified to that effect before the Committee on Rules and the other body and made out a very powerful and very comprehensive and very clear case. I assume the gentleman, in all his exhaustive research he has done, has taken the trouble to read the Attorney General's testimony before the Committee on Rules and the other body on that subject.

Mr. DINGELL. I have, but I wanted to know—there was some inference raised during the debate that, perhaps, the administration has subsequently changed its position. I know the administration does do that on occasion, but I was just wondering whether somebody on that particular side of the aisle could tell us whether the administration has made an end run and turned around and is now going in a different direction than we previously had reason to believe it was going.

Mr. LINDSAY. Of course not, of course not. The administration has been consistent and persistent in its efforts to try to get the Congress to do what the 15th amendment requires.

Mr. DINGELL. I am glad to see the gentleman from Ohio [Mr. McCULLOCH] is present, and maybe he wants to tell us about this.

Mr. LINDSAY. The gentleman asked the question, and now I would like to ask the gentleman whether he will give me the time to complete my answer to his question.

Mr. DINGELL. I am delighted to do so. I thought the gentleman had finished his answer and I was wondering whether the gentleman from Ohio [Mr. McCULLOCH] wanted to add anything to what the gentleman from New York said.

Mr. LINDSAY. What I am trying to tell the gentleman then, if he will just give me a moment without interruption, is that the Attorney General has pointed out so often, which apparently the gentleman from Michigan has not taken the trouble to find out about it, the 15th amendment says the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude, and that the Congress shall have the power to enforce this amendment by appropriate legislation.

Mr. DINGELL. I would say to the gentleman that I took the trouble to read the remarks of the Attorney General, and I also took the trouble to read the 15th amendment, and I thank him very much.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DINGELL. Mr. Chairman I need 5 minutes because I have a number of Members to yield to. I would like to yield first to the gentleman from Ohio and ask whether he knows what the administration wants on this.

Mr. McCULLOCH. Mr. Chairman, the gentleman from Ohio will speak when he is recognized by the Chair and will speak when he determines it is in his best interest to speak. Therefore, Mr. Chairman, I decline to answer the question of the gentleman from Michigan at this time.

Mr. DINGELL. I yield to the distinguished chairman of the Judiciary Committee to ask whether there is any communication he has received from the Attorney General or the administration as to the position of the administration on this particular bill.

Mr. CELLER. I have received a communication, and I think the gentleman from Ohio [Mr. McCULLOCH] has likewise received a communication.

Mr. DINGELL. I would very much appreciate hearing it.

Mr. CELLER (reading):

DEAR MR. CHAIRMAN: You have asked for our comments on an amendment to the administration's voting referee proposal which would limit its application to elections at which Federal officers are involved. The administration is strongly opposed to such an amendment or any similar amendment.

The 15th amendment of the Constitution guaranteeing all American citizens the equal right to vote without discrimination on account of race or color applies to all elections for public office—both State and Federal. If such an amendment, as has been suggested, were adopted it would be an open invitation for the establishment of segregated elections for State officials, thus denying Negroes their clear constitutional right to vote without discrimination in such elections.

If Congress should decide that the constitutional guarantees provided in the 15th amendment of the Constitution should apply only to Federal elections—and not to State elections—then the Constitution should be so amended.

It would be sheer sanctimony for the United States, on one hand, to continue to guarantee in its Constitution as it has since March 30, 1870, the right of Negroes to vote without discrimination in all elections, both Federal and State, and, on the other hand, 90 years later, in March 1960, to enact legislation which, by failing to enforce the right, clearly implies that Negro voting need not be a reality in State elections.

It is my view that if the United States does not support the right to vote as guaranteed by the 15th amendment, we should admit it and amend the Constitution. If it means what it says, the United States should seek to enforce the Constitution within established legal framework, and thus make the right a reality for the Negro.

With best regards.

Sincerely,

WILLIAM P. ROGERS,
Attorney General.

Mr. DINGELL. I thank the gentleman from New York.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. VANIK. I want to point out to the gentleman that the text of this letter was succinctly stated in this morning's Daily News. It points out the Attorney General's opinion, that he feels this amendment should be defeated.

Mr. DINGELL. I wonder if we should give a subscription to the Washington News to the gentleman from Idaho [Mr. BUDGE] so that he could know the position of the administration.

Mr. VANIK. I have learned more about this debate from reading the newspapers than I have from listening to it on this floor.

Mr. DINGELL. Mr. Chairman, may I make a parliamentary inquiry? How do we get back on the track so that we might have a vote on this amendment?

The CHAIRMAN. That is not a parliamentary inquiry. The Chair is just as anxious to have a vote as anybody.

Mr. DINGELL. Would it be proper to move the previous question?

The CHAIRMAN. The previous question is not in order in Committee of the Whole.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, if I appear to be a little irked, I think you may know or will know the reason why after I have made a statement.

I am advised that while I was off the floor of the House for about 7 minutes, some remark was made about the senior member of the House Judiciary Committee being tired and unable to attend to his duties.

I would like to say, Mr. Chairman, that I was in conference with the Speaker of the House, along with the chairman of the Judiciary Committee on matters pertaining solely and alone to this bill; and I would be glad to call upon the chairman of the Judiciary Committee, my good friend from New York, to tell the committee where the gentleman from Ohio was during the last 10 or 15 minutes.

Mr. CELLER. I certainly attest to what the gentleman from Ohio said. We were in the Speaker's office discussing with the Speaker certain procedure here. So I think it would be perfectly unfair to say that the gentleman from Ohio was not attending to his duties. He certainly has been very assiduously attending upon his duties.

Mr. McCULLOCH. I thank the gentleman from New York.

Mr. Chairman, I, too, have a duplicate of the original letter which was read by the gentleman from New York, and it is identical. I rise to oppose the amendment offered by my good friend from Idaho.

Mr. DINGELL. Mr. Chairman, will the gentleman yield at this point?

Mr. McCULLOCH. I decline to yield to the gentleman from Michigan at this time.

Mr. Chairman, I object to and oppose the amendment offered by my good friend from Idaho, and I think it is sufficient to say that my opposition comes from the 15th amendment which has been read several times, but which is worth reading again, and I read it:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

One of my very good friends said he felt there was no reason why the Federal Government, the Congress of the United States, should be interested in insuring the citizen of a municipality in Idaho the right to decide whether or not dogs should be kept on a leash. I am not at all interested in the result of that election, but under the 15th amendment to the Constitution of the United States, it seems to me there is a bounden duty on me and every other Member of the Congress of the United States to implement it and to see that the people in that municipality in Idaho have the right to participate in an election which will determine the issue, whatever it may be.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I am very happy to yield to the gentleman from New York.

Mr. HOLTZMAN. First, let me testify to the gentleman's constant attendance and effort in connection with this bill. I would like to ask the gentleman if his feeling would be identical even if the result would constitute only a vote on a dog leash?

Mr. McCULLOCH. My reaction would be exactly the same.

Mr. HOLTZMAN. Actually it does not matter what the matter involved is.

Mr. McCULLOCH. That is my view.

Mr. HOLTZMAN. It is the right to that vote that we are trying to safeguard in this legislation.

Mr. McCULLOCH. That is right.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH I will be glad to yield to my good friend from Idaho.

Mr. BUDGE. I have the very, very highest regard for the gentleman from Ohio, but I think we are reaching a rather strained interpretation of my proposal. I am not questioning the right of any individual to vote in any election; I am questioning the propriety of the Congress of the United States setting up enforcement machinery to enter into every local election in the United States, and when there is no Federal official to be voted upon. It is not a question of an attempt to deprive anyone of the right to vote; I think we all believe in that, but there has not been before this Attorney General's proposal came along, there has never before been any enforcement statute enacted by the Congress to do the type of thing which is now sought to be done in this latest draft.

I will ask the gentleman, in the overall consideration of this legislation, whether or not it has not been his expressed opinion that such machinery of enforcement should be limited to Federal officers.

Mr. McCULLOCH. Mr. Chairman, it now is my opinion that the right to vote should be implemented for every qualified person who desires to vote at any public election.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MEADER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. McCULLOCH] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Michigan.

Mr. MEADER. The gentleman from Idaho just said the Congress has never passed an enforcement act relating to a State or local election. May I ask the gentleman if the Civil Rights Act of 1957, which authorized the Attorney General to institute injunction proceedings, would apply to local elections?

Mr. McCULLOCH. It was an enforcement act of considerable force and effect, and was upheld by a recent decision of the Supreme Court in a case that went up from the State of Louisiana.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, I have listened carefully and with great interest to the many arguments advanced to support an amendment which would limit the operation of the voting referee proposal to Federal elections alone.

Let us analyze what those arguments are. It is said that the application of the voting referee proposal to State elections is an unconstitutional invasion of States rights. It is a usurpation by the United States of powers reserved under the Constitution to the States, and so on and so on.

I enjoyed listening to these theories. It made me feel very young again. As the gentleman from New York [Mr. LINDSAY], pointed out a few days ago, I have argued the case for civil rights for a very long time and about 100 years ago, when I must have been still a boy, the argument that the Federal Government could not protect a citizen's right in a State election was very much in vogue and it was a sound argument, but today the argument is about 90 years too late. For it overlooks one little item of law. I say a "little item of law" because surely my colleagues who are bombarding us with cries of unconstitutionality have completely overlooked it and if it were an important rule of law, good lawyers that they are, they would certainly not all have overlooked it. It is simply a little thing called the 15th amendment which has been the law of this land since 1870. This is not a particularly esoteric amendment. It is not at all complex. It simply says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> Congress shall have power to enforce this article by appropriate legislation.

Now, what does the voting referee proposal do? The voting referee proposal does no more than provide that where it has been proven in a court of law that a State is depriving a citizen of his right to vote on account of race or color, the State will be prevented from doing so. Unconstitutional? I cannot conceive of a more direct response to the spirit, the words and the purpose of the 15th amendment. The 15th amendment unequivocally demands that American citizens are not to be denied their right to vote because of their race or color. The 15th amendment specifically, without qualification without equivocation, without limitation, grants to the Congress the power to enact appropriate legislation to protect those rights. That is what we are doing here today.

Is it not ludicrous to allow a Federal ballot and not a State ballot with referee operator?

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close at 10 minutes to 4.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. WILLIAMS. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I may say that immediately after the vote on the Budge amendment the Committee will rise.

Mr. WILLIAMS. Mr. Chairman, I had hoped that when I finally succeeded in getting recognition that my affable, self-effacing, gracious, generous, liberal, erudite friend, the gentleman from Pennsylvania [Mr. FULTON] might be on the floor. Unfortunately, however, at the particular time I am given the op-

portunity to speak I fail to see him on the floor. I regret this particularly because I have some very good news for him. So I hope that he will read the RECORD tomorrow because this is primarily for his information, as well as for the edification of the House. I would imagine that he is probably in his office at the moment scanning applications for employment.

On March 14, in a colloquy with the distinguished gentleman from Pennsylvania [Mr. FULTON], he said this:

I will say this seriously: You send me a young colored couple and I will hire them right now. You send me a young colored man who can drive and I will hire him. Send me two more and I will hire them on my newspaper.

Well, somehow that statement happened to find its way to the newspapers down in Mississippi—who are always glad to lend a helping hand to our northern friends—and on yesterday I am very happy to say this memorandum from my office was delivered to me on the floor of the House:

We just received a phone call from Mississippi and they called to say they have a driver for Mr. FULTON. His name is Isiah "Smoky" Davis. He has many years of driving as a delivery man for a drugstore in Brookhaven. His expenses will be paid to Washington, Pittsburgh, or any place in the United States Mr. FULTON wants him. His salary is immaterial. "Smoky" is ready to go. He is sending a telegram to FULTON today. He can be addressed at General Delivery, Brookhaven, Miss. He has no criminal record, and there are no charges pending against him.

Now, I received a copy of the wire that was sent to the gentleman from Pennsylvania [Mr. FULTON] yesterday afternoon by Isiah "Smoky" Davis, in which he made application for the position and said that a letter will follow. Well, gratuitously Smoky has sent me a copy of his letter of application to the Honorable JAMES G. FULTON, Congressman, State of Pennsylvania, 246 House Office Building, Washington, D.C., which reads as follows:

I, Isiah Davis, a bona fide Negro male, 34 years of age, living and residing in Brookhaven, Miss., do hereby apply for the position you have for a young colored man who can drive.

I hold a good and valid driver's license in the State of Mississippi and have had several years experience driving, having been formerly employed by Walley-Field Drug Co. as driver of their delivery vehicle in the city of Brookhaven, Miss.

I beg to advise that I can report for duty within 48 hours and insofar as salary is concerned, I feel certain that your generosity will be sufficient. I will consider it an honor and a pleasure to be employed by you and I hope that I am the first applicant for this job because I do sincerely want to work for you.

You will note that I am sending copy of this letter to Hon. JOHN BELL WILLIAMS but I beg to advise that I have never seen Mr. WILLIAMS and that I have had absolutely no contact with him but I saw in the Jackson Daily News edition of yesterday where you and he were arguing and that you said you would accept any bona fide applicants for jobs.

Sincerely,

ISIAH DAVIS.

(Copies to Hon. JOHN BELL WILLIAMS, House Office Building, Washington, D.C.)

Mr. Chairman, "Smoky" Davis appears to me to be an ideal candidate for integration into the top level social strata of Brentwood and the other areas of Pennsylvania represented by Mr. FULTON.

I am sure that every Member of this body will be glad to join me in wishing "Smoky" and Mr. FULTON a long, happy, congenial, and profitable association together.

I am quite sure, also, that we will have little difficulty in assisting the gentleman further by furnishing applicants for the other positions which he has available.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the time allotted to me be yielded to the gentleman from Virginia [Mr. SMITH].

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, the presiding officer this morning said that we have been writing this bill for 5 days. Now, he lost a little count of time. We have been writing this bill on the floor of the House for 7 consecutive days. This bill should have been written in the Judiciary Committee, and I have been anxious to find out why it was not. The Committee on the Judiciary has had before it this same legislation ever since the 28th of January. They have had ample time to consider the bill. They have had partial hearings on the bill. They have had the registrar bill before them for a month before that time.

Now, I am wondering just what is back of all this that we should be thrown into this state of confusion of having to write this bill on the floor when the committee to which it was referred has had ample time to make a report. Is it so that they just did not have the votes in the Committee on the Judiciary to get it out? I rather suspect that that is what happened in the matter.

Now, a question was asked awhile ago that I have been anxious to get an answer to on this amendment where we are seeking, for the first time, to invade the area of State and local elections. It has never been tried before. No committee has ever acted on it or reported it favorably. But, the effort is being made here to railroad it through the House on a measure for which there appears to be a great deal of popular support. We have a Civil Rights Commission. Those who favor civil rights legislation have had this Commission appointed. The life of that Commission has been renewed for a period of 2 years. That Commission made an important report last year which probably helped them to get a renewal of their life. They made two important recommendations. One was that Federal registrars should be appointed; and the other was that this legislation should be confined to Federal elections and not invade the area of local State elections. And yet the very people who favored that Commission have repudiated the only two important recommendations that the Commission has made.

Now why? Gentlemen here on the floor this afternoon, on this amendment to confine this to Federal elections, have asked the members of that committee who are supporting this legislation time and time and time again why they are including local elections, why they are repudiating the Commission which they had had appointed and which recommended that the voting provisions be limited to Federal elections. Why should we go to the expense of maintaining this Commission when, after they bring in their final, considered judgment, after consideration and investigation and hearings, their most important recommendations are ignored and repudiated by the very people who were responsible for their creation?

I hope this amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Chairman, I renew my objections to this voting plan on grounds that, first, it will allow the Federal Government to count ballots as it were, and, secondly, it will allow the Federal Government to carry persons right into the polls. No one can justify doing this in purely State and local elections.

In fact, no one can justify the application of this plan to State and local elections in view of the traditional separation of powers. Where will the long arm of Federal interference end? Is it the intention of Congress to take control of elections for State and local officials away from the States?

This Congress up to March 1960 has never enacted a law establishing a conclusive presumption. You did that in this bill. The antitrust law went pretty far. It established a prima facie presumption. A prima facie presumption can be rebutted with proper proof. A conclusive presumption in theory cannot be rebutted. It is conclusive. It is final. I think this is one of the weak points in the bill. I think it jeopardizes the constitutionality of the bill. Having said that I would like to say that I will not shed any tears if it is declared unconstitutional.

The Attorney General of the United States, testifying before the Senate Rules Committee in January, said on page 347 of the printed hearings:

We do not want to take the election away from the States. We want them to conduct the elections the way they always have.

With all due respect in view of that statement, I do not think the Attorney General has really thought through what the result of this proposal would be. The voting plan would place in the hands of Federal officials the responsibility of administering State law; it would place in the hands of Federal officials a power to spy upon and to oversee the whole running of the State election as well as the Federal election.

I urge that the amendment be adopted, and that later the bill be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, there are two points I wish to make. No. 1, I am interested in H.R. 9452, introduced by the distinguished chairman of the committee, which was a registrar bill and which specifically provided for the very limitation which the gentleman from Idaho is attempting to write into the bill at this time. It is specifically limited to elections involving Federal officials, as appears on page 2 of that bill. I can understand the distinguished chairman's concern about broadening this election procedure and the Federal administerial function concerning it through appointive Federal referees beyond Federal elections.

The statement was made by the gentleman from Idaho that there had not been since the Civil War Acts were repealed by Congress itself back in 1894 an enforcement act enacted. I think what the gentleman meant was an enforcement act in the sense of a Federal administrative official taking over the function of a State administrative official. That is exactly what this bill does. A referee takes over the administrative function of registering people that presently is in the hands of the State registrar. In that sense I challenge anyone to point to any act that has been enacted by Congress since the repeal of the Reconstruction Act in 1894 where the Federal Government has superseded and taken over the acts of a local administrative official within a State by substituting a Federal administrative official to do his job. There is no such precedent, and I submit that is exactly what the gentleman from Idaho was talking about. Are we to return to the oppressive Federal substitution of federally appointed officials to do the job of elected State officials that led to such suppression and domination as occurred in the Reconstruction days—in 1960? Are we, for the first time since 1870, to again usurp the functions of elected State election officials with Federal referees?

I submit the following excerpt from the committee hearings on voting rights on page 62, quoting Judge Bloch on this point:

> Doubtless the drafters of the bill H.R. 10035 proposed on January 27, 1960, by Attorney General Rogers conceived its basic idea from the acts of 1870 and 1871 set out rather full in *Ex parte Siebold*, 100 U.S. 371, 379–380. Those laws "relate to elections of Members of the House of Representatives, and were an assertion on the part of Congress, of a power to pass laws for regulating and superintending said elections."
>
> Those laws were "a part of the comprehensive 'Reconstruction legislation' passed after the Civil War. They were repealed by the act of February 8, 1894, 28 Stat. 36, an act which was designed to restore control of election frauds to the States." Justice Douglas, in *United States* v. *Saylor* (322 U.S. at pp. 390–391).
>
> After that quotation, Justice Douglas alluded to and quoted from the committee report, House Report No. 18, 53d Congress, 1st session, page 7, which sponsored the repeal and stated:
>
> "Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State of the Union."

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MORRIS].

Mr. MORRIS of Oklahoma. Mr. Chairman, I believe I can put my finger on the crux of the situation, after having done some research and heard this debate. Here it is simply, in a nutshell, as I see it.

In regard to electing a Member of Congress—it would not apply to presidential electors and the Resident Commissioner of Puerto Rico, it would apparently not apply to those, and that is in the Budge amendment, but we have a specific constitutional provision stating that Congress can, if it wants to, determine the manner of holding elections for Members of Congress. That is section 4, article I. Whether it would be wise to do it is another question.

In regard to the 15th amendment, there is no such provision, so here is the thing that causes me to have great doubt about the constitutionality of this bill, that under this referee system that they use they are taking over at least partly the functions of the State election machinery determining the manner of holding State elections. That is the thing that is disturbing me.

Without expressing the wisdom of it at this time, I would say to these gentlemen that you can legally go perhaps even much further than this bill goes in preventing discrimination by a constitutional law. I think you could provide many things. I think you could provide in substance that if any registrar in a State or a State official charged with election duties were to discriminate against any person regardless of race or color and deny or abridge his right to vote, he would be guilty of a Federal offense. You could provide to bring such offending person into Federal court, you could send him to prison, you might even provide for damages, although damages can ordinarily only be allowed where there is some pecuniary loss and of course injunctive relief could be provided. I think you can go that far. I think you can break up any practice of discrimination, and I think it should be broken up by good laws when and if it exists, but I do not believe you can go in and take over the election machinery of a State government. That is exactly where the situation is, as I view it. I do not know for sure yet how I am going to vote on this Budge amendment because I think it is probably unconstitutional itself for the reasons I have mentioned.

Mr. JONES of Missouri. Mr. Chairman, I offer a privileged motion.

The Clerk read as follows:

> Mr. JONES of Missouri moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. JONES of Missouri. Mr. Chairman, this motion is made in all sincerity. I am, of course, not a lawyer, as you know; much less a constitutional lawyer, but I have heard so many admissions made here on the floor of the House by members of the Committee on the Judiciary that the amendments we are now discussing have not been discussed in the Committee on the Judiciary, hence there seems to be much confusion and disagreement among members of that committee of distinguished lawyers. I am also somewhat confused that it has taken the administration so long to determine what their recommendation is as to the kind of legislation we need to have. You really need a program of the races to follow everything that has taken place here during the last 7 days. I first thought I understood something about the rule under which this legislation was brought to the floor. The rule provided for the consideration of the bill H.R. 8601 and made in order the consideration of H.R. 10035 as an amendment. The gentleman from New York [Mr. LINDSAY] offered the bill H.R. 10035 as an amendment. Then we started offering other substitutes here. The gentleman from Ohio [Mr. MCCULLOCH] offered the bill H.R. 10625 as a substitute. As I understand it, the bill H.R. 10035, introduced on January 28, by the gentleman from Ohio, was supposed to represent the desires of the administration. Then by February 23 the administration had changed its mind and the gentleman from Ohio then introduced H.R. 10625. Well, we know after 2 days of going up the hill and down the hill that we were finally back where we started from with the original bill H.R. 8601. Then the gentleman from Ohio offered the bill H.R. 11160 as an amendment. But, it seems that in all the confusion—and there was some confusion, I believe, and I do not believe I was the only one who was confused—we read a bill which purported to be H.R. 11160 with an amendment. But, it seems when it was sent to the Clerk's desk in a hurry, the amendment was not in it. So then on the other side, the gentleman from New York picked up the same bill with an amendment in it and offered it. Since that time we have been debating two bills that have never been debated or considered in the House Committee on the Judiciary.

Mr. Chairman, if there is any orderly procedure at all, and if there is any reason or any excuse for having committees in this House of Representatives, I submit to you I think that the committee would be the proper place to decide and to at least come to some agreement or disagreement on what this bill purports to do instead of trying to write the bill on the floor of the House. We bring in closed rules here on other bills although I would not advocate a closed rule on a bill of this kind. Before I close, Mr. Chairman, I want to say we

keep hearing that we are talking about voting rights. I submit to you the proponents of this legislation have indicated time and time again that it is not just the voting rights that they are concerned with. They want to cover the whole waterfront. They have offered other bills here to take in everything under this title, and one of the bills was ruled out of order because of that. One of the gentlemen here today said that the only thing he knew about this was what he could get from reading the newspapers. I want to tell the gentleman that if you are relying on the newspapers to get the facts about this civil rights legislation, you have a very poor source of information. I read here in the newspapers in Washington this morning, and I think that this is the kind of story that goes out all over the United States, that it was the southerners who are prolonging this debate and that they were the ones who were causing the delay on this.

Mr. Chairman, I ask this question: Who offered these amendments? Who offered H.R. 11160? Who offered the amendment H.R. 10035? Who offered the amendment, H.R. 10625? Everyone of those amendments were offered by the proponents of this bill. I submit that they are the ones who have been causing the delay and not the people from the South. If you bring out a bill from the committee guaranteeing the right of qualified persons to vote, I am sure you would get it passed in this House.

Again, let me impress upon you this fact. I am serious and sincere in my belief that this bill should be sent back to the Committee on the Judiciary, in order that we can proceed in an orderly, and I would say an intelligent manner. No one—even those who claim to be constitutional lawyers—can give us any assurance that the action they are taking here, in considering amendments to pending amendments, is based on either the Constitution or sound legal grounds. If the rules of this House required that only those who understood the legal interpretation of the issues upon which they are voting, could vote, then every vote could be challenged on the grounds of an absence of a quorum. I think the record should show that on the question of adjourning early, and on practically every other delay that has taken place during the past 7 days, it has been the proponents who have requested the delay, just as they have been the ones who have offered the basic and drastic amendments which have kept us here, during what promises to be an unprecedented number of days for the consideration of any piece of legislation in the House. If the leadership of the Committee on the Judiciary had done its job, it would have been unnecessary to have taken all of this time, unless of course they were more interested in reprisals against the South than in securing voting rights for those whom they allege have been disenfranchised.

Mr. COLMER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, of course I am not in opposition, but I wanted to point out to the gentleman from Missouri [Mr. JONES] who has made a very clear and concise statement about the confusion that we find ourselves in that in these 7 days of debate we have not reached consideration of the bill that the Committee on the Judiciary reported out. We have been laboring over amendments that have been offered, which were never considered or voted upon by the Committee on the Judiciary.

The gentleman from New York [Mr. CELLER] started out with an amendment—really this is what started all this confusion—the gentleman from New York [Mr. CELLER] started out at the beginning with an amendment that would set up a system of carpetbag registrars; but then our friends of the opposition party were not going to be outdone by that, so they came up with the referee plan. Again demonstrating the party politics involved.

Now the gentleman from New York [Mr. CELLER] in his original proposition introduced a bill for registrars that would do what? That would only affect elections where Members of Congress and Federal electors were voted upon. But now the gentleman has abandoned that and he has joined unholy hands with the Attorney General and wants to go further, as the gentleman from Idaho [Mr. BUDGE] points out, and have the election machinery even on dog elections controlled by the Federal Government.

Mr. Chairman, the gentleman from New York would go even further than that, because as I pointed out previously in the debate he wants to go back to the Reconstruction days; and if we adopt that type of legislation, is that doing anything for this great country of ours?

I want to ask the gentleman from New York in all seriousness, and those who share his views, are you really doing anything for the people that you profess you are so interested in? What are you doing? You are stirring up racial strife all over this Nation, and I hate to think about what the next news from the North or the South is going to bring in the way of racial strife. It is a reenactment of the old Reconstruction conditions. What is that going to do for the people that they profess to be interested in? I think the gentleman from Missouri [Mr. JONES] has put his finger on it; you should not attempt to write such controversial legislation on the floor of the House.

The motion of the gentleman from Missouri should prevail.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. COLMER] has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, a point of order. I seek recognition in opposition to the amendment on the ground that the gentleman from Mississippi did not talk against the motion.

The CHAIRMAN. The 5 minutes for the preferential motion and the 5 minutes against the motion have expired.

The question is on the motion offered by the gentleman from Missouri [Mr. JONES].

The question was taken, and on a division (demanded by Mr. JONES of Missouri) there were—ayes 101, noes 159.

Mr. RIVERS of South Carolina. Mr. Chairman, I demand tellers.

Tellers were refused.

So the motion was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Idaho [Mr. BUDGE].

The question was taken; and on a division (demanded by Mr. BUDGE) there were—ayes 129, noes 148.

Mr. BUDGE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. BUDGE.

The Committee again divided, and the tellers reported that there were—ayes 134, noes 137.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

UNITED STATES v. BERNARD SILBER

Mr. DOYLE. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state it.

Mr. DOYLE. Mr. Speaker, I have been subpenaed to appear before the U.S. District Court for the District of Columbia to testify on the 21st day of March 1960 at 9:30 a.m., in the case of the United States of America against Bernard Silber. Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—UNITED STATES OF AMERICA *v.* BERNARD SILBER—CRIMINAL NO. 753-58

To Representative CLYDE DOYLE,
House Office Building:

You are hereby commanded to appear in the U.S. District Court for the District of Columbia at Third and Constitution Avenue NW., fourth floor, courtroom 8, in the city of Washington on the 21st day of March 1960 at 9:30 o'clock a.m. to testify in the above-entitled case.

This subpena is issued on application of the defendant.

HARRY M. HULL,
Clerk.
By JOHN A. O'BRIEN,
Deputy Clerk.

March 15, 1960.

David Rein, attorney for defendant, Washington, D.C.

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 479) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas Representative CLYDE DOYLE, a Member of this House, has been served with

a subpena to appear as a witness before the U.S. District Court for the District of Columbia, to testify at Washington, D.C., on the 21st day of March 1960, in the case of the United States of America against Bernard Silber, criminal case numbered 753–58; and

Whereas by the privileges of the House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative CLYDE DOYLE is authorized to appear in response to the subpena of the U.S. District Court for the District of Columbia in the case of the United States of America against Bernard Silber; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THERE IS TRAGEDY AND TRIUMPH IN THE HISTORY OF IRELAND

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, other nations are known for their political institutions, their commercial zeal, their military prowess, or their artistic and scientific achievements.

But Ireland, above all others, is identified by its religious faith. Wherever you go in this world, the name of St. Patrick is immediately associated with Ireland and the Irish.

On the yearly celebration of his birthday, in which other races and creeds join with us out of admiration for the qualities of the Irish people, it is customary to recall the example and the inspiration of our patron saint.

Through famine and persecution and the long struggle to win freedom, it was the faith of St. Patrick that sustained and strengthened the Irish when all else seemed hopeless.

When you compare the relatively small population of Eire today with the "world population" of Irishmen, you cannot help but conclude that this is the greatest missionary people that ever was, or will be.

For they are animated by love of God, of freedom, and the dignity of the individual.

St. Patrick was blessed with this spirit and this courage.

This is the quality of our race that we prize above all else.

In honoring the memory of St. Patrick, we not only reach back through the centuries and to the gift of Christianity that he brought to our people, but we are proud of its growth that finds fulfillment in the Ireland of today.

There are many of us who have dreamed many times about it, but have never had the opportunity to visit the land of our forefathers.

We are familiar with the sufferings and the glories of the past through the memories of the early immigrants—memories that have been carried forward through the generations.

And we wonder how things are with Ireland today.

The Republic of Ireland is about the size of the State of Maine. Its population is a bit more than 3 million. Eire embraces 26 of the 32 counties that comprise the Emerald Isle.

Bear in mind that Eire is the Irish term for Ireland—all Ireland—which anticipates the day when all the 32 counties will be reunited.

Some people wonder why "the wearin' of the green" means so much to the Irish. And why not when it is the symbol of spring and summer and all the creative forces of life itself?

We expect to see it in the forests and gardens and lush meadows.

But in Eire the fences are green, and so are the letterboxes, the trash cans, the lampposts, the buses, the front of the corner post office, and the face of the local pub.

Eire has become well known for its hams, bacons, tweeds, poplin, laces, linens, whiskies, flower bulbs, frozen beef, clothes, shoes, raincoats, waterford glass and crystal wares, fine bloodstock horses, and thoroughbred dogs and cattle.

The Irish people are the best fed in the world.

This is quite an improvement from a hundred years ago, in terms of physical health and well-being.

At the time of the terrible famine in 1846–47, Ireland had 8 million people, of whom nearly 1 million starved to death and 3 million emigrated.

The crime and suicide rate in Ireland today is the lowest in Europe.

But here we come to one disturbing note. One-sixth of the population never marries, which is a far higher proportion than elsewhere in the world. When the Irish do marry they produce more babies per couple than anybody. Why then, with their devotion to family life, do so many fail to marry?

Successive governments in Eire have had to contend with two of the evils which independence had been designed to cure; a high level of unemployment and a high rate of emigration.

It came as an unpleasant surprise to the Cosgrave government that the emigration flood did not immediately dry up when Ireland won her independence. It was even more disheartening for De Valera's government to find that its self-sufficiency remedy was also useless. In the year 1950 over 40,000 men, women, and children emigrated, nearly 1.5 percent of the population; and Ireland became the only country in the world whose population declined in the first half of the 20th century.

It was easy for the Irish statistical office to prove that, by 1950, the population had actually risen slightly again, in spite of emigration. But this did not conceal the fact that Ireland had the lowest marriage rate of any country in the civilized world. The average age at which men married was 35—considerably higher in the rural areas—a curious situation for a country which venerated the family as an institution. Various guesses were made as to the cause of this decline.

It was generally agreed that the low marriage rate was due to social and economic factors. The scarcity of land made it hard for a young man to marry until the death of his parents passed the possession of the farm into his hands. By that time, he would be twice-cautious in his choice of a wife.

Meanwhile, there was the flight from the land of younger sons—and daughters who did not intend to wait until some boy—as landless men were called until well into old age—came into a farm and felt that he had sufficient security to propose to her.

Agricultural reforms and increased industrialization are necessary to create more economic opportunities for young people.

The Government provides a wide variety of social services, including many on an insured basis as in the United States. However, I notice a few extra provisions designed to cope with the marriage deficit.

The marriage benefit consists of a lump sum of not more than 10 pounds and not less than 3 pounds, payable on marriage and then only to an insured woman.

Maternity benefits consist of, first, a lump sum maternity grant; and second, a maternity allowance covering 6 weeks before and 6 weeks after confinement.

There is also a program of children's allowances to help in raising a family. A person is eligible for a children's allowance if he has two or more qualified children living with him. Such a person need not be an Irish citizen.

Nurtured by a moist and mild climate favorable to grass, two-thirds of Ireland's agricultural land is pastureland. In turn, this fact gives rise to the great livestock industry, which is the mainstay of the country's economy. Although agriculture has become more diversified in recent years with the growing of grain, root crops, and fruit, livestock and livestock products continue to be of primary importance and account for over three-fourths of the gross value of farm output.

The Irish Government, convinced that the years immediately ahead are decisive ones for Ireland's economic future, laid before its Parliament in late 1958 a white paper which outlines a comprehensive 5-year economic expansion program. It is designed to increase the present national income by 2 percent annually, a rate which is twice that achieved in recent years. This would double real national income in 35 years.

More and more foreign firms are starting new businesses in Ireland where they are warmly welcomed by both Government and people.

The industrial development authority offers special advantages to attract new industries. The Government provides outright nonrepayable grants for new industries up to the full cost of factory buildings.

The Government is also prepared to pay up to 50 percent of the cost of plant and machinery. Additional grants are available to cover the cost of training workers.

Profits earned by new firms from exports are exempt from income tax, and corporation profits tax.

Ireland is the only north European country with a manpower surplus. There is more than sufficient manpower readily available to double the scale of Irish industry within a decade.

Irish workers are adaptable and efficient, and they readily acquire new skills.

The pool of skilled labor can at any time be added to from among the very large number of Irish skilled workers in Britain, many of whom welcome the opportunity to return home.

Because of its geographical position as the outpost of Europe, and closest to the United States, Ireland has become important to the world of air-transport.

She has two international airports, located at Dublin and Shannon. Each is Government owned and operated. Shannon is a free port. The Government is building new facilities at Cork in order to increase tourist traffic to southern Ireland.

Shannon Airport is used for aircraft on transatlantic flights. A new terminal, able to accommodate 10,000 travelers has been completed. According to statistics, the year 1958 was a record one for Aer Lingus. More than a half million passengers and over 9,000 tons of cargo were carried, an increase of 60,000 passengers and 1,000 tons of cargo over 1957.

There was a record harvest in Ireland during 1959, with excellent wheat and barley crops, a boom in the tourist business, and a rise in the cattle exports to Britain.

Of greater importance, however, is the initiative shown by industrialists. Instead of limiting themselves to the home market behind the protection of tariff walls, they are becoming export minded.

According to the New York Times of January 12, 1960:

> In recent months they have been exporting television sets to Singapore, glassware to Hong Kong, railway carriages to Lebanon, picture postcards to Thailand and Peru, nylon stockings to British Guiana, concrete mixers to the Middle East.

In the field of education and cultural development, it is noteworthy that some of the most beautiful prose in the English language has been written by the Irish.

The world-famous Abbey Theatre was destroyed by fire in 1951. In spite of its limited resources, the Irish Government immediately allocated $700,000 for its reconstruction.

Through the centuries they have been masters of the spoken word.

Every school child learns about the Fianna who served the high kings over 2,000 years ago. Each had to jump over a stick his own height, to stand in a hole up to his chin and defend himself against 9 men, to run through a wood without breaking a twig under his feet or a leaf over his head, to take a thorn from his foot while running, and, in addition, to know 12 books of poetry and to make a poem himself.

For the Gaels have imagination, a sense of wonder, and a love of beauty.

With their respect for the craft of letters, they brought a creative wealth to English literature through such writers as Swift, Sheridan, Wilde, Shaw, Moore, Synge, Yeats, Joyce, O'Casey, and many others.

St. Patrick died in the year 461, at Saul, near Downpatrick, where he had built his first church.

He would be proud of his people and their indomitable faith in the year 1960. They have economic and social problems, 'tis true, but nothing like the terrible troubles of the past.

Two centuries after St. Patrick's death, all Ireland was dotted with monasteries, and she was known throughout most of Western Europe as Insula Sanctorum.

With her reverence for God and her love of humanity she kept the light of civilization glowing through the Dark Ages when the barbarians overran Europe.

Perhaps the world is passing through a similar period today, as the tremendous power of science dwarfs the spirit of man.

This is a time for us to follow the example of St. Patrick, as never before.

The Irish may be small in numbers among the more than 2 billion people on this globe. But they are blessed with a faith that is eternal.

On this day that is devoted to the memory of our patron saint, we rejoice in the traditions and customs of the Irish, and honor the country where our ancestors were born.

Confident that the mission of St. Patrick goes on through us to help bring the world to an understanding of peace, with freedom and justice, under God.

DRINKING AND SERVING ALCOHOLIC BEVERAGES ON AIRLINES

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, I insert in the RECORD the following communications on the subject of the drinking and serving of alcoholic beverages aboard air carrier aircraft:

FEDERAL AVIATION AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., March 17, 1960.

Hon. THOMAS J. LANE,
House of Representatives,
Washington, D.C.

DEAR MR. LANE: We regret the delay in replying to your letter of February 4, 1960, concerning the progress that this Agency is making toward carrying out the proposed intent of the amendment to the civil air regulations governing the drinking and serving of alcoholic beverages aboard air carrier aircraft. You specifically request to be advised if all airlines have been informed and whether or not the aircraft industry has been advised as to instructions to pilots and stewardesses, and what standards will be used by these personnel to effectively carry out this amendment.

Our advice to the airlines was dispatched only recently as you will see from the enclosed copy of a letter which has been mailed to the presidents of all the airlines. The letter sets forth the views of this agency as to what is expected of the airlines in connection with the regulation and the manner in which the Agency plans to conduct enforcement action resulting from failure to comply with its requirements. I believe the letter to all airline presidents contains the information you desire.

As the enclosed letter indicates, the airlines must, of course, abide by the requirement not to serve any alcoholic beverage to any person aboard an air carrier aircraft if such person "appears to be intoxicated." In the administration of this standard the cooperation of the airlines is requested in providing their passengers with information, in a readily understandable form, regarding the existence of this rule and its prohibitions. In this connection it is suggested that the airlines provide appropriate instructions to the cabin attendants and other crew members. The airlines are further advised that they should not hesitate to contact us regarding any questions they may have concerning this matter.

Your interest in this matter is appreciated. Do not hesitate to call upon us at any time that you think we may be of service.

Sincerely,

E. R. QUESADA,
Administrator.

FEDERAL AVIATION AGENCY,
Washington, D.C., March 2, 1960.

The Federal Aviation Agency, after due consideration of all factors involved, has adopted a regulation with regard to the drinking and serving of alcoholic beverages aboard air carrier aircraft. This regulation has an effective date of March 10, 1960, and specifies that:

(a) No person shall drink any alcoholic beverage aboard an air carrier unless such beverage has been served to him by the air carrier operating the aircraft.

(b) No air carrier shall serve any alcoholic beverage to any person aboard an air carrier aircraft if such person appears to be intoxicated.

It has recently come to my attention that there is some concern among the airlines as to what is expected of them in connection with this regulation, and how this Agency plans to conduct any enforcement action resulting from failure to comply with its requirements. The purpose of this letter is to give you the views of this Agency concerning these two points.

As to what is expected of the airlines, I believe you must, of course, abide by the requirement not to serve any alcoholic beverage to any person aboard an air carrier aircraft if such person appears to be intoxicated. Going beyond this basic legal requirement, we request your cooperation in providing information to your passengers, in a readily understandable form, regarding the existence of this rule and its prohibitions. One logical means of fulfilling this responsibility would be to include a brief, printed explanation in the public relations folders which are normally provided all passengers and are usually found in the pocket in back of each passenger seat. We further request that you report any violations of this rule, which your personnel observe, by passengers drinking alcoholic beverages from personal sources. These reports should be supported by statements from other passengers, crew members, or any other individual witnessing the violation. In this connection, we suggest that appropriate instructions to your cabin attendants and other crew members be included in the handbooks or manuals provided these personnel.

We would like to encourage another step on the part of the airlines which would materially help to control drinking aloft. We hope you will speedily resolve any differences you may have and unanimously adopt an industry code covering this practice. We are aware of at least one proposed code of this nature in which the airlines

would agree to limit the size and number of drinks which may be served to any individual during a flight. This proposal also contains a stipulation that the availability of alcoholic beverages on certain flights would not be advertised or otherwise promoted or emphasized. This type of cooperation, as a further means of insuring moderation, is heartily endorsed.

With regard to the policies of this Agency from an enforcement standpoint, we expect to pursue vigorously any report of a violation submitted to us by any airline, by any airline passenger or other individual, or by any of our inspectors who, in the course of their normal inspection duties in conjunction with airline operations, observe such violations.

Speedy enforcement action will be initiated in any case where the facts support the charges. It should be emphasized that any airline which serves alcoholic beverages to a passenger who appears to be intoxicated will be subject to enforcement action, as will any individual who consumes an alcoholic beverage not served to him by the air carrier.

I am confident that I can expect the same cooperation from you in this matter that you have shown on many other occasions in the past. Your personal endorsement of this program, and your assistance in seeing to it that it is understood by all personnel within your organization, will do much toward gaining the necessary acceptance and cooperation on the part of the general public.

If you have any questions on this matter, please do not hesitate to ask them. We shall be glad to assist in any way we can.

Sincerely,

E. R. QUESADA,
Administrator.

THE REPUBLICAN-SOUTHERN DEMOCRATIC COALITION, 1937–59

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, a curious article entitled "Good News for Businessmen, Whoever Wins Congress" appears in the March 14, 1960, issue of U.S. News & World Report, pages 64–67.

It purports to be based on a study of the Republican-southern Democratic coalition in the House released February 29 and conducted under my direction. After considerable searching in my files, I have concluded that the U.S. News article must refer to a research paper which I inserted in the CONGRESSIONAL RECORD for January 27, 1960, on page 1441. However, aside from the few direct quotations out of context it bears little resemblance to the original study, which was entitled "The Republican-Southern Democratic Coalition, 1937–59."

Woven among the quotations from this research paper are a hodgepodge of editorial remarks which the casual reader might conclude also came from the coalition study. Most of us have become accustomed to David Lawrence's techniques of editorializing and fact-twisting in so-called news items in his magazine. But in this case I think it is necessary to point out that the distorted statements contained in this article did not, in fact, come from the paper I placed in the RECORD.

For example, in the second column on page 64 and elsewhere in the article references are made to the "liberal outlook" or "the outlook as liberals see it." The conclusions following these references must have been dreamed up by Mr. Lawrence or one of his writers because they do not appear anywhere in the research paper.

The U.S. News article presumes to state these conclusions as part of the "liberal outlook":

> The Thompson study offers a new basis for sizing up the political climate as it will affect business. The outlook, as liberals see it:
>
> A check on the trend toward higher Federal spending.
>
> Resistance to any new "soak the rich" tax proposals, but no sharp cuts in present rates.
>
> Only a moderate increase, if any at all, in the minimum-wage rate, now $1 an hour.
>
> Protection of the labor reform law, passed by Congress last year, against any efforts to repeal or greatly modify it.
>
> No major tightening of the antitrust laws that would put severe new restrictions on business.

Mr. Speaker, these statements are not included in, nor can they be construed by any reasonable man, as having come from any statement or conclusion in the study previously referred to.

The entire tone of the article proclaiming "Good News for Businessmen" raises the interesting question as to what kind of businessmen Mr. Lawrence has in mind.

Is it possible that most businessmen feel that "no major tightening of the antitrust laws" is "good news"? I think not. I have recently introduced a bill, H.R. 9839, to tighten up the antitrust laws by increasing penalties for violations. It has the full support of the National Federation of Independent Business and many other small businessmen who have been squeezed by giant monopolistic corporations.

Is it "good news" to businessmen that tax cuts are unlikely or "good news" that they may be forced to pay even higher interest rates on money they borrow if the bill to eliminate the 4¼-percent ceiling on Government bonds is passed? I think not.

It would appear that "businessmen," as pictured by the U.S. News, means big businessmen, desperately in need of political tranquilizers, not the thousands of small businessmen who have been shut out of lucrative defense contracts; not those who have been the victims of discriminatory pricing practices, nor those small businessmen who have been forced into bankruptcy by the administration's "boom and bust" economic policies.

The U.S. News article, when it departs from its editorial jousts with imaginary statements, does make it clear that the responsibility for any major shortcomings in the performance record of the 86th Congress rests with the Republican-southern Democratic coalition majority, backed by the President's ever-present veto.

Any failure of this Congress to enact a meaningful farm program, an adequate increase in the minimum wage, needed improvements in the Social Security Act, an effective civil rights bill, an adequate education bill, distressed area legislation, or the pending housing measure can and will be attributed to the domination of the House of Representatives by the coalition of Republicans and southern Democrats.

The coalition is also playing an important role in Vice President NIXON's campaign strategy. Knowing their political astuteness, I have been somewhat puzzled as to why our Southern friends in the House permit themselves to be used in this fashion by the Republican presidential candidate.

His strategy was outlined by columnist Doris Fleeson in her January 21, 1960, column in the Washington Evening Star:

> The broad strategic aid of Vice President NIXON's preconvention campaign is now clear. It is to make the House of Representatives the graveyard of Democratic efforts to build a record of real legislative accomplishment this year.
>
> Democrats need that record desperately to support a campaign based on the issues. They will have to wage such a campaign because they lack a star of sufficient political magnitude to meet Mr. NIXON with all his present advantages on anything like equal terms. They probably will not even know who their candidate will be until the convention decides. * * *
>
> His (NIXON) troops are the old conservative coalition of Republicans and southern Democrats which Republican House Leader HALLECK began to put together last year. Mr. NIXON has extended their supply lines into the White House and the Republican National Committee. Held in reserve is the President's veto power.

Mr. Speaker, while I realize that it is asking a great deal, I hope that in the future Mr. Lawrence and his U.S. News writers will be a little more careful in specifying what they are quoting or attributing to a news source and indicate clearly to their readers what portions of news articles are editorial meanderings.

HON. LEO W. O'BRIEN

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, LEO W. O'BRIEN, Democrat, of Albany, N.Y.; born in Buffalo, N.Y., September 21, 1900, graduate of St. Joseph's Collegiate Institute, class of 1918, graduate of Niagara University with a B.A. degree in 1922; newspaperman from 1922 to present; member of Albany Port District Commission, 1935–52; profession: reporter and radio television commentator.

Congressman LEO W. O'BRIEN has had three separate careers, all of them relating to public affairs.

He was a newspaperman for 30 years, entering that field immediately after his graduation from Niagara University in 1922. For many years, he was Albany bureau manager for International News Service, as well as political writer for

the New York Times, the Albany-Times-Union, the Syracuse Herald-Journal, and the New York Sun.

During his years as a legislative correspondent in Albany, he covered the presidential campaigns of Alfred E. Smith, Franklin D. Roosevelt, and Thomas E. Dewey, and attended most of the national conventions of both major parties during the last 24 years. He is a former president of the Albany Legislative Correspondents' Association and winner of the alumni award for best reporting at the State capitol.

Congressman O'BRIEN also has had extensive experience in the fields of radio and television commentary. In 1950 and 1951 he won the Ohio State award for the best commentary—radio—in the Nation, competing against many top network personalities. In 1951 he also won the Sigma Delta Chi—the national professional journalistic society—award for top national commentary in both radio and television.

Early in 1952, Congressman O'BRIEN ran for Congress in a special election to succeed the late Representative William T. Byrne. He was reelected in November 1952, 1954, 1956, and 1958, representing the 30th District in New York State. He is a member of the Interior and Insular Affairs Committee, chairman of the Subcommittee on Territorial and Insular Affairs, which handles such problems as statehood for Alaska and Hawaii, and also a member of the Committee on Interstate and Foreign Commerce. Mr. O'BRIEN is a member of the Alaska International Rail and Highway Commission, having been appointed by the President in 1957. He served as a member of the newly created House Select Committee on Astronautics and Space Exploration.

Mr. O'Brien was married in 1925 to the former Mabel Jean, of Cambridge, Mass. They have one son, Robert Olden O'Brien, who followed in his father's journalistic footsteps, working for 6 years as a writer for the United Press.

Congressman O'BRIEN has been urging in Congress a sweeping overhaul of recruiting methods for the Foreign Service, with emphasis upon "Operation Main Street." Nine other Congressmen have joined him in his bipartisan move.

The newspaper profession of Albany recently selected Mr. O'BRIEN as the recipient of their first Man of the Year Award.

The University of Alaska honored Congressman O'BRIEN by giving him an honorary doctorate of laws.

EXCERPTS FROM SPEECH DELIVERED AT THE FRIENDLY SONS OF ST. PATRICK DINNER, BUFFALO, N.Y., BY REPRESENTATIVE LEO W. O'BRIEN, ON MARCH 17, 1960

I am deeply honored by the opportunity to address this large and distinguished group on a day dear to Irishmen everywhere.

I am grateful, too, because this is the city where I was born and some in the audience tonight were friends of my boyhood. It is nice to come home.

What are we celebrating tonight? We are, of course, honoring a great saint. We are, of course, paying tribute to the people of Irish descent in this great land who have contributed so much to every facet of our national life.

But, above and beyond all these things, we are honoring what might be called the Irish spirit. In this assemblage tonight are many who are not of Irish descent. They are doing more than breaking bread with those of that racial ancestry. They are claiming kinship with traits which the Irish possess in abundance, such as the gift of imagination and poetry, the quickness to both laughter and tears; the softness of heart and the spirit of adventure.

Some of us, whether we have Irish or other blood in our veins, need go back but a single generation to find an ancestor who came to this country seeking a freedom and an opportunity, spiritual and economic, which was lacking in the old country. And we have found that freedom and opportunity in overrunning measure, freedom of religion and speech and opportunity to carve out any career within our respective capacities.

At this head table and everywhere throughout this room are men and women whose very lives and careers demonstrate that this is the place of opportunity, whether the seekers came here on the *Mayflower* or in the steerage of a 19th century sailing ship. I see great judges here and noted clergymen; I see Congressmen and mayors, and businessmen and professional men. Name the occupation and I will name a guest here to fill it.

This, then, you may say is Utopia. This, then, is the land where all men truly are equal in the field of opportunity.

But there are gaps in the ladder of opportunity. Not yet can we say that all fields are open to the competent. We still have a silken curtain in our land. It stands in the way of the enormous talents "Main Street" has poured into our Government, our professions, and our businesses. It lies between most of us and the vital Foreign Service of the United States.

Nearly 3 years ago, I asked a bipartisan group of Congressmen, representing districts from New England to California, to join me in urging that this silken curtain be torn down. We called it "Operation Main Street". This was not an idea conceived during a sleepless night. It began when I was a political writer.

When my son was in college, I discovered that the average young American does not include our vitally important Foreign Service among prospective careers. As I listened to my son and his friends discuss what they planned to do, I learned that their interests strayed through many fields, including law, politics, medicine, science, business, and so forth. It struck me as very significant, in a time when our survival depended upon an adequate Foreign Service, that none of these young people was even toying with the thought of a career therein.

I came to the conclusion that these and other young people of our country subconsciously believe there is a silken curtain between them and the Foreign Service. Rightly or wrongly, they have the vague impression that the Foreign Service is for a special group in our society.

This has done more than divert brilliant talents away from our Foreign Service. It has made it almost as difficult to sell our foreign policy at home as it is abroad.

When we lose a battle in a war, our people, however regretfully, say that "we" lost it, because they know it was fought by their sons or youngsters like them. If we lose a diplomatic battle, most of us say "they" lost it, meaning those who represented us at the conference table or in foreign places. A sizable injection of "Main Street" in our foreign service would eliminate this dangerous "different teams" attitude in our country.

I do not criticize the present or past State Departments, as I think they are trying desperately to remedy a situation which they recognize. I think they know a transfusion is needed to move our diplomatic system from mid-Victorian drawing rooms to the jet age and business suit era. But the tools are lacking, tools which only Congress and the President can supply.

If the commission proposed in our resolution is created, it should consider the idea of a crash program to enlarge our Foreign Service and, at the same time, proclaim to the Nation that the talents of Main Street, of your son and mine, are desired.

Under such a program, which might involve extensive on-the-job training, I think there would be a great rush of applications, in response to which most of our colleges would provide special courses, as they now provide courses leading to other careers.

We appropriate huge sums each year for national defense, including the latest in atomic weapons. Why not consider the enlargement and vitalization of our Foreign Service as a potent weapon in the cold war which, in the final analysis, will be won or lost in that field?

I can assure you, from my own observation, that what I contemplate will be accepted by the American people. During the last 8 years, I have spoken of it before many thousands, at universities and at business gatherings, to experienced Foreign Service people and just plain folks. They want Main Street in our Foreign Service.

You may ask what we would do about the specific training of these young people after they are chosen.

I have one pertinent suggestion. In our newest State—Hawaii—and in our only commonwealth—Puerto Rico—we have large and very wonderful universities. The students at the University of Hawaii are from both East and West. On the campus you will hear the drawl of Indiana and the soft accents of Asia. On the campus of the University of Puerto Rico you will hear voices from Brooklyn and Brazil.

Our young men—some of them—could be sent for special postgraduate training in especially created graduate schools at the Universities of Hawaii and Puerto Rico, soaking up not only the languages but the cultures of the places in Asia or Latin America where they might represent us.

I would also establish similar graduate schools at several mainland colleges. The cost of all this would be but a fraction of the cost of a proposed "West Point for Diplomacy."

Forgive me from straying from the strictly Irish theme tonight, but I chose to outline my ideas—my dream if you will—to a group which knows and cherishes the full meaning of opportunity. And opportunity to win the services of the best in our land is all I seek for the Foreign Service.

GOOD EDUCATION COSTS MONEY

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, since the earliest days on the American frontier education has been dear to the hearts of the American people. Believing that religion and education were the twin foundations of good government, they were willing to make whatever sacrifices were necessary to build good schools and churches.

As early as 1785 the American Government provided for the ceding of the 16th section of every township in the

public domain for educational purposes. Two years later, the Northwest Ordinance stated:

> Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

FOUNDING FATHERS AGREE

The Founding Fathers agreed on the need for national support of the schools. In his first message to Congress, Washington said:

> There is nothing more deserving your patronage than the promotion of science and literature.

Alexander Hamilton, the Secretary of the Treasury, declared that:

> Whatever concerns the general interest of learning * * * are within the sphere of the national councils, so far as regards an application of money.

Said Thomas Jefferson:

> I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people.

Jefferson and his colleagues knew democracy could not succeed unless the people were educated. Today, the complex demands of our globe have placed new responsibilities on the teachers, students, and classrooms of America.

OVERCROWDING AFFECTS EVERY STUDENT

School buildings are not being built at a fast enough rate to keep up with the rising school enrollment, not to mention reducing the backlog or improving school standards. Overcrowded classrooms affect every child involved. Statistics can tend to be misleading by stressing excess pupils. But in a class of 40, while only 10 children are labeled excess, the remaining 30 are equally affected.

The shortage of qualified teachers is as pressing as the shortage of classroom space. The Nation has been reluctant to offer sufficient financial remuneration or status to draw enough qualified persons into the teaching profession. In the fall of 1958 the Office of Education estimated the total teacher shortage to be 132,000, or about 10 percent of the total. There were also 92,000 persons teaching on an emergency basis with substandard certificates. The number of persons preparing each year for a teaching career is insufficient to meet the quantitative need for teachers, let alone to upgrade standards.

A NATIONAL ISSUE

With our school population expanding at an unbelievable rate, at the same time that the cost of operation is mounting steadily, school districts in all parts of the Nation are discovering that the traditional property tax base is simply not adequate to cover the cost of education. Seventy percent—in rounded figures—of Oregon's estimated local and State school revenue was derived from property taxes in 1957–58; the national average was 54 percent.

The quality of education in the United States is a national issue rather than a merely local one. And yet it is the only national problem that we have not attempted to solve on a national basis. Looking at statistics we find that from 1870 to 1955 our population grew from 40 million to 165 million.

During this same period, while our general population increased 4 times, our public school population increased approximately 80 times. Under our present rate of population development, the bulge of the future will press down even more heavily on our already burdened facilities. In my own State of Oregon an increase of 20 percent is the projected percent of change in population 5–17 years of age from 1957 to 1963.

Oregon is proud of the effort her citizens have expended in the field of education. Of their total personal income, 12.3 percent is taxed for State and local general revenue, ranking her seventh among the States of the Union. Oregon derives 67.5 percent of her revenue for public elementary and secondary schools from her local government; 29.3 percent from the State government; and only 3.2 percent from the Federal Government.

School costs in Oregon are going to increase from the present $185 million to at least $370 million in the next 10 years. The important question is whether we can raise through State and local sources alone, another $185 million for education? Can the people of Oregon double their present personal taxes spent on education? I do not think so.

LET US FACE FACTS

Our national debt is large, a matter of concern always, but in relation to national assets or gross national product, the national debt has actually decreased over the last decade. In 1949, the Federal debt was 93 percent of our gross national product, but in 1959, it was only 62 percent. In 1949, the national debt was equal to 115 percent of our national income; in 1959, it was only 71 percent.

We spend more on a soldier's 6 months basic training than the public schools spent on all of his previous training. We are wealthy enough to educate our children. Our only real important resource both from the standpoint of individual and national welfare, and certainly essential to national defense, are our children.

All legislation proposing Federal participation in school financing in recent years has specifically excluded the possibility of controls from the bills. In all cases the money is to be given to the States for distribution on the State formula for the purpose for which the money is allocated. And may I stress that Congress is just as determined to exclude Federal control as is the general public.

The frequently heard argument that the cost of collection and administration of the Federal dollar is too high—"send a buck to Washington and 50 cents stays for cost for administration," and so forth—does not seem to bear much basis in fact. Actually the cost of collecting Federal taxes is approximately 44 cents per $100. The cost of collecting State taxes range from 95 cents to $2.34 per $100 collected. The cost of collecting and administering local revenue has run as high as $5 to $10 per $100. No figures are available on the costs of administration at the State level, but the cost of administering 10 grant programs of the Federal Government averaged 1.2 percent of the amounts distributed. This means the cost of collecting the Federal tax dollar and the administration of Federal grant programs totals about 1.6 percent. That is quite a distance from 50 percent.

A NATION ON THE MOVE

A basic factor to be considered in the financing of public education is the fact that there is little or no relationship between the location of wealth in our country and the location of the children to be educated. We are a people continually on the move; 35 million of us change our addresses every year. There are long-term currents of migration especially to the north and west. Thus, the effects of education offered in a given school may be registered in a State far removed from where the education was acquired.

The 1950 U.S. census figures show that some 57 percent of Oregon's population are not native born, while some 245,000 native-born Oregonians are now living in other States. As a consequence of this interstate movement of population it is only logical that wealth must be taxed where it exists and the revenue applied where the need exists.

Most Americans believe that schools are a good investment. We must frankly recognize that the cost of good schools and good teaching, while expensive, yields substantial dividends. As the Rockefeller reports put it:

> The Nation's need for good education is immediate and good education is expensive. That is the fact which too many Americans have never been quite prepared to face. At stake is our national greatness and our aspirations for the dignity of the individual.

It is well to remind ourselves that no school can be better than its teachers.

As we move into a new decade and face the problems of the space age, we also must face the question raised by the New York Times on November 15, 1959:

> The debate over the national support of education will turn around this central question: Is the job one of emergency troubleshooting or of reshaping the stewardship of American education?

REFEREES VERSUS REGISTRARS

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I was pleased to note in this morning's Washington Post an editorial endorsing the voting referee proposal as part of the civil rights bill currently being debated in the House. It is gratifying to receive this support for a program which many of us have argued is both sensible and workable, and therefore probably the most effective approach that has yet been suggested.

I note the editorial suggests the importance of leaving referees free to enroll applicants without the rigmarole of individual findings when a pattern of dis-

crimination has been found. This suggestion has been met and the bill as it stands avoids the requirement of individual findings except to the extent, of course, that an applicant must meet the requirements of residence, age and any other proper requirement to be qualified for voting under State law.

The text of the editorial follows:

[From the Washington Post, Mar. 18, 1960]

REFEREES VERSUS REGISTRARS

After the near defeat in the House on Tuesday, supporters of civil rights legislation have stuck pretty close to the administration plan for court-appointed referees in voting cases. This is the plan whereby Federal courts could appoint voting referees when a pattern of racial discrimination had been found to exist on the basis of the records. These referees would be empowered to examine qualifications, certify qualified persons for registration in State and National elections and follow through to see to it that each certified applicant actually was given a chance to vote. To this the House has added a clause permitting applicants to vote provisionally before their individual cases are settled.

In our view this approach is preferable to either the registrar plan suggested originally by the Civil Rights Commission or the enrollment plan sponsored by Senator HENNINGS (and by Representative KASTENMEIER in the House). We say this even though we have great respect for the meticulous fairness with which Senator HENNINGS approaches such matters. Undeniably there would be certain benefits, from the standpoint of tidiness, in a one-package procedure whereby Presidentially appointed enrollment officers would actually enroll qualified applicants under State law and assure them the vote.

But the particular advantage to the referee plan, it seems to us, is that it would remove some of the psychological objection in the South to "intervention" from Washington. The referees would be appointed by, and responsible to, Federal judges who command respect as local citizens. Presumably they would be members of the local bar in accordance with a well-established court procedure. There would not be the same ground for complaint, however flimsy, about a new administrative procedure imposed from the outside.

At the same time there is a good deal of point to Senator HENNINGS' criticisms of possible obstacles and complications in the referee plan. For each individual applicant to be required to show that he had been turned down, and then to seek out a referee, would be far from simple. Could not the two proposals be combined so as to continue the referee concept, but to instruct referees to enroll applicants without the rigmarole of individual findings when a pattern of discrimination had been found? Some such procedure would make the plan a lot more palatable to those whose concern is the extension of voting rights to all qualified citizens with the least litigation or delay.

The entire problem is extremely complex, and no believer in full voting rights can afford to be dogmatic about method. The diehard opponents are not going to like any plan. It is noteworthy also that while "patience" has been pleaded on behalf of States where discrimination exists, American Negroes have been as patient as any group in world history—and their patience, judging from the recent sitdown protests, is wearing thin.

The objective still ought to be a bill that will accomplish the purpose in the easiest, most straightforward manner compatible with the Constitution. Nevertheless, it is important to consider also the degree to which the bill comports with established procedures, facilitates withdrawal upon good faith compliance, and seeks to minimize resentments in the area. Inasmuch as there are many economic and other pressures upon potential Negro voters other than outright intimidation, the degree to which resentment is allayed can be a material factor in the success of any voting rights measure.

CONSUMERS' STAKE IN THE AGRICULTURAL PROGRAM

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, any time this country adopts a program of scarcity, you can be certain the consumer will be the loser.

Some Members of Congress have sponsored a group of virtually identical bills called the Family Farm Income Act of 1960. These bills set up an involved program for agriculture that would seek to do away with plenty and replace it with scarcity when it comes to food and fiber products for the market.

The price objective in the bills averages about 30 percent more than prices presently being received by our farmers. However inviting this sounds, the truth is that to obtain such prices, productivity would be sharply cut back.

This would be at the expense of the farmer because it would be like offering an industrial worker a high per hourly rate of pay times no hours of work.

This would also be at the expense of the consumer.

At a time when this country is doing its utmost to whip the problem of inflation, this bill proposes that legislation be enacted which would permit an upsurge in the price of food.

This upsurge would be put into operation by the votes of two-thirds of our farm producers. Since our farm people constitute about 10 percent of the population, this means that a price increase of this magnitude could be voted by 6 or 7 percent of our population, over the protests of 93 or 94 percent.

Furthermore, this act, in effect, denies to the consumers the fruits of our scientific advances in agriculture during the past 50 years. It would reestablish price relationships as they existed before 75 percent of the present population was born. All the money that we have spent on improving the techniques of agricultural production, lowering the cost of producing farm products—the effect of all this effort would be denied.

Most damaging would be the adverse impact this bill would have upon the low-income people of the United States for whom food is often the largest single outlay in the family budget.

PROGRESS WITHOUT FEDERAL MONEY

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I am placing in the RECORD a press release dated March 5, 1960, headlined "Northrop Describes Philadelphia's $100 Million Food Distribution Center at Appraisal Conference."

The significance of this announcement is that private enterprise and local government in Philadelphia have moved ahead to provide adequate healthy marketing facilities for the city of Philadelphia.

As far back as 1949 there were attempts to have the Federal Government move into the area of helping finance marketing facilities because it was alleged they were unhealthy and inadequate. Like clockwork every 2 years or so this bill would reach the floor of the House under the sponsorship of the gentleman from North Carolina [Mr. COOLEY]. Fortunately the arguments of my colleagues and myself that private enterprise and the local communities not only could but should take care of these problems prevailed. This legislation was not enacted.

On March 5, 1953, I had occasion to call to the attention of the House the new commission row in St. Louis, Mo., which was developed with private funds. Throughout the country, private and local funds are meeting this need. Now at long last Philadelphia, which provided the main argument advanced by those who wanted the Federal Government in the field, has met its civic duty. Mr. Speaker, I am convinced that unless we hold the line against the people who would have the Federal Government provide local community facilities for our local communities, instead of insisting that the local communities take care of them themselves, we are going to destroy private and local initiative and in effect destroy the very virtues that have made our country great.

The philosophy of the neo-federalists that we can lift ourselves by our bootstraps and that we can make no progress without Federal funds is as dangerous as it is fallacious. I am inserting some remarks I made on March 5, 1953, acclaiming the citizens of St. Louis for doing their civic duty in this area. The attempt to move the Federal Government into this field did not cease. The debate in 1956 will be found in the CONGRESSIONAL RECORD, volume 102, part 9, pages 12746–12750, on H.R. 4054, "Marketing Facilities for Perishable Agricultural Commodities." On July 24, 1958, the debate will be found in the CONGRESSIONAL RECORD, volume 104, part 11, pages 15003–15012, on H.R. 4504, "Wholesale Terminal Market Facilities." Fortunately, as I have said, the House voted down the proposals. Now, we have Philadelphia announcing with pride its success. I hope this will put an end to the efforts of those who tried to get the Federal Government into this area of endeavor and I also hope that it will serve as an object lesson to those who are

trying to get the Federal Government to move into other areas where private and local initiative can and should do the job.

[From the CONGRESSIONAL RECORD, Mar. 5, 1953]

Mr. CURTIS of Missouri. Mr. Speaker, I believe that all too often debates that have occurred in the past are buried and forgotten, particularly if the debate revolved around a bill which was defeated. Sometimes a review of the past is helpful in guiding our future course.

About a year and a half ago we had before the House H.R. 39, a bill to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities—see CONGRESSIONAL RECORD, volume 97, part 9, pages 12078–12092, 12172–12185. The proponents of the bill urged that it was necessary for the Federal Government to move into this field financially because the marketing facilities in many of our cities were unhealthy and inadequate and that private enterprise presumably could not do the job.

The bill was defeated by those who felt that though marketing facilities might be badly needed, this was not a field for the Federal Government to enter. It was suggested that here specifically was an example of creeping socialism.

I am placing in the RECORD the following statement appearing in the St. Louis Post-Dispatch, Sunday morning, February 22, 1953, hailing the opening of the new $3 million St. Louis produce market:

"PRODUCE MARKETING IN ST. LOUIS

"(By Virgil G. Baker)

"The saga of produce marketing in St. Louis is as colorful as Old Man River.

"The story begins with the pioneering days of the Great Gateway to the West, the rugged era of river shipping, the opening of vast frontiers of new land beyond the Mississippi.

"The frontiers of new land have long since disappeared. It seems at times there are no new frontiers to conquer and that the spirit of the pioneers lives only in history. But perhaps that spirit only sleeps, awaiting the proper hour of resurgence.

"For today, in St. Louis, the spirit of pioneering has arisen again, to write a new chapter in the saga of produce marketing in St. Louis.

"The building of the new commission row, now being formally opened after more than 4 years of struggle and strain, is an exemplification of pioneering in new fields for promotion of the general welfare.

"Here is a story of men—idealistic, courageous, doggedly determined, pioneering in the field of organization, in financial venturing, in construction planning and practices, in wholesale produce-marketing operations; most of all, in striking at basic determinants in the field of public health.

"Except for preliminary surveys of the needs of this area in produce marketing by the U.S. Department of Agriculture, the entire project of the new St. Louis market has been carried out by local men, without subsidy from the Federal Government or any other taxing body. It represents a spirit of cooperative effort probably unparalleled, bringing together many ruggedly individualistic interests for the common good.

"Produce marketing in St. Louis and, indeed, probably all over the Nation has been a lot like Topsy. It 'just growed.' Never before had there been much planning, certainly no concerted, scientific approach to the industry's many problems, no conception of the basic underlying role which the manner of operation so certainly plays in the health of the people of St. Louis and the surrounding trading area which the market serves.

"Where there are no great metropolitan concentrations of population, such terminal facilities as the new St. Louis market still are unnecessary. But in the bigger cities there are few instances in which anything approaching the action that has been taken here has been accomplished.

"St. Louis produce-marketing men have blazed and are following a new trail. It bids fair to lead to new ways of life for the men in the business and, it seems, must go far to make St. Louis and the area the market serves a better place in which to live and to do business."

Now, the point I want to emphasize is this: Suppose H.R. 39 had become law in 1951? How futile would have seemed the efforts of these new pioneers, with men in other areas holding back waiting for Federal funds, getting their lazy wish? How much additional burden would have been placed upon the backs of the Nation's taxpayers to fulfill these lazy men's dreams?

I hope the day of creeping socialism is over. I hope it has been successfully beaten. But let me warn my colleagues, as I did earlier in this session, of the danger of its successor—military socialism. In one sense, it is even more dangerous than its predecessor. It turns over, not to civilian government, vast fields of endeavor, but to military government—government outside the safeguards of the Bill of Rights. Here is real occasion for alarm.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Iowa.

Mr. GROSS. I recall very well the excellent contribution made by the gentleman from Missouri to the defeat of the bill, H.R. 39, which provided $25 million to help build markets in various cities of the country, with the Government putting up, as I recall, 85 percent of the money. I again compliment the gentleman for his excellent assistance in joining with others of us to defeat this bill and I also want to congratulate the city of St. Louis for going ahead with the project on its own in the true spirit of initiative and free enterprise.

Mr. CURTIS of Missouri. I thank the gentleman from Iowa.

Mr. BROWNSON. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Indiana.

Mr. BROWNSON. I think the gentleman from Missouri has done a very wise thing in bringing back to our attention some of these matters which seem dead and buried in the past. The city of St. Louis doing the job is certainly an example of free enterprise. I think the city of St. Louis is to be congratulated, and I think it is interesting to note that this vindicates the judgment of those who believe in free enterprise on the floor of the House and fight against unnecessary burdens on the taxpayers. I hope other cities will follow suit, because marketing facilities do need improving, but the means of improving them lies within the existing framework of our own local government and our own free society.

Mr. CURTIS of Missouri. I thank the gentleman from Indiana. So often we have the oratory down here in the well of the House pointing out the conditions that exist, and they are bad, frequently, like lack of marketing facilities, the fact that they are unhealthy, and so on, but all on the assumption that the only way you can solve the problem is through the Federal Government moving into the picture when, indeed, that is not the function of the Government. The real way to proceed in this country is to do it through private enterprise, and instead of Government competing with them, let Government encourage private enterprise. I think we have have a great future ahead of us following such a program.

The release follows:

[News release, National Association of Real Estate Boards, Washington, D.C., Mar. 5, 1960]

NORTHROP DESCRIBES PHILADELPHIA'S $100 MILLION FOOD DISTRIBUTION CENTER AT APPRAISAL CONFERENCE

PHILADELPHIA.—This city's dramatic, 308-acre, $100 million answer to the problem of deteriorating, outmoded, traffic-choked wholesale food marketing facilities was described here yesterday afternoon by Vernon D. Northrop, president of the Food Distribution Center.

Mr. Northrop addressed the Central Atlantic Regional Conference of the American Institute of Real Estate Appraisers. AIREA is affiliated with the National Association of Real Estate Boards.

The Food Distribution Center is being developed as part of Philadelphia's urban renewal program on land provided by the city's redevelopment authority. The center itself is a nonprofit, public corporation set up to provide modern, central marketing facilities for the food industry.

"Modernization of terminal food marketing facilities in American cities is a major challenge," Mr. Northrop declared. He said Philadelphia met the challenge by planning a food center which would incorporate all the latest developments in design, sanitation, layout, traffic access, and convenience to major forms of transportation.

The food center—which when completed will be valued at $100 million—"will make possible the centralization at a strategic location of much of the processing, storage, and wholesale activities which are basic to the distribution of food," Mr. Northrop explained.

"The concentration will produce a merchandise mart for the food industry. In this new mart companies can build the kind of plants and warehouses at a centralized location which can reduce the cost and improve the quality of foodstuffs," the Food Center president explained. He said the center is at the terminus of major rail, highway, air, and water transportation routes with a regional marketing area of more than 22 million people within a 90-mile radius.

Mr. Northrop said the Food Center tract "provides 308 acres for development purposes, exclusive of the acres devoted to city streets. At least 110 acres of this area will be covered by buildings, almost exclusively of the one-story type of construction. When fully developed, this acreage will provide approximately 6 million square feet of floorspace for food processing, storage, and wholesale operations."

The center's produce and seafood markets opened in June 1959. The markets contain nearly 100 wholesale stores and 30,000 square feet of modern, air-conditioned office space. The markets have been leased to private corporations composed of the merchants who occupy the individual stores. Permanent financing has been pledged by Philadelphia banks and insurance companies, according to Mr. Northrop.

He predicted that Philadelphia's "Food City of Tomorrow" will be fully developed by 1965. "Under this program, Philadelphia should have one of the finest terminal food marketing centers in the world to serve better its urban population with more and better food at more economical costs," Mr. Northrop said. He indicated the center will provide an example for many other cities faced with the problem of replacing inefficient wholesale food terminals.

ONE HUNDREDTH ANNIVERSARY OF THE BIRTH OF WILLIAM JENNINGS BRYAN

Mr. DOWNING. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. McGINLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. McGINLEY. Mr. Speaker, I am sure that each of the Members of the House of Representatives stops from time time to wonder if the spirits of our predecessors take leave from their celestial abodes and return on occasion to this hallowed Chamber.

And if they do, I am sure that today we have with us the spirit of William Jennings Bryan—the silver-tongued orator whose dynamic personality and magnificent voice held spellbound the Members of this body many times during his two terms of office as a Representative from Nebraska.

Why should the spirit of Bryan be with us at this time? Well, tomorrow—Saturday, March 19—marks the 100th anniversary of his birth.

On this observation of the birth of this man, we to whom he is a page in the history of the United States can only turn to others who have studied his unique career to learn what it was about him that held such sway upon the masses.

Few men in the history of this Nation, which has known many great men, had the unquestioned loyalty of so many people—and yet he failed three times in his candidacy for the Presidency. He was accused of base demagoguery by those who claim he pitted the poor against the rich for his own political gain. And yet no one successfully challenged the personal integrity of this deeply religious man.

He was a crusader. And Bryan, probably best described in his famous cross of gold speech the precept that sustained his honesty, militance, and firmness of purpose when he said:

> The humblest citizen in all the land, when clad in the armor of a righteous cause, is stronger than all the hosts of evil.

I have wondered if the speaking abilities of Bryan were as great as the years that have passed might make them seem to be. As I, a freshman Member of this great body, sit and listen to the eloquence of many of my colleagues today I wonder what manner of speaker it would be who could stand out alone above this oratory and could shine above the quality of other obviously great speakers of his day.

The answer came to me as I read the eulogy to Bryan by the Honorable Charles R. Crisp, of Georgia, following the death of Bryan in 1925. Mr. Crisp related an incident that happened when Mr. Crisp's father was Speaker of the House and he was a clerk at the Speaker's table. It was Mr. Bryan's first year as a Member and one day during consideration of a tariff bill Mr. Bryan stood and was recognized.

Mr. Crisp related the incident as follows:

> He [Mr. Bryan] started to address the House on the tariff. At first he was given very little attention, but after a few moments he had won the House and had its undivided attention. When he was called down at the expiration of his 1 hour, dozens of Members on both sides of the House rose and asked unanimous consent that he be given unlimited time, which was done. He continued to enthrall and enlighten the House for 2 hours and 45 minutes, and that was the speech that brought Mr. Bryan first into national prominence.

What greater testimony to a man's oratory could be paid than this?

As I dwelled upon the life of this man Bryan, I wondered just how deep was the devotion of his followers. And again the answer came to me from a eulogy to Bryan at the time of his death by the Honorable Edgar Howard. Mr. Howard was at this time a Member of the House of Representatives from Nebraska and was himself a colorful and independent-minded man of strong convictions.

Mr. Howard said:

> The civilized world was hushed to tears when the news came that the greatest earthly champion of human rights in any age had fallen asleep in Dayton, Tenn.
>
> I knew him as chum knows chum, as lover knows sweetheart, as soldier knows loved captain and commander. He was magnificently human. He was so clean and so pure that the very presence of him lifted men to better thoughts and higher aims. Myriads of men believed in Bryan unfalteringly, and perhaps he had a larger personal following than any other mortal. On many occasions this faithful army of believers witnessed the personal defeat of its loved leader, but as often later witnessed the triumph of his ideals.
>
> If it be true, Mr. Speaker, as the greatest among men are now proclaiming, that the crown of greatness rests upon the head of him who performs the largest service to his fellow men, then have we the sweet assurance that forever upon the brow of the memory statue of our Bryan will rest a tiara in which the most effulgent gem will be the Kohinoor of service.
>
> If it be true, as the priests of God are now proclaiming, that a pure personality, next to the precepts of the gospel of the Christ, is the most potent appeal for the uplift of the human family, then it must be that the example of the pure life of our Bryan will through all the years influence men to greater endeavor in that exalted service.
>
> Feeble and few must be my words of tribute here. So recently upon my cheeks were tears, and I must not invite new flowing of them in the garish light of this public occasion.

Bryan's life was not one of personal triumph. As is the case of many pathfinders, the victory is often realized in later years when the masses finally appreciate the purposes of these men of vision.

It is somewhat ironic that the greatest accomplishment of his life was not directly for a cause he espoused, nor personal achievement, but rather for the benefit of another man.

It was in the Democratic Convention of 1912 in which Woodrow Wilson, with the leadership of Bryan, obtained the nomination on the 46th ballot. In courage and honesty, in the wise mastery of a political convention, Bryan has not been surpassed in our political history.

Reports of that convention show that Bryan fought better when fighting for another than when fighting for himself. During the severest hours of the crisis his friends came to him to urge that he would allow them to put his own name into nomination. It was a time when many a man's judgment was distorted by excitement, but Bryan's judgment remained true, though in the realm of ideas it had so often gone astray. Had he yielded, the glory of his fight would have faded.

His devotion to peace was a personal thing, so much so that it precipitated his leaving the Cabinet of President Wilson where he had served as Secretary of State. His pacifist beliefs would not be heeded by the people excited by the approach of war. The attachment of the pro-Germans to Bryan's utterances only added to his unpopularity.

Bryan was again a loser in the famous Scopes "monkey trial" in which he lost to the brilliant Clarence Darrow. Bryan was equipped only with his traditional religious faith and was no match for the philosophies of biological science.

Five days after this trial he was found dead in his bed, having passed away quietly in his sleep.

Thus ended the career of the Great Commoner—a devoted champion of the oppressed in every land, a prophet of progressive government and an uncompromising humanitarian.

OFFICIALS WHO HAVE RENDERED GREAT SERVICE TO THE PANAMA CANAL

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. THOMPSON] is recognized for 30 minutes.

Mr. THOMPSON of Texas. Mr. Speaker, from time to time over the years, Congress, by suitable memorial in the CONGRESSIONAL RECORD, has recognized most of the officials and leaders who served on the Canal Zone during the construction of the Panama Canal.

During the past 13 years, I have given myself the pleasure of making numerous speeches and of placing documents of general interest in the RECORD.

Mr. W. R. McCann, a consulting engineer of international recognition and well known for his contributions to the Panama Canal, brought to my attention a Panama Canal engineer who passed away last year in my State of Texas at the age of 85. The name of this unique character was Tollef Bache Monniche. In four-score years, he lived two lives—one that of an outstanding engineer, and a second that of a horticulturist of merit—but in both these lives he was always a pioneer. Mr. McCann knew him intimately as an engineer, and was well acquainted with his Panama Canal accomplishments for which he had great admiration.

Mr. McCann prepared a most interesting and informative biography which

certainly has a place in the permanent CONGRESSIONAL RECORD and to which I now invite your attention:

TOLLEF BACHE MONNICHE, 1874–1958: A TALENTED ENGINEER AND A PIONEER IN TROPICAL HORTICULTURE

(By William R. McCann)

Within the year in Austin, Tex., and far from his birthplace in a foreign land, a talented engineer departed this life, a half-century of which was lived in Panama. Many persons have given loyal and devoted service to the Panama Canal. Tollef Bache Monniche, a fascinating and unique Norwegian, ranks high among them. None could have given more in one decade. In the traditions of his bold, hardy, and venturesome Norsemen ancestors, Monniche in his midtwenties regretfully forsook his native soil and emigrated to America, to live and to grow and develop in the machinery age of the present century. And a pioneer he was—a pioneer in the unknown of engineering structures and materials, and a pioneer in horticulture, converting a tropical jungle in the mountains of Panama into a renowned coffee plantation—Finca Lerida.

From letters and writings of those who knew him well for many years, the following abstracts will characterize and portray a beloved and accomplished man:

"Tollef Monniche, Norwegian, is a great inter-American. And that Virginia girl whom he married is the perfect chatelaine, as well as the best cook, best neighbor, and most gracious hostess in the entire Boquete Valley." (Gringa, Panama Star and Herald, 1947.)

"Monniche was in fact a great humanitarian, as well as a great engineer and a great horticulturist." (John A. Claybourne, Ann Arbor, Mich., Mar. 23, 1959.)

"I have never lost my admiration of T. B. Monniche's high character, fine talents, and unique personality." (Maj. Gen. Glen E. Edgerton, U.S. Army, retired, Washington, D.C., Apr. 16, 1959.)

"From a conversation at which I was present between General Goethals and General Hodges, both regarded Mr. Monniche as one of the ablest designing engineers with the canal." (Col. George R. Goethals, U.S. Army, retired, Las Cruces, N. Mex., Mar. 9 (1959).

"He was so loyal to his allegiance as an officer of the Norwegian Army that he failed to take timely advantage of his U.S. residency to qualify for American citizenship." (Frederick G. Swanson, Tyler, Tex., Mar. 15, 1959.)

"About 1912, on one of those crocodile hunts up the Bayano, Tollef brought down a snipe from speedy flight with a single shot from his high-powered rifle—truly a miracle. The bird fell more than 500 feet away on treacherous muddy flats; but Monniche, elated with the successful shot, risked his life to retrieve the bird." (Edward J. Vogel, Chicago, Ill., Apr. 13, 1959.)

"Tollef successfully designed the emergency dams, with no precedent to draw upon. During World War II, Mrs. Monniche served as mother to many of our lonesome soldier boys who were stationed near their home in Boquete, Republic of Panama." (Frank S. Wichman, Highland Park, Ill., Mar. 10, 1959.)

"Monniche had an inquiring mind and the broad interests of a scientist. He showed keen interest in our particular fields of meteorology, seismology, and hydrography." (Homer G. Cornthwaite, Terre Haute, Ind., Mar. 10, 1959.)

"When I was in Panama last fall, I was talking with Mosher, one of the big businessmen of Panama, and he told me that Monniche used great ingenuity in developing his coffee plantation in a way that put Panama in the world coffee market. Coffee from his estate could not be surpassed any place in the world. Also he said that Monniche deserved a lot of credit for helping others to help themselves." (Col. Daniel E. Wright, U.S. Army, retired, Winchester, Va., Mar. 10, 1959.)

"The Monniches were enthusiastic about horseback riding and being out in the jungle. When we opened the bridge across Culebra Cut at Empire, the Schildhauers and Monniche, on beautiful horses, led the procession." (Walter G. Ross, Washington, D.C., Mar. 16, 1959.)

"I have a vivid recollection of the handsome, distinguished-looking and graceful couple that the Monniches were at public and social gatherings. Also I remember how kind they were to us young sprats who were not yet dry behind the ears. Tollef's name as a designing engineer stood out like a bright star for the young engineers to emulate. He personified the best in our profession." (Maj. Gen. Thomas F. Farrell, U.S. Army, retired, Tullahoma, Tenn., Mar. 9, 1959.)

"I recall quite vividly how friendly Mr. Monniche was to us young fellows in minor positions—the finest thing that a man in high position could do." (James A. Sullivan, Seattle, Wash., Mar. 31, 1959.)

"Monniche was very sincere and hard-working, happy only when intensely concentrating on a difficult problem, and never satisfied until his solution was flawless." (Herbert D. Hinman, Hampton, Va., Apr. 2, 1959.)

"I first met Mr. and Mrs. Monniche in 1910 at Taboga Island, off Panama City, when I was recuperating after a bout with malaria fever. I was fascinated by this charming couple," (E. Sydney Randolph, Baton Rouge, La., March 1959.)

"If anyone whose life and activities have been identified with the isthmus deserves to have his achievements chronicled in a book, Monniche does; and in personal characteristics necessary to dress a story, he bristles with them. David Harum himself could not surpass T. B. Monniche in human interest, nor outdo him in emotional demonstration of the unusual in human makeup. And to think that this man, convivial to the last degree, a bundle of tingling nerves, bubbling with spontaneous humor and love of companionship, would select an inaccessible spot in the mountainous jungle to create the most hospitable home and one of the finest industries that I have ever seen. T. B. Monniche is a human dynamo, and Mrs. Monniche is the balance wheel and electric current which has kept that dynamo running so successfully all these years." (Nelson Rounsevell, Panama American, Jan. 30, 1934.)

"After all, engineering and pioneering have much in common. In both, one has first to plan and visualize, and to weigh difficulties with an open mind; and then, with interest in the work and with energy and courage, to tackle and remove all obstacles, to push back the frontiers into the unknown. Yes, engineering is a wonderful profession, and pioneering is a wonderful occupation." (Panama American, Jan. 27, 1941, quoting a speech by T. B. Monniche.)

Monniche was born August 27, 1874, in Surnadalen, Norway (parents Carl Alexander Michael Monniche m. Sophia Gudrun Bache); he died December 14, 1958, in Austin, Tex., and is interred in Oakwood Cemetery there. On August 3, 1909, in Roanoke, Va., he was married to Julia Trible Huger (parents Col. Frank Huger m. Julia Trible); there are no children. Adorable Julia Huger, a gracious daughter of the courtly South and a granddaughter of the esteemed Confederate Gen. Benjamin Huger, was marvelously devoted to her husband whose adventures in engineering and coffee production she shared through thick and thin for 50 years until a death did them part.

At Molde (town of roses) on Romsdalsfjord of Norway's rugged Atlantic coast, latitude 63° north and almost in sight of the Arctic Circle, Monniche spent his early life and attended Molde Latin Skole, 1883–88. When he was 14, the family moved to Christiana (now Oslo), and there he attended Otto Anderson's Real Skole, 1888–93. In 1894, he graduated from the Royal Norwegian School of War at Oslo; and at intervals thereafter he served as lieutenant in the Royal Norwegian Army while studying engineering in Germany, where in 1901 he graduated with honors as civil engineer at the University of Dresden.

Upon graduation, Monniche came to America, and for 7 years he trained and developed in broad phases of engineering and construction, and was first employed as "student on trial" at the Pencoyd Iron Works of the American Bridge Co. in Philadelphia—salary, $12.50 weekly. He progressed rapidly there, and within a year advanced from draftsman to squad boss in the bridge department. Among other assignments, he checked the drawings for the Manhattan Valley viaduct and the New York subway's crossing over Riverside Drive.

From May 1902 to May 1903, the year was a busy one for the young engineer. He was instrument man for the Pennsylvania Railroad at Pittsburgh, engaged in the construction of its stockyards there; and he supervised all fieldwork, which embraced excavation, trestles, fills, bridge foundations, and buildings and structures with their intricate sewerage, water, gas piping, and electrical conduit systems, in all representing an outlay of $3 million.

From May 1903 to September 1904 Monniche executed notable work in Philadelphia for the Rapid Transit Co. in its subway and elevated railway department, engaged in the principal designs of a three-track elevated railway system, and of plain and reinforced concrete for the subway. It was in 1904 that Albert Wells Buel, American, 1862–1959, published the first treatise in English on "Reinforced Concrete," but a year previous Monniche had been called upon by his chief engineer to design reinforced concrete retaining walls for the Philadelphia subway where it emerges from underground to meet the elevated structure. Monniche had told the chief engineer that, while studying at the University of Dresden (then considered a foremost civil engineering college) he had attended just one lecture of 4-hour duration on reinforced concrete. The professor closed the lecture expressing the thought that reinforced concrete construction might have a future. Ignorant of fundamental theory and lacking knowledge of any source of information, Monniche protested the assignment; nevertheless he was told to proceed with a drawing, which he did, and the design subsequently was accepted. Years later, in relating the episode, Monniche said, "Well, I knew that I had to use vertical reinforcing rods bent horizontally at the base to take the tension stress. What worried me was that the steel might cut into the concrete at the bends; therefore I fastened short pieces of pipe at the bends to prevent this. I used heavy reinforcing rods, but I would not like to have that drawing for those walls reviewed now."

From September 1904 to August 1905 Monniche was assistant engineer in the designing department of the American Bridge Co. at its head office in New York City. During this time he was squad boss for portions of the Pennsylvania Railroad's station in Washington and its then new bridge crossing the Susquehanna at Havre de Grace.

In August 1905 Monniche was appointed assistant bridge engineer of Virginian Railway Co., and was stationed at Norfolk, Va., where for 1 year he had immediate charge of the bridge department and produced drawings for 50,000 tons of steel bridges. Upon completion of designs, he was transferred to Glen Lyn in Giles County, Va., near the West Virginia boundary. As resident engineer, he had charge of construction of

the two largest bridges on the line—the New River Bridge, 2,200 feet long and 100 feet high, and the East River Bridge, 1,000 feet long and 140 feet high. The concrete piers, at that time, were the highest in the world.

The stirring days of the Panama revolution of 1903, the acquisition of the Canal Zone in 1904, the "Battle of the Levels" in 1905–06, and the starting of large-scale construction of a lock-type Panama Canal were all contemporaneous with Monniche's development period. He was approaching his prime when in October 1907 he hearkened to a call from Washington that connected him with a great undertaking for the ensuing 10 years. His first assignment was that of assistant engineer in the Division of Locks and Dams, Isthmian Canal Commission's Washington office, where he worked a year on the design of miter gates for lock chambers of 100-foot width. Upon abolishment in October 1908 of the Washington office of the Division of Locks and Dams, Monniche was transferred to the isthmus, stationed at Culebra Administration Headquarters, and was appointed designing engineer in charge of six emergency dams for the three twin-locks. He served in that capacity until 1914, his duties including the preparation of specifications, letting of contracts, inspection of materials in the States and of fabrication and erection on the isthmus, and supervision over final testing and acceptance of the structures and operating machinery. The emergency dams were a unique feature of the Panama Canal for which Monniche's unusual characteristics, his powers of concentration, and his broad engineering training were admirably suitable to solving the innumerable challenging problems that were to be encountered in the next 6 years of dedicated service.

Why were the emergency dams such an important feature of the Panama Canal? They never have been used for the intended purpose, and it is to be hoped that such occasion may never arise. The water supply for a navigable channel at the upper levels and for lockage operations of the canal is Gatun Lake, an artificial reservoir 175 square miles in area with its surface 85 feet above sea level, fed by the Chagres River which is a flooding torrent in the rainy season, but of inconsequential runoff during a 4-month dry season. Should an extensive break occur in the perimeter of Gatun Lake, which initially required 4 years to fill, there would develop a catastrophic loss of water for channel and lock operations. Most vulnerable to a breakthrough are the locks. Were the upper gates rammed by a ship in transit, either accidentally or maliciously by saboteurs, a Niagara-like torrent would roar unrestrained through a lock chamber.

In building the locks of the Panama Canal, extraordinary precautions were taken to minimize possible accidents while a ship was within lock limits. First, no ship is permitted to transit the locks under its own power; a canal pilot is in complete charge of the ship. Towing locomotives (electric "mules") fore and aft, hold the ship rigidly in position (or in motion), from berthing to departure. Second, the upper-level miter-gates are in duplicate; a ship, headed either downstream or upstream, could ram one of the gates without impairment of the water levels. Third, ahead of the duplicated gates, a strong guard chain, operated by retarding hydraulic cylinders in the lock walls, is hung across the lock entrance to bar every ship until it berths in the forebay and is in tow of the mules, whereupon the chain is lowered to pass the ship. With all these safeguards, plus many supplemental operating precautions, it is almost inconceivable that the levels of Gatun and Miraflores Lakes are ever endangered. Utmost laxity or deliberate sabotage perhaps could open a mill race through the locks. Then, and then only, would an emergency dam be called upon to function. Such a situation has never developed; it might in another war.

Briefly, the Monniche emergency dam was a huge structural-steel device to place and to support a barrier of wickets (steel gates) across the raging millrace which, upon destruction of the upper lock gate, would quickly be established in the chamber, 110 feet wide by 75 deep. Essentially the device is a 3,400-ton nonsymmetrical cantilever swing bridge, rotating through a guadrant from rest on the outside walls to operating position spanning the entrances to the lock chambers. In operation, power machinery housed on the bridge would lower into position six sets of near-vertical girders which were hinged to the bridge at the top; and at the bottom the girders would slip into slots in the lock floor. Then the wicket gates, which were about 9 feet by 18 feet in area, would be dropped one by one on the upstream side of the inclined girders, to harness in half an hour the torrent once the flow be established.

For no feature of the unique structure was there a precedent. At that time there were neither practice nor standard for such an intricate design. The heaviest drawbridges then weighed 1,100 tons for the center-pin type and 2,800 tons for the rim-bearing type, both symmetrical about the vertical axis. The estimated weight of the Monniche design was 3,400 tons; and other conditions made the center-pin type mandatory. "Fortunately for me," said Mr. Monniche in 1941, "Mr. C. C. Schneider published in the 1908 'Proceedings of the American Society of Civil Engineers,' a paper 'Movable Bridges,' for which he was later awarded the Norman Medal." Mr. Schneider subsequently was elected president of the ASCE in which Monniche was associate member in 1906, member in 1912, and life member in 1941.

With the emergency dams completed, tested, and in service in 1914, when the SS *Ancon* in September made the first ocean-to-ocean transit, Monniche continued to serve the Panama Canal until 1917 as engineer of docks in charge of the design and construction of the Panama Railroad's Atlantic Terminal Piers at Cristobal. He resigned from isthmian service, and, with his devoted wife, spent a year vacationing, and recuperating in mountainous Boquete land, near the Costa Rica boundary. Here they were destined to pioneer at Finca Lerida and to develop a wondrous plantation that sparked the growth of Panama as a producer and exporter of unexcelled coffee beans. As a horticulturist in this strange land, his accomplishments were many; they surpassed his achievements in engineering. We now turn to Mrs. Monniche who charmingly describes life at Finca Lerida:

"The word 'finca' means 'plantation.' A man who owned squatter's rights to a part of our land had given it this name, which we liked and retained. Lerida is a city and province founded by the Moors in easternmost Spain, 75 miles west of Barcelona.

"Seeking rest and climatic change in 1911, we had vacationed for 2 months in Boquete land whose mountainous terrain we happily, yet zealously, explored, and hunted. Tollef bought a parcel of land there, a mile above sea level, on the slope of El Volcan, Chiriqui's extinct, ancient volcano. Our idea then was to use the place for hunting on future vacations; and Tollef, with aid of a mandador (overseer) and a few mozos (laborers), built a hunting lodge there, and also planted some coffee because he wanted to drink his own brand. The trip then took 5 days by boat from Panama City to David, and 2 days more on horseback to Boquete from where a mere trail led to Lerida; and this trail through virgin forest was often blocked by fallen trees. Now one can leave the plantation after a leisurely breakfast, motor to David, 30 miles away, and then fly from there to Panama City in ample time for lunch at the Tivoli. In 1917 Tollef was so run down after 10 years of hard work on the canal that he resigned, and we went to Lerida for a year to get in good shape. At that time he built a house of lumber sawed on the place, and we began to consider starting a coffee plantation. In 1918 we went to the States; and as soon as it was possible to travel abroad after the war, he went in 1919 to Norway where he was called by the last illness of his mother, who had survived his father after giving birth to 12 children, 9 being daughters.

"After 3 years abroad we returned to Finca Lerida in 1922, and settled down to the business of raising high-quality coffee. We have lived there ever since (1956), nigh 40 years. When we first went to live on the finca we used kerosene lamps and toted our water from a spring; and I cooked on a small wood-burning stove. Now the lights of the house and plantation buildings are electric, and the utilities include a 12-cubic-foot General Electric refrigerator with freezer compartment, a 40-gallon hot-water heater, and a Norge electric range. How simple modern living can become, even in jungle land. In spite of the handicap of no roads and little water, Tollef has developed a flourishing and beautiful coffee plantation which has done much to put Boquete on the map. In 1929 he had a phenominal crop of 930 quintals (204,600 pounds) on 12,000 coffee trees. Most of this crop was exported to Germany where this first export of Panama coffee was well received, selling for 3 times the then-current price of Boquete coffee.

"Finca Lerida has grown to 365 hectares (about 912 acres) of which 40 hectares are planted with 40,000 coffee trees producing in a normal year a half a million pounds of coffee, the excellence of which is recognized in the States and Germany, as well as in Panama. Tollef never developed more coffee than he could handle efficiently with his available plant and equipment. In the Boquete mountains there is little surface water during the dry season, toward the end of which the coffee must be processed. On the rugged slope of El Volcan, a deep covering of humus overlays volcanic ash and pumice. Tollef has preserved 100 hectares of virgin forest as his primary reservoir. To obtain enough water for processing the coffee, he built a 40-foot-square concrete reservoir, 7 feet deep. He had to carry 2-inch pipes by horseback and man, over the mountain trail to Lerida and 2 miles further up the mountain and into virgin forest to tap the water supply. Tollef himself made a great portion of his coffee machinery. Several of his inventions are now in general use in Boquete.

"Trying out what fruits could best be grown here has been one of Tollef's hobbies. He has raised strawberries, boysenberries, peaches, pears, plums, grapes, Japanese persimmons, and tomatoes, thus showing what can be done in this country. From Guatemala he introduced several varieties of avocados which are now being grown throughout Boquete.

"Preserving the natural beauties of the land has been more than a hobby. A hundred hectares (250 acres) is still virgin forest, through which over 17 miles of trail wind around and up to an elevation of 9,000 feet. All this has made the place very interesting to scientists desirous of studying the flora and fauna of the region. Some naturalists have returned several times to pursue their studies. Tollef has always given them a camping site, horses, and mozos (laborers) to pack their gear and to help their explorations. Through contact with them he became interested in ornithology, and he shot and preserved a large collection of birds, whose habitat is above 5,000 feet. He sold the collection to the Chicago Museum of Natural History. It is reputed to be one of the finest collections of Chiriqui

birds in the world. A duplicate collection was presented to the Republic of Panama. From many lands numerous people, attracted by the finca's reputation, visited us and added to the enjoyment of plantation life."

In 1955, age and its infirmities were enfeebling Monniche, and Finca Lerida became a worrisome burden too great to overcome in failing health. The long-cherished plantation was sold, and the Monniches returned to the States. After a few months at Roanoke, Va., where they had married, they settled in Austin, Tex. He died in December 1958 in the 85th year of his life. May his memory be blessed and honored.

AMERICA'S RELIABLE FRIEND

The SPEAKER. Under previous order of the House, the gentleman from Alabama [Mr. ANDREWS] is recognized for 15 minutes.

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ANDREWS. Mr. Speaker, because of the close ties of friendship and the many years of political and economic relationship that have linked us with the people of the Philippines, it is important that the Congress of the United States should be kept constantly informed of current developments in that island Republic. We do not always get the correct information and it is essential for the maintenance of the friendly relations between our two countries that we do.

The New York Times of yesterday, March 17, published an interview with President Carlos P. Garcia that deserves our careful attention. It gives us the views of the head of state of that nation in a manner that cannot but command our respect and admiration. It is a refutation of biased reports that we have read from time to time in a sector of the American press.

President Garcia is a steady and reliable friend of the United States. He has shown it during the Second World War when he refused to collaborate with the Japanese army of occupation and preferred to be with the guerrillas in the hills to continue fighting for the ideals of democracy and freedom. He showed it again in Geneva, Switzerland, when, as Vice President and Secretary of Foreign Affairs, he represented the Philippines in the conference on Indochina. His forthright reply to the Communist representatives in which he defended the United States against charges of imperialism was praised by Assistant Secretary of State Walter S. Robertson who heard him as "the best speech made during the entire conference."

We can still remember his speech here on this floor when he was the official guest of our Government and he spoke of his stand against neutralism and placed his country foursquare on the side of the United States. I do not recall a speech by a head of state who appeared before us, except Winston Churchill, applauded as many times as his was that day.

The New York Times interview I refer to underscores his friendship for the United States, and it also reveals him as a patriot and a nationalist. To be patriotic and to be nationalistic certainly does not mean that he is anti-American. In fact, as Gen. Carlos P. Romulo, Philippine Ambassador to the United States, very well said in two recent speeches delivered in Washington and New York, and which under unanimous consent I am also making as part of my remarks, we should not allow ourselves to be taken in by Communist propaganda which advisedly brands as anti-American anything that smacks of nationalism to distort America's image and present us as an imperialist nation.

The New York Times interview follows:

GARCIA ASSURES ALIEN INVESTORS—DENIES FILIPINO FIRST POLICY WILL RESULT IN SEIZURE OF FOREIGN PROPERTY

(By Jacques Nevard)

MANILA, March 16.—President Carlos P. Garcia of the Philippines gave assurances today that the controversial Filipino First policy of his administration would not lead to the expropriation of foreign investments.

The President denied that the policy was antialien and that it threatened foreigners' property rights.

In an interview at his residence in suburban Quezon City, President Garcia took issue with reports that United States-Philippines relations were deteriorating as a result of anti-Americanism inherent in the Filipino First policy.

He said he felt that relations were better now than they were a year ago during a dispute over U.S. bases.

CULTURAL TIES CITED

"Our close political ideologies and the affinity of our cultures," the President declared, "are quite big barriers to anti-Americanism in trade or in any other area."

President Garcia said that by Filipino First he meant "the effort of the Filipino people to acquire major participation in their own economy."

Explaining the origin of the policy, he said:

"We have a background of centuries of foreign domination, during which period all policies favored the interests of the rulers. Since 1946, when we became independent and started charting our own policies, we discovered that the major part of our economy belonged to aliens."

The Filipino First policy calls for citizens of the Philippines to control at least 60 percent of all new capital investments in the Philippines.

"I want to make it clear that Filipino First is not anti-American and could not be anti-American even if I, as President, so decided," he continued. "Under the so-called parity amendment of our Constitution, Americans have exactly the same rights as Filipinos in developing natural resources and establishing public utilities."

He said that he favored a relaxation of the Central Bank regulations that make it difficult for foreign investors to send profits abroad.

President Garcia also denied that his administration was harassing the Chinese minority here on national or racial grounds.

"The Chinese have been here since before Magellan discovered these islands," he said. Many Filipinos have Chinese blood and Chinese names, and it is no detriment politically, socially or in business.

He said, however, that the conflict between the 24 million Filipinos and the 300,000 Chinese who live in the Philippines stemmed from the refusal of many Chinese who arrived in the last 25 years to give up their ties with their homeland. Many have refused to become citizens, he said, and many who assumed citizenship "did not shift their loyalties."

Asked about the possibility that these Chinese, if pushed too hard, might turn to Communist China for succor, President Garcia said that while such a possibility could not be ignored, it was not likely. The Chinese aliens in the Philippines, he said, look to the Republic of China, on Taiwan, as their support.

The President spoke also of his campaign against the graft and corruption that has plagued his administration. He contended that it had been fairly successful thus far.

Since January 1, he said, "I have dismissed the collector of customs at Manila, which handles 80 percent of the nation's dutiable imports, the entire board of the Agricultural Credit Cooperative and Financing Administration and the whole board of the National Marketing Corporation."

President Garcia said he was not grooming any young member of his Nationalist Party to run as vice presidential candidate on the Garcia ticket in the November elections of 1961.

In the Philippines, the President and Vice President are voted upon separately. The present Vice President, Diosdado Macapagal, a member of the Liberal Party, defeated José Laurel, Jr., President Garcia's running mate, in 1957.

General Romulo delivered the following speech before the Military Order of the Carabao at a banquet at the Willard Hotel on February 6, 1960, at which among those present were Speaker RAYBURN, members of the Cabinet, and Members of Congress:

I have just returned from the Philippines and passed through some Asian countries. I would like to say that in that section of the world we are beginning to learn, as a result of recent events, that communism is not the wave of the future that it has been presented to be, that it is now well known there that communism has been stopped in Europe, that in Asia my fellow Asians are now seeing its naked face unmasked in Tibet and the borders of India. The neutral nations have remained neutral, they have not fallen for the wiles and blandishments of communism, and I wish to underscore that there was something more than mere Asian hospitality in the outburst of good will shown by the Asian masses when President Eisenhower was received by them not as a traveling salesman but a traveling symbol of family, friendship, freedom and the dignities inherent in the democratic way of life.

You created NATO and SEATO and thus checked communism's advance. You led the way to a steady improvement of standards of living within a context of economic and social stability. You maintained your freedoms and helped others maintain theirs, thus showing that democracy is the progressive way of life. As an American historian recently said, in all these things you led, inspired and assisted, and because other nations, Britain, France, West Germany, Japan, Italy, Greece, the Philippines learned these lessons well, you are now destined to be only a peer among peers.

This is important for the Ameriacns to remember because it is not anti-Americanism for your friends to insist that they be treated as your peers. You have helped to raise them to a new level, the level of free partners and sovereign equals. Do not fall into the trap being laid by communism everywhere to whisper and insinuate that it is anti-American whenever other nations friendly to you insist that they be treated as your peers. That is not anti-Americanism but, in fact, the essence of Americanism at its best.

You have created a great force for peace in helping build other nations to be your sovereign equals. You have assisted them to share responsibility with you and therefore you will no longer be alone, aloof, isolated, looked upon with envy, jealousy, and suspicion. I was in the Philippines only a week ago and I saw developing among my people a growing sense of national responsibility, a maturing consciousness of national sovereignty, a deepening realization of their role as your free and equal partner in a democratic world. Communism in its insidious and subtle way would want to present that as anti-Americanism and I warn you to beware that you do not unwarily fall into the Communist trap.

The following address was delivered in New York by General Romulo on February 27, 1960, when he received the annual brotherhood award of the Sutton Place Jewish Center, an award that was given to Ambassador Henry Cabot Lodge the year before:

The peace that we have, uncertain though it be, has made possible in the 20th century a political revolution of the greatest magnitude. The cold war has served to freeze colonial aspirations and has at the same time fostered nationalism. If America is to play its role at this juncture of world history, it must not only recognize the revolutionary forces in ferment in Asia and Africa but accept them as such, because only by their acceptance can they be directed and guided in the democratic pattern. America must not be an alien in a world of revolutionary change.

A few weeks ago I was in the Philippines. The fact that according to the provisions of the Philippine Trade Act full duties will be imposed on all Philippine products entering the United States in 1974 is accepted by my people as inevitable, and in preparation for such economic independence from the United States, our leaders are now formulating our economic program to cushion the effects of this impending new development in our national life. Some of these policies naturally depart from old accepted formulas and because they are designed to protect the Filipinos, some vested interests are sometimes adversely affected. Communist propoganda, always on the alert to undermine American prestige, brands these policies as anti-American, aimed only to hurt America. The idea, of course, is to present an image of America that is hated even by its best friends.

The American people should be aware of the changes that are taking place in newly emergent nations, changes that are part and parcel of the revolution that is influencing their policies. They are fundamentally nationalistic and it is the tactic of communism to make them appear as anti-American to plant the seed in the Asian mind that everything that fosters nationalism is opposed by the United States. This, as we know, is false but it serves the purpose of the Kremlin to distort it and the people of the United States should think twice before believing charges of anti-Americanism made every now and then in your papers against a people as is unfortunately made sometimes against the Philippines.

As I have said I have just visited the Philippines and I can assure my American friends that the harmony, the friendship, the blood brotherhood of Bataan between the Philippines and the United States continues to be the rock on which the relations between our two countries are founded. This friendship, and the common cause from which it stems, are more important than any difference of opinion which can ever arise between us: the differences are temporary because the friendship is lasting. But it is not enough to recognize that problems do arise between friends. We must go forward to a solution of the problems, precisely because that is what friendship means.

LIBERALS SUPPORT MODERN COMMUNITY DEVELOPERS, INC., WHICH SEEKS TO VIOLATE THE 5TH AND 14TH AMENDMENTS TO THE CONSTITUTION

The SPEAKER. Under previous order of the House, the gentleman from Mississippi [Mr. WILLLIAMS] is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, on March 4, 1960, a Federal judge in Chicago wrote an opinion which should be of interest to the advocates of the present civil rights bill.

The court opinion dealt with the controversy recently engendered by Modern Community Developers, Inc., in Deerfield, Ill. It is rather significant that on the advisory committee are such well-known persons as Mrs. Eleanor Roosevelt, Jacob K. Javits, and Joseph S. Clark. The board of directors include W. William Wirtz, Adlai Stevenson's law partner, and Jackie Robinson.

The Federal district court charged that MCD had filed false and misleading information with the Securities and Exchange Commission.

It further found that MCD's "controlled occupancy" plan constituted racial discrimination and violates the 5th and 14th amendments to the Constitution.

The subsidiary of MCD in the Deerfield case is Progress Development Corp. MCD owns 100 percent of the stock of Progress. A vice president of Progress is John W. Hunt, member of Adlai Stevenson's law firm.

Apparently this law firm is more interested in agitation and forced mixing of the races than in law; otherwise, it would have known of the application of the rule of Shelley against Kraemer.

The court's opinion listed 48 conclusions of law in dismissing the complaint of plaintiffs Progress Development Corp. and Modern Community Developers, Inc.

I wish to emphasize five of these conclusions. They are:

21. Modern Community Developers, Inc., is an unregistered investment company within the meaning of the Investment Company Act of 1940; as such, it cannot engage in interstate commerce; and its contracts are void and unenforceable.

22. Modern Community Developers, Inc., had made as of the date of commencement of this action several false and misleading statements and had failed to disclose material facts in registration statements and prospectuses filed with the Securities and Exchange Commission and under which it seeks to sell shares of stock in interstate commerce. It cannot find a cause of action upon any believed right to sell stock under an illegal prospectus.

26. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and in violation of the 5th and 14th amendments to the Constitution of the United States and is unenforceable in any court of law or equity in the United States.

27. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and is in violation of sections 1981, 1982, and 1985, title 42, United States Code, and is unenforceable in any court in the United States.

28. The "controlled occupancy pattern" which the plaintiffs propose is illegal and the plaintiffs do not come into a court of equity with clean hands.

Mr. Speaker, this case points up what those of us opposing civil rights legislation have said all along: "It is thought by many people that this legislation will affect only the South; but, if enacted, it will come back to haunt the other side, in other ways, in later days."

Mr. Speaker, the entire opinion in this case follows:

U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION—PROGRESS DEVELOPMENT CORP., A CORPORATION, AND MODERN COMMUNITY DEVELOPERS, INC., A CORPORATION, PLAINTIFFS *v.* JAMES C. MITCHELL ET AL., DEFENDANTS—NO. 59 C 2050

MEMORANDUM

In this proceeding, plaintiffs complain that the defendant officials of the village of Deerfield and of the Deerfield Park District, acting under color of law and using their offices as a cloak, have conspired with the other named defendants and have violated the civil rights of the plaintiffs contrary to the provisions of the 14th amendment to the Constitution of the United States and contrary to the provisions of title 42, sections 1981, 1982, 1983, 1985, and 1988 of the United States Code. They bring their action pursuant to title 28, United State Code, section 1331.

The section of the 14th amendment relied upon provides as follows:

"Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without the due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The statutes relied upon provide as follows:

"§ 1981. Equal rights under the law

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (R.S., sec. 1977.)

"§ 1982. Property rights of citizens

"All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (R.S., sec. 1978.)

"§1983. Civil action for deprivation of rights

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R.S., sec. 1979.)

* * * * *

"§ 1985. Conspiracy to interfere with civil rights—Preventing officer from performing duties

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"(3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators (R.S., sec. 1980).

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"§ 1988. Proceedings in vindication of civil rights

"The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the Constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty."

The verified complaint, as amended, is divided into three counts. Count I names as defendants the Deerfield Park District and the individuals constituting the board of the Deerfield Park District, namely, James C. Mitchell, president, and Dudley L. Dewey, Edward J. Walchli, Donald W. Keller, and Aksel Petersen, members thereof, and seeks a temporary injunction pendente lite with the prayer that such injunction be made permanent upon final hearing. (See par. 39 of summarization of allegations of complaint, post.)

Count II names as defendants the village of Deerfield and the individuals constituting the board of trustees of said village, namely, Joseph Koss, president, and Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch, and Arno Wehle, members thereof, and seeks a temporary injunction pendente lite with the prayer that such injunction be made permanent upon final hearing. (See par. 40 of summarization of allegations of complaint, post.)

Count III, a conspiracy count, names all of the foregoing as defendants (except the Deerfield Park District and the village of Deerfield) and, in addition thereto, 10 other individual defendants, namely, Joseph G. Powell, Andrew G. Bradt, Harold C. Lewis, Herbert H. Garbrecht, Hal A. Petit, Robert D. Rierson, Robert G. Mullen, Leonard Bronstein, David J. Maundrell, and Frank M. Blake. Plaintiffs seek damages in the sum of $750,000.

The plaintiffs having served notice upon counsel for the individual defendants named in counts I and II, moved the court for a restraining order against the defendants named in each of those counts and for a hearing date upon a motion for a preliminary injunction in each instance. Deerfield Park District and the village of Deerfield were not then parties defendant and so were not served. Counsel for the individual defendants appeared but no testimony was heard. The court heard oral argument, considered the verified complaint and thereupon denied the motion for a restraining order against the individual defendants, who are described as president and members of the Deerfield Park District, upon the allegations of count I.

The court, however, granted plaintiffs' motion for a restraining order against the president and members of the board of trustees of the village, in their individual capacities, upon the allegations of count II. The court fixed bond for $1,000 which the plaintiffs made and which was approved. Thereupon the court entered a restraining order upon the allegations of count II, enjoining said individual defendants from enforcing the building code of the village of Deerfield in any discriminatory, arbitrary, or capricious manner against plaintiffs until further order of court, specifically providing, however, that the defendants were in no way restrained from lawfully enforcing said building code, all of which is more fully set forth in the order of this court entered on December 22, 1959.

The court fixed December 29, 1959, as the date for hearings. They were not completed on that date and the restraining order was continued in force until January 6, 1960, on which date said order expired by its own limitation. The court was without jurisdiction to extend such order again. Without further order of court, the parties proceeded to present evidence until hearings were completed on January 28, 1960, although final arguments were not completed until February 4, 1960.

On January 28, 1960, the court orally announced that no motion for a preliminary injunction would be granted upon the allegations set forth in count II and the proof that had been adduced before the court at that time. The cause was taken and has been retained under advisement.

Immediately thereafter, the court began taking evidence upon the allegations of count I, and on January 28, 1960, concluded evidence thereon although final argument was not concluded until February 4, 1960, upon which date the court took its decision thereon under advisement and has so retained it until this time.

The defendants named in count II filed a motion to dissolve the restraining order originally entered. The court heard argument thereon and orally announced an intention to deny the motion but retained it under advisement. Since that time, the court, still retaining the matter under advisement, has heard evidence thereon which has caused it to reconsider its orally announced intention to deny the motion. Among other things, it was brought out that plaintiff was in volation of the Deerfield building code when this suit was filed and therefore did not come into court with clean hands.

The defendants named in count II also filed a motion for a summary judgment and that motion was taken with the case.

All defendants joined in various motions to dismiss the whole complaint, including count III. The motions were supported by affidavits under oath. Plaintiffs' counsel stated in open court that one of the motions and affidavits did not completely speak the truth. The court thereupon gave leave to plaintiffs to answer the motions and to file counteraffidavits but the plaintiffs failed to file any answer to said motions or any counteraffidavits or response thereto whatsoever.

At the conclusion of evidence upon counts I and II, the court heard testimony from plaintiffs and defendants upon the said motions to dismiss count III and the complaint as a whole. Those motions were taken under advisement.

It became apparent to the court at the outset of these proceedings that while the three counts of the complaint, in effect, set forth three suits, much time and effort would be saved if all the parties named in each of the counts were present at all hearings—with full right of cross-examination of all the parties—and if the evidence taken on the hearing of each motion was included in the consideration of every other motion.

It was so ordered and accordingly the hearings proceeded without objections from any of the parties at any time during or since the hearings were concluded.

For purposes of brevity, plaintiff Progress Development Corp. will hereinafter be referred to as "Progress"; plaintiff Modern Community Developers, Inc., as "Modern"; defendant Deerfield Park District as "Park District"; defendant Village of Deerfield as "Village"; Board of Deerfield Park District as "Park Board"; Board of Trustees of the Village of Deerfield as "Village Board."

Inasmuch as it was solely on the verified complaint herein, and without the taking of evidence, that the court granted plaintiffs' motion for a restraining order (on the allegations of count II) and denied plaintiffs' similar motion (on the allegations of count I), a summarization of the allegations of that complaint appears appropriate at this point:

1. Progress is an Illinois corporation duly organized to purchase and subdivide land, construct residences thereon and to sell the same in the ordinary course of business.

2. In April 1959, and at subsequent dates, Progress entered into purchase agreements for two tracts of vacant land, suitable for subdivision and located in Deerfield, Lake County, Ill.

3. Thereafter it surveyed, platted, and subdivided said vacant tracts of land into two subdivisions—one known as Floral Park subdivision (containing about 15 acres) and the other known as Weinrib's Pear Tree subdivision (containing about 7 acres).

4. On July 8, 1959, the plat of the Floral Park subdivision was approved by the village board, which is the governing authority of Deerfield, and on July 31, 1959, it was recorded with the recorder of deeds for Lake County, Ill. The plat provides for 39 lots for residences.

5. On September 16, 1959, the plat for Weinrib's Pear Tree subdivision was approved by the village board and on September 18, 1959, it was recorded with the recorder of deeds for Lake County, Ill. That plat provides for 12 lots for residences.

6. Progress, relying upon the village board's approval of the plat for the Floral Park subdivision, employed a licensed engineer to prepare plans and specifications for underground water and sewer improvements and street improvements in that subdivision. These plans having been presented to and approved by the village board, Progress spent $30,000 in making the improvements and further obligated itself on an $80,000 surety improvement bond, likewise approved by the village board.

7. Progress has likewise obligated itself upon a $26,000 surety improvement bond for improvements in Weinrib's Pear Tree subdivision, which bond was also approved by the village board.

8. On September 21 and 22, 1959, Progress presented to Deerfield's building commissioner plans and specifications for the construction of two model homes to be constructed and located at 911 and 921 Wilmot Road in Deerfield. Both sets of plans were approved by Deerfield officials, building permits were issued and Progress had the foundations laid, outside framework and roofs constructed, and other work in progress prior to November 11, 1959. The value of the two houses will be $30,000 for each one when completed.

9. Progress has contractually obligated itself for additional large sums of money for engineers, architects, contractors, material men, legal and other expenses.

10. The present fair market value of the Floral Park and Pear Tree land is in excess of $250,000.

11. Modern is a corporation organized and doing business in the State of New Jersey and its principal purpose is investments by purchase of shares of stock in such corporations as Progress which are engaged in the acquisition and development of residential subdivisions and in the construction and sale of residential housing therein. Modern owns shares in such corporations in the States of Connecticut, Delaware, Illinois, New Jersey, New York, and Pennsylvania.

12. Modern owns 100 percent of the stock of Progress.

13. Both Modern and Progress have adopted and are following a policy of building homes that are available for purchase by Negroes and members of other minority groups as well as by persons who are members of the Caucasian race. Until November 11, 1959, this policy was not known to anyone in Deerfield.

14. There are no Negroes residing in Deerfield.

15. At all times prior to November 11, 1959, Progress had conformed to all of Deerfield's building code requirements and had likewise conformed to all of such building code requirements to the date of the filing of this complaint. It has acted in good faith and was not then and has not since then been in violation of any of Deerfield's building code requirements.

16. Immediately after November 11, 1959, when it became known to the defendants that Progress had a policy of and planned to sell to Negroes some of the houses it proposed to build, the defendant village and the defendants described as the president and members of the village board began a course of harassment of Progress. Even though immediately prior to November 11, 1959, Deerfield officials had inspected and approved its construction work, those defendants caused their agents and employees to post "stop orders" upon both buildings under construction. It was impossible to comply with those "stop orders." The employees and agents of Progress were ordered off the job and all work was stopped, not only upon the buildings but also on the street and other improvements about which there had been no complaint. There were in fact no building code violations by the plaintiffs and they were given no opportunity to correct violations alleged to exist by the "stop orders." It was several days before the officers and agents of Progress could talk with any of the defendants about correcting the alleged violations.

17. All of the aforesaid conduct was but a part of a scheme between the above-named defendants and certain other defendants to impede, delay, harass, and stop plaintiffs from constructing and selling houses to Negroes.

18. All of the aforesaid defendants and all of the other defendants named in the complaint had numerous conferences between themselves and others and held numerous meetings at which they conspired to devise a plan to injure the plaintiffs and to deprive them of their rights.

19. During the period between November 11, 1959, and November 17, 1959, the above-named defendants and the members of the park board and certain other defendants conspired and confederated together for a plan to be presented to the park board on November 17, 1959, which plan had as its purpose injury to plaintiffs as set forth in the complaint. The park district covers an area approximately coterminous with that of the village.

20. There was in existence in Deerfield an organization known as the Deerfield citizens committee of which defendant Joseph G. Powell is president. A subcommittee of that committee is known as the village caucus advisory committee and its chairman is defendant Andrew G. Bradt.

21. Sometime during this period there was formed an organization known as the North Shore Residents' Association. The exact time of its organization is unknown but its officers became known on November 24, 1959, and the same individuals, together with many others whose names are unknown to the plaintiffs, were active in the unlawful conspiracy against the plaintiffs at all times after November 11, 1959. Defendant Harold C. Lewis is a member of and chairman of the North Shore Residents' Association; defendant Herbert H. Garbrecht is a member of and vice chairman of said group, and defendants Hal A. Petit, Robert D. Rierson, Robert G. Mullen, Leonard Bronstein, David J. Maundrell, and Frank M. Blake are members and directors of the residents' association. At a meeting held on November 18, 1959, and at all other public meetings thereafter, defendant Harold C. Lewis and various other persons announced that a plan would be devised to prevent Progress Development Corp. from completing its project of constructing and selling houses to Negroes.

22. At a meeting of the park board held on November 17, 1959, certain of these defendants requested the board to take steps to acquire, for park purposes, the two subdivisions owned by Progress. During the course of the meeting, defendant Joseph G. Powell announced that he would contact certain civic groups to make a study of the needs of the park district. Prior to this park board meeting, defendant Harold C. Lewis and others had already planned to conduct a poll in Deerfield to determine the public sentiment in Deerfield for or against plaintiffs' plan to build and sell houses without restricting sales to persons of the Caucasion race. All of the defendants were fully aware that the poll was to be taken on December 6, 1959. The defendants who are president and members of the park board then adjourned the meeting of November 17, 1959, to December 7, 1959, for the purported purpose of studying the reports that would then be made by civic groups upon park needs, but actually for the purpose of aiding the conspiracy by giving time for the defendants to take the aforesaid poll and to further arouse opposition to the plaintiffs in Deerfield.

23. Immediately thereafter the defendants who are the president and trustees of the village met, namely, on November 18, 1959, and again on November 23 and 24, 1959. The public was invited. The meetings were noisy and disorderly and the lawful plan of plaintiffs to sell some of its houses to Negroes was denounced as totalitarian, and a forcing of Negroes and other non-Caucasians upon the village. Many inflammatory statements were made at the meetings. Other public meetings were held at the American Legion hall at which the same speeches were made by defendant Harold C. Lewis and other defendants and by other persons whose names are unknown to plaintiffs.

24. Numerous secret meetings were held in private homes by the defendants and a purported report and recommendation of park needs was prepared which was solely for the purpose of giving an air of legitimacy and color of law to any action the park board might take to acquire the property of Progress by condemnation proceedings. The said purported report was a 6-page document labeled a "comprehensive study," and covered such broad subjects as "relationships between governmental bodies," "village objectives," "traffic and parking," "zoning," "water and sewers," "expansion of village boundaries," "school objectives," "school consolidation," "school facilities," "park objectives," "park-school site program," "major park sites," "park district boundaries," and "recommendations." There was in fact no such study made. The so-called report included other sites strategically situated throughout Deerfield and recommended the acquisition of these sites, as well as the property owned by Progress. A further purpose of said purported report and recommendation was for the purpose of influencing public support of any program that the park board might undertake.

25. At their meeting of November 17, 1959, the defendant members of the park board were informed that defendant Harold C. Lewis and others intended to conduct a poll of the village on or about December 6, 1959. The meeting was adjourned to December 7, 1959. The true purpose of that adjournment was to await the outcome of such poll. When the president and members of the park board met on December 7, 1959, they adopted resolutions designating Floral Park and Weinrib's Pear Tree subdivisions as park sites and ordered that those subdivisions be acquired by condemnation proceedings for park purposes. (An exhibit attached to the complaint mentions an offer made to the plaintiffs, on direction of the park board, of $166,199.91.) Resolutions adopted by the park board at that meeting also provided for a referendum to be held for the purpose of submitting to the voters a $550,000 bond issue, $175,000 of which the resolution earmarked for the purchase of the two subdivisions belonging to Progress. The referendum date was set for December 21, 1959, the earliest possible date that would be within the statutory requirement of the State of Illinois.

26. Offers to purchase, totaling $166,999.91, were contained in three letters dated December 7, 1959, signed by the secretary of the park board and addressed to Progress and to the Chicago National Bank, trustee under trust No. 16,093, legal title holder of certain of the property on which the purchase price had not been fully paid by Progress. These offers were delivered personally by certain of the defendants other than the members of the park board. These offers were not made in good faith but were made for the purpose of acquiring the subdivisions in order to prevent Progress from building residential housing thereon and to prevent sales of homes thereon to Negroes and other non-Caucasians.

27. In a letter dated December 10, 1959, Progress, through its attorney, rejected the $166,999.91 offer of defendant park district and its board members on the ground that the sum offered was so inadequate that Progress considered the offer not to have been made in good faith.

28. There is no bona fide public need or necessity for the acquisition of either of the two subdivisions for park purposes or for any other public use or purpose.

29. The acquisition of Floral Park and Pear Tree subdivisions was never considered by the park board until after the meeting of November 17, 1959.

30. The acts of the president and members of the park board in seeking to condemn the

two subdivisions belonging to Progress were abuses of its powers of eminent domain conferred upon it by the laws of the State of Illinois, to wit, Ill. Rev. Stats., c. 105, section 8-1, and Ill. Rev. Stats., c. 47, sections 1 to 17.

31. Plaintiffs allege that each and every defendant has considered together and that each is bound by the act of every other defendant. They charge that each and every defendant, because of the alleged conspiracy they have entered into, is guilty of each and every overt act alleged in the complaint. Plaintiffs charge that there have been innumerable other overt acts committed by the named defendants and other defendants and that each and every one of the defendants named in the complaint is guilty of said additional overt act as coconspirator.

32. Plaintiffs charge that defendants park board, its president, James C. Mitchell, and board members and their employees and agents, did not make available to them the books and records of the park board when demanded and that the delay in producing them was part of the conspiracy charged.

33. Plaintiffs charge that all of the acts of conspiracy alleged have required each of them to divert their officers from their duties, and to expend large sums of money in attempting to meet the demands of the various defendants with the result that they have incurred additional expenses, costs, and damages in and about their property and business.

34. Progress alleges it has been damaged by disparagement of its business reputation and has incurred additional construction costs as a result of the unlawful conspiracy and acts of the defendants.

35. Modern alleges it has been damaged in the conduct of its business in the State of Illinois and elsewhere in the United States by disparagement of its business reputation, by impairment of the value of its stock and sales thereof to the public, by delays and difficulties in the construction of residential developments and the sales of houses therein, all caused by the unlawful conspiracy alleged and the acts of the defendants in furtherance of such conspiracy.

36. Plaintiffs charge that they will be irreparably damaged if a preliminary and ultimately a permanent injunction is not granted against the village of Deerfield and its president, Joseph Koss, and the other members of the board of trustees enjoining them from enforcing the building code of the village against progress for alleged building code violations that do not exist and from enforcing said building code against plaintiffs in an arbitrary and capricious manner and in a different manner than which it is enforced against other builders.

37. Plaintiffs charge that defendants Deerfield Park District and its president, James C. Mitchell, and the other members of the park board have threatened to file a condemnation proceeding in the Lake County circuit court and that they are in the process of preparing such complaint. Unless restrained they will attempt to acquire plaintiffs' property in Deerfield by condemnation, and that plaintiffs will be irreparably damaged.

38. Plaintiffs charge that the sole and only reason for and the cause of the conspiracy and all of the overt acts and other acts in perpetrating the same is to discriminate against the plaintiffs and is founded upon bias and prejudice against the plaintiffs because of their willingness to sell houses to Negroes on an integrated basis.

39. Plaintiffs seek a temporary injunction pendente lite, which injunction they pray will, upon a hearing be made permanent, forever restraining and enjoining the defendants James C. Mitchell, park board president, and Dudley L. Dewey, Edward J. Walchi, Donald W. Keller, and Aksel Petersen, park board members, their agents, servants, employees, attorneys and each of them, and all persons in active concert and participation with them and each of them from:

A. Attempting to acquire by condemnation or otherwise all or any property now owned by plaintiffs in the village of Deerfield, Ill.

B. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful construction and sale of houses by plaintiffs in the village of Deerfield, Ill.

C. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful conduct of business by plaintiff in the village of Deerfield, Ill.

40. Plaintiffs seek a temporary injunction pendente lite, which injunction they pray will, upon a hearing be made permanent, forever restraining and enjoining defendants Joseph Koss, village board president, and Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch, and Arno Wehle, village board members, their agents, servants, employees, attorneys, and each of them, and all persons in active concert and participation with them and each of them, from:

A. Discriminating against plaintiffs in the conduct of plaintiffs' lawful business in the village of Deerfield, Ill., by unreasonable, arbitrary, and capricious enforcement of the statutes, ordinances, regulations, usages, and customs of the State of Illinois and said village of Deerfield.

B. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful construction and sale of houses by plaintiffs in the village of Deerfield, Ill.

C. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful conduct of business by plaintiffs in the village of Deerfield, Ill.

41. Count III charges all of the defendants with conspiring to discriminate against the plaintiffs and with violating the civil rights of plaintiffs by taking their property to keep them from selling some houses to Negroes. Plaintiffs allege damages in the sum of $750,000. It is a general allegation without specifying the nature and extent of the damages to Modern.

42. Progress alleges the present value of its property to be $250,000. No facts are alleged in support of such valuation, although there is an allegation that Progress has expended $30,000 for improvements. There is an averment that the value of the two houses now under construction will be $60,000 when completed, but no allegation as to how much has been expended in the construction thereof.

No damages are sought from either the village of Deerfield or the Deerfield Park District.

The complaint states a good cause of action. Certainly the plaintiff, Progress, had a right to sell to Negroes the houses that it proposed to build and had no obligation to shout from the housetops the fact that it planned to do so. Progress had an absolute right to keep that secret within its corporate breast. As a corporation, Progress had no more obligation to divulge its plans than an individual person would have had in a similar situation. Rights guaranteed to "persons" under the Constitution are guaranteed to corporations since the Supreme Court has repeatedly held that corporations come within that classification.

If, as alleged in the complaint, the activities of Progress are limited to unrestricted sales of homes to persons of all races, then Progress could in no wise be guilty of deceit or bad faith in its dealings with the village and its citizen when it failed to mention its plans to sell some of the houses to Negroes. As a matter of fact and law, Progress has the absolute right to select its own purchasers. It can select whites only, or Negroes only, or whites and Negroes in any ratio it chooses. It can limit its sales exclusively to Jews, Catholics, Protestants, orientals, Polynesians, Republicans, Democrats, Socialists, midgets, giants, brown-eyed or blue-eyed people, curlyheaded or baldheaded people. It could select only those who are members of the Mafia, K.K.K., N.A.A.C.P., those who are listed in Who's Who or those who are listed in the social register. In short, the law protects Progress in its right to sell to those persons it may choose—and without prior notice thereof to the village of Deerfield—but the law will not protect, by enforcement, any rights which Progress or anyone else may claim by virtue of recorded or unrecorded covenants which restrict the use or conveyance of real estate in any discriminatory manner whatsoever against any race, color, or creed.

It would be lawful for Progress, if it so desired, to require each purchaser of its homes to accept a deed containing a restrictive covenant running with the land and providing that the grantee would never convey the premises to any person not a member of the particular group or classification of persons to which the grantee belonged. Such a deed might also provide for a forfeiture in the event of a breach of the restrictive covenant, and might contain a further provision that any person affected might sue to restrain any conveyance contrary to such covenant and to obtain damages from the offending party. When it came to the acid test, however, such a restrictive covenant would be of no avail to Progress or to anyone else since no court in the United States would or could enforce it. (*Shelley* v. *Kraemer* (334 U.S. 1).)

Having first ascertained that it has jurisdiction of the subject matter and of the parties to this action brought under the civil rights statutes, and having in mind the limitations imposed upon it by 28 U.S.C. 2283 that—

"A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments,"

and further having considered the verified complaint herein and heard argument of counsel, this court determined that since a good cause of action for a claim for damages was stated under the civil rights statutes, it likewise had equitable jurisdiction for the purpose of protecting and enforcing its jurisdiction at law.

Concerning plaintiff's motion (based on count I) for a restraining order enjoining the park board officials, individually, from instituting condemnation proceedings to take plaintiff's property, the court determined that the allegations of count I did not state a cause that warranted the court's use of its injunctive power without first hearing evidence and argument of counsel on the matter. The court thereupon denied the motion for a restraining order and fixed a subsequent date for hearing evidence and argument upon the prayer for preliminary injunction contained in count I of the complaint.

The court then turned to a consideration of plaintiff's motion (based on count II) for a restraining order enjoining the officials of the village, individually, from enforcing the building code of Deerfield against plaintiffs in a discriminatory, arbitrary, and capricious manner. It appearing to the court that work on the two buildings under construction had been discontinued, that a great deal of emotion and ill feeling existed between the parties, and that a dispute existed between the parties as to whether the agents and employees of Progress had or had not been given the right to correct alleged building code violations, the court—without finding that the defendants had attempted to or had enforced the village building code in a discriminatory, arbitrary, or capricious manner—granted the

motion for a restraining order and fixed a date for a hearing on the prayer for preliminary injunction contained in count II of the complaint.

There can be no question but what great public concern and interest have been aroused by this litigation and the events leading up to it. Initially, the proceeding seemed to present some perplexing and complex problems but now that all of the evidence is in the matter has resolved itself into a comparatively simple matter both as to facts and as to law. It takes no Sherlock Holmes to unravel and determine the facts and it takes no Oliver Wendell Holmes to comprehend and apply the applicable law.

Plaintiff Progress is an Illinois corporation with its principal place of business in Chicago, Ill. It has as its principal purposes the acquisition and development of residential subdivisions and the construction and sale of residential housing therein.

Plaintiff Modern is a New Jersey corporation with its principal place of business in Princeton, N.J. Its alleged principal purposes are the investment, by purchases of shares of stock and otherwise, in Progress and in other similar corporations which are engaged in the development of residential subdivisions and construction of housing therein. Modern owns all of the issued and outstanding shares of Progress and the facade of local directors is nothing more than a transparent veil, worn solely for adornment. Modern completely dominates Progress.

Defendant village of Deerfield is a modern, residential, suburban municipality. Its governing body is the Village Board of Trustees, pursuant to the statutes of the State of Illinois. There is also a village manager, pursuant to ordinances adopted by said board. The village is a rapidly growing community. Its population has increased from 3,288 in 1950 to 4,188 in 1952, to 7,809 in 1957 and in December 1959, when this suit was instituted, its population was approximately 11,000. As a result, vacant land available for parks has rapidly disappeared. Roughly calculated, the village is a 2-mile-square area. According to accepted municipal planning, such a community should have at least 250 acres of park. At the present time Deerfield has only about 47 acres and it is obviously in need of a diversified park system with parks scattered throughout the community. There is practically no vacant land left which is available for parks except that which is owned by the plaintiffs and the other parcels which were included in the referendum held under the direction of the park board for the purpose of acquiring plaintiffs' land and the other parcels for the school-park program.

The need for more land for parks has been well known to the park board and on two separate occasions in 1959 referendums were held in an attempt to obtain additional land. On each occasion they were unsuccessful. Opposition came from a fear of increased taxes and because of a disagreement as to where the parks should be located. Some citizens wanted one large park at the southeast part of the village and others wanted smaller parks distributed throughout the community.

The defendant Joseph Koss is now and at all times mentioned in the complaint has been the acting president of the board of trustees of the said village, having been appointed to said office by the other members of the board of trustees to fill a temporary vacancy in said office. The defendants Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch and Arno Wehle are now and at all times mentioned in said complaint have been members of the board of trustees of said village.

Deerfield Park District of Lake County, Ill., is a body corporate and politic under the provisions of section 8–1 of chapter 105 of Illinois Revised Statutes, and is governed by a board of five elected commissioners—defendants James C. Mitchell, president, and Dudley L. Dewey, Edward J. Walchi, Donald W. Keller, and Aksel Peterson, members, who serve without compensation. They constitute the corporate authority of such district as provided by section 4–1 of said chapter 105. Said commissioners act as legislators and are given legislative powers in said chapter 105 to enact all necessary rules, resolutions and ordinances and to exercise the power of eminent domain to acquire real estate for park purposes.

The Deerfield Park District covers an area approximately coterminous with that of said village, and the land owned by Progress, known as Floral Park and Pear Tree subdivisions, is situated within said village and within said park district.

The other defendants are divided into two groups: (1) Defendants Harold C. Lewis, Herbert H. Carbrecht, Hal A. Petit, Robert D. Rierson, Robert G. Mullen, Leonard Bronstein, David J. Maundrell and Frank M. Blake are members of the North Shore Residents' Association; (2) Defendants Joseph G. Powell and Andrew G. Bradt are members of the Deerfield citizens committee.

The North Shore Residents' Association was organized shortly after November 23, 1959, and was opposed to the project being sponsored by Progress and to the actions of the representatives of that company. There is no evidence that the members of the residents' association did anything which was illegal. All actions taken by the residents' association were separate and distinct from the actions taken by the park commissioners. All evidence in the record shows that the park commissioners refused to become associated in any way with the residents' association and maintained the constant position—which they had adopted many months prior to any knowledge of the proposed activities of Progress—that they were not interested in single properties but only in an overall land acquisition program for all of the village.

The Deerfield Citizens Commission is a not-for-profit Illinois corporation which was organized in 1950 with the purpose of "Full cooperation with all village governing bodies for a better Deerfield," and it has been the main organization in Deerfield working on all civic problems. On many occasions in the past, this committee advised the park board and actively campaigned in park district, school district, and other civic elections in Deerfield. These activities have been continuous from 1950 to December 21, 1959. This committee is composed of civic-minded persons interested only in the welfare of the children and other residents and taxpayers of Deerfield.

There is no credible proof of any combination or conspiracy whatsoever between the defendants, members of the board of trustees and park commissioners during the period from November 11, 1959, to December 1, 1959. There was no concerted plan or conspiracy between any of the defendants, and in fact, except that certain defendants were acquainted as local citizens, there was no relation between the park commissioners and the other defendants during the period from November 11, 1959, to December 21, 1959. The evidence clearly revealed that several of the individual defendants had never personally met or seen a number of the other individual defendants and defendants who were village officials and the evidence also revealed that the village officials did not know all of the individual defendants until they appeared in court. As a matter of fact, several of the defendants were introduced to each other in court.

The record discloses that the park commissioners have served faithfully and industriously for the benefit of the taxpayers of Deerfield and have carried on a commendable park-school cooperation plan which has benefited the children and all residents and taxpayers of Deerfield. It is the duty of these park commissioners to acquire land suitably located for parks and to expand the usable acres of park land. Both Pear Tree and Floral Park are suitably located for proper park purposes. It is also the duty of the park board to acquire land before loss by subdividing or other use makes the land too expensive to acquire.

Deerfield Park district and school districts 109 and 110 have cooperated for a number of years in a program whereby the park district purchases land adjacent to the schools and the park land is used both as recreation areas for parks and as recreation and physical education areas for the schools with the result that there has been a saving of taxes and the school districts are able to use their limited funds for buildings. This program has permitted school district No. 110 to build schools which it could not otherwise have built.

Wilmot School of school district No. 110 is located on the southeast corner of Wilmot Road and Deerfield Road and has no vacant land adjacent thereto on the south or east sides. It has approximately 4½ acres of vacant land available for playground which is presently owned by the Deerfield Park district and will have an enrollment of over 1,000 students, many being junior high students. The only vacant land within the Deerfield Park district adjacent to this school is Floral Park, which is immediately to the north across Deerfield Road and comprises approximately 15 acres.

The history of the park commissioners' interest in acquiring Floral Park and Pear Tree is of long standing. A qualified park planner was hired by the park board in May 1959. He made a study and viewed the properties now known as Floral Park subdivision and Pear Tree subdivision. He prepared a map for the park board which shows Floral Park as a proposed park site. At the meeting of the park board on May 19, 1959, he recommended the acquisition of the property. He filed with the board a written report which recommended a swimming pool site be located "in the vicinity of or west of Wilmot Road. Any future pool would relieve the presently proposed pool and draw from the population west of the tracks." At that time the board determined not to include the Floral Park site in the August 1959 referendum and decided to hold it for a future referendum because the Floral Park site is in school district No. 110, with only about one-third of the park district voters, and there are fewer park sites in school district No. 109 which has about two-thirds of the voters in the park district.

In May or June of 1959, Defendant Mitchell of the park board appeared at the school board meeting of school district No. 110 and the president of the school board requested the park district to purchase Floral Park as an additional park site. Mitchell agreed that it should be included in a later park board referendum when it appeared that voter approval might be favorable thereto. The referendum of December 21, 1959, carried into effect the plan for park acquisition made in May 1959—6 months before Progress had disclosed its intended operation. The referendum of December 21, 1959, was a furtherance of the commendable park-school cooperation which had been carried on for years in an attempt to provide proper park and school ground facilities for Deerfield.

In December 1959 only two vacant pieces of property within the park district—that is, Floral Park and Pear Tree—met the recommendations of the park planner's May 1959 report that the western pool site be located "in the vicinity of Wilmot Road." The expert advised the park board against locating a swimming pool on a park being used in

conjunction with a school. Floral Park was, therefore, not suitable for a swimming pool site and Pear Tree was the only vacant property suitably located in the park district for a western swimming pool site.

At its adjourned meeting of December 7, 1959, the park board in open meeting duly passed a resolution calling an election on December 21, 1959, to submit to the voters the proposition to issue $550,000 of park bonds to secure funds to purchase and improve additional park sites. In addition, the board duly adopted plans and estimates whereby six sites, comprising approximately 80 acres would be purchased, including Floral Park and Pear Tree. The park board authorized the sending of offers to the title holders of Floral Park and Pear Tree and the institution of condemnation proceedings in the event the offers were refused. The cost of acquiring the land would increase by a continuance of the construction.

The park commissioners exercised proper judgment in carrying out their duties when they selected these six sites in connection with the referendum of December 21, 1959. The park district has no funds with which to purchase land except by issuing bonds pursuant to voter approval. The motive and the purpose of the park commissioners in passing the referendum resolution on December 7, 1959, was to carry into effect a long established plan of acquiring proper park lands for Deerfield and the six properties included in the December 21, 1959 election were all proper lands for park purposes. Three of the six sites had been included in elections held in April and August 1959.

In order to give Progress prompt notice of the offers, Defendant Mitchell arranged for personal delivery by certain defendants as well as by registered mail. The voters approved the bond issue on December 21, 1959, and on December 24, 1959, condemnation proceedings were instituted by the Deerfield Park District to secure Floral Park and Pear Tree as park sites, the offers of purchase having been rejected by Progress. The park commissioners acted in good faith in exercising their legislative discretion on December 7, 1959, by adopting the resolution calling the election of December 21, 1959.

There is little doubt that had it not been for aroused public opposition to plaintiffs' plan to initiate and maintain a controlled integration plan by selling to Negroes 20 to 22 percent of the houses it proposed to build, the outcome of the referendum of December 21, 1959, would have been much the same as that of previous referendums held by the park board in its attempts to acquire property for park sites. However, although opposition to Progress' plan undoubtedly furnished a major part of the basis for the action of the voters, it was not, as charged, the sole basis.

The undisputed evidence conclusively shows that there is a bona fide public need for the acquisition of both Floral Park and Pear Tree for park purposes. That was clearly brought out by the testimony of the park board officials, by plaintiffs' own witness Whitney, and by the park-planning expert, Witness Roy Layman.

The motives of the park commissioners in adopting the resolution on December 7, 1959, calling the election to secure funds to acquire six park sites, including Pear Tree and Floral Park, were solely and only to provide adequate and necessary parks for Deerfield and were not to interfere in any way with plans of Progress to build homes in Deerfield. There was no motive or purpose on the part of the defendant park commissioner-legislators to interfere with intended use by any owner of his property.

There is no evidence that defendants Joseph G. Powell and Andrew G. Bradt held meetings with other members of the Deerfield citizens committee from which there was evolved a plan to demand that the park district, or other local government agency with the power of eminent domain, acquire Floral Park and Pear Tree by condemnation for the purpose of preventing Progress from putting its sales intention into effect.

There is no evidence that defendant park board members combined and conspired with other defendants herein or with any other persons to prevent Progress from constructing and selling homes to Negroes.

There is no evidence that out of any meeting between November 13, 1959, and December 7, 1959, a plan was evolved to demand that the park district or other local governmental agency with the power of eminent domain under Illinois law, acquire Floral Park and Pear Tree by condemnation, for the sole purpose of preventing Progress from putting into effect its said sales intention or for the purpose of preventing Progress from exercising its lawful rights.

The park board and its representatives cooperated reasonably with the representatives of Progress in making available to the latter the minutes and records of the park district in conformity with the provisions of the laws of Illinois.

There is no evidence that the offer (described in par. 51 of the complaint) which the park board made to Progress was not made in good faith.

No member of the park board has shown or indicated any hostility or opposition to Negroes as a race or to Negroes owning property in or living in Deerfield.

Plaintiffs have the intention of developing Floral Park and Pear Tree subdivisions (the premises described in par. 11 of the complaint) by building approximately 51 houses thereon. It is their claimed intention to sell 10 or 12 of these houses to Negroes. They will not sell all or even 50 percent of them to Negroes or all or even 50 percent of them to Caucasians. This plan the plaintiffs call their "controlled occupancy pattern." On order of this court, plaintiffs produced two forms of restrictive sale agreement by means of which they plan to control future sales for more than 10 years, and to preserve the ratio of Negroes and Caucasians they establish. On the trial, plaintiffs were unconvincing in their attempts to avoid the stigma of forcing purchasers to execute such agreements by stating that execution of such agreements would be urged but would not be required. It is clear, and I find, from the admission of plaintiffs' officers and attorney, and from available literature, that plaintiffs intend to control the ratio of Negroes and Caucasians living on the premises in question for 10 years and plans to do it by reserving to Progress or its nominee the right to determine the purchaser of the property when an owner desires to resell.

The plaintiffs were given wide latitude in the production of all proofs possible. All sources of possible conspiracy were minutely examined into by plaintiff's counsel. No conspiracy, or any semblance of conspiracy by the park board commissioners was proved, and the court finds that no good purpose will be served by requiring defendants Mitchell, Dewey, Walchi, Keller, or Peterson to defend further herein and that the park board and the individual park commissioners, James C. Mitchell, Dudley L. Dewey, Edward J. Walchi, Donald W. Keller, and Aksel Petersen should be dismissed from this cause with their costs.

In April 1959 and at subsequent dates, Progress acquired the two separate tracts of real property (called Floral Park and Pear Tree), which it now owns in said village. Upon request of Progress, the board of trustees of the village approved plats of subdivision of said property—Floral Park on July 8, 1959, and Pear Tree on September 16, 1959. The plat for Floral Park provides for 39 homesites and the one for Pear Tree provides for 12 homesites.

Prior to the approval of said plats of subdivisions, the board of trustees imposed certain conditions upon the plaintiff, Progress, requiring it to reach satisfactory financial arrangements with school district No. 110 which enveloped or bordered upon said property, and the St. Gregory Church which was adjacent to said property. Questions also were raised by the village relative to the form of subdivision bond which the plaintiff Progress desired to use. The bond form first offered by the builder was not the standard bond form acceptable to the village and the bond as offered contained clauses and other provisions which did not meet with the approval of Building Commissioner Robert E. Bowen. Apparently these problems were resolved, and a subdivision bond was finally approved by the village authorities. Other than these conditions and other technical requirements relative to said plats, the said defendants raised no other objections and there was no mention that the said sites should be or might be set aside for park, school or other public purposes.

The plaintiff builder, having filed the requisite plans and specifications, secured building permits on September 21 and 22, 1959, from Building Commissioner Bowen for the construction of two model homes at the Floral Park subdivision. These homes are now partially completed and are located at 911 and 921 Wilmot Road, respectively. The foundation work on 911 Wilmot Road was completed toward the end of October and the framing or carpentry work was commenced at that site at or about said time. The framing or carpentry work was commenced at 921 Wilmot Road about a week subsequent thereto.

Progress represented to the court that there were in fact no building violations at the time of the filing of the complaint. The overwhelming evidence is to the contrary.

Building Inspector Richard Chilton spent approximately 10 full 8-hour days on the building site during the installation of underground improvements, starting approximately in August of 1959. Building Commissioner Bowen and Building Inspector Kilgore also visited the site during said period. When Building Commissioner Bowen inspected the underground improvements, he found certain violations from time to time but Max Weinrib, executive vice president of Progress, corrected them promptly upon receiving notice thereof. At one point during the installation of the underground improvements, Bowen considered the issuance of a stop order because the specifications called for 2 inches of sand in the sanitary sewer and plantiff builder was not complying with that requirement. Building Commissioner Bowen did not issue a stop order because he was able to make contact with the contractor and, in Mr. Bowen's words, "We got that straightened out real fast."

Two of the village inspectors, Mr. Kilgore and Mr. Chilton inspected the carpentry work at 911 Wilmot Road during the first week in November. They found that the bracing was improperly installed and was not in accordance with the requirements of the village building code. They called this to the attention of the carpentry foreman who was present on the job. It also appeared that the carpentry foreman did not have a set of approved plans on the job. They tried to explain to the foreman that he would have to correct the bracing and when it appeared that the foreman had difficulty in understanding the matter, they suggested to him that he obtain a copy of the Deerfield building code. The foreman said that he would get a copy and that if the bracing was incorrect, he would correct it.

The acting president of the village, Joseph Koss, first learned on November 10, 1959, of Progress' plans to establish a so-called integrated housing project in the Floral Park and Pear Tree subdivisions. On the following evening, November 11, 1959, at a regular board meeting of the village trustees, President Koss received further information relative to plaintiff Progress' plans. No discussion of those plans took place during the course of the meeting but after the meeting had adjourned the trustees met in a conference room at the village hall with their village manager and the village attorney, Thomas E. Matthews. The board asked the village attorney for advice and guidance and he advised the board to continue to act as they had in the past and no differently. Defendant Joseph Koss testified that prior to talking with the village attorney he really had not known what the board should or should not do in its official capacity but that on directing the question to Attorney Matthews the latter had replied, "You have taken an oath of office. Village Manager Stilphen heard a discussion of some building violation connected with the Floral Park subdivision, but recalled nothing specific. The board agreed that the village attorney should discuss the entire matter with Commissioner Bowen so that any directions as to the manner of enforcement of the building code against the builder would be clear.

Pursuant to the direction of the board of trustees of the village, through its Village Manager Stilphen, Bowen went to the office of the village attorney on November 12 at which time the village attorney informed Bowen that the plaintiffs had plans to establish an integrated housing project but that the board wanted Bowen to enforce the village ordinances as to plaintiff builder in the same manner as he would against anyone else in the village, regardless of plaintiff's plans. It does not appear that (other than these instructions from the village attorney) Bowen received any instructions from the villages officials relative to the manner of enforcing the village ordinances against the plaintiff builder.

On November 13, 1959, Bowen and Kilgore inspected the premises at 911 Wilmot Road and found that the diagonal cross-bracing was nailed over the exterior sheathing, that there was improper nailing and that some of the boards were split and were hanging loose. Bowen also found that the carpenters had completely cut through the header for the ceiling joists. All of these items were in violation of the requirements of the Deerfield building code. At that point, Bowen asked Kilgore if the latter permitted that type of construction and Kilgore informed Bowen that he had inspected the premises on a prior date and had told the foreman to correct the bracing. It also appeared at said time that the foreman was unable to produce an approved set of plans for the building. In view of these circumstances, Bowen instructed Kilgore to shut down the job at 911 Wilmot Road. A notice to that effect was posted on the premises by Kilgore and the carpentry foreman was requested to contact Weinrib, agent of Progress, and to have the latter get in touch with Building Commissioner Bowen relative to the situation.

Bowen and Kilgore then inspected the building at 921 Wilmot Road and they also observed violations of the Deerfield building code and found that there was no approved set of plans present at the site. Although Weinrib was present at the premises later in the day, he made no attempt to contact Bowen until the following Monday, November 16, 1959.

Plaintiffs complained that it was impossible to comply with the violation notice or stop order posted on the premises at 911 Wilmot Road because it required that the violation be corrected the very same day and at the same time the men were not permitted to work. Bowen and Kilgore explained in their testimony that this was their normal practice and that the effect of having the contractor lose a few days' work generally got effective results. This testimony was not contradicted or impeached in any manner. This practice was substantiated by evidence of other and similar actions taken by the village building department prior to and subsequent to November 13 with other builders.

Testimony shows that on the same date on which a stop order was posted at 911 Wilmot Road, to wit November 13, Bowen and Kilgore inspected other residential housing in the village. Upon finding a violation of the building code at 1111 Montgomery Street in the village, they posted a stop order at those premises and that notice also required the contractor to correct the violation the same day.

Testimony further shows that on said November 13 Bowen and Kilgore inspected a residential building in the Scatterwood subdivision in the village. There they found that a cross bracing was missing on one of the walls and that there was improper bearing under one of the steel columns in the garage area. Bowen at said time observed to Kilgore that this was similar to the violation they had found on plaintiffs' premises and he ordered Kilgore to post a violation notice on this job also.

When Bowen posted the stop order at 911 Wilmot Road on November 13, he was acting properly on the basis of the instructions and statement of policy as given to him by the village attorney on the previous day. The evidence shows that although the defect in the cross bracing at 911 Wilmot Road could have been corrected in 40 man-hours of work, it was not until several weeks subsequent to the date of the stop order that the corrections were actually made so that the work would be in accord with the requirements of the building code.

It further appears that from the time that Bowen was employed as building commissioner in the village of Deerfield, to wit, October 1958, and through the year 1959, he had issued approximately 14 stop orders on other buildings in the village for divers violations of the building and zoning ordinances of the village, and that his action in issuing the stop order at 911 Wilmot Road on November 13, was not in variance with his general practice or intended to be discriminatory as to the plaintiffs herein.

Bowen issued two other stop orders against the buildings of the plaintiffs herein: One for failure to furnish spot surveys after several requests had been made therefor, and one for a zoning violation which was discovered after said spot surveys were furnished and it appeared that the eaves on the front of the buildings extended over the front building line in violation of the zoning ordinance of Deerfield. It further appears that there were numerous other violations of the village building code at both of the buildings of plaintiffs, as more clearly appears from village exhibits 8 through 21, and that a number of violations still exist. No stop orders or violation notices were ever issued to the plaintiff builder for these additional violations. Bowen testified that because he had heard rumors that he was picking on the plaintiffs and also because of what the village attorney had told him on November 12, he was more lenient with the plaintiff builder than he would otherwise have been.

Progress was entitled to appeal from the orders of the building commissioner but never pursued that remedy.

The court finds that the actions of the building commissioner in issuing the stop orders against the plaintiff builder were authorized by law; that they were not arbitrary or discriminatory, and that said actions were in conformity with the custom and practice in Deerfield and with the Deerfield ordinances relative thereto.

The court further finds that beginning with the time that information came to the village officials relative to plaintiff's plans to establish an integrated housing project, said village officials went to a great deal of care to conduct themselves in a proper manner, and that despite a great deal of public clamor and excitement which existed in the village at an subsequent to said time, the village officials made it clear to the village residents on several occasions that as village officials they were obligated to observe not only the laws of the village but also the State and Federal laws as well. The action of the village officials in turning to the village attorney for advice and the course followed by said village officials was a sound and commendable approach to the problem and appears to have been carefully designed to be neither arbitrary nor discriminatory against the plaintiffs.

Building Inspector Kilgore testified that he was biased against Negroes and did not want any in Deerfield. He stated that he had moved to Deerfield to get away from Negroes who had moved into the community where he had previously resided. He was the inspector who posted the stop orders and had the conversation with the agents and employees of Progress. The court has no doubt that under the circumstances Building Inspector Kilgore displayed ill temper, was arbitrary in manner and exceeded his authority in his conversations with the agents and employees on the job locations when he posted the stop orders and at other times. In his dealings with building code violators, a building inspector, of course, is not likely at best to be ceremonious in his approach and his manners and speech are more apt to be blunt than Chesterfieldian. Where discourteous conduct, such as is attributed to Inspector Kilgore, is connected with the performance of official duties, it is no violation of civil rights. If the statements made and conduct are merely rude, they are not actionable in any manner. If the conduct amounts to assault, or the statements amount to slander, they are actionable in the State courts but not as a violation of civil rights. The proof in this case does not even suggest that Kilgore was guilty of any more than rude behavior. This one incident is the only evidence shown by plaintiffs to substantiate its general allegations against defendants in count II. All else is conjecture, suspicion and statements ascribed to other persons for which the defendants in count II are not in the slightest way shown to be responsible.

There was then and there is now available to Progress an administrative appeal provided by the ordinances of the village of Deerfield pursuant to the power vested in that village by the laws of the State of Illinois. Progress does not even allege in its complaint that it made any attempt to use such remedy at law. In fact, the complaint fails to even mention the existence of such relief and, by general context, implies that no such remedy existed at the time of the filing of the complaint and the amendment thereto. The existence of a remedy at law, coupled with the failure of the plaintiffs to use it, is sufficient for the court to deny the relief sought in count II.

The plaintiffs failed to introduce any evidence whatsoever of the nonexistence of violations of the Deerfield building code. All of the evidence presented by the parties established that there were violations for which no correction orders or stop orders had been issued. Plaintiffs offered no facts, law, or custom to show that forbearance relative to building code violations in one or

more instances deprives a municipality of a right thereafter to enforce its code, or makes it liable under the civil-rights statutes in the event it thereafter chooses to enforce its building code. The plaintiffs did not show any facts, law, or custom that enables a person to violate a civil or criminal statute or ordinance and then successfully plead that others are guilty of the same violation, or that the law is being enforced against him in a discriminatory manner. It is the equal protection of the laws that is guaranteed to each person and not equality of punishment or penalty for the violation. In addition, the defendants also established, by numerous photographs and other undisputed testimony, the existence of numerous glaring code violations at the time the stop orders were posted.

The evidence adduced at the hearing on count II of plaintiffs' complaint completely fails to support plaintiffs' charge that the individual defendants, Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch, Arno Wehle, and Joseph Koss, and their agents, servants, employees, and attorneys, conspired either among themselves or with the park board or other defendants herein or with any other person to discriminate against plaintiffs or to cause discriminatory treatment against plaintiffs, or in any way to deprive plaintiffs of any rights guaranteed to plaintiffs under the Constitution and laws of the United States.

The court further finds from the evidence herein that the actions of the defendants and of the building commissioner of Deerfield in the manner of enforcing the building code and other ordinances against the plaintiff builder did not materially differ subsequent to the date upon which said defendants learned of plaintiffs' plans to establish integrated housing from the manner of such enforcement prior to the said date. The bulk of the violations appear to have occurred in November and subsequent thereto, but this is explained by the fact that these violations appeared in the framing or carpentry work on plaintiffs' buildings and that said framing and carpentry work was not commenced until the last week in October at the building at 911 Wilmot Road and until about a week subsequent thereto at the building at 921 Wilmot Road.

The court further finds that the plaintiff builder was dilatory in correcting violations which were brought to its attention, and that the carpentry foreman did not have with him or take the time to consult the building code of Deerfield. In fact, Max Weinrib, who was in charge of the entire building program for the plaintiff builder, did not obtain a copy of the Deerfield building code until November 16, 1959, which was several days later than the posting of the first stop order.

The only overt acts which are charged to the village defendants hereby by said complaint and which are well pleaded have to do with the manner of the enforcement of the building code and other ordinances of the village of Deerfield against the said plaintiffs. Other than sweeping and general conclusions of the pleaders, no other specific overt acts are charged against said defendants in said complaint.

A full and complete hearing was had herein on count II of the complaint, with ample opportunity to plaintiffs to examine and cross-examine the village officials and employees of the village, and the plaintiffs have completed failed to establish that any conspiracy existed on the part of said village officials, either among themselves or with others, to deprive the plaintiffs of rights guaranteed them under the Constitution of the United States.

Although the complaint contains general allegations that the village officials attended certain public meetings, there is no specific allegation that as a result thereof the said defendants committed any acts which had the effect of or were specifically designed to deprive the plaintiffs of their lawful rights.

The complaint contains no allegations that the village defendants have exercised any right of condemnation or that they were materially effective in persuading the Deerfield park district to exercise that right.

Upon the basis of the entire record herein, including the evidence taken under count I of the complaint, it does not appear that the said village officials engaged in a conspiracy with each other or with others to deprive plaintiffs of rights contrary to the provisions of the civil rights statutes or of rights guaranteed them under the Constitution of the United States.

After reviewing the entire record and the evidence taken herein on said counts I and II, there does not appear to remain any issues of fact which require determination by the court or a jury.

The further charge made in the complaint that the village defendants did not exert reasonable efforts to make clear to Deerfield residents their official obligation and responsibility to enforce local law equally and without fear or favor has been entirely rebutted by the evidence adduced herein. The charge is not supported by any evidence.

The evidence revealed that some 4 or 5 years ago a Negro family moved into Deerfield and lived there for 2 or 3 years without incident and that when the family moved from the village it was of its own volition and not because of hostility or discrimination shown it but because the head of the family was prosecuted and heavily fined as the owner of certain Chicago slum property and could no longer afford to live in Deerfield.

It appears from the evidence and the record herein that plaintiffs' plan to establish an integrated housing project in Deerfield, Ill., carries with it an element whereby plaintiffs seek to effect a system of controlled land tenure on racial and discriminatory bases.

The whole community was thrown into an uproar after November 11, 1959, when it became known to the officials and citizens of Deerfield that some of the houses that plaintiffs proposed to build would be sold to Negroes and other non-Caucasians. The court finds, however, that the ensuing turmoil was not caused solely by the fact that the public had been informed of the proposed sale of houses to Negroes. The court finds that immediately after the revelation of that news, the residents of Deerfield were bombarded with telephoned offers to purchase their homes at prices ranging from 50 to 75 percent of their actual cost or fair market value. There is no credible evidence of the identity of the persons responsible for those calls. The only finding the court can and does make relative thereto is that it was a quickly organized campaign carried on by persons, highly skilled in the procedure, who practice it in various areas in and around Chicago where white and colored communities adjoin each other. The suggestion that the plaintiffs were in some way connected with those calls is without any basis of fact so far as the evidence is concerned. Similarly, the suggestion that some of the defendants were responsible for the calls is not supported by the evidence. In fact, it seems that the charges made against both plaintiffs and defendants in that regard are founded entirely upon mutual suspicion of the parties.

The results of the telephoned offers, coupled with certain other facts, were disastrous. Rumors spread like a prairie fire and panic seized the village residents. Mass meetings were held, protests were lodged, and committees were formed to resist the sales program of Progress.

Viewed from any angle, the attitude of some of the village residents was deplorable—based as it was on animosity and resentment at the prospect of having Negro neighbors. It must be observed, however, that many of the villagers who were the most aroused and who raised the most commotion were animated by the telephoned offers to purchase their homes at reduced prices. Most of these people have all of their life savings invested in their homes and the prospect of losing that security was a greater factor than the thought of Negro neighbors. Fear gripped the community and fear is the very base and foundation of hate and intolerance.

Meanwhile, the true plan of the plaintiffs was revealed. They announced that they had made a social survey and that the normal population ratio for whites and non-Caucasians in the Chicago area was approximately 78 to 80 percent white and approximately 22 to 20 percent non-Caucasian; that since that was the Chicago-area norm, they proposed to sell to Negroes or other non-Caucasians from 10 to 12 of the houses they proposed to build and that the ratio between the races once being established would thereafter be controlled by the plaintiffs. They were not clear about the method of control but stated that such a plan was necessary in order to maintain a stable integrated community and to prevent the subdivision from becoming a ghetto, either all white or all Negro. Needless to say, the disclosure of the plan by Morris Milgram, president of Modern, added new fuel to the flames.

Plaintiffs stated in open court that they would not sell 100 percent or 50 percent of the proposed houses to Negroes, as that would be contrary to their plan. They insisted that they would sell only upon their formula of approximately 80-20. Plaintiffs claim, and their counsel argues, that the plan is voluntary, yet in the same breath they say that this plan must and will be controlled. The two terms are absolutely inconsistent. The fact appears to be that since this controversy has arisen, and plaintiffs see the horns of the dilemma with which they are faced, they have delayed the adoption of formal minutes in their corporate meetings to make the signing of such an agreement compulsory.

The court finds that Progress is under the domination of Modern, which, in turn, is dominated by Morris Milgram, and that under such domination Progress devised a plan of controlled integration for the village of Deerfield which required that each purchaser, as a condition precedent to his purchase, execute a separate resale agreement which is not to be recorded. This agreement with Progress gives the latter the exclusive right to select a purchaser for the property in the event of a resale of said premises. Progress would resell to another person of the same race as the original purchaser and the initial integration ratio would be continued.

Progress' plan is clearly a device to restrict the conveyance of real property to persons of a certain race. In an evident effort to circumvent the law as laid down in *Shelley* v. *Kraemer* (334 U.S. 1) and *Buchanan* v. *Warley* (245 U.S. 60), Progress attempts to accomplish its purpose by requiring the execution of separate, unrecorded resale agreement(s) incorporating appropriate restrictive language—all of which is fortified and implemented by certain minutes and corporate resolutions separately entered or adopted by Progress and Modern.

A controlled integration plan with discriminatory restrictions, albeit they are not recorded and are not in the form of covenants contained in a deed, cannot be enforced in

any court in the United States. It would amount to a quota system of housing and that is just as illegal as the quota system of employment that a group of Negroes sought to enforce on a department store in Los Angeles, Calif., in *Hughes* v. *Superior Court* (339 U.S. 460). In that case, the Supreme Court, in a unanimous decision, outlawed a compulsory employment system. Mr. Justice Frankfurter delivered the opinion of the Court and, quoting from the language of the Supreme Court of California (32 Cal. 2d 850, 856), said, at page 464:

"If petitioners were upheld in their demand then other races, white, yellow, brown, and red, would have equal rights to demand discriminatory hiring on a racial basis. Yet that is precisely the type of discrimination to which petitioners avowedly object."

If a population quota of 80 to 20, founded upon unrecorded restrictive agreements is constitutional, then a quota of 50 to 50 or 99 to 1 or even 100 to 0 would be constitutional and *Shelly* v. *Kraemer supra*, would be circumvented.

True, plaintiffs' plan may appear attractive to Negroes at the particular moment in a particular place, but it would constitute a straitjacket. It is but a mess of pottage offered in exchange for a birthright of equality.

At various public meetings defendant Harold C. Lewis and other village residents called upon some of the many lawyers who reside in Deerfield and asked that they advise whether a legal and constitutional way could be found out of the Deerfield dilemma as some of the residents called it. Numerous meetings were held, some boisterous and noisy. Many charges were made against the plaintiffs by defendant Harold C. Lewis and by unknown persons, and words such as "totalitarian" were used in describing plaintiffs' plans. On the other hand, some of plaintiffs' supporters referred to defendants and others as "bigots".

The officials of Deerfield called public meetings and heard both sides of the dispute. The president of the village, Joseph Koss, conducted those meetings in a manifestly fair and orderly manner. Deerfield can be proud of the sane and sober manner in which its village and park district officials have acted during this turbulent period.

While all of this was happening, defendant James C. Mitchell and other members of the Deerfield Park District board took stock and concluded that it was an ill wind which blew no one any good. In the words of defendant James C. Mitchell, they believed it was an opportune time to call another referendum in an attempt to get for the school-park program the land which the park board and defendant Mitchell and his wife (a member of one of the school boards) had long looked forward to obtaining. The park board struck while the iron was hot and called the referendum of December 21, 1959. The idea was that of the park board and was no part of any conspiracy involving the village officials or any other defendants or any other persons. In fact, defendant Harold C. Lewis and other persons were planning some action to seek an injunction halting plaintiffs' program.

The right of Modern to be a plaintiff in this cause can be disposed of with dispatch. Although Modern owns all of the outstanding and issued shares of stock in Progress, it nevertheless stands in the same position as would a holder of fewer shares. It must act through Progress for any injury it claims to have been done to Progress.

Modern's claim of indirect damage to its sale of stock and to its reputation outside Illinois, resulting from acts done in Illinois to a corporation in which it owns stock, and while Modern was not qualified to do business in Illinois, is too absurd to warrant serious discussion or notice by this court even though such claim of action is cloaked under the civil rights statutes.

Through prospectuses and registration statements filed with the Securities and Exchange Commission as of August 5, 1958, and October 9, 1959, and otherwise, Modern holds itself out as being engaged primarily, or proposing to engage primarily, in the business of investing and reinvesting in the securities of housing and real estate enterprises in various States. Since August 5, 1958, Modern has been endeavoring to sell to the public in numerous States $1,500,000 of its stock by direct offer without intervention of an underwriter. As of December 31, 1959, it had sold 5,876 shares for a total subscription price of $587,600 of which about $489,300 had actually been paid in.

Modern is engaged and proposes to engage in the business of investing, reinvesting, owning or holding securities. It presently owns investment securities having a value exceeding 40 percent of the value of its total assets exclusive of Government securities and cash items on an unconsolidated basis.

Modern has not registered as an investment company with the Securities and Exchange Commission pursuant to the Investment Company Act of 1940.

Without registering as an investment company, Modern has offered for sale, sold and delivered, and proposes to continue so to do, securities and interests in securities and otherwise to conduct interstate commerce.

Through prospectuses issued in connection with the sale of its shares pursuant to the Securities Act of 1933, Modern made statements and representations which do not disclose extensive contingent liabilities for the purchase of stock in companies organized by it or that it proposes to organize, that are speculative in nature. Such prospectuses failed to disclose material facts as follows:

(a) Modern has made commitments or pledges of $501,000 to certain subscribers for its shares which are not reflected in its latest prospectus. This is a large and material liability.

(b) Its prospectus entitled "Facts About Investing in Open Occupancy Housing" states that its purpose is to develop housing open to all persons regardless of color or race. (The admitted fact, on the other hand, is that the Deerfield subdivisions will not be open without regard to color or race to the first 51 purchasers who may appear and be able to buy. Modern's true purpose is to control occupancy in the subdivisions by means of a racial quota system. Thereafter Modern will seek to control, so far as it is able, the resale of the lots through so-called resale agreements in order to perpetuate and further control the quota. This quota system is a negation of open occupancy.) The prospectus fails to contain facts necessary not to make it misleading as to Modern's true purposes.

(c) In its prospectus, Modern represents that its president, Morris Milgram, was engaged in labor relations work for 10 years prior to 1947 when, in fact, he was not so engaged in any usual or ordinary use of the term "labor relations work," but was engaged with an organization known as the War Resistors' League during the years from 1941 through 1945 which could in no way be construed as labor relations work. Accurate and nonmisleading biographical material is of special importance to potential investors who must rely in substantial part upon the past history and performance of the principal officers of a new company in endeavoring to form an opinion as to the possibilities of the success of such a company.

(d) Modern fails to state in its latest prospectus that it has made special offers, inducements, and representations to prospective purchasers of its shares in the States of New Jersey, Iowa, and Connecticut that if they subscribe or assist in securing subscriptions for substantial amounts of its shares, Modern will make large investments in those States. The persons to whom such offers were made responded thereto by purchasing shares, and Modern considers itself obligated to them to make investments in said States which will total approximately $325,000.

(e) In Modern's current (1959) prospectus it is stated that one of its wholly owned subsidiaries had taken over the business and assumed the liabilities of a partnership. It omitted to state that the partnership was one in which several of Modern's officers bore partnership liability—including a two-fifteenths interest by Morris Milgram who at the same time was and is drawing a substantial salary from Modern. The prospectus fails to reveal the further material facts in this respect that this subsidiary is Concord Associates, Inc., a corporation created by Modern in January, 1959; that Concord was not expected by Modern to show a profit; and that to the knowledge of the directorate of Modern, it has, in fact, operated at a substantial loss ever since its creation.

Plaintiffs Modern and Progress have instituted a program of integration which they claim will be an immediate answer to the racial problem in this country. On November 16, 1959, at a meeting of 15 to 20 Deerfield residents at the Deerfield home of Adrien Ringnette, Morris Milgram, the guiding spirit of the enterprise, told those present that the integration plan was not voluntary. During the hearings in this matter, however, plaintiffs claimed that the plan was to be on a voluntary basis. When that plan is examined as it has been applied in other communities and is proposed to be applied in Deerfield, it becomes clear that its effect will be integration which is forced and controlled. Moreover, it will not be by proper authorities but by a private corporation.

If there is to be controlled or forced integration it is most certainly a matter for action by the people through their government and not by a private corporation which, when all is said, has as its object the motive of profit not only for its stockholders but also for its promoters.

It is significant that no Negro has purchased or offered to purchase any of plaintiffs' houses in Deerfield.

Had a plan, similar to the one sponsored by plaintiffs, been adopted in Chicago 20 years ago—when the Negro population was nearer to 10 than 20 percent of the whole—today's Negro population of that city would be hard put to find homes there.

Had Progress merely announced that it planned to sell houses to Negroes and to whites alike, and had it honestly sought to interest Negroes in purchasing its houses, it is entirely likely that some of those houses would have been sold to and occupied by Negroes who would have lived there in peace just as they have been doing in many other Chicago suburbs such as Evanston, Glen Ellyn, Wheaton, and Maywood, just to name a few. Apparently both races resented the strictures of the plan as well as the paternalistic attitude of plaintiffs that went with it.

Property owned by Progress in Deerfield is subject to the sovereign right of eminent domain, just as is the property of every other person in that village.

The court takes judicial notice and finds that Progress has an adequate remedy at law in the circuit court of Lake County, Ill., where it may by jury trial be justly compensated for the loss of its property and may also obtain any special damages which it may be able to prove. Furthermore, it may

again raise in that court and have heard on its merits its claim that the park district has no need for the premises belonging to Progress, and that the Park District is acting in an arbitrary, capricious, and discriminatory manner.

A mere claim of violation of constitutional rights is not sufficient to give this court jurisdiction in a condemnation proceeding. (*Combs* v. *Illinois State Toll Highway Commission* (128 F. Supp. 305, affirmed 349 U.S. 942).)

As hereinabove stated, under 28 U.S.C. 2283, this court has no authority to restrain judicial proceedings in State courts except where it is necessary in aid of or to protect its jurisdiction. No such showing has been made in this case. Moreover, this court has no jurisdiction in this cause for the reason that no civil right is involved.

Progress has made no allegation in its complaint that it has been denied the right to buy other property in Deerfield or to conduct and carry on its business otherwise in the village of Deerfield.

This is not a case of a municipality selecting property for park use where none is needed, or selecting property which is not suitable for park purposes, or taking only property that belongs to Negroes and leaving untouched that which belongs to Caucasians, or taking only property which is to be sold to Negroes while not taking that which is to be sold to Caucasians.

Plaintiffs allege they have been damaged in the sum of $750,000 but nowhere in their complaint praying injunctive relief do they allege or offer to prove that the defendants could not respond and meet the amount of damages claimed.

The court finds that the general allegations of damages set forth in the complaint are highly speculative and are not in any way supported by the proof. The proof shows that plaintiff Modern had received $489,300 from the sale of stock, and the balance sheet showed a net worth of $394,959.04 as of December 31, 1959. For the period January 1, 1959, to December 1, 1959, the balance sheet showed a net operating loss of $59,089.44.

Progress paid a total of $113,000 for the Floral Park and Pear Tree tracts and has expended $30,000 for improvements. The amount expended upon the two houses appears to be not in excess of $30,000, making a grand total of $173,000 that the property has cost Progress.

The obligations upon improvement bonds would be assumed by the park district if it takes the property for park purposes.

The value of $250,000 placed upon the property in the complaint is arrived at by allowing approximately $5,000 as the price for each building lot after houses have been constructed thereon, which is not the fair cash market value of such lots in their present state.

In arriving at its conclusions and decisions in this matter, the court has considered the affidavits filed in support of defendants' motions to dismiss count III and the whole complaint as well as the failure of the plaintiffs to respond or to file counter or replying affidavits thereto; all evidence adduced and all exhibits introduced, including resolutions adopted by Progress, tentative forms of agreements for submission to purchasers, forms which were actually used by Modern in controlling the racial proportions in another development; statements and argument of counsel; testimony of all witnesses, including that of Morris Milgram, president of Modern, and of Max Weinrib, executive vice president of Progress.

The court is of the opinion that both motions made by plaintiffs for preliminary injunction should be denied, not only upon the grounds set forth herein but also upon the merits.

Because the evidence introduced at the hearings was contrary to the allegations of the complaint which induced this court to issue its order restraining the defendant officials of Deerfield from enforcing the Deerfield building code in a discriminatory manner, it is the duty of this court to grant the motion of the defendants named in count II to disolve said restraining order which by its terms expired on January 6, 1960. Since by the terms of that restraining order the defendants were not enjoined from doing any specific act, and their lawful duties were specifically exempted from the provisions of the order, they were, in effect, enjoined only from doing any unlawful act. Therefore, no damages can be shown under the bond given at the time said order was made.

The court is of the opinion that motions made by defendants to dismiss counts I, II, and III should each be granted and that the complaint herein should be dismissed for the reason that the rights claimed to be violated are not rights which are protected by the 14th amendment to the Constitution of the United States nor are the acts complained of in violation of the civil rights statutes.

Based on the foregoing, the court states the following additional, specific conclusions of law:

1. This court has jurisdiction of the parties to this suit and of the subject matter thereof.

2. The Federal civil rights statutes created rights which may be protected by Federal courts in the exercise of their normal equity jurisdiction. These statutes, however, have not broadened the controlling equitable doctrine, and relief may be denied on well established principles. Existing standards are to be used to determine the propriety of equitable relief.

3. In a motion for a preliminary injunction, the burden of proof is upon the complaining party.

4. The burden is on the plaintiffs to prove that this court should issue a temporary injunction restraining the prosecution of the condemnation proceedings in the circuit court of Lake County, Ill.

5. The award of a preliminary injunction is a matter within the sound discretion of the court. It is not a matter of right, even where irreparable injury may result to the plaintiff. Injunctive relief is a drastic remedy and courts should proceed with caution in granting such relief.

6. In order to be entitled to a preliminary injunction, plaintiff must show that there is a likelihood that he will finally prevail on the merits.

7. Only a case of manifest oppression will justify entry of an injunction by a Federal court against a State official acting under the color of his office in his conscientious endeavor to discharge his official obligations and duties.

8. The proofs taken with all intendments in favor of the plaintiffs fail to show any grounds for a temporary injunction under count I of the complaint.

9. The burden is on the plaintiffs to prove that the commissioners of the Deerfield Park District conspired to deprive the plaintiffs of their rights under the Constitution of the United States and the Federal Civil Rights Acts.

10. The proofs taken with all intendments in favor of the plaintiffs fail to show any conspiracy on the part of the commissioners of the Deerfield Park District.

11. The plaintiffs have failed to establish by a preponderance of the evidence that they are entitled to the entry of a preliminary injunction herein as prayed against the defendants named in count II of the complaint and that plaintiff's request for such preliminary injunction should be denied.

12. In view of the evidence and extensive hearing had on count II there is no further reason for said count II to remain pending herein and that said count II should be dismissed.

13. The court concludes after hearing all the evidence that it was without jurisdiction to grant the temporary restraining order entered herein on December 22, 1959 and that the order should be dissolved.

14. The court further concludes that inasmuch as the defendants were not restrained from doing any specific act, were not restrained from performing their lawful duties, and were only restrained from doing illegal acts, that no damages could or have accrued under the bond herein.

15. The proofs taken with all intendments in favor of the plaintiffs show no illegal motive of the commissioners of the Deerfield Park District in instituting condemnation proceedings against the premises described in paragraph 11 of the complaint.

16. The acts of the commissioners of the Deerfield Park District do not constitute an unlawful conspiracy.

17. The commissioners of the Deerfield Park District in instituting condemnation proceedings against the premises described in paragraph 11 of the complaint were acting in their legislative capacity and are immune to the claim for damages alleged in count III.

18. This court cannot consider the motives of the commissioners of the Deerfield Park District in instituting condemnation proceedings against the premises described in paragraph 11 of the complaint.

19. Motives cannot be inquired into when the sovereign speaks directly—that is, when the people vote as they did in this case; nor can motives be inquired into when the sovereign speaks indirectly—that is, through a legislative body, as it did through the members of the board of the Deerfield Park District in this case. The court specifically finds that the officials of the Deerfield Park District Board had no motive of bias or discrimination against the plaintiffs when those officials acted as they did.

20. The purest of motives and the best of purposes by the sovereign in State government, acting either directly or through its legislators, cannot save a statute, ordinance or resolution that is contrary to the Constitution of the United States. And, of course, the same holds true of administrative or executive acts that are done under color of law.

21. Modern Community Developers, Inc., is an unregistered investment company within the meaning of the Investment Company Act of 1940; as such, it cannot engage in interstate commerce; and its contracts are void and unenforceable.

22. Modern Community Developers, Inc., had made as of the date of commencement of this action several false and misleading statements and had failed to disclose material facts in registration statements and prospectuses filed with the Securities and Exchange Commission and under which it seeks to sell shares of stock in interstate commerce. It cannot found a cause of action upon any believed right to sell stock under an illegal prospectus.

23. The power and authority of the State of New Jersey were used to create Modern Community Developers, Inc.

24. The power and authority of the State of Illinois and its subdivisions were used to charter Progress Development Corp. and to subdivide the tracts of land acquired by it for development.

25. The plaintiff, Modern Community Developers, Inc., is not a proper party plaintiff and should be dismissed.

26. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and in violation of the 5th and 14th amendments to the Constitution of the United States and is unenforcible in any court of law or equity in the United States.

27. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and is in violation of sections 1981, 1982 and 1985, title 42, United States Code, and is unenforceable in any court in the United States.

28. The "controlled occupancy pattern" which the plaintiffs propose is illegal and the plaintiffs do not come into a court of equity with clean hands.

29. The "controlled occupancy pattern" which the plaintiffs propose is illegal and the plaintiffs cannot predicate the cause of action claimed in count III thereon and count III should be dismissed.

30. The controlled-occupancy pattern and resale quota system which Modern Community Developers, Inc., proposes to use in Deerfield through Progress Development Corp. is illegal both as to initial sales and resales. The power of a Federal court cannot be used consistently with the fifth amendment and the civil rights statutes to impose any percentage quota of Negro or Caucasians. Similarly, State power and authority cannot be constitutionally employed within the restrictions of the 14th amendment to control either the original or subsequent devolution of realty on a quota basis.

31. A party who plans to put into effect a system of land tenure whereby ownership or occupation of land will be controlled on racial or other disciminatory bases cannot seek damages in a Federal court for any interference which prevents such party from putting such plan into effect.

32. An action against public officials as individuals for damages arising from alleged tortious acts pursuant to a claimed conspiracy should not allegate mere conclusions of the pleader but must state facts from which the conclusion is inevitably drawn that the officials did in fact use their office for the sole object of depriving plaintiffs of their constitutional rights.

33. In an action for conspiracy under the Federal Civil Rights Acts, it must be alleged that the conspirators have committed an act or acts in furtherance of the conspiracy whereby the plaintiff is injured in his person or property, irrespective of whether the conspirators proceed under color of authority of State power or otherwise.

34. The mere attendance at meetings of public officials in their individual private capacity is not such an overt act as is required to satisfy the allegation of an actionable conspiracy under section 1985 of title 42 of the United States Code.

35. Where the court has conducted extensive hearings on motions for preliminary injunction, and where it appears that the plaintiffs have had ample opportunity to examine and cross-examine witnesses on all issues well pleaded, and it further appears that the issues are all in favor of the defendants and no further issues of fact remain to be determined, it is proper to entertain a motion for summary judgment in favor of the defendants.

36. None of the provisions of sections 1981, 1982, or 1983 of title 42 of the United States Code are violated by the actions of the park district or park commissioners herein. Progress Development Corp. is subject to the same exactions as are other citizens—the exaction of having its property taken by the eminent domain power granted to governmental, legislative bodies. No right is given to Progress superior to that granted all other citizens and they likewise hold their property subject to the superior right of eminent domain exercised by governmental agencies.

37. No civil rights of the plaintiffs have been impaired or jeopardized.

38. No right that is unenforceable in a court of law or equity, in any court in the United States, can be classified as a civil right.

39. The mere intention to take some action at some time in the future, which might or might not occur, and which if it does occur might present a situation coming under the Civil Rights Act, does not present any justiciable question under the Civil Rights Act at this time.

40. A party who has admittedly violated the law cannot complain that a penalty was invoked against him where it appears that the enforcement was in accordance with the statute and that it was properly exercised.

41. Although the court will protect a proper party insofar as equal protection of the laws may be involved, it cannot determine relative degrees of punishment where the punishment is within the law and the element of its degree is a matter of sound permissible discretion of the enforcing officer.

42. Because of the provisions of 28 U.S.C.A. 2283, this court has no jurisdiction to restrain the condemnation proceedings pending in the circuit court of Lake County, Ill., unless the plaintiffs prove that there is need for equitable jurisdiction in aid of the court's jurisdiction under the civil rights statutes and this the plaintiffs have failed to prove in this cause.

43. The plaintiff, Progress Development Corp., has an adequate remedy at law in the condemnation proceedings pending in the circuit court of Lake County, Ill.

44. Count I of the complaint should be dismissed because the relief claimed therein is barred by 28 U.S.C.A. 2283 unless the plaintiffs prove such is necessary in aid of the equitable jurisdiction of the court, and this they have failed to prove in the case at bar.

45. Count I should be dismissed because no conspiracy, or any semblance of a conspiracy, on the part of the park board commissioners was proved.

46. Count I of the complaint should be dismissed because the plaintiffs do not come into this court of equity with clean hands.

47. Count I of the complaint should be dismissed because the plaintiffs have an adequate remedy at law.

48. The complaint as explained by plaintiffs fails to state a claim upon which relief can be granted and should be dismissed with prejudice and at plaintiffs' costs.

The decision upon the facts in this case can be of no comfort to any group of individuals or to any community which might violate the civil rights of Negroes or other minority group members. This case is decided upon the facts as established by competent evidence in this particular case—facts that completely overcome the unsupported allegations of the complaint herein.

This memorandum opinion contains a full statement of the essential facts as well as of the conclusions of law applicable thereto in conformity with rule 52 of the Federal Rules of Civil Procedure.

Appropriate orders are being entered simultaneously herewith.

———, *Judge.*

Dated Chicago, Ill., March 4, 1960.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MOORE (at the request of Mr. HALLECK) on March 18, 1960, on account of official business in Wheeling, W. Va., attending an atomic waste conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. THOMPSON of Texas (at the request of Mr. MCCORMACK), for 30 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. ANDREWS (at the request of Mr. MCCORMACK), for 15 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. METCALF, for 60 minutes, on Thursday, March 24.

Mr. UDALL (at the request of Mr. METCALF), for 60 minutes, on Thursday, March 24.

Mr. MACHROWICZ (at the request of Mr. METCALF), for 60 minutes, on Thursday, March 24.

Mr. WILLIAMS, for 10 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. HOFFMAN of Michigan, for 30 minutes, on Tuesday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mrs. KEE in two instances and to include extraneous matter.

Mr. STRATTON and to include extraneous matter.

(At the request of Mr. COLLIER, and to include extraneous matter, the following:)

Mr. Bow.

Mr. LINDSAY.

Mr. LAFORE.

ADJOURNMENT

Mr. DOWNING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Monday, March 21, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1960. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Chiwapa Creek, and Mulberry Creek, Miss., Wilson Creek, Nebr., Conewango Creek,

N.Y., North Branch Forest River, N. Dak., Bear Creek, and Cypress Creek, Tenn., Porters Creek, Tenn., and Miss., and Buffalo Creek, Va., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

1961. A letter from the Assistant Secretary of Defense, relative to a request by the Department of the Air Force for approval to proceed with projects for aircraft maintenance facilities at Grenier Air Force Base, Manchester, N.H., and Schenectady County Municipal Airport, Schenectady, N.Y., for the Air National Guard, pursuant to Public Law 86–149; to the Committee on Armed Services.

1962. A letter from the Assistant Secretary of Defense, transmitting a report relating to the expenditure of funds through grants for support of scientific research for the calendar year 1959, pursuant to Public Law 85–934; to the Committee on Science and Astronautics.

1963. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation entitled "A bill to include certain officers and employees of the Department of Health, Education, and Welfare within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides"; to the Committee on the Judiciary.

1964. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Terrapin Creek, Ala. and Ga., East Fork Point Remove Creek, and West Fork Point Remove Creek, Ark., Upper Verdigris, Kans., and Beaver Creek, Ky., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSEN of Minnesota:

H.R. 11247. A bill to bring employees of the agricultural stabilization and conservation county committees within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

By Mr. BECKWORTH:

H.R. 11248. A bill to amend section 610 of title 38, United States Code, to provide that certain veterans shall be furnished hospital care without regard to administrative limitations; to the Committee on Veterans' Affairs.

By Mr. BROCK:

H.R. 11249. A bill to amend the Internal Revenue Code of 1954 to repeal the tax presently imposed on the transportation of persons; to the Committee on Ways and Means.

By Mr. ELLIOTT:

H.R. 11250. A bill to authorize Federal loans to colleges and universities for the construction, rehabilitation, alteration, conversion, or improvement of classroom buildings and other academic facilities; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 11251. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. LATTA:

H.R. 11252. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain amounts paid by a teacher for his further education; to the Committee on Ways and Means.

By Mr. CLEM MILLER:

H.R. 11253. A bill to authorize and direct those principles under which the national forests shall be managed; and to provide sustained yield development for our timber and rangelands; and for other purposes; to the Committee on Agriculture.

By Mr. MORGAN:

H.R. 11254. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. MOULDER:

H.R. 11255. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. MULTER:

H.R. 11256. A bill to amend the Civil Service Retirement Act to authorize the retirement of employees after 30 years of service without reduction in annuity; to the Committee on Post Office and Civil Service.

H.R. 11257. A bill to amend the Bank Holding Company Act to prohibit the approval by the Federal Reserve Board of bank holding company operations unauthorized by State law or disapproved by State authorities; to the Committee on Banking and Currency.

By Mr. PILLION:

H.R. 11258. A bill to make permanent the temporary increases in rates of basic salary provided for employees in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Kansas:

H.R. 11259. A bill to provide for adjustments in the lands or interests therein acquired for the Kanopolis Dam and Reservoir, Kans., by the reconveyance of certain lands or interests therein to the former owners thereof; to the Committee on Public Works.

By Mr. UDALL:

H.R. 11260. A bill to provide for the use of television broadcasting stations by candidates for the Office of President of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H.R. 11261. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 11262. A bill to prevent the use of stopwatches or other measuring devices in the postal services; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN (by request):

H.R. 11263. A bill to amend section 801 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901; to the Committee on the District of Columbia.

By Mr. RIEHLMAN:

H.R. 11264. A bill to amend the Tariff Act of 1930 to impose a duty upon the importation of bread; to the Committee on Ways and Means.

By Mr. SHORT:

H.R. 11265. A bill to authorize the Secretary of the Interior to provide water and sewage disposal facilities to the Medora area adjoining the Theodore Roosevelt National Memorial Park, N. Dak., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BYRNES of Wisconsin:

H.R. 11266. A bill to amend the Internal Revenue Code of 1954 to permit the prepaid dues income of certain membership organizations to be included in gross income for the taxable years to which the dues relate; to the Committee on Ways and Means.

By Mr. DURHAM:

H.R. 11267. A bill to amend the Longshoremen's and Harborworkers' Compensation Act to insure that employers will be immune from suit for injuries for which compensation has been paid; to the Committee on Education and Labor.

By Mr. INOUYE:

H.R. 11268. A bill to provide for promotion of economic and social development in the Ryukyu Islands; to the Committee on Armed Services.

By Mr. WITHROW:

H.R. 11269. A bill to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. GRANAHAN:

H.J. Res. 653. Joint resolution declaring Inauguration Day to be a legal holiday; to the Committee on the Judiciary.

By Mr. WALTER:

H. Res. 480. Resolution providing for the printing of additional copies of House Report No. 1251, current session; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MOULDER:

H.R. 11270. A bill to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society; to the Committee on the District of Columbia.

By Mr. WAINWRIGHT:

H.R. 11271. A bill for the relief of Angelo and Gina Bonaguidi; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

387. By Mr. WESTLAND: Petition of Bert H. Maffett and 51 other members of Barracks 142, Veterans of World War 1, Marysville, Wash., favoring the passage of H.R. 9948, referred to as the "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

388. Also, petition of H. A. Paulson and 29 other residents of the Second Congressional District, Washington, favoring the passage of H.R. 9336, referred to as the "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

New York State Assembly Shows the Way—Let's Put All Our Major National Nonreligious Holidays on Mondays

EXTENSION OF REMARKS
OF
HON. SAMUEL S. STRATTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mr. STRATTON. Mr. Speaker, last year I introduced legislation, H.R. 8073, to fix four of our major, nonreligious national holidays—Washington's Birthday, Memorial Day, Independence Day, and Veterans Day—on Mondays rather than on fixed calendar dates. This, of course, is precisely what we now do in the case of another major, nonreligious national hoilday—Labor Day, established uniformly on the first Monday in September. My proposal has the support of both employee and management groups since it would provide not only that observance of these holidays would involve a long weekend suitable for family travel and recreation, but would also greatly reduce absenteeism which inevitably results when holidays fall within the middle of the week.

Mr. Speaker, I was greatly heartened last week to learn that on Monday, March 14, the assembly of the legislature of my great State of New York passed and sent to the State senate a bill designed to accomplish the purposes outlined in my bill with respect to Memorial Day, making it fall, in New York State, on the last Monday of May rather than on May 30.

I hope, Mr. Speaker, that the State senate and the Governor of New York will join with the assembly in supporting this sound and beneficial State legislation. If it does become law in New York then it will surely follow—if the observances of our great national holidays are to be in harmony throughout the several States, as, of course, they should be—that corresponding action, along the lines of the Stratton bill, H.R. 8073, must be taken by this Congress. For this reason the recent action at the State capitol at Albany, N.Y., represents the first major breakthrough for this legislation of mine and I am hopeful that Members of the House will now soon give their attention and support to this important matter.

Under leave to extend my remarks, I include the text of a news release on this subject which I have issued today:

Congressman SAMUEL S. STRATTON, Democrat, of New York, yesterday hailed the action of the New York State Assembly, which last Monday adopted a bill to establish Memorial Day as the last Monday in May rather than on May 30, as "the first major breakthrough for my bill, H.R. 8073, which would provide for the observance of all nonreligious national holidays on Mondays."

The New York State legislation passed the assembly by a vote of 114 and was sent to the Senate where it reportedly "has a good chance of passage." The legislation is sponsored jointly by Assemblyman Richard J. Bartlett, Republican, of Glens Falls, and Senator Gilbert T. Seelye, Republican, of Burnt Hills. Actually, May 30 falls on the last Monday in May this year.

Congressman STRATTON, in similar communications to Assemblyman Bartlett and Senator Seelye, praised them for their action and told them, "adoption of this provision by New York State will undoubtedly lead quickly to recognizing the wisdom of designating such other holidays as Washington's Birthday, Independence Day, and Veterans Day also on Mondays." The Congressman urged the State legislators to "persuade their colleagues to memorialize Congress to support H.R. 8073 and thus bring the rest of the country into line with New York State." He expressed agreement with the views attributed to Assemblyman Bartlett that the bill would not only provide a long weekend for travel and recreation, but would also reduce absenteeism in industries.

CVI——381

National Teacher of the Year

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mrs. KEE. Mr. Speaker, all West Virginians can be proud of the selection of the beautiful and talented Mrs. Hazel Davenport, of Beckly, as national teacher of the year.

It is particularly gratifying to me that this honor should be bestowed upon a West Virginia teacher at a time when our State has been the recipient of so much unfair publicity. The selection of Mrs. Davenport as the teacher of the year will serve to remind the rest of the Nation that West Virginia has many outstanding assets, one of the most important of which is our young people who are now being trained as future leaders.

I am delighted that the National Education Association is honoring a classroom teacher each year.

Mrs. Davenport, and the previous winners, are typical of the thousands of men and women throughout the Nation who have dedicated their lives to teaching.

The teacher is one of the most important persons in our democratic society. Unfortunately, all of us have a tendency to take them for granted. It usually takes a crisis of some sort to force the public to earnestly concern itself with public education and with the men and women who operate our schools and teach our children.

It takes a tremendous amount of money to operate our schools. Many local areas are making real financial sacrifices to provide their children with the best possible education. Other areas find they simply do not have sufficient financial resources to build and maintain the type of school system which they need.

Because education is so important to a democratic society, I have long supported efforts in Congress to make financial assistance available to local school systems. At the same time I have insisted that any Federal assistance leave the sole responsibility of operating schools to local communities.

Federal control of the educational system would be abhorrent to our concepts of government. I firmly believe that our system of government is flexible enough to permit the Federal Government to help the States and localities with their educational problems without assuming control of education.

One other thing appears clear to me. No amount of Federal funds can insure a good educational program in every community. The primary responsibility rests with the local people. They have to determine what the schools should teach and how it is taught. They have to attract and hold good teachers.

Added revenue in the form of Federal assistance will enable many school districts to improve their school facilities, but unless the local people demonstrate a deep and continuing interest in local school problems, they will never have the type of system to which the community is entitled.

In the final analysis, the Nation's school problems extend down to the local level where they must be solved.

Local people, working with dedicated teachers such as Mrs. Davenport, will, I am sure, provide the Nation with a school system that is capable of meeting any challenge.

April Is USO Month

EXTENSION OF REMARKS
OF
HON. JOHN V. LINDSAY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mr. LINDSAY. Mr. Speaker, next month has been designated as "USO Month." Most people have associated USO with parties and shows for our men in uniform. But to us who have had the privilege of serving in our Armed Forces it means more than that. It means a deep and abiding concern by our people on the homefront for those whom they have sent to the four corners of the world in our defense.

This organization, made up of voluntary groups, has immeasurably assisted in the religious, spiritual, social, recreational, and educational needs of our men and women in the Armed Forces. It has provided much needed services; community and travel information, counseling on personal and family problems,

housing bureaus, discussion groups, craft classes, games, snack bars—to mention only a few.

Truly, it has provided our men and women in uniform "a home away from home."

Its services have tremendously boosted the morale of our men and women in uniform which, in turn, has placed them in combat readiness which is essential in moments of tension.

USO activities are not confined alone to our Armed Forces personnel here at home; it extends to such places overseas as Anchorage, Fairbanks, Kodiak, Balboa, Cristobal, Nice, Paris, Casablanca, Athens, Salonika, Rhodes, Istanbul, Naples, Rome, Seoul, Guam, Manila, Tokyo, and Honolulu.

Needless to say, the USO has, since its inception in 1941, done and is continuing to do immeasurable service to the Nation, particularly to Armed Forces personnel.

It is fitting, therefore, that on this occasion of USO Month all Americans give their unstinting support to a worthy cause being performed by these unsung heroes.

I earnestly hope for the USO more power and continued success.

Billboard Control Helps Hawaiian Economy

EXTENSION OF REMARKS
OF
HON. OREN E. LONG
OF HAWAII
IN THE SENATE OF THE UNITED STATES
Friday, March 18, 1960

Mr. LONG of Hawaii. Mr. President, my State of Hawaii has found that regulating billboards is good business.

Outside Honolulu, there are no roadside billboards in Hawaii. Tourists like the idea. Our scenic splendor is not marred by signs. The people of Hawaii are proud of their foresight in preventing the blighting of a lovely landscape by billboards. Businessmen find no reason to complain about the absence of such roadside advertising. Many believe highway posters would probably hurt more business than they would attract.

My departed friend, Senator Richard Neuberger, who championed the cause of billboard control, often noted that States where the tourist trade is important have a vital stake in regulation of signboards along their highways. In his own State of Oregon the tourist trade ranks third among all industries, bringing in an income of over $175 million each year. He would point to Department of Commerce figures showing that if a community can attract a couple of dozen tourists a day throughout the year, it would be economically comparable to acquiring a new manufacturing industry with an annual payroll of $100,000.

Recently, there appeared in the Memphis Press-Scimitar an article by Milton Britten headed "Hawaiians Have Enjoyed Billboard Ban 33 Years and Profited By It," and quoting the comments of my colleague [Mr. FONG] and myself on billboard control.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAWAIIANS HAVE ENJOYED BILLBOARD BAN 33 YEARS, AND PROFITED BY IT

(By Milton Britten)

WASHINGTON.—It has been nearly 2 years since the Federal billboard control law was passed.

Yet not a single State has come forward to accept the bonus offered for agreeing to abide by national standards for regulating signboards along the 41,000-mile interstate highway network.

This is a matter of bipartisan bafflement to Senators from our newest State, Hawaii, where strict controls have been on the books for 33 years and have proved both pleasant and profitable.

Says Democrat OREN LONG, former Governor of Hawaii: "If you drove from Honolulu all around the island of Oahu and back again, you wouldn't see a single billboard. This is widely discussed by tourists and a matter of pride among our people.

"Our territorial legislature back in 1927 passed a law restricting billboards to a closely defined area within the business district of Honolulu. Outside of this small area there just aren't any billboards to mar the beauties of our landscape.

"This not only pleases our own people, who enjoy their scenery, but is good for our tourist business. There have been a few feeble efforts to relax controls. But so far as I know our great business organization, the chamber of commerce, has never even slightly intimated they favored such efforts.

"The likelihood is that just as many products of any given make are sold in Hawaii as there would be if we had our roads cluttered with billboards."

GOOD BUSINESS

Republican HIRAM FONG, attorney and big businessman, agrees: "It's good business for Hawaii to control signboards. Their absence lends a lot of enchantment to our scenery, which tourists enjoy.

"Last year about a quarter million tourists came to Hawaii and spent $90 million. By 1965 it is estimated we'll attract a million tourists, and by 1975 2½ million. By 1970, we estimate that our income from tourism will exceed the aggregate of our income from our sugar and pineapple industries.

"It would be a very good thing if billboards could be eliminated from highways all over our Nation. They distract motorists. How much better off America would be if every billboard could be taken down and a tree planted in its stead."

Both described as jarring to Hawaiians the contrast between billboard-cluttered mainland highways and their own unmarred scenic roadways.

Senator LONG says he thinks "the time will come when more careful consideration will be given" to applying on a national scale the strict controls Hawaii has enjoyed. He says he doubts this should be tried, however, until the present law has had a trial.

Latest Bureau of Public Roads survey indicates only three States—Connecticut, Wisconsin, and North Dakota—have already passed laws that would enable them to participate in the Federal program. Adequacy of a recent Maryland law is in dispute.

DEADLINE JUNE 30, 1961

A number of other States have tried or are trying to write enabling legislation. Deadline for signing up for the Federal bonus offer is June 30, 1961.

One reason for delay thus far has been the activity of the billboard lobby, which pressured Congress into watering down the Federal law and has since been working against it within the State legislatures.

The law provides that the Federal Government will contribute one-half of 1 percent more than its 90 percent share of interstate highway costs to States that agree to abide by minimum national standards of billboard control.

Buy American Act

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mr. BOW. Mr. Speaker, the failure of the Buy American Act to assist American firms seeking to do business with our Government has given me great concern. Last week I referred to the award of a contract for the Panama Canal Bridge, using West German steel, because the contractor using German steel underbid an American contractor by $22,000. Yesterday I made reference to a new problem regarding locomotives for use in Panama Canal operations.

The locomotives required by the canal, and usually referred to as "mules," furnish the power to pull ships through the locks. They have a useful life of about 40 years.

At present the Secretary of the Army is considering a bid by a Japanese firm to supply new locomotives for a total of $3,800,000. The lowest American bidder is the Plymouth Co., of Plymouth, Ohio, at $4,700,000. To the Japanese bid, under various laws and regulations, may be added $115,000 for special inspections that would be required, $380,000 under the Buy American Act—10 percent instead of the 25 percent formerly allowed—$228,000 because the Plymouth Co. is a small business, and certain other percentages so that the actual difference between the two bids is less than $100,000.

However, as I pointed out with regard to the bridge contract, these figures tell only a part of the story. If Plymouth is awarded the bid, plate steel and stainless steel manufactured in my district will go into the machinery, and steelworkers in Canton and Massillon will realize direct benefits. Other subcontractors located in Chicago, Pittsburgh, Buffalo, and Detroit will receive orders, and some of these are areas of critical labor surplus. At least 1 million man-hours of employment for American labor will flow from the award of the contract to an American firm.

This does not take into account the transportation of the components and and of the machines itself, which means additional business for Americans; nor does it take into account the direct returns to Federal, State, and local government that will come from this contract if it is awarded to Plymouth.

Finally, let me say that the Plymouth Co. is a recognized producer for the Defense Department with an excellent reputation. It can be depended upon to produce a quality product that will do the job that needs to be done. We cannot place the same faith and confidence in the Japanese producer. Further, during the 40 years these engines will serve, the Plymouth Co. in peace or war will be readily available to supply renewal and repair parts, an assurance we cannot have from a producer in Japan.

Plymouth is the only remaining American company devoted to the design, engineering, and production of industrial locomotives of the size and type required in this procurement. If it is denied Government contracts, the Plymouth Co. may not be in production when some dire emergency befalls us.

For all of these reasons, it seems to me that award of the locomotive contract to Plymouth is clearly in the national interest and the Army should so decide.

Diplomatic Conferences

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mrs. KEE. Mr. Speaker, during the next 8 or 10 weeks several important diplomatic conferences will be held. The world is entering a fateful period, and what happens at these high-level talks between world leaders could well determine the course of history during our lifetime.

Recently Premier Khrushchev, of Russia, ended a visit to France. Prime Minister Macmillan, of England, made a hurried trip to Washington to confer with President Eisenhower. President De Gaulle, of France, is scheduled to visit the United States soon. And in May, the summit conference, bringing together the heads of state from the world's major powers, will be held.

There is a feeling of cautious optimism in Washington. Perhaps, after almost 15 years of intense cold war during which the world has lived on the brink of atomic war, a break is in sight and a tentative beginning can be made toward reaching a new understanding.

No one here expects all of the many serious world problems to be solved overnight. Nor can we look forward to the Russians discarding their expansionist policies for one of sweet reasonableness.

But at least there are indications that Russia wants to reach an accommodation and to ease some of the tension. They have made the overtures. The United States and its allies must explore the possibilities.

Certainly it does no harm to talk with the Russians provided we are not taken in by the Russians and allow our defensive strength to deteriorate. It is possible the Russians are aware of the fact that the hydrogen bomb and fantastic new delivery systems built around long-range missiles have made it entirely too dangerous to substitute bluster and bluff for serious diplomatic negotiations. The consequences of touching off a war through a miscalculation of American intentions are too horrible to contemplate.

At present, the United States and its allies are talking with the Russians about a suspension of nuclear weapons testing. Both sides have made concessions and according to the President there is a fair chance of reaching an agreement backed up by a sound, self-enforcing inspection system.

Such an agreement would be a long first step toward disarmament. Negotiations are also under way looking toward a disarmament agreement but the progress here has been slight to say the least.

I am sure everyone would like to see a workable plan agreed upon to enable the nations of the world to put an end to the arms race. The world is spending hundreds of billions each year on arms. As long as the Russians remain a serious threat to world peace, we have no other choice.

We would rather devote the money we are forced to spend on arms to more useful purposes. And I am sure the people would solidly support disarmament if we could be assured it would be accepted universally and that it would be enforced.

Until such a plan can be agreed upon and put into effect, we will have to continue our defense program, regardless of cost. We cannot let up. If we relax for 1 minute the Russians could well take advantage of the opportunity and launch a surprise attack.

We can remain strong and yet let Russia and the rest of the world know that we are ready at all times to reach an understanding through diplomatic channels.

That is why I am glad to see President Eisenhower agree to talk with Mr. Khrushchev at the summit and to visit Russia later on. We have to persist in our efforts to find a peaceful solution to the world's problems. We can talk with the Russians without appeasing them or permitting our strength to wither away.

Labor Reform Legislation of 1959 and Its Implications

EXTENSION OF REMARKS
OF
HON. JOHN A. LAFORE, JR.
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mr. LAFORE. Mr. Speaker, under leave to extend by remarks in the CONGRESSIONAL RECORD, I include a speech delivered by my distinguished colleague from Pennsylvania, the Honorable CARROLL D. KEARNS, before the Delaware Valley Industrial Editors Association, March 16, 1960, at which time Representative KEARNS received the Delaware Valley Industrial Editors annual communications award for distinguished service in establishing more effective communications in the areas of his public interest. The 1958 recipient of this award was Gen. Alfred Gruenther and the 1959 recipient—Mayor Richardson Dilworth.

The speech follows:

LABOR REFORM LEGISLATION OF 1959 AND ITS IMPLICATIONS

Last year I had the opportunity to address the national convention of the American Association of Industrial Editors in Syracuse, N.Y. Your invitation this evening prompted me to review the remarks prepared at that time. It does not seem possible that so much has happened in the labor-management field in the 11 months since your Syracuse meeting.

My trip to Syracuse was a hurried one because the House Committee on Education and Labor, of which I am ranking minority member, was holding hearings on labor reform legislation. Similar hearings had been completed in the Senate but that body had not yet acted on any bill. It was generally accepted that only the weakest kind of a labor reform bill would pass—something which was completely acceptable to the union leaders.

The principle of a bill of rights for union members had been included in several measures introduced in the Congress but the likelihood of its being enacted into law seemed remote. The curtain had barely risen on the drama of the battle for the bill of rights and the swell of public opinion which gave rise to House approval of the Landrum-Griffin bill. The conference between the House and the Senate, the climactic scene, where the compromise which is the Labor Reform Act was hammered out, seemed too far in the future to be of any interest.

When I look back on the Syracuse meeting and think of the questions which you raised, I must admit to some sense of gratification for the events during the following months. At Syracuse we talked about the necessity for better performance by unions, by mangement, and by the government in carrying out their duties and responsibilities in the labor-management area. We talked about the importance of protecting individual workmen in their fundamental rights and I suggested that the law must cover the following points if a definite goal was to be accomplished:

1. True democracy within unions must be assured.

2. Honesty in union affairs must be guaranteed.

3. "Sweetheart" arrangements between dishonest employees and union officials must be eliminated.

4. Criminal elements must be eradicated from the union movement.

5. Innocent workmen and small employers must be protected against coercive picketing and secondary boycotts.

I am proud to say that the new Labor Reform Act is a tremendous stride forward in accomplishing every one of these goals. Its bill of rights and election provisions go a long way toward assuring democracy within unions and returning control of labor organizations to their members. Its reporting, disclosure, bonding, and fiduciary relationship provisions, together with the restrictions on trusteeships, should be of substantial help in meeting the problem of dishonesty within unions. Sound provisions for the elimination of "sweetheart" contracts and for the ousting of criminal elements from the union movement are included. And finally, important limitations

on organizational and recognition picketing, on secondary boycotts, and on hot cargo contracts, provide immeasurable protection to employees, and small employers.

The Labor Reform Act is not perfect. It is impossible to write perfect legislation in a field as controversial as labor-management relations. Particularly when a legislative body is "loaded" in favor of unions, as is our present Congress, and a substantial part of its membership was doing its best to kill all needed reform legislation. But, regardless of its faults, we can be proud of the act which was finally passed and be grateful that the working men and women of our country will benefit from its added protection.

Because a major battle was won last fall, we cannot rest on our laurels. Already a serious attempt is being made to weaken these protections by authorizing secondary boycotts in the construction industry. I have said on many occasions that I believe the peculiar problems in that industry necessitate some special legislation. In fact, one such provision was included in the Labor Reform Act. But the bill which is presently before the committee, H.R. 9070, confuses rather than resolves the problem.

After listening to testimony on H.R. 9070, it is clear to me that there is sharp disagreement as to its meaning. The Labor Reform Act is a technical, complicated law.

Passage of another amendment at this time, before the NLRB and the courts have had a chance to interpret what has already been done, will accomplish nothing. Not even its strongest supporters are sure what it means, and Congress would be derelict in its duty if it should foist such an ambiguous statute on the public.

A more fundamental battle than any attempt to pass weakening amendments is shaping up outside the Halls of Congress, however. It presents, in my opinion, one of the most serious threats to our fundamental rights as free citizens that I have witnessed in many years. I refer to the brazen attempt of Jimmy Hoffa to dictate to the American people whom we are going to send to Congress.

Shortly after the labor reform law was enacted, Hoffa announced a list of 56 Members of Congress whom he has decreed must be purged. My name, with that of Congressman WILLIAM AYRES, of Ohio, was placed at the top of the list. Hoffa has said openly that the full weight of the Teamsters Union, with its millions of dollars in financial backing, will be used to make certain we do not return to Congress.

You may well ask, "Is not Jimmy Hoffa entitled to take sides in political contests and support the men of his choice?" If that were the issue, the answer must, of course, be "Yes." He, too, is an American with freedom of choice as to his elected officials and if the members of the Teamsters Union want him as their president that is their affair. Under the new law I firmly believe they can get rid of him if they want to.

But the issue is not Hoffa's freedom of choice. He has carefully picked 56 Congressmen who come from evenly divided districts where the voting is always close. His plan is to use the teamster organization to concentrate on defeating the incumbents, whether they are Republican or Democrats. A readymade organization with virtually unlimited funds is a tremendous factor in any political campaign.

Hoffa will take personal credit for defeating any of the 56 who fail to be reelected. Their opponents will obviously be handpicked by Hoffa but the key point if his plan is successful will be his claim to have the power to defeat any Congressman of whom he disapproves.

Think for a moment what this means. Because of Hoffa, the Teamsters Union has been expelled from the AFL–CIO. If anything, expulsion has strengthened rather than weakened the Teamsters. Hoffa is slowly making behind-the-scenes deals or working arrangements with other unions. The one thing which stands in the way of Hoffa's ambition to take over the labor movement in this country is the 1959 Labor Reform Act. If Hoffa can take personal credit for defeating any Congressmen who oppose him, this act will have a short and discouraging life.

I am positive the American people do not want any special interest group to take over their Congress, particularly if the group is controlled by a man like Hoffa. But we cannot afford to sit back and hope it will not happen. Hoffa has the organization and he has the funds to carry out his threats. Men and women like yourselves, regardless of whether you have been active in politics, must share the burden of defeating Hoffa. We cannot afford to sit back and hope someone else will do the job for us.

To offset the Teamsters organization, a Committee To Reelect Hoffa-Threatened Congressmen has been formed. I asked Mr. Kenneth C. McGuiness, the national chairman of the committee, to accompany me this evening and tell you something about its activities.

I cannot emphasize too strongly the threat with which we are faced. I implore you to give it your serious consideration and to do your best to see that the voters rather than any union official select our Representatives.

Intensive Study of Food Urged

EXTENSION OF REMARKS
OF
HON. MILTON R. YOUNG
OF NORTH DAKOTA
IN THE SENATE OF THE UNITED STATES

Friday, March 18, 1960

Mr. YOUNG of North Dakota. Mr. President, one of the very necessary factors in this country's production of both the quantity and quality of food is the growing importance of good, effective, and safe-to-use chemicals, pesticides, additives, and other productive mechanisms.

Senators will recall that last year at my suggestion the Senate included an item in the agriculture appropriations bill providing $500,000 for research into alternate methods of pesticide and disease control which would not retain in the finished product any harmful residue.

Unfortunately, this item was not retained in the conference and was not in the final agricultural appropriations bill.

In view of subsequent developments, I some time ago indicated my concern on this subject to both the Department of Agriculture and the leaders of the livestock industry, and I would, at this time, like to have printed in the CONGRESSIONAL RECORD a letter to Mr. G. R. Milburn, president of the American National Cattlemen's Association.

I would also like to have printed in the CONGRESSIONAL RECORD a clipping from today's New York Times on this subject entitled "Intensive Study of Food Urged" and testimony offered yesterday before a committee of the other body by Aled P. Davies, vice president of the American Meat Institute, and J. C. Wetzler, a cattle feeder from Phoenix, Ariz., representing the American National Cattlemen's Association.

These documents clearly show that the responsibility which rests on the Federal Government to proceed to face up to this problem which is a problem of agriculture and consumers is of major national importance.

There being no objection, the letter, article, and statements were ordered to be printed in the RECORD, as follows:

DECEMBER 9, 1959.

Mr. G. R. MILBURN,
President, American National Cattlemen's Association, Grass Range, Mont.

DEAR MR. MILBURN: Earlier this year when the Senate Appropriations Committee, of which I am a member, was considering various appropriations I had a visit with Dr. M. R. Clarkson, Deputy Administrator of the Agricultural Research Service in the Department of Agriculture, concerning certain problems involved in the use of pesticides and insecticides. As a result of our conversation Dr. Clarkson appeared before the Senate Appropriations Committee supporting proposals sponsored by me and others for greatly increased research funds to find substitutes for the present pesticides which would be completely free of any side effects as are now sometimes obtained with pesticides and the like which are not properly used. We were able to obtain $500,000 in additional research funds to further this program. Even this was lost, however, in conference with the House.

The cranberry situation, I think, has emphasized the need for far greater research to develop nonchemical methods such as biological control agents or other pesticides which would leave absolutely no residue whatever regardless of how they are used. It seems to me that we will need a crash research program involving from $5 to $7 million to accomplish the necessary research. This must be done before we who are interested in the meat business find ourselves in the same trouble that the cranberry people did just a short time ago.

Should the Secretary of the Department of Health, Education, and Welfare make similar charges against the contamination of meat as he did cranberries, as the result of certain pesticide uses, meat prices with the present heavy supplies would undoubtedly drop drastically. Such price declines could cost producers hundreds of millions of dollars. Whether or not the accusations were well-founded would make little difference. The slightest suspicion on the part of consumers would be enough to materially affect consumer purchases.

I know of no industry that has done more to make sure that they have a pure, wholesome product than the meat producers, particularly the cattle industry. Millions of pounds of meat are destroyed each year through our inspection service in order to meet the high standards that have been set. This has received little publicity. I am sure you will agree with me that it would be highly desirable to develop the kind of chemical or biological control agent the use of which could never be questioned.

Already proposals have been made to greatly increase funds for the Food and Drug Administration to carry on substantially this type of research work. My own feeling, and I am sure you will concur, is that this is work that should continue to be done by the Department of Agriculture. Our agriculture research people have done superb work with the very limited funds

they have had in the past. I would greatly appreciate having your views as to the plan of action set forth in this letter.

With warmest personal regards.

Sincerely yours,

MILTON R. YOUNG.

[From the New York Times, Mar. 18, 1960]

INTENSIVE STUDY OF FOOD IS URGED—PACKERS CALL FOR RISE IN FUND TO DEVELOP NEW MEANS TO PREVENT CONTAMINATION

WASHINGTON, March 27.—The American Meat Institute called on Congress today to create a program of intensive research to develop new chemicals and biological measures to eliminate the dangers of food contamination.

In a surprise action, the packers' group urged Congress to increase by 8 to 10 times the $1,500,000 requested by the administration in the new budget for such research.

The national trade organization of the meat packing industry laid its proposal before the House Subcommittee on Agricultural Appropriations in executive session.

The administration has been studying the problem. Its request for a $1,500,000 program in the budget for the fiscal year starting July 1 compares with $500,000 proposed last year. The $500,000 request was denied by the House subcommittee.

The meat industry's concern stems from the widespread use of chemicals and synthetic hormones in cattle production and meat processing.

Aled P. Davies, vice president of the meat institute, told the House subcommittee that one-third of whatever amount of Federal funds was appropriated for the chemical research program should be set aside in the first year for a modern laboratory and equipment.

In this laboratory, he said, teams of the best scientists can be brought to work on the problem of getting new tools to avoid the "hazards of residues."

"The problem calls for effort on the part of Government producers of agriculture products and processors of agricultural products, in the national welfare," he asserted.

The Department of Agriculture is "doing far too little on chemicals in agriculture because of lack of funds," he said. Its scientists, he went on, have "many leads for new developments, but they have not been able to follow through" on possibilities of combating pests and diseases without leaving harmful residues.

"This is not to say the chemical industry has not done a good job," he added. "However, in areas where residues in food and feed are critical consideration, the Department must take the lead in new developments which will maintain consumer confidence in the products of agriculture."

Mr. Davies presented the institute's proposal after testifying in support of a slight increase in funds for the Department's meat inspection service, which approves all meat and poultry in packing plants to assure its purity.

STATEMENT BY J. C. WETZLER BEFORE HOUSE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE

My name is J. C. Wetzler, a cattle feeder from Phoenix, Ariz. I am speaking as a member of the legislative committee of the American National Cattlemen's Association. This association has a membership which includes 138 State, local, and regional cattlemen's and cattle feeder associations and thousands of individual cattlemen and cattle feeder members from throughout the United States.

We greatly appreciate the opportunity of appearing before this committee in overall support of the 1961 budget request for the Agricultural Research Service. Singling out two items from the overall request, it is our desire to emphasize the importance of the request as related to Federal meat inspection in the amount of $21,324,900 and the increase asked for to carry on intensive research to develop chemicals and biological measures for use in agriculture for the purpose of eliminating or avoiding pesticide residues amounting to $1,502,800.

The American National Cattlemen's Association has long stood for an adequate appropriation of funds in order to carry on the very efficient and effective function of Federal meat inspection. It is felt that the high degree of confidence on the part of the general public in their daily beef supply, largely can be attributed to the activities carried on over the years by the Meat Inspection Division. This, coupled with the desire on the part of cattle producers and feeders to make available to the public a wholesome beef product, has instilled a confidence that must be maintained.

The recent publicity on the subject of agricultural chemicals emphasizes the importance of the function and services provided by the Meat Inspection Division and the need for appropriating adequate funds for its continuance.

Mention of agricultural chemicals leads into the next portion of this statement. It has become quite evident that we probably will be confronted in the future with more problems from the standpoint of chemical residues in our food supply. This affects us as producers and feeders of the beef supply of the Nation, because it is the sincere desire of the beef industry to continue to produce the most wholesome beef supply for the consuming public. It is mandatory to develop through experimentation and research, chemicals and biological measures for use in agriculture which will eliminate any chance for harmful residues in the food products eaten by the consuming public. The research funds requested this year are, in our opinion, a bare requirement of those which will be needed in the future for this purpose.

Agricultural producers are reliant on certain chemicals to produce the food supply of the Nation. As more refined methods for detacting these chemical residues are developed, the problem becomes more acute, so it further necessitates new approaches for the control of certain diseases and pests as well as find new methods for the more economical production and feeding of beef cattle. As a consequence, private research money of those firms presently developing and manufacturing certain agricultural pesticides and feed additives may be withdrawn. This would put more pressure against the Government, in this case the Agricultural Research Service, to absorb this function previously carried by private money.

For these reasons, we urge this committee to approve the funds requested for 1961.

TESTIMONY BY ALED P. DAVIES BEFORE THE SUBCOMMITTEE ON AGRICULTURAL APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES

My name is Aled P. Davies. I am vice president of the American Meat Institute, national trade association of the meat packing industry. I greatly appreciate the opportunity of appearing before this committee in support of the 1961 budget request for Federal meat inspection. This request is in the amount of $21,562,700. While it represents a slight increase over the amount appropriated for the current fiscal year—$21,324,900—it is our understanding that because of in-grade promotions and Government health program expense the amount actually available for meat inspection will be less than during the current year. It has been estimated that even with the amount of the budget request the Meat Inspection Division will find it necessary to reduce its inspection force by 30.

The American Meat Institute believes that as a very minimum the amount of the budget request should be provided for Federal meat inspection. Actually it isn't quite enough, and while we feel that additional funds ought to be provided, we recognize the necessity for cutting the Federal budget in all departments of the Government to the absolute minimum.

Witnesses from the Department of Agriculture already have given you figures to show the way in which Federal meat inspection is growing. Its increasing significance is not only an outgrowth of population increase and changing patterns of meat distribution, but it is also a tribute to the Government agency—the Meat Inspection Division—which is responsible for the administration of this program. Over the period of 53 years during which compulsory Federal meat inspection has been in effect, the MID, as it is popularly known, has developed and maintained a reputation for absolute integrity, a reputation which is equaled by few other Government agencies and surpassed by none. There have been times when the meat packing industry and individual companies in it have not agreed with the MID, but no one questions its integrity and its dedication to the public interest.

There is no other food which gets the kind of scrutiny which is routine for meat and meat food products under Federal meat inspection. For many years, it was the only continuous food inspection conducted by the Federal Government. Now poultry is under the same type of inspection. One of the responsibilities of the MID under the Meat Inspection Act is to examine the products of the meat industry for the presence of harmful chemicals. Actually the MID over the past half century has been exercising the same type of control over additives used in meat which is being employed for the first time by the Food and Drug Administration with respect to other foods. However, it is being enforced in a more effective sort of way since the MID inspects every animal and every carcass which goes through a federally inspected plant, and does not have to rely simply on spot checks. Every ingredient going into a meat product must first pass the scrutiny of MID, whether or not it might be technically classified as a "food additive," and every label which is employed on such products must have the prior approval of the Division. Without such prior approval, the product cannot bear the mark of Federal inspection. I must confess that this requirement of prior approval at times has caused the industry some problems, for believe me, the MID takes its responsibility to the public very seriously, and at times we have thought its restrictions were too severe.

I mention this simply to emphasize the high degree of protection which Federal meat inspection provides to consumers and to underline the obvious fact that the cost of inspection is a small price to pay for a public service of this character. Interest in chemicals employed in foods is running high these days, and while we feel the Food and Drug Administration does an admirable job considering the broad field it has to cover and the limited tools with which it works, we are convinced that Federal meat inspection fills a need which cannot be supplied in any other way. It is not general knowledge, but it is a fact that the MID through its continuous inspection system condemns 1 million pounds of meat and meat food products every working day, thereby preventing unfit products from ever reaching the market.

If the emphasis placed on the MID's important function in the field of chemical additives tends to give the impression that this is its only or even its principal responsibility, that point should be cleared up. Quoting from the Division's most recent annual report, following is an enumeration of its activities during the past year:

"(1) Examination of food animals, including cattle, calves, sheep, swine, goats, and horses prior to slaughter to eliminate those animals found to be affected with diseases or other unwholesome conditions; (2) a thorough postmortem examination of each carcass at time of slaughter to detect and eliminate diseased and otherwise unfit meat; (3) destruction for food purposes of all diseased, unsound or otherwise unwholesome meat and meat food products; (4) supervision of the preparation of meat and meat food products to assure their cleanliness and wholesomeness during their preparation into articles of food; (5) guarding against the use of harmful preservatives and other deleterious ingredients; (6) supervision of the application of marks to meat and meat food products to show that they are 'U.S. Inspected and Passed'; (7) supervision of the application of informative labeling and prevention of the use of false and deceptive labeling on meat and meat food products; (8) certification of meat and meat food products for export; (9) inspection of meat and meat food products offered for importation into this country; (10) examination of meat and meat food products for compliance with specification requirements of governmental purchasing agents; (11) such investigations as are necessary to insure the accuracy and effectiveness of the inspection procedures; (12) supervision of the manufacture and labeling of process or renovated butter; (13) guarding against residues in meat resulting from ingestion, treatment with or exposure to such substances as pesticides, growth-promoting substances, drugs or biologicals; and (14) developing and determining acceptable methods for humane slaughter of meat animals."

Another function of the MID, although a byproduct of its major activities, is the statistical reporting which it does. The figures which are generated in this Division measuring the volume of slaughtering and processing of federally inspected plants are the most accurate we have on the livestock and meat industry. I mention this as a 15th point because of the dependence which we all have on these MID figures; therefore, we need to recognize this function of the Division in any consideration of its appropriations.

It is remarkable actually that a service of this scope and thoroughness can be conducted with the modest appropriation which is provided. Just one incident of the cranberry-type occurring in the meat industry could cost the public more than the whole year's meat inspection appropriation, and the public can consider itself fortunate that this inspection program is in the hands of such a dedicated group of professionals as Dr. A. R. Miller and his associates.

Mr. Chairman, I have long been convinced that the money spent by the Government on Federal meat inspection was money wisely invested. Sometimes I have felt frustrated because I was not sure that others appreciated the significance of this service. If the public furore over chemicals has done nothing else, it has given new emphasis to the essential work being done by the Meat Inspection Division and to the importance of providing adequate funds for its support. The American Meat Institute most earnestly urges that you approve the amount of the budget request to cover Federal meat inspection for the 1961 fiscal year.

Now I would like to discuss a less publicized but extremely important activity of the Department of Agriculture, i.e., its Crop and Livestock Reporting Service.

As you are well aware, U.S. agriculture is going through a virtual revolution both in the technology of production and in its economic organization. The hog industry is no exception in this respect. Fewer farmers are raising hogs and there is an increase in the number of hogs raised per farm. Along with this trend in greater production per farm has been a shift to the practice of multiple farrowings and a change in the seasonal production of pork. For example, in the early 1930's, 14 percent of the spring farrowings were in the months of December, January, and February. For the 1959 crop, it was 38 percent. In addition, the Southeastern States have expanded greatly in hog and other livestock production. Hogs reach marketable age earlier today than in the past.

These changes multiply greatly the problems of estimating crop and livestock production. Specific procedures for continually evaluating these revolutionary changes would seem to be a necessary part of the Department of Agriculture estimates program.

If my memory is correct, I believe, Mr. Chairman, that several years ago you requested the USDA's recommendation for an immediate and long-range program for the development and improvement of the agricultural estimating work of the Department. This report was made to your committee in 1957. However, to my knowledge, there has been limited progress in the modernizing of the procedures or techniques developed for improving the accuracy of the pig crop estimates as we have moved through this revolutionary period in hog raising.

Basically, the pig crop reports are and have been good, but the present reporting program is not adequately filling present-day requirements.

For example, hog prices have advanced markedly since the first of the year, and currently there is a very lively discussion going on in the swine industry as to whether or not producers have changed their breeding intentions for 1960. A partial answer to this important question will be provided by the quarterly survey released today.

However, a full-fledged estimate of the 1960 spring crop will not be released until June 21. By that time some pigs from this crop already will be on their way to market. The absence of specific knowledge as to what is happening to hog production in the meantime will make it difficult for any part of the swine industry to adjust to these changes. Our livestock economy does a better job for both producers and consumers when it can avoid radical changes that occur when actual production trends are not known.

We understand that the Department has a plan which seems very feasible. This would expand the quarterly pig crop from the present 10 States to 16 States: including 12 North Central States, North Carolina, Georgia, Kentucky, and Tennessee. These 16 States accounted for 85 percent of the U.S. pig crop in 1959. These figures would show the number of hogs on farms, the number of sows farrowed and pigs saved during the preceding quarter, the number of sows farrowed by months, the farrowing intentions for the following 6-month period by quarters, and revisions as needed in inventory and farrowing estimates for previous quarters. These details are the same as now published in the 10 States quarterly report except that the present reports do not include estimates of pigs saved, they do not include estimates of sows farrowed by months, and they do not include revisions for prior quarters.

The Institute isn't trying to unnecessarily enlarge the agricultural budget but it feels that of the large quantity requested for research, some of this sum could be wisely earmarked for improvement of the livestock estimating procedures and reports.

An improvement in the pig crop data would be beneficial to all segments of the industry, including producers, transportation agencies, processors, retailers, and consumers.

The Department of Agriculture is doing far too little research on chemicals for agriculture. Chemicals are an essential part of the production of good food. They always have been. The complexity of consumer demands for variety and quality in the food supply make the use of safe chemicals even more important today.

Everyone is concerned, and rightly so, that only safe chemicals be used. We in the meatpacking industry have adhered closely to this philosophy for more than half a century under the careful control of the Department's Meat Inspection Service.

The producer, especially the producer of livestock and dairy products, needs improved methods for dealing with the multitude of diseases and pests that threaten every day to destroy and contaminate his products. The Department should take the lead in developing new chemicals and biological methods for dealing with these diseases and pests without leaving any questionable residues.

The Department's scientists have many leads for developments of this kind, but have not been able to follow through on them. Such things as the use of powerful lures that will attract insects for long distances to commit suicide in specially designed traps and the use of special chemicals which affect the reproductive capacity of the insects in such a way as to bring about insect rate suicide should be vigorously developed. These things can be done without any harmful effect to man or other warmblooded animals if we just put a real effort into it.

This is not to say the chemical industry have not done a good job. They have and they can be expected to continue to do so. However, in areas where residues in food or feed are a critical consideration, the Department must take the lead in new developments which will maintain consumer confidence in the products of agriculture.

Mr. Chairman, the American Meat Institute is especially glad to see that the Department has requested one and a half million dollars for intensive research to develop new chemicals and biological measures for use in agriculture to avoid hazards from residues. Our only quarrel with this request is that it is in our opinion not nearly enough when we consider that private industry requires a million to a million and a half dollars to develop just one chemical for the market. We think this amount should be increased to at least 8 or 10 times, with one-third of whatever the amount in the first year set aside for a modern laboratory and equipment where teams of the best scientists can be brought to work on this problem.

It is the considered judgment of the American Meat Institute, which has been actively concerned with this problem for several years, that expenditures of Federal funds in this area are essential, wise and in the public interest. It is an area in which the meatpacking industry and the American Meat Institute have and are spending considerable amount of research funds. This problem calls for effort on the part of Government, producers of agricultural products and the processors of food, in the national welfare.

Thank you.

SENATE

MONDAY, MARCH 21, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, in whose providence we are come to the gateway opening to another springtime, we are grateful for the calming confidence that if winter comes, a resurrected earth cannot be far behind.

We are girded by the faith invincible that the calendar of Thy eternal design brings surely the hour when out of winter's tomb there emerge blossoming trees and the time for the singing of birds; and that when man sees but withered leaves, Thou dost see sweet blossoms growing.

In the certainty of the divine schedule of Thy kingdom's coming, in these sacred weeks of the Lenten period, we would fix our gaze upon the Master of life who set His face steadfastly against the forces of hypocrisy and expediency, against selfish nationalism, and a religion of mere form, as He declared—the spirit of the Lord is upon me—because He hath anointed me to preach good news to the poor—He has sent me to proclaim release to the captive, and to set at liberty those who are oppressed.

Taking His purpose as our own, give us the strength in these days to follow in His train.

In His name we ask it. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 18, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 18, 1960, the President had approved and signed the following acts:

S. 2033. An act to amend the mining laws of the United States to provide for the inclusion of certain nonmineral lands in patents to placer claims;

S. 2061. An act to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States;

S. 2268. An act to declare that the United States holds title to certain land in trust for the White Mountain Apache Tribe, Arizona;

S. 2431. An act to provide for the striking of medals in commemoration of the 100th anniversary of statehood of the State of Kansas; and

S. 2454. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the pony express.

REPORT ON PROGRAM FOR DISCOVERY OF MINERAL RESERVES—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I transmit herewith the Third Semiannual Report of the Secretary of the Interior prescribed by section 5 of the act of August 21, 1958, entitled "To provide a program for the discovery of the mineral reserves of the United States, its territories and possessions by encouraging exploration for minerals, and for other purposes."

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 21, 1960.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) for the relief of the estate of Sinclair G. Stanley.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to give all Members notice of the possibility of a Saturday session, so they can arrange their plans accordingly. We did not have a session last Saturday; but I am hopeful that we can make sufficient progress this week, that the civil rights bill from the House will reach us, that we shall remain in session during the latter part of the week, and that we can have a Saturday session. So I should like to have all Members on notice that they may anticipate that.

ORDER DISPENSING WITH THE CALL OF THE CALENDAR

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the call of the calendar be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT IN MISSISSIPPI, NEBRASKA, NEW YORK, NORTH DAKOTA, TENNESSEE, AND VIRGINIA

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Chiwapa Creek and Mulberry Creek, Miss.; Wilson Creek, Nebr.; Conewango Creek, N.Y.; North Branch Forest River, N. Dak.; Bear Creek and Cypress Creek, Tenn.; Porters Creek, Tenn. and Miss.; and Buffalo Creek, Va. (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON NUMBER OF OFFICERS ON DUTY WITH DEPARTMENT OF ARMY AND ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the number of officers on duty with the Department of the Army and the Army General Staff on December 31, 1959 (with accompanying papers); to the Committee on Armed Services.

AIRCRAFT MAINTENANCE FACILITIES AT GRENIER AIR FORCE BASE, MANCHESTER, N.H., AND SCHENECTADY COUNTY AIRPORT, SCHENECTADY, N.Y.

A letter from the Assistant Secretary of Defense, Properties, and Installations, reporting, pursuant to law, that approval has been granted to proceed with projects for aircraft maintenance facilities at Grenier Air Force Base, Manchester, N.H., and Schenectady County Municipal Airport, Schenectady, N.Y., for the Air National Guard, at an estimated cost of $150,000 at each location; to the Committee on Armed Services.

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting, pursuant to law, a report of that administration, covering operations between July 1, 1959, and December 31, 1959 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF U.S. INFORMATION AGENCY

A letter from the Acting Director, U.S. Information Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency, covering the period July 1 to December 31, 1959 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON GRANTS FOR SUPPORT OF SCIENTIFIC RESEARCH

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, that during the period August 25, 1959, to December 31, 1959, one grant of $20,400 had been approved for Georgetown University, Washington, D.C., for support of scientific research; to the Committee on Government Operations.

REPORT OF BLINDED VETERANS ASSOCIATION

A letter from the executive director, Blinded Veterans Association, Washington, D.C., transmitting, pursuant to law, an auditor's report on that association, for the 6 months ended December 31, 1959 (with an accompanying report); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT IN ALABAMA, GEORGIA, KANSAS, AND KENTUCKY

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Terrapin Creek, Ala. and Ga., East and West Fork Point Remove Creek, Ark., Upper Verdigris, Kans.,

and Beaver Creek, Ky. (with accompanying papers); to the Committee on Public Works.

REPORT OF NATIONAL ACADEMY OF SCIENCES

A letter from the president, National Academy of Sciences, Washington, D.C., transmitting, pursuant to law, a report of that academy, for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Nevada; to the Committee on Banking and Currency:

"SENATE JOINT RESOLUTION 5

"Resolution memorializing the Congress of the United States to permit the Director of the Mint to furnish blueprints or parts to put Carson City Mint press in operable condition to strike silver medallions

"Whereas the Carson City Mint, established in 1870, at one time led all mints in coining domestically produced gold and silver; and

"Whereas Carson City minted double eagles, eagles, half-eagles, dollars, trade dollars, halves, quarters, 20-cent pieces called 'short bits,' dimes and pennies, including the last trade dollar and the last silver 'Morgan' dollar ever minted; and

"Whereas after coinage was discontinued at the mint in 1893, the building became a Federal assay office and, after purchase by the people of the State of Nevada, is now the Nevada State Museum, wherein the Carson City Mint press is prominently displayed; and

"Whereas the people of the State of Nevada desire to operate the Carson City Mint press in the State Museum to strike silver medallions commemorating the Silver State, to dramatize the prestige of the precious metal, to perpetuate the prized and historic 'CC' mint mark and to strike medals for other Western States seeking to stimulate their mining industries; and

"Whereas heretofore the Federal Government has refused to release the blueprints or the several parts necessary again to put the mint press into operation: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Congress of the United States is hereby memorialized to permit the Director of the Mint or other appropriate officer to furnish the board of directors of the Nevada State Museum with blueprints or the parts with which to put the Carson City Mint press in operating condition; and be it further

"Resolved, That certified copies of this resolution be prepared and transmitted forthwith by the Legislative Counsel to the Vice President of the United States, the Speaker of the House of Representatives, and to each Member of Nevada's congressional delegation.

"Adopted by the senate February 15, 1960.

"REX BELL,
"President of the Senate.
"LEOLA H. WOHLFEIL,
"Secretary of the Senate.

"Adopted by the assembly February 19, 1960.

"RENDA POOLE,
"Speaker of the Assembly.
"NATHAN HURST,
"Chief Clerk of the Assembly."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION 1

"Resolution memorializing the Congress of the United States, Nevada's congressional delegation and the Bureau of Indian Affairs of the U.S. Department of the Interior to continue aid to American Indians

"Whereas the welfare of many American Indians is being sadly neglected; and

"Whereas the American Indians' centuries old manner of living was greatly changed without their consent; and

"Whereas American Indians as an ethnic group have not advanced sufficiently to allow them to compete for jobs in the modern world; and

"Whereas any sudden termination of the functions of the Bureau of Indian Affairs would throw too great a burden on the States and their political subdivisions; and

"Whereas the care of American Indians has traditionally been a Federal function: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada (jointly), That the Congress of the United States and the Bureau of Indian Affairs of the U.S. Department of the Interior are hereby memorialized to continue the present policy of educating and preparing American Indians by means of an increased program of vocational education, better housing and better health care: And be it further

"Resolved, That the Congress of the United States and the Bureau of Indian Affairs of the U.S. Department of the Interior are hereby memorialized to assist American Indians by leasing Indian lands, with approval of the tribal council or a vote of the Indian people whom it would affect, to outside capital which will lead to the development of such lands, foster the employment of American Indians and increase the income of American Indians through rental moneys: And be it further

"Resolved, That the congressional delegation of the State of Nevada is hereby memorialized to take such positive action as is proper and necessary to carry out the intent and purpose of this resolution; And be it further

"Resolved, That certified copies of this resolution be prepared by the legislative counsel and transmitted forthwith to the Vice President of the United States, Speaker of the House of Representatives, each member of Nevada's congressional delegation and the Commissioner of the Bureau of Indian Affairs of the U.S. Department of the Interior

"Adopted by the senate, February 15, 1960.

"REX BELL,
"President of the Senate.
"LEOLA H. WOHLFEIL,
"Secretary of the Senate.

"Adopted by the assembly, February 3, 1960.

"BRUCE PARKS,
"Speaker of the Assembly.
"NATHAN T. HURST,
"Chief Clerk of the Assembly."

A resolution adopted by the Board of County Commissioners, Lee County, Fla., favoring the enactment of legislation to provide funds for the construction of the Intracoastal Waterway in the State of Florida; to the Committee on Appropriations.

The petition of William Harvey Dittman, of San Francisco, Calif., praying for the early confirmation of his nomination as an ensign in the Navy; to the Committee on Armed Services.

Memorials signed by Millie Kluss, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

A resolution adopted by the board of governors of the American Bar Association, Chicago, Ill., favoring the enactment of legislation with respect to the control of travel abroad by U.S. citizens; to the Committee on Foreign Relations.

A resolution adopted by the council of the city of New York, favoring the enactment of legislation to provide a minimum wage law of $1.25 per hour; to the Committee on Labor and Public Welfare.

A letter in the nature of a petition from the Postal Union of Manhattan-Bronx Clerks, New York, N.Y., paying tribute to the late Senator Richard L. Neuberger; ordered to lie on the table.

By Mr. SALTONSTALL (for himself and Mr. KENNEDY):

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION OUTLAWING DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE

"Whereas many older people can work as effectively as younger people but find difficulty in obtaining employment: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of legislation outlawing discrimination in employment because of age; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by the house of representatives February 29, 1960.

"LAWRENCE R. GROVE,
"Clerk.

"Adopted by the senate in concurrence March 2, 1960.

"IRVING N. HAYDEN,
"Clerk."

By Mr. COOPER:

A concurrent resolution of the Legislature of the Commonwealth of Kentucky; to the Committee on Interior and Insular Affairs:

"CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO CREATE A NATIONAL COAL RESEARCH AND DEVELOPMENT COMMISSION AS AN INDEPENDENT AGENCY

"Whereas a strong, healthy, coal mining industry is essential to the economic welfare and security of the United States and the Commonwealth of Kentucky; and

"Whereas the coal industry at large and particularly within the Commonwealth of Kentucky has long been economically ill and highly vulnerable to economic recessions, and the inroads of competitive fuels; and

"Whereas short-range research and development activities would aid in promptly improving and strengthening the industry; and

"Whereas the Bureau of Mines of the Interior Department as a matter of policy concentrates on long-range studies and has indicated a reluctance or incapacity to engage in short-run investigations; and

"Whereas the research efforts of the Bureau of Mines and industry in general are inadequate in relations to current problems and research opportunities and clearly need to be supplemented by an expanded Government program; and

"Whereas a short-range, federally supported coal research and development program if it is to be conducted expeditiously and effectively and achieve the maximum end results should be administered by an independent Federal agency unshackled and uninhibited by traditional approaches and restricted policies: Now, therefore, be it

"Resolved by the House of Representatives of the Commonwealth of Kentucky (the Senate concurring therein):

"SECTION 1. That the Congress of the United States and the President be memorialized to create a National Coal Research and Development Commission as an independent agency of the Federal Government.

"SEC. 2. That the clerk of the house forward copies of this resolution to the President of the United States and to the Members of Congress from Kentucky."

Two concurrent resolutions of the Legislature of the Commonwealth of Kentucky; to the Committee on Public Works:

"CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO CONSIDER APPROPRIATE LEGISLATION TO PROHIBIT THE CONSTRUCTION OF BRIDGES ACROSS THE OHIO RIVER WHICH DO NOT HAVE ADEQUATE CLEARANCE FOR RIVER TRAFFIC

"Whereas 73,476,894 tons of domestic freight was moved over the Ohio River in 1958 and preliminary calculations indicate an even greater amount in 1959; and

"Whereas the utility of this artery of transportation is threatened by the erection of more bridges across the Ohio River, which, because of inadequate clearance, impede the river traffic; and

"Whereas the development of this Nation's natural resources, the prosperity and economic development of the Ohio River Valley, and interests of national defense depend upon the full utilization of this waterway: Now, therefore, be it

"Resolved by the Senate of the Commonwealth of Kentucky (the House of Representatives concurring therein):

"SECTION 1. That the Congress of the United States of America be, and it hereby is, memorialized to consider appropriate legislation to prohibit the construction of bridges which do not have adequate clearance for river traffic across the Ohio River.

"SEC. 2. That the clerk of the senate be directed to forward copies of this resolution to the U.S. Senators and Representatives elected from Kentucky, and to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States."

"HOUSE RESOLUTION 70

"Concurrent resolution memorializing Congress to make possible the construction of Cave Run Reservoir on Licking River

"Whereas it has been long recognized that the Licking River has many advantages as a potential reservoir site; and

"Whereas a dam in the Cave Run area close to the source of the river would prevent the floods that periodically sweep the length of the river; and

"Whereas the opportunities presented by the power source and the recreational facilities that would attend the construction of the dam and reservoir would attract industries and visitors, to the benefit of the entire State: Now, therefore, be it

"Resolved by the House of Representatives of the Commonwealth of Kentucky (the Senate concurring therein):

"SECTION 1. That the U.S. Congress is hereby petitioned and memorialized to appropriate funds to construct the Cave Run Reservoir, on the Licking River.

"SEC. 2. That the clerk of the senate cause copies of this resolution to be sent to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and to each of the Senators and Representatives of the Commonwealth of Kentucky now serving in the Congress."

FEDERAL SPENDING — FEDERAL SCHOOL AID—RESOLUTIONS

Mr. WILEY. Mr. President, I present, for appropriate reference, two resolutions adopted at a conference of a 16 independent southeastern Wisconsin taxpayer organizations, relating to Federal spending and Federal school aid. I ask unanimous consent that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were received, appropriately referred, and ordered to be printed in the RECORD, as follows:

To the Committee on Finance:

"RESOLUTION ON FEDERAL SPENDING

"Whereas the proposed Federal budget for fiscal year 1961 shows a commendable surplus of $4.2 billion; and

"Whereas this surplus is extremely vulnerable to expenditure increases or revenue losses; and

"Whereas this or an even larger surplus is essential in prosperous times to make possible reductions in our national debt and taxes; and

"Whereas high Government debt and high taxes contribute substantially to the inflation that remains the most serious problem of our time; and

"Whereas a strong factor in high debt, high spending, and high taxes is the Federal aid system which is becoming primarily a political device for transferring power from the States to the Federal Government while increasing Federal costs; and

"Whereas another potent factor in the high debt, high spending and high taxes is lack of complete congressional control of spending: Now, therefore, be it

"Resolved by this area conference of southeastern Wisconsin taxpayer organizations, That the Wisconsin congressional delegation support all measures for improving expenditure controls and oppose any measures designed to lessen the amount of surplus money available for orderly debt retirement and tax reduction."

To the Committee on Labor and Public Welfare:

"RESOLUTION ON FEDERAL SCHOOL AID

"Whereas education traditionally and successfully has been the responsibility of State and local government; and

"Whereas Wisconsin with per capita personal income below the national average is doing the best job nationally in terms of supplying classrooms for its children as needed; and

"Whereas the average teaching load in the public schools of Wisconsin is considerably lighter than the maximum recommended by the state department of public instruction; and

"Whereas Wisconsin over the past 9 years has spent more than $400 million to construct school facilities in quantity sufficient to house half the public school enrollment of the State; and

"Whereas Wisconsin accordingly, without Federal aid, is providing all the school facilities it needs and has been able to acquire teachers at a rate equal to that of the growth of school enrollments: Now, therefore, be it

"Resolved by the area conference of taxpayer organizations assembled in Kenosha this 7th day of March 1960, That the Congress of the United States of America be urged to reject any and all proposals for the Federal Government to enter the education field through aid for school construction, operation, or teacher salaries."

GRASSLAND NATIONAL PARK, KANS.—RESOLUTION

Mr. CARLSON. Mr. President, there is much interest in the establishment of a Grassland National Park in Pottawatomie County, Kans., near the Tuttle Creek Reservoir.

The Board of County Commissioners of Pottawatomie County adopted a resolution approving and supporting the location of this park, but officially protested the extension of the park area to where it will join the Tuttle Creek Reservoir.

I ask unanimous consent that the resolution be printed in the RECORD, and referred to the Committee on Interior and Insular Affairs.

There being no objection, the resolution was referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

RESOLUTION ON GRASSLAND NATIONAL PARK

Whereas the proposed location of the Grassland National Park is in the western portion of Pottawatomie County, Kans.; and

Whereas there is a further proposal to extend the park area, westward, to where it will join the eastern rim of the Tuttle Creek Reservoir; and

Whereas if the area of said proposed park is extended westward, to where it joins the Tuttle Creek Reservoir, it will utilize and take much valuable land that is ideal for commercial, residential, and recreational purposes, and it will deprive the present landowners of the opportunity of exploring and developing the same, all of which will materially affect the tax structure of said county; and

Whereas the proposed Grassland National Park, if located in Pottawatomie County, Kans., will affect roads, bridges, school districts, zoning, tax structure, etc.; and

Whereas the Board of County Commissioners of Pottawatomie County, Kans., in performing its administrative duties in said county, should be apprised of all proposed and important changes in and to said county: It is therefore

Resolved by the Board of County Commisssioners of Pottawatomie County, Kans., That said board approve and support the location of the proposed Grassland National Park in the western portion of Pottawatomie County, Kans.; but said board hereby officially protests the extension of the said park area, westward, to where it will join the Tuttle Creek Reservoir, or interfere with the development of said strip of land; it is further

Resolved by said board, That the Government be asked to address all of its official correspondence, pertaining to said Grassland National Park, to the "Board of County Commissioners, Westmoreland, Kans."

RESOLUTION OF ALLEGANY COUNTY, N.Y., POMONA GRANGE

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Allegany County, N.Y., Pomona Grange, relating to the issuance of passports to certain persons.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas there have been citizens of the United States granted passports; and

Whereas some of these people have used these passports to go to foreign countries and broadcast propaganda about the United States; and

Whereas these people have used the fifth amendment to protect themselves from actions upon return to the United States; and

Whereas the President of the United States has asked for more control in this regard; and

Whereas the Federal Bureau of Investigation is limited in its efforts: Therefore be it

Resolved, That Allegany County Pomona Grange petition the New York State Grange to use its influence to have the laws amended to make such persons subject to more stringent laws in regard to subversive activities and statements in regard to the United States: Therefore be it

Resolved, That a copy of this resolution be sent to our U.S. Senators from New York State, Jacob Javits and Kenneth Keating; Representative Charles Goodell; the New York State Grange master, Leland D. Smith; and grange representative, Kenneth Fake.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JACKSON (by request):

S. 3231. A bill to provide for the termination of Federal supervision over the Georgetown or the Shoalwater Bay Indian Reservation in the State of Washington, and for other purposes; and

S. 3232. A bill to provide for the termination of Federal supervision over the property of the lower Elwha Band of the Clallam Tribe of Indians of western Washington, and the individual members thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. MAGNUSON) (by request):

S. 3233. A bill to authorize the issuance of marketing orders with respect to certain fruits for canning or freezing, and the products thereof; to the Committee on Agriculture and Forestry.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 3234. A bill to authorize the Secretary of the Interior to convey to the Sunnyside Valley Irrigation District, Washington, and to the Tieton Irrigation District, Washington, all right, title, and interest of the United States in certain lands, together with the improvements thereon; to the Committee on Interior and Insular Affairs.

By Mr. FONG:

S. 3235. A bill for the relief of Cecilia Rubio; to the Committee on the Judiciary.

By Mr. MARTIN:

S. 3236. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Finance.

By Mr. SALTONSTALL (by request):

S. 3237. A bill for the relief of Anastasia Stassinopoulos; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3238. A bill to authorize payment to the Government of the Philippines; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. McCARTHY:

S. 3239. A bill to amend the Postal Field Service Compensation Act of 1955, as amended, with respect to position descriptions, salary, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DIRKSEN:

S. 3240. A bill relating to the credit against the estate tax for the amount of gift tax paid on a gift of property which is included in the gross estate of a decedent; to the Committee on Finance.

By Mr. WILLIAMS of Delaware:

S. 3241. A bill to abolish the Federal Farm Mortgage Corporation, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. WILLIAMS of Delaware when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON:

S. 3242. A bill to amend title II of the Social Security Act to increase to $2,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

(See the remarks of Mr. ANDERSON when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 3243. A bill to permit certain taxpayers who use the cash receipts and disbursements method of accounting to make an election with respect to prepaid subscription income under section 455 of the Internal Revenue Code of 1954; and

S. 3244. A bill relating to the taxable status of sales prior to September 1, 1955, of tubes for use in the production of certain component parts of television receiving sets; to the Committee on Finance.

(See the remarks of Mr. HARTKE when he introduced the above bills, which appear under separate headings.)

By Mr. MARTIN:

S. 3245. A bill to prohibit the imposition by any State of migratory waterfowl hunting restrictions which discriminate unduly against citizens of other States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WILEY (by request):

S. 3246. A bill to exempt the manager-custodian of the Japan Locker Fund from certain dual-compensation restrictions; to the Committee on Armed Services.

By Mr. HICKENLOOPER:

S. 3247. A bill to amend the act of September 9, 1959 (73 Stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis; to the Committee on Agriculture and Forestry.

By Mr. SYMINGTON:

S. 3248. A bill for the relief of certain sisters of the Missionary of Our Lady of Mercy; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 3249. A bill for the relief of Salwa Salameh; to the Committee on the Judiciary.

RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Mr. DOUGLAS submitted the following concurrent resolution (S. Con. Res. 95), which was referred to the Committee on Foreign Relations:

Whereas the rulers of the Soviet Union have repeatedly declared their determination to pursue relentlessly their political, economic, and ideological drive for a worldwide victory for communism; and

Whereas in their efforts to attain that objective, the leaders of Russian communism, through force of arms, subversion, infiltration and other unlawful means, have imposed puppet Communist regimes upon the people of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet-Nam, and others; and

Whereas the leaders of Russian communism have employed organized tryanny, terror, mas killings and deportations, and other inhuman means to crush the spirit of the people of these captive nations and to transform their countries into political, social, economic, and cultural replicas of the Russian Soviet State; and

Whereas in direct violation of the commitments set forth in the Atlantic Charter and the provisions of the Yalta Agreement, the peoples of the captive nations are still being denied the right of self-government by democratic means and the opportunity to choose, through free and unfettered elections, national governments of their own free choice; and

Whereas in contravention of duly ratified treaties of peace, of the Charter of the United Nations of the universal declaration of human rights, and of expressions of the United Nations General Assembly, the people of the captive nations are being systematically deprived of the exercise of fundamental freedoms and basic human rights; and

Whereas the Eighty-sixth Congress did unanimously enact the captive Nations week resolution as a testament of support for the legitimate aspirations of the people of all the captive nations, thus recognizing the common plight of all the submerged nations forcibly incorporated into the Russian Communist empire during the past 42 years; and

Whereas the President of the United States has concurred in this action by Congress by signing the resolution into law and declaring by public proclamation that the third week of July shall henceforth be observed officially as "Captive Nations Week"; and

Whereas the United States of America has stood firmly on the principle of self-determination, welcoming the enlargement of the area of freedom and self-government and insisting on the inalienable right of the people of the captive nations to live under governments of their own choice; and

Whereas the United States of America has consistently refused to sanction, either directly or by implication, the political status quo of the captive nations, which the leaders of Russian communism have persistently attempted to impose upon the countries of the free world, particularly the United States; and

Whereas the attainment of a just and lasting peace is inconceivable without the restoration of freedom, independence, and national sovereignty to the captive nations forcibly incorporated into the Russian Communist empire, the United States of America is determined to pursue by all peaceful means the emancipation of these nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) The Congress of the United States reaffirms its intention to stand firmly by the people of the captive nations in their aspirations for freedom, liberty, and national independence.

(2) The Congress of the United States invites the active cooperation of all nations and men of good will in a crusade for peace with justice and freedom for all mankind; and

(3) The Congress of the United States urges the President to pursue energetically and as a matter of first priority at the forthcoming summit conference the inalienable right of all people to self-government, individual liberty, and the basic human freedoms, and, in particular, the restoration of these God-given rights to the people of the captive nations.

RESOLUTION

EXTENSION OF TIME FOR FILING REPORT BY, AND CONTINUATION OF AUTHORITY OF, THE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN LABOR OR MANAGEMENT FIELD

Mr. McCLELLAN (for himself, Mr. MUNDT, Mr. ERVIN, Mr. GOLDWATER, and Mr. CURTIS) submitted a resolution (S. Res. 294) extending the time for filing the final report of the Select Committee on Improper Activities in the Labor or Management Field and continuing its authority, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. McCLELLAN, which appears under a separate heading.)

PAYMENT TO THE GOVERNMENT OF THE PHILIPPINES

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize payment to the Government of the Philippines.

The proposed legislation has been requested today by the Acting Secretary of State in a letter to the Vice President of March 3, 1960, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Secretary of State to the Vice President with regard to it.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3238) to authorize payment to the Government of the Philippines, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. There is hereby authorized to be paid by the Government of the United States to the Government of the Republic of the Philippines a sum not to exceed $73 million in full satisfaction and final settlement of all awards for war damage compensation made by the Philippine War Damage Commission under the terms of title I of the Philippine Rehabilitation Act of 1946 (60 Stat. 128).

SEC. 2. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the amount of $73,000,000 less the amount determined by the Secretary of the Treasury in consultation with the Secretary of State to be owing to the Government of the United States by the Government of the Philippines under the terms of the agreement relating to the repayment of funds advanced to the national defense forces, Republic of the Philippines by the United States Philippines-Ryukyus Command signed at Washington November 6, 1950, and entered into force on that date.

SEC. 3. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated a sum not to exceed $10,000 which shall be available to the Secretary of the Treasury for administrative expenses which may be incurred in supplying records appropriate and needed by the Philippine Government consistent with the purposes of this Act, and the transfer to the Philippine Government of such records is hereby authorized.

The letter presented by Mr. FULBRIGHT is as follows:

MARCH 3, 1960.

The Honorable RICHARD M. NIXON,
President of the Senate.

DEAR MR. VICE PRESIDENT: There is enclosed for the consideration of the 86th Congress the draft of a proposed bill entitled "An act to authorize payment to the Government of the Philippines." The proposed measure is the culmination of long study by appropriate agencies of the executive branch of the Government of an important problem: final settlement of all awards for war damage compensation made by the Philippine War Damage Commission under the terms of title I of the Philippine Rehabilitation Act of 1946 (60 Stat. 128).

The draft bill authorizes the Government of the United States to pay to the Republic of the Philippines a sum not to exceed $73 million, which amount reflects the statutory maximum of unpaid private claims according to the reports of the War Damage Commission. It also provides that the appropriations for this purpose be reduced by any amount owed by the Government of the Philippines to the Government of the United States under the terms of an agreement (generally referred to as the Romulo-Snyder Agreement) signed by the two countries on November 6, 1950.

The records of the War Damage Commission are now largely in the custody of the Department of the Treasury. The draft bill provides for the appropriation of a sum not to exceed $10,000 for administrative expenses which may be incurred in supplying appropriate records to the Philippine Government and authorizes the transfer of such records to that Government.

The Philippine Rehabilitation Act of 1946 (Public Law 370, 79th Cong.), as a manifestation of U.S. good will toward the Philippine people, provided for the payment of $120 million for restoration and improvement of public property and essential public services. The sum has been paid in full. The act also provided for payments, on account of war damage to private property in the Philippines, for rebuilding, replacement, or repair of such damaged property. These payments could, by the act, amount to a maximum of 75 percent of the approved amount of each claim after an initial $500 had been paid on each claim. The $400 million appropriated under that act for this purpose was sufficient to pay the initial $500 on each claim and approximately 52.5 percent of the amount of each claim in excess of $500 and such payments were made.

While the United States is under no legal obligation to make further war damage payments in the Philippines, it is the view of the Department of State that a payment in settlement of this matter would be of substantial assistance to the United States in attaining its foreign policy objectives. The Philippine people feel that the program provided for by the Philippine Rehabilitation Act of 1946 was not carried out as fully as the law permitted. While all claims of $500 or less were paid in full and approximately 52.5 percent of the excess over $500 was paid, the act had provided that up to 75 percent could be paid on these larger claims. Additional war damage payments are therefore looked on by the Filipinos as the fulfillment of a moral obligation, already recognized by our Congress, to provide assistance because of war damage sustained in the defense of the interests of the United States and the Philippines. The Philippine Government and people sincerely feel that the failure of the United States to appropriate additional war damage compensation has defeated a legitimate expectation of assistance from the United States to a firm ally which was severely damaged in the mutual war effort. The Department of State considers that settlement of this claim would remove any basis for the Philippine belief that the United States has not fulfilled its promises to the Philippines.

The executive branch believes that rebuilding, replacement, or repair of war damaged private property in the Philippines is no longer practicable. Moreover, in view of the time which has elapsed since the original claims were approved, and since the United States-Philippine War Damage Commission went out of existence on March 31, 1951, it is not considered practicable for the U.S. Government to assume any responsibility for the payment of the balance of approved individual private property claims. It is proposed, therefore, that settlement be made directly with the Philippine Government, whereupon the U.S. Government would consider itself divested of any responsibility for payment to private claimants.

Under the Romulo-Snyder Agreement of 1950, the United States converted into a loan to the Philippine Government the residual balance of certain funds advanced to the Philippines but not returned as previously agreed. The agreement provided that the exact amount of the loan should be determined by the results of an audit by the Philippine-Ryukyus command of the U.S. Army and that repayment of principal and interest should be made in 10 annual installments, the last of which would be due on May 31, 1960. An audit of April 1951 and a reconciliation of audit of December 1952 set the figure due the United States at approximately $37.5 million, which figure the Philippine Government, pointing to alleged inaccuracies and discrepancies in the figures of the audits, has been unwilling to accept. After making the first four annual payments, the Philippines defaulted and has made no further payments, there remaining some $24 million to be paid by May 31 of this year. Consultations between representatives of the two governments concerning the exact amount due and payable as of that date are now in progress. It is the final figure resulting from these discussions which, according to the presently proposed legislation, would be deducted from the amount to be paid to the Government of the Philippines.

The draft legislation was prepared by the Department of State in consultation with the Department of the Treasury. It is based on a full and careful consideration of the problems involved. Prompt and favorable action resulting in the payment of the compensation would strengthen the ties of friendship between the United States and the Philippines.

The Bureau of the Budget advises that enactment of the proposed legislation would be in accord with the program of the President.

I respectfully request that early consideration be given to the proposed legislation which is transmitted herewith. A similar communication is being sent to the Speaker of the House of Representatives.

Sincerely yours,

DOUGLAS DILLON,
Acting Secretary.

Enclosure: A draft bill to authorize a payment to the Government of the Philippines.

ABOLITION OF FEDERAL FARM MORTGAGE CORPORATION

Mr. WILLIAMS of Delaware. Mr. President, one of the hardest things to accomplish in Washington is the abolishment of a Federal agency once it gets started. That is true even though the agency may well have outlived its useful purpose.

Today I am sending to the desk a bill the purpose of which is to abolish a depression-born agency and one whose services have not been used during the past 15 years. This agency, however, still retains all of its previously conferred powers, including the powers to borrow up to $2 billion and to pledge the credit of the U.S. Government for payment.

The agency to which I refer is the Federal Farm Mortgage Corporation, which was established by an act of Congress on January 31, 1934, primarily for the purpose of enabling the Land Bank Commissioner to make, on behalf of the Corporation, second mortgage loans as well as first mortgage loans on properties on which the lending authority of the Federal land banks was restricted.

This Corporation, in which the Government held all the capital stock, was authorized, subject to the approval of the Secretary of the Treasury, to issue and have outstanding at any one time $2 billion in federally guaranteed bonds, and it could make collateral loans to the Federal land banks as well as purchase the bonds of those banks.

I am not questioning that this Corporation served a necessary function during the depression years; but, with the outbreak of World War II and its accompanying appreciation in Federal income and property values, the services of this agency no longer are necessary, and since the end of World War II it has no longer functioned as a lending agency.

In fact, the authority of the Commissioner to make mortgage loans expired on July 1, 1947, except for refinancing existing loans.

On June 30, 1955, all loans and certain other assets of the Corporation were sold by the Corporation to the Federal land banks.

On September 7, 1957, all their mineral reservations remaining unsold were transferred to the Secretary of the Interior in accordance with provisions of legislation enacted in September 1950.

In September 1957 the Government's investment in the capital stock of the Corporation was fully retired.

The Corporation, however, was not abolished; it still retained its authority, subject to the approval of the Secretary of the Treasury, to issue and have outstanding at any one time federally guaranteed bonds in an aggregate amount not exceeding $2 billion. They still have authority to make collateral loans in the Federal land banks and to purchase their bonds. This authority is not being used, but it is still there.

As of June 30, 1959, the only assets of the Corporation were certain notes receivable from Federal land banks in the amount of $5,602,214. These notes represent the balance due from the sale of the loans and other assets of the Corporation, and they are payable by the representative banks in annual installments.

Collecting these annual payments on notes from the Federal land banks and then transferring the proceeds to the Federal Treasury are the only duties left for this Corporation to perform, but these payments could just as easily be made direct to the Treasury.

I repeat, the Federal Farm Mortgage Corporation during the depression served a useful function. It was started at a time when the Federal land banks were not in a strong financial position, and its purpose was to support these banks by providing additional capital for loans to the farmers during the depression of the 1930's. The Federal land banks are now, however, all in a strong financial position, and everyone agrees that there is no need for any funds or any support from this Corporation.

Although this agency has not made any loans since the depression years and even though the authority of the Commissioner to make mortgage loans expired on July 1, 1947, except for refinancing existing loans, we find that since 1950 the following sums were appropriated to cover their administration expenses:

1951	$1,128,836
1952	989,810
1953	834,731
1954	691,945
1955	572,539

Appropriations were suspended in 1955, during which year all loans and other assets of the Corporation were sold to the Federal land banks; however, during each of the ensuing years authority has been extended in the annual appropriation bills for the corporation to make such expenditures from collected funds as were necessary to continue the liquidation of its assets. These expenditures, however, have been substantially lower, and last year they were reduced to about $5,000. But why this expenditure? Why keep a useless agency alive when it is not needed?

No agency of the Government having the power to borrow and pledge the credit of the U.S. Government in the amount of $2 billion should be allowed to lie around waiting until some bureaucrat with a fanciful imagination decides to revive it.

Congress should not allow this dormant Corporation with its $2 billion borrowing authority—and power to pledge the credit of the United States for repayment—to continue in existence, and it is for this reason that I am today introducing this bill calling for its immediate abolishment.

In conclusion, I ask unanimous consent to have printed at this point in the RECORD a comment in support of the bill made by the Comptroller General in his annual report to the Congress under date of January 15, 1960. I may say this is only one of two of his annual recommendations to the Congress in that connection.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Federal Farm Mortgage Corporation has been inactive, except for the liquidation of its loans and the program of the sale of its mineral reservations, since July 1, 1947, when its authority to make mortgage loans expired. Effective September 7, 1957, mineral reservations remaining unsold were transferred to the Secretary of the Interior in accordance with the provisions of legislation enacted in September 1950 (7 U.S.C. 1035). The Government's investment in the capital stock of the Corporation was retired during September 1957. The Corporation has authority, subject to the approval of the Secretary of the Treasury and limitations in appropriation acts, to issue and have outstanding at any one time federally guaranteed bonds in an aggregate amount not exceeding $2 billion, to make collateral loans to the Federal land banks and to purchase their bonds. In our audit reports of previous years, we recommended that the Congress take legislative action to terminate the corporate existence of Federal Farm Mortgage Corporation and to transfer its remaining assets, consisting of cash and notes receivable from the Federal land banks, to the Treasury Department. We again are making the same recommendation.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3241) to abolish the Federal Farm Mortgage Corporation, and for other purposes, introduced by Mr. WILLIAMS of Delaware, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

AMENDMENT OF TITLE 2 OF SOCIAL SECURITY ACT

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a bill to amend title II of the Social Security Act to increase to $2,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under that title.

Under existing law a person between the ages of 65 and 72 has to meet a retirement test. If he earns more than $1,200 a year he is penalized by receiving an amount of retirement benefits reduced proportionately according to his earnings. After the age of 72 there is no limitation on earnings. I have received a great deal of correspondence from citizens between the ages of 65 and 72 who cannot possibly maintain an adequate standard of living on $1,200 plus their social security benefits. Everyone is familiar with the inflationary pressures which have especially forced hardships on people with fixed incomes or pensions. Rising costs for food, rent, and medical care have been particularly harsh on our elderly citizens.

Many social security recipients are able and willing to work, and employment is available for them. Most of these folks are not crowding others off of the labor market. They are performing services which are needed in the economy, and they certainly need the additional income.

The limitation of $1,200 was enacted in 1954, 6 years ago. I have raised that figure to $2,000 based on the premise that a worker will work at least 50 weeks a year, 40 hours a week at $1 an hour which is the minimum wage in interstate commerce. Mr. President, who will deny our citizens the right to at least earn the minimum wage in their golden years before penalizing them for earning more?

Mr. President, our social security system has worked remarkably well since its creation over 20 years ago. It has paid its own way and in addition has accumulated over $20 billion in the trust fund. Our people have been willing to recognize the facts of life; that is, if we are to get benefits, these benefits must be paid for by premiums in the form of taxes. Therefore, I propose to have this additional benefit pay its own way by increasing taxes the necessary amount. I have been advised by the actuaries in the Social Security Administration that in order to pay for this new benefit it will be necessary to raise the taxes only one-quarter of 1 percent. This, of course, will be shared equally by the employer and the employee. Provision is made for an appropriate increase in the tax of a self-employed person who has coverage. If my bill is enacted, the social security program will be improved and also continued on a sound financial basis.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3242) to amend title II of the Social Security Act to increase to $2,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title, introduced by Mr. ANDERSON was received, read twice by its title, and referred to the Committee on Finance.

ELECTION BY CERTAIN TAXPAYERS WITH RESPECT TO PREPAID SUBSCRIPTION INCOME

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to permit certain taxpayers who use the cash receipts and disbursements method of accounting to make an election with respect to prepaid subscription income under section 455 of the Internal Revenue Code of 1954. I ask unanimous consent that a short explanation of the bill be printed as a part of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 3243) to permit certain taxpayers who use the cash receipts and disbursements method of accounting to make an election with respect to prepaid subscription income under section 455 of the Internal Revenue Code of 1954, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

The explanation presented by Mr. HARTKE is as follows:

EXPLANATION BY SENATOR HARTKE

This bill will permit certain taxpayers who use the cash basis method of accounting to treat income from subscriptions to newspapers, magazines, and other periodicals in the manner presently provided by section 455 of the Internal Revenue Code of 1954.

Section 455 was added to the 1954 code by the Technical Amendments Act of 1958 to permit prepaid subscription income to be taken into account for tax purposes ratably over the period of the subscriptions. Prepaid subscription income is the income from a subscription to a newspaper, magazine, or other periodical where the period of the subscription extends beyond the close of the taxable year in which the income is received. The provisions of section 455 are elective with the taxpayer. However, as the section now stands an election may be made only by a taxpayer who uses an accrual method of accounting in the trade or business in which he receives prepaid subscription income.

The proposed bill will permit a taxpayer who uses the cash receipts and disbursements method of accounting in the trade or business in which he receives prepaid subscription income to make the same election, if the taxpayer is under a binding contractual obligation to refund to subscribers the pro rata portion of the amount paid for a subscription if the subscriber decides for any reason to cancel his subscription.

The proposed addition to section 455 of the 1954 code would not be retroactive but would apply only to the current and future taxable years.

TAXABLE STATUS OF SALES OF CERTAIN ELECTRONIC TUBES

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill relating to the taxable status of sales prior to September 1, 1955, of tubes for use in the production of certain component parts of television receiving sets. I ask unanimous consent that a short explanation of the bill, prepared by me, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 3244) relating to the taxable status of sales prior to September 1, 1955, of tubes for use in the production of certain component parts of television receiving sets, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

The explanatory statement presented by Mr. HARTKE is as follows:

EXPLANATION OF S. 3244 BY SENATOR HARTKE

This bill is intended to validate certain procedures which were used by some manufacturers of component parts of the television receiving sets in applying the provisions of the Internal Revenue Codes of 1954 and 1939 which permit tax-free sales of taxable articles from one manufacturer to another manufacturer. Situations have arisen in which, unless this bill is enacted, tax will be paid twice upon the same taxable component part which ultimately was incorporated into another taxable article.

Some manufacturers of television tuners assumed that a tuner for a television receiving set, like a tuner for a radio receiving set, was an article taxable under the Internal Revenue Codes of 1954 and 1939. It was not until 1958 that the Internal Revenue Service published a ruling holding that television tuners did not come within the definition of a radio and television component and therefore were not taxable.

Under the procedure in effect from September 1, 1950 (when television receiving sets first were made subject to Federal excise tax), until September 1, 1955, a manufacturer of a television set, or a manufacturer of a taxable component part of a television set, could purchase tax free other taxable component parts which were to be used in the manufacture of the television set or of the other taxable component part. This procedure, in substance, is still followed today except that in 1955 the Internal Revenue Code of 1954 was amended so as to permit tax-free sales of taxable radio and television components for use in the manufacture of another article whether or not that other article is subject to Federal excise tax.

These manufacturers of television tuners followed the same procedure that they had with respect to radio tuners and purchased tubes (which are taxable items) tax-free for use in the manufacture of their television tuners and in turn sold the tuners tax-free to television set manufacturers, based upon their assumption that the tuners were themselves taxable articles. As a result of the Internal Revenue Service's ruling that television tuners are not, and were not, subject to tax, the manufacturers who used this procedure now find that they should have paid the tax and then recovered it from the television set manufacturers to whom they sold their tuners. The Internal Revenue Service has permitted the manufacturers of television receiving sets to deduct from the tax payable on sales of their sets the tax which had been paid on the tubes.

The Internal Revenue Service is now attempting to collect the tax which under the technically correct procedure should have been paid by the television tuner manufacturers when they purchased tubes and recovered by them from the television set manufacturers to whom they sold their tuners, even though the tax has in effect already been paid by the television set manufacturers when they sold the completed television sets into which they incorporated the tuners containing the tubes.

The proposed bill is not intended to overrule the position of the Internal Revenue Service that television tuners are not radio and television components subject to tax as such, but rather it is intended to validate the procedure used by these manufacturers of television tuners by treating these television tuners as having been subject to tax, in the case of those manufacturers who so treated them, during the period before September 1, 1955.

The provisions of the bill would also be applicable to manufacturers of any other article made to be incorporated into television receiving sets, where the manufacturer assumed that it was subject to tax in purchasing taxable component parts to be used in the article manufactured by him during the period before September 1, 1955.

EXTENSION OF TIME FOR FILING REPORT BY, AND CONTINUATION OF AUTHORITY OF, THE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN LABOR OR MANAGEMENT FIELD

Mr. McCLELLAN. Mr. President, on behalf of myself and Senators MUNDT, ERVIN, GOLDWATER, and CURTIS, I submit a resolution for appropriate reference.

Mr. President, I will state that the purpose of the resolution is to extend the life of the Senate Select Committee on Improper Activities in the Labor or Management Field until January 1962.

Mr. President, I previously stated that we were trying to wind up the affairs of this select committee, and that we would ask for the functions of the committee to be transferred to another committee, which we did. That seems to be objectionable to some, so I thought it best to submit the resolution. Then the Senate can determine which course will be the better course and to make the decision on the matter.

I therefore submit the resolution at this time.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. CASE of South Dakota. Would the resolution change the character of the committee in any respect?

Mr. McCLELLAN. None whatsoever.

Mr. CASE of South Dakota. Or the manner of appointment?

Mr. McCLELLAN. No.

Mr. CASE of South Dakota. It is purely a continuing resolution?

Mr. McCLELLAN. That is correct.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. I am happy to yield.

Mr. JAVITS. I noticed the Senator said the Senate could make its choice as to the procedure it desired to follow. I assume the Senator would include in his statement the fact that the Committee on Government Operations will be meeting this week, and perhaps the committee will have a choice to make, since a motion is pending before the committee.

Mr. McCLELLAN. Indeed so. I am sure the Senator knows very well my position, and the problem.

Mr. JAVITS. I do.

Mr. McCLELLAN. We are reaching a deadline, Mr. President. That is the only reason for my taking this action today.

Mr. JAVITS. I thank the Senator.

Mr. McCLELLAN. I thank the Senators for their discussion.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 294) was referred to the Committee on Rules and Administration, as follows:

Resolved, That the time for filing a final report by the Select Committee on Improper Activities in the Labor or Management Field, established by S. Res. 74, Eighty-fifth Congress, agreed to January 29, 1957, as amended and supplemented, is hereby extended to January 31, 1961.

SEC. 2. For the purpose of enabling the select committee to complete its work and prepare such final report, it is hereby authorized to exercise, until such date, all of the duties, functions, and powers conferred upon it by S. Res. 74, Eighty-fifth Congress, as amended and supplemented.

SEC. 3. The expenses of the committee under this resolution, which shall not exceed $150,000 from April 1, 1960, through January 31, 1961, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954, AS AMENDED—AMENDMENTS

Mr. FULBRIGHT. Mr. President, the other day the Department of Defense released figures showing the value of military assistance furnished to each foreign country over the last 9 years. These country-by-country delivery figures had long been held secret. Controversy over them immediately arose.

The question was whether deliveries of military items to Latin America in the fiscal year 1960 would exceed the ceiling on such assistance which was put into the Mutual Security Act last year. The last sentence of section 105(b)(4) of the Mutual Security Act of 1954, as amended, provides as follows:

> The aggregate amount of funds which may be obligated or reserved during the fiscal year 1960 for furnishing military assistance to American Republics shall not exceed the aggregate amount of funds obligated or reserved for such purpose during the fiscal year 1959.

The delivery figures as released by the Pentagon seemed to indicate a breach of this ceiling. It turned out however that the ceiling as presently written does not include sales of military equipment for cash or on credit terms.

The aim of the Committee on Foreign Relations in drafting this ceiling was stated in the committee report as follows:

> The committee feels that military assistance to Latin America frequently stimulates arms races and encourages the diversion to military purposes of resources which are badly needed for economic development.

The administration had proposed to increase military aid to Latin America. The committee felt that the program for 1960 should not go above the program for 1959. In pursuit of this objective it does not matter whether military equipment is furnished by grant, sale, or loan. It is the delivery of the weapons which causes the trouble. The ceiling on military aid to Latin America ought to include the furnishing of equipment and materials no matter what the financial basis may be.

Mr. President, I therefore introduce an amendment to the pending mutual security bill which will include sales and credit transactions in the ceilings on military aid to Latin America and will extend the ceiling indefinitely. If this amendment is adopted the result will be that the value of military equipment and materials furnished thereafter will not exceed the value furnished in the fiscal year 1959.

Mr. President, I ask unanimous consent that this amendment be printed at this point in the RECORD.

The PRESIDENT pro tempore. The amendment will be received, printed and referred to the Committee on Foreign Relations; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Foreign Relations, as follows:

On page 1, strike out lines 7 through 10 and insert:

"SEC. 101. Section 105 (b) (4) of the Mutual Security Act of 1954, as amended, which relates to conditions applicable to military assistance to Latin America, is amended by striking out the last sentence and substituting the following: 'The value of equipment and materials delivered to American Republics, pursuant to any authority contained in this chapter, in any fiscal year beginning with the fiscal year 1961, shall not exceed the value so delivered in the fiscal year 1959.' "

Mr. FULBRIGHT. Mr. President, I share the widespread concern that the multiplicity of U.S. agencies engaged in foreign aid and sales of U.S. agricultural commodities abroad tends to be self-defeating. Foreign countries have so many agencies to deal with that they are frequently confused. The achievement of U.S. objectives is interfered with.

I realize that there is nothing which can be done about the fact that there are international agencies, private agencies and U.S. Government agencies in the field. These three categories are bound to exist.

We can do something, however, about the U.S. Government agencies in the economic field. The principal ones are the Department of Agriculture, concerned with sales and barter arrangements for surplus agricultural commodities; the International Cooperation Administration, administering the point 4 program, defense support, and other grant economic assistance; and the Development Loan Fund, engaged in making loans for economic development in the less developed countries. Obviously there must be coordination among these agencies if they are all to do their job without getting in each other's way. I think it is too bad myself that in the field of economic development technicians are handled by one agency and capital requirements are handled by another agency.

Mr. President, this is a complex problem. I have no detailed reorganization plan to present. In the last year of office of a President who cannot succeed himself I doubt that anything would happen even if I had a detailed plan to present.

I am sure however that the next President of the United States ought to review the sprawling organizations which have been created in the foreign economic policy field. To this end it would be useful if the groundwork could be laid by starting a study of the problem now. The results might then be available to lay before the new President.

Mr. President, I introduce an amendment which is designed to get such a study underway now so that the next President will be able to move on this matter soon after he takes office. My amendment calls for recommendations by the President to the Congress when he sends to the Congress the fiscal year 1962 program.

Mr. President, I ask unanimous consent that this amendment be printed at this point in the RECORD.

The PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Foreign Relations; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Foreign Relations, as follows:

On page 11, after line 9, insert the following:

"SEC. 605. The President shall have a study made of the functions of, and the degree of coordination among, agencies engaged in foreign economic activities, including the Department of State, the International Cooperation Administration, the Development Loan Fund, the Export-Import Bank, and the Department of Agriculture, with a view to simplifying and rationalizing the formulation and implementation of United States foreign economic policies. The President shall include in his presentation to the Congress of the fiscal year 1962 mutual security program his findings and recommendations resulting from such study."

Mr. FULBRIGHT. Mr. President, as my colleagues well know, I am pleased by the fact that pursuant to the several international educational exchange programs now authorized by law, there are presently studying in the United States several thousand foreign students.

Many of us tend to overlook the fact that there are an additional 20,000 foreign students studying here who came entirely on their own. They pay their own way and make their own arrangements. They do not necessitate an attention by the Government.

It is obviously in the interest of United States foreign policy that these students should return to their own countries having had a satisfactory experience. They should, of course, have learned the academic subjects which they came to learn but it is also important that they return home having had a chance to know American life intimately. These students will become leaders when they return to their native land and their knowledge of and attitude toward American conditions will have important bearing on their attitude toward our country.

I feel, Mr. President, that we are missing some opportunities in this regard. In some cases I think we are actually neglecting a responsibility. The foreign students of which I speak are scattered all over the United States in colleges and universities. Some of these schools have made arrangements to guide and help the foreign students adjust to their new environment and make the most of their period of study here. Others, due to the difficult financial problems of many institutions of higher learning today, have not been able to devote the necessary resources to this kind of extracurricular counseling. Assistance is needed in many instances both in the category of students who come here under Government sponsorship and in the category of students who are here on their own. Many students need help in finding suitable places to live, in supplementing quickly their knowledge of English, and in participating in activities which will enlarge their horizons. To do this counseling job, however, takes a lot of time and some money.

My thought is that it is in the national interest to authorize a small program of Federal assistance to colleges and universities in the United States on a matching basis to enlarge existing programs of counseling and orientation, and to start such programs where there are none.

It is my suggestion that there be added to the responsibilities of the Secretary of State under the Smith-Mundt Act, that is, the United States Information and Educational Exchange Act of 1948, the responsibility for cooperation with colleges and universities in setting up orientation courses and counseling services.

I do not know how much such a program would cost. I should think it would be in the neighborhood of $1 million annually but this question would be left to the Appropriations Committee which would review the specific programs presented to it and finance the program at is deems best.

I think the colleges and universities should contribute an equal amount toward any program established so that we could be sure that they were fully exerting themselves. The Secretary of State should not make a grant except on the basis of detailed programs submitted to him. I also think there should be a limit on grants of not more than $100 per foreign student enrolled in the institution so that the assistance remains in reasonable bounds.

I have in mind that the participating colleges would carry out their programs partly by using their own faculties and partly by making subcontracts with community organizations. I think it essential that the foreign students be benefited always through the colleges and universities rather than directly by handing the student a check.

Mr. President, I remind the Senate that an amendment to the Smith-Mundt Act, somewhat along the lines I have been describing, was sponsored by the Department of State in the 84th Congress and that this provision was included in S. 3638 when it passed the Senate.

Mr. President, in order to move toward the objectives which I have been describing, I introduce an amendment to the Smith-Mundt Act which would authorize the Secretary of State to carry out, with matching contributions from colleges and universities, a program of orientation and counseling of students from other countries who are in the United States.

Mr. President, I ask unanimous consent that this amendment be printed at this point in the RECORD.

The PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Foreign Relations; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Foreign Relations, as follows:

On page 11, after line 9, insert the following:

"SEC. 605. Title II of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431), which relates to interchange of persons, knowledge, and skills, is amended by adding the following:

"'ASSISTANCE TO STUDENTS FROM OTHER COUNTRIES

"'SEC. 204. (a) With respect to students from other countries attending colleges or universities in the United States, under the provisions of this Act or under any other Government, institution, or individual program which furthers the purposes of this Act, the Secretary is authorized to provide for counseling, orientation, supplementary English language training, and such other assistance as will help them to have a fruitful experience here consistent with the objectives of section 2.

"'(b) Grants which are made to colleges and universities under this section shall be made in the discretion of the Secretary on the basis of specific programs submitted to him.

"'(c) Institutions receiving such grants shall be obliged to contribute an equal amount to such program. No grant to an institution shall exceed $100 per foreign student enrolled in the institution during the period of the grant. No part of such grant shall be payable to a foreign student.'"

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1960 — AMENDMENT TO MEET DEFICIENCY IN PUBLIC LAW 874 SCHOOL FUNDS

Mr. COOPER. Mr. President, I send to the desk an amendment to the second supplemental appropriation bill for fiscal year 1960, H.R. 10743, which I ask to have printed.

Mr. President, I wish to join with my colleague the Senator from California [Mr. KUCHEL] in urging an amendment to the second supplemental appropriations bill, H.R. 10743, which is pending on the Senate Calendar, and which contains funds vitally needed to carry on a variety of Federal activities.

One item in this bill is of signal importance to every State. That is the amount for the Office of Education, Department of Health, Education, and Welfare, to discharge our commitment under the provisions of Public Law 874, which provides aid to federally affected school districts. The Senate Committee on Appropriations accepted the figure of $8,330,000 which had been added by the House, and which was thought to be the additional amount required to pay the full Public Law 874 entitlements.

However, since that time it has been discovered from a review of assistance applications that the shortage for school year 1960 will actually amount to $22,343,000. In other words, if the Federal Government is to keep its promises to these school districts, an additional $14 million will be needed to provide full payment of all entitlements under existing Federal law.

In the 85th Congress, the Congress extended the law providing this assistance.

Our legal responsibility to assure facilities to educate the children of federally connected personnel in "impacted" school districts is undeniable.

Even a small decrease in payments will affect the education of these children. I have long been a supporter of Federal aid to education, and I am fearful that failure to meet our full obligations under Public Law 874 will critically impair, if not jeopardize, the entire program. We must assure that the children of Kentucky and the Nation whose education is dependent in any part upon payment of these funds are not deprived of the educational facilities to which we have agreed they are entitled. At a time when scientific and technological advances demand greater educational efforts for the future of our country, there should be no question about the funding of a program designed to meet the needs of school districts adversely affected by Federal activities.

I offer an amendment to H.R. 10743 which will meet the anticipated deficiency in Public Law 874 funds for fiscal year 1960. I urge the support of my colleagues in approving the $22,343,000 needed to meet in full the entitlements under this program.

Mr. President, I wish to say that I called the distinguished senior Senator from Alabama [Mr. HILL] before submitting this amendment. Because he is the chairman of the appropriations subcommittee which has jurisdiction over this matter, I thought it would be proper for him to submit the amendment.

I was not able to reach Senator HILL, and so I present it. But when the Senator from Alabama returns I will, of course, defer to him—because it is in the field of his subcommittee, and I know of his deep interest in the field of education, and of his friendship and support for legislation relating to federally affected areas.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

Mr. COOPER. Mr. President, I ask also that I be given unanimous consent to have printed in the RECORD a list of school districts in the State of Kentucky which would be affected by this legislation.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Entitlements under Public Law 874, as amended, State of Kentucky, fiscal year 1959 and estimated fiscal year 1960

Project No.	Applicant	Entitlements	
		Fiscal year 1959 [1]	Fiscal year 1960
1	West Point Independent School District	$10,147.15	[3] $13,221.00
2	Berea Independent School District	6,436.63	[3] 6,900.00
3	Richmond City School District	12,343.18	[3] 13,200.00
4	LaRue County School District, Hodgenville	23,323.50	[3] 24,950.00
5	Hardin County School District, Elizabethtown	150,169.77	[2] 151,803.00
6	Christian County School District, Hopkinsville		[3] 42,700.00

See footnotes at end of table.

Entitlements under Public Law 874, as amended, State of Kentucky, fiscal year 1959 and estimated fiscal year 1960—Con.

Project No.	Applicant	Entitlements	
		Fiscal year 1959 [1]	Fiscal year 1960
7	Madison County Board of Education, Richmond	$24,837.80	[3] $26,600.00
8	Meade County School District, Brandenburg	59,428.11	[3] 63,600.00
9	Bullitt County Board of Education, Shepherdsville	7,799.68	[3] 8,350.00
10	Fayette County Board of Education, Lexington	85,301.79	[3] 93,000.00
12	Clark County Board of Education, Winchester	13,479.05	[2] 16,731.00
13	Elizabethtown Independent School District	51,568.73	[2] 52,300.00
15	Rockcastle County School District, Mount Vernon	6,966.70	[3] 7,450.00
16	Hopkinsville Independent School District	33,518.27	[2] 42,132.00
18	Wayne County School District, Monticello	894.81	[3] 950.00
19	Russell County School District, Jamestown	8,475.22	[3] 9,075.00
21	Pembroke Independent School District	8,831.38	[3] 9,450.00
24	Lexington Independent School District	51,851.25	[3] 55,500.00
25	Mount Vernon Independent Board of Education	3,483.35	[3] 3,725.00
26	Murray Independent School District	2,513.37	[3] 2,700.00
28	Paducah Independent School District	53,562.45	[3] 57,350.00
29	McCraken County Board of Education, Paducah		
30	Mayfield Independent School District	4,019.79	[3] 4,300.00
31	Marshall County School District, Benton		
33	Benton Independent School District	4,533.21	[3] 5,538.77
34	Ballard County School District, Wickliffe	14,763.40	[3] 18,783.00
35	Lyon County School District, Eddyville	7,408.27	[3] 7,900.00
36	Graves County Board of Education, Mayfield	6,983.04	[3] 7,475.00
38	Dawson Springs Independent School District	7,572.50	[3] 7,182.12
40	Winchester Independent School District	8,178.30	[3] 9,630.00
201	Carlisle County Board of Education, Bardwell	3,585.47	[3] 4,114.54
204	Livingston County Board of Education, Smithland		
207	Ravenna Independent School District	1,211.60	[3] 1,387.46
208	Estill County School District, Irvine	6,225.18	[3] 7,508.58
210	Bourbon County School District, Paris	7,760.50	[3] 8,300.00
211	Georgetown Independent School District	5,073.58	[3] 5,430.00
404	Paris Independent School District	6,285.18	[3] 7,153.52
405	Breckinridge County School District, Hardinsburg	19,385.60	[3] 20,750.00
501	Mount Sterling Independent School District	2,726.10	[3] 2,366.00
502	Edmonson County School District, Brownsville	13,954.67	[3] 14,925.00
503	Trimble County School District, Bedford	1,060.15	[3] 1,130.00
504	Grayson County School District, Leitchfield	11,813.10	[3] 12,650.00
505	Leitchfield Independent School District	4,265.51	[3] 4,560.00
506	Jefferson County Board of Education, Louisville	238,238.72	[3] 255,147.00
601	Carrollton Independent School District	2,574.65	[3] 2,750.00
602	Greenup County Board of Education, Greenup	7,648.23	[3] 4,121.00
801	Greenup Independent School District	1,893.13	[3] 2,285.00
802	Hart County School District, Munfordville	7,807.80	[3] 8,535.00

See footnotes at end of table.

Entitlements under Public Law 874, as amended, State of Kentucky, fiscal year 1959 and estimated fiscal year 1960—Con.

Project No.	Applicant	Entitlements	
		Fiscal year 1959 [1]	Fiscal year 1960
803	Montgomery County School District, Mount Sterling	$4,694.95	[3] $5,000.00
804	Gallatin County School District, Warsaw	3,256.18	[3] 3,500.00
901	Carlisle City School District	1,741.68	[3] 2,754.00
902	Todd County Board of Education, Elkton	2,000.05	[3] 2,137.01
	Total	1,021,652.73	1,139,000.00

[1] Payments prorated at 95 percent of amounts shown.
[2] Entitlement initial processing.
[3] Estimated entitlement.

EXTENSION OF SUGAR ACT OF 1948—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 16, 1960, the names of Senators ALLOTT, CHURCH, FONG, YOUNG of North Dakota, and DWORSHAK were added as additional cosponsors of the bill (S. 3210) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by Mr. BENNETT on March 16, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Address on national defense, delivered by him over Wisconsin radio stations.

COMMITTEE RESOLUTIONS—PAY OF COMMITTEE STAFFS

Mr. MAGNUSON. Mr. President, while the majority leader and the minority leader are on the floor, let me say that the Senator from Michigan has just now reminded me of a matter about which I was going to ask them: Apparently this week we shall have some time in which to handle some pressing matters other than the unfinished business. I wonder whether it will be possible to take up, by unanimous consent—and perhaps we could discuss this matter with the Senator from Georgia and with other Senators—three or four resolutions which are on the calendar, and which involve the pay of three or four large committee staffs which have not been paid since the first of March. That situation creates real problems for the staffs. None of the staff members is overpaid; certainly that is true of all of those on my committee staff. They receive their pay on a monthly basis; and, under these circumstances, they find themselves in a difficult position. I do not want any of them to have to go to loan sharks and borrow money, in order to tide themselves over.

So it seems to me that we should be able to make some reasonable arrangement by means of which the Senate could adopt those three or four resolu-

tions. I do not believe there will be any opposition to them.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. JOHNSON of Texas. I have discussed this matter with the minority leader and with other Senators who are vitally interested in the pending civil rights bill. I hope that during the latter part of the week we may be able to work out a schedule which will permit us to deal with the measures in which the Senator from Washington is interested. As recently as the last 30 minutes I have discussed that subject with various Senators. I am not able to give any commitment at this time, but we are definitely working on that subject.

Mr. MAGNUSON. I thank the Senator from Texas. I shall greatly appreciate his doing the best he can in that respect.

Mr. JOHNSON of Texas. I will do so; and I am glad to note that the Senator from Washington is, as usual, continuing to work in the interest of those who need assistance.

REVIEW BY THE LATE SENATOR NEUBERGER OF THE BOOK "THE SPLENDID MISERY"

Mr. MANSFIELD. Mr. President, one of the last writings of the beloved junior Senator from Oregon, Mr. Richard L. Neuberger, before he died recently was a review of a penetrating, significant, and fascinating book on the Presidency, "The Splendid Misery," written by Mr. Jack Bell, the chief political writer for the Associated Press.

As one who has read the book and has enjoyed it, I wish to say it is based on fact and on close personal observation. I am sure that already it has been read by most, if not all, the Members of the Senate.

Mr. President, because I believe every American ought to read this book, I ask unanimous consent that there be printed in the body of the RECORD Mr. Neuberger's review of "The Splendid Misery" as it appeared in the March 20 edition of the New York Times.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

THE ADDRESS IS 1600 PENNSYLVANIA AVENUE

(Review of "The Splendid Misery," the story of the Presidency and power politics at close range, by Jack Bell)

(By Richard L. Neuberger)

The most successful book about Washington, D.C., in recent years has been Allen Drury's novel, "Advise and Consent," the theme of which is that ours is predominantly a Government of men rather than laws. Mr. Drury showed that men—with all their foibles, scandals, ambitions, hates and also their occasional capacity for greatness—shape the destiny of the U.S. Senate in particular and our national political life in general.

What Mr. Drury did with fiction for the Senate, a veteran correspondent of the Associated Press in Washington has now accomplished with facts and shrewd personal observations for the White House. Like Mr. Drury, Jack Bell has spent many hours in the press galleries which peer down on the Senate and House. Unlike the author of "Advise and Consent," Mr. Bell is captivated far less by Congress than he is by 1600 Pennsylvania Avenue and by the personal characteristics of its recent occupants, especially Dwight D. Eisenhower. Mr. Bell has seen the President's performance at close range, and this book is both a measured and fascinating appraisal of the kind of Chief Executive we have had during these past 7 years.

Mr. Bell believes that the destiny of America is forged at the White House and not on Capitol Hill. He tells us that there has been "no epoch of true national advancement that did not have as its commanding figure a strong Chief Executive. Where the President was timid or ineffective, the people suffered. Where Congress was able to command, there was reaction, stultification, and often near disaster." Mr. Bell discerns only the President as speaking for all the Nation. Congress, by contrast, is a babble of many tongues, most of them anchored to local special interests. This book is a mirror of the amazing Eisenhower years, during which an essentially weak and inarticulate President has retained a vast popularity with the public.

Those prominent Democrats who berate Mr. Eisenhower for not stopping the Russian rocket tests in the Pacific or for his meetings with Premier Nikita Khrushchev might do well to read "The Splendid Misery." Despite his obvious feeling that President Eisenhower often abdicates to others many responsibilities which should be his alone, Jack Bell believes that the hero-general has an enormous appeal to Americans "as a man of peace." It is this shining image that has survived such domestic political disasters as the Sherman Adams fiasco and the continuing loss of congressional seats to the Democrats.

Despite this, the author is convinced that Americans sense the need for a strong President. He writes that "fundamentally the people want a President with the integrity of Washington, the guts of Jackson, the unwavering purpose of Lincoln, the energy of Theodore Roosevelt and the flexibility of Franklin Roosevelt." He makes no secret of his conviction that President Eisenhower has fallen considerably short of these qualities. Mr. Bell, who has been an intimate observer of most of the major political events of our era and is now chief political writer for the Associated Press, gives us a ringside seat at General Eisenhower's so-called "surrender" to Senator Robert A. Taft and the conservatives on fiscal matters during the campaign of 1952. The national hero here appears as a political babe-in-the-woods who "was surrendering at the outset some of the vital weapons the President would need in his arsenal in the conflict between the Executive and Congress."

The warp and woof of Washington is controversy—political controversy. The author is plainly disenchanted with a President who eschews the normal combat of politics. He refers to Mr. Eisenhower's "Buchanan position" in the flaming Little Rock school-integration situation, when he kept hands off until conditions practically disintegrated. He shows the President as detaching himself completely from the historic Supreme Court verdicts in the school cases, and he is candidly amazed by a President who told one press conference that his own "personal convictions, no matter how strong," should not be the decisive factor in reorganizing the Defense Department. Obviously, the author wonders what would have been our national fate if Jefferson or Lincoln or F.D.R., for example, had thus isolated themselves midway between heaven and earth, like Mohammed's coffin.

Although most of Mr. Bell's book is devoted to the presidency as a contemporary institution, he does provide some vivid background chapters which show that the great and historic Presidents have all been powerful Presidents, who made Congress knuckle under to their views. The story of the Lincoln administration is particularly pertinent in this respect. The author demonstrates that the patron saint of the Republican Party was a President who did not hesitate to flout the Constitution itself when he thought dictatorial action was essential to the survival of the American Union.

A captious reader may challenge one of Mr. Bell's basic themes. Do Americans really yearn for a strong and decisive President? As "The Splendid Misery" reaches booksellers' shelves, every survey shows the President to be at the crest of his popularity. I have just been home to my native State of Oregon. If the Constitution and his wishes allowed it, I am certain that Dwight D. Eisenhower could carry Oregon for a third consecutive time by an overwhelming majority. Are the other 49 States so different?

INTERVIEW WITH THE GOVERNOR OF PUERTO RICO—ARTICLE FROM U.S. NEWS & WORLD REPORT

Mr. MANSFIELD. Mr. President, in reading the U.S. News & World Report, I came across an interview which a staff member of that magazine had with the Governor of Puerto Rico, the Honorable Luis Muñoz-Marín.

Governor Marín, who is 62 years of age, became Puerto Rico's first popularly elected Governor in 1948, and he has twice been reelected to that office. At his birth in 1898, Puerto Rico was Spanish-held, and his father was Prime Minister. Governor Marín was educated in the United States, and was a youthful advocate of independence for the island of Puerto Rico. But later he developed the idea of commonwealth status, as an associated free state, which was achieved by Puerto Rico in 1952. Today, Governor Marín is widely recognized as a leading statesman, and has much influence among officials in the United States and in Latin American countries. In view of recent developments in the Caribbean and the status of our relations with Latin America, I urge my colleagues, to read this most interesting and worthwhile interview. It is a primer which will not only benefit us but enhance our knowledge of an area of vital importance.

Mr. President, I ask unanimous consent that the interview be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"WE'VE COME A LONG WAY" IN A PEACEFUL REVOLUTION

(Interview With Puerto Rico's Gov. Luis Muñoz-Marín)

Question. Governor Muñoz, would you say that a revolution is taking place here in Puerto Rico?

Answer. Yes—a peaceful revolution.

Question. What kind of results are you getting?

Answer. To begin with, our net income in the last 4 or 5 years has increased at the average rate of 6 percent a year. That's about twice the U.S. average.

Question. Are people getting the benefit of that expansion?

Answer. More and more of them are, though we still have a big problem in unemployment. Our income per capita has gone up more than four times and is now second in Latin America, I believe, only to Venezuela.

Question. Were you able to do this with natural resources—oil or metals, for instance?

Answer. No, no. We have no resources except land and people. We have no oil, no iron, no metals of any kind, that we know of.

Question. Where does your investment money come from, then? From the States or locally?

Answer. About half and half. Much of our local investment is government disbursements for public works. From the States, we have been getting new venture capital in industry and business of all kinds—

Question. From private investors?

Answer. Yes.

Question. Are you encouraging this inflow of United States capital?

Answer. By every means: information and advice to businessmen coming here, tax exemptions. We help them locate skilled workers and train unskilled ones.

Question. Is this program paying off, do you feel?

Answer. All you have to do is look at our industrial growth, at the jobs people are getting in factories and commerce. Of course, we're a long way from U.S. averages, but we've come a long way, too.

Question. What about the average person here? Is he getting a better way of life?

Answer. Too many people are still poor, though less so than a few years back. But we also have a growing middle class. It's bigger than in most Latin-American countries.

Question. Don't some people say that Fidel Castro is waging a "real" revolution in Cuba— that yours isn't a "real" revolution?

Answer. Castro has done two good things and one bad one: He overthrew an armed dictatorship, and in that he did a great job. The other good thing is that he is trying to carry out a social revolution that had been long overdue in Cuba. The bad one is his completely gratuitous attacks against the United States. These attacks have no rational justification. The United States is not trying to prevent the social revolution in Cuba.

Question. Do you feel yourself hampered by the United States in your peaceful revolution here?

Answer. No, of course not.

Question. Yet it is sometimes said that Puerto Rico is a victim of U.S. "dollar imperialism"—

Answer. That's just Communist propaganda, or the talk of anti-Americans. You'll always hear from those quarters that the United States should give Puerto Rico its independence, or that it's "tyrannizing" us, and so forth.

Question. Do you feel you are accomplishing as much as if you had resorted to harsh measures?

Answer. Oh, much more, I think—the violent kind of revolution couldn't have lasted very long here. It's not in the nature of our people.

Question. And has outside capital from the States helped your revolution?

Answer. It has. A developing country must have outside capital unless it's just going to tighten its belt to the point where it's always on the verge of violent revolution.

Question. Would you describe the changes here in Puerto Rico as deep-seated?

Answer. Yes. There was a tremendous hopelessness here before 1940—terrible poverty. Part of our revolution was to put hope in people, give them the feeling that they could achieve a better way of life through hard work.

Question. Do they feel hopeful now?

Answer. They have that feeling now, and they have the feeling that something of importance is happening here.

Question. In what ways do you see that?

Answer. For one thing, the spirit of feudalism has been abolished completely. It used to be prevalent. You had big, corporate landownership spilling over into political power. Much more than half of the Puerto Rican workers 20 years ago were agregados—"squatters" living on somebody else's land subject to the landowner's will. When the landowner had a day's work for them, they worked. If not, they didn't work.

Question. What did you do about that?

Answer. One of the first measures the Popular Democratic Party took after winning the elections in 1940 was to draft a law providing a piece of land for agregados. Then we started creating rural communities where it's easy to get kids to the school, easy to bring good water from the aqueduct, easy for the doctors to visit, easy for the newspapers to reach, and so on.

Question. Was this a land-reform program?

Answer. It was part of our land program. We also limited the holdings of corporate landowners to 500 acres, as well as making land available to the agregados.

Question. Anything over 500 acres was taken away?

Answer. Not "taken away." We bought this land with money at market prices—not the way Mr. Castro is "buying" land, without money. We had to do it gradually.

Question. Has your land reform been successful?

Answer. When the land law was approved, there were about 100,000 families of agregados. We have distributed land to about 50,000 of them. There are 15,000 still living as agregados—those who probably don't care to make a change, who may be satisfied with the landowner they live with.

Question. What about the remaining 35,000 or so families—what has happened to them?

Answer. Our growing economy, the new jobs opening up, take care of many of them. They find jobs in their community, or they come to the city. They become garage owners, factory workers, and so on. Three of them have become legislators.

I'd like to mention that in the rural communities we have what we call "mutual-aid housing" where the Government provides the materials and supervision, and the families cooperate in building very modest but good homes, instead of the shacks they lived in before. They pay back the cost of the materials over a period of years. A house like this costs something like $350.

Question. You don't give it to them outright?

Answer. No. They appreciate it more if they have to make some contribution besides their labor. Also, the Government gets the money back—slowly, but it gets it back—and with that money it does the same things for others.

Question. What about your education problem? Is that being solved?

Answer. Yes, from the standpoint of reducing illiteracy—it's now down to about 16 percent. Practically every child of grammar-school age is going to school, and we have a special program for adult education in night schools.

Question. Do you have political stability here?

Answer. Puerto Rico is as democratic as any place in the Western Hemisphere, not excluding the United States.

You know, people—not all, but many—used to sell their votes for $2 or $3—they didn't know it was wrong. At the very start, the Popular Democratic Party carried out an educational campaign to tell them why they shouldn't sell their votes, and they caught the idea very quickly. People don't sell their votes any more, and I think I can say that we have a completely honest Government.

Question. How long has your revolution been going on?

Answer. Since 1940, when we had our first election success. Actually, though, it was only after the Second World War that we were able to push ahead fast.

Question. Has it been entirely peaceful?

Answer. Absolutely.

Question. Why do you suppose that is?

Answer. One thing we've gotten from the States over our long period of association is the habit of orderly government and of law. That doesn't mean that Puerto Ricans were lawless before. But Hispanic political habits are unstable as far as living and working together is concerned. Peoples of Hispanic origin have a great love for individual freedom, but usually are not adept enough at organizing it politically.

Question. Have you picked up other American ways of doing things?

Answer. Our people, for some reason, are more energetic than in most other tropical countries around this part of the world. This may be another of the good contagions from the States.

Question. Just what is your feeling about free enterprise? Is it a good thing for other countries as well as the United States?

Answer. We're entirely undoctrinaire about that. When we began to industrialize, the government started five factories and we ran them. We had no other way of doing it at the time—very few persons would risk it at that time. Afterward, we sold the five factories—to a prominent political opponent, by the way—and used the money for stimulating private investment.

Now we still invest government funds in enterprises to help them get started, but we don't operate them directly. We leave that part of it to private companies.

Question. In some cases, then, you prefer public ownership?

Answer. We feel that the social interest of the community should be the motivation in each instance. We don't believe that private enterprise is a sacred cow. But we do believe that it is a highly efficient cow.

Question. Do you find opposition to this from the United States?

Answer. I think that is one of the lessons to be learned in other countries about the spirit of the United States. No one has ever interfered with us. The late Senator Robert A. Taft went so far as to help us get a priority for some scarce materials for one of our government factories during World War II. He wrote a letter to a Government agency saying that he wouldn't approve of such a factory in Ohio, but he saw the need for it here—and you couldn't suspect him of being socialistic.

Question. Do you feel, then, that Latin American countries can carry out big social changes with the help of the United States?

Answer. Surely.

Question. What about Castro's charge that America is trying to undermine his revolution in Cuba?

Answer. I think it is completely unfounded. The United States, as a people, are not opposed to social changes that other peoples feel they need. There would not be such strong feeling in Congress toward Castro if he were carrying on his revolution without needlessly attacking the United States.

Question. Would you say he has any grounds for his charges of interference by the U.S. Government?

Answer. Of course not. They're exercising great forbearance in Washington. I approve completely of President Eisenhower's position stated last January.

Question. What causes Castro's outbursts, then?

Answer. Why Castro does this, I don't know. He doesn't need the United States as a "whipping boy." After he overthrew Batista, he had the support of 90 percent of the Cubans, so he didn't have to undertake those tactics to develop support.

CUBA: RIPE FOR REDS

Question. Is there something else he gains by it?

Answer. It doesn't do him any good, and he's going to have a difficult time preventing the Communists from taking propaganda advantage of it.

Question. Do you think the Communists might seize power there?

Answer. No. And there is no alternative to Castro in Cuba today that we know of, except the old-line politicians, and they are thoroughly repudiated by the Cuban people.

The Communists are not strong in numbers, but certainly they are engaged in their well-known tactics of using the situation for all it's worth.

Question. What if the Communists did take over? What would happen then?

Answer. If a real Communist government were established in a Latin-American country, I am certain that practically all the other countries would cooperate in some effective form to isolate it.

Question. Do you think Castro has the support he had a year ago?

Answer. No; but he's got a great majority of Cubans still with him.

Question. Are you worried by developments in the Dominican Republic, right next door to you? There seems to be unrest against Trujillo——

Answer. The whole situation in Cuba and the Dominican Republic is explosive. There do not seem to be any mutual invasion plans at the moment, however.

Question. Would either man resort to an adventure in order to take people's minds off troubles at home?

Answer. It's possible.

Question. Looking ahead, do you feel that Castro really typifies people coming to the top all across Latin America?

Answer. I wouldn't say that. I believe there are men of more mature statesmanship coming up in Latin America. People like José Figueres, ex-President of Costa Rica, and Rómulo Betancourt, President of Venezuela. If Fidel Castro had attained to the wisdom, experience, and maturity of Betancourt when he overthrew Batista, a much better job could have been done in agrarian reform and other changes—and in a spirit of understanding and friendship with the United States.

Question. Are there many men such as Betancourt?

Answer. There are such men in every country. There are some very good men in the Cuban Government, but they do not wield the influence in the present situation.

Question. Just why is it that the United States seems to be so unpopular in parts of Latin America at this time?

Answer. The Latin-American countries are growing. They want to grow very fast. This is the revolution of growing expectations that you hear about all over the world.

Latin Americans have felt that the United States aids other parts of the world and doesn't aid them in their own development sufficiently. However, the recent Eisenhower trip seems to show that the United States is not nearly as unpopular in Latin America as represented.

A GUIDE FOR U.S. POLICY

Question. What is needed to counteract dislike of the United States?

Answer. First, I would say, be as helpful as possible in economic and technical assistance.

In giving economic aid, make a big effort to give it—as much as is practical—on terms that the individual countries and their public opinion prefer. This isn't always possible, but you can make a genuine try at helping them to do it the way they think best.

Question. What else is needed?

Answer. Then, I would say, maintain an attitude of aloofness toward dictators and friendliness toward democratic forces. For instance, give signs that Betancourt, or Figueres, is your kind of man—and Trujillo is not.

Question. Hasn't that been done in the past?

Answer. Not clearly enough until recently.

Question. Do Latin Americans coming here see Puerto Rico as an example of a peaceful revolution—of what can be done with U.S. cooperation?

Answer. As you know, the International Cooperation Administration is bringing people here from all the developing areas of the world to see what Puerto Rico is doing. There have been 10,000 of them so far, and half of them are from Latin American countries.

Question. What seems to be their opinion of it?

Answer. They seem to like what they see. Occasionally, of course, you get an indoctrinated anti-American, but I would say this is probably one of the best ways of replying to anti-American propaganda—bring them here, and let them see for themselves.

Question. Do you think your kind of revolution here in Puerto Rico can be carried out in other countries, too?

Answer. Generally, yes—though each country has its own problems to meet.

Question. What about Puerto Rico itself—is there a strong body of anti-American feeling here?

Answer. No. There's an Independence Party. It is peaceful and is getting smaller and smaller. I think our elections next autumn will show that at least 92 or 94 percent of the people are for permanent union with the United States.

Question. Does that mean they favor statehood?

Answer. No, no. I'm firmly convinced that most of them want to continue our Commonwealth status as an "associated free state." Federated statehood would be economically impossible. Of course, there's a political faction here that favors statehood, but their leaders either don't know economics or choose to pretend they don't.

Question. Do you think Puerto Rico, some day, will become a State?

Answer. My position is that Puerto Rico has to catch up in its standard of living with the poorest State before we can consider the question of statehood. We're a long way from that. Our economists figure it won't be until 1992 or 1995. But I believe in Commonwealth as a good status in itself, a creative contribution by Puerto Rico to the U.S. Federal system.

WITH GROWTH, PROBLEMS

Question. Are new problems arising as Puerto Rico develops?

Answer. Of course, our progress from agriculture to industry is bringing many benefits—higher wages, a better living standard, better health. But it also brings the difficulties inherent in such growth. More wives have jobs, more children are alone at home, or in the streets. We haven't a gang situation here as you have in big cities of the United States, but we're beginning to have some problems of that kind as our own cities grow.

Question. What do you see as the biggest job ahead for your government?

Answer. The first thing, as I see it, is to improve the quality of our education to the utmost—comparable in every way with levels in the States and in democratic European countries.

Also, we want Puerto Ricans to be as well rounded as possible. We don't want only a good economy; we want a good civilization—in fact, a good economy is only a means to a good civilization. And by "civilization," I mean the moral, spiritual, and esthetic values that allow people to live with full satisfaction.

Question. Is there any worry here that Puerto Rico will become completely Americanized?

Answer. No; I don't think that will ever happen to anybody—Puerto Rico or any other country.

This is an old country, four centuries. It gets a lot of things from the United States, including many good ones and some not so good. This is part of what happens in an interdependent world, in any case.

Question. Generally, are you satisfied with what Puerto Rico's revolution has accomplished?

Answer. I'm never satisfied. But I'm very proud of what Puerto Rico has been able to do.

RETIREMENT OF REPRESENTATIVE REES OF KANSAS

Mr. DOUGLAS. Mr. President——

Mr. CARLSON. Mr. President——

Mr. COOPER. Mr. President——

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DOUGLAS. Mr. President, I appreciate the courtesy of the Chair in recognizing me; but I entered the Chamber after the Senator from Kentucky [Mr. COOPER] and the Senator from Kansas [Mr. CARLSON], who already have addressed the Chair. So I shall be glad to waive the Chair's recognition of me until they have completed the statements they wish to make.

Mr. CARLSON. Mr. President, the distinguished Senator from Illinois is most courteous and gentlemanly, as he always is. I wish he had spoken when he was recognized.

At this time my remarks will be brief.

Mr President, one of the outstanding Members of the House of Representatives will be missing in the next session of Congress. Congressman ED REES is voluntarily retiring after 24 years of outstanding service in that body. During these 24 years, Mr. REES has represented a district containing about one-fourth of the population of our State. He has been an able and dedicated public servant; and both the State of Kansas and the Nation as a whole will feel the loss of his services.

During these many years he has kept in close contact with his district, as is evidenced by the fact that the people, year after year, returned him to this post. No one ever questioned ED REES' sincerity, his honesty and integrity.

Thousands upon thousands of people in his district have been helped by his personal attention to their problems. His outstanding service as a member and chairman of the House Post Office and Civil Service Committee during his entire congressional service will be missed by millions of Federal workers. Under his leadership many programs for the benefit of our Federal workers were enacted into law.

A very excellent editorial entitled "End of an Era; ED REES Retires" was published on March 9 in the Wichita Beacon. I ask unanimous consent that the editorial be printed in the RECORD, in connection with these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

END OF AN ERA; ED REES RETIRES

There is a time to quit. Rare indeed is the politician who knows when that time has arrived.

Representative ED REES wisely chose that time with precision. He has served the Fourth District conscientiously and well as Congressman for almost a quarter of a century. He recognized that he had a tough battle ahead, with reelection far from certain. At 73, a man doesn't enjoy fights as much as he used to.

The Fourth District is not nearly so Republican as it once was. The Democrats won a smashing victory in Sedgwick County. REES himself won by a narrow margin over an extraordinarily weak and inadequate Democratic nominee.

Whoever the Republicans choose to succeed REES will have to work fantastically hard if he is to win the election.

REES as a Congressman has often been undervalued by his constituents. This is because he is not the dramatic kind of legislator. He doesn't go in for fancy oratory, and he has a tendency to avoid controversial positions.

In most respects he has been a good, even outstanding Congressman. ED REES is a man who can be depended upon to help the folks back home. His door is never closed to his friends—and practically everybody who knows him is his friend. He is prompt in correspondence. And uncounted thousands of Kansans have been helped in big ways and small by REES.

He will, we feel sure, continue to play his quiet, influential role after his retirement. But an era ends when he becomes a former Congressman.

SIGNIFICANCE IN CURRENT FALL IN INTEREST RATE ON GOVERNMENT BONDS

Mr. DOUGLAS. Mr. President, the price of Government bonds continues to rise and the yields, or true interest rates, continue to fall.

Ever since late spring, the administration, Secretary Anderson, the Federal Reserve, and the big New York bankers have been demanding that the 4¼ percent ceiling on bonds of over 5 years duration be removed. The relatively high interest rates then prevailing were said to be permanent and that unless the ceiling was eliminated, the Treasury would be forced to refinance the maturing long-term bonds with short-term obligations at interest rates as high as 4.70 or 5 percent.

There was, however, a group of Democrats in both House and Senate who objected to this. We said first, that the policies of the Federal Reserve, the Treasury, and the administration were themselves contributing powerfully toward creating the high interest rates, and if reversed, interest rates would go down, whereas if the ceiling were removed, the interest rates would be artificially boosted and tremendous added costs would be saddled upon the American people; second, that it was probable, if the politically inspired scare talk of inflation coming from the administration ceased, that the rise in the interest rate would cease and might well decline.

We therefore opposed raising or lifting the ceiling. We warned that to do this and for the Treasury, as it announced, then to refund 20 billions of noncallable bonds at interest rates which would probably be 5 percent, would be to saddle the taxpayers for a generation with excessive interest charges of over $100 million a year and a total of billions as well as driving up all other interest rates and hence crippling homebuilding, small business, and public investment in schools, roads, water and sewer systems, and so forth.

Yet the administration and Treasury persisted. Last October, they issued a 4-year-and-10-months note at a 5 percent rate, despite our warnings that this rate was too high, and only last week they again demanded a removal of the 4¼ percent ceiling. Due to the determined stand of the liberal wing of the Democratic Party in both the House and Senate, it now appears that congressional approval to raise the interest ceiling will not be granted.

It is interesting, therefore, that in the last few weeks, the prices of Government bonds and obligations have been rising, while the yields and true interest rates have been correspondingly falling.

I ask unanimous consent that tables from the financial section of the New York Times for Saturday, March 19, be printed in the RECORD at this point in my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

[From the New York Times, Saturday, Mar. 19, 1960]

U.S. Government and agency bonds, Friday, Mar. 18, 1950

TREASURY BONDS

Maturities	Outstanding millions	Rate	3:30 p.m. Bid	3:30 p.m. Asked	Change in bid	Yield
1960, November	3,806	2⅜	99.6	99.8	+0.3	3.30
1965-60, December	1,485	[1] 2¾	98.4	98.12	+.4	3.06
1961, September	2,239	2¾	98.14	98.18	+.12	3.77
1961, November	11,177	2½	97.22	97.26	+.12	3.88
1962-59, June	5,267	2¼	96.8	96.12	+.10	3.97
1967-62, June	2,112	2½	89.28	90.4	+.12	4.10
1962-59, December	3,456	2¾	95.14	95.18	+.10	3.98
1963, August	6,755	2½	95.0	95.4	+.10	4.09
1968-63, December	2,820	2½	87.24	88.0	+.12	4.16
1964, February	3,874	3	96.10	96.14	+.12	4.00
1969-64, June	3,745	2½	87.0	87.8	+.12	4.05
1969-64, December	3,819	2½	86.14	86.22	+.12	4.18
1965, February	6,896	2⅝	93.14	93.18	+.10	4.09
1970-65, March	4,700	2½	86.2	86.10	+.14	4.20
1971-66, March	2,948	2½	85.26	86.2	+.12	4.10
1966, August	1,484	3	94.16	94.20	+.10	3.97
1972-67, June	1,840	2½	85.22	85.30	+.12	3.97
1972-67, September	2,716	2½	85.10	85.18	+.12	3.99
1972-67, December	3,715	2½	85.22	85.30	+.12	3.92
1969, October	1,276	4	99.14	99.22	+.20	4.05
1974, November	654	3⅞	97.14	97.22	+.18	4.09
1983-78, June	1,604	3¼	87.26	88.2	+.08	4.04
1980, February	884	4	98.28	99.4	+.14	4.06
1985, May	1,135	3¼	87.6	87.14	+.10	4.05
1990, February	1,727	3½	90.6	90.14	+.08	4.05
1995, February	2,741	3	85.24	86.0	+.18	3.71

[1] Exempt from normal income tax.

TREASURY NOTES

Maturity	Outstanding millions	Rate	Bid	Asked	Yield
April 1960	57	1½	99.29		
May 1960	2,406	3½	100.1	100.3	2.84
Do	2,738	3¼	100.0	100.2	2.80
August 1960	9,561	4⅜	100.15	100.17	3.40
October 1960	278	1½	99.0	99.4	3.25
April 1961	144	1½	98.0	98.8	3.25
May 1961	4,078	3⅝	99.28	100.0	3.62
August 1961	2,136	4	100.2	100.6	3.60
October 1961	322	1½	96.16	96.24	3.71
February 1962	647	3⅝	99.16	99.20	3.82
Do	1,434	3	100.10	100.14	3.79
April 1962	551	1½	95.8	95.16	3.83
August 1962	160	4	99.28	100.8	3.89
October 1962	590	1½	94.0	94.8	3.92
November 1962	1,143	3¾	99.4	99.8	4.05
February 1963	3,971	2⅝	96.2	96.6	4.08
April 1963	533	1½	93.4	93.12	3.84
May 1963	1,743	4	100.2	100.6	3.98
October 1963	506	1½	92.4	92.12	3.82
November 1963	3,012	4⅞	102.24	102.28	4.02
April 1964	302	1½	90.22	90.30	3.97
May 1964	4,928	4¾	102.16	102.20	4.05
August 1964	2,307	5	103.20	103.24	4.05
October 1964	295	1½	89.22	89.30	3.94
November 1964	4,188	4⅞	102.24	102.28	4.17

CERTIFICATES OF INDEBTEDNESS

May 1960	1,289	4	100.4	100.6	2.72
November 1960	7,037	4¾	100.25	100.27	3.40
February 1961	6,935	4⅞	101.1	101.3	3.62

Mr. DOUGLAS. Mr. President, certain facts in connection with these tables should be noted:

First. On no bond issue of over 5 years' duration was the yield or true interest rate above 4.20 percent, and on only two above 4.10 percent.

Second. On 11 bond issues, the true interest rate was less than 4 percent; on 1 as low as 3.06 percent and on another 3.30 percent.

Third. The average yield or true interest rate for the 26 outstanding bond issues was 3.96 percent, or a full quarter of a percent under the 4.25 percent ceiling which the administration is still demanding that we raise.

Fourth. So far as the short-time Treasury bills are concerned, no yield was above 3.56 percent, while the general average was markedly below this.

Fifth. Some Treasury bills have a yield as low as 2.74 percent.

Sixth. The certificates had yields of from 2.72 percent to 3.62 percent.

Seventh. The $2.3 billion of the so-called "fabulous 5s" which the administration insisted upon issuing are selling at a premium of 3¼ percent, with a true interest rate of only 4.05 percent. The other issues totaling $9 billion, which the Treasury issued at 4¾ and 4⅞ percent are selling at premiums of 2.16 percent and 2.24 percent, respectively, with yields of only 4.05 and 4.17 percent. The wealthy investors who were able to get hold of these high interest rate issues have thus made a killing to date of hundreds of millions of dollars. The experience lends strength to our demand upon the Treasury that they put up their bonds for auction, and hence get a competitive price and a competitive interest rate instead of their present method of a fixed price of par and an excessive and noncompetitive interest rate.

Of course, present bond levels may not be final and a conclusive verdict should not be handed down. The evidence as of today indicates, however, that we were right and the administration and Treasury, the Federal Reserve and the big New York bankers were wrong.

It is quite possible that future generations may rise up and call the Democratic liberals blessed for having saved them from billions of dollars of excessive interest charges.

If the Treasury and the Reserve would only adopt the further recommendations which we have made to them, we believe the interest rates would be still further lowered.

It will be interesting to see what the administration, the Reserve, the financial community, and the financial writers will say in the light of these developments and facts.

I can think of no other act where so few have saved so much for so many in so short a time.

FIRST ANNIVERSARY OF HAWAII—STATEHOOD BILL'S PASSAGE

Mr. FONG. Mr. President, a little over a year ago, the Hawaii statehood bill passed both Houses of Congress. At this time, I recall, there was great jubilation among the citizens of Hawaii.

I ask unanimous consent that an editorial appearing in the Honolulu Star-Bulletin on March 12 attesting to Hawaii's performance as a State be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HAPPY DAY IN THE STATEHOOD STORY

One year ago, March 12, 1959, the Hawaii statehood bill cleared the last hurdle in Congress, the House of Representatives, on final vote.

On March 11, the U.S. Senate had passed the Hawaii statehood bill by 76 to 15.

Its success in the House was already assured. But the action of the Senate made it doubly certain and added to its speed.

So a year ago today, the statehood bill passed the House by a vote of 323 to 89.

Hawaii did not immediately achieve statehood. The congressional bill provided for a referendum through the voters of the then Territory.

The vote was taken at the primary election prior to setting up the statehood organization. For Hawaii, and really for the Nation, that referendum was a triumph for the principles of American democracy. Statehood carried by a vote of proportionately 17.6 to 1. More than 139,000 Hawaii voters happily cast their ballots for it.

The next step was the formal proclamation by President Eisenhower announcing Hawaii as a State. This was done at a historic ceremony at the White House on August 21, 1959.

Although 5 months elapsed between the conclusive action by Congress and the actual entry of Hawaii as a State, we have generally reckoned here that Hawaii achieved statehood when the legislation passed Congress. Thus, today is the anniversary of that passage.

The process of transition from a long established territory to a State government has been and still is complex.

It has extremely complicated problems of organization of departments and subdepartments of appointments to fill more than 500 State posts, including those on many commissions; and the readjustment of thousands of office holders to new relationships if not to individual duties.

All this is going forward. True, there have been plenty of hitches—and these have been accentuated by the inevitable rivalry between Democrats and Republicans for political advantage.

Immediately, much of this rivalry seems petty, childish—not only immature but costly. And much of it can be so characterized.

But in a larger sense it is this very rivalry between two great political parties, and the process of orderly agreement on the results of these rivalaries, that gives to the American democracy its inherent stability.

Hawaii is now a full partner in these national processes of government; and, indeed, in the experiences of trial and error.

No fairminded and careful observer, we believe, would feel now that the long fight—more than 40 years, to get statehood for Hawaii was a fundamental error.

As these complicated processes of transition are worked out, our full partnership in the Union of States will become more and more obvious and valuable.

TARIFF COMMISSION REJECTS GLOVE INDUSTRY PETITION

Mr. KEATING. Mr. President, the economy of the Gloversville-Johnstown area in my State has been seriously depressed for quite some time. Economic activity is down. Employment is down. Workers and their families have been badly hurt as jobs become increasingly more scarce and as their incomes decrease.

The source of these difficulties is the decline in the manufacture of gloves, which has for generations been the basic industry in this area. Seventy percent of the people in the Gloversville-Johnstown area make gloves—leather dress gloves. Seventy percent.

Imports of leather dress gloves have increased rapidly in recent years and have, in my opinion, been the chief cause of the economic ills faced by this community. Imported leather dress gloves now represent 63.8 percent of the domestic market. Eight years ago, imports represented 29 percent—less than half of the present figure.

Mr. President, the representatives and member firms of the leather glove industry did what they are supposed to do. They petitioned to the Tariff Commission for relief under the escape-clause provisions of the Trade Agreements Act. This is an expensive process for so small an industry.

Today the Tariff Commission handed down its ruling. I quote:

> The Commission found that such (women's and children's leather) gloves are not being imported into the United States in such increased quantities, either actual or relative (to domestic production), as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.
>
> The Commission therefore made no recommendation to the President for the modification or withdrawal of the concessions applicable to such gloves.

Mr. President, I testified at the hearings on behalf of the glove industry. I have never before presented testimony before the Tariff Commission; but I felt that this situation was critical. I said at that time that—

> In my mind the evidence is very impressive. An analysis of the depressed conditions in the Gloversville area and of the concentrated and highly competitive nature of the leather dress glove industry demonstrates clearly that there is a real and apparent injury to American manufacturers and that there is a definite need for relief for the firms and workers affected.

I have been in Gloversville. I have seen the empty plants. I have talked to bankrupt glove makers. I have met with the workers whom they displaced. When do we grant relief to such industries, Mr. President? Are we supposed to wait until people faint in bread lines?

I think the Tariff Commission is completely and terribly wrong. When does injury occur, if not in the case of the glove industry, when imported gloves have increased from 29 percent to 63.8 percent of the market in 8 years?

Mr. President, on behalf of the people of Gloversville, I must express my sincere regret that the Tariff Commission did not see fit to help the American glove industry. I can well appreciate the exasperation and despair of the glovemakers and their workers as they watch the market for American made

gloves dwindle to the point where now well over half of the leather gloves sold in this country are made overseas.

Mr. President, there is a real need for action on the part of this Government to strike a better and fairer balance between our domestic and international economic policies.

The United States can and should assist its free world allies in every way possible. At the same time, we have an obligation to see to it that the entire burden of increased American foreign trade is not borne by a limited number of American industries—who, like the glove makers, suffer very greatly as a result.

I have always supported America's reciprocal trade program. I do not say that we should reverse this policy altogether. We must, however, be willing to revise and update this policy so that it will be in accord with the changed international economic conditions of the 1960's.

Mr. President——

The PRESIDENT pro tempore. The Senator from New York.

NEW YORK CALLS FOR FEDERAL EAVESDROPPING LEGISLATION

Mr. KEATING. Mr. President, in recent weeks attention has been centered on a serious problem confronting law enforcement in New York State.

New York has one of the most carefully conceived, up-to-date laws in the country regulating wiretapping and all other forms of electronic eavesdropping. This law is designed both to protect the private citizen from unauthorized snooping and to enable legitimate law enforcement authorities to utilize scientific methods of crime detection. Unfortunately, the operation of this law has been disrupted by the Federal Government's failure to enact necessary enabling legislation.

Prompt consideration should be given to this problem by Congress. What is needed primarily is a Federal law making it clear that the States can enact reasonable eavesdropping provisions without violating the Federal Communications Act. I believe that we also need a comprehensive Federal statute similar to that enacted in New York to fully regulate this complex and very important subject. Both of these objectives are contained in a bill, S. 1292, which I introduced in the last session of Congress, which is now pending before the Committee on the Judiciary.

Only 1 week ago the New York State Joint Legislative Committee on Privacy of Communications issued another in its series of landmark reports on eavesdropping and wiretapping. In a statement accompanying this report, the distinguished chairman of the joint committee, Assemblyman Anthony P. Savarese, Jr., made a strong plea for congressional action, pointing out that—

> Unless Congress acts, New York seems almost certain to be stripped of its court-regulated system of wiretapping, a major weapon against organized crime which has had full public approval.

In addition to the Savarese committee report, I have received within recent weeks letters from a number of New York citizens joining in the request for Federal legislation. I have also received a resolution from the board of directors of the Grand Jury Association of New York County and a letter from Edward G. Dillon, Esq., the counsel and executive director of the New York State Sheriff's Association, with the same request.

The Washington Evening Star, in an editorial on March 19, 1960, taking cognizance of this growing interest in obtaining Federal action, has also concluded that—

> It would be a very good thing if this matter could be settled once and for all.

Reviewing the situation confronting New York law enforcement, the editorial calls upon Congress "to clarify its intent in the 1934 statute without waiting until a major breakdown in law enforcement compels it to act."

The dean of the New York Law School, Daniel Gutman, Esq., in a letter to the editor published in this morning's New York Times, also points out the necessity for prompt congressional clarification of the present law. Dean Gutman's letter says:

> The people should be made acquainted with the problem involved, its significance in terms of public safety and law enforcement, and the ready solution that can be provided by Congress.

Mr. President, I hope that these statements will be heeded by Congress and that we will not adjourn before relieving this critical law enforcement problem in New York.

Mr. President, I request that the statement by Chairman Savarese, the resolution of the grand jury association, the letter from Mr. Dillon, the editorial in the Washington Evening Star, and Dean Gutman's letter to the editor of the New York Times be printed in the RECORD at this point.

There being no objection, the statement, resolution, letter, editorial, and letter to the editor were ordered to be printed in the RECORD, as follows:

STATEMENT OF NEW YORK STATE JOINT LEGISLATIVE COMMITTEE ON PRIVACY OF COMMUNICATIONS AND LICENSURE OF PRIVATE INVESTIGATORS

"Recent court events have multiplied what was already a serious Federal threat and challenge to the police power of New York and other States in the area of law enforcement wiretapping," Assemblyman Anthony P. Savarese, Jr., said today, in issuing a report of the joint legislative committee on privacy of communications and licensure of private investigators.

"Unless Congress acts, New York seems almost certain to be stripped of its court-regulated system of wiretapping, a major weapon against organized crime which has had full public approval," said Chairman Savarese. "This report urges both the Governor and the attorney to do their utmost in the support of our district attorneys to defend this important part of our State's sovereignty. That warning is far more urgent today than it was when the report was sent to the printer months ago."

Recently the Federal court of appeals, in an opinion by Judge Harold R. Medina, temporarily enjoined the Bronx district attorney from introducing wiretap evidence, on the ground that such disclosure is a Federal crime. The question of a permanent stay was argued this week before the full court of appeals, under presiding Justice J. Edward Lumbard. But whatever it decides, the decision is headed for the Supreme Court, which has already stated that such disclosure is a crime and that Congress "did not mean to allow" the law enforcement wiretapping authorized by the New York State constitution 21 years ago.

The crux of the matter lies not in any court decision, but in the intent of Congress, which has never adequately expressed itself on wiretapping. The Supreme Court has erected a vast superstructure of opinion law on a "sleeper" of 31 obscure words in the Federal Communications Act of 1934, which were obviously never intended as definite legislation on wiretapping.

"What this adds up to," commented Assemblyman Savarese in releasing the report, "is that for a quarter century the Congress has abdicated its duty and made the Supreme Court take over its legislative powers in this area.

"Congress never debated or even mentioned wiretapping when it passed the act of 1934—20,000 words regulating the telegraph, telephone, and radio industries. Yet a brief, obscure, and undebated clause in that act—truly a needle in a legislative haystack—has become the sole basis for a vast amount of law as declared in Supreme Court opinions. The clause, merely forbidding the interception and divulgence of messages, is a cryptic, Delphic utterance; and the Supreme Court has labored industriously to define its meaning. Doubtless the learned Justices felt they were on the side of the angels when they declared on this basis years ago that law enforcement wiretapping was unethical and immoral. But how many angels does the Congress expect to stand on the point of a needle?

"If Congress really intended to deal with the complex subject of wiretapping in the 1934 act, it did so in an inadequate, slipshod, half-baked way. I do not believe for a minute that Congress intends now to supersede the police power of our 50 States. This would break down our entire structure of criminal law. But Congress should clarify its intent, in its own words, instead of putting this legislative burden on the Supreme Court."

The pertinent 31-word clause, in section 605 of the Federal Communications Act, is as follows:

"No person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person."

Assemblyman Savarese discusses the legal aspect of the Federal Communications Act and the Court opinions in an article in the March 1960 issue of the American Bar Association Journal.

NOTE.—After this release had been prepared, news was published that Attorney General Louis J. Lefkowitch had filed a brief in support of New York's wiretapping law, with the U.S. circuit court of appeals in the case referred to above.

RESOLUTION OF BOARD OF DIRECTORS OF GRAND JURY ASSOCIATION OF NEW YORK COUNTY, INC., MARCH 10, 1960, RELATING TO THE NEED FOR FEDERAL LEGISLATION PERMITTING WIRETAPPING BY STATE LAW ENFORCEMENT OFFICIALS UNDER COURT ORDER

Whereas Grand Jury Association of New York County, Inc., for 46 years has devoted its efforts toward effective means to combat crime; and

Whereas official New York State and Federal crime records show a spiraling rate of racketeering and public corruption in New York and elsewhere endangering the health, safety, and welfare of the community; and

Whereas this association believes that one of the most effective instruments to combat

organized crime and corruption is the use under court order of telephone wiretapping by official law enforcement officers; and

Whereas for many years New York State has had a model wiretapping statute permitting telephone interception by law enforcement officers under court order; and

Whereas recent Supreme Court and other Federal court decisions deny the right of State law enforcement officials to combat crime by wiretapping and have suggested that such officials should themselves be prosecuted for violating the Federal Communications Act; and

Whereas on March 7, 1960, General Sessions Judge Irwin D. Davidson announced that he no longer would grant permission to the district attorney or the police to tap telephone wires for any purpose terming such approval on his part "an illegal act at the present time" and prior thereto, Mr. Justice Samuel Hofstadter, of the New York Supreme Court, refused to sanction wiretapping by police officials; and

Whereas this association agrees wholeheartedly with District Attorney Frank S. Hogan that such decisions deal a crippling blow to law enforcement; and

Whereas for the past 2 years, in anticipation of this stalemate, the association has strongly favored clear and effective Federal legislation protecting State rights in this regard: Now, therefore, be it

Resolved, That Grand Jury Association of New York County strongly urges the public and all concerned to take notice that a law enforcement crisis exists which necessitates immediate enactment of Federal legislation restoring to New York State its original powers to sanction the legal interception by law enforcement officials, under court order, of telephone communications involving organized crime.

NEW YORK STATE SHERIFFS' ASSOCIATION,
Albany, N.Y., March 16, 1960.

Hon. KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Section 605 of the Federal Communications Act, as presently constituted, makes it a Federal offense to offer, in the trial of an action in this State, evidence here legally obtained by wiretapping. This is a condition which should not be permitted to continue. It strikes at effective law enforcement and nullifies, in many cases, the efforts of prosecutors to keep crime within reasonable bounds.

This association, which includes within its membership every sheriff in this State, urges you to do all within your power to cause said section 605 to be amended so that evidence, legally obtained by wiretapping in any State, may be used without violating a Federal statute.

Very truly yours,

EDWARD G. DILLON.

[From the Washington Star, Mar. 19, 1960]

WIRETAP SHOWDOWN?

It looks as though the prolonged and often highly emotional debate over the controlled use of wiretaps in certain criminal investigations may be headed for a showdown. And it would be a very good thing if this matter could be settled once and for all.

The controversy grows out of language in the Federal Communications Act of 1934 which makes it a misdemeanor to "intercept and divulge" wire communications without the consent of the sender. Did Congress intend this to apply to wiretaps by properly authorized and supervised law-enforcement agencies? We doubt it very much. Nevertheless, the Supreme Court has interpreted this statute to forbid use of wiretap evidence or evidence developed from wiretap leads in Federal courts. And there is a mounting tendency in New York State to follow this reasoning.

New York law permits wiretaps under court supervision. More and more, however, State judges have been refusing to issue wiretap permits, holding that Federal law forbids them. New York District Attorney Frank S. Hogan, certainly a responsible man, says this will cripple his efforts to investigate organized crime, racketeering and corruption in office. The Grand Jury Association of New York calls it "a crisis in law enforcement." And a New York legislative committee, warning of a "breakdown in our entire structure of criminal law enforcement," has urgently called upon Congress to clarify the meaning of its 1934 wiretap statute.

The choice, it seems to us, comes down to this: Wiretaps and wiretap evidence, obtained in serious criminal cases under strict court supervision, should be expressly authorized. Or the use of this investigative technique should be specifically forbidden, thereby setting aside the telephone system as a kind of privileged sanctuary for criminal operations. We do not think the latter will come about, for public opinion will not stand for it. But Congress should move to clarify its intent in the 1934 statute without waiting until a major breakdown in law enforcement compels it to act.

[From the New York Times, Mar. 21, 1960]

TAPPING WIRES FOR EVIDENCE

To the EDITOR OF THE NEW YORK TIMES:

The controversy regarding evidence obtained by wiretapping pursuant to court order has a real basis in law.

The decision of the U.S. Supreme Court in the Benanti case lends itself to the interpretation that wiretapping may not be legalized under any circumstances by State laws.

It is difficult to reconcile the numerous opinions on this subject with any degree of consistency. The Court of Appeals of the State of New York, constituting the highest legal authority in the State, has held that such evidence is admissible. This is fortunate for the people of the State.

Were it otherwise, we would be faced with two alternatives: law enforcement agencies would be crippled in their fight against organized crime, or obliged to resort to devious methods of circumventing the law in order to run down and detect evidence of organized crime.

The controversy, however, will continue to the delight, among others, of all criminal elements of our society. Section 605 of the Federal Communications Act is the statute upon which those lawyers and jurists rely who contend that under no circumstances can evidence obtained by wiretapping be admitted and that any order permitting wiretapping is invalid in the State courts as it is in the Federal courts.

A simple amendment providing for an exception in States which have authorized the issuance of permissive orders would resolve this question properly, while leaving other related areas open for further consideration.

The people should be made acquainted with the problem involved, its significance in terms of public safety and law enforcement and the ready solution that can be provided by Congress.

DANIEL GUTMAN,
Dean, New York Law School.

NEW YORK, *March 11, 1960.*

ANNIVERSARY OF FOUNDING OF BOYS' TOWN IN ITALY

Mr. KEATING. Mr. President, March 19 marked the anniversary of the founding of the Boys' Town movement in Italy by Msgr. John Patrick Carroll-Abbing. Moved by the tragic plight of the war-orphaned and war-ravaged young children of Naples, Italy, in 1944, this fine man created an organization patterned on the famous Boys' Town of the United States. This splendid work of Christian charity and human salvage has now developed into national representation, and includes 9 Boys' Towns, a Girls' Town, and some 30 other institutions providing total care for more than 2,500 youngsters, and day care for an additional 5,000. The entire organization has been financed not only by Catholics, but also by people of all creeds throughout the world, and notably by the citizens of the United States.

Monsignor Carroll-Abbing, who has lived in Italy for 30 years, and has a distinguished record in the Vatican service, has aimed not only to provide food, shelter, and medical care for these thousands of homeless children, but also to train them in a trade, and, above all, in the principles of Christian living and democracy. The young citizens of Italy's Boys' Towns are encouraged to assume direct responsibility in every sector of their daily lives. A mayor is elected by secret ballot after a campaign in which each candidate must illustrate his program. The mayor and his four assistants or commissioners preside over the daily meetings of the popular assembly and are responsible to their fellow citizens.

The trust shown in the boys, the understanding guidance by teachers and counselors and the practical training in democratic living have turned thousands of problem children into good members of the outside community. Monsignor Carroll-Abbing is especially proud that the boys who have emigrated to the United States have shown outstanding ability to fit into the American way of life.

In a world where the dignity of the individual is so often consciously debased, and where opportunity remains a gift denied as a result of political, social, and economic circumstances, the work of Monsignor Carroll-Abbing and his associates stands as a magnificent example of the spirit of man's noble role as his brother's keeper.

LAW OF THE SEAS

Mr. MAGNUSON. Mr. President, last week I discussed on the floor of the Senate the vital importance of the meeting now in progress in Geneva on the law of the seas. I pointed out to the Senate at that time the security importance to the United States of the decisions made there; and second, the direct effect upon the fishing industry of the United States of adopting a 3-mile, 6-mile, or 12-mile limitation for territorial waters. This effect would be reflected in both the fish and shellfish industries.

I stated at that time that I would submit some figures relative to the effect of a 6-mile limitation and a 12-mile limitation upon the fisheries industry in our area. Since that time the State fisheries commissioner, Milo Moore, who at one time was an adviser to the Senate Committee on Interstate and Foreign Commerce in connection with fisheries matters, because of the great importance

of this meeting to the State of Washington, was sent to Geneva to be an official observer. The Senate Committee on Interstate and Foreign Commerce made him its observer also, because of his background, at no cost to us, which made the situation much better for us, because it would have required a considerable expenditure to send an observer over there in connection with this important matter.

In Geneva the representatives of 89 nations are now assembled. They are attempting to discard the longtime 3-mile limitation, and adopt a uniform global limitation somewhere between 6 and 12 miles. Last week I pointed out to the Senate the importance of such action to our security.

A 12-mile fishery zone would seal off from American fishermen important grounds on the west coast of Vancouver Island. Together with Canadian fishermen, they have fished that area for many years. The same situation applies to many other areas, in the gulf, and in many fishery banks all over the United States.

Not only would fishermen be hurt, but distributors, jobbers, wholesalers, processors, retailers, and many others who depend upon fisheries for a living would be affected.

I have figures showing the effect in this area alone should the State Department capitulate to Soviet demands for a 12-mile territorial limit, which would not only be disastrous to our security, but would also have a great economic effect on us.

Figures on bottom fish for our area alone show that American trawlers took 50,237,493 pounds of bottom fish off British Columbia last year, of which more than 12 percent were netted between 3 and 6 miles offshore. More than 15 percent were taken between 3 and 12 miles.

With respect to chinook salmon, about one-fifth of all Washington State chinook landings were made last year within 12 miles of the Canadian shore.

With respect to silver salmon, 14 percent of the State's silver landings were made within 12 miles of Canada.

With respect to pink salmon, 28 percent of Washington's pink catch was made in the 12-mile zone off Canada.

American fishermen harvested 1,600,000 pounds of chinooks, 1,500,000 pounds of silvers, and 750,000 pounds of pinks in all waters off Canada last year.

The fishermen received about 50 cents a pound for chinooks, 35 cents a pound for silvers, and 25 cents for pinks. Bottom fish brought the fishermen only an average of 8 cents a pound. There is quite a difference between what the producer and the catcher of fish receives, and what one must pay for fillets in grocery stores in the District of Columbia.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDENT pro tempore. Without objection, the Senator may proceed.

Mr. MAGNUSON. More than half of Washington's trawlers work the disputed area steadily. There is no season. They are there all the time. At times three-fourths of the trawler fleet is in the waters which would be affected by the decision in Geneva.

The State of Washington alone—I do not have the figures for Oregon—has some 1,400 major salmon-trolling vessels. A large percentage of these ships fish the waters off Vancouver Island most of the time.

Milo Moore, the State fisheries director, values the State's commercial salmon-trolling industry at $3 million annually for the small group of fishermen who are there steadily.

Canada has a problem relating to Canadian fishermen in the exclusive 12-mile Canadian zone. Salmon from both nations intermix in the area. Those which may be coming to spawn in Puget Sound and in the beautiful inland rivers along the coast are intermixed with Canadian salmon. We do not have very much scientific data, but we know that they intermix.

That poses the same problem we have with the Japanese, when the Asian and the North American salmon intermix somewhere in the northern Pacific. We have a particular area staked out, and we are doing some research, but we do not know a great deal about the problem. The Japanese catch a great many immature North American salmon which are on their way back to American streams and American waters. The salmon also intermix off the Vancouver Island coast, and off Queen Charlotte Island.

So the importance of the Geneva conference is just as great as I mentioned last week. I hope our fine relations with Canada, which have existed since the beginnings of the two nations, and even before, will not be damaged in any way by the raging controversy in Geneva, and that the Canadians will not willingly give in to the proposal of Russia and her satellite nations, whose representatives comprise more than a third of the 89 representatives. A two-thirds vote is required. Each nation has a vote. A small nation like San Marino has the same vote as the United States, Norway, or Canada. I hope the free nations will not give in to the Russian proposal, because it would not only affect our security, but make territorial waters out of 114 strategic straits in the world, including the strait of Gibraltar and the English Channel. It would have the effect which I have indicated in our area, not only on our fishing industry, but on our security.

I hope the Canadians will stay with us on the 3-mile limit, for good reasons of their own, as well as for the security of the free world. I am sure we shall be able to get together on a treaty with Canada so that Canadian and American fishermen may fish these historic waters as they have done for many years in the past.

MUTUAL SECURITY AID TO CUBA

Mr. BRIDGES. Mr. President, although I have consistently supported foreign aid since its inception as the Marshall plan, I have equally consistently called for objectivity in approach and selectivity in administration. Never was it more necessary to apply the sanity of that concept. What possible iota of mutual security could there be at this time in aid to the Castro regime in Cuba, yet the International Cooperation Administration asserts that it has not only programed for fiscal 1961, but intends to carry out that program of aid to the tune of $350,000.

Mr. President, is this another example of bureaucracy gone astray, or one hand not knowing what the other is doing? The Department of State is supposed to set the policy for ICA, yet we find ICA proposing further aid to a regime from which, Secretary of State Herter has just said, we may have to break off relations. Regardless of diplomatic policy, is it good judgment to continue aid to a regime which has branded every kindly and helpful act of ours as an attempt at capitalistic enslavement?

Mr. President, never has my patience been so sorely tried, nor my support of a program been subject to more soul searching. The complete unrealism of the proposal cannot be better stated than in the editorial appearing in the Washington Daily News of Thursday, March 17, 1960. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Mar. 17, 1960]

NOW WE'RE AIDING CASTRO

We remarked, a few days back, that International Cooperation Administration (ICA) showed signs it was paying some attention to criticism and trying to tighten up its operation of foreign aid.

We hereby take it all back.

For its operations next year, ICA is asking Congress for $4 billion, which is $900 million more than this year.

And included in this amount is—of all things—$350,000 to continue foreign aid to Cuba. A big chunk of this would be used in the development of a modern civil service and personnel system for Cuba.

All this blandly ignores violent events of the last year or so, including Fidel Castro's sweeping replacement of civil servants with bearded amateurs who have been yammering about U.S. subsidies as a part of a devious, capitalist plot.

Aside from that unwanted radio equipment, left to decay on the Vietnam wharves, we can think of few more careless ways to waste money.

Foreign aid, as we have affirmed over and over, is essential to free world defense and progress. But its aims can't be accomplished merely by throwing money around, and this Cuban proposal indicates a confirmed habit.

Two study missions, one from the Senate and one from the House, recently have reported on extensive investigations prompted by articles on Vietnam, written by our reporter, A. N. Colegrove. These should be used by Congress in an effort to carve some of the fat off of foreign aid.

The lavish squandering of money, even if we had it to spare, does not advance the foreign aid cause. On the other hand it does harm by making us look foolish—as, we suspect, to the Cubans in this instance.

THE LOYALTY OATH IN NATIONAL DEFENSE EDUCATION ACT

Mr. BRIDGES. Mr. President, I am very much interested in the matter of

loyalty oaths because, while they are obviously not foolproof, they do nevertheless serve a useful purpose. While they may not prevent a person from committing a subversive act, they do furnish a basis for perjury, and let us not forget that it was on perjury alone that Alger Hiss was meted out his just deserts.

It seems to me that the objection to the loyalty oath of the National Defense Education Act has been waged with more fanaticism than reason. If those professors who have been so vigorously opposing the loyalty oath in that act had spent the same time in an increased teaching output, they would have performed a greater service to their country.

The opposition becomes even more curious when one reflects that the loyalty oath of the National Defense Education Act was lifted verbatim from the earlier National Science Foundation Act. To that act there has not been, nor is there now, any great opposition; in fact, none to my knowledge. Wherein lies the difference? It lies, to my mind, simply in the fact that in the National Science Foundation Act the advances of funds are made directly to the students themselves. Under the National Defense Education Act, the funds are allotted to the colleges which, in turn, make loans to the students.

The difference which I have outlined bears out, I believe, what has been my contention all along, that the colleges which have objected to the oath as an abridgment of academic freedom have not considered an even greater freedom, that of the freedom of choice of the individual student, and indeed those colleges, few in number, 12 out of 1,368, have actually denied to their students a freedom of choice by refusing funds under the National Defense Education Act.

Furthermore, the latest evidence is that it is not so much a college policy matter as the matter of an organization which apparently is supersensitive. I refer to the American Association of University Professors. This was brought out in just the last few days when the chapter of that organization at the State university in my neighboring State of Vermont went on record as opposed to the oath, while the able and illustrious president of that university, Hon. John T. Fey, the former Clerk of the U.S. Supreme Court, said that he saw no objection to the oath whatsoever.

Since education and the quality of education are unquestionably of the utmost importance in the struggle for survival of this country and the whole free world, I can only wish that the educators address themselves as completely as possible to the matter of education and let the legislators address themselves to matters of legislation. The mere mention of the word "education" in a piece of legislation should not give rise to the cry of "Man the ramparts and fire in all directions."

THE "DOLE" SYSTEM IN THE SHIPMENT OF HOUSEHOLD GOODS OF MILITARY PERSONNEL

Mr. BRIDGES. Mr. President, many of my colleagues are aware that I have been concerned for some time over the method being used by the Department of Defense in the shipping of household goods of military personnel. For a number of years now a system of rotation and equitable distribution has been in effect. Under this system any carrier, regardless of qualifications, can request that his name be placed on a rotation list by the transportation officer of a military establishment. When his name comes to the top of the list the transportation officer awards him the next shipment of household goods. The transportation officer also is required to keep an accurate record of all shipments and periodically he must balance out the tonnage to insure that one carrier does not get more than the others on the rotation list.

Mr. President, I think it is obvious that such a "dole" system is contrary to the free enterprise system that has made our country what it is today. I think it is also obvious that the Government is not getting the quality of service it is paying for. What incentive is there for a carrier to perform high quality service when his efforts cannot result in receiving any more business than he will get automatically by providing a barely satisfactory service? And where else in Government procurement is there a system that guarantees an equal share of Government business just for the asking?

But apart from the fact that this system of rotation is contrary to our free enterprise system and the principles of good business, the matter that disturbs me most is that under such a method the serviceman and his wife have absolutely nothing to say about what mover is to handle their household goods, which in many cases may represent most, if not all, of their earthly possessions. Every civilian employee of the Federal Government—including the Department of Defense—has the right to select the carrier he wants to move his household goods when the Government transfers him. Only the man in uniform is denied this right.

Believing that it was extremely unfair to military personnel to deny them the same opportunity as all other Government employees, last April I met with Secretary McElroy and a group of household goods movers who felt that the method being used could be improved and that the individual being moved should have something to say about who moves him. As a result of the meeting, Secretary McElroy issued instructions that a determination be made as to the best way of shipping household goods of military personnel. Consequently, last June a committee, consisting of representatives from the Army, Navy, Marine Corps, Air Force, and the Department of Defense, was formed and spent 4 months full time studying the matter.

Mr. President, I would like to point out some of the findings of that committee:

First. The system of rotation has condoned barely satisfactory service.

Second. Maintaining the records required by rotation involved approximately a half man-year per installation.

Third. Of the military personnel interviewed, 59 percent wanted the opportunity to veto or select the carrier.

Fourth. Thirty-three percent of the military personnel interviewed rated the most recent movements of their household goods as unsatisfactory.

Is it any wonder that on December 8, 1959, Secretary Gates signed a new directive emphasizing quality of service and giving consideration to the wishes of the military personnel in the selection of the carrier? I think it is obvious to all that such action was in the best interest of the Government and of our men in uniform.

However, apparently it was not in the best interest of one segment of the household goods moving industry. No sooner had the Defense Department issued the new directive than the movers who prefer a "dole" system to going out and competing for military traffic the way they have to compete for other Government and commercial traffic started complaining bitterly that the new policy would put them out of business.

Mr. President, I have been amazed at the argument these movers have presented to certain Members of Congress and the staffs of congressional committees. They insist that they are "entitled" to an equal share of shipments of household goods from military installations without respect to the wishes of the individuals being moved: I would like to quote from the official transcript of a meeting called by the Department of Defense to discuss the new directive with the moving van industry. One of the group's spokesmen stated:

> If this provision, the provision for indication of owner's preference and the solicitation of owner's preference were removed, I think we could possibly live with it.

At the same meeting a spokesman for another segment of the moving industry stated:

> We feel simply that the member of the military should be allowed the prerogative of choosing the person with whom he is going to entrust his worldly possessions.

I must say that I am in agreement with this view.

I was disturbed, Mr. President, on January 13 when I received from the Department of Defense an announcement that the new policy directive was being suspended until July 1, 1960. The result, as I understand it, is that the Department of Defense is again studying the whole matter together with congressional committees, other Government agencies, and the moving van industry. What will come out of this latest go-round is anybody's guess, but I sincerely hope the Department of Defense will put into proper perspective the highly important necessity of guarding the legitimate interests of our uniformed personnel.

For the benefit of those of my colleagues who may not be aware, yet, of how our military personnel feel concerning who moves them, I ask unanimous consent that a series of news stories and editorials dealing with this subject be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Army Times, Jan. 16, 1960]

DELAY GRANTED—GOODS MOVE ORDER GIVEN JULY DATE—GERMANE CITES MANY COMPLAINTS FROM SERVICEMEN

(By Jack Vincent)

WASHINGTON.—The top Department of Defense (DOD) transportation official said this week that he would recommend that the effective date for a new policy on movement of uncrated household goods of military families be delayed from March 8 to July 1.

Dr. Gayton Germane, Director of Transportation Policy for DOD, made the statement at a noisy open meeting at the Pentagon on the new directive which would give the military a modified free choice of movers on PCS's.

Under the new plan, servicemen could veto use of a moving firm assigned by a transportation officer if that moving company had given him unsatisfactory service in the past.

Dr. Germane's recommendation, it was believed, is almost certain to be approved by Secretary of Defense Thomas S. Gates, Jr.

So delay in start of the program was almost certain.

In making the recommendation for delay, DOD officials were bowing, at least temporarily, to the unusually vocal protests of small or independent movers who expressed fears of being driven out of business.

Dr. Germane apparently hoped the delay would give time to pacify the small movers.

He earlier had reported at the Pentagon meeting that nearly one-third of military families surveyed reported that they had received flat-out unsatisfactory service from transfer firms in moving their household goods.

However, a spokesman for Senator SAM ERVIN, Democrat, of North Carolina, who is threatening a congressional investigation of DOD policies on household goods moves, said that the legislator's office has yet to receive a single complaint about poor service from a soldier at Fort Bragg or a marine at Camp Lejeune, both in North Carolina.

The Pentagon meeting immediately became a sounding board for congressional demands that the new plan be held up or rescinded. If not, it was threatened, either the Small Business Committees or the Armed Services Committees of the Congress would hold probes to call DOD to account.

Thus, the DOD action taken December 8 in an announced drive to provide better quality of service in moving household goods of the military may become an election-year political football.

At stake is some $200 million a year the military spends to move the household effects of its servicemen.

At issue was whether to—

Adopt the new system which would allow a serviceman to veto shipments of his goods by a mover which had given him poor or unsatisfactory service in the past.

Keep the present system of rotating shipments of goods among movers who register with the transportation officer regardless of the wishes of servicemen.

At odds were segments of the transportation industry which now are split up into two groups as follows:

The movers committee for equitable distribution of Government traffic, which claims to represent between 2,000 and 3,000 small moving companies.

A group the small movers call the Big 4 composed of Allied Van Lines, North American Van Lines, Aero-Mayflower Transit Co., and United Van Lines and some 4,000 of their independent local agents scattered across the country.

It was brought out that the Small Business Administration (SBA) had opposed the new moving policy, although the SBA official in DOD had gone along. Spokesmen for the Big 4 denied they were big business and said they had fewer than 500 direct employees—the dividing line between big and little business.

DOD officials called the meeting in an attempt to work out and explain its new policy. But they remained to hear hoots of derision from the small movers. The small movers also gave an ovation to Representative JAMES ROOSEVELT, Democrat, of California, a member of the House Small Business Committee, when he demanded that the new system be either postponed or completely dropped.

The new policy would continue the present rotation system, allowing transportation officers to assign movers. However, it would be mandatory for a TO to select another firm for the servicemen if the latter said he had received bad service from the original selection in the past.

More than a score of Congressmen and Senators or their representatives attended the meeting, which was held in the 275-seat capacity theater-auditorium at the Pentagon.

Flanked by many aids, Dr. Germane presented the Defense Department's position. The hearing room was crowded but not overflowing. It was apparent that there were more small movers than big companies present.

Dr. Germane explained that the main intent of the new directive was to provide better quality of service for members of the military. He said a DOD team had made a survey in the field and it had found that 33 percent of the military and 28 percent of the civilians working for the military had rated movement of household goods as unsatisfactory.

"That is nearly one-third," he continued. "That's a pretty harsh proportion. You can all see that changes were required."

Dr. Germane said that complaints revolved around excessive damage to furniture, delay in pickup, failure to unpack, and failure to reassemble furniture which had been taken apart for shipment.

"It adds up to a serious problem for us," he declared. "It's our responsibility to see that members of the military receive satisfactory and quality service."

He maintained the new plan was fair to all, and that small operators would get more business if they furnished quality service. He said he did not think that the role of advertising would influence traffic.

At that, the small movers hooted in derision. The small movers have charged that the big four through newspaper advertising could attract most of the business and drive the small operators to the wall.

Dr. Germane stated:

"Any carrier with top quality service will get more traffic. Those who provide poor service will get less. You might call this the stick."

A small operator in the meeting room protested in sotto voce which many could hear that:

"It's a club."

Dr. Germane said the new policy gives people a positive incentive to furnish top quality moving service to military families.

Later Dr. Germane told Army Times exclusively that his office had received communications from a total of 764 persons about the proposed change. He said that 646 were in favor of it, 115 against, that 2 had mixed reactions, and that 1 was neutral.

Small movers had protested that DOD made the change without keeping a promise that they would first be consulted on the proposal. Dr. Germane said he had to apologize to them because a DOD statement to them had said just that. But the DOD, he said, had meant to say that the small movers would be consulted on regulations implementing the change, once policy had been decided.

Representative ROOSEVELT indicated that the new policy would go into effect over his dead body. He declared that because of the misunderstanding over the promise of prior consultation the only fair and decent thing to do is to cancel the order and start over from scratch.

The Congressman pointed out that the small movers had support from the Democrats and Republicans alike. He pointed out that there had been a conference with the Big 4 before issuance of the policy and asked if there was any attempt to get further views, such as those of small movers.

"No," answered Dr. Germane. "They knew we were here."

Again there were shouts of derision from the small movers.

It was John Spain, executive assistant to Senator ERVIN, of North Carolina, who made the statement for the lawmaker that there was not one single complaint about moving service from servicemen at Fort Bragg and Camp Lejeune.

Spain charged that DOD put Congressmen behind the 8 ball by saying small movers would be consulted before issuance of the directive.

Senator ERVIN, he reported, demanded that action be deferred 6 months from the proposed March 8 starting date.

"If not," Spain said, "he's going to investigate how and why you reached your decision. There are rumors that the Big 4 are back of this. Of course I don't believe it. I haven't had a single soldier or marine to criticize the quality of service."

Spain said that the fact that one-third of the military surveyed had complained of unsatisfactory service was "not alarming to me"

Main presentation for the small movers committee was made by Russell E. Garrett, its chairman. He charged that the Big 4 control more than 50 percent of all military moving.

Earlier, Dr. Germane reported that under the rotation system the Big 4 got only 29 percent of all military moving.

Garrett insisted it was 50 percent. He also alleged that the big movers were trying the trick of smear by innuendo by charging the small ones were fly-by-nights. He said the so-called fly-by-nights would be found among the agents of the Big 4.

He asserted that the new policy would drive many into bankruptcy and leave the country without adequate transportation in events of emergencies. He added:

"Most of these carriers have heavy debt commitments incurred in order to meet their obligations under your previous policy. You are abandoning them. You are throwing them to the wolves."

[From Army Times, Feb. 13, 1960]

CHANGE THE RULES

Response to our invitation to readers to voice an opinion on how movers of their household goods should be selected has been gratifying—and the mass opinion expressed has been practically unanimous. In the 4 weeks since the survey was opened, hundreds of service people have written in. All but one was emphatically in favor of a change in the present rules, which give the service family practically no choice in what firm moves them on a PCS transfer.

In other words, all but one would favor changes in the rules such as were proposed by the Defense Department some weeks ago, only to be deferred to July 1 by protests from small movers and some Congressmen. (The inference was clear in many letters received by this paper that the Defense Department did itself little good in service people's eyes by backing down on the issue.)

Much resentment also centered on the fact that while many moving firms apparently think they have a right to the money re-

suiting from handling a service family's personal possessions, the serviceman himself cannot refuse their services, even though he may have firsthand knowledge of their unacceptability.

In a nutshell: Why should any serviceman have any less right than any other citizen to deny to any ill-equipped carrier with a poor reputation the privilege of moving his personal property?

This attitude makes complete sense to us. An unsatisfactory movement of a soldier's possessions by a carrier should not be tolerated by the military any more than it would be in the case of a civilian being moved by his employer or with his own funds.

A failure to show continued ability to move household goods in a proper manner should be cause for disbarring a carrier from consideration for such work until he can meet the standards.

The claim is made that the present system is democratic and nondiscriminative. It is said that large-scale advertising by the Big 4 van associations will grab all the military business.

We doubt that. Word-of-mouth is still the best kind of advertising and it can't be bought. The old Army grapevine still functions and the word of a good move would be worth large sums in advertising dollars.

On the other hand, why should a soldier undergo financial hardship in the loss of possessions and nonpayment of just claims, merely in order to keep noncompetitive carriers in business? By that we mean the many—though not all—firms which spring up around an Army post, are added to the list in the transportation office, but have neither the equipment nor experience to handle the jobs they get. If these people are unable to survive business competition, perhaps they should find another calling.

Perhaps this excerpt from a reader's letter will sum up the attitude of the majority: "It has happened that the same company has moved us each time and without so much as a glass being broken. I would, of course, if the choice were mine, choose this company again. My choice would be based on past service, not advertising."

In coming weeks, the Department of Defense and others concerned in the matter will be holding meetings looking toward a final decision on goods moves. Army Times hopes to have a representative at these sessions, prepared to put on the record news stories, editorials, and letters dealing with this subject. Of course, no correspondent's name will be used if he does not want it made public.

[From Air Force Times, Feb. 6, 1960]

GOODS HAULERS

ILLINOIS.—After having read the article in AF Times about moving household goods I must say I agree with the people who said they received poor service. I've made eight PCS moves in the past 8 years and on my last two moves there was more damage than on the other six combined.

It seems to me a plan could be devised whereby the transportation officer at the point of origin could be given a copy of the manifest to certify that the household effects were loaded on such and such a date, weighed so much, how much it would cost to move them, destination, etc. This copy could then be given to the serviceman who was moving and when the goods were delivered to his address he could get the money to pay the movers in the same manner he obtains travel pay and dislocation allowances for his dependents.

The smaller companies claim the larger ones will get all the business if the individual is to get a choice. That may be true to a certain extent, but I believe that if good service is rendered the word will get around as it does now about the bad service.

MASTER.

MIDWEST.—I am writing in response to an article and a more recent editorial both in regard to the shipment of household goods of military personnel; and suggested remedies to what Dr. Gayton Germane, Defense Transportation Policy Director terms "flat out unsatisfactory service from transfer firms."

First, let's take a look at the proposed system, which would allow a member to veto a shipment of his goods by a mover which had given him poor or unsatisfactory service in the past. The glaring unjustice to this system is that the member must have been stung before exercising this veto. No provision is made for the member making his first move, nor, for the person who through experiences of friends has knowledge of unsatisfactory moves. It has long been my belief that the person making his first move, one with the bare basic entitlement to such move, is entitled to every bit of consideration and fine service as one accorded the maximum weight allowance applicable under law.

Now for a look at the present system, commonly known as the rotation system. Under this system, carriers and their agents file a service tender with the military installation, and if accepted become eligible for traffic on a rotational basis. This service tender outlines in explicit language the conditions under which the carrier accepts such traffic, including the type and condition of equipment to be used, packing requirements, pick up, dispatch and delivery deadlines, the type and condition of warehouses used for intransit storage, and delivery into residence and unpacking requirements. Forms have been devised for use with each shipment, on which to record all aspects of that shipment. It will be noted, nothing in the proposed "new" system changes this, it only adds the conditional veto prerogative of the member.

Basically, then, this is a sound system and should work, but when fully one-third of the members as reported, report "flat out poor service," something drastic must be wrong which needs correcting. This entails frequent and rigid inspections of carriers' facilities and equipment as well as close observation of pickups and deliveries of goods. This obviously is not being done.

NONCOM.

[From Army Times, Jan. 30, 1960]

READER OPINION ON MOVING SYSTEM

RACINE, WIS.—By all means, use the new system. In conjunction with the new policy, let's have a centrally located sounding board where we can write in about good or raw deals so that another won't get stuck by the same outfit, in case we should.

M. Sgt. HENRY E. O'NEIL, Jr.

FORT STEWART, GA.—It seems a pity to me that a group of fly-by-night moving companies can dictate to the U.S. Government on how and who will ship the household goods of military personnel. In some cases, up to four companies are represented in one building.

All that is required to move military household goods is to submit a service tender to the transportation officer, get it approved and then wait for the business to roll in. At the present time, the transportation officer distributes the weight equally to all carriers that have service tenders on file, and the individual being moved has no say as to who will move him.

Military personnel should be entitled to choose the carrier that will transport their goods. It's a shame that they are forced to accept the same unsatisfactory service from the same unsatisfactory carrier that moved their goods on the last PCS move.

Sfc. JOHN A. CARTWRIGHT,
Transportation Office.

FORT CAMPBELL.—I wonder if these independent movers ever considered giving superior service to offset the great advertising power of the Big 4. Can it be that they say to themselves: "What difference does it make if our service is below par? We have a contract with the Government."

(Name withheld.)

[From Navy Times, Feb. 6, 1960]

TIMES' POLL SHOWS READERS WANT TO PICK MOVING FIRM

WASHINGTON.—A serviceman should be able to choose the firm he wants to move his household goods.

That's the overwhelming opinion of our readers who responded to our "It's My Move" ballot printed 2 weeks ago.

For those who may have missed it, we're reprinting the coupon ballot with this story. We'd like your vote and comments if you have any.

Defense was going to issue a directive giving military families more say as to which transfer company will move their goods. It was originally going to take effect March 8. But it was postponed until July 1 after a heated Pentagon meeting among Defense officials, a group of "independent" small movers and Congressmen.

The postponement is supposed to give those concerned some time to hold conferences and, perhaps, draw up an entirely new directive.

No one, however, had asked service families how they felt about the matter. So Navy Times suggested to its readers that they let themselves be heard via our ballot. Our sister publication, Army Times, is also surveying its readers and a sampling of opinion among its readers show they're also overwhelmingly in favor of a change.

Dr. Gayton E. Germane, Defense Department Director of Transportation Policy, who acted as chairman at the Pentagon meeting, said that although the battle is raging over the so-called free choice clause in the directive, the most significant change is the emphasis on the quality of service rendered by the carrier.

Germane said he does not believe that small movers, who have provided top quality service at competitive rates in the past, will lose any business.

The small "independent" movers, who have formed the movers committee for equitable distribution of Government traffic, charge that the change from the rotation system, under which movers are assigned as their names come to the top of the list, would drive them out of business. They say the Big 4, as they have labeled Allied Van Lines, United Van Lines, North American Van Lines, and the Aero-Mayflower Transit Co., could wield so much advertising power that their small businesses would not be able to compete.

Navy Times has received almost as many letters telling of unsatisfactory service given by large moving companies as by the small ones. It is not a matter of eliminating the small mover. What service families want is the right to pick their mover.

One reader writes: "It has so happened that the same company moved us each time and without so much as a glass broken. I would choose this company again if the choice were mine. My choice would be based on past service, not advertising."

"I feel the independent companies will not lose a nickel under the new system because I have found them to be more reliable than the larger companies," writes another reader,

"but I should like the new system to be approved in order that I might have the opportunity to select the company to move me if the van company chosen by the transportation officer is one which gave me poor service in the past."

Another writes: "Under the new system the only movers who will suffer are those who have already demonstrated their incompetence, and I fail to see anything unjust in this. If the new system is going to force any mover 'to the wall' through loss of business from the services, then he is no more than a parasite who deserves the fate."

Still other comments:

"The small companies have no kick. All they have to do is put quality into their work and stop trying to pocket money for doing as little as possible on the present rotative system."

"As a matter of fact, they could go a little further and give the serviceman his choice completely."

"It's our dollars as well as other U.S. citizens, so why shouldn't we have the privilege of choosing our mover? Our choice of a reputable moving firm is our best insurance."

"The expense of repairing and replacing household goods could be avoided if companies cared enough for their business through the Defense Department to offer better service and more efficient employees."

"For the consolation of the small movers, my best moves were by them."

"This new system should have been put in practice years ago."

"In one overseas move and three stateside moves, we have had excellent packing and satisfactory transport of our household goods. I have no complaints with the old system."

A study made by the Defense Department which led to the writing of the new directive, showed that nearly one third of the service families questioned had received "unsatisfactory" service in the past.

Under the proposed system, qualified carriers would have records on file at each shipping installation, showing the quality of service they give. Servicemen would then be able to check those records before making arrangements for moving. Traffic would still be distributed among the lowest-cost originating carriers, but primary consideration would be given to quality service.

It is impossible to forecast what changes, if any, will be made in the directive by July 1 when it is scheduled to go into effect. Whether the conferences between Defense officials and the movers will include representatives of both groups at the same time, has not been announced.

Ella Roller, press representative for the movers committee, told Navy Times that the "independents" have asked for at least a couple weeks' time before coming back to Washington to attend conferences.

"They are ready, willing and able to cooperate with the Department of Defense in any way," Miss Roller said, "and are most hopeful of a mutually beneficial arrangement."

A spokesman for the Big 4 said no conference has been called but that, "we will be ready to sit down and discuss the situation with the Defense Department, either in a separate session or together with representatives of the small movers." He added that the original directive was not as strongly worded in reference to owner selection as the group had hoped it would be.

Readers who wish to express their opinions on the subject may do so by writing to: "Move," Navy Times, 2020 M St. NW., Washington 6, D.C.

Your name will be withheld upon request.

IT'S MY MOVE

Circle No. 1 or 2 below. (Send comments on separate sheet, if you wish.)

1. I prefer that the old system of moving household goods be kept in force.

2. I think the new system proposed by the Defense Department would be preferable.

Check here — if you wish your name withheld.

Name .....

Address .....

[From Army Times, Jan. 30, 1960]

SURVEY RESULTS: MOVE PICK FAVORED

(By Carol Arndt)

WASHINGTON.—A sampling of opinion among Army Times readers last week indicated that an overwhelming demand exists for changes in the method of selecting commercial movers of service household goods.

Asked a direct question by Army Times—"Do you prefer the 'old' way of selecting haulers of your goods on PCS moves, or the new method proposed by the Defense Department?"—those who answered almost unanimously favored the latter.

Of the nearly 200 who replied via a clip-out coupon printed in Army Times, only one person favored the "old" method.

The "old" way, of course, is still in force. Defense's directive giving military families more to say as to which transfer company will move their goods was originally scheduled to take effect on March 8. It was later postponed to July 1 following a heated Pentagon meeting among Defense officials, a group of "independent" small movers, and Congressmen.

The postponement is intended to give all concerned time to hold conferences and, perhaps, to draw up an entirely new directive.

No one, however, had asked service families how they felt about the matter. Army Times suggested to its readers last week that they write in, stating their feelings on the subject.

Dr. Gayton E. Germane, Defense Department Director of Transportation Policy, who acted as chairman at the Pentagon meeting, said that although the battle is raging over the so-called free choice clause in the directive, the most significant change is the emphasis on the quality of service rendered by the carrier.

Germane said he does not believe that small movers who have provided top quality service at competitive rates in the past will lose any business.

The small "independent" movers who have formed the "movers committee for equitable distribution of Government traffic," charge that the change from the rotation system, under which movers are assigned as their names come to the top of the list, would drive them out of business.

They say the Big 4, as they have labeled Allied Van Lines, United Van Lines, North American Van Lines, and the Aero-Mayflower Transit Co., could wield so much advertising power that their small businesses would not be able to compete.

Army Times has received almost as many letters telling of unsatisfactory service given by large moving companies as by the small ones. It is not a matter of eliminating the small mover. What service families want is the right to pick their mover.

A reader stationed in Europe writes: "It has so happened that the same company moved us each time and without so much as a glass broken. I would choose this company again if the choice were mine. My choice would be based on past service, not advertising."

"I feel the independent companies will not lose a nickel under the new system because I have found them to be more reliable than the larger companies," writes a reader stationed at the U.S. Army Ordnance Depot, Pueblo, Colo., "but I should like the new system to be approved in order that I might have the opportunity to select the company to move me if the van company chosen by the transportation officer is one which gave me poor service in the past."

Another writes: "Under the new system, the only movers who will suffer are those who have already demonstrated their incompetence, and I fail to see anything unjust in this. If the new system is going to force any mover 'to the wall' through loss of business from the services, then he is no more than a parasite who deserves the fate."

Still other comments:

"The small companies have no kick • • • all they have to do is put quality into their work and stop trying to pocket money for doing as little as possible on the present rotative system."

"As a matter of fact, they could go a little further and give the serviceman his choice completely."

"It's our dollars as well as other U.S. citizens', so why shouldn't we have the privilege of choosing our mover? Our choice of a reputable moving firm is our best insurance."

"The expense of repairing and replacing household goods could be avoided if companies cared enough for their business through the Defense Department to offer better service and more efficient employees."

"For the consolation of the small movers, my best moves were by them."

"This new system should have been put in practice years ago."

"In one overseas move and three stateside moves, we have had excellent packing and satisfactory transport of our household goods. I have no complaints with the old system."

The study made by the DOD, which led to the writing of the new directive, showed that nearly one-third of the service families questioned had received unsatisfactory service in the past.

Under the new system qualified carriers would have records on file at each shipping installation, showing the quality of service they give. Servicemen would then be able to check those records before making arrangements for moving. Traffic would still be distributed among the lowest-cost originating carriers, but primary consideration would be given to quality service.

It is impossible to forecast what changes, if any, will be made in the directive by July 1, when it is scheduled to go into effect. Whether the conferences between DOD officials and the movers will include representatives of both groups at the same time, has not been announced.

Readers who wish to express their opinions on the subject may do so by writing to: "MOVE," Army Times, 2020 M Street NW., Washington 6, D.C.

Your name will be withheld upon request.

[From Army Times, Jan. 16, 1960]

DATELINE: WASHINGTON

(By Carol Arndt)

(After this column was written, Gayton E. Germane, Defense Department Director of Transportation Policy, announced he will recommend that the effective date of the directive on transportation be delayed from March 8 to July 1—Editor.)

The "household goods hauling hassle" took on the shape of a hot battle this week when the movers, who annually transport about 644,100 shipments of uncrated household goods for military and civilian families, met with top members of the Department of Defense to talk about the Department's new directive on the subject of transportation.

The directive was designed to give servicemen more say-so about who will haul their household goods on a PCS move. It goes into effect on March 8, and will do away with the rotation system under which the transportation officers simply assign the next mover on the roster to handle a serviceman's move. Under this new directive, a family that has found a certain moving

company gives unsatisfactory service (based on previous experience with that company) may ask that another company be assigned to handle the job.

Although this sounds fair to most, a number of "independent" movers are objecting violently and shouting "foul." About 2,000 of them have joined forces to form "The Movers Committee for Equitable Distribution of Government Traffic." They are afraid the Big 4—Allied Van Lines, United Van Lines, North American Van Lines and Mayflower Transit Co.—will wield so much advertising power that their small businesses will not be able to compete.

At the meeting, for which the 275-seat theater conference room in the Pentagon was packed, Defense Department Director of Transportation Policy Gayton E. Germane explained that "the directive's emphasis is on raising the standard of service" and that this will be used as "the stick" to fulfill the obligation to military families.

Gen. I. Sewell Morris, director of the Military Traffic Management Agency, said, "What we want is to get a buck's worth of service for every buck spent."

Under the new system, qualified carriers will have records showing the quality of the service they give on file at each shipping installation. These records will be made available to owners when they want to see them before arranging for a move. It is the belief of the Department of Defense that, with this emphasis on service, small and medium-sized carriers who provide top quality service at competitive rates may receive even more business than in the past.

Members of the Movers Committee for Equitable Distribution of Government Traffic say this is not so. And, as a result of the battling that has been going on between the DOD and the independent movers for a couple of weeks, Senator GEORGE SMATHERS, Democrat, of Florida, said his Subcommittee on Surface Transportation of the Senate Interstate and Foreign Commerce Committee was looking into the directive. He said there might be public hearings. Other Congressmen, including Senator RICHARD RUSSELL, Democrat, of Georgia, chairman of the Senate Armed Service Committee, have gotten into the act, too.

And that's not all. Now service wives, who have definite ideas about how their household goods should be handled, are beginning to voice their opinions. The following letter is reprinted in the hope that other wives will express their feelings in this matter:

"Dear Mrs. Arndt: Read with interest and mounting dismay of the interest of Senators SMATHERS and RUSSELL in the recent Department of Defense directive re option for families on choice of packer.

"Realizing that the various trucking interests are hoping to downshout the Department on this matter, I wonder if through your column a write-in campaign might be organized to inform the Senators of the trials and tribulations of those most vitally concerned in this argument—the service families.

"Couldn't you suggest to post women's clubs through your column that the individual members be encouraged to take pen in hand and inform these men by virtue of personal experience of the reasonableness of this directive?

"Each woman could relate disagreeable or favorable experiences, delays in shipment, improper handling, etc., that make dealing with the fly-by-night operators that prey on moving contracts, so onerous.

"I, for one, am writing these gentlemen today. I hope others will join me. This is the only lobby we have. Let's make use of the mails.

"Sincerely,

"JUDITH BARNETT,
"(Mrs. Walter L.)."

[From Army Times, Jan 16, 1960]

IT'S YOUR MOVE

The Defense Department's announced intention to change the rules of governing movement of service household goods came under sharp attack this week. And no wonder: at stake is a payroll variously estimated to be $70 million to nearly $200 million a year. Additionally, scores of small trucking firms are certain they will go under with the loss of Government contracts.

That's why an open meeting called by Defense officials at the Pentagon this week was jammed with members of "The Movers Committee" (for equitable distribution of Government traffic), all protesting any change in policy. The committee was formed by the independent small movers, who have also enlisted the aid of a number of Congressmen. Some of the latter have demanded that the Defense Department rescind the directive which started the controversy and was scheduled to go into effect on March 8. Gayton E. Germane, Defense's Director of Transportation Policy, say's he'll recommend the effective date of the directive on transportation be delayed until July 1. Others have threatened full-scale investigations. On hand, too, to uphold the Defense people in their stand were spokesmen for four organizations representing other movers who believe that the new system would provide economies and better service.

How it all came out is detailed in our front page story this week.

In previous weeks, Army Times has reported the events leading up to the argument. Briefly, the nub of the controversy is this:

Small movers wish to keep the system of allotting contracts for the shipment of service members' household goods which has been in effect for years. It is based on a rotation system by which each eligible mover regularly comes to the head of the list and is entitled to the next moving job without regard to the member's wishes

Large movers favor the new Defense plan, which would allow service members to veto the use of the company asigned them by a transportation officer, if they had had bad service from that company in the past.

What concerns Army Times in all this is the fact, that, while nearly every brother and his sister in business or politics is taking sides in the argument, an odd silence has prevailed within the military ranks.

Yet the whole matter revolves around the service family's property and, ultimately, its pocketbook.

It occurs to us that readers have not gone deeply enough into the subject to realize its full potential for them. If so, we urge them to read the stories in Army Times and elsewhere. It may also be that no effective way has been provided readers wishing to record their sentiments. In that case, the coupon below may be a convenience.

If you wish your opinion recorded—and reported—fill out the coupon, paste it on a postcard, and mail to:

"Move," Army Times, 2020 M Street NW., Washington 6, D.C. Your name will be withheld upon request.

IT'S MY MOVE

Circle No. 1 or 2 below. (Send comments on separate sheet, if you wish.)

1. I prefer that the old system of moving household goods be kept in force.

2. I think the new system proposed by the Defense Department would be preferable.

Check here — if you wish your name withheld.

Name .....

Address .....

[From Army Times, Feb. 13, 1960]

BY DEFENSE: MOVING STUDY GROUP FORMED

WASHINGTON.—As controversy continues on the new Defense policy on movement of uncrated household goods of military families, DOD has set up an industry advisory committee designed to inform and advise Department policymakers on the problems involved in the method of selecting commercial movers for PCS moves.

The committee, which was chartered this week, will hold its first meeting Monday at the Pentagon. Five industry representatives have been invited to serve as members with one member representing the following divisions of the moving industry: Independent small carriers, the so-called Big 4, regulated freight forwarders, unregulated freight forwarders and the Movers Conference of America (the movers' trade association).

Each representative has also been invited to designate a minimum of two and a maximum of three members to serve on subcommittees which may be needed.

In an exclusive interview with Army Times, a principal spokesman of DOD gave assurances that the committee will be used solely to secure information necessary to working out the best policy and that DOD will work out the policy on the basis of two primary issues—"to provide top quality service to military families and secure the best price for the Government in doing the job."

The DOD spokesman emphasized that all policy decisions will be made by the Government. The committee chairman will be a Government official (probably Dr. Gayton Germane, Director of Transportation Policy for DOD) and an attorney from the Office of General Counsel will be present at the meeting.

He also explained that the committee is only one of several groups concerned who are being consulted on settlement of the policy. Representatives of all of the services met with Dr. Germane this week and advice will be sought continuously from these service representatives, as well as Members of Congress who have become involved in the problem.

Monday's meeting should prove to be quieter than the crowded, noisy meeting held several weeks ago at the Pentagon, at which Dr. Germane bowed to congressional and small mover pressure by postponing the effective date of the new policy which would give service families more choice of movers on PCS's.

[From Navy Times, Feb. 20, 1960]

HOUSEHOLD GOODS BATTLE STILL RAGES

WASHINGTON.—The battle over who should move a service family's household goods is still in a deadlock.

Not even a series of secret meetings this week in the Pentagon could break loose an agreement between large moving companies referred to as the "Big Four" and small independent movers who have formed the Movers' Committee for the Equitable Distribution of Military Traffic.

The Big 4 proposed at the closed-door hearing that military families be given free choice and that the Defense Department set up the standards to assure quality service.

The so-called small movers again insisted that the present mandatory rotation system be kept intact.

And through it all service families continued to flood Navy Times with mail expressing their views on the matter. And they're still overwhelmingly in favor of a change in the present system.

At last count, we had received 237 of our ballots, printed a few issues ago, asking for comments. Of these, 228 were in favor of the proposed new system; 9 favored the present no-choice system.

The whole thing started when the Defense Department was about to issue a directive giving a military man a chance to turn down a mover on the rotation list if that company had given him bad service before. But small movers protested and got some Congressmen to back them up. So the directive has been indefinitely pigeonholed.

Of the ballots received this week, 88 were received from 1 activity alone, NAS, Cecil Field, Fla., where someone had mimeographed our ballot and passed them out. Of these, eight favored the present system, and until they came in we had received only one other vote for the present system.

The current series of behind-closed-doors meetings in the Pentagon may be opened up to the public so service families will be given a chance to testify.

Conducting the meetings was a Defense Industry Advisory Committee composed of one representative of the small movers, one from the "Big Four," one from regulated freight forwarders, one from the unregulated forwarders, and one from the Movers' Conference of America.

The first meeting went rather smoothly and, according to a spokesman, "an atmosphere of cooperation and good intentions prevailed."

However, that was because only the question of quality of service was brought up and everybody had to agree that servicemen should be given the best quality of moving.

On the second day the question of free choice came up, and then the fat was in the fire. There were no noisy debates, because the "Big Four" merely stated their desire for free choice and then sat back and listened and refused to argue.

The independents also stood on their desire for no change, charging that free choice would hurt their business and alleging that the "Big Four" would use an advertising campaign to get all military business.

[From Army Times, February 20, 1960]

CARE IN MOVING

The fact that one carrier offers straight-goods while another does not is good reason through service to a shipper of household for a service family on transfer orders to prefer using it. And this is probably one of the central reasons independent moving firms are so vociferously not in favor of the Defense Department proposal to give the service shipper a choice in who is to handle his goods: They're not equipped to do a complete job.

Many of the abuses causing great concern among service families probably stem from that. Under the present system of rotating carriers on a list, many irresponsible agents are content to do just a passable job. Since they are not connected with other carriers, and knowing that they will probably never see the same customer again, they give no thought that the goods may be interlined and interchanged any number of times before the shipment is completed. Of course, the less handling there is, the less is the possibility of damage or loss.

In addition, consider the inconvenience of such interlining.

When goods have to be put into permanent storage, one agency does the packing. But when it is moved out, the rotation system takes over and another carrier loads the goods for transit shipment. The original agent is relieved of all responsibility once the goods leave his warehouse. The shipping carrier does not carry liability on the packed items because they were packed by another agent. And he does not have to unpack them at their destination for the same reason. A claim submitted on this type of shipment is a waste of time.

We trust all of this is taken under consideration by those in Defense now studying the practicality of putting the new HHG directive into effect on July 1. Meanwhile, it is possible for service people on notice of transfer to do something in their own behalf to mitigate future loss or damage to their possessions. This was indicated to us recently by a former Army officer who now works for a moving agent in Florida and so is familiar with both sides of the street.

Pointing out that service families normally are authorized 90 days of storage in transit, he suggested that visits to the various agents in town would be illuminating. A person having any regard for his furniture has a natural interest in where it is going to be stored, how it will be packed and crated. If the workmen themselves are unkempt and discourteous that will probably reflect the corporate policy. Anything in this area which appears to be below standard should be reported to the post transportation officer, who can do something about it.

Again, the matter of insurance is important to the shipper. The Government releases HHG to the carrier at its lowest valuation of 30 cents per pound per article. Should the shipment be destroyed, the service family can claim only for that amount—and that does not mean 30 cents a pound for the whole load, but 30 cents per pound per article. The conscientious householder ought to look around his home and think about that—and then not make a move without added insurance.

A fair and realistic evaluation of household goods should run to a dollar or $1.25 per pound. Twenty-five or thirty dollars will insure five rooms of furniture for a full year. This will not seem too much should one ever have occasion to replace his goods.

[From the Air Force Times, Feb. 20, 1960]

CHANGE THE RULES

Servicemen—of all services, ranks, and grades—have spoken their mind, in letters to the Times newspapers, on the issue of who shall move their household goods: (1) A mover of his choice, or (2) the carrier whose name pops up at the top of the transportation officer's list when the individual's move comes up.

The second system, now in operation, gives service families practically no choice of movers. Defense had recently proposed modifying these rules to give individuals considerable choice. But when protests from "small" moving companies and some Congressmen poured in, action to launch the change was postponed.

USAF men writing Air Force Times stand foursquare for free choice. So do readers of Army Times and Navy Times; both of those newspapers have been flooded with protests over the present system.

The reasons? Poor service.

The servicemen's urgent plea for a change makes sense to us.

We were impressed particularly with a letter from a noncom who works in a career field tied with the moving business. A "passenger and household goods specialist," his letter pretty well sums up the case of service people generally for a "free choice."

"Having worked in this career field for the past 10 years," he says, "I have many times cussed and many times been cussed because of policies currently existing whereby a member on PCS move has to take pot-luck on who will move his household goods.

"I have seen rational men become irrational and women sit down amongst their busted furniture and cry, and wonder why they cannot have their personal and sometimes priceless furniture entrusted to a mover of their choice whom they know will give quality service.

"I think the proposed policy, whereby a member will have some choice of carrier, considering carrier's record of performance, transportation equipment, reliability, should be implemented.

"For the carriers who are complaining that the proposed policy would bankrupt them, I think the only thing sought in the new directive is quality service. * * * Carriers willing to compete and provide quality service, will have a chance to better themselves rather than go bankrupt."

In the coming weeks, the Defense Department and others concerned in the matter will be holding meetings looking toward a final decision on goods moved.

The fact that Defense has already delayed any change suggests that opponents of free choice are making headway. We hope that is not the case.

MOVING SERVICE

TARHEEL STATE.—I think a book could be written of the instances of mishandling of our furniture and household furnishings by both large and small transfer companies.

I can only say cheers for our leaders who want to let each family select its own moving company when a PCS move comes around. I am sure the quality of our moves and the individual's satisfaction would improve 1,000 percent.

W.F.P.

WASHINGTON, D.C.—No doubt about it; let us choose who will move our household goods.

K.S.S.

TEXAS.—Emphatically yes. Give the military family a choice of movers and you'll see some real service. I've moved 32 times in 17 years. Under the present system there is no advantage to the mover to handle your property carefully. AF families should not have to do business with lines that stack furniture on tables, fail to wrap mattresses, squash mother's best hat in a carton, and fail to meet agreed delivery dates.

CAPTAIN.

[From Navy Times, Feb. 27, 1960]

BATTLE OVER MOVING GOODS STILL IN BIND

WASHINGTON.—The Navy has a poster that it distributes to its activities.

"Moving Can Be a Pleasure," it proclaims boldly. "No Work, No Muss. Follow These Simple Directions and Leave the Work to Us."

It probably brings a humorless smile to a good many Navy men.

Because if our reader opinion survey on household goods moving is any indication of service thinking, there haven't been many who'd be willing to give their testimonial to the poster.

But it's not the fault of the Navy.

The Navy does try to make every move as pleasurable as a move can be.

But it's hamstrung by the Defense Department's policy of having to give the moving jobs to the lowest cost carriers on a rotation system, with the owners of the goods having little, if any, say in the matter.

The result in too many cases is the service family suffers.

Defense was about to change the system. A proposed directive would have given a serviceman a chance to turn down a mover on the rotation list if that company had given him bad service before.

But the small moving companies protested and got some Congressmen to back them up. The result: The proposed directive was canceled, and a series of secret Pentagon meetings was started between large moving companies, commonly called the Big Four, and small independent movers.

At last report, the meetings were still deadlocked, with the Big 4 saying, in effect: "Change the system, give a man his choice of movers," and the small companies insisting that the present system be kept, or the Big 4 would use an advertising campaign to get all the military business.

And meanwhile service families have to continue taking the moving company given

them when they change duty stations, whether they like it or not.

And a whopping majority don't like it.

A few issues ago, we ran a ballot for the use of our readers to indicate a choice between the present and the proposed systems. It's been a one-sided response. To date we've received 264 replies, of which only 10 believed that the present system should be kept in force.

Our sister publication, Army Times, also ran the ballot. And the response from Army men has been the same. A total of 350 replies has been received by that office, of which only 1 favored the present system.

[From Air Force Times, Feb. 27, 1960]

WANTS FREE CHOICE

OVERSEAS.—I'm in favor of allowing the serviceman some choice in who will move his household goods. In recent years I had two companies give me excellent service, but another company (I was unlucky enough to have it move me twice in a row) cost me over $300 in repairs and an unwarranted overweight charge of $99.24. They packed my goods in 31 barrels and charged me and Uncle Sam by the cubic foot. I should have had around 15 barrels.

STAFF.

[From Army, Navy, Air Force Journal, Jan. 16, 1960]

FAMILY GOODS FIGHT HEADS FOR CAPITOL

The fight over how much say military families will have about who transports their household goods will move from the Pentagon to Capitol Hill.

At issue is $200 million of military moving business per year.

The Defense Department, seeking to improve the quality of moving services provided military families and eager to stimulate competition among moving van companies, issued a new policy statement on December 8.

That policy called for elimination of the automatic rotation system previously employed in the hiring of carriers and provided greater opportunity for individual service families to choose the company they wanted to carry their household goods.

A storm of protest resulted from owners of moving van companies who contended that the new policy would give too great an advantage to larger carriers.

A 2-day hearing was held at the Pentagon this week. It resulted in a decision by Defense officials to suspend implementation of the new policy until July 1. During the interim, new policies will be worked out, which, hopefully, will be less controversial.

The moving van companies which favor the "free choice" provision, and also those who oppose it, have powerful support on Capitol Hill, and there is no question that the issue will be debated in forthcoming congressional hearings.

Opposition to the December "free choice" policy statement culminated at special Pentagon meetings January 11 and 12 between Defense Department officials and industry representatives.

During the sessions, Representative JAMES ROOSEVELT, Democrat, of California, championed the cause of the dissatisfied movers. He called for withdrawal or postponement of the effective date of the December 8, directive.

Congressman ROOSEVELT'S demand was followed by similar requests, conveyed in messages to the meeting, by Senators E. L. (BOB) BARTLETT, Democrat, Alaska, and SAM J. ERVIN, JR., Democrat, North Carolina.

Senator ERVIN, a member of the Senate Armed Services Committee, threatened to request a special congressional investigation if the Defense Department policy were not rescinded or suspended.

A powerful congressional supporter of the changes, who did not appear at the meeting, is Senator STYLES BRIDGES, Republican, New Hampshire. The ranking Republican member of the Appropriations Committee, he advocated complete free choice of movers for all service families.

Under the Defense Department proposal, service families would be given a choice of movers, provided the one they pick is among the lowest cost, high quality firms available, and provided also that the Government could maintain a suitable number of carriers for peak traffic periods.

Defense Department officials stressed at the Pentagon briefings this week that this did not mean complete free choice of movers on the part of military families. The final choice of a carrier would be left with local transportation officers, whose primary duty would be to distribute household goods shipments with regard to the quality of service rendered by local movers.

Some movers expressed fears that the new policy would drive them out of business.

It was claimed by some at the meeting that four big moving concerns receive 50 percent of all Government moving business. Defense Department statistics show that these four received approximately 29 percent of all Government business during the first 6 months of 1959.

Yielding to pressure from the local opponents of "free choice" for service families, Defense Department Director of Transportation Policy, Dr. Gayton B. Germane, announced at the close of meetings January 12 that the December 8 moving directive would be suspended until July 1.

Before new regulations are implemented, Dr. Germane said, Defense Department officials and moving-industry leaders will get together to discuss what the new directive should contain and what the implementing regulations should be.

[From Army, Navy, Air Force Journal, Jan. 16, 1960]

MEMO—EXCLUSIVE G–2 REPORTS TO READERS OF THE JOURNAL, THE NATION'S ONLY WEEKLY PUBLICATION COVERING THE TOTAL DEFENSE ESTABLISHMENT

The Pentagon has had its squabbles, but few have been as boisterous as the 2-day sessions this week at which Defense Department officials discussed with industry representatives new rules—subsequently delayed—providing for "free choice" by service families in the designation of movers to handle their household goods. The Pentagon sessions frequently seemed more like a high school ruckus than a serious attempt to formulate rules for the shipment of household goods that would be beneficial to service families, the Government, and the movers themselves. Opponents of "free choice" were under no restraint to stop the laughing—and many times jeering—which they carried on during Defense Department explanations of what it needs in the field of movement of household goods.

A fact which opponents of free choice unsuccessfully tried to bury during the meeting was that 33 percent of military families who recently were transferred complained of unsatisfactory moving service. The point received added emphasis from Col. Earl C. Hedlund, Air Force Director of Transportation Policy. He stressed that under the regulations calling for automatic rotation of contracts, the services could not obtain quality service in the moving field.

[From Army, Navy, Air Force Journal, Feb. 20, 1960]

DEFENSE OFFICIALS—MOVING VAN LEADERS PLAN SERIES OF PENTAGON MEETINGS

Defense and industry leaders will meet again February 29 to plan better moving service for military families.

At their first meetings, February 15–17, the industry advisory committee reached agreement that military families deserve "top quality" service in the moving field. They will meet an average of once every 2 weeks until they complete their studies on the problem.

Deadline for submitting a new DOD policy on the shipment of family household goods is July 1.

Defense Department officials had proposed a new "free choice" household goods policy late last year, but were forced to suspend it until July following strong protests at a meeting with industry representatives at the Pentagon in January.

The suspended policy would have given military families a greater say in determining the firm to move their household goods, and would have required local transportation officers to give preference to those moving companies which provided the highest quality of service at reasonable cost.

The policy evoked strong protests from congressional sources, small movers, and industry associations.

Defense Department officials report "substantial progress" at their meetings with industry representatives this week, but say that they do not know at this stage whether the results of their work will result in a policy similar to that announced last year or whether it will be entirely new.

The Pentagon officials say they are certain they can work out a policy which will satisfy "the fundamental requirement of giving military families the best quality service possible while representing the natural interests of the industry itself."

Need for better service in the shipment of household goods for military families was pointed up in a recent Defense Department study which showed that one-third of all military families were dissatisfied with the way their household goods shipments were handled.

Chairman of the defense-industry committee is Dr. Gayton Germane, Director of Defense Department Transportation Policy.

Members are: Ernest Wheaton, president of the Movers Conference of America; Russell Garrett, Movers Committee for the Equitable Distribution of Government Traffic; Griswold Holman, president of the George G. Holman Co., Rutherford, N.J., representing the so-called Big 4 (Allied, North American, Mayflower, and United Van Lines); F. N. Melius, Freight Forwarders Institute; and Ralph W. Johnson, Vanpac Carriers, Richmond, Calif.

THE GREAT SALT LAKE NATIONAL PARK

Mr. MOSS. Mr. President, one of the most needed bills before the Congress is the "save our shorelines" bill, or the "SOS" bill, as it is commonly called.

It has been my happy opportunity to conduct hearings for the Interior and Insular Affairs Committee on two scenic seacoast areas which, in my estimation, should be preserved—Cape Cod in Massachusetts and Padre Island in Texas. Next month I am scheduled to go to Kentfield, Calif., to conduct a hearing on the Point Reyes National Seashore Park. Support for safeguarding our scenic shorelines is growing at a gallop throughout the country.

Recently I introduced a bill to establish in my own State of Utah a Great Salt Lake National Park to save a part of its shoreline for the wonder and enjoyment of our people. I have asked Chairman MURRAY to authorize hearings in Salt Lake City on my bill after the adjournment of Congress so that local problems in relation to the lake can be aired, and the way cleared to preserve,

before it is too late, a stretch of this barren and characteristic shoreline of America's unique inland sea.

I ask unanimous consent to have printed in the RECORD an editorial on the Great Salt Lake National Park which appeared on March 18 in the Salt Lake Tribune.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, Mar. 18, 1960]

INCLUDE SALT LAKE SHORE IN PARK SYSTEM

"Our Fourth Shore" is the title of a National Park Service report dealing with park and recreational potentialities on the U.S. side of the Great Lakes.

This and two previous reports on remaining shoreline on the Atlantic, gulf, and Pacific coasts are the result of extensive studies made by the Park Service but financed privately.

They all emphasize how America's recreational shorelines are being taken over at an alarming rate by commercial, industrial, and speculative enterprises. As a result, support is gaining for several "save our shorelines" bills in Congress.

The report lists 66 individual waterfront areas in 8 Great Lakes States which, although now privately owned, the Park Service considers important for recreation and other public benefits. Five areas were singled out for national park status and the other 61 for more local emphasis.

"Our Fourth Shore" should give the shoreline park movement a needed filip.

We hope that neither the National Park Service nor Congress will overlook the potentialities of the Great Salt Lake when they get down to the business of setting up a new system of seashore national parks. This world-famous inland dead sea has significant values worthy of preservation and interpretation, as the National Park Service has said.

Senator Moss, of Utah, is sponsoring a bill for the creation of a Great Salt Lake National Park. Out of congressional hearings on the bill he hopes a plan will emerge for developing part of the lake and shoreline for public use. Senator Moss has explained that it was never contemplated that more than a section of shoreline would be set aside for national park purposes. Hence, a national park or national monument on a stretch of shoreline—that of Antelope Island, for example—would not interfere with commercial exploitation of the lake elsewhere.

The Senator made a special point when he emphasized that he sought to improve the economic value of the lake, rather than impair it, but that he was "unalterably opposed to the present program of using it principally as a sewage dumping ground."

This growing country needs the national shoreline park system, and prompt action will be needed to keep remaining suitable shorelines from being despoiled by the bulldozer. We heartily endorse the theme of "The Fourth Shore" and hope, meanwhile, that a fifth shore, that of part of the Great Salt Lake, will be added.

APPROPRIATIONS FOR THE COUNSELING AND RESEARCH GRANTS PROGRAM OF THE SMALL BUSINESS ADMINISTRATION

Mr. MOSS. Mr. President, I rise in support of the amendment to H.R. 10234 which I have cosponsored with the distinguished Senator from Alabama and others of my colleagues.

The amendment to H.R. 10234, the Commerce appropriations bill, would provide funds for continuation of the Small Business Administration counseling and research grants program that was initiated under the Small Business Investment Act of 1958. The fiscal year 1961 SBA budget, as approved by the Bureau of the Budget and submitted by the President, would bring the research program to a halt before any of its fruits are available for analysis by the Congress or the executive branch. I believe that it is not only unfair but also penny wise and pound foolish to judge against this program before its contributions to small businesses can be measured.

Because the program was new, SBA was unable to make the first grants, those for fiscal year 1959, until June 1959. It is expected, however, that the grants for fiscal year 1960 will be made in April. In the fall of this year the results of the first projects completed will be turned over to SBA.

Until some of the completed studies are available for analysis by SBA and the Congress, it is not possible to judge accurately their usefulness and the value of the program under which they are being made.

If the small business research in other States is progressing as it is in the State of Utah, I can assure Senators that the results of these grants will be highly beneficial to small business.

The research grant in my State was made to the bureau of economic and business research of the University of Utah. It has been my privilege to know something of the scope of the project planned by the bureau and to know some of the able people who will work on it with Dean Clyde Randall of the college of business and Dr. Osmond L. Harline, the project director. Dr. Harline is also the director of the bureau of economic and business research and is editor of the Utah Economic and Business Review.

A preliminary report from Dr. Harline to SBA indicates that the project is on schedule and is being conducted efficiently and enthusiastically by the faculty and student personnel engaged in the work.

The Utah project is divided into two parts. In part I, the bureau will study the use of informational aids by small business.

The Dun & Bradstreet reports on business failures ascribe a large proportion of the failures to bad management. If the reports are correct, then it is vitally necessary that every possible technique be employed for increasing managerial ability. The results of the study of small business informational aids should provide an expert evaluation of the available aids, the extent to which they are now used, and methods by which their effective use may be expanded.

The second part of the project under way at the University of Utah concerns the use of Government-sponsored financial assistance programs for small business.

All Senators have probably received complaints from small businessmen who were denied loans by SBA. On the other hand, we have all observed the beneficial results of SBA loans to small firms. Therefore, our impressions of SBA may be based on the experiences of only a few applicants for loans. In my opinion it will be very beneficial to have the results of an independent, impartial SBA loan program analysis based on large numbers of loans throughout an area of the Nation.

Mr. President, our country has in recent decades become increasingly conscious of the problems of small business. Within the past few years, there has also been an increasing flow of literature on small business. However, there has been very little basic research on the myriad of small business problems that we have begun to acknowledge as existing in our society.

The research grants program will, if continued as I am convinced that it should be, provide much of the needed fundamental research into these problems.

I hope that the Senate will adopt the amendment to provide funds for the continuation of these grants. It would be tragically shortsighted, in my opinion, to cut short a program that was conceived and originally funded as a needed long-term project to last 10 years or longer.

THE COST OF STORING AGRICULTURAL COMMODITIES

Mr. CASE of South Dakota. Mr. President, the cost of storing our agricultural commodities has been placed at $1.7 million a day—that is more than $1,000 a minute. In the welter of the farm surplus debate has come an investigation of profiteering and chiseling by elevators and warehouses.

I have no sympathy for the crooks and chiselers who have abused the Government storage programs. There are bad kernels in the bin—but I want to say a word for storage on the farm and in the country elevator. Farm storage or nearby is best. The grain is there if needed and it has not added shipping charges. So, I believe in storage as near to the place of production as feasible.

I have received many letters from country elevator operators—most of them family businesses in our South Dakota communities. These are people who have erected storage facilities at the urging of the Commodity Credit Corporation to relieve storage problems caused by bumper-to-bumper crops.

Many of them borrowed to build storage facilities, on which they pay local property taxes. They have assumed the risk of shrinkage and spoilage on grain placed in their elevators.

The last Uniform Grain Storage Agreement was negotiated in 1956. Costs have risen since that time. One operator writes that these costs are up 25 percent since the last agreement was promulgated. A nationwide survey by CCC shows storage costs have varied from 5 to 21 cents per bushel, but, as we understand it, all types of facilities have been receiving the same flat bushel rates.

Storage payments are not gifts—either to the farmer who seals grain in a bin built for that purpose or to a local elevator. The man who stores is responsible for the grain—if it is lost or destroyed he must in effect replace the grain, not just repay the loan value. To

condition grain properly requires regular checking, moving, fumigating, and aerating.

Investigations have revealed unreasonably large profits by some of the large terminal warehouses, but this is not a true picture for the average small elevator man or farmer. Many of them have found they were losing money on storage when shrinkage and spoilage were accounted for.

We are increasingly concerned about the severe economic problems of our small family-operated farms. We ought to be concerned about the problems of businessmen in our rural communities.

Statistics on a nationwide basis inundate the economic problems of the small elevators and the farmer who rents storage space to the Commodity Credit Corporation. It is like the fellow who drowned in a river that averaged only 3 feet deep. He is knocked down and swamped before he gets his head up to speak.

The South Dakota skyline would be a lonesome sight without the country elevator.

So, let us remember that generalizations as to huge profits in the terminal grain storage industry do not necessarily mean that the man who stores grain in the country or in local elevators is sharing them.

I ask unanimous consent to have printed in the RECORD at this point a list of the grain stored under price support on farms in South Dakota, and CCC-owned grain stored in elevators in South Dakota; also letters dealing with this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CCC-owned grain stored in elevators in South Dakota

Wheat	bushels	23,000,000
Corn	do	20,800,000
Oats	do	1,800,000
Barley	do	1,700,000
Rye	do	780,000
Other	do	500,000

Quantity of grain under price support in South Dakota—Sealed and stored on farms

Corn	bushels	17,400,000
Wheat	do	14,800,000
Oats	do	15,000,000
Barley	do	2,800,000
Grain sorghums	cwt	250,000
Rye	bushels	1,100,000
Flax	do	600,000
Soybeans	do	250,000

CCC binsite stocks

Corn		40,763,722
Wheat		7,919,092
Oats		321,199
Rye		107,675
Barley		779,040
Soybeans		2,434
Grain sorghums	cwt	73,220

PETERSON ELEVATOR,
Fedora, S. Dak., March 5, 1960.

Senator FRANCIS CASE,
Washington, D.C.

DEAR SIR: Seems as if some of the politicians have gone overboard on the so-called high profits made by elevator operators. (The farmer gets the same rate on the farm.) I would like to acquaint you with my situation.

I have a capacity of 105,000 bushels here. And have only 48,000 bushels of stored grain on hand now which is less than half full.

Last May I put up a metal storage bin of 60,000-bushel capacity and this building has in it now a little over 28,000 bushels. I was led to believe that the storage was needed and that I would get it filled which never happened.

By the time I pay taxes, insurance, and other expenses on my operation it is hardly a break-even deal, now.

I will still have the same expenses if there is nothing in my storage buildings. Will that make the headlines? No they will say the damn fool should have known better.

We are held responsible for the condition of this grain and that is quite a responsibility and requires constant attention to avoid loss.

I was led to believe that there was a local need for this storage and now I am being let down. I was hoping that I would get my investment back over a period of years and now that does not seem possible.

This is my situation and would like you to know that this Government storage is not all roses.

Yours truly,

ABE PETERSON,
Owner and Operator.

ROBERTS ELEVATOR CO.,
Cresbard, S. Dak., March 5, 1960.

Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: Knowing you are a Senator from west river and knowing you are also a good Senator, I write in asking that you help an east river constituent in your work on Capitol Hill.

Senator SYMINGTON said in a speech at Peoria, Ill., that "warehousemen make unusually high profits from the grain-storage program." His statement would have been correct if he would have said some warehousemen and not inferred that the whole grain trade was in the throes of seeing which bank would accept more of their money for deposit. Some of us do not have trouble with a large bank account, but just the opposite—we have trouble meeting our bills.

I am a small operator as far as the grain storage business is concerned, having two frame houses and two flat houses for a total capacity of 175,000 bushels. I have yet to have a 50 percent fill of CCC inventory and I wouldn't have that if I had not been forced into the grain storage business. Forced may be a little strong but if it is, it is only because it meant that I either went into the storage business or get out of the grain business entirely.

When you see editorials such as appeared in the Daily Plainsman, January 28, 1960, and news items (?) such as appeared in the Aberdeen American News, February 27, 1960, you wonder why the grain trade even fights to stay alive. Admitted that some of it is political, even that should make the best men of the trade throw in the sponge. We do not, however. Most of this adverse publicity concerning the storage end of the grain trade is being used as a political football, and it is up to Senators like you to help out and put the issue in front of the people squarely and as it should be. If there is any doubt as to what the score is, read Cliff Andersen's last bulletin (which I am sure you receive), and go on from there.

Very truly yours,

ROYCE ROBERTS,
Manager.

YALE, S. DAK., *March 9, 1960.*

U.S. Senator FRANCIS CASE,
Washington, D.C.

DEAR SENATOR CASE: Much talk is going around about the warehouse storage that is not good or true. Some say that we, the warehousemen, are making huge profits on it and many other charges. When in truth, we erected storage facilities only when urged by the Commodity Credit Corporation and the demand called for it to relieve the storage problem caused by bumper crops and the unwillingness of CCC to shoulder additional storage responsibilities.

Now after we have erected large storage facilities at tremendous cost, have high handling costs, pay income tax on storage income, plus shrinkage and large capital investments, we want to continue this service to our grain farmers. Since the last uniform grain storage agreement was negotiated in 1956, the cost of operation of these facilities has increased rapidly but the CCC payments have remained the same.

Now as these attacks on the storage agreement with CCC are being made, we are asking you to defend our problems in this field as a large share of this storage is handled by farmers themselves through their cooperative country elevators.

In these days of soil bank land retirement and CCC on-the-farm storage and takeover, the country elevators are having a rough time making ends meet. We believe our Congressman needs to know how we feel on this issue. We want this storage service to continue as it is at present. Thanking you for the fine service you have rendered agriculture in the past, we hope you can see our side of this matter and fight for us. Thanking you again.

Very truly yours,

ADAM F. REINSCHMIDT,
President of Farmers Cooperative Elevator Co., Yale, S. Dak.

FARMERS ELEVATOR CO.,
Draper, S. Dak., March 7, 1960.

Senator FRANCIS CASE,
Washington, D.C.

DEAR SENATOR CASE: We feel that this adverse publicity regarding the storing of Government grain has been overly and unfairly played up in our news sources.

Nearly all elevators are having a hard time making expenses. Any drastic cut in our storing rates is going to put many country elevators in the red, as many are already working hard just to keep even.

All operating costs are working higher and higher and it is tougher every month to keep up with these ever-mounting costs.

We find many farmers unwilling to reseal their grain at these present rates, to earn storage on the farms. A rate reduction is going to force more farm deliveries and put additional space problems on the elevators. Reduced rates will discourage any additional storage space being built by farmers or elevator operators, and continued large crops will put the storage problem back in the hands of the Government and increased binsite building to take care of more surplus crops.

It seems like a 15- to 25-percent acreage cut is more likely to cure the storage costs, than a rate cut with additional production.

Yours truly,

M. F. PEIRCE,
Manager.

THE FARMERS COOPERATIVE CO.,
Brookings, S. Dak., March 8, 1960.

Senator FRANCIS CASE,
Senate Building,
Washington, D.C.

DEAR SENATOR CASE: Much has been said and written lately about revenues from storing commodity credit grain. I would very much like to be given the courtesy of expressing my views to you in this letter.

We are thankful for our storage revenues, but they are not a gift, nor are they too high for local elevators of our area. Approximately 7 cents a bushel per year net does not seem high when an elevator is responsible for $1 per bushel for corn, $2 for

wheat, and $2.80 for flax. The elevator, you see, is responsible for the cost of replacement of the grain, not the loan value.

At first we placed the grain in storage and settled back to collect the revenues. However, we found it necessary to put in a $4,000 temperature indicating system as our corn was heating and was being lowered in grade from No. 2 to sample grade. The difference between the two grades eliminated any possibility of making any profit on that particular grain.

We learn from experience, however, now the heat indicating system is in the bins, we fumigate regularly, we aerate the grain and run a good portion of our total stored grain over a mill to remove "fines." This experience helps us show a profit (approximately 7 cents per bushel) but the risk of potential loss is always with us. The shrinkage in storing grain, and particularly in conditioning grain, is always a balance factor between showing a profit or a loss. If one is fortunate in containing the shrinkage to a minimum then a profit will be attained. If shrinkage cannot be held to the minimum, then you discover you have no profit because you do not have the same number of bushels you took in for the account of commodity credit.

To briefly summarize: I do not believe there is any more efficient way of storing grain than in the local elevators. (I would like to know total cost of storage at CCC binsites including shrinkage and loss of grade.) (A 3-percent shrink on $3 per bushel of flax is a loss of 9 cents per bushel.)

Storing grain for commodity credit is compatible with cash grain merchandising in such a manner that both services are done for less because of the other.

Cash grain could not be merchandised for our farmers at an approximate (4 percent), yes, 4 percent, gross margin without CCC storage. Nor could a reasonable profit be shown on the storing service without the help from cash grain merchandising by reducing total fixed cost and distribution of manpower.

I urge you to use your influence to maintain the present storage rates so that local elevators will not have to greatly increase the grain merchandising service cost to our already cost-laden farmers.

Yours truly,

ARTHUR B. SOGN,
General Manager.

I have written a masters thesis on how grain elevators can exist while working on a 3- to 5-percent gross margin. If you are interested, I would be glad to send you one.

MIDLAND GRAIN & LUMBER CO.,
Midland, S. Dak., March 8, 1960.

Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.

DEAR SIR: We have a few thoughts on the grain storage controversy that we would like to call to your attention. Until a few years ago this company did not have a storage agreement and all CCC grain was on a handling only basis, grain was shipped to a designated terminal upon receipt and we operated with a small elevator on a cash grain basis.

CCC was continually short of storage room and requested this firm to enter into a storage contract. We did this and built storage facilities of modern style and furnished our community with the needed place to go and also delivery could be made at a time when the producer could conveniently deliver the grain due CCC. Prior to this it nearly always conflicted with the new harvest so that it was a matter that the farmer was hard put to remove last season's crop due CCC in time to clean his bins for the new crop.

The facilities that we have built are the things that have enabled us to stay in business as you well know that CCC has captured the main part of the grain production. In fact they are our biggest competitor. Also by the item that had we no storage we would now be completely out of business, the way it has turned out we handle this grain in South Dakota, pay the increased property taxes in South Dakota, hoping to make a profit which we then share with the Internal Revenue Department.

Storage rates have not been increased, all costs connected with the proper warehousing and storage of grain have increased, labor costs alone are up 25 percent since the time that we entered into a storage contract. To properly check and condition grain as a public warehouse calls for continuous checking, moving and at times several fumigations in a very short period of time. The charge per bushel per year is not high compared to the risks and responsibility the warehouseman has.

We have tried to keep up with our responsibilities to our local producers and the Government farm program and think that we have done a good enough job that the grain trade should not be castigated in the public press. In the light of any fair unbiased examination am sure that it would be found that a rate increase would be due.

Yours truly,

GUST A. LARSON.

MURDO ELEVATOR CO.,
Murdo, S. Dak., March 9, 1960.

Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: The grain storage industry has received a lot of adverse publicity from the Senate investigation of grain storage rates. The cost to the people has not become great because of excessive rates but because of the vast amount of grain that has to be taken care of. Overproduction cannot be laid at the door of the warehouseman.

Pressure to build storage facilities far in excess of normal needs has forced warehousemen to risk construction of costly buildings that can only serve the demands of a Government program that has been labeled as a temporary measure. In most cases, no guarantee has been given that these facilities would be filled and if filled that they would remain so. At this station in 1958 and 1959 an additional 160,000 bushels of capacity was erected that would be of no use to our normal grain buying operation when the program ends.

The Commodity Credit Corporation under its uniform grain storage agreement, has placed additional demands upon the warehouseman over and above those required by State law. In spite of this, grain storage rates have held remarkably steady.

Newspaper headlines have made much of the word "profit." The USDA grain storage survey covered direct operational costs and did not pretend to include costs of shrinkage, loss in quality, income taxes and return on investment. When all factors are included it will be shown that the grain industry has a relatively low rate of profit and that grain storage rates are not excessive in light of the responsibility taken and the service rendered.

Sincerely yours,

HAROLD PECK.

THE FARMERS CO-OPERATIVE
ELEVATOR CO.,
Revillo, S. Dak., March 9, 1960.

Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to you in regard to this storage, and our liability that we incur when we sign a uniform storage agreement with the CCC.

In 1953 we had 77,000 bushels of capacity here, in 1960 we have 300,000 bushels capacity here, in 1960 we have 100,000 empty.

In 1953 we were debt free and operated on our own capital, in 1960 we have a debt on new construction of nearly $70,000.

Why did we go from a sane operation to a very high-risk operation? The answer is pressure; first, from CCC to handle and receive grain on the takeover from farmers; second, from farmers who want to take out CCC loans in the warehouse. These are usually short-term and storage earnings are small, from August to January; third, from the Department of Health, Education, and Welfare.

Protecting grain from weather is not our only responsibility, it has to be protected from birds, vermin, and insects.

The CCC now allows farmers to keep grain on the farm for 3 years, paying them storage at the same rate we earn. Not 1 in 20 farmers takes care of the grain as it should be—turning and fumigating.

In the fall of 1957 the corn was delivered here with moisture of 15½ to 16 percent. Too high for safe storage. We dried it all at no expense to the producers; this was not done to induce farmers to deliver here, but for our own protection as we have to maintain the original grades at all times. This would be impossible if we did not replace about 5 percent of the corn with new corn each year. This is an added expense not taken into account in the storage rate.

In South Dakota we have a very good warehouse law. It requires every licensed warehouse to carry a bond payable to the State covering 100 percent of our outstanding storage liability.

The CCC does not give South Dakota warehouses any additional credits for this protection, yet it costs us $278 a year extra, taxes and insurance run $525 per month that are not taken into account by CCC in figuring their binsite costs. Storage rates have not been raised, they are the same as in 1956—all costs of plant operation have gone up each year.

In 1958 elevator supplies and repairs were $4,463.80; in 1959 elevator supplies and repairs were $5,105.06; so far in 1960 fiscal year they have passed $6,000.

We hope no drastic action will be taken to make it more difficult than it is at present to remain in compliance with the CCC and HEW.

Yours very truly,

ELMER BEHLINGS,
President.
ROBERT BORK,
Vice President.
RALPH STREET,
Secretary.

Mr. CASE of South Dakota. Mr. Floyd E. Lewis, vice president of the Tri-State Milling Co., of Rapid City, S. Dak., also wrote me at some length on this subject—and some other matters. Pertinent parts of Mr. Lewis' letter follow:

We had three of our country elevators in the cost survey conducted by CCC. The results were as follows on the cost of storing a bushel of wheat: 68-million-bushel elevator, 13.2 cents per bushel; 28-million-bushel elevator, 17.2 cents per bushel; 20-million-bushel elevator, 22.7 cents per bushel.

These cost figures do not include indirect costs such as quality, deterioration, shrinkage, and return on capital investment.

Many of our farmer customers are becoming quiet uneasy because of the figures this committee released. As you know they receive the same storage rate as the grain elevator operator. They feel like we do. They are not being paid too much for the risk and expense connected with storing grain.

In South Dakota there are 43,500,000 bushels of grain in farm storage, with 51 million bushels in commercial storage. The farmers in our State are about as big in the storage business as the commercial warehouses. They made investments in bins on the advice of the county committee, hoping the earnings would justify the investment.

We were amazed at the profit one individual claimed. He must have been one that rented air base property from the War Department for practically nothing then stored grain for CCC. This we could understand. He is not a recognized commercial warehouseman.

None of us mind an investigation but we do think you should gather all the facts and figures before arriving at conclusions.

Yours truly,

TRI-STATE MILLING CO.,
FLOYD E. LEWIS,
Vice President.

THE SITUATION IN CUBA

Mr. SMATHERS. Mr. President, last week it was my privilege and great opportunity to talk with the Secretary of State, Mr. Christian Herter, and the Assistant Secretary of State for Inter-American Affairs, Mr. Roy R. Rubottom, with respect to affairs in Latin America. At that time they advised me that they were seriously considering sending Ambassador Bonsal back to Cuba. I pleaded with them with every bit of persuasiveness I was able to muster not to make what I thought would be a tragic mistake in sending our Ambassador back to Cuba.

I endeavored to point out to them that it would be considered the rankest type of appeasement by people all over Latin America who oppose communism, and that it would be considered the rankest type of appeasement not only by the Latin American governments which oppose communism, but also by Latin American groups and Latin American individuals, particularly those people who had seen fit to defect from Castro's government.

I further went on to say that it would have at the same time the effect of giving strength and support to the Castro government, which is so strongly anti-American, because it would make it appear that at a time when Castro needs help—and he needs help today, and is obviously getting it from the Soviet Union—the Government of the United States was endorsing the actions of Castro, and would also have the effect of making it appear that we were supporting him and holding him up.

Furthermore, I pointed out that it would appear that we were once again doing business with dictators—because undeniably and unquestionably Fidel Castro is a dictator—and that once again, while we were ranting against dictatorships, we were, for all practical purposes, appearing to be, in fact, supporting a dictatorship.

I also tried to point out to them that it would accomplish no good, even though they might be in some instances so naive as to believe that the government of Castro is not beyond redemption and that there is still some opportunity to rescue it from the Communist movement.

Of course, they did not agree with me. I pointed out to them that these actions will result in a loss of prestige by the United States and in confusion among our Latin American friends as to where the United States really stands. They will result in discouragement for those who fight against communism and dictatorship. However, my views obviously did not have any effect upon the Secretary of State or upon the Assistant Secretary of State.

This morning, confirming my prophecy to some extent, the Miami Herald published an article entitled "Top Cuban Red Vows Economic War Upon United States." At the time Ambassador Bonsal was arriving in Havana, Cuba, Ernesto Guevara, who is the head of the economic warfare program in Cuba, attacked the United States, saying:

> Cuba's great friend is Soviet Russia.

The Miami Herald article states that Guevara repeated the statement several times.

Further, the article states:

> He vowed that all U.S. "monopolies" would be ousted from Cuba. He blasted the U.S. Export-Import Bank and other American credit institutions as "loan sharks."

So it went. He is quoted as saying:

> Cuba's economic war will be against the great North American power.

I could not help being reminded of the statement made by Mr. Khrushchev several months ago: "We will bury the United States."

Later, when he was asked to explain that statement, Khrushchev said he was talking about economic warfare. Now we find the puppet Cuban Government ready to declare—in fact, it has declared—economic warfare against the United States. Is it not ridiculous for the United States now to appease the present Cuban Government in the light of all that we have done in the past for the benefit of the Republic of Cuba?

Earlier today I returned to Washington and read a UPI article dated Havana only 8 hours after Ambassador Bonsal returned to Havana. The article, which is published in today's Washington Daily News, reads, in part:

> President Osvaldo Dorticos flatly accused the United States last night of "undeniable sabotage" and "criminal aerial attacks" against Cuba.

Dorticos was thunderously applauded by some 15,000 people, it is said, as he attacked the United States and said that never again did Cuba want to have any economic consort with the people of the United States.

Mr. President, I ask unanimous consent to have both articles printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Miami Herald]

TOP CUBAN RED VOWS ECONOMIC WAR UPON UNITED STATES

HAVANA, CUBA.—Leftwing extremist Ernesto (Che) Guevara, Cuba's economic czar, Sunday vowed to wage economic war against the United States and throw out all American monopolies in the country.

Guevara, Argentine-born lieutenant of Premier Fidel Castro and head of the Cuban National Bank, denounced the United States and defended a recent Cuban-Russian trade pact on a TV broadcast as U.S. Ambassador Philip W. Bonsal flew back to resume the Havana post he quit 2 months ago in protest against anti-American accusations by Castro and his government.

"Cuba's great friend is Soviet Russia," Guevara said. He repeated the statement several times.

Bonsal was bringing hope of improvement in United States-Cuban relations, now at their lowest ebb.

As Bonsal left New York for Havana he said his return to the capital he left January 23 was not appeasement of Castro's regime, but rather "evidence of our desire to continue discussions."

Guevara, an avowed Marxist who became head of the Cuban National Bank although he had no previous banking experience, called the trade treaty signed with Soviet First Deputy Premier Anastas Mikoyan in January "the best ever negotiated by Cuba." The treaty called for Russian purchase of Cuban sugar and exchange of other commodities.

Taking note of criticism of the pact in the United States, Guevara said, "It is none of the United States business what treaties we sign; but this treaty does not have the political implications the United States thinks it has."

He vowed that all U.S. monopolies would be ousted from Cuba. He blasted the U.S. Export-Import Bank and other American credit institutions as "loan sharks."

American sugar, mining and cattle companies are the major investors in Cuba.

The revolutionary government will free Cuba of a single-industry economy, Guevara said, referring to the main national sugar product.

"It is counterrevolutionary to say that without sugar there is no country," he said.

He heaped praise on the Soviet trade pact by which Russia promised to buy a million tons of sugar a year for 5 years at world market prices, and give Cuba a $100 million credit at 2½ percent interest.

Then he blasted American oil concessions granted by ousted dictator Fulgencio Batista as "so crooked" that the total area of concessions granted actually amounted to three times the size of Cuba itself.

"Cuba's economic war will be against the great North American power," he declared. Cuba does not need American dollars, he said, because "we can buy with our sugar in barter transactions."

He charged that American banks and financial institutions charged Cuba such exorbitant interest that on some loans the rate of interest was 61 cents on the dollar.

But nowhere did he specify just how Cuba planned to carry out "economic war" against the United States.

He spoke after Ambassador Bonsal had said in an airport statement at New York that he would work hard to try to better relations with Cuba.

[From the Washington Daily News, Mar. 21, 1960]

BONSAL MISSION IS UNDER A PALL—DORTICOS CONVICTS UNITED STATES OF UNDENIABLE SABOTAGE

HAVANA, March 21.—President Osvaldo Dorticos flatly accused the United States last night of "undeniable sabotage" and "criminal aerial attacks" against Cuba.

It marked the first time a high Cuban Government official had lodged such charges directly against the United States in public.

The bitter onslaught, aired over television and radio, came less than 7 hours after U.S. Ambassador Philip Bonsal returned from Washington to try to salvage steadily worsening relations between the United States and Cuba.

OUSTED

Earlier yesterday leftwing extremist Ernesto (Che) Guevara, head of Cuba's National Bank, lashed out at U.S. economic policies and vowed that all American business monopolies soon would be ousted from Cuban soil.

Premier Fidel Castro also was scheduled to speak at the 15,000 person-strong rally at Havana's huge Sports Palace, but he failed to show up, without explanation.

Senor Dorticos accused the United States of being responsible for:

"The undeniable sabotage of the *La Coubre*," a French munitions ship which exploded at a Havana dock March 4.

"Criminal aerial incursions" by light planes which "burn our canefields, try to destroy factories, and fill our people with terror."

Attempts to keep the Cuban Government from buying arms.

A campaign "to destroy the Cuban economy."

"Before dying of hunger, Cubans would decide to die in the trenches of the revolution," the President declared.

GREAT FRIEND

Guevara, one of Castro's closest advisers, stanchly defended Cuba's recent trade pact with the Soviet Union. "Cuba's great friend is Russia," he said.

(In Washington, U.S. Secretary of State Christian A. Herter, asked yesterday about Cuban economic policies, said it looked as if some of them "were following a Communist pattern."

(Mr. Herter said "there are certainly Communist sympathizers" holding high office in Cuba, but added it was not possible "to say affirmatively that Cuba is Communist at the present time.")

The new denunciations darkened hopes that Mr. Bonsal, who left Cuba January 23 at the start of Castro's anti-U.S. campaign, could achieve his mission of preventing an outright diplomatic break between the two governments. In New York, just before his departure, Mr. Bonsal made it clear the U.S. State Department had no idea of appeasement toward the Castro regime.

No member of the Cuban Foreign Office was on hand to greet the Ambassador, but a crowd of about 400 persons welcomed the emissary warmly.

Mr. SMATHERS. Mr. President, to me this is a sort of sickening appeasement. It is a kind of Churchill umbrella retreat, in the face of oratorical blasting. If we follow such a course, it will get us into great trouble. I should say that we are showing an attitude of softness and appeasement to the countries of Latin America. I believe the simple question which the State Department and the Government of the United States must ask themselves is, Are we, by reason of sending Ambassador Bonsal back to Cuba, and by endeavoring to give the present Cuban Government preferential treatment, aiding a Cuban Government which has indicted the United States? Shall we continue to support an obviously Communist-type government? Shall we continue to give that Government our money, our time, and our consideration to help it spread its communistic doctrines farther into the Caribbean area?

I thought it was a tragic mistake to have Mr. Bonsal return to Havana. I believe the developing events are substantiating the fact that it was a tragic mistake.

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from Florida said "Churchill" when he may have meant "Chamberlain."

Mr. SMATHERS. I thank the able Senator from Utah, who is now presiding over the Senate. I certainly did not mean Churchill, because Churchill has never been an appeaser, and would not be. But all of us remember the tragedy of Chamberlain and his umbrella-pursuing course of appeasement against the Nazis at a time when a firm position probably could have headed off the great World War II.

KAMEHAMEHA I: SYMBOL OF HAWAII

Mr. LONG of Hawaii. Mr. President, under established law and in accordance with practice, the new State of Hawaii is entitled to select two of its great leaders for its representatives in Statuary Hall here in the U.S. Capitol.

The law was passed in 1864. Since Hawaii and Alaska have only recently been admitted to the Union, neither has determined which of its great men and women will be selected for the place of honor. It is not necessary to make selections immediately. Indeed, there are grounds for exercising great care rather than speed in making the selections.

The record shows that States generally have been most deliberate in arriving at decisions. For instance, 4 of the 48 old established States have not yet placed a statue in the Capitol; 6 others have placed only one; most, if not all, of the other 34 States took their time in making their selections. For instance, Oregon did not make its two choices until 1952. Colorado and Montana each made its first selection only last year.

Now that Hawaii is entitled to make selections, considerable interest has developed. A number of names have been considered. Because Kamehameha I played such an important part in the early history of Hawaii, and also because his name has been so frequently mentioned in connection with Statuary Hall, it seems fitting to review his life in relation to the history of Hawaii.

There is general agreement that Kamehameha I stands for the best in the indigenous culture of Hawaii. That culture was organized around a feudal system, and as in all such systems, land, power and patronage went to the chief who conquered his rivals. Many chiefs before the time of Kamehameha I aspired to extend their power throughout the Islands, and engaged in war to do so, but all failed.

Kamehameha I, however, was successful. With his success, the bloody wars of earlier days came to an end. With peace came unity, and a more beneficent rule with the promulgation of the first law safeguarding all the people, high and low, old and young.

Kamehameha I lived at a crucial period. He was already a powerful chief on the island of Hawaii when the islands were discovered by the outside world. He rapidly extended and consolidated his power, so that within a few years, Hawaii was unified.

Thus the possibility that marauding newcomers might take over the islands, piece by piece, dealing with one high chief after another, never entered the Hawaiian picture. This fact was extremely important for Hawaii's future.

Kamehameha I was an extraordinary man. Born and bred in the indigenous culture, he felt that the old gods, the old order in which he had been nurtured, had been kind to him. Thus he steadfastly held to the old law, the old religion, the old social system.

Impressive in physique, dignified in manner, he commanded and received respect from the explorers and sicentists who, following Captain Cook, visited the islands and came to know this great Hawaiian.

Kamehameha I was highly intelligent. He immediately perceived that the outside world had useful utensils, skills, and materials that were unknown in Hawaii. These things he accepted willingly. He invited skilled artisans to live in the islands and work for him. The newcomers were expected to obey the old law, and they did. They were not given land—only the permission to use land allotted them by the King. No uninvited foreigner was permitted to live in the islands. A few Russians tried to do this, but they soon left. Outside the social order, outside the King's patronage, no stranger could make his way, under the firm, strong control exercised by Kamehameha I.

Living at this unique and crucial period in Hawaii's history, Kamehameha I was himself unique. He stood as a bulwark against drastic change, and thus cushioned the impact of the outside world on Hawaii. But he was too intelligent to turn his back on things hitherto unknown in Hawaii. He took into his service not only artisans, but English-speaking men who served as interpreters and counselors. He welcomed foreign visitors, and issued the necessary orders for visiting ships to secure water and fresh food supplies. From them he learned much of the ways of the Western World and how to deal with other nations in peace and with dignity.

It may be truly said that the unification of Hawaii under so intelligent and powerful a man as Kamehameha I, at the crucial moment when Hawaii first met the impact of the outside world, was of the utmost importance to the future of the islands.

It may also be truly said that Kamehameha I exemplified and still symbolizes, the best in the indigenous culture. The old law, the old religion, were cast aside shortly after his death in 1819. A period of chaos and lawlessness followed, but in 1820 the first American teachers and missionaries arrived. Within a few years the language had been reduced to writing and the people became literate. Following this, the absolute rule of the king was transformed into a constitutional monarchy. The feudal system of landholding was transformed into private landholdings.

All these drastic changes took place rapidly. The organization of the islands into a kingdom and the orderliness

established by the great king made possible the survival of Hawaii as an independent nation with its own culture.

Kamehameha I was a great Hawaiian whose rule unified the islands, and enabled them to withstand the first impact of the outside world. If he had never lived, the course of Hawaiian history and developments would doubtless have been different indeed. But he did live—and Hawaii will always remember its debt to Kamehameha I, well termed Kamehameha the Great.

On way of discharging this debt, and the debt of the State of Hawaii to the indigenous people of the land, is to place a statue of Kamehameha I in Statuary Hall. There it might also serve as an incentive for visitors to learn something of the man, his people, and his islands.

THE TIES WHICH BIND THE UNITED STATES AND GREECE

Mr. SALTONSTALL. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a very eloquent address delivered last night by Secretary of State Christian Herter before the 14th Ahepa national banquet. The speech is worthy of the attention of the Senate because it expresses so succinctly and so well the ties which bind the United States and Greece—two of the world's great democracies. His remarks also emphasize the strength of NATO to which both the United States and Greece have contributed so much.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE CHRISTIAN A. HERTER, SECRETARY OF STATE, AT THE 14TH AHEPA NATIONAL BANQUET IN HONOR OF THE U.S. CONGRESS, WASHINGTON, D.C.

Distinguished guests, fellow members of Ahepa, it is most gratifying to see around me the faces of so many of my friends and former colleagues in the Congress. On an occasion like this it is a little hard to believe that I have been away from the Hill at all.

It is indeed a pleasure to attend the national banquet of Ahepa, membership in whose Boston chapter I am proud to claim. Because I think of myself as one of you I take this occasion to announce that I plan to make a visit to Athens within a few weeks. I expect to stop there on the 5th of May, following the NATO meeting in Istanbul.

Greece is a land of many beauties, created both by nature and by men. The genius of the Greek people is expressed not only in the monuments of their culture but also in their friendliness and charm. Not least in these endowments are their gracious and devoted king and queen. I look forward to a pleasant and relaxing opportunity to renew my acquaintance with a beautiful country and with many good friends.

I am here tonight to acknowledge a debt. Not to pay it, because that is beyond my power, but to acknowledge it and thereby give an indication of its nature and magnitude.

The debt is the debt America owes to Greece. It is a debt of many aspects, intellectual, artistic, political, human. It is a debt not alone for knowledge and ideas, but above all for inspiration, for examples of excellence, beauty and courage.

The United States has been very much aware of its debt to Greece from its beginnings as a republic, for the Greek tradition is the well-spring of our own freedom. Thus we have sought where we could to offer repayment. Since I happen to be a graduate of Harvard I think particularly of the efforts of Edward Everett, a Harvard man who like myself was an editor, a Congressman, a governor of Massachusetts, and U.S. Secretary of State. Edward Everett was for a time professor of Greek literature at Harvard, hence he enjoyed a full awareness of the glories of that legacy. It was he who led the widespread movement for American popular support of Greece during her war of independence. From 1821 to 1830 there were contributed from all over this country clothing, medicine and financial support to relieve the suffering of the rebirth of freedom in the ancient nation where freedom was born.

It would be an error, however, to think of Greek sacrifices in the cause of freedom only in terms of events a century or more past. The fierce and courageous dedication to freedom displayed by the Greek people during the Second World War and after it was both inspiring in itself and important to the broader effort. Here again we sought to help in what ways we could, in gratitude for the contribution in blood and gallantry being made by the Greek people to our own security and freedom.

Moreover in the time since then Greece has played and continues to play an essential role in the strength of NATO as the shield of Europe. Just as the size of a nation in area, population or resources does not necessarily determine the magnitude of its contribution to ideas and culture, so the size of a member of an alliance does not in itself give a measure of its value to the alliance. Interdependence creates an equality among partners which our Nation gladly and, may I say, humbly acknowledges.

The contribution to the life and achievements of this country by Americans of Greek descent is, like the contributions to freedom of Greece herself, not only a matter of the past but of the present and future. Two symbols of this are the presence with us tonight of a young Member of Congress of Greek descent, and the recent announcement of plans to found a Hellenic University of America.

And the ideas of the ancient Greeks, like the descendants of the ancient Greeks, have their contribution to make to events today. The Greek orator Isocrates, addressing the Olympiad of 380 B.C., said "The name of the Greeks is a symbol not of who we are but of what we are. He who shares our culture is a Greek." Since the very essence of the culture to which Isocrates referred was political and intellectual freedom, his words apply today. He who shares the love of freedom, with all that freedom entails culturally and politically, is today not alone a Greek, nor an American, but a citizen in full standing of the community of the free.

That is the animating spirit of NATO and of other associations for the defense of freedom. That must be the governing spirit of this country's relations with any nation which has freedom or hopes to gain it.

It is clear that this same spirit is reflected in the ideals and service of AHEPA. It seeks at once to promote the better understanding of true Hellenism and to encourage loyalty to the United States. It was founded by and for Americans of Greek descent, but its ranks include leaders in American life from many backgrounds. The causes served by AHEPA over the years have ranged from relief to victims of flood and hurricane in Florida, Mississippi, and Kansas to war and disaster relief, and health and educational support in Greece and other areas of the Middle East.

The annual AHEPA excursion, which sails for Greece tomorrow night, is a useful means of strengthening the bonds that exist between the citizens of the community of the free. As President Eisenhower said last year, "Today the country needs more individual diplomats from Main Street traveling abroad as part-time ambassadors to help build understanding as a foundation for lasting peace." I particularly congratulate AHEPA for the 25,000 volumes of American books, collected by its chapters, which the excursion will take with it to give to the people of Greece. Even this impressive contribution is, of course, only a token repayment of the debt of culture the world owes to Greece. But it is an important token, not only of gratitude but of bonds that remain strong.

So I offer all good wishes to the members of AHEPA at their 14th national banquet. I congratulate you on the usefulness and success of your program, and I urge you to continue, in the future as in the past, your contributions to Hellenism, to Americanism, and to the cause of freedom.

THE GOLDEN ANNIVERSARY WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH

Mr. CARLSON. Mr. President, next Sunday 7,000 people will assemble in Washington for a conference. It will be an event of great significance for the future of the Nation, because these 7,000 people from all over the country, and some from abroad, are coming here to talk about our children. They will be taking part in the 1960 White House Conference on Children and Youth.

The State of Kansas will be represented by a delegation of 70 outstanding citizens. The Kansas Council for Children and Youth, under the direction of Don M. Pilcher, of Lawrence, Kans., executive director, has been active in this field for many years.

The President of the United States will address the conference Sunday evening; and all next week the delegates will discuss the problems and needs of American youngsters and make proposals for meeting their needs.

The White House Conference on Children and Youth is a citizens' conference. It is organized and run by the people of the United States, acting through local, State, and national organizations, under the direction of a committee of 92 representative citizens who were appointed by President Eisenhower. Congress provided some funds for basic organization in the budget of the Children's Bureau, but most of the cost of the Conference has been met by foundations, organizations, industry and individuals.

It has become a good American tradition to take stock every 10 years of conditions for our children. This 1960 White House Conference is the sixth such national gathering. The first White House Conference on Children brought 200 child welfare leaders together in Washington early in 1909, on the invitation of President Theodore Roosevelt. Each one of the White House Conferences has stressed a different aspect of child welfare. Each Conference has had an important influence on legislation and services for children.

The 1909 Conference dealt with just one subject—dependent children. Its chief aim was to stimulate nationwide

interest in getting homeless and neglected children out of old-fashioned orphan asylums and into good adoptive or foster homes. That first Conference produced a historic statement on the value of home life for children, which laid the foundation for the widows' pension movement and the aid to dependent children program. Other recommendations led to the establishment of the Children's Bureau and the organization of the Child Welfare League of America, and encouraged the growth of adoption agencies.

The second White House Conference on Children, in 1919, drafted minimum standards for child employment, child protection, and maternal and child health. These standards formed the basis for many State child labor laws, for the Sheppard-Towner Act, and for the maternal and child health program under the Social Security Act. The recommendations of the 1930 Conference were summarized in a Children's Charter which proclaimed the right of every American child, "regardless of race, or color, or situation," to health, education, decent housing, an adequate standard of living, and a home. These recommendations, too, are reflected in provisions of the Social Security Act.

Ten years later, the 1940 Conference outlined a program for State and local action to improve conditions and services for children in all sections of the country, in the cities, and on the farms. World War II interfered with carrying out most of this program. But it was a program for the decades. The 1960 White House Conference could well come up with many of the same recommendations, and we would be working on them for years to come.

Fortunately, one of the achievements of the 1950 Conference was the creation of machinery for citizen action. Lay and professional groups interested in children banded together in a Council of National Organizations on Children and Youth. Committees formed in many States to plan for the welfare of young people coordinated their activities through a National Council of State Committees. These bodies, which functioned through the 1950's, have been preparing for the 1960 Conference. After the Conference is over, they will go to work to carry out its recommendations. In the executive branch of the Federal Government, an Interdepartmental Committee on Children and Youth has been cooperating with these citizen organizations.

People all over the country have been working for more than a year to get ready for next week's conference. In every State and territory, there is a White House Conference committee, appointed by the Governor. County committees have been organized in more than half the counties of the United States. Doctors, social workers, clergymen, teachers, lawyers, college professors, businessmen, labor leaders, farmers, and housewives worked on these committees. Public opinion polls, factfinding surveys and studies, town meetings and local, regional, and State conferences are some of the ways the local and State committees used to collect information for the reports they prepared for the White House Conference. Some of these reports are quite voluminous, and they are likely to form the most detailed body of information yet compiled on State and local services for young people.

It is estimated that nearly 5 million people had some part in this tremendous preliminary activity. Many of them were teenagers, high school and college students. These youngsters worked actively with local and State committees; they participated in conferences with their elders. They held youth conferences of their own, and came up with very good and serious recommendations. Nearly 1,000 young people will be at the White House Conference, next week, as full-fledged delegates. This Conference will not just talk about youth; it will also listen to what youth has to say.

Fifty years after the first White House Conference on Children, this Golden Anniversary Conference is meeting at the end of a decade which has witnessed breathtaking changes in our country and in the world. The next decade is likely to bring even more sweeping changes. The Conference will be considering the impact of these changes on the lives of our children today and tomorrow. It will be concerned with the strain which our exploding population has placed on all services for children. It will consider such problems as broken families, working mothers, children with mental or emotional handicaps, children with physical handicaps, delinquent youngsters, and young people without the skills needed in order to get jobs in this age of automation.

The delegates will have to try to anticipate the problems of the 1960's. They will propose ways of meeting the shortages of schoolteachers and classrooms, of qualified social workers, health workers, and vocational counselors. As President Eisenhower wrote in his letter calling the 1960 White House Conference:

> The rapidly changing times in which we live * * * make it incumbent upon us to do everything we can to plan ahead and to see that we prepare today's children well for life in tomorrow's world.

The huge Conference next week represents not the end of a stocktaking process, but a beginning. The delegates will learn much from each other; and what they learn they will take home to their States, their communities, their churches, schools, and civic organizations. They have already learned much from their factfinding and their local and State conferences about services that are lacking. They have made inventories of their unmet needs. With the impetus of the 1960 White House Conference, they will be able to go ahead with the most important part of their work, for the most important part of the 1960 White House Conference will be the action taken after it by American citizens, to carry out the programs which they themselves propose. It will be up to them to see to it that all American children have an equal opportunity to "grow in freedom" in the world of today and tomorrow.

Mr. President, I urge all Senators to keep in mind, and to attend whenever it is possible for them to do so, this outstanding Conference on Children and Youth.

VOICE OF AMERICA BROADCASTS TO LATIN AMERICA

Mr. ALLOTT. Mr. President, last week I addressed this body regarding the dire menace which is growing just 90 miles from our Florida shores. At that time, I asked for specific action on the part of the United States to offset the irresponsible anti-American mouthings of Fidel Castro; I asked that we place before the Cuban people, who still are our friends, the truth about American policies and intentions.

In outlining current Voice of America programing last week, I asked for correction of two critical shortcomings:

First, broadcasts in Spanish and Portuguese; and

Second, broadcasts on medium or standard bands, rather than the presently used short wave.

Mr. President, I am happy, indeed, to report that the Voice of America will begin nightly hour-long broadcasts to Latin America tonight. The programs, which will commence at 8 p.m., eastern standard time, will be in Spanish. Present plans call for an opening 15-minute newscast, followed by a 5-minute commentary, a 10-minute feature, and then a quarter-hour music program. This will be followed by another 10-minute feature, and, finally, a 5-minute news capsule.

We should commend the Voice of America and the U.S. Information Agency for the swiftness with which they are responding to the need. I am further informed that, even now, investigations are being made of the possibility of the use of commercial American broadcasting stations to beam Spanish-language broadcasts to Latin America on standard bands. As we all know, few people own radios which can receive short wave programs. In fact, they number less than 3 percent in Cuba, even judging by the most generous estimates.

This is a positive approach to the problem, and is a highly encouraging sign to those of us who have watched in dismay while Fidel Castro took over, as propaganda tools, the free press and radio of Cuba.

The use of standard bands will insure that the people of Cuba, now being denied factual information, will have the facts, so they can decide for themselves whether or not Castro himself is now betraying the announced goals of democracy of his 26th of July movement and is turning Cuba into a Communist police state.

I hope that we in Congress will resolve to encourage and help the U.S. Information Agency in the next step of this vital program—the acquisition of the means or facilities to beam these programs southward on standard broadcast bands.

Mr. President, during these days when guns are cocked, but silent, the real struggle is for men's minds and opinions. We must recognize the fight for what it is, and what it means, not alone to this generation, but to those that will follow. We must pursue the means we have at hand, such as the route I have just described, with all haste and with all energy.

SENATOR WILLIAM J. BULOW, OF SOUTH DAKOTA

Mr. CASE of South Dakota. Mr. President, on the day when the sad news came to us that former Senator William J. Bulow, of South Dakota, had died, I made some impromptu remarks on the floor of the Senate. At that time, I recalled two events in his life. One was his veto, during his first term as Governor of South Dakota, of a general appropriation bill which had been passed in disregard of the importance of a balanced budget, and which called for expenditures regardless of income. A veto of an appropriation bill was an unprecedented act at that time.

The other was the position he took, while a Member of the U.S. Senate, on the well known court-packing bill. The vote he cast at that time lost him certain favor at the White House.

Mr. President, I now find that in 1955, Mr. Bulow, who then was in retirement, wrote an article for the Sioux Falls (S. Dak.) Argus-Leader, in which he reviewed the record he had made. At one point in the article he referred to the veto of the appropriation bill which I have mentioned, and stated:

I was not able to accomplish very much for the people of South Dakota during my term as Governor to which I can point with particular pride.

But I do feel that the results achieved from my veto of that general appropriation bill is honor enough.

It changed the economic philosophy of the State from spending money without regard for where the money was coming from, from an unbalanced budget, which had been the rule, to that of a balanced budget, which has been the rule ever since.

It saved the State from going bankrupt, and paved the way to pay off the State debt which is now about wiped out.

At another point in the article he wrote as follows:

During the first years of his administration—

Referring to the administration of Franklin Delano Roosevelt—

I had been invited to the White House many times, sometimes alone, but more often in groups.

After the court-packing bill was defeated, I was never invited again. I never had a visit with Mr. Roosevelt after that, nor did I ever again have a chance to go to the Executive Office.

What I had thought was a good personal friendship was at an end.

My action against the court-packing bill was the straw that broke the camel's back.

It prevented me from getting the nomination for reelection (1942 Democratic primary) and caused me to bite the dust of defeat.

Defeat is the end of every political career if one plays the game and does not die when he ought to die.

Later in the article he wrote as follows:

To preserve the independence of the Supreme Court and prevent it from being taken over by the Executive was worth every sacrifice.

I would not change the record that I made in my effort to help defeat the court-packing bill for a life seat in the U.S. Senate.

Mr. President, from what I have read of this remarkable review, by Mr. Bulow, written in his later years, it should be evident that it is a document which is well worthy of being published in the body of the CONGRESSIONAL RECORD.

Therefore, Mr. President, I ask that, following these remarks, the entire text of the article by the late William J. Bulow be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILLIAM J. BULOW SAID: "I WOULDN'T CHANGE THE RECORD FOR A LIFE SEAT IN THE SENATE"

(By William J. Bulow)

To my great surprise, I was elected Governor (1926).

I had never figured on winning and had been given a job which I did not know how to run and had no idea what to do with it.

I went to Pierre, was a stranger in a strange land.

The Democrats in Pierre could be counted upon one hand. I didn't know any of them.

All the State offices were filled with Republicans, none of whom I knew.

I was completely surrounded by Republicans. I did not know if any of them would speak to me.

In fact, I was not quite sure that Democrats and Republicans talked the same language and could make each other understood.

I soon found out that these Republicans were human. I could talk to any of them and we could understand one another.

I got the surprise of my life when the Republicans of Pierre and the Republicans in the statehouse treated me with kindness.

In fact, I could not have been better treated if all of them had been Democrats.

I found the people of Pierre and the officeholders to be real people. None better ever lived anywhere.

The 4 years (1927-31) that I lived in Pierre were the best years of my life and are my fondest recollection.

I went to Pierre with many misgivings. I left there with many regrets.

LEGISLATURE COULDN'T BREAK AN OLD HABIT

The one thing that stands out in my memory as the accomplishment of my administration was my veto of the general appropriation bill during my first term.

For many years the State administrations had disregarded the importance of a balanced budget and had voted the expenditure of money regardless of income.

The result was that the State had passed from the lowest per capita debt to about the highest in the Nation.

I had made my campaign advocating a balanced budget, that the business of the State must be conducted within its income and not on borrowed money and that I would not tolerate the State going further into debt.

I had stressed the same economy in my message to the legislature. But when they passed the general appropriation bill, I found that they had appropriated more than a million dollars in excess of possible revenue income.

I vetoed the bill and submitted two alternatives: (1) That they must either cut down the expenses or (2) provide for additional revenue income.

The legislature, over the years, had formed a habit of expending money without any regard for income. They could not break the habit. They refused to pass a new appropriation bill, adjourned and went home.

Then they brought an action in the Supreme Court against me to test my right to veto a general appropriation bill.

At a special hearing the Supreme Court reached a unanimous decision sustaining my position.

This left matters so that when the 1st of July came, the State would have no funds for carrying on any of its activities.

I was forced to call a special session of the legislature to provide the necessary funds.

In the meantime the members of the legislature had had a chance to talk matters over back home with the people whom they represented and had found out what their desires were.

At the special session we had no difficulty at all in getting together on a general appropriation bill.

That veto was one of the main things that elected me (in 1928) Governor for a second term. But all the other State offices were again filled with Republicans.

The 1929 legislature was overwhelmingly Republican in both branches.

But we had learned to understand each other a little better. We got along fine together and had no difficulty at all.

I was not able to accomplish very much for the people of South Dakota during my term as Governor to which I can point with particular pride.

But I do feel that the results achieved from my veto of that general appropriation bill is honor enough.

It changed the economic philosophy of the State from spending money without regard for where the money was coming from . . . from an unbalanced budget, which had been the rule, to that of a balanced budget which has been the rule ever since.

It saved the State from going bankrupt and paved the way to pay off the State debt which is now about wiped out.

A BATTLE THAT ENDED A FRIENDSHIP AND CAREER

Neither did I accomplish very much for the people of South Dakota during my tenure as U.S. Senator.

No doubt the peak of what I accomplished during the 12 years I had the honor to represent them in the Senate was the work I did in helping to defeat the passage of the so-called court-packing bill (to increase the Supreme Court from 9 to 15 members).

This was the most vicious proposal that any President ever requested Congress to pass. It brought about the most bitter debate that was ever staged on the floor of the Senate.

The debate had been going on for many days. It looked like a vote might soon be had. The forces were about evenly divided. It might go either way—no one could tell.

Mr. Roosevelt had brought to bear every trick that he could think of to bring about its passage.

I was scared almost to death that it would pass. I still think that might have happened if a vote had been reached.

There were six Senators who had made no speeches on the floor, nor had they made any public commitment. I was one of the six.

We called a meeting and got together to determine what we had better do. After discussing the matter at length, we decided that we ought to take a hand to try to end the bitter debate.

That debate was destroying friendships, making enemies out of lifelong friends. It was wrecking the Democratic Party, was not in the public interest and was not good for the Nation.

We six Senators believed that the bill ought not to pass and, for the good of everyone, that the debate should be brought to an end.

We formulated a statement which we asked the Vice President (John Nance Garner) to convey to Mr. Roosevelt. We stated our position and our plan to support a motion to recommit the bill to committee. This would end the debate and kill the bill.

The next day a motion to recommit was made. It carried by an extremely close margin. The court-packing bill came to a sudden and abrupt end.

Mr. Roosevelt was not a good loser. This made him awfully mad.

He could not tolerate anyone who disagreed with him. One had to agree with him 100 percent, or become an outcast.

During the first years of his administration I had been invited to the White House many times, sometimes alone, but more often in groups.

After the court-packing bill was defeated, I was never invited again. I never had a visit with Mr. Roosevelt after that, nor did I ever again have a chance to go to the Executive Office.

What I had thought was a good personal friendship was at an end.

My action against the court-packing bill was the straw that broke the camel's back.

It prevented me from getting the nomination for reelection (1942 Democratic primary) and caused me to bite the dust of defeat.

Defeat is the end of every political career if one plays the game and does not die when he ought to die.

My defeat was of no particular interest to me. I was old enough to quit, anyway. It was of no interest at all to the people of South Dakota.

But what is of vital interest to them is the fact that they have an independent Supreme Court, to which the humblest citizen of this land may go and seek justice with the assurance that he will get justice—that he can stand before a court that does not take its orders from an ambitious, power-crazy dictator.

I am thankful, very thankful, that we still have the Supreme Court just as the Founding Fathers intended it: Free and independent, free to pass judgment against the President of the United States whenever that President seeks to avoid his constitutional limitations and attempts to infringe upon the liberties of the people.

It is a court that is not the mouthpiece of or controlled by the Executive. Let us thank God for the Supreme Court and hope that it will never be destroyed.

The fact that I lost a good friendship and lost the chance of being reelected to the U.S. Senate does not bother me at all.

To preserve the independence of the Supreme Court and prevent it from being taken over by the Executive was worth every sacrifice.

I would not change the record that I made in my effort to help defeat the court-packing bill for a life seat in the U.S. Senate.

EXPENDITURES BY INTERNATIONAL COOPERATION ADMINISTRATION FOR FOREIGN TEACHERS' SALARIES UNDER FOREIGN AID PROGRAM

Mr. DIRKSEN. Mr. President, in connection with the Senate discussion of the Federal aid to education measure, considerable point was made, with respect to the inclusion of aid for teachers' salaries, that the International Cooperation Administration was aiding teachers abroad and it seemed strangely inconsistent that a comparable policy could not be followed with respect to teachers in the United States.

I have asked the International Cooperation Administration for a statement on this point, and I ask unanimous consent to include that statement as a part of my remarks at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON ICA EXPENDITURES FOR FOREIGN TEACHERS' SALARIES UNDER FOREIGN AID PROGRAM

The CONGRESSIONAL RECORD of February 4, 1960, lists the educational projects on a worldwide basis with a statement of cumulative funding from fiscal year 1955 through 1959, in the amount of $128,334,501.

Trained manpower is essential to the development of a viable economy and education plays an important role in providing the required trained manpower. Requests from cooperating countries to ICA for technical assistance in education range through all levels and substantive fields of education. The International Cooperation Administration's educational technical assistance programs are carried out at the ministry of education or leadership level of educational operation. It is believed that with this group our technical assistance program would have the greatest multiplier effect. Thus, we find that U.S. education advisers have as host-country counterparts, ministers of education, deputies, university and college presidents and staff members, district and regional education officers. These people make up the leader core of educational systems and, through upgrading them, our U.S. advisers are helping to develop and strengthen national systems of education.

When related to manpower needs and economic development, this translates itself into programs of teacher education through which, in some instances, our technicians have helped countries build such a program from the beginning or have helped in the development of inservice teacher education programs to upgrade teachers in the field, many of whom have had only an elementary education; development and upgrading of programs in vocational as well as higher education; or the production of educational materials for all levels of education; adult education and development of good practices in the management of educational systems; or in all of these areas. Educational technical assistance related to the above programs is primarily carried out through demonstration and training activities, for the purpose of developing a corps of trained nationals who will ultimately assume full responsibility for their own system of education. The form in which this is done varies with the country in which the United States is furnishing the technical assistance.

All educational activities in countries where ICA is at work are vested in the national government; thus, ICA education programs operate within the framework of the national ministry of education. The local control or management of public education, as we know it in the United States, is practically nonexistent in the developing nations which request our assistance. While we believe in the principle of decentralization as practiced in the United States, it cannot function as such in many developing nations until such time as a greater degree of progress has been made through elimination of illiteracy, the development of civic awareness and the producing of trained manpower capable of earning a living and managing their own affairs.

In some instances, our technical assistance programs operate through a Servicio of which Colombia, South America, is an example or through a Cooperative Service as it is called in Ethiopia. Both the host country and the United States deposit funds in these joint fund operations. It is ICA policy to reduce its proportionate contributions until the project is completely financed by the host government. Thus, in some instances, the U.S. dollars, which go into education projects abroad and to which host-countries make substantial contributions, lose their identity. In these countries or in others where a project has been classed as essential to the development of trained manpower which in turn would assist in economic development, and where in the beginning a demonstration was essential, then and only then have some salaries of foreign teachers been paid. In these exceptional cases a demonstration has been made possible by this means which sold an idea, a method of doing, or produced trained individuals who could perform in the developing economy. Such necessary demonstrations have provided the oft-needed motivation which helped a government decide on a course of action for its educational system. These are exceptions to the general policy that our ICA technical cooperation is basically demonstration and training. Here again the connection of teachers and salary payments with a national government is simply because, in most countries where we operate, education is a function of the national government.

In one particular case the United States finances, under special assistance, the employment of Arab-speaking third country teachers for Libyan schools as a means of accelerating the educational process while indigenous teacher training facilities are being developed.

The education program budget is about 20 percent of the total annual ICA technical cooperation budget. These funds are expended under six categories listed in the attached table. Of these categories only the latter two "Cooperative Service" and "Other Costs" would provide the means for payment of foreign teachers' salaries. The attached table shows the total ICA technical cooperation budget ($400.6 million) for the fiscal years 1958, 1959, and 1960. If we use 20 percent as that part of the funds allotted to education under "Cooperative Service" and "Other Costs," it means that in the 3 years cited, about $12 million would be in project elements for education from which salaries of foreign teachers could possibly be paid. Since these categories are not specifically for that purpose then it, indeed, would be only a small fraction of this remaining amount which would be used for this type of expense. To obtain more exact figures would involve querying each of the ICA missions abroad where the detailed records are maintained.

Such expenditures are and always have been exceptions to the general practice and as countries develop their economies these expenses are being absorbed by them.

ICA technical cooperation funds, fiscal years 1958–60

[Dollar amounts in millions]

Elements	Fiscal year 1958		Fiscal year 1959		Fiscal year 1960	
	Amount	Percent	Amount	Percent	Amount	Percent
U.S. technicians	$40.5	35	$46.4	36.3	$53.3	34
Contract services	23.8	20	27.7	21.7	40.1	26
Participant training	21.4	19	24.5	19.1	29.5	19
Supplies	12.7	11	9.1	7.1	11.6	7
Cooperative services	7.3	6	7.9	6.2	9.0	6
Other costs	10.9	9	12.3	9.6	12.7	8
Total	116.6	100	127.9	100.0	156.2	100

NOTE.—The above table shows the technical cooperation project elements under which all ICA technical cooperation funds were budgeted for the fiscal years 1958, 1959, and 1960. Twenty percent of the 3-year total ($60.1 million) for the elements of "Cooperative services" and "Other costs" amounts to $12 million, approximately the amount used in educational technical assistance for these 2 elements and which would be the sources of payment for some foreign teachers' salaries under exceptional circumstances.

LOYALTY OATH UNDER NATIONAL DEFENSE EDUCATION ACT

Mr. CLARK. Mr. President, a few moments ago the senior Senator from New Hampshire [Mr. BRIDGES], spoke again in opposition to the repeal of the Communist disclaimer affidavit provision, which was inadvertently inserted—in my judgment, foolishly inserted—into the National Defense Education Act a year or two ago.

As Senators are aware, a bill is pending on the calendar to repeal the provision for this disclaimer affidavit, which requires at present that every student who gets a loan under the National Defense Education Act make an affidavit that he is not a Communist.

I hope this foolish provision will be repealed. But I think it is important to distinguish between the oath of allegiance which is in the bill, and to which nobody presently objects, and the disclaimer affidavit provision, which I hope will be repealed.

Neither can properly be described as a loyalty oath. The first is the kind of oath we all take when we are sworn in as U.S. Senators or take any Government office. The second is required—I think foolishly required—of the small number of persons who get Federal assistance under the Education Act, but not of anybody else.

Mr. President, a few days ago I inserted in the RECORD a long list of colleges and universities which had come out in favor of the bill sponsored by the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. JAVITS], and myself, to repeal the disclaimer affidavit provision of the National Defense Education Act. There is wide student sentiment in favor of the bill. I ask unanimous consent that there be printed at this place in the RECORD seven more editorials from college or university publications urging the repeal of the disclaimer affidavit.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington State University Newspaper: Daily Evergreen, Feb. 19, 1960]

LOAN AFFIDAVIT POSES THREAT TO FREEDOM

(By Terry Brady)

The National Defense Education Act of 1958 has been a point of controversy since it came into being. Many parts of the act have come up for criticism, but none have been as bitterly opposed as the section requiring participants to sign a disclaimer affidavit to be eligible for moneys.

Section 1001(f), is the part of the act in question. This section requires a student receiving aid to file an affidavit stating "That he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the U.S. Government by force or violence or by any unconstitutional means."

The opposition to this section of the bill has mostly come from the "richer" schools of the east coast, that can afford to run their student loan funds without the aid of the Government.

Many of these schools have gone so far as to refuse or return money granted by the act.

The chief argument used by these schools is that it is morally wrong and dangerous to individual freedom to require an oath of this sort. They say this is just a case of the Government helping an individual and then dictating terms of the help.

Schools that have been most prominent in this action have been Yale, Harvard, Oberlin of Ohio, Amherst, and Reed.

However, these schools have not been without their backers and friends in principle.

The controversy has even been felt here at Washington State.

Last Spring the WSU chapter of the American Association of University Professors passed a resolution, supporting the National Council of American University Professors, on their stand against the affidavit.

That body stated that "The affidavit was vague, probably unconstitutional and invidious."

Also, the students have acted through the board of control. At a recent meeting the board authorized ASWSU President Len Hudson to write letters encouraging Congressmen to support abolishment of the disclaimer stipulation.

On the national level, the delegates of the 12th National Student Congress, which met at the University of Illinois last summer, passed a resolution voicing their disapproval.

Other support against the affidavit has come from Senator John F. Kennedy, Representative Edith Green, and Arthur S. Flemming, Secretary of the Department of Health, Education, and Welfare.

Many students at WSU and other colleges and universities throughout the country are in need of the money provided by the bill. The bill, in itself, is a good one.

It is only hoped that students will not have to sacrifice any of their freedoms, in fact or principle, to partake of it.

[From the newspaper Colorado State Mirror, Jan 29, 1960]

THE FUTILITY OF A LOYALTY OATH

A loyalty oath and a disclaimer affidavit, parts of the National Defense Education Act that a student recipient of the NDEA loan must sign, has touched off a ruckus on campuses across the country.

"I do solemnly swear (or affirm) that I will bear truth faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic."

Thus reads the loyalty oath that is continuously receiving emphatic opposition from educators and students throughout the country. Should college students, seeking Federal funds to finance their education, be required to take this loyalty oath as called for by the National Defense Act of 1958? The neediest students are the members of our society that are picked to receive this educational loan and yet they are singled out for special distrust. Why shouldn't all students upon entering college take such an oath, if a few of the unfortunate members are compelled to do so?

Many colleges are bowing out and are refusing to accept the help from the National Government because they say the loyalty oath and the attached affidavits interfere with freedom of belief. The disclaimer affidavit reads that "he does not believe in, and is not a member of and does not support any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods." A student has to swear under oath that he is not a member of a subversive organization.

Those who are opposed to the signing of this loyalty oath and the affidavit have attacked the loan requirement on the grounds that such oaths aren't required of farmers when they receive crop loans or from other recipients of Federal aid. The signing of an oath is not an effective way to catch Communists. Needy students, who cannot take such oaths because of religious convictions, are denied benefits of the loan. The American Association of University Professors and the American Council on Education have attacked the affidavits; the American Association of Universities has registered protests and the AAU denounced the provision last spring.

Supporters of the oath and affidavit say that academic freedom should not include questionable characters who will not sign. Members of the ROTC, recipients of National Science Foundation scholarships and faculty members employed on classified Government research all sign similar oaths and affidavits. A sworn statement such as the affidavit can be a basis for a perjury charge, which is one of the most effective weapons against subversive individuals. Supporters also say that experience has shown that colleges are targets for Communist infiltration.

Democratic Senator JOHN F. KENNEDY of Massachusetts tried to have the loyalty clause repealed last summer but it was beaten by a small margin. Those opposing KENNEDY came forth with a clause that would have made it a felony, for a student who signed, to at any time participate in the activities of a subversive organization.

One hundred seventy-eight CSC students are being supported by the NDEA loan program with the total sum of $169,000. CSC is but one of the 1,370 institutions with an enrollment of 2,217,000 students who are participating in the program, for which $31,000,000 was appropriated by Congress for this year. A student can borrow up to $1,000 a year and $5,000 within his college career. No payment on the principal is due until 1 year after the student leaves college. At this time the interest begins at a 3 percent rate. If a teacher works for a total of 5 years, 50 percent of his debt to the Government is canceled.

The loan is actually a step in the right direction, for education does need monetary support. If colleges continue to drop out

from this Government support, it may lead to the destruction of a magnificent program. It is a problem to be considered with intelligence and not with haste and hot arguments. Let us consider carefully our stand in the situation. Should we pay no attention to the loyalty oath and the affidavit and with not too clear a conscience still benefit from the NDEA loan or shall we fight it with a possibility of losing the entire program? We are of the opinion that carefully planned legislation will produce the only satisfactory answer to this problem.

[From the University of Chicago Newspaper, Maroon, Jan. 27, 1960]

CLARIFY NDEA POSITION

Last week, the council of trustees voted to withdraw from the student loan provision of the National Defense Education Act (NDEA) unless the disclaimer affidavit clause is repealed by Congress within the next year. At that time, the Maroon noted, with reservations, its approval of the council's action.

The action by the trustees involved only the provision of the act that concerns loans to undergraduates. Titles four and six of the act were completely ignored. Title four of NDEA involves fellowships for graduate study in anthropology, Russian language, Far Eastern civilization, or south Asia civilization. Title six involves grants for study in UC institutes in Hindi, Bengali, Chinese, Arabic, and Japanese languages.

Also left unmentioned was the National Science Foundation (NSF) graduate fellowship program, which grants money to students in the sciences on a graduate level.

Titles four and six of NDEA contain the same affidavit and loyalty oath as does the loan program. The NSF grants contain an oath and affidavit which are very similar to that of the NDEA, although the wording is slightly different.

The reason given by the council of trustees for the tacit approval of the loyalty oath as contained in titles four and six of NDEA is that these are contracts negotiated directly between the student and the Government, whereas the loan program is contributed to and administered by the university. No reason has been given for the neglection of the National Science Foundation program.

We cannot agree with the position taken by the council on either titles four and six of NDEA or on NSF. The disclaimer affidavit is insulting to students, by singling them out from among all the people of the United States as having possibly been disloyal. By its vague wording, the affidavit can trap a student, who does not know whether an organization to which he has belonged is considered subversive by the Government, into a perjury indictment.

The university, by allowing its students to accept NDEA and NSF fellowships, is giving its approval to the affidavit. UC has the fourth largest endowment of any university in the United States. Surely funds can be found to replace those that are now being supplied by the Government. And surely the elimination of this blight is worth the extra expense to which the university would have to go.

We strongly urge the council of trustees to take action soon, stating that the university will withdraw from titles four and six of NDEA, and from the graduate fellowship program of NSF unless the disclaimer affidavit is repealed.

[From the University of Chicago Maroon, Jan. 21, 1960]

INCANTATION

The University of Chicago has now joined the long and honorable list of American institutions of learning opposed to the affidavit of disbelief which must be signed by students seeking loans under the National Defense Education Act of 1958. In directing the university to withdraw from the student loan program at the end of this academic year if the affidavit requirement is not removed by Congress, the board of trustees emphasized its distinction between the affirmative oath of allegiance which the act requires and to which no Americans have made any objection, and the negative disclaimer of disloyalty which seems to impute to students disloyal intentions of which there is no reason to suspect them.

Nearly every American is happy to take the oath traditionally taken by his fellow citizens:

"I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States of America against all its enemies, foreign and domestic."

But loyal and self-respecting Americans cannot be happy about being asked, in addition, to say:

"I do solemnly swear (or affirm) that I do not believe in, and am not a member of and do not support any organization that believes in or teaches, the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods."

This second disclaimer is, as the University of Chicago trustees declare, superfluous, offensive, and so vague in language as to open the way for malicious perjury prosecutions. It is also, as the trustees point out, undemocratic, because it must be signed only by students among Americans generally and only by the financially poorest students who need financial aid to go to college. And finally, the disclaimer is degrading. It degrades the student who is compelled to take it and it degrades the affirmative oath of allegiance which he has previously taken. President Eisenhower has recognized as much in recommending repeal.

It seems to us that the disclaimer resembles a requirement that an ardent bridegroom who has come joyfully to the altar with his bride and has promised to love, honor, and cherish her must in addition swear that he will not beat her or belittle her or forsake her. Does anyone, including Senator MUNDT, seriously suppose that desertion and divorce would be much diminished if such an incantation should be added to the marriage vow?

[From the Moline (Ill.) Dispatch, Feb. 12, 1960]

THE OATH SHOULD GO

The temper of the times is such that Congress now is expected to repeal the loyalty affidavit requirement for college students in the Federal student-loan program. Only 10 years ago civil liberties watchdogs considered it a victory of a sort to have Congress accept an identically worded disclaimer as a requirement for graduate science students seeking aid.

The old oath requirement was written into the act setting up the National Science Foundation in 1950. It looked at that time like a reasonable compromise to the original language of the bill calling for FBI approval of fellowship applicants.

A repealer bill sponsored by Senator JOHN F. KENNEDY, Democrat of Massachusetts, would eliminate the latest disclaimer embodied in the National Defense Education Act of 1958. A student seeking a loan must swear he does not believe in or belong to any organization that teaches illegal overthrow of the Government.

KENNEDY'S bill was shelved by a 49–42 vote last summer after brief Senate debate. He hopes to find more support this year because his new measure retains an affirmative oath of allegiance while eliminating the more objectionable negative affidavit. More than a score of colleges and universities have refused to accept Education Act funds because of this requirement.

The National Science Foundation, meanwhile, reports receiving few objections to its affidavit demands, signed to date by 12,000 students, although there is no way to judge how many students simply refuse to file applications for fellowships because of the requirement. On the other hand, it could be argued that loyalty oaths are more offensive to educators than to those being educated.

But however you slice it, the loyalty oath is offensive to good reason. It has never, to our knowledge, caught a Red or even set one up for a perjury conviction.

But it has abused a great many good people, without cause, by rendering the implication that until they sign a sheet of paper they are less than honorable citizens.

[From the Austin (Tex.) Texan, Feb. 5, 1960]

NO AFFIDAVIT, PLEASE

Sometime this month Senator JOHN KENNEDY is scheduled to bring up a bill which will call for repeal of the National Defense Education Act loyalty affidavit.

As it now stands, a student is not eligible for a loan under the national program unless he:

1. Signs an affidavit that "he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods."

2. Has taken and subscribed to an oath as follows: "I do solemnly swear that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic."

If an applicant makes any "false, fictitious or fraudulent statements or representations" on the required affidavit, he is subject to a fine of not more than $10,000, or imprisonment of not more than five years, or both.

The Texan agrees that all students should be loyal and patriotic; however, the disclaimer affidavit—in particular—neither provides nor instills those attributes.

We agree with the American Association of University Professors which has said:

"Gaging an individual's conduct by such vague criteria is a denial of due process of law.

"The amendment violates constitutional rights of freedom of belief and association.

"Educators rightly object to having students singled out to testify that they are not disloyal."

University of Texas students should organize and sign a petition asking repeal of the NDEA disclaimer affidavit.

[From the Lewiston-Auburn (Maine) Sun, Mar. 2, 1960]

NIXON OPPOSES THE DISCLAIMER

Vice President RICHARD NIXON is entitled to wide bipartisan praise for flatly opposing, in correspondence just made public by the University of Chicago, the so-called "disclaimer affidavit" required of students accepting Federal loans under the National Defense Education Act of 1958.

The disclaimer, sometimes called the "negative affidavit," requires the student to swear that he does not believe in, and is not a member of, any organization advocating the overthrow of the U.S. Government by illegal means. But the student is also required to swear to a loyalty oath, and Mr. NIXON says this requirement "covers the situation."

The Vice President, in his letter to Chancellor Lawrence Kimpton of Chicago University, noted also that since the disclaimer affidavit is not required of all recipients of Federal benefits, it is "unnecessary" and "unwarranted." He might have added, too, that the mere taking of an oath, or a dozen of them, does nothing to inspire loyalty, at the same time the ceremony is meaningless to the basically disloyal person.

Thus Mr. NIXON joins the man who may become his rival for the presidency, Senator JOHN KENNEDY, who wrote last year in a preface to a pamphlet on the issue, published by the Harvard Crimson:

"The * * * loyalty provision has no place in a program designed to encourage education. It is at variance with the declared purpose of the act in which it appears; it acts as a barrier to prospective students; it is distasteful, humiliating, and unworkable to those who must administer it. This is not a quarrel over the principle that Americans should be lawful; it concerns a doctrine which singles out students as a group which must sign a rather vague affidavit as to their beliefs, as well as to their actions."

With Mr. NIXON and Senator KENNEDY thus on record as hostile to the disclaimer, let us hope Congress will find the courage to enact the oath repealer now before it. And if Congress refuses, many more colleges should join those refusing to use funds available under the law.

Mr. SCOTT. Mr. President, will the Senator yield to me on that subject?

Mr. CLARK. I am happy to yield to my colleague.

Mr. President, I ask unanimous consent that we may proceed for an additional minute on this subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. SCOTT. I should like to say I agree with what my colleague the senior Senator from Pennsylvania has said. The elimination of the so-called Communist disclaimer, as I am sure the Senator will agree, will leave in the oath or in the entire proceedings necessary to qualify for certain Federal considerations the so-called loyalty oath which, as the Senator said, is no more than the oath of allegiance. Certainly no loyal American could quarrel with the oath of allegiance which we all take. Members of our military forces take that oath, and it is an essential part of our qualification as citizens in accordance with the law's reasonable and proper requirements.

I should like to add that I have twice taken the Communist disclaimer oath myself. I have no personal objection to it. I do not think it does anything like the harm which the colleges and universities alleged it does. However, I agree it is discriminatory. I agree that it ought to apply to everyone or it ought not to apply to anyone. For that reason I think it is better we get rid of it and thereby relieve the colleges and universities from their scruples and their hesitation as to compliance with proceedings under the Federal Defense Education Act.

I shall therefore support the bill when it is taken from the calendar for consideration.

I thank the Senator for yielding.

Mr. CLARK. I thank my colleague for this renewed evidence of his support of our measure.

I desire to address myself to another subject, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

CLASSROOM SHORTAGES

Mr. CLARK. Mr. President, during the Senate debate on the education bill, on February 3, the distinguished minority leader, the Senator from Illinois, and the equally able and distinguished Senator from Arizona [Mr. GOLDWATER], presented figures, which they had obtained from the U.S. Office of Education, showing that there are only 237 districts in the entire Nation which have classroom shortages and have reached their legal or constitutional borrowing limits. These districts, according to that report, have a need of only 3,086 additional classrooms.

The minority leader and his colleague referred to these figures in deprecating the extent of the need for Federal aid to education.

Mr. President, it seemed clear to me at the time that there must be some misunderstanding, because the figures could not possibly be true. I am sure many of my colleagues had the same reaction. I have, therefore, gone to some effort to obtain clarification of the figures, and I am able to present today some additional information.

Because of the impending debate in the House of Representatives on Federal aid to education, I believe that clarification is badly needed and is particularly timely now.

The explanation of the figure of 237 is that the State Departments of Education were asked a very precise question to which they made literal replies. Our own Department of Public Instruction in Pennsylvania sent an accompanying explanation in which they pointed out that the question asked did not go to the root of the problem of identifying how many districts had, as a practical matter, reached the limit of their borrowing capacity. In Pennsylvania alone, our officials said, 504 school districts were in that predicament. Yet the wording of the questionnaire compelled them to give an answer of zero—which was Pennsylvania's entry in the column of figures which added up to 237.

Since the figure shown for Pennsylvania was so much at variance with the facts, it occurred to me that other State situations might have been similarly distorted, and I accordingly suggested to Secretary Flemming that a supplementary survey be conducted to "obtain the figures which have practical pertinence to the debate that is now going on." I am happy to report that Secretary Flemming, in a letter to me dated March 16, states that the Office of Education is making a supplementary survey to obtain complete information on the practical limitations which confront the Nation's school districts.

I ask unanimous consent that I may have printed in the RECORD at this point the original questionnaire sent to the chief State school officers; the reply from Carl D. Morneweck, on behalf of the Pennsylvania Department of Public Instruction; my letter to Secretary Flemming; and his reply to me.

There being no objection, the questionnaire and letters were ordered to be printed in the RECORD, as follows:

TEXT OF QUESTIONNAIRE SENT TO CHIEF STATE SCHOOL OFFICERS BY U.S. OFFICE OF EDUCATION

The Office of Education urgently needs information on classroom shortages and on borrowed-up school districts—that is, school districts or school systems which are unable to borrow because of legal debt limits which cannot be waived or changed except by State legislation or constitutional amendment, and are unable to obtain financing for school construction through other arrangements. Please reply by collect telegram by Wednesday, January 13. If actual data are unavailable, please estimate and so indicate. If answer is zero, please reply.

Do not count as a borrowed-up district any district which can obtain funds for school construction (1) through State or local authority arrangements, or by means which can be made available by State agencies without further State legislation, (2) through borrowing by municipalities, counties, or similar units, or (3) through administrative approval of maximum emergency debt limits by State or local officials. Also exclude districts which could borrow or exceed debt limits by local vote of approval, or which did not choose to borrow.

In responding, please utilize definitions of classroom shortage and enrollment given in our form RSS–052 (59), "Fall 1959 Survey of Enrollment, Teachers, and Schoolhousing."

Question 1. How many such borrowed-up districts are there in your State?

2. How many of these districts had a classroom shortage in the fall of 1959?

3. By how many classrooms were the districts in question 2 short?

4. What was the total enrollment in the districts in question 2 in the fall of 1959?

5. How many districts in question 2 had an enrollment of less than 600 each?

If you have questions, call Dr. Louis Conger, Executive 3–6300, extension 4944 or 5454, at Office of Education expense.

LAWRENCE G. DERTHICK,
Commissioner of Education.

PENNSYLVANIA DEPARTMENT
OF PUBLIC INSTRUCTION,
Harrisburg, Pa., January 15, 1960.

Dr. LAWRENCE G. DERTHICK,
U.S. Office of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. DERTHICK: This is in reply to your telegram of January 7, 1959, to Dr. Charles H. Boehm, superintendent of public instruction, relative to borrowed-up school districts.

The enactment on June 18, 1959, of Act 101 (see attached copy) removes the tax limitations for school purposes from school districts of the fourth class and places them on the same basis as previously existed for the other three classes of school districts.

In Pennsylvania there are at least 20 school districts which are now beyond their legal borrowing capacity. This is due to a reduction in assessed valuation brought about by court cases and the depletion of mineral resources.

In regard to building authority financing, from a practical point of view, bonding houses will not underwrite bond issues for school districts which cannot meet their financial obligations. There is an additional restriction in Pennsylvania in that the

limits for general obligation bonds are placed on the assessed valuation of property. This means that many school districts could never borrow the amount of money needed for school buildings. On the basis of a sampling, we would estimate that Pennsylvania, under the conditions just cited, would need at least 5,000 classrooms in about 300 administrative units with a total enrollment of about 560,000. In Pennsylvania, many of our administrative units are comprised of a number of school districts operating their schools jointly. Considering administrative units in this respect, about one-fourth would have enrollments below 600. However, if you wish to consider individual school districts instead of administrative units, the number is 504 out of 868 school districts.

We are enclosing a copy of "The Need for Classrooms in Pennsylvania" which was submitted January 6, 1959, to Senator JOSEPH CLARK.

Although there is now no legal limit upon property taxes for school purposes, there certainly is a reasonable limit beyond which taxpayer's efforts will decline. In Pennsylvania very few school districts are supporting public schools solely by property tax. They have resorted to nonproperty taxes which are levied under Act 481. This is commonly called the tax anything law. The most common taxes levied under this law are: per capita, occupation, amusement and admission, wage, property transfer, trailer, personal property, mercantile, and general business. See attached table.

We sincerely hope that, even though Pennsylvania's method of operation is rather unusual, the review of classroom needs which we are supplying herewith, will provide you with concrete information concerning our needs.

Sincerely yours,

CARL B. MORNEVECK,
Director of Research.

FEBRUARY 8, 1960.

The Honorable ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: During the Senate debate on the education bill, on February 3, Senator DIRKSEN referred to a study by the U.S. Office of Education, which he described as "the most recent survey on classroom shortage." The study shows, according to Senator DIRKSEN, that only 15 States have "borrowed-up" districts with classroom shortages, and that the total number of such districts is 237. (This discussion appears on p. 1917 of the CONGRESSIONAL RECORD.)

Later in the same debate (p. 1921), Senator GOLDWATER said he had obtained the same figure from you at the White House when he asked how many school districts "were actually up against the wall." From this, he concluded that only one-half of 1 percent of all school districts in the country "is the number with which we are concerned."

Since the results of this "most recent survey," and indeed the fact that a survey had been undertaken, apparently were made known only to the minority members of the Labor and Public Welfare Committee, it was not possible for those of us in the majority to question them at the time they were quoted on the Senate floor.

Through the cooperation of the Office of Education, however, I learned that none of the 237 districts listed are located in Pennsylvania. The implication from this is that every district in Pennsylvania is able to meet its school building needs through its own borrowing, assisted by the State School Building Authority.

Since this does not conform to my understanding of the situation in Pennsylvania, I inquired of our Department of Public Instruction as to what figures they had provided in response to your survey. In response, they furnished me a copy of the letter sent to Commissioner Derthick in answer to this telegraphic questionnaire. That letter remarks that "there are at least 20 school districts which are now beyond their legal borrowing capacity," that "many school districts could never borrow the amount of money needed for school buildings," that "from a practical point of view, bonding houses will not underwrite bond issues for school districts which cannot meet their financial obligations," and that 504 school districts in the Commonwealth are thus, in effect, "borrowed-up."

Nevertheless, despite this letter, the entry opposite Pennsylvania in the tabulation provided to the minority is zero.

In order that these figures may be clarified as promptly as possible, I would appreciate your advising me whether the school officers of other States qualified their answers, as did Pennsylvania, with information showing that many school districts which may still have legal borrowing or taxing power are not, as a practical matter, in a position to borrow for school construction. If so, I would appreciate receiving from you a revised tabulation showing the number of school districts in the country which have reached the practical limit of their ability to finance school building projects.

If you do not have such information, I wonder whether it would be possible to send out an additional question as a supplement to the original questionnaire. If this is not feasible, please advise me, so that those of us who question the figures obtained from you by Senators DIRKSEN and GOLDWATER may make our own telegraphic survey of the States and obtain the figures which have practical pertinence to the debate that is now going on.

I am sure that you are as anxious as I to correct the impression that has been left by your survey that only 237 school districts in the country are unable to finance their school building needs at the present time; and I am sure that in view of the imminence of consideration of this problem by the House of Representatives you will recognize the need for prompt action to develop a clearer picture.

Sincerely yours,

JOSEPH S. CLARK,
U.S. Senator.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, March 16, 1960.

Hon. JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CLARK: I am glad to respond to your letter of February 8 regarding classroom shortages in "borrowed-up" school districts.

The telegraphic survey to which you refer was made with the limited purpose in mind of ascertaining the number of school districts which are unable to borrow because of constitutional or legal limitations which they themselves cannot waive or change. Attached for your information is a copy of the survey, the text of which explains its purpose and limited scope.

We believe that we have been careful to indicate the distinction between the legal inability of a school district to borrow and its fiscal incapacity to borrow, or the unwillingness of its citizens to incur debt for the construction of classrooms. Attention has been drawn to these factors in paragraph 2, page 1, of the report of the telegraphic survey. This paragraph, entitled "Limitation," states as follows: "Only a small part of the problem of financing school construction is measured by this survey, because there are many problems other than those caused by the ultimate legal limits of borrowing. This point was strongly emphasized by the respondents, as may be seen by reference to the table annotations for Kentucky, New Jersey, Pennsylvania, and Tennessee." The text of the telegram addressed by Commissioner Derthick to chief State school officers appears on page 3 of the copy of the survey attached.

As you state, our survey recorded Pennsylvania as having no "borrowed-up" school districts. This correctly reflects the State's response to the instructions in Commissioner Derthick's telegram, which asked that no district be counted if it could obtain funds for school construction through State or local authority arrangements. Therefore, while the State response noted that "there are at least 20 school districts which are now beyond their legal borrowing capacity," these districts were not counted for the purposes of the survey because Pennsylvania has a State authority to which school districts have access for relief.

Some other States also volunteered additional information as to the practical limitations on their ability to finance school building projects. This information is indicated in the footnotes of our survey. However, since as you suggest it would be valuable to obtain a more accurate picture of the practical limitations on school financing confronting all the States, Commissioner Derthick and I have discussed the matter and he is arranging for the Office of Education to make a supplementary survey to obtain complete information on this point.

Attached for your further information is a copy of the Office of Education's annual fall survey of classroom needs entitled "Enrollment, Teachers, and Schoolhousing." We believe that you will find that the annual fall survey fully depicts the classroom needs of the several States as they have reported them to use. For example, the State of Pennsylvania reports a need for 8,135 classrooms in the fall of 1959. I have repeatedly drawn attention in speeches and releases to the needs of the States for additional classrooms.

I regret that the results of the telegraphic survey which we have made were not fully available to you. It is hoped that the supplemental survey which we plan to make will be of assistance to you and and to your colleagues.

Sincerely yours,

ARTHUR S. FLEMMING,
Secretary.

BOND INTEREST RATES

Mr. CLARK. Mr. President, every day brings additional evidence of the needlessness of a repeal of the 4¼-percent interest ceiling. As the bond market improves, it becomes more and more obvious that the Treasury today could, if it so desired, market long-term bonds under the ceiling of which it complains. Indeed, in my judgment, if the Treasury and the Federal Reserve Board together had not been engaged in active efforts to keep interest rates high and thereby to impose an additional heavy burden on American taxpayers, the bond interest rates would be showing even greater improvement, and it would have been possible some time ago to have floated long-term bonds under the interest ceiling.

Mr. President, I ask unanimous consent to have printed in the RECORD at this

point an article from the Wall Street Journal for the 21st of March entitled "Most Debt Issues Rise as Lending Capacity of Banks Is Boosted," and also the daily listing of quotations for Government securities, from which it will appear that the bond market is improving each day and that at least one important issue, the 3-percent bonds due in August of 1966, has now dropped below a 4-percent yield.

There being no objection, the article and table were ordered to be printed in the RECORD, as follows:

BOND MARKETS—MOST DEBT ISSUES RISE AS LENDING CAPACITY OF BANKS IS BOOSTED

NEW YORK.—U.S. Government securities led the bond markets to still higher ground last week. After faltering late Wednesday and Thursday, prices resumed their upward trend in the final session.

Dealers attributed Friday's upturn to banking statistics, released late Thursday, indicating the Federal Reserve System in recent weeks had trended toward an easier credit policy. It was unclear whether this trend would be continued—now that March tax borrowings are out of the way.

There has been speculation of late that the Federal Reserve might ease up on the tight rein it has been holding on the lending capacity of banks, since business activity generally has not expanded as rapidly as had been expected.

Markups for long U.S. Treasury bonds ran to more than half a point in the final session. These brought the week's gains to well over a point for most issues. Smaller fractional gains for investment quality corporate bonds Friday left most of these bonds about a point higher for the week.

Gains in municipals carried the indicated average price for tax-exempt bonds of 20-year maturity back to about the best level since early November.

Much of the interest in investment quality corporate bonds centered on four new issues that come over the bidding block. Central Illinois Light Co.'s $14 million of first 4⅞s, awarded Monday, sold out quickly.

Tuesday's $25 million block of Chesapeake & Potomac Telephone Co. of West Virginia's debenture 5s was approximately all "cleaned up" by late Friday. Less than 25 percent was estimated to remain of Northern Indiana Public Service Co.'s $15 million of first 4⅞s, also awarded Tuesday.

Mississippi Power Co.'s $4 million of first 5s, awarded Thursday, were said to be about 80 percent spoken for by retail buyers when the week ended.

This means underwriters again are only lightly supplied with unsold corporate debt securities. No new public utility bond issues are listed for award this week.

Republic of Cuba 4½s lost more ground to end at 60, a new low. Belgian Congo 5¼s also were lower.

Last week's upturn for U.S. Government bonds carried to six points or more the recoveries shown by some long issues from their record lows, reached after the turn of the year. As prices advanced, yields have declined.

At Friday's close, not a single issue in a list of 26 Treasury bonds of all maturities was offering the buyer a yield of 4¼ percent. On January 7, when the market was near its recent low, 24 of these 26 issues were yielding 4¼ percent or more.

The 3s of 1995—the Treasury's longest issue of marketable bonds—ended last week at a 3.71 percent yield, compared with the 4.11 percent return they were offering the buyer early in January.

New high ground was penetrated by the Treasury's high-coupon notes. The new 4⅞s of November 15, 1964, ended the week 30–32 higher at 102 24–32 bid, where the yield was 4.17 percent.

Government securities—Over-the-counter quotations—Friday, Mar. 18, 1960

TREASURY BONDS

Maturity	Rate	Bid	Asked	Previous bid	Yield
1959-62, June	2¼	96.8	96.12	95.30	3.97
1959-62, December	2¼	95.14	95.18	95.4	3.98
1960, November	2⅛	99.6	99.8	99.3	3.30
1960-65, December [1]	2¼	98.4	98.12	98.0	3.06
1961, September	2¾	98.14	98.18	98.2	3.77
1961, November	2½	97.20	97.24	97.10	3.92
1962-67, June	2½	89.26	90.2	89.16	4.11
1963, August	2½	95.0	95.4	94.22	4.09
1963-68, December	2½	87.22	87.30	87.12	4.17
1964, February	3	96.10	96.14	95.20	4.00
1964-69, June	2½	86.30	87.6	86.20	4.07
1964-69, December	2½	86.12	86.20	86.2	4.19
1965, February	2⅞	93.14	93.18	93.4	4.09
1965-70, March	2½	86.0	86.8	85.20	4.20
1966-71, March	2½	85.24	86.0	85.14	4.10
1966, August	3	94.16	94.20	94.6	3.97
1967-72, June	2½	85.20	85.28	85.10	3.97
1967-72, September	2½	85.8	85.16	84.30	3.99
1967-72, December	2½	85.20	85.28	85.10	3.92
1969, October	4	99.12	99.20	98.26	4.05
1974, November	3⅞	97.14	97.22	96.28	4.09
1978-83, June	3¼	87.26	88.2	87.18	4.04
1980, February	4	98.28	99.4	98.14	4.06
1985, May	3¼	87.6	87.14	86.28	4.05
1990, February	3½	90.6	90.14	89.30	4.05
1995, February	3	85.24	86.0	85.6	3.71

[1] Partially tax exempt.

NOTE.—Fractions represent thirty-seconds; 101.1 means 101 1/32.

Mr. ANDERSON. Mr. President, the able Senator from Tennessee and the able Senator from Pennsylvania have spoken many times about the yields on Government bonds. I should like to put into the RECORD at this point the latest issue I have been able to find of a large publication dealing with Government bonds. This is a publication of Aubrey G. Lanston & Co., Inc., dated March 21, 1960.

Mr. President, I ask unanimous consent that the first five columns—type, coupon, maturity, offering price, and yield before taxes—be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Callable bonds figured to call date if price is at 100 or above and to maturity if price is below 100

Type	Issue: Coupon	Issue: Maturity	Offering price	Yield before taxes
Bi	----------	Mar. 24, 1960	3 percent	3.00
Bi	----------	Mar. 31, 1960	2.75 percent	2.75
N	1½	Apr. 1, 1960	100	1.49
Bi	----------	Apr. 7, 1960	2.65 percent	2.65
Bi	----------	Apr. 14, 1960	2.75 percent	2.75
Bi	----------	Apr. 15, 1960	do	2.75
Bi	----------	Apr. 21, 1960	2.80 percent	2.80
Bi	----------	Apr. 28, 1960	do	2.80
Bi	----------	May 5, 1960	3.10 percent	3.10
Bi	----------	May 12, 1960	3.15 percent	3.15
N	3¼	May 15, 1960	100-2	2.80
N	3½	do	100-3	2.83
C	4	do	100-5+	2.80
Bi	----------	May 19, 1960	3.18 percent	3.18
Bi	----------	May 26, 1960	3.20 percent	3.20
Bi	----------	June 2, 1960	3.22 percent	3.22
Bi	----------	June 9, 1960	3.24 percent	3.24
Bi	----------	June 16, 1960	3.28 percent	3.28
Bi	----------	June 22, 1960	3.29 percent	3.29
Bi	----------	June 23, 1960	3.30 percent	3.30
Bi	----------	June 30, 1960	do	3.30
Bi	----------	July 7, 1960	do	3.30
Bi	----------	July 14, 1960	do	3.30
Bi	----------	July 15, 1960	3.35 percent	3.35
Bi	----------	July 21, 1960	do	3.35
Bi	----------	July 28, 1960	do	3.35
Bi	----------	Aug. 4, 1960	3.40 percent	3.40
Bi	----------	Aug. 11, 1960	do	3.40
N	4¾	Aug. 15, 1960	100-16	3.47
Bi	----------	Aug. 18, 1960	3.40 percent	3.40
Bi	----------	Aug. 25, 1960	do	3.40
Bi	----------	Sept. 1, 1960	do	3.40
Bi	----------	Sept. 8, 1960	3.47 percent	3.47
Bi	----------	Sept. 15, 1960	3.42 percent	3.42
N	1½	Oct. 1, 1960	99-6	3.07
Bi	----------	Oct. 17, 1960	3.45 percent	3.45
B	2⅜	Nov. 15, 1960	99-8	3.30
C	4¾	do	100-26	3.46
Bi	----------	Jan. 15, 1961	3.42 percent	3.42
C	4⅞	Feb. 15, 1961	101-3	3.62
N	1½	Apr. 1, 1961	98-6	3.32
N	3⅝	May 15, 1961	100-2	3.57
N	4	Aug. 1, 1961	100-7	3.83
B	2¾	Sept. 15, 1961	98-20	3.69
N	1½	Oct. 1, 1961	96-18	3.85
B	2½	Nov. 15, 1961	97-27	3.86
N	3⅝	Feb. 15, 1962	99-24	3.76
N	4	do	100-16	3.72
N	1½	Apr. 1, 1962	95-16	3.83
B	2¼	June 15, 1962–60	96-16	3.90
N	4	Aug. 15, 1962	100-8	3.89
N	1½	Oct. 1, 1962	94-10	3.88
N	3¾	Nov. 15, 1962	99-8	4.05
B	2¼	Dec. 15, 1962-60	95-21	3.95
N	2⅝	Feb. 15, 1963	96-4	4.06
N	1½	Apr. 1, 1963	93-12	3.84
N	4	May 15, 1963	100-6	4.04
B	2½	Aug. 15, 1963	95-4	4.05
N	1½	Oct. 1, 1963	92-16	3.79
N	4⅞	Nov. 15, 1963	102-27	4.03
B	3	Feb. 15, 1964	96-15	3.99
N	1½	Apr. 1, 1964	91-2	3.92
N	4¼	May 15, 1964	102-24	4.02
N	5	Aug. 15, 1964	103-22	4.08
N	1½	Oct. 1, 1964	90	3.93
N	4⅞	Nov. 15, 1964	102-28	4.19
B	2⅝	Feb. 15, 1965	93-19	4.08
P	2¼	Dec. 15, 1965-60	98-16	3.04
B	3	Aug. 15, 1966	94-24	3.94
B	2½	June 15, 1967-62	90-10	4.06
B	2½	Dec. 15, 1968-63	87-30	4.16
B	2½	June 15, 1969-64	87-10	4.17
B	4	Oct. 1, 1969	99-26	4.02
B	2½	Dec. 15, 1969-64	86-22	4.18
B	2½	Mar. 15, 1970-65	86-18	4.16
B	2½	Mar. 15, 1971-66	85-30	4.11
B	2½	June 15, 1972-67	85-26	3.97
B	2½	Sept. 15, 1972-67	85-16	3.99
B	2½	Dec 15, 1972-67	85-26	3.93
B	3⅞	Nov. 15, 1974	97-22	4.09
B	4	Feb. 15, 1980	98-30	4.08
B	3¼	June 15, 1983-78	88	4.05
B	3¼	May 15, 1985	87-24	4.03
B	3½	Feb. 15, 1990	90-14	4.06
B	3	Feb. 15, 1995	86-4	3.71

Mr. ANDERSON. Mr. President, the publication would indicate that no single issue is close to the 4½ percent limitation. One issue is at 4.18, but the longest term bond of all, the type B 3 percent bond for February 15, 1995, has a

yield of only 3.71. All the short maturity bonds are down. The question naturally arises, why did the Treasury Department ask to have the 4¼ percent limitation on E bonds taken off when the Treasury is issuing the bonds at 3¾ percent and they themselves recognize that is sufficient to meet the present market?

Yet they have come to the House Ways and Means Committee, and have sent word to the Senate Committee on Finance, that they would like to have this limitation removed in order that they can sell them, whereas there would not be any bond selling at anything like that price under the present circumstances. Every yield is down again.

I think this shows the wisdom of being very careful in removing limitations which have stood for a long time, and which have been very useful in financial policy.

I believe that a record to show the situation item by item is desired. I could have inserted in the RECORD the shorter issue carried by the news services at the end of last week, which showed exactly the same situation to exist as does this report. But the present report deals with each individual type of bond and shows the type, the coupon rate, the maturity, the offering price, and the yield before taxes. The report shows that the yields are down again, at a very low figure.

I think it is interesting that the House Ways and Means Committee reported a bill to the House, and it was ready for action on the floor of the House, but the decision was reached not to press for action on the floor. Possibly the reason was that a good deal would have been said about the existing rates and the necessity to try to break those rates by some new device.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 126]

Aiken	Fong	Mansfield
Allott	Frear	Martin
Anderson	Fulbright	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bennett	Gruening	Moss
Bible	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, Va.	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S.C.	Scott
Chavez	Jordan	Smathers
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kerr	Stennis
Cotton	Kuchel	Symington
Curtis	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	McCarthy	Williams, Del.
Eastland	McClellan	Williams, N.J.
Ellender	McGee	Yarborough
Engle	McNamara	Young, N. Dak.
Ervin	Magnuson	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

THE YEAR'S AT THE SPRING

Mr. BYRD of West Virginia. Mr. President, yesterday morning, spring came to Washington and with it came the memory of Robert Browning who said:

> The year's at the spring
> And day's at the morn;
> Morning's at seven:
> The hillside's dew-pearled;
> The lark's on the wing;
> The snail's on the thorn;
> God's in His heaven—
> All's right with the world!

The seasons come and go, Mr. President, and the return of spring fills the world about us with renewed life. Awakened by the birds singing just outside my window this morning, I marveled at the renewed vigor with which all of nature expresses itself at the first new touch of spring. I thought how wonderful it would be if the eternal spring of God's infinite love might always be manifested in the lives of men as it is manifested in this season by every voice in all of creation. Just as the soft touch of spring awakens the sleeping blossoms of earth, making them burst forth in all of their glorious colors, decking the stage of the world again in fresh and resplendent beauty, so can the spring of our omnipotent Creator's love nurture and bring to full growth an ever-blooming flower within the bosom of all humankind, the flower of friendship and brotherly love, to shed its fragrance throughout all eternity.

Tennyson said: "I am a part of all that I have met." Then, let us all carry with us each and every day the song of spring and the love of our Father who is in His heaven. Then, all will be right with the world, indeed.

THE CONTRIBUTION OF HUNGRY HORSE DAM

Mr. MURRAY. Mr. President, I rise to make a progress report on the contribution of Hungry Horse Dam to the economy of Montana and the Nation, and the potential contribution of another even greater development in my State.

Hungry Horse Dam is the one former President Truman wisely told his Montana audience to take a good look at, because it would be a long time until they saw another one rise if the Republicans gained power.

Hungry Horse Dam was bitterly opposed by the private power companies and other short-sighted interests. But nowadays Hungry Horse Dam is quite respectable.

The Spokane Spokesman-Review which Harry Truman called the second-worst paper in the country—as to its editorials I would classify it as the worst—recently printed a fair news story detailing the tremendous progress of Columbia Falls since construction of Hungry Horse Dam nearby. The Great Northern Railway, in its recent brochure entitled "Great Resources," points out how this "single development"—Hungry Horse Dam—helped open new industrial horizons in the Flathead Valley. As one example, the brochure points out that the Anaconda company invested $60 million for a new aluminum reduction plant at Columbia Falls.

I might mention that the positive attitude of the Great Northern Railway, whose management realizes the immense benefit to business created by Federal multipurpose dams along its line, is in marked contrast to the shortsighted, poor business attitude of the Northern Pacific Railroad, which is violent in its opposition to the proposed new dam in the Clark Fork-Flathead Basin of western Montana. Let me say for the record now, in case anyone chances to turn to it some 10 or 20 years from now, that I predict the Northern Pacific Railroad—if it is still running—will eventually brag about Paradise or Knowles Dam, whichever is built in the Clark Fork-Flathead Basin. For the dam which would be authorized by S. 1226 will bring even greater benefits to the people and businesses of Montana than the remarkably successful Hungry Horse Dam.

One of the baleful predictions made by opponents of Hungry Horse Dam—now being made by opponents of Paradise Dam—was that it would create a sea of mud. The Hungry Horse News, published at Columbia Falls by Mr. Mel Ruder, reports what happened to that prediction in a recent issue. Let me quote from the article entitled "Hungry Horse Dam Creates Flathead Jobs":

> Prediction that Hungry Horse Dam would create a 34-mile long lake with mudflats fell flat. The lake filled to capacity July 9, 1954, and each summer since that time has been full.

The Hungry Horse News goes on to point out that—

> In 1954, Hungry Horse prevented a repetition of the damaging 1948 flood.

Further, the News reported that the dam—

> has returned $16,730,000 in earnings from power sales, and it is expected that the entire cost of the project will be paid before the anticipated 50-year payoff period ends.

Mr. President, I ask unanimous consent to have printed in the RECORD, immediately following these remarks, the full text of the articles to which I have referred, which appeared in the January 31 issue of the Spokane Spokesman-Review, Great Resources Brochure No. 14, published by the Great Northern Railway, and the February 26 issue of the Hungry Horse News.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Spokane Spokesman-Review, Jan. 31, 1960]

TOWN LOOKS FOR MORE PROSPERITY

COLUMBIA FALLS, MONT., January 30.—Columbia Falls, a Montana city that doubled its population in the past decade, expects continued growth in the 1960's.

This is a town with industrial jobs, 5 minutes from trout streams and 17 miles west of Glacier National Park.

The 1950 census showed Columbia Falls as having 1,232 residents. Postmaster Dudley W. Green estimates population now at 2,500, and the number of Pacific Power & Light residential customers has likewise doubled since 1950.

NEW PLANT OPENED

Important date for Columbia Falls was August 15, 1955, when the Anaconda Aluminum Co. plant was dedicated. The plant is the only aluminum producer in the Treasure State and employs 580 men. More than half the employees live in or near Columbia Falls with the balance in other Flathead area communities.

Bringing the industrial job total in Columbia Falls to more than 1,000 are the 400 men who work at the four local lumber mills, Stoltze Land & Lumber Co., Superior Buildings Co., and Rocky Mountain Lumber Co. Plum Creek, employing 200 men, located here in 1945; Rocky Mountain in 1948.

Columbia Falls, hub of the Flathead's lumber industry, shipped a record 3,946 carloads of lumber over the Great Northern railway in 1959. This compares with 3,342 carloads in 1957 and a record for the time of 779 carloads in 1947.

FOREST IS SOURCE

Most of the timber milled here comes from Flathead national forest which is cutting at the sustained yield figure that can be maintained.

Columbia Falls is proud of its school and church growth.

There is a new 18-room grade school erected in 1953–54 through Federal grants totaling $600,000 that came as a result of Hungry Horse dam.

Montana's largest concrete dam was started in 1948. The 564-foot high structure was considered complete January 1, 1953.

NEW HIGH SCHOOL

Slated for dedication next March is the new 600-student, $1,660,000 Columbia Falls district high school. The structure covers 113,000 square feet.

Columbia Falls is a city that in 1946 had just one resident pastor. Now there are 10 churches. First mass was held in the new $200,000 St. Richard's Catholic church Thanksgiving week. Local Methodists dedicated their new Sunday school and fellowship wing November 22. The Assembly of God dedicated its new Columbia Falls church January 1, and last spring local Baptists moved into their new church.

[From the Great Northern Railway Co. Brochure, No. 14]

FLATHEAD VALLEY INDUSTRIAL AND AGRICULTURAL MIGHT AMID SCENIC GRANDEUR

Nestled below the western slopes of the Rocky Mountains in northwestern Montana is the picturesque valley of the Flathead River. Farmers from Idaho and California, who recognized the richness of the 300,000 acres of soil on the valley floor, settled here and broke the first sod in the late 1880's. A lack of transportation restricted their markets until Great Northern Railway crossed the valley with its mainline in 1891, opening the valley to national markets, and spurring logging operations which had developed soon after the settlers arrived.

Industrial development is more recent. Just as the availability of transportation helped the valley blossom into a full-fledged economic community, so has a single development helped open new industrial horizons in the valley.

The new project was harnessing the thundering Flathead River to produce power at reasonable rates. Hungry Horse Dam tames the mighty river's south fork long enough to churn out 285,000 kilowatts of power. This factor, plus the abundance of water which flows from nearby mountains, is bringing new industry to the Flathead Valley. One example: Anaconda invested $60 million for a new aluminum reduction plant at Columbia Falls, a few miles downstream from Hungry Horse Dam. The operation, Anaconda's first venture into the aluminum field employs 600 persons and produces 60,000 tons of aluminum annually.

The Pacific Power & Light Co., a private utility, and Flathead Electric Cooperative, Inc., a public utility, distribute abundant supplies of power through the valley for farm, home, and industry.

But new industry is not diminishing the importance of agriculture to the valley. The rich soil and nurturing climate, typical of sheltered mountain valleys, combined with new farming and irrigation techniques contribute an important share of the valley's income through agriculture. The valley is known for its seed potatoes and seed peas; for its sweet cherries which are cultivated on the eastern shores of Flathead Lake. But it also produces a significant volume of field crops such as wheat, barley, hay, oats; and small fruits such as apples. Much of the grain and hay is consumed by dairy cattle, still another important agricultural factor in the valley.

Great forests of the valley and nearby mountain slopes put logging and forest products high on the list of valley industry. Among the important activities: manufacture and treating of railroad ties; production of plywood; lumber milling; growing and marketing a substantial share of the Nations' Christmas trees. The Flathead National Forest, which nearly surrounds the valley and is managed on a sustained yield basis, provides much of the raw material for the lumber industry.

Mountains, an abundance of waterways, winter snow, and mild climate make the Flathead Valley a natural recreational area. Within a few minutes drive is Glacier National Park, Flathead and Whitefish Lakes—two of the continent's most beautiful freshwater lakes. Boating, fishing, swimming, hunting both big game and waterfowl, golfing, skiing—the recreational opportunities are unlimited.

The Great Northern transcontinental mainline opens the Flathead Valley to national markets by rail; Federal highways 2 and 93 provide north-south and east-west access for residents and visitors.

About one-third of the valley residents live in the county seat of Kalispell (population 11,000), which also serves as a distribution center for forest and farm products. Whitefish (population 5,000) provides important impetus for the valley's lumber industry, besides being a gateway to much of its vacation delights.

Columbia Falls (population 2,000), home of Anaconda's aluminum reduction plant, also serves the North Fork River country where some of Montana's largest lumber mills and logging operations are located.

Somers, one of the valley's smaller communities, boasts thriving plywood and tie-treating plants. The town is on the northern shore of Flathead Lake.

[From the Hungry Horse News, Feb. 26, 1960]

HUNGRY HORSE DAM CREATES FLATHEAD JOBS

Fateful decade in the Flathead was the 1950's that saw first power produced at Hungry Horse Dam October 1, 1952, and then August 15, 1955, dedication of the Anaconda Aluminum Co. plant 2 miles northeast of Columbia Falls.

The Flathead was fortunate to have an aluminum plant under construction even as the big dam was being completed. Burning in the night as President Truman's special train pulled into Columbia Falls were brush clearing piles at the future site of the Anaconda Aluminum Co. plant. Plant construction years were 1953, 1954, and 1955. Peak employment was 1,600.

Plant construction eased the transition from dam building to these years. Anaconda Aluminum Co. employment averages near 600 jobs. Many other jobs in the Flathead were created in professions, services, and trades as a result of the new plant with its 600 employes.

Prime contract to build Hungry Horse Dam was awarded General-Shea-Morrison, combination of 12 firms, April 21, 1948. Total prime contract was given as $48,061,070. After 1 million cubic yards of rock and surface material was excavated, first concrete placing took place September 7, 1949.

The Hungry Horse News presented a week-to-week progress story of Hungry Horse Dam construction. First picture of the project appeared in our volume 1, No. 1, issue published October 8, 1946, and showed the drilling rig at the future site of Hungry Horse Dam.

October 4, 1952, saw last concrete placed in mass of dam itself. November 2, 1952, was visitors' day with 814 cars carrying 3,500 persons driving across the massive dam.

Top concrete placing month was July 1951, with the tally 235,649 cubic yards.

Total cost of the project was $101,500,000 compared to $108,800,000 stated as anticipated cost when the project started in 1948.

Building Hungry Horse resulted in more than 17 million man-hours being worked in Montana. Manufacture of cement, electrical equipment, reinforcement steel and other products for the dam was considered to have created equally as many man-hours of employment in a score of different States.

Howard S. Latham, Bureau of Reclamation safety and labor relations officer, gave the man-hours worked per year as follows: 2,723,862 in 1949; 3,288,079 (not including 500,000 man-hours logging the reservoir area) in 1950; 4,991,305 in 1951, and 3,600,000 man-hours worked in 1952.

The project was built without a single regular strike, and completed ahead of schedule.

Peak employment building Hungry Horse Dam was 2,500 and the construction payrolls brought growth and prosperity to the Flathead. Annual construction payrolls were considered $8,500,000.

Wage pattern in the area in 1948 saw common laborers' pay at $1.25 an hour. The first General-Shea-Morrison contract in 1948 established $1.37½ an hour construction base for common labor. This was increased to $1.50 in 1950, $1.67½ in 1951, and $1.79 in 1952. Many men worked 7 days a week as construction started in spring, continuing into the fall, and then winter layoff for many.

The year 1953 saw construction windup. Clyde H. Spencer, project construction engineer for the Bureau of Reclamation, left July 19 to become Bureau chief for California. David Culver succeeded him. C. W. "Smokey" Wood, project manager for General-Shea-Morrison; E. W. Simpson, General-Shea-Morrison general superintendent, and D. H. Henderson, General-Shea-Morrison office manager, left that year.

The PRESIDING OFFICER (Mr. Moss in the chair). Is there further morning business? If not, morning business is closed.

LEASING OF A PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

RESOLUTION OF TEXAS SOIL CONSERVATION DISTRICTS SUPPORTING PROPOSED SENATE SOIL AND WATER CONSERVATION RESEARCH PROBLEMS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Association of Texas Soil Conservation Districts in recent annual convention in Galveston, Tex.

This resolution is on the subject of soil and water conservation research—a matter of vital importance to the growth and development of Texas and the entire Southwest.

The research program now in effect is inadequate to meet the national need and I will give full support to the Association in its efforts to increase and expand soil and water conservation research.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF SOIL AND WATER CONSERVATION RESEARCH AS ADOPTED BY ASSOCIATION OF TEXAS SOIL CONSERVATION DISTRICTS IN ANNUAL CONVENTION AT GALVESTON, TEX., JANUARY 13, 14, AND 15, 1960

Whereas the conservation of soil and water resources for future generations and the efficient use and management of these resources for present needs is a major objective of the Texas Association of Soil Conservation Districts; and

Whereas the Secretary of Agriculture's Study Committee for the U.S. Senate recognizes an urgent need for a greatly intensified research program on the soil and water conservation problems: Therefore, be it

Resolved, That the Association of Texas Soil Conservation Districts go on record in support of the soil and water conservation research program as proposed in Senate Document No. 59 of the 86th Congress, 1st session; and be it further

Resolved, That a copy of this resolution be given to each member of the Texas delegation in the U.S. Congress, to members of the Subcommittee on Agricultural Appropriations in both the House and Senate of the Congress, and to the officers and directors of the National Association of Soil Conservation Districts.

RESOLUTION ADOPTED BY THE TEXAS VETERANS AFFAIRS COMMISSION ON THE ESTABLISHMENT OF A VETERANS' ADMINISTRATION HOSPITAL IN SOUTH TEXAS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution recently adopted by the Texas Veterans Affairs Commission in conference at Austin, Tex.

This resolution favors the construction of a U.S. Veterans' Administration Hospital in south Texas to give improved medical service to veterans residing in the 78,072 square mile area of this portion of my State.

My bill, S. 457, providing for the construction and operation of such a hospital facility, is pending before the Committee on Labor and Public Welfare. If that facility were constructed under that bill, it would meet the urgent need.

Such a hospital is important also because for more than 10 years the veterans of south Texas have sought to have a hospital located there, and they have formed the South Texas Veterans Alliance, composed of members of the American Legion, Veterans of Foreign Wars, the DAV, and other veterans' organizations. All of these south Texas veterans' organizations have urged the construction of this hospital because veterans at the present time must travel hundreds of miles from their homes to the north.

The resolution which I am asking to have printed in the RECORD is a resolution adopted by the Veterans Affairs Commission of Texas, composed of veterans throughout the State of Texas. This is the first resolution endorsing the construction of a hospital in south Texas which has been adopted by this statewide Veterans Affairs Commission of Texas. I ask that it may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas south Texas, encompassing 78,072 square miles, does not have a Veterans' Administration hospital to serve the veteran population in that area; and

Whereas the necessity for some veterans in the south Texas area to travel as many as 450 miles to receive hospital care, is depriving them of hospital benefits, and causing them to use private hospitals at their own expense where adequate facilities and doctors are not available; and

Whereas the veterans in that area, of Latin American descent, hesitate to leave their family and environment for any cause, are suffering undue hardships due to the lack of a Veterans' Administration hospital in that area; and

Whereas the South Texas Veterans' Alliance, composed of members and officials of all veterans organizations, is aware of the deplorable conditions that exist in this area due to the lack of hospital facilities, and is doing everything possible to secure a Veterans' Administration hospital in south Texas: Therefore be it

Resolved, That the Veterans' Affairs Commission of Texas in regular quarterly meeting assembled in Austin, Tex., February 28, 1960, do hereby go on record to recommend and urge the construction of a suitable Veterans' Administration hospital in the south Texas area.

RESOLUTIONS DEALING WITH THE UNCONTROLLED IMPORTATION OF SHRIMP PRODUCTS INTO THE UNITED STATES

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a series of resolutions adopted by the City Council of Aransas Pass, Tex., the Aransas Pass Chamber of Commerce, and by Shrimp Fiesta, Inc., of Port Isabel, Tex.

These resolutions are on the subject of the uncontrolled importation of shrimp and shrimp products into the United States. The shrimp industry makes a very substantial contribution to the economic strength and growth of cities along the entire Texas gulf coast. In the great Brownsville-Port Isabel area alone, shrimp industry investments exceed $75 million and annual payrolls exceed $12 million.

Recently I joined the distinguished and very able senior Senator from Louisiana, Senator ELLENDER, in cosponsoring a bill to help protect American shrimp fishermen from a glutting of the market by foreign imports. An idea of the need for such action can be seen in figures showing that in 1939 foreign importers supplied only 4 percent of our national market, while today they are supplying 50 percent. At that time—1939—only 10 foreign countries supplied us with shrimp—today some 50 nations supply shrimp here to our domestic market in competition with American fishermen.

The Ellender bill provides for the establishment of country-by-country import quotas on shrimp and shrimp products. It will, in the long run, improve our relations with Mexico and other importing nations because it will let foreign fishermen know what portion of our expanding market they may reasonably expect to serve. Our own shrimpers will be protected from excessive imports which would be harmful to this vital American industry, the largest single item of catch in our domestic fisheries.

As head of a special committee of the Senate Interstate and Foreign Commerce Committee, I conducted hearings at Brownsville in 1957 on problems of the shrimp fishermen, and I feel that this bill will help them and tend to alleviate strained relations between American and Mexican shrimpers. It also will stabilize opportunities for American fishermen as well as foreign shrimpers.

The bill I am cosponsoring, S. 3204, would correct the problem discussed in the resolutions which I ask unanimous consent to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the shrimp industry is an important element of the city of Aransas Pass, and represents an investment on the part of our citizens in excess of several million dollars in shrimp vessels and shore installations; and

Whereas the shrimp industry directly employs many persons in the city of Aransas Pass, most of whom are heads of families, and it further provides the chief source of income and support of many related industries and their employees, in shipyards, ice plants, processing plants, truck lines, and boats; and

Whereas the shrimp industry in the city of Aransas Pass is in dire financial straits caused by low prices paid for this product, the credit of vessels has been impaired, and local suppliers have unusual and heavy accounts receivable against these vessels; and

Whereas the unrestricted flow of foreign shrimp imports has caused a glut in the domestic market which has overdepressed prices and threatens immediate ruin to the shrimp fishing fleet and related industries; and

Whereas the plight of the domestic shrimp industry is caused primarily by excessive foreign imports, and the effects are so widespread that the ruin of the industry is imminent; and

Whereas one of the causes for the imperiled status of the shrimp industry is the tremendous increase in inventory caused by expanding imports from more than 50 countries; and

Whereas the shrimp industry, through its national organization, the National Shrimp Congress, is engaged in a strenuous effort to bring the dire plight of this industry to the attention of the U.S. Congress, and is supporting the passage of H.R. 8769, a bill now before the Ways and Means Committee; and

Whereas the shrimp industry, including producers and processors, has united behind H.R. 8769, a bill now before the Ways and Means Committee, as a measure which promises to give some relief to the industry, and urges its passage: Now, therefore, be it

Resolved by the Aransas Pass Chamber of Commerce, at a special meeting held on March 10, 1960, That this body goes on record as recognizing the dire plight of the shrimp industry; its great importance as the No. 1 seafood industry of the United States; its great importance to our local economy, and urges the U.S. Congress (and those Government agencies charged with protecting U.S. fisheries) to take immediate and purposeful action to restore the industry to a more healthful level by holding hearings at which industry may be heard on the merits of H.R. 8769, a bill now before the House Ways and Means Committee; and be it further

Resolved, That copies of this resolution be mailed immediately to the Honorable WILBUR MILLS, chairman of the House Ways and Means Committee, Hon. A. S. HERLONG, author of H.R. 8769, Hon. LYNDON B. JOHNSON, Hon. RALPH W. YARBOROUGH, and Hon. JOHN YOUNG.

GENE L. DUBBIN,
President.

RESOLUTION 920

Resolution whereby the City Council of the City of Aransas Pass goes on record as recognizing the dire plight of the shrimp industry; its great importance to our local economy; its national importance as the No. 1 seafoods industry of the United States, and urges the U.S. Congress (and those Government agencies charged with protecting U.S. fisheries) to take immediate and purposeful action to restore the industry to a more healthful level by holding hearings at which industry may be heard on the merits of H.R. 8769, a bill now before the House Ways and Means Committee

Whereas the shrimp industry is an important element of the city of Aransas Pass and represents an investment on the part of our citizens in excess of several million dollars in shrimp vessels and shore installations; and

Whereas the shrimp industry directly employs many persons in the city of Aransas Pass, most of whom are heads of families, and it further provides the chief source of income and support of many related industries and their employees, in shipyards, iceplants, processing plants, trucklines, and boats; and

Whereas the shrimp industry in the city of Aransas Pass is in dire financial straits caused by low prices paid for this product, the credit of vessels has been impaired, and local suppliers have unusual and heavy accounts receivable against these vessels; and

Whereas the unrestricted flow of foreign shrimp imports has caused a glut in the domestic market which has overdepressed prices and threatens immediate ruin to the shrimp fishing fleet and related industries; and

Whereas the plight of domestic shrimp industry is caused primarily by excessive foreign imports, and the effects are so widespread that the ruin of the industry is imminent; and

Whereas one of the causes for the imperiled status of the shrimp industry is the tremendous increase in inventory caused by expanding imports from more than 50 countries; and

Whereas many shrimp vessels have had to be refinanced, and are unable to meet even reduced mortgage and insurance payments; and

Whereas many local merchants and suppliers are facing impaired credit due to the serious difficulties besetting the shrimp industry; and

Whereas the credit structure of the shrimp industry is such that the suppliers have strained their resources to keep the fleet operating, but are no longer able to do so, and large-scale foreclosures of vessels are surely bound to occur unless relief is given; and

Whereas the domestic shrimp industry is overwhelmingly in favor of the passage of protective legislation represented by H.R. 8769, now before the Ways and Means Committee of the House of Representatives; and

Whereas the shrimp industry, through its national organization, the National Shrimp Congress, is engaged in strenuous effort to bring the dire plight of this industry to the attention of the U.S. Congress, and is supporting the passage of H.R. 8769, a bill now before the Ways and Means Committee, as a measure which promises to give some relief to the industry, and urges its passage: Now, therefore, be it

Resolved by the City Council of the City of Aransas Pass sitting in special session on this 4th day of March 1960, in the city hall, That this body goes on record as recognizing the dire plight of the shrimp industry; its great importance to our local economy; its national importance as the No. 1 seafood industry of the United States, and urges the U.S. Congress (and those Government agencies charged with protecting U.S. fisheries) to take immediate and purposeful action to restore the industry to a more healthful level by holding hearings at which industry may be heard on the merits of H.R. 8769, a bill now before the House Ways and Means Committee; and be it further

Resolved, That the copies of this resolution be mailed immediately to the Honorable WILBUR MILLS, chairman of the House Ways and Means Committee; Hon. A. S. HERLONG, author of H.R. 8769; Congressman JOHN YOUNG; and Senators LYNDON B. JOHNSON and RALPH YARBOROUGH.

Passed and approved on this the 4th day of March 1960.

CONN BROWN,
Mayor.

Attest:

R. A. PATTY,
City Secretary.

RESOLUTION BY SHRIMP FIESTA, INC.

Whereas the shrimp industry is one of the leading industries in the Port Isabel-Brownsville area and an important part of our local economy, representing an investment on the part of the citizens in this area in excess of $75 million, with an annual payroll of over $12 million, and is the chief source of income to many related industries such as ice plants, fuel companies, etc., representing more investment and employing many more people in this area; and

Whereas the unrestricted flow of foreign shrimp into this country has caused a glut in the market for domestic shrimp, which has overdepressed prices, threatening ruin to the shrimping fleet and these other related industries in this area; and

Whereas Shrimp Fiesta, Inc., is an organization in this area composed of persons directly connected with the shrimp industry and all of these correlated industries who are in a position to know how serious the threat to the domestic product is this unrestricted flow of foreign shrimp and that the credit structure of the shrimping industry as well as many local merchants and suppliers is strained to the breaking point; and

Whereas the shrimp industry has united behind H.R. 8769, a bill now before the Ways and Means Committee of the House of Representatives of the United States, as a measure which promises to give some relief to the industry: Now, therefore, be it

Resolved by the board of directors of the Brownsville-Port Isabel Shrimp Fiesta, at its first regular meeting for 1960, held on the 10th day of February 1960, at Brownsville, Tex., That this body goes on record as recognizing the serious plight of the shrimp industry and its great importance to our local economy as well as its national importance as the No. 1 seafood industry of the United States; and urges that the U.S. Congress take immediate and purposeful action to restore the industry to a more healthful level by holding hearings at which the industry may be heard on the merits of H.R. 8769, a bill before the House Ways and Means Committee, the industry shrimp bill, which proposes to protect the American fisherman and processors by permitting a gradual increase in shrimp imports rather than an unrestricted flood by stabilizing the U.S. market after a 5-year temporary import quota allocation with a global quota computed as follows: Estimated U.S. consumption, minus estimated U.S. production, leaving permitted quota for foreign imports.

JAMES RICE,
President.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the distinguished Senator from Alaska.

Mr. GRUENING. Is the distinguished Senator from Texas aware of the fact that our foreign aid program is assisting the shrimp industry in foreign countries to compete with our industry? In other words, we are sending American dollars overseas to help foreign countries destroy our own domestic industry.

Mr. YARBOROUGH. The situation could not be more cogently stated than the Senator from Alaska has stated it.

We are not advocating a return to Smoot-Hawley, or to cut shrimp imports out entirely. All we are asking is that our import policy, as amended by this bill, give a measure of protection to our industry, so as to provide our domestic producers a fair portion of the domestic market, because the American shrimp catch, is one of the most valuable catch of fish our fisheries industry takes from the sea.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

Mr. YARBOROUGH. I yield.

Mr. GRUENING. While I am a cosponsor of the bill, and highly approve of it, does it not strike the Senator from Texas that we are placed in a strange and contradictory position, for, on the one hand, we are sending our dollars abroad and are taxing our citizens to do so in order to encourage foreign industry to compete with our own industry?

Mr. YARBOROUGH. The Senator from Alaska has stated exactly the anomalous and contradictory action of the American Government. We tax Americans and send their dollars abroad to foreign countries which we ask to produce or catch shrimp and to send it into American markets.

More than 50 percent of the shrimp consumed in this country last year came from foreign countries. This kind of activity is driving the domestic shrimp producers out of the market, at a time when there are some 1,600 shrimp boats operating from the Texas gulf ports alone.

The senior Senator from Florida is on the floor. I think he will say that more shrimp boats operate from Florida than operate from Texas.

Shrimp boats are manufactured along the Atlantic seaboard. Some of their equipment is manufactured in Ohio, some in Pennsylvania, some in other States. The competition from shrimp caught abroad is putting the American workmen who build these boats and make the gear for such boats out of work. All of the fathom meters, which enable the boat operators to tell the depth of the water without taking soundings at the bottom of the ocean, are manufactured in this country, as is all other electronic equipment on those American shrimp boats.

When we consider the thousands and thousands of American shrimp boats which operate off our coast, and which supply thousands of jobs for American workingmen, it is time that we consider the effect of the excessive imports of foreign shrimp to this country. More and more American shrimp boats are being driven out of business. American shrimp fishermen are losing their jobs. Our domestic policy is driving our shrimp boat manufacturers and the manufacturers of gear for the boats out of business. The manufacturers of the nets which are used by the shrimp boat fishermen are seriously affected.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from Florida.

Mr. HOLLAND. I am very happy to know that the distinguished junior Senator from Texas is bringing up this point. As he has said, the State of Florida, which I represent in part, is probably more concerned so far as the number of ships used and the number of people who work in the shrimp fishing industry are concerned than is true of any other State. We have found our shrimp fishing industry declining. We have found difficulties arising from foreign importations. We have heard objections from some of our neighboring nations concerning our fishing operations off their shores.

It has not been so long since the captain of a little shrimp boat in the Gulf of Campeche called me by some sort of long range telephone connection, which was picked up somewhere along the Gulf coast, perhaps in Texas, and then carried here, to say that a gun boat from Mexico had intercepted them, whereas they were barely in sight of the Mexican shore, and were charged with fishing in Mexican waters, when he said that could not possibly have been.

I am certainly in favor of the legislation of which the Senator speaks. I am one of its co-sponsors. I think we should pass the bill at an early date. I hope that we may finish with the proposed civil rights legislation in order that we may pass shrimp boat legislation at an early date.

Mr. YARBOROUGH. I thank the Senator from Florida for his statement. His knowledge of this subject is well known in the Senate and throughout the country. He is one of the leaders in promoting better conditions for the shrimp fishing industry of America.

My State of Texas is pretty close behind the State of Florida in number of shrimp boats. I point out that we have not objected to our good neighbor to the south, Mexico, building up a great shrimp-fishing fleet. But the U.S. Government is now spending its tax dollars to encourage shrimp fishing not only by our good neighbor to the south, but by countries across the oceans. Our Government is seeking to have countries across the ocean in Asia and other continents increase their shrimp catch and to ship it into the United States in competition with our domestic catch, and the catch of our good American neighbor countries to the south.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. GRUENING. I, likewise, am a cosponsor of the bill. I should like to ask the Senator from Florida whether he does not think it is a strange paradox that at the same time we are trying to limit the importation of shrimp in order to protect by legislation our own shrimp-fishing industry, our Government is sending its dollars to numerous foreign countries to help them build up their shrimp-fishing industry.

Mr. HOLLAND. Of course it is a paradox. I should say, since I mentioned Mexico, that Mexico has been one of our good neighbors. It has not been assiduously asking for foreign aid. Mexico built a large part of the Inter-American Highway—about 1,587 miles—with her own funds. She has been in many ways a very fine neighbor in spite of the fact that she insists on measuring very long miles off her coast when she decides that American shrimp boats are poaching.

But the Senator from Alaska is correct in his insistence that we should bring an end to this matter, and not cut off importations which have become traditional, but should cut off the large increases in importations as well as cut off the participation in this market by many countries which are drawing heavily upon our own resources in connection with foreign aid.

Mr. GRUENING. Countries which are now our competitors through being financed by American dollars.

Mr. HOLLAND. That is correct.

Mr. GRUENING. To me, that is positively shocking.

Mr. HOLLAND. The Senator from Alaska has had a similar experience in connection with some of the other denizens of the deep, with which he is very familiar, I am sure, as to which we have had trouble with some of our neighbors of the North Pacific. But in the shrimp matter, we have something which is so clearly different. The shrimp cannot tell when he leaves gulf waters and enters Florida or Louisiana waters. Likewise, he cannot tell when he goes into Mexican waters. The shrimp boats follow the shrimp. It is an international industry and a very important one.

If we safeguard the shrimp fishing industry at this time, we will safeguard not only our own interests, but also the interests of Mexico will be preserved, for Mexico has an interest in protecting our market, which is the best market Mexico has.

I believe the Senate is moving in the right direction. Not only the Gulf States, but every other State along the Atlantic seaboard is interested in protecting the shrimp-fishing industry, as I am certain the States on the Pacific side are, as well. I hope we will continue to get in these "good licks" for the passage of the bill.

Mr. YARBOROUGH. I thank the distinguished Senator from Florida and the distinguished Senator from Alaska for their incisive reasoning and clear logic which have made a great contribution to this discussion. This is not an isolationist measure. It is simply good, international, sound, common sense. We are not trying to cut off our neighbor to the south, even though she seizes our shrimp boats on what we say is a long measurement offshore. The action in lending money to 50 countries and encouraging them to ante up shrimp fleets to ship shrimp into the United States is based on governmental folly, as the Senator from Alaska has pointed out. Financing 50 or more countries to catch shrimp off their shores, and to bring it across the ocean, financed with American dollars, which put the American shrimp fishermen out of business is bad for the fisherman, and bad for the whole country.

This is not merely a matter of liquidating shrimp fishermen. More than that, it causes the liquidation of jobs with the manufacturers of shrimp boats on the Atlantic seaboard, and the makers of nets in the interior. It causes losses to the manufacturers of the machinery which is used on shrimp boats. These are not sailboats; they are diesel engine boats. The electronic equipment which is used on the boats is manufactured, to mention one State, in the State of Washington. Certain other types of electronic equipment are manufactured in California. But these manufacturers supply the equipment for thousands of shrimp boats which ply the gulf from Florida, Texas, Mississippi, and Louisiana. Some of them even fish as far south as the banks of Campache.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I am glad to yield.

Mr. JOHNSTON of South Carolina. I join in what has been said by the distinguished Senator from Texas and also the distinguished Senator from Florida and the distinguished Senator from

Alaska. I, too, have been calling the attention of the Senate not only to this particular instance, but to other instances in which our foreign aid is being used to compete with American industry and work against us. It has certainly worked against us in the entire field of agriculture. It has worked against us in the textile industry. We are feeling it very much at this time in South Carolina, where almost 30 percent of the cotton textiles of America are produced.

So far as the shrimp industry is concerned, we must rouse ourselves immediately, for what is now taking place is something which can wreck the industry in a very short time. South Carolina, too, is engaged in the shrimp fishing business. I have received several telegrams and letters, and even telephone calls, concerning this very bill.

I want the Senator from Texas to know that anything I can do to help its passage, I intend to do.

Mr. YARBOROUGH. I thank the distinguished Senator from South Carolina. I know that shrimp boats operate from both the Carolinas. I believe one of the big industries for the manufacturing of shrimp boats is located in the Carolinas.

Mr. GRUENING. Mr. President, will the Senator from Texas yield further for another comment?

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Does the Senator from Texas yield to the Senator from Alaska?

Mr. YARBOROUGH. I yield.

Mr. GRUENING. Mr. President, I particularly wish to commend the Senator from South Carolina [Mr. JOHNSTON] for his remarks, in the course of which he pointed out that the peculiar paradox to which he has referred applies not only to the shrimp industry but also to the textile industry and to the production of wheat and the production of cotton.

A little later I wish to join in sponsoring the amendment of the Senator from Alabama to appropriate some $2 million for research for small business, an item which has been eliminated by the administration; and I shall point out that while the administration squelches small business at home, it is spending many times that $2 million item abroad, to aid small business in other countries. When I obtain the floor, I shall show the contrast between the administration's denial of aid to small business in the United States and the administration's spending of $17 million to aid small business in other countries.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield to me?

Mr. YARBOROUGH. I yield to the Senator from Florida.

Mr. HOLLAND. I should like to comment on the Senator's remarks about the shrimp boats. They are some of the last all-wood craft now being manufactured in the United States. Not long ago I had the pleasure of being present at the launching of the 700th shrimp boat to be built at St. Augustine, in my State. At that time I met many of the workmen. Many of them have been building wooden ships ever since they were boys, and a number of them are now 60 or 70 years of age. Several hundred of them, who are highly skilled in this very specialized craft, are employed at that one yard. If legislation of this type were enacted, the business at that yard would be adversely affected in a most profound way, and a similar adverse effect would be felt at other yards along the North Atlantic seaboard and along the gulf seaboard, where a dozen or more of these shipyards are to be found. In these yards, wooden ships, which are taken to sea for the catching of shrimp, are very sturdily built to the point of perfection.

I am glad the Senator from Texas has pointed out in the way he has that such legislation, which would have a most adverse effect on the builders of shrimp boats, would likewise have a most adverse effect on the manufacturers of electronic equipment, the manufacturers of jet airplanes, the manufacturers of diesel engines, the producers of the oil used in diesel engines, and many other groups, almost too numerous to mention. All of them would be most adversely affected by the enactment of legislation which would result in the destruction of a large and important industry, such as the shrimp industry of the United States.

Mr. YARBOROUGH. Mr. President, I wish to thank the distinguished Senator from Alaska and the distinguished Senator from Florida for their very valuable contributions in regard to this phase of our economy, and also in reference to the broader phases of this governmental policy, as it affects the people of the United States.

Mr. MURRAY. Mr. President, will the Senator from Texas yield to me?

Mr. YARBOROUGH. I yield.

Mr. MURRAY. Mr. President, last Friday the distinguished chairman of the Select Committee on Small Business, the Senator from Alabama [Mr. SPARKMAN], submitted an amendment—of which I am proud to be a cosponsor—to House bill 10234, making appropriations for the Department of Commerce and related agencies for the fiscal year 1961.

As the chairman mentioned in his remarks, the purpose of the amendment is to include an appropriation of $2,080,000 for the program of grants for research and counseling under section 7(d) of the Small Business Act.

The restoration of the Small Business Administration research and counseling grant program is of considerable importance to Montana and similar States, where neither the State planning agency nor the State university has the necessary funds to conduct this type of research.

The acuteness of the situation is made evident when one reflects on the irony involved in the Budget Bureau's decision to limit this important program. The annual $40,000 grant to the States for economic and industrial research is mandatory in the interests of sound economic development. Second, sound economic development is a condition upon which a State's ability to help itself depends. Yet the Budget Bureau of the Federal Government, in shortsighted idolatry of the mighty dollar, has recommended crippling the program to the point where, if this amendment is not adopted, there will remain only enough money to print reports for the last 2 years, leaving practically nothing to carry on the program itself.

I wish to commend the distinguished Senator from Alabama for having submitted this necessary and farsighted amendment.

Mr. YARBOROUGH. Mr. President, in response to the comments made by the distinguished senior Senator from Florida, when he addressed himself to this matter, and when he spoke about the manufacture of wooden shrimp boats in his State, I wish to point out that those who operate the shrimp boats are some of the most energetic, bold, and daring of the American venturers now living. We cherish the American dream; we like to think of our pioneer ancestors who crossed the continent in their wagons or on their horses, without the benefit of a compass, and with no directional aids other than the sun, the moon, and the stars.

Let me point out that these shrimp boats are equipped with very expensive electrical gear which costs several thousand dollars for each boat. But they are not equipped with navigational aids. Their crews navigate them by means of observations of the stars—as Columbus did, when he crossed the Atlantic. These shrimp boats travel hundreds of miles, across the Gulf of Mexico. Some of the shrimp fishing is done off the Banks of Campeche. The shrimp boats of other nations have large crews, and generally carry a navigation specialist. But the crews of the same-sized American shrimp boats are small—only two men, as a rule. They are among the ablest Americans in business today. The 2-man crew of an American shrimp boat will take their boat to sea, and will navigate by means of observations of the sun, the moon, and the stars, until they come close to the coast; then they make use of charts and fathometers, so as to avoid the shoals and the reefs. In the waters in which they fish, the United States advocates a 3-mile limit, but the Mexican Government claims a 9-mile limit. So our shrimpers actually remain more than 9 miles off the coast, in order to avoid any conflict, although our Government does not concede that the 9-mile limit is the correct one.

The enactment of legislation harmful to the thousands of Americans who are engaged in the shrimping industry, and also harmful to the many additional thousands of American workers who manufacture the gear the shrimp boats use—and those affected range all the way from the artisans who build the handmade, wooden boats to those who build the very expensive electronic equpiment and gear which is used aboard the shrimp boats—would be a very unwise governmental act.

The distinguished Senator from South Carolina [Mr. JOHNSTON] has commented on other unwise governmental acts in connection with the operations of our Government around the world.

Furthermore, Mr. President, we learn that in country after country our Government has encouraged the breaking up of vast estates, so that democracy can be strengthened by the building up of a group of small yeoman farmers. To the direct contrary, in this country our Department of Agriculture pursues policies which are calculated to eliminate many of the small farmers. It claims that many of them are "submarginal," and that our country needs to have a million or more small farmers leave the farming business. What folly it is to maintain such conflicting policies, Mr. President—to say that in foreign countries it is necessary to break up the large estates and the vast holdings, and to encourage many little farmers to conduct agricultural operations in order to strengthen democracy; but at the same time to say that little farmers in our own country must be done away with. Such conflicting policies are but another example of the folly of our Government's policies in connection with domestic matters, as contrasted with our Government's policies in regard to foreign matters.

Mr. President, I wish to thank all the Senators who have contributed so much to the discussion of this important measure. Our discussion has ranged far beyond the original subject under consideration, and has touched upon our Government's ill-advised policies in many other fields. In addition to discussing the unwise, ill-advised policy our Government is pursuing in respect to the shrimp industry, we have pointed out that in many other important fields the Government of the United States is pursuing policies which are most ill-advised, insofar as domestic industries are concerned, and especially when the treatment of those domestic industries is contrasted with the treatment given by our Government to similar industries in foreign countries.

PUBLIC RECOGNITION OF THE GALLANT ACTION OF THE STEAMSHIP "MEREDITH VICTORY"

Mr. JAVITS. Mr. President, following the favorable action taken today by the other body on Senate bill 2185, to give appropriate public recognition to the gallant action of the steamship *Meredith Victory* in December of 1950 in connection with the evacuation of Hungnam, Korea, the bill now will go to the President for his signature. And, Mr. President, when the President signs the bill, at long last official recognition will be given one of the outstanding displays of heroism and courage by U.S. merchant mariners during the Korean war.

I originally introduced the bill—which was sponsored in the House of Representatives by Representative PAUL FINO, of New York—at the request of J. Robert Lunney, of New York City, who served as a staff officer aboard the *Meredith Victory* during the evacuation. At that time, this vessel, which had accommodations for only 12 passengers, took aboard 14,000 Koreans who were fleeing from the Communist invaders who were some 3,000 yards away and were being kept at bay by the guns of the battleship *Missouri*. The ship had, as I have said, accommodations for only 12 passengers. But Captain La Rue loaded it to the gunwhales with the Korean refugees and then ordered his vessel—the last to leave the Hungnam Harbor—to sail for Pusan. Three days later, after sailing through 30 miles of minefields, she arrived without the loss of one life—but, in fact, with more passengers than she had when she left, for nine babies were delivered and were safely disembarked, with the rest of the passengers, on Christmas Eve.

In 1955 Captain La Rue was honored by the South Korean Government. As the years have passed, the crew has scattered. The steamship *Meredith Victory* now rests at anchor, retired from service, in Puget Sound, near the town of Olympia, Wash. This past Christmas, nearly 10 years after the day when his ship arrived in Pusan Harbor, Captain La Rue took his final vows, and is now Brother Marinus in the Benedictine Order in Newton, N.J.

By act of Congress, Brother Marinus and the 35 crew members who served under him during that amazing voyage will receive a citation ribbon bar, and a citation and plaque will be awarded the steamship. Some may think that such acts of heroism in wartime are not unusual. We recall that thousands in the British Army were evacuated from Dunkirk during World War II in privately owned and operated boats of British civilians. Nevertheless, the crew of the *Meredith Victory* went to the assistance of thousands of refugees with whom they did not even share a common language; only one of the 14,000 aboard could speak even halting English. Her captain and her men responded to the anguished pleas for help from human beings whom they probably would never see again. Theirs was an unselfish display of courage in the very finest tradition of American seamanship, and one in which our country can take tremendous pride. I hope that the President of the United States will sign this bill. It is another significant historic achievement which should be marked up to the credit of the American merchant marine.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JAVITS. Mr. President, on another matter, coming back to the pending business, I modify the amendment which is now pending at the desk, on behalf of myself and the Senator from Pennsylvania [Mr. CLARK], together with other Senators, in the following respects. I ask the attention of the reading clerk.

On page 4, line 7, after the word "persons" and before the comma, insert the words "who are qualified voters in the judicial district."

On page 6, strike lines 16 through 22 and insert the following:

(10) Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

On page 15, in lines 20 and 23, strike out the reference to "(a)" and insert "(k)."

With such modifications to the amendment as submitted to the Senate—it will be recalled that my colleague from Pennsylvania presented it before it was withdrawn—the Senator from Pennsylvania will make the first speech on it today.

Mr. President, the modifications I have made in the amendment are designed to make the amendment conform to the action taken by the House of Representatives in connection with the general plan for voting officials, in order, therefore, to present the matter to the Senate in its most up-to-date form.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from New York.

The LEGISLATIVE CLERK. It is proposed, on page 4, line 7, after the word "persons" and before the comma, to insert the words "who are qualified voters in the judicial district."

On page 6, to strike lines 16 through 22 and insert certain language.

On page 15, in lines 20 and 23, to strike out the "(a)" and insert in lieu therefor "(k)."

RECENT AIR CRASH NEAR CANNELTON, IND.

Mr. HARTKE. Mr. President, this is the second time in a few months that I rise to discuss for the Senate the results of a disastrous and heart-rending airplane crash. The first was, of course, when the son and daughter-in-law of the distinguished senior Senator from Indiana [Mr. CAPEHART] were killed in the Caribbean.

Today I rise to make a report to the Senate on an inspection trip I made last weekend to my home State. As all Senators know, a Northwest Airlines Lockheed Electra crashed last Thursday near Cannelton, Ind., carrying 63 passengers and crewmen to their deaths. On Friday, within 24 hours of the crash, I flew to the scene aboard a Federal Aviation Agency plane which had been dispatched for a routine evaluation flight.

As a member of the Interstate and Foreign Commerce Committee, who had several times before expressed interest in greater air safety, I felt it almost a necessity that I visit the scene of the crash in my State. The following day, on Saturday, my senior colleague joined us.

I was deeply impressed with the ability and efficiency of the top experts as-

signed to the crash scene. Philip Goldstein, chief inspector for the Civil Aeronautics Board, and Capt. Carl Wilbur, of the U.S. Navy, Medical Corps, assigned to the Air Surgeon General's staff, were most impressive. Both of these men also had investigated the still-unsolved crash of another Electra last September near Buffalo, Tex. In both crashes they had the full cooperation of investigators from Lockheed Co.

During my inspection trip, I suggested that the FAA consider grounding of all Electras. This would have been a radical departure for a civilian Government agency. Of course, we have a new agency charged with responsibility for airplanes, airlines, and air safety—the FAA. In any case, there is ample precedent for grounding airplanes when structural deficiencies are suspected. It has been done by individual airlines and by the armed services.

Both the Buffalo, Tex., crash scene and the southern Indiana scene indicated strongly that something occurred structurally to the Electras. Some parts of the plane was torn loose in each crash, the wings and turbines then tore off or were dropped and the fuselage continued to glide until it buried itself in the ground.

Following my suggestion of grounding, the FAA took an unusual step. It ordered a slowdown in the air speed of all Electras flying in commercial aviation in this country. This may be all that is necessary. At least it indicates that the Agency is now taking some action. And some action is certainly necessary.

In 11 weeks, we have seen more than 400 persons lose lives in air crashes—almost half of them in the United States.

When lives are at stake, speed, convenience, comfort, profits must take secondary places. Travel by air has become today a virtual necessity for millions of Americans. Millions fly and arrive safely. The safety record is, on the whole impressive. But the fact that millions do now fly almost of necessity and that hundreds lose their lives because of factors over which they themselves have absolutely no control, makes it all the more important that we do things to insure air safety.

We have seen the Department of Health, Education, and Welfare, virtually ruin the cranberry industry when it felt that the Nation's health demanded protection from a chemical which might, in sufficient quantities, cause cancer in some people. I said then, and I say again, that I believe the Department did not lay sufficient groundwork with education for its drastic action, but I never questioned the motives of the Secretary and the desirability of the move to err on the side of caution in a matter of cancer prevention.

Representatives of this Department acted with equal dispatch, if no more prudence, in seeking to protect consumers from chickens which might have been treated with a hormone that could cause cancer. The Food and Drug Administration also has under consideration an order to restrict the use of lipsticks made with coal tars.

Similarly, there were cries of anguish over children losing their lives by locking themselves in abandoned refrigerators. Finally, action was taken from many quarters, and refrigerators are now made that prevent locking this way; many States make it an offense to abandon a refrigerator in which a youngster can lock himself.

We have also seen the many lives lost uselessly from plastic bags used extensively by cleaning establishments.

It matters little to grieving loved ones whether a life is snuffed out by a bag over the head, by an abandoned refrigerator, or from infected cranberries, chickens or lipsticks. There is one essential difference. The girl who wishes to err on the side of caution can avoid coal tar lipsticks—or all lipsticks. Those who want to sacrifice cranberries or fried chicken can do so.

But most of us who fly airplanes do so because we have to—or at least we think we do.

And the general public depends upon the Government—the Federal Government, if we please—to look out for its interest in this field. It is we who are responsible for airports, radio beams, lights, safety regulations, airline restrictions and hundreds of other programs in the field of air transportation.

Why did I go to Indiana to view the wreckage and interview eyewitnesses? Certainly not from idle curiosity. Certainly not because I enjoy the sight and smell of death. Certainly not because I wanted to see smoke come from a crater into which hours before a huge airplane body had plunged, and which still emitted smoke today, incidentally.

I went because I felt it a duty. All of us in Congress have a duty to act, or to see that others in the Federal Government act, to stop death from the skies. Where else do air travelers have to look for assistance?

This is why we must ask questions here. We must ask such questions as:

Is our weather service providing the best and fastest data and is it being passed on to airline authorities and crews?

Are our airports as safe as they can be?

Are the airlanes as safe as they can be?

Are the airplanes being manufactured with all the safety devices which can be attached?

Are air traffic control centers doing their part to prevent collisions in the air?

On this last point, I note that only the other day a military jet almost collided with a commercial ship, and only fast action by the commercial pilot prevented this head-on crash. This raises of air traffic control such questions as "What were these ships doing in the same airspace?" It also may provide some justification for Administrator Quesada's action grounding older pilots.

I commend General Quesada for acting exactly as I today commend the FAA for slowing down Electras. As a frequent airline passenger, I value speed, convenience, and comfort. But I value lives more.

As a U.S. Senator, I must be concerned with this matter of air safety because it is so vital to so many Hoosiers and all Americans.

I do not pretend to be an expert on air safety or aeronautics. I do not know whether legislation is necessary to establish new rules and regulations. I do not know that it is not necessary. I do not know if we in Congress should open wider the purse to provide more help for the FAA and the CAB, to provide better lighting, better approach systems, better radio gear.

I do know that our Aviation Subcommittee is headed by an expert in this field who is hampered only by the weight of the work he carries. I also know that it will take the dedicated concern of all Senators to back the Senator from Oklahoma [Mr. MONRONEY] in his efforts.

I realize the Senator probably understands better than I do what I have been trying to say here today. I hope that in some way my report on the terrible tragedy of last week will help the Senator from Oklahoma [Mr. MONRONEY] and, above all, will help the American traveling public by making our airlanes safer.

Mr. MCNAMARA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 127]

Aiken	Fong	Mansfield
Allott	Frear	Martin
Anderson	Fulbright	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bennett	Gruening	Moss
Bible	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, Va.	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S.C.	Scott
Chavez	Jordan	Smathers
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kerr	Stennis
Cotton	Kuchel	Symington
Curtis	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	McCarthy	Williams, Del.
Eastland	McClellan	Williams, N. J.
Ellender	McGee	Yarborough
Engle	McNamara	Young, N. Dak.
Ervin	Magnuson	Young, Ohio

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). A quorum is present. The Senate will be in order.

THE ADMINISTRATION SQUELCHES SMALL BUSINESS AT HOME BUT SPENDS AMERICAN DOLLARS LIBERALLY TO SUPPORT SMALL BUSINESS IN FOREIGN COUNTRIES

Mr. GRUENING. Mr. President, the encouragement and development of small business in the United States is, in my view, one of the most important factors in the maintenance of a strong and

healthy domestic economy. The importance to the United States of the small entrepreneur and the benefits to be gained by Government assistance to these businessmen has been recognized time and again by the Congress.

Federal assistance for research programs to assist small businessmen in the management, financing and operation of their enterprises represents one of the best ways of giving needed help.

Therefore, I commend the distinguished junior Senator from Alabama [Mr. SPARKMAN] for submitting an amendment which if agreed to would result in the appropriation of funds needed for the small business research program. I ask unanimous consent that I may cosponsor it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. Mr. President, I also commend the distinguished Senator from Montana [Mr. MURRAY] and the distinguished Senator from Utah [Mr. Moss] for their remarks on this subject. Our colleagues are concerned about small business, even if the administration is not.

My attention was drawn to the importance of the small business research program by a letter I received from Mr. Vernon R. Kiely, chairman of the Division of Business Administration of the University of Alaska. The University of Alaska received a grant of $28,873 from the Small Business Administration for a research study of wholesale-retail functions and warehouse facilities in Fairbanks and Anchorage, Alaska.

I ask unanimous consent that Mr. Kiely's letter be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, the contribution to the Alaska economy of this study was so valuable that the university applied for another research grant for a study of the tourist industry in Alaska. This industry is one of the most important fields of business activity now, and, with proper encouragement, will make ever greater contributions to the development of the State and to the pleasure of citizens from the other States and abroad who come to enjoy our unique attractions. Of course the tourist industry is of national importance. We are exporting large sums in tourist dollars abroad, and should take every possible step to secure a corresponding import of tourists from other countries. I believe the President has proclaimed 1960 to be a "Visit America Year."

I am glad that the administration has talked about how vital this matter is, but it has not done anything substantial to implement this fine pronouncement. In the case of Alaska it has, as I shall show, withdrawn support.

The assistance which would be provided by the grant of funds for a study of means of improving the tourist industry would be of incalculable benefit. However, the assistance will not be forthcoming unless the amendment submitted by the Senator from Alabama is adopted. These funds represent one of the best investments the United States can make in the future of the country. I find it difficult to understand how the administration could refuse to request that funds be appropriated for this important program for the 1961 fiscal year.

Its refusal to ask the Congress for the $2,080,000 which would finance the small business research program is another example of the strange attitude of this administration which, while denying funds for worthwhile domestic programs, or cutting them to the bone, insists on the appropriation of funds for the same type of programs administered abroad by the International Cooperation Administration.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. GRUENING. I yield with pleasure to the distinguished junior Senator from Alabama.

Mr. SPARKMAN. First I wish to commend the Senator from Alaska for his statement regarding this subject, along with the statements which have been made by other Senators. I believe the Senator from Alaska referred to the Senator from Utah [Mr. Moss] and the senior Senator from Montana [Mr. MURRAY]. The Senator from Montana, incidentally, was a very active and effective chairman of the Small Business Committee. I do not refer to the present committee, but the one which was in existence prior to about 1950, and back during the war and after the war.

I should like to ask the Senator a question. He has mentioned the grant to Alaska in the amount of $28,873. I assume the Senator is aware of the fact that there is a limitation in the basic law, as well as in the amendment I have submitted, of $40,000 so far as any one State is concerned. Is the Senator aware of that fact?

Mr. GRUENING. I am aware of that fact. In reply I should like to say that this is a very modest amount that is a maximum that can be allotted to any one of our 50 States which may decide to seek such assistance. That is in striking contrast to the many times that amount which we are giving to foreign countries in our several foreign aid programs.

Mr. SPARKMAN. I simply mentioned the limitation of $40,000 in order to bring out that very point, that it is a modest program, but one which is capable of doing a great deal of good. I am afraid a great many Senators may not be aware of this fact; namely, that when we passed the act providing for this program—the Small Business Investment Act of 1958—we set up this modest grant research program, and we likewise found sources of funds which would not require a new appropriation, whereby Congress made available to the Federal Reserve Board funds with which loans might be made to small business—that is covered in section 13(b)—but that section of the act was never used to any great extent, and for many years there was simply languishing $27 million of unused funds.

In the act of 1958, the Small Business Investment Act, we transferred that $27 million to the Treasury, and provided that these modest grants should be made year by year out of these funds. Is the Senator aware of that fact?

Mr. GRUENING. Yes. I thank the Senator for bringing up that point. He is making a very valuable contribution to the discussion.

Mr. SPARKMAN. Last Friday I had placed in the RECORD a list of the various States which had received grants, and the amount of each one, as well as the nature of it. If Senators have not seen that list, it might be interesting for them to look at. It begins at page 5954 of the RECORD of last Friday. I also inserted, at page 5956 of the RECORD, an excerpt from the report relating to this fund and to the transfer of these section 13(b) funds. It seems to me that the administration has disregarded completely the intent of Congress in now trying to cut off this program and to take the $27 million and not use it as Congress directed that it be used. Would the Senator agree with me in that statement?

Mr. GRUENING. I would agree thoroughly and wholeheartedly. When we look over the list, we see how obviously useful this program was, and how it was sought and used intelligently by the various States. Now it has been eliminated, while at the same time we have been asked to authorize over $17 million to help small business abroad and have done so—and that is only the beginning; it represents what has already been enacted. I find it difficult to comprehend the strange course of this administration, which seeks to provide nothing for the folks at home, but insists we must give generous aid for people abroad. We are told we must spend for the foreign-aid programs, but that to spend at home is inflationary, extravagant, that it will unbalance the budget and that it cannot be permitted.

Mr. SPARKMAN. Is the Senator from Alaska aware of the fact that 95 percent of the businesses in this country are small businesses?

Mr. GRUENING. Is it true that there are still that many left, or was that the number before the Eisenhower administration came into office?

Mr. SPARKMAN. Fortunately, American hardiness still prevails, and new businesses are being created, seeing the new day ahead. Small business has maintained its record until, roughly speaking, 95 percent of American business today is small business.

I wonder if the Senator from Alaska is aware of the fact, too, that other studies have been made by some of the best authorities in the United States, and particularly by Dun & Bradstreet? I point out, at page 5953 of the RECORD of March 18, the following:

> Dun & Bradstreet lists poor management as the leading cause of business failures.

We talk every year about the great number of small businesses which fail to succeed. Dun & Bradstreet says that the principal factor causing failures—

and particularly is this true in small business—is poor management.

Mr. GRUENING. Management which would be improved by funds for research.

Mr. SPARKMAN. Many of the grants have been used for that purpose. I relate something which was done with a grant which was made to the University of Alabama, a $40,000 grant. The University of Alabama, the State of Alabama through its Development Association, and the Small Business Administration joined in offering in Birmingham, a course which small businessmen from all parts of the State were invited to attend for a period of time. "Going to school" was what it amounted to. It was a course designed to enable small business to study the factors for better management in small business.

Suppose a program of that kind were established in all 50 States of the Union. Does not the Senator from Alaska believe that it would give a tremendous boost to the backbone of economic power in America—small business?

Mr. GRUENING. I think it may be said conservatively that its cost would be repaid tenfold. This is an investment in information and in knowledge. It is education for business—for small business. I am confident that if these research programs were continued to be made available, as they have been in the past, they would return many, many times the small amount which is requested of the Federal Treasury.

I think it rather striking, by alluding to the University of Alabama as the distinguished Senator from that State has done, that it points to the fact that in practically all these programs it is a university or other institution of higher education which is conducting the research. That implies, certainly, that the work is being done intelligently by persons of training and capacity.

In the list which the Senator from Alabama placed in the RECORD last Friday, the first State is Alabama, where the grantee is the University of Alabama.

In Alaska, the grantee is the University of Alaska. In Arizona, it is the Arizona State University. In Arkansas, it is the University of Arkansas.

In California, the grantee is the San Diego State College. In Colorado, the grantee is the University of Colorado. In Connecticut, it is the University of Connecticut.

In Delaware, the grantee is the University of Delaware. In the District of Columbia it is George Washington University. In Florida, it is the Florida Development Commission.

In Georgia, the grantee is the Georgia Institute of Technology. In Hawaii, it is the University of Hawaii. In Idaho, it is the Idaho State College, at Pocatello.

In Illinois, the grantee is the University of Chicago. In Indiana, it is Indiana University. In Iowa, it is the State University of Iowa.

In Kansas, the grantee is the University of Kansas. In Kentucky, it is the University of Kentucky. In Louisiana, it is the Louisiana Department of Commerce in Industry, at Baton Rouge.

In Maine, the grantee is the Maine State Department of Economic Development. In Maryland, it is Washington College, at Chestertown. In Massachusetts, it is Babson Institute, at Babson Park.

In Michigan, the grantee is the University of Michigan. In Minnesota, it is the University of Minnesota. And so on throughout the list.

In other words, we can be confident that these funds were well spent; and would be again if made available. They have not been and would not be wasted. These funds are not misused as so many of the funds about which we read, which are sent abroad, which we do not learn about until years later, when Congress investigates, that the money was often misspent and was wasted. We know that these grants to the State universities and State development agencies represent money well spent.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. SPARKMAN. I call attention to an excerpt from Senate Report No. 834:

> Section 7(d) of the Small Business Act, as amended by the Small Business Investment Act of 1958, provides for a program of "grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges, and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small business enterprises.

I remember very well when that section was written into the law. We worked over it at considerable length, and we made it tight. We made certain that the money would go to the right kind of institutions. I believe the Senator from Alaska will agree with me that the provision which we wrote into the law was a wise one.

Mr. GRUENING. I believe it was an adequate program before, was well planned, was well conceived, was useful, and was in every respect efficient.

Mr. SPARKMAN. The last sentence of that subsection reads:

> Such grants shall be made from the funds established in the Treasury by section 602(b) of the Small Business Investment Act of 1958.

This fund, as I said a while ago, was derived from moneys which had been held by Federal Reserve Banks under section 13(b) of the Federal Reserve Act. In other words, we thought we were setting up in the Treasury of the United States a fund of $27 million which would be available for the making of grants year after year in the modest amount of not more than $40,000 for each State.

Mr. GRUENING. I note that the University of Houston, at Houston, Tex., received a $40,000 grant. I feel confident that it was well expended. The title of its research project was: "A study of Decision-Making Processes in the Small Business Firm." I have no doubt that those funds were well utilized, as were the funds for the University of Alabama and the funds granted to the other universities and colleges.

I observe on the floor the distinguished junior Senator from Maryland [Mr. BEALL]. I call his attention to the fact that Washington College, at Chestertown, Md., was the recipient of $35,425, an amount which they cannot have now if they intend to apply for funds again, unless this amendment is adopted.

I observe the distinguished junior Senator from New Jersey [Mr. WILLIAMS] in the chair of the Presiding Officer. New Jersey received a grant of $40,000, the grantee of which was the New Jersey Department of Conservation and Economic Development.

The project director is Joel H. Sterns. Such a grant will be eliminated if the program is not continued.

In Mississippi, the grantee is the Mississippi Industrial Research Center at Jackson, and it is particularly pertinent, in view of that State's interest in our timber resources, in connection with which the distinguished junior Senator from Mississippi [Mr. STENNIS] too strongly urged, a few days ago, for the restoration of the budget's slash in the forestry program, that the research projects in Mississippi all had to do with timber and timber products.

In Missouri, the grantee was the Missouri Division of Resources and Development, of Jefferson City.

In Montana, the grantee was the Montana State Planning Board.

In Nebraska, the grantee was the University of Nebraska.

In Nevada, it was the University of Nevada.

In New Hampshire, it was the New Hampshire State Planning and Developing Commission.

In New Jersey, it was the New Jersey Department of Conservation and Economic Development.

In New Mexico, it was the University of New Mexico, at Albuquerque.

In New York, it was Syracuse University.

In North Carolina, it was Duke University.

In North Dakota, it was the University of North Dakota.

In Ohio, it was the Ohio State University.

In Oklahoma, it was the Oklahoma Department of Commerce and Industry.

In Oregon, it was the University of Oregon.

In Pennsylvania, it was Temple University.

In Rhode Island, it was Brown University.

In South Carolina, it was the University of South Carolina.

In South Dakota, it was the State University of South Dakota at Vermillion.

In Tennessee, it was the Tennessee Polytechnic Institute at Cookeville.

In Texas, it was the University of Houston.

In Utah, it was University of Utah.

In Vermont, it was the Vermont Development Commission.

In Virginia, it was the University of Virginia.

In Washington it was the University of Washington.

In West Virginia, it was West Virginia University, at Morgantown.

In Wisconsin, it was the Division of Industrial and Port Development, at Madison.

In Wyoming, it was the University of Wyoming.

The administration's refusal to ask for the $2,080,000 which would finance the small business research program is another example of the strange attitude of this administration which, while denying funds for these demonstrably worthwhile domestic programs, or cutting them to the bone, insists on the appropriation of funds for the same type of programs administered abroad by the International Cooperation Administration and various other agencies.

In my view, it is at least as great a benefit to the United States to spend $2,080,000 for small business research programs in the United States as it is to spend American dollars on similar projects in such places as Korea, where we spent $14,948,000 on technical aid to small and medium business enterprises in 1957 alone.

There is at least as great a benefit to the U.S. security and economy in this investment of funds for small business research in the United States as there is in the expenditure of $571,000 in American dollars for this purpose in Jordan in 1958.

Moreover, I should like to know why the United States should make a contribution of $8,840 to those master traders—the German businessmen—for market research and sales promotion in middle-sized metalworking companies when funds are not available for assistance to American businessmen.

I think that this double standard which exists in this administration, for the first time in our history, by which we are told again and again that projects in practically every field of American need are extravagant, wasteful, inflationary, and tend to unbalance the budget, needs to be called repeatedly to the attention of the Congress and of the American people.

We have seen this double standard in the field of coal development, which was presented on the floor of the Senate with great effectiveness by the junior Senator from West Virginia [Mr. BYRD] on February 1. And I myself discussed this matter on February 3 in connection with the field of education, when it became apparent that the administration was opposed to aid for schoolteachers in this country, but included such aid in its foreign educational program.

This double standard needs to be repeatedly called to the attention of the American people and to the attention of the Congress.

The same applies to States such as Alabama, Kentucky, and Illinois, in which there are also large coalfields, and in which the coal-mining industry is in very poor shape. Yet the President vetoed the small research bill which would have enabled the coal industry to find new markets and find employment for the coal miners who now are unemployed. Although the President vetoed the bill, at the same time the administration engaged in coal research projects and in coal development projects in other countries—at the same time that our own coal mining and our own coal industry are in very bad shape.

Mr. SPARKMAN. Mr. President, will the Senator from Alaska yield?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from Alaska yield to the Senator from Alabama?

Mr. GRUENING. I yield.

Mr. SPARKMAN. Of course, coal mining is one of the important industries in Alabama. The coal industry has been sick for many years. In the last year or two there have been some signs of recovery, but the coal industry still does not enjoy the strong, vigorous economy it had a few years ago.

So I completely endorse what the Senator from Alaska is saying in regard to the miserable attitude of this administration toward projects of that kind. Although I have joined in supporting projects to help the underdeveloped countries, I do not believe it is fair to ask us to vote for such projects and then be confronted with statements that we cannot afford to have similar programs here at home.

Mr. GRUENING. Mr. President, the Senator from Alabama is absolutely correct. I think all of us who have grave doubts about the foreign-aid programs might have a different attitude toward some of those programs if there were not this strange double standard by which we are repeatedly told, and without qualification by the administration, that not 1 cent can be eliminated from any of the foreign-aid expenditures, but at the same time we are told by it that expenditure for almost every domestic program—aid to education, airport construction, housing, forestry conservation, pollution control, resource development, and many more—is too large.

Time and time again we find that the administration has vetoed such domestic programs, on the ground that they are extravagant, inflationary, and that it is necessary to eliminate them to balance the budget. Seldom, if ever, does the administration do anything to favor such vital programs at home; all its recommendations have to do with programs of the same sort in foreign countries. Furthermore, according to the President's message, foreign aid is now a permanent part of our program, and as new countries are created, must be expanded. And as new countries are born, our administration rushes in to "pick up the tab"—even before the governments of those new countries are established, and are still colonies of other nations.

It is obvious that under such a policy we shall be spending more and more to aid the people of other countries, and shall be spending less and less for the benefit of the American people. Certainly that is a policy I cannot support.

Mr. YARBOROUGH. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield.

Mr. YARBOROUGH. I desire to commend the Senator from Alaska for the very informative presentation he is giving the Senate in regard to the misinformed policies the administration is pursuing. At the same time, the Senator has been outlining some sound policies which our Government should pursue.

I believe the Government of the United States realizes that in order to have political democracy, we must have an economic democracy—that is to say, our Government recognizes that is the case in other countries; and the administration sponsors aid to small businesses and small, family sized farms in other countries. However, at home the administration pursues policies which call for the elimination of small businessmen and small farmers. The administration seems to fail to realize that programs which are needed in other countries are also needed in the United States, if democracy is to be maintained in America. Certainly such an attitude will be most harmful in the long run to the kind of economic freedom upon which must be based the political freedom on which our Government was founded.

In commending the Senator from Alaska for his statement, I also wish to commend the Senator from Alabama [Mr. SPARKMAN], who has joined in the colloquy, for his sponsorship in the Senate, on March 18, of an amendment to restore an item of $2,080,000 to the Department of Commerce appropriation bill. That item was eliminated, even though it was for the purpose of research in regard to methods of aiding small business.

It may be pointed out here—although I assume it has previously been pointed out—that in view of the 4½ million small businesses in the country, this appropriation will amount to less than 50 cents for each one of them. However, such a research program is most necessary if small business in the United States is to have ways and means of learning how to succeed.

Mr. President, I receive much mail from the small businessmen who say it is now harder for them to make ends meet than it has ever before been in all their experience. These men are not marginal operators who began on a shoestring; they are not young men without experience. Instead, they are men who have been in business for decades. They are not horseshoers who are about to go out of business because of a change in the economy. Instead, they are modern businessmen who should be prosperous. But they say that the economic squeeze on them today is harder than it has ever before been—either during the war or in the postwar period. Certainly they are subjected to a most severe squeeze as a result of the tight money policy and the other restrictive policies of this administration.

Mr. GRUENING. Will the Senator agree that if such a policy continues, our small businesses will have to resort to the use of horseshoes?

Mr. YARBOROUGH. Yes, I think the Senator has made a good point, namely, that if the present trend continues, our small businesses will have to leave their present mobile economy, and will be back in the old horseshoe days.

So I commend the Senator from Alaska for the presentation he is making. It adds to the quantum of knowledge which

the public must have if our Government is to give to American business, particularly American small business, the aid and the opportunities it must have and the research programs it must have, and if the administration is to put an end to policies which really are wrecking the free enterprise system of America which this administration professes to support.

Mr. GRUENING. I thank the Senator for his contribution.

Let me point out that not long ago, when we were considering the school-aid bill the administration made very clear that it was unalterably opposed to Federal aid in connection with the payment of the salaries of schoolteachers. In fact, our distinguished Vice President, who at that time was occupying the chair, cast the deciding vote against the Clark amendment, which provided for the aid which is so much needed by schoolteachers throughout the country.

Mr. CLARK. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield with pleasure to the Senator from Pennsylvania.

Mr. CLARK. I am happy to have the Senator from Alaska refer to my amendment in connection with the issue of Federal aid for the payment of teachers' salaries, and the action taken by the Vice President in connection with the defeat of that amendment.

I am sure the Senator recalls—and will be happy to have me state now, for the RECORD—that the next day, with the assistance of the Senator from Oklahoma [Mr. MONRONEY], we re-formed our ranks and came back, and then had so many votes in favor of Federal aid in connection with the payment of teachers' salaries—although at a somewhat lower figure—that even the Vice President was not then able to beat us. Is not that correct?

Mr. GRUENING. That is correct, and I am glad to say that that recovery was made, following the previous action by the administration in preventing the adoption of the Clark amendment. I believe that even more aid than that called for by the Clark amendment was desirable. But, obviously, the Senator knew that an amendment which called for a larger amount of Federal aid would have been certain to incur a veto, and therefore he limited to the very minimum the amount he then proposed.

Mr. CLARK. Does not the Senator from Alaska agree that when we reduced the period during which such assistance could be given in conection with the payments of teachers' salaries—and, as he has indicated, we did so in order to obtain the votes necessary to be had if the bill was to be passed by the Senate—we did a thoroughly unrealistic thing, but did it for a thoroughly practical reason, because I think the Senator from Alaska will agree that in the foreseeable future we shall have to make more funds available, in order that the teachers of the young people of the Nation will be "the top apples in the barrel", rather than "the bottom apples in the barrel." Certainly those who engage in the teaching profession must receive a living wage, and as they become more experienced and more proficient, they must be able to receive increases in salary. Otherwise it will be impossible for the teaching profession to be rehabilitated in the ways in which it must be if the educational challenge of our times is to be met.

Mr. GRUENING. I could not agree more with the Senator.

I have often said—and I am sure my colleague from Pennsylvania will agree with me—that education and democracy are one and inseparable, and that the whole basis of our achievement, our national life, our democracy, rests on an informed people. If we do not have an adequate educational system, if we do not have an adequate number of trained teachers, we cannot have an informed electorate, and our democracy will falter and fall short, to the extent we neglect that important part of our system.

I pointed out that while the administration has shown by its action that it was opposed to aid for teachers in this country, it was sponsoring programs of education abroad which included payments to schoolteachers in foreign countries.

I pointed out that in the field of forestry conservation, a measure which the administration itself had sponsored, and which was very eloquently advocated by the distinguished junior Senator from Mississippi [Mr. STENNIS], the appropriation of $6 million for the current year, which would have provided research and development of timber resources in all parts of the country, was cut 70 percent by the administration. So we got from the budget, instead of $6 million, $1,700,000. But at the same time the administration was engaging in far-flung programs of afforestation, reforestation, logging operations, timber and wood research of all kinds in numerous foreign countries.

We saw the same thing when the President vetoed the antipollution bill. Apparently the President did not think it was a matter of Federal concern that the sewage that flows down our rivers which cross State boundaries makes the problem clearly interstate, and not local. The vetoed legislation provided that it was a matter of Federal responsibility though only in part—the smaller part—for the bill provided a relatively modest Federal contribution in proportion to the State and local contributions. I call again to the attention of my colleagues that an antipollution program is being carried on very generously in other parts of the world with American dollars. That is another instance where we see the double standard; namely, hold back at home, full speed ahead in foreign countries.

Therefore, I think it is proper for me to read at this point a list of corresponding measures in aid of small business abroad, the countries affected, and what the administration is doing for them.

For the fiscal year 1956, in Afghanistan, $51,000 was spent for village industries development.

In Israel, $1,800 was spent for home and cottage industry.

In Germany—that prosperous and advancing country—we gave $8,840 for market research and sales promotion.

In fiscal year 1957 we spent in Korea $48,000 for technical aid for small and medium industries, $1,500,000 for small-industry development, and $13,400,000 for medium-industry development.

In Afghanistan, we spent $32,000 for village industries development.

In Berlin, where we are inculcating American business practices, which we are not allowed to have research for in this country, we spent $17,000 to teach American small business management practices and methods.

In Chile we spent $1,618,000 for technological development.

For the fiscal year 1958, in Greece we spent $3,000 for international course on small-scale industries.

In Jordan we spent $500,000 for development of small industries and $71,000 for technical advice and assistance to selected industries.

In Liberia we gave $21,000 for industry and small business.

For the fiscal year 1959, in Cambodia, we gave $15,000 for small industry loan fund.

In Vietnam we gave $269,000 for development of small industry.

The total ICA expenditures for small business programs in foreign countries from 1956 through 1959 totaled $17,582,640 to date.

This is by no means a complete record. This is only what we have from the ICA. I do not have at this time the figures as to aid that has been given through the various loan funds, some of which are repayable in soft currencies, and are to a considerable extent, therefore, grants. But this program alone, through the ICA, for the aid of small business in foreign countries, totals $17,582,640, or over seven times the amount which the administration seeks to deny the people of the United States.

The small business research program can make an extremely valuable contribution to strengthening American small business. I therefore urge support of the amendment to the Commerce Department appropriation which will make it possible for this program to be continued.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. SPARKMAN. I am sorry to note that our colleague the senior Senator from Florida [Mr. HOLLAND] is not on the floor. The Senator from Florida is chairman of the subcommittee of the Appropriations Committee which reported this bill. I do not want it to appear, and nothing has been said here to make it appear, that what I am about to mention happened through the failure of the subcommittee. The result is due to the complete absence of any request, any desire, or any showing on the part of the administration. I make that statement for the reason that the Senator from Florida and his subcommittee were especially good in making available funds that were requested by the Small Business Administration and by the administration generally. This is not in any sense due to an oversight on the part of his committee or subcommittee, but it is one of the programs which the

administration simply wanted to refuse to support, even though, when we passed the Small Business Investment Act of 1958, we established a fund to cover assistance.

The Senator from Pennsylvania [Mr. CLARK] will recall that we transferred section 13(b) funds of the Federal Reserve Board to the Treasury, and specifically provided that money should be used for the purpose of making these grants year in and year out. This is a case in which the administration has apparently decided it was more important to use the $27 million—it is $25 million now, $2 million to be added the first year—to get a balanced budget before it goes out of office, or to put the money into some of the projects in foreign countries about which the Senator has spoken, stating that we could do without them in this country.

Mr. GRUENING. The Senator from Alabama has shown great solicitude for and interest in small business. He has done so for many years as chairman of the Senate Small Business Committee. I think I can say, without fear of contradiction, that no man in the Senate has shown more concern for the problems of American small business, and has done more to help it.

The Senator was in the Senate before this administration came into office, during previous administrations, and I should like to ask him whether he does not feel that this administration shows a lack of interest and a lack of concern for the little fellow, whether he be a small businessman, a worker, or a small farmer. Earlier in the day the distinguished junior Senator from Texas [Mr. YARBOROUGH] pointed out the strange fact that we are urging those abroad to break up great estates in foreign countries and put little farmers to work, whereas in this country the administration is putting the little farmer out of business. Although American small business is resilient, I think its resiliency and survival are not due to the help it has had from the administration.

I should like to have the views of the distingushed Senator from Alabama on that subject.

Mr. SPARKMAN. If the Senator will yield, I think the lack of interest on the part of this administration in so many worthwhile programs here at home, some of which the able Senator has mentioned in his discourse, is so apparent that the question answers itself. As the Senator pointed out, the President vetoed the antipollution bill. He vetoed the coal research bill. He vetoed various little programs that were included in the omnibus housing bill last year. The unwillingness to go along and to continue the veterans' home loan bill, the desire—something Congress has never agreed with—to cut out title 5 farm home loans, which was the only program a person in a rural area had available, were shown in the housing program action.

Every year since President Eisenhower has been in office—at least, every time the matter has come to us—the President has recommended the program be discontinued. The same is true with regard to the direct loans to veterans who live in rural or semirural areas where credit is not available. We make that a condition precedent in our law every time it is passed. Every time the law is about to expire, the President recommends that it be allowed to terminate. That is a recommendation standing now. The Congress is going to have to take action this year, and the President has recommended that we not do it. He has recommended that we let the GI home loan program expire, and that we let the direct loans to veterans in rural and semirural areas expire.

The title V program on farm loans is not before the Congress this year. Fortunately, the last time we passed the law we wrote in a provision for 5 years, which is not yet gone. I guess the President will not get to make a recommendation on that.

We could stand on the floor of the Senate all afternoon and name the programs, in effect during the time President Eisenhower has been in office, in which he has manifested exactly that lack of interest.

Mr. CLARK. Mr. President, would the Senator be willing to add the area redevelopment bill, which was vetoed?

Mr. SPARKMAN. Yes. We could name these programs all afternoon. We could start a contest.

Mr. GRUENING. Mr. President, perhaps the Senator would agree that it would be appropriate to have a comparison of housing programs at home and abroad under the administration foreign aid programs. I think it might be appropriate for me to do that tomorrow, or the next day, if I can get the floor.

Mr. SPARKMAN. I make these statements as one who has supported a foreign aid program. I believe a foreign aid program is a good thing, when handled wisely. I am on the committee which considers such proposed legislation.

The Senator might be interested in knowing that until 1953 we had a program everyone knew as the point 4 program. The point 4 program got its name from the fourth point in President Truman's speech, in which he recommended a bold new approach. What was that bold new approach? It was to share techniques and skills. It involved very little money. It was the least expensive program we have ever had.

However, the administration simply could not afford to have something which would suggest itself as being connected with the Truman administration, or a Democratic administration, so they stopped calling it a point 4 program and called it technical cooperation. We do not find the point 4 program mentioned now. Instead, it is called technical cooperation.

However, when we visit one of these underdeveloped countries we find the people calling it the point 4, or the 4-point program. It was a program which did not require much money. That did not suit this administration, which had to have—and devised the term for it—impact programs, programs which were big and made a show.

I could name some of those programs, which have come under fire in recent months and in the last year or two. I refer to some of the impact programs in countries where we should have been engaged in point 4 programs, a little technical sharing of techniques and skills, where the county agent would get right down in the earth with the farmer and show how to grow a better crop.

Mr. GRUENING. Which would get to the people.

Mr. SPARKMAN. Yes.

Mr. GRUENING. Which is a build-up from below.

Mr. SPARKMAN. The man who goes to the village and shows the villagers how to drain ponds and pools, and how to get rid of mosquitos, is the man who does good work. That man shows the people how to dig wells to get good fresh water out of the earth. There are doctors and nurses who go to the villages to show the people how to innoculate against typhoid, against malaria, and against all the diseases, sicknesses and illnesses which ravage mankind.

That is the kind of foreign aid program I believe in. Does this administration believe in that? No. There is not enough impact.

I think that is the trouble with respect to a lot of the little problems in this country. They do not make a big show. There is nothing glamorous about the small family farmer. Glamor comes in when one can show a picture of a great farm, with hundreds or thousands of acres and millions of bushels of crops and things like that. There is no glamor in respect to the little man who is plowing with a team of mules.

Mr. YARBOROUGH. Mr. President, will the Senator yield to me so that I may make an inquiry of the distinguished Senator from Alabama.

Mr. GRUENING. I yield.

Mr. YARBOROUGH. Mr. President, I commend the distinguished junior Senator from Alabama for the magnificent contribution he is making, as well as the Senator from Alaska. I should like to propound an inquiry to the distinguished junior Senator from Alabama.

Considering the action of the administration in shunting aside the millions of little families and in its affinity for glittering things and big things with shiny and showy fronts, does the Senator not think an apt name for this administration would be the chrome-plated administration?

Mr. SPARKMAN. That might be appropriate, something like high fins, or something of that kind. Showy. Showy. Impact.

Mr. GRUENING. Of course, an administration which believes in the trickle-down policy at home would naturally pursue the trickle-down policy abroad, even though more generously.

Mr. SPARKMAN. Naturally.

Mr. GRUENING. Although small programs to help the little fellow are neglected, we are told we must have aboard the big showy programs.

Mr. SPARKMAN. Those programs make an impact. They can be pointed to. It can be said, "Look at that tremendous highway which runs from here to there," or "look at this great dam."

I am not condemning those things. Some of the most useful works have been works of that kind. However, I like to see the proper work done in these native villages. I have been to them. I have visited in them. I should like to see work done in a little room, where vaccinations are given against diseases.

Mr. GRUENING. I invite the attention of the distinguished junior Senator from Alabama, who is a member of the Committee on Foreign Relations, to a very informative speech which our colleague the Senator from Texas gave earlier this afternoon, at a time when I think the Senator from Alabama was not in the Chamber.

The Senator from Texas pointed out the distress of the shrimp industry. I think one of the things which the Committee on Foreign Relations should concentrate on is the question of whether we should extend aid to industries which are destroying our own domestic industries. That is one of the strangest paradoxes in which we are now engaged. Proposed legislation is being sponsored to establish a quota to prevent shrimp from coming to the United States because our own domestic shrimp industry has been badly damaged. It is on the way to being ruined, not by competition which existed before the foreign-aid program, which was logical competition, but instead by competition which has been generated by American dollars moving into the foreign countries and creating new shrimp industries, which then ship shrimp into our country, with the use of low-cost labor, subsidized by our own dollars, ending in the destruction of our own industry.

I hope Senators may well take notice of what is happening not only in the shrimp industry but also in many other fields where the foreign-aid program is becoming increasingly destructive of our own industries. This is a paradox, for our own money is creating that destruction.

Mr. SPARKMAN. Certainly we must be careful to maintain a proper balance.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator yield?

Mr. GRUENING. I yield.

Mr. YARBOROUGH. Mr. President, since distinguished Senators have mentioned administration opposition to aid to schoolteachers' pay, I should like to point out the leadership of the distinguished Senator from Alabama in the last session in regard to the bill to provide appropriations for loans for college classroom construction. The fact is that the administration has fought the aid to college classroom construction in this country, as provided in the National Defense Education Act of 1958. Administration sponsors and spokesmen on the floor of the Senate had the scholarship program changed into a loan program. They have opposed the cold war GI bill, which passed the Senate by a vote of 57 to 31 last July and is now pending before the House committee. They have consistently opposed the college classroom construction, though we had 3¼ million college students in this country in 1958, and in 1959 there were 3¾ million college students. By 1970, if there be no increase, Mr. President, in the percentage of young people who go to college, there will be more than 6 million college students in this country, without adequate classrooms available today.

At the present rates of construction, and with the present known sources of financing, by 1970 the shortage will be appalling. The administration seems not to plan for the future, seems not to realize the necessity for developing our greatest potential resource, the brainpower of this country. It fails worse there than in any other field.

I point out that the 6 million estimate which the experts give for the projected number of college students in 1970 will not, in my opinion, encompass the total number. I believe we are about to have an educational explosion. We talk about population explosions. There are tens of millions of families in this country who have never had a member of their family attend college, but they have learned, through the television and the radio, that education is the key that unlocks the door to intellectual progress, economic progress, social progress, spiritual progress, and progress in every other field. Families are dreaming, hoping, and praying, and sacrificing to get a boy or girl into college. They are knocking at the door.

In the past 8 years the average tuition rate for all colleges in the country, State supported, church supported, and privately supported, has increased by 72 percent. This administration is not planning for the future greatness of America when it fails to plan for the education of the youth of America.

That is another failure. Distinguished Senators who have been speaking have been leaders in an effort to take even a timid step forward. They were not timid, but the appropriations were cut down. The administration twice vetoed a housing bill, and stated, as the main reason for the veto, that there was a $50 million authorization in a previous bill, to authorize the lending of that much money to the 1,400 colleges and universities in America to begin building the classrooms necessary to educate the youth of America for the world of tomorrow.

Mr. GRUENING. Does the Senator not realize that at the time the administration was adamant against lending money for college classrooms, it was giving away money for college classrooms in foreign countries?

Mr. YARBOROUGH. I am glad the Senator has mentioned that point.

Mr. SPARKMAN. Mr. President, will the Senator further yield?

Mr. GRUENING. I yield.

Mr. SPARKMAN. The Senator from Texas has mentioned another instance of failure of the administration, in connection with college classrooms, which the President adamantly refused to accept. As has been pointed out, when finally we agreed to drop that item from the bill, he approved the housing bill.

Another program has been in connection with college housing—dormitories, houses, and apartments for married students, for students generally, and for members of the faculty. It included all necessary housing for colleges. We have had such a program in effect since 1950. I was one of the original sponsors of the program. It has been a most successful program. It is relatively small. It has been the salvation of many of our smaller colleges, which do not have ready access to needed capital.

What has been the President's attitude? Ever since he came into office, every time the question has arisen, every time the program has come up for renewal, he has recommended that it be dropped. That is his present recommendation. The program is up for renewal this year, and he recommends that it be dropped. I predict that the Congress will not drop the program, but that it will renew it and provide additional funds, in order to help particularly the smaller colleges, to which it has meant so much.

Mr. GRUENING. I thank the distinguished junior Senator from Alabama, the junior Senator from Texas [Mr. YARBOROUGH], and the senior Senator from Pennsylvania [Mr. CLARK] for their very valuable contributions.

Mr. CLARK. Mr. President, will the Senator yield once more?

Mr. GRUENING. With pleasure.

Mr. CLARK. I have listened with interest to this colloquy. I find myself in complete agreement with what my friends from Texas, Alaska, and Alabama have said.

I wonder if my friends who are still in the Chamber would think I was overstating if I said that in my judgment this issue between the Congress, between those of us who are interested in the future well being of small business, on the one hand, and the President of the United States and our Republican friends on the other, who do not seem to want to help us along in these various efforts, really boils down to the question whether we are for plutocracy or for democracy.

This administration is interested in every bit of legislation which the wealthy forces and interests in this country desire. They are sincere. I hold no animus against them. They think, with Alexander Hamilton, that the rich are the wise—it used to be "well born," but surely they have dropped that description these days. But the theory is that the rich are wise, and what the rich want will make the country better.

In my judgment—and I wonder if my friends agree—unless we can shore up the small businessman, the individual who works for himself, and the father of the family who is working for wages or a salary, and unless we can make their lot secure, we shall have the greatest plutocracy that civilization has ever created. In many ways this is the issue which will face us for the rest of the year.

Mr. GRUENING. I will say to my distinguished friend, the senior Senator from Pennsylvania, that I agree with him completely; but I should say that the particular charge which he levels against this administration could be as justly leveled at all Republican administrations after the time of Abraham

Lincoln. They have always had the policy of making the rich richer, and not worrying about the poor. But what distinguishes this administration from all preceding administrations is that it is the first administration which has shown a preference for foreign interests over domestic interests.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. CLARK. I do not wish to enter into the foreign aid argument with my good friend, because perhaps we do not see entirely eye to eye in that field. But whenever we make this comment on the floor about plutocracy versus democracy, we are accused of being demagogues by nearly every newspaper in the country, and by all the commentators who follow the Republican line. Yet I believe we have a responsibility, no matter what harsh things we are called, to bring the facts concerning our social and economic condition to the attention of the American people. Our opponents can call me a demagog from now on until the first Tuesday after the first Monday in November, but I propose to tell the people of America the truth. This is an administration which would like to foster a high-interest, tight-money plutocracy in America; and if we can keep it from doing so, I want to do my part.

Mr. GORE. The Senator says the administration would like to foster such a policy. Is it not doing so?

Mr. CLARK. The Senator from Alaska has the floor.

Mr. GRUENING. I am happy to yield to the Senator from Tennessee.

Mr. CLARK. They are well on their way to doing it. but I have great confidence in the Senator from Alabama, the Senator from Oklahoma, the Senator from Alaska, and the Senator from Texas. With some help—but not too much—from those east of the Mississippi and north of the Mason and Dixon line, I hope we can keep this plutocracy from taking over America.

Mr. GRUENING. Mr. President, I should like to refer to one point which my good friend from Pennsylvania has raised. He said he did not wish to enter into a discussion of the foreign-aid program. This is not a discussion of the foreign-aid program. I ask the Senator whether he does not think it is a striking paradox that this administration insists on a vast number of projects overseas, telling us that we must not reduce them by one cent, or our Nation will be imperiled and our security jeopardized, whereas those same projects, when for the benefit of the American people, it slashes ruthlessly. They are vetoed or threatened with a veto and reduced for fear of a veto. We have been forced to economize in almost every field, and to reduce our domestic needs. That is the contrast which to me is shocking. It has nothing to do with the merits of the foreign-aid programs.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. CLARK. As my friend has restated the question, I thoroughly agree with him. I am a supporter of foreign aid. I believe that our national security and well-being require us, as the richest country in the world, to make a contribution to those less fortunate. I do not believe that for long we could continue to be an oasis of prosperity in a desert of misery. I believe that when two out of every three people in the world go hungry tonight, as a Christian nation we have an obligation to do something about it. But I agree thoroughly that we ought to take care of our own people first.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. SPARKMAN. I agree with the statement the Senator has made, referring to the remarks made by the Senator from Pennsylvania, about the issue as between plutocracy and democracy. Whether we call the issue one between the Republican Party and the Democratic Party does not make a great deal of difference.

I agree with the Senator from Alaska, that those have been the distinguishing characteristics between the two parties through the years. I often receive inquiries, given to me personally or through letters, as to what the difference is between the Republican Party and the Democratic Party. Sometimes people will say to me, "I do not see any real difference today, since the tariff question is not the principal question."

I always try to define it just this way, because I think basically that is the difference—the very characteristics that we have been discussing here this afternoon. I think it is noticeable in legislation. I think it is noticeable in the attitude of our friends—many of them very dear friends and very able people—across the aisle. It is the attitude that they so often take, as contrasted to the attitude of those who sit on this side of the aisle. I think that has been true over the years and down through the years, ever since the Republican Party came into being.

Mr. GRUENING. Mr. President, I could not agree more with the Senator. I think the facts show that week after week we get the statement from the leadership on the other side, "We cannot afford it." I would say to my friend from Pennsylvania that I agree with him, as he has said, that, as the richest country in the world we ought to be able to afford to pay our school teachers an adequate salary, that we should be able to afford to provide adequate housing for our people, that we should be able to afford to get rid of sewage in our rivers, that we should be able to afford to aid in rehabilitation of some of our decrepit industries, such as the mining industry, and that we should be able to afford the conservation of our forests and other natural resources, and their development, which the administration also tells us we cannot afford to do.

Mr. CLARK. And to do something also for our surplus labor areas.

Mr. GRUENING. In short, to be able to do for America what needs to be done. If we will do that, I will begin to take a greater interest in foreign aid, because I believe that not merely "charity begins at home" but that solicitude for our own people should come first.

I yield the floor.

EXHIBIT 1

UNIVERSITY OF ALASKA,
College, Alaska, January 8, 1960.

Senator ERNEST GRUENING,
State Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: I am taking the liberty of writing you in regard to the research grant program carried on by the Small Business Administration.

This program was instituted last year and the University of Alaska was one of the fortunate recipients of a research grant. We have before the SBA at the present time, an application for another research grant for the study of the tourist industry in Alaska. These grants for research study are of great value and assistance, not only to the University of Alaska, but also the State of Alaska. Should we receive our grant for the study of tourism, it will be a wonderful opportunity for the division of business administration and the department of tourism and economic development of the State to cooperate and form a working nucleus for the future development of business research for the State of Alaska.

The sincerity of purpose and integrity of procedure on the part of the SBA is truly commendable. Because of the extreme value of this research program, I am humbly asking you, upon your own judgment, to give the SBA research program your support and consideration.

It is my understanding that this research program is being given a temporary trial. It is difficult to evaluate the results of such research in such a short period of time; therefore, those of us that are interested in such research hope that Congress will look favorably upon this worthy endeavor.

Most sincerely yours,

VERNON R. KIELY,
Chairman, Division of
Business Administration.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 128]

Aiken	Fong	Mansfield
Allott	Frear	Martin
Anderson	Fulbright	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bennett	Gruening	Moss
Bible	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, Va.	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S.C.	Scott
Chavez	Jordan	Smathers
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kerr	Stennis
Cotton	Kuchel	Symington
Curtis	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	McCarthy	Williams, Del.
Eastland	McClellan	Williams, N.J.
Ellender	McGee	Yarborough
Engle	McNamara	Young, N. Dak.
Ervin	Magnuson	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. CLARK. Mr. President, the amendment now pending is an important amendment, and I hope it will receive the careful attention which some of us think it deserves.

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Is this not the same amendment which the Senator from Pennsylvania later withdrew, but which he spoke on at some length, and which I heard him speak on at some length, on Thursday?

Mr. CLARK. Two fairly important modifications in the amendment have been made since last Thursday. Over the weekend we secured what we regard as some significant additional support. When I spoke on Thursday on the amendment, it may have seemed to my good friend, the Senator from Florida, that I spoke at considerable length, and my treatment of the amendment may have seemed exhausting to him. Certainly it seemed something less than exhaustive to me. I did not even get into a description of the details of the amendment last week.

Mr. GORE. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from Tennessee.

Mr. GORE. Does the Senator from Pennsylvania not recognize that the distinguished senior Senator from Florida is somewhat of an authority in regard to the proper duration of speeches? [Laughter.]

Mr. CLARK. That had been my view. I may say that although the distinguished senior Senator from Michigan and I undertook to have two live quorum calls this afternoon, and although they may have interrupted the after-luncheon naps of some of our colleagues, we have not yet called for a quorum after midnight. But who knows what will happen while this debate goes along to its as yet unidentified conclusion?

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield again to me?

Mr. CLARK. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I listened to the speech the able Senator made on Thursday. But the fact that thereafter he withdrew his amendment; and the fact that, following that, the Senator from Illinois offered a supplemental amendment; and the fact that thereafter the Senator from New York [Mr. JAVITS] offered another amendment, although in a little different wording; and the fact that those amendments were debated throughout Thursday and Friday, about led me to reach the conclusion, that, despite the fact that it is well known that the Senator from Pennsylvania and the Senator from Illinois and the Senator from New York do not look very kindly upon unlimited debate, they are making an exception in this case, and perhaps they do not want to have the amendment of the distinguished Senator from Kentucky [Mr. COOPER] voted on by the Senate. That may be an unfair conclusion, but it seemed that it was a reasonable one under the circumstances.

I hope that now the distinguished Senator from Pennsylvania will permit us to vote on his amendment sometime today. But if he does not, I shall not complain; and I shall not complain if he keeps us here 2 or 3 days, to consider his amendment. But I am simply forced to observe that it seems to me that those who generally are very strongly opposed to unlimited debate are proving to be about the most adept users of unlimited debate in the Senate at this time.

Mr. CLARK. Mr. President, my friend, the Senator from Florida, is never unfair or impatient. I believe he did participate in a successful effort to cut off debate, last Friday, when some of us were not in the Senate. On Friday afternoon when some of us called from out of town—and we did so as late as 2 p.m.—to inquire whether there would be a vote on that day, we were advised that in the best judgment of the aides of the Senate to whom we talked there would be no vote. When, thereafter, some of us when we found that a quick vote was "pulled" on us while we were out of town, we received the news with somewhat less than our usual calm. The Senator participated in that termination of the debate, and I have no doubt that he will participate in another one if a motion is made to lay this amendment on the table, rather than permit a vote to be taken on the amendment on its merits.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CLARK. In just a moment.

If my friend thinks that under the circumstances he can pose before the country as an advocate of unlimited debate, perhaps he will explain why during the last few weeks he has voted in favor of several motions laying amendments on the table—which, as I understand, is a method of terminating debate.

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield.

Mr. HOLLAND. I appreciate the courtesy of the Senator. It seems to me he is not making the proper differentiation. I did not make any of the motions to lay amendments on the table. I was perfectly willing to debate the amendments and to have my friends on both sides of this question debate the amendments at any length they might see fit to debate them.

But I have never regarded it as inappropriate to vote on a motion that is made on the floor of the Senate. On the contrary, I believe that I was sent here by my constituents to participate in voting on all motions made in the Senate Chamber.

I regret that the Senator from Pennsylvania was not in the Chamber for that vote, and was advised that he did not need to be here.

I have no objection at all to the length of the debate. But I am inclined to believe that those who, on occasion, claim they are opposed to unlimited debate, may be letting themselves get onto dangerous ground in connection with the maneuverings and manipulations which have occurred on the floor since last Thursday; and I am simply calling this situation rather gently and courteously to their attention.

Mr. CLARK. I am delighted to have the benefit of the advice of the able senior Senator from Florida, whose advice I always cherish and listen to with great respect.

I would point out that the RECORD now contains statistics in regard to which Senators have spoken, and the length of time they have spoken, since the Senator from Georgia began this debate in January. So I am quite content to let the RECORD speak for itself regarding a determination of whether I have indulged in what might be called an abuse of the right of extensive debate, for which I am as stanch a supporter as is the Senator from Florida.

The question is, where is the line to be drawn? When has a question been properly explored, and when does the time to act come? On this question, judgments must necessarily differ; and apparently the Senator from Florida and I have differing views on this point. In my view, my pending amendment has not yet been adequately debated. I regret that my friend, the Senator from Florida, thinks it has been adequately debated. Perhaps he will change his mind as the debate proceeds.

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield again?

Mr. CLARK. I am happy to yield again.

Mr. HOLLAND. I wish to say that I believe the Senator from Pennsylvania is completely right in one of his remarks, namely, when he said, if I may epitomize it, that the question is whose ox is being gored.

Mr. CLARK. Mr. President, perhaps that is a good place to stop our colloquy.

Mr. TALMADGE. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. CLARK. I yield.

Mr. TALMADGE. Let me say to the Senator from Pennsylvania that I am an ardent advocate of freedom of debate, and I shall ever support the Senator's right to speak at any length he sees fit, on the floor of the Senate; and I shall never sign a cloture petition to make him cease speaking.

Mr. CLARK. I thank the Senator from Georgia.

Mr. SCOTT. Mr. President, will my colleague yield?

Mr. CLARK. I yield to my friend.

Mr. SCOTT. I should like to ask my distinguished senior colleague whether, as the seasons roll on and on and as we have passed from "the winter of our discontent," and now that spring is here, he sees any possibility of a thaw in the cold war and a warming of the attitude

of Senators which may permit, in a more equable clime, the achievement of the cherished hope of some of us that we may come to some conclusion of this extended debate, so that the state of the Union and the welfare of the Republic and the passage of the appropriation bills may be brought under consideration?

Mr. CLARK. I wish I could give a more responsive answer to my able colleague from Pennsylvania than I am giving him. I am not in the confidence of the majority leader or the minority leader as to when they will decide to impose cloture. Perhaps my friend is in the confidence of the minority leader. I am sure when those two able and distinguished leaders of our two parties in the Senate decide they have had enough talk and they are going to have action taken on this measure, probably there will be two-thirds of the Senators present who will vote to go along with them.

I say to my colleague that if he will ascertain when the minority leader will be ready, willing, and able to agree on that action I shall do my best, through intermediaries, to find out when the majority leader is ready to act.

Mr. SCOTT. I may say that I am closely in the confidence of both leaders only in certain matters. Earlier today we were discussing, with considerable unanimity, the state of the weather.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. HOLLAND. I wanted the RECORD to imperishably incorporate the statement I am about to make, because it is a history of the debate, or a very small part of it. The so-called unlimited debate which was wished onto Senators from the part of the country which I represent in part lasted 7 days—one week of 6 days, and they were fairly long days, and then 1 additional day.

Today is the end of the second week since that debate terminated, and during those 2 weeks the friends of civil rights legislation have been occupying the floor almost exclusively. I was just wondering if the country realized that was the fact. We are having 7 days measured against 2 weeks, and the end is not here. It is not even in sight. I am sure of my facts; therefore, I am stating them as a matter of the history of this debate, so that it may be clearly apparent that those who have been charged as engaging in unlimited debate, which we did for 7 days, have not had much chance to say anything for the last 2 weeks because those who are friends of and supporters of so-called civil rights legislation have been occupying the time and the floor during that time, very largely.

Mr. CLARK. The RECORD will speak for itself in that regard.

Mr. SCOTT. Mr. President, will the Senator from Pennsylvania yield to permit me, through him, to address an inquiry, in somewhat friendly tones, to the distinguished Senator from Florida?

Mr. CLARK. Mr. President, I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCOTT. I still have a cot in my office. My question is whether or not the Senator from Florida can advise me now, or would he care to advise me at some time in the future, whether I would be warranted in turning my cot back to the Army.

Mr. HOLLAND. The Senator from Florida, if he may be allowed to answer, has no advice to give the Senator along that line, because he has found that his distinguished friend from Pennsylvania does not follow the advice of the Senator from Florida. The Senator from Florida advised the Senator from Pennsylvania and other Senators to get rid of the legislation, and lay it aside as something that could not accomplish good results. The Senator from Florida found his advice was not heeded, respected, or acted upon. So the Senator from Florida, much as he respects the inquiry of his distinguished friend, will have to suggest that until it is more apparent that his advice will be followed, he will sit here and listen to the able discussion of the friends of civil rights legislation, who have been talking for 2 weeks now, in the hope that some time their indulging in unlimited debate will come to an end so we may vote on the pending measure.

Mr. SCOTT. The Senator from Pennsylvania simply concludes with his expression of the hope that the Army will not charge him rent for use of the cot.

Mr. CLARK. Mr. President, before turning to the pending amendment, I should like the RECORD to show clearly what happens in the Senate when we have what is called a live quorum. Under a live quorum call, the roll is called, not only once, but twice, if it is necessary, to bring 51 Senators to the floor to answer to their names. Having answered to their names, they can immediately leave, so that a calling a live quorum does not accomplish the purposes which the rules intended.

My recollection is that within 2 or 3 minutes of the time when the Senator from Michigan called for a live quorum, there were no more than half a dozen Senators on the floor. As I rise now to speak on the pending amendment, there are, I believe, 15 Senators on the floor; and I am flattered indeed that there are that many, because this is an unusually large audience to hear the Senator from Pennsylvania.

I have no doubt that the country does not understand how this live quorum procedure works, and I think it is of some importance that the people should, because, in my humble opinion, which I hope will one day in the foreseeable future be shared by a majority of my colleagues, we need a drastic overhauling of the Rules of the Senate in order to make it possible for us to conduct the pressing business which is before the country with some intelligence.

I hasten to add, before I yield to my friend from Louisiana [Mr. LONG], I am well aware of the old adage that one can lead a horse to water, but cannot make him drink, and that if my colleagues do not wish to listen to the oratory of the Senator from Pennsylvania, it is certainly their privilege not to do so. The fact that they stay away in droves is perhaps some indication that the Senator from Pennsylvania ought to improve his oratorical style a little, though even if he did so, I doubt if he could "pack the House."

I yield now to the Senator from Louisiana.

Mr. LONG of Louisiana. There are at the moment 18 Senators on the floor, if we count the Senator from Pennsylvania, and I regard him as a very highly useful Member of the Senate.

Mr. CLARK. Sometimes I wonder.

Mr. LONG of Louisiana. As the Senator is aware, I am sure, that is more than the average number usually present. That is far more than the average number of Senators present for this time of the afternoon.

Mr. CLARK. The Senator is right, but it is not yet half past 5.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. CASE of South Dakota. There have been times, in the history of the Senate, when, if a Senator took occasion to count the number of Senators on the floor, under the precedents then prevailing, it was equivalent, if the number of Senators present was less than half, to suggesting the absence of a quorum.

Mr. CLARK. The Senator can make that suggestion. I do not care to do so.

Mr. CASE of South Dakota. The Senator from South Dakota was not making that suggestion.

Mr. CLARK. If the Senator from South Dakota thinks it is timely, I will yield for that purpose. I do not think it is. If the Senator wants to do so, let him go ahead.

Mr. CASE of South Dakota. The Senator from Pennsylvania misunderstands the purpose of my statement. I did not make the observation because I thought that should be done. I think the debate should be proceeded with. It seems to me a colloquy as to who is present and who is not present merely delays debate on the question at issue.

Mr. CLARK. The Senator from Pennsylvania does not intend to take any longer than he needs to discuss this amendment, in the light of the courtesy he has been shown. I will yield to the Senator from Louisiana, and then I will not yield further, because I should like to carry on with my statement.

Mr. LONG of Louisiana. With respect to the point which was raised, I should like to suggest that the rules of the Senate provide that a quorum call is not in order unless business has transpired since the last quorum call. A simple matter like an insertion in the RECORD can be regarded as business, or a unanimous-consent request can be so regarded; but if no business has transpired, a quorum call cannot be had.

Mr. CLARK. I think the Senator is correct.

I should like to turn to the pending amendment. This amendment attempts to deal with the problem of assisting disfranchised citizens to obtain their constitutional rights to be registered and to be permitted to vote without discrimination by reason of race or color.

This amendment is an earnest effort to make some meaningful progress in that regard while assuring the essential rules of fair play and invoking the judicial process, which are the essence of our American system of justice. We must, on the one hand, be sure that all those who legitimately oppose the registration and the voting of citizens who think they are entitled to vote but may not be have their day in court. On the other hand, we must be equally careful not to so encumber the administrative and judicial processes which we utilize to achieve that end with delays which will destroy the right we seek to protect.

That is the basic philosophy of this amendment. I invite the attention of my colleagues again to the fact that it is sponsored by 13 Senators. I want to express publicly, on behalf of myself and the other cosponsors, our delight at the accession to our ranks of the distinguished Senator from South Dakota. He is a worthy companion in this fight, and we are happy to have him with us.

Seven of the cosponsoring Senators are Democrats and six are Republicans. I think it is not without significance to state that both Senators from Pennsylvania and both Senators from New Jersey, although they come from opposite political parties, have cosponsored the amendment. We are very hopeful indeed, although we cannot be sure until the roll is called, that we shall have the support of both Senators from a number of our other populous States, including New York and California. I hope if that should turn out to be the case it will not be without its impact in the other body, where, it is my understanding, a similar amendment in due course will be offered.

Before discussing in detail the provisions of this amendment I should like to summarize very briefly indeed the record as to the need for congressional action—the need to help those millions of American citizens who have been denied the right to vote because of their race or color assert and enforce their constitutional rights, which have been violated.

The record of this long debate is replete with evidence as to the need. I shall do no more than to make an insertion in the RECORD in that regard. I ask unanimous consent that I may have printed in the RECORD at this point a series of tables furnished my office in August of 1959 by the Commission on Civil Rights, which show, for 10 States, the white population of voting age, the registration of the whites, the percentage of whites of voting age who are registered, the Negro population of voting age, the Negro registration, and the percentage of Negroes of voting age who are registered, and other comparisons.

There being no objection, the tables showing statewide estimates were ordered to be printed in the RECORD.

TABLE I

State	White population voting age, 1950	White registration, 1956–58 [1]	Percent of voting age whites registered	Negro population voting age, 1950	Negro registration, 1956–58 [1]	Percent of voting age Negroes registered
Alabama [2]	1,231,514	828,646	67.3	516,245	73,272	14.2
Arkansas [2]	803,415	499,955	57.9	232,182	64,023	27.6
Florida	1,456,716	1,448,643	99.4	366,797	144,810	39.5
Georgia [2]	1,554,784	1,130,515	72.7	623,458	161,082	25.8
Louisiana	1,105,861	828,686	74.9	481,301	132,506	27.5
Mississippi	710,709	[3]		497,354	19,367	3.89
South Carolina [2]	769,723	479,711	63.1	390,026	57,978	14.9
Texas [2]	4,154,281	1,489,847	48.8	582,944	226,450	38.8
Virginia [2]	1,614,719	864,692	53.6	431,393	93,629	21.7
North Carolina	1,761,330	1,389,831	78.9	549,751	156,597	28.4

[1] Some county data unavailable; therefore, State totals not entirely complete.
[2] Registration figures are for 1958 except: Kentucky 1956 and Louisiana 1959. For Texas, white registration is 1956, Negro registration is 1958.
[3] Not available.

Sources:
Alabama: Birmingham News, Feb. 17, 1959.
Arkansas: Record of poll-tax payments reported by State auditor.
Georgia: Figures reported by secretary of state and published in Atlanta Constitution, Sept. 29, 1958.
Mississippi: Figures introduced into Congressional Record (daily) for June 10, 1957, pp. 7676-7677. Also James Barnes, "Negro Voting in Mississippi," master's thesis, University of Miss., 1955.
South Carolina: Secretary of state report, reproduced in a report for the Southern Regional Council.
Texas: Record of poll-tax payments and estimates made for Southern Regional Council by Long News Service.
Virginia: Virginia State Advisory Committee from secretary of state's office.
Kentucky: Kentucky State Advisory Committee.
Florida and Louisiana: Official reports of secretary of state.

TABLE II

State	Percent voting age white to total voting age population, 1950	Percent whites registered to total registered, 1956–58	Percent voting age Negroes to total voting age population, 1950	Percent Negroes registered to total registered, 1956–58
Alabama	70.5	91.9	29.5	8.1
Arkansas	78.8	88.6	21.2	11.4
Florida	80.0	90.9	20.0	9.1
Georgia	71.4	87.5	28.6	12.5
Louisiana	69.7	86.2	30.3	13.8
Mississippi				
South Carolina	66.1	89.2	33.9	10.8
Texas	87.7	86.8	12.3	13.2
Virginia	78.9	90.2	21.1	9.8

TABLE III

State	Total number of counties	Number of counties more than 50 percent voting age Negroes registered	Number of counties more than 25 percent voting age Negroes registered	Number of counties less than 5 percent voting age Negroes registered	Number of counties no Negroes registered	Number of counties no Negroes registered, Negroes majority population
Alabama	67	10	9	12	0	0
Arkansas	75	4	28	1	0	0
Florida	67	19	31	3	0	0
Georgia	159	28	50	22	4	1
Louisiana	64	19	14	9	4	4
Mississippi	82	0	2	49	15	6
South Carolina	47	1	0	6	0	0
Texas	254	50	134	2	0	0
Virginia [1]	98	5	40	3	4	0

[1] Data include counties and independent cities.

Mr. CLARK. Mr. President, I shall not undertake to read the tables. I shall say with respect to them only that I believe all fair-minded people who read the tables will inevitably conclude there can be no question whatever that hundreds of thousands of American citizens are denied the right to vote to which they are entitled under the 15th amendment, a right to vote which is denied to them solely and alone because of their race or color.

Mr. President, we have known this not only in the Senate but also across the country for many years. Three years ago, in 1957, we took the first small step to do something to help these unfortunate people. We passed, and the President signed, the Civil Rights Act of 1957. We created a procedure in our Federal courts whereby the Attorney General of the United States is authorized to bring an action to assist those whose voting rights were being denied because of race or color by State action to get their names on the voting rolls and to vote on election day.

I do not know whether that legislation could be made more effective than the record shows it has been. The Attorney General, for reasons which appear adequate to him, has brought only four suits under the provisions of that act, and two of them are pending. The number of disfranchised citizens who have been given their voting rights under the terms of that act is small indeed.

I suspect that a majority of this body and a majority of the other body have by now concluded that the present provisions of law are inadequate and must be implemented.

That brings us to the questions we face. What can we do which is effective to implement and to protect the constitutional voting rights of all free Americans? What can we do within the limits of fair play? What can we do to provide a remedy which is meaningful and which cannot be distorted by delay so as to provide no remedy at all?

After some pretty careful thought on that subject, and after having listened to or read the comments of our colleagues in debate and in the newspapers, we 13 Senators have come up with the pending amendment. We ask for the serious and thoughtful consideration of our colleagues.

What would the amendment do? I shall now attempt to discuss it in detail and so far as possible, in lay language, with the hope that what I say will make the amendment clear to my colleagues.

Fundamentally, this amendment combines the court voting referee procedure with an administrative Federal enrollment officer procedure. This amendment, in the interest of fair play, in the interest of moving slowly, in the interest of having an objective and impartial Federal court pass first on the question of whether there has been disfranchisement by reason of race or color, calls for triggering of either the referee or the enrollment officer procedure by a precedent court decree.

The amendment would do this by adding a new subsection to section 3 of the Dirksen amendment. Section 3, my colleagues will recall, provides for the preservation of voting records by State and local authorities. This amendment would add new provisions to section 3, provisions which would incorporate the proposal I am about to describe, and would continue with those provisions dealing with the preservation of voting records, which already appear in the Dirksen proposal.

The preamble of our amendment contains a factual recital. It is a recital that under color of law, substantial numbers of qualified voters are being denied the right to register and to vote because of their race or color, in violation of the 14th and 15th amendments. The factual recital continues to state that this denial requires congressional action to help those citizens assert their denied constitutional rights.

The evidence to support that finding was referred to by me briefly a moment or two ago. I think this debate has proved that it is overwhelming, and that it cannot be rebutted. I believe that is clear to any fair-minded man or woman.

Whatever may be the final result of the proposed legislation, I am confident that it cannot be consistently and fairly denied that the record shows, beyond peradventure of doubt, widespread denial of voting rights protected by the Constitution and the 15th amendment thereto, voting rights which are denied because of race or color, and denied on that ground alone. So I submit that the factual finding in the preamble of our proposed amendment has been established beyond peradventure of doubt.

The amendment then moves into the area of voting referees, and it calls for the appointment of such referees by the district courts of the United States. The provisions are to some extent similar to those contained in section 7 of the Dirksen substitute, but the language is more precise, and an effort has been made to utilize the language of some of the House amendments of the administration bill which have seemed to the sponsors of this amendment to be wise and sound. I think the Senator from Illinois [Mr. DIRKSEN] would be the first to agree that his present section 7 has not kept up with the approved changes in the administration proposal.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. JAVITS. First, I wish to express my pleasure in joining with the Senator as a cosponsor of this amendment.

Second, I think it is a considerable tribute to the bipartisan activity which brought it about that three lawyer-Senators from each side of the aisle collaborated in the development of the draft, which is now receiving additional accretions of strength by reason of other Senators joining in sponsorship.

Third, I point out that our effort has not been so much to keep up with the day-to-day mutations of a bill in the other body as to bring to bear in perfecting this instrument all the thought which the debate produced.

I hope that as the Senator discusses this question that point may be made clear. For example, two of the salient provisions which have been changed in the referee proposal, I have little doubt, will survive even if, very unhappily, our amendment should go down. First is the provision that the individual applicant need not, after the decree has been entered, go again and seek an opportunity to register from a hostile registrar. If a pattern and practice of discrimination is found, it will be unnecessary for the individual applicant to again go through the mumbo-jumbo of trying to register, so long as that decree remains in effect.

Mr. CLARK. If the Senator will permit me to interrupt him briefly, am I not correct in stating that the provision he has just outlined does remain in the administration proposal in the House?

Mr. JAVITS. Exactly. That is why I point out that we are not trying to keep up with everything that is done over there. What we are trying to do is to get the benefit of the attrition of minds as they bring out changes in the bill which are necessary in order that it may do the job.

Mr. CLARK. The Senator is correct. I accept his correction.

Mr. JAVITS. The second point is to write in what was adopted in the other body, which makes sense, and that is a provision for provisional voting, to give the court an opportunity to decide whether an applicant is qualified or not, while at the same time not enabling registrars who might be so minded to deprive the individual of his right to vote in a particular election because of its contiguity to the legal proceeding.

I think it is very important to point that out, because I express the hope—nay, I express the determination—that we shall not merely rubber stamp a House bill. There is a prevailing idea that those of us who are for civil rights, when we are defeated on a particular proposal, as we have been—and others have been defeated in battle but have won the war—will take the House bill when it comes over here and send it to the President. I can think of nothing which would be a greater abdication of our reputation for being a body with its own mind and its own talents. I respectfully submit that the work now being done will not be wasted in any such way. I know how my colleague feels. I think it is time for Senators to begin to make very clear—we hope it will not require more than a few days—the position we intend to take. I am not mortified by the suggestion of our dear friend from Florida [Mr. HOLLAND] that we are engaging in extended debate. But if it requires a few days—which is all it ought to require—the Senate should nevertheless make it clear that it intends to exercise its own will and determination as to what should go into the bill.

So I hope that as my colleague continues with a scholarly, deliberate analysis of the amendment which we put forward purposefully and seriously, it may be made clear that the Senate majority, in accordance with its traditions, if it will listen to what my friend and I and other Senators who have joined in this amendment have to say, will endeavor to make its contribution to what should be a measure which will guarantee for people the right to vote—not with reference to what is being done in the other House, but without the blind idea that we cannot get a civil rights bill unless we take what comes over from the House and send it to the President.

Mr. CLARK. I thank my friend for his comments. I am in complete accord with what he has said. I point out that the philosophy of despair which he has just outlined, which seems to be in the minds of many of our colleagues—that we cannot do anything but take the House bill—springs from an archaic, obsolete procedure in the other body, which like our own archaic and obsolete procedures over here, tends to make it impossible for the Congress to work its will by majority vote. I say that with all due deference to our friends in the other body, whom I do not intend for one moment to criticize.

Mr. JAVITS. Mr. President, will the Senator yield for another question?

Mr. CLARK. I am happy to yield to the Senator from New York.

Mr. JAVITS. It is my profound conviction that, if there is a determined majority, it can find a way—perhaps frustrated for a time—to work its will. What we are working up to here—and it may be that we have before us now an amendment which will do it—is pointing out that the majority will begin to articulate its position, as it did in connection with taking up the bill in the first instance. Let us not forget that that was done by an overwhelming vote, and that the Senate was determined to keep the commitment made for February 15. That was the last time, incidentally, that we received that kind of

support, except with respect to the nearly unanimous support on amendments to a section of the bill in connection with which there was not great controversy.

It seems to me that we must work to a point where we will get a majority of the Senate to get together behind what it wants to write in this bill. When we have reached that point we will then begin to see more clearly perhaps than we do now whether these archaic rules can frustrate a majority of the Senate. I thank the Senator for yielding.

Mr. CLARK. I thank my colleague from New York. I return to the pending amendment, to point out that while this amendment covers the same general field covered by section 7 of the Dirksen amendment, its language is precise. As my friend from New York has said, it takes advantage of the helpful and useful developments in the other body, which have sprung from the debate over there and of which the distinguished junior Senator from Illinois [Mr. DIRKSEN] did not have knowledge when he submitted his amendment, section 7 of which is the pertinent one here.

So this amendment is precise on the subject of voting referees, and it incorporates some changes, two of which have been mentioned by my friend from New York.

The principal provisions of the referee proposal in the pending amendment are, first, that in proceedings instituted to obtain voting rights, whether those proceedings are instituted by the Attorney General of the United States or by an individual or group, if the court finds that there has been discrimination and a failure by State officials to permit the exercise of voting rights, then upon the request of the Attorney General or any plaintiff the court shall determine whether or not a pattern or practice of discrimination exists in the voting district which was the subject of the litigation.

This is important because it provides that a Federal district judge, an inhabitant of the district where the suit is brought—usually a distinguished lawyer, appointed for life and confirmed by the Senate of the United States—must find as an objective fact that a pattern or practice of discrimination exists before the court referee procedure—or the administrative procedure—can be triggered into action.

Truly this is a compromise amendment. Under this amendment before referees or enrollment officers can be appointed the local officials who are accused of discriminating against citizens of the United States are given their day in court in adversary proceedings with all traditional legal safeguards.

If the district judge finds that there is no pattern or practice of discrimination, that is the end of the matter, and neither of the procedures called for by the amendment, whether judicial or administrative, will spring into action.

If the district judge finds that there is a pattern or practice of discrimination, then the procedure called for by the amendment is triggered into action. In that event any disfranchised citizen, whether he be Negro, Mexican, or Puerto Rican, or of whatever nationality or color, or background he may be, or wherever he may come from, is entitled, under our amendment, for at least a year or until the pattern or practice of discrimination has been found by the judge to have ceased, to an order declaring him qualified to vote.

At that point we invoke one other compromise under the amendment. Ordinarily where the jurisdiction of a Federal court is in effect, and where the court has found grounds for moving to support rights secured by the Constitution, there would be immediate judicial action which would carry on until the rights were secured. But under our amendment a period of grace is given to the State authorities. The amendment provides that the order finding the pattern of discrimination and directing the disfranchised citizens to be registered and entitled to vote shall not go into effect for 20 days after the Governor of the State has been notified that the court has made the finding of the existence of a pattern or practice of discrimination.

During that grace period if the State takes action to register the disfranchised citizens the court order will be vacated and never go into effect.

Except for the grace period provisions, the execution of any court order shall not be stayed, and no stay is permitted under the amendment—to take an appeal or for other purposes or reasons—if the effect of such a stay would be to delay the effectiveness of the order until after the date of the election.

So, to recapitulate at this point, we have another safeguard, another compromise, another concession to fair play, in that the State is given an opportunity to purge itself and to permit qualified voters to register by State action; and the Federal hand is stayed if that is done.

I would like to reemphasize that before a decree is signed by the district judge, there will have been a full adversary proceeding in the initial lawsuit. In the adversary proceeding which has been instituted to determine whether one or more citizens have been deprived of their right to vote, State or local authorities will of necessity have been made parties and will have had their day in court to resist the finding of discrimination with respect to individual citizens, and the finding of a pattern or practice of discrimination with respect to large groups of citizens. So at every point in the process, the rudiments of fair play are provided for in the amendment.

Once the court has issued its decree, a violation of its order by a State official, or by a local official acting under color of State law, is made contempt of court, and the normal and usual Federal proceedings pertaining to contempt become effective.

I should point out again one important difference between the pending amendment and the Dirksen amendment. In the pending amendment there is no requirement, once a pattern of discrimination has been found, for the disfranchised citizen to go back to the local registrar to try to register all over again. This seems to the sponsors of the pending amendment to be a vital and important distinction of principle between the Dirksen amendment and the pending amendment. On this rock I believe we would stand. Surely for myself I would be loathe, indeed, to vote for any referee plan which required a disfranchised citizen to go back for a second strike. The reasons for that position have been stated so fully by my colleagues and myself at earlier stages of this debate that I shall not reiterate them.

Thus we find that a court has issued its decree, finding a pattern or practice of discrimination. At that point the court is authorized to appoint voting referees to enroll disfranchised citizens and to assure them the right to vote.

Here we have devised another safeguard in the interest of orderly procedure and fair play.

These referees, appointed by the Federal judge who lives in the district, who has been appointed for life, and whose nomination has been confirmed by the Senate, must be residents and qualified voters in the district in which the court proceedings are brought. It is true that the district over which a Federal court operates is substantially larger than any particular voting precinct. But all fair-minded persons will admit, I believe, that in many voting precincts, as the record shows, it will not be possible to find a qualified resident voter who will be willing to act as a referee. It is conceivable—indeed, it is possible—that such a person might not be found in the whole Federal district who was willing so to act. Yet it seemed to us that we should include that requirement for the third time, in the interest of fairplay, and to prevent any legitimate criticism that we were not providing for noninflammatory and normal procedure to assist the citizens to maintain their civil rights.

This is a modification of the earlier amendment. The sponsors, after some thought, concluded that this additional safeguard should be inserted in the amendment. It is one of the modifications of our amendment which the senior Senator from New York made earlier today.

The referees will serve for only such period as the court which appointed them may determine. They may be dismissed at any time if the Federal judge, who is a local resident, believes that they have served their purpose. They will continue to serve for such time as the court thinks desirable. They will receive applications from voters who claim that they have been illegally and unconstitutionally disfranchised by reason of their race or color. The referees, after taking evidence, will report to the court whether, in their opinion, the applicants are qualified.

We come now to an important procedural question. Under the pending amendment, the proceedings are ex parte. But they are under oath, and they follow State law. It may be objected that the proceedings should be adversary; that there should be a right of cross-examination; that contrary testimony should be permitted to be

offered. Yet at this point in the proceedings we will already have been all through one full and fair court proceeding, and there will have been a court decree, not, to be sure, with respect to the individual applicants, but with respect to the pattern or practice of discrimination in the voting district. This, it has seemed to us, particularly since there will be later a right of appeal, provides due process and adequate fair play. It should be noted that while the proceedings are ex parte, they are under oath; and prosecutions for perjury will lie if the oath is falsely taken.

It should also be noted that the Federal referee must follow applicable State law concerning qualifications. Once the referee has made his finding that certain individuals of the race which has been discriminated against who appeared before him under oath have presented prima facie evidence that they are qualified under State law to register and vote, the referee will prepare a report to the court, stating the names and addresses of the disfranchised citizens who he finds should be permitted to register and to vote.

When that report has been filed with the court, we provide one more opportunity for the State to object to the proceedings. The State attorney general must be notified that the report has been filed, and given 10 days to show why the referee's report should not be approved by the court. The State and local officials, represented by the State attorney general, may file exceptions to the referee's finding of fact and the conclusions of law stated in the referee's report. So there is, again, another opportunity for adversary proceedings at which the fairness of the report of the referee prior to the decree of the court, may be tested in adversary proceedings.

Thereafter, if no exceptions are filed or the exceptions are found insufficient, the referee is authorized, by the pending amendment, to issue certificates of qualification to register and to vote to the individuals who are members of the race which the court has already found to have been illegally disfranchised by State officials.

The amendment further provides that the court may authorize persons—either the referee or somebody else—to attend at the polling place, and further to attend when the votes are counted, and then to report to the court whether the decree of the court has been obeyed, or whether contempt proceedings should be instituted.

The referees called for by the amendment are given all the powers of a master under rule 53–C of the Federal Rules of Civil Procedure. I shall not unduly prolong my remarks to outline what those powers are. They are pretty well known by now to most Senators, particularly those who are attorneys.

The compensation of the referees is to be fixed by the court and paid by the United States. This seems to us to be a fair and appropriate procedure.

Finally, the referee provisions in the amendment call for provisional voting by those who are found by the referee to be eligible to be registered and to vote, pending a later determination—as a result of the adversary proceeding to which I have referred—as to whether, in fact, they are qualified. This provision is an important modification of the initial amendment, offered earlier today by the Senator from New York. It is so important that I should like to read it into the RECORD at this point. The amendment would be made on page 6; at that point, lines 16 through 22 would be stricken out, and the following would be inserted:

(10) Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

Thus we seek to prevent at least some of the unfortunate delays, lasting long beyond the date of the election, which in our judgment would have plagued the procedures called for by the original Dirksen amendment.

Mr. President, so much for the provisions of our amendment which deal with the voting referee procedure. I believe we have strengthened that procedure. I believe we have made it workable in certain areas, although probably not in others. I still think that, as between the court referee procedure and the Federal enrollment officer procedure, the latter is infinitely to be preferred. However, I know that many Senators disagree with that view. The vote taken last Friday showed that rather clearly.

Therefore, in this amendment we have attempted to provide a carefully drawn court voting referee proposal which in our judgment will do the most to help disfranchised citizens attain their constitutional rights, and still will be within the limits of the fair play which must be a part of all proper legislation.

Mr. President, I turn now to subsection (c) of the amendment which deals with the appointment of Federal enrollment officers by the President of the United States.

In the first instance, let me again emphasize that a Federal enrollment officer cannot be appointed by the President of the United States unless and until there has been a finding by a Federal district judge of a pattern or practice of discrimination.

This provision constitutes an important difference between our amendment and that of the Senator from Illinois and the Senator from New York, which was rejected by the Senate last Friday. In their amendment, the registrar proposal—which, in effect, was another name for the Federal enrollment officer proposal—could have been triggered into action without any court finding at all. Under that amendment if 50 citizens in one county filed a petition with the President averring that they had been illegally and unconstitutionally denied the right to vote, and if the President believed, after such investigation as he deemed appropriate, that citizens in that county were being denied their voting rights on account of their race or color, he could have appointed Federal registrars.

But in this amendment we call for a prior court decree, obtained after adversary proceedings before a Federal judge who lives in the district, as a condition precedent to the triggering into action of the Federal enrollment officer procedure—just as we called for the same condition precedent to the triggering into action of the referee procedure.

Once that court finding has been made, then, under our amendment, the President can, by Executive order, appoint Federal enrollment officers from among the Federal employees who are qualified voters in the registration district in question.

Again let me emphasize that under our amendment carpetbaggers would not be imported from outside the registration district in which the claim of a pattern or practice of discrimination has been made, and has been sustained by the court with jurisdiction over the district. Again, we have attempted to be fair, by requiring that any such Federal enrollment officer must not only be a Federal employee resident in the district, but must also be a qualified and registered voter, seeking to protect for others the rights he has been accorded as a matter of course.

As was the case with the referee procedure, so with respect to the Federal enrollment officer procedure: The Governor of the State must be notified. He will have 20 days after notification to cause the State authorities and the local authorities to purge themselves; and if that is done, the President may not put the Federal enrollment officer procedure in effect. In any case, he would not invoke the enrollment officer procedure at all until the 20-day period had expired.

Just as the referee would serve at the pleasure of the court, the Federal enrollment officer would serve at the pleasure of the President. If the President found that the pattern or practice of discrimination no longer existed, he would revoke the appointment. Until he was convinced that that had happened, the appointment would remain valid and outstanding.

Mr. President, it has been said that the Federal enrollment officer procedure calls for judgment decisions to be made by the President of the United States, who, of necessity, could not know local conditions. In my judgment, Mr. President, that criticism is specious. All of us who are lawyers, and many who are not, understand the procedures under which our Federal courts operate.

The recommendation to the President that he should appoint a Federal enrollment officer would come to him from the Attorney General of the United States,

a gentleman sworn to uphold, defend, and enforce the laws of our country. He in turn would get the best advice possible as to whether an enrollment officer should be appointed, and, if so, which persons should be appointed, from the local Federal U.S. attorney living in the district where the suit had first been brought, and himself, almost unquestionably, a qualified and registered voter in the district.

So that this procedure, in my judgment, does call for local initiative, local option, to trigger the Presidential action into effect. And I do not believe it can be successfully contended that a man in Washington, far removed from the scene of action, would be in a position to send an enrollment officer into a district where there had been no established local aid. Once the enrollment officer is appointed, he enrolls and registers, and issues certificates to citizens who have proved to his satisfaction that they are qualified to register and to vote and who are members of the race which has been found by the court to have been discriminated against in violation of the 15th amendment to the Constitution.

Upon enrolling these individuals, he must notify State and local officials of what he has done, just as the court or referee is required to do in the earlier part of our amendment. Once enrolled, a citizen has the right to vote and have his voted counted. State and local officials can challenge his right to vote and bring him into court and seek to have his vote set aside, but only after the vote has been counted, subject to being later discarded.

There can be no stay of the determination of the Federal enrollment officer that a particular citizen is entitled to vote, but there can be a subsequent finding that the Federal enrollment officer was wrong. The election will not be final if the challenged vote would be determinative until that court proceeding is decided.

The proposed amendment makes it a crime, punishable by a $1,000 fine, and/or 6 months' imprisonment, to interfere with the proper activities of the Federal enrollment officers. The amendment provides that an enrollment officer can go to a polling place, just as a referee can, and that he can watch the votes being counted, and report to the U.S. attorney whether or not the local officials have violated the law.

The Attorney General or any aggrieved individual is given the right, under the amendment, to enforce, by appropriate civil and equitable remedies, the voting rights protected by the amendment.

The Attorney General, in a miscellaneous section of the amendment, is given the right to intervene in an action brought by a private citizen to protect his voting rights under the 15th amendment, and having intervened, to proceed thereafter as though the United States had been a party from the first instance.

Under this amendment, it is possible, although not likely, that there might be appointed both voting referees and Federal enrollment officers for part of one area, probably at different times, probably in response to different local conditions. If that were the case the enrollment officer would be directed to coordinate his duties with those of the referee, and where a conflict with respect to voting qualifications should arise, the finding of the referee, being the officer of the court, would prevail, instead of the enrollment officer.

There is a provision in the amendment that when any local board resigns and no successors are appointed, the State may be substituted as a party and held responsible to enforce the provisions of the law. The action of the State board is said in the amendment to be the action of the State, for which the State is held responsible.

The amendment contains certain definitions——

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. CLARK. In just a minute. The amendment contains certain definitions, certain technical provisions, which are relatively unimportant, and which I shall not attempt to outline on the floor of the Senate at this time.

I now yield to the Senator from South Dakota.

Mr. CASE of South Dakota. The question I wish to ask relates to the possibility of making a State the defendant. As I have read the language in the amendment, I have assumed it was for the purpose of making it impossible, for the purpose of the statute in this respect, for the duty to be avoided or evaded by the resignation of one official and the absence of any party against whom the action might be directed in case of a vacancy.

Mr. CLARK. The Senator is correct.

Mr. CASE of South Dakota. As I understand the provision, it makes it possible to insure the continuity of action whether there is a resignation or a vacancy, and that is why a State could be made the defendant. Is that correct?

Mr. CLARK. The Senator is quite correct.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. CLARK. I yield.

Mr. HART. The Senator from Pennsylvania was discussing the charge or the complaint that was made against this now modified enrolling plan, that it was an administrative procedure imposed from the outside. Is that a fair summary of the argument that was made against this approach?

Mr. CLARK. That was the argument as I understood it. I thought it had no validity.

Mr. HART. Nor do I think it had. I desire to ask a question to see if I understand, and to assure that all of us understand, the modified proposal that is presented in the amendment offered by the Senator from Pennsylvania and the senior Senator from New York. Can the President of the United States, acting on his own, appoint or designate an enrolling officer?

Mr. CLARK. No. He has to await a finding by a Federal district court of a pattern or practice of discrimination, determined in an adversary proceeding.

Mr. HART. It is correct to state, then, is it not, that the President of the United States cannot, on his own, nor can the Attorney General of the United States on his own, designate anyone, locally or outside, to act as an enrollment officer?

Mr. CLARK. The Senator is correct.

Mr. CASE of South Dakota. Mr. President, will the Senator permit me to ask a question on that point?

Mr. CLARK. Mr. President, will the Senator from Michigan permit me to yield to the Senator from South Dakota?

Mr. HART. Yes.

Mr. CLARK. I do so without losing my right to the floor.

Mr. CASE of South Dakota. Is it not true that the essential difference between this amendment and the amendment which was presented by the Senator from Illinois [Mr. DOUGLAS] last week is that under the amendment presented by the Senator from Illinois the President could have made the finding and could have acted upon his own, but in this amendment the finding of the court has to be a preliminary to any such action by the President?

Mr. CLARK. My friend from South Dakota is substantially correct. He is completely correct with respect to the court finding. Even under the provisions advocated by the Senator from Illinois the President could not act alone unless he had received a petition from 50 individuals in the voting district claiming they had been disfranchised in violation of the 15th amendment, and he had determined by executive investigation that persons were being disfranchised on account of their race or color.

Mr. CASE of South Dakota. The responsibility for making the finding would rest on the President?

Mr. CLARK. That is correct.

Mr. CASE of South Dakota. The President could make a finding provided he had received a petition?

Mr. CLARK. The President could make such a finding, upon receipt of 50 petitions, if he determined, after such investigation as he deemed appropriate and necessary, that voting rights were being denied in violation of the 15th amendment.

Mr. CASE of South Dakota. In that respect this proposal seems to be a distinct improvement. I do not think the President ought to be put in the position of having to make a finding which might be more or less judicial in character, and might call for consideration of various factors for which a court is much better designed than the Executive Office of the Presidency.

Mr. HART. Mr. President, will the Senator yield?

Mr. CLARK. I yield to my friend from Michigan.

Mr. HART. To assure, by this last question, that there will be no misunderstanding of the amendment as it is now before the Senate, additionally, the appointment of the enrolling officer could not be made by the President upon the basis of a recommendation by the Civil Rights Commission, could it?

Mr. CLARK. The Senator is correct.

Mr. HART. The amendment in its enrolling section, its registrar section, represents, as the exchange between the

Senator from Pennsylvania and the Senator from South Dakota I think has indicated, a modification from the proposal advanced and suggested by the President's own Civil Rights Commission last September. Is that correct?

Mr. CLARK. The Senator is correct.

Mr. HART. Is it not correct to say that any further dilution in the enrollment approach from that provided in the amendment now pending would scarcely be said to be responsive to a need, which a member of the President's Civil Rights Commission described as involving "literally millions of people qualified to vote, who were not able to vote"? He said, "We all knew that something must be done about this situation and done as simply and as quickly and as cleanly as possible." Father Hesburgh said, "That is how we came up with the idea of Federal registrars."

Is it not the judgment of the Senator from Pennsylvania that if there were any further dilution of the enrollment section of the amendment he has presented, we would scarcely be able to say we were trying to put on the books something which is simple and quick and as clean as possible?

Mr. CLARK. That is my judgment. We have gone about as far as we can go. Were we to go further, I would be fearful indeed that we had so destroyed that speedy and expeditious action for which Father Hesburgh plead that we would have a procedure which was little, if anything, better than the court referee procedure by itself, and which would be unlikely to result in the enfranchising of substantial numbers of disfranchised citizens.

Mr. HART. I commend the Senator from New York and the Senator from Pennsylvania for advancing this proposal which I, also, regard as the last line beyond which, if we fall back, we will have virtually surrendered.

Mr. CLARK. I thank my friend for his most helpful comments.

Mr. President, I ask unanimous consent that I may yield to my friend from New Jersey [Mr. WILLIAMS] without losing my right to the floor.

The PRESIDING OFFICER (Mr. HART in the chair.) Is there objection to the request of the Senator from Pennsylvania. The Chair hears none, and it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I did want to make inquiry of the Senator from Pennsylvania about the nature of the compromise which the amendment represents. I believe it is true that the Senator suggested this was quite a major compromise from the earlier position taken by the Senator from Pennsylvania. I got the impression from the colloquy the Senator had with the Senator from Michigan that this represents the last feasible compromise.

Mr. CLARK. That is what my friend from Michigan said. I expressed my own grave fear that he might be correct.

Mr. WILLIAMS of New Jersey. At any rate, it is a real probability that that might be the situation.

There was one compromise which was not made. There is nothing included in the Senator's amendment about the requirement for a member of the class disfranchised to go back for further humiliation and the possibility of intimidation, in the requirement that he individually apply before the State registrar?

Mr. CLARK. I am sure my friend will pardon me. Would the Senator be willing to repeat his question?

Mr. WILLIAMS of New Jersey. The amendment clearly would not require a member of the class found to be disfranchised to go back again to the possible humiliation and intimidation before State or local authorities and there seek qualification again?

Mr. CLARK. The Senator is quite correct. I think this is a most important change in both the Dirksen amendment and what I understand to be the present draft of the McCulloch amendment pending in the House of Representatives. I regard this as a position from which there can be no retreat if we are to have a meaningful bill.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article containing a report from Baker County, Ga., written by Claude Sitton, and published in the New York Times. Mr. Sitton found that the voters, if given the opportunity for registration under the referee program, following the record of humiliation and intimidation, probably would not avail themselves of this bulky method in the administration's referee program.

Mr. CLARK. I have read the article to which my friend makes reference. I join in his unanimous-consent request that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEGROES IN BLACK BELT SAY VOTE LAW WON'T AID THEM

(By Claude Sitton)

NEWTON, GA., March 7.—Voting-rights proposals before Congress promise the Negro little help when viewed in the framework of this Black Belt community. Elections in Baker County are considered "white folk's business."

Leaders of both races said this week that they foresaw no change in the situation, no matter what Congress did.

Although the county's Negroes outnumber whites by about 1,000, not 1 Negro is registered. Moreover, those Negroes questioned said that, while they wanted to vote, they had no intention of asserting their right to do so.

The reason given is a fear of the economic and physical reprisals that might be the lot of any Negro who sought to register. Past incidents provide an ample basis for these misgivings.

LIKE ROBBING A BANK

"I don't want my throat cut," one man commented in explaining why he would make no effort to register even if a Federal voting law was passed.

Another Negro compared registration to an attempt to rob a bank.

"You might get in but you might not get out," he said.

"It doesn't make any difference what Congress and the Supreme Court say the law is," declared a white overseer. "It won't make a damn in Baker County, not during this generation."

Many students of race relations have cited this atmosphere of intimidation in criticizing the voter-referee plans being debated in Washington. They contend that Negroes would be reluctant to seek relief under the provisions of these measures in most counties of the Black Belt.

This narrow band of dark soil and Negro majorities, which curves across the region from the Virginia tidewater to the east Texas pine barrens, is the chief target of the proposed legislation. Elsewhere in the South, most persons concede, apathy is the major barrier to increased Negro—and white—registration.

Twenty-nine Black Belt counties have no Negroes on the voting rolls, according to the Southern Regional Council. Negroes register with difficulty in others. It is questionable whether they vote in substantial numbers in any but a few counties of the area.

The council's executive director, Harold C. Fleming, once said that the "typical county in which Negroes are disfranchised is a rural county in the Old Plantation Belt where large landholdings and farming are the major way of life, where there is little or no industry, farm tenancy is high, years of educational achievement low, and per capita income low. The percentage of Negroes in the population is high, 50 percent or more."

THREE MAJOR PLANTATIONS

Baker County fits that description well. The stretch of gently rolling flatland, checkered by stands of pine, pasture, and fields of peanuts, lies in Georgia's southwest corner.

Three plantations cover much of its area. Two are owned by northerners—Richard K. Mellon, of New York, and Hill Blackett, a retired Chicago advertising executive. The third and largest, Ichauway, is the property of R. W. Woodruff, of Atlanta, board chairman of the Coca-Cola Co.

The county is famous for its quail hunting. President Eisenhower has visited Ichauway on several occasions and recently sampled the shooting at Blue Springs Plantation, which dips into Baker from adjoining Dougherty County.

A few small farmers are prosperous. But life is hard for the others, who subsist on the meager income from small crops of peanuts, cotton, and corn grown in the sandy clay. A number of Negroes own and operate their own farms. Most of them, however, work as farmhands at $3 to $7.50 a day.

LOSING POPULATION

The county has an estimated total of 5,500 residents. But it has been losing population for more than a decade. "Those who get an education soon leave," said one Negro leader.

This county seat on the banks of the muddy, sluggish Flint River has all the aspects of a dying town. Buildings sag in disrepair. However, its five whisky stores do a lively trade, testimony to Newton's status as an oasis in a desert of "dry" counties.

White officials said race relations were good. "You won't find a group of people anywhere in the world that think more of a good Negro than the people of Baker County," asserted Kenneth E. Jones, chief of the board of voter registrars.

Negroes disagree. "We have some fine white people," said one, "but they're outnumbered."

SOME CRITICIZE SHERIFF

Some Negroes and a few whites accused Sheriff Warren Johnson of harassing and mistreating Negroes. "One of our chief problems here is law enforcement at the local level," said Mr. Blackett, owner of Wallington Plantation. Other whites, some of whom said they were the sheriff's friends, also criticized him.

Mr. Johnson attributed the criticism to politics. He said there was no difficulty for those among the minority race "that want

to be niggers, and that's all we want 'em to be." But he indicated it might be unwise for any to attempt to vote.

"Why, you take two of the best-natured dogs in the world and throw sand on 'em and they'll get to fighting," the sheriff explained. "And I hope they (Congress) don't throw any sand on us down here in Baker County."

Negroes accuse the sheriff of having killed a youth with little or no justification. Mr. Johnson said the victim a Negro, had resisted arrest and that ended the case.

FOUR SOUGHT TO REGISTER

Following the enactment of the Civil Rights Act of 1957, four Negroes made a number of attempts to register. They persisted despite efforts by white officials to postpone the matter.

On the night of December 12 of that year, dynamite explosions wrecked the front porch of one and automobiles owned by two of the others. The fourth was in jail at the time on an illicit whisky charge, but he was later released.

Agents of the Federal Bureau of Investigation made an unsuccessful effort to find the culprits. J. A. Williams, whose house was dynamited, said this week that after the incident "I did promise my wife I wouldn't attempt to register anymore."

Concerning the proposals now before Congress, Mr. Williams said:

"I don't believe you could get those people (Baker County Negroes) interested in trying to register if the Federal Government couldn't protect them any further than just registering."

WANTS RIGHT TO VOTE

But the 83-year-old man, who is virtually blind, declared, "I believe somebody is going to have to die to get any rights. We're not going to get anywhere by being afraid. These white folks wouldn't treat us like they do if we had the right to vote."

Julius L. King, 60, who operates his family's 500-acre farm, took part with Mr. Williams in the registration attempt. His car was dynamited.

"The new law wouldn't be worth anything to us but death," he said. "We would be just like we are right now."

ADVISES NEGRO FRIENDS

The chief registrar, Mr. Jones, said he had told "my Negro friends" who had asked for advice, not to register. However, he contended that he and the two other registrars would put them on the books if they applied and were found qualified.

The registrar, a soft-spoken, hospitable man, invited Paul Phipps, a Negro carpenter, to the Jones home to discuss the problem with a visitor. Mr. Phipps' wife is a schoolteacher in Newton.

"I would be an ingrate," said the registrar, turning to the Negro, "if I didn't tell him what the implications would be if his wife attempted to register. To put it bluntly, she would lose her job."

The carpenter said he and his wife were qualified, and Mr. Jones agreed that this was probably true. Mr. Phipps then asserted that they should be permitted to vote, "but we can't register."

"I'VE GOT TO LIVE"

Why?

"Well, I've got to live," he replied. "I don't want my job cut off and my wife's job cut off."

Mr. Phipps said other Negroes would take the same view of Federal voting legislation.

"I know the law may be passed," he explained, "but we've got to live here in Baker County.

Mr. Jones suggested that Negro teachers be asked for their opinions.

The teachers questioned declined to be quoted or to have their names used. In view of this, they would be unlikely to appear at the ballot box with a certificate from a Federal voting referee.

The tax collector, R. I. Hudson, noted that a number of white undesirables, some of them illiterate, now voted in the county. He explained that officials had been forced to carry them over from the old rolls under the provisions of the State registration act of 1958. They can be dropped only if they fail to vote over a 2-year period.

"We've got a lot of white folks on the rolls who've got no more right to vote than the sorriest Negro in Baker County," he said.

Mr. CLARK. I make one comment on what my good friend from New Jersey has said. I am under no illusions that, whether this amendment or any other amendment is agreed to and becomes law, we are going to find disfranchised voters of America surging to the polling places overnight.

It may be years before a climate will prevail in Baker County and elsewhere in which Negro American citizens can vote without intimidation, and free from fear, but we must start somewhere. There are wide areas in the South and in other parts of the Union where disfranchisement is the rule rather than the exception, where this amendment could bring great relief. I believe we should press forward with it, even though we may feel that it will not accomplish the millennium overnight.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator further yield?

Mr. CLARK. I yield.

Mr. WILLIAMS of New Jersey. I think this is particularly true in connection with the other provision, for the registrar or voting enrollment officer, because then there would be a clear opportunity for the President to make an unequivocal expression of moral judgment in the area with which we are so concerned.

Mr. CLARK. I thank my friend for his helpful comments. I find myself in accord with him.

Mr. President, I have completed my detailed explanation of the pending amendment. Briefly, I should like to summarize the major reasons why I urge its adoption.

In the first place, it is a compromise, a compromise which makes substantial concessions. My friend from South Dakota [Mr. CASE], whom I see in the Chamber, pointed out earlier the view that the original referee proposal did not give adequate fair play to those local and State officials and individuals who live within the voting district where there is complaint that citizens have been disfranchised.

This amendment provides two roads for those charged with enforcement to travel, and, to a substantial extent—although not entirely—it would give the Attorney General of the United States the primary option to determine whether, in the particular district where the alleged discrimination existed, he should travel the referee road or the enrollment officer road.

Regardless of which road he travels, it must be based on and subsequent to a court finding in an adversary proceeding that a pattern of discrimination exists in violation of the 15th amendment.

In the judgment of the sponsors of the amendment, the alternative enrollment officer procedure gives a speedy and ready remedy for widespread wrong, a speedy remedy enforced by administrative procedures patterned after laws of the 50 States of the Union. So far as I know, every one of those laws treats registration and voting as an administrative, and not a judicial function. The laws of each of the States lay down the mechanics by which the executive arm of the government, either through appointment or by arranging for the election of administrative officers in local districts, springs into action to register and to permit to vote the citizens qualified therefor.

In my judgment this administrative action is the right way to proceed, provided it is surrounded with judicial safeguards, safeguards similar to those in the laws of the 50 States, and similar to those called for by the pending amendment.

In my judgment this dual procedure has much merit. The enrollment officer procedure provides a fair, workable, and speedy process, which would be effective in nearly all the districts where widespread disenfranchisement is charged. And yet the referee procedure would be available for use in the hard core areas of resistance where it might be unwise to invoke the administrative procedure, because of the local climate, and where it would be wise to proceed more slowly.

Moreover, under this amendment any Attorney General would have a choice. The present Attorney General does not like the enrollment officer procedure. Very well. He does not have to follow it. He can take the referee road. His successor, whether he be a Republican or a Democrat, may prefer that orderly administrative procedure which has historically been the method of handling registration and voting since the foundation of the Republic. If he does, he has the Federal enrollment officer procedure to follow.

Those of us who support this amendment want to do something effective to see that the 15th amendment to the Constitution of the United States is utilized for the purposes for which it was enacted. Those purposes were to see to it that no citizen of the United States should be denied the right to vote because of race or color.

We are willing to make substantial compromises. We are willing to give ground to meet, to some extent, the objections of some of those who oppose any meaningful civil rights bill; but at some point we must stop. We must stop at a point where we have conceived and put into law a fair, speedy, workable, and meaningful procedure to give millions of citizens rights which have so long been denied them. Yet we have provided an alternative procedure, which meets the requirements of those who unfortunately disagree with us.

Before we voted last Friday on the Douglas amendment, the distinguished minority leader [Mr. DIRKSEN] spoke briefly in opposition thereto. Those of us who framed that amendment have read his speech. We have done our very

best to conform our amendment to those of his objections which seemed to us to be pertinent and meaningful. I hope the distinguished minority leader will read our amendment before he votes. I hope that our colleagues who are in doubt in this regard will consider whether or not we have met, to the extent deemed wise and feasible, the objections which the minority leader raised to the amendment of his colleague from Illinois [Mr. DOUGLAS].

The distinguished minority leader said on Friday that he was willing to go quite a long way to protect and preserve civil rights. I hope that on reconsidering the matter he will find that he can go at least this far, which is not very far, but which is far enough to make the effort worthwhile. It is far enough to give some assurance that this legislation, if enacted, will inure to the benefit of thousands of American citizens and help to give them the rights secured to them by the Constitution, which have been denied them for so long.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir;

S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States;

S. 2185. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea;

S. 2483. An act to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; and

S.J. Res. 115. Joint resolution authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site.

ORDER FOR RECESS UNTIL TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it take a recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASE IN POSTAL SALARIES

Mr. KENNEDY. Mr. President, a few days ago the Senator from South Carolina [Mr. JOHNSTON] introduced a bill to make permanent the temporary increase in salary granted postal workers 2 years ago. He also announced at that time that hearings would be held to determine what inequities there were in the pay scale.

I am convinced that the general pay scale needs considerable revision. If there is any group that has been left behind in the parade toward higher income to meet higher costs of living it is our classified and postal workers. I have seen the actual budgets of 50 Wisconsin letter carriers, taken at random. Of the 50, only 2 found it possible to live within their income. In order to finance their basic expenses, 20 out of 50 had part-time jobs. In 19 cases the wife had to work in order to make ends meet.

This record is not one of which we can be proud.

The U.S. Post Office is the biggest business in the world. It employs 550,000 people in 42,000 offices. Over 60 billion pieces of mail a year are handled by this organization, and it has a cash turnover of over $23 billion a year. Yet three-quarters of the employees must exist on salaries of less than $5,000 a year. It is not until after 18 years of continuous service that a letter carrier can receive $5,000 a year—and his maximum compensation, after 25 years of service, is $5,175 a year.

Mr. President, I know I need not remind the members of this body of the skills and the qualities that are needed if the mail of the Nation is to be handled efficiently. Those who are entrusted with this responsibility should not need odd jobs after a regular 8-hour day to enable them to pay their bills. Their wives should not be required to obtain employment to meet their living expenses. It is our obligation to see that they are adequately compensated.

It should be noted, in this connection, that at least one agency of the Government, by its own action, has established that letter carrier pay is substandard. The Federal Housing Administration could not approve the letter carrier as the purchaser of a $15,000 house, on the basis of his salary alone. The buyer of a $15,000 house needs a downpayment of $650 and can get a mortgage of $14,350. On a 30-year basis, this means a monthly payment for principal, interest, and FHA mortgage insurance of $89.75 per month. Since mortgage lenders adopt the policy of limiting housing payments to one-fifth of the borrower's monthly income, the purchaser of a $15,000 house needs a monthly income of $448.70—or an annual income of $5,384. The top pay for letter carriers, with 25 years of service, is only $5,175 a year.

There are those who would withhold necessary salary increases until a postage rate increase is passed. This is grossly unfair. The welfare of the postal workers should not be dependent upon the outcome of competing theories of post office operation. Whether the post office should be considered a profit-making business or a service we should not use insufficient income as an excuse to pay less than a decent wage.

When the hourly wage of letter carriers and post office clerks is compared with that of any other occupation we find the letter carrier is at the bottom of the wage scale. He earns between 25 and 75 cents an hour less than the garbage collector. A common laborer on a construction project gets more pay than a letter carrier with 25 years' service.

Over the years the position of the letter carrier and clerk has grown steadily worse. Ten years ago he earned 28 cents an hour more than an ironworker. Today he earns 31 cents an hour less. Ten years ago he earned 15½ cents more than a united parcel deliveryman. Today he earns 14½ cents less.

Illustrations of these inequities could be multiplied indefinitely. They demonstrate, beyond any doubt, that the letter carrier has been largely ignored by the trend toward higher profits and higher wages—although he still suffers from the higher costs of living. I am convinced this Congress must correct this inequity. It is up to the Government to treat its employees justly.

RESOLUTION OF LEGISLATURE OF STATE OF HAWAII UPON THE DEATH OF SENATOR RICHARD L. NEUBERGER, OF OREGON

Mr. MORSE. Mr. President, I have received a letter from Mr. Herman T. F. Lum, clerk of the House of Representatives of the First Legislature of the State of Hawaii, transmitting a resolution expressing heartfelt sympathy to Mrs. Richard L. Neuberger and the people of the State of Oregon upon the untimely death of my colleague, Senator Richard L. Neuberger.

I ask unanimous consent that the letter and resolution be printed in the body of the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

THE FIRST LEGISLATURE,
STATE OF HAWAII,
HOUSE OF REPRESENTATIVES,
Honolulu, Hawaii, March 10, 1960.

Hon. WAYNE MORSE,
Senator, U.S. Senate,
Washington, D.C.

DEAR SIR: I transmit herewith certified copy of house resolution 60, which was adopted by the First Legislature of the State of Hawaii in budget session, 1960.

Very respectfully,
HERMAN T. F. LUM,
Clerk, House of Representatives.

H. Res. 60

Whereas the passing of the Honorable Richard L. Neuberger, U.S. Senator from the sister State of Oregon, is an immeasurable loss to the welfare of all mankind in these days of tension, misunderstanding, and selfish opportunism; and

Whereas Senator Neuberger was a ray of hope to those who would not accept the cynical view that man's inhumanity to man was the destiny of man, but who have faith that poverty, bigotry, hypocrisy, and other forms of human shortcomings can be eliminated; and

Whereas the dedicated spirit of Senator Neuberger to the perpetuation of truth and better social, economic, and political conditions for all mankind in a free world can well be emulated by public servants throughout the world; and

Whereas the passing of Senator Richard L. Neuberger is an extremely great loss to the people of Hawaii who lost a friend who championed the cause of statehood which made first-class citizens of the people of Hawaii; and

Whereas there are no words which can lessen the grief to the Nation and his family: Now, therefore, be it

Resolved by the House of Representatives of the First Legislature of the State of Hawaii, budget session of 1960, That it express its heartfelt sympathy to Mrs. Richard L.

Neuberger and the people of Oregon; and be it further

Resolved, That copies of this resolution be transmitted to Mrs. Richard L. Neuberger, U.S. Senator WAYNE MORSE, the Governor of the State of Oregon, the president of the State Senate of Oregon, and the speaker of the House of Representatives of the State of Oregon, forthwith.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Misscuri.

Mr. MORSE. Mr. President, it is my pleasure to be listed as a cosponsor of the Clark-Javits amendment to the pending civil rights measure.

Mr. CASE of South Dakota. Mr. President, I wonder if the Senator from Oregon will yield to me for a very brief statement of not to exceed 5 minutes, with the understanding that he shall not lose his right to the floor.

Mr. MORSE. I am always happy to cooperate with the Senator from South Dakota, with the understanding that I do not lose my right to the floor.

Mr. CASE of South Dakota. I wish to state briefly why my name is found as one of the sponsors of the pending amendment. Before I do so I wish to state that I regret that in the debate references should be made to the presence or nonpresence of Members of the Senate, whether individually or generally. Every Senator knows that he has certain responsibilities to meet and things to do which at times prevent him from being present on the floor. It has not been possible, apparently, for either the majority leader or the minority leader to be on the floor during a great deal of the debate this afternoon.

With respect to the pending amendment, my position will be found to be consistent if anyone takes the trouble to look up the position I took when the civil rights bill was before us in 1957.

At that time I voted against the so-called part III of the bill because I felt that the bill should be confined to a voting rights bill. In the consideration of the pending bill, what I am most concerned with is providing an adequate means in law which will protect the voting right.

The 15th amendment, in my judgment, should be complied with, and Congress should avail itself of the provision in the 15th amendment which gives it the power to enact appropriate legislation to carry out the purpose of the 15th amendment.

The other day I voted to table the amendment then presented because I felt, as I indicated by some of my questioning at the time, that it would be placing an undue burden upon the President to make him responsible for making certain findings of fact and then having him carry out the detailed steps necessary to protect the voting rights of persons who had been deprived of them through a pattern or practice of discrimination.

The pending amendment, on the other hand, leaves with the court the proper judicial duty of making a finding of fact, and does not necessarily require the courts to become administrative agencies.

Though it is true that a provision in the pending amendment would make it possible for the courts to administer the steps following a finding, it does not limit the remedy to that action, but makes it possible for the President, as the head of the executive branch of the Government, to carry out the steps necessary to protect the right to vote.

The ultimate guardian of freedom in a government by the people must be the ballot box. If Congress can pass effective legislation which gives to each citizen the opportunity to vote, as is contemplated under the 15th amendment, without prejudice by reason of race, color, or previous condition of servitude, and if that provision can be made a reality, we will have passed constructive legislation.

The other reforms or other steps in the field of civil rights, which some Senators feel are important to establish by statute, will in time be accomplished if every citizen who is qualified to vote under the laws of the State in which he resides is given an opportunity to vote, then the other matters will be taken care of and the purpose of the Republic will be served.

I thank the distinguished Senator from Oregon for his courtesy in yielding to me.

Mr. MORSE. Mr. President, it is my pleasure to be listed as a cosponsor of the Clark-Javits amendment to the pending civil rights measure.

I have cosponsored it because it is my opinion that the amendment takes a step in the right direction toward giving Negroes the voting rights to which they are entitled under the Constitution of the United States.

The amendment first provides for a Federal court determination of a "pattern or practice" of discrimination—of deprivation of the right to register or to vote at any election, State or Federal, general or primary.

This Federal court determination may be instituted by the Attorney General of the United States, but the amendment, wisely, does not stop there. The court proceeding may be initiated also by the request of any plaintiff. Thus, one who has been deprived of his rights to register or vote is assured of his "day in court."

The aggrieved person, upon proof that he is qualified under State law to vote, may obtain a court order to that effect, and the State Governor is so notified.

The complainant is not required, as he is required under the administration's bill, to go through the useless act of obtaining a refusal from the State voting registrar.

The State, under the Clark-Javits amendment, has a 20-day period of grace to comply.

Once an applicant has been declared qualified to vote, he shall be permitted to vote, and any State official knowing of the order, who refuses permission to vote, is automatically in contempt of court.

To facilitate voting rights the amendment calls for court-appointed referees to pass upon applicants' qualifications.

The Clark-Javits amendment does not stop with the foregoing procedures. It also provides administrative remedies.

Upon issuance of a Federal court finding of a pattern or practice of voting-right deprivation, the President would be authorized to issue an Executive order designating Federal enrollment officers.

The enrollment officers would issue certificates of enrollment to vote, upon proof of the applicant's qualification under State law.

State challenges of the enrollee's right to vote would be permitted, but pending approval of the challenge in court the enrollee would be entitled to vote and have his voted counted.

This procedure would place the burden where it should be—on the States instead of the individual.

Willful denial or interference with enrollment rights would be punishable by fine and imprisonment.

Mr. President, if the voting rights guaranteed by the Constitution are to be realized in fact, we need implementing legislation of the type contained in the Clark-Javits amendment.

The need in this respect was amply demonstrated in a fine brief I received in February 1960 from an outstanding member of the legal teaching profession—Assistant Dean William W. van Alstyne, of the Ohio State University College of Law, Columbus, Ohio.

Professor van Alstyne's comments deserve consideration by my colleagues; and, therefore, I shall quote at some length from this very fine brief.

Mr. President, this is a specific example of what I had in mind when I took the position on February 15 that this whole matter should go to the Committee on the Judiciary for consideration for at least a week, so that there could be brought back to us a completed record in regard to the merits and demerits of proposed legislation under consideration by the Senate. The CONGRESSIONAL RECORD will show that I said in the debate at that time that we cannot, in effect, bring to the floor of the Senate expert witnesses, constitutional law authorities, deans of law schools, or professors of law, to testify on the very complicated legal questions which are involved in a legislative problem as complex as the one we are considering.

So we have observed the Senate for many days going through a process which I think is not to the credit of the Senate of the United States. We have been following a procedure which does not redound to our reputation as a good legislative body. Thus it becomes necessary for individual Senators from time to time to present what would have been testimony before the Committee on the Judiciary, if the position taken by the senior Senator from Oregon was correct, not only this year, but also in 1957, when he objected to a similar attempt on the part of the Senate to circumvent the customary Senate proceedings. In a sense Dean

Van Alstyne will be a witness through me, this afternoon, on the floor of the Senate, as I place in the RECORD the position which the dean would have taken had he been a witness before our committee and had he been allowed to make the kind of report which, in my opinion, ought to have been made on the civil rights legislation before we even started the debate on it. I hope there does not happen to be any Senator among us who believes that the procedure adopted has saved any time, because in my discussion on February 15 I pointed out that by following the procedure we were about to follow we would waste a tremendous amount of time—and we have. What a farce so much of it has been. Consider the cost of the debate—which could have been avoided had we followed an orderly procedure in the Senate on February 15 instead of adopting the circumventing procedure of having a civil rights amendment submitted to a little bill involving the transfer of a lease on some Army property in Missouri.

But I lost on that vote. The Senate decided on the course of action it has followed. It has only itself to blame for the confusion confounded ever since February 15. Now we have before us what I believe is a clear outline of what will happen on civil rights legislation at this session of Congress, if anything worth while happens at all. I still have my reservations as to whether any bill worth while will be passed.

However, it appears that the only bill of any value which will be passed, will be a voting rights bill, provided the House sends over to the Senate one which has any merit in it. We have the opportunity in the Senate to strengthen the House bill in case it is a weak bill. That issue is before us this afternoon.

What is the move? The move, obviously, is to weaken this proposal further. Heavy pressures are being exerted to prevent adoption of an effective procedure to enforce voting rights for the Negroes of America.

We have before us the so-called Clark-Javits amendment, of which I am a cosponsor, and which is referred to by some persons as at least a compromise of the Douglas amendment, which was rejected last Friday. I do not see how we can accept less than the Clark-Javits amendment and make any pretense to the Negroes of America that we are providing them with an effective procedural enforcement of voting rights. If we simply pass the administration bill as it stands, I am of the opinion that we will practice a fraud upon the Negroes of America, because I do not believe that bill contains any effective guarantee to them that they will have the right to vote.

As is well known in the Senate, I voted against the civil rights bill in 1957 because I felt it was a fraud, in effect; that it was a sham, in essence; that it contained no effective enforcement of the nice-sounding phrases included in the bill. I forewarned that they would prove to be empty phrases. For the reasons I shall set forth in the course of my remarks this afternoon, they have been naught but empty phrases.

So I turn to the brief prepared by Dean Van Alstyne, associate myself with it, and shall add it from time to time as I quote extensively from it. In my judgment, it must be made a part of the record of this debate, not merely as an insertion in the RECORD; it must be made a part of the record of this debate by way of commenting upon it, as at least one Senator considers and discusses the main features of this brief.

Dean Van Alstyne says:

It may be that my experience regarding litigious problems which have arisen under the 1957 Civil Rights Act (especially 42 U.S.C. sec. 1971) will be of some value to you in assessing the comparative merits of the Civil Rights Commission's proposal for Federal registrars and Attorney General Rogers' proposal for Federal referees.

Mr. President, I ask unanimous consent that the citations and footnotes may be printed in the RECORD at the various points in the context to which I refer.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, Dean Van Alstyne continues:

As you are doubtlessly aware, only four cases have arisen under the enforcement provisions of section 1971 (a) and (c): *United States* v. *Alabama*, 171 F. Supp. 720 (M.D. Ala. 1959), affirmed, *United States* v. *Alabama*, 267 F. 2d 808 (5th Cir. 1959), cert. granted, 80 S. Ct. 196 (1959); *United States* v. *McElveen and Thomas*, 177 Supp. 355 (E.D. La. 1959), Civ. Action No. 9146 (E.D. La. 1960), stay of order granted, 5th Cir. (Jan. 1960) (stay vacated Feb. 1960, by U.S. Supreme Court); *United States* v. *Raines*, 172 F. Supp. 552 (M.D. Ga. 1959), docketed, 79 S. Ct. 1448 (1959); *United States* v. *Fayette County Democratic Committee* (filed in W.D. Tenn. about 2 months ago, as yet unreported). The effect of these cases has been as follows:

(1) The right to vote has not as yet been secured to anyone as a consequence of any action commenced under the 1957 Civil Rights Act.

Mr. President, I do not see why that statement should surprise anyone. One of the burdens of my argument in 1957 was that the so-called civil rights bill of 1957 would not add any voters to the voting books in the South where Negroes are denied the right to vote.

When the Senate of the United States—and I say this most respectfully—walked out on the procedural provisions of the 1957 bill as first introduced and first considered, and particularly when it added the jury trial to the bill, it guaranteed, as I said at the time, that it was not going to have an effective legislative instrumentality for voting privileges among the Negroes of the country.

Yet the sad thing is that Congress, by passing that bill, raised false hopes among millions of colored people that it had passed something substantial and effective in the field of voting rights. I am glad I did not participate in that performance, but that I voted against the bill, because now we are confronted with the results of its passage.

So Dean Van Alstyne is quite right when he makes his first point:

The right to vote has not as yet been secured to anyone as a consequence of any action commenced under the 1957 Civil Rights Act.

He continues:

(2) Sections 1971 (a) and (c) were held to be unconstitutional by one court and constitutional by another (both cases are in various stages of appeal).

(3) Sections 1971 (a) and (c) have been construed so as not to authorize preventive relief against registration boards or States, but only against individual persons.

(4) Section 1971(a), which was formerly section 1971 and available through related statutes to provide relief in a civil action for damages brought by a citizen deprived of his right to vote on account of race, has been construed as limiting relief to an action brought by the Attorney General under section 1971(c) and therefore cannot be invoked in a private suit. (See dictum, *Darby* v. *Daniel*, 168 F. Supp. 170 [5th Cir. 1958].)

(5) Since the Attorney General filed suit in Terrell County, Ga., and Macon County, Ala., voting registration in those communities has ceased altogether.

These facts are probably known to you, and certainly they argue against complacency among legislators. Indeed, the report of the Civil Rights Commission indicates that approximately 3½ million Negroes possessing qualifications equal to those of registered white voters are presently disfranchised in the South. (See the report, pp. 19–133, and especially Commissioner Johnson's remarks at p. 132: "[O]ur findings also show that in 16 counties where Negroes constitute a majority of the voting-age population there are no Negroes registered to vote. In 49 other counties where Negroes constitute a majority of the voting-age population, some, but fewer than 5 percent of the voting-age Negroes are registered." Elsewhere, it appears that: less than 2 percent of Negroes of voting age in Mississippi were registered to vote in 1956; less than 8 percent are registered in Alabama; in several Louisiana parishes with 60,000 Negroes of voting age, none are registered.)

Mr. President, I am well aware of the fact that for many days during the course of the debate since February 15, there have been denials and arguments to the effect that the Civil Rights Commission's report is inaccurate. I have listened to much of the argument, and I have read all of it, and I have reread the Civil Rights Commission's report, and I have read other material on this matter. All I wish to say for the record is that I am convinced that the Civil Rights Commission is correct—that the use of one device after another, including some interesting subterfuges, in many parts of the South result in denying to the colored people the right, in fact, to vote. Therefore, I do not see what harm will be done by the enactment of legislation which will provide procedures which, when carried out, will guarantee the right to vote. The right to vote is the right we want to assure and in this particular amendment, in my judgment, we provide that right and the enforcement machinery for executing it; and in my judgment, no injustice will be done to any group, any official, or any State, either in the South or elsewhere in America, by guaranteeing in fact as well as in law, the precious right to use a free ballot in the United States.

Mr. President, I read further from the brief by Dean Van Alstyne:

The crucial question is, of course, what are the significant defects of the 1957 Civil

Rights Act which account for its regrettable failure, and how may they best be remedied? The defects, it seems to me, are not at all apparent, but in fact they all inhere in Congress' choice of basic remedies, namely, the device of litigation. Several illustrations of the Justice Department's attempts to enforce the act should make this reasonably clear.

1. Difficulty in securing evidence: Note, first, that notwithstanding statistics which indicate widespread discrimination, only four cases have been commenced. One reason for this is, assuredly, the timidity with which President Eisenhower approaches civil rights, necessarily reflected in rather hesitant policies of the Department of Justice. It is my firm conviction, however, that this is not the sole reason, nor even a substantial part of the reason for the act's infrequent use. Rather, the problem is essentially one of securing evidence acceptable to a court of law, according to the severe burden of proof required by the act. (See hearings before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee (191, 86th Cong., 1st sess. [pt. I, 1959]).

You will note that the act does not provide relief merely upon a showing that Negroes are required to meet arduous registration requirements, stringent literacy tests, or other severe qualifications; the act demands proof of a difference in treatment of Negroes than of white persons—the fact of discrimination must be alleged and proved. While the testimony of Negroes as to their treatment can usually be obtained by the Justice Department, evidence of the treatment of white persons—necessary to establish comparisons—is extremely scarce, because—

Mr. President, it seems to me that procedural technique must not be overlooked as we consider remedial legislation, because the Civil Rights Act, as written, requires much more than a showing of the treatment a Negro has received from a southern registrar. It is also necessary to show the treatment received by the white persons, and then to show that, as a result, the Negro was discriminated against.

I think Dean Van Alstyne makes a worthwhile contribution to this subject by pointing out the burden of proof which confronts the Department of Justice in prosecuting a case to show discrimination under the 1957 act, which, I think, was so poorly worded that it became practically a meaningless document, insofar as guaranteeing any enforceable rights is concerned.

I read further from Dean Van Alstyne's brief:

(a) Many southern registrars keep no records of applicants for registration who were rejected.

(b) Records of accepted applicants fail to indicate what procedure was followed, what literacy test administered, and so forth.

(c) What few records are available can only be obtained after critical delay occasioned by legal action to secure the records. (See, e.g., *United States* v. *Wallace*, 169 F. Supp. 63 (M.D. Ala., 1959)).

(d) White persons are generally hostile witnesses, unwilling to discuss their experiences with representatives from the Justice Department, amenable only to judicially applied coercion, and often evasive in their stories.

(With respect to the difficulty of securing records, you may recall that in reaction to the Attorney General filing suit in Alabama last year, the Alabama Legislature enacted a statute authorizing registrars to destroy their records after 30 days of their accomplishment. I am aware, of course, that the Attorney General has proposed a bill to require the maintenance of records and to permit their inspection, but unfortunately it has a fatal defect; since this bill would not require registrars to make records in the first place, the States are free to repeal State laws presently requiring the making of registration records, thus escaping the effect of the Federal law.)

The necessary consequence of having to secure evidence of the different treatment of white persons has customarily involved additional application to the courts for orders directed against registrars, time-consuming subpena of white witnesses, etc., all of which postpone the case. During such a postponement, the Justice Department may find its Negro witnesses withdrawing due to coercion applied through their white employers, local white citizen councils, white creditors and tradespeople, and the local press.

2. Difficulty of locating defendants: Registrars are generally forewarned that a suit is about to commence, in that the Civil Rights Commission, or the FBI, will have entered the community to determine whether there is sufficient evidence to sustain an action. They can easily avoid such a suit by the simple expedient of resigning their office, and being replaced by new registrars against whom no evidence of discriminatory activities can possibly exist. Thus, in *United States* v. *Alabama*, supra, the two registrars resigned a few days before suit was filed. Since the court held that the Civil Rights Act did not authorize suits against impersonal entities, such as the registration board or the State, the case was dismissed as moot. Now, in 1960, when new registrars have finally been appointed, the Department of Justice must wait again until new evidence can be supplied to determine what discriminatory practices, if any, these registrars may pursue.

3. Abuse of the judicial process: (a) By enlisting the support of partisan courts, canny defense counselors may postpone ultimate disposition of a case for years. Thus, the court in *United States* v. *Raines* held the Civil Rights Act unconstitutional, and though there is little doubt that this decision will be reversed (cf. *United States* v. *McElveen*, supra), the delay may be fatal. No decision on the merits may be expected until late this year, 2 years after the case was commenced. Whether the Government will still be in control of its Negro witnesses who are meantime subject to local harassment is doubtful. In any case, it is unrealistic to rely on law enforcement by judges appointed from communities which are hostile to the law being invoked.

(b) Sympathy by the courts is not necessary to occasion judicial delay, however, for the judicial process itself is vulnerable. For example, in *United States* v. *Alabama*, defense counsel filed a motion to dismiss on 54 separate grounds; while scarcely any of these required serious consideration by the court, still the Department must brief each of them conscientiously to be secure, again at the cost of time. Motions to dismiss were filed, briefed, and argued in *United States* v. *Raines* and *United States* v. *McElveen*; procrastination in all these cases has been acute.

4. Remedial limitations: Even if we can assume that cases will ultimately be decided in the Government's favor, they guarantee only that the few Negroes actually named in the complaint will be registered, with some slight added assurance that other Negroes in that very county may also be protected. In view of the enormous disparity between the Negro and white vote, however, one can readily see that proceeding on this piecemeal, case-by-case, county-by-county basis can never succeed in securing the franchise to the great majority of Negroes in the South.

Mr. President, that fact was obvious in 1957, when we voted on the bill. It was perfectly clear to the few of us who voted against it, but who wanted an effective civil rights bill. Two groups voted against the 1957 bill; those who wanted an effective civil rights bill, which we argued the bill was not, and those who did not want any bill at all. So those of us who found ourselves voting with those who did not want any bill at all were at first misunderstood. We are not misunderstood any longer, because time has proved how right we were. Dean Van Alstyne, in this very brief, gives support to the position a few of us took in 1957, when he points out that the remedial limitations of the 1957 bill, by their very design, were bound to be ineffective. So he says:

We cannot realistically expect registrars in one county to desist from discriminating merely because three registrars in an adjoining county were placed under a court order, and thus we must anticipate that separate legal actions would be required in several hundred communities throughout the South.

The other remedial limitation derives from the civil rights act's provision that a jury must pass on any holding of a defendant in contempt where the penalty would involve more than 45 days incarceration. Since no case has been concluded under 1971(c), the contempt provision of the statute has not yet been applied. Even so, one case does illustrate its inherent difficulties. In *United States* v. *Wallace*, 169 F. Supp. 63 (1959), a local Alabama judge impounded county registration records sought by the Civil Rights Commission and refused to release them pursuant to a Federal court order. The Justice Department was informally advised by Judge Johnson, the presiding Federal judge, that he was unwilling to hold local Judge Wallace for contempt if 45 days was the maximum penalty he could impose, since it was his feeling that this would enhance Judge Wallace' political position in Alabama without visiting any effective punishment upon him. Under the circumstances, Judge Johnson therefore found that Wallace was not in contempt of court, though it is clear from the opinion that Wallace failed to respond to the Federal court order permitting inspection of records by the Commission in an expeditious manner.

There are, of course, a few legislative proposals which have been offered to meet the particular weaknesses of the act as they have thus far developed. You should realize, however, that the frailty of the act runs deeper than the particular symptoms which manifested themselves in these last 2 years; just so long as legislation is directed to the litigation of each incident of voting discrimination, wholesale, disfranchisement will continue. What is required is not the mere enjoining of a few registrars, but the removal of power from these State officers who, as a class and according to our considerable experience, demonstrate a regrettable enthusiasm for abusing that power. Only the replacement of partisan registrars by neutral personalities, or a basic alteration in the Constitution itself, can succeed in the equal application of reasonable registration laws to Negro and white citizens alike.

What I wish to stress, Mr. President, is this argument in Dean Van Alstyne's brief that if we are going to have effective enforcement we have to come to a consideration of the power of southern registrars. We did not do that in 1957. The movement was on to get a civil rights label through the Congress. The

movement was on to be able to tell the people of the country, "For the first time in 70 years we passed a civil rights bill."

There was little interest in the Senate in 1957 in a civil rights bill which came to grips with the kind of power the dean is talking about in this brief. It was politics which rode the crest, rather than an analysis of what was in the bill. The yolk and the white had been taken out of the shell and there was handed to the Negroes of America, as though it were an edible egg, a civil rights shell—a label with no nutrition in it.

Mr. President, as the dean points out in this brief, we have to come to grips with the power of southern registrars, and the Senate never even came near that in 1957.

The dean goes on to say:

In this posture, certain remarks may now be in order on current proposals for Federal referees or registrars.

1. As I understand Mr. Rogers' proposal, additional subsections would be added to section 1971, empowering a Federal court to appoint provisional referees to certify the voting qualifications of local citizens, whether or not they were immediately involved in the action which resulted in the appointment of referees; that this certification would apply to their right to vote in local, as well as Federal, elections; and that the referees' authority would include certain supervisory control over the election procedure itself. The proposal is ostensibly broad, forceful, and commendable in its purpose. It does, however, require a prior judicial determination before referees can be appointed, subjecting the Justice Department to the same process of litigious procrastination, slippery defendants, and unrealistic burden of proof which have plagued enforcement of section 1971 thus far. In short, use of the referees first requires the successful prosecution of a suit under extant section 1971, and therefore does not offer a practical improvement on existing law.

I cannot stress that too much. I do not know what good it will do, but we will make the record once more, Mr. President, as we made it in 1957.

The referee proposal of the administration cannot be effective in enforcement and will never be effective in enforcement, for the very cogent reasons the dean presents in this brief and those that some others of us have argued for for some years. This is true because the judicial procrastination which is guaranteed by this litigious procedure recommended by the Attorney General of the United States, speaking for the President of the United States, makes it impossible to have effective enforcement of voting rights. It does not come to grips with what the dean calls the power of the registrars.

Mr. President, this simply gives the politicians another excuse for not taking effective action, another rationalization. Even now I can hear the arguments they will use on the political rostrums of America next fall. There will be the same kind of reasoning there has been ever since the colossal mistake of 1957, when the politicians were forewarned there was no effective procedure in the 1957 act. The politicians were forewarned that the act would lead to the same kind of judicial procrastination which Dean Van Alstyne points out in the brief I am using as the basis of my argument this afternoon.

I warn the Senate again, if we adopt the administration program for referees we are not going to see very many Negroes added to the voting books of this country for years to come, because that proposal does not come to grips with the power, as the dean says, of the registrars, who are following their devious methods for denying the precious right to vote to the colored people in those areas of the South which now do not allow colored people to vote in any substantial number.

We have the problem before us. Are we going to vote for effective enforcement procedures, or are we going to vote for another label? The Clark-Javits amendment, which I am proud to cosponsor, comes to grips with this issue. It has in it a procedure to deal with the power of the southern registrars.

The dean is an expert witness on this phase of the matter, which is a highly complicated segment of constitutional law. He performs a great service to the Senate by making available to us this brief from which I am quoting.

He goes on to say:

I appreciate the Attorney General's dilemma; offhand, Congress does not appear to have the constitutional authority to regulate the manner in which purely local elections are held, without tying it to an implementation of the 15th amendment which may require a prior determination that a State has racially discriminated. Nevertheless, tying the use of Federal referees to the success of an action under section 1971 will, in my opinion, fatally restrict the practical application of this additional remedy, due to opportunities for maneuver and delay inherent in the judicial process.

Another critical objection to the proposal is that the Federal referees would not completely supplant local registrars, but would merely be empowered to register citizens who met State voting qualifications and who applied to them for certification, instead of applying to the local registrars. In effect, this would mean that only Negroes able to comply with State voting qualifications of a stringent and unreasonable nature could register with the Federal registrars, but that white citizens, applying to sympathetic local registrars, would not in fact be held to those qualifications, and thus could register with greater ease and in greater numbers. Consider, for example, the effect of this system as it accommodates a double standard for registration in Georgia, where a Negro applying for registration with a Federal referee must be able to answer the following questions, among others, as required by State law:

"What is a republican form of government?

"Who is the solicitor general of the State judicial circuit in which you live and who is the judge of such circuit? (If such circuit has more than one judge, name them all.)

"How does the constitution of Georgia provide that a county site may be changed?

"What are the names of the persons who occupy the following State offices in Georgia?

* * * * *

"Comptroller general; commissioner of agriculture; commissioner of labor; State school superintendent.

"What is treason against the State of Georgia?"

Those are the questions thrown at the colored applicant. That is what Dean Van Alstyne is talking about when he says we must face up to the question of the power of southern registrars, or registrars anywhere in the United States where it can be shown that they adopt discriminatory policies based upon race, color, or creed.

Mr. President, the administration's bill does not come to grips with the problem, but the Clark-Javits amendment before us does. I say most respectfully that I shall watch with great interest the rollcall on the Clark-Javits amendment. So far as the Senator from Oregon is concerned, that rollcall will mean to him just this: We shall separate those in the Senate who really believe we should enact legislation with effective enforcement of the right to vote in it from those who really do not believe in it. We are drawing that issue in this debate. That is the basis on which I intend to discuss that rollcall on the platforms of America in the great campaign ahead.

The American people must have brought to them the facts about what goes on in the Senate with regard to the matter of civil rights legislation. I intend to tell them what I think has been going on in the Senate, starting in 1957, when we passed a civil rights bill with no effective enforcement procedures in it, just as Dean Van Alstyne says in the brief from which I am quoting.

At this hour in the Senate we are given notice that there is a move on foot to lay on the table the Clark-Javits amendment, which is an amendment which seeks to come to grips with the power of southern registrars. As Dean Van Alstyne says, until we come to grips with that power and adopt a procedure that will check the misuse and abuse of that power, we cannot guarantee to the Negro citizens of America in the Southern States, where they are now being discriminated against, the right to vote. It is just that simple.

In support of the statement that Dean Van Alstyne makes concerning the type of questions that are asked colored people in some sections of the country when they apply for registration to vote, he suggests that we consult the committee hearings, at pages 169 and 170.

The dean continues:

According to our experience, we know that white applicants are not required to answer such questions before local registrars and that this could not change under the Rogers' bill; indeed, we may anticipate that this system of "alternative registrars" will encourage the States to add even more difficult registration qualifications, so that few Negroes could meet the standards as administered by impartial referees, while leaving local registrars free to ignore these requirements in registering white citizens who otherwise could not qualify. For these several reasons I am convinced the Attorney General's proposal is basically unsound, and that its passage would result merely in removing the existing demand for more efficacious legislation.

The Civil Rights Commission's proposal differs in several aspects:

(a) Registrars would be appointed by the President upon a finding of discrimination by the Civil Rights Commission.

(b) The registrars would be appointed from the area in which discrimination is established.

(c) Their authority would be limited to the certification of voters qualified to vote in Federal elections.

The defects here are (1) in limiting appointment of registrars to those who are resident to the geographic area in which discrimination is found, it is less likely that the Federal registrars would be neutral and unbiased than otherwise; (2) in limiting their authority to Federal elections, there is no assurance that hostile States might not establish separate registration and election procedures for local elections, and thus leave the ability of Negroes to influence local government and local police harassment unimproved; (3) in limiting the registrars' authority to registration procedures, it leaves local election officials as able to manipulate the voting procedure and election returns as before; (4) in requiring preliminary findings of discrimination by the Commission, this proposal assumes (a) the Commission will continue as a permanent body, and (b) that its determinations will not be subject to the same litigious weaknesses as are the courts; (5) States are left free to register white citizens who do not in fact meet registration requirements. These detractions, I submit, rob the Commission's proposal of its efficacy.

I think this is a very sound and scholarly analysis of the defects and weaknesses of both the registrar and referee proposals. I believe that the Clark-Javits amendment, of which I am proud to be one of the cosponsors, comes to grips with the problem of working out the best compromise we can now work out, in view of the unfortunate action taken by the Senate last Friday on the Douglas amendment. At least the Clark-Javits amendment would provide for some enforcement procedure, which I think would be effective, whereas, in my judgment, the referee proposal of the administration would not provide it.

Dean Van Alstyne did not limit himself to criticisms of the Rogers proposal. He went on to make some suggestions of his own for possible legislative remedies. Because we cannot tell yet what the final action may be taken by this body, I propose to take a few minutes now to place in the RECORD, with a few brief comments of my own, some of the suggestions of Dean Van Alstyne. He put it this way in his communication to me:

With considerable reservation, I should like to invite your attention to two alternative proposals which may presently not be within the contemplation of Congress, but which may hold out considerably more promise than legislation now before you.

The first of these is a proposed constitutional amendment, establishing voting qualifications for all elections, affirmatively stating the right to vote as constitutionally granted, and vastly increasing congressional power to assure the franchise:

"SECTION 1. Every citizen of the United States of the age of 21 years or older who has resided in any State or territory 6 months and in the voting precinct 3 months, immediately before offering to vote, shall be entitled to vote at any primary election or other election therein, in which candidates for any public office are nominated or elected, except that the privilege of voting shall not extend to persons in confinement for crime nor to persons adjudicated unsound of mind.

"SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

This amendment differs in many respects from that which the Civil Rights Commission has proposed (see Report, p. 144), and it appears at page 181 of McGovney, "The American Suffrage Medley" (1949). It clearly represents a substantial departure from the existing scheme of legislation, manifestly deserving more attention and explanation than can be developed in this letter. Without trying your patience with a prolix exegesis on the merits and consequences of this amendment, I should say that according to my own research, experience, and judgment, its adoption could secure more complete electoral participation with a minimum of stress on our Federal system. (Should you be interested in this proposal, its background and reason can be better understood through reading "The American Suffrage Medley," and "The Report of the U.S. Commission on Civil Rights," in connection with parts of this letter reviewing our difficulties under existing legislation.)

If, in your judgment, this amendment should appear to be either rationally imprudent or politically incapable of adoption, I would recommend that a bill be introduced in Congress based on a modification of the present Attorney General's bill. It should provide that the President be empowered to appoint Federal referees in his discretion, wherever he has reason to believe it necessary to assure access to the ballot. The referees would have the authority to supplant local registrars in every respect, to certify all qualified voters and to supervise elections, primary and general, in which candidates for Congress are involved.

I understand that this legislative proposal is being given serious consideration by some of my colleagues. I have made clear that I shall be happy to join in it if it is offered. The present strategy—and that is a proper use and a proper application of the word "strategy"—the present strategy in the Senate seems to be to try the Clark-Javits amendment first.

The Clark-Javits amendment, in my judgment, is preferable to this proposal of Dean Van Alstyne. If we lose out on the Clark-Javits amendment—and I hope we will not—then it seems to me that this is the next line of retreat in this battle that some of us are putting up in trying to bring to the Negro people of America the precious right of first-class citizenship, basic to which is, of course, the right to vote.

I think it is important that this possible alternative, as proposed by Dean Van Alstyne, be made a part of the RECORD before we come to a vote on the Clark-Javits amendment.

Dean Van Alstyne goes on to write:

A statute of this character would avoid the pitfalls of litigation presently a prerequisite to securing any kind of relief, in that no judicial determination that discrimination exists would be required. Thus, Executive discretion could be exercised to appoint referees on the basis of statistical disparities of the kind elsewhere reviewed in this letter (e.g., in the 16 counties possessing a majority of Negroes of voting age but where none are now registered). Moreover, it does not confine the selection of registrars to residents of the immediate area concerned, it would affect the registration of both white and Negro citizens, and it would reach the conduct of elections themselves, as well as the registration process. It would appear to be a legitimate exercise of congressional power under article I, section 4 of the Constitution, without violating traditional notions of separation of powers which somewhat limit the ability of Congress to delegate authority to the Executive. (Certainly, however, additional research is required before we could be confident in the complete constitutionality of such a bill.)

Its one obvious weakness inheres in the fact that the Federal referees would control the mechanics only of Federal elections, leaving the States free to establish separate procedures for local elections. Unhappily, until the Supreme Court broadens the scope of the 15th amendment so as to authorize Federal action against private discrimination in local elections, it is not easy to see how a law reaching local elections can be promulgated, unless the statute also requires that a court first determine that those acting under color of law have discriminated, so as to bring in relief in local elections as part of the judicial remedy in a proper 15th-amendment case. But the hopelessness of relying on judicial processes inherent in the pending bills impresses me as more serious and objectionable than the weakness of this statute.

In any event, without wishing to appear rhetorical or sentimental, I hope that you may find this letter helpful in your deliberations on civil rights. Racial discrimination with respect to the right to vote is galling to a democracy, stifling the very processes and philosophy which endow national power with national wisdom, and which protect those from whom power is derived from abuse by those to whom it has been entrusted.

Should you entertain any reactions to my letter, I would be pleased to hear from you at your convenience.

Sincerely,

WILLIAM W. VAN ALSTYNE.

Mr. President, I wish to say for the RECORD this afternoon that I not only thank Dean van Alstyne for the research and scholarly work he did in the preparation of this brief and for making it available to me for my study and my comments here this afteroon, but I want the RECORD to show, also, that I believe Dean van Alstyne performed a great public service which will be to his everlasting credit. This brief is a very fitting proof of his ability in carrying out the legal scholarship which he has demonstrated, not only in this instance, but on many other occasions.

I thank him very much. I say to the Senate, "You had better ponder what the dean says." I say to the Senate, "You had better watch out and see that you do not particpate in the same empty civil rights gesture made in 1957 when you pased a civil rights bill which has proved to be so impotent so far as voting and effective enforcement procedures are concerned."

I hope that I may have the opportunity of voting for a civil rights bill which deserves a vote for it.

I had hoped that we could have had a broad civil rights bill which would cover many subjects that would have been covered if part III had been adopted this year. However, once again, as in 1957, it was defeated. I say the vote on the bill will prove to be a very interesting vote in this session of Congress. That rollcall vote will be one the politicians are going to hear about time and time again in the historic campaign that will take place in this country between now and next November. That will be a rollcall the American people must come to understand, because it will be one which will show the extent to which the elected representatives of a free people in the Senate in the year 1960 are willing to vote for meaningful enforcement procedures in the field of civil rights.

That will be the basis of a political debate across this country.

So far as the senior Senator from Oregon is concerned, it does not make any difference whether the individual concerned with that rollcall is a Republican or a Democrat, because the rights of minorities in this country are so much greater than any partisan interest. I divorce myself from any partisan interest in connection with that rollcall or similar rollcalls here in the Senate on civil rights matters. I wish to say to the voters of America that if a Democrat does not vote for effective enforcement procedures, then it is important that they call him to account for his vote, as it is important that they call a Republican to account for his vote.

As one who thinks it is very much in the interest of this Republic that we have a Democratic victory in 1960, I wish to say it is my hope that in the rollcall vote on the Clark-Javits amendment my Democratic colleagues will recognize the importance of standing firm and voting for an amendment which provides for effective enforcement along the very lines of the argument advanced by Dean van Alstyne in his brief.

Oh, gentlemen say to me, "Senator, don't make a political issue out of civil rights."

My reply is, "Civil rights is the greatest domestic political issue facing the American people. We cannot escape its political significance. It is a political issue. We must measure up to this political issue in the great campaign ahead."

Mr. President, I do not want to close this speech on civil rights, which may be one of my last major efforts on this subject matter during the course of this particular debate, without referring once more, this time speaking as a member of the Committee on Foreign Relations, to the civil rights issue. In my judgment, not only is it the most important domestic issue confronting the American people, but it is also one of the two most important foreign policy issues confronting the American people. Until we put into practice in the United States the true meaning of the 14th and 15th amendments, which guarantee to the colored people of the United States equal protection of the laws and the right to vote, the two basic guarantees of those two great amendments, we shall continue more and more to lose prestige in southeast Asia, Latin America, and Africa, where the color of the skin of millions of people, far in excess of the total population of the United States, does not happen to be white. They understand the civil rights issue in the United States, and they understand the hypocrisy that stalks rampant across the United States in regard to the race issue. They are not interested in our pratings about freedom until we put those freedoms into practice in the United States.

Mr. President, today in the field of foreign policy we had better face up to the civil rights issue. We had better recognize that after more than 90 long years of waiting, the time has come for the politicians to stand up and face the issue, stop their ducking, stop their rationalizing and making excuses, stop their end runs around the issue, and come to grips with it and pass some legislation in the year 1960 which they did not pass in 1957, legislation which will really have some enforcement power in it. As Dean van Alstyne says, Congress should come to grips with the power of the southern registrars and adopt procedures which will either put those southern registrars in the position where they will keep faith with the constitutional rights of the colored people, or will supplant them under the administrative procedure provided for in the Clark-Javits amendment, so as to give effective meaning to the constitutional rights of the Negroes of America.

Mr. President, I have been heard to say on many occasions, and I repeat once more, that the primary obligation of every Member of the Senate is to translate into legislation great moral values. This is a moral issue, Mr. President. No amount of political patter can ever change the fact that we are dealing not with civil rights in the narrow sense, but that we are dealing with human rights. When we deal with human rights, we deal with great moral values.

I challenge the Senate to put into practice the professings which politicians are so frequently heard to enunciate, about how we always seek to protect human values. So long as we permit a voting situation to continue in the United States where millions of colored people are in practice denied the right to vote, we cannot say that we are protecting human values.

So I hope, from the standpoint of the domestic problem that it creates and from the standpoint of the foreign relations problem it has raised as a challenge to America's good faith, that the Senate will vote against any motion to lay the Clark-Javits amendment on the table, and will come to grips with the problem of enforcement. I hope we will adopt the amendment and will serve notice that at long last the Senate of the United States is ready to support effective enforcement procedure in the field of voting rights.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. KUCHEL. The Senator from Oregon has made an effective speech. I can testify to the moving force in the world affairs today, of the manner in which all of us—in the Government and out of it—deal with the problems of race in America.

I think the Senator has highlighted one of the urgent reasons for passing at this session of Congress meaningful civil rights legislation. I have the honor to cosponsor with the Senator from Oregon, as he well knows, the pending amendment. Three years ago I stood with the Senator from Oregon and other Senators and voted in favor of part III. I did so again this year. I think it is a tragedy that on both occasions part III went down to defeat.

Well, the roll will be called tomorrow, and I venture to suggest that the argument which the Senator from Oregon has made so ably tonight may be one more reason to hope for a few more votes against tabling, and for the amendment, when the time comes to vote on those questions.

Mr. MORSE. I thank the Senator from California very much. I think the Senator knows that I always feel it is a great personal compliment to me when the senior Senator from California shares a common view with me. I always prefer to have him with me. I want him to know that I thank him very much for the gracious remarks he has just made. I am pleased to be standing shoulder to shoulder with him in support of what he and I recognize to be a responsibility of the Senate to protect human rights.

STRIKE INSURANCE

Mr. MORSE. Mr. President, the magazine the Nation, published in its issue of March 19, 1960, an article entitled "Strike Insurance," written by Mr. H. Howard Ostrin, a New York attorney.

The subject dealt with in this article is also the subject dealt with in Senate Resolution 271, submitted by me, which calls for an investigation by the Senate Committee on Labor and Public Welfare of the use of strike insurance in the newspaper industry.

In this article, Mr. Ostrin points out why strike insurance has been challenged in one State, New York, as being contrary to sound public policy. He also points out why the type of strike insurance provided in the airline carriers mutual assistance pact of 1958 amounts to a secondary boycott in reverse, one practiced by the airlines against the unions.

I also call attention to Mr. Ostrin's discussion of the strike which led to the demise of the Brooklyn Eagle, and its marked similarity to that occuring now in Portland, Oreg., against the Oregonian and the Oregon Journal.

So that the matter may receive the attention of Congress which I think it deserves, I ask unanimous consent to have this article printed in the body of the RECORD.

Mr. President, I have received a number of inquiries from persons who understandably do not understand the delay in the U.S. Senate in considering emergency matters in respect to Senate Resolution 271, submitted by me, and which calls for an investigation by the Committee on Labor and Public Welfare of certain union-busting practices allegedly engaged in by some newspaper publishers in the United States. I have written to them, but I state again, for the record, that the long civil rights debate, the filibuster which has characterized it, and the hours during which the Senate has been in session, have resulted in very few committee meetings being held during the past month. Of course, other proposed legislation is pending before the Committee on Labor and Public Welfare which I assume some persons might consider has priority, such as the minimum wage bill, of which I happen to be one of the authors, and other measures which the committee has been considering for some time past.

Mr. President, this newspaper strike story and the antiunion activities of some American employers deserve the early consideration of the Senate.

I see the Senator from Michigan [Mr. McNAMARA] on the floor, and I know he is concerned, and has been concerned, with the status of my resolution, and made inquiry of me sometime ago about it. I want him to know that just as soon as the Senate committee gets back to holding regular sessions, I shall continue to press for the earliest possible consideration, including public hearings, of my resolution, Senate Resolution 271, which calls for an investigation of the labor practices of newspaper publishers in the United States.

Mr. President, I ask unanimous consent that the article to which I have referred be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STRIKE INSURANCE

(By H. Howard Ostrin)

In a free society the right of employees to withhold their labor is inviolate and unassailable—no less basic, indeed, than the fundamental rights of "life, liberty, and the pursuit of happiness." One must recognize, however, that under our complex economy, a prolonged work stoppage, particularly in a key industry, may trespass upon the rights of the general public. Sound public policy, therefore, requires that every bona fide effort, short of compulsion, be made to accelerate the termination of all strikes.

Free collective bargaining first received the imprimatur of our Government in 1926, when Congress passed the Railway Labor Act. In addition to providing machinery for the settlement of railway and airline labor disputes through mediation, factfinding and voluntary arbitration, the act requires employers in these industries to bargain collectively with representatives of their employees. In 1935, the Wagner Act extended this concept to all other industries engaged in interstate commerce. Twelve years later, the Taft-Hartley Act extended the requirement of good-faith bargaining upon unions in their dealings with employers.

Mindful of the public's stake in industrial controversies, the Taft-Hartley Act is introduced by a succinct observation that strikes can be prevented or minimized if management and labor recognize that neither party, in its relations with the other, has the right "to engage in acts or practices which jeopardize the public health, safety, or interest."

Any device which prolongs a dispute or otherwise impinges upon the public interest should therefore be discouraged, if not rejected. By the same token, any tactics employed in the course of a labor-management impasse which contribute to, or result in, a combination to restrain or stifle free competition should be enjoined through the application of our antitrust laws.

It is within this frame of reference that the subject of strike insurance and its effect on the collective-bargaining process is here considered.

Subtly referred to as suspension insurance by the members of the American Newspaper Publishers' Association (ANPA), as a mutual assistance pact by our major airline companies, and as a service interruption agreement in the railroad industry (where its sponsors are presently seeking adherents), these industrywide strike-insurance arrangements manifestly are intended to provide self-help in the event of work stoppages.

As an economic counterweapon, doubtless beyond contemplation of Congress when it gave statutory approval to the collective-bargaining process, this stratagem may conceivably impede negotiated settlements, prolong strikes, and stifle competition—all to the detriment of the general public. In its relatively short lifetime, strike insurance may already have contributed to the demise of one company which perhaps relied too much upon its potential as a strikebreaking maneuver.

On June 30, 1955, the American Newspaper Guild, one of the first unions to be confronted with strike insurance, called upon the attorney general of the State of New York to investigate the subject of publishers' strike insurance "as a possible conspiracy in violation of the insurance and other laws of the State of New York." On August 2, 1956, the attorney general (the post was then occupied by JACOB K. JAVITS, now U.S. Senator) responded:

"Upon investigation, this office learned that insurance against business losses due to strikes did exist and was being made available to members of the American Newspaper Publishers' Association.

"The material which this department has acquired in the course of its investigation, including copies of the insurance policies then in use, was referred to the State department of insurance. On July 26, 1956, I was advised by that department that the filings of each insurance company involved were rejected on the ground that approval of such coverage would be contrary to public policy."

Referring to this rejection of a strike-insurance rate schedule by the New York State Insurance Department, Editor and Publisher, an organ of the ANPA, in its August 18, 1956, issue, noted that the ruling applied only to carriers licensed to do business in New York State. Said Editor and Publisher: "The strike insurance group merely transferred its insurance to other companies. * * *"

Available evidence supports the conclusion that strike insurance can be procured only from foreign firms.

Suspension insurance, though not generally publicized, has been available to members of the ANPA for many years. The details of the plan currently in effect are particularized in a 7-page memorandum issued by the Newspaper Publishing Premium Fund on May 29, 1958. The sponsoring committee anticipates "that the aggregate coverage issued by the underwriters will not be less than $17,500,000." Premium checks are payable in U.S. dollars to the order of the Montreal Trust Co.

In the event of total suspension of publication, the full daily indemnity will be paid beginning with the eighth publishing day after the strike starts and will continue thereafter for a period of 25, 50, or 100 days, depending upon the premium paid; or upon termination of the strike, whichever occurs first. Benefits are also payable in the event of a partial suspension of publication. These consist of reimbursement for actual losses such as fixed charges, expenses and loss of profits; provided that the total benefits paid do not exceed the amount that would have been paid in the event of total suspension.

The maximum daily benefit is fixed at $10,000 per publishing day and $500,000 in the aggregate, payable in U.S. dollars. (The underwriters are located in Canada.)

The cost of insurance is determined on the following basis: $123, $163.50 or $203 per $100 of premium indemnity, depending upon whether the insured desires 25, 50 or 100 days of coverage. Sunday insurance may be purchased by the payment of an additional premium.

Indemnity payments will be made only if the insured publisher offers to arbitrate his dispute with the striking union. He need not, however, offer to arbitrate where the strike issue involves news and editorial policy, assignments of editors, reporters or writers, pension or welfare plans, union shop or other forms of union security unless such provisions are already included in the collective bargaining agreement.

Whether strike insurance contributed to the demise in 1956 of the century-old Brooklyn Eagle and the consequent loss of more than 600 jobs is a debatable matter as to which reasonable men may differ. That it affected the course of negotiations and paradoxically led to an avoidable strike is much less subject to speculation.

After nearly 5 months of fruitless negotiations with the Eagle, the Newspaper Guild of New York offered to have an arbitrator determine whether its members were entitled to receive the wage increase they were then demanding. Had the publisher accepted, a strike would have been averted. Instead, the Eagle invited the guild to arbitrate the entire agreement. Since money was the only real dispute between them, the guild rejected the publisher's proposal and the strike ensued.

Were it not for a subsequent arbitration proceeding involving the guild's demand to recover severance pay and other fringe items on behalf of its members whose employment terminated with the suspension of the paper's publication, the publisher's offer to arbitrate the entire contract might well have been shrouded in mystery to this very day.

During the severance pay arbitration, where the writer appeared as counsel for the guild, the following admissions were elicited from the publisher:

The Eagle, as a member of the American Newspaper Publishers Association, had been carrying strike insurance for approximately 20 years at an annual premium cost of close to $10,000.

Receipt of the daily indemnity benefits under the insurance policy (in this case $5,000) was conditioned upon a firm offer by the publisher to submit its dispute with the guild "to a fair and impartial arbitration by a disinterested party. That is, any agency which can be shown to be fully disinterested, fair and impartial in the ordinary sense in which these words are commonly employed, and to abide by such arbitration." (The quoted words are taken verbatim from the insurance policy.)

Acceptance of the guild's offer to arbitrate would clearly have satisfied that condition. But this was not what the publisher wanted. In the first place, acceptance would have averted a strike and there obviously could not have been any recovery under the strike-insurance policy. Secondly, and this was admitted, the guild would have been successful in so limited an arbitration.

So the publisher, mindful of the language of its insurance policy, made the following proposal:

Management is willing to submit the settlement of this contract in its entirety, clause by clause, to a fair and impartial arbitration by a disinterested party. That is, by an agency which can be shown to be fully disinterested, fair and impartial in the ordinary sense in which those words are commonly employed, and to abide by such arbitration.

A strike occurred; the Eagle collected $250,000 in strike-insurance indemnities and, on March 6, 1955, went out of business. Commenting on the Eagle strike, Fortune, in its April 1957, issue, wrote:

"One reason why the Brooklyn Eagle, a large community newspaper, could afford to hold out during a month-and-a-half-long Newspaper Guild strike is strike insurance carried by the paper. ('It is true that the Eagle has strike insurance,' admits Publisher Frank B. Schroth. 'I also have burglary and fire insurance.') * * * Almost every major daily in New York as well as many in other cities carries strike insurance. The risk is spread among the American Newspaper

Publishers Association, Lloyds of London, and a U.S. insurance company."

The Airline Carriers Mutual Assistance Pact of October 1958, is simply another form of strike insurance with a slightly different twist. Sponsored by American, Capital, Eastern, Pan American, United, and Trans World Airlines, the agreement provides for mutual assistance in the event any participating company's flight operations are shut down by reason of:

"1. A strike called to enforce demands in excess of or opposed to the recommendations of the Board established by the President of the United States under the Railway Labor Act; or

"2. A strike called before the employees on strike shall have exhausted the procedures of the Railway Labor Act; or

"3. A strike which is otherwise unlawful." Should any of these events occur, the parties not affected agree to pay over to the struck operator an amount equal to their increased revenues attributable to the strike, less expenses. Such payments are to be monthly or more frequently, if the parties so agree, for the duration.

The agreement obligates the struck company to make every reasonable effort to encourage the public to patronize the nonaffected operators during the strike period. This simply means that if a strike should be called against Capital Airlines, Capital will undertake to urge its customers to patronize its airline competitors to the exclusion of rail or bus facilities.

The Federal Aviation Act of 1958 mandates the Civil Aeronautics Board to reject an agreement between or among airline carriers which offends the Railway Labor Act or the public interest. Accordingly, and at the Board's invitation, the carriers and affected labor organizations participated in oral argument on the question as to whether the mutual assistance pact should be approved.

In its decision made public on May 20, 1959, the Board unanimously rejected that portion of the agreement which dealt with the diversion of traffic by a struck company to other subscribing carriers, saying that the "concerted effort to shuttle traffic among a restricted group of carriers is repugnant to antitrust principles." The remainder of the agreement, however, was qualifiedly approved by a vote of 4 to 1.

Rejecting the unions' contention that the agreement repudiates good-faith collective bargaining as required by the Railway Labor Act which has jurisdiction over labor relations in the airline industry, the majority observed:

"Nothing by the parties shows that the operation of the agreement will, in fact, induce the carriers to disregard the obligations imposed by law. * * * The record is devoid of any showing that the duration of any dispute was prolonged as a result of the agreement."

In this connection it is noteworthy that the majority was sharply criticized by the dissenting Board member. Minetti, for its failure to require an evidentiary hearing in order to explore the critical issues raised by the agreement.

The Board's majority also turned down the unions' argument that the pact, if allowed to stand, would bring carriers who were not parties to a particular controversy into a strike situation.

To fully appreciate the unions' position in this regard, one must understand that the Railway Labor Act prohibits multiemployer bargaining without employee consent. A collective labor agreement in the airline and railroad industries can be made only with a single company. Assume, therefore, that Airline Pilots Association strikes Capital Airlines to enforce its contract demands. Under the airlines mutual assistance pact, the nonstruck subscribing carriers are required to marshal their economic strength on behalf of Capital against the striking union. In these circumstances, the pilots association will necessarily be contending against a formidable group of carriers instead of the one with whom it has a dispute.

A striking union which enlists the support of unions having collective bargaining agreements with neutral employers is chargeable with unlawful secondary boycott activity. Apparently, so far as the CAB is concerned, a group of carriers having no immediate dispute with a union engaged in a strike against another company, may nevertheless lend economic force to the striking company. For the time being, at least, the secondary boycott in reverse has gained the imprimatur of one governmental agency.

The union also unsuccessfully attacked that portion of the agreement which provides for mutual assistance in the event a union calls a strike without accepting the recommendations of the Federal Emergency Board. Emphasizing that Congress intended such recommendations to be free from compulsion, the unions argue that the mere existence of the pact not only violated the concept of free collective bargaining, but also could so reduce or neutralize its economic potential as to compel acceptance to the alternative of striking against the combined economic strength of all parties to the agreement even though the dispute might be with one company.

Obviously impressed with this argument, Mr. Minetti wrote:

"The purpose of the agreement is to provide the combined economic power to enforce settlement of labor disputes on whatever terms an Emergency Board may recommend. The agreement thus aims at perpetuation of the tendency to defer bargaining until the issuance of an Emergency Board report, since its only effect on present bargaining practices is to make them more attractive.

"This increased use of Emergency Board recommendations as a carrier's first counteroffer is an unequivocal violation of the bargaining mandate of the Railway Labor Act, since the statute requires good-faith bargaining before the creation of an Emergency Board. No carrier can know, during the negotiating period which precedes the establishment of an Emergency Board, what recommendations an Emergency Board will make or even if the creation of an Emergency Board will be recommended. As a practical matter then, the carrier cannot freely bargain in good faith if it intends to rely on Emergency Board recommendations, since it would thereby risk offering its employees more than the Emergency Board will ultimately recommend. The absence of good-faith bargaining during this period, however, is in flat violation of the Railway Labor Act."

Strike insurance appears to have attracted the interest of the railroad industry as its most recent adherent. The Wall Street Journal of July 13, 1959, reported the fact under the following headline: "Railroads Devise Plan To Hedge Their Risks if Unions Walk Out; Secret Policy Would Pay Fixed Costs."

Referred to as a "service interruption agreement," the proposed policy of insurance is scheduled to become effective when railroad companies accounting for 65 percent of the industry's gross operating revenues agree to subscribe.

According to the Wall Street Journal, envelopes containing the proposed policies have been addressed to some 300 members of the Association of American Railroads—marked "Confidential." A memorandum preceding the mailing advises officials how to brush off the press in the event it learns of the plan.

The insurance provides for the pooling of funds with benefits as high as $600,000 per day payable to a struck carrier. Rejected by U.S. insurance companies, the policies are being underwritten by a newly formed Bahaman company known as the Imperial Insurance Co., Ltd., of Nassau, which in turn is associated with Lloyds of London.

This is how the plan is expected to function:

1. Each subscribing carrier, at the very outset, will be required to deposit with a Nassau bank the equivalent of its own fixed charges for 1 day. These are defined to include property taxes, pension and interest charges, sinking fund payments, equipment trust obligations, and all costs of supervisory forces necessary to preserve the railroad's properties in a standby position.

2. Premium costs will be determined by the frequency and duration of strikes in each year.

3. Annual administrative costs, presently estimated at $150,000, will be assumed by the participating companies.

4. In the event of a strike, the insured carrier will be fully protected against all of its fixed charges for the duration of the stoppage.

These are the limitations:

1. The plan will not become operative unless at least 65 percent of the industry's gross 1958 revenues sign up.

2. Benefits will not be paid if 50 percent of the industry participating in the plan is struck.

Other conditions are as follows: The strike must not be in conflict with the Railway Labor Act, and it must not be the result of the carrier's attempt to enforce demands contrary to the recommendations of a Presidential emergency board.

Guy L. Brown, president of the Engineers Union, is quoted as having said: "I think you would see quite a few of our lawyers in court if the companies try anything like strike insurance."

If current negotiations in the railroad industry should break down and a strike result, it is not inconceivable that railroad strike insurance may well affect its scope and duration. Insulated against fixed charge losses for the duration, the struck carriers will be less exposed to the normal economic pressures which produce early settlements. This, of course, will militate against the public interest.

Demonstrably, the propriety and legality of strike insurance is open to serious question. It has officially been declared to be against public policy in New York State. The Civil Aeronautics Board, after rejecting a key provision in the Airline Carriers' Mutual Assistance Pact, qualifiedly approved the remainder of the agreement.

There is little doubt but that the railroad unions will challenge the legality of the "service interruption agreement" in their industry by invoking the Railway Labor Act and possibly the antitrust laws.

Following a strike against the Ridder newspaper in St. Paul, Minn., the American Newspaper Guild requested a congressional investigation of strike insurance, and the matter was referred to the McClellan committee. So far as the writer is able to determine, the committee never got around to this question. Certainly no public hearings were held. Evidently the committee was so preoccupied with its concern to expose union abuses that it never could find the time to inquire into the subject of employer strike insurance.

It remains for the courts, or perhaps another congressional committee, to consider the effect of strike insurance upon the collective bargaining process and the public at large.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the

Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

During the delivery of Mr. MORSE's remarks,

Mr. JOHNSON of Texas. Mr. President, will the Senator from Oregon yield, in order to permit me to make an inquiry, if it is understood that in yielding for that purpose, he will not lose the floor?

Mr. MORSE. Yes, Mr. President; I yield.

Mr. JOHNSON of Texas. I wonder whether I may inquire of the Senators now present whether they think we can reach a vote at a reasonable hour this evening.

First, let me inquire how long the Senator from Oregon anticipates he may occupy the floor.

Mr. MORSE. In my judgment, approximately 30 minutes longer.

Mr. JOHNSON of Texas. I understand that the Senator from Connecticut [Mr. BUSH] and the Senator from New York [Mr. JAVITS] will also wish to address the Senate. Let me inquire of them how long tney anticipate they will speak.

Mr. JAVITS. I had planned to speak for three-quarters of an hour, but I could reduce that to 30 minutes or 20 minutes, if that were desired.

Mr. JOHNSON of Texas. Let me also inquire of the Senator from Illinois.

Mr. DIRKSEN. I would need sufficient time to make the case in chief in opposition to this amendment; and I think that would require an hour.

Mr. JOHNSON of Texas. How much time will the junior Senator from New York require?

Mr. KEATING. I would say 3 minutes would be sufficient.

Mr. JOHNSON of Texas. How much time does the Senator from Mississippi need?

Mr. STENNIS. The Senator from Mississippi does not expect to speak, but the Senator from Virginia [Mr. ROBERTSON] has prepared a statement on the merits of this matter, and he will speak 40 to 50 minutes.

Mr. JOHNSON of Texas. How much time does the Senator from Michigan need?

Mr. MCNAMARA. About 15 to 20 minutes.

Mr. JOHNSON of Texas. In view of the indications, we shall be here until a rather late hour. I will keep the Senate in session for as long as Senators desire to stay, but I will not ask for a record vote this evening, so all Senators may be informed.

I thank the Senator from Oregon for yielding to me.

Mr. MCNAMARA. Mr. President, if the debate in recent weeks on civil rights and voting rights has proved one thing, it is this:

Members of the Senate who are interested in guaranteeing these rights do not lack imagination in drawing up proposed solutions to the problem.

We now have before us the latest suggestion for insuring voting rights. This one has been submitted by the senior Senator from Pennsylvania [Mr. CLARK], and I have joined in sponsoring it.

Previously, other plans have been presented to the Senate. If this one fails of adoption, I am sure there are others that will follow.

While personally I would prefer that we concentrate all our efforts on a single voting-rights section, the fact that so many variations have been proposed is a healthy sign.

First, I believe it demonstrates a firm desire on the part of many Members of the Senate to include a voting rights section in any civil rights legislation.

The question is not whether there will be such a section. The question is which one, and how effective will it be?

It is vitally important, of course, that we do not permit a voting-rights label to be attached to a watered-down, ineffective provision that will give only lip-service to the enforcement of this constitutional right.

Second, the fact that so many voting-rights proposals have been submitted indicates that Senators are eager to take the right course, and not to force upon anyone something unfair or unworkable.

It seems to me that at least four basic requirements of a voting-rights section must be present if Congress is going to do the job of implementing the 15th amendment. The four criteria, as I view the matter, are these:

There must be a fair method for determining that there is a pattern or practice of depriving persons of their right to register and to vote because of their race or color, or that a substantial number have been denied this right.

Next, once this pattern or practice is found to exist, applicants must be allowed to register directly with the governmental officials designated by the law, without first going through the degrading practice of being turned down by a local or State registrar.

It is essential that the registration and the right to vote provided for under any new Federal law shall apply both to State elections and Federal elections, and not to Federal elections alone.

Finally, I feel that it definitely is necessary that one who registers and votes under such a law shall be permitted to cast his vote and have it counted, prior to the determination of any challenge.

I think all those who are seriously interested in protecting the right to vote of all eligible American citizens will agree with me that these criteria are essential in a voting-rights section.

The framework of such a bill—regardless of whether there are to be enrollment officers, registrars, and referees, and regardless of how they are appointed—is open to question and debate.

But I firmly believe that if any one of the criteria I have listed is missing from the final bill, the effectiveness of the legislation will have been seriously weakened.

Under these criteria, the pattern or practice of voting discrimination will have been proved in a case brought before a Federal district court.

If we have any confidence in our judicial system—and we must have, if we are to believe in the Constitution—we can expect that the court will do justice. If no such pattern or practice exists, the court will so find. But if there is discrimination in significant proportions because of race or color, the court will determine that, too.

We should not expect American citizens for whom the court has determined there has been an illegal deprivation of the constitutional rights, to be forced to go, one by one, to the local registrar, and be turned down, before they can retrieve their rights. The finding of a pattern or practice should be enough to permit these citizens to go directly to the Federal official.

Neither should there be any argument over the application of these voting rights to local elections, as well as Federal elections. To restrict the right to vote to a Federal election would be to make a mockery of citizenship responsibilities, as well as of the meaning of the 15th amendment.

Neither should there be controversy over the necessity of having a challenged vote counted in such cases, and then having the vote impounded until the validity of the challenge is determined. To do otherwise would be to offer many avenues for delay and interference, which could, at the last moment, nullify the intent of the voting-rights law.

The Clark amendment now pending before the Senate contains the criteria which I have listed; and for that reason I will support it.

In addition, the Clark amendment offers a choice between the referee proposal and the enrollment officer plan, either one of which could be put into effect as the circumstances warrant.

As I have said, Mr. President, the framework of the bill can be discussed and altered so as to make it the most effective. But the principle is plain and was endorsed by the Civil Rights Commission by a 5 to 1 vote.

However, it seems to me we are faced with one fundamental proposition: If there is no wholesale deprivation of the right to vote, then—no matter which voting-rights plan we enact—the plan will not have to be applied. But if there is such discrimination—and we have ample evidence that there is—then we must have at hand the tools with which to take fast and effective action.

RECESS

The PRESIDING OFFICER (Mr. BARTLETT in the chair). What is the will of the Senate?

Mr. KUCHEL. Mr. President, in accordance with the order previously entered, I move that the Senate now stand in recess until tomorrow at 12 o'clock meridian.

The motion was agreed to; and (at 7 o'clock and 6 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, March 22, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 21, 1960:

PUBLIC HOUSING COMMISSIONER

Bruce Savage, of Indiana, to be Public Housing Commissioner, vice Charles E. Slusser, resigned.

U.S. DISTRICT JUDGE

Oren R. Lewis of Virginia to be U.S. district judge for the eastern district of Virginia, vice Sterling Hutcheson, retired.

U.S. MARSHALS

Oliver H. Metcalf, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania for the term of 4 years. He is now serving in this office under an appointment which expires March 1, 1960.

James Crawford, Jr., of Texas, to be U.S. marshal for the eastern district of Texas for a term of 4 years. He is now serving in this office under an appointment which expires April 24, 1960.

BOARD OF PAROLE

Richard A. Chappell, of Georgia, to be a member of the Board of Parole for the term expiring September 30, 1966. He is now serving in this post under an appointment which expires September 30, 1960.

William F. Howland, Jr., of Virginia, to be a member of the Board of Parole for the term expiring September 30, 1966. He is now serving in this post under an appointment which expires September 30, 1960.

POSTMASTERS

CALIFORNIA

Joseph T. Collins, Fair Oaks, Calif., in place of L. I. Webb, retired.

John R. Riley, Orange Cove, Calif., in place of A. L. Schoepf, deceased.

Hazel L. Gill, Seven Oaks, Calif., in place of W. W. Glass, retired.

CONNECTICUT

Edward E. Moseley, Rowayton, Conn., in place of H. L. vonDwingelo, deceased.

GEORGIA

Alexander P. Dempster, Milledgeville, Ga., in place of B. E. Harrison, deceased.

Ann S. Cole, Montezuma, Ga., in place of G. S. Gardner, retired.

IDAHO

Levin H. Benson, Cobalt, Idaho, in place of V. M. McPherson, resigned.

Jesse L. Dobbs, Kuna, Idaho, in place of H. N. Hinckley, removed.

ILLINOIS

J. Howard Meade, Enfield, Ill., in place of C. M. Jordan, deceased.

Robert L. Delap, Piper City, Ill., in place of S. W. Lane, deceased.

INDIANA

Virgil R. Myers, Francesville, Ind., in place of O. O. Welden, retired.

IOWA

Jonas Christianson, Slater, Iowa, in place of M. B. Chader, deceased.

Lyle E. Rafferty, Mankato, Kans., in place of E. L. Brinkworth, deceased.

Howard L. Robinson, Sabetha, Kans., in place of G. I. Althouse, retired.

Clyde F. Christenson, Tescott, Kans., in place of C. C. Chambers, retired.

Carl L. Synder, Jr., Wilmore, Kans., in place of C. O. Masterson, retired.

KENTUCKY

Joseph R. Powers, Cloverport, Ky., in place of R. H. Miller, deceased.

Pauline A. Clift, Fredonia, Ky., in place of L. B. Young, retired.

MARYLAND

Bernard L. Seger, Muirkirk, Md., in place of Alvin Parsons, retired.

MICHIGAN

James A. Mitchell, Hadley, Mich., in place of E. A. Hadley, retired.

MINNESOTA

Henry S. Blexrud, Caledonia, Minn., in place of E. J. Crotty, retired.

Leonard W. Stanton, Graceville, Minn., in place of V. P. Fermoyle, deceased.

Marvin L. Lorentz, Hastings, Minn., in place of A. L. Erickson, deceased.

MONTANA

Pearl M. Murr, Flaxville, Mont., in place of R. E. Hewett, retired.

NEBRASKA

Leslie F. DeLashmutt, Burwell, Nebr., in place of, N. G. Fackler, resigned.

John W. Putman, Tecumseh, Nebr., in place of L. C. Kuster, retired.

NEW JERSEY

Arthur Boertmann, Cranford, N.J., in place of A. F. Metz, retired.

Elwood B. Croll, Milford, N.J., in place of Wilmer Lawrence, retired.

Arlton W. Pilling, Woodbury, N.J., in place of L. A. Pirne, retired.

NEW YORK

Anna M. Phillips, Ellington, N.Y., in place of R. M. Seekins, retired.

Mary L. Galpin, Kanona, N.Y., in place of D. K. Griesa, resigned.

Shirley C. Egler, Mountainville, N. Y., in place of B. S. Ketcham, retired.

William H. Dunn, Schenectady, N.Y., in place of J. F. Connelly, deceased.

NORTH CAROLINA

Hugh C. Greenwood, Roaring River, N.C., in place of Bessie Caudill, retired.

NORTH DAKOTA

Robert G. Follis, New Town, N. Dak., in place of H. L. Olsen, retired.

OHIO

Frank P. Jackson, Jr., Ashley, Ohio, in place of R. A. Whipple, deceased.

Ronald R. Rose, Hudson, Ohio, in place of W. A. Ellsworth, retired.

Jacque E. Mintchell, Jackson Center, Ohio, in place of P. L. Sailor, resigned.

OKLAHOMA

Hugh D. Cockrell, Eagletown, Okla., in place of Mattie Graham, retired.

Jimmie L. White, Langston, Okla., in place of P. P. Edgar, removed.

E. Blake Grennell, Okeene, Okla., in place of A. M. Farhar, deceased.

Louis L. Henson, Spavinaw, Okla., in place of L. V. Walker, retired.

PENNSYLVANIA

Arnold J. Polidori, Archbald, Pa., in place of R. A. McHale, retired.

PUERTO RICO

Ramon Alvarez, Fajardo, P.R., in place of Adela Delpin, retired.

SOUTH CAROLINA

Thomas P. Edwards, Gresham, S.C., in place of V. W. Edwards, retired.

TEXAS

Fearnon L. Miller, Shelbyville, Tex., in place of S. A. Cannon, resigned.

Grady E. Martin, Silverton, Tex., in place of E. C. Fowler, deceased.

UTAH

Fred W. Cooper, Provo, Utah, in place of W. R. Green, retired.

WEST VIRGINIA

Ison T. White, Jr., Hopemont, W. Va., in place of Herman Taylor, retired.

WISCONSIN

James M. Rumpf, Cambridge, Wis., in place of L. C. Porter, retired.

Roger W. Novy, Hillsboro, Wis., in place of E. C. Hammer, transferred.

Stanley E. Trachte, Marshall, Wis., in place of M. E. Lazers, retired.

Emil W. Matter, Pittsville, Wis., in place of J. P. Pabst, retired.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 21, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

John 6: 38: *I came not to do mine own will, but the will of Him that sent me.*

Our Heavenly Father, as we again come unto Thee in prayer, may we not seek Thy strength and guidance to achieve our own personal wishes and desires but that we may know how to bring to fulfillment Thy beneficent plans and purposes for mankind.

Grant that it may be the goal of all our hopes and the deepest longing of our hearts to be worthy and faithful coworkers with Thee in doing Thy will.

Inspire us with the wisdom and the will to hasten the dawning of that blessed day when there shall be peace on earth.

We penitently confess that to establish peace appears at times so visionary that we have not the faith and courage to try it.

Open our minds and hearts that we may understand that love and peace are the divine and natural order of things in human society and that hatred and ill-will are a delusion and a snare of the devil.

Hear us in our Saviour's name. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, March 18, 1960, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

ESTATE OF SINCLAIR G. STANLEY

Mr. LANE. Mr. Speaker, I call up the conference report on the bill (S. 607) for the relief of Sinclair G. Stanley, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1405)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 607) for the relief of the estate of Sinclair G. Stanley, having met, after full and free conference, have agreed to recommend and do

recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

THOMAS J. LANE,
HAROLD D. DONOHUE,
JOHN E. HENDERSON,
Managers on the Part of the House.

JOHN A. CARROLL,
PHILIP A. HART,
EVERETT M. DIRKSEN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 607) for the relief of the estate of Sinclair G. Stanley, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

When this proposed measure passed the House it was amended by striking all of the language in the first sentence following the figure "$33,333" in page 1, line 6 of the bill down through and including "1946" in line 8. This amendment eliminated the provision for the payment of simple interest at the rate of 3 percent per annum from November 1, 1946. In the committee of conference it was agreed that the Senate recede from its disagreement to the amendment of the House.

THOMAS J. LANE,
HAROLD D. DONOHUE,
JOHN E. HENDERSON,
Managers on the Part of the House.

Mr. LANE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—CASE OF UNITED STATES OF AMERICA AGAINST BERNARD SILBER

Mr. WALTER. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman from Pennsylvania will state the question.

Mr. WALTER. Mr. Speaker, I have been subpenaed to appear before the U.S. District Court for the District of Columbia to testify on the 21st day of March 1960, at 10 a.m., in the case of the United States of America against Bernard Silber. Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER. The Clerk will report the subpena.

The Clerk read as follows:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—UNITED STATES OF AMERICA *v.* BERNARD SILBER—CRIMINAL NO. 753-58

To Representative FRANCIS E. WALTER,
House Office Building:

You are hereby commanded to appear in the U.S. District Court for the District of Columbia at Third and Constitution Avenue NW., fourth floor, courtroom 8 in the city of Washington on the 21st day of March 1960 at 10 o'clock a.m. to testify in the above-entitled case.

This subpena is issued on application of the defendant.

HARRY M. HULL, *Clerk.*
By JOHN A. O'BRIEN,
Deputy Clerk.

MARCH 4, 1960.

David Rein, attorney for defendant, Washington, D.C.

REREFERENCE OF BILL

Mr. MURRAY of Tennessee. Mr. Speaker, I ask unanimous consent that the bill (H.R. 10432) for the relief of Arthur B. Tindell, which was referred to the Post Office and Civil Service Committee, be rereferred to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THIRD SEMIANNUAL REPORT FROM SECRETARY OF THE INTERIOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I transmit herewith the Third Semiannual Report of the Secretary of the Interior prescribed by section 5 of the act of August 21, 1958, entitled "To provide a program for the discovery of the mineral reserves of the United States, its Territories, and possessions by encouraging exploration for minerals, and for other purposes."

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 21, 1960.*

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

PROMOTING EFFECTUAL PLANNING, DEVELOPMENT, MAINTENANCE, AND COORDINATION OF WILDLIFE, FISH, AND GAME CONSERVATION AND REHABILITATION IN MILITARY RESERVATIONS

The Clerk called the bill (H.R. 2565) to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGELL. Mr. Speaker, reserving the right to object, I note that the author of the bill is on the floor. I may say to the House that I ask these questions not out of objection to the bill or the position of the distinguished gentleman from Florida, but for the information of the House. I understand there have been some objections to one part of this bill. I would greatly appreciate it if the gentleman would tell us whether he has an amendment which will correct those objections.

Mr. SIKES. If my distinguished colleague will yield, may I state that is exactly the situation. The bill (H.R. 2565) is designed to expand and develop the program of wildlife, fish, and game conservation on military reservations, and to improve wildlife management practices. There has been some apprehension that this legislation would invade the jurisdiction of the States in the matter of licensing and in the field of game and fish laws. I am glad to state that these problems have, we believe, been cleared up to everyone's satisfaction, through an amendment which I have at the Clerk's desk. The amendment has been approved by the Committee on Merchant Marine and Fisheries and I plan to offer it at the proper time.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense is hereby authorized and directed to carry out a program of planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations in cooperation with the Secretary of the Interior through the Fish and Wildlife Service. The Secretary of Defense is hereby authorized and directed to adopt suitable regulations for such conservation and rehabilitation in accordance with a general plan agreed upon between the Secretary of Defense and the Secretary of the Interior, including provisions for the restocking, propagation, and conservation of game and fish in said reservations. Such regulations shall provide for the issuance of hunting and fishing permits to individuals and shall require the payment of a nominal fee therefor, which fees shall be utilized for restocking, propagation, and other related wildlife activities in said reservations. Such regulations shall not be inconsistent with, insofar as possible, the law and regulations of the respective States relating to hunting and fishing.

SEC. 2. That the Secretary of Defense is hereby authorized and directed to expand a sum equal to all sums hereafter accumulated from money collected through the sale of game and fishing permits in military reservations after the adoption of the program authorized by this Act for the purpose of said program. Proper accounting of funds thus expended shall be made at the direction of the Secretary.

SEC. 3. That the Department of Defense is held free from any liability to pay into the Treasury of the United States upon the operation of said program authorized by this Act any funds which may have been or may hereafter be expended to carry out the purposes of said program, and which expenditure has been properly accounted for to the Comptroller General of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of Defense is hereby authorized and directed to carry out a program of planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation

in military reservations located in a State, territory, or possession of the United States. Such a program shall be carried out, with respect to each such military reservation, in cooperation with the Secretary of the Interior through the Fish and Wildlife Service and with an appropriate State agency designated by the State in which the reservation is located. The Secretary of Defense is hereby authorized and directed to adopt suitable regulations for such conservation and rehabilitation in accordance with a general plan agreed upon between the Secretary of Defense and the Secretary of the Interior, including provisions for the restocking, propagation, and conservation of game and fish in said reservations. Such regulations shall provide for the issuance of hunting and fishing permits to individuals and shall require the payment of a nominal fee therefor, which fees shall be utilized for restocking, propagation, and other related wildlife activities in said reservations. Such regulations shall require that all hunting, fishing, and trapping at any reservation shall be in accordance with the fish and game laws of the State, territory, or possession in which it is located; except that the Secretary of Defense, after consultation with the Secretary of the Interior through the Fish and Wildlife Service and with the appropriate State agency may make exceptions thereto if necessary in carrying out the program prescribed by this Act.

"SEC. 2. That the Secretary of Defense is hereby authorized and directed to expend all sums heretofore unexpended or hereafter accumulated from money collected though the sale of game and fishing permits in military reservations after the adoption of the program authorized by this Act for the purpose of said program. Proper accounting of funds thus expended shall be made at the direction of the Secretary, and the Secretary shall report annually to the Congress concerning operations and expenditures under this Act.

"SEC. 3. That the Department of Defense is held free from any liability to pay into the Treasury of the United States upon the operation of said program authorized by this Act any funds which may have been or may hereafter be expended to carry out the purposes of said program, and which expenditure has been properly accounted for to the Comptroller General of the United States.

"SEC. 4. Nothing herein contained shall modify, amend or repeal any authority heretofore granted under the provisions of Public Law 85-337."

Mr. SIKES. Mr. Speaker, I offer a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SIKES as a substitute for the Committee amendment:

"Section 1. The Secretary of Defense is hereby authorized to carry out a program of planning, development, maintenance, and coordination of wildlife, fish and game conservation and rehabilitation in military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of Interior and the appropriate State agency designated by the State in which the reservation is located. Such cooperative plan may stipulate the issuance of special State hunting and fishing permits to individuals and require this payment of a nominal fee therefor, which fees shall be utilized for the protection, conservation and management of fish and wildlife, including habitat improvement and related activities in accordance with the cooperative plan: *Provided,* The commanding officer of the reservation or persons designated by him are authorized to enforce such special hunting and fishing permits and to collect the fees therefor, acting as agent or agents for the State if the cooperative plan so provides.

"SEC. 2. The Secretary of Defense in cooperation with the Secretary of Interior and the appropriate State agency is authorized to carry out a program for the conservation, restoration and management of migratory game birds on military reservations, including the issuance of special hunting permits and the collection of fees therefor, in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior and the appropriate State agency: *Provided,* That possession of a special permit for hunting migratory game birds issued pursuant to this act shall not relieve the permittee of the requirements of the Migratory Bird Hunting Stamp Act as amended nor of the requirements pertaining to State law set forth in Public Law 85-337.

"SEC. 3. The Secretary of Defense is directed to expend such funds as may be collected or transferred in accordance with the cooperative plans agreed to pursuant to this act, such expenditures to be made in furtherance of the purposes of this act and for no other purpose.

"SEC. 4. The Department of Defense is held free from any liability to pay into the Treasury of the United States upon the operation of the program or programs authorized by this act any funds which may have been or may hereafter be collected, received or expended pursuant to, and for the purposes of, this act, and which collections, receipts and expenditures have been properly accounted for to the Comptroller General of the United States.

"SEC. 5. Nothing herein contained shall be construed to modify, amend or repeal any provision of Public Law 85-337."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GREAT LAKES PILOTAGE

The Clerk called the bill (H.R. 57) to require pilots on certain vessels navigating U.S. waters of the Great Lakes, and for other purposes.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INCLUDING FLOATING DRYDOCKS UNDER THE TERM "VESSEL"

The Clerk called the bill (S. 107) to amend title XI of the Merchant Marine Act, 1936, relating to Federal ship mortgage insurance, in order to include floating drydocks under the definition of the term "vessel" in such title.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AGRICULTURAL ATTACHÉ ROTATION

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PROMOTING PEACE THROUGH REDUCTION OF ARMAMENTS

The Clerk called the resolution (H. Con. Res. 393) to promote peace through the reduction of armaments.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the joint resolution be stricken from the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZ.

The Clerk called the bill (H.R. 7279) to authorize the establishment of the Hubbell Trading Post National Historic Site, in the State of Arizona, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LAND FOR PAN AMERICAN HEALTH ORGANIZATION HEADQUARTERS

The Clerk called the bill (H.R. 7579) to authorize the acquisition of land for donation to the Pan American Health Organization as a headquarters site.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

OPTOMETRISTS IN VA OUTPATIENT PROGRAM

The Clerk called the bill (H.R. 7966) to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(6) of title 38, United States Code, is amended by inserting immediately after "medical examination and treatment," the following: "optometrists' services,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMEND SOLDIERS AND SAILORS CIVIL RELIEF ACT

The Clerk called the bill (H.R. 3313) to amend section 200 of the Soldiers and Sailors Civil Relief Act of 1940 to permit the establishment of certain facts by a declaration under penalty of perjury in lieu of an affidavit.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (1) of section 200 of the Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. App. 520) is amended by adding at the end thereof the following new sentence: "Whenever, under the laws applicable with respect to any court, facts may be evidenced, established, or proved by an unsworn statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury, the filing of such an unsworn statement, declaration, verification, or certificate shall satisfy the requirement of this subdivision that facts be established by affidavit."

SEC. 2. Subdivision (2) of such section 200 is amended by inserting immediately after "affidavit required under this section," the following: "or a statement, declaration, verification, or certificate certified or declared to be true under penalty of perjury permitted under subdivision (1),".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMISSION OF INDEBTEDNESS OF MEMBERS OF THE NAVY

The Clerk called the bill (H.R. 471) to amend chapter 561 of title 10, United States Code, to provide that the Secretary of the Navy shall have the same authority to remit indebtedness of enlisted members upon discharge as the Secretaries of the Army and the Air Force have.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 561 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 6161. Remission of indebtedness of enlisted members upon discharge

"If he considers it in the best interest of the United States, the Secretary may have remitted or canceled any part of an enlisted member's indebtedness to the United States or any of its instrumentalities remaining unpaid before, or at the time of, that member's honorable discharge."

(b) The analysis of such chapter 561 is amended by adding at the foot thereof the following:

"6161. Remission of indebtedness of enlisted members upon discharge."

With the following committee amendments:

Page 1, line 7, insert a period after the word "discharge."

Page 2, line 1, insert the words "of the Navy" after the word "Secretary".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOOD COUNTY, TEX.

The Clerk called the bill (H.R. 5726) for the relief of Hood County, Tex.

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FORD CITY, PA.

The Clerk called the bill (H.R. 5850) for the relief of the borough of Ford City, Pa.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ALBERTSON WATER DISTRICT, NEW YORK

The Clerk called the bill (H.R. 8868) for the relief of the Albertson Water District, Nassau County, N.Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Albertson Water District, Nassau County, New York, the sum of $765.97. The payment of such sum shall be in full settlement of all claims of the Albertson Water District against the United States for reimbursement, in accordance with the provisions of the Federal Civil Defense Act of 1950, of one-half the cost to such district of leasing communications equipment, maintained for civil defense purposes in event of an emergency, for the period beginning July 1, 1956, and ending June 30, 1957, both dates inclusive: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4, strike out "in excess of 10 per centum thereof."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENTS OF ADDITIONAL PAY FOR SEA DUTY—MEMBERS OF THE U.S. COAST GUARD

The Clerk called the bill (H.R. 9921) to validate certain payments of additional pay for sea duty made to members and former members of the U.S. Coast Guard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all payments of additional pay for sea duty made prior to June 30, 1956, to enlisted members of the United States Coast Guard who served on Coast Guard vessels less than one hundred and twenty-five feet in length are hereby validated. Any such member or former member who has made repayment to the United States of any amount so paid to him as additional pay for sea duty is entitled to have refunded to him the amount paid.

SEC. 2. The Comptroller General of the United States, or his designee, shall relieve authorized certifying officers of the United States Coast Guard from accountability or responsibility for any payments described in section 1 of this Act, and shall allow credits in the settlement of the accounts of those officers for payments which are found to be free from fraud and collusion.

SEC. 3. Appropriations available to the United States Coast Guard for the pay and allowances of enlisted personnel are available for payments under this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION WEEK

The Clerk called the bill (H.J. Res. 602) authorizing the President to proclaim henceforth the week in May of each year which falls the third Friday of that month as National Transportation Week.

The SPEAKER. Is there objection to the present consideration of the House joint resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I notice from a perusal of the House records that there are bills to provide for the observance of 82 days, weeks, and years pending before the House of Representatives.

I notice that there is a Captive Nations Day bill and Captive Nations Week bill. I do not find any Captive Taxpayers Week, Year, or Day bill, nor do I find a bill to commemorate the vanishing specie known as "Real Americans."

There is a Cleaner Air Week bill, there is a Fathers' Day bill, a Friendship Day bill, a Good Neighbor Day bill, a Grandmothers' Day bill, and a Great Seal Day bill. There is a bill to provide a National Allergy Month, there is a National Dress Right Week bill, there is a National Welded Products Month bill, there is a United Nations Week bill, there is a bill

to provide for a National Fraternal Day and a National Zoo Week, and a Pony Express Year.

I wonder if the sponsors of this bill can tell me when the 82 other bills of this nature will come up?

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. CELLER. I may say to the gentleman all of those bills or practically all of the bills that he read off have been tabled by the Committee on the Judiciary. We realize, as the gentleman does, the difficulty concerning these bills. I agree with the gentleman we would not have enough days on the calendar to set apart for the celebration of all of these days. That does not mean, however, that we must shut our eyes to some of the bills that have been offered which we feel are of importance, like, for example, the one now being considered on the Consent Calendar concerning National Transportation Week.

Almost all of the larger and even the smaller railroads appeared or, rather, importuned us in various ways to set apart some day to focus the Nation's attention upon the plight of the railroads. They thought we should do something for the railroads and we have set aside that week, and I suggest that the House adopt the resolution.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Georgia.

Mr. FORRESTER. I was going to say to the gentleman that of the 69 bills, 67 of them have been tabled.

Mr. GROSS. Eighty-two, I will say to the gentleman.

Mr. FORRESTER. At the last count I had, the committee had 69, and 67 of those bills have been tabled. I think that of itself is a recommendation for the bill which we have before us now. It was one of two that survived.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. In connection with this matter, I want to say that the committee here, I think, has reached a conclusive presumption. I happened to have been the victim, so to speak. I had a bill that was similar that I introduced in the last session which would have set up and authorized a National Poison Prevention Week which would, I think, have helped save the lives of children. I got that cleared by the subcommittee. I write to the distinguished chairman of the full committee and I have received verbal assurances I would be given an opportunity to appear before the full committee. I have had considerable correspondence with the chairman of the committee in which, among other things, he told me that my letter would be read to the full committee. It was not.

I want to say, Mr. Speaker, the chairman has reached a conclusive presumption that all of these bills ought to be put in one pile regardless of the merit of the bill. I resent the action that the gentleman has taken. I have told him this personally. I have written to him. And, I am goin to continue to "raise Cain" until I have an opportunity to tell about this particular resolution which has the support of many worthwhile organizations throughout this country. It is not for the purpose of helping any particular corporation or any group to sell something. It does not have that kind of an intent. This bill was approved one time by the subcommittee headed by the gentleman from Georgia [Mr. FORRESTER], but I have not been given the courtesy by the chairman to appear before the full committee. And, I want to say that publicly right now, Mr. Speaker.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. JONES of Missouri. Yes; I yield.

Mr. CELLER. I think the gentleman has been wholly in error in what he said.

Mr. JONES of Missouri. In what way? Point out one place I have been in error.

Mr. CELLER. In the first place, the gentleman did have a hearing before the subcommittee.

Mr. JONES of Missouri. And it was approved by the subcommittee.

Mr. CELLER. The gentleman made the statement he did not have a hearing. Now, he did have a hearing on his own admission now. When the report came before the full committee, the full committee reversed the subcommittee, as was its right. Beyond that, the gentleman deliberately failed to state this to the Members of the House. After he had complained to me, I said to him, as a matter of courtesy to him—as a matter of grace, not as a matter of law—I would give him an opportunity to appear before the full committee, and I told him he could have the right to appear before my committee tomorrow morning. And, he is supposed to appear tomorrow morning. Now, the gentleman prejudices his case beyond the peradventure of a doubt when he makes these statements which have no foundation whatsoever.

Mr. JONES of Missouri. I want to say to the gentleman that that letter has never been received by me. I have a letter from you telling me that you had read a letter before the full committee. I have checked many members of the committee, and they have not heard that letter read.

Mr. CELLER. Did the gentleman get a statement from me to the effect that he would be permitted to appear before the full committee tomorrow morning?

Mr. JONES of Missouri. I did not.

The SPEAKER. The Chair asks for the regular order. Is there objection to the present consideration of the bill?

Mr. HOFFMAN of Michigan. I object, Mr. Speaker.

WEST VIRGINIA CENTENNIAL CELEBRATION

The Clerk called the joint resolution (H.J. Res. 208) providing for participation by the United States in the West Virginia centennial celebration to be held in 1963 at various locations in the State of West Virginia, and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the joint resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ONE HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF U.S. CONSTITUTION

The Clerk called the joint resolution (H.J. Res. 605) providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States.

There being no objection, the clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a commission, to be known as the "United States Constitution One Hundred and Seventy-fifth Anniversary Commission" (hereinafter referred to as the "Commission") for the celebration of the one hundred and seventy-fifth anniversary of the existence of the Constitution, and to be composed of twelve Commissioners, as follows: The President of the United States; the President of the Senate and the Speaker of the House of Representatives, ex officio; three persons to be appointed by the President of the United States; three Senators to be appointed by the President of the Senate; and three Representatives by the Speaker of the House of Representatives.

SEC. 2. The Commissioners shall receive no compensation for their services but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties.

SEC. 3. The Commission shall select a Chairman and appoint a Director, who shall appoint, with the approval of the Commission, such assistants and subordinates as he deems necessary.

SEC. 4. That it shall be the duty of the Commissioners, after promulgating to the American people an address relative to the reason of its creation and of its purpose, to prepare a plan or plans, and a program for the adequate celebration of the one hundred and seventy-fifth anniversary, and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of plans prepared by State commissions, or by bodies created under appointment by the Governors of the respective States, and by representative civic bodies.

SEC. 5. That the Commission shall, on or before the adjournment of the present session of the Eighty-sixth Congress, make a report to the Congress, in order that enabling legislation may be enacted.

SEC. 6. That the Commission hereby created shall expire upon the appointment of a permanent Commission to execute the complete arrangements for this celebration.

SEC. 7. That the Commission may receive from any source contributions to aid in carrying out the general purpose of this resolution, but the same shall be expended and accounted for in the same manner as any appropriation which may be made under authority of this Act.

SEC. 8. There is hereby authorized to be appropriated the sum of $10,000 to defray expenses.

Mr. BYRNE of Pennsylvania. Mr. Speaker, during the 1st session of the present 86th Congress, it was my great privilege to introduce a resolution in the House to provide for the preparation and completion of plans for the celebration of the 175th anniversary of the Constitution of the United States.

The resolution was reported by the House Judiciary Committee and, under a suspension of the rules, is being considered in the floor of the House today, Monday, March 21, 1960.

This resolution is of utmost importance, particularly in these trying times which, in very truth, are such as "to try men's souls."

It is of the utmost urgency that the American people come once again to know, and, in knowing, love this immortal document which has made the United States, despite much travail, in spite of the many pains, all-too-many frustrations, baseless jealousies and venomous hatreds in our growing years, a nation great and strong.

The United States, Mr. Speaker, is the finest land in all the world; its people are the freest to be found anywhere upon the earth. And we cannot revere too highly the ageless document which has made all this possible.

In these uncertain hours of economic turmoil at home and abroad, in these trying days beset with unknown fears—days fraught with a constant threat of a seeming unending cold war, it is mandatory that our people be brought back to serious contemplation of our Constitution and a renewed dedication to those priceless principles for which it stands.

During this very century the United States has withstood two World Wars, a real blood-soaked military action in Korea and the current cold war.

We have emerged from the so-called industrial revolution into an age of scientific wonders that finds us literally "reaching for the stars"; our population, in but little more than half a century, has increased by nearly 50 million persons—and who can gage the unbelievable growth of our wealth.

Yes, Mr. Speaker, our American inheritance—in every facet of human life—in both the spiritual and mundane aspects of existence—in business and in commerce, in industry and in the money mart, in education and in science—surpasses even the most fantastic dreams of yesteryear. We are rich in everything but peace.

There has risen to challenge our leadership in world affairs a godless conspiracy, a power-hungry community of dictatorships that hold in thrall many millions of human beings living in many subjugated countries. This conspiratorial group constitutes atheistic communism and are a real threat to our bright hopes of a world of peace and justice under the brotherhood of man and the fatherhood of God.

Now, more than ever before, we need to renew at the well springs of faith and patriotism that spirit which moved our Founding Fathers to establish the blessings of liberty to ourselves and our posterity.

Congressman WILLIAM J. GREEN, JR., representing the Fifth Pennsylvania District, in this House, as well as the other four Congressmen—WILLIAM A. BARRETT, KATHRYN E. GRANAHAN, ROBERT N. C. NIX, and HERMAN TOLL—of Philadelphia, have endorsed this resolution, which each believes proposes an appropriate celebration of that greatest of American documents, which was drawn up and adopted in Philadelphia, the cradle of American liberties.

Congressman GREEN, recognizing that this country is, indeed, passing through dolorous days, said only a year ago that the proposal for celebrating the 175th anniversary of the Constitution "comes at a time when the Nation, in the midst of its greatest prosperity, is nonetheless passing through tragic days for a large segment of the population."

How true: Here we are in a period when big business enterprises are enjoying more success, greater profits, juicier dividends, than ever before, while, at the same time a large part of the population is either unemployed or engaged in part-time work, or in shamefully simulated temporary work which but marks an unhappy phase of our manipulated economy—false economy, that is—indifferent to the needs of our older citizens.

Mr. Speaker, it is indeed time that we got back to the Constitution and that each and every one of us learns well its meaning; absorbs thoroughly the high ideals it would inculcate into the electorate.

Let us not be blinded to the fact that in these perilous hours, we are besieged on all fronts by vicious, diabolical threats to our independence as a Nation. It is time to take stock of our treasures and refresh our thinking at the fount of enlightenment, so that we shall once more scintillate with such patriotic fervor as only a study of the Constitution will give us. That document is our greatest bulwark against enforced slavery—and the many other national evils that may and do beset the Nation.

It is my sincere hope—and I trust it is yours, likewise, that this proposed celebration will become a reality and that it will reach into every nook and corner of this vast country of ours—into our homes, our factories, our schools, and churches; into every business, civic, social, religious, and political group in the land; into the heart and the mind of every citizen, of every man, woman, and child; into every governmental agency—local, State, and National—that all may be induced to pay fitting homage to this charter of freedom.

Let every resident of the 50 States renew acquaintance with this great guardian of our liberties and come to a conscious realization that this Nation—and their own individual safety and welfare—stands or falls on the Constitution.

No more fitting vehicle could be made available to the people, to awaken them from their apparent lethargy, their studied indifference to the momentous happenings of our day, for the Constitution is our Magna Carta, our guarantee of national security and human rights.

Congressman GREEN has said that the gravest danger to our entity as a Nation, is the indifference of our people, that great segment of voters, as an instance, who year after year, fail for one reason or another to exercise the priceless franchise of a free ballot. The Congressman, who I am proud to hail as a colleague, has often warned that our people must be alerted to the very real dangers that will confront the Nation during the next quarter of a century—and beyond.

"Citizens," he has warned, "must be made to realize that we cannot afford to be smug, satisfied, indifferent to or contented with things as they are. If we are to continue as a progressive Nation we must be active, alive, pushing ever onward and upward and never content to follow in the wake of false leaders."

That is true. And if we are to adhere to the truth, we must be true to ourselves, to our principles, to our ideals. We must feel in every fiber of our being, the true meaning of the Constitution. We must, literally, love it, as it deserves to be loved; respect it, as it must be respected; cling to it as though it were the one safe and sure lifeline to national salvation and to personal security; the one remaining hope for the perpetuation of those policies and ideals which have brought us through 175 years of virtually unending world turbulence, to become the world's first, great humanitarian power.

Mr. Speaker, I urge the Congress to adopt this resolution and I further ask that the celebration, centering in Philadelphia, be nationwide.

Philadelphia has inherent priority in any celebration commemorating the formulation and adoption of the Constitution. This great document is the priceless heritage of the first city of the Keystone State. Here you will find many of the Nation's most cherished patriotic shrines—Congress Hall, Independence Hall, Carpenters' Hall, the Betsy Ross House, and many other hallowed spots which played such a great part in the Revolutionary period of the country's history.

As the Representative in this Congress of the Third Pennsylvania District which includes virtually all of the traditional shrines of American independence, I naturally am much interested in focusing the attention of the Nation upon this historic area and I feel that every citizen who possibly can do so, should spend some time in visiting these halls so often trod by the Founding Fathers. The Government already has taken the initiative in beautifying the entire neighborhood, constructing parks, restoring old buildings in cooperation with Philadelphia and Pennsylvania. This improvement, being carried on as the National Historic Parks program will be completed just before the anniversary date of the signing of the Constitution. What could be more fitting than to have completion ceremonies of the parks program coincide with the celebration proposed in this resolution now before the House?

Mr. Speaker, it is fitting at this time for the Congress to place special stress on the greatness of our Nation and rejoice in that "pearl of great price" that is our proud possession: the Constitution.

Further, it would be appropriate, too, to conduct a nationwide contest in our schools, awarding scholarships or other awards to the authors of winning essays on the general subject of "What the Constitution Means to Me."

Every day we live here in America; every breath we draw in freedom; every tranquil moment we have to enjoy;

every success we achieve, is due, Mr. Speaker, primarily to that hallowed charter of freedom for which our forefathers fought and died and for which succeeding generations have suffered, not hesitating even to make the supreme sacrifice, to preserve.

Mr. Speaker, I ask unanimous consent for the adoption of this resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ONE HUNDREDTH ANNIVERSARY OF THE BIRTH OF GENERAL OF THE ARMIES JOHN J. PERSHING

The Clerk called the joint resolution (H.J. Res. 640) to authorize and request the President to issue a proclamation in connection with the centennial of the birth of General of the Armies John J. Pershing.

There being no objection, the Clerk read the joint resolution, as follows:

Whereas September 13, 1960, will mark the one hundredth anniversary of the birth of General of the Armies John J. Pershing; and

Whereas the achievements of General Pershing in the creation of the American Expeditionary Force in France in 1917–1918 and its effective deployment in battle have been universally considered the decisive factor in the Allied victory of 1918; and

Whereas General Pershing above any other person symbolizes America's part in World War I; and

Whereas the ranks of those who served under him in France in 1917–1918 grow thinner with each passing year; and

Whereas the one hundredth anniversary of the birth of General Pershing will furnish a most appropriate occasion for the American public to show honor to General Pershing and to the men and officers who served under him: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to proclaim September 13, 1960, as a day upon which all Americans should pay honor and respect to General of the Armies John J. Pershing and the men who served under him.

SEC. 2. All departments and agencies of the Government are hereby authorized to cooperate with any civic and patriotic organizations which may be conducting ceremonies in commemoration of the birth of General Pershing. The Secretary of the Army is hereby authorized and directed to act as the coordinating officer between such civic and patriotic organizations and the departments and agencies of the Government.

With the following committee amendment:

Strike out all the whereas clauses.

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, House Joint Resolution 640 is now before us for consideration. It is my considered opinion that it fills an unpardonable void in the area of paying appropriate tribute to our great leaders of past years.

Certainly, none can question that the late Gen. John J. Pershing is entitled to the continuing and perpetual appreciation, honor and respect of every liberty loving citizen of the United States. His mark is indelibly carved upon the pages of our history.

The resolution which we are now considering is accompanied by Report No. 1384, which was submitted by me for the Committee on the Judiciary. That report succinctly states the case for this resolution when it, in part, says:

September 13, 1960, is the 100th anniversary of the birth of General of the Armies John J. Pershing. The contribution of General Pershing in organizing the American Expeditionary Forces in 1917 and its subsequent participation in the battles in France are too well known to require comment.

In view of the significant contribution which General Pershing made to the American victory in World War I and in view of the fact that he symbolizes the men of the AEF who fought under him, this resolution would authorize and request the President to proclaim September 13, 1960, as a day upon which all Americans should pay honor and respect to General Pershing and the men who served under him.

The bill also authorizes departments and agencies of the Government to cooperate with civic and partriotic organizations in ceremonies commemorating General Pershing's birth. In addition, it specifically authorizes and directs the Secretary of the Army to act as the coordinating officer between civic and patriotic organizations and the departments and agencies of the Government.

Mr. Speaker, it is my earnest hope that Americans everywhere will on September 13, 1960, take due note of the 100th anniversary of the birth of the late beloved Gen. John J. Pershing.

The gentleman from Missouri [Mr. HULL] has brought forward a splendid suggestion in the form of this resolution. I commend him for the leadership that he is taking in doing proper honor to a great American and the men who served under him.

Mr. WHITENER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HULL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HULL. Mr. Speaker, I wish to call attention to the forthcoming centennial celebration of the birth of a great American patriot, General of the Armies John J. Pershing.

General Pershing was born September 13, 1860, near the small community of Laclede, Linn County, Mo., in my congressional district.

A centennial observance worthy of this great American will be held next September 13 in this town of his birth and boyhood years. Plans for the celebration are going ahead rapidly under the able leadership of Mr. L. F. Moore of Laclede working in cooperation with veterans organizations and interested individuals.

A bill I recently introduced, House Joint Resolution 640, provides a vehicle by which all Americans may join with his friends and neighbors in Missouri in celebrating General Pershing's birth centennial.

The bill recognizes the significant contributions which General Pershing made to the Allied victory in World War I in organizing and leading the American Expeditionary Forces.

It recognizes the fact that his memory symbolizes the proud achievements and great sacrifices of the gallant men who served under him.

By authorizing and requesting the President of the United States to proclaim September 13 as a day upon which Americans should pay tribute to General Pershing and the men whom he led, it enables Americans everywhere to take proper note of their heroic contributions to the peace of the world and freedom of man.

I am deeply gratified that House Joint Resolution 640 passed the House of Representatives on March 21 and look forward to its approval by the Senate and the Executive.

Mr. Speaker, as long as men cherish the ideals of democracy, the memory of Gen. John J. Pershing will be revered. Although his reputation was forged in the furnace of war, he was a man of peace, a humanitarian.

General Pershing and his men destroyed the military power of his foes, but when the way lay clear to annihilate them and lay waste their lands, he and his comrades stayed their hands.

He gained victory without malice and justice without vindictiveness. There can be no greater achievement.

MEMBERSHIP ROLL OF INDIANS OF THE YAKIMA RESERVATION

The Clerk called the bill (H.R. 1176) to amend the act of August 9, 1946 (60 Stat. 968), providing for the preparation of a membership roll of the Indians of the Yakima Reservation.

Mr. FORD. Mr. Speaker, at the request of another Member, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HEADQUARTERS FOR MOUNT RAINIER NATIONAL PARK

The Clerk called the bill (S. 1358) to authorize the Secretary of the Interior to provide a headquarters site for Mount Rainier National Park in the general vicinity of Ashford, Wash., and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

STONES RIVER NATIONAL MILITARY PARK, TENN.

The Clerk called the bill (H.R. 9543) to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in furtherance of the purposes of the Act of March 3, 1927 (44 Stat. 1399), authorizing establishment of the Stones River National Military Park, the Secretary of the Interior is authorized to acquire by such means as he may deem to be in the public interest, for inclusion in the Stones River National Military Park, such additional lands and interests in lands, not to exceed seven acres, as in the discretion of the Secretary are necessary for the preservation and interpretation of the battlefield of Stones River, Tennessee.

SEC. 2. Stones River National Military Park is hereby redesignated as the Stones River National Battlefield, and any remaining balance of funds appropriated for the purpose of the Stones River National Military Park shall be available for the purpose of Stones River National Battlefield.

SEC. 3. The administration, protection, and development of the Stones River National Battlefield shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. EVINS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS. Mr. Speaker, this bill, H.R. 9543, which I am sponsoring and which has been unanimously approved by the House Committee on Interior and Insular Affairs, would add to the beauty and usefulness of one of our great national parks—the Stones River National Military Park—located near Murfreesboro in the Fourth District of Tennessee which I have the honor to represent in the Congress.

This bill would change the name of Stones River National Military Park near Murfreesboro, Tenn., to Stones River National Battlefield, and would add approximately 6 acres to the present park in order to enhance greatly the beauty and preserve the historical significance of the park.

The Stones River National Military Park was established pursuant to the act of Congress of March 3, 1927 (44 Stat. 1399) with a view to preserving the battlefield for historical and professional study and, generally, to commemorate the important events that took place on this field of battle. Stones River was the scene of a hard-fought encounter between General Bragg's Confederate Army of Tennessee and General Rosecran's Union Army of the Cumberland, from December 31, 1862, to January 2, 1863. It was the first big conflict in the 2-year campaign in the West that cut the Confederacy in two and reached its climax in Sherman's march to the sea—and considered one of the decisive battles of the War Between the States.

The change in name to Stones River National Battlefield would better reflect and describe the type of area which is included in the park and has been recommended by the Department of Interior as being in line with their policy of naming parks so they will better reflect the types of areas involved.

A tract of land of approximately 6 acres on which was located a detached Union artillery site is necessary to preserve the historic scene and increase the usefulness, for interpretive purposes, of this section of the park. As the report indicates, the bill has the approval of the Department concerned, the Budget Bureau, and the full approval of the committee.

The estimated cost of the approximately 6 acres which would be added to the park under this bill would be $1,500, a very small and insignificant sum—commensurate with the historical importance.

I trust the bill may be approved.

RESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

The Clerk called the bill (S. 1185) to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

NATIONAL HISTORIC SITE AT BENT'S OLD FORT, COLO.

The Clerk called the bill (H.R. 6851) authorizing the establishing of a national historic site at Bent's Old Fort near La Junta, Colo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

EXTENDING APPLICATION OF THE MOTORBOAT ACT OF 1940

The Clerk called the bill (S. 1712) to extend the application of the Motorboat Act of 1940 to certain possessions of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 6 of the Federal Boating Act of 1958, approved September 2, 1958 (72 Stat. 1754), is amended to read as follows:

"(c) Such Act of April 25, 1940 (46 U.S.C. 526–526t), is further amended by adding at the end thereof the following new section:

"'SEC. 22. (a) This Act shall apply to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas.

"'(b) As used in this Act—

"'The term "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.'"

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

RECOGNITION OF THE GALLANT ACTION OF SS "MEREDITH VICTORY"

The Clerk called the bill (S. 2185) to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the committee a question about this legislation. I think it has a fine purpose, but I understand it would cost $175,000. I do not understand how this could cost that much.

Mr. BONNER. The cost is $175. This is one of the outstanding events of the Korean war. This merchant ship went in to shore and brought out 14,000 Korean civilians. Nobody can understand how they got them on the ship. During the movement there were four or five children born. The purpose here is to recognize this marvelous feat executed by American seamen on a private merchant marine ship. This was not a naval ship.

Mr. FORD. Mr. Speaker, as I indicated previously, I have no objection to the merits of the legislation. It was a wonderful illustration of daring and heroism. Based on the information given to me here on the floor, I certainly withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the gallant action of the Steamship Meredith Victory in saving the lives of over fourteen thousand Korean civilians by transporting them in a single voyage from Hungnam to Pusan in December of 1950, the Secretary of Commerce shall issue a citation and award a plaque to the Steamship Meredith Victory, and shall award an appropriate citation ribbon bar to each person serving on board her at that time, and shall award a Merchant Marine Meritorious Service Medal to the master of the vessel at the time of the action, under the authority of sections 1a and 3 of the Act entitled "An Act to authorize medals and decorations for outstanding and meritorious conduct and service in the United States merchant marine, and for other purposes", approved July 24, 1956 (46 U.S.C. 249b), notwithstanding that such Act was not then in effect.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEOGRAPHICAL LIMITATIONS ON COAST AND GEODETIC SURVEY

The Clerk called the bill (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 6, 1947 (ch. 504, 61 Stat. 787; 33 U.S.C. 883a–883i), is amended by adding at the end thereof a new section reading as follows:

"SEC. 11. The Secretary of Commerce may conduct activities authorized by this Act without regard to the geographical limitations set forth herein in connection with projects designated as essential to the national interest by the head of an executive department or agency."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the first section of the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C., sec. 883a), is amended—

"(1) by striking out 'in the United States, its Territories, and possessions';

"(2) by striking out 'of coastal water and land areas (including survey of off-lying islands, banks, shoals, and other offshore areas)'; and

"(3) by striking out all of paragraph (2), and by renumbering paragraphs (3), (4), (5), and (6) as (2), (3), (4), and (5) respectively."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESTRICTION OF REAL PROPERTY IN ST. AUGUSTINE, FLA.

The Clerk called the bill (H.R. 5055) to remove a restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THOMSON of Wyoming. Mr. Speaker, reserving the right to object, I wonder if the chairman of the committee can answer a few questions for me with reference to this legislation. I notice the committee report on page 2 says:

By the terms of Public Law 615 of the 84th Congress, land constituting a portion of the Anastasia Island Lighthouse property, which had become surplus to the needs of the Coast Guard, was conveyed to the city of St. Augustine for park purposes.

Do I correctly understand that the purpose of this legislation is to remove that restriction so it can be used for a school?

Mr. BONNER. Not entirely to remove the full restriction but only to permit that it be used for educational purposes.

Mr. THOMSON of Wyoming. For educational purposes?

Mr. BONNER. Only for educational purposes, not to remove the full restriction.

Mr. THOMSON of Wyoming. Did the bill that was passed in the 84th Congress convey this property to the city of St. Augustine?

Mr. BONNER. For recreational purposes. We feel that the testimony that was offered indicates that with the great expansion in the area certainly education goes hand in hand with recreation. Around a school you have to have recreation.

Mr. THOMSON of Wyoming. Was the bill in the 84th Congress referred to the gentleman's committee and reported by it?

Mr. BONNER. Yes.

Mr. THOMSON of Wyoming. Was any consideration paid for that conveyance?

Mr. BONNER. There is the reservation in all of these types of transfer that if the time comes that the U.S. Government needs it for defense or for other purposes, then the Government would have the privilege of repossessing it.

Mr. THOMSON of Wyoming. Was any consideration paid to the U.S. Government?

Mr. BONNER. I do not think there was. It was surplus property. There are many instances where this same thing has been done before.

Mr. THOMSON of Wyoming. That is the thing that concerns me. In this particular case the property had been declared surplus. The bill was referred to the gentleman's committee. That committee reported the bill out. I thought it had merit. I agreed with the principle involved. I did not object then. I am constrained to object now, but I do not think I will.

On the other hand, in the city of Cheyenne, which is within the district I represent, land was found to be surplus to the Veterans' Hospital there. The land was originally donated to the Federal Government by the city of Cheyenne as a site for the hospital. I introduced legislation to convey it to the city of Cheyenne for identical purposes to that for which this property was conveyed to St. Augustine, that is for park purposes. It was referred to the Committee on Government Operations and to the Brooks Subcommittee of that committee. The department report, as usual, is unfavorable. The bill has been held up there and the position of the subcommittee as expressed by its chairman is unfavorable. I do not know why it did not go to the Committee on Veterans' Affairs as this bill went to the Committee on Merchant Marine and Fisheries. But what we are running into here, which I do not think is right, and I intend to look into it and am going to have to start to object to some of these bills, is that if it happens to go to one committee it can be done but if it goes to another committee it cannot be done. I think the whole Nation is entitled to be treated fairly and the same. The land in the city of Cheyenne was donated to the Government in the first instance. Is that true in this case?

Mr. BONNER. That was true in this case. There was a favorable report. The reason it happened to come to this committee is that the Coast Guard is under the Treasury and is under the jurisdiction of the Committee on Merchant Marine and Fisheries.

Mr. THOMSON of Wyoming. I appreciate that. This other bill was not referred to the Committee on Veterans' Affairs. I realize that is not within the prerogatives of the committee. But every district and each Member are entitled to be treated alike and the law and the policy of Congress should be uniform in principle and practice.

Mr. BONNER. I can understand the gentleman's attitude.

Mr. THOMSON of Wyoming. I am not going to object, but if this situation continues to develop I am going to object to all similar bills in the future because of the principle involved.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to convey to the city of Saint Augustine, Florida, without consideration therefor, all right, title, and interest of the United States in and to the real property heretofore conveyed to such city for public park purposes and described in section 2 of this Act, reserving to the United States a perpetual easement for beams of light across any part of such real property that may be between the lighthouse located on the Anastasia Island Lighthouse Reservation, Florida, and the sea.

SEC. 2. The real property referred to in the first section of this Act is situated in Anastasia Island, in the county of Saint Johns, in the State of Florida, and is more particularly described as follows: Commencing at General Land Office monument center of section 21, township 7 south, range 30 east, and being the southeast corner of Government lot numbered 2, thence north 1 degree 00 minutes west along the east line of said lot 2, 321.43 feet to the point of beginning, thence south 89 degrees 00 minutes west across lot 2, 416.33 feet to the west line of said lot 2, thence north 7 degrees 54 minutes west along the west line of said lot 2, 825.0 feet, thence north 89 degrees 00 minutes east across lot 2 and parallel to the south line 514.24 feet to the east line of said lot 2, thence south 1 degree 00 minutes west, 819.03 feet along east line of said lot 2 to the point of beginning.

With the following committee amendments:

On page 1, line 3, after the word "That" insert the following: "subject to the provisions of section 3 hereof".

On page 1, line 3, delete the word "Commerce" and insert in lieu thereof the word "Treasury".

On page 1, line 10, after the word "lighthouse" insert the following: "or any replacement thereof or any other aid to navigation".

On page 2, after section 2, add a new section as follows:

"SEC. 3. Any conveyance made under authority of the first section of this Act shall contain a covenant that the property described in such conveyance shall be used solely for educational purposes."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed.

The title was amended so as to read: "A bill to change a certain restriction on the use of certain real property con-

veyed to the city of Saint Augustine, Fla., by the United States."

A motion to reconsider was laid on the table.

COAST AND GEODETIC SURVEY

The Clerk called the bill (H.R. 9084) to repeal certain retirement promotion authority of the Coast and Geodetic Survey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 6, 1942 (ch. 383, 56 Stat. 328, as amended (33 U.S.C. 864e)) is hereby repealed.

SEC. 2. This Act becomes effective on November 1, 1959.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SERVICE FOR CANADIAN VESSELS FOR CERTAIN ALASKA PORTS

The Clerk called the bill (H.R. 9599) to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until June 30, 1961, notwithstanding the provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port in the United States to another port of the United States, passengers may be transported on Canadian vessels between ports in southeastern Alaska, and passengers and merchandise may be transported on Canadian vessels between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation, unless the Secretary of Commerce determines that United States-flag service is available to provide such transportation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE MINERAL LEASING ACT OF FEBRUARY 25, 1920

The Clerk called the bill (H.R. 10455) to amend the Mineral Leasing Act of February 25, 1920.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mineral Leasing Act Revision of 1960".

SEC. 2. Section 17 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U.S.C. 226), is further amended to read as follows:

"SEC. 17. (a) All lands subject to disposition under this Act which are known or believed to contain oil or gas deposits may be leased by the Secretary.

"(b) If the lands to be leased are within any known geological structure of a producing oil or gas field, they shall be leased to the highest responsible qualified bidder by competitive bidding under general regulations in units of not more than six hundred and forty acres, which shall be as nearly compact in form as possible, upon the payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease, which shall be not less than 12½ per centum in amount or value of the production removed or sold from the lease.

"(c) If the lands to be leased are not within any known geological structure of a producing oil or gas field, the person first making application for the lease who is qualified to hold a lease under this Act shall be entitled to a lease of such lands without competitive bidding. Such leases shall be conditioned upon the payment by the lessee of a royalty of 12½ per centum in amount or value of the production removed or sold from the lease.

"(d) All leases issued under this section shall be conditioned upon payment by the lessee of a rental of not less than 50 cents per acre for each year of the lease. Each year's lease rental shall be paid in advance. A minimum royalty of $1 per acre in lieu of rental shall be payable at the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.

"(e) Competitive leases issued under this section shall be for a primary term of five years and noncompetitive leases for a primary term of ten years. Each such lease shall continue so long after its primary term as oil or gas is produced in paying quantities. Any lease issued under this section for land on which actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.

"(f) No lease issued under this section which is subject to termination because of cessation of production shall be terminated for this cause so long as reworking or drilling operations which were commenced on the land prior to or within sixty days after cessation of production are conducted thereon with reasonable diligence, or so long as oil and gas is produced in paying quantities as a result of such operations. No lease issued under this section shall expire because operations or production is suspended under any order, or with the consent, of the Secretary. No lease issued under this section covering lands on which there is a well capable of producing oil or gas in paying quantities shall expire because the lessee fails to produce the same unless the lessee is allowed a reasonable time, which shall be not less than sixty days after notice by registered or certified mail, within which to place such well in producing status or unless, after such status is established, production is discontinued on the leased premises without permission granted by the Secretary under the provisions of this Act.

"(g) Whenever it appears to the Secretary that lands owned by the United States are being drained of oil or gas by wells drilled on adjacent lands, he may negotiate agreements whereby the United States, or the United States and its lessees, shall be compensated for such drainage. Such agreements shall be made with the consent of the lessees, if any, affected thereby. If such agreement is entered into, the primary term of any lease for which compensatory royalty is being paid, or any extension of such primary term, shall be extended for the period during which such compensatory royalty is paid and for a period of one year from discontinuance of such payment and so long thereafter as oil or gas is produced in paying quantities. The Secretary shall report to Congress at the beginning of each regular session all such agreements entered into during the previous year which involve unleased Government lands."

SEC. 3. Section 27 of said Act, as amended (30 U.S.C. 184), is further amended to read as follows:

"SEC. 27. (a)(1) No person, association, or corporation, except as otherwise provided in this subsection, shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, coal leases or permits on an aggregate of more than ten thousand two hundred and forty acres in any one State.

"(2) A person, association, or corporation may apply for coal leases or permits for acreage in addition to that which is permissible under paragraph (1) of this subsection, but the additional acreage shall not exceed five thousand one hundred and twenty acres in any one State. Each application shall be for forty acres or a multiple thereof and shall contain a statement that the granting of a lease or permit for the additional lands is necessary to enable the applicant to carry on business economically and that it is believed to be in the public interest. On the filing of such an application, the coal deposits in the lands covered by it shall be temporarily set aside and withdrawn from all forms of disposal under this Act. The Secretary shall, after posting notice of the pending application in the local land office, conduct public hearings on it. After such hearings the Secretary may, under such regulations as he may prescribe and to such extent as he finds to be in the public interest and necessary to enable the applicant to carry on business economically, permit the applicant to take and hold coal leases or permits for additional acreage as hereinbefore provided. The Secretary may, in his own discretion or whenever sufficient public interest is manifested, reevaluate a lessee's or permittee's need for all or any part of the additional acreage and may cancel any lease or permit covering all or any part of such acreage if he finds that cancellation is in the public interest or that the coal deposits in said acreage are no longer necessary for the lessee or permittee to carry on business economically or that the lessee or permittee has divested himself of all or any part of his first ten thousand two hundred and forty acres or no longer has facilities which, in the Secretary's opinion, enable him to exploit the deposits under lease or permit. No assignment, transfer, or sale of any part of the additional acreage may be made without the approval of the Secretary.

"(b)(1) No person, association, or corporation, except as otherwise provided in this subsection, shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, sodium leases or permits on an aggregate of more than five thousand one hundred and twenty acres in any one State.

"(2) The Secretary may, in his discretion, where the same is necessary in order to secure the economic mining of sodium compounds leasable under this Act, permit a person, association, or corporation to take or hold sodium leases or permits on up to fifteen thousand three hundred and sixty acres in any one State.

"(c) No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, phosphate leases

or permits on an aggregate of more than ten thousand two hundred and forty acres in the United States.

"(d)(1) No person, association, or corporation, except as otherwise provided in this Act, shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, oil or gas leases issued under the provisions of this Act, or options to acquire such leases or any interest therein, on an aggregate of more than two hundred forty-six thousand and eighty acres in any one State other than Alaska. In the case of the State of Alaska, the limit shall be three hundred thousand acres in the northern leasing district and three hundred thousand acres in the southern leasing district, and the boundary between said two districts, shall be the Tanana River from the border between the United States and Canada to the confluence of the Tanana and Yukon Rivers, and the Yukon River from said confluence to its principal southern mouth.

"(2) No person, association, or corporation shall take, hold, own, or control at one time options to acquire interests in oil or gas leases under the provisions of this Act which involve, in the aggregate, more than two hundred thousand acres of land in any one State other than Alaska or, in the case of Alaska, more than two hundred thousand acres in each of its two leasing districts, as hereinbefore described. No option to acquire any interest in such an oil or gas lease shall be valid or enforcible if entered into for a period of more than three years (which three years shall be inclusive of any renewal period if a right to renew is reserved by any party to the option) without the prior approval of the Secretary. In any case in which an option to acquire the optionor's entire interest in the whole or a part of the acreage under a lease is entered into, the acreage to which the option is applicable shall be charged both to the optionor and to the optionee, but the charge to the optionor shall cease when the option is exercised. In any case in which an option to acquire a part of the optionor's interest in the whole or a part of the acreage under a lease is entered into, the acreage to which the option is applicable shall be charged both to the optionor and to the optionee, but after the option is exercised, said acreage shall be charged to the parties pro rata as their interests may appear. No option or renewal thereof shall be valid or enforcible until notice thereof has been filed with the Secretary or an officer or employee of the Department of the Interior designated by him to receive the same. Each such notice shall include, in addition to any other matters prescribed by the Secretary, the names and addresses of the parties thereto, the serial number of the lease or application for a lease to which the option is applicable, and a statement of the number of acres covered thereby and of the interests and obligations of the parties thereto and shall be subscribed by all parties to the option or their duly authorized agents. In addition, each grantor and holder of any such option shall file with the Secretary or an officer or employee of the Department of the Interior as aforesaid within ninety days after the 30th day of June and the 31st day of December in each year a statement showing, in addition to any other matters prescribed by the Secretary, (i) in the case of a grantor of an option, his name and the serial number of every lease or application for a lease to which an option granted by him is applicable, the name, address, and interest of each holder of any such option, the original date and the expiration date thereof, his obligations thereunder, and the number of acres covered thereby, and (ii) in the case of the holder of an option, his name, the name and address of each grantor of an option held by him, the serial number of every lease or application for a lease to which such an option is applicable, the number of acres covered by each such option, the total acreage in each State to which such options are applicable, and his interest and obligation under each such option. The failure of the grantor to make a timely filing as aforesaid shall render the option unenforceable by him, and the failure of the holder of an option so to file shall render the option unenforceable by him. The invalidity or unenforcibility of any option under the provisions of this paragraph shall not diminish the number of acres deemed to be held under option by any person, association, or corporation in computing the amount chargeable under the first sentence of this paragraph and shall not relieve any party thereto of any liability to cancellation, forfeiture, forced disposition, or other sanction provided by law. The Secretary may prescribe forms on which the notice and statements required by this paragraph shall be made.

"(e) (1) No person, association, or corporation shall take, hold, own or control at one time any interest as a member of an association or as a stockholder in a corporation holding a lease, option, or permit under the provisions of this Act which, together with the area embraced in any direct holding, ownership or control by him of such a lease, option, or permit or any other interest which he may have as a member of other associations or as a stockholder in other corporations holding, owning or controlling such leases, options, or permits for any kind of minerals, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kind of minerals allowed to any one lessee; optionee, or permittee under this Act.

"(2) No contract for development and operation of any lands leased under this Act, whether or not coupled with an interest in such lease, and no lease held, owned, or controlled in common by two or more persons, associations, or corporations shall be deemed to create a separate association under the preceding paragraph of this subsection between or among the contracting parties or those who hold, own or control the lease in common, but the proportionate interest of each such party shall be charged against the total acreage permitted to be held, owned or controlled by such party under this Act. The total acreage so held, owned, or controlled in common by two or more parties shall not exceed, in the aggregate, an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee, optionee, or permittee under this Act.

"(f) Nothing contained in subsection (e) of this section shall be construed (i) to limit sections 18, 19, and 22 of this Act or (ii), subject to the approval of the Secretary, to prevent any number of lessees under this Act from combining their several interests so far as may be necessary for the purpose of constructing and carrying on the business of a refinery or of establishing and constructing, as a common carrier, a pipeline or railroad to be operated and used by them jointly in the transportation of oil from their several wells or from the wells of other lesses under this Act or in the transportation of coal or (iii) to increase the acreage which may be taken, held, owned, or controlled under section 27 of this Act.

"(g) Any ownership or interest otherwise forbidden in this Act which may be acquired by descent, will, judgment, decree may be held for two years after its acquisition and no longer.

"(h)(1) If any lease, option, permit, or other interest in or pertaining to land which is subject to the provisions of this Act is acquired, owned, or controlled, directly or indirectly, by means of stock, or otherwise, in violation of any of the provisions of this Act, the same may be canceled or forfeited, or the person, association or corporation owning or controlling the same may be compelled to dispose of it, by the Secretary in an administrative proceeding.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, no lease, option, or other interest in or pertaining to lands producing oil or gas or known to contain valuable deposits of oil or gas and no lease, option or interest which respect to the acquisition or holding of which the Secretary alleges or charges the commission of fraud against the United States shall be canceled, forfeited, or ordered to be disposed of except in an appropriate proceeding instituted by the Attorney General in the United States district court for the district in which the land, or some part of it, is located or in which the defendant may be found. The court, in any proceeding in which fraud is found, may (in addition to imposing any other penalties provided by law) direct that the defendant shall thereafter be ineligible, either permanently or for a shorter period, to acquire or hold any lease, option, permit or other interest in or pertaining to land to which the provisions of this Act are applicable. Administrative proceedings to cancel, forfeit, or compel disposition under paragraph (1) of this subsection shall not be a bar to subsequent or simultaneous judicial proceedings under paragraph (2) of this subsection.

"(3) The right to cancel or forfeit for violation of any of the provisions of this Act shall not apply so as to affect adversely the title or interest of a bona fide purchaser of any lease, interest in a lease, option to acquire a lease or an interest therein, or permit which lease, interest, option, or permit was acquired and is held by a qualified person, association, or corporation in conformity with those provisions, even though the holdings of the person, association, or corporation from which the lease, interest, option, or permit was acquired, or of his predecessor in title (including the original lessee of the United States) may have been canceled or forfeited or may be or may have been subject to cancellation or forfeiture for any such violation. If, in any such proceeding, an underlying lease, interest, option, or permit is canceled or forfeited to the Government and there are valid interests therein or valid options to acquire the lease or an interest therein which are not subject to cancellation, forfeiture, or compulsory disposition, the underlying lease, interest, option, or permit shall be sold by the Secretary to the highest responsible qualified bidder by competitive bidding under general regulations subject to all outstanding valid interests therein and valid options pertaining thereto. Likewise if, in any such proceeding, less than the whole interest in a lease, interest, option, or permit is canceled or forfeited to the Government, the partial interests so canceled or forfeited shall be sold by the Secretary to the highest responsible qualified bidder by competitive bidding under general regulations.

"(4) The commencement and conclusion of every proceeding under this subsection shall be promptly noted on the appropriate public records of the Bureau of Land Management.

"(i) Effective September 21, 1959, any person, association, or corporation who is a party to any proceeding with respect to a violation of any provision of this Act, whether initiated prior to said date or thereafter, shall have the right to be dismissed as such a party upon showing that he holds and acquired as a bona fide purchaser the interest involving him as such a party without violating any provisions of this Act. If during any such proceeding, a party thereto files with the Secretary a waiver of his rights

under his lease (including particularly, where applicable, rights to drill and to assign) or if such rights are suspended by the Secretary pending a decision in the proceeding, he shall, if he is found in such proceeding not to be in violation of such provisions, have the right to have his interest extended for a period of time equal to the period between the filing of the waiver or the order of suspension and the final decision, without payment of rental.

"(j) Except as otherwise provided in this Act, if any lands or deposits subject to the provisions of this Act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust, with the consent of the lessee, optionee or permittee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, optionee, or permittee or any agreement or understanding, written, verbal, or otherwise, to which such lessee, optionee, or permittee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control in excess of the amounts of lands provided in this Act, the lease, option, or permit shall be forfeited by appropriate court proceedings."

SEC. 4. (a) Upon the expiration of the initial five-year term of any noncompetitive lease which was issued prior to enactment of this Act and which has been maintained in accordance with applicable statutory requirements and regulations, the record titleholder thereof shall be entitled to a single extension of the lease, unless then otherwise provided by law, for such lands covered by it as are not, on the expiration date of the lease, withdrawn from leasing. A withdrawal, however, shall not affect the right to an extension if actual drilling operations on such lands were commenced prior to the effective date of the withdrawal and were being diligently prosecuted on the expiration date of the lease. No withdrawal shall be effective within the meaning of this section until ninety days after notice thereof has been sent by registered or certified mail to each lessee to be affected by such withdrawal.

(b) As to lands not within the known geologic structure of a producing oil or gas field, a noncompetitive lease to which this section is applicable shall be extended for a period of five years and so long thereafter as oil or gas is produced in paying quantities. As to lands within the known geologic structure of a producing oil or gas field, a noncompetitive lease to which this section is applicable shall be extended for a period of two years and so long thereafter as oil or gas is produced in paying quantities.

(c) Any noncompetitive lease extended under this section shall be subject to the rules and regulations in force at the expiration of the initial five-year term of the lease. No extension shall be granted, however, unless within a period of ninety days prior to the expiration date of the lease, an application therefor is filed by the record titleholder or an assignee whose assignment has been filed for approval or an operator whose operating agreement has been filed for approval.

SEC. 5. Section 27, subsections (h)(1) and (h)(2), of the Act of February 25, 1920, as amended by section 3 of this Act, shall not be applicable to any proceeding, administrative or judicial, which was commenced prior to the enactment of this Act, but every such proceeding shall be governed by the law in force at the time it was commenced.

With the following committee amendments:

Page 3, line 19, strike out the word "and" and insert "or".

Page 6, line 2, after the word "applicant" insert "to".

Page 7, line 22, after the words "shall be the" insert "left limit of the".

Page 7, line 24, after the words "and the" insert "left limit of the".

Page 8, strike out lines 21 and 22 and insert in lieu thereof: "acreage to which the option is applicable shall be fully charged to the optionor and a share thereof shall also be charged to the optionee as his interest may appear, but after the option".

Page 8, line 24, after the word "appear.", add a new sentence to read as follows: "In any case in which an assignment is made of a part of a lessee's interest in the whole or part of the acreage under a lease or an application for a lease, the acreage shall be charged to the parties pro rata, as their interests may appear."

Page, 10, line 7, after the word "him." insert a new sentence to read as follows: "Such notices or statements of options filed in accordance with this section during the period from January 1 through June 30 of each year shall not be made available by the Government for public use until October 1 of such year and such notices or statements filed during the period from July 1 through December 31 of each year shall not be made available by the Government for public use until April 1 of the following year."

Page 12, line 11, strike out all of paragraphs (h) (1) and (2) and insert in lieu thereof the following:

"(h)(1) If any interest in any lease is owned or controlled, directly or indirectly, by means of stock or otherwise, in violation of any of the provisions of this Act, the lease may be canceled, or the interest so owned may be forfeited, or the person so owning or controlling the interest may be compelled to dispose of the interest, in any appropriate proceeding instituted by the Attorney General. Such a proceeding shall be instituted in the United States district court for the district in which the leased property or some part thereof is located or in which the defendant may be found."

Page 13, line 15, strike out the paragraph designation "(3)" and insert in lieu thereof "(2)".

Page 14, line 17, add a new sentence to read as follows: "If competitive bidding fails to produce a satisfactory offer the Secretary may, in either of these cases, sell the interest in question by such other method as he deems appropriate on terms not less favorable to the Government than those of the best competitive bid received."

Page 14, line 18, strike out the paragraph designation "(4)" and insert in lieu thereof "(3)".

Page 16, line 8, after the word "noncompetitive" insert "oil or gas".

Page 16, line 24, after the word "noncompetitive" insert "oil or gas".

Page 17, line 7, after the word "noncompetitive" insert "oil or gas".

Page 17, following line 15, add a new subsection, as follows:

"(d) Any lease issued prior to the enactment of this Act which has been maintained in accordance with applicable statutory requirements and regulations and which pertains to land on which actual drilling operations were commenced prior to the end of its term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities."

Page 17, line 16, strike out all of section 5 and insert in lieu thereof the following:

"SEC. 5. Sections 17(a) and 17(b) which were added to the Act of February 25, 1920 by sections 4 and 5 of the Act of August 8, 1946 (60 Stat. 952, 30 U.S.C. 226d, 226e) are hereby redesignated sections 17A and 17B, respectively."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point on the legislation just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, the pending legislation—H.R. 10455—will add to the series of Mineral Leasing Act amendments that have been enacted over the years to perfect the original 1920 act and carry out its original purpose. That purpose is to promote the mining on Federal lands of coal, oil, gas, oil shale, phosphate, potash, and sodium by private capital, under sound principles of conservation and to prevent waste of such natural resource values.

The latest important amendment to the act was accomplished by the act of August 13, 1954 (68 Stat. 708), providing for multiple development of tracts of land under the Leasing Act and under the provisions of the general mining laws at the same time.

Interest and activity under the Mineral Leasing Act is increasing constantly. As my colleagues know, mineral leasing, in addition to developing a natural resource, is a revenue-producing activity. Receipts in the year ended in June 1959, were nearly $96 million. The major portion of this was from oil and gas rentals and royalties.

In approaching this legislation—H.R. 10455—it is well to bear in mind that mineral leasing is a highly technical operation. The laws, regulations, and procedures are very complex and the activity touches many States and many individuals. As of June 30, 1959, there were in effect over 141,000 mineral leases, permits, and licenses affecting nearly 117 million acres of Federal lands. Nearly 98 percent of these cases and over 95 percent of the acreage involve oil and gas.

The major revisions accomplished by the bill reflect substantial agreement by those concerned with the legislation. The acreage limitations for oil and gas leasing are simplified, allowing easier and more positive enforcement. The added acreage in Alaska will operate to encourage the development of oil and gas resources in northern Alaska.

The 10-year lease term provided under the legislation will be simpler and better for all concerned.

The added 2-year term where actual drilling is under way is a bonus to further encourage actual exploration and development, as opposed to merely speculation.

The committee received some opposition to increasing the minimum rental for oil and gas leases, but concluded that an upward adjustment is overdue. The rental adjustment will add incentive to actual exploration, tend to discourage excessive speculation, tend to better reimburse the Federal Government for its necessary services, and cause an increase in revenues to the States and to the reclamation fund. The same types of benefits will follow from eliminating the nonpayment of rentals in the second and third years of a lease.

The provisions regarding oil and gas options should simplify enforcement of limits without being unduly burdensome to those who grant or hold the options.

The committee gave careful attention to jurisdictional problems concerned with proceedings brought by the Department of the Interior for violations of the act. The committee determined, in view of pending ligitation, that the present language of the act on the point involved should be carried forward at this time. The resolution of the pending suits may point the way or clarify the path for future legislation.

This is not the last, by any means, of needed amendments to the Mineral Leasing Act or the public land laws. There are those who would like a complete overhaul of these laws. While that is being studied or talked about, bills like the present, although piecemeal in nature, deserve prompt attention

It would be inappropriate for me to close without a word of recognition.

Special credit should go to the author of H.R. 10455, my colleague in the Committee on Interior and Insular Affairs, Representative MORRIS of New Mexico, for his continuing efforts to improve the public land laws affecting New Mexico and other States. Representative RIVERS of Alaska and Representative THOMSON of Wyoming, authors of predecessor or companion bills, worked diligently with the committee as the legislation was developed.

Industry representatives have been most helpful, as have the staff of the Department of the Interior, on the many technical points that were under consideration.

Mr. Speaker, the bill H.R. 10455 deserves the support of all of the Members of the House.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico [Mr. MORRIS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MORRIS of New Mexico. Mr. Speaker, H.R. 10455, which it has been my privilege to sponsor, reflects a great deal of thought and effort on the part of many people, both inside Government and on the outside, and I want to express my gratitude to all of them for their assistance to me in bringing these bills to their present constructive and forward-looking stage.

H.R. 10455 revises and simplifies two important sections of the Mineral Leasing Act of 1920. These two sections are sections 17 and 27.

Mr. Speaker, under unanimous consent I insert at this point in my statement the tabulation showing the major substantive amendments to the mineral leasing system for oil and gas that is accomplished through this legislation:

Provision	Existing law	H.R. 10455
Maximum acreage under oil and gas leases and options permitted to be held by any 1 person (excluding leased acreage committed to cooperative or unit plans of development).	In all States except Alaska: 46,080 acres under lease and 200,000 acres under option. In Alaska: 100,000 acres under lease and 200,000 acres under option.	In all States except Alaska: 246,080 acres under lease and option, but not more than 200,000 acres under option. In Alaska: 300,000 acres under lease and option but not more than 200,000 acre under option, in each of 2 leasing districts.
Annual rental, oil and gas leases	Minimum of 25 cents per acre, with no payment for the 2d and 3d years.	Minimum of 50 cents per acre each year.
Primary term of noncompetitive oil and gas leases.	5 years plus a right to a 5-year extension, with minor exceptions.	10 years.
Extension of lease term if actual drilling is underway at expiration thereof.	(None provided)	2-year extension.
Notice of oil and gas options	(None required)	Notice must be given to Department of the Interior to render option valid.
Periodic statement of oil and gas options.	Required to be filed semiannually by holder.	Required to be filed semiannually by both holder and grantor.

Under the measure, the minimum annual rental on oil and gas leases is raised from 25 cents to 50 cents and the present provision waiving rental payments for the second and third years of leases is repealed. These revisions, of course, will apply only to leases issued after enactment. These are provisions that were requested by the Department of the Interior in an executive communication and their primary purpose, aside from increasing revenues to the States and to the reclamation fund, is to squeeze out some of the speculative interests in oil and gas leasing. I do not feel that this increase in the minimum rental will have an adverse affect on bona fide oil and gas exploration on public lands.

Another major provision is to raise from 5 to 10 years the primary term of noncompetitive oil and gas leases. This overcomes the administrative difficulties as well as the extra burden on the industry of having to renew leases after 5 years under the present law. Also, an added term of 2 years at the end of an oil and gas lease will be allowed under the measure if drilling has been commenced before the end of the period and is being diligently prosecuted. This added 2-year period, it is believed, will provide impetus toward exploration for oil and gas, and reward those who do so diligently. This latter provision, that is, the 2-year extension, is to be granted not only to new leases that would be issued after the bill is enacted, but also to any holder of an existing lease who would wish to come under its provisions.

Another major accomplishment in the measure is a partial consolidation of acreage limitation provisions so that the present overall limit in the States other than Alaska of 246,080 acres may be held either under direct leasing or indirectly by holding options. The present limit of 200,000 acres on option holding, however, is retained. For Alaska, the present 300,000-acre limit likewise is consolidated but with a limit of 200,000 acres on options. However, Alaska, for this purpose, is split into a north and a south leasing district with a full 300,000 acres allowed in each district.

Last, among the important adjustments, is a tightening of the requirements concerning the notice of options to the Government. This will permit the Department of the Interior to know of the status of options at all times and will help to avoid the type of difficulty that is currently involved in litigation in one of the Western States.

Mr. Speaker, the measure involves no additional cost of Government operation and no additional appropriation is required. On the contrary, its operation should cause reduced Government costs and bring about increased Government receipts. More than that, it will tend to reduce speculation under the Mineral Leasing Act and encourage the conservation and wise use of the mineral resources of the Federal lands.

My own State of New Mexico is vitally interested in legislation to improve the administration of public lands. Out of some 78 million acres of land surface in my State, over 27 million acres are owned by the United States, excluding Indian and other trust properties. This Federal ownership amounts to more than 35 percent of the land surface in the State. In the 11 Western States, 48 percent of the land surface is owned by the Federal Government, excluding trust properties, and in Alaska, it owns 99 percent. Under this situation, it is imperative that the Congress provide for and supervise the proper administration of the Federal lands. H.R. 10455 is another step in this direction.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Wyoming [Mr. THOMSON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. THOMSON of Wyoming. Mr. Speaker, the bill before the House provides for important and very much needed amendments to the Mineral Leasing Act of 1920. The legislation is in the public interest. It deserves, and I am sure will receive, the support of every Member of the House.

As one who is not now a member of the Committee on Interior and Insular Affairs, may I say at the outset that the

committee and its staff deserve particular commendation for the consideration given this legislation and the exemplary manner in which they have discharged their duties. Full hearings were held, allowing everyone, both in and out of Government, an opportunity to express their views. Thereafter, in formulating the legislation, careful, deliberative and analytical consideration was given, with full opportunity again being given to all concerned to comment on any action under consideration. The result is legislation which I am confident will accomplish the goals intended.

Careful staff work has resulted in a much-needed revision of sections 17 and 27 of the Mineral Leasing Act, which will make it much more workable, as far as both the Department and the public are concerned. It will also greatly simplify and reduce the cost of any subsequent amendments. This is a byproduct, and a very valuable one, of the needed substantive changes in the law. It is an example of staff work at its best.

I have stated that this legislation is in the public interest, and I know that that is the test which each Member of the House will want to apply in determining the action to be taken with regard to it. That is the test that I myself, the coauthors, and the members of the committee have applied in offering and considering the legislation.

Let us look to what is the public interest. I will first paraphrase it from the U.S. Government Organization Manual of 1959–60. According to the manual, the Bureau of Land Management in the Department of Interior is involved with the mineral resources and particularly oil and gas, of some 475 million acres still in Federal ownership, as well as the publicly owned mineral resources on about 58 million acres of privately owned lands, or a total area of 533 million acres.

The objective is stated in the manual as follows:

> In formulating and administering programs for the management, conservation, and development of natural resources, the Department pursues the following objectives: the encouragement of efficient use; the assurance of adequately developed resources in order to meet the requirements of national security and an expanding national economy; the maintenance of production capacity for future generations; the promotion of an equitable distribution of benefits from nationally owned resources; the discouragement of wasteful exploitation.

The Mineral Leasing Act of 1920 itself very adequately expresses its purpose as "An act to promote the development of coal, phosphate, oil, oil shale, gas, and sodium on the public domain." Under the act, this has been accomplished to a remarkable degree, to the benefit of the Nation's economy and security.

Hundreds of millions of dollars of rentals and royalties have accrued to the U.S. Government from oil and gas leasing. Mineral leasing revenues in fiscal year 1959 amounted to almost $92.5 million.

Even more important than this, the development has produced an industry which has been in a major way responsible for our higher standard of living, has furnished Federal and State revenues through taxation, and has provided jobs to a large segment of our population.

It is self-apparent that any disruption of exploration and development would have a sad effect upon the economy and well-being of the Nation in general, and would be particularly disastrous to the economy of the areas involved, and most of all, to those who rely upon the industry for their livelihood.

Just such a challenge was presented a little more than a year ago. On January 8, 1959, the Department of the Interior announced that it was preparing to move to cancel leases and interest in leases for alleged violations of the acreage limitation provisions of the act. On January 26, 1959, the first contest was initiated in the State of Wyoming. Thereafter, on February 9 and June 2, 1959, additional proceedings were initiated in Montana and in Wyoming. These three proceedings involved 491 Federal oil and gas leases embracing over 284,000 acres. Their impact, though, threatened to go far beyond that.

What was the basis for these suits?

Under the Mineral Leasing Act, acreage limitations are imposed on the number of acres that can be held by any person, association, or corporation. The limit was 46 080 acres under lease and an additional 200,000 acres by option.

One of the principal things that caused extreme concern in the industry and threatened to seriously retard, if not completely halt, exploration and development on the public lands was the contention of the Department that a lease, or interest in a lease, could be canceled and forfeited in the hands of a party who was in all respects in compliance with the law, if the lease or the interest had been acquired from a person who was in violation, and even though the acquiring party had no knowledge, either actual or constructive, of the violation by his predecessor in title.

It costs upward of $90,000 to drill a well. Only one in every nine is a producer. A reasonable profit can be made only from a pool of at least a million barrels, and only 1 well in 44 hits such a pool. It costs about $1,200 a day to keep a seismograph crew running.

I could go on, but that is sufficient to show that no one is going to invest that kind of money if his already great risks are complicated by threat that his property will be taken away from him, through no fault of his own and with no opportunity to protect himself. It was agreed by all concerned, in hearings held last year, that there was no way that a party could determine in advance whether or not the predecessors in title had or had not been in violation.

This brought into focus a problem that had been bothering the industry for some time. There are separate limitations for acreage held by lease and acreage held under option, as mentioned above. Yet it was impossible to determine whether the acreage, under given circumstances, would be chargeable to the holder as lease acreage or option acreage. It got down to the question of whether a broker or other party, under a given set of circumstances, acted as an agent or an independent contractor. As a result, good citizens who wanted to be law abiding found it impossible to act with certainly because of the confusion in the law.

It was generally agreed that there was no public interest served in making the distinction between leases and options in determining acreage limitations. This situation demanded attention. To take care of the situation, on June 17, 1959, I introduced H.R. 7787, which was cosponsored by the gentleman from Alaska, Mr. RIVERS, as H.R. 8036. This legislation, just as the legislation now before the House, was designed to punish the violator, to protect the innocent, and to provide for the orderly development of our oil and gas resources on the public lands, in the public interest.

It removed the distinction between acreage held under lease and acreage held under option, thereby removing the cause of confusion.

It further provided protection for the bona fide purchaser.

In addition to that, instead of a 5-year term with a 5-year extension, it provided for a single 10-year term on noncompetitive leases as per recommendation of the Department of the Interior. The purpose of this was to remove administrative burden and excessive cost in processing the application for the preferential second 5-year term.

A further disagreement had arisen in the proceedings as to whether the Secretary could move to cancel or forfeit a lease in administrative proceedings, or if he was required to do so in a court proceeding. An attempt was made to resolve this conflict. There were other minor changes proposed.

Extensive hearings were held on this, both before the House committee and the committee of the other body. The Department agreed that the distinction between leases and options should be removed. It further agreed as to the equity and necessity of protecting bona fide purchases. It, of course, had proposed the 10-year lease term.

However, the Department had also requested an increase in the minimum rentals provided by section 17, from 25 cents per acre per year to 50 cents per acre per year, and a removal of that provision in the act which waived the second and third-year rentals. The Department took the position that this had to be accomplished as a part of the same legislation.

By this time, it was late in the session, and it was therefore determined that the bona fide purchaser amendment would proceed by itself, as stopgap legislation. This course of action was followed, and the amendment to accomplish that passed the House on September 2, 1959. It became Public Law 294 of the 86th Congress.

In speaking on that amendment, I pointed out that this was only stopgap legislation and that further attention would have to be given in this session.

To facilitate that, I requested that my bill, H.R. 7787, be left in the committee to obviate the necessity for repeating the hearings held to date.

In appearing before both the House committee and the Senate committee, I indicated that I could not, without investigation, state with any degree of certainty what the proper lease figure might be. I did, though, say that I would undertake during the recess to consult with people in the industry and in the Executive, in an effort to determine what would be the best figure in the public interest. I did this. Although there will never be complete agreement, I was convinced that in the public interest, a lease rental of approximately 50 cents per acre straight across the board, with the removal of the second and third year waivers, was in the public interest. The public interest is, of course, to obtain a proper rental for the Government, but at the same time one which will encourage exploration and development. Almost three-fourths of the income comes from royalties. The real benefit to society is performed, as far as our economy and our security, when the oil or gas is brought to the surface. That is why the purpose of this act, to promote development, is wisely stated.

After Congress reconvened last January for the second session of the 86th Congress, additional hearings were held before the Mines and Mining Subcommittee of the House Interior Committee. Additional comments were obtained from the Department on proposals made, all as shown in the committee report.

As an outgrowth of this, H.R. 10155, by the gentleman from New Mexico [Mr. MORRIS], now before the House for consideration, and two identical bills, H.R. 10433, by the gentleman from Colorado [Mr. ASPINALL], chairman of the full committee, and H.R. 10167, by myself, were introduced on February 16, 1960. Certain amendments were proposed and adopted to these bills in the subcommittee and in the full committee, all as appears in the committee report and the bill as reported by the committee, which is now before you.

The bill as reported, I believe, fairly meets the problems that I have mentioned in a manner that is best in the public interest. All of the recommendations of the Department have been carefully considered, and the major objections to the legislation as originally introduced have been corrected by clarification, and the bill has further been amended to meet the objectives of the Department as to other changes in the act.

Let us take a brief look at what the bill actually does.

First. It removes the distinction between the limitation on acreage that may be held under direct lease and under option. Instead of permitting 46,080 acres under lease and 200,000 acres under option to be held by any person, association or corporation in any one State, except Alaska, it removes the distinction and allows a total of 246,080 acres to be held in any State except Alaska, under any form of holding.

As previously indicated, this has the support of the Department, all segments of the industry, and all others who have considered the situation.

It is a congressional responsibility to remove the uncertainty in the law which makes it impossible for a person to know whether or not he is violating the law. It is essential to the continued success of the act in accomplishing its stated purpose, to promote the development of coal, phosphate, oil, oil shale, gas and sodium on the public domain.

Second. It meets the special problems posed in the State of Alaska. Alaska is approximately five times the size of the average western public land State. Oil and gas activity and interest in Alaska is of recent origin. Obviously, by reason of its size, different acreage limitations are indicated if we are to promote full development. Less obviously, the higher costs of exploration and development indicate greater acreage allowance. Members of the House will recall the legislation which passed last year and was vetoed. The principal objection of the Executive, which I believe was a valid one, was that the law as passed provided for an increase in acreage, but did not meet the principal justification for that increase, in that there was no provision to force a party to spread out in acquiring the acreage and explore the greater area. In other words, it would have simply permitted the acquiring of additional acreage in the near vicinity of the already-proven area.

The gentleman from Alaska [Mr. RIVERS] recognizing the importance to the growth and development of the State of Alaska which he represents, worked diligently upon this. The provision for Alaskan acreage was in the same sentence of the law as that for the acreage limitation in other States, so it was considered to be better if the two amendments could be worked out together.

Myself and others were pleased to cooperate with the gentleman from Alaska. The result, I believe, is one which fairly meets the Alaskan problem and at the same time, meets the objections of the President. It is provided that Alaska shall be formed into two leasing districts and that in each district, there shall be allowed a total of 300,000 acres to any person, association or corporation. Under existing law, 100,000 acres is permitted under lease and 200,000 acres under option, so the net effect is to again remove the distinction between lease acreage and option acreage, so as to remove the confusion and further, to allow Alaska to be divided into two areas, with a total of 300,000 acres allowed in each area comparing favorably with the allowance in other States. The total acreage in Alaska allowed is 600,000 acres. With Alaska being 5 times the size of the average public land State allowing the holding of approximately 2½ times the amount of acreage applicable to other States is certainly reasonable.

The only difference between the bill and the Department recommendation with respect to Alaska is a slight difference in boundary between the two areas. The Department recommended the Yukon River as the boundary, and the committee recommends the Yukon from its southern mouth to its confluence with the Tanana River, and thence the Tanana River to the border between the United States and Canada. The difference in area is small, and the principle soundly advanced by the Executive is recognized and followed.

Although the distinction between the chargeability for acreage held under lease and under option is removed, the restriction of 200,000 acres that can be held under option in any one State is retained. It was expressed by the Department and considered by many others that there was no basis for this. However, some felt that because this was a type of holding that was hard to follow to determine violations, restrictions on the acreage held under option and the time limit of options should be retained. Such has been done.

In addition, the law has been further strengthened in this regard, to require a timely filing of a notice of the option and pertinent information with respect thereto, with the Department, providing that the option shall not be valid or enforceable until such is done. Proper provision is made to prevent the release of this so as to interfere with the putting together of the optionee's block of acreage. Semiannual reports by both the optionor and the optionee, on the 30th day of June and the 31st day of December, with respect to options, as required in the present law, are further provided, with a further strengthening of this provision, particularly in making the option unenforceable by the party who fails to file. These provisions should operate to make it easier for the Department to determine the amount of acreage held at any given time and to control the acreage limitations.

The bona fide purchaser amendment which I have previously discussed, as adopted last year, has been carried forward, clarified and strengthened, as subsections (h) (2) and (3) and subsection (i) of the proposed revised section 27 of the Mineral Leasing Act. Particularly significant is the provision made for the disposition of any canceled or forfeited interest by competitive bidding to the highest responsible qualified bidder, under general regulations, with the further proviso for the use of other methods by the Secretary if this method of disposition fails to produce a satisfactory offer. Notation of the commencement and conclusion of every proceeding to cancel or forfeit on the appropriate records of the Bureau of Land Management is also provided.

These provisions will go a long way toward removing the confusion and permitting the continued orderly development of the oil and gas resources on the public domain, in the national interest. They will substantially accomplish the objectives of H.R. 7737, previously discussed.

Under the proposed revision of section 17, as appears at subsection (d), the minimum lease rental is raised from 25 cents per acre to 50 cents per acre for each year of the lease, and the waiver of the second and third year lease rental payments, as provided in existing law, is repealed. In view of all the circumstances, particularly the amount paid on private and State lands in the Western States, and the distinctions between private leases and Federal leases, I be-

lieve that the 50 cents per acre rental straight across the board represents a reasonable rental charge under today's circumstances, which is both fair to the developer and will encourage further development in the public interest, and at the same time will provide a fair return to the Government for the lease privilege. It will probably remain so for some time in the future. I would, though, emphasize that this is a minimum rental and that if it is to be continued as such, the Congress should not be expected to have to change it as economic or other circumstances may change further down the line. The determination has been made that the committee and the Congress should not be required to spend time in the conduct of lengthy investigations required to fix a fair rental. In this particular instance, since we were going into the subject anyway, it is proper that Congress should do so. However, in the future, if the authority of the Secretary to exceed the minimum is not to be exercised and this responsibility is to be left with the Congress, then the power of the Executive should be withdrawn by removing the minimum and the fixing of the actual acreage charge. This, I believe, is in line with the thought expressed in the committee report.

One other particular change in section 17 is worthy of special mention. In addition to providing for a single 10-year term for noncompetitive leases, rather than what has amounted to two 5-year terms under existing law, while at the same time carrying forward the 5-year term for a competitive lease, another important provision has been added. This is to provide that if actual drilling operations have been commenced prior to the end of the primary term of either type of lease, and are being diligently prosecuted at that time, the lease term shall be extended for 2 years, and so long thereafter as oil or gas is produced in paying quantities. This has merit in the accomplishment of the principal objectives of the act, to promote actual development. It will also take care in the future of those cases in which a person may stand to lose a lease on which he has spent a great deal of money, because of drilling problems or other complications arise, through circumstances beyond his control. If the person actually spends the amount required to drill a well, even though it may not result in commercial production, the granting of the balance of the additional 2 years after the completion of the well is certainly a reasonable provision.

Sometimes on a wildcat well, because of drilling procedures or some other cause, a nonproducer may appear to justify further drilling. In addition to that, the developer may care to shift his location. For these and other reasons, this additional term is indicated, after the individual has spent of his resources in an effort to actually accomplish the development. Furthermore, it may have an additional, very good effect by stimulating faster development. If the well is a dry hole, the chances would be very good that another 10-year lease would be issued if it was a nonproducing area or not on a known geological structure. If this were done, it would tend to retard early development, rather than to promote it, as compared to the 2-year extension.

By section 4(d) of the bill, the same 2-year extension is provided for leases granted under existing law. Section 4 also preserves the rights of parties as per existing law under leases granted prior to the effective date of the act.

Finally, I would like to endorse the committee amendment as it pertains to the form in which disputes shall be decided as to whether or not there has been a violation of the act. At the time that H.R. 7787 was originally introduced last June, there was a great confusion in this regard. The Department contended that under the provisions of the existing law, it had the authority to cancel all leases in administrative proceedings. On the other hand, people outside of Government generally contended that such leases, once granted, could be canceled only through a court proceeding brought by the Attorney General in the U.S. district court for the district in which the lease property or some part thereof is located, or in which the defendant may be found, with the single exception of cancellation of a lease for violation of its lease terms, as provided in section 31 of the Mineral Leasing Act, as amended by section 9 of the act of August 8, 1946 (30 U.S.C. 188). In speaking to this subject on September 2, 1959, volume 105, part 14, page 17761 of the CONGRESSIONAL RECORD for that date, I stated:

> I personally believe that the Secretary does not have the authority under the present act to cancel or forfeit a lease under these circumstances by administrative proceedings.

Nevertheless, in order to resolve the controversy, H.R. 7787 as originally introduced made certain provisions with respect thereto. These were substantially carried forward into H.R. 10455, and companion bills introduced on February 16, 1960.

Developments since that time have changed this situation. On March 4, 1960, in the proceedings pending in the U.S. District Court for the District of Wyoming, Judge Kerr, of that district, issued an order and a memorandum in conjunction therewith, which substantially resolves this question, at least as far as that court is concerned, and, I believe, on a very sound basis. I quote from pertinent portions of the judge's memorandum so issued:

JUDGE'S MEMORANDUM—KERR, JUDGE—DECIDED MARCH 4, 1960

The subject of this controversy involved oil and gas leases heretofore issued on public lands. Some of the leases in question are on producing lands, others on nonproducing lands, while others are on lands known to contain valuable deposits of oil and gas.

The matter is before the court on the Government's motion to dismiss.

A summary of the pleadings, statutes, and regulations is essential to an understanding of the issues involved.

On January 27, 1959, the State Supervisor for the State of Wyoming, Bureau of Land Management, filed a complaint in the Cheyenne Land Office of the Bureau of Land Management on behalf of the United States as contestant and named the Pan American Petroleum Corp., together with 85 other persons, companies and corporations, as contestees. Omitting the caption the complaint is as follows:

"Comes now the United States of America, acting by and through the State Supervisor for the State of Wyoming, Bureau of Land Management, Department of the Interior, pursuant to the provisions of title 43, Code of Federal Regulations, 1954 revision, supplement, part 221, and as grounds for contest states and alleges:

"I. That Walter G. Davis and other parties by plan, scheme, and device willfully, falsely, and fraudulently:

"(a) Procured the issuance and assignment of Federal oil and gas leases for the purpose of enabling Walter G. Davis or other parties to fraudulently obtain oil and gas leases for the use, benefit, and on behalf of Walter G. Davis or other parties in excess of 15,360 acres contrary to and in violation of the statutes of the United States and the regulations of the Department of the Interior.

"(b) Procured the issuance and assignment of Federal oil and gas leases for the use, benefit, and on behalf of Walter G. Davis or other parties without disclosing that an agent or attorney in fact was involved and without the interest and qualifications of said Walter G. Davis or other parties being disclosed contrary to and in violation of the statutes of the United States and the regulations of the Department of the Interior.

"(c) Procured the issuance and assignment of Federal oil and gas leases for the use, benefit and on behalf of Walter G. Davis at a time when the said Walter G. Davis was not qualified to hold such leases or interests therein contrary to and in violation of the statutes of the United States and the regulations of the Department of the Interior.

"II. That the serial numbers, the legal description of the land included therein and the parties and their addresses presently having an interest as shown by the records of the Bureau of Land Management in all leases obtained by issuance and assignment contrary to and in violation of the statutes of the United States and the regulations of the Department of the Interior as alleged in paragraph I above are shown on exhibit A attached hereto and incorporated herein by reference.

"III. The name and address of each party interested as shown by the records of the Bureau of Land Management and the legal description of the lands involved are shown on exhibit A attached hereto and incorporated herein by reference.

"IV. That there are no proceedings pending for the acquisition of title to or an interest in such lands as shown by the records of the Bureau of Land Management other than as noted on said exhibit A.

"Wherefore, the United States of America requests that it be allowed to prove the allegations contained herein and that all of said leases shown on exhibit A be invalidated, canceled and declared null and void and for such other and further action as may be deemed proper in the circumstances.

"NOTICE

"This complaint is filed in the State of Wyoming Land Office, Bureau of Land Management, room 409, Federal Office Building, Cheyenne, Wyo., and any papers pertaining thereto shall be sent to such office for service on the contestant.

"Unless contestees file an answer to the complaint in such office within 30 days after service of this notice and complaint, the allegations of the complaint will be taken as admitted and the case will be decided without a hearing. Any answer should be filed in accordance with title 43, Code of Federal Regulations, 1954 revision, supplement, part 221."

On February 24, 1959, plaintiff filed this action to enjoin the defendants from taking any action against the plaintiff in said departmental proceedings and praying that the proceedings be declared null and void. The complaint alleges inter alia that the only remedy available to the Secretary of the Interior is by proceeding through the Attorney General of the United States in an action instituted in the U.S. district court for the district in which he leased property is located or in which the lease owner may be found; that no power or authority exists in the Secretary of the Interior or any of his subordinate officers or agents to proceed administratively to cancel or forfeit any of such leases held by the plaintiff; the complaint further alleges that the administrative proceedings were wholly unauthorized by applicable statutes of the United States and directly violate the plain provisions of the statute.

The defendants interpose a motion to dismiss the complaint on the grounds (a) that no claim for relief has been stated, (b) the Secretary of the Interior is an indispensable party, and (c) that plaintiff has failed to exhaust its administrative remedies.

STATUTES AND REGULATIONS INVOLVED

Section 27 of the Mineral Leasing Act as amended by section 6 of the act of August 8, 1946 (30 U.S.C. 184) in pertinent parts provides as follows:

"No person, association, or corporation, except as herein provided, shall take or hold at one time oil or gas leases exceeding in the aggregate 15,360 acres granted hereunder in one State. * * * If any interest in any lease is owned, controlled, directly or indirectly, by means of stock or otherwise, in violation of any of the provisions of this act, the lease may be canceled, or the interest so owned may be forfeited, or the person so owning or controlling the interest may be compelled to dispose of the interest in any appropriate proceeding by the Attorney General. Such a proceeding shall be instituted in the U.S. district court for the district in which the leased property or some part thereof is located or in which the lease owner may be found."

By the act of August 2, 1954 (68 Stat. 648), the limitation of acreage so provided was increased to 46,080 acres in any one State.

Section 31 of the Mineral Leasing Act, as amended by section 9 of the act of August 8, 1946 (30 U.S.C. 188), provides in pertinent parts as follows:

"Except as otherwise herein provided, any lease issued under the provisions of this act may be forfeited and canceled by an appropiate proceeding in the U.S. court for the district in which the property or some part thereof is located whenever the lessee fails to comply with any provisions of this act, of the lease, or of the general regulations promulgated under this act and in force at the date of the lease. * * *

"Any lease issued after August 21, 1935, under the provisions of section 17 of this act shall be subject to cancellation by the Secretary of the Interior after 30 days' notice upon the failure of the lessee to comply with any of the provisions of the lease, unless or until the land covered by any such lease is known to contain valuable deposits of oil or gas."

The proceedings instituted by the supervisor were brought under the provisions of title 43, Code of Federal Regulations, 1954 revision, supplement, part 221, which provides in part:

"221.67 Government contests. The Government may initiate contests for any cause affecting the legality of any entry or settlement or mining claim."

Subsequent to the institution of this action and on September 21, 1959 (73 Stat. 571), Congress again amended the Mineral Leasing Act of February 25, 1920, and I quote from this amendment:

"If any interest in any lease is owned or controlled, directly or indirectly, by means of stock or otherwise, in violation of any provisions of this act, the lease may be canceled, or the interest so owned may be forfeited, or the person so owning or controlling the interest may be compelled to dispose of the interest, in any appropriate proceeding instituted by the Attorney General. Such a proceeding shall be instituted in the U.S. district court for the district in which the leased property or some part thereof is located or in which the lease owner may be found, except that any ownership or interest forbidden by this act which may be acquired by descent, will, judgment or decree may be held for 2 years and not longer after its acquisition."

The congressional intent respecting the 1920 Mineral Leasing Act is clearly manifested in 58 CONGRESSIONAL RECORD, page 7604, 66th Congress, 1st session, from which I quote:

"Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee a question. The provision beginning on line 6, page 6, provides:

"'Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General.'

"And so forth. I take it that under that language the holding is valid and any operations conducted under it would be valid until after action brought by the United States. Am I correct in my construction of that language?

"Mr SINNOTT. That would relate to a lease, but not to a permit. The Secretary has certain rights under a permit, but after the permit is merged into a lease, then it will take court action.

"Mr. ANDERSON. Well, Mr. Chairman, I want to ask what was the reason for that sort of a provision? Ordinarily a lease would be void ab initio, but here you put the entire burden on the Government to proceed to forfeit the lease before anything can be done in the way of showing fraud.

"Mr. SINNOTT. It is in recognition of that legal, or equitable, principle that the law abhors a forfeiture, and there must be a showing made in court before the forfeiture can be secured.

"Mr. ANDERSON. I assume a man could scarcely hold a larger amount of land under this act than the act permits, without knowing it. Therefore, it seems to me that it ought to provide that the holding of an amount in excess of the amount permitted by the law should be void from the beginning.

"Mr. SINNOTT. Well, a man might inadvertently secure more stock than he is entitled to; and it is in line with all court proceedings in relation to forfeiture.

"Mr. ANDERSON. Mr. Chairman, I move to insert in line 7, page 66, after the word 'be' the words 'void and shall be.' So that it will read:

"'Any interests held in violation of this act shall be void and shall be forfeited to the United States.'"

The CONGRESSIONAL RECORD discloses that the Anderson motion was defeated and the bill was enacted into law requiring court proceedings to be instituted where fraud was found to exist.

I have taken occasion to examine the standard oil and gas lease issued by the Secretary of the Interior, form No. 4–1158, sixth edition, April 1957, and I quote section 7 of the terms of the lease:

"SEC. 7. Proceedings in case of default.—If the lessee shall not comply with any of the provisions of the act or the regulations thereunder or of the lease or make default in the performance or observance of any of the terms hereof except payment of rental, and such default shall continue for a period of 30 days after service of written notice thereof by the lessor, this lease may be canceled by the Secretary of the Interior in accordance with section 31 of the act, except that if this lease covers lands known to contain valuable deposits of oil or gas, the lease may be canceled only by judicial proceedings in the manner provided in section 31 of the act; but this provision shall not be construed to prevent the exercise by the lessor of any legal or equitable remedy which the lessor might otherwise have. Upon cancellation of this lease, any casing, material, or equipment determined by the lessor to be necessary for use in plugging or preserving any well drilled on the leased land shall become the property of the lessor. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of forfeiture, or for the same cause occurring at any other time."

Title 43, Code of Federal Regulations, section 192.161(c), provides:

"(c) Leases known to contain valuable deposits of oil or gas may be canceled only by judicial proceedings in the manner provided in sections 27 and 31 of the act."

Looking at the statute in the light of all that bears upon its purpose and meaning, I think it clearly and unmistakably lays upon the Secretary of the Interior or his subordinates the plain duty to bring an action in the U.S. district court where the leased lands are situated if he seeks to cancel leases on the ground of fraud if the lands contain valuable deposits of oil or gas. In the case at bar there is no dispute that the lands contain such deposits.

True, there is a wide latitude available to the Secretary of the Interior in many situations, but he is bound by the statute (*Lane* v. *Hoglund* (244 U.S. 174)).

Counsel have filed voluminous briefs citing scores of cases, yet none of these cases parallel the facts in the case at bar. I have found no case where the Secretary or his subordinates have attempted to cancel leases administratively where valuable deposits of oil or gas are known. The cases are many where the Government has brought suit in the U.S. district court to cancel leases and patents and no good reason is shown by the Department in this case why deviation should be made from the well beaten path of the previous procedure.

In the case of *Bell Oil & Gas Co.* v. *Wilbur, Secretary of Interior* (50 F. 2d 1070), the Court of Appeals for the District of Columbia, in discussing the power of the Secretary of the Interior under the Oil and Gas Leasing Act of 1920, stated, at page 1071:

"It is unnecessary for us to enter into any discussion as to the action of the Secretary, since we are compelled to dispose of the case upon another ground, namely, that the plaintiff has an adequate remedy at law. The Secretary, under the terms of the act, has no power by his own fiat to cancel these leases. He is required to go into a district court of the United States to accomplish that result by a proceeding in equity. In that proceeding, plaintiff can set up as a defense the action of the Secretary in attempting to exact the 15 cents per barrel over and above the market price, and the legality of the Secretary's action would then be for the determination of the court.

"But it is urged that, should the court decide in favor of the Secretary, the only order which it could enter would be to decree the cancellation of the leases, and that plaintiff should not be compelled to thus place his properties in jeopardy. We are not impressed with this contention. Plaintiff cannot be deprived of its property in the leases except by due process of law, and a court of equity, having jurisdiction of the proceeding, has jurisdiction to enter a decree which will protect the rights of all parties involved; therefore, should the court decide that the

Secretary was right in imposing the 15 cents per barrel over and above the market price, it could still protect the plaintiff by a decree to the effect that, upon the failure of the plaintiff to pay the accumulated amount found to be due the Government by a specified date, a decree would be entered canceling the lease."

From what I have said I hold the supervisor is proceeding in contravention of the clear mandate of the statute, his own regulation, and in violation of the terms of the lease when he proceeds administratively to cancel leases on lands known to contain valuable oil and gas deposits. This prerogative Congress has reserved for the courts.

This tends to remove the necessity of Congress saying over again what it has already said several times.

The exception provided in the second paragraph of section 31 of the Mineral Leasing Act (30 U.S.C. 138) is obviously limited to nonproducing, noncompetitive leases and to failure to comply with the terms of the lease, such as payment of rentals, and so forth, rather than to questions concerned with the acquisition or holding of the lease.

On further investigation and consideration, I wholeheartedly concur in the conclusion of the committee that the distinction between nonproducing, noncompetitive leases and producing or competitive leases, as originally proposed to be written into the law by H.R. 7787, is not one which should be followed. I have previously mentioned some of the costs involved in obtaining and performing the exploration on a lease to determine whether or not it should be drilled. The cost of a seismograph crew, as I mentioned, is probably $1,200 per day. Before that stage, extensive work must be done on surface geology, and so forth.

Furthermore, the holder of the lease may have proceeded with the drilling of a well and have almost carried it to completion, but it is still a nonproducing lease. The distinction should not be drawn because he lacks a few feet of reaching the sand. A nonproducing lease may very well represent a greater investment and have a greater value than a producing lease. Furthermore, why should a person who is taking the risk to develop, which is one of, if not the primary purpose to be accomplished as to the the public interest, be treated differently than a person who may have by purchase acquired an already-producing property or have chosen to invest and have had the money to do it, through competitive bidding, on a lease within an already-known geological structure. If anything, the wildcatter is the one who probably performs the greatest service in the public interest, by bringing to the surface for the benefit of the Nation previously unknown and undeveloped resources, and as such should be afforded at least equal protection of the law.

I think that the committee has taken the proper action by refusing to write the distinction into the law and by substituting for subsections (h)(1) and (2) of the revision of section 27 as originally proposed in the bill, the committee amendment which writes into the act the same two sentences contained in the existing law. These provide for cancellation or forfeiture in any appropriate proceeding instituted by the Attorney General in the district court for the district in which the lease property or some part thereof is located or in which the defendant may be found.

I think there is very good reason for requiring cancellation or forfeiture by court action and for our continuing to make this the law. There can be no argument about the importance of leasehold titles. Once the lease has been entered into, one party should not be permitted to cancel by unilateral action, unless there is good and sufficient grounds for cancellation. The Secretary of the Interior, as the representative of the Government, enters into the lease as a party. Once a citizen enters into the lease with the Government acting through the Secretary and in reliance thereon may have and probably has expended large sums, under our American sense of justice he should be entitled to have his rights fully protected in the courts.

Administrative proceedings in proper instances perform a valuable function. This, however, is not one. Anyone who has participated in such proceedings is familiar with the general looseness thereof, or complete failure to follow the ordinary rules of evidence, and so forth. This statement is not a condemnation of administrative procedures for proper purposes, as that very fact may contribute to their effectiveness. It does, however, have the effect of allowing suspicion to be substituted for proof.

The substantial amounts involved and the delicate questions of law and fact in a proceeding to cancel or forfeit a lease, however, should be tried in the courts.

To hold otherwise would mean that the Secretary who had originally entered into the lease, after having found the person qualified, would be placed in the position of accuser, prosecutor, judge, and jury. This could very well interfere with the substantial rights of the private citizen on an appeal to the courts under the Administrative Procedure Act, for the contention would certainly be made and might very well be upheld that if there was any substantial evidence to uphold the Secretary's finding of fact, then his decision would have to be affirmed. This would deprive the defendant of his right to prove his case by a preponderance of the evidence or, in some cases, would remove from the Secretary the burden of proving his case by clear and convincing evidence, or something more than just a preponderance.

We are not out to in any way protect the guilty, but we are out to protect the innocent. A person who is accused of a violation is innocent until proved guilty and is entitled to his day in court, with all of his rights under our American system of jurisprudence fully protected.

It has been suggested that this will result in a multiplicity of action. The language of the present act has been in effect for many years, and this has not happened nor will it happen in the future. The cases going to the courts over the past 30 years have been very limited. By this legislation, we are removing the confusion in the present law which has resulted in the complicated litigation now pending.

Numbers of violations which have been corrected without resort to the courts have been cited, but that is meaningless as far as indicating any future burdens upon the courts, if authority to cancel or forfeit by administrative proceedings is not given to the Secretary.

With few exceptions, the people in the industry, just as in any other cross section of America, are honest and law-abiding citizens. Nevertheless, mistakes are bound to occur. There is nothing in this legislation or in the law which would prevent the correction of these mistakes in the same manner in which they have been corrected in the past. The Secretary can, and I am sure will, continue to serve a notice of violation or intention to cancel or forfeit upon any party who appears to be over in his acreage limitation or otherwise in violation. Just as in the past, in most instances where this is the case it is because of a mistake, and the party will immediately surrender the excess holdings. Only in cases where there is a real dispute as to the law or the facts will there be any litigation. Experience over a period of 30 years has shown that those are very rare and that it does not place an undue burden upon the court. As a matter of fact, it is only placing the responsibility upon the courts which, under our American system of government, properly belongs there, rather than to transfer a judicial function to the executive.

May I further state that in one of the cases filed in Wyoming, the so-called Featherstone case, the defendants are apparently submitting themselves to administrative proceedings. I have followed this case reasonably close. It is apparent to me as a result thereof, that the courts and the procedure set up therein based on long experience will actually provide the best and most expeditious form for the disposing of the cases. This is certainly no criticism of the hearing examiner, Mr. Dalby, for he is apparently doing a conscientious and good job. The fact is, though, that the courts, with pretrial and other procedures developed over a long period of time, which are thoroughly understood and workable, are in a much better position to handle such cases involving complicated questions of law, fact, and procedure.

I still believe, and know that the overwhelming majority of those in the industry agree with me, that a person who fraudulently violates the provisions of the act should be punished, and even more important, should be removed from activity in the industry, where he may complicate the affairs of what is almost 100 percent of the industry that are good, law-abiding citizens and those of the general public who may become involved as investors or otherwise. For that reason, in the bill as originally introduced, a further penalty was provided as to any person found guilty of fraud in a court proceeding, which would have made the party ineligible, either permanently or for a shorter period, to acquire or hold any lease, option, permit

or other interest in or pertaining to land to which the provisions of the act are applicable.

I must, however, agree with the committee in striking out this provision in the civil legislation. There are general criminal penalties for fraud which would be applicable. If they are not adequate, they should be strengthened. Furthermore, this closely approximates, if it does not amount to, an outright criminal penalty and as such, the defendant would be entitled to the additional protection, particularly with regard to the degree of proof required by criminal law. Furthermore, there is a question of how far the suggested penalty might go, inasmuch as it might require a defendant to divest himself of most, if not all, of his holdings of corporate stock, and so forth. Eager as I am, and as are people in the industry, to stop intentional and willful violations, I must agree with the committee in their conclusion that this is not the way to do it. Rather, if anything is required, it should be by providing further or more severe criminal penalties in a criminal statute.

As a practical matter, I think a person convicted of fraud will be removed from the industry by the ethics and practices of the industry itself and may otherwise be prohibited from acquiring further lease acreage under existing law.

If, as the committee report suggests, any clarification or change of the forum for determining violations and remedies is indicated as a result of the contests and cases now pending, the proper action to be taken can best be determined after we have the experience of that litigation and proceedings.

I am advised that hearings have been scheduled in the other body on similar legislation. I sincerely hope that there will be action with reasonable dispatch so that this much needed legislation can be fully realized.

I again congratulate the committee for a difficult job well done and urge the support of their action in the public interest.

AMENDING PUBLIC LAW 85—626, RELATING TO DUAL CONTRACT AGREEMENTS

The Clerk called the bill (H.R. 10840) to amend Public Law 85—626 relating to dual rate contract agreements.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "To amend the Shipping Act, 1916", approved August 12, 1958 (72 Stat. 574), is amended by striking out "1960" and inserting in lieu thereof "1961".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. TOLLEFSON. Mr. Speaker, the report which accompanies H.R. 10840 recites the purpose of the bill, which is to extend for an additional year the standby legislation enacted during the 1st session of the 85th Congress. The report, however, does not go into the background of the standby legislation.

That legislation was the result of a Supreme Court decision which held illegal a practice that had been followed by shipping lines for over 40 years. American and foreign ship operators have for years been members of shipping conferences organized for the purpose, amongst others, of agreeing upon rates. Normally, such agreements would be in violation of antitrust laws except for an act of Congress which legalized them.

However, a practice developed under which a lower rate was quoted to a shipper who contracted to ship all of his cargo by a given line for a stated period of time than was quoted to shippers who did not so contract. This was called a dual rate system. Our Supreme Court held the practice illegal with respect to one conference. Other conferences were not involved except insofar as the same ruling might be rendered in subsequent actions brought against them.

Our Committee on Merchant Marine and Fisheries presented to the House a measure which permitted the dual rate system to be continued for a period of 2 years to enable the committee to study the problem and seek to find some solution to it. As the report indicates, extensive hearings have been held. Additional time is required, however, for the committee to finalize its study and prepare legislation. Furthermore, the House Committee on Judiciary has been investigating certain anti-trust aspects of shipping practices, but has not completed its consideration of the matters pending before it. Additional time is needed by both committees to complete their work, and H.R. 10840 is designed to provide it while at the same time permitting the dual rate system to continue for another year.

The hearings before our committee have convinced me beyond any doubt that some form of dual rate or contract system is necessary if the American merchant marine is to continue in existence. All other foreign maritime nations authorize contract systems which go beyond the dual rate system. If our own merchant marine is to survive, it must be able to compete with foreign lines for cargoes, and this it cannot do if some kind of "tying" or contract arrangement with shippers is not permitted.

I have stated the problem in its most simple terms. Actually, the subject is quite involved, as the Members of the House will see when legislation proposing a solution is submitted. I certainly cannot speak for the Committee but I do want to emphasize most strongly the necessity for eventually legalizing the dual rate or some similar system.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I rise in support of H.R. 10840, extending the moratorium on operation of dual rate contract arrangements for 1 year.

These dual rate contract arrangements can exist, of course, only through legislative exemption from our antitrust laws. For more than 18 months the Antitrust Subcommittee of the Committee on the Judiciary, of which I am chairman, has been intensively studying antitrust problems in the ocean freight industry. Our subcommittee has discovered during that time the existence of numerous practices raising serious questions under the antitrust laws and under the Shipping Act of 1916.

We learned that in more than 40 years of administering the Shipping Act, the Federal Maritime Board and its predecessor agencies, through Democratic and Republican administrations alike, have been remiss in their enforcement of the shipping laws. Not once, in nearly half a century, has the regulatory agency charged with responsibility brought a single prosecution for violation of the limitations placed upon the industry's antitrust law exemption. Yet, our study revealed that in those intervening years, ocean carriers in the foreign commerce of the United States have continually followed practices outlawed by our shipping laws and by the antitrust exemptive provisions. Indeed, many carriers have engaged in the very anticompetitive practices that the Shipping Act of 1916 was intended to prohibit.

As a result of this study by our Antitrust Subcommittee, the Federal Maritime Board has precipitately begun numerous investigations and cases against various steamship carriers for violations of the Shipping Act. The Department of Justice has empanelled grand juries on our two coasts to gather evidence of violations of the antitrust laws. One of these grand juries has already issued nearly 100 subpenas for documents, and is studying scores of thousands of papers in connection with its duties.

The Committee on Merchant Marine and Fisheries, chaired by the able and distinguished gentleman from North Carolina [Mr. BONNER], has likewise been engaged in an extensive study of conferences and the dual rate system. Neither committee has completed its labors.

However, our preliminary studies indicate that much work needs to be done to remedy existing violations. The steamship industry is badly in need of housecleaning. I, therefore, concur wholeheartedly in the hope expressed by the Committee on Merchant Marine and Fisheries in House Report No. 1403, accompanying this bill, that the Department of Justice, the Federal Maritime Board and the steamship conferences themselves "will take heed of the many matters uncovered by the committees

and take all steps necessary to correct conditions now existing."

But the work of these two committees must continue. The Antitrust Subcommittee will soon hold additional hearings. It then must study all of the evidence and testimony before it and make whatever recommendations it concludes are advisable. The Committee on Merchant Marine and Fisheries must likewise study its record and report to the House.

This clearly cannot be done before June 30, 1960, the expiration date of Public Law 85-626. Accordingly, I endorse the bill introduced by my friend, the gentleman from North Carolina, and urge its passage, so that the two committees concerned may bring to a conclusion their studies in this most important field.

PROVIDING FLEXIBILITY IN THE PERFORMANCE OF CERTAIN COAST AND GEODETIC SURVEY AND WEATHER BUREAU FUNCTIONS

The Clerk called the bill (S. 2483) to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of July 22, 1947, (61 Stat. 400; 33 U.S.C. 873), is amended to read as follows:

"The Secretary of Commerce is hereby authorized to pay extra compensation to members of crews of vessels when assigned duties as instrument observer or recorder, and to employees of other Federal agencies while observing tides or currents, or tending seismographs or magnetographs, at such rates as may be specified from time to time by him."

SEC. 2. Section 3 of the Act of June 2, 1948 (62 Stat. 286, as amended; 15 U.S.C. 327), is hereby revised to read as follows:

"The Secretary of Commerce is hereby authorized to (a) appoint employees for the conduct of meteorological investigations in the Arctic region without regard to the civil service laws and fix their compensation without regard to the Classification Act of 1949, as amended (5 U.S.C. 1071 and the following) and titles II and III of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 911 and the following), at base rates not to exceed the maximum scheduled rate for GS-12, and (b) grant extra compensation to employees of other Government agencies for taking and transmitting meteorological observations."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING ESTABLISHMENT OF HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZ.

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7279) to authorize the establishment of the Hubbell Trading Post National Historic Site, in the State of Arizona, and for other purposes, with amendments.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of establishing the Hubbell Trading Post National Historic Site, the Secretary of the Interior is authorized to purchase with donated funds or funds appropriated for the purpose, at a price to be agreed upon between the Secretary and the owner or owners, not to exceed the fair market value, the site and remaining structures of the Hubbell Trading Post at Ganado, Arizona, including the contents of cultural and historical value, together with such additional land and interests in land as in his discretion are needed to preserve and protect the post and its environs for the benefit and enjoyment of the public: *Provided,* That the total area so acquired shall not exceed one hundred and sixty acres: *Provided further,* That the amount of land retained for the purpose hereinbefore stated shall not be in excess of that amount of land reasonably required to carry out the purposes of this Act.

SEC. 2. Upon a determination by the Secretary of the Interior that sufficient land, structures, and other property have been acquired by the United States for the national historic site, as provided in section 1 of this Act, such property shall be established as the Hubbell Trading Post National Historic Site, and thereafter shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (35 Stat. 535), as amended. An order of the Secretary, constituting notice of such establishment, shall be published in the Federal Register.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. GROSS. Mr. Speaker, is the gentleman from Pennsylvania opposed to the bill?

Mr. SAYLOR. I am not, Mr. Speaker.

Mr. GROSS. Then, Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Iowa demands a second.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Speaker, H.R. 7279 by our colleague, the gentleman from Arizona [Mr. UDALL] deals with a small area of land that was originally homesteaded in 1874 and became the earliest trading post in what is now the State of Arizona. The present buildings, still in use as a trading post, were erected in 1900. Even in its present condition of private ownership, the site is popular to visitors because of its historic aspect.

The current program is to prepare the site for an expected increase in visitors and to protect the site and its contents of historically valuable relics and art objects from dispersion. Included in the art collection proposed to be acquired are works by many prominent western artists.

The committee has been advised that about $300,000 is required to purchase the real and personal property needed for this purpose. Some of this amount would be returned later through the sale of surplus land after the exact boundaries of the historic site are actually determined. The cost of restoration and development is estimated at $294,000 in the first 5 years of the site.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 28]

Alger	Coffin	Miller, Clem
Anderson, Mont.	Collier	Miller, N.Y.
Anfuso	Curtis, Mass.	Minshall
Arends	Derwinski	Mitchell
Ashley	Devine	Montoya
Ayres	Fallon	O'Brien, N.Y.
Baker	Gallagher	Osmers
Bass, N.H.	Granahan	Powell
Bennett, Mich.	Gubser	Quie
Blitch	Hess	Rains
Boggs	Kasem	Reuss
Bowles	Keith	Rostenkowski
Broomfield	Landrum	Steed
Budge	McGinley	Taylor
Canfield	Macdonald	Zelenko
Clark	Machrowicz	
	Michel	

The SPEAKER. On this rollcall 384 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING THE ESTABLISHMENT OF THE HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZ.

Mr. ASPINALL. Mr. Speaker, at the time of the quorum call I was trying to explain to the House the committee's recommendation on H.R. 7279, a rather limited bill, for authorizing the establishment of the Hubbell Trading Post National Historic Site, Ariz.

Through enactment of H.R. 7279 the visitor in future years will find the Hubbell Trading Post site properly protected and exhibited. He may safely and easily obtain inspiration from the relics and objects of art exhibited at the site and this heritage will be conserved for future generations.

I join with my colleague from Arizona in recommending that this important objective be accomplished through enactment of the measure.

Mr. Speaker, this project has been thoroughly investigated by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, an agency established by act of Congress to advise on such matters. The Board has classified the site as having exceptional value in commemorating and illustrating the

history of the United States. The committee knows of no opposition to the project. The owners of the privately owned property are willing to sell. Delay would be unfortunate since under the existing situation, the property may pass into other hands or be dispersed in a manner that would make acquisition more expensive or more difficult. I urge the support of all of my colleagues for this important measure.

Mr. GROSS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, in the first place I am becoming seriously concerned about this business of suspension of the rules. I wonder if the House still has a Rules Committee. I wonder why this long list of bills under suspension today; why the Rules Committee is being by-passed. It seems to me we are starting awfully early in this session to dispose of legislation under suspension of the rules, a procedure whereby debate is drastically limited and no amendments can be offered.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I am happy to yield to the gentleman.

Mr. ASPINALL. This bill happens to be not one of those bills that is in the category to which my colleague makes reference. This is not a very important bill. This does not establish any new policy. This bill comes under the amount of $1 million which usually passes on the Consent Calendar. There is nothing about this particular bill that I know of that would need a rule to bring it before the House.

Mr. GROSS. Mr. Speaker, I would like to remind my good friend that his closing words, when he spoke only 2 or 3 minutes ago, were that this is an important bill.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes; I am glad to yield.

Mr. ASPINALL. It is important as far as the overall national park program is concerned. But it establishes no new policy whatsoever.

Mr. GROSS. Mr. Speaker, to get this proposition in proper focus, the Hubbell Trading Post, if you look at a road map, is located in the wilds of northeast Arizona on the Navajo Indian Reservation. It appears, according to the road map, to be near Ganado, Ariz. There appears to be one rather narrow, surfaced road to Ganado, Ariz. So far as I can determine, it is not near any well-traveled highway.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me at that point?

Mr. GROSS. I yield to the gentleman.

Mr. ASPINALL. Some time ago we authorized a rather large appropriation to build a road through the Navajo Reservation in order to permit those people to be able to make the peculiar kind of handcraft and art work that they have, and to sell it. This proposed project will be on that road and I think will be in harmony with the program that we authorized.

Mr. GROSS. You do not have that ready today?

Mr. ASPINALL. It is substantially completed at the present time.

Mr. GROSS. Let us get down to the bill itself. As I understand it, and I hope the gentleman from Colorado will correct me if I am wrong, the 156 acres constituting this Hubbell estate in the wilds of northeast Arizona has an assessed valuation, or did have in 1957, of $9,957. It is here proposed under this legislation, as I understand it, to pay the Hubbell estate $300,000, which includes certain paintings and a certain ethnological collection. Am I approximately correct?

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. UDALL. Real property in my State is assessed at about 10 percent of the real value. The $9,000 is really $100,000. The specialized value of the artifacts, the ethnological collection, the Indian relics, has an additional value. But this is to be negotiated at the fair market price. They are to submit it back to the committee before final contracts are agreed to.

Mr. GROSS. How much is land around this trading post worth per acre?

Mr. UDALL. I do not know about that, but the real property, the buildings, is assessed at $9,000. As I say, however, property is assessed at 10 percent.

Mr. GROSS. With a few paintings and an ethnological collection, the price has gone up to $300,000. On top of that the bill calls for $294,000 for redevelopment purposes, and on top of that approximately $23,000 for Federal management of this thing in the first year, and that will probably be pretty close to the figure in perpetuity. So this is approximately the situation: 156 acres of land that will cost $300,000, including a few paintings, and a certain Indian collection. In addition, there is $294,000 for development, plus $23,000 a year for management, or a total of more than $600,000.

The distinguished gentleman from Ohio [Mr. KIRWAN] took the floor 2 or 3 weeks ago. He is the chairman of the subcommittee handling Interior Department appropriations and he delivered some words of wisdom and truth. He said to the Members of the House, in effect: "If you do not want to pay the bills, do not pass legislation that sets up the bill and then expect us to do anything but appropriate the money."

The gentleman from Ohio [Mr. KIRWAN] has provided some very good advice. I say to you again that if you vote for this proposition you are approving an expenditure of more than half a million dollars to bail out an estate in the wilds of northeast Arizona. I want no part of it.

Mr. ASPINALL. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Speaker, I am sorry the gentleman feels that the wilds of northeastern Arizona somehow are outside the country and do not deserve the consideration of this body. I have more national parks and national monuments in my district than any other Member of this body and many of them are in northeastern Arizona. One of them happens to be the Grand Canyon, which is probably the greatest of our national wonders.

As the Department said in reporting on this bill, this particular proposed historic site expresses a period in American history better than any other in the Southwest. This bill has gone through the mill. It is sponsored in the other body by my colleague and senior Senator from Arizona [CARL HAYDEN]. The administration has approved it.

I might remind my colleague who is apparently disturbed about the expenditures that there is no department or bureau in this Government that comes nearer to paying its own way than the national park system because there are admission charges and all of this does not come out of the taxpayer's pocket, but comes in part from the people who go there to visit these natural wonders and objects of historic interest. Therefore, I simply say to my colleagues that this is a sound investment. It has borne the test of the committee process, and I think it will be a welcome and valuable addition to the national park system. I urge that the bill be approved by my colleagues.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield.

Mr. ASPINALL. What is the plan as to the total amount of 160 acres?

Mr. UDALL. The committee in its deliberation felt that only that part of the real property actually needed for this purpose should be kept and the balance should be sold. Of course, the proceeds would go into the Treasury and that instruction is in the report and in the bill.

Mr. BALDWIN. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield.

Mr. BALDWIN. Mr. Speaker, I have had the privilege of traveling through that section of Arizona almost every year when coming back to Washington when the Congress convenes. I think the preservation of this site is most important for the opportunity that will be afforded future generations to see it as it exists today.

Mr. UDALL. I thank my colleague very much, and I only wish that many others of my colleagues would come to the wilds of northern Arizona and see some of our natural wonders.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, in the report on page 3, down near the bottom it says:

> The post includes in its present makeup many intangible elements of feeling and association with important parts of the American heritage.

Now, this may be all right, but I wonder how many of us remember that only 15 percent of the land in Arizona is owned by private individuals or corpora-

tions. The rest of it is State or Federal land, so I was told. We had hearings out there recently on a matter having to do with the sale of public lands, to which the committee appointed objected strenuously. Down here in the Southwest on the waterfront, certainly there are historic sites. The Members who have been in the habit of going out that way know of these blocks of building in the southwest, and just within the last week Herzogs and a dozen of those places down there have all been leveled off to put through this new highway or for a real estate development. I wonder if pretty soon they will be going down to Mount Vernon and put in a parking lot. Apparently, someone would if it were near enough to Arlington. When you talk about preserving historic spots and thinking of the beginnings of our country, I just cannot understand why it is that all of these blocks of old buildings in the southwest section of the city have been torn down. Then, I understand, there are 13½ acres over in the Northeast that some real estate speculators are after, and later they are going to clean up from the Capitol clear over to the Anacostia River, and then make that all land covered by Federal buildings. Some of our people go abroad, they tell me—I do not know why they go—but, they go abroad so it is said to see what has been left by other civilizations. To profit and learn from the past. They say they learn something from what they see has happened to nations which have preceded our own. They get an experience that you cannot get anywhere else. But, here some folks will never be satisfied until they get this land—well, maybe all of Virginia—I do not know whether these fellows in Virginia are going to consent or not—and in Maryland—probably covered with Federal buildings. Somebody, my very able friend and colleague, the gentleman from Virginia [Mr. BROYHILL] may succeed and I noticed the other day dropped in a bill that would take from the States their proportion of the Federal patronage employees that we have always had and give all Federal jobs here in the District—I suppose to Virginia.

If we do not watch our step, the first thing we know there will be nothing left here in this country that has any connection with the past. While I do not believe in living in the past, I have been advised that we could learn something from what happened to other people in other lands. It occurs to me at this time that we take care of some of our own people, homes, and land here in the Capital, try to preserve this a little, and perhaps it would be better than going away off into Arizona to create another park. If they must have it, all right, but in the meantime can we not preserve a little of Washington? We know about sending all this money abroad, some $80 billion have gone over there, and apparently no relief yet. Even my good friend from Minnesota, who is to leave us, as I understand it, wrote a report the other day, and he admits that we wasted at least a few dollars and have not accomplished all that we expected or any appreciable part of it.

Mr. JUDD. I do not know why the gentleman said "the gentleman who is leaving us."

Mr. HOFFMAN of Michigan. I just saw you going out.

Mr. JUDD. I thought I might hear some pearls of wisdom, so I came back.

Mr. HOFFMAN of Michigan. The compliment is wholly undeserved. I am a great admirer of the gentleman, but I cannot go along when we get to the point where we are impoverishing some of our own people.

Mr. JUDD. The RECORD should show clearly that the report, to which the gentleman referred, is not the first time that I have pointed out things in the administration of the foreign aid program that I could not approve. I have been working about 12 months a year to try to make it more effective.

Mr. HOFFMAN of Michigan. No one has any doubt about that. You have always tried to protect our own people. I cannot yield any more. That is all true, however. But the amount of money advocated spending is more than the wealth of the next generations. I am happy to know you are now calling for efficiency and less waste, but I hope we do not get all the clothes from our American people and put them on the backs of the Chinese or any other group we have all felt so sorry for.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, I must answer to my constituents. I find here in Report No. 1250 that the assessed valuation of the real property in 1957 was $9,957, and that the owner graciously has expressed a willingness to sell the property for $300,000.

There may be an answer, but it will have to be a pretty good answer or I cannot look my constituents in the face if I vote for this.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mr. UDALL. We discussed this matter a few moments ago. I made two points: The first is that real property valuations for tax purposes in my State are about 10 percent. The $9,000 represents a real property value of about $100,000. But the real value of this trading post lies in the collection of Indian artifacts, art work, Indian blankets, and so forth.

This is a place, Mr. Speaker, where President Teddy Roosevelt visited on several occasions. He was a great lover of the West and he used to visit this trading post. It is the value of the art collection, the artifacts, that constitute the real value in this instance.

Mr. O'HARA of Illinois. Nobody loves the past more than do I, and I consistently have supported legislation for national parks and shrines preserving historic spots for the inspiration of oncoming generations. But I do have to face my constituents, and I do not know how they could understand my vote for something, no matter how laudable its purpose, that on the surface was grossly overpriced. Allowing, as the gentleman states, the appraised value is one-tenth of the real value there still is a discrepancy of over $200,000, which has been explained very casually and with nothing on which we can hang our hats.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mr. ASPINALL. These are the figures that were given to us in the presentation of this matter before the committee. The price will be fixed after proper appraisal. There will not be any money paid without fair appraisal, and I can assure the gentleman he will have nothing to answer to his constituents for.

Mr. O'HARA of Illinois. I thank the gentleman.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Speaker, may I ask the gentleman from Arizona a question? Why is it necessary to acquire the entire 157 acres? The trading post, as I understand, is susceptible of being cut off from the rest of the property. Why should we have to acquire the entire 157 acres?

Mr. ASPINALL. The area is presently in a single tract and must be purchased as a unit. In the report, however, we contemplate the problem the gentleman anticipates. We have indicated that we want to cut off of the property that which is not needed for the facility, the balance to be sold at the fair market price. So the ultimate outcome will be just what the gentleman wants.

Mr. GROSS. Mr. Speaker, I yield myself 1 minute to ask the gentleman from Arizona why does the State of Arizona not take over this trading post?

Mr. UDALL. This trading post falls in a different category than State parks. The Park Service people and we in Arizona feel that it belongs in the national system rather than in the State park system. The State has been interested in other types of historic sites than this particular one.

Mr. GROSS. Has an appraisal been made of the Indian collection involved?

Mr. UDALL. None has been made. There is to be an appraisal before purchase.

Mr. GROSS. Yes, but you want to spend, under the terms of this bill, $300,000 for the property without an appraisal of the collection.

Mr. UDALL. No; my colleague does not understand. The $300,000 is a limit. It will be appraised at firm market value, and that will be the price.

Mr. GROSS. I understand the limit, and I have no intention of trying to justify the spending of a total of $600,000 on this project, plus an indefinite amount in perpetuity for upkeep. I cannot justify this to my taxpayers and I do not intend to try.

Mr. Speaker, I yield back the balance of any time I may have remaining.

Mr. DOWDY. Mr. Speaker, I must enter my protest against this proposal to pay $300,000 of the taxpayers money for 157 acres of desert which the owners, in rendering the same for taxation, acknowledge has a value of only $9,000.

In addition the bill would authorize the expenditure of another $300,000 for remodeling some old buildings, then, in perpetuity, at least $25,000 per year for upkeep.

This is obviously an attempt to bail out the owners of worthless property at the expense of the American taxpayer. It is no wonder that our national budget cannot be balanced. Surely the Members of this House will not adopt this proposal.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, H.R. 7279, as amended.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 67, noes 36.

Mr. UDALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 171, nays 208, not voting 52, as follows:

[Roll No. 29]

YEAS—171

Albert	Green, Pa.	Oliver
Aspinall	Haley	Patman
Avery	Harris	Perkins
Bailey	Healey	Pfost
Baldwin	Herlong	Poage
Baring	Holifield	Porter
Barrett	Horan	Price
Barry	Hosmer	Prokop
Bass, Tenn.	Hull	Quigley
Beckworth	Ikard	Randall
Bennett, Fla.	Inouye	Rhodes, Ariz.
Bentley	Irwin	Rhodes, Pa.
Berry	Jarman	Riley
Blatnik	Jennings	Rivers, Alaska
Boland	Johnson, Calif.	Rivers, S.C.
Bolling	Johnson, Colo.	Roberts
Bowles	Johnson, Wis.	Rogers, Colo.
Boykin	Jones, Ala.	Rogers, Fla.
Brademas	Judd	Rogers, Mass.
Breeding	Karsten	Roosevelt
Brewster	Kasem	Rutherford
Brooks, La.	Kee	Saund
Brooks, Tex.	Kelly	Saylor
Brown, Mo.	Keogh	Selden
Buckley	Kilday	Sheppard
Burdick	Kilgore	Shipley
Burke, Ky.	King, Calif.	Short
Byrne, Pa.	King, Utah	Sikes
Carnahan	Kluczynski	Sisk
Celler	Kowalski	Smith, Iowa
Chenoweth	Kyl	Smith, Miss.
Cohelan	Laird	Staggers
Cooley	Lane	Steed
Daddario	Langen	Stubblefield
Daniels	Lankford	Sullivan
Dawson	Libonati	Teague, Calif.
Denton	McCormack	Teague, Tex.
Dixon	McDowell	Thomas
Dooley	McFall	Thompson, N.J.
Doyle	McGovern	Thompson, Tex.
Dulski	McIntire	Thornberry
Edmondson	McMillan	Toll
Elliott	McSween	Tollefson
Evins	Mahon	Trimble
Fascell	Merrow	Udall
Fisher	Metcalf	Ullman
Flood	Miller, George P.	Wainwright
Fogarty	Mills	Walter
Foley	Moorhead	Westland
Forand	Morgan	Wier
Friedel	Morris, N. Mex.	Willis
Garmatz	Morris, Okla.	Wilson
Gathings	Multer	Withrow
George	Murphy	Wright
Giaimo	Nix	Young
Gilbert	Norrell	Zablocki
Gray	O'Hara, Mich.	
Green, Oreg.		

NAYS—208

Abbitt	Addonizio	Allen
Abernethy	Alexander	Andersen, Minn.
Adair	Alford	Andrews
Ashmore	Gavin	Mumma
Auchincloss	Glenn	Murray
Baker	Goodell	Natcher
Barr	Grant	Nelsen
Bates	Griffin	Norblad
Belcher	Griffiths	O'Brien, Ill.
Betts	Gross	O'Hara, Ill.
Bolton	Hagen	O'Konski
Bonner	Halleck	O'Neill
Bosch	Halpern	Osmers
Bow	Hardy	Ostertag
Bray	Harmon	Passman
Brock	Harrison	Pelly
Brown, Ga.	Hays	Philbin
Brown, Ohio	Hébert	Pilcher
Broyhill	Hechler	Pillion
Burke, Mass.	Hemphill	Pirnie
Burleson	Henderson	Poff
Byrnes, Wis.	Hiestand	Preston
Cahill	Hoeven	Pucinski
Cannon	Hoffman, Ill.	Rabaut
Casey	Hoffman, Mich.	Rains
Cederberg	Hogan	Ray
Chamberlain	Holland	Reece, Tenn.
Chelf	Holt	Rees, Kans.
Church	Holtzman	Riehlman
Coad	Huddleston	Robison
Colmer	Jackson	Rodino
Conte	Jensen	Rogers, Tex.
Cook	Johansen	Rooney
Corbett	Johnson, Md.	Roush
Cramer	Jonas	St. George
Cunningham	Jones, Mo.	Santangelo
Curtin	Karth	Schenck
Curtis, Mass.	Kastenmeier	Schwengel
Curtis, Mo.	Kilburn	Scott
Dague	Kirwan	Siler
Davis, Ga.	Kitchin	Simpson
Davis, Tenn.	Knox	Smith, Calif.
Delaney	Lafore	Smith, Kans.
Dent	Latta	Smith, Va.
Derounian	Lennon	Springer
Devine	Lesinski	Stratton
Diggs	Levering	Taber
Dingell	Lindsay	Teller
Donohue	Lipscomb	Thomson, Wyo.
Dorn, N.Y.	Loser	Tuck
Dorn, S.C.	McCulloch	Utt
Dowdy	McDonough	Vanik
Downing	Mack, Ill.	Van Pelt
Dwyer	Mack, Wash.	Van Zandt
Everett	Madden	Vinson
Farbstein	Mailliard	Wallhauser
Feighan	Marshall	Wampler
Fenton	Martin	Watts
Fino	Mason	Weaver
Flynn	Matthews	Weis
Flynt	May	Wharton
Ford	Meader	Whitener
Forrester	Meyer	Whitten
Fountain	Milliken	Widnall
Frazier	Moeller	Williams
Frelinghuysen	Monagan	Winstead
Fulton	Moore	Wolf
Gallagher	Morrison	Yates
Gary	Moss	Younger
	Moulder	

NOT VOTING—52

Alger	Clark	Miller, Clem
Anderson, Mont.	Coffin	Miller, N.Y.
Anfuso	Collier	Minshall
Arends	Derwinski	Mitchell
Ashley	Durham	Montoya
Ayres	Fallon	O'Brien, N.Y.
Barden	Granahan	Powell
Bass, N.H.	Gubser	Quie
Baumhart	Hargis	Reuss
Becker	Hess	Rostenkowski
Bennett, Mich.	Kearns	Scherer
Blitch	Keith	Shelley
Boggs	Landrum	Slack
Broomfield	McGinley	Spence
Budge	Macdonald	Taylor
Canfield	Machrowicz	Thompson, La.
Chiperfield	Magnuson	Zelenko
	Michel	

So, two-thirds not having voted in favor thereof, the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Boggs and Mr. Anfuso for, with Mr. Arends against.

Mr. Fallon and Mr. Montoya for, with Mr. McGinley against.

Mr. Shelley and Mrs. Granahan for, with Mr. Becker against.

Mr. Clark and Mr. Anderson of Montana for, with Mr. Taylor against.

Mr. O'Brien of New York and Mr. Bass of New Hampshire for, with Mr. Zelenko against.

Mr. Kearns and Mr. Reuss for, with Mr. Miller of New York against.

Until further notice:

Mr. Rostenkowski with Mr. Gubser.
Mr. Slack with Mr. Michel.
Mr. Landrum with Mr. Alger.
Mrs. Blitch with Mr. Scherer.
Mr. Coffin with Mr. Canfield.
Mr. Clem Miller with Mr. Bennett of Michigan.
Mr. Mitchell with Mr. Quie.
Mr. Macdonald with Mr. Minshall.
Mr. Machrowicz with Mr. Keith.
Mr. Powell with Mr. Ayres.
Mr. Durham with Mr. Baumhart.
Mr. Barden with Mr. Hess.
Mr. Ashley with Mr. Broomfield.
Mr. Spence with Mr. Collier.
Mr. Thompson of Louisiana with Mr. Chiperfield.
Mr. Hargis with Mr. Budge.

Mr. LOSER changed his vote from "yea" to "nay."

Mr. FARBSTEIN changed his vote from "yea" to "nay."

Mr. HOLTZMAN changed his vote from "yea" to "nay."

Mr. TELLER changed his vote from "yea" to "nay."

Mr. LAIRD changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

AUTHORIZING ACQUISITION OF LAND FOR DONATION TO THE PAN AMERICAN HEALTH ORGANIZATION AS A HEADQUARTERS SITE

Mr. WRIGHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7579) to authorize the acquisition of land for donation to the Pan American Health Organization as a headquarters site.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the Administrator of General Services to acquire by purchase, condemnation, or otherwise, including any expenses of such acquisition, the land in the northwest section of the District of Columbia, known as square 59, bounded on the north and south by Virginia Avenue and E Street, and on the east and west by Twenty-second and Twenty-third Streets, together with any building and improvements thereon.

SEC. 2. The Administrator of General Services is hereby authorized to convey without consideration the property acquired under section 1 of this Act to the Pan American Health Organization, formerly known as the Pan American Sanitary Bureau and the Pan American Sanitary Organization, for use as a headquarters site, subject to the condition that the site development plan be coordinated with the National Capital Planning Commission.

The SPEAKER. Is a second demanded?

Mr. MACK of Washington. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry. Is the gentleman opposed to the bill?

Mr. MACK of Washington. I am not.

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Iowa opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER. Without objection, a second is considered as ordered.

There was no objection.

Mr. WRIGHT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill provides the first opportunity since the trip of President Eisenhower to South America, for this Congress to validate a U.S. commitment and to demonstrate tangibly our interest in inter-American relations and hemispheric solidarity. The bill provides for the acquisition of a site at an estimated cost of $875,000 to be presented to the Pan American Health Organization for the construction by that organization of a permanent headquarters building here in Washington.

The Pan American Health Organization, created in 1902, is the oldest regional health organization in the world. It is the largest specialized agency of the Organization of American States. It conducts programs of vital significance throughout the hemisphere in the eradication of such dread diseases as malaria, smallpox, typhoid, tuberculosis and yellow fever. It conducts programs of the action type, such as spraying, quarantining, providing inoculations for epidemic disease eradication. The organization's activities have actually eradicated malaria in many parts of Latin America. In addition to these action type programs, it conducts valuable consultation and research programs for the benefit of member governments. Every government in Central and South America is a member of this organization.

Its present temporary headquarters is totally inadequate for the conduct of this energetic and vitally important program which employs 800 people and operates on a total budget of some $10,700,000. The headquarters are scattered among four separate buildings. The organization owns two former residences; rents a third, and occupies the top floor of an office building.

In 1950 the organization voted to erect a permanent headquarters. Our Government at that time invited this organization to construct this building in Washington, and offered to provide a suitable site for the building.

Similar offers were made by Mexico, Panama, and Peru; but the delegates voted overwhelmingly to accept our invitation and to erect their permanent headquarters here in Washington. Enactment of this bill will make that possible. It will redeem and validate our pledge and invitation.

It is estimated that a building costing approximately $4 million will be erected, toward which the Pan American Health Organization already possesses assets of some $1 million.

This bill has been urgently requested by the State Department. It has been approved by the Bureau of the Budget; it has been approved by the National Capital Planning Commission; it has been approved by the General Services Administration.

A similar bill pased the Senate last August. This bill has been approved unanimously by the Public Works Committee of the House.

Our Government has issued an invitation to the other governments of our hemisphere; they have accepted the invitation. Passage of this bill is necessary to validate and redeem the invitation and the commitment our State Department has made. I therefore urge favorable consideration of this bill.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield.

Mr. WAINWRIGHT. I would like to ask the gentleman from Texas—and I am not opposed to the concept or the philosophy under which he suggests that we must spend up to $3 million; I think it is worth while—but why, for example, should we buy this property close to the State Department when the CIA building is about to become available for such an operation and it would not be necessary for the Federal Government to go out and purchase new land? There are other areas I would like to mention for the gentleman's consideration.

Mr. WRIGHT. Is the gentleman asking a question or making a statement?

Mr. WAINWRIGHT. Put in the form of a question, let me suggest that there are five available properties now owned by the Federal Government, including the Congers Laundry, which the State Department owns, directly across from it. Why could it not be used rather than purchasing this new property?

Mr. WRIGHT. That was one of the questions we raised in our committee. The spokesman for the General Services Administration has said that none of these sites is suitable for this purpose, and in this the State Department has concurred. I yield to the agency in the administrative branch of the Government which has been charged with the responsibility for making such appraisals. It is the judgment of the State Department and of the General Services Administration that none of the other properties would be suitable for this purpose, and they have unanimously recommended instead that we purchase this particular property which they have found off Virginia Avenue between 22d and 23d Streets, which they say is ideal for this purpose.

Mr. WAINWRIGHT. I wonder if the gentleman from Texas would consider the fact that this property was not under consideration at the time the request in H.R. 7579 was made this year; that property had not been settled on. If the CIA is going to move out, would it not be well to consider the use of the site rather than purchase additional property?

Mr. WRIGHT. Indeed, it would; and as a matter of fact I would like to say to the gentleman that since that time I have inquired of the State Department about that very thing, and their conclusion is still identical with what it was earlier, that this building would not be suitable nor nearly so desirable as the property they have under consideration.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield.

Mr. JUDD. The suggestion seems to be that when the CIA moves out of its present building, it will stand empty. Of course, there are several other agencies of the Government that need and want that property and would be eager to move in right away.

Mr. WAINWRIGHT. If I may with the permission of the gentleman from Texas, I will say that I am not opposing this concept but I am just raising the question as to the best use of sites presently available.

Mr. WRIGHT. Let me say to the gentleman from New York that it would not be appropriate for us to maintain title to the land on which the Pan American Health Organization should build its building. If we are going to make a gift we must do so in good faith.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Florida.

Mr. CRAMER. Is it not true also, since the commitment was made in 1950, the United States would provide a site and the General Services Administration, the State Department, and the Organization of American States then try to find a suitable site and finally resolved on this one, which indicates it is not something that was decided hastily but something that has been under consideration for years and years. If we in the United States and in Washington do not accept this responsibility and this commitment then this organization is going to Mexico, Panama, or Peru and we will lose the employment of 250 people, also we will lose the opportunity to construct a building which obviously would go to other countries if they were successful in their bid.

Mr. WRIGHT. The gentleman is completely correct.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MACK].

Mr. MACK of Washington. Mr. Speaker, the U.S. Government has been a member of the Pan American Health Organization since 1902, or for a period of almost 58 years. All of the countries of South, North, and Central America, except Canada, are members of it.

The purpose of the Pan American Health Organization is to combat disease, both physical and mental, wherever found in the Western Hemisphere. It does so by research, by the exchange of medical scientific information and by encouraging advance studies by medical men in our universities and colleges.

I am informed by those in position to know that the Organization has accomplished much good in combating malaria, in overcoming that dread disease known as the yaws in Haiti, by the exchange of information on methods of fighting tuberculosis, and by making dried smallpox vaccine available in the tropical countries.

I am convinced that it is a worthwhile organization and has done good work. When we fight disease in neighboring

nations, we not only help them but help ourselves by gaining added protection for our own people. Also, it should, and no doubt does, make the United States additional good will among our neighbors.

The Pan American Health Organization working to benefit the people of more than 20 countries operates on a budget of only about $10 million a year.

Of this money, $3,500,000 comes in direct contributions from the member nations with the United States supplying 66 percent of it. The remaining $7 million is obtained from the World Health Organization to which the United States supplies one-third its cost. Of the $10 million expended annually by the Pan American Health Organization, the United States supplies in fact about 45 percent.

The headquarters of this Pan American Health Organization since its inception has always been here in Washington, D.C. The question involved in this legislation is whether we want to keep that headquarters here or let it go to some other nation.

At the 1950 Convention of the Pan American Health Organization, Mexico, Peru, and Panama, each invited the Pan American Health Organization to move its permanent headquarters to one of these countries. American delegates to that convention told the convention the United States was willing to provide a site in Washington, D.C., for a permanent headquarters building.

This bill would fulfill that commitment. A site is being proposed on Virginia Avenue between 22d and 23d Streets. It consists of about 2 acres. The estimated cost is $874,000.

If Congress provides this site, it will be assured that the headquarters of this worthwhile humanitarian organization always will remain in our National Capital where it should be. If we do not provide the site, the headquarters of the organization may be moved to Mexico, Peru, or Panama, all of which countries have manifest an interest in having it.

Te U.S. cost will not be lessened if the headquarters are moved to some other country. Congress therefore should pass this bill.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. MACK of Washington. I yield to the gentleman from Georgia.

Mr. FLYNT. What amount did the gentleman say this land was estimated to cost?

Mr. MACK of Washington. Eight hundred and seventy-four thousand dollars.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am very much interested in the remarks of the gentleman from Texas in opening the argument on behalf of this bill. If we must continue to spend money in order to curry the favor of the South Americans, why, Mr. Speaker, I would point out that only last year Congress passed a bill creating an Inter-American Bank to provide them with loans with a capitalization of $1 billion of which the United States agreed to put up nearly $500 million. How much does the gentleman want the American taxpayers to spend to demonstrate their interest in the Central and South American countries?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. WRIGHT. In answer to that, I will say I want us to approve the purchase of this site that is estimated to cost $875,000 today.

Mr. GROSS. The site will cost a minimum of $875,000 and it may cost more.

Mr. WRIGHT. My statement was not that it was a minimum.

Mr. GROSS. I said a minimum. I did not say the gentleman said a minimum. On top of that we are committed, as I read the report, to provide the big end of the cost of the building. The bill is silent on the exact amount. The bill reads this way: "There is hereby authorized to be appropriated out of any money in the Treasury not otherwise provided such sum" and so on and so forth. That is the good old open door to the U.S. Treasury.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. CRAMER. This is just an authorization bill. It requires further action by the Committee on Appropriations.

Mr. GROSS. Sure, this is a blank check. Send this bill to the Committee on Appropriations and then wonder why they come back and say, "You voted for this. What do you expect us to do with it except appropriate the money?"

Mr. CRAMER. Mr. Speaker, if the gentleman will yield further, the question, it seems to me, is a basic question of the relationship between this Nation and Central and South America. Of course, after the President's visit and his demonstration of good will and the demonstration of good will toward this country, it seems to me that this certainly is not the time to be repudiating an agreement which our representatives entered into with the members of the Organization of American States.

Mr. GROSS. Yes; the State Department, with its long nose that it sticks into the affairs of all nations of the world, got us committed to this thing, and that without any reference to the Congress.

Mr. ROONEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. ROONEY. As I understand it, after turning over about $900,000 worth of American taxpayers' real estate to this international Organization, a building would be constructed thereon.

Mr. GROSS. Right.

Mr. ROONEY. Does the distinguished gentleman from Iowa know the amount of the American share of the cost of the erection of that building in the event it were erected?

Mr. GROSS. According to the report, it would be $2 million; a minimum of $2 million.

Mr. ROONEY. The full American share of the cost of the construction of the building, after the property is turned over?

Mr. GROSS. A minimum of $2 million.

Mr. ROONEY. The U.S. share would be 66 percent of the total cost of the building, would it not?

Mr. GROSS. It would be somewhere in that neighborhood. Of course, with the building site it would be more than that.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. WRIGHT. To answer the question of the gentleman from New York [Mr. ROONEY], it is my understanding from reading the report and talking about it, that the entire cost is borne by the United States as part and parcel of this gift.

Mr. MACK of Washington. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Washington.

Mr. MACK of Washington. The U.S. Federal Government would purchase the property and turn it over free to the Pan-American Health Organization. The building would be financed by funds of the Pan-American Health Organization. These funds are paid in this way: $3.5 million is raised by the participating nations, of which the U.S. Government supplies 66 percent. About $7 million comes from the World Health Organization to which the American Government supplies about one-third.

Mr. CRAMER. Mr. Speaker, if the gentleman will yield further, I would like to point out simply this. The World Health Organization is going to build a building. We are going to put up 66 percent of it. The question is, Is it to be built in America, with American labor, in Washington, D.C., or in Mexico, with Mexican labor? That is the only issue involved in the bill.

Mr. GROSS. But the 66 percent does not take into consideration the $900,000 for the site, does it?

Mr. CRAMER. If the gentleman will permit me to answer, I will say to the gentleman that 215 people who are employed in Washington, D.C.——

Mr. GROSS. That is not my question. The figure the gentleman gave does not include the $900,000.

Mr. CRAMER. Obviously, but I say to the gentleman that 215 Americans employed in Washington, D.C., if the building were not in Washington, D.C., would be Mexicans employed in Mexico or Panamanians employed in Panama, and I think it is good business.

Mr. GROSS. So we have another of those beautiful deals that the State Department has engineered, and we are called upon today to authorize the money. I wonder if some of the experts here on the Committee on Public Works could tell me how much the member nations of this Organization owe to the funds that they are supposed to have paid in up to this time. Can anybody tell us? Can the gentleman from Texas tell us the amount of the uncollected assessments?

Mr. WRIGHT. I know of no uncollected assessments.

Mr. GROSS. Of course, the gentleman knows that there are uncollected assessments.

Mr. WRIGHT. No; I do not know that there are uncollected assessments.

Mr. GROSS. The gentleman from New York [Mr. ROONEY], I am sure, held hearings last year, and in those hearings there was a table showing the uncollected assessments.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield at that point since he has raised the question of the cost of the building.

Mr. GROSS. I yield.

Mr. WRIGHT. Does the gentleman realize that the Organization has already committed itself to the construction of a building? It is going to be built. We are going to participate unless we were to withdraw from this Organization; and I do not know of anybody who is suggesting that. We are going to participate to the same extent, wherever it is built. The only purpose of this bill is to permit it to be built as they had accepted the invitation to do so here in Washington.

Mr. GROSS. In the first place, I do not know that a building is going to be constructed. If they want to build it in Washington, I think there is a cheaper site available. If the building is built somewhere else—and perhaps that would be a good thing—we will at least save almost $1 million by not purchasing the private property that the gentleman suggests we do buy at a cost of $20 per square foot in order to put a building on it.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Speaker, I should like to present to the House certain facts and figures which have not been presented heretofore.

In the first place, I wondered whether the capable and hard working gentleman from Alabama [Mr. SELDEN], the chairman of a very distinguished subcommittee of the Committee on Foreign Affairs, is present. It would seem to me important to learn whether his committee has considered the international implications of this question. It is painful to hear an argument of international policy made only by a committee charged with building authority. This is properly the business of Foreign Affairs.

The gentleman from Florida [Mr. CRAMER] has presented the argument that a repudiation of this building would be a slap at South America. I think that is rather a unique way of getting the Congress to appropriate $2 million. I would like to submit for the record that there are at the present time at least five adequate potential quarters for this building instead of spending $2 million as now proposed. The first, as I have stated, is the soon to be vacated CIA building. There is property on the location of the National Health Institutes. There is adequate ground in the area of the Naval Hospital. The former Conger's Laundry directly across the street from the State Department was recently acquired by the State Department and is now owned by the United States. Finally, what about some of the Naval Observatory property?

It seems to me that the price of $20 a foot is going to be disputed. It is ridiculously low for this valuable land. The price mentioned in the report will probably be doubled or at least go up two-thirds again as much as has been reported. But that does not seem to me to be the issue. The issue with which we are faced is, Does the Federal Government have adequate property that it can use, instead of our voting this afternoon to go out and buy new property?

Mr. WRIGHT. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I think we should focus attention on exactly what the issue is here. The issue, No. 1, is the question of authorizing $874,000 period. Now as to the question of constructing the building; the building is going to be constructed whether in Washington or Mexico City, Panama City, or Peru, and the United States, under its past procedures and agreements, is going to pay 66 percent of the cost of the construction of that building wherever it is constructed. The only issue involved here is the question of $374,000 for the location of the site. I say it is a good investment. I say it is an essential investment. And why is it?

As the committee report itself states on page 5:

> There are several advantages in maintaining the headquarters of this outstanding inter-American Organization in Washington. The Pan American Health Organization—

I interpolate that it has been in existence since 1902 and has been located in Washington, D.C., since 1902, doing some of the finest work of any agency in the Government in international relationships—

> The Pan American Health Organization, as the largest specialized agency of the Organization of American States, must coordinate its activities with the Council of the Organization of American States, the Pan American Union, and other specialized agencies of the Organization of American States having their headquarters in Washington, and the embassies of member states.

It is logical that Washington, D.C., should be the location because the Pan American Health Organization has daily contacts with the U.S. Public Health Service and the International Cooperation Administration in planning and carrying out its hemispherewide programs. Among the most important of these programs are malaria eradication, international quarantine services, and training of health personnel.

Mr. EVINS. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Tennessee.

Mr. EVINS. Did we correctly understand the gentleman to say that following the President's trip to South America he committed us to the building?

Mr. CRAMER. No; I did not say that. This is the first opportunity since President Eisenhower's trip to Latin America for Congress to tangibly demonstrate our interest in inter-American relations and hemispheric solidarity.

Mr. EVINS. The Congress was committed to the building of a dam in Mexico following a trip by the President to Mexico. Each trip brings more and more commitments without consulting the Congress on appropriations.

Mr. CRAMER. This has no direct relationship to the President's trip, but does involve our relations with those nations as was involved in the President's trip. I am saying that this is the first opportunity this Congress has had since his visit to Latin America to tangibly demonstrate our interest in inter-American relations and hemispheric solidarity and in continuing to provide much-needed assistance in the most vital area of health, as well as to validate the U.S. moral commitment.

Mr. Speaker, what are some of the jobs being done by this Health Organization? Listen to this. This is what it means to America. It not only means to America, as I previously pointed out, that it means constructing a building with American workers in Washington, D.C., as compared to constructing it in Mexico with Mexican workers. It also means the employment of 250 people in Washington, D.C., as compared to a large portion of them being employed as Mexicans in Mexico.

What else does it do? This is a good example of what this Organization does, and this is why it is important to America.

The border region between the United States and Mexico has a population of 1,884 500, of which 1,242,500 are in the United States. Public health problems common to both sides of the border include rabies, venereal diseases, tuberculosis, water supplies, waste disposal, and tourist center sanitation. To provide a coordinated attack on these common problems, the Pan American Health Organization established a field office in El Paso, Tex., in 1942. As a result of the work of this office, and the interest of the health authorities, local, State, and national in both countries, the United States-Mexico Border Public Health Association was established in 1943.

This is one of the functions to coordinate on the border the health problem between the United States and Mexico. I think that is extremely essential so far as the health of the citizens of the United States of America is concerned.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from New York.

Mr. WAINWRIGHT. The gentleman has made a very excellent foreign policy argument as the principal reason for purchasing this property. As a matter of parliamentary curiosity, does the gentleman know whether this question was before the Committee on Foreign Affairs, or more specifically, the Latin-American Subcommittee of that Committee?

Mr. CRAMER. The gentleman full knows——

Mr. WAINWRIGHT. No; I do not know.

Mr. CRAMER. If the gentleman will study the bill and the handling of it in the House, he will see that it was reported unanimously out of the Committee on Public Works of the House, and likewise on the Senate side.

Mr. WAINWRIGHT. The question was whether it went to the Committee on Foreign Affairs.

Mr. CRAMER. I think the gentleman has heard the expressions of some of the members of the Committee on Foreign Affairs on the floor this afternoon concerning their favorable attitude concerning this legislation.

Mr. WAINWRIGHT. My question is that the principal reason, I would imagine, that your committee would be involved would be the cost of the property and the price.

Mr. CRAMER. That is exactly right, our Building and Grounds Subcommittee has jurisdiction of buildings and sites.

Mr. WAINWRIGHT. So the question is not as to the foreign affairs implication, but the question is whether there are other properties available that could be given for the performance of this function.

Mr. CRAMER. I will say to the gentleman, I introduced this bill because I have an equal interest in our international relationships with Central and South America between this country and those nations as I do and have in acquiring the site, and I do not see how we can separate the two. Frankly, our friendly hemispheric relations is the main reason I introduced the bill.

Mr. Speaker, the Pan American Health Organization, created in 1902, is the oldest international health organization in the world. It is the largest specialized agency of the Organization of American States. It conducts programs of vital significance throughout Latin America in the eradication of such dread diseases as malaria, tuberculosis, and yellow fever. It conducts an indispensable action program in the mountains, swamps, cities, and villages of the hemisphere as well as a valuable research and consultation program for member governments. Every government of Central and South America is a member.

Its present temporary quarters are wholly and totally inadequate to the conduct of this energetic and vitally important program which employs 800 people and operates on a budget of $10,700,000 a year. The headquarters offices are presently scattered among four buildings under extremely crowded conditions. It owns two former residences, rents a third, and occupies part of the top floor of an office building.

In 1950, the Organization voted to erect a permanent headquarters building. Our Government invited the Organization to make its permanent headquarters here and offered to provide a suitable site for the building. Similar offers were made by Mexico, Panama, and Peru. The delegates voted overwhelmingly to erect the permanent headquarters building in Washington.

Particularly Mexico City is making a strong bid for the location of this facility and I believe it is imperative that the United States keep its commitment and make a site available immediately. Otherwise, one of the other bidding countries will acquire the headquarters site and thus separate the Pan American Health Organization from the Organization of American States headquarters. This could be a very definite loss of prestige for the United States and would go a long way toward undermining the good will that the President was able to build during his recent trip, particularly in view of our failure to keep our commitment.

Enactment of this bill will make that possible. It will redeem and validate our pledge and invitation. It is estimated that approximately a $4 million building will be constructed, toward which the Organization already possesses assets of some $1 million.

The bill has been urgently requested by our State Department. It has been approved by the Bureau of the Budget, the General Services Administration, and the National Capital Planning Commission. A similar bill passed the Senate last August, and it is the plan to substitute the Senate bill after the House bill has been taken up. It was approved unanimously by the Public Works Committee of the House.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. WRIGHT. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, I find myself in a rather unusual position in supporting this legislation. On the Subcommittee on Appropriations handling the State Department, the Organization of American States, and other agencies, I am generally in favor of reductions. But, I believe this bill is a good bill. I was in South America last year. The people in South America asked me why we had not gone ahead with this legislation as of last year. We were committed to do so. It seems to me we are now in a position where our relationships with Central and South America are better than they have been for many years.

This involves the purchase of land on which the Organization of American States will build a building. I would be inclined to believe that this is a good investment for us. It is the type of thing we can do when we talk about health, which is one of the most important things we can do in our relationship with other countries whether it be South America, Europe, or Asia. The Organization of American States through this particular group have made a great contribution. We have the Gorgas Hospital in Panama, which is well known in the health field throughout all of Latin America. It has made great contributions. If we build this building and go through with our promise, and the important thing to me, I will say to the gentleman from Iowa, is that this is a commitment which is recognized as such by the people of Latin America, and I believe we should keep our commitments.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield.

Mr. HALLECK. I commend the gentleman for the statement he has made. I think he has put his finger on the whole proposition involved here, and I want to associate myself with the gentleman and express the hope that this bill will pass.

Mr. BOW. I thank my colleague, the gentleman from Indiana.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield.

Mr. GROSS. The gentleman from Ohio is a member of the Appropriations Subcommittee. Can the gentleman tell the House what the South American countries in this Organization owe by way of uncollected assessments?

Mr. BOW. I cannot do so, but I think the gentleman is referring to unpaid assessments that were shown in the hearings last year.

Mr. GROSS. That is right.

Mr. BOW. But, I believe, that referred to unpaid assessments by the nations in the United Nations.

Mr. GROSS. No; I am not referring to the United Nations.

Mr. BOW. I do not recall that we had any in this Organization of American States, but the gentleman may be right. We may have had such a list, but I do not recall.

Mr. GROSS. In other words, the question is whether the other countries prepared to go through with their part of the bargain.

Mr. BOW. I would be inclined to say to the gentleman I feel quite sure that the Organization of American States will comply with the agreement. It is an organization in which I have a great deal of confidence.

Mr. CHELF. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield.

Mr. CHELF. Is it true that we are committed to pay 66 percent of this? Are we committed financially to that extent? If we are, then we might as well go ahead with it.

Mr. BOW. We will contribute to the Organization of American States. This building will be built someplace. If we do not go through with our commitment now and furnish this land, then the American taxpayers' dollars are going to be used in some other country to build this building. I agree with the gentleman from Florida that it makes good sense that we do it here in this country.

Mr. CHELF. When was the commitment made on behalf of the United States that we would cooperate with them and who made it?

Mr. BOW. I would have to ask the gentleman from Florida [Mr. CRAMER] to answer that question.

Mr. CRAMER. Mr. Speaker, if the gentleman will yield, it was first made in 1950 and reiterated and reaffirmed in 1958 by the 15th Panama Sanitary Conference, at which time the United States in conference with other Central and South American nations agreed that they would provide a site if this Organization would agree to locate in Washington. They agreed to locate it in Washington, and we have not yet carried out our part of the agreement.

Mr. BOW. I hope in the future that the State Department, before they make

commitments of this kind, will see that it has cleared Congress, and not come in with commitments, because it is not good practice for them to make commitments and then come in and say, "Pick up the check."

Mr. CHELF. The gentleman is absolutely correct. Financial commitments of all kinds must be cleared with Congress before any promises are made. The State Department would do better if they remembered that.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, page 2 of the report reads:

> The legislation was requested by the Department of State.

It is just an extension of our foreign aid program; just getting a little in on the side; a way to get a little more money for foreign aid.

The gentleman from Florida [Mr. CRAMER], as does the gentleman from Ohio [Mr. BOW], says that we had to do it. We were committed. I just wondered who determined that we had to do this. I do not recall any such legislation.

Another thing, he says we will have to go along, that there are 250 jobs involved for people right here in Washington. Is that not a terrible thing? How many people in your district will be out of a job? Do we have to provide jobs all the time for foreign people?

Then look at the next page:

> The committee further realizes the value of retaining the headquarters of the Organization in the Washington area, and believes that the conveyance of title of the site for a headquarters building to the Organization would facilitate contributions from the member governments for building costs.
>
> The committee believes that enactment of H.R. 7579 is desirable to strengthen the friendly relations now existing between the United States and the other governments of the Americas.

So our leader over here says we endorse it. We must go along with the administration. The Lord only knows where they will take us if we keep on with foreign aid. Ike was in South America and some fellow on that trip in substance told him to go home and mind his own business. There now seems to be some uncertainty about what was said. Others will be telling us the same. Here in Washington, I do not know how many acres or how many blocks or homes will be taken but they will put the local people off. Why do they not think about the local people? They intend to kick them out of their homes. Sure. Why? Because it will promote foreign relations and good feelings down there in South America. We had an exhibition of that when NIXON was there, and we had another one when the President was there. They love us? They fly their flag over land that we lease from them in the Panama Canal Zone. Some fellow in Cuba tells us to get out of there and stay out. How many billions are we to pour into foreign aid? I remember when the majority here just shoveled it out abroad, and now have probably learned it does not accomplish the purpose it was thought it would. Every time they wanted something to protect themselves we gave it. They took it. Now we are to the end of the rope, the bottom of the barrel. Why put in any more?

The SPEAKER. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. FLYNT].

Mr. FLYNT. Mr. Speaker, I am concerned about bringing up what appears to be controversial legislation under the method of suspension of the rules, particularly at this time.

The gentleman from Florida [Mr. CRAMER] in his remarks a minute ago more or less confirmed my belief in this concern by saying that it is the responsibility of the Members to become familiar with the subject of the legislation. I agree with this, because the limited time allowed under this procedure is not adequate for a meaningful discussion. With that in mind, I would like to ask a few questions about the necessity for this much land; the necessity for the location in a rather expensive part, as far as cost of real estate is concerned. How many people are employed by the Pan American Health and Education Headquarters?

Mr. CRAMER. Eight hundred are employed. As I understand it, 250 in Washington.

Mr. FLYNT. Where are the remainder employed?

Mr. CRAMER. They are employed in such places as I suggested, at border stations between the United States and Mexico and other places outside Washington and I assume many others outside the United States.

Mr. FLYNT. Assuming there are only 250 people employed in the Washington headquarters, does the gentleman realize this calls for 438,000 square feet, which is nearly 10 acres?

Mr. CRAMER. It is nearly 2 acres; it is about two-thirds of a block.

Mr. FLYNT. About two-thirds of a block?

Mr. CRAMER. That is correct.

Mr. FLYNT. How tall will this building be?

Mr. CRAMER. I do not know personally.

Mr. FLYNT. I am thinking of the proper use of expensive property centrally located like this. I am concerned whether this tract is suited for this purpose.

Mr. CRAMER. I could not tell the gentleman what will be the size and nature of the building because that is a decision to be made by the Organization of American States, and properly so, although Congress can take a look at the building when it is up for appropriations at a later date.

Mr. FLYNT. I yield to the gentleman from New York.

Mr. ROONEY. Does the gentleman know any reason why this Pan American Health Building should not be built, say, out in Bethesda, where the U.S. National Institutes of Health are located? Or in some outlying area of the District rather than on the valuable property at 22d Street and Virginia Avenue adjacent to the brandnew $55 million State Department Building?

Mr. FLYNT. I thank the gentleman from New York for asking that question. I would like to say that I think he is correct and I thoroughly agree with him. I think it would be infinitely better from the standpoint of the purpose of the building for it to be located near the National Institutes of Health. The Government already owns this land and it should be available. I am convinced further, in fact, I know, it would be much better for the pocketbook of the American taxpayer if some other less expensive land already owned by the U.S. Government could be used for the purpose.

Mr. DAVIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I yield.

Mr. DAVIS of Georgia. I wish to compliment my colleague from Georgia on the splendid statement he is making. Does the gentleman believe it is possible for the U.S. delegation to the 13th Pan American Sanitary Conference to bind the Congress because of some decision they make or agree to?

Mr. FLYNT. In reply to the question of my colleague from Georgia, I say emphatically "No"; not only is it impossible for the Inter-American group to which my colleague from Georgia referred, to bind the Congress, but it is well known as a matter of basic legislative principle that not even the executive branch on matters of this kind can bind the Congress. This Congress cannot bind the 87th Congress so far as I know. The U.S. Congress is one of the few things that cannot be bound by itself or anyone else.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from New York.

Mr. WAINWRIGHT. I would like to ask the gentleman if there is any difference between this Organization and the World Health Organization; and, if so, what is the difference?

Mr. FLYNT. There is a difference between the two. I will let the gentleman from Florida answer that question if he cares to.

Mr. CRAMER. Mr. Speaker, with regard to the question of a compact on the part of the State Department with the effect of committing Congress; obviously, that is not correct; it could not be the case. No one has the right to bind Congress but Congress itself. What I said was that we were morally obligated to carry out the agreement made by the executive branch in good faith in 1950 and again in 1958.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. FASCELL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FASCELL. Mr. Speaker, it is with the greatest pleasure that I cosponsor the bill before us today to authorize the purchase of certain land in the District of Columbia for donation to the Pan American Health Organization as a headquarters site.

This bill is the climax of a long series of discussions and of serious planning aimed at an arrangement under which the United States will continue as the headquarters for this great institution.

This bill's reaffirmation of the sincere desire of the United States to maintain solidly friendly relations with our neighbors in the Americas could not come at a better time.

Passage of this bill will demonstrate to all the world the importance we attach to inter-American relations generally and to inter-American health programs specifically. In addition, of course, there are distinct advantages to having the headquarters located here, where the Pan American Health Organization can carry on an exchange of ideas in a close working relationship with the U.S. Public Health Service and private research organizations.

As a member of the Subcommitee on Inter-American Affairs of the Foreign Affairs Committee, I heartily endorse this bill and commend it to my colleagues.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks at this point in the RECORD on this subject, and that all Members who have already spoken may revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Speaker, may I suggest that on foreign aid and elsewhere I have considerable sympathy with my good friend from Iowa when he presents arguments for cutting some of that expenditure. I have supported his amendments on numerous occasions on the floor for that purpose. I am generally sympathetic with the idea of cutting back on foreign aid expenditures, wherever possible without danger to our own security and foreign policy.

But I respectfully submit to you that this is not a typical foreign aid expenditure question, that much more is involved here than the simple question of cost. Every American citizen is deeply concerned about two places in the Western Hemisphere: One is Cuba where we have a vast naval establishment, and where we are very keenly interested in seeing that the Republic of Cuba keep its commitments to the United States.

The other place is Panama, where all of us are vitally interested in seeing that the Republic of Panama keeps its commitments to the United States. The best place that we can look today for friends to help to see that those commitments are honored is the Organization of American States of which this Pan American Health Organization is a vital part.

If we do not keep our commitments to the other inter-American states, if we do not honor the invitation of a properly constituted group of Americans for this Health Organization to come to our Capital and erect here a building as a site for their important headquarters, if we do not keep our obligations and our commitments to the Organization of American States or its associated organizations, how can we expect our neighbors to the south in this hemisphere to keep their commitments to us? It is as simple as that. I say this is a commitment of both the Truman administration and the Eisenhower administration which we are morally bound to honor.

Mr. WRIGHT. Mr. Speaker, I yield myself the remaining time on this side.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Arkansas.

Mr. HARRIS. Am I correct in fact that this question simply is whether or not the building for this purpose is going to be established here in Washington and that this provides for such establishment, or whether it will be established in one of two other Latin American countries?

Mr. WRIGHT. Let me say to the gentleman that the Organization has already voted to establish the building. Our representatives at that conference invited the Organization to establish it here. Three other governments made similar offers and agreed to provide suitable sites, but the delegates overwhelmingly voted to come to the United States. We have officially issued the invitation, and the invitation has been officially accepted.

Let me implore the Members to weigh this thing in the light of its importance. It is far too important to be judged on the basis of whether you individually agree with where the General Services Administration has decided to put the building. It is far too important a matter to be judged on whether you individually like the name of the man on the bill. It is too important to be considered either as a Democratic bill or as a Republican bill. It is far too important for that. This involves a most vital relation with our Latin American neighbors. If we should refuse to validate this commitment and should repudiate this invitation today we would be repudiating our own State Department, and we would be repudiating our Latin American neighbors. They would so consider it, and there would be no other construction they would put on it.

I have one more thing to say. That is, we have only one President and one State Department at a time. I am a Democrat, yes, but let me say that he is my President and it is my State Department. If I were flying on a perilous aircraft journey over an ocean and I did not happen to like the pilot, I most certainly would not pour water in the gasoline tank just to embarrass the pilot. I do not think the great record of the Democratic Party has been made on that kind of basis. I do not think anyone in this House wants to repudiate an obligation or rudely cancel an invitation extended in good faith to our Latin American neighbors. It would be horribly humiliating to the State Department and to our U.S. Government for us to say: "I am sorry, we invited you, you accepted, but we cannot have you because the Congress refuses to let us spend $875,000."

I want no part in any such repudiation and I am sure the membership of this House wants no part in any such repudiation. On the contrary, we welcome our friends from the other countries in this hemisphere. We are honored to have the permanent headquarters building of the Pan American Health Organization erected and established here.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and the Speaker announced that two-thirds had voted in favor of suspending the rules and passing the bill.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-four Members are present, a quorum.

Mr. WAINWRIGHT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAINWRIGHT. Am I too late to request a division?

The SPEAKER. The Chair assumes that the gentleman is not too late.

Mr. WAINWRIGHT. Then, I ask for a division, Mr. Speaker.

The question was taken; and on a division (demanded by Mr. WAINWRIGHT) there were—ayes 206, noes 40.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to substitute Senate Joint Resolution 115 for the House bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. I object, Mr. Speaker.

BARDWELL RESERVOIR

Mr. DAVIS of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (S. 601) to authorize and provide for the construction of the Bardwell Reservoir.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for modification of the comprehensive plan for improvement of the Trinity River and tributaries, Texas, to provide for construction of the Bardwell Reservoir on Waxahachie Creek, is hereby authorized in accordance with the recommendations of the Chief of Engineers as contained in House

Document Numbered 424, Eighty-fifth Congress, at an estimated total cost of $6,922,000.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. MACK of Washington. I demand a second, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the Members of the House will recall that we passed the omnibus public works bill last year by a voice vote.

The Senate has not yet reached consideration of that bill. However, one of the projects in the omnibus bill as passed by the House was this authorization to construct the Bardwell Reservoir. On April 30 last year the other body passed this bill.

It has become increasingly important that this matter should be disposed of as quickly as possible.

Mr. Speaker, if I may take just a minute—and I am now referring to the report of last year for convenience—the construction of the Bardwell multipurpose reservoir for flood control and water conservation about 6 miles above the mouth of Waxahachie Creek is the recommended plan of improvement. The Waxahachie Creek, in the central part of the Trinity River Basin in northeast Texas, is a tributary of Chambers Creek which flows into Richland Creek, an important tributary of the Trinity River.

This project will cost $6,992,000, of which the local interest will supply $1,888,000.

They have very frequent cloudbursts out there. They never know what time of the year they will have trouble.

I am glad to advise the House that the Bureau of the Budget approved this project; the Department of the Interior had no objection; the Department of Agriculture is favorable; the Federal Power Commission had no objection. And, of course, the Corps of Engineers made the recommendation on which I base these remarks.

The proposed reservoir project would reduce flood damages on over 43,000 acres of agricultural land along Richland, Chambers, and Waxahachie Creek from floods originating on Waxahachie Creek. In addition, it would provide a valuable source of water supply for the area.

That, Mr. Speaker, is a brief explanation of the authorization as I see it.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the purpose of the bill which has just been called from the Calendar is to authorize the construction of the Bardwell Reservoir on the Waxahachie Creek in Texas. This is a portion of the Trinity River watershed, and the Corps of Engineers have investigated the area and recommended the construction as is recorded in House Document No. 424 of the 85th Congress.

Mr. Speaker, for almost 200 years we in the United States did not worry much about the problem of water. This is rapidly changing today and we have found that water is a tremendous problem all over the country. The coming of our industrial era, the raising of our living standards, and the increased application of water to land has caused grave water problems across our Nation.

Water is much more than one of our natural resources. It is a necessity of life. There is nothing on earth that will take the place of water. If you have no water, you have no living thing.

The Census Bureau has estimated that in the next 15 years, Texas' population will increase by 3 million people. It will not increase unless there is adequate water. The citizens of the Sixth District of Texas are well aware of this; and in particular the citizens of the three cities who will directly benefit from this project.

The community which will stand to benefit the most from this project is the city of Ennis with a 1950 population count of 8,453, which by this time has expanded. At the present time, the water supply of Ennis is secured from three woodbine wells at a depth of 1,800 feet. At one point during last summer, the water level in two of these wells dropped to 50 feet, making it necessary for the city to drop the pumps in the wells in order to secure water. The capacity of the pumps is 500 gallons per minute and during the aforementioned period, the pumps worked only at 150 gallons per minute. This operation is costly, and the dropping of the pumps at best could afford only temporary relief.

The city of Ennis has already gone on record as to their willingness to bear the local costs on this recommended construction, but time has been an element. Your approval of this bill today will remove one of the greatest obstacles.

Mr. MACK of Washington. Mr. Speaker, every agency of the Federal Government which is interested in this legislation and which has studied it approves of this bill.

The U.S. Army Engineers and the Secretary of the Army approve of it. The Bureau of the Budget approves it. So does the Agriculture Department, the Department of the Interior, the Fish and Wildlife Service, and the Federal Power Commission.

The House Subcommittee on Flood Control approved of this bill unanimously and so did the House Committee on Public Works.

The House itself approved this bill by including it in the river and harbor flood control bill passed last fall, a bill which has not as yet been passed by the Senate.

Prior to the House passage of the omnibus river and harbor bill, the Senate already had passed an identical bill to the one now before it. Failure of the Senate to act on the river and harbor flood control bill up to this time causes the introduction of this bill now.

Construction of the Bardwell Reservoir on Waxahachie Creek at a total cost of $6,922,000 is authorized by this bill. This is to be the total cost and includes $5,104,000 to be paid by the Federal Government and $1,814,000 to be supplied by the local interests.

This is a flood control-domestic water supply dam. The dam will have storage for 117,800 acre feet of water. Of this storage, 79,600 acre-feet will be used for flood-control purposes and 29,200 acre-feet for domestic water supply.

The dam is to be built in a county of 47,000 people which includes 12,000 who live in one city and 7,000 in another town. Flooding due to cloudbursts have occurred repeatedly in the area causing damage estimated at more than $465,000 a year on the average, according to the Engineers.

The project, in the unanimous opinion of the committee, is a worthy one and this bill should be approved.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Friday, March 18, there was pending the amendment of the gentleman from Ohio [Mr. MCCULLOCH], with the substitute amendment of the gentleman from New York [Mr. CELLER] for the McCulloch amendment.

Mr. JOHANSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHANSEN to the substitute amendment offered by Mr. CELLER: On page 6, line 10, after the word "election" insert "for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate."

Mr. CELLER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Mr. Chairman, I make the point of order that this amendment in substance has been voted on by this

Committee and voted down last week; therefore, it is not in order. It is like an amendment we have voted on and voted down.

The CHAIRMAN. The Chair has had an opportunity to examine the amendment offered by the gentleman from Idaho [Mr. BUDGE], which was to page 6, line 9. This is on page 6, line 10. It is couched in entirely different language. The point of order is overruled.

Mr. JOHANSEN. Mr. Chairman, there is a line in Holy Writ which says that "to me all things are possible, but not all things are expedient."

I suppose that in legislation of the type we are dealing with here today in terms of merciless and unrelenting application of cold logic all things are possible. I submit, however, that in the area in which you are dealing with the problems that we are confronted with in terms of human relations we will be well advised to think of things in terms of human expediency in the sense of recognizing that before we run we walk and before we walk we crawl.

This amendment that I have sent to the desk, and I am not a member of the bar and I am not going to discuss it in legal terms, is as the committee, I am sure, well understands an amendment that limits the operations of the amendment that we are now considering to those elections in which candidates for Federal office are running. It, obviously, does not limit the application to those who are Federal candidates, but it limits it to the elections in which Federal candidates are running. This amendment is a stop, look, and listen amendment. I respectfully point out that without this amendment, the legislation we now have before us goes further than any in the history of any country. It goes further than any proposal that has been before us. The question that confronts us, and I think we need to weigh very seriously, and this is a trend which I have consistently opposed in every facet and every area of government, is whether or not we are, because cold logic of law may permit it, determined to intrude the Federal Government down to the last area of voting rights and down to the smallest area of election and election responsibilities. It has been said there is a conflict between the provisions of 10th amendment and the 15th amendment, and that in this area the 15th amendment supersedes the 10th. I submit again, speaking in terms of broad understanding of basic principles and issues, that there are values represented by both the 10th and the 15th amendments, neither of which must be sacrificed or eliminated for the benefit of the other.

Surely, there are still in our Federal system important values involved in the retention of powers and responsibilities by the States and by the local communities and by the humblest unit of government. Surely, there are values in our Federal system that need to be preserved even in areas where admittedly there is less than absolute perfection with respect to the guarantee of the rights of all qualified persons to vote without regard to race or color. But, to suggest that we have come in this country to a pass where either the principles of one or the other of these amendments must completely give way, is to suggest a ruthless application of logic which denies and violates the very soundest principles of our form of government.

Mr. Chairman, I would like to observe that there was adopted an amendment to the Constitution some 40 years ago this year, which proposed and undertook to eliminate discrimination as to the right of voting based on sex. It is a strange commentary that that amendment and its adoption has never carried with it the aftermath of controversy and bitterness and strife that has followed an amendment adopted, curiously enough, 50 years before the women's suffrage amendment. I suspect the real key to that difference is that when women's suffrage was adopted, it had the support and the overwhelming support of a universal public sentiment. I suspect, on the other hand, and I think candor requires the acknowledgment, that there are areas even today in which that support of public sentiment, that universal acceptance by public sentiment, has not yet been achieved in behalf of the 15th amendment. I think we do a great disservice in the consideration of the legal technicalities of this issue, if we fail to bear in mind the fact that, as Lincoln so aptly observed, without the support of public sentiment nothing can be accomplished and with it everything may be accomplished. I appeal to a recognition of the importance of public sentiment expressed through the exercise of the local responsibilities and power of government. I recall back in the days of the civil rights discussions of the seventies, I think it was Senator Sumner who advocated a virtual total centralization of government in Washington.

I recall that after hearing an address advocating such centralization a colleague of Senator Sumner's from the State of Massachusetts, as he left the hall, remarked to a friend, "States are something still."

I offer this amendment not on any terms of legal technicality but on terms of basic recognition that the States are something still. As written, without this amendment, this legislation will bring into every election in every hamlet and every community the overseeing authority, supervision and control of Federal agencies. If the time has come in this country that the only assurance of civil rights, the only assurance of progress in the granting of civil rights, the only promise of true and effective self-government of freedom is on the condition that the heavy hand of the Federal Government be felt in every election for every office, then I suggest that what the spirit of freedom cannot preserve, no law can ever restore.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

I would like to ask the proponent of the amendment, would it be limited only to those cases where the Federal election was to be had? Is that correct?

Mr. JOHANSEN. That is correct.

Mr. ROGERS of Colorado. What would you do in the event there is a Federal election and a State election? Would your amendment require that there be separate registrars, one Federal and one for State election?

Mr. JOHANSEN. No. I said that this did not involve separation of types of ballot or elections occurring concurrently; that this restriction was limited to those elections in which there also occurred Federal elections.

Mr. ROGERS of Colorado. Let us assume that we have an instance of where there is a Federal election and a State election at the same time. Would your amendment say that the referee appointed by the court would have no authority whatsoever in any connection with an election where the State election was involved?

Mr. JOHANSEN. If simultaneously with a Federal election?

Mr. ROGERS of Colorado. Yes.

Mr. JOHANSEN. No. They would all be subject to the application.

Mr. ROGERS of Colorado. Then if a pattern was shown, a pattern or practice of discrimination because of race or color had been shown to a Federal court and the judge being satisfied that a pattern had been set up, and he had appointed a referee, and that referee makes a determination and the registrar issues a certificate, would your amendment permit him to take the certificate to the election polls and vote for all officers on the ballot for election at that time?

Mr. JOHANSEN. That is correct.

Mr. ROGERS of Colorado. Then how can you say it would only apply to Federal elections?

Mr. JOHANSEN. My desire is to limit the application to all candidates and issues involved in that election in which a Federal candidate is running.

Mr. ROGERS of Colorado. I am sure the gentleman knows, and we have read time and time again, that the 15th amendment applies both to the States and the United States in any election. That being true, if a man has a certificate from the referee appointed by a Federal court, does the gentleman envision that once he is qualified and registered he can then be denied the right to vote at any election?

Mr. JOHANSEN. In the first place, I am positive this amendment does not in any way say or imply that once qualified he is thereafter subject to disqualification.

I state again that I am not willing to presume to debate as a lawyer with the gentleman. I revert again to the proposition that we are trying to get at this as a matter of wise psychology and progress on a basis of a step at a time.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New York.

Mr. HOLTZMAN. I should like to call to the attention of the gentleman from Michigan the statement of the Deputy Attorney General on page 41 of the hearings wherein, among other things, the Attorney General said under notation 3 that the relief contemplated to merely extend to Federal elections, even if effective, the invaluable right to vote

for State officials would be lost. Does the gentleman disagree with the opinion of the Deputy Attorney General?

Mr. JOHANSEN. The gentleman from Michigan has said he did not. I am not going to get into a legal argument with the Deputy Attorney General.

Mr. HOLTZMAN. This is not a legal argument. It is a very simple question the gentleman from New York is asking: Is the gentleman in conflict with his own Deputy Attorney General?

The CHAIRMAN. The time of the gentleman from Colorado has expired.

(By unanimous consent, Mr. ROGERS of Colorado was allowed to proceed for 5 additional minutes.)

Mr. ROGERS of Colorado. Mr. Chairman, I am sure the answers given by the gentleman from Michigan as to the intent of his amendment amply demonstrate that it is impracticable and cannot be worked in the usual manner.

As I have pointed out and read from time to time, the 15th amendment places an inhibition against the United States and against the respective States of depriving an individual of the right to vote. That was the reason I asked the gentleman from Michigan how it would apply.

The pending amendment, which is known as the Celler amendment, offered as a substitute for the McCulloch amendment, provides that where a pattern or practice has been set up in a certain area the Federal judge, upon application by the Attorney General pursuant to the Civil Rights Act of 1957, can make an order after he finds that a pattern or practice exists to prohibit an individual from voting because of race or color. That is the only way that referees can be appointed. The judge must first find that a pattern or practice exists; and unless he finds it, you have no referee.

What happens when he does find it? He issues the order and he appoints the referee, or he himself, without the necessity of appointing a referee, issues a certificate to the individual showing that he is qualified to vote. Once he receives the certificate, the gentleman from Michigan would say that he could not use it unless there was an election dealing with Federal officials. If that were the effect of his amendment, it would violate the 15th amendment, as the 15th amendment applies to the States, because its inhibition is against the Federal Government and against the State depriving a citizen of the privilege of voting.

It would be practically impossible to separate the two and at the same time protect his constitutional rights. It is just that simple. You cannot have those two when there is an inhibition against both the State and the Federal Government in depriving the individual of the right to vote. He would not have to go to get the certificate in the first place if a pattern or practice had not been set up to deprive him of the right to vote. But the gentleman from Michigan would say that that does not apply to the States and that the State itself can deprive him of some privileges given him.

May I say to the gentleman from Michigan and those who want to support his amendment, you read the last sentence of the first section of the 14th amendment which says "There shall be equal application of laws to all citizens."

How are you going to get that in with the amendment offered by the gentleman from Michigan? It is not constitutional, it cannot work, it would result in two separate sets of books being set up in every State where this practice or pattern existed. I am sure that no one would want to provide two separate sets of voting books and if they do so provide, one would be according to the State law and another according to the Federal law.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. Would not the gentleman be inclined to feel that the acceptance of such amendment might bring into question the constitutionality of the whole bill itself?

Mr. ROGERS of Colorado. If we were to accept the amendment?

I will put it this way: I cannot conceive of any Supreme Court that would permit a citizen to vote in a Federal election and then by the same token turn around and deny him the right to vote in a State election; the 15th amendment applies equally to both State and Federal.

Mr. MEADER. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, I dislike to oppose my colleague and neighbor from Michigan, but I might say to the Committee that his amendment is, in my judgment, worse than the Budge amendment which the Committee voted down last Friday. Notice what the pending amendment would do as compared with the so-called Budge amendment.

The Budge amendment would permit everyone to vote at any election where there was a Federal office on the ballot and at that election the voter could vote for all offices, Federal, State, local and what-not. But this amendment would restrict the voter not only to those elections in which a Federal office was on the ballot but would permit the voter only to vote for the Federal office.

Mr. Chairman, that is much more unworkable than the Budge amendment. I pointed out on page 6019 of the CONGRESSIONAL RECORD of last Friday, March 18, the reasons I thought the Budge amendment was wrong.

I pointed out, first, that the 15th amendment applies to the right to vote without any limitation as to the elections in which that vote could be cast and that to restrict it by Federal legislation here would, in effect, limit the generality of an amendment to the Constitution of the United States. I doubted the constitutionality of such provision on that ground.

I pointed out, in addition, that when a voter is registered to vote and is on the certificate of the registrar and on the rolls of registered voters, it would be difficult to set up a system which would deny such a person the right to vote in local elections and permit him to vote in an election where there is a Federal office involved.

But here the unworkability of this amendment, if I understand its effect, becomes even more apparent when you are going to have a ballot with the names of Federal, State, and local officers on it and you are only going to permit the voter to vote for the Federal officers. How can you possibly do that without disrupting the whole machinery of the election, the voting machines and the ballot? You would have to separate the ballot itself and give the secondary citizen a bobtailed ballot and not let him vote in all elections for all offices, State and local as well as Federal.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I will say to the gentleman in all fairness that the amendment does no such thing. For instance, I am to be elected this summer, I hope, and on that ballot there will be local officials at the same election. Under the specific terms of this amendment, they will be able to vote for all of those people. There is no question about that. I wish the gentleman, who is a splendid lawyer, would read the amendment again.

Mr. MEADER. It says "for the office of President, Vice President, presidential electors, Members of the Senate, Members of the House of Representatives, Delegates or Commissioners"——

Mr. WILLIS. That is not the end of it.

Mr. MEADER. "At any special or general election." But, the election is only for the election of a Federal officer.

Mr. WILLIS. Please finish reading.

Mr. MEADER. I will read the whole amendment and the gentleman can construe it to suit himself. I presume it follows before the semicolon, after the word "election" on line 10, page 6, and this is the inserted material. The words that follow are "election: for the office of President, Vice President, presidential electors, Members of the Senate, Members of the House of Representatives, Delegates or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate."

But it is only the election of Federal officers that is covered by the terms of this amendment.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. CRAMER. As I read the amendment, it specifically provides that in any election where one of those enumerated Federal officials is being voted on, then the person will be entitled to vote in that election both for the Federal and the State officials, but if you get into a strictly State election, with no Federal official being involved, the position of the proponent of the amendment is that the

Federal Government should not get into that, anyway, and therefore the amendment would not apply. But it does apply in elections in which a Federal official is involved, and it permits you to vote in both Federal and local elections.

Mr. MEADER. I do not know whether the gentleman is prepared to speak for the intent of the author.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MEADER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. I submit that there is an election for electors for President, election for Members of the House of Representatives, election for Senators, and so on. There are also elections for local officers, and it is only to those elections which relate to Federal offices, even though they may be contained on the same ballot as elections for local offices, that this amendment would apply.

Mr. CRAMER. Would the author of the amendment answer the question as to whether my position is correct?

Mr. JOHANSEN. The position of the gentleman from Florida is completely correct. The purpose of this amendment is to restrict the operation of the bill we are now considering and the amendment we are now considering to those elections and to all offices involved in those elections in which there are candidates for any or all of these Federal officers.

Mr. MEADER. In other words, it is the gentleman's intent to cover the same elections as covered by the Budge amendment?

Mr. JOHANSEN. Exactly.

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I thought we had debated at length last Friday the principle involved in this amendment. We spent several hours on the subject. I think no one in the Committee denies that the 15th amendment applies to State and Federal elections equally. Why we should attempt to reach a result here which should establish a distinction between a constitutional right in respect of one election and another right in respect of another election is beyond me. I submit that this amendment would result in separate but unequal voting.

The whole reason for the so-called referee proposal, I would remind the Committee, is founded on two principles: First, that it would apply with full force and effect and strength to both Federal and State elections; and second, that because it had within it the means of enforcement. We will get to the problem of enforcement a little later, but, for the time being, suffice it to say that as the Attorney General of the United States testified on Friday, February 5, before the Senate Rules and Administration Committee:

> Discrimination is constitutionally objectionable whether it applies to a State election or a Federal election. Actually the right to vote in a State or local election is often of greater practical significance to the voter. The need for the elimination of racial discrimination in the conduct of both types of elections is apparent. Legislation dealing with the matter should therefore extend to both.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish to emphasize to the gentleman from Michigan whose amendment we are considering that when he tries to make this voting referee proposal apply only to the election of Federal officers and not State officers, he runs counter to what we did when we passed the Civil Rights Act of 1957, because in that act, section A, we put all elections within the statute. We did not say then that some elections would be considered and others would not be considered. We said the provisions of section A would be applicable to all elections. We used the word "all." And when we used the verbiage of the 1957 act we went all the way back to the 1870 act, the Reconstruction Act. That act was made applicable likewise to all elections, not merely Federal elections. Very significantly, the Attorney General in his letter to me under date of March 17 stated:

> It would be sheer sanctimony for the United States on the one hand to continue to guarantee in its Constitution as it has since March 30, 1870, the right of Negroes to vote without discrimination in all elections, both Federal and State, and on the other hand, 90 years later, in March 1960, to enact legislation which by failing to enforce the right clearly implies that Negro voting need not be a reality in State elections.

The Attorney General went on further to say:

> The 15th amendment of the Constitution guaranteeing all American citizens the equal right to vote without discriminatoin on account of race or color applies to all elections for public office, both State and Federal.
>
> If such an amendment—

He was then referring to the so-called Budge amendment, but his words are just as applicable to the Johansen amendment.

> If such an amendment as has been suggested were adopted, it would be an open invitation to the establishment of segregated elections for State officials, thus denying Negroes their clear constitutional right to vote without discrimination in such election.

If more were needed, we have the testimony of the Deputy Attorney General, Judge Walsh, before our committee. He significantly made this statement:

> State elections must be included in the relief given by Congress for many reasons; we cannot tolerate Jim Crow at the ballot box.

I repeat, we dare not tolerate Jim Crow at the ballot box. We cannot have Jim Crow at the State ballot box.

> It would be ironic indeed if while Federal courts assert the illegality of segregation in public schools, in railroad waiting rooms, in parks, and on public golf courses, it is by Federal legislation expressly condoned in the voting place. State elections may be less dramatic but they can in reality be more important than Federal elections. They decide who will run the schools and who will enforce the laws, who will select the juries, and who will be the local judge. It is only in the right to vote in these elections that there lies the kernel of hope for the ultimate eradication of racial segregation and the long-awaited fulfillment of a basic promise that the protection of the law shall be equal to all.

This amendment reared its ugly head last week and we knocked it off. It raises its head again.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. HOFFMAN of Michigan. I object, Mr. Chairman.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from New York [Mr. CELLER].

Mr. CELLER. I thank the gentleman.

Mr. HOFFMAN of Michigan. Just a minute. I make a point of order on this.

Mr. CELLER. Mr. Chairman, deprivation of the State's ballot is wrong.

Mr. YATES. Mr. Chairman, I am entitled to yield to the gentleman from New York.

The CHAIRMAN. The gentleman from Illinois was recognized, and he yielded to the gentleman from New York. The gentleman from New York is continuing in order.

Mr. CELLER. Deprivation of the State's ballot is wrong. A wrong cannot be right. It is the right to vote that is at stake by virtue of the 15th amendment. The 15th amendment is not bobtailed. It does not say some votes may be abridged but others not. What kind of sophistry is this? Denial of the vote through racial bias is 100 percent wrong and it cannot be corrected 50 percent. It should not be corrected 50 percent. That is a most anomalous situation.

Suppose a man is qualified under State law by a voting referee. The man thus qualified could vote for Federal officials. But this same qualified voter would be denied the right to vote for State officials. It is confusion worse confounded. We would make ourselves ridiculous if we would adopt a proposal of this character.

Is there not admission then that the evil, the denial by discrimination, is divisible? Is there not then an inducement to continue segregation on the basis of race?

That approach, to my mind, is immoral. It seems that when one was asked for a definition of the word "justice," the answer was—"Every man loves justice at another man's house. Nobody cares for it at his own." Well, Mr. Speaker, I want to care for justice to the Negro who is thus denied and, thus, deprived of his right to vote. I care for him at not only Federal elections, but State elections. There has been ample proof, proof beyond the peradventure of doubt, of a denial of the right to vote. Witness the report of the Civil Rights Commission. It is as clear as the nose on one's face that in certain sections, there is an environment that is hostile to those very persons who have been thus denied the right to vote. They appeal to us for a modicum of relief. We cannot turn a deaf ear to their plea as far as State elections are concerned, and just give them relief only as far as

Federal elections are concerned. I say that the election of a State official might be far more important to some people than the election of a Representative to the Congress. The election of a sheriff—a sheriff who might keep hermetically sealed the jail doors against mob violence such as occurred at Poplarville—might be far more important than the election of a U.S. Senator. In turn, the election of an election official, for example, who might guarantee to the individual the vote may be far more important than the right to vote for a presidential elector. You cannot divide this right. This inherent right to vote is guaranteed by the 15th amendment. You cannot chip it off as you would a block of wood. You cannot alienate it. This is an inalienable right. You cannot part with it as you would part with a bauble. Like your own conscience, that right to vote must remain intact. The vote is a shield and a sword. A sword with which to conquer bigotry and a shield to protect life, liberty, and property.

This amendment would result in two separate elections. Thereby by an act of a State legislature voting for Federal office would take place on one day and for State officials on another day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. HOFFMAN of Michigan. Mr. Chairman, I object.

Mr. SMITH of Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, of the 436 Members of this House of Representatives, the last man to make the argument you just heard is the gentleman from New York, and I expect to prove it out of his own mouth. This is the first time in all this civil rights procedure that the Congress has ever been asked to include local State elections. That is what this is. This amendment covers all elections that have Federal officers named on the ballot, but excludes those local elections which have no national effect. The gentleman from New York "fit, bled, and conquered" on the Civil Rights Act of 1957. Let me read to you the language of that act. I want to say, Mr. Chairman, that the Johansen amendment is copied word for word, verbatim, from the Civil Rights Act of 1957, and was written by the gentleman from New York. Mr. Chairman, the gentleman from New York "fit, bled, and conquered" to establish a Civil Rights Commission, and the Civil Rights Commission made a recommendation. There the recommendation is the same as the Johansen amendment.

Then again, when the subject came up this year, the distinguished, learned gentleman from New York [Mr. CELLER], who has taken more interest in the protection of the voters than anybody else, and has offered all of these bills and supported them and carried them through his committee, has produced a bill for voting privileges. On January 7—not 2 years ago, but 2 months ago, on January 7 of this year—he offered a bill for voting privileges. The language of that bill is "to vote for any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, or Resident Commissioner of the Commonwealth of Puerto Rico in the House of Representatives, at any general, special or primary election held solely or in part," and so forth.

The identical language of the Johansen amendment. How can the gentleman blow hot and cold so quickly? I am tired of this hypocrisy—how can the gentleman blow hot and cold so quickly, when on three different occasions, one within the last 2 months during this session of the House, he has proposed and offered legislation in the identical language of the amendment offered by the gentleman from Michigan [Mr. JOHANSEN]? How ridiculous can we get? Here is the same man—you would think he was arguing a law case in which he was employed on one side, then on the opposite side in the identical case in the next term of court. In his basic bill, the bill that we are now considering, H.R. 8601, it has another provision in it about voting rights.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Excuse me just a moment. I want to nail the gentleman from New York [Mr. CELLER] down so tight that he will not be able to wiggle any more. He has been on both sides of this question in the last few months. He has argued them both ably, and he is able to argue ably. He has argued them intelligently. If there was a third side to this question, he would be on that side before this is settled. How ridiculous can we get?

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Virginia was granted 1 additional minute.)

Mr. SMITH of Virginia. Here is a bill that was reported by his committee. He "fit, bled, and conquered" on that. In that bill, on the second page, H.R. 8601, you have that bill before you.

Federal election registrar.

That is where you are going to maintain any election records—it says:

> Every officer of election shall retain and preserve for a period of 2 years from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession—

And so forth. He did not say anything in any of those bills about including elections for State offices. Again I ask how ridiculous can we get and hypocritical will we become, before we conclude consideration of this monstrous proposal?

Mr. QUIGLEY. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield.

Mr. CELLER. I want to say to the gentleman from Pennsylvania, and I hope the gentleman from Virginia is listening, that many of us are interested in progress, and when a better bill comes along we embrace it. Beyond that, as far as consistency or inconsistency is concerned, I repeat what I said before the Rules Committee not so long ago. General Lee said to General Beauregard: "Patriotism sometimes requires of me to act exactly contrary at one period to that which it does at another."

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield to the gentleman from New York.

Mr. LINDSAY. I thank the gentleman for yielding and I asked him to yield only for one purpose, and that was to reply to the gentleman from Virginia who said that the Congress had never before enacted legislation which embraced local elections. I think it is worth pointing out that the act of 1870, which is still on the books, says in so many words:

> All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality or other territorial subdivision, shall be entitled and allowed to vote at all such elections without distinction of race, color, or previous condition of servitude, any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding.

Mr. QUIGLEY. May I say to the gentleman from New York that he heard the gentleman from Virginia in exactly the same manner I heard, and that is why I asked for this time to say that the Congress of the United States did in the past enact laws affecting all elections. I agree with the gentleman from New York that the statute he read, of 1870, was passed and it did provide for all elections.

I would like to point out that the gentleman from Virginia very cleverly did all his reading from the Civil Rights Act of 1957 from section (b) and carefully avoided reading section (a) which covers every election for every office at the State, local, and national levels; and section (a) reads as it does because that was the intention and the purpose of Congress.

And as for the section which the gentleman from Virginia read, Congress used that language simply because it was the only way we could do it constitutionally.

The particular language the gentleman from Virginia was referring to has to do with individuals. If he would read section (a), which I am sure he has done many times, he would know very well that in that section we attempt to control, not individuals but, State officials acting under color of law. In this instance, in the act of 1957, just 3 years ago, Congress passed a law directed at every election from the President on down to dog catcher, and I submit that is the only effective way that we can pass a civil rights bill here in 1960.

If you want to wreck the bill and get one not worth voting for, load it up with amendments such as the one now pending but if you are sincerely interested in

doing a job of protecting the voting rights of all American citizens, then vote down the amendment.

Mr. Chairman, I urge that the amendment be defeated. The argument of the gentleman from Virginia is completely at variance with the facts. The language in section (a) of the 1957 act as well as the language of the act of 1870 read by the gentleman from New York contradict him completely.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield to the gentleman from North Carolina.

Mr. WHITENER. This is not connected with what the gentleman is talking about; but since the gentleman is so interested in correcting other folks, I thought this might be interesting.

Mr. QUIGLEY. I am not interested in correcting other folks. I am interested in keeping the record straight.

Mr. WHITENER. I want to straighten out the record, too, on what the gentleman said a few days ago, that is, that there was an instance of conclusive presumption in the case of the paternity of a child. I would like to call the gentleman's attention to Bouvier's Law Dictionary, in which it is stated:

> The husband is prima facie presumed to be the father of his wife's children born during coverture or within a competent time thereafter.

I am sure when the gentleman seeks to correct the gentleman from Virginia that he is not ascribing to him the same degree of infallibility of the law as he is on civil rights.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. QUIGLEY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. QUIGLEY. I would merely say to the gentleman from North Carolina that the response I gave in reference to the legitimacy of a child born in lawful wedlock was in response to a question. I have not researched the point, but I am still willing to stand on what I said about conclusive presumption.

Now, 3 or 4 days later, the gentleman does not care to comment on the other examples of conclusive presumption which have existed in the law.

Mr. WHITENER. I will say that every statement the gentleman has made on conclusive presumption is completely erroneous.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GRANT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GRANT. Mr. Chairman, here we are at it again. Several years ago when the so-called Civil Rights Commission was established on a temporary basis to run only 2 years, I made the statement that it was too good a political train to ride to let it expire and that attempts would be made not only to extend it further but to make it permanent and to include FEPC and other measures just as obnoxious.

Today, we are faced with the spectacle of both bodies debating this issue. When the House bill is adopted, it is predicted that debate in the Senate will be stopped and the House bill accepted. Those who have planned it this way may be in for a shock. The southern Senators have made no such trade.

Let me warn you that this catch-all piece of punitive legislation aimed at the South will, in the end, react more strongly against those it is alleged to benefit.

Oh, that some modern Moses would lead us out of the wilderness. There is a plaque on the Exchange Hotel in the city of Montgomery, Ala., the Cradle of the Confederacy, which city I have the honor to represent. This plaque marks the spot where, in introducing the President of the Confederate States of America to Alabamians, the silver-tongued orator, William Yancey, stated, "The man and the hour have met." Oh, but today that could be true. Is there no one who can lead us into an era of understanding and racial peace? The great majority of both races in the South want just this.

There exists in Montgomery a fine Negro college, established and dedicated by the State, for the training of Negro teachers and is comparable to any in the Nation. This school has a large enrollment of students not only from our State but from many far away. The citizens of Alabama met the challenge of the education of Negroes in the State of Alabama by establishing this college. The teachers in the Negro schools receive the same rate of pay as those in white schools. I have told this to Members of Congress who have been brainwashed by all this propaganda, and they have been amazed because stories of this nature are not sensational.

Led in the main by out-of-State students, a group marched down to the courthouse in Montgomery, entered the privately operated lunchroom, took their seats, and demanded to be served. They had no business at the courthouse; they were not jurors, witnesses, or in any way concerned with any business at the courthouse. Their place was at school which the people are being taxed to support. In order to keep down any disturbance, the operation of the lunchroom was closed.

Recently, students of this Montgomery college began to gather upon the campus, and when ordered to disperse by Negro school authorities, they declined to do so with the result that local authorities had to be called in to disperse them. The trouble you proponents of this legislation are creating is only leading to school trouble between members of the same race. It could not be carried out any better than if you had planned it.

On beautiful Dexter Avenue in the city of Montgomery, just off the capitol grounds, stands a Negro Baptist Church. For many, many years, to my own knowledge, over 50, Negroes have worshiped day and night and without any thought of molestation by anyone. Down the street a block or so stands a white Methodist Church, which I have been privileged to attend. Sunday after Sunday, day after day, congregations of these respective churches, have worshiped as their conscience dictated—never a thought of malice or ill will toward their neighbor.

Sunday before last, a meeting was held in the Negro church, with the announcement that they would march out and have prayer upon the capitol grounds. The photographers, newspapermen, and television cameramen were told to be there. But to the everlasting credit of the sheriff of Montgomery County and the commissioner of public safety for the city of Montgomery, there might have been an ugly picture carried to the Nation. It is not for me to question anyone's religion; however, one is prone to wonder why it was necessary to leave a house of prayer and to go out to make a public demonstration. Yes, this leads many who know the situation to wonder if some of the so-called leaders did not want trouble. Speak of the spirit of Gandhi—peaceful resistance. The sheriff and police commissioner were ready to move in on anyone who gave trouble, be they white or colored.

You people who proudly boast that you want to help the Negro race are blind to conditions. Yesterday in the South where there existed trust and good will, today there is suspicion and distrust. Yes, the Negro race in the South needs help. They ask for food, and you attempt to give them social equality. I am interested in the economic condition of the Negro of my section. There are those who would divide us. The right-thinking people of the South want to see the white and colored races live in harmony. Our economic welfare is indelibly linked, and one race cannot prosper without the other. Let us see that the Negro race is not led astray by those who would use them for their own selfish purpose.

I yield to no man in my help to the Negro race. As solicitor for many years, I helped scores of them who were poor and friendless. I believe that I could prove to even any biased person by my stories of actual help over a period of years that I have been a friend of hundreds of Negro people. I have voted here to help Negro farmers and veterans, just as I have for the whites.

Certainly, Negro parents have hopes and ambitions for their children. I have never advocated status quo for the Negro race. They can and will make great progress without going to integrated schools. Yes, many of you are interested in the Negro as long as he remains in the South; the nearer he gets to you the less your interest appears. What have you done to encourage his development?

Here in the city of Washington, integration has not worked in the schools; it has not been a success. Some of the daily papers, and the Superintendent of Education to the contrary. This Super-

intendent, who has taken time out to go to Atlanta and other southern cities to preach the glory of integration, should have remained here and made firsthand investigations of the rotten conditions in some of the schools; I can give names of schools.

We all realize that it makes good political fodder in some parts of the North to harp on conditions in the South; however, people are fast learning the facts. In the New York Times under date of November 5, 1958, on page 1, in telling of Congressman KEATING's victory over Hogan for New York Senator, the story goes on to say:

In keeping with a campaign promise, Senator-elect KEATING will leave tomorrow with Senator JACOB K. JAVITS to visit Atlanta, Jacksonville, and Birmingham to investigate recent bombings.

While the integrationist twins were making their journey through the South the New York papers were covered with crime reports.

On November 8, page 44, the New York Times carried a full story on the great visit to the South, and this was followed by a report from Rochester, N.Y., by the way of AP:

Police today are seeking vandals who toppled 28 tombstones in the cemetery in suburban Greece.

Rochester is the hometown of one of the Senators who was in the South at the time investigating bombings.

I am not going to enumerate the many stories of murder, rape, robbery, and other heinous crimes, as carried in the press.

What does the Book of Books say?

And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

The mail recently brought a letter from Mr. Paul Butler, and I quote:

I think you will be interested in the enclosed policy statement issued by the Democratic Advisory Council concerning civil rights. The statement includes the council's views with respect to congressional action.

I am not at all interested in this council's views upon this or any other issue. I am fully capable of discharging my duties without the advice of this advisory council.

Most of the Democratic Congressmen that I have talked with are getting tired of this self-appointed outfit telling us how to vote on every issue that comes up. In the past, we have been proud of our national committee. Like any other committee, there may have been petty, inside quarrels but now since the committee has seen fit to abrogate its duties to an outside organization and let the "tail wag the dog," so to speak, the Members who voted to set up this advisory council should notify the Democrats of their respective States that, as committeemen or committeewomen, they voted to turn the affairs of the committee over to someone else. Their opinion has not been requested by the Democrats of the House and Senate; and as a duly-elected Democrat, I resent their attempting to instruct me how to vote. If their advice is needed, it will be requested. I might add that the Alabama Representatives on the committee do not favor the chairman's tactics.

This council does not want only support of this legislation now before Congress but states that it advocates more far-reaching measures. They want nothing but pure, simple, punitive, hate legislation against the South.

Think of this coming from the Democratic Party, the party of our fathers, and aimed at a section of the country that has nurtured and held the Democratic Party together in many a lean 4-year period. Think of this self-appointed and self-annointed advisory council telling us that the hate legislation now before the House and Senate is not strong enough.

While you Republicans are not blessed with an advisory council, the President, in his recent press conference, stated that this question of civil rights should be worked out at the local level; that interracial committees should be organized. I would like to call to the President's attention that good progress was being made by such groups; however, since the Civil Rights Commission and Congress have stirred up the matter, it is growing harder and harder for interracial committees to function—in fact, they are not going to function under present conditions.

The President also declared his opposition to the idea of trying to solve every local problem from Washington. If he is serious about this last statement, he should know that these so-called civil rights laws tend to solve everything at the Washington level. This problem is not going to be solved at Washington, but Washington can make it more difficult for there to ever be a solution. I am sure the President knows that when he was in the Army integrated troops were not conducive to good morale. In other words, it did not work in the Army, and in the South it will not work in the schoolroom.

Just what is this stir about civil rights? Every right is now protected by law. Additional laws and statutes will not in any way improve the situation.

Who is going to rise here and ask what about the civil rights of the law-abiding citizen who walks the streets of New York and Washington? I wonder, in all their zeal for civil rights, why no mention is ever made of civil responsibility? Perhaps, if more were said about the citizen's responsibility, more good would be achieved in the end. However, it is hard to arouse emotions when speaking of civil responsibility.

While there is no authorization in the Constitution for any of these civil rights bills, this makes little or no difference to their proponents. All that you need in a bill of this type is some meritorious and good statement that a right exists, and then proceed to set out the penalties for violating this right. In the words of Lincoln—who, by the way, was not an integrationist—"With malice toward none," the white people of the South and a majority of the Negroes will work out their destiny, each proud of his own race. Mark my words—you are not going to, by this or any other legislation, control hate and racial prejudice. This can be worked out only by men of good will. Let me reiterate that the South was making great progress in this field until you who are removed from the scene began to stir it up. The trouble in the South is directly at your doorstep. Let me beseech you to study very carefully the effect of what you are doing.

Mr. McCULLOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. Ever since the debate started on this matter I wanted to say what I am about to say now, and that is words of commendation for the gentlemen from Ohio for the very diligent and effective effort he has made in connection with this legislation. He has been fair, he has been reasonable, and I am sure he will continue that way. I want the record to show at this point what my feelings are about him.

I might add just a further word: I have not entered into the debate when we were considering the Budge amendment. Apparently this is about the same thing. I rather suspect the result will be about the same at this time.

Mr. McCULLOCH. I thank the gentleman from Indiana.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. HOLTZMAN. I should like to ask the distinguished gentleman from Indiana, the minority leader, just what his impression is with respect to this pending amendment. I think it would be very helpful to all of us on both sides of the aisle to have a clear understanding of the position that he takes on this amendment.

Mr. HALLECK. A lot of people over there have asked me what I think about this legislation. After all, we are just in the minority. But for the gentleman's information, I propose to vote against the amendment.

Mr. HOLTZMAN. I should like to say to the gentleman from Indiana in response that it was not my impression that because he is the leader of the minority that he is precluded from having an opinion on the pending amendment or any other amendment.

Mr. McCULLOCH. Mr. Chairman, on Friday last I referred to the 15th amendment to the Constitution of the United States. It is worth while to read it again with one interpolation that I intend to make. I read:

The right of citizens of the United States to vote—

Now, I interpolate this "for Federal office"—

shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

That amendment to the Constitution of the United States has no limitation written into it, and there is no dependable present decision of a court which reads a limitation into it. I hope that this committee will not today read a limitation into it.

Mr. Chairman, the amendment offered by my good friend the gentleman from Michigan [Mr. JOHANSEN] should be defeated, as was the amendment of my good friend the gentleman from Idaho [Mr. BUDGE]. There were four words used in debate this afternoon which should determine this question for everyone who is unbiased and unprejudiced. They came from the gentleman from New York [JOHN LINDSAY]. He said:

> If you want separate but unequal voting, vote for this amendment.

Mr. Chairman, I hope that the amendment is defeated.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Johansen amendment end in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Chairman, the statement was made here today that if Congress adopts the Celler substitute to the McCulloch amendment, it will, for the first time, intrude Federal legislation into non-Federal elections. The authority under which Congress purports to act in protecting the right to vote is derived from the 15th amendment to the Constitution of the United States. The 15th amendment clearly states the scope of the right to vote. The right to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. Its language is not limited to Federal elections. The right to vote is a right of United States citizenship, and that means the right to vote for any office from dogcatcher to President.

This right is the most basic element of a democratic society.

Mr. Chairman, we in the Congress represent the people of America in a democratic form of Government. We are here because Americans throughout the history of our Nation have believed that government should be based upon the consent of the governed. We must remain faithful to this principle. We will be able to do so only if the right of the franchise is scrupulously guarded.

Yet most of the people of my congressional district consider their local officers just as important or more important than any officer elected at the Federal level. And they are just as important. The actions of local officials have much more direct effect upon the daily lives of our citizens than do the actions of Members of Congress or the actions of any other Federal official.

Mr. Chairman, the eyes of the world are upon the U.S. Congress. We have tried hard to sell American democracy to the world. We have made a great issue of the superiority of our democratic form of government. Our point is lost unless we demonstrate by our actions the principles that we have been talking about.

Mr. Chairman, if we were to adopt the amendment of my good friend, the gentleman from Michigan [Mr. JOHANSEN], we would, in the eyes of the world, be denying that we ourselves believe in democratic government.

Mr. Chairman, I urge the Members of the House to reject this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I would like the attention of the gentleman from New York [Mr. CELLER]. I recall that not too many years ago there was an election held in Kansas City, Mo., involving a Member of Congress; a Federal election, in other words. As a result of that election fraud indictments were returned and less than 24 hours after the Federal grand jury returned the indictments, the safe in the courthouse was dynamited and the ballots from 32 precincts in Kansas City, allegedly containing a lot of ghost votes, were stolen and never found. This was when the Pendergast machine was operating in Kansas City. The question I ask the gentleman is what would be the civil rights of the citizens who in good faith voted in an election if this bill were enacted, and the same set of circumstances obtained? What would be the civil rights of those whose legitimate votes were invalidated by virtue of such circumstances?

Mr. CELLER. I do not know how this bill would affect that very unusual and unique situation where a safe deposit box or some receptacle of that sort was dynamited. I presume the State law would prevail and the culprits would be brought to book under the State statute. I cannot conceive how this particular statute would be applicable to that situation.

Mr. GROSS. This bill involves voting rights and the validity of votes, does it not?

Mr. CELLER. That is correct. It involves the registration, and the casting of the vote. It refers to the qualifications of the voter and the casting of a ballot of a qualified voter. If I remember correctly we have Federal statutes now that would cover that situation with reference to the destruction of ballots.

Mr. GROSS. They certainly had such laws then, but to this day the ballots have not been found and no one has been prosecuted.

Mr. CELLER. That is up to the law-enforcement agencies.

Mr. GROSS. As I understand it, there are laws on the statute books today to take care of voting rights. The reason why you have this legislation here presumably is because the laws are not being enforced, is that not correct?

Mr. WILLIS. Mr. Chairman, will the gentleman yield to me?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. WILLIS. I would say to the gentleman that my chairman has referred to the scope of the bill as having to do with qualifying people to vote, and so on. Let us go back to the Constitution. Article I, section 2, says:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

There the Constitution speaks of who has the duty and the obligation and the jurisdiction with reference to the qualification of the voters. On the other hand, the regulation of elections, which is what this bill would do, is covered by the Constitution in this way. In one place it says that a Member of the House or a Senator, his qualifications are left up to the States.

This would regulate qualifications of each of the voters. Here is what it says about the regulations:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

Regulations for what? Regulations as to times, places, and manner of holding elections for Senators and Representatives. Nowhere in this Constitution does Congress have jurisdiction to pass upon the qualifications of voters for a State election and authorize them to go to a Federal referee to get a certificate of voting for a sheriff or anyone else.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. JOHANSEN].

Mr. WILLIS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the chairman appointed as tellers Mr. JOHANSEN and Mr. CELLER.

The Committee divided, and the tellers reported that there were—ayes 137, noes 157.

So the amendment to the substitute amendment was rejected.

Mr. BONNER. Mr. Chairman, I move to strike out the last word.

Mr. BONNER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Chairman, as this body is fully aware, I am not a lawyer. I have no legal training or background in law. The legality of what we are doing has been expounded at great length by Members on both sides of this controversy. There have been learned orations by the proponents of the measure before us and equally learned orations by the opponents of this measure. As a layman, and as one who has for 20 years had the privilege of serving in this body, I am unalterably opposed to the proposal before us.

Our Constitution and the reservations retained by the States have given certain basic rights to all people under the American flag. I sincerely feel that our Constitution should be upheld in its entirety.

It seems to me that the Federal Government, in this proposal before us, is reaching mighty far afield in trying to grant a certain right that has already been given.

I do not believe that this Congress has the right to step in and disturb the rights

of States in the election of their State and local officials. Nowhere can I find this right granted to Congress and I believe our Constitution has been emphatic on that point.

It seems to me that the bone of contention throughout this matter has been whether or not a certain segment of our citizens has been and is now being discriminated against by being deprived of their voting rights. This discrimination, I might add, exists not alone in the South, but in many of our other States wherein so-called minority groups are merely counted as second-class citizens or worse. I cannot in good conscience believe that any Member of this body would feel that our democracy is existing or can exist with first- and second-class citizens.

We are people under one flag, and as such, are entitled to the rights and privilegs granted us thereunder.

If our several States have been lax in their discriminatory practices, or if certain elected or appointive officials of those States have been lax, or are guilty of misfeasance or malfeasance in office, is it not a problem of the people who elected or appointed these officials to clean house through the use of their own State courts?

I cannot in all honesty think that the systems of justice set up within our States would fail to grant to any person with a legitimate claim before their duly constituted courts refusal of equal justice under the law. Are we not here now attempting to invade a territory and to take on a responsibility which does not lie within the ambit of our responsibility or our legal right? Shall not these persons with a valid complaint utilize a now existing recourse open to them?

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I want to compliment the gentleman for the statement he is making now, and also to acknowledge, as a member of the House Committee on the Judiciary, the invaluable support, encouragement, and advice we have received from him over the years. He is chairman of a very active and very important committee, but he has always found time to appear before our committee and give us the benefit of his good judgment, and I do want to publicly express appreciation for the great contribution the gentleman has made to this great cause in which we believe so strongly.

Mr. BONNER. I thank the gentleman from Louisiana for his kind words.

Mr. Chairman, may I say to the Members of this House seldom do I take the floor on matters coming out of other committees, but I believe today that the subject before us is one that is going to bring trouble to this country in years to come.

Mr. Chairman, shall not these persons with a valid complaint utilize now an existing recourse open to them, or are we here in the Congress in our so-called wisdom, deeming and declaring despicable every State system of courts in the 50 States of this Union? Have we this right? Or does the Congress want to declare a conclusion that no citizen of any State in this Union can receive full justice before the courts of his own State and, therefore, a Federal appointed referee must act in order to see that justice is done? It seems to me, Mr. Chairman, that those are the crucial questions we must answer to ourselves.

I want to remind you again that I am only a layman, but in my lifetime I have read widely, I have studied carefully and have been privileged to observe the rise and the fall of nations and leaders during this century. Therefore, I feel that I can say with firm conviction that when a nation first loses its freedom of education and then its freedom of the vote, we are only a short step from dictatorship. Dictatorships have arisen and nations have fallen when free elections were denied its citizens. Certainly I will not go so far as to say that any child regardless of race, color, or creed, is not entitled to education up to the fullest capability that child may show; but our court decisions, as we all know, have resulted in the greatest chaotic mess in the educational field that this country has ever known. There are literally thousands of children, both colored and white, without any adequate facilities due simply to the fact that our Supreme Court in its so-called wisdom has thrown into turmoil what had heretofore been systematic school programs within the several States affected by that decision.

Mr. Chairman, in the Southern States there are more Negro schoolteachers employed than in all the other States of the Union put together, and their salaries are just as high, and in most cases higher.

I do not in fairness believe that within these States now in this position that one race has been held above the other in being assured of adequate facilities for its children. The matter now before us seems to reach toward Federal control of elections. Under the proposed legislation what is to act as a stopper to prevent the Federal Government from usurping the inalienable rights given the States by the Founding Fathers in their wisdom so guaranteed by the Constitution?

If we are not careful we will find ourselves one step further along the road toward depriving our States and their peoples of their precious constitutional rights and, gradually, perhaps rapidly, transforming the great governmental system we have, with its checks and balances, into one of Federal dictatorship or tyranny.

I call on certain races to remember what happened in Germany when a great race of people were almost exterminated. Mr. Chairman, the progress was along the line that this House of Representatives and this Congress are for doing today. It grew up, Mr. Chairman, in just such a procedure, in just such forward steps and, as I say, a great race of people, a great people, who contributed much to our country, were almost exterminated. Beware, it can happen in America. Do not think it cannot. It is for those who are thinking for the future to look to their conscience.

Mr. Chairman, I am opposed to this legislation because I believe it will destroy rights for all people, even the rights of those it is alleged to help.

Mr. CELLER. Mr. Chairman, may I make the unanimous consent request that all debate on the Celler substitute and all amendments thereto close in 15 minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. McCULLOCH. Mr. Chairman, I object.

Mr. CELLER. What would the gentleman suggest?

Mr. McCULLOCH. If I might reserve the right to object, I should like to ask the gentleman from New York a question concerning amendments. How many amendments are pending, and how many may be offered in the meantime?

The CHAIRMAN. The Chair has no way of telling how many amendments are going to be offered, but there is pending, as the gentleman knows, his amendment and the Celler substitute. They are pending now.

Mr. CELLER. In other words, Mr. Chairman, there are no amendments pending except the Celler substitute?

The CHAIRMAN. Which includes the McCulloch amendment.

Mr. CELLER. Mr. Chairman, the gentleman from Virginia [Mr. SMITH] suggests that I wait 5 minutes.

Mr. EVINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what we have been witnessing here for the last few days is a coalition between our friends on the extreme right and the Republicans. It is a little reverse to what we sometimes are being accustomed to seeing.

Mr. EVINS. Mr. Chairman, as we continue this debate into the third week in the House, I feel that a few observations may be in order.

This debate has been, at time, an interesting one and I trust, in the main, a wholesome debate.

One of the real services which we in the Congress can perform is that of focusing attention on all aspects of important issues so that we may be better informed and also that the Nation may be better informed and have a better understanding of what is involved in the issues we debate.

We have thus been witnessing—both in the House and in the other body—a program of education.

We started this debate on a very high plane—I regret to say that at times there have been some bitter remarks and some evidence of bitterness on all sides.

We have heard some threats—or implied threats—of secession from the Union.

One of our colleagues, at least has let it be known, that, during the next session of the Congress, the South would make an attempt to reorganize the House and perhaps form some holy—or unholy—alliances, according to one's point of view, with our Republican colleagues.

I want to say that many of our Republican colleagues are pushing this legislation just as hard and just as strong as are some of our Democratic colleagues.

The civil rights bill, which we have been considering, is known as the Eisenhower bill or the administration bill, and the tougher provisions are being pushed by the Attorney General—Gen. William P. Rogers of the President's cabinet. So, I would remind my Democratic colleagues from the South that our Democratic brethren from north of the Mason-Dixion line are not the only ones pushing this legislation. Our Republican colleagues are also guilty—just as guilty.

Mr. Chairman, during that tragic period in the history of our country called by our friends in the North the Civil War, but referred to by our citizens in the South as the War Between the States, that Tennessee was the last State to leave the Union and the first to come back.

Tennessee wants to stay in the Union.

Our great State and National heroes, Andrew Jackson and Andrew Johnson, both devoted their lives to preserving the Union. I hope that what we do here will contribute to preserving the Union.

Certainly I can understand the desire by all Members to want to be reelected, but let us not at the expense of being elected again destroy the Union and tear asunder our Nation.

I feel sure that some of our Democratic friends from the North feel that they must take extreme positions on this matter in order to assure their reelection.

Our Republican friends, who are supporting this legislation, I fear, are also motivated by their strong desire to be reelected—to a very great extent. Many, I am sure, must agree that much that has been said on this issue has been said because it will win votes and only because their positions will win votes.

Since our friends from the North have not lived with the problem as intimately as have the members from the South, I feel that they lack the intimate and firsthand knowledge of the difficulties that are involved in solving this delicate problem.

Threats of reprisals, I do not think, are in order. Bitter comments have no place in this debate—such attitudes and actions do not promote mutual understanding that we all need to solve this problem.

My own position on this legislation, I am sure, is well known but I repeat it—it is that this legislation is neither necessary nor desirable.

It is traditional and also in line with the Constitution that the Federal Government not interfere in local elections.

The voting standards of all our States differ to some degree.

In my State of Tennessee, for example, voting qualifications require that a person must be 21 years of age and a resident of the State for 1 year—and a resident of the county for 3 months, to be eligible to vote.

In Georgia and Kentucky, the minimum voting age is set at age 18.

Some States require a citizen to be a resident of the State for 2 years, while in others only 6 months' residence is required.

In New York, Washington, and some other States, a literacy test—proof of ability to read and write—is required.

In Virginia, Texas, and for some elections in Vermont, payment of a poll tax is required by the State laws.

So, the laws of each State vary with respect to voting standards and qualifications.

We, in Tennessee, believe in the right to vote by every citizen—and we urge upon our citizens the importance of the exercise of suffrage as a mark of good citizenship.

Concerning title V of the bill, dealing with our educational system, I may say that I had intended to offer an amendment to this section of the bill but after conferring with Chairman BARDEN, of the House Education Committee, and also Congressman BAILEY, of West Virginia, a member of the House Education Committee, I have learned that several amendments to this section of the bill are to be offered, and I shall not offer an amendment but defer to our colleagues, Congressmen BARDEN and BAILEY, on the committee.

Title V of this bill grants wide powers to the Federal Government to take over the educational facilities of our local school subdivisions under specified conditions.

Section 502 gives the Commissioner of Education the power to set certain conditions which local school systems would have to meet to qualify for receiving Federal aid funds.

Amendment to this section will be offered to prevent any abuse of this power proposed to be granted in this legislation.

I certainly hope that one of the amendments offered to guarantee to our local school authorities the right to continue to supervise and operate their own local school systems will be adopted.

The proponents of this legislation tell us that they do not want to interfere with the rights of the States and local governments to control their school—to control their school systems. I am glad to hear this—and if this assertion is true, I can certainly see no reason why anyone would object to the adoption of such an amendment.

When we voted statehood for Alaska and Hawaii, it will be recalled, we specifically provided that the Federal Government would not interfere with the school systems of these two new States. In doing this we recognized a principle which has been in effect since the very founding of our Nation.

If we are to preserve our traditional diversity of education, we must give to our local school authorities the assurance that control of education will not be impaired by Federal actions.

We must guarantee the right to operate and control our local school systems and that this power will not be impaired.

We know from experience that the imposition of standards and conditions written in Federal legislation can impair the control of our States in various areas of activity. For example, the participation by the Federal Government in the highway program has very largely placed the control of our highway systems in the Federal Government. This may be desirable in the case of highways but I am sure that nobody would like a similar situation to arise in the case of our schools.

This is important—not just for one area or region of our country but it is important for all sections of our country.

I repeat, Mr. Chairman, that this legislation is neither necessary nor desirable. If it is to be passed, let me express the hope that proper amendments and safeguards will be adopted not only to the voting rights section but also the education section of this legislation.

Let us continue to contribute to preserving the Union—certainly I hope that we all can be reelected but not at the expense of again tearing asunder our Nation.

Mr. WINSTEAD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, for 8 days now we have discussed the pros and cons of civil rights and various amendments to this proposed legislation. Even though it appears to be a foregone conclusion as to the ultimate outcome, I rise to express my deep concern and dismay in regard to the measure that is now before this House. I shall continue to oppose the enactment of H.R. 8601 or any substitute thereto with all the force at my command. Mere opposition, however, is not enough. I want to sound a warning, Mr. Chairman, a very serious warning: We are about to reach the point of no return in our heedless, reckless drive to junk the Constitution and to strip our Nation of its main defenses against decay and disaster.

The Constitution has never been in greater danger. On the one hand, political opportunists are pawning it piecemeal to gain temporary political advantages. On the other hand, the appointed guardians of our basic charter have abandoned their posts to follow the sociology fad. The Supreme Court, which could once be counted upon to uphold the Constitution, now leads the onslaught against constitutional government.

After some 170 years, during which this country has grown from a sparsely settled, weak, infant nation into the greatest, mightiest nation that the world has ever seen, we are on the verge of abandoning the system of government that has made this phenomenal growth possible.

This course might make some sense if the recent trend in world events had made our Federal system obsolete. Mr. Chairman, I submit that the opposite is the case. There is an almost irresistible trend in our century toward centralized government. More and more power is concentrated in the hands of large, impersonal bureaucracies, which tend to become a power unto themselves. As these centralized bureaucracies grow, their insidious influence spreads like an evil virus, paralyzing democracy, deadening initiative, and killing liberty. As the center of government moves further and further away from the people—both bodily and in spirit—democracy withers on

the vine. After that comes dictatorship, and then it will be 1984 before you know it.

I said, Mr. Chairman, that this ominous trend is almost irresistible. There is one defense, one sure way of avoiding the blight that I have described. I am referring to a system of government in which power is decentralized, a system that reserves a large part of the awesome powers of modern government to units that are less unwieldy than the central juggernaut, as well as closer to the home of the average citizen. In other words, Mr. Chairman, the only system of government that offers hope for the survival of democracy is the system that was so wisely devised by our forefathers in the 18th century. Now, more than ever, we have to cling to our Constitution for our very lives.

It should not be necessary to recall basic constitutional principles to Members of the Congress. Yet, in these days of high pressure and flimsy political razzle-dazzle, basic principles are often obscured. Allow me to remind the Members of this body, Mr. Chairman, that the Founding Fathers bequeathed us a dual system of government, carefully balanced to avoid both anarchy and centralized oppression. It is a system of government originally based on the voluntary association of 13 independent States, each of which agreed to surrender certain powers in order to form a more perfect union. By clear implication, the powers that were not surrendered to the Federal Government were retained by the constituent States. This implication, however, was not enough for the American people of the 1790's. They had just fought and won a war against tyranny, and they wanted to be absolutely certain that oppression would never again rear its ugly head in this country. To make this intention clear, they added a Bill of Rights to the Constitution. As you are well aware, Mr. Chairman, this Bill of Rights consists of 10 amendments, the last of which states clearly and unequivocally that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It has become fashionable to employ subtle and fallacious reasoning in interpreting the Constitution of the United States. Yet, no degree of indistinct reasoning can cast doubt on the meaning of the 10th amendment.

Nevertheless, this important constitutional amendment is simply ignored by the political forces that thrive on strife and dissension. They know all about those constitutional amendments that can be conveniently misinterpreted to lend a false semblance of justification to the grossest Federal usurpation, but they close their eyes when they come to the 10th amendment.

Who are these people who would edit the Constitution to suit their purposes? They are a motley crew, Mr. Chairman. There are shortsighted do-gooders who would burn down houses to make sure that the tenants whose rooms are drafty do not catch a cold; there are down-to-earth politicians who have discovered that they can easily and comfortably assure continuous reelection by exclaiming against situations that are outside their jurisdictions and beyond their comprehension; finally, there are those who are single mindedly engaged in fomenting strife because they thrive in an atmosphere of chaos, confusion, and crisis.

Leading this latter group in its drive for ever-increasing hysteria is the misnamed National Association for the Advancement of Colored People. Even though this association has assumed to itself the right to speak for our Nation's colored population, it does, in fact, represent only a small, misguided, and extremist group with a narrowly regional outlook. Certainly the Negroes of Mississippi resent the rash, patronizing actions of their self-appointed protectors from the North.

Having established that the association in question is not national, I should like to inquire to whose advancement it is really dedicated. Can anyone maintain that an organization that stirs up racial hatreds, an organization that conducts a constant campaign to wreck the Constitution for the imagined benefit of a few, is advancing the cause of any Americans of whatever race, creed, or color?

It is the height of cynicism to preach that the rights of any minority can be secured only by undermining the rights of the majority. If our constitutional system is subverted to the point of collapse, we shall all suffer the consequences, including the minorities. Without our constitutional system there can be no liberty and no civil rights. The advancement advocated by the NAACP is, in fact, advancement toward slavery for all Americans, black and white alike. Perhaps that is the aim of the association, or at least some of its noisiest supporters.

It should be unnecessary to elaborate on the evils of H.R. 8601. Anyone who will look at this bill dispassionately, without allowing his senses to be drowned by torrents of campaign oratory, must come to the conclusion that the proposed legislation is badly drawn, dangerously vague, flagrantly unconstitutional, and absolutely pointless.

Title I, which deals with obstruction of court orders, proposes to enforce constitutional rights by placing freedom of speech in grave jeopardy. It would make interference with court orders regarding desegregation a Federal crime. The punishable interference might be—and I quote—"by threats or force, or by any threatening letter or communication."

Mr. Chairman, I direct your attention to the fact that not only acts, but utterances would be brought under the purview of this legislation. We are dealing with a controversial and widely discussed isue. The vast majority of the people of my State, and of many other States, is opposed to enforced integration. Being Americans, they are not afraid to give vent to their opposition. Once this bill is passed, they would have to weigh every word for fear of being thrown into a Federal jail. Once that comes to pass, our Constitution will be no more than an interesting historical relic. It is simply not conceivable that this section can be reconciled with either the spirit or the letter of the first amendment.

Title II deals with flight to avoid prosecution for damaging or destroying any building or other property. In other words, Mr. Chairman, it does not deal with the subject matter of the bill. It has nothing to do with constitutional or civil rights. I suggest, Mr. Chairman, that title II is simply a device to make it appear that the advocates of this destructive legislation are playing an important role in combating the much publicized bombings of recent months. The appearance is, of course, deceptive. The bombings have, in fact, been brought under control by State action.

Title III deals with election records. It strikes at the very roots of our Federal system and of democracy itself. We tend to forget, Mr. Chairman, that the administration of elections is a State function. The Constitution states that the electors for Members of both Houses of Congress "shall have the qualifications requisite for electors of the most numerous branch of the State legislatures." The Constitution leaves no doubt, therefore, that its authors intended to leave the electoral process to the States. Article I, section 4, of the Constitution, as well as the 15th and 19th amendments, limits the State power over elections in certain specific aspects. None of these constitutional provisions, however, transfers elections into the Federal domain, and none of them can be used to justify the outrageous proposal that is now before us.

Mr. Chairman, I should like to quote a very pertinent Supreme Court opinion, written by the late Chief Justice White in the case of *Gwinn and Beal* v. *U.S.* (238 U.S. 347) in 1915:

> Beyond doubt, the [15th] amendment does not take away from the State governments in a general sense the power over suffrage which had belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rests would be without support, and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.

Where, then, do the advocates of H.R. 8601 find justification for Federal tampering with the election records? Since title III deals only with Federal elections, the authors are apparently not relying on the 15th amendment, which applies to all elections. It almost seems as if the Constitution was simply not considered when this bill was written.

The electoral process is a vital nerve of democracy. No freedom-loving people can afford to be lax in guarding the sanctity and secrecy of the ballot. Let us reflect carefully, Mr. Chairman, what evils may befall our democracy if we

compromise that sanctity and that secrecy by permitting Federal inspection of our voting records.

Finally, we come to title 5, which deals with the education of children of members of the Armed Forces. Here again, Mr. Chairman, we are asked to permit the Federal Government to use all the devious means at its command in the drive to reduce the States to lifeless relics of the past. Professed concern for the education of our soldiers' children offers a convenient guise under which Federal power can insinuate itself further into the educational process. Furthermore, the Commissioner of Education would be authorized to demand that school facilities that have been constructed with Federal aid be made available to him under the proposed act. Money, Mr. Chairman, the taxpayers' money, is brought into play as another string to the Federal bow. The aim is to bring education under Federal control. Once this is achieved, we may expect Washington to lay down precise, bureaucratic specifications covering the robotlike youngsters that schools from Seattle to Miami and from Kennebunkport to San Diego will be ordered to turn out. The thing that could not happen in America will then have happened—we will have a centralized, single dictatorship.

Mr. Chairman, I strongly urge, indeed implore, every Member of this House to give painstaking consideration to the implications of H.R. 8601. If an airplane pilot has to reduce ballast in order to increase speed, it would not occur to him in his wildest dreams that he could achieve his purpose by dropping his engines. I suggest, Mr. Chairman, that the civil rights situation is analogous. We cannot insure the civil rights of some Americans by undermining the rights of all Americans. We must reject this proposed legislation, especially since the adoption of the vicious referee amendment.

Mr. HEMPHILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment to Celler substitute offered by Mr. HEMPHILL of South Carolina: Page 3, line 11, after the word district and the comma thereafter add "who shall have knowledge of and shall satisfy the court as to their familiarity with the election laws involved, the qualifications of electors, and the election laws of the particular State or governmental subdivision involved, and the Statutes of the United States applicable to said elections."

Mr. HEMPHILL. Mr. Chairman, the first time I was privileged to speak on this particular legislation was on Friday a week ago. At that particular time I pointed out that the McCulloch substitute provided for voting referees, but provided for no qualifications for those referees, and therefore we were in the danger of putting authority in the hands of people who had no background and had no particular knowledge of the voting laws of this country.

I suppose as a result of that objection made on Friday, March 11, the administration changed its wording and the McCulloch substitute was later changed so that on page 3, at lines 10 and 11, instead of saying, "The court may appoint one or more persons to be known as voting referees," there was put into the language of the McCulloch substitute and accepted in the proposed Celler substitute to the McCulloch amendment the words "who are qualified voters in the judicial district."

The purpose of the amendment which I am offering today is to provide that if you are going to have voting referees—and I have the unhappy thought that perhaps this House is going to vote that—if you are going to have voting referees, let us have people who know what the laws are. That is what this amendment says. It says, "voting referees who shall have knowledge of and shall satisfy the court as to their familiarity with the election laws involved, the qualifications of electors, and the election laws of the particular State or governmental subdivision involved, and the statutes of the United States applicable to said elections." I would like anybody in this House to tell me what is wrong, if you are going to have a Federal judiciary substitute for the registrars and other officials in the various elections, and that is apparently what you want, a voting referee, apparently that is what is going to be voted for, politically speaking, if you are going to have that sort of authority why not have people who know something about the law?

They should certainly know something about who should be electors, because after all those are the people whom you are trying to qualify to vote.

They should know something about the State law, because the State law, as I understand the Constitution, sets up the qualificaions of the people who are entitled to vote or determine those who cannot vote.

They should certainly know something about the Federal election laws because after all if they do not know the laws under which they are operating how in the world can they give competent administration of those laws?

This particular amendment improves, I think, with all due deference to whatever may have been its intent, the McCullough amendment. This states that if you are going to have voting referees you are going to put this authority in the hands of some person who is either unqualified by virtue of ignorance or unqualified by virtue of bias or some other reason.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from New York.

Mr. CELLER. Does the amendment provide that one of the qualifications shall be that the voting referee shall have knowledge of the State election laws? Is that all that is required of him?

Mr. HEMPHILL. No; that is not all.

Mr. CELLER. What qualifications must he have?

Mr. HEMPHILL. He must have knowledge of the election laws involved, if you are going to carry it to a State level, which you are trying to do. Should he not have knowledge of the election laws involved, whether State, Federal, or whatever kind of election it is? Then he must know not only the local laws but the State laws and the laws of the United States applicable to that election. That is all the amendment requires. I think it is a good amendment. It is something to do if you are going to put a man in charge of the vote, that he be qualified, not necessarily that he be a lawyer, but he should know what he is talking about, or acting upon.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from South Carolina.

Mr. ASHMORE. Would not the gentleman's amendment also to a certain extent guarantee the removal of politics from certain referees, whether Democratic or Republican? He would not be some personal friend of the judge or a political friend; he would have to meet some certain kind of qualifications.

Mr. HEMPHILL. In answer to the gentleman from South Carolina, it has been my experience here that nothing can remove politics from civil rights, not even an amendment, such as this is, that would go a long way toward keeping one political party or some political party from using this particular vehicle to get control of elections in a wide area or in cities, which apparently my city friends are not afraid of.

Mr. CELLER. If the gentleman will yield further, I am curious to know if the gentleman's own State has laws to the effect that the voting registrars in that State must have the same qualifications the gentleman has in his amendment.

Mr. HEMPHILL. I believe the voting registrars must be people who are qualified. It is not as specific as this amendment, but it is the same as this amendment.

Mr. CELLER. This voting referee does not conduct an election; all he does is discover whether the individual before him is qualified. It is the same as your registrars.

Mr. HEMPHILL. I would go a little bit further than that. Our distinguished chairman, after hearing the debate here, knows that the powers and duties you are conferring on the voting referee go further than in the case of the registrar.

Mr. CELLER. If the vote is denied the individual, then the voter goes to the court and seeks sanctions against the State official who either refuses to register the man or allow him to vote.

But, the court does that, not the voting referee.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. WHITENER. I will ask the gentleman if his State in appointing registrars endows registrars with the judicial authority which this proposal would give to referees, the power to conduct hearing and to make findings of facts and conclusions of law and other things of that sort.

Mr. HEMPHILL. I would say to the gentleman from North Carolina, my State has not departed that part from the sacredness of the ballot box as this legislation seeks to do nor has my State

taken any position that would deprive people from voting despite all the accusations that have been made. Our registrars register the people and that is the end of it. Under this particular voting referee plan, you give him powers—and you have not limited his powers here—you can pretend that you have, but you have not limited his powers here and you are almost giving him the power to go back to the voting booth itself.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. RODINO. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for another 5 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. LINDSAY. Mr. Chairman, I just want to ask the gentleman how the court or the judge would go about testing the qualifications. Would he give a written test or would he ask questions or would he just ask the person whether or not he was familiar with the State laws?

Mr. HEMPHILL. I might answer the gentleman from New York by saying that he probably knows just as much about the Federal courts or a lot more than I do, but it has been my experience that the Federal judiciary in this land has a great deal of discretion. We certainly must put this in the hands of someone, and you have to put it in the hands of someone who is responsible. A Federal judge certainly under the authority he presently possesses under the rules as to appointing masters has a certain amount of discretion. You provide in this bill that the referee shall have the same power as a master, as I understand it, and therefore the judge certainly would have the right to inquire, as he does if he were to appoint you as a special master or if he were to appoint some other person. I think that answers the gentleman's question.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. RODINO. I want merely to call to the attention of the gentleman the fact that the Deputy Attorney General in testifying before our committee with relation to the responsibilities of the referee in this type of case said that the referees' hearings would be ex parte and limited to very simple questions such as the voter's residence, his age and then if there were literacy requirements, he would test the voter as to those, and if there were other requirements under the State law, he would test them as to such requirements, and then he would report to the judge. I am sure that the referee would be knowledgeable as to the State law and such requirements. I cannot see why we should go as far as the gentleman would expect us to go under his amendment, if all the referee has to do is to ask these simple questions.

Mr. HEMPHILL. If the gentleman from New Jersey is scared of the fact that we are putting a requirement here in the bill that a referee should know what he is doing, I can understand his objection. But, what is the objection of having the voting referee know the law that he is dealing with and the law that he is supposed to be administering because you are saying to the voting referee that you are giving him some ex parte powers and if we give him ex parte powers, it means that the accused are not in the first instance going to have a hearing. Since he is not going to have a hearing, we want somebody there who knows what he is doing. As the gentleman has pointed out, he will ask the applicant for a registration certificate about some literacy test or something about the election laws. I think the referee should certainly know what the requisites are and what the qualifications are for a man to vote in that particular State unless you intend to abolish the provisions of the Constitution.

Mr. RODINO. What the gentleman is stating is that he shall know the provisions of the election laws, as I take it.

Mr. HEMPHILL. I think, if the gentleman will listen for just a moment, I said familiarity with the election laws involved. The gentleman cannot quarrel with that. If he is going to be a voting referee, he should know the election laws involved and the qualifications of electors. Is it wrong that he should know the election laws of a particular State or governmental subdivision? If he is voting in a municipal election, he should know what he is talking about. When a man is trying to apply for a registration certificate, then he has to come under the Federal statute. After all, if that is the law, and I would like him to know something about the law that he is going to administer. It stands to reason, if you are sincere and believe that this voting referee plan has any merit to it, then certainly you would accept this amendment because this amendment does nothing more than to say that we will have qualified people.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. VANIK. In connection with the gentleman's amendment, does not the gentleman presume by his amendment that the Federal judges who are eminent jurists in their particular communities would be inclined to appoint people as referees who are not conversant with the election laws of the State?

Mr. HEMPHILL. I may say I do not presume anything.

Mr. VANIK. Is that not the presumption of the amendment?

Mr. HEMPHILL. No; it is not. I thank the gentleman for his question, because I am presuming that since civil rights legislation in the 4 years I have been here has always been for political expediency; in 1957 when the gentleman voted for the bill which he said he voted for, we were told this was going to do so much for the people, and now we find they were not satisfied, because it is another political year, and now we have got another bill. It has been political in its inception. I am presuming that politics again have something to do with it on the referee voting level.

Mr. VANIK. Would the gentleman's amendment in fact create another hearing that would have to take place? An additional hearing to determine the fitness of the referee?

Mr. HEMPHILL. It does not require any hearing. The gentleman from New York asked a similar question. We empower the voting referee under this legislation with the same authority that a master has.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to; accordingly the Committee rose, and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had directed him to report it had come to no resolution thereon.

THE LATE JUDGE JOHN A. SBARBARO

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, I appear before you at this moment with a heart filled with sadness because of a great loss which my city of Chicago and State of Illinois has sustained in the death of the distinguished Judge John A. Sbarbaro of the superior court of Cook County.

It was a black Friday of mourning for judges, court aids, and attorneys throughout the State of Illinois.

He was a victim of the midair explosion of a Northwest Airlines turboprop-electra jet plane near Tell City., Ind., in the Ohio River Valley, while en route to Miami to spend a weekend with his darling wife, Mabel, which he had done many times since her recuperation from a back injury last summer.

His death cast a pall of sorrow over the entire Italo-American colony. The loss of this devoted, energetic, and learned judge will be felt most amongst the ranks of his compatriots, who looked to him for advice and guidance in their community affairs and problems. The Italo-American citizens have lost a great leader and protector.

Judge Sbarbaro was widely known for his fine work in charities and philanthropic endeavors. He was in the center of activities in youth programs and religious enterprises of Mother Church. His many friends of all races and creeds joined him in supporting these worthwhile charities. His devotion to the financial problems of the Assumption Church, 313 West Illinois Street—his boyhood parish—gained for him the gratitude of the Holy See. He was recently appointed by His Eminence Pope John to the Papal Order of St. Gregory,

a signal holy honor of the highest tradition of religious acceptance to a member of the laity.

Upon his investment with the Papal Order of St. Gregory, I sent him the following telegram:

JANUARY 16, 1960.

Hon. JOHN SBARBARO,
Assumption Church, Chicago, Ill.:

You have been the recipient of many high honors in your life. Mother Church, through this holy appointment of His Holiness Pope John, adds to the luster of your distinguished career.

God bless you.

ROLAND V. LIBONATI,
Congressman, Seventh District, Illinois.

Judge Sbarbaro, a lifetime Republican, served as first assistant State's attorney under the late Robert E. Crowe, State's attorney of Cook County. He also was a municipal court judge for one term—6 years—before becoming a superior court judge. His long tenure on that bench was punctuated by his brilliant judicial decisions, both in the fields of criminal and civil law. He had a complete grasp of the essentials and fundamental principles of trial jurisprudence.

He had great courage and refused to be intimidated by pressured opinion. He was honest and positive in his decisions.

His vast storehouse of knowledge included a thorough study of medical subjects—these scholarly accomplishments contributed much to his practical understanding of medico legal questions that presented complex interpretations in many trials.

His sudden death has taken from the helpless and downtrodden of all races and nationalities a true friend. He was truly a man, who through his intellect as a human, had the capacity to honor God. His heart was filled with sympathy and charity toward suffering humanity. He was a fighter for the rights of mankind regardless of creed or color.

He was a true and generous friend, whose happy nature and cultured mind, manifested the artistic attainments of a true gentleman. He was a student of opera and a strong supporter of all the arts.

And so the Almighty in his omnipotent judgment removed this able, alert master of law from our midst. His attractive personality and effective judicial rulings are lost to a grateful public. I personally have lost an intimate friend, whose profound philosophy and practical advice I shall sorely miss.

Judge Sbarbaro was indeed a brilliant man, but most of all he was a kindly and religious man—one who had time and patience for everyone, including the most humble. All members of the Illinois delegation in Congress knew him, both in his public and private life. He has answered the call of his Maker, his soul is at rest and with reverence we pay humble tribute to the memory of a great judge, a gentleman, a loyal and noble son of the State of Illinois.

We extend to his dear wife, Mabel, his brother, Anthony, and his sister, Anhelina Caviale, our sincere condolences.

McGOVERN BILL: ANOTHER NEEDED STEP TO IMPROVE THE LOT OF THE FARMWORKER, "AMERICA'S FORGOTTEN PEOPLE"

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I am happy to join in the worthy effort of my able colleague of South Dakota [Mr. McGOVERN] by introducing today a measure identical to his recent proposal to improve the lot of our domestic farmworkers and to protect our family farms.

As my colleague explained on March 17, this proposal would amend title V of the Agricultural Act of 1949, popularly known as Public Law 78. This law, as the Members know, deals with the importation and use of Mexican farmworkers.

The program as it has operated over the years has brought with it a dual hardship—one, it has worked against the family farmer through unfair labor competition, and two, against the domestic farm worker who is the victim of depressed wages and poor working conditions.

The pending legislation calls for a 5-year "phasing out" of the program established by Public Law 78. During this interim period, the bill calls for a yearly reduction of the number of Mexican workers by 20 percent of the total made available in the preceding fiscal year.

Additionally, and of great import, the domestic farmworker would be given, during this phasing out period, greater work and wage protection by providing for improved requirements for the hiring of domestic farmworkers vis-a-vis Mexican nationals. These provisions are in line with the recommendations of a distinguished group of men who served as consultants to the Secretary of Labor in a study of the present law.

Mr. Speaker, last session I sponsored legislation to give minimum wage protection to the underprivileged domestic farm employee. It is my belief that the McGovern bill is a logical and necessary addition to an overall legislative program and effort to better the wages and working conditions of our farmworkers, aptly identified as America's forgotten people.

Also, it is in keeping with the concept of pending legislation to protect and maintain the family farm, the Family Farm Act of 1960, of which I am also proud to be a cosponsor.

I trust and hope that all of these matters will come in for affirmative congressional action at this session.

PAN AMERICAN HEALTH ORGANIZATION

Mr. WRIGHT. Mr. Speaker. I ask unanimous consent for the immediate consideration of Senate Joint Resolution 115, authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site, which is similar to a House bill earlier passed under suspension of the rules today.

The Clerk read the title of the Senate resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the Clerk read the resolution, as follows:

Whereas the Government of the United States has a vital interest in the health of the peoples of the Americas; and

Whereas the Pan American Health Organization is the oldest continuing international health organization in the world; and

Whereas the Government of the United States has taken a leading role in the work of the Pan American Health Organization, which also serves as the regional organization of the World Health Organization; and

Whereas the Government of the United States, at the XIII Pan American Sanitary Conference in 1950, invited the Pan American Health Organization to make its permanent headquarters in the United States and offered a site for this purpose; and

Whereas there are many advantages for locating the Organization headquarters in Washington, where it can continue to enjoy close and mutually profitable working relations with the United States Public Health Service and other governmental, acadamic, and research organizations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the Administrator of General Services to acquire by purchase, condemnation, or otherwise, including any expenses of such acquisitions, the land in the northwest section of the District of Columbia, known as square 59, bounded on the north and south by Virginia Avenue and E Street, and on the east and west by Twenty-second and Twenty-third Streets, together with any building and improvements thereon.

SEC. 2. The Administrator of General Services is hereby authorized to convey, without consideration, the property acquired under section 1 of this Act to the Pan American Health Organization, formerly known as the Pan American Sanitary Bureau and the Pan American Sanitary Organization, for use as a headquarters site, subject to the condition that the site development plan be coordinated with the National Capital Planning Commission.

The resolution was ordered to be read a third time, was read the third time, and passed.

The proceedings whereby the bill H.R. 7579 was passed were vacated, and that bill and a motion to reconsider were laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GROSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 7579.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SOVIET NUCLEAR TEST BAN PROPOSALS

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman

from California [Mr. HOSMER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOSMER. Mr. Speaker, late Saturday afternoon in Geneva the U.S.S.R. made a proposal at the Nuclear Test Ban Conference which has been written up and commented upon as a "concession," as a "softening of the Communist position," as indicating "a sincere desire to achieve agreement," and so on.

On Saturday, on Sunday, and so far today, Tsarapkin's carefully timed weekend announcement has been given news media display to world public opinion almost entirely in terms of the U.S.S.R.'s own self-serving declarations. This has been augmented in emphasis by the 3-day public hash and rehash of the Soviet viewpoint as expressed in the Soviet statement.

We must remember that the U.S.S.R. went to Geneva demanding an all-out test ban with no means to detect violations and no means to enforce compliance.

We must remember President Eisenhower's words in his 1959 state of the Union message that—

> We can have no confidence in any treaty to which the Communists are a party except where such a treaty provides within itself for self-enforcing mechanisms.

Although the proposal made by Tsarapkin Saturday appears to edge back from the Soviet's original extreme position, it also appears from available reports that it carefully preserves every single advantage hoped for in their initial demands.

There is only a shifting of position from a treaty status to a moratorium status for underground tests below 4.75 kilotons in intensity. There still appears to be no offer by the Soviets to include within a treaty self-enforcing mechanisms insisted upon at Geneva by our negotiators to insure that whatever may be agreed upon is, in fact, as binding on the Soviets as it would be upon the West.

We must remember that the big escape hole fought for consistently throughout the 15 months of these negotiations by Kremlin negotiators is either no violation detection machinery at all or machinery so inadequate it would be useless.

A great step forward for world peace will be taken if a treaty can be negotiated which, in fact, places equal nuclear testing limitations on both sides. It would be a step backward for world peace if a treaty is negotiated which, in fact, places limitations on the Western powers while providing the Kremlin unlimited opportunity to carry on nuclear weapons development behind the secrecy of the Iron Curtain.

The unfortunate and brutal fact of today's international life is that you cannot, as the President says, put any confidence in a treaty which the Communists sign which does not provide within itself for self-enforcing mechanisms.

In its 41-year history the Soviet Union has signed over 2,000 treaties with non-Communist countries. Every single one of which it has been expedient to break, they have broken. It is high time we pinned down for world public opinion this basic perfidy on which Communist dealings with the rest of the world is based.

A test ban with the Soviets would not be worth the paper it is written on without the adequate inspection-detection machinery backed by the means of enforcement demanded by our Geneva negotiators. If a treaty is, in fact, to substitute honest agreement for unrestricted Communist threats of force and blackmail in international relations, it will be accomplished only by dogged insistence that it contain such self-enforcing mechanisms.

Unless the Soviet's Saturday pitch accedes to this insistence on our part, it amounts to no more than the tired old illusory concession trick repeatedly used by Kremlin negotiators to euchre outrageous concessions from Western diplomats while pressing their own advantage.

Nor would it amount to any more than that if it does not fully accede to our insistence that the self-enforcing mechanism be written into the treaty before it is signed, not agreed upon later.

"Agreement to agree later" is another shopworn device used by Communist negotiators. Applied to this particular case it would simply mean that when it came time to agree on what are adequate inspection and detection systems to insure compliance with a test ban, the Soviets simply would never agree. This is exactly what happened with the Korean armistice's "agreement to agree later" provisions.

It also happens to concur precisely with the late Josef Stalin's observation from the Communist viewpoint that "sincere diplomacy is no more possible than dry water or wooden iron."

In short, the Tsarapkin honor system, sign-now-and-pay-later proposal, must be approached with the same scrutiny as a $3 bill.

If we fail to do so, if we surrender the self-enforcement principle for which we have fought so long and hard at Geneva, it would be a step away from peace, not toward it. It would abandon the first real opportunity we have had to achieve rules for peaceful international conduct, the observance of which does not depend upon Communist caprice.

Dashing the cold water of realism on hopes for agreement which may have been raised by Tsarapkin's cleverly deceptive announcement may be unpopular with some. But we must remember: the path of modern history is strewn with human death and misery consequent from naive acceptance of Soviet words and promises.

This we can ignore only at great peril.

H.R. 11235

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, on Thursday, March 17, I introduced a bill, H.R. 11235, which would carry out the President's recommendation for the overhaul and modernization of the U.S. immigration laws. The President's message pointed out the need not only for improvement in the basic quota system, but also the necessity for creating a permanent system to be added to our basic laws whereby there could be admitted into the United States a reasonable number of refugees and escapees who have been driven from their homes by persecution, political upheaval, or natural calamity.

This is World Refugee Year. The United States, by Presidential proclamation, is one of 69 nations which has fixed upon this year as the time when at long last we must find some permanent solutions for the refugee problem. Although the President's proclamation and his specific recommendations in this field were transmitted to the Congress, no action has been taken by the Congress. This country is therefore left in the unfortunate position of having taken no action by way of relaxing our own immigration laws, in order to give meaning to World Refugee Year.

The time has come, Mr. Speaker, for action and not for mere words. This bill would authorize the Attorney General to parole into the United States upwards of 10,000 refugees each year. Further, the President is empowered, in emergency situations, to issue a proclamation to that effect and to admit greater numbers.

After such refugees have been in the United States for 2 years the bill authorizes the Attorney General to adopt a specified procedure, subject to congressional revision, whereby such persons may acquire permanent residence status.

With the safeguards in this bill, there can be no serious objections to the proposal for offering relief to worthy refugees and escapees who have fled from persecution and who seek asylum and a home. The United States has much to gain from this. As the President said in his message to the Congress:

> Nations who in the past have granted entry to the victims of political or religious persecutions have never had cause to regret extending such asylum. These persons with their intellectual idealism and toughness will become worthwhile citizens and will keep this Nation strong and respected as a contributor of thought and ideals.

The quota provisions of this bill are self-explanatory and simple of understanding. They represent a giant step forward by the United States in the abandonment of the national origins system. This is accomplished by predicating the distribution of the increase in the quota that would be provided to the various quota areas upon the basis of the actual immigration into the United States from each quota area between 1924 and 1959, and not upon the ethnic

composition of the United States as it existed in 1920.

Mr. Speaker, under unanimous consent I include at this point in the RECORD, as part of my remarks, an explanation and analysis of the bill:

EXPLANATION AND ANALYSIS OF THE PROVISIONS OF THE BILL TO AMEND THE IMMIGRATION AND NATIONALTY ACT SO AS TO MODERNIZE AND LIBERALIZE THE QUOTA SYSTEM AND PROVIDE FOR THE ADMISSION OF PERSECUTED PEOPLES, AND FOR OTHER PURPOSES

Sections 1, 2, and 3: These sections of the bill would provide moderate revisions in the quota system. The system would be brought up to date. Equitable distribution of additional quotas would be provided. A quota pool would be established to which unused quota numbers would be assigned. Mortgages on quotas would be eliminated. New political entities would be protected against decreases in quota. The ceiling of 2,000 on the quotas within the Asia-Pacific triangle would be removed.

Under the existing law the annual quota of 154,657 is computed by taking one-sixth of 1 percent of the white population in 1920, less Western Hemisphere immigrants and their descendants. The bill applies the same percentage to the 1950 total population of the United States as defined in the act. The result is an annual quota of 256,000, or an increase of 101,343. The bill further provides that when the 1960 census is completed, the annual quota will be recomputed upon the basis of one-sixth of 1 percent of the number of inhabitants in the United States in 1960.

Under the bill the existing quota of 154,657 would continue to be allocated as at present, but the present maximum subquota allocation of 100 to each colony would be raised to 200. With respect to the allocation of the quota over and above 154,657 the legislation would provide for an increase in the quota for each minimum quota area. This increase would be from the present 100 to 200. With respect to the allocation of the remainder of the increase in the quota authorization the bill would provide an important new feature designed to recognize actual immigration since the quota act of 1924. This would be accomplished by providing for the distribution of the remainder of the increase in the total quota to the several quota areas, so that there will be assigned to each quota area that proportion which the immigration to the United States since July 1, 1924, and up to July 1, 1959, from that area bears to the total immigration from all quota areas.

Another significant change proposed is to provide for utilization of unused quota numbers. Under existing law failure to use in the year all of the quota allocated to a particular area results in its being wiped out. It is not carried forward into the next year. The bill establishes a quota pool to which all unused quota numbers would be assigned for redistribution. Quota numbers thus assigned would be available for use only during the period of 1 year following their assignment. The quota numbers in the pool will be available for allocation only to natives of quota areas whose quotas have been oversubscribed during the previous fiscal year. Each such oversubscribed area will receive a percentage of the number of visas in the quota pool equal to the percentage that its prescribed allotted quota bears to the aggregate of the quota of all those quota areas whose quotas were oversubscribed during such previous fiscal year. The quota numbers in the pool will be issued only to qualified immigrants eligible for a preference status under paragraphs (1), (2), (3), and (4) of section 203(a) of the Immigration and Nationality Act.

The bill further proposes to delete entirely the ceiling of 2,000 imposed on the minimum quotas within the Asia-Pacific triangle. The law now provides that any increases in the number of minimum quota areas above 20 shall result in a proportionate decrease in each minimum quota so that the sum total of all minimum quotas within the Asia-Pacific triangle shall not exceed 2,000. As 20 minimum quotas of 100 each have already been established within the Asia-Pacific triangle, the creation of any additional minimum quotas within the triangle would require a proportionate reduction in the quota of each of these 20 countries. The proposed amendment, by removing the ceiling, would prevent such erosion of the minimum quotas within the triangle.

Looking ahead to probable political changes in the administrative arrangements of several areas, including the West Indies Federation, the bill would also assure to such a new political entity an immigration quota of not less than the total of subquotas or minimum quotas now comprising the area. Upon the recent merger of Syria and Egypt, each of which countries had a minimum quota of 100, the new quota for the larger quota area was reduced to 100 per year. The proposed amendment would prevent such a result.

The bill also would incorporate into the basic statute the provisions of Public Law 85-316 which removed the "mortgages" imposed on the annual quotas.

Sections 4 and 5: These provisions of the bill would revise and clarify existing parole authority covering the emergency admission of aliens into the United States. Also, procedures would be provided under which an alien who has been paroled into the United States might adjust his immigration status to that of a lawful permanent resident. Aliens paroled into the United States and who are presently here in an indefinite status include aliens admitted for emergency reasons or for reasons of public interest.

Section 4 grants the President power to authorize the parole by the Attorney General into the United States of refugees selected by the Secretary of State. Refugees are defined in the bill to include (1) persons who have been forced to flee from Communist territory or from a country in the Middle East because of persecution or fear of persecution based on race, religion, or political opinion, or (2) victims of war, political upheaval, or natural calamity who are unable to return to their former homes. The Attorney General would be authorized, in the absence of such proclamation, to parole annually not more than 10,000 such refugees.

Section 5 sets up a procedure whereby the immigration status of parolees may be adjusted to that of a lawful permanent resident. The Attorney General could grant such adjustment of status in his discretion after the alien has been in the United States for 2 years and if the applicant is of good character and if the adjustment would not be contrary to the national interest. A report of the Attorney General's action if favorable would be submitted to the Congress. Unless the Congress disapproved, the alien's entry would be recorded as of the date of the alien's last arrival in the United States. If the Congress did not approve the administrative action, the Attorney General is to require the departure of the alien from the United States.

Section 6: Section 202 of the act deals with the determination of quotas to which immigrants shall be chargeable. This section would revise section 202 so as to grant an Asian spouse the benefit of the quota of an accompanying spouse, and permit the Asian spouse of a native of a Western Hemisphere country to be classified as a nonquota immigrant if accompanying, or following to join, such spouse.

Section 7: Section 222 of the act prescribes the contents of a visa application. Subsection (a) deals with applications for immigrant visas and subsection (c) deals with nonimmigrant visas. Both require information as to "race and ethnic classification." This section would eliminate this requirement since the terms are not susceptible of definition and have served no useful purpose in the administration of the Immigration and Nationality Act.

RESTORATION OF FREEDOM TO THE CAPTIVE NATIONS OF CENTRAL AND EASTERN EUROPE

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. ZABLOCKI] is recognized for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, I ask permission to revise and extend my remarks and also ask unanimous consent that all Members who desire to do so may have the permission to extend their remarks in the RECORD on the subject I will discuss.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, with a view to the forthcoming summit meeting in Paris, I have today introduced a House concurrent resolution relating to the restoration of freedom to the captive nations of central and eastern Europe.

This resolution is being cosponsored by a number of distinguished Members from all sections of our country. The list of the cosponsors includes the following: Hon. ALVIN BENTLEY, of Michigan; Hon. WAYNE N. ASPINALL, of Colorado; Hon. EMILIO Q. DADDARIO, of Connecticut; Hon. HAROLD D. DONOHUE, of Massachusetts; Hon. THADDEUS J. DULSKI, of New York; Hon. LEONARD FARBSTEIN, of New York; Hon. DANIEL J. FLOOD, of Pennsylvania; Hon. AIME J. FORAND, of Rhode Island; Hon. LESTER JOHNSON, of Wisconsin; Hon. EDNA KELLY, of New York; Hon. EUGENE J. KEOGH, of New York; Hon. JOHN C. KLUCZYNSKI, of Illinois; Hon. MELVIN R. LAIRD, of Wisconsin; Hon. THOMAS J. LANE, of Massachusetts; Hon. ALVIN E. O'KONSKI, of Wisconsin; Hon. MELVIN PRICE, of Illinois; Hon. HENRY REUSS, of Wisconsin; Hon. ALFRED E. SANTANGELO, of New York; Hon. EDWARD J. DERWINSKI, of Illinois; Hon. JOHN D. DINGELL, of Michigan; Hon. JOHN LESINSKI, of Michigan; Hon. THADDEUS M. MACHROWICZ, of Michigan; Hon. ABRAHAM J. MULTER, of New York; and Hon. HERBERT ZELENKO, of New York.

In addition, similar concurrent resolutions are being introduced today by a number of other Members, including Hon. HUGH J. ADDONIZIO, of New Jersey; Hon. VICTOR L. ANFUSO, of New York; Hon. EMANUEL CELLER, of New York; Hon. WALTER JUDD, of Minnesota; Hon. MARGUERITE STITT CHURCH, of Illinois; Hon. STEVEN B. DEROUNIAN, of New York; Hon. HARRIS B. MCDOWELL, JR., of Delaware; Hon. ROMAN C. PUCINSKI, of Illinois; and Hon. PETER W. RODINO, JR., of New Jersey.

Mr. Speaker, the text of my resolution reads as follows:

CONCURRENT RESOLUTION RELATING TO RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Whereas the rulers of the Soviet Union have repeatedly declared their determination to pursue relentlessly their political, eco-

nomic, and ideological drive for a worldwide victory for communism; and

Whereas, in its efforts to attain that objective, the Soviet Union, through force of arms, subversion, infiltration, and other methods, has imposed puppet Communist regimes upon the people of the captive nations of Eastern and Central Europe and exerted tireless effort to crush their spirit and to transform their countries into replicas—on political, economic, social, cultural, and administrative levels—of the Soviet Union; and

Whereas in direct violation of the provisions of the Yalta agreement, the people of the captive nations are still being denied the opportunity to solve their problems by democratic means and to choose, through free and unfettered elections, national governments of their own free choice; and

Whereas in contravention of duly ratified treaties of peace, of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of expressions of the United Nations General Assembly, the people of the captive nations are being systematically deprived of the exercise of fundamental freedoms and basic human rights; and

Whereas the United States of America has consistently refused to sanction, either directly or by implication, the political status quo of the captive nations; and

Whereas the United States of America has stood firmly on the principle of self-determination, welcoming the enlargement of the area of freedom and self-government and insisting on the inalienable right of the people of the captive nations to live under governments of their own choice; and

Whereas the establishment of just and lasting peace is inconceivable without the restoration of freedom, independence, and national sovereignty to the captive people of Eastern and Central Europe, which objective the United States of America is determined to pursue by all feasible means: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) The Congress of the United States calls for the respect of the fundamental freedoms and human rights of the people of the captive nations;

(2) The Congress of the United States reaffirms its belief in the inalienable right of the people of the captive nations to live under governments of their own choice; and

(3) The Congress of the United States urges the President to pursue energetically at the forthcoming summit conference the restoration of the fundamental freedoms and basic human rights of the people of the captive nations.

The reasons for introducing the above resolution may be summarized very briefly.

As we all know, less than 2 months from today—on May 16 to be exact—the heads of state of the great powers will hold a summit meeting in Paris.

There is every indication that the issue of disarmament, and the question of Berlin and West Germany, will probably dominate the discussions at the summit. Nevertheless, the agenda for the meeting is open, and has not been restricted to any specific item or items. I firmly believe, therefore, that the restoration of the fundamental freedoms and basic human rights to the people of the captive nations of eastern and central Europe should be one of the first subjects taken up at the summit meeting.

There are at least three separate reasons for my convictions on this subject, embodied in the concurrent resolution.

First, justice demands that these rights be restored to the people of captive nations;

Second, progress on the issue of disarmament—which is uppermost in the minds of many people throughout the world—cannot be achieved in a vacuum. It must be related at all times to the reality of the political situation in the world; and

Third, any agreement on disarmament which may come out of the summit meeting will not be worth the paper on which it will be written until we have some concrete evidence that the Soviets will abide by such an agreement.

The first two considerations do not require much elaboration. I am certain all of us will agree that justice demands the restoration of the fundamental freedoms and basic human rights to the people of the captive nations. There ought not be, anywhere within the free world, any disagreement on this point.

Further, I am certain we all realize that disarmament cannot be achieved in a vacuum. Effective disarmament can only be attained within the framework of a broader agreement providing for the solution of unresolved political issues. These issues are in evidence in all of the explosive situations existing along the entire circumference of the Communist empire: from Korea and the Formosa Strait in the Far East through southeast Asia and the Middle East to eastern and central Europe in the west.

It is unrealistic to expect to reach an agreement on disarmament—to see the world disarm—before those issues are settled. I believe, therefore, that the United States must be prepared to discuss at the summit each of the explosive situations I have mentioned.

This brings me to my third point, which has special bearing on the concurrent resolution I introduced: the point dealing with evidence of good faith on the part of the Soviets.

I firmly believe that, before we place our faith in any disarmament agreement, we must first insist that the Soviets live up to their past agreements—especially those which dealt with the fundamental freedoms and basic rights of the people of the captive nations.

Mr. Speaker, I would like to cite some of those earlier Soviet pledges—with particular reference to the ones embodied in the agreements reached at the Yalta Conference.

The Soviets solemnly promised to assist the liberated nations of eastern and central Europe—and I quote—"to solve by democratic means their pressing political and economic problems and to create democratic institutions of their own choice."

The Soviets affirmed—and I again quote—"the right of all peoples to choose the form of government under which they will live."

The Soviets pledged to facilitate—and I am still quoting—"the earliest possible establishment through free elections of governments responsive to the will of the people."

With respect to Poland, the Soviets were even more specific. They pledged themselves—and I quote—to "the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot. In these elections," the agreement continued, "all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates."

As we all know, none of these pledges have been fulfilled. The captive nations of eastern and central Europe were forcibly deprived of their sovereign rights, of their fundamental freedoms, and of their basic human rights by the Soviets. Soviet domination over the lives and affairs of the people of the captive nations continues to this very day.

Mr. Speaker, as sensible and realistic people, we cannot in good conscience put any faith in new Soviet pledges until they show some semblance of good faith by living up to the old ones.

This is precisely what the concurrent resolution which I introduced is intended to achieve. It reaffirms the right of the people of the captive nations to live under governments of their own free choice, and to enjoy basic human rights; and it urges the President of the United States to pursue energetically the attainment of those goals at the forthcoming summit meeting in Paris.

Mr. Speaker, I sincerely hope that this resolution will be overwhelmingly approved by this House at the earliest possible time.

Mr. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BENTLEY. Mr. Speaker, I am certain that the gentleman in naming the Members who have introduced similar resolutions today inadvertently omitted my name. I am sure that was an unintentional omission on his part, because he and I have discussed this matter at some length.

Mr. ZABLOCKI. It certainly was inadvertent, and at this time I want to say that the gentleman from Michigan has been most helpful in preparing the resolution. I welcome the gentleman's contribution and I am very happy that he has joined in the cosponsorship.

Mr. BENTLEY. I thank the gentleman from Wisconsin. I would like, Mr. Speaker, to pay tribute to him for his diligent and untiring work in preparing and putting forth this very important concurrent resolution which I hope and trust will be passed by the Congress prior to the forthcoming summit conference. Since I share the gentleman's viewpoint, the question of the freedom of the people of the captive nations, their right to live under their own chosen governments, and the restoration of their fundamental freedoms and basic human rights is of such importance that it should, under any circumstance, be a subject for discussion at the summit conference.

In this connection, Mr. Speaker, I would like to call attention to a resolution which I introduced on August 5, 1959, House Resolution 337.

The purpose of my resolution which is now pending before a subcommittee of the Committee on Foreign Affairs and on which hearings have been held would

have been, if adopted, the expression of the sense of the House that no summit conference be held until the Soviet Union and the leaders of the Communist governments of central and eastern Europe had taken some visible steps toward the holding of free elections.

I felt it very necessary, Mr. Speaker, in view of a great many documentary sources of the past regarding the expression of free elections in this part of Europe to endeavor to hold the Soviet Union and the Communist leaders to their promises in this connection.

I think, Mr. Speaker, we first of all must go back to August 14, 1941, the date of the Atlantic Charter, under which both President Roosevelt and Prime Minister Churchill signed an agreement which was endorsed 6 months later by Premier Stalin of the Soviet Union that those peoples and their countries—that is, the United States, the United Kingdom and the Soviet Union "respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them."

Next, Mr. Speaker, I think we should refer to the declaration of these three heads of state when they signed a declaration at Teheran on December 1, 1943, saying:

> We look with confidence to the day when all peoples of the world may live free lives, untouched by tyranny, and according to their varying desires and their own consciences.

Next, of course—and the gentleman from Wisconsin has already referred to this—there was the declaration by the same three heads of state at the Yalta Conference, February 11, 1945, when they pledged themselves that their "three governments will jointly assist the people in any European liberated state or former Axis satellite state in Europe (c) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people; and (d) to facilitate where necessary the holding of such elections."

Then on December 10, 1948, the General Assembly of the United Nations adopted the following universal declaration of human rights which included the statement:

> The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held in secret vote or by equivalent free voting procedures.

I also think, Mr. Speaker, reference should be made to the declaration forthcoming from the Yalta Conference with respect to free and unfettered elections on the part of the Polish provisional government.

Mr. Speaker, I think reference should be made to the three treaties of peace, signed on February 10, 1947, between the United States, Great Britain, and the Soviet Union on the one hand, and, respectively, Hungary, Bulgaria, and Rumania on the other hand, with reference to freedom and the implementing of human rights and fundamental freedoms on the part of the peoples of those three countries.

But I think it evident, Mr. Speaker, that the leaders of the Soviet Union and their Communist satellites in central and eastern Europe have cynically betrayed these and other wartime and postwartime pledges by brutally restricting the natural, unalienable rights of these people.

Mr. Speaker, I think reference should be made at this time to the fact that both the Republican and the Democratic Parties in their prior political platforms have made clear their own belief that the independence and the liberty of the captive nations forms a nonpartisan, or a bipartisan pledge on the part of both of our leading political parties.

For these and many other reasons, Mr. Speaker, I felt it incumbent to introduce House Resolution 337 last August, which has been pending, as I say, before the Committee on Foreign Affairs.

Of course, since the summit meeting has already been agreed to, with no promise on the part of the Soviet Union regarding the question of free elections, possibly the passage of House Resolution 337 at this time would be somewhat academic. But in view of its importance, Mr. Speaker, I ask unanimous consent to include its entire text in the RECORD at this particular point.

The SPEAKER pro tempore (Mr. WRIGHT). Without objection, it is so ordered.

There was no objection.

(The matter referred to is as follows:)

[86th Cong., 1st sess.]

HOUSE RESOLUTION 337

Whereas it was the declared principle of the Atlantic Charter, signed by the President of the United States and the Prime Minister of Great Britain on August 14, 1941, and publicly agreed to six months later by the Premier of the Soviet Union, that these persons and their countries do "respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them"; and

Whereas it was the declaration of these three heads of state, Roosevelt, Churchill, and Stalin, signed at the Teheran Conference of December 1, 1943, that "we look with confidence to the day when all peoples of the world may live free lives, untouched by tyranny, and according to their varying desires and their own consciences."; and

Whereas it was the conclusion of Roosevelt, Churchill, and Stalin, reached at the Yalta Conference on February 11, 1945, that their "three governments will jointly assist the people in any European liberated state or former Axis satellite state in Europe * * * (c) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people; and (d) to facilitate where necessary the holding of such elections."; and

Whereas it was the resolution of the General Assembly of the United Nations concerning the universal declaration of human rights, adopted December 10, 1948, that "The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held in secret vote or by equivalent free voting procedures."; and

Whereas it was also declared at the Yalta Conference that "The Polish provisional government of national unity shall be pledged to the holding of free and unfettered elections as soon as possible, on the basis of universal suffrage and secret ballot."; and

Whereas it was the declaration of the three treaties of peace, signed on February 10, 1947, between the United States, Great Britain, and the Soviet Union on the one hand, and respectively, Hungary, Bulgaria, and Rumania on the other hand, the "Hungary (Bulgaria and Rumania) shall take all measures necessary to secure to all persons under Hungarian (Bulgarian and Rumanian) jurisdiction, without distinction as to race, sex, language, or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion, and of public meeting."; and

Whereas the leaders of the Soviet Union, together with their subordinates in the satellite areas of Central and Eastern Europe, have cynically betrayed these and other wartime and post-wartime pledges by brutally restricting the natural, unalienable rights of these people; and

Whereas it was the declaration of the platform of the Republican Party in 1952 that, "It will be made clear, on the highest authority of the President and the Congress, that United States policy, as one of its peaceful purposes, looks happily forward to the genuine independence of those captive peoples."; and

Whereas in 1953 President Eisenhower stated that "It seems clear that the safety and future of the people of Eastern Germany can only be assured when that region is unified with Western Germany on the basis of free elections * * * it is still our conviction that this represents the only realistic road to German unity, and I assure you that my Government will continue to strive for this goal."; and

Whereas it was the declaration of the platform of the Democratic Party in 1956 that, "We look forward to the day when the liberties of all captive nations will be restored to them and they can again take their rightful place in the community of free nations. We shall press before the United Nations the principle that Soviet Russia withdraw its troops from the captive nations, so as to permit free, fair, and unfettered elections in the subjugated areas, in compliance with the Atlantic Charter and other binding commitments."; and

Whereas in 1958 President Eisenhower, in replying to Premier Bulganin's request for a summit conference, wrote, "You then (at Geneva in 1955) took the position that there were no grounds for discussing this question (of captive nations) and that it would involve interference in the internal affairs of the eastern European states. But have not subsequent developments shown that I was justified in my appeal to you for consideration of these matters? Surely the Hungarian developments and the virtually unanimous action of the United Nations General Assembly in relation thereto show that conditions in Eastern Europe are regarded throughout the world as much more than a matter purely of domestic scope. I propose that we should now discuss this matter. There is an intrinsic need of this, in the interest of peace and justice, which seems to me compelling."; and

Whereas the unanimous passage of the resolution concerning Captive Nations Week, July 17 through July 24, and the subsequent angry reaction of Premier Khrushchev, point up both the continued high level of unrest

on the part of the people of the United States in the fate of the captive nations and the feelings of guilt and the vulnerability of Premier Khrushchev on this account; and

Whereas the American people feel, with their governmental leaders, that the desire for freedom among the captive people of central and eastern Europe, from whom much of the American culture has been derived, has been and should continue to be kept sharply alive for reasons both of our own and their security; and

Whereas the American people, like many others, hold to the belief which our Founders expressed in the Declaration of Independence that governments derive their just powers from the consent of the governed; and

Whereas the American people also believe, as Abraham Lincoln put it, that there is "something in that Declaration giving liberty, not alone to the people of this country, but hope to the world for all future time."; and

Whereas the American people, never acquiescent in the enslavement of any peoples, believe, with their governmental leaders, that the pledges of the Soviet Union concerning the captive European countries must be honored if the world is to begin to find a true and lasting peace: Therefore be it

Resolved, That it is the sense of the House of Representatives that, before the President of the United States agrees to any future summit meeting with the head of government of the Soviet Union, the leaders of the Soviet Union should promise to hold free elections in the Communist-controlled countries of Central and Eastern Europe; furthermore, that before a summit conference takes place, some concrete and visible steps must be taken toward the holding of such elections.

Mr. BENTLEY. Mr. Speaker, I also ask unanimous consent to include a letter from the Department of State dated August 27, 1959, the text of this letter being a report from the Department on House Resolution 337, at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

(The matter referred to is as follows:)

DEPARTMENT OF STATE,
Washington, August 27, 1959.

The Honorable THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: The Department of State appreciates the opportunity afforded by your letter of August 11, 1959, to comment on House Resolution 337, a resolution providing for the holding, before any future summit conference, of free elections in the Communist-controlled countries of central and eastern Europe, which has been introduced and referred to the Committee on Foreign Affairs of the House of Representatives.

The Department of State does not favor the adoption of House Resolution 337 because it believes that the principal effect of this resolution would be to circumscribe unduly the freedom of action of the President and the executive branch of the U.S. Government in those matters of foreign policy planning and diplomatic negotiation that are directed not only toward the improvement of the present situation in Soviet-dominated central and eastern Europe but also toward the settlement of other complex issues in United States-Soviet relations.

In the Department's view, there is no evidence that Soviet leaders would promise to hold free elections in the Soviet-dominated countries of central and eastern Europe as a precondition for a summit meeting. In existing circumstances, therefore, the putting forward of such a condition could only tend to perpetuate the stalemate of interests which has prevailed for many years and to handicap this Government and its allies in working out gradually and progressively, as such matters will inevitably require, the conditions and foundations of a just and stable peace.

Finally, the Department believes that it is clear that the formula of free elections for the Soviet-dominated countries of central and eastern Europe, while desirable in proper perspective as an appropriately timed step in the process of the restoration of freedom and national independence to the captive peoples, can only reflect, as applied in House Resolution 337, an unrealistic and oversimplified conception of the highly complicated and interrelated problems which now confront the world. Such a narrow and restrictive approach to these problems cannot contribute effectively to their solution and can only seriously encumber the executive authorities of the U.S. Government in their efforts to achieve the fundamental objectives of U.S. policy in central and eastern Europe as well as in other areas of the world that are threatened by Soviet Communist imperialism.

In the light of the foregoing considerations, the Department of State must conclude and respectfully submits that the adoption of House Resolution 337 would not serve the foreign policy interests of the United States.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,
Assistant Secretary
(For the Acting Secretary of State).

Mr. BENTLEY. I regret to say that for various reasons the Department did not support the resolution and is in opposition to the adoption of House Resolution 337, but I feel to keep the record straight that the Department's reasons for opposing it should be set forth, although, of course, I cannot agree with them.

I think this matter is of overwhelming and consummate importance, to judge from the support it has received. I may say that the folders in front of me represent only a small part of the correspondence I have received in support of House Resolution 337 from many organizations, of which I have a list here, from many American patriotic organizations, from many organizations who are vitally interested in extending freedom and self-determination to the peoples of central and eastern Europe who have been deprived ever since the end of World War II through the Communist enslavement. I believe the question of the freedom of the captive peoples in the nations of central Europe should under any and all circumstances be a part of the agenda in the forthcoming conference. I trust my friend from Wisconsin and all of the cosponsors who support him in this resolution of his, and I commend them, will get this resolution passed by the Congress, that we will once again put the Congress on strong record as believing in the independence of the captive peoples and believing that it is a question that should be taken up and continually discussed with the Soviet Union at any and every opportunity, including the forthcoming summit conference.

Once again I thank the gentleman for yielding to me. I certainly extend to him my heartiest congratulations and the promise of my full support in the passage of this resolution, which I assume will go to the Committee on Foreign Affairs, of which both he and I are members.

Mr. ZABLOCKI. I thank the gentleman. I congratulate him on his fight for the basic freedom and human rights of the people of the captive nations.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wish to join in commending the gentleman from Wisconsin [Mr. ZABLOCKI], a distinguished member of the Committee on Foreign Affairs, for initiating this discussion today. I am very proud to introduce a companion resolution which urges President Eisenhower to demand free elections for the captive nations when he meets with Soviet leaders at the summit conference in May. In view of the fact that the gentleman, as a member of the Foreign Affairs Committee, has played such an important part in the introduction of this resolution, we have high hopes of getting formal action on it before the President leaves for the conference. Fears have been expressed that the forthcoming summit conference will not produce any results. Already it appears that the stage is being set to somewhat deflate the conference.

I believe if the President will adopt the spirit of the resolution we are today introducing and carry this mandate from the American people with him when he sits down at the summit conference table, he can make a demand, a forthright, decisive demand, that before we can lock to lasting peace in this world, before we can look to genuine disarmament, these people who are now being held captive by the Soviet Union must have a right to free elections, a right to select their own forms of government. The President can give real meaning to this conference by making such a demand on the Soviet rulers.

I have always believed there is a great deal more vigor in defending a right than opposing a wrong. We can certainly defend here with a clear conscience the right of these people to choose their own form of government. There is no question but that the people in Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, East Germany, the Ukraine, and all the others being held captive by the Soviet Union today may very well constitute the balance of power between a lasting peace and ultimate war.

We must keep alive the hope of ultimate freedom for these people. The Soviet Union is most concerned because the Soviet Union knows it cannot rely on these people in the event that it touches off a third world war. I have said repeatedly that the gallant people in these captive nations, who traditionally have maintained their ties with the democratic West, want to restore their traditional relations with us as free people. If the Soviet Union ever succeeds in crushing the spirit of these captive nations through brute force and extended

brainwashing, she will then not hesitate to attack us. The spirit of these captive people is today the greatest deterrent to war and the best guarantee for peace. We must keep this spirit alive.

I think this resolution is important for another reason. This great trend of cultural exchanges and economic exchanges, while I am very happy about it and endorse the purpose of it, could very well create the impression that the United States has accepted as the status quo the position of these captive nations under their Communist rulers. Should this feeling really take hold behind the Iron Curtain, it would demoralize whatever spirit still remains among these people and whatever hope still remains that some day they are going to see the spark of freedom in their own country as we, in America, enjoy it today. I believe by adopting this resolution and by the President taking a positive and forthright position at the summit, he would, indeed, be documenting the fact that this Nation has not given up its traditional belief that all people in the world should be free because that is what we are fighting for now and that is what we fought the last war for.

Finally, I would like to point out, Mr. Speaker, it is important that this resolution be adopted because nothing ruffled the Soviet Union as thoroughly as the captive nations resolution last year when we observed Captive Nations Week in this country. This is an indicator that the Soviet Union is very, very mindful of the fact that the people behind the Iron Curtain in the captive nations are yearning for a tie with the West. I believe, therefore, that it is very important that this resolution be adopted. I join in commending the gentleman who obtained this time today under special order of the House, and urge that we all work very hard to get this resolution passed. I also strongly recommend that the gentleman who obtained this special order for today write to President Eisenhower and advise the President of the action that we are taking here today and advise him of the proposal that has been submitted on a bipartisan basis. I hope we are able to get the support of the President on this resolution.

Mr. Speaker, I would like to call the attention of the gentleman to the fact that in the last session of this Congress, I introduced a resolution, House Resolution 491, calling for the placing of the subject of the captive nations on the summit agenda. The report from the Department of State was a negative one. Again, I introduced the resolution, House Resolution 520, urging that the President discuss liberation of the captive nations at his Camp David meeting with Premier Khrushchev. We did not get any answer from the Department of State on my second proposal until Congress adjourned 2 days before Khrushchev's arrival in Washington. I sincerely hope that the Department of State is not going to use this same type of delaying technique in giving us a reply on the resolution we are introducing today until after the summit meeting. I hope the Department of State will move forthrightly because if it does not, if it opposes this resolution, then we will move to conclude that the State Department and the President have in fact accepted the "status quo" of the captive nations. The Communists keep referring to the "Spirit of Camp David." This is an excellent opportunity for us Americans to show that the spirit of Camp David means freedom for all people. I think if the President were apprised personally of what we are doing here today, perhaps the President will lend his own weight to this resolution to help create the spirit that we are trying to generate. Certainly, there is no question but what we can put the United States and the entire free West in the forefront, if we would today demand the liberation of these captive nations. We have been on the defensive too long. We should make it crystal clear to Khrushchev that the free world will not pull its forces out of Berlin until the Soviet Union withdraws its forces from the captive nations and permits all of these great people to choose their own forms of government.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman from Illinois [Mr. PUCINSKI] for the fine statement he has made, and I commend him for the work he has done in his activity in introducing the resolutions in the first session. I hope the gentleman will include that in his remarks in the body of the RECORD at this point.

(The matter referred to is as follows:)

HOUSE JOINT RESOLUTION 491

Joint resolution relating to restoration of freedom to captive nations

Whereas the unprecedented reception given the Vice President of the United States by the people of Poland on his recent trip to that country has demonstrated the strong bonds of friendship between these people and the United States; and

Whereas by this spontaneous greeting for an American official the people of Poland have spoken loud and clear their sincere desire for the same freedom enjoyed by western democracies; and

Whereas this demonstration was in fact the first real opportunity for the free world to see the sincere regard which the people behind the Iron Curtain have for the free world; and

Whereas the same feeling would be expressed by the peoples of all other captive nations if they had a similar opportunity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That—

(1) It is the intent of Congress that the formulators of American foreign policy should hereafter insist that all future summit conferences include on the agenda a discussion of restoration of full freedom to the captive nations now being held in the Soviet bloc;

(2) The Congress of the United States urges the President that he press for such peaceful restoration of full freedom for the people of the captive nations when he meets here in the United States with Russian Premier Nikita S. Khrushchev; and

(3) The Congress of the United States is resolute in its belief that the people of the captive nations should have an opportunity to freely express their will in choosing their own philosophy of government and they should also have the freedom to elect those who will govern their respective countries.

HOUSE JOINT RESOLUTION 520

Joint resolution relating to restoration of freedom to captive nations

Whereas the unprecedented reception given the Vice President of the United States by the people of Poland on his recent trip to that country has demonstrated the strong bonds of friendship between these people and the United States; and

Whereas by this spontaneous greeting for an American official the people of Poland have spoken loud and clear their sincere desire for the same freedom enjoyed by western democracies; and

Whereas this demonstration was in fact the first real opportunity for the free world to see the sincere regard which the people behind the Iron Curtain have for the free world; and

Whereas the same feeling would be expressed by the peoples of all other captive nations if they had a similar opportunity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) The Congress of the United States urges the President that he press for such peaceful restoration of full freedom for the people of the captive nations when he meets here in the United States with Russian Premier Nikita S. Khrushchev; and

(2) The Congress of the United States is resolute in its belief that the people of the captive nations should have an opportunity to freely express their will in choosing their own philosophy of government and they should also have the freedom to elect those who will govern their respective countries.

Mr. ZABLOCKI. Mr. Speaker, I assure the gentleman that the Soviet Union is very sensitive—very, very sensitive when it comes to its indefensible position as to the status of the dominated nations—the nations that are captive nations. I want to assure the gentleman from Illinois [Mr. PUCINSKI] that the gentleman from Wisconsin who is now addressing the House will certainly advise and directly advise the President of the proceedings this afternoon.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield.

Mr. GROSS. Has the gentleman been referring to the resolution that was on the Consent Calendar today or is this another resolution?

Mr. ZABLOCKI. This is not the resolution that was on the Consent Calendar today. This is another resolution.

Mr. GROSS. Of course, if the gentleman will yield further, my only opposition to that resolution was, as I believe the gentleman knows, the fact that it provides any funds that are saved to the taxpayers of this country would be spent for additional technical assistance in foreign countries. That was my objection and my only objection to that resolution.

Mr. ZABLOCKI. I fully understand the gentleman's objection, and I hope the gentleman from Iowa will have an opportunity to vote in the very near future on the resolution.

Mr. GROSS. But, without that language in it, if I may ask the gentleman?

Mr. ZABLOCKI. It is not my intention to amend the resolution stricken from the Consent Calendar today.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Speaker, the 86th Congress inspired the common man the world over, brought new hope to the millions of captive people behind the Iron Curtain, and struck genuine fear into the minds of the leaders of the international Communist conspiracy during the last session by enactment of the Captive Nations Week resolution, which has now become Public Law 86-90. I know of no single action by our Government during all the years I have been privileged to serve the people of the 20th District of Ohio, which has done more to advance the cause of peace with justice, or to make our Nation more respected and admired by men in all walks of life the world over. Many who had lost hope that we would come to understand the true nature of the Communist conspiracy in time to take effective action against it have been renewed in their faith that freedom's cause is the wave of the future. Others who have spent many years of devoted service to their country have brought new strength and courage to their official tasks in the knowledge that at long last we had returned to the battlefield of moral and political ideals.

The Captive Nations Week resolution not only serves notice on the leaders of Russian communism that the United States intended to lead the crusade for peace with justice, by standing firmly by those great ideals which have made us the hope of the world, but it provided evidence we had no intention of limiting the application of those inspiring ideals. Committees of the Congress have worked long and diligently to uncover the truth about the methods and scope of Communist aggression, to identify all the nations of the world which have fallen victim to this new imperialism, and to uncover the truth about the hidden nature of imperial communism. From these studies we have learned much. In my judgment these basic lessons stand out:

First. The U.S.S.R. is nothing more than a prison of nations, that is, non-Russian nations all of whom have won and held their national independence at some time during the past 40 years. These once free and independent nations were the first to fall victims to the new imperialism of the Russian Communists.

Second. The Russian Nation alone, among all the nations of the U.S.S.R., is the only one which has failed to produce a national independence movement at a time in history when this powerful human appeal is reshaping the order of the world. The evidence is clear that the Russians prefer the concept of a Soviet state and to this view they have every right because we believe in the right of all nations to freely choose their form of government. But we do not agree the Russians have the right to impose their peculiar concepts of government upon other nations.

Third. During the past 40 odd years the Russians have imposed by force their peculiar concepts of government upon a score of nations, thus establishing an empire which far exceeds the dreams of Tzar Peter who was the first Russian to propose a world empire as the goal of the Muscovites. It is the existence of this empire of captive nations which has caused the dangerous tensions which grip the world and threaten the outbreak of another war. We must accept the fact that these dangerous tensions will continue to exist as long as this empire of captive, non-Russian nations exists.

Fourth. All the captive nations suffer a common plight, that is, they are all subjected to the same tyranny, terror and police state control. In this common plight there is common cause. And this common cause is strengthened because the vast majority of the people of the captive non-Russian nations are struggling for their liberties, their freedoms and for their national independance. It is essential, therefore, that the Government of the United States continue to view this problem in its broadest aspects, to regard the independence of each captive nation as important as the independence of any other nation.

Fifth. It is in the nature of things that we should join the common cause of all the captive nations because the political goals they seek are the key to a just and lasting peace.

I have studied the resolution introduced by my good friend, the Congressman from Wisconsin [Mr. ZABLOCKI] and congratulate him for the initiative he has taken to strengthen the hand of President Eisenhower for the forthcoming summit conference. I call to the attention of my friend the need to broaden his proposal to include all the captive nations. As I read his resolution I sense that its intent is limited to the captive nations of central and east Europe. I am certain that he did not intend to do so as he was one of the leaders in causing the enactment of the Public Law 86-90, which carries no geographical limitations. I am equally certain that he regards the captivity of the Baltic Nations, the nations of the Caucasus and the Far East to be equally worthy of our support and recognition.

I ask, therefore, that the wording of the resolution introduced by Mr. ZABLOCKI be changed so that it conforms to the existing law with respect to the captive nations. I am suggesting that we spell out all the captive nations listed in Public Law 86-90 so that no one will misunderstand the seriousness of our purposes in enacting that law. There are those who, liking the old order of things, would like to degrade and belittle the Captive Nations Week resolution. Not the least among these is the Russian leader Khrushchev, who has been busy attacking the good faith of Congress in enacting the law which has officially established the third week of July as Captive Nations Week.

In the spirit of helpfulness, I am proposing some additions to the resolution introduced by Mr. ZABLOCKI which I feel are in keeping with prior action by the Congress.

The urgent need exists for Congress to provide unstinting support for President Eisenhower in his role as leader of the free world nations at the summit conference this May. Extensive plans are now being made for that meeting. Everyone recognizes that the basic issue at the summit conference is human rights, the rights of nations and people, and no other consideration can take priority over that fact. Recently President Eisenhower gave voice to his determination to support the principle of self-determination for the people of free Berlin. This conforms with our role as defender of human rights and President Eisenhower knows that he has the complete support of the American people in standing firm on this issue. But the future of free Berlin is only one of the issues, important though it may be, which will come up at the Paris meeting.

There now remains little doubt that the main objective the Russian Communists will seek at the Paris meeting is an acceptance by the leaders of the free world of a status quo with respect to their empire. They seek and desperately need what they call recognition for the permanency of their empire of captive nations. There are signs that they will be willing to pay a price for such recognition; that is, a price involving nonessentials. At no point, however, can we expect them to make concessions which conform to the requirements of a just and lasting peace. Their concepts of justice are completely alien to those of free men and the only peace they will recognize is the imposed peace of communism which now rests heavy upon almost one-third of the human family. That is why the underlying issue, the priority issue and the only issue of substance to be taken up at the Paris summit meeting, is peace with justice for all nations and all people.

This setting provides an unusual opportunity for President Eisenhower to climax his two terms as President by emerging from the Paris summit meeting as undisputed champion and leader of the cause of peace and justice. He can do this by casting aside the straightjacket of nonessentials which the Russians have imposed upon the agenda for the meeting, by refusing to get bogged down with secondary issues and by insisting that since the purpose of the meeting is to remove the causes which have created dangerous tensions between nations, the first item to be taken up and to be resolved is the question of the future status of the captive nations. Such a position is completely consistent with the policy statements made by the President during his recent good-will tours of Europe and Latin America. The common man in those areas of the world will be looking for the President to undertake such action, to follow through at the summit where the real test of our serious intentions will take place. Hundreds of millions of people behind the Russian iron curtain are anxiously awaiting the Paris summit meeting, awaiting clear and unequivocal actions which will assure them that our Government thinks no less of them and their aspirations for human freedom. President Eisenhower and President Eisenhower alone carries this heavy responsibility to the Paris summit meeting. Congress can and should take every means to assure the President of its complete support for his expected

followthrough on the high promises made during his free world tour, but it remains for the President to emerge from the Paris summit meeting as the undisputed champion and leader of the cause of peace with justice for all nations.

In order to meet any doubts that may exist, particularly in the minds of the Russian leaders, that a Democratic majority in the Congress may create a difference of opinion with the President on the question of peace with justice, I urge that the resolution offered by my good friend from Wisconsin [Mr. ZABLOCKI] carry a direct appeal on this score from the Congress to all nations and peoples of the world. Such an appeal would be in strict conformity with what the President has been urging upon all the nations and peoples of the world and its acceptance would remove any doubts that may exist as to the unbreakable unity all Americans have on this all-important issue.

I have, therefore, introduced a concurrent resolution which seeks the same purposes as that proposed by my colleague from Wisconsin [Mr. ZABLOCKI], and which conforms to the language and intent of the captive nations resolution passed during the first session of Congress.

My resolution reads as follows:

CONCURRENT RESOLUTION RELATING TO RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Whereas the rulers of the Soviet Union have repeatedly declared their determination to pursue relentlessly their political, economic, and ideological drive for a worldwide victory for communism; and

Whereas, in their efforts to attain that objective, the leaders of Russian communism, through force of arms, subversion, infiltration, and other unlawful means, have imposed puppet Communist regimes upon the people of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others; and

Whereas the leaders of Russian communism have employed organized tyranny, terror, mass killings and deportation, and other inhuman means to crush the spirit of the people of these captive nations and to transform their countries into political, social, economic, and cultural replicas of the Russian Soviet State; and

Whereas, in direct violation of the commitments set forth in the Atlantic Charter and the provisions of the Yalta Agreement, the people of the captive nations are still being denied the right of self-government by democratic means and the opportunity to choose, through free and unfettered elections, national governments of their own free choice; and

Whereas in contravention of duly ratified treaties of peace, of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of expressions of the United Nations General Assembly, the people of the captive nations are being systematically deprived of the exercise of fundamental freedoms and basic human rights; and

Whereas the 86th Congress did unanimously enact the Captive Nations Week resolution as a testament of support for the legitimate aspirations of the people of all the captive nations, thus recognizing the common plight of all the submerged nations forcibly incorporated into the Russian Communist Empire during the past 42 years; and

Whereas, the President of the United States has concurred in this action by Congress by signing the resolution into law and declaring by public proclamation that the third week of July shall henceforth be observed officially as Captive Nations Week; and

Whereas the United States of America has stood firmly on the principle of self-determination, welcoming the enlargement of the area of freedom and self-government and insisting on the inalienable right of the people of the captive nations to live under governments of their own choice; and

Whereas the United States of America has consistently refused to sanction, either directly or by implication, the political status quo of the captive nations, which the leaders of Russian communism have persistently attempted to impose upon the countries of the free world, particularly the United States;

Whereas the attainment of a just and lasting peace is inconceivable without the restoration of freedom, independence, and national sovereignty to the captive nations forcibly incorporated into the Russian Communist Empire, the United States of America is determined to pursue by all peaceful means, the emancipation of these nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) The Congress of the United States reaffirms its intention to stand firmly by the people of the captive nations in their aspirations for freedom, liberty, and national independence;

(2) The Congress of the United States invites the active cooperation of all nations and men of good will in a crusade for peace with justice and freedom for all mankind; and

(3) The Congress of the United States urges the President to pursue energetically and as a matter of first priority at the forthcoming Summit Conference the inalienable right of all people to self-government, individual liberty, and the basic human freedoms, and, in particular, the restoration of these God-given rights to the people of the captive nations.

Mr. ZABLOCKI. I thank the gentleman for his excellent statement. His recommendations will receive my utmost consideration when this matter will be acted upon by the Foreign Affairs Committee.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it the opinion of the gentleman from Ohio that this legislation is a logical followup to the resolution adopted by the Congress and signed by the President last year proclaiming Captive Nations Week?

Mr. FEIGHAN. Absolutely; with complete certainty. The resolution that has been introduced by our distinguished and able Member from Wisconsin should be broadened to include all nations. His resolution embodies only central and eastern Europe. I feel that it should embody all nations of the world, including Asia, all of Europe, and any other nation that is not free. Any nation that is not free is captive. I am in thorough accord with the objective of my colleague's resolution. I certainly appreciate the gentleman's undertaking and feel that he is deserving of the highest praise.

The Zablocki resolution includes only Poland, Czechoslovakia, Hungary, Rumania, and Bulgaria. That is what I think eastern and central Europe means. Some may say it means more than that, but the fact it is open to dispute plays right into the hands of the Russians and their efforts to discredit Public Law 86-90, which reads as follows:

S.J. RES. 111

Joint resolution providing for the designation of the third week of July as Captive Nations Week

Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet-Nam, and others; and

Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

Whereas the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the third week in July 1959 as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each

year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

Approved July 17, 1959.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield further, it is my feeling that the gentleman from Ohio has made a very significant contribution in suggesting expanding and defining the term "captive nation" and to take in all of the captive peoples of the world. May I ask one more question? Perhaps the gentleman from Ohio or the gentleman from Wisconsin would like to comment on this frequent argument that we hear from Communist rulers. Whenever the suggestion is made that the question of freedom of these captive people be discussed at the summit conference, the Soviet Union always holds out the argument that these are internal matters of the respective captive nations and therefore do not belong on the agenda of the summit conference. I wonder if either the gentleman from Ohio or the gentleman from Wisconsin would like to comment on this totally fallacious argument that is always presented by the Soviet Union?

Mr. FEIGHAN. It is a specious argument. Every agreement among the cobelligerent victorious nations during and subsequent to World War II, such as the Atlantic Charter, the Yalta Agreement, every peace treaty entered into by the victorious powers after the war, and all other agreements, emphasized and agreed that every nation should have the opportunity to determine its own destiny by free and unfettered elections, unharassed by alien occupation forces. Only after a free and unfettered election has taken place in any nation, can the United States and other nations who were parties to agreements insisting upon the right of self-determination of any nation, agree that any subsequent elections are internal matters.

Mr. ZABLOCKI. I would like to say to the gentleman from Illinois that certainly if the Communist forces were not in Hungary, we could then say that any difference of opinion in that country would be an internal matter. However, when by sheer force a power dominates the policies in a country it is not an internal matter. In my opinion it is not only within the scope of discussion of the summit meeting, but we have an obligation to the free world to demand that atrocities and Communist violations be placed on the agenda of the conference. The argument of the Soviets is absolutely erroneous; it is very specious. Of course, they will try to sweep under the rug the conditions that exist today in captive nations.

In answer to the gentleman from Ohio I wish to reiterate that we cannot possibly hope to have disarmament unless and until the explosive situations and problems are resolved. It is very necessary that the political problems throughout the world, from the Communist-dominated Chinese mainland, North Korea, North Vietnam, Tibet, central and eastern Europe must be solved before we can ever hope to move toward disarmament. I believe that the United States must insist on the inclusion of the restoration of freedom to all captive nations at the summit conference.

Mr. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BENTLEY. With respect to the argument on the part of the Soviet Union that the question of free elections is an internal matter and not subject for discussion at the summit conference, I refer again, as I did in my own remarks, to the fact that the Soviet Union, the United Kingdom, and the United States signed a treaty of peace with Hungary, Rumania, and Bulgaria which guaranteed the responsibilities of the three signatory powers to the holding of free and unfettered elections in the three countries which, of course, were the wartime allies of the Axis.

To the extent that the treaties of peace have been violated in these particular provisions it does directly become a subject for consultation and cooperation, if possible, between the three powers—ourselves, the British, and the Russians, and under no circumstances can be termed merely a question of internal politics with respect to those three countries, because it directly refers to the terms of the peace treaties arising out of World War II under which we and the British and the Russians adopted certain mutual guarantees with respect to the question of free elections. If free elections have not been held, according to the terms of the treaties themselves, we have the right to take those matters up with our wartime partners.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it the position of the gentleman from Michigan [Mr. BENTLEY] that since these people in the captive nations are forced to accept governments that they did not elect freely, that it is now as much our responsibility as anyone else's to make sure that the wartime agreements are carried out, that the provisions of the agreements are carried out which would, in fact, guarantee them free elections?

Mr. BENTLEY. If the gentleman will yield to me for the purpose of permitting me to answer the gentleman from Illinois, I will say that it is our responsibility more than anyone else's.

I would like to call the gentleman's attention to the fact that in Hungary, one of the three powers with whom we have a peace treaty, there were free elections in November of 1945 at which the Communist Party got approximately 25 percent of the total votes. There were semifree elections in August of 1947 at which time the Communist vote shrunk to 20 percent. That was the last free election, so far as I know, anywhere in eastern or central Europe. But I think it is a very good criterion of what would happen, if there were free elections, to the Communist Parties in those countries. I venture to say that their vote would be less than half of what they got even in those elections.

I say that it is our responsibility according to the terms of the treaty of peace, and on that basis, if no other, we would be perfectly entitled to take this matter up with the British and the Soviets at the summit conference.

Mr. PUCINSKI. I thank the gentleman for his forthright answer.

Mrs. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentlelady from Illinois.

Mrs. CHURCH. Mr. Speaker, I want to particularly thank the gentleman for his courage, resolution, and good judgment in introducing this resolution today. I was very proud to tell the gentleman that I wished to be listed as a cosponsor, and I hope to forward this great movement with him.

Mr. Speaker, I would like to say to the gentleman that it has been my pleasure and greatly to my benefit to serve on his subcommittee during the last 8 years in the Congress. I know of no one who has given more conscientious effort or closer dedication to the cause of freedom than the gentleman from Wisconsin. I think I have been fortunate to be under his leadership for so long, and I can assure him that in this and other matters where he leads so soundly I shall always follow.

I hope the gentleman has listed me as a cosponsor, because I so indicated to his office.

Mr. ZABLOCKI. I have so listed the gentlelady as a cosponsor. I am deeply grateful for the very kind words she has spoken about me. I want to commend the gentlelady for her efforts in the past and the cooperation that I have received from her in the Committee on Foreign Affairs.

Mrs. CHURCH. I am sure the gentleman will agree with me that where freedom is denied our own freedom is threatened.

Mr. ZABLOCKI. I do agree.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield for a final question?

Mr. ZABLOCKI. I yield.

Mr. PUCINSKI. Does the gentleman from Wisconsin have any indication that he is at liberty to discuss as to what is the position of the State Department regarding this effort to strengthen the President's hand at the summit meeting?

Mr. ZABLOCKI. May I advise the gentleman that last week at an executive session of the Foreign Affairs Committee—I shall, therefore, not identify the representative of the State Department—I inquired of the representative whether such a resolution as was today introduced would be helpful in the summit conference discussion and whether such a resolution would reiterate the strength and posture of our will. I am pleased to advise the gentleman from Illinois that this high-ranking State Department official stated, and I quote: "As an offhand reaction, I would be inclined to think it would be useful." Naturally I advised him that I hoped the executive branch would promptly send a favorable report on the concurrent resolution.

Mr. PUCINSKI. I thank the gentleman.

Mr. RODINO. Mr. Speaker, I am very pleased to join with Congressman

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ZABLOCKI today in introducing a resolution which deals with the restoration of freedom to the captive nations of Europe.

This resolution reaffirms what has been basic to American policy from the beginning: that these peoples have an inalienable right to choose the government under which they shall live. The United States has never recognized the legality of the puppet regimes imposed upon them by a foreign aggressor against their will and without their consent.

The peoples of the captive nations have continually resisted their oppressors, always in the secrecy of their hearts and sometimes in bloody martyrdom. Despite years of police-state tyranny, they continue to hope for the liberty and freedom which is rightfully theirs.

In addition to reaffirming their right to self-determination, this resolution urges the President to press for a restoration of freedom at the forthcoming summit conference. I urge every Member of the House to keep faith with the captive nations by supporting this resolution.

Mr. DERWINSKI. Mr. Speaker, I wish to join with numerous Members of Congress by introducing the concurrent resolution relating to restoration of freedom to captive nations. My action, like those of my colleagues, is intended to show the peoples of the world our constant desire for freedom for all mankind by holding out the firm and unshakable hope in the eventual triumph of freedom over tyranny.

Certainly, it is fitting and proper for Congress to remind the President, as he approaches the forthcoming summit conference, of our constant interest in the restoration of freedom of the nations now held against their wills behind the Iron Curtain. I especially remind the President of the tragic consequences—not only for the United States but for millions of free people—of the diplomatic failures of our Presidents at Teheran, Yalta, and Potsdam. Certainly, the policy of firmness that President Eisenhower will display at the coming summit meeting with Soviet Dictator Khrushchev is necessary so that worthwhile progress might be achieved. Appeasement is always a failure. President Theodore Roosevelt, in his policy of "speak softly but carry a big stick," set sound fundamental precepts for our conduct of foreign affairs that, when followed, always have been successful.

The people of the world must not be misled by any Soviet propaganda statements before, during, or after the coming conference. The Communists' plans for worldwide conquest are so apparent to all of us that we must not mistake their pious gestures of peace to mean a change in their fundamental philosophy.

WILLIAM JENNINGS BRYAN: THE GREAT COMMONER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. HECHLER] is recognized for 5 minutes.

Mr. HECHLER. Mr. Speaker, on March 19, 1860—a century ago last Saturday—occurred the birthday of a great American and a great Democrat, William Jennings Bryan.

Elected to the House of Representatives at the age of 30, he served two terms in this body and went on to become the youngest man ever to run for the Presidency after he swept the convention with his Cross of Gold speech in 1896.

William Jennings Bryan gave a text to the country when he proclaimed:

> I fear the plutocracy of wealth, I respect the aristocracy of learning, but thank God for the democracy of the heart.

Mr. DORN of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. It is a great honor to yield to my good friend and colleague from South Carolina, the Honorable WILLIAM JENNINGS BRYAN DORN.

Mr. DORN of South Carolina. I thank my colleague from West Virginia.

May I say that it is fitting and proper that this House pause during its great deliberations here to pay tribute and homage to William Jennings Bryan, who was born 100 years ago last Saturday, March 19.

William Jennings Bryan came along at a time when the Democratic Party's fortunes were at a very low ebb, and by his principles and ideals, his dynamic personality and his oratorical ability, he rejuvenated the Democratic Party. Many of the great measures he advocated have since become the law of the land during subsequent Democratic administrations.

When William Jennings Bryan made his famous campaign in 1896 he was only 36 years old. During this great election year when we are considering various candidates in both political parties it might be well to remember that some of the greatest leaders in all the history of the world have been young men. William Jennings Bryan was one of them. William Pitt of England was 24 when he was Prime Minister, and the greatest Prime Minister England ever had. I do not think how old or how young a candidate for President is should enter the question, but rather his character and ability to lead this country.

I want to thank my great friend from West Virginia for yielding. Since my distinguished friend from West Virginia [Mr. HECHLER] has been a Member of this body he has impressed those of us on both sides of the aisle. It is an indication of the continuing interest of the people of America in our political welfare when they send men to this Congress like my friend from West Virginia. I commend the gentleman from West Virginia for the great record he has made here in so short a time.

I commend the gentleman again for bringing to the attention of this House a great American's birthday; a man who was not a conformist but who believed in standing up for those principles and ideals in which he believed.

I was named WILLIAM JENNINGS BRYAN because my father disagreed with our great President Woodrow Wilson on the question of our entrance into World War I. He sided with William Jennings Bryan. Of course, Mr. Speaker, once we were forced into that war, Bryan, like all Americans, backed our gallant soldiers in their unsurpassed achievements on the battlefields of Europe.

Mr. HECHLER. I thank my friend, the gentleman from South Carolina, for his generous personal remarks about me and for his illuminating comments on the man for whom he was named, William Jennings Bryan.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman from West Virginia yield?

Mr. HECHLER. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. At the time that William Jennings Bryan was giving us the benefit of his services, it was my privilege to be attending Northwestern University Law School at the Masonic Temple on the northeast intersection of State and Randolph Streets. We admired William Jennings Bryan very, very much. He was all that my good friend, the gentleman from South Carolina said—an orator, a statesman—we can't—at least some of us and, certainly, I cannot go along with his political philosophy, but one thing I do want to say for the record is that his namesake is possessed of all the ability as an orator—and is there such a word as "convincer"?—and only last week our colleague from South Carolina gave us an example of how he could work his charm, to charm the birds off the perch or off the limb. But of his ability, and one thing that I would say to him that I regret is that always when he speaks the office force that I am privileged to have in my office, when they know of it, insist upon coming over and listening to him. I cannot go along with the political views of my friend, the gentleman from South Carolina, but I certainly can be persuaded by what he has to say on the floor of the House.

Mr. HECHLER. I appreciate the contribution of my friend, the gentleman from Michigan.

William Jennings Bryan served 2 terms in this body. He was elected in 1890 from the State of Nebraska and served from 1890 to 1894. He was the youngest man ever to run for the Presidency when he ran in 1896.

I believe that the Republican Party produced two great Presidents—Abraham Lincoln and Theodore Roosevelt. Theodore Roosevelt inherited and took many of his ideas from those first propounded by William Jennings Bryan.

The poet Vachel Lindsay immortalized Bryan's great election battle in 1896 when he wrote:

> There were truths eternal in the gab and tittle-tattle,
> There were real heads broken in the fustian and the rattle.
> There were real lines drawn:
> Not the silver and the gold,
> But Nebraska's cry went eastward against the dour and the old
> The mean and the cold.

In a coat like a deacon, in a black Stetson hat
He scourged the elephant plutocrats
With barbed wire from the Platte
Gigantic troubadour, speaking like a siege-gun
Smashing Plymouth Rock with his boulders from the West—

July, August, suspense
Wall Street lost to sense
August, September, October,
More suspense
And the whole East down like a wind-smashed fence.

Then Hanna to the rescue
Hanna of Ohio
Rallying the rollertops
The bucketshops
Threatening drouth and death
Promising manna.

Rallying the trusts against the bawling flannelmouth
Invading misers' cellars
Tin cans, socks
Melting down the rocks
Pouring out the long green to a million workers
Spondulix by the mountainload, to stop each tornado
And beat the cheapskate, blatherskite,
Populistic, anarchistic,
Deacon-desperado.

Election night at midnight
Boy Bryan's defeat
Defeat of western silver
Defeat of the wheat
Victory of letter files
And plutocrats in miles
With dollar signs upon their coats
Diamond watch chains on their vests
And spats on their feet.

Victory of custodians
Plymouth Rock.
And all that inbred landlord stock
Victory of the neat.

Defeat of the aspen groves of Colorado's valleys
The blue bells of the Rockies
The blue bonnets of old Texas
By the Pittsburgh alleys.

Defeat of alfalfa
And the mariposa lilly
Defeat of the young
By the old and silly.

Prairie avenger,
Mountain Lion,
Bryan, Bryan, Bryan, Bryan.

IMPRISONMENT OF BISHOP JAMES EDWARD WALSH IN RED CHINA

The SPEAKER pro tempore (Mr. WRIGHT). Under previous order of the House, the gentleman from Connecticut [Mr. DADDARIO] is recognized for 5 minutes.

Mr. DADDARIO. Mr. Speaker, I was distressed this weekend to learn of the steps taken by Red China to sentence Bishop James Edward Walsh to prison for 20 years on charges of espionage.

Earlier this year I commented on the action taken against United Press International Reporter Bill Yim, who had been permitted to enter Red China with the full understanding that he would be allowed to cover a story. Once inside, he was arrested.

Bishop Walsh was in China as a missionary, concerned with the well-being of humans, not with politics. He had been under surveillance since the Red takeover in 1949, and under arrest since the fall of 1959.

Throughout the years, efforts have been made by our Government to persuade the Communist Chinese to liberate Americans held in Red prisons. These include an outstanding young American from my district, John T. Downey, of New Britain. Continuing talks have not resulted in any concession by the Chinese. Despite word given by Chinese negotiators long ago that prisoners of the Korean conflict would be released, these men have been held in jails.

It has been obvious for some time that this contributed nothing to the solution of world tensions. So long as Red China claims its right to hold these men whom it imprisoned after unconvincing trials, there is full reason to hold the Communist regime beyond the pale of civilized nations.

Now Red China has compounded her sins by the action taken against Bishop Walsh. The bishop was a man of religion. He had declined, despite permission offered by his superiors, to leave his post. In 1956 he wrote:

Here in Shanghai I share the lot of Chinese clergy who cannot leave, who must share all the pressure and annoyance. They are the key factor in the church situation in China these days. There is some good, I think, giving them a little help or encouragement, if only as a moral gesture. I don't wish to do anything to separate myself from them of my own volition.

He also expressed his feelings in these words:

I don't feel inclined to get off the earth just because some people dislike my religion. Internment and death are simply the normal risks that are inherent in our state of life, a small price to pay for carrying out our duty, in our particular case a privilege because it would associate us a little more intimately in the cross of Christ.

Those of us who have watched the pattern of behavior established by the Chinese Communists since the Civil War that brought them to power over the mainland have known for many years of the cruel indifference to human feeling that it represents. A handful of men who can watch millions die as they seek to consolidate their power, who can tear apart families by the thousands to increase their labor supply, who retreat only for tactical advantage and press forward in areas heedless of the world conflagrations they might touch off, are not likely to be moved by the spirit of compassion and humanity that motivates Bishop Walsh.

This latest action of the Chinese Reds has caused new revulsion on the part of the American people. It may well be argued that nothing better could be expected from a Godless regime which feels itself threatened by any appeal to the soul of mankind. The moral should be clear. We cannot lessen our attention to a regime which is so inimical to the hope of peace. Nor can we reduce our efforts to seek the freedom of those held in Chinese jails despite the nature of the tyranny that sends them there.

I think it well, too, that all members of the House meditate on the feelings expressed in this editorial from the New York Times which comments on the fate of Bishop Walsh:

BISHOP WALSH'S CRIME

Bishop James Edward Walsh, of Cumberland, Md., may spend the rest of his life in a Chinese prison for offending the Red China government. At 69, he has been a servant of the Chinese people and of his church for almost half a century. All of us, of whatever religion, can share in an admiration for Bishop Walsh and indignation for the cruel 20-year sentence inflicted upon him.

An associate, the Very Rev. John F. Donovan, vicar-general of the Maryknoll Fathers, said of him: "If love is a crime, then he is guilty; if opposition to a brutal and tyrannical regime is a crime, he is guilty; if allegiance to his church is a crime, then he is guilty." In the raw, bitter communism of mainland China most of the civilized virtues are crimes and the Sermon on the Mount is full of treason.

Secretary Herter's protest will carry little weight with a government which charges our own Government with an "imperialistic scheme to subvert the Chinese people's democratic regime." But outrages such as this may well be remembered when somebody inquires why we do not want Red China in the United Nations or a Red Chinese Ambassador in Washington.

INFLATION IN ITS WORST AND LEAST UNDERSTOOD FORM—STRANGLING INTEREST RATES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, in his state of the Union message, President Eisenhower reported a budget for the current fiscal year of $79.8 billion, and proudly announced a surplus of $4.2 billion, the interest alone on which would amount to $200 million. He also declared himself stoutly opposed to inflation in any form. He said:

We must fight inflation as we would fight a fire that imperils our home. Here is an opponent of so many guises that it is sometimes difficult to recognize.

And he reported a national debt of $290 billion on which the interest charges alone are to cost the taxpayers $9.6 billion, or 12 percent of all Government expenditures.

The press hailed his message as a shift in fiscal strategy—a shift to greater reliance on a tighter fiscal policy and away from the almost total reliance on tight money policy.

It is important to define these terms. The tight money policy is well known to every worker, businessman, and farmer in the United States. Credit has been tight and money scarce for more than a year. This tight money policy is now and has been for years the policy of the executive branch of the Government, administered with devastating effectiveness through two media: First, the Federal Reserve Board, and secondly, the Treasury Department itself in offering both short- and long-term bonds, bills, notes, and certificates. The Federal Reserve has repeatedly raised rediscount rates—the rates which Federal Reserve banks charge member banks for loans it makes to them—with the inevitable result that the interest rate paid by the public on the money it borrows has

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marched upward and upward. On numerous occasions the Treasury has put a higher interest coupon on a new issue than the market required. The total effect of these two administration actions is prohibitive rates for the use of money, interest rates which have now reached the level of 1928.

Fiscal policy is simply a combination of the taxing and the expenditure policy of the Government. This is the area in which the Congress has exercised the predominant functions in recent years. However, the Congress must now assert its constitutional power over the tight-money policy, in addition to its traditional function in fiscal policy, for the compelling reason that the administration's tight-money policy has drastically disrupted fiscal policy as laid down by the Congress. The Constitution gives to the Congress the power to "coin money and determine the value thereof." Yet the value of money has continuously eroded under the present administration to the point that the fiscal function of Congress has been defeated.

In this, of course, reference is made to the inexcusably high interest rates which have been foisted upon the people of the country by the administration.

Wall Street notwithstanding, there is no such thing as a "free money market" or a "natural" interest rate. Credit, that is, the use of money, is a commodity like anything else. Money is issued only by the Government, and the cost of the use of money, or interest, likewise is the direct product of Government action.

Today, we are saddled with a national debt of $290 billion. In 1916 the Federal debt was $269 billion. The interest on the national debt in 1946 was $4.8 billion, and the interest on it for fiscal 1961 will be $9.6 billion. The Federal debt has risen less than 8 percent since 1916, but the interest on the debt has risen 100 percent. The national debt has risen under the present administration from $266 billion in 1953 to a staggering $290 billion.

Today, $1 out of every $9 the wage earner takes home is paid by him in interest charges, and $1 out of very $9 collected in taxes by the Federal Government is paid in interest on the national debt.

These figures impel closer scrutiny. The wage earner sees only 80 percent of his wages, since 20 percent is withheld at the source by his employer for Federal income tax. Out of his take-home pay, the average wage earner in the United States pays $1 out of every $9, or 11 percent in interest on his family obligations—his mortgage, the notes on his car, and TV, and so forth. The employer pays over the 20 percent withheld to Internal Revenue. Out of this 20 percent, the Federal Government pays $1 out of every $9—11 percent, actually closer to 12 percent—to the money lenders in the form of interest on the national debt.

The fiscal policy of the Government—taxes and expenditures—has been disrupted by the administration's tight-money policy because Congress has lost control of the cost of money, and the cost of money in the form of interest on the national debt has been inflated beyond all reason. Here is inflation in its most insidious guise.

The irony of the administration policy is that the very weapon which it has employed to fight inflation has blown up in the face of the American people. The form of inflation which has concerned the administration has been the inflation of wages and prices. To combat this form of inflation, the administration has inflated the cost of money—interest—to the point that the cost of money is the greatest single drag on the economy today. In the budget the cost of money, $9.6 billion, equals 12 percent of the total budget, and is far in excess of the amount budgeted for any other function, with the exception of national defense. Yet the cost of money has been treated as sacrosanct, something not to be questioned, just paid.

The Washington Post in its lead editorial of January 11, 1960, said:

> The tragedy is that only the needs of the Treasury seem to be sacrosanct in administration fiscal planning. Here the realities are faced, and there is much candid talk about the debt, interest cost, and the perils of inflation.

But the budget, itself, is not sacrosanct. The President said so in his press conference of Wednesday, January 13, 1960. He explained that—

> A budget, after all, is not a paper that you go to jail on if you happen to be a little bit wrong. A budget is an estimate, a plan for expenditures and revenues, and you get your balances on that basis.

We find, therefore, that the cost of money, interest rates, is sacrosanct from the very nature of the administration's position for the past 7 years, but that the budget which is the embodiment of fiscal policy is not sacrosanct. The difference is readily explained—the cost of money is wholly controlled by the executive branch of the Government under the present veto form of government, whereas Congress has something to say about the budget.

The Congress will be hard-pressed to find ways of reducing the budget as presented. It will mean the sacrificing, or deferring, of many functions of Government indispensable to national growth. As done in prior years, the Congress will scrutinize every item in the budget, and save where possible. But to what avail? There is a mountainous item in this budget that Congress can do precious little about, and that is the interest on the national debt which has been increased to its present strangling figure of $9.6 billion by the money policy of this administration.

During 1947–52, with a policy of adequate money, but fiscal tightness, resulting in a budget surplus of $12.4 billion, our growth was at the healthy rate of 4½ percent a year. During 1953–58, a period of tight money, but loose fiscal policies, resulting in a deficit of $8.5 billion, our growth rate declined to around 2 percent a year. The tight money policy of this administration is the epitome of inflation, and the direct beneficiaries are the moneylenders. Bank profits have increased a whopping 135 percent in the past 10 years.

The chairman of the House Ways and Means Committee stated on the floor last September that Congress might be disposed to raise the statutory ceiling of 4¼ percent on long-term Government bonds if the budget for fiscal 1961 showed a surplus. It is therefore not surprising to find that the new budget indicates a surplus of $4.2 billion. Is Congress now to disrupt the possibility of this surplus, or of any surplus, by permitting the further unbridled inflation of the cost of money which would, in turn, dissipate whatever surplus might eventuate?

In the next year, the Government is going to have to borrow about $100 billion, most of it refinancing. Each boost of one-quarter of 1 percent in interest would add $250 million to the cost of carrying the national debt; in 20 years it would add up to $5 billion. An increase of 1 percent on the $100 billion borrowed would add $20 billion in interest costs on the debt in the next 20 years.

Interest rates on Government securities have reached their highest levels since the 1930 depression years. Three-month Treasury bills bearing 1.766 percent interest in 1952 now are being marketed for 5 percent and more. Bonds marketed for 2.68 percent interest in 1952 now are bearing the maximum legal rate of 4.25 percent. The average length of the national debt has declined from 5 years, 8 months in 1952, to less than 4 years, 7 months today.

We were able to finance World War II at an average interest rate of 2.38 percent—approximately half the interest rates which the present administration has promoted and accepted. And we incurred an annual average deficit of $52 billion during the war, the debt increasing $209 billion from $49 billion in 1941 to $258.7 billion in 1945. For 2 decades before the present policies were put into effect, U.S. bonds were held at or close to par with an interest rate approximately half what we are paying today.

Who is responsible for the economic morass engulfing the country? The administration is. The administration, through the Treasury Department, has repeatedly issued Government bonds and notes at interest rates higher than necessary. The administration has inexorably marched the cost of short-term Government financing to the 4.25 percent ceiling on long-term Government bonds, and beyond, until today the cost of short-term financing to the Government is between 5 percent and 5.36 percent. The administration, through the Federal Reserve Board, controls the amount of money and credit in the banking system, and controls the level of interest rates in the whole economic system, mainly by buying or selling Government securities, controlling the ratio of bank reserves to loans, and increasing the interest rates paid by member banks. The Federal Reserve, by refusing to buy long-term Government bonds, has defaulted miserably in its duty to help maintain an orderly market for Government securities, instead driving higher and higher the interest rates on short-term Treasury offerings which

it buys in competition with the public; this with the knowledge and active acquiescence of the Treasury Department, whose Secretary is ex-officio Chairman of the Federal Reserve Board.

Equally significant is the fact that the discount rate—the interest charged by Federal Reserve to its member banks—is 4 percent, the highest since the early 1930's.

The administration caused the Federal National Mortgage Association—Fannie Mae—to offer on January 26, 1960, 12-year debentures totaling $100 million at 5⅛ percent—5.17 percent. Fannie Mae's 10-year issue of April 1959 carried 4⅜ percent interest, and its 10-year issue of March 1958—3⅝ percent interest. But in January 1960, the Congress had to be taught a lesson so that Congress would come to its senses and repeal the 4¼ percent ceiling on long-term—more than 5 years—Government financing. Therefore, the moneylenders are to receive 5⅛ percent on $100 billion, and Congress is to be coerced into repealing the 4¼ percent ceiling.

The result is rampant inflation—inflation of the profits of the bankers and of the wealthy; and this under the guise of controlling inflation.

The traditional position of the Democratic Party has been one of supporting low interest rates on money. The Republican Party has traditionally supported high interest rates and tight money. High interest rates cause the rich to get richer, and the poor to get poorer.

The tight-money, high-interest policy of the administration is costing the American public $10 billion a year more than in 1952, in higher payments on home mortgages, business loans, time purchases, State and local taxes, and interest on the national debt.

A family buying a low-priced car in 1960 on time, will pay nearly $200 more in interest than they would have paid in 1952. In 1952 a $10,000 FHA mortgage at 4 percent interest could be paid off over 25 years at a total cost of $15,840—of which interest was $5,840. In 1959, the same mortgage—now at 5¼ percent would cost $18,000 to pay off—of which interest is $8,000. The extra $2,160 would have bought another bedroom and bath.

The farmer in particular suffers from the high-interest squeeze. Through the wisdom of our great President Franklin D. Roosevelt, the small farmer was given 4½-percent money to buy seeds, feed, fertilizer, machinery, and equipment. The banks would not lend him any money. But he could borrow it at 4½ percent from the Farm Credit Production Association. This 4½-percent money was the salvation of the small farmers. Then last October, came the "magic 5s." The Treasury Department offered $2 billion in 4-year 10-month notes at 5 percent. There was a run on the banks by depositors in New York and other large cities to withdraw their savings so they could join in the bonanza. The Government offering was oversubscribed 5½ times to 1, $11 billion in money offered for a $2 billion issue.

This response in itself is convincing evidence that the interest rate was unjustifiably high. Out of context, this high interest is difficult to comprehend; in context, understanding becomes easy—the administration was determined to force Congress to raise the statutory ceiling of 4¼ percent on long-term Government bonds—maturity of which is more than 5 years—so the administration could have issued up to $100 billion in long-term Government bonds at 5 percent or higher. The compromise bill reported by the Ways and Means Committee permits up to $17.1 billion refunding on a base national debt of $285 billion.

This, of course, would put such amounts in the hands of the moneylenders for 20 to 30 years, as far as this or succeeding long-term issues are concerned.

Two great Presidents of this country, Andrew Jackson and Woodrow Wilson, were swept into office by the people because they revolted against the Money Trust. The American people will have the opportunity to sweep yet another great Democratic President into the White House next November to save their children from economic servitude.

President Eisenhower, in his state of the Union message, expressed solicitude over "our children's inherited mortgage," in the form of the national debt. The national debt cannot be reduced now, or in the future, with the high interest rates which his administration has aggressively sponsored. The inflation of the cost of money to the Government rose 89.2 percent on 3- to 5-year Government issues, and 102.2 percent on 9- to 12-month Government issues in the 7 years from 1952 to the spring of 1959. But the interest rates of the spring of 1959 cannot hold a candle to the interest rates being paid by the Government in January 1960.

On Tuesday, January 12, 1960, the Government sold $1.5 billion of 1-year Treasury bills at 5.067 percent—actual yield, 5.36 percent. This is an unbelievable jump in interest rates from the 3.835 percent paid by the Treasury on its issue of $2 billion of 340-day Treasury bills dated May 11, 1959.

Now to get back to the small farmer who barely managed to get by on the 4½-percent money. With this manipulated jump in interest rates on Government notes, his 4½ percent suddenly increased to 7 percent, a rate the small farmer cannot afford to pay. The administration has sold him down the river.

The plight of the city dweller is much worse. The banks with characteristic ingenuity have devised for him an interest rate of 18 to 23 percent. This is a new bank service, both to him and to the merchant who sells him furniture, a TV set, or a suit of clothes. Here is how it works. The depositor goes to his bank and declares his assets. The bank checks his credit standing and repayment ability, and then tells him that he and his family can buy up to $500 at any time, and repay the bank a fixed monthly amount. This is what is known as a line of credit, and the service is frequently identified as the revolving credit plan. The bank issues a credit card to the depositor, and he and his family proceed to spend their $500, paying to the bank 1½ percent a month, or 18 percent a year. In this process the man of the family buys a suit of clothes for $60, presenting to the merchant the credit card issued to him by the bank. The merchant sells him the suit of clothes for $60 and sends the bill to the bank the same day. The bank, rendering another new service, this time to the merchant, sends him by return mail a check, not for the $60, but for $57. The bank has collected an additional 5-percent interest by discounting the merchant's bill of sale, and this 5 percent is interest for 1 day only. So we find the cost of the use of the money involved in the modest purchase of a $60 suit of clothes to be more than 23 percent per annum, the bank exacting a tribute that even exceeds the 20 percent paid by the family to the Federal Government for income taxes.

Just as bad is the fact that the merchant has been saddled with a hidden partner who does not pay the salaries of the merchant's business, the cost of his inventory, his rent and utilities, and other business expenses. The merchant's net profit on the $60 suit of clothes would hopefully be 10 percent and the bank has cut itself in for half of this profit. This is a country run for the benefit of the moneylenders. This is economic servitude. The merchant is faced with the choice of surrender to the banks' credit card system or refusal to honor the customers' desire to use it. If the merchant refuses to honor the banks' credit card scheme, the customers—who do not understand the premium they pay—walks over to the merchant's nearest competitor who will honor the system.

In case anyone missed the point, this demonstrates the dollar moving at high velocity. The Treasury and the Federal Reserve Board have repeatedly insisted that the turnover or velocity of money in times of high business activity makes the amount of money in circulation less significant. They use this argument as an excuse for making money scarce and tight and, therefore, dear. Dear money demands high interest rates. Plentiful money earns low interest.

The family paying 18 percent interest on the suit of clothes, and the merchant giving the bank half his profit should both take notice that they have helped retard inflation by making the dollar move fast, that is, at high velocity. It matters not that the bank is waxing fat off this same velocity, or that the family cannot buy a dress for the wife instead of paying the 18 percent interest to the bank. This is the most insidious form of inflation. It is suffocating most of the families of our country, just as surely as carbon monoxide.

But it is, at the self-same time, suffocating the buying ability, or purchasing power, of the family after the $500 line of credit is spent by the family on an inevitable 2- or 3-month buying spree. The family cannot buy again until it has reduced the $500 line of credit figure below that figure, and then only in the amount of the reduction. What it really

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means is the pledging of the family's future income for some durable, but just as frequently, nondurable commodities.

The prosperity enjoyed by the merchants on the basis of the family's buying spree is short lived—then what? And who pays the piper if the family's income meets reverses, even though temporary? The bank's line of credit has the best security in the world, although ostensibly unsecured. The bank has the signatures of both husband and wife on the note and can foreclose on every asset they own, even the equity in their home and their car. This new bank service is a form of family fiscal insanity, with suicidal tendencies. The family has been delivered into bondage.

The plight of the businessman is almost as bad as that of the farmer and the city dweller when it comes down to his working capital. The cost and scarcity of money for working capital have become exorbitant to the point that the money lenders are reaping a harvest. Last year more than $12 billion was lent to businessmen on prime security at interest rates of 10 to 14 percent by factors and commercial finance companies, whose risk was minimal. How long can a business stand this? No wonder so many businesses have had to close the doors, creating unemployment and hardship.

Then there is the home buyer who needs an FHA or a GI mortgage. The present ceiling of 5¼ percent on GI mortgages attracts few lenders. The legal ceiling on FHA mortgages is 6 percent, but the FHA has set the current limit at 5¾ percent. Both figures are farces when current lending practices are examined.

The home buyer must pay up to 12 points, or 12 percent, by way of commission to the lender in order to procure an FHA loan at 5¾ percent. In other words, the buyer applies for a loan of $10,000; he actually receives 12 percent less, or $8,800; but he must repay the $10,000 plus interest of 5¾ percent. Then there is a proposal pending before the Congress which is designed to remedy the present unavailability of GI mortgage money. It will help the GI to pay more interest than the law presently allows. He will be able to borrow at 5¼ percent—if he also pays 1 percent of the loan, or 1 point, at closing, and an additional 2 percent, or 2 points, to the homebuilder.

These high interest rates are strangling the families of America. This administration has long forgotten that the function of money is to serve the people, not enslave them.

Today, for the first time in the history of the country, we have, or think we have, inflation at the selfsame time that there is no scarcity of goods. The inflation we are suffering is Government created, promoted, and continued—it is the inflation of interest rates.

This conviction on the part of many responsible, informed Americans is crystallizing in a groundswell that Congress cannot ignore. One of the ultraconservative newspapers of the Nation, the Washington Star, reported on Thursday, January 21, 1960, as follows:

CHICAGO, January 21.—The high-interest rate policy being pursued by the Eisenhower administration stood condemned here today by the National Association of Home Builders in the severest and most sweeping criticism by this 40,000-member group of a major Government economic policy since New Deal days.

Convention delegates assailed the policy for having "obviously failed," for boosting rates beyond the "legal limits of usury," for having forced a return to financing methods "proved unsound 30 years ago," and for bearing down most unfairly on small businessmen and moderate-income families.

It was the consensus of observers at the homebuilders' sessions that if the Messrs. Stevenson, Humphrey, Symington, Kennedy, and other Democratic hopefuls fail to study the protest, they will be missing a bet. For it reflects a deep disenchantment on the part of the industry with a basic administration policy now being pushed vigorously in Congress with a request for an unlimited interest rate ceiling on long-term Government bonds, an effort widely interpreted as heralding a new round of rate increases.

HELD INEFFECTIVE

In its protest adopted yesterday, the association pointed out that home buyers are the Nation's largest private users of long-term credit. For the Government to rely on pushing interest rates still higher as its chief anti-inflationary activity is both ineffective and unfair the organization said.

"The attempt to control excessive total demand for credit and to stimulate savings through ever-rising interest rates has obviously failed," the builders' statement said.

"Interest rates approach—and in some cases exceed—the legal limits of usury. One major group of Americans has been successfully controlled—the tens of thousands of modest-income home buyers who only a short time ago could have bought homes well within their means, but are now disqualified by the high cost of credit."

NEW RECESSION?

Warning that a new business recession could be the result, the statement said:

"In 1957, the same combination of restraints now imposed on our industry caused a severe drop in construction that triggered a general business recession. Unless immediate effective action is taken to distribute more fairly the impact of tight money, this pattern will inevitably be repeated."

The United States is closer to 1928 than at any time since. The Republicans brought us the crash of 1929 and the depression that followed. They are setting us up for the same national disaster today.

The chief economist of one of the leading banks of the country in December 1959 exulted over the fact that interest rates have now returned to the neighborhood of levels prevailing in 1928, a year of good business. He pointed out that for the first time in 30 years, in other words for the first time since 1928, the money supply is below 50 percent of our gross national product.

The money supply in 1928 was 28 percent of the gross national product, and in mid-1959 the money supply was 29 percent of the gross national product. This, of course, is not just good, it is excellent for him and his bank—which last December declared a 100 percent stock dividend on an 11-cent increase in its quarterly share dividend.

Who has reduced the money supply to this ominous ratio? The present administration has done it. Now the Federal Reserve which has already hiked the discount rate five times in less than 2 years threatens to turn the screw once more. The history of the past 40 years conclusively demonstrates that a recession or depression is the likely result.

The very latest figures, covering calendar year 1959, provide conclusive proof of the administration's fallacious policy on money supply. During the year there was a rise in business of 10 percent, as shown in the industrial production index rise from 150 in late 1958 to 165 by the close of 1959. During the same 1-year period the supply of money increased less than 1 percent, from $139 billion to $140 billion. The $140 billion is made up of $28 billion in currency and $112 billion in demand deposits in commercial banks.

These prohibitively high, deliberately inflated, interest rates are about to choke the stock market, just as the stock market was choked in 1929. The inflated interest rates have driven up the yield on Government securities to the point that stocks must pay an increase of 67 percent dividends during 1960 to compete. This is an impossibility for the obvious reason that the unavailability of money, and the inflated cost of money at present interest rates, are suppressing the ability of business to expand. The stock market is acutely responsive to the economic health, or sickness, of the country. It is an exceedingly sensitive barometer. The country's investment brokers have been preaching that investment in common stocks is a hedge against inflation, in that the common stocks will appreciate in direct relation to the cheapening of the dollar through inflation, thereby providing the investor, particularly those on fixed incomes, with this same appreciation in his savings. But this philosophy has been oversold, with the result that millions of uninformed Americans have bought into the stock market. Today the answer is at hand, and it is most sobering. The price-earnings ratio of stocks have now exceeded the 1929 ratio of 19.1 to 1; in 1959 the ratio was 19.5 to 1, a drop from the 1958 ratio of 20.9 to 1. The price-earnings ratio is simply explained—it is the ratio of the cost of a stock against the earnings of the corporation, a comparison of dollars. Thus, if the earnings of a corporation are $1, the stock of the corporation is costing $19.5 at a price-earnings ratio of 19.5 to 1. This ratio is extravagantly on the high side. It has exceeded safety. The safe maximum ratio is no more than 15 to 1. What does this mean? It means that the stock market today consists of 25 percent water, and the public stands to lose at least 25 percent of its investment.

Between the first day of the "golden sixties" and January 22, 1960, a period of 3 weeks, values in the stock market eroded $15.2 billion. The President's roseate declarations of optimism and prosperity are a poor match for reality.

Is the businessman optimistic, or is he worried, about the "soaring sixties"? An answer was provided to this question by the Washington Post of Sunday, Jan-

uary 10, 1960, in the lead story on its financial page, as follows:

The stock market started this week as if the 1960's were golden and ended as if they were lead.

Amid considerable debate in Wall Street as to what the new year and the next decade would bring, prices rose to still another record high in the Dow Jones industrial average on Tuesday only to sink below the New Year's Eve high in the Dow by the Thursday close.

Trading for 1960 started with the immense stimulus of an agreement to end the 8-month steel strike, thus settling the major uncertainty overhanging the American economy. By Wednesday, however, Wall Street had to reckon with interest boosts on brokers' loans and the worry that hikes in other interest rates would follow.

By Thursday, rates were higher for commercial credit and bankers' acceptance and the street began to wonder whether the Federal Reserve Board, which meets on Thursdays, would boost the discount rate after the market close. The Fed took no action this week, but one thing was sure, brokers said—from now on it will be one "nervous Thursday" after another until the discount rate is either raised or there is some conclusive evidence that it will not be boosted in the immediate future.

And the New York Times of Friday, January 15, 1960, amplified, as follows:

With the steel dispute cleared away from the economic horizon, businessmen confidently are planning to step up borrowing to increase inventories, build plants and buy new equipment.

* * * The growing demand from borrowed money promises to push interest rates still higher in the months immediately ahead—for the Government and consumers, as well as businessmen. With banks, insurance companies, and other lenders already hard pressed for loanable funds, many would-be borrowers will find it increasingly difficult to line up loans—at any interest rate.

* * * * *

Worried about inflation, the Federal Reserve System for months has been keeping a tight rein on the funds banks have available for lending.

Our President stated his great concern in his state of the Union message for mortgaged debt which our children are to inherit, a debt in the staggering amount of $290 billion. Yet it is the same President who made a gift of $20 billion to the private utilities of this country in the form of accelerated tax amortization. And what happened to the $20 billion? A good part of it was distributed by the utilities to their stockholders, in the form of dividends, many tax free. Eight of these utilities gave their stockholders more than $72 million in tax-free dividends in 1958 alone. This same $20 billion applied to the national debt would have meant that the national debt would have risen under President Eisenhower from $266 billion to $270 billion, not from $266 billion to $290 billion. And the interest rates which he now wants raised to fund the national debt would not have spiraled upward to their present ridiculous level.

The administration has not only slowed our rate of growth, it has reduced the management of the national debt to a shambles through tight money and loose fiscal policies. Unless Congress, meaning this session of this Congress, asserts its constitutional powers and brings under control the cost of money, it will go through an exercise of futility in appropriating money for a President's budget which is riddled with meaninglessness since the cost of money is maintained for the benefit of Wall Street and the Money Trust.

The Republicans arranged things in the years from 1920 to 1929 so that nearly 40 percent of our national income was going to 5 percent of the people of this country. With the banks exacting 4 percent to 23 percent tribute on every turn of the dollar, at greater and greater velocity, this same situation is repeating itself. Unless the process is reversed, inexorably 40 percent of our national income will once more go to 5 percent of our people, namely, the moneylenders, and economic chaos will follow. The Government, through the White House and the executive department can avert this national disaster, but undoubtedly will not. That leaves it squarely up to the Democratic Congress.

What can the Democratic Congress do? And how shall it go about doing it?

Some of the Democrats have studied the economic analyses of Leon H. Keyserling, former economic adviser to President Truman. Mr. Keyserling has just published his latest analysis of the national economy, entitled "The Federal Budget and the General Welfare." It is replete with sound statistics and judgment in economics. But the Republican propagandists had a field day, as usual, with it. In substance, Mr. Keyserling was derided as a wild-eyed liberal, an advocate of extravagant spending and inflation. This is the same tack which the Republican propagandists used so effectively in the last session of Congress. In January 1959 they tagged the Democratic majority in Congress as the party of "spenders," and the Democrats suffered themselves to think, act, and legislate defensively for the following 8 months. The tag was like a plague that the Democrats fought to live down, even though the charge of the plague was entirely without foundation.

If the Democrats are to save the country from an inevitable recession, or worse still, depression generated by the administration's policy of suffocating interest rates, the Democrats will have to master the fundamentals of fiscal and monetary policy, and then carry the message to the people in terms they will understand. The Democrats will have to spoon feed the truth. They will have to use terms that the milkman, the factory worker, the plumber, and the farmer can take to the family table for discussion and explanation.

Our two most recent great Democratic Presidents, Harry Truman and Franklin D. Roosevelt, had this facility. And the moneylenders hated them. Of far greater importance, these two Presidents knew how to handle Wall Street and the Federal Reserve System. They told the moneylenders in no mistaken terms that they would buy Government securities at interest rates below 3 percent, or the Treasury would print its own money. This is how the average cost of money to finance a $209 billion deficit in the four World War II years averaged only 2.38 percent.

The Federal Reserve System was created by Woodrow Wilson to save the country from "robber raids" on money by Wall Street cliques. Congress gave the Federal Reserve banks broad governing powers over the supply of money on the theory that Federal Reserve would be the guardian of the people. Under this administration Federal Reserve has employed these same powers to enslave the people it was created to protect. Most people do not know that much of the money in circulation is Federal Reserve notes, issued by the Federal Reserve banks against the Government securities which they buy. These Government securities in their vaults take the place of gold or silver as the foundation for the issuance of money. But what has happened in the past 7 years? The Federal Reserve banks have refused to buy long-term Government bonds because they would make a greater profit on short-term Government securities. Then they have issued paper money against these profitable securities, and picked up still another profit in the interest rates they charge borrowers on the new money. These banks have deliberately inflated the interest profits and thereby provided themselves with a handsome double profit. The Treasury can issue this same money directly and apply on the national debt the Federal Reserve banks' profit in this unholy process.

Again, the Federal Reserve banks have refused to buy Government long-term securities on the open market. The people of the country would directly benefit from this type of purchase because, first, the supply of money would be expanded, and, second, the interest on these purchases is returned to the Federal Treasury. But the Federal Reserve banks would lose some of their mounting profits. The Federal Reserve banks have subverted the interest of the people of this country to obsession for profits and strangling control of the economy. This is a flagrant violation of the trust reposed in the Federal Reserve System by the Congress of the United States.

Not content with strangulation of the economy in this country, the game of the moneylenders has crossed the Atlantic. On Thursday, January 21, 1960, the Bank of England, without notice, raised the discount rate from 4 percent to 5 percent, notwithstanding the fact that there is little or no inflationary pressure in England. Prices have been stable there nearly 2 years. In this country the Federal Reserve has raised the discount rate five times in the past 2 years on the pretext that it was controlling inflation. What excuse has the Bank of England? The answer is simple—manipulation of the supply and cost of money by the international financiers. With interest rates in the United States deliberately inflated beyond all reason by this administration, the English bankers have acted on the pretext that they needed to stop the flow of English investment pounds to this country. Now that the Bank of England has taken this drastic step, with the concomitant restriction in money supply in England and inevitably higher profits for the English bankers

and likely recession in the English economy, the drums are beginning to roll in Wall Street to pressure another increase by our Federal Reserve in the discount rates. Today at 4 percent the Federal Reserve discount rate is higher than it has been at any time since the early 1930's. How much nicer will it be for the moneylenders to push it up to 5 percent.

Somewhere, somehow, America has lost its way. America is slowly bleeding, and the Democrats must stop the hemorrhaging before it is too late.

The critical nature of the problem can be explained in simple terms. The American economy is like a man running uphill. As he progresses, his heart must beat faster and faster to pump the blood through the body. The blood is the supply of money. The man keeps running, unaware that he is bleeding. The blood he is losing is the cost of money, interest. The more blood he loses, the faster the heart works, until it finally fails. The moneylenders are draining off the blood as fast as they can. The moneylenders have sold the American people a cruel, phony theory. They have convinced the American people that the more work each dollar does, that is, the faster it turns over, the less money is needed for the economy to pump. Each time the dollar works harder, by turning over and over at an increasingly higher velocity, the moneylenders take their cut in the form of inflated interest, 4 to 23 percent. The Democrats must staunch the flow of blood, the diminution of the money supply, and force down the cost of money to the Truman level in 1953 of 3 percent or less.

Otherwise the economy, which is now faltering, will collapse. What will the average American then have to protect himself against family disaster? The only real protection he will have is the insurance of his deposits, up to $10,000 in the banks under the Federal Deposit Insurance Corporation, and in savings and loan associations under the Federal Savings and Loan Corporation. But what average American family has $10,000 on deposit today? Most American families are in hock up to their ears.

The other so-called built-in controls are without meaning unless the administration would choose to utilize them. This is the same administration that has encouraged the Federal Reserve System to exploit the American people, in brazen derogation of the trust and fiduciary powers in it reposed.

The Russian leaders may have little knowledge on some subjects, but Mr. Khrushchev probably has sized up the folly of America and knows that the United States is apt to commit economic suicide. It may well be a simple matter for the Russians to ease the tensions throughout the coming summit conferences and thereby feed the American desire for peaceful optimism, which is coupled with a false sense of economic well-being. Mr. Khrushchev may well be advising his colleagues to let the American people enjoy their stupor of peace and prosperity, at least until they vote into office a new administration pledged to carry out the disastrous policies of the past 7 years. America may not survive another 1933.

The American voters in the November 1958 elections told Congress what they expected. In January 1959 the Republican propagandists told the Democratic majority what they were—spenders—and this untrue nomenclature erased the voice of the electorate. The Democratic Congress has only the few months of this session to justify the confidence of the overwhelming average Americans, and to extricate our economy from collapse. Congress must.

RIGHT OF EQUAL AND FREE SUFFRAGE UNDER THE CONSTITUTION OF THE UNITED STATES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. BENTLEY] is recognized for 5 minutes.

Mr. BENTLEY. Mr. Speaker, in connection with the pending legislation intended to uphold the rights of all American citizens to exercise their free choice of suffrage at the polls, I feel it pertinent to call to the attention of the House the fact that the U.S. Constitution contains a specific provision intended to provide a manner for enforcement of the right of free and equal suffrage. Simply, this constitutional provision, which can be found in section 2 of the 14th amendment, states that wherever the right to vote is denied to any American citizen, except for certain serious and specific crimes, either for Federal or State office, the congressional representation in the House of Representatives from the State where disenfranchisement may have occurred shall be reduced proportionately for the number of people who are thus denied the right of suffrage.

I have requested the Library of Congress to prepare a study of the legislative history of this particular section of the Constitution which I have just received and which I will include as a part of my remarks at this point. I should point out that it is obviously too late for the consideration of legislation which would implement this particular section at this time, but I do commend it to the attention of Members for future study and possible action in future sessions. It seems to me that, since we are dealing with a matter of constitutional rights, the simplest solution would be to seek a remedy within the Constitution itself, which cannot be challenged in the courts on the grounds of its constitutionality. Regardless of the outcome of the pending legislation before the House, I sincerely trust that it will be possible to keep this matter alive and, if I am fortunate to be a Member of the 87th Congress, I intend to do all in my power to press for congressional action in this direction.

The study referred to above is as follows:

"Amendment XIV, section 2: Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State."

This never used, all but forgotten provision was considered by many of its framers to be the heart of the 14th amendment. (See, e.g., Globe, 39th Cong., 1st sess. (1866), 2459, where Representative Thaddeus Stevens, of Pennsylvania, states: "The second section I consider the most important in the article. It fixes the basis of representation in the Congress. If any State shall exclude any of her adult male citizens from the elective franchise, or abridge that right, she shall forfeit her right to representation in the same proportion. The effect of this provision will be either to compel the States to grant universal suffrage or so shear them of their power as to keep them forever in a hopeless minority in the National Government.")

By a rather curious quirk of history, the first section of the amendment, requiring the States to give "equal protection of the laws," which was, relatively speaking, an afterthought, has far outshadowed the second section in the extent of its effects on the rights on the former slave race and indeed on the rights of all citizens. There are some, however, who would attribute the demise of the second section not to any curious quirk, but rather to deliberate design. James G. Blaine, in volume II of "Twenty Years of Congress," at page 4'8, said:

"The adoption of the 15th amendment seriously modified the effect and potency of the second section of the 14th. * * * The prime object [of the 14th amendment] was to correct the wrongs that might be enacted in the South, and the correction proposed was direct and unmistakable; viz, that the Nation would exclude the Negro from the basis of apportionment wherever the State should exclude him from the right of suffrage.

"When, therefore, the Nation by subsequent change in its Constitution declared that the State shall not exclude the Negro from the right of suffrage, it neutralized and surrendered the contingent right, before held, to exclude him from the basis of apportionment. Congress is thus plainly deprived by the 15th amendment of certain powers over representation in the South, which it previously possessed under the provisions of the 14th."

Another who suggests that the section was abrogated by the 15th amendment is R. A. Maurer in his article entitled "Congressional and State Control of Elections Under the Constitution," 16 Georgetown Law Journal 314, 338—April 1928. The plain fact, however, is that the 15th amendment does not expressly repeal the second section of the 14th. Moreover, the prohibitions of the 15th amendment are expressly limited to denials or abridgments of the right to vote by reason of race, color, or previous condition of servitude while the 2d section of the 14th is not so limited at all. As a matter of fact, the section contains no prohibitions.

PAST EFFORTS AT ENFORCEMENT

It is not quite true to say that Congress has never attempted to enforce this section. After the Ninth Census, when Congress was considering the bills for reapportionment of Representatives, it entertained and adopted an amendment to one of them which restated the second sentence of section 2. (act of Feb. 2, 1872, ch. 11, sec. 6, 17 Stat. 29; 2 U.S.C., sec. 6.) Although this amend-

ment was proposed by the Senate Committee on the Judiciary, the House, by resolution, had earlier instructed the Secretary of Interior to determine "the number of male inhabitants in each State being 21 years of age, and citizens of the United States, whose right to vote in such State * * * is denied, or in any way abridged, except for participation in rebellion, or other crime." Although the Secretary reported that there were 43,329 such persons, with the largest number, 9,265 being in the State of Missouri, he indicated that he placed very little reliance on his statistics. There is no indication in the congressional debate on what the statistics were based or how they were acquired but we do know that the application of the figures to a House of Representatives composed of either 243 or 283 Members made no difference in the number which would be apportioned to each State. (Globe, 42d Cong., 2d sess., 1872, p. 617. See also pp. 609–610, 612, 617, 618, 674–675, and 678 for other references to the amendment.)

Although we have found no indication that any effort has been made since the ninth census to compile any statistics which would furnish the Congress with a reasonable basis for enforcing the provisions of section 2 of the 14th amendment, from time to time there have been advocates of congressional action in this area. When the Selected Committee on the 12th Census reported an apportionment bill which did not take into account any denial or abridgment of voting rights, Representative Crumpacker, of Indiana, wrote a 25-page dissent to the report—House Report No. 2130, 56th Congress, 2d session, 1900. Mr. Crumpacker emphasized the extent to which literacy requirements tended to disenfranchise Negroes and concluded that the representation of the States of Louisiana, Mississippi, North Carolina, and South Carolina should be reduced by three each. Although Mr. Crumpacker's effort was unsuccessful, the Republican platform of 1904 contained a plank calling for the introduction of a bill to effect enforcement of the amendment. No evidence has been found, however, to indicate that any real effort was made to enact such a law.

Around 1920, the NAACP became active in pressing for legislation to require reduction in apportionment for denial of voting rights. It was contended that representation in some of the Southern States would be reduced by as much as 40 percent if the amendment were enforced. Ten thousand votes in Mississippi were as powerful as 97,000 votes in Indiana because of restrictions against Negroes. It was about this time that George H. Tinkham, a Representative from Massachusetts, became the perennial advocate of enforcement of section 2, the champion of equal representation. In December of 1920 he introduced a resolution asking that the Committee on the Census be authorized to inquire into the denial of voting rights and requiring that representation be reduced in those States where disenfranchisement was found. At a hearing before the committee on January 4, 1921, Mr. Tinkham made an 18-page statement, replete with charts, in which he argued that the principal laws under which Negroes were disenfranchised were those requiring the ability to read and write and the payment of poll taxes as a prerequisite for voting. His contention was that the very existence of the laws gave Congress the right to act and that no evidence was needed to show that the laws were being administered in a discriminatory manner. (Hearings before the Committee on the Census on Apportionment of Representatives, Dec. 28 and 29, 1920, and Jan. 4, 5, and 6, 1921, 63d Cong., 3d sess., pp. 97–115. See also pp. 28, 35, 68, for other statements advocating enforcement of amendment XIV, sec. 2.) The bill as reported by the committee did not take into account the provisions of the 14th amendment and the managers on both sides of the bill refused Mr. Tinkham floor time in which to speak. He offered an amendment which after lengthy debate was finally ruled out of order as not germane to the matter before the House (60 CONGRESSIONAL RECORD, 1434, 1048, 1082–1638).

Throughout the rest of his years in Congress, Mr. Tinkham continued to press for enforcement of this section. Though he was concerned for the Negro, his principal interest seems to have been to secure equal representation for all under the provisions of the Constitution. His last effort to enforce the section, so that "fraudulent majorities in Southern States could not elect the President and control the Congress" seems to have been made in 1927–28. On December 25, 1927, he introduced another resolution which would require the Committee on the Census to make diligent inquiry into the question of denial or abridgment of voting rights. On February 28, 1928, he spoke before the House for an hour and a half urging that some action be taken, but the 70th Congress took no action.

Although no exhaustive search has been made in the RECORD to identify all measures which have been introduced to give effect to the 2d section of the 14th amendment the only ones which have readily come to light since the days of Mr. Tinkham are those introduced by Senator MCNAMARA, of Michigan, in the 85th and 86th Congresses.

The McNamara proposal would establish a joint committee on congressional representation which would determine after each biennial election whether the representation of any State should be reduced in accordance with the provisions of amendment XIV, section 2. The Senator first introduced this proposal as an amendment to the Civil Rights Act of 1957 when H.R. 6127 was being debated in the Senate. Senator JAVITS, of New York, associated himself with the Senator from Michigan in advocating this amendment. By voice vote, however, the Senate rejected the proposal (CONGRESSIONAL RECORD, vol. 103, pt. 10, pp. 13461–13465). The bill was reintroduced as S. 2709 but the 85th Congress took no further action on it. Senator MCNAMARA introduced the proposal again as S. 1084 on February 17, 1959. The bill was referred to the Committee on the Judiciary but as yet the 86th Congress has taken no further action on the proposal.

THE MEANING OF SECTION 2

Before considering any questions about the possibility or desirability of enforcing this section, it seems appropriate to consider some of the questions which arise in trying to determine what it means. We know that all of the States in the exercise of their power to establish qualifications for voting have disenfranchised many groups of people for reasons other than participation in rebellion or other crime. Tables summarizing some of these qualifications and describing the groups disqualified are included as appendixes to this report. R. A. Maurer (op. cit.) asks:

"Did Congress and the States, when they approved this section, mean to deprive the States of their well established and fully recognized power to fix reasonable restrictions upon the right to vote, such as residence, intelligence, property, tax payment, idiocy or lunacy, guardianship, pauperism?" (16 Geo. L. J. 314, 338).

How similar this question is to one asked by Senator Clark, of New Hampshire, during the Senate debate on section 2:

"If the Senator will pardon me for a moment, I wish to inquire whether the committee's attention was called to the fact that if any State excluded any person, say as Massachusetts does, for want of intelligence, this provision cuts down the representation of that State." (Globe, 39th Cong., 1st sess., p. 2767.)

The answer given him by Senator Howard, of Michigan, speaking for the Committee of Fifteen which did the major work in framing the reconstruction measures including this one, was as follows:

"Certainly it does, no matter what may be the occasion of the restriction. It follows out the logical theory on which the Government was founded, that numbers shall be the basis of representation in Congress, the only true, practical and safe Republican principle. If, then, Massachusetts should so far forget herself as to exclude from the right of suffrage all persons who do not believe with my honorable friend who sits near me [Mr. Sumner] on the subject of Negro Suffrage, she would lose her representation in proportion to that exclusion. No matter what may be the ground of exclusion, whether a want of education, a want of property, a want of color, or a want of anything else, it is sufficient that the person is excluded from the category of voters, and the State loses representation in proportion" (ibid.).

The general principle seems clear but it becomes less so when we try to apply it to particular situations. If a State denies the right to vote to anyone who has not paid a poll tax, does the section contemplate the exclusion from the population count all those males over 21 who did not pay the tax or only those who could not pay the tax? If a State establishes a literacy test as a voting qualification, is it necessary that a man take the test and fail it before he is discounted? The theory on which Mr. Crumpacker and Mr. Tinkham based their recommendations for reduction in apportionment would have discounted those who did not pay the tax and those who were considered illiterate whether they attempted to pass the test or not. Although the debate in 1866 gives no conclusive answer to these questions, those who did speak on them probably leaned to the meaning given the section by Mr. Crumpacker and Mr. Tinkham. If this be the true meaning, it would have to be applied to every restriction, however reasonable it might be. If one State denied the right to vote to all who had resided in the State less than 6 months, then all who fell in that class would be discounted whether they made any attempt to vote or not. If another State denied the right to all who resided in the State less than 10 years, all who fell in that class would be discounted. Presumably an equitable result would be reached because the less reasonable restriction would ordinarily embrace a much larger number of persons.

There is yet another difficulty in discovering the meaning of section 2. It refers to rights which have been abridged as well as denied. In ordinary usage the terms are not necessarily synonymous, though they are sometimes used interchangeably. More significant, however, is the fact two such words would not ordinarily be used in a statute unless they were intended to have different meanings. It seems safe to say, however, that if "abridge" means anything less than "cut off" or "refuse to grant" the section cannot be enforced. If, for instance, a right is to be considered abridged when a condition is put upon it, then no State would be entitled to any Representatives at all, because every State has placed some condition on the right to vote other than those mentioned in section 2. Another of Mr. Howard's replies sheds a little light on this question. When Senator Stewart of Nevada asked how the word "abridged" would operate, Senator Howard said:

"The word 'abridged' I regard as a mere intensitive, applicable to the preceding sentence.

"I suppose it would admit of the following application: A State in the exercise of its sovereign power over the question of suffrage

might permit one person to vote for a member of the State legislature, but prohibit the same person from voting for a Representative in Congress. That would be an abridgement of the right of suffrage; and that person would be included in the exclusion, so that the representation from the State would be reduced in proportion to the exclusion of persons whose rights were thus abridged" (ibid.).

Senator Stewart pressed for further clarification, asking:

"Take a case of this kind: suppose that in the South they should allow the Negroes to vote who had been in the Army, or who had educational qualifications; would those who did vote be included in the basis of representation, or would that be an abridgement of that class of persons so that they would be excluded?" (ibid.).

Though Senator Howard's answer could have been clearer, it seems safe to say that it was his understanding that no one who voted would be excluded regardless of the conditions he had to meet in order to be qualified to vote.

There is one additional problem of interpretation for us which did not exist for those who were considering the meaning of the section at the time of its adoption. What effect has the 19th amendment had on it? Since the States have been prohibited from denying the right to vote on account of sex, must Congress exclude the females over 21 years of age whose right to vote has been denied or abridged? Logically, section 2 of the 14th amendment should be construed as having been modified by the 19th amendment. If a State were to set up voting qualifications which discriminated against females, it would be only equitable to reduce its representation in the proportion which the number of such female citizens shall bear to the whole number of males and females 21 years of age in the State. As a practical matter, the result would be relatively the same whether women were taken into account or not, because there are no States which discriminate against females and because the number of males and females of voting age is relatively equal.

There is one final comment which should be made about the meaning of section 2. It provides that the "representation * * * shall be reduced." This language is materially different from that which is used in the last sections of the 13th, 14th, and 15th amendments which provide that "the Congress shall have the power to enforce" them "by appropriate legislation." The language of section 2 is mandatory, seeming to impose a duty of enforcing it, while the languages of the other sections simply gives Congress the power to enact legislation or not as it sees fit.

In summarizing the meaning of section 2 we can say that although the congressional debate at the time of its adoption makes it quite clear that its primary purpose was to encourage the Southern States to enfranchise the Negro without requiring that they do so by providing for a reduction of their political power in proportion to the number of denied the right to vote, it is also quite clear that the section was consciously framed in language broad enough to require reduction in the representation of any State which denied the right to vote to any citizen, black or white, 21 years of age for any reason other than participation in rebellion or other crime. To enforce the amendment as its plain meaning together with the congressional debate at the time of its adoption seem to indicate if it was intended to be enforced, Congress would have to take into account denials of the right to vote based on literacy, idiocy, insanity, pauperism, length of residence, payment of taxes, or subscription to a loyalty oath and whatever other restrictions a State may impose on the right of franchise.

THE MEANS OF ENFORCEMENT

Once the meaning of section 2 has been established, the next question to be answered is, "How can the Congress enforce it?" The answer to this question is not difficult to find, but the numbers on which a reapportionment would be based certainly are. The most obvious way for Congress to enforce the section would be to direct the Bureau of the Census to ascertain for each State the number of citizens over 21 who were denied the right to vote for any reason except participation in rebellion or other crime.

In order to gather such statistics, each census taker would have to be familiar with the State election qualification laws and the questions he asked would have to be framed very carefully in order to determine whether an individual who made no attempt to vote would have been ineligible under the law even if he had tried. In some States this would be relatively easy to determine. Under Michigan law, for instance, the only reason a citizen 21 or over may be denied the right to vote is that he has lived in the State for less than 6 months and in a city or township for less than 30 days. There are several other States in which the determination would be almost as simple as it would be in Michigan. Among them are Idaho, Indiana, Illinois, Iowa, Kansas, Kentucky, and Tennessee.

In many other States the determination would be exceedingly difficult. In Alabama, for instance, in addition to longer residence requirements, the law requires that the person be of good character and embrace the duties and obligations of citizenship under the Constitution of the United States and Alabama, that he be able to read and write in English any article of the Constitution of the United States which may be submitted to him by the board of registrars, and that he must have paid all poll taxes due for the 2 preceding years. He would also be disqualified if he were an idiot or insane person. There are at least 19 States which have some sort of literacy requirement; 5 which require a poll-tax payment; 44 which exclude idiots, insane persons, or persons under guardianship; and 9 which exclude paupers. The most difficult determinations for the census taker to make would be those in connection with character and literacy. Little need be said about character determinations. Literacy determinations need more attention.

Although the Bureau of the Census publishes estimates of illiteracy, statistics by age for States were last available from the 1930 census. By Bureau definition, illiteracy is "the inability to read and write either in English or any other language." The following paragraph was included in a recent Bureau report containing a table of estimates of illiteracy by States as of 1950:

"Statistics collected in the current population survey show that about three-fourths of the population with no schooling and somewhat more than one-half of those with only 1 year of school are illiterate, and progressively smaller proportions of persons with 3, 4, and 5 years of school report that they cannot read and write. All persons with 6 or more years of school completed are assumed to be literate. Since educational attainment tends to be low among older persons, rural residents, and nonwhites, the presence of a large proportion of these persons in the population of a State tends to be associated with a lower level of education of the population and, hence, a higher proportion of illiterates." (Current Population Reports, series P–23, No. 6.)

The estimated number of illiterates 15 years old and over runs from a low of 3,000 in Nevada to a high of 407,000 in New York; and in percentages, from a low of 0.9 in Iowa to a high of 9.8 in Louisiana. In addition to the fact that these statistics include people under 21 they are not useful for 14th amendment purposes for another reason. They would be inadequate for States, like New York, which disfranchise a significant number of citizens who are literate in languages other than English, or for those States in which, by discriminatory administration of literacy tests, people who can read and write English are disqualified from voting.

There is an additional problem which will be considered here, though it may properly belong in the earlier discussion on the meaning of section 2. In States which require previous registration as a condition for voting, how should the man be counted who is turned away from the polls because he has not registered? And what of the man who has not registered but does not bother to appear at the polls because he knows he would be turned away. In each of these cases we presume a man who is otherwise qualified to vote. If such persons are to be excluded in apportioning representatives their number might be much larger than those excluded for all other reasons put together. If such persons are not excluded, would the constitutional mandate be truly carried out? Probably not. And this answer leads us to our next question.

If Congress should decide to enforce section 2, must it base its reduction in apportionment upon an actual count of all kinds of denials of the right to vote or may it base the reduction upon something less? May it, for example, single out denials because of failure to meet literacy requirements and ignore denials for any other reason? And may it base the reduction upon estimates rather than upon an actual count? Representatives Crumpacker and Tinkham would agree that Congress may base the reduction upon estimates and may ignore denials for reasons about which it has no adequate information on which to base a reduction. Not all would agree with these gentlemen, however. As a matter of fact, Mr. Tinkham, in a statement before a subcommittee of the Committee on the Census, calls attention to a committee resolution of June 2, 1951, which read:

"It is the opinion of the committee that these provisions (of section 2) clearly require as proper procedure the introduction of a bill or resolution providing for an investigation with reference to a particular election in a specific State or States, as to whether in such election in such State or States the right to vote was denied, within the meaning of the Constitution, to citizens entitled to the right to vote." (Hearings before a subcommittee of the Committee on the Census on Apportionment of Representatives, House of Representatives, 67th Cong., 1st sess., June 27, 28, 29, 1921, p. 7.)

Whatever may be the correct answer in terms of the intention of those who adopted the amendment, or of its true meaning, or in terms of reaching a just and equitable result, the answer in terms of the sheer power of Congress seems quite clear. Congress can do whatever it chooses to do without much likelihood of any court review of its action, or of its refusal to act. In an action brought on the theory that Virginia would be entitled to four rather than nine Representatives if section 2 were enforced, avis—district court upheld a motion to dismiss based on the ground that "questions relating to the apportionment of Representatives among the several States are political in their nature and reside exclusively within the determination of Congress." In affirming the judgment of the lower court, the court of appeals stated:

"We think that this contention presents a question political in its nature which must be determined by the legislative branch of the Government and is not justiciable. It is well known that the elective franchise has been limited or denied to citizens in various States of the Union in past years, but no

serious attempt has been made by Congress to enforce the mandate of the second section of the 14th amendment, and it is noteworthy that there are no instances in which the courts have attempted to revise the apportionment of Representatives by Congress." (*Saunders* v. *Wilkins*, 152 F. 2d 235, 237–38 (4th Cir. 1945); cert. denied, 328 U.S. 870 (1946); rehearing denied, 329 U.S. 825 (1946).)

If the Congress did act to enforce the second section of the amendment, any complaint that the apportionment was wrong would presumably be based upon the alleged failure of the United States to guarantee to the States a republican form of government as required by article IV, section 4 of the Constitution. But the Supreme Court has indicated that questions arising under this section rest with the Congress to decide—*Luther* v. *Borden* (7 How. 1, 42 (1849)).

In summary, it may be said that, however difficult it might be to acquire the information on which to base a reduction in apportionment, such information can be obtained and the 2d section of the 14th amendment can be enforced. The most logical source for information on which to base a reduction in apportionment is the same source on which the Congress relies for statistics on which to base apportionment, the Bureau of the Census. The Congress, however, must give the Bureau more than a restatement of section 2 like the one which appears in section 6 of title 2 of the United States Code. It must tell the Bureau in specific terms what information it wants.

SHOULD THE 14TH AMENDMENT, SECTION 2, BE ENFORCED

Once it is admitted that section 2 of the 14th amendment was not repealed by the 15th amendment and that it is not so wholly unintelligible as to be unenforceable there is little valid ground on which to base any argument that it should not be enforced. So long as it remains a part of the Constitution and is deliberately ignored, it becomes like a gangrenous limb and endangers the life of the body of the Constitution. If, indeed it is already like a gangrenous limb, incapable of performing its ordained function, then like any other incurably diseased organ it should be amputated, repealed by another amendment just as the 18th amendment was repealed. Despite the theoretical unassailability of the preceding proposition there are many practical considerations which militate against either enforcement or repeal. And the arguments which can be made against any attempt at enforcement which falls short of embracing all denials of the franchise in all States of the Union are quite valid and convincing.

ARGUMENTS AGAINST ENFORCEMENT

1. Section 2 of the 14th amendment has been repealed by the 15th amendment. The purpose of section 2 was to encourage the Southern States to enfranchise the Negro. It did not prohibit the States from denying the Negro the right to vote but required reduction in representation to the extent of such denial. There were many who advocated an outright grant of the franchise to the Negro and others who thought it too soon for the Negro to exercise that right intelligently. Section 2 was a compromise between these opposing positions and with the adoption of the 15th amendment it became obsolete and was in effect repealed.

2. The Constitution, from its adoption, gave the States the right to establish qualifications for its voters. It is inconceivable that this section contemplated the imposition of a penalty on the States for making the right to vote depend upon reasonable conditions like residence, literacy, or even sanity. Democracy derives its strength from the sound judgment of the electorate in casting its vote. How can a stranger in town vote wisely in the selection of a mayor or how can one vote intelligently for State or Federal officers if one is not reasonably familiar with the institutions of government?

3. The section is so unintelligible that it cannot be enforced. Or if its meaning be clear it would be impossible to make the determinations and assemble the statistics which are necessary in order to make a thoroughly equitable reapportionment based on denials of the right to vote in each of the States.

4. Whatever attempt is made to reduce apportionment because of denials of the right to vote the Congress cannot and should not confine itself to the consideration of denials on account of race or color. At the time the 14th amendment was adopted it was proposed that such denials be the only ones considered and the proposal was rejected. If representation is unequal now, to ignore denials for other reasons while weighing denials because of race would cause an imbalance in representation in the other direction. Such result was not intended by the amendment.

ARGUMENTS FOR ENFORCEMENT

1. The section has not been expressly repealed by the 15th amendment. Nor can any repeal by implication be read into it. The 15th amendment deals only with denials or abridgements of the right to vote because of race, color, or previous condition of servitude. It prohibits the States from making such denials. Insofar as the 14th amendment impliedly permitted such denials, it may have been repealed But it cannot be understood that if a State would make such denials its apportionment can no longer be reduced. Moreover, section 2 of the 14th amendment is not limited to denials because of race or color. It embraces all denials for any reason except participation in rebellion or other crime. Whatever effect the 15th amendment could have on denials because of race or color it could have no effect on denials for any other reason.

2. Section 2 does not prohibit the States from establishing reasonable voter qualifications or for that matter from establishing unreasonable voter qualifications. It simply sets up an entirely new system of apportioning representatives. The primary basis for representation is to be the whole number of persons in a State. But that number is to be reduced in the proportion which the number of citizens 21 years of age or over who are denied the right to vote save for participation in rebellion or other crime bears to the total number of citizens 21 or over. If a State establishes property qualifications, which under the Constitution it is permitted to do, its representation is to be reduced in proportion to the number of people of voting age who do not meet the qualification. This is true for any other condition on the right to vote. It is quite clear from the legislative history of the section that this was intended to be its effect.

3. The section is not unintelligible. The reluctance to enforce it may be due to an unwillingness to accept the plain meaning of the section rather than to any innate obscurity in the section itself.

4. So long as the section remains unenforced the House of Representatives does not have the balance the Constitution intended that it have. Because the statistics necessary to enforce it would be difficult to obtain is no reason to neglect to obtain them. It is difficult to ascertain the total number of persons in a State. Yet this must be done. And when it is done there are sometimes disagreements about the results which are obtained. After the census in 1920, some States, including Kansas and Mississippi, objected to the results which were obtained. Yet the apportionment was made. Unquestionably whatever statistics were obtained to furnish a basis for reduction in apportionment would also give rise to some objections. But no one can complain if a reasonable effort is made to obtain valid statistics and then apply them in a manner which is reasonably calculated to result in the kind of equitable apportionment of Representatives contemplated by section 2.

TABLE I.—*Residence requirements*

State	Years in State	Time in county	Time in precinct or ward
Alabama	2	1 year	3 months.
Alaska	1		30 days.
Arizona	1	30 days	Do.
Arkansas	1	6 months	1 month.
California	1	90 days	54 days.
Colorado	1	90 days (30 days in city or town).	15 days.
Connecticut	1	6 months	
Delaware	1	3 months	30 days.
Florida	1	6 months	
Georgia	1	do	
Idaho	½	30 days	
Illinois	1	90 days	30 days.
Indiana	½	60 days in township	Do.
Iowa	½	60 days	
Kansas	½		Do.
Kentucky	1	6 months	60 days.
Louisiana	1	1 year in parish	3 months.
Maine	½	3 months in city, town, etc.	
Maryland	1	6 months	6 months.
Massachusetts	1	6 months in city or town	
Michigan	½	30 days in city or township	
Minnesota	½		30 days.
Mississippi	2	1 year in city or town	1 year.
Missouri	1	60 days	
Montana	1	30 days	
Nebraska	½	40 days	10 days.
Nevada	½	30 days	Do.
New Hampshire	½	6 months in town	
New Jersey	½	60 days	15 days (in city of 4th class).
New Mexico	1	90 days	30 days.
New York	1	4 months	Do.
North Carolina	1		Do.
North Dakota	1	90 days	Do.
Ohio	1	40 days	40 days.
Oklahoma	1	6 months	30 days.
Oregon	½		
Pennsylvania	1		2 months.
Rhode Island	1	6 months in town or city	
South Carolina	2	1 year	4 months.
South Dakota	1	90 days	30 days.
Tennessee	1	3 months	
Texas	1	6 months	
Utah	1	4 months	60 days.
Vermont	1	3 months in town (to vote for representatives to general assembly or justices).	
Virginia	1	6 months	
Washington	1	90 days	30 days.
West Virginia	1	60 days	
Wisconsin	1		10 days.
Wyoming	1	60 days	Do

TABLE II.—*Other requirements*

State	U.S. citizenship required	Age	Literacy required	Poll tax prerequisite for voting	Loyalty oath
Alabama	X	21	X	X	X.
Alaska	X	19	X		
Arizona	X	21	X		
Arkansas	X	21		X	
California	X [1]	21	X		
Colorado	X	21			
Connecticut	X	21	X		X.
Delaware	X	21	X		
Florida	X	21			X.
Georgia	X	18	X		
Idaho	X	21			X.
Illinois	X	21			
Indiana	X	21			
Iowa	X	21			
Kansas	X	21			
Kentucky	X	18			
Louisiana	X	21	X		
Maine	X	21	X		
Maryland	X	21			
Massachusetts	X	21	X		
Michigan	X	21			
Minnesota	X [2]	21			
Mississippi	X	21	X	X	X
Missouri	X	21			
Montana	X [3]	21			
Nebraska	X	21			
Nevada	X	21			
New Hampshire	X	21	X		
New Jersey	X	21			
New Mexico	X	21			
New York	X [1]	21	X		
North Carolina	X	21			X.
North Dakota	X	21			
Ohio	X	21			
Oklahoma	X	21			
Oregon	X	21	X		
Pennsylvania	X [4]	21			
Rhode Island	X	21			
South Carolina	X	21	X		
South Dakota	X [5]	21			
Tennessee	X	21			
Texas	X	21		X	
Utah	X [6]	21			
Vermont	X	21			X.
Virginia	X	21		X	
Washington	X	21	X		
West Virginia	X	21			
Wisconsin	X	21			
Wyoming	X	21	X		

[1] At least 90 days before election.
[2] At least 3 months before election.
[3] By election.
[4] At least 1 month.
[5] Must have resided in the United States 5 years.
[6] For 90 days.

TABLE III.—*Persons disqualified from voting*

State	Idiots, insane, under guardianship	Commission of felony or infamous crime	Paupers	Others
Alabama	X	X		Vagrants and others.
Alaska	X	X [1]		
Arizona	X	X [1]		
Arkansas	X	X		
California	X	X		Aliens ineligible to citizenship.
Colorado	X			While in prison.
Connecticut	X	X [1]		
Delaware	X	X	X	Convicted of election offenses; disfranchised 10 years.
Florida	X	X [1]		Interested in election wager.
Georgia	X	X [1]		
Idaho	X	X [1]		Chinese or Mongolian descendants not born in United States.
Illinois	X	X [1]		While imprisoned.
Indiana	X	X [1]		
Iowa	X	X		
Kansas	X	X [1]		Dishonorably discharged soldier, bribery.
Kentucky	X	X [1]		In prison for penal offense.
Louisiana	X	X [1]		Inmates of prison or charitable institution, deserters and those dishonorably discharged from armed services unless reinstated.
Maine	X		X	
Maryland	X	X [1]		
Massachusetts	X		X	Corrupt election practices: disfranchise for 3 years.
Michigan				
Minnesota	X	X [1]		See body of report under "Qualifications for Voting" regarding Indians.
Mississippi	X	X		Indians not taxed.
Missouri	X	X [1 2]		While in prison or poorhouse.
Montana	X	X [1]		
Nebraska	X	X [1]		
Nevada	X	X [1]		Duel.
New Hampshire		X [1]	X [1]	Violation of election law. [1]
New Jersey	X	X		Do. [1]
New Mexico	X	X [3]		
New York	X	X [1]		Election offenses; shall not vote at such election.
North Carolina	X	X [1]		
North Dakota	X	X [1]		
Ohio	X	X [1]		2d offense under election laws.
Oklahoma	X	X [1]		While in poorhouse or prison.
Oregon	X	X [1]		
Pennsylvania				Election offense; disfranchised 4 years. Bribery at election; for such election.
Rhode Island	X	X [1]	X	Residing on lands ceded by Rhode Island to United States.
South Carolina	X	X [1]	X	While in prison.
South Dakota	X	X [1]		
Tennessee		X [1]		
Texas	X	X [1]	X	
Utah	X	X [3]		
Vermont				Bribery for vote, disfranchised for such election
Virginia	X	X	X	Duel.
Washington	X	X [1]		Indians not taxed; subversive activities.
West Virginia	X	X [4]	X	Bribery in election (while under conviction).
Wisconsin	X	X [1]		Bribery; [1] duel; election wager, disfranchised for such election.
Wyoming	X	X [1]		

[1] Unless civil rights have been restored.
[2] Connected with election.
[3] Treason or election offense.
[4] While under conviction.

MISUSE OF UNION FUNDS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 5 minutes.

Mr. HOFFMAN of Michigan. Mr. Speaker, while a Member is not permitted under the rules to talk to people in the galleries, there is nothing in the rules insofar as I have ever been able to discover, which prohibits discussion while stenographers, employees of the House, the Parliamentarian, and the Speaker on occasion are present and I will now take advantage of that privilege even though the gentleman from Texas is not in the chair. Some years ago Walter Reuther, president of the UAW–CIO created a public review board to pass upon the actions of the union as to whether they were proper and ethical, honest, moral and upright. All very distinguished and impartial men were placed on that board. More recently, when the Republican on the Senate McClellan committee filed a report questioning some of the things which the union had been doing, Reuther referred that report, that part of the report written by the Republicans to this board, and asked that they pass upon the actions of the union in connection with the Kohler strike. That the board determine whether they were proper or illegal. He wanted a clean bill of health. If you look at Business Week of March 12, you will find a statement there giving the names of the members of the board and paying tribute to their intellectual integrity.

But perhaps the better way is to read from Business Week of March 12 last.

I read:

And because they are enemies, Reuther has been goaded into an impetuosity that could damage one of his own creations, for which he has reaped perhaps his greatest public acclaim. That is the impartial Public Review Board.

WHAT IT IS

The review board—seven representatives of religion, law, and education—was established 3 years ago to insure "high moral and ethical standards in the administrative and other practice * * * and to further strengthen the democratic processes * * * within the union." It has decided 42 cases, half or more against the UAW's officers and the International Executive Board.

This week, the review board had to make what its chairman, Rabbi Morris Adler, called the most difficult decision. It had to decide whether or not to grant Reuther's request to review charges made by GOLDWATER and three fellow Republicans on the Senate Labor-Management Investigating Committee. Whichever way it decides either the review board or the union will lose stature.

CAN'T WIN

Leaving aside initial reaction to the decision, the long-term results could lay the board open to a charge of being a rubber stamp for the union, or the UAW open to a charge of being tolerant of violence and other unsavoriness.

It is a decision that the review board should never have had to make, and that its members faced unwillingly. The union's International Executive Board mousetrapped itself and the review board in a manner scarcely credible except that the name of GOLDWATER has the same effect on Reuther as a kick in the shins on anyone else. Then, too, Reuther and the Public Review Board have never had quite the same view of the board's function.

1. WHEN HONESTY HURTS

This is the background of the dilemma:

Early last month, news stories began coming from Washington indicating that the four Republicans on the McClellan committee—GOLDWATER, MUNDT, CURTIS, and CAPEHART—were dissatisfied with the report being drafted by the committee's staff. Soon it became apparent that what was biting the four Republicans was the lack of harsh words about Reuther and the UAW.

So in mid-February, GOLDWATER put into the hands of reporters what was termed "separate views" of the Republicans on the committee. This document mentioned the "clear pattern of crime and violence which has characterized and has generally been associated with UAW strikes," implying that UAW is just as prone as the Teamsters to corruption and underworld alliances.

A few days later, UAW's international excutive board, at Reuther's urging, voted to refer the charges contained in the separate views to the public review board "for a thorough and impartial review so that an impartial report could be made by the public review board to the membership of the UAW and to the public."

Strange action

This action is a real stunner for these reasons:

There is not yet an official minority report of the McClellan committee, although a long, detailed report is in preparation, which may or may not contain statements made in the separate views.

The separate views are no more than the kind of blast from GOLDWATER and the Republicans that Reuther and the UAW should expect in an election year.

The international executive board did not set forth a bill of particulars. So, in essence, it was asking the review board to review the opinions, and the reasons for them, of four Members of the U.S. Senate.

UAW officers have a reputation for being meticulously honest with their members' money and labor, so the document that GOLDWATER distributed hurt the pride of Reuther and his colleagues. Their instinctive reaction was to get the public review board—with its unchallenged integrity—to attest the union's rectitude.

What to do?

The review board's members are widely scattered. Rabbi Adler, Circuit Judge Wade II, McCree, and the Canadian, Magistrate J. A. Hanrahan, are in the Detroit area. Catholic Monsignor George G. Higgins and Methodist Bishop G. Bromley Oxnam, are in Washington, D.C. Dr. Jean T. McKelvey is a Cornell University professor and Dr. Edwin F. Witte, teaches at the University of Wisconsin. They meet only a few times a year. One meeting was scheduled for this past Wednesday.

What the board could review to fulfill Reuther's request was uncertain to its members, who were well aware of the political nature of the Republicans' document. But Rabbi Adler felt, early this week, that the board members know enough about the general nature of the charges not to want to duck the matter simply because an official minority report has not been issued. Whether the GOLDWATER charges are official or merely personal opinion has now become irrelevant to the central concern. The review board is being tested by the UAW and in the eyes of the public. It knows it is being tested, and up to now, it has been independent of the UAW almost to the point of truculence.

II. WATCHDOG OR HIGH COURT

The test involves a variety of factors not too closely related to the actual ground rules for making the decision. From the start, the board has insisted that everyone connected in any way with the union must act in strict, letter-of-the-law observance of the UAW constitution. So it has always had to answer only one question in deciding whether to consider any case: Does the board have jurisdiction under the union's constitution? There is no appeal from the board's decisions; when it decides it does not have jurisdiction, that ends the matter.

But this time the board members have to be aware of other factors.

Public watchdog

In first proposing the Public Review Board to the union's convention in 1957, Reuther talked in terms of a "public watchdog"—a body that could investigate, hold hearings, and report on the ethics of any practices and activities of UAW officers and members. Implicit in everything Reuther said about the Public Review Board was the view that the board could and should initiate action on its own.

But the board has not launched investigations on its own initiative. The constitutional provision establishing the board and defining its role is shadowy on this point. The board has become, in the minds of its members and in its actions, strictly an appeal body—a supreme court, rather than a suspicious observer. And, says a member, "The board is not anxious to extend its jurisdiction."

A UAW member can appeal any decision affecting him, first to the local, then to the international executive board. An appeal from the decisions of the IEB can be taken either to the biennial convention or to the Public Review Board, but not to both. Most appeals relate to such things as procedures and the outcomes in local elections. Only a few have pertained to ethical practices, which is mainly what the charges in the "separate views" involve.

Narrow ground

The board has been exceedingly careful to render decisions on narrow constitutional grounds. It set this pattern right at the start, when—in the only instance at all comparable to the present one—the UAW executive board asked the review board to review decisions made by the international and local executive boards in cases of union officials who admitted past membership in the Communist Party.

These men had been given hearings, and the UAW units concerned and decided they were not barred under any ethical practice codes from holding office in the union.

Some of the men had refused before a Senate committee to answer some questions pertaining to their associates in past Communist activity, and this gave GOLDWATER a chance to ask what the UAW was doing about officials who took the fifth amendment when questioned about communism.

The Public Review Board ignored the entire matter of the propriety of the conduct of the UAW people before the Senate committee and of the particulars of the ethical practices codes. It examined only one factor: Did the UAW conduct a proper review of the cases? It concluded that it had done so, and "we are unable to say that the actions of the International Union with regard to these individuals has not been consistent in spirit as well as in letter with the AFL–CIO Ethical Practice Code."

Going outside

In those cases, the UAW's executive board obviously was asking the Public Review Board to give a critique, so to speak, for the public on how conscientiously the union observes ethical codes of conduct. Now, in the case of the "separate views," it has asked again for a public testimonial—but it has neglected to give the Public Review Board a hook. It is not asking the review board to review any action of the international union. And that is perhaps the biggest test presented by Reuther.

He and the other officers suggested in a press release that the Public Review Board go over all official records and testimony before the National Labor Relations Board pertaining to the Kohler strike, because a considerable part of the "separate views" commented on UAW's conduct in that strike. The International Executive Board expressed confidence that "such an impartial and objective review of the facts will expose the report of the Republican minority."

The difficulty with that approach is that the Public Review Board has no jurisdiction over a Senate committee, and merely to review the records that the UAW officers cite is bound to leave the review board subject to a charge of "whitewash" by UAW opponents. If it dug deeper where it has jurisdiction, and looked at the conduct of UAW during the Kohler strike, it could not avoid the finding that two UAW members went to jail for assault on the picket line. It's not likely that UAW officers are anxious for that kind of a review of the Kohler affair.

It is far more likely that the UAW executive board wants the Public Review Board, in addition to being the high court of appeals in union administrative decisions, to be a "watchdog" as it defines the term—a defender that will extol the union's probity anytime anyone throws rocks. And the air should be filled with rocks in this election year.

Unique status

The UAW is the largest union with any such organization as the Public Review Board; it is the only one with such a board that has been active.

The review board has repeatedly rapped the knuckles of union chieftains for not adhering strictly to methods prescribed by the UAW constitution; it has even inspired some change in the constitution to clarify procedures and rights of members. Board members are proud of the nature of their decisions and are lavish in praise of UAW for permitting them to function without the slightest murmur or gesture of pressure to influence decisions.

Board members also feel that their actions have been under scrutiny by other unions, by management, and by government—that

they are making history and possibly erecting a model for others. That's why they feel that what they do about the case of the "separate views" is so important.

Will they continue to be a supreme court only to break a path for other unions—who knows, some day perhaps for even the Teamsters—or will they repeatedly be asked to make a public display—like a bodybuilder's ad in the pulp-paper magazines—of UAW's moral and ethical posture?

That's the real test and decision.

More recently Walter has conceived the idea that perhaps he might not be able to deceive the board members and would not get a clean bill of health from them; that the facts were against him, that he has been guilty of all sorts of reprehensible things, that his union has misused the funds of the union in employing professional thugs, and that he has misused the funds of the union in sending goons to Wisconsin—Sheboygan—to violate the law deliberately and repeatedly.

If I get the feeling correctly, the purpose—well, he wants to get out of that invitation to these gentlemen to look over his records, and there is only one way out they can find. I do not know that they want to, but if they did, that is to claim lack of jurisdiction.

So here we have the case of the union and the president of the union, Reuther, asking that the certificate of honesty that was issued by Bob Kennedy be declared to be an accurate one while Reuther challenges the accuracy of the statement of the Republicans on the McClellan committee. I am suggesting that Reuther may be just a little uncertain, let us call it, because he knows the facts; a good reason why he is uncertain about what the board may do, what its decision may be. He seems to want to get out of the unusual situation in some way.

I hope the board brings the facts to light. Walter Reuther is worse than Jimmy Hoffa. Jimmy Hoffa extorted money—you know what that is, money—and hires criminals to do his dirty work, but Reuther hires criminals to violate the law, steals away civil rights guaranteed by the 5th and 14th amendments.

CIVIL RIGHTS

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Speaker, since my remarks of March 11, the proceedings on these so-called civil rights proposals have emphasized the validity of what I said at that time by revealing other ill-advised objectives that could only yield tragic results to our Nation and our people.

Not only are you setting the precedent of conclusive presumption of guilt, which is wholly foreign to our Anglo-Saxon jurisprudence, but the free and secret elections, which we were many years in obtaining, would be destroyed.

Other proposals being advanced here are particularly oppressive. One of them is the dangerous part III that we struck from the 1957 bill. Part III is the thought control section, which gives the Attorney General the authority to bring a citizen into court and convict him without due process, by depriving him of his legal rights.

Thinking citizens easily see the danger in this. In November 1958 the headlines in the Worker, the official newspaper of the Communist Party in New York, told of their plan to bring pressure on this Congress to enact part III, and their pressure is having effect on some.

Another part of the pending bill is intentionally worded to destroy the right of trial by jury in criminal contempt cases. Its effect is that a citizen could be placed in jail for 2 years and fined $10,000 for writing a letter, or making some chance remarks which some Federal authority might think would interfere with a school. This is destruction of the right of free speech guaranteed by the Constitution. It would ban the constitutional right to freely assemble, because you might attend a meeting where a remark made by a speaker would make the whole group subject to arrest, and conviction for criminal contempt—again without benefit of a jury trial.

The attempt is also made to revive the old FEPC proposal, which was defeated some years ago and should be defeated again.

The following are the constitutional guarantees which are under attack right now, in both Houses of Congress: Freedom of speech, press, assembly, jury trials, appeals, open hearings, and even freedom of religious belief. You must agree with me that they are all worth fighting to preserve, and to my utmost strength, I am fighting to preserve them. I will again be criticized for refusing to vote with the radical northern Democrats, but I will not vote with anybody who is wrong. I will put principle above party any day. I plead with you to help defeat these alien proposals.

I ask you to consider again my remarks of March 11. The freedom of the American people is at stake.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FALLON (at the request of Mr. GARMATZ), for Monday, March 21, 1960, on account of official business.

Mr. MCGINLEY, for March 21, 1960, on account of necessary business trip to congressional district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HECHLER, for 5 minutes, today.

Mr. DADDARIO, for 5 minutes, today.

Mr. HOLIFIELD, for 30 minutes, today.

Mr. PORTER, for 60 minutes, on Thursday next.

Mr. BENTLEY, for 5 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. HOFFMAN of Michigan, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. KING of Utah and include extraneous material.

Mr. ALGER.

Mr. BELCHER and include extraneous matter.

Mr. HOLTZMAN.

(At the request of Mr. ROBISON and to include extraneous matter, the following:)

Mr. WESTLAND.

Mr. DEVINE.

(At the request of Mr. DORN of South Carolina and to include extraneous matter, the following:)

Mr. MULTER.

Mr. SHIPLEY.

Mr. BARR.

Mr. LIBONATI.

ADJOURNMENT

Mr. DORN of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 54 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 22, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1965. A letter from the Administrator, Small Business Administration, transmitting the 13th Semiannual Report of the Small Business Administration covering operations between July 1 and December 31, 1959, pursuant to Public Law 85-536; to the Committee on Banking and Currency.

1966. A letter from the Acting Director, U.S. Information Agency, transmitting the 13th Semiannual Report of the U.S. Information Agency for the period July 1 to December 31, 1959, pursuant to Public Law 402, 80th Congress; to the Committee on Foreign Affairs.

1967. A letter from the Chairman, Federal Power Commission, transmitting a copy of the recently issued map entitled "Major Natural Gas Pipelines, December 31, 1959"; to the Committee on Interstate and Foreign Commerce.

1968. A letter from the Secretary of Agriculture transmitting a draft of proposed legislation entitled "A bill to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision, and for other purposes"; to the Committee on Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HÉBERT: Committee on Armed Services. H.R. 10959. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; with amendment (Rept. No. 1408). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASHMORE: Committee on House Administration. House Resolution 462. Resolution relative to the contested election case of Mahoney against Smith, Sixth Congressional District of Kansas; without amendment (Rept. No. 1409). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 11272. A bill to authorize the Secretary of the Interior to permit the occupancy and use by the Congressional Club of certain lands in the District of Columbia which are under the jurisdiction of the National Park Service; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 11273. A bill to authorize the Secretary of the Interior to permit the occupancy and use by the Congressional Club of certain lands in the District of Columbia which are under the jurisdiction of the National Park Service; to the Committee on Interior and Insular Affairs.

By Mr ASPINALL:

H.R. 11274. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. O'BRIEN of New York:

H.R. 11275. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 11276. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. WESTLAND:

H.R. 11277. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. ADDONIZIO:

H.R. 11278. A bill to prevent the use of stopwatches, work measurement programs or other performance standards operations as measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. FASCELL:

H.R. 11279. A bill to authorize the acquisition of land for donation to the Pan American Health Organization as a headquarters site; to the Committee on Public Works.

By Mr. FLYNN:

H.R. 11280. A bill to amend section 1461 of title 18 of the United States Code with respect to the mailing of obscene matter, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE:

H.R. 11281. A bill to amend title 38 of the United States Code in order to provide a 1-year period during which certain veterans may be granted national service life insurance; to the Committee on Veterans' Affairs.

By Mr. GREEN of Pennsylvania:

H.R. 11282. A bill to amend the Internal Revenue Code of 1954 to permit a deduction from gross income for campaign expenses of candidates for public office; to the Committee on Ways and Means.

H.R. 11283. A bill to amend the Internal Revenue Code of 1939 and 1954 with respect to the apportionment of the depletion allowance between parties to contracts for the extraction of minerals or the severance of timber; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 11284. A bill to provide for the establishment of a Veterans' Administration hospital in Queens, Suffolk, or Nassau Counties, N.Y.; to the Committee on Veterans' Affairs.

By Mr. HARMON:

H.R. 11285. A bill to amend the Internal Revenue Code of 1954 to provide that the child-care expense deduction shall be allowed a woman without regard to her marital status or income; to the Committee on Ways and Means.

By Mr. MACDONALD:

H.R. 11286. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11287. A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes; to the Committee on the Judiciary.

By Mr. MOULDER:

H.R. 11288. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. PUCINSKI:

H.R. 11289. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and other expenses paid by him for his education or the education of his spouse or any of his dependents; to the Committee on Ways and Means.

H.R. 11290. A bill to amend section 21 of the Second Liberty Bond Act to provide for the retirement of the public debt; to the Committee on Ways and Means.

By Mr. ROOSEVELT:

H.R. 11291. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. SPENCE:

H.R. 11292. A bill to amend title II of the Social Security Act to include Kentucky among the States which may obtain social security coverage, under State agreement, for State and local policemen and firemen; to the Committee on Ways and Means.

By Mr. WATTS:

H.R. 11293. A bill to amend the provisions of title II of the Social Security Act relating to disability freeze and disability insurance benefits so as to eliminate the age 50 requirement for such benefits, to eliminate the waiting period for such benefits in certain cases, to provide a period of trial work for certain individuals receiving such benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLF:

H.R. 11294. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 11295. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. COHELAN:

H.R. 11296. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE:

H.R. 11297. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, to provide a marketing program for wheat, and for other purposes; to the Committee on Agriculture.

By Mr. JOHNSON of California:

H.R. 11298. A bill to direct the Secretary of the Interior to establish a research program in order to determine means of improving the conservation of game fish in dam reservoirs; to the Committee on Merchant Marine and Fisheries.

By Mr. SHIPLEY:

H.R. 11299. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. COAD:

H.R. 11300. A bill to amend the Natural Gas Act to prohibit a rate increase from becoming effective, subject to bond, before a pending rate increase proceeding has been finally determined; to the Committee on Interstate and Foreign Commerce.

By Mr. BOYKIN:

H.R. 11301. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. BRADEMAS:

H.R. 11302. A bill to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions; to the Committee on Veterans' Affairs.

By Mr. BENNETT of Florida:

H.J. Res. 654. Joint resolution proposing an amendment to the Constitution of the United States relating to Presidential inability; to the Committee on the Judiciary.

By Mr. GEORGE:

H.J. Res. 655. Joint resolution designating the red rose as the national flower of the United States; to the Committee on House Administration.

By Mr. PELLY:

H.J. Res. 656. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. ADDONIZIO:

H. Con. Res. 621. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. ANFUSO:

H. Con. Res. 622. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

UNIVERSITY OF MICHIGAN LIBRARIES

By Mr. BENTLEY:

H. Con. Res. 623. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Con. Res. 624. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. DADDARIO:

H. Con. Res. 625. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. DEROUNIAN:

H. Con. Res. 626. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. FLOOD:

H. Con. Res. 627. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. JUDD:

H. Con. Res. 628. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. McDOWELL:

H. Con. Res. 629. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. PUCINSKI:

H. Con. Res. 630. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Con. Res. 631. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. ROSTENKOWSKI:

H. Con. Res. 632. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Con. Res. 633. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. ZELENKO:

H. Con. Res. 634. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. VANIK:

H. Con. Res. 635. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. FEIGHAN:

H. Con. Res. 636. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mrs. CHURCH:

H. Con. Res. 637. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. SANTANGELO:

H. Con. Res. 638. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. BARR:

H. Res. 481. Resolution to create a Committee on Fiscal Planning; to the Committee on Rules.

By Mr. ASHMORE:

H. Res. 482. Resolution relative to the contested election case of Mahoney against Smith, Sixth Congressional District of Kansas; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact the Forand bill to provide health insurance coverage as part of social security benefits; to the Committee on Ways and Means.

Also, a memorial of the Legislature of the State of Nevada, memorializing the President and the Congress of the United States relative to requesting the continuance of aid to the American Indian; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COHELAN:

H.R. 11303. A bill for the relief of Chuan Mai Chang; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 11304. A bill for the relief of Mrs. Marguerite de Soepkez; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 11305. A bill for the relief of Stefanos Georgios Mattes; to the Committee on the Judiciary.

By Mr. OSTERTAG:

H.R. 11306. A bill for the relief of Maria Rosa Agostini; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 11307. A bill for the relief of Romuald Chmura; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The Tragic Death of Attorney Harry Meyers of Chicago

EXTENSION OF REMARKS

OF

HON. ROLAND V. LIBONATI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1960

Mr. LIBONATI. Mr. Speaker, it was well said by the sages through the ages that—

You who mourn the loss of loved ones, let there come the comfort that, though the dust returns to the earth as it was, the spirit returns to God who gave it. Death is not the end. Our dear loved ones have passed through the gateway of life into the peace of the hereafter that endureth always. We know that all of us must tread the same path, though we know not when the hour may strike. Let us so live that the coming of that hour shall find us unafraid. May our deeds do honor to the memory of our beloved whom Thou has taken unto Thyself. In unshaken trust in Thy wisdom and loving kindness, we give praise unto Thy name.

And so these reflections are so befitting to alleviate the great pain and sadness befalling the relatives of my distinguished friend and celebrated lawyer, Harry Meyers, who for many years practiced law in the city of Chicago.

It was his sad fate to meet death as a victim of the midair disaster in the explosion of the Northwest airliner turboprop Electra jetplane near Tell City, Ind., in the Ohio River Valley, while en route to Miami. He was a bosom friend of the distinguished jurist, the Honorable John A. Sbarbaro, and had accompanied him on that ill-fated journey.

They always traveled together. Their loss was mourned by the bench and bar of Illinois.

He was a calm, gentle person, whose depth of understanding in the law marked him as a leader at the bar. He was accepted as an authority in his chosen field—the criminal law. He was kindly to and considerate of his fellow humans. It was a natural thing that he and Judge Sbarbaro were attracted to one another in a close bond of friendship.

The completeness of this great tragedy in the consummation of the mortal remains of all the passengers—attests to the suddenness of the disaster.

As though in this life they were reduced suddenly into the fading shadows of another world—a world of everlasting grace, where the soul retains the identity of the individual in his corporeal existence upon the earth. In the world of men we cannot but accept the belief that everlasting life is the reward for these who have kept the faith. These two friends inseparable in life were inseparable in death—God knows.

With prayers and sincere condolences to the eminent physician Dr. Max Meyerovitz, of Chicago, who practiced for 50 years near my home at Taylor and Racine Avenue, and his good brother Ben. May God give them strength in this their saddest hour. We, their friends, pray with them for his soul—may he rest in peace.

Ohio State, Champions of Western Conference and NCAA

EXTENSION OF REMARKS

OF

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1960

Mr. DEVINE. Mr. Speaker, to its laurels as Big Ten champion, Coach Fred Taylor and his great Ohio State University basketball team added the National Collegiate Athletic Association title Saturday night, March 19, 1960, de-

feating California by the widest margin ever registered in a championship in the NCAA tournament history.

Coach Fred Taylor is to be congratulated for his outstanding leadership and guidance of the fine young men who made up this championship team. Much credit also must be given to Jack Graf and Frank Truitt for their excellent work in scouting and assisting in coaching.

The championship is the result of strictly team effort and although there are a number of oustanding individual stars on this ball team, their sportsmanship and team play were particularly impressive.

The State of Ohio and the Nation are justly proud not only of the starting five, Jerry Lucas, Larry Siegfried, John Havlicek, Joe Roberts, and Mel Nowell, but also the bench strength of fine players possessing nearly equal abilities Dick Furry, Richie Hoyt, Howie Nourse, Bob Knight, Gary Gearhart, John Cedargren, Jim Allen, J. T. Landis, Nelson Miller, Jerry Milliken, and Dave Barker are entitled to an equal share of the credit.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. MULTER. Mr. Speaker, as the Fourth of July is our national holiday, so independence day under various names is the signal holiday for many nations of the world.

For the Greeks, independence day has special and perhaps unique significance. Celebrating the beginning of the revolt against Ottoman rule which began on March 21, 1821, Greek Independence Day marks the renewal of the traditions of freedom, independence and cultural excellence which have been the hallmarks of Greece since ancient times.

Indeed, if there were such a thing as a copyright on these ideas the Greeks would hold it. For it is to ancient Greece that we must look for the source of our ideas of individual freedom, of the relation between the free citizen and the state and of many other of the highest achievements of Western civilization. The Greeks conceived these ideas, developed them and put them into practice, and finally, through their writings, transmitted them across the dark ages of history so that they might be reborn in modern forms.

These ideas and traditions have never really been lost in Greece, although that country through the centuries suffered heavily from alien rule and oppression. Throughout the long Muslim rule, lasting more than 300 years from the 15th to the 19th centuries, these ideas and traditions kept Greek society alive and ready to reassert its rightful place in the world. The Greeks fought bitterly for their independence for over 6 years from 1821 to 1827 and in this fight and victory set an example for the nations of the modern world.

As Greeks celebrate the 139th anniversary of the beginning of their renewal of independence, the sentiments of all people committed to freedom and independence are with them.

Regulation of the Price of Gas at the Wellhead

EXTENSION OF REMARKS
OF
HON. PAGE BELCHER
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. BELCHER. Mr. Speaker, under leave granted, I wish to insert in the RECORD the following letters.

Realizing the importance of the gas industry to our State and realizing the confusion that has existed in regard to the regulation of the price of gas at the wellhead by the Federal Power Commission, I wrote a letter to the President urging him to send a message to Congress concerning the gas situation. I herewith include as part of my remarks a copy of the letter which I wrote to the President and a copy of the letter the President sent to me.

FEBRUARY 5, 1960.

The Honorable DWIGHT D. EISENHOWER,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: You will recall that at the time you vetoed the gas bill that was passed by the Congress, I vigorously urged you to sign it, and it was a severe disappointment to a lot of my constituents when you vetoed it.

I have defended your veto on the ground that at the time that you were compelled to either sign or veto the bill, there were a lot of rumors floating around Washington as to bribes having been offered to other Members of the Senate. It developed that these rumors were unfounded. However, if you had signed the gas bill after the information that you had concerning Senator CASE and then a scandal had developed you would have been severely criticized. My people have accepted this defense. However, many of them keep saying, "If the President is for a gas bill, why hasn't he said something about it since the veto?"

Therefore, I sincerely hope that you will see fit to send some kind of a message to the Congress advocating the passage of a gas bill during this session. I am thoroughly convinced that justice demands a bill which removes the power from the Federal Power Commission to establish the price of gas at the wellhead. The only occasion for establishing the price of any commodity is that there is a monopoly granted to some industry, such as public utilities. There is no monopoly in the production of gas. There are over 8,000 producers competing with each other for the market. To say that these 8,000 have a monopoly at the same time that we say that 4 or 5 automobile companies that make all the automobiles don't have a monopoly is asinine.

There is not a commodity that doesn't deserve price fixing just as much as gas at the wellhead. Therefore until the time that we have complete price controls in this country, we shouldn't control the price of one commodity except on the basis of a monopoly.

I certainly hope that you will give this serious consideration.

With best wishes, I am,
Sincerely yours,

PAGE BELCHER,
Member of Congress.

THE WHITE HOUSE,
Washington, March 17, 1960.

Hon. PAGE BELCHER,
House of Representatives,
Washington, D.C.

DEAR PAGE: Your recent letter expressed the hope that I would send a message to Congress during this session advocating once again the passage of a gas bill. I feel sure that everyone clearly understands my position on this matter. I have strongly favored the elimination of public utility-type regulation of producers of natural gas. Both before and since the veto of the gas bill in 1956 I have advocated legislation to this end. I still favor such legislation.

In existing circumstances, however, a mere reiteration of my viewpoint on this matter would probably serve no useful purpose. I am ready and willing to support this legislation in this session with full vigor if those in control of Congress give some indication that they will join in this effort.

With warm regard.

Sincerely,

DWIGHT D. EISENHOWER.

Secretary of State Christian A. Herter Commended for His Protest to Red China for Their Sentencing of Bishop James Edward Walsh

EXTENSION OF REMARKS
OF
HON. LESTER HOLTZMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. HOLTZMAN. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD I would like to include a letter I have today written to the Honorable Christian A. Herter, Secretary of State, congratulating him on the prompt and forthright protest to the Communist government of Red China against the harsh and unreasonable sentencing of Bishop James Edward Walsh.

We are certainly aware of the fact that the Communists are not amenable to any suggestions we might make. However, we must stay with this protest and continue our efforts to effect the release of Bishop Walsh and others who have been the innocent victims of totalitarian thinking.

I would also like to include an editorial which appeared in today's New York Times, entitled "Bishop Walsh's 'Crime'."

The letter to Secretary of State Herter, and the editorial follow:

MARCH 21, 1960.

Hon. CHRISTIAN A. HERTER,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am very pleased to learn of your prompt, vigorous and entirely justified protest against the patently unfair sentences meted by the Red Chinese

to Bishop James Edward Walsh, and many of his colleagues.

This new incident so vividly recalls many other instances relating to our fliers, Cardinal Mindzenty, Archbishop Stepniac, and numerous other political and religious persecutions perpetrated by the Communist countries.

We have learned from bitter experience that the Communists do not understand decency, and construe decency to be weakness. We have also learned from this experience that only by a continuing and firm stand can we ever accomplish anything with these totalitarian governments.

I accordingly urge that you continue your strong protests and bring every pressure possible to see to it that Bishop Walsh and his colleagues are promptly released.

I am sure you know that you have all the American people behind you in this effort.

With my best wishes, I am,

Sincerely yours,

LESTER HOLTZMAN,
Member of Congress.

[From the New York Times, Mar. 21, 1960]

BISHOP WALSH'S "CRIME"

Bishop James Edward Walsh, of Cumberland, Md., may spend the rest of his life in a Chinese prison for offending the Red China Government. At 69, he has been a servant of the Chinese people and of his church for almost half a century. All of us, of whatever religion, can share in an admiration for Bishop Walsh and indignation for the cruel 20-year sentence inflicted upon him.

An associate, the Very Reverend John F. Donovan, vicar-general of the Maryknoll Fathers, said of him: "If love is a crime, then he is guilty; if opposition to a brutal and tyrannical regime is a crime, he is guilty; if allegiance to his church is a crime, then he is guilty." In the raw, bitter communism of mainland China most of the civilized virtues are crimes and the Sermon on the Mount is full of treason.

Secretary Herter's protest will carry little weight with a government which charges our own Government with an "imperialistic scheme to subvert the Chinese people's democratic regime." But outrages such as this may well be remembered when somebody inquires why we do not want Red China in the United Nations or a Red Chinese Ambassador in Washington.

Pensions for Veterans of World War I

EXTENSION OF REMARKS
OF
HON. GEORGE E. SHIPLEY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. SHIPLEY. Mr. Speaker, early this year I introduced H.R. 9466 which provides payment of pensions to veterans of World War I. A number of other Members of Congress have introduced such proposals and interest is growing in providing such pensions. Recently the national junior vice commander of the Veterans of World War I of the U.S.A., Inc., outlined the legislative objectives of this organization to the House Committee on Veterans' Affairs which included monthly pensions. The question is shall these veterans of World War I receive an across-the-board monthly pension of $100.

The truth is that the veterans of World War I are indeed a special and unique group of veterans but only in the sense that as of now the discrimination has been against them and not for them. They have not been treated on a par, in terms of veterans' benefits, with the veterans of other wars. In other words there is a residual debt owing to the veterans of World War I based on the fact that the Congress and this Government has shown greater—and I may say—wiser largesse for the veterans of World War II and the Korean war. There was no GI bill of rights for the veterans of World War I as there was for the veterans of the other two recent wars. Those who complain that an across-the-board pension for veterans of World War I would create an unfortunate precedent that would mean a similar across-the-board pension for the other veterans, are thus in error. It would create no such precedent. The reason simply is that this proposed pension is not for the purpose of giving the World War I veterans what other veterans did not not receive, so that to be fair other veterans should also be entitled to it.

On the contrary this pension is intended to make up to the World War I veteran for the difference in benefits between what he received and what the World War II and the Korean veterans received. It does not bring the pension idea out of joint so that it will have later to be corrected in favor of veterans subsequent to World War I. Rather it brings into a relationship of justice the overall gratitude of the country toward the World War I veteran so that the benefits he receives will—at long last—be brought up as equal as may be to the immense and intelligently conceived benefits that have been accorded the veterans of our subsequent two wars.

The veteran who went soldiering in World War I lost a fixed value—so to speak—out of his life and his career. This he was never permitted to retrieve as the other and subsequent veterans were permitted to retrieve it through the GI bill of rights. They got some benefits to be sure but nothing in proportion to what the country gave the others. This proposed pension of $100 a month corrects that inequality. Since it corrects the inequality it does not create a precedent.

The very justice of the World War I veterans' case should make it publicly acceptable and I hold the people of the United States generally would approve it. Moreover the statistics from a fiduciary standpoint show that such a pension is sound arithmetically and far from a burden to the Federal budget in relation to the results it would produce. There are, as of December 1959, 2,724,000 World War I veterans. The cost of the program therefore in the first year would come to about $1.9 billion. This would be gradually but consistently reduced since the average age of World War I veterans is now 65.7 years. For example some 9,000 World War I veterans died in the month preceding December 1959. For the second year the program would come, according to estimates from the Veterans' Bureau, to something less than $1.780 billion. The third year it would be less even than $1.7, and so on. The sum is formidable to be sure. But it is not by any means an insurmountable problem in a Nation with a gross national product now rapidly climbing to $500 billion annually. The pension is acceptable to the American people not only because it is financially feasible but because it is morally right and corrects an injustice that cries to high heaven for judgment.

Wins Service Award

EXTENSION OF REMARKS
OF
HON. JACK WESTLAND
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. WESTLAND. Mr. Speaker, in times of peace, even during a cold war, many of us are inclined to overlook the fine job our armed services are doing to protect our Nation.

One of the units defending us has its headquarters at Redmond, Wash., in my district, and I believe this unit typifies the hard work and devotion to duty of our soldiers, marines, sailors, and airmen. This unit is the 4th Missile Battalion, 60th Artillery.

Under leave to extend my remarks in the RECORD, I want to insert a news story which appeared on page 1 of the March 3 issue of the Sammamish Valley News, published in Redmond, Wash.

LOCAL NIKE UNIT NAMED THE BEST IN UNITED STATES

Redmond's military units were named the most outstanding in the entire U.S. Air Defense Command at a special ceremony held on the parade ground of D Battery's control area Monday morning.

Presentation of the trophy for the best Nike-Hercules firing record in the United States during 1959 was made by Maj. Gen. P. H. Draper, Jr., Chief of Staff of the Army Air Defense Command. The general, who is stationed at Colorado Springs, Colo., was on a 3-day orientation tour of the 31st Artillery Brigade units throughout Washington.

Acceptance of the trophy for the men was made by Lt. Col. Richard F. Cox, commander of the 4th Missile Battalion. Colonel Cox also accepted a similar trophy for outstanding performance presented by the 31st Brigade Headquarters at McChord Air Force Base.

Accompanying General Draper on his visit to Redmond were Brig. Gen. Daniel O'Connor, commanding general of the 31st Brigade; Lt. Col. P. A. Anson, secretary to the general staff, U.S. Air Defense Command; and Maj. Charles A. Duncan, training officer of the 26th group.

Mr. Speaker, the Department of the Army has informed me the trophy was awarded for the highest annual service practice score during calendar year 1959 for a battalion of three batteries or less. The 4th Missile Battalion scored 8,249 points out of a possible 9,000 points.

Since the battalion was first organized in December 1917 at Fort Monroe, as part of the 60th Artillery Regiment, it has served with distinction. During World War I, the battalion earned cam-

paign streamers for its action at St. Mihiel and the Meuse-Argonne.

Its demobilization in February 1919 at Fort Washington, Md., was only for a brief period. The unit was reconstituted and reorganized 3 years later as the 60th Artillery Battalion, Antiaircraft, at Fort Crockett, Tex. It was expanded to regimental size later and sailed to the Philippine Islands, where it fought the Japanese forces until May 6, 1942.

Before it was forced to surrender, the unit earned three Distinguished Unit Streamers. These decorations were embroidered Manila and Subic Bays 1941–42, Manila and Subic Bays 1942, and Defense of the Philippines. It also won the Philippine Presidential Unit Citation, embroidered "7 December 1941 to 10 May 1942." Among its campaign streamers, of course, is the one which reads Philippine Islands.

Its officers and enlisted men have earned for the battalion the 1957 USARADCOM annual service practice championship in addition to its recent award.

Mr. Speaker, I congratulate these men and believe they represent the type of personnel in all forces. They are men who in preparing for war help maintain the peace.

National Defense

EXTENSION OF REMARKS
OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Monday, March 21, 1960

Mr. WILEY. Mr. President, recently I delivered over Wisconsin radio stations an address in which I stated that our country has adequate anti-Communist deterrent power. I also outlined the defense timetable for the future, and said that our country will need a space academy; and I announced that publication of an updated internal security manual. I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR WILEY—UNITED STATES HAS ADEQUATE ANTI-COMMUNIST DETERRENT POWER; OUTLINES DEFENSE TIMETABLE FOR FUTURE; SAYS UNITED STATES WILL NEED SPACE ACADEMY; ANNOUNCES PUBLICATION OF UPDATED INTERNAL SECURITY MANUAL

Friends, I would like to discuss with you briefly a matter which is of deepest concern to all of us, namely, the challenge of providing adequate security—internal and external—for our country.

Today, the major threat to our security—communism—is real and formidable. Overall, the Communist strategy encompasses military, political, economic, psychological, and nearly all other fields of human endeavor.

To combat this multipronged effort by the Communists to extend their influence and control, we need to be constantly on the alert, ready and willing to dedicate the necessary manpower and resources to thwart their aims of world conquest.

WILEY SAYS: "PRESENT DEFENSE IS STRONG DETERRENT"

Question. Senator WILEY, in reviewing our defense posture, let me ask you point blank: Do you feel that our defense program is presently adequate to meet the challenge of communism?

Answer. Yes. Fortunately, the testimony before the joint hearings of the Space and Preparedness Committee found our experts in almost unanimous agreement that we have an adequate defense for the present.

According to Secretary of Defense Thomas Gates, for example, we have nuclear weapons that exceed those of the U.S.S.R. by several times in destructive power; and long-range means of delivering that exceed theirs by several times in total carrying capacity.

In combination, these are considered by our experts able to bring destruction to anyone who would be so foolish as to attack us.

Question. Are there any other deterrents?

Answer. Very definitely.

First, the nations allied with us in efforts of freedom to combat communism—economically, militarily, and morally—represent a tremendous force.

Second, we must not forget the nearly 1 billion people behind the Iron and Bamboo Curtains. As human beings, a vast majority of them, I believe, would like—as much as we do—to have freedom and a voice in their government. Actually, only about 2 percent of the people in China, and 6 percent in the Soviet Union are hard-core members of the Communist Party.

Third, the so-called neutral or uncommitted nations in the world represent a tremendous economic, psychological and moral force that will eventually—I am confident—aline themselves, for the most part, on the side of freedom.

NEEDED: "ON GUARD" INTERNAL SECURITY PROGRAM

Question. Now, Senator WILEY, what about the home front?

Answer. While we need to carry on effective programs to combat communism abroad, we must not "go to sleep" at home.

Instead, we need to be constantly "on guard" to strengthen our internal security programs. As a matter of fact, I believe that we need to take a "new look" at our laws to see if these can be further strengthened to prevent subversion, and if discovered, punish perpetrators of anti-U.S. activities.

PRESENT ARSENAL OF DEFENSE

Question. Now, to get down to specifics, Senator WILEY, let's take a look at our military deterrent. Would you outline what you feel is the adequacy of our defense program?

Answer. Yes. First of all, I want to stress that our military strength lies in a widely diversified striking power—that is, we have not put all our "eggs in one basket."

Overall, our military strength includes: long-range striking forces, deployed land, sea, and air forces, air defense forces, and our capability to support and maintain these forces as well as to mobilize quickly additional military power.

It also includes our technological and industrial capacity; the strength and resolution of our Allies; and by no means least, our moral and psychological capacity to resist and defeat any would-be aggressor. All of these capabilities collectively—and perhaps most important of all the knowledge on the part of the leaders of the Communist bloc that they do exist—constitute our defense strength.

Question. What are the major weapons in our deterrent arsenal, Senator?

Answer. Our present strategic retaliatory capability encompasses the following:

(1) Approximately 2,000 long-range strategic bombers. This force is highly trained, completely equipped and ready and maintained in varying stages of alert, down to a 15-minute ground alert. From its various bases in the continental United States and oversea areas, it is capable of delivering nuclear strikes into any part of the Communist bloc. Our long-range strategic bombers greatly outnumber Soviet bloc aircraft of comparable capability. This force is complemented by the Bomber Command of the British Royal Air Force, which also has extensive nuclear strike capability.

(2) Fourteen attack aircraft carriers. This force of floating airbases is also highly trained, fully equipped, and ready. From seas around the Communist periphery, the planes from our carriers can deliver nuclear strikes into almost any area of the Communist bloc. The aircraft in these carriers alone outnumber the heavy bombers in the Soviet Union and their weapons are many times more powerful than the atomic bombs used in World War II.

(3) We also have an operational ICBM squadron equipped with Atlas missiles—a tested, effective, and accurate weapon. This force is trained, equipped, and in position ready to launch its missiles. It is capable of delivering, from bases in the continental United States, nuclear strikes on targets within all but a small area of the Communist bloc.

(4) An operational missile squadron is equipped with Snark long-range guided missiles. The Snark is an operational 5,500-mile, air missile with a very large payload capacity. It is capable of delivering from bases in the continental United States nuclear strikes against targets within all but a very small area of the Communist bloc.

(5) Hound Dog, air-to-surface missiles, also are capable of carrying nuclear warheads. These missiles greatly expand the flexibility and striking power of our long-range strategic bombers.

(6) Regulus I, surface-to-surface, ship-based missiles capable of carrying nuclear warheads, are operational. At the present time, two cruisers and five submarines are equipped with this mobile missile firepower.

(7) Four operational missile squadrons are equipped with a mix of Matador and Mace missiles. The Matador is a surface-to-surface missile capable of carrying nuclear warheads. The Mace is a similar type weapon with greatly improved capabilities in range, accuracy, and reliability. The Mace is being phased-in to replace the Matador.

(8) Three IRBM squadrons equipped with Thor missiles are in the hands of allied forces in the United Kingdom. These forces are fully trained, equipped, and ready to launch their missiles. The Thor is a tested and effective weapon. From bases in the United Kingdom, it is capable of delivering nuclear strikes on targets within the Communist bloc.

TIMETABLE OF DEFENSE PLANS FOR FUTURE

Question. Senator WILEY, this is a most impressive picture of our defense forces. Now, you recall that there have been differing views on our future needs for defense. For example, what is the timetable of defense plans for meeting the growing missile-nuclear power of the Communist bloc?

Answer. As you know, the military threat to the security of the United States posed by the Communist bloc extends across the entire spectrum of warfare—including general war, limited war, and the cold war. Our military power must be capable of dealing with all aspects of this threat. Thus, our defense plans and programs are designed to provide for continual across-the-board improvements.

Now, with specific regard to the missile-nuclear developments, our timetable of future defense plans encompasses the following:

Introduction of forces equipped with the B–58 supersonic bomber in 1960 with a progressive buildup to three wings in the succeeding years.

A progressive expansion of forces equipped with Atlas ICBM's to a total of 13 squadrons by 1963.

Introduction of forces equipped with the Titan ICBM in 1961, with a progressive build-up to 14 squadrons after 1963.

Introduction of forces equipped with the Minuteman ICBM in 1963 and a progressive expansion of this force on into the foreseeable future.

Four additional IRBM squadrons equipped with Jupiter and Thor in the hands of allied forces in the United Kingdom, Italy and Turkey in the near future. The Jupiter, like the Thor, is a tested, effective missile. From these advanced locations these missiles are capable of delivering nuclear strikes on targets within the Communist bloc.

In addition to these new weapons systems for which we have an actual operational target date and progressive expansion program, a wide range of other weapons systems which will greatly enhance our strategic retaliatory capability are under research and development.

SPACE ACADEMY NEEDED FOR FUTURE

Question. In this rapidly advancing, scientific, technological age, we realize, of course, that there will be new discoveries that will affect not only our defense, but also our peaceful progress.

This is particularly true in the exploration of space. As a new frontier, we can expect the coming years to unveil more and more of the "mysteries and unknowns" of outer space. How can we best prepare for advances in this field, Senator?

Answer. In the light of this new challenge, we will need an ever-increasing number of engineers, scientists, and other technologists to man and carry forward our programs.

In addition, the United States will, I believe, ultimately need a space academy—similar to our present Army, Navy, Air Force, Coast Guard, and Merchant Marine Academies. Presently, there is, of course, only need for a very limited number of astronauts. We recall that Donald Slayton, of Sparta, Wis., is one of the seven young men being trained for space flight.

However, the promise of a wide variety of space activities—including travel—in the future will require a program for training individuals to cope with the unique problems in this field. Consequently, we will need an effective program to provide the large number of astronauts needed for the future.

STRONGER INTERNAL SECURITY PROGRAM

Question. Senator Wiley, you mentioned earlier, the need for a stronger internal security program. Would you elaborate on this?

Answer. Yes. We recognize, of course, that internal—as well as external—security continues to be a major challenge.

The oft-quoted adage "the price of liberty is eternal vigilance" is as meaningful—if not more so—in 1960 as in any other time in our history.

On the domestic front, communism—the deadly enemy of freedom—attempts to carry on clandestine activities behind many masks, including seemingly harmless and sometimes meritorious organizations, drives, and other movements. Not exclusively a military effort of kill off freedom, the anti-freedom activities include such fields as industry, agriculture, atomic energy, educational and cultural activities, and other areas to undermine our progress, spread the cancerous Communist ideology, and generally weaken our free way of life.

By designing a system of laws, regulations, and Federal orders, the United States attempted to prevent such actions, and, if discovered, punish the culprits.

You may recall that, in 1953, I sponsored the publication of an Internal Security Manual—an extremely valuable compendium of Federal statutes, executive orders, and congressional resolutions relating to the Internal Security of the United States. Over the years, it has been utilized by Government agencies, business firms, attorneys, teachers, writers, and many others concerned with the challenge of internal security.

Recognizing the need for an up-to-date book on laws and regulations of internal security, I requested the American Law Division of the Library of Congress to revise this handy, useful manual. The revision is now complete. Consequently, I plan to introduce a resolution in Congress authorizing the publication of 5,000 copies of the revised edition.

The availability of up-to-date manuals—for which there is a constant demand, even though the previous printings have long been exhausted—will, I believe, serve the overall public interest.

In conclusion, friends, I want to express my apreciation to you folks for the opportunity to discuss these internal and external security problems with you.

Thank you for listening.

Fiscal Planning Committee

EXTENSION OF REMARKS

OF

HON. JOSEPH W. BARR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1960

Mr. BARR. Mr. Speaker, today I introduced into the House a resolution establishing a Committee for Fiscal Planning. This committee would be made up of the ranking Democratic and Republican members of the Appropriations and Ways and Means Committees, plus one Member of Congress to be appointed by the Speaker.

This five-man committee would be directed to start a continuing study of the finances of the U.S. Government in order to coordinate our revenues and our expenses and to plan for the orderly reduction of the national debt. This committee is directed to report its recommendations regularly to the Congress and to the taxpayers.

Mr. Speaker, I cannot claim that this is a completely original idea. Frankly, it is a variation of an idea introduced by my predecessor, the Honorable Louis Ludlow, in 1940 and again in 1943. Mr. Ludlow served for many years as a distinguished member of the Appropriations Committee and was unquestionably an outstanding authority on the financial problems of the United States.

This is the second of a series of resolutions which I intend to introduce this year on Government finances. The first resolution which I introduced on February 25 asked simply for a rollcall vote on every appropriation bill. That resolution was designed to let the taxpayers know how each Member votes on every money bill.

This current resolution is intended to establish a formal cooperation between the congressional committee that spends our money and the committee that raises the money. As Mr. Ludlow put it, "It is an attempt to make the tongue and buckle meet."

At current levels the United States will spend $1 trillion in the next 10 to 12 years. During the administration of Franklin Roosevelt this Government spent $374 billion in 12 years; under Harry Truman we spent $335 billion in 8 years; and during the administration of President Eisenhower we spent $490 billion in 7 years. This 27-year span marked a certain loss of control by the Congress over spending. But the responsibility for providing this money rests squarely on the House of Representatives. The Constitution clearly imposes this responsibility on the House and reflects the determination of Madison, Hamilton, Washington, Franklin, and their colleagues in the Constitutional Convention to keep the power to spend and the power to tax close to the people. This was their reason for limiting the term of Representatives to 2 years. If we get reckless with the people's money, they could throw us out at the end of 2 years.

I came to the Congress with a background in finance. I have been deeply impressed with the debate on defense problems, on foreign affairs and civil rights. In all these instances the debate for and against the issue involved has been presented forcefully and intelligently. The opportunity to listen to the learned gentlemen, who have debated these issues, has been the equivalent of a great education.

I have not been impressed with the financial debates. When we get around to talking about money, the air seems to be filled with advertising slogans rather than hard common sense. "Unfeeling reactionary," "back door spending," "budget busting," "unsympathetic penny pinching," are wonderful expressions to use in a political campaign, but they are certainly not going to solve the financial problems of this Nation.

It seems to me that a basic reason for a lot of the confusion is the lack of coordination between the spending and taxing committees. When an appropriations bill is debated, I am interested in knowing not just "do we need it," but "how does this bill fit into our total financial picture?" If I vote for this bill because I think it is important, do I have to cut back on another bill?

When we debate a tax law, I want to know not only if it is just and reasonable, but I also want to know what effect the bill will have on our revenues. If I vote for a tax cut, will I have to cut an appropriation?

Is our tax structure adequate to cover our expenses and provide for an orderly reduction of our debt? Why does not some one of the financial committees come forward with a plan for debt reduction? All these are questions that bother me every time we have a money bill on the floor, and I never hear these questions debated with what I could call hard common sense.

Sometimes I feel that we are acting like a family where the wife spends what she likes without bothering to find out how much money her husband is making.

I know that we can turn to the Bureau of the Budget and to the Secretary of the Treasury for answers to the questions

I outlined. But to go back to my family story, that is like the wife asking her next door neighbor for spending advice. The place for the wife to turn is to her husband. The place for us to ask questions is from a committee of the Congress. The Constitution gives the President the right to tell the Congress what he would like to have. The Budget Bureau and the Secretary of the Treasury help him prepare a financial plan called the budget. This is fine, but there is nothing sacred about the President's budget. That is just his idea on the subject. We cannot duck the absolute responsibility the Constitution lays on the House of Representatives to make the final spending and taxing decisions.

I believe that a Committee on Fiscal Planning would enable us to meet this clear-cut responsibility. I believe that it would establish a close cooperation between our spending and taxing committees. I believe it would give a Member of Congress a place to go for intelligent advice about the effect of every spending or taxing vote. I believe that it would give us a chance to take back from the President the control over spending which this body has practically surrendered.

The Legislative Reorganization Act of 1946 authorized the Appropriations and Ways and Means Committees of the House, and the Committee on Finance and the Committee on Appropriations of the Senate, to meet jointly at the beginning of every session to study and report on the President's budget. This part of the law has been a failure and has been abandoned. I earnestly suggest that a new try be made on the lines I have suggested.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. ALGER. Mr. Speaker, I include the following newsletter of March 19, 1960:

WASHINGTON REPORT—MARCH 19, 1960
(By Congressman BRUCE ALGER)

The civil rights debate struggles on with progress not readily recognizable (see newsletters March 5 and 12). Contrary to expectation, debate time has not been curtailed. Patience and tolerance also exceed expectation. Since only the House bill (compared to the Senate's) went through normal committee hearings and deliberation, the House action becomes even more important in determining the final bill. Yet, even in the House, much of the legislation is being written and rewritten by floor amendment and debate, rather than acceptance of the committee's bills and amendments. While full membership participation is democratic, many Members suspect that such hasty drafting and offering of amendments may result in poor legislation.

House action included: (1) Two amendments were ruled out of order. (a) Federal aid for desegregation of schools, and (b) the creation of a Commission on Equal Job Opportunity; (2) furor over the "conclusive presumption of the denial of voting rights" when an area is ruled by Federal court as having such a pattern or practice; (3) conflict over Presidential appointed Federal enrolling officers (to police local elections) versus Federal court appointed referees to assure everyone a vote regardless of race or color—the referee plan won out; (4) Acceptance of amendment to permit the issuance of court provisional voting order if qualified applicant has filed a complaint 20 days prior to election; (5) a southern Member, spokesman for others, threatened to bolt party leadership and the Speaker when the House is organized in the next Congress. This brings up the question, is there a basic Democrat clash? While party differences are most evident in civil rights, southerners are not nearly so dedicated to States rights and conservatism in other legislation. Southerners, at Congress' outset are responsible for selection of their liberal leaders, whom they now battle and criticize.

For my part, I am most aware that the civil rights controversy is a political exercise for both parties. So much is this evident and true that I cannot share the viewpoint of many in either political party. This is a sectional dispute. The grave issues of constitutional freedoms will not be solved, only endangered or transgressed. True, we are safe to the extent that bad law may not take effect because it lacks popular acceptance (the prohibition law, another example). My earlier questions asked in debate remain unanswered. Not explained is why another law is needed now—allegedly to protect voting rights. The 15th constitutional amendment, the act of 1870, and the 1957 act provide protection. Why in 2 years has the tough 1957 act, protecting voting rights, been invoked only four times?

On the Senate side, noteworthy is the Goldwater list of the 800 separate acts of labor violence in the Kohler strike and the extension (for the first time) of bans on bombing and violence to include labor-motivated trouble. Another blessing as one Member saw it was that lengthy civil rights debate prevented other unnecessary liberal legislation from being considered. Still overlooked are these factors: (1) Discrimination according to many is greater in the North; (2) the crime rate and illegitimate birth rate in integrated areas are soaring.

The civil rights bill—whatever it may be by that time—should pass next week. Other controversial problems confronting us, awaiting attention, include: (1) Political postponement of interest rate ceiling removal; (2) socialized medicine; (3) Federal aid to education; (4) increased immigration quotas; (5) increased Federal aid to promote growth of export trade.

Some interesting defense capability figures came to my attention the other day. Before anyone takes to the hills, stampeded by an election year's military scare talk, he might ponder this for a moment: What if we could swap positions with the Russians? If you could trade places, and problems, with them tomorrow, both nations would still have operational missiles with lethal destructive capability, but you would also face a nuclear bomber force at least four times the size of yours, poised at innumerable nearby bases in every direction from you, and against which you have virtually no proven defenses. There would be aircraft carriers and strong naval forces cruising 100 miles off your coast, capable of launching nuclear bombers and missiles. Nuclear submarines would lie undetected within missile range of every one of your major cities. And there you would sit, with no comparable weaponry.

If we traded places with Russia we'd find ourselves producing only two-fifths as much steel, one-third the hydroelectric power, one-third as much oil, and one-half as much aluminum, 10 percent as much natural gas, one-third as much copper, and only 5 percent as many electric motors. To get in Russia's shape, we would have to abandon 14 out of every 15 miles of highway, destroy 19 out of every 20 autos and trucks, scrap 2 out of every 3 miles of railroad track and 60 percent of our freight cars, and sink 8 out of every 9 merchant ships. And we think we've got problems. If we traded places with Russia, our only gain would be a rocket on the moon. Oh, yes, it was free enterprise and individual freedom that produced our present armed might, and the economic strength to support it.

Progress in Space Promotes Peace and Economic Growth

EXTENSION OF REMARKS
OF
HON. DAVID S. KING
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. KING of Utah. Mr. Speaker, it was my privilege last Thursday night to attend the reception and banquet given by the Baltimore Association of Commerce commemorating the second anniversary of the Vanguard I earth satellite, and to hear my distinguished colleague on the House Committee on Science and Astronautics, the Honorable EMILIO Q. DADDARIO. As the principal speaker on this historic occasion, Mr. DADDARIO made an excellent anlysis of the great challenge and the equally great opportunity which lie before us in space. He clearly pointed out why this Nation must recapture the leadership in space technology to maintain the security of the free world. I urge my colleagues to give careful study to his speech which follows:

TEXT OF REMARKS BY CONGRESSMAN EMILIO Q. DADDARIO DELIVERED AT SECOND ANNIVERSARY CELEBRATION OF VANGUARD I, AT BALTIMORE, MD., MARCH 17, 1960

From Portland, Maine, to Norfolk, Va., crowding against the eastern Atlantic seaboard, live approximately 40 million Americans. This is the greatest concentration of population in the United States. Within this area is a great amount of our national talent and ability.

This one gigantic community is alert to the future, and it has shown its awareness by meeting the problems of growth that have confronted the Nation. A tremendous road network, interwoven with bridges and tunnels, binds it together. Schools by the thousands, from the lowest to the highest levels of education, have been provided. In our midst are located some of the outstanding intellectual communities of the world.

I live and work in this community as many of you do, and know the great concern that exists about the state of our national effort in space. Our people respect achievement. They were proud when Vanguard I was fired into orbit 2 years ago today. They were proud of the technical accomplishments, in which the Martin Co. played such a large part. They had a natural expectation that the United States would be first in space. They saw the Vanguard accomplishment as a great step forward in the reestablishment of our world position. They expect that more will be done and demand that it shall.

Within the week, we have seen a 94.8-pound sphere hurled millions of miles into space. Pioneer V is on its way to a 527-million-mile trip around the sun. It carries five principal scientific experiments to teach us more about the universe. This, too, is a heartening accomplishment and deserves to be applauded.

To some, the exploration and uses of space are an illusion. It is not unusual to hit pockets of doubt in the course of our progress. You hear expressions of scorn about visionaries, and severe concern about the pocketbook. I am reminded of the words Columbus wrote in a letter after his first voyage:

"For although men have talked or written of these lands, all was conjecture without getting a look at it, but amounted only to this, that those who heard, for the most part listened and judged it more a fable than that there was anything in it, however small."

Consider that Columbus was beset by some of the same difficulties that our scientists and engineers face today. He was required to submit his proposal to the so-called Talavera commission of learned men for review and to justify his requirements. They held hearings in the year 1486, and issued their report in the year 1490, 4½ years later. They judged that the promises of Columbus "were impossible and vain and worthy of rejection." They reported to their royal majesties that it was "not a proper object for their royal authority to favor an affair that rests on such weak foundations and which appeared uncertain and impossible to any educated person, however little learning he might have."

Yet, curiously enough, it was the educated, then as now, who knew how well the foundations had been laid for such a trip. For centuries, men had been making discoveries that pieced together the maps from which Columbus's great design sprang.

The Renaissance was a great age of exploration, not unlike today. We have broken the bounds of many scientific fields, and we have discovered others that our scientists long to invade. Historians think that the welfare of a country and its will to explore may be closely related. The energy, the inquiring mind, the courage for endurance that find expression in exploration may well turn out in themselves to be the most important measures of a country's greatness. I hope the zeal and courage that have brought us in this half century to the top of Everest, to the North and South Poles, to the greatest depths of the oceans, and even into the heart of the atom, will not lessen.

Why do men seek these things? It is sometimes difficult to explain why it was necessary to get to Timbuktu or Lhasa, or even Everest or the Matterhorn. The common motives for exploration are given as conquest, military advantage, plunder or trade advantage, commercial gain or scientific advantage. Yet, I rather like a somewhat more irreverent analysis by the sage of Baltimore, the late H. L. Mencken. He said:

"The value the world sets upon motives is often unjust and inaccurate. Consider, for example, two of them: mere insatiable curiosity and the desire to do good. The latter is put high above the former, and yet it is the former that moves one of the most useful men the human race has yet produced—the scientific investigator. What actually urges him on is not some brummagem idea of service, but a boundless, almost pathological thirst to penetrate the unknown, to uncover the secret, to find out what has not been found out before. His prototype is not the liberator releasing slaves, the good Samaritan lifting up the fallen, but a dog sniffing tremulously at an infinite series of ratholes."

And today, of course, on the heels of the scientific investigator comes the congressional investigator.

Why should Congress, or the Government, display so much interest in scientific advance, the quest for knowledge? Why should men of industry or the university, or the laboratory spend so much time coming to tell of their plans to people on Capitol Hill?

I am privileged to be a Member of the House of Representatives, assigned to the Committee on Science and Astronautics, chaired by the Honorable OVERTON BROOKS, of Louisiana. A parallel space committee exists in the Senate. When these committees were established at the beginning of this 86th Congress, they were the first new parallel standing committees created in half a century.

These committees were created because Washington has recognized that science and innovation is the greatest single factor affecting our future economic growth and national security. Radical technological change has forced repeated attempts to adjust our policymaking processes so we can best use, or come to grips with, the challenge of research and development. An analysis of the 1961 budget shows that some $8,391 million is identified as Federal support of research and development. How we spend that money is very important to the American taxpayer. In a sense, we are diverting money from his pocket to what we believe is necessary for the common good and the national security. He expects that this money will not be spent lightly, and he is entitled to a close review of these efforts.

While we are reviewing these programs, it is also the responsibility of Congress to establish governmental policies in science and astronautics. We are confronted with issues of a highly technical nature in an era of exploding technology. The world is in the grip of a scientific revolution, which offers both promise and danger. It is of vital importance that we, the lawmakers, make every effort to understand the implications of the language the scientists speak, so that we may incorporate this knowledge into planning for national security and industrial well-being.

We must make every effort to know what is happening in scientific areas. We must analyze these issues and the needs they pose. We must bring together men from government and industry—in short—the best brains we can summon to our assistance in this task, listen to proposals for solution, investigate conditions, seek to choose wisely among courses of action set before us and act to propose laws that can help secure a more orderly progress.

Congress has set the policy that U.S. activities in outer space should be devoted to peaceful purposes for the benefit of all mankind. Project Vanguard satellites were launched on such peaceful missions, to gather data for analysis by scientists throughout the world. One small package of instruments in Vanguard I has provided a tremendous amount of information.

Since that launching, there have been a number of others, up to and including the successful Pioneer V. There have been other attempts which have failed. There have been efforts canceled because no back-ups were available, the funds not having been provided. And criticisms have continued of low priorities, piecemeal funding, and too many administrative channels—faults which plagued the first Vanguard, as well as its successors.

These continued criticisms caused disquiet across the country last fall and led to many reappraisals. When Congress reconvened in January, our committee undertook a broad look at the posture of our space effort, the nature of the so-called space gap, and the details of the criticisms.

We have heard considerable testimony from many witnesses—diplomats, defense experts, space experts, scientists, administrators, and businesmen. Some disputed others. Many acknowledged past errors in the space program. Others tied our space effort to national policy and the defense of the Nation, while still others cried out that defense has no part to play in space.

From these posture hearings, still to be concluded, I have personally drawn some tentative conclusions:

First, space exploration is one of the major keys to our survival. This has far-reaching significance in the cold war today and the possibility of global conflict in the future. Rightly or wrongly, world opinion has associated Russian achievement in space with general Communist technological superiority. This fact was substantiated by Under Secretary of State Livingston Merchant, when he acknowledged that the spectacular nature of the space effort in Russia has made the job of the State Department a tougher one. The following day, the Director of the U.S. Information Agency, George V. Allen, said bluntly that space achievements go far beyond their intrinsic importance when they are examined by the peoples of other countries.

The second conclusion I have drawn is that space holds advantages for both civilian and military users. and it can be dangerously unrealistic to hold to artificial compartments for civil and military research.

Going back to the posture hearings again, the committee has heard testimony from numerous civilian and military leaders in the Department of Defense. Each recognized the need for the military in the space race; some stated the case more strongly than others. General Trudeau, Admiral Hayward, and General Schriever did an excellent job of enlightening the public to the potential threat from space. The committee also heard the NASA 10-year program, calling for ever-increasing performance in space throughout the next decade.

My third conclusion is that there is a critical urgency associated with the space program. For years, members of the Department of Defense—then the only organization with a capability for space flight—could not even refer to satellites or space exploration. Our attitudes changed when the first sputnik temporarily shattered our national smugness and complacency. That Russian vehicle and subsequent Russian space accomplishments gave us the shot in the arm to press forward in search of a way for survival in the space age. As a result, we expanded our missile and space base. The foremost space question before the public today is: When will we catch up with the U.S.S.R.?

Our Nation has excelled over all other nations in this industrial age because we have been able, through our vast industrial energies and resources, to produce results faster and better than any other people. And I propose to you that the concentrated, vigorous application of our national talents and abilities cannot only overcome the Russian space lead, but can also surpass it. The full utilization of our resources would leave no doubt in the mind of the world regarding the effectiveness of the democratic system to meet any challenge and overcome any obstacle.

There are several other conclusions that I have reached during these past 2 months of hearings. But I believe the three just mentioned are the most important. To recapitulate: (1) Space exploration is one of the keys to survival. (2) There is a need for both the military and civilian approach to space. (3) There is urgency associated with the program.

Let us again refer to the NASA's 10-year program for space. To many, the program is realistic and acceptable. To me, the program lacks foresight and urgency. I would

take exception to the timing of many projects, but will limit my remarks to only three major areas: The F–1 engine; Project Rover, the nuclear-powered rocket; and NASA's lack of a plan for manned lunar landing during this 10-year period.

The F–1 engine, being developed by North American's Rocketdyne Division for NASA, will produce 1½ million pounds of thrust. Four of these engines will be clustered to make the Nova launch vehicle of 6 million pounds of thrust, enough thrust to launch a manned interplanetary mission.

The NASA claims that this engine has been delayed 12 to 18 months, due to lack of funds in the 1960 budget. As a result, the first flight test is not scheduled until 1968, and no date has been set for the completion of the Nova space vehicle. It will be 8 years before we are ready to flight-test this vehicle. Is that urgency? Is it typical of the urgency associated with the space program? I assure you that I am vitally concerned, and I suspect you are, too.

When the Atomic Energy Commission witnesses appeared to discuss the nuclear propulsion powerplant, their testimony conflicted, in my opinion, with that of the NASA witnesses. Project Rover, the nuclear-powered rocket, is being developed jointly by AEC and NASA. The AEC is responsible for designing and operating an engine. NASA takes it from there, assembles it, flies it and fits it into the space program. The AEC witnesses stated that they can develop the Rover device and demonstrate its actual use, probably in a shorter time than set forth in the requirement.

The NASA witnesses, however, were much more conservative. They assured the committee that the program is being expedited to the fullest extent. So the debate is on—it will continue for years to come. How will it be resolved? Hopefully, there is a sense of urgency in the AEC, as indicated by the fact that on March 8, the AEC itself transferred funds within its budget to add $11 million to the Project Rover experiments. I see no comparable sense of urgency in the NASA program. And yet, knowing the importance of this project, I long to sympathize with the AEC witness who commented: "I would like to see this one have the stars and stripes on it, for a change."

The last point I wish to make regards NASA's lack of a plan for a manned lunar landing during the next 10 years. There are rumors already flying that the U.S.S.R. will celebrate the 50th anniversary of the Bolshevik revolution on the moon. Will we be there to greet them? Or is that the day we shall promise to accelerate our program for a manned lunar landing?

Mr. Khrushchev has already boasted that the mark of the Soviet Union has been stamped on the moon. It is well within the technical and industrial capacity of the Russians to land a man on the moon one day in the near future.

The future of the free world may well depend on whether or not a U.S. mission is already on the moon when that event occurs.

Consider the possibility of a Russian lunar base and the threat that could literally be hung over the heads of the free world. Gen. Homer Boushey, of the USAF, was the first to speak out in favor of a lunar base, its capabilities and potential. His remarks were scoffed at in some circles. I, for one, fear the results of being second on the moon. A manned lunar landing and return, in the 1970's, as NASA outlines its schedule, is much to late.

The first need, then, is the recognition that we must be first. I believe that we cannot fail, if we resolutely determine that we will not. Once that is accepted, some other lines of approach fall into place.

We must, for instance, make better use of the resources of industry and management available to us in this country. We know that the full scale of the skills and talents here have scarcely been tapped. Even in production, we are not making the defense effort today in terms of proportion of gross national product that we were in 1953—and we are making only one-fifth the effort we made in World War II, when we knew it had to be done.

We must do everything we can to streamline, and to make more effective the organization and management of our national programs. Few believe that we are squeezing every last ounce of effort out of our Defense Establishment. I can tell you candidly that I do not think we have enlisted all our managerial talent in this space field. We certainly do not see the single-mindedness of a Manhattan district in this space effort.

Even in such a field as communication of information regarding the state of the art, more must be done. Researchers are complaining about the proliferation of scientific papers and meetings. Industry is said to be committing some $21 million a year to these exchanges, which consume 258,000 man-days of technical time, and it has been difficult to weed out overlapping and duplication.

Is the way we disseminate technical information good enough to meet the challenge of modern technology? A recent Guggenheim Foundation study urged we go beyond our traditional ways to seek better methods that could produce important results.

We have made real gains in awakening to scientific research and findings elsewhere in the world. Government has intensified the translation of scientific documents. We are translating more papers on scientific work than ever before. The material is made available to industry through the Office of Technical Services of the Department of Commerce, and there has been a growing interest. I am told that OTS is selling more monographs every month, and that more libraries, industrial and public, have started following the material. The twice-monthly publication, Technical Translations, which started a year ago with 150 to 175 listings of new translations, now lists about 600 an issue. Government is thus pointing out some 12,000 to 13,000 translations a year which may be of use. Industry is also showing interest in a projected publication that would digest news releases and articles in Russian journals, so that a quicker break is possible in learning what the Russians are doing.

Today, the problems of space research, development, exploration and exploitation are still in their infancy. Vanguard I was a stepping-stone to a great future. What is still needed is a firm and clear decision by the United States and the free world to press ahead. The Communists are making capital of space exploration and the propaganda that goes with it. They found in their space achievements a chance to prove to themselves and to the world what they could do in a highly advanced technology. The United States must counter this propaganda by unleashing its technological know-how and industrial power to regain world leadership in the space race. Then our deeds will speak for themselves.

SENATE

TUESDAY, MARCH 22, 1960

(Legislative day of Monday, March 21, 1960)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, we come confessing that the world is so much with us that too often the far look hides the nearest mercies. With our minds so intent upon questions that affect the planet which is our home, help us not to lose the shining values of the common, yet precious, things we are tempted to take for granted.

Make us thankful that our friends are patient with us, and take time to understand us, and that there are those who love us and believe in us, when we give them so little in return.

Help us to see how much has come to us, and still comes with each new day, that we have done nothing to deserve; for what have we that we have not received?

Forbid that our pessimism and gloom should but add to the hopelessness that is in the world. Defying all the pressures of evil, may we be strengthened with might, and in the faith that we can be a part of Thy truth that is marching on, pushing back evil, and establishing the good.

As spokesmen for the Nation whose ideals are as a rainbow arching the world's dark sky, make Thy servants here in the ministry of public affairs sufficient for the tasks destiny is calling upon them to undertake.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 21, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 3313. An act to amend section 200 of the Soldiers and Sailors Civil Relief Act of 1940 to permit the establishment of certain facts by a declaration under penalty of perjury in lieu of an affidavit;

H.R. 5055. An act to change a certain restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States;

H.R. 7966. An act to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions;

H.R. 8868. An act for the relief of the Albertson Water District, Nassau County, N.Y.;

H.R. 9084. An act to repeal certain retirement promotion authority of the Coast and Geodetic Survey;

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes;

H.R. 9921. An act to validate certain payments of additional pay for sea duty made to members and former members of the U.S. Coast Guard;

H.R. 10840. An act to amend Public Law 85-626 relating to dual rate contract agreements;

H.J. Res. 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States; and

H.J. Res. 640. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of General of the Armies John J. Pershing.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir;

S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States;

S. 2185. An act to provide appropriate public recognition of the gallant action of the Steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea;

S. 2483. An act to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; and

S.J. Res. 115. Joint resolution authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 3313. An act to amend section 200 of the Soldiers and Sailors Civil Relief Act of 1940 to permit the establishment of certain facts by a declaration under penalty of perjury in lieu of an affidavit; and

H.R. 7966. An act to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions; to the Committee on Labor and Public Welfare.

H.R. 5055. An act to change a certain restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States;

H.R. 9084. An act to repeal certain retirement promotion authority of the Coast and Geodetic Survey; and

H.R. 10840. An act to amend Public Law 85-626 relating to dual rate contract agreements; to the Committee on Interstate and Foreign Commerce.

H.R. 8868. An act for the relief of the Albertson Water District, Nassau County, N.Y.;

H.R. 9921. An act to validate certain payments of additional pay for sea duty made to members and former members of the U.S. Coast Guard;

H.J. Res. 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States; and

H.J. Res. 640. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of General of the Armies John J. Pershing; to the Committee on the Judiciary.

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes; to the Committee on Interior and Insular Affairs.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour, subject to a 3-minute limitation on statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESOLUTIONS OF GENERAL COURT OF COMMONWEALTH OF MASSACHUSETTS

Mr. SALTONSTALL. Mr. President, on behalf of myself, and my colleague, the junior Senator from Massachusetts [Mr. KENNEDY], I present, for appropriate reference, resolutions adopted by the General Court of the Commonwealth of Massachusetts, relating to the inclusion of health insurance coverage as part of social security benefits.

There being no objection, the resolutions were referred to the Committee on Finance, and, under the rule, ordered to be printed in the RECORD, as follows:

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT THE FORAND BILL TO PROVIDE HEALTH INSURANCE COVERAGE AS PART OF SOCIAL SECURITY BENEFITS

Whereas the Forand bill now pending before the Congress of the United States provides health insurance coverage as part of social security benefits thereby providing 9 out of 10 people 65 years of age and over with health and hospitalization benefits as part of their social security benefits, said benefits to be paid for by the beneficiaries during their working years; and

Whereas said bill has the endorsement of many medical and hospital authorities and is considered essential to meet the growing need for more adequate medical care for elderly people: Therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of the Forand bill providing health insurance coverage as part of social security benefits; and be it further

Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

Adopted by the house of representatives February 29, 1960.

LAWRENCE R. GROVE,
Clerk.

Adopted in the senate in concurrence March 2, 1960.

IRVING N. HAYDEN,
Clerk.

Attest:

JOSEPH D. WARD,
Secretary of the Commonwealth.

RESOLUTIONS OF ORGANIZATIONS IN THE STATE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions, one adopted by the town board of the town of Rotterdam, N.Y., relating to additional scholarships in the field of science and engineering, and the second adopted by the Medical Society of Montgomery County, N.Y., relating to governmental control of the practice of medicine.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION BY TOWN BOARD OF ROTTERDAM, N.Y.

Whereas legislation has been introduced in Congress that would set aside and invest $100 million in World War II enemy war assets seized from Germany and Japan with the interest thereon to be used for the establishment of 2,000 additional scholarships in the field of science and engineering; and

Whereas although priority and preference in the awarding of the aforementioned scholarships will be given to children of veterans of World Wars I and II and the Korean conflict, nonveterans will also be eligible for the award: Now, therefore, be it

Resolved, That the Town Board of the Town of Rotterdam urge the passage and enactment into law of U.S. Senate bill No. 105 as a positive step in strengthening and broadening additional programs in science and engineering; and be it further

Resolved, That copies of this resolution be transmitted to U.S. Senators KENNETH B. KEATING and JACOB K. JAVITS and Congressman SAMUEL S. STRATTON.

RESOLUTION BY THE MEDICAL SOCIETY OF THE COUNTY OF MONTGOMERY, N.Y.

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult if not impossible to provide the best medical care under a Government-dominated program, which the passage of the Forand bill, or any bill of a similar type would bring about: Now, therefore, be it

Resolved, That the members of the Montgomery County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

Resolved, That a copy of this resolution be sent to Congressman SAMUEL S. STRATTON, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of North Dakota:

S. 3250. A bill to authorize the Secretary of the Interior to provide water and sewage

disposal facilities to the Medora area adjoining the Theodore Roosevelt National Memorial Park, N. Dak., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 3251. A bill to amend the Internal Revenue Code of 1954 to encourage private investment abroad in less developed areas and thereby promote American industry and reduce Government expenditures for foreign economic assistance in such areas; to the Committee on Finance.

S. 3252. A bill relating to the furnishing of assistance in financing economic development projects carried on by private enterprise in foreign countries; to the Committee on Foreign Relations.

(See the remarks of Mr. JAVITS when he introduced the above bills, which appear under a separate heading.)

By Mr. TALMADGE:

S. 3253. A bill to amend subchapter B of chapter 12 (relating to transfers for gift tax purposes) of the Internal Revenue Code of 1954; to the Committee on Finance.

By Mr. ANDERSON (for himself and Mr. DWORSHAK):

S. 3254. A bill to authorize the Secretary of the Interior to permit the occupancy and use by the Congressional Club of certain lands in the District of Columbia which are under the jurisdiction of the National Park Service; to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH (for himself and Mr. BYRD of West Virginia):

S. 3255. A bill to amend title II of the Social Security Act to increase to $1,800 the annual amount individuals are permitted to earn without deductions being made from the insurance benefits payable to them under such title; to the Committee on Finance.

By Mr. MORSE:

S. 3256. A bill to authorize the establishment of a National Showcase of the Arts and Sciences in the District of Columbia to encourage young American artists and scientists; to authorize the holding of an International Olympiad of the Arts and Sciences on a biennial basis in the District of Columbia and thus to enhance the prospects of a durable peace; and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (by request):

S. 3257. A bill to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits; to the Committee on the District of Columbia.

By Mr. BIBLE (for himself and Mr. BEALL) (by request):

S. 3258. A bill to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

FOREIGN BUSINESS CORPORATIONS

Mr. JAVITS. Mr. President, I am today introducing two bills to encourage U.S. investors to establish businesses in the less-developed areas of the free world now receiving aid under the mutual security program. These businesses would be called foreign business corporations—FBC's—and operate under a system of tax deferrals designed to stimulate U.S. private investment in less-developed nations. Many of the provisions in this proposed legislation are the counterpart to sections of H.R. 5, introduced by Representative HALE BOGGS, Democrat, of Louisiana, scheduled for consideration by the House of Representatives in the near future.

Though they seek the same objective, my bills carry out the recommendations of the so-called Straus report, made to the State Department as the result of an amendment I sponsored to the Mutual Security Act of 1958. The report was entitled "Expanding Private Investment for Free World Economic Growth."

I predict that in the next campaign foreign economic policy will be one of the major issues before our country, both as it concerns our imbalance in international payments and as it concerns our exports and imports.

There is no way in which we can buck up the amount of economic development of the less-developed areas of the free world unless we enlist American free enterprise in the process. This is one of the free world's greatest problems.

Let us remember that the Russians are rivaling us now with a program estimated at $700 million.

I am also introducing legislation which would allow the Development Loan Fund to purchase equity securities, thus increasing the number of private enterprises eligible for DLF financing. The entire legislative package represents direct implementation of almost all the major recommendations requiring legislative action contained in the special State Department report on "Expanding Private Investment for Free World Economic Growth"; prepared under the direction of Ralph Straus and issued in April 1959, this report was the result of an amendment to the Mutual Security Act offered by me in 1958.

Measures to expand direct U.S. private oversea investment should be classified as long-range insurance against any prolonged deficit in our balance-of-payments picture. From 1950 to 1958, $16 billion flowed back into the United States as earnings on private oversea investment—a net gain of $7 billion over the direct outflow during the same period. In 1958, when U.S. exports slumped by $3 billion, our earnings on private oversea investment held remarkably steady at $2.2 billion and alone kept our balance-of-payments deficit from dipping an additional $1.1 billion.

In the newly developing countries, private U.S. investors can advance U.S. foreign policy through stimulating the growth of the private sector of their economies which must be strengthened if free political and economic institutions are to survive. This legislation is designed to project the best elements in U.S. private enterprise into the less-developed areas introducing their peoples to the competitive energy, initiative, inventiveness, technology, managerial skill, and credit that we have to offer in such abundance, while these investments aid in the growth of new mass production and consumption in these areas eager for U.S. goods.

The entire package of proposals giving tax incentives to investors in the less developed areas would permit U.S. industry to meet foreign competitors on more even terms. There are 72 countries now give preferential tax treatment to income earned in foreign countries; 26 of them do not tax foreign-earned income at all, and 13 countries provide for tax deferment similar to this bill. For example, private investors in the United Kingdom, which has a system of oversea trade corporations similar to the proposed FBC's, were able to make new direct investments in less developed nations three times greater than U.S. investors, in proportion to the gross national product of the United Kingdom and the United States.

One of the key tax proposals would permit deferral on the earnings of a foreign business corporation until they are distributed among stockholders in the United States, and in the case of other U.S.-owned enterprises in developed countries, reinvestment of their earnings in FBC's operating in less developed areas will also make them eligible for the same tax deferral arrangement.

One of the free world's most pressing problems demanding the joint partnership efforts of all our industrialized countries is how to increase the financial resources available as development capital in Africa, Latin America, the Mideast, and parts of Asia. We estimate that about $4 billion a year represents the total net development assistance, public and private, by the West currently available in less developed nations—as compared with the average of $700 million annually in Soviet aid to non-Communist underdeveloped areas. We are spending about $3.20 for each person living in them, while the Russians are investing roughly 56 cents per capita. But the rate of progress is not acceptable to these peoples. Living standards are inching forward about 1 percent annually, and in actuality they are fighting a holding action trying to keep their standards from slipping backward in the face of predictions of population increases.

However, if maximum use were made of these proposed amendments on tax deferral of reinvested earnings in these underdeveloped areas, an amount equivalent to the entire Soviet economic aid program — $700 million — conceivably could be channeled into them. I would hope that double that amount in new investment would become available because of these amendments, including the one establishing foreign business corporations. Another corollary effect of creating the FBC's may well be to encourage U.S.-owned, foreign-based companies located in low-tax countries like Switzerland, Panama, Venezuela, Liberia, and the Bahamas to return to the United States as foreign business corporations, thus remitting millions of earnings to the United States and increasing Treasury revenues.

Another amendment in the package would permit capital losses by a foreign business corporation to be passed on to the stockholder who can list them as a tax deduction against ordinary income, similar to the provision already operating in the Small Business Investment Act. Also, there is a provision permitting tax deferral on payments in stock or proprietary interest for technical aid to business in less developed countries.

Regarding these two amendments, the first would do much to remove a major

fear of U.S. private investors that a political upheaval may hand them a total loss on investments in a less developed area. This amendment should encourage them to take that risk more often, knowing that it can be written off against earnings on successful investments, thereby encouraging dollar inflow into potentially valuable enterprises which will help in the development of these areas and actually contribute to political stability. The second amendment dealing with the investment of technical services has the psychological benefit of alining U.S. business in close partnership with local enterprise in a less developed foreign country and is an investment which involves no capital outflow from the United States, but nonetheless does yield a dollar return, again brightening our balance-of-payments picture.

The three amendments to the Mutual Security Act would give the Development Loan Fund the authority to, first, purchase equity securities in private enterprise in newly developing countries from its own funds; second, purchase equity securities in private enterprises in these same countries out of Public Law 480 funds; and, third, make loans from Public Law 480 funds to private enterprises owned by U.S. citizens living in foreign countries and to businesses in which U.S. citizens own at least 10 percent of the voting stock.

These amendments should allow us to get maximum mileage out of our public investment funds now under the direction of the Development Loan Fund, which present has $450 million in uncommitted funds and has pending a request for a $700-million authorization under this year's mutual security program. It would also make available several hundreds of millions in Public Law 480 funds to bolster that effort. All three amendments broaden the scope of private enterprise functions which would be eligible for DLF financing and should increase the overall effectiveness of our public program for promoting free world economic growth, especially in the less developed areas.

I hope very much that whatever is done in the other body, this body will give immediate and urgent attention to this problem.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a reply to me from the Department of Justice, dated June 17, 1959, but which I have updated by communicating with the Department, which tells me that its answer is just as good today as it was then.

The reply relates to the antitrust policy of the United States when it comes to private investments abroad by companies which are under some elements of legal or quasi-legal compulsion or business necessity in assessing the legality of a foreign arrangement under the antitrust laws, as to whether the acts they would be performing in their investments and operations abroad would conform to the antitrust laws of the United States.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, December 9, 1959.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: This is in response to your letter of December 2, 1959, concerning the State Department report on "expanding private investment for free world economic growth."

In my letter of June 17, 1959, to which you refer, I stated that the Department of Justice is generally in accord with the recommendations of that report on the subject of the antitrust laws and foreign investment. This Department continues to have the views expressed in that letter. Our liaison procedure with the Department of State, mentioned therein, with reference to proposed antitrust actions and suits which might affect foreign policy, as well as international restrictive practices generally, is presently in effect with very satisfactory results.

Sincerely yours,

ROBERT A. BICKS,
Acting Assistant Attorney General, Antitrust Division.

DEPARTMENT OF JUSTICE,
Washington, June 17, 1959.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: This is in reply to your letter of May 27, 1959, to the Attorney General, acknowledged on June 3, 1959, with respect to the antitrust recommendations contained in the report on "expanding private investment for free world economic growth." This report was prepared under the direction of Ralph I. Straus, as Special Consultant to the Under Secretary of State for Economic Affairs, pursuant to section 413(c) of the Mutual Security Act of 1954, under an amendment which you proposed to the Senate.

We have been much interested in this report and I, with Mr. Fugate of the Antitrust Division staff, participated in a discussion with Mr. Straus and his group on the particular subject of Antitrust and Foreign Investment. This consultation which Mr. Straus conducted with those in the Government particularly interested in antitrust matters and with experts in the antitrust field in private practice, was extremely helpful to all concerned.

We were pleased to note that Mr. Straus and his group endorsed continued U.S. opposition to international cartels and monopolies and affirmed the public interest in enforcing the antitrust laws with respect to U.S. foreign trade. The Straus group discussions emphasized the necessity of preserving our free enterprise system in American foreign investment as a matter of great importance in projecting the proper "image of the United States" in the conflict with the regimentation of Communist economic efforts. The report also stresses that "agreements that curtail developing countries' export or investment potentials are directly opposed to our objectives of economic growth," and that artificial barriers to trade would place at a disadvantage small or medium size private American businesses abroad, so that they could be easily foreclosed or excluded from the market by restrictive or monopolistic practices on the part of larger rivals.

We have given careful consideration to the recommendations on antitrust contained in the Straus report, all of which were discussed thoroughly in the consultations in which we participated. We have the following comments upon these recommendations.

RECOMMENDATION NO. 1

We recommend authoritative indication of the extent to which the Department of Justice will take into account elements of legal or quasi-legal compulsion or business necessity in assessing the legality of a foreign arrangement under the antitrust laws.

The Department of Justice, before instituting action under the antitrust laws with respect to activities in foreign trade, does take into consideration the entire factual situation including elements of compulsion in any foreign countries involved. Recommendation No. 1 apparently contemplates two separate situations: first, where participation in a restrictive arrangement is required of an American firm by foreign laws or regulations, and second, where an arrangement is inspired by local custom or by special circumstances in a foreign country that may amount to business advisability.

It is our view that, absent any larger conspiracy, a requirement of foreign law is usually a justification under our antitrust laws for restrictive arrangements abroad to the extent that such activities are carried on entirely within the bounds of a foreign country. There is, of course, a fundamental difference between public regulation by a foreign government and private regulation exerted by a group of companies in a foreign country. Also difficult is drawing the line between business "convenience" and "impossibility" of doing business otherwise. Many of these problems are treated, in part, via comments on Recommendation No. 3, both with respect to compulsion exerted directly or indirectly by a foreign government and compulsion exerted by a private group of companies in a foreign country. It should be borne in mind also, as the Report of the Attorney General's National Committee to Study the Antitrust Laws has pointed out that the Sherman Act "applies only to those arrangements between Americans alone, or in concert with foreign firms, which have such substantial anticompetitive effects on this country's 'trade or commerce * * * with foreign nations' as to constitute unreasonable restraints" (p. 76).

RECOMMENDATION NO. 2

We recommend clarification of and more information concerning the willingness of the U.S. Government to consider in advance the legality under antitrust laws of proposed investments abroad.

We note that the Straus group does not favor "advance clearance as a matter of routine procedure for foreign transactions," saying that this would not be a healthy thing either for the business community or for antitrust enforcement. We assume, from the comments on page 30 of the report, that this recommendation is more of a suggestion that the business community be informed of and take advantage of the limited clearance procedure now available in the Department of Justice with respect to foreign arrangements. The Department has taken every opportunity to publicize this procedure and we will continue to do so in the future. The availability of the procedure, the so-called "Railroad Release" letters, with respect to arrangements involving foreign trade may not be well known for it is true that while we have had several hundred requests for such letters, there have been very few relating to foreign trade. Of course, there are legal impediments to any real clearance program by the Department of Justice, since the Attorney General is not authorized to give legal opinions to private parties. These "Railroad Release" letters issued by the Department will only be given to a company which submits full information to the Department with respect to a proposed plan. The Department may then state as to the proposal submitted to it that, if it decides to test the

validity of the proposed plan in actual operation, it will forego criminal action. This procedure was adopted many years ago to mitigate business uncertainties in those areas where antitrust questions are highly doubtful as a matter of law, and previously undecided by a court. In each letter the possibility of Government civil action is carefully preserved.

RECOMMENDATION NO. 3

We recommend that, barring unusual circumstances, time should be permitted for consultation with representatives of the foreign government affected if the basis for the proposed antitrust action might be removed by negotiation or if advance notice might soften the impact on foreign opinion.

We believe that this recommendation has in it excellent possibilities for resolving many of the difficult problems in the foreign trade-antitrust field and this course of action is one to which the Departments of Justice and State have devoted much attention. There is now in effect a regular liaison procedure whereby the Department of Justice consults the Department of State with reference to proposed actions and suits which might affect the foreign policy of the United States. Mr. Becker, legal adviser of the State Department, recently suggested, in an address before the New York State Bar Association, that the Department of State should play a more active role than it has in the past in attempting to resolve problems or potential problems in the foreign relations field arising in the administration of the antitrust laws. He mentioned that the Department of State could do more in the way of affirmative consultation with the foreign government concerned, with the view of obtaining agreement that specific practices or arrangements are, or are not, contrary to our mutual interests. The discussions conducted by the Straus group on antitrust problems brought out the fact that sometimes restrictive measures by private companies in a foreign country affecting U.S. imports or exports would be contrary to international agreements if done directly by the foreign government.

We agree that discussions with a foreign government concerning particular restrictive activities affecting its trade or its nationals as well as our own should be extremely helpful to both governments. This procedure has indeed been followed in several antitrust cases. The recommendation of the Straus group, as indicated in the report, includes coordinating the railroad release program of the Department of Justice and the liaison procedure between the Departments of Justice and State. This, we think, would serve a useful purpose. For example, if the Department of Justice had a request for a railroad release with reference to a proposed restrictive foreign arrangement involving our trade where pressure to join was exerted on an American company, this matter could be passed on to the State Department for consultation with the foreign government.

To summarize, we are generally in accord with the recommendations of the Straus Committee on the subject of antitrust and foreign investment. We believe that intergovernmental discussion may be very helpful in dealing with the problem of business compulsion upon an American company in a foreign country whether exerted directly or indirectly by a foreign government or by a cartelized industry.

Sincerely yours,

ROBERT A. BICKS,
Acting Assistant Attorney General, Antitrust Division.

Mr. JAVITS. I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an excerpt from the Straus report, which raises these challenging questions as one of the great elements which are interfering with American private investment abroad.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPANDING PRIVATE INVESTMENT FOR FREE WORLD ECONOMIC GROWTH

V. ANTITRUST AND FOREIGN INVESTMENT

We recommend authoritative indication of the extent to which the Department of Justice will take into account elements of legal or quasi-legal compulsion or business necessity in assessing the legality of a foreign arrangement under the antitrust laws.

We recommend clarification of and more public information concerning the willingness of the U.S. Government to consider in advance the legality under antitrust laws of proposed investments abroad.

We recommend that, barring unusual circumstances, time should be permitted for consultation with representatives of the foreign government affected if the basis for the proposed antitrust action might be removed by negotiation or if advance notice might soften the impact on foreign opinion.

Mr. JAVITS. The end result of the reply of the Department of Justice is that there is no such inflexible barrier in the antitrust laws as many businessmen would have us suppose. On the contrary, there is every desire and every effort to negotiate each individual situation, depending upon the national interests, so that no businessman needs, solely on the advice of his lawyer, to say, "I am not going to move into operations abroad." He should go to the Department of Justice and discuss the situation. There are perfectly lawful ways, within the policy of the Department, for working out his problems.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills, introduced by Mr. JAVITS, were received, read twice by their titles, and referred, as follows:

To the Committee on Finance:

S. 3251. A bill to amend the Internal Revenue Code of 1954 to encourage private investment abroad in less developed areas and thereby promote American industry and reduce Government expenditures for foreign economic assistance in such areas.

To the Committee on Foreign Relations:

S. 3252. A bill relating to the furnishing of assistance in financing economic development projects carried on by private enterprise in foreign countries.

NATIONAL SHOWCASE OF ARTS AND SCIENCES IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, I rise to introduce a bill which will fill a needed gap in the picture which foreign visitors, as well as the many tourists from our own country, feel when they visit the Nation's Capital—the capital of the most powerful nation in the free world. The gap I am referring to is perhaps more apparent than real. There are many cultural activities in the Nation's Capital, but many of them are insufficiently encouraged. Moreover, there is a real need for the Government to furnish leadership in providing more of them.

I am introducing this bill, which will parallel similar bills introduced in the House of Representatives. The bill will authorize the establishment of what is to be called a "National Showcase of the Arts and Sciences in the District of Columbia." The purpose of this showcase is to encourage young American artists and scientists to aid them in the performance and exhibition of the products of their work. The bill will further authorize the holding of an International Olympiad of the Arts and Sciences on a biennial basis in the District of Columbia.

The center for this program will be the Commissioner of Education, who shall act as a clearinghouse for all the activities authorized by this bill. The Commissioner of Education will have the benefit of the assistance and advice of an advisory committee, whose members shall be drawn from government, the field of arts, and the field of sciences. Members of the advisory committee will serve without compensation, except for expenses.

In the 83d Congress, the House of Representatives passed a bill, H.R. 7494, similar to the one I am now introducing. The bill will authorize the use of various auditoriums which might now be used for the general purposes set forth in the bill, and it is my hope that when the National Cultural Center is completed, its magnificent facilities will be made available. The exhibitions and performances to be presented will be largely developed with the aid of educational institutions and professional associations located throughout the Nation. The Biennial Olympiad also authorized by this bill will invite participation by the nations of the whole world in the spirit of the Olympiad now conducted in the field of sports.

The program envisaged by this bill will be without cost to the Government. Financial dependence for the exhibitions, productions, programs, and so forth, will be borne by private institutions. Section 7(b) of the bill authorizes the Commissioner of Education to receive contributions from any source to assist in carrying out the programs and activities authorized by the bill. Such contributions shall be held by the Treasury in a special fund, and the transactions of the Commissioner of Education shall be audited by the Comptroller General. In brief, I am not proposing a subsidized program. I am proposing, instead, machinery to utilize the resources which are available now.

Mr. President, the scientists and artists of America have no reason for apology. Their accomplishments are hailed throughout the world, and are recognized by those citizens of other countries who have similar interests and aspirations. On the other hand, the public image of the United States, in many countries of the world, fails to include a true appreciation of our interest in the arts and pure sciences. We are recognized as a nation of material accomplishment and efficiency, not as a nation of the spirit. It seems to me that

this misleading impression should be dispelled. I, therefore, introduce this proposed legislation, for appropriate reference, with the hope that it will be acted upon quickly in the public interest. I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3256) to authorize the establishment of a National Showcase of the Arts and Sciences in the District of Columbia to encourage young American artists and scientists; to authorize the holding of an International Olympiad of the Arts and Sciences on a biennial basis in the District of Columbia and thus to enhance the prospects of a durable peace, and for other purposes, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to encourage the further development and growth of the arts and sciences in American educational institutions and to strengthen the bonds which unite our people with the people of all other nations to the end that the prospects of a durable peace may be enhanced, there is hereby authorized to be held in the District of Columbia conferences, exhibitions, production, festivals, competitions, and programs of educational institutions as provided in this Act. As used in this Act the term "American educational institution" means an educational institution located in a State, the District of Columbia, Puerto Rico, or a possession of the United States.

SEC. 2. Upon the request by the Commissioner of Education for such information, the head of each department and agency of the Federal Government, the Board of Commissioners of the District of Columbia, and the Recreation Board of the District of Columbia shall inform the Commissioner of Education of facilities under its jurisdiction in the District of Columbia which it will make available for conferences, exhibitions, productions, festivals, competitions, and programs presented pursuant to the provisions of this Act. Such facilities shall include, but not be limited to, the White House, the Carter Barron Amphitheater, the Watergate Amphitheater, and the auditoriums and exhibition areas of the National Gallery of Art, the National Cultural Center, the Smithsonian Institution, the Library of Congress, the Lafayette Square Opera House (which shall be transferred to the Recreation Department of the District of Columbia, renovated by it and used for such purposes and educational and recreational activities in the arts and sciences), the Interdepartmental Auditorium, the National Archives Building, the Departments of State, Interior, Agriculture, Commerce, and Health, Education, and Welfare, and the secondary schools of the District of Columbia.

SEC. 3. The Commissioner of Education shall select and arrange for the presentation of significant, high quality conferences, exhibitions, productions, festivals, competitions, and programs in the fields of the arts and sciences of American educational institutions in suitable facilities in the District of Columbia which are made available pursuant to section 2 of this Act, including the performance of services incidental thereto, and these programs and activities shall be referred to as the National Showcase of the Arts and Sciences.

SEC. 4. In carrying out the provisions of this Act the Commissioner of Education may make arrangements, including contracts, with suitable educational institutions, organizations, and individuals (1) to handle the business management and all technical work related to conferences, exhibitions, productions, festivals, competitions, and programs of educational institutions, and (2) to promote public attendance, when, in his judgment, this is necessary to carry out the purposes of this Act.

SEC. 5. (a) An International Olympiad of the Arts and Sciences shall be held biennially in the District of Columbia in the facilities made available pursuant to section 2 of this Act in conjunction with the activities carried out under section 3 of this Act. Each International Olympiad of the Arts and Sciences shall consist of exhibitions, productions, and programs of American educational institutions judged by the Commissioner of Education and a competent jury (which shall consist of distinguished judges invited by him to act in this capacity) to be outstanding; and exhibitions, productions, and programs, and so forth, of foreign nonprofit educational institutions and organizations subvened financially in whole or in part by the countries in which such educational institutions and organizations are located or political subdivisions thereof. Foreign students and teachers of such institutions who are in the United States and are assisted by any cultural or exchange of persons program administered by the Department of State shall be encouraged and invited to participate in the International Olympiad of the Arts and Sciences.

(b) The Secretary of State, after consultation with the Commissioner of Education, shall, at appropriate times, extend invitations to nonprofit educational institutions and organizations in foreign countries which are eligible to participate in International Olympiads of the Arts and Sciences held pursuant to subsection (a) of this section.

SEC. 6. There is hereby established an advisory committee to advise and assist in the development and administration of the programs and activities authorized by this Act. Such advisory committee shall consist of the Commissioner of Education, who shall be chairman; the Director, Bureau of International Cultural Relations, Department of State and the Director, United States Information Agency, who shall be vice chairmen; and sixty members appointed by the Commissioner of Education from among persons nominated by educational organizations, thirty of whom shall be drawn from the fields of the arts, and thirty of whom shall be drawn from the fields of the sciences. Each member of the advisory committee appointed by the Commissioner of Education shall hold office for a term of four years; except that (1) of the members first appointed thirty shall hold office for a term of two years, and thirty shall hold office for a term of four years, from the date of enactment of this Act; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members of the advisory committee shall serve without compensation, but each member of such committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such committee.

SEC. 7. (a) The Commissioner of Education shall use the proceeds, if any, from the programs and activities authorized by this Act to (1) carry out the provisions of this Act, and (2) assist in providing appropriate prizes for original creative work presented pursuant to the provisions of this Act.

(b) The Commissioner of Education is authorized to receive contributions of money, materials, and other property from any source to assist in carrying out the programs and activities authorized by this Act. Any contributions of money so received, or funds realized from the sale of property or other gifts, shall be covered into the Treasury to the credit of a special fund which shall be available to the Commissioner of Education for carrying out the programs and activities authorized by this Act. The financial transactions of the Commissioner of Education under this Act shall be audited at least once a year by the Comptroller General of the United States in accordance with such rules and regulations as may be prescribed by the Comptroller General.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. HRUSKA:

Statement by him before U.S. Tariff Commission on lamb and mutton imports into the United States, March 22, 1960.

By Mr. WILEY:

Article entitled "Sound Economics Can Make Good Politics," written by him, published in the American Bar Association Journal of March 1960.

DECLINE IN THE INTEREST RATE ON GOVERNMENT BONDS

Mr. DOUGLAS. Mr. President, yesterday the interest rate on short-time Government securities fell again. In December 1959, it averaged 4.572 percent on 91-day bills. The rate on 6-month bills was as high, in early January, as 5.099. The administration was vehement in demanding that the 4¼-percent ceiling be removed; and those of us who opposed that demand were subjected to bitter denunciation.

Then the short-time rate began to fall slightly, to an average of 4.436 in January; but the administration became even more insistent. Then, on February 13, the 91-day rate slipped to 3.563 percent, although it rose subsequently. But still the administration demanded removal of the ceiling.

In the last 2 weeks the decline has been precipitous. On March 7, the interest rate was 3.64 percent for 91-day bills; and on March 14, the rate was 3.451 percent. Yesterday, the rate on the issue of $1,200 million of 91-day bills was only 3.033 percent. The decline in the rate on the 182-day bills was proportionately even greater; it went down from 5.099, as I have mentioned, during the first week in January, to 3.619 percent last week. Yesterday, the rate fell to 3.176 percent, or a decline of approximately three-eighths of the total rate from its December high.

During this period the yield on long-term Governments has also been declining, although not, of course, so sharply, because the rates on the long-term bonds are not as volatile as are those on the short-term bonds. Yesterday, I reported that the arithmetic average yield or true interest rate of the 26 outstanding long-term issues as of last Friday was 3.93 percent. More

precisely, it was 3.955 percent. There was a further very slight decline yesterday, to 3.953 percent. But I believe we should realize that every one of the 26 issues has a yield below the 4.25 percent ceiling which the administration wants removed, while no less than 10 issues were below 4 percent.

Last week the Treasury was still demanding that the ceiling be removed. It will be interesting to see whether the Treasury still continues to make this demand. It will also be interesting to see by how much the interest rate will have to fall before the Treasury will abandon its plans to saddle a high-interest-rate issue upon the American taxpayers, and, instead, will reconcile itself to economic realities.

Mr. YARBOROUGH. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am very glad to yield to the able junior Senator from Texas, who has been deeply interested in this whole matter.

Mr. YARBOROUGH. Mr. President, I desire to commend the Senator from Illinois and the other Members who have been helping him—the senior Senator from Pennsylvania [Mr. CLARK], the junior Senator from Tennessee [Mr. GORE], and the junior Senator from Oklahoma [Mr. MONRONEY]—for their continued, highly intelligent, and highly active fight against the spiraling high-interest-rate, hard-money policy, of the present administration. I think nothing better illustrates the value of the fight they have made than the recent persistent and steady decline in the interest rates on Government bonds. Many Members believe that without the fight which these distinguished Senators have made, the line would not have been held this long against the efforts of the administration to have the interest ceiling on Government securities removed. Without the determined fight which these very able Senators have made, doubtless the Secretary of the Treasury would already have received the authority the administration has requested to increase the interest rate on long-term Government bonds from 4¼ percent to 5 percent.

But these courageous Senators have held the line until the market reacted as they predicted it would; and now we see that the interest rate increase the administration has so persistently requested is not needed to make the bonds marketable.

Furthermore, if the Secretary of the Treasury would simply say that he would no longer ask that the ceiling on the interest rate on long-term Government securities be removed, undoubtedly the interest rate would fall still farther.

In my opinion, one factor that has held up the interest rates has been the thought of those who otherwise would have been purchasing Government bonds, that if they would simply postpone their purchases, if they would hold onto their funds a while longer, and "keep them in the sock," the need of the Government to sell its bonds would result in a rise in the interest rate. Accordingly, those who have funds to invest in bonds have postponed their purchases. However, despite that fact, in recent months the interest rate has steadily declined, until today, as the Senator from Illinois has pointed out, the rate is below 4 percent.

With the Federal public debt approaching $300 billion, we can easily calculate that a decline of three-fourths of 1 percent in the interest rate, if applied across the board, would result in a saving of $2,250 million in the interest bill the Federal Government must pay on its debt; and a 1 percent decline in the rate would mean that the saving to the Government on the interest charge on the Government debt would amount to $3 billion a year.

Mr. President, I do not believe that anyone doubts that if a break through on the interest rate ceiling were to occur and the rates go still higher, the result would be most harmful to both public debt and private debt; there would be another spiral in the interest rate and another round of interest-rate increases, and another inflationary spiral of price increases.

The PRESIDENT pro tempore. The time available to the Senator from Illinois, under the 3-minute limitation in the morning hour, has expired.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the further time I wish to use shall be charged to the time available to me during the morning hour.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, the determined action taken by our courageous colleagues is resulting in savings of billions of dollars a year in the interest charge on the public debt, and in the saving of even more billions of dollars a year on private indebtedness in the United States.

So I wish to express my profound appreciation to the distinguished Senator from Illinois [Mr. DOUGLAS] and to the other distinguished Members who have been associated with him in this courageous and persistent fight. The Senator from Illinois is a distinguished economist, and all of us are deeply grateful to him for the leadership he has been giving in the fight to hold down the interest rates.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that at this time I may speak for 1 minute, in order to have time in which to reply to the Senator from Texas.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, I wish to say that no one has been more valiant in this struggle than has the junior Senator from Texas [Mr. YARBOROUGH]. I believe that the results of our effort will vindicate it. Last fall, the Under Secretary of the Treasury announced that the Government intended to refund $20 billion of Government securities into long-term securities; and at the same time the Treasury floated a 4-year and 10-month issue at 5 percent—the "fabulous 5s," so-called—which now are selling at over a 3-percent premium.

So that in the long run, although not necessarily in each year, I think we have saved billions of dollars for the taxpayers. And I am very curious to see what the Federal Reserve, the administration, and the financial writers say about these developments.

Again I want to thank the Senator from Texas, and say no one deserves more credit in this effort than he does.

Mr. BUSH. Mr. President, the Senator from Illinois might be interested in what I expect to say, if I could attract his attention, because I intend to mention his name at least, and call attention to what he said yesterday, when he stated that the wealthy investors who are able to get hold of the high-interest rate issues have made a killing of hundreds of millions of dollars.

Mr. President, I submit that is a misleading statement. The investors who bought the so-called "magic 5s" were not wealthy investors, but were, principally, people with money in savings banks.

It happened that last October, when this issue was made, I was at a savings bank convention in Virginia. The savings bankers were very much concerned about the savings withdrawals by small savers who were putting their money into the 5 percent notes. There were more than 100,000 individuals who bought those notes, and that was a greater number of people—individuals, small savers—who bought bonds on the Government bond market than at any time since World War I.

So I submit it is not quite fair to the Treasury to say that it was wealthy investors who made a killing on these bonds. The savers of this country have discovered the Government bond market, and have withdrawn money from their savings accounts to buy Government obligations.

Mr. President, on this subject, since there have been several remarks made about it in the last few days, and the Senator from Illinois has commented on it again today, I wish to point out that practically every group that knows anything about this situation in the financial world has come to the conclusion that the ceiling on long-term bonds should be lifted. The most recent statement to that effect was made by the National Association of Homebuilders; we have also had such an opinion expressed from the National Retail Lumbermen's Association; and last fall we had such an expression from the National Association of Real Estate Boards. We have also had that advice from every leading financial institution in the country, the savings and loan associations, the savings bankers associations; and when the International Monetary Fund had its meeting here last September, the one thing the representatives of some 69 countries from all over the world could not understand was how the U.S. Congress could tie the hands of the Treasury, force it to go into the short-term money market, and prevent it from issuing long-term bonds. They thought that was the height of folly, and they could not understand it. They were given to hope, I think, when they were here, that the

Treasury would be accorded the privilege of issuing long-term bonds when this Congress came back into session.

Now it appears there is a determined move afoot to prevent that. I say to my friends across the aisle that they are gambling. There is a new set of gamblers in the security market. They are speculating with the national credit. Upon that national credit depends the security of this country and the security of the whole free world. I say it is a reckless thing to do.

I say it is reckless to speculate with this issue because they think they have a "hot" political issue. I say to my colleagues and to my friends in the other body that it is the most dangerous speculation I have seen since I have been in the United States Senate. I beg them to drop this issue, and to give the Treasury the opportunity to finance this Government's needs with free hands, and not have its hands tied behind its back.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BUSH. Mr. President, I ask unanimous consent to continue for another 2 minutes on this point.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUSH. Mr. President, regarding the purchases of the 5 percent bonds, I ask unanimous consent that the list which I have in my hand of the subscribers to these bonds, which were issued last October, totaling $2,316 million, be placed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUSH. Mr. President, I ask unanimous consent that an editorial which appeared in the Wall Street Journal today be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BUSH. Finally, Mr. President, I ask unanimous consent that an editorial which appeared in the Journal of Commerce today, March 22, 1960, entitled "Out of the Blue," be also printed at the conclusion of my remarks, as having a bearing on this situation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. BUSH. Mr. President, the reason why interest rates have come down and the situation exists as my able friend from Illinois has said in the last 2 or 3 days has been due to the very simple fact that there has been an easing off in business in many lines. There has been a slight recession in business. The records show it. Retail sales are off. Automobile sales are slow.

I see no reason for rejoicing that interest rates are down because business is off temporarily. I think that is an unhappy fact, and nothing to be rejoicing about.

I think also that if Congress does not do something about this question before it adjourns for the summer, it is going to place the United States in an exceedingly difficult position for taking care of the needs of the Government and for preserving the credit of the Government and for fighting inflation, particularly, in the future. It appears that we are going to enter another period of very active business, in which money is going to be very much in demand, and interest rates are very apt to firm up and reach a higher level than their present level.

So, Mr. President, I plead sincerely and earnestly with my friends across the aisle, both here and in the House of Representatives, to drop this silly issue, and give the Treasury of the United States the freedom that any other government, of any responsibility, gives to its treasury in connection with the financing of Government operations.

EXHIBIT 1

ALLOTMENTS BY INVESTOR CLASSES ON SUBSCRIPTIONS FOR 5-PERCENT TREASURY NOTES ISSUED OCTOBER 15, 1959

In the issue of 5-percent notes sold last October, more than 100,000 individual subscribers—mainly small investors—subscribed for and were allotted more than $750 million of the securities. Subscriptions by the large financial institutions were rigidly limited by the Treasury.

The amounts allotted to various classes of subscribers were as follows: [1]

Commercial banks	$587,000,000
Individuals	778,000,000
Insurance companies	148,000,000
Mutual savings banks	138,000,000
Corporations	91,000,000
Private pension and retirement:	
Funds	107,000,000
State and local governments	80,000,000
Dealers and brokers	58,000,000
U.S. Government investment accounts and Federal Reserve banks	100,000,000
All other	229,000,000

EXHIBIT 2

[From the Wall Street Journal, Mar. 22, 1960]

WHERE THE SHOE PINCHES

The National Association of Home Builders, we see by a letter to its members, has found out that it makes a lot of difference where the shoe pinches.

For many months now Secretary Anderson has been trying to persuade Congress to change the law which forbids the Treasury to pay more than 4¼ percent interest on long-term Government bonds. The chief opposition has come from those who say that, while this might make things easier for the Treasury Secretary, it would be a severe blow to ordinary folk who have to borrow money on long terms, such as on mortgages. Aren't mortgage rates already high enough without the Treasury pushing them higher?

So the Democrats in Congress, who profess a deep concern about home buyers and the building industry, have told Mr. Anderson "No." If he's pinched for funds, let him stick to the short-term market.

But now the homebuilders have had some second thoughts. The association has just called on all members to write their Congressmen at once giving "strong support" to a change in the interest-rate limitation "at the earliest possible date." If the change isn't made quickly, say the homebuilders, it "could well mean tighter mortgage money and higher interest rates."

Behind this about-face is an interesting lesson in the economics of interest. It's one that might even be instructive to the self-styled liberal Democrats in other ways, too.

The basic situation here can be described fairly simply. Because of the tremendous demand for the Nation's lendable funds, from both private and governmental borrowers, the price of money has been pushed up. Uncle Sam may offer to pay 4¼ percent interest, but no lenders come forward for the reason that they can already lend their money elsewhere at a higher rate.

So with long-term money already "tight," the first reaction of many people was that to permit the Government, with its huge borrowing needs, to raise its interest bid would simply make the long-term money supply even tighter. The Government, so the argument ran, would then be competing even more directly with would-be mortgage borrowers, interest rates would rise further, people wouldn't be able to buy homes, the building industry would fall into the doldrums and that would injure the whole economy.

Of course this train of thought, however persuasive to the unsophisticated, overlooked one little detail. The U.S. Treasury had to get the money from somewhere, billions of it. And if it couldn't spread its borrowing over the long-term market, it had to borrow all the billions on the short-term market where there was no interest limit fixed by law.

What happened then was unforeseeable only by the kind of "liberal" Congressman who thinks statutory law will repeal the actual laws that govern economic affairs.

When the Treasury was forced to borrow its billions on short-term notes alone, short-term interest rates went skyrocketing. Last fall the Treasury had to pay 5 percent for notes maturing in less than 5 years. So, not unnaturally, people who had money in savings banks and building associations at much less interest, drew out their money and bought the Treasury notes.

Hence the home builders discovered that "the Treasury's unavoidable financing activities are draining money out of the very institutions on which we must rely for mortgage credit." And they concluded that if the Treasury isn't permitted to meet the going interest rates in the long-term market, where it can spread its debt around, "we are all going to suffer severely."

So there you are. Those who refused to let the Treasury deal sensibly with the realities of the marketplace have brought about the very thing they professed they would avoid.

The political lesson should be plain when the Congressmen hear from the home builders. And the economic lesson might even remind some of them that when a shoe is badly made it's apt to pinch all over.

EXHIBIT 3

[From the Journal of Commerce, Mar. 22, 1960]

OUT OF THE BLUE

The Members of Congress who had thought that the recent easing in interest rates would give them a way out of their dilemma over the 4¼-percent ceiling on new Government obligations got a rude awakening last week.

The decline in money rates had looked like an answer out of the blue. There had been a growing recognition that something had to be done to eliminate the ceiling on rates the Treasury could pay on securities of over 5-year maturity. It was becoming obvious that the failure to lift the 4¼-percent ceiling was forcing the Treasury to rely far too much on short-term obligations. This led to a potentially dangerous situation of overliquidity in the economy.

There has also been a greater recognition that the forced reliance solely on short- and intermediate-term obligations could easily

[1] Source: Treasury Bulletin, February 1960.

lead to conditions under which the Federal Reserve would be obliged to ease credit despite its wishes to enable the commerical banks to take up securities not wanted by others.

Yet Congress has been trying to develop a nice political issue out of the ceiling by generating the impression that the refusal to lift it is really keeping interest rates low and helping out the small borrower.

The attempt to get the best of both worlds by allowing a small volume of new long-term bonds to be offered at above 4¼ percent, either by a small exemption or by advance refunding has not gotten far as yet. Hence, as interest rates fell moderately in the first months of 1960, it was suggested that the ceiling would cease to have any meaning if the problem were just forgotten long enough for long-term market rates to come back under the 4¼-percent level.

Under Secretary of the Treasury Julian Baird took the opportunity of a phone query on the question from Representative IKARD, Democrat, of Texas, to explain just why this hoped-for elimination of the problem by doing nothing won't work. His arguments were few but potent.

To be sure, he explained, rates on some outstanding Treasury obligations of over 5-year maturity are now under 4¼ percent, but this is not a true picture of what yields on new offerings would have to be.

In the first place, the scarcity of new long Treasury issues caused by the ceiling has artificially pushed up their yields by itself. In addition, the yields themselves do not present the true picture of market sentiment because of the tax advantages inherent in the deep discounts at which outstanding long bonds are now selling.

This is due to the capital gains which each bond will develop as it returns to par and the fact that Treasury obligations, no matter the market price, may be turned in at par to pay estate taxes.

Finally, there is the simple fact that new bonds must have a higher yield than outstanding issues simply to attract funds from outstanding investments and to compensate for the fact that supplies of securities will be increased.

This is why the Treasury has not tried to sell long bonds at 4¼ percent recently and why it is unlikely that any attempted offering at such a yield could be successful.

An additional point is that while interest rates have gone down somewhat in the last 2½ months, there is no reason to believe that they will continue to drop at such a rate or perhaps even to drop further at all.

Certainly if the economy takes a serious turn for the worse, such credit easing will develop, but no signs of this are presently available.

In addition, there is evidently a current shortage of mortgage money that is limiting new home starts to levels below those of 1959. Since interest rates are determined by the availability of credit, it is hard to see how enough excess investment money over demand could become available in the next few months to bring about much lower interest rates when the homebuilders are waiting in the wings for just such funds to finance the homes they feel they can sell.

This should deal the final blow to the hopes of those who feel that a short wait without doing anything about the ceiling will make the problem disappear.

What is needed, of course, is a complete removal of this 4¼-percent ceiling. It does not keep interest rates low, as some of its proponents assert, but rather it works in just the opposite direction; for this veto on sound debt management policies robs investors of confidence in the dollar and thus cuts the supplies of funds they make available for lending.

Certainly the compromise plans now under consideration would help. They would take the pressure off the Treasury by allowing at least some new obligations of over 5 years maturity to be marketed.

But a complete removal of the ceiling would not only accomplish this goal for the Treasury but would also give the capital markets a psychological lift that would help immeasurably in increasing savings and thus making long-term capital available at a lower price.

Mr. DOUGLAS. Mr. President, in view of the fact that the Senator from Connecticut made certain personal references to me, I wonder if I might be permitted to reply to him. I shall try not to exceed 3 minutes, but if I have to, I may ask for more time.

Mr. BUSH. Mr. President, I ask unanimous consent that the Senator from Illinois may proceed——

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may have time to reply to the Senator from Connecticut.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Mr. President, I was interested in the statement of the Senator from Connecticut that we were in a business recession. I have never made that statement myself. As a matter of fact, I do not think we are. I think we are in an arrested period in a previous upward movement, although we are still very far from full employment.

I can be certain, Mr. President, that if the Senator from Illinois had said we were in a business recession the Senator from Connecticut and others would have immediately leaped to their feet and once more accused me of being a prophet of gloom and doom. I want the RECORD to show doubly that this comment was a comment of the Senator from Connecticut and not of the Senator from Illinois.

Mr. President, I should like to point out that the Treasury has not followed a policy in the past of refunding an adequate amount of its short time securities when interest rates were low, so that, as a matter of fact, during the first 6½ years of the Eisenhower administration when long-term rates were below the 4¼-percent ceiling the average length of the public debt had shortened from around 5 years and 3 months to 4 years and 7 months as of June 1, last spring. However, when the interest rates were high the administration did wish to refund, and Under Secretary Baird, I believe it was, last October said their intention was to refund about $20 billion. At the same time the administration issued the 4-year and 10-month notes at par, with 5 percent interest. These were oversubscribed five times, which was a pretty clear indication that the interest rate was too high. I criticized the issue at the time, but of course that had no effect.

I think there is every reason to believe that if last year we had given the permission requested, the $20 billion, or a considerable fraction thereof, would have been refinanced at rates close to 5 percent.

I would call attention to the fact—which apparently my good friend from Connecticut does not question—that as of last Friday the average interest rate on the 26 issues of long-term Government securities was 3.96.

I will say that is an unweighted arithmetical average. I figured out this morning the average rate for yesterday, and it came to 3.953, a little less than the rate for last Friday, but not much less.

What we are facing is a fall in interest rates. This seems to distress the Senator from Connecticut very much. I do not want to have the fall in interest rates purchased at the price of a recession. I do not think we are yet in a recession. I hope we will never get in one. However, this fall in the interest rates seems to strike the Senator from Connecticut in a very sensitive nerve. He regards it as a sign of calamity. I do not regard it as a sign of calamity. I think it reduces the fixed charges which the American taxpapers, the investors and borrowers of America, have to pay for the use of capital and money. I do not regard it as a catastrophe.

On this question of the "fabulous 5s," I think it is now clearly evident that the interest rate was higher than it should have been. The Senator from Connecticut says that all the poor people had a chance to get in on it, but I should like to ask the Senator, how much was the minimum subscription which an individual had to put down for one of those bonds? Am I correct in my understanding that it was $1,000 for an individual?

Mr. BUSH. Mr. President, the Senator makes that assertion. I am not going to dispute it.

Mr. DOUGLAS. I think it is correct. The Senator was a very able Wall Street investment financier and he knows about this issue, of course, much more than I do. I merely desired to ask whether that was a common impression in Wall Street.

Mr. BUSH. I will say to the Senator, if he will give me a moment to do so, I do not believe that is true, although I have not been active in Wall Street for many years. I think anybody could buy a $100 bond if he wanted to.

Mr. DOUGLAS. I think the record will show the situation, and we should verify it before the CONGRESSIONAL RECORD goes to print. I believe the minimum was $1,000.

May I further ask the Senator from Connecticut, who has wide knowledge of financial matters, whether it was true that the smallest amount a bank or a brokerage house could in practice subscribe for was $25,000?

Mr. BUSH. I am not prepared to answer the Senator's question.

Mr. DOUGLAS. I think that is correct. I think we should check that. If I am in error, I will correct the matter in the RECORD before it goes to the public. If I am not in error, we will allow the RECORD to stand.

Let me say that if I am correct it would mean the small saver, by the standards of the American public and by the standards of the Senator from Illinois, was excluded, although of course to the Senator from Connecticut and to the Republican Party a person with $1,000 or $25,000 to invest would be "small potatoes."

Mr. BUSH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GRUENING in the chair). The time of the Senator from Illinois has expired.

Mr. DOUGLAS. I yield to the Senator.

Mr. BUSH. The Senator made several references to me.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senators be given additional time for their colloquy.

Mr. BUSH. Mr. President, I ask unanimous consent that the Senator from Illinois be granted an additional 5 minutes, if needed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. I am glad to yield that time to the Senator from Connecticut.

Mr. BUSH. I simply want to say to the Senator that I have put into the RECORD this morning the statement that over 100,000 individuals bought those 5 percent bonds. I know, from information supplied by savings bankers all over the country, that it was the small people who came in and who made those bonds such a great success. The Senator's definition of "small" may be one thing and mine may be another, but I claim anyone who takes money out of a savings bank and puts it into Government securities comes under the general heading of a small investor, and not what the Senator called such people yesterday. I have forgotten the language the Senator used yesterday, about the rich speculators he claims to be the ones who cashed in on those 5 percent bonds. The record will not support the Senator's statement at all.

Mr. DOUGLAS. We have sent out a representative to telephone for the actual facts, and I ask permission, Mr. President, that at a later time——

Mr. BUSH. The Senator will not dispute the facts I have stated, will he; that these individuals who made withdrawals from savings banks throughout the country are small investors and will tell the Senator that? I ask the Senator if it is not a good thing for the people to invest in Government bonds.

Mr. DOUGLAS. It is a fine thing.

Mr. BUSH. I want to see them invest in long-term Government bonds.

Mr. DOUGLAS. It is a fine thing. However, it is not fine for the Treasury to pay a higher rate of interest than the competitive rate. That is precisely what the Treasury did. They issued a 5 percent interest bond. The issue was oversubscribed five times, which was a clean indication that the rate was higher than it needed to be.

There was every indication that the Treasury, if it received the authorization which it sought from the Congress, intended to refinance from $5 billion to $20 billion of debt at interest rates of 4¾ percent to 5 percent.

Apparently the Senator from Connecticut finds it very hard to admit the fall in the interest rate which has occurred.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article written by Miss Sylvia Porter which the Senator from Oklahoma [Mr. MONRONEY] has given to me, which discusses these so-called magic 5's.

I do not see the minimum amount stated in the article, but that can be made a matter of record in a few minutes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"MAGIC 5s" A MEMORY

(By Sylvia Porter)

In October of 1959, the Treasury sold $2 billion of new notes carrying a magic 5 percent coupon—the highest rate on a U.S. obligation in over a generation. The due date is 1964.

In February of this year, the Treasury sold another $2 billion of new notes. On these obligations, also to come due in 1964, the Treasury placed a coupon of 4⅞ percent.

If the Treasury were to issue similar notes today, it could sell them with an interest coupon of 4½ percent.

This illustrates the extent to which interest rates have declined just in the last few months. It also underlines the extent to which investors have been buying U.S. bonds, thus permitting the Treasury to borrow at progressively lower interest rates.

Behind the change are five basic forces. Specifically:

1. A first reason for the reversal lies in the degree to which interest rates had soared at the end of 1959.

So unusual was the 5 percent coupon on a Government note that announcement of the sale made worldwide headlines and investors who never before had even considered buying a Treasury security entered orders for them. Since October, individuals have become buyers of high-coupon U.S. marketable obligations on a scale unknown since the twenties.

2. A second reason has been the dwindling of inflation fears and thus, the willingness of investors to buy bonds in quantity again.

In most of the post-World War II period buyers of U.S. bonds have taken a licking because while they've received $1-plus-interest back for every $1 invested, the interest hasn't been enough to offset the rising cost of living and taxes.

Now the fear of runaway inflation has subsided.

3. A third factor has been the disenchantment of large numbers of investors with high-priced stocks.

From the beginning, the decline in stock prices has been furthered by shifting of funds from stocks to bonds—particularly by institutional investors. The shifts have been pushing up bond prices, pushing down interest rates, and new borrowers have benefited.

4. A fourth factor has been the downgrading of exuberant forecasts for business and for the need for credit this year.

The angle here is that in a more moderate economic advance there won't be such fierce demands for loans, and therefore not such intense pressures on borrowing costs. So far, at least, the demand for credit hasn't been sufficient to send interest rates to new peaks.

5. And a fifth factor has been the realization that as the Federal budget is balanced, the Treasury won't have to tap the market constantly with new loans. There'll hardly be a scarcity of Treasury issues—but there won't be an ever-growing supply, either.

It's improbable that the Treasury will have to pay 5 percent to borrow money again soon.

If you buy Government securities now, expect a satisfactory, comfortably "fat" but not sensational income.

[From the Washington Star, Mar. 20, 1960]

CORPORATE LIST AND TREASURY'S GAIN IN WEEK

(By Warren Bennett)

NEW YORK, March 19.—Corporate and Government bonds advanced this week on light volume.

Short-term interest rates eased in line with the Treasury's lower borrowing costs on its 13-week bills. The current issue drew a rate of 3.451 percent.

Mr. DOUGLAS subsequently said: Mr. President, the distinguished Senator from Connecticut [Mr. BUSH] refused to admit the accuracy of certain statements which I made a few minutes ago. I think it would be appropriate if I placed in the RECORD the facts about the Government bond market, as I have been able to gather them from experts in the Government.

Treasury bonds closing over the counter Mar. 19

Maturity	Rate	Bid	Asked	Net change	Yield
1960	[1] 2⅛	99.7	99.9	+0.5	3.25
1965–60	[2] 2½	98.12	98.20	+.8	3.01
1961	[1] 2½	98.16	98.20	+.10	3.69
1961	[1] 2½	97.22	97.26	+.10	3.88
1962–59, June	[1] 2¼	96.10	96.14	+.12	3.93
1962–59, December	[1] 2¼	95.18	95.22	+.14	3.98
1963	[1] 2½	95.2	95.6	+.16	4.03
1964	[1] 3	96.8	96.12	+.6	4.01
1965	[1] 2⅝	93.16	93.20	+.12	4.07
1966	[1] 3	94.20	94.24	+.12	3.94
1967–62	[1] 2½	90	90.8	+.8	4.07
1968–63	[1] 2½	87.20	87.28	+.8	4.17
1969–64, June	[1] 2½	87	87.8	+.12	4.18
1969	[1] 4	99.20	99.28	+.24	4.01
1969–64, December	[1] 2½	86.16	86.24	+.12	4.17
1970–65	[1] 2½	86.8	86.16	+.16	4.17
1971–66	[1] 2½	85.24	86	+.12	4.10
1972–67, June	[1] 2½	85.16	85.24	+.8	3.98
1972–67, September	[1] 2½	85.4	85.12	+.8	3.96
1972–67, December	[1] 2½	85.16	85.24	+.8	3.93
1974	[1] 3	97.12	97.20	+.12	4.09
1980	[1] 4	98.20	98.28	+.12	4.08
1983–78	[1] 3¼	87.24	88	+.8	4.05
1985	[1] 3¼	87.16	87.24	+.12	4.03
1990	[1] 3½	90.8	90.16	+.12	4.05
1995	[1] 3	86	86.8	+.24	3.70

[1] Prices quoted in dollars and thirty-seconds.
[2] Partially tax exempt.

First, the minimum amount of a marketable note which an institution or an individual can purchase is $1,000, as I said. The so-called fabulous 5s were notes of less than 5 years' duration. So I was correct on that point.

Second, as a practical matter, 17 New York brokers who deal in the bond market do not solicit bids as small as $1,000, because the cost would exceed the fees which they receive. Ordinarily, the New York brokers buy in lots of at least $100,000, although odd lots are bought from time to time.

The normal procedure would be for local banks to assemble customer bids and send them to their correspondent banks in New York, and a lot would be ordered. The local banks would wish normally to assemble a considerable volume of these bids, as I stated, before they purchased either from correspondent banks or from the 17 securities dealers, and the dealers would ordinarily buy only in large amounts in order that the fees would cover the costs of the purchase. Normally they would purchase in lots from $25,000 to $100,000. Or even more than those amounts.

There is another fact which I think needs to be noted: The Senator from Connecticut said there were 100,000 individual subscribers to the fabulous 5s. In the aggregate, that would seem to be a large number. But the total amount these subscribers purchased came to $778 million. I have done a little hasty division, and that would mean that the average subscription would be almost $8,000. That may seem to be a small investment to the Senator from Connecticut who, I suppose, is accustomed to deal with much larger figures than that. But, to me, it seems to indicate that only a relatively limited group of people in the United States were able to get hold of the so-called fabulous 5s, which, in my judgment, were issued at an appreciably higher interest rate than market conditions demanded; and that was evidenced by the fact that the volume of subscriptions was over five times the issue. When, at a given price, the demand is very, very much greater than the amount offered, that is an indication that if there were a competitive system, the price would increase.

This strengthens the case which has been presented by so many of us who have been demanding that the Treasury put up at auction its notes and bonds, as we have recommended, and as the Treasury now does in the case of its bills, instead of fixing an interest rate and then having the bonds sold at par, and having a rationing system to determine who, among the oversubscribers, will get the bonds, and on what terms. I have yet to hear a lucid defense of that practice.

Mr. President, I request that these remarks be printed following the colloquy I had earlier today with the Senator from Connecticut; and I also ask that the sheets be shown to the Senator from Connecticut, so he may have a chance to make a further reply if he so desires.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS OF THE TELEVISION INDUSTRY

Mr. McGEE. Mr. President, I should like to include in the RECORD today a number of recent articles on the question of the status of the television industry in this country. These are in addition to the items which I have been placing in the RECORD at more or less regular intervals.

First, I invite attention to an article entitled "Commissioner From Arts Field Needed," written by Roscoe Drummond, and published in the Washington Post of March 21, 1960. The author is an esteemed columnist. His recommendation is that in filling an existing vacancy on the Federal Communications Commission, someone from the field of arts be selected for that post. He says:

> It is evident that what the Commission now needs most of all is at least one member who has experience in the arts and/or education, and who has a manifest concern over the content of television and radio—not just in the mechanics of the industry and the legalities of licensing.

He pleads for at least one Commissioner with a special fitness for the position and an interest in seeing that the stations and the networks live up to their public service obligations.

Mr. Drummond quotes from a report by Mr. John Crosby, a commentator on one of the New York newspapers. I quote a part:

> The imbalance of the program structure is getting worse rather than better, and next fall there are going to be far fewer specials which gave some respite to the cowboys and the gangsters. It'll be a crying bloody shame if the great quiz and payola scandal is allowed simply to die down, leaving the general program schedule * * * where it is now.

In another report from Mr. John Crosby he suggests that the great TV reform wave announced by some people interested in the welfare of the TV industry and the public seems to have abated.

Mr. Crosby asks:

> What ever happened to the great reform wave that was supposed to sweep the beach clean?
>
> It's business as usual all over Madison Avenue. The clamor is dying down. The industry is firmly back in the hands of the advertising agencies and the breakfast food companies who are sturdily underestimating everyone's intelligence but their own. The schedule will be full of darling little husband and wife shows in which the children are adorable little monsters.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 21, 1960]

FCC VACANCY—COMMISSIONER FROM ARTS FIELD NEEDED

(By Roscoe Drummond)

Now that the Eisenhower administration has named such an able man as Frederick W. Ford to be chairman of the too long enfeebled Federal Communications Commission, the White House will certainly want to make a superior appointment to fill the place left vacant by the resignation of John C. Doerfer.

It is evident that what the Commission now needs most of all is at least one member who has experience in the arts and/or education and who has a manifest concern over the content of television and radio—not just in the mechanics of the industry and the legalities of licensing.

Let anyone tell you who wants to that this means Government censorship. But you don't have to believe him. Bear in mind that television-radio has to be a licensed industry because the airwaves are public property and are limited in number. The Government allows the stations to use these channels not just because they have the nicest buildings or announcers with good voices but because they agree to use the channels to perform substantial public service.

What the FCC needs is at least one Commissioner with special fitness and interest in seeing that the stations and the networks live up to their public-service commitments.

Put it this way: If for some reason there could be only four legitimate theaters and their use, therefore, had to be licensed in the public interest, you would not want the Commission made up entirely of real estate men. You would want at least one Commissioner who had theater experience.

It seems to me that the current vacancy in the FCC could usefully be filled by someone who has qualifications to consider what happens on television and radio after the licenses have been granted.

The appointee, I think, should be drawn from the arts or at least be sensitive to and interested in the arts and education. Such candidates as the following suggests themselves: Brooks Atkinson, the retiring drama critic of the New York Times; Clare Boothe Luce, author, playwright, and former Ambassador to Italy; William Benton, former Senator from Connecticut and advertising executive with a high sense of public responsibility; Mrs. Carroll Kearns, wife of the Pennsylvania Congressman and former president of the National Federation of Women, with experience in the theatrical arts; Frederick Coe, television's most distinguished producer; Hubbell Robinson, originator of "Playhouse 90" and "The Lively Arts" programs.

I am not urging the appointment to any of these people. I cite them to show the kind of Commissioner who would add the competence and balance the FCC so acutely needs.

How acutely needed is suggested by this report from John Crosby, the New York Herald Tribune's syndicated television critic:

"The imbalance of the program structure is getting worse rather than better and next fall there are going to be far fewer specials which gave some respite to the cowboys and the gangsters. It'll be a crying bloody shame if the great quiz and payola scandal is allowed simply to die down, leaving the general program schedule * * * where it is now."

If the FCC or the Harris committee doubt this report, they ought to lock themselves in a room and watch television 12 hours a day for a week. Then they would know what the phrase "long suffering public" means.

[From the Washington Post, Mar. 16, 1960]

GREAT TV REFORM WAVE SEEMS TO HAVE ABATED

(By John Crosby)

Already CBS is almost sold out for next year. Mostly, the program schedule is what might be described as quality junk. Well, perhaps "junk" is too strong a word. There will be an almost uninterrupted flow of bread and butter programs—situation comedy, shoot 'em-ups, quizzes. There will be almost no serious programing worth mentioning. What ever happened to the great

reform wave that was supposed to sweep the beach clean?

It's business as usual all over Madison Avenue. The clamor is dying down. The industry is firmly back in the hands of the advertising agencies and the breakfast food companies who are sturdily underestimating everyone's intelligence but their own. The schedule will be full of darling little husband and wife shows in which the children are adorable little monsters.

In an excellent article in the current McCall's magazine, Clare Boothe Luce, a murderously accurate phrasemaker, calls television "Everyman's Scheherazade" and titles her article part one—"A Thousand Nights of Terror and Violence." There'll be another one this month.

"Today there are 27 westerns and 20 whodunits on the weekly programs of the major networks," Mrs. Luce writes. "For a thousand and more nights, from sea to shining sea, their chilling hordes have passed before the eyes of 42.5 million American families. Among their evil numbers are safeblowers, brainblowers, convicts, extortioners, counterfeiters, blackmailers, thugs, gangsters, stool pigeons, hoodlums, savages, cattle rustlers, trigger-happy cowpokes, lynchers, jailbreakers, adventurers, drunks, drug addicts, pushers, pads, panderers, pimps, housebreakers, homebreakers, arsonists, sadists, psychopaths, prostitutes, rapists, maniacs, and murderers—all the lice and scum, damned and doomed dregs of humanity, giving an advanced course for young and old in all the techniques of crime and the modes of violence."

The Harris subcommittee recommends that fixing quiz programs be made a crime which is like outlawing cattle rustling. It's a good thought, but the time for such action is past. If the Harris subcommittee wants to know what is really wrong with television, it ought to stop interviewing witnesses and look at that monstrous box for a week.

CBS promised an hour-long program of public affairs—either culture or news documentary. This has been watered down to 26 weeks. NBC promised "World Wide 60," a program of very high cultural aspiration, and this program is on the air, though its achievements are not up to its aims. ABC went its usual cynical way—making money.

TAXES AND ECONOMIC GROWTH

Mr. McGEE. Mr. President, I should like to add to the RECORD a letter to the Washington Post, published in the March 21, 1960, issue of that paper, from Leon H. Keyserling, who once served as chairman of President Truman's Council of Economic Advisers. I include this article because it is in reply to and in addition to a column which I inserted in the RECORD earlier this month, by Mr. Walter Lippmann. The subject of both Mr. Lippmann's column and Mr. Keyserling's letter is that of the economic growth of our country, and the capacity, if we properly use our economic resources, to meet our tax needs, our program requirements, and our national requisites under the present economic structure.

For the benefit of all who care to read, I ask unanimous consent that this letter be printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TAXES AND ECONOMIC GROWTH

Walter Lippmann's column of March 8 shows his unerring ability to arrive at a sound position on the most complex problems, when he has had time to sift competing views.

He points out that an annual overall economic growth rate of about 5 percent would enable us (a) to meet our domestic and international public needs in full, and (b) to maintain an average annual rise in per capita private consumption much higher than during recent years.

This should help to dispel the dangerous confusion, spawned even by some of our best-known economists, to the effect that adequate public programs depend upon measures to repress the affluence of private consumption.

In addition to its economic indefensibility, the idea that we should achieve more adequate public programs by less affluent private consumption is highly antisocial despite its moral fervor. If some of those who bemoan private affluence and public poverty visited the public schoolrooms in our 10 largest cities, and then visited the homes of the children in these schools, and of their grandparents on pensions, they would find a mass of private poverty quite as shocking, far more degrading, and just as great a social and economic liability to the Nation as the overcrowded classrooms and underpaid teachers. If they visited our rural areas, they would learn still more about private poverty.

To be sure, there is some glaring private luxury (not just affluence) among some of those whose children do not go to public schools. This calls for an improved distribution of private goods, through better private and public economic policies, including tax revision and closing of loopholes. But perish the proposal made very recently by a leading economist in the Saturday Evening Post, to the effect that States and localities should support expanded educational efforts through more sales taxes or payroll taxes of a regressive character.

In an underdeveloped economy, where 95 percent of the people are poor, consumption must be harshly repressed to obtain a rapid enough rate of capital formation. But the more affluent a society becomes, the less reason there is for such taxes. Viewing the technological outlook in the United States, requiring vast expansion of both private and public consumption, such taxes would be utterly perverse.

In fact, the projections used by Mr. Lippmann really show that current tax rates plus appropriate revisions would finance all the public programs he favors, if the overall rate of economic growth were held high enough to maintain reasonably full use of our production resources. In that event, lifting public spending from 20 to 22 percent of our total national product would permit balanced budgets without higher tax rates because, under our progressive tax systems, a high rate of economic growth automatically yields much higher tax receipts per dollar of private income taxed.

And if, even with an adequate level of public outlays, the overall rate of economic growth were still too low, because of inadequate private consumption and investment, higher tax rates would just make the whole situation worse. The budget should be balanced at reasonably full use of our resources; the attempt to balance it through any combination of spending and tax policies short of that full use has been proved self-defeating on all scores.

The tendency of some economists to try to solve one of our great problems by neglecting the others, instead of seeking a balanced and integrated approach to these problems as a whole, is doubly costly to us in view of the Soviet capacity to achieve this integration.

LEON H. KEYSERLING.

THE TRAGEDY AT SHARPEVILLE

Mr. JAVITS. Mr. President, I invite attention to a tragedy which has occurred, which should appall all Members of the Senate. I think the whole world must be sickened at heart and struck with horror at what took place yesterday at Sharpeville in the Union of South Africa, where many people—and they are human beings, whatever may be the color of their skins—were shot down, not only by police action, but by military action, because there was a very large scale riot.

Whatever may be the problems involved, certainly, as the New York Times says today, this is one of the evil fruits of the policy of apartheid. The Times asks this question—and I echo it; I think it echoes itself to the whole world:

But how often can this be done? Does it really settle anything? Do the South Africans think that the rest of the world will ignore such a massacre?

I do not believe the rest of the world will. Perhaps it requires a horror like the slaughter at Sharpeville to bring home to the white South Africans themselves the evil which the policy of apartheid represents.

We are debating a civil rights bill. Some of us occasionally become a little warm over the subject. We often should, and I think very properly. It has been mentioned much too infrequently, but there is a great world issue involved. The colored races of the world will not accept a second-place status. They are stirred, and if we do not give them an outlet, they may very well embrace the Communist doctrines.

Two-thirds of the population of the world consists of persons whose skins are black or yellow. We must realize what is at stake in asserting the morality and validity of our own Constitution in the United States.

I am not becoming emotional over the subject, but that does not mean that we should not be decisive about it, or that we should not understand, as statesmen and legislators, the important world issue which hangs in the balance as we discuss the civil rights issue, so horribly accentuated by what took place at Sharpeville.

It is significant that the New York Times has placed immediately above the editorial entitled "The Tragedy at Sharpeville," an editorial entitled "How Many Civil Rights?"

Let us all think about the problem, regardless of what part of the country we come from, and regardless of how deep our views may be on the issue of the difference between races.

I say to my colleagues from the South that we are Americans first, but all of us want peace and justice in the world. I ask unanimous consent that both editorials may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 22, 1960]

HOW MANY CIVIL RIGHTS?

The House of Representatives is expected to proceed today with its consideration of a civil rights bill. The expression "civil rights" has a fairly precise meaning this year. It signifies the right of the Negro in several Southern States to be treated as the Constitution directs.

The Senate has been dealing with this matter on and off since February 15. The

House got around to it later and, despite some sluggishness, will supposedly produce a kind of bill in a week or so. The House bill will not be a fanatically liberal measure. Last Friday a southern effort to restrict Negro voting guarantees to Federal elections was defeated by the appallingly close majority of 137 to 134. Yesterday a similar move was more emphatically rejected. It stands to reason that a voter who takes part only in Federal elections will not be an object of great political solicitude on the part of local officials.

It scarcely matters what it is that keeps men from voting. If, as has been reported in this newspaper, Negroes in some parts of the South are so intimidated that they dare not even try to register, the effect is the same as though the law said they could not register. Nevertheless, it would be a forward step if there were federally directed machinery which could assist qualified Negroes to register and vote if local machinery could not or would not do this.

The civil rights bill has been sufficiently diluted. Some of the hopes held for it are already destroyed. A minority of a minority has already frustrated to some extent the will of Congress and we may safely assume the desires of most of our population. The blame is not purely southern nor purely Democratic.

The tricks that have been played with this issue have been almost too clever. If the bill that is finally passed and sent to the White House, as some bill surely will be, is altogether too feeble and misleading, it will be important to determine the blame. There will be time to do this before November.

THE TRAGEDY AT SHARPEVILLE

The evil policy of apartheid—the separation of blacks from whites in South Africa—cannot help bearing evil fruits. There is a sense of tragedy hanging over that country. Yesterday saw the horror of dozens of Africans being mowed down and killed by rifles and machine guns as the result of a protest against one phase of apartheid—the requirement for nonwhites to possess and show a pass.

South Africans are wrong to think that nobody in the world understands the complexity and delicacy of their color problem. Along with the injustice of apartheid, there has gone a genuine effort to better the lot of the African, and this is realized. No one thinks that South Africans are wicked men in the sense that they would deliberately plan, or feel anything but distress over, an incident that brings such appalling results.

However, the fact remains that a policy which degrades the great majority of the people of a nation is certain to lead to tragedy. True enough, the South African authorities can suppress a mob such as the one that gathered in Sharpeville, 30 miles south of Johannesburg. The African men and women were armed—those who were armed—with stones. The police used tear gas and then rifles, machine guns, tanks, and jet fighters. It was easy to kill nearly 50 men and women and to wound scores more.

But how often can this be done? Does it really settle anything? Do the South Africans think that the rest of the world will ignore such a massacre? Perhaps it takes a horror like that slaughter at Sharpeville to bring home to the white South Africans themselves the evil that the policy of apartheid represents.

"WHICH PAGE OF THE WASHINGTON STAR DO YOU READ?"

Mr. MONRONEY. Mr. President, I was astounded to read two interesting items in the Evening Star of Saturday, March 19, dealing with the same subject. The editorial writer heads his editorial "An Industry Speaks Up." In the editorial he writes:

The National Association of Home Builders, representing a membership of approximately 43,000, has announced its vigorous support of legislation approved late last month by the House Ways and Means Committee.

He goes on to say:

The association, closing ranks with others that are dominant and representative in the related building and mortgage fields, describes the legislation as "a sincere, well considered bipartisan effort" and urges congressional enactment "at the earliest possible date."

Then I turned to the real estate page of the same paper on the same day and found an article written by the real-estate editor of the Washington Star, Mr. Robert J. Lewis. He headed his article "Tight Money Versus Homes." The subhead reads "Deflationary Impact Hits Housing."

The three points he makes are that the administration's tight money policy is, first, having a severely adverse effect on the rate of home production; second, imposing an implicit downward pressure on the value of existing homes; third, making it impossible for many thousands of families to buy homes which they need.

Further down in his column he says:

The report—

This refers to a report made by the House Banking Committee—

The report has some harsh words to say about the tight money policy, as it has affected home production, interest rates, and financing methods.

It charges that the shortage of mortgage credit "has caused a costly upward spiral of interest rates, unconscionable discounts on FHA and VA mortgages, increased use of unsound and costly financing devices in the conventional loan sector, and a serious decline in home building.

Mr. President, I ask unanimous consent to have both of these items printed in the RECORD at this point.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 19, 1960]

AN INDUSTRY SPEAKS UP

The Treasury Department has received a potentially powerful assist from the home-building industry in its fight to relax the 4.25 percent statutory interest rate ceiling on long-term Government financing. The National Association of Home Builders, representing a membership of approximately 43,000, has announced its vigorous support of legislation approved late last month by the House Ways and Means Committee. The association, closing ranks with others that are dominant and representative in the related building and mortgage fields, describes the legislation as "a sincere, well-considered bipartisan effort" and urges congressional enactment at the earliest possible date.

In brief, the bill as approved by the committee would help in two respects to free the Treasury from being confined to costly and inflationary short-term (less than 5-year) financing of the gigantic public debt. It would, for example, permit the yearly marketing of long-term securities, without any arbitrary interest ceiling, up to a total face value of 2 percent of the debt. Currently, this would make salable to long-term investors about $5.8 billion in Treasury bonds. It would also allow the Treasury to exchange on a face-value basis new bonds of longer maturities and higher interest rates, up to 4.25 percent, for outstanding securities bearing lower interest rates and currently selling below their face value.

In taking its present position, the association presents a sound and persuasive case both for the overall national interest and for the special interest of its own industry. It accepts, for example, the argument and the evidence that even "limited adjustments" in the 42-year-old ceiling would give the Treasury more flexibility in managing the public debt, would on the whole permit greater economy in interest charges to the Government, would lessen the competition of Government financing with certain areas of private credit, and would cut down the inflationary effects of public borrowing. For the related building and mortgage industries, it acknowledges that locking the Treasury into short-term financing actually forces interest rates higher (to 5 percent or above) with the net effect of "draining money" out of savings banks and other institutions which normally supply mortgage credit. Defeat of the pending legislation, the association concludes, "could well mean tighter mortgage money and higher money rates."

The association's reasoning is logical and accurate. It recognizes, too, that this is an issue that has been ambushed in partisan politics. The health and welfare of the homebuilding industry have broad impact on the national economy. It should be helpful that its trade association, its principal mouthpiece, is supporting the Treasury on a problem that should be resolved entirely outside of narrow partisan considerations.

[From the Washington Star, Mar. 19, 1960]

TIGHT MONEY VERSUS HOMES—DEFLATIONARY IMPACT HITS HOUSING

(By Robert J. Lewis)

Whatever merits the administration's tight-money policy may have, there is no denial that this policy is—

1. Having a severely adverse effect on the rate of home production.

2. Imposing an implicit downward pressure on the value of existing homes.

3. Making it impossible for many thousands of families to buy homes that they need.

FAR BELOW YEAR AGO

Ever since October, there has been a month-to-month decline below year-ago levels in the seasonally adjusted rate of homes put under construction for private ownership.

The 5-month record of decline from the corresponding months of the previous year appears to be serious. Each month's drop in the number of homes started is as follows:

October	123,000
November	217,000
December	122,000
January	154,000
February	288,000

If the rate of decline continues—and there is little to indicate, at the moment, that a reversal of the tight-money policy is contemplated—yearly production may soon dip to recession levels, observers believe.

PRESSURE EFFECTIVE

In any deflationary period, the value of things declines in relation to the dollar, and homes are no exception. While it would be difficult to measure the exact effect, so far, upon existing homes, there is no question that the downward pressure does exist and that it is effective, even though not upon all homes equally.

As for hampering sales of new and existing homes, there is ample evidence everywhere that the administration's tight-money policy

has completely removed from the market a sizable group of prospective buyers.

Application of restrictive credit policies by the Federal Reserve Board has pushed mortgage interest rates to their highest level since the 1920's. In this economic climate, lenders have become selective. The result is that many families needing homes have discovered that the income they have is now insufficient to qualify them for homes for which they easily would have been eligible before the latest episode transpired in the administration's long-term, tight-money program.

REPORT FAVORABLE

With this background of evidence of a rapidly declining home-production rate, of downward pressure on the value of existing homes, and of neutralization of a sizable part of the potential demand, the House Banking Committee's favorable report this week of the emergency homeownership bill came as a welcome event for homebuilders.

The bill would provide an additional $1 billion in mortgage purchase authorization for the Federal National Mortgage Association, and make other changes designed to support housing production.

Among changes are provisions that would—

1. Allow FHA to insure home loans made by individuals, as well as by institutional lenders.

2. Permit FHA to reduce its mortgage insurance premium from one-half of 1 percent to one-quarter of 1 percent.

3. Authorize FNMA to aid in stabilization of the mortgage market and thus exclude as a requirement that the agency lower the prices of the mortgages it sells to keep them within the range of market prices.

4. Require FNMA to buy any FHA or VA mortgage offered to it, with certain exceptions, and to desist from refusing to buy on the basis that certain mortgages would not be marketable.

NO MORE EXCHANGES

5. Require FNMA to sell mortgages only for cash and at prices not less than FNMA originally paid. This would, as one of its effects, prevent repetition of the agency's action in exchanging mortgages for outstanding Government bonds.

6. Require anyone selling a mortgage to FNMA to buy only 1 percent of the agency's stock, instead of 2 percent as at present.

7. Authorize FNMA to purchase $50 million in mortgages on new low-cost homes in outlying areas as a means of encouraging such construction.

8. Make changes designed to encourage construction of off-base defense housing, allow acquisition of housing at permanent military installations, and supply needed housing for certain employees of the National Aeronautics and Space Administration.

The report has some harsh words to say about the tight-money policy, as it has affected home production, interest rates, and financing methods.

POLICY HELD BALKED

It charges that the shortage of mortgage credit "has caused a costly upward spiral of interest rates, unconscionable discounts on FHA and VA mortgages, increased use of unsound and costly financing devices in the conventional loan sector, and a serious decline in homebuilding."

The report continues:

"This has frustrated our national policy of improving housing conditions and encouraging homeownership on a sound basis. Moreover, the drop in residential construction which has taken place over the past year has resulted in a loss of more than half a million jobs.

"The experience of the 1957-58 recession proved that a downtrend in home building activity, if allowed to continue unchecked, can undermine the entire economy."

The report, which was submitted by Chairman SPENCE, was based on hearings held by the Housing Subcommittee headed by Chairman RAINS, who introduced the bill.

The report made clear the committee was "convinced that the dropoff in new home construction, in the face of strong demand for housing, is the direct result of the restrictive monetary policies pursued by the monetary and fiscal authorities."

"The hearings held on this bill established conclusively that this tight-money policy has a particularly severe impact on residential construction," it said.

Referring to the present status of mortgage loan availability, the committee termed it "an artificially created credit shortage." The decline in homes put under construction, the report said, "could well" fall to a "dangerously low" level soon.

PROPOSED POSTAL LETTER RATE INCREASE—BLOW TO TAXPAYERS

Mr. YOUNG of Ohio. Mr. President, a careful examination of President Eisenhower's request for increased letter postal rates once again demonstrates the topsy-turvy economic philosophy of this administration.

The President proposes that first-class rates be raised from 4 to 5 cents for letters and from 3 to 4 cents for post cards, while airmail rates be increased from 7 to 8 cents for letters and from 5 to 6 cents for post cards.

The latest available figures furnished by the Post Office Department to the chairman of the Joint Economic Committee, the distinguished senior Senator from Illinois, show an annual surplus in fiscal year 1959 of more than $156 million for first-class mail and airmail. In spite of this fact, the administration's proposal would produce an additional $427 million a year in these classes which are already more than paying their way.

The entire net deficit of $569 million of the Post Office Department for fiscal 1959 was caused by the $726 million deficit in the remaining classes of mail, which for the most part are comprised of newspapers, magazines, and business materials.

The current administration request would result in only $127 million in increased revenue in these latter classes. There would still remain a deficit of approximately half a billion dollars in second, third, fourth, and other classes of mail.

For example, in fiscal 1959 the largest class deficit of $303 million was in second-class rates, which are for newspapers and magazines. The proposed rate increase would yield only $46 million in additional revenue from this class, still leaving a deficit of around a quarter of a billion dollars.

Mr. President, these figures show that the huge deficit in the Post Office Department is caused primarily by a virtual Government subsidy amounting to almost three-quarters of a billion dollars for newspapers, magazines, and business groups.

What the President's request boils down to is that Mr. and Mrs. Average American Taxpayer, who are presently paying their own way, be required to pay more for postal services in order that this subsidy for big business can be continued.

Mr. President, the postal service was never designed to be a moneymaking business. It is a vital service given to the taxpayers by their Government in return for their tax dollars along with highways, schools, defense, and a multitude of other services. No American resents a small amount for this service in addition to their tax dollars. They do not object to a reasonable annual deficit which is in reality a return on their tax investment. This is a proper service of Government.

However, taxpayers will resent, and those who are aware of it do now resent, paying more for postal services in order to make up the deficit caused by select groups in the economy.

If the annual loss in operating the postal service has become unreasonable, the burden of lowering it should be put on the shoulders of those who caused it. It should not be foisted onto the already tax-laden back of the American wage earner.

It is an odd fact that while the administration advocates increased postal rates from the average American to pay for the deficit caused by a few, it continually opposes any really adequate legislation designed to benefit all Americans—adequate housing, adequate school aid, adequate water pollution control, aid to depressed areas, new public works projects, and much other vitally needed legislation, which the administration has opposed right along.

At the same time administration officials urging higher postal rates for Mr. and Mrs. John Q. Public are imploring the Congress to raise the interest-rate ceiling on long-term Government bonds. While I do not question the motives of the administration in doing so, very few Americans other than bankers and wealthy investors will benefit from this latter proposal. Apart from making some wealthy Americans wealthier, it will saddle future generations of all Americans with a larger interest obligation on the national debt.

The Post Office Department has spent tremendous sums of money on electronic devices in many post offices throughout the country. Whether this is, to some degree, an extravagant and unwarranted expenditure, I am not able to say. However, information given me indicates that much of this electronic equipment is used only at peak mail periods—preceeding Christmas, for example—and that the equipment gathers dust most of the time.

Possibly, the Postmaster General should be questioned closely to determine whether or not he is, in reality, practicing rigid economy. This should certainly be done before we increase first-class mail rates.

Before the Congress should even consider laying the heavy burden of increased letter postage upon the backs of the citizens of this Nation, we must—through our investigative process—demand that the Postmaster General convince us the Post Office Department is practicing rigid economy and has cut unnecessary spending to the bone.

Mr. President, the proposed postal rate increase on first-class mail is en-

tirely unwarranted at this time. If the deficit is to be reduced, the task of doing so must be placed on that segment of the economy which created it.

NEW YORK NEWSPAPER EDITORIALS OPPOSE HAMSTRINGING OF NEW YORK PORT AUTHORITY

Mr. KEATING. Mr. President, a recently introduced House resolution which would interpose the control and supervision of Congress between the two States of New York and New Jersey and the port authority has evoked considerable interest among New Yorkers. Although a few have responded with declared positions, pro and con, the great majority have written in to inquire into the need for and reason behind this resolution.

So far as I am concerned, this proposal is simply a revival of attacks on the port of New York Authority first made almost 10 years ago. During a previous investigation of this authority along the same line in 1952, Governor Dewey, of New York, and Governor Driscoll, of New Jersey, were joined by every then-living former Governor of the two States in opposition to the proposal that the Congress of the United States, rather than the two States themselves, should control the port authority's activities in developing their common port facilities.

The metropolitan press, in almost univocal accord, dismissed the 1952 committee hearings as an irresponsible waste of time. As a creature of the two States, subject to the veto power of the New York and New Jersey Governors and dependent upon the two legislatures for all its powers, the port authority is, of course, always liable to, and I am sure ready for, responsible investigation. I feel strongly, however, that a repetition of the 1952 performance for no apparent reason would be a frightful disservice to the people of New York and New Jersey.

The New York Times, the New York Herald Tribune, and the New York Daily News all carry editorials today condemning the House resolution as an attack upon the authority. I know that these editorials will be of interest to many Senators, and I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD as follows:

[From the New York Times, Mar. 22, 1960]

PORT AUTHORITY HOME RULE

In 1921 the States of New York and New Jersey established by compact the Port of New York Authority, and this compact was consented to by Congress. It is not necessary here to recite the great benefits that have followed. Now the House Judiciary Committee is about to consider a resolution by Representative EMANUEL CELLER, of New York, that would replace the original broad grant of autonomy given to the authority, and especially to the two States, with a grant to Congress of dictation and veto. This resolution says: "All legislation hereafter enacted by the compacting States amending or supplementing this compact shall not become effective until approved by Congress."

What are the politicians out to punish the port authority for? Businesslike efficiency? Meeting the needs, as requested, of cities and the two States? Meeting, and preparing to meet, the challenge of their age? Can Representative CELLER, or any other Congressman, point to a single instance of major activity by the port authority in New York or New Jersey that should now be reversed or should not have been undertaken at the time? Should New York International Airport not have been developed, La Guardia and Newark fields not have been improved? Should the Lincoln Tunnel never have been built? Should other crossings of the Hudson have been vetoed?

Does Congress want to have the veto power over modernization of piers in Brooklyn, or Newark, or Hoboken, over every new undertaking, every bridge, every tunnel, every bus terminal to be built? Or does it feel that these matters of local interest, not infringing on the larger authority of Congress or the Federal Government, may safely remain within the jurisdiction of localities and the States?

Before the port authority can proceed with any major new project it must have the approval of the Legislatures of New York and New Jersey. The minutes of its board meetings must have the periodic approval of the Governors of the two States. If Congress wants to undo the good it gave its blessing to, and make the port authority and the States of New York and New Jersey run down to Washington and plead for permission and a new law every time a nail needs to be driven, the Celler resolution is the way to start moving in that direction. The bill should be thrown out.

[From the New York Herald Tribune, Mar. 22, 1960]

NOT THE BUSINESS OF CONGRESS

Congressman EMANUEL CELLER, of Brooklyn, would like to put the Port of New York Authority in short pants.

That's the plain purpose of his House Joint Resolution 615, which would require congressional approval every time that New York and New Jersey desired the bi-State authority to build a new bridge, tunnel, bus terminal or any other necessary facility for the development of port commerce and transportation under the 1921 compact.

Now Mr. CELLER is frequently given to charging that the port authority is a superstate, too big and beyond effective control. Well, certainly the agency has done a superb job in what it was organized to do. It is big because the necessities are big. But, as Mr. CELLER very well knows, the port authority is a creation of the two States and its activities are directly subject to the legislatures and Governors.

Congress, of course, assented to this regional compact in the beginning, and conceivably it could examine the authority's workings if any reasonable need developed. But this is first of all the States' business, and besides what is there to investigate?

When Mr. CELLER seeks congressional review of every port authority proposal, and for good measure threatens an investigation of the whole agency, he is simply wandering off into foolishness.

There is no need for Congress to interfere. New York and New Jersey have managed extremely well for themselves, and will continue to do so. The control of the port authority is properly a home-front affair.

[From the New York Daily News, Mar. 23, 1960]

HOW TO WASTE TIME

Ever since 1952, and for reasons best known to himself, Representative EMANUEL CELLER, Democrat, of Brooklyn, has been nursing an elephant-size peeve at the Port of New York Authority. This is the efficient, honest, and well-nigh indispensable outfit which runs New York's and New Jersey's great complex of piers, tunnels, bridges, airports, etc.

Back in 1952, CELLER and a few congressional cronies shrieked that PNYA was a wicked trust, which would be greatly improved, however, if Congress were given some kind of veto power over the New York-New Jersey trade treaty, signed in 1921.

Then Governor, Thomas E. Dewey, slapped that idea down as plain "mischievous."

Today, in the House Judiciary Committee which he heads, Manny proposes to try again. He has concocted a Joint Resolution 615, and wants to sell it to Congress. It, again, would give the lawmakers of our 50 States the right to meddle in highly important matters which concern only two States.

The inevitable result of such heckling, of course, would be that competing, one-State ports like those of Baltimore, New Orleans, Boston, Philadelphia, Houston, and San Francisco would remain free to make efficient decisions in their own interest. Only our New York-New Jersey facilities would be hogtied by inability to move without national lawmakers' OK.

What team is our alleged Representative CELLER playing on, anyway? And why, with hundreds of truly important issues to consider, should our harried lawmakers be forced to waste time on what seems to be a private, dreary feud?

Mr. JAVITS. Mr. President, will my colleague yield?

Mr. KEATING. I am very happy to yield.

Mr. JAVITS. I should like to join with my colleague in this matter. We had occasion to discuss it at a breakfast given by the port authority the other day. I think we shall undertake to marshal the achievements of the port authority as a very, very important aspect of this particular proceeding.

If I were to make a prediction, I say to my colleague, I think that at the end of the proceeding, if it is really gone through with, the port authority will come out stronger than when it went in.

Mr. KEATING. I am certain that that is so. I appreciate the remarks of my colleague from New York.

ABOLISHMENT OF MANDATORY DEATH PENALTY IN THE DISTRICT OF COLUMBIA

Mr. KEATING. Mr. President, I am delighted at reports that the Subcommittee on the Judiciary of the Committee on the District of Columbia is planning early action on a bill—S. 2083—which I introduced to abolish mandatory capital punishment in the District of Columbia. This is a reform in the local law which is long overdue and which should have the support of anyone interested in advancing our concepts of justice.

S. 2083 by its terms preserves the death penalty for first degree murder cases unless the jury recommends life imprisonment and the court concurs in the recommendation. This procedure for allowing the exercise of discretion is patterned after the New York homicide law. The Judicial Conference has recommended a somewhat different provision under which they prescribe the punishment for murder in the first degree as life imprisonment unless the jury, by a separate vote, recommended the death penalty and the court concurred.

I want to make it clear that I fully accept the alternative recommendations of the Judicial Conference and would have no objection whatever to an amendment to S. 2083 which would bring it into conformity with these recommendations.

The important thing is to do away with the barbaric practice in the District of Columbia which prevents any room for the exercise of discretion in predefined cases. The particular formula by which this reform is accomplished is of secondary consideration.

This point is made clear in a letter I have received from Aubrey Gasque, Esq., Assistant Director of the Administrative Office of the U.S. Courts. He points out in his letter to me:

The principal objective of this proposed legislation (the Judicial Conference bill), it must be emphasized, is identical with S. 2083 which you introduced, and aims to eliminate the mandatory feature of the death penalty now prescribed in all first degree murder cases in the District of Columbia, in favor of a discretion to impose either a death penalty or life imprisonment in such cases.

Mr. Gasque's letter further points out that the proposal approved by the Judicial Conference was believed to be more satisfactory in that "it would require a jury recommendation of the death penalty when that penalty is imposed in future cases."

I commend the chairman of the District of Columbia subcommittee, the distinguished Senator from Indiana [Mr. HARTKE] for the cooperation and leadership which he has demonstrated in dealing with this problem.

Mr. President, I ask unanimous consent that Mr. Gasque's letter, a report of the Circuit Judicial Conference Committee on the Abolition of Mandatory Capital Punishment in the District of Columbia, and a report of the Committee on Administration of Criminal Law in the U.S. Judicial Conference, which includes their draft bill, be printed at this point in the RECORD.

There being no objection, the letter and reports were ordered to be printed in the RECORD, as follows:

ADMINISTRATIVE OFFICE OF THE
U.S. COURTS,
Washington, D.C., March 21, 1960.

Hon. KENNETH B. KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: This is in response to your request for a copy of the draft bill recently approved by the Judicial Conference.

We are delivering for your use copies of that draft bill prepared by a committee of the local circuit judicial conference.

The principal objective of this proposed legislation, it must be emphasized, is identical with S. 2038, which you introduced, and aims to eliminate the mandatory feature of the death penalty now prescribed in all first degree murder cases in the District of Columbia, in favor of a discretion to impose either the death penalty or life imprisonment in such cases.

The proposal approved by the Judicial Conference is, for the most part, a more recent draft and embodies certain changes which, it was believed, would be more satisfactory in that it would require a jury recommendation of the death penalty when that penalty is imposed in future cases.

Your efforts in instituting a movement to eliminate the mandatory feature of the present District of Columbia death penalty will, it is widely believed, have a salutary effect on the future administration of justice in the District of Columbia. Your past and continuing leadership in this and other areas of judicial reform is greatly appreciated by all who must administer justice here and elsewhere.

Sincerely yours,

AUBREY GASQUE,
Assistant Director.

REPORT OF THE CIRCUIT JUDICIAL CONFERENCE COMMITTEE ON THE ABOLITION OF MANDATORY CAPITAL PUNISHMENT IN THE DISTRICT OF COLUMBIA

Since the recess of the Judicial Conference for the District of Columbia Circuit on May 22, 1959, the Committee on the Abolition of Mandatory Capital Punishment in the District of Columbia has met and given further study to questions recommended for further consideration, as follows:

(a) In whom to lodge the discretion to impose the penalty of death or of life imprisonment.

(b) The procedure for exercising such discretion.

By a vote of 20 to 3, the committee has concluded to recommend to the Conference at its reconvened session on November 24, 1959, the adoption of the attached resolution. The attention of the Conference is invited to the "Notes to Accompany Resolution," also attached.

Dated: November 16, 1959.

Harry T. Alexander, H. Clifford Allder, George Blow, David G. Bress, William B. Bryant, Edward L. Carey, E. Riley Casey, Harold D. Cohen, Paul R. Dean, F. Joseph Donohue, Abe Fortas, Oliver Gasch, June L. Green, George E. C. Hayes, Francis W. Hill, DeWitt S. Hyde, John L. Laskey, William P. MacCracken, Bernard Margolius, Louis Mayo, James P. McGranery, Hubert B. Pair, E. Barrett Prettyman, Jr., Una Rita Quenstedt, C. Frank Reifsnyder, Roger Robb, Leo A. Rover, Doris G. Wilkins, Charles B. Murray, Chairman.

RESOLUTION TO BE SUBMITTED TO THE JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT, NOVEMBER 24, 1959

The Circuit Judicial Conference Committee on Abolition of Mandatory Capital Punishment in the District of Columbia recommends that the Conference adopt the following resolution:

"*Resolved by the Judicial Conference of the District of Columbia Circuit,* That the Congress be urged to amend and supplement existing legislation in regard to the punishment for murder in the first degree in the District of Columbia in the following respects:

"(a) That the present provision (22-2404 District of Columbia Code) that 'The punishment of murder in the first degree shall be death by electrocution' be repealed.

"(b) That the punishment for murder in the first degree shall be imprisonment for life unless the jury by unanimous agreement shall add to its verdict of guilty a recommendation in the words 'with the death penalty,' and that in the latter event:

"1. The court may sentence the defendant to death by electrocution; or the court in its discretion may sentence the defendant to imprisonment for life, the jury's recommendation notwithstanding.

"2. Before imposing sentence, the court shall conduct such proceedings as may be provided by rule of court for the ascertaining and considering of all facts and circumstances relevant to the question of punishment; and be it further

"*Resolved,* That copies of this resolution be transmitted to the Judicial Conference of the United States and to the appropriate committees of the Congress."

NOTES TO ACCOMPANY RESOLUTION

1. The proposed legislation is in form like title 18, United States Code, section 1111, which is the statute of general Federal application, but differs in substance as follows:

(a) The proposed legislation would authorize the death sentence only if the jury recommend it; the general Federal statute compels the death sentence unless the jury recommend against it.

(b) Even if the jury recommend death, the court may reduce the punishment to life imprisonment.

2. The committee considered and rejected the proposition that a separate presentence hearing be conducted by the court with or without a jury. As a result, the death penalty can be recommended only on the basis of the evidence received at the trial—as in the case of rape under existing procedure. However, in determining whether or not to impose life imprisonment notwithstanding the jury's recommendation that the penalty be death, the court would have before it all the facts and circumstances relevant to punishment, as in other cases.

3. Legislation which would give the court authority to override the jury's recommendation of death in murder cases would create an inequality in comparison with the present rape statute, where no such power is given. However, this committee's jurisdiction is limited to the murder statute, which is the only one providing mandatory capital punishment.

"RESOLUTION OF THE JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT

"*Be it resolved by the Judicial Conference of the District of Columbia Circuit,* That mandatory capital punishment should be abolished in the District of Columbia."

Adopted: May 22, 1959.
A true copy.
Teste:

JOSEPH W. STEWART,
Secretary of the Judiciary Conference of the District of Columbia Circuit.

"RESOLUTION OF THE JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT

"*Resolved by the Judicial Conference of the District of Columbia Circuit,* That the Congress be urged to amend and supplement existing legislation in regard to the punishment for murder in the first degree in the District of Columbia in the following respects:

"(a) That the present provision (§ 22-2404, District of Columbia Code) that 'The punishment of murder in the first degree shall be death by electrocution' be repealed.

"(b) That the punishment for murder in the first degree shall be imprisonment for life unless the jury by unanimous agreement shall add to its verdict of guilty a recommendation in the words 'with the death penalty,' and that in the latter event:

"1. The court may sentence the defendant to death by electrocution; or the court in its discretion may sentence the defendant to imprisonment for life, the jury's recommendation notwithstanding.

"2. Before imposing sentence, the court shall conduct such proceedings as may be provided by rule of court for the ascertaining and considering of all facts and circumstances relevant to the question of punishment; and be it further

"*Resolved*, That copies of this resolution be transmitted to the Judicial Conference of the United States and to the appropriate committees of the Congress."

Adopted: November 24, 1959.

A true copy.

Teste:

JOSEPH W. STEWART,
Secretary of the Judicial Conference of the District of Columbia Circuit.

REPORT OF THE COMMITTEE ON ADMINISTRATION OF CRIMINAL LAW, MARCH 1, 1960

To the Chief Justice of the United States, Chairman, and the Members of the Judicial Conference of the United States:

A meeting of the Committee on the Administration of Criminal Law was held on October 15, 1959, in the chambers of Judge Kaufman in New York City, attended by Judges Boldt, Clayton, and Kaufman, and the committee chairman, Judge Smith. A subsequent meeting of the full committee was held on January 14, 1960, in the Administrative Office of United States Courts, Washington, D.C., attended by Judges Bazelon, Boldt, Burke, Clayton, and Kaufman, and the committee chairman, Judge Smith. The committee secretary, Mr. Carl H. Imlay of the Administrative Office, attended both sessions.

The committee submits the following report:

* * * * *

2. ABOLISHMENT OF MANDATORY CAPITAL PUNISHMENT UNDER THE DISTRICT OF COLUMBIA MURDER STATUTE

There was referred to the committee for consideration S. 2083, 86th Congress (a bill to abolish the mandatory capital punishment provision of the District of Columbia murder statute), and a draft bill submitted by U.S. Attorney Oliver Gasch. S. 2083 would amend the murder section of the District of Columbia Code to provide:

"SEC. 801. PUNISHMENT.—The punishment of murder in the first degree shall be death by electrocution unless the jury recommends life imprisonment. A jury finding a person guilty of murder in the first degree may, as a part of its verdict, recommend that the defendant be imprisoned for life. Upon the recommendation, the court may sentence the defendant to imprisonment for life. The punishment of murder in the second degree shall be imprisonment for life, or for not less than 20 years."

The draft bill submitted by U.S. Attorney Gasch would amend title 18, United States Code, section 1111, so as to make it applicable in the District of Columbia. This draft bill would also make the basic Federal murder penalty life imprisonment unless the jury recommends the death penalty, in which case the court may give either sentence.

These matters were considered at the October 1959 meeting of the committee, particularly in light of the "Report of the Circuit Judicial Conference Committee on the Abolition of Mandatory Capital Punishment in the District of Columbia." This report was accompanied by a resolution adopted by the Judicial Conference of the District of Columbia Circuit.

At the January 1960 meeting of your committee S. 2083 was disapproved. The draft bill submitted by U.S. Attorney Gasch was also disapproved primarily because it vests in the appellate court a power to commute the death sentence, despite a prior provision in the same subsection leaving the determination of sentence to the trial court on the recommendation of the jury. A study reveals that there is no comparable provision in the existing law, title 18, United States Code, section 1111.

The resolution of the District of Columbia Circuit Conference was, however, unanimously approved at the January 1960 meeting and a draft bill prepared by a committee of the circuit conference to give effect to that resolution has since been approved by your committee. A copy of this draft bill is attached to this report, and is recommended for approval by the judicial conference.

DRAFT BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 801 of the Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (31 Stat. 1189, 1321), is amended to read as follows:

SEC. 801. PUNISHMENT.—The punishment of murder in the first degree shall be life imprisonment unless the jury by separate unanimous vote recommends the death penalty. Upon such recommendation the court shall conduct such proceedings as may be provided by rule of court for considering and ascertaining facts relevant to the question of punishment. Following such hearing the court may sentence the defendant to death by electrocution or the court may in its discretion sentence the defendant to imprisonment for life notwithstanding the jury's recommendation. In the absence of a jury recommendation the court shall sentence the defendant to life imprisonment.

A person convicted of first degree murder and upon whom a sentence of life imprisonment is imposed shall not be eligible for parole until the expiration of 20 years from the date he commences to serve his sentence notwithstanding the provisions of section 4202 of title 18, United States Code, and section 203 of title 24, District of Columbia Code.

Whoever is guilty of murder in the second degree shall be imprisoned for life or not less than 20 years.

Any provision of existing law inconsistent with the foregoing is hereby repealed.

CUBAN PRESS FREEDOM ENDANGERED

Mr. KEATING. Mr. President, the committee on freedom of the press of the Inter-American Press Association recently filed a report concluding that, with only two exceptions, the Spanish language press of Cuba has "either directly or indirectly, physically passed into the hands of the Government there, or has become so intimidated that it cannot be considered free."

The report also points out that:

It has become increasingly dangerous for foreign correspondents to perform their legitimate journalistic missions in Cuba.

The two Spanish language newspapers in Cuba still considered free are "Diario de la Marina" and "Prensa Libre" of Havana. According to the committee's report, both these papers "are being constantly attacked and smeared by Cuban Government officials and their propaganda machinery as 'counterrevolutionary.'"

These developments in Cuba are very distressing. A free press is one of the bulwarks of any democratic system, and the attempt to subjugate freedom of the press, by the same token, is one of the hallmarks of every tyrant.

The committee's action emphasizes the awareness of the other nations of Latin America of the growing loss of freedom in Cuba. My heart goes out to the Cuban people, who have been our traditional friends and good neighbors, but who have not been permitted to enjoy the blessings of liberty.

Cuba's lack of a free press makes it virtually impossible for the Cuban people to get the facts about what is happening in their homeland. In view of these conditions, it is imperative that the United States embark on a truth campaign which will bring our side of the story to Cuba. The announcement that the Voice of America will beam 1-hour Spanish-language broadcasts to Cuba certainly is a good start in this direction, and I hope that it will be supplemented by more extensive efforts by our Government.

SUSPENSION OF NUCLEAR TESTING

Mr. ANDERSON. Mr. President, at the Geneva Conference on the Discontinuance of Nuclear Weapons Testing, the Soviets presented, on March 19, a proposition they hailed as a great concession which would break the long deadlock in negotiations. It is, they claim, a way to handle the fact that known detection schemes have limited capability to identify most underground shots. Yet a brief analysis shows that the new offer has the appearance of a phony. It is again an attempt to secure U.S. agreement binding the United States against all testing regardless of whether the agreement can be inspected.

It will be remembered that the U.S. representative at the Geneva Conference, presented, on February 11, a proposal to take account of the fact that smaller underground tests are not detectable. The United States proposed that there be agreement to end tests in the atmosphere, in the oceans, in space up to altitudes where effective controls can now be agreed, and underground for shots giving a signal above a threshold value. This approach was the last of a series of U.S. offers attempting to broaden the agreement to cover all testing which could be adequately monitored. As did earlier U.S. proposals, it recommended that there be a joint research program to improve to the extent possible detection methods, and that the treaty be broadened as detection capabilities are improved.

And how have the Soviets responded to this? They have made a great play of saying that they accept the threshold figure for the seismic signal. However, they insist that there must be an agreed moratorium on all shots less than the threshold and for a period of several years. Interesting, too, they still insist that the number of onsite inspections is a matter for political decision. It has been their longstanding approach that only a very few onsite inspections would be permitted, regardless of the number required for adequate control.

Again the United States is asked to buy a "pig in the poke." We are asked to forgo testing and to accept a totally inadequate inspection system. We are asked again to agree to a system based

largely on trust of the Soviets rather than real controls. If this latest proposal is representative of Soviet intent for the 10-power disarmament conference now starting, it augures poorly for the future of disarmament.

As will be remembered, the President announced on December 29 that further suspension by the United States on testing would be on a day-to-day basis. I commented publicly at the time that I believed that this was a wise approach. I pointed out also that it would be unwise to devote additional weeks to fruitless conferences. This is still my strong opinion. To continue discussions on such a basis merely allows them to have the moratorium they want, and with no inspection. They have through procrastination and maneuvering succeeded in dragging on negotiations and securing a moratorium for 16 critical months, with no controls. If the Soviets will not approach test negotiations realistically we should terminate the conference. We should not allow them to prolong this delay month after month by successive new proposals which differ only insignificantly one from the other.

Yesterday I prepared a brief statement with reference to this proposal, which I ask to have printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CLINTON P. ANDERSON, DEMOCRAT, OF NEW MEXICO, ON RUSSIAN TEST BAN PROPOSAL

I would be very much surprised if the United States were to agree immediately to this recent Soviet proposal. Our representatives may find that it is a tactical shift on their part merely to accomplish what they have been striving for all along. The Soviet Union over the years has attempted to get us to agree to an all-inclusive test ban, without any inspection provisions to go along with it.

In my opinion, we must be careful that we do not agree to something which (because it does not provide for adequate controls) will permit the Soviet Government to advance their own nuclear weapons through testing yet prevent the United States from testing its weapons. I am particularly concerned with the so-called "honor system" the Russians propose for small tests, which will continue while the scientific basis of detection is studied. The big question here is whether the Russians are making this proposal in good faith. As late as December 1959, at the conclusion of the Technical Working Group II, the Soviet scientific representatives attacked the integrity and competency of our scientific representatives. They accused Dr. Fisk and his associates of manipulating and making misrepresentations. Now all of a sudden they propose to further review this material, and engage in joint research and experimentation, meanwhile stopping us on testing via the "honor system."

I am also concerned that the Soviet proposal leaves no room for conduct of underground tests of explosives for peaceful purposes—our Plowshare project for instance. We should be permitted to make underground tests for power purposes, and for developing oil and mineral deposits. No contamination of the atmosphere would result. We should permit full international inspection and surveillance of such tests.

I believe, however, we should negotiate on the Russian proposal in good faith, to see how sincere they are. To the extent that the Russian statement recognizes the distinction between those tests that can be detected and those that cannot, I believe that some progress has been made. The U.S. delegation has for a long time been attempting to obtain recognition of this fact and its scientific basis. But to tie this to an "honor system" on ceasing all tests may be going too far. We should retain the right unilaterally to continue or discontinue a test ban on underground tests of small nuclear explosives.

Mr. ANDERSON. Mr. President, today I received a telegram which I think is significant and typical of a great many telegrams which are being received. The telegram reads:

NEW YORK, N.Y., *March 22, 1960.*
Hon. CLINTON P. ANDERSON,
Senate Office Building,
Washington, D.C.:

Cannot understand why press and State Department spokesmen describe new Soviet atomic test plan as going far to meet American view. On analysis it merely formulates basic Soviet position. Soviets have always wanted test ban without controls. It is now clear that only area where controls are needed is precisely in area of small underground tests where controls are now impossible. Therefore voluntary banning of the underground tests as now proposed involves absolutely no change in Soviet policy.

Key issue between Soviets and ourselves on disarmament as well as atomic testing is our refusal to accept agreements on faith with adequate inspection and control. Therefore to accept this Soviet test plan even temporarily would set dangerous precedents by abandoning our basic disarmament principle in key area.

Regret such a retreat all the more (a) because continuation of underground testing without fallout would strengthen America's military and moral position by producing smaller and cleaner defensive atomic weapons needed to counterbalance overwhelming Soviet ground force superiority; (b) we would be surrendering this military advantage in return for easily breakable Soviet promise; (c) by weakening our relative military position we would reduce our bargaining power to achieve really controlled disarmament; (d) announcement of such a test ban agreement would create illusion of progress where none exists, thus encouraging dangerous complacency. Warm congratulations on your statement expressing some of above considerations today.

I have received a great many messages which I should like to read in that connection. However, I do not intend to do so.

I point out that there have been many periods of recess in the Geneva Conference—from December 19, 1958, to January 5, 1959; from March 20, 1959, to April 13, 1959; from May 12, 1959, to June 8, 1959; and from August 27, 1959, to October 12, 1959.

I point out again that if the Soviet people were determined to negotiate with us, we could have had something better than we had during the first weeks of the conference.

When the conference met, 6 weeks were devoted to discussing the form of the charter which might subsequently be signed. Russia demanded two separate documents, first, a treaty calling for cessation of all tests; and second, a protocol setting forth the enforcement plan.

The United States and the United Kingdom insisted upon one document, because had we signed the first agreement, the Soviets could have negotiated for 10 years on the second agreement, and had exactly what they have desired from the beginning, namely, suspension of nuclear tests without any possibility of control and no possibility of inspection.

It required 6 solid weeks of discussion to reach an agreement that those two agreements might be incorporated into a single document.

When we consider the latest Russian proposal, we had better consider it in the light of what has thus far been taking place at Geneva. We had better consider it in view of the fact that the proposal the Russians have made to us is almost exactly the proposal which they have been making right along, namely, that tests be suspended for a period of 6 years without any controls and without any system of inspection, depending only upon some honor system to bring about compliance.

I believe that the Atomic Energy Commission, the State Department, and even the President of the United States would be well advised to take a very good look at this proposal before there is any early acceptance of it.

CITATION OF SENATOR SPARKMAN FOR DISTINGUISHED SERVICE BY AMERICAN VOCATIONAL ASSOCIATION

Mr. HILL. Mr. President, my able colleague, Senator JOHN SPARKMAN, was honored last week with a citation for distinguished service by the American Vocational Association. This is a fine honor from a great association, and I extend congratulations both to Senator SPARKMAN and the American Vocational Association.

For the occasion of the award, my distinguished colleague prepared for delivery an excellent speech. I ask unanimous consent that the speech be printed in the body of the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH PREPARED FOR DELIVERY BY SENATOR JOHN SPARKMAN AT ANNUAL MEETING OF ALABAMA VOCATIONAL ASSOCIATION, PHILLIPS HIGH SCHOOL AUDITORIUM, BIRMINGHAM, ALA., THURSDAY, MARCH 17, 1960

Madam Chairman, members of the Alabama Vocational Association, and friends, of course I feel honored to be awarded this citation. While I may not deserve it, nor the generous and flattering wording of it, I accept it with pride. You may be sure that I shall treasure this honor, and be grateful to your outstanding organization, the American Vocational Association, for its liberal acknowledgment of my efforts.

Especially do I want to express appreciation to the Alabama Vocational Association for its part in the awarding of this citation and also to your national executive secretary, Dr. M. D. Mobley, for his interest and friendship. Many of you, including your most capable State director, Bob Cammack, are my warm personal friends. All of us are comrades working for the same just cause.

And I am sure I do not need to tell you what an able and effective advocate your

executive secretary is. He knows what to do, when to do it, and how to do it. It is always a pleasure to work with him.

It is a real pleasure to be in your midst and a privilege to have a part on your program.

Through the years I have watched with interest and justifiable pride the valuable contributions that members of this group have made to the economic well being of our State. You and your counterparts in other States of the Nation have for many years contributed immeasurably to our Nation's military defense and to our economic security.

Through high quality instruction, the vocational forces of our Nation have helped the masses acquire invaluable technical and scientific knowledge and skills. As a result the United States has become the most powerful and the most productive nation in the world today. This productive ability of our people has been a powerful contributing factor in the maintenance of peace.

We all are indebted to you. But you must have the tools and the determination to push forward at an increasing pace. Never in the history of our Nation has there been such a great need for high quality effective programs of education including vocational education as exists at this very moment.

Production techniques and technology are changing at an ever-increasing rate. This calls for expanded and improved vocational education for both youth and adults—especially in those rapidly changing occupational fields.

In the years ahead there will be fewer and fewer unskilled workers and more and more highly skilled workers. The hope of present workers, and youth preparing for jobs in the years ahead, is to acquire technical and scientific knowledge and production skills. This is essential if they are to hold jobs, obtain jobs or advance in their chosen field of work.

Another reason why an adequate program of vocational education is greatly needed in the United States is due to the Communist economic challenge to this country, particularly from the U.S.S.R. Russia's Khrushchev has made known in clear and certain terms that the Soviets have a plan to lick the United States in an economic war. Some people are prone to ignore Russia's boasted economic plans. Though I am confident we can keep ahead of Russia, if we plan and execute our plans intelligently, I do not think we can afford to ignore her challenge or to take it lightly.

It is now a well known fact that our leaders at the national level have dangerously underestimated the ability of the Soviets to develop and produce atomic weapons and intercontinental ballistic missiles and to develop and produce space satellites. According to some top past and present governmental officials—authorities in a position to know—Russia has moved ahead of us in some categories and threatens our entire leadership in these fields.

We must not as a nation be lulled into believing that Russia has no chance of overtaking or surpassing us in the economic field. We must not underestimate her ability and her potentiality in the production of goods for sale in the markets of the world. Not long ago Khrushchev said to an American newspaper publisher, and I quote:

"We declare war upon you—in the peaceful field of trade. We declare a war we will win over the United States. The threat to the United States is not the intercontinental ballistic missile, but in the field of peaceful production. We are relentless in this, and it will prove the superiority of our system."

In his speech to the Economic Club of New York during his visit to this country last September (1959) Khrushchev said, and I quote:

"All of you are well aware of the fact that we are offering you economic competition. Some describe this as our challenge to the United States of America. But, speaking about challenges, one might say, and that would be even more correct, perhaps, that it was the United States that first challenged all the world; it is the United States that developed its economy above that of all countries. For a long time no one dared to challenge your supremacy. But now the time has come when there is such a state which accepts your challenge, which takes into account the level of development of the United States of America and in turn is challenging you. Do not doubt that the Soviet Union will stand on its own in the economic competition, will overtake and outstrip you."

I do not claim Khrushchev's statements are true or that Russia will overtake and outstrip the United States in economic competition but his statements do reveal Soviet goals. To disregard them or to fail to meet the vigorous challenge would be dangerous and foolhardy.

The October 6, 1959, issue of the New York Times quotes Seymour Melman, associate professor of industrial management and engineering at Columbia University and a consultant on production techniques as saying that Russian plants are producing machine tools—the basic instruments of industrial production—with less than half the man-hours required in comparable Western operations.

Mr. Melman according to the New York Times spent part of September and August of 1959 in Russia studying industrial production methods.

The U.S. Bureau of Mines reported on November 12, 1959, that the Soviets are now the top producer of coal and iron ore. The United States had held the lead in coal production since 1899. These examples of Russian economic progress—and there are many more—are striking proof that we face a determined and able competitor.

As a part of Soviet economic plans, Russia is now in the process of reorganizing its entire system of education, which is scheduled to be completed by 1963. The new reorganization law, approved in late 1958, calls for a vastly expanded vocational education program.

Contrary to much recent publicity in this country, Russia's education program consists of more than just instruction in science, mathematics, and languages. Intense emphasis is being placed on vocational education—patterned somewhat after the vocational program we have been developing in the United States during the past 40 years. Over a period of some 20 years the Soviets have been enlarging their vocational education programs, but in the last year and a half they have made tremendous strides in this direction.

It would seem comical were it not such a serious matter—involving the security of our American way of life—that a few uninformed and misguided people are advocating that we adopt—at least in part—the Russian system of education of the immediate past. The truth is that this is a system that the Soviets themselves are now in the process of abandoning.

The Soviet leaders believe that their hope in winning an economic war is dependent in large measure on the skill and productivity of its people, and that these abilities must come through vocational training for the masses.

For some months Russia's Mikoyan and Khrushchev have been visiting many countries throughout the world in an effort to expand Soviet trade and to capture markets, some of which have been held for years by the United States. Mikoyan's recent trip to Mexico and Cuba are illustrations of this. Khrushchev only a few days ago was in several countries in the Orient.

Yet in spite of these developments which pose as serious threats to the survival of our Nation and to the economic security of our people, there are some in this country in high places of authority who would cripple and destroy our programs of vocational education. This is evidenced by the recent recommendation of President Eisenhower's Budget Bureau proposing a cut of $2 million in title I, George-Barden funds.

Congress, of course, will see to it that his recommendation is not carried out but his proposal to cut the funds is evidence of the fact that there is lack of understanding in the White House of the important role vocational education has played, is playing and will continue to play in the years ahead in making our Nation militarily and economically secure.

If we are to maintain our present economic superiority over Soviet dominated countries and at the same time maintain a high standard of living for the masses of our people—such as they enjoy today—we must constantly seek ways to improve the knowledge and skills of our people and to improve production methods so that the output man for man of our workers will continue to exceed theirs.

This situation cannot be maintained without a sound, effective, and ever expanding program of vocational education.

It was in realization of these facts that I took the lead in 1952 and again in 1956 to include a plank in the national Democratic platform pledging support of the Democratic Party to the further development and improvement of vocational education. I am told by some of your leaders at the national level, including your own M. D. Mobley, that had it not been for these planks in the party's national platform it would have been very difficult if not impossible to secure approval of the practical nurse training measure in 1956 and the area vocational education measure in 1958.

Without these planks, I have been told, it would have also been next to impossible to hold Federal funds for vocational education. At least some substance is given this claim by the fact that virtually every year during the last 7, President Eisenhower has recommended drastic cuts in the appropriation for vocational education or the repeal of all vocational education acts.

How anyone who has any reasonable knowledge of our Nation's military needs and economic problems could make recommendations that would cripple or destroy vocational education is more than I can understand.

I delight in telling you that in spite of his recommendations to cut vocational funds and to repeal vocational education laws, Congress has increased appropriations under the George-Barden Act by almost 120 percent and has increased authorizations for vocational education by approximately 70 percent.

Such action speaks louder than any words that can be uttered regarding support of your program by the Congress.

It is my considered opinion that so long as you maintain sound, effective, worthwhile programs, such as you have today, Congress will continue to deal fairly with you and will continue to appropriate Federal funds to promote and support your program.

Certainly this shall continue to be my policy. In this respect I want to assure you—not that you need such assurance—of my warm support of a measure introduced by my distinguished colleague and your strong friend Senator HILL. I refer to S. 3025 to extend the program for practical nurse training and to remove the restrictive language confining funds to "extension and improvement." I shall cooperate fully with LISTER in obtaining passage of this measure. I will continue to push for the passage of other legislation in behalf of vocational education.

Let me say again that I shall ever be grateful for the recognition that has come to me today from your great and dedicated national organization.

This citation will serve as a constant reminder of my interest in and support of your program in past years; moreover it will serve as a stimulant to me to do more and work harder in the future to help you maintain the support you need to carry on your work in the days and years ahead.

It has been good to be with you and I bid you God's speed in your work.

PRESENTATION OF STATUE OF SENATOR PAT McCARRAN

Mr. BIBLE. Mr. President, it is my privilege to extend to the Members of the U.S. Senate, their staffs, both office and committee, officers of the Senate and their staffs, Capitol employees, and all others who were friends of the late Senator Pat McCarran, of Nevada, a most cordial invitation to attend the presentation of the Statue of Senator Pat McCarran, by the State of Nevada, to the United States of America. The ceremony will be held tomorrow afternoon, Wednesday, March 23, at 2 p.m., in the rotunda of the Capitol. Cardinal Spellman will deliver the invocation; our good Chaplain, Dr. Frederick Brown Harris, will give the benediction. The Governor of my own State of Nevada, the Honorable Grant Sawyer, will present the statue, and our Lieutenant Governor, the Honorable Rex Bell, will participate in the ceremony, together with the majority and minority leaders, and the Nevada congressional delegation, my colleagues, Senator Howard Cannon and Representative Walter Baring, and myself.

Mrs. McCarran and members of her family will be present, and they join me in extending this invitation to those who would like to attend. No admission card is necessary. Following the ceremony, a short reception will be held in the Old Supreme Court Chamber, to which a cordial invitation is also extended.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the Javits-Clark amendment to the Dirksen substitute.

Mr. KEFAUVER obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTERED PRICES IN THE DRUG INDUSTRY

Mr. KEFAUVER. Mr. President, I ask unanimous consent that certain tables, brief memorandums, and a few editorials may be printed in the RECORD at the places to be indicated in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEFAUVER. Mr. President, I want the RECORD to show that the office of the minority leader [Mr. DIRKSEN] was notified by the chairman of the Antitrust and Monopoly Subcommittee, as were also the offices of the Senator from Wisconsin [Mr. WILEY], the Senator from Nebraska [Mr. HRUSKA], and the Senator from Maryland [Mr. BUTLER], that I was to make this statement today, because, either on the floor or in committee, they have been critical of the work of the subcommittee. I had hoped they would be present to discuss any matters they desired to, or to ask any questions, and to follow my speech as I delivered it. I hope they will come to the Chamber before I conclude my remarks.

Certain statements were made by some of them on the floor of the Senate, and I had not received notice they would make such statements, or I would have been present to answer them.

On December 7, 1959, the Antitrust and Monopoly Subcommittee resumed its hearings on administered prices by beginning a study of pricing practices of the drug industry.

GENERAL ADMINISTERED PRICE HEARINGS

Since the middle of 1957 when this subcommittee began its inquiry into administered prices, detailed examinations of the pricing practices in steel, automobiles, bakery products as well as certain aspects of the problem in the petroleum industry have been inquired into. There have now been published eight volumes of hearings, together with two subcommittee reports on individual industries. In addition, the subcommittee has issued three volumes of hearings consisting of testimony on the general nature of the problem of administered prices and the alternative courses of public policy by leading economists who have specialized on this subject. The subcommittee has heard testimony from the heads of the antitrust agencies in an attempt to determine what those agencies can and cannot do to meet the problem. The subcommittee has also held hearings on important legislation designed to meet the problem of administered prices.

PRICE COMPETITION THE QUESTION

In view of the prior hearings it can be seen that the examination of manufacturers' pricing practices in the drug industry was nothing more than the same type of examination which the subcommittee has accorded to the steel, automobile, and bread industries; an examination made necessary by the obvious decline in the vigor of price competition. During the course of its other administered price hearings the subcommittee received hundreds of requests from the public generally that it inquire into the high prices charged for ethical drug products and the lack of price competition. In planning the subcommittee's program for 1959 there was included therein a request for funds to make studies in a number of industries, among which was the drug industry. This program was approved unanimously by the Subcommittee on Antitrust and Monopoly as well as by the Committee on the Judiciary. On February 2, 1959, Senate Resolution 57, together with a program and budget for the Antitrust and Monopoly Subcommittee, was agreed to and passed by the Senate. After engaging in preliminary staff work and finding a need to obtain the services of specially trained personnel for the subcommittee's investigation of the pricing practices of manufacturers of drug products, an additional $30,000 of funds were requested by the subcommittee and were finally agreed to by the Senate on August 7, 1959, by the passage of Senate Resolution 144. Although the manufacturers' pricing practices in the drug industry are extremely complex, the staff work had progressed to such a stage that on December 7, 1959, the subcommittee began its hearings.

WONDER DRUGS UNAVAILABLE TO MANY WHO NEED THEM

While this country has the best drugs in the world, it appeared from the great number of letters which the subcommittee had received that many of our citizens are experiencing difficulty in being able to purchase them. It was the purpose of the subcommittee to inquire into the question of whether the drug manufacturers are setting their prices at excessive levels, as the writers of these letters contend. It was also the purpose of the subcommittee—it being a legislative subcommittee—to determine whether the antitrust laws as applied to this industry are adequate and, if not, to devise specific remedial legislation.

The question might very well be asked: Why is it necessary to go into another industry in the administered-price series, and why particularly drugs? To the first part of the question, the answer is obvious. The problem is one of almost incredible difficulty and complexity. What in essence the subcommittee is seeking to determine is whether the public is adequately protected by competition, and, if not, to devise some legislative remedy.

The subcommittee has heard many experts who have spent their lives studying this very same problem. While in general agreement as to its nature, these experts were poles apart as to its solution.

REASON FOR EXAMINING THE DRUG INDUSTRY

As to why specifically the subcommittee is studying drugs: In the first place, most drugs would appear to fall clearly within the definition of administered

prices. Their prices are set, not by the changing forces of supply and demand, but by administrative decision, and are held constant over periods of time—often extended periods of time. In embarking on the drug study it was the intention of the subcommittee to inquire how these prices are set and maintained. The question was presented of how a drug company can establish and then maintain for years price structures which result in the druggist paying approximately 30 cents for an antibiotic pill and 18 cents for a steroid hormone pill.

Certainly the drug industry is an important industry simply in terms of total size. Sales of ethical drugs which are sold by prescription are running at around $2¼ billion a year at the manufacturers' level. To this can, and should be, added more than a half billion dollars for proprietary drugs that are sold over the counter. At the retail level, of course, the figures are considerably greater. Drugs are peculiarly an essential of life. Confronted with financial reverses, the average family can and does put off buying automobiles, household appliances, clothes, and even food, but they cannot put off buying drugs. The consumer's ability to shop around for a lower price in the drug industry is severely restricted by the fact that prescriptions are usually written in terms of trade names rather than generic names. Although, as I shall later illustrate, there are lower priced brands of the drug prednisone available from reputable, often long-established drug manufacturers, the consumer given a prescription for Meticorten—Schering's name for prednisone—cannot be sold anything else. The fact is that if the druggist were to substitute a lower price brand of prednisone, he would find himself in violation of State law. There is thus in ethical drugs an intermediary between the producer and the buyer, namely, the physician who writes the prescription. As a consequence, the drug industry is unusual in that he who buys does not order, and he who orders, does not buy. The ethical drug industry is also unusual in another respect. The consumer is completely captive. If he is sick, he must buy what the doctor orders. Unlike the case of automobiles, he cannot shop around for a different model or a lower price. In instituting its drug price study the subcommittee was aware that the drug industry is honeycombed with patents and license agreements. It is not my purpose to criticize the American patent system as a general incentive to innovation and progress. However, it has been well settled by court decisions that the monopoly conveyed to a patent holder does not give him the right to fix his licensee's prices, or otherwise restrict trade in violation of the antitrust laws.

INVESTIGATION LIMITED TO MANUFACTURERS' LEVEL

On the opening day of the drug price hearings, as chairman, I stated very definitely that it was the intention of the subcommittee to confine its study to the manufacturers' pricing practices in the ethical drug field. As in the case of retailers in other administered price industries studied by the subcommittee, I made it perfectly plain that the subcommittee would make no attempt to appraise the reasonableness or unreasonableness of the margins of the retail druggists. Some critics of the retail drug trade have contended that the retailer's margin is excessive; a charge which is denied by spokesmen for the retail druggists, who point to rising costs including the inventory costs of stocking the same drug product under a variety of different trade names. Such a controversy is not directly related to the problem of administered prices. The retailer's margin in percentage terms is more or less constant, being applied on top of the manufacturer's price. What the subcommittee is interested in is the price to which this relatively stable margin is affixed, namely, the manufacturer's price to the druggist.

It was also made plain that it was not the purpose of the drug hearings to question in any way the American system of private medical practice. The subcommittee's interest is not with the issue of group versus private practice, or with the adequacy of reasonableness of the various forms of prepaid health or insurance plans. The subcommittee's interest is simply with the price of drugs, a price which must be paid by someone under any system of medical care. In this connection, I wish to point out that the subcommittee has received several hundred letters from doctors which are critical of the price of drugs and also critical of what they regard as excesses in the promotion and selling activities of the drug manufacturing companies.

DRUG HEARINGS: COMPLETED AND PLANNED

In order to arrive at an understanding of the practices of the drug manufacturing industry, the subcommittee sought information and material from the industry in several product fields. These fields included hormones, tranquilizers, diabetic drugs, antibiotics, sulfa, certain prescription vitamins, and so forth. These fields were selected because the total sales of these product classifications approximated two-thirds of all sales and because they represent the important areas of new products. In addition to these product hearings, it was also the announced intention of the subcommittee to hold a series of general hearings, at which time the industry's general views would be heard, as well as those of the representatives of the medical profession generally, and information would be sought on the activities of related Federal agencies.

Thus far the subcommittee has completed its hearings on steroid hormones and tranquilizers, and has held one series of general hearings. The first of the series of general hearings, due to an objection having been lodged by the minority leader, who is also the ranking minority member of the subcommittee, to the subcommittee's sitting while the Senate was in session, was recessed on Friday, February 26, at 10 a.m., subject to the call of the Chair.

In that connection, when objection was made to the subcommittee's sitting while the Senate was in session, even though there might not have been any votes imminent, we undertook to sit late at night from 10:30 p.m. to 2 a.m., resuming early in the morning at 9:30 a.m. That procedure was hardly satisfactory either to the subcommittee members or to the witnesses.

We expect to resume our hearings as soon as the situation in the Senate permits because of the great public importance of the question.

It is my purpose to review some of the information and material that has thus far been received by the subcommittee.

THE NATURE AND IMPORTANCE OF STEROID HORMONES

On December 7, 1959, the first product hearings concerned the steroid hormones—cortisone and its derivatives. The first of the steroid hormones was cortisone, which was followed by hydrocortisone, prednisone, prednisolone, and such new variations as triamcinolone and dexamethasone. According to Norman Applezweig, a recognized authority, the first large-scale commitment in cortical steroid research in this country was taken by the Merck Co. during World War II under a program of the Office of Scientific Research and Development, then headed by Dr. Vannevar Bush, now chairman of the board of Merck. This work was started on the erroneous belief that the Germans were successfully using an adrenal hormone product to protect their fliers from the effects of high altitude. The discovery of the anti-inflammatory action of cortisone in rheumatoid arthritis by Drs. Hench and Kendall at Mayo Institute, working on a grant from Merck, was a stunning result.

Dr. Hench, Dr. Kendall, and also a Swiss doctor, Dr. Reichstein, are Nobel laureates because of their work on cortisones. We are all proud of them and congratulate them.

Steroid hormones are used for many purposes, including the treatment of allergic disorders such as bronchial asthma and the reactions to other drugs; inflammatory diseases of the eye; skin diseases; blood diseases such as pernicious anemia; kidney diseases, and so forth; but their most widespread use is in the treatment of rheumatic diseases. It is estimated that roughly 10 million Americans are afflicted with rheumatic disorders—about 1 person in every 18 of our population. About 1 million are permanently disabled. Rheumatoid disease has become known as the No. 1 crippler. It strikes more people than cancer, heart disease, and tuberculosis combined.

While these drugs do not effect a cure, their importance should not be minimized. They relieve arthritic patients for periods of time and help control attacks. At the same time their use has been restricted by the medical profession because of injurious side effects. When cortisone first came on the market it appears that it was widely used for many purposes and with high expectations, but that continued experience brought much disillusionment and

far greater caution and restraint. Although the drugs introduced since cortisone have represented a marked improvement—particularly prednisone and prednisolone—side effects remain a serious problem.

The importance of the steroid hormones can be seen from the fact that in 1959 their sales are estimated to be $120 million at the manufacturers' level, divided as follows: cortisones, $53 million; prednisone and prednisolone, $43 million; and triamcinolone and dexamethasone, $44 million.

IDENTICAL PRICES

The principal producers of steroid hormones in the United States are the Schering Corp., Merck & Co., Inc., and the Upjohn Co. Representatives of these companies were invited to testify at the steroid hormone hearings. The prices charged by each of these firms for each of the steroid hormones are identical and have been identical since 1956. For example, since 1956, each of these three companies has offered for sale cortisone acetate at identical prices.

Similarly since 1956 prednisone and prednisolone have been sold by these three companies for the identical price of $17.90 for 5-milligram tablets in bottles of 100. Even though Upjohn introduced a more efficient microbiological process, it has never reduced its price below the quotations charged by the other companies.

In contrast to the $17.90 price of the four major producers, small manufacturers sold this same product, meeting USP standards, to druggists for as low as $2 in bottles of 100.

In the rear of the Chamber, Mr. President, is a chart which shows that for prednisone, the important arthritic drug the prices to druggists by Merck, Upjohn, and Schering are identical at $17.90 per hundred. It also shows prices by a number of smaller companies whose products meet the U.S. Pharmacopoeia standards, most of whom having been examined and authorized to bid on Government contracts by the Military Medical Supply Agency. The prices by some of these smaller companies were in the range of $4 to $7 per hundred tablets.

Moreover, after this chart had been prepared and introduced we found that suppliers of prednisone and prednisolone were actually selling to druggists for less than $2 a hundred in contrast to the price of Schering, Upjohn, and Merck of $17.90.

It should be pointed out that having good equipment and good control methods is not the exclusive monopoly of the big companies. Many small companies have just as good equipment and control methods as the large companies.

BID PRICE TO GOVERNMENT PURCHASING AGENCIES

It was brought out in recent hearings that the Military Medical Supply Agency, as well as the Veterans' Administration have asked for competitive bids in steroid hormones by generic rather than by trade name.

The Military Medical Supply Agency purchases the drugs that are used by the Government at Walter Reed Hospital, the Naval Medical Center at Bethesda, and other Government hospitals throughout the United States. I am sure that patients in those hospitals would not be given any drugs that were not safe and effective.

In this connection I wish to pay my very high respect to the officers of the Military Medical Supply Agency, particularly to Admiral Knickerbocker and Commander Weiss, as well as to those in charge of purchasing for the Veterans' Administration. These men are true public servants and deserve support and commendation. They have tried to get competition, and thus secure reasonable prices to the U.S. Government. In this way they have saved the taxpayers of the United States millions of dollars. It has been to these large Government buyers, as well as to those hospitals which have established formularies that most small manufacturers have had to turn for their sales.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am very happy to yield to the distinguished Senator from Ohio, who has taken a great interest in this entire problem, and has given me, as chairman of the subcommittee, useful information which has helped us in our work of trying to secure for the American people and the American druggists ethical drugs at reasonable prices.

Mr. LAUSCHE. Can the Senator from Tennessee tell me whether or not, in the testimony which was taken, it was shown that in the drug industry, sales made to governmental bodies such as the State of Ohio and the city of Cleveland, and probably to counties, under competitive bidding, are made at prices which are usually identical, to the fraction of a penny?

Mr. KEFAUVER. Where competition can be offered by smaller companies prices by the drug manufacturing companies in sales to the Government are sometimes one-fifth, one-sixth, or one-seventh of the price to druggists.

But where there is no competition from small companies, if the larger companies hold a patent monopoly, they generally bid at identical prices. On their bids their prices are high, even to the U.S. Government. An example is meprobamate, a tranquilizer sold by Carter Products under the name of Miltown. For sales in this country, Carter Products licenses only Wyeth, which is the pharmaceutical division of American Home Products Corp. Wyeth sells it as Equanil. Both companies are making enormous profits, largely from the sale of this product. On most of their sales to the Government the bid prices of Carter & Wyeth have been identical. It is remarkable to me that when their bids to the Government go up or down, the price of each is identical.

Incidentally, in the middle of our hearings the Department of Justice brought an indictment against Carter Products and American Home Products. It is my understanding that these identical prices were a factor leading to the indictment.

Mr. LAUSCHE. The indictment was predicated upon the fact that the prices at which they sold were identical.

Mr. KEFAUVER. That was a part of it. The allegation was that the prices were agreed upon.

Mr. LAUSCHE. During my tenure as mayor of Cleveland and as Governor of Ohio, one of the perplexing problems confronting me was the unbroken uniformity of the bids made on three things which the State and the city had to buy. Drugs were usually bid to the fraction of a penny, in identical amounts. Bids on salts to be applied to highways for melting snow and ice were all at identical amounts. The supply of electric light bulbs was also in that category. As I understand, the testimony disclosed that the practice was rather uniform.

Mr. KEFAUVER. Yes. We have held hearings on identical bidding in the case of electrical equipment companies. We found exactly what the Senator found; namely, that where bids are made to cities, to public power bodies such as the Tennessee Valley Authority, or to the Army and Navy, bids on electrical equipment have been remarkably uniform, usually down to the fraction of a penny. Here, too, our hearings were followed by the issuance of indictments for violation of the antitrust laws.

Let me cite one example, which is typical of other situations——

Mr. LAUSCHE. What explanation was given for the coincidence of prices, or for identical bids?

Mr. KEFAUVER. They said they were meeting competition. But it was beyond me how they knew what the other bidder's quotation was going to be, when the bidding was secret, and when the bids might be a little higher or a little lower than the previous price. Although the heads of American Home Products sought to create the contrary opinion, Government officials tell us absolutely that competitive bids are kept confidential, and that no bidder knows what another's bid price is.

Mr. LAUSCHE. I know that in bidding for electric light bulbs the State frequently had bids in which the prices were identical to the fraction of a penny. Based upon what the Senator from Tennessee has said, the explanation of such a bidder would be that it was by accident and by coincidence, without knowledge of what the other was doing that the bids happened to be identical.

Mr. KEFAUVER. That is correct. But the Department of Justice, quite properly, has not accepted this as an adequate explanation. The Senator says the bids on electrical equipment were identical down to the fraction of a penny. As a matter of fact, they were identical to ten-thousandths of a penny.

Mr. LAUSCHE. Yes.

Mr. KEFAUVER. Similarly the bids of the American Home Co., which sells Equanil, and of Carter, which sells Miltown, the bids to the Military Medical Supply Administration were $22.50 a thousand, or $20.50 a thousand. Yet whether the price went up a little or down a little, they were identical except in all but one case, where there was a difference of 10 percent.

Mr. LAUSCHE. I thank the Senator. I interrupted the Senator when he was

discussing the Military Medical Supply Administration seeking bids on nonpatented products.

Mr. KEFAUVER. Yes. I appreciate the participation of the Senator from Ohio. He has had great experience in this field as Governor of his State in the purchasing of medical products and other products. I hope he will ask further questions.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. LAUSCHE. I should like to say to the Senator from Tennessee that while his investigation was being conducted my mail was heavy from citizens in Ohio commending the Senator from Tennessee and trying to solve the problem of the high cost of drugs, as the facts were revealed by his investigation, and as it was understood by the sick people who had to buy the drugs.

Mr. KEFAUVER. I thank the Senator. We have also received a great deal of mail from people to whom the price of drugs is a real hardship. Some write that they even have had to do without food in order to get the drugs. We have received hundreds of letters from physicians who are interested in the economic welfare of their patients, and from many druggists who feel that prices which they have to pay to the manufacturers are too high.

The ethical drug manufacturing industry has a powerful propaganda machine, a great lobby and numerous public relations organizations. They have even used druggists to carry the burden of their fight against the work of our subcommittee. Our interest is in merely trying to see to it that the American people get these drugs at reasonable prices. I say that the prices these big companies charge for the products which we have thus far investigated are unreasonable. The American people should have the benefit of competition, which would mean lower prices.

I wish to call to the attention of the distinguished Senator from Ohio the chart in the rear of the Chamber which shows the prices of the large and small companies for the drug called prednisone. Had Schering, Merck, and Upjohn gotten together and agreed to sell prednisone to the druggists for $17.90 a hundred, that would be a violation of the Sherman Act, if the agreement would be proved.

But if the agreement cannot be proved, there is no violation of the antitrust laws. Yet from the viewpoint of the customer, the effect may be exactly the same, whether it happens by accident, by leadership, by some mental telepathy, by an understanding which, however, does not represent a formal agreement, or indeed by a formal agreement which cannot be proved.

To return to the matter of bid prices, although the four major producers charged druggists $17.90 per bottle of 100 5-milligram tablets, the records of MMSA reveal that as a result of the competition of small producers, the larger manufacturers have offered to sell to this agency at a considerably lower price than the price at which they sell to druggists. For instances, in February 1959 MMSA paid $20.98 per bottle of 1,000 5-milligram tablets on a low bid of the Premo Pharmaceutical Co., a small company. On this bid Schering's price was $23.63 and for this same bottle of 1,000 5-milligram tablets Schering and Merck's price to druggists is $170.

That is approximately, as I calculate it, 7½ times their bid price to the Government. Thus it would appear that manufacturers in a competitive sale will greatly reduce their prices.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. LAUSCHE. It is my understanding that when the Military Medical Supply Agency bought on the basis of bids from the companies identified on this chart——

Mr. KEFAUVER. And quite a number of others, too.

Mr. LAUSCHE. And quite a number of others, and competition was offered by small drug producers, the Military Medical Supply Agency of the Government bought the drug for $20.98 a bottle. Is that correct?

Mr. KEFAUVER. That is correct. That is for 1,000 tablets.

Mr. LAUSCHE. The druggists at the same time paid how much?

Mr. KEFAUVER. One hundred seventy dollars.

Mr. LAUSCHE. So that the Military Medical Supply Agency who knew the problem and asked for bids in the generic name, received a bid of $20.98 while the druggists had to pay $170 for the same drug. Is that correct?

Mr. KEFAUVER. That is correct. I think it should be pointed out that the small companies generally obtain their supply of the finished product in bulk form from the large producers. This is possible because a patent has not been issued on prednisone as yet. In these cases the product of the small companies is the same as that of the large companies. The small companies test the product and put it in tablets and into bottles.

Mr. LAUSCHE. With respect to the transaction described in the Senator's discussion of the bid price to Government purchasing agencies, the small drug company's price was $20.98. Schering's price was $23.63.

Mr. KEFAUVER. That was the price at which they offered to sell.

Mr. LAUSCHE. At the same time, the price of Schering and Merck to the druggist was $170 a bottle, or practically seven times as much as it was to the Military Medical Supply Agency of the Federal Government.

Mr. KEFAUVER. That is what the testimony showed; and the testimony is undisputed. However, I think I should point out that in the case of many drugs, where one company has a patent monopoly, and perhaps licenses one or only a few other large companies as in the case of Smith Kline & French, on Thorazine, or Carter, on Meprobamate, there are no small companies to cut prices. Here, the price under the generic name and the price under the trade name would be the same. And prices are high to the Government, high to the druggists, and are in the main identical.

Why don't consumers buy the lower priced products? The reason is that the doctors write their prescriptions in terms of trade names. The large drug manufacturers are able to persuade the doctors to do so because they have large sales forces of detail men and do extensive advertising and promotion. For reasons which I shall set forth later, the little companies cannot afford these selling and advertising expenses. As a result the little companies are largely confined to selling to the Government and to the hospitals under formularies.

Mr. GORE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to my distinguished colleague from Tennessee.

Mr. GORE. Is it the practice of the medical profession to write prescriptions according to trade names or by medical content? I ask that question because from the experience I have had in paying for prescriptions, most prescriptions which I have observed heretofore have been written according to chemical detail as to the contents of a vial which the prescriptionist would, shall I say, mix or concoct or fill. Is it now the practice to prescribe by label or by patented name?

Mr. KEFAUVER. In general, the practice seems to be for the physician to write the trade name on his prescription blank.

The industry spends three-quarters of a billion dollars a year in advertising and selling expenses. A big item of selling expenses is the cost of sending out detail men to the physicians. Their function is to sell the doctors on the idea of prescribing by the brand-name of their particular company. And they appear to be quite successful, although there are some physicians who do prescribe by generic name.

Mr. GORE. If doctors should follow the practice of writing prescriptions according to chemical content, would the local druggist have an opportunity to fill such prescriptions with the pills or capsules supplied by the small drug companies and at a more reasonable price to the consumer?

Mr. KEFAUVER. In many cases, yes. In the case of prednisone, for instance, if the prescription were written in the generic name, the druggist would have the right to fill the prescription with a product of one of the smaller companies. Competition at the retail level would then result in lower prices to the consumer.

Prednisone is sold by Schering as Meticorten, by Merck as Deltra, and by Upjohn as Deltasone. These are the trade names usually specified in the doctor's prescription. As long as this remains the case, the customer will pay a relatively high price because the druggist cannot substitute a lower price brand.

Yet doctors who appeared before our subcommittee testified that they would have no hesitancy in prescribing by generic name, feeling that their patients would get just as good a product at a much lower price.

Nonetheless, the large companies, by their advertisements and their representations to the doctors, have convinced many physicians that there may be something superior in quality or efficacy in their products. This is a matter which the subcommittee is going to examine at greater length.

Many small companies have been inspected and examined by the Military Medical Supply Agency or by the Veterans' Administration with respect to the process or method of manufacture, sanitation facilities, and the efficacy and safety of their products.

If Senators and Cabinet members who are patients at Walter Reed or the Naval Medical Hospital can be administered drugs which the Government buys under the generic name, is that not a strong indication that the Government is convinced that the products are good? The drugs of all companies, large and small, have to meet the standards of the United States Pharmacopoeia—the U.S.P.

In the case of antibiotics under section 262 of title 42 of the United States Code, which concerns the regulation of biological products, the Public Health Service must make a full inspection of the facilities of pharmaceutical manufacturers before the manufacturers can make and sell antibiotics.

Physicians naturally want their patients to get drugs which are safe and effective. Perhaps this statutory requirement, if extended to other drugs, might go a long way toward relieving their apprehensions concerning the quality of the products of smaller companies.

Mr. GORE. Did the Senator's committee ascertain the existence of a program by the American Medical Association to inform individual doctors as to the exact chemical comparison of the highly advertised trade names, on the one hand, and the more reasonably priced products of smaller concerns, on the other?

Mr. KEFAUVER. No, I know of no such program on the part of the American Medical Association or anyone else.

Mr. LAUSCHE. Mr. President, at this point will the Senator from Tennessee permit an interruption?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. KEFAUVER. I yield.

Mr. LAUSCHE. I have received letters from doctors in Ohio who make the same complaint as the one the normal citizen has made about the high prices of drugs.

Mr. KEFAUVER. Yes, we have received letters from many doctors, complaining of the excessive advertising to which they are subjected and of the high prices which their patients have to pay.

Incidentally, the expenditures for drugs plus the expenditures for appliances, such as hearing aids, last year—for the first time in history—exceeded the expenditures for medical services which includes payments to doctors.

At an appropriate time we hope to have representatives of the American Medical Association appear before our subcommittee.

Mr. GORE. Mr. President, will the Senator from Tennessee yield again to me?

Mr. KEFAUVER. I yield.

Mr. GORE. Is it not true that many of the local druggists—like many of the doctors who were referred to by the distinguished senior Senator from Ohio, who spoke of the doctors in Ohio—are very much concerned, when they have on their shelves two similar products, but one costs five or six times as much as the other, or two identical products, but one costs five or six times as much as the other, when a customer presents a prescription which calls for the higher priced product, by name? Then the druggist has little choice other than to sell the highly advertised, higher priced product; is not that true?

Mr. KEFAUVER. That is entirely correct. The druggist would be in violation of State law if he were to substitute the product of any other company, even though it met the U.S.P. standards.

Mr. GORE. Is this not a problem in connection with which the doctors, the druggists, the drug manufacturing industry, and the Government should cooperate, to the end of making available to the patients, those who are sick, drugs at reasonable prices?

Mr. KEFAUVER. Certainly it is a problem which should receive the very best thought and cooperation of the medical profession and also of the pharmaceutical manufacturers.

But the problem is most far reaching, transcending perhaps what can be accomplished by voluntary efforts. As the life expectancy increases, so also does the number of elderly people who have to have so many of these drugs in order to live. Yet to a large proportion of these elderly people, many of whom live on small, fixed incomes, the price of drugs constitutes something of an economic crisis. For example, we heard testimony from representatives of the Retired Teachers Association and representatives of the Retired Government Employees Association also appeared before our committee. The facts they have presented are really alarming. The situation necessitates some solution.

Mr. GORE. I hope the Senator's committee made some progress toward the end he seeks in securing cooperation from the various groups involved in health services.

Mr. KEFAUVER. We have been receiving very good cooperation from some and not so good from others.

Mr. President, I wish to thank my colleague, the Senator from Tennessee—who, I know, has a very deep concern about this problem—for his interest and for his contribution to the presentation today. I hope he will ask other questions as we proceed.

Earlier I said that prescribing by trade names tends to result in higher prices. This is not the case, however, where the pharmaceutical manufacturer has a patent, and the drug is not generally licensed—such as Miltown and Thorazine and Compazine. In these cases prescribing by generic name would not result in a lower price.

PRICES IN FOREIGN COUNTRIES

Mr. President, at this time I wish to point out that prices to druggists for steroid hormones were frequently found to be considerably lower in foreign countries than in the United States. An example is Merck's prices for prednisone, which it sells in the United States as Deltra, in bottles of 100 5-mgm. tablets. In the United States, Merck's price to druggists is $17.90, whereas in Great Britain its price to druggists is $7.53. These prices are reflected in table I, which will be included in the RECORD at the end of my remarks.

Mr. LAUSCHE. Mr. President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I am very happy to yield.

Mr. LAUSCHE. Did Merck have a subsidiary in England, or did Merck have a separate company there?

Mr. KEFAUVER. Merck now has a manufacturing plant in England. But as of the time their price comparisons were made, the prednisone Merck sold in England was either produced in the United States or in Canada, where production costs are about as high as those in the United States. But even though Merck's drugs were then sent from Canada or from the United States to England—and I suppose those shipments involved the payment of some duty, as well as some transportation expense—Merck still sold Deltra, under those circumstances, in bottles of 100 5-mgm. tablets, for $7.53, as compared to $17.90 in the United States. Incidentally, the British have no price-control law.

Mr. LAUSCHE. Then, the fact is that the druggist in the United States had to pay for these Merck drugs $17.90, and in Great Britain the druggist paid $7.53, so the druggist in the United States had to pay approximately 150 percent more. Is that correct?

Mr. KEFAUVER. That is correct.

Mr. LAUSCHE. I thank the Senator very much.

Mr. KEFAUVER. Generally speaking, the United States, with the exception of Canada, is the highest priced drug country. In most cases the prices in Canada are a little higher than those in the United States, but next to Canada, the prices in the United States are usually highest.

Let us turn now to the question of manufacturing costs.

MANUFACTURING COSTS

In order to avoid the problem which would have arisen had the subcommittee requested the drug manufacturers to submit their production costs for individual products, the subcommittee subpenaed their bulk purchases and sales contracts.

Let me say, in that connection, companies usually object strenuously to supplying breakdowns of their manufacturing costs by their various products. In my opinion congressional committees are entitled to get such information by subpena. I think the courts would uphold the power of committees to do so.

But the drug companies, of course, do not want their competitors or the Congress to know what their costs are. We have tried to respect their wishes and have not requested them to supply detailed product cost breakdowns. Again I wish to emphasize my belief that we could get that information if the matter were brought to a contest. To avoid the issue, however, we asked the companies to give us their bulk sales prices. These are the prices at which they buy and sell drugs from each other in bulk form. Among others, such information was obtained for the generic product, prednisolone. It is to be assumed that on such bulk sales a profit is made. I wish to emphasize that the bulk price was not for a raw material which then went into the production of prednisolone. It was not like flour, from which with yeast, sugar, and other ingredients bread is baked. It was for the finished product itself, ready to be tested, tableted, bottled, and sold. It was akin to bread, not flour. Unfortunately, in many articles about the hearings this key point was missed.

The subcommittee obtained from several independent companies quotations for costs of tableting and bottling, which also included a profit. The subcommittee used a quotation which was between the lowest and the highest cost submitted by companies that would tablet, bottle, and test this finished material for anybody.

Schering does not itself make prednisolone. Schering buys prednisolone from Upjohn. Schering obtained it for $2.37 a gram. That was the starting point. Then we added to that the cost of wastage, tableting, and bottling. We arrived at a computed manufacturing cost of $1.57 per 100 tablets, or 1.6 cents per tablet.

The fact that this figure merely reflects production costs, and does not include distribution and selling costs, was made clear at the time. We wanted the companies themselves to furnish the reasons for the difference between the production cost of $1.57 and their price to the druggist of $17.90. It was also pointed out that the figure did not include that part of research, expenditure, and profits not included in the bulk sales price. Officials of Schering and Upjohn were then asked to explain the difference between the production cost of $1.57 per hundred tablets and the charge of $17.90 per hundred tablets to druggists.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield very happily to my distinguished friend from Michigan.

Mr. McNAMARA. I should like the senior Senator from Tennessee to know that I have followed the hearings of the Antitrust and Monopoly Subcommittee, of which he is chairman, with a great deal of interest. I commend him highly for contributing so much to the welfare of the aged of this Nation, because, as the Senator knows, they are very much concerned with this problem.

Mr. KEFAUVER. I know that if any Member of the Senate has studied the problems of the aged and is concerned about them, it is the Senator from Michigan, because he is chairman of the subcommittee which has been holding hearings on the problems of the aged, which includes, among others, the cost of medical care and the cost of securing drugs.

Mr. McNAMARA. Does the Senator know that the group affected most intensely by the high cost of drugs are the 16 million men and women over 65, and that in just 10 years there will be 20 million of them? This is a tremendous problem for them. I am sure the Senator has given them some consideration, not only in the hearings, but also in the report.

Recent information developed by the Subcommittee on Problems of the Aged and Aging reveals that while all age groups spend $19 per person per year for drugs and medications, those 65 and over spend $42 per person, or about 2½ times as much.

I suppose that information has been called to the attention of the committee.

Mr. KEFAUVER. Yes. That information was given to the committee by a distinguished member of the subcommittee of which the Senator from Michigan is chairman. I refer to the Senator from West Virginia [Mr. RANDOLPH].

Mr. McNAMARA. Figures for 1958 indicate that one-fourth of the total cost of medical care for our aged citizens was accounted for by the cost of drugs and medicines. In other words, drugs and medicines account for 25 percent of their total medical costs.

Does the Senator know that three out of five people over 65—and this means 9.6 million people in this country—have a money income of less than $1,000 per year?

Mr. KEFAUVER. What is the figure?

Mr. McNAMARA. Does the Senator realize that three out of every five people over the age of 65 in this country have a money income of less than $1,000 per year?

Mr. KEFAUVER. I have heard that. I think that emphasizes the reason why the older people have a very hard time obtaining the high-priced drugs which they need so badly.

Mr. McNAMARA. That is correct. In our hearings over and over these people referred to the work of the Senator's committee and to the concern they have over the high cost of drugs. As people get older they need more sedatives and more drugs to fight arthritis and the other crippling diseases which are more prevalent among the older people.

Eighty percent of these Americans have contributed a lifetime of productive activity to the amazing growth of this Nation. Now, in their later years, most of them have less than $2,000 a year income. I am sure the Senator from Tennessee recognizes this is a real problem.

Mr. KEFAUVER. It certainly is a very real problem.

Mr. McNAMARA. Many of the aged people have been told to live off their savings, when their incomes are too low to sustain them. Does the Senator know that 45 percent of these people had less than $500 in liquid assets in 1958, according to governmental records, and 30 percent had no liquid assets at all? When it is said that those people should live off their savings and should pay high prices for drugs, that is simply no answer at all.

Mr. KEFAUVER. I certainly agree with the Senator. I commend the Senator for the work he is doing as chairman of the subcommittee.

Mr. LAUSCHE. Mr. President, will the Senator yield to me so that I might ask a question of the Senator from Michigan?

Mr. KEFAUVER. I yield for that purpose.

Mr. LAUSCHE. What did the hearings disclose about the ability of the aged people to pay these prices, and about whether they felt they were having to pay inordinate prices for the drugs they needed?

Mr. McNAMARA. We had much testimony which indicated the older people were making all sorts of efforts, by forming cooperative groups, to try to get lower or wholesale prices on the drugs. These people are doing all sorts of things to try to counteract the high cost of drugs and medicines needed for the aged people. They have been successful, in some instances, in setting up some sort of group cooperative.

However, some drug companies, retailers and others try to cut off the supplies from the wholesalers, when there are these successful ventures in buying drugs wholesale for these aged people. The Golden Age Clubs go into this sort of thing. All over the country there is great interest.

Mr. LAUSCHE. What is the technique of the operation, where the attempt is made to cut off buying on a cooperative basis?

Mr. McNAMARA. The attempt is made to cut off the source of supply. In one instance that I was told about the manufacturer was told by the retail distributor, "If you are going to sell direct to the consumers we are not going to buy from you." That was the technique used.

Mr. LAUSCHE. The net result was that the aged people had to buy in the open market?

Mr. McNAMARA. That is correct. They had to pay the high prices which the Senator from Tennessee has been pointing out.

Again, I thank the Senator from Tennessee for the fine work he has been doing, and I assure him that the people in these so-called senior citizen groups appreciate the efforts he has been making in their behalf.

Mr. KEFAUVER. Mr. President, the Senator has stated one of the big reasons why this situation has become more and more acute. These older people have little income and almost no savings, yet they need more and more drugs as they get along in years.

I thank the Senator for his contribution, and I commend him for his work on the committee.

Mr. McNAMARA. I thank the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, the explanation of the manufacturers for the sizable markup over production costs was essentially that large sums had to be

paid for research, that their selling expenses were high, and that their profits were not unreasonable.

PROFITS

Let us turn then to the question of profits. There was introduced in the record a comparison of rates of return on net worth, after taxes, after everything, of selected industries for the year 1957, which was a normal year. 1958 was a depression year for certain industries, while 1957 was a typical year. The drug industry was shown to have a rate of return of 21.4 percent, which is the highest of any manufacturing industry and approximately double that of the average of all manufacturing, which is 11 percent.

I hope the chart, which is at the back of the Chamber, can be put up to a higher level, so that Senators can see it better.

Mr. President, it can be noted that the average rate of return for all manufacturing was about 11 percent, but in the year selected the rate of return of the drug industry, according to the report, which was figured by the Federal Trade Commission, was 21.4 percent, after taxes.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to my good friend from Pennsylvania.

Mr. CLARK. I have followed with interest the exposition the Senator has been making. The Senator was kind enough to give me an advance copy of his speech.

Mr. KEFAUVER. We are trying to get copies for all Senators.

Mr. CLARK. I read the speech with great interest.

I should indicate my great sympathy with the fine work the Senator is performing. The profits of these drug companies seem very large indeed. I should disqualify myself on account of interest, since I own 150 shares of stock of Smith Kline & French.

Mr. KEFAUVER. I congratulate the Senator. He has done very well.

Mr. CLARK. I am happy indeed with both the capital enhancement and the return I have received. I do think the profits are very high.

I wonder whether the Senator has any specific remedy to suggest as to how we can make the drugs cheaper for those who need them so badly, even if I do not receive quite so much in dividends, within our free-enterprise system? How can we achieve the desired result without the imposition of Federal controls, which we may be reluctant to impose?

Mr. KEFAUVER. I was going to come a little bit later to the legislative recommendations, but since the Senator has brought up the subject I think I can point out certain recommendations now.

I do not think that any of us have a whole lot of sympathy for anyone who complains about profits of a person who makes an item which is purely a luxury and not a necessity of life or health.

Mr. CLARK. Such as lipstick?

Mr. KEFAUVER. I am not sure about lipstick. That might be something else.

The drug industry is different. The drug industry is an industry serving consumers who are sick people. Many of them, as the Senator from Michigan pointed out, are people with small incomes. The consumers of the ethical drug industry are captives. They have no opportunity to shop around whatsoever.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. KEFAUVER. I will yield further in just a moment.

I can think of no other place where there should be more awareness of their responsibility to the community than in the drug industry. In the interest of the public health, the pharmaceutical manufacturers must see to it that drugs are sold at prices that bring them within the ordinary standard of life. To this end there must be price competition in the drug industry. That is what I am talking about.

There are certain things which I think specifically should be done. I shall go into some detail on this matter.

The drug companies should, in their elaborate advertising program, make the generic name as prominent as the trade name, so that doctors may see it.

In order to relieve any doubt about the efficacy and safety of drugs produced by smaller firms, the Food and Drug Act must be strengthened so as to provide examination of the facilities and products of all pharmaceutical manufacturers—big and small.

Generally speaking, I am in favor of the exclusive patent grant for the purpose of encouraging incentive on the part of innovators. However, in the drug industry we have a peculiar situation in which the health of the Nation is involved. A patient receives a prescription for a particular drug; he cannot shop around for alternatives. If the company has a patent or is an exclusive licensee, there are no other producers and there is no check upon the price which the company may charge.

I believe that in the public interest, in order to have some competition and get prices down, we should consider a licensing provision, allowing qualified applicants to enter into production and sale upon payment of a reasonable royalty. That was the Government's patent policy when the Alien Property Custodian sold Schering. I have not thought the problem through in all its aspects, but that is one possibility.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. KEFAUVER. I am very happy to yield.

Mr. CLARK. Has it occurred to the Senator to explore the avenue that perhaps the drug industry, because of the factors which the Senator has just summarized, is affected with a public interest, and perhaps not too far removed, in philosophy, at least, from public utilities, which are given a monopoly of sorts, and have long been subject to public regulation.

Mr. KEFAUVER. The position the Senator has taken is recognized by some foreign countries, which do not grant product patents on drugs. Germany, for example, which has produced perhaps more new drugs than any other country, grants no product patents because it recognizes the importance of this industry to the public health.

I will say to my friend from Pennsylvania that the drug industry is charged with a public interest. Several witnesses before our committee have recommended that drugs be put into the category of public utilities and subjected to regulation in the public interest.

I am not willing to go along with the suggestion. I want to try other means, along the lines of some legislative recommendations which will be made. I believe those other means would do a great deal toward correcting the situation. I hope that the American economy does not have to go to the extent of outright price regulation, but many people are demanding it now.

Mr. CLARK. Mr. President, will the Senator yield for a final question?

Mr. KEFAUVER. I am happy to yield.

Mr. CLARK. Does not the Senator feel that the emphasis should be on the high price of drugs, and the large profits made by the drug manufacturers? I understand that there is a necessary correlation between the two, but does the Senator feel that the amount of profit made is relatively unimportant as compared with the high price of the product, which places it outside the capability of so many people who need the drug to buy it?

Mr. KEFAUVER. Yes. I am in favor of the companies making a good profit, but I do not know how we can get away from the excessive profit they are making, and the excessive prices they are charging for their drugs. I shall show some examples of profits, salaries, stock options, and so forth.

In connection with the matter of Government control of the prices of drugs, a recent poll which I saw in the Evening Star showed that between 65 and 70 percent of the people polled felt that there should be some Federal regulation. I hope we can find some other way.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. LAUSCHE. Am I correct in my understanding that after it was disclosed at the hearing that Schering and Upjohn were getting $17.90 for 100 tablets which cost them $1.57, they answered, "While that may be true, and while the disparity between the selling price and the production price is great, our ultimate profits are still only reasonable"?

Mr. KEFAUVER. Schering objected on the grounds that other costs, such as advertising expenditures, were not included. But this of course was recognized in the table itself. I shall point out later that in the case of Mr. Hoyt, of Carter Products, by using the same process used for Schering, the calculation was shown to be exactly what he stated his production cost was, down to the fraction of a penny. Of course, most of them argued that their profits were not unreasonable.

Mr. LAUSCHE. After the argument was made that the actual cost of producing added to the cost of advertising and distribution left them only with a reasonable profit, the subcommittee of the Senator from Tennessee then looked

into the profits that were made according to the recorded statistics.

Mr. KEFAUVER. That is correct.

Mr. LAUSCHE. And when those statistics were examined, it was found that the drug industry led the entire manufacturing industry in profits made.

Mr. KEFAUVER. It led all manufacturing industries in the profits made on net worth. I believe in 1 year cement may have shown a little larger profit on sales than did the drug industry. But for the past several years, in terms of both sales and investment, the drug industry has been leading the Nation. In the case of Schering, Upjohn, and Merck, I have their exact profits after taxes. They are in the neighborhood of 20 percent on investment after taxes.

Mr. LAUSCHE. That is, according to the chart, the drug manufacturers are earning a profit of about 21.4 percent.

Mr. KEFAUVER. On net worth after taxes.

Mr. LAUSCHE. And all manufacturing shows an average profit of 11 percent, on the basis of the same formula.

Mr. KEFAUVER. That is correct.

Mr. LAUSCHE. I may say to the Senator from Tennessee that in one of the hearings conducted by the Surface Transportation Subcommittee of the Committee on Interstate and Foreign Commerce we likewise had a chart, which showed that the drug manufacturers were enjoying the highest profits, and that the lowest profit was around 2 or 3 percent. The average indicated there was 11 percent.

Mr. KEFAUVER. I thank the Senator for that information. It is my understanding that the Federal Power Commission and the various State regulatory agencies feel that a reasonable profit on worth, for the purpose of making rates, is about 6 percent. This is a great deal less than the drug industry has been making.

Mr. LAUSCHE. I ask the Senator whether, after these figures were disclosed, any explanation or justification was given for the high profit of 21.4 percent?

Mr. KEFAUVER. Yes. The witnesses said that the costs of research and the need for growth were factors; that the drug industry was a growth industry, which had to make high profits. They had a great deal to say about research, and I will come to that later. I am in favor of research. However, research expenditures by 20 of the largest drug companies is 6.4 percent of sales. Even the drug manufacturing officials admitted this factor could not account for their high prices.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am delighted to yield to the Senator.

Mr. LAUSCHE. I have before me the table about which I spoke a moment ago. It covers the corporate profits made in 1956. It was issued by the National City Bank of New York. It likewise shows that drugs and medicines were first, and in 1956 had a profit of 22.4 percent. That means that it was 1 percent higher in 1956 than it was in 1957. The lowest in profits made were the fire and casualty insurance companies, of 2.2 percent. Seventy-three different manufacturing enterprises are shown, and drugs and medicines are at the top of the 73.

Mr. KEFAUVER. That is very interesting. I thank the Senator from Ohio. The available evidence indicates that in terms of profits as a percent of sales, the drug industry is outranked among manufacturing industries only by cement, which has a considerably lower profit rate in terms of investment. From statistics of the Federal Trade Commission it was revealed that in 1958 Schering's profits, after taxes, were 23.2 as a percent of net worth; Merck 17.9 percent and Upjohn 18.9 percent.

Also, Schering Corp.'s cumulative profits after taxes in the 5½ years between 1952 and the first 6 months of 1957 were greater than the total price at which the corporation had been purchased from the Alien Property Custodian in 1952.

That is shown by chart No. 4 in the rear of the Chamber. In other words, in 5½ years, their cumulative profits were enough to recover the price paid the Government for the property. That is not anything like the case of Carter and of Smith, Kline & French, which in much less time earned enough to more than pay for the value of the company. In one case, in about 2 years they made enough to pay for the net worth of the company, if profits are calculated on the cumulative basis.

PATENTS

It was developed during the hearings that no company has as yet obtained a patent on the product, prednisone. However, between 1955 and 1958 cross-licensing agreements were entered into among Schering, Merck, Upjohn, Pfizer, Parke Davis, and Ciba. Because of the conflicting claims of priority for the discovery of prednisone, the Patent Office, following its usual custom, has placed such claims in what it characterizes as an interference proceeding. As of this day, this proceeding has not been decided. The license agreements entered into between Schering and these other companies provided, strangely enough, that the companies would pay Schering royalties for 3 years on the sales of prednisone even though no patent had issued. But of even greater importance, the license agreements provided that the parties would only sell prednisone in finished form, that is, in tablet form ready for use. The purport of this restriction is clear. By prohibiting bulk sales, small companies could not buy in bulk, do their own tableting and bottling, and market the product.

There was a small producer of prednisone, the Syntex Corp. in Mexico, which had filed a patent application for the product, but at the time was not a party to the license agreements. In 1957 Syntex started making bulk sales of prednisone to small drug manufacturers in the United States. The restrictive license agreements then broke down because when Syntex started making bulk sales, Pfizer and Merck felt compelled to follow suit. By virtue of these bulk sales, small companies today are able to manufacture and offer for sale prednisone at the low prices which I have mentioned. However, if the interference proceedings were to be settled tomorrow and a patent were to be issued to any one of the parties other than Syntex, the effect of the license agreements would be to cut off the bulk sources of supply to the small manufacturers. This would even apply to Syntex which now has an agreement with Schering under which it is to make no bulk sales if Schering gets the patent, and the same restriction would probably be imposed upon it if any of the other applicants were to get the patent.

I can only anticipate that if Schering, having its cross-licensing agreements with the big companies, gets a patent on prednisone, these little companies, which are selling to the druggists at lower prices, as well as to the Government, are not going to be able to sell at all. There will be no price competition to the Government or to anyone else, if that should happen.

SELLING EXPENSES AND ADVERTISING CLAIMS

Because of the importance of sales promotion both as a cost factor and as a means of obtaining a share of the market, selling costs and advertising claims were inquired into during the steroid hormone hearings. In 1958 Merck put dexamethasone on the market under the trade name, Decadron. Even its own medical director acknowledged before the subcommittee that some of the claims made by Merck for the product were overstated, and that some of the side effects were understated. This relates to the advertising that goes to the doctors, which has great influence upon them in prescribing for their patients.

Merck furnished the subcommittee with samples of some 60 to 70 direct mailings to physicians for this one product, Decadron, which it had sent out in just 1 year. With 150,000 practicing physicians in the country, this represents a total of around 10 million pieces of mail for 1 company for 1 product in 1 year. Upjohn has over 1,000 detail men out of a total employment of around 5,000. According to a survey of the 20 largest drug companies conducted by the subcommittee, selling expenses average 24 percent of the sales dollar. With an annual sales volume of over $2 billion, this means that around half a billion dollars is spent every year in vying for the doctor's attention. This is an annual selling expenditure of over $3,000 per doctor. Is it any wonder that many physicians have written to the subcommittee complaining that they are literally being inundated with advertising and promotional material, much of which, they say, is immediately thrown into the wastebasket without being read.

Now I turn to the second drug hearings which were held; namely, the hearings on tranquilizers. These were very important hearings.

The chart in the rear of the Chamber contains a breakdown of sales dollars of 20 major companies, showing how one dollar is broken down.

It will be seen that the cost of the goods ranges from 19.2 cents to 32.3 cents. The figure on the left is the average. Research is 6.4 cents. General

and administrative expense is 11.2 cents. Selling comprises 24 cents of the sales dollar. Taxes take 13 cents. The profit after taxes is 13.1 cents.

Some companies spend a little more on research. Some do not spend as much, such as American Home Products Corp., which spends a little more than 2 cents out of each dollar on research. But on the average the selling cost is approximately 4 times the amount spent for research. Those figures will be seen on the chart.

THE NATURE AND IMPORTANCE OF TRANQUILIZERS

On January 21, 1960, the subcommittee began its second product hearings dealing with tranquilizers. Tranquilizers are of very recent origin, having been first introduced commercially in this country in the early 1950's. Sales are estimated to be in the neighborhood of $175 to $200 million a year. There are three main classes of tranquilizers. First, there are the phenothiazine derivatives, principal among which are thorazine and compazine, which are sold in this country by Smith Kline & French. Second, there are the alkaloids of rauwolfia serpentina including principally reserpine sold in this country by Ciba Pharmaceutical Products under the trade name Serpasil.

I interpolate to say that rauwolfia has had a long and interesting career. The crude root was used 1,000 years ago because it was found to have tranquilizing effects. The Indians went far in isolating the important alkaloids in the crude material.

Then, in recent years, Ciba made some further refinement in the product and secured patents in many countries of the world on reserpine. It sells this product under the trade name of Serpasil. Ciba has an American subsidiary.

The third class of tranquilizers is a miscellaneous group, the principal among which is meprobamate, sold in the United States under the trade name of Miltown by Carter Products, and of Equanil by Wyeth, a subsidiary of American Home Products Corp.

All these drugs are sold under prescription. They are used not only in mental hospitals but also in the treatment of patients living ordinary lives but suffering from anxiety and tension, neurotic symptoms, emotional upsets, and the like. The phenothiazine derivatives and the derivatives of rauwolfia serpentina are frequently referred to as "potent" tranquilizers in that a large portion of their total use is for the treatment of hospitalized and other seriously ill mental patients. Meprobamate has been referred to as a "mild" tranquilizer in that its principal use is in the treatment of nonhospitalized patients for the relief of anxiety and nervous tension.

The potent tranquilizers have been of great value to mental institutions in the treatment of hospitalized patients. Not only have the problems of treatment within the hospitals been eased, but it has been possible to release a substantial number of patients who would still be hospitalized had it not been for the development of these new drugs. To prevent a recurrence of their ailment, however, it is frequently essential that these released patients continue treatment with the tranquilizing drugs. To such patients, their families, and indeed to society as a whole, the price which they have to pay for these drugs becomes a matter of gravest importance.

As a matter of fact, we received testimony that after a number of patients had been released from mental institutions or hospitals and were told to continue taking tranquilizers, it was necessary for them to return to the hospitals to get them, because the patients could not afford to buy tranquilizers themselves. Similarly, to taxpayers generally the price which must be paid for tranquilizers by tax-supported mental hospitals is a matter of no small moment.

The leading producers of tranquilizers are Smith Kline & French, Carter Products, Inc., American Home Products Corp., through its Wyeth division, and Ciba Pharmaceutical Products of the United States, Inc. Representatives of these companies were invited to appear and were heard during the course of the tranquilizer hearings.

THE PRINCIPAL TRANQUILIZERS

Foremost among the potent tranquilizers is the product Thorazine, which is manufactured and sold by Smith Kline & French Co. under an exclusive license arrangement with the French company Rhone-Poulenc, which developed the product and holds the U.S. patent.

Quite a number of these products were developed in France and in other countries, and they are sold in the United States under various types of licensing agreements.

The discovery of the tranquilizing property of this product was made by Dr. Fritz Lehmann, of Canada, working with material supplied by Rhone-Poulenc. Dr. Lehmann testified before our committee. He is a very eminent psychiatrist.

Introduced into the United States in 1954, Thorazine is the principal tranquilizer used in mental institutions. Smith Kline & French also markets and sells a related tranquilizer, Compazine, under an identical arrangement. Also originated by Rhone-Poulenc, of France, this drug was introduced in the United States in 1956.

In 1955 the Carter Products Co. brought onto the American market meprobamate, which it markets and sells as Miltown. Carter Products licensed one other American manufacturer to sell meprobamate in the United States, the American Home Products Co., which sells the product through its Wyeth division as Equanil.

There is a very unusual situation with reference to the Carter Products Co. and its sales of meprobamate. The only competition this company has in the United States is with Wyeth, its licensee, which sells the product as Equanil. Both companies sell their products at identical prices. Their bids to the Government have been identical on all occasions except one. The companies make a very small reduction to the Government in comparison with other companies, because they have an exclusive monopoly.

I do not know whether this table can be placed in the RECORD, but Wyeth and Carter, regardless of the amount of the purchases, have always ended, with the one exception, at the same price to the Military Medical Supply Agency. The price might vary a little—a few cents up or a few cents down—for 500 tablets. The tablets are sold to MMSA in bottles of 500. Yet the prices of both companies are identical.

It does not make any difference how large the bid is. One was for $882,000. Another was for $121,000. In both cases the prices were identical—$20.25 for 500. In early 1958 there were contracts on which each bid $22.50. How each company could know exactly how many cents they were going up and how many cents they were going down is quite difficult to understand. As a matter of fact, in the middle of our hearings the Government brought an indictment against them, under the antitrust laws.

Mr. ELLENDER. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I am very happy to yield.

Mr. ELLENDER. Is that product made abroad?

Mr. KEFAUVER. The only seller abroad, under the name Miltown, is American Cyanamid.

Mr. ELLENDER. The Senator from Tennessee referred to a product which is sold in two separate places at the identical price. Where is the base of that product obtained?

Mr. KEFAUVER. Here in the United States.

Mr. ELLENDER. And only two companies manufacture it?

Mr. KEFAUVER. Only two companies sell it in the United States.

As a matter of fact, Carter, which has the basic patent, does not manufacture the product at all. Carter has contracts with five or six small chemical companies which manufacture the finished bulk product for Carter, and then Carter sells the bulk product to its licensees. Carter sells the powder to Wyeth for its sales of Equanil in the United States; it has also sold to American Cyanamid, which is the foreign sales representative of Carter on sales of Miltown abroad.

Mr. ELLENDER. Is it not true that the company which furnishes the product requires that it be sold everywhere at the same price?

Mr. KEFAUVER. Such a requirement would be in violation of the antitrust law; that is clear. A company cannot use its patent to force the licensees to sell the product at the same price.

Mr. ELLENDER. So when the Senator says this is a monopoly, I suppose he is on good ground, is he not?

Mr. KEFAUVER. Yes; it is a complete monopoly. Carter has a complete monopoly, by patent protection. Carter licenses one company—American Home Products—for domestic sales in the United States and abroad, and Carter licenses another company—American Cyanamid—for sales of Miltown outside the United States.

I wish to point out an interesting thing: Many people have been asking why the foreign prices are so much lower

than the American prices. This situation is a very interesting one in that respect. Carter Products, Inc., sells in bulk to Wyeth, which is part of American Home Products, here in the United States. In 1958 it sold $10 a pound.

Mr. ELLENDER. That is the price in the United States?

Mr. KEFAUVER. Yes, plus a royalty; and of course Wyeth sells under the name Equanil. But Carter's foreign sales are handled by American Cyanamid; and Carter sold the same product in 1958 to American Cyanamid for under $5 a pound—less than half the price paid by Wyeth.

Mr. ELLENDER. Is American Cyanamid a U.S. company?

Mr. KEFAUVER. Yes; and it has subsidiaries abroad.

Mr. ELLENDER. But it does not sell in this country?

Mr. KEFAUVER. No; Carter has not licensed it to sell in the United States. My point is that in the case of this product, so far as the bulk material is concerned, American Cyanamid gets the basic product at a much lower price for sales abroad than Wyeth does for sales in the United States.

Mr. ELLENDER. Are those products manufactured in this country or abroad?

Mr. KEFAUVER. All of them are manufactured in this country.

Mr. ELLENDER. How does the Senator account for the difference in price?

Mr. KEFAUVER. Does the Senator mean the difference between the price to Wyeth and the price to American Cyanamid?

Mr. ELLENDER. Yes.

Mr. KEFAUVER. The difference is due to a policy decision by Carter.

Mr. ELLENDER. A moment ago, when I was asking questions, I was particularly interested in the product which is manufactured abroad. Did the Senator find that various companies handle that product in the United States; or does only one company handle it in the United States? I refer to meprobamate.

Mr. KEFAUVER. Carter sells under the name of Miltown and it has licensed one company, American Home, to sell in the United States. American Home sells under the trade name Equanil.

Mr. ELLENDER. It is the same product?

Mr. KEFAUVER. Yes; they are identical.

Mr. ELLENDER. The product to which the Senator from Tennessee has referred is sold abroad; and in the United States it is sold by these two companies, is it? Does the Senator know whether the contracts are similar? In other words, do they pay the same price?

Mr. KEFAUVER. In foreign countries?

Mr. ELLENDER. No; I refer to the product which is sold in the United States, but is manufactured abroad.

Mr. KEFAUVER. None that is manufactured abroad is sold in the United States.

Mr. ELLENDER. A moment ago the Senator from Tennessee said a certain product which is manufactured abroad is handled by two companies in this country, and that, for some reason or other, the price charged for the product to both companies is the same.

Mr. KEFAUVER. We were talking about Smith Kline & French, which has Compazine and Thorazine, and which has a license from Rhone-Poulenc, of France.

Mr. ELLENDER. Are the prices to the two companies the same?

Mr. KEFAUVER. Only one company has an exclusive license.

Mr. ELLENDER. I thought there were two.

Mr. KEFAUVER. Two on meprobamate. Smith Kline & French is exclusively licensed for Thorazine and Compazine. Those are two products, not two companies.

On meprobamate I think the point which it is important to make is that Carter sells to an American company which is going to sell abroad at half the price that Carter sells to the American company—Wyeth—which will sell here in the United States.

Mr. ELLENDER. Of course, the Senator from Tennessee realizes that that situation is not confined to drugs—when a product made in the United States is sold cheaper abroad. For instance, the Singer sewing machine sells in the United States for $125 or $130, but abroad it can be purchased for $50; and the same is true of automobiles and various other commodities produced in the United States.

Mr. KEFAUVER. I was not aware of the situation in the case of Singer sewing machines.

Mr. ELLENDER. That may not be true today, but it used to be. I know there is a difference. American products can be bought abroad much cheaper than the prices at which they can be purchased in the United States; and that situation is not confined to drugs.

Mr. KEFAUVER. I understand that is true. Of course, in the case of sewing machines, competition may have something to do with the price, and may hold down the price.

But only in limited areas is there any price competition in the drug business. And even though the sales price in other countries may be much lower—as I shall show in the case of a great many of these products—than the price in the United States, I do not see why sick people in the United States cannot get something in the nature of a "break," in terms of the prices they have to pay, as compared to the prices charged in other countries.

Even when the drugs are made here in the United States, they frequently are sold at prices very much lower in other countries. I think the whole thing is topsy-turvy, and not fair or right.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. I understand Carter sells to the one company which is licensed to sell to the American public at twice as much as to the one company it licenses to sell to the rest of the world.

Mr. KEFAUVER. That is correct.

Mr. HOLLAND. How does it justify or explain such a price difference since it holds a monopoly in this field?

Mr. KEFAUVER. That is the price Carter fixes. There is no price competition in the United States. Carter has a patent monopoly.

Mr. HOLLAND. Is there no antimonopoly law that would reach to that kind of operation?

Mr. KEFAUVER. As I have said, the two companies, Carter and Wyeth, have now been indicted for a violation of the Sherman Act. This difference in price may have been a factor leading to the indictment. But it is not a violation of the Robinson-Patman Act since the customers of Wyeth are not the customers of American Cyanamid.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. ELLENDER. If the company has an exclusive patent, it could not be reached through the antitrust laws.

Mr. KEFAUVER. That is correct. In the field of drugs which are absolutely necessary to life, the testimony shows that where companies are thoughtful enough to issue several licenses and get royalties, the little companies can get into the business and compete, and that practice results in saving the Government a tremendous amount of money. Prednisone, which was sold to druggists at $170 per thousand, was sold to the Government, on bid, at $20. The same company that sold it at $170 offered it, on bid, for $23 to the Government. If little companies cannot get into the business, price competition is absent, and the price to the Government remains high. I think, with respect to drugs that are a necessity of life, we ought to seriously consider whether it would be good public policy that companies be required to license a qualified applicant upon payment of a reasonable royalty.

Mr. ELLENDER. We might also look into the applicability of patent laws. That would be a way to reach them.

Mr. KEFAUVER. That is right.

Mr. ELLENDER. Particularly where the companies sell the same product at different prices to Americans than they do abroad. It strikes me we might be able to reach them in that manner.

Mr. KEFAUVER. I thank the Senator for his observations and suggestions. We certainly expect to go into them.

In 1954 Ciba, Ltd., of Basle, Switzerland, obtained patents in many countries, including the United States, covering reserpine, which it markets under the trade name Serpasil.

As I pointed out a little while ago, reserpine is a refinement of rauwolfia, which was used 1,000 years ago in India. It is the bark off a root.

When Ciba introduced this product on the American market, it freely granted licenses to manufacture and made no restrictions on sales in bulk. Reserpine is thus the only important tranquilizer available to, and sold in the United States, by small manufacturers. In other words, in the case of the other major tranquilizers, there is a patent monopoly. But Ciba, perhaps not being so sure about its patent, since it involves a product which had been used 1,000 years ago, has permitted small manufacturers to sell it.

PRICES IN FOREIGN COUNTRIES

Although Thorazine is sold to the American druggists in bottles of 50 tablets of 25-mgm. size for $3.03, the same product is sold in Paris, France, for 51 cents; in Rome, Italy, for $1.22; and in Sydney, Australia, for 94 cents.

Meprobamate, sold in the United States by both Carter and American Home Products to the druggists at $3.25 for 50 tablets of 400 mgm. size, was sold in Germany by American Cyanamid under a license arrangement with Carter for 69 cents, in Argentina for 74½ cents, and in Italy for $1.77.

Reserpine, sold by Ciba as Serpasil to druggists for $4.50 in bottles of 100 tablets of 0.25-mgm. size, is sold in Paris, France, for 83 cents; in Germany for $1.05; in Australia for $1.35; and in Holland for $1.09. A small company, the Panray Corp., sells reserpine to druggists for $2.65 in bottles of 1,000 tablets of 0.25-mgm. size—for which Ciba charges druggists $39.50. The president of the Panray Corp., stated that his product met the very rigid tests imposed upon his company in order to sell to MMSA and was identical with the product sold by Ciba as Serpasil.

Now I shall refer to something I am sure the Senator from Florida [Mr. HOLLAND] will be interested in hearing, and I hope the Senator from Louisiana [Mr. ELLENDER], who is always very careful about appropriations, will read.

BID PRICES TO GOVERNMENT PURCHASING AGENCIES

Since a number of suppliers of reserpine were available, the Military Medical Supply Agency—and the amount of drugs this Military Medical Supply Agency buys is stupendous, as is true of the Veterans' Administration—asked for and sought competitive bids on reserpine under the generic name rather than trade name. Based upon records of MMSA, the price of reserpine consistently tended downward under the impetus of competition from smaller manufacturers. In February 1959, Ciba Pharmaceutical Products, while charging druggists $39.50 for 1,000 tablets of 0.25-mgm. size, sold MMSA the same quantity for 60 cents. Because of competition, the Government was able to acquire for 60 cents the same product, in the same quantity, for which the American druggists had to pay $39.50. It was sold to the Government at only 1½ percent of the price at which it was and is being sold to the druggists.

MANUFACTURING COSTS

A rather unusual situation exists with regard to the production of meprobamate. It is not made by Carter itself. Rather, Carter has the bulk product manufactured for it, under agreement, by six producers. The average cost to Carter for meprobamate in December 1958 amounted to $4.35 per pound. Again using the bulk price as a base and adding to it the costs of tableting and bottling as quoted by an independent firm, the subcommittee staff arrived at a production cost to Carter per 400 mgm. tablet of 0.7 cent. It is to be remembered that on the bulk purchases to Carter a satisfactory profit had been made by the manufacturers of the bulk powder. It is also to be remembered that the independent bottling company's charge for testing, tableting, bottling, and labeling also included a profit. When the production cost of 0.7 cent per tablet was introduced in the record and the president of Carter Products was asked to comment, he produced a table of his own representing Miltown costs and profits per tablet. His manufacturing cost coincided exactly with the figure of 0.7 cent per tablet presented by the subcommittee staff. The incident which I have just recounted adequately confirms the soundness of the method adopted by the subcommittee's staff.

I shall digress at this time. The committee was criticized for reconstructing the production cost of prednisolone. It so happens that Schering, which makes no prednisolone, bought it from Upjohn. As I have stated, we have not asked the drug companies for their cost breakdowns, although I think we would have a right to do so. The staff figured what Schering had paid Upjohn for the finished bulk product in bulk form and secured the medium bid—not the lowest, not the highest—from a company to tablet, bottle, and label the product. As I have said, we came up with a production cost of 1.6 cents per tablet for prednisolone.

We then asked Schering to explain what made up the difference between 1.6 cents and their price to the druggist of 17.9 cents. They, of course, talked about research costs, taxes and other expenses, and advertising costs.

After the hearing we found that some small suppliers were selling prednisolone for less than 2 cents per tablet, which was a little bit more than the production cost figured by our staff.

If Senators will compare the two charts, the same method was followed as to Miltown and Equanil. The total cost to Carter Products, Inc., for producing 1,000 tablets was figured to be $7.32, based on the cost to Carter of $3.84 for the material. We added the estimated wastage, the costs of tableting and bottling. The cost per tablet to Carter was figured by the staff to be seven-tenths of 1 cent. To Wyeth it was figured to be 1.5 cents. It will be remembered that Carter charges considerably more for the materials going to Wyeth than it pays itself, and then Wyeth pays Carter a royalty on its sales.

Mr. Hoyt, the president of Carter, then offered a cost breakdown prepared by the company itself. His figures for manufacturing cost turned out to be exactly the same as the figure computed by the staff—seven-tenths of 1 cent. Carter's price to the wholesalers is 5.1 cents.

PROFITS

Except for reserpine, the American tranquilizer market is characterized by monopoly control effected through patents and license agreements. The highest profit companies in all American industry are found in this field. According to figures of the Federal Trade Commission, Carter Products, Inc., for the year 1958 enjoyed a rate of return after taxes on net worth of approximately 44 percent; Smith Kline & French of approximately 35 percent; and American Home Products Corp., of approximately 35 percent.

It will be seen from the chart Carter Products, Inc., first made full returns beginning in 1957, so that we have only the information for the years 1957, 1958, and 1959. It will be seen that profits on net worth after taxes, and after research, have been in the neighborhood of 45 to 50 percent. The chart also shows the figures for Smith Kline & French, averaging over 40 percent, and American Home Products Corp., averages 35 percent, or a little more, as shown for the last several years.

I should point out that the profits of Carter were included in the calculations in arriving at the 21.4-percent profit for the drug industry, but American Home Products Corp. manufactures a lot of other things in many other fields, and is not primarily a drug-manufacturing concern, so the figure for that company is not included.

According to Fortune magazine's ranking of the 500 major industrial corporations by net profits after taxes as a percent of invested capital, American Home Products ranked first and Smith, Kline & French second. Had Carter Products, Inc., been among the 500 largest firms, for which figures were gotten together by Fortune magazine, it would have outranked them all, with a net profit after taxes on invested capital of 38.2 percent.

For the RECORD, I think it is well to point out there is a slight difference in the way the Federal Trade Commission figures net worth after taxes, and the way Fortune magazine, whose staff did an excellent job in getting up this ranking, figured net worth, on what they called "investment."

The Federal Trade Commission takes the figures at the end of the year, when the accrued or kept profits are put into the company, and averages that with the situation at the beginning of the year in figuring net worth. Fortune magazine took the figures at the end of the year; that is, after the retained earnings had been put into the corporation. So Fortune magazine's percentages would be a little lower than the Federal Trade Commission figures, but not much.

STOCK APPRECIATION

Another way of appraising the extraordinary profitability of the drug companies is by examining the appreciation of their stock. How has the profitability of this industry reflected itself in stock prices and dividends? On January 3, 1949, 400 shares of American Home Products stock could have been purchased for $10,000. The stock was split 2 for 1 on November 14, 1957. The market value of 800 shares at the closing price on December 31, 1959, of 171½ amounted to $137,200. On an investment of $10,000 this is a net gain of $127,200 in an 11-year period. During this same 11-year period, total dividends on the original purchase would have returned a total of $16,480.

On December 31, 1948, 225 shares of Smith Kline & French stock could have been purchased for $9,900. This

stock was split 2 for 1 on September 13, 1950, 3 for 1 in November 1954, and 3 for 1 on May 29, 1959, or a total of 18 for 1 over this period. The market value of 4,050 shares—225 times 18—at the closing price on December 31, 1959, of 60½ would have been $244,013. On a $10,000 investment this is a net gain during the 11-year period of over $230,000. During this same 11-year period total dividends on the original purchase would have amounted to $20,070, or twice the investment. In citing these figures I want to reemphasize my belief in the profit system, and in the desirability of reasonable profits. But an essential element of the profit system is the existence of price competition, which, it is assumed, is the force that protects the consuming public. But with profits such as I have cited here, can there be any doubt that there is little or no price competition among the major drug manufacturers?

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am happy to yield to the distinguished Senator from Washington.

Mr. JACKSON. I have not had an opportunity to follow in detail the work of the chairman of the subcommittee, the distinguished senior Senator from Tennessee. I do know, however, that as a good lawyer he has always pursued his investigations with a high sense of objectivity. I feel that this is indeed a vital area of public interest. I am sure the Chairman knows that any wrongdoing, as far as the effect on the public is concerned, does not justify a condemnation of all drug companies. But it is clear from the evidence presented here by the Senator from Tennessee that harmful practices are widespread. I wish to commend the Senator for bringing to the attention of the Senate today this very important problem affecting all Americans.

Mr. KEFAUVER. I thank the Senator from Washington very much for his interest and for his contribution.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am very happy to yield to the distinguished Senator from Florida, who has given this subject much consideration and study over a period of many years, and who was the first and very impressive witness before our subcommittee when we started this series of hearings.

Mr. SMATHERS. I wish to highly compliment the able Senator from Tennessee, first, on conducting this investigation, which is so vital to so many American citizens, particularly the elderly American citizens who, as they move down life's pathway, find themselves developing various types of diseases and needing various types of medical remedies to keep themselves going.

We have a large percentage of those people in our State. I know from my visits to the State that they are greatly impressed with the hearings which the Senator from Tennessee is conducting. They, like many of us, are considerably disturbed by what is becoming more and more clear, namely, that there are certain drug manufacturers—and I do not say all of them are, and I am sure the Senator from Tennessee does not include all of them or wishes to bring a blanket indictment against all of them—who are taking what amounts to an exorbitant profit with respect to what the cost to them is of manufacturing their product, as compared with what they are asking for it when they merchandise that product. It weighs very heavily on these elderly people, and they are applauding the fine job the Senator from Tennessee is doing.

They recognize just as well as I do that he is being criticized by certain groups. Of course that is the privilege in every democracy, that those who wish to make protest can easily and readily do so. However, the people in my State, generally speaking, highly approve of the hearings which the Senator from Tennessee is conducting in the objective and impartial manner that he is following. They cannot help believe from what they have learned firsthand in what he is developing that the pattern of too high prices for low-cost drugs should somehow be stopped.

I cannot help but believe that my friends in the drug manufacturing industry and also many of my doctor friends, if they wish to head off what will amount to socialized medicine, along with the socialization of other parts of our industry, must recognize that some relief must be given to the average citizen, particularly the elderly citizen who must use these drugs and who does need some medical attention. Certainly there must be some better way found than now exists with respect to the purchasing of these drugs, so that they may be within the reach of those people who need them the most.

My doctor friends, I believe, are beginning to realize that there must be a better way, as the facts are unfolded in connection with the drug investigation. I believe that most of my doctor friends recognize that in many instances these prices are out of line. Not only are these protests, from the people who must pay for the drugs, directed against the drug producers, but in many instances also against the doctors, who, in fact, do not deserve to have them directed against them. They seem to be the recipients of a great many protests of which they are not deserving.

I should think that they would be very happy to join with the able Senator from Tennessee in getting to the public all the information with respect to this investigation, so that the average person who must buy drugs will recognize that it is not so much the doctor bill which is so high, but that it is the general cost of medicines which has gone up, in some cases justifiably, but in many instances beyond the measure of reasonable justification.

So, Mr. President, I wish to congratulate the able Senator from Tennessee for the job he is doing. I know he will keep up the work, and follow it to its logical conclusion.

I am sure we do not want to regulate industry. However, I would think that certainly an industry in which it has been demonstrated that a few members of it have gotten themselves out of line with respect to what is a reasonable profit, ought to bring themselves back into line on a voluntary basis. Otherwise, in time, as certain as we stand here on the floor of the Senate, the protests of the American citizenry will be so persuasive and so uniform and so loud that if the industry does not correct this situation itself, then unfortunately the Government will be forced ultimately to move into this field. That is something none of us wants.

Therefore, I believe that the Senator from Tennessee is doing a service to the drug industry and to everyone else by laying on the record the facts, so that everyone might see them, in the hope that those people who have most to do with some of these rather unpleasant facts will themselves remedy the situation so that the Government will not have to move in and remedy it.

Mr. KEFAUVER. Mr. President, I am very grateful to my distinguished friend from Florida for the statements he has made. I certainly agree with him. If there is any man in the Senate who has dug into this problem over a period of many years and knows it at first hand, it is the Senator from Florida. He has been very encouraging to the members of the subcommittee and to our staff so that we might do the best job of which we are capable. We certainly appreciate his support. I feel as he does that we do not want to have price fixing and Government regulation. Much could be done to lessen the severity of the problem through cooperation among the pharmaceutical industry, the pharmacists, and the medical profession. Cooperative efforts of this type would be far more helpful to the public interest than the preparation and issuance of unfounded attacks upon the subcommittee.

What the Senator said about the cost of drugs and the influence it is having, and the pressures all this might bring for something other than a free enterprise system, is shown by a recent poll. It shows that most people think that prices ought to be regulated. We want to reverse the trend of that poll and that can be achieved only by the existence of price competition in the industry. Another point I think should be borne always in mind is that last year, for the first time, the expenditures on drugs and appliances amounted to more than for medical fees. That is a matter to which physicians, I am sure, are giving a great deal of consideration. I thank my colleague very much for his statement and contribution.

Mr. HILL. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am very happy to yield to my good friend from Alabama, the chairman of the Committee on Labor and Public Welfare.

Mr. HILL. I have not had an opportunity to read the testimony before the Senator's subcommittee; but certainly no one could have been present today and heard the speech of the Senator from Tennessee and the very revealing statements he has made—and, I may

say, in many instances they were challenging statements—without being very much impressed, or without realizing the excellent work he has done. He has been devoted and hardworking, and has given leadership to a matter which is of the utmost importance, not only, particularly, to our senior citizens, as has been emphasized by the Senator from Florida [Mr. SMATHERS], but really to all the people. I commend the senior Senator from Tennessee upon the work he has done.

Has the Senator received adequate cooperation in his investigation from the various Government agencies concerned with this problem?

Mr. KEFAUVER. We have not as yet called the representatives of some of the Government agencies before us. We shall do so. But I must say that I regret that the cooperation from the National Institutes of Health has been rather limited. This has forced the staff of the subcommittee to go to a great deal of difficulty in getting from other sources technical information which we thought the NIH could have furnished us immediately.

Mr. HILL. Does the Senator know of any reason why the NIH has not been more cooperative?

Mr. KEFAUVER. I do not know; but Dr. Shannon has supplied only a limited part of the information which we have requested. What we have sought from NIH is technical information concerning the nature of properties of important drugs on which they have expert knowledge.

Mr. HILL. Has Dr. Shannon stated any reason for not doing so?

Mr. KEFAUVER. I know of no particular reason why he has not done so. We have received fair cooperation from the Food and Drug Administration. I hope we shall secure their full cooperation on legislative recommendations and in their testimony.

I have reason to believe that the Federal Trade Commission, which has some part in this work in connection with misleading and false advertising, will give us very good cooperation. But certainly we could use better cooperation from the NIH.

Mr. HILL. Has the Senator from Tennessee any particular thought or suggestion in mind with reference to such cooperation?

Mr. KEFAUVER. We need the technical knowledge and information of their scientists in the evaluation of these drugs. We also need their help in providing information concerning the side effects of drugs for purposes of comparison with the claims made in the advertisements of the pharmaceutical houses. Such information has been very late in getting to us, and very scanty when it has arrived. There can be no doubt that NIH possess far more information than it has seen fit to supply to the subcommittee.

Mr. HILL. As I have already said, the senior Senator from Tennessee certainly has done much hard work in this field. He has made a great contribution in bringing this most important matter to the attention of the Senate and of the country. He deserves the cooperation of every department and agency of the Government.

Mr. KEFAUVER. I do not wish to imply that the Government departments and agencies have not done anything; but the information submitted by the NIH has been extremely limited. It could be of much more value to us. In contrast, the State Department and the procurement agencies have rendered valuable cooperation.

I appreciate the presence of the Senator from Alabama during this discussion today because, as I have said on many occasions, I do not believe there has ever been a Member of Congress who has given such great attention to or who has been more interested in medical research and the plight of the people who need medication than the senior Senator from Alabama. It has been through his untiring efforts that great headway has been made by the medical profession, in some cases by pharmaceutical manufacturers, and by universities and others, in conducting research, much of which has led to remedies which have benefited many American people.

At the recent hearing we held on tranquilizers, Mr. Mike Gorman pointed out that some $5 million was available as the result of an appropriation for research in mental health made by the Appropriations Subcommittee headed by the Senator from Alabama, but that contracts for only $100,000 have actually been let.

Although the drug companies have entered into the cancer research program, they have not shown very much interest in research in the mental health program. I believe their chief objection has been to the patent policy, a policy which is quite lenient, as I see it.

Mr. HILL. As the Senator from Tennessee knows, more than half of all the hospital beds in the United States are occupied today by persons suffering from some form of mental illness. Surely there is a most compelling need for greater research and greater research programs in the field of mental illness.

Mr. KEFAUVER. The Senator is exactly correct. There is urgent need that this money be made available. In cancer research the pharmaceutical companies have taken contracts and are engaged in the research program. But in the field of mental health research, they have been very reluctant to act, as the Senator from Alabama so well knows.

The Government's patent policy is very lenient. It provides that the company may secure a patent; but the Government insists that if a company cannot furnish enough of a product to supply the national need, then the Government retains the right, as it should, to cause other companies to be licensed, at least until the demand has been met. I think that is a lenient position for the Government to take. I think the welfare of the general public certainly justifies as a minimum a policy of that kind.

Mr. HILL. The distinguished Senator from Tennessee was very generous in his remarks about the senior Senator from Alabama and the efforts of the Senator from Alabama in behalf of the programs for medical research and for better health for the American people.

There has been no stronger supporter, more interested, or devoted supporter of these programs than the senior Senator from Tennessee.

Mr. KEFAUVER. I thank the Senator from Alabama. I always look to him for guidance in these programs, because I know he feels deeply about them, and has a great fund of information upon which we can all rely.

STOCK OPTIONS

Another indication of the industry's extraordinary profitability is the stock option granted to the president of Carter Products, Inc., Mr. Hoyt. On July 16, 1957, he was granted options to purchase 57,500 shares of stock at $27.50 over a 5-year period. The president of this company exercised 34,500 of these options at $27.50 on July 28, 1959, at a total cost to him of $948,750. At the closing price of 75½ on Monday, January 25, 1960—the day before Mr. Hoyt appeared as a witness before the subcommittee—these shares had a total market value of $2,604,750. Had the price remained unchanged for a few more days, until the end of 6 months after the exercise of the options—in July 1959—the president of this company would have been able to realize a total gain, after taxes, on this transaction of $1,242,000, because under such plans he is subject only to a capital gains tax of 25 percent. Moreover, Mr. Hoyt still has 23,000 options unexercised. At the difference between the closing price on January 25, $75.50, and the option price of $27.50, his remaining options were worth a paper profit of $1,104,000 before taxes, and $828,000 after taxes. The combined gain at that price for all options, exercised and still pending, would have been $2,760,000 before taxes and $2,070,000 after taxes.

The stock market, however, has had something of a decline in the last 2 months, and Carter Products stock quotation has declined with it. It closed yesterday, according to the Wall Street Journal, at 62¾. Recalculating Mr. Hoyt's profit on his stock options yields the following figures: 34,500 shares worth $2,164,875; cost as before, $948,750; total gain, $1,216,125; net after taxes, $912,093. In other words, even after a big drop in the market, he could just about double his money in less than 8 months. On the 23,000 options not yet exercised, the calculations would be: market value, $1,443,250; cost, $632,500; total potential gain, $810,750; net after capital gains tax, $608,062. Thus, the whole transaction, if completed at yesterday's close, would net Mr. Hoyt $1,520,155. Of course, that is in addition to his very substantial salary.

It is interesting to note that the president of Carter Products, Inc., is the holder of 50.12 percent of the stock of Bahdelan Corp., a family-owned holding company. This holding company on May 15, 1959, held 50.92 percent of Carter's outstanding stock. Obviously, the president of Carter Products, Inc., merely voted himself this bonanza. I think it is high time for the Ways and Means Committee of the other body and the Finance Committee of this body to reexamine the whole question of stock options in the

light of this and similar examples which have been developed by our subcommittee.

I believe I should point out that that very tremendous takeout from the company—because a stock option amounts to withdrawing or taking money from the company—occurs in the case of a comparatively small company. Carter Products is not even one of the 500 largest corporations in the United States. Yet the salary and the stock options which Mr. Carter has enjoyed total more than the corresponding items in the case of most of the $500 million or $1 billion corporations. In fact, I do not personally know of any other corporation official in the industries which we have investigated who has received more money than the amount received in this case. Again, I say this is received by the head of a pharmaceutical company which holds an exclusive patent monopoly in the United States. His profits and his stock options are received from the sale of a drug which people have had prescribed for them by their physicians. This situation is very different from that of a company which produces luxury items, and which a prospective buyer may shop around for or even elect not to buy.

Incidentally, Mr. Hoyt said that if his company did not make at least 20 percent on investment after taxes, he would regard the operation as unsuccessful, and he would withdraw his funds from the business. It might be pointed out that the average profit on investment for all companies in the United States is 11 percent.

RESEARCH

The principal explanation offered by the drug companies for their high prices and profits is that they are necessary in order to support research. Like everyone else I am, of course, strongly in favor of research, in regard to drugs and all other products.

But this explanation is subject to criticism on several grounds. In the first place, the profit rates which I have been referring to are profits after taxes and after all expenses, among which of course is research.

In the second place, much of what the drug industry calls research is of very dubious and limited value to the public. In this connection I would like to refer to the testimony before our subcommittee of Dr. Haskell Weinstein, who recently served as medical director of the J. B. Roerig division of the Charles Pfizer Co. Excerpts from Dr. Weinstein's testimony are presented in attachment A.

In the third place, expenditures on research of the 20 largest drug companies represented only 6.4 percent of their sales dollar. This was only a little more than one-fourth of their selling expenses—24.0 percent—and less than one-fourth of their profits before taxes—26.1 percent. It is within the realm of probability that the amount spent on research is actually less than the amount spent on the portion of advertising material which is ignored or never even read by physicians. And the irony is that the selling and advertising expenditures do little, if anything, to expand the total consumer market for drug products. The market, in the form of sick and ailing people, is there to begin with.

Finally, as has been brought out in the hearings, many of the drugs sold in large quantities and at a substantial profit by American drug companies were actually developed in foreign lands—see table 10.

CONCLUSION

Mr. President, on January 26, a number of editorials which were inserted in the CONGRESSIONAL RECORD by the distinguished minority leader were critical of the work of the Antitrust and Monopoly Subcommittee in the current drug investigation. This country, fortunately, has a free press; and it is the prerogative of our editors to question Government officials in any of their activities. The subcommittee's drug investigation has also been the subject of many other editorials which welcome the inquiry and comment favorably on what it has thus far uncovered. I have selected a typical sample of these editorials, to be made a part of the RECORD at the end of my remarks.

Mr. President, I have long been dedicated to the belief that our Nation's existence to a large extent depends upon making effective our free, competitive enterprise system. Our constitutional fathers had a fierce devotion to the principles of freedom. An obligation of freedom is the acceptance of our responsibilities and the devising of new courses of action, where necessary, without fear, favor, or complacency. We should never lose the grace of critical evaluation. One of the truly noble ideas defined by our constitutional fathers was that this is a nation dedicated to the proposition that each and every person has a free man's right to work, thrive, and prosper according to his own capabilities.

In 1890, the Congress made explicit this dedication to freedom in the economy, by enacting the Sherman antitrust law, which was followed in 1914 by the Clayton and the Federal Trade Commission Acts. Despite all the good that has been accomplished under these laws, the fact remains that in many important areas of our economy, competition no longer seems to be sufficiently effective to protect the public interest. How to provide that protection without impairing our freedoms is the fundamental question confronting the subcommittee in its inquiry into administered prices. Those who criticize the subcommittee for having as yet failed to come up with a solution would do the Congress and the Nation a great service if they would present their answer to the problem.

The work and duties of the Antitrust and Monopoly Subcommittee are complex and difficult.

Here I wish to pay high tribute to the staff of the subcommittee. The staff members have worked day and night in trying to obtain the facts. I wish to say they have been careful in the factual presentations which have been made. If any error has crept in, they have immediately corrected it. However, I know of no errors which have actually gotten into our record. The staff members have been very painstaking. In my opinion they have done an outstanding job, and all of them deserve the gratitude of the public.

No corporation wants to be investigated. There are many in our Nation dedicated to the proposition of the status quo. There are many who interpret "free enterprise" as the right of corporate managers of great corporations to regulate prices, production, and employment free from competition, free from congressional or public scrutiny, and free from any concern with the public interest.

Under the Constitution, Congress has the responsibility to regulate interstate and foreign commerce. I am afraid that we have been lax in our responsibility. Instead of regulating interstate and foreign commerce, I am afraid that commerce has increasingly come to regulate us. To those who are content to let the economic decisions continue to be made by the managers of our giant corporations, free from competition or public accountability, I cite the drug industry, which, of all industries, should show the greatest manifestations of concern for the public interest, and yet appears to show the least.

Mr. President, I yield the floor.

The matter submitted by Mr. KEFAUVER, and previously ordered to be printed in the RECORD, are as follows:

TABLE 1.—*Prednisone: Merck's prices to druggists, comparative United States and foreign, 1959*

[5 mg. tablets, bottles of 100]

City and country:	*Price to druggist*
London, England	[1] $7.53
Rio de Janeiro, Brazil	[2] 14.15
Armsterdam, Holland	16.05
Vienna, Austria	[1] 17.16
United States	17.90
Toronto, Canada	[1] 20.80
Rome, Italy	[1] 22.16
Colon, Panama	[1] 22.99
Sydney, Australia	[1] 24.00
Tokyo, Japan	27.28

[1] Calculated from price for 30.
[2] Calculated from price for 20.

Source: U.S. price: American Druggist Blue Book, 1959–60. Foreign prices: Collected by the U.S. Department of State through the American Embassies in spring of 1959.

TABLE 2.—*Prednisolone, 5-milligram tablets, computed cost based on bulk price transaction and contract processing charges*

	Per 1,000
1. Bulk price at which Upjohn sold to Schering in 1958: [1] $2.37 per gram. Material for 1,000 tablets (5×$2.37)	$11.85
2. Allowance for wastage (5 percent)	.62
3. Tabletting charge	2.00
4. Bottling charge (10 bottles of 100 tablets each)	1.20
Total	15.67

COMPARISON BETWEEN COMPUTED COST AND ACTUAL PRICES

	Per 100	Per tablet
Computed cost, excluding selling and distribution costs	$1.57	$0.016
Actual prices: [2]		
To druggists	17.90	.179
To consumer (list)	29.83	.298

[1] As reported to the subcommittee by Upjohn and by Schering.
[2] Upjohn (Delta-Cortef) from catalog; Merck (Hydeltra), Pfizer (Sterane), Schering (Meticortelone), Parke, Davis (Paracortol) from 1959–60 edition, "American Druggist Blue Book." (Parke, Davis consumer prices 1 cent higher per bottle than others.)

TABLE 3.—*Comparison of rates of return after taxes in selected industries, 1957*

Industry:	Percent of return
Drugs	21.4
Industrial chemicals	16.2
Office and store machines and devices	15.5
Motor vehicles	15.5
Flat glass, glassware (pressed or blown)	14.9
Electrical machinery, equipment and supplies	14.2
Engines and turbines	13.5
Abrasives, asbestos and miscellaneous nonmetallic mineral products	13.3
Soap, cleaning, and polishing preparations	13.0
Petroleum refining	12.8
Tobacco products	12.6
Blast furnaces, steel works, rolling mills	12.4
Dairy products	11.9
Bakery products	11.4
Tires and inner tubes	11.3
All manufacturing	11.0

Source, industries: Federal Trade Commission; all manufacturing: FTC-SEC Quarterly Financial Report for Manufacturing Corporations.

TABLE 4.—*Schering Corp. purchase price, 1952, and profits after taxes, 1952 to June 1957*

[In thousands]

Year	Profits after taxes	
	Annual	Cumulated
1952	$1,729	$1,729
1953	1,729	3,458
1954	1,659	5,117
1955	8,529	13,646
1956	12,305	25,951
1957 (6 months)	6,008	31,956

Purchase price: $29,132,000 in March 1952.

Source: Schering proxy statement, September 1957.

TABLE 5.—*Comparative U.S. and foreign prices of tranquilizers, 1959*

City and country	Trade name	Company marketing	Price to—	
			Druggist	Consumer
	Chlorpromazine, 25 mg. tablet, 50's:			
United States	Thorazine	Smith, Kline & French.	$3.03	[1] $5.05
Toronto, Canada	Largactil	Rhone-Poulenc	3.75	7.05
Sydney, Australia	do	May & Baker (British).	.94	1.69
Paris, France	do	Specia (Poulenc subsidiary).	.51	.77
Dusseldorf, Germany.	Megaphen	Bayer	.97	1.90
Rome, Italy	Largactil	Farmitalia (owned 51 percent by Montecatini, 49 percent by Poulenc).	1.22	1.62
Tokyo, Japan	Wintermin	Shionogi & Co.	1.91	2.29
	Contomin	Yoshitomi Pharmaceutical.	1.88	2.28
	Sevamine	Banyu Pharmaceutical Co.	2.14	2.57
Rio de Janeiro, Brazil.	Amplictil	Rhodia	$1.53	$2.00
Brussels, Belgium	Largactil	Specia	1.37	1.96
Amsterdam, Holland.	do	do	1.31	1.93
London, England	do	May & Baker	.77	(2)
	Prochlorperazine, 10 mg. tablet, 50's:			
United States	Compazine	Smith, Kline & French.	3.93	[1] 6.55
Toronto, Canada	Stemetil	do	3.60	6.75
Sydney, Australia	do [3]	May & Baker	2.84	5.00
Paris, France	Tementil	Specia	.80	1.20
Dusseldorf, Germany	Nipodal	Bayer	.80	1.58
Brussels, Belgium	Stemetil	Specia	1.61	2.30
London, England	do [3]	May & Baker	2.24	(2)

[1] Computed from price to druggist at standard markup.
[2] Not available.
[3] Price reported to subcommittee for 5 mg. tablet has been doubled.

Sources: U.S. price: American Druggist Blue Book, 1959-60. Foreign prices: Collected by the U.S. Department of State through the American Embassies in spring of 1959. (Pro rata conversion to 50 tablets per package by subcommittee staff where necessary.)

TABLE 6.—*Comparative U.S. and foreign prices of meprobamate, 1959*

[400-mg. tablet, 50's]

Country	Seller	Trade name	Price to—	
			Druggist	Consumer
United States	Carter	Miltown	$3.25	$5.42
	Wyeth (American Home).	Equanil	3.25	5.42
Argentina	Cyanamid	Miltown [1]	.745	.8475
Austria	do	Miltaun [1]	1.56	3.02
	Petrasch (many others)	Meprobamat [2]	.60	1.18
Australia	Cyanamid	Miltown [1]	3.47	5.86
	Wyeth	Equanil [1]	3.47	5.86
	Imperial Chemical	Meprylon [3]	2.81	4.69
	Knoll Laboratories	Pinal [1]	2.24	3.92
Brazil (Rio)	Cyanamid	Miltown [1]	2.20	2.86
	Wyeth	Equanil [4]	2.20	2.86
Belgium	Cyanamid	Miltown [1]	3.25	4.64
	Imperial Chemical	Meprylon [4]	1.75	2.50
	Roter, Holland (many others).	Artolon	.91	1.30
Canada	Wyeth	Equanil	3.60	6.75
	Ayerst (American Home).	Miltown	3.75	7.05
France	Byla	Equanil	2.65	3.98
Germany	Cyanamid	Miltaun	.69	1.33
	Asche (Wyeth)	Anetral [5]	1.36	2.78
	Tropen Werke	Cyrpon	.66	1.30
Great Britain	Cyanamid	Miltown	$1.48	
	Wyeth	Equanil [6]	1.41	
	ICI	Meprylon [7]	1.45	
Holland	Cyanamid	Miltown [1]	3.56	$5.24
	Wyeth	Quanatan [6]	1.12	1.65
	ICI (many others)	Meprylon [4]	1.12	1.64
India	Lederle	Miltown	4.79	5.90
	Wyeth	Equanil [6]	4.25	4.73
Iran	Cyanamid	Miltown [1]	4.68	5.20
	Wyeth	Equanil	3.55	3.95
	Le Petit	Per Tranquil	3.28	3.65
	Wallace	Miltuorm	3.60	4.00
Italy	Cyanamid	Miltaun [5]	1.77	2.36
	Wyeth	Quanil [4]	1.94	2.58
	Pierrel (many others) [5]	Paxin [5]	1.33	1.77
Japan	Lederle	Miltown [7]	2.50	3.33
	Banyu	Equanil	2.50	3.33
Mexico	Cyanamid	Miltown [4]	2.00	2.40
	Wyeth	Equanil	1.80	2.18
Venezuela	Cyanamid	Miltown [1]	5.44	7.06
	Wyeth	Equanil [1]	5.44	7.06

[1] Prices have been calculated for 50 from prices given for 25 tablets.
[2] Prices have been calculated for 50 from prices given for 20 tablets.
[3] Prices have been calculated for 50 from prices given for 30 tablets.
[4] Prices have been calculated for 50 from prices given for 24 tablets.
[5] Prices have been calculated for 50 from prices given for 36 tablets.
[6] Prices have been calculated for 50 from prices given for 40 tablets.
[7] Prices have been calculated for 50 from prices given for 100 tablets.

Source: U.S. price: American Druggist Blue Book, 1959-60. Foreign prices: Collected by U.S. Department of State through the American Embassies in spring of 1959. (Prices converted to dollars at official rate.)

TABLE 7.—*Comparative U.S. and foreign prices of serpasil, 1959*

[Bottles of 100]

City and country	0.25 mg. tablet price to druggist	1 mg. tablet price to—	
		Druggist	Consumer
United States	$4.50	$12.00	[1] $20.00
Sydney, Australia	1.35	4.41	6.92
Vienna, Austria	1.03	2.78	5.03
Toronto, Canada	2.70	9.87	16.45
Paris, France	.83	1.21	1.82
Dusseldorf, Germany	[2] 1.05	[3] 3.42	[3] 6.41
Amsterdam, Holland	1.09	(4)	
Bombay, India	(4)	5.29	(4)
Tokyo, Japan	1.75	5.56	6.94
Brussels, Belgium	[2] 1.89	[5] 4.24	[5] 6.06
Rio de Janeiro, Brazil	[2] 1.95	5.53	7.19
Tehran, Iran	(4)	[5] 4.87	[5] 5.39
Rome, Italy	[2] 1.83	[6] 4.90	[6] 6.48
Istanbul, Turkey	[2] 2.52	(4)	
London, England	1.06	3.94	
Caracas, Venezuela	[2] 3.05	7.85	10.20

[1] Retail fair trade minimum.
[2] Calculated from price for 40.
[3] Calculated from price for 50.
[4] Not available.
[5] Calculated from price for 30.
[6] Calculated from 20.

Source: U.S. price: American Druggist Blue Book, 1959–60. Foreign prices: collected by the U.S. Department of State through the American Embassies in spring of 1959.

TABLE 8.—*Meprobamate, 400 mgm. tablets*

COMPUTED PRODUCTION COST BASED ON BULK PRICE TRANSACTIONS AND CONTRACT PROCESSING CHARGES (EXCLUSIVE OF SELLING AND DISTRIBUTION COSTS)

[100,000 tablet order]

	Per 1,000 tablets	
	To Carter Miltown	To Wyeth Equanil
Material—400 grams:		
Average cost to Carter in December 1958 of $4.35 per pound [1]	$3.84	
Price Wyeth pays Carter of $10 per pound [1]		$8.82
Wastage, 2 percent	.08	.18
Tableting charge	2.00	2.00
Bottling charge (20 bottles of 50 tablets each)	1.40	1.40
Royalty to Carter, 5 percent of selling price		2.60
Total computed production cost per thousand	7.32	15.04

COMPARISON BETWEEN COMPUTED PRODUCTION COST AND ACTUAL PRICE

	Per 1,000	Per tablet
		Cents
Computed production cost, exclusive of selling and distribution costs:		
Carter	$7.32	0.7
Wyeth	15.00	1.5
Actual prices, both brands:		
To wholesaler, at $2.60 for 50	52.00	5.2
To druggist, at $3.25 for 50	65.00	6.5
To consumer, at $5.12 for 50	108.40	10.8

[1] As reported to subcommittee by Carter Products' Inc.

Source of prices: 1959–60 American Druggist Blue Book.

TABLE 9–A.—*Fortune ranking of major industrial corporations by net profit after taxes as percent of invested capital, 1958*

Rank	Rate	Company
1	(33.2)	(Carter Products, Inc.) [1]
2	33.5	American Home Products Corp.
	33.1	Smith Kline & French Laboratories.

[1] Not in Fortune List. Source: Moody's Industrials 1959; data for fiscal year ending Mar. 31, 1959.

TABLE 9–A.—*Fortune ranking of major industrial corporations by net profit after taxes as percent of invested capital, 1958*—Con.

Rank	Rate	Company
3	32.4	Gillette Safety Razor Cos.
4	29.3	Revlon, Inc.
5	28.9	Avon Products, Inc.
6	28.4	Chemstrand Corp.
7	26.6	Champion Spark Plug Co.
8	24.6	Botany Mills.
9	24.1	Brunswick-Balke-Collender Co.
	(23.7)	(Norwich Pharmacal Co.) [2]
10	23.6	Pepsi-Cola Co.
11	23.4	Texas Instruments, Inc.
	(23.2)	(G. D. Searle & Co.) [2]
12	22.8	Tecumseh Products Co.
13	22.7	Sterling Drug, Inc.
14	22.6	Rohr Aircraft Corp.
15	22.4	Kellogg Co.
16	22.2	Permanente Cement Co.
17	22.2	Maytag Co.
18	22.2	McDonnell Aircraft Corp.
19	21.8	Schering Corp.
20	21.8	American Chicle Co.
21	21.6	Parke, Davis & Co.
22	21.6	Cessna Aircraft Co.
23	21.4	P. Lorillard Co.
24	21.1	Miles Laboratories, Inc.
25	21.0	Polaroid Corp.
	(20.9)	(U.S. Vitamin & Pharmaceutical Corp.) [2]
26	20.4	Chance Vough Aircraft, Inc.
27	20.3	McGraw-Hill Publishing Co., Inc.
28	20.2	Briggs & Stratton Corp.
29	20.1	Warner-Lambert Pharmaceutical Co.
30	19.8	Thomas J. Lipton, Inc.
31	19.4	Mesta Machine Co.
32	19.3	United Engineering & Foundry Co.
33	19.3	Northrop Aircraft, Inc.
34	19.1	Minnesota Mining & Manufacturing Co.
35	19.0	American Motors Corp.
36	18.5	General Electric Co.
37	18.3	Gerber Products Co.
38	18.1	Minute Maid Corp.
39	18.0	Campbell Taggart Associated Bakeries.
40	18.0	The Upjohn Co.
41	18.0	Temco Aircraft Corp.
42	17.9	Otis Elevator Co.
43	17.8	R. J. Reynolds Tobacco Co.
44	17.6	Ingersoll-Rand Co.
45	17.5	International Business Machines Corp.
46	17.4	Hershey Chocolate Corp.
47	17.3	Addressograph-Multigraph Corp.
48	17.3	Chas. Pfizer & Co., Inc.
49	17.2	Zenith Radio Corp.
50	17.1	Merck & Co., Inc.
55	16.3	Vick Chemical Co.
70 71	(14.8)	(Mead Johnson Co.) [2]
73	14.6	Abbott Laboratories.
83	14.2	Bristol-Myers Co.
101	13.2	Eli Lilly & Co.
167	11.0	American Cyanamid.
231 232	9.5	Average, the 500 largest industrials.
400	2.7	Olin Mathieson Chemical.

[2] Not in Fortune List. Source: Moody's Industrial Manual, 1959.

[3] Not in Fortune list. Source: Moody's Industrial Manual 1959; data for fiscal year ending Nov. 30, 1958.

TABLE 9–B.—*Fortune ranking of major industrial corporations by net profit after taxes as percent of sales, 1958*

Rank	Rate	Company
1	21.9	Amerada Petroleum Corp.
	(21.3)	(G. D. Searle & Co.) [1]
2	18.9	Ideal Cement Co.
3	18.7	E. I. du Pont de Nemours & Co.
4	16.8	Smith Kline & French Laboratories.
5	16.6	Schering Corp.
6	16.5	Standard Oil of California.
7	16.5	Champion Spark Plug Co.
8	16.3	Parke, Davis & Co.
9	16.1	Lone Star Cement Corp.
10	15.5	Ingersoll Rand Co.
11	15.4	United States Gypsum Co.
12	15.2	Kennecott Copper Corp.

[1] Not in Fortune list. Source: Moody's Industrial Manual, 1959.

TABLE 9–B.—*Fortune ranking of major industrial corporations by net profit after taxes as percent of sales, 1958*—Con.

Rank	Rate	Company
13	15.1	Superior Oil Co.
	(14.4)	(Carter Products, Inc.) [2]
14	14.0	Permanente Cement Co.
15	13.7	The Upjohn Co.
16	13.7	Signal Oil & Gas Co.
17	13.5	Phelps Dodge Corp.
18	13.4	Merck & Co., Inc.
19	13.3	The Texas Co.
20	13.2	Gillette Safety Razor Cos.
21	13.1	Eli Lilly & Co.
22	13.1	American Chicle Co.
23	12.7	Cleveland-Cliffs Iron Co.
	(12.4)	(U.S. Vitamin & Pharmaceutical Corp.) [2]
24	12.2	R. J. Reynolds Tobacco Co.
25	12.1	Weyerhaeuser Timber Co.
26	11.9	Eastman Kodak Co.
27	11.9	Gulf Oil Corp.
28	11.8	Ohio Oil Co.
29	11.7	Minnesota Mining & Manufacturing Co.
	(11.7)	(Norwich Pharmacal Company) [1]
30	11.3	American Home Products Corp.
31	11.2	Wm. Wrigley Jr., Co.
32	11.2	United Shoe Machinery Corp.
33	11.1	Polaroid Corp.
34	11.0	Abbott Laboratories.
35	11.0	Harbison-Walker Refractories Co.
36	10.9	Sunray Mid-Continent Oil Co.
37	10.9	Skelly Oil Co.
38	10.8	Corning Glass Works.
39	10.8	International Business Machines Corp.
40	10.8	Chas. Pfizer & Co., Inc.
41	10.7	Champlin Oil & Refining Co.
42	10.6	Chemstrand Corp.
43	10.6	Peabody Coal Co.
44	10.4	Material Service Corp.
45	10.4	Hanna Ore Mining Co.
46	10.1	Chicago Pneumatic Tool Co.
47	10.0	P. Lorillard Co.
48	10.0	Union Bag-Camp Paper Corp.
49	10.0	Tennessee Corp.
50	9.9	Libbey-Owens-Ford Glass Co.
55	9.7	Sterling Drug Inc.
59	9.4	Vick Chemical Co.
60	8.9	Warner Lambert Pharmaceutical Co.
83	8.4	American Cyanamid Co.
84/85	(8.2)	(Mead Johnson Co.) [3]
138	6.4	Bristol-Myers Co.
187/188	5.4	Average, 500 largest industrials.
437	1.6	Olin Mathieson Chemical Corp.

[2] Not in Fortune list. Source: Moody's Industrial Manual, 1959; data for fiscal year ending Mar. 31, 1959.

[3] Not in Fortune list. Source: Moody's Industrial Manual, 1959; data for fiscal year ending Nov. 30, 1958.

TABLE 10.—*Examples of products developed in university and other noncommercial laboratories in the United States*

[Substance and location]

Antibiotics:
Nystatin, State of New York.
Streptomycin, Rutgers University.
Synnematin, State of Michigan.
Candicidin, Rutgers University.
Neomycin, Rutgers University.
Streptothricin, Rutgers University.
Tyrothricin (tyrocidine and gramiciden), Rockefeller Institute.
Totomycin, Jacques Loeb Foundation.
Chloromycetin, Yale University—by Dr. Paul Burkholder.
Fillipin, University of Illinois.
Fumagillin, N.Y. Botanical Garden.
Polymyxins A and D (U.S. Department of Agriculture), England.
Bacitracin, U.S. Army.
Salk vaccine, University of Pittsburgh.
Other drugs:
Dicumarol, University of Wisconsin.
Heparin, Johns Hopkins University.
Fibrinogen, Harvard University.
Fibrinolysin, Harvard University.

Vitamins: Vitamins will be considered in later hearings. They have not been included

in these lists since, in the majority of cases, the number of workers involved makes it difficult to assess credit to any single individual or country.

TABLE 11.—*Examples of foreign origin drugs in specific product areas studied by subcommittee*

Substance	Country of origin	Date
Antibiotics		
Penicillin	England	1929
Spiramycin	France	1953
Griseofulvin	England	1954
Kanamycin	Japan	1958
Aerosporin (Polymyxin B)	England	1947
Diabetic drugs		
Insulin	Canada	1922
Tolbutamide (Orinase)	Germany	1954
Hormones:		
Aldosterone	Switzerland and England.	1939
Androsterone	Switzerland	1931
Dehydroisoandrosterone	do	1934
Testosterone	do	1935
Pregnanediol (isolation)	England	1927
Progesterone	Switzerland	1934
Desoxycorticosterone	do	1939
Ovarian extract	do	1913
Estrogenic substances	Canada	1943
Dienestrol	England	1938
Sulfas:		
Sulfanilamide	Germany	1935
Sulfamethazine	England	1941
Sulfisomidine (Elkosin)	Switzerland	1944
Tranquilizers and central nervous system drugs:		
Meperidine (Demerol)	Germany	1939
Methadone (Analgesis)	do	1942
Mephenesin	Great Britain	1946
Xylocaine	Sweden	1946
Promethazine (Phenergan)	France	1947
Reserpine	Switzerland	1952
Hydroxyzine (Atarax)	Belgium	1952
Chlorpromazine (Thorazine)	France	1953
Promazine (Sparine)	do	1954
Mepazine (Pacatal)	Germany	1954
Benactyzine (Suavitil)	Denmark	1954
Ritalin	Switzerland	1958
Perchlorperazine (Compazine)	France	1954

ATTACHMENT A

EXCERPTS FROM TESTIMONY BY DR. HASKELL WEINSTEIN

At the present time I am the director of the Chest Hospital at the City of Hope Medical Center, Duarte, Calif. I assumed this position on January 1, 1960. For approximately 1 year preceding this appointment I was employed by a major pharmaceutical company, long enough to make certain observations and reach certain conclusions. My comments will relate to the problem under investigation, namely, the high, possibly excessive prices of drugs. However, I believe it appropriate to mention other important areas of possible abuse.

A major justification for the high prices of many prescription drugs has been the very well publicized vast expenditures of funds and energy by the pharmaceutical manufacturers for what has been labeled "research." This activity has been emphasized to the public and to the medical profession by rather grandiose, self-serving slogans such as "Science for the World's Well Being," and "Research in the Service of Medicine." No clear-cut definition has been given by the representatives of the pharmaceutical industry of just what is included in their definition of research. There can be no question that some very wonderful, exciting, extremely important and productive research has been and is being done within the pharmaceutical industry. However, I do not think that it would detract in any way from these fine and very worthwhile activities to point out that much that is called research in the pharmaceutical industry has little relationship to what most people engaged in academic and research activities would consider to be scientific research. It is difficult to escape the apparent fact that many of these research activities are directed toward promoting private gain, with public benefit and advancement of knowledge, if any, being strictly incidental.

An example of such questionable research has been the molecule manipulation intended to bypass patents and other priority rights, and which has resulted in the flood of "me too" products.

Many examples of such molecule manipulation are available. It must be granted of course that occasionally some slight improvement in a drug has been achieved, but most often the only improvement has been an increase in potency or horsepower. The actual added benefit to the patient has been negligible, if any.

Another type of fruitless research has been the development of a multiplicity of drug combinations. Rarely has good medical rationale been the basis of these combinations. Indeed, such combinations can be detrimental to the patient because they lack flexibility and can compound the problems of dosage and toxicity. Despite advertising to the contrary, it is rarely possible to achieve an ideal drug regimen with a fixed combination of drugs.

Another type of activity which has been called research but which is even more remote has been the "battle of the additives," particularly prevalent among the tetracycline manufacturers. Fantastic amounts of effort and money have been expended in attempting to prove that the addition of certain additives such as citric acid or glucosamine are of significant benefit to the patient. The proof has frequently been in the form of tortured statistics or vague clinical reports.

These expenditures and efforts are probably a legitimate business expense, however in all fairness to the public they should be considered not as research but as product development, process development, and promotion.

In reference to promotion, it should be mentioned that a great many clinical studies are carried out and extensively supported financially for the sole purpose of producing allegedly scientific articles at regular intervals. These articles are published and actively keep the name of the drug before the medical profession. Reprints of such articles are considered invaluable for detailing the product to physicians. I suspect that the sales manager and his detail men feel naked if they don't have reprints available to give the physician. It is considered essential to have, whenever possible, a steady stream of reprints appearing at regular intervals long after the drug has been originally studied and marketed. Unfortunately, few competent investigators will bother studying a drug which has been available for a long time, unless some unusual or unsuspected application is detected. There are too many new drugs clamoring for attention. Some investigators, however, are willing to provide case reports on an established drug, using the funds received from the manufacturers to support their studies in other, more fruitful, areas.

It may be of interest to the committee to know that a substantial number of the so-called medical scientific papers that are published on behalf of these drugs are written within the confines of the pharmaceutical houses concerned. Frequently the physician involved merely makes the observations and his data, which sometimes is sketchy and uncritical, is submitted to a medical writer employed by the company. The writer prepares the article which is returned to the physician who makes the overt effort to submit it for publication. The article is frequently sent to one of the journals which looks to the pharmaceutical company for advertising and rarely is publication refused. The particular journal is of little interest inasmuch as the primary concern is to have the article published any place in order to make reprints available. There is a rather remarkable attitude prevalent that if a paper is published then its contents become authoritative, even though before publication the same contents may have been considered nonsense.

I was involved in a situation which will, I believe, describe the relations between the pharmaceutical house and the publisher quite adequately. I was assigned the task of writing a paper on a new formulation of a broad spectrum antibiotic. I was informed that this paper had been accepted for publication and the 100,000-plus reprints were ordered before I finished the writing assignment. The paper, of course, was published exactly on schedule, which incidentally was within a few days of the introduction of the product on the market. In contrast, scientific papers I have written have waited many months for publication. Of further interest, may be the existence of a journal, recently founded, called Current Therapeutic Research, which appears to be devoted entirely to pharmaceutical promotion. It accepts no advertising as such. However, there is a fee per page for any article published and publication is very prompt. The publisher's major source of income presumably is the lucrative reprint market.

It is my contention that if the companies would carefully evaluate their various expenditures which are at present classified under research, the actual research expenditures would shrink very substantially and would more accurately reflect the pharmaceutical industry contribution to true research. This contribution, nonetheless, would be substantial. However, more careful cost accounting may suggest that a very much greater proportion of expenses should be attributed to promotion and advertising than at present is being assigned. This could modify drastically some of the justification for the frequently high price of certain drugs.

The consumer of drugs, the patient, has no free choice whatsoever as to whether or not he will purchase the drugs that have been prescribed for him by the physician. He can decide not to buy the prescribed drugs but then he is not following advice that he is paying for. The law usually requires that the specific prescribed drug be the one sold by the pharmacist. As a result we cannot apply the same logic nor rules of the marketplace when we talk of drugs as we can when we talk of refrigerators. It is impossible to conceive of anyone specifying the particular brand of refrigerator the buyer must purchase. The entire promotion and advertising program has been directed at the physician in recognition of his special role. He has been taught, one might almost say brainwashed, to think of the trademark name of the drug at all times. Even new disease states have been invented to encourage the use of some drugs. He has been exposed to remarkably little information concerning the efficacy of the drugs he is asked to prescribe. He is given practically no information as to the cost of the drugs to his patients. Instead, he is seduced with gimmicks of all sorts in an attempt to make him loyal to a particular company or a particular drug, with relatively little attention being paid to the specific merits of the drug in question. The patient, who not only must buy the drug, but is also expected to use it, is often exposed to drugs which have been incompletely evaluated, and which not infrequently are hazardous.

In addition to the constant stream of promotion applied directly to the physician, there is a rather intense effort made to reach him through the patient. It is an unfunny joke in the medical profession that the very latest information on new advances in medi-

cine most often appears in the eminent medical journals such as Reader's Digest, Time, and the Wall Street Journal. Some of this is legitimate good reporting. However, much of what appears has in essence been placed by the public relations staffs of the pharmaceutical firms. A steady stream of magazine and newspaper articles are prepared for distribution to the lay press. These may take the form of so-called informative or background articles on conditions such as allergies or edema. Buried within the article, there is often a brief paragraph mentioning that a great new drug has been discovered and manufactured by Company X and the name of the drug is given. The article doesn't say that the reader should rush to his physician and demand the drug, but the implication is usually clear. And, of course, there is nothing to show where the article originated.

Along the same lines it is fascinating to consider how many drugs first become known through the good offices of the Wall Street Journal. The implication of such reports I do not feel entirely competent to discuss. I have wondered, however, what effect such announcements may have on stock market quotations.

It may reflect a personal naivete but it has been my opinion that really worthwhile drugs would need no such promotional efforts. There is unfortunately prevalent within certain medical circles an attitude that the implications of opinions such as mine are that many physicians are grossly remiss in their duties to their patients and that I am slurring my medical brethren. There is no reason to believe that physicians are any less susceptible to the delicate arts of the advertising and public relations specialists than the average intelligent citizen. To make matters worse, physicians are subjected to an almost unbelievable barrage from these sources. The physician's problem is further multiplied by the fantastic number of new drugs appearing constantly. Many of these are marketed before definitive information about them is available. The physician's problem is complex and it is not fair, even impossible, to demand that he bear almost the entire brunt of the defense of the patient from such an overwhelming onslaught. The pharmaceutical manufacturers must bear the burden of proof that their products are exactly what they say they are, and further that they will do what is claimed for them. The final responsibility will always be the physicians and cannot be shared. However, it is essential that he be given the best possible information in a reasonable, adult manner.

Efficacy of drugs is a very difficult area of study. There is a common misconception that under our present laws the Food and Drug Administration determines efficacy of drugs before they are put on the market. The Food and Drug Administration does not attempt to verify the claims made for any particular drug providing that the indications have been studied and that broad tolerance and safety limits have been established. The manufacturer is required to carry out the efficacy studies, and this he does through the services of medical centers and physicians throughout the country. Of course, frequently excellent investigators are involved, and careful objective studies are done. On the other hand, a number of drugs have been put on the market with efficacy claims based on extremely meager and unobjective observations by people not truly qualified to make such observations. Also, there is absolutely nothing in the law to prevent the manufacturer from completely ignoring unfavorable reports. One company in its advertising for one of its products blithely stated that there have been over 200 reports in the literature about this particular drug. They neglect to say that 60 percent are not entirely favorable or pertinent. The Food and Drug Administration does not determine the qualifications or objectivity of the individuals who provide the data on which new drug applications are based. Very meager and uncritical observations have been allowed to serve as justification for granting permission to advertise and market certain drugs for life-threatening conditions. Such uncritical action is potentially dangerous, especially if it encourages the use of an inadequately studied drug to supplant a proven and effective agent.

It is difficult to find in the medical literature comparative studies of many of the drugs presently on the market. The reason for this is quite simple. It is anathema to most of the drug manufacturers to consider comparative studies. The reasons usually given relate to unfair competition and poor sportsmanship, but fundamentally they boil down to the fear that many of our presently popular drugs would not fare very well if compared with established and respected items. Some such studies have been done, a few have even appeared in the literature, and the results have frequently confirmed the reality of such fear.

The drug efficacy problem is also reflected in promotion and advertising. It is my opinion that the intensity of promotion and advertising devoted to any drug varies inversely with the efficacy of that drug. The tranquilizers are an excellent example of such relationship.

SUMMARY OF TESTIMONY ON QUACKERY FROM TESTIMONY OF ARTHRITIS AND RHEUMATISM FOUNDATION TUESDAY, DECEMBER 8, 1959, VOLUME 2 OF TRANSCRIPT

Floyd B. Odlum, chairman of the board of the foundation, testified that at least 5 million of the 11 million people afflicted with arthritis spend about $250 million a year on some form of quack arthritis medicines or cures. He said many of these are sent to him in the mail and he described one of them as a gallon of tequila sent from Mexico with a dead rattlesnake in it. A wine glass of this liquid taken three times a day was supposed to cure arthritis. He said others sent to him were alfalfa tea, mushrooms, copper bands. He said one man owns a uranium mine and claims uranium is good for arthritis.

He said the Arthritis and Rheumatism Foundation has a widespread educational program to better inform the American people about quacks in the field of arthritis. He said the foundation is very seriously concerned with fraudulently advertised drugs and devices because many innocent victims waste money and time in using them.

Dr. Russell L. Cecil, consulting medical director of the foundation, described a new quack remedy as "immune milk" taken from immunized cows and sold to arthritic patients. Dr. Cecil was asked whether many people are driven to buy quack arthritis remedies because steroid hormones are selling at high prices. He replied that these quack remedies are not cheaper than reputable drugs and are apt to be more expensive, and he doesn't think that is the reason they buy quack remedies instead of the real thing.

The major testimony on quack remedies was presented by E. D. Bransome, New York State chairman of the foundation. He urged the subcommittee to look into these quack devices and medicines to see what can be done about them.

Mr. Dixon pointed out that the Federal Trade Commission is responsible for enforcing the laws on false and misleading advertising, and Mr. Bransome's testimony will be referred to them.

Mr. Bransome testified that the FTC laws in this field and the State laws are inadequate. Quacks simply go from State to State, stay out of business for a few years and then resume activity under another name.

He said besides the loss in money, arthritics who use quack remedies are harming their health. He expressed the foundation's finding that arthritis quackery is not being cut down but continues to flourish.

Pointing out that the Federal Trade Commission, the Food and Drug Administration, and the Post Office Department regulate different aspects of the misrepresentation of drug and health advertising, he presented a series of recommendations. First, these three agencies should be given the funds to enable them to get rid of quacks. Second, legislation is needed to place squarely within the jurisdiction of the three agencies the advertising of so-called treatment centers and of unqualified arthritis practitioners. Third, manufacturers of prescription drugs should be required to prove the effectiveness of their drugs on the basis of clinical tests before these drugs can be marketed.

In regard to the third recommendation he explained that nonprescription drugs are exempted from the "new drug" provisions of the Federal Food Drug and Cosmetic Act. In that way a phony patent medicine or quack device can be put on the market with no Government sanction whatever. He said it sometimes takes the Government years to prove a drug or device is phony while its producers reap a harvest.

Inasmuch as a charge proved by one of these agencies has to be proved all over again by the other two, his fourth recommendation was that the decision of any one of these agencies be binding on the other two.

His fifth recommendation was that the Federal agencies, particularly the Federal Trade Commission, make full use of its powers of injunction and its powers to inflict heavy monetary penalties as provided for under existing law.

His sixth and final recommendation was to suggest to all the States the enactment of model drug legislation which would fit into Federal statutes. It is this absence of uniform State legislation which makes it possible for operators to move from one State to another.

Dr. Ronald Lamont-Havers, medical director of the foundation, showed the subcommittee examples of quack arthritis drugs and devices and read into the record their advertising claims and the efforts, often unsuccessful, of the Federal agencies to prosecute.

Miss Ruth Walrad of the foundation gave an example of one such advertisement by a Mrs. Wier which ran in thousands of newspapers and magazines. She estimated Mrs. Wier made between $200,000 and $300,000 at least on her worthless product.

Dr. Lamont-Havers explained why certain examples of advertising were considered deceitful. He said many of these products gave no more relief than a nickel's worth of aspirin.

He showed a number of devices which have been seized by Federal agencies, including uranium pads, a magneto device, a verillium tube, and a glass tube with 10 cents worth of barium chloride that sold for $300. He also went into the activity of the Federal Trade Commission in the matter of books on arthritis. The Federal Trade Commission has secured a preliminary injunction against advertising and promotion in the case of "Arthritis and Common Sense" by Dan Dale Alexander.

[From the New Republic, Feb. 29, 1960]

THOSE PROFITABLE PRESCRIPTIONS

(By the editors)

Take a drug. Modify its chemical structure a little. Give it an unpronounceable chemical name. Apply for a patent. Locate

a disease the new drug will alleviate but not cure. Have it tested by reliable doctors who can be relied upon to find that side effects are minimal. Get it past the Food and Drug Administration. Give it a catchy trade name and promote it to the doctors in a blizzard of mail, journal ads, parties, and detail men.

What have you got? That amazing new wonder drug—bonanza.

What does it cost to make? Almost nothing. What does it sell for? Plenty. What does the company get. Profits. Aren't there any catches in all this? Yes—you have to get there first. This is the pattern that has been unfolding in Senator ESTES KEFAUVER's inquiry into the ethical drug industry over the past 2 months.

Let's go over it again. This is the prescription drug industry, that makes and sells drugs that can only be had on a doctor's prescription. "Ethical" drugs are not advertised to the customers, but only to the doctors who write the prescriptions, and to the pharmacists who fill them. No medicine-show operators here—only highly respectable pharmaceutical houses: Merck, Schering, Upjohn, Smith Kline & French, Wallace Laboratories, Wyeth, and CIBA. They are high among the most profitable corporations in the country.

No snake oil cure-alls here, either: Cortisone, prednisone ("Meticorten"), prednisolone ("Hydeltra") and dexamethasone ("Decadron"), for the relief (but not cure) of rheumatoid arthritis. Chlorpromazine ("Thorazine"), perchlorperazine ("Compazine") and promazine ("Sparine"), tranquilizers for treating institutionalized mental patients, and meprobamate ("Miltown," "Equanil") and reserpine ("Serpasil," etc.) for those who take tranquilizers at home and in the office. To repeat, these are much better than cure-alls—they are cure-nothings. They are more in the class with food and drink, since if you need them today, you need them tomorrow and next year—at a dime a pill, or perhaps 30 cents.

The subcommittee claimed that prednisone tablets could be made for 1.6 cents each, in the bottle, while the big drug houses charged the drugstore $17.90 per hundred, and the customer paid 30 cents apiece. After considerable hassle over selling costs, it developed that one small company was selling them to drugstores for $17 per thousand. The subcommittee figured that Miltown tablets could be made and bottled for seven-tenths of a cent; the president of Carter Products confirmed this exactly, and then said he sells them for 5.1 cents apiece. His net profit after taxes is 1.2 cents per tablet—not quite double the production cost. Once, in perhaps an excess of competitive zeal or patriotism, CIBA offered a thousand Serpasil tablets to the Government at 60 cents; its regular price to the druggist was (and is) $39.50 per thousand.

Why this tremendous spread between costs and prices? Steel, automobiles, and other manufactured products usually show production costs of a half, two-thirds, or three-quarters of manufacturers' selling prices.

The only really acceptable answer that has emerged is that profits are so high. Research sounded like a plausible part of the answer until the subcommittee showed research accounted for only 6½ cents per dollar of sales, and that some of the major developments in recent years came from Europe; and a generous Internal Revenue Service regulation is broad enough to permit inclusion of patent attorneys' fees in the research category, both for getting a patent and protecting it.

Selling and promotion expenses run high in this industry in spite of the fact that there is but a limited target—the medical profession. And it may run higher yet: RCA has just announced its plan for a new medical radio network which will reach right into the doctor's offices. Programs will be sponsored by the pharmaceutical advertisers, selling you-know-what. To almost anyone outside the drug industry and Madison Avenue, spending more (in some cases) on huckstering than on the production of goods (with all those 300 quality control tests per bottle of pills) would seem peculiar. You might wonder how it has been done (pre-RCA):

One doctor sent to Senator KEFAUVER a box, about half the size of an Army footlocker, full of pharmaceutical company mail—literature and samples. This was one month's accumulation. Merck furnished copies of 60 or 70 direct mailings to physicians for a single drug, Decadeon, in just 1 year.

Upjohn has over 1,000 detail men and only 160 senior researchers. A detail man, you must understand, is not a salesman. He doesn't talk prices. He educates the doctors he sees, five of them a day. At this rate, Dr. Upjohn's messengers can get around to every M.D. in the country half a dozen times a year, to talk about Upjohn's new products. With Merck's detail men, and Schering's, and Wyeth's, and Smith Kline & French's, and the others, the average M.D. may get more free education than he needs, though the education is certainly not without value to the busy physician who might not, left alone, familiarize himself with the varieties of new drugs on the market. Unfortunately for the record, no doctor has yet bundled up a month's supply of detail men and shipped them to Senator KEFAUVER.

What about competition? The patent, the snow job, and the detail men take care of that. If there is a good patent on a good product, the patent owner may be highly selective about who gets a license to manufacture or to sell the product. Price cutters don't get many licenses. In the case of prednisone, for which a patent application has been pending for some years, a small producer testified that he will be out of the prednisone business when the patent is issued. The small pill makers will also be out of the prednisone business, because the license holders have agreed not to make bulk sales.

First comer takes all. The first pharmaceutical house to get its new product on the market has a tremendous advantage. The product's trade name, drilled into the doctors' memory by the snowstorm of direct mail, medical journal advertisements, medical journal articles, detail men visits (radio programs?), wins out over the generic name. The doctor gives the patient a prescription for Meticorten ($17.90 per hundred to the druggist). By law the pharmacist is not permitted to supply that patient with prednisone (generic name for Meticorten and similar drugs—$1.75 per hundred). When a trade name is prescribed, he cannot substitute another brand of the identical drug, whatever the relative prices.

However, the system leaks a little. The small companies can deal with hospitals which encourage their doctors to prescribe by generic name or any reliable brand. They can sell some quantities to druggists who are willing to suggest to doctors or patients that prescriptions could be modified to reduce price without changing content. They can sell to the military services and the Veterans' Administration. But the testimony indicates that these markets are pretty thin.

Do you remember the concept of consumers' surplus from your elementary economics course? That is the difference between what you would pay (if necessary) and what you have to pay for something. In competitive markets, competition forces prices down toward cost of production, and the consumer gets the consumers' surplus. In monopolistic situations, the discriminating monopolist prices his products right up to what the traffic will bear, and thus converts consumers' surplus into producers' surplus. It is interesting to note that the drug manufacturers preferred to point out that their drug prices should be compared to the cost of a week in a hospital, rather than to the cost of production. They denied being monopolists, of course, but their language was right out of the monopoly chapter.

Thanks to Senator ESTES KEFAUVER's investigation, which has just resumed and may run into May, the ethical drug industry has been called upon for the first time to explain in public their costs, profits, selling methods, and research. The press has given the hearings wide and effective coverage. The doctors, perhaps on their own initiative, possibly after being nudged by their patients, may begin to take a more active interest in the prices at which prescription drugs can be had. At the moment the patients seem to be angry. A random sampling published in the Washington Star on January 24 quoted 65½ percent of those polled as favoring Federal control of prescription drug prices. Only 21½ percent were opposed, while 13 percent stated no opinion. If two-thirds of the whole population, and three-fourths of those who were willing to be quoted, want peacetime price control after two experiences with OPA and OPS, it looks as if the drug suppliers and the press agents have managed temporarily to price themselves out of favor if not out of an essential market.

[From the New Republic, Feb. 29, 1960]

ONE DRUG—TWO PRICES

The subcommittee found that foreigners afflicted with arthritis could buy the same [anti-arthritic] pills for less than Americans. Upjohn's price in England is $7.53 a bottle, or more than 50 percent less than its U.S. price. This same pattern of excessive pricing was revealed when we questioned the major manufacturers of tranquilizers.

Here, too, a Big Three emerged. They are Carter Products, makers of Miltown; American Home Products, which has a license agreement from Carter to produce the same chemical mixture under its own brand name of Equanil; and Smith Kline & French, which distributes Thorazine. These three corporations are the three most profitable corporations in the United States, not only in the drug field but in all manufacturing fields including steel, oil, machines, etc. Smith Kline & French, for example, made net profits, after taxes, of more than 40 percent in 1959. Carter's profit picture is even better.

Thorazine, distributed by Smith Kline & French, was developed by a French firm under the generic term of Chlorpromazine. Smith Kline & French acquired an exclusive license to market the drug in the United States. The French firm sells the drug at about one cent a tablet in its own country. Smith Kline & French charges six cents per tablet in the United States. Carter and American Home Products sell their Miltown, and Equanil at the same price of $3.25 for 50 tablets of the same strength to drugstores. These two brand name pills are exactly the same under a licensing agreement between the two companies.

In the tranquilizer field, foreigners again are favored with lower prices. Miltown, for example, is sold in Argentina for a fourth of the amount it is priced in this country. (Senator ESTER KEFAUVER, February 9, 1960.)

[From the New York Post, Jan. 22, 1960]

MR. DIRKSEN'S TRANQUILIZER

The drug industry, currently under investigation for profiteering, unveiled a new tranquilizer yesterday in the shape of a Senator—and tried it out on the Kefauver committee. It didn't work, but there are indications the dosage will be increased.

Senate Minority Leader DIRKSEN, Republican of Illinois, whose membership on the investigative panel has hitherto been mostly in absentia, is now showing a special interest in the proceedings. Indeed, his charge that the hearings are rigged has a special interest label so large and crude that it is almost a caricature of the GOP at its worst.

DIRKSEN'S attempt to impugn the committee's motives was plainly designed to discredit the hearings and take the heat off the industry. All his formula lacks is evidence.

As Senator KEFAUVER patiently pointed out, some startling profit figures have been revealed for which the drug manufacturers have no convincing explanation.

Then KEFAUVER'S first witness was called as an example of what DIRKSEN is trying to suppress. Walter Munns is president of SKF, which sells more than 25 percent of all tranquilizers in the United States. KEFAUVER'S interest in this company is in its astonishing income. Its 1959 profits, after taxes, are estimated at 42 percent of its net worth, a proportion that is second highest of all major American corporations. (Another drug manufacturer is first.)

Mr. DIRKSEN'S sedative is unlikely to dispel public interest in such disclosures.

[From the New York Times, Feb. 1, 1960]

THE HIGH COST OF MEDICINES

The price of medicines is high and getting higher, as almost everyone knows. So high is it, in fact, and so great is the demand for drugs that the people of the United States now pay more for them and medical appliances than they do for the services of doctors. No wonder the investigation of the drug industry by the subcommittee headed by Senator KEFAUVER has stirred up such wide interest.

The most impressive defense of high prices brought out in the hearings so far has been the high cost of the research necessary to produce the new medicines, increasingly in demand as medical science breaks ever more new ground. But less evidence has been given up to this week as to other costs, such as advertising, promotion, and sales. One of the recent hearings, however, threw sharp light on all these matters by spreading on the record the experience of one of the Nation's leading companies—especially in regard to a well-known tranquilizer.

This drug was originally produced by a French concern. The American company was given exclusive rights to its production and sale in this country. Comparative price figures given by the subcommittee staff were striking, especially in view of the fact that the American company did not finance the basic research. Fifty tablets cost the druggist in Paris 51 cents. In the United States the same tablets cost $3.03.

The company's record illuminates what the public wants to know: why drugs cost the consumer as much as they do, whether company costs could be reduced and whether prices couldn't be much lower than they are without depriving the drug firms of a reasonable profit. Then, too, there is the question of whether some sort of Government regulation may be necessary to assure all of us who buy medicines that we can get what we need at the lowest possible price. Certainly no industry more directly affects the public health and welfare than this. The task of the Kefauver group is correspondingly important.

[From the Memphis (Tenn.) Commercial Appeal, Dec. 10, 1959]

PROHIBITIVE DRUG COSTS

"Why do certain drugs cost so much?"

Millions of Americans have been asking that question without getting a satisfactory answer ever since the so-called miracle remedies came into common usage.

Those who want to know are the millions now obtaining relief through use of the steroids—the cortisone derivatives—and the even more millions in whom infectious disease has been combated through use of antibiotics.

They want to know why, for instance a steroid manufactured at an approximate cost of a fraction more than a cent per tablet should be retailed at a recommended (and generally asked) price of 30 cents each?

They want to know why, after all the years of antibiotic usage, a going retail price per capsule of 50 cents generally still prevails. The chronic patient who must rely on periodic courses of antibiotics to combat infection knows that he "has had it" after the first few rounds at that price.

And they certainly won't "buy" the contention of the head of one of the Nation's largest pharmaceutical houses that the problem of finding it difficult to pay for needed medication "is just plain inability to pay for the necessities of life where income has not kept in step with today's cost of living." So specious is that argument it should have been left unspoken.

Judged by revelations to the Senate Anti-Monopoly Subcommittee, the pharmaceutical and drug industries have made hefty contributions to today's highly inflationary cost of living.

The Senate subcommittee is trying to get the cost answers. Whether it does or not depends on how exhaustively, intelligently, and conscientiously it carries through on it present inquiry. If it is merely seeking sensation and headlines it is wasting time. If it fails to get into the field of antibiotic costs and retail price markups, its results will be entirely inconclusive.

The matter of cost and fair price are inseparable—or should be because equitable price must be based on production cost. Some of the cost factors seem to have been overlooked in a few of the astronomical figures so far brought out by the Senate subcommittee. Research and discovery are not least of those factors. These must be encouraged, not destroyed. The big, ethical pharmaceutical houses in the United States have made some tremendously important contributions to medicine and thus to humanity. They have underwritten, or made contributions of note to institutional scientific research. This, we hope, they will continue.

While seeking answers to the "why" of high drug costs, it is imperative that the Senate committee not only keep fairness as to price in mind but also fairness as it applies to its own methods. Its inquiry will be worthless if lacking sincere objectivity.

Drugs are costing the American people more than $3 billion a year. That averages $70 per family. It is time to find out if such a backbreaking expenditure is necessary. Last year druggists filled 58.6 million prescriptions costing $5 or more.

The price of some pharmaceuticals is prohibitive for millions even with reasonably decent incomes. An understandable explanation is overdue. The Senate subcommittee should continue its work until it is furnished by those who can give it.

[From the St. Louis Post-Dispatch, Dec. 20, 1959]

AGENDA IN THE DRUG PROBE

Senator KEFAUVER says his investigation of drug prices has shown in its first series of hearings that Congress should consider new legislation, and we agree. Within a single week the pharmaceuticals industry has drawn a public picture of itself so unattractive that it seems doubtful whether its prestige will ever be the same again.

When a bottle of arthritis pills can be bought by a drug house for $1.57, sold to druggists for $17.90, and resold to the public for $29.83, something is wrong somewhere. An even more flagrant example was the purchase of a drug at 14 cents a gram and its resale to druggists at $15 a gram, a markup of 10,000 percent.

The manufacturers sought to justify this high profit on the ground that it is necessary to finance research into new medicines. They have failed to make a case for it. In the examples just mentioned no research was involved at all. Research costs of 8½ percent or so have been mentioned in the hearings, but that is a long way from profits of up to 10,000 percent.

The largest single expense of the major drug houses, the hearings have brought out, is not research at all, but traveling salesmen. These are the so-called detail men who high-pressure doctors into accepting new drugs and specifying them by proprietary name in their prescriptions. One drug house alone employs 730 of these people.

We think the drug industry should question whether this is a proper method of merchandising drugs, and, if it does not, Congress should.

Congress should question whether, by use of the drummer system and other devices, the major drug houses are restraining trade to shut out their smaller competitors.

The Kefauver subcommittee itself should look further into the charge made by John T. Connor, president of Merck, that drug products differ widely in purity and quality, and determine to its own satisfaction whether the charge is true or false. The Merck president had testified in effect that his company can get six times the price at which the same drug in the hands of his smaller competitors goes begging—because pharmacists have to rely on the reputation of their supplier for quality.

If some drug concerns are violating the standards established by the U.S. Pharmacopoeia, they should be brought into line, with new legislation if necessary. If they are not at fault, the buying public—including druggists—should know that consumers need not pay multiple prices to get uniform quality.

Finally, we think both the Kefauver subcommittee and Congress should give their best thought to the question how they can require drugs to be labeled so that the doctor can prescribe by generic rather than trade name and the patient can pay the lowest rather than the highest price charged for the same product.

[From the Baltimore (Md.) Sun, Dec. 11, 1959]

LIGHT ON DRUGS

The president of the Pharmaceutical Manufacturers Association, speaking before a regional meeting of that body, suggests that the current criticism of the high cost of drugs is inspired by persons who are using the industry as a whipping boy in their efforts to enter the back door to socialized medicine. What nonsense.

The reason for the present congressional investigation is perfectly obvious and calls for no such devious explanation. It is hardly an exaggeration to say that the public is shocked by the excessive cost of most of the new drugs. Few households are so fortunate as not to be affected by it. Drugs are a major item in most illnesses. All too often the expense strikes hardest among those least prepared to bear it, which is to say old people suffering from chronic ailments and young people with large families. It is the most natural thing in the world for the public to ask why drugs cost so much. It is in response to that universal curiosity that the Senate's Antimonopoly Subcommittee has instituted its inquiry. Surely this is a legitimate enterprise for Senators especially interested in the antitrust laws.

If the costs are not justified, then the public has every right to know it and to demand reform. On the other hand responsible

manufacturers should welcome the inquiry. It will give them an excellent opportunity to put their case before the public. In that way they may dispel any misunderstandings and suspicions that are not warranted by the facts.

[From the Washington (D.C.) Star, Dec. 11, 1959]

EXCESSIVE DRUG PRICES?

It may be possible to argue, as the president of one major drug firm has done, that public concern over the high cost of drugs reflects "a matter of inadequate income rather than excessive prices." For the most part, however, we suspect that the public will take this remarkable statement with a large grain of salt, and feel considerable gratitude in the meantime that the practices of drug pricing have come under intensive scrutiny by the Congress.

Standing alone, of course, the substantial public dissatisfaction which has been voiced about the costs of medicines and drugs is not conclusive of anything. For buying drugs is something like going to the doctor—there is little choice in the matter, and the outcome too often is shrouded in frustrating mystery. Most drugs, for example, are ordered through prescriptions, which are made no more intelligible by the druggist. The buyer, in most cases, has little notion of what the drug is, where it came from, or whether the charge is fair. It is precisely this helplessness, however, which makes the sale of drugs so susceptible to profiteering, and which requires that every safeguard be established to lessen the burden on the sick and infirm to the greatest degree possible.

Prospects are that the Senate Antitrust and Monopoly Subcommittee hearings will extend into next spring—and possibly the summer—and may branch into the pricing policies affecting costs of medicine at all levels. We hope they do. In the meantime, too few facts have been developed at the initial hearings to make precise judgments on the sensational differences disclosed between production costs and sales prices of some of the newer miracle drugs. Markups of 7,000 percent seem fantastic indeed, and annual profits appear to be far above those of comparable industries. Drug officials, on the other hand, contend that the subcommittee has failed to give consideration to the losses on drug failures and the tremendous costs of research and development.

The manner in which these costs are passed along, no matter how great they are, however, is very much the business of the public, and Chairman KEFAUVER, in probing the competitive and contractual aspects of the drug industry, is right in placing foremost emphasis on whether the manufacturers are setting their prices at excessive levels.

[From the Syracuse (N.Y.) Herald-Journal, Dec. 9, 1959]

THE DRUG PROBE

(By Alexander F. Jones)

The Senate subcommittee starts its investigation of drug prices with a case where a company made a 7,000 percent profit on a French pill.

Other drugs were named where markups as high as 1,118 percent were noted.

The president of one drug company—Francis C. Brown of the Schering Corp.—strenuously defended drug prices with the contention costly research that often results in failure must be paid for by the consumer on new drugs that are proven successes.

Now it may be that I am completely naive, but it seems to me I remember many cases where new discoveries and inventions brought prices of commodities down in a hurry and the industries involved depended on added volume caused by lower prices for their profit.

The testimony of Mr. Brown left no doubt that the drug industry operates on a basis where outrageous prices are charged for any successful new drug so research can have funds in the search for others.

It may be that research costs are stirred in when other industries set prices. But I know several corporations that take research out of total income before measuring net profit.

They do not penalize the consumer by charging extortion prices to make up for failures.

The result of this policy is that millions of people, many of them old, sick, crippled, and ill-prepared for extortionate prices are forced to extreme measures to get money to pay for medicine.

For 14 months straight the cost of living index advanced without any recession and one of the items that was always greater was the cost of medical care.

The items involved in the advance of medical care costs are hospital and nursing charges, doctors fees, and drug costs.

Of the three the worst gouging of the public has come from drug costs.

It is true that amazing progress has been made in evolving new drugs that are successfully controlling many ailments of mankind.

The Senate subcommittee has been investigating for some time, convinced it can prove the big drug companies are taking advantage of the natural interest in advances in the struggle against disease.

It is armed with charts showing the big companies are acting as one in charging for certain drugs, while smaller independent companies furnish the same thing at a fraction of the price.

Whatever the truth about the existence of an undercover drug trust that is bilking the public by claiming research takes its extortionately high prices, the fact remains that uncounted thousands of American citizens cannot afford whatever healing qualities the remedies may have.

There is something present in this drug investigation that other probes do not have—here we are dealing with saving lives or losing them because of corporate greed.

No pill that costs a few cents to make is worth 50 cents over the drug counter.

And when you think that a man may die for lack of it because he cannot afford to purchase the drug regularly and is too proud to go on public welfare, it is not a pretty picture.

If there is one thing that the people of this country should be assured of it is reasonably priced health services.

Yet these services continue to skyrocket in cost.

And the medical profession, the hospital authorities, and the giant drug firms combined continue to register horror at the thought socialized medicine is a possibility in the United States.

Everything that is happening in the cost of being sick is leading us closer to it.

Low cost medical care under socialized medicine in Great Britain is such a success not even the most conservative government dares to oppose it.

And to top it off, the cold figures show profits in the drug industry are twice what they are in general industry.

It is to be hoped the Kefauver committee pulls no punches in getting the cost-of-drugs story before our people in every detail.

[From the Wheeling (W. Va.) News-Register, Dec. 8, 1959]

THE DRUG PROBE

Hearings have been opened in a congressional inquiry which could prove of inestimable value to the American people. It is the Senate Antitrust and Monopoly Subcommittee investigation of drug prices, a probe which has been in course of preparation for weeks.

In the capable hands of Senator ESTES KEFAUVER, Democrat, of Tennessee, who already has won national recognition for his ability as an investigator, this inquiry should succeed in presenting, for the information of the American people and the possible action of Congress, an accurate picture of the drug price structure—a definite answer to the question of whether or not the American people are being overcharged for drugs.

The fact that most drug prices are high, those of the so-called miracle drugs in particular, and the further fact that paying these prices imposes a severe financial burden on countless families, do not of themselves support the popular belief that the people are being gouged by the pharmaceutical industry. It is to be borne in mind that spectacular progress has been made in the conquest of disease through the efforts of private researchers in the field of medicine. The drug manufacturers have participated prominently in this enterprise, spending large sums of money to advance the work and develop the remedies. Their contribution to the preservation of life and the promotion of health has been very great. They are entitled to reasonable rewards of their enterprise. But the word "reasonable" controls. Do current prices for many of the preparations which the American people have come to use in large quantities justify the designation "reasonable," or are they excessive? That is the question the Kefauver committee will undertake to answer. Already there are some disturbing features of the drug price structure pressing for explanation—for example, the disparity between domestic and foreign prices of preparations produced by the same manufacturer. Senator GEORGE A. SMATHERS, Democrat, of Florida, a member of the Kefauver committee, cites these examples: Vitamin B–12 tablets that retail for $2.63 per hundred in Venezuela but cost $4.88 here, tranquilizer tablets which can be bought at the rate of 50 for 46 cents in Argentina but command from $3.85 to $4.25 for the same amount in the United States, or migrane headache tablets which sell for $14 a hundred in this country yet can be bought for half that price in England.

There may be valid explanations for these differentials. The prices paid by the American people for drugs may be reasonable. On the other hand, many may be far out of line. Whatever the facts, the Kefauver committee should be able to establish them, thus either paving the way for corrective action or settling the minds of the American people, most of whom now believe they are being taken advantage of. In fairness to all concerned, the investigation should be made a searching one.

[From the Sacramento (Calif.) Bee, Dec. 8, 1959]

WHAT AVAIL WONDER DRUGS IF PRICE IS TOO HIGH?

Perhaps no congressional probe of the last several years will win more public acclaim than the investigation undertaken in Washington, D.C., into the high price of drugs.

Great strides have been made in the last decade and a half in the development of drugs which will relieve human ailments ranging from the common cold to arthritis and pneumonia.

But in many instances the prices are so fantastically high as to be out of reach of most people, particularly in cases where the drugs must be taken over the course of years if not for a lifetime.

What the U.S. Senate Antitrust and Monopoly Subcommittee, headed by Senator ESTES KEFAUVER, of Tennessee, will try to find out by the hearings is whether the prices can be justified or if they are set artificially

to return huge profits to the drug manufacturing concerns.

If the latter proves to be the case, and the subcommittee has many complaints to that effect, it constitutes unconscionable trafficking upon human ills and miseries.

The committee has taken note of the fact that when competitive products are placed on the market the prices generally drop dramatically. In the case of penicillin, for instance, when the drug first was marketed the price was $20 for a given quantity. Four years later it was 30 cents.

Drugs manufactured in the United States can be bought for much less abroad than at home. Tranquilizer pills which cost from 7½ to 8½ cents each in this country can be purchased for 1 cent in Argentina.

Nor has it escaped the subcommittee's notice that the net profits of drug concerns are much higher than for industry in general.

Certainly the public should be able to get these new so-called wonder drugs at the lowest prices possible. Advances and discoveries in the medical sciences should be made available to the masses.

Profiteering, if it exists, simply gives impetus to the demand for some form of public medicine.

[From the St. Louis (Mo.) Globe-Democrat, Dec. 10, 1959]

HOW MUCH FOR DRUGS?

Washington's investigation of the prices that pharmaceutical firms charge for the medicines they sell hit the headlines with the first day's hearing. It looks as if this Senate subcommittee probe will stay in the news as long as the inquiry continues.

Nothing, not even the price of medical services and hospital care, is more important to Americans than the price they pay for a prescription at the drugstore. Unlike TV sets, autos, or other comforts, and conveniences the average American can take or leave alone, medicine is usually an essential item in his budget.

When the cost of drugs and prescription items goes up, the consumer can't simply forego them, or buy a cheaper model.

For that reason, what pharmaceutical firms charge for their product has a far greater impact than the price charged for a pair of pants or a pound of bananas.

Are the drugmakers charging too much?

The Senate subcommittee showed that one of the drug firms bought a drug called prednisolone from the manufacturer, bottled it and sold it under the name neticortelone.

The drug cost the company the equivalent of $1.60 for a bottle of 100 tablets, which the company sold for $17.90 a bottle, and urged the druggist to sell for $29.80 a bottle. Oddly enough, two other firms that marketed the same drug charged the druggist the same $17.90 a bottle, too.

The firm also bought medicine marketed as progynon for 11.7 cents a batch and resold it to druggists for $8.40.

Is this too much? And, it might be asked, is the identical price that three pharmaceutical firms charged for the same medicine just a coincidence? If it is the result of collusion, who's enforcing the antitrust act these days?

The head of the drug firm who was on the spot tried to squirm off it by saying that research costs are high. Also, he said, it takes money to test, "tabletize," and push these products.

Pharmaceutical firms do invest plenty in research. At least some of them do. They know that coming up with a new wonder drug is like hitting the jackpot. A top-notch, patentable antibiotic has been worth up to $60 million a year in sales to the firm that hit on it.

These new cures or pain killers are not only profitable for the discoverer, but also a boon to the public.

At the same time, research is costly. The firm that gave the world aureomycin spent $4 million before it had the drug down pat. And, of course, some money goes down the drain for projects that don't pay off.

Up to a few years ago, researchers had turned up about 300 antibiotics. Fewer than 20 of them made the grade as salable prescription items.

But granting all that, the question asked by Senator ALEXANDER WILEY, Wisconsin Republican, seemed very apropos. He said he wanted to know whether drug companies are conspiring, or getting together, and as a result, giving the public a rigging.

Senator WILEY charged the subcommittee exceeded its authority when it probed into a firm's profits.

However, he said, there is "something of a moral responsibility in the hands of an individual or a group, who claim they have a remedy, to see that the poor and needy are not taken for a ride."

The drug firm official on the witness stand argued that if some people can't afford drugs they need, the trouble is that their income is too low—not that drug prices are too high.

Anyway, he said, "unlike consumer marketing, (the firm) cannot expand its markets by lowering prices." The implication is that its market is limited—and it may as well charge all that the traffic can bear.

Any medicine maker who gets up in Washington will have to do better than that to convince the public that his prices are fair—and set by true competitive conditions.

[From the Richmond (Va.) Times-Dispatch, Nov. 29, 1959]

THE HIGH COST OF DRUGS

Wonder drugs don't get that name from the fact that many patients wonder how they can afford them. But the cost of today's prescription medicines is of great concern to persons of low or average incomes.

People who've had to pay what they consider big prices for drugs in recent years will be watching with more than passing interest the hearings to be held by a Senate group beginning December 7.

The Judiciary Committee's Antitrust and Monopoly Subcommittee will look into pricing practices of drug manufacturers. Are profit margins exorbitant? Is there collusion on price fixing between manufacturers? Does the industry spend too much for promotion? They're some of the questions the committee will be concerned with.

Wide interest in this whole subject may be taken for granted. Americans forked over money for 655 million prescriptions in 1958. American Druggist puts the current average cost of prescriptions at $3.10, but of course the figure is far higher for some of the so-called miracle drugs and for other medicines which are new on the market.

Twenty years ago the average prescription cost was $1.11. The drug industry says the 20-year increase is reasonable in view of (1) general inflation, and (2) the fact that many newer drugs shorten the duration of illness or cure illnesses which formerly were likely to be disabling or fatal.

There is no denying the fact that pharmaceutical production is a great gamble. Manufacturers spend huge sums in research to develop new drugs which may or may not prove effective. Or even if a manufacturer is developing a useful new drug, a competitor may hit the market with it first.

The new drugs pour out in a tremendous flood—500 of them in 1958. Some—like the first oral medicine for diabetes, Upjohn's Orinase, developed in 1957—may hit the jackpot. But, according to one estimate, 85 or 90 of every 100 new drug products introduced are economic failures.

Much of the industry's promotion is done through about 15,000 detail men. These representatives visit doctors and drug stores to promote their particular company's products. It is estimated that each visit to a doctor costs $9 or $10, and detailing a drug store for a year costs the industry as a whole about $4,000.

The Nation's 200,000 doctors are flooded with mailed circulars and samples. The New Jersey Medical Society's president believes drug prices could be cut if this circularizing were eliminated.

It is to be hoped that the Senate hearings will throw light on the question whether drug costs can be reduced, and, if so, how.

[From the St. Paul (Minn.) Pioneer Press, Dec. 24, 1959]

DRUG PROBE SHOULD REMAIN IN THE OPEN

One of the first things the Kefauver subcommittee studying drug industry pricing policies will have to do when it returns to work in January is to determine whether to conduct further hearings in public or behind closed doors.

Undoubtedly there will be some pressure for holding executive sessions. Several Washington columnists have suggested some attempts will be made along these lines, if not by subcommittee members, then by representatives of the industry.

Such attempts should be resisted in the public interest. Serious questions already have been raised in the sessions held to date regarding wholesale prices of drugs and medicines and what items should be included in determining the ultimate cost of specific products. Raised in the full view of the public, these questions should be answered in the same manner.

[From the San Bernardino (Calif.) Sun, Dec. 17, 1959]

COST OF DRUGS

Those who must pay for prescription drugs are reading with great concern the revelations made before a Senate investigating committee.

The Government's witnesses are charging that the markup on the prices of drugs fixed by the manufacturers is a bewildering percentage. No such charge is made against the retailers.

The drug companies deny the percentages and declare the high prices are necessary in order to finance research that produces the so-called miracle drugs.

With the testimony at hand it is difficult for most of the public to reach an opinion.

Senator ESTES KEFAUVER faces a great responsibility. However, the country has trusted him before and has a right to trust him to again point the way toward the proper answer. The public may have forgotten but it was Senator KEFAUVER who pointed the finger at corruption in Government. He aroused the Nation to the necessity for the people to be alert at every level of government.

Under the free enterprise system, competition is supposed to take care of unjustified prices in any line of business. It remains to be seen whether competition has been stifled in the wholesale drug field. The American people want the free American enterprise system to continue; they likewise want the drug manufacturers to continue their very important research. But they will insist upon a careful examination of the prices that have been charged and the high percentage markups.

The American people owe the drug industry a great debt of gratitude for its successful work in research. Nevertheless, that industry must now demonstrate it did not abuse this display of gratitude to gouge the very people who have been hailing the scientific discoveries.

We think we can safely rely upon Senator KEFAUVER, as one of the great leaders of the U.S. Senate, to see to it that the public is properly informed and correctly guided in its decision.

[From the Norfolk (Va.) Virginian-Pilot, Dec. 9, 1959]

THE WONDER DRUGS: PROFIT AND COSTS

The Senate Judiciary subcommittee investigating wholesale drug prices has begun by unearthing some troubling figures. Taken by themselves the figures tell us that our system of producing and marketing new drugs is expensive—in some cases prohibitively expensive. There is a danger that in the rush to blame someone for what is happening, overall perspective will suffer.

The committee is dealing presently with only one phase of the production and marketing of drugs—sales at the wholesale level. It is not studying retail prices. It is not studying, specifically, the cost of producing all drugs—which includes the cost of producing failures. It is not attacking, or has not attacked so far, the larger problem of whether the American public is getting its money's worth through a high-cost, high-production, high-competition research system.

Consequently, any judgments must be tempered by the realization that figures out of context can be misleading. This is what Francis C. Brown, president of Schering Corp., has been telling the committee's chairman, Senator ESTES KEFAUVER.

But it is necessary to examine closely the committee's bill of particulars. In one spectacular instance, the committee has said that Schering realized profits from a markup of 7,079 percent on a drug. This drug, marketed as progynon, was purchased by Schering from a French company for 11.7 cents (60 tablets) and resold to druggists for $8.40. The suggested retail price was $14, an astronomical markup from the original purchase price. The subcommittee conceded that the figures did not include the cost of tableting, bottling, and selling the product.

In attempting to defend this and other similarly profitable transactions, Mr. Brown furnished a major clue to what has happened. His company was engaged in an overall operation, he said, and costs for individual products cannot be isolated. In other words, a successful product was paying for a good deal of unproductive work in other fields. It is an argument that returns the question to the central issue of whether the system itself is productive enough to justify the costs.

But it is not an argument that clears Schering of the need to answer further questions. Mr. Brown did not deny that Schering more than made up for a $29 million purchase price in its first 5 years of operating the business purchased from the Government in 1952.

To Senator KEFAUVER'S query about whether the company might not have recouped its purchase price more gradually as a "matter of public policy," Mr. Brown replied, rather lamely, that the company was "sitting on a development which we could not regulate." His defense of Schering's pricing system on the ground that the medical profession accepted it is hardly more convincing. Most doctors were hardly in a position to challenge the system, since they were not in possession of the company's profit and cost figure.

There are questions which remain to be answered by the industry at large. Why are tranquilizers manufactured in the United States and sold here for 8 cents available in Argentina for less than a penny? Is it proper that drugstores in some cities sell drugs at prices considerably below those in other cities?

The answers to these questions should keep the subcommittee busy for some time to come. Soon or late, they should lead to a full and frank discussion of the way the system works. Drugs may mean life or death. They ought not to raise the question of whether some people can afford them.

[From the Anniston (Ala.) Star, Dec. 22, 1959]

DRUG INDUSTRY PROBED

Public concern over drug prices is reflected in the Senate Antitrust and Monopoly Subcommittee's current inquiry into pricing policies of major firms in the industry.

Indeed, the Federal Trade Commission more than a year ago leveled formal charges of illegal price fixing against six large pharmaceutical houses.

Giving especial timeliness to the probe is the proliferation of so-called wonder drugs on which practicing physicians have come increasingly to rely as specific remedies for particular ailments.

More often than not, the remedy prescribed today is a patented, trade-name product which the pharmacist takes from a bottle on the shelf rather than compounds himself.

The patient has no choice but to pay the price charged or go without medication. And the price of the drug often is higher than the doctor's fee.

Whether the high price is justified, on the one hand by the costs of drug research and on the other by the supposedly superior curative powers of the medicine, or whether it is artificially maintained for profitmaking purposes, is the question.

It is true that certain unique features of the industry tend to keep prices up. Drug houses devote much of their time in developing and promoting new products, which take over the market for products whose development and promotion already have cost large sums.

Pharmaceutical production is a great gamble; individual manufacturers are in a continuing race to be the first to come upon and patent a new drug that will meet a pressing medical need.

The stakes in the race may run into millions of dollars—profits for the company that gets there first; losses or reduced profits for the company that gets there a little too late.

The boom in pharmaceuticals dates back to the perfecting of processes for producing commercial quantities of penicillin, first of the antibiotics, during World War II.

Since then, the medical world has received a succession of wonder drugs: the broad-spectrum antibiotics, antihistamines, steroids, tranquilizers, various painkillers, and countless others.

The drug industry has added between 300 and 400 new products each year for the last decade or longer: Upward of 500 new drugs were put out in 1958. It's strange, moreover, that certain of these medications have been revealed as selling across druggists' counters overseas for less than they're priced to domestic purchasers.

[From the Augusta (Ga.) Herald, Dec. 8, 1959]

IS COST OF CERTAIN DRUGS TOO STEEP? SENATE GROUP IS SEEKING TO FIND OUT

A vast majority of Americans doubtlessly frown on any idea that smacks of socialized medicine—and quite rightly so, we feel.

Still, as a research writer pointed out recently, one can hardly afford to get sick these days, particularly if the treatment involves certain high-priced drugs.

And that is why a U.S. Senate subcommittee, headed by Senator ESTES KEFAUVER who is armed with what Washington news analysts Robert S. Allen and Paul Scott call "some startling comparisons," is launching a drug price inquiry this week.

The comparisons have to do with the prices of drugs made and sold in the United States and the costs in other countries of the identical preparations manufactured by the same American firms.

For the fact, as shown in a survey made by a Government agency for KEFAUVER'S antitrust investigators, is that some of the drugs, such as antibiotics, tranquilizers, and antipolio serum are being sold abroad for considerably less than in this country, despite the extra cost of exporting them.

For example, 50 tablets of a certain tranquilizer which sell for $3.85 to $4.85 in the United States costs only 46 cents in Argentina; a bottle of 100 vitamin tablets that sells for $2.65 in Venezuela costs $4.88 here, and a certain antibiotic for which Americans pay $6 costs only $4 in France.

Other Government statistics show that the cost of medical care is the fastest-rising item in the national cost of living index. It is now 50 percent more expensive than it was in 1949.

Moreover, the figures disclose that profits of the drug industry, as a whole, have been more than twice the rate of earnings of industry in general.

It should be pointed out, however, that the development of wonder drugs is responsible, more or less for the steep increases in prices; and that, in addition to research, much money is spent for promotion.

Defenders of the present system, which is made possible by patenting of trade-name drugs, contend that the competitive phase obviously has contributed to the relief of suffering. And this, we think, is not to be denied. Still, as we see it, if the cost of medical care in general continues to rise, a strong demand for some sort of a socialized system is certain to ensue. There are the health insurance programs, to be sure. But the cost of adequate coverage also comes high.

We feel, therefore, that efforts to develop less expensive programs of this kind should be pushed.

A socialized medical system—such as Britain now has—is not the American way. Medical science undoubtedly would suffer, and the taxpayers would, of course, have to shoulder a much heavier load.

[From the New Orleans (La.) Times-Picayune, Dec. 13, 1959]

DRUG INQUIRY

The Senate antitrust subcommittee inquiry into the wholesale pricing practices on some commonly used drugs probably strikes a responsive chord in many places because, for one thing, the cost of medicine and medical care have been a persistent factor in the continuing advance of the consumers' cost-of-living index.

These rising costs, of course, are attributable to many causes, including the urge for more and better medical care, and the struggle of hospitals to provide facilities.

So far, the Senate committee has concerned itself mostly with testimony on the pricing policies and licensing arrangements for a few drugs, such as the antiarthritis remedies—the corticosteroids known as prednisone and prednisolone—which the committee investigators contend have been priced excessively to druggists and consumers.

A large pharmaceutical company developed the arthritis drugs 5 years ago. The committee contention, apparently not denied outright, is that prednisolone costs $1.57 a bottle of 100 to produce which, with research, selling, and distributing costs added, mounts up to $8.81 a bottle. The wholesale price to druggists, according to the testimony, is $17.90, and the suggested retail price to consumers $29.83.

The developing manufacturer licensed five other large companies to produce and market the drug with the restrictive provision that they refrain from bulk sales and market

only in tablet form. All of these manufacturers, investigators testified, maintain identical prices.

A spokesman for the developing company denied that the prices were excessive and said the products must bear the overall cost of research. He said his company has just dropped a project that cost it $1,500,000 to $2 million. The right of his company to limit those licensed to produce the drug, he indicated, would be a matter for the courts.

If the committee wishes to get the whole picture of drug pricing, we surmise, it will have to inquire over a wider field than that represented by the large manufacturers.

In some instances, State laws contribute to the condition the committee complains about. A Louisiana drug act can be cited. It happens that several small manufacturers produce the antiarthritis drugs and, perhaps because of the unsettled patent question, have been selling it at one-third to one-half of the wholesale price charged by the licensed group. Either by purchasing from the small producers or getting large discounts from others, some Louisiana druggists have been able to sell the arthritis remedies at approximately half the suggested retail price of $29.83.

But under the law passed in Louisiana 4 years back, a druggist cannot advertise or even post prices on prescription or compounded drugs. Thus large numbers of consumers have been prevented from knowing that a standard antiarthritis drug was available to them except at prices that many cannot afford.

It seems to us that in the struggle against socialization of everything, including medicine, laws and conditions that operate to impair or embarrass the free enterprise system should be kept under scrutiny.

[From the Mobile (Ala.) Register, Dec. 12, 1959]

NOTHING TO LAUGH OFF IN THIS TESTIMONY

The testimony of Dr. Louis Lasagna at a Senate subcommittee hearing on drugs is nothing to laugh off.

Dr. Lasagna is head of the division of clinical pharmacology at Johns Hopkins University.

What he said is so serious in its relation to the public health that the people have a right to ask the medical profession, and particularly the American Medical Association and the various regional, State, and local medical societies, to take appropriate recognition of it.

As the Associated Press summed up his testimony, Dr. Lasagna "told Senate investigators * * * many new drugs are of miserable quality and may harm the patients with serious side effects."

That is a genuinely serious statement.

Is the American Medical Association prepared to disprove it?

The people of this country have a right to know—and to know in no uncertain terms.

An expression from the American Medical Association that limited itself to broad generalities could not be regarded as satisfactory.

This is a matter that concerns the people directly and vitally. They deserve to know what's what, absolutely, unequivocally, and conclusively.

The U.S. Public Health Service, which, as its name denotes, is concerned with the public health in this country, ought not to stand aloof in the face of Dr. Lasagna's testimony on this question of drugs.

This Federal agency is operated with tax money to serve the people's interests where health is concerned. Aloofness in the face of the testimony of Dr. Lasagna of Johns Hopkins University would be disappointing.

One of the greatest domestic misfortunes that could happen to the American people is socialized medicine.

The Mobile Register has been the foremost newspaper in the United States in warning that socialized medicine would be disastrous. No other daily newspaper, large, small, or medium size, has equaled the Register, or even come close to it, in editorially emphasizing the necessity of avoiding that disaster.

The Register is exceedingly proud of this record, a record that is beyond refutation by any source.

Although they have kept somewhat under wraps lately, the would-be socializers of medicine have not vanished. Any situation that may disturb the public mind under the existing traditional system gives encouragement to the would-be socializers.

If anything connected with drugs calls for correction, the correction should be made at once and to the full extent needed.

[From the Beaver (Pa.) Beaver Valley Times, Dec. 11, 1959]

DRUG PRICES UNDER FIRE IN SENATE INQUIRY

Caught in the vicelike grip of the creeping inflation that increases the prices of everything they buy, a great many Americans are finding it difficult, if not wholly impossible, to buy the drugs they need to ease their aches and pains.

Most Beaver Countians have long complained that drug prices are too high. For the most part, they have generally placed the blame on druggists. But hearings being conducted in Washington by Senator ESTES KEFAUVER'S Antimonopoly Subcommittee indicate that it is not the druggists who are to blame, but the drug manufacturers.

Letters received from the committee, principally from elderly people and others who live on a small pension or other fixed income, have revealed that many Americans are depriving themselves of food and other necessities so that they can buy urgently needed drugs. Many others are not getting the drugs they need because, they say, they cannot afford to buy them. Even some druggists have complained to the committee that wholesale prices charged by certain pharmaceutical companies are unreasonable.

According to testimony before the committee, there is a wide disparity between the prices charged for the same drugs in the United States and in other countries, although the same manufacturer produces them. In other testimony, some pharmaceutical firms were charged with markups of as high as 7,000 percent. But the manufacturers have vehemently denied these charges.

Hardest hit by the high cost of drugs, whether fairly priced or not, are the aged, the infirm and the sick with average or low incomes. Many of them suffer from chronic illnesses which require regular and heavy expenditures for drugs.

If, as they claim, they are paying outrageous prices for the drugs they so urgently need, they deserve relief.

DRUG PROFITEERING: TIME TO CRACK DOWN

American industry and business are based on the theory of the profit motive as a healthful force in developing our productive capacity and making us a strong and dynamic nation.

No one seriously challenges this theory except those who adhere to socialistic ideas of one degree or another, and they have never yet become a serious threat to the survival of profit economy in this country.

But there has always been a threat from those profit-takers who are immoderate in their demands, and who attain, from time to time, a degree of control in their fields which permits them to dictate what the public shall pay for their products, regardless of the so-called law of supply and demand. The threat, in such cases, takes the form of government action to break up monopolies, or to control prices of items essential to public health, safety or national welfare.

The revelations in the current sessions of the Kefauver Senate subcommittee point up a profiteering condition in the drug manufacturing and wholesaling industry which calls for remedial action.

Corporation arguments that research expenses require a substantial markup of prices over production costs are valid—up to a point.

They cannot possibly excuse the practice of selling to arthritis sufferers a pill which costs 1.6 cents to produce, for a wholesale price of 17.9 cents and a retail price of 29.8 cents.

They cannot excuse a 7,000 per cent profit on a "female disorder" remedy, bought from a French firm at 12 cents a bottle of 60 tablets, sold to druggists at $8.40 a bottle and to retail customers at $14.

They cannot excuse the price spread of another product, from a production cost of 28 cents for 100 tablets, to a wholesale price of $8 and a retail price of $13.35.

They cannot excuse the uniform pricing of the arthritis wonder drug at a high level by four major drug companies, while several smaller firms can offer it to retailers at about one-fourth of this price.

Charging as much as the traffic will bear for nonessential luxury items may be justified, but charging suffering humanity exorbitant prices for scientific discoveries that can ease their pain and perhaps restore them to productive life is socially and morally indefensible.

Americans willingly give millions of dollars to nonprofit organizations, foundations and institutes to carry on research projects which are expected to benefit the human race. Thousands of scientists dedicate their lives to such research, expecting in return only reasonable salaries and security for their families, and such satisfaction as comes from extending the boundaries of human knowledge.

It is incongruous to find, in the manufacturing and marketing of the products of medical research, an attitude of greed and callousness toward the ill and needy.

One witness' assertion that "the problem concerns inadequate income rather than excessive prices" would be laughable if it were not tragic. It suggests that the drug industry expects to serve only the well-to-do and wealthy, and has no intention of making its products available to the great majority of Americans.

The Kefauver committee will do a major service to the country if it brings the big companies sharply to a realization of their social responsibility—either by legislation, antitrust prosecution or moral suasion.

The price problem extends beyond the drug industry, of course. Last summer the publisher of the News-Press bought an electric razor in Germany for $11—a razor made in the United States and shipped overseas. In this country, the same razor retails for $34.

If anything is driving the United States toward socialism, it is the irresponsibility of a few businessmen under the free enterprise system.

PROFITEERING

Senate investigators appear to have brought to light exceedingly disturbing practices within the ethical drug industry. They present, already, a strong case indicating (1) profiteering pricing and (2) conspiracy to maintain those prices.

In one instance, drugs bought for 11.7 cents were sold to drugstores for $8.40. Another, in amounts costing 28 cents, was wholesaled to druggists at $8, retailed to the public at $14. An arthritis-asthma tablet derived from cortisone was made by the drug manufacturer for 1.6 cents, was wholesaled

at 17.9 cents and retailed at the suggested "fair trade" price of 29.8 cents. That is $29.80 per hundred.

Moreover, charts produced by Senator KEFAUVER and his committee showed that four of the great ethical drug companies sold the cortisone preparation, prednisolone, at the same prices to the penny, wholesale; $17.90 for a bottle of 100 tablets.

Pinned down, one drug company president pleaded the costs of research. He seemed to challenge the figures but when advised that they came from his own company, disdainfully and defiantly declared, "Then they speak for themselves." He gave the impression to at least one observer that he was challenging the committee on a "What are you going to do about it?" basis.

It is a good question. What is Congress going to do about it? Do too many influential people, including some Members of Congress, hold so much stock in ethical drugs that the companies are untouchable? Is that condition rather prevalent with respect to large industry in the United States?

Have the antitrust laws gone by the board thanks to cartels, trade associations and understanding, "fair trade" and other devices now not only familiar but threatening to become integral parts of the American economy; to the detriment of free enterprise and that whole economy?

[From the Atlanta (Ga.) Journal, Dec. 8, 1959]

THE DRUG MARKUPS

The current investigation before the Senate Antitrust and Monopoly Subcommittee is producing evidence of incredibly high markups in wonder drug prices. Consider the testimony admitted in the first day's hearing:

Schering Drug Co. produces an arthritic wonder drug at a cost of $1.57 a hundred. It sells the drug to the retailer for $17.90 a hundred. Its suggested list price to the customer is $29.83 a hundred.

Granted that the pharmaceutical firm does not enjoy a similar markup from all its products. Granted that the difference between cost and price must be great enough to pay for the staggering cost of drug research, a burden which the companies have assumed. Granted that the Nation's drug companies have produced an amazing list of discoveries that have advanced the frontiers of medicine at an incredible rate and reduced the suffering of millions. Granted that the successful discoveries must be priced to pay the cost of research that ends in blind alleys.

Markups of 1,000 percent and more still seem totally unjustified. The burden of proof is on the drug producers.

Then there are reports that certain producers are openly hostile to a retailer that reduces his own markup below that suggested by the company. One pharmaceutical house reportedly stopped deliveries to a retail firm that lowered its prices to customers below the manufacturer's suggestion.

There may be reasonable explanations for such practices. We are willing to listen to them. But meanwhile we must conclude that the Senate subcommittee is justified in investigating charges of monopolistic price fixing.

[From the Watertown (N.Y.) Times, Dec. 8, 1959]

DRUG MARKUPS

Senate investigators continue to seek fuller explanation from the major drug companies relative to their pricing policies and the huge markups on many of the new so-called wonder drugs. They want to know why price markups range from 1,118 percent to more than 7,000 percent on some medical products.

For example, three big drug companies which handle "miracle drugs" sell a product for 17.9 cents a tablet to druggists, who in turn charge their customers 29.8 cents. And the basic cost of the tablet is about 2 cents. One of these drugs is prednisone and the other prednisolone—both used in the treatment of arthritis.

In another instance it was shown that a company paid 11.7 cents for the drug used in 60 tablets of progynon and sold these to druggists for $8.40 with a suggested retail price of $14. It listed 28 cents as the price paid for another drug in 100 tablets with a wholesale price of $8 and a suggested price to the patient of $13.25.

The Senate subcommittee chairman, ESTES KEFAUVER, questions whether such prices are reasonable and fair to persons who need drugs.

So, also, does the public question these tremendous markups. And the public is aware of these costs in more ways than one. An individual who has to buy expensive drugs knows what it is costing him out of his own pocketbook—where he can see his money disappear. Then he wonders how much it is costing him, indirectly, as a taxpayer, realizing full well that his city or county welfare department must pass out similar sums to take care of those welfare clients who must receive medical treatment.

There are those, of course, who will shrug the matter off by saying the entire situation has been developed by politicians trying to make a name for themselves. They will say it has been blown up out of proportion. But patients who must pay these high prices for drugs do not think along those lines. They are fully aware of the price, and have been waiting for someone to launch an investigation.

Others approach the problem from an entirely different viewpoint. They will concede that higher prices may be necessary to help cover the costs of research programs and other expenses in the development of these new drugs.

However, they wind up by asking this question: Should the cost of research be tacked on to the price of one or two drugs for which it was spent; or should the cost be spread out over all drugs to take the load off one or two? In other words, should such drugs as aspirin, cold pills, throat tablets and others be increased in price to help pay for development of the "miracle drugs"? Those who take a lot of aspirin will say no—they do not feel they should help pay for something else. Those who must depend solely on the "wonder drugs" naturally would like others to help out on the cost of research.

We do not profess to know the answer or have a solution. Pharmaceutical research must continue. Without some of the newer drugs developed in recent years many of us would not be alive today. However, it appears the time has come for some agency to be authorized to make extensive surveys and studies into the costs of drug production and pricing policies. Production costs and cost to the patient should be brought closer together. Markups ranging from 1,000 to 7,000 percent seem more than a little out of reason.

[From the Hartford (Conn.) Courant, Dec. 10, 1959]

ARE DRUG PRICES UNFAIRLY HIGH?

The current investigation of drug prices by a Senate subcommittee has been foreshadowed for a long time. Senator ESTES KEFAUVER, who heads the Judiciary Committee's Antitrust and Monopoly Subcommittee, said some time ago that in the 2 years his group has been studying pricing practices it had received more complaints about the high price of drugs than about all other products put together.

It must be said that the subcommittee has already presented a strong prima facie case in its initial hearing, which produced evidence of price markups as high as 7,000 percent. In defense of these tremendous markups the head of one company told of the tremendous investments his and other companies make in medical research, for which there is no return whatever. He cited an antiarthritic project that had cost nearly $2 million for which there was no return whatever.

It is a fact that the drug manufacturers of this country have done a magnificent job of both research and production in everything from penicillin to estrogen-hormone drugs, for which there was a 7,000 percent markup. But other attempts to pin price fixing on the drug makers have failed. Only last month a Federal judge in New Jersey dismissed price-fixing charges against five manufacturers of Salk polio vaccine

In addition to the Kefauver investigation, which will lead into retail drug pricing, the manufacturers face another hazard. The Federal Trade Commission has also filed a complaint in New York on charges of illegal price fixing on broad-spectrum antibiotics. These drugs are effective against a wide range of micro-organisms causing infection and disease. After a 2-year study the FTC charges that six companies had tried to monopolize the market for Tetracycline and like antibiotics, whose sales amount to millions a year.

It probably will be possible to reconcile the charges of the Kefauver committee of high prices and those of the head of the Schering company alleging great expenditures for research. This latter company, purchased as alien property for $29 million, earned profits of $32 million after taxes in little better than 5 years. That profit margin may explain why your tranquilizer pills cost you nearly a dime apiece, while the same thing in Argentina—though made in America—costs a penny.

If the Kefauver committee can discover why drugs manufactured in the United States can be sold abroad more cheaply than we can buy them in this country, then it will have performed a public service.

[From the Shreveport (La.) Times, Dec. 3, 1959]

GOVERNMENT PROBES DRUG MANUFACTURING

The cost of severe illness from the angle of doctors' bills and hospital fees, including nursing, has been under widespread public discussion for a number of years. Now it is being approached from another angle, and this time by the Federal Government—the cost of drugs for those who are sick.

At present a Senate Antitrust and Monopoly Subcommittee under Democratic Senator ESTES KEFAUVER, of Tennessee, is preparing to open hearings Monday on pricing practices of drug manufacturers. The Federal Trade Commission is pushing charges of illegal price fixing against six large pharmaceutical firms. Producers of Salk vaccine actually are in court on charges of conspiring to set uniform prices for the polio preventive.

An indication of the increase in both the cost and use of drugs is found in the sales figures of the drug industry. Sales of pharmaceuticals totaled $354 million in 1937 and $941 million in 1947. This year Federal estimates are that the total will be around $2,500 million, nearly eight times as much as in 1937.

Part of the high cost of drugs is due to the rapid development of antibiotics. Virtually all of them are expensive, a typical price being $8 for 16 pills, or 50 cents a pill. This probably has helped increase the average cost of a prescription to $3.10 now against $1.11 only 20 years ago, all figures being from Federal sources.

The sick person may be inclined to cuss out the family drugstore when he sees the cost of his prescription. But the Federal

agencies think that the blame, if there is blame, rests entirely with the pharmaceutical houses, the manufacturers of drugs. Usually the druggist is given a set price for most of the prescription products he sells today; and, where a prescription used to be mixed by the pharmacist under a doctor's orders, many prescriptions now are standardized and produced by the pharmaceutical manufacturers under patented trade names.

The patent system itself is looked on by the Kefauver committee, as a result of its preliminary inquiries, as one of the major causes of high prices of drugs. A certain patented treatment for physiological conditions which affect a tremendous number of people these days costs $5 for 100 units under its patented name. If bought simply under its generic name—the drug that forms the patented products—the cost would be about $1.45, according to Kefauver committee information.

On the other hand, the patenting of a drug product increases incentive of other pharmaceutical firms to laboratory research to find something better and get it on the market in competition with the patented product, according to representatives of the pharmaceutical industry. They contend that the seemingly endless run of new antibiotics, each presumably better than any previous one in its own field, is a result of this competition created by patents.

Once a patent is broken in any way—by production of a comparable or better product, or in some other manner—the price of the originally patented output usually descends quickly. Also, when a new drug comes out the price may be very high at the start but may decrease with increased facilities for production—providing both greater and more economical production.

The first of the present major antibiotics, penicillin, came out during War II and was not patented. At first, the cost was $20 for a 100,000-unit vial, and for a while this drug was available only to the Armed Forces. Between 1943 and the end of 1947 the price dropped from $20 for the 100,000-unit vial to 30 cents for the same amount. The new oral diabetic drugs cost only about half as much now as when first introduced.

The Kefauver committee investigators point not only to the tremendous increase in dollar volume in pharmaceutical sales in recent years but to what they claim to be high profits in the drug manufacturing industry. They say that the major drug manufacturers of the Nation received, as a whole, nearly 20 percent of all sales as profits before taxes in 1958, where the comparable rate for all types of manufacturing in the Nation was 7.4 percent. Pharmaceutical manufacturing profits after taxes, according to the committee's evidence, were 10 percent from January 1957 through January 1959 for drugs, and less than 4 percent for sales of all manufacturing.

[From the Little Rock (Ark.) Arkansas Gazette, Dec. 10, 1959]

A PROPER INQUIRY INTO DRUG PRICES

Senate investigators looking into prices report a finding which many people have suspected all along: There is more popular dissatisfaction with drug prices than with the prices of any other class of commodity.

This situation is to a degree inherent in the drug business. Medicines are absolutely essential and there is not ordinarily any satisfactory alternative to buying them. If a price appears high, then it follows that the patient will complain to high heaven that the drug industry is exploiting the sick. He is not likely to be concerned with the sometimes giant spending for research to develop a product, or with the overhead attendant to any business. This is the cross which the drug manufacturer and the corner druggist alike must bear.

But the investigators of the Senate antitrust subcommittee have turned up some startling figures that stretch the limits of any reasonable explanation. Consider these two items among the charges made so far:

A major national firm paid a French company something less than 12 cents for the drug used in 60 tablets of a medicine called progynon, used in female disorders. It was then sold to druggists for $8.40 and the suggested retail price was $14. These figures were not disputed by a company spokesman who appeared at the Senate hearing, although he contended this drug was a relatively insignificant item.

A tranquilizer sold in this country for about 8 cents costs less than a penny in Argentina.

The committee also brought out a charge that the same company had a 1,118 percent markup on a medicine derived from the wonder drug cortisone and prescribed for arthritis and asthma. This was vehemently challenged by the company, which contends its return on this drug was 12.3 percent after all costs had been considered.

It remains to be determined just how broad are price abuses in the drug business. And in the instance of the cortisone derivative the merits of the argument are not completely clear. Proper caution, too, is needed in determining just what Federal remedies may be in order.

But the public may recall that the drug industry has been in the vanguard of the so-called Fair Trade legislation, which works to keep prices high on many commodities. Immediately, the early evidence on drug prices shows the Senate subcommittee has at least found a proper field for inquiry. It is axiomatic that the achievements of medicine must be severely circumscribed if drugs are priced so that some people, if they can buy them at all, pay for them only at a heavy sacrifice in other essentials.

[From the Pensacola (Fla.) Journal, Dec. 10 1959]

ALL FACTS SHOULD BE BARED IN DRUG PRICING INQUIRY

While evidence so far presented is conflicting, Senator KEFAUVER and his committee investigators seem to have hit paydirt in their revelations of high markups of drugs by manufacturers.

Charts showing a markup as high as 70 times the cost of a drug and identical prices for 2 products by 3 manufacturing pharmaceutical houses indicates excessive profits and perhaps agreements on prices contrary to antitrust laws.

The figures produced by committee investigators have been attacked by drug firm executives as "distorted" and "grossly misconstrued" and the investigators have admitted that they do not take into account funds spent on research and promotion. Company officials also said that royalties, distribution costs, and taxes had been omitted which would bring the markup much lower.

No doubt these expenses, especially research, are costly, but it scarcely seems that they could run expenses up to the high amounts charged retailers and the prices suggested to retailers for sale to the consumers.

Moreover, the price of these new wonder drugs, eagerly sought by ailing persons, many of them of limited means, should drop after these original costs have been recaptured by the manufacturers, as one local druggist commented. The fact that some of the smaller drug houses can charge much less also should be taken into consideration.

The testimony lends substantiation to a statement made a few months ago by a Florida physician complaining of high markups on drugs purchased by the State for patients on public welfare.

The Senate committee should push its inquiry and lay all of the facts before the public and Congress so that necessary action can be taken to protect the public if there is profiteering or collusion.

[From the Harrisburg (Pa.) Patriot-News, Dec. 13, 1959]

A LOOK AT MIRACLE DRUGS AND MIRACULOUS PRICES

If this is an age of miracles, it also is an age of revelation.

From the wonders of television and electronically piped music, the public searchlight now is turning to the wonder drugs.

The revelations, so far, may be less noisy and dramatic but they're at least significant.

What the Senate Antitrust Subcommittee has found up to now—and the hearings are expected to go on for some months yet—boils down to this:

Some of the new miracle drugs sell for as much as 70 times their production cost by the time they reach the patient.

A striking case in point of excessive markup by the drug companies is that of the Veterans' Administration which was paying $13.60 for one antiarthritic drug. After a while, the VA shopped around and, wonder of wonders, found that it could get the very same drug from another firm for $3.85.

But the evidence before the committee shows that millions of private patients weren't as fortunate as the VA. They have trustingly followed their doctors' prescriptions for drugs of certain brands and have been paying high prices.

There are many Americans who can well afford to pay top drug prices without question. There are also many Americans who cannot afford to do so and who are either ineligible or too proud to use public assistance. Such persons have gone without the drugs—at the expense of their health and well-being.

The committee claims it has documentary proof that no new drug is offered the public unless the manufacturer is assured of a profit four times his investment.

The ugly inference is that the public might conceivably be deprived of essential drugs at the will and whim of profiteers.

So far, the drug industry has failed to come up with a convincing justification for the skyrocketing drug prices.

The president of one drug company, Francis Brown of the Schering Corp., has defended high drug prices, contending that costly research that often results in failure must be carried by the consumer on new drugs that have proved successful. But that doesn't justify extortionist prices beyond the reach of many sick, crippled and aged Americans.

There is a strong suggestion that the big companies are squeezing smaller firms out of business—and out of competition.

Seymour Blackman, an executive of two small New Jersey firms, has charged flatly that the large pharmaceutical houses are gouging the public for at least $750 million a year.

"The consumer buying drugs," he asserted, "has no choice. He must buy the medicine (prescribed) and he has no choice as to the brand."

Nobody begrudges the drug manufacturers a fair and reasonable profit. They perform a vital service to the health of America and they can't be expected to do it just for the love of it. But, like every other industry under a free enterprise system, they are not exempt from the obligation to permit the free flow of competition to operate in creating prices.

The wonder drugs are wonderful. But it shouldn't take a miracle to be able to afford them.

[From the Monroe (La.) World, Dec. 10, 1959]

DRUG PRICE INQUIRY

A congressional investigation into big profits allegedly made by major drug manufacturing firms has been launched by the Senate Antitrust Committee. This inquiry will be watched with extraordinary interest by the public, since the cost of medicine has become one of the leading costs of every day living. Almost every person in the United States will be directly affected.

In addition to the Senate investigation headed by Senator ESTES KEFAUVER of Tennessee, chairman of the committee, the Federal Trade Commission is pushing charges of illegal pricefixing against six large pharmaceutical firms. Producers of Salk vaccine already are in court on charges of conspiring to set uniform prices for the polio preventive. The inquiries and charges center around the big drug manufacturers.

Figures in the drug industry show that pharmaceutical sales totaled $354 million in 1937 and $941 million in 1947. This year, Federal estimates are that total sales will be around $2,500 million—nearly eight times as much as in 1937.

There has been no comparable rise in other costs of living, although there have been big advances along virtually all lines.

The patent system is looked upon by the Kefauver committee, as a result of preliminary inquiries, as one of the major causes of high prices for drugs. A certain patented treatment for physiological conditions which affect a tremendous number of people costs $5 for 100 units under its patented name. If bought under its generic name, the cost would be about $1.45, according to Kefauver committee information.

Still worse, the Senate investigators accused a leading drug manufacturer of hiking the cost of a "female disorder" remedy more than 7,000 percent above its basic cost.

The Senate Antitrust Subcommittee produced evidence that the Schering Corp. of Bloomfield, N.J., bought the medicine, Estradiol, from a French drug firm at about 12 cents for a bottle of 60 tablets. These, in turn, were sold to U.S. druggists for $8.40 a bottle and to consumers for $14, according to John M. Blair, subcommittee economist.

Francis C. Brown, Schering president, did not dispute the figures but did contend they were "misleading and valueless" and a "headline" item.

It is difficult to understand Mr. Brown's statement, if the charges against the firm are true, since neither his firm nor any other American firm apparently spent any money developing this drug and therefore seemingly had no excuse for selling it at an extremely exorbitant price. Sometimes high prices may be justified when a firm has gone to great expense to develop a certain drug, but this appeared to be a clear case of a 7,000 percent profit between the original seller and the consumer, with no compensating scientific achievement by the drug manufacturing firm.

In an opening statement, Senator KEFAUVER said:

"I am appalled if precious drugs are not obtainable by citizens who need them to sustain their very lives."

He said most drugs clearly would fall within the definition of "administered prices."

Another drug was said to have cost 28 cents for 100 tablets and to have sold for $8 wholesale and $13.35 retail.

A wholesale price of 17.9 cents per pill for an antiarthritic drug that cost less than 2 cents was charged.

"There are more than 10 million people in the United States suffering from rheumatic diseases, 1 million of them permanently disabled," Senator KEFAUVER said. Many of the older people say their income consists of social benefits and that, after paying for drugs, they do not have enough to live on.

Drug manufacturers admit large profits on their products but contend this is necessary in order to carry on research.

Drug development in the last 25 years has outdistanced all previous advancements in the history of medicine and the manufacturers say this rapid advance followed immediately when industry and the medical joined hands in research.

An investigation of the type now underway seems proper, especially in view of the disclosures that have been made. There may be justification for high prices for some drugs but the public is entitled to know when such prices are justified.

[From the Corpus Christi (Tex.) Caller, Dec. 16, 1959]

"ALL THE TRAFFIC WILL BEAR" IS A DUBIOUS PRICE POLICY

Implicit in the current Senate Antimonopoly Subcommittee inquiry into wholesale drug pricing is this most painful question: Is the theory of "all the traffic will bear" a responsible criterion for private business in the United States?

Evidence already submitted to the subcommittee indicates that one manufacturer sold an arthritis wonder drug for $7.35 for 100 tablets in Britain while charging $17.90 in the United States. This same company realized profits of $120 million in 10 years on a beginning net worth of $40 million, making as much as 10,000 percent profit on one transaction alone.

Senator ESTES KEFAUVER, subcommittee chairman, and his associates apparently hope to bring the weight of public opinion to bear on the high cost of drugs. There is no indication that the subcommittee anticipates recommending legislation to set prices either at the wholesale or retail level.

But the question of drug costs becomes increasingly a matter of public interest. Longevity has brought its problems as well as its rewards. Old age often supports itself on wonder drugs that pensioners may not be able to afford.

Here as in other fields of the American economy, industries are to some extent on trial. A responsibility to the public exists in every manufacturer-consumer relationship. Ideally every manufacturer should be willing to share with the public the fruits of lower unit cost through increased output.

[From the New Kensington (Pa.) Dispatch, Dec. 16, 1959]

DRUG PRICES TOO HIGH

We do not feel overly sympathetic to Dr. E. G. Upjohn, president of the Upjohn Pharmaceutical House in his protests against unfair accusations made by Senate subcommittee investigators.

The investigators pointed out last week that the Upjohn firm was paying only 14 cents for raw materials in a sex hormone which it was selling for $15. Dr. Upjohn was loudly self-righteous for his firms, stating that raw materials were only a small part of the cost in production.

We agree with Dr. Upjohn's statement, but not to the degree that he is cheating the public, not to the tune of 10,000 percent difference in raw material and final sale prices.

The Senate investigators also pointed at the tremendous profits made by Upjohn, noting that in 4 years the firm showed sufficient profits to equal its approximate value at the beginning of those 4 years.

We approve of prosperity, but in this case we think the public is being robbed.

[From the Sherman (Tex.) Democrat, December 1959]

COST OF WONDER DRUGS

A wonder drug to combat arthritis was sold at 1,118 percent above the cost of the materials. Another used in the treatment of female ailments was marked up 7,079 percent. These were the wholesale prices charged by a major drug manufacturer to drugstores. Why? a Senate antitrust investigation wanted to know, and so do the people who are paying such inordinate prices.

Francis C. Brown, president of Schering Corp. of Bloomfield, N.J., told the committee the mark-up is not excessive because of the high cost of medical research. That and the services his concern renders to physicians, to introduce these drugs to them and instruct them in prescribing them, were added to the actual cost of the materials.

Senator ESTES KEFAUVER, chairman of the subcommittee, brought out some serious refutations. First, he showed that a small concern sells the same drugs at a fraction of the Schering price. Second, that the service to physicians is in fact a scheme to persuade them to prescribe the firm's trademarked products. Also, that when it competed for Government business on bids, Schering cut its price as much as 85 percent. Finally, that Schering was an alien property sold by the Government for $29,132,000 and in 5½ years, it had more than recouped its purchase price in profits of $31,959,000.

KEFAUVER seems to have hit paydirt in another investigation. The results, we hope, will be a way to enable the ordinary buyer to get his wonder drugs at a fair price, not to have to pay for the research and sales that build the firm and insure its future profits and dividends.

[From the Greensboro (N.C.) Record, December 8, 1959]

DRUGS ON THE MAT

Senator KEFAUVER's investigation into the price of drugs will get a warm endorsement of the bill-paying public.

The Tennessee Senator's political ambitions may be compounded in the prescription, but any light on the subject, for whatever reason focused, will be welcome.

That joke that the minimum price for a bottle of medicine is $5 turns out not to be exactly correct, but the truth is hard enough to hurt. The average price of a medical prescription pushed above $3 this year, up from $2.93 in 1957, according to estimates by the drug industry.

Government statistics estimate prescription prices have climbed more than 33 percent in the past 10 years, compared with 25 percent increase in the consumer price index as a whole. Over a fourth of what Americans spent on medical care last year—$16,400 million—went to pay for drugs and medical appliances.

Everybody agrees that the United States has wonderful pharmaceuticals, but the question is: Can the American people afford them?

Congressional investigators are expected to charge that this country's drug-making business is controlled by a handful of large firms which, by unspoken agreement, keep prices high. They will probably claim that there is little or no competition among drug makers.

The investigation will start with a probe into the price of drugs used to treat arthritis; then it will go into prices of synthetic hormones, tranquilizers, antibiotics, and medicines used against diabetes.

At a series of public hearings, executives from drug companies will have their inning. They can be expected to contend that the price of drugs is actually held down by

fierce competition. New drugs may be high at first, they answer, but prices drop fast on older products, Drug manufacturers also say that heavy packaging, advertising, and promotion costs and research keep prices of new medicine high.

Whatever the Senate subcommittee uncovers, the drug makers will find a new factor in the field of steroids, which bring relief to arthritics. Among scheduled witnesses Dr. Ethel Andrus, president of the American Association of Retired Persons, will tell about the association's own mail-order pharmacies to sell expensive cortisone derivatives.

This kind of evidence will be presented: A check with a purchasing agent of a retail drug chain shows their prices run about the same—five steroids are sold for $17.90 for 100 tablets, with a suggested retail list price of $29.83. This would be a month's supply.

Other targets for the Kefauver subcommittee will be the concentration of the drug industry—about 20 firms account for 80 percent of the market—and the industry's high profit margin.

Manufacturers feel that they can satisfactorily explain the high cost of drugs if they get a chance to tell their story.

They should have every opportunity. But they should realize that pill buyers will be hanging on their every word.

[From the Fairmont (W. Va.) West Virginian, Dec. 9, 1959]

EVIDENCE THAT IS TRULY HEADLINE MATERIAL

Certain of the evidence given at the drug hearings before a committee of the U.S. Senate is misleading and valueless, according to the president of one of the major drug companies.

Let's take a quick look at some of that evidence:

Here are some tablets whose basic cost is 2 cents. They are sold for 17.9 cents by the company to the retailer. He, in turn, sells them to the consumer for 29.8 cents.

That is a 1,500 percent markup.

Or here is a bottle of tablets purchased by a large drug company from a French firm for 12 cents. The bottle is sold to the druggists for $8.40 a bottle and then sold by the druggist for $14 a bottle.

That is a 7,000 percent markup.

The figures are admitted to be true, but called misleading and valueless and a headline item.

We say they are enlightening, valuable, and a headline item in the sense that the public should know about them.

We also say they are outrageous.

When medicines are so costly that the poor, the handicapped, the aged retired person, and the large family cannot afford to buy them—then we have reached a new low in this rich nation.

This is what has happened in many instances, as most persons knew before the current Washington hearings began.

But what could they do about it? It is a case of either pay—or do without. Just go away and die somewhere.

In the circumstances, the American people should encourage Senator KEFAUVER and his committee to persist and urge Members of the Congress to pass legislation which will correct the situation.

It should be emphasized that druggists and physicians generally are against drug prices that are too high. The hearings to date suggest that the blame lies with certain of the large companies.

Quite properly, these concerns point to increased costs for materials, equipment, and labor, and to the great cost of research. These are valid causes for an increase, but they do not explain the shocking markup on certain of the medicines.

As to research, many foundations and organizations are engaged in research having to do with cancer, heart diseases, tuberculosis, and the like. Millions of persons willingly contribute to such bodies each year.

But is it proper or ethical to expect the poor, the old and the handicapped to make the same contribution for company research as the man of wealth? This is done by certain of the companies through their enormous markups, according to the evidence. This is a secret tax which hits the poor the same as the rich.

There are, of course, inequities on every hand and it would be unfair to make a whipping boy of the drug companies or druggists.

But in all reason, those concerned should do some fast policing of themselves lest the Government find it necessary to interfere.

The public—and that means all of us—must be protected.

[From the Troy (N.Y.) Times-Record, Dec. 11, 1959]

ASSAYING DRUG PRICES

The drug industry has had its most articulate spokesmen on the stand to defend the current status of drug prices. The president of Merck & Co. reminds that the field is highly competitive and says the American public is getting a fair shake.

We can sympathize with the drug industry's argument that some prices must be high in order to pay for research and to subsidize the items that are failures. Yet the drug people should be reminded that other lines of endeavor are also highly competitive. The Ford Motor Co. took a severe licking this year when it was forced to pull the Edsel off the market.

Dr. Austin Smith, president of the Pharmaceutical Manufacturers Association, protests that his trade is being made a whipping boy for those who desire socialized medicine. This argument is silly and only beclouds the real issue. The present probe by the Senate Antitrust Subcommittee was not brought on by socialized medicine advocates. It was caused by the fact that Americans are demanding some relief from the burden of high drug prices.

Senator KEFAUVER said that in the 2 years his subcommittee has been studying pricing practices it "has received more complaints about the high prices of drugs than all other products put together."

We want to be fair with the drug industry. We appreciate the fact its expensive research is responsible for many people today being able to walk about in fairly good health. But there is more to be done. The industry should strive harder to bring prices down within the range of the pocketbook of the man with a limited income. It is the compassionate thing to do and the public will be grateful.

Mr. DIRKSEN. Mr. President, on February 8 the Senate agreed to Senate Resolution 238 which provides $425,000 for the Subcommittee on Antitrust and Monopoly. I supported this resolution in both the subcommittee and the full committee.

During the course of the debate, certain statements were inserted in the RECORD by the chairman. They are worthy of some comment.

Since I was absent on official business when these statements were made in the Senate, I ask unanimous consent that a statement I have prepared may be printed in the body of the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DIRKSEN

The Antitrust and Monopoly Subcommittee was established during the 84th Congress, and I have supported its budget requests inasmuch as it has long been my firm conviction that the perfection of the antitrust laws is essential to maintain a free competitive enterprise economy. The alternative to competition is Government regulation, to which I am unalterably opposed.

The legislative purposes for which this subcommittee was established must be accomplished without destroying the faith of the American people in business firms which, in the vast majority of cases, have been serving the people well and have been operating in accordance with the laws established by the Congress.

In my individual views on the activities of the subcommittee during the 85th Congress, which appeared in Senate Report No. 1345, 85th Congress, 2d session, I said:

"The free-enterprise system goes much further than service to the business community. It does, in fact, serve the interest of all the people, and it is these interests as a national consideration which must be constantly kept in mind.

"Freedom of action for business enterprise is obviously imperative in order to develop those incentives which provide the greatest efficiency in the production and distribution of goods to the consumers of the Nation. When undue restraints are imposed on that freedom of action, it will, indeed, jeopardize the flexibility and the capacity of our free system to serve the interests of the whole Nation. It might be pointed out, as an example, that if the price of any particular product is held to artificially low levels, the incentive to supply it and to expand productive capacity is restrained and the people are thereby denied the kinds and quantities of the goods which they desire and which they are entitled to have. This objective of our free system must be kept constantly clear." [1]

Too often it is overlooked that under our Constitution there is a separation of powers. The enforcement of the antitrust laws as well as other statutes is the responsibility of the Executive. All Cabinet officers are responsible to the President. Article II, section 1, of the Constitution provides that "The Executive power shall be vested in a President of the United States of America." [2]

However, every individual or corporation is entitled to a day in court. The Constitution, in article III, section 1, provides that "The judicial power of the United States shall be vested in the one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." [3]

The powers of the Congress stem from article I, section 1, of the Constitution, which provides that "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." [4]

Accordingly, it is essential that all inquiries conducted by any congressional committee have a legislative purpose. It is not the proper function of a committee to determine the guilt or innocence of individuals or firms.

The current drug investigation is making headlines, but it is certainly not contributing to the legislative process, nor has it, in my judgment, suggested any new avenues for perfecting the antitrust laws. Under the

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[1] Activities of the Subcommittee on Antitrust and Monopoly, 1957, report of the Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, U.S. Senate, 85th Cong., 2d sess., S. Rept. No. 1345, Mar. 6, 1958, p. 11.

[2] "U.S. Government Organization Manual 1958–59," Federal Register Division, National Archives and Records Service, General Services Administration, p. 5.

[3] Ibid., p. 7.

[4] Ibid., p. 1.

terms of the resolutions which have authorized funds for this subcommittee, this is the only subject in its province.

During the course of the debate on February 8 the chairman stated:

"I think it should be pointed out also that sometimes the exploration of an issue, even though the result is that no bill is reported, may be of greater service to the public than would be the case if some legislation resulted" (CONGRESSIONAL RECORD, U.S. Senate, 86th Cong., 2d sess., Feb. 8, 1960, p. 2209).

If this were the primary function of this subcommittee, I could not in good conscience justify expenditures of public funds and the enormous demands upon private individuals who must prepare material for presentation to the subcommittee. It is to be hoped that American citizens will follow all congressional debates and hearings with interest and understanding, but every hearing must have a legislative purpose and cannot be justified on the basis that it is essential "to widen the knowledge of the American people on our economic system and its strength and weaknesses."

My concern with the possible misuse of the documents prepared by this subcommittee was expressed in my individual views of its activities during the 85th Congress. I said:

"I am aware, however, that sentences, paragraphs, and conclusions from such reports are so freely quoted in all parts of the land and used as authoritative statements, and these supplementary observations are made largely because I think the time has come for Members of the Senate to be extremely careful with respect to reports of this kind so that they do not become the vehicles for misimpressions and erroneous conclusions. This fact becomes more and more important as the work of the Senate and Senate committees increases in volume, and there is a growing reliance upon the work of committee staffs. The Members of the Senate in the last analysis must be held responsible for the observations which are set on paper and freely circulated as an official document." [5]

In the course of the debate on February 8, the distinguished junior Senator from Colorado [Mr. CARROLL], said:

"Can the Senator think of any other committee of the Senate which calls before it representatives of more giant corporations in the Nation than does the subcommittee of which the Senator is chairman?" [6]

Unless legislation results from the testimony of the representatives of giant corporations, then the subcommittee is not performing its proper function. Certainly the mere fact that it has been able to require the presence of industrial leaders who have been forced to spend countless hours in the preparation of testimony and in recent days testify long after midnight, is no criteria of the usefulness of its deliberations.

Reference was also made to the fact that the investigation of administered prices was largely stimulated by the testimony of economists who appeared before this subcommittee. During the opening phase of these hearings only five economists appeared to present their views. The social sciences, unlike the physical sciences, are subject to many interpretations. Without in any way disparaging the abilities of the five economists who appeared before this subcommittee in the summer of 1957, they represent a minute segment of the professional community in this field who are regarded with distinction in business, in our educational institutions, and in government. In fact, in July of 1957 when these initial hearings started, the membership of the American Economic Association, as published in a special edition of the American Economic Review that month, included 8,387 members.[7]

POINT 1. HAS THERE BEEN A WASTE OF THE TAXPAYERS' MONEY?

The statement inserted by Senator KEFAUVER in the CONGRESSIONAL RECORD of February 8, appearing on page 2213, includes the following:

"The record does not bear out the minority leader. The fact of the matter is that he is aware that, both as a member of the Senate Antitrust and Monopoly Subcommittee and as a member of the full Judiciary Committee, he voted to approve the program, budget, and resolution of the subcommittee. The subcommittee formulated and approved its program on January 21, 1959, which was submitted to the parent Judiciary Committee. This program which was approved by the minority leader, among other things, contained the following statements:

" 'The subcommittee's plans for the next year are wide in scope so that it can continue to study and seek an answer to this fundamental problem in the antitrust field. The subcommittee envisages the consideration of legislation to supplement existing antitrust laws.' " [8]

All members of the subcommittee, including the chairman, know that its conferences, which relate to the program and budget, offer a very meager opportunity for the discussion of legislative objectives and investigations. The usual procedure provides for a motion that the subcommittee investigate a topic such as professional team sports, asphalt roofing, steel, or drugs. It is then seconded and approved without prior consideration of the scope of the hearings or the nature of the recommendations which it hopes to develop. In some instances when these matters have been discussed, it became necessary for me to leave the meeting. Every Senator must discharge the other responsibilities of his office.

An example of the difficulties which confront many Senators is presented by the subcommittee's proceedings during its executive session in January. At that time, it was agreed that because of the civil rights debate scheduled to begin on February 15, the hearings planned for the month of February would be held between February 3 and 9. It was obvious to every member of the subcommittee that the long protracted schedule of Senate debates would preclude my attendance, as well as that of other Senators, during hearings after February 15. At this same executive session, it was agreed that the witnesses scheduled to appear in February would include members of the American Pharmaceutical Association, the American Medical Association, the Food and Drug Administration, and possibly the Federal Trade Commission.

However, this entire schedule was altered, and hearings were held starting on February 23 through February 27, rather than on the dates originally agreed to. In view of the important matters before the Senate, I was forced to object to the continuation of hearings while the Senate was in session. Much to my surprise, the chairman adopted the unusual procedure of holding hearings far into the night after a long and arduous debate on the Senate floor. Furthermore, instead of adhering to the list of witnesses which had been agreed upon in executive session, two unscheduled doctors, who were employees of a drug manufacturer, were invited by the chief economist, Mr. Blair, to testify with respect to matters which had been covered previously by three physicians, as well as a representative of a mental health organization. By doing this, the chief economist overruled the decision of the subcommittee members as to who should testify.

It is my view that the proper procedure would have been for the chairman and the staff to maintain close contact with all the members of the subcommittee and advise them with respect to the scope of the hearings and the reasons for seeking testimony from particular witnesses.

On too many occasions the information I have received concerning the activities of the subcommittee was obtained from a press release, rather than from the chairman or the staff. Furthermore, I believe that this subcommittee should follow the procedures provided in the Legislative Reorganization Act of 1946, which states that so far as practicable all witnesses appearing file in advance written statements of their proposed testimony. This act also directs the staff of each committee to prepare digests of such statements for the use of all members. There is no reason why this procedure, which is prescribed for all standing committees, should not be applied to this important subcommittee.

With the adoption of Senate Resolution 238, the Senate has authorized spending $1,490,000 for the work of this subcommittee. It may spend $150,000 more in 1960 than its total appropriation of $275,000 in 1957. This was granted in Senate Resolution 57, authorizing $225,000, and Senate Resolution 166, approving an additional $50,000 during the 1st session of the 85th Congress.

It is significant that with only $275,000 provided for this subcommittee in 1957 it was able to conduct extensive hearings on the oil industry, accelerated amortization, as well as on amendments to the Packers and Stockyards Act. At the conclusion of each series of hearings, reports were submitted which included majority and minority views. The subcommittee also conducted extensive hearings on S. 11, a measure to reverse the Supreme Court action in the Standard Oil case. It started its continuing investigation of so-called administrated prices with testimony from economists, followed by an extensive series of hearings on the steel industry. These activities were time consuming and required the close attention of the subcommittee's members and staff.

Certainly, if any worthwhile accomplishment is possible, it should not be hindered by an arbitrary refusal to provide the funds which the chairman and the majority of subcommittee members in their judgment believe necessary. This is why I have always supported reasonable requests for the operation of this subcommittee. However, at the conclusion of this session the Senate will rightfully expect some legislative accomplishments to justify the moneys which have been authorized.

POINT 2. THE SUBCOMMITTEE'S LEGISLATIVE ACCOMPLISHMENTS

Many Senators have been immobilized and have found it difficult to discharge their many other responsibilities to their constituents and to the Senate as a whole by the necessity of participating actively in these extensive hearings. The legislative results in terms of laws adopted have indeed been meager. They include only two measures.

On September 2, 1958, a bill to amend the Packers and Stockyards Act of 1921 became Public Law 909, 85th Congress. Again, on July 23, 1959, a bill to amend section 11 of the Clayton Act, to provide for the more expeditious enforcement of cease-and-desist orders issued thereunder, became Public Law 107, 86th Congress. This measure was recommended by the administration, and

[5] Op. cit., Activities of the Subcommittee on Antitrust and Monopoly—1957, S. Rept. No. 1345, p. 15.

[6] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2210.

[7] American Economic Review, the 1956 handbook of the American Economic Association, vol. XLVII, No. 4, July 1957, Evanston, Ill., p. 476.

[8] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2213.

there was no opposition to its passage. The enactment of these laws does not constitute a record of outstanding legislative performance.

POINT 3. THE SUBCOMMITTEE'S PROCEDURES

It is my firm conviction that any subcommittee which expends large sums of the taxpayers' money, and also requires that private individuals in order to protect their good name must expend a great deal more of their own resources should seek the approval and guidance of the parent committee.

Based on 3 years of experience, I have no reservation in recommending that the entire Judiciary Committee should approve the initiation of any new hearings and define their scope. It is particularly essential that this procedure be followed in the case of the Antitrust and Monopoly Subcommittee because the chairman has delegated the direction and course of the investigation it pursues largely to the staff.

When a subcommittee is engaged in a complex and controversial investigation, the staff should have the benefit of all of the guidance and direction which the parent committee can offer so that its efforts will truly reflect the objectives which the Senators responsible to the electorate who serve on the entire Judiciary Committee believe may ultimately result in new and useful legislation in conformance with the resolution providing the funds.

POINT 4. THE PROCEDURES OF THE SUBCOMMITTEE'S STAFF

On many occasions in individual views and in a statement in the CONGRESSIONAL RECORD on January 22, I have expressed my concern with staff procedures which create headlines but do no credit to the objectivity and intellectual honesty of the Senate as a whole.

In my statement concerning the drug hearings on January 22, I said:

"The first witness was Mr. Francis C. Brown, president of Schering Corp., an ethical drug manufacturer. Shortly after Mr. Brown completed his testimony, the chief economist of the subcommittee introduced an exhibit into the record which seemed calculated to make headlines and front page stories. This was done by alleging that the Schering Corp. was marking up its products from 1,118 percent to 7,079 percent, when the fact was that Schering was operating on a 12- to 16-percent profit after taxes. Mr. President, the exhibit on its face was misleading, because it excluded the necessary expenditures of doing business under usual accounting practices accepted by the Internal Revenue Service by virtue of the income tax laws of our Nation. By excluding these expenditures, the chief economist used a computed cost figure of $1.57 in relation to the selling price of $17.90 for 100 tablets of prednisolone, when it was evident from the financial statement of Schering Corp. that proper allocated costs, namely, cost of production, research, selling, and distribution, administrative, and taxes, were $15.03 rather than the computed costs of $1.57. Had the proper costs been allocated, a profit of 16 percent after taxes, or a markup of 33 percent before taxes, would have resulted, which is the true picture. Mr. President, the result of all this was the glaring and misleading headlines and front page stories of 1,000 percent to 10,000 percent profit by drug manufacturers, when the facts show that there was 12 to 16 percent profit after taxes for these drug manufacturers." [9]

Other Senators also have voiced concern with these committee procedures. The distinguished senior Senator from Maryland in a statement in the CONGRESSIONAL RECORD of February 8 expressed his concern with the procedures followed by Dr. John M. Blair, chief economist of the subcommittee. He said:

"I have long been concerned that the preparation of hearings by any Senate committee dealing with the reputation of leading American firms should be entrusted to an individual who has been critical of the economic policies which have made our country great. I am not alone in making these characterizations." [10]

My position with respect to the staff was clearly outlined in my individual views on the investigation of administered prices in the automobile industry. I said:

"It is regrettable that the majority has permitted the long standing prejudices and biases of its staff to influence the preparation of its views. * * * Free-enterprise capitalism as it has developed in this country is the only economic system which at all times reflects the wishes of consumers through their purchases in free markets. It has provided incentives to producers. In fact, it has literally remade civilization. Attacks which reflect on its performance, while not attributing guilt to anyone and providing no suggestions for legislative remedies, are a great disservice to the Amercan people." [11]

POINT 5. STATEMENTS CONCERNING COSTS AND PROFITS BASED ON THE STAFF'S COMPUTATIONS

Throughout the course of the drug hearings, there has been a persistent effort to impute the costs of products from computations prepared by the staff and submitted as tables during the course of the hearings. In most cases, the chief economist's exhibits are based on only a small portion of a company's costs, principally materials and productive labor. They completely neglect the costs of selling, distribution, general and administrative expenses, royalty payments on patents, as well as the most important item of taxes, Federal, State, and local.

Such a procedure does little credit to the Senate since it has no relation to the real world of competitive business. It is purely an academic exercise. In every instance, the published financial statement of the companies who have appeared before the subcommittee reveal a reasonable relationship of profits to sales. Certainly, there is no instance where any company which appeared before this subcommittee has informed its stockholders of data which would justify a front page headline that it was making a profit ranging from 1,000 to 10,000 percent.

It will take many years for the firms who have testified on administered prices in the drug industry to clarify their true positions with the American people. The absence of competition, if such is the case, would have been detected by the enforcement authorities with little difficulty long before profits rose to these fantastic heights if all of the costs had been included in the computations.

Senator KEFAUVER, in his statement appearing on page 2213 of the CONGRESSIONAL RECORD of February 8, 1960, said:

"In presenting this table at the hearings it was made plain, as it had been made indelibly clear in other similar examples, that what was reproduced was computed production costs as compared to actual price and that it did not purport to include, nor represent that it included, such other costs as research, selling and distribution costs, taxes, and profits." [12]

An examination of the transcript of the hearings would indicate that the exhibits prepared by the subcommittee staff were not, in fact, so "indelibly clear" as to what had been included as costs. Indeed, the following colloquy between Dr. Blair and Mr. Francis C. Brown, president of the Schering Corp., at the opening of the hearings on December 7, shows that the staff's analysis was not only superficial, but totally unrelated to the economic facts of life and completely misleading:

"Mr. BLAIR. This, of course, translates into a price, into a computed cost excluding selling distribution cost of $1.57 per 100 tablets.

"Schering's price for a bottle of 100 tablets of meticortelone to the druggist is $17.90.

"Mr. BROWN. Now, if we were simply doing the things that you have described on this piece of paper, it would seem to me that your question would be pertinent. But as I have described in my statement, we are doing a great many more things, and there include the informational work, the pioneering work which we did in the preparation of these compounds, and which we continue to do as the company which originated them, and moreover, the supporting of the distribution system which we have built up over the years at considerable expense, and the maintenance of the research which we are endeavoring to do to push back the medical horizons for the future.

"These are just as much a part of our costs as wastage in production and tableting and bottling." [13]

It is significant that taxes, royalties, research, distribution costs, general and administrative expenses, as well as profits, were not included in this so-called computed cost. These obviously constituted the difference between $1.57 and $17,907. In relating overall profits to the company's financial statement, the following colloquy between Mr. Brown and the chairman is noteworthy:

"Senator KEFAUVER. You mean that research, profit and distribution and everything would make up that difference between $1.57 and $17.90?

"Is that your testimony?

"Mr. BROWN. You have our financial statement, Senator, which discloses exactly what our performance was. And I have also pointed out, if I may interrupt you, that we do not operate on the basis of a single compound alone. We operate on the basis of averages." [14]

A further discussion ensued:

"Senator KEFAUVER. What is the percentage of markup from $1.57 to $17.90?

"Dr. BLAIR. Mr. Chairman, it is 1,118-percent markup, roughly 11 times.

"Mr. BROWN. If I may be permitted to do so, I would like to say that I consider this not to be the proper relationship, because this does not include the expenses of doing business which I have outlined. This only includes the bare factory production cost." [15]

At a later point in the hearings, the minority counsel, Mr. Chumbris, raised a pertinent point. The following colloquy is of interest:

"Mr. CHUMBRIS. Dr. Brown, on page 10 you list various items in which you consider your costs that go into your products. Now let's take this, $1.57 per hundred.

"Does that include your rent or your plant maintenance or your depreciation? Is that in it?

"Mr. BROWN. This, according to this computation as I understand it, this would simply cover the labor charge and I don't know what other items may have gone into it, but it certainly would not include any of the general business expenses.

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[9] CONGRESSIONAL RECORD, U.S. Senate, 86th Cong., 2d sess., Jan. 22, 1960, p. 1090.

[10] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2147.

[11] Op. cit., Administered Prices, Automobiles, Report of the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, p. 312.

[12] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2213.

[13] Administered Prices in the Drug Industry, Report of Proceedings, Hearing before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, U.S. Senate, vol. 1, Dec. 7, 1959, pp. 53–55.

[14] Ibid., pp. 58–59.

[15] Ibid., p. 60.

"Mr. CHUMBRIS. Does it include your cost of taxes?

"Mr. BROWN. No.

"Mr. CHUMBRIS. You have already mentioned selling expenses, distribution, and your research.

"Senator KEFAUVER asked you a question. He said assuming that you add 23 percent and 8 percent, that doesn't take much away from your 1,000 whatever percent was used by Dr. Blair.

"Senator KEFAUVER. 1,118 percent.

"Mr. BROWN. It has to be taken away from 100 percent and not a thousand percent, Senator.

"Mr. CHUMBRIS. So therefore if you took into consideration 23 percent and 8 percent and 32 percent, you wouldn't reach a figure anywhere near 1,118 percent, would you?

"Mr. BROWN. In the one instance we are talking about, percentages in relation to 100 percent, and the figure that I gave on selling and distribution expenses being 32.7 percent is in relation to 100.

"Mr. CHUMBRIS. In order for the record to be clear, I would like to ask Dr. John Blair to take into consideration these different percentages, and add that to the cost of $1.57 and then compare the markup from that figure to the $17.90 that he mentioned per hundred.

"Dr. BLAIR. Mr. Chairman, I would like to answer that very briefly by stating that presumably most of the costs, excluding the selling and distribution costs to which Mr. Chumbris has made reference are included in the price from Upjohn to Schering.

"The plant costs of rent and depreciation, all of these various costs that are involved in the normal cost of doing business are reflected in a sale price made between one independent company and another independent company, and if they are not included then in effect what is happening is that Upjohn is selling below cost.

"Mr. BROWN. Dr. Blair is talking about the sale of bulk material by Upjohn, which has no relation to any of the expenses of operation of our company. How they arrive at this price is something I don't know.

"This is up to them. This is a price which was quoted to us, Senator, in an arm's length transaction." [16]

On the second day of the hearings, Mr. Brown presented a very lucid explanation of his firm's costs of doing business, which completely refutes the allegation of 1,118 percent markup as represented in the computation included in the exhibit submitted by Dr. Blair. Mr. Brown said:

"We at Schering do not allocate costs on a product-by-product basis, and I am sure that in this industry this is not the case, first, because this cannot be done, and second, because it would serve no useful purpose if it were attempted.

"Let me show you a typical cost pattern based on applying the relationship of the various costs in our financial statement from 1958, a copy of which I believe is in the hands of this committee, to the prednisolone 5-milligram tablet 100 bottle, 100 tablets per bottle, that we were discussing yesterday, and I will do this in the way which is customary and accepted both by accountants and economists in business and in Government as well.

"In the first place, it was indicated that the drug list price for this item was $17.90 a bottle of 100 tablets. For this, however, we would have received $14.03 after regular trade and cash discounts on sales to wholesalers, and only would have received the $17.90 on direct sales to retailers, which is a smaller part of our business than our sales through wholesalers.

"So in our case the production cost of sales, deducting now all income other than sales income, would be $3.05. The selling expenses would be $4.80. The research expenses would be $1.20. The administrative expenses would be $1.22. The royalties and other expenses would be 7 cents, and the income taxes which we pay to the Federal Government would be $1.86, or a total cost of $12.30.

"Now, the difference between these costs and what we would get for the product where we sold it through wholesalers, which is the bulk of our sales, would be $1.73, or 12.3 percent of what we received for the product.

"Now, this figure would be less than the 16 percent which we derive as overall profit on sales as it was discussed yesterday and as is reflected by our financial statements, because we have deducted income and interest, royalty income, and interest income from these calculations.

"I said yesterday, and I trust you will permit me to repeat, that a 12.3 percent return on sales is a reasonable return, considering the unusual risks involved in this business. These risks, I may say, having recently been recognized in a very important report issued by Her Majesty's Stationery Office for the Queen of England entitled, 'The Cost of Prescribing,' and known as the Hinchliffe Report, in which it lays emphasis upon the fact that in this industry a product can be here today and gone tomorrow, and that this is a factor which must be recognized." [17]

As I have already said, the staff and the chairman have slected certain expense items and neglected others. The use of 9 percent of the total expenses instead of the 84 percent which the company books revealed leaves some doubt in my mind as to the objectivity of the chairman and the staff. Such an approach is a grave injustice to the integrity and reputation of American business.

Exhibit No. 1 prepared by the staff and introduced during the hearings on Monday, December 7, was labeled, "Prednisone—5 mgm. Tablets, Computed Cost Based on Bulk Price Transaction and Contract Processing Charges." [18] However, after I challenged this misleading technique in a statement on January 22, the staff went to great pains to correct this obvious distortion of fact in the exhibits it presented during the hearings on Tuesday, January 26. Exhibit No. 156 introduced by Dr. Blair was a table entitled, "Meprobomate—400 mgm. Tablets, Computed Production Cost Based on Bulk Price Transactions and Contract Processing Charges (exclusive of selling and distribution costs)." [19]

It is significant that after my statement of January 22, for the first time these tables were labeled as Computed Production Cost "exclusive of selling and distribution costs." Even so, an examination of the exhibits fails to show any attempt to cover other normal business expenses, such as rent, electricity, heat, and taxes. These items are just as much a cost of doing business as selling and distribution costs, which Dr. Blair finally agreed to recognize.

In his statement of February 8, the chairman said:

"What is interesting, Mr. President, is this. When confronted with the computed production costs as devised by the staff of the subcommittee, the head of the Carter Products Co. then offered the company's own figures on Miltown costs and profits per tablet. The actual manufacturing costs, presented by the Carter Co., is 7 cents per tablet, which is identical with the computed costs of the staff of the subcommittee." [20]

The chairman comes to the conclusion that since the staff was correct in computing production costs of the Carter Products Co., the computation of costs of Schering, Merck & Co., and Upjohn should therefore be construed as accurate, although these were submitted before my objection to this procedure. It should be pointed out that exhibit No. 156 was introduced following my statement on Thursday, January 21, when I said:

"Mr. Chairman, as you know, I had no opportunity to be present at the hearings that were held earlier in December. I was unavoidably absent from Washington at the time. But I did get a chance to follow the work of the subcommittee in the press accounts that I saw not only in Chicago and elsewhere, but also the State of Tennessee when I went down to visit my grandchildren and family in Christmas recess.

"Frankly I was startled by some of the things that were disclosed, and I thought some of the things I noted in the press were absolutely fantastic and incredible with respect to the markups on prices by Merck, Schering, and others.

"I did call my staff man and said I wanted the records reviewed to ascertain just exactly what this was all about. Mr. Chairman, if I am correct, I think these amazing markups that were so freely bandied about in the press were nothing more than comparisons of raw material with the ultimate cost of the product by the manufacturer, but did not take into account all the other normal business expenditures such as distribution, research costs, overhead, taxation, and every other item that anybody who has ever been in business knows is a normal and appropriate charge for doing business.

"Now, Mr. Chairman, if that is the case, and if those alleged markups were nothing more than comparisons of raw material with the ultimate selling price of the manufacturer, then I must at this point in the record, I must at this moment make a protest on the ground that this is terribly unobjective and unfair and completely inequitable." [21]

As I stated previously, the Carter exhibit was labeled "computed production costs" whereas in the case of Schering, Merck, and Upjohn, the exhibit was labeled "computed costs" exclusive of selling and distribution. In my speech on January 22 I called attention to the fact that even though witnesses clearly illustrated a breakdown of allocated costs, the subcommittee ignored the explanations and continued to talk of "asinine" markups which reached the ridiculous figure of 10,000 percent on the sixth day of the hearings. In view of this record, it is difficult for me to accept the explanation offered in the chairman's statement to the Senate on February 8.

POINT 6. MISLEADING HEADLINES RESULTING FROM THE SUBCOMMITTEE'S HEARINGS

Without attempting to review once again all of the newspaper comments which were included in my statement of January 22, I want to emphasize that editors from all sections of the country have been critical of certain aspects of the current series of ethical drug hearings. A few outstanding examples of the reaction to the subcommittee's procedures are indicated in the following editorial comments.

The Newark (N.J.) News, of December 12, 1959, said:

"Senator KEFAUVER is on the wrong side of the street if he thinks the high cost of pharmaceutical research and promotion—or any other industrial research for that matter—should be financed out of capital and not out of earnings. At its best, research is

[16] Ibid., pp. 62–64.

[17] Op. cit., Administered Prices in the Drug Industry, report of proceedings, vol. 2, Dec. 8, 1959, pp. 306–308.

[18] Ibid., vol. 1, Dec. 7, 1959, p. 50–A.

[19] Ibid., vol. 9, Jan. 26, 1960, p. 2120.

[20] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2213.

[21] Op. cit., Administered Prices in the Drug Industry, report of proceedings, vol. 7, Jan. 21, 1960, pp. 1218–1239.

a big risk and it would be unfair to expect a publicly owned corporation to gamble with new capital.

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"But politics and pursuit of headlines must be subordinated if discovery of new ways to cure disease and prolong health are not to be impeded or even discouraged. Too many owe too much—perhaps their lives—to pharmaceutical research." [22]

Excerpts from the Chicago Sun-Times of December 12 said:

"On the first day of his subcommittee's investigation of the wholesale price of prescription drugs, Senator ESTES KEFAUVER created headlines that read: '7,000 Percent Markup in Drugs.' This was in reference to one particular drug deal. It certainly is not typical of the entire pharmaceutical industry as evidence later in the week brought out.

"Prices go down in the drug field as competition intensifies, as mass production takes over, and as manufacturing techniques improve. This is true of most American manufactured goods. In measuring the cost of drugs, expensive research costs must be taken into consideration.

"A corollary of Senator KEFAUVER's investigation should be the good the industry has done as well as the prices it charges. The Senator should keep his investigation in perspective even though this might not give him as much limelight." [23]

The Detroit News of December 9 said:

"If there has ever been a congressional inquiry which started out on the premise that there's a lot we don't know and we want to find out, we can't recall it. The standard approach appears to be: 'We know the answers; all we need are facts to match.'

"Unfortunately for the drug industry and the public, the Senate investigation into drug prices appears to be cast in the classic mold. The probers seem already convinced that prices are unconscionably high; their predilections show in the glee with which they hop upon the spread between the material cost of a pill and its retail price—a comparison which, taken alone, ignores all kinds of pertinent factors." [24]

The San Jose (Calif.) News, of December 9, 1959, concluded an editorial with this statement·

"As is true of many congressional probes, there is a tendency to blow off to the press and to the public on facts that are slender and do not quite tell the complete story.

"We are not in any way disparaging the fact that drugs are expensive. All health measures are expensive especially during a period of inflation. But the Senate committee is wasting lots of money and time and energy that should be a Justice Department bailiwick, if there are any grounds for an antitrust action." [25]

On many occasions, I have stressed the need for preventing those who abhor our free enterprise economy, which is motivated by profits, from deriving comfort through congressional investigations. The Salina (Kans.) Journal of December 15, 1969, developed this thesis. It said:

"This country was developed on the profit motive; profits which today it has become fashionable to term 'excessive' were essential to create the capital pools without which further development would have been impossible. Our system, even our Government, is based on profits. They are the source of indispensable income taxes. But the investigators ignore all that.

"Listening to these congressional committees, a visitor from abroad would gain the impression that American profits are not without honor save in their own country." [26]

Even newspapers published in the home State of the chairman take exception to the methods which have characterized the hearings on administered prices in the drug industry. The Kingsport (Tenn.) Times of December 14, 1959, said:

"It would appear that whether the price is out of line with cost can best be discovered by the books of the company rather than by comparison of figures that may be less than complete. The Government has access to the books of the companies for audit. This dramatic investigation is hardly necessary.

"In any case it is hard to see what the Government can do even if the prices are higher than we think is fair. No one is going to suggest that the Government fix prices, are they?

"In this connection it is noticed that recently the courts threw out the Government's case of price fixing against some of the drug companies. The judge decided that the Government did not have enough evidence to warrant giving the case to the jury." [27]

Certainly partial cost data as prepared by the staff would not be accepted by any Federal judge as evidence in an antitrust action.

Again, the Chattanooga News-Free Press, in an editorial of December 10, 1959, said:

"Senator ESTES KEFAUVER's subcommittee investigating drug practices has gotten off to a start with some pretty tricky business that has successfully captured national attention but seems to be highly and purposely misleading:

"A subcommittee staff economist came up with the contention that it cost one drug manufacturer $1.57 to make a bottle of arthritic pills called prednisolene that was sold at $17.90. This, the staff economist reported with a note of triumph, was a markup of 1,118 percent.

"This also was a phony claim.

"If the staff economist tried to get away with such a distorted picture in advertising, the Federal Trade Commission or somebody else would be on him posthaste. The Kefauver subcommittee headline seeker (and achiever) had neglected to put into his price comparison other vital cost factors such as production, marketing, administration, research, royalty, and taxes. The company figured these and other costs in and claimed the alleged 1,118 percent markup dissolved down to a 'reasonable' profit of 12.3 percent. That's quite a difference; somebody's badly wrong.

"Perhaps the prices of some drugs are too high, but the subcommittee won't find the answers and help solve the problem if it uses rigged figures. It is possible that some may consider such things, though not accurate, to be good politics." [28]

I cannot believe that it is even good politics to mislead the American people. Over the years, they have demonstrated an uncanny ability to detect truth from falsehood.

The medical journals also have become concerned with the attacks on the drug industry.

POINT 7. THE VALIDITY OF USING PROFITS RELATED TO NET WORTH AFTER TAXES RATHER THAN PROFITS RELATED TO SALES

In every industry, there are appropriate measures of its profitability. However, it is misleading to apply the same criteria to producers where cost based on the proportion of payments for wages and salaries in terms of total sales and the capital investment required differ widely.

In the ethical drug industry, the capital costs are relatively low as contrasted with the expense items for salaries of scientists, doctors, and laboratory workers who are developing the new products which have improved our health standards. Furthermore, because the use of these products must be explained to the medical profession, it is impossible to promote them through mass media. Their therapeutic properties must be disseminated in a professional manner to a very select group of highly educated individuals. This is an expensive process.

It is also necessary to insure that these products are on the shelves of all local retail druggists so that they are available when prescribed.

A comparison of net profits to sales after taxes in an industry where salaries constitute so large an item is more meaningful than one based on the return on net worth.

The economics involved were presented by Frederick L. Thomsen, Ph. D., a consulting economist for the Pharmaceutical Manufacturers Association. His testimony must be seriously considered by the subcommittee since there has been much confusion as to the degree of profitability in the drug industry. He also deals with the question of the proper correlation, if any, between profits and prices in this field. Dr. Thomsen's testimony, found on pages 5540–5544, March 15, 1960, CONGRESSIONAL RECORD, is particularly helpful in understanding the economics of the drug industry:

"In fact, if the entire profit of drug manufacturers were wiped out completely, buyers of consumer drugs on the average would hardly notice the difference in prices, which could easily be lost in the shuffle. Small changes in wholesale prices frequently are not reflected in retail prices. No; the concern that has been felt over drug prices has not been on the order of a few pennies per dollar, but of fancied profits running to many hundreds or thousands of percents, that do not exist in reality because the false measures of costs that have been used to adduce such figures have not taken properly into account all costs, position on the life cycle of the drug, and other conditions that have been dealt with in the foregoing analysis.

"A "company-by-company approach to the drug industry, and the singling out of the most profitable items in each company's line, coupled with inadequate measures of costs, can produce a totally erroneous impression of the across-the-board possibilities for price reductions through profit elimination. Only a very small reduction in the level of drug prices, and an even smaller percentage reduction in the total cost of a cure, would result if all profits of all the drug companies were wiped out." [29]

POINT 8. FOREIGN PRICES ARE NECESSARILY LOWER THAN U.S. PRICES

Throughout the course of these hearings, there have been frequent efforts to relate the quoted prices of specific products in other countries to the prices prevailing in the United States.

In almost every instance, the products in question were not manufactured here, but abroad. Labor costs, taxes, and distribution costs are, of course, far less than in this country. The cost to the individual patient in terms of the average income abroad is not appreciably different in other countries than in the United States.

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[22] Op. cit., CONGRESSIONAL RECORD, Jan. 22, 1960, p. 1091.
[23] Ibid, p. 968.
[24] Ibid.
[25] Ibid., p. 969.
[26] Ibid.
[27] Ibid., p. 970.
[28] Ibid., p. 971.
[29] Competition and Profits in the Ethical Drug Industry, statement by Frederick L. Thomsen, Ph. D., consulting economist, Pharmaceutical Manufacturers Association, before the Senate Subcommittee on Antitrust and Monopoly Legislation, Feb. 23, 1960, pp. 13, 17–18, 20, 22, 24–25.

It is difficult to understand the purpose of the subcommittee in making these comparisons. The obvious justification for the differences in cost were developed by several witnesses. Mr. Henry H. Hoyt, president of Carter Products, Inc., in his testimony before the subcommittee, said:

"However, I do think in trying to compare foreign prices with U.S. prices, you have to take into consideration all factors involved, such as per capita income, real wages, and so forth. For example, the per capita income in the United States is 13 times as much as in the Argentine, 8 times as great as in Mexico, 2½ times more than in Germany. As I said before, it is unrealistic and misleading to try to make direct comparisons on a conversion rate of exchange, because exchange is not based on living conditions. It is based on the flow of money between the countries or it is an artificial fixed rate, and I have been in the export business, and you must get your products down to the scale of living in the foreign countries."[30]

He also said:

"I have a list of the conversions here on a per capita income basis, and I think that if you take the Argentine price, you must multiply by 13, the Australian price by 2, and the Brazil price by 19, Canada by 1½, France by 2½, Germany by 2½, Italy by 5, Japan by 8, Mexico by 8½, the Philippines by 11, Switzerland by 1½, United Kingdom by 2, and I just think that anybody who converts on a rate of exchange basis is not getting the true picture. Just because things are cheaper abroad, that is why we have protective tariffs in this country, because our American industry cannot compete with the lower scale of living abroad."[31]

Another witness, Mr. Alvin G. Brush, chairman of the board of American Home Products Corp., also dealt with this same problem. In his testimony, he said:

"One reason we can sell so low in England, in the first place we don't sell in dollars in England. We sell in pounds, shillings, and pence. We don't employ Americans in England. We employ English men. These goods are entirely manufactured within the British economy, and the cost of those goods is materially lower than the costs in the United States. A bus driver in London gets 12 pounds a week, which is roughly $34. This same man in the United States on the Fifth Avenue bus gets $110 a week. Now that is an exaggerated part of the economy, but we can do business in Britain for about half of what we can do business for in the United States, and our goods in Britain are made in Britain and sold in Britain, and they are produced by British employees, and the whole economy is in pounds, shillings, and pence, and you can't compare that kind of an economy.

"We could ship the goods from the United States and let some of our employees out, if that is what would be preferred. But as I understand, we want to keep our people working in the United States and not have the goods pouring in from these foreign countries, who have a distinct advantage over making goods in the United States.

"You can buy transistors in Japan for one-quarter of what you can buy the same thing in the United States. You can buy shirts made in Japan for practically a third of what you can buy the same shirt for in the United States. You can buy barbed wire in Germany much cheaper than you can buy the same barbed wire in the United States. This isn't only true of the drug industry. This is true of all prices. The economies of these countries are much lower in prices than we are, and if we continue to push our prices up, we will price ourselves out of the world markets and we will force ourselves to do business in those local countries, by having local operations."[32]

American capital, unlike our workers, is in a position to move overseas and establish investments in other countries. With the advent of the European and Latin American common markets, there will be new incentives for American firms to manufacture their products abroad. However, American workers are not going to abandon their homes and bring up their children in other lands with not only lower living standards, but different cultures and traditions.

I am concerned that the approach which has been adopted by the subcommittee of comparing foreign and domestic prices, if it is carried to its logical conclusion, will result in the loss of employment for many of our workers, as many products besides pharmaceuticals can be produced abroad and shipped back into the United States. However, if such a trend were to develop, I doubt that there would be enough individuals here with sufficient purchasing power to provide an attractive market for them.

While the witnesses have discussed the relationship of foreign currency to the dollar as well as the lower prevailing wage rates, there are still other factors which are overriding in any comparison of foreign prices with those quoted here in the United States.

President Eisenhower in submitting the budget for the 1961 fiscal year proposed expenditures for major national security totaling almost $46 billion.[33] In addition, international affairs, which includes our mutual security program, will require another $2 billion.[34] These expenditures are the price Americans gladly pay to maintain freedom. They total almost 10 percent of the projected gross national product for the coming fiscal year.

These costs must be recovered in the price of all goods and services sold in the United States. Every product we buy, whether it is a pill, a ton of steel, or an automobile, includes a payment for the preservation of freedom. In addition to a heavy tax burden, American producers must observe the Fair Labor Standards Act which requires premium payments for time worked in excess of 40 hours per week. There are minimum wage provisions and many other elements adding to labor costs which are not present in most foreign countries.

Our good neighbor to the north, Canada, although it has a hard currency, still is able to pay lower wages than those which United States producers must meet. According to the National Industrial Conference Board, the average hourly earnings in all Canadian manufacturing in 1958 was 1.66 Canadian dollars.[35] In the United States the comparable figure was $2.08.[36] However, in spite of this difference in labor cost, the Canadians enjoy a far more realistic tax situation with respect to depreciation, an element of cost which many witnesses before this subcommittee have shown is not adequately met in the United States under existing interpretations of our tax laws.

During the course of the hearings on administered prices in steel on August 10, 1957, Mr. Robert C. Tyson, chairman of the finance committee of the United States Steel Corp., stated that:

"I start with the indisputable fact that, because of inflation, to construct or purchase new plant or equipment today costs a vastly greater number of dollars than the plant or equipment being replaced cost 20 or more years ago. Yet the depreciation on these old plants is required for tax purposes to be based on the relatively small number of dollars paid for them long ago. As a result the depreciation currently allowed is quite insufficient to equal what has to be paid out when the old facilities are modernized or replaced.

"In the case of United States Steel and for many other companies, the addition to regular depreciation on old facilities of 5-year amortization on that portion of new facilities certified as necessary for the national defense has approximated, temporarily, a truer total of wear and exhaustion on all facilities based on current dollars. The inclusion of 5-year amortization in United States Steel's costs has not resulted, as some of our critics have misleadingly contended in the past, in an overstatement of wear and exhaustion, realistically considered. It has served instead to prevent a more serious understatement of depreciation cost.

"Few people realize the extent of the deficiency in depreciation. United States Steel has calculated the number of dollars of wear and exhaustion that would have been needed in each year since 1939 to equal in each year's dollars the portion of the buying power originally expended which was used up in the year's production.

"In every year since 1939, as shown in exhibit VI, the wear and exhaustion recorded—including amounts not allowed for tax purposes shown on the chart as accelerated depreciation for the years 1947 to 1952—failed to equal that needed for recovery of buying power. The 17-year aggregate deficiency was $904 million. The Federal income tax paid, as a result of treating this deficiency and the accelerated depreciation as income for tax purposes, aggregated $608 million, or 22 percent of the taxes paid.

"The $608 million for United States Steel and analogous amounts for all other companies, big and little, may be regarded as the hidden taxation of capital as it turns over through depreciation or, alternatively as a hidden increase in the tax rate on true income."[37]

This position has recently been ably corroborated in a report by the Senate Select Committee on Small Business, entitled "Tax Depreciation Allowances on Capital Equipment." It was prepared by the distinguished junior Senator from Florida, Mr. SMATHERS. It makes specific recommendations which are worthy of serious consideration, including:

"1. Current depreciation policies should be reviewed and all of the practical proposals for (a) shortening the period for depreciating property, (b) permitting greater depreciation in the years immediately after purchase of property, and (c) depreciating property on bases other than cost, to reflect the inflation factor, should be considered.

"2. As a specific solution for underdepreciation, the adoption of triple-declining-balance depreciation and a Canadian-type class system for determining tax-depreciation lives of property should be weighed. A class system would, however, have to be adjusted to reflect differences between the economies of Canada and the United States, and the items placed in various classes should, generally, have shorter economic lives than those items now have under bulletin F. S. 2695, introduced by the chairmen of the subcommittees which conducted the hearings for this study, would authorize

[30] Administered Prices in the Drug Industry (Traquilizers), report of proceedings, Hearing Before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, U.S. Senate, vol. 10, Jan. 27, 1960, pp. 2326–2327.

[31] Ibid., pp. 2327–2328.

[32] Ibid., pp. 2408–2410.

[33] 1961 Federal Budget in Brief, Bureau of the Budget, Executive Office of the President, p. 18.

[34] Ibid., p. 23.

[35] The Economic Almanac 1960, National Industrial Conference Board, Business Fact Book, New York, p. 527.

[36] Ibid., p. 255.

[37] Administered Prices, hearings before the Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, U.S. Senate, 85th Cong., 1st sess., Part 2: Steel, Aug. 10, 1957, p. 2[illegible]3.

the use of triple-declining-balance depreciation on items having a useful life of 5 years or more." [38]

It is indeed a pleasure to be able to express my commendation for the excellent and objective study prepared by the select committee under the leadership of the distinguished junior Senator from Florida. It deals with an important element of cost which must be included in the price of any product, whether it is produced in the United States, Canada, or any other foreign country.

The report by the Select Committee on Small Business is a distinct service in assisting the Senate to establish a more favorable relationship between American and foreign prices.

I also hope that the Senate Finance Committee will give careful consideration to the bill, S. 2695, which was introduced by the junior Senator from Florida, Mr. SMATHERS, and the distinguished senior Senator from Nevada, Mr. BIBLE.

POINT 9. WHOLESALE PRICES TO DRUGGISTS ARE NECESSARILY HIGHER THAN ON BULK SALES TO THE GOVERNMENT

In merchandising a specialized pharmaceutical product, two related but separate steps must be taken.

First, the medical profession must be apprised of the value of a new product so that they will prescribe it. Secondly, druggists must be willing to invest their capital in maintaining an inventory so that new products will be available to their customers when they are prescribed by physicians. Wholesale drug merchandising thus requires individual contacts and promotional expense to a wide multitude of retail outlets. Unless a product is available on an almost universal basis, doctors cannot recommend it to their patients. Hence, it is to be expected that the selling and distribution costs on sales to druggists will be high.

To the contrary, when sales are made to the Federal Government on a sealed-bid basis, promotional expenses are at the very minimum. The efficacy of the product has been proven, or the Government would not be seeking bids for it. There is one customer who is purchasing in bulk. No problems of credit terms, advertising aids, or other sales assistance are involved. It would be most surprising if the prices quoted on sales to the Government were not materially lower than to retail druggists.

In his statement of February 8, 1960, appearing on page 2214 of the CONGRESSIONAL RECORD, the chairman said:

"Ciba sells its product, Serpasil, in 0.25 milligram quantities, in bottles of 1,000 to wholesalers at $32, who sell to druggists at $39.50, who, in turn, sell to consumers at $65.83. A small company, the Panray Corp., sells this same type of product, in the same quantity, to druggists for $6.25. In February 1959, Ciba was awarded a purchase by the Military Medical Supply Agency as a result of secret bids on this same product in bottles of 1,000, at the unit price of 60 cents. Think of this, gentlemen: Ciba sells the Government the same product for 60 cents for which the druggists of our great country must pay $39.50." [39]

From the above statement one would conclude that a small drug manufacturer could sell its product to the druggist at a much lower price than does the large drug manufacturer. Also, the question might be asked why Ciba sells to the Government at 60 cents where the wholesaler must pay $32 for the same 1,000 tablets.

An examination of the transcript reveals the true facts. The following colloquy, involving Mr. Myron Pantzer, president of the Panray Corp., removes the misunderstanding which has been generated.

"Mr. PANTZER. There are plausible differences from Ciba, we are different in this respect, that we did not seek the business of the product as priced in our own ratio of running the product for us, and the business originates to that which originates on an institutional level.

"If we were to enter a program of formal promotion and to gain recognition and credence and acceptability in prescription rating for our trademark for Panray on the medical professional level, we would have to charge a much higher price than $2.65.

* * * * *

"Mr. PANTZER. Well, briefly, Senator, we do not spend at this moment—and this is the situation for the last 2 years—a single penny to advertise this drug to the medical profession—our entire business on reserpine today has reduced itself where the business almost totally comes from competitive bidding. We do a very small business even at this level with the retail or wholesale drug field, because we are not doing a significant individual promotion or educational job, or a detailing job to the medical profession.

"Mr. CHUMBRIS. I think that you stated earlier that you do almost no business with the druggist on reserpine at $2.65. And therefore if you do very little business with the druggist, the consumer would not get it anyway

"Mr. PANTZER. That is correct.

"Mr. CHUMBRIS. And I think you pointed out that when you did advertise, and when you did try to get acceptance from the druggists and the doctors, you charged $21 per thousand, is that correct?

"Mr. PANTZER. That is correct, sir.

"Well, if we were to promote this as pure specialty we would have to use the normal channels of promotion that are used by industry, we would have to first sell and familiarize our trademark to the medical profession, we would have to detail by personal contact the physicians to convince them of our reputation and reliability of production.

"This would of necessity lead us to have a much higher selling price to the druggist. And even at that level we did a very small amount of it, our price was not too much lower than Ciba's, the druggist did not beat a path to our door.

"We were out of our ballpark, and we were not capable of doing the tremendous promotional job to the medical profession on a product such as this." [40]

It is evident that if the small manufacturer, in this case Panray, were to compete for retail business with the large manufacturer the difference in price would not be as great as that implied by the chairman's statement.

With regard to Government bids, I would say that I think it very fortunate that the Government can obtain supplies from the drug manufacturers at such low prices. However, the statement by the chairman does not seem nearly as startling when testimony of the witnesses is examined. Mr. T. F. Davies Haines, president of Ciba Pharmaceutical Products, Inc., said:

"When we bid 60 cents for bottles of 1,000 here, we didn't anything like recover our out-of-pocket cost, we were poorer, then, when we got through with this than we were before we started. I am not talking about overhead, I am talking about the direct labor and material that went into those pills.

"In retrospect, it was perhaps a mistake that we did that. I only hope for the sake of my stockholders that we got some benefit out of it, that we got prestige in having our material used by the armed services that the doctors who used it in the military hospitals saw our name on it, and when they go out and practice in civilian life will remember it so that we get some institutional advertising out of it. I think in retrospect, perhaps, it is a mistake. It hasn't come forcefully to my attention until I prepared myself to come down here, I don't think I would do it any more." [41]

Again, Mr. Myron Pantzer, president of the Panray Corp., said:

"Yes. If we were to take any of those individual competitive bids to the Military Medical Supply or TVA, out of the total picture we would find that if this was the only type of business that we could do, we would have a very tough time to exist and grow. But the nature of the beast in this particular case is the following:

"We have a plant, sir, that is capable of turning out tremendous quantities of finished tablets, and we like to see our machines rolling at all times, because we like to see people again fully employed. And the only way to do it is to try to get production on which we can make a fair and reasonable profit, but make their situation in our picture part of the whole, not single them out as an individual entity. And this has been an area of reward for us in many instances.

"Mr. CHUMBRIS. If you had taken that one particular product and allocated all of the costs of doing business, you would not have made a profit, would you?

"Mr. PANTZER. As a single bid, no, but as a regular operation on a multi-mass-production level, yes, but a small profit." [42]

The above statements would indicate that on an isolated secret bid a company may entertain a loss or a small profit. Obviously, a firm that followed such a practice consistently would not be in business very long. In our free enterprise economy, profit is essential if business is to conduct research, expand facilities, or invest in new plants. A review of the transcript impresses the reader with the tremendous progress made by the drug industry in conquering disease. The importance of research has been demonstrated many times in the course of these hearings. As Mr. Pantzer pointed out in his testimony.

"I would like to say on that point that in this wonderful country that we live in, and with this wonderful medical profession that we have, there is no osmotic process that I know by which the physician can absorb the tremendous book of medical knowledge that is daily appearing in the medical journals, and I think the pharmaceutical industry renders an instructional job in keeping the physicians advised. I believe that the entire status of our public health would be thrown into jeopardy if we took the incentive out of new drug development, and we took the incentive out of trying to vie for the medical profession market.

"I think this is a factor of reward that we as citizens in part of the industry have the privilege to seek. And I think that we are a necessary part of the whole health process.

"I heard this morning, today, a little comment by Dave Garroway before I came here that I would like to mention. On trips to Russia, the public was advised to take your own prescriptions along, because you may have difficulty filling them there.

"We in this country don't have to worry about that, we can enter any hamlet in this country with a prescription and have it filled. This is a job that our field is rendering.

[38] Tax Depreciation Allowances on Capital Equipment, report of the Select Committee on Small Business, U.S. Senate, 86th Cong., 2d sess., S. Rept. No. 1017, Jan. 7, 1960, p. 11.

[39] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2214.

[40] Op. cit., Administered Prices in the Drug Industry (Tranquilizers), report of proceedings, vol. 12, Jan. 29, 1960, pp. 2682, 2683, 2686, 2687–2688.

[41] Ibid., pp. 2833–2834.

[42] Ibid., pp. 2679–2680.

This is a job that I think is necessary. It may not be perfect, but I think it has done a wonderful job in lifting the health standards of this country to the highest in the world." [43]

POINT 10. GOVERNMENT PRICE CONTROLS ARE THE LOGICAL CONCLUSION OF THE SUBCOMMITTEE'S EFFORTS TO DATE

The long protracted study of so-called administered prices leads to the conclusion that the subcommittee's staff is concerned with the broad question of price controls in concentrated industries rather than the promotion of competition. In my additional views, to which I have already referred, in Senate Report No. 1345, 85th Congress, covering the activities of the subcommittee at that time, I said:

"I doubt whether anyone can absorb the full import of these questions without concluding that the hearing on administered prices might conceivably be directed to the whole broad question of price control in a so-called concentrated industry by means of Federal legislation. Insofar as I know there has not been the slightest hint that this investigation was concerned with questions of price control. That is a matter that falls within the jurisdiction of the Senate Committee on Banking and Currency.

"If it is the purpose of the subcommittee as such to investigate the price structure in certain industries with a view to recommending legislation dealing with the control or regulation of prices, that should have been made clear at the very outset of the hearing so that not only members of the subcommittee, but also of the full committee and all other Members of the Senate might be fully apprised of what certain members of the subcommittee might have had in mind. I recall raising the question from time to time whether there was any member of the subcommittee who contemplated introducing legislation for the control of prices, and I noticed on such occasions that there was a very timid and reluctant approach, indeed, to even so much as a discussion of the matter." [44]

I still maintain this position. It is gratifying that the distinguished senior Senator from Maryland, in his statement concerning the activities of this subcommittee which appeared in the CONGRESSIONAL RECORD of February 8, said:

"I am a strong believer in our antitrust laws and in their vigorous enforcement, but I decry attacks directed at bigness per se, since our country requires firms of every size and description to serve the needs of our people and to meet the challenge of the Communists. This is the only function with which this subcommittee should be concerned.

"It is my firm conviction that the problems of inflation and prices are not appropriate for consideration by the Antitrust and Monopoly Subcommittee. On the basis of jurisdiction, they are matters which are either in the province of the Senate Finance Committee or the Joint Economic Committee." [45]

Last year hearings were held on a bill, S. 215, to require prenotification before prices could be raised in so-called concentrated industries. This was an indirect attempt to institute price controls. No action has been taken on this measure. Dr. Raymond J. Saulnier, Chairman of the Council of Economic Advisers, in a statement submitted to the subcommittee on this measure, said:

"You have asked for the views of the Council of Economic Advisers on S. 215, an item of proposed legislation which would require corporations in industries in which there are but a few companies to 'file advance notice and make public justification before effectuating price increases.'

"In my view, the enactment of legislation of this type would be a long step toward a system of price controls that would ultimately, and I expect without too long a delay, extend over our whole economy; and surely no one of us believes that we could have price controls without having wage controls of equal scope and restrictiveness, and ultimately all the rest of the machinery of central economic direction.

"It would never be easy for me to persuade myself of the need for, or the desirability of, such a system of controls in peacetime." [46]

The Senate has provided the financial resources and the staff which the subcommittee requested. It is my hope and expectation that during the remainder of this session of the Congress, the subcommittee's activities will be directed at reviewing those areas which may suggest workable and reasonable legislative measures to increase the effectiveness of our competitive free enterprise system, rather than to impugn the motives of America's industrial leaders through newspaper headlines.

It is the responsibility of the Department of Justice, if it believes anyone is guilty of violating the antitrust laws, to institute either a criminal or civil action in the Federal courts. American traditions and the Constitution require a presumption of innocence until guilt has been proven. The insinuations of wrongdoing developed by statistical juggling on the part of the staff, as well as similar measures which could not be introduced as evidence into any court proceeding, are contrary to the objectives of the Judiciary Committee. Its membership consists of lawyers of distinction who understand the strength of our common law.

The parent committee has always shown great concern for the protection of the rights of every individual in drafting new statutes since the founding of our country. A similar concern should be expected of every subcommittee.

Mr. DIRKSEN. I ask unanimous consent also to have printed in the RECORD at this point as a part of my remarks an article entitled "Medical Unit Assails 'Bias' in Drug Inquiry," published in the Washington Post of March 20, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 20, 1960]

MEDICAL UNIT ASSAILS "BIAS" IN DRUG INQUIRY

PHILADELPHIA, March 19.—The executive director of the Nation's second largest medical association said today Senator ESTES KEFAUVER conducted a "biased and distorted inquisition" into the drug industry.

He said that KEFAUVER, as chairman of the Senate Subcommittee on Monopoly, used the recent hearings to present a great industry in an unfavorable light.

Charges were made that the drug industry is making excessive and unwarranted profits in the manufacture and sale of modern drugs.

"In my opinion, and in the opinion of the most respected legal minds, a congressional committee is not a court of law," said Mac F. Cahal, in a prepared speech. He asserted:

"It (the committee) is not established for the purpose of determining guilt or innocence. Nor is it supposed to mete out any form of punishment, even if only in the form of press stories reflecting the personal opinions of the chairman. Such an investigating committee is intended simply to determine if there is a need for legislation and this need, if it exists, should be objectively determined. Unfortunately, these goals are sometimes forgotten when a more subtle political motive is involved."

Cahal is executive director and general counsel of the American Academy of General Practice, an organization representing general practitioners throughout the country.

He spoke at a meeting of the academy's policymaking congress of delegates. The academy opens its 4-day 12th annual scientific assembly here on Monday.

Mr. DIRKSEN. On the question which was discussed today by my esteemed friend from Tennessee [Mr. KEFAUVER], in connection with the pharmaceutical industry, I shall have suitable comment to make at a subsequent time.

ETHICS IN CONGRESS AND THE REGULATORY AGENCIES

Mr. PROXMIRE. Mr. President, last Friday, when I appeared before the House Committee on Interstate and Foreign Commerce, the distinguished members of that committee engaged me in what I felt was an enlightening dialog on the problem of ethics in government. We discussed in some detail the problem of a code of ethics both for Members of Congress and for the regulatory commissions.

I ask unanimous consent that this discussion be printed in the body of the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The CHAIRMAN. Thank you very much for your statement to the committee with reference to this all-important problem. I think the record of the committee and the work that we have tried to undertake in the last 2½ years has proven that there should be some approach to this problem in a way that would bring about the high standard of practice in connection with these administrative agencies and all who are interested in matters before them. I appreciate having your support for some program to be worked out.

We just started hearings this week. We expect them to go on for some time during which all interested parties will be given an opportunity, who desire to be heard. First we appeared not to have very many, but in the last few days it has run up to about a hundred. So we will probably be here some time.

Mr. MACK, do you have any questions?

Mr. MACK. I want to commend the Senator in taking time to come over and testify before this committee on this very important subject. Several of us have felt that anyone who can't determine between right and wrong has no business serving in these responsible areas of government. You have indicated that this is a trend which has taken place in the last few years. Do you think that the appointments in the various commissions have been responsible for, shall we say, what is interpreted to be improper conduct in some instances, or do you think it is because we do not have a well defined law concerning ethics in government?

Senator PROXMIRE. Mr. MACK, I think it may well be that the appointments may have

[43] Ibid., pp. 2693, 2694.

[44] Op. cit., Activities of the Subcommittee on Antitrust and Monopoly, 1957, S. Rept. No. 1345, p. 14.

[45] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2148.

[46] Administered Prices, hearings before the Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, U.S. Senate, 86th Cong., 1st sess., part II: Administered Prices: Price Notification Legislation, app., p. 5851.

something to do with it. I would prefer, however, to concentrate on what we can do about it. I feel that there are several things we can do. I think this effort here would be extremely helpful in letting people know exactly what the code is, what they can do and what is conduct that is improper. The conscience may be with all of us, but it is a lot better if it is an educated and informed conscience. Providing this kind of understanding of what can be done, and what can't be done would be very helpful. I have great sympathy for these people who are given the support for promoting an industry and for regulating an industry. These two missions are frequently contradictory and conflicting. I think that if we can separate the functions so that different people have the promotion and the regulation responsibility that we can solve part of our problem. My own experience in Wisconsin is that you can have very vigorous promotion by people who under no circumstances accept any favor or any hospitality or any kind of social association. They can still fight hard for the industry that they want to promote, but do it without the kind of thing to which I have objected in my statement.

Mr. MACK. What I was trying to inquire about is this. You have pointed out only two instances. Do you think if the law had been very clear on this subject that we could have avoided these two instances that you have called to our attention?

Senator PROXMIRE. Let me just put it this way. Both of these gentlemen had come from Wisconsin. Both of these gentlemen had been on the Public Service Commission in Wisconsin. Both of these gentlemen had been chairmen of the Public Service Commission in Wisconsin. We have an alert press in Wisconsin, particularly in the State capital, and very aggressive and militant, and they do everything they can to expose any wrongdoing. We also have fine Milwaukee newspapers that cover the capital thoroughly.

The conduct of these men as far as I know was good in Wisconsin. There was no relationship with the public utilities they regulated. They did not accept cocktail party invitations. I am sure the opportunity might have been there. The utilities knew and the commissioners knew this was against the law, and improper, and if they did this, retribution would follow quickly and they behaved themselves. This is about as clear an example how the law can work disregarding the attitudes of all of us who are fallible as human beings to influence a higher level of ethical conduct.

Mr. MACK. That is the question I was really asking. I want to see if I understand you correctly. Then it was not a case of Washington being the downfall of your colleagues. It was a case of the change of circumstances in the law concerning the ethics in their positions of responsibility here as compared with Wisconsin. Is that a correct statement?

Senator PROXMIRE. I think that is correct; yes, sir.

Mr. MACK. Then I wanted to ask only one other question. You have recommended that we strike out unusual in "unusual hospitality." That would conform with the Wisconsin law so that it would eliminate any hospitality being extended.

Senator PROXMIRE. Yes, sir. That would be my understanding.

Mr. MACK. I have no further questions.

The CHAIRMAN. Mr. DEROUNIAN.

Mr. DEROUNIAN. Senator, I very much appreciate the result which you want to achieve as a result of your remarks this morning. I am glad that we have one simon-pure State where no legislature ever gets a free drink or cigar from any lobbyist. I am just wondering whether you think that should apply everywhere in the United States, whether Federal or State.

Senator PROXMIRE. I don't mean to say that we are simon-pure and we are all "pure as the driven snow." I suppose there are some violations but I think they are very, very few. When the violations occur, an alert press, as I say, and alert enforcement agencies call them to attention so they are very much restricted, and they are the rare, rare exception. I think it would be a very desirable thing in this country if this kind of law could be adopted by our States, cities, and our Federal Government.

Mr. DEROUNIAN. Do you smoke?

Senator PROXMIRE. I don't, but I don't disapprove of it.

Mr. DEROUNIAN. Do you take a drink?

Senator PROXMIRE. I have, yes, sir; occasionally.

Mr. DEROUNIAN. Have you ever had a free drink at one of the American Legion affairs here in Washington?

Senator PROXMIRE. No; I have not.

Mr. DEROUNIAN. You don't go to them?

Senator PROXMIRE. I don't go to the dinners. I don't accept hospitality to the dinners. I go to the meeting beforehand, and I visit with my friends from the American Legion.

Mr. DEROUNIAN. You have never yourself accepted even the slightest bit of hospitality from anyone who may have had an ax to grind in legislative matters?

Senator PROXMIRE. What I have done, and I have always insisted on it, when it is has been necessary for me to go, even though it has been embarrassing sometimes, I have paid my way.

If you will permit me, sir, I admit that this conduct on my part should not be an example. I don't think it is perhaps necessary. I just happen to prefer to operate this way. But I think that the conduct of a Congressman is quite different than the conduct of somebody in a regulatory agency who has a specific problem of regulation.

Mr. DEROUNIAN. We are looking for independence of these agencies, are we not?

Senator PROXMIRE. Yes, sir.

Mr. DEROUNIAN. What would be more consistent on independence than to say that nobody talks to these people at any time, Members of Congress, the Senate, political leaders, private industry? Why don't we just isolate them and make it a consistent rule?

Senator PROXMIRE. Because, No. 1, I don't think that is necessary. No. 2, I don't think it is desirable. We don't isolate our public service commission. We don't isolate our legislators and Governor in Wisconsin. They visit constantly with the people. A lobbyist can be of immense help in providing practical understanding of the impact of legislation on their industry. There should be this constant interchange and discussion. It would be very, very bad in my judgment if they were isolated and cloistered. I don't think the association has to be under circumstances which in any sense, psychologically, subconsciously, in any way obligated the regulators to the regulated industries who are entertaining them.

Mr. DEROUNIAN. Why don't you think that the word "unusual" should not apply to Members of Congress, too? Do you think Members of Congress should be able to accept hospitality?

Senator PROXMIRE. I would favor a change in the law that would prevent lobbyists entertaining or providing for Members of Congress. I would favor that.

Mr. DEROUNIAN. What do you think about having outside income for a Member of Congress? Do you think that is proper?

Senator PROXMIRE. I think it is improper if the outside income directly interferes with the particular responsibility of the Congressman.

Mr. DEROUNIAN. How about if it indirectly might interfere?

Senator PROXMIRE. I accept the implicit modification if it interferes.

Mr. DEROUNIAN. I am not pointing you out specifically but you are in the printing business. You are president of Artcraft. Your biography says that.

Senator PROXMIRE. That biography is wrong. I sold out my interest in it as soon as I was appointed to the Post Office and Civil Service Committee in the Senate.

Mr. DEROUNIAN. You ought to tell that to Senator HAYDEN because it is in the 1960 directory. Sometimes one of the assistants in an organization of that sort might take an order from your State of Wisconsin, a dairy cooperative or a lumberman's association for printing. They are all interested in legislation on which you vote. Certainly you are not going to vote against the dairy interests in the State. So you would vote for the dairy people. You got an order from the dairy people.

Senator PROXMIRE. This is exactly why I sold out my interest.

Mr. DEROUNIAN. In my mind that in itself would say you were bought on your vote. So this is a very tough thing to legislate. That is what I am trying to bring out. It is for no other reason than to say if you have a dishonest appointee or Member of Congress, no matter how much legislation you write, he will be dishonest. The basic thing is to have people who have integrity and whose judgment you trust. That is the basic thing. You are not going to change human nature. It is not as simple as to say pass a law they can't get a cigar or martini, and you will be on your way.

Senator PROXMIRE. I would like to say in annswer to that that I think our States can serve as examples. We have 50 States, all of which have different standards and different laws. I am not saying Wisconsin is best in all respects. But they have shown how this is workable practice and how it does not interfere with the promotion of industry or the interests of economic groups while it does prevent the kind of practice which we know in some States has been very bad, and perhaps in the Federal Government at times has been very bad.

Mr. DEROUNIAN. I think you might find out that these trips you spoke about of Mr. Durfee—I don't know whether the exact trips have been taken by others—several of these kinds of trips have been taken by Members of Congress and some of your colleagues in the Senate. I think the chairman of the Judiciary Committee, in front of whom you appeared, said he had taken a similar trip. Do you think he was dishonest or bought?

Senator PROXMIRE. Senator EASTLAND said explicitly he had not taken such a trip himself.

Mr. DEROUNIAN. If someone had taken it in the Senate, would you say that their judgment had been impaired materially?

Senator PROXMIRE. I think you have to judge these things in a particular instance. Here is a case where you have a commissioner whose explicit job is to regulate an industry or a commissioner whose explicit job is to regulate a television firm. If he goes with these people and accepts their hospitality, I think it is quite different than saying that a Congressman can't take any trips under any circumstances with anybody I think you just have to apply a rule of reason and a practical rule and operate on that basis. I think you can do this. I think you can draft a statute which will provide that a Congressman can accept hospitality from people who obviously have no interest in the kind of power and influence that the Congressman may have.

Mr. DEROUNIAN. Senator, about 3 weeks ago 10 members of this committee went to Kansas City, Mo., with TWA, to take a look

at their maintenance plant which is probably considered one of the outstanding ones in the world. We flew in a training jet. It costs TWA money, I am sure. They invited us to dinner. They gave us a cigar on the plane, as I recall it. Do you think that this committee's usefulness has been impaired insofar as the judgment goes on aviation because we went with an aviation company?

Senator PROXMIRE. I beg your pardon. This last part of your question disconcerted me a little bit I thought you said TVA was the host.

Mr. DEROUNIAN. No; TWA. I am against TVA because it takes industry away from New York.

Senator PROXMIRE. TWA, Trans World Airlines.

Mr. DEROUNIAN. TWA was the company that took us. I am just asking you whether you think that the independent judgment of this committee on aviation matters has been impaired because we went there at TWA's expense in a training jet, a new jet, and that subject matter we have jurisdiction over regarding safety in the air, and we have a public interest to care for. I don't know how else you are going to get there unless you get there by plane.

My question is do you think in view of what you said should not be done, no martini, no cigar, here we got a ride on a jet and we got a free dinner and a few cigars.

Senator PROXMIRE. I would say two things. I would say, No. 1, I am sure no member of this committee was influenced by that. I would say, No. 2, that should be prohibited.

Mr. MACK. Will the gentleman yield to me?

The CHAIRMAN. Let us not let the record get completely out of line. I don't want to get our committee or the Civil Aeronautics Board or the airline into difficulty. The committee paid for our transportation out there in the regular commercial fare. I think the gentleman intended to make that clear.

Senator PROXMIRE. Then may I modify my remark by saying this is perfectly proper and very sensible and desirable. The Congress pays for this. The Congress makes this investigation. I think this is in the interest of airline safety. I don't know how you judge these things unless you look at them.

Mr. DEROUNIAN. We got a free dinner. What I am saying is that you cannot be that minute in this thing. You have to let the judgment of the situation dictate what is proper and what is not proper, and the purpose of the trip, et cetera. I am just saying you can't strike it down to a martini or a cigar being bad if you accept it in all cases.

Senator PROXMIRE. I would like to make one final statement on that, and that is this was the argument we were up against for years in Wisconsin. It would have been very little expense or inconvenience to anybody if the committee had also paid for the dinner. What difference would it have made? It seems to me it would have been more proper, although I am positive no member of this committee was influenced by the dinner.

Mr. DEROUNIAN. You are right. I have no further questions.

The CHAIRMAN. Mr. FRIEDEL.

Mr. FRIEDEL. No questions.

The CHAIRMAN. Mr YOUNGER.

Mr. YOUNGER. Senator, I am glad that you came over. I certainly agree with you as to passing similar regulations on Congress that will apply to any of the regulatory commissions. From that I judge that you do feel it is possible for Members of Congress and the Senate to have conflicting interests.

Senator PROXMIRE. Yes, sir; I do.

Mr. YOUNGER. And that they should be avoided, and that they should be prohibited?

Senator PROXMIRE. Yes, sir; I think they should be.

Mr. YOUNGER. Now, as to honorariums that Congressmen and Senators get for making speeches, what is your feeling on that?

Senator PROXMIRE. I think whether they are Senators or Congressmen or other Federal employees or Cabinet members or anyone else that this should depend on whether or not it is an agency or interest group that may have business which can be benefited by the action of Congress or by an action, I should say, of the particular Congressman who is going.

Mr. YOUNGER. For instance, if a Senator made a speech before the National Manufacturers Association and was paid for that speech $500 or $1,000, would you say that was wrong or right?

Senator PROXMIRE. I think that the National Manufacturers Association, this is a very tough one to judge, I would say it is probably all right. On the other hand, if he were to appear before some kind of machine tool organization group that had legislation pending at the time before a committee of which he was a member, and received an honorarium for that, I would say it would not be. I agree this is a very difficult thing to determine. The National Manufacturers Association has general legislative objectives, but because they are general and because they are generalized, I think that the danger would be very small in this kind of case.

Mr. YOUNGER. Is there any organization that probably has more concern over legislation before the Congress than either the U.S. Chamber of Commerce or the National Manufacturers Association?

Senator PROXMIRE. They have great interest in legislation pending before the Congress.

Mr. YOUNGER. If your theory is carried out, they do have concern about legislation, and if a Member of Congress or a Senator appeared before their national meeting and was paid $500 or $1,000 or $1,500 or maybe $2,000 for a half hour speech, wouldn't that be wrong? Shouldn't we get legislation against that?

Senator PROXMIRE. I think that because of the generalized nature of the interest that the National Manufacturers Association has, and the chamber of commerce has, that it probably would not be wrong. I suggest any legislation on it should be a matter of disclosure. In other words, letting the public know and letting the voters judge.

Mr. YOUNGER. How about labor unions?

Senator PROXMIRE. I think the same kind of rule would apply, although I think labor unions' interest is more specific than the National Association of Manufacturers. I have not accepted fees from labor unions or NAM, and I won't.

Mr. YOUNGER. How about NEA?

Senator PROXMIRE. I think the same kind of rule would apply.

Mr. YOUNGER. Wouldn't it be possible for any of these organizations, if they wanted to make a good contribution to a Senator or Congressman's campaign to put him on their speaking list and give him $1,000 or $1,500 as an honorarium for making a talk. Isn't that one fine way of covering up the campaign expense?

Senator PROXMIRE. Yes; I presume that might be done.

Mr. YOUNGER. Don't you think that it is being done?

Senator PROXMIRE. I have no direct knowledge that it has been done. It has never been done for me.

Mr. YOUNGER. Oh, Senator.

Senator PROXMIRE. It has never been done for me.

Mr. YOUNGER. It has not been done with me, either, because I probably am not a good speaker. But that does not mean that I don't know that it is going on. Just because I am not one of them does not prohibit me from having knowledge that it goes on. I think you have knowledge of your colleagues drawing fees. As a matter of fact, they have openly admitted it. You are aware of that, are you not?

Senator PROXMIRE. I say I have no direct knowledge. I have not seen it. They have not told me. I know of nobody who has gotten a fee from NAM or the chamber of commerce. They may have gotten it. I don't know. I doubt very much if NAM would pay a fee to a Senator or a Congressman.

Mr. YOUNGER. Perhaps you don't associate with them?

Senator PROXMIRE. Yes.

Mr. YOUNGER. Senator GOLDWATER?

Senator PROXMIRE. Senator BENNETT is a good friend of mine. He is the former head of it. I would be surprised by NAM paying a fee.

Mr. YOUNGER. Have you ever heard of Senator MORSE getting a fee?

Senator PROXMIRE. Yes. I think WAYNE has gotten a fee from a labor union. I don't think he has gotten it from NAM.

Mr. YOUNGER. I think that is true. My point is this: Are you willing to go down the line and pass a law prohibiting Senators and Congressmen from getting honorariums for speeches before any organization that has in any way, shape, or form its purpose to foster legislation before Congress?

Senator PROXMIRE. I would do it in a different way. I would say, and I would agree with the people who proposed it in the past, that we should disclose all sources of income for Members of Congress outside of their congressional salaries. Everybody knows that anyway. If the public knows about this, then I think that any wrongdoing will be avoided.

The difference between the way a Senator and Congressman operates and the way a member of a regulatory body operates is that the Senator or Congressman has a self-regulating system. You have an opponent who is going, if he is alert at all—at least we have them in Wisconsin, and I am sure you have them in your State—who is going to discuss in great detail what you have done and accepted. I think if this information is made known to the public, it will be self-policing. A Senator and Congressman have to stand up and say, "You bet I have accepted a fee from this labor organization" and try to defend it. Then the public has an opportunity to pass on it.

There is no such opportunity with a man who has the power in a regulatory commission. He does not go before the voters. He is appointed for a longer period of time. I think it is quite different.

Mr. YOUNGER. Now you are arguing back on the other side of the picture. You are saying now that you don't want any regulations with regard to the elective officers.

Senator PROXMIRE. Yes, I am saying we need regulations. I am saying we ought to have disclosure regulations.

Mr. YOUNGER. You said a while ago if they should they should not have any outside income. Do you mean that?

Senator PROXMIRE. I say you should not have outside income that conflicts, where there is a conflict of interest. For example, a member of the Agriculture Committee probably should not have income from a grain elevator or investment in a grain elevator or speculate in the commodity market.

Mr. YOUNGER. If you carry that to its logical conclusion, you won't have anybody down here with any money because how can you invest in stocks?

Senator PROXMIRE. We will all be Democrats.

Mr. YOUNGER. You say what?

Senator PROXMIRE. If we follow that, we will all be Democrats in the Congress.

Mr. YOUNGER. May I answer that there are more millionnaires in your Democratic convention than ever attended a Republican convention, and that you know.

Senator PROXMIRE. We are proud of them.

Mr. YOUNGER. Yes, that is all right. But how is a Congressman or Senator going to have any money, which if he does have some money and makes him a little independent on his vote and not necessarily dependent on his salary and he invests it in stock or has income from Bethlehem or some sugar company or any kind of a company that might be affected by legislation, you say he should not own any stock.

Senator PROXMIRE. I say he should not own stock that conflicts with his committee work or with his own particular specialized area of responsibility. I say this is something that you might possibly legislate on. However, I feel that the main way to legislate on this kind of thing is by disclosure, because you have opponents, you have an electoral process by which this is going to be exposed and used against a man if he is influenced by it.

Mr. YOUNGER. I would just make this comment. You say his sphere of influence. I think a Congressman or Senator, just because he does not serve on the Banking and Currency Committee, has very definite responsibilities in the economic field, regardless of what committee he may serve on.

That is all, Mr. Chairman.

The CHAIRMAN. Mr. FLYNT.

Mr. FLYNT. No questions.

The CHAIRMAN. Mr. AVERY.

Mr. AVERY. Thank you, Mr. Chairman.

At this time, Mr. Chairman, I would like to renew my question of the other day. I asked the other day when we were considering this legislation for a list of witnesses to be available so we could put them in the record so we might know what to anticipate. Are there any further witnesses presently scheduled in connection with the hearings?

The CHAIRMAN. Yes. I wanted to have an opportunity to remind the committee that we have all members of the Federal Communications Commission back up here this morning to conclude with them. Then there are innumerable witnesses waiting beyond that. I hope I can have an opportunity to schedule a program if this and the business of the House will permit.

Mr. AVERY. Can the committee members be advised as to the witnesses we anticipate?

The CHAIRMAN. Just as soon as the clerk can get the witness list lined up. There is one witness here this morning from California that I hope we will be able to get to. It is Dr. Frank Newman.

Mr. AVERY. Thank you. On that note I have just one question to direct to the Senator. I am delighted to have you before our committee, Senator, because you may have observed the recommendation you made to our committee this morning was identical to the position I took in the committee last Monday, that if we are going to write a code of ethics on which I have a considerable amount of reservation, certainly we will have to delete that word "unusual" to make it mean anything at all.

Senator, by establishing a hypothetical situation here, could you not agree with me the way this bill is presently written, instead of invoking restraint upon members of the commission and their employees, actually we conceivably might be opening the gates almost wide open, having just the opposite effect that we might be striving to achieve? At the present time, it is a matter of conscience. It is a matter of what we describe as judicial ethics as to what a commission member might or might not do or accept. I am not a lawyer, but I am advised that the word "judicial" code of ethics has a very definite connotation to members of the bar. That is a continuing proposition under our present arrangement. I think it is fair to assume if we would pass this law as written, then the violations would be spelled out, would they not, Senator, as they are in this bill. From then on we would discard the code. We would be talking about just what is prohibited in the bill?

Senator PROXMIRE. I don't think that necessarily follows. I see your point, Mr. AVERY. I feel on the basis of our experience in Wisconsin you don't have to spell out everything. Your argument is that only the conduct which is explicitly proscribed will be prevented and any other unethical conduct which may not occur to the legislator and which therefore by omission seems to be permitted, can be freely indulged in. Our experience is that this is not what happens. Our experience is that this raises the ethical conduct all along the line.

Mr. AVERY. It is not so much a matter of conduct as it is timing. If you have a copy of the bill, on page 4 it limits this to when any proceeding is before the commission. We discussed proceeding the other day. It includes both adjudication and rulemaking. The chairman testified the other day the renewal of a license is considered to be an adjudication when the licensee files his application for renewal. So it seems to me that the day before, for instance, in a hypothetical case under this bill, that application was filed, a commissioner or an employee of the commission would be perfectly free to accept hospitality in any degree that he might have it offered to him.

Senator PROXMIRE. I think you raise an excellent point and I tried to meet the point in my statement by citing the experience of the FCC Chairman. In this case, the information in the newspaper was that Mr. Doerfer did not have anything pending before FCC. Therefore, he could be entertained all he wanted to. I think it should be modified so that he would be proscribed from accepting entertainment if there is any reasonable likelihcod that he may have a case pending before the FCC within the near future.

Mr. AVERY. There again don't you get into a relative situation? He may have something pending or he might have in the near future. Isn't it reasonable that any licensee always has something pending before the Commission?

Senator PROXMIRE. I think so. I think you could modify it by deleting the word "pending."

Mr. AVERY. Then do you agree the way the bill is written we might have less restriction on the matter of hospitality than we have under our present arrangement?

Senator PROXMIRE. No; I would not. I think if this language is modified somewhat, it would have far more.

Mr. AVERY. I said as the bill is presently written.

Senator PROXMIRE. I think it can be improved. Even as written I would vote for this bill.

Mr. AVERY. Thank you, Senator.

The CHAIRMAN. Mr. HEMPHILL.

Mr. HEMPHILL. Thank you, Mr. Chairman. I would like to comment that I think carrying it to a dinner is carrying it to a ridiculous extreme. Down in my section of the country when the people get to Washington, it is a trip for them and they want you to come to dinners of the organization. There is nothing wrong in it. Nobody tries to bend your ear. They want their Congressman to come and show that he is a friend of a particular constituent back home. There is nothing wrong with that. If your philosophy be true, you are castigating people for trying to accept hospitality of a constituent back home. I have four invitations now to go to dinner, one of which I am going to at great inconvenience. I want to go see my wife and family. Would you carry it that far?

Senator PROXMIRE. No; my proposal would not do that all. You can entertain and be entertained by your constituents all you want. It is with registered lobbyists. The proposal is with lobbyists who are registered before the Congress to lobby for a bill, that entertainment on their part would be proscribed. If they do lobby without being registered, then they are in violation of the law.

Mr. HEMPHILL. These are organizations which have lobbyists on the Hill in each instance. They are interested in some legislation. They have the fellow back home interested in legislation. He thinks I ought to be interested in his view. I think I ought to, too. I am.

Senator PROXMIRE. I think so, too.

Mr. HEMPHILL. I represent my people. I am going to the dinner with him because that is part of my duty. Is that wrong?

Senator PROXMIRE. Not a bit. I think it may be a little awkward at first, but it works out fine if we just dutch treat and everybody picks up his own check.

Mr. HEMPHILL. We might go a little further than that. Would you go so far as to say that we should have a provision in the bill perhaps that if the wife of a Congressman or Senator, or even the President, received some fine trip or some fine gift that is unusual, is that to be reflected here?

Senator PROXMIRE. First, I would like to make it clear that I don't propose that this bill be amended to include Congressmen. I say we should have a separate bill for that. I think you can kill legislation very easily by amending it, and adding all kinds of things to it. I would not favor that at all. I think we should have a separate bill for Congress that should be pushed through and vigorously. I don't think this should be amended to do it. This is a proper bill with regard to the regulatory agencies, and I think that is what it should be. As far as the wife is concerned, she should not be included. There may be a little abuse, but I would not be concerned with that.

Mr. HEMPHILL. I might ask the Senator if he is called on to contact bureaus, agencies frequently by his constituents? I assume he is.

Senator PROXMIRE. Yes.

Mr. HEMPHILL. I assume if he represents his people that he makes the necessary contacts. Otherwise, they have no avenue of contact. Does the Senator do that?

Senator PROXMIRE. Yes. We try to be very, very careful in the phrasing of our letters. I am sure you do, Mr. HEMPHILL, and put it all on the record, and make it publicly available, and try to inform the agency that under no circumstances should it be considered confidential or private, and that it should be available to any interested party. So it is part of the formal record.

Mr. HEMPHILL. Then you would not go so far as to say that Congressmen and Senators representing their constituents should not make contacts downtown, show their interest, get information?

Senator PROXMIRE. No. I would agree with you we should make those contacts. It is an important part of our job. Bureaucracy is bound to be pretty impersonal and difficult for constituents, especially people in small business. I think a Congressman and Senator can perform a real service. The only thing is that it ought to be aboveboard and on the record.

Mr. HEMPHILL. Thank you.

The CHAIRMAN. Mr. COLLIER.

Mr. COLLIER. Senator, would you favor a provision in this bill which would provide, shall we say, for a monthly log or report to be made public, made available to every

Member of Congress, of any Senator or Congressman who calls the Commission or any agency of Government for that matter in regard to a private operation of some nature? In other words, if we are going to get into the area of disclosures let us go all the way.

Senator PROXMIRE. I would not see any objection to that kind of disclosure. I think very few Senators or Congressmen would object to it. I think we are proud when we fight for our constituents, and when we write an agency in a letter which we made public. Sometimes we issue releases on it. I see nothing at all wrong with making that public.

Mr. COLLIER. But to include in this law provision that would provide for such a procedure so that the folks down at the agencies whom we are trying to steer away from any undue influences would then be able to let the entire Congress, and perhaps the public know the calls of such nature as they feel might be designed to influence in the agencies from Members of Congress.

Senator PROXMIRE. Yes.

Mr. COLLIER. Thank you.

The CHAIRMAN. Mr. GREEN.

Mr. GREEN. No questions.

The CHAIRMAN. Mr. NELSEN.

Mr. NELSEN. I am happy to pay my respects to my neighbor, Senator PROXMIRE. I come from Minnesota. I am sorry that I didn't get in to hear the complete testimony, but I understand this deals with regulatory agencies. I was also interested in your conclusions relative to Members of Congress. I would like to ask the question, do you feel that a Member of Congress should deal with legislation from which he himself might derive some benefit? For example, voting on legislation and he himself be a recipient of the benefit from the legislation he votes for.

Senator PROXMIRE. It is my understanding, or at least I have seen it happen very often, that Senators will announce because they have an interest they won't cast a vote. I think that is proper conduct.

Mr. NELSEN. The question I was leading up to was this. I happen to operate a farm. I wondered about farm legislation. I have never negotiated a commodity loan of any kind on any products so I am not concerned. But here we deal with legislation where there are many farmers who participate in the program that are Members of Congress. It would seem to me that there is also a connection there. I do not think it is very material. But if we are going to draw a code of ethics certainly it would apply to a Member of Congress who votes for legislation that will provide commodity loans that he might be a recipient of on his farm. I would like to ask another question relative to Members of Congress. You feel that this code should not apply to Members of Congress?

Senator PROXMIRE. May I say at this point, Mr. NELSEN, that I feel that we should have a code of ethics for Members of Congress, but I think that you should no more amend such a bill by including the regulatory agencies than you should amend this bill to include Congress. I think they are separate problems and I think they would both have a far better chance of passing if they were separated than if they were combined. I think we should have a code of ethics for Congress.

Mr. NELSEN. I was the administrator of the rural electrification program and we dealt with loans that would run up to $10 million. I have had more pressure exerted on me by Members of Congress than anybody else. In this particular case, we were confined by restrictions in the law on which we base our judgment on loans. Yet I have had Members of Congress put pressure on me far exceeding anyone else for these loans. Do you feel that should be done by Members of Congress?

Senator PROXMIRE. I think that any action that is taken under these circumstances by a Congressman should be public and should be publicly acknowledged. I think that if they have no interest themselves, that is, if they are not benefiting from their own farm or farms in this kind of a situation, and it is publicly disclosed, the wrong is very small. I can't see any really great objection to it, provided as I say it is fully disclosed.

Mr. NELSEN. My point is this: It is very difficult for an administrator of any program to follow the law when you have the lawmaker putting pressure on the agency. I believe that if we are going to draw a code of ethics we ought to have one that applies to Members of Congress and their conduct, as well as any agency. It is very easy for us to pick on people downtown that are handling a program. Sometimes the spotlight needs to be turned on us. I think maybe we ought to give some consideration to that.

Senator PROXMIRE. I agree with you wholeheartedly. I think this is a very difficult and serious problem. I think it is so important, as I said to Mr. HEMPHILL, that Members of Congress do attempt to humanize the administration or the bureaucracy by representing their constituents. I think this very delicate area has to be handled with good judgment and the best way to do it properly I think is through disclosure.

Mr. NELSEN. Regarding honorariums, do you feel a Member of Congress should accept an honorarium of $500 to make a speech, and then the speech is written for him and handed to him before he goes, which fits the pattern that somebody wants delivered? Do you think that is right and proper for a Member of Congress to do?

Senator PROXMIRE. If a Member of Congress should go out and speak for a group of his constituents, the League of Women Voters, or some group, the Republican Party in his county, or something like that, I can see nothing wrong with that kind of situation; if he speaks to a special interest group that has particular legislation that they want passed, and he is obviously interested in it and going to be affected by it, then I think it is very questionable. I have not made up my mind finally, Mr. NELSEN, whether this ought to specifically be outlawed or whether the way to handle it is with full disclosure and let the opponent in the next election or the opposing party regulate it by our political process. I am inclined to favor disclosure.

Mr. NELSEN. I might make this observation relative to a Member of Congress calling an agency. I think it is perfectly proper for them to make contracts, to make inquiries, to encourage consideration, but I do not believe a department official should be subjected to abuse if he fails to go along with the recommendation that does come from Members of Congress.

Senator PROXMIRE. I would agree 100 percent. There should certainly be no abuse. There is no question about it. I think it is self-defeating. I don't think it is effective.

Mr. NELSEN. Thank you.

The CHAIRMAN. Mr. KEITH.

Mr. KEITH. No questions.

The CHAIRMAN. Mr. CURTIN.

Mr. CURTIN. No questions.

Mr. MACK. Mr. Chairman.

The CHAIRMAN. Mr. MACK.

Mr. MACK. I would like to correct the record in case we left the wrong impression. I am certain my good friend and colleague, Mr. DEROUNIAN, did not intend to infer that the conduct of this committee was improper in the TWA Kansas City case. I am very familiar with that, because I know that this committee has been trying to make such a trip for some 3 years, and that we have planned it on several occasions, and upon each occasion we found it necessary to cancel the trip. I wanted very much to make this trip this year. I was not able to go. But I did find out about the trip and all the particulars before the trip was made this year. First of all, the committee did buy tickets for every Member of Congress and the staff who accompanied them on the trip. For all of the members of this committee who made the trip, the tickets were purchased and TWA received the money.

In the case of the entertainment, it is my understanding that part of the entertainment was provided by the city of Kansas City, Mo., and the mayor entertained at least for lunch. I am sure that the gentleman did not intend to imply that there was anything in any way improper concerning the trip that this committee took to Kansas City.

I would also like to state that in my opinion it is a little different in the case of a Member of Congress than a member of a commission. However, I don't think under the same circumstances we could criticize the commission for making the trip. In the case of a Member of Congress, as the witness so ably stated this morning, he goes before the people every 2 years, and I think that the people should know what he has done, and what he has not done during this period. In the case of commissions, some Commissioners are appointed for a period of 7 years with no provision for removing them from office even if people feel that they have not conducted themselves properly. I want to correct the record in regard to this Kansas City matter.

I yield to my friend from New York.

Mr. DEROUNIAN. Perhaps he was engaged in conversation at the time when the Senator said he did not think our independent judgment was affected by this trip, and I said, "You are right." We agree that Members of the Congress should be given the same rule as the regulatory commissions because to me influence is influence, whether it is exercised by an elected representative or an appointed official.

Mr. MACK. I am glad to yield to the gentleman and he speaks for himself and does not speak for me.

Mr. DEROUNIAN. That is right.

Mr. MACK. I think there is a great deal of difference between Members of Congress and the members of these commissions.

Mr. DEROUNIAN. We can talk about that in private.

Mr. MACK. I want to clarify this point. I do feel personally that Members of Congress should abide by the same rule as the members of the commission. That happens to be my personal view.

The CHAIRMAN. Senator, thank you very much for your appearance here.

Senator PROXMIRE. Thank you very much, Mr. Chairman.

The CHAIRMAN. I hope that by all of this testimony and questions this morning that we don't lose sight of the objectives here, and forget the purposes we have here buried underneath all these other things that we could appropriately raise. What we are trying to do is to be practical and to establish something that would be workable and not put these agencies in ivory towers. No one wants to do that. Not deprive them from learning as they are required to do under the law. All they need to know is to find out the problems they regulate, not to prevent them from promoting a particular industry if it is their business, as in the aviation field, but to provide practical working standards, and some of them have pleaded the fact that what they need is guidance so that they will have something to go by. I hope that none of us loses sight of what we are trying to do here in a fair and objective way.

I want to thank you for your contribution.

Senator PROXMIRE. Thank you very much.

WHAT HUMPHREY AND KENNEDY ARE DOING FOR THE WISCONSIN VOTER

Mr. PROXMIRE. Mr. President, there has been much criticism, including some from this Senator, of the behavior of the contestants in the crucial presidential primary in my State.

What is likely to be forgotten, however, is the positive and constructive benefits of this kind of a debate on the great national issues for the people involved. In general, both Senators have been doing a marvelously constructive job of bringing the big facts on America's plight to the attention of our people.

This immense value of a presidential primary is so often overlooked that I call the attention of the Senate to two brilliantly written editorials from the Milwaukee Journal describing the campaigns of HUBERT HUMPHREY and JACK KENNEDY in Wisconsin.

The concluding paragraph of the second of these editorials summarizes the effect of this campaign in the eyes of this great newspaper:

With his opponent, Senator KENNEDY, of Massachusetts, he (HUMPHREY) is responsibly conducting the preliminaries of the great dialog that will challenge the American people until they go to the polls in November to choose their leadership for the next 4 years.

"The eyes of the Nation are upon you," these distinguished Senators are telling the people of Wisconsin.

The truth is in their words.

Mr. President, I ask unanimous consent that these two editorials be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Feb. 28, 1960]

WE TRAIL ALONG TO WATCH

These are dark winter days in central Wisconsin, the snow lies thick on the sleeping fields, the wind is raw and biting, and JOHN FITZGERALD KENNEDY, junior Senator from Massachusetts, is campaigning hard for the presidency of the United States. We trailed along to watch him.

In Columbus the pride of the Boston Kennedys ("he says some words kind of funny, doesn't he?") is dashing in and out of the bank, the barbershop and the Town Tap. In Portage, school is out and he is furiously giving autographs to excited children. In Antigo he is talking American government like a political science teacher to the high school assembly. At Merrill he is racing through factories and trying to shake hands at a plant gate.

Madison, Medford, Abbotsford, Wausau, Bloomer, Durand, Eau Claire, smiling, bareheaded, hand outstretched, there goes JOHN KENNEDY.

There are moments of deep satisfaction. Madison, Wausau, Merrill, and Eau Claire provide big, enthusiastic crowds. At Portage, Dr. C. W. Henney, onetime Democratic Congressman, introduces KENNEDY as "the next President." At Merrill, Leonard F. Schmitt, longtime progressive, primary opponent of the late Senator McCarthy in 1952, announced for KENNEDY. Walter B. Chilsen, influential Merrill editor, explains that he's Republican but hopes Democrats will vote for KENNEDY. At Abbotsford a husky farmer says "I'm with you all the way" and friends nod agreement. At Medford a woman whispers "God bless you, Senator."

But occasionally the Kennedy smile fades. The crowd at the Columbus city hall is small. Some workers flooding out of the Weinbrenner shoe plant at Merrill sidestep the waiting figure (are they anti-Kennedy or only anxious to get home to lunch?). At the Medford curling club, where the Badger State women's bonspiel is under way, the women show resentment at the political intrusion. As Kennedy moves westward toward Minnesota, Farmers Union country, the "Bible Belt" of Wisconsin, followers and newsmen hear more praise of his primary opponent, Senator HUBERT HUMPHREY, and much more talk about KENNEDY's Catholicism as a political issue.

There are light moments, too. A whiskered old man in Columbus is insisting he is too young to vote. A teenage girl in the Portage drugstore gravely tells KENNEDY, "We're the teenage delinquent crowd." An Abbotsford questioner expounds at length: "Senator KENNEDY must do something about the new water tower at Owen." A lady correspondent from Washington gets herself locked in the school kitchen at Abbotsford, and misses the convoy back to Wausau. Card players in a Columbus tavern tell the Senator: "We said we wuz gonna go listen to yuh at the city hall when we got this game over, but I guess we're late, huh?"

What is KENNEDY saying, other than "I'm JACK KENNEDY, and I came here asking for your help"? He is commenting on current issues as reported in the news columns, talking about the significance of the April 5 primary urging young people to concern themselves with government and politics. He says over and over that the country desperately needs leadership in "the decisive sixties when all the unsolved problems of the fifties must finally be faced."

He speaks with concentration, without notes or manuscripts. Sometimes the words tumble out too rapidly. He quotes Lincoln, Jefferson, Churchill, and other historical figures, and he does it naturally. Rarely does he show emotion. Only at Abbotsford, questioned sharply about unemployment compensation "chiselers" and "rockingchair workers," does he indignantly insist that there are chiselers among farmers and professional men as well as among workers, that most Americans are not of such stripe, and that compensation, social security, and other welfare legislation are good and necessary.

He is a serious man on a serious mission. One joke in 2 days goes over big in Abbotsford: "Your greeting reminds me of what the Maine cow said to the farmers. 'Thanks for a warm hand on a cold morning.' "

Reporters ask voters how it looks: HUMPHREY or KENNEDY? And voters ask reporters. Certainly no one knows. There are indications that people are listening at last to the candidates. Republican leaders say their people will invade the Democratic primary. No one will know until the day after election, if then, who is helped or hurt by straying Republicans or by the religious issue.

There is current criticism of presidential primary elections and of the exhausting, grassroots campaigns they force upon busy, important men. The Journal has expressed doubts about this system. Nevertheless, it is an inspiring experience and a lesson in democracy to stand in the high school gym at Abbotsford (pop. 1,013) and hear the like of the Senator from far-off Massachusetts—candidate for President—say in all earnestness to some 50 voters and 200 students:

"This isn't an exercise or a game. This is the lifeblood of the American way. This is a most important part of the system by which the American people pick their President."

[From the Milwaukee Journal, Mar. 20, 1960]

WE TRAIL ALONG TO WATCH—II

The main building of the American Motors Corp. plant at Kenosha is 9 blocks long. HUBERT HORATIO HUMPHREY bounces every foot of it and then some. He is in and out of the two moving lines of Ramblers (1,185 this day). He's dodging accessories bobbing overhead and fork trucks darting by. He's reaching up to decks and down to pits to shake hands.

The Minnesota Senator hands out cards (with the Braves' 1960 schedule) urging a Humphrey vote at the April 5 presidential delegate election. Occasionally he is heard to mutter, "This is wonderful." Whether it's the many hands he finds to shake or the magic of the assembly line no one asks.

Now it is night and HUMPHREY (blue coat, gray fedora) is stationed under the bright Woolworth sign at 57th Street and 6th Avenue in downtown Kenosha. Shoppers crowd by and HUMPHREY's outstretched hand misses but few of them. ("You have to shift your grip every time; even so, my little finger is a wreck.") This time, for the women, the card carries his wife Muriel's recipe for beef soup. ("It's a dandy; your husband will like it.")

Early morning, the sun is edging out of the Lake Michigan vapors. The Greyhound bus pulls up at the main gate of the strikebound J. I. Case Co. at Racine. Out pops HUMPHREY. Out pops Joe Glazer, troubadour of the labor movement, and his guitar. Glazer sings: "We're Fighting for a Contract, We Shall Not Be Moved." HUMPHREY and 39 pickets mumble along. At a breakfast of labor leaders at the Racine Labor Center he mentions the Case strike and adds: "No candidate in either party has a better voting record in behalf of labor."

The bus stops in bright warm sunshine in Burlington. Humphrey is up and down the streets, in and out of the Echo Inn, the Coffee Cup, Tobin's and the Rexall drugstores. ("I never miss drugstores, I'm a druggist myself.") Then three blocks to the National Tea store. ("The butcher wants to meet me, butchers are important in politics, they talk to all the women.") In front of the soups, farmer Orville Ihrke on route 2 explains gravely that he came from South Dakota, knows "Andrine" and is all for Humphrey. "Andrine" is Humphrey's Aunt Andrine Grimes of Lily, S. Dak. ("It's amazing how many relatives and friends from South Dakota and Minnesota I meet in Wisconsin—last night an old friend of dad's was in the crowd.")

Now Delavan. As usual, the Humphrey campaign is running late. A brief stop is scheduled at the State school for the deaf. The children are at lunch. Humphrey insists on shaking hands with all 132. He quickly learns a few sign language symbols and uses them to his delight and that of the children. The Senator's eyes are misty as he departs and, out in the yard, he warmly hugs the small boys who cluster around him.

The driver has fixed a reclining seat in the bus. "The Senator won't spend 5 minutes there," chortles an aide. HUMPHREY doesn't. He's advising aides what to do at the next stop, or scolding about their wastefulness with literature and campaign buttons. He's announcing how next week's tour will be more efficient. ("There'll be an advance car and a trailing car.") He's talking with your wandering editorial writer about congressional progress, outlook for the Geneva disarmament conference and Nikita Khrushchev. ("We've got to get over the idea that he's just a vodka drinking fat boy.") He's musing out loud: "I love small towns; I'll bet I've campaigned in every small town in Minnesota." He's bantering or telling some anecdote.

Like the one about the pig sign in front of the Humphrey Brothers drugstore in Huron, S. Dak.: "We decided to remodel. The pig sign, advertising cholera serum, had been there since dad started the business. Brother and I said the pig was a disgrace and had to go. Dad said this would be a terrible mistake, the farmers wouldn't know how to find the store. We won out. The pig went. And so did some of our farm business. So the pig went back, big as life. Only now it's in neon lights."

Someone called HUMPHREY a human dynamo. It's a good description. He's first of the party up in the morning, last to bed at night, first out of the bus.

His speeches, chronically too long, have been trimmed for this campaign. He has eliminated (usually) the triple explanation, the multiple description, the "this suggests another subject." He hates prepared texts. His impromptu speeches have emotional and political bite. Still, he is at his best in smaller groups, where flamboyant oratory does not overwhelm the man's intensity and conviction.

His attack is the broadside variety. ("NIXON and company will give us a snow job that will make these Wisconsin blizzards look like tropical breezes.") His platform humor is strictly Midwest. ("Khrushchev treats us like Grandpa Buck used to treat his chilblains—first he put his foot in hot water, then cold water, then he did it over and over again.")

HUBERT HUMPHREY is fundamentally a grandchild of prairie populism, a son of the great depression, an apostle of the New Deal. ("I'm an idealist, a progressive, a liberal.") By nature, by background, he is aiming much of his current campaign at workers, farmers, and the many who consider themselves neglected or ill treated by society or Uncle Sam. (Said the old man in Jackett's bar at Delavan: "I've been here 42 years, never made enough to get out, wonder what HUMPHREY will do for me.") But the senior Senator from Minnesota is also talking seriously and knowingly about foreign policy, disarmament, the missile gap, national growth, and other major problems of our times.

With his opponent, Senator KENNEDY, of Massachusetts, he is responsibly conducting the preliminaries of the great dialog that will challenge the American people until they go to the polls in November to choose their leadership for the next 4 years.

"The eyes of the Nation are upon you," these distinguished Senators are telling the people of Wisconsin.

The truth is in their words.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JAVITS. Mr. President, I am a sponsor of the amendment which is before the Senate, with the Senator from Pennsylvania [Mr. CLARK] and 11 other Members. I think it is so important to the issue now before the Senate that I am pleased we have had the opportunity to discuss it in the Senate, and I am glad the purpose of the amendment has been explained so fully. I hope very much that those who are opposed may also find whatever holes they think are in it and give us an opportunity to answer their points.

I realize we shall probably be faced with a motion to table. I hope very much that motion will not succeed, but that the Senate, because I feel this is a proposition which should be voted upon on its merits, will support the amendment on its merits.

I make that statement for this reason, Mr. President. Let us remember that the referee plan came from the Attorney General. It was his plan. It is essentially the administration's thought on how we can more nearly assure the voting right to those anywhere in the country—and particularly those in that area where the Civil Rights Commission found, in a most authoritative way, by three of its members from the North and three of its members from the South—and let us never forget that fact—that the voting right was being denied to those entitled to it.

Mr. President, I think there ought to be written, in letters of fire, here on the floor of the Senate, one sentence from page 134 of the report of the U.S. Commission on Civil Rights, namely:

> Our investigations have revealed further that many Negro American citizens find it difficult, and often impossible, to vote.

And then the findings of fact on page 138, where the Commission stated:

> The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasion or for long periods of time, or to restrict periods of function to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color.

Mr. President, it seems to me the quality of indignation has died and has been lost if those words do not rouse the Senate and the House to passage of an effective bill to assure that this cannot and shall not happen in these United States.

And so, Mr. President, let us remember that the plan with which we were faced was the plan of the Attorney General. It was not God-given and omniscient. It was the best the Attorney General could devise.

I, together with others in the field, considered the Attorney General's plan perfectly constitutional, but we did feel, in view of the fact that it was tied in with judicial proceedings and was a part of judicial proceedings, that its particularized application and the possibilities of delay which ensue in court proceedings, of which the referee plan would be a part, demanded some other, more expeditious way of seeing that there could register and vote thousands and thousands of citizens who had been disenfranchised as the Civil Rights Commission found they had been.

Mr. President, this is a problem which the Senator from Pennsylvania [Mr. CLARK], I, and others interested in this field did not create. This is a problem of decades—not of years, but of decades—of discrimination against Negro citizens by virtue of their color.

So when we computed the percentage of whites that were registered in Southern States and the percentage of Negroes that were registered in Southern States, we came up with the astounding difference of 1,800,000 American citizens who were not registered in the Negro group, who would have been registered had they had the same percentage of registrations as the white group.

Mr. President, they may not choose to register, but at least they should have the opportunity to do so. The Civil Rights Commission found clearly that they were denied the right to do so under color of State law, and notwithstanding the oath that every official takes to obey the Constitution of the United States.

Under those circumstances, therefore, many of my colleagues on the other side of the aisle—and let us assume that we on this side of the aisle were loyal to the administration's proposal, the referee plan—a large and distinguished group of our colleagues on the other side of the aisle had other ideas, and they said, "Let us go back to the Civil Rights Commission's own prescription for this difficulty which it itself found, and that is the appointment of Federal registrars by the President of the United States as the way in which large-scale registration, and therefore large-scale voting, could be accomplished." That would be so not because there would be wholesale qualifications where qualifications were not deserved. The law is very clear that it is State qualifications which apply, and not Federal qualifications. The effort proceeded on the proposition that the wrong had been so widespread and long enduring that it took a remedy greater than that which was offered to us by the Attorney General.

Therefore, that group, and others on this side of the aisle with a like mind, presented a prescription to the Senate for that purpose, the plan of the Civil Rights Commission. The Senate in its wisdom determined to turn that down. Whether we could have had 8 or 10 or 15 more votes if other Members of the Senate who were absent had been present is an academic question. The fact is that a majority of the Senate turned the proposition down. Therefore, we came to the judgment that we should make this proposal before we came to the regrettable conclusion that there was no other alternative than the referee plan—which is a limited alternative. Indeed, I read the words of my colleague from Pennsylvania [Mr. CLARK] on that subject, wrung from his heart, because this is a subject on which we feel deeply. He said if he had to do it, if that was the only alternative, he would vote for the referee plan with a heavy heart.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. I thank my friend for his kind words. I think I said at the time that if I were faced with the alternative of voting for a reasonably good referee bill or no bill at all, I would feel compelled to vote for a referee bill; but I did not then say, and I do not now say, if we were faced with a weak and watered-down referee bill which required Negro citizens to go back and again face the registrars, I would vote for it. I have grave doubts whether I would vote for that kind of bill.

Mr. JAVITS. I concur with what my colleague has said. Those were his

words, and I am looking at the record of what he said, at page 5745 of the RECORD for March 16, 1960.

We therefore felt it our duty to try to bring before the Senate, almost as a last resort, yet another proposal of the most moderate and conservative character, which would yet give this opportunity for the registration of the large numbers of citizens who are involved and at the same time not do away with the referee proposal.

For this purpose, Mr. President, there were delegated, from the Republican side of the aisle, three of our number who are lawyers by profession, and from the other side of the aisle also three Senators who are lawyers by profession. We got together and did our utmost to come up with some proposal for the Senate which would at least go some way. If it could not go the way of the registrar plan, which, I repeat, is the best plan, it could at least go some way toward dealing with the very grave problem of the very large number of people who have to be registered if justice is to be done.

We came up with the amendment which is sponsored by this group of Senators. I should like to read these names. It is not only sponsored by the Senator from Pennsylvania and myself, but also by the Senator from Vermont [Mr. AIKEN], the Senator from Alaska [Mr. BARTLETT], the Senator from New Jersey [Mr. CASE], the Senator from South Dakota [Mr. CASE], the Senator from Oregon [Mr. MORSE], the Senator from California [Mr. KUCHEL], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. MCNAMARA], the Senator from New Jersey [Mr. WILLIAMS], and the Senator fron Pennsylvania [Mr. SCOTT].

Mr. President, I do not think there has been another amendment before the Senate as controverted as this one—we have had amendments which have had practically unanimous votes—which had as much sponsorship as this particular solution, which seemed even to very conservative Senators to be a reasonable effort to meet the exigency posed for us by the report of the Federal Civil Rights Commission.

Mr. President, I emphasize that to the Senate for the reason that this is the best we have been able to devise. Members of the Senate who favor getting this job done, when they read the RECORD tomorrow, should bear in mind that we have no other alternative to offer them. This is it. If they do not approve of this proposition we cannot offer them any other alternative except the straight voting referee plan, and that, in my view—and I think in the view of all of us on the civil rights side—is inadequate to the purpose. We may have to take it if even it has any vestige of effectiveness when we get through with the legislative process, as the Senator from Pennsylvania [Mr. CLARK] has said, but it is inadequate to the broad purpose of giving an opportunity for registration to the tens of thousands of people who for all practical purposes have been disfranchised.

Mr. President, why is this a conservative alternative? It is because it turns on the fulcrum of a decided case. Let me repeat: It turns upon the fulcrum of a decided case. It is completely on the other side of the road from the registrar proposal, because the registrar proposal would turn upon an executive decision by the President. Under the registrar proposal, if the President decided there was a pattern or practice of discrimination in a certain area then the President could appoint the registrar. Under the amendment offered by the Senator from Pennsylvania and myself, if in a case there was evident a pattern or practice of discrimination there would result a finding of fact and law contained in the decision in the court which would touch off the possibility of the appointing of a Federal enrollment officer.

Mr. President, such a case might be started by the Attorney General himself, or it might be started by an individual. The Attorney General might intervene in such a case. Such a case would be limited to the area in which the discrimination occurred. In our opinion, the most convenient area for the administration of a plan of this kind is a county or a congressional district.

Mr. President, let me emphasize that the touchstone of anything to be done under the amendment we have offered is a decided case—a decided case which finds a pattern or practice of the deprivation, on the grounds of race or color, of the right to register or to vote in any election for individuals in a certain community.

Mr. President, if there is such a decision, then we will have every element of a judicial finding of fact under which we will have a right to bring into action the 15th amendment and the idea of appropriate legislation under the 15th amendment for the purpose of making it effective.

This question of constitutionality of what we are about to do, Mr. President, it seems to me, is settled beyond peradventure of a doubt by the most recently decided case of United States against Raines, the decision having been handed down on February 29, 1960. Mr. President, it seems to me crystal clear that a quotation from that decision in the most explicit terms makes constitutional the amendment which we are proposing, when the decision says—and I quote from page 7 of the decision:

> And as to the application of the statute called for by the complaint—

That is, the 1957 Civil Rights Act—

> whatever precisely may be the reach of the 15th amendment, it is enough to say that the conduct charged—discrimination by State officials, within the course of their official duties, against the voting rights of U.S. citizens, on grounds of race or color—is certainly, as "State action" and the clearest form of it, subject to the ban of that amendment, and that legislation designed to deal with such discrimination is "appropriate legislation" under it. It makes no difference that the discrimination in question, if State action, is also violative of State law.

Then the Court goes on to nail that down and copper rivet it, to say that one does not have to even exhaust within the State all of his administrative remedies. The Court says—and again I quote from the same page of the opinion:

> The argument is that the ultimate voice of the State has not spoken, since higher echelons of authority in the State might revise the appellees' action.

The appellees in this case are the registrars:

> It is, however, established as a fundamental proposition that every State official, high and low, is bound by the 14th and 15th amendments (see *Cooper* v. *Aaron*, 358 U.S. 1, 16–19). We think this Court has already made it clear that it follows from this that Congress has the power to provide for the correction of the constitutional violations of every such official without regard to the presence of other authority in the State that might possibly revise their actions.

Mr. President, it is rare that we get so clear a declaration from the Supreme Court of the United States, in the very essential facts, at the very time of the debate upon proposed legislation of this kind, that proposed legislation is constitutional.

I do not think, Mr. President, it can be seriously argued by anyone, in view of this decision, whatever may be the opinion of the Attorney General or others, that what we are seeking to do is anything but absolutely constitutional.

Mr. President, to buttress that proposition, if it needs buttressing—it already comes from the highest authority in the land—we have the testimony of the Attorney General of the United States before the Committee on Rules and Administration, February 5, 1960. The Attorney General said:

> The Constitution does not leave the Government established by it powerless to act effectively to eliminate racial discrimination in voting. Section 2 of the amendment expressly confers upon Congress power to enforce the prohibition against State-supported racial discrimination in elections of any kind, both State and Federal.

Mr. President, it seems to me that that again is exactly to the same effect as the Raines case decision.

Mr. President, because this, with all of us, has been a studious labor, a labor in which we have tried to get the finest thinking in the United States on this subject, a group of us went to the trouble of enlisting the aid of a whole group of law school professors at Yale Law School and the Law School of the University of Pennsylvania. The professors also came up with the absolute finding of constitutionality of proposed legislation combining, as we are combining in our amendment, the two ideas of an official appointed on the executive level and an official appointed by the court, an official referee, both of which are contained in the amendment.

Mr. President, we make it very clear that once the finding is made that there is a pattern or practice of discrimination on the grounds of race or color, invoking thereby the 15th amendment, there certainly can be no question about the propriety of that finding made in a case, and the Congress may adopt an appropriate remedy applicable to all elections, State and Federal.

Mr. President, all these law professors find very clearly that this is an entirely

appropriate remedy; that is, the provision which we have for the appointment of an official either by the executive department or by the court to deal with this question of registration, where, by color of law, there has been a default on the part of State officials.

Mr. DIRKSEN rose.

Mr. JAVITS. Mr. President, I yield to my colleague from Illinois, with the understanding that I shall not lose my right to the floor, and I ask unanimous consent that I may do so.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield.

Mr. DIRKSEN. I should like to read into the RECORD, in connection with the pending amendment, a letter which I have received by hand today from the Attorney General. The letter reads as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 22, 1960.

Hon. EVERETT M. DIRKSEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR: You have asked for my comments upon the Clark-Javits amendment (3-11-60—B) to section 3 of your amendment (2-24-60—I) to H.R. 8315. Essentially, the Clark-Javits amendment would combine a voting referee proposal with the so-called enrollment officer procedures proposed by Senator HENNINGS (3-10-60—F).

Supporters of the Federal enrollment proposal contend that it is a stronger measure than the administration's referee proposal. This is not so. As a practical matter, it would be worthless. It is for that reason that the administration is strongly opposed to it.

The defects of the Federal enrollment proposal cannot be avoided simply by adding the proposal to the voting referee plan.

Stated very simply, the Federal enrollment proposal would be totally ineffective, except in cases of voluntary compliance by State officials, because it does not provide any practical method of enforcement. It would provide the Negro with an opportunity to have his name enrolled by a Federal enrollment officer, but it does not provide any effective way to insure that State officials will allow the Negro to vote.

It provides that when a State election official refuses to honor a Federal enrollment certificate and denies the Negro the right to vote, a suit for an injunction may thereafter be started by the Attorney General on behalf of those who have been deprived of the right to vote. Such equitable relief would be of no value, because by the time the lawsuit was concluded the election would be over.

The act by the State officials of refusing to honor a certificate of the enrollment officer would not subject them to actions for contempt of court, for they would not have disobeyed an outstanding injunction.

Nor does the fact that the officials would be subject to criminal penalties breathe life into the Federal enrollment proposal, because, as I have stated on many occasions, criminal remedies in this field are of little or no value.

By way of contrast, under the voting referee proposal, there would be an outstanding court order requiring State officials to permit Negroes named in the order to vote. Any failure to comply with this order would permit the court to proceed immediately to hold them in contempt and impose a sentence of 45 days in jail or $1,000 fine.

I should like to use this opportunity again to emphasize that it is not enough, as the authors of the Clark-Javits amendment apparently believe, to pass a bill that simply assures Negroes of the right to register.

In an apparent failure to appreciate this simple truth, the authors of the Clark-Javits amendment would also emasculate the voting referee proposal.

I would particularly call attention to subsection (b)(2), page 3, of the Clark-Javits amendment, which provides that an order declaring an applicant qualified to vote "shall become effective 20 days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person."

Such a provision emasculates the voting referee proposal and would make a farce of any bill which included it. In practice, it would mean that after a Negro has applied to the Federal court and has proven his qualifications before the judge or a referee and the court has issued an order certifying him as qualified to vote, a State official could completely wipe out the binding effect of that court order simply by placing the Negro's name in a registration book. Once this was done, and the court order was vacated, State election officials would be under absolutely no compulsion from Federal process to permit the Negro to vote. It is the right to vote, and not merely the right to register, that the 15th amendment of the Constitution guarantees to the Negro citizen.

To summarize, then, the Clark-Javits proposal suffers from a fatal illness—it cannot be enforced. It is simply an enrollment scheme providing no guarantees that the Negro will be permitted to vote not now contained in the Constitution and present laws. If added to the voting referee proposal of the administration, it would not only clutter it up with worthless provisions, but would seriously weaken it.

With kind regards,
Sincerely,

WILLIAM P. ROGERS,
Attorney General.

I think it can be taken from that that the Attorney General believes that the proposal now before us would not only be worthless in some respects, but would, in effect, weaken the so-called referee proposal with which we have been dealing, and which has been approved by the House of Representatives.

I thought, in fairness to my distinguished friend from New York and my very esteemed compatriot from Pennsylvania, that this letter should be read into the RECORD at an early time in the proceedings today, so that the letter may be available.

Having now deposited it on the desk for the purposes of the RECORD, I have made it subject to examination by any Senator who cares to look at it.

Mr. CLARK. Mr. President, will the Senator yield for a brief comment?

Mr. JAVITS. I yield.

Mr. CLARK. I promise not to tear it up after it reaches the desk. [Laughter.]

Mr. DIRKSEN. Mr. President, I think the Attorney General makes it abundantly clear that he has no high estimate of the amendment which is pending; so I earnestly hope, as I have stated heretofore, with my fondest respect for the authors, that when tomorrow we finally get around to disposing of this amendment by way of a vote on a motion to table which I shall make, the motion to table will be favorably considered by the Senate.

Mr. JAVITS. Mr. President, I am very grateful to my colleague from Illinois for giving us notice of the opposition of the Attorney General to this proposal, of which we were well aware.

I should like to state also that I think the words used by the Attorney General could be reversed. He calls this proposal worthless and ineffective. I say, with all respect, that I must reject the words "worthless" and "ineffective" used in the opinion, because it fails to take account of the language of our amendment, and it fails to take account of the fact that we have added a revision to our amendment which is contained in the House bill, and which provides exactly for the contingencies of delay in the event that an application is filed in respect of an election so that the applicant may vote in that election. This particular amendment occurs at page 6, line 16, of our amendment, and, as I say, carries over a provision which is now incorporated in the referee plan in the House bill. It reads as follows:

(10) Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

So that we give the court full power to act. I believe that the Attorney General and the Senator from Pennsylvania and I, as lawyers, and all our other colleagues, feel that there is ground here for a legitimate difference of opinion. We also feel that does not necessarily invalidate what we are trying to do. It depends on what is contained in the amendment, and what the text of it may mean.

As to the first point which is made, and which I believe is very important, let us remember that what we are doing is merely carrying over the Attorney General's own previous amendment for the appointment of referees. All we have done is added to it a part which the Attorney General apparently finds objectionable. All we have done is given the State an opportunity to repair what the court finds to be in dereliction, and that provision seems to be a very attractive provision in the opinion of other Senators, in that it gives the State an opportunity to repair what is contained in the decree of the court. At the same time we give an opportunity, under the amendment which I have read, to make sure that no such action will frustrate the will of the court.

I am grateful to the Senator from Illinois for giving us an opportunity to

answer the Attorney General, and what we say is not said out of disrespect to him, because he is a lawyer and he is entitled to his opinion, as we are also; but as to the objection of the Attorney General, to our amendment under which we give the State an opportunity to purge itself of the power of the injunction.

We have made it possible for State officials to purge themselves by registering the persons applying. If the court has any reason to doubt the good faith of the efforts being made in this situation—and this is the same court which has issued the injunction in the first place—if the court has reason to doubt the good faith of these officials in registering the people, the court is not obliged to vacate the injunction.

We believe that every effort should be made to give these officials the opportunity to purge themselves. That is why we have drawn this provision regarding the good faith of the State, unless the court has reason to suspect that it will not act, and in that case the court has authority to refuse to vacate the injunction.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. Of course we will answer the Attorney General's letter at much greater length after we have had an opportunity to study it. Now we are really stating what amounts to a curbstone opinion on the letter, without having an opportunity to study it at length. We have only heard it read once. I should like to call the attention of my friend from New York to what appears to be the major point which the Attorney General has made in his letter. The Attorney General speaks about the turning back of the registered voter at the polling place after he has been registered by an enrollment officer, and he makes the point that this would not constitute contempt of court. I would like to point out that at this point there would have already been a court finding of a pattern of discrimination, issued after full adversary proceedings. The Attorney General says that contempt proceedings would not be applicable; that all that could be done would be to start an injunction suit, which would not be determined until after the election. I disagree with that point of the Attorney General.

I wonder if my friend does not agree with me that what would be done if this amendment were enacted is what is done now in every State under the election laws of the various States, which is that when a person is challenged at the polls, he has the right to go to the election court and get a temporary restraining order enforcing his right to vote, and that such an order would permit him to cast his ballot provisionally.

Mr. JAVITS. I thoroughly agree with my friend from Pennsylvania. In other words, we would be giving that person exactly the same opportunity and the same safeguard which the law allows now.

Mr. CLARK. I think that disposes of the main objection of the Attorney General, which I personally find groundless. I agree that the Attorney General is entitled to his opinion. In this instance, however, I do not believe it is a very good opinion. I wonder if my friend would not agree that since provisional voting would be permitted, the primary objection of the Attorney General to the enrollment officer procedure falls.

Mr. JAVITS. I think so. I would also point out to my colleague the point which he has already noted himself, that a person who is enrolled is permitted to cast his vote subject to challenge.

Mr. CLARK. A temporary restraining order could easily be issued.

Mr. JAVITS. Yes. I would also point out, with respect to the Federal enrollment provision, that a person in charge of the voting booth would risk running afoul of a criminal provision if he denied the opportunity afforded by this provision.

Mr. CLARK. I thank the Senator.

Mr. JAVITS. It seems to me that what we have before us is the fact that the Attorney General has stated his position, and that perhaps we should be afforded the opportunity to make more deliberate reply to it. I agree with my colleague from Pennsylvania that we should do more than just hear the letter read; that we should answer it. However, I must say that I was acquainted with the points the Attorney General makes in his argument, as they had been made to me before.

But I think it is very clear that the Attorney General believes that the best plan is the voting referee plan. What I fail to understand is why a greater opportunity than is afforded by the Attorney General's referee plan would not be equally satisfactory to those who favor providing the voting rights to which the people are entitled. In other words, what is wrong with having two strings to the bow, instead of one string, especially when we are dealing with such vast numbers as we are dealing with here? The essential argument for the Federal enrollment officer aspect of our amendment is that we are dealing in such large numbers. To keep abreast of that situation, once we open the gates to enrollment and voting by the thousands of people who have been denied, we must establish a more comprehensive approach. It will be necessary to have more of these officers than can be contemplated in the court proceeding through the appointment of a court referee.

One other argument appeals to me in this matter, which I believe is very important. If we all agree that what we are seeking is to provide the right to vote, and if there seems to be a very broad unanimity of feeling on that subject, why do we continue to lay this matter solely upon the courts? Why is the executive department, under a mandate of the legislative department, also not brought into this situation? In short, is it fair simply to say that the judiciary is to carry, as it has in the matter of school desegregation, the whole responsibility and the whole administration of the act? Many persons, indeed, argue that either limitations will be imposed in terms of very few cases and very few people affected by the enrollment, or the whole judicial system will break down, so large are the numbers involved.

As a sheer administrative matter, it is necessary to provide another way in which to act, so that the courts will not be absolutely loaded down with cases.

So we have come to the conclusion that the right plan is, for the generality of cases, to appoint a Federal enrollment officer where the hard-core resistance of a group of State officials is not involved. But where a brick wall is encountered, the referee procedure would be applied, a procedure which is related to the contempt power of the courts. In that way, the entire judicial machinery will be relieved of a tremendous burden, if the cases are really in the numbers they ought to be, considering the discrimination which has been practiced. On the other hand, we make it certain that for the hard-core cases there are voting referee provisions.

It seems to me that this is adapting a remedy to a difficulty and to the practicalities of a situation far better than the referee proposal standing by itself.

Rather than having weakened the Attorney General's referee plan, I think we have strengthened the whole proposal in terms of providing the maximum opportunity for voting to those who have been discriminated against in such large numbers—in the thousands. We have done so by providing an administrative procedure and an administrative official appointed by the President, operating in such a way as not to burden the courts. This will be of enormous help in disposing of the multiplicity of cases in which discrimination is involved. We have done so by providing for provisional voting, but giving the State an opportunity—and it may be vital in some cases—to purge itself of what the injunction provides, if the State shows the desire and the capability, in the eyes of the court, to do what the court requires by its injunction.

Finally, we have eliminated the redundant requirement for an individual applicant to go back again to the very registrar or registrars, who are not there, or who have discriminated against him, which is a feature of the referee plan of the Attorney General. That is completely unnecessary, once the court has found a pattern or practice of discrimination, because many persons will not go back, for fear of reprisals, whether economic or social.

Equity says that when an act is demonstrably futile, it need not be performed again; as, for example, where a demand is demonstrably futile, it need not be repeated. Certainly a finding of a pattern or practice of a denial of a right to register and to vote would demonstrate that a new individual demand for the right to vote would be futile.

For all these reasons, I believe the Senator from Pennsylvania [Mr. CLARK] and I and our colleagues have presented to the Senate a reasonable—indeed, a moderate—model of the right way in which to cope with the practical as well as the legal aspects of a very major problem of our time.

I would be less than true to my own conscience if I did not repeat what I said earlier: That the matter of discrimination in the field of voting, and in other fields, too—but certainly in the field of voting—beyond any question is absolutely intolerable in the face of our domestic situation and in the face of the world situation, as is evidenced by what is happening in the Union of South Africa, which is an evidence of the deep stirring which is taking place in the world.

It is up to us, not to find paliative remedies or the easiest remedies; it is up to us to find remedies appropriate to the situation. That is what I believe our amendment offers to the Senate.

Mr. ROBERTSON. Mr. President, the debate on several voting rights amendments fully illustrates the position many of us have taken upon the matter for the past month, namely, that the Senate should never undertake to write on the floor of the Senate a complicated and technical bill without the benefit of public hearings and without the benefit of a committee report. It has been difficult for Senators to know what was in a given amendment when it was called up for discussion.

For instance, last week the Clark amendment, to amend section 3 of the Dirksen bill, was called up. That amendment was debated for a day, and then it was withdrawn. The Douglas amendment was called up before any of us could even find out the difference between the Clark amendment and the Douglas amendment. After a day or more of debate, the Douglas amendment was laid on the table.

Last Friday, the distinguished senior Senator from New York [Mr. JAVITS] said he would call up, on yesterday, his amendment. It turned out that the Clark amendment, which was designated "3-11-60—B," and the Javits amendment, which is designated "3-18-60—B," were the same. But it took a good deal of study to find that out. Yet before we started debate on the Javits amendment, we found that it had again been changed, to include a section which the Senator from New York mentioned just before he concluded. So the amendment now contains a provision concerning provisional voting, a provision which has been so vigorously criticized on the House side.

It is in the same language as will be contained in the House bill.

The junior Senator from Virginia could find nowhere in his vocabulary language stronger than that used by the Attorney General of the United States in condemning the pending voting amendment—the Javits amendment. He said, as I understood the letter recently read by the distinguished minority leader [Mr. DIRKSEN], that the amendment was worthless; that it had a fatal illness; that instead of doing any good, it would undo any good that might be done by what was left of the Rogers voting-referee proposal.

The junior Senator from Virginia could not find any stronger language than that. In fact, he would hesitate to go quite so far in criticism of distinguished colleagues. Needless to say, he agrees very fully with the Attorney General that it is not a good amendment. But he also feels that the substitute proposed by the Attorney General is not a good amendment, either. Both amendments are unconstitutional.

This all illustrates, Mr. President, the difficulty we have been encountering ever since the debate started on February 15 to ascertain exactly what was before us for action, and the necessity for having the benefit of an analysis of the meaning of the language and the benefit of a well considered report by a committee of competent lawyers, such as those who serve on the Committee on the Judiciary, which is where these bills should properly be handled and reported in due time, after hearings, to the Senate.

But instead of that, we are confronted with bills and measures which are so voluminous that they have been referred to by their weight—as weighing between 5 pounds and 6 pounds—rather than by their titles; and as soon as we try to analyze one amendment or one bill, then—as has been shown in regard to the voting-procedure amendment—we are confronted with a new amendment.

The new Javits amendment, which is labeled "3-18-60-B," as amended on March 21, 1960—yesterday—would amend section 3 of the Dirksen substitute. Section 3 of the Dirksen substitue now requires the retention of voting records for 3 years. This provision would be retained in the Javits amendment; and to it would be added a court registration procedure, a voting referee procedure somewhat like the proposal of the Attorney General, and a voting registrar procedure based upon the proposal of the Civil Rights Commission, making use of what would be called Federal enrollment officers. In addition, the use of registrars would be required, although the Senator from Missouri [Mr. HENNINGS] says the use of registrars would be unconstitutional, and he says he could not accept such a provision; and the Attorney General said that the use of registrars would be unconstitutional, and said they would be worthless, and that such a provision would suffer from a fatal defect.

Mr. CLARK. Mr. President, will the Senator from Virginia yield for a brief question?

Mr. ROBERTSON. First, I should like to finish my sentence.

Mr. CLARK. Certainly; I thought the Senator had done so.

Mr. ROBERTSON. No. The sentence is a little long, but it leads up to the fact that the amendment—which we are now debating—the amendment of the senior Senator from Pennsylvania—embodies what the Attorney General said is no good and is unconstitutional. It embodies a part of the proposal of the Attorney General, but the Attorney General said it does so in a way that nullifies it; and, in addition, it still leaves in the Dirksen bill all of section 7, which is the proposal of the Attorney General.

Mr. CLARK. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. ROBERTSON. I yield now.

Mr. CLARK. I was interested in the sotto voce remark which my good friend, the Senator from Alabama, relayed to my equally good friend, the Senator from Virginia, namely, that the Attorney General had said the enrollment procedure here proposed was unconstitutional. I wonder where and when he said so, because I have before me his letter, and in reading it quickly I do not find in it any claim by him that this proposal is unconstitutional, nor do I recall that at any time prior to writing this letter the Attorney General said that any provision of the Clark-Javits amendment was unconstitutional. I wonder when the Attorney General said it was unconstitutional.

Mr. ROBERTSON. I was mentioning the various registrar provisions which were before the Committee on Rules and Administration. When the Attorney General testified on the last day—mind you—his bill had not even been introduced; it was not introduced until a week later. Think of that. Yet it is what is claimed to be the heart of this proposed legislation, as presented by the Attorney General. On the last day of the hearing he said that all those registrar bills or amendments were of doubtful constitutionality.

Does the Senator from Pennsylvania want me to take time to read the exact language which appears in the hearings, or does the Senator challenge my statement that the Attorney General said that?

Mr. CLARK. I do not challenge the Senator's statement that the Attorney General made a passing reference to the possible unconstitutionality of registrar proposals; but I do state that I do not believe the Attorney General ever expressed a definite opinion that they were unconstitutional. It seems to me to be clear, beyond peradventure of doubt, that they are not unconstitutional, and that, instead, they are perfectly constitutional.

If the Senator from Virginia, wishes to sustain the suggestion of the Attorney General, I shall be happy to hear him argue it. But I do not understand how any lawyer who has practiced in the courts or argued appeals could assert that there is anything unconstitutional about the registrar proposal.

Mr. ROBERTSON. The Attorney General said they were of doubtful constitutionality—which was diplomatic language on his part, because some of them had Republican sponsors. That statement by him means—to me—that if I were called on, as Attorney General, to enforce them, I would feel that I would lose out before I even got started. And the Attorney General asked that they be thrown aside, and that what he proposed be considered instead.

Mr. President, I had planned to read extensively from the testimony I gave before the Committee on Rules and Administration, before the time when the Attorney General testified there. But the hour is late, and I do not now expect to do so. However, I shall turn

that testimony over to my colleague, the Senator from Alabama [Mr. HILL]; and I have marked a section where the Attorney General condemned the registrar provisions or proposals. Evidently the Senator from Pennsylvania is not too familiar with that testimony. So, for his benefit, we shall read it to him, from the record. However, it is rather difficult in a minute's time to put one's finger on the exact point, page after page.

Mr. CLARK. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. CLARK. I am reasonably familiar with what the Attorney General said. I am in disagreement with his suggestion that any registrar proposal is unconstitutional; and nothing which could be found in the testimony, which I would be happy to listen to the Senator from Virginia read, would make me think any better than I now think of the opinion of the Attorney General.

Does the Senator from Virginia regard the Attorney General of the United States as a great constitutional lawyer whose opinions are entitled to be regarded by Senators as convincing?

Mr. ROBERTSON. If the Senator from Pennsylvania will do me the honor of remaining here and listening to the remainder of my speech and will listen to the criticism of the legality of the proposal of the Attorney General, the Senator will find his answer.

Mr. CLARK. It will be my privilege to do so, Mr. President.

Mr. ROBERTSON. Mr. President, inasmuch as I have had a brief interchange with one of the sponsors of the amendment, I wish to call his attention to the following in the amendment:

> The refusal——

Mr. CLARK. Will the Senator from Virginia identify the point in the amendment?

Mr. ROBERTSON. Yes; it is on page 4, in line 3:

> The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

That will be criminal contempt, will it?

Mr. CLARK. I think it would also be civil contempt. That would depend upon the circumstances.

Mr. ROBERTSON. Well, it would be contempt of court.

Let me ask the Senator from Pennsylvania whether such a person would have a jury trial?

Mr. CLARK. As the Senator from Virginia well knows, such a person would have a jury trial to the extent that he would be entitled to have one under the Civil Rights Act of 1957, but not otherwise.

Mr. ROBERTSON. Where is that set forth in the bill?

Mr. CLARK. I think that is in existing law, and it needs no additional notation.

Mr. ROBERTSON. Mr. President, I wish to point out that such a person will not get a jury trial. This measure states that he will not get a jury trial. But the sponsor of this measure himself does not know that his own amendment provides that such a person will not get a jury trial. That situation is indicative of the kind of proposal we are asked to accept.

Let the Senator turn to page 9. He will not find there that such a person will get a jury trial, because that part of the amendment relates the contempt penalty back to the 1957 act, which denies such a person a jury trial if the fine is not over $300 or if the punishment is not more than 45 days in jail.

Mr. CLARK. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. CLARK. The provision to which the Senator from Virginia has referred on page 9 occurs in the section of the amendment which deals with the appointment of Federal enrollment officers, and is entirely independent of, and has no reference to, the provision on page 4.

Mr. ROBERTSON. I am sorry; I had something else in mind at the moment. It is on page 11, in line 4.

Mr. CLARK. If the Senator refers to page 11, line 4, I am afraid I do not understand what his point is. I do not believe the matter there is pertinent to what we are discussing. Perhaps I am looking at the wrong place.

Mr. ROBERTSON. That is the trouble. If the patron of the proposal does not understand it, how does he expect the Senate to approve it? But I will point it out to the Senator. On page 11, line 4, we find this:

> Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

That is the part which denies the jury trial. That is where it is unconstitutional.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ROBERTSON. Yes.

Mr. CLARK. The Senator was reading from page 11, lines 8 to 10, which was why I did not follow him. I am quite content to stand on the sentence he has read. I think it is quite appropriate and all right.

Mr. ROBERTSON. It is appropriate, but I am showing how difficult it is for anybody to understand what we are actually considering here.

Here on page 4, a certain action is, of itself, made subject to contempt. A person could have a civil action. But what we are contemplating here is criminal contempt and criminal punishment. That is not found until we get over to page 11. That is where a jury trial is denied. That is the reason why the Senator from Virginia spent 4½ hours on February 28 discussing why the Attorney General's proposal is unconstitutional in many respects. One of them is that a person is denied the right of trial by jury in criminal contempt proceedings.

Mr. CLARK. Mr. President, will the Senator yield further for one final observation? Then I shall not detain him further.

Mr. ROBERTSON. I yield.

Mr. CLARK. I point out again that the provisions on page 11, to which my good friend has referred, deal with the Federal enrollment officer section of the amendment and have no bearing on the provisions of page 4, which deal with an entirely different procedure, having to do with voting referees. Therefore, I suggest again to my friend that his reference is not pertinent. I thank him for yielding.

Mr. ROBERTSON. Mr. President, we do not get very far when we cannot agree what the facts in the bill are. The section in lines 4 to 6 on page 11 relates to the previous provisions, and it includes the provision on page 4. Therefore, I say it relates back to the act of 1957; and in the act of 1957 a jury trial is denied in criminal contempt cases if the fine is less than $300 or the penalty is less than a certain type.

Mr. President, since my interchange with the distinguished Senator from Pennsylvania, my attention has been called to the fact that I have been quoting from the Javits-Clark amendment of March 18 to H.R. 8315, Calendar No. 924; but, confusion worse confounded, they submitted another one on March 21, with which the Senator from Virginia has not caught up. When the Senator from Virginia quoted from the amendment of March 18, it was a different line and page number from the one from which the Senator from Pennsylvania was reading, and therefore we could not get together on what the effects in the amendment were, because the Senator from Virginia was quoting from the amendment of March 18.

The amendment of March 18 was the same as the amendment of the Senator from Pennsylvania of the 11th, subject to the change on the 21st, and in the meantime we had an amendment by the Senator from Illinois [Mr. DOUGLAS].

In the opinion of the Senator from Virginia, about all that most of the Senators will know about the pending amendment will be the letter written by the Attorney General, and put in the RECORD today, stating that the amendment is worthless, has a fatal illness, and will do more damage than good. That is the essence of what they will know about the amendment.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. CLARK. In a most friendly spirit, I should like to point out to my good friend from Virginia that, in relation to the language respecting the provision under consideration between him and me, the only changes made between the 18th of March and the 21st of March were in two matters which do not affect the discussion between us.

If the Senator will read the amendment going back to the 11th of March, he will find in this respect the language was identical in both the 18th and the 21st drafts.

Mr. ROBERTSON. The Senator from Virginia had a mimeographed copy of the changes made in the Javits amendment, which he thought included all the changes made. The Senator from Virginia did not know the amendment had been reprinted and renumbered. Hence, the Senator from Virginia quoted

from the copy which he thought was the only copy to identify the references.

Mr. President, the new Javits amendment, the Javits amendment labeled "3–18–60—B," as amended on March 21, 1960, would amend section 3 of the Dirksen substitute. Section 3 of the Dirksen substitute now requires retention of voting records for 3 years. This provision would be retained in the Javits amendment, and to it would be added a court registration procedure, a voting referee procedure somewhat like the Attorney General's proposal, and a voting registrar procedure based upon the proposal of the Civil Rights Commission, making use of what would be called Federal enrollment officers.

The registration procedures in the Javits amendment appear to be based primarily upon the 15th amendment.

AMENDMENT XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

In each of these procedures, the initial finding would be that "under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election." The next step would be a finding that "such deprivation is pursuant to a pattern or practice."

The only further proof which need be made in any of the three procedures established by the Javits amendment is that the applicant is of the same race or color as that involved in such deprivation, and that he is qualified under State law to vote.

Under the Javits amendment, it is not necessary for each individual applicant to show, or for the court, voting referee, or Federal enrollment officer to find, in each case that the applicant himself was deprived of rights under the 15th amendment. In other words, there is no need of proof or finding that the applicant himself has been or might be deprived of his rights under the 15th amendment.

Under the Javits amendment, it would make no difference if evidence were presented to the court to show that the applicant himself was not deprived of any rights under the 15th amendment. If, for instance, he had never applied to register or to vote, or if he had applied and had been turned down only because he was too young to vote, this would be immaterial. Evidence to this effect or a finding to this effect would make no difference.

This is what is meant by an irrebuttable presumption. It changes a presumption of fact, a shifting of the burden of evidence, into a rule of law where the legislative finding that the world is flat makes irrelevant and immaterial testimony to the effect that the world is round.

The proceeding qualifying the individual applicant to register or to vote is based upon the 15th amendment only through the use of the irrebuttable or conclusive presumption that because one or more violations of the 15th amendment have occurred in an area with respect to persons of a particular color or race, and this was pursuant to a pattern or practice, then all persons of the same color or the same race have been or would be deprived of the right to vote in violation of the 15th amendment.

The need for proof of violations of the 15th amendment with respect to the individual voter, the need for individual findings with respect to the individual voter or, on the other hand, the use of a conclusive or an irrebuttable presumption to supply this proof of violation of the 15th amendment with respect to the individual voter, has been the subject of much discussion, and I should like to take it up first.

Mr. President, the Washington Post and Times Herald in its lead editorial last Friday on the subject of "Referees versus Registrars," makes the following statement:

> Could not the two proposals—the referee and registrar proposals—be combined so as to continue the referee concept, but to instruct referees to enroll applicants without the rigmarole of individual findings when a pattern of discrimination has been found? Some such procedure would make the plan a lot more palatable to those whose concern is the extension of voting rights to all qualified citizens with the least litigation or delay.

The writer of this editorial either is not aware of the reason for "the rigmarole of individual findings," or he does not attribute any importance to the reason. I should like to try to spell out again for the benefit of Senators who might be misled by this editorial the reason for and the need for individual findings showing a violation of the 15th amendment with respect to each would-be voter whom the referee might be asked to register.

The reason is simple. Individual findings with respect to individual voters are needed in order to make the proceeding constitutional. They are needed first in order to satisfy the requirement of article III of the Constitution that Federal courts handle only judicial proceedings. Second, they are needed in order to satisfy the constitutional requirement that a proceeding based on the 15th amendment is, in fact, based on the 15th amendment and not on an irrebuttable presumption which may or may not bear any relation to the facts. Third, they are needed in order to satisfy the fundamental requirement of due process, that a State election official or other officer who is being charged with discrimination under the 15th amendment against a particular individual be given a chance to tell his side of the story.

One whose sole interest is the least litigation and delay, one whose sole interest is in speedy conviction of every accused, naturally finds the procedural requirements of the Bill of Rights a real handicap. The requirement of indictment by a grand jury delays proceedings, and sometimes grand juries will not indict. The requirement of trial by jury also delays proceedings, and sometimes petit juries will not convict. The requirement that a defendant be permitted to have counsel delays proceedings, because sometimes defendants' lawyers raise legal or constitutional questions on behalf of their clients. And again the requirement that a defendant be authorized to call witnesses may delay proceedings.

But these procedural rights are fundamental to the basic idea of judicial proceedings and due process. If the referees are to be placed in the judicial branch, which was created under the Constitution to exercise the Government's "judicial power" in "cases and controversies," then we must not abandon judicial procedures and due process in the sole interest of speed.

A particularly vicious aspect of the referee proposal, which I am surprised that the writer of the Post editorial has not appreciated, is the conclusive and irrebuttable presumption on which the administration proposal is based. The administration proposal as set out in the Dirksen substitute, starts with a deprivation of voting rights on account of race or color, in violation of the 15th amendment, with respect to one or more persons—and note that the proposal says a violation with respect to one person is sufficient—combined with a "pattern or practice."

On the basis of these findings, a conclusive or irrebuttable presumption is made that every person of the same race or of the same color in the area has been deprived of his rights under the 15th amendment. The revised administration proposal, the proposal of the Senator from New York [Mr. KEATING] marked "3–2–60—A" would require the applicant to show that he had been denied the opportunity to register or qualify to vote or had been found not qualified to vote, and the conclusive or irrebuttable presumption would supply proof of the fact that the reason for this deprivation or finding of lack of qualification was his race or color. The Javits proposal omits any finding of denial or refusal to register by a State official. The Javits amendment, "3–18–60—B," would use a conclusion or irrebuttable presumption, based upon one violation of the 15th amendment on account of race or color, and a finding of pattern or practice, to supply proof that there would have been a violation if an applicant of the same race or color had applied.

In *McFarland v. American Sugar Refining Company* (241 U.S. 79 (1916)), the Supreme Court considered a rebuttable presumption that a person systematically paying less for sugar in Louisiana than he pays in another State is a party to a monopoly or conspiracy in restraint of trade. The court held that this presumption violated the equal protection and due process provisions of the 14th amendment. In his opinion Mr. Justice Oliver Wendell Holmes made the following statement:

> As to the presumptions, of course the legislature may go a good way in raising one or in changing the burden of proof, but there are limits. It is "essential that there shall be some rational connection between the fact proved and the ultimate fact presumed, and

that the inference of one fact from proof of another shall not be so unreasonable as to be a purely arbitrary mandate" (*Mobile, Jackson & Kansas City R.R.* v. *Turnipseed*, 219 U.S. 35, 43. The presumption created here has no relation in experience to general facts (241 U.S. 79 (1916)).

And again in *Manley* v. *Georgia* (279 U.S. 1 (1929)), the court considered a Georgia statute which provided that every insolvency of a bank shall be deemed fraudulent and the president and directors shall be punished unless they rebut the presumption of fraud by a showing of care and diligence. In its opinion the court made the following statement:

State legislation declaring that proof of one fact or a group of facts shall constitute prima facie evidence of the main or ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be inferred. If the presumption is not unreasonable and is not made conclusive of the rights of the person against whom raised, it does not constitute a denial of due process of law—*Mobile, J. & K. C. R. R.* v. *Turnipseed* (219 U.S. 35, 43). A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repeal it violates the due process clause of the 14th amendment. *Bailey* v. *Alabama* (219 U.S. 219, 233, et seq.). Mere legislative fiat may not take the place of fact in the determination of issues involving life, liberty, or property. "* * * it is not within the province of a legislature to declare an individual guilty or presumptively guilty of a crime"—*McFarland* v. *American Sugar Co.* (241 U.S. 79, 86).

In *Heiner* v. *Donnan* (285 U.S. 328 (1932)), where presumptions concerning gift taxes were under consideration, the court said:

A rebuttable presumption clearly is a rule of evidence which has the effect of shifting the burden of proof (*Mobile, J. & K. C. R. Co.* v. *Turnipseed*, 219 U.S. 35, 43); and it is hard to see how a statutory rebuttable presumption is turned from a rule of evidence into a rule of substantive law as the result of a later statute making it conclusive. In both cases it is a substitute for proof; in the one open to challenge and disproof, and in the other conclusive. However, whether the latter presumption be treated as a rule of evidence or of substantive law, it constitutes an attempt, by legislative fiat, to enact into existence a fact which here does not, and cannot be made to, exist in actuality, and the result is the same, unless we are ready to overrule the Schlesinger case, as we are not; for that case dealt with a conclusive presumption, and the court held it invalid without regard to the question of its technical characterization. This court has held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the 14th amendment. For example, *Bailey* v. *Alabama* (219 U.S. 219, 238, et seq.); *Manley* v. *Georgia* (279 U.S. 1, 5–6). "It is apparent," this court said in the Bailey case (p. 239) "that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumpion any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions" (at p. 329).

All these decisions make it clear that, aside from all legal technicalities, the effect of the creation of a conclusive or irrebuttable presumption, is to provide by legislative fiat that a fact will be presumed to have occurred, whether it did occur or not. The introduction of evidence to the contrary will not be permitted, no matter how definite and clear the evidence may be.

Under the Javits proposal, no matter how clearly it may be proved that the applicant never applied for registration or to vote, and therefore was not and could not have been deprived of his right to vote by State action or under color of law on account of race or color, no matter how clearly it may be proved that the 15th amendment does not apply to him, no finding on this point need be made and no evidence on this subject would be taken. The legislative decree will have gone forth that because there was one instance of violation of the 15th amendment, pursuant to "a pattern or practice", all persons of that race or of that color have been deprived or will certainly be deprived of their rights under the 15th amendment.

I was interested to note that another Washington Post and Times Herald editorial recently criticized the Supreme Court for what they considered reversing itself in the case of Nelson against County of Los Angeles, where the Supreme Court sustained a dismissal of an employee on the ground that he had not testified before a congressional committee. The newspaper thought that this case was governed by an earlier case where a New York statute authorizing the city to discharge employees who invoke the fifth amendment was held unconstitutional.

Would it be proper for the city of New York or for the Federal Government to enact a statute creating an irrebuttable presumption that any employee or any person, for that matter, who invoked the privilege against self-incrimination under the fifth amendment was guilty of the offenses concerning which he was being asked, and might therefore be discharged or convicted of those offenses?

The voting referee proposal involves an irrebuttable presumption that, if there has been one violation of the 15th amendment with respect to a person of a particular race or color, together with a pattern or practice, then all persons of that same race or of that same color in the area have been deprived of their rights under the 15th amendment, or would be deprived of their rights if they sought to exercise them.

I do not think that there is any "rational connection between the fact proved and the ultimate fact presumed." I think that the inference of one fact from proof of another is "so unreasonable as to be a purely arbitrary mandate." I urge Senators who are concerned with civil rights to beware of purely arbitrary presumptions and purely arbitrary mandates.

I think that the burden of proving individual discrimination with respect to each individual voter in order to make the proceeding a proper judicial proceeding, in order to give the proceeding a solid footing under the 15th amendment, and in order to satisfy the fundamental requirements of due process—instead of using an irrebuttable presumption to jump over all of these constitutional provisions—is not just "the rigmarole of individual findings." The Bill of Rights and the Constitution are not scraps of paper.

Mr. President, I should now like to turn to the second major part of the Javits amendment, the proposal for Federal enrollment officers beginning on page 7.

These officers are very much the same as the voting registrars proposed by the Civil Rights Commission. I think most of the comments I made with respect to the voting registrars when I was testifying before the Rules and Administration Committee on February 4 of this year are equally applicable to the Federal enrollment officers, though, of course, there are many differences which I should like to comment on later. Accordingly, I should like to read to the Senate from the testimony before the committee:

Constitutional and legal problems * * * would arise under plans based upon a determination by a nonjudicial body that State officials have discriminated against citizens in violation of the Federal Constitution.

That was the basis of my statement that the Attorney General meant to say he did not think the registrar plan was constitutional. That was diplomatic language. Certainly in the letter today he made very plain and explicit his additional objections.

Now I shall turn specifically to the Javits amendment, and start with subsection (b), which is labeled "Appointment of voting referees by the district courts of the United States."

I think this heading is somewhat misleading, because as I read the subsection, it seems to me that paragraphs (b)(1), (b)(2), and (b)(3) set up a procedure for registration of voters directly by the court, without necessarily involving any use of voting referees. I think that paragraphs (b)(4), (b)(5), (b)(6), and (b)(9) establish a separate and different procedure for the appointment of voting referees and the registration of voters by them, ratified by the court.

Subsection (b)(1) starts with a finding, in any proceeding under any law of the United States, that under color of law or by State action a person or persons have been deprived on account of race or color of the right to register or vote at any election. In the case of such a finding, the court on request of the Attorney General or any plaintiff must make a further finding whether such deprivation is pursuant to a pattern or practice. If this pattern or practice is found, any person of such race or color residing within the affected area shall for 1 year or perhaps more be entitled to an order declaring him qualified to vote on proof he is qualified under State law to vote. His application must be heard within 10 days. Paragraph (b)(2) provides that an order issued under paragraph (1) shall become effective 20 days after its issuance and notice thereof to the Governor of the State, unless the person affected is registered. Paragraph (b)(3) provides that an applicant so declared

qualified to vote must be permitted to vote in any election, and the Attorney General must send copies of the order to the appropriate election officers. If an election officer knowing of the order refuses to permit the person to vote, he is guilty of contempt of court.

As I indicated earlier, these proceedings start with any proceeding pursuant to any law of the United States, regardless of the nature of the proceeding, regardless of the parties to the proceeding, regardless of the relief which might otherwise be granted under the original proceeding. There is no requirement that the original parties to the original proceeding should be notified of these new applications filed; there is no requirement that the appropriate election officials who are conclusively presumed to have testified him to the court of his rights to vote must be notified; and there is no requirement that the election officials who will be ordered to permit him to vote should be notified. The only requirement is that the applicant must be heard within 10 days of its filing. The order is to be served on the Governor and the appropriate election officers, but they are given no opportunity to give opposing evidence to the court or to appeal the order. They can only accept it and carry it out subject to contempt penalties.

Paragraph (b)(4) provides that the court may appoint voting referees to receive applications to take evidence and report findings as to whether the applicant is qualified under State law to register and vote at a State election. Note that the court "may appoint" voting referees to receive and take evidence on applications. The applicant, under paragraph (b)(1) shall be entitled to an order, and the applicant shall be heard within 10 days. Note also that the only thing the referee considers whether or not the applicant is qualified under State law to register or vote.

The proceedings before the voting referee are ex parte under paragraph (b)(5); presumably the election officials are not notified of the application or hearings. When the referee has prepared his report, a copy is sent to the State attorney general and "to each party to such proceedings." The bill does not specify who are the parties to the proceedings. There is no requirement that an election official who was not involved in the original proceedings must be made a party and given notice of the referee's report, even though he may be the person who was presumed to have deprived the applicant of the right to vote, or he may be the election official who will be ordered to let the applicant vote.

The notice given to the State attorney general and parties to the proceeding will consist of an order to show cause within 10 days or less why an order should not be entered. Ten days is not much notice; and if the court reduces it, the defendants will not get much of an opportunity to give their side of the case. The bill provides in great detail just what kind of a statement of exceptions the defendant must submit and serve in order to prevent the order to show cause from taking effect.

The court may refer the matter back to the voting referee or he may decide it himself, but hearings on an issue of fact can be held only if there is "a genuine issue of material fact." The bill does not state how the court is to determine whether an issue is "genuine."

The applicants "literacy or understanding of other subjects" must be determined solely on the basis of the report of the voting referee. Even if the judges is in doubt he cannot call the applicant in and ask him questions.

All of this is a far cry from the sound judicial proceedings prescribed in rule 53 of "Rules of Civil Procedures for Referees and Masters." Under the rules of civil procedure both parties know of the reference, both parties know of the hearings before the referee, both parties have an opportunity to present their evidence through their witnesses, both parties have an opportunity to comment on a draft of a referee's report, and to take exceptions to it when it is filed. And the judge receiving the referee's report is not limited to rubberstamping the referee's report.

Paragraph (e)(II) of rule 53 provides that "the court after hearing may adopt the report or may modify it or may reject it in whole or in part or may receive further evidence or may recommit it with instructions."

Rule 53 of the "Rules of Civil Procedure" gives the kind of notice and opportunity to be heard which constitutes due process of law and for sound judicial procedure. Rule 53 provides the kind of judicial procedures which are essential if a proceeding is to be called a case or controversy under the judicial power vested in the courts by article III of the Constitution. Too many short cuts, escaping the time-consuming restrictions of due process and sound judicial procedure, will I think lead the courts to invalidate this proposal.

On February 29, 1960, I discussed the subject of voting referee in the Senate, commenting at that time primarily on the original administration proposal contained in the Dirksen substitute amendment. I shall not attempt at this time to repeat all of the points I made then, though most of my earlier comments would apply to this new proposal.

In conclusion, I wish to comment briefly on some added features of the Javits amendment.

Both the court and voting referee provisions of the Javits amendment and the Federal enrollment officer provisions of the Javits amendment call for provisional voting by applicants. The first provision appeared on page 6 of the amendment at line 16 through 22, and these have now just been amended by the Senator from New York. The second place where provisional voting is provided for appears on page 9 of the Javits amendment on lines 2 through 10. In many States, voting machines are used, and voters are by law entitled to privacy within the voting booth. I do not believe it is possible for anyone to preserve the vote of a challenged voter cast on a voting machine, without violating the voter's right to privacy. In fact, regardless of privacy, it seems to me impossible to "preserve" the vote made by the physical gesture of pressing down levers on a voting machine.

It seems appropriate to point out that the Javits amendment provides for the issuance of court orders qualifying voters to vote, and it makes disobedience to those orders contempt of court. The actions of the Federal enrollment officers which would be created by the Javits amendment are also enforceable by civil and equitable proceedings. Injunctions may be granted in order to carry out their decisions, and it will be contempt of court to disobey these injunctions. All the objections I presented to the Senate on March 8 against depriving persons of the right to trial by jury in criminal contempt proceedings are applicable to the contempt proceedings which will be created by the Javits amendment.

In addition, the Javits amendment makes it a crime to refuse to accept a ballot from a person enrolled by a Federal enrollment officer or to interfere with or prevent him from voting.

The amendment specifically provides that injunctions shall not be denied on the ground that the acts complained of are a crime. It is not clear whether a person may be both punished by fine and imprisonment for the crime and also by fine and imprisonment for the contempt, since it would seem that the proponents of these measures take the position that criminal contempt is not a crime.

Paragraph (d) of the Javits amendment introduces a new feature on which there has been no testimony as far as I am aware.

In any suit where a person alleges that he has been deprived on account of race or color to register to vote at any election, the court must notify the Attorney General and must permit him to intervene as a party to present evidence, to argue, and to recommend relief. This would apply to apparently the civil actions where the plaintiff is seeking money damages for relief for deprivation of rights. It seems inconsistent with ordinary judicial processes to have such a suit virtually taken over by the Attorney General for such purposes as he may see fit. I know of no testimony which provides a factual basis for this new provision.

Section (f) of the Javits amendment, which is copied from section 7 of the Dirksen substitute, provides that in injunction proceedings under the 1957 act, the State may be joined as a party defendant if an official of the State is alleged to have committed the deprivation and, if the official has resigned, the proceeding may be started against the State.

I hope my distinguished colleague from Pennsylvania [Mr. CLARK] will take due note of the following:

In *U.S.* v. *Alabama* (No. 398, October term, 1959), which I understand will be argued in the Supreme Court next month, the Attorney General is contending that the 1957 act already permits a State to be made a party. The district court held that the 1957 act did not authorize suits against States as such, and

the Court of Appeals for the Fifth Circuit unanimously affirmed this ruling.

Ordinarily, it is poor policy to amend a statute to accomplish what one is seeking to do by interpretation in pending litigation. However, I take it that the Attorney General is not confident of obtaining a reversal of the district court and the court of appeals, and therefore thinks it necessary to accomplish this change by statute. I trust the Supreme Court will take judicial notice of this, when it considers the Attorney General's position in United States against Alabama.

The Javits amendment we are now considering will expand the authority of the Federal Government over the field of elections, State as well as Federal. We should be careful how we seek to upset the balance between Federal and State powers and responsibilities. We should be careful how we seek to expand the power of the Federal Government over matters which have always in the past been matters of State concern. In this connection, I ask unanimous consent to have printed in the RECORD at this point an editorial from the Wall Street Journal of March 21, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MOMENTUM OF POWER

While neither the advocates of the civil rights bill in the Senate nor the southerners who oppose it are satisfied with the way things are going, one clear conclusion is emerging from the voting.

Federal power is in danger of being broadened beyond the intention of many of the advocates of the administration's measure.

The out-and-out statists, who would have Federal power grow ever larger in every field, are not displeased. But even some of the liberal Senators are dismayed to find that the power they wish to apply in a limited area inevitably bursts the bounds they would set. And those who, like President Eisenhower, "would like to diminish (Federal power) rather than to increase it" would do well to take stock of its growth.

What has happened to the section of the administration's civil rights bill that would have made bombings of schools and churches a Federal crime is a case history showing that once a grant of Federal power is started on its way, its very momentum will carry it far beyond the intentions of its originators.

The moment Senator DIRKSEN introduced his bill making it a Federal crime for arsonists or bombers of only schools and churches to cross State lines, two factors became inexorably involved. One was the moral revulsion of most people at such violence, and their desire to prevent or punish such acts with more law. The other was the legal principle of equal application of the law.

The interplay of two of these powerful stresses shaped that particular section so that it is now not at all what the administration meant it to be at first. The Federal power was broadened to include not only acts against schools and churches, but bombings or arson wherever they occurred in any kind of situation whatsoever. In the end, Senator DIRKSEN voted against his own proposal, its scope had been so widened.

Just as inexorably, the shape the section took under these two powerful factors, one emotionally understandable, the other legally unassailable, called to account the question whether it was wise to broaden Federal police powers in this way.

There have been cases of bombings and arson, but were they beyond the police powers of the State? We think not; but even if one wishes to argue that southern peace officers will not seek out the guilty and that even if they do southern juries will not convict them, does granting jurisdiction to Federal authorities solve that problem? Jury panels, whether State or Federal, are drawn from the area in which a crime occurs. Are the people, though they are the same people, expected to act differently on Federal juries than on State juries?

The answer to that question ought to be obvious to the least student of human nature. A man who will free a proven school or church bomber or arsonist in one court is not likely to convict him in another.

So the proposal, even if it should become law, is no cure-all for the kind of crime it aims to prevent. And since those crimes, inhuman as they are, are relatively few in the category of national crime, the necessity for expanding Federal police powers can, in all fairness, be seriously questioned.

And if the necessity can be fairly questioned, so can the wisdom. It is not the part of wisdom to assume that the expansion of Federal power, once begun, can be stopped exactly where and when a Senator wishes.

PROPOSED BROADCAST OF CAMPAIGN OF TRUTH TO CUBA

Mr. MUNDT. Mr. President, I address myself to the Cuban situation. A year of patient and hopeful waiting to determine the direction and progress of the revolution has resulted only in an intense hate campaign directed in venom against the United States. One would have thought that the energies of the new regime in Cuba might well have concentrated upon the elimination of the excesses and travesties of the old order rather than upon hysterical and unreasoning vituperation against its best friend and largest customer. But that, of course, presumes that the new leaders were determined upon an ideology similar in purpose and method to the concept of democratic order in a Western World of private enterprise. Of course, the processes of revolution are uncharted, but it would seem that leadership which needs to indulge in conjuring up fancies of mythical enemies beating at its gates in order to maintain its prestige and contain its furies is, indeed, a fragile one. I, for one, question whether internal national progress is ever made by misleading misdirection. Certainly, international sympathies and cooperation cannot be attained by malicious falsehood. Truth has a very certain path of revelation.

As their close neighbor and dear friend, the peoples of the United States have sat by for a year earnestly hoping that the promise of better days in a cleaner political atmosphere might be the lot of their Cuban brothers. Respectful of the traditional right of all men to govern their own destiny in their own environment, we have neither interfered nor have we volunteered counsel. I believe that our other neighbors to the south, in fact the free world, have appreciated our forbearance and good will. Mayhap we, and maybe the peoples of Cuba, have misunderstood the purposes and ultimate goals of the bearded clique who have attained control of Cuba. Maybe by the beating of drums and the use of noble slogans and cliches their intention has been to misdirect the noble purpose of revolution into the mire of regimentation and dictatorship.

There have been other historic revolutions in Cuba. Each has surrounded itself with the trappings of pious phrases initially noble in purpose and goal. Most have floundered upon the rocks of selfishness and exploitation. Can this be another in sequence? Or, does this one embrace an even more potent change into the darkness of totalitarianism? Certainly the passing days rather than clarifying the direction cause us all deep concern. The outlook at the moment from all available facts seems dire indeed. Unless corrected or changed, the present direction of the Castro movement seems certain to lead to communism—to national bankruptcy or to new and perhaps even bloodier revolutions.

I will not here undertake to spell out the story of events within Cuba since the spellbinding parade of the bearded ones from the mountains into the capitol at Havana nor of the multitude of fiats which have since upset civilized concepts of individual liberties, social order, and proprietary rights. The Congress has been apprised of these happenings and our people have been kept advised by all our news media. Were these executive mandates directed solely to the concern of Cuban citizens and Cuban property, our interest, concern, and protest might be questioned.

However, we need no additional waiting period for proof that the excesses which have been and are being committed in the name of "nationalism" and "agrarian reform" vitally affect the interests of millions of U.S. citizens whose savings are invested in the securities of American corporations which, with the encouragement of the U.S. Government, have placed all or part of their capital abroad. Even more important, they have a direct bearing upon the peace and security of the entire free world.

It would seem that the pattern heretofore set by all of us in the inter-American community of nations—a pattern of the freedoms and of democratic growth in mutual relationship—is in real jeopardy. Hence, the concern is not ours alone but of every member state and of every individual in the Western Hemisphere. It is indeed of real concern to freemen everywhere.

But we, the United States, have been selected for external sacrifice. We who in living memory rescued the island from medieval bondage. We who have given order, vitality, technical wisdom and wealth are now being eternally damned for our civilizing and cooperative virtues. This is nothing new in pattern. Our energies, our growth, our size, our dynamics, have ofttimes in the past subjected us to the false criticisms, the ambitions, and the prejudices of foreign tyrants and their gross purposes. It is not new that false smokescreens of hate have been thrown up to hide personal ineptitudes and unsound and ineffective leadership upon local scenes. We have taken it before in silence but with pity. Though hurt and chagrined, we have kept silence with restrained dignity. Perhaps it is the Christian lot and the price

we pay for achievement and size. Patience has sometimes paid with change.

But we are facing a markedly different world today when contending forces seek to determine mankind's future destiny. It is a contest between individual freedoms and spiritual attainment against regimented materialism and external darkness.

Victimized in such a contest, it behooves us to defend ourselves and our principles and assume a forthright leadership. The days of laissez faire are over.

What, Mr. President, have the Cuban bearded ones been doing to us in these past months? With malicious hate, they have maligned and excoriated us ad nauseum; they have insulted our President and our Ambassador; they have stolen our property and accused us of mass murder. Through their controlled press, radio, and television, by the repetitive lie technique, they have endeavored to turn their credulent adherents into hostile enemies of the United States. They have shut off all means and sources of rebuttal and thereby have suppressed truth. The Committee on Freedom of the Inter-American Press Association has just reported that the entire Cuban press had "either directly or indirectly physically passed into the hands of the Government there or has become so intimidated that it cannot be considered free."

To date, our sole reprisal has been silence, with pity for the poor deluded Cuban public, while the property and interests of our own citizens were being expropriated without compensation.

Mr. President, that is the sorry record of the vilification and provocation of our country by the ruling Cuban regime during the past year. The question we face is: How much longer do we exercise patience? How much longer do we forbear? What should we do about it?

If I thought that by guarding our silence we would be serving the long-run interests of the Cuban people, as well as our own, I would recommend continued patience and forbearance. I would tolerate the sting of the gnat a while longer, certain that the fair winds would soon rise and blow it into the sea.

I am convinced that unless the present regime in Cuba does change its ways that is precisely what will happen—in time. But will it happen soon enough? Will it happen before irreparable damage is done to the essential ties and interests of the people of Cuba and the United States?

That is the question which disturbs me. That is the question which has led me to make these remarks today.

I am persuaded that if we further acquiesce in the proliferation of lies about this Nation, we shall lend support to the effort of Communist sympathizers to drive a permanent wedge between Cuba and the United States. Unless that attempt is counteracted and counteracted now, the wedge will remain long after the unshaved and unshorn ones have disappeared into unhallowed graves.

Therefore, Mr. President, I believe we must take immediate affirmative action to keep open channels of truth to the Cuban people, channels of truth which will penetrate, through the din of distortion which the present government in Havana hammers incessantly into the ears of the Cuban people.

Mr. President, I was the initial author of Public Law 402, the Smith-Mundt Act, of 1948, which was "an act to promote the better understanding of the United States among the peoples of the world and to strengthen cooperative international relations," which established a permanent U.S. Information Service. After this bill passed the House in the 80th Congress, former Senator Alexander Smith, of New Jersey, who introduced a companion bill in the Senate, rendered trojan service to steering its passage through the Senate. As part of this information service, there was created the "Voice of America," a worldwide broadcasting medium.

As coauthor of this act, now known as the Smith-Mundt Act, I feel a special responsibility to bring to the attention of the Senate and the country the immediate necessity in some penetrating way to get the truth about the United States to the 6,500,000 Cuban people.

I recall to the Senate part of the report of the Mundt special subcommittee of the Committee on Foreign Affairs made in 1948. It reads, in paragraph 7:

> It is essential that the Voice of America adapt its programs to the political conditions and needs of a given country. For example, the people of a country in the throes of political upheaval are vastly more interested in American policy and reactions with regards to their problems than they are in the American adult education program, interesting though that would be under less critical circumstances.

And then in paragraph 8:

> The Voice of America should, with the aim of discomforting the local government and encouraging the resistance of the people in totalitarian and satellite countries, broadcast back to the country concerning news items and commentaries on events, the publicity of which the local authorities seek to suppress.

I sincerely believe that if the voice of truth is heard in Cuba in continuing stream, it will surely, in time, overwhelm with thunderous righteousness the carping, the cackling, the ranting, and raving against the United States and its people which now dominate that island.

Mr. President, just about 1 year ago I sat for nearly 4 hours in the Presidential Room of the Statler Hotel here in Washington listening to Fidel Castro speak to the annual convention of newspaper editors and reply to the questions asked him from the floor. I was there as the guest of Mr. Fred Christopherson, of South Dakota's Sioux Falls Daily Argus-Leader. Frankly, I was unimpressed and totally unconvinced by Castro's statements. However, his representations to that audience concerning his friendship for the United States, and his good will toward the American people, accompanied by his invitation for more American tourists to visit Cuba, have clearly been negated and refuted by his own subsequent actions and declarations. Increasingly since then, he has maligned and criticized the United States and its people without reason and devoid of truthfulness. This constant drumfire of anti-American criticisms, if left too long unanswered in the minds of those captive Cubans who hear it, can create misunderstandings and suspicions and ill will about the United States which will mar Cuban-American relationships long after Castro and his ilk have ceased to maintain tyrannical controls over this presently unhappy island.

In a very pointed way, the Cuban situation tests the very premises upon which the information program and the Voice of America were established and upon which they have operated during the past dozen years. Its premise has ever been that the telling of the truth about the United States and its policies to peoples held in the grip of tyranny would ultimately destroy that grip.

This, Mr. President, is the premise which has carried the Voice of America into distant lands in all parts of the world. Yet, here within the shadow of the Nation, in Cuba, scarcely 90 miles from our shores, we have failed to test this premise as we should. We have in no wise and by no means been getting the truth, and rebutting the lies, into Cuba, with the vigor and scope required to meet this challenge.

It seems such a travesty and indeed such a frightening tragedy that here, close to us, in this land of peoples for whom we have had such long and deep feelings of friendship—in an island paradise the peoples of which are linked in close livelihood to our own and whose security is so intimately geared to our own—in this land the trumpet of tyranny blows. Will we not drown out the blasts against the voice of truth and freedom with all the power we command?

There is one initial start we can make. The means are at hand in the information program—in the Voice of America. Let us utilize the resources of this existing agency so that the truth may carry clearly and sharply across the waters into the confused and brainwashed minds of the Cuban people.

Unfortunately, we have dealt in petty fashion with our broadcast facilities to Latin America since 1953. In that year, the Congress curtailed the budget of the U.S. Information Agency, and, to stay within its budget and to provide facilities presumably needed in other seemingly more provocative parts of the world during that and succeeeding crucial years, the USIA Spanish language broadcasts to Latin American countries were substantially limited.

We send few, if any, broadcasts to Latin America in English, Portuguese, or Spanish from the United States on medium wavelengths. We send limited shortwave transmissions to Cuba, principally in English, which are received by less than 150,000 of the owners of the 1½ million Cuban radio sets. As in this country, the listening habits of Cubans are geared to normal medium wavelength reception. Most Cuban receiving sets are limited to the medium wave broadcast band.

I propose that within the framework of the North American Broadcast Agreement we use the facilities of such commercial broadcasting stations as are

proximate to Cuba and which have some regular Cuban audiences to beam continuing messages of truth toward that island. I well appreciate that we do not have enough existing, adequate clear channel stations to saturate Cuba or facilities using alternating wavelengths to offset Cuban radio interference. But at least this will be making a beginning.

I join with the Senator from Colorado [Mr. ALLOTT] in requesting the U.S. Information Service to make an immediate study and report to the Foreign Relations and the Foreign Affairs Committees and the Appropriations Committees of both Houses to determine other effective broadcast means. The task should not be too difficult. We certainly are the world leaders in this technical field. In their study, I am certain consideration would be given to the suggestion of using the floating transmitter of the Voice of America, as well as possible broadcasts by plane.

To make this beginning, additional funds will be required by the U.S. Information Agency to contract time from commercial stations. Appropriations for the Agency for this fiscal year, ending June 30, have already been determined and obligated.

Within the money presently available to our U.S. Information Agency, I wish to commend the Agency on the efforts which it has been making. For about a year and a half, the Voice of America has been broadcasting shortwave in English to Latin American countries including Cuba. We are still placing materials on certain Cuban radio stations for local broadcasting despite the fact that the Cuban Government has taken over many of the radio outlets and, of course, the necessity of utilizing a very "soft sell" in order to keep our material from being banned entirely from Cuban radio stations. The Agency has also been supporting daily shortwave broadcasts in Spanish to Latin America by station WRUL.

The most significant development in this area of existing activities, however, took place last night when the Voice of America initiated Spanish language broadcast by shortwave to Cuba. Unhappily, shortwave broadcasts are heard by such a small fraction of the Cuban listening public that this is like sending out a boy to do a man's work. But it is far better than doing nothing at all. We need, however, to reach the general listening public in Cuba, in its own language, and with a radio wave which is receivable by Cubans, who like Americans, have the habit of listening to the conventional radio wave lengths. But, with the funds available to it, the U.S. Information Agency is to be congratulated on the initiation of this new Spanish language broadcast to Cuba last night.

I should add, Mr. President, that the U.S. Information Agency has a staff of 9 Americans and 25 local national employees presently working for it in Cuba. We maintain a binational center at San Diego; a reading room was recently opened in Santa Clara which is designed to be converted to a binational center; and seven mobile film units are showing films to schools and other groups throughout the island. Recently, a sizable pamphlet program was conducted including the direct mailing to newspapers and other media of information and communication of releases on Cuban sugar prices, comparing prices paid by the Soviet Union with world prices and those much more attractive prices paid by the United States under the quota system.

However, Mr. President, we must meet the mighty challenge of the hour emanating from Cuba with something more effective and sustained and vigorous than all of the foregoing. We need to hit hard and often with the truth about America. We need to refute the slanderous attacks made against our country. We need to reassure those millions of Cubans who are our present or potential friends that the United States is their most important customer and their faithful, helpful ally and associate.

I have made a firsthand check on the cost involved in purchasing commercial time over the medium-wave stations in our country which have the capability of being heard consistently and widely in Cuba. It is both surprising and gratifying, Mr. President, to learn how much we can do with so little in this area of activity. I find that such stations as WGBS in Miami, which is a 50,000 watt station by day, reduced to 10,000 watts in the evening hours, might well be stepped up to a 50,000 watt nighttime station for purposes of beaming programs to Cuba. Even without such accelerated evening programs, WGBS has a great listening capability in Cuba.

In addition, there are other radio stations in Florida from which USIS could rent program time to beam Spanish language programs of truth to Cuba. From Atlanta, Ga., a clear-channel station, WSB, has a penetration far into the listening areas of Cuba.

I have checked programing costs with these stations and have had Deputy Director Abbott Washburn, of the U.S. Information Agency, supply me with an estimate as to how much money might be needed to step up adequately this campaign of truth to Cuba in the Spanish langauge, on medium-wave broadcasts, between now and the end of the fiscal year. Mr. Washburn reports that a supplemental appropriation of $100,000 for this purpose would enable the USIA to do an effective job in this connection from now until the 1st of July.

My own cost estimates confirm the recommendation of Mr. Washburn. I can think of no place in our entire field of international relations or in the maintenance of our preparedness and security setups that an extra $100,000 made available right now could be more wisely and effectively invested, Mr. President, than to project the type of information program I have been suggesting to the good people of Cuba, whose ties with the United States are strong but who presently find themselves cut off from the customary avenues of information. In fact, such an inexpensive, but thoroughly important, program now might indeed save us billions of dollars of later expense should Cuba pass completely into the arms of alien Communists, or should its Government become permanently anti-American.

Good defense, Mr. President, like good charity, begins at home. At a distance of only 90 miles from Florida there is trouble on the home front which the proper type of information program projected vigorously enough by the Voice of America can help to terminate.

I therefore propose that the sum of $100,000 be immediately appropriated to the USIA earmarked solely for the purposes of a broadcast campaign of truth beamed to Cuba. When the Information Agency gives its report of useful additional facilities to intensify this campaign of truth, Congress at that time can determine additional appropriations in our regular appropriations bill for the ensuing fiscal year.

Mr. President, I submit an amendment, and if unsuccessful in having a special meeting of the Appropriations Committee approve it—and such meeting has been called—I shall offer it as an amendment from the floor to the supplemental appropriations bill soon to come before the Senate.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. MUNDT. Mr. President, we of a certainty are in a battle for the freedom and the peace of this hemisphere. Let us indeed be prepared and equipped for the contest. One of the best steps in preparation, and one of the best weapons in our equipment, is to get the truth about America and the truth about American policies and programs into the minds and hearts of the people of Cuba.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, has an order been entered for the convening of the Senate tomorrow?

The PRESIDING OFFICER. The Chair is advised that no such order has been entered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I do not know if any other Senators desire to address the Senate at the conclusion of the statement about to be made by the Senator from Pennsylvania. How long does the Senator expect to speak?

Mr. CLARK. From 5 to 10 minutes.

Mr. JOHNSON of Texas. Does the Senator know if any other Senators propose to transact any business or ask for any votes this evening?

Mr. CLARK. Not so far as I know.

Mr. MONRONEY. That would not preclude the offering of an amendment and a request that it lie on the table, would it?

Mr. JOHNSON of Texas. Not at all.

Mr. President, I give assurance to all Senators that no other business will be transacted today except the insertion of matters in the RECORD or the offering of amendments; that there will be no votes of any kind; and that when we conclude our business today, we will reconvene at noon tomorrow.

Mr. MUNDT. Mr. President, will the Senator from Texas speak a little louder, please?

Mr. JOHNSON of Texas. I had said that when the Senate concluded its business today, it would adjourn until noon tomorrow; that there would be no yea-and-nay votes this evening; but that the Senate would remain in session to enable Senators to offer amendments and make insertions in the RECORD. No voting is expected to take place, and no business will be transacted other than the insertion of matters in the RECORD and the offering of amendments.

Mr. MUNDT. That will be very satisfactory.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. CLARK. Mr. President, first, I desire to comment on the able speech made by the distinguished junior Senator from Virginia [Mr. ROBERTSON] a few minutes ago with respect to the pending amendment; and second, on the letter from the Attorney General, which the minority leader read into the RECORD earlier this afternoon.

As a practicing lawyer, I should like to differ with the viewpoint expressed by my good friend, the very able lawyer from Virginia, that there is anything unconstitutional about the pending amendment. The Senator from Virginia bases his claim about the lack of constitutionality of the amendment on the theory that a presumption is created under the amendment which is not in accord with the basic facts. He goes further and cites certain Supreme Court cases, including an opinion by the late great Justice Oliver Wendell Holmes, to the effect that any presumption arising from a state of facts must be reasonable. He concludes that the presumption we create in the amendment from the basic facts is not reasonable, and that therefore the amendment is unconstitutional.

However, there is no presumption in the Clark-Javits amendment. We do not utilize the doctrine of presumption at all. Accordingly, in my judgment, and in the judgment of my cosponsors, the argument of the Senator from Virginia falls of its own weight.

It is not true, as the Senator from Virginia avers, that every person has been denied the right to vote if and when a presumption has been found. On the contrary, every person, after a pattern or practice of discrimination has been found, must come before the voting referee and testify under oath that he meets the qualifications set forth by State law. This is not a presumption. It is a judicial procedure to ascertain a fact in and of itself.

Mr. President, I turn now to the question of presumption. The doctrine of presumption has nothing to do with the Clark-Javits amendment. Our amendment will create new Federal procedure which will be called into effect if—and only if—a pattern of discrimination is found to exist by a Federal district court, in an adversary judicial proceeding. Accordingly, we conclude that no constitutional question is raised by this amendment; and I confirm what my friend, the Senator from Virginia, said—namely, that any off-the-cuff indication to the contrary which may have been voiced on the spur of the moment by the Attorney General, when he appeared before the Committee on Rules and Administration, is not entitled to any serious consideration whatever. I reiterate that no constitutional question is involved in the pending amendment.

Mr. President, it is the judgment of the sponsors of the pending amendment that the procedure it provides for is fair, affords due process to the interested parties, and is attuned, to the extent that it can well be, to the need for speed.

The provisions for provisional voting are fair and are precisely spelled out, and are equally applicable in districts where voting machines, rather than paper ballots, are used. When a vote is challenged, it can be cast by paper ballot, and thus can be identified separately from the votes cast on the voting machines. Today that is done in my State, and in many other States, in the case of military voters and absentee voters. In every instance where that occurs under State election procedures, the secrecy of the ballot has always been maintained, and I see no reason to doubt that that would be done in this case.

I turn briefly, Mr. President, to the rather extraordinary letter from the Attorney General to the Senator from Illinois [Mr. DIRKSEN], which was read into the RECORD earlier this afternoon. In order to afford my colleagues who may read the RECORD tomorrow an opportunity to consider my comments on the letter and at the same time have the letter before them, I ask unanimous consent that the letter be printed at this point in the RECORD, even though I know it has already been printed in the RECORD.

The PRESIDING OFFICER (Mr. HART in the chair). Without objection, it is so ordered..

The letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 22, 1960.

Hon. EVERETT M. DIRKSEN,
U.S. Senate,
Washington, D.C

DEAR SENATOR: You have asked for my comments upon the Clark-Javi[illegible] amendment (3–11–60—B) to section 3 of your amendment (2–24–60—I) to H.R. 8315. Essentially, the Clark-Javits amendment would combine a voting referee proposal with the so-called enrollment officer procedures proposed by Senator Hennings (3–10–60—F).

Supporters of the Federal enrollment proposal contend that it is a stronger measure than the administration's referee proposal. This is not so. As a practical matter it would be worthless. It is for that reason that the administration is strongly opposed to it.

The defects of the Federal enrollment proposal cannot be avoided simply by adding the proposal to the voting referee plan.

Stated very simply, the Federal enrollment proposal would be totally ineffective, except in cases of voluntary compliance by State officials, because it does not provide any practical method of enforcement. It would provide the Negro with an opportunity to have his name enrolled by a Federal enrollment officer, but it does not provide any effective way to insure that State officials will allow the Negro to vote.

It provides that when a State election official refuses to honor a Federal enrollment certificate and denies the Negro the right to vote a suit for an injunction may thereafter be started by the Attorney General on behalf of those who have been deprived of the right to vote. Such equitable relief would be of no value because by the time the lawsuit was concluded the election would be over.

The act by the State officials of refusing to honor a certificate of the enrollment officer would not subject them to actions for contempt of court for they would not have disobeyed an outstanding injunction.

Nor does the fact that the officials would be subject to criminal penalties breathe life into the Federal enrollment proposal because, as I have stated on many occasions, criminal remedies in this field are of little or no value.

By way of contrast, under the voting referee proposal, this would be an outstanding court order requiring State officials to permit Negroes named in the order to vote. Any failure to comply with this order would permit the court to proceed immediately to hold them in contempt and impose a sentence of 45 days in jail or $1,000 fine.

I should like to use this opportunity again to emphasize that it is not enough, as the authors of the Clark-Javits amendment apparently believe, to pass a bill that simply assures Negroes of the right to register.

In an apparent failure to appreciate this simple truth, the authors of the Clark-Javits amendment would also emasculate the voting referee proposal.

I would particularly call attention to subsection (b)(2), page 3, of the Clark-Javits amendment which provides that an order declaring an applicant qualified to vote: "shall become effective 20 days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person."

Such a provision emasculates the voting referee proposal and would make a farce of any bill which included it. In practice, it would mean that after a Negro has applied to the Federal court and has proven his qualifications before the judge or a referee and the court has issued an order certifying him as qualified to vote, a State official could completely wipe out the binding effect of that court order simply by placing the Negro's name in a registration book. Once this was done, and the court order was vacated, State election officials would be under absolutely no compulsion from Federal process to permit the Negro to vote. It is the right to vote, and not merely the right to register that the 15th amendment of the Constitution guarantees to the Negro citizen.

To summarize then, the Clark-Javits proposal suffers from a fatal illness—it cannot be enforced. It is simply an enrollment scheme providing no guarantees that the Negro will be permitted to vote not now contained in the Constitution and present laws. If added

to the voting referee proposal of the administration it would not only clutter it up with worthless provisions but would seriously weaken it.

With kind regards.

Sincerely,

WILLIAM P. ROGERS,
Attorney General.

Mr. CLARK. Mr. President, I intend to disregard the intemperate language and the purple adjectives in which the Attorney General has stated his case. In my judgment, his phraseology would be more appropriate to a political speech than to a seriously reasoned legal document intended to call the legal views of the Attorney General of the United States to the attention of the Senate.

Therefore, I turn immediately to the Attorney General's substantive objections to the Clark-Javits amendment, which are two in number.

First, the Attorney General states, in paragraph 4 of his letter:

The Federal enrollment proposal would be totally ineffective, except in cases of voluntary compliance by State officials, because it does not provide any practical method of enforcement.

And in the same paragraph we find this:

It does not provide any effective way to insure that State officials will allow the Negro to vote.

Later in the letter the Attorney General states:

The act by the State officials of refusing to honor a certificate of the enrollment officer would not subject them to actions for contempt of court for they would not have disobeyed an outstanding injunction.

I believe that argument to be unfounded in fact or in law, Mr. President. I shall now read the pertinent provisions of the amendment which I believe sustain my position; I quote from page 8, line 20, of the amendment, beginning with paragraph (3) of subsection (c):

(3) Each qualified voter who is enrolled pursuant to this subsection shall have the right to vote, and to have such vote counted, in any election held in his registration district subject to the provisions of paragraph (4) of this subsection.

(4) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other persons having standing under State law the right to challenge the determination of State registration or election officials that another person is qualified to vote or the right at the time of elections to challenge the eligibility to vote of persons enrolled hereunder.

Now I call the careful attention of my colleagues to the language which follows, and which I quote, and desire to emphasize:

Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made.

Later in the same paragraph, I quote further:

In any suit under the provisions of this paragraph, the determination of the Federal enrollment officer with respect to such registration shall not be stayed pending the final decision of the district court.

Mr. President, these provisions make it abundantly clear that a violation by a State election officer of the enrolling of a citizen by a Federal enrollment officer and the giving to that citizen of an election certificate will be a violation of Federal law; and a violation of Federal law can be enforced by a Federal district court at any time; and, specifically, I read the provisions of paragraph (6), on page 10, beginning at line 13, in the pending amendment:

(6) Federal enrollment officers shall determine whether persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted. For this purpose each such officer shall be authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted, the Federal enrollment officer shall forthwith notify the Attorney General.

So, Mr. President, let us make the basic factual assumption which the Attorney General makes, which is that when they come to the polling place, the local officials will deny the enrolled, disfranchised citizen the right to vote, even though he has been registered. The Attorney General says there is no way by which that order can be enforced. Well, Mr. President, I do not know why the Attorney General did not see fit in his letter to refer to the provision of the amendment which immediately follows the portion I read a moment ago, which is paragraph (7), beginning in line 23, on page 10, and reading as follows:

(7) The provisions of this subsection shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such registration district is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under this subsection shall have been denied or interfered with—

And mark this well, Mr. President—

and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate.

That means, to any layman, as well as it means to any lawyer, that the moment an election official refuses to permit a citizen to vote, after it has been found he is entitled to vote by a Federal enrollment officer, the Attorney General of the United States, acting through his duly authorized U.S. attorney or one of his deputies who operates out of a Federal district court to which jurisdiction is given over these proceedings, will immediately go into court and have a temporary restraining order issued directing the election officials to permit the individual, and all similarly situated individuals, to vote; and if they refuse to do so, that is clearly contempt of court.

Mr. President, the procedure which we have set up in the pending amendment is identical, in substance and in principle, with the procedures for permitting a challenge of a vote contained in the election laws of all 50 States, from Alaska all the way through to Wyoming.

Mr. President, for the Attorney General to attempt to tell the Senate of the United States that is not the law is, I think, an extraordinary action to take for an official who has risen to the height of his profession and is acting as the Attorney General of the United States.

Mr. President, I am most anxious to say nothing intemperate in the course of my remarks, but I ask my colleagues to consider carefully what the Attorney General said in his letter our amendment provides, and the further explanation which I have just made, as well as the very eloquent comments the senior Senator from New York [Mr. JAVITS] made earlier today, when the letter of the Attorney General was first read.

So much, Mr. President, for the Attorney General's first point. I turn now to his second point, which is, in effect, that our amendment is defective in subsection (b)(2), on page 3, where we give State authorities an opportunity to act and register an individual after a pattern or practice of discrimination has been found by a Federal court.

This provision was a compromise provision and was intended to give State officials an opportunity to purge themselves, an oportunity to save their face, an opportunity to do the right and just thing, by permitting their own citizens to register, under their own State laws, instead of requiring that a Federal procedure should be invoked to insure the citizen of his constitutional rights.

It is a little surprising that so temperate and moderate a provision should be found objectionable by the Attorney General, when he stated:

Such a provision emasculates the voting referee proposal and would make a farce of any bill which included it. In practice, it would mean that after a Negro has applied to the Federal court and has proven his qualifications before the judge or a referee and the court has issued an order certifying him as qualified to vote, a State official could completely wipe out the binding effect of that court order simply by placing the Negro's name in a registration book.

Once this was done, and the court order was vacated, State election officials would be under absolutely no compulsion from Federal process to permit the Negro to vote. It is the right to vote, and not merely the right to register, that the 15th amendment of the Constitution guarantees to the Negro citizen.

Again I find myself regretfully compelled to differ completely from the legal judgment of the Attorney General. In fact, it is difficult indeed for me to understand how he could have come to a conclusion so contrary to what seems clearly set forth in the pending amendment.

And again, in order that Senators may have the pertinent provisions of the amendment before them, I shall again read them into the RECORD. I quote first from subsection (b)(1), beginning at line 22 of page 2 of the amendment:

If the court finds such pattern or practice, any person of such race or color residing

within the affected area shall, for 1 year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote.

So we find our disfranchised citizen entitled to an order declaring him qualified to vote.

I turn now to subsection (b)(2), which provides that an order qualifying the citizen to vote shall become effective, and I now quote again:

Twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote. Except as provided in this paragraph, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

I quote again from subsection (b)(3), which immediately follows what I have just read:

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared to vote shall be permitted to vote in any such election.

Skipping a sentence, and quoting again:

The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

Mr. President, let us see how this would work out. A pattern of discrimination would be found. The Attorney General would cause a Federal referee to be appointed by the court. The Federal referee would find that John Doe had illegally been deprived of his right to register and to vote. The Attorney General would prepare an order for the court's approval, which would say, "John Doe shall be permitted to be registered and to vote." I ask Senators not to forget the "and to vote."

Thereupon the Governor would have a chance to purge the State. The Governor could move in to register John Doe or to cause him to be registered. Thereupon, according to the provisions of the amendment, the order may be vacated—and I wish to emphasize that the amendment states that the order "may" be vacated—if the attorney general of the State came to the court to ask to have it vacated because the State had purged itself of its illegal action.

In the first place, Mr. President, can we imagine a State attorney general coming to court to say, "We do not need any Federal action any more because the State has enrolled this fellow and he is going to be allowed to vote." But let us assume an attorney general would be so contemptuous of a Federal court.

Let us assume also that when the man got to the polling place he was not allowed to vote. The vacated order, lying in the court under the court's judicial jurisdiction, vacated for the time being because the State had purged itself, could, under any ordinary principle of equity, be called immediately into effect by the court, which would be told by the individual that he had not been permitted to vote. Immediately the provisions which I read earlier, which authorize the invoking of civil and equitable remedies to enforce the vacated—but—reinstated court order, would be called into effect, as would be the case if the Federal enrollment officer reported to the court that an individual who had been enrolled was denied the right to vote.

A temporary restraining order would be slapped on the election officials, as it would be slapped on in the State of Michigan, the State represented in part by my friend who is presently occupying the Chair [Mr. HART]; or in the State of Oklahoma, the State of another distinguished Senator who is present in the Chamber; or in the State of Pennsylvania, from which I come; or in every other State of the Union.

When a man's right to vote is challenged and he defies the challenge, he can go to the election court. If the challenge were unfounded—as it would be in this case, because the man would have been previously determined to be entitled to vote by the decree of the Federal court, held in abeyance or temporarily vacated because of the action of the State—action would be taken. I think there is no shadow of doubt that in such an instance anybody who defied such an order by the Federal court would be held to be guilty of contempt.

Mr. President, with all due deference I say again that in my judgment—and I am sure I speak for the senior Senator from New York, who unfortunately had to leave the Chamber—there is no merit in the position taken by the Attorney General. I am confident that any Senators who read the debate of this afternoon will give that position scant heed.

Mr. President, I yield the floor.

Mr. MONRONEY. Mr. President, I offer an amendment for myself and Senators KERR, GORE, BIBLE, CASE of South Dakota, MAGNUSON, CHURCH, LONG of Hawaii, TALMADGE, and RANDOLPH. I ask that it be read for the information of the Senate, be printed, and lie on the table.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 14, beginning with line 21, it is proposed to strike out all through line 9 on page 15.

On page 15, line 10, it is proposed to strike out "(2) Section 10 of such Act" and in lieu thereof to insert the following: "(b) Section 10 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress)".

On page 16, beginning with line 1, it is proposed to strike out all through line 15 on page 17.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. MONRONEY. Mr. President, I ask that there may be printed at this point in the RECORD an explanation of the proposed impacted area school amendment to the civil rights bill.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF PROPOSED IMPACTED AREA SCHOOL AMENDMENT TO THE CIVIL RIGHTS BILL

Under the amendment to be proposed by Senator MONRONEY and others to section 5 of the Dirksen civil rights substitute, section 10 of Public Law 85-620 would be amended to read as follows (new language italic):

"CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

"SEC. 10. In the case of children who it is estimated by the Commissioner in any fiscal year will reside on Federal property at the end of the next fiscal year—

"(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

"(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make arrangements for constructing or otherwise providing the minimum school facilities necessary for the education of such children. *Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children.* To the maximum extent practicable school facilities provided under this section shall be comparable to minimum school facilities provided for children in comparable communities in the State. This section shall not apply (A) to children who reside on Federal property under the control of the Atomic Energy Commission, and (B) to Indian children attending federally operated Indian schools. Whenever it is necessary for the Commissioner to provide school facilities for children residing on Federal property under this section, the membership of such children may not be included in computing under section 5 the maximum on the total of the payments for any local educational agency."

The amendment would strike the following additional provisions proposed to be inserted in Public Law 85-620 by the Dirksen substitute in its present form.

"(b) Whenever the Commissioner determines that—

"(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agency of such determination and shall thereupon be entitled to possession of such facilities for purposes of subsection (a), on such terms and condi-

tions as may be prescribed in regulations of the Commissioner. Such regulations shall include provision for payment of rental in an amount which bears the same relationship to what, in the judgment of the Commissioner, is a reasonable rental for such facilities as the non-Federal share of the cost of construction of such facilities bore to the total cost of construction thereof (including the cost of land offsite improvements), adjusted to take into consideration the depreciation in the value of the facilities and such other factors as the Commissioner deems relevant. Upon application by the local educational agency for the school district in which such facilities are situated and determination by the Commissioner that such agency is able and willing to provide suitable free public education for the children in the school district of such agency to whom section 10 is applicable, or upon determination by the Commissioner that such facilities are no longer needed for purposes of subsection (a), possession of the facilities shall be returned to such agency. Such return shall be effected at such time as, in the judgment of the Commissioner, will be in the best interest of the children who are receiving free public education in such facilities, and in the light of the objectives of this Act and the commitments made to personnel employed in connection with operation of such facilities pursuant to arrangements made by the Commissioner."

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 22, 1960, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir;

S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States;

S. 2185. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea;

S. 2483. An act to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; and

S.J. Res. 115. Joint resolution authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site.

ADJOURNMENT

Mr. MONRONEY. Mr. President, pursuant to the order previously entered I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 25 minutes p.m.) the Senate adjourned, pursuant to the order previously entered, until tomorrow, Wednesday, March 23, 1960, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 22, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Corinthians 4: 11: *That the life of Jesus might be made manifest in our mortal flesh.*

Almighty God, grateful for Thy divine providence, we are again gathering in the fellowship of prayer, bringing our many needs to Thy loving kindness; our weakness to Thy strength; our littleness to Thy greatness; and our sinful and wayward hearts to Thy grace and mercy to be pardoned and purified.

Grant that in the midst of the darkness and confusion of our times we may walk together in faith and in humility, seeking earnestly to know Thy holy will and doing it with courage and faithfulness.

May there be in us a new nativity of the spirit of sympathy and understanding, endowing us with insight to see more clearly the hidden splendor and the eternal worth of every human soul.

Inspire us with a nobler skill in the art of brotherly living and may the character and conduct of the lowly Man of Galilee be made manifest in all our contacts with our fellow men.

Hear us in His name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

FREDRIC MARCH AND FLORENCE ELDRIDGE

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, many Americans were recently disturbed by news of the arrest and detention of noted actor Fredric March and his wife, Florence Eldridge, in Madras State, India.

This famous couple along with Dr. and Mrs. Burrill Crohn, of New Milford, Conn., were charged with illegal possession of alcohol and were required to put up $16,000 before they were released.

It has since been revealed that the party carried approximately 3 ounces of liquor and that the complaint against them was filed by a travel agent who was in competition with the agent who was handling their trip and who sought to embarrass his competitor.

I am happy to say that the incident has had a pleasant ending.

In India, Government Official Raj Bahadur, of the Indian Ministry of Transport, has extended the unqualified apologies of the Indian Government.

Mr. March, in a letter to me, states that his party now looks back on the whole affair as "an amusing incident."

Mr. March concludes his comments with a handsome bouquet for the Indian people generally. I quote from his letter:

> This one incident could not in any way outweigh the kindness, courtesy, and hospitality we had on all sides during our 4 weeks in India.

Thus, a gentleman graciously terminates what might have been a serious source of international tension. Congratulations, Mr. March.

CALL OF THE HOUSE

Mr. ALFORD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 30]

Anderson, Mont.	Chiperfield	Michel
Arends	Coffin	Miller N.Y.
Baumhart	Durham	Minshall
Bennett, Mich.	Fallon	Montoya
Blitch	Healey	Powell
Brown, Mo.	Hess	Reuss
Budge	Holifield	Saylor
Canfield	Hosmer	Scherer
	McGinley	Taylor

The SPEAKER. On this rollcall 406 Members have answered to their names; a quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose yesterday there was pending an amendment offered by the gentleman from Ohio [Mr. McCULLOCH], a substitute amendment offered by the gentleman from New York [Mr. CELLER] for the McCulloch amendment, and an amendment by the gentleman from South Carolina [Mr. HEMPHILL] to the Celler substitute amendment.

Without objection, the Clerk will again report the Hemphill amendment to the substitute.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. HEMPHILL to the amendment of Mr. CELLER as a substitute for the amendment of Mr. McCULLOCH: On page 3, line 11, after the word "district" and the comma add "who shall have knowledge of and shall satisfy the court as to their familiarity with the election laws involved, the qualifications of electors, and the election laws of the particular State or governmental subdivision involved, and the Statutes of the United States applicable to said elections."

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the so-called Hemphill amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HEMPHILL. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes.

The CHAIRMAN. The time has been fixed, but if there is no objection, the gentleman may proceed.

Is there objection?

There was no objection.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I shall be glad to yield to the gentleman from Indiana.

Mr. HALLECK. I think it ought to be understood that when this measure was originally introduced there were two requirements that are presently in the McCulloch amendment that were put in there to allay certain fears that were expressed. The first was the requirement that the referee be a qualified voter, and, secondly, that he live in the judicial district.

I just wanted to say at this point that in my opinion that is a sufficient protection for what we are undertaking to do.

Mr. HEMPHILL. I am glad to have the views of the gentleman from Indiana, but am sorry that he does not subscribe to the view that if you are going to put someone in a position of a judge at the ballot box he should have some knowledge of the laws governing elections. The gentleman has been in politics for many years and I assume can appreciate that in politics anything can happen, and some political hack may be put in as a referee, and some political hack will be put in as a referee. Now, if you are going to put somebody at the ballot box of this Nation—and I want you to listen to me, those of you who have to go down the line and vote for this bill whether you like it or not—if you are going to put somebody at the ballot box of this Nation and say to the voters back home that you are voting to put a man there who has no other qualification than that he can vote and that he lives in the district, then you are saying to all the people who manage elections and who are chosen as judges of election in the present system, that you are not going to require of referees anything other than residence and voting qualification, but they can supervise the ballot box as they please.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. JONAS. Is it not true that the referee will occupy a very, very important position if this bill passes and, therefore, it is necessary to see that the person chosen be qualified to discharge the important duties assigned to him if this bill is enacted?

Mr. HEMPHILL. The gentleman is correct. Those of you who are not lawyers, I want you to listen to this, considering rule 53, which is the rule providing for the appointment of special masters by the district courts of the United States, certain decisions have come forth which have interpreted that rule. They say: "Do not refer anything to a master except in unusual cases." It is the exception and not the rule in Federal courts; and since the courts have held it is the exception and not the rule, the courts of the Nation even up to the Supreme Court have recognized the fact that when you take power away from the courts and put it into the hands of the master you are taking an extraordinary proceeding.

Under the rule the master is appointed to help the court and his appointment and his activities are only for the purpose of assisting the court to get facts and arrive at the correct result—*Webster Isenlor, Inc.*, v. *Kalodner* (145 F. (2) 316).

Where issues are complicated and complex the district court has the power, in its discretion, to appoint a special master, but such power should only be exercised in exceptional circumstances. See *Fraver* v. *Studebaker* (11 F.R.D. 94).

If you vote for this referee proposal and fail to write in qualifications, this legislation will cause unending trouble and litigation. Your vote will rise to haunt you. Do not say you had no warning. Say by your vote you would not listen or did not care.

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, the bill that is before the Committee provides that the referee shall be a qualified elector of the judicial district in which the case arises. May I remind the members of the Committee that the requirements provided in the amendment offered by the gentleman from South Carolina are greater than the requirements to become the Chief Justice of the United States or of any Justice of that Court.

Mr. HEMPHILL. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from South Carolina.

Mr. HEMPHILL. I thank the gentleman. May I ask the gentleman, his amendment and the Celler substitute states they are dealing with what you have professedly proclaimed as the sacred right of the ballot box. You are taking it away from the ordinary judicial processes, with the exceptions that have been mentioned.

Now, do we not need every safeguard we can get that this is not a potential monstrosity and not to be used for political purposes?

Mr. McCULLOCH. May I say to the gentleman the provisions of the bill that is before us have adequate safeguards.

Mr. Chairman, referees or masters in cases of law and equity in the United States have no greater qualifications and probably not so great as those required in my bill. I see no reason for bringing into this legislation qualifications far above those required of a referee in bankruptcy or a receiver in a court of equity in a case that might be passing upon property worth millions if not billions of dollars—General Motors and Du Pont, for instance—or other human rights.

I trust that the Committee will reject the amendment offered by the gentleman from South Carolina [Mr. HEMPHILL].

Mr. RAINS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. RAINS. Mr. Chairman, I do not think we should refer to the bill now under consideration as a civil rights bill. For it is, in purpose and intent, a Federal intervention bill—Federal intervention in State election machinery, Federal intervention in State owned and operated school systems, Federal intervention in the whole area of State jurisdiction.

The Justice Department clamors for referees or registrars to meddle with State voting machinery. The Justice Department says it is imperative that title 1 of this bill be enacted to make the use of force or threats of force in school integration cases a Federal crime. My distinguished colleague, the gentleman from Louisiana, who serves so ably on the Judiciary Committee, and who has closely followed this bill since it was offered, has already presented a detailed report on the very dangerous propositions included in this legislation.

I do not see how any Member of Congress can fail to understand the significance of all of these Justice Department demands. They represent not merely a wedge into ultimate usurpation of States rights but rather a revolving door.

Title I deals with the obstruction of court orders relating to school integration. As you gentlemen are doubtless aware, the language of this section is highly questionable insofar as the constitutionality is concerned and I believe that when we amend the criminal code, as this section would do, we must be very specific. In this instance, freedom of speech is obviously involved and I am opposed to any legislation which tampers with our most basic heritage in so broad and sweeping a manner.

Title III, relating to Federal election records, is in my opinion unconstitutional in theory and certainly would be in practice. I do not think Congress has the power under our existing Constitution to require the States to take this action and I do not believe our States would grant this power even if Congress offered such a proposal in the form of a constitutional amendment.

The same applies to the last-ditch attempt of the Attorney General to attach his voting referee proposal to this bill. He could not get this measure in committee so he arranged for it on the House floor. It is now presented to us after having circumvented public hearings and the conventional channels of parliamentary procedure.

The Constitution of the United States expressly reserves to the States the power and right to control elections. Yet today we are being asked by the administration to empower Federal judges to determine our poll lists. There is little difference between the referee plan and the registrar plan—they both lead to the same end and by now it should be apparent to everyone that this administration is fanatically dedicated to that end, whatever the means, whatever the cost.

Mr. Chairman, we in the South have had some historical experience with the sort of monster which this legislation could so easily create. I am referring to

the iniquitous Freedmen's Bureau, one of the many abuses which my State suffered during Reconstruction. The bill which you are now considering is taken in large measure from Reconstruction laws and proposals.

If you doubt this, let me refer you to the Congressional Globe of the 1st session of the 39th Congress, 1865–66.

There you may read some of the same arguments which are today being offered for this civil rights bill. They were debating a similar proposition in this very Chamber back in 1866 when we in the South had no representatives in the Congress. During that shameful session, the virus of Federal intervention in State elections was first conceived as a punitive measure against the 11 Southern States which had constituted the Confederacy.

If you read the Congressional Globe of that day, you will find that there were a few legislators from the North and the East who resisted these measures with all their strength, and they warned that such legislation would destroy all States and wreck our constitutional government.

Let me remind you gentlemen, one and all, that while today you may send Federal registrars or referees or judges to tamper with Alabama's poll lists, tomorrow these same officials will be on your own doorsteps. They may be filling out the poll lists in Springfield, in Sacramento, in Schenectady, and the day may come when there will be no reason to have an election, for the Justice Department will determine the results.

If our sovereign States are not to retain the right to hold their own elections, what rights may a State possess? Any further judicial aggression against the respective States can lead only to their destruction as effective units of government, for all of their powers will have been usurped.

One of these days, Mr. Chairman, the American people will rise up in a collective outrage at the time and the expense which Congress devotes to so-called civil rights bills. I am certain that this year the Senate and the House will spend more time by far on this subject than we will spend in considering our national defense efforts against a confident and growing power which has no regard at all for any kind of human rights.

Let us put our efforts where they are most needed. Let us preserve our own freedoms which are based in our constitutional concept of the balance of powers between State and Federal Governments.

I urge that the pending bill be defeated. If we must have more Federal intervention, let us have it in the space above us where our achievements will determine whether or not we are to survive with any rights at all.

The CHAIRMAN. All time has expired. The question is on the amendment to the substitute offered by the gentleman from South Carolina [Mr. HEMPHILL].

The amendment was rejected.

Mr. JONAS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONAS. Mr. Chairman, I cannot understand why the most ardent advocates of this legislation would oppose the pending amendment. It would not emasculate the bill, it would not impede its implementation, and it would not interfere with any of the objectives sought to be attained. It is a reasonable amendment and by refusing to accept it, and by refusing to accept a number of other clarifying amendments, those who are leading the fight for the bill are in effect saying that the House must accept it as written without the crossing of a "t" or the dotting of an "i." The proponents undoubtedly would have picked up considerable support on final passage if they had been willing to accept this amendment and several others of a similar nature that have been offered during the course of the debate.

This amendment would simply impose a few reasonable qualifications upon those who may be selected as voting referees. The only qualification in the bill so far is that the voting referee must be a qualified voter in the district in which the case arises. Yet he is given power under the bill to conduct hearings, to make findings of fact, to interpret statutes, and to formulate conclusions of law. In some respects his authority is equal to that of the presiding judge, yet it is argued here that the only required qualification should be that he himself be a voter in the district.

It has been argued in opposition to the amendment that similar qualifications are not prescribed even for judges. The difference, of course, is that the Senate of the United States passes upon the qualifications of the individual appointed as a Federal judge, and it is not only the prerogative but the obligation and responsibility of the Senate to investigate judicial nominees and determine their qualifications by investigation, hearing, and discussion.

But this bill would create a separate judicial officer called a voting referee without setting up any standards, laying down any guideline, or establishing any qualifications whatsoever for the position. I believe the amendment is a reasonable provision and again say that I am surprised that the proponents of the legislation are not willing to accept it. I shall vote for the Hemphill amendment and assert that its adoption will not to any degree whatsoever interfere with or militate against the right of any person to vote.

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIS to the substitute of Mr. CELLER to the amendment of Mr. MCCULLOCH: On line 4, page 2, after "a", insert the word "continuing".

Mr. WILLIS. Mr. Chairman, I have offered a number of amendments; but, outside of this one and probably another one I will offer after a while, I will have no more amendments to this referee proposal personally, and probably none by myself to the major bill under consideration, H.R. 8601. As a matter of fact, I shall not take much time on this amendment.

The amendment is to the very first sentence of the bill, which reads as follows:

In any proceeding instituted pursuant to subsection (c), in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall, upon request of the Attorney General, and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice.

This speaks about the past, "was" or "is." In other words, under this language, if a Federal judge finds that 2 years ago, 3 years ago, 10 years ago there was a pattern or practice of discrimination, then he appoints the referee. The only thing in the world my amendment would do would be to require that this alleged pattern or practice of discrimination is pursuant to a continuing pattern. Let it be assumed, for the sake of argument, that 5 years ago there was a pattern or practice of discrimination. Do you not think that before going into the radical provisions of this bill, permitting the appointment of a referee, that they should bring the pattern up to date; that it is a continuing thing; that it exists at the time of the trial? That is exactly the reason for those words, that if he finds that the discrimination was or is pursuant to a pattern, then we are given the shot of this bill. We can scratch the word "was" and insert the words "pursuant to a continuing practice."

Now, I do not want to point the finger at anybody, but believe me, I have assumed, by virtue of discussions at high levels, that this amendment would be accepted. So, the only thing I am trying to do by this amendment before we get a referee in the picture and before the referees give voting certificates to everybody in the affected area, at least there be shown that the pattern of discrimination is something that is present, that exists, and that they cannot require the appointment of referees and permit the referees to issue voting certificates without showing that the alleged discrimination is going on currently or continuously.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. HOLTZMAN. Under this bill, on line 10, would it not be necessary for the person claiming to have been deprived or denied the right to register to vote to establish that he made application and that he was again denied the right, pursuant to this practice?

Mr. WILLIS. That is correct.

Mr. HOLTZMAN. Would not that mean that it is, in fact, a continuing situation that would have to be proved?

Mr. WILLIS. No; not at all. The language that the gentleman just referred to was one more of the refinements that at certain discussions was agreed to. We appreciate that. It goes a part of the way, but it does not meet

what I am talking about now, for this reason: True it is that after the referee makes a finding of discrimination, the registrar of voters may be permitted to purge himself, if that is the word, of the accusation, and that the people interested in voting must attempt to vote after the decree, but that person may never have gone before. That is incidental, and that is rather outside the establishment of the pattern or practice.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the use of the word "continuing" would, indeed, be fatal to this bill. You would add an element of intensive, repetitive litigation. A Negro, for example, would be compelled to prove that the pattern or practice originally found by the court in the first instance still continues. In every case that burden of proof to show the continued pattern or practice would rest upon the applicant Negro.

I say with emphasis, in each and every case—and there would be myriads of cases—the presumption, which is the very keystone of the bill, the presumption of pattern or practice would be destroyed. If you want this bill you cannot favor this amendment. If you do not want the bill then you must favor the amendment.

It was to prevent the constant and the continuing appeals to the court, it was to prevent the repetition of cases by the score, that this amendment was devised. The pattern may have existed last week but not this week; last month but not this month. The court would be compelled repeatedly to find in every single case that that pattern or practice continued. This would put us exactly where we were in 1957. And why did we bring forth this bill? Because in the 1957 act it was essential to bring a separate, individual case in every one of those matters where there had been discrimination. To obviate the bringing of so many, many individual cases was the reason for this bill that we now have and the setting up of this presumption of pattern or practice.

If you have to have each applicant who wants to register and to vote be compelled to assume the burden of a continuing pattern or practice, you vitiate the whole bill, because that would have to be done first before the referee in every instance. Then the referee would have to go back to the court and have the court make a finding or not make a finding. For that reason I do hope the Committee will vote down this amendment.

Mr. SMITH of Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, all this amendment does is to make it clear that there is a continuing practice before the judge can determine that there is a pattern. In other words, it is an effort to find a current practice, a continuing practice, that exists now.

The statement of the gentleman from New York [Mr. CELLER] just made that this would require every applicant to prove again the pattern illustrates the futility, I might say, of trying to write a complicated bill on the floor of the House under the dictates of the Attorney General. No amendment can be seriously considered here without the approval of the Attorney General. Everybody knows that.

The gentleman from New York is entirely mistaken in his argument because, in the very next sentence, his bill provides that this continuing practice once having been determined by the judge remains in effect for 1 year. Nobody has to prove anything about the current practice after it is found by the court to exist.

The gentleman from Louisiana [Mr. WILLIS] mentioned a conference that was held on this very subject and he said it was assumed that it was agreed. Well, the gentleman was very modest in using the word "assumed." I happened to be at the conference and I suggested that it ought to be designated as a "current practice." Those who are proposing the bill and were for the bill saw the reason of that and said, "Well, we don't like the word 'current,' let us use the word 'continuing.'" We thought that did the same thing to all intents and purposes and accepted it. In other words, what we are trying to avoid is having evidence presented that maybe 5 or 10 years ago there was a practice that no longer exists. That is all we wanted, a practice that is existing at this time. That is all the word "continuing" does. After that decision of the judge that a current or continuing practice exists, then it lasts for a year under the very language of the bill:

> If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for 1 year and thereafter—

Until the court finds that such practice no longer exists. What else do you want?

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman of North Carolina.

Mr. COOLEY. I wonder if the chairman of the committee would accept the word "exists," "the existing pattern," instead of "continuing"?

Mr. SMITH of Virginia. It would be the same thing. Our difficulty is that we cannot do this on the floor of the House, although we are supposed to be writing the bill. Before you can put a word in or put a comma in or a period, or before you can cross a "t" or dot an "i," you have to go down and consult with the Attorney General, because he is writing it, the House of Representatives has delegated its legislative duties to the Attorney General.

Mr. COOLEY. I am sure the chairman of the committee would be very glad to consult with the Attorney General.

Mr. SMITH of Virginia. I do not think you get anywhere by consulting with the Attorney General. That has been my experience.

This is such a simple amendment, such an obviously desirable amendment, that it is difficult to see why anybody should object to it. It is only the arbitrary decision of the Attorney General that he does not want any changes in his bill. If that is the way the House feels about it, we are going to have a few other little innocuous amendments here before this is over, but it is hardly worthwhile as long as the House is going to answer the dictates of the Attorney General. I had not thought that my friends on the right over here, the Democrats, were so fond of this Republican Attorney General, but they seem to be accepting his dictates on everything and without any reason for it. I think we at least ought to exercise a little bit of sensible discretion of our own. That is all we ask you to do. But if you have to ask the Attorney General about it before you do anything on this bill, you might as well fold up.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

It is with a great deal of regret that I hear the gentleman from Virginia criticize the Attorney General. I cannot see why he criticizes the Attorney General. I have been trying for weeks to get the Justice Department to prosecute some racketeers. I do not know who down in the Attorney General's office it is, but I am sure it is not the Attorney General, but someone tells me you cannot prove motive, that is to say, you cannot prove that this extortion is carried on for any benefit. Of course, if Hoffa does it that is bad. If Reuther gets it, and he must get it somewhere because the union had $1,000,000 to spend in the Kohler strike, that is all right, naturally there was no motive back of that, nothing to gain. That just comes about naturally. Now if I had any suggestion at all, and I would not venture to make one, even though we have been several days on the debate on this question, but I wanted to ask my—well, I will just say I am a great admirer of the gentleman from Virginia, and I do not want to go so far as to claim to be his friend; but I have been wondering why it is, and what became of that coalition that we had back in the time when we put through the Taft-Hartley bill when we overrode Mr. Truman's veto. Do you remember? There was a coalition of southerners with somebody on this side—I do not know what to call them, but I was one of them and that coalition was working pretty good. Last year, they had what they said was a coalition, which was later denied by the Republican leadership—after they had gotten what they wanted over there they said there was nothing to it. Now where is that coalition? They denied it but there must have been one for we did not have the votes. They have had one on this side—on my side—we have had one with somebody over here on this side where my friend, the gentleman from California [Mr. HOLIFIELD] and the gentleman from Illinois [Mr. DAWSON] sit, we had one with them as the opposition, and that one we had is not working out so good and we do not have one getting anywhere, but it has been all right when it comes to obstructing. How come that my friend, the gentleman from Virginia, does not see the gentleman from Indiana on our side and

get that old coalition working or did something happen to somebody? Republicans would get more votes come November that way than we will by this new alliance with the extreme leftwing on the Democratic side.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. SMITH of Virginia. I will say to the gentleman that the coalition which you are speaking of is all in the past and that was before the Attorney General took over the functions and the dictatorship of the House of Representatives.

Mr. HOFFMAN of Michigan. He did?

Mr. SMITH of Virginia. Yes; he did.

Mr. HOFFMAN of Michigan. Well, how about that? What do you know?

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield further?

Mr. HOFFMAN of Michigan. Yes; I yield.

Mr. SMITH of Virginia. I do not know whether the gentleman has noticed and has seen just how far this is the Attorney General's bill because, in the very first sentence of it, it is provided that the judge cannot turn a wheel and he cannot give anybody anything because he must have the application upon the request of the Attorney General. In one of these proceedings do you provide for any voting here—this is not a bill for the relief of voters—this is a bill for the relief of the Attorney General. The Attorney General has to ask the judge to do these things before the judge can turn a wheel.

Mr. HOFFMAN of Michigan. The judge cannot do a thing?

Mr. SMITH of Virginia. No, indeed. A thousand Negroes can go to court and ask the court to give them relief and help to get their right to vote and he cannot do it—no—because he cannot move, without an application from the Attorney General.

Mr. HOFFMAN of Michigan. Can you not do something with the Republican leader to correct that very, very bad situation? You fellows, that is the so-called conservatives, have been buddies for so long. What has happened?

Mr. SMITH of Virginia. I just do not seem to be able to make my good friend—and I am his friend whether he is my friend or not—I cannot seem to be able to make my friend understand that the Attorney General has taken over the House of Representatives.

Mr. HOFFMAN of Michigan. Do you mean it was the Attorney General who has been doing what has been done to me on this labor thing? Do you mean he has been doing that?

Mr. SMITH of Virginia. I am just telling you what he is doing in this bill—and he wrote it. Under this bill, a thousand Negroes can apply to the court for relief and to get their right to vote, and not one of them can get it unless the Attorney General acts.

Mr. HOFFMAN of Michigan. If they all would vote the Republican ticket, and prove that they did, surely any Attorney General would be grateful.

Mr. SMITH of Virginia. Of course. I started to say this was a bill for the political relief of the Attorney General. But, the Attorney General can give or withhold the right to vote to any Negro or any number of Negroes in any city or town in the United States, and nobody—nobody, not even the judge, can give them relief under this bill. You fellows who think you are so smart in getting this bill through—I do not know whether you know what you are doing. I do not think you do, and I do not think you would be voting for this bill if you knew what you were doing.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman from Virginia yield to me?

Mr. SMITH of Virginia. This bill is putting this power in the hands of the Attorney General and he can give the right to vote to your people or withhold that right.

Now, Mr. Chairman, I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. I thank the gentleman. I was dreaming last night maybe there was an agreement on that—maybe we might get more votes over there and in the South by going along with you more than we will ever get from those whose views are so far to the left of what we think and believe.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan may have 3 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN of Michigan. I yield to the gentleman from Virginia.

Mr. Chairman, I yield back the time.

Mr. JOHANSEN. Mr. Chairman, I move to strike out the last word.

I can fully understand a feeling that by now just about everything has been said that there is to say on the issue before us.

Yet I cannot drive from my own mind a deeply disturbing impression that a number of the really important things remain unsaid.

Has anyone said what I gravely fear the facts all too obviously indicate—that even as we debate here and wrangle over legal terminology, relations between the races in this country are seriously deteriorating?

Has anyone ventured to predict with confidence whether what we do here will halt or even lessen that deterioration or whether, unhappily, it will produce only more of controversy, more litigation, new demands for still broader legislation, more mass demonstrations, further breakdown in human and understanding communication between the races?

The President's appeal last week for biracial conferences in the South has significance, in my judgment, both encouraging and unfortunate.

Insofar as it recognizes the need for a renewal of approaches through other media and methods than legislation, police power, the courtroom, and mass demonstrations, his statement is timely and ought to be welcomed by all concerned.

But has anyone—outside, at least of those from the South—raised the pertinent question as to why the President seemed to limit this proposal to the South?

Has anyone, outside of the South, risen to acknowledge in candor and humility that insofar as we must regard racial relations and the related grievances and demands—reasonable and unreasonable—as a problem it is a national and not a regional or sectional problem?

Even more to the point, has anyone given attention to the possibility that all of us—throughout the land, white and Negro, including we in the Congress—have become the captives of the legislative, the police power, litigation type of emphasis to a degree that it not only overshadows but dangerously handicaps the effort to seek and attain voluntary, free, informal, human-type approaches and solutions?

In the demands for Utopia—and in the methods being pursued to meet those demands—are we foreclosing the methods of human progress of the sure and lasting type?

Not enough earnest consideration has been given, in my judgment, to this crucial question.

There are other areas of silence in this long and interminable discussion which I feel it urgently important to mention—in all kindness and charity.

Less has been said than needs to be said by them, I must say to my beleaguered friends from the South, less has been said than needs to be said by them in this debate in line with the statement of the most frequently dissenting former member of the Civil Rights Commission, Governor Battle of Virginia:

> I concur in the proposition that all properly qualified American citizens should have the right to vote.

I can attribute this silence, in a manner of speaking, to a sort of regional invocation of the fifth amendment safeguards against involuntary mass, blanket self-incrimination.

Yet I believe that anything which our friends from the South could find it in their hearts and minds to say by way of reassurance on this score would immeasurably strengthen public support for their rightful desire for patient understanding and for a resumption of the methods of voluntary gradualism which have brought so much of gain and progress for both of the races in that region of our country.

There is another area of silence and of what sometimes seems to me to be deliberate unconcern from some important quarters.

The Civil Rights Commission report acknowledged that "the right to vote is established in most of the country, including many areas in the South."

Yet the matter seems to drop there—and the fact of substantial progress on this score in the South has been all but totally ignored by those whose acknowledgment of it would do most to end the recriminations and heal the breach.

Why has there not been, both from the North and from the Negro leadership, more generous acknowledgment of

that progress? But most important, why has there not been by the Commission and the Congress a painstaking pinpointing of the factors which have accounted for those gains in the South? Does no one think that the factors—many if not most nonlegislative and noncompulsory—which have accounted for these gains might not be the clue to substantial further gains? Or are we too impatient for Utopia?

I am profoundly disturbed because no one has risen in this House—from those areas and segments of our country to which we could reasonably look—to repudiate an incredible viewpoint inserted in the RECORD on February 29.

This viewpoint, contained in an article from a Negro publication, New York Age, seems to say that there is no place among Negro leaders for diversity of viewpoint or minority opinions on the subject of racial relations.

It seems further to imply—as I regret some Negro leadership has seemed to imply—that any leader of that race who ventures to offer views favoring compromise, cooperation, moderation, patience, and tolerance is a betrayer of his race and is playing into the hands of a supposed white man's strategy of "divide and conquer"—as though, between the races, there must be implacable hostility.

What a tragedy that this wicked doctrine has not been renounced by those who alone could give meaningful renunciation.

Is there no surviving wisdom, my friends, in the counsel offered in 1895 by Booker T. Washington, against the dangers and limitations of the methods of "artificial forcing" in this difficult and delicate area of human relations?

Is there no one—outside of the South where such views apparently are regarded as suspect—to plead the wisdom of this sober and solemn counsel?

There is Negro leadership which frankly acknowledges that the current demonstrations throughout our country—North and South—staged in alleged support of Negro rights are mass movement activities. There are those in both races and both parties who see great potential in political bloc activities of our Negro citizens. Is there no one who dares to say, or thinks it important to say, that this is segregation of the most dangerous type and that it can never be reconciled with true civil rights for any American, white or Negro?

I was once challenged by a Negro member of an audience in my district when I pleaded for greater reliance on "the law written on the fleshy tablets of the heart." Did I, he asked me, believe that laws against murder should all be repealed and total reliance placed on this law written on the fleshy tablets of the heart.

I gave him the only answer possible. I replied that, of course, I would advocate no such thing. But, I added, I would very much deplore having to live in a community in which the only restraint and safeguard against murder was the fact that it was against the law.

Today, for all of our shortcomings, I cannot believe that we live in an America in which, for the promotion of justice and progress in racial or any human relations, we must rely solely upon the fact that certain violations, wrongs, or abuses "are against the law."

I pray that my fellow Americans and my colleagues in this House still share that confidence and faith in the inner law of the heart.

Mr. ROBISON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROBISON. Mr. Chairman, the so-called voting referee amendment that has now been added to what will undoubtedly go on to become the Civil Rights Act of 1960 has been born in travail and, for some, pain. All of us regret any wounds that may have been caused or reopened, but we can join in hoping that such will not prove to be lasting and deep.

Though I have not taken an active part in the thorough, and, for the most part, objective debate that has preceded today's action, I have followed that debate diligently and with considerable concern. Most of my concern has been prompted by my awareness that we were deliberately intruding into areas of responsibility that I would normally consider as having been reserved, under our Federal Constitution, to the various States and their political subdivisions.

My record will show that I have voted many times in support of the principle of States rights. I fully expect, so long as I may be privileged to continue to be a Member of this legislative body, to do my best to prevent a further erosion of the intent and effect of the 10th amendment. However, Mr. Chairman, as has been pointed out so often in the past 9 days, we are attempting to deal here with the basic right of all our citizens to vote, regardless of their race, color, or creed. Such a right springs from the very heart of our unique system of self-government, and is the cornerstone of the very foundation upon which our Republic was erected.

The 14th amendment purports to guarantee such a right for all to vote. Unfortunately, that guarantee has had little meaning for the great majority of the Negroes of the South. In seeking to make that guarantee more meaningful, the action we have finally taken becomes not only necessary but proper.

Let us, however, all be fair enough to recognize that merely making it more difficult for any State to further continue a pattern or practice of discrimination against the voting rights of certain of its citizens will not end the problem of racial discrimination and prejudice. The most we can hope it will do is to give the southern Negro a tool which, if wisely used, may serve to help him improve his stature in our society as well as to protect the rights and privileges that have been purported to be his by virtue of the Constitution.

We must recognize that in some ways there is as much prejudice against the Negro in Harlem as there is in Biloxi, and that all such prejudice is bred in ignorance and in folklore and cannot be erased, anywhere, by legislative fiat or court edict, but only through the processes of enlightened education and good will.

In the life or death struggle with the forces of worldwide communism in which America now finds itself, it is my belief that our Nation will have need of the selfless services of each and every one of her citizens, no matter how high or low be their social status and regardless of their religious tenets or the color of their skin.

It is my conviction that we can only win in the struggle with communism if we, all of us, can somehow recapture a sense of partnership in response to the challenges we face, and that, perhaps, only if we can so find that sense of partnership are we worthy of winning.

Mr. PELLY. Mr. Chairman, the members of the Washington State congressional delegation were sent individual copies of a letter addressed to Vice President RICHARD M. NIXON by David Barnette, president of the Washington State Baptist Convention. It was written in line with our current debate on civil rights and proceeds from the churches' vital interest in this important issue.

The position taken last year at the annual meeting of the Washington Baptist Convention was as contained in a resolution adopted as follows:

> We recommend that our churches continue to share in efforts to solve problems of discrimination because of racial or national origin in church membership, residential housing, employment, cemeteries, and education, and in any other areas where this discrimination exists.

President Barnette wrote Vice President NIXON of the churches' deep concern to see steps taken by which all people in the United States may have equal opportunity in whatever direction they may choose to go and therefore the Baptist convention supported legislation to that effect.

Mr. Chairman, the civil rights bill before the House today is to protect voting rights, as guaranteed in the 15th amendment to the Constitution of the United States, and is directed to the very point supported by the Washington Baptist Convention. Once all citizens have the right to vote they can effectively and peacefully through their ballots decide the direction in which they may choose to go. The present legislation before us goes to the basic issue and will be supported, I am sure, by all Washington State Members of Congress.

As for Vice President NIXON, his record and position on civil rights and against discrimination is well known. There can be no doubt on this score. His views in favor of legislation similar to this bill are a matter of record.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate upon the pending Willis amendment close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. FLYNT].

Mr. CELLER. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Georgia [Mr. FLYNT].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FLYNT. Mr. Chairman, I listened very carefully a few minutes ago to the explanation of this amendment by the author of it, the gentleman from Louisiana. I listened equally attentively to the objections to it made by the chairman of the Committee on the Judiciary. I just cannot believe that the gentleman from New York understands the purpose of this amendment. I cannot believe that he or any member of the Committee on the Judiciary would be opposed to the inclusion of the word "continuing" in the place where the amendment, offered by the gentleman from Louisiana [Mr. WILLIS], seeks to include it if they understood it.

For this reason I want you to listen a minute to what it could do. The Celler amendment as written, without the inclusion of the amendment offered by the gentleman from Louisiana, would provide no time limit whatsoever. You could take the oldest citizen in any community—say he is 80, 90 or 100 years old—and under the provisions of the Celler substitute as written, if he had been deprived of a vote 60 years ago he would still have the right to the protection of the referee under the provisions of the Celler substitute. I certainly cannot believe that any member of the Committee on the Judiciary or any Member of the House would want to go back that far. The only purpose of this amendment, as I see it, and as so completely explained by the author of the amendment, the gentleman from Louisiana [Mr. WILLIS] is to put a reasonable time limit, to have a current interpretation of the facts as they exist at this time not as they might have been many years ago.

In all fairness, in all logic, in all reason this amendment should be approved. It will in no way detract from the efficacy of the legislation; however, it will provide a reasonable time limit within which a court action could be brought.

Mr. Chairman, in this legislation as written a man may come in and make a statement, a simple statement, not sworn to, not under oath or affirmation of any kind, and invoke the protection of the Department of Justice, the Attorney General and the Federal court in every Federal judicial district in the United States. I certainly cannot believe that anyone wants to write something into law here without listening and listening carefully to the words and language of the amendment such as the one proposed by the gentleman from Louisiana.

Mr. Chairman, I have reason to believe, and I think that the members of the Committee on the Judiciary who favor this legislation will agree, if they will be honest with the Members of this House, that if this amendment offered by the gentleman from Louisiana [Mr. WILLIS] had been proposed in committee, it would have received almost a unanimous vote of the members of the standing committee which has legislative jurisdiction over this very legislation. There is no reason why anybody should object to including this language, the effect of which is only to put a reasonable time limitation within which to bring proceedings under this act.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WHITENER].

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. ELLIOTT] and I may yield our time to the gentleman from North Carolina [Mr. WHITENER].

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, I rise in support of the amendment proposed by the gentleman from Louisiana [Mr. WILLIS] which, it seems to me, is one which should appeal to the reasoning of every Member of this body. I suppose that other language could have been used to convey the meaning which the gentleman from Louisiana sought to convey when he used the word "continuing" in his amendment. We might have said in this amendment "pursuant to a presently existing pattern" or words to that effect. So, I see no reason, as my good friend, the gentleman from Georgia [Mr. FLYNT] has said, why we should not be fairminded enough to insist that if we are going to adhere to this language "pattern or practice," it should be limited to a pattern or practice currently existing in the so-called area where this voting referee is to operate.

You know, in the law of property, in an action in ejectment, where the question of boundary is involved, one of the requirements before you can offer evidence as to the boundaries of a piece of land by reputation is that the reputation must have been established ante litem motam. Now, that is a wonderful rule of law or rule of evidence in a property case. But, to be sure, no one who is familiar with legal procedure would suggest that the doctrine of admission of evidence of reputation ante litem motam in this sort of situation should be attempted.

Now, if the gentleman from Colorado wants me to yield, I will be happy to do so.

Mr. ROGERS of Colorado. Would the gentleman say what "continuing" means? What is your understanding of the word "continuing"?

Mr. WHITENER. Well, I would say to the gentleman that in the context here it would mean, as I have just said, currently existing or presently existing. In other words, it is not speaking of what happened in the past or what might happen in the future. The use of the word "continuing" here, as I construe it, would mean that as of this date, now, a pattern or practice exists, and therefore that that would be a sufficient basis for the designation of a voting referee.

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman will yield further, if you represented a registrar who was hailed into court and this amendment was in there, would you then say to the judge, "Well, when he established a pattern or a practice of discrimination, that is sufficient for you to enter the order." Would you agree that that would be a proper interpretation if you represented the registrar?

Mr. WHITENER. My answer to the gentleman is one which I am sure he does not really need—but he just wants to hear me say—and that is that it seems to me that the gentleman from Louisiana [Mr. WILLIS] in the drafting of this amendment has used language which is perhaps preferable to that which I would have used, in that the language which he uses requires more than a presently existing or currently existing practice. His language would require that it must have been over a period of time and would not be limited to the date of the appointment of a voting referee.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. WHITENER. I am happy to yield.

Mr. ROGERS of Colorado. Is that not exactly the point? It must be a pattern that has continued to exist for a long time, or some time at least prior to the date of the filing of the application by the Attorney General.

Mr. WHITENER. I take it, then, that the gentleman has some language which he could suggest to the membership of the House which would spell out specifically that you do not mean what existed in 1870 or some date in remote history.

Mr. ROGERS of Colorado. The point simply is this, that under the present bill it says that he shall make a finding pursuant to a pattern or practice.

Mr. WHITENER. Which existed when?

Mr. ROGERS of Colorado. At the time the court has the proceeding.

Mr. WHITENER. I can only speak for myself but I would say to the gentleman that if he will offer an amendment using the exact words that he has just used—a pattern or practice at the time that the court is requested to appoint a referee—I shall do everything I can, in my feeble way, to help the gentleman.

Mr. ROGERS of Colorado. It is already in the bill, so there is no use to draft an amendment.

Mr. WHITENER. The gentleman and I have not agreed on many things during this debate and I see that that pattern and practice still continues.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from North Carolina.

Mr. KITCHIN. In answer to the gentleman from Colorado [Mr. ROGERS], let me refer to the wording as it now is. It says, "after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice."

I think the chairman of the committee hit the nail on the head when he said that in his opinion this would vitiate the whole bill. Premeditatedly they want to leave it hanging in the air so that they can bring up these people who they contend may have been deprived of this right 20 or more years ago.

Mr. WHITENER. Of course, the gentleman from Colorado would like to elect

another Senator Revels from Mississippi, or something of that sort, I am sure.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman.

Mr. FLYNT. Mr. Chairman, I would like to say with reference to the last comment by the gentleman from Colorado [Mr. ROGERS], a member of the Committee on the Judiciary, that the very purpose of the Willis amendment is to do what the gentleman from Colorado says is already in the bill H.R. 11160. But it simply is not there without the inclusion of the Willis amendment.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WHITENER] has expired.

The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment. I agree with the gentleman from Colorado [Mr. ROGERS] that the language of the bill sufficiently covers any question whether or not we are reaching way back into history. The 1957 Civil Rights Act requires that there be a judicial proceeding in connection with any alleged voting deprivations. As a result of that proceeding the court is empowered to make a finding that such deprivations are or were pursuant to a pattern or practice. If this bill we are now debating has any merit at all it is all wrapped up in this package called the pattern or practice. I submit that in the last few days there has been a series of attempts, of which this is just another, designed to water down the impact of that procedure.

I would agree with the chairman of the committee, the gentleman from New York [Mr. CELLER], that if this amendment were adopted it would result in an additional weakening of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, addressing myself to the pending amendment, it is very obvious that the only objective and purpose of adding the word "continuing" is to require added proof to establish the pattern or practice. Hence it would result in the defendant, or the registrar, that may be called before the court, saying, "I do not have a continuing pattern or practice of discrimination."

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I cannot yield. I do not have the time.

Mr. FLYNT. Will the gentleman yield if I get him additional time?

Mr. ROGERS of Colorado. Get me the time and I will yield.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Arkansas [Mr. ALFORD] be allotted to the gentleman from Colorado.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. Does the gentleman from Colorado believe that the applicant under these provisions should have the right to come in and say that 20 years ago he was denied the right to vote and therefore he is entitled to the protection of this bill?

Mr. ROGERS of Colorado. In the first place, the applicant himself does not make it, the Attorney General of the United States does it under this bill. If you will refer to page 1 of the Celler substitute to the McCulloch amendment, H.R. 11160, it says "in any proceeding instituted pursuant to subsection (c)."

That means we would have to go to the Attorney General, and whenever he files an action to enforce some civil right he must give notice to the other people, and then may come in and prove the pattern.

Let me make this further explanation: Then the Attorney General is the one who makes the application. I do not feel that any Attorney General, however bad he may be in the eyes of the gentleman, would go back 20 years or 6 years. I think we must have at least a little faith in the prosecuting officer that he will bring it current and up to date.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New York.

Mr. LINDSAY. I think it should be pointed out in addition that on page 2, line 11 of the bill, if the gentleman from Georgia will note, after the pattern or practice has been established, if an individual then comes to the court there must be a finding, first, that he is qualified under State law to vote, and second, that he has since such finding of a pattern or practice been deprived of the right to register or otherwise qualified to vote. Note the word "since."

Mr. FLYNT. In reply to the gentleman from New York, I still say, and the Celler substitute itself says, that at any time if such a pattern existed the court could make a finding that the pattern existed, and he could find that the pattern existed 20 years ago under the provisions of this substitute amendment. The pending amendment is a conforming amendment, in an effort to get the language to speak that which its proponents say they want it to speak.

Mr. LINDSAY. I say once again a pattern or practice is not found until after there has been a judicial proceeding under the 1957 Civil Rights Act.

Mr. ROGERS of Colorado. As the gentleman from New York points out, hence it must be a current one, a pattern or practice that is going on now, before the Attorney General will institute application for the order which results in the appointment of a referee to take certain action.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from North Carolina.

Mr. WHITENER. I am sure my distinguished colleague from Colorado, a former attorney general of that State, is familiar with the language of Justice Peckham of the U.S. Supreme Court in the case of *Pope* v. *Williams* (193 U.S. 621, at 632).

Mr. ROGERS of Colorado. That is a violent assumption.

Mr. WHITENER. In that decision, Justice Peckham said the following:

> The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States (*Minor* v. *Happersett* (21 Wall 162)). It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution. The State might provide that persons of foreign birth could vote without being naturalized, and as stated by Mr. Chief Justice Waite in *Minor* v. *Happersett*, *supra*, such persons were allowed to vote in several of the States upon having declared their intentions to become citizens of the United States. Some States permit women to vote; others refuse them that privilege. A State, so far as the Federal Constitution is concerned, might provide by its own constitution and laws that none but native-born citizens should be permitted to vote, as the Federal Constitution does not confer the right of suffrage upon any one, and the conditions under which that right is to be exercised are matters for the States alone to prescribe, subject to the conditions of the Federal Constitution, already stated; although it may be observed that the right to vote for a Member of Congress is not derived exclusively from the State law. See Federal Constitution, article 1, section 2; *Wiley* v. *Sinkler* (179 U.S. 58). But the elector must be one entitled to vote under the State statute. (Id., Id.) See also *Swafford* v. *Templeton* (185 U.S. 487, 491). In this case no question arises as to the right to vote for electors of President and Vice President, and no decision is made thereon. The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one. We do not wish to be understood, however, as intimating that the condition in this statute is unreasonable or in any way improper.
>
> We are unable to see any violation of the Federal Constitution in the provision of the State statute for the declaration of the intent of a person coming into the State before he can claim the right to be registered as a voter. The statute, so far as it provides conditions precedent to the exercise of the elective franchise within the State, by persons coming therein to reside (and that is as far as it is necessary to consider it in this case), is neither an unlawful discrimination against anyone in the situation of the plaintiff in error nor does it deny to him the equal protection of the laws, nor is it repugnant to any fundamental or inalienable rights of citizens of the United States, nor a violation of any implied guarantees of the Federal Constitution. The right of a State to legislate upon the subject of the elective franchise as to it may seem good, subject to the conditions already stated, being, as we believe, unassailable, we think it plain that the statute in question violates no right protected by the Federal Constitution.
>
> The reasons which may have impelled the State legislature to enact the statute in question were matters entirely for its consideration, and this court has no concern with them.
>
> It is unnecessary in this case to assert that under no conceivable state of facts could a State statute in regard to voting be regarded as an infringement upon or a discrimination against the individual rights of a citizen of the United States removing into the State and excluded from voting therein by State legislation. The question might arise if an

exclusion from the privilege of voting were founded upon the particular State from which the person came, excluding from that privilege, for instance, a citizen of the United States coming from Georgia and allowing it to a citizen of the United States coming from New York or any other State. In such case an argument might be urged that, under the 14th amendment of the Federal Constitution, the citizen from Georgia was by the State statute deprived of the equal protection of the laws. Other extreme cases might be suggested. We neither assert nor deny that in the case supposed, the claim would be well founded that a Federal right of a citizen of the United States was violated by such legislation, for the question does not arise herein. We do, however, hold that there is nothing in the statute in question which violates the Federal rights of the plaintiff in error by virtue of the provision for making a declaration of his intention to become a citizen before he can have the right to be registered as a voter and to vote in the State.

Mr. ROGERS of Colorado. The gentleman's reading is indeed interesting.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the amendment. The court is not going to pass on a moot question. The Federal courts would always require proof of a continuing trespass or wrong. If the wrong has passed, and no one is being denied the right to vote by reason of race or color, then the court would not entertain the complaint even if the Attorney General brought it, which he would not ordinarily do. Said in another way, our Federal courts usually refrain from doing an idle thing. This amendment, as was the case with several other amendments which we have considered, would require, if it were adopted, an adversary proceeding in hundreds if not thousands of cases, examples of which I can cite but which is not necessary at this time. Such cases have been maintained on three or four occasions heretofore in this debate. This amendment, as were such other amendments, should be defeated.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. McCULLOCH] has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Louisiana [Mr. WILLIS] to the amendment offered by the gentleman from New York [Mr. CELLER] as a substitute for the amendment offered by the gentleman from Ohio [Mr. McCULLOCH]

The question was taken; and on a division (demanded by Mr. SMITH of Virginia) there were ayes 90, noes 120.

So the amendment to the substitute was rejected.

Mr. MEADER. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MEADER to the amendment by Mr. CELLER as a substitute for the amendment by Mr. McCULLOCH: On page 3, line 21, strike out the words "the applicant shall be heard ex parte. His" and insert in lieu thereof "the applicant's."

Mr. MEADER. Mr. Chairman, I have listened to this debate for several days and heard fun poked at the lawyers.

I must say I feel frustrated in trying to write a little constitutionality into this voting referee proposal. I may say that the firm of McCULLOCH and CELLER has done an able job presenting the case of their client, the Attorney General of the United States, who has had more to do with the writing of this legislation than anybody else that I know of.

I may say also that I feel frustrated when I realize that the firm of CELLER and McCULLOCH have the votes to put over their point of view.

All this legislation does is amend the rules of civil procedure. Those rules have been built up during the life of our Republic by statute and by court rule and by decisions in cases, and they are aimed at the purpose of permitting the Government to carry out its policy without depriving individuals of their constitutional rights. My amendment will put a little constitutionality back into the voting referee proposal.

I want to cite a case in this matter of ex parte proceedings, wherein persons are excluded from a fact-finding process upon which punishment for civil contempt can be founded. This is a U.S. Supreme Court case, *Greene* v. *McElroy* (360 U.S. page 474). It is a case involving industrial secrecy. I want to read a passage from that decision. I quote from page 496 of the opinion of the Chief Justice of the United States, Chief Justice Warren:

Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right "to be confronted with the witnesses against him." This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237, 242–244); *Kirby* v. *United States* (174 U.S. 47); *Motes* v. *United States* (178 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory actions were under scrutiny. E.g., *Southern R. Co.* v. *Virginia* (290 U.S. 190); *Ohio Bell Telephone Co.* v. *Public Utilities Commission* (301 U.S. 292); *Morgan* v. *United States* (304 U.S. 1, 19); *Carter* v. *Kubler* (320 U.S. 243); *Reilly* v. *Pinkus* (338 U.S. 269). Nor as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Anti-Fascist Committee* v. *McGrath* (341 U.S. 168–169 (concurring opinion)).

Now, we are ignoring these basic constitutional rights of the individual when we provide expressly that the court must require the referee to proceed ex parte, in a star chamber proceeding, denying the person who may go to jail on the facts found by the referee, from an opportunity to be present, listen to the testimony against him, cross-examine witnesses against him, challenge the authenticity of documentary proof, and present evidence in his own behalf.

We give the defendant in the proceeding contemplated in this bill none of the rights which the Supreme Court has said a man accused of being pro-Communist is entitled to have. I hope we are not going to write one rule of law for the Communist or a person in sympathy with the Communist movement and a different rule of law for officers elected to State or local office.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has offered a good amendment. I wonder if this, too, had to be cleared by the Attorney General.

Mr. MEADER. This amendment was really in the original Attorney General bill, H.R. 10035. There was no provision in there for a mandatory ex parte hearing. We have taken out a good many things that I object to in the various versions of this legislation, but this is one, which was not in the original version, which has been put in during the course of the debate. I think it should be taken out. I am concerned that we seem to be bent on passing an unconstitutional law. I have other amendments which I will propose, and I will say that I will not cast my vote for a law that I believe to be unconstitutional.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan.

Mr. Chairman, we actually voted on this amendment on a prior occasion, and we voted it down. It now issues forth again, and its fate should be the same as it was before; it should be defeated.

I would say that it is the same old poison in the same old bottle with just a slightly different label, and it would make of every proceeding before the referee an adversary proceeding. That means, in essence, that the rules of civil procedure would prevail in all the proceedings before the referee. I am perfectly willing to have adversary proceedings obtain when it comes to the U.S. district judge in the court, but where you have this avalanche of applications of Negroes, lowly, some without funds, who have been badgered, who have been subject to economic boycotts, I think the story is different. You cannot expect those applicants and that kind of environment that has been spoken about by the Civil Rights Commission, you cannot expect that kind of applicant to be able to master the situation, to be able to get a chance for his white ally in adversary proceedings. Why, there would be a lot of witnesses brought forth by the State registrar; there would be cross-examination, recross-examination, the submission of documents. It would be easy for the registrar to get the documents, but very difficult for the applicant to get documents to disprove what the registrar maintains. So you give with the one hand by this amendment,

but you take away with the other; you would make the difficulties of the applicants almost insurmountable if you would adopt the amendment offered by my distinguished colleague from Michigan.

I reluctantly oppose my colleague because so frequently we agree in the Judiciary Committee. But there are overriding reasons for my disagreement with him at the present juncture, and for these reasons I hope that the Committee will vote down this amendment.

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman from Michigan attempted to make a comparable case out of the Supreme Court decision in Green against McElroy. I submit there is not anything comparable whatsoever in that case. The person the Court was referring to in that case as the accused was an employee in a defense plant who was fired summarily on security grounds. The Court maintained that he should have had an opportunity for a hearing and confrontation.

If the analogy is to be drawn, the accused—of course, when we are talking about the accused in a voting proceeding, he would be the local registrar who, of course, should not be referred to as the accused because this is entirely a civil proceeding; but, in any event, if you do refer to him as the accused he is given a full and fair hearing because he must be made a party to the proceeding and must be given notice and opportunity to be heard. I am quoting and reading from page 2, lines 2 and 3—"After an opportunity to be heard make a finding that such deprivation was or is pursuant to a pattern of practice." Therefore the person who is the accused, if that designation is to be used, is the registrar. He receives notice, he is given a full hearing upon which there may or may not be a finding of a pattern or practice, from which the accused has the right of appeal.

Let it be said further that there is an additional protection in the bill because such a finding may only be applicable to the "affected area," which is defined in the bill. If you will turn to page 6, line 11, the Committee will discover that the term "affected area" is carefully defined as a subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a).

This brings us right back to the registrar who has been given a full opportunity to be heard before the court with right of appeal on the subject of whether or not there has been a pattern or practice. Therefore, I can only reiterate that it is a totally false assumption to argue that there is anything comparable between this situation and the situation which was before the Court in the case referred to, Greene against McElroy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER].

The amendment was rejected.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 2, lines 1 and 2, strike out the words "upon the request of the Attorney General."

Mr. SMITH of Virginia. Mr. Chairman, I reckon this is a pretty futile thing I am doing, but I want to emphasize what I said a while ago in colloquy with the gentleman from Michigan [Mr. HOFFMAN]. I pointed out that nobody gets any relief under this bill except by the grace of the Attorney General, and I want to read that to you because some folks may not have read it as carefully as some others have. The very first sentence in this Celler voting amendment reads: "In the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall, upon request of the Attorney General, make a finding," and so forth.

My amendment would strike out the words "upon request of the Attorney General." I do not know why my Democratic friends over here want to leave the matter of whether anybody gets relief under this bill to the Republican Attorney General who wrote the bill. Some may think lightning might strike next year, and that there might be a Democratic Attorney General, perhaps.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. HOLTZMAN. The gentleman has indicated that only the Attorney General's OK would open the door.

Mr. SMITH of Virginia. I did not say that. The bill says it.

Mr. HOLTZMAN. The fact is under section 1983 of the 1957 act an individual has a right to bring such an action.

Mr. SMITH of Virginia. He does not have the right to do the thing that is contained in this section.

We can make all sorts of excuses and bring in old bills and other things, but I am talking about this bill and the plain, specific language therein contained. The language is that nobody can get the right to relief under this bill unless the Attorney General makes the application. There may be a thousand people apply to the court in a city like Jackson, Miss., let us say, and they may say, "We have been deprived of our right to vote. We are entitled to relief under this Celler bill which we heard so much about." It does not make any difference how many people have been discriminated against. It does not make any difference if there is complete discrimination against every Negro in that city. Nobody gets any relief except at the grace of the Attorney General, because the court is prohibited, if you please, from putting this bill into operation and giving anybody any relief except upon the application of the Attorney General. And you are all going to stand for it. You are going to vote for it. You probably will have a teller vote on it. But I just want to see how foolish we can get, and I just wonder how anybody is going to oppose this amendment. I know the Attorney General wrote this bill. Everybody knows the Attorney General wrote this bill. Everybody knows that you cannot get any amendment on this bill until you call up the Attorney General and ask him if it is agreeable to him. Everybody knows that this House of Representatives has abdicated its legislative authority to the Republican Attorney General and the Democrats are helping him. Now, how foolish can we get about this thing?

I want to say to you, in all sincerity, that nobody on his own, no matter how many of them there are who have been discriminated against, under this act can get any relief except at the whim or the desire of the Attorney General of the United States. He has not only taken over the functions of the Congress to write legislation, but he has taken over the functions of the court to give relief under this bill. Now let somebody defend that.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read as follows:

On page 2, line 2, strike out the words "upon the request of the Attorney General."

Mr. McCULLOCH. Mr. Chairman, I would be pleased if the gentleman from Virginia would answer a question with respect to the amendment. I wonder if the gentleman from Virginia would like to identify his amendment as beginning on line 1 and would be made to include the word "and" on page 2. I am of the opinion that the gentleman's amendment does not do exactly what he intends it to do, as I understood it read by the Clerk. I think the amendment, Mr. Chairman, offered by the gentleman from Virginia, should begin on line 1 after the word "shall" and should read "strike out the words 'upon the request of the Attorney General, and'" in lines 1 and 2. And, if the gentleman from Virginia agrees, I would ask that it be corrected accordingly.

Mr. SMITH of Virginia. That is what the amendment does. The amendment eliminates the words on line 1 after the word "shall." It eliminates the words "upon the request of the Attorney General and."

Mr. McCULLOCH. As I understand, the reading of the amendment by the Clerk did not do that. In any event, Mr. Chairman, I rise in opposition to this amendment.

The gentleman from Virginia [Mr. SMITH] has said that there is no relief under this bill for individual applicants, or they cannot bring an action under this bill. Of course, they cannot. The bill was not intended for that purpose. Individuals have the right now, under existing law, to protect their voting rights. This voting referee bill is to bring to mass groups of voters, without innumerable individual actions in the Federal court, the right to vote if qualified under State law.

That objection, I think, is not sound in view of that fact.

I suggest to the members of the Committee that the amendment be rejected.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I am glad to yield.

Mr. SMITH of Virginia. The gentleman does not question the accuracy of my statement, that nobody, no number of persons can get relief until the application is made, not by them, but by the Attorney General.

Mr. McCULLOCH. I agree with that statement. That was not the purpose of the bill. If individuals seek relief from discrimination against them by reason of race or color, in exercising voting rights they have had the right to go into court and they will still retain the right to go into court as individuals, after this bill is enacted.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I subscribe fully to what the gentleman from Ohio has stated in opposition to the amendment. It would be like going up the hill and going down again. It would bring us right back to where we were in 1957 where the Attorney General on behalf of an individual brings the action. It would destroy the very purpose and efficacy of the bill and I therefore hope that the amendment will be voted down.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. KITCHIN. I should like to ask the chairman of the committee if, under this present procedure, this finding by the court which shall be approved by the Attorney General is made after the court has a proceeding before it, after it has found other facts upon the suit being brought under the original 1957 act, if this particular language does not take away the prerogative of the trial court which has heard all of the proceeding and is the one to find such a pattern or practice, if the Attorney General so instructs him. In other words, the purpose is to take away from the Federal court, not the State court, the prerogative of the trial judge making a determination on his own without the advice of the Attorney General.

Mr. CELLER. I must respectfully differ with the gentleman. I do not think it does that.

Mr KITCHIN. Will the gentleman explain, please, why it does not?

Mr. CELLER. It says in any proceeding instituted pursuant to subsection (c). What does subsection (c) refer to? It goes back to the 1957 act; and I recommend that the gentleman read subsection (c). I think it should satisfy him.

Mr. KITCHIN. If the gentleman will yield further, at that particular point, when that action is brought under subsection (c), it is before a Federal court, not a State court.

Mr. CELLER. That is correct.

Mr. KITCHIN. When that action is pending there, then the language in this bill says that regardless of what the Federal judge may think, he has to await the decision of the Attorney General before he can go further in the same proceeding and find that there was a pattern or practice existing back yonder—when, we do not know.

Mr. CELLER. The Attorney General petitions the court and what is in the bill follows. All the Attorney General does is to petition the court for a finding of a pattern or practice. I must submit again that the amendment would destroy the very purpose of the bill.

Mr. KITCHIN. Mr. Chairman, if the gentleman will yield further, let me ask him this question. What would happen under this particular procedure, under the language of the bill before us, if the Attorney General refused or declined to instruct the court that he shall find a pattern or practice existing?

Mr. CELLER. It would depend on the nature and language of the order of the court.

Mr. KITCHIN. No, sir; not under the language of this bill, and the gentleman from Ohio [Mr. McCULLOCH] has admitted that, has conceded the fact that they could not go forward with this proceeding pending in the Federal court, without an instruction on the part of the Attorney General that the court shall find that a pattern or practice existed.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. HOLTZMAN. There is a basic difference. If this amendment were to carry, individuals would be bringing lawsuits to establish patterns and practices. This is something that is in the public interest and it is right that the Attorney General should initiate this kind of proceeding.

Mr. KITCHIN. Not the private individual. I will ask the gentleman if under the original provision, under section (c), the Attorney General, not the private individual, can bring this lawsuit. Once they are in court, it must be brought by the Attorney General.

Mr. CELLER. Under (c) the Attorney General is the only one that can bring the action, in the public interest. That makes a big difference in this matter.

Mr. KITCHIN. He brings that action in the public interest for certain individuals?

Mr. CELLER. For the United States or in the name of the United States.

Mr. KITCHIN. They are in court at the blessing of the Attorney General in the original case. Then the court pursues the matter after the parties are in, but he cannot under the language of this bill utilize his own prerogatives as the trial judge in the proceeding that is before him at that time to go any further, because he must then await the decision of the Attorney General before he can find that pattern or practice exists, under the language of this bill.

Mr. CELLER. The action is brought for the United States, and the individual applicants are the beneficiaries of the action.

Mr. YATES. Mr. Chairman, I rise in opposition to this amendment. The gentleman from Virginia supports his amendment by throwing before this side of the House the bogey of a Republican Attorney General and the necessity for obtaining his approval before any redress could be received. Any alternative, even the discretion of "a Republican Attorney General", to use the gentleman's phrase, is better to one unfairly denied his right to vote, than a situation in which he cannot vote under any circumstances, which would be the case if this bill were defeated or if the gentleman's amendment were to prevail. The gentleman is opposed to this purpose of this bill. His amendment is consistent with his efforts to defeat that purpose. It should be defeated.

Let those of us who want to help Americans now disenfranchised for no other reason than their race beware of the warnings advanced by its opponents. They have advanced solemn legal opinions that this bill is unconstitutional and have clothed themselves in deep mourning over what they have called the dismemberment of constitutional government. Mr. Chairman, deception walks in splendid raiment. The late Senator Huey Long was once asked whether fascism would ever come to the United States. He replied that if it did, it would be called antifascism. And so it is with the opponents of this legislation who attempt to wrap themselves in the mantle of constitutional dignity and authority to condone and to perpetuate anticonstitutional activities.

The legal technicalities which have been invoked cannot hide the constitutional truths that must be remembered, namely, that every citizen of the United States, regardless of race or color, is entitled to vote. This is the one essential qualification for voting—American citizenship. Of course, certain formal requirements like residence or understanding of the voting process may be required, but such requirements must be reasonable and they must be uniform among all races in their application. There must not be a double standard under which certain tests are required for members of one race and not for another. The fact is, however, that the double standard has been, and is being, employed today through many States to deprive Negro citizens of their voting birthright.

That fact has not been denied. That fact cannot be denied. And that fact has been ignored in the arguments presented by opponents of this legislation, with rare exceptions.

The manner in which opponents of this legislation mold the Constitution to fit their own particular purposes reminds me of the story of the three blind men who encountered an elephant for the first time. One, who felt the elephant's trunk, thought it was a snake. The second, who felt its tail, said it was a rope. The third, who felt the elephants leg, declared that it was a tree. Such conclusions are to be considered reasonable from blind men with no vision and little experience, but there is no reason why the learned and distinguished opponents of this legislation should limit their vision. The courts determine the manner in which the Constitution is to be interpreted, and their conclusion on the right to vote is unanimous. For example, in the case of *Rice* v. *Elmore* (165 F. 2d

387), on page 390, the court quoted from the case of *Smith* v. *Albright* (321 U.S. 649), where the Court said:

The United States is a constitutional democracy. Its organic law grants to all citizens a right to participate in the choice of elected officials without restriction by any State because of race. This grant to the people of the opportunity for choice is not to be nullified by a State through casting its electoral process in a form which permits a private organization to practice racial discrimination in the election. Constitutional rights would be of little value if they could be thus indirectly denied (*Lane* v. *Wilson* (307 U.S. 268, 275 59 S. Ct. 872, 876, 83 L. Ed. 1281)).

The Court continued further on page 392 and declared:

An essential feature of our form of government is the right of the citizen to participate in the governmental process. The political philosophy of the Declaration of Independence is that governments derive their just powers from the consent of the governed; and the right to a voice in the selection of officers of government on the part of all citizens is important, not only as a means of insuring that government shall have the strength of popular support, but also as a means of securing to the individual citizen proper consideration of his rights by those in power. The disfranchised can never speak with the same force as those who are able to vote. The 14th and 15th amendments were written into the Constitution to insure to the Negro, who had recently been liberated from slavery, the equal protection of the laws and the right to full participation in the process of government. These amendments have had the effect of creating a Federal basis of citizenship and of protecting the rights of individuals and minorities from many abuses of governmental power which were not contemplated at the time. Their primary purpose must not be lost sight of, however; and no election machinery can be upheld if its purpose of effect is to deny to the Negro, on account of his race or color, any effective voice in the government of his country or the State or community wherein he lives.

I suggest, therefore, that the Constitution is entirely on the side of permitting Negro Americans, together with all other American citizens, to vote, and that the specious arguments which have been raised by the bill's opponents to granting that right are without foundation.

The important thing is to make sure that all Americans are assured the right to vote. Let us keep our eyes on that goal and not be deterred from it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH]

The question was taken; and on a division (demanded by Mr. SMITH of Virginia) there were—ayes 61, noes 132.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Celler substitute and all amendments thereto close in 15 minutes.

Mr. BOW and Mr. MEADER objected.

Mr. CELLER. Mr. Chairman, I move that all debate on the Celler substitute and all amendments thereto close in 15 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Chairman, I take this time in an effort to establish legislative intent. I should like to have the attention of the chairman of the committee, the gentleman from New York [Mr. CELLER], and the ranking minority member, the gentleman from Ohio [Mr. MCCULLOCH], to each of whom I should like to address one question.

By way of preface, let us assume that the Attorney General has brought a case under subsection (c) of section 1971; that in the course of that suit the Attorney General has requested the court to reach a determination as to whether or not the deprivation was pursuant to a pattern or practice; and that the court pursuant to that request took evidence on the issue, at the conclusion of which the court issued an order stating that there was a pattern or practice of discrimination on account of race.

My question is, Is that decree of the court a final decree which would permit an appeal in the regular order?

I will first ask the distinguished gentleman from New York to answer that question.

Mr. CELLER. I do not know what all the factors are that would be developed in the proceedings. I cannot answer that question categorically or even definitely. If the principal pattern or practice is established, and I take it it might endure for a year—it would endure for a year unless later on circumstances changed and the court might have to pass on it again, nobody can anticipate exactly what the court would rule on a matter of this sort or how it is necessary for the court to rule.

Mr. POFF. I am afraid possibly the gentleman may have misunderstood my question. I am simply asking, if the court has issued a decree finding that a pattern or practice existed, does that decree at that point constitute a final order to which an appeal would lie.

Mr. CELLER. I do not know whether it would be a final order upon which an appeal could be based. Again, it would have to depend on all the circumstances of that particular case and the particular application before the judge. It might, and it might not be, a finding or final decree upon which a decree could be predicated. It all depends on the circumstances.

Mr. POFF. Might I direct the same question to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. It is my opinion, if there be a finding of a pattern or practice which is followed by an order or decree with the court implementing that finding, that that is such a final order, or decree, that would be reviewable upon appeal or otherwise.

Mr. POFF. I thank the gentleman. I wonder if the gentleman from New York [Mr. LINDSAY] would care to respond to that question. I ask the gentleman if the court has, pursuant to the request of the Attorney General, issued a decree finding that the deprivation of the right grew out of a pattern or practice, would that decree at that point be a final order to which an appeal would lie?

Mr. LINDSAY. I would answer the gentleman's question this way. If in a proceeding brought under the 1957 Civil Rights Act the court should, under this amendment to the 1957 act, go on and make a finding that such deprivations were pursuant to a pattern or practice, such a finding would be part of the same proceeding and therefore would be appealable. Others may disagree with me on this, but this is the way I read it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEADER. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MEADER to the amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. MCCULLOCH: On page 1 of the Celler substitute strike out "(a) Add the following as subsection (e)" and all that follows down through the last page of the McCulloch substitute, and insert in lieu thereof the following:

"(a) Add the following as subsection (e) and designate the present subsection (e) subsection '(f)':

"'(e)(1) In any proceeding instituted pursuant to subsection (c) of this section to relieve any deprivation of a right or privilege secured by subsection (a) of this section, final orders of the court providing affirmative relief may specify that named individuals are qualified to vote and may also specify that such individuals, upon proof of such order in such manner as the court may direct, shall be permitted to vote in the same manner as if duly registered and qualified therefor under State law.

"'(2) In any proceeding instituted pursuant to subsection (c) of this section to relieve any deprivation of a right or privilege secured by subsection (a) of this section, the court may, pursuant to rule 53 of the Federal Rules of Civil Procedure, appoint special masters to assist the court in carrying out its responsibilities in such proceeding. The compensation to be allowed any such special master shall be fixed by the court and paid by the United States.'

"(b) In subsection (c), insert 'or affirmative' after 'preventive', and add at the end thereof the following: 'Proceedings brought under this subsection to relieve any deprivation of a right or privilege secured by subsection (a) of this section shall supersede any proceedings covering the same subject matter brought before any State court, tribunal, agency, or official to the extent of any inconsistency. In proceedings brought under this subsection, court orders requiring or prohibiting action by officials of a State or subdivision thereof shall also require or prohibit such action by their successors in office.'"

Mr. CELLER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. The amendment offered by the gentleman from Michigan is a substitute to the Celler amendment. So we have a substitute to a substitute to the McCulloch amendment. Therefore, I make the point of order that the amendment is not in order because it is a substitute.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule. The amendment offered by the gentleman from Michigan strikes only a part of the substitute offered by the gentleman from New York as a substitute to the amendment offered by the gentleman from Ohio [Mr. MCCULLOCH]. This is clearly in order.

The Chair overrules the point of order.

Mr. MEADER. Mr. Chairman, this proposal is an alternate to the voting referee proposal which we have been discussing, and in my judgment my proposal is a clearly constitutional one.

In my opinion, the voting referee proposal on the other hand, is clearly unconstitutional.

I took an oath when I became a Member of this body to uphold and defend the Constitution. If I believe that the voting referee proposal is unconstitutional, as I do, I am compelled to vote against it.

In the discussion of the other amendment I offered this afternoon I pointed out that the voting referee procedure as set up would violate the fifth amendment to the Constitution by depriving individuals of due process of law and fair play. In addition, this voting referee proposal vests in the judiciary nonjudicial functions, in violation of article III of the Constitution. Further, this voting referee proposal authorizes a Federal official to seize the authority of a State which is vested in the State by the Federal Constitution. I think that, alone, is unconstitutional and for that reason I cannot support it.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. CRAMER. Is it not true as appears on page 62 of the hearings, that since February 1894, when the Congress of the United States in repealing the Reconstruction Act had this to say, in the Committee Report No. 18, 53d Congress, 1st session, page 7, "that every trace of restriction should be wiped from the statute books," this is the first time since the Reconstruction period that Congress has considered legislation that would substitute a referee to do an administrative job which a duly elected State official is authorized to do?

Mr. MEADER. The gentleman is correct. This is the first time in almost 100 years that a Federal official has been authorized to clothe himself with State authority, and it is a dangerous device which can destroy the independence of a State.

Mr. Chairman, during discussion of the Celler substitute there were numerous complaints that its provisions and the discussion have been confusing.

It is not surprising there has been confusion since the proposal deals with a most technical and difficult field of legislation, namely, the rules of Federal civil procedure. The Celler proposal is purely and simply a matter of civil judicial procedure and a change in rules with respect to one class of civil cases only, namely, suits brought by the Attorney General under the Civil Rights Act of 1957, to enforce the provisions of the 15th amendment against discrimination in voting.

Mr. Chairman, this is peculiarly the type of legislation which ought to receive the most careful and complete consideration of the Judiciary Committee, its members, all of whom are able lawyers, its staff lawyers and witnesses who are lawyers, both inside and outside the Federal Government. In view of the fact that the Celler proposal did not receive such consideration, it surprises me that there is not more confusion as we attempt to write this difficult, technical and complicated provision relating to civil judicial procedure on the floor of the House.

Many lawyers are concerned with the constitutionality of the proposed voting referee method of enforcing voting rights. This may proceed partly from a natural skepticism of innovations in procedural rules which have been developed carefully and after extensive litigation as well as congressional enactment throughout the history of our Republic. Any careful lawyer must be inclined to be skeptical of rash and revolutionary changes in delicately balanced rules which have been developed to enable the Federal Government to carry out its policies on the one hand but to protect the rights of individuals and legitimate constitutional powers of the States on the other.

Mr. Chairman, the constitutional questions involved in the Celler proposal are primarily in three areas:

First, maintenance of the judicial character of courts by refraining from assigning them nonjudicial responsibilities, in violation of article III of the Constitution;

Second, preservation of the constitutional rights of the individual, particularly that no person shall "be deprived of life, liberty or property without due process of law," as guaranteed by the fifth amendment of the Constitution; and

Third, the legitimate powers of State to manage the affairs left to them by virtue of the 10th amendment in which powers are reserved to the States, the provisions of article I, section 2, the 17th amendment and the provisions of article IV, section 4, under which qualifications to vote and the election machinery for State and local offices, as one of the basic ingredients of a republican form of government, are vested in the States.

Mr. Chairman, it might be well to review briefly the origin of the so-called voting referee proposal.

When the Attorney General appeared before the House Judiciary Committee March 11, 1959, on the civil rights bill, no mention was made of anything resembling the voting referee proposal and in fact, the Attorney General testified that he doubted at that time that further authority in the Department of Justice to start litigation would contribute to the progress of civil rights. I include at this point excerpts of the testimony of the Attorney General.

Attorney General ROGERS. Let me say this: I think as of now there is doubt, at least there is doubt in my mind, as to the wisdom of giving the Federal Government authority to start more litigation.

I appreciate that you can make an argument for it and I think I am as anxious to make progress in this field as anybody, and I think that when people talk about just educating and understanding, and put all their emphasis on that, it is a mistake, because I do not think you can do it that way alone.

Likewise, I think if you put all your emphasis on law enforcement, you make a mistake, because this field is a good deal different from the average law enforcement problem. It does involve both law enforcement and an understanding of the problems and what it means to our Nation.

So it seems to me that we have to be pretty mature in our judgments about whether legislation which seems to favor civil rights would actually have that result, and I seriously have doubt about whether legislation requiring the Federal Government to institute more civil actions would have the result of making greater progress in this field.

Now, the Congress has authorized the Civil Rights Commission to make a study of the need for further legislation. I certainly do not think we should say that the Federal Government does not permanently need more authority. I think we should hold that open to see how developments occur; I think we should particularly give the Civil Rights Commission the opportunity to make a more complete study in this field and to make recommendations about further power on the part of the Federal Government in this field.

I think, Mr. HOLTZMAN, it is very difficult when you are sitting here in Washington to get a feel for the whole problem, and I think the Civil Rights Commission holding hearings, as they have, in the South and in getting testimony from a lot of people will be in a much better position to make mature, thoughtful recommendations about the extension of Federal authority to institute litigation than we could now.

I certainly, while I have doubt about it, I am inclined to think it is better to wait, particularly in view of the encouraging developments in Virginia, where there was no Federal intervention of any kind.

So I just want to complete this long answer by saying I am just as thoroughly convinced of the need of progress in this field as anybody. .

I have some doubt about whether additional authority for the Federal Government to start litigation would result in substantial progress at the moment.

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Attorney General ROGERS. Well, it could be.

I want to say that certainly this is not a one-sided problem at all.

I mean, I think you can make good arguments both ways, and I think that from where I sit, I am not sure that the authority to start more lawsuits, authority for the Federal Government to start more lawsuits, would be particularly helpful at this time.

I readily admit you could make arguments the other way.

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Mr. ROGERS. Along that line, and since it deals with section 3 of your proposal, to what extent and how far you feel that the Federal Government can go in connection with voting records of a State?

Attorney General ROGERS. I think we can go just as far as we have asked to go in this legislation.

Mr. ROGERS. And no further?

Attorney General ROGERS. Not at the moment.

Mr. MILLER. In that connection, may I ask is the general impression which you are trying to convey here—and I think very well—that it is your position, and the position of the administration, that you are as anxious as any person to accomplish the most in the shortest period of time that you can do in the field of civil rights?

Attorney General ROGERS. That is correct.

Mr. MILLER. But it is your profound conviction, based upon your experience in the Attorney General's Office, that too much Federal legislation at this time, in the absence of a volume of complaints in other areas might create more resistance than would proceeding a little more slowly, as indicated by the administration?

Attorney General ROGERS. I agree with everything you say, with just one slight variation.

I do not think I have a profound conviction on it. I think a better way to put it is that I have doubt at the moment that further legislation permitting us to start lawsuits might do more harm than good at the moment.

I do not think we should close our minds to that possibility, if there are developments which indicate it would be helpful.

Mr. MILLER. In other words, if you received in the course of the next year numerous complaints of discriminations and violations of the basic statutes in the civil rights areas, in the fields of housing or the fields of employment, or any other fields, then you would be the first to come here and ask for additional legislation to remedy the situation.

But, as of the moment, you feel that the securing and the protection of the right to vote mainly can secure for any minority great progress in the acquisition of their total civil rights, and that as we go slowly forward you can accomplish more for those minorities than attempting to get too much government and too much power in the hands of the Federal Government at this time?

Attorney General ROGERS. Well, I do not like to rephrase the question.

I am not in favor of proceeding slowly. I am in favor of proceeding as fast as we can, but do it in an intelligent way and, I think, there is a tendency to say, "Well, here is a bill, and this is a strong civil rights bill, and if you are for the bill, you are for civil rights, and if you are against it, you are against civil rights."

I think that oversimplification just could be very misleading in this field.

Sometimes progress can be made a lot faster without litigation, and I have tried to say that I think that you have to gear your law enforcement pretty thoughtfully in with the development of public opinion, because if you have everybody in the State against you there is not much you can do in law enforcement that is not pretty disastrous.

Now, if you, as in Virginia, have the situation developing in such a way that responsible people realize what the alternatives are, and very simply the alternatives are you either have a public school system or you do not have a public school system, and they realize the problems that would be inherent in elimination of a public school system, and they come to that conclusion based on lawsuits that are started by their own people and, to some extent in their own courts, and they get involved in the thoughtful process rather than in the emotional process, then I think you are apt to have more progress.

Now, the minute you get the Federal Government coming down telling them how to do it, and you start lawsuits and you are litigating in court, and all the local people say, "Well, here are the Federal people down here again, and we are going to do so and so," that makes it much more difficult; you get a real strong emotional response from everybody, and it is apt to set the whole process back.

What I am saying is that in view of the fact we do have doubt now, and in view of the fact we have the Civil Rights Commission, I do not think at this time that we want to propose any additional authority.

Mr. ROGERS. I want to see if I heard you correctly.

Did I understand you to say that unless you have the sentiment of the people in the area back of the law that you are trying to enforce that it is useless to try to enforce it?

Attorney General ROGERS. No; I did not say that. I said if you have everybody in the State against it, it makes it a very difficult problem.

* * * * *

Attorney General ROGERS. I will tell you this, the Federal Government insistently and particularly the FBI has resisted, and I think very wisely over the years, the extension of Federal power.

There is always a tendency to give the Federal Government more authority, particularly because of the outstanding success of the FBI over the years, and the confidence that the people have in the FBI.

People forget, I think, the size of the FBI.

Actually, there are only about 6,000 special agents, which is about one-fourth of the size of the New York City police force, and about half the size of the Chicago police force, and the FBI does cooperate very closely with State and local authorities.

They have cooperated with the police academies, where they instruct them, and so forth. We have serious reservations about extending this jurisdiction so that you could have the concept of a national police force.

So, consequently, we would like to limit it to what we think is a proven need, and there is one here, and we would like to correct it, but we do not want to go beyond that.

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Mr. RODINO. Are there any other questions, Mr. MEADER?

Mr. MEADER. I would only like to say that I commend the Attorney General for the statement he has made to the committee this morning and the manner in which he has replied to the questions put.

What has pleased me most is his statement that the policy of the administration and the Department of Justice is not to seek to extend Federal power unnecessarily.

It is significant to note that in reply to Representative ROGERS the Attorney General asserted no additional legislation on voting rights was needed now beyond the provision relating to retention of election records, which is title III of H.R. 8601. That passage is worth repeating:

Mr. ROGERS. Along that line, and since it deals with section 3 of your proposal, to what extent and how far you feel that the Federal Government can go in connection with voting and voting records of a State?

Attorney General ROGERS. I think we can go just as far as we have asked to go in this legislation.

Mr. ROGERS. And no further?

Attorney General ROGERS. Not at the moment.

Aside from the report of the Civil Rights Commission nothing in the field of voting rights has happened, except the handing down of two Supreme Court decisions upholding the constitutionality of the Civil Rights Act of 1957.

Apparently, the birth of the voting referee idea was stimulated by the report of the Civil Rights Commission September 9, 1959. It recommended that the President be authorized to appoint Federal registrars for the purpose of registering Negroes in localities where the Civil Rights Commission or some other agency might find that Negroes were being denied registration.

Apparently, the Justice Department did not react favorably to this recommendation but was stimulated by it to develop and suggest an alternative. Our information is somewhat sketchy on this point but that conclusion is confirmed by the testimony of Deputy Attorney General Walsh before the House Judiciary Committee on February 9, 1960, on pages 30 and 31 as follows:

Mr. WILLIS. I understand, and I am not questioning your devotion to protecting the right to vote. And may I say parenthetically, you can go in my district. They vote, and have been voting, so I am not involved in this thing. But we are talking about a proposal.

This is one approach. The Civil Rights Commission suggested another approach, that you are critical of. As a matter of fact, your chief, the Attorney General, has ridiculed it by saying that their proposal was like buying a ticket to the Dempsey-Firpo contest many years ago. You are not only critical of it, but you ridiculed what the Commission does.

Mr. WALSH. I don't think it was ridiculed.

Mr. WILLIS. Now you come with this proposal. What I am wondering is, could you not perhaps find a better way to achieve what you are after, rather than asking Congress to establish presumptions in the fashion that you suggest?

In other words, have you people thought this thing out long enough? How long have you been working on this bill?

Mr. WALSH. I will tell you how long we have been working on it. It goes back probably to before the time I came to the Department. But since the civil rights report in 1959 we have given it a lot of thought, and we respect the Commission for its report and for its suggestion, which has opened up all this line of legislative possibility.

We started off with the Commission's report, which required appointment by the President. We thought it seemed wrong to draw the President into this. Here is a man who is trying to guard the national security, and he has to start worrying about county registrars? So we tried to find a better way. We thought, who is the officer most likely to be respected in the locality in which this problem exists? And we thought of the Federal judge. Then we said, "All right, have the Federal judge appoint the registrar." Then we said, "Well, that will be supplanting a State officer with a Federal officer. Why do that? We will have the Federal judge appoint a special master, or call him a referee, who wouldn't act unless the State registrar has had a chance to act and has refused to act." That is the next step we took.

Then, we said, "How will this proceeding go before the referee? What will the applicant have to do, and how can we make his right to vote effective?"

Well now, the registrar proposal does not deal with the right to vote. That talks about registration as though that were something of value in itself. So we developed the parts of this bill which authorize the Federal judge to send persons to the polling place and the place where the votes are counted, to see that any rights which he would have would be respected.

Then it came to the question, How does this applicant prove his right to vote? Does he have to prove all over again this pattern of discrimination which it took the U.S. attorney probably weeks of preparation to prove? Or will that make his right to vote effective?

Here the white people are. They are going into the State registrar's office. All they do is fill out a form and answer a few questions, and they vote. Are we doing anything for this Negro if we say, "You go before a voting referee, and you prove your case from beginning to end. You prove a pattern of discrimination. You prove that you personally are a victim of that pattern of discrimination." Is that going to get him a chance to vote? We don't make the white people do that. Why do we make the Negroes do it?

So we began to think: What can Congress do to be fair about this, to minimize the amount of intrusion into the State administration and yet make effective the 15th amendment in these sections?

And this was the very best we could do. We would require the Negro to prove every

step of his qualification to vote: his age, his residence; if the literacy is required, to prove his literacy; if he was to understand the Constitution, let him answer the question as to the Constitution, if it is a valid State provision. And if he has to have somebody identify him—some States, like Louisiana, require that two registered voters identify the new applicant—let him be identified by two registered voters. But here let me point out the referee will have the subpena power to help this man get his two witnesses if he needs them.

We thought that all over, and we came to this one hurdle: Should he be required to prove in each individual case he personally was discriminated against? And we concluded that burden of proof was too difficult under all these circumstances; and indeed the answer to that link and proof was so obvious from the previous pattern of discrimination that we could ask Congress to enact this conclusive presumption at the benefit of the applicant.

Mr. WILLIS. Judge, I appreciate your concern and your sincerity.

Mr. Chairman, there are several novel features of the voting referee proposal which give rise to the constitutional problems to which I referred earlier:

First. The first is that the court, upon the request of the Attorney General, is authorized to make a finding whether deprivation of voting rights on account of race or color "was or is pursuant to a pattern or practice."

Second. If the court finds such pattern or practice, then a variety of novel rights, remedies, and procedures come into being, (a) for a year and thereafter until the court finds that such pattern or practice has ceased, any person of such race or color may apply for an order declaring him qualified to vote and such order would be effective as to any election held within the period for which straight registration would have been effective; (b) an applicant is entitled to such an order upon proof, first, that he is qualified under State law to vote; and two, he has been denied the opportunity to register or found not qualified by a State registrar; (c) the court may appoint voting referees to, first, receive applications for voting orders; two, to take evidence ex parte and to report to the court whether the applicant is entitled to a voting order. The sufficiency of evidence before the referee is also prescribed; three, voting referees are given the powers of a master under rule 53C, the Federal Rules of Civil Procedure.

Mr. Chairman, the voting referee bill is unconstitutional.

The authority of Congress to pass any legislation in this field is derived from the 15th amendment, empowering Congress to pass laws to prevent the United States or any State from depriving a citizen of the right to vote because of his color.

If the 15th amendment did not exist we would not even be discussing this proposal. No power was given to Congress originally to regulate elections generally. Limited revisionary authority was given to Congress over the "time, places, and manner of holding elections for Senators and Representatives," and the "time of choosing the electors" for President and Vice President, "which day shall be the same throughout the United States."

But during the existence of our Republic, the election machinery and the laws which have regulated it have been in the exclusive realm of authority of the States. We have no Federal registration laws, no Federal registrars or clerks, no laws regarding the nomination of candidates for office or contesting elections, except that the House and the Senate are the judges "of the elections, returns, and qualifications" of their own Members. We do, of course, have the Hatch Act and Corrupt Practices Act prohibiting certain practices and activities of Federal officials and employees. The great body of the law of elections, even for Federal offices, is still, and has been for 170 years, in power of the States.

Both the 15th and the 19th amendments, the first related to color, the second to sex, are merely limitations to the basic State power over elections.

Since those amendments are only limitations, they may not be the means for nullifying other basic constitutional grants of power or destroying personal rights guaranteed by the Constitution, nor are they a new grant of power to Congress in derogation of other constitutional provisions.

The 15th and 19th amendments may not be employed to alter our basic constitutional system of dual sovereignty; nor may they be employed to destroy the Bill of Rights.

The "appropriate legislation" the Congress is authorized to adopt must not transgress the limits of personal and State guarantees of rights and powers any farther than the minimum necessary to accomplish the objective of nondiscrimination in voting because of color or sex.

The adoption of the 15th and 19th amendments did not dissolve our Federal system, did not authorize Congress to ignore the Constitution, or by statute, amend it. Those amendments merely authorized Congress to legislate in an area where, theretofore, the Congress had been wholly devoid of power. Those amendments contemplated that Congress would employ that power within limits, otherwise constitutional.

Mr. Chairman, the voting referee proposal bristles with constitutional problems.

Must we rashly throw away decades of precedent and statutes governing Federal judicial procedure? Let us rather build upon the past, intelligently and with caution. What we do to procedure in the voting rights field may next month, or next year or 10 years from now be applied to another field because we are dealing with the basic structure of our Federal legal system—and we are establishing precedents.

Let us not overhaul these technical and delicately balanced procedural rules in a rough and tumble, emotional political floor debate. Let us be more mature than that.

Let us grant power to the executive and the judiciary in addition to the power we gave them in the Civil Rights Act of 1957—but let them exercise that power under existing rules of due process and fair play and under the present status of equilibrium between the powers of the Federal Government and the States. Let us not by the precedent we establish here undermine both the personal rights of individuals and the sovereign powers of the States.

I. THE VOTING REFEREE PROPOSAL IS UNCONSTITUTIONAL BECAUSE IT PURPORTS TO VEST IN COURTS AND THEIR SUBORDINATE OFFICIALS NONJUDICIAL FUNCTIONS

First. Article III of the United States Constitution vests the judicial power in the Supreme Court and such inferior courts as Congress may create. Article I vests the legislative power in the Congress, and article II vests the Executive power in the President.

The courts have consistently held that an attempt on the part of Congress to vest executive or legislative authority in the courts or any other nonjudicial function is unconstitutional because the judicial power extends only to cases and controversies. Courts thus will not accept ministerial or administrative functions. In *Muskrat* v. *U.S.* (219 U.S. 346 (1911)) the Court refused to render advisory opinions where no case or controversy existed. Other cases in which the courts have refused to accept nonjudicial functions are as follows:

Trimble v. *Johnston* (173 F. Supp. 651, 653): "The nature of the judicial process and the function of the courts consist of deciding actual cases and controversies. The sole jurisdiction and duty of the courts is to pass on the individual legal rights that parties to litigation assert and seek to have vindicated."

Keller v. *Potomac Elec. Co.* (261 U.S. 428, 444 (1923)), Mr. Chief Justice Taft delivered the opinion of the Court: "Such legislative or administrative jurisdiction, it is well settled cannot be conferred on this Court either directly or by appeal. The latest and fullest authority upon this point is to be found in the opinion of Mr. Justice Day, speaking for the Court in *Muskrat* v. *United States* (219 U.S. 346). The principle there recognized and enforced on reason and authority is that the jurisdiction of this Court and of the inferior courts of the United States ordained and established by Congress under and by virtue of the third article of the Constitution is limited to cases and controversies in such form that the judicial power is capable of acting on them and does not extend to an issue of constitutional law framed by Congress for the purpose of invoking the advice of this Court without real parties or a real case, or to administrative or legislative issues or controversies." (*Hayburn's* Case (2 Dall. 410, note); *United States* v. *Ferreira* (13 How. 40, 52); *Ex parte Siebold* (100 U.S. 371, 398); *Gordon* v. *United States* (117 U.S. 697); *Baltimore & Ohio R.R. Co.* v. *Interstate Commerce Commission* (215 U.S. 216).)

U.S. v. *Ferreira* (13 Howard 39, 50 (1851)), Mr. Chief Justice Taney delivered the opinion of the Court: "A question might arise whether commissioners appointed to adjust these claims, are not officers of the United States within the meaning of the Constitution. The duties to be performed are entirely alien to the legitimate functions of a judge or court of justice, and have no analogy to the general or special powers ordinarily and legally conferred on judges or courts to secure the due administration of the laws. And, if they are to be regarded as officers, holding offices under the Government, the power of appointment is in the President, by and with the advice and consent of the Senate; and Congress could not by law, designate the persons to fill these offices. And if this be

the construction of the Constitution, then as the judge designated could not act in a judicial character as a court, nor as a commissioner, because he was not appointed by the President, everything that has been done under the acts of 1823, and 1834, and 1849, would be void, and the payments heretofore made might be recovered back by the United States. But this question has not been made; nor does it arise in the case. It could arise only in a suit by the United States to recover back the money. And as the case does not present it, and the parties interested are not before the court, and these laws have for so many years been acted on as valid and constitutional we do not think it proper to express an opinion upon it. In the case at bar, the power of the judge to decide in the first instances, is assumed on both sides, and the controversy has turned upon the power of the Secretary to revise it; and it is in this aspect of the case, that it has been considered by the court, in the foregoing opinion.

"The appeal must be dismissed for want of jurisdiction."

Note by the Chief Justice, inserted by order of the Court:

"The result of the opinions expressed by the Judges of the Supreme Court of that day in the note to Hayburn's case, and in the case of the *United States* v. *Todd*, is this:

"1. That the power proposed to be conferred on the circuit courts of the United States by the act of 1792 was not judicial power within the meaning of the Constitution, and was, therefore, unconstitutional, and could not lawfully be exercised by the courts.

"2. That as the act of Congress intended to confer the power on the courts as a judicial function, it could not be construed as an authority to the judges composing the court to exercise the power out of court in the character of commissioners.

"3. That money paid under a certificate from persons not authorized by law to give it, might be recovered back by the United States."

Radio Comm. v. *General Electric Co.* (281 U.S. Repts. 464, 469), opinion of the Court: "But this Court cannot be invested with jurisdiction of that character, whether for purposes of review or otherwise. It was brought into being by the judiciary article of the Constitution, is invested with judicial power only and can have no jurisdiction other than of cases and controversies falling within the classes enumerated in that article. It cannot give decisions which are merely advisory; nor can it exercise or participate in the exercise of functions which are essentially legislative or administrative. *Keller* v. *Potomac Electric Power Co.*, supra (p. 444), and cases cited: *Postum Cereal Co.* v. *California Fig Nut Company*, supra (pp. 700–701); *Liberty Warehouse Co.* v. *Grannis* (273 U.S. 70, 74); *Willing* v. *Chicago Auditorium Association* (277 U.S. 274, 289); *Ex Parte Bakelite Corporation* (279 U.S. 438, 449)."

Postum Cereal Co. v. *Calif. Fig Nut Co.* (272 U.S. Reports 693, 700), opinion of the Court: "The distinction between the jurisdiction of this Court, which is confined to the hearing and decision of cases in the constitutional sense, and that of administrative action and decision, power for which may be conferred upon courts of the district, is shown in the case of *Keller* v. *Potomac Electric Company* (261 U.S. 428, 440, 442, 443). There it is pointed out that, while Congress in its constitutional exercise of exclusive legislation over the district may clothe the courts of the district not only with the jurisdiction and powers of the Federal courts in the several States but also with such authority as a State might confer on her courts (*Prentis* v. *Atlantic Coast Line Company* (211 U.S. 210, 225, 226)) and so may vest courts of the district with administrative or legislative functions which are not properly judicial, it may not do so with this Court or any Federal court established under article III of the Constitution."

Second. It is clear that the registration of electors and the conduct of elections are ministerial and administrative, not judicial, functions.

The establishment of election precincts and voting places and the appointment of election commissioners by county officers were held to be merely administrative or ministerial acts, requiring no judicial or quasi-judicial inquiry or determination, and hence prohibition was held not to lie to prevent such action. (*Williamson* v. *County Ct.* ((1904) 56 W. Va. 38, 48 S.E. 835, 3 Ann. Cas. 355).)

And the duties of a board of election commissioners in connection with the filing of lists of qualified voters of a political party and in appointing officers of a primary election were held to be merely administrative and not to involve any judicial functions, and hence prohibition was held not to lie against the board. (*Kalbfell* v. *Wood* ((1906) 193 Mo. 675, 92 S.W. 230).)

According to what would seem to be the better view, the mere calling of an election is not such a judicial act as may be controlled by the writ of prohibition, in the absence of statute.

Thus, a board of election commissioners not being a judicial body, it was held that prohibition would not lie to prevent it from ordering an election. (*People ex rel. Taylor* v. *Election Comrs.* ((1880) 54 Cal. 404).)

And the duties of a public officer in connection with the calling of a stock law election upon the filing of a petition therefor by a certain number of residents were held to be administrative or ministerial in character, and hence not subject to control by prohibition. (*State ex rel. Turner* v. *Bradley* ((1901) 134 Ala. 549, 33 So. 339).)

The act also of a county court in calling an election to determine the question of relocation of the county seat was held to be purely ministerial, so that prohibition would not lie to prevent it. (*Baker* v. *O'Brien* ((1916) 79 W. Va. 101, 90 S.E. 543).)

Where the duties of the superintendent of schools in calling an election and proceeding for the formation of a consolidated school district were purely ministerial, and did not involve the exercise of any discretion, it was held that prohibition would not lie to restrain the performance of such duties. (*State ex rel. Isaacson* v. *Parker* ((1918) 40 S.D. 102 166 N.W. 309).)

In *State ex rel. Caldwell* v. *Vaughn* ((1912) 33 Okla. 384, 125, p. 899) it was held that a county election board, in receiving applications of candidates to have their names placed on ballots, and in placing names thereon, was engaged in a purely ministerial or executive duty, not involving the exercise of any judicial power, and hence that prohibition would not lie to restrain such act.

It was recognized by the court in *Oren* v. *Secretary of State* ((1912) 171 Mich. 590, 137 N.W. 227) that the writ of prohibition was not the proper remedy to prevent a secretary of state from receiving and filing nominating petitions for a public office.

It is perfectly proper for a court to review in a case or controversy the legality or correctness of a decision or action by an administrative official, but it is not proper for the court to assume and exercise the discretion vested in an administrative official. The courts have uniformly refused to do so.

It is clear from the wording of the voting referee proposal, and from the testimony of the Justice Department spokesman, Judge Walsh, in construing the proposal that it is contemplated that the so-called voting referee, an appointee of the court exercising the power of the court, will stand in the shoes of the State registrar or clerk and exercise the authority vested in that State official by the constitution and laws of the State. It is also clear that this constitutes the exercise of administrative or ministerial authority and discretion by a court.

It is argued that such assumption of State authority is not unconstitutional since it is merely effectuation of the broad decree of the court prohibiting discrimination against Negroes, and is thus ancillary to the judicial function of the court in the proceeding brought by the Attorney General under the Civil Rights Act of 1957. If that were true, a case for constitutionality of this device might be made; but the registration of Negroes and the prevention of discrimination against them is not an ancillary matter; it is the very purpose of the proceeding brought to effectuate the provisions of the 15th amendment.

II. THE VOTING REFEREE PROPOSAL IS UNCONSTITUTIONAL BECAUSE IN VIOLATION OF THE FIFTH AMENDMENT OF THE CONSTITUTION IT DEPRIVES DEFENDANTS OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW

The proceeding against State officials is one which for its enforcement depends on the incarceration of the individual for contempt of court. Rules of fair play and due process require that before such punishment can be inflicted, a person must have his day in court and an opportunity to defend himself. The voting referee proposal denies a defendant his day in court and thus denies due process.

First. It excludes him from the initial factfinding process by the referee. It is mandatory that the defendant, whose liberty will be affected by the factual record made by the referee, be excluded from the referee's ex parte proceeding. He is thus deprived of challenging the accuracy or validity of the evidence presented by the applicant to prove himself qualified and denied the opportunity to present contrary evidence. Thus, by the ex parte proceeding we encourage the development of a slanted, one-sided record and expressly forbid tested methods of developing the truth, and it is on the basis of this one-sided record that the defendant is to be punished for contempt.

Second. The voting referee proposal also provides for limitation on the character of proof to establish the applicant's eligibility for a voting order by providing that his statement under oath

should be prima facie evidence as to his age, residence, and prior efforts to register and that his written or stenographically reported answer to questions shall be included in the referee's report as evidence of the literacy requirements of the State law.

Third. The effect of the voting referee provision is to exclude from the case or controversy the central fact of the offense, namely, the abridgment of the right to vote on account of color. Where a pattern or practice is found to exist in the proceeding, discrimination is conclusively presumed not only against the original defendant but all who may follow him, regardless of the truth. This would be equivalent to passing a general statute saying that in all Federal criminal cases, criminal intent need not be proved by the prosecutor.

The limited rights to except to the report of the referee and the provision that the court in its discretion may try issues of fact and law raised by the exceptions either before the court or by referring such issues back to the voting referee, do not cure, in my opinion, the denial of due process.

The secrecy of star chamber proceedings where a factual record is made upon which a defendant may be sent to jail is repugnant to the American spirit of fair play and is violative of existing concepts of due process in Federal civil judicial procedure. If this were not so, and defendants' rights under existing civil procedure are to be preserved, it would not be necessary to legislate and change the rules of the game.

DUE PROCESS

Morgan v. *U.S.* (304 U.S. 1, 18, 22 (1938)), Mr. Chief Justice Hughes delivered the opinion of the Court:

"But a 'full hearing'—a fair and open hearing—requires more than that. The right to a hearing embraces not only the right to present evidence but also a reasonable opportunity to know the claims of the opposing party and to meet them. The right to submit argument implies that opportunity; otherwise the right may be but a barren one. Those who are brought into contest with the Government in a quasi-judicial proceeding aimed at the control of their activities are entitled to be fairly advised of what the Government proposes and to be heard upon its proposals before it issues its final command (p. 18).

"Again, the evidence being in, the Secretary might receive the proposed findings of both parties, each being notified of the proposals of the other, hear argument thereon, and make his own findings. But what would not be essential to the adequacy of the hearing if the Secretary himself makes the findings is not a criterion for a case in which the Secretary accepts and makes as his own the findings which have been prepared by the active prosecutors for the Government, after an *ex parte* discussion with them and without according any reasonable opportunity to the respondents in the proceeding to know the claims thus presented and to contest them. That is more than an irregularity in practice; it is a vital defect.

"The maintenance of proper standards on the part of administrative agencies in the performance of their quasi-judicial functions is of the highest importance and in no way cripples or embarrasses the exercise of their appropriate authority. On the contrary, it is in their manifest interest. For, as we said at the outset, if these multiplying agencies deemed to be necessary in our complex society are to serve the purposes for which they are created and endowed with vast powers, they must accredit themselves by acting in accordance with the cherished judicial tradition embodying the basic concepts of fair play."

Gonzales v. *U.S.* (348 U.S. 407, 413, 414, 416, 417 (1955)), Mr. Justice Clark delivered the opinion of the Court:

"Furthermore, if the registrant is to present his case effectively to the Appeal Board, he must be cognizant of all the facts before the Board as well as the overall position of the Department of Justice * * * (p. 413).

"The Department of Justice based its rejection of his claim on the proximity of petitioner's conversion to his registration for the draft, a contention of which he had no knowledge and no opportunity to meet. The petitioner was entitled to know the thrust of the Department's recommendation so he could muster his facts and arguments to meet its contentions. See *Morgan* v. *United States* (304 U.S. 1, 18) (p. 414).

"And, in a case where it was not shown that the registrant had access to the panel's report, Judge Learned Hand said:

" 'As the case comes to us, the board made use of evidence of which (the registrant) may have been unaware, and which he had no chance to answer: a prime requirement of any fair hearing.' (*United States* v. *Balogh* (157 F. 2d 939, 943, judgment vacated on other grounds, 329 U.S. 692)) (p. 416).

"We hold that the overall procedures set up in the statute and regulations, designed to be 'fair and just' in their operation, 62 Stat. 605, 50 U.S.C. App. sec. 451(c), require that the registrant receive a copy of the Justice Department's recommendation and be given a reasonable opportunity to file a reply thereto. Accordingly, the decision of the court of appeals, upholding petitioner's conviction for refusing to submit to induction, is reversed" (p. 417).

Greene v. *McElroy* (360 U.S. 474, 496–497 (1959)).

III. THE VOTING REFEREE PROPOSAL IS UNCONSTITUTIONAL BECAUSE IT INVOLVES SEIZURE BY AGENTS OF THE FEDERAL GOVERNMENT OF THE GOVERNMENTAL POWER OF THE STATES AND IN EFFECT APPOINTS A RECEIVER IN BANKRUPTCY TO TAKE POSSESSION OF THE MOST PRECIOUS THING THE PEOPLE OF A STATE ENJOY, NAMELY, THE POWER TO GOVERN THEMSELVES

The voting referee proposal violates the 10th amendment and article IV, section 4, of the Constitution of the United States, which guarantees to each State a republican form of government. The United States, which is charged with the protection and assurance of a republican form of self-government for every State would itself be the offender by seizing, through a voting referee, control of the people's most precious right, the right of franchise; and vesting that control in a subordinate judicial official not chosen by, nor responsible to, the people whose authority he exercises.

The voting referee proposal likewise expressly makes the State itself guilty of the illegal acts of its officers, and as a party defendant subjects a sovereign State to the sanctions of a lower Federal district court.

ARTICLE IV

SEC. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence (U.S. Constitution).

Corwin U.S. Constitution Anno. (1953) p. 704:

"It was established in the pioneer case of *Luther* v. *Borden* (7 How. 1 (1849)) that questions arising under this section are political, not judicial, in character, and that it 'rests with Congress to decide what government is the established one in a State * * * as well as its republican character' (ibid. 42). See also *Ohio ex rel. Bryant* v. *Akron Metropolitan Park District* (281 U.S. 74, 80 (1930)); *Mountain Timber Co.* v. *Washington* (243 U.S. 219, 234 (1917)). Upon Congress also rested the duty to restore republican governments to the States which seceded from the Union at the time of the Civil War. In *Texas* v. *White* (7 Wall. 700, 729 (1869)) the Supreme Court declared that the action of the President in setting up provisional governments at the end of the war was justified, if at all, only as an exercise of his powers as Commander in Chief and that such governments were to be regarded merely as provisional regimes to perform the functions of government pending action by Congress. On the ground that the questions were not justiciable in character, the Supreme Court has refused to consider whether the adoption of the initiative and referendum (*Pacific States Teleph. & Teleg. Co.* v. *Oregon* (223 U.S. 118 (1912)); *Kiernan* v. *Portland* (223 U.S. 151 (1912)); *Ohio ex rel. Davis* v. *Hildebrandt* (241 U.S. 565 (1916) or the delegation of legislative power to other departments of government (*Ohio ex rel. Bryant* v. *Akron Metropolitan Park District* (281 U.S. 74, 80 (1930)); *O'Neill* v. *Leamer* (239 U.S. 244 (1915)); *Highland Farms Dairy Inc.* v. *Agnew* (300 U.S. 608, 612 (1937)); *Forsyth* v. *Hammond* (166 U.S. 506, 519 (1897)) is compatible with a republican form of government. This guarantee does not give the Supreme Court jurisdiction to review a decision of a State court sustaining a determination of an election contest for the office of Governor made by a State legislature under the authority of a State constitution (*Taylor* v. *Beckham* (178 U.S. 548 (1900)). See also *Marshall* v. *Dye* (231 U.S. 250 (1914)). Inasmuch as women were denied the right to vote in most, if not all, of the Original Thirteen States, it was held, prior to the adoption of amendment XIX, that a State government could be challenged under this clause by reason of the fact that it did not permit women to vote" (*Minor* v. *Happersett* (21 Wall. 162, 175 (1875)).

"No particular government is designated by this clause as republican. Neither is the exact form to be guaranteed, in any manner especially designated. The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had governments when the Constitution was adopted. In all the people participated to some extent, through their representatives elected in the manner especially provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is therefore to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form within the meaning of that term as employed in the Constitution. (*Minor* v. *Happersett* (Mo. 1875, 21 Wall. 175, 22 L. Ed. 627). See, also, *Appeal of Allyn* (1909, 71 A. 794, 81 Conn. 534, 129 Am. St. Rep. 22, 23 L.R.A.N.S., 630).

"Distribution of power by State among its governmental organs is commonly, if not always a question for State. (*Highland Farms Dairy* v. *Agnew* (Va. 1937, 57 S. Ct. 549, 300 U.S. 608, 81 L. Ed. 835, affirming 16 F. Supp. 575).)

"By the Constitution a republican form of government is guaranteed to every State in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws in

virtue of the legislative power reposed in representative bodies, whose legitimate acts may be said to be those of the people themselves; but, while the people are thus the source of political power, their governments, National and State, have been limited by written constitutions, and they have themselves thereby set bounds to their own power, as against the sudden impulses of mere Majorities. (*In re Duncan* (Tex. 1891, 11 S. Ct. 573, 139 U.S. 449, 461, 35 L. Ed. 219).)

"That [clause] expresses the full limit of national control over the internal affairs of the State. (*South Carolina* v. *United States* (1905, 26 S. Ct. 110, 199 U.S. 437, 454, 50 L. Ed. 261, 4 Ann. Cas. 737).)

"An amendment to State constitution must not impair obligation of contract nor otherwise violate the obligation of contract under article 1, section 10, clause 1, or violate 14th amendment or any other provision of Federal Constitution, including this clause, and except as thus restricted, there is no limitation on the power to amend or rewrite State constitution. *Downs* v. *City of Birmingham* (1940, 198 So. 231, 240 Ala. 177).)

Mr. Chairman, frequently during the debate on the voting referee proposal I have pointed out that in the various versions or editions, starting with H.R. 10035 and ending with the Celler substitute to the McCulloch amendment, the terms of which are set forth in H.R. 11160, some progress was made in eliminating objectionable provisions or in substituting additional language, the total effect of which was to make the final version less objectionable and less unconstitutional than the first version.

Mr. Chairman, a member of the staff of the House Judiciary Committee has prepared a chart attempting to show in brief form the manner in which this transformation was accomplished from version to version. For the benefit of the membership and for its possible contribution to a proper understanding of the legislative history of this unusual voting referee proposal, I am incorporating that chart at this point in my remarks:

Major revisions of administration bill pertaining to voting rights

H.R. 10035 by Mr. McCULLOCH	H.R. 10625 by Mr. McCULLOCH	H.R. 11160 by Mr. McCULLOCH	Celler substitute with O'Hara amendment
Attorney General files an action under subsec. (c), § 131, Civil Rights Act of 1957 [42 U.S.C. 1971(c)] for a violation of subsec. (a) or (b).	Attorney General files an action under subsec. (c) Civil Rights Act of 1957 [42 U.S.C. 1971(c)] for a violation of subsec. (a).	Same as H.R. 10625	Same as H.R. 10625.
In the event the court finds a deprivation of the right to vote (because of State action) and that such deprivation was the result of a pattern or practice, the court may appoint voting referees to receive applications to vote from persons of the same race or color. No provision for the court to receive such applications.	In the event the court finds a deprivation of the right to vote, the Attorney General requests the court to find whether such deprivation was the result of a pattern or practice. Upon making an affirmative finding, the court may appoint voting referees and any individual of the same race or color may make application for an order of the court declaring his qualifications to vote. The court receives applications in the event no voting referee is appointed.	....do	Do.
Not specified	Not specified	Voting referee must be a qualified voter in the judicial district.	Same as H.R. 11160.
After the finding of the pattern or practice and the appointment of a voting referee, the voting referee receives applications to vote and reports to the court which applicants are qualified to vote and have been deprived of the opportunity to register to vote or found not qualified to vote.	After the finding of the pattern or practice, any person of the same race or color, upon submitting proof of his voting qualifications, and that he was deprived of the opportunity to register to vote or was found not qualified to vote, has a right to an order of the court declaring him qualified to vote.	Same as H.R. 10625 except that, after the court makes an affirmative finding, the applicant must attempt to register and otherwise qualify to vote before making application to the court or to the voting referee.	Do.
Applicants do not have to prove that deprivation was because of their race or color. This is conclusively presumed after the court finding of the pattern or practice.	Same as H.R. 10035	Same as H.R. 10035	Same as H.R. 10035.
Not specified	Applications have to be heard within 10 days.	Same as H.R. 10625	Same as H.R. 10625.
Proceeding before voting referee left to discretion of the court.	Proceeding before the voting referee to be ex parte. Applicants' statement under oath is prima facie evidence of his age, residence, and prior efforts to register or otherwise qualify to vote. Applicant's answers to literacy test must be included in report to the court.	....do	Do.
Not specified	After voting referee files report with the court, the Attorney General must transmit copies thereof to the State attorney general and to each party together with an order to show cause within 10 days why an order of the court should not be entered.	....do	Do.
Nature of exceptions not specified	Exceptions as to facts must be supported by verified copy of a public record or by affidavit of person having knowledge of such facts. Exceptions as to law must be supported by a memorandum of law.	Exceptions as to facts must be supported by verified copy of a public record or by affidavit of person having knowledge of such facts, or by statement or matters contained in such report.	Same as H.R. 11160.
Court to accept findings in voting referee's report unless clearly erroneous.	Clearly erroneous standard dropped. Issues of law and fact raised by exceptions to be determined by the court or by the voting referee under procedures proscribed by the court. A hearing as to facts held only if affidavits disclose genuine issues of fact. Applicant's literacy determined solely from answers in voting referee's report.	Same as H.R. 10625 except a hearing as to facts will be held only if the proof (instead of affidavits) disclose genuine issues of fact.	Do.
Voting referees may attend the place for holding elections in order to determine whether qualified applicants were permitted to vote, and whether their votes were counted.	Same as H.R. 10625	Voting referees may attend the place for holding elections in order to determine whether qualified applicants were permitted to vote.	Provision deleted, but restored by implication in O'Hara amendment, which provides that the court may authorize the referee or other persons to take appropriate action to enforce its decree.
Not specified	Notwithstanding inconsistent State law or court opinions qualified applicants are to be permitted to vote.	Same as H.R. 10625	Same as H.R. 10625.
Do	Court given authority to permit applicants to vote provisionally pending final determination of exceptions.	....do	By O'Hara amendment, in cases of applications filed prior to 20 days before an election, which are undetermined at time of election, applicants shall be permitted to vote provisionally. In cases of applications filed within 20 days of an election, the court in its discretion may permit the applicant to vote provisionally. Court given authority to impound ballots and to take other action appropriate or necessary to enforce its decree.

Major revisions of administration bill pertaining to voting rights—Continued

H.R. 10035 by Mr. McCULLOCH	H.R. 10625 by Mr. McCULLOCH	H.R. 11160 by Mr. McCULLOCH	Celler substitute with O'Hara amendment
When a State official resigns and no successor is appointed, the action of the official is deemed that of the State and the proceeding may be continued against the State.	The action of the State official is deemed that of the State and the State may be joined as a party and, if prior to filing suit such official resigns and no successor is appointed, suit may be instituted against the State.	Same as H.R. 10625	Same as H.R. 10625.
Attorney General must furnish copies of original and supplementary decrees to appropriate State election officials, who are thereafter subject to contempt for refusing to permit qualified applicants therein named to vote.	Attorney General must furnish certified copies of the court order declaring applicants qualified to vote for appropriate State election officials, who are thereafter subject to contempt for refusing to permit qualified applicants therein named to vote.	do	Do.
The voting referee shall issue a certificate to each qualified applicant which identifies the holder as qualified to vote.	The court or the voting referee shall issue a certificate to each qualified voter which identifies the holder as qualified to vote.	do	Do.

Mr. BOW. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Chairman, I had intended to offer what I consider a very important amendment to this bill.

Mr. MEADER. Mr. Chairman, a parliamentary inquiry.

Mr. BOW. I do not yield for a parliamentary inquiry.

Mr. MEADER. If my amendment were voted on, the gentleman then could offer his amendment.

The CHAIRMAN. The gentleman does not yield for a parliamentary inquiry.

Mr. BOW. I do not desire to offer my amendment. Mr. Chairman, I would have offered the amendment if there had been sufficient time for full debate, and careful consideration on a very important amendment to protect individual rights. I have sat here day in and day out listening to the committee argue the merits and demerits of this bill; I have heard them ask for extra time, time and time again, and did not object; but now when we come to the point where others than the members of the committee might have some rights we are limited so we cannot properly debate important amendments.

The amendment I would have offered is not endorsed by the NAACP, but by the American Legion, the Veterans of Foreign Wars, the DAR, the DAV, and many other patriotic organizations. It is an amendment that would give to the American soldier the right to vote. I am not talking today only about trials in courts in foreign lands where our servicemen are deprived of their constitutional rights; I am talking about the American soldiers in this country who because they are on bases outside of their State are not permitted to vote. I am talking about those who in some areas such as in Ohio until quite recently were deprived of the right to vote, even though their wives were permitted to vote; and it seems to me unfortunate, Mr. Chairman. After all, the rights we are talking about in this bill are serious constitutional rights. Paragraph 14 of section 8 of article I of the Constitution provides we shall "make rules for the government and regulation of the land and naval forces."

That is a constitutional right that this House of Representatives and the Congress of the United States should protect which we are not defending. It seems to me we are beginning to think in terms of invading States rights, we are doing things in this bill that may do violence to the Constitution; and I resent the action that will deprive—I will withdraw that, and say that I regret that the chairman of the committee has seen fit to limit this debate so that all the questions of constitutional rights which should be protected cannot be. All members of the committee have had ample time to debate pro and con. The important amendment I would have offered cannot and should not be debated in 2½ minutes, the time allotted to me by the motion of the distinguished chairman of the Judiciary Committee. The American serviceman should have at least equal treatment with the sharecropper in the South. Those who have joined in the limit of debate do a great disservice to our Armed Forces everywhere.

The amendment I had at the Speaker's desk to offer is as follows:

Insert a new title VI:

"CONSTITUTIONAL RIGHTS OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES

"That section 2172 of title 5 of the United States Code is amended (1) by inserting '(a)' immediately before 'To afford ample', and (2) by adding at the end thereof the following:

"'(b) Any member of the Armed Forces serving within the United States whose State of residence fails to comply with these recommendations shall be entitled to vote for the offices of President and Vice President in the State in which he is stationed.'

"2. That section 802 of title 10 of the United States Code (article 2 of the Uniform Code of Military Justice) is amended (1) by inserting '(a)' immediately before 'The following persons', and (2) by adding at the end thereof the following:

"'(b) (1) Notwithstanding the provision of any treaty, agreement or protocol, no person subject to this chapter pursuant to paragraph (1) of subsection (a) shall be subject to the criminal laws of any foreign nation for any alleged offense arising out of any act or omission taking place while he is on duty. The Department concerned shall not relinquish jurisdiction of, or surrender, any person so subject to this chapter to any foreign nation for the purpose of prosecution under the criminal laws of such nation for any alleged offense arising out of any act or omission taking place while such person is on duty.

"'(2) Notwithstanding the provision of any treaty, agreement, or protocol, the Department concerned shall not relinquish jurisdiction of, or surrender, any person so subject to this chapter to any foreign nation for the purpose of prosecution under the criminal laws of such nation for any alleged offense arising out of any act or omission taking place while such person is not on duty, unless such Department has determined that, if such person is prosecuted under the criminal laws of such nation, he will have available to him procedural safeguards in such prosecution which afford him substantially the same protection as he would have if he were being prosecuted for such offense in a general court-martial convened under this chapter, including, but not limited to, the following:

"'(A) The acused is to have the assistance of counsel for his defense;

"'(B) The accused is entitled to be present at his trial;

"'(C) The accused is entitled to be confronted with the witnesses against him;

"'(D) The accused is entitled to have compulsory process for obtaining witnesses in his favor;

"'(E) The burden of proof is on the Government;

"'(F) The accused is entitled to be tried by an impartial court;

"'(G) The accused is entitled to be protected from the use of a confession obtained by torture or other illegal or improper means;

"'(H) Cruel and unusual punishment shall not be inflicted;

"'(I) The accused is entitled to a prompt and speedy trial.'"

What honest, real, Member of the House would oppose the amendment above?

The CHAIRMAN. The gentleman from New York [Mr. WAINWRIGHT] is recognized.

Mr. WAINWRIGHT. Mr. Chairman, at this point I would like to yield to the gentleman from Massachusetts [Mr. CURTIS].

Mr. CURTIS of Massachusetts. The gentleman from Virginia [Mr. POFF] tried to make it appear as a part of this record that the intention of the House was that the finding referred to on page 2, line 3, of H.R. 11160, which is now a part of the Celler amendment, was a final and appealable order.

The bill at that point provides that the court, upon request of the Attorney General and after notice and hearing,

shall make a finding as to whether there was a pattern or practice of discrimination.

I doubt whether what we say here will have much influence on a court which must pass on this question after this bill becomes law. But for the sake of the record I want to have it appear that some of us believe that this legislation does not contemplate or intend that the above finding shall be a final and appealable order.

In the words of the bill, it is referred to not as an order or decree but as the finding. The bill then goes on to provide that after such finding and other proceedings the court is to make an order declaring that the applicant before the court—who claims that his voting rights have been improperly denied—is qualified to vote.

It is this order declaring the applicant qualified to vote which I believe is the final order, and I submit that the prior finding of a pattern or practice of discrimination is not a final and appealable order but is an interlocutory finding.

Mr. WAINWRIGHT. Mr. Chairman, the gentleman from Virginia [Mr. POFF] asked the gentleman from New York [Mr. LINDSAY] a question. I yield 1 minute to the gentleman from New York [Mr. LINDSAY] to answer the question.

Mr. LINDSAY. Mr. Chairman, in the event a proceeding is brought under the 1957 Civil Rights Act as it stands, I take it that a finding by the court stating that individuals have been denied the right to vote is a final order and, therefore, would be appealable. This is the law today.

Now if in such a proceeding the court should go on and find there was a pattern of practice of voting discrimination, such a finding would be part of the same proceeding and therefore would also be appealable.

Mr. WAINWRIGHT. I thank the gentleman from New York. I now yield to the gentleman from Michigan [Mr. CEDERBERG].

Mr. CEDERBERG. Mr. Chairman, I have been listening to this debate for a long time. It seems to me if you are as confused as I am the thing we ought to do is to take all the lawyers off the Committee on the Judiciary and put nonlawyers on that committee, then possibly we could write a bill that some of us would understand.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, the Committee, a day or two ago, had before it the amendment, in substance, which is now before the Committee. The decision on the prior amendment was a sound one, I submit, and I hope the decision of the Committee again will be to reject the pending amendment.

I want to say again, Mr. Chairman, that if there be a finding by the court that there is a pattern or practice of discrimination against one by reason of race or color that finding followed by an order or decree appointing a referee or for other purposes is a final order or decree which is subject to appellate review.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, in essence what the amendment of the gentleman from Michigan does is to do away with all idea of presumption and patterns or practices of discrimination, which is the very kernel of the bill, and would make of the proceeding strictly a master proceeding under a U.S. district judge. That, as far as according voting rights or registration rights to the Negro, would be just about as useless as trying to make a tiger eat grass or a cow eat meat. They just will not do it.

What the gentleman from Michigan is trying to do just will not work. For that reason the amendment must be voted down.

Beyond that, we have the same old dodge brought before us that every one of these proceedings, hundreds of them, shall be what is known as an adversary proceeding, no ex parte proceedings. That would make all of these proceedings interminably long and before you could get any kind of remedy the election or the elections would have passed. So that what the gentleman is really trying to do is to destroy the bill. It may be in good faith, but he is destroying the bill.

For that reason I hope the amendment will be decisively voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER].

The amendment was rejected.

Mr. WHITENER. Mr. Chairman, in a colloquy yesterday which I had with the gentleman from Pennsylvania [Mr. QUIGLEY] I question the accuracy of his legal conclusions stated on the floor last Thursday. As the RECORD for yesterday will show, I quoted from Bouvier's Law Dictionary the law with reference to the question as to whether a conclusive presumption of legitimacy of a child arises upon evidence that the child was born to a married woman. The law is clear that a conclusive presumption does not arise, but that evidence of the marriage of the mother merely makes a prima facie case of legitimacy which is subject to rebuttal.

The gentleman from Pennsylvania then insisted that his statements of last Thursday with reference to conclusive presumptions in other situations did exist in law. He said:

> A girl under the age of consent is conclusively presumed not to be able to give her consent to carnal knowledge; and, second, in American criminal law, a male under the age of 14 is conclusively presumed to be incapable of commiting rape.

While I do not desire to further engage in contention with my valued and distinguished friend from Pennsylvania, I do feel that the record should be thoroughly clear for the laymen in the House of Representatives as to the existence of such conclusive presumptions. In order that my colleagues may have the benefit of the true picture as to the law, I have elected to quote from a well-known reference book on criminal law, to wit, "Miller on Criminal Law."

At page 119, section 34(a), Judge Miller states:

> At common law a child under the age of 7 years is conclusively presumed incapable of entertaining criminal intent, and cannot commit a crime. Between the ages of 7 and 14 a child is presumed to be incapable, but the presumption may be rebutted. After the age of 14, he is presumed to have sufficient capacity, and must affirmatively show the contrary.
>
> The ground of an infant's exemption from criminal responsibility for his acts is the want of sufficient mental capacity to entertain the criminal intent which is an essential element of every crime. If a child, when he commits a wrongful act, is under the age of 7 years, not even the clearest evidence, not even his own confession, indeed, will be received on the part of the State, to show that he was possessed of a responsible discretion. Under that age, he is absolutely irresponsible. If, however, he has reached the age of 7, the State is permitted to prove that he was of sufficient capacity to entertain a criminal intent. In the absence of such proof, he is not responsible, and the proof, to warrant conviction, must be clear and convincing. It has been held that a conviction cannot be had on his own mere naked confession, but there are cases holding the contrary, where the corpus delicti is otherwise proven. If his age is itself in doubt, the burden of proving that he is under 14 is on him, "as the reputed age of everyone is peculiarly within his own knowledge, and also the persons by whom it can be directly proved." When a child has reached the age of 14, he is presumed capable of committing crime; and, to escape responsibility, he must affirmatively show want of capacity. * * * There is also an exception in the case of rape, arising from a presumption as to the physical incapacity of an infant. This, however, will be mentioned in treating of the crime of rape.

And, speaking to the subject of consent of a child to the act of carnal knowledge, Judge Miller says on page 296, section 96(b), in part:

> At common law, a child under the age of 10 years is deemed incapable of consenting, as she cannot know the nature of the act, and her consent is therefore no defense. It has even been held that a girl of 12 is incapable of consenting at common law. In most of the States there are statutes which fix an age below which a girl cannot consent to sexual intercourse, by providing that carnal knowledge of a female under that age shall be rape, whether she consents or not. Here, of course, consent is no defense. In some States the age is fixed as high as 18 years.

Further writing on this subject on page 300, section 97(g), Judge Miller says:

> A boy under 14 is under the common law of England conclusively presumed incapable of committing the crime. Such is also the law with us in some of the States. Some courts, on the contrary, hold that the common-law rule is not applicable, and refuse to follow it, on the ground that, because of the difference in climate and other conditions, boys mature earlier in this country than in England. Other courts hold that the common-law rule applies so far as it raises a presumption of incapacity, but that the presumption is not conclusive, and may be rebutted. A boy under 14, if of sufficient mental capacity, may, however, be guilty as principal or accessory to the crime committed by another. We have already considered in another connection the question

whether a boy who is too young to commit rape may be guilty of an attempt to commit it.

Mr. Chairman, as I have heretofore stated, it is not my intention to further prolong contention with my dear friend the gentleman from Pennsylvania [Mr. QUIGLEY] on this subject. My sole purpose in making these further remarks is merely to give to the membership of the House the benefit of the knowledge of one of our leading authorities on criminal law, Justin Miller. Perhaps this will serve to eliminate any misunderstanding as to the existence or nonexistence of conclusive presumptions in the fields of the law mentioned by the gentleman from Pennsylvania and me in previous colloquies.

Mr. MULTER. Mr. Chairman, the matter of civil rights has long been a national problem.

Only a small but very important part thereof has been a sectional problem.

The matter of discrimination in housing and in employment because of race, color, or creed needs just as much attention in the North as it does in the South.

Peculiarly enough, however, the denial of the right to vote has been a sectional one, limited almost entirely to certain parts of the South.

The right to vote is guaranteed to American citizens by our Constitution and it is the duty of the Congress to enact laws which will assure every qualified voter that the privilege may be exercised without fear or favor.

In that connection, I am pleased to call the attention of our colleagues to the following item, written by Dr. Rufus Clement, president of Atlanta University and an elected member of the Atlanta Board of Education:

TO A DEMOCRATIC BALLOT

(By Rufus Clement)

The fact that the Negro cannot vote as he is entitled to in the South is an uncomfortable proposition for all Americans. It is also undeniable.

One of the excuses advanced by southern politicians for their actions in attempting to limit or to nullify the Negro vote is that they fear that any policy of free and full registration of qualified Negro voters will result in the establishment of a bloc vote by which, in some political subdivisions where more Negro than white people reside, the Negroes would take over government. Many of these same politicians have shown by their actions and have demonstrated in their public speeches the type of racial prejudice which would not hesitate to deny to all Negroes the basic rights promised all citizens by the Constitution of the United States and the constitutions of the individual States. These politicians who seem to fear bloc voting on the part of Negroes are for the most part those individuals who feel that they have so conducted themselves that their candidacies would not be supported by Negro people.

When racial matters are not at issue the Negro vote tends to follow the national as well as local voting trend. If all qualified members of this group were registered and entitled to participate in local and national elections, it would be discovered that, having been victims of biased government, this group would be particularly interested in improving the quality of leadership which is placed in the public offices of Southern States. Previous experience with men who "talked out of both sides of their mouths" would indeed make the Negro wary of supporting such men for public office. The election of officials pledged to fair and equal treatment of all the people, without favoritism to any because of race, creed, economic and social standing, or color—provided of course they are otherwise qualified for the positions they seek—would sharply upgrade southern political leadership in many areas. This has already been demonstrated in Nashville, Atlanta, Louisville, Little Rock, and other southern cities.

In a chart which accompanied the article, Dr. Clement pointed out the following:

In Alabama, only 80,000 Negroes were registered to vote out of an eligible Negro population of 500,000, and the figures in each of the following States were:

Arkansas, 70,000 out of 200,000.
Florida, 140,000 out of 400,000.
Georgia, 170,000 out of 600,000.
Louisiana, 130,000 out of 500,000.
Mississippi, 20,000 out of 500,000.
North Carolina, 150,000 out of 500,000.
South Carolina, 50,000 out of 400,000.
Tennessee, 180,000 out of 300,000.
Texas, 220,000 out of 600,000.
Virginia, 100,000 out of 400,000.

This bill, if not watered down, will go a long way toward remedying this grievous situation and righting a wrong that must not be permitted to continue.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from New York [Mr. CELLER] to the amendment offered by the gentleman from Ohio [Mr. MCCULLOCH].

The question was taken; and on a division (demanded by Mr. MURRAY) there were—ayes 199, noes 104.

So the substitute amendment was agreed to.

The CHAIRMAN. The question now recurs on the McCulloch amendment as amended by the Celler substitute.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 192, noes 112.

So the amendment as amended was agreed to.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: at the end of title VI add the following new title:

"POLL TAXES

"SEC. . The requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers and an impairment of the republican form of government.

"SEC. . It shall be unlawful for any State, municipality, or other government or governmental subdivision to prevent any person from voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, on the ground that such person has not paid a poll tax, and any such requirement shall be invalid and void insofar as it purports to disqualify any person otherwise qualified to vote in such primary or other election. No State, municipality or government or governmental subdivision shall levy a poll tax or any other tax on the right or privilege of voting in such primary or other election, and any such tax shall be invalid and void insofar as it purports to disqualify any person otherwise qualified from voting in such primary or other election.

"SEC. . It shall be unlawful for any State, municipality, or other government or governmental subdivision to interfere with the manner of selecting persons for national office by requiring the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President or for Senator or Member of the House of Representatives, and any such requirement shall be invalid and void.

"SEC. . It shall be unlawful for any person, whether or not acting under the cover of authority of the laws of any State, municipality, or other government or governmental subdivision, to require the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives.

"SEC. . For the purposes of this Act, the payment levying or requirement of a poll tax shall be construed to include any charge of any kind upon the right to vote or to register for voting, in any form or evidence of liability to a poll tax or to any other charge upon the right to vote or to register for voting."

Mr. SMITH of Virginia. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the bill under consideration. It has no earthly connection with anything in the bill and should not be considered.

The CHAIRMAN. Does the gentleman from New York care to be heard on the point of order?

Mr. CELLER. Yes, Mr. Chairman. It has a great deal of earthly connection with the bill. When this bill was first opened for amendment, the Chair ruled that the main purpose of the bill was voting rights. A poll tax is a charge upon the right to vote. It is a price tag, if I may use that term, placed upon the right to vote. It is not a qualification because it is universally applied. When you apply it universally it cannot be a qualification because it appertains to all. Since it is a burden upon the right to vote it is eminently within the four squares of the bill. It would avail naught for a person to be declared qualified and to have the right to vote and then be confronted with a poll tax.

So in that sense the removal of the poll tax is certainly within the purview of the purposes of the bill as a whole and I therefore urge upon the Chair the germaneness of the amendment.

Mr. POFF. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Virginia.

Mr. POFF. Mr. Chairman, first of all it must be manifest that we are not here concerned with the merits or the demerits, the morality or the immorality, of the poll tax as a prerequisite to vote. We are here considering whether or not

the amendment offered by the gentleman from New York is germane. I submit that it is not germane.

The first question the Chair will want to consider, of course, is whether the imposition of the poll tax as a prerequisite for voting is a matter of qualification of a voter under article I, section 2, or whether it involves the manner of holding an election. Clearly, if it does involve the manner of holding an election, the Congress under article I, section 4, does have the jurisdiction to deal with the question on a statutory basis. If on the other hand it involves the question of the qualification of a voter, then indisputably the States and the States only have the right to deal with the situation. Article I, section 2, specifically provides that the States shall have that jurisdiction.

It has been repeatedly ruled by the Supreme Court of the United States, and I cite the Thompson case and the Breedlove case, that the poll tax enacted by the several States as a prerequisite to voting is a constitutional exercise of the State's power, the 15th amendment to the Constitution notwithstanding. What the courts have ruled to be a constitutional exercise of their power cannot be denied to them by a simple statutory enactment of this body but by a constitutional amendment only. Accordingly, and citing in summation a statement from the September 9, 1959, report of the Civil Rights Commission at page 118, I quote the following:

> The debate on these bills would thus seem to indicate that the constitutionality of Federal anti-poll-tax legislation is at least doubtful.

Mr. Chairman, I urge that the Chair sustain the point of order.

Mr. KASEM. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from California.

Mr. KASEM. Mr. Chairman, the gentleman from Virginia argued the constitutionality of a provision and that is not in issue under consideration of the point of order. This amendment that is offered by the distinguished chairman of the Committee on the Judiciary must be construed in one of two lights. It is either an amendment that goes to voting rights or it is a bill that has to do with matters of revenue. It cannot be considered to be an amendment having to do with matters of revenue because it in no way affects the Federal revenue. It is an amendment that has to do with lifting a discriminatory burden from those of lesser means in connection with the right to cast a vote. If the Chair is to be consistent in its rulings, and if it is to be logical in its rulings, it must hold this to be germane.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

As desirable as it may be to eliminate the poll tax as a qualification for voting, nevertheless the legislation under consideration is not the proper vehicle to use to meet this question.

The Chair feels that the question is clearly one of qualifications under the Constitution and, therefore, can be dealt with only through a constitutional amendment. It is significant that bills on this subject, and there are a number of them, have been referred to a committee other than the committee having jurisdiction of the subject matter of the pending bill. Therefore, the Chair holds that the amendment is not germane and sustains the point of order of the gentleman from Virginia.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

SIMILAR LEGISLATION

Mr. CELLER. Mr. Chairman, This amendment is the same as H.R. 3199 which passed the House in the 81st Congress by 273 to 116. Similar bills passed the House in the 77th, 78th, 79th, and 80th Congresses, each time by more than a two-thirds majority.

DETERRENT EFFECT OF POLL TAX

Experience shows that the number of voters in poll-tax States is considerably fewer than in non-poll-tax States. For example, in 1944, a presidential election year in the eight States which then had poll taxes, only about 18 percent voted. In the 40 non-poll-tax States over 68 percent voted.

In 1958 in not one of the five States which still retained the poll tax did more than 50 percent of those of voting age become eligible to vote by paying their poll taxes. Contrast the registration in two Southern States, Florida, a non-poll-tax State, and Texas, a poll-tax State. In 1958 in Florida, registered voters constituted some 90 percent of the voting age population as determined by the most recent census. In Texas, on the other hand, a poll-tax State, the registered voters constituted only about 35 percent of the voting age population as determined in the most recent census.

RELEVANT CASES

The Supreme Court has, on numerous occasions, sustained the right of Congress to enact legislation to prevent interference with the election of Federal officials. Thus, in *Burrows & Cannon* v. *United States* (290 U.S. 534 (1934)) the Supreme Court upheld the Federal Corrupt Practices Act regulating the election of presidential electors. The Court said:

> The President is vested with the executive power of the Nation. The importance of his election and the vital character of its relationship to and effect upon the welfare and safety of the whole people cannot be too strongly stated. To say that Congress is without power to pass appropriate legislation to safeguard such an election from the improper use of money to influence the result is to deny to the Nation in a vital particular the power of self-protection. Congress, undoubtedly, possesses that power, as it possesses every other power essential to preserve the departments and institutions of the General Government from impairment or destruction, whether threatened by force or by corruption.

In Ex parte Yarbrough, the Supreme Court sustained the validity of a statute which made it an offense to conspire to interfere with the right of a citizen to cast his vote in favor of an elector for President or Vice President or for a Member of Congress. The Court said:

> That a government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, is a proposition so startling as to arrest attention and demand the gravest consideration.

Mr. BARDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BARDEN: On page 9, beginning with line 11, strike out everything down through line 23.
>
> On page 9, line 24, strike out "(b)" and insert "SEC. 502.".
>
> Beginning with line 14 on page 10, strike out everything down through line 7 on page 12.

Mr. BARDEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BARDEN. Mr. Chairman, I offer this amendment to title V of this bill because I think it is necessary; and I think my amendment is the way to prevent irreparable damage to a very fine and beneficial program. Title V amends Public Law 874 and Public Law 815. It does not do anything else but amend these two public laws which were passed in 1950 and have been renewed several times since. Many Members of the House, including myself, consider these laws very valuable pieces of legislation. For the last several years, as a matter of fact, the committee has had under consideration an amendment to one of these acts. I do not know how on earth this ever got to the Committee on the Judiciary. The Department of Health, Education, and Welfare sent the message down to my committee. I never dreamed that the Committee on the Judiciary had it until I saw it in this bill the other day. Now I am not accustomed to this—probably, if I stay here 26 more years, I might get to be—but I doubt it. The amendment proposes to rework Public Laws 874 and 815. I think I know what they intended doing, and I am in perfect accord with it; but it has nothing more to do with civil rights than it has to do with the African revolutions.

The first thing they wanted to do, and I repeat I am in accord with it, was to amend Public Law 874 so that onbase military children could be considered just the same as offbase military children are considered and vice versa. That is to say the offbase children and the onbase children are to be considered the same with reference to the school proposition. Well, I am in favor of that. I know what they have in mind and it is good. It is provided here that the money shall come from Public Law 815 to take care of any emergency or any temporary school arrangements for these children should they be inconvenienced.

It is all right to do that. But then they come along, after recognizing the problem, after taking care of these children, after providing that the money should come from 815 to do it, then they add a provision that the Commissioner of Education can reach out and take a school building, built in some instances with 90 percent local money, take it over, commandeer it, manage it, and direct it.

In the first place, they are putting this amendment on a temporary bill that expires in June 1961. That will not work. The other thing is that when they take a school building, set up a school and operate it under title V, if enacted, then I doubt seriously if 815 will ever be extended again. There is a provision in this title that requires any local school setup applying for funds under 815 to put in a clause agreeing to the U.S. Commissioner's taking over the school building. That requirement will kill 815 right away. The next thing is, when you take up 874 next year, you will run into the same problem. Then pretty soon you will have a school construction bill pending. If title V becomes law it will be the kiss of death to a school construction bill. It may cause some of you to vote for it, but it will encourage more of you to vote against it. The psychological damage done to 874 and 815 is bad, because those two bills have done a tremendous amount of good in this country. I cannot conceive of anyone thinking it would be necessary to reach over and take these school buildings as a temporary measure. There are a tremendous number in this House, always making speeches, "We are for the bill without Federal interference." Well, you will have to amend your speeches, because this title will empower the U.S. Commissioner to take school buildings and operate them in accordance with his own whim, and that is the most direct form of Federal interference imaginable. It will not be accepted by the people of this country and should not be. I made a remark the other day that you are now touching the very nerve center of the American people when you begin to touch their schools. We have said, "All right. We will take care of the on-base children and the off-base children. We will provide the money and the facilities; on base, or wherever the Commissioner sees fit to have them, temporary off base facilities. That is all right if an emergency exists." Then why do we want to put in the objectionable horrible feature that allows the U.S. Commissioner of Education to reach out and take school buildings that were constructed primarily with local tax money?

This proposition simply has no bearing on civil rights. The Judiciary Committee has no business assuming jurisdiction, and the language should not remain in the bill. There is no point in injecting a civil rights issue into the military schools situation.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. WIER. Mr. Chairman, I think perhaps I may enlighten the gentleman and I think it will turn out that we are in complete agreement with certain objectives of this amendment. I think the principal objection the gentleman raises in this amendment is that, wherever a school district becomes involved with the Supreme Court decision and that school district has military pupils or the students of military personnel in the school, the military feels they ought to have a right to have the school under some condition for the education of the children. I gain the impression from the presentation of the gentleman's amendment that it would eliminate the Department of Health, Education, and Welfare from going beyond military bases in opening schools that are now closed because of disagreement with the Supreme Court decision. The gentleman has pointed out instances in which they have gone into fields they have no business entering, and the gentleman would limit the HEW interest to schools that have military personnel or students that were closed because of desegregation or the desegregation argument. Is that correct?

Mr. BARDEN. Yes; I assume that was the object they had in mind when they put this language in the bill. But let me say I am perfectly in harmony with taking care of them, and that is why I want to treat off-base and on-base schools exactly the same. As a matter of fact, most of the bases have their education systems on base anyway, which they operate as they please, much the same as they do in my district.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina [Mr. BARDEN] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I thank the gentleman for getting me the extra time. I yield to the gentleman.

Mr. WILLIS. I appreciate the gentleman's statement; it is very clarifying and edifying to me personally. The gentleman pointed out, for instance, that either one or both of these public laws being amended by the Judiciary Committee might expire sometime. The gentleman in the well of the House knows as much, if not more, about public education as any Member of the House, but on the Judiciary Committee we seldom hear about matters involving public education because that is not under the jurisdiction of our committee.

Mr. BARDEN. I will say to the gentleman from Louisiana that I helped write the first one and I helped write the last one, but this is the first time I have ever had anything taken away from me. The House knows generally that I have advocated separation of the Committee on Education and Labor simply for functional purposes. It is a pretty difficult operation. But I never dreamed there would be a coup that would be so quietly pulled off.

But they did not do too much damage except in going further than was necessary.

I want to educate those children on and off the bases; I want the money available to make temporary arrangements or whatever arrangements are necessary. I want the Commissioner to have the authority to rent or provide facilities and all that. I think they did a fairly good job in the arrangement except they went much further than was necessary.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. DIXON. Public Law 815 and Public Law 874 have been extremely valuable in sections of the country where we have federally impacted areas and federally impacted schools.

If this bill will result in the killing of those two laws, I think it would be a calamity to the United States. I believe, as our honored chairman has just stated, if this bill is passed without his amendment it is pretty well going to be the ruination of Public Laws 815 and 874. I submit we had better consider very, very carefully this amendment and its effect upon some very, very important areas of the United States, especially where we are manufacturing missiles and military equipment.

Mr. BARDEN. I thank the gentleman. We took this up in committee, and I think all of the members were there. The gentleman from West Virginia [Mr. BAILEY] introduced these bills. I was very close to him all these years. I do not know whether he is here or not, but he told me he was going to have something to say about this because it would mix up a situation and do more damage than we might think.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield to the gentleman from Florida.

Mr. CRAMER. This provision the gentleman's amendment applies to is 815, the section involving school construction; is that correct, so far as taking over schools is concerned?

Mr. BARDEN. That is about right.

Mr. CRAMER. May I ask this further question. I had a similar amendment which I intended to offer. Is it not the gentleman's opinion that the requirement of subsection 8, the assurance of the local community as a condition precedent to getting funds will result in a school subsequently being turned over to Federal authority? There is no school superintendent in the United States that has authority under the law to enter into any such agreement. The result will be that all federally impacted schools will be denied to every segment of our Nation.

Is that the gentleman's opinion, may I ask the gentleman?

Mr. BARDEN. Of course that is true. In the first place, the minute they put that requirement in there it becomes an encumbrance upon that building, it is an encumbrance upon the taxpayers' money that is spent for that building. It simply will not work, and they will not go

for it, that is all. You might as well repeal the law.

Mr. CRAMER. The amendment that I had intended to propose, although I am supporting the gentleman's amendment as an alternative and will not offer it unless the gentleman's amendment is not agreed to, contained a provision that would make it discretionary with the State to enter into agreements permitting the Federal Government to occupy buildings that might be closed, but does not make it mandatory as the committee bill provided.

Mr. BARDEN. It is discretionary now if the local school people or the State school people want to rent buildings. It is discretionary now.

To summarize, Mr. Chairman, title 5 of the bill H.R. 8601 proposes to amend Public Laws 815 and 874, laws not only clearly within the jurisdiction of the Committee on Education and Labor, but which were reported by the Committee on Education and Labor and passed by the House. Public Laws 815 and 874 provide for assistance to local school districts in federally impacted areas. Under Public Law 815, payments were made to help build schools in districts burdened with substantial increase in their school memberships due to Federal activities. Under Public Law 874, payments are made to local school districts to help meet their operating and maintenance expenses where such districts are providing education for federally connected children.

The Federal Government may not plan or operate any local school facility receiving funds under either Public Law 815 or 874.

The reason for the amendment proposed by title 5, as stated in the report of the House Judiciary Committee, is to provide for the education of children of members of the Armed Forces who live off the installation, when the school which they attend has been closed by State or local action. To solve this problem, the amendment proposes that the Commissioner of Education be empowered to, first, provide school facilities on a temporary basis to these children by acquiring, through rental or temporary construction, either on or off base, the facilities necessary for this purpose—the amendment would also provide teachers and operating expenses for such facilities; second, where a school which had been constructed with the aid of funds provided under Public Law 815 is closed by State or local action, the Commissioner would be authorized to take control of and operate such local educational facility in order to provide for the education of children of members of the Armed Forces.

Now, Mr. Chairman, my quarrel is with the second of the proposed solutions. This amendment would for the first time in our history authorize a Federal official to actually seize and operate local school facilities. Such action introduces into our traditional and time-honored philosophy of education, a totally new and alien concept. This amendment would establish the principal that where Federal funds are used to construct local educational facilities, they might at some future date be subject to Federal seizure and operation. To be sure, the amendment proposed here today does not include all Federal funds nor those funds used in the past, but it is only a short step to such a proposal. This amendment establishes the precedent, and once established, it is easily extended. If such legislation as that proposed by this bill is enacted it will most certainly be the "kiss of death" to any form of Federal aid to education in the future. Why is this so? Because the proponents of Federal aid to education have always maintained that Federal control does not follow Federal money; that it is possible for the Federal Government to allot funds to the States for educational purposes without the danger of Federal interference or control. If this title is enacted into law, Mr. Chairman, the seeds for destruction to our educational system have been sown, and I need not remind this House that our educational system lies at the very heart of our Nation.

Furthermore, this proposal would utterly destroy the effectiveness of Public Law 815 and 874. The amendment proposed by title 5 would require a State or local government to agree in advance before any funds were received, to turn over the facility to the Commissioner of Education upon his request providing only that the school was not then being used for educational purposes. Could conscientious local officials agree to such conditions even if their State and local laws allowed them to?

Let me emphasize that this amendment is not limited to schools involved in desegregation suits, but extends to any closing of a local educational facility by State or local action.

Finally, Mr. Chairman, that portion of title 5 that authorizes the Commissioner of Education to take over the local educational facilities is totally unnecessary. The problem as stated by the report of the Judiciary Committee would be completely eliminated by the other provisions of title 5. These provisions would authorize the Commissioner to provide school facilities, teachers, and operating expenses for the purpose of educating the children of the members of the Armed Forces who live off the base in the event their schools were closed by local or State action. The Commissioner could purchase, rent, or construct on a temporary basis the necessary facilities either on base or off. What more could be done?

The sole effect of the amendments to title I which I propose would be to strike from the title those sections authorizing the Commissioner of Education to take over and operate local educational facilities. Such authority has been shown to be totally unnecessary to a solution of the problem.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CELLER. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, the amendment offered by the gentleman from North Carolina would be a weakening amendment. I am sure if he prevailed he would still vote against the bill. He naturally is jealous of the prerogatives of his own committee, the Committee on Education and Labor. I am jealous of the prerogatives of the Committee on the Judiciary. That is only natural and proper. But there are occasions where there is overlapping and it is difficult to avoid the overlapping. As chairman of the Committee on the Judiciary I did not seek, for example, the provisions of this title that is being sought to be amended. It was in an Executive communication that was received. It was a package bill, and it pertained to a number of subjects, including education. Therefore, it was appropriate and proper because the main ingredients of the bill were for the Judiciary Committee to consider.

I sympathize with the gentleman from North Carolina but I am nonetheless reminded of a story they tell about Lincoln. One day an aide rushed into Lincoln's office and he said, "Mr. Lincoln, Mr. Lincoln, Senator Sumner in the Senate today said he does not believe in the Bible." Lincoln said, "Of course, he does not. He did not write it."

The gentleman from North Carolina did not write this amendment, it did not eminate from his committee and, therefore, he is opposed to this bill or this title more or less in toto.

Mr. HOFFMAN of Michigan. Mr. Chairman, I demand that the words be taken down.

The CHAIRMAN. What are the words the gentleman refers to?

Mr. HOFFMAN of Michigan. The words, "He did not write it, therefore he is against it." I say it is a reflection on a Member of the House.

Mr. BARDEN. You let me take care of my reputation.

The CHAIRMAN. Does the gentleman from Michigan insist that the words be taken down?

Mr. HOFFMAN of Michigan. Yes. It is a reflection on a Member of the House in his representative capacity.

Mr. BARDEN. Mr. Chairman, would it be in order to straighten this out merely for me to say that by the wildest stretch of the imagination I cannot conceive that it is a reflection upon me? I do not so interpret it.

The CHAIRMAN. Does the gentleman from Michigan withdraw his request?

Mr. HOFFMAN of Michigan. If the gentleman from North Carolina considers it a compliment, it is all right with me.

Mr. CELLER. Mr. Chairman, I gave that story not with a view to disparaging the gentleman from North Carolina, I can assure the gentleman. It was just a story that has often been related; related about myself and related about many others.

Now, there has been the fear expressed that this particular title would involve improper interference by the Federal Government in local education. I should like to read two sections which clearly indicate that there is no intention to interfere in any sense of the word with any curriculum or any mode of instruction in the State. I am now reading from section 242, Public Law

874, title 20, which is still law, and we do not touch it:

In the administration of this chapter no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

And again I read from Public Law 815, section 642, of title 20, involving those provisions setting forth moneys for school construction, which reads as follows:

In the administration of this chapter no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

I repeat, we do not touch those sections of the statute.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from North Carolina.

Mr. BARDEN. If you are going to tie that to it, of course, that is unnecessary under the title Construction of Buildings. But, what you are trying to do, my friend, is enable the commissioner to operate the schools. Now, if you make that applicable to your act, you are fixing to put the military children out of school, because someone connected with the Government must run them. What I have done is provide the money, provide the buildings, provide the temporary arrangements.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BOW. Mr. Chairman, I object.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

This is a particularly difficult problem in view of the wide acceptance of Public Laws 815 and 874. As a member of the subcommittee which deals with this legislation, and as the author of the last revision to it, I would hate to see anything dire in the way of cutbacks or elimination of these very worthwhile laws.

After considerable study and soul-searching on this subject I am convinced of several things, the first and most important of which is to say that in my estimation, adoption of the title as written will by no means cause the defeat of the these laws.

There are more than 3,000 school districts which benefit from Public Laws 815 and 874. Take, if you please, the number of them which could be affected by closing schools in those States which resist integrating their schools. If that few can act as the tail which will wag the dog then indeed their actions might be fatal. The fact is that some of us, including myself, in the recent committee consideration of H.R. 10128, the school construction bill recently reported out, voted against a segregation amendment on the ground that legislation is not necessary for self-enacting clauses of the U.S. Constitution. We felt, and I felt in particular, that the proper place, notwithstanding any jurisdictional arguments, for the protection of a particular class of schoolchildren, belongs in a civil rights bill rather than in an education bill.

Here is a case where there are the children of constituents of all of us likely to be going to school in any particular impacted area, the children of the service people from each and every congressional district. In the case of the city of Norfolk which in the recent past closed its schools in resistance to a court order, some 300 military children were attending a base school and were not affected. They attended a base school. Some 3,000, if you please, were not. They were transients, sons and daughters of military personnel who had no active part in the feelings engendered in that particular section of the country by the Supreme Court's integration decisions. I do not propose to discuss the merits of them; I believe in them. The children of military personnel were deprived for more than 3 months of the education to which they were entitled because their schools were closed.

The theory of the impacted areas laws is that the Federal Government has no equity; the moneys go to the school districts to replace tax ratables lost by the presence of the military establishment, or something of that nature. But in the case of category A children whose parents reside on the military establishment, there is a particular problem. The last revision of Public Laws 815 and 874 made permanent the assistance to them.

I rather think that there is as much danger of the elimination of Public Laws 815 and 874 by the adoption of this amendment and striking this title as there is in the opposite situation.

Mr. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield.

Mr. BALDWIN. I should like to ask one question. On page 9 there is section 502(H) that would be stricken. As I understand it, every school district in the United States that makes application for construction funds under Public Law 815 would have to sign an agreement to turn over that school to the Federal Government in the event the school might be closed. This would apply to all States in which there are no segregated schools at the present time. But can the gentleman assure us that all 50 States today would have authority to sign these agreements? If they do not have authority, then they would be barred from receiving funds under Public Law 815 even if they do not have any segregated schools.

Mr. THOMPSON of New Jersey. Obviously the gentleman is not in a position to relate here off the top of his head, the law of 50 States. I believe title V to be sound and workable, and will not be destructive of the program. I am opposed to the amendment of the gentleman from North Carolina.

Mr. CRAMER. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from North Carolina [Mr. BARDEN].

The Clerk read as follows:

Amendment offered by Mr. CRAMER as a substitute for the amendment offered by Mr. BARDEN: On page 9, line 11, strike out "6(1)(1)" and insert in lieu thereof "10",

On page 9, line 13, strike out "relating to applications for school construction" and all that follows through "Act," in line 24, on page 9.

On page 10, line 14, strike out "(c)" and insert in lieu thereof "(b)".

On page 10, strike out line 23 and all that follows through line 7 on page 12 and insert the following: "education, and if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide such free public education; and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a), he shall notify such agencies of such determination and shall thereupon have authority to secure possession and use such facilities for the purposes of subsection (a) pursuant to an agreement between such agencies and the Commissioner which includes such terms and conditions as the Commissioner may determine to be necessary to carry out the provisions of this section."

Mr. CRAMER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. BOW. I object, Mr. Chairman.

Mr. CRAMER. Mr. Chairman, I will do my best to explain this substitute in the brief time allotted. It is with considerable trepidation that I offer it as a substitute to an amendment by the distinguished chairman of the Education and Labor Committee, but I suggest that when I offer the substitute to the amendment offered by the distinguished chairman of the Committee on Education and Labor I can only assure the distinguished gentleman it is done in a cooperative fashion and in hope the amendment as perfected by my substitute will be adopted.

The basic difference between the substitute I offer and the amendment offered by the gentleman from North Carolina is consistent with the question I asked when he had the floor. It permits the Commissioner to enter into agreements with the superintendent of public instruction in the local community as not a mandatory matter but a discretionary matter. It spells out clearly that the Commissioner has authority to negotiate with the superintendent of public instruction for the use of such schools as may be closed within the statutory authority of that superintendent of public instruction to permit such usage or his desire to permit such usage.

So what it does is in a discretionary fashion to permit the Commissioner of Education to negotiate with the local superintendent of public instruction, authorizing the Commissioner to enter into such negotiation to make use of these schools that in the future receive funds for their construction under Public Law 815.

The other thing it does, which is included in the amendment offered by the

gentleman from North Carolina and rightly so, if you will refer to page 23 of the committee report, you will see that it eliminates that subsection (H) to which the gentleman from California [Mr. BALDWIN] referred, about which the gentleman from North Carolina [Mr. BARDEN] rightly is most concerned, and about which I suggest respectfully, Mr. Chairman, every Member of this House of necessity must concern himself if he has a Public Law 815 school construction problem in his district, and that is simply this.

It is my opinion, and I have spent a considerable amount of time in the consideration of this particular substitute in consultation with the legislative drafting service in order to attempt to perfect it—it is my opinion if the subsection H requirement is not stricken out of this bill, which appears on page 9 requiring an assurance from the State or local superintendent of public instruction that in order to get Federal funds in the future as a condition of getting those funds prior to the construction of the building that under Public Law 815 he will turn that school over, which implies he has the authority to do it—turn that school over to the Commissioner who mandatorily has the duty to take such a school over that no such State authority could execute such an agreement and thus Public Law 815 would be destroyed. Under the provisions of the act, which I have stricken out and which the gentleman from North Carolina would also strike out, the return provisions on page 11—and I want to call your attention to these return provisions, the return of that school under the present bill is solely in the discretion of the Commissioner. If the local school superintendent wants a return of the schools and the law no longer requires him to close them or the Federal court decision if one has been rendered does not require him to continue to close them, he asks for the schools back. There is no requirement that the Commissioner return them except subject to numerous conditions. Let me show you how nebulous these conditions are. On page 11 I read, "if the commitment is made to the personnel employed in connection with the operation of such facilities pursuant to the arrangements of the Commissioner"—if those personnel agreements have not been fully carried out, that can be a condition for the Commissioner to refuse even a request of the superintendent of public instruction of the community involved to return the school, and when he has authority under the State law to regain the possession of those facilities and in carrying out his authority, he cannot regain them under the provisions of this section until there is a finding by the Commissioner that the personnel commitments made by the Commissioner have been carried out.

I suggest, Mr. Chairman, that the gentleman from North Carolina was probably going to ask, and I do not pretend to read his mind but based on the statement he made on the floor, as to whether or not the Commissioner today would have such discretionary authority. It is my opinion, Mr. Chairman, even if that were the case, this amendment certainly would do no harm but instead would spell out very clearly, because in this subsection we are dealing strictly with a situation where the superintendent of public instruction or the State closed the schools under the authority of State law, and it was spelled out clearly under those circumstances there would be discretion in the superintendent of public instruction then to lease those properties or to make them available to the Commissioner of Education. Spelling this out can only clarify present law as it applies to school closing situations and cannot possibly be objectionable to those who object to this provision in the proposed bill.

Let me stress again, Mr. Chairman, and I cannot stress it too strongly because I do not think anyone should have any reservation or any question about it, and if anybody disagrees with me, I wish they would say so—that under the provision required on page 9, as to the assurance the local superintendent must give as a condition precedent to getting Federal funds for school construction, there is not a superintendent in the United States of America that could enter into such an agreement. Thus, without this substitute, Public Law 815 would be destroyed and I urge the adoption of the substitute.

The substitute also requires the Commissioner to make a further finding before negotiating for the use of closed schools that other schools remaining open and providing free public education satisfactory to the Commissioner are not available for use by military children which is a condition I think should obviously come into play before closed schools should be made available.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the so-called Barden amendment and the Cramer substitute, and all amendments thereto, close in 30 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the pending amendment and the substitute end in 30 minutes.

Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MATTHEWS] is recognized.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi [Mr. WINSTEAD], the gentleman from North Carolina [Mr. WHITENER], the gentleman from Texas [Mr. DOWDY], the gentleman from Ohio [Mr. HAYS] and I may yield our time to the gentleman from Florida [Mr. MATTHEWS].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MATTHEWS. Mr. Chairman, I am very grateful to my colleagues for permitting me this extra time to debate this very important measure.

I realize, Mr. Chairman, that the members of the Committee on the Judiciary are much more able to discuss some of the legal aspects on this measure than I.

I also defer to the distinguished gentleman from North Carolina [Mr. BARDEN] in his superior knowledge about the contents of title V as it relates to education. But since my background in civilian life has been in the field of education, I feel it is vitally important for me to express, as many of you have, my tremendous concern in this title V concerning education in this so-called voting rights bill today.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman says his background in civilian life has been education. Does he consider this the frontline?

Mr. MATTHEWS. I think I would be inclined to agree with the gentleman, if I understood exactly what he had in mind.

Mr. Chairman, those of us who come from the Deep South have had to resist so-called civil rights legislation because of our conviction and because of matters such as this title V. People of the United States think that this particular bill is a voting rights bill. Many of my colleagues from time to time have suggested to me that this voting rights bill is not a bad bill. I have heard eloquent pleas made on the floor about voting rights. I have said in my previously prepared statement about this bill that I felt every qualified American citizen should have the right to vote. But in this bill we have an entirely new section dealing with education. By the amendment that we passed concerning the so-called guarantee of voting rights, we have abdicated to the Attorney General the rights of judges, and now we want to abdicate to the Commissioner of Education the right to establish new Federal facilities of education, a right he has never had before. As the gentleman from North Carolina [Mr. BARDEN] explained to you, at the present time the Commissioner of Education has a right to provide for education for members of the Armed Forces residing on Federal property, and he cooperates with the local agencies in giving that education and in giving education to those who do not live on Federal property, but who live in the adjacent community. Cooperation has been the key word. There has been cooperation between the local agency and the Commissioner of Education, but now in title V you say nothing at all about cooperation under certain circumstances, but you say that the Commissioner of Education will be the sole arbiter, the sole judge. He will make the sole decision on when he will take over these school facilities. He will be the sole arbiter insofar as what is taught is concerned.

Can you imagine a local school agency that is not given an element of cooperation in the matter of giving up school facilities, being willing to cooperate insofar as text work is concerned, subject matter, the availability of teachers, such matters as accreditation? Mr. Chairman, you will have a Commissioner of Education building new buildings in our States solely for education. Who will be

the accrediting agency for these particular schools?

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the distinguished gentleman from Utah who in his own right has had much experience in the field of education.

Mr. DIXON. I very much concur in what the gentleman from Florida has been saying. This bill would require a superintendent of schools to enter into a contract that he would deliver over that school to the Commissioner of Education in the event the school was closed In practically every instance that I know of it would violate the constitution of the State for a superintendent to enter into a contract or to make such a covenant. It that not correct?

Mr. MATTHEWS. The gentleman is absolutely correct; and I may say the gentleman has been president of a great university. I want to thank him for bringing to us his information about this particular measure.

Mr. DIXON. Mr. Chairman, will the gentleman yield further?

Mr. MATTHEWS. I yield.

Mr. DIXON. What I said in my previous question being the case, then this bill would preclude practically every State, in my opinion, from accepting Public Law 815 or Public Law 847 funds, because the superintendent would have no right to enter into such an agreement.

Mr. MATTHEWS. The gentleman is absolutely correct.

Mr. Chairman, let me point out to those of you who in other sections of the country are not worried at the moment, that if this title is included in the bill, wherever you are, your superintendent of public instruction or your local school agency has to yield to the Federal Government and let them come in any time they want to come in to operate schools. I think this would be one of the most terrible things that could happen in the field of education.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from North Carolina.

Mr. WHITENER. I would like to ask the gentleman if it is not his opinion that the language on page 10, "(b) Whenever the Commissioner determines that (1) any school facilities with respect to which payments were made under section 7 of this act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education" does not go far and beyond the question of racial problems in the schools and could it not be extended to say that the Commissioner of Education could override and practically veto consolidation movements in a particular community, or might even during the summer vacation period arbitrarily take over the buildings of the local community where a greater part of the expense has been borne by the local taxpayers?

Mr. MATTHEWS. The gentleman is absolutely right, in my opinion.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from North Carolina.

Mr. JONAS. The gentleman is making a very able argument, and I should like the RECORD to show that I agree with his remarks and associate myself with them. May I ask the gentleman when he speaks of Federal interference in local educational systems, can he imagine a more complete control over educational systems than this title would give the Federal Government?

Mr. MATTHEWS. I can imagine no control that would be more dictatorial and supreme.

Mr. Chairman, how much time do I have left, please?

The CHAIRMAN. The gentleman has approximately 4 minutes remaining.

Mr. MATTHEWS. I am delighted to yield first to the gentleman from Texas, Mr. DOWDY, and then I will yield to my colleague from Florida, Mr. BENNETT.

Mr. DOWDY. The gentleman expresses a conviction along the line that the Commissioner could come in during school vacations and take over school buildings for use and then, under the provisions at the bottom of page 11 and the top of page 12 of the bill, he does not have to return such buildings to the local authority until he gets ready to, or in his judgment wants to.

Mr. MATTHEWS. The gentleman is absolutely correct. He can keep them for years and years if he wanted to.

Mr. DOWDY. Even taking them over during summer vacation.

Mr. MATTHEWS. Absolutely.

Mr. Chairman, I now yield to my distinguished colleague the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. I congratulate my colleague for his stand in this matter, and should like to extend my remarks at the end of the gentleman's statement, and make that consent request, Mr. Chairman.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. ALFORD. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield.

Mr. ALFORD. In this matter the gentleman referred to we are dealing with something completely outside of and beyond civil rights, and are placing tremendous authority over schools in the hands of the Commissioner.

Mr. MATTHEWS. The gentleman is absolutely right. We are going far beyond the idea of voting rights that the American people think we are talking about. We are giving the Commissioner the right, if he wants to take it, to write textbooks.

Let me give you a problem we have with music literature. Down in my section of the country we believe in using musical literature as it was actually written by the author. The House will recall that a couple of years ago I told you that in a certain section of the country, or in certain sections of the country, they were changing the words of "Swanee River." That is the Florida State song. In the course of the song, "Swanee River," by Stephen Foster, it goes like this: "Oh, darkies, how my heart grows weary." But here in Washington they say "Oh, brothers, how my heart grows weary," or "Dear ones, how my heart grows weary."

Here in the public schools of the District of Columbia they are not permitted to sing the State song of Virginia, a great song which was composed by a Negro. Certain words in "My Old Kentucky Home" have been censored.

We may laugh about that, we say that is not important, but it is an example of censorship caused by minority group pressure. I fear that the Commissioner of Education will be influenced by the pressure. I do not want to give the Commissioner of Education the right to give us the textbooks that he might want to give, as well as the right to prescribe the text and the right to tell you who is going to teach. What kind of teachers will the Commissioner of Education give us? Just how will he prescribe the qualifications?

Mr. Chairman, this is a title that should not be in this bill. I know that some of you honestly disagree with me, but I plead with you, no matter what you think about the other portions of the bill, do not approve title V. I am going to vote for the amendments because they improve title V.

Time and again we have warned you on the floor of the House that whenever you have one overwhelming authority in charge of education in this country, tyranny is inevitable. I am worried about this trend toward Federal control.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Minnesota.

Mr. WIER. Let me ask my beloved colleague something that ought to be made clear, and I do love the gentleman. He is one of the finest fellows I have ever met.

Mr. MATTHEWS. I want to reciprocate in that thought.

Mr. Chairman, this title ought to be eliminated.

Mr. BENNETT of Florida. Mr. Chairman, I wish to associate myself with the line of thinking of the able gentleman from Florida [Mr. MATTHEWS] on this amendment. Before I say a word or two on the legislation itself, I take this opportunity to pay tribute to the beloved gentleman from Florida [Mr. MATTHEWS]. I do not know of any Member of Congress who is more beloved by his colleagues than he. With love of his fellow man the dominant characteristic of his life, he inspires us with his high devotion to his God and country and stirs our spirits with a warm humor seldom found even among professional humorists. His achievements in legislation are impressive but above all else, we admire him for his extraordinary gift of friendship.

Now I would like to address myself to a few remarks on the schooling parts of this bill. The hard insistence of the extremists of this House to impose their wills on all sections of the country has never been more apparent than in the fight they are making by this bill to take

over the schools of our country. Those of you who have felt that education of our youth comes first in their thinking must have a rude awakening when you look at their position on this issue. I urge that the rest of us stand together and adopt these amendments offered by the gentleman from Florida [Mr. CRAMER], and the gentleman from North Carolina [Mr. BARDEN] and thus preserve to our local school authorities the necessary and proper control of our schools.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I do not expect that anything I shall say will have the slightest effect on the membership of the committee or the House or on your sense of right or wrong.

This Celler proposal will destroy every school in the southern part of this country. That is what the author of the original amendment, the gentleman from New York [Mr. CELLER], has designed that it do. I am not going to swing my arms around here but I just want to say that you are going downhill today. Everything is going your way now—but what about tomorrow or November or next year—or ever?

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Minnesota.

Mr. WIER. I think the gentleman is a man who is well located at Charleston, S.C., to answer the question that I seek to ask because he is the Representative of a district that could be very deeply affected by this action.

Mr. RIVERS of South Carolina. Both of us.

Mr. WIER. I would not expect the gentleman to say this amendment would affect every district in the United States. This originated, I think, with the military. They, the armed services, have children of their personnel who are out of school; it might be in Charleston, it might be in Norfolk, or it might be in some other place, where military bases are new at hand. Now, you subscribe I hope to the idea that the school ought to be kept open where a number of schools are now closed. Should the Commissioner of Education step into the picture then and open a school for these children of the personnel on the base? Is that correct? And, would you not subscribe to the fact that the school ought to be open?

Mr. RIVERS of South Carolina. Let me say this. This thing is designed to destroy our school system. Let me tell you this: We are not going to forget this; we are not going to forget this today, and we are not going to forget this on election day, and we are not going to ever forget it. When the time comes that we can pay back in kind to those who are doing this to us, we plan to do just that. That is all I have to say. Every dog has his day—tomorrow will be mine.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. Mr. Chairman, I rise in opposition to this entire title. I consider myself a civil rights advocate, and I have fought against every crippling amendment that has been offered here and every obfuscating amendment that has been offered in the last few days. But, this, it seems to me, is entirely wrong, to legislate in a field such as this, and we might place in jeopardy our entire Public Law 815 by doing so. If we have a Committee on Education and Labor, that is the place that should properly consider the provisions of this title V. I have asked over here and find that there is no testimony whatsoever in the RECORD with reference to the ability of the States to comply with the provisions that are set up in this title. This is not talking about just the Southern States; it is talking about the States in the entire country. And, I make reference to page 9, to the assurance that a State agency must make as to the school facilities. It is quite possible and, as a matter of fact, likely that many States will not, under their constitution and laws, be able to comply with this provision, and thus we will insidiously be undermining the entire Public Law 815. I would speak further against the provision of the Commissioner's determination which is provided in subsection (b) of section (C) that on the determination of the Commissioner that the school facilities are not available in the local agency, he shall notify the agency and he shall thereupon be entitled to take possession of such facilities. When we are talking about Federal aid to education—and some people are saying there is not going to be any Federal control—but when we talk about Federal aid to education, what is this right here if it is not an example of the kind of Federal control that is going to be used in every Federal aid program to education? And, you people are doing a very good demonstration of it in advance and doing it in a very improper sense, by sending it to a committee where these things cannot be ironed out.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from North Carolina.

Mr. WHITENER. Does the gentleman agree that this title by the very language is in no way confined to the question of civil rights and goes way out and beyond that and gives potential dictatorial power to the Commissioner of Education to take over the schools?

Mr. GOODELL. I think the ramifications of this title have not been explored properly.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Chairman, this is the first word I have had to say in this debate so far. Like the gentleman from New Jersey who spoke a little bit ago, I say these words only after a great deal of soul searching and a great deal of thinking, prayerfully, over the impact of this particular language. I cannot believe in my heart that the language which provides for seizure of school buildings, with the man doing the seizing the sole arbiter of what he pays for it, is really essential to the objectives of this bill. And, I do not know of another instance in the Federal law in which the official who is given the power to seize is the only one who determines what he is going to pay for it. But, that is what is in this language.

I cannot conceive that to be essential to the objectives of this legislation. I earnestly hope that we can have a good piece of civil rights legislation which we can live with and which will do the job it is intended to do, without endangering other worthwhile programs.

In Oklahoma we do not have the problem that some other States have with regard to integration. We are embarked peacefully upon integration. There is no danger that I know of that we in Oklahoma will face this particular situation, under which public schools are shut down, but there is a great danger in Oklahoma that a lot of people who are for Federal aid to education will revolt against the program of Federal aid to education if they think that we are writing into it provisions for seizure by the Federal Government of the school buildings themselves. That is what is at issue here.

My good friend from New Jersey, whom I respect highly, said that no one is talking about control of curriculum or control of teachers. Is any control more essential than control of the very facilities in which the schools are conducted? If you have the power to control and seize the facilities, what difference does it make whether you control on the question of curriculum and teachers?

I sincerely hope that either the Barden amendment or the Cramer substitute will be adopted and that this bill may pass without doing violence to a great cause. That is the cause of Federal aid to education.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, I would like to put these amendments in perspective. I, too, am a member of the subcommittee that handles this particular legislation.

There is something interesting that has happened here today. I have favored, since I came to Congress, what I call constructive action by the Federal Government in working out desegregation problems of our communities. This bill adopts outright a plan to tackle one phase of this problem, and I commend my colleagues for recognizing the worth of this plan. Certainly where schools are closed there is a responsibility of the Federal Government to what I call the "Federal kids"—the children of Armed Forces personnel who are involuntarily assigned to a particular city. We have given the Commissioner the money and the authority to set up temporary schools for these children if their schools are closed. None of the amendments is directed toward this vital core of the program. I believe this is a positive, constructive step which we can all take a pride in.

The pending amendments only touch one feature of the program—the availability of local classrooms. One can talk about "seizure" but I do not think the adoption of this title will disturb the program or threaten its future. We simply say—and frankly, if I were to draw the language I would frame it somewhat differently—we simply say to a school district, "When Federal construction funds are given, will you give us assurance that you will rent the buildings if your community temporarily shuts down the schools?"

That is what is involved. It is a very simple and narrow question. There is no "seizure" involved. It is merely an agreement to rent, an agreement to lease. This is not spelled out as clearly as I would like to see it, but as a practical matter, if we give the Commissioner of Education the authority to set up temporary schools for the children of Armed Forces personnel, I see no reason why local school officials would not readily say: "If you want to conduct a temporary school go ahead and use our buildings."

I do not think there is anything onerous about such a condition. But if school buildings are not immediately available the Commissioner would have to rent a warehouse or a church and improvise desks and it would be difficult to expeditiously set up a school for the Federal kids. So let us keep our eye on the issue at stake here. I think both amendments are ill advised.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. ELLIOTT].

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. ELLIOTT. I yield to my colleague.

Mr. ROBERTS. Mr. Chairman, I do not know of anyone in this House who has done more for education than the gentleman now in the well of this House. I hope the House will give him its attention.

Mr. ELLIOTT. I thank the gentleman for his kindness. He and I have worked together to build a better school system.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent to extend my remarks following the remarks of the gentleman from Alabama [Mr. ELLIOTT].

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ELLIOTT. Mr. Chairman, this program of aid to schools that we are talking about this afternoon has, I think, been one of the most remarkable and outstanding programs in the field of education ever devised by the Congress.

The program has operated in all our 50 States with approximately 4,000 school districts each year receiving assistance under Public Law 874, and about 350 school districts annually receiving assistance under Public Law 815.

In my own State of Alabama, 54 school systems have received aid under these programs amounting to more than $32 million.

It was carefully written in the first place. Many of us know about that. It has been carefully reviewed every year or two by the House Committee on Education and Labor. It is a complicated program. The two laws themselves are technical and complicated. They are delicately balanced. Every Member of this House who is familiar in any way with this program knows that to be true.

Let me say to my friends that many of us have fought day in and day out around the Congress of the United States here for years to provide an educational system for America that will be constantly growing better as our Nation grows, but we have fought at the same time to keep Federal control out of this program. Mr. Chairman, this is the first direct example of an effort to bring in some Federal control we have seen that in these years in which we have been dealing with the question. I plead with my colleagues on the right and I plead with my colleagues on the left, let us not endanger a law under which we have spent over $1 billion building better schools and providing better maintenance and operation. Let us not destroy that law. Let us not take a provision written into this bill by a committee that is not charged with the legislative responsibility in this field. Let us adopt the Cramer and Barden amendments.

Mr. Chairman, this is not a sectional appeal. The school districts that receive aid under these laws are located in every State in America. This is not a political appeal, because I am one of those who feels that politics has no place in education.

Public Laws 815 and 874 were designed to benefit our Nation. They were not designed to promote economic or social theories. They were not designed to be used by a majority to chastise a minority.

Amendments to these laws should not be considered at that level of thought. They should be considered at the level of what is best for America and her school system.

Mr. ROBERTS. Mr. Chairman, in a statement earlier in the debate on H.R. 8601, the so-called civil rights bill, I pointed out some of the fallacies I believe this bill contains.

I attempted to show that this measure certainly is not just a voting rights bill, as some would have the American public believe, but is an ill-conceived force bill to invoke total racial integration while providing no citizen any new right or privilege.

One of the most misleading sections of the bill is title V, which would amend Public Laws 815 and 874 as amended, relating to the education of children of members of the Armed Forces.

Even without consideration of the manifold demerits of this title, it should be clear on simple jurisdictional grounds that this title is misplaced in this legislation. It is a Federal aid to education provision which clearly is the type of legislation which should have been considered by the Committee on Education and Labor. The provision is not relevant to the overall bill's purpose.

Beyond this consideration, there is urgent call to reject title V because of the alarming threat it poses to the educational process in this country.

Where under present law the Commissioner of Education has authority to provide free public education for children residing on Federal property if the State and its subdivisions do not provide such education, this bill would extend that authority to children of all active Armed Forces personnel, whether or not they are living on Federal property.

Where under present law, the Commissioner in such an event must make arrangements for educating the federally connected children only with a local educational agency or with the Federal agency having jurisdiction over the property where they live, this new bill would allow the Commissioner to make arrangements with the head of the Federal department having jurisdiction over the parents of the children involved.

These two provisions alone hold alarming forebodings of the great and shocking concentration of power which would be that of the Commissioner of Education under this title. But this is only a small part of it. The amendments to Public Law 815, the construction program, take even more distressing turns.

These amendments would make the Commissioner of Education a mighty commissar of Federal education, empowered to seize whole school systems, to grant or withhold funds, hire teachers, and, in many conceivable ways control young minds in accordance with the terms and conditions which the commissar himself prescribes.

Look at section 502. This authorizes the Commissioner to seize any school building constructed in the future with Federal aid when the building is not being used by the local authorities and when the Commissioner decides he needs the building to educate children of military personnel. It also will require that in the future any local or State agency which is entitled to Federal assistance must assure the Commissioner that he can have the building when he wants and needs it, under the terms of this provision.

This type of legislation can have no beneficial effect on the programs administered under Public Laws 815 and 874. It will completely wreck the program in several States, including some in the South.

I have personal knowledge of the great benefit these programs have on educational systems in this country. It would be an injustice to shackle these programs as this bill proposes, and to undo the time and efforts of the outstanding Committee on Education and Labor which has produced this workable and worthwhile program.

In Alabama, about half the school systems are affected by this program. I can truthfully state that it would have been impossible for the public schools in these areas where there are Federal installations to operate with the burdens which have been placed upon them by the addition of the federally connected students.

In the Fourth Congressional District, which I serve, more than $5 million in

Federal funds has gone to schools in federally affected areas during the past 8 years. These include schools in the county systems of Autauga, Elmore, Clay, Dallas, St. Clair, Talladega, and Calhoun; and the city systems of Anniston, Talladega, Sylacauga, Selma, Piedmont, and Jacksonville.

This program is worth while; the need is valid. I want to commend the members of the Committee on Education and Labor who have through the years worked so diligently to perfect this program. Particularly, of course, I would pay tribute to my fellow Alabamian on this committee, Mr. ELLIOTT, who has done as much or more for education than any Member of the House.

I urge the protection of this program. I urge the adoption of the Cramer and Barden amendments.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman, it is a distinct pleasure to follow my chairman, the chairman of the Subcommittee on Special Education, the gentleman from Alabama [Mr. ELLIOTT]. Unfortunately, I take opposite tack. It seems to me that every spokesman, every distinguished southerner who has spoken against the bill or for this amendment, is opposed because schooling in any shape or form raises a dreadful red flag.

What is the issue? The issue in this amendment, and the civil rights bill is not going to rise or fall with this amendment, is, Are we, the Federal Government, going to live up to our obligations under Public Laws 815 and 874? Are we going to live up to our obligation to federally impacted schoolchildren? Just that: Are we going to live up to that obligation? If we support this amendment, in those States, for example the State of Virginia has been cited, enacting laws closing schools, the Federal children will not be given an education. It is just as simple as that.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. I yield to the gentleman from California.

Mr. ROOSEVELT. I wonder if the gentleman would allow me to ask the gentleman from Florida what would happen to the children in those schools which are shut down? Where would they go to school? That is what bothers me.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield, under the present provisions of the act, my substitute does not strike it out nor does the amendment offered by the gentleman from North Carolina. Probably, you should direct the question to him since he is chairman of the committee which lives under the provision.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. ROOSEVELT. Mr. Chairman, will the gentleman from New York yield to the gentleman from Florida to complete that sentence?

Mr. LINDSAY. I yield to the gentleman from Florida.

Mr. CRAMER. The provision retained by both amendments which appears on page 9 and page 10 of H.R. 8601 and is presently designated as subsection (b) provides new authority to make available such education to all service children.

Mr. ROOSEVELT. Where would it be provided?

Mr. LINDSAY. Mr. Chairman, I do not yield further.

Mr. Chairman, I rise in opposition to the amendment, and also in opposition to the proposed substitute. The provision in the bill is designed to provide means of educating upward of 70,000 children of military personnel as was testified by the Secretary of Health, Education, and Welfare, Dr. Flemming. Without this proposed bill, this would be impossible. As to the proposed substitute propounded by the gentleman from Florida [Mr. CRAMER] the key in this whole amendment is the word "assurance." Unless such assurances are required and unless such assurances are given, the bill would have no meaning whatsoever.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I rise in opposition both to the substitute and to the amendment. I want to associate myself with the statements of the able gentleman from Arizona [Mr. UDALL] as well as the able gentleman from New York [Mr. LINDSAY]. I would like to read to the committee a paragraph from the message of the President of the United States to the Congress on February 5, 1959, on this subject. I quote the President:

> I recommend legislation to authorize on a temporary basis provision for the education of children of members of the Armed Forces when State-administered public schools have been closed because of segregation decisions or orders. The Federal Government has a particular responsibility for the children of military personnel in federally affected areas since armed service personnel are located there under military orders rather than of their own free choice. Under the present law, the Commissioner of Education may provide for the education of children of military personnel only in the case of those who live on military reservations or other Federal property. The legislation I am recommending would remove this limitation.

Mr. Chairman, I know of no State which has in its statutory law or constitution a provision which would prohibit the school authorities from giving the assurances required in this bill. If there be any State which has a provision in its constitution or a provision of statutory law to that effect, I would be very happy to have any Member rise and make known to the Committee such provision.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, let me again say I am wholeheartedly in sympathy with the fundamental objective of the admendment of the gentleman from North Carolina [Mr. BARDEN]. My amendment provides further, though, that the commissioner shall be given authority under this substitute, which I have proposed, to enter into an agreement with the local community school authorities if a school is closed to make use of such facilities if the local authority agrees to or has authority to agree to such usage. That is all it does. The "agreement" phrase of my substitute makes it discretionary rather than mandatory with the local authorities as to whether or not he can under State law or wishes under State authority to enter into such a proposal to use the closed schools for the education of these impacted military children. I do not think anybody could possibly object to that.

I would like the attention of the distinguished chairman of the Committee on Education and Labor, the gentleman from North Carolina [Mr. BARDEN], to respectfully point out the use of what I think is a fatal defect in his amendment which cannot be cured procedurally other than by the substitute.

The gentleman's amendment provides, on page 9—it strikes out all of line 11, and then it substitutes for "(b)" on line 74, "section 502," and I respectfully suggest to the gentleman that it would then read "section 502 of said act." But there is no reference to what act is being talked about or amended. There is no reference to Public Law 815. Therefore, my substitute corrects what I believe to be a vital defect in the gentleman's amendment that cannot be corrected at this time other than through this substitute. My substitute provides "section 502(a) section 10 of the act of September 23, 1950," relating to "Public Law 815" and so forth "is amended" and so forth. The gentleman's amendment does not contain a reference to Public Law 815. Unless the substitute is adopted, the situation procedurally cannot be corrected and even the objective of the gentleman's amendment with which I basically concur cannot be accomplished.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. MCSWEEN. Mr. Chairman, I rise in support of the Cramer substitute as well as in support of the Barden amendment to title V. I am particularly opposed to the provisions of title V, which would enable the U.S. commissioner to seize certain school buildings under certain conditions. The programs under Public Law 874–81 and Public Law 815–81 have proved to be successful, but certainly it should be clear that the enactment of title V would endanger and jeopardize this program, under which the Federal Government has financially assisted school districts that are federally impacted. It also points to the potential danger of the entire concept of Federal aid to education, because apparently there lurks in the minds of some persons the desire for the Federal Government to gain as much authority and power as possible over education in America, whenever the opportunity presents itself. I am violently opposed to any centralization of power in the hands of the Federal Government and most particularly do I oppose this centralization in the field of education.

The U.S. Commissioner of Education should not be given this unrestricted

authority to take over schools owned by local school districts, even though there has been Federal financial assistance. This would establish a most dangerous precedent and constitute a radical departure and pattern for the U.S. Commissioner of Education. I do not want him having a thing to do with the schools in my district. I do not want him to lay a finger on them, even in the event those schools may be closed in the wisdom of the school board, the principal, the school superintendent, the State superintendent of education or the State legislature.

I trust that the substitute and the amendment to title V will be adopted.

Mrs. GREEN of Oregon. Mr. Chairman, I speak in opposition to the amendment of the gentleman from North Carolina, my distinguished chairman of the Committee on Education and Labor [Mr. BARDEN]. I have heard it said that education has no place in this civil rights bill. And when we are on an education bill, we hear it argued that civil rights has no place in an education bill. And the children, being denied educational opportunities, have no voice.

Title V of this bill, Mr. Chairman is—tragically—necessary. This title takes cognizance of the fact that several States have chosen to enact legislation making possible the closing down entirely of their public school systems, as an alternative to compliance with the Constitution of the United States. It provides that the Federal Government may, following the pattern of Public Law 815 and 874, make arrangements for the education of children of members of the armed services when that education has been made impossible in the public schools of the districts where such children and their parents reside. Assuming that some schools are closed down, and assuming that the politically influential people of these States are willing to sacrifice their own children's education rather than comply with the Constitution, there still remain the children of members of the armed services. The parents of these children are not involved in the politics of these States; they are not able to bring pressure to bear upon the local segregationist diehards, as are those citizens of these States who are allowed to vote. The military personnel have volunteered, or, in a few cases, have been chosen through selective service, to serve in the defense of their country. They have little choice in where they shall be stationed. If they do not like the idea of their children losing every opportunity for education, simply because local leaders want to defend the principle of segregation, they cannot—as the employees of many private firms can and have done—pack up and move out. These parents are there, willing or not, for as long as the Army or the Navy or the Air Force or the Marine Corps may need them.

Some 70,000 pupils, according to the estimates of the Department of Health, Education, and Welfare, may be deprived of an oportunity for public schooling, because their parents have been assigned to the areas in these four or five States where the public schools may be closed in defiance of the Supreme Court and the Constitution. Some 70,000 young Americans may lose their educational opportunities because they have become helpless pawns in a controversy in which they have no immediate and direct voice.

Section 502, to which the amendment of the gentleman from North Carolina is addressed, would leave this wise and necessary policy still on the books, but it would deny to the Commissioner of Education the power, proposed to be given him under the pending bill, to open the schools built with Federal funds, to provide facilities for the education of these youngsters.

Section 502 does not provide for any confiscatory measure, Mr. Chairman. Any State and local school district which is willing to abide by the Constitution and the orders of the Federal courts may, of course, never even become aware of the existence of title V. Only where there is an insistence that the principle of segregation is more important than the Constitution would this title come into play—and there, only to the extent that the school facilities involved have been built with Federal funds. Furthermore, Mr. Chairman, the Commissioner of Education is authorized to pay rent to the school district, in an amount equal to its share of the cost of building the school of which he takes possession. Finally, Mr. Chairman, the Commissioner will return the facilities to the local districts as soon as those districts demonstrate that they are ready and willing to undertake their responsibilities—responsibilities which they assumed in the first place when they accepted Federal aid under Public Laws 815 and 874. These school facilities were built because the local communities and the Federal Government agreed that the education of these children of members of the armed services was a joint responsibility. If the local communities choose to default on this responsibility, then, under title V, the Federal Government is willing to assume the full job. But I can find no trace of confiscation in a legislative proposal to the effect that a schoolhouse may be rented back by the Federal Government, in order that it may be used for the purpose for which the Federal Government originally agreed to help finance it.

The amendment of the gentleman from North Carolina would simply deprive the Commissioner of his authority to possess these schools. The amendment of the gentleman from Florida would leave it up to the local school authorities as to whether or not they would engage in negotiations for this purpose. This substitute, in all frankness, improves the original amendment somewhat. But not, I believe, enough. The segregation question is a highly emotional one. In some areas, persons are charged with the basest of crimes—treason and disloyalty—for even suggesting that segregation is wrong. I am by no means sure that very many local school authorities will be either allowed to negotiate, or willing to negotiate for the use of their schools by the Federal Government, if they have decided to close down their schools for the children of local citizens. In many localities, of course, while the local authorities would be willing to negotiate, they may find State authorities pressuring them, even forcing them, not to do so.

I appreciate the objective of the gentleman from Florida in offering his amendment, but I fear that it will be least meaningful precisely in those areas in which it is the most necessary.

Mr. Chairman, I think the question here is whether or not we choose to mean it when we say the Federal Government has a basic and unavoidable responsibility to those children whom the gentleman from Arizona [Mr. UDALL] has called "Federal kids."

The CHAIRMAN. The gentleman from New York [Mr. CELLER] is recognized to close debate.

Mr. CELLER. Mr. Chairman, the provisions as originally written which are set up by amended sections to cover every contingency so that there would be absolute assurance that the children of military personnel could go to school. The situation arose in Norfolk where because of the closing of the public schols some 2,500 children were affected, and their parents were placed in a state of perturbation beyond question, because their children were without schools. Appeals were made to the Commissioner of Education, but he was powerless to cover all of those children who wanted to go to school. That is one of the reasons why we have this bill. It forfends against a repetition of that situation in Norfolk. Where there is an order of the court providing for desegregation, and the school is closed, the provisions of the title shall be applicable. It has been stated that even section 501, subsection 1, subdivision (d), title V, which is not covered by the amendment offered by the gentleman from North Carolina—it is said the Commissioner of Education would have the power to provide for schools. That is not quite accurate. He would not be able to go into areas where there are no public schools unless under very limited conditions. He has a right to rent facilities, but let us assume that the same acts that closed the schools would come into play and cause people not even to rent premises to the Commissioner of Education who wants to use those premises for providing educational facilities for the children of military personnel. What then? The children would have no schools and would have no education whatsoever.

The CHAIRMAN. The time of the gentleman from New York has expired.

The time of the gentleman from New York has expired; all time has expired.

The question is on the substitute offered by the gentleman from Florida to the amendment offered by the gentleman from North Carolina.

The question was taken, and on a division (demanded by Mr. CRAMER) there were—ayes 173, noes 86.

So the substitute amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from North Carolina as amended by the substitute offered by the gentleman from Florida.

The amendment as amended was agreed to.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: After title 5 insert a new title as follows, and renumber the remaining titles and sections accordingly:

"TITLE ——

"Authorization to the Attorney General

"SEC. . (a) Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

"(b) A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of subsection (a) when such person or group of persons is financially unable to bear the expenses of the litigation, or when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

"SEC. . The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, (1) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws without regard to race, color, religion, or national origin, or (2) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws without regard to race, color, religion, or national origin.

"SEC. . The Attorney General is authorized, upon receipt of a signed complaint, to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the fourteenth amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws to others because of race, color, religion, or national origin.

"SEC. . The district courts of the United States shall have jurisdiction of proceedings instituted under sections ——, ——, and —— of this Act and shall exercise the same without regard to whether any administrative or other remedies that may be provided by law shall have been exhausted. In any proceeding hereunder, the United States shall be liable for costs the same as a private person.

"SEC. . Whenever a suit is brought in any district court of the United States seeking relief from the deprivation of the right of equal protection of the laws because of race, color, religion, or national origin, the Attorney General is authorized to intervene in such action with all the rights of a party thereto and to seek compliance with any lawful order issued by such district court.

"SEC. . Nothing in this Act shall be construed to impair any right guaranteed by the Constitution or laws of the United States or any remedies already existing for their protection or enforcement, nor to prevent any private individual or organization from acting to enforce or safeguard any constitutional right in any manner now permitted by law."

Mr. WILLIS (interrupting the reading of the amendment). Mr. Chairman, as we all know, this is old part III that we wrestled with and talked about so much earlier in the consideration of the bill. I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. WILLIS. Mr. Chairman, we have been told time and time again that the basic bill, H.R. 8601, deals with voting rights. We have been told that the voting referee proposal adopted later as amended pivots around the 15th amendment. The amendment now tendered by the gentleman from New York deals with something other than civil rights; no civil rights are mentioned in it.

The bill talks about deprivation of equal protection of the law under the 14th amendment. The two proposals are entirely unrelated and this proposal is not germane to the bill under consideration.

Mr. Chairman, I ask therefore that the point of order be sustained.

The CHAIRMAN. Does the gentleman from New York care to be heard?

Mr. CELLER. Yes, Mr. Chairman.

The germaneness of this amendment is established by the fact that the fundamental purpose of the bill is to provide remedies for the enforcement of constitutionally guaranteed rights. Each title of the bill relates to the enforcement of a constitutional right. The very purpose of the amendment here is to provide the Attorney General with authority to enforce the constitutional rights of individuals when they are incapable of doing so themselves. This amendment would include all constitutionally-guaranteed rights and, therefore, is consistent with the fundamental purpose of the bill. We have in the bill a number of individual propositions relating to the enforcement of constitutionally guaranteed rights and here we are merely adding another proposal whereby a remedy is provided to enforce constitutional rights. Therefore, it is in accordance with the rule of germaneness since it merely adds an additional proposal to individual propositions of the same class. The class here is the enforcement of constitutional rights. The remedy provided by the amendment would include all the individual remedies provided in the bill and in addition would encompass all the other rights guaranteed under the Constitution.

The precedents in support of the germaneness of this amendment can be found in Cannon's Precedents, volume VIII, sections 3010, 3011, and 3013. These sections support the general proposition that where a bill has several propositions of the same class an amendment adding another proposition of that class is germane. The point is that the bill provides various remedies to enforce constitutional rights. The remedies are the propositions, the class is the enforcement of constitutional rights. By this amendment we add another proposition, that is, another remedy but of the same class, namely, the enforcement of constitutional rights. The whole purpose of the amendment is to authorize the Attorney General to institute civil action to enforce rights guaranteed by the Constitution of the United States.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

At this point the Chair thinks it might be well to remind the gentleman from New York that this bill relates to Federal election records. The Chair has ruled that that involves the preparation and correction of the records themselves. The only constitutional right involved in the gentleman's bill is the right to vote. Certainly, the amendment offered by the gentleman from New York goes away beyond that constitutional right. True it is that there are sections in the bill relating to other matters, but the mere fact that these sections are in the bill in nowise authorizes the extension of the basic authority.

For the reasons stated, the Chair therefore sustains the point of order.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, the first section authorizes civil preventive action for or in the name of the United States against those local or State officials and others acting under color of State law which deprives individuals or groups of persons of equal protection of the laws by reason of race, color, religion, or national origin. However, prior to initiating such a suit it would be necessary for the Attorney General to have received a signed complaint of such deprivation and then to have certified that in his judgment the aggrieved party or parties are unable to seek effective legal protection.

Under subsection (b), a person would be regarded as unable to seek protection when he is financially unable to bear the cost of such litigation or when he is threatened with reprisal if he institutes such a suit.

The second section authorizes the Attorney General to bring a civil action against any person or persons who attempt to prevent State or local officials from according any persons or group of persons the right to equal protection of the laws without regard to race, color, religion, or national origin or against any person or groups acting to hinder any court order protecting the right to the equal protection of the law regardless of race, color, religion, or national origin.

The third section authorizes the Attorney General upon a signed complaint to institute a civil action against any person or persons who, under color of any State or local law, deprives or threatens to deprive a person or persons or an association of persons of any right guaranteed by the 14th amendment because such person, group, or association opposed the denial of the equal protection of the laws to others because of race, color, religion or national origin.

The fourth section confers jurisdiction on the U.S. courts of proceedings instituted under sections 301, 302, and 303 without regard to the exhaustion of any administrative or other remedies. The United States is to be liable for costs in such actions the same as a private person.

The fifth section explicitly authorizes the Attorney General to intervene in cases brought by others for relief against the denial of equal protection of the law and for compliance with any lawful court order issued in such an action.

The sixth section is a preservation section to the effect that the act is not construed to impair any right guaranteed by the Constitution or laws of the United States nor to prevent any private person or group from acting to enforce any constitutional right in any manner now permitted by law.

Mr. LOSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOSER: Add a new section to title II on page 4 immediately following line 11, numbered section 203, as follows:

"TO PROHIBIT CERTAIN ACTS INVOLVING THE IMPORTATION, TRANSPORTATION, POSSESSION, OR USE OF EXPLOSIVES

"SEC. 203. That chapter 39 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 837. Explosives; illegal use or possession

"'(a) as used in this section—

"' "Commerce" means commerce between any State, territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory, or possession of the United States, or the District of Columbia;

"' "Explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"'(b) Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive, with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years, or a fine of not more than $10,000, or both; and if death results shall be subject to imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.

"'(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive was transported in interstate or foreign commerce or caused to be transported in interstate or foreign commerce by the person so possessing or using it, or by a person aiding or abetting the person so possessing or using it: *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

"'(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives, or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"'(e) The analysis of such chapter is amended by adding at the end thereof the following new item:

"'837. Explosives: illegal use or possession.

"'This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.'"

Mr. LOSER (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with.

Mr. HALLECK. Mr. Chairman, reserving the right to object, has that amendment been printed at any place? Is it in printed form so that we can see it?

Mr. LOSER. I might say to the distinguished gentleman from Indiana that this is substantially the amendment that was adopted in the other body offered by the Senator from New York [Mr. KEATING] and it carries the technical amendments offered by the Senator from North Carolina [Mr. ERVIN] and that has been printed in the RECORD.

Mr. HALLECK. I withdraw my reservation of objection, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. LOSER. Mr. Chairman, this amendment is applicable to title II of the bill appearing on page 3 of H.R. 8601. I am sure you will recall that section 201 of title II refers to any person who moves in interstate commerce after having dynamited any building or structure or place used for religious or educational or business purposes, including residential purposes.

Now, the amendment goes one step further and provides that whoever transports or aids or abets in the transportation of explosives in interstate commerce with the knowledge or intent that it will be used to damage or destroy any of these buildings, it will become a Federal offense.

Now, we have in this amendment a rebuttable presumption and I would like to call attention to that so that the Members of the House, when they go to vote upon this amendment, will understand that the presumptions contained in the amendment are comparable to the presumptions found in the Lindbergh Act; that is, it provides that any person who transports or aids or abets in the transportation of dynamite interstate with the intent to damage or destroy any building, structure, or place shall be presumed to be the person who transported such explosive. And, I might say to the Members of the Committee that much of this activity on the part of irresponsible persons has been going on throughout the Nation.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. LOSER. I yield to the gentleman from New York.

Mr. CELLER. Do I understand, in the main, that in addition to removing and crossing State lines after a bombing, which under the bill as now written is a crime, your amendment also makes bombing itself a Federal crime?

Mr. LOSER. No, it does not, sir. It simply provides that a person transporting explosives interstate with the intent to damage or destroy any property, real or personal, shall be guilty of a Federal offense.

Mr. CELLER. I was just querying without expressing an opinion one way or the other. Do you think that authority rests in the Federal Government to establish such a crime?

Mr. LOSER. I have no doubt about it, Mr. Chairman. If there has been a dynamiting in one State of the Union and that person moves in interstate commerce, the commerce clause is the basis of the jurisdiction of the Congress in this field of legislation.

Mr. CELLER. Where would the culprit be tried under the gentleman's amendment?

Mr. LOSER. Under general law the jurisdiction would be in the judicial district in which the offense was committed.

Mr. CELLER. Would there be jurisdiction in the judicial district of the State to which the culprit has fled, likewise?

Mr. LOSER. There certainly would not be. There is a provision in the amendment that provides that the act shall not be construed as indicating an intent on the part of Congress to occupy the entire field. It negatives any idea of preemption.

Mr. CELLER. Then it would be more or less a purely Federal crime and the culprit could be tried either in the place where the dynamiting took place or in the place to which he fled?

Mr. LOSER. It does not provide for jurisdiction in a Federal court in the district to which he has fled. It provides for jurisdiction in the district where the offense was committed.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. LOSER. I yield to the distinguished gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I congratulate the distinguished gentleman on his amendment and I rise in support of it. I introduced a similar bill and we had hearings on it before our subcommittee. The principal objection that was raised was that this creates a prima facie presumption that the explosives were carried in interstate commerce. I cannot understand the Attorney General objecting to a bill that calls for a prima facie presumption that it was transported in interstate commerce when he is willing to accept a conclusive presumption under the referee section.

I think the Committee should accept the amendment.

Mr. LOSER. I thank the distinguished gentleman from Florida.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. LOSER. I yield to the distinguished gentleman from Tennessee.

Mr. EVINS. I, too, would like to congratulate the gentleman on offering this amendment. I think it is a salutary one. We have had bombings of Jewish synagogues in Atlanta, in Oak Ridge, schools in Nashville and other places throughout the country. I cannot see how anyone would oppose such an amendment and I hope that it will be adopted.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. LOSER] has expired.

Mr. COLMER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. BOW. Mr. Chairman, reluctantly I have to object.

Mr. COLMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must confess, in rising to oppose this amendment, I do so because I am not clear in my mind just what the gentleman had in mind. That is why I asked unanimous consent that he proceed for some additional time.

So far as I am personally concerned I am opposed to the whole section, not because I am in favor of dynamiting; I abhor it as much as anybody else. But I am constitutionally and philosophically opposed to further centralization of the power in the Federal Government at the expense of the States. There is not a State in the Union that does not have a law against unlawful dynamiting of a building or any other public or private property, whether it be a church, or what not.

Mr. LOSER. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I gladly yield to my very good friend. That is exactly why I tried to get the gentleman some additional time.

Mr. LOSER. Mr. Chairman, I have great admiration and respect for the distinguished gentleman from Mississippi and I subscribe wholeheartedly to most of his political philosophy. I have joined with him during these days in this debate on this so-called civil rights bill. I am opposed to centralization of power in the Federal Government. But it is agreed, I believe, by almost everyone that these terrible crimes that have taken place all over the Nation during the last 2 or 3 years did not originate in the State where the offense occurred; but gunmen and gangsters, goons, and hoodlums move across the face of this country tossing dynamite into the homes of innocent people, destroying synagogues, businesses, churches, and schools. I think, when such a situation arises, that it is a proper field for the intervention of our Federal Government.

Mr. COLMER. Now will the gentleman permit me to ask what his amendment does that is not provided in the bill here that he proposes to amend?

Mr. LOSER. I would say to the gentleman that title II of the bill reported by the committee makes it a Federal offense for a person to dynamite or attempt to dynamite a building or a structure or a place and thereafter move in interstate commerce.

Mr. COLMER. Before he starts to move in interstate commerce, are there not State statutes now to make it a crime to dynamite these same buildings?

Mr. LOSER. There certainly are.

Mr. COLMER. But the gentleman would go further and have the Federal Government come in, as the bill does, but the gentleman would go a step further, if I understood his original statement correctly, and make it prima facie that if he were in flight from one State to another he dynamited it for that purpose? Is that correct?

Mr. LOSER. That is substantially correct?

Mr. COLMER. May I say to the gentleman, because he has been very complimentary about me, that I certainly feel the same way about the gentleman. I am sure he knows it, because I find him basically sound in 99 percent of the cases, at least. However, I must say to the gentleman, much as I admire him, I cannot go along with that political philosophy because I just do not believe in further centralizing power in the hands of the Federal Government. I hope the gentleman will forgive me for differing with him.

Mr. LOSER. I am exceedingly sorry that the distinguished gentleman from Mississippi cannot go with me in this one direction. I have gone along with him right along on most of the things he advocates.

Mr. COLMER. The gentleman will find me with him generally. In fact he has made a splendid contribution in opposition to all other portions of the pending "civil wrongs" bill.

Mr. LOSER. I am sure we are generally in accord, but I hope he does not lead his other comrades to go with him.

Mr. COLMER. I am sure that I have thoroughly demonstrated that I cannot lead anyone on this issue.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

URGENT NEED FOR HOUSING LEGISLATION

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, this morning's Wall Street Journal reports that "the scarcity and high cost of mortgage money continue to curb housing demand."

Housing starts in February were down 8 percent from January and down 20 percent from February 1959 on the seasonally adjusted annual rate. New orders at west coast lumber mills, according to the Wall Street Journal, "have trailed productions for 9 of the past 10 weeks, and mills' inventories stand 21 percent above a year ago."

These facts are large handwriting on the wall not only for the lumber industry but for the whole immense and important housing industry.

The Raines bill, H.R. 10213, is designed to remedy the "scarcity and high cost of mortgage money" by making a billion dollars available for the FNMA special assistance program. This legislation was approved recently by a vote of 18 to 7 in the Banking and Currency Committee.

The bill is now before the Rules Committee. It is my hope that action there will be prompt and favorable.

LIBRARY SERVICES ACT

Mr. WOLF. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker, yesterday I introduced H.R. 11295, a bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations.

The accomplishment of the first 3 years of this program is convincing proof of the need for its continuance. In spite of these accomplishments, Mr. Speaker, there are 900,000 people in Iowa who are without legal access to public libraries—some of them are as far as 30 to 50 miles from an adequate library. It is not difficult to understand what a traveling library means to these people.

The Iowa State Traveling Library has done a remarkable job in bringing library service to the local level in many areas of Iowa. It is continuing its efforts to: First, to secure sufficient funds to match in full the Federal funds available to Iowa; second, continue the intensive program to strengthen the quality of local library services by improving the book collections, extending the hours of opening, and so forth; and third, to improve the personnel serving local libraries by training workshops.

At this critical turning point in public library development in the State of Iowa, Mr. Speaker, it is incumbent that appropriate steps be taken to assure adequate financial support for the Iowa State Traveling Library to enable it to carry its full responsibilities to the needs of the citizens of the State. It is for this reason that I have introduced a bill to extend the authorization for appropriations under the Library Services Act for another 5 years.

This extension will permit the Iowa State Traveling Library to consolidate the gains which it has made and to develop similar cooperative programs in about one-half of the State still not reached.

In our efforts to develop leaders in the scientific race with the Communist world, who knows but that somewhere in the cornfields of Iowa there might be some young man stimulated by the services provided by the traveling library to become a great scientific leader in the tradition of Dr. Van Allen, of the State University of Iowa.

The text of my bill follows:

A BILL TO EXTEND THE LIBRARY SERVICES ACT FOR A PERIOD OF 5 YEARS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Library Services Act (20 U.S.C. 352) is amended by striking out "four" and inserting in lieu thereof "nine."

NATIONAL CONSTITUTIONAL CRISIS—SECOND SEQUEL

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, in a statement to the House in the RECORD of March 14, I included an incisive legal analysis of the constitutional stand proposed for Virginia in the form of an editorial in the February 18, 1960, issue of the Pioche Record of Pioche, Nev., a well-known western weekly newspaper.

In a sequel in the RECORD of March 15, I quoted one of the Virginia measures, house joint resolution No. 44. Its purpose was restatement of the line of demarcation between the powers conferred upon the United States and those reserved to Virginia and her sister States.

A companion measure, house bill No. 407, aimed at stating the policy of Virginia with respect to autocratic assumption of authority on the part of members of the Supreme Court and their attempted application of usurped power to the law of Virginia.

In these two measures, introduced in the General Assembly of Virginia, we have the first technically and legally correct efforts to apply the law as provided in the Constitution to the menace that now threatens our liberty as a free and sovereign people. After hearings that were notable for the range of experience and stature of the authorities presented before the committee on Federal relations, both measures were reported out.

House joint resolution 44 passed the house of delegates and was referred to a committee in the State senate; house bill 407 was referred in the house.

In order that the provisions of house bill No. 407 may be available throughout the Nation and more widely understood, the text follows:

HOUSE BILL NO. 407

A bill to state the policy of the Commonwealth of Virginia with reference to the autocratic assumption of authority on the part of members of the Supreme Court and their attempted application of usurped power to the law of this State

Be it enacted by the General Assembly of Virginia:

That on April 15, 1783, under the terms of the treaty of peace at the end of the Revolutionary War it was acknowledged and confirmed that the Commonwealth of Virginia was a "free sovereign and independent" State. Thereafter, on June 26, 1788, the State of Virginia confirmed and ratified, together with other "free sovereign and independent" States, that certain compact and agreement known as the Constitution of the United States, under which there were constituted three separate and distinct agencies of government, each with clearly defined and strictly limited powers.

Each of the parties signatory to this agreement had its established form of government with executive and legislative branches, a full judicial system, as well as military and police power organizations together with the unlimited right of each to make and enforce its own laws.

Under article I of this agreement there were constituted the legislative, under article II the executive, and under article III the judicial, departments of government in which the limits of their authority were clearly defined.

All "legislative powers" therein "granted" were conferred upon the Congress. The power conferred upon the judicial department was limited to "judicial power" and all powers not delegated were expressly reserved to the States or to the people.

This limit to "judicial power" denied the United States Supreme Court any and all legislative power. It was given no power to alter any law, or to amend or enlarge any of the constitutional provisions, either by direct decree or indirectly by any other order or decision or device.

Therefore, the action taken by the Justices of the Supreme Court of the United States, in the case of Davis against the County School Board of Prince Edward County, is beyond any authority conferred upon the Court by the Constitution, in that the members of the Court acted beyond the prescribed limit of judicial authority. Accordingly, their proceedings are not an authorized act of the Supreme Court but merely the act of members of the Court, and are hereby declared to be unauthorized, and unconstitutional, invalid, and not the law within the jurisdiction of this State.

The General Assembly of Virginia further declares that what is purported to be a ruling of the United States Supreme Court in *Brown* v. *Board of Education et al.* is not a constitutionally authorized ruling of the Court, and hence is unconstitutional, invalid and not law within the jurisdiction of this State. The ruling is beyond the authority granted, in that the members of the Court have attempted to exceed their constitutional power which is limited under the provisions of article III to "judicial power." The ruling, if validated by this State, would be in denial of the established rule of law, that the intent of those who framed and adopted the Constitution or the amendments thereto must govern in its construction. Furthermore, such approval by the parties signatory would be an attempt to give a legal effect to the ruling as if it were in effect an amendment to the Constitution of the United States, which to be valid must have the approval of three-fourths of the States.

The General Assembly of Virginia declares that in issuing unauthorized decrees which interfere with the administration of the laws and the constitution of this Commonwealth, in relation to its public schools, and in seeking to enforce such decrees with court orders and injunctive writs, the Court's proceedings are in violation of section I of article I and section I of article II of the Constitution of the United States, are unconstitutional, invalid, and not law within the jurisdiction of this State.

The General Assembly of Virginia further declares that the Justices of the Supreme Court, in concert with members of the Federal district courts of the United States, have proceeded in violating section 2 of article III of the Constitution of the United States, in abdicating their constitutional responsibility and duty under said section, to try all cases in which a State shall be a party, and in procuring the usurpation of that power by members of the Federal district courts; and that therefore those acts are unconstitutional and are invalid and not law in this State.

It has heretofore been considered that due restraint would voluntarily be exercised by the agencies of the Government so created, and especially by the members of the Supreme Court, to the end that they would confine their areas of activity and procedure and their rulings, strictly within the limits fixed under the Constitution and within the authority defined therein so as to be in accord with its fixed requirement that they and each of them, "shall be bound by an oath to support this Constitution."

The necessity for this action now being taken by this State, is occasioned by such flagrant disregard of the fixed constitutional limitations binding upon the Supreme Court, that their lack of restraint has been made the subject of criticism, not only by outstanding jurists, but by a resolution of the association of the heads of the supreme courts of all the States of this Nation, by leading bar associations, and by outstanding members thereof.

These criticisms are not only leveled at the failure of the Court to exercise proper restraint in recognition of the limits of its authority but they also are directed at decisions which question the power of the Government of the United States to defend itself from enemies within the country, acting in alliance with enemies outside the country, which action thwarts the agencies concerned with the defense of the country from these enemies.

The government of this State has exhausted all possible means of arriving at a solution to this problem without the exercise by this State of the reserved powers to defend the State from the unlawful actions of the Supreme Court and we must now proceed in accordance with the actions herein taken, to the effect that unlawful unauthorized procedures of the members of the Court, which represent a usurpation of power which clearly is not accorded to them under the compact, binding and limiting their conduct, will not be recognized as law within the jurisdiction of this State.

This action of the State, is notice (1) to the other governments which are signatory parties, along with the government of this State, to the compact known as the Constitution of the United States; (2) to the agencies and the departments thereof generally known as departments of the Federal Government, and which have been constituted under this agreement; and (3) to those persons who have been selected to occupy and who now occupy the positions, and who have accepted the obligations to perform the duties, as defined and limited in said compact.

A BILL TO HELP SMALL BUSINESS

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, on January 25, 1960, and again on March 16, 1960, I addressed the House and discussed various legislative proposals which have been made to help small business. In the statement I made January 25, 1960, I referred to the fact that the Federal Trade Commission, in reporting on practices and conditions in the food industry, stated that there have developed tendencies to concentration of economic power, to collusive price action, and to unfair competitive methods. In that connection, Hon. John W. Gwynne, then Chairman of the Federal Trade Commission, in announcing that the Federal Trade Commission would study the situation said:

> We want to know why the industry is getting so tough for the smaller operator. * * * The trend seems to be to eliminate the small man entirely.

Subcommittee No. 5 of the House Small Business Committee directed its attention and study to this situation. We held extensive hearings and received a large amount of testimony and other evidence on the integration practices, financing of small business, and the economic significance of the concentration of economic power in food distribution.

We heard from all segments of the food industry, including processors, wholesalers, retailers, and farmers. From all of this information we developed a broad picture of the small business problems in food distribution. We heard almost 100 witnesses and built up a printed record of some 2,000 pages. Out of this mass of information emerged a showing of the need for legislation to help small business. We were shown that approximately 40 percent of food retailing has become concentrated under the control of a few chain food retailers. We were told that this tremendous hold of the retail food market was not helping the consumers, but was adversely affecting competing small business concerns and farmers. Producers of fruits, vegetables, and livestock are said to be suffering from this concentration of economic power. We were told that their markets are being closed to them except through the marketing facilities of the large chain food retail concerns which arbitrarily determine marketing practices and pricing. Our Denver, Colo., hearings showed that large chain food retailers are getting into the production, preparation, and distribution of meat food products. They are proceeding from that position backward through the integration of the processing, slaughtering, and even the feeding of cattle to a control of marketing, with the result that producers are being denied the benefits of competition in the marketing of livestock.

Representatives of small meat packers, feed lot operators, ranchers, and many other businesses testified that the practices of large food retailers in integrating the retailing with the feeding, slaughtering, and packing of meat food products are destroying small and independent business enterprises and competitive markets for those products. In that connection, it was pointed out that the strongest argument now being put forward by the large packers for relief from the provisions of the meatpacking decree of 1920 is the fact that the large food retailers are integrating backward into the meatpacking business. In that connection, I stated on the record during the course of our hearings in Denver that if the basic and fundamental principles which brought about that consent decree were sound, and we must believe they were sound—they remained in operation for many many years, and were, therefore, in the public interest—it would seem to me a poor excuse to upset them simply because someone else in the other direction was going forward to accomplish the same thing. And my question would be, Would it be unreasonable to think that should the 1920 consent decree be reversed, or be obliterated, that there would also be the great danger that that would be the opening door for an amalgamation of the chainstore and the large packer to accomplish exactly what was prohibited in 1920?

In view of these circumstances I have proceeded to introduce several bills designed to help small business. One of those bills introduced on January 25, 1960, was H.R. 9897. Section 1 of that bill would make it unlawful for large chain food retailers to engage in the meatpacking business, and, also, would keep the large packers from engaging in the retail food business. Section 2 of the bill provided for the marketing of livestock for slaughter on the basis of competitive bids made openly and publicly. That provision was designed to operate against large buyers taking advantage of livestock producers through pressure exerted at private negotiations. A number of our colleagues introduced identical bills because they felt these objectives were worthwhile.

In recent weeks, representatives of large ranches and feed lot operators have talked with me about the second provision of H.R. 9897. Some of them have told me that they have arrangements with large meatpackers which extend over a period of several months and pursuant to the terms of which the large meatpackers take the cattle from the feedlots as they are finished as fat cattle. They stated they believed section 2 of H.R. 9897 would interfere with these arrangements.

In view of these representations, I have had several discussions with colleagues who became interested in this matter, one of whom is the gentleman from South Dakota [Mr. McGOVERN]. Following these discussions and their suggestions, I am today introducing a bill which is a revision of H.R. 9897 in that the bill I am introducing today contains only one provision. It is the provision making it unlawful for large chain food retailers to engage in the meatpacking business, and making it unlawful for the large meatpackers to engage in the business of operating retail food stores.

The bill would accomplish this purpose through an amendment to the Packers and Stockyard Act of 1921 so as to make it unlawful for any packer or any other person engaged in the business of manufacturing or preparing livestock products or in the wholesale marketing of meats, meat food products, livestock products, and so forth—when such person, during the immediately preceding calendar year, enjoyed gross sales of more than $10 million—to engage in the business of selling at retail any such products.

VOICE OF AMERICA SPANISH LANGUAGE BROADCAST TO LATIN AMERICA

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, for some time now I have urged the use of radio broadcasts to beam the facts to Latin America. I was glad to learn that the Voice of America has resumed Spanish-language broadcasts to the area. As of yesterday, hour-long broadcasts, including newscasts, a 5-minute commentary, a 10-minute feature, and a music program will be broadcast by shortwave nightly.

With the high illiteracy that prevails in some areas of Latin America, it is important that facts be presented to people who rely on the spoken word for information. Where there is an intentional distortion in reporting events, such as is occurring presently in Cuba, it is especially urgent that unvarnished truths be made available.

It is generally recognized, however, that shortwave broadcasts can have only marginal value. In the Caribbean area, for instance, only about 10 percent of the radio sets are equipped to receive shortwave. Yet it is imperative that

all those who have an interest in developments in that tense region be truthfully informed of U.S. policies.

In order to be effective, Voice of America broadcasts will have to be made on mediumwave bands. I am gratified that the executive department is making a thoroughgoing effort to get such broadcasts under way by means of commercial radio stations. I understand that a number of serious technical problems have been encountered, such as the paucity of stations with sufficient power capabilities and the necessity for a clear frequency.

Should the Voice of America be unable to find suitable commercial facilities for broadcasting to Latin America, I am confident that Congress will be prepared to assist in alternative proposals for getting the true facts over the airwaves to our neighbors to the south.

UNIQUE ETIQUETTE FORUM STAGED FOR AIRMEN'S WIVES

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks in the body of the RECORD and may include certain extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONTE. Mr. Speaker, I rise to bring to the notice of my respected colleagues an event which offers evidence that good community citizenship is also good business.

In my own district in Massachusetts we are proud to have fostered some of the Nation's leading industries, both large and small, which take their stature and dignity from the strength of character of those who manage them and those who make them productive.

We are proud also that our area was chosen for a vital national purpose the creation of a huge bastion of our national defense, the Westover Air Force Base, a major establishment of our Strategic Air Command.

Here, many thousands of trained men have been assembled to keep the air above us inviolate from assault. Here they have brought their families from all parts of our Nation, people of diverse backgrounds and cultures to the extent that Americans happily conform to no rigid molds of uniformity in their tastes and interest. But they are agreed on one deeply felt precept—their love for their country and their determination that it shall remain free. There can be no better proof of that mutually held conviction than their presence in our community.

Their devotion is not to be measured alone by the dedication of the men who are in the air every hour of the day, never flagging in their watchfulness, committed to the unspoken perils that face every soldier.

It is to be measured also by the sacrifices of their families in accepting quietly the dislocations of family life as they move from the homes they have always known to other parts of the country—and, as often, to other parts of the globe even more strange.

It can therefore be said of the wives and children of our airmen, "They also serve."

A token of its obligation to them has been given evidence this week by one of the industries long established in the district I have the privilege to serve.

The organization is the White & Wyckoff Manufacturing Co. in Holyoke, Mass., which for 80 years has been providing the Nation with writing papers and allied products of traditionally high New England quality. The president, Mr. Edward P. White, is a man aware of his New England heritage and its long history of setting up standards and pace for the Nation to follow. This pertains not to products alone but also to human relations and values.

This week Mr. White sent a "buslift" to the Westover Air Force Base to gather up 100 wives of airmen as guests for the day of himself and his organization. They were brought first to the plant for an instructive tour of its facilities—an enlightening lesson in the miracles of the American manufacturing processes.

They were then similarly transported to the Roger Smith Hotel in Holyoke, where a function was arranged to reinforce them in the patterns of American family living, to which they strive to adhere as mothers, wives, and homemakers.

Prepared for them was an event bringing into focus these gracious attributes which they had never lost in the frequent packings and movings. They were brought into an "etiquette forum," unique in the respect that it reflected the changing patterns of manners and graces in the world of change they know so well. The forum was expertly conducted, for thoughtful provision had been made in that respect. The ladies also were guests of Mr. White and his company for tea and refreshments. They were given gift packets, and other evidences of New England hospitality were extended.

The hundred ladies did not represent an impressive portion of the market of their host, and they are unlikely to influence its prosperity. But Mr. White has not concealed the fact that they do bear some relationship to the nature of his company's production, for they are, as service wives, "the writingest women in the world."

The Etiquette Forum, its sponsor believes, will not by itself change the face of our national defense posture to the smallest degree. But if multiplied as a gesture by the hundreds of American communities which harbor defense establishments, it will improve greatly the hospitality extended to the families of servicemen.

Mr. White and his company have, to the extent that individual action is possible, raised the H.Q.—the happiness quotient—of one American community, making it a more healthy and attractive place for people and new industries to live.

Essentially, we do not live in a Nation so much as we do in one of its communities. If the needs and obligations of each community are met with an adequate sense of responsibility, assumed by a requisite number of citizens in each, the unity and security of our whole Nation are amply assured.

DOUBLE IMMIGRATION QUOTA

Mr. MACDONALD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MACDONALD. Mr. Speaker, I want to take this opportunity to commend President Eisenhower for his recent proposal to eliminate some restrictive and discriminatory features contained in the present immigration and nationality law.

In his special message to Congress on March 17 the President urged Congress to double the annual quota for immigration into this country and also authorize entrance of refugees above the quota limits. His proposals base the formula for limiting immigration on the 1950 census until the results of the 1960 census is available. Presently the outmoded census of 1920 is used. The President also urged that the total number of immigrants be put at one-sixth of 1 percent of the total U.S. population. This would increase the quota system from the present 154,657 to an estimated 300,000 when the 1960 census is completed.

Under the present law, immigration quotas for most foreign countries are based on a percentage of people of the same race and ethnic group making up the U.S. population. The President urged abandonment of this concept, and substituting as the base the number of immigrants actually accepted from each country between 1924 and 1959. The President also proposed that immigration quotas not fully used by some countries should be redistributed among countries in which the number of applicants for immigration exceeded the quota limit. In addition to liberalizing the regular immigration quotas, the President urged that Congress provide for the admission into the United States of refugees from oppression and persecution due to race, religion, political upheaval, or national calamity.

Mr. Speaker, I would like to point out that I have introduced an immigration bill designed to carry out the President's recommendations. We in the United States know that our population stems from many races, groups, and religions. It is also clear beyond dispute that our country has developed and prospered because we have made it a practice to offer a welcoming hand to substantial numbers of immigrants who were seeking freedom and equal opportunity. Our moral and material advancement has been due principally to the fact that we have had a liberal and progressive immigration policy. That liberal immigration policy, which allowed my ancestors to come to this country must be renewed if this country is not to lose an essential source of its great invigorating strength.

I would like to point out that the Eighth Congressional District of Massachusetts, which I have the privilege of representing, has a large number of naturalized American citizens, who find it impossible to bring into this country other members of their families from countries in southern Europe. This is unquestionably due to the discriminatory provisions of the McCarran-Walter Act of 1952.

The discriminatory nature of the McCarran-Walter Immigration Act, its injustices against naturalized American citizens and its restrictions upon immigration is generally recognized. But the McCarran-Walter Act is still on our statute books. I had hoped that during the 1st session of the 86th Congress some action would be taken to revise this act. As a matter of fact, in both the 84th and 85th Congresses I introduced legislation to revise and recodify our immigration and naturalization laws and replace the McCarran-Walter Act. These measures called for the abolition of the national origins quota system with its illogical, undemocratic, unrealistic, discriminatory racial inferiority provision. I felt that the way to improve this system was to abolish it and to adopt a fundamental immigration policy for our country which would select immigrants on the basis of their individual worth and not place primary importance on the geographical area of their birth.

Mr. Speaker, the McCarran-Walter Act permits immigration to this country by those who do not wish to do so while it denies that right to those who have both the need and desire to relocate in the United States. All one has to do is to look at the record and they will see that of the total McCarran-Walter Act quota, almost 42.2 percent goes to Great Britain and Northern Ireland, and this allotment goes largely unused. Germany has a quota of 16.7 percent; Eire—Ireland—11.5 percent. Italy has 3.6 percent of the total quota, less than Poland, with 4.2 percent. I would like to point out that between 1900 and 1910, 2,045,877 immigrants from Italy entered the United States, an average of over 200,000 per year. The act of 1921 decreased this amount to 42,000 per year and under the national origins formula of the McCarran-Walter Act this figure was further reduced to 5,645. During the 1900 to 1910 period over 167,000 Greeks migrated to this country, an average of over 16,000 a year; under the McCarran-Walter Act 308 Greeks are entitled to enter the United States each year.

It is apparent to every observer of the Italian and Greek situations that significant increases in the number of people who migrate from these countries—in the case of Italy as many as 200,000 per year for a 10-year period—are essential if they are to continue their economic recovery and to take their proper places with the countries of the free world. Therefore, it is imperative that the bill I have introduced be enacted into law at the earliest possible moment, in order that the unused quota allowances for countries such as Great Britain and Germany could be used by southern European countries, such as Italy and Greece.

It is my hope that when the 86th Congress adjourns we will be able to point with pride to the fact that our present nationality quota system has been corrected; that unused quotas are being reallocated; mortgaged quotas canceled; citizenship rights protected and other inequities of the McCarran-Walter Act alleviated.

To accomplish this we must have greater action than has been shown by the Congress. It seems very strange to me that with the President of the United States calling for revision of our immigration law and the leadership of both political parties pledging themselves to major revision of the McCarran-Walter Act, yet all we get to date are minor revisions of the act.

Mr. Speaker, I repeat again that the time has come for a fundamental change in our American immigration policy. We cannot afford to wait any longer; we cannot allow slipshod, racially conceived and arbitrarily executed legislation to thwart both our own need for skilled citizens and the qualified alien's desire to contribute. We must agree upon a measure, such as the bill which I have introduced, that again places our immigration policy upon a level compatible with our national heritage.

The golden door, which was once wide open to all the world, including our own forbears, must not be tightly closed now by an unrealistic approach dictated in the 1920's. We can no longer avoid, as we did in that decade, the responsibilities that have been placed upon us as a leader of free nations. We must take care that our immigration policy, like every other aspect of our behavior toward foreign persons and states, reflects the genuine and durable principles of our democracy. It must be effective, and at the same time equitable; it must be orderly and at the same time flexible; and it must, above all, be motivated by that great source of our own strength, an abiding respect for the individual.

It is with all these considerations in mind that I have introduced this bill, and that I respectfully urge you to support H.R. 11287.

FAIR TRADE BILL

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the body of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DINGELL. Mr. Speaker, many have claimed a fair trade law would result in a small businessman's utopia. Perhaps in the total effect of such legislation there might be some slight benefit conferred on the little businessman.

However, recently the Kefauver committee has come up with some revelations which are highly significant in showing that not only does the fair trade bill now pending offer danger to the consumer but it tends to restrict sales and actually encourages price cutting.

First, it becomes clear that the real purpose of fair trade is to give the large drug and pharmaceutical houses an opportunity to absolutely control marketing of pharmaceuticals at all levels, manufacturing, retail, and wholesale, and to protect the already excessive profit margins that customers must pay for drugs required to protect, conserve, and restore health.

The committee recently pointed out one drug, prednisone, could be made for 1.6 cents each, in the bottle, while the big drug houses charged the drugstore $17.90 per hundred, and the customer paid 30 cents apiece for the tablet. A small firm was selling the exact same drug to drugstores for $17 per thousand, or one-tenth what the big drug houses charged for the same drug.

The Kefauver committee computed the cost of Miltown tranquilizer tablets at seven-tenths of a cent, while the product was marketed for 5.1 cents apiece, or for a net profit after taxes of 1.2 cents per tablet, almost double the production cost.

Serpasil tablets were offered to the Government at 60 cents per thousand, while its regular price to the druggist is $39.50 per thousand.

An antiarthritic pill is sold in England for $7.53 a bottle, or about 50 percent less than its cost to Americans. American firms sell Miltown in Argentina for one-quarter of its cost in the United States.

If the fair trade bill becomes law and absolute price control is vested in the hands of pharmaceutical manufacturers these practices will be legitimatized and encouraged to the detriment of both the retail industry and the consumer.

PRESENTATION OF STATUE OF SENATOR PAT McCARRAN TO THE UNITED STATES OF AMERICA IN THE ROTUNDA OF THE CAPITOL

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. BARING] may address the House for 1 minute and to revise and extend his remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BARING. Mr. Speaker, it is my privilege to extend to the Members of the U.S. House of Representatives, their staffs, both office and committee, officers of the House of Representatives and their staffs, Capitol employees, and all others who were friends of the late Senator Pat McCarran, of Nevada, a most cordial invitation to attend the presentation of the statue of Senator Pat McCarran, by the State of Nevada, to the United States of America. The ceremony will be held tomorrow afternoon, Wednesday, March 23, at 2 p.m. in the rotunda of the Capitol. Cardinal Spellman will deliver the invocation; the Chaplain of the Senate, Dr. Frederick Brown Harris, will give the benediction. The Governor of

my own State of Nevada, the Honorable Grant Sawyer, will present the statue, and our Lieutenant Governor, the Honorable Rex Bell, will participate in the ceremony, together with the majority and minority leaders of the Senate, and the Nevada congressional delegation, my colleagues, Senator Alan Bible, Senator Howard Cannon, and myself.

Mrs. McCarran and members of her family will be present, and they join me in extending this invitation to those who would like to attend. No admission card is necessary. Following the ceremony, a short reception will be held in the Old Supreme Court Chamber, to which you are also cordially invited.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MULTER, to extend his remarks in the body of the RECORD and to include extraneous matter immediately prior to the vote on the first Celler amendment in Committee of the Whole today.

Mrs. GREEN of Oregon to extend her remarks in the body of the RECORD at that point just prior to the vote on the Cramer amendment to the Celler amendment.

Mr. WOLF and to include extraneous matter.

Mr. MCSWEEN, to revise and extend his remarks at that point in the RECORD before the vote on the Cramer substitute to the Barden amendment.

Mr. OLIVER.

Mr. BOW, to revise and extend remarks he made in Committee of the Whole today on the civil rights bill and to include extraneous matter in his colloquy.

Mr. PELLY, to include a resolution in his remarks made in Committee of the Whole during debate on H.R. 8601.

Mr. MEADER, to revise and extend remarks made by him in Committee of the Whole today and to include certain tables, quotations, and other extraneous matter.

Mr. BLATNIK.

(At the request of Mr. ROBISON, the following Members were given permission to revise and extend their remarks in the CONGRESSIONAL RECORD and to include extraneous matter:)

Mr. DAGUE.

Mr. ALGER.

Mr. CANFIELD.

Mr. CURTIS of Missouri.

(At the request of Mr. ULLMAN, the following:)

Mr. BURDICK.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir;

S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States;

S. 2185. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea;

S. 2483. An act to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; and

S.J. Res. 115. Joint resolution authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site.

ADJOURNMENT

Mr. ULLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 23, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1969. A letter from the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting a report concerning agreements concluded during February 1960 under Public Law 480, 83d Congress, pursuant to Public Law 85–128; to the Committee on Agriculture.

1970. A letter from the Comptroller General of the United States, transmitting a report on examination of the military assistance program administered by the Department of the Air Force; to the Committee on Government Operations.

1971. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill for the relief of Dr. Henry H. Cohan," to the Committee on the Judiciary.

1972. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill to amend section 2 of the River and Harbor Act of July 3, 1930"; to the Committee on Public Works.

1973. A letter from the Comptroller General of the United States, transmitting a report on the examination of the economic and technical assistance program for Guatemala as administered by the International Cooperation Administration (ICA) of the Department of State and its predecessor, the Foreign Operations Administration, under the mutual security program for fiscal years 1955 through 1959; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. House Resolution 470. Resolution providing for sending the bill H.R. 10919, with accompanying papers, to the Court of Claims; without amendment (Rept., No. 1410). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. H.R. 10978. A bill to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes; with amendment (Rept. No. 1411). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. H.R. 4428. A bill for the relief of S. Sgt. John E. and Mrs. Caroline Almeida; with amendment (Rept. No. 1412). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9442. A bill for the relief of Charles Bradford LaRue; without amendment (Rept. No. 1413). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DULSKI:

H.R. 11308. A bill to amend the Tariff Act of 1930 to impose a duty upon the importation of bread; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania:

H.R. 11309. A bill to establish a Federal Recreation Service in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Education and Labor.

H.R. 11310. A bill to amend title X of the Social Security Act to provide that, without an increase in Federal participating funds, a State plan for aid to the blind may utilize a more liberal needs test than that presently specified in such title; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 11311. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. MOORHEAD:

H.R. 11312. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. PELLY:

H.R. 11313. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. ROOSEVELT:

H.R. 11314. A bill authorizing an appropriation for the construction of a nonsectarian chapel and shrine as a memorial to Dr. George Washington Carver, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11315. A bill to amend the Packers and Stockyards Act, 1921, to strengthen independent competition by providing for competitive enterprise in the retail sales of meat, meat food products, livestock products, and other food items; to the Committee on Agriculture.

By Mr. McGOVERN:

H.R. 11316. A bill to amend the Packers and Stockyards Act, 1921, to strengthen independent competition by providing for competitive enterprise in the retail sales of meat, meat food products, livestock products, and other food items; to the Committee on Agriculture.

By Mr. CAHILL:

H.R. 11317. A bill to amend section 1461 of title 18 of the United States Code with respect to the mailing of obscene matter, and for other purposes; to the Committee on the Judiciary.

By Mr. KILDAY:

H.R. 11318. A bill to provide that those persons entitled to retired pay or retainer pay under the Career Compensation Act of 1949 who were prohibited from computing their retired pay or retainer pay under the rates provided by the act of May 20, 1958, shall be entitled to have their retired pay or retainer pay recomputed on the rates of basic pay provided by the act of May 20, 1958; to the Committee on Armed Services.

By Mr. PERKINS:

H.R. 11319. A bill to provide that in determining the amount of retired pay, retirement pay, or retainer pay payable to any enlisted man, all service shall be counted which would have been counted for the same purposes if he were a commissioned officer; to the Committee on Armed Services.

By Mrs. SULLIVAN:

H.R. 11320. A bill to amend section 491 of title 18, United States Code, prohibiting certain acts involving the use of tokens, slugs, disks, devices, papers, or other things which are similar in size and shape to the lawful coins or other currency of the United States; to the Committee on the Judiciary.

By Mr. WILSON:

H.R. 11321. A bill for the relief of certain defense-related company employees who performed services during 1953, 1954, and 1955 on a temporary duty basis in the area of Edwards Air Force Base, Calif., or Air Force Plant 42, Palmdale, Calif.; to the Committee on Ways and Means.

By Mr. PERKINS:

H.J. Res. 657. Joint resolution making technical corrections in certain provisions of title II of the Social Security Act, as amended by the Social Security Amendments of 1958; to the Committee on Ways and Means.

By Mr. FLYNN:

H. Con. Res. 639. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. O'HARA of Illinois:

H. Con. Res. 640. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. FORAND:

H. Res. 483. Resolution providing for the consideration of the bill H.R. 4700; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FORRESTER:

H.R. 11322. A bill for the relief of Col. Joseph A. Nichols; to the Committee on the Judiciary.

By Mr. JACKSON:

H.R. 11323. A bill for the relief of Ernest Lee (Lee Ming-Sing); to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 11324. A bill for the relief of Mrs. Elaine R. Klassy; to the Committee on the Judiciary.

By Mrs. KEOGH:

H.R. 11325. A bill for the relief of Mrs. Mary Kaye; to the Committee on the Judiciary.

H.R. 11326. A bill for the relief of Fay Cisneros; to the Committee on the Judiciary.

By Mr. SCHENCK:

H.R. 11327. A bill for the relief of Chauncey A. Ahalt; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

389. Mr. GROSS presented a petition of 16 residents of Riceville, Lime Springs, and Cresco, Iowa, in favor of payment of a pension to World War I veterans as stipulated in H.R. 9336, which was referred to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Imports of Lambs and Sheep

EXTENSION OF REMARKS

OF

HON. ROMAN L. HRUSKA

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 22, 1960

Mr. HRUSKA. Mr. President, in view of the import statistics in the last 2 or 3 years as compared with previous years, it is not difficult to realize that the sheep industry is justifiably alarmed and distressed at the serious threat to continued existence in the United States. My State of Nebraska is among those that are so concerned.

The sheep and wool industry is a vital one to the well-being of this country. Sound national policy would dictate that such measures as are available be taken to assure survival of the growing of sheep and the production of wool within the United States, and the avoidance of a situation of being totally dependent on imports for our supplies.

Steps in the direction of either tariff rates revision or of quotas on imports can be taken only through action before the Tariff Commission and a recommendation by it which will later be acted upon by the President.

Hearings before that Commission on this subject are currently in progress.

Among the witnesses who have been called to testify on the current and specific statistics, especially as they apply to Nebraska and Wyoming, are Charles Jones, of Huntley, Wyo., president of the North Platte Valley Lamb Feeders Association; J. F. (Pat) King, of Morrill, Nebr.; and Lowell Wilkes, of Scottsbluff, Nebr.; who are members of that association.

It is from witnesses as these that the real, brutal impact of imports on the domestic industry will be clearly and forcefully presented and portrayed.

As a preliminary to their more specific and authoritative presentation, the Senator from Nebraska personally appeared before the Tariff Commission earlier today to present a statement on this general subject.

Mr. President, I ask unanimous consent that there be printed in the RECORD the statement to which I refer.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

STATEMENT BY SENATOR ROMAN L. HRUSKA BEFORE THE U.S. TARIFF COMMISSION ON LAMB AND MUTTON IMPORTS INTO THE UNITED STATES

I appreciate this opportunity to appear before the U.S. Tariff Commission on the subject of lamb and mutton imports into the United States.

The prompt scheduling of this hearing on your own motion following the application of the National Wool Growers Association and the National Lamb Feeders Association was gratifying to all who are concerned with and affected by the growing competition from lamb and mutton imports facing this industry.

Much attention has been justly devoted to this recent development by the press and trade journals. It is abundantly clear that the industry is genuinely alarmed and distressed by the growing competition from abroad. Its concern with the present and prospective situation must not be ignored if our domestic production is to survive the new developments.

Under such circumstances, this hearing and the reported findings by the Tariff Commission will accomplish many good purposes. In the first place, a record will be available against which we can substantiate or dispel the apprehensions of the lambgrowers.

The alarm, by the way, over the present import situation must not be underestimated. With the information presented at hand, it is reasonable to say that the picure has changed over night. Shipments of mutton into this country increased from 17.2 million pounds in 1958 to 47.3 million pounds in 1959. Imports of lamb climbed to 9.5 million pounds last year as contrasted with 6.8 million pounds in 1958.

The total imports of lamb and mutton were more than twice as high in 1959 as in 1958, and 15 times as high as the 8-year average from 1950 to 1957.

We are told that Australia and New Zealand have immense sheep populations. These countries are seeking new markets, especially since the termination of an agreement to supply the United Kingdom market with certain quantities of lamb and mutton. Indicative of this, in addition to increases in imports of dressed lamb and mutton, last fall two shipments of live lambs, and so far this year a third, each numbering about 25,000 head, were imported from Australia.

The long-range and total meaning of these figures I will leave to those present and intending to testify. They are better versed in the economics and familiar with the statistics which pertain to this situation. They are prepared to furnish the desired analysis and evaluation which might assist you in this investigation. I will make only one, possibly self-apparent, observation. As matters now stand, such foreign production spells competition under increasingly adverse conditions for American producers.

Furthermore, we do not need to speculate as to how soon such conditions will endanger the industry generally. The growers have already experienced a sharp drop in ewe prices. Also, last fall when imports of dressed lamb were heavy, growers received 15 percent less for their lambs than the year before, which was 7 percent lower than the average for the last 5 years.

The inescapable fact is that our Australian and New Zealand competitors can deliver lamb in this country considerably lower than our production costs. Furthermore, the marginal difference cannot easily be overcome. It is estimated that, to compete with the foreign price, our producers would have to be able to raise lamb for about one-half of what it costs today. Faced with steadily rising production costs, rather than declining, this means that the industry is virtually unable to match the foreign price.

Against this background of large and continually increasing imports, the need for the industry to turn to the Tariff Commission for protection of the domestic production is clear and urgent.

With me this morning are Mr. Pat King, of Morrill, Nebr., and Mr. Lowell Wilkes, Scottsbluff, Nebr., both representing the North Platte Valley Lamb Feeders Association. They join the many others present in urging this investigation under section 7 (the so-called escape clause) of the Reciprocal Trade Agreements Act. They have prepared a thoughtful statement with the knowledge that, only upon a finding that dressed lamb and mutton and live lambs are being imported into this country in such quantities as to cause or threaten to cause serious injury to the domestic industry, can the desired relief be recommended by the Tariff Commission.

I subscribe fully to the idea that an application be made to the Tariff Commission under this provision of the act. The action of the Commission, furthermore, in recognizing the urgency of their case by setting this hearing was indeed welcomed by all of us. Through your investigation will the industry obtain a full report regarding the current situation and the expected trends of the market.

Any action taken by the Tariff Commission must be geared to the established facts of immediate or threatened injury. In this respect, the reported findings will furnish the information and lay the foundation for recommendations balancing the needs of the industry and the public at large.

I commend to your attention the statements that will be made by the representatives of the industry present here this morning.

May I urge that careful consideration be given to establishment of action affording a proper and fair measure of protection to the domestic production of this vital industry.

St. Lawrence Seaway: Engineering Marvel; Economic Fizzle

EXTENSION OF REMARKS
OF
HON. PAUL B. DAGUE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. DAGUE. Mr. Speaker, an editorial appearing in the Sunday edition of the Philadelphia Inquirer, entitled "Still Waiting for Spring on the Seaway," effectively points up the one feature; namely, the 4 months' freezeup, that persuaded many of us to vote against the project when it was originally before the Congress.

The Inquirer editorial is prefaced by this observation:

This is the first day of spring, by the calendar, but the ice is still hard along the St. Lawrence Seaway, where not a ton of ocean cargo has been moved since last December 3.

And then, to emphasize the vast difference between the seaway and a truly year-round waterway, the Delaware River, the Inquirer zeroed on the obvious shortcomings of a transportation medium that is out of service for 4 months out of every year in these words:

The St. Lawrence Seaway rates high as a product of human ingenuity, but it simply is not in the same class with the Delaware River when it comes to moving cargoes—whatever the season.

Last year, before the seaway went into deep freeze in December, it handled 20 millions tons of cargo. That's about one-fifth the tonnage on the Delaware in 1959.

Finally the Inquirer concluded with these comments:

The St. Lawrence Seaway may be an effective avenue of maritime commerce within narrow limitations, but its value and efficiency have been vastly overrated. The American people should be told more about the superior facilities provided by the Delaware River and the port of Philadelphia. And no waiting for the ice to break up in April, either.

Mr. Speaker, there is little that I can add to emphsize the facts of a situation which the quoted editorial has scored on all essential points. I want to reaffirm, however, that these facts were before the House when many of the Members voted against a project that could never be reasonably efficient and which will always constitute a two-pronged attack on Pennsylvania; namely, by bypassing the port of Philadelphia and at the same time exacting so much from our taxpayers to pay for what has turned out to be an economic disillusionment.

Johnny Kemp: 1960 National Easter Seal Child

EXTENSION OF REMARKS
OF
HON. QUENTIN BURDICK
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. BURDICK. Mr. Speaker, I am privileged and proud to pay tribute today to a young fellow North Dakotan who is an inspiration to all America and especially to all children and adults who live with crippling handicaps. He is, furthermore, outstanding proof of the fact that America cares what happens to its crippled.

This young man—10-year-old John Daniel Kemp, of Bismarck, N. Dak., is the son of John B. Kemp, civil engineer in charge of the Federal roadbuilding project in western North Dakota. He is also the 1960 national Easter seal child, chosen in recognition of his almost incredible conquest of a major handicap.

Johnny was born with only stumps of arms and legs. Today, because of the combined forces of many individuals, public and private health agencies brought to bear on his rehabilitation, and because of his own indomitable spirit, Johnny Kemp plays baseball, football, and marbles. He swims, draws, and writes. He attends regular school and gets better than average grades. He is an active member of a Cub Scout troop. He is a daily communicant at his church and he has a Sunday newspaper route. He is fully accepted as one of the boys in his neighborhood. All of this he accomplishes on two artificial legs and with two hook hands. It is his ambition to be a doctor.

Johnny is in Washington to further the annual Easter seal campaign of the National Society for Crippled Children and Adults and its affiliated units in all of our States. He is working so the diversified professional services of this organization may be extended to more crippled boys and girls in addition to the quarter of a million now being helped in Easter seal treatment centers throughout our Nation. He wants to see all crippled children have the same chance at rehabilitation he has had.

In view of the fact that nearly 5 percent of our population presently can profit from care such as that provided by the Easter seal societies and because some 60,000 babies are born in this country each year with major crippling problems, and because Johnny Kemp appears here today as the representative of these millions of Americans, I therefore commend and congratulate John Daniel Kemp for his remarkable achievement in personal rehabilitation. I wish him a long and useful and rewarding life and success to the Easter seal appeal for which he is working so unselfishly.

Federal Pay Increases

EXTENSION OF REMARKS
OF
HON. LEONARD G. WOLF
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. WOLF. Mr. Speaker, I have today presented the following statement to the Post Office Committee in regard to pay increases for postal workers.

STATEMENT BY CONGRESSMAN LEONARD G. WOLF, DEMOCRAT, OF IOWA, IN SUPPORT OF A PAY RAISE FOR POSTAL WORKERS AND OTHER FEDERAL EMPLOYEES, BEFORE THE HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE, MARCH 22, 1960

Mr. Chairman, I am wholeheartedly in favor of the enactment of legislation in this session of the Congress to provide a pay raise for our postal and other Federal employees. The wages of these employees should, without question, be brought up to the level of private industry for work requiring the same education, experience, training, skill, and intelligence.

The facts speak for themselves. In a recent issue of Labor Week, it was pointed

out that the average weekly "real" income of Federal workers (including post-office employees) was down 3.3 percent from last year. These figures are based on basic data of the U.S. Departments of Labor, Commerce, and Agriculture.

The most graphic single example of the need for a pay raise for our postal workers is in the fact that under the present pay scale, no mailman can qualify for a Federal Housing Authority loan on even a $15,000 home. To guarantee a $15,000 home, the FHA requires an annual salary of at least $5,384. No letter carrier in the entire United States is making such a salary. The average letter carrier's annual wage is $4,640.

To point up the problem which our postal employees are facing, I would like to set out the salaries being received by 14 postal employees in my district:

Employee	Gross pay each 2 weeks	Deducted for Federal taxes	Deducted for retirement	Deducted for insurance	Net pay each 2 weeks	Number of dependents
No. 1	$193.19	$21.10	$12.69	$1.50	$159.90	3
No. 2	193.19	16.40	12.69	1.50	164.60	3
No. 3	187.50	10.40	12.19	1.25	163.66	5
No. 4	191.72	11.10	12.19	1.25	167.18	4
No. 5	193.19	16.40	12.69	1.50	164.60	6
No. 6	193.19	7.10	12.69	1.50	173.90	5
No. 7	187.50	15.00	12.19	1.25	159.06	3
No. 8	187.50	19.70	12.19	1.25	154.36	3
No. 9	168.03	6.80	10.79	1.25	149.19	6
No. 10	187.50	19.70	12.19	1.25	154.36	2
No. 11	181.50	14.00	11.49	1.25	154.85	5
No. 12	188.88	15.30	11.49	1.25	160.84	3
No. 13	185.12	19.30	11.49	1.25	153.08	2
No. 14	191.35	15.70	12.44	1.25	161.96	3

It is not difficult to visualize the difficulty a parent faces in trying to feed and clothe and house as many as five children, most of them in school, and a wife, on a salary of $72 or $73 a week. The grocery bill alone for a family of this size cannot be less than $40 a week—at a bare minimum. That leaves $33 a week to pay for transportation, housing, clothing, utilities, and doctor bills.

Under the present pay scale, the postal employee receives less pay than the unskilled worker. Three Presidential vetoes have put this pay rate several years behind that of his fellow workers in private industry. If we expect to retain in the Federal service capable, efficient, and well-trained workers, we must pay them a livable wage.

I urge, Mr. Chairman, that this committee report out at the earliest opportunity legislation to bring the salaries of postal and other Federal workers into line with present-day realities.

Indignities to Humanity by Red China

EXTENSION OF REMARKS
OF
HON. GORDON CANFIELD
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. CANFIELD. Mr. Speaker, the Passaic (N.J.) Herald-News on Saturday, March 19, 1960, carried a page 1 story with the caption "Meyner Proposes U.N. Admit China." Speaking in Los Angeles, Calif., Governor Meyner was quoted as saying:

> For if the United Nations can be transformed into an agency with effective powers, then the real question will be, not should Communist China be admitted to membership, but rather what can the world do to make sure that Communist China doesn't stay out.

I find myself in disagreement with this point of view. The country we are talking about is the same one that had the audacity to inflict an outrageous 20-year sentence upon Bishop James Edward Walsh. This was but the most recent of a series of indignities to humanity by Red China.

May we remember these acts and the unheeded protests of Secretary Herter when we consider whether or not such a government should be a part of the United Nations.

The People Are Fed Up With Our Present Farm Program

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. PELLY. Mr. Speaker, I desire to discuss once again my bill, H.R. 10350, proposed legislation to repeal all agricultural price-support subsidies and to provide for the disposition of the Commodity Credit Corporation inventory without disrupting normal marketings.

First, I should say frankly that the Department of Agriculture opposes enactment of my bill. According to the Department, the elimination of all price support, as contemplated in H.R. 10350, is not in the best interests either of farmers or the economy as a whole. The Department's report expressed concern for the magnitude of the Commodity Credit Corporation stocks and growing investment; but rather than advocate elimination of price-support activity, it viewed price support at realistic levels as valuable in helping facilitate orderly marketing and in stabilizing the economy.

As to the provision in my bill for use of proceeds of surplus sales for loans to help relocate small and inefficient farmers hurt by ending Federal farm subsidies, the Department preferred a program aimed at assisting such affected families stay in farming and as promoted now to widen off-farm job opportunities.

Mr. Speaker, the Department of Agriculture says that this year the United States will have another record or near-record production of crops. The Government survey shows that farmers will plant about as many acres of cropland this year as last. The prospect of this surplus-harassed industry is more overproduction, as was the case in 1959 and back in 1958. So, especially in grain, the surpluses accumulate year after year and go mostly into Government hands.

I asked for the best guess of the Department of Agriculture as to the price trend or level of wheat under conditions assuming removal of the present Government-held surplus from the domestic and foreign market as provided under my bill. All I could get in the way of an answer was that removal of the wheat surplus would have a stabilizing influence on market prices, but such a step was not believed to be in the interest of farmers or the economy.

Mr. Speaker, I have seen estimates of prices and trends furnished the House Committee on Agriculture based on proposed farm programs. I would have thought such projectures could have been arrived at under conditions believed probable if my bill were enacted. But I will say this, that there are those who favor a return to the law of supply and demand and the conditions which would result from my bill, and these same supporters are farmers. I think they know the situation. Many farmers have written saying they support my plan.

Almost 20 percent of the entire Federal budget, or more than $7 billion, is appropriated to help the farmers. That is too much. It is too much especially because the program is a failure. It is too much because it favors the big and rich as against the small and poor. It is too much because our farm program is socialistic and not in harmony with free enterprise. I am told a vast army of Federal career employees who hold their jobs through this federalized farm program opposed ending controls and subsidies. As one of my constituents wrote me a few days ago, we should back out of this farm giveaway before we are trapped and can never get out. I wonder if already it is not too late.

Speaking of constituents, I sent out a questionnaire with this question: "Do you favor reduction in agriculture price supports?" This went to a cross section of voters, and a tabulation of replies by an independent organization showed that 4,055 answered "Yes" in favor of reduction. Only 469 replied "No," that they were against a reduction.

Since I introduced H.R. 10350 I have received letters of support from all over the country. Here is a typical unsolicited letter which reached my office on Saturday. It is from Bridge City, Tex., and is a sample of the widespread opinion held by the American people in strong opposition to our acreage and price support farm program:

MARCH 15, 1960.

The Honorable THOMAS M. PELLY,
House Office Building,
Washington, D.C.

DEAR SIR: "Deo gratias" for you and your resolution H.R. 10350. It is my fervent hope that you will not waver in your fight to convince your colleagues of the saneness and merits of this all-important matter.

This is America—I believe. Then why must Congress be so discriminatory in its

legislations? Are the Members that hungry for self-gain? Then if this be the case they will certainly change when the rest of the 180 million Americans who are not farmers wake up.

The present program's purpose expired when the Nation came out of the depression period 20 years ago. Yet it keeps coming back like a song. One of the most aggravating melodies I have ever heard.

The only consequence of the immediate enactment of your proposals would be just so many millions having to get off Uncle Sam's "gravytrain" and go to work. The biggest consequence would be a marked decrease in the Federal budget—a budget that would end up with a tremendous surplus to pay off the national debt which seems to be the farthest thing from most Senators' and Representatives' minds. This is, of course, probable if the many Socialist-minded people in Congress doesn't give the money away to Tito, Poland, Cuba, or TVA, REA, or—you name it.

The Government needs a lot of money to keep its 17,000 businesses going, especially since Uncle Sam doesn't care if they make a profit or not. The taxpayers will make up their deficits and keep them in business.

I am following your efforts on this matter very closely in the CONGRESSIONAL RECORD. Please continue your American program. Let us always be able to say that this is America, "The land of the free and the home of the brave—and not the home of the hypocrite."

Respectfully yours,

EARL J. ANGELLE.

Four Star Television Series of Films on the Foreign Service

EXTENSION OF REMARKS
OF
HON. JOHN A. BLATNIK
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. BLATNIK. Mr. Speaker, it is heartening to be able to report that there is some constructive work under way in two areas which are the frequent targets of destructive criticism.

I have learned that Four Star Television, one of the largest and most reputable producers of television films, is working with the Department of State toward the production of a series on the work of the men and women of the Foreign Service.

The public image of the State Department has been distorted by a number of recent publications, notably a book called "The Ugly American." We would be foolish to maintain that in an organization so large, there are not persons unsuited to represent this country abroad; but it is my view that such people are the exceptions, rather than the rule. And I believe that most of our Ambassadors, consuls, and other diplomatic and technical attachés, do an onerous and important job, daily turning in a creditable performance, and occasionally a heroic one.

The television industry, too, has come in for a great deal of adverse publicity. Here again, I am unprepared to believe the venal and fraudulent efforts of the few should be generalized to characterize the many. There are producers to whom public service means more than a slogan, and whose taste earns them a place on my screen.

Therefore, a combination of the Department of State and a sincere producer can result in a series which raises the standards of the television medium, and portrays to the public a more accurate picture of the Foreign Service. I am confident that this producer will bring forth a series replete with appropriate dignity and information, and still one which is entertaining.

I should particularly like to commend Dick Powell, the head of Four Star for his vision in seeing the value in such a series; our good friend Sylvan M. Marshall, an outstanding Washington attorney, for his role in bringing the Department together with Mr. Powell; to John Scali, the foreign correspondent for the Associated Press, who will head up the creative writers; and to Assistant Secretary of State Andrew Berding, and his top aide, Edwin M. J. Kretzmann, for their cooperation.

Battle for the Free Enterprise System

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks I would like to include an article written for the magazine, Purchasing, by our able colleague, the Honorable THOMAS CURTIS, of Missouri. In his very keen, analytical manner, Mr. CURTIS has pinpointed the one overwhelming issue of today—the battle for the free enterprise system. Unless we win that fight and stop the headlong rush toward socialism, then our efforts in other fields are futile. I commend Mr. CURTIS' article to every thoughtful American:

TOO MUCH RELIANCE ON FEDERAL GOVERNMENT TO SOLVE ECONOMIC PROBLEMS—CURRENT CONGRESS WILL PUSH TREND TOWARD SOCIALISTIC STATE

(By Representative THOMAS CURTIS, of Missouri)

There are many issues which face the 2d session of the 86th Congress which are delineated economic. Many of these issues stem from the expressed desire of professional economists, businessmen, and politicians to have continued healthy economic growth coupled with maximum employment and reasonable price stability.

The Joint Economic Committee has recently completed a concentrated 10-month study into various aspects of these three goals—not without regard to whether the goals themselves are mutually inconsistent and, if they are inconsistent, which goals should bear the sacrifice in resolving an inconsistency.

I will list a few of the subjects upon which the Joint Economic Committee will make comments throughout the year. The farm program, antitrust legislation with particular reference to a phenomena which many economic observers claim to have seen and others claim does not exist—administered prices, Federal debt ceiling and interest rate ceiling on Federal securities, Federal Reserve Board policies on monetary policies and their relation to debt management, standby controls on credit and prices, legislation relating to the problems of industrywide strikes, Government purchasing policies, Federal expenditures for depressed areas, education, community facilities, health and public works, and a balanced budget.

The longer I serve in Congress, concentrating as I do on economic matters, the more concerned I become about the inarticulateness of those who believe in the private enterprise system—particularly vis-a-vis those who profess to believe in it and yet are constantly undermining its basic structure.

STUDY PROBLEMS

The staff of the JEC's study of employment, growth, and price levels is a case in point. The purpose of the studies of the JEC is:

(1) To take an objective look at our political-economic structure to try to discover the problems that exist.

(2) To bring into the open the various proposals that had been made to solve the problems.

(3) To subject these proposals to criticism.

I find that though the hearings and the papers prepared by the panelists do just that, the staff's report sets out its own particular series of solutions instead of the alternative solutions advanced by the panelists and others. The staff's solutions, almost without exception, rely on increased Federal Government activity and disregard whatever additional activity there might be in the private sector of the economy. The staff's analysis, in my judgment, shows a lack of understanding of what the private enterprise system is about or a basic distrust of it.

The significance of the staff's report is that the members of the staff are outstanding, hard working, and honest scholars. The question that therefore disturbs me the most about America and its future is this: Has scholarship in America reached a point where scholars do not know how to approach a subject to study and write about it objectively?

I shall call attention to just a few points:

1. The staff avoids the use of the term "administered" prices, which is commendable because the term begs the question. But its report, instead of discussing the economic issue involved, supplied another term, "market power," which just as effectively begs the question.

The question at issue is this: In certain industries, is there such a concentration of market power that prices can be set without regard to the economic consequences? If so, is this a matter that should be within the scope of the antitrust laws?

During the hearings, when this issue became the subject of discussion, I asked why the industries accused of "administering" prices were frequently the very industries that spent more time and money on market analysis and customers' buying habits than other industries. If these industries were trying to get information so that they could pay attention to the laws of economics (not try to abuse them) then the so-called "market control" they possessed would appear to be healthy, commendable, and a matter for other businesses to emulate—not something to be held up as against the public interest.

2. The staff report consistently ignores real cost factors in discussing price increases. For example, what has been the economic cost in steel resulting from the depletion of the Mesabi Range, if any? What has been the cost in medical care arising from increased cost of doctor training, advanced type hospital equipment, increased research and development in drugs, etc?

It is almost axiomatic that rapid technological growth has increased costs through

making much equipment and many skills obsolete. The staff report advocates more money—and Federal money to boot—in the field of medical research and development, without commenting upon the basic fact that we are in an economic imbalance today resulting from the technological revolution we are still experiencing in health matters.

3. Although the price of living indices have advanced most rapidly in the area of services, the cost factors underlying services remain unexamined and receive little or no comment. In this conjunction also are the economic factors underlying "tight" money. Essentially there is a shortage of investment capital, resulting from increased demand. It seems axiomatic that demand for investment capital is bound to increase rapidly.

4. The staff pays little or no attention to the question of determining what is economic growth and what proves to be economic waste. Little attention is paid to the limitations we experience in the tools we use in measuring economic growth.

Economic growth may be unhealthy and misshapen growth. The gross national product includes economic mistakes as economic growth. The GNP fails to measure production capacity; it weighs only actual use of capacity in a given year. Rome was not built in a day, so it is true that no economy was built in 1 year. What we have from the past which is still usable is as important as what we might build in a given year. That becomes a part of the accumulated capital plant which the measurement of annual growth fails to compute.

Essentially, the staff report fails to recognize the keystone of the private enterprise system—which is the use of the marketplace as the tester of economic ideas, as opposed to the use of select groups of men to judge new economic ideas.

The private enterprise system is to the science of economics what the trial-and-error system, the laboratory system, has been to the physical sciences. The planned economy system is what the scholastic system was to the physical sciences in the Middle Ages, when chemistry was alchemy and astronomy, astrology.

Until those who believe in the private enterprise system really understand that which they believe in to the extent that they can become articulate about it, the battle for the private enterprise system being fought in the Halls of the Congress will continue to go against them. This second session of Congress will provide no change in this pattern. The logistics and strategy have already been set. Tactics at this time cannot win the battle, although they may delay things until the proper logistics and strategy are developed. I won't predict in which areas the marketplace will be replaced by political bureaucrat decision by the action of Congress, but when the session has ended we will have moved closer to the socialistic state.

Medical Care for the Aged

EXTENSION OF REMARKS

OF

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1960

Mr. CURTIS of Missouri. Mr. Speaker, on September 27, 1959, I gave a speech before the American Academy of General Practice—physicians—at Kansas City, Mo. Three weeks later I gave the same speech before the convention of Missouri insurance agents in St. Louis, Mo.

I had prepared this speech for delivery to these seemingly diverse groups intentionally. Both groups are concerned with the problem of medical care for our people. The doctors are primarily concerned with the problem of the adequacy and the quality of medical care. The insurance people are primarily concerned with the problems of cost of medical care to our people.

We, the people's representatives in the Federal Government, are concerned with how well we are meeting all the problems of medical care in our society and what part, if any, the Federal Government should or might play in moving ahead toward a solution of these problems.

This speech serves as background for a further and more detailed discussion of the problem of medical care for the aged which I shall undertake tomorrow under a special order to speak, which I have been granted.

The above-mentioned address follows:

ADDRESS BY HON. THOMAS B. CURTIS BEFORE AMERICAN ACADEMY OF GENERAL PRACTICE STATE OFFICERS CONFERENCE, KANSAS CITY, MO., SEPTEMBER 27, 1959

The American people seem to be genuinely concerned about inflation. The genuineness of their concern is borne out by the fact that they now relate inflation to Federal governmental expenditures and Federal taxes.

There was a time when a political philosophy of tax and tax and spend and spend did mean elect and elect. That was in the days when the wealth in the United States was distributed in sufficient disproportion that those on the short end of the stick looked upon the Federal Government as an efficient device for redistributing the wealth. And those on the short end of the stick were in sufficient number when, united by a common purpose, they became the majority at the elections.

However, today with the wealth more evenly distributed and certainly the Federal taxload being placed primarily on the overwhelming majority of the people instead of on the rich, it has become apparent that the Federal Government is no longer the efficient device for redistributing the wealth that it once was. At least the Federal Government in bringing about redistribution is no longer redistributing from richer to poorer, but in accordance with no recognizable formula, unless it is of one from those who have learned to use political power to those who have not learned to use political power. However, redistribution in accordance with such a formula is hardly one that will gain the support of the majority of the people at the polls. Quite the contrary—as it becomes more widely known that this is the effect of Federal Government redistribution of wealth, the majority of the people will oppose the political philosophy of Federal expenditures and Federal taxation, unrelated as it has been to what the expenditure is for and unrelated to the efficiency with which Federal expenditures achieve the purpose sought.

What I have said here, if true, and I believe it is true, should be a source of great comfort to the medical profession in its fight against what it has properly defined, in my judgment, as socialized medicine. If what I have said is true, then we can begin to discuss the question of Federal expenditures on the basis upon which they should be discussed and not upon the emotional and irrational basis of the past which springs from the cultivated belief that almost any Federal expenditures meant a redistribution of the wealth from those who have to those who have not.

I have not said that the medical profession has won its fight against the various projects to have the Federal Government spend federally collected taxes in the medical field; I have merely stated that now the medical profession can have a rational public debate on the merits and demerits of Federal expenditures in these areas. They will no longer be fighting against a hidden but powerful emotion in the breasts of the majority of the American people which looked upon Federal expenditure as being of some personal benefit inasmuch as they were not the ones who paid for it.

It will be noted that the old New Dealers, today's reactionaries who want to go back to the old days of spend and spend and tax and tax, still use indigency as the vehicle to get most of their programs enacted into law. Although some of the younger, in years, members of this reactionary crowd, realizing that indigency in the United States has not the meaning that it had in the 1930's, have latched onto another vehicle upon which to carry their program of spend and spend and tax and tax. The new vehicle they seek to employ is the fear of Russia.

It is important to realize that these middle 20th century reactionaries are not so lacking in intelligence or so full of wistful thinking as to construct their vehicle out of an impossible pumpkin. There still is such a thing as indigency and it is a real social problem. There is such a thing as the Russian threat. The important question is whether they will be able to use the problem or the threat in such a way that rationality again gives way to emotion so that Federal expenditures becomes synonymous with solving the problem or the threat.

Does anyone question that this is occurring? I am certain if they sat and listened through the congressional hearings and the floor debate on these issues over the past 10 years they would see this subtle switch on the part of many of the same people from indigency to Russia.

It is true that there is another emotion tied into Federal health programs—that is the emotion of all human beings to regard death and disease as a social and, even more important, a personal enemy. What must be done with this emotion is the same that must be done with these other human emotions. Channel it into the right direction and not let the neo-Federalists, the mid-20th century reactionaries I have previously referred to, make Federal expenditures synonymous with fighting the enemy. I am afraid they have already made considerable advancement toward achieving the synonymity. The enormous increases in the appropriations to the National Institutes of Health, in my judgment, rests primarily from their achieving this end.

But, in meeting this problem, it is important to realize that counteracting the emotion is only the first stage of action. Counteracting the emotion only puts us in a position of rationally debating the question of how does our society best meet the social enemy, disease and death? If not through Federal expenditures, how?

Indigency, Russia, and disease. The quacks say the patent medicine Federal tax money, if taken in sufficient quantity and often enough, will cure all three and a number of minor ailments as well. An analysis of this patent medicine reveals that it is heavily laden with opium and the well-being that seems to follow after immediate dosage stems from a deadening of the senses, not a deadening of that which alarmed and activated these warning senses. Opium is a valuable drug when used properly and under careful direction and, coming out of the metaphor, it is important that we don't condemn Federal spending per se simply because some of us see the damage it has caused and may cause. It is important only that we rationally consider when Federal

spending can and should be used and when it should not be used.

I want to discuss another public emotion which the doctors must face in dealing with the problems involved in the relationship of their profession to the Government. Now that the people are alerted to the dangers of inflation, they have become concerned with the cost items of the goods and services they purchase which go to make up the cost-of-living increases which they assume are identical with inflation.

Indeed, the general public is not alone in considering cost-of-living increases as inflation per se. Many professional economists seem to view the two phenomena as interchangeable. I shall discuss the difference between the two with particular reference to medical costs. I am certain the medical profession is aware of the fact that the doctors, hospitals, pharmaceutical industry and other industries related to health have become, to some extent, the bête noire of those who are now shouting about the cost-of-living increases.

Indeed, the neo-Federalists perversely use this increased cost item as a further argument to concentrate more power in the Federal Government. Nothing that will serve to increase the power of the Federal Government seems to escape their hungry eyes. They are in the forefront crying that the Federal Government has to regulate in some way or other these costs to keep them down. At the slightest indication of an economic disturbance they urge price controls. So effective have they been in their propaganda that in a recent Gallup poll the majority of people who, when asked which political party they thought was most concerned about keeping prices down, stated the Democratic Party over the Republican Party. The neo-federalists, being almost completely within the Democratic Party, can claim credit for this image through their propaganda in advocating price controls.

Costs of hospitals, doctors, drugs, nursing service all have increased more rapidly since World War II than probably any other set of costs in the cost of living indexes. But costs are only one side of the coin. The other side of the coin is the quality of the product or the service one buys. In the cost of living index a day at a hospital is the same, whether the day was spent in 1920 or 1959. But does one get the same results for a day in the hospital in 1959 that one got in 1920? Hardly so. Improved equipment, medical knowledge, drugs, etc., mean that the average stay in a hospital is quite a bit less, and the number of those who come from the stay on their own feet instead of in a box is considerably higher. Furthermore, the vast majority of our people utilize hospitals today when formerly it was almost a luxury reserved for people with adequate means and people located near the urban areas.

Inflation in its economic sense means debasing the currency. In theory, the same thing costs more because the dollar has changed its purchasing power. Increased cost of an item might be inflation, but it also might be the result of the quality of the item having been improved. If the item has been improved it is axiomatic that there has been some cost for that improvement. This cost will be reflected in the price of the item, or absorbed in the saving resulting from increased productivity in the manufacture and distribution of the item, or absorbed in the saving resulting from a greater quantity production of the item (which is similar to increased productivity).

Undoubtedly there has been some saving in the human health industries resulting from increased productivity and from the efficiency gains of larger productions because more people buy health services these days. On the other hand, this is a field in which there has been a tremendous technological improvement. The rate of improvement has been so great that it can appropriately be called a revolution. Rapid economic growth of this sort (technological improvement) carries with it an increased amount of obsolescence. Not just obsolete equipment and tools, but also obsolete human skills. Furthermore, rapid growth such as this is based upon increased research, development, and education. All of this costs considerably. It costs a great deal more at the time it is going on than the savings resulting from increased productivity. This is the period in which we presently are.

The question the public should be asking themselves about medical costs is not the question of what the increased cost is but, is what they are getting worth the cost. In the field of health I doubt if anyone, upon analysis, regrets the $10 a bottle we pay for one of the new mycins. Certainly, he could still buy a patent medicine for a dollar a bottle which makes even greater claims to health than the wonder drugs. But he spends the dollar, or either the $10, out of choice.

So having discussed the factors which the advocates of socialized medicine have been using as arguments for their program, indigency, Russia, disease and cost, and having pointed out that these are emotional and unreal arguments, the question still remains how does our society move ahead in combating the real problems of indigency, Russia, disease and costs?

First of all, we must recognize that the path to attaining these goals are not in all instances the same path. Indeed, the path to decreased costs is definitely going in a different direction from that of combating disease and staying ahead of Russia. Combating disease and staying ahead of Russia requires more, not less, technologicl advancement. It requires more education, research and development and will bring in its wake more obsolescence, not less. All of these items are bound to increase costs and so aggravate the problems of indigency as well as the problems of cost.

In respect to the first two goals, our society through the private hospitals, privately operated medical profession, the private pharmaceutical industry, the private nursing profession, has done an amazing job over the past few decades. Never in the history of the world has there been such advancement in combating disease. I see no argument or reason whatsoever for stating that we are not "going fast enough" in advancement through our present setup. Therefore, the arguments for more Federal expenditures in this area seem without foundation.

Indeed, by going as fast as we have in this area we have aggravated the problems of cost and indigency. Our people now live 10 years longer due to the advancements in technology in the health field, but there has been little planning for financing the extra 10 years our citizens now have. Indeed, when our people over 65 today were starting out their productive lives they based their savings (consciously or unconsciously) upon the average life expectancy. Increased cost of living both from increased standard of living as well as unadulterated inflation has badly damaged what planning they could do entirely apart from the extra 10 years they unexpectedly have been called upon to finance.

The Federal Government by its own default in properly handling the fiscal affairs of the Nation has aggravated the problem almost as much as the technological advancement has. The Federal Government's basic contribution to economic affairs is to maintain the dollar as an accurate measuring stick of human labor, ideas, and savings. I think before we call upon the Federal Government to do anything more in the field of solving the problem of cost we need to call upon it to do its basic job to preserve the dollar as an accurate measuring stick. If the Federal Government does not do this, it is almost impossible to solve the problem of cost.

The advocates of the Federal Government entering the field of solving the problem of increased cost claim that this must be done to spread the costs among all of our citizens. I asked the AFL–CIO representative at the recent hearings on the Forand bill what difference there was between Federal Government insurance and private insurance. Although he had been spending a great deal of time testifying on the subject of the Forand bill, he suddenly discovered that he was taking time from other witnesses. He stated that he didn't think he had time to answer this question.

Well, this is a basic question. What is the difference between spreading the risk through Federal insurance and spreading the risk through private insurance companies? Well, first of all, the private insurance companies must deal with people who can afford to pay for the insurance and, therefore, cannot be solving the problem of indigency. Should the problem of indigency become involved in the problems of spreading risk among the bulk of our citizens who are not indigent?

I think not. In fact, by failing to separate the problem of indigency from the problems of insurance we damage our progress in meeting both the problems of indigency and the problems of cost.

There is a second difference between Federal insurance and private insurance. Whichever sector of the society is used, Government or private, an insurance program requires capital formation. There is only one way for the Government to acquire capital, that is through taxation. But anytime Government provides the capital formation, it withdraws both the capital and the insurance operation itself from the tax base. It leaves the problem of future taxation more difficult. Furthermore, and possibly even more important, in insurance capital formation, the capital must be invested. Government cannot, or let's say, has not up to date, invested in anything other than its own securities. Private enterprise, on the other hand, properly invests in the economic growth of the society. The Government investment is sterile as well as withdrawn from the tax base.

Furthermore, there is a great danger in Government capital formation. A realization of the sterility of Government investment in its own securities has stimulated the neofederalists, always looking as I have stated, for any argument to place more power in the hands of the Central Government, to suggest that they invest in Federal public works bonds. Up to date, I have always left this subject with the statement I leave it up to your imagination the complications and economic damage that would result from the Government going into the investment field. I still leave it up to your imagination, but I am afraid the time is not far off when somebody is going to have to spell out in detail just what this damage is. The neo-Federalists are pushing their theme.

I am satisfied that the private insurance companies have been doing a tremendous job in meeting the problem of spreading costs in the field of health. However, the job has not been sufficiently good to keep up with the needs resulting from the great technological revolution in the field of health. On the other hand, I believe we are reaching a plateau and future advancements will not be as great as those in the past. This will give us some chance for a breather. In all of the advancements in extending the length of life expectancy there has been no extension of the total life span of man. It still remains around 115 years. All of the advancement has been in the area of having more men and women approximate the goal of 115 years. Death rather than disease

is the social enemy. But now that death is being unmasked, the philosophers are again raising questions as to whether death is the social enemy we have all assumed it is. We have made these assumptions in direct conflict with the religion we profess which does not regard death as a social enemy. Sudden death through accident or disease, yes, but accident and disease are the enemies, not death.

Finally, I come to the question of indigency. I was greatly impressed with the testimony of the AMA representatives at the Forand hearing when they pointed out that inadequate health services were peculiar on a geographical basis, not on a basis of human chronology. In other words, where there were inadequate hospitals and doctors' care, all persons regardless of age felt the brunt of this inadequacy, not just the aged. Where the medical facilities were good in a community, all the community benefited from these good facilities, regardless of age.

This, to my mind, quite clearly points out that treating indigency on the basis of age is a wrong way to attack the problem. For this reason, the Forand bill which does seek to treat inability to pay for health facilities on the basis of age is basically in error. It will hurt rather than help in treating the problem of indigency. Furthermore, as I have previously suggested, because the Forand bill mixes indigency up with spreading the costs of those who are not indigent, it hurts the solution of indigency and it also hurts the solution of the cost problems which the 98 percent not indigent have.

Indigency should not be proliferated according to age or according to health, housing, education, food, or anything else that is a human necessity or human want. If a person is indigent, that person is in need of whatever housing, health, food, and love and affection, too, possibly. Indigency must be dealt with on an individual basis and it must not be confused with other social problems, else it will damage the solution of these other social problems and not be helped itself. What are the causes of indigency? It can be community indigency or it can be individual indigency. The two are separate problems and likewise should not be confused if we wish to solve them. Community indigency is largely a problem of economics and should be kept in the field of economics for solution. The Federal Government can be of real assistance in solving the problem of community indigency, but primarily by working on the economic climate not through direct intervention. Direct intervention can create more problems than it solves.

Individual indigency is a separate thing and we must ponder over it more than we have. Jesus said the poor shall be always with us. I believe I understand what he meant and it wasn't community poverty he was referring to. I believe he was referring to the poor of mind or those poor in talents. We do have and always will have many people with IQ's below 90. People who are capable of mingling in society appearing to be as normal as anyone else in the society and yet, due to their poverty in human talents, a prey to anyone who would take advantage of them. I believe the poor must be cared for on an individual rather than upon a political basis. Administering to the poor has always been a great weapon for politicians in controlling elections. Administering to the poor should be a matter of charity, not politics, and I use the word charity in its finest sense.

I believe the poor, or the problem of individual indigency should be left essentially to our community chest agencies, to our churches. Government can help the indigent through the medium of these private agencies.

Fortunately, the problem of community indigency is being solved in the United States. There is much still to be done, but I believe our society is getting on top of this problem. The problems of human indigency are by no means beyond the abilities of the 98 percent of our people who are not individually indigent to care for. To do this, we must keep our thinking straight and keep the problems of the poor from being confused with other problems.

Much needs to be done in the field of health, but much is being done. The goose which produces the golden eggs must be nourished and cherished. Impatience and greed which the neo-Federalists exhibit end only in death and no more golden eggs.

Our Monetary System: High Interest Rates Are the Same as a Sales Tax on the Great Majority of the American People, Except That the Revenue From This "Tax" Goes To Fatten the Profits of the Financial Institutions and the Incomes of a Few Wealthy Families

EXTENSION OF REMARKS
OF
HON. JAMES C. OLIVER
OF MAINE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. OLIVER. Mr. Speaker, on March 21 I called attention to a most unusual and informative series of articles published by the Texas Observer, of Austin, Tex., dealing with our monetary system and many of the Federal Reserve's present policies and practices.

These are extremely important articles, it seems to me, because they deal with a subject which intimately affects the economic well-being of all of us, as well as perhaps our national posture in the contest with Russia and the other countries that are pursuing the Communist brand of economic organization. Consequently, when I mentioned these articles previously, I put the first of the series into the CONGRESSIONAL RECORD as an extension to my remarks. Today I invite the Members' attention to the second in this series of articles, which is titled "High Interest Is a U.S. Sales Tax."

The high interest policy is, indeed, equivalent to a tax on the American people. It is a tax from which about 98 percent of the people lose and about 2 percent of the people enjoy an unwarranted bonus. The second of this series of articles is unlike the others in that it was not written by the staff of the Texas Observer, but is a statement contributed by our colleague from Texas [Mr. PATMAN].

Those people who are under an illusion that the Republican Party has established a record of fighting inflation and that the Democratic Party is the party of inflation have a surprise in store. The gentleman from Texas has prepared a tabulation of all of the rollcall votes on the issue of inflation during the World War II and postwar years. The factual record as to how the members of the two parties have voted on the question of checking inflation has shown that the Republican Members of the House over the years have voted consistently and overwhelmingly for inflation and against measures to check inflation.

I will not give away the plot but will reserve for the reader an opportunity to learn the exact scores in the article below. This article appeared in the Texas Observer of January 15:

HIGH INTEREST IS A U.S. SALES TAX
(By WRIGHT PATMAN)

TEXARKANA.—If Congress passed a stiff sales tax—one which would take a big bite out of every dollar consumers spend for groceries and everything else—many people would be up in arms about it. It is no wonder, then, that many people resent the administration's high-interest policy.

For 98 percent of the people the high-interest policy amounts to the same thing as a sales tax, except there are two notable differences. First, the tax is somewhat hidden and the uninformed consumer does not recognize it as one of the things causing his dollar to shrink. Second, this hidden tax is not going to pay the cost of Government nor reduce the Federal debt, but does fatten the incomes of a few families of great wealth, plus, of course, the incomes of the big bankers and Wall Street money dealers.

Consider what high interest has done just to the cost of owning a home. The present rate on FHA guaranteed mortgages, compared to 1952, means that the typical home buyer today—one with a $13,500 mortgage—is paying out an extra $4,500 in interest charges. The chairman of the House Subcommittee on Housing recently computed the cost this way: This average family purchasing a home today could have an added bedroom and an added bathroom, and perhaps a garage also, for what it is paying in extra rates on most other things. The increase in FHA rates is relatively modest—a mere 35 percent since 1952. The total cost of high interest to the average family would come to a staggering amount if anyone could compute it. It takes a huge bite out of the budget of the family that buys an auto, a washing machine, or anything else on time.

More than that, it shows up in increased prices, because business firms—retailers, distributors, manufacturers, and so on—must all have credit. Increased interest rates have increased business costs. Today the average American family is paying $200 a year in interest charges just to carry the Federal debt, and this is being rapidly increased as old bonds issued at lower rates are being retired and replaced with new, high-interest bonds.

There is nothing new about the Republican high-interest policy, nor about the cry that high interest fights inflation. This is an issue between the two political parties as old as the Republic itself. Oldtimers will well remember that when the great depression was at its worst—when factories were closed down, 10 to 12 million were unemployed, the men were standing in breadlines all over America—the Republican policymakers were crusading against inflation just as much as today, if not more so. Actually, this crusade was continued even during World War II.

To illustrate, recently I found in my files a letter written to me in early 1942 by the late, great Senator Robert L. Owen of Oklahoma, in which he said this: "'Inflationary' has become an epithet of denunciation for any expansion of credit. It is used as a financial ghost to frighten the unintelligent." (Senator Owen, I might add, was longtime chairman of the Senate Commit-

tee on Banking and Currency; he helped draft the law setting up the Federal Reserve System and was one of the alltime great experts on our money and banking system.)

Despite all the talk about inflation when interest rates are at issue, Republican policy has been anything but good when real inflationary issues have been at stake. A few years ago I had tabulated all of the rollcall votes in the House between the beginning of World War II and the end of 1954 on measures where inflation was directly and plainly involved. There were 36 such rollcall votes in this period, having to do with such questions as whether we should have price controls during World War II, whether we should have more taxes to pay more of the cost of the war, and so on. There were 7,000 votes by Democratic House Members and 6,600 votes by Republican Members. These Republican votes were 76 percent for inflation and only 24 percent against inflation. The Democratic votes were 32 percent for inflation, and 68 percent were against inflation.

Incidentally, the letter from Senator Owen which I just mentioned was concerned with an issue which is with us again today. The issue was, and is, this: "When the Federal Reserve decides to increase the Nation's money supply, which method should it use?" The Federal Reserve has two methods. It may itself acquire more Government securities, in which case the interest payments on the securities are returned to the Treasury and the taxpayer is saved this cost. The other method is for the Federal Reserve to change its regulations so as to permit the private banks to create the money with which to acquire more Government securities. In this case there is no cost to the banks, but the interest payments go into bank profits.

Naturally, many bankers oppose the first method. It not only denies them an opportunity to pick up more Government securities free of charge, it also tends to reduce interest rates generally. When interest rates on Government bonds go down, all interest rates go down. The present Federal Reserve Board is siding with the private bankers; but during World War II and up until the present administration, the Board sided mostly with the public.

Perhaps I should point out that the Nation's money supply is not fixed, but is increased when and as the Federal Reserve decides it should be increased. Generally, the money supply should be increased along with increased production of goods and services, otherwise a money pinch will tend to prevent an increase in production from taking place.

During World War II the Democratic administrations managed the Federal debt without raising the interest rate on long-term Government bonds above 2½ percent. This was also true in the postwar years—up until mid-1951—even though there were shortages of materials and no price controls. Naturally, many bankers did not like the low-interest policy and set up cries of inflation, but not quite for the same reason they are crying inflation today. The present administration has raised interest rates on long-term Government bonds to 4¼ percent, and at this point it is stopped by a law passed during Woodrow Wilson's administration, in 1918, which sets a ceiling at this level.

During the past session of Congress the Wall Street bankers and administration brought all kinds of pressures to get this ceiling repealed, but Congress refused. The great crusade against inflation now being intensified, with the help of new recruits from the advertising council and many national organizations, is aimed at stirring up grassroots support for repealing this 40-year-old law. If this succeeds, all interest rates will continue upward and the average family will be even harder hit.

Plainly, the tight-money and high-interest policies have done none of the good things claimed for them. These policies brought on the great recession of 1957–58, yet even then, when industry was operating at low gear, the big unions obtained wage increases and the big corporations raised prices to cover the increased wage costs, and then some. High interest comes out of the economic hides of the unorganized and less powerful, namely, the consumer and small-business man and the farmer. To illustrate, farm income has gone down from $15 billion in 1952 to about $12 billion in 1959. But personal income from interest has gone up from $12 billion in 1952 to about $22 billion in 1959. Not more than 2 percent of the families profit, on balance, from high interest. For example, U.S. savings bonds are the most widely held kind of interest-bearing obligation. By law only individuals can own them, and they are aimed at small investors by being issued in small denominations and made available on payroll savings plans. Yet a recent Federal Reserve survey shows that only 5 percent of the American families own 87 percent of the $42 billion savings bonds outstanding, and 73 percent of the families own none.

Key Points Are Listed

TEXARKANA.—In a statement of points which "should not be overlooked" in the Observer's report on the monetary situation, Representative WRIGHT PATMAN said:

"Over 40 years the Government interest rate on long-term bonds has been fixed at not exceeding 4¼ percent. During this time we have gone through depressions and inflations and the rate was maintained at approximately 2½, seldom over 3 percent, with no demand to increase the overall of 4¼ percent, until President Eisenhower demanded it recently.

"During 12 years, from 1939 to 1951, the Federal Reserve maintained the long-term rate at 2½ percent, and bonds did not go below par. During a part of this time the Federal Government was spending a quarter of a billion dollars a day in World War II. During a part of this time we had the greatest inflation threat caused by the holdup of purchasing power at a time when goods were not available and people holding this purchasing power all wanted to spend it at one time after the war was over. Notwithstanding this most trying time in history for our fiscal policies, the Government long-term rate was maintained at 2½ percent, and these bonds did not go below par.

"If such rates can be maintained as indicated, they can be maintained any time if the Federal Reserve Board and the Open Market Committee will cooperate. The truth is, the Open Market Committee is composed of five members who are selected by the banks, with the other seven, Federal Reserve Board members. Seven members of this Board are selected for 14-year terms by the President and the other five are selected by the commercial banks who profit from their operations. This is a weakness right here. The people who profit from high interest rates are fixing them.

"On the national debt we are paying $1 billion more in interest in 1959 than in 1958. We are paying $4 billion more in 1959 on roughly the same debt in 1952. Our President is forcing an extortionate interest rate policy by allowing Federal Reserve to be independent. It is robbery in broad daylight.

"One of these days the people will get the truth about how our money system is manipulated by a few, and a change will be made. It is difficult to get the facts over when only one side is carried in the press or included in news information by other means of communication."

Sound Economics Can Make Good Politics

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Tuesday, March 22, 1960

Mr. WILEY. Mr. President, the 1960's promise new plateaus of economic achievement for the American people.

The bright outlook includes opportunity for more jobs, greater personal and national income, attainment of new goals in business and industrial programs, and better living for our people.

At the same time, the future will place ever-greater demands on our economic system.

Among other challenges, there will be the need for: Advancements to meet the needs of a fast-increasing population, now numbering about 180 million people, and a progressing country; supporting a strong, and costly, national defense program; and successfully meeting the ever-growing economic competition from the Communist bloc.

We recognize, of course, that there are differing theories—even among experts—on how best to further improve our economic system.

Unfortunately, also, realistic efforts to resolve problems are sometimes frustrated, regrettably, by attempts to make political footballs out of economic difficulties. Despite this tendency by would-be opportunists, however, I continue to believe sound economics make the best politics.

In the long run, adherence to fundamentally-sound economic principles can be the only reasonable basis for long-term solutions of our problems in this field.

Now, what are the practical steps necessary to combat inflation and promote progress? These include: First, realistic Federal spending policies; second, a balanced budget, and, if possible, a surplus to begin reduction of the national debt; third, carefully restricting Federal programs to proper limitation of Federal responsibility so as to prevent undue competition on the money market or create unnecessary competition with private enterprise; fourth, revision of the tax structure to plug loopholes, eliminate inequities, provide incentives for economic growth and expansion, and reduce the inflationary effect which taxes—apparent and hidden—have on prices; fifth, further educating our people to the realism that demands for more and more services by the Federal Government can only postpone the time for a lessening of the tax burden; and finally, sixth, assuring a competitive climate in which businesses, industries and other enterprises—both small and large—have an opportunity to prosper and make their contribution to our economic life.

Overall, the Government, as well as consumers, labor, industry and all others, have a proportionate responsibility not only for sharing in the efforts

to combat inflation, but also to promote economic health for the country.

How?

Through sound buying, borrowing, spending, and saving practices by consumers.

Labor: By making only realistic demands for pay and better working conditions based among other factors upon productivity.

Industry: By establishing realistic pricing-and-profit practices on commodities.

Recently, I was privileged to publish an article in the American Bar Association Journal entitled "Sound Economics Can Make Good Politics."

Reflecting further upon additional factors involved in promoting economic strength, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUND ECONOMICS CAN MAKE GOOD POLITICS

(By ALEXANDER WILEY, U.S. Senator from Wisconsin)

Not since the Greenback Party heyday in the 1880's has there been as much congressional debate of economic-fiscal policies as there has been in recent months. Listening to the new economic prophets of cheap money at any price, of Government pumping additional money into the economy and the inevitability of inflation—all in the name of full employment and growth, naturally—one may almost feel guilty to sound the old-fashioned notes of dollar stability and budgetary restraint.

Speaking recently to an American audience, the former president of the Central Bank of the Federal Republic of Germany had this to say:

"To a foreigner it seems almost absurd that there should be certain quarters in the United States where inflation is tolerated or even recommended. Surely any price to be paid for inflation must be excessive, considering not only the adverse economic and social effects, but the irretrievable losses in national prestige it may entail. Reports of inflation in the United States would not only mean the depreciation and ultimate devaluation of the dollar, but also an acute decline in the moral authority, power, and international stature of the United States."

And on the lessons of inflation, German economists are certainly entitled to speak authoritatively. The devastating German runaway inflation of post-World War I years still serves as the classic anti-inflation warning in economics textbooks, and it is this lesson that has produced the present German economic vigilance and restraint. That close links bind a nation's prestige to its financial posture is evidenced from the manner in which the emergence of the German mark as a sound and stable monetary unit has enhanced the stature of the new Western Germany in the family of nations.

Yet the full danger of inflation apparently has not yet been sufficiently realized by our "creeping inflation" advocates who continue to preach a theory as old as ancient Rome and the Greenback days, and already discredited that long ago. But this is one time when the man in the street is better advised than some of the economic experts representing him. For the hundreds of letters I receive each month from average Mr. and Mrs. America put the finger on a domestic enemy they fear most—inflation.

IS IT NOT SAFE TO BE THRIFTY ANYMORE?

A recent survey of the country's economic situation concluded: "The gloomiest finding is a weakening of the resistance to inflation." True, most people yearn for economic stability, and four out of five persons interviewed thought that prices, wages, and profits should be held from going higher for the next 2 years. But at the same time these people had little hope that this will happen and 7 of every 10 thought that prices would continue to rise.

To the well-known economic perils of inflation may thus be added the psychological impact of this acceptance of the inevitability of inflation: an erosion of individual and public confidence in the soundness of our currency and economy, with resultant injury to the long-acquired habits of thrift and economic prowess.

A middle-income businessman recently interviewed on the question of inflation responded thus:

It just isn't safe to save anymore. I decided inflation couldn't be stopped. So I cashed in all my insurance and bought stocks.

The lack of faith in the cures of inflation, slowly turning into mass uncertainty, tends to accentuate the already existing problem and may turn the slow march toward inflation into a stampede. The present heights of the stock market are certain evidence of the population's desire to have its savings sheltered from inflation, through a rush into equity investments. What would happen to our economic balance if the present uncertainty turns into a material-value psychosis, with more bondholders, insurance holders, and the like, all at once deciding to liquidate their assets?

The serious effects of the inflationary trend in recent years are easily ascertainable. The 1939 dollar todays buys 48 cents worth of goods. The standard indicators of the decline of the purchasing power of the dollar, the Wholesale Price Index and the Consumer Price Index, have risen more than 50 percent between 1946 and 1958. A survey of rising prices indicates that under Roosevelt, the cost of living rose 3.3 percent annually and under Truman, the cost of living sprinted 6.8 percent each year. (Of course, under Roosevelt we had war, and under Truman the postwar problems.) Since 1952, the rise in the cost of living has been held to an average gain of 1.4 percent. In the last 3 years the increases in the Consumer Price Index have still been only moderate; 1.5 percent in 1956, 3.4 percent in 1957, 2.7 percent in 1958, 0.9 percent in 1959.

This slower increase which is referred to as creeping inflation, may not seem to be very large to the uncritical observer. But an annual rise of 2 percent will wipe out half of the purchasing power of the dollar in 35 years, and a 3-percent rate will result in a similar reduction in less than 25 years.

The proponents of inflation say there is no need to worry about inflation, as long as it is of the "creeping type." Since many labor contracts already have escalator clauses, it is suggested that such clauses might be extended to pensioners, insurance beneficiaries, bondholders, and the like—thus permitting everybody to adjust their income with inflation. But it takes a little critical thinking to realize that not everybody can equally ride the escalator at the same time. And as one commentator has put it: "It is the height of folly to imagine that we can inflate without some groups paying the price."

A further weakness of the creeping inflation proposition is its assumption that we can police inflationary trends at will. But let us ask this of the proponents of creeping inflation: "How do you confine inflation and keep it down to a so-called 'delightful' and 'reasonable' 2 percent per year?" It is not too difficult to see that inflation cannot be kept automatically within prescribed limits. For if the public becomes aware of an official policy to permit a limited depreciation of the dollar, it will try to protect itself, and by so doing it will inevitably accelerate the pace of the price rise. As one commentator put it:

If the public knows there will be a creeping inflation of 2 percent per annum, then the 2 percent will be reached not at the end of the year, but at the beginning, and the pressure for inflation will mount.

It must be concluded, therefore, that unless remedial action is undertaken to curb inflation—a large and increasing section of the population will be exposed to its harmful and often devastating effects. Inflation, obviously, affects most adversely that part of the population that must depend on a nonvarying income, or an income that does not vary as fast as the price increases—Government workers, other public servants, school teachers, unskilled workers, bondholders, and the 20 million of senior citizens and others living on annuities, pensions, social security, and public aid. The list includes also the farmer who was traditionally thought to favor inflation because it acted to increase land values, but who currently finds himself unable to pass on his rising costs to the consumer. And due to recent population trends, produced by the growth in the population's life expectancy and the increase in the number of people in public service, an increasingly larger percentage of the people is placed on the inflation victim list.

THE FUTURE OF THE DOLLAR IS THE FUTURE OF AMERICAN ECONOMY

The adverse effects of inflation are felt not merely on the purse of the individual American. Its direct impact on economic growth, periodic recessions and the balance of trade must not be underestimated.

Inflation hinders long-term economic growth by discouraging the savings which produce the capital necessary for the country's economic expansion. American economy must continue to expand in order to meet the increasing and more varied needs of the American people, and in order to hold back the growing Soviet economic offensive. The major key to future economic growth in America is increased productivity, and the greatest contribution to such an increase is the investment in new machines and equipment—but the magnitude of such an investment depends upon the level of savings.

This is a time when we can ill afford to lag behind. At present the Soviet industrial output is still estimated to be only 45 percent of ours. But realizing that the rate of growth in Soviet production is about 9 percent annually, while our annual growth is less than 3 percent, it becomes apparent that with the situation remaining substantially the same the Russian economic handicap may disappear and they could catch up with us in as little as 12 to 14 years.

The table that follows shows how long it will take the Russians to catch up with us, if we do not watch out.

[In years]

U.S.S.R. rates of industrial growth	U.S. rates of industrial growth		
	2 percent	3 percent	4 percent
7 percent	17	21	28
8 percent	14	17	21
9 percent	12	14	17
10 percent	11	12	14

For those that still think about Russia as the backward industrial country of 1918 or 1928, this will come as a shock. But it is with this realization that we must look at the need of future economic developments in America—and such developments will not be possible in an economy crippled by inflation.

Inflation, furthermore, by interfering with the free operation of the economic forces

tends to make our recessions much worse and weakens our post-recession recuperative facilities. The accumulation of excessive and burdensome inventories during inflation periods—because of the prospect of higher prices as inflation continues—saturates the markets to the point that they are unable to absorb new products, thus slowing down post-recession recoveries. Inflation, similarly, will lead industry to temporary overexpansions, due to the fear of increasing costs, but such expansions must eventually be followed by cutbacks, thus accentuating the problems of cyclical unemployment.

Inflation, finally, has adverse effects on our foreign trade and may cause the United States to be priced out of world markets. The high prices of American products, to which inflation contributes, weaken our competitive position abroad—where 5 percent of what American factories produce is being sold, providing 5 million jobs for American breadwinners.

Unreasonably high production costs make us also much more vulnerable to foreign competition in our own domestic markets. While our 1958 export of manufactured goods still remained 2.4 times as large as our imports, the trend in the last 2 years has definitely been toward a more balanced foreign trade. It is now estimated that the 1959 exports of $15,900 million will exceed imports only by some $900 million, which appears like a disastrous drop in comparison with some of the recent exceptionally high excesses of exports over imports, running more than $6,500 million as late as 1957. But while remembering that the earlier unusual excesses were caused by World War II and postwar needs, and that no country has held such a lopsided trade balance for very long, we must not, at the same time, permit our economy to be inflated to a position of competitive disadvantage. Several pockets of unemployment, in my State and in others, can already be attributed to our disability in specific industries, to meet the prices of our oversea competitors.

That the stability of the dollar is essential to the stability and growth of the American economy is all too obvious. What needs to be determined, however, is what measures would most effectively act to curb inflation. And one big question will then still remain: Will we have the wisdom, the courage and the determination to pursue the necessary remedies?

INFLATION AND THE PROPHETS OF INEVITABILITY

Traditional economics explains inflation in terms of the supply and demand theory, saying that whenever an increasing amount of money is bidding for a limited quantity of goods, prices are driven up. Usually it is assumed that it is the Government money printing presses that produce this increasing supply of money, either directly or indirectly—through fiscal and monetary policies and the operations of the Federal Reserve System. But what must be remembered is that more money in the marketplace does not always mean that new money is being created. More money bidding for goods could also mean that money hitherto in the hands of the population, but unusued, is suddenly appearing from its hiding places to compete in the market. Thus while Government fiscal policies and Government spending have a tremendous impact on economic trends, fiscal and monetary manipulation alone will not halt inflation in a relatively free economic system. Certainly the Government cannot be expected to do the job of inflation policing alone. Since the reasons for inflation are manifold, only a comprehensive program which will take all factors into account will provide an effective remedy.

I am certain that there is no need to elaborate here on the factors customarily advanced as responsible for inflation. But it would be desirable to keep in mind the broad composite of the elements contributing to inflationary pressure:

(1) Governmental expenditures based on debt financing which by increasing the amount of money in circulation create inflationary pressures; (2) governmental overspending in areas where full employment already exists, thus creating excessive and price-raising demands for facilities and labor; (3) floors under commodities which raise prices higher than the level set by the free play of the forces of supply and demand; (4) excise and other taxes which penalize or hinder business growth; (5) excessive import quotas and tariffs, which permit the keeping of artifically high prices for some products; (6) inefficiency in management and inefficiency in production. (Listing the factors which are traditionally stated to be inflationary in terms of price levels is not necessarily an argument against the practices named. For it must be realized that in our complex and comprehensive society some of these practices are quite essential for the protection of our social and economic way of life.)

It is on top of these classical concepts of inflation that the new schools of economists have mounted their newer interpretation of modern inflation. And although the classic theories have not been totally discarded, the vogue these days is to give top listing to the two new theories of "cost-push" inflation and "administered price" inflation. The first, which is contrasted with the classical "demand-pull" inflation, is described as an upward moving wage-price spiral—a vicious circle in which higher wages cause higher prices, which in turn necessitate higher wages, ad infinitum. The second theory, again, explains inflation not as a product of free market play but as a result of the restrictive price-fixing schemes of big business.

In these new theories the prophets of the inevitability of inflation find the foundation for their dogma. Creeping inflation, say they, is the price that we must pay for the maximum growth of our economy. Growth, according to this school, has always been accompanied by inflation, and now too we have two alternatives: either economic growth inescapably accompanied by creeping inflation, or else, price stability accompanied by economic stagnancy and unemployment. And the choice, so they say, is ours to make.

These prophets of inevitability have been divided into two schools—those putting the blame on labor and those attributing it to industry. According to the first, the rise of strong trade unions makes it almost inevitable that economic expansion will be accompanied by rising labor costs. Thus when the rate of expansion is sufficiently high to produce virtually full employment, unions are in a strong position and are able to raise wages far faster than the increases in output per man-hour. Accordingly, the fact is cited that during the 11 years of 1947 to 1958, hourly earnings in all private industry rose about twice as fast as real product per man-hour—for while the rise in hourly earnings was 66.7 percent, the rise in real product per man-hour was 33.6 percent. It is to these extra wages, unmatched by additional products, that inflationary pressures are attributed. To prevent any further inflationary moves, claim the critics, it is industry's duty to stand fast on present wage contracts and not permit any new unjustified wage increases.

Labor, on the other hand, is proposing to find the main reason for inflation in industry. Postwar wage increases are therefore shown to be merely chasing prices up, and labor is pictured as attempting only to restore the real value of labor earnings. Even as middle of the road a reporter as Business Week, in commenting on the role wages played in postwar inflation, found that "unit labor costs seem to have followed prices uphill through most of the postwar years." If labor is not responsible for inflation, the real culprit must therefore be elsewhere. It is here that the theory of administered prices comes into being, a theory which charges business with eliminating the flexibility of the free market, and creating a new type of inflation by monopolistically and artificially maintained high industrial prices.

To determine the existence and extent of administered prices practices the Antitrust and Monopoly Subcommittee of the Senate, of which I am a member, has been conducting extensive hearings for the last 2 years. These hearings dealt with the problem of administered prices in the automobile, bread, roofing, and steel industries. One of the measures proposed as a cure to this problem is Senate bill 215, introduced by Senator O'MAHONEY, which seeks to keep the prices of key products down by exposing the big corporations, in a selected number of industries which seem to set the price pattern, to public opinion pressure through a requirement that no price increases be undertaken without prior public notice and a hearing to justify such increase. But although self-restraint on the part of industry in setting prices is to be much desired, I question the wisdom of this bill's interference with price and market flexibility. Still, if industry and labor do not develop a more responsible economic attitude, legislation of this type will become necessary.

But whether subscribing to one of these new theories or the other, several of the new economists allege that the new facts of American economic life will make ineffective the standard measures designed to fight inflation. An economy that is geared to growth and is favorable to high employment, say they, is also favorable to increased prices. Thus, so long as demand is near full employment levels, we must expect that in industries characterized by strong firms and strong unions, prices and wages will react on each other in a steady upward spiral.

The desirability, and indeed the necessity of American economic growth, we will most certainly accept. But that inflation is here to stay, and that more of it is still coming, is not, in my opinion, a necessary conclusion. Economic facts and developments are in a constant state of flux, and I believe that a reappraisal of many accepted economic assumptions may raise serious doubts as to the soundness of the predictions of the inflation prophets. Furthermore, inflation can be fought and must be fought, but like all other social maladies, the remedy is not simple or speedy.

A PROGRAM FOR AN ANTI-INFLATION OFFENSIVE

A recent study of the relationship between economic growth and inflationary trends has produced some interesting new comments on the relative independence of the two. "Despite popular opinion to the contrary," says Edwin L. Dale in the New York Times magazine: "inflation has not been the normal condition of the American economy. It has been neither usual nor unusual. Prices were lower in 1890 than they were at the end of the Civil War, and the period was one of fairly rapid economic growth and expansion. Prices were stable during most of the 1920's. A great deal of the price rise in the past 150 years has been associated with wars and their immediate aftermath."

Accepting the thesis of the war's responsibility for inflation, some economists forecast only very limited future rises in living costs, now that the postwar adjustment has finally set into effect. It is their view that the use of the classic weapons against inflation, in recent times, was still being blunted by the spending and lending powers generated by World War II. Since

the banks emerged from the war with $90 billion worth of Government securities and only $26 billion of loans to their borrowers, any Government attempts to tighten the money market were ineffective since the banks could simply sell some of the security reserves to get the funds to make more loans.

But now, some 14 years later, the country is finally growing out of the enormously inflated money supply with which the economy emerged from the war. In the more or less normal peacetime prosperity of the 1920's, the total money supply in the country was a little over one quarter of the gross national product. At the end of World War II the money supply soared to about one-half of the national product, thus making more money available to chase after the produced goods—but recently we have gotten back to a more normal ratio of less than one-third. This, according to some economists, should act to substantially relieve inflationary pressures in times to come. But stability will occur only if our economic policies take advantage of these natural developments, not if we go contrary to them.

In addition to this natural development in our economy, which may considerably lessen the factors driving for inflation, more effective protection against inflationary pressures must be provided by a planned and coordinated program, requiring both governmental and private cooperation.

There have been some crash programs—designed to knock out inflation—which have contained one or more of the following suggestions: (1) stop Government spending and deficit budgets; (2) abolish farm and other subsidies; (3) cut taxes; (4) tear down import barriers; and (5) break up large corporations and powerful unions. But in looking for means to stop inflation, we must make certain that we are not also knocking out our economic system and our way of life. For example: It is the national policy of this country to protect its citizens against unemployment. Unemployment carries a high price tag: in terms of broken homes, loss of self-respect, and loss of national product. We cannot, therefore, undertake to curb inflation at the price of increasing unemployment. Likewise, we cannot stop inflation at the cost of substituting centralized planning and a totalitarian economy for our long existing and generally successful economic freedom. It must be further remembered that there is no magic in a stable price level. Naturally, stable prices going hand in hand with an expanding economy is the most desired situation. But stability of prices during the 1920's did not prevent a most catastrophic depression—and price stability may often conceal inequalities in the economic structure which may eventually upset the effective working of the whole economy. Our aim therefore must be price stability coupled with economic growth; price stability under which employment is full and the individual is free; price stability under which the economy is not unduly restrained.

GOVERNMENT CONTRIBUTIONS TO STOP INFLATION

Government spending: The oft-repeated proposal for cutting Government expenditures does not offer a simple solution, since national security, increasing demands for Government services and the dangers of unemployment necessitate certain levels of spending. But Government enterprise should be more and more directed to those areas where additional Federal expenditures will act to relieve depressed conditions and to reactivate idle labor and facilities—rather than increase pressures in areas where labor and facilities are already fully utilized.

Balanced budget: A balanced budget does not offer a magic formula, since a balance could coexist with unemployment and a slow rate of economic growth. But deficit financing is inflationary in nature, and although a balanced budget is not always attainable, we should have it as often as we possibly can. Balancing the budget will also go a long way psychologically in convincing the people that the Government is determined on fighting inflation.

Fiscal-monetary policies: The Government can help stabilize prices by tightening credit policies, and this has been one of the most effective means for combating inflation in England, in recent years. But naturally, we do not want a tight money policy which subordinates economic growth to stable prices, and which creates substantial unemployment. It is most essential that we have flexible monetary policies—designed to meet changing needs and to aid market adjustments. But the flexibility of such policies greatly depends on the Government's own financial position: For Government deficit budgeting may produce pressure on the Federal Reserve System to follow an easy money policy, to assist in financing and refinancing Government deficits.

Farm subsidies: It has been said that supporting prices of basic farm commodities at parity is a potent source of inflationary pressure, while at the same time offering only temporary relief to farmers—since the basic farm problems remain unanswered. Because technological progress has tended to make the large commercial farm relatively efficient, 44 percent of our farms now produce 91 percent of the value of marketed farm produce. Quite often it is the affluent farmer that is being subsidized, while little help is going to the needy one. The rise in output per man-hour has in recent years been more rapid in agriculture than in the rest of our economy, but the farmer cannot be deserted because he has learned to be more efficient. Still, with Government payments continuing to comprise 40 percent of net farm income, and the Federal-held surplus and pledged loans totaling more than $9 billion by the end of 1959, we must search for more permanent, constructive, and lasting solutions for the farming sector of our economy. Developments to bring industry into the farm areas should be encouraged and relocation and retraining grants should be made available to assist the submarginal farmer desiring to enter more promising employment.

Cutting taxes: Cutting taxes, unless we also produce an equivalent reduction in Federal expenditures, will act to encourage inflation rather than to slow it down. But a reform of the tax system, with the main emphasis upon measures that will produce the means for financing research and modernization of our industrial machinery, is an important part of any effort to increase the efficiency of the economy and to keep costs and prices down.

Cutting personal and corporate income taxes and the modernization of depreciation laws are necessary developments, but as long as the people require more and more Government services, and as long as international security requires tremendous expenditures, only minor relief can be expected in the total tax picture.

Foreign trade: Foreign competition, it is said, can generally be expected to act as stimulus for the reappraisement of costs and prices, while high tariffs and import quotas help keep up domestic prices and shelter inefficiency and monopoly. It is quite probable that the United States can at times make its economy stronger by exposing its producers to fair competition from abroad. But modifications in a free trade policy are necessary in order to protect strategically essential industries, or to protect our economy against subsidized and unfair competition. Since cheap labor abroad coupled with effective new machinery and plants, to which we have contributed through our foreign assistance, may have adverse effects on our own economy—it may be necessary to study the further need for quotas. Still, if inflation in this country is harnessed there is no reason why we should not be able to compete favorably with other countries—both in our own and in foreign markets.

Curbing bigness: The efficiency, mobility and the power of our economy are directly related to its size. There is no crime in bigness, for a big country requires big business. Breaking up large corporations and powerful unions will not by themselves stop inflation. Breaking up unions in several parts, so there would be several unions in the same industry, would not have the intended results—for confusion, rivalry and union warfare would certainly not act to diminish the upward pressure on wages. Likewise, giving the job of big industry to a large number of uncoordinated and resources-poor entrepreneurs will not aid efficiency or lower prices.

But constant vigilance is necessary to make certain that competition becomes more vigorous and pervasive in American economy. The claims of "administered prices" in American industry, as well as the complaints of wage increases causing "cost-push" inflation, indicate that constant Government attention must be directed to the maintenance of a competitive order both in industry and in labor. With labor income comprising some 62 percent of the national income, it is evident that wages have a substantial impact on consumer prices, and thinking citizens will agree that antimonopoly controls must apply to all kinds of private economic activities—whether carried on by industry, commerce, labor, professional associations, cooperatives or any other combines. Such controls, however, must not be exercised in a haphazard, fragmentary and disjointed manner. Creating a just and proper balance in our economy requires the production of a comprehensive program, well-coordinated and positive in approach, in which the legislative, administrative and judicial branches of the Government must cooperate.

PUBLIC INITIATIVE IN COMBATING INFLATION

Our economic system—to which we have been fondly referring, in recent times, as "people's capitalism"—is dependent for its true success not on centralized direction and scrutiny of the Soviet type but on widespread creativeness, ingenuity, and cooperation. "people's capitalism" implies that the means of production are not merely in the hands of the few giants of industry, but are dispersed among large numbers of property holders, professional people, farmers, public servants, and laborers. "People's capitalism" does away with the discredited Marxist theories of capital-labor struggle, predicted to work the internal destruction of capitalism, and strives, instead, toward a closer working partnership between all the elements participating in the national production: capital, management, and labor.

It is with the belief in "people's capitalism" that I am calling for a rapprochement of management and labor—to plan together for the common and public good, and to work together against the destructive powers of inflation.

Management by enlisting the active cooperation of all employees, from top executives to the lowest of orderlies, can succeed in reducing the ratio of payroll expenses to sales revenues. "At the present time," we must agree with one expert commentator, "only a few enterprises really succeed in gaining the active cooperation of their workers. Today the most important capabilities of the American workers, their imagination, their ingenuity, their ability to invent and to discover shortcuts are rarely put to use because methods of management in most

plants are not designed to bring out these qualities. Indeed, most managers have little conception how much ability is going to waste through not being used."

Encouragement of productivity through a system of bonuses, providing workers with additional pay whenever the ratio of payroll costs to sales is reduced, has proved effective in the industries that have tried it. Stock options to labor as well as management increase the sense of partnership. Still, the use of these procedures is not widespread enough and their more general adoption will depend on an increasing degree of mutual confidence and a change in some of the adversary philosophies of management and labor. I believe that these and other new management methods, designed to enlist all units of production in improved teamwork, hold great promise for checking rising costs.

Labor, likewise, must exercise statesmanship and restraint in its constant drive for higher pay and better working conditions. It must be remembered that higher labor pay may be almost totally canceled out by the higher prices of the commodities that labor must buy. Some inflationary force has been previously provided by union-management bargaining in key industries, for although only less than one-fourth of our workers are unionized—the effect of increased wages was often felt throughout the labor market. But the situation is now changing, and the developments in the steel strike indicate that the settlement is likely to produce no substantial increase in the price of steel. If the changed attitude in steel and auto negotiations will be heeded by other labor contracts, the increases in the cost of labor and the resultant impact on prices will be much more moderate in the early 1960's than it has been since the end of the war.

Generally, public encouragement should be given to the nongovernmental sector of our economy in any of its endeavors to increase national productivity, to guide production into items with greater durability, less obsolescence and lower prices. For as the chief manager of the Union Bank of Switzerland put it recently:

"Higher productivity will be able to keep prices down and money sound, provided that management will finally feel the moral responsibility to pass technical progress on to the consumer in the form of lower prices."

I have, therefore, noted with full agreement the recent statement of Dr. Raymond J. Saulnier, Chairman of the President's Council of Economic Advisers, that in order to achieve general price stability, price reductions must be accomplished in the industries "where productivity gains are especially rapid." In fact, Dr. Saulnier urged both labor and management in those fields to forego part of the gains of productivity in the public interest; labor by accepting lesser wage increases than the productivity gains, and management by cutting prices instead of taking the productivity advances in higher profits. Thus, both labor and business should be urged to exercise better judgment and more responsibility in setting prices and wages consistent with general stability. And competition should be preserved in both products and in labor so as to limit the power of business and labor to set unreasonably high prices and wages. England and Germany are apparently finding solutions, cannot we—we reasonable Americans—exemplify our reasonableness by using good judgment?

GOOD ECONOMICS WILL MAKE SENSE

It has been said the term "inflation," like the term "rheumatism" at the turn of the century, covers a multitude of ailments. With the multiplicity of factors which contribute to inflation, it is obvious that no one all-purpose pill will cure it. We have listed the reforms that are needed in several fields, and it would be unrealistic if we forgot that there always are formidable obstacles to changes in public policy. Such comprehensive Government and private sector policy to curb inflation may appear to present some difficult problems, because at first glance it may seem to pit the general interest in a stable dollar against many organized and vocal special interests. But I believe that the program outlined by me demonstrates that anti-inflation action can be taken without serious or lasting damage to any of the constituent parts of American economy. Still, all these interests and groups must be educated to understand that their own welfare turns, in the long run, upon a strong and effective national economy, adaptable to change and capable of competing in the international market.

I believe that the essential first step in the campaign for a stable dollar is the restoration of the public confidence in the stability of our currency. A legislative statement proclaiming the goal of stabilizing the purchasing power of the dollar is one appropriate way of demonstrating Government's determination to act.

The second necessary step is the development of an economic plan which will combine our desire for stability with our need for growth. A strong statement urging creative thinking on the economic future appeared recently in the St. Louis Post-Dispatch:

"There is not much doubt that the economy can be expanded rapidly if the Federal budget is rapidly inflated. But to conclude * * * that we need only spend a lot more Federal money fast is to ignore the crucial parts of the problem. How can we get a satisfactory rate of growth without inflation and without relying on a vast military effort? * * * Perhaps the answer lies in some kind of economic plan based on a controlled increase in creative public expenditures, accompanied by taxes to pay for them. Devising such a plan is the task of economic statesmanship, and putting it into effect the task of political leadership. Cannot our society generate the political and economic resources necessary to meet such a plain challenge? This much is certain: Unless we do meet this supreme challenge of our times, we shall see more and more peoples drifting toward communism, fewer and fewer committed to the islands of freedom."

To help produce such a plan and to create better and high-level coordination of the several departments and units of government in pursuing both stability and growth, I have introduced legislation for the establishment of a National Economic Council for Security and Progress. I am convinced that the economic challenge posed to the free world by international communism is one of the most serious aspects of the cold war, and that this war may well be won or lost in the markets of the world and on the production line. The proposed Economic Council is patterned after the existing National Security Council, whose main functions are military, and is founded on the belief that planning economic security and progress is as important as planning military defense. Consisting of Cabinet secretaries and other top-level Government officers, it will be the Council's function to advise the President with respect to national and international economic development, and to enable the departments and agencies of the Government to cooperate more effectively, amongst themselves and with private business, in matters relating to national economic developments and the role of America in world economy.

I should like to say this in conclusion: Let us restore the faith of the people, and we would have taken the first step. But let us not fail to pursue a comprehensive and long-term program that will guarantee our citizens, young and old, working and retired, employed, self-employed, and employing others, the security and stability that are derived from knowing better what tomorrow will bring.

SENATE

WEDNESDAY, MARCH 23, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Dr. Claud B. Bowen, pastor, First Baptist Church, Greensboro, N.C., offered the following prayer:

O God, our help in ages past, our hope for years to come, we are grateful to Thee for Thy blessings upon our Nation. We pray for wisdom and the guidance of Thy spirit through these days of decision. Grant, we beseech Thee, that we may always prove ourselves a people mindful of Thy goodness, and of a sincere desire to do Thy will.

May we take seriously the stewardship of our obligations, believing Thy purpose is for the good of all.

Give unto us strength, both physical and spiritual, to bear the burdens placed upon us. Especially do we pray for these Senators, our statesmen, as they serve our Nation and Thee.

We ask these things in the name of Christ. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 22, 1960, was dispensed with.

SENATOR FROM OREGON

Mr. JOHNSON of Texas. Mr. President, a colleague is about to join us in the Senate. There is on my desk the certificate of his appointment by the Governor of Oregon, to fill the vacancy caused by the death of the late, beloved Senator Richard L. Neuberger.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I send to the desk a certificate from the Governor of Oregon and ask that the clerk read it.

The PRESIDENT pro tempore. The clerk will read the certificate.

The certificate of appointment was read, and ordered to be placed on file, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Oregon, I, Mark O. Hatfield, the Governor

of said State, have appointed this 16th day of March 1960, HALL S. LUSK, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Richard L. Neuberger, is filled by election, as provided by law.

Witness: His Excellency, our Governor, Mark O. Hatfield, and our seal hereto affixed at the capitol, this 16th day of March, in the year of our Lord 1960.

MARK O. HATFIELD,
Governor.

By the Governor:
[SEAL] HOWELL APPLING, Jr.,
Secretary of State.

Mr. JOHNSON of Texas. Mr. President, the Senator designate is present and ready to take his oath.

The PRESIDENT pro tempore. If the Senator designate will present himself at the desk, the oath will be administered.

Mr. HALL S. LUSK, escorted by Mr. MORSE, advanced to the Vice President's desk, and the oath of office prescribed by law was administered to him by the President pro tempore, and was subscribed by him.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 471. An act to amend chapter 561 of title 10, United States Code, to provide that the Secretary of the Navy shall have the same authority to remit indebtedness of enlisted members upon discharge as the Secretaries of the Army and the Air Force have;

H.R. 2565. An act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations;

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation; and

H.R. 10455. An act to amend the Mineral Leasing Act of February 25, 1920.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 471. An act to amend chapter 561 of title 10, United States Code, to provide that the Secretary of the Navy shall have the same authority to remit indebtedness of enlisted members upon discharge as the Secretaries of the Army and the Air Force have; to the Committee on the Judiciary.

H.R. 2565. An act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations; to the Committee on Interstate and Foreign Commerce.

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation; placed on the calendar.

H.R. 10455. An act to amend the Mineral Leasing Act of February 25, 1920; to the Committee on Interior and Insular Affairs.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour, and I ask unanimous consent that statements made in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROPOSED SUPPLEMENTAL APPROPRIATIONS, DEPARTMENTS OF JUSTICE AND STATE (S. DOC. NO. 90)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting, for the consideration of the Congress, proposed supplemental appropriations for the fiscal year 1960, in the amount of of $500,000 for the Department of Justice, and $220,000 for the Department of State, which, with an accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

Memorials signed by Mrs. Gregory Harris, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

RESOLUTION OF BENTON COUNTY, WASH., DEMOCRATIC CENTRAL COMMITTEE

Mr. HUMPHREY. Mr. President, I have received the following resolution of the Benton County, Wash., Democratic Central Committee, urging passage of my proposal, Senate Resolution 94, to repeal the self-judging reservation to U.S. adherence to the statute of the World Court.

Mr. PRESIDENT, I ask unanimous consent that this strong endorsement of repeal of the U.S. reservation be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Whereas the U.S. adherence to the International Court of Justice is unnecessarily qualified by the so-called "self-judging" or "Connally reservation"; and

Whereas this reservation has seriously hampered the operation of the World Court and threatens to work against this country in its efforts to protect American interests abroad; and

Whereas Senate Resolution 94, which was introduced by Senator HUBERT H. HUMPHREY, to repeal this reservation is supported by both the administration and Democratic leadership; Now, therefore, be it

Resolved, That the Benton County Democratic Central Committee strongly endorses the repeal of the crippling Connally reservation to our adherence to the International Court of Justice, and to this end urges the passage of Senate Resolution 94.

HEALTH BENEFITS FOR THE AGED—RESOLUTIONS

Mr. HUMPHREY. Mr. President, the Board of County Commissioners of Hennepin County, Minn., and the Town Board of the Town of White in St. Louis County, Minn., have added their support to those who are concerned about the urgent health needs of our aged men and women and have endorsed programs to provide health and hospitalization benefits, such as that of Representative FORAND and my own proposal, S. 1151.

Mr. President, I ask unanimous consent that the resolutions of the Board of County Commissioners of Hennepin County and the Town Board of the Town of White be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTION OF HENNEPIN COUNTY BOARD OF COMMISSIONERS

Whereas the Hennepin County Board of Commissioners knows, of its own experience, the urgent need of retired people for hospital and medical care, and a study of one union alone showed 25 percent of their pensions absorbed by hospital and surgical insurance; and

Whereas the Forand bill (H.R. 4700) now in Congress, would pay in full for 60 days of hospital care for all persons eligible for old age and survivor benefits, including dependent children of widows, meet the costs of combined nursing home and hospital care up to 120 days a year, and cover certain surgical expenses; and

Whereas social security records will be used to establish rights of applicants, and will include safeguards as to the quality of care, negotiation of rates, and freedom of cooperating institutions from Government interference: Now, therefore, be it

Resolved, That this Hennepin County Board of Commissioners hereby endorses the Forand bill and recommends its passage by Congress; and be it further

Resolved, That a copy of this resolution be sent to each Senator and Representative from the State of Minnesota.

RESOLUTION OF TOWN BOARD OF TOWN OF WHITE

Be it resolved, That the Town Board of the Town of White, St. Louis County, Minn., does hereby go on record in support of the Forand bill (H.R. 4700), an insurance plan to help retired people pay their hospital and surgical bills through our Social Security System; and be it further

Resolved, That copies of this resolution be mailed to Congressman WILBUR MILLS, chairman, Ways and Means Committee;

Senator HUBERT H. HUMPHREY; Senator EUGENE MCCARTHY; and Congressman JOHN A. BLATNIK, all of Washington, D.C.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COOPER:

S. 3259. A bill to authorize adjustment, in the public interest, of rentals under leases, entered into for the provision of commercial recreational facilities at Lake Cumberland, Ky.; and

S. 3260. A bill to authorize the Secretary of the Army to modify certain leases entered into for the provision of recreation facilities in reservoir areas; to the Committee on Public Works.

By Mr. HOLLAND:

S. 3261. A bill for the relief of Recep (Ali) Onur; to the Committee on the Judiciary.

By Mr. CHAVEZ (for himself and Mr. ANDERSON):

S. 3262. A bill to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians; to the Committee on Interior and Insular Affairs.

By Mr. KERR:

S. 3263. A bill for the relief of Cesar S. Wycoco; to the Committee on the Judiciary.

By Mr. MURRAY (by request):

S. 3264. A bill to abolish the Arlington Memorial Amphitheater Commission;

S. 3265. A bill to amend the law relating to mining leases on tribal Indian lands and Federal lands within Indian reservations; and

S. 3266. A bill to amend the act of June 25, 1910 (36 Stat. 857, 25 U.S.C. 406, 407), with respect to the sale of Indian timber; to the Committee on Interior and Insular Affairs.

By Mr. MURRAY (for himself, Mr. BARTLETT, and Mr. GRUENING):

S. 3267. A bill to amend the act of October 17, 1940, relating to the disposition of certain public lands in Alaska; to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 3268. A bill to promote the air-transportation system of the United States by requiring the use of air carriers authorized as such under the provisions of the Federal Aviation Act of 1958 for certain transportation of persons and freight; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 3269. A bill authorizing the Secretary of the Navy to convey certain property to the State of Hawaii; to the Committee on Armed Services.

(See the remarks of Mr. FONG when he introduced the above bill, which appear under a separate heading.)

By Mr. BUTLER:

S. 3270. A bill for the relief of Adamantios Demoglou Andrew; to the Committee on the Judiciary.

By Mr. WILEY:

S. 3271. A bill for the relief of Josef Enzinger; to the Committee on the Judiciary.

My Mr. WILEY (for himself and Mr. PROXMIRE):

S. 3272. A bill to provide for reimbursement of termination costs involved in termination of Menominee Tribe from Federal jurisdiction; and

S. 3273. A bill to provide that documentary stamp taxes shall not be applicable to transactions involved in termination of Menominee Tribe from Federal jurisdiction; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. WILEY when he introduced the above bills, which appear under separate headings.)

CONCURRENT RESOLUTION

AUTHORIZATION TO PRINT AS SENATE DOCUMENT REVISED EDITION OF INTERNAL SECURITY MANUAL

Mr. WILEY submitted a concurrent resolution (S. Con. Res. 96) authorizing the printing of a revised edition of the Internal Security Manual as a Senate document; and providing for additional copies, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when submitted by Mr. WILEY, which appears under a separate heading.)

PROMOTION OF THE ECONOMIC GROWTH OF AIR TRANSPORTATION

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to promote the air transportation system of the United States. The bill will require the Secretary of Defense in contracting for the use of civilian aircraft to transport persons or freight to contract only with an air carrier as defined in the Federal Aviation Act of 1958.

This act specified the national transportation policy to be "the encouragement and development of an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense."

The CAB has made ample and liberal regulations to carry out the will of Congress. At this time any person may go before the CAB and be granted a certificate of public convenience and necessity with a minimum of qualifications.

The airlines certificated by the CAB form a ready reserve to assist in the national defense should the need arise. This was amply demonstrated during the Berlin and Korean airlifts when the military had to depend on civilian aircraft

Since these air carriers must maintain this "reserve status" our Government should assist them whenever possible. Each year the Department of Defense contracts for the hire of civilian aircraft to transport persons and freight. In awarding these contracts the Defense Department should consider the necessity for helping certificated carriers as a part of the national defense. These contracts should be awarded on a competitive basis to the certificated air carrier with the lowest bid. If these carriers know that this incentive exists they will be able to develop and carry into effect long-range plans for upgrading and improving equipment and service.

This bill will in no way harm any legitimate airline operation in the country. As I said before, any person may receive a CAB certificate upon a showing of minimum qualifications.

If a balanced air transportation system is to be effected and encouraged for reliability in time of mobilization of war, it seems to me the military should accept the criteria which the CAB uses in certificating carriers of the general public by air. To do otherwise, would, I believe, be contrary to national transportation policy. The military by regulation will not accept the CAB criteria as they should. It is necessary therefore for Congress to act and insist upon this requirement.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, together with a memorandum which I have prepared on this matter, and that the bill may lie on the table for 2 days in the event that there are others who wish to become sponsors.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the RECORD, and the bill will lie on the desk, as requested by the Senator from Indiana.

The bill (S. 3268) to promote the air transportation system of the United States by requiring the use of air carriers authorized as such under the provisions of the Federal Aviation Act of 1958 for certain transportation of persons and freight, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

S. 3268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that it is in the public convenience and necessity to foster and protect the continued development and growth of the air transportation system of the United States, comprised of air carriers, certificated or otherwise authorized as such by the Civil Aeronautics Board, which system is vital to a strong economy and the needs of national defense in time of peace and national emergency; that to attain the objective of securing an adequate and sound air transportation system properly to serve the national defense needs in time of peace and emergency, it is essential that the Secretary of Defense and any department or agency within the Department of Defense enter into any contract or other commercial arrangement for the transportation of persons or freight by air only with an "air carrier" under the jurisdiction of the Civil Aeronautics Board and authorized to engage in "air transportation" as defined by the Federal Aviation Act of 1958; that discharge of the duties and obligations imposed by Congress upon the Civil Aeronautics Board in the regulation and maintenance of a balanced air-transportation system in such a manner as to best fulfill the needs of national defense requires the assistance and cooperation of the Secretary of Defense and the departments and agencies within the Department of Defense through the utilization of "air carriers" as defined by the Federal Aviation Act of 1958 and authorized as such by the Civil Aeronautics Board.

SEC. 2. Notwithstanding any other provision of law, the Secretary of Defense or any department or agency within the Department of Defense shall enter into any contract or other commercial arrangement for the transportation of persons or freight by air only with an "air carrier" authorized as such under the provisions of the Federal Aviation Act of 1958.

The memorandum presented by Mr. HARTKE is as follows:

ROLE OF THE CIVIL AERONAUTICS BOARD IN ADAPTING A SOUND TRANSPORT SYSTEM TO THE NEEDS OF THE NATIONAL DEFENSE

In 1938 Congress passed the Civil Aeronautics Act for the regulation of air commerce and to foster, promote, and encourage the development of a sound air transport system comprising U.S. air carriers, regulated pursuant to the terms of the act and in accord with the policy expressed by Congress. The act was the result of a chaotic economic condition of the then unregulated air industry of the United States. Like the regulatory bodies of all utilities and quasi-utilities, the Civil Aeronautics Board was by the act created to foster the purposes as therein set forth as follows:

"(a) The encouragement and development of an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the postal service and of the national defense.

* * * * *

"(c) The promotion of adequate, economical and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices.

"(d) Competition to the extent necessary to assure the sound development of the air transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the postal service and of the national defense (sec. 102, 'Declaration of Policy,' Federal Aviation Act)."

In furtherance of the foregoing delegation of authority the Congress, by the act, gave the Board the power to control the entry of aspirants into the field of air transportation by section 401 of the act, which requires any person desiring to become an "air carrier" within the meaning of the act to apply for and prove its fitness, willingness, and ability to perform the air transportation sought by its application. After such application and full hearing, an applicant may be awarded a certificate of public convenience and necessity if the Board determines also that the issuance of such certificate is in the public interest (according to its policy directives set forth in sec. 102 of the act). If successful, then the new air carrier becomes a part of the air transportation system which is to be "properly adapted to the present and future needs of the national defense," and the Board is compelled to regulate "competition to the extent necessary to assure the sound development of an air transportation system properly adapted to the needs of the national defense."

The Board, under provisions of the act, has only one other means of licensing persons desiring to become carriers within the Air Transportation System. Under section 416 the Board:

"From time to time and to the extent necessary, may exempt from the requirements of this title * * * any air carrier or class of air carriers if it finds that the enforcement of this title * * * would be an undue burden on such air carrier * * * by reason of the limited extent of, or unusual circumstances affecting the operations of such carrier * * * and is not in the public interest."

Thus, the Board cannot allow a person to become a part of the balanced and regulated "Air Transportation System" unless such person has been awarded—

(a) A certificate of public convenience and necessity, or

(b) An exemption from the provisions of the act.

Both licenses are contingent fully upon a finding of "public need" as directed by section 102 of the act requiring the Board to encourage and develop such an "Air Transportation System" adapted to the needs of the national defense.

Since its creation in 1938, the Civil Aeronautics Board has, pursuant to its policy directives and in accord with the licensing provisions of the act, expanded soundly the Air Transportation System to include some 80-odd air carriers including such classifications as "Major trunk carriers," "Local service carriers," "Supplemental carriers," and "All-cargo carriers."

Throughout the history of air carriers, including all classes thereof, the Board has been unmistakably and instantaneously responsive to the air transportation needs of the military. Although air carriers may each have limited areas of performance in accord with their certificates or exemption and their particular roles in the system as a whole, the Board has, in accord with requests from the military, exempted all air carriers desiring such, to the extent that each may perform unlimited charter transportation in either domestic or international air transportation. In further recognition of the military's desire, all air carriers, of any class may be exempted, upon application, from tariff requirements in international charter service, thereby allowing the military to obtain the lowest competitive bid rate without regard to a given carrier's filed tariffs ordinarily controlling such rate.

The foregoing represents only a small part of the regulatory agency's efforts to continuously provide for the needs of the national defense. Not mentioned are numerous specific instances where the Civil Aeronautics Board, pursuant to its directive from Congress, has lessened the requirements of air carrier regulations where military augmented lift was required—all, however, directed to the end that the air transport system remain sound and undiluted economically by forces unduly competitive to air carriers regulated.

THE ROLE OF THE MILITARY IN UTILIZING THE NATION'S AIR TRANSPORTATION SYSTEM IN RECOGNITION OF THE NATIONAL TRANSPORTATION POLICY AS LAID DOWN BY CONGRESS

Generally, it may be said that the military augmentation airlift is required and utilized in two broad areas—domestic and international.

In the domestic use of commercial airlift, the Secretary of Defense has designated the Secretary of the Army as Single Manager for all traffic management within the United States. In accord with the authorities and responsibilities contained in the Secretary of Defense directive, the Military Traffic Management regulation was promulgated by the Single Manager. The regulation contains policy guidance and procedures which are applicable to the performance of traffic management functions including the direction, control, and supervision of all functions regarding the "effective and economical procurement and use of commercial freight and passenger transportation service by the military departments within the United States." The Single Management Agency thus created on October 1, 1956, was entitled the Military Traffic Management Agency (MTMA) and in its role as traffic manager represents the Departments of the Army, Navy, Air Force, and Marine Corps.

In the international phase of airlift augmentation for the military, all air movement of persons and cargo is procured by the Military Air Transport Service (MATS). MATS is operationally responsible to the Chief of Staff, U.S. Air Force, although the command does include personnel from both the Air Force and Navy. MATS operates on a worldwide basis, furnishing airlift for the three services, either with its own equipment or with equipment of commercial carriers under contract.

Both MTMA and MATS are required by either law or other directive to employ commercial transportation services according to the specific wording of the law or directive governing each. For example, the Military Traffic Management regulation of MTMA directs that—

"Commercial transportation service will be employed by the military departments for the movement of persons and things between points within the United States when such service is available or readily obtainable and satisfactorily capable of meeting military requirements."

MATS, by law, is required to utilize a substantial amount of its appropriated funds for the procurement of "commercial air transportation service."

(a) *MTMA, the national transportation policy and commercial airlift*

For purposes of clarity in discussing the military's role in supplementing the soundness of the Nation's air transportation system, MTMA and MATS shall be treated as distinct from one another although it should be borne in mind that Congress' policy statement as contained in the national transportation policy is entitled to the respect of all agencies of the Federal Government.

The policy directive of the Military Traffic Management Regulation, MTMA, is clear in the plain meaning of chapter 102, section 102003, "Selection of carriers or modes of transportation:

"In the employment of military-owned transportation and in the procurement of commercial transportation, the economic resources of the military departments will not be employed in such a manner as to affect adversely the economic well-being of the commercial transportation industry. In the selection of commercial carriers, the means of transportation selected will be that which produces the lowest overall cost consistent with military requirements, the objectives of governing procurement regulations and the transportation policies as expressed by Congress (appendix II), contingent upon carrier ability to provide safe, adequate and efficient transportation."

Significantly, and appropriately, appendix II as contained in the foregoing, is included in the regulation as the full text of the national transportation policy as prefacing both the Interstate Commerce Act and the Federal Aviation Act, or in short, section 102 of the act, i.e., "the encouragement and development of an air transportation system properly adapted to the present and future needs * * * of the national defense."

In further recognition of the necessity for maintaining a sound air transportation system, the MTMA regulation accords the military ways and means of securing such additional lift as may be required in the event of a deficiency. But the means provided is by and through a cooperative effort with the Civil Aeronautics Board—again recognized to be that agency primarily responsible for maintenance of a sound system. Thus, chapter 105, section 105002 of the Military Traffic Management Regulation, states as follows:

"In proceedings before transportation regulatory bodies involving matters of public interest or public convenience and necessity to new or additional operating authorities * * * participation by representatives of the military departments will be undertaken only when * * * (2) the Executive Director, MTMA, determines that there is no carrier authorized to perform the required service, or that the existing authorized service is inadequate to fulfill the needs of the military departments."

Section 105004, chapter 105, goes further and gives MTMA full opportunity to cooperate with the regulatory agency in the event of insufficient lift to meet MTMA's requirements:

"The Executive Director, MTMA, will support applications (before the Board) only when a definite need for new or additional

service is evident and service by carriers with existing authority does not meet military traffic requirements."

Thus, it readily appears from the plain meaning of congressional directives (Interstate Commerce Act, Federal Aviation Act, and the national transportation policy) and from the single manager's recognition thereof as contained in the Military Traffic Management Regulation, MTMA, in procuring commercial airlift for the service departments, must cooperate with that agency designated to regulate air commerce—all to the interest of the development of a sound air transportation system. And, the air transportation system can, by law, be comprised only of carriers holding either one or both of the "air carrier licenses which, under the Federal Aviation Act, the Civil Aeronautics Board may grant" i.e., "certificate" or "exemption."

(b) *MATS, commercial airlift, and the law*

The national transportation policy would appear to be equally applicable to all branches of the Federal Government in requiring the development of a sound air transportation system. The Defense Appropriations Act, 1960, section 631, specifically requires MATS to utilize the services of "civil air carriers" in "commercial air transportation."

The far-reaching efforts of the Civil Aeronautics Board in providing MATS with an air transportation system have become manifest over the last several years. In fact, the Board emphasized with caution the vital necessity for maintaining, in the face of a serious economic condition of the industry, a balance which would continue to assure the excellent safety records of air carriers. Thus, in continuing air carrier exemptions from tariff requirements while performing MATS augmentation lift, the Board expressed an ominous warning: "Our concern, as we have heretofore noted, stems from our belief that contracts awarded on such a basis (uncontrolled competitive bids) do not contribute to the long-range economic strength of the industry" and "that a prolongation of such uneconomic operation may impair the fine safety record of those carriers which have historically provided the bulk of the military augmentation service" (p. 5, Board Order No. E–13040).

The Board thus indicated its extreme concern in the area of military use of the air transportation system, yet cautiously continued the carrier exemptions from controlled rates. This was about as far as the Board could possibly go in providing MATS with low cost transportation. In further consideration of the problem, however, it was made perfectly clear to MATS that cooperation with the Board must be increased if the long range objectives of Congress were to be met and the safety factors inherent in an economically sound air transport system preserved:

"It is evident, we believe, that the fundamental problem of distributing needed military augmentation airlift among the civil air carriers—with due regard for the national interest in economic transportation for military traffic and a sound air transportation system—can be solved administratively only through positive cooperative activity on the part of the Department of Defense and the Civil Aeronautics Board" (p. 5, Board Order No. 13040).

THE AIR TRANSPORTATION SYSTEM AND ITS EXTENT AS DEFINED IN THE NATIONAL TRANSPORTATION POLICY

To properly approach the vacuum in the various laws and directives giving rise to a need for further legislation, an understanding is necessary as to what does or may make up the Nation's air transportation system which, in turn, is subject to sound regulation in the interests of the needs of the national defense.

Without qualification, Congress has given the Civil Aeronautics Board power over only air carriers engaged in air transportation as defined respectively by the Federal Aviation Act. As such, Congress has construed the makeup of the Nation's air transportation system as adequate in extending the system to include only air carriers engaged in air transportation. Thus, the act contains the following definitions:

"Section 101(3) 'Air carrier' means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation."

"Section 101(10) 'Air transportation' means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft."

"Section 101 (21) 'Interstate air transportation,' 'overseas air transportation,' and 'foreign air transportation,' respectively, means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft."

It is patent, then, that the Nation's air transportation system can only comprise common carriers under the Civil Aeronautics Board's jurisdiction and holding either/or certificates or exemptions. The Board has no jurisdiction whatsoever over carriers not so designated and the air transportation system cannot embrace carriers not so licensed. Thus, any person or company which undertakes to engage in air transportation as defined by section 101 (10) and 101 (21) of the act is subject to the Board's jurisdiction and must have applied for and have been awarded either a certificate or exemption as provided for in the act. Thus, the shelter of the system extends only to regulated air carriers.

If, however, a person desires to operate an aircraft, not as a common carrier, but in private carriage of persons or property, he may do so by simply obtaining an aircraft and an operating certificate from the Federal Aviation Agency. So long as he confines his activities to private carriage (not to the general public) he is not subject to jurisdiction of the Civil Aeronautics Board nor any of the Board's rules and regulations promulgated for the purpose of encouraging the development of a sound air transportation system. Indeed, he is no part of the air transport system, being neither an air carrier nor subject in any manner to the certificate or exemption requirements of the act or the tariff and other requirements of the Board's rules and regulations.

MATS AND MTMA UTILIZATION OF CARRIERS OUTSIDE THE CIVIL AERONAUTICS BOARD'S JURISDICTION—THE EXTENT AND EFFECT UPON THE NATION'S AIR TRANSPORTATION SYSTEM AND ITS REGULATED AIR CARRIER COUNTERPARTS

Despite the millions of dollars spent by Congress, beginning in 1938, in providing for the complex and sound regulation of the air carrier industry and despite the clear terms of the national transportation policy and the cooperative efforts on the part of the Civil Aeronautics Board, the military, through both MATS and MTMA, currently utilizes air operators other than air carriers to an extent that a sizable proportion of charter airlift, domestic and international, is provided by carriers unregulated in any respect by the Civil Aeronautics Board.

The military has stated that it considers such carriers or operators as air carriers and that "this class of air carriers would be considered equally with other carriers" by the Military Traffic Management Agency.

Of paramount significance is the fact that bona fide and authorized air carriers doing business with MTMA are subject to detailed regulation, such as are necessary to the development of a sound system and appropriate to utilities and quasi-utilities, and must adhere to all sections of the economic regulations of the Civil Aeronautics Act, including filing of approved tariffs, complicated monthly and quarterly filing procedures, and other and diverse commitments necessary to the Government regulation of the air transportation system. Thus, the operators which the military treats as air carriers perform passenger service for MTMA completely free from any of the Board's requirements and in fact are not subject to the Board's even cursory jurisdiction. The money savings to an operator not so confined is obvious from the nature of the business; however, the injury to carriers under CAB jurisdiction, or bona fide air carriers, is compounded to the greatest extent by the unregulated rates which may be and are offered to the military by operators not authorized or regulated by the Board. By having none of the burden and obligations imposed upon air carriers, components of the air transportation system, operators other than air carriers have so diluted the military passenger charter market that little or no incentive exists for certificated carriers to consider long-range plans for upgrading and improving equipment and service. This is so despite the fact that there exists adequate lift within the Board-regulated industry and despite the fact that any person may now obtain a certificate with a minimum showing of qualifications.

THE NON-AIR-CARRIER PARTICIPANTS IN MILITARY AUGMENTATION—THEIR RELUCTANCE TO SEEK CAB CERTIFICATION, EVEN UNDER THE LIBERALIZED BOARD PROCEDURE

With certification by the CAB readily available to any qualified applicant, there would appear to be no reason why any participant in military airlift augmentation should not apply for and obtain certification—where only the minimum qualifications need be proven. By the same token, there is no reason why the military should utilize carriers not so qualified. Indeed one of the prime reasons for the needed legislation would be to provide our Armed Forces and their dependents with transportation on carriers qualified to carry the general public.

THE NEEDED LEGISLATION AND THE EXTENT TO WHICH AIR CARRIERS SHOULD BE UTILIZED BY THE MILITARY

Inasmuch as the air transportation system is comprised only of air carriers holding Civil Aeronautics Board authority, little or no argument can be made supporting use by the military of carriers not so qualifying—especially in view of the stated ease with which certificates may now be awarded. Therefore legislation is warranted which will preclude any military augmentation airlift from being performed by other than air carriers as defined by the Federal Aviation Act of 1958 and having CAB authority to engage in air transportation.

CONVEYANCE OF CERTAIN PROPERTY TO STATE OF HAWAII

Mr. FONG. Mr. President, I introduce, for appropriate reference, a bill authorizing the Secretary of the Navy to convey certain property, known as Salt Lake Boulevard, to the State of Hawaii.

Although the street in question has been under the jurisdiction of the Navy for many years, it has been used extensively by the civilian population as well. The roadway has never been improved or maintained in proper condition. The transfer of title would eventually result in the road being improved and maintained in good condition at the expense of the State, which would therefore inure to the benefit of the Navy as

well as to the State. Furthermore, the property has been declared in excess of Department of Defense needs.

I therefore urge early consideration of this measure.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3269) authorizing the Secretary of the Navy to convey certain property to the State of Hawaii, introduced by Mr. FONG, was received, read twice by its title, and referred to the Committee on Armed Services.

REIMBURSEMENT OF COSTS INVOLVED IN TERMINATION OF FEDERAL CONTROL OVER MENOMINEE INDIAN TRIBE, WISCONSIN

Mr. WILEY. Mr. President, in further regard to the problems confronting the Menominee Tribe, we recall that Public Law 399—providing for termination of Federal control over the Menominee Indians—required the tribe to "formulate and submit to the Secretary of the Interior a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, and for all other matters involved in the withdrawal of Federal supervision."

As amended by Public Law 755 of the 84th Congress, authorization was also provided for reimbursement to the tribe for all expenditures involved in the costs of termination.

Following the enactment of the legislation, the Menominee Tribe has proceeded, since 1953, with good faith and diligence, to solve the numerous complex termination problems necessitating much time, study, planning, and expense

Overall, I think the tribe has done a splendid job.

In 1958, the Congress—unwisely, I believe, and I so stated at that time—further amended the law providing only 50 percent reimbursement of costs incurred in carrying out termination of Federal control over the tribe.

If allowed to stand, this law would, regrettably, impose an additional expense burden on the tribe—despite the fact that they have made a realistic attempt to design practical plans for termination of Federal control over the tribe, for the most part, with the assurance under law of full reimbursement.

Consequently, in the light of these factors, I believe that Congress should now approve legislation to provide such full reimbursements for costs incurred in termination of Federal control over tribal affairs.

I introduce, on behalf of my colleague, the junior Senator of Wisconsin [Mr. PROXMIRE], and myself, a bill to provide full reimbursement for costs involved in termination of Federal control over the tribe.

I hope my colleagues on the Senate Interior and Insular Affairs Committee will give early and favorable consideration to this proposed legislation.

I request unanimous consent to have the text of a bill for 100-percent reimbursement of termination costs, and a memo in support of the bill prepared by representatives of the tribe, printed in the RECORD.

The PRESIDING OFFICER (Mr. ENGLE in the chair). The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the RECORD.

The bill (S. 3272) to provide for reimbursement of termination costs involved in termination of Menominee Tribe from Federal jurisdiction, introduced by Mr. WILEY (for himself and Mr. PROXMIRE), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 6 of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of Menominee Tribe from Federal jurisdiction," approved June 17, 1954, as amended by the Act of July 2, 1958 (72 Stat. 290), is further amended as follows:

"In order to reimburse the tribe for expenditures of such tribal funds as the Secretary deems necessary for the purposes of carrying out the requirements of this Act and for such other expenditures incurred in preliminary planning commencing from June 20, 1953, there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, an amount equal to all of such expenditures."

The memorandum presented by Mr. WILEY is as follows:

MEMORANDUM IN SUPPORT OF AMENDMENT TO PROVIDE FULL REIMBURSEMENT OF TERMINATION COSTS

During the 84th Congress, two bills were enacted which amended Public Law 399, 83d Congress, the Menominee Termination Act. One of these, Public Law 755, 84th Congress, amended the original act to authorize the appropriation of sufficient funds to reimburse the tribe for all expenditures of tribal funds authorized by the Secretary of the Interior in carrying out the purposes of Public Law 399.

In the session of the 85th Congress, a further bill to amend the Termination Act by extending the dates for preparation of a plan and for final termination was introduced. This bill, H.R. 6322, was amended in the Senate committee to provide for only 50 percent of reimbursement of costs incurred subsequent to the date of the enactment of the amendment. In conference, the House managers accepted the Senate amendment.

The present bill was requested by the Menominee Indians since they proceeded with good faith and diligence toward solution of the numerous and complex termination problems that necessitated much time in study, planning and expense. The planning deadlines established by Congress have been met. Plans will be complete and termination of Federal responsibility can be accomplished, provided funds can be reimbursed on a 100-percent basis to enable the tribe to continue the last steps in termination.

The amount that will be incurred in termination costs will in no case exceed the authorized appropriation established by the Congress.

The Menominees have endeavored to model a plan of operation for their future through establishing a business corporation. In the recent session of the Wisconsin Legislature, an act creating a new Wisconsin County out of the Menominee Reservation was enacted. These various activities were necessary to integrate the people and their properties as citizens under the laws of the State of Wisconsin.

It is believed the legislation sought will reimburse the Menominee Tribe with the necessary funds for them to carry their responsibilities under committed contracts and other expenses incident to tribal government until the effective termination date.

EXEMPTION OF MENOMINEE INDIANS FROM DOCUMENTARY STAMP TAX INVOLVED IN TERMINATION OF FEDERAL CONTROL

Mr. WILEY. Mr. President, I introduce, on behalf of my colleague, the junior Senator from Wisconsin [Mr. PROXMIRE] and myself, a bill to provide that documentary stamp taxes not be applicable to transactions involved in termination of Wisconsin's Menominee Indians from Federal jurisdiction.

It will be recalled that Public Law 399 of the 83d Congress called for termination of Federal control over the assets and affairs of the Menominee Tribe.

It will be recalled in the intervening years, the tribe and its leaders have made a constructive, dedicated, realistic effort to meet the requirements.

Because of the complexity of termination of negotiations, a series of unforeseen problems have arisen. For example, it was not foreseen that the transfer of property from the Government to the tribe might be subject to a variety of taxes, such as the documentary stamp tax.

According to early determinations, this tax—on stocks and certificates of a corporation and real estate—could possibly result in an additional $30,000 to $80,000 cost to the tribe, depending on the form of the new corporation organized to handle tribal assets.

With the wide variety of complex problems developing out of Federal control, many of which are expensive, the members of the tribe are hard put to find money to meet all their expenses.

We recognize, of course, that the economic stability of the members of the tribe is essential to integration—without Federal control—into our economic structure. The imposition of such high costs as the documentary taxes could adversely offset their stability.

I believe, therefore, that exemption from this substantial amount of taxation would not only be in the best interests of the tribe itself, but of the State and of the country.

I ask unanimous consent to have a copy of the bill, as well as a supplementary statement prepared by the representatives of the tribe, printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 3273) to provide that documentary stamp taxes shall not be applicable to transactions involved in termination of Menominee Tribe from Federal jurisdiction, introduced by Mr. WILEY (for himself and Mr. PROXMIRE), was received, read twice by its title, referred

to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction," approved June 17, 1954, as amended by the Act of July 2, 1958 (72 Stat. 290), is further amended as follows:

"SEC. 9. No distribution, conveyance, issuance, or transfer of title to assets, land, or securities pursuant to the plan adopted by the tribe and approved by the Secretary under the provisions of this Act shall be subject to any Federal or State transfer, issuance, or income tax: *Provided,* That so much of any cash distribution made hereunder as consists of a share of any interest earned on funds deposited in the Treasury of the United States pursuant to the Supplemental Appropriation Act, 1952 (65 Stat. 736, 754), shall not by virtue of this Act be exempt from individual income tax in the hands of the recipients for the year in which paid. Following any distribution, conveyance, transfer, or issuance of assets made under the provisions of this Act, such assets and any income derived therefrom in the hands of any individual, or any corporation or organization as provided in section 8 of this Act, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that any valuation for purposes of Federal income tax on gains or losses shall take as the basis of the particular taxpayer the value of the property on the date title is transferred by the United States pursuant to section 8 of this Act."

The statement presented by Mr. WILEY is as follows:

STATEMENT IN SUPPORT OF AMENDMENT TO PROVIDE STAMP TAX IMMUNITY

Under the termination plan submitted to the Secretary of the Interior by the Menominee Indian Tribe, a conveyance of the Menominee Forest lands will be made by the Secretary to a corporation formed by the tribe (Menominee Enterprises, Inc.) for the purpose of operating the tribal forest and mills for the benefit of the tribal members. The corporation will then issue 327,000 shares of $1 par value stock to the tribal coordinating and negotiating committee, which, in turn, will transfer the stock to certain voting trustees. The voting trustees will issue voting trust certificates to the individual members of the tribe. In addition, the termination plan contemplates issuance by Menominee Enterprises, Inc., of $9,810,000 face value, 4-percent income bonds directly to the tribal members. The securities mentioned will be delivered to tribal members as listed on the final roll of the tribe approved December 12, 1958, under section 3 of Public Law 399, 83d Congress.

The termination plan thus submitted was prepared by the tribe for approval of the Secretary pursuant to section 7 of the act of June 17, 1954 (68 Stat. 250), as amended by Public Law 718, 84th Congress (70 Stat. 549), and Public Law 85-488 (72 Stat. 290), which provides:

"The tribe shall * * * formulate and submit to the Secretary a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States * * * and for all other matters involved in the withdrawal of Federal supervision."

With regard to taxes, the act specifically provides:

"SEC. 9. No distributions of the assets made under the provisions of this Act shall be subject to any Federal or State income tax; *Provided,* That so much of any cash distribution made hereunder as consists of a share in any interest earned on funds deposited in the Treasury of the United States pursuant to the Supplemental Appropriations Act, 1952 (65 Stat. 736, 754), shall not by virtue of this Act be exempt from individual income tax in the hands of the recipients for the year in which paid. Following any distribution of assets made under the provisions of this Act, such assets and any income derived therefrom in the hands of any individual, or any corporation or organization as provided in section 8 of this Act, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that any valuation for purposes of Federal income tax on gains or losses shall take as a basis of the particular taxpayer the value of the property on the date title is transferred by the United States pursuant to section 8 of this Act."

Chapter 34 of the Internal Revenue Code of 1954, sections 4301 through 4384, imposes certain documentary stamp taxes on the issuance and transfer of capital stock and certificates of indebtedness by a corporation, sales or transfers of capital stock and certificates of indebtedness of a corporation, and conveyance of real estate.

These specific taxes involve from $30,000 to $80,000 of cost to the tribe, depending of course on the final form the new corporation is organized. This phase of taxation was overlooked in the original termination legislation. At the time termination was considered by the Congress, it was not known what form of organization was to be created, therefore, it appears the tribe in its infant stage may be amenable to such described taxes.

It is to the best interest of the Government and the Menominee Indians, as well as the State of Wisconsin, that tax relief contained in this bill will give the new tribal organization some assurance of success, since the immediate termination impact will greatly affect tribal and economic stability.

AUTHORIZATION TO PRINT UPDATED INTERNAL SECURITY MANUAL AS A SENATE DOCUMENT

Mr. WILEY. Mr. President, I submit, for appropriate reference, a concurrent resolution to authorize printing of an up-dated version of the Internal Security Manual.

As my colleagues will recall, I sponsored, in 1953, the publication of an original manual. Revised in 1955, it has proved an extremely valuable compendium of Federal statutes, Executive orders, and congressional resolutions relating to the internal security of the United States. Over the years, it has been utilized by Government agencies, business firms, attorneys, teachers, writers, and many others concerned with the problems of internal security.

We recognize, of course, that internal, as well as external, security continues to be a major challenge.

The oft-quoted adage "the price of liberty is eternal vigilance" is as meaningful, if not more so, in 1960 as it was at any other time in our history.

On the domestic front, communism, the deadly enemy of freedom, attempts to carry on clandestine activities behind many masks, including seemingly harmless and sometimes meritorious organizations, drives, and other movements. Not exclusively a military effort of "kill off" freedom, the antifreedom activities include such fields as industry, agriculture, atomic energy, educational and cultural activities, and other areas to undermine our progress, spread the cancerous Communist ideology, and generally weaken our free way of life.

To counter these activities, we have a system of laws, regulations, and Federal orders to prevent such actions, and, if discovered, punish the perpetrators.

The Internal Security Manual, a compendium of these statutes, has proved to be helpful to individuals and agencies working in this field.

Recognizing the value of the previous editions of the manual, I requested the American Law Division of the Library of Congress to revise this handy, useful booklet. Through the cooperative, constructive efforts of the Library, the revision is now complete.

At this time, I should like particularly to commend Mrs. Mollie Z. Margolin, attorney adviser of the American Law Division, for her splendid work in expeditiously carrying out the long, complex, and exacting task of updating the manual.

The availability of this fine publication, for which there is constant demand, even though previous printings have long been exhausted, for internal security purposes, would, I believe, serve the overall public interest.

Consequently, I am urging approval of the concurrent resolution authorizing the publication of 5,000 copies of the manual.

I request unanimous consent to have the concurrent resolution printed in the RECORD.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 96) was received and referred to the Committee on Rules and Administration; and, under the rule, the concurrent resolution was ordered to be printed in the RECORD, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document a revised edition of the Internal Security Manual; and that five thousand additional copies be printed for the use of the Committee on the Judiciary.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954, AS AMENDED—AMENDMENT

Mr. FULBRIGHT. Mr. President, I have had correspondence with the Department of Defense regarding black market currency operations of U.S. military personnel stationed in Turkey. Members of the Committee on Foreign Relations have had an opportunity to discuss this matter informally with General Norstad, the Commander in Chief of U.S. forces in Europe.

I shall say no more about the Turkish matter now except to say that what I have learned so far points to a very important problem in our foreign representation. U.S. personnel, civilian and military, are serving all over the world. When they conduct improper currency

transactions or improperly sell personal property in such a way as to violate local law or U.S. Government regulations, our country is placed in disrepute.

The Committee on Foreign Relations will be going into this subject soon in connection with the mutual security legislation. For the convenience of the committee I submit an amendment to S. 3058, the administration's proposed Mutual Security Act of 1960, dealing with the subjects of disposal of personal property and of black market currency transactions abroad.

My amendment will provide a remedy, I think, for one cause of black market currency dealings. U.S. Government employees are supposed to exchange the dollars which they receive for salary and allowances at Government disbursing offices abroad. This procedure for acquiring local currency which they need to pay their local expenses is required so that their dollars will be exchanged at the legal rate of exchange instead of some black market rate inside or outside of the country. Experience has shown that in some countries the procedures which I have mentioned either are difficult to enforce or they have not been adequately enforced. One solution is to require some portion of salaries and allowances to be paid in local currency, thus reducing the potential for speculation.

My amendment would give the Ambassador authority, when he determines that the achievement of U.S. foreign policy objectives in a country requires it, to issue regulations of uniform applicability to all Government employees regarding their disposal of personal property and regarding the extent to which their pay and allowances received in that country must be paid in local currency.

Mr. President, I ask unanimous consent that this amendment may be printed in the RECORD, and appropriately referred.

The PRESIDING OFFICER. The amendment will be received and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Foreign Relations, as follows:

On page 8, after line 2, insert the following:

"(d) Amend section 523, which relates to coordination with foreign policy, by adding the following new subsection:

"'(d) Whenever the Chief of the United States diplomatic mission in a country determines that the achievement of United States foreign policy objectives there requires it, he may issue regulations of uniform applicability to all officers and employees of the United States Government and of contractors with the United States Government governing the extent to which their pay and allowances received in that country shall be paid in local currency. Notwithstanding any other law, United States Government agencies are authorized and directed to comply with such regulations.'"

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS—AMENDMENT

Mr. ERVIN submitted an amendment, intended to be proposed by him, to the amendment proposed by Mr. JAVITS and Mr. CLARK to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, which was ordered to lie on the table and to be printed.

CIVIL ACTIONS FOR REVIEW OF ADMINISTRATIVE DETERMINATIONS AS TO USE OF CERTAIN LANDS FOR GRAZING PURPOSES—ADDITIONAL COSPONSORS OF BILL

Mr. CHURCH. Mr. President, I ask unanimous consent that the names of Senators BIBLE, CANNON, MOSS, BENNETT, MURRAY, MANSFIELD, ENGLE, and ALLOTT may be added as additional cosponsors of the bill (S. 3174) to authorize civil actions for the review of administrative determinations as to the use of lands of the United States for grazing purposes to be instituted in judicial districts in which such lands are situated, and for other purposes, introduced by me, on behalf of myself and my colleague, the senior Senator from Idaho [Mr. DWORSHAK], on March 10, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Invocation; article by Sol Padlibsky, published in the Charleston (W. Va.) Daily Mail of March 21, 1960; and address by Senator RANDOLPH, at the Israel 12th anniversary dinner, sponsored by the Charleston Committee for State of Israel Bonds, on March 20, 1960, in Charleston, W. Va.

SENATORS DESIGNATED TO SERVE ON COMMITTEE ON PEACEFUL USES OF OUTER SPACE

Mr. DIRKSEN. Mr. President, I was notified recently that there was contemplated the creation of a Committee on the Peaceful Uses of Outer Space. That committee is sponsored by the United Nations. Two Senators were to be designated, one from each side, to serve on that committee. It was my pleasure to suggest, for that purpose, Senator MARGARET CHASE SMITH, of Maine, and the majority leader suggested Senator THOMAS J. DODD, of Connecticut.

I wish to say, in connection with this proposal, which has been submitted to the State Department by the Vice President, that I am intensely proud of the fact that Senator SMITH, of Maine, was willing to assume this responsibility. She presently serves on the Aeronautical and Space Sciences Committee, and she has been for a long time a member of the Armed Services Committee of the Senate. She has indeed rendered yeoman service in this field, and has done it courageously.

In her capacity on this special committee, she will serve as a sort of adviser, and I am confident she will render excellent service. So I am proud indeed that she will accept this preferment, and I am glad I had the opportunity to suggest her name.

DEATH OF BISHOP CARROLL OF THE DIOCESE OF ALTOONA AND JOHNSTOWN, PA.

Mr. CLARK. Mr. President, Pennsylvania and, indeed, the Nation, have lost a distinguished spiritual leader with the death of Bishop Carroll of the diocese of Altoona and Johnstown. A member of a family which has given the church three extraordinary leaders, Bishop Carroll, like his brothers, brought to his work a combination of humanitarian warmth and dedicated vigor.

As assistant general secretary and then general secretary of the National Catholic Welfare Conference, he became the friend of many Members of Congress and executive branch leaders, and was an important contributor to national progress in fields like immigration, education, and family life. His remarkable record of accomplishment in Altoona—adding a dozen new parishes to the diocese and many new schools and directing the restoration of the cathedral, in only a little over a year—indicates the zeal with which he customarily worked.

Bishop Carroll's absence will be grievously felt, and he will be mourned both by churchmen and the laiety to whom he gave so much devotion throughout his career of service.

LENDING CAPACITY OF BANKS AND TREASURY BILL RATE

Mr. CLARK. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD two articles, one from the Wall Street Journal of March 21, 1960, entitled "Lending Capacity of Banks Raised Sharply in Week," and, second, an article from the New York Times of March 22, 1960, entitled "Bill Rate Takes Third Hard Fall."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 21, 1960]

LENDING CAPACITY OF BANKS RAISED SHARPLY IN WEEK—RESERVE SYSTEM'S INCREASE OF $254.6 MILLION IN TREASURY BILL PURCHASES CITED—LOANS ROSE $345 MILLION

NEW YORK.—The Federal Reserve System sharply expanded the lending capacity of the Nation's banks in the week ended Wednesday, according to figures released by the New York Federal Reserve Bank.

A chief factor in boosting the banks' reserves—which govern their lending ability—was a big, $254.6 million increase Wednesday in the Federal Reserve System's holdings of U.S. Treasury bills.

Federal Reserve purchases of Government securities, usually Treasury bills, tend to pump up bank reserves because the System pays the sellers by check which they deposit in their bank accounts. As a result, the banks on Wednesday were under less pressure than at the end of any weekly reporting period in the past 13 months.

The New York Federal Reserve Bank also reported business loans at New York City banks in the week ended Wednesday rose $345 million—evidently spurred by borrowings to meet March 15 income tax payments.

The sharp improvement in the banks' reserve positions likely aided banks in meeting the increased loan demand during the week, observers noted.

The $345 million increase in business loans at the 15 largest New York City banks compared with a drop of $30 million the previous week and a rise of about $177 million in the comparable 1959 week.

The big increase in business loans in the statement week raised the total of such borrowings on the books of the New York banks to $10,714 million—a rise of $84 million so far this year. It was the first week so far this year that total business loans have topped the loan level at the start of the year. In the comparable 1959 period, business borrowings were still $175 million below the total at the begining of the year.

Stepped-up borrowings by metal and metal products companies, public utilities and transportation concerns and tobacco companies accounted largely for the business loan rise in the week ended Wednesday.

In the two statement weeks prior to the March 15 tax payment date, New York business loans showed a net rise of $315 million, slightly more than the $276 million increase in the comparable 2 weeks of last year.

Borrowings by nonbank financial institutions, such as commercial and sales finance companies, also rose sharply in the week ended Wednesday at New York City banks, climbing $182 million, compared with a drop of $156 million the previous week. Borrowings by these companies totaled $1,859 million on Wednesday, about $21 million under the level at the start of this year. Comparable 1959 figures are not available due to a change in Federal Reserve reporting methods last July 1.

The lending capacity of the Nation's commercial banks is governed by their reserves—a specified portion of deposits which they must keep in cash at Federal Reserve banks plus a part of the cash in their own vaults. On a given day, some banks may have reserves which exceed their legal requirements while others may have to borrow from Federal Reserve banks to meet requirements.

When total borrowings are greater than total excess reserves—as has been the case for more than a year—it means the banking system as a whole has gone into debt to the Federal Reserve to make some loans.

On Wednesday, net borrowed reserves—borrowings less excess reserves—plunged to only $11 million from $623 million the previous Wednesday, revised from the $612 million previously announced. It was the lowest level for net borrowed reserves since February 18, 1959, when the Nation's banking system had net free reserves of $3 million.

Accounting for the substantial easing on reserves Wednesday to Wednesday was the increase in Federal Reserve holdings of Treasury bills as well as a rise of $360 million in the "float"—checks delayed in collection for which member banks automatically receive Federal Reserve credit.

On an average day in the week ended Wednesday, net borrowed reserves rose slightly to $240 million from $230 million on an average day the previous week, revised from the $219 million previously reported. This was still well under the level of net borrowed reserves that has prevailed in recent months. During January and February, for example, average net borrowed reserves generally ranged from $300 million to more than $500 million.

A tightening factor on bank reserves on an average day during the week was a drop of $180 million in the "float" from the previous week. But this was largely offset by an increase of $174 million in Federal Reserve holdings of Government securities.

Uncle Sam's gold stock, which has declined $47 million so far this year through sales to foreign government buyers, held unchanged in the week ended Wednesday at $19,409 million, Federal Reserve figures showed.

[From the New York Times, Mar. 22, 1960]

BILL RATE TAKES THIRD HARD FALL—91-DAY AVERAGE IS 3.033 PERCENT—182-DAY LEVEL 3.176 PERCENT, THE LOWEST IN A YEAR—CEILING SEEN REMAINING—SENATOR PREDICTS REPEAL WILL NOT WIN, IN VIEW OF RECENT INTEREST DIPS

WASHINGTON, March 21.—The Treasury bill rate took another dive this week, the Treasury reported tonight.

It was the third straight week of large declines, and brought the 91-day bill rate to within a hair's breadth of 3 percent; 3 weeks ago it was about 4¼ percent.

The average discount rate on $1,200 million of 91-day bills auctioned today fell to 3.033 percent, compared with 3.451 percent last week. This week's rate was the lowest since last May 25, when it was 2.878 percent.

The average discount rate on $400 million of 182-day bills was 3.176 percent, compared with 3.619 percent last week. This week's rate was the lowest in almost exactly a year. The bills of March 24 last year sold at a discount rate of 3.093 percent.

CUT IN SUPPLY NOTED

Money market sources said one factor contributing to the sharp decline in bill rates may be the impending reduction in the supply of bills by $4 billion tomorrow, when that amount of tax anticipation bills matures. Some will be turned in for cash, which will in turn probably be invested in outstanding bills.

However, the decline in bill rates has been so great that purely technical factors such as this could not account for all of it. One possibility is that the decline reflects an increase in funds available for investing stemming from a switch of Federal Reserve policy toward less restraint.

Weekly banking figures for the last 2 weeks have shown a condition of less restraint. This could be temporary, but there is some reason to believe that the Federal Reserve has decided to ease the pressure for a while.

Today, in the Senate, Senator PAUL H. DOUGLAS, Democrat, of Illinois, said the recent reduction of interest rates, on long-term as well as short-term securities, meant that the request of the administration for repeal of the interest rate ceiling on long-term bonds will not be granted.

BIG SAVING CLAIMED

Senator DOUGLAS said the resistance of Democrats in Congress to the proposal had meant and would mean a saving of hundreds of millions of dollars in future interest payments by the Treasury.

The Senator said he took great pleasure in the decline in interest rates, but experienced great pain at the killing made by investors from the concurrent rise in bond prices.

Today's tenders for 9-day bills totaled $1,953,990,000, of which $1,200,163,000 was accepted, including $304,205,000 accepted on a noncompetitive basis. The high bid was 99.241 for a discount rate of 3.003 percent, the low was 99.220 for a discount rate of 3.086 percent and the average was 99.233 for a discount rate of 3.033 percent. The average discount rate was equivalent to a yield to investors of 3.10 percent on the basis of a 365-day year. Of the amount bid for at the low price, 65 percent was accepted. In the New York Federal Reserve district, tenders totaled $1,366,580,000, of which $712,637,000 was accepted.

Tenders for the 182-day bills totaled $719,089,000, of which $400,075,000 was accepted, including $63,553,000 accepted on a noncompetitive basis. The high bid was 98.418 for a discount rate of 3.129 percent, the low was 98.352 for a discount rate of 3.260 percent and the average was 98.395 for a discount rate of 3.176 percent. The average discount rate was the equivalent of a yield to investors of 3.27 percent on the basis of a 365-day year. Of the amount bid for at the low price, 7 percent was accepted. In the New York Federal Reserve district, tenders totaled $549,152,000, of which $259,688,000 was accepted.

Mr. CLARK. Mr. President, these two articles deal again with the problem of easing the money rate, and the appearance of an increasing lack of necessity to remove the 4¼-percent interest ceiling. One of the questions raised is whether the Federal Reserve Board has really changed its policy and is now prepared to promote an easing in the money market which would carry with it a decrease in interest rates.

While all of this has been going on, the yields on Government securities have been shrinking, and we are getting closer and closer to a situation where there can be really no sensible excuse for the Treasury Department's not attempting to float an issue of long-term Government bonds. In fact, I understand that on the 30th of this month an announcement will be made as to how $2 billion of the outstanding debt will be refinanced. I hope very much that the Treasury Department and the Federal Reserve Board will get together to decide to issue long-term bonds which, under current yields, could be done easily now under the terms and conditions outlined by the Under Secretary of the Treasury. In particular, I hope the Federal Reserve Board will come out of the smoke-filled room and let the American people know whether it intends to carry forward the tight-money, high-interest-rate policy, or, as the indications seem to be, it is going to ease it, which certainly should have happened a long time ago.

Mr. President, I desire to speak on another subject.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

RESEARCH IN MARINE SCIENCES—ADDRESS BY SENATOR MAGNUSON

Mr. CLARK. Mr. President, on February 17, at the invitation of the Franklin Institute, which maintains research laboratories and a remarkable museum of science and industry in Philadelphia, my distinguished colleague, the Senator from Washington [Mr. MAGNUSON], was honor guest at a reception and dinner and delivered the institute's annual Philip C. Staples lecture.

The Senator from Washington spoke on "Research in the Marine Sciences," a topic suggested by the institute, which has evinced marked interest in S. 2692, introduced by the Senator, which would establish a comprehensive 10-year program of oceanographic research and surveys.

I, my distinguished colleague from Pennsylvania [Mr. SCOTT], the New Jersey Senators, and nine other Members of the Senate are cosponsors of this proposed legislation, designed to meet a pressing scientific need which has been aggravated by the massive efforts which Soviet Russia and several other nations are undertaking in this field.

The Franklin Institute, I may add, was founded in 1824 as a memorial to the great statesman and scientist who, among his many other notable achievements, pioneered the science of oceanography in America. Benjamin Franklin directed the first detailed study of the Gulf Stream, advanced theories on the causes and movements of our violent coastal storms which have proven remarkably sound, and extended his marine studies even to the farming of oysters.

Mr. President, the Franklin Institute is to be commended for its interest in oceanography, and for selecting as its 1960 Philip C. Staples lecture my colleague from the State of Washington who has given so much of his time and thought to the expansion of our Government's activities in marine research and in support of the aquatic sciences.

I ask unanimous consent that the remarks of the Senator from Washington before the Franklin Institute of the State of Pennsylvania on February 17 be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

RESEARCH IN THE MARINE SCIENCES

(By Senator WARREN G. MAGNUSON before the Franklin Institute, Philadelphia, February 17, 1960)

President LePage, members of the Franklin Institute and their guests, ladies and gentlemen, it is an honor and a privilege to be with you tonight and to meet so many distinguished scientists, science students and patrons of the sciences.

I must confess that I accepted your kind invitation with some trepidation. Talks I have made from time to time during my public career have been called many things, but this is the first time they have been billed as a lecture. Tomorrow, when my colleagues in the Senate ask what I did tonight, and I tell them I was in Philadelphia delivering a science lecture, they will say: "Come again. Surely you can give us a more likely story than that."

It would indeed be presumptuous of me to discuss the scientific aspects of oceanography. I am sure that most of you in this audience know far more marine science than I do. So I shall talk about the role of the Federal Government in this field—what it is doing in marine research, what many of us in the U.S. Senate think it should be doing, why we think the way we do, and what we are proposing Congress do to assure expansion of the marine sciences.

First, let us consider what business the Government may have in the field of scientific research, particularly basic scientific research. All of us agree that maximum scientific achievement requires great scientific freedom and a minimum of Government direction and control.

I recall that the question of Government involvement in basic research was raised when, in 1937, I introduced the bill to establish a National Cancer Institute, the first legislation of this kind to be enacted by the Federal Government. Today we have seven National Institutes of Health, all doing splendid work in medical research. The question of Government participation in research designed to alleviate the afflictions that beset mankind appears to have been resolved.

The question again was raised when, in 1945, I introduced the first bill to create a National Science Foundation. This bill authorized and directed the Foundation to encourage and support basic research and education in the sciences. The Government had never entered the field of basic research before. Dr. Vannevar Bush worked with me on this legislation and assisted in its drafting. It required 5 years to convince Congress and the administration that we needed a National Science Foundation, but we finally succeeded. Today, although the agency certainly has proved its value and is being continually expanded, there are some people who question the Government's support of basic research.

Research that has immediate and demonstrable application appears easier to advocate successfully than does research that promises general gains at some undetermined time in the future. Yet we know there must be a foundation of basic scientific knowledge before we can anticipate effective application.

Why must the Federal Government invest in science?

One reason is that we are living in a scientific age. Our security, health, welfare, economy—perhaps our very survival as a free nation—depends on keeping abreast in science with the other great powers.

A second reason is that national benefits accrue from expanded scientific research far outweighing the costs, and where there is a national benefit I feel there is a national duty to support such research.

A third reason is that scientific research in many fields is today too costly for most private or State institutions and laboratories to undertake to the extent the demands and tensions of these times require without the assistance of the Federal Government.

Government grants to these laboratories and institutions assure that the required research will be done where effective results can best be accomplished.

That is the theory behind the National Science Foundation Act of 1950, and it is the basic theory of the proposed Marine Sciences and Research Act.

For many years basic research in the marine sciences was conducted in the United States in institutions privately endowed or as an activity of State universities and colleges.

The scientists in these institutions did a magnificent job. They are still doing a magnificent job although their funds and facilities have become increasingly strained as the job has grown to an enormity undreamed a few years back.

Interest of the Federal Government in the oceans was limited almost exclusively to studies that would safeguard and improve surface navigation. To this end Congress in 1807 established a Coast and Geodetic Survey, restricting its marine jurisdiction to the edge of the Continental Shelf. That provision remains unchanged today. I have legislation pending to remove this archaic structure and permit the Coast and Geodetic Survey to probe the deep and open seas. We certainly should make maximum use of all the ships and skilled manpower we have.

From 1843 until his death in 1867, the Coast and Geodetic Survey was headed by Dr. Alexander Dallas Bache, a great grandson of Benjamin Franklin, for whom your institute is named. Dr. Bache, I am told, also for many years directed the research activities of this institute. He had a profound interest in the oceans as did his great grandfather.

The U.S. Navy, to meet its own particular needs, in 1930 set up a Hydrographic Office to conduct surveys desired by that Department. This Office has made valuable contributions to the Navy in the area in which it operates.

World War II demonstrated that surveys are not enough, that all marine sciences are important to naval operations, offensive or defensive, and that they are particularly vital to submarine operation, antisubmarine warfare, mine warfare, and amphibious warfare.

Modern naval warfare, so much of it conducted beneath the surface of the oceans, requires broad knowledge of bottom topography, sound velocities, subsurface temperatures and currents, biological activity, nuclear components, ambient noise, and ocean sediments.

Even now the Navy admits a significant lack of this knowledge in the North Pacific, the Northeast Atlantic, the Pacific Ocean, and many other areas.

The chemistry of the oceans must be known at varying depths and samples taken for nitrates, oxygen, salinities, and phosphates. We should learn much more than we know now about magnetism and gravities in the ocean, about wave motion, and about the mineral treasures of the sea.

Congress, recognizing the increasing role of science in national defense, in 1946 created an Office of Naval Research. ONR was given authority to conduct research and development work both in Government facilities and through contracts with individuals and educational and scientific institutions. The latter grant was based on the premise referred to earlier in my remarks that basic research, as distinguished from applied, could best be done in an academic environment.

ONR also was directed by Congress to promote and encourage initiation, planning, and coordination of naval research, and given authority to make ships available to oceanographic institutions, or to assist in financing operations of the research ships these institutions already had and would make use of in contract programs.

These research contracts were and are from year to year dependent on allocations from the annual naval budget. Demands for naval hardware and fleet operations are such that ONR almost invariably finds itself pushed to the foot of the lineup at the budget table.

Science suffers, all marine sciences suffer, under this procedure. A comprehensive, long-range program of oceanographic research and surveys, approved by Congress and directed by statute, is necessary to correct it.

Ocean research is done from ships. To quote from an official Navy publication only about $11,500,000 was spent in support of ships working on the Navy's research program in the 11 years immediately following ONR's creation, or an average of slightly over $1 million a year.

In fiscal 1959 the Navy increased this amount to approximately $2,500,000 and in fiscal 1960 to about $3,500,000, a total of $17,500,000 in 13 years. This does not buy much ocean research.

I do not have the figures for other agencies but none are doing more work in the marine sciences than the Navy.

Our research fleet consists of old, slow, relatively small vessels inadequate in laboratory space and in accommodations for scientists, operationally inefficient and uneconomic. Average age of the ships is 24 years and the youngest was built 11 years ago.

With the exception of the 298-ton *Atlantis*, built in 1931, all are reconversions—reconverted tugs, trawlers, draggers, and surplus auxiliary naval craft, a motley assortment of marine has-beens ill-suited for their present vital mission.

No replacement of these old ships has been made to date, although Congress last year appropriated funds for two new vessels. Nor has there been any replacement of survey ships in more than a decade although most of these ships have been found "obsolete, overage, inefficient, or a combination of these" by an interdepartmental inspection board. Nor has there been any replacement of fisheries research vessels, although the fleet has been reduced by the withdrawal of several ships from service because they were no longer safe or seaworthy.

Marine scientists tell me we have a 25-year replacement program to accomplish within the next 10 years.

Let us hope that we are given that much time.

Our marine laboratory facilities are, for the most part, equally inadequate, although facilities grants made last year by the National Science Foundation to several institutions for biological laboratories will ease the situation somewhat in those institutions.

Our museums, like the laboratories, lack funds for necessary taxonomic and classification work and are cramped for space. Provision for new ships and laboratories is made in S. 2692, the proposed Marine Sciences and Research Act, and I hope to include in the bill a provision to assist the Smithsonian Institution, and through it other repositories, in housing marine specimens and for taxonomy.

Marine research has lagged, and because it has lagged there has been little incentive for young students in our universities to study and train to become marine scientists. The result is a shortage of oceanographers.

This is bad news when we note what other countries are doing, among them Soviet Russia.

Congress first became fully aware of our lag in oceanographic research at about the same time we discovered we had been lagging in our space program.

The shock of the latter realization, however, perhaps was more dramatic. We can see the moon but we cannot see the bottom of the ocean. For a number of years we had been spending several hundreds of millions of dollars annually—leisurely and all over the lot, so to speak, in the blind assumption that no nation could seriously challenge us in any science field—on various space efforts, and then Russia launched her sputniks.

We have been following about the same pattern in oceanography.

When sputnik was launched many of us wondered why we had been lagging and why there was so little coordination of our space effort. A Special Committee on Space and Aeronautics was created in the Senate for the purpose of bringing about coordination of space activities through appropriate legislation. This committee, of which I was a member, drafted the National Aeronautics and Space Act and established the National Aeronautics and Space Administration.

The special committee has since been replaced in the Senate by a standing Committee on Aeronautical and Space Sciences. Many of us on the first committee serve on the present committee.

We are now appropriating a billion dollars a year for development and research in the space sciences, exclusive of military applications. But, because we were lagging in this field when sputnik was launched, we still lag. Those of us on appropriations committees in Congress are well aware that it is a great deal more expensive to try to catch up with a program than to be on top of the program from the beginning. It will cost billions to do now what could have been done with millions a few years back, but we must catch up.

In my opinion our lag in marine research can be as fatal to our welfare and security as failure to match Russia in space research and development.

When the Committee on Aeronautical and Space Sciences was set up I rather hoped that it would consider the scientific problems of inner space—represented by the oceans and the earth beneath them—as well as those of outer space, and I regret that it has not done so.

It has now become a cliche but the facts are that we know more today about the hind side of the moon than we do about most of the ocean bottom.

I have sometimes, in the absence of Chairman LYNDON JOHNSON, opened sessions of the committee by saying: "The committee on space and depth will please come to order." Mention of depth used to draw a chuckle. It doesn't any more. Our lag in the marine sciences is now a serious, a very serious matter.

We are investing more in space research in a week than we do in ocean research in an entire year.

The oceans cover 72 percent of the earth's surface, an area nine times greater than that of the moon.

They are where life on this planet originated.

They control, in a very large measure, our weather and climate.

They are the last open range for future protein foods.

They are the vast repository for wastes and sediments, organic and inorganic, of a billion years, and hold untold wealth in minerals and fossil fuels.

The major highways of international commerce, they hold the key to the free world alliance. They intervene between ourselves and 57 other nations of the free world.

Trade, commerce, and in large measure the economy of these nations is largely dependent on keeping the oceans open.

In contrast, no ocean separates Soviet Russia from any of her Communist satellites, nor is she dependent on ocean transportation for raw materials.

Despite this fact, Russia today has embarked on an unprecedented research program, the most extensive in world history.

The Soviet oceanographic research effort far surpasses that of the entire free world.

The Soviet oceanographic fleet, in numbers of ships, in tonnage, and in laboratories and accommodations for marine scientists, surpasses that of the free world.

The Russians have built and are building ships solely for marine research; floating scientific laboratories they have been called. One of them, the 5,960-ton *Mikhail Lomonosov*, visited New York City last September. Its mission this spring and summer is to study the Gulf Stream which sweeps along our Atlantic coast. A 5,546-ton research vessel, the *Vityaz*, previously visited San Francisco and Honolulu, after charting our Pacific coast. It is now working in the Indian Ocean where we have no research ships at all and never have had. Soviet ships equipped for aerological, meteorological, and oceanographic research combined have replaced the *Vityaz* in the Pacific.

The *Lomonosov* and the *Vityaz* have accommodations for more scientists than have all of the U.S. research ships, and they are younger than any U.S. research ship. The former is 2 years old. Russia claims three more like it are being built.

Soviet fishing fleets in both the Atlantic and Pacific, in addition to having scientists aboard, have been found to possess "capabilities for other than routine fishing operations," to quote a guarded report in a recent issue of U.S. Naval Institute proceedings.

"Soviet effort in oceanography is massive, of high caliber, and is designed to establish and demonstrate world leadership," Adm. John T. Hayward, Assistant Chief of Naval Operations, has told Congress.

Soviet Russia's top 10 research ships—and this is only a fraction of her oceanographic fleet—displace 52,106 tons. Ocean-going ships of the U.S. research fleet displace a total of 7,260 tons.

The Soviet Government employs 800 professional oceanographers, of whom a majority are on sea duty aboard Russia's floating laboratories. The United States has about 500 oceanographers, of whom only a minority are at sea at any given time. Our entire research fleet has accommodations for only 125 oceanographers and the ships of this fleet are engaged only in part-time ocean operations.

We lag in ships, ship operations, scientific manpower, and in the education and training of marine scientists. To meet Russia's challenge we should, within the next 10 years, double the number of marine biologists, physicists, chemists, and geologists. We can meet Russia's challenge by adopting a constructive, long-range program which would cost us about $60 million annually for the next 10 years, or approximately 6 percent of what we are currently spending for space research exclusive, as I have stated, of military applications.

This is what a number of Senators, of whom I am one, propose in S. 2692, the marine sciences and research bill, which would authorize a sustained, coordinated, 10-year program, a program that would ultimately reimburse the Government far more than its investment in this field of science.

It would not be a crash program such as Russia is undertaking but a consistent, expanding, balanced program in which many agencies of the Government would participate.

Why, one may ask, has Russia embarked on a gigantic crash program? Why should her scientific effort in the field of oceanography be excelled only by her effort to conquer space?

An answer is that Russia seeks to dominate the world and to achieve this goal she must control the oceans. Her entire naval construction program since World War II has been directed to this end. Her oceanographic research program has been directed to this end. Russia's fleet of 500 submarines is the largest any nation has ever possessed, either in peace or war, and 12 times larger than that of Hitler's Germany at the beginning of World War II.

Russia's submarine fleet, like her oceanographic research fleet, surpasses that of the entire free world. Today she is the world's greatest undersea power. In addition to building up her own subsurface fleet, she has supplied enough submarines to Communist China to place that country fourth in submarine strength and significantly she is also supplying Red China with ocean research ships.

Early in my remarks I pointed out that, to quote a U.S. Navy publication, "submarines cannot function properly in strategic areas without adequate knowledge of currents, bottom topography, sound velocities, ocean temperatures, and weather." It was further cited that our own Nation is presently ill-equipped to supply this knowledge because we lack the ships for more than a limited and sporadic program.

Russia has the research ships and marine scientists to provide the knowledge commanders of her submarine fleets seek, and the knowledge also which those who command her surface fleet wish to have, for many marine studies also affect surface operation.

It may not be generally known that Russia also has carried on an extensive construction program of surface warships in recent years. With the exception of aircraft carriers she has built more combatant ships than any nation in the world.

The Soviets since World War II have outbuilt us in submarine tonnage 6 to 1, in destroyer tonnage 9 to 1, and in cruiser tonnage 14 to 1, and I quote Navy figures. They are now slackening their cruiser construction program to build more submarines. We cannot extend the ratios to include research ships because during the postwar period the United States has built none at all.

It is obvious, I think, that the Soviet objective is not only military but political, and in the present political phase Soviet research ships are playing an important role.

Trim, white, 5,000- to 12,000-ton ships of the Russian oceanographic fleet are dropping in on ports, large or small, of the newly established African Republics and welcoming citizens by the thousands aboard. They

have done the same in the islands of the South Pacific, in India and Ceylon, and, shortly before Khrushchev's visit there, in the East Indies. Port cities in South America likewise have not been neglected, and with their advanced equipment the scientists on these research ships can chart the waters for future submarines.

What do we have at stake in this unprecedented activity of an unfriendly nation? What does the free world have at stake?

Russian dominion over the oceans would give her control of 95 percent of the earth's surface and imperil the remaining 5 percent with ballistic missiles fired from submarines hovering along the Continental Shelf.

Control of the oceans would enable the Communist bloc to fragmentize the free world alliance, cut the lifelines to the United States, and block the supply lines from the United States to our oversea allies.

Soviet Russia then would have the power to terminate our assistance, both military and economic, to other countries at the whim of the Kremlin, and to bully and blackmail the nations to which that aid has gone.

If Russia ruled the seas she could, with impunity, shut us off from oversea sources on which we are dependent in some measure for 66 of the 77 strategic raw materials necessary for defense. From such sources now come 95 percent of our tin and chrome, 90 percent of our antimony and cobalt, 80 percent of our asbestos, and 75 percent of the bauxite from which we produce aluminum.

Control of the seas would enable Russia to interdict our commerce and that of other nations trading with us, and it would give her preferential access to the markets of Asia, Africa, Oceania, and South America, where live five-sixths of the peoples of the world.

Someone may say that Soviet Russia could never hope to supply these markets. Perhaps not, but Sino-Soviet bloc trade has doubled in the last decade, and if Russia could enjoy the carrying trade alone she would reap profits from it, as does every other nation but the United States.

Commerce and navigation are closely allied and both are on the threshold of a new age which Russia, through her oceanographic research and construction capabilities, is in a favorable position to exploit.

The great carriers of the future will be nuclear powered and many of them will travel not on the surface, but under the surface of the sea. Many of us will live to see great undersea commercial carriers in addition to naval submarines.

Subsurface carriers will travel faster and more safely, and in many areas of the world will be able to take much shorter routes to their destinations than do surface ships. The sea mileage from Seattle to Oslo, for example, will be 3,000 miles less than it is now when commercial submarines follow the path of the *Nautilus* and *Skate* under the arctic ice.

Ships of the future will pass under storms, not through them. Like an airplane, submersibles will be operating in a continuous medium and absence of wide density variations will do away with gravity waves. Resistance will be much less for fast, deep-diving submarines than it is for surface ships. This will permit more efficient use and conservation of propulsion energy.

Sonar and related systems will enable submarine officers to hear better and in effect to see farther than their counterparts on surface vessels. Cavitation is reduced in undersea operation and some marine scientists dream of a day when it may be eliminated entirely, as nature has done with the dolphin.

Commercial undersea navigation will require all the scientific knowledge and aids that naval undersea craft need today. The Russians are making aggressive efforts to supply this knowledge to their own subsurface mariners. One of their objectives is, of course, year-round navigation of the Northern Sea route.

Russia has another important objective for ocean research, to increase her deep sea fisheries catch. Russians, with their cold climate, have an urgent need for high protein foods, and her meat supply is deficient and probably will remain so. To offset this deficiency Russia has turned to the sea.

Today Russia is operating the largest and most efficient fishing vessels afloat. Some of her huge floating combines, as they are called, will take as many fish in one trawl as our ships will catch in a month. Russia is operating fishing fleets off the Grand Banks of Newfoundland and along the coast of Alaska, and has fisheries also in the Central Pacific, the mid-Atlantic, and along the African coast.

Russia's fisheries research fleet is the finest and largest in history and includes at least one submarine. All of her major fishing vessels carry the latest scientific equipment for locating rich fisheries and scientists to operate this equipment, so these ships supplement her research fleets.

Our own fisheries are dwindling; our fisheries research is degressing, and our fisheries catch is dropping every year. Our research fleet, always small and always limited to coastal waters, has declined in quality and numbers, and the Bureau of Commercial Fisheries cannot even operate all the ships it has because of lack of funds.

What are we doing about the Russian challenge, or complex of challenges, for mastery of the oceans?

A year ago the Committee on Oceanography of the National Academy of Sciences issued a report and recommended a 10-year program of research and surveys, ship construction and engineering, and training and education, designed to approximately double our present oceanographic effort by 1970.

All members of this committee are scientists. All are connected with nongovernmental institutions, and none of them are on Federal payrolls.

All are persons of great scientific stature and eminent in their respective scientific fields.

Separately, but at about the same time, the Navy Department issued a report of the Office of Naval Research projecting a 10-year program for expanded basic research to be undertaken by oceanographic institutions and laboratories under contracts with the Navy. This report, known as the TENOC report, was warmly endorsed by the Chief of Naval Operations, Adm. Arleigh Burke.

Members of the Committee on Interstate and Foreign Commerce studied these reports and were intrigued with them. On June 22, I introduced a Senate resolution endorsing these reports and recommending that the basic recommendations be adopted. All members of the Senate Commerce Committee joined in cosponsoring this resolution, including the junior Senator from Pennsylvania. It was cosponsored also by my colleague, Senator JACKSON of Washington, a member of the Armed Services Committee and the Joint Committee on Atomic Energy. The resolution was reported unanimously to the Senate by the committee on July 13, and on July 15 the Senate adopted it without a single dissenting voice.

This resolution outlined what should be done, but did not provide legislative authorization or direction. For that reason it was necessary to draft a bill which was done with the advice and counsel of oceanography committee representatives.

This bill, cosponsored by myself and 13 other Senators, including both Senators from Pennsylvania, was introduced on the final day of the 1959 session in order to give scientists and educators throughout the Nation an opportunity to study it during the congressional recess and to present their views. As a result the committee has received many fine comments from many scientists.

The Federal agencies to which the bill was sent also for comment have not been equally responsive, and some Government officials, it is reported to me, have taken the view that no legislation is needed at all.

In this connection I will refer to a letter from the Chief of Naval Operations, written to me on June 16, 1959, in which he said in part, and I quote:

"The interest of the Congress in this vital area is timely since legislative assistance will be required if all the recommendations of the Harrison Brown committee are to be implemented for a sustained 10-year effort."

Dr. Brown is chairman of the Committee on Oceanography, previously referred to.

With reference to education and training of aquatic scientists and the Navy's participation in this program Admiral Burke said, and again I quote:

"The expansion of curriculum and enrollment at each of these institutions represents a major capital venture that can quickly become a serious fiscal loss to these research centers if Federal support vacillates from year to year."

S. 2692 would expand the education and training of scientists in these institutions, and would expand research in the oceans and Great Lakes, would provide ships and laboratories for this research and would do these things under a sustained 10-year program.

Even in the absence of a specific bill, I think the interest of Congress in the Committee on Oceanography's report and the Navy's report has been of benefit.

As a member of the Senate Appropriations Committee and chairman of the Subcommittee on Appropriations for Independent Offices, I took part during the last session of Congress in providing funds for the National Science Foundation with which to build the first U.S. ship specifically designed for ocean research in 29 years. It will displace 1,040 tons and have accommodations for 19 scientists.

Although contracts have not yet been let for construction of this vessel, I have proposed that it be named the *Benjamin Franklin* in honor of the scientist and statesman who very properly, in my opinion, has been called the Father of American Oceanography.

Two new small survey ships are proposed in the 1961 budget and two additional naval research vessels of about 1,200 tons displacement. This is hardly keeping pace with the Russian program.

This is a start toward facilitating our ocean research but, I think you will agree, it is a small start. The Committee on Oceanography had recommended construction of four new research ships in fiscal 1960, 11 in 1961, and a total of 70 during the next 10 years. The Navy had recommended that 18 research ships, including 4 large ones of 2,000 to 3,000 tons, be built within the next 10 years to supply universities and institutions engaged in marine research under Navy contracts.

The next 2 years, in my opinion, will tell the story of whether or not we are content to take second place to the Soviet Union in marine research. It is my hope to hold hearings on the pending bill and obtain Senate action on it this session.

The bill, in my opinion, is in the national interest, and the longer this program is delayed the more our national interest is bound to suffer.

BEEF IMPORTS

Mr. SCHOEPPEL. Mr. President, I am concerned with the increasing amount of meat being imported into this

country and its consequent effect on the domestic production of meat.

I am told that the number of beef cattle on feed in the 26 big feeding States at the beginning of this year was up 9 percent over a year ago. The numbers on feed establish a new record.

The number of sheep and lambs on feed on January 1 of this year fell 7 percent from the previous year.

Beef imports, especially during the past 2 years, have become increasingly large; in fact, during 1959 all recent beef import records were broken. The increasing size of these imports poses a serious problem for cattlemen and presents an overall picture which could become serious to agriculture generally.

In the year ended December 31, 1958, the imports of live animals, fresh or frozen beef as well as canned beef and veal, was in excess of $300 million. During this same year we had exports of slightly less than $18 million. For the year ended December 31, 1959, these same imports had jumped to over $321 million while, at the same time, our exports of these same products amounted to slightly less than $29 million. These imports exceeded 1 billion pounds of meat, enough to provide 5½ pounds of meat per person in this country, this is roughly 9 percent of our total meat supply.

Livestock producers and feeders take market declines, caused by a surplus of meat, in their stride. These cycles in their business occur with reasonable regularity and usually soon correct themselves. On the other hand the livestock producers and feeders should not be required to operate in a market that is abnormally flooded by imports, and I say to Senators that 9 percent of our meat supply is an abnormal import. Most all producers as well as feeders operate on moderate or low economic levels.

Under conditions of normal meat supply in the United States the market can absorb some imports without causing serious economic consequences. However, when there is a surplus of meat, as there is today, even a small amount of imports can cause serious economic conditions for the livestock producers as well as the feeders.

The legislature of the State of Kansas in its last session recognized the danger to livestock producers and feeders from the increasing quantities of meat imports by passing House Concurrent Resolution No. 13, urging the Congress as well as the United States Tariff Commission and the Secretary of Agriculture to look into the meat import problem with a view to reducing the amount of the imports and imposing stricter controls on the importation of beef and other red meats from foreign countries, thus providing American producers and feeders with some needed protection and the encouragement necessary for the maintenance and welfare of their industry thereby insuring its future prosperity.

My attention has just been called to the fact that still larger quantities of beef, especially fresh or frozen, appear on the horizon for this calendar year and unless checked will exceed even the imports for last year.

Mr. President, something positive must be done soon to prevent serious damage to this great industry.

ACTION NEEDED AGAINST BUSINESS RACKETEERS

Mr. KEATING. Mr. President, one of the difficult problems of law enforcement is dealing with business racketeers who operate in a fly-by-night fashion, moving into different States whenever the heat is on.

The attorney general of the State of New York, the Honorable Louis J. Lefkowitz, who has done outstanding pioneer work in this field in my State, has proposed the establishment of a national clearinghouse which would serve as the center for an exchange of information concerning these shady and corrupt commercial parasites. Attorney General Lefkowitz has for some time been alerting the public to the dangers from such practices.

At the attorney general's request, I am preparing a bill which would implement his proposal for the establishment of a national clearinghouse. I believe such a measure is essential to a complete overall solution of this problem, as the attorney general of New York has suggested. It would actually, to a large extent, alleviate the criminal practices which are being followed in this field, and which the States now cannot reach. Sooner or later we must cope with this problem at the Federal level. I hope it will be sooner rather than later.

Mr. President, I desire to speak on another subject.

The PRESIDING OFFICER. The Senator from New York.

BIRTHDAY TRIBUTE TO THE INCOMPARABLE BILLY HILL

Mr. KEATING. Mr. President, today marks the 84th birthday of former Representative William H. Hill, of Binghamton, N.Y., revered and respected as "the grand old man" of New York State Republican politics. I take a warm personal pleasure in the opportunity this occasion affords to pay tribute to this splendid gentleman whom so many of us know affectionately as Billy Hill.

Public service has been a lifetime career of Billy Hill, and his dedication to the welfare of his community, his State, and his Nation, stands as an inspiring example for all public servants. When only 21, he embarked on his political career by becoming mayor of his home town of Johnson City, N.Y. Subsequently he served as a member of the New York State Senate, as a Member of Congress, and as a member of the New York State Parks Commission. He has been a delegate to numerous Republican national conventions, and for many years has stood in the forefront of political life in the southern tier of New York State.

In his role as publisher of the Binghamton Sun, Billy Hill has directed his immense energies to the welfare of his community and to the multitude of worthy causes that have commanded his interest.

Mr. President, I am proud to join with the legion of friends and admirers of Billy Hill on this 84th anniversary of his birth to honor this man of heart, of wisdom, and of integrity, and to wish him many more years of health and happiness in this life that he has so greatly enriched for others.

DISTRICT OF COLUMBIA VOTE AMENDMENT

Mr. KEATING. Mr. President, earlier this session the Senate approved a proposed amendment to the Constitution to enable the people of the District of Columbia to vote for national representation. This amendment would rectify one of the most incongruous limitations on the exercise of the right of a franchise in America, namely, the denial of the right to vote to all Americans who happen to reside within the borders of the Nation's Capital.

The plight of the District of Columbia's citizens has aroused considerable interest. In this morning's New York Herald-Tribune, Roscoe Drummond urges action on a District of Columbia vote amendment. In another recent article in the New York Herald-Tribune, Victor Wilson pointed out the irony of denying Americans in the Nation's Capital the right to vote.

This whole subject is discussed very ably in a draft of a proposed report on the District of Columbia vote amendment which was never formally approved because of Senate action on the amendment prior to action by the Committee on the Judiciary.

Mr. President, I ask unanimous consent that the columns by Mr. Drummond and Mr. Wilson, as well as the draft report on the District of Columbia vote amendment, be printed at this point in the RECORD.

There being no objection, the articles and draft report were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 3, 1960]

VOTE FOR DISTRICT OF COLUMBIA RESIDENTS URGED

(By Roscoe Drummond)

Every American has two cities close to his heart—his hometown and the Nation's Capital. If you share this affection, I want to tell you that Washington, D.C., urgently needs your active interest now.

You have a precious right denied to the residents of Washington, D.C.; that is, a constituent's voice which is listened to attentively by your Senators and Congressmen.

Most of the time Congress runs Washington absentmindedly, and in dealing with Congress, a Washingtonian without a vote feels like a man talking over a dead wire to somebody who isn't there.

That is why your voice and your interest in Washington as a city is so vital. Congress will listen to you.

I am not arguing and most Washingtonians do not argue that the right to govern the Capital should be lodged anywhere else than with Congress. This is a Federal city and the Federal Government should have final responsibility.

But the residents of Washington have no one to represent them in Congress. Surely this is taxation without representation. Washington, D.C., can hardly become a State but it ought not to be treated as a colony.

What Washingtonians—who are citizens without voting rights—need and deserve are:

The right to vote for nationally elected officials—President and Vice President of the United States.

The right to elect a Member of the House of Representatives from the District.

A more equitable payment by Congress to the District Government to cover the costly public service and housekeeping duties rendered to the vast nontaxable property. This imposes an unfair tax burden upon local residents. President Eisenhower has made specific recommendations to this session of Congress to correct these inequities.

The extension of voting rights to resident citizens of Washington was pledged by both parties in 1956 and Congress is almost entirely composed of Democrats and Republicans who supported these platforms.

Before these Members of Congress help write another national platform with the same pledges, we have the right to ask them to live up to the commitments already made to the nonvoting citizens of the District of Columbia.

More than half of the land and property in the District of Columbia is not taxable. Either the Federal Government or other tax-exempt institutions own it.

This is why Congress makes a payment to the District so as to bear part of the services for these tax-exempt holdings. But the payment is inadequate. In 1924 the United States paid 40 percent of the District's costs but in 1956 Congress authorized an annual payment of $32 million for 1960, or about 16 percent of the District budget. The House has now cut this figure to $25 million. Though the Senate Appropriations Committee voted to add a million, this still covers only 11 percent of the budget. And so it goes.

And so it will go unless people in all the States of the Union will tell their Senators and Congressmen that they want to make Washington, D.C., democracy's finest capital city.

Surely citizens who serve the Federal Government shouldn't be penalized by being deprived of their voting rights.

If you say so, these inequities will be corrected.

[From the New York Herald Tribune, Mar. 15, 1960]

WASHINGTON AND CIVIL RIGHTS

(By Victor Wilson)

WASHINGTON.—One of the great ironies of the filibuster in the Senate to prevent enactment of civil rights legislation, including voting, for Negroes in the South, is that it took place in voteless Washington.

Whether the civil rights issue wins or loses in the high-vaulted Senate Chamber at the Capitol, Washingtonians will remain without franchise in either local or national affairs.

The result is that the adults among the District of Columbia's 800,000-plus population are watching this contest between two schools of thought with an air of personal detachment.

Of the city's three newspapers, two of them have played the filibuster story as a rather minor local happening, while the third has given it a bit more front-page display. The editors seem to have gaged the interest of their readers rather accurately.

As one Washington resident put it: "We're something like the kid with his nose pasted against the window of the candy shop. All the stuff in the window sure looks good, but it's beyond our purchasing power."

The story of why Washington residents aren't permitted to vote, even in local affairs, is well known. The House's District of Columbia Committee, which, with its Senate counterpart, runs this Capital through a board of three Commissioners, is dominated by southerners. These House Members won't budge toward giving the large Negro population of this city the vote.

An intriguing question is whether Washingtonians would vote, if they were given the chance, in any greater percentage than more fortunate Americans. In the 1956 presidential election, only 60.4 percent of eligible American voters actually cast ballots.

The only clews available on this question came in the 1956 presidential preference primary held here. The right to vote in such primaries was granted to District residents late in 1955, the southerners not particularly objecting to this harmless pastime.

The election board setup had to start from scratch to get a brandnew voting system in working order before the May 1956, preference primary, including the registration of eligible voters.

Despite the rush job handicap, 58,408 Washingtonians took the trouble to visit firehouses and schools to register for voting their choice among presidential candidates.

There was no choice at all on the Republican side, since President Eisenhower was unopposed for renomination. Nevertheless, 26,636 District residents registered for the Republican primary. Another 31,772 enrolled for the Democratic primary.

The voting itself was a revelation.

On primary day that May, 21,670 of the 26,636 Republicans actually cast ballots. Of the 31,772 Democrats enrolled, 23,912 went to the polls.

This was a total of 45,582 votes cast out of a total registration of 58,408. It is doubtful if any other large community in the Nation turned out a higher percentage of registered voters at the polls than did the District of Columbia.

Admittedly the 58,408 registration turnout was a small one from the eligibles among some 800,000 persons. But it also should be recognized that Washingtonians might have gotten out of the habit of such routine, since they hadn't cast a ballot for anything between 1874 and that May day in 1956.

June 1874, was the month they lost their right to vote by congressional fiat. Previously they were ruled by a Presidential-appointed Governor and council, though they could vote for a lower house of 22 delegates, and a nonvoting delegate to Congress.

It should be noted, too, that Congressional parsimony in financing the 1956 presidential preference primary left a sour taste in Washington residents' mouths. Congress voted a meager $40,000 for the new board of elections to build a voting system from the ground up, including registering voters, providing ballots, erecting voting booths, staffing the voting precincts, and paying for ballot checkers and counters.

The upshot was that funds ran out before the ballot count could be completed. The harassed election board then sent out an emergency call for volunteer counters.

To quote the board, "The result was most gratifying." The volunteers, who worked without pay, were sworn in by notaries public, and began the count, working in 4-hour shifts.

Then—11 days after the voting booths closed—the results were finally announced. This delay certainly took some of the glow from the fine voter turnout.

There will be another presidential preference primary here this May, with three Democratic candidates already entered—Senators HUMPHREY, KENNEDY, and MORSE. The election board is quietly hoping that Congress will loosen up just a bit more this time on money.

[From the Washington (D.C.) Sunday Star, Feb. 7, 1960]

WHY THE PEOPLE OF THE DISTRICT SHOULD HAVE THE VOTE

BACKGROUND OF THE REPORT

The Star presents herewith the partial text of the draft of a proposed report from the Senate Judiciary Committee recommending Senate approval of a resolution for a constitutional amendment permitting residents of Washington to vote for President, Vice President, and delegates in the House.

This report was approved by a majority of a subcommittee of the Senate Judiciary Committee, but was not presented to or approved by the full committee. Had it been presented, it is possible that there would have been minority or individual views. In view of the Senate's action Wednesday approving the same resolution as an amendment to another resolution, it is unnecessary that the resolution be considered again at this session by the Judiciary Committee.

On condition that the above explanation be made, Senator KEFAUVER, chairman of the Judiciary Subcommittee which held hearings on the District vote amendment, has agreed to publication of this draft of the favorable report.

The Star presents it herewith as an excellent argument in support of worthwhile voting rights for the people of the District of Columbia. The proposal outlined in this report is now before the House Judiciary Committee.

"Joint resolution proposing an amendment to the Constitution of the United States granting representation in the House of Representatives and in the electoral college to the District of Columbia

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'The people of the District constituting the seat of the Government of the United States shall elect, in such manner and under such regulations as the Congress shall provide by law:

" 'A number of Delegates to the House of Representatives equal to the number of Representatives to which they would be entitled if the District were a State with such powers as the Congress, by law, shall determine; and

" 'A number of electors of President and Vice President equal to the whole number of Senators and Representatives in the Congress to which the District would be entitled if it were a State; such electors shall possess the qualifications required by article II of this Constitution; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and cast their ballots as provided by the twelfth article of amendment.' "

NOT HOME RULE

The committee wishes to stress at the outset that this proposed constitutional amendment is not intended to have and does not have any bearing upon the question of home rule for the District of Columbia. That is a separate and distinct issue. However, it would insure that the citizens of the District would be represented in the Congress, which is the governing body for the District of Columbia.

Of course, it also provides the citizens of the District with a vote in presidential and vice presidential elections, of which they have been deprived since the election of 1800. It is a minor national disgrace that the citizens of the Capital City of the free world should continue to be disenfranchised in the election of their Chief Executive.

Sight is often lost of the fact that the District of Columbia has not always been completely disenfranchised. Citizens of the District voted in the national elections of 1792, 1796, and 1800. They also had a Delegate in Congress for several years during the 1870's.

VOTING RIGHTS HISTORY

Under article 1, section 8, of the Constitution of the United States, Congress was given the power "to exercise exclusive legislation in all cases whatsoever over such District * * * as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States." In 1788 and 1789 Maryland and Virginia made cessions contemplated by the foregoing clause. The District of Columbia was established by acts of Congress approved July 16, 1790, and March 3, 1791, and was officially proclaimed the National Capital after the national elections of 1800.

Under the act of July 16, 1790, which provided that the laws of Maryland and Virginia would govern citizens in those sections of the District which the two States had ceded for the Capital site until formal establishment of the seat of National Government, District citizens were permitted to vote in the national elections of 1792, 1796, and 1800. However, in the absence of a constitutional provision specifically granting District of Columbia residents the privilege of voting in national elections, District residents have not participated in any national election since that of 1800.

By an 1871 act of Congress, which provided Washington with a territorial form of government, the District was given a delegate in the House of Representatives. Three years later a temporary commission form of government was installed, and in 1878 the present commission form of government was established. The 1871 act was superseded by these measures, and the District of Columbia lost the small measure of national representation which it had briefly enjoyed. The District has not subsequently been represented in Congress.

HISTORICAL ACCIDENT

In discussing constitutional provisions which would give the Federal Government, in the person of Congress, "the indispensable necessity of complete authority at the seat of the Government," James Madison stated in the Federalist No. 43 that the prospective inhabitants of the Federal City "will have their voice in the election of the Government which is to exercise authority over them." But at the time that the constitutional provision establishing the seat of government was written, it was not known where the seat of government would be, who would live there, or what would be the size of the area ceded to the Federal Government for that purpose. Under the circumstances, no provision for national representation for residents of the seat of government was included in the Constitution. As the remarks of James Madison suggest, the failure to do so was due to an oversight rather than to any intention on the part of the Founding Fathers to deny such residents the right to vote.

(Various constitutional amendments protect the right of American citizens to vote from abridgement or denial in other respects—on account of race, color, sex, or previous condition of servitude.)

Thus, for more than a century and a half those American citizens who reside in the District of Columbia have been denied the right to vote for their President and Vice President or to be represented in the national legislature simply because the necessary constitutional provisions for the exercise of these basic rights of self-government have not been enacted.

ATTEMPTS TO REMEDY

Some 65 resolutions providing for national representation have been introduced in Congress since the formal establishment of the District of Columbia as the seat of the Federal Government. The proposed constitutional amendments would variously have granted the District representation in one or both Houses of Congress and in the electoral college. There have also been proposals to retrocede the District of Columbia to Maryland and Virginia, the lack of voting representation being one source of such proposals. In 1846, Alexandria citizens passed a resolution complaining of being denied "the rights and privileges enjoyed by our fellow citizens" and requesting retrocession; in the same year and in part because of this dissatisfaction the Virginia portion of the District of Columbia was retroceded by presidential proclamation.

In 1954, a summary of past legislative attempts to provide the District of Columbia with national representation was prepared by the Legislative Reference Service of the Library of Congress, as follows:

"A survey of proposed amendments to the Constitution of the United States introduced in Congress from 1789 to 1954, inclusive, reveals that they have included 65 resolutions providing for national representation in some form for the District of Columbia. National representation in this context means representation for the District of Columbia in one or both Houses of Congress and in the electoral college.

"A constitutional amendment has been considered necessary for the purpose because the Constitution provides that the Members of Congress shall be chosen by the people of the several States, and the District of Columbia is not a State.

"Of these 65 resolutions, the first was introduced in the House of Representatives on November 27, 1877 (H.R. 57, 45th Cong., 1st sess.) by Mr. Corlett of Wyoming. It proposed to grant one Member each in the House of Representatives to the Territories and the District of Columbia. The most recent of these proposals was introduced in the Senate by Senator CASE of South Dakota on March 8, 1954 (S.J. Res. 136, 83d Cong., 2d sess.). It proposes an amendment to the Constitution empowering Congress to grant representation in the House of Representatives and in the electoral college to the District of Columbia.

"Of these 65 resolutions, 20 were introduced during the period 1888–1926, 29 were introduced during the period 1926–47 and 15 have been introduced during the 80th to 83d Congresses, inclusive; 37 of them were introduced in the Senate, and 28 in the House of Representatives. Such resolutions have been introduced in both Houses of every Congress since 1915.

"All of the 65 resolutions were referred to the appropriate committees of the respective Houses, usually to the Committees on the Judiciary which have jurisdiction over proposals to amend the Constitution. Beyond such committee reference, only 19 out of the 65 resolutions were acted upon in some manner. On 10 of the resolutions, committee hearings were held. Three of the resolutions were favorably reported by the full committee. Two of these favorable reports were made to the Senate, in 1922 and 1925 (S. Rept. 507, 67th Congress., 2d sess., and S. Rept. 1515, 69th Cong., 2d sess.). The third favorable report was that made by the Judiciary Committee to the House on the Summers resolution (H.J. Res. 257) on August 5, 1940 (H. Rept. 2828, 76th Cong., 3d sess.).

"Of the 19 resolutions acted upon, 3 were reported adversely by the full committee. Each of the adverse reports was made in the Senate. The two Blair resolutions of 1889 were reported jointly and adversely by the Committee on Privileges and Elections, debated and passed over without vote (CONGRESSIONAL RECORD, 51st Cong., 1st sess., pp. 297, 802). The Capper resolution of 1941 (S.J. Res. 35) was reported unfavorably by the Senate Judiciary Committee on August 4, 1941 (S. Rept. 646, 77th Cong., 1st sess.).

"Apparently only five full committee reports on the subject of national representation for the District of Columbia have been submitted during the last 65 years. Three favorable reports were made, in 1922, 1925, and 1940; two unfavorable reports were received, in 1899 and 1941.

"Apparently no committee report on this subject has been debated on the floor of Congress since the first report on the Blair resolutions of 1899. However, the question of extending national suffrage to the residents of the District of Columbia has been considered on the floor of Congress from time to time. In 1917, for example, the resolution of Mr. Austin of Tennessee (H.J. Res. 73) was debated."

PRESENT LEGISLATION

During the 1st session of the 86th Congress, separate resolutions to amend the Constitution so as to provide the District of Columbia with national representation were introduced by Senators BEALL, of Maryland, CASE, of South Dakota, and KEATING, of New York. The aforementioned Senators subsequently agreed on a single resolution which combined the three earlier versions. The new resolution, Senate Joint Resolution 138, was jointly sponsored by Senators KEATING, CASE, and BEALL.

Hearings on Senate Joint Resolution 138 were held on September 9, 1959, by the Subcommittee on Constitutional Amendments. Testimony delivered before the subcommittee, by Senators and witnesses representing various civic groups, overwhelmingly supported the measure. In addition, a letter from President Eisenhower strongly supporting the Keating-Case-Beall proposal was received by the subcommittee. The subcommittee approved the proposal, recommending that the original wording, which would have granted the District three delegates in the House of Representatives, be amended so as to give the District a number of delegates "equal to the number of Representatives to which they would be entitled if the District were a State."

CONCLUSIONS

In any democratic society, and particularly in one which was created in no small part to rectify the inequity of "taxation without representation," the denial to any group of citizens of a voice in the government which taxes them and can send them to their deaths in the country's defense is both an anomaly and an injustice. Federal cities, modeled after the American Capital, have been established in Argentina, Brazil, and Mexico. But the residents of the capital cities in each of these Latin American countries have full citizenship rights, including national representation, as do the residents of capital cities in every other major republic. In this respect, America lags behind the other democracies.

The Keating-Case-Beall proposal is designed to give citizens of the District of Columbia both a voice in the selection of the national executive and representation in the National Legislature. As has frequently been pointed out, the District of Columbia, with more than 850,000 residents, has a greater population than 12 States—New Hampshire, Vermont, North Dakota, South Dakota, Delaware, Montana, Idaho, Wyoming, Nevada, New Mexico, Alaska, and Hawaii. The District's population in fact exceeds the combined population of Alaska, Nevada, and Wyoming, three States which are represented by nine men in Congress

while the District remains unrepresented. In 1948, the last time District tax contributions were reported separately, the District paid $363,210,489 in Federal taxes, more than the contributions of 25 States. The number of District citizens who have served in the Armed Forces during World War II and after has likewise been greater than that of many States.

The Constitution provides that Congress shall have the exclusive legislative power for the seat of Government, while the President appoints judges and certain administrative officials. The right to vote for presidential electors and for delegates to Congress would provide residents of the District of Columbia with the fundamental right to a voice in their own government which they have for so long been denied.

The District of Columbia not being a State, it can only be provided with national representation through a constitutional amendment. The provision in the Keating-Case-Beall proposal relating to presidential electors was designed to give citizens of the District proportionately equal rights with other citizens in national elections, as is their just due. The District of Columbia being a unique entity and not a State, the problem of providing representation in a national legislature which recognizes the principle of State representation is not so easily resolved. The Keating-Case-Beall provision relating to representation in the national legislature, as amended, would preserve the principle of State representation in the Senate, but would give the District a number of delegates in the House of Representatives proportionate to its population. The wording of this latter provision would enable Congress, once the resolution has been adopted as a constitutional amendment, to confer on the District's delegates powers equivalent to those of other House Members, if it chooses to do so. The proposal under consideration would in no way lessen the control by Congress over the seat of the National Government. It merely insures that citizens of the District of Columbia have an equal voice with citizens of the States in matters relating to their vital interests.

Both the Democratic and Republican Parties, by their 1956 platforms, are committed to national representation for the District of Columbia. And, as previously noted, President Eisenhower has recently indicated his strong support for the Keating-Case-Beall proposal.

REFERENCES IN DEBATE TO ABSENCE OF SENATORS

Mr. DIRKSEN. Mr. President, the very distinguished Senator from Tennessee [Mr. KEFAUVER], in opening his remarks yesterday on the general subject of drugs and drug prices, stated that he had given notice to the Senator from Wisconsin [Mr. WILEY], the Senator from Nebraska [Mr. HRUSKA], the Senator from Maryland [Mr. BUTLER], and myself that he would speak at 1 o'clock on yesterday, and that he hoped we would be present in the Chamber to ask questions, inasmuch as all of us had been critical of the chairman and the subcommittee in the drug hearings, and had not given him notice of our remarks.

First, let me say that last Thursday, through the ticker tape, I learned that the distinguished Senator would issue a 25-page blast, but he chose Tuesday at 1 o'clock instead.

I think the Senator might have known from experience that on every Tuesday the minority leadership is first engaged at the White House Conference in the morning; that on every Tuesday, with few exceptions, there is a minority policy luncheon; and that after the minority leader makes a report to the Senators attending the luncheon there follows an "automatic" press conference, which usually takes care of all the time until 3 o'clock in the afternoon.

So my distinguished friend from Tennessee could not well expect that any minority Members would be present in the Chamber at that time; and certainly the minority leader could not be here.

On January 22 I made a speech on the floor of the Senate and placed in the RECORD a statement which I had prepared earlier in answer to what I regarded as misleading statements and exhibits made by the staff during the hearing in the week of December 7. I purposely withheld placing that statement in the RECORD for a week or so, so that I could make it at the resumption of the drug hearings on January 21, and so that the Senator from Tennessee would have an opportunity to hear it at first hand, and reply to it, which he did.

I made a rather lengthy statement, and in the course of the hearings I stated that substantially that statement, with some amplification, would be presented on the floor of the Senate. That I did. So I felt that everyone was on notice.

I think also I should point out that on February 8 I was not in the Chamber during the discussion of the appropriation for the Senate Antitrust and Monopoly Subcommittee, to which I raised no objection whatsoever at any time, either in the Judiciary Committee or in the Committee on Rules and Administration.

It was at that time that the distinguished chairman placed a written statement in the RECORD which answered my remarks of January 21 and 22. It was apparent that the chairman decided to answer the second time with his speech on March 22.

I point out, in connection with all this discussion, that I feel that Members of the Senate sometimes become a little careless—and I do not quarrel or scold on the point. Only yesterday or the day before my absence from the Chamber was remarked by another Senator, who thought I should have been here to hear his speech.

I can only say that the minority leader, like the majority leader, is beset with a great amount of detail, and it is simply impossible, in the nature of things, to fulfill my responsibilities and be here at the same time.

I believe Members of the Senate should be very careful about remarking on the absence of a Senator. If that is to be the settled practice here, I am afraid it could raise many difficulties. I certainly would not want to be impelled to that course of action, because I know how difficult it is to fulfill my responsibilities, with the callers who come to two different offices, one in the Capitol and one in the Senate Office Building; visitors who call me to the reception room or to the President's Room; and all the other chores that go with such a responsibility. So I am not here to apologize. I know what my duties are. I know what my responsibilities are. I shall never call attention to the fact that a Senator is absent from the Chamber, even though I might feel that he should be present to hear some worldshaking statement I am prepared to make.

I leave that admonition with the Senate, because I think the practice to which I have referred is indeed unfortunate.

Mr. MANSFIELD. Mr. President, I agree with the distinguished minority leader with respect to references being made to Senators who do not happen to be in their seats at a particular time. I think that is the responsibility of the individual Senator; and the fewer references made in that respect, the better off we shall all be.

ORDER FOR RECESS FOR 1 HOUR BEGINNING AT 2 O'CLOCK P.M.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that at the hour of 2 o'clock the Senate may stand in recess for 1 hour in order to attend the presentation and unveiling by the State of Nevada of a statue of the late distinguished Senator Patrick Anthony McCarran.

The PRESIDING OFFICER (Mr. ENGLE in the chair). Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered. At 2 o'clock, the Senate will stand in recess for 1 hour.

THE SECOND GERMAN CRISIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 20 minutes in addition to the minutes allowed under the unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, in recent weeks two serious incidents have taken place in connection with Berlin. They reveal once again, with stark clarity, the potentiality of conflict which is inherent in that situation. The first incident was that of the allied military plan to fly planes above the 10,000-foot level on the airlanes to Berlin. The second involved an attempt of Communist border guards to switch the passes of allied personnel traveling the land routes to Berlin. Had the switch worked, allied personnel would have been compelled to acknowledge the authority of the East German regime in place of the Soviet Union over the approaches from the West. Hence, the Russians would have been in a position to absolve themselves from responsibility for subsequent interference with allied passage to Berlin. This second incident led to a prompt reprisal against the movement of Soviet personnel in Western Germany.

These incidents, each in its own way, represented the placing of the chip on the shoulder. They were the dares of children carried over into the deadly game of devastating military confrontation.

Fortunately, the interaction of reprisal—counterreprisal—came to a halt

before it had gone very far. Fortunately, the chips were removed from the shoulders by those who had placed them there instead of being sent flying at some point by one side or the other. That these incidents did not lead to serious consequences may well have been due solely to the intervention of the highest political authorities, President Eisenhower in one instance and Mr. Khrushchev in the other.

In this fashion is the way to the summit kept open, but—let us not delude ourselves—the way of almost haphazard descent into disaster is not closed. It is avoided for the moment but it is not closed. Nor will it be closed so long as the problems of a divided Berlin, encased as they are in the problems of a divided Germany and the still larger problems of a divided Europe are not faced, so long as they are not faced with policies which fit today's realities rather than with yesterday's generalities.

What are these antiquated generalities on Germany, Mr. President, to which all involved appear still to cling? On the Soviet side, the generalities are these: In some fashion, at some time, all of Germany will become a Communist state if only the Western presence can be removed from Berlin and the two parts of Germany kept sharply separated for the indefinite future.

And the generalities on the part of the Western allies? Our policies hold that at some time, in some fashion, all of Germany will be drawn into the Western camp if only the allied presence remains in Berlin and if we can will out of existence that half of Germany which is held by the Communists until such time as it can become a part of and subject to the political control of a united Germany.

There are certain similarities, Mr. President, in the two positions. In Communist policies, no less than in those of the Western allies, great significance is attached to control of Berlin. Further, both positions tacitly regard the present division of Germany as preferable to the alternative to unity which have so far been proffered. And, apparently, at least the highest political leadership on each side is fully cognizant of the catastrophic consequences of total military conflict in present circumstances and seeks, therefore, to avoid its use in the pursuit of political objectives in Germany.

If these are the generalities, what are the realities? The overriding reality is that there are two German authorities in one Germany and there is no indication whatsoever that either is going to go away in peace. The present division is maintained, on one side, by a German authority with a high degree of public support and popular participation, by the presence of allied forces in Berlin, by the symbol of NATO's protection. It is maintained, on the other side, by a very low degree of public support propped up with totalitarian controls, backed by Soviet armed forces and such guarantees as are contained in the Communist Warsaw pact. In short, the division of Germany into two political entities exists whether it is recognized or not.

In these circumstances, I see no likelihood that the generalities of Soviet policy on Germany lead anywhere but in circles endlessly traveled. Nor do I see—in present circumstances—that Western generalities lead anywhere but in circles endlessly traveled. That has certainly been the experience of the past decade and a half.

In short, Mr. President, as between the Western allies and the Soviet bloc there is stalemate in Germany. There will be no Western retreat in peace. Nor do I see the probability of a Soviet withdrawal in peace. We may be able to maintain the situation without total war—at Berlin no less than in Germany as a whole—if we are prepared to pay the price. The Communists can maintain it, too, and even challenge it at Berlin if they are prepared to pay the price.

The question for us, no less than for them, is not: Can the present situation be maintained? Rather, it is: Do we want to maintain it? Is this situation in the highest interests of the Western nations? Is it, in all truth, in the highest interests of the Soviet people? Is there an alternative which better serves these highest interests on both sides?

The need for an alternative is indicated, I believe, by historic experience. German unification will not wait forever. At some point the Germans themselves will tire of the present disunity which is imposed upon them largely by the ideological differences of the Western nations and the Soviet Union. If the mood of a plague on both your houses sweeps through that country it may well upset the delicate balance upon which the peace of Europe and perhaps of the world is now hinged. For that reason, alone, Mr. President, we must seek, even as the Russians must seek, in a mutual interest in the survival of a recognizable civilization, a way to end the present stalemate. It is too great a risk for mankind—for the Russians no less than the Western nations—to assume an indefinite German acquiescence in the present division.

We need, further, Mr. President, to devise a new situation at Berlin, not for West Berlin alone, as the Russians would have it, but for all Berlin. For, it is at that point that the intimate juxtaposition of opposing military forces creates the gravest danger of careless or accidental sparks which may go beyond the control of those who play with the fire. This point is underscored by the incidents to which I referred at the beginning of my remarks and by others of a similar nature going back to the time of the Berlin blockade. The point of no return has not yet been transgressed in these incidents but let no one assume that, with the hair-triggering of modern military establishments, that point will continue indefinitely to be avoided.

Finally, Mr. President, some way other than stalemate in Germany is essential, if the huge burden of armaments is not to grow beyond the capacities of all peoples to bear. Certainly it is essential if we no less than the Russians mean seriously to lighten this burden. We may well ask ourselves: How much of our annual military budget of $40 or more billions is occasioned by this stalemate? How much of the budgets of the Russians, the British, the French, indeed, the budgets of just about every nation in Europe?

We are correct when we stand firm in the face of a Soviet provocation at Berlin. But standing firm, alone, meets only the immediate provocation. It does not face these other factors in the German situation, the factors which strongly indicate that the present stalemate is not adequate. Standing firm, alone, does not meet the question of the essential need for peaceful progress on German unification. Standing firm, alone, does not meet the question of the danger of accidental war or war by childlike provocation at Berlin. Standing firm, alone, does not meet the question of the interrelationship between a dangerously divided Germany and a dangerously divided Europe—the delicate balance between peace and war. Hence, it does not meet the question—let alone of disarmament—but even of the capacity of the nations involved to bear the burden of armaments, along with all the other burdens of an increasingly complex civilization.

We may believe that we are countering the immediate provocation, but we do not face these essential questions by proposing to hold plebiscites in Western Berlin on the eve of a summit conference, especially plebiscites whose results are a foregone conclusion. In election after election—the most recent in December 1959—the people of Berlin have made clear beyond any doubt that when faced with a choice between freedom and Communist absorption, they will choose overwhelmingly, for freedom, even freedom on the razor's edge. I can see no virtue in a parade of West Berliners to the polls once again to prove what has been proved over and over again, even to the point of Soviet acknowledgment. I can see harm in it, particularly in a world that has had a surfeit of propaganda in recent years. A gesture of that kind may hammer home more firmly the existing stalemate. It does not face the questions which suggest that it is time to end the stalemate.

Nor are these questions faced by Mr. Khrushchev when he seeks to alter the status of West Berlin alone. To be sure the situation in West Berlin may be "abnormal," as the President and Mr. Khrushchev apparently have agreed. But one does not achieve normalcy by compounding the abnormality. If the situation in West Berlin is abnormal now, it would be even more abnormal to substitute for it the situation which Mr. Khrushchev has proposed. For, he would leave as the sole German authority in what will one day be again the capital of all Germany, a militant minority, the German Communist regime of East Germany. He would leave, in this fashion, the symbolic citadel of German unification in the hands of those with the least claim to it. As for the international enclave of freedom, which would remain in West Berlin, it would matter little

whether its safety were guaranteed or not. It would be to the German authority in Berlin, their capital, not to a sleepy international enclave, to which more and more Germans would look for leadership and inspiration.

Nor are the questions faced on our part by a continued advocacy of free all German elections. Communism will not write its death warrant in East Germany in this fashion, not when it is holding the gun. We may call for free elections and, indeed, we should; but let us not delude ourselves into believing that this will bring about unification or in any way act to end the present stalemate. We have called ourselves hoarse on this point for a decade and a half; and so far as anyone can see, the German totalitarian regime in the East has used this time to drive the stakes of possession more firmly into the ground.

Nor are the questions of the stalemate faced by the Russians, Mr. President, when they call for formal recognition of the division of Germany and certification of the division in peace treaties with two Germanys. How many wars need to be fought before it is perceived, at last, that a numerous and determined people once seized with the sense of national unity are not likely to be kept forever apart in peace? Countless forgotten agreements which have presumed to make permanent by paper such cleavages gather dust in the archives of history.

What I am suggesting, Mr. President, is that if there is to be reasonable hope for peace, there must be reasonable hope soon for the reunification of Germany. The absence of such hope may very well convert the rational urge to national unity into the irrational urge for conquest; and, in this connection, it is significant to note that a substantial body of Germans already identify East Germany as middle Germany and look to the lands beyond the Oder-Neisse as the true east. It is not farfetched to assume that the patterns of the past may repeat themselves, in modern garb, in circumstances provided by the continued German cleavage, by the deep divisions in Europe, by a world which hangs continually by fingertips from the sill of incipient disaster.

Mr. AIKEN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. The Senator from Montana is performing a real service in again presenting a suggestion for the settling of the German situation, before we can be certain of the establishment of world peace.

I noticed a statement which the Senator just made to the effect that some Germans already regard East Germany as middle Germany, which gives an implication that the Polish situation is seriously involved. What is the Senator's opinion with regard to the Polish boundary? Would that matter have to be settled simultaneously with the unification of Germany, or how would the Senator deal with that situation?

Mr. MANSFIELD. I can only make assumptions. It appears to me that regardless of events, even if the present two Germanys are unified, there still would be people in the unified Germany who would be looking beyond the Oder-Neisse. However, I believe that so far as the great majority of the people of Germany are concerned, they would be content—to bring about the unification of the two Germanys into a complete whole. If we act in time, it might be possible to bring about a recognition of the situation as it exists, and perhaps the problems of the Oder-Neisse line could be brought to some sort of successful and reasonable conclusion.

Mr. AIKEN. I thank the Senator from Montana for his observation. I am certain that this mattter will be discussed more fully at a later date.

Mr. MANSFIELD. I hope so. I hope it will be discussed fully at the forthcoming meetings which the President of the United States will attend.

It is my understanding that all or most all of the former German inhabitants have been removed from the former German area now held by Poland to the east of the Oder-Neisse, and that that particular area has been settled almost entirely by the Poles. It is my belief, if I may repeat what I have said previously, that the big concern of the two Germanys would be to bring about the greatest possible degree of unification, so that one Germany could, as a result, be brought into being.

I anticipate that into the foreseeable future there will perhaps be Germans among the dispossessed, as well as among others, who will look longingly to the east of the Oder-Neisse. That will be one of the problems to be faced. But I think the first thing to do to reduce the dangers in that would be to face the problem of the two Germanys. When that has been dealt with, the Germans themselves and the Poles might see what they could do about the Oder-Neisse line.

Mr. AIKEN. It is entirely possible that a matter like that might come, some day, before the presently impotent World Court.

Mr. MANSFIELD. That is a possibility.

The pressures of the German situation are little different today from what they were when a year ago their prolonged neglect led to the first German crisis. That they did not erupt then was due to the round of goodwill tours, the visiting back and forth and hither and yon. How much longer these safety valves will operate, it is difficult to say. What can be said with certainty is that it is unsafe to rely indefinitely on safety valves.

Sooner or later the nations involved must come to grips with the realities of the German situation as it is today. It is probable that the longer the moment of reckoning is put off, the smaller will be the margin for peace, a durable peace.

If the pressures in the German situation are the same as they were a year ago, it seems to me that the means with which they may be dealt in peace are similar to those which were indicated then. At that time, as the Senate will recall, I advanced for discussion nine essentials upon which a firm Western policy for peace might conceivably be built. It is among these points, I believe, that we may still find the way to a solution.

As then, so now, the focal point of potential conflict is Berlin, where the military confrontation is most intimate and unstable. As then, so now, the answer to this problem does not lie in propaganda stances or gestures; nor does it lie in the incantation of the words of firmness while the first of the deferred payments of appeasing concession is made for the dubious privilege of maintaining the existing stalemate; nor does it lie in the astute proposal of Mr. Khrushchev to alter the status of West Berlin alone, even if the guarantees which he proffers for that altered status were absolute.

The answer, the answer for peace, it seems to me, lies in a change of status for all Berlin, for East Berlin no less than West Berlin. The answer, it seems to me, lies in agreement which permits this city—this entire city—and its routes of access to be held in trust by the United Nations or some other international body, with neutral forces responsible to its authority, until such time as it is once again the capital of all Germany. Let this new interim status for the entire city be guaranteed by the allied nations, by the Communist nations, by the United Nations. Let the cost of maintaining the city in trust be borne by the two principal German political authorities which have the greatest stake in it—by Bonn and Pankow—in proportions equal to the authority which they claim. Beneath an international authority, let the two German authorities begin the long and difficult task of merging the two parts of what is now one city.

In a setting of that kind, Mr. President, we might contemplate the beginning of the end of the present dangerous juxtaposition of Soviet and Allied forces. We might find as valid the withdrawal of both Soviet and Allied forces from Berlin.

In the microcosm of Berlin, moreover, could be cast the molds of reunification for all of Germany. I think it is clear that that reunification is not going to begin on the basis of free all-German elections in the foreseeable future; nor does the formula offered by the Russians offer any greater hope, for they would formalize the division of Germany into two German nations, with a vague provision for future negotiations between these two nations on the question of unification.

If there is to be a well-founded hope for German reunification in peace, it must be recognized by all that we are dealing with one German nation in which there are two German political entities. I say that, Mr. President, not to play with words, but in an effort to define more precisely the reality which confronts us, for it is only in terms of that reality that we can hope to act for peace in Germany.

To divide Germany into two nations, as the Russians suggest, will not change the fact that there is one Germany. It

may postpone the day when that unity will reassert itself, but it will also increase the violence of the pressure for unification, and may well thrust that pressure from rational into irrational channels.

Similarly to insist upon free all-German elections at this time, as the route to unification, is also to postpone the day of unification, in all probability, with the same consequences. This route, unfortunately, is closed by the inescapable fact that there are two political entities in the one Germany. While one entity might achieve supremacy by this route, the other is not likely to conduct its own burial in peace by this route.

If these are the facts, as I believe them to be, and if it is desirable to break the stalemate now in Germany, as I believe it to be, then it follows that there should be one peace treaty with Germany, with both German political entities sharing responsibility for it. It follows that both, with such assistance and persuasion as can be provided from without, must assume deep responsibilities in the task of unification, because that task will be most difficult; in the lapse of 15 years, there have grown up in the two parts of Germany institutions which will not readily be reconciled, one with the other. It follows, too, that if there cannot be free all-German elections at this time, there must be at least a guaranteed measure of equal political freedom and of equal political participation for all Germans living in each of the two political entities at this time.

Finally, to act for peace, not only in Germany, but in all Europe, and to give substance to the professed universal desire for a lightening of the burden of armaments, there must be recognition on all sides that present military arrangements in Germany, and, indeed, in all Europe, are not sacrosanct. If there is an end to the military confrontation at Berlin, if there is visible progress in peace toward German unification, then there can be, there ought to be, a general easement of the entire European military confrontation and the development of all-European agreements for safeguarding the peace. The Eden, the Rapacki, and similar proposals of the past warrant the most careful consideration in this connection.

Mr. President, what I suggested in February 1959, and what I say today, seems to me to encompass the essential elements of a new Western approach to the problems of Germany and Europe. If one holds that the present stalemate is greatly in our interest, then I suppose there is little point in considering these elements. If one holds, as I hold, that the present stalemate is not in our highest interest, and if we are to have a chance to avoid the pitfalls of both appeasement and conflict in the days, months, and years ahead, then these elements of a new policy, I believe, are worthy of the most careful and continuous consideration.

During the past year, I believe they have received such consideration in this country and elsewhere. It seems to me that Western policy, particularly as manifested at the Geneva Conference of Foreign Ministers, last spring, reflects a movement away from the generalities of yesterday, toward the realities of today. I hope that in the period ahead Western policy will reflect the views of all the allied nations, but the domination of no single nation, and, in so doing, will continue the process of transition to new tenets.

There is no assurance that this transition will bring about the settlement which Europe and the world needs. There is no assurance that a similar and an essential transition will take place in Soviet policies; and that without it, there will be no agreement. But whatever the Soviet reaction, this transition in our own policies needs to continue in the highest Western interests and in the interests of mankind.

We cannot ignore our own responsibilities on the assumption that others will ignore theirs. We cannot, for we shall suffer along with others, for our own neglect. There is no escape. There is no retreat. We must seek a change, and hope that others will do the same. But we must not avoid a change if it is in our interests, regardless of what others may do or may not do. We must seek, in new policies, an agreement which eases, rather than appeases, at Berlin, an agreement which paves a practical way to the peaceful unification of Germany, an agreement which begins to stitch the cleavage between Europe—East and West. Let others obstruct such an agreement if they will; but let us not ignore these needs in our policies, these needs which are the most compelling that confront the people of the Western World—the people of Russia and Eastern Europe no less than those of Western Europe and the United States.

Mr. GORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TALMADGE in the chair.) Does the Senator from Montana yield to the Senator from Tennessee?

Mr. MANSFIELD. I yield.

Mr. GORE. I wish to congratulate the able junior Senator from Montana upon once again delivering on the floor of the U.S. Senate an able, thoughtful, and provocative address. This is characteristic of the periodic addresses of the distinguished Senator.

With respect to the unification of Germany, I understood it to be the view of Chancellor Adenauer that the unification of Germany could be achieved, perhaps, only after substantial progress in disarmament had been achieved. If the Chancellor's view in that regard be correct, then, would not the greatest contribution toward the unification of Germany, toward peace, toward disarmament, toward an easing of political tensions—which I think must precede the other three—arise from a renunciation by the Soviet Union and the leaders of international communism of the tactics of revolution, subversion, and economic penetration, and the threat of military conquest which many of Russia's neighbors fear?

Mr. MANSFIELD. I would say the Senator from Tennessee is correct in stating, as a postulate, that before any agreement could be reached, there would have to be understanding in kind from the other side. Certainly, if there is going to be a peaceful Germany, or a peaceful Europe, or, for that matter, a peaceful world, one of the concomitants must be a promise to be kept on the part of the Soviet Union that it will do away with such actions as trying to carry out various kinds of propaganda, subversion, and other means which have as their purpose the undermining of regularly constituted authority and the strengthening of world communism as a whole.

So I think the Senator is absolutely correct in the postulates which he has raised this afternoon.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. GORE. It may be that the Soviets have a real fear of a unified Germany, particularly a unified and rearmed Germany, and more particularly a unified and rearmed Germany with nuclear armaments. That would be an understandable apprehension.

Does the Senator not think that satisfaction on this potentiality and possibility may be a necessary prerequisite to unification?

Mr. MANSFIELD. That is correct. The Senator may recall that in one of the nine essentials I advanced last year, the eighth to be exact, that the Soviet Union and the western allies would guarantee a unified Germany, emerging from the German discussions, being held at that time, against military pressures from outside surrounding countries, and, these countries from German military pressures as well.

So it occurred to me that one of the fears which the Soviet Union used to have, and may still have, of a rearmed and resurgent Germany, could have been stilled if both the allies of the West and the Soviet Union had guaranteed that Germany would not be allowed to carry on aggressive tactics against her neighbors, and, by the same token, Germany's neighbors would not be allowed to carry out aggressive tactics against her.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes.

Mr. GORE. Just as the junior Senator from Montana and the junior Senator from Tennessee are willing to recognize this possible apprehension or fear on the part of the Soviet Union of a nuclear armed and powerful Germany, and are willing to recognize that satisfaction with respect to this point could and should properly be accorded as a basis of peaceful settlement, would the junior Senator from Montana think that Mr. Khrushchev might contemplate the other side of that coin—the possibility that such a strong and armed West Germany may be the result of intransigence and an unwillingness on his part to reach effective agreements on disarmament and peaceful settlements of the questions involving Europe, and other sensitive areas, into which aggressive Communist action is now being pushed or planned?

Mr. MANSFIELD. I would say to the Senator it is entirely possible.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CASE of South Dakota. I commend the junior Senator from Montana for addressing himself to this problem. I noted with interest his proposals last year, and I note again with interest his proposals at the present time.

If I venture to ask the Senator a question or two or to make some comment on his remarks, it grows out of the fact that I have been in Germany six times, I think it is, since the conclusion of World War II. In 1947 I spent 5 weeks there as chairman of the Subcommittee on Germany and Austria on the so-called Herter committee, which was a special committee of the House of Representatives assigned to study economic postwar conditions in Europe. It was my privilege to write the section of the report of the Herter committee on the German situation.

Mr. MANSFIELD. I recall that very well because we were in the House together at that time.

Mr. CASE of South Dakota. It is because of that background that I feel very deeply the situation calls for a reappraisal, and I commend the Senator for his statement, not necessarily saying I endorse everything which is in it, but commending him for facing facts and proposing a course of action. There was one point in his statement in particular which I want to emphasize. I do it because I hope the country will take note of it. This was his observation that the present stalemate is not in our highest interest.

The Senator said, as appears on page 11 of his statement:

> If one holds that the present stalemate is greatly in our interest, then I suppose there is little point in considering these elements. If one holds, as I hold, that the present stalemate is not in our highest interest, and if we are to have a chance to avoid the pitfalls of both appeasement and conflict in the days, months, and years ahead, then these elements of a new policy, I believe, are worthy of the most careful and continuous consideration.

I could not agree more with any statement than I agree with what the Senator has said: that the present stalemate is not in our highest interest and that we ought to consider and develop steps to end the stalemate. The reactions of the Western Powers to the challenges, to the ultimatums, and to the statements of Mr. Khrushchev to date have inclined to be negative rather than positive, defensive rather than creative. I hope I am not presuming too much in intimating the Senator from Montana would agree with me on that point.

Mr. MANSFIELD. I think the Senator is correct. I will say also that Secretary of State Herter at the Geneva Conference last spring did try to get away from the old generalities and did try to get down to bedrock, to the realities, but did not achieve much in the way of success because of the obduracy of the Soviet representative who, of course, was receiving instructions day by day as to what he should or should not do.

Mr. CASE of South Dakota. Secretary Herter is entitled for credit in endeavoring to get the West off dead center in this matter. It is only natural that the Adenauer government should be well content to let the situation coast along, if the United States will continue to put up the dollars it is today putting up to provide a shield for West Germany.

When I was in Germany this past December I was struck by the fact that the boom in West Germany continues to go forward; that West Germany has a favorable balance of trade at the present time; that West Germany's military expenditures and dedication of personnel to armies is far less, in proportion, than in the United States. A much larger percentage of our gross national product goes into national defense than in West Germany. A much larger percentage of our manpower goes into the Armed Forces than in West Germany.

I was told there are 250,000 Americans in West Germany today, counting both civilian and military, and that they are contributing approximately $750 million to the West German economy. It is easy to understand why West Germany should have a favorable balance of trade. On the one hand, the country does not have, proportionately, the large military expenditures we have in the United States; and, on the other hand, the dollars are available, which come from the presence of many Americans in West Germany, to make it possible for them to show a favorable balance of trade at the very same time the United States finds itself with a deficit of between $3 billion and $4 billion in its trade balances for the last year.

I can understand why the Adenauer government is content to let things coast along, hoping that in some way, with a policy of not dealing with the situation, they may continue to profit from the largesse and benefactions provided by the United States.

I think that is a dangerous situation, both for West Germany and for the rest of the world. That is why I do not think a stalemate is in our interest or, in the long run, in the interest of West Germany itself. It may be that the possibilities of unification are at some time in the future, but they ought to be explored, and, in my judgment, we ought to present some positive alternatives to the suggestions by the Russians.

I should like to ask the Senator if he has contemplated what would happen if Mr. Khrushchev should say that all he really wants to do is to follow the example given by the West when the quadripartite authority over Germany was broken by the Western Allies; when the Allies, in respect to the three western zones of Germany, gave the West Germans a chance to set up the Bonn government. If Mr. Khrushchev should say, "You, after all, withdrew the supervision which you maintained under the quadripartite agreements over West Germany. All we are proposing is that we are going to remove ourselves from East Germany, as you did from West Germany," where then would that leave the West?

Mr. MANSFIELD. I would say that if at any time the Soviet Union wants to conclude a treaty of peace with East Germany there is not a thing we can do about it. I would point out that when we did reach a peace settlement with the Federal Republic of West Germany we did not put Berlin in the same status as the rest of the republic. There were connections, of course, but there were also some subsidiary commitments which are still being honored by the presence of allied troops in the western sector.

So far as the concluding of a treaty of peace with East Germany is concerned, it has been true for many years that at any time the Soviet Union wants to do so there is not one single thing the Western Powers can do to prevent it.

Mr. CASE of South Dakota. The Senator from Montana is suggesting it would be rather a futile thing if we were to say to Mr. Khrushchev, "You have to stay in East Germany, and we will go to war, if necessary, to compel you to stay there."

Mr. MANSFIELD. It would not only be a waste of words, but if we did so it would also be the only place in the world where we want the Russians to stay instead of to get out. In Berlin they said they were withdrawing the troops a year ago, and we were begging them to stay there so that the status quo, the present situation, could be sustained.

Mr. CASE of South Dakota. I recognize that if the Soviet Union wished to withdraw its troops from East Germany at any time they would still not be very far away and could be returned easily. That of course is true but it does not alter the comparison that would be made.

I agree with the Senator from Montana. I do not see that there is anything either in logic or in practical effect that we could do to require the Russian troops to stay in East Germany if Russia decides to withdraw them.

Mr. MANSFIELD. The Senator is absolutely correct. There is not a thing we could do. Any time the Russians want to withdraw their troops from East Berlin or from East Germany, they can do so, and nobody can do a thing about it.

Mr. CASE of South Dakota. The Russians could point to the fact that we had modified the original quadripartite agreement so far as the three Western Zones are concerned.

Mr. MANSFIELD. The Senator is correct. I think it ought to be kept in mind that even though the Russians have the power to conclude a treaty of peace with East Germany, and have had that power for years, they have not as yet done so, which seems to indicate there might be a small opening of the door, a slim chance, that it would be possible to work out a treaty of peace based on the two Germanys coming together.

Mr. CASE of South Dakota. Mr. President, I have always felt that the East Germans and the West Germans themselves would be the best parties to work out some method of agreement or

some method of operation for the reunification of Germany, and that somehow the Germans themselves have to be brought into the picture, so that it will not be a reunification forced upon them, but instead will be one which grows out of the natural genius of the German people.

Mr. MANSFIELD. I agree with the Senator.

Mr. CASE of South Dakota. I was impressed by the fact, when I was in Berlin the last time——

The PRESIDING OFFICER. Will the Senator please suspend at that point?

The time for which the Senator from Montana obtained unanimous consent to speak has expired. The Chair has been lenient with the time, since apparently no other Senator has been waiting to address the Chair.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that the time may be extended for 2 minutes, so that we may bring this colloquy to a normal conclusion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

Mr. CASE of South Dakota. Mr. President, when I was in Berlin the last time I was impressed by the fact that the surface transportation authorities there had worked out a method of operation whereby the transportation would run between the two parts of Berlin without hindrance, and one could buy a ticket in either part of Berlin and travel to the other.

Mr. President, in view of the time situation I shall not extend this colloquy further, except to say I thank the Senator from Montana for having brought this matter up today and for having given the constructive thought he has to his presentation. I shall read and reread his remarks with interest. If I find the time and the opportunity, and the spirit moves me, some time within the next week I hope to make further and more detailed comment upon his suggestions.

Mr. MANSFIELD. I thank the Senator for his kind remarks.

DANGER IN THE NEAR EAST

Mr. JAVITS. Mr. President, I had hoped to address the Senate for about 15 minutes. May I ask whether that would be in order at this time?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there objection? The Chair hears none, and the Senator may proceed.

Mr. JAVITS. If I may say a word on what the Senator from Montana [Mr. MANSFIELD] has just addressed himself to, I, too, have always admired the understanding of the Senator from Montana of the critical importance of Berlin and the German problem to the peace of the world. I, too, shall read his remarks very carefully, and may take the liberty at a later date of addressing myself to his statement. As always, he is well informed, and his statement is well reasoned and is a real contribution, whatever may be my views in agreement or disagreement.

Mr. MANSFIELD. I shall be delighted to have the Senator do so.

Mr. JAVITS. Mr. President, I had in mind to speak briefly about another situation in the world which is also, I think, portentous to the issue of peace. I am addressing myself to it more in the spirit of an editor who must look ahead for a period of time in order to see what is on the horizon which is threatening us. In this spirit, and within this frame of reference. I address myself to the situation in the Near East.

The Near East could erupt into a major international crisis at any time. Tensions are high, shooting on the Arab-Israel borders is all too unusual an occurrence, and the leaders of the Soviet Union seem to be encouraging Arab leaders to whip up tensions and keep the area in ferment. The accelerating tempo of Egyptian propaganda beating the drums for a war of annihilation against Israel—this is almost a paraphrase of their words—of which echoes are heard on Moscow press and radio, underlines the threat. There are strong reports of Arab troop concentrations in the Sinai Desert. We should not wait to react to a Near East crisis until after it is upon us, but we should show the capability for anticipating crisis through our policy now.

I should like to state my thesis first, before proceeding to support it in terms of fact and policy.

Stability in the Near East area now requires that the following be done: First, a reaffirmation of the guarantee of the integrity of the borders of both Israel and Arab States made by the United States, the United Kingdom and France in the Tripartite Declaration of 1950; and second, decision by the three powers on their course of action if the declaration is invoked by aggression, or in the alternative—and I emphasize the word "alternative"—giving Israel the military equipment to maintain its own defenses.

The grave danger to this area now is that the Soviet Union will create such an imbalance in military capability by its supply of modern arms to President Nasser as to invalidate the Tripartite Declaration's guarantee. On the other hand, it is well known that Israel and its people are tough and ready to defend themselves given the means—thereby implementing the Tripartite Declaration themselves by the sheer fact of maintaining the balance of military capability in this area. There is reason to suppose that the policy of the Soviet Union calls for putting on the pressure in this area whenever the world situation makes this seem attractive to them. It ought to be made clear, therefore, that such moves will not be profitable.

I interject to point out that this is not a permanent solution for the Near East. The permanent solution is the resettlement of the Arab refugees, and the understanding that the Near East is an economic hegemony, requiring cooperation among all the nations for the purposes of developing their resources and working with one another for the development of the whole area. However, as in so many other situations, if a fire is burning, nothing much can be done.

I am addressing myself today to the rather urgent situation which seems to be emerging in that area of the world by reason of the continuing and very dangerous amount of arms supply which is going to one power, and moving from the Communist bloc.

About three-fourths of all Soviet bloc military assistance to non-Communist countries—$580 million out of a total of $780 million—went to three Arab countries, United Arab Republic, Iraq, and Yemen, from 1955 through 1959. The largest recipient of Soviet bloc arms is the United Arab Republic in the amount of $443 million; Iraq is next with $120 million; and Yemen received $17 million worth. It is reported that the huge Soviet buildup of the UAR armed forces is with new advanced planes, tanks, and other weapons. These alarming statistics are disclosed by our administration in its summary presentation of the mutual security program for fiscal 1961, published this month.

Moreover, we learn from the same source that Soviet economic aid to these Arab countries totaled $696 million of which $515 million went to the United Arab Republic. In addition, Moscow is providing the UAR with $387 million for construction of the Aswan Dam. The UAR is the largest single recipient of the Soviet Union's military and economic aid program. This massive arms supply by the Soviet bloc to the UAR could threaten Israel's security by creating a serious imbalance of power in the area and at the least creates a new arms race.

There is urgent reason to help Israel militarily to maintain a balance of power in the Near East. Israel is not now included in the U.S. military assistance program. We cannot expect this hard-pressed democracy to go it alone and pay for all the arms it must have in view of the staggering amounts of Soviet aid pouring into the UAR.

It is for that reason I suggest that now, rather than when we have a crisis, we consider what we intend to do if such a crisis should come about. Should we seek to implement the tripartite guarantee ourselves, or should we seek to redress the military imbalance rapidly being created in that area of the world by assigning a greater defense role to Israel itself? If we needed any proof of the fact that Israel, given of the means, can look after its own defense, we find it confirmed by the part Israel played in the successful outcome of the Lebanese crisis in 1958.

A new assessment of the military position in the Near East must be made before the situation undergoes further deterioration, and the military assistance essential for Israel to keep abreast of defense necessities should be made available to her. We may not ignore the vital role Israel played in the successful outcome of the Lebanese crisis of 1958—Israel helped to keep the flanks of our position secure and illustrated the

key position she holds for the free world in any defense against Communist action in the Near East.

I cannot view with any degree of complacency the mounting challenge of the Kremlin in the Near East and the way it has encouraged Arab leaders—virtually on the eve of the summit conference—to whip up tensions. The Moscow press and radio have been describing Israel as "bellicose and uncompromising," and a broadcast on March 6 charged that "in Israel the air is full of war hysteria; aggressive speeches are being made; provocative statements are being issued; and military daring has gone to the heads of the zealots." It is not difficult to imagine the effect such propaganda attacks must have when they are coupled with reliable news dispatches telling of increasing quantities of Soviet bloc arms flowing quietly into Egypt.

There has also been a significant increase in the Egyptian submarine fleet, which now includes 12 ships, the majority of which are oceangoing types. These are Soviet submarines, and intelligence reports indicate that their crews may be made up, in part, at least, by Soviet bloc sailors. Most of these submarines are based at Alexandria, where they command the Mediterranean coastline of Egypt.

There are fresh indications that the recent Aswan Dam agreement was only one of many agreements that President Nasser has made with the Sino-Soviet bloc. The Soviet Union has more development projects in the UAR than in any other Near East country. According to the Soviet publication, Vneshnaia Torgovlia—Foreign Trade—of September 1959, there were 93 Soviet-sponsored projects in the UAR, as compared with 25 in Iraq, the next highest number. At the end of February negotiations for trade and cultural pacts were also under way between the UAR and Rumania, and a week earlier, on February 24, Communist China announced a new "trade protocol" with the UAR. Moreover, President Nasser's personal anticommunism has not stopped him from selling three times as much cotton this year to the Sino-Soviet bloc, as he did 3 years ago to the same countries. This is an increase of 68 percent over 1955–56, the year of the first Soviet-Egyptian arms deal. To continue payment for his arms purchases, Nasser has mortgaged Egypt's cotton crop for some years ahead.

With Egypt and Iraq locked in a struggle for power and Arab leadership maintaining a drumfire of propaganda keeping the area in a state of tension while at the same time heavy concentrations of Egyptian armor and infantry are being advertised as massing in the Sinai peninsula threatening Israel, there is ample justification to call the Near East situation "deteriorating," as United Nations Secretary General Dag Hammarskjold did a few weeks ago.

"We are falling back to a position where we have been before and from which I thought and hoped that we had departed forward," he warned in an interview with the press. That process has not been halted.

The series of belligerent speeches delivered by President Nasser in Syria following the border clash at Tawafik in the demilitarized zone between Israel and Syria, recalls the critical events of 2 years ago when his armies threatened Lebanon and Jordan, and revolution-torn Iraq appeared ready to join the United Arab Republic. At Aleppo, Damascus, and other Syrian cities, the war drums were beaten and President Nasser called on the Arabs to rise "like a devastating flood" to wipe out Israel. On March 7, last, President Nasser broadened his attack by opening up on Jordan in a manner reminiscent of his 1958 barrage, accusing King Hussein of conspiring with the United States and Great Britain against him.

This is being used as a bludgeon on other Arab States, such as Jordan, to make sure that everyone reads these inflammatory remarks and threats as a test of whether he is a good loyal Arab, and really believes in the Arab cause.

President Nasser's inflammatory remarks are being repeated and expanded by the Cairo radio commentators and by the Cairo press, and the violence of their language borders on the hysterical. Also, a marked increase in the violence of the anti-American propaganda accompanied news reports that Israel's Prime Minister David Ben-Gurion had set out to visit the United States.

Those who have followed political developments in the Near East for many years have learned through painful experience that our diplomacy can only be as effective as our sense of anticipation. The signs of impending trouble are present on all sides.

When British Foreign Secretary Selwyn Lloyd in an attempt to ease Near East tensions reaffirmed in the House of Commons the Tripartite Declaration of 1950, to which I referred in opening, under which the United States, France and Great Britain had pledged themselves to take action within and outside the United Nations to prevent violation of any Near East frontier by force, President Nasser reacted by denouncing the statement. This declaration, said President Nasser, was "dead and buried in the soil and blood of Port Said."

Mr. President, as if what is happening in the Near East were not enough, we now see the development of some kind of relationship between Cuba in its foreign policy operations and the operations of the United Arab Republic. Cuba's Foreign Minister was Cairo's official guest in January; Cuba in turn is the first port of call for a Cairo mission headed by U.A.R. Deputy Foreign Minister Hussein Sabry which starts its tour of Latin American countries this month. President Nasser also concluded a deal on February 17 with the Castro Government for 10,000 tons of sugar, hard on the heels of Soviet Deputy Premier Mikoyan's visit. Cairo broadcasts beamed to Panama accusing the United States of treating Panama unfairly were reported by the New York Times as early as December 1959, and the U.S. News & World Report disclosed on December 14 that "agents of Egypt's Nasser have been in Panama advising the politicians of that country on the moves to make to get eventual control over the Panama Canal away from the United States. Nasser is able to pose as an expert, having taken the Suez Canal from its owners."

One of the gravest and most threatening problems in the situation is the Arab boycott and blockade of Israel. This boycott is illegal, a violation of the U.N. Charter and of international law; because it has not been stopped, it has grown into full-scale economic warfare—not only against Israel, but against the free world as well. Its corrupting influence has fouled up the channels of world trade and commerce, subjected American business firms and businessmen to discrimination on religious grounds, and involved the U.S. Government in the Suez Canal problem as well as in several embarrassing situations.

This Arab boycott tried to prevent businessmen from trading with Israel, and air and shipping lines from serving Israel, by threatening them with reprisals and blacklists. They are not only prohibited, according to the boycott, from trading in Arab countries, to use Arab ports, and to enjoy the other usual courtesies and rights, but also they may not be owned or operated by Jews.

While the Arab governments respect a decisive position, they exploit weaknesses; they did not retaliate when several European governments, among them Switzerland, West Germany, the Netherlands, brushed aside Arab boycott demands and vigorously rejected Arab threats of reprisal. On the other hand, the list of American firms and individuals affected by the Arab boycott continues to grow.

Arab pressures were so strong that some companies yielded to their demands. The major American and British oil companies have yielded to Arab boycott demands. Passengers on cruise ships and American airlines on Near East routes are advised that those of Jewish faith will be denied tourist privileges in certain Arab ports and stopping points. A number of American freighters have been put on the Arab blacklist because they had business dealings with Israel.

Yesterday the Lions International was reported placed on the Arab blacklist. This morning I learned that the Studebaker-Lark Corp. and the International Business Machines Corp. have also been placed on the Arab boycott list.

A number of our moving-picture actors, actresses, and singers are on the Arab blacklist, and the showing of their films or sale of their records is prohibited because they either are Jewish or appeared at a Jewish fund-raising function. The New York State law against employment discrimination was invoked against Aramco because the oil company refused to hire Jews in its New York offices out of deference to Saudi Arabia where its wells are located and which supports the Arab boycott. And there is also the economic problem created by counter boycott action against firms which have succumbed to Arab pressure.

The most serious and potentially explosive example of Egyptian intran-

sigeance is the Suez Canal boycott issue. Among other things this is a renewed attempt by Egypt to cripple Israel's growing trade with the new nations of Africa. The fact that it is being made at a time when its involvement with the Soviet bloc is growing, poses very serious policy questions. We cannot permit international shipping in the Suez to be subject to the whims of Cairo's domestic policy needs.

The highly respected Economist of London, in its March 5 number, raises this point:

> Israel has known the unpleasing experience of seeing its interests put on one side while the larger powers plot their Near East policies. There is the question whether Israel's security will find room in any arrangement that Russia and the West may reach over the Near East.

On two occasions within recent weeks, I have taken the floor to protest actions by U.S. Government departments which in effect supported the Arab boycott. On January 21, I rose to call attention to the so-called Haifa clause in U.S. Navy contracts with American-owned oil tankers. This was subsequently withdrawn with a statement delivered by Vice Adm. Ray A. Gano, U.S. Navy commander, Military Sea Transportation Service, which said:

> The clause was adopted with no intention to give support to any political boycott. It was deemed advantageous to both the Government and shipowners. However, MSTS can accomplish its mission without using the clause. Inasmuch as it has been mistakenly construed as providing some solace to the Arab boycott imposed on persons trading with Israel, the Navy will discontinue its use.

The Navy, for its action was to be commended. But, on March 3, I rose again to deplore the use of a similar contract clause by the Department of Agriculture for ships carrying surplus agricultural products under Public Law 480. I urged that the practices of our Federal Government departments be coordinated with the policy decision taken by the Navy. I have written to Secretary of Agriculture Benson to protest this practice and have urged him to coordinate with the Navy's policy. In this way there will be no practice in the U.S. Government conducive to lending aid, comfort or sympathy to this boycott which has been branded as illegal in terms of international law.

Now, the use of these contract clauses cannot be dismissed simply as a matter of business protection because the United States is not a business firm. As the leader of the free world its every action is looked upon in the light of how it advances the cause of peace and justice in our own time. The Navy is not compelled to buy its oil from countries which support the Arab boycott. There are other oil producing nations in the Near East who will supply the Navy with all its requirements at no higher cost and without boycott demands. Nor should recipients of our surplus dictate who shall bring it to them. We have a firm traditional policy calling for freedom of the seas, and we cannot, therefore, condone this interference with American shipping by an illegal Arab boycott, which includes also freedom of transit through the Suez Canal.

On the problem of discrimination against American citizens by foreign governments which has accompanied the Arab boycott, the State Department has instructed U.S. Embassies and consular offices to report any incidents involving Americans on the basis of their race or creed. They have also been instructed to make recommendations for practical means to apply section 113 of the Mutual Security Appropriations Act of 1959. This is an amendment which I introduced with Senator WAYNE MORSE condemning such discriminatory practices as in Saudi Arabia and other countries.

Oversea posts were instructed by the State Department that the United States "has never condoned discriminatory practices by foreign governments against its citizens on grounds of race or religion." The instructions also state that it remains "a basic objective of U.S. policy to seek to eliminate, within the context of existing friendly relations with other members of the free world community, all such discriminatory practices."

All this is occurring at a time when we have been increasing our assistance to Egypt.

We have been bending our every effort to bring about more cordial cooperation from President Nasser. Our objective in Egypt as in other countries has been to help the people help themselves and to assist them in developing standards of living and economic systems which will enable them to make progress by utilizing all their own resources.

But Egypt has presented us with a disconcerting paradox in our own diplomacy. We have acted on the assumption that President Nasser wants better relations with the West, and the State Department has moved swiftly to encourage measures tending to improve those relations. We have stepped up our aid program to the U.A.R. to a marked degree, but at the same time we have not closed our eyes to the fact that President Nasser's policy often is serving Communist interests, whether or not he is consciously playing the Kremlin's game.

Near East stability will require large-scale development projects involving regional planning, international financing and mutual cooperation among the states in the region. Such projects will accelerate progress in industry, agriculture, use of natural resources, and sharp increases in the standards of health and education.

The kind of massive water project that Israel is presently engaged in by which the waters of the Jordan will be carried to the dry regions of the northern Negev, should have its counterparts in other Near East countries. In this way millions of acres of barren and deserted land can be reclaimed and resettled by impoverished and homeless people in the Arab countries.

Israel today is carrying out that part of the great regional water plan worked out by Eric Johnston which was intended for its own territory. It is most unlikely that Egyptian propaganda against this great water project will deter Israel from bringing water to the Negev.

Another step in a program for the Near East should be the broad expansion of person-to-person exchanges by the United States as well as the establishment of vocational training, college, university and other technical educational institutions. Our country should not be alone in any initiative in the Arab lands—West Germany, Italy, France and the United Kingdom have all indicated their interests in helping in the Near East and should be invited to join in as partners.

At the session of the United Nations General Assembly which was recently conducted, strong efforts were made but without success to break through the wall of Arab intransigeance and start negotiations toward a solution of the Arab refugee problem. These efforts should be continued in every possible area.

The argument is frequently made that the Arab states might not work with us because of Arab nationalist pressure. But in efforts for regional economic development we are not confined to the Arab states alone but should include the economic region, leaving the problem of an economic bridge to Israel to be solved for the present through the United Nations. The leaders of these countries in the region outside the Arab bloc like Libya, the Sudan, Tunis, and Morocco have also led their people out of colonial status, yet with acceptance of their responsibilities in the civilized world.

In an era of peace, there is no question about the enormous contribution that Israel can make toward helping to provide the people of the Near East with the benefits of modern civilization. The technical know-how which Israel is now giving to the underdeveloped countries of Asia and Africa south of the Sahara could also be made available to Jordan, Egypt, Syria, Lebanon, and Iraq for their mutual benefit. What Israel is doing on its side of the Jordan can also be done on the other side. Moreover, if the Negev can be made to flourish, so too can part of the Sinai peninsula be made livable for the rapidly expanding population of Egypt.

Mr. President, the important thing is to see to it that a fire does not break out in that area of the world which will jeopardize everything that everyone has in mind, and which will confront us with a new crisis of major magnitude. I have made these brief remarks in order to emphasize the need for making clear, first, that the Tripartite Declaration of 1950 shall continue in full force and effect, so far as the three powers are concerned; second, to concert ourselves on the implementation of the declaration, and, if need be, to at least give Israel the necessary equipment which it needs for self-defense in view of the inflow of arms into Egypt from the Soviet Union and the Soviet bloc.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

RECESS UNTIL 3 O'CLOCK

Mr. HOLLAND. Mr. President, at the suggestion of the majority whip, I ask unanimous consent that the order for the quorum call be rescinded and that the recess until 3 o'clock may start now.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Florida ask unanimous consent that the order for the quorum call be rescinded?

Mr. HOLLAND. I do.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the Senate will now take a recess until 3 o'clock, in order that Senators may be present at the ceremonies attending the presentation and unveiling of the statue of the late Senator McCarran, of Nevada.

At 1 o'clock and 54 minutes the Senate took a recess until 3 o'clock p.m.

At 3 o'clock p.m. the Senate reassembled, and was called to order by the Presiding Officer (Mr. MANSFIELD in the chair).

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JAVITS. Mr. President, I modify the pending Javits-Clark amendment to the amendment of the Senator from Illinois [Mr. DIRKSEN], as follows:

On page 3, line 9, strike the comma and insert in lieu thereof a period.

On page 3, lines 9–12, strike the words "unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person", and insert the following sentence: "The court may stay the effective date of an order with respect to any applicant named therein who, prior to the date of issuance of such order or within such twenty-day period, has been registered under State law, upon assurances satisfactory to the court that such applicant will be permitted to vote at any election at which he would be entitled to vote under the provisions of this subsection after such order becomes effective with respect to such applicant."

The PRESIDING OFFICER. The amendment will be modified accordingly.

Mr. JAVITS. Mr. President, I wish to explain that the modified amendment is designed to meet what we consider to be a major objection by the Attorney General to the Javits-Clark amendment. Indeed, it was contended that the period of time which we afforded in our amendment to allow a State by its own action to come into compliance with a decree of a court with respect to jurisdiction and voting might result in enabling the State to frustrate the court's order by registering the respective voters concerned, but, at the same time, when their time to vote came around, they would again be challenged.

Yesterday, I argued that that would be bad faith, and that the court had authority, but was not directed, to vacate a decree under those circumstances, and that, indeed, a court would require proof that the voting would ensue after the registration.

However, in view of the fact that we think that was incorporated in the amendment, in any event, due to the fundamental powers of a court of equity, and in view of the further fact that the Attorney General had made so much of this objection, we thought that in fairness to the large number of Senators who are very much interested in the amendment, we should spell out that point.

That is what we have done; we have actually spelled out the point which we thought was implicit in respect to the authority of the court, especially in view of the fact that it was not a direction to the court.

Mr. CLARK. Mr. President, I join in the modification submitted by the Senator from New York, although not because I have the slightest belief that it is necessary. Last evening, shortly before the adjournment, I spelled out the reason why I thought the position of the Attorney General was entirely unsound; and I still feel as I did then.

However, in order to make assurance doubly sure, and to remove any possibility that the Attorney General might have been right, and also to remove any possibility that the position he took might be used by some Senators as a ground for not supporting an amendment which otherwise they would be willing to support, I join the Senator from New York in spelling this out in great detail, so there can be no question about it. As a result, the only objection by the Attorney General which anyone could conceivably have thought had some merit has now been removed.

Mr. JAVITS. I thank the Senator from Pennsylvania.

PREPARATIONS FOR THE SUMMIT CONFERENCE

Mr. GORE. Mr. President, yesterday, the distinguished Secretary of State, the Honorable Christian Herter, appeared before the Senate Foreign Relations Committee, in open session. He appeared there for the purpose of discussing the administration's foreign aid bill, which I support, with certain modifications.

During the course of the interrogation of Secretary Herter, the junior Senator from Idaho [Mr. CHURCH] submitted to him certain questions concerning the summit conference, so-called, scheduled to be held in Paris, in May. As a result of the Secretary's reply to the Senator from Idaho, I felt impelled to submit certain questions.

Mr. President, throughout Secretary Herter's appearance, he gave frank, honest, sincere, forthright answers. That is typical of Secretary Herter's performance, not only as Secretary of State, but also when he served as a Member of the other body, along with me. His answers to the questions were disturbing, and revealed a disturbing set of circumstances and facts; but I do not believe that either his answers or the questions can fairly be termed "nonsense."

Yet, Mr. President, I read from an Associated Press dispatch the following:

WASHINGTON.—The White House today labeled as nonsense—

Mr. President, I digress to say that the White House itself is a building which does not possess a tongue or a voice. Of course, the White House has come to be recognized as an institution. The only person who can properly speak for the institution of the White House or the Presidency is the President of the United States, himself. Yet there has grown up a practice whereby some other person—some person of much lesser stature and responsibility—undertakes to speak for the institution of the Presidency.

I return to the reading:

The White House today labeled as "nonsense" any contention that President Eisenhower will go to the Paris summit conference without advance planning regarding talks with Soviet Premier Nikita S. Khrushchev.

At a news conference, Press Secretary James C. Hagerty was told that some Democratic Members of the Senate Foreign Relations Committee had said that the administration is approaching the May 16 summit meeting without any plans.

"That's a lot of nonsense," Hagerty commented.

A reporter told him that Secretary of State Christian A. Herter had in substance agreed with Senators who asserted there has been no advance planning for the summit conference.

Hagerty replied that was not what Herter had testified.

He said the Secretary had told the Senate committee that there is "an element of risk" as to whether the summit meeting will produce any constructive results, and that there should not be too much optimism as to prospects for a successful conference.

Hagerty met with newsmen shortly after Eisenhower and Herter conferred again regarding Russia's latest nuclear test ban proposal.

Reporting on that meeting, Hagerty said the President and Herter reached no definitive conclusions.

I will not proceed to the end of the article, because it makes no further reference to the Secretary's testimony yesterday.

Now I should like to read a UPI dispatch:

The White House rejected as nonsense today a charge by Senator ALBERT GORE, Democrat, of Tennessee, that the United States was going to the May 16 summit conference in Paris without plans.

GORE made the charge yesterday when Secretary of State Herter testified before the Senate Foreign Relations Committee.

President Eisenhower conferred with Herter early this morning. Among subjects they covered, was the recent Soviet proposal to ban nuclear weapons testing.

Yesterday, while Herter testified in behalf of the Eisenhower foreign aid program, GORE criticized the cabinet member's assertion that Eisenhower was going to Paris without a formal agenda.

GORE said he was disturbed because in his view the United States approached the

summit "without purpose, without plan, without hope of success."

Asked for White House reaction to the Gore charge, Press Secretary James C. Hagerty said, "That is a lot of nonsense."

Mr. President, in reply to this statement by Mr. Hagerty, I wish to read the verbatim stenographic transcript of that portion of yesterday's hearing dealing with this particular subject. I read a question by the Senator from Idaho [Mr. CHURCH], as it appears on page 38 of the stenographic report:

Is there any plan which you have at present in the administration for inviting the participation of the Senate in the summit conference?

Secretary HERTER. There is none at this moment that I know of. The summit conference as of now has no agenda. We don't know what points are going to be discussed. We just assume that the German and Berlin question will come up. We assume that perhaps some of our disagreements, whether on nuclear testing or in disarmament, will have been so pinpointed that it will be possible for some decision to be arrived at at the summit. We have been working in different groups and analyzing possible other questions that might come up.

But how much will actually be negotiated there, I don't know. At best, the summit meeting can be only a short meeting. I can visualize this possibility, that at the summit certain agreements and rather vague principles may be come to and then the foreign ministers will be asked to see if they can work that out.

That happened in 1956 and the minute the foreign ministers got together they might just as well not have left at all. But there was complete general agreement with those at the top. So it is very difficult to visualize just how those conversations will go. Actually from the point of view of the talks themselves, you find on the part particularly of our allies the desire to talk with only four people present and interpreters, not even foreign ministers. If you have informal negotiations around the table with an agenda and knew what you were negotiating out, of course the larger participation would probably be very desirable, but as of now we can't possibly visualize the discussions going that way.

That is the end of the quotation from Secretary Herter.

Mr. President, after questions by other members of the committee on other subjects, it was again time for the junior Senator from Tennessee to have his turn.

I turn now to page 57 of the transcript:

Senator GORE. I was somewhat disturbed by your statement to Senator CHURCH that there is no agenda for the summit conference—

I digress, Mr. President, to say that this was not my statement. This was the statement of the Secretary of State.

I repeat:

I was somewhat disturbed by your statement to Senator CHURCH that there is no agenda for the summit conference, that you envisioned the result as possibly only a statement of a vague principle.

I did not bring up the subject of agreeing on a vague principle.

Continuing the question:

I was caused to wonder why there is to be a summit if it is without purpose or plan?

Secretary HERTER. The purpose of the summit was to discuss at the highest level whatever issues might be outstanding between us. I am very frank to admit that I am not too optimistic that the summit conference will produce very great results.

We have got in disagreement with the whole question of the handling of the Berlin and the German problem, East Germany. I would be amazed if that could be resolved in a few days at a summit conference.

On disarmament we do not yet know whether the issues will be so pinpointed from the discussions that are going on now that they would be capable of a resolution, although they may be in a position where they can be moved forward for further negotiation, but I doubt whether very important specific decisions can be taken at the summit.

If they can, we would be very pleasantly surprised.

From the point of view of other issues that may be raised, as I say, we have no agenda. The Russians have not indicated what they want to raise with us. We have made it very clear we are willing to discuss anything, that this is a discussion of outstanding problems.

Beyond that nothing has been specified. We just assume that these matters will come up. We have had working groups that are still in the process of working now. We have a Foreign Minister's meeting here in the middle of April. We have another one in Istanbul early in May. We will have still a third just before the summit conference in trying to resolve among ourselves, the Western Powers, what issues we feel it is desirable to raise at that conference.

So that we may have something more precise when we get to the meeting itself. But as of now many of these matters are in the study stage.

Senator GORE. Do you think it would have been more prudent to have had an understanding about the subjects to be considered at a summit conference before agreeing to have one, or do you think this is the proper way to keep the score?

Secretary HERTER. It is a gamble. I don't know.

Senator GORE. You are gambling with high stakes, and it seems to me in a reckless manner. I am disturbed to have the Secretary of State make the statements that you have made today about the summit conference, no plan, no purpose, no understanding as to what will be discussed, what we hope to attain there.

Secretary HERTER. Mr. Senator, I view this as essentially a matter of exploration. We have the situation where an individual, Mr. Khrushchev, is the man who makes the decisions as far as we know for the Russians. We have gone through a great many diplomatic conferences at a lower level, the Foreign Ministers' level.

Their resolution could not be achieved through complete lack of flexibility or authority on the part of someone at a lower level. This as I say is an exploratory thing. As you know, our British friends have wanted a summit conference. They have had a feeling that good could come out of it through the individuals concerned having a chance to talk over some of these principal problems which they undoubtedly will, without specifying the exact context in which they will discuss them, and we are, of course, hopeful that this is true.

The French have felt the same way. As you know, the President refused to go to any summit conference until the threat, the ultimatum in regard to Berlin was withdrawn. He has been willing to go now and sit and discuss. He has said and I think correctly said with the dangers that we are facing in the world he will go anywhere at any time and talk to anyone if it may help to relieve the tensions and to move matters forward so that the world will not be quite as explosive and dangerous in places as it is now.

That I think is a very constructive way of looking at this. I think that if we began on the diplomatic level to try to be precise as to everything that we were going to talk about, we would be quarreling over that problem probably for many, many months to come. These exchanges will probably be of an informal nature. They may produce something very valuable. If they do it is all to the plus. If they fail, it will be serious only if we overexaggerate our hopes as to what may come out of the conference.

There is always danger of a high level conference failing and dashing people's hopes, and I think we would be foolish to exaggerate the hopes that we may have as to the successful outcome of this meeting.

Senator GORE. Mr. Secretary, this is several times I have heard the argument used as a reason for the summit, that only Mr. Khrushchev can make decisions. When you and Mr. Gromyko meet, do you have any power of decision except that delegated to you by the President of the United States?

Secretary HERTER. No.

Senator GORE. Is there any reason why the Russian dictator could not delegate the same power to his foreign minister as President Eisenhower should or does delegate to you?

Secretary HERTER. None.

Senator GORE. Then isn't that a fallacious argument?

Secretary HERTER. Not necessarily, because you are dealing with an individual personality who himself wants to be the negotiator.

Senator GORE. And therefore we accede to his personality and his desire?

Secretary HERTER. To some extent.

Senator GORE. It seems to me what you have said is that we are vague about the purposes of the conference or its results and we did not want it, but we are somewhat being pushed into it. Is that——

Secretary HERTER. I wouldn't say pushed into it. I would say that the President acceded to the desire of the others to go to a summit conference because, as he said, he was willing to go anywhere and talk to anyone if it might bring beneficial results.

Senator GORE. Well, you have also said that it is a gamble, and that if beneficial results are not obtained, it could be dangerous.

Now you say we can minimize those dangers of failure by refusing to expect too much. Are not the dangers of a total lack of agreement between the heads of state of two powerful and contending nations more real and stark than that?

Secretary HERTER. Senator, I cannot answer that categorically. We just don't know. This is exploratory. In my opinion it is desirable. There are too many chances for miscalculation, misunderstanding with the weapons that we today possess to risk taking a rigid position that we will not sit down and talk with anybody about any of these problems.

Senator GORE. I am not undertaking to say, Mr. Secretary, that it is undesirable to talk with our friends either standing or sitting. What I am undertaking to say is that a matter of such grave importance as this should be with purpose, with plan and with hope of success, and this picture you give us is not either.

Secretary HERTER. I agree with you, but I cannot do other than hope that it will be successful. I would much rather be pleasantly surprised than unpleasantly surprised.

Senator GORE. Shall I join you in the hope as indefinite as it is?

Mr. President, that concludes the colloquy. I submit the actual record, in reply to Mr. Hagerty, who is described as speaking for the White House. I regret that Mr. Hagerty did not emulate the candor of Secretary Herter in his remarks.

IMPRISONMENT OF BISHOP JAMES E. WALSH BY CHINESE COMMUNIST GOVERNMENT

Mr. HUMPHREY. Mr. President, I was shocked by the Chinese Communist government's sentencing of Catholic Bishop James E. Walsh, an American citizen, to a 2-year prison term for what the Chinese Communist government called the crime of American imperialism.

Throughout the world, men and women are waiting anxiously for the People's Republic of China to prove by deeds that it believes in the fundamental human freedoms which are shared and respected by the family of nations.

The Chinese Communist government instead has brutally violated these basic human rights in imprisoning a respected religious leader and American citizen, who is 68 years old and in poor health.

This government did not even show ordinary compassion for an aged and ill man, nor respect for a minister of religion.

Bishop Walsh has served many years as a Maryknoll priest in China. He had been under house arrest for several years prior to the recent "trial" and sentencing. He chose, however, to remain in China because he believed it his duty to remain with the people among whom he had lived and worked so long.

The Government of the United States has officially and strongly protested the Chinese treatment of Bishop Walsh. It is a protest in which we all, as his fellow citizens, wholeheartedly share.

Mr. President, I have urged the Secretary of State that U.S. Ambassador to Poland, Jacob Beam, communicate and reiterate to representatives of the Chinese Communist government the shock and indignation felt by the people of the United States against the outrageous imprisonment of Bishop James Edward Walsh.

SENATE BILL 8, THE SCHOOL AID BILL

Mr. HUMPHREY. Mr. President, on February 4, during the Senate deliberations on S. 8, the school aid bill, I called up as an amendment my proposal to establish a Federal college scholarship program. I later withdrew this amendment with the clear understanding that legislation dealing with problems of higher education will be taken up by this body later in this session of Congress.

Under my proposal, which was similar to the bill I introduced last year, S. 1087, 46,000 new college scholarships based on merit and need are to be awarded each year to outstanding high school students without any discrimination based on religion, sex, creed, or race. Any qualified graduate from an accredited high school—public or private—would be eligible to win a scholarship.

Each student who wins a scholarship will automatically get a $500 merit award. The State education agencies which select the scholarship winners can award up to $1,500 to a needy student for 4 years.

Unfortunately, an erroneous report on my scholarship proposal appeared in a syndicated column by John O'Brien stating that my scholarship program would discriminate against students attending parochial schools.

Mr. O'Brien very considerately made a correction in his subsequent weekly column for which I am very grateful.

Mr. President, I ask unanimous consent that Mr. O'Brien's letter to me dated March 22, and his recent column written to correct the earlier erroneous report, be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the letter and column were ordered to be printed in the RECORD, as follows:

MARCH 22, 1960.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: In response to a request by a member of your staff, I am enclosing a copy of a column I wrote for NC Features to correct an erroneous impression of your scholarship program given in an earlier column.

I sincerely regret having portrayed your bill in an incorrect light.

Sincerely,

JOHN C. O'BRIEN.

MISCONSTRUED LAUSCHE OBJECTION

(By John C. O'Brien)

This column is written to correct an erroneous impression conveyed in an earlier column as to the purport of a bill by Senator HUBERT H. HUMPHREY, of Minnesota, to provide a program of Federal scholarship for needy high school graduates.

The earlier column reported objections by Senator FRANK J. LAUSCHE, of Ohio, raised immediately after a statement in the Senate by Senator HUMPHREY explaining his bill and seemingly addressed to the Humphrey bill.

REASON FOR CONFUSION

Senator LAUSCHE reminded the Senate that parochial schools felt that they had been denied fair consideration in proposed Federal aid-to-education programs. In view of that he objected to the counting of students in parochial and other private schools in the enumeration of a State's school population for the purpose of determining a State's share of the proposed Federal aid.

After reading the earlier column's report of Senator LAUSCHE's remarks in a diocesan newspaper, Senator HUMPHREY explained to the writer of this column that the Ohio Senator was not addressing himself to the proposed scholarship program.

The confusion arose from the fact that Senator HUMPHREY's bill was in the form of an amendment to another bill to authorize a 2-year program of Federal financial assistance to States for school construction.

This school-construction bill would exclude parochial and private schools from participation in the Federal funds for school construction. But, Senator HUMPHREY points out, no such discrimination in favor of public high schools is provided in his amendment to authorize a Federal scholarship program. He noted that the State commissions authorized by the amendment to select the recipients of the Federal scholarships would be free to confer scholarships upon any student holding a certificate from any secondary school in a State, parochial and private, as well as public.

It was not, Senator HUMPHREY assures, to the amendment but to the original bill to authorize Federal funds for school construction, which does exclude parochial and private schools, that Senator LAUSCHE objected. LAUSCHE's complaint was that the inclusion of parochial and private school students in the enumeration of a State's school population would increase its share of the proposed Federal aid and thus impose an additional tax burden upon parents of children attending parochial and private schools.

PURPOSE OF AMENDMENT

Senator HUMPHREY has explained to the writer that the purpose of his amendment was to enable thousands of qualified graduates of both public and parochial and other private high schools who cannot afford a higher education to get one.

His amendment would authorize Federal appropriations beginning with $46 million in the fiscal year 1961. The appropriations would be increased by $46 million each year until the fiscal year of 1964, when the appropriations would level off at $184 million a year.

The State commissions which would administer the scholarship program would be authorized to grant aid, in accordance with the needs of the student, up to $1,500 a year for a maximum of 4 years. The only students excluded would be these eligible for veterans' educational benefits and holders of scholarships under other Federal scholarship programs.

The scholarship program, as explained by Senator HUMPHREY, is, of course, one to which Catholics would not object on the ground that they would be discriminated against.

The writer regrets the confusion which gave the impression that the Humphrey scholarship aid amendment provided for the same discrimination against parochial and private schools that the proposed Federal aid for school construction program does.

FOOD STAMP PLAN

Mr. HUMPHREY. Mr. President, the Secretary of Agriculture has the authority to establish food stamp programs for the distribution of CCC-owned commodities. Congress passed such authorizing legislation last session. The Secretary of Agriculture has been requested by a number of States and communities to set up food stamp programs because of the many advantages of channeling commodity distribution through retail grocery stores.

Among the cities which have requested the establishment of a food stamp program is Detroit, Mich. For some time, surplus commodities have been distributed to eligible recipients through the grocery stores in Detroit because the stores cooperated as a matter of public service. Now because of financial difficulties, the welfare department of the city of Detroit is being forced to discontinue this method of distribution and turn to the use of only one distribution center. The situation in Detroit is graphically described in a letter I have received from W. E. Fitzgerald, executive secretary of the Food Industry Committee of Detroit. I ask unanimous consent that this letter be printed in the RECORD at this point in my remarks.

It is my hope that if more people realize the nature of this food distribution problem, Secretary of Agriculture may be sufficiently urged that he will use the authority given him by Congress to set up food stamp programs. Failing that—and I am not optimistic regarding such a change of heart on the part of the Secretary—it is my hope that Con-

gress will approve mandatory food stamp program legislation such as is detailed in S. 3166, sponsored by myself and the junior Senator from Minnesota [Mr. McCARTHY].

There being no objection, the letter was ordered to be printed in the RECORD as follows:

FOOD INDUSTRY COMMITTEE,
Detroit, Mich., March 7, 1960.

Hon. HUBERT HUMPHREY,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: The city of Detroit Welfare Department has been turned down as you no doubt know by Secretary Benson with regards to starting a food stamp program in this area. The financial situation as far as Detroit and Michigan is concerned is, of course, a precarious one. And the welfare department is up against it. The afterclap of this failure on the part of the Department of Agriculture to establish a program here is this: That the city of Detroit Welfare Department in an effort to save $70,000 is discontinuing the use of retail stores as distributing points for surplus foods. This has, of course, not caused too much turmoil on our part, because it has been done by the retailers more as a civic duty, rather than for any thought or desire of profit. However, with the look at the sociological side of it, I am afraid there is going to be a very serious reaction to what the city plans to do and that is confine the distribution to the one depot they now have at 8300 Woodward Avenue.

When we analyze the number of persons receiving surplus foods that fall into the category of old age, the thought on our mind is, what are they going to do if they have no means of picking up this food. In January the following number of families were taken care of through the retail stores, all of which are located rather close to their homes: Social security, 1,784; old age, 4,149; blind, 203; disabled, 295; aid to dependent children, 5,354; straight welfare, 4,218.

I don't seem to be able to comprehend how elderly people without means of transportation are going to travel at least 15 to 20 miles to pick up this free food. Nor how they can afford, if they can travel, to pay 60 cents bus fare. In discussing this with the welfare department, they advised me that those receiving old-age benefits are checked every 90 days, that in January they sent out notices, asking them to come in so that they could be checked, and that 300 of these cases called and stated they either lacked transportation or were infirm and were unable to come in. So, how, by any stretch of the imagination if they could not get in for a checkup, how could they get in for their groceries. I think you realize as well as I do that if Mr. Benson had the welfare of the people at heart, a program would be established and these unfortunates would not be placed in a position that they are going to be placed in by this move on the part of the welfare department.

Kindest personal regards.

W. E. FITZGERALD,
Executive Secretary.

VOCATIONAL EDUCATION FUNDS

Mr. HUMPHREY. Mr. President, in his budget message, President Eisenhower called for a cut of $2 million in funds available for vocational education under title I of the George-Barden Vocational Education Act of 1946.

I believe this cutback in a very successful program would be a serious mistake, even though there would be a corresponding increase in funds for technical education. Recently I received a very impressive memorandum on the growth and the extent of vocational education in Minnesota, where State and local funds make up 85 percent of total expenditures on vocational education.

The success of the vocational education programs and the strong support at the State and local levels raises serious doubt about the wisdom of the proposed cutback in title I funds. I urge this Congress to restore the $2 million to the budget estimate of $31,702,081 for promotion and development of vocational education in fiscal 1961.

Mr. President, I ask unanimous consent that a memorandum on this subject from Harold M. Ostrem, chairman of the legislative committee of the Minnesota Vocational Association, be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM FROM HAROLD M. OSTREM, CHAIRMAN, MINNESOTA VOCATIONAL ASSOCIATION LEGISLATIVE COMMITTEE, ON THE PROPOSED CUT IN THE FEDERAL GEORGE BARDEN TITLE I FUNDS

According to the President's budget message there is a diminishing need for Federal assistance in the vocational education programs in the fields of agriculture, home economics, trade and industrial and distribution and an increased need for technical education funds. The President recommends a cut of $2 million from George Barden title I funds and an increase of $2 million in the George Barden title III funds.

In Minnesota we have carefully reviewed the total program of vocational education as well as the technical education program and we believe that we have, on the basis of facts and figures, reached certain conclusions which would tend to indicate that to carry out the proposed cut in George Barden title I funds would be a serious mistake.

We acknowledge the fact that the technical education program is vital to Minnesota which is centered in the eight strategically located area vocational-technical schools. The program is firmly established, it is meeting an ever increasing need for technicians but we do not feel that we should in any way jeopardize the effectiveness of the vocational education programs which form the backbone of our skilled manpower training by arbitrarily diminishing the limited funds available.

We seriously question that because there is an increasing emphasis on technical education that there is a decreasing need for vocational education and vocational funds.

The vocational education program in Minnesota is serving approximately 100,000 citizens per year and each year this number increases. We recognize the fact that the technical education program is very vital to meet the increased demand for technicians and we believe that with the anticipated growth of this demand more money will be needed and can be effectively put to work in support of technical education in Minnesota.

The Minnesota program of vocational education is vital to the economy of our State. We believe that this program which is serving close to 100,000 citizens and which is being supported with 85 percent local and State moneys as opposed to 15 percent Federal moneys must continue to grow.

The following chart indicates the growth in the past 5 years:

Enrollments in Minnesota vocational education program

Year	Agriculture	Distributive	Home economics	Trade and industrial	Total
1955	28,200	2,976	33,355	12,689	77,220
1956	26,742	3,273	34,154	14,987	79,156
1957	26,583	3,583	34,780	17,050	81,996
1958	27,964	3,897	37,160	20,408	89,429
1959	27,152	3,704	38,145	21,667	90,668

The following chart shows the amount and the percent of funds provided by the local, State, and Federal Governments in support of vocational education programs in Minnesota.

Local-State-Federal funds for Minnesota vocational programs

Year	Local		State		Federal		Total
	Amount	Percent	Amount	Percent	Amount	Percent	
1955	$1,690,295.27	44.0	$1,453,476.04	37.9	$695,523.21	18.1	$3,839,294.52
1956	1,886,979.82	44.1	1,633,018.87	38.1	762,459.31	17.8	4,282,458.00
1957	2,111,204.15	43.6	1,885,495.03	38.9	846,377.50	17.5	4,843,076.68
1958	2,378,862.48	43.2	2,286,975.83	41.5	843,948.14	15.3	5,509,786.45
1959	2,293,311.54	42.3	2,281,070.72	42.1	841,479.45	15.6	5,415,861.71

To further indicate our deep conviction that vocational education moneys, appropriated under George Barden title I, must be maintained at least at the present level we herewith submit some factual and pertinent evidence.

VOCATIONAL AGRICULTURE

In the 10-year period from 1949 to 1959 the Federal share of educating Minnesota students in vocational agriculture has decreased from 42.7 to 18.6 percent. During this same period the State has increased its expenditures over 800 percent from $89,000 to $739,000, while the local districts have increased their expenditures over 300 percent from $275,000 to $939,000.

During this 10-year period the instructional cost per student has increased from $43 to $79.

The vocational agriculture program has shown a constant growth. Ten years ago the total number enrolled was 14,000—today it is 26,000.

The need for vocational agriculture training is more acute today than ever before. Farming has become highly specialized, highly competitive and involves large amounts of capital. The risk is tremendous. Agricultural education is a critical need in Minnesota and we cannot under any circumstances see the justification for a cut in Federal moneys.

TRADE AND INDUSTRIAL

The trade and industrial progress in Minnesota is very evident not only in the Twin-City area but over the entire State. The demand for increased skills has shown a steady growth. In 1950 the total enrollment in trade and industrial programs was 8,864. In 1959 the enrollment was over 17,500, an increase of 200 percent.

In 1950 the total Federal moneys for trade and industrial programs amounted to $146,801, or 14 percent of the total expended. This support increased to $179,000 in 1959. During this same period the State and local

support increased from $915,000 to $1,240,000, or approximately a $10 increase in State and local moneys to every dollar increase in Federal funds.

We need to increase the availability of skilled training in Minnesota. Industrial growth in the smaller cities and towns is placing increased demands upon our vocational schools. We have a fine labor market but we need to enlarge our vocational facilities and this costs more money.

Careful examination of our needs in the trade and industrial field shows conclusively that we need to add to our facilities, our equipment and our staff and this, it seems, would mean greater expenditures of State, local, as well as Federal moneys.

We must point out that many of the people enrolled in the technical programs are those who received their initial training and experience in the trade and industrial vocational field. This we believe will continue to be an important and contributing factor to the success of technical training.

VOCATIONAL HOMEMAKING

Minnesota vocational homemaking departments have increased from 204 to 266 during the past 5 years. Enrollments during this same period have increased from 33,335 to 38,155.

The opportunities for growth are limited only by the amount of money available. There are so many pertinent factors which bring about an ever increasing need for improved and expanded programs; among these are: Rapid social, economic, and technical changes affecting homes; early age of marriage; increasing number of mothers in the labor force; care of children while parents are at work; less differentiation in roles of man and woman in the home.

Greater challenges and greater needs demand expansion of the vocational homemaking program.

DISTRIBUTIVE EDUCATION

The growth in manufacturing in Minnesota has been accompanied by a corresponding growth in the retail, wholesale, and service industries. The demands for better trained people are being met in part through the growing service of the distributive education programs being carried on by the public schools.

Minnesota training programs for distributive personnel have shown a steady and consistent growth which is evidenced by the enrollment of 5,000 in 1955 and increased to 7,000 in 1959.

In 1959 the local and State funds in support of distributive education amounted to $189,000 or 81 percent of the total expenditure. The Federal funds provided $43,000 or 19 percent of the total expenditure.

The need for and the costs of distributive education increase each year. This means more money must be provided.

TECHNICAL EDUCATION

The technical education program in Minnesota is vital to meeting the growing demand for technical personnel. The area vocational-technical schools located in eight communities throughout the State have expanded their facilities, added to the staff and through a close working relationship with management and labor have established the standards for technical training in several critical areas essential to national defense.

In 1959 Minnesota received and spent $99,786.38 of Federal funds for technical education which was matched by local and State funds. For 1960 Minnesota was allotted $162,553.00 and has asked for and received an additional $45,857.84.

The area vocational-technical school working very closely with industry and with the State Department of Employment Security will continue to do the essential research and planning in order to insure the offering of the finest technical education to meet the needs for technical manpower.

Minnesota industry ranks fourth in the Nation in the manufacture of electronic equipment and the Minnesota Department of Employment Security predicts the need for 4,000 new electronic technicians in the next 5 years.

We want to emphasize the growing importance of technical education and we believe that Minnesota can make very good use of increased funds; however, we do not feel that any increase in technical funds, important as these funds may be, should be made available at the expense of the basic vocational program under George Barden title I.

THE WORLD COURT

Mr. HUMPHREY. Mr. President, that great lady, Mrs. Roosevelt, recently wrote an excellent column pointing up what our Nation has to gain by repealing our reservation to the World Court statute as I have proposed in Senate Resolution 94.

Two thoughtful letters urging repeal of the reservation also appeared recently in the Minneapolis Tribune, written by Mrs. A. O. Zoss, of St. Paul, Minn., and in the Toledo (Ohio) Blade, written by Lois Hittle, of that city.

Mr. President, I ask unanimous consent that Mrs. Roosevelt's fine column and these two letters be printed in the RECORD.

There being no objection, the column and letters were ordered to be printed in the RECORD, as follows:

IS THE UNITED STATES FAILING IN ITS ROLE IN JUSTICE?

(By Eleanor Roosevelt)

NEW YORK.—Senator HUBERT H. HUMPHREY has sponsored a resolution to delete the Connally reservation—a power that gives the United States the right to choose whether we will submit certain questions to the World Court at The Hague or not.

In adhering to this resolution we are putting ourselves on the side of the Soviet nations and preventing the International Court at The Hague from becoming a fully useful judicial body. Our action in repudiating the Connally reservation would give the world an example which we might well hope would be followed by other nations.

Why should we insist that disputes with regard to matters which are essentially within the jurisdiction of America as determined by the United States of America shall not come before the International Court of Justice? Does this mean that we are afraid?

In that case, we must be conscious of areas where we are falling short of meeting conscience of the world today, and we fear that we may be called to account. It will not help us to hide behind such a reservation.

We had better face ourselves and realize that if we want to see force removed in international relations, we must be willing to build a stronger legal system in all areas of international affairs.

[From the Minneapolis (Minn.) Tribune, Feb. 24, 1960]

REPEAL OF CONNALLY AMENDMENT IS URGED

To the EDITOR:

A huge nonpartisan majority of those Americans who can tell time, including President Eisenhower, Vice President Nixon, Adlai Stevenson, Hubert Humphrey, and the American Bar Association are pressing for the prompt passage of Senate Resolution 94 to repeal the Connally amendment and strengthen the World Court.

These people are aware that the year is 1960, the nuclear age, and that those handy salt-water moats surrounding our beautiful shores are just not the width they were.

They know that the United States is a country genuinely dedicated to furthering understanding between nations and working toward a just and lasting peace through rule of law.

We live, whether we like it or not, in today's world, a world which simultaneously shrinks and expands. The known earth grows smaller, the unexplored universe looms larger, closer.

Either our country shows the world it prefers the rule of law to the anarchy of force, or we can all make ourselves sit through two showings of "On the Beach," repeating, at 5-minute intervals: "It can happen here. Any day now."

Mrs. A. O. ZOSS.

[From the Toledo (Ohio) Blade, Mar. 4, 1960]

REPEAL RESERVATION

To the EDITOR OF THE BLADE:

The United States belongs to the World Court, but our membership is made ineffective by the Connally amendment, which specifies that in any dispute with another country the United States shall be the judge whether or not the case is under the jurisdiction of the World Court, making us the judge in our own case.

A resolution is now before the Senate to repeal the Connally amendment. The resolution is endorsed by the President, the Vice President, Secretary of State, and the Attorney General, and also by such leading Democrats as HUBERT HUMPHREY and JOHN KENNEDY.

The opponents of the resolution are very active. If you agree that the World Court should be strengthened by repeal of the Connally amendment, write your Senators and also to Senator FULBRIGHT, chairman of the Foreign Relations Committee.

LOIS HITTLE.

THE DISCLAIMER PROVISION OF THE NATIONAL DEFENSE EDUCATION ACT

Mr. HUMPHREY. Mr. President, I have in previous statements supported repeal of the disclaimer provision of the National Defense Education Act because it is both a violation of the traditional American principle of academic freedom, and a totally ineffective means to its supposed objective. Student governing bodies of Cornell University, Ithaca, N.Y.; University of Wichita, Wichita, Kans.; Smith College, Northampton, Mass.; and Augsburg College in Minneapolis, Minn., have adopted resolutions urging repeal of the disclaimer.

Mr. President, I ask unanimous consent that these forthright statements from the young people most directly affected by the disclaimer be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

DECISION AND RATIONALE OF THE EXECUTIVE BOARD OF STUDENT GOVERNMENT, CORNELL UNIVERSITY, ITHACA, N.Y., CONCERNING THE NATIONAL DEFENSE EDUCATION ACT

The executive board has considered the disclaimer affidavit of the National Defense Education Act. For several reasons we feel that this clause is injurious to basic civil liberties.

The oath states: "I do solemnly swear that I do not believe in, and am not a member of, and do not support any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by

any illegal or unconstitutional means." This oath is a violation of the first amendment which specifically says that "Congress shall make no law abridging freedom of speech." This amendment has been modified only to the extent that advocacy to overthrow the Government when clearly an incitement to action has been declared illegal. Any abstract doctrine that advocates violent overthrow of the Government is protected by the first amendment (*Yates* v. *United States*). The disclaimer clause, because it fails to discriminate between the two different types of advocacy, infringes upon the constitutional rights of the individual.

Not only does the disclaimer affidavit infringe on constitutional rights, but also as the Supreme Court of the United States held in *Speiser* v. *Randall* and the *First Unitarian Church* v. *The County of Los Angeles* (vol. 357, U.S. Repts.), that by placing the burden of proof on the individual, it is in opposition to one of the basic tenets of Anglo-American law, which holds that a man is innocent until proven guilty.

The Government further obstructs freedom by proscribing not simple membership, but belief in an organization that teaches the violent overthrow of the Government. Since no criteria have been established as to what constitutes belief, the Government is allowed a dangerous latitude in its enforcement of the affidavit.

The disclaimer affidavit tends to create an atmosphere of fear in the community in which it is enforced. As Justice Black said:

"Loyalty oaths, as well as other contemporary security measures, tend to stifle all forms of unorthodox or unpopular thinking or expression—the kind of thought and expression which has played such a vital and beneficial role in the history of this Nation. The result is a stultifying conformity which, in the end, may well turn out to be more destructive to our free society than foreign agents could ever hope to be." (*Yates* v. *U.S.*, 354 U.S. 298, 344, dissenting opinion.) When "Robin Hood" is considered subversive literature (as has happened in some schools) that stultifying conformity is a reality.

The disclaimer affidavit cannot succeed in maintaining the national security since, in general, a subversive will have no compunctions about signing the oath.

This affidavit places a restriction on academic freedom. A university dedicated to the search for truth cannot function unless its faculty and students are allowed complete freedom of thought.

Since the disclaimer affidavit is an abridgment of freedom of speech, and appears to be unconstitutional, the Executive Board of Cornell Student Government feels that adherence to principle demands that the University must refuse any future funds from the National Defense Education Act unless the affidavit is repealed.

It is the feeling of the executive board that if indications are that this would be a temporary situation provided the American universities unite in a strong stand in opposition to the disclaimer affidavit, this affidavit will be repealed by Congress.

We feel that any action short of withdrawal would be ineffectual. Acceptance of the funds seriously weakens any protest against the disclaimer clause because it is an admission by the university of its dependence on Federal funds and would be a tacit recognition of the power of the Federal Government to regulate academic freedom.

It is the responsibility of the university to safeguard the rights of its individual students. The act of an individual student in refusing funds under this act is insignificant in affecting the status of the disclaimer clause. The decision of a great university, such as Cornell, however, substantially affects both our legislators and the other American universities.

In future years, universities will rely increasingly on Federal funds. It is important now to establish the principle of academic freedom in regard to Federal aid to education.

The executive board feels that much can be accomplished if Cornell strongly asserts its disapproval of the cause. The Kennedy-Clark motion to repeal the disclaimer proviso failed to pass the Senate and was referred back to committee by the narrow margin of 42 to 49 at the last session of Congress. Since then, Harvard, Yale, and Oberlin have returned funds joining Princeton, Swarthmore, Haverford, Bryn Mawr, Amherst, and many others who originally rejected the funds. President Eisenhower has publicly disavowed the clause and Secretary of Health, Education, and Welfare Flemming has spoken against the affidavit. Cornell cannot stand aside and allow other institutions and public figures to defend its own academic prerogatives. The executive board believes that now is the proper time to express the strongest possible protest against this disclaimer affidavit.

The executive board policy concerning the disclaimer affidavit of the NDEA is, as of December 17, 1959, the following:

1. The executive board will request the University to refuse any future funds under the act unless the disclaimer affidavit is repealed during the forthcoming session of Congress.

2. The executive board will send letters to Senators CLARK and KENNEDY, and to Senators KEATING and JAVITS, of New York, supporting their attempts to eradicate the disclaimer clause from the act.

3. The executive board will write to other schools, explaining its position in this matter, encouraging them to take similar stands.

4. The executive board will request that the university explore all possibilities of substituting funds for the Federal loans.

5. The executive board will make every effort to transform the above-stated policy into university policy.

RESOLUTION BY STUDENT CONGRESS OF UNIVERSITY OF WICHITA

Whereas the disclaimer affidavit provision of the National Defense Education Act of 1958 is an insult to the American college student, labeling him as being prone toward subversion; and

Whereas such affidavit sets penalties for previous beliefs and attempts to impose a restriction upon the future thought of the oath taker; and

Whereas such restrictions upon the conscience of free men is entirely outside the American idea of academic freedom and freedom of thought and expression; and

Whereas such an attempt to dictate the present, past, and future thoughts of students is completely ineffective in dealing with subversive elements due to the lack of conscience displayed by these elements: Therefore be it

Resolved by the student congress of the University of Wichita, acting in behalf of the student body of that institution, That the use of the so-called loyalty oath disclaimer affidavit as a condition of financial aid should be abolished.

STATEMENT BY SMITH COLLEGE, NORTHAMPTON, MASS., MARCH 3, 1960

We reaffirm our statement of April 9, 1959.

We oppose section 1001(f) of the National Defense Education Act both in principle and in practice. The principle of attaching loyalty oaths and disclaimer affidavits to Federal grants for education undercuts our expressed confidence in American ideals. It is a basic tenet of our educational philosophy that everyone have a right to free inquiry into and free choice among all points of view. This philosophy asserts that such free inquiry and choice will lead to a fuller understanding of all principles and to an affirmation of the American way of life. Free intellectual inquiry does not imply seditious belief.

Furthermore, we doubt the effectiveness of the loyalty oaths and disclaimer affidavits. Loyal citizens may be antagonized by being required to take such oaths because it conflicts with the principles stated above. Disloyal persons will not hesitate to take the oath and sign the affidavit nor will these actions prevent them from acting according to their beliefs. Requiring a loyalty oath and a disclaimer affidavit as a condition for Federal aid to students establishes a precedent of unwarranted Government interference with academic freedom.

We urge the immediate repeal of section 1001(f) on these grounds.

DISAPPROVAL OF LOYALTY OATH AND DISCLAIMER AFFIDAVIT OF THE NATIONAL DEFENSE EDUCATION ACT BY STUDENT COUNCIL, AUGSBURG COLLEGE, MINNEAPOLIS, MINN.

In recent years American college students have witnessed a proliferation of various types of loyalty oaths and disclaimer affidavits. At present, attention has centered upon section 1001(f) of the National Defense Education Act of 1958. At least 15 colleges have refused to participate in the NDEA program solely because of this section. Other colleges have participated in the program, but nevertheless have objected to this specific provision.

Therefore the Augsburg College student council states its belief in the following principles:

1. That loyalty is based upon ideas and cannot be legislated or created by slogans;

2. That, historically, loyalty oaths and disclaimer affidavits have been a source of much abuse (e.g., 17th century English test oaths);

3. That loyalty oaths are objects of disapproval for—

(a) They do not serve their purpose. No subversive bent upon destroying the Government would have any qualms about signing a loyalty oath. On the other hand, loyal Americans who refuse to sign because of principle are singled out by the oaths.

(b) They offer a subtle threat to academic freedom, for—

(1) There is danger that they will serve as a first step toward more restrictive legislation;

(2) There is danger that their meaning may be expanded through interpretation (e.g., the word "defend" in section 1001(f) of the NDEA);

(3) The requirement of signing a loyalty oath implies that a college student is disloyal until he makes a positive statement expressing his loyalty. This requirement does not indicate a belief in the basic loyalty of American college students;

(4) A student's refusal to sign because of principle unfortunately results in suspicion of disloyalty.

(c) They are discriminatory. Section 1001(f) of the NDEA singles out college students to sign loyalty oaths to receive Federal aid, whereas other recipients (e.g., farmers) do not have to sign such oaths.

4. That disclaimer affidavits are even more so objects of disapproval, for—

(a) They do not serve their purpose. Again, no subversive would have any qualms about signing an affidavit;

(b) They represent a serious threat to academic freedom, for—

(1) They may serve as a basis for more restrictive legislation;

(2) The requirement of signing a disclaimer affidavit implies that a college student is disloyal until he makes a positive statement expressing his loyalty.

This requirement does not indicate a belief in the basic loyalty of American college students;

(3) Refusing to sign because of principle results in suspicion of disloyalty;

(4) In the case of the NDEA, the affidavit's effect is to proscribe certain beliefs. But it is nearly impossible to ascertain accurately what an individual's beliefs are. Such a provision cannot be justly executed.

(5) In the case of the NDEA, the affiadavit is terminologically unclear (e.g., the words "believe in," "supports," and "illegal methods"). This leaves a wide area for interpretation and the danger of a resultant expansion of the meaning of the act. It also leaves a student in the position of not knowing whether in believing in and in supporting a certain organization and in receiving money under the provisions of the NDEA, he is committing a crime under this act.

(c) They discriminate against college students. Section 1001(f) of the NDEA singles out college students to sign disclaimer affidavits to receive Federal aid, whereas other recipients (e.g., farmers) do not have to sign such disclaimer affidavits.

5. That no individual who is proved in the courts of the United States to be actively seeking to overthrow the Government of the United States by force or violence should be allowed to receive funds under the program of the NDEA. However, section 1001(f) does in no way expose and/or exclude such an individual.

The Augsburg College Student Council expresses its general opposition to laws requiring students in their position as students to sign loyalty oaths and disclaimer affidavits. Specifically, we urge amendment of the National Defense Education Act of 1958 by deletion of section 1001(f).

Furthermore, we direct the student society president to—

1. Communicate this bill to all Minnesota Members of the U.S. Congress.

2. Communicate this bill to all major Minneapolis and St. Paul newspapers.

3. Communicate this bill to all members of the Augsburg College faculty, urging them to consider seriously its contents.

4. Communicate this bill personally to the president of the college urging him to take necessary action to inform the Federal Government that Augsburg College accepts this money under protest.

5. Communicate this bill to all member schools in the National Student Association, Minnesota-Dakotas region.

6. Urge individual students of the college to write letters expressing their opinions concerning the loyalty oath and disclaimer affidavit of section 1001(f), National Defense Education Act of 1958, to their Representatives in the U.S. Congress.

SIGNIFICANT PROGRESS IN THE NUCLEAR TEST BAN NEGOTIATIONS

Mr. HUMPHREY. Mr. President, last fall I spoke often around the country on the Geneva negotiations for a treaty to ban further tests of nuclear weapons. I pointed out that the real hope for progress in controlling and reducing armaments is a treaty for the cessation of nuclear weapons tests under effective controls. The importance of a treaty is just as evident today as it was several months ago.

Among the places I spoke on this subject was Pontiac, Mich., where I outlined a four-point program to serve as a basis for an effective test ban treaty. Because these four points are now central to the conclusion of an effective and acceptable treaty I wish to review and discuss them in relation to the current proposals of the United States and the Soviet Union.

My four-point program was and is as follows:

First. A test ban treaty should cover a permanent ban on all tests in the atmosphere, underwater, in outer space, and underground down to a certain threshold. In these categories detection and control are fairly simple. Last fall figures issued by the Government indicated that between 25 and 50 on-site inspections would be needed to inspect all unidentified events equal to 5 kilotons and above. Below the threshold, no on-site inspection was to take place for a limited and specified period. It was in this category that the distinction between earthquakes and tests was so difficult that inspection of all unidentified events was either impractical or politically unacceptable.

Second. A moratorium on weapons tests below the threshold should be declared and agreed to by the nuclear powers for 2 years.

Third. During the period of the moratorium the United States, the Soviet Union, and the United Kingdom should conduct a high priority research program to improve the capabilities for detecting small yield underground tests and distinguishing them from small earthquakes.

Fourth. If the research program indicated positive results, then the permanent ban should be extended to cover, with on-site inspection, all tests.

If the research program showed that improvements were not forthcoming or that the Soviet Union was not cooperating in the installation of the control system, then the moratorium would end and weapons tests would be permitted beneath the threshold if military security required it.

If there was any indication during the moratorium period that the Soviet Union was not observing the moratorium and was testing below the threshold, the United States would be free to resume its tests.

Although on-site inspection would not be allowed during the moratorium period below the threshold, the United States would have at least three ways in which a small test conducted secretly might be discovered. First, the control posts being established in the Soviet Union would detect many signals even in the low range; second, the United States would still have available to it its highly sensitive national stations and stations in other countries which furnish data on earthquakes and possible nuclear explosions; and third, our regular intelligence sources would furnish information on whether suspicious activity was going on in certain areas.

On February 11, President Eisenhower authorized the United States to propose a threshold agreement to the Soviet Union which resembled in its key features my proposal. A threshold agreement was suggested. All tests above a seismic signal equal to about 19 kilotons would be permanently banned. About 20 on-site inspections a year would be needed under this system. That figure, I might add, is a very rough estimate. I would suggest that it might be that 20 or 30 so far as on-site inspections are concerned, in order to have a safety factor.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I would appreciate it if the Senator would permit me to finish my statement first; then I shall be happy to yield.

In order to improve detection techniques, a joint research program would be conducted, with the United States, the United Kingdom, and the Soviet Union participating. As improvements were realized, the threshold would be lowered so that eventually all tests could be permanently banned.

The President thus included in his offer three of my points—namely, the concept of a threshold treaty, a joint research program, and provision for the extension of the permanent ban to cover tests below the threshold.

The President was silent on whether a moratorium on small tests below the threshold should be included. He did not deal with this question.

On March 19, 1960, only a few days ago, the Soviet Union announced its acceptance of a treaty which, first, would ban permanently tests above a threshold of 19 kilotons; second, would include a joint research program to improve detection of small tests; third, would extend the permanent ban with inspection to cover small underground tests as improvements were made; and, fourth, would have a moratorium on tests below the threshold for a specified period pending the outcome of the research program.

The Soviet proposal is similar to my proposal, with the principal exception that it fails to specify how many on-site inspections will be allowed. I might add that particular exception is an important key point, because it is the number of on-site inspections which will really lend validity to an inspection and control program.

I had suggested 25 to 50; the U.S. proposal had specified 20. Another difference between my proposal and that of the Soviet Union is that I suggested the time period be 2 years, and the Soviets have suggested 4 or 5 years. However, it is my understanding that this time period is subject to negotiation.

I repeat that the key point of difference is the failure of the Soviets to mention anything with respect to on-site inspections. It is the on-site inspection which is so vital to any form of control and inspection. This would be particularly true if there were any agreements entered into which are commonly called threshold agreements. It would only be through on-site inspections that it would be possible to have a reasonable degree of surveillance or observation or inspection to check on the possibility of cheating with lower yield explosions underground.

The Soviet proposal specified that only chemical explosions should be used in the research program whereas I have suggested that some nuclear explosions may be necessary. I do not see, how-

ever, that the Soviets can refuse to consider nuclear explosions since they have already argreed in principle that nuclear explosions for peaceful purposes may be permitted. Certainly research to improve detection techniques comes under the category of peaceful purposes.

Two other features of the Soviet proposal should be mentioned. One is that if the research program does not show that small tests can be effectively controlled the Governments involved "would have to work out new arrangements for the future."

Second, the Soviet Union would allow on-site inspections for suspicious events both above and below the threshold.

Both the February 11 proposal of the United States and the March 19 proposal of the Soviet Union move the test-ban talks closer to a successful conclusion. The Soviet proposal should be regarded, not as a major shift in position, but as a significant indication that the U.S.S.R. may be willing to accept the necessary number of inspections to monitor a test-ban treaty and to work for the improvement of the control system.

The big difference between the United States and Soviet proposals are two: First, the United States did not specify whether it would agree to a moratorium on tests below the threshold for a designated period whereas the Soviet Union has asked for such a moratorium; the second difference is that the United States indicated that 20 on-site inspections would be needed for a threshold of approximately 19 kilotons whereas the Soviet Union has not stated the number of on-site inspections to be allowed.

It must be made clear that these are not the only unresolved questions which impede the signing of a treaty. Other important differences remain: The number and nationality of the staff at the control posts and in the mobile inspections team; procedure for adoption of the budget; composition of the control commission; the control system for detection of high altitude tests; extension of the treaty to areas other than the territory of the three nuclear powers; procedure for conducting explosions for peaceful purposes; and a few other points. But sufficient negotiation on all these points has taken place to make it fairly clear that none of these matters need obstruct for long the signing of a treaty.

At least these points have been given thoughtful consideration, and some progress has been made toward the resolution of the differences. I would not wish to have my statement indicate that these matters will be easily resolved. They are, however, subject to further negotiation, and possible treatment at the summit conference.

From almost the very beginning of the negotiations the big stumbling blocks have been how many on-site inspections can be or must be allowed and how can all tests be banned when the small ones are so difficult to distinguish from earthquakes.

With the President's proposal of February 11 and the Soviet proposal of March 19 the way is paved for the resolution of these two stumbling blocks. The Soviet Union must be willing to accept at least 20 inspections a year. And the United States must be willing to accept a moratorium on small underground tests for a designated period pending the outcome of the research program. This, I say, is the manner in which the test-ban deadlock can be broken.

Some may object to this proposed solution. It may be argued that the Soviet Union might try to sneak a few tests beneath the threshold which would go unnoticed; that is, detected but unidentified and uninspected. Is this possibility too great a risk to take for a 2-year period? This is the question to answer.

My answer is that the acceptance of a moratorium is not too great a risk to run, considering that the United States still has the three means of detecting even small underground tests I mentioned earlier: the international control posts, the existing national control posts, and regular intelligence sources. Each of these can help to police the moratorium.

I wish to emphasize the fact, of course, that the international control posts would have to be established as a part of any type of agreement, including a moratorium.

But some of my colleagues may contend that even these three techniques are not sufficient to guard against cheating. However, there are other steps that can be taken to reduce further the element of risk. One of the most important of these is the installation of unmanned, robot, seismic stations to record signals even from very tiny earthquakes and tests—a few tons, for example. Studies are now under way, to be completed within a few weeks, to show how such automatic auxiliary seismic stations may be used as supplements to the manned control posts. The addition of robot stations could reduce the risk substantially. Enough of them might even eventually reduce the number of on-site inspections needed.

Whether this aid to detection can be included in the test ban control system depends on two factors, one scientific and one political. The scientific factor is whether the robot stations can be installed so that the Soviets could not tamper with them unnoticed. The evidence to date is that the Soviets will not be able to get away with tampering, but we must obtain further data from the study now being made by the Bell Telephone and the Sandia Laboratories. The political factor is whether the Soviet Union will accept the addition of unmanned stations. An official answer has never been given to this question because an official proposal from the United States has never been made. I think such a proposal should be made. There is reason to think, however, that the Soviets will come to look on this suggestion for automatic stations in a favorable light. All recommended improvements in instruments thus far have been accepted by the Soviets. And anything which might promise a reduction of the number of on-site inspections should be welcomed by them.

Furthermore, there is one more step which could be taken. If the manned or unmanned control posts, national seismic stations, or intelligence sources, give real indication that the Soviet Union is attempting to test secretly, then I believe we should ask for the right to inspect the suspected area. In other words, we may have to insist on the right to have the quota on inspections apply below as well as above the threshold, if necessary.

It is my view that this is a proposal which ought to be placed at the conference table and, indeed, urged upon the Soviets. As I noted previously, the Soviet Union has evidently agreed that this procedure should be followed.

My conclusion is that a comprehensive treaty is in sight. The remaining differences can be solved. We may still have to wait for the outcome, but the ingredients for the solution of the remaining problems are now before us.

Mr. President, I believe that some of these problems will not be solved until the so-called summit conference takes place this spring. It appears that the negotiations at Geneva will be the working level of negotiations, and that the consummation of agreements on some of these matters will be at the political conference table, rather than at the conference table of the specialized representatives who are dedicating their energies to this one particular subject.

Mr. President, I ask unanimous consent that a policy statement of the advisory committee on science and technology of the Democratic Advisory Council, dated Monday, March 14, 1960, and entitled "Nuclear Tests and National Security," may be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NUCLEAR TESTS AND NATIONAL SECURITY

(A policy statement of the advisory committee on science and technology of the Democratic Advisory Council)

INTRODUCTION

The present and projected national security is based upon a policy of nuclear deterrence. According to this policy an aggressor will be deterred from launching an attack by the threat of counterattack. It is basic to this policy that the retaliatory capability survive the impact of the aggressor's first nuclear strike. A vulnerable retaliatory force would upset the equilibrium of this so-called nuclear stalemate and might even invite attack. Even a highly invulnerable striking force would not guarantee continuation of the stalemate. The balance of force is not static nor is it simple. The equation of this quasi-equilibrium is complex and includes factors which are incalculable. For example, nuclear war may break out as a result of accidents; i. e., mental aberrations, misintelligence, or as a result of action by a third power or of uncontrolled growth of a limited war.

Security in the long run requires that there be a universal reduction and control of the methods of wide-scale destruction. This involves a paradox since one must go in two directions: (a) Establishing a sufficiently invulnerable deterrent to create a semistable stalemate and (b) achieving the controlled reduction of arms. The testing of nuclear weapons influences both of these objectives. To reach a sound policy on nuclear testing,

the benefits of testing must be compared to the advantages of a test ban as a step toward arms control.

MILITARY VALUE OF NUCLEAR TESTS

Nuclear weapon design is such that it includes nuclear and nonnuclear components. The latter may be tested without resort to nuclear detonations. For example, one can test the electronic controls and the weapon ordnance and mechanical details of the bomb without including nuclear materials in the device. Many phases of new weapon design may also be worked out by experimental testing of the nonnuclear components of the weapon.

The world's first nuclear explosion, the Trinity shot at Alamogordo, N. Mex., was preceded by a very intensive testing of the nonnuclear components with chemical explosives. The theory of the uncontrolled chain reaction was studied carefully even though only relatively crude computers were available for use. The proof test at Alamogordo was successful and substantially exceeded the average estimates of yield made by the scientists at the Los Alamos Laboratory. The bomb exploded over Hiroshima was of a different design but it was fired without a nuclear proof test. Its yield compared with that of the Alamogordo bomb and was only slightly less than the power of the third bomb dropped on Nagasaki. All three bombs were in the range of 13 to 23 kilotons within an error of perhaps 3 kilotons. This constitutes a remarkable performance considering the fact that there was no prior test art.

Since 1945 the United States has greatly augmented its store of knowledge about the science and technology of nuclear weapons. Its nuclear test program includes the explosion of 145 successful shots and several "duds." The total yield of all U.S. tests through 1958 amounts to roughly 100 megatons; i.e., 100 million tons of TNT. This is 60 times the total weight of all high explosive bombs dropped on Germany throughout World War II.

The United States has also built up two major nuclear weapons research and development laboratories. It has devoted over $2 billion to weapons development and testing. Furthermore, huge electronic computers have been acquired to facilitate the theoretical evaluation of new weapon designs. The comparison of theoretical calculations with the nuclear test data permits scientists to have greater confidence in predicting the performance of new weapon types. Accordingly, a test ban does not mean stagnation in weapon design. In fact, an enforceable test ban could give some advantage to the United States because of its greater experience in the nuclear weapons field.

Nuclear weapons are sometimes tested to determine their physical effects under different environments. In general the effects of nuclear weapons at sea level are well known and no further testing is necessary. This applies both to surface bursts and to low altitude detonations. There is only limited experience with nuclear weapon explosions at extremely high altitudes and much remains to be learned about weapon phenomena, especially ionospheric effects and kill capabilities as related to ICBM's. Underground nuclear tests are required to determine the efficiency of seismic detection. Additional research is necessary to determine the extent to which underground cavities can be used to muffle or hide nuclear explosions. There is no experimental data obtained with nuclear explosives to substantiate the theory of nuclear muffling.

In the main, future tests would be aimed at testing new principles of weapon design and proving out weapon prototypes. Nuclear tests are quicker, easier and more convincing than calculations or studies of simulated explosions. Some radical innovations in weapon design might not prove calculable. A test ban can therefore be expected to reduce the rate of development in those weapons for which there is the least prior experience.

U.S. NEED FOR WEAPON DEVELOPMENT

Further experiments could produce minor improvements in weapons of medium power; i.e., in the range of 10 to 100 kilotons. There is an ample supply of nuclear material for such weapons so that improvements in nuclear efficiency are not vital. Nuclear tests would be more significant if they were needed to perfect special warheads for antiaircraft and antimissile applications. Antiaircraft missiles have already been fitted with nuclear warheads so that the adaptation of existing weapon designs seems possible without further testing of their nuclear components for antimissile warheads.

The range of weapons below 10 kilotons is generally considered to be the province of tactical or battlefield weapons. Such weapons extend down to fractional kilotonnages. The lowest yield tactical weapons can be packaged in containers weighing less than 100 pounds. The investment in nuclear material for these weapons is approximately the same as that required for medium-power weapons. Tactical nuclear weapons, it is claimed, are essential for the deterrence or the conduct of limited wars. In this line of argument it should not be forgotten that one of the greatest dangers of a limited war is the strong possibility that it will develop into a major war. Various authorities have attempted to rationalize the limitation of a nuclear war by postulating self-imposed restraints on the caliber and targeting of nuclear weapons. So far as weapon power is concerned it would appear that whereas small or medium power bombs might be employed initially there would be an inevitable tendency for higher power weapons to be employed. This tendency would be aggravated by a number of factors including precipitous action by a local commander, a rapidly degenerating military situation, inadequate intelligence, and counteraction against missile launchers or aircraft bases. In many areas such as Western Europe medium-power or inaccurately aimed low-power bombs could cause a spillover of nuclear destruction to civilian areas. This could lead to reprisal attacks upon conjugate targets by the enemy and to an expansion of the area of conflict.

Some analysts who advocate reliance upon tactical nuclear weapons have not adjusted their thinking from the days when the United States enjoyed a nuclear monopoly. Today we must consider that both sides engaging in war may have available all calibers of nuclear weapons. In the event that U.S. forces used nuclear weapons against Soviet satellite forces, it is most likely that Russia would supply our adversaries with equivalent or even superior weapons. Nuclear weapons used in equal measure by both sides would generally be to our disadvantage; in most geographical locations we would be required to supply the active ground forces through a long and highly vulnerable logistic system. For example, if the Korean war had been fought with nuclear weapons the U.S. supply problem would have been an impossible one.

By far the most important need for nuclear testing is the military requirement for developing higher yield warheads for the next generation of ballistic missiles such as the Minuteman. The latter is a solid-fueled, three-stage ICBM which has a much smaller warhead than the Atlas or Titan. Both the Atlas and the Titan are designed to be operated from fixed, continental bases. The demonstrated high accuracy of long-range, ballistic missiles severely compromises the integrity of Atlas and Titan bases. Hardening these bases by placing the missiles underground in blast-resistant configurations reduces but does not remove the vulnerability of the ICBM bases.

There is an urgent and surpassingly important national requirement for a deterrent in the form of retaliatory missile systems of high survivability. It would be highly desirable to base this deterrent force so that it would be highly mobile and not draw nuclear fire to the mass of the U.S. population. A number of weapons systems qualify for such a deterrent. These include the submarine based Polaris missile system, IRBM (intermediate range ballistic missiles) systems based off the U.S. continent either in mobile land form or on surface vessels.

Some of these smaller missiles can deliver a warhead which is only a small fraction of the megatonnage deliverable by B–52 bomber but this weapon is still very impressive. The military gain to be expected from increasing the yield of these ballistic missile warheads depends upon the type of targeting and the accuracy of the missile. For example, if we consider "soft" targets such as cities and industrial complexes the number of retaliatory weapons required would not decrease in proportion to all increase in the warhead yield. This follows because the power of a fractional megaton weapon is sufficient to destroy all the largest of such "soft" targets. Thus for such targets the military need for greatly increasing the warhead yield is not urgent. If retaliation features reliance upon radioactive fallout as a weapon, then the areas contaminable to a lethal level would be expected to increase roughly in proportion to the increase in yield of the nuclear explosives.

A more urgent need for more powerful warheads for these smaller missiles is involved if the United States depends upon them for a counterforce blow as, for example, a strike at enemy strategic bases. The number of missiles required to insure destruction of a target is large unless the warhead yield is increased or the accuracy of delivery is improved. Further testing of nuclear warheads could cause some reduction in the number of missiles needed. However, greater military gains can be obtained by improving the accuracy, reliability, and reaction time of the missiles. At the same time development of the missile to carry weightier warheads would allow for increased warhead yield without further nuclear testing.

In summary, the principal U.S. military need is to achieve a relatively invulnerable deterrent weapons system as well as to acquire adequate numbers of weapons. The present predicament of extreme U.S. vulnerability is not due to a lack of nuclear testing but to the vulnerability of the nuclear delivery systems and to inadequate numbers of weapons. This deficiency cannot be overcome by nuclear testing; priority must be assigned to the building up of such missile systems.

RUSSIAN NEED FOR NUCLEAR TESTS

Russian performance with long-range rockets provides convincing evidence that Russian ICBM's have truly intercontinental range, high accuracy, and heavy warheads. The power of the heavy warheads projectible by the Soviets must be assumed to be at least equal to and, probably greater than, the Atlas-Titan megatonnages. The heavier weight of the Soviet warheads compensates for their assumed inferior nuclear efficiency. These highly accurate ICBM's jeopardize the Atlas-Titan complexes now being built west of the Mississippi; but to some extent the Soviet planners must have some concern about their own strategic base vulnerability. Even though they know that the United States is committed to a policy of never striking the first blow, they must consider a counterforce strike designed to forestall continuing Soviet missile launchings. For

this reason, Soviet planners must protect their missile launch capabilities. They have several electives—hardening their bases, relying upon mobility, concealment or sheer numbers of weapons.

The further development of small or tactical nuclear weapons would appear to be of less value to Russia in light of its large ground forces. No doubt the Soviet military leaders are compelled to stockpile tactical nuclear weapons in order to be able to match weapons with the United States but it is doubtful if they attach as much importance to these weapons as do many U.S. experts.

The two most obvious Russian needs for further testing are: on the defensive side—the development of more efficient weapons for antiaircraft and antimissile applications; and on the offensive side—the development of higher yield warheads for submarine based missiles.

ARMS CONTROL AND TESTING

The development and maintenance of a less vulnerable deterrent must be the keystone of any rational military defense policy. Gains to be expected from further nuclear tests must be measured against this national requirement. We have seen that the most urgent needs in this area are not met by nuclear development but rather by missile development. Even if the most urgent need were nuclear, the decision to resume testing must look beyond the immediacy of short-term benefits of weapon development and encompass a view of long-term national goals. In other words, there must be a balance struck between short-term rewards and long-term risks.

At best an arms race promises nothing more than a temporary respite. This is important to be sure, since a position of inferiority or enemy-estimated weakness might splinter the keystone of deterrence. But a superarms race takes humanity on a course beset with calamitous pitfalls, unsightly detours and genocidal cul de sacs. Arms development and production now compels nations to seek security via a different course. Real security requires control of armaments.

The view that political settlements must precede arms reductions has often been advanced. While this view may have had some validity in the past, it no longer seems to be applicable. At present and in the future, all-out war will be so devastating to victor and vanquished alike that no political gain justifies the waging of such a war. Accordingly, the only rational incentive to launch an all-out attack is fear of an imminent attack upon one's homeland and a consequent compulsion to ward off this anticipated attack by striking a preemptive blow. Even though an attack were not in the offing, a nation might seize upon a temporary advantage in the arms race (i.e., a point of imbalance brought about by technology or arms production).

Arms controls offer a path of freedom from an arms race. As nations more fully perceive the perilous security of "peace through mutual terror," they will increasingly seek a means of reducing and controlling modern arms. Arms controls thus offer the possibility of reducing the magnitude of a war and at the same time reducing the likelihood of war.

BENEFIT OF ARMS CONTROLS TO RUSSIA

Most of the advantages of arms controls apply equally to both sides. Neither side wants to see a war start as the result of a systems error, say, spurious signals on a radar screen. Neither nation wishes to see a war triggered by an act of irresponsibility on the part of a few individuals. Neither can view with complacency the prospect of a war instigated by the action of a third country. Russia could not tolerate spread of nuclear weapons to its own satellites. And it must be disturbed by the continuing drain which armaments make upon its growing civilian economy.

Russia is within range of an arc of U.S. airbases and a small number of intermediate range ballistic missiles bases. These bases are highly vulnerable but, even so, the Russians are anxious that they be removed.

INSPECTION: KEY TO ARMS CONTROL

In the days when arms consisted largely of battleships and mass armies, there was little need for inspection to verify arms reduction agreements. Aircraft in numbers sufficient to transport strategically significant quantities of conventional explosives are equally difficult to conceal. The development of the hydrogen bomb and the ICBM completely changed the dimension of the inspection problem. Both the necessity for, and the difficulty of, weapon inspection became critical.

A nuclear attack of 3,000 megatons, it is generally agreed, would be sufficient to devastate a country as large as the United States. A smaller attack could destroy our strategic bases. In a few years such an attack will be deliverable by ICBM's numbered in the hundreds or by a smaller number of submarines equipped with Polaris-type missiles. These numbers come within the realm of what it is possible to conceal from ordinary intelligence. However, such a force can be detected by developing thorough inspection techniques and implementing large-scale inspection programs.

Inspection for nuclear weapons or weapon material already produced is much more difficult than inspection for the weapons carriers. Even large quantities of nuclear explosives can most certainly be hidden and escape detection within the vastness of a country such as Russia. On the other hand, nuclear explosives are only one component of an integrated weapons system and are useless unless deliverable. The delivery systems lend themselves more readily to inspection. Complete inspection will require extensive development but it should not delay agreements on more limited inspection. We should be careful not to derive an unwarranted sense of security from a limited agreement.

NUCLEAR TEST CONTROLS

A first step in instituting arms controls is an agreement to cease nuclear testing subject to detection by a reliable inspection system. Such a system would consist of monitoring posts located throughout the world and equipped with instruments designed to respond to test signals.

A logical extension of inspection for nuclear tests would be the establishment of inspection posts for monitoring missile testing. One would not anticipate a total ban on missile tests since certain high-thrust missiles are required for space exploration. Such missiles would be policed by the inspection system and would serve to calibrate and determine the effectiveness of the monitoring. A natural extension of this missile system would be the development of safeguards against surprise attack and accidental war. Eventually, inspection for arms production and products might be developed.

Russian handling of the arms control issue reflects a traditional esteem for secrecy and great caution in permitting foreigners to penetrate freely into the sensitive areas of Soviet economy and geography. In the military domain the Soviet Union has a priceless advantage in the concealment of its missile bases. Any uncertainty in the exact location of missile bases adds a high degree of invulnerability to them. This is of immense value to the Soviets and must give them confidence that the United States will not strike the first blow. The Soviets may also be fearful of exposing their population to the free flow of ideas that might accompany the installation of many inspection posts within the boundaries of the U.S.S.R. The Soviets are apt to view an inspection system as tantamount to an instrument of political penetration and intelligence procurement. Accordingly, they may be expected to negotiate at length and to seek U.S. concessions in exchange for any compromise of its security through secrecy.

PREVIOUS NEGOTIATIONS

Early postwar proposals made by the United States were rejected by the Soviet Union. It became obvious that the Soviets did not wish to negotiate from a position of nuclear inferiority. Almost a decade elapsed before the Soviet leaders relaxed their rigid attitude on inspection. No doubt Soviet success in the thermonuclear field and in rocket development had much to do with their subsequent proposals on arms controls. Whatever the reason, on May 10, 1955, the Soviets made a dramatic proposal on arms controls including ground inspection at various critical points such as harbors and bases. President Eisenhower reacted to the sudden shift of Soviet policy with his "open skies" aerial inspection proposal.

In the summer of 1958 a conference of experts to study the possibility of detecting violations of a possible agreement on suspension of nuclear tests was held at Geneva. The experts found themselves in general agreement on the technology of nuclear test detection. They proposed an international grid of monitoring posts, spaced about 1,000 kilometers apart, to provide reasonable assurance that illicit tests would be detected.

In 1959–60 the United States requested a reexamination of the conclusions reached at Geneva in 1958. The United States took the position that the inspection network specified in 1958 was inadequate.

THE PRESENT SITUATION

At present the United States has proposed the cessation of all nuclear weapons tests in all the environments that can now be effectively controlled. This means that all atmospheric tests, all space tests out to a distance that is monitorable, all ocean tests and all underground tests are banned above the threshold of detection. The United States takes the position that the threshold for underground tests corresponds to a seismic magnitude value of 4.75 and that all tests below this value (corresponding to explosions of more than 19 kilotons by U.S. calculations) will be permitted. The Soviet response to the U.S. proposal is a reiteration of its plea for a ban on all tests regardless of size and a declaration of its willingness to allow limited inspection of sites where seismic data point to "suspicious events."

U.S. negotiations seem to be dominated by fear that the Soviets will cheat on a test ban. On the other hand, Russian negotiations are overlain with a fear of free inspection. Russia appears to have no worries about U.S. cheating, presumably because of the efficiency of its intelligence services and the obvious openness of the U.S. society. Accordingly, they register no concern about the adequacy of a control system and maintain that the 1958 Geneva system is still adequate.

WHAT CONTROL AGREEMENT WOULD BE ACCEPTABLE?

If the United States is to forgo the immediate military advantages of further nuclear testing, it should seek compensation in the form of a corresponding gain in its long-term security. This raises the question: What kind of a test control agreement would insure such a gain?

One aspect of the agreement is simple; it would necessarily include inspection of Russian territory. This inspection system

could provide a beginning for controlled, meaning inspected, arms reduction. Accordingly, the system should include the maximum number of technical features which would facilitate its extension toward other uses. A limited aerial inspection—such as would be useful for onsite survey—would be a valuable adjunct to a seismic network. Radar equipment would be useful for the detection of high altitude explosions. Both of these systems would be of the greatest value for extending the system to the monitoring of missile tests and the prevention of surprise attack.

Another aspect of the agreement is that the controls should provide reasonable safeguards against violations. It would be unwise to underwrite a control system in which one could place little confidence. Such an agreement would be the breeding ground for suspicion and recurrent anxiety. It is for this reason that any agreement should provide for improvement of the inspection system. On the other hand, it is not necessary for the United States to insist upon a 100 percent foolproof system designed to be certain of detecting any nuclear explosion, however small. It is important that any significant test series would be likely to be detected. In other words, it is necessary that there be no certain method of defeating the system.

There is a penalty attached to a test-ban violator in the form of world opinion which would turn against any nation found guilty of breaking the nuclear agreement. The latter will be no ordinary agreement. It will symbolize a veritable turning point in history—an attempt to make a small but firm step on the road to disarmament. A nation which violates such an agreement automatically sets into motion an arms race from which there may never be an end. The notion that a nation could gain some supreme momentary advantage in the arms race by a quick series of tests is fanciful. It takes years to convert test data on weapon innovations into the stockpiled weapons of war.

THE 1958 GENEVA SYSTEM

The inspection system agreed to at Geneva in 1958 provides adequate assurance for the detection of nuclear tests in the ocean, in the atmosphere, and in near-earth space. However, the spacing of the seismic grid is too great to give reasonable certainty of detecting underground explosions and locating them with accuracy. The Hardtack (1958) series of underground nuclear explosions did not reveal this inadequacy; they merely confirmed it. Moreover, the theoretical possibility of muffling explosions underground emphasizes the need for closer spacing of the grid.

These deficiencies in the 1958 proposals must be recognized and corrected. The present U.S. approach is to outlaw those tests which are clearly detectible. While this position has the merit of forcing Russian acceptance of improvements in the seismic system, it suffers from two major faults. First, it does not lead to a worldwide ban of all tests. Thus, it does not prevent the spread of tested weapons to other powers. Second, by stipulating a threshold of detection of 4.75 on the seismic magnitude scale without specification of the maximum allowable yield for weapons tested, the United States presents what is probably an unacceptable proposal to the Soviets. The United States could, through the use of muffling techniques, test weapons in the range of 100 kilotons without violating the threshold on the seismic scale.

THE MUFFLING ARGUMENT

The possibility of decoupling or muffling nuclear explosions was recognized in 1958. Preliminary calculations of a theoretical nature were first published early in 1959. This classified document was made available to the Soviet delegation at Geneva later that year. According to this theory, the seismic signal generated by an underground nuclear explosion may be reduced by detonating the device inside a deep cavity. If the underground chamber is large enough, the shock wave will produce only an elastic deformation of the chamber wall so that much less energy will be imparted to a seismic wave. It is estimated that under proper conditions muffling may reduce the seismic signal 300-fold. In effect, then, a 90-kiloton explosion could by the process of muffling produce a seismic signal characteristic of a 0.3 kiloton nonmuffled explosion.

Experiments have been conducted by the Atomic Energy Commission to test the validity of muffling theory as applied to conventional explosions up to a limit of 1 ton of TNT. Assuming that the theory is verified for conventional explosions and that a 1,000 to 100,000 scaleup of the data is valid, then the possibility of muffling will make seismic detection more difficult but by no means impossible.

With an adequate number of seismic stations, the problem is not to observe the seismic signal but to distinguish it from signals representing natural events. In most circumstances an explosion of 1 ton of TNT (0.001 kiloton or one-third kiloton with maximum decoupling) usually yields an ample seismic signal out to a distance of 400 kilometers. An explosion of 10 tons is detectable with high reliability within this distance.

It is interesting to note that one can define three types of seismology: earthquake seismology in which natural events are recorded at very great distances, explosion seismology in which manmade explosions are recorded out to a distance of several hundred miles, and oil well or geophysical seismology where small charges of explosives are studied within a few miles of the detonation. In the United States emphasis has been placed on earthquake and oil well seismology with very little research being devoted to explosion seismology. The Soviets have done intensive work in explosion seismology. There is a gap in U.S. experience and knowledge in this very important field of research.

Experiments are needed to determine whether muffled explosions do not generate peculiar signals which will render them more readily recognizable. For one thing, it is expected that repeated explosions in the same earth cavity would generate identical seismic records; i.e., a seismic signature. This point is important if a test violator wished to use a cavity for a series of nuclear tests.

While muffled explosions may minimize seismic signals and make seismic detection more difficult, one has to consider the practical aspects of muffling. Cavities large enough to decouple large explosions would involve very large-scale excavation and earth removal. It is estimated that the cavity required to muffle a 70-kiloton explosion would necessitate a 2- to 4-year excavation program costing $25 to $50 million. Approximately 20 million tons of material would have to be excavated, an amount greater than the annual anthracite production in the United States. Preparations for a muffled nuclear test would probably be verifiable long before the test took place. After the shot, the evidence would remain to be investigated over a long period of time. For example, if the suspicious event turned out to be a muffled test involving a large earth cavity, the survey team could look for a variety of clues. Seismic and gravity surveys could reveal the existence of a subterranean cavity. Any trace of escaping radioactive gas would be a telltale sign of a nuclear explosion.

In summary, the construction of huge cavities in the earth to hide nuclear explosions does not seem to be a practical method of evading test detection. The possibility of firing small nuclear weapons in natural earth cavities does make it necessary to consider even small seismic signals as supicious events.

IMPROVEMENTS IN THE GENEVA SYSTEM

The principal change required in the Geneva system is a reduction of the grid spacing to 400 kilometers or less. This could be achieved either by adding more manned stations to the grid or by filling in the gaps with unmanned or robot monitors. This closer spacing of monitors would permit: (a) detection of the seismic signal of a 3-kiloton test even though this explosion was thoroughly decoupled, (b) more precise location of seismic signal origins, and (c) the possibility of discriminating against most earthquakes by unambiguous observation of the direction of first motion.

Precision in location of the suspicious event is of great importance since it would limit sharply the total area to be studied by the onsite inspection team. This fact alone should make the onsite inspection less objectionable to the Russians. Furthermore, the smallness of the area to be searched would expedite the survey and give confidence to conclusions reached by the onsite inspectors.

The onsite inspection problem has not been given sufficient attention to date. It would be highly desirable to have some independent groups, as as the National Peace Agency proposed by the Democratic Advisory Council undertake a thorough study of the means available for detecting the after effects of nuclear explosions in a small area subject to onsite inspection. If the area subject to onsite inspection is reduced to 3 square miles by the closer detection grid then air-portable instruments could be developed for making investigations of radioactive, geophysical, thermal, and gravity anomalies in the suspect areas in order to verify the existence of a test-ban violation. Highly sensitive devices can be developed for sensing the presence of infinitesimally small traces of bomb-produced radioelements. Any intelligence such as that provided by a defector a long time after the illicit test could be verified by onsite inspection since the radioactive residue of the explosion is quite indelible.

Given the closer grid spacing for the inspection system the number of onsite inspections required per year need not be large, perhaps 30 per year, particularly if a somewhat larger number of aerial inspections are permitted. The latter could rule out many events in inaccessible regions.

Improvements in the seismic detection system suggested in December 1959 were agreeable to the Russians and it seems quite possible that additional improvements, such as those outlined above, would also be acceptable. These improvements would go far to prove to a potential violator that there would be no safety in cheating.

CONCLUSIONS

The negotiations for a ban on nuclear testing have assumed greater importance than the testing warrants per se. This is because the test ban has been looked upon as a critical proof test-of-arms control. The nations of the world are waiting to see if a turning point in world affairs has been reached where international agreements can lead to mutual trust and to substantial reductions in arms.

If the nations of the world cannot agree to ban nuclear tests under a system of international inspection and control, then the future appears quite easy to predict. Most surely, both sides will resume limited nuclear testing, probably on an underground basis. Self-imposed limits on the power of weapons tested will be disregarded as the nuclear competition increases in tempo.

Above-surface testing of megaton-class weapons is likely to follow and radioactive contamination of the atmosphere will be resumed. The arms race would intensify and within a relatively short time other nations would test nuclear weapons of their own design and the number of nuclear powers would multiply. The problems of turning back the clock and reattempting an arms control agreement will then be vastly more difficult. The prospects for humanity disentangling itself from this nuclear mess seem bleak, indeed. It is, in fact, the contemplation of the ultimate consequences of an uncontrolled arms race that motivates many people to attach great importance to a cessation of nuclear tests on a controlled basis.

If the nations of the world meet with success in their negotiations on nuclear testing, then the first step may have been taken on the road toward a new system of world security.

Members of the advisory committee on science and technology: Dr. Ernest C. Pollard, chairman, Biophysics Department, Yale University; Dr. Samuel K. Allison, professor of physics, the Enrico Fermi Institute for Nuclear Studies, University of Chicago; Dr. Harrison Brown, professor of geochemistry, California Institute of Technology; Dr. James F. Crow, professor of medical genetics, University of Wisconsin; Dr. Louis B. Flexner, chairman, Department of Anatomy, School of Medicine, University of Pennsylvania; Mr. Trevor Gardner, chairman and president, Hycon Manufacturing Co.; Dr. H. Bentley Glass, professor of biology, the Johns Hopkins University; Dr. Leslie C. Dunn, professor of zoology, Columbia University; Dr. David R. Goddard, director, Division of Biology, University of Pennsylvania; Dr. Frank Goddard, Jet Propulsion Laboratory, California Institute of Technology; Dr. David L. Hill, consulting physicist, New York City; Dr. Polykarp Kusch, professor of physics, Columbia Radiation Laboratory, Columbia University; Dr. F. T. McClure, chairman, Research Center Applied Physics Laboratory, the Johns Hopkins University, Silver Spring, Md.; Dr. Richard B. Roberts, vice chairman, Department of Terrestrial Magnetism, Carnegie Institution, Washington, D.C.; Dr. John S. Toll, chairman, Department of Physics, University of Maryland; Dr. Harold C. Urey, Institute of Technology and Engineering, University of California, LaJolla, Calif.; and Dr. Gilbert F. White,[1] chairman, Department of Geography, University of Chicago.

Mr. ANDERSON. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the distinguished Senator from New Mexico, the chairman of the Joint Committee on Atomic Energy. I read his statement of yesterday I believe the Senator will find that while on the surface there may appear to be substantial differences of opinion about our respective statements, the conditions which I have set forth eliminate some of what appears on the surface to be a controversy.

Mr. ANDERSON. I compliment the Senator from Minnesota upon his statement. I congratulate him for continuing to hold fast to the things which we believe are essential. I would not do otherwise than compliment him on his statement. If he does not mind, I should like to emphasize two or three points connected with his statement.

Has the Senator seen a translation of the Russian proposal?

Mr. HUMPHREY. No. I have seen the press commentary and an official summary of the proposal. I believe the Senator from New Mexico is making a very valid point. As always, his judicious and prudent temperament helps one in the Senate. My remarks, and I imagine also the Senator's remarks of yesterday, are based upon what one might call press reports from Geneva.

Mr. ANDERSON. I think it is strange that a proposal which was made many days ago in Geneva has not yet been received in Washington; or, if it has been received in Washington, has not been made available.

I would only show the Senator, because he is entitled, to see it, a summary I got from the State Department today. It is marked "For Official Use Only," so I cannot discuss it. But it is all that the State Department has thus far released, so far as I know. I have just been to the office of the Joint Committee on Atomic Energy, and the committee has less. So I assume the text of the statement is not available to the Committee on Foreign Relations, where I think it ought to land first.

Mr. HUMPHREY. Yes.

Mr. ANDERSON. It is not available to the Joint Committee on Atomic Energy, where I hope it might land secondarily.

Mr. HUMPHREY. The point the Senator from New Mexico makes is realistic at this time, because here again is a situation where the public and the press receive information which, so far as we know, may be based upon a sketchy interpretation or a limited interpretation of the full document or the full presentation. I believe that in this instance we need to have a transcript of the translation even though we do have a summary of the informal conversation which took place at the time and a summary of the proposal as it was presented. Otherwise we shall have inadequate information.

Mr. ANDERSON. I agree with the Senator. The Senator referred in his statement to proposals which he made in Pontiac, Mich., on October 30, 1959. I observe the able Senator from Tennessee [Mr. GORE] on the floor. A long time ago he made what I thought was a very thorough, forthright, constructive suggestion at the conference and upon his return from the conference.

I can only say again that I believe this is a matter of great importance. I hate to see the mind of the American people being made up on it before they are in possession of any information on which they might base a judgment.

For instance, the Senator from Minnesota, in his statement, said that he believed that the Soviet Union must be willing to accept about 20 inspections a year.

Mr. HUMPHREY. I altered that statement to 20 or 30 inspections.

Mr. ANDERSON. I think that is an interesting figure to at least discuss. Has the Senator seen any indication on the part of the Russians, at any time, that they are willing to settle on any number of inspections whatever? I base that question on the fact that when the discussions were taking place in Geneva, the Russians were asked, time after time, the number of inspections they would permit in a year. The answer was that that was a political question, not a scientific question.

Mr. HUMPHREY. The statement of the Senator from New Mexico is correct, as I expected it would be. The Soviets have accepted "in principle" onsite inspection; but they have never specified the number of such inspections. It is, of course, the number of such inspections which is so vital, because while the Soviets may have accepted the matter "in principle," nevertheless, if too few onsite inspections are agreed upon, it might be just as well not to have any, for practical purposes. It is necessary to be on the safe side in asking for an adequate number, and perhaps an overadequate number, to be certain that there is no cheating.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CASE of South Dakota. It was my privilege to sit in at the meeting in Geneva of the three-power committee—the 149th meeting—shortly before Christmas. At that meeting, the Russian delegate suggested that the Soviet Union would be willing to accept control teams to make some inspections. The specific number was not discussed, but the idea of accepting inspections in the other country's territory was proposed, after a great deal of beating of United Kingdom and U.S. delegates on the head for some past dilatoriness, from the standpoint of the Russians.

However, in discussing this matter with Ambassador Wadsworth and members of his staff afterward, I raised the question of the number; or, at least, we discussed the possibility of the number of inspections which would be required.

I am certain the Senator from New Mexico [Mr. ANDERSON] and the Senator from Minnesota [Mr. HUMPHREY] are much more conversant with the details of the whole matter than I. But I got the impression that an appropriate number would be a number somewhat in excess of the number of natural earth tremors which history has shown to be the accepted number in any given period of time. In various parts of the world, earth tremors of various degrees are a matter of record. Whatever the number of inspections should be, they would be somewhat in excess of the number of tremors which could be expected from natural causes.

Mr. ANDERSON. I may say to the Senator from Minnesota that I do not question that the Russians have said they would negotiate. I only remind the Senator that the device of saying, "We will negotiate the number of inspections," was a device which was developed in order, apparently, to pit the British against the United States. Prime Minister Macmillan made his proposal or

[1] Dr. Gilbert F. White does not subscribe to this policy statement. Dr. White writes: "I feel that the paper is a competent technical analysis but that it overvalues the soundness of nuclear deterrence as national policy directed toward the maintenance of peace. I would prefer that greater emphasis be placed on the urgency of establishing a National Peace Agency, as proposed by the committee, and carrying out the functions planned for that agency."

suggestion as to an agreed quota, and the Russians then jumped at it quickly and said, "We will use this proposal to negotiate with you." That threw the United Kingdom and the United States into the field of controversy.

The Soviet representatives wanted us to agree to a quota first before even discussing the number of inspections.

This point then came up: "Yes, having agreed to something, and having settled it, we could then proceed to negotiate for 10 years, if need be, and not reach a solution."

The figure which the Senator from Minnesota uses—20 or 30 inspections a year—is certainly a minimum.

Mr. HUMPHREY. That is correct.

Mr. ANDERSON. But when that proposal was discussed informally with representatives of the Soviet Government, it appeared that their idea might be two or three, although they were not willing to talk about it.

They said, "This is not a scientific question; it is a political question." They said, "We will sign the papers that we will establish a quota then, subsequently, we will sit down to negotiate the number of inspections in the quota."

Therefore, I say to the Senator from Minnesota that he gives me comfort, as I knew he would, when he says the Russians must agree to at least 20 or 30 on-site inspections a year. But I want to predict now, openly, to him that that will be the stumbling block.

Mr. HUMPHREY. I understand that the Senator is making the point that in the discussion of this matter in the media of public information, this point, which is the heart and core of any agreement which the Senate would ratify, was not discussed. Is that correct?

Mr. ANDERSON. I quite agree. The Senator has pointed out that the Russians have stated that only chemical explosions can be used in testing these devices. I say to the Senator that, as he well knows, that is like saying, "I will show you the effect of a cannon ball, by tapping you on the shoulder, and then you can tell what the impact of a cannon ball would be like." In other words, no chemical explosion could possibly approximate the effect of a 20-kiloton nuclear explosion.

Mr. HUMPHREY. The Senator is correct. Furthermore, as he knows, I insisted that the atomic explosion aspects be considered, as well.

Mr. ANDERSON. That is why I compliment the Senator from Minnesota. The Berkner report points out that in addition to chemical high explosives—such as we now are conducting in Louisiana under Project Cowboy—we must also have additional underground nuclear tests to prove out the proposed control system.

Mr. HUMPHREY. Exactly.

Mr. ANDERSON. But the Russians have said, "Yes, we will agree to test the effect of these small explosions, but only chemicals can be used"—with the result of completely destroying the value of the tests and completely destroying the possibility of testing the instruments that will be needed; and therefore the proposal amounts to proposing something which in my own heart I believe the Government of the United States will never accept.

Let me also point out that the type of media in which a nuclear device is detonated underground will make a very considerable difference; and this matter has to do with the figure of 4.75 earthquake magnitude. If the test is being conducted in solid rock, that is one thing. If the test is being conducted in a salt dome, that is something else. If the test is being conducted in ice, that is still something else. A 20-kiloton device, detonated underground will vary depending on the media as to what the equivalent earthquake magnitude will be. Decoupling also will effect this. We need to have something which will be applicable across the board. Therefore, we need to have extreme flexibility.

So I am happy that the Senator from Minnesota has always recognized that principle—not only at this time, but in our previous discussions.

Mr. HUMPHREY. Those are scientific points which really are not subject to political differences. There are certain scientific aspects of inspection and detection, and they must be evaluated on a scientific basis. On the other hand, if political judgments are placed ahead of the scientific judgments, no really effective result will be achieved; instead, there will be, in effect, a suspension of effective negotiation.

Mr. ANDERSON. But the Russians themselves made the point that the matter of the number of inspections to take place was a political question, not a scientific question. However, if the negotiations take place on the basis that that is a political question, then the negotiations in regard to the number which would take place could drag on and on for an indefinite period of time.

Yesterday, I tried to point out, in a very brief statement I made to the Senate, that the negotiators between these countries sat for 6 solid weeks trying to decide whether there would be two treaties or one treaty to cover the same thing. It struck me that they were not trying to agree very rapidly, if they would waste 6 weeks on discussions of that type.

I only wish to say at this time to the Senator from Minnesota—I desire to be brief, for I know that other Senators wish to speak—that I know it is his desire to see this matter concluded, just as I have a desire to see something accomplished in regard to the matter of tests. I am happy that he recognizes that on certain basic things we must not surrender if we hope eventually to work out a good solution. I hope he recognizes that the willingness to have inspections conducted is one of those things. The Senator from Minnesota may have read into our proposal of February 11 a proposal to include a requirement for inspection. I do not so read it, although I say frankly that it may be subject to that interpretation.

I was particularly anxious to find out whether the Russians had made any agreement as to any inspections at all. But I do not find in the text anything which would indicate any such agreement.

Mr. HUMPHREY. Does the Senator refer to the most recent proposal?

Mr. ANDERSON. As to the recent proposal, I cannot find in the State Department anyone who will say it represents an agreement in regard to when and how the inspections will take place. Some read into it a proposal for the establishment of 180 stations. But an agreement in regard to the establishment of 180 stations without adequate inspection might very well be like an agreement in regard to a slum-clearance project: If, after the slum is cleared, no one is allowed to live in the new houses, or travel freely to and from the houses very little will have been accomplished. Similarly, if the Russians agree to permit 180 stations to be established, but if then the Russians insist that two-thirds of the crews which will use the stations must be Russian, and one-third of the crews may represent the other nations of the world, we might just as well not have the 180 stations established in the first place.

Mr. HUMPHREY. The Senator from New Mexico is entirely correct; and I, too, have said that the composition of the crews which man the international stations, the number there will be, what will be the national background of the members of the crews, how many will represent the United States-United Kingdom area, and how many will represent the Soviet bloc areas, are problems which I believe require meticulous negotiation.

I believe that the debates on these matters which have occurred in the Senate—although some of those in the executive branch may feel that at times we take an overly critical view, or, at other times, an overenthusiastic view, depending on how the debates proceed—are vitally important, because, after all, any agreement which may be arrived at, either at Geneva or elsewhere, will eventually have to be placed in the form of a treaty; and unless there is in this body an understanding of what is agreed upon, the treaty will never be ratified.

I happen to want a test-ban agreement. But I want to caution all persons who also want such an agreement—and I want one very much—to remember that our desire for progress must not be allowed to prejudice the effectiveness of the system which needs to be developed in order to assure that real progress will be made. In other words, I do not want to gain a so-called political mile today, only to find, a year from now, that we have slipped over the precipice and have fallen into a very dangerous situation where cheating, avoidance of inspection, and so forth, could occur, and when we would find that the entire agreement which we had thought to be very worthwhile and very important would prove to be of little or no value, and perhaps would even prove to be harmful to us. Widespread fear of the possibility of such a development would have an extremely prejudicial effect on disarmament negotiations.

Therefore, Mr. President, I believe it most important that what is done now be done in so substantial a way that the people will be assured that there is hope for progress. After all, in the absence of that, people will become terribly disillusioned.

In fact, I had a chance to say this to Mr. Khrushchev, when we discussed the matter of test-ban negotiations. I said to him that I thought the people of the world want progress made, but do not want steps taken allegedly in the direction of making progress, only to find out, all too soon, perhaps, that they have been a hoax, because if such were to prove to be the case, there would be disillusionment; and then the only alternative would be to proceed willy-nilly in a reckless arms race, which could lead to catastrophic conditions and conclusions.

Mr. ANDERSON. Mr. President, again I compliment the Senator from Minnesota upon his presentation.

We may not agree as to what may happen in the future; and, of course, one of the tragic situations in connection with what is being promised and programed is that we cannot judge them in the light of what the future holds.

Mr. CASE of South Dakota. Mr. President, will the Senator from Minnesota yield to me?

The PRESIDING OFFICER (Mr. MONRONEY in the chair). Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. HUMPHREY. I yield.

Mr. CASE of South Dakota. Mr. President, I think it well that this matter has been brought to the attention of the Senate. As the Senators who have been discussing it have pointed out, anything which may be consummated at Geneva or elsewhere presumably will eventually come before this body in the form of a treaty which will require ratification. Therefore, I believe it important that the Senate discuss these matters and obtain as much information as it possibly can obtain, so as to be able to approach the subject as intelligently as possible.

The original agreement for the meeting contemplated discussion and negotiation in regard to the control teams to be established in the host country. But the discussion went beyond that point; and the Russian delegate, Mr. Tsarapkin, presented a proposal in regard to the composition of the teams. Although at that time no agreement on the proposal the Russians made was reached, it was evident that it was a step in the direction of the United Kingdom-United States position that the teams should represent three parties, rather than only the United Kingdom-United States and the United Nations.

I hope that the Senator, if he has not had an opportunity to see it, will attempt to get a résumé of the proposals made by Mr. Tsarapkin at the 149th meeting.

Mr. HUMPHREY. May I ask the Senator the date of that proposal? I believe I have seen it. I want to be sure of the date.

Mr. CASE of South Dakota. It was the last meeting before the recess over the holidays.

Mr. HUMPHREY. Very well.

Mr. CASE of South Dakota. The question I should like to ask the Senator from Minnesota is this: Does the Senator regard the 20-kiloton size blast as the proper dividing line between those explosions which might be completely banned and those upon which an agreed number of inspections would be required?

Mr. HUMPHREY. I believe that is about as close an estimate or evaluation as we have been able to get, with any degree of certainty, relating to inspection and control. There has been a difference of opinion on this matter. Some people have felt that we could lower the threshold. But I gather the 19-kiloton cutoff line is an explosion yield that gives a degree of certainty as to inspection and control procedures to be applied.

Mr. CASE of South Dakota. That is my understanding also, in spite of the story that appeared in the papers this morning relating to an explosion conducted in certain forms of mass or material. I assume it is true, as the Senator from New Mexico has pointed out, than an explosion in a rock cavity would be one thing, and an explosion in a sandy area or in a salt mine area would be another thing. The defect of the smothering would be different, depending on the composition of the surrounding material.

Mr. HUMPHREY. Yes; but it is my view, subject to alteration by scientific information being brought to my attention, that the seismic signal equal roughly to 19-kiloton cutoff takes into consideration the difference in the physical environment in which explosions might take place. In other words, the 19-kiloton yield still permits reasonably safe detection and inspection systems to operate without the possibility of sneak explosions, which could go on undetected.

Mr. CASE of South Dakota. To complete my observations, I think it is important that the Senate discuss these matters and that Senators do their homework on this subject as much as possible, because if a treaty is brought before the Senate, it should be debated with as much competence as possible. We do not want a hoax, but we do not want a prevention of disarmament if it can be obtained safely. The stakes are pretty high in this question.

Mr. HUMPHREY. I want to thank the Senator from South Dakota, who is an able, thoughtful, and diligent member of the Armed Services Committee, for his keen interest in and study of this subject. I am sure it is going to mean a great deal to the Senate, because those of us in this body respect the Senator from South Dakota and his knowledge of the armed services problems and the security problems of our Nation. The fact that he has applied himself so diligently to nuclear test cessation and disarmament problems is reassuring—reassuring in the sense that, if the Senate gets before it a treaty and we debate it, we are going to need consideration of it not only by Senators who are on the Foreign Relations Committee, but also members of the Armed Services Committee. These two committees are not in conflict, but they are complementary to each other. We shall want to engage in the consideration of such a problem and have a meeting of the minds not only of Senators who are familiar with the foreign policy needs of our country, but those who are familiar with the weaponry needs of our country.

I compliment the Senator from South Dakota for bringing to our attention the many areas in which we have made progress. I wish the record to be clear that while there are several unresolved questions between the United States, the United Kingdom, and the U.S.S.R., at the Geneva test-ban conference we have made substantial progress. I have forgotten the number, but I think there are 13 to 15 items on which we have reached tentative agreement. We have had preliminary discussions in which the Soviets have seemed to indicate some openness of mind as to the resolution of the problems involved.

Mr. President, I hope the State Department will do two things: First, make available to the Congress, as soon as possible, the full transcript and translation of the official Soviet proposal, with our Government's comments and commentary on that proposal; and, second, that it will give very careful consideration, in consultation with our allies, to those points in the Soviet proposal which seems to lend themselves to a change in the Soviet position. This will have to be done slowly, and will require very careful attention.

STATE DEPARTMENT INTERVENTION IN INTERNAL AFFAIRS OF SOUTH AFRICA

Mr. JOHNSTON of South Carolina. Mr. President, yesterday, for the first time in recent history, the U.S. State Department broke precedent of minding its own business and issued a statement criticizing the Government of South Africa for the way in which it has handled racial problems in that part of the world. I think that if the State Department knew just how high feeling is running at the present time in South Africa, it would have stayed out of the affairs of South Africa.

Mr. President, in so doing, the State Department has now invited every nation on earth to criticize the internal affairs of the United States. We can now expect to see other nations intervening in our internal affairs in the fields of labor, politics, race relations, and any other issue upon which they may wish to comment. The State Department has made a grave mistake; in fact, the State Department should not have made any comment whatsoever on the internal affairs of South Africa, and should not make comment on the internal affairs of any other country.

One would think the State Department had learned its lesson when it got

burned in its backing of the Castro revolution and its censuring of the Batista government of Cuba. The State Department, by its blunderings at that time, added official sanction of the U.S. Government to the Castro revolution and withheld any support the Batista regime may have been able to obtain from this country. The State Department apparently will not intervene in a Communist-inspired revolution at our own backdoor, but it does not hesitate to be outspoken regarding the internal affairs of a friendly nation on a domestic matter with which we have no legal concern.

Everyone abhors violence and death, but it is not the duty nor the purpose of the existence of the State Department to butt the nose of Uncle Sam into the business of other nations, except when U.S. citizens or their properties are involved.

The State Department should be concerning itself with the lives of Americans who are threatened in Communist-dominated Cuba, and it should be concerning itself with the millions of dollars' worth of American properties that are being seized in Communist-dominated Cuba, instead of firing hastily drawn up statements concerning matters about which the State Department knows very little, if anything.

The State Department's press spokesmen prepared the statement supposedly representing the American Government's feelings in this South African matter before the news reports from Africa were even complete as to what happened.

I hold in my hand an article which was printed in the Washington Post and Times Herald this morning entitled "United States Deplores Violence Used by South Africans."

I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPLORES VIOLENCE USED BY SOUTH AFRICANS

(By Murrey Marder)

The United States, in the bluntest comment of its kind, yesterday deplored the violence used by South African police against Negro antisegregation demonstrators.

In doing so a spokesman acknowledged that this country ordinarily does not comment on internal affairs of governments with which it has normal relations.

Officials said privately that the dimensions of the violence employed against thousands of Africans protesting white supremacy regulations made it impossible for the United States to remain silent.

At the time the State Department made its comment yesterday, more than 60 Negroes were reported slain by police using submachineguns, tear gas, armored cars, and other weapons. The toll continues to mount.

BRITISH REACTION STRONG

In Great Britain, the head of the Commonwealth to which South Africa belongs, the reaction was much stronger—but nonofficial. The British Labor Party tried unsuccessfully to adjourn the House of Commons as a symbol of national mourning, as hundreds of protestors picketed London's South Africa House chanting "murder, murder, murder."

State Department press spokesman, Lincoln White, said the U.S. comment was prepared in anticipation of questions.

It said:

"The United States deplores violence in all its forms and hopes that the African people of South Africa will be able to obtain redress for legitimate grievances by peaceful means.

"While the United States as a matter of practice does not ordinarily comment on the internal affairs of governments with which it enjoys normal relations, it cannot help but regret the tragic loss of life resulting from the measures taken against the demonstrators in South Africa."

NO AMPLIFICATION

White said he could not amplify on the statement when he was asked if it was criticizing South African racial policies, as well as the violence.

In fact its wording virtually did that by speaking of "redress for legitimate grievances." The United States is on record in the United Nations as opposing the apartheid (segregation) policy of South Africa. In 1958, the United States came off the fence on this issue, on which it had been hedging out of deference to its European allies with African problems, and because of the United States own vulnerability over segregation in the South.

With African nationalism roaring through that continent, thrusting up newly independent nations with a resulting shift of global influence, it has become increasingly difficult for any major world power even to seem to back the South African Government's policy. Stepping into the South African racial scene in any way, however, means incurring the charge of "meddling"—or worse—which the Cape Town government previously has used against the United States for much milder provocation.

Mr. JOHNSTON of South Carolina. Mr. President, I should like to read into the RECORD an account of some of the things which took place.

Resentful Africans hid in the bush around their villages. One police patrol near Langa was ambushed by a number of Negroes. A police sergeant opened fire and wounded one of the attackers.

During the night, the blacks in Langa set fire to at least eight buildings including churches, the library, a recreation hall, a reception center, an office building and Negro settlement workshops.

The battle between the police and the mobs was waged by the light of the fires and the beams of armored car searchlights.

That shows what was going on.

Mr. President, I think it is the duty of the Congress of the United States to censure the State Department for this revolutionary approach to international diplomacy, because if we do not stop the State Department, the United States will find itself the subject of criticism from every nation on earth on every subject imaginable.

The Government of South Africa has as much right to criticize the running our Federal Bureau of Investigation, or our Federal Communications Commission, or our Post Office Department, as we do to comment on some tragedy which occurred in South Africa. I doubt if anyone regrets the incident in South Africa any more than the South African Government, and our State Department has no right to chastise that Government for what it has done.

I hope the Senate Committee on Foreign Relations will look into this development and will determine from the State Department if it intends to branch out further in this unprecedented step.

It is my personal conviction that if the State Department does not keep its nose to the grindstone on American problems abroad, and keep its nose out of the problems of other nations, then the country might as well abolish the State Department, for it will have outlived its usefulness.

I heard a radio commentator this morning say that an unidentified spokesman for the State Department said it was necessary for the State Department to make this unprecedented comment on internal affairs of South Africa because the Russians forced us into making it. This is a ridiculous justification for the State Department's action and, to my thinking, it only confirms my opinion that our foreign relations on many fronts have been operated in a negative fashion, full of reaction. It seems we do more reacting than we do acting.

How can we justify our traditional Monroe Doctrine policy of "Hands off the Americas" to foreign countries if we are going to jump across the Atlantic Ocean and dive headon into the affairs of South Africa, or of any other nation? The very nature of the statement issued by the State Department would seem to encourage further violence in South Africa, and may lead to even more deaths because, when we place the official sanction of the most powerful nation on earth in opposition to the existing law and order in a land on behalf of rioting people, then we can expect them to be encouraged in more rioting.

Mr. President, I have not seen the latest reports, but as of this morning it appeared to me that the United States was the only nation on the globe which had issued such a blunt, undiplomatic-like comment regarding these internal affairs of South Africa.

Mr. President, the State Department's comments on the internal affairs of South Africa are unfortunate, unwarranted, and have opened the door for provoking a never-ending barrage of charges and countercharges between nations regarding internal affairs.

I urge that the Foreign Relations Committee of the Senate investigate this situation and put an end to the development of any policy within the State Department to continue meddling with the internal affairs of other nations. To do otherwise will certainly invite meddling in our internal affairs by other nations.

In my opinion, we have plenty to attend to much closer to home. I think we should give a close view to what is taking place in Cuba. I think we had better, at an early date, call a halt to some of the things going on in Cuba. If we sanction the taking of American property and not compensating the owners therefor, I think we will be on dangerous ground, not only in Cuba but also in all other countries where Americans have invested approximately $60 billion. All

that property will be endangered, and part of it will be confiscated. That will be only the beginning, if we do not call a halt to the confiscation of American property in Cuba. I warn the American Government and the American people, "You had better get your money out of other nations and bring it home."

Mr. President, I make the point that a quorum is not present.

The PRESIDING OFFICER (Mr. LUSK in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON of South Carolina. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the calling of the roll.

The rollcall was resumed and concluded, and the following Senators answered to their names:

[No. 129]

Aiken	Fulbright	Martin
Allott	Gore	Monroney
Anderson	Green	Morse
Bartlett	Gruening	Morton
Beall	Hart	Moss
Bennett	Hartke	Mundt
Bible	Hayden	Murray
Bridges	Hennings	Muskie
Brunsdale	Hickenlooper	O'Mahoney
Bush	Hill	Pastore
Butler	Holland	Prouty
Byrd, Va.	Hruska	Proxmire
Byrd, W. Va.	Humphrey	Randolph
Cannon	Jackson	Robertson
Carlson	Javits	Russell
Carroll	Johnson, Tex.	Saltonstall
Case, N.J.	Johnston, S.C.	Schoeppel
Case, S. Dak.	Jordan	Scott
Chavez	Keating	Smathers
Church	Kefauver	Smith
Clark	Kennedy	Sparkman
Cooper	Kerr	Stennis
Cotton	Kuchel	Symington
Curtis	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	Lusk	Williams, Del.
Eastland	McCarthy	Williams, N.J.
Ellender	McClellan	Yarborough
Engle	McGee	Young, N. Dak.
Ervin	McNamara	Young, Ohio
Fong	Magnuson	
Frear	Mansfield	

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

Mr. KEATING. Mr. President, I do not wish to be placed in a false light. I wish my colleagues to know that I did not ask for a live quorum.

Mr. RUSSELL. I must apologize to the Senator from New York. I did not know he was addressing a statement to me. I am afraid I was conversing with the Senator from Washington.

Mr. KEATING. No; I was merely explaining, for the benefit of my brethren, that I did not ask for a live quorum. However, I believe the Senator from Georgia is to follow me—and I shall be brief—so that those who are now present may remain to hear my friend from Georgia.

Mr. RUSSELL. I appreciate the generosity of the distinguished Senator from New York. I am certain that the other 99 Members of the Senate could listen to the distinguished Senator from New York with great profit, and in doing so, would improve their knowledge of the existing legislative situation generally and the state of the Union as a whole. I may say that the Senator from Georgia did not suggest the absence of a quorum either.

Mr. KEATING. That is quite true.

Mr. RUSSELL. Although I would have been glad to suggest the absence of a quorum for the benefit of the distinguished Senator from New York, if that had been necessary.

Mr. KEATING. I would do the same for the distinguished Senator from Georgia. I merely wished to set the record straight on that point.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. KEATING. Mr. President, it has been my view that the plan proposed by the Attorney General for voting referees is the best single approach to the problem of implementing the constitutional guarantee of the right to vote without discrimination on the ground of race or color.

I would therefore be vigorously opposed to any effort to water down or dilute in any way the Attorney General's proposal. Indeed I believe that if any change is to be made in the voting referee plan it should be in the direction of adding more strength to its operation, and I believe that to add an alternative administrative remedy would add that strength.

I had hoped all along that the Committee on Rules and Administration would give such alternative proposals full study and would eventually approve the most effective plan for guaranteeing voting rights.

Mr. President, I would appreciate it if I did not have quite so much competition in being heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEATING. Despite the fact that more than a month has elapsed since the Committee on Rules and Administration concluded its hearings on this subject, there have been no meetings of the committee at which the different plans could be considered. The failure of the Committee on Rules and Administration to act on these measures and to resolve their different features is one of the reasons why it is now necessary to submit to the Senate a number of different plans. I regret as much as anyone else the necessity for this, but I believe those who are advancing the different proposals—and I am not one of the cosponsors of the particular amendment before the Senate—should be commended for making an effort to secure a test of the sentiment of the Senate without jeopardizing the basic provisions of section 7 of the Dirksen substitute, because we are dealing here with section 3 of that substitute.

I opposed the tabling of the amendment offered last week, which would have allowed the appointment by the President of temporary Federal registrars. I shall also support the pending amendment or shall vote against any effort to table it.

This amendment leaves virtually intact the chief provisions of the Attorney General's plan, but it adds thereto an important supplementary basis for action by the President in appropriate cases.

When this problem was being considered in the hearings before the Committee on Rules and Administration, I proposed an alternative administrative or executive remedy, as well as a judicial remedy, for voting deprivation cases. A question was raised about the constitutionality of such a dual approach. As a consequence of that question, I sought the advice of an old friend of mine, and a very distinguished lawyer, who is a professor of constitutional law at Harvard University—Prof. Arthur E. Sutherland. Professor Sutherland has submitted to me an opinion on this subject which has been very helpful in resolving these issues.

Mr. JAVITS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEATING. Mr. President, Professor Sutherland concluded in his memorandum that—

> There is no constitutional obstacle preventing the provisions of both administrative and judicial remedies for one deprived by State functionaries or others acting under color of State laws, of either Federal or State voting rights.

Professor Sutherland's letter to me points out that the availability of alternative procedures could have, as he puts it, "practical advantages." The same view has been expressed by a number of other constitutional authorities. I believe there is now very little doubt that what is proposed is entirely permissible under the 15th amendment.

Mr. President, I believe we must do everything we can to assure every American the opportunity to participate in the political processes of his government. The right to vote is the chief hallmark of any democratic system. There is no doubt that today hundreds of thousands, if not millions, of our fellow Americans, many of whom have fought on the battlefields to protect our country, are being denied the right of franchise. This is an indefensible condition, warranting the fullest exercise of our remedial powers.

We should do everything we can to meet that situation. Sincere differences of opinion can develop over which is the best of the plans proposed. I intend to support the pending amendment, as I have said. But if this amendment

is rejected, I hope that all those who support a real advance in the field of civil rights will join in support of the voting referee plan alone.

I consider yesterday's action by the other body, approving the voting referee section of the administration bill, very gratifying. While I believe this plan would be strengthened by supplementing it with an alternative administrative or executive procedure, there is no doubt that the Attorney General's plan, as approved by the other body, would go a long way toward securing the right to vote as guaranteed by the 15th amendment.

Both the New York Times and the New York Herald Tribune in editorials published in today's editions commend the action of the House of Representatives as a victory for voting rights. I believe an effective civil rights measure should deal with other problems, and should not be limited to the curbing of voting deprivations. There is no doubt, however, that the guarantee of the right to vote must be one of the cornerstones of any progressive action in this field. The central importance of this subject is emphasized in the editorials published in the Times and Herald Tribune.

Mr. President, I ask unanimous consent that these editorials may be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 23, 1960]

A VOTING RIGHTS VICTORY

The House of Representatives took an important step forward when it approved the voting referee provision of the civil rights bill. The provision included yesterday had none of the crippling amendments that the southerners, with a persistence and ingenuity worthy of a better cause, have tried so hard—and last Friday with such near success—to attach to it.

We should note the historic importance of the House action. A large majority of the Members of one of the two Chambers of our National Legislature recognized that the existing voting procedures in our Southern States operate to deprive a substantial group of our people of their rights as citizens, and that machinery must be set up to end that deprivation. The willingness to recognize the facts and to do something to end that blot on our democratic system has been too long in coming But yesterday's events in the House promise to enter our history as a major milestone on the road to an America in which our reality will more nearly coincide with our basic ideals.

[From the New York Herald Tribune, Mar. 23, 1960]

THE CORE OF CIVIL RIGHTS

Now that the House has adopted the undiminished voting referee section of the civil rights bill, the passage of the whole measure is expected to follow in short order.

The enforcement of the right to vote is, of course, the key part of the bill. And it is of the greatest importance that this was not narrowed.

The proposal for the Federal court-appointed referees stands. They will supervise registration, voting and vote counting wherever it is determined that Negroes are kept from exercising their constitutional right. Furthermore, this enforcement is to apply to State and local as well as Federal elections.

That the right to vote was guaranteed 90 years ago under the 15th amendment and that Congress is only now hassling over a law to put the Constitution into effect may seem fantastic. Yet such is the fact.

The snail's-pace progress to freedom and full citizenship for all only goes to show how fundamental is the voting right. Because from the practice of this right, the untrammeled assertion of citizenship, come all the other rights of free men.

The Senate, plainly enough, awaits the House bill. The leaders of both parties, Senators JOHNSON and DIRKSEN, want it brought straight to the floor. They are confident that this is a common denominator of civil rights on which a majority can and will agree.

If the southerners choose to filibuster again, as is being threatened, the Senate surely has no option but to invoke cloture.

Mr. KEATING. Mr. President, in conclusion, I wish to reiterate that we must not fall prey to any opposition methods which seek to fatally divide those of us who have been working for a meaningful civil rights bill in the field of voting rights. Politics must be put aside if we are to succeed in retaining in this bill an adequate provision in regard to voting rights. We should not be whipsawed into defeat by failing to unite behind the best plan which can be adopted at any stage in these proceedings.

In the hearings before the Committee on Rules and Administration, I pointed out that there was danger that the opponents of any plan might side with one group, at one time and with another group at another time, and eventually might defeat all proposals. Certainly we do not want to find ourselves in that situation.

If the pending Javits-Clark amendment is rejected, Mr. President, and I hope it will not be, I am prepared to offer to section 7 of the Dirksen substitute amendment a revised amendment incorporating the changes which were made in the other body. I hope that if this revised amendment is called up it will receive the favorable consideration of all Senators on both sides of the aisle who favor the enactment of meaningful legislation in this field.

Mr. MORSE. Mr. President——

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. HART in the chair). The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I wish to discuss for a few minutes——

Mr. RUSSELL. Mr. President, will the Senator from Oregon yield for a parliamentary inquiry with the understanding that in yielding for that purpose he will not prejudice his right to the floor?

Mr. MORSE. Yes, with the understanding that it will not result in causing me to lose my right to the floor; and I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I should like to ask the Chair whether any list is at the desk——

The PRESIDING OFFICER. As the Chair believes the Senator from Georgia knows, a list is at the desk; and the name of the Senator from Georgia is next on the list, after the name of the Senator from New Jersey [Mr. WILLIAMS], who is not present at this time.

Mr. RUSSELL. Mr. President, I did not know that it was possible for an absent Senator to direct the course of recognition by the Chair.

The PRESIDING OFFICER. The Senator from Georgia is, of course correct.

Mr. RUSSELL. Then the Chair simply decided that he would not follow the list——

Mr. MORSE. Mr. President, a parliamentary inquiry——

The PRESIDING OFFICER. The Chair was wholly conscious that this situation would develop, and determined—and advised those here—that he would adhere to rule XIX, namely, to recognize the Senator whom the Chair heard first address the Chair. In good conscience, the Senator who is now in the Chair adhered to that rule.

Mr. RUSSELL. Mr. President, I do not know who selects the Senators who are to preside over the Senate, or just what courtesy they think might be paid to those who have gone through the ordinary ritual of the Senate and have placed their names on the list.

I do not like to quibble about these matters; but it seems to me that it is highly extraordinary procedure to have a list, and to have the list followed until a certain stage of the proceedings is reached, and then get in the chair a Senator who decides that he will not follow the list, but will revert to the rule. The Chair has that right; but I also think I have a right to cry out against such practice.

The PRESIDING OFFICER. Let the Chair state that he only recently came into the chair, and is sure he was not called to the chair for the purpose of unfairly applying any rule.

Within a very few minutes after the present occupant of the chair arrived in the chair, he became conscious that this dilemma would present itself. The Chair thinks the only protection the Chair has in such circumstances—and let the Chair state that he has not sought this role—is, in his judgment, to recognize the Senator whom he first hears address the Chair, because the only rule, "when the heat is on," is rule XIX. The Chair did his very best.

Mr. RUSSELL. Mr. President, several pages were sitting directly to the right of the chair, and it occurs to me that the Chair might have called one of them, and might have directed the page to tell the Senator from Georgia that, although his name appeared next on the list, the Chair was abandoning the list, and intended to revert now to rule XIX. If the Chair had done so, the circumstances might not have been so extraordinary.

But as it is, I still feel that the procedure is highly irregular and improper.

The PRESIDING OFFICER. The Chair respectfully states that in such circumstances, in a situation just short of the intolerable, the only possible procedure is to adhere to the rule.

Mr. MORSE. Mr. President, in defense, and in commendation of the present occupant of the chair, I wish to

state that the procedure of recognizing Senators in accordance with the appearance of their names on a list is, of course, at all times, procedure by way of sufferance, and is in violation of the Senate rule. It has no legal, binding effect on the Senate. There happen to be some of us who previously have been heard, to protest the practice of keeping a list of Members at the desk.

In this particular situation, because of the parliamentary situation which developed in the Senate in connection with the consideration of a measure which some of us sincerely believe is of great concern to the welfare of the Nation, we protested against having any list followed. We insisted upon our right, as Senators, to have the rules of the Senate apply. So I believe that under those circumstances——

Mr. ERVIN. Mr. President, will the Senator from Oregon yield for a question?

Mr. MORSE. Not at this point, Mr. President.

So I believe that, under those circumstances, the Presiding Officer had really no ethical choice but to proceed to follow the rules of the Senate.

I wish to discuss the parliamentary situation which I believe confronts the Senate at the present time. Mr. President, the Senate has now been engaged for quite some time in debate on the Clark-Javits amendment, which in the civil-rights debate draws a great issue, I believe, for those of us who hold to the point of view that the Clark-Javits amendment is essential if any meaningful voting rights bill is to be passed at this session of Congress.

Now—at long last—things are beginning to move very rapidly in connection with the civil rights issue, Mr. President.

I believe it is fairly well understood that we have been waiting and waiting and waiting for a civil rights bill to come to the Senate from the House of Representatives. A civil rights bill was passed today by the House of Representatives, and a request to have an engrossed copy of the bill prepared has been made. Under the regular procedure, the engrossed copy of the bill will probably come to the Senate tomorrow.

Mr. President, some of us believe that bill is inadequate in many respects. We also believe that, as realistic legislators, we must face the fact that it looks as if the only legislation in the field of civil rights which can possibly be pasesd this year by the Congress will necessarily be limited to some form of a voting rights bill.

We believe that such a voting rights bill should provide for procedures along the lines of those called for by the Clark-Javits amendment, which would really make it possible to get the names of colored people or any other people, anywhere in the country, who may now be denied—by one device or another—the precious right to vote, enrolled on the registration books.

Once the names of persons now denied the right to vote but who are really qualified to vote are placed on the registration books they will be in a better position through administrative procedures as well as through judicial procedures—to have guaranteed to them the right to vote, and to assure that they may vote.

Mr. President, for a long time during the debate in the Senate on the Clark-Javits amendment there was no doubt about what was the parliamentary plan of some. It was to have that amendment laid on the table—in other words, to kill that amendment by means of a motion to lay the amendment on the table.

The debate has been very interesting. I believe a magnificent job has been done, during the debate, by the Senator from Pennsylvania [Mr. CLARK], the Senator from New York [Mr. JAVITS], and other Senators who are in support of the Clark-Javits amendment. I am proud to be one of the cosponsors of it.

Mr. President, I believe a rollcall record of where we now stand on the Clark-Javits amendment should be made. I think that such a record is of the utmost importance, not only as it applies to the proposed legislation, but it is of the utmost importance for future reference. We are not going to be through with civil rights legislation with this session of Congress. That fact is well known. We are not going to come anywhere near, in this session of Congress, of passing a broad, effective civil rights bill.

I think everybody in this body knows that I put my parliamentary cards on top of the table. I am putting them there now, because we are engaged in a vitally important procedural battle in the Senate. We have to work with the Senate procedures which are available to us. Those procedures have to be used in order to make the record in regard to a matter such as this. Precious human rights are involved in this great parliamentary battle for an effective civil rights bill. Many of us consider the Clark-Javits amendment essential to an effective voting rights bill.

I would vote against a motion to lay on the table this amendment but I think it is of the utmost importance that we make a record here in the Senate on the Clark-Javits amendment, and that we make it now.

In my judgment, Mr. President, if we do not make it now, the possibility is very great we will never have the chance to make it. I know something about the rule book of the Senate, too. I learned a long time ago I had better know something about it if I was going to protect my rights here in the Senate.

There is a whole multitude of procedural devices that can be used to deny us the chance to vote on the Clark-Javits amendment, if we do not take advantage of this opportunity to put the Senate on record on the Clark-Javits amendment by offering a motion to lay on the table the pending amendment known as the Clark-Javits amendment.

Therefore, I move that the Clark-Javits amendment, which is pending, be laid on the table.

Mr. JOHNSON of Texas. Mr. President, will the Senator withhold that motion, for an inquiry?

Mr. ERVIN. Mr. President——

Mr. MORSE. Give me time to protect my rights here.

Mr. President, I am going to withhold my motion only if I have unanimous consent that I will in no way lose my right to the floor, and with the understanding that I yield for no parliamentary action or proposal of any kind by any Senator who would seek in any way to take away from me my controlling position here on the floor of the Senate in respect to my proposed motion to lay on the table the Clark-Javits amendment. I shall yield only if it is to be understood that in yielding I will in no way be precluded from making my motion. If I have that unanimous consent, I will yield.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON of Texas. Mr. President, I should like to ask unanimous consent that the Senator from Oregon may yield to me for the purpose of making an inquiry of him, without his losing the right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON of Texas. I may state that, following the Senator's motion, I plan to make a motion, but I want to be sure the Senator from Oregon understands, and that other Members of the Senate understand, that there are presently Members of the Senate who desire to offer amendments to the Clark-Javits amendment; that there are presently Members of the Senate who desire to address themselves to the Clark-Javits amendment; that there are Members of the Senate who have gone to their homes with the understanding that Senators would address themselves to that amendment; and if a motion to table should prevail, those Members of the Senate would not have the opportunity of offering amendments and they would be cut off their rights to even discuss their amendments.

I do not think any Senator would—and I hope no Senator would—want to do that at this stage of the proceedings, in light of the fact that many speeches were made today that were not on this subject, and since Senators have amendments to offer that are important, and have statements to make they consider are very important statements in connection with the amendment. I hope we would not seal their lips without giving them an opportunity at least to speak for 5 minutes as Members of the House are permitted to do under their rule.

I have made such a statement in order that all Senators will be on notice.

I yield the floor back to the Senator from Oregon in order to make his motion, at which time I am going to ask the Chair to recognize me to make a motion to recess until tomorrow.

Mr. MORSE. Mr. President, I think that is a happy solution——

Mr. ERVIN. Mr. President——

Mr. MORSE. I should like to answer the majority leader.

I think a motion to recess after I make my motion to lay on the table is a happy

solution if the majority leader is concerned about the time element, Mr. President. I desire to make clear that I am not acting alone in my proposal to obtain a record vote on the Clark-Javits amendment. Many of us are convinced that the only way to get it is by way of my proposed motion to lay on the table the amendment. However, I wish to assure the majority leader that I take full responsibility for this parliamentary move although I am not acting alone.

Mr. JOHNSON of Texas. That is obvious, from the Chair's ruling.

Mr. MORSE. I am not acting alone, but I take all the responsibility for this parliamentary situation. We have had days to debate the Clark-Javits amendment. We have debated it. I want to say, frankly, we fear we are going to be maneuvered into a position where we will never have a record vote on the Clark-Javits amendment, and my motion gives the best opportunity to get a record vote on the Clark-Javits amendment.

Mr. President, I should like to make an inquiry. I assume, if I make the motion to lay the Clark-Javits amendment on the table, and the majority leader moves to recess the Senate, as he has announced he will, my motion would be the pending business at the convening of the Senate tomorrow. Is that correct?

The PRESIDING OFFICER. If the Senate recessed, it would be the pending motion when the Senate reconvened, the Chair is advised.

Mr. MORSE. Mr. President, I make one further explanation here of the position of those of us who think it is an exceedingly important parliamentary situation that is before us. We think it is exceedingly important that we have a vote on the motion to lay on the table, keeping in mind, may I say to the majority leader, that if the motion is defeated—and I hope it will be defeated, and I shall vote against the motion—then all the Senators who have amendments to offer will have all the time they need to offer the amendments and make explanations. I am not in favor of cutting off debate of any Senator who really wants to continue on the Clark-Javits amendment. All they have to do is vote against the motion to lay on the table. We will welcome them in voting against the motion to lay on the table.

Therefore, I repeat my motion. I move that the pending amendment, the Clark-Javits amendment, be laid on the table.

RECESS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess until 12 o'clock tomorrow, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas that the Senate recess until tomorrow at 12 o'clock. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senators from Alaska [Mr. BARTLETT and Mr. GRUENING], the Senator from Louisiana [Mr. ELLENDER], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. MURRAY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Missouri [Mr. SYMINGTON], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that, if present and voting, the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senators from Alaska [Mr. BARTLETT and Mr. GRUENING], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Minnesota [Mr. MCCARTHY], the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY], the Senator from Montana [Mr. MURRAY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yes."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The result was announced—yeas 85, nays, 1, as follows:

[No. 130]

YEAS—85

Aiken	Fulbright	Martin
Allott	Gore	Monroney
Beall	Green	Morse
Bennett	Hart	Morton
Bible	Hartke	Moss
Bridges	Hayden	Mundt
Brunsdale	Hennings	Muskie
Bush	Hickenlooper	Prouty
Butler	Hill	Proxmire
Byrd, Va.	Holland	Randolph
Byrd, W. Va.	Hruska	Robertson
Cannon	Humphrey	Russell
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S.C.	Smathers
Church	Jordan	Smith
Clark	Keating	Sparkman
Cooper	Kefauver	Stennis
Cotton	Kennedy	Talmadge
Curtis	Kerr	Thurmond
Dirksen	Kuchel	Wiley
Douglas	Lausche	Williams, Del.
Dworshak	Long, Hawaii	Williams, N.J.
Eastland	Long, La.	Yarborough
Engle	Lusk	Young, N. Dak.
Ervin	McClellan	Young, Ohio
Fong	Magnuson	
Frear	Mansfield	

NAYS—1

McNamara

NOT VOTING—14

Anderson	Ellender	Murray
Bartlett	Goldwater	O'Mahoney
Capehart	Gruening	Pastore
Chavez	McCarthy	Symington
Dodd	McGee	

So the motion was agreed to; and (at 5 o'clock and 35 minutes p.m.) the Senate took a recess until tomorrow, Thursday, March 24, 1960, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 23, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Proverbs 14: 34: *Righteousness exalteth a nation.*

O Thou Supreme Ruler of the Universe and our Divine Creator, who hast endowed us with certain inalienable rights, may we be eager to safeguard those rights for all the members of the human family.

We earnestly beseech Thee that our President, our Speaker, and the Members of this legislative body, who have been entrusted with leadership in the affairs of state, may be blessed with the guidance of Thy holy spirit in their ultimate decisions.

Grant that during these tense and trying days the bonds of good will and peace may be made stronger among the people of our great Republic.

Inspire us with lofty aspirations and noble impulses and with a sense of our sacred responsibility to establish policies and enact laws which are just and righteous, bringing blessedness to our beloved country and glory to Thy great and holy name.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

VIEWS OF THE SPANISH AMBASSADOR TO WASHINGTON

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, at the risk of sounding a sour, even inhospitable note, permit me to list a few facts about Spain's Foreign Minister, now here in Washington on an official visit.

Senor Castiella and the present Spanish Ambassador in Washington wrote a book in 1941 praising Hitler and Mussolini extravagantly and mocking the democratic countries then engaged in the war. Here is a sample of what they wrote:

> Nonbelligerent Spain does not conceal her fervent cordiality toward one of the two sides in the war which was unleashed on September 1, 1939, 5 months after we achieved our own victory, in an act of indescribable insanity by the British and French democracies against the Third Reich under the Fuehrer, Chancellor Adolf Hitler.

During World War II our distinguished visitor fought in the Spanish Blue Division with the Germans against the Soviet Union. He was awarded the Iron Cross.

After the war the British refused to accept him as Ambassador from Spain.

One of his jobs in Spain today is to blacklist Catholics who indicate a dislike for Franco.

Communication is necessary between all governments. However, it is to be hoped that the President realizes that, for this gentleman and his despotic Government, the formal handshake, not the warm embrace, is appropriate.

CALL OF THE HOUSE

Mr. QUIGLEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 31]

Anderson, Mont.	Bonner	Montoya
Barden	Chiperfield	Powell
Blitch	Marshall	Reuss
	Mitchell	Sheppard

The SPEAKER. On this rollcall, 420 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending an amendment offered by the gentleman from Tennessee [Mr. LOSER].

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion, which is at the Clerk's desk.

The Clerk read as follows:

Mr. HOFFMAN of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HOFFMAN of Michigan. Mr. Chairman, it is my desire to vote for this bill. Many of my folks want it. I doubt whether it will be of any real overall value. One of the reasons some have difficulty in describing how to vote is this: I have been unable to learn to date what is in it, what it does or what it does not do. There is a great deal of comment on both sides that there are altogether too many lawyers on this committee which reported the bill. Is there some way, Mr. Chairman, that this bill can be given to us complete before we are called upon to vote upon it?

The CHAIRMAN. That is not a parliamentary inquiry. The gentleman knows that queries of that sort should be directed to the members of the committee who are in a position to answer him.

Mr. HOFFMAN of Michigan. The Chairman overestimates my knowledge. I am sure the overwhelming majority on both sides would like to know exactly what now is after days of discussing the bill. I would like to ask the majority leader who is an expert on these matters.

The question I am asking the gentleman from Massachusetts [Mr. McCORMACK] is how can I proceed to learn what is in the bill before being called upon to vote on it.

Mr. McCORMACK. Do I base it on the question of adviser or good friend?

Mr. HOFFMAN of Michigan. Both.

Mr. McCORMACK. I will accept the latter, but not the former, because I could not advise the gentleman. The gentleman would not take my advice anyway.

Mr. HOFFMAN of Michigan. Oh well, I might. I do not follow the Ten Commandments all the way down the line as I should, but you can give me some help.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from New York.

Mr. CELLER. We can give you the answers but we cannot give you understanding.

Mr. HOFFMAN of Michigan. I thank the gentleman for his courtesy. I acknowledge his superior knowledge. If it is not worth any more than some previous suggestions he has made some might still be in doubt. What did you say, anyway?

Mr. CELLER. We can give you the answers but we cannot give you understanding.

Mr. HOFFMAN of Michigan. Oh well, that is right. If you could make your language plain enough so that the ordinary citizen could understand and follow it, we might get along better, but you have frogged around here so that nobody knows where or for what you stand, as the gentleman from Virginia [Mr. SMITH] so well pointed out yesterday.

Why should we pass a bill without knowing what is in it? I can make a motion and ask for the engrossed copy and have the vote go over until tomorrow, but we will not get a chance to read it before the vote is called. But give me credit for a little good faith. I would like to know what is in the bill.

Mr. Chairman, I ask unanimous consent to withdraw my motion in order to save time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was rejected.

Mr. DEVINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEVINE: On page 1, beginning at line 10, strike out all down to and through line 23 on page 2, and insert:

"§ 1509. Obstruction of court orders.

"Whoever, by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interferes with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

And on page 3, in the matter following line 2, strike out the word "certain".

Mr. CELLER. Mr. Chairman, I make a point of order against the amendment.

Mr. DEVINE. Mr. Chairman, will not the gentleman reserve the point of order that I may be heard on the amendment.

Mr. CELLER. My first impulse is to decline so we can get on with the bill, but inasmuch as the gentleman is a new Member I will be glad to reserve the point of order.

Mr. DEVINE. Mr. Chairman, I thank the gentleman from New York for his indulgence.

Mr. Chairman, this amendment can be explained in very simple terms. It was referred to in the other body as the Lausche amendment.

I do not think any of us can effectively argue against the proposition that Congress shall treat the citizenry on the basis of equality, without prejudice and without discrimination against anyone. The citizens of this great Nation anticipate that when Congress acts, it will do so impartially, justly, and fairly to all citizens.

As title I is now written, it is incomplete and in contravention to those basic principles I have just mentioned. It now says that only when a decree or judgment or order of the court deals with school desegregation shall this section apply. This, obviously, tends to divide the people of our country. The section as now written has the indefensible weakness of class legislation to one section of the Nation.

Is it logical to say that the protection provided in this section shall apply to no one except those who may be harmed by the disobedience of a desegregation order? How could this adversely affect anyone if it were operative as to all the citizens of this country and as to all Federal court orders, decrees, and judgments? Or should there be some orders, decrees, and judgments which can be legally thwarted by coercion, threats, or force? Certainly no one sincerely interested in civil rights in the broad and honest sense of the word can justify discriminatory legislation such as this.

This amendment takes nothing away from the proponents of this so-called civil rights bill in that it provides all they ask by way of protection under the

desegregation order. This amendment merely gives the same protection to all citizens—a protection to which they are equally entitled.

This amendment fortifies the principle that all citizens stand on a parity before our courts of justice.

A person who by threat, force, violence, intimidation, or otherwise induces disobedience to an order of the court dealing with school desegregation would be subject to prosecution under this amendment. And in addition, the court would be empowered to prosecute and punish similarly in all other cases where a person, by threat or intimidation, induced violation of that court's order or decree.

If the Congress adopts the principle of equal protection of the laws, this amendment must be adopted. As the section now stands, it defeats the basic premise of so-called civil rights—it grants special consideration to a special class, to the exclusion of others.

If we are to guarantee the same rights and privileges to all, then we should grant equal protection to all.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from North Carolina.

Mr. JONAS. I congratulate the gentleman on offering this amendment. I hope it is not ruled out of order. May I ask the gentleman if it is not true that unless his amendment is adopted we will have two standards by which to judge the efficacy of court orders in the United States?

Mr. DEVINE. The gentleman is so correct, because as the bill now reads it is directed to just one class of the population. If we adopted a principle that we are to guarantee the same rights and privileges to all, then we should grant equal protection to all.

Mr. CELLER. Mr. Chairman, I renew my point of order that the amendment is not germane. The gentleman's amendment is a general proposal to be engrafted upon a specific proposition. The bill in title I concerns solely school desegregation orders. The gentleman's amendment applies to any and all court orders. It would apply to labor cases, pure food and drug cases, Federal Trade Commission cases, patents, copyrights and trademark cases, Securities and Exchange Commission cases, antitrust cases, packers and stockyards cases, admiralty, immigration—it would cover the waterfront.

There are plenty of precedents. I refer to volume 8 of Hines' Precedents where the following appears:

A specific proposition may not be amended by a general provision under the paragraph applying to one bureau in the Navy Department. An amendment applying to the Navy Department as a whole was held not to be germane.

Section 2998:

A general provision is not in order as an amendment to a specific proposition. To a bill relating to a specific class of canned goods, an amendment dealing with canned goods in general was not admitted.

Page 569 of the volume, section 3001:

To a bill designed to prohibit speculation in cotton, an amendment adding wheat and corn was held not to be germane.

There are many other precedents, Mr. Chairman, therefore I renew my point of order.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on a point of order?

Mr. DEVINE. I do, Mr. Chairman.

The raising of this point of order was not wholly unanticipated. The question of germaneness, of course, is pertinent to all amendments to a bill. "Germane" means closely allied, appropriate, or relevant, or one near akin.

It seems to me if title I itself is germane to the bill, certainly the amendment is germane, because it relates to the same subject matter.

Mr. Chairman, I would read from page 4 of the committee report under "A Sectional Analysis of the Legislation" relating to title I, "Obstruction of Court Orders":

The Federal Government must have authority to act effectively whenever the execution of the decrees of the Federal court are obstructed by force or threats of force.

It seems to me, as I say, if the title is germane to the bill, certainly the amendment is.

Of course, Mr. Chairman, I will be bound by the wisdom of the Chair.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

The amendment offered by the gentleman from Ohio has the effect of making the ruling applicable to all court orders. The bill under consideration applies to certain court orders. It is quite limited in scope of application. The occupant of the chair feels that under the precedents, which hold that where a proposed amendments broadens the scope of the text so as to include matters extraneous to the purport of the text, this amendment is not germane, and the Chair sustains the point of order.

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. WHITENER: On page 1, line 11, and page 2, line 1, after the words "Whoever corruptly, or by threats or force," strike out the words "or by any threatening letter or communication".

Mr. WHITENER. Mr. Chairman, this amendment, it seems to me, is one which is of extreme importance and one to which I hope every Member of the House will give careful attention as we consider this legislation. I suppose I might call it the Washington Post amendment. You may be surprised that one of my views would be proposing a "Washington Post amendment," but nevertheless this amendment was suggested to me in an editorial of Tuesday, March 15, 1960, in that newspaper here in the Capital City.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Florida.

Mr. HALEY. I agree with the gentleman that he has a very fine amendment here, but I hope he will not confuse the amendment by calling it "the Washington Post amendment," because I think that it is going to have a great deal of bearing on the gentleman's fine amendment if he so labels it.

Mr. WHITENER. I might say to my distinguished friend from Florida that in this point of the debate I am willing to have the assistance of any place I can find it.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Indiana.

Mr. HALLECK. I just thought that I ought to say at this moment that I think the Washington Post editorial was completely erroneous in respect to its consideration of these words.

Mr. WHITENER. Well, sir, I might say generally that I have the same feeling about their editorials, but I find the old saying that "any blind sow might pick up an acorn occasionally" is true here. In that editorial, if I may proceed, they said this:

What troubles this newspaper is the sweep of the prohibition as drafted. The Judiciary Committee bill now before the House, like the Dirksen bill from which the Senate pruned the section in question, would apply to "whoever corruptly, or by threats or force [or by any threatening letter or communication], willfully prevents, obstructs, impedes, or interferes with, or willfully endeavors to prevent * * *" the exercise of duties under a court desegregation order. * * *

The bracketed section is intended, surely, to deal with crank letters or telephone calls—threats of bombing or bodily harm, and the like. But if the prohibition were interpreted literally, it might also be brought to bear against a mere vigorous expression of opinion. What is a threatening letter? Might a letter published in a newspaper citing the possibility of dire consequences be construed as an endeavor willfully to obstruct, impede, or interfere with the execution of a court order?

The language is such as to suggest a serious constitutional issue in abridgment of the first amendment. Yet the offensive portion could easily be deleted, it seems to us, without impairing the effectiveness of the measure. If the phrase "by any threatening letter or communication" were eliminated, the use of threats or force would still be a crime.

And so, Mr. Chairman, joining with the Washington Post, I urge the adoption of my amendment.

Mr. Justice Brennan, whom I am somewhat loath to quote, in an opinion in 1956 in the case of *Roth* v. *United States* (354 U.S. 476), on page 484, had this to say—and I think we might all listen to this because it is a very fine statement.

Mr. Justice Brennan said:

The protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of—

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WHITENER] has expired.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WHITENER. I thank each of my friends. Mr. Chairman, may I read again from the opinion of Mr. Justice Brennan:

The protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people. This objective was made explicit as early as 1774 in a letter of the Continental Congress to the inhabitants of Quebec:

"The last right we shall mention regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honorable and just modes of conducting affairs" (1 Journals of the Continental Congress 108 (1774)).

All ideas having even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of the guarantees, unless excludable because they encroach upon the limited area of more important interests.

Even ideas hateful to a prevailing climate of opinion have the full protection and the guarantees unless excludable because they encroach upon the limited area of more important interests.

Then, in another section, Mr. Justice Brennan on page 488 referring to *Thornhill* v. *Alabama* (310 U.S. 88), had this to say, and he quoted from that decision:

The freedom of speech and of the press guaranteed by the Constitution embraces at the least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment. The exigencies of the colonial period and the efforts to secure freedom from oppressive administration developed a broadened conception of these liberties as adequate to supply the public need for information and education with respect to the significant issues of the times. * * * Freedom of discussion, if it would fulfill its historic function in this Nation must embrace all issues about which information is needed or appropriate to enable the members of society to cope with the exigencies of their period.

Mr. Justice Brennan further says:

The fundamental freedoms of speech and press have contributed greatly to the development and well-being of our free society and are indispensable to its continued growth. Ceaseless vigilance is the watchword to prevent their erosion by Congress or by the States. The door barring Federal and State intrusion into this area cannot be left ajar; it must be kept tightly closed and opened only the slightest crack necessary to prevent encroachment upon more important interests.

Mr. Chairman, certainly this is more than a door-cracking or door-jarring operation, which you have here in this bill, H.R. 8601, which would proscribe the right of a citizen of this country of ours to write a letter or a communication expressing his views upon important issues of the day. Whatever your feeling may be, certainly none of you would contend that a person should have a right to write a letter to a newspaper or to a friend approving a decision of the court and say that that was perfectly consistent with freedom of speech and say on the other hand that one who did not agree with that would not have the right to similarly express his views.

As Mr. Justice Brennan has well pointed out, from the early days of this Union it has been recognized that one of the greatest weapons that the people have against oppression, against improper conduct, and against the excesses of those in power is the right to express themselves upon important issues of the day even though the expression which they give may not be popular at the time that it is given.

I give to you this amendment in a spirit of absolute seriousness. I cannot conceive of the Supreme Court of the United States, in the light of the language of Mr. Justice Brennan in the Roth case, ever saying that the including or engrafting into this act of this language, which my amendment would strike, would be a constitutional bit of work on the part of the Congress. And, as Mr. Justice Brennan says, the courts must be alert and will be alert to prevent congressional intrusion upon the rights of the citizens to speak freely and to write freely about matter.

Mr. Chairman, I hope my amendment will be adopted and will be treated seriously.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, the gentleman from North Carolina fails to indicate to the membership that the letter to be written must be written corruptly and that word "corruptly" appears on line 11, page 1; and, in addition, the word "willfully" appears on page 2, line 1.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. WHITENER. Is the gentleman familiar with the decision of the Supreme Court of the United States, which was made in the early 1900's in which Mr. Justice Holmes held that it was not a violation of the Constitution and a person could not constitutionally be prevented from distributing the Communist manifesto in this country?

Mr. CELLER. I do not know what the facts were in the case cited by the gentleman. I do know that this provision sought to be amended was very, very carefully drawn, and it follows almost verbatim title 18, section 1503, which is headed "Influencing or injuring officer, juror, or witness generally." In that sense we find significantly these words which are exactly the words used in the bill which is sought to be amended:

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, * * * or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

The bill is intended to reach deliberate attempts by force or threats of force or by any threatening letter or communication to frustrate Federal court orders concerning desegregation of schools. The Post editorial which gave rise to the gentleman's agitation expresses some constitutional doubt on the scope of those passages that I have read. That very language, I repeat, is presently contained in section 1503 of title 18, United States Code, and also in another place, in section 1505, relating to obstruction of justice.

The word "willfully" has been inserted to make it crystal clear what would undoubtedly he held implicit, that a conviction may not be obtained in the absence of evidence that the defendant intended to obstruct the exercise of rights or the performance of duties under a Federal desegregation decree.

The bill is not intended to interfere with constitutionally protected rights of freedom of speech or freedom of the press, but it is clear the first amendment does not protect and never could protect by any slightest stretch of the imagination obstruction of processes of law. Speech is clearly calculated to cause a violation of law which is utterly, corruptly, and willfully within the meaning of the bill.

For example, the mob leader who does not participate in actual violence but incites a mob to riot or other obstructive activity by inflammatory speech could be punished under the bill. On the other hand, a letter or speech which is not calculated to cause obstruction of the court decree but which merely expresses disapproval of such a decree is not within the scope of the bill.

This fellow Kasper, who usually stays away from the mob, talks or writes to the ringleaders. You cannot get him except for conspiracy, which is difficult always to prove.

Suppose someone sends a threatening letter to a witness before a court or even a congressional committee, not to testify under threat of violence. Certainly that should be a crime. If you eliminate the phrase that is sought to be eliminated by my good friend from North Carolina, for whom I have an affectionate regard, you open a tremendous loophole.

I have here a letter from the Attorney General. We asked the Attorney General his opinion on this, whether or not there was a violation of the first amendment. The Attorney General writes:

The question has been raised as to whether title I of the administration's civil rights bill—

Again, it is not the administration civil rights bill, it is the bill prepared by me and we Democrats have something to do with this bill—

might somehow involve an abridgment of the first amendment because it would make criminal certain types of threatening letters or communication.

Reading this language in context, it is clear that there is no danger of unconstitutionality. It reads as follows:

"Whoever corruptly * * * by any threatening letter or communication willfully prevents, obstructs, impedes, or interferes with * * * the due exercise of rights or the performance of duties under any order * * * of a court of the United States which * * * directs that any person or class of persons should not be denied admission to any school because of race or color * * * shall be fined * * * or imprisoned."

This language is identical with language which has long been in the Federal Code of Crimes and Criminal Procedure. The bill was drawn to conform with section 1503 of title 18. Similar language is also found in section 1505. These statutes have been in the code for decades and any contention of unconstitutionality would have been raised long ago.

Obviously, a statute which outlaws a threat cannot be distorted into a basis for prosecuting an expression of opinion, protest or any similar communication. Realistically, no prosecutor would make such a contention. But, if he did, it seems totally improbable that any grand jury would indict, or that any district judge would fail to grant a motion to quash. Certainly no petit jury drawn from the community involved would be likely to convict, and, in any event, no appellate court would uphold a conviction on such a set of facts for clearly it would violate the first amendment of the Constitution.

In the school desegregation cases there have been concerted attempts, both by telephone and letter, to intimidate school officers attempting to carry out court orders. There have been threats to officers involving their own safety and that of their families and also threats to the persons whose rights were established by the court order. Such conduct should certainly be made unlawful.

If the language relating to threatening letters and communications were deleted, it would be argued that this showed a congressional intent to give the new section a meaning different from that of other sections dealing with the obstruction of justice. It would cause difficulty in interpretation of the statute and such amendment is, we believe, wholly unnecessary.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman has recited so many interesting questions and spoken of Kasper, and stated that juries in local communities would not be expected to convict.

I would like to ask the gentleman from whence came the jury that convicted Kasper? We know in Florida that he was convicted and put in prison.

Mr. CELLER. Yes; but he was convicted for contempt after an order issued against him. But your amendment would have the effect of contradicting those old statutes and would cause confusion worse confounded. It would be dangerous to strike out the words you want to strike out.

Mr. WHITENER. I think it fair to say to my distinguished friend that Kasper was not convicted of writing letters. He was convicted of inciting riots, which is an offense in any State of this Union.

Mr. CELLER. Either by word of mouth or by pen. "Communication" is the word used.

Mr. WHITENER. The gentleman certainly would not recommend to Members of the House that a man should not be permitted to speak freely in New York City or anywhere else?

Mr. CELLER. Oh, no. I would not recommend that, and I so stated.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, at the request of Mr. WHITENER, Mr. CELLER was granted 5 additional minutes.)

Mr. CELLER. I would say I would certainly not want to make an expression of opinion or speaking a crime in and of itself, but if the expression of an opinion, if a speech would be of such inflammatory nature as to arouse the furors of a mob that was trying to prevent the carrying out of a desegregation order, then we have to interfere by interposition of the authorities to nab that fellow and clap him into jail, because he is doing something which is not only illegal but is criminal.

Mr. WHITENER. Notwithstanding my friend's circumlocution, I think I know him well enough to know that he would advocate the right of any person to speak freely upon current issues.

Mr. CELLER. There is no question about that.

Mr. WHITENER. Getting back to what I initially wanted to ask the gentleman, the gentleman has left the impression that this letter must threaten force or other dire consequences when written. I will ask the gentleman if he has not overlooked the fact that this provision is written in the disjunctive, "Whoever corruptly or by threats or force, or by any threatening letter or communication?"

Will not the gentleman agree that there is a little more involved here than a threatening letter? It would not have to be a threatening communication, would it?

Mr. CELLER. I should think it would have to be a threatening communication. The phrase "threatening letter or communication" is right there.

Mr. WHITENER. I will ask the gentleman if, applying the elemental rules of statutory construction, if the gentleman would say, as a lawyer, that the use of the word "threatening" before the word "letter" when separated from the word "communication" with a disjunctive, whether the word "threatening" would carry forward to precede the word "communication."

Mr. CELLER. I think you would have to read this whole title I, section 1509, in its entirety to be able to determine the exact meaning; and when you do that the burden of proof would be upon the authorities to show either that a letter was corruptly written, or that it was willfully written to prevent, obstruct, impede, or interfere with a court order.

Mr. WHITENER. Does the gentleman not feel that the words "whoever corruptly or by threats or force" would be sufficiently broad to take care of any improper riotous conduct upon the part of any citizen of this country?

Mr. CELLER. The additional words were used because they were used in the prior statutes, and those words in the prior statutes had become words of art; they had been interpreted by many, many decisions. To change the verbiage might have a very dire effect upon those decisions. It was for that reason that we simply took the language of the old statutes and put it in the new section.

Mr. WHITENER. I think the gentleman is saying that this legislation has some statutory precedent and that it would be bad to abandon even a comma, or a "t" or an "i".

Mr. CELLER. I do not say abandon a comma, or a "t" or an "i"; but I think it would be deleterious legislation to follow the gentleman's reasoning and adopt the amendment.

Mr. WHITENER. Does the gentleman agree that the letter or communication which he read from the Attorney General is diametrically opposed to the language of the Supreme Court in the Roth case that I just read to the Members of the House?

Mr. CELLER. Forgive me, but I do not know the nuances and real repercussions of the decision the gentleman read; but when we have the first law officer of the Nation giving us an opinion we have to give some credence to it.

Centainly, I will be willing to accept his view that the gentleman's provision is unnecessary and that the provision as originally drafted is perfectly constitutional and does not contravene the first amendment.

Mr. WHITENER. I am sure my friend the gentleman from New York, fair-minded man that he is, would not accept the testimony of the Attorney General as a disinterested witness.

Mr. CELLER. I do not like to say that he is an interested witness in the sense that he would be likely to do something that would be untoward to influence this legislation. I feel he has good faith like we have good faith here.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, at the very outset I would like to try to impress on the members of the Committee this very important fact: Before there is a violation of this proposed section there must be a knowledge on the part of the person who is alleged to have been a violator thereof, of an outstanding court order.

There must be a willful intent to interfere with a legitimate, unreversed court order. We are dealing with people who are alleged to have violated the law.

I think the chairman of the Committee on the Judiciary has made a very excellent presentation against this amendment. I noted that he cited and quoted from section 1503 of title 18 of the code. In addition to that title, I would like to call the attention of the members of the Committee to section 1505 because it has a particular significance with respect to committees of Congress. The language is identical, at least for the first 15 or 20 words:

Whoever corruptly or by threats or force or by any threatening letter or communica-

tion endeavors to influence, intimidate, or impede any witness in any proceeding before any department or agency of the United States—

Now, I want you to get this phrase—

or in connection with any inquiries or investigations being held by either House or any committee of either House or any joint committee of the Congress.

Then the penalty is fixed there. That statute has been on the books for some 20 years. The statute that the gentleman from New York quoted to you has been on the books for some 50 or 60 years, and there has not been a single instance of a person being prosecuted or persecuted in an improper manner under either of these sections of our Federal law.

Mr. Chairman, the Washington Post has done yeoman service in the interest of civil rights for the people of this country. Their position is usually right in these matters. But I submit on the record and in the light of the fact the statutes have been on the books, one of them for more than half a century, that the Post is unduly concerned and it is doing harm, in the editorial in question, to the cause which it espouses.

Mr. Chairman, the pending amendment should be defeated.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from North Carolina.

Mr. KITCHIN. May I ask the gentleman this question:

Under this particular provision of the committee bill, title I, suppose an influential citizen would write a letter to a newspaper acknowledging the fact that he had knowledge that a court order was outstanding in a school desegregation case and in that letter he went so far as to say that he disagreed with the order, and he trusted something would be done in order to circumvent the order. That letter is published in the newspaper. Does that constitute a violation under this provision of the statute?

Mr. McCULLOCH. In my opinion, that would not constitute a violation of the provision of the act which is before us. There must be a willful intent to interfere with a legally outstanding order or decree of the Federal court.

Mr. KITCHIN. May I ask the gentleman if that would not constitute, when he said that he trusted something could be done to circumvent the order, a willful intent to do something about it?

Mr. McCULLOCH. I would assume that the gentleman was trying to do something in a legal manner. That is the presumption in our Anglo-Saxon jurisprudence.

Mr. GOODELL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GOODELL. Mr. Chairman, the Attorney General has expressed the opinion that this title I of the bill is, and I quote, "of the utmost importance." He further stated that if we shy away from passing legislation to assist the executive branch in carrying out its responsibility of enforcing court orders in school desegregation cases because we prefer not to be on record either for or against the decisions of the Supreme Court in the school cases, it would be most unfortunate. How can we ask the Department of Justice to enforce the law, when we refuse them the weapons that Little Rock has demonstrated they need? We know, it is a demonstrated fact, that State officials, when it serves their local purposes, will not control mob violence. When this happens, title I would give us an alternative to Federal troops. If we turn our backs on title I now, we are just asking for trouble, in fact we are inviting another Little Rock. Everyone knows the reluctance of the present Attorney General to recommend the use of Federal troops under any circumstances. He is a fair and a self-contained person who has never, to my knowledge, been stampeded unreasonably into anything.

The other day our southern friends made an interesting attack on this title. In one breath they said title I is unconstitutional because it violates freedom of speech and in the very next breath they said, "and besides, title I is not necessary anyway, because the same authority, word for word, is already in section 1503 of the Federal criminal law, and has been for 50 years." It is unconstitutional and besides it has been the law for 50 years, so why do you want it, anyway? That is what they are saying.

Now, just to get the record straight, it is the best legal opinion that section 1503 of title 18 does not cover the Little Rock type of episode. Section 1503 is aimed at threats or communications to influence three types of people: First, court officers; second, jury members; and, third, witnesses. These are not the people who resorted to mob action in Little Rock.

Section 1503 concludes with a general clause, as follows, "or whoever corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice." If this clause stood alone, it might be enough. But it yields to the general rule of interpretation that general words which follow specific words in the enumeration of prohibited acts must be construed to embrace only acts similar in nature to those enumerated. In addition, as a criminal statute, section 1503 must be strictly construed. The court interpretations of section 1503 have followed a strict construction quite consistently. The courts will doubtless interpret the new title I strictly. But title I will specifically cover school integration cases, where mob violence occurs.

I would have preferred making title I applicable to all cases of so-called obstruction of justice. It is not at all consistent nor fair for this Congress to declare it to be a Federal crime for mob violence to interfere with a court order for integration of schools, while, in the same breath, saying that it is not a Federal crime for the same mob violence to interfere with other Federal court orders.

Nonetheless, since the broadening of this provision has been ruled out of order on the floor of this House, I believe the need justifies our support for even this narrow provision. Title I is second in importance only to the referee provision. Let us not emasculate the civil rights bill further by knocking out title I.

Mr. POFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment conclude in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POFF. Mr. Chairman, so far as I am personnally concerned, no more fundamental amendment has been offered during the 2 weeks we have been debating this bill. And, may I assure you, Mr. Chairman, that those who have drafted and offered it have no clandestine purpose, no nefarious scheme, no ulterior motives. We are earnestly, honestly, and genuinely concerned about the basic constitutional rights involved, namely, freedom of the press and the right of free speech guaranteed by the first amendment to the Constitution.

I most vigorously and earnestly urge the adoption of the Whitener amendment.

According to the title of the bill before us, we are here concerned with the effort "to enforce constitutional rights." Not all constitutional rights are embedded in the 14th and 15th amendments to the Constitution. Indeed, perhaps the rights most sacred to all Americans are those enumerated in the Bill of Rights, the first 10 amendments to the Constitution. Not the least among these are freedom of speech and freedom of the press. The right to vote, as important as it is, does not transcend the right of free utterance.

The historic rule by which freedom of speech is measured was enunciated by Mr. Justice Holmes in 1919 case of *Schenck* v. *U.S.* (249 U.S. 47), in the following language:

> The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.

In the application of that rule, the courts have bent over backward to protect freedom of speech, even when it was urged that the utterance did in fact provoke a "clear and present danger." In the case of *Terminiello* v. *Chicago* (337 U.S. 1), the defendant's utterance, which was prosecuted as a violation of a city ordinance, actually provoked a hostile mob, incited a friendly mob, and created a riot. The court ruled that the ordinance was unconstitutional under the first amendment and said in part:

> A function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or

even stirs people to anger. Speech is often provocative and challenging.

In the case of *Craig* v. *Harney* (331 U.S. 367), the defendant had published an unfair account of the facts in a pending trial and, in the most intemperate language, criticized the conduct of the judge. The Supreme Court ruled that the publication was protected under the first amendment and had this to say:

The vehemence of the language used is not alone the measure of the power to publish for contempt. The fires which it kindles must constitute an imminent, and not merely a likely, threat to the administration of justice. The danger must not be remote or even probable; it must immediately imperil.

A similar decision based on similar facts was reached by a unanimous Court in the case of *Pennekamp* v. *Florida* (328 U.S. 331).

I am fully aware that the proponents of this bill are prepared to offer legal citations which might appear to support the converse of my position. By an extreme application of the decisions in other cases, it might be argued that the language which this amendment would delete does not contravene the first amendment. Lawyers are trained to argue, and most of them I am sure you will agree seem to have a strong propensity and abundant capacity for argument.

But the very fact that this language offers an opportunity for argument is sufficient justification for its removal. The bare uncertainty about constitutionality is itself a weakness. The naked doubt is its own danger. Removal of the objectionable language would resolve that doubt.

Freedom of speech is the very soul of liberty. Let us not, in our zeal to protect other civil rights, tamper with the basic freedom of expression.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. POFF] has expired.

The Chair recognizes the gentleman from Virginia [Mr. ABBITT].

Mr. SMITH of Virginia. Mr. Chairman, I ask unimous consent that the gentleman from New York [Mr. CELLER] and I may yield our time to the gentleman from North Carolina [Mr. WHITENER].

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Chairman, I think this is an extremely important amendment. The section now reads:

Whoever corruptly, or by threats or force, or by any threatening letter or communication—

I understood the chairman of the full committee to say that in his opinion it would have to be corruptly written. I take this time to ask the ranking minority member, the gentleman from Ohio [Mr. MCCULLOCH] if he subscribes to the view of the chairman of the committee that the letter must be written corruptly in addition to being willful.

Mr. MCCULLOCH. Mr. Chairman, I do not think there need be proof that the matter was corruptly done. I think, however, that the communication must be a threatening one, which is part of the question that has arisen in connection with this sentence. And I should like to say that that is my studied judgment because, reading the sentence, one will particularly note the commas therein.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents—

So the phrase "or by any threatening letter or communication" properly read should mean a threatening letter or a threatening communication.

Mr. ABBITT. Mr. Chairman, I thank the gentleman for his observation. I might say, for what it is worth, that I agree with his construction. I am pleased to hear him say that the threat goes over and carries into the communication.

Mr. Chairman, I hope that the amendment will be approved.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, I have heretofore stated some of the reasons for the propriety of this amendment. I think it may be well to bring it into focus by reading the first amendment to the Constitution of the United States, which says this:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

In the constitution of my State we find language which goes something like this:

A frequent recurrence to fundamental principles is essential to the preservation of the blessings of liberty.

Certainly as we consider this amendment, which finds sanction from one of the larger newspapers of this community, which has been very vocal in directions other than in the direction some of us have traveled; when we read the admonition of the Supreme Court in the recent decision which I called to your attention; and, when we go back into the annals of the Court and read some of the great dissents and majority opinions of the great Oliver Wendell Holmes, we today should be very cautious as we vote upon this amendment.

My good friend, the gentleman from New York [Mr. CELLER], has said that this is something which you should brush aside as you would brush a particle of dust under a rug. I submit to you that this is a serious, fundamental proposition. The language of the sentence in the bill H.R. 8601 which my amendment would seek to amend is written in the disjunctive, and it will stand alone if you will read it this way, and I am quoting this from memory: Whoever by a threatening letter or communication does so and so shall be punished.

Certainly the gentleman from New York, and I know my distinguished friend, the gentleman from California [Mr. KASEM], are great disciples of freedom of speech and freedom of the press. I would be very greatly shocked to see some of these who would sound out their voices perhaps sometimes in tones which are a little unpleasant to some of us try to deprive all of the people of this country of the right to express themselves freely upon grave public issues. It is only through that expression, not only by pen but by word of mouth, that we can continue to enjoy the liberties which have made us a race apart among the family of nations in the world.

I urge with all sincerity that every Member of this House give serious and prayerful consideration to this amendment. Do not have it said about you as your children and grandchildren read the record of events of this day in this Congress that you were one of those who were willing to say that there should not be an open, free, and completely unbridled expression of opinion upon public affairs.

Mr. KASEM. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from California.

Mr. KASEM. First, may I thank the gentleman for his kind remarks in regard to my zeal to protect the right of our citizens to the right of free speech.

Mr. WHITENER. I have worked with the gentleman on this committee, and I know that even in this legislation—and I will strike this out if the gentleman is afraid it may be read back in his district—the gentleman helped us clean up the bill in committee in many outstanding ways. I certainly appreciate the fair-minded attitude he has had on some phases of the legislation we have considered.

Mr. KASEM. I certainly do not want that stricken from the RECORD; in fact, I might read it myself back in my district. But recognizing as the gentleman does that I care greatly about our right of free speech, I hope the gentleman will believe me when I say that if I could see some threat to the right of free speech in this language—the legitimate area of free speech—I would quickly accede to the gentleman's amendment and vote for it.

Mr. WHITENER. I believe there is some language in Holy Writ to the effect that there are none so blind as those that have eyes and will not see.

Mr. KASEM. I say to that only, verily, amen. But the gentleman also will see that the right of free speech has never gone so far as to protect intimidation and threat. The right of free speech, as the gentleman from Virginia [Mr. POFF] so ably presented it, relates to the right to influence, but it does not go so far as to cover the right to influence by threat.

Mr. WHITENER. I will ask the gentleman if a petition to rehear a case in a court could not be said to be a communication in conflict with the decision of the court.

Mr. KASEM. I would say it would not be on two grounds.

Mr. WHITENER. It would not be a communication and it would not be expressing opposition to the decision?

Mr. KASEM. An expression of opposition is quite different than a threat. A

threat is an implied or expressed promise of the application of force.

Mr. WHITENER. Does the gentleman see the word "threat" or "threatened" anywhere after the word "or" or between the word "or" and the word "communication"?

Mr. KASEM. No; I do not, but I read the thing in its logical context "by any threatening letter or communication."

Mr. WHITENER. I am sure the gentleman in his study of the law, as I know he has studied the law of statutory construction, knows that where a statute is written in the disjunctive so that it stands alone, the court will not go beyond that portion which can be read separately and apart.

Mr. KASEM. I do not believe that is the rule of construction that would be applied in this instance. I think the rule of construction would be one to take it in its full context, and it would be so read.

Mr. WHITENER. I can only say to the gentleman, in the words of one of the judges in the trial courts in my State when he had made an erroneous ruling and one of the lawyers showed him a case in which the Supreme Court said, "We have held 27 times that this is the law." And, it was contrary to what the trial judge had ruled. The trial judge laughed and said, "Well, I may not know the law, but I recognize it when I see it."

I hope the gentleman will try to see it because he will recognize it.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. SMITH].

Mr. SMITH of Mississippi. Mr. Chairman, the provision of this section of the bill, which the gentleman from North Carolina seeks to strike out, calls attention to the situation about this bill which many of us have attempted to call to the attention of the Members in the debate heretofore, that in this effort to protect some of the rights of citizens of the country, there are often involved far greater threats to other existing rights. I believe here that the language involved, even if it has been incorporated in previous legislation and if it now exists in the law, does involve such a threat to other existing rights, and the fact that this particular provision may exist in the other law does not make it right and does not make it essential that we carry it forward here at this time in this legislation. I think it would be very conducive to an understanding of the basic civil rights of the people of this country if those who are making the effort to get this bill passed now would be more zealous of these particular aspects of the proposal and join with us in an attempt to strike it out. I hope my colleagues who are opposing this overall general bill will realize this threat to the rights of anyone who may oppose these particular court orders. We should be just as zealous in respect to other legislation that might be more popular with us and with our constituents as we are in our effort to prevent this type of thing from being forced upon us as we are. Further, Mr. Chairman, I hope those of our colleagues who are supporting this legislation will have the same idea. Unfortunately, however, in the atmosphere that has developed in regard to this bill there cannot be any proper consideration of any threat to other rights as the result of this legislative effort to secure some of the so-called rights here. I think all of us on both sides of this particular question in regard to the overall bill will do ourselves and our country an injustice if we do not carefully consider the threats that are involved to other rights in this legislation. It would be well for us to remember this in the future on other legislation as well as here in reference to the pending amendment.

Mr. SELDEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Mississippi. I yield.

Mr. SELDEN. Mr. Chairman, during the general debate I joined with other Members of this body in attempting to show that the legislation under consideration constitutes a blatant, clumsy attack on the freedom of speech guaranteed by the Constitution; that it is based on false and pernicious assumptions; that it delegates broad, ill-defined powers to Federal officials; and that it contains sections irrelevant to the issue. Yet, the House of Representatives during consideration of this bill has refused, with one notable exception, to adopt amendments that would improve and clarify the measure. Instead, northern Democrats have joined hands in this election year with the majority of the Republican Members of Congress and have attached on the floor of the House provisions which compound rather than reduce the inequities of this legislation.

For example, the voting referee plan adopted by the House of Representatives goes far beyond the original bill. It assumes that, if one person in an area has been denied the right to register to vote, all other area residents of the same race have also been denied this privilege and are entitled to vote.

Furthermore, the plan has been altered to permit provisional voting. As the bill is now written, if a member of a minority race decides he wants to vote, he can go to a Federal referee 20 days before an election and request a "Federal Government certificate" authorizing him to cast his ballot. If the court receives the application and has some doubt as to whether the applicant is qualified to register to vote, it can nevertheless permit him to cast his ballot as a "provisional" vote. After the election, the ballot will be held until the court decides whether the voter is qualified. If the court decision is unfavorable, the applicant's vote will not be counted. If favorable, the ballot will be counted belatedly. This intricate, hazardous procedure will serve to complicate the election processes while also jeopardizing the secrecy of the ballot. At the same time, it will deprive the States of their constitutional authority over elections.

Although the majority of the Members have refused to recognize the dangers of this voting referee plan and to adopt amendments to alleviate them, they now have an opportunity to eliminate from another section of the pending measure language that clearly constitutes an abridgement of the freedom of speech.

Therefore, Mr. Chairman, I urge the adoption of the amendment offered by the gentleman from North Carolina [Mr. WHITENER]. I trust the Members of this body will not forego again an opportunity to improve, even in a small degree, the language of this extremely perilous force legislation.

The CHAIRMAN. The gentleman from Louisiana [Mr. BROOKS] is recognized.

Mr. BROOKS of Louisiana. Mr. Chairman, I have only a short time and I am not going to attempt an extensive speech, but I rise for the purpose of keeping my record straight with reference to this measure.

When the 1957 civil rights bill passed, I made vigorous opposition to that portion of the bill especially which provided for more power to be given to a Federal judge to be used for contempt. Especially did I oppose that provision of the bill which was before the House at that time which would give a Federal judge the authority to punish for contempt many, many acts done perhaps thousands of miles away from the seat of the court itself. I do not think it is good law to continue giving Federal judges additional power of contempt. I think the judge should have enough power of contempt to maintain dignity and order and decorum in its court. I do not think a Federal judge who is appointed for life, and who, after all, is still a human being, is omniscient. I think he is going to make mistakes. I think we are going too far away from the fundamentals of our system of law when we continue to give him power to use for contempt for acts done far beyond the area of the court itself, and that in my judgment is what we are doing the way it is written.

So, Mr. Chairman, I again voice my opposition to the growing tendency to do away with the jury system in the Federal courts.

There was a time, when I was practicing law, before I came to Congress, when an attorney went into court he knew that he was perhaps going to be faced almost immediately with a jury trial. Those times are disappearing. We are gradually abandoning the jury system. We are gradually putting more and more power into the hands of one man, a life-appointed Federal officer, and I do not think they are 100 percent proof from error. I am not willing to go along with that.

This bill—H.R. 8601—has often been referred to on this floor as a voting bill. I think it goes much beyond this. It is in reality a primary and general election bill covering all elections and many phases of all elections.

The other day in the CONGRESSIONAL RECORD I noticed a statement listing the number of colored voters in the States of the deep South. In this statement, my own State of Louisiana was listed as having 127,000 Negro voters. This figure is inaccurate. I am informed that our Negro voting population in Louisiana is now 153,000 votes out of roughly 1

million votes. In other words, the voting strength of the colored population in Louisiana under the present voting rolls is approximately 15 percent of the qualified voters.

One may say that this number of colored voters is not in accordance with the colored population of Louisiana. In a sense this is correct. I doubt, however, seriously that many more Negroes register to vote in spite of this or any other laws passed by the United States or by the State of Louisiana. Laws are not going to make people vote unless they want to vote and we can pass laws here in Congress and perhaps affect the total slightly, but in the final analysis and over a long period of time only those are going to register and to vote who want to register and vote.

This type of legislation, however, can have the effect of upsetting the normal, smooth operation of elections as handled by the States throughout this Nation. The intrusion of the Federal authority into local elections is not going to be good. Politics that rears its ugly head in the Congress of the United States likewise is going to be seen and felt come election time when Federal courts swing into action, appoint referees, supervise voting precincts, and attempt to force the voting of Negroes. I doubt that either the northern Democrats or the Republican Party gain by this process but I honestly believe the Nation as a whole is going to suffer tremendously in loss of prestige, loss of honesty in the ballot, and loss of cooperation in handling the most important function of any government, namely, the election of its officers.

In the white population of Louisiana the percentage of those voting is often unfortunately low. The registered strength of the white voters of Louisiana percentagewise as to the total population likewise is much too low. People cannot, however, even in a democracy, be made to vote and unless there is the desire and the will to vote there is not going to be the voting strength regardless of laws, mandatory injunctions of Federal courts, marshals and deputy marshals, paratroops, and fixed bayonets. Sooner or later this Congress will learn that laws do not and cannot provide the incentive to make people aware of the power of franchise and to assume more of the obligations and responsibilities of citizenship of this Government. I hope that this sense of realization strikes this Congress before it, in its folly by this ill-advised and improvident legislation, brings about the doom of this Republic.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I would like to repeat unequivocally that the section as it is in the bill will not prevent freedom of group or of individual criticism of lawful ways to resist integration. By its very terms, title I requires knowledge of a court order and a willful interference with that order. There is no danger in this title, as written. There is no threat to freedom of speech, freedom of petition, or freedom of communication.

The gentleman who has done so much in this field is wrong in this particular instance. His advice should not be followed, and the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The question was taken, and on a division (demanded by Mr. WHITENER) there were—ayes 87, noes 130.

Mr. WHITENER. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chair appointed as tellers Mr. WHITENER and Mr. McCULLOCH.

The Committee again divided and the tellers reported that there were—ayes 114, noes 147.

So the amendment was rejected.

Mr. SIKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have now been engaged in discussion of this bill for the longest period, I believe, in the history of the House of Representatives. Not only have we wasted 3 valuable weeks of time which will be lost to needed and important measures, but we probably are wasting this time on a measure which will be declared unconstitutional. It is a further sad commentary that the Congress now is legislating under duress. Demonstrations which are a tribute only to behind the scenes Communist organizing, and which frequently are coupled with violence, shame our land. The Congress should suspend all consideration of this measure until these demonstrations end. It should never be reported to the world that the forces of democracy work in this manner, or that Congress can be coerced and intimidated by fear of reprisal at the polls.

No court has held that anyone, white or colored, in the absence of some regulatory statute, has a legal right to demand service in a private establishment if the private owner does not wish to serve him. The tactics which have been resorted to are wrong and immoral. If continued and encouraged they will almost certainly lead to serious violence, and violence will in the long run cripple rather than assist the orderly efforts to bring about racial harmony. Surely it was known in advance that these planned disorders which now plague our fair land are unlawful, and a violation of private rights of individuals. Surely it was known in advance they would be resented and resisted, and that the resulting publicity would provide grist for the Communist propaganda mills.

Such is the price we pay for this farce of civil rights. Here we see the great Congress of the United States, divided and embittered. Here we see time lost which is forever irreplaceable. We will not again in this session work this hard or this long on any measure however important to the Nation or its people. Nor will we again accomplish as little as we will with this bill, or do as much harm to the Constitution and to the people of the United States.

We have reached dangerous ground. Here Congress helps to divide our Nation. Instead we should stand together in challenge to the foes of democracy. We should be promoting peace and harmony so that our people can live in tranquility. I beg of you—let us not destroy the power of the States. Let us instead recognize the danger in what is proposed and go back to the principles and the philosophy of a Government which is a union of sovereign States—not a centralized power which dominates and dictates the lives of its people.

Mr. ROOSEVELT. Mr. Chairman, I move to strike out the last two words.

(By unanimous consent, Mr. ROOSEVELT was allowed to proceed for 5 additional minutes.)

Mr. ROOSEVELT. Mr. Chairman, one of the things which one learns, perhaps a little reluctantly, in the House is to avoid whenever possible an exercise in frustration. I had planned today to offer an amendment which in essence would have been part of the amendment being offered in the other body and which in essence also was offered in this House and adopted, then defeated, known as the Kastenmeier amendment. It would have made a sincere attempt to strengthen the bill now before us by giving an alternative method to the administration or to the executive branch to carry out the will of the Congress in providing voting rights for those not now having them.

It is important to note that there has been a serious question raised as to the effectiveness of the provision which we have now adopted. I hope with all my heart it will be fully effective; however, the importance of what we are trying to do, it seems to me, justifies trying to do it in more than one way, especially when alternative methods have been fully spelled out.

We have eliminated from the present bill any real responsibility on the part of the executive branch of the Government. The amendment which I would have offered would have, among other things, made it possible for the Negro to become enrolled by an enrollment officer and then directly go and cast his vote and not have to go through the long, tedious procedure now in the bill, which I am afraid will deter many from now becoming qualified voters. I had also put into my amendment a qualification for the enrollment officers, because I believe that would have strengthened the bill and overcome some of the questions raised here on the floor.

However, yesterday the Attorney General of the United States, Mr. Rogers, wrote a letter to a Member of the other body, the minority leader, in which he clearly stated that he did not want any other method suggested, and in view of that letter, much as I disagree with it, I recognize that to offer this amendment here, with the obvious objection of many on my side of the aisle and the obviously indicated objection from the other, would have been, as I said, an exercise in frustration.

But, I do want to point out that what we are dealing with is not just a local problem here in the United States. It is a part of what is going on all over the world. If you read your newspapers, I think you will read, as I do, with sorrow about what is happening in South Africa.

You can find it happening nearly everywhere; the desire of those who, as human beings, have risen up all over the world, as history shows they have risen in the past, to demand their rights as human individuals. We are dealing with one part of it, the right to vote. If we are not successful in this bill in bringing it about, we are going to come back, I believe, 2 years from now and go over again the whole ground which we have already covered. I am not sure that we can afford that as a Nation. I am seriously worried by the refusal of the administration to look at any other measure but their own, the one which they originally suggested, and to refuse to see any good in any other method. Therefore I think that the future will have to, of course, be judged by the results. If it works, the authors of the present voting plan deserve all of the praise. If it does not, they have run a great risk to their country as well as perpetuating a great injustice. The thoughtful statesmen of the world recognize that peace in the world is only going to come when we truly make all men equal everywhere. The threat to freemen comes from a refusal to so understand.

Therefore, Mr. Chairman, while I have not introduced the amendment, I am going to ask when we return to the House to have it printed following my remarks for, I believe, as I said several days ago, if we had adopted the Kastenmeier amendment or if we could get any kind of an agreement from you on the other side of the aisle now to constructively look at some other proposition, we would have strengthened the bill and we would have prevented the day when we would again have to be tackling this problem.

Mr. QUIGLEY. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Pennsylvania.

Mr. QUIGLEY. I would like to associate myself completely with the remarks of the gentleman from California, and in doing so I would point this out:

The Civil Rights Commission report showed that there were 214,213 Negroes living in 57 counties in the South in which there was not one registered Negro voter. The Attorney General has insisted on his and only his approach to the problem. This I deeply regret and I make this prediction, that when the Attorney General leaves office 9 months hence, not even the 213 out of the 214,213 Negroes in those 57 counties will be registered as voters. It is not a prediction I make gladly, but with sadness, and I hope and trust that I am proven wrong. I think the suggestion that the gentleman is making is a reasonable, responsible approach, and I see no reason why the Attorney General is taking the adamant stand that his answer to the problem is the only one that this Congress should consider.

Mr. ROOSEVELT. I thank my good friend, and I can only say to him that I hope, too, that his prediction does not come to pass.

But I do not believe that the Attorney General should today be running the risk that he insists upon.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Chairman, I would like to say to the gentleman from California that I share his misgivings about the voting proposal that we have written into this bill. I had hoped that we would be able to arm the Attorney General with more and better weapons to enforce voting rights.

I think, however, that the gentleman from California is completely correct in not offering his amendment at this time. It has been amply demonstrated that we would not receive support for that type of strengthening provision from the Republican side. In the future, if this referee plan does prove unworkable, I hope that we can return to this subject and write legislation that will, for once and for all, assure the right to vote to every American.

Mr. ROOSEVELT. I am very grateful to the gentleman.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I would like to associate myself with the distinguished gentleman from California in what he has said. I think we here in the Congress are missing a golden opportunity by not adopting either as an alternative method or as an exclusive method this idea of enrolling the Negroes in large numbers as an administrative process rather than this judicial process that we are offering. I hope time will prove me wrong, but I am afraid that the result of this narrow viewpoint that the Attorney General has forced upon us will not result in the enrollment of many Negroes in these areas where they are being deprived of voting rights. I think the gentleman's amendment would have accomplished the enrollment of the Negro voter by the thousands and thousands. I hope that at some future date, if the occasion is necessary, we will consider this as a possible amendment to this bill.

Again I wish to say that I associate myself with the gentleman.

Mr. ROOSEVELT. I thank the gentleman very much.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the chairman of the Judiciary Committee.

Mr. CELLER. Mr. Chairman, I wish to thank the gentleman for his very practical statement and I am sure that the future will show that he is correct.

Mr. ROOSEVELT. I thank the gentleman.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to my colleague from California.

Mr. COHELAN. Mr. Chairman, I want to compliment my colleague, the gentleman from California [Mr. ROOSEVELT], on his remarks and also to associate myself with what he has said.

I would reiterate what I have said before. There is grave doubt that the Federal referee plan for protecting voting rights will do the job that must so clearly be done. If it is good as far as it goes, it is also true that it does not go very far. Creating a situation in which great volume of new local litigation can result from the efforts of individual citizens to exercise their right to register and vote does not promise immediate relief. I share the conviction that provisions for direct Federal administrative action to assure these rights are also necessary and, for that reason, supported the Kastenmeier amendment. Those who have opposed that amendment will, perhaps, be willing to reconsider their position when the results of future experience are in evidence. I regret that they have not been willing to accept the very, very substantial body of evidence that already exists.

Mr. ROOSEVELT. I thank my colleague very much.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I want to associate myself with the splendid remarks of the gentleman from California. I hope, along with others here, that the Attorney General will not use these new provisions of law to insulate his office from using all of the other many provisions of the Federal Code now on the books to enforce and protect voting rights and as well as the many other civil rights.

Mr. ROOSEVELT. I thank the gentleman from Ohio. I hope, too, that we will have vigorous enforcement of the law because, without that, it does not have any chance at all.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I would like to associate myself with the gentleman from California in his remarks. I should like to express the profound hope that the voting referee proposal will do the job that we all recognize needs so sorely to be done, namely, that of assuring to all Americans an equal opportunity to cast their votes in free elections. But because I entertain the same misgivings as the gentleman from California that the Attorney General's referee approach will be fully effective in securing to American Negroes the right to vote, I was glad to support the Kastenmeier amendment—the amendment defeated by a coalition of Republicans and southern Democrats—an amendment that would have put some of the burden of guaranteeing voting rights on the executive branch of our Government as well as on the judicial branch.

Mr. Chairman, the Kastenmeier amendment would have greatly strengthened the voting rights provision of the civil rights bill. I regret very much that the Republican Attorney General saw fit to oppose it. I am proud, as I know the gentleman from California is proud, to have supported an approach that held so much more promise for

guaranteeing the franchise to every American than the referee approach.

The CHAIRMAN. The time of the gentleman from California [Mr. ROOSEVELT] has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield, of course, to the very distinguished gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, I am happy to note that the distinguished gentleman from California has finally arrived at the conclusion that some of us have been trying to hammer home to him and his friends for the past 2 weeks, namely, that the Attorney General's bill is a bad bill. I was happy to see so many Members who have voted for this bill constantly in the past 2 weeks now announce themselves as dissatisfied with the Attorney General's bill, because it is the Attorney General's bill. And I hope by the time we get to a record vote those same gentlemen will vote against the Attorney General's bill.

Mr. ROOSEVELT. Mr. Chairman, I think the gentleman should realize that we have to be satisfied with a half loaf. I think the gentleman should remember that he is not willing to help us strengthen the bill. If he were, his remarks might have some very cogent point. The gentleman would want to weaken the bill even further than it has been weakened. That I regret extremely. I must say that I have always admired the gentleman's ability and his sincerity in the fight which he is making.

The amendment to which I referred earlier, is as follows:

AMENDMENT TO H.R. 8601

On page 7, after line 4, insert the following:

"TITLE IV—FEDERAL ENROLLMENT OFFICERS

"SEC. 308. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

"(b) If in any proceeding instituted pursuant to subsection (c) of section 2004 of the Revised Statutes, as amended (42 U.S.C. 1971), the court finds that any person has been deprived on account of race or color or of any right or privilege secured by subsection (a) of such section 2004, then in lieu of the procedure described in subsection (e) of such section 2004, the President, upon notification to him by the Attorney General of the finding of the court, may establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and may appoint one or more Federal Enrollment Officers for such district from among qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office for such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President. No individual may be appointed as a Federal Enrollment Officer unless (1) he is an employee of the United States whose position is allocated to Grade GS-10 of the General Schedule of the Classification Act of 1949, or above, or who holds a position of a comparable level of difficulty and responsibility, or (2) he is an employee of the State in which such registration district is located, holds a position having duties of a comparable level of difficulty and responsibility, and has been recommended to the President for appointment as a Federal Enrollment Officer by the Governor of the State.

"(c) The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to subsection (e) of such section 2004. All such applicants whom he finds to meet the qualifications for voters under the laws of the State, wherein such district is situated, shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained in this section shall be construed to authorize an Enrollment Officer to enroll any person who is not of the same race or color as the persons found pursuant to subsection (e) of such section 2004 to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this section shall be construed as impairing the right of any State to establish nondiscriminatory voting qualifications.

"(d) Each qualified voter who is enrolled pursuant to subsection (c) of this section shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of subsection (f) of this section.

"(e) Nothing contained in this section shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the U.S. district court having jurisdiction over the registration district in which the challenge is made. The Attorney General shall provide appropriate legal defense to any such enrollee whose eligibility to vote has been challenged in such proceedings.

"(f) Federal enrollment officers shall ascertain that persons enrolled under this section are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this section be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(g) The provisions of this section shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under subsection (c) of this section of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this section to cast their votes and have them counted, subject to the provisions of subsection (c) of this section.

"(h) For the purpose of this section—

"(1) The term "election" means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.

"(2) The term "registration district" means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

"(3) The terms 'qualified voters', 'qualifications for voters', and 'qualified to vote' mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by voting registrars, or other State or local officials, in qualifying other persons in the registration district not of the same race or color."

Renumber succeeding titles.

Mr. CELLER. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 5, lines 14 and 16, strike "401" and insert in lieu thereof "301".

Mr. CELLER. Mr. Chairman, this is just a typographical error, which I think can readily be corrected.

The amendment was agreed to.

Mr. CELLER. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 7, starting with line 7, strike the language contained in lines 7 to 17, and renumber the remaining sections in title IV accordingly.

Mr. CELLER. Mr. Chairman, this amendment involving title IV, the Civil Rights Commission provision, is superfluous since under the Mutual Security Appropriation Act the life of the Commission was extended for an additional 2 years. Therefore, the words that are now sought to be deleted are utterly unnecessary and repetitious.

The amendment was agreed to.

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 3, line 6, insert after "property" the following: "or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act".

On page 3, line 12, insert after "property" the following: "or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act".

On page 3, line 13, insert "(a)" immediately before "Whoever".

On page 3, after line 22, insert the following:

"(b) Whoever moves or travels in interstate or foreign commerce with intent either, (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for wilfully imparting or conveying, or causing to be imparted or conveyed, through the use of the mail, telephone, telegraph, or other instrument of commerce, or any other mode of communication, any threat or false information, knowing the same to be false, concerning an attempt or alleged attempt being made or to be made, to perform any act to damage or destroy by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or, (2) to avoid giving tesitmony in any criminal proceeding relating to such an offense, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

On page 4, line 1, insert "(c)" immediately before "Violations".

On page 4, strike out the matter between line 11 and line 12 and insert in lieu thereof the following:

"1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act."

Mr. CRAMER. Mr. Chairman, as a member of Subcommittee No. 3 of the Committee on the Judiciary that had the responsibility and opportunity of holding the hearings on proposed antibombing legislation I for one have been greatly concerned, as have many southerners and I assume people in other parts of the United States, about any bombings or any threats of bombings as well as actual or attempted bombings.

My amendment merely brings within the Fugitive Felon Act not only the substantive crime of bombing which presently is in the bill but the additional State crime of the person who perpetrates it or who is trying to escape being prosecuted in an instance of a threat of bombing in a given area. In my opinion, in many instances such threats cause a great deal more havoc than a so-called attempted bombing.

To give you an example:

I am bitterly disappointed, as I am sure is the case of the people in my district and throughout the United States, regardless of party affiliation or otherwise, at the bomb threats that were perpetrated at Gibbs Junior College on the occasion of Mrs. Eleanor Roosevelt's speaking as part of a seminar which resulted in the clearing of the hall before the program could continue.

This news was carried throughout the Nation and the world. It is imperative, likewise, that the Nation and the world know that the people of my district—yes, and, I say to my colleagues from the South, the people of the South, and the people of the Nation—that Americans, that southerners, do not condone such acts and are determined to punish those responsible as well as to prevent future acts of this despicable nature.

As the Representative of the people of the First District of Florida, I believe it is my duty to express the determination of my people and again I think it is the determination of people throughout the South as well as of the Nation that such an incident shall be stamped for exactly what it is—it is cowardly, it is contemptuous, and it is cynical.

It is imperative that the nations of the world and the other sections of our country know that we, in the South, do not condone such actions; that we are determined to punish those who perpetrate such acts and in offering this amendment to this bill I am stating unequivocally and showing unequivocally my position as a Representative of the people of an integral part of the great Southern States. My amendment would, as I said before, make it a Federal crime under the Fugitive Felon Act for a person who has perpetrated a threat under State law and been convicted for such to escape across State lines, the same as the nature of the provision contained in the present bill with regards to the substantive act of bombing or attempted bombing.

Even though I might differ in some instances with the philosophy for which someone might stand, I will exert every effort to guarantee that individual the right to speak and be heard without intimidation and without threats. My action in this matter illustrates my dedication as an American to this basic fundamental principle, and as a southerner demonstrating the southern peoples' abhorrence as is the case of people throughout the United States not only for these bombings but for threats as well. This attitude is clearly demonstrated by the request on the part of public officials in many areas including Florida that the FBI be made available or that Federal laws of this nature be passed in order to bring the Federal Government in to help stamp out such acts because interstate commerce is involved. It is essential that these perpetrators of either threats, according to my amendment, or the perpetration of the substantive crime, according to the bill as reported out, are properly prosecuted and that can only be done, as I say, through the Federal Government if interstate commerce is involved.

I want it clearly understood, however, for those who might be concerned about bringing the FBI into the State crime prosecution picture, that my amendment would not require FBI participation in any threat case unless there had been a prior conviction under the State law applicable to such threats or someone who is a suspect of having perpetrated such a threat crosses State lines or there is reasonable grounds on the part of local law enforcement officials to believe that the person convicted or suspected has crossed State lines. Then, and only then, will this section mandatorily come into play. Beyond that point it is discretionary with the FBI as to whether the case is of such impact that FBI investigation is justified. Discretion beyond that point likewise would be exercised, although I would assume more broadly, if the local law enforcement officials in such an instance requested FBI assistance.

It is my understanding that the FBI has voluntarily been assisting the States in view of the preestablished pattern of requests from the State enforcement agencies that such help be made available in actual bombing or attempted bombing cases. FBI investigation has immediately been invoked in many instances as a matter of policy.

This is a matter within the discretion of the Justice Department and the FBI and I would assume that in threatening cases, under my amendment, this discretion would be exercised on the basis of available personnel, the nature of the case and as to whether the local authorities requested assistance. The only mandatory effect would be under the strict terms of the amendment where the Attorney General knew or had reason to believe that an escape across State lines had taken place.

I offer what I hope will be a clarifying explanation of the amendment in reply to some who might oppose the amendment on the basis that the FBI might be required to overextend itself. I am certain this would be the case.

Mr. Chairman, I trust my amendment will be adopted.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I thoroughly agree with the gentleman that a threat to bomb is something which is cowardly, immoral, and horrible. On the other hand, I wonder if we should go so far as to make a threat a Federal crime. That should be within the purview of the States. I understand just recently the legislature of the gentleman's State, namely Florida, did pass such a statute. I do not know how many States have statutes which make such a threat a crime. I think every State should make such a threat a crime.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. CRAMER. I cannot understand how the gentleman could oppose this legislation on a Federal level which, in my opinion, would have the effect of encouraging the States to enact such State legislation. The gentleman knows, of course, that this is not an effort to substitute the Federal for the State crime. The State crime is the one involved and the one for which the person is prosecuted, and then after being prosecuted locally, if he escapes across State lines, this fugitive felon statute becomes involved; or if he flees to avoid such prosecution. The FBI would come in only after State authorities had determined that an "escape" or use of interstate commerce had occurred or there was reason to believe it had occurred.

Mr. CELLER. I understand the gentleman's amendment. But, this would bring the FBI into all such cases, and there would be very, very many of these cases. I think the States should exercise their powers to a greater degree than heretofore. They cannot leave everything to the FBI. They cannot leave everything to the authorities in Washington in this regard. There are many States that have laws which make these threats a crime, and there can be successful prosecutions in such States. There is no need, as I see it, to start this

very cumbersome machinery of the Federal Government awhirling in order to get at these culprits.

For that reason I believe the amendment should be defeated. Let the States assume their share of the burden in this regard. The minute you pass this statute the State's attorney or the sheriff, or whoever it is, would simply say, "Let the Federal Government do it." They would sit on their haunches and they would do nothing.

For that reason, I oppose the gentleman's amendment.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Florida.

Mr. CRAMER. The gentleman is making a very eloquent argument in opposition to title II which the gentleman supports already in the bill which provides the same approach in bombing or attempted bombing cases.

Mr. CELLER. No; I am not. There is a limit beyond which we should not go, for practical purposes. I think practical purposes should not embrace the FBI in every one of these instances. I think the gentleman's State can cope with this situation, and I think every other State can cope with this situation. I think the gentleman's amendment is unnecessary.

The CHAIRMAN. The time of the gentleman from New York [Mr. CELLER] has expired.

Mr. HALEY. Mr. Chairman, I move to strike out the last word.

I yield to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I would like to point out that I have difficulty in understanding how the gentleman from New York can oppose my amendment because it contains the exact verbiage that is contained in the distinguished chairman's bill and many others introduced in Congress. The Anti-Defamation League and many other groups testified in support of a threatening provision. I am just trying to conform that threatening section of these other bills, one of which I introduced, H.R. 743, to the present bill and bring it under the Fugitive Felon Act concept. Apparently the Attorney General prefers generally this approach which in effect permits the Federal Government to help the States carry out their own antibombing laws. Apparently the distinguished chairman of the committee is also, in his reasoning, arguing against title I of the bill, because title I says, "whoever willfully" or "by threat" or "by force." Yet when an effort is made to bring threats in where you need it in bombing cases, he objects. In a State where the State authorities actually convict or suspect someone for threatening, then the person convicted or suspected escapes across the State line, my amendment would apply. What is the State authority supposed to do in such an instance? They ought to be able to ask the help of the FBI and Federal prosecution authorities. I cannot understand the opposition of the chairman to the amendment. I offered it very sincerely.

Mr. HALEY. I ask the gentleman if he does not agree with me that the trapper has been caught in his own trap and he does not like it.

Mr. CRAMER. Well, the gentleman can drawn his own conclusions. I cannot understand why the chairman would not go along with the amendment making the same Federal "escapee" provision for "threateners" as he does for "bombers."

Mr. HALEY. It carries out what has been happening. We are coming down to a political bill and he does not want any bill that is enforcible.

Mr. ALFORD. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from Arkansas.

Mr. ALFORD. I would like to ask the gentleman from Florida [Mr. CRAMER] if his amendment provides for indictment of those individuals who hire the individuals to make the threats? We do not get at the real culprits, those who connive and scheme and hire a few individuals to do the work.

Mr. CRAMER. I appreciate the remarks of the gentleman. That depends upon what the State statute provides in the nature of a crime for "threatening." In further reply, it would apply if someone hires or conspires to send someone into an area to perpetrate a threat, I believe. It should be a revelation to the Members of this House when you find southerners suggesting that this is a good amendment and what should be done, in threatened bombing cases and we find the distinguished chairman of the Judiciary Committee, the gentleman from New York, opposing the amendment.

Mr. ALFORD. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I promised to yield first to the gentleman from Virginia; then I will yield to the gentleman from Arkansas.

Mr. ABBITT. I just want to take this opportunity to commend the chairman of the Judiciary Committee for his splendid defense of States rights, so I was delighted to see him supporting State sovereignty.

Mr. ALFORD. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield.

Mr. ALFORD. I was going to make the comment just made by the gentleman from Virginia; that is, I wondered whether I heard correctly that the gentleman from New York, chairman of the Judiciary Committee, said he was in favor of State sovereignty.

Mr. CRAMER. I had assumed by the gentleman's remarks that he should be in favor of the amendment in that it preserves State sovereignty and prosecutions. I offer it seriously; I think it is a good amendment and I hope it will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The question was taken, and on a division (demanded by Mr. HALEY) there were—ayes 119, noes 98.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. CELLER and Mr. CRAMER.

The Committee again divided, and the tellers reported that there were—ayes 132, noes 90.

So the amendment was agreed to.

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion.

The clerk read as follows:

Mr. HOFFMAN of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the bill be reported to the Committee on the Judiciary with instructions that a clean bill be reported back to the House.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. How often may a Member make such a preferential motion during debate on a bill?

The CHAIRMAN. Since the last preferential motion was had, several amendments were submitted, which were adopted, so the gentleman is in order.

Mr. HOFFMAN of Michigan. I just wanted to know whether the gentleman wished to make a point of order against the motion.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOFFMAN of Michigan. Mr. Chairman, all I am trying to do is to give an opportunity so the Members of the House can read the bill. I do not expect it to be adopted because many do not seem to care what is or is not in the bill. It seems to be a political gesture to get votes—not much else. I thought maybe there would be a ruling by the Parliamentarian on a point of order made by somebody against it. The point was not made. Again all I am trying to do is to get the bill reported back to the House; instead of asking that the enacting clause be stricken—that is not in this—that there the bill be referred to the Committee on the Judiciary and they be required to report back to the House a complete bill so that we may have the whole thing before us and know what is in it. Now, that is what I am trying to do.

Mr. POAGE. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, would that the people of the United States could learn to tend to their own business. We of the South have learned to expect to have people from north of the Mason-Dixon line try to control our local affairs. We do not like it, but we are members of the household and we have learned to live with it.

To add injury to insult to a friendly people the State Department this morning gives out a self-righteous criticism of the Government of the Union of South Africa, relating to a most difficult and trying domestic situation.

Instead of helping to extinguish the fires of hate and law violation which are today threatening the whole structure of organized government in South Africa, our State Department comes running with a can of gasoline in each hand.

Regardless of the merits or demerits of South Africa's domestic laws—they are domestic laws—they apply to the people of South Africa, in South Africa

and they were enacted by the duly constituted legislative authority of South Africa. So long as we recognize the independence of the Union of South Africa, it is our duty to respect her authority over her own people in her own land.

Is there a Member of this House who would not resent an official statement from the South African Government passing judgment on our laws or our enforcement or lack of enforcement of those laws?

The position of the people of South Africa, both black and white, is difficult enough. Why, oh why, cannot we keep our hands out of other people's business?

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan.

The motion was rejected.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude at 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FLYNT. I object, Mr. Chairman.

Mr. CELLER. Mr. Chairman, I move that all debate on the bill and all amendments thereto conclude at half past 5.

The motion was rejected.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 2, line 5, following the word "States" strike out all down to and through the word "school" on line 12.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia on his amendment.

Mr. CELLER. Mr. Chairman, I make the point of order that this is exactly the amendment that was offered previously and which was voted down. It is in exact verbiage the same as the amendment that was defeated.

Mr. SMITH of Virginia. Mr. Chairman, I make the point of order that the point of order comes too late. I had been recognized.

The CHAIRMAN (Mr. WALTER). The point of order does not come too late.

As the Chair recalls the amendment, the language is not identical with the language of the amendment that was considered. However, it is substantially the same; the purport is the same; and the point of order is sustained.

Mr. COOLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. SMITH of Virginia. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair has ruled, but the gentleman may convince the Chair that he is wrong.

Mr. SMITH of Virginia. Mr. Chairman, perhaps I am doing a vain thing, but I want to call the Chair's attention to the fact that it is not identical language, and it is not similar language. It concerns no new language at all. All this amendment does is to strike out a part of the bill. Is there anyone here who ever experienced being halted on a point of order to an amendment to merely strike out part of the language of a bill? That is all this does. It simply strikes out some six lines of the bill.

I know what is going to be said. It is going to be said that this has the effect of changing the bill. Well, any amendment changes the bill; any amendment striking out language changes the bill.

Mr. Chairman, I recognize that there are occasions when a point of order lies to striking language out, but they are the exceptions. If the Chair will look over the books, he will find it has not happened more than a half dozen times in the history of the Congress. They have been exceptional instances. What is exceptional about this instance that would bring it within that rarely used rule?

This clause relates to attempts to interfere with court orders. The amendment strikes out the language which confines that to school orders. Does it change the character of the bill? No, because there is language all through this bill relating to court orders. If you put in a provision relating to school orders, you may put in a provision relating to the other sections of this bill that have to do with orders of the court; title II, title III—all of them pertain.

It seems to me, Mr. Chairman, if I may say so, that a thing such as eliminating a part of a bill is something concerning which the Chair should be very careful and very slow to invoke that exceptional rule that prevents the House from eliminating a part of a piece of legislation that is before it.

I submit that the point of order should be overruled.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

The Chair is sure the gentleman from Virginia is acquainted with the precedents because he called the attention of the Chair to the precedent which in the opinion of the Chair is governing. The Chair quotes from Cannon's precedents, volume 8, section 2917:

A proposal to strike out a portion of a text may not be germane to the proposition involved.

A proposal to eliminate portions of a text thereby extending the scope of its provisions to other subjects than those originally presented is in violation of the rule requiring germaneness.

To a proposal to dismiss officers violating the "Federal prohibition laws" an amendment striking out the word "prohibition" was held not to be germane.

In the opinion of the Chair, as to the amendment offered by the gentleman from Virginia, while the greater part of the language remains the same, nevertheless the effect of striking the language set forth in his amendment has the effect of bringing the amendment very clearly within the rules as stated.

The point of order is sustained.

Mr. POFF. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time for what I hope will be considered a worthwhile purpose. Persistently, but unsuccessfully, I have been seeking recognition since the Whitener freedom-of-speech amendment was under debate to state that in my judgment no more profound or meritorious amendment has been offered in the 2 weeks we have been debating this bill. The amendment failed, but I should like to assure you, Mr. Chairman, that the Members of the House will have the opportunity to cast a record vote on that amendment on the motion to recommit.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Indiana.

Mr. HALLECK. A short time ago the chairman of the committee made a motion to limit the debate to 5:30 o'clock. I have checked at the desk. There is only one amendment there, and I am not at all sure that is going to be offered. I have checked on our side. We have gone along with this debate. Certainly everyone has had an opportunity to debate his amendment and to be heard on this bill. I just want to suggest to the chairman that so far as I am concerned I think we ought to conclude action on this bill this evening. If we do not quit by 4 o'clock we will be here voting very late, because it is obvious we will have a rollcall vote on an amendment and also on a motion to recommit, and also on the passage of the bill.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Georgia.

Mr. FLYNT. I thank the gentleman for yielding. In reply to the gentleman from Indiana, may I say that there are other amendments pending. I have one which I have been seeking recognition to offer. The mere fact that an amendment is not on the desk does not mean that it is not going to be offered, and the gentleman from Indiana well knows it.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 4 o'clock.

The motion was agreed to.

Mr. POFF. Mr. Chairman, may I make it plain that I did not yield to the gentleman from New York for that purpose. Had I known that was his purpose, I would not have yielded.

As I said during the course of general debate, most criminal statutes make the attempt to commit the defined crime an offense in itself, incurring the same penalty as the substantive crime. The word "attempt" is a word of art, explicity defined and minutely refined in the case law of our jurisprudence since its birth. In the legal sense, an attempt involves some overt act which goes beyond the bounds of mere preparation and amounts to what is called the "commencement of the consummation of the crime." Title I does not use the word "attempt." Instead, it uses the words "willfully endeavors." What do those words mean? How would the courts define an endeavor to "prevent, obstruct, impede, or interfere" with a school desegregation decree? Would those words embrace a public verbal criticism of the

decree or a critical letter to the editor? If so, what about the first amendment to the Constitution? No one can accurately predict what, in the context of this new statute, the Court's definition might be. But, it is a fact that the Supreme Court already, in the case of *U.S. v. Russell* (255 U.S. 138), has said that the word "endeavor" describes "any effort or essay to accomplish the evil purpose that the section was enacted to prevent." Suppose that definition were applied in this context. This language, if left uncorrected, can serve only to blur the definition of the crime and lighten the prosecution's burden of proving guilt.

As has already been said, title I has a very narrow and limited application. It applies to, and only to, Federal court decrees ordering school desegregation. Why did it not embrace all Federal court decrees? We cannot agree that one decree has more dignity than another; we deny that violence is unacceptable in one instance but acceptable in another; we reject the notion that obstruction of justice is intolerable in one case and tolerable in another.

I do not condone violence either by individuals or by mobs, nor do I countenance threats of violence. The violent obstruction of justice, as justice is defined by court decree, is a trespass against a sovereign government, a challenge which that government, if it would remain sovereign, cannot forever forgive.

But should the obstruction of a school desegregation decree be deemed a more provocative challenge or a more dangerous trespass than obstruction of any other court order?

No regional vendetta, no volume of rhetoric, no degree of eloquence, no refinement of words can alter the essential fact that violence is violence, obstruction is obstruction, and justice is justice.

Mr. COOLEY. Mr. Chairman, I submit to the Chair that I had already been recognized 20 minutes ago.

The CHAIRMAN. The gentleman from North Carolina [Mr. COOLEY] is recognized.

Mr. COOLEY. Mr. Chairman, I ask permission to speak for 5 additional minutes.

The CHAIRMAN. The gentleman's request cannot be complied with since the time has been fixed. The gentleman is recognized for 5 minutes.

Mr. COOLEY. Mr. Chairman, with great interest I have day after day listened to this very brilliant debate. I am now convinced that we are considering a legislative monstrosity, an un-American and unconstitutional proposal.

I represent the largest congressional district in the great State of North Carolina. Negroes are registered and Negroes vote in all of the seven counties of that great district and perhaps in all of the precincts of that great district. In some of the cities of the district, Negroes hold high office. It is strange to me, Mr. Chairman, that during the more than 25 years that I have served in this body, according to my best recollection—I have never received a single letter or communication from a Negro constituent complaining that he or she had been denied the right to register and to vote. If any of my constituents feel that they have been mistreated or oppressed, it seems to me that they would naturally turn to their Congressman, the one who represents their district in this great legislative body.

Certainly no one who knows me could ever accuse me of intolerance in any form or fashion. Actually I hate and despise intolerance wherever it lifts its ugly head—religious intolerance and racial intolerance and intolerance of every kind. I also hate deception—kangaroo courts, ex parte proceedings, star chamber sessions, and conclusive presumptions—all of which are involved in the proposal now under consideration. This legislative monstrosity is an indictment of the integrity and of the patriotism of those who administer our election laws and are prompted by high purposes and the finest virtues of patriotism. Our registrars, under this proposal, would be displaced and federally appointed referees would take over the high functions our registrars now perform and the functions of those who are responsible for the administration of our election laws. I submit that this is a cruel and evil thing that you are about to do.

Obviously the sponsors of this legislation want to punish the people of the South. The sponsors are professionals. They want to stir up strife and arouse people and start on a pathway which might very well lead to violence and bloodshed. I am certain that the Negroes of the district which I represent know me and trust me and vote for me, and I do not believe that they want the gentleman from New York or those who side with him in this effort or anyone else from any other section of this great Republic to write my record in this House for me nor to come into our district to champion the cause of the Negro. Our election laws apply uniformly to men of all races and religious persuasions and those who administer our laws are reasonable, fair, and just, and tolerant.

I have no racial prejudices. Among my friends are men and women of many races. From childhood I have cherished the friendship of Negroes, of Jews, of Catholics, of Greeks, and of Italians and people whose ancestors came from many far distant places of the world. Over a period of 40 years, as a member of the Bar, I have defended Negroes, in both criminal and civil courts, and many times without compensation or reward, other than the compensation which comes from unselfish services rendered in a just cause. I urge you to leave us alone. The arguments against this legislation have been clear, cogent, and convincing to all men with open minds, but unfortunately, many of you do not have open minds nor even are your hearts open to conviction. I make this last appeal to you to open your hearts, your minds, and your consciences and to vote your honest convictions. The rights of all of our citizens in North Carolina are guaranteed by the organic law of the State and by the organic law of our Republic and with uniformity and integrity they are administering their dignity and great impartiality. We do not need troublemakers and rabblerousers to help us in the administration of our election laws.

Neither do we need the advice of the Attorney General of the United States.

Mr. Chairman, anyone who has listened to this debate must surely wonder who is the true friend of the Negro. Is his friend the agitator who has inflamed the Nation with racial hatred and distrust? Or, are his friends the white people of the South among whom he has found understanding and sympathy, and where the colored people who were transported to this Nation have shown the greatest progress in the shortest time of any race of people in all history?

The colored people learned from us about the true God that reigns in Heaven. Among us they learned our language, a code of ethics and morals, and their most noble aspirations of racial integrity grew up among us.

Mr. Chairman, I wonder who are the true friends of the Negro people in this House, as we stand embattled and embittered.

Does it occur to those of you, who would press a crown of thorns down upon the Southland, that you but repeat a sorry, tragic, and suffering page of our history?

The friendship and mutual trust of the white man and Negro in the South, even in times of slavery, is one of the phenomenon of all history.

Where is there ever any reason for racial hate in the South, except as others plant it there? When has this ever occurred except when people, with diverse motives, come among us to kindle it and to inflame it?

There is not a more beautiful story in all the annals of history than the devotion of the southern Negro, even in the dark days of the War Between the States. The southern white men, going off to war, left their wives and children in the care of their slaves.

This was a trust never once violated. In the heat of war, agents behind the lines sought to arouse passions among the colored people, to lead them to revolt and to arise against the white people of the South. Probably this world never again will witness such purity of devotion as the colored people displayed in these strained and trying circumstances. Not once in all the records of the years of the War Between the States is one instance recorded, not one, where a colored man betrayed the helpless white women and children left in his care.

When the blood of that great war stopped flowing there was a friendship between the former masters and former slaves as probably never has existed elsewhere between peoples of different racial origin.

But the predecessors to our present-day agitators and hatemongers did not want it that way.

The carpetbaggers, under the protection of martial law and the Freedmen's Bureau, swarmed into the South. The Freedmen's Bureau, by policies made in Washington, created a reign of hate in the South. It sought to bring the colored man in dominance over the white man. It taxed away the property of white citizens. It drove white men out

of our State legislatures and brought in colored men to occupy their seats.

The hatred and distrust thus inflamed was, I submit, the greatest sin ever committed against the colored people of this Nation. The cause of his progress, which could come only of friendship and mutual efforts of the native white people, was slowed down for decades.

Not until the strangers left the Southland did the Negroes begin to make progress through their new-found freedom.

Now, today, I say to you this body is about to repeat one of the darkest pages in all our history. Are you to sit today as a Reconstruction Congress reenacting its measures and laws of hatred? Are you again to create and sanction distrust and hatred in the Southland? Will you set back the progress of the colored race in this country for more decades? Will you destroy the friendship of the white people and the colored people in the South which from the end of the Reconstruction era to very recent years has maintained a solid base under the great progress of the colored people of America?

In presenting this question I want to quote from a letter published several years ago in the Christian Science Monitor. It was written, according to a note accompanying it in the Monitor, by a Negro minister, the Reverend J. A. Brodie, of Montgomery, Ala. This letter reads in part as follows:

> It should ever be remembered that during the period of the War Between the States, southern white men left their wives and children in care and under the protection of their slaves and without thought of any betrayal of that trust, and that trust was not betrayed. * * *
>
> There is a close tie between the southern white man and the southern Negro that only they can understand. There are no two races that can live together and understand each other like the Negro and the southern white man. There is no Negro born in the South that wants to live apart from our white friends and there is no Negro born in the South that wants "social equalities." We teach the Negro boy and girl that racial integrity is best attained by racial purity and solidarity, and that the South is the home of the Negro, and that the only friends of the Negro is the southern white man. * * *
>
> The southern white man is noted for his generosity, his hospitality, and for his adherence to customs. Among the outstanding things that he has always done is to feel a great responsibility for the southern Negro, and the Negro is 100 percent American. We are willing to die side by side with the American white man for democracy.

Mr. Chairman, you look upon an embattled group of men in this House today. They are fighting for their native and beloved Southland. They are fighting for a friendly and prosperous future for the white man and the Negro alike, in the Southland. They are fighting here for this Nation that they love and cherish.

I remind you, Mr. Chairman, that this same group of men from the South, or their predecessors from the districts they represent, stood together and fought together in this House 19 years ago. This Nation then was in grave peril.

The occasion then was the extension of the Draft Act. The time was just 4 months before Japanese bombs rained upon Pearl Harbor. The cry in the country, unaccustomed to such danger, was to get the boys out of the Army—get them back home. It took courage then to vote to continue the draft. It took real courage.

The date was August 12, 1941.

The vote was taken. The Draft Act won by a margin of one single vote. Had this vote failed America would have been virtually defenseless in the face of war.

But these men who are fighting here today were fighting then. And when that crucial vote was cast on August 12, 1941, these Members from the 12 Southern States voted 102 strong to maintain the draft and to keep our Army strong in the presence of the danger then in being. Only 6 men from the 12 States voted "Nay."

I recite this, Mr. Chairman, to point out to this body that in our Southland you have people who are intensely American, and we are not ashamed of patriotism, or even to be emotional in the love we hold for the South and for this Nation.

I quote here an editorial which appeared in the New York Herald-Tribune, shortly after that fateful day of August 12, 1941:

> The South's viewpoint of world affairs is possibly more enlightened than that of many equal areas in the North. Its population is largely native to the soil, its bloodstrains are few and its reactions to the coming of World War II was instant and never in doubt. Resistence to tyrants came naturally to men of southern upbringing, and willingness to fight for liberty and against aggression has been part of their history since the landing in Jamestown. There are few isolationists among southern statesmen, and they, for the most part, are considered alien to their heritage and are held in considerable disesteem.
>
> The recent record of the South in world affairs is inspiring. Lend-lease would have been beaten in Congress but for the southern votes. When the first year of the first draft expired, 4 months before Pearl Harbor, it was southern Members of Congress who insured its extension. When, by one vote, Congress decided not to send all the soldiers home, it was the South that turned the scale. Representatives of 12 Southern States cast 102 votes in favor of extending the draft and only 6 votes against it.
>
> The far-sighted view of affairs across the oceans, illustrated by these statesmen-like steps in time of world crisis, is the more remarkable when it is remembered what might have been the South's natural preoccupation with its growing interest in foreign markets, and particularly in export of cotton and tobacco. It is reassuring to find that older parts of the United States, undisturbed by economic changes and the terrific ordeal of civil war, maintain their patriotism and that it responds instantly to challenge.

The roll will soon be called, the record will soon be made, and the great harm will soon be done. In denouncing this legislative proposal I shall not become intemperate in my zeal. Nothing you may do here will substantially change the attitude of the people of the great congressional district which I have tried to the best of my ability to represent during my entire service in Congress. Most of the Members of this House know very little about the problems of the South and, unfortunately, appear to be unwilling to learn anything about the many problems that now perplex us. I extend to you a cordial invitation to visit my district and my State and to meet the people of all races who live there in peace together. I shall be glad to introduce you to Negro friends of mine in all walks of life, in all professions and vocations and avocations, to the end that you might know and understand our situation and the friendly relationship which exists among the people of all races. I urge you to vote against the pending proposal and to leave us alone.

Qualifications to vote in North Carolina are very simple and general. They are as follows (Supp. 163–25; const. art. VI 4):

Age: 21 years (163–24).

Citizenship: Must be U.S. citizen.

Residence: 1 year in State, 30 days in precinct, ward, or election district.

Literacy: Must be able to read and write any section of the Constitution in English, except that this shall not be required of persons already registered before effective date of this act (Supp. 163–28, Stats. 163–40).

Only the following persons are disqualified to vote (163–24):

First. Idiots and lunatics.

Second. Persons who have been convicted or confessed their guilt in open court upon indictment of any crime the punishment of which is or may hereafter be imprisonment in the State's prison unless such person shall have been restored to citizenship in the manner prescribed by law.

I repeat that no citizen is discriminated against because of race or color.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. COOLEY] has expired.

Mr. FLYNT. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. FLYNT: On page 1, after line 4, strike out line 5 and all of title I down through and including line 2 on page 3.

Mr. FLYNT. Mr. Chairman, this amendment would have the effect of striking out title I of the bill. As near as I can tell, it would accomplish the desired effect of the amendment offered by the gentleman from Ohio which was ruled out of order, and the amendment offered a few minutes ago by the gentleman from Virginia, which was likewise ruled out of order.

Title I, like many other portions of this bill, is a decision-setting provision of a bill pending in the Congress. It would give greater dignity to one form of court decision than it does to all other court decisions handed down by a district court, a circuit court of appeals or the Supreme Court of the United States. In short, it would give greater dignity to one closely restricted type of court order and court decree than for every other court decree and order in the entire Federal judiciary system.

The report on the bill, Report No. 956, which accompanies H.R. 8601, is

clear. It defines the sections of chapter 73, as follows:

TITLE 18, UNITED STATES CODE

Chapter 73. Obstruction of justice

Sec.
1501. Assault on process server.
1502. Resistance to extradition agent.
1503. Influencing or injuring officer, juror, or witness generally.
1504. Influencing juror by writing.
1505. Influencing or injuring witness before agencies and committees.
1506. Theft or alteration of record or process; false bail.
1507. Picketing or parading.
1508. Recording, listening to, or observing proceedings of grand or petit juries while deliberating or voting.
1509. Obstruction of certain court orders.

At no point does any section of chapter 73—from section 1501 through section 1508—seek to single out any type or group of court orders and confer upon that type or group a greater dignity than to all other court orders. Yet this title I would do just that. And the precedent it sets is utterly dangerous.

It is no longer possible to appeal to reason; it is impossible to appeal to substantive law whenever this subject comes up for deliberation either in the Congress of the United States or in any court of competent jurisdiction in America.

Mr. Chairman, this section alone is discriminatory by its very language. It seeks to give a higher form of court interpretation to one group of cases than to another; it seeks to give a higher degree of weight to school segregation cases than to any other.

I challenge, if I may, any member of this Committee to point out why it is necessary for this particular class to be singled out in this legislation.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield.

Mr. HOLTZMAN. I wonder if the gentleman ever heard of Little Rock, Ark., or of massive resistance to the law in Virginia and many other deprivations of constitutional rights in the South.

Mr. FLYNT. As the gentleman well knows, I have heard of it. I doubt if there are many of the 170 million-odd Americans who have not heard of it; and I say the gentleman with the very attitude he has taken on this bill, the very attitude that he takes on the amendment is what has brought about Little Rock, massive resistance, and other turmoil and strife.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield further?

Mr. FLYNT. I yield.

Mr. HOLTZMAN. The gentleman challenged any Member of the Committee to tell him why this title was necessary. I think I have answered the gentleman honestly and adequately.

Mr. FLYNT. I think the gentleman has not answered, either honestly or adequately. As a matter of fact, I renew my challenge to the gentleman or anyone else to show that the conditions that brought about Little Rock and the other instances to which the gentleman referred and the incidents themselves have not brought about the greatest condition of strife, disharmony, and turmoil, and one which can break down the very foundations of the constitutional structure of government under which we live, which we honor and which we cherish.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I gladly yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman, as I understood him, said that his amendment would have the same effect as the amendment offered by the gentleman from Ohio [Mr. DEVINE]. On the contrary, I think it would have a much broader effect. His amendment would have brought about an extension of this declared action in respect to court actions clear across the board. The gentleman's amendment has the effect of doing away with the first section, hence removing entirely the deterrent to the obstruction of court orders.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

The Chair recognizes the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Chairman, I can tell you what these particular provisions relating to court orders are for: They are for the purpose of punishing everybody, even children so far as we in the South are concerned. The language on page 2, lines 20 through 23, are indicative.

The gentleman from New York [Mr. CELLER] stated he wanted this legislation to deal with Kasper. Now, if the gentleman will listen to me, I will tell him how to get rid of Kasper. Keep him up there in Brooklyn. I think that is where he came from in the first place; he is not from the South. You do not need this to put Kasper in jail; Kasper has been in jail repeatedly. If he is out of jail it is a very uncommon occurrence in his life. I expect Kasper is wondering if he is ever going to get out of jail. The truth is, Kasper has served more time for the violation or alleged violation of court orders than some defendants have served for the crime of rape. You might just as well admit it because I am telling you the truth. If you get this bill you will find that it stipulates that you cannot punish a child provided the child is subject to discipline at school, but if he or she is not a student in school then you can bring them into court.

No wonder Mr. Gould said in the Evening Star that you had first- and second-class court orders. This is a second-class court order. This is a court order that you would put upon my people. You would not dare to make other defendants subject to the rule that you would put upon the men, women, and children of the South.

You would not do it. The most powerful law in this country today is not the Constitution; it is the law of force. You people have the force, you people have the strength but, Mr. Chairman, we have right on our side, and we are not apologizing for the stand we have taken.

Let me tell you something else. It is mighty strange to me; the Attorney General said in 1957 that he did not want any criminal prosecutions legislation because he said southern juries would not convict. Now, here he is in 1959, after he has got his criminal and civil contempt of court orders, and after he has put a stipulation in there to give us bargain prices, if we would not ask for a jury and come up and plead guilty.

I will tell you another thing. Over on the other side they passed similar legislation, but they put labor unions and all other people into this legislation. Do you know what happened there? They struck the whole provision. Future generations are going to inquire and ask you why is it, just why is it, that you would visit upon my people or any people something that you would not put upon other people?

I doubt seriously that you are going to have any more trouble down there so far as intervention on court orders is concerned. We all understand, we know about the bayonet, we know about the second-class citizenship. I will tell you we know the die is cast, but nevertheless we are proud of the position we take and we stay with them unashamed and unafraid, and we are confident that future events will sustain them.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

(By unanimous consent, Mr. CELLER's time was yielded to Mr. ROGERS of Colorado.)

Mr. ROGERS of Colorado. Mr. Chairman, I think we should have a little clarification of title I. It is not set out for the purpose of punishing a child, or children. It was requested by the Attorney General of the United States for the purpose of enforcing court orders that had been entered as the result of the desegregation orders of the respective Federal courts.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Georgia.

Mr. FORRESTER. What does the section mean:

> This section shall not apply to any officer or employee of a school if such act is done pursuant to the direction of or is subject to disciplinary action by an officer of said school.

Mr. ROGERS of Colorado. That means just exactly what it says.

Mr. FORRESTER. Yes; it does.

Mr. ROGERS of Colorado. Let me answer the gentleman's question. It means this: If the superintendent of schools or someone under his supervision is instructed to do something by him they would not be in contempt of court. That is all it means. This is for the purpose of getting at those who choose to violate a court order that has been entered on desegregation, nothing more and nothing less. The question of Mr. Kasper was discussed by the Attorney General and he said this title was not necessary to punish him. If the gentleman will recall, Mr. Kasper was made a party to the suit and under that he was brought into contempt of court.

It is not necessary to have this part of the bill apply to him.

The only object and purpose of this title is to punish those that have violated a court order in a desegregation case. I might point out that this constitutes a crime which is subject to jury trial

like any other contempt of court proceeding. The object and purpose of this is to extend the contempt of court to only one segment, the desegregated court order, and for that reason I believe that the amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. I had hoped to be heard for 5 minutes later, but is this time being allocated?

The CHAIRMAN. The time has been fixed and the gentleman's name is on the list of those to be recognized.

Mr. WILLIS. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. Did we not dispose of the pending amendment, Mr. Chairman?

The CHAIRMAN. No. There is an amendment pending.

Mr. WILLIS. Mr. Chairman, we are about to complete debate and, frankly, I simply want to make some general remarks at this time.

Mr. Chairman, I think the debates have proceeded on a very high plane. Many constitutional provisions were quoted and sometimes misquoted. I might have been guilty myself in that regard. At one point, I think, yesterday, if I may proceed in a light vein, when there was an obvious attempt to apply one particular constitutional amendment when that was inappropriate, I jotted down a few words which were associated with certain constitutional amendments when I was at law school, because there were some very critical and technical professors who would flunk you if you knew your subject but cited the wrong number of an amendment in support of your thoughts. And those were the words I associated with particular constitutional amendments that I jotted down during my law school days.

For instance, I, of course, associate the first 10 amendments with the Bill of Rights. The Supreme Court in the case of Chisholm against Georgia said that a State could be sued without its consent. Well, that resulted in the 11th amendment. Then, as the result of the election of 1800, we were almost stuck with Burr instead of Jefferson as President because of a fluke in the Constitution, and that brought about the 12th amendment. Amendments 13, 14, and 15 are easily associated with the Civil War. The 16th amendment permits Congress to impose an income tax. The 17th amendment says that the Senators must be elected by the people and not by the legislators of the State.

The 18th amendment had to do with prohibition. The 19th permitted those of the female sex to vote. The 20th did away with lameduck sessions of the Congress. The 21st repealed the prohibition amendment. The 22d said that two terms were enough for any man to serve as President.

Over the years, in order not be be confused, here are the words that I always keep in mind: Bill of Rights; State lawsuits; Aaron Burr; Civil War.

Then the next quartet easily bring to mind—taxes, Senators, wine, and women.

And the final trio easily mean—eliminate the lameduck, give us more liquor, but no more Roosevelts.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I cheerfully yield.

Mr. CELLER. Mr. Chairman, I want to take this opportunity to say for the members of my committee that I know of no man in this House more kindly, more benign, more sagacious than is the gentleman who is now on his feet in the well of the House, the gentleman from Louisiana [Mr. WILLIS]. We, the members of the committee, have a genuine and affectionate regard for him. He has always been painstaking and patient and most tolerant, even at times when we might have been in disagreement with him. He is, indeed, a tower of strength not only to me as chairman of the Committee on the Judiciary, but a tower of strength to all of our Members.

Mr. Chairman, while I am on my feet, I should like also to compliment the Chairman of this Committee of the Whole, the ranking member of the Committee on the Judiciary, for the efficient, wise, and careful way in which he has presided over the destinies of this House while we were considering this very complex bill. While his decisions have not always favored my point of view I must acknowledge his evenhanded justice. It is always a pleasure to serve with him.

Mr. WILLIS. Mr. Chairman, I thank the gentleman from New York. I express the same regard for him and especially for my good friend the gentleman from Ohio [Mr. MCCULLOCH]. I would add only this, that if we could combine our strengths now and then in this area of our constitutional provisions, probably the country would be better off. But who am I to tell?

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. WILLIS. I yield.

Mr. CELLER. Mr. Chairman, also I want to say that the gentleman from Ohio [Mr. MCCULLOCH] has been of very, very great help in connection with not only the writing of the provisions of this bill and sponsoring the bill, but endeavoring to get the bill through the subcommittee, the full committee, and through the House, as I am sure it will go. I want to testify likewise that without his patient endeavors and his help I do not think I could have piloted this bill through the House.

Mr. WILLIS. Now, Mr. Chairman, I want to address myself to an important feature of the voting referee proposal as a matter of legislative history. I refer to the provision under which the court could authorize any person or persons to attend at any time and place for holding any election at which any person named in the court's original or supplementary decree is entitled to vote and report to the court whether any such person had been denied the right to vote and whether any vote cast by any such person had not been properly counted.

This language appeared on page 3, lines 13 through 24, of the bill H.R. 10035. And language along the same line appeared at page 5, lines 6 through 14, of the bill H.R. 10625; and on page 5, from line 9 through 13, of the bill H.R. 11160.

The gentleman from Virginia [Mr. SMITH] and I discussed this and other provisions with the leadership on both sides of the aisle. We pointed out that this provision was unprecedented, dangerous, and inflammatory, and that if a person with a voting certificate were denied the right to vote and/or that his vote was not properly counted, the proper remedy would be a contempt citation. We stated that, of course, we would move to strike this language or any similar language from the bill and expressed the hope that our amendment along this line would be accepted. Without impugning the motives of anyone or reading anyone's mind, I say without hesitation that, at least, Judge SMITH and I received the impression that our amendment would either be agreed to or certainly not seriously challenged, and subsequent events confirm our impression.

On Tuesday, March 15, 1960, the gentleman from Ohio [Mr. MCCULLOCH] offered an amended version of the bill H.R. 11160, intending to delete the provision above referred to. This amendment appears at page 5655 of the CONGRESSIONAL RECORD of that date. I call attention to the following colloquies appearing at page 5657 of that CONGRESSIONAL RECORD:

Mr. CELLER. Having been reminded that H.R. 11160 contains the verbiage of the gentleman's amendment, do I understand the gentleman has stricken out on page 5 lines 9 to 13, inclusive?

Mr. MCCULLOCH. That is correct. That material changes the bill and takes away from the referee the authority in a field and in a manner which has been objected to, so seriously, by our distinguished colleagues, the gentleman from Louisiana (Mr. WILLIS) and the gentleman from VIRGINIA (Mr. SMITH).

Mr. CELLER. The court, of course, has inherent power, but you have by striking out that language which was originally in the bill given something in the nature of an admonition to the court that might have the effect of curbing that power so that the court—and I say this for the edification of those who might oppose this amendment—would not actually have the voting referee substituted for the State official in the actual counting of the ballots.

Mr. MCCULLOCH. That is right, but I want to make the record unmistakably clear. It is my intent to lessen the authority that is inherent in courts of equity to effectuate their decrees by whatever manner is inherent in the Anglo-Saxon system of jurisprudence.

I want to say that that was my understanding and the understanding of the opponents of this entire bill, including Judge SMITH, of the effect of the deletion of the language.

In reading the amendment, however, the Clerk, nevertheless, read the language intended to be deleted, but both the minority leader, the gentleman from Indiana [Mr. HALLECK], and the ranking minority member of the Judiciary Committee, the gentleman from Ohio [Mr. MCCULLOCH], insisted that it was the intent to delete the language. It was then that the chairman of the

Judiciary Committee, in light of the parliamentary situation, offered a substitute to the McCulloch amendment and this substitute definitely does not contain the general provision under discussion. It is clear beyond peradventure of doubt, therefore, that the proponents of this bill on both sides of the aisle agreed to remove and did remove this obnoxious provision without the necessity of our having to introduce an amendment to accomplish the same thing.

Then an amendment was offered by the gentleman from Michigan [Mr. O'HARA] which appears on page 5755 of the CONGRESSIONAL RECORD of March 16, 1960. It will be seen at page 5767 of the CONGRESSIONAL RECORD of that date that the debate on the O'Hara amendment was limited, and ended at a quarter after 3 o'clock, and the very few Members standing and desiring to talk on the amendment, as distinguished from those who wished to extend their remarks, were limited to 3 minutes. The O'Hara amendment had not been passed around generally and it was only after debate was limited that most Members, including myself, had an opportunity to study it. And it was during this limited time of about 15 minutes that an effort was made to develop legislative intention with respect to the O'Hara amendment. This appears at pages 5767 and 5768 of the RECORD of Wednesday, March 16, 1960. Many of us were shocked beyond words at this development and our inability to offer corrective amendments if necessary. I raised the issue as to whether or not the purpose of the amendment was to restore the deleted language above referred to and in the heat of debate I, frankly, went further and on reflection thought that my remarks might be construed as raising motives of Members. I deleted that particular part of my remarks, which I had only 3½ minutes to express, first, because I never engage in personalities, and second, because I have such high regard for the gentleman from Ohio [Mr. MCCULLOCH] and complete faith in his word. At this point my good friend from Ohio [Mr. MCCULLOCH] said:

> Mr. Chairman, again I want to say that which is known to all the good lawyers on the committee, that since there was first a court of chancery in England, a court of conscience, if you please, and ever since we have had a court of equity or chancery in America, that court has had the inherent power to do all things necessary to make effective its orders and decrees. Even without the language which has so disgusted my good friend and prominent lawyer, the gentleman from Louisiana, the authority would have been there nonetheless. However, Mr. Chairman, I was ready, willing, and anxious to request my very good friend from Louisiana to strike out the major part of the language to which he referred in H.R. 10625, for the very reason which I suggest. We have been marching up the hill and we have been marching down again. I for one in the final analysis would be satisfied to depend upon the inherent authority of the court, if that be necessary.

In view of that statement, I did not offer language indicating that the effect of the O'Hara amendment was to restore the provision I am discussing. To be sure, my good friend from Ohio states that under general equity powers the court would have the authority to send Federal agents at the polls to see that votes are voted and counted. But again, for the sake of legislative history, I say that I and the other opponents of this bill simply do not agree and that from our point of view the provision under discussion is out forever and that the court has no authority to send Federal agents to the polls to see that votes are voted and counted.

Mr. CANFIELD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CANFIELD. Mr. Chairman, doubtless many are somewhat confused by all the sound and maneuvers which have accompanied the civil rights debate in the Congress this month.

Yet the debate in essence is simple enough. It deals with a question basic to democracy—the right to vote. Now, it seems to me that anyone who tries to prevent a certain group of citizens from exercising this basic right is taking an essentially indefensible position.

On the various amendments to the civil rights bill I have voted for strong measures and against crippling provisions. You cannot compromise the right to vote.

The bill we are about to pass today in the House is by no means an ideal bill, but I believe it will go a long way toward assuring that every citizen will have the opportunity to vote.

Some people ask, Why the fuss? After all, they argue, the people who cannot vote do not really mind—they are content with their way of life. Yet many of these so-called contented people have participated in countless sitdown strikes and boycotts. It is evident that the patience of the Negro is being tried as the years pass and his status in some areas remains unchanged. In a month the Supreme Court desegregation decision will be 6 years old; in a few years the Civil War will be 100 years old.

It is, of course, true that race relations are progressing in some areas. But in many cases—including some involving our own organizations and locales in the North—there is resistance and defiance rather than gradual and orderly desegregation. I heartily agree with President Eisenhower that there ought to be biracial councils in every city. The point is that few such councils exist, and we in the Federal Government, therefore, must step into that area where local and State governments have failed.

We are seeing today in the tragic and bloody spectacle of South Africa what can happen when people are denied basic human rights.

Let us give President Eisenhower a strong, meaningful bill before he goes to the important summit conference next month.

Mr. Chairman, I am very proud of the dignified and able manner in which leaders of the House debate have conducted themselves, notably these distinguished gentlemen: Mr. CELLER, of New York; Mr. MCCULLOCH, of Ohio; and Mr. WILLIS, of Louisiana. In close to four decades of service on Capitol Hill I do not recall a finer performance as a Chairman of the Committee of the Whole House on the State of the Union than that turned in by the very able gentleman from Pennsylvania [Mr. WALTER]. He has always sought to be fair and right.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Chairman, we have all read these past few days of the horrifying attacks upon unarmed crowds of Africans by white policemen in the Union of South Africa, and of the bloody results in at least 60 deaths.

Inevitably, many of us have thought of the appropriate attempts by American Negroes in the past month to use their constitutional rights of free speech and assembly to protest against unjust public and private racial discrimination. We also have recalled the warnings—or what purported to be warnings—by some Members of this and the other body that if these demonstrations continued there might be bloodshed in the American South. And we have further remembered that in fact, the police power of some cities has been used not to protect but to prevent the free exercise of the right of peaceful protest, even when asserted on a public street.

In the American past, as we all know, mass violence between races has sometimes occurred in one or another section of the country. Happily, the time since one of the outbreaks has occurred has grown steadily greater, and there has been reason to hope such occurrences are behind us. But one crucial lesson can be learned from the fact that in the origins of such violence there was one common factor. In every case, it was not absolutely clear that the Government, and especially the police, were committed to the administration of even-handed justice to all persons, regardless of race.

With this group of circumstances in mind, I feel it necessary solemnly to remind my colleagues that in the United States of America, a different idea of the function of the policeman obtains from that in the Union of South Africa. Here our historic belief and our permanent intention is that the policeman protects the right to peaceful protest, he does not repress it. Here our tradition and our goal is that the policeman, far from being the arm of repression of one race, is the enforcer of even-handed justice, regardless of race. And here citizens of every section of this Nation and of every race will be watching carefully to see that these functions of an American policeman are well understood and practiced in all our cities.

Mr. MCSWEEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McSWEEN. Mr. Chairman, I support the amendment. Title I is unnecessary. Present law will take care of the problem complained of. The genesis for title I is found in the jury tampering statute. I refer to title 18, United States Code, section 1503, which, among other things, makes it a crime to influence or intimidate a witness or a juror or a list of other parties. The statute also makes it a crime to influence, obstruct, or impede the due administration of justice. The fine is not more than $5,000 and the imprisonment is not more than 5 years, or both. This statute making it a crime to impede the due administration of justice uses similar language as is found in title I.

The majority in the committee report claim that this law presently on the books may not suffice to prosecut mob leaders; therefore it is necessary to resort to title I. It is claimed that this statute has been a subject of narrow interpretation by the courts.

Why then, may I ask, was it not proposed that the old law be amended and broadened to take care of the situation, as is usually the case with statutory revision?

Why should a new law be drawn which would be limited to only the segregation cases? Certainly the obstruction of justice in one instance is as intolerable as it is in another. The obstruction of justic is intolerable wherever found; it should not be permitted. Who knows where and when and in what type of case obstruction might crop up? If there is a need for this law in the segregation cases, certainly the law would apply generally to all types of decisions, just as does the present law which proponents say is insufficient to do the job.

In trying to protect the rights of certain citizens under the Constitution, as proponents say, they are neglecting another theme which runs true throughout our Constitution, and that is that all individuals shall stand equal before the bar of justice. Citizens have a right to expect that when Congress acts it will do so impartially and justly and fairly to all citizens. There should be no second-class court orders, judgments, or decrees.

This title should be generally operative. It should apply to all court orders, judgments, and decrees. If it does, it should satisfy civil rights proponents, who certainly should not want segregation case decisions to discriminate or be given special favor. I am sure that the fact that the application of the proposed title I would be operative in only one section of the country is not the basis for it, for certainly civil rights adocates are fairminded. They base their advocacy on the spirit of fairness and lack of discrimination—on equality, if you please. Let us have this law operate fairly and with equality on all types of court orders.

The present amendment would strike all of title I, in view of the fact that the Lausche amendment to make title I generally operative, was held to be subject to a point of order as not being germane. The elimination of title I is necessary to prevent a miscarriage of justice and I hope that it will carry.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I thank my able chairman, the gentleman from New York, and my very good friend, the gentleman from Louisiana [Mr. WILLIS] for their kind statements.

I have served on no other major legislative committee since I have been in the House. From the first day that I arrived there was always time for me and for the other junior members of that committee to be heard. The chairman has never violated an agreement he has made. It is a pleasure to work with him and with the members of that great committee regardless of the subject upon which we work.

One further word about the gentleman from Louisiana, ED WILLIS. There are some able constitutional lawyers in this House, but there are none more able than ED WILLIS.

Mr. Chairman, I must oppose the amendment offered by the gentleman from Georgia [Mr. FLYNT]. The section or the title in question is not a punitive section or a punitive title. It was proposed to the House by reason of the conditions which happened, about which we are all so sorry. Students of constitutional law are in agreement that there is grave doubt of the authority of the Federal authorities to deal with conditions which were experienced there and which brought so much regret to so many. In view of that fact this title was proposed to the House and to the Congress.

It should be remembered always that people will not be punished under this section until there is a valid, unreversed court order or decree issued and outstanding at the time, and until in addition thereto there is a willful interference with that court order or decree.

In view of those facts, and in view of the fact that any person charged with the violation of this title of the bill will have his day in court in accordance with the accepted practice and procedure of our jurisprudence, there just is no chance for an innocent person to be convicted, or, certainly no more chance than there is for an innocent person to be charged and convicted of any other alleged offense.

I have said on one other occasion that the matter under consideration went to the heart of the matter before us. I think title I of this act goes to the very heart of the matter that we have been debating for 2 weeks in the House.

Not to take further time of the Committee, which has been so patient, I want to say the amendment should be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. FLYNT].

The amendment was rejected.

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 2, line 13, insert after the period on line 13 the following: "*Provided*, That the term 'public school' shall be construed to mean a school supported by general taxation, open to all of suitable age and attainments, free of expense, and under control of agents appointed by the voters."

Mr. WHITENER. Mr. Chairman, I realize there are others who have amendments they would like to offer so I will try to be as brief as possible out of consideration for them, with the hope that everyone will have an opportunity to proceed with their amendments.

My purpose in presenting this amendment is to try to correct what I deem to be an error made by the full committee when it failed to adopt a similar amendment which I proposed as we considered this bill in committee. I might, in fairness to my colleagues on the committee, say that originally the language of the bill which I would amend used the words "any school." The full Judiciary Committee did go along with me to the extent of inserting the word "public" before the word "school."

The background for this amendment is as follows:

According to "Words and Phrases"—second series—page 814, the term "public school" is defined as follows:

Public schools are as a general rule schools supported by general taxation open to all of suitable age and attainments, free of expense and under the control of agents appointed by the voters.

This is a very serious question. I might say to you who are interested in your parochial schools that this bill, as now written, in my judgment presents a great threat to the religiously controlled institutions. Such schools are operated in my own community by my own church, for example, the Methodist Church, and by the Roman Catholic Church, and the Baptist Church, and by the local Jewish synogogue which has a school of its own for the children of the Jewish faith.

I do not believe any of you would want to leave anything out of this bill which would definitely and eternally clarify our thought that in no event shall the Federal Government or any other government inject itself into the operation of the schools of churches and religious groups either through court decrees or otherwise. You say that that is a farfetched sort of contention. But I say to you, it is not farfetched as you will see, if you will send over to the Library of Congress and ask them to send you the 127th volume of Pacific Reports and look at page 1087 at the case of Oklahoma Railroad Company against St. Joseph's Parochial School.

In that case the court held that the words "public schools of said city" include the "public schools of said city whether maintained by the public by taxation or by private agencies for the public by private benevolence."

I know there are some who would very quickly say it is unreasonable for anyone to think that any court would hold the words "public schools" would mean a school operated by the parish of St. Joseph in Oklahoma City. However you may feel about it, if you will look at that report, and our colleague, the gentleman

from Oklahoma, Judge MORRIS, I am sure is familiar with it, you will see that that great court—and certainly the Oklahoma State Supreme Court is a splendid court—held just that. It was a case involving the transportation of students by the privately owned public bus system at reduced rates applied to parochial schools and the Oklahoma Supreme Court said that St. Joseph's Parochial School was a public school for that purpose. So my amendment would merely spell out that "public schools" shall be construed to mean a school supported by general taxation, open to all of suitable age and attainment, free of expense and under the control of agents appointed by the voters.

Mr. Chairman, I certainly hope my amendment is adopted.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield.

Mr. RODINO. Does not the gentleman admit, however, that a desegregation order would not apply to a private or parochial school?

Mr. WHITENER. I say that the gentleman apparently has not followed my line of reasoning. Had he done so, he would not make the statement he has just made. Had the Oklahoma Supreme Court felt that St. Joseph's Parochial School was a private school and not a public school, they would never have done what they did in that case. The very thing which the gentleman points out is what I am trying to eradicate, and I know the gentleman would not hesitate to clarify that we did not mean parochial schools when we refer to public schools in this bill.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WHITENER] has expired.

The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Ohio [Mr. BOW].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. BOW] is recognized.

Mr. BOW. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BOW: On page 12, after line 7, add a new title and insert:

"Citizens of the District of Columbia eligible to vote for delegates to national conventions to political parties shall here have the right to vote for President and Vice President of the United States in the same manner and on the same dates as elections for President and Vice President are held in the various States.

"The Commission of the District of Columbia shall provide the facilities and supplies to carry out the provision of this title."

Mr. CELLER. Mr. Chairman, I make the point of order that the amendment is not germane; that it concerns rights to be granted to citizens of the District of Columbia in connection with presidential elections, which is a subject entirely separate and distinct from the general tenor and import and specific provisions of the bill itself. In any event, it is a constitutional amendment.

Mr. BOW. Would the gentlemen reserve his point of order?

Mr. CELLER. I reserve the point of order.

Mr. BOW. Mr. Chairman, I shall discuss the merits of the amendment and the point of order at the same time, and perhaps save some time.

We have heard time after time during the debate on this bill that this is a voting bill. We have also heard it is a bill to protect constitutional rights. Now there are some rights that Members of this House have, under the Constitution. They have the right to pass legislation for the District of Columbia.

I call attention to article I, section 7, of the Constitution of the United States, which says that the Congress shall exercise exclusive legislation in all cases whatsoever over the District of Columbia.

So we do not need any constitutional amendment to do this. We already have the authority under section 1 of the Constitution for the Congress to grant this right to the people of the District of Columbia to vote for President and Vice President.

Yesterday I wanted to offer an amendment to give the right to American soldiers to vote in this country, but because of the cutting off of time I had only 2½ minutes, and that was not enough to discuss the amendment, so I did not offer it. However, it is in the RECORD today. But it would seem to me that probably some people here are pleading guilty to the charge that has been made that this bill is for a certain segment and against a certain portion of this great country of ours. If you are not interested in permitting American soldiers to vote or these people who were born, raised, and lived in the District of Columbia the right to vote for President and Vice President, it would seem to me that there might be some merit in the charges that we hear that this is sectional legislation; an attempt to put some onus upon certain people. Certainly from my knowledge, coming from where I do, from the north of Ohio, I have never seen anything from those Members from the South to prove to me that they are not among some of the finest Americans in the Congress of the United States. I would not make a charge against them.

Now, are you going to be fair about this or are you not? You have the constitutional authority to pass this kind of legislation under article 1. You claim you want to give everybody the right to vote. The Commissioners already are prepared for voting it, and you have the vote for delegates to the national conventions in the District of Columbia. You put this in your political platforms, the right to vote for delegates to the convention and to cast their vote for the man who will occupy the White House. Now, if you are going to permit them to vote for delegates to the national conventions which selects candidates, why should they be denied the right to elect the candidates after they have been selected?

A lot of people in this Chamber have been talking about the right of the people of the District of Columbia to vote, the right of everyone to vote. It seems to me, Mr. Chairman, that here is the opportunity to give people who in the past have been denied the franchise, good Americans, fine people, as I say, born and raised right here in the District of Columbia, who have never had a chance to vote.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. CELLER. We have before our committee a constitutional amendment embodying the gentleman's proposal. Unfortunately, it is in a sort of bundle with two other constitutional amendments, which was passed by the other body. I will say to the gentleman from Ohio that it is my steadfast purpose to take some action on those three constitutional amendments and especially the one the gentleman is interested in.

Mr. BOW. I thank the gentleman for that comment. Here is a fine time and place to do it. Withdraw your point of order and then there will be one amendment you can take out of your bundle.

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. BOW. I yield.

Mr. CELLER. I would be glad to do it, but the gentleman's proposal is not a constitutional amendment. The gentleman proposes to do by statute that which I think we must do by a constitutional amendment.

Mr. BOW. I again read from the Constitution of the United States that provision which gives the Congress the right to exercise exclusive legislation in all cases—all cases over the District. That would mean the right to vote—all cases for such District. So we have the right, the duty of the Congress. We do not have to go find some constitutional amendment to do this; here it is, you have the right now under paragraph 17 of section 8 of article 1. Yesterday we denied the right to vote to another group of disfranchised people, and the least we can do is to give these people in the District of Columbia the right to vote.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. MULTER. I am glad to welcome the gentleman as one of the sponsors of home rule for the District of Columbia. I would call the gentleman's attention to the fact that there are 184 signatures on the petition which is at the Speaker's desk; and it is there for the gentleman to sign. I invite the gentleman to sign the petition.

Mr. BOW. I do not yield further, Mr. Chairman, because the gentleman takes the wrong premise. He has said he welcomes me to the home-rule club. I am asking for the right to vote for President and Vice President; I am not dealing with the subject of home rule; therefore, I do not yield further to the gentleman.

But, Mr. Chairman, we do have this opportunity. It is here today, and I say on the question of whether the amendment is germane or not the Chair has held that this is a voting bill. This is an amendment granting certain people the right to vote. We have the constitutional authority to pass such legislation for the District of Columbia. I submit it is germane and I submit that it is in the best interest of all that we pass this amendment.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. CELLER. I do insist, Mr. Chairman, on my point of order.

The CHAIRMAN. The Chair is ready to rule.

The Chair feels that the amendment offered by the gentleman from Ohio goes beyond the scope of the bill under consideration, the bill being confined entirely to deprivation of the right to vote because of race or color. For that reason the point of order is sustained.

The Chair recognizes the gentleman from Texas [Mr. DOWDY].

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 7, line 4, after "SEC. 307," insert a new section, as follows:

"SEC. 308. This title shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of this title."

Mr. DOWDY. Mr. Chairman, I believe this amendment is required under the decisions of the Supreme Court in the Nelson case, and others, under the doctrine of implied preemption. I fear that the wording of title III would deprive all of the States of any supervision or control over their election records. I feel that the States should be entitled to protect and to prosecute offenses against their laws involving elections and election records. That is the entire purpose of the amendment. It is to insure that the Federal courts could not hold that by implication that this Congress has repealed all State laws governing elections.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from North Carolina.

Mr. WHITENER. Did I understand the gentleman to say that the amendment he is discussing here merely preserves to the States their right to enforce their election laws notwithstanding the enactment, if it is enacted, of the present legislation which is before the Congress?

Mr. DOWDY. That is correct.

Mr. WHITENER. It would mean that a party violating a State election law and Federal law at the same time would be subject to State prosecution notwithstanding?

Mr. DOWDY. That is the essence of the amendment.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent that the amendment be reported. I think there is the omission of a word or phrase or two.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk reread the Dowdy amendment.

Mr. McCULLOCH. Mr. Chairman, may I ask the gentleman, if he will yield, if he does not wish the word "exercised" included in the amendment?

Mr. DOWDY. Mr. Chairman, if that word will improve the amendment, I will adopt it.

The CHAIRMAN. Does the gentleman from Texas ask unanimous consent that the word "exercised" be added?

Mr. DOWDY. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was rejected.

Mr. DOWDY. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 2, line 23, add a new section, as follows:

"SEC. 102. Nothing contained herein shall be interpreted to prevent any person from exercising his freedom of speech to advocate that forced integration is undesirable."

Mr. DOWDY. Mr. Chairman, the purpose of this amendment should be obvious. The Supreme Court of the United States has held that it is perfectly all right for anyone to advocate the overthrow of our Government by force and violence. The Supreme Court has also held that it is perfectly all right to advocate adultery as a proper way of life. I feel that we should certainly preserve the freedom of speech to the American people to advocate that forced integration is undesirable. Under the terms of this bill as written, a chance remark by a person or a letter written by a person to a friend that fell into the hands of some bureaucrat who would say, "Well, this interferes with some operation of some school," or if a person attends an assembly under the constitutional guarantee of free assembly, and a speaker makes a remark which some bureaucrat interprets to be an attempt to interfere with a school, then the person who made the chance remark or the person who wrote the letter or the persons who attended the meeting and heard the speaker, on the complaint of a Federal official would be subject, without a jury trial, even without a hearing, to be fined not more than $1,000 or imprisoned for not more than 60 days or both. My amendment prevents the repeal by statute of the constitutional guarantees of freedom of speech and free assembly.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. HOLTZMAN].

Mr. HOLTZMAN. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from New York [Mr. CELLER].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, I offer an amendment which is technical in nature.

The clerk read as follows:

Amendment offered by Mr. CELLER: On page 12, line 8, strike out Roman numeral VI and insert Roman numeral VII, and on line 10 strike out "601" and insert "701."

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, for days in this Chamber we have been privileged to listen to debate in its highest expression. In an emotional climate, when convictions have been strong and conflicting, there has been on the whole a restraint from passion and an exhibition of forensic ability by Members on both sides of the controversy that has made me, Mr. Chairman, especially proud to be a Member of this body. I would say that anyone listening to the debate would say that in the main it was conducted on a high level, an unusually high level considering the emotions and the interests involved. It was understandable when occasionally Members became stronger in their expressions than might have been the case in a less emotional climate. There was one occasion, however, when a word was used, and I would like to think unintentionally, in a moment, perhaps, of anger or of overenthusiasm; a word that to me and my constituents is offensive. It is a word that is not used by people of good hearts in the locality that I come from. It may be different in some other parts of the country. That I do not know. But to many of us in this body and to our constituents the word in its application to members of a group of our fellow Americans is offensive and it is none the less offensive when applied to the peoples of the Far East and of Africa, whose good will we need so much in this troubled world of today. The dictionaries define it, in its present common usage, as a word of contempt. One of the words of similar meaning given in the dictionary is "skunk." Now, I know that my colleague could have had no such thought in his mind. Certainly he would not wish to reflect upon the dignity of the House and of its membership. Sometimes in the excitement of debate the best men get carried away and use expressions they do not intend. I hope and trust that the gentleman will delete from the permanent CONGRESSIONAL RECORD of March 16, 1960, the word that is offensive to so many of his colleagues and, in the sense given by the dictionary, constitutes a reflection upon the dignity of the membership of the House.

Mr. HEMPHILL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEMPHILL. Is there an amendment pending at this time?

The CHAIRMAN. There are no amendments pending.

Mr. HEMPHILL. Mr. Chairman, I ask for recognition, as I have an amendment to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HEMPHILL: On page 2, lines 14 through 19, strike out the following: "No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime: *Provided*, That any such fine or imprisonment imposed for violation of such injunction shall be concurrent with, and not consecutive to, any criminal penalty imposed hereunder."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Mississippi [Mr. WILLIAMS].

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman.

Mr. JONAS. Mr. Chairman, in their zeal to protect voting rights—with which objective I am in full agreement—the advocates of this bill as it has been amended during the last few days in the Committee of the Whole and as it now stands—are apparently willing to trample upon and ride roughshod over other equally fundamental rights guaranteed to all American citizens by the Constitution of the United States, namely, the right to due process of law.

In an effort to bring the bill within constitutional bounds, several amendments were proposed while the debate was in progress. All were summarily rejected by the proponents of the bill as now written and the Committee followed the leadership and struck them down. Since time has been limited, I will not undertake to call the roll of these perfecting amendments. I will just mention one as an example of the efforts that were made, by Members who cannot be fairly accused of trying to scuttle or emasculate the bill, to make it meet the serious constitutional questions that have been levied against it.

I refer now to the amendment proposed by the gentleman from Michigan [Mr. MEADER] to eliminate the requirement that hearings by the voting referee shall be ex parte. That is an amendment which should have appealed to all Members but by rejecting it the committee is saying that the referee must—he is not even given any discretion and neither is the judge who appointed him—conduct the hearing ex parte. This means that the official under investigation is not even to be given an opportunity to be present when the complaint against him is heard, is not to be permitted to listen to the charges made against him, is not to be permited to cross-examine the witnesses who testify against him, or challenge the proof offered against him, or present evidence in his own behalf. This sort of star chamber proceeding is not due process of law as guaranteed by the Constitution. In the effort to protect voting rights, care should be exercised lest the legislation designed for that purpose violates other provisions of the Constitution. Two wrongs do not make a right. Legislation that denies these fundamental rights, to which all American citizens are entitled under the Constitution of the United States, cannot in my opinion be constitutional. The proponents of the legislation by refusing to accept such reasonable amendments are, as I have previously said, apparently willing to ignore constitutional rights which all American citizens have enjoyed since 1789.

Under the oath I took when I became a Member of this body, I cannot vote for legislation which I believe is unconstitutional and I shall therefore vote to recommit the bill in a further effort to have the Judiciary Committee give further consideration to these fundamental constitutional questions, and if that motion is rejected I shall therefore vote against the bill on final passage.

Mr. WILLIAMS. Mr. Chairman, I realize that what I may say here will have no effect or influence on the passage or defeat of this bill. I have listened to debate now on this legislation for 3 weeks. I have watched sensible, reasonable, desirable, constitutional amendments voted down one after another. The old familiar steamroller is in good form. So what I do now is just a means of getting something off my mind before this debate closes.

I think the manner in which this bill has been considered, the defeat of good amendments to the proposed legislation, the refusal to listen to reason by so many, has shown this bill up exactly for what it is: a political measure designed to curry favor with politically powerful minority groups, and to advance the cause of certain presidential candidates.

Oh, yes, we have heard a lot in this debate about all of the violence down in Little Rock. We have heard a lot about the violence throughout the South, the bombings of churches and synagogues. I would point out, though that no deaths have resulted from that violence. It seems, though, that in the writing of this legislation you have made certain that a Confederate flag draped around the straitjacket you are forcing upon our southern people while you overlook the everyday occurrence of crimes even worse which are committed in your own backyards.

Incidentally, I have heard a lot about Poplarville, Miss., where a brutal rapist was murdered by persons yet unknown. I did not hear anything about a lynching that occurred in Philadelphia 2 days ago. Here is the Philadelphia Inquirer of Tuesday morning, March 22, telling what occurred 2 days ago when a young 17-year-old high school Italian boy was mobbed and brutally lynched on the streets of Philadelphia by a savage Negro gang of youths ranging in estimates from 17 in number to as many as 100. Not one single northern newspaper referred to that for what it is, a brutal lynching. That is another example of yellow journalism employed by so many of them. Do you want to excuse yourselves of that? Oh, no, you have been very careful to draft this legislation so as to leave out that crime in your own bailiwicks.

Are you concerned with the lynchings that occur on your own doorsteps? Also, I have heard a lot about the bombings of synagogues and churches down South, but here is a copy of the Pittsburgh Press, dated Friday, March 18, 1960, and I am going to insert this with my remarks, too, when we get back in the House, telling of the bombing of a night club in Youngstown, Ohio. In the course of this news story it states it was the 67th bombing in the Youngstown area in 7 years. That means there have been more bombings in one little, small area of Ohio than have occurred in all the South, I am certain, in the last 25 years.

Mr. ABERNETHY. Mr. Chairman will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. I made a check a few days ago. I think the record should show from what I have been able to determine that there had never been a synagogue bombed in the United States until after we passed the Civil Rights Act of 1957.

Mr. WILLIAMS. I am sure the gentleman is correct. Personally, I never heard of a bombing of this kind in the South before passage of that act. The Supreme Court's desegregation decision and the Civil Rights Act of 1957 have fomented more racial strife and violence than has been experienced in this country since those dark days of Reconstruction nearly a hundred years ago. The blood of these outbursts of violence is on the hands of the Supreme Court and the agitators, and those responsible for bringing these conditions about.

Mr. Chairman, I know that my pleas are in vain, but I hope and pray that those presently constrained to vote for this bill in the fond hope that they may capture the golden grail of Negro votes will reconsider, realize what a crime they are committing against constitutional freedom, and have the courage to reject this vicious attack upon our system of government.

Mr. Chairman, under leave to extend my remarks, I include the newspaper items above mentioned:

[From the Philadelphia Inquirer, Mar. 22, 1960]

SOUTH PHILADELPHIA YOUTH MURDERED BY TEEN HOODLUM PACK—FLEEING SUSPECT SEIZED—POLICE ROUND UP OTHERS

(By William B. Collins and Harry Drost)

A howling gang of teenage hoodlums attacked and murdered a 17-year-old South Philadelphia boy, Monday afternoon, a short distance from his home.

The victim, John A. Campiglia, Jr., of 1515 South Carlisle Street, died of a stab wound in the back. His heart and left lung were punctured.

The boy's father pursued one suspected hoodlum a block and a half and captured

him at gunpoint after firing a shot in the air from a .32-caliber revolver. But the youth wriggled loose and fled.

Another suspected gang member was seized by two young men near the scene of the attack.

Estimates on the size of the gang ranged from a dozen to 100 Negro youths. Police said there was a possibility the mob was composed of two gangs, who converged on the youth from opposite directions on Carlisle Street.

SUSPECTS SEIZED

Some 200 policemen and detectives were mobilized to search for the rest of the gang as the neighborhood seethed menacingly over the area's second juvenile outrage of the day.

Within hours, police had rounded up 50 suspects.

Young Campiglia, an honor roll senior at South Philadelphia High School, was on his way home from classes when the gang closed in on him at the intersection of Carlisle and Dickinson Streets.

RESCUER MAULED

John tried to break away and run home. Another youth came to his help.

But the thugs beat him and, before he could tear himself loose, one stabbed him.

As John fell with the mortal wound in his back, the gang turned on his defender and pummeled the boy while he was pinned against a wall.

The noise attracted the elder Campiglia, a night worker, who glanced out a second-floor bedroom window. He did not know the body lying on the sidewalk was his son's.

FINDS SON DEAD

The father ran downstairs and into the street. Kneeling beside the crumpled body, he recognized his only son.

Neighbors called police. The mob of attackers were dispersing, most of them running west on Dickinson Street.

The father reentered the house, grabbed his revolver and took up the chase.

At 16th and Dickinson Streets a block and a half away, the elder Campiglia captured one boy and held him until police arrived.

Two youths sitting in a car parked on Dickinson Street east of Carlisle, had heard Campiglia's shots. They were John Fucci, 17, of 1725 Fernon Street and Frank DeVeno, 18, of 1821 Fernon Street.

They tackled one of the fleeing youths on Hicks Street west of 15th and held him until police arrived.

Patrolmen John J. O'Neill and James Wood, of the 20th and Federal Streets police station, arrived at the scene to find the neighbors in a turmoil. They radioed for more help. The call brought four more patrol cars.

JOHN A QUIET BOY

Officers put the Campiglia boy in a patrol car and headed for St. Agnes Hospital. Along the way, several persons frantically tried to stop the red car to tell the officers of the incident.

The boy was dead on arrival at the hospital.

Neighbors were at a loss to explain the brutal murder. John Campiglia, they said, was a quiet boy who kept to himself. He never had been in trouble, they said. Some described him as an example to other youths in the neighborhood.

Campiglia had left school with his closest friend and cousin, Anthony Caggiano, 17, of 1708 Moore Street, who is also a senior at South Philadelphia High.

The two boys parted at 15th and Moore Streets.

"Johnny, go straight home," Anthony told John. When Anthony got home, he had a phone call from a friend, "Your cousin has been stabbed," was the message.

TEEN MELEE QUELLED

Earlier Monday, police had broken up a teenagers' melee at Broad and McKean Streets. Two youths were injured and three others were arrested on assault and battery charges.

When word reached police headquarters of the second incident, Police Commissioner James J. Gibbons ordered the entire area under police check.

Assisting Commissioner Gibbons in directing the search for the hoodlums were Deputy Commissioner Howard R. Leary, Inspector Harry Fox, of the Juvenile Aid Division, Capt. David Brown, head of the homicide squad, and Lt. Andrew Waters, also of homicide.

PROCESSING CENTER

South detective headquarters, 24th and Wolf Streets, was turned into a processing center for suspects. Extra chairs were requisitioned from the 17th District police station, 20th and Federal Streets, for the youths being questioned and, in many cases, their parents.

Joining top police officials there was Chief Detective Inspector John J. Kelly and his first assistant, Inspector George Kronbar.

Besides hunting the gang members, police also were looking for the murder weapon. A knife handle and a small table knife found in the area were checked by the mobile crime laboratory, but tests showed no blood on either.

AWAKENED BY MELEE

The slaying took place shortly after 3 p.m. Within an hour police had brought in 12 suspects to the special headquarters.

The father, a nightshift employee at the Heintz Manufacturing Co., was sleeping in his second-floor bedroom when he was awakened by the melee.

The original roundup brought in four suspects to the 17th district station at 20th and Federal Streets. Eight other youths were collared shortly afterward.

Beside his father, the Campiglia boy is survived by his mother, Florence, 44, and a sister, Catherine, 21.

[From the Pittsburgh Press, Mar. 18, 1960]

CLUB BOMBED AT YOUNGSTOWN—OWNED BY PAL OF SLAIN RACKETEER

YOUNGSTOWN, March 18.—A swank nightclub operated by a former associate of slain Youngstown racketeer Joseph (Sandy) Naples was bombed last night in suburban Austintown.

No one was injured in the blast, which ripped a hole in the kitchen wall of the club and shattered windows in a church across the street.

The first police on the scene said the explosion had blasted a hole about 2 feet deep alongside the wall. They left to call headquarters and when they returned a short time later, the holes in the ground and the wall had been filled in and the blackened wall washed down.

Joseph Alexander, operator of the club, told the returning officers there had been no bomb and that the explosion was caused by a leaking gas line.

Employees of the East Ohio Gas Co. examined the lines in the building and reported they were intact.

It was the 67th bombing in the Youngstown area in 7 years.

Police said they were unable to link last night's bombing with the killing of Naples and his girl friend, Mary Ann Vrancich, last week.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from South Carolina [Mr. RIVERS].

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, it will not be long before the official slaughter of the rights of the white people of the South begins. I just take this time to remind you now, as I have in the past, that while you will pay no attention to me and while I will make no impression on you, I want the RECORD to contain these words. When this bill will have become law, it will be known as the William Rogers bill and not the McCulloch-Celler bill, because this is the first time since I have been in the Congress that a man not a Member of the Congress of the United States wrote a bill. This will be known as the "Rogers lynching-of-the-South bill." He sat high and dry in the Department of Justice and, as Attorney General of the United States, sent his directives down here, and he has written them without any hearings of the Judiciary Committee. They will be contained in this so-called civil rights edition of 1960. There can be no other editions. The editions come only during election year.

When the bloodshed begins and it will under this bill because the agitators north of the Mason-Dixon line will have a field day with their unlimited licenses to come South and begin the agitation—and that will happen—I prophesy it here today—that will happen. And under this monstrosity, and it is a monstrosity, and no constitutional lawyer can call it anything else—ask that great constitutional lawyer from Oklahoma—under this monstrosity all kinds of charges will be trumped up and will be brought against high-standing citizens of my section of America. You will see what I am telling you here today—there will be bloodshed in my part of the world and it could signify the beginning of the end of the Democratic Party south of the Mason-Dixon line as we know it today. What a tragedy. All because of the slandering of my people and our institutions—all because of politics—no more, no less.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER] to close the debate.

Mr. CRAMER. Mr. Chairman, and members of the Committee, I am honored to have the privilege of closing debate—it was not planned that way. I understand that this is the longest legislative consideration in recent history of any one bill before the House of Representatives. I think the tenor of the debate has been admirably constrained. It has been on a high level and it has been an objective debate—and that is good.

Mr. Chairman, my confidence in our representative form of government has been kindled anew on the basis of this debate between Members representing so

many differing points of view. The probing that has been done with regard to this legislation concerning the constitutionality of certain sections, discussions of the effect of the proposals, and the proposed amendment of certain provisions has been enlightening and helpful. I think the legislative record that has been written will be extremely helpful and enlightening to those, if this bill becomes law, who will have the responsibility of carrying this bill into effect.

Mr. Chairman, we have here the legislative record of many aspects of the bill. I want to establish one thing in the last few minutes. I want to point to language in the bill to which I had originally intended to offer an amendment—on page 5, lines 22 and 23, section 303—dealing with the inspection of records. I have felt there is no definite limitation contained in title III as to when the Attorney General can make such an inspection upon demand. I think a reading of this section will clearly show it to be true. Having that in mind and being concerned, I offered in the full Committee on the Judiciary an amendment which now appears on lines 22 and 23, and I quote:

> This demand (for such records) shall contain a statement of the basis and the purpose therefor.

I offered it because I felt the registrar or custodian was entitled to be put on notice as to why such an inspection was being made and as to what law or what constitutional provision, right, or immunity might be involved. It was for that reason that I was considering offering an amendment which would add to line 23, the following, "and shall state its relation"—that means the demand—"to a right, privilege, or immunity secured or protected by the Constitution or laws of the United States."

My discussion of this matter with many Members of the House leads me to believe the present wording could be so interpreted and properly so. It was my intention in considering the amendment in the full committee that the Attorney General in making such a demand should advise the local registrar as to the intent and purpose of such a demand and as to the immunity, privilege, or the right that is intended to be involved in any investigation that might be under way and under what Federal law or constitutional provision. I trust this legislative record, particularly in view of the Attorney General's statement itself as evidence for the justification for that section in the bill, as it is contained on page 212 of the hearings at which place the Attorney General said:

> The Department feels the enactment of this proposal is essential to the effective enforcement of the provisions of the civil rights act of 1957.

I do not mean to imply that my interpretation of title III issuing powers on demand is that narrow and thus limited to the 1957 act because it is not. But at least it should have some relationship to the title and purpose of the bill, the title of the bill being "to enforce constitutional rights."

That is the principal reason I had asked for this time, Mr. Chairman, to clarify this matter.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. LINDSAY. Mr. Chairman, when I first spoke on this subject on the occasion of the opening of general debate, I stated that I had been gratified by the lawyerlike way in which the Judiciary Committee had approached its task of writing a bill, even though we may have strongly disagreed among ourselves.

Now as we close debate and consideration of amendments on the floor, I again am gratified by the way the members of the committee have handled this difficult subject.

The chairman of our great committee, the distinguished gentleman from New York [Mr. CELLER], has brought his usual qualities of leadership to bear, and the entire committee salutes him.

Now let me take time to say a word about the ranking minority member of the committee, the distinguished gentleman from Ohio [Mr. MCCULLOCH]. He has led us through a maze of parliamentary hurdles with great skill. He has been courageous. Thanks to him, the bill was held substantially intact and the referee voting proposal enacted. Speaking personally, I am proud to have been on the same team.

Mr. ALGER. Mr. Chairman, as far as Dallas and Texas are concerned, the bill has little real meaning outside of being a gratuitous and undeserved insult. It will do no evil in our State inasmuch as the right of Negroes to vote, if otherwise qualified, has never been challenged, to my knowledge.

That the intention of its sponsors was to offer gratuitous insult to our section of the country, and thus to make political capital for themselves at home, was amply pointed up by the vote on the proposal to apply the same extreme sanctions against all violations of court orders rather than just those concerning integration. At that point a lot of self-styled liberals showed themselves for what they were. Equal protection of the law proved suddenly abhorrent to the very ones who had been shedding crocodile tears for equal protection only moments before. Even freedom of speech, the Whitener amendment, was voted down as an amendment to this bill. It does not seem possible when you stop to think of it.

As I said, we in Texas can certainly live without the law, since it will not affect our elections one way or another. We want fair and representative elections but I do not see that this law makes them any more likely than has been the case heretofore.

Goodness knows, we in Texas have had our share of highly irregular elections. The results of some may be seen even to this day. However, I am happy to report that the racial question was in no way involved.

Mr. ELLIOTT. Mr. Chairman, I oppose the passage of this civil rights bill. It has been debated longer than any other bill since I came to Congress. Its provisions are clear to the membership.

There is great doubt about the constitutionality of many key sections of the bill. Many of the best lawyers in the House have expressed these doubts.

But, whether it is unconstitutional or not I think all can agree that it puts great stress on our Anglo-Saxon system of courts and justice.

We put these stresses on our tested and tried system when actually the facts—objectively considered—do not warrant it.

My State has many protections for the voter written into its statutes. The United States Code has an equal number of statutes providing guarantees in this field.

Let it be remembered that when we stretch our Constitution, when we place great stress on our judicial system as we do in this bill that those same procedures will be evoked another day when their use may be deeply deplored by those who do it today.

The "conclusive presumptions" the "pattern or practice" doctrines, the ex parte proceedings, the extending of the voter referee provisions to State and local elections are dangerous and unwarranted precedents. They carry us back to the Reconstruction Acts, only the Reconstruction Acts did not go so far, albeit the Reconstruction Acts proved so unworkable that they were long since repealed.

In this bill you inject the strong arm or the Federal Government into local affairs, as it has never before been injected. The bill overlooks the progress which the Southern States have made, and are making every day in these fields. It is a condemnation on a people who bear a greater responsibility—a greater burden—than the majority of this House is willing to recognize.

It is generally known, and history adequately proves, that there is a limit to the speed and quantity of social change that a community or section can absorb. Jesus Christ recognized this fact throughout his teachings on earth.

This bill goes too far. It goes too fast. It will compound the problems of men and women of good will of both races. It will add fuel to the flames. It should be rejected.

Mr. VANIK. Mr. Chairman, as this extended debate on H.R. 8601—a bill to enforce voting rights—comes to a close, it will soon be possible to evaluate the effect of the legislative product. Insofar as the bill reflects the intent of Congress to protect voting rights and make extraordinary procedures of voter registration possible in areas where they are critically needed, it may prove an effective deterrent to those who would resist the enrollment of Negro citizens as voters.

The persistent resistance of some areas of the South to participation in public elections by all citizens constitutes a tragic blight which must be removed from the American scene. Although this cannot come about by laws alone, the enactment of laws can help.

I am not among those Members of this body who believe that the admin-

istration has exhausted all efforts to provide compliance with Federal laws relating to voting rights.

Section 594 of title 18 of the Federal code prohibits the intimidation of voters as follows:

(a) Whoever intimidates, threatens, coerces or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote, or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any election held solely or in part for the purpose of nominating or electing such candidate, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Although this section of the law is part of the Hatch Act, basically designated to restrict pernicious political activities, there is no reason why it should not be used to restrict the pernicious political activities of those who actively obstruct or interfere with the rights of all citizens to register, to vote, and to have their vote properly counted.

The Attorney General repeatedly stated that the penal sections of the code could not be successfully used to enforce and protect voting rights as well as other civil rights. However, he provided no abundant documentation of experience to sustain this point.

I am not among those who believe that exhaustive legal efforts have been made to use existing law to provide and insure the protection of voting rights and other civil rights. As a matter of fact, many resources of existing Federal legal power remain untouched. This is not in criticism of the present Attorney General. His efforts are certainly no less and perhaps exceed those of his predecessors to provide protection for civil rights.

It is my contention that many provisions of the Federal code have been substantially untouched in an effort to provide equal rights and equal opportunity for all citizens. The Hatch Act I previously referred to has not been used. There are other useful provisions of law on this subject which remain virtually untapped. We must not rely completely on this legislation as a cure-all for the problem. Although I hope for much, I do not really believe that a substantial number of the 314,313 Negroes who reside in 57 counties with no Negro registration will be registered next year or the year after that. Nor do I believe that this extended debate will cure the prejudice which causes some men to deprive their neighbors of vital human rights.

There are times when civil procedures or the threat of them may work and produce great good. However, there are times and there are places where those charged with administering the law must rely upon the sterner procedures of the penal code.

This new legislation relating to voting rights must not be used to insulate or release the responsible law enforcement officials from resorting to other methods in carrying out the intent of this Congress to insure against the transgression of civil rights which embrace the voting rights of every citizen. Other procedures and other methods must be simultaneously pursued. If this administration truly believes in Federal responsibility in this vital area, it must fight this battle against racial and religious prejudice, against discrimination in employment or discrimination in employment opportunities wherever they occur. This struggle cannot be won on one front alone. The approach must be comprehensive—every Federal tool must be used in all areas where the problem persists.

This kind of an approach to the problem would be costly—and would involve larger staffs and greater appropriations. This Congress, however, is in a mood to provide whatever is needed to cure the disease of prejudice which is eating away at the heart of American life—weakening our national structure and withering our esteem among the free nations of the world.

Although I supported amendments to provide for temporary schooling for military personnel in areas where schools are closed in desegregation disputes, I do not believe this is the best answer to the problem. In these situations the Federal Government should simply shift military training to areas which do not present the problem. Today there are adequate military training bases which have been deactivated and which are not being used in communities which comply with the Constitution and the law and which would welcome the opportunity to provide integrated schools for military personnel. As a matter of fact, the availability of open housing for military families is equally as important.

Under the provisions of this bill the voting referee plan would go into operation on a petition to a Federal court by Negroes complaining they had been denied voting rights. If the court determined the existence of discrimination, it would empower referees of the court to register the Negroes. These referees also could visit the polling places to see that the Negroes were permitted to vote. If a discrimination charge were not settled by election day, a Negro could cast a provisional vote. His ballot would be set aside and counted later if the charge were settled in his favor.

Other provisions make it a Federal crime to flee across State lines to avoid prosecution for bombing school and church property; require State election officials to maintain Federal election records; permit the Federal Government to provide temporary schooling for military personnel in areas where schools were closed in desegregation disputes; and make it a felony to use violence or threats to obstruct desegregation orders by the courts.

During the course of this long and often tedious debate—and I remained with it for its entirety—I made every effort to support proposals which would strengthen and protect essential provisions of the bill. This bill would have had real strength if it had included the provisions of title III, which were omitted from the 1957 act, which would have provided civil remedies for deprivation of civil rights. It would also have been stronger if the provisions relating to the appointment of a commission on equal job opportunities could have been included. Fair employment practices are certainly as vital as voting rights. This bill is replete with its inadequacies. In substance it constitutes only a few, nimble steps toward distant goals at which we should be rushing with full speed. My hope is that the language of the bill will be forcefully implemented by good, tolerant deeds on the part of American citizens everywhere.

Mr. DINGELL. Mr. Chairman, I regret that this civil rights bill comes before us so strapped by the rule of germaneness as to be almost impossible to strengthen by amendment.

I am the author and sponsor of a number of bills which I believe should be included in this measure and which this Congress should have an opportunity to at least consider. I will briefly list them:

H.R. 351: An omnibus civil rights bill to protect the right of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin in housing, employment, education and political participation.

H.R. 352: Permits the Attorney General to initiate in the name of the United States civil actions to prevent conspiracies which interfere with civil rights of any person.

H.R. 353: Federal Antilynching Act for the protection of all persons from lynching.

H.R. 354: To prohibit discrimination in employment because of race, color, religion, national origin, or ancestry.

H.R. 500: To prohibit the shipment of explosives in interstate or foreign commerce for the purpose of endangering lives or illegally destroying property.

H.R. 501: To prohibit the use of Government property by any organization practicing segregation on the basis of race, creed, or color.

H.R. 4261: To amend the Civil Rights Act of 1957 to make the Commission on Civil Rights a permanent agency of the United States and to broaden the duties of the Commission.

H.R. 9318: To establish an agency of the legislative branch of the Federal Government authorized to conduct the elections of Members of the Senate and the House of Representatives.

These measures should be included in the bill. They would be of enormous assistance in guaranteeing full equality to all of our people everywhere.

I originally intended to offer amendments to this bill substantially identical to my bill H.R. 500 which outlaws transportation of explosives in interstate commerce to injure or destroy person or property of another. This would raise a presumption that explosives so transported were shipped in interstate commerce and permit Federal authorities to enter and assist State officers to apprehend and punish those guilty of the bombings of churches, schools and places of business and residence. This amendment was offered with my support by a member of the Judiciary Committee.

I regret that it was not adopted. I had further intended to offer an amendment outlawing lynching as provided by my bill H.R. 353, but after careful study of the House rules find such an amendment would not be germane to the legislation now pending and so would be stricken on a point of order.

I am also sorry that the provisions of former title III, identical to my bill H.R. 352, offered by the gentleman from New York [Mr. CELLER] were stricken on a point of order. Adoption of this language would have enabled the Attorney General to institute civil proceedings to protect any right guaranteed by the Constitution.

It is interesting to note that day after day we have heard Members of this body point out the almost unanimous support for every citizen having the right to vote. Yet we have observed strong opposition to effective legislation which would have permitted vigorous Federal action to effectuate that high purpose.

I supported the provisions to establish a system of Federal enrollment officers where necessary to act to guarantee citizens in their right to vote where there has been a pattern or practice denying that right because of race or color.

In my view that provision is superior to the voting referee proposal which raises certain constitutional questions. I will however support the voting referee proposal although I regard it as less suited to the purpose. The enrollment officer provision would be vastly more effective in guaranteeing citizens their right to vote. It would not require citizens to, in effect, run the gauntlet before they could properly secure their voting rights and would be available on a finding either by the courts or by the Civil Rights Commission that a pattern or practice of denial of right to vote existed because of race or color.

The need for effective action in this is obvious. Father Theodore Hesburgh, president of Notre Dame University, and a member of the Civil Rights Commission, at a civil rights conference at that great school recently, in which I participated, told of "literally millions of people qualified to vote who are not able to vote." Father Hesburgh went on to tell of these disfranchised millions who are veterans of long wartime service, lawyers, doctors, ministers, doctors of philosophy, college presidents, college graduates, all taxpayers and many of them property owners, whose only real disqualification is that the community in which they reside prevents Negro suffrage by many subtle and direct ways. For example, there were some 214,213 Negro citizens living in 57 counties without a single registered Negro voter.

The full report of the Civil Rights Commission is replete with numerous examples to convince even the most skeptical that American citizens are being denied participation because of race or color in the voting process which is so indispensable to real democracy.

I have been greatly concerned over the inability of Americans to solve problems of living together peacefully, and sharing the benefits of living in our great democracy without racial discrimination. For this reason I was one of the sponsors and the third signer among the more than 200 Members of the House who signed the discharge petition which compelled the Rules Committee to bring this matter to the floor. This problem must be solved by all right thinking men working together, but legislation is desperately needed to establish a climate in which the great principle of equality may grow and prosper. It must be faced vigorously on all levels of government: judicial, legislative, and executive.

We must learn to live together and to recognize a man for his individual worth and not for the color of his skin.

The bill before us with the amendments included on the floor is by no means as strong as I would like to see it. If it is vigorously and properly enforced I am hopeful that it will result in progress in this field of human rights. Certainly the Attorney General and President will have no excuse but to act vigorously and use the process of law now being enacted to carry out the real intention of the Constitution.

I pledge my unwavering support and continued vigorous efforts in behalf of effective and strong civil rights legislation.

Under unanimous consent I insert in the RECORD at this point my statement on civil rights legislation before the House Committee on the Judiciary during the hearings held in the 1st session of the 86th Congress:

STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE 15TH CONGRESSIONAL DISTRICT OF THE STATE OF MICHIGAN

Mr. DINGELL. I am a member of another committee which is meeting this morning and although I would like to talk longer before you here I will have to be a bit brief, Mr. Chairman.

I have never known a man for whom I have had more respect and regard than the outstanding chairman of the great Committee on the Judiciary of the House of Representatives.

Mr. Chairman and members of the committee, I would like to say that many of these bills proposed have a great deal of merit. I would like to associate myself with the chairman of the distinguished committee and urge enactment of his bill which I feel would be a great deal stronger and which would offer a great deal more advance, much faster than the administration's proposal offered by our distinguished colleague, the gentleman from Ohio [Mr. MCCULLOCH]. I want to say that any civil rights legislation if it be worthwhile and if it offers any concrete progress of course would be in the public interest. I think we should not waste our time, Mr. Chairman and members of the committee, in reporting out a piece of civil rights legislation which offers less than a long stride forward in this particular field. I am sure the members of the committee are well familiar with the bills which are already pending. I would like to comment briefly on two of them, Mr. Chairman, and to let my written statement apply to the others.

The first that I wish to refer to is the bill which would amend the Civil Rights Act of 1957 to make the Civil Rights Commission a permanent agency of the United States and to broaden the duties of the Congress to include investigation of all civil rights anywhere. This bill is numbered H.R. 4261. It is my feeling, Mr. Chairman, that the Civil Rights Commission has been balked, blocked, delayed, harassed, and hampered by those who oppose its purposes and principles and who seek to narrow and limit its endeavor. Unfortunately Congress in its wisdom did not give sufficient thought to the problems that this Civil Rights Commission would meet when it first enacted legislation creating this Commission. The result was that the Commission has not been able to accomplish a great deal other than to make us aware of one basic fact which I think we all knew, that many of our citizens are being denied the right to vote in many parts of this great country and that there are many who are using all efforts to deny the Federal Government its right and its responsibility to see to it that its citizens are permitted to vote without regard to race, creed, color, or ancestry.

I would like to urge, Mr. Chairman, that if the life of the Civil Rights Commission is to be extended that it should be extended indefinitely. I would further urge that the Civil Rights Commission be permitted to extend and to broaden its field to include all civil rights.

Mr. Chairman, I am sponsor of another piece of legislation which I think this committee should very well consider, and that is H.R. 352. This would authorize the Attorney General to institute on behalf of and at the cost of the United States a civil action in equity for preventive relief whenever any acts have been committed which would give rise to a cause of action under section 1980 of the Revised Statutes. This would literally authorize the Attorney General to take any action to secure any rights protected and guaranteed by the Constitution of the United States on behalf of any individual or group of individuals. This section 3 of the administration's recommendation previously when it was in Congress was reduced and narrowed in the Senate of the United States. I think if we pass this particular measure or a substantially similar measure we will find that this will be a tremendous step forward.

Mr. MCCULLOCH. Mr. Chairman, would the gentleman yield?

Mr. DINGELL. I would be glad to.

The CHAIRMAN. Mr. MCCULLOCH.

Mr. MCCULLOCH. Does the witness feel that there is any different attitude on this very controversial matter than there was when the House adopted it in effect last year or the year before?

Mr. DINGELL. I do not feel that there is any less need for a piece of legislation of this sort. I think certainly the House has established a very fine precedent in having adopted a piece of legislation of this sort. I know it is not included in the President's recommendation. I think it is an oversight since he said this is a good thing once before, and I don't think he would change his attitude on a matter so basic and important, nor do I feel any Member of this Congress who had previously voted for a matter of this sort could or should change his position. I am trying to answer the question, I want the gentleman to know. If the gentleman wants to ask me more questions or different questions or to elucidate on his question further I will be delighted to do my level best to answer.

Mr. MCCULLOCH. I think that the answer up to this point has been clearly responsive to the question and I thank the witness very much. I interrupted when I thought the answer had been made, for the purpose of making this friendly comment. I think the gentleman will recall that a number of us on this subcommittee gave the best we had during one of the most difficult times we had in the House within my time when the title in question was enacted.

Mr. DINGELL. I would certainly like to compliment the gentleman on his vigorous efforts on behalf of this proposal during the last session. I am very well aware of his

efforts and on behalf of the people of my district I want to thank and commend the gentleman. I want to express high regard for him.

Mr. McCULLOCH. And if I may go on, of course the gentleman knows the unhappy experience that was had after that time, when the bill was finally enacted by both Houses of the Congress and that title was not included. It has been my feeling that sometimes the only way that any progress can be made is by moderation and compromise and give and take and I have never thought that it served a useful purpose, if I can paraphrase a famous statement, to march them up the hill and march them down again. That is the reason I pursued this. I cannot speak for the President on this particular matter in any way whatsoever, but the experience that we had last time has left its effect on a number of people who marched up the hill and marched down again.

The CHAIRMAN. I would like to look upon it in a little different way, if I may. We should place in any kind of a bill that we present to the House as strong as possible a civil rights plan as we can muster up or conjure up. We may not be able to get all we want, but you know the Indians used to shoot at the moon with their arrows. They knew they could never hit the moon but they thereby became expert arrow shooters.

Now, we don't care what the Senate may do. We passed title III which is to my mind a very important segment of the Civil Rights Act of 1957 which I might modestly say bears my name. The Senate saw fit to delete title III. As far as I understood the administration approved title III and now I don't think it was mere oversight. I think it was deliberate for reasons best known to the administration and title III has been eliminated from the administration program. I am sorry about this, but I will do all I can to reinstate title III or something like it in the bill before us, the bill we will endeavor to present to the House. The House passed it in 1957, and there is no reason we cannot pass it again and I repeat the responsibility for taking it out, if they wish to take it out, lies with the Senate.

Mr. DINGELL. I would like to agree with the chairman and disagree with my distinguished colleague from Ohio. I feel that moderation entailed progress in the law and that there should not be vindictive action. Moderation certainly includes respect of the law, and must include progress toward equal rights for all. As the distinguished chairman said, shooting high is a necessary aspect of achieving success. If you shoot to be President of the United States you will rise high. If you shoot merely to become a streetsweeper—and I do not demean that particular profession—you will not necessarily reach higher than being a streetsweeper.

I think in this we should approach it with an awareness that section 3 was and is now good for America. It is my hope we will give the Senate a good, strong piece of legislation. Then if they want to weaken it or water it down, that of course is the Senate's prerogative. We will have the satisfaction of knowing that we in the House of Representatives have done the level best we could. I once heard a saying that it is not necessary to succeed to persevere. I don't think—and I think the prior remark would buttress my statement—I don't think that section 3 was in any way a vindictive piece of legislation or that it was less than moderate. The President in one of his press conferences said it was a very moderate thing. It substituted for criminal penalties the gentle and mild persuasion and of equity and the mild, compulsive effect and the understanding which we find in equity as opposed to the harsh and perhaps vindictive approach that we see in a court of criminal jurisdiction.

Mr. Chairman, I would like to direct myself to a bill of mine, H.R. 500, which would outlaw the transportation of explosives in interstate commerce for the purpose of destroying or injuring the person or property of another without his consent. You will note, Mr. Chairman, that this is a good deal broader than some of the other legislation that has been introduced on the same point. It applies to injury or destruction of the person or property of another, which is a good deal broader than just churches or schools. For every bombing of a church or school there have been 15 or 20, and perhaps even 50 or 100, bombings of homes, private residences, and so forth.

You will note, Mr. Chairman, that this particular piece of legislation is bottomed on the interstate commerce clause. We have a long judicial tradition on this particular subject. You will note the Lindbergh law which has been discussed this morning. We also include under the Federal power the fleeing from one State to another to avoid testifying or to escape criminal prosecution. We include the carrying of a stolen automobile, or other stolen property, across the State line. We also have the well-known Mann Act which affects the transportation of certain other objects in interstate commerce. There is an adequate basis in judicial tradition for this particular piece of legislation.

I would say that we add to this provision of the bill of Mr. McCULLOCH which would result in a still more complete proposal in that we would attack both the carriage of the explosive in interstate commerce and the fleeing in interstate commerce after having committed the act of destroying the person or the property of another in one State.

So, Mr. Chairman, I do want to congratulate the members of the committee and yourself for this early hearing, to commend you for your interest in this most important subject. I want to express to you on behalf of myself and my people back home the sincere hope that this committee will report out a strong and vigorous piece of legislation, that we will not temporize or be concerned with the fact that the Senate may vote down a piece of legislation or that it will be watered down. I have not doubt that the bill will be watered down in the ordinary course of pressure in the House and the Senate, and I would say that this is all the more reason why we should at this initial stage report out strong and vigorous legislation. We seek to secure a piece of legislation which will protect the rights of all people and which will include progress for all of us within the framework of the Constitution.

Mr. MILLER. Mr. Chairman.

The CHAIRMAN. Mr. MILLER.

Mr. MILLER. Mr. DINGELL, I was interested in your comments concerning H.R. 352 and allied legislation that you said was very mild and that it substituted milder provisions for the criminal provisions; is that correct?

Mr. DINGELL. Yes.

Mr. MILLER. In previous bills which the Congress considered it did not substitute those provisions for the criminal statutes. It repealed no criminal statutes. We already have criminal statutes on the books that cover all these things. This injunctive provision was an addition thereto and not a substitute therefore.

Mr. DINGELL. Perhaps I gave the wrong impression. I would agree with the gentleman, and I do not urge the repeal of any existing Federal criminal statutes. Our Federal criminal statutes on this subject, including those passed in the last civil rights bill of the last Congress, have been found to be sadly wanting in protecting the rights of all of our people. I do not see that the passage of H.R. 352 or any other similar legislation would result in a complete cure to the problem of securing full equality for all the people of our country that we face today, but it is a more lenient and a more gentle form of persuasion than the criminal processes which might be available but which our experience indicates would not be available under our existing criminal statutes.

I am sure that the gentleman will recall that the really strong civil rights statutes were either repealed or held unconstitutional by the Supreme Court for one reason or another back in the 1870's and 1880's, and even the really strong codes which we had on the subject of civil rights have been eroded away except to include a few statutes today which are virtually unworkable.

The CHAIRMAN. Any other questions? We are obliged to you, Mr. DINGELL, for a very interesting statement.

Mr. DINGELL. Thank you, Mr. Chairman. Thank you very much.

TESTIMONY OF THE HONORABLE JOHN D. DINGELL, 15TH DISTRICT OF MICHIGAN, BEFORE THE HOUSE COMMITTEE ON THE JUDICIARY AT THE HEARINGS ON CIVIL RIGHTS LEGISLATION ON MARCH 5, 1959

Mr. Chairman and members of the committee, I want to thank you for the honor and privilege of being here today to testify on the very important subject of civil rights legislation. I want to congratulate and commend the distinguished and able chairman of this committee for his long record as an outstanding civic libertarian, well known for his sincere espousal of the cause of full equality for all Americans, no matter what their race or religious affiliations.

My statement today will be brief. I am sure we all recognize that inherent in the Judeo-Christian religion is the concept that we are all children of God and are all created in His image. This is inherent in both the New Testament and the Old Testament.

In like manner we read in the great documents of American history that all men were created equal. The language of the Declaration of Independence is quite explicit on this and it reads as follows:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."

We are all well familiar with the language of articles XII, XIII, XIV, and XV of the Constitution, and most specifically, the language of article XIV and its due process clause which reads "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny any person within its jurisdiction the equal protection of the laws." Article XV provides "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The amendment further provides that "Congress shall have the power to enforce this article by appropriate legislation."

These general principles are basic to all of the beliefs which we have in this country. Citizens from many lands have come here in search of freedom which they were denied in their country of origin. In the orderly course of time many of these citizens have found this freedom. Yet each group has found certain discriminations waiting on its arrival.

The Irish and the Germans of the 1850's found signs saying no Irish or Germans need apply. These and other races found discrimination placed against them on their arrival. With the passage of history we have found them to be among our most industrious and worthwhile citizens. Indeed we are proud both of people whose forebears came from these lands and of the contributions which they have made to our beloved America.

No less proud are we of the contributions of the others who came; the Poles, the Serbs, the Czechs and the hundred and one other nationality groups who have contributed to our growth, progress and to the defense of our liberties in time of war.

All of us, Mr. Chairman, recognize that real liberty in this country is not shared by all of us to the fullest degree.

Discrimination of all sorts, subtle and otherwise, still besets citizens of almost every racial and religious background in one part or another of our land. No part of America is truly free of this cancerous growth.

So long as this exists we must recognize that no man or woman in America is completely free, regardless of the color of his skin or his religious affiliation.

For this reason I have introduced legislation on the general subject of civil rights. I prefer to call it human rights. I will refer to them by number and briefly detail what they do. It is my hope that this committee will report out one or the other of these bills or all of them, if possible.

Certainly, the very least that this committee and this Congress can do will be to continue progress in the fields of human relations by bringing out vigorous civil rights legislation.

By number, my bills are as follows:

H.R. 351: An omnibus civil rights bill to outlaw lynching, segregation in housing and transportation, to establish a code of fair employment practices and a Federal Fair Employment Practices Commission. This bill also outlaws the poll tax and strengthens existing Federal civil rights statutes in a number of other ways.

H.R. 352: A bill to authorize the Attorney General to institute on behalf of and at the cost of the United States a civil action for preventive relief whenever any acts have been committed which would give rise to a cause of action under section 1980 of the Revised Statutes.

This bill would authorize the Attorney General to institute on behalf of and at the cost of the United States a proceeding for injunctive relief in the name of any citizen whose rights under Federal law or the Constitution are being abridged by any individual or group.

This is a very mild piece of legislation. It has already been included in the recommendations of the President under a previous Congress and was included under one of the so-called administration civil rights bills earlier. That bill, however, was modified and so-called section 3 was narrowed and limited only to the right to vote. It would substitute for criminal penalties the suasion of courts of equity and their milder compulsive powers, which could better handle complex problems of human relations involving intense emotions.

H.R. 353: This bill outlaws lynching or violence which injures, kills or maims its victims where used to terrorize and intimidate or harass members of religious or racial groups to prevent them from free exercise of rights guaranteed by the Constitution and laws of the United States.

H.R. 354: This bill is a compulsory Federal Fair Employment Practices Act. Its purpose is to guarantee that a man shall be entitled to work for a living and to rise consistent with his ability. Its economic purpose is to outlaw racial discrimination which is a tremendous economic waste, computed by some to cost Americans billions of dollars a year.

H.R. 4261: A bill to amend the Civil Rights Act of 1957 to make the Civil Rights Commission a permanent agency of the United States and to broaden the duties of the Commission to include the investigation of all civil rights anywhere.

In addition to these pieces of legislation I have introduced a bill, H.R. 500, to outlaw transportation of explosives in interstate commerce for the purpose of destroying or injuring the person or property of another without his consent.

This bill is aimed at the protection of all citizens. Its purpose is to see to it that the bombing and harassment of harmless and ofttimes helpless citizens throughout this country, churches, homes, and schools will be matters of Federal concern. Under this bill the Federal Government may enter the scene immediately after destruction of property or person by explosives on the presumption that such explosives were transported in interstate commerce. It is such transportation that is criminal under the bill which is an exercise of the interstate commerce power and strikes at all those who seek to harass and intimidate our citizens by bombing because of their activities on behalf of full equality or because of their racial or religious background.

Mr. Chairman, I certainly hope that this committee under your able leadership will report out some workable civil rights legislation to continue the progress that we began during the last session of Congress with the passage of the civil rights bill of the 85th Congress.

To do less would be to stagnate and to pass up an opportunity for real advancement in one of the most important fields of citizenship.

Mr. Chairman, I thank you very much for the opportunity to be here today.

Mr. DOYLE. Mr. Chairman, January 27, 1960, in a brief statement when I signed the civil rights discharge petition as No. 14 thereupon and had done so the first day it was on the Clerk's desk, I also said that one of the reasons I had gladly and promptly signed that petition was because I verily believed in our constitutional form of government under which this Republic was founded and ordained, and which constitutional form of government I swore to uphold each of the seven times I have now taken my oath as a Member of this great National Congress of the United States of America.

The 15th amendment to our Federal Constitution provides as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

And now, having been personally present each of the days of this historic debate on bill H.R. 8601, and having voted on each and every one of the amendments and motions which have been put in place before we Members to vote upon during this debate, I will naturally vote against the anticipated motion to recommit this bill and will vote in favor of final passage of the Celler amendment.

Without consciously harboring any thought of ill will or antagonism or sectional feeling whatsoever toward any person or group of persons, or geographical areas of my beloved Nation, I nevertheless steadfastly believe that this bill will at least be some means of a considerable number of American citizens voting who are qualified under and in accordance with the laws of the States in which they reside, which citizens would otherwise not be given an opportunity to register to vote on account of their race, color, or previous condition of servitude. In other words, I believe this bill cannot help but make it an actual fact that the 15th amendment to our Federal Constitution providing that the right of American citizens to vote shall be implemented and given practical application in a substantial manner. I hope so. For, Mr. Chairman, to have the right of any American citizen, in any manner whatsoever, abridged in any State on account of race, color, or previous condition of servitude is actually destructive of our American way of life.

I cordially compliment the members of the House Judiciary Committee on both sides of the political aisle for the thoroughness and dexterity and fairness with which they have presented both pros and cons to us who are not members of that distinguished Judiciary Committee. And because I think we are all aware of the very great and strenuous changes which should result as result of the passage of this bill, assuming it becomes the law of the land, I trust that no sectional ill will will continue to be expressed, nor charged, nor made apparent by any person or any group of persons. This bill applies to all areas of our beloved Nation and to all persons in our Nation. I hope and pray that only fair, equitable, and just application of its historymaking terms and conditions and provisions will be made and that its administration will normally result in great benefit to many people and the many difficult problems these many people have faced; all of this to be for the benefit of our national soundness and happiness.

Mr. OSMERS. Mr. Chairman, H.R. 8601, the civil rights bill, has my full support. The time has come, Mr. Chairman, for the Federal Government to see to it that every American enjoys the full and free exercise of his rights under the Constitution. Haggle we may over details, but Congress can no longer escape its plain sworn duty to insure and protect the constitutional rights of every American regardless of race, color, creed or place of residence.

All of us are well aware of the fact that discrimination exists in the North and West as well as in the South. In areas outside the South, discrimination is particularly aggravating in the fields of employment and housing but happily, steady progress toward ending it is being made.

To me, the most important provisions of this legislation are those concerning the voting rights of Negroes in the South where such rights are presently denied or curbed in direct and indirect ways in many counties.

The right to vote is the greatest right possessed by free men and women in a republic. An honest and secret ballot gives us the ability to choose our leaders and representatives. Without the right to vote, a citizen soon finds that, regardless of the provisions of the Constitution, he has no other rights except those permitted him by leaders he does not help select.

Ninety years ago almost to the day—March 30, 1870—we wrote the 15th amendment into the Constitution:

The right of citizens * * * to vote shall not be denied * * * on account of race, color, or previous condition of servitude.

Ninety years later we have yet to make good on that promise. In county after county in the Deep South, where thousands of Negroes reside and many own property, few or none are permitted to vote. Not only are these citizens prevented from voting by unreasonable and ridiculous tests, but by intimidation and violence as well. Ninety years is certainly long enough to prove that existing laws have not given Negroes in the South the voting rights which are theirs.

Voting referees are needed to see that the requirements for voting shall be uniform for all races.

The bill also protects voters from the threats and intimidation that have been so common in the past. The Federal Government must step in where necessary and give the right to vote to every qualified American citizen wherever it is denied.

In January 1959 I introduced H.R. 1933, a bill to prevent hate bombing. On May 13, 14, 1959, Subcommittee No. 3 of the Committee on the Judiciary held hearings on my bill and others with generally similar purposes. I was the first witness to be heard by the subcommittee and I would like at this time, Mr. Chairman, to quote a few sentences from my testimony at that time:

> The weakening of the solidarity among the people of the United States by attacks on religious and racial groups, and buildings which they use, plays right into the hands of the communists. In no other way can the great strength of this Nation be weakened as much as it is by pitting one racial group against another, one religious group against another, or one section of the country against another section.
>
> The damage to our worldwide position as a guardian of liberty is incalculable if these conditions are allowed to exist without Federal law to correct them. The Communists are making supreme efforts among the peoples of Africa, Asia, and the Middle East to exaggerate our differences. Their propaganda mills exploit every single hate incident which happens here, whether it be a small local abuse or a major attack on a racial or religious group in the Congress of the United States.
>
> The Nation cannot afford to permit the irresponsibility of a few individuals to jeopardize our prestige and leadership in the free world.

It is very heartening to note that title II of H.R. 8601 includes very practical provisions along the lines of my own bill H.R. 1933, penalizing those who do participate in hate bombing and related activities.

America's position in the world will be stronger with this civil rights bill on the law books of the Nation.

Mr. BROYHILL. Mr. Chairman, I rise to add my voice in opposition to the proposed civil rights bill—the so-called Celler-McCulloch bill—because I believe it is loaded with danger to the very fundamentals upon which our Government is based. My fears are not simply a reflection of the so-called southern viewpoint, nor do I see the threats to be just against southern institutions. Rather, I see in this bill a weakening of some of the very foundations of our Constitution—foundations that we all have been sworn to protect.

I cannot in a few moments go into the full details of the objectionable features of the bill, though I will touch briefly on one of its provisions that particularly concerns me. First, however, I would like to say to those who are pushing it through that, even if what they were trying to accomplish were for the general good, this is the wrong way to go about it. For, in my judgment, the bill is out of joint with its purpose. It will not amplify the civil rights that now prevail nor will it insure their enforcement. It will on the contrary retard and obstruct and embitter. The bill is out of true relation to the climate of opinion that prevails in the United States, making it seem as if we were in the midst of some kind of internecine war between our Negro and our white populations. It will be no more successful in accomplishing the intended purpose than the prohibition amendment was during the 1920's. As did that attempt to legislate social customs, it may make the problem worse than it is at this time.

For the problem is being solved—slowly, it is true, but no major social change can take place too rapidly without revolution, and I am sure no one wants that. Anyone who reflects can see the tremendous strides made by our Negro population during the past few decades—and that progress is continuing at an accelerated pace. One needs only to observe the increasing number of well-dressed and well-housed members of the Negro race in any city, including those in the South. One only needs to note the rising literacy rates, the increase in the number of professional people, and the increasing influence of colored voters.

There are Negroes—and I am glad of it—who are Members of this very House. There is a Negro who is the president of the borough of Manhattan. One of the foremost members of the United Nations staff is an American Negro. They hold, as they should, positions of esteem in the South as their talents permit. Of course in certain quarters there are some hardships, even humiliations. But then I suppose I would not be welcome in a meeting of Democrats even if I sought an invitation, and I can imagine meetings of that political persuasion where I would be grabbed by the seat of the pants and the scruff of the neck and booted out of the place. In some parts of our country this religious grouping is not kindly disposed to that religious grouping.

There may even be errors of decency and taste and fairness that we all deplore. But can it be possible that at this late date—anno Domini 1960—the problem, instead of diminishing, as I certainly believe it has, has grown to such gargantuan proportions as to call for this overwhelming hullabaloo of legislative agitation and excitement?

Instead of fostering steady development, this bill would shake the very foundations of our Constitution in an attempt to hurry the process. It would usurp important rights of the States in the control of elections, and not merely the rights of the Southern States. Of equally grave concern, this bill would constitute an important breakthrough in the field of Federal control of education.

Hidden behind the smokescreen of civil rights, the original bill would grant the Federal Government authority to seize local educational institutions and administer them. Although restricted by amendment, some of this authority remains. Most interesting is the basis for determining which schools can be taken. Only those can be taken which have been built with partial Federal contribution under the federally impacted aid legislation. Yet, proponents of Federal aid, in every debate or speech on the subject, always point to a clause included in the bills insuring that the Federal Government will in no way interfere with local educational systems.

I say let us stop this thing, recognizing as we must that the ill-conceived law enforcement techniques in this bill reach out into the future. They inflict injustice instead of preventing it and they bring with them pain and offense that after two World Wars and Korea we had done so much to blur and appease. We in the South along with our friends in the North will find paths for the adjudication and the amelioration of wrongs that do exist and permit time and maturity to wipe them out. The process may be slow but it is sure and it is enduring. This crude enforcement method is a way of turning back the clock of history and returning to the use of force and vengeance where reason and tolerance had been proved so successful.

Mr. TRIMBLE. Mr. Chairman, I oppose H.R. 8601 because it is an intrusion into the responsibilities of the States in the field of elections. The reforms recommended, if they are needed, must come from the human heart and cannot be accomplished by the force of law against what I conceive to be a clear mandate of the Constitution to the States.

Our Constitution was born out of travail and compromise and out of the crucible of bitter experiences shared by the Founding Fathers. It is not perfect—no human document ever is—but it is the foundation of the greatest Government ever devised by free men.

Free elections are essential to our integrity as a nation and to our survival as a free people, but the responsibilities for these things rest with the States. If the States fail to meet those responsibilities ably and well, then failure is theirs, and they will face the mandate of an aroused public opinion which is the heart of a democracy—the bane of suppression. In these days even a sparrow's fall is seen and heard instantly around the world.

This legislation will not lead to good will between the races. Again I say that the solution of these problems rests in the human heart. Each of us must remember that tomorrow or even today we may get the final call to come before the Supreme Judge of all of us. We must conduct ourselves the best we know how so that each of us will be able, we hope, to hear Him fondly say "Verily I say unto you, inasmuch as ye have done it unto one of the least of these my brethren, ye have done it to me." And then He will let us in. We will then know hate, sorrow, disappointment, and heartache no more.

Mr. MILLS. Mr. Chairman, I would like to call attention to at least three provisions of our Nation's Constitution with which the refereee plan contained in section VI of the proposed civil rights legislation being considered here may be in conflict. These provisions are article III of the Constitution, which limits the jurisdiction of constitutional courts to the disposition of cases or controversies; the 15th amendment which prohibits the States from denying citizens the right to vote on account of race, color, or previous condition of servitude; and the 5th amendment, which prohibits the United States from depriving a person of life, liberty, or property without due process of law. I would like to briefly discuss these possibilities in order.

POSSIBILITY OF CONFLICT WITH ARTICLE III

A serious constitutional problem is raised by that part of title VI which states that after a court finds that any person has been deprived by State action on account of race or color of his right to vote "the court shall upon request of the Attorney General make a finding whether such deprivation was or is pursuant to a pattern or practice." The consequence of an affirmative finding is that any member of the race against which the pattern was directed must apply for a court order declaring him qualified to vote. The court must consider such applications for a minimum period of 1 year from the date of its finding and thereafter until it finds that such pattern or practice has ceased. If the making of such a finding and the issuance of such orders were necessary for the resolution of the base before it, it is very possible that an attempt to impose these duties upon the court is an unconstitutional incursion upon the judicial power. See *Muskrat* v. *United States* (219 U.S. 346 (1911)).

POSSIBILITY OF CONFLICT WITH THE 15TH AMENDMENT

The Supreme Court pointed out in the civil rights cases, 109 U.S. 3, 13 (1883), that the legislation enacted to enforce the 14th amendment—and by necessary inference the 15th amendment as well—should be adapted to the mischief and wrong which the amendment was intended to provide against. In *United States* v. *Reese* (92 U.S. 214 (1875)), sections 3 and 4 of the act of May 31, 1870, were held unconstitutional on the ground that they might be interpreted to reach voting abridgments by States for reasons other than race or color. This holding was made despite the fact that section 2 of the act prohibited only abridgments by State officers because of race or color. There is one provision in title VI of H.R. 8601 which has the same kind of infirmity which caused the invalidity of section 3 of the act of 1870. After a court has found the existence of a pattern or practice of voting abridgments by State officers because of race or color an applicant of the race discriminated against is entitled to a court order declaring him qualified to vote, if he proves the following things: First, that he is qualified under State law to vote; and, second, that since the court finding he has been (a) deprived or denied under color of law of the opportunity to register to vote or otherwise to qualify to vote or (b) found not qualified to vote by any person acting under color of law. Since the applicant is not required to show that the denial was because of his color, or that he was found not qualified because of his color, some people would be entitled to orders under the statute even though as to them there had been no State action in violation of the 15th amendment. Although there is little likelihood that this provision would be held unconstitutional as applied to an applicant whose voting right had been abridged because of race or color, there is a possibility that it is unconstitutional as applied to an applicant who had been found unqualified for a valid reason, that is, a reason other than race or color. Consider, for instance, an applicant who, after the court finding of a pattern or practice, applies for registration before a State official and is found unqualified because he has not paid his poll tax. Despite the fact that there had been no State action violative of the 15th amendment, under title VI he could pay his poll tax, then apply to the court for an order without any further attempt to be registered by a State official.

POSSIBILITY OF CONFLICT WITH DUE PROCESS CLAUSE

The activities of the court and of the referees it may appoint after finding a pattern or practice of discrimination are clearly designed to result in a determination that certain persons are qualified to be registered as voters. Yet title VI would propose to bind not only registration officers who would presumably be parties to the original suit initiated by the Attorney General, but also those election officials manning polling places who are not likely to be parties to the original suit. Moreover, the proceedings before the referees are to be conducted ex parte and the recommendations of the referees are to be incorporated in orders which purport to bind both registrars and polling officials after very limited opportunities to interpose exceptions to them. While Congress has the power under article III to regulate the entire process of the Federal courts including the power to prescribe rules of procedure, in exercising this power it is limited by the due process clause of the fifth amendment. The right of a fair and open hearing is one of the rudiments of fair play assured to every litigant by the Federal Constitution as a minimal requirement. *Ohio Bell Tel. Co.* v. *Public Utilities Comm.* (301 U.S. 292, 304, 305 (1937)), cited in *R. R. Commission of Calif.* v. *Pacific Gas Co.* (302 U.S. 388, 393 (1938)). It is certainly questionable that the provisions of title VI will guarantee the constitutional minimum of due process.

In addition to this, Mr. Chairman, it is my firm belief that there is an overabundance of law now in existence to more than protect the voting rights of all our citizens.

Since the days of Reconstruction, statutes have existed making it a Federal crime for two or more persons to conspire to deprive a citizen of any right secured to him by Federal law or the Constitution. This law clearly makes it a crime to deprive a citizen of his voting rights guaranteed by the 15th amendment. I would like to quote section 241 of title 18 of the United States Code in its entirety to illustrate this point:

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or
>
> If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured. * * *
>
> They shall be fined not more than $5,000 or imprisoned not more than 10 years, or both.

Another statute which provides criminal penalties for anyone acting under color of law who deprives a citizen of any of his constitutional or Federal statutory rights is found in section 242 of title 18, which reads as follows:

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Let us now consider criminal sections specifically on the subject of voting rights. Section 594 of title 18 provides as follows:

> Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the territories and possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Civil remedies, in addition to these ample criminal penalties, have also been provided for the protection of the right to vote. Any person acting under color of law who deprives a person of his federally secured rights, including deprivation of voting rights based on his race or color, is subject to a civil action for redress. Section 1983 of title 42 provides that:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proceeding for redress.

You will note this remedy provides for both legal and equitable remedies. Under it one may bring suit for monetary damages or injunction proceedings for coercion of any type. Anyone who feels they have been deprived by a State official of the right to vote, as guaranteed by the 15th amendment, has complete freedom to file suit in a Federal district court under this section.

This is not the only civil remedy available. Subsection 3 of section 1985, title 42, provides for recovery of damages from two or more persons who conspire to deprive another of his rights, including voting rights. Section 1986 of the same title provides for a civil suit against one having power to prevent a deprivation of rights and who fails to act.

Mr. Speaker, I would like to emphasize that these statutes have been in effect for nearly 100 years. I cannot conceive that this body of law is not effective today in securing the rights of all citizens. Severe criminal penalties are imposed for deprivation of civil rights; damages are allowed the complainant; and traditional equitable remedies are available in these cases.

Despite the existence of these laws, in the Civil Rights Act of 1957 even more laws were enacted on this subject of protection of civil liberties. I quote the pertinent provisions of the law now contained in section 1971 of title 42:

(a) All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

Frankly I have never known of any violation of voting rights in my home State of Arkansas; however, I should like to point out that in this area, as well, ample provisions of law exist to safeguard the civil liberties of our citizens.

The Arkansas constitution in article II, section 3, provides that:

The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity, nor exempted from any burden or duty, on account of race, color, or previous condition.

The only tests of the right to vote are prescribed by article III, section 1 of the Arkansas constitution:

Every citizen of the United States at the age of 21 years, who has resided in the State 12 months; in the county 6 months, and in the precinct, town, or ward, 1 month, next preceding any election at which they propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the general assembly, and who shall exhibit a poll tax receipt or other evidence that they have paid their poll tax at the time of collecting taxes next preceding such election shall be allowed to vote at any election in the State of Arkansas.

However:

No idiot or insane person shall be entitled to the privileges of an elector.

See article III, section 5 of the Arkansas constitution.

Further, article III, section 2 of the Arkansas constitution commands that:

Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; or shall any law be enacted whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name; or whereby such right shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.

Article II, section 4 of the Arkansas constitution provides that:

Electors shall, in all cases (except treason, felony, and breach of the peace), be privileged from arrest during their attendance at elections and going to and from the same.

Article II, section 6, of the Arkansas constitution reads:

Any person who shall be convicted of fraud, bribery, or other willful and corrupt violation of any election law of this State shall be adjudged guilty of a felony.

These provisions represent the constitutional law of the State of Arkansas. They are implemented by numerous detailed statutory regulations, typical of which are the following:

Arkansas Statutes—1947—section 3–1414, punishes by a $500 fine any interference or intimidation or other act to prevent any person from voting in a primary election; and section 3–1415 makes it a felony to intimidate, and so forth, any person in any general or special election.

It is made a misdemeanor for an officer to exact from any person more than $1 for a poll tax. The offense is punishable by fine, $100 to $250. Section 3–111 prohibits the imposition of a penalty for delinquent payment of the poll tax. Section 3–112 authorizes the issuance of a poll tax receipt without the payment of property taxes.

These statutes are only a few examples of the legal machinery that the State of Arkansas has provided to protect the right to vote. This machinery in no part discriminates against any elector because of race or color. It disqualifies only infants, aliens, idiots, and felons.

On the basis of these facts, Mr. Chairman, I strongly urge that since passage of this legislation will tend to infringe upon our constitutional rights rather than to protect an area which already has more than adequate protection, it be defeated.

Mr. DENT. Mr. Speaker, the RECORDS will show that during the past 2 weeks of debate on the issue of civil rights, I have refrained from participating in any of the arguments and discussions.

There was a good reason for this. The entire debate centered around the various conceptions and interpretations of applicable law and the constitutionality of the various titles.

I left this burden to be carried by those amongst us who are practicing attorneys.

However, now that the legalistic smoke has cleared away, and in the calmness of the tranquil waters of pure logic, I want to add a few thoughts to the many already expressed.

The need to clear away the roadblocks that have prevented, in many cases, the Negroes' right to vote is of course paramount if we are to finally make our colored citizens, citizens in fact as well as in name.

The economic status of the Negro in all sections of the country leaves a lot to be desired.

If this Nation is to measure up to its worldwide billing as the "greatest place on earth, in which to live, to work, and to prosper," then it behooves all of us to look into some phases of the economics of the labor conditions insofar as the American Negro is concerned.

In most instances, they are relegated to the most menial tasks with the lowest possible wages.

In many cases, both north and south of the Mason-Dixon line, they are huddled into modern ghettoes. Few can really move into the more desirable residential areas regardless of their economic standing.

It is my sincere conviction that the only answer is one that must come from equalization, equalization of opportunities. This will lead not to the mixture of the races but, in reality, will let each racial group find and raise its own standards and levels of living socially, economically, and in their conditions of labor.

There are always barriers in the social calendar, and nothing ever done by Congress will change this.

So long as human beings remain human, each will seek his or her own company.

No better example of complete understanding and freedom of action, regardless of race, color, or creed, can be found than in our newest State, the 50th, the State of Hawaii.

The day will come when the Negro has found his place politically by the intelligent and free use of his voting franchise. This will be followed in an orderly fashion by the complete integration of the Negro into our American economy.

To show how bad conditions can get when the economic level of the wage earner reaches a rate below subsistence grades, one need only look at the records submitted to our subcommittee on minimum wage laws.

These testimonials show just about how the Negro fares in the field of economic competition.

The answer and solution to the problem lies in the hearts of men and, in my opinion, the best road to success is through our Christian doctrines and religious revivals.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, pursuant to House Resolution 359, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment?

Mr. McCULLOCH. Mr. Speaker, I demand a separate vote on the amendment which is known as title VI.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the remaining amendments en gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH, as amended by the substitute offered by Mr. CELLER, on page 12, immediately below.

"TITLE VI

"SEC. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) as subsection '(f)':

"'In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a) the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"'Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"'An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"'The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"'Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"'The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"'Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"'Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

"'When used in the subsection, the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.'

"(b) Add the following sentence at the end of subsection (c):

"'Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'"

The question was taken, and on a division (demanded by Mr. CELLER) there were ayes 225, noes 106.

Mr. SMITH of Virginia. Mr. Speaker, I demand the yeas and nays on the Celler amendment.

The yeas and nays were ordered.

The question was taken and there were—yeas 295, nays 124, answering "present" 2, not voting 10, as follows:

[Roll No. 32]

YEAS—295

Adair	Baldwin	Bolling
Addonizio	Barr	Bolton
Allen	Barrett	Bosch
Andersen, Minn.	Barry	Bowles
	Bass, N.H.	Brademas
Anfuso	Bates	Bray
Ashley	Baumhart	Breeding
Aspinall	Becker	Brewster
Auchincloss	Belcher	Brock
Avery	Bentley	Broomfield
Ayres	Betts	Brown, Mo.
Bailey	Blatnik	Brown, Ohio
Baker	Boland	Buckley

Burdick	Hoeven	O'Brien, N.Y.
Burke, Ky.	Hogan	O'Hara, Ill.
Burke, Mass.	Holifield	O'Hara, Mich.
Byrne, Pa.	Holland	O'Konski
Byrnes, Wis.	Holt	O'Neill
Cahill	Holtzman	Oliver
Canfield	Horan	Osmers
Cannon	Hosmer	Ostertag
Carnahan	Ikard	Pelly
Cederberg	Inouye	Pfost
Celler	Irwin	Philbin
Chamberlain	Johnson, Calif.	Pillion
Chenoweth	Johnson, Colo.	Pirnie
Church	Johnson, Md.	Porter
Clark	Johnson, Wis.	Price
Coad	Judd	Prokop
Coffin	Karsten	Pucinski
Cohelan	Karth	Quie
Collier	Kasem	Quigley
Conte	Kastenmeier	Rabaut
Cook	Kearns	Randall
Corbett	Kee	Ray
Cunningham	Keith	Reece, Tenn.
Curtin	Kelly	Rees, Kans.
Curtis, Mass.	Keogh	Reuss
Curtis, Mo.	Kilday	Rhodes, Pa.
Daddario	Kilgore	Riehlman
Dague	King, Calif.	Rivers, Alaska
Daniels	King, Utah	Robison
Dawson	Kirwan	Rodino
Delaney	Kluczynski	Rogers, Colo.
Dent	Kowalski	Rogers, Mass.
Denton	Kyl	Rooney
Derounian	Lafore	Roosevelt
Derwinski	Laird	Rostenkowski
Devine	Lane	Roush
Diggs	Langen	Rutherford
Dingell	Lankford	St. George
Dixon	Latta	Santangelo
Donohue	Lesinski	Saund
Dooley	Levering	Saylor
Dorn, N.Y.	Libonati	Schenck
Doyle	Lindsay	Scherer
Dulski	Lipscomb	Schwengel
Dwyer	McCormack	Shelley
Edmondson	McCulloch	Shipley
Fallon	McDonough	Siler
Farbstein	McDowell	Simpson, Ill.
Fascell	McFall	Sisk
Feighan	McGinley	Slack
Fenton	McGovern	Smith, Iowa
Fino	McIntire	Springer
Flood	Macdonald	Staggers
Flynn	Machrowicz	Stratton
Fogarty	Mack, Ill.	Sullivan
Foley	Mack Wash.	Taylor
Forand	Madden	Teague, Calif.
Ford	Magnuson	Teller
Frelinghuysen	Mailliard	Thompson, N.J.
Friedel	Marshall	Thomson, Wyo.
Fulton	Martin	Thornberry
Gallagher	May	Toll
Garmatz	Merrow	Tollefson
Gavin	Metcalf	Udall
George	Meyer	Ullman
Giaimo	Michel	Vanik
Gilbert	Miller, Clem	Van Pelt
Glenn	Miller, George, P.	Van Zandt
Goodell	Miller, N.Y.	Wainwright
Granahan	Milliken	Wallhauser
Gray	Moeller	Walter
Green, Oreg.	Monagan	Wampler
Green, Pa.	Moore	Weaver
Griffin	Moorhead	Weis
Griffiths	Morgan	Westland
Gubser	Morris, N. Mex.	Wharton
Hagen	Moss	Widnall
Halleck	Moulder	Wier
Halpern	Multer	Wilson
Hargis	Mumma	Withrow
Harmon	Murphy	Wolf
Hays	Nelsen	Wright
Healey	Nix	Yates
Hechler	Norblad	Younger
Henderson	O'Brien, Ill.	Zablocki
Hiestand		Zelenko

NAYS—124

Abbitt	Brooks, La.	Everett
Abernethy	Brooks, Tex.	Evins
Albert	Brown, Ga.	Fisher
Alexander	Broyhill	Flynt
Alford	Budge	Forrester
Alger	Burleson	Fountain
Andrews	Casey	Frazier
Ashmore	Chelf	Gary
Bass, Tenn.	Colmer	Gathings
Beckworth	Cooley	Grant
Bennett, Fla.	Cramer	Gross
Bennett, Mich.	Davis, Ga.	Haley
Berry	Davis, Tenn.	Hardy
Blitch	Dorn, S.C.	Harris
Boggs	Dowdy	Harrison
Bonner	Downing	Hébert
Bow	Durham	Hemphill
Boykin	Elliott	Herlong
Hess	Mitchell	Smith, Calif.
Hoffman, Ill.	Morris, Okla.	Smith, Kans.
Hoffman, Mich.	Morrison	Smith, Miss.
Huddleston	Murray	Smith, Va.
Hull	Natcher	Spence
Jarman	Norrell	Stubblefield
Jennings	Passman	Taber
Jensen	Patman	Teague, Tex.
Johansen	Perkins	Thomas
Jonas	Pilcher	Thompson, La.
Jones, Ala.	Poage	Thompson, Tex.
Jones, Mo.	Poff	Trimble
Kitchin	Preston	Tuck
Knox	Rains	Utt
Landrum	Rhodes, Ariz.	Vinson
Lennon	Riley	Watts
Loser	Rivers, S. C.	Whitener
McMillan	Roberts	Whitten
McSween	Rogers, Fla.	Williams
Mahon	Rogers, Tex.	Willis
Mason	Scott	Winstead
Matthews	Selden	Young
Meader	Short	
Mills	Sikes	

ANSWERING "PRESENT"—2

Jackson	Kilburn

NOT VOTING—10

Anderson, Mont.	Baring	Powell
	Chiperfield	Sheppard
Arends	Minshall	Steed
Barden	Montoya	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Arends for, with Mr. Kilburn against.

Mr. Chiperfield for, with Mr. Jackson against.

Mr. Sheppard for, with Mr. Barden against.

Until further notice:

Mr. Montoya with Mr. Minshall.

Mr. KILBURN. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. ARENDS]. I voted "nay." If he were present, he would vote "yea." Therefore, I withdraw my vote and vote "present."

Mr. JACKSON. Mr. Speaker, I have a live pair with the gentleman from Illinois. [Mr. CHIPERFIELD]. I voted "nay." If Mr. CHIPERFIELD were present, he would have voted "yea." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. WILLIAMS. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The further consideration of the bill will go over until tomorrow.

Mr. JONES of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES of Missouri. Mr. Speaker, would it be in order to make a motion to vote on the engrossed copy of the bill at 7 o'clock this evening?

The SPEAKER. That motion would not be in order.

Mr. JONES of Missouri. I thank the Speaker.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the civil rights bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONSIDERATION OF THE CIVIL RIGHTS BILL IN COMMITTEE OF THE WHOLE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, civil rights has always been an explosive issue. Feelings run deep and tempers flare easily. This year was no exception. The debate on H.R. 8601 has been one of the longest debates in recent years. The parliamentary situation was unbelievably complex. There was ample opportunity for the debate to degenerate into bitter emotional demagoguery.

Despite these obstacles, this bitterly divisive debate was carried on in the highest parliamentary tradition.

Mr. Speaker, I believe that the credit for this belongs in large measure to the presiding officer. When difficult parliamentary inquiries and points of order were raised he made clear lawyerlike explanations and rulings. His firm hand on the gaval kept order through many difficult days.

Mr. Speaker, I believe that every Member of this House and every citizen of the United States owes a debt of gratitude for the skillful chairmanship which has been displayed by the dean of my delegation, the distinguished gentleman from Pennsylvania [Mr. WALTER].

LEGISLATIVE PROGRAM

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of inquiring of the majority leader as to the program for the balance of the week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. There is no further program for the balance of the week. If the pending bill had been disposed of today, there would have been no further business for the rest of this week. There will be three resolutions that have been reported out of the Committee on House Administration having to do with money for three different committees, but outside of that there will be no further legislation for the balance of the week other than the further consideration and disposition of the pending civil rights bill.

Mr. HALLECK. Would it be the intention of the gentleman from Massachusetts that when the House adjourns tomorrow, it adjourn to meet on Monday?

Mr. McCORMACK. The gentleman is correct.

Mr. HALLECK. Does the gentleman from Massachusetts care to make the

unanimous consent request at this time or does he prefer to wait until tomorrow?

Mr. McCORMACK. I think it would probably be better to wait until tomorrow.

I cannot say. When I say that, it is not because of any further legislative program. I will ask unanimous consent now, Mr. Speaker, that when the House adjourns tomorrow——

Mr. WILLIAMS. I will have to object to that.

Mr. McCORMACK. Then I will not submit the request, Mr. Speaker.

Mr. WILLIAMS. I may not object tomorrow.

Mr. McCORMACK. I cannot imagine the gentleman's objecting to it tomorrow.

PERSONAL EXPLANATION

Mr. BARING. Mr. Speaker, at the time the vote was taken on the Celler amendment, I was in the rotunda attending the ceremony dedicating the McCarran statue. I did not hear the bells. I want the RECORD to show that had I been present I would have voted "yea" on the Celler amendment.

TAX LOOPHOLE NO. 5

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, it is my earnest hope that no effort will be made to resume consideration of H.R. 5, the Foreign Investment Incentive Act which could more appropriately be named Tax Loophole No. 5.

I oppose this bill, because I believe it would permit American corporations with subsidiaries abroad to transfer these assets without the payment of capital gains taxes to the U.S. Treasury.

Many of the beneficiaries of this private bill argue that their corporations could have undertaken these foreign operations without paying United States taxes simply by operating under foreign charters. They would have us overlook the many advantages and benefits which they enjoy in conducting their operations under American charter.

A great part of the industrial expansion by American enterprise abroad proceeds under the investment guarantee program, under which the United States Government guarantees the foreign investment against expropriation and war risk. As of December 31, 1959, over $540,397,000 of this insurance has been issued by the Investment Guarantees Division of the Office of Private Enterprise in the International Cooperation Administration.

In the Mutual Security Act of last year this insuring authority was increased from $500 million to $1 billion.

The contingent liability of the United States Government in providing this expropriation and war risk insurance is almost completely unrelated to the small payment of premium involved in this insurance.

If American business prefers to operate under foreign charters, let them assume full risk of expropriation and any other related hazards of such operation.

However, if their activities abroad are going to be insured against expropriation, protected by American military strength, if need be, and aided and encouraged by many other actions of our Government facilitating such enterprise, let them assume at least a portion of the real cost involved in making their foreign operations secure investments.

If the full cost of promoting, insuring, and protecting American business abroad were known to the Members of this body, this legislation would not have a ghost of a chance.

CENTENNIAL OF THE BIRTH OF JANE ADDAMS

Mrs. CHURCH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. CHURCH. Mr. Speaker, I am today introducing a joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House.

Under leave to extend my remarks, I would immediately include at this point a proclamation issued from the office of the mayor of the city of Chicago, dated January 26, 1960, honoring Jane Addams, founder and leader of the Chicago Hull House.

CITY OF CHICAGO, OFFICE OF THE MAYOR—PROCLAMATION

Whereas the year 1960 marks the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House and one of the world's most revered women; and

Whereas Jane Addams, born on September 6, 1860, a native daughter of Illinois and an outstanding citizen of Chicago for almost 50 years, placed her energy, her wisdom, and her courage in the service of mankind; and

Whereas Jane Addams saw the needs of her immigrant neighbors and gave pioneer leadership to the development of social welfare programs and social reforms to protect and aid them; and

Whereas she established programs at Hull House to give guidance to newcomers—the unschooled child, the working mother, the exploited foreign-born father, in the establishment of a kindergarten for children of working mothers, English classes, and an employment bureau; a residence for working girls, a playground, a library, a music school, an art gallery, a demonstration to a world in conflict where people of all cultures could live and work and play together; and

Whereas she pioneered in social settlement work, in developing methods in social work, in establishing welfare services for children and immigrants, in strengthening the labor movement, in working for the passage of protective laws for mothers and child workers, in helping outstanding women leaders to contribute to the needs of society; and

Whereas she used her life experience at Hull House as a basis for her untiring efforts toward equal justice for all mankind and for peace among the peoples of the world, for which she received the Nobel Peace Prize; and

Whereas this great and noble woman gave to the city of Chicago, and to the world, a supreme example of citizen leadership through lessons that are a part of our rich heritage and are still meaningful today:

Now, therefore, I, Richard J. Daley, mayor of the city of Chicago, do hereby proclaim this the Jane Addams Year in Chicago, in order that all the citizens of Chicago may do her honor.

RICHARD J. DALEY,
Mayor.

Dated this 26th day of January, A.D., 1960.

Mr. Speaker, it was my fortunate privilege during the early years following my graduation from college to work closely with the settlement house movement and to engage actively in its work. Of all those who pioneered in the movement and who contributed so largely to the social welfare and social reform of the great cities of this Nation, none exceeded Jane Addams in vision, in courage, or in capacity. It was my honor to know Miss Addams personally and to share the blessing of having her as a guest in my home. No one whose thought or life she touched could fail to respond with awakened interest in people everywhere and with a desire to serve those of our population who need it most. The fruits of her interest and her determination lay permanently in the enlightened social consciousness of our great city.

September 6, 1960, marks the 100th anniversary of the birth of this great social leader. Jane Addams was born on September 6, 1860, in Cedarville, Ill. Because of the social interest early aroused by the work of her father in the abolitionist movement, her determination to make a personal attack on the then existing slum conditions was furthered by her visit to Toynbee Hall in England after her graduation from Rockford College in 1882.

Her determination to set up a similar house in Chicago was an immediate response to her belief that slum conditions could be bettered and that our more unfortunate population could be helped by personal interest and personal contact.

Together with her college classmate, Ellen Gates Starr, she founded Hull House, occupying the former country home of Charles J. Hull, located in a once-fine residential neighborhood at Polk and Halsted Streets. The house, at the time, was surrounded by tenements and factories in a neighborhood composed of immigrant Russian and Polish Jews, Irish, Germans, and Bohemians, where disease, poverty, vice, substandard housing, and appalling labor conditions presented a challenge at which a heart less stout than Miss Addams' might have faltered.

Throughout the years following the opening of Hull House in 1889, Chicago witnessed a slow but undeniable miracle. The plan on which Jane Addams worked was based on concern for the entire family. The plan was broadened later to meet increasingly recognized needs. Hull House came to provide housing for working girls, produced the first Little

Theater in America, and served as a meeting place for trade union groups. Twelve buildings were finally necessary and were provided to meet expanding service through the community.

Together with the outstanding women who, in the early 1890's, made their contribution to the Hull House movement, there came a new vision and a change in social work. Social work became a profession which demanded and received wide community recognition and support. Among the projects launched were the Immigrants Protective League, the Juvenile Protective Association, public baths, the first playground to be operated by the city, the Institute for Juvenile Research, the Illinois Child Labor Committee, and the juvenile court. The influence of Hull House spread to the city council and to Springfield, putting into being long necessary reforms. After a 14-year campaign, Miss Addams had her greatest triumph in the passage of the child labor law in 1903. The scope of interest and influence widened to Washington where the experience at Hull House was a vital factor leading to the establishment of the U.S. Children's Bureau. Headed first by Julia Lathrop and later by Grace Abbott, both of whom were among the early workers in connection with Hull House, it opened the door to national recognition of needs of children everywhere in America. In fact, the climax came when President Theodore Roosevelt, in 1909, called the first White House Conference on Children.

The honors that came to Miss Addams were many. None meant more to her than the award of the Nobel Peace Prize in 1931 in recognition of her effort toward peace through the Women's Peace Party and later through the Women's International League for Peace and Freedom, which she founded in 1915 and headed for 20 years. Honors and awards, however, of which she had so many, meant little to Miss Addams. Her satisfaction and her reward came from recognition of a growing social consciousness on the part of the city which she loved and from the realization that her own life had been a major contribution toward awakening interest in this country and throughout the world in the problems of the underprivileged and in the need for peace under which alone mankind could rise to greatest heights of economic and social well-being.

The city of Chicago and the State of Illinois are honored by being able to call Miss Addams their own. In a greater and truer sense, however, the whole world which claimed her interest can also be proud that in her day and generation her vision and her efforts knew no local or national boundary. Above all, the underprivileged whom she served and whose need she brought to the attention of the world can, indeed, rise up and call her blessed.

POSTAL FACTS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise my remarks in the RECORD, I include herein a splendid recent editorial entitled "Postal Facts" from the distinguished Boston Daily Record, which is one of the Nation's outstanding newspapers.

The editorial, which opposes increased postal rates at this time, is extremely well written and is a thoughtful and forceful presentation of the case.

POSTAL FACTS

President Eisenhower's special message to Congress urging another postal rate increase presents one of those seemingly plausible arguments which is easily demolished by facts. Let's consider the facts.

In essence the President says the Post Office is losing a lot of money. Therefore mail rates should be raised to wipe out the loss, or at least come close.

This position, which apparently came to the President special delivery from Postmaster General Summerfield, is based on a fallacy.

It is the error of assuming the Post Office is a business. In reality, in historical precedent, and in everyday fact, it is a public service. It cannot possibly be conducted as both.

It is true it costs taxpayers money to run the Post Office Department. It also costs taxpayers money to run the White House, the Commerce Department, the Federal judiciary system, the FBI—almost every Federal activity.

The costs of such public services are taken for granted. But the costs of the postal service are labeled "deficit" and become issue.

Why? The answer is that the Post Office takes in a great deal of money, about $2½ billion a year. No other Government department produces anywhere near as much revenue. But because the postal establishment costs more to operate than it takes in, and because a law requires annual reports comparing receipts with costs, the Post Office is singled out and charged with operating at a deficit.

Postal rates actually are a form of taxes. The Post Office does not keep the money it gets for selling stamps, but turns it into the Treasury. Thus in urging a postal rate increase, the administration is seeking an indirect tax increase.

Finally, the theory that the Post Office is a business doesn't make sense. Would a business charge the same fee to deliver a message across the street as it does to handle a letter from Florida to Alaska? Would a business operate a branch office in every hamlet in the Nation, most of them losing money because of slight patronage? Would a business take on sideline jobs without remuneration, like selling duck stamps or registering aliens?

The Post Office is an essential public service, worth what it costs to operate.

We suggest Mr. Summerfield ought to stop proclaiming (and complaining) how much his Department has lost and concentrate on getting the mails delivered as speedily and economically as possible.

And Congress ought to ignore the request for another boost in rates.

THE OUTRAGE AGAINST BISHOP JAMES EDWARD WALSH

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, the civilized world was shocked to learn of the recent maltreatment and imprisonment of Bishop James Edward Walsh, who for many years has unselfishly devoted his life to the cause of religion in the Far East.

This outrage is another instance of the despicable enmity of communism to all people who believe in a supreme being.

The Marxist bible is not only devoid of religious principles but, by being hostile to all religions, is committed to eliminating them, wherever they exist, from contemporary life.

The theory and practice of every communistic government is to pursue an open, nefarious warfare against all religions and their chosen leaders. The purpose, of course, is to exclude spiritual ideals, not only from government but from the lives of the people. If the Communists would bother to read world history they would soon come to the conclusion that their efforts to destroy religion are foredoomed to failure.

The fact of the matter is that human beings are inherently and instinctively religious. Man, in his long struggle to lift himself up above the level of the beast, has always raised his eyes to the heavens in recognition of the supreme, omnipotent being who rules the universe.

In every age the enemies of religion have tried to destroy it, and in every instance the results have been the same—miserable failure, because the hearts and minds of men and women are inevitably permeated with religious faith and convictions that are not only profound but unshakable.

Heartless persecution and unspeakable cruelty of the kind recently practiced on Bishop Walsh and his confreres have stained the pages of history.

Every horrible method that could have been contrived by the minds of diabolical zealots has been employed to break the spirit and destroy the faith of believers, all to no avail, since these outrages against the dignity and independence of men, against the natural processes of the human mind and the human soul, merely serve to strengthen the beliefs and increase the fervor of those who look to heaven for deliverance.

In its brief existence, the Red Chinese Government has conducted itself in such a way in its domestic and international relations as to forfeit the respect and evoke the contempt of all civilized nations. This calloused unit of the world Communist apparatus has perpetuated outrage after outrage against the liberty-loving, God-fearing peoples of the earth. It has generated and conducted conscienceless warfare against others and has been responsible for the Korean war which was unprovoked and bloodthirsty and resulted in the slaughter of thousands and thousands of American boys and others fighting with them to prevent communistic aggression.

The Red Chinese Government has been responsible for mass murder and outrageous inhumanities against millions of its own people, as well as many citizens or subjects of other nations.

Bishop Walsh's case, pathetic and outrageous as it is, has ample precedent in the annals of Chinese communism. Here is a man whose high purpose it has been for almost 40 years to serve the spiritual needs and the aspirations for economic and material betterment of the oppressed Chinese people. He has always been true to his principles. Through the years he has endured greatest hardships to serve and help the people. His plight is one that deeply touches the people of the world and will be bitterly resented by all fairminded, just, and tolerant people regardless of race or creed.

Our own great Nation does not maintain diplomatic relations with the masters of deceit and iniquity who enslave the Chinese people, and this latest outrage against Bishop Walsh extinguishes the faint glimmer of hope that some people might have held out for diplomatic recognition of the Chinese Reds and their admission to the United Nations. Of course, such a nation is not fit or qualified to be recognized by this Nation, and it is glaringly ineligible and unqualified for association in the United Nations or with other decent peoples, or with any body dedicated to peace, law, order, and brotherhood in the world.

We are anxious to promote peace, to be sure, in every way we can, either through the framework of the United Nations or otherwise. But we certainly cannot identify or officially associate ourselves with barbarians who ruthlessly plunder, enslave, imprison, destroy, torture, and kill those who for any reason oppose their nefarious, Marxist purposes.

As soon as news of Bishop Walsh's outrageous treatment came to my notice, I promptly urged the State Department to protest strongly against his imprisonment and to do everything in its power to secure fair, humane treatment and his release from further incarceration.

I am sure that the distinguished and great American who presides over the State Department, our good friend, Hon. Christian A. Herter, will exert every influence at his command to see that justice is done in the case of the saintly and dedicated Bishop Walsh.

PROTECTION OF AMERICAN CITIZENS ABROAD

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the hands-off policy of the American Government regarding its nationals who are living or traveling abroad is a symptom of confusion and loss of moral courage.

There was a time when the United States moved swiftly to protect the legal rights of its citizens abroad when they were the victims of persecution. This inspired confidence in our own people and earned the respect of other nations.

All that has changed within a few years. The prestige of the United States has declined for several reasons, and among them is the fact—not lost upon the rest of the world—that our Government does not have the heart or the will to protect its own citizens abroad.

This encourages even puny dictators to insult and blackmail the United States by depriving our nationals of their legitimate rights under international law. Our Government, in its anxiety to avoid issues, clings to the barren and defensive policy of "wait till the dust settles." The dust of its nationals who are held as hostages in Red Russia and Red China. The "living dead" of Americans who have been forsaken by their own Government.

The United States knows of 450 members of our Armed Forces who were captured by the Chinese Reds, and it is engaged in polite, half-hearted but fruitless negotiations to effect their release, while the Chinese cat toys with the big but helpless American mouse.

On September 10, 1955, the Chinese Reds agreed at Geneva to release all detained Americans. But five American civilians—Richard Fecteau, John Downey, Robert McCann, Hugh Redmond, and Bishop James Walsh—are held in illegal confinement 4½ years after the promise was made to release them.

Last week, as a sign of their increasing contempt for all standards of civilized behavior, and in cynical disregard of their pledged word, the Chinese Reds trumped up charges against a man who has been in custody for years and sentenced him to life imprisonment.

He is a distinguished American citizen; Bishop James Edward Walsh, Roman Catholic prelate from Cumberland, Md. Sixty-eight years old and in frail health, Bishop Walsh has been accused, which is all that is necessary under the Red terror, of being a Vatican spy working with Cardinal Spellman of New York.

This claim is so fantastic that our first reaction is to laugh it away. But then we think of Bishop Walsh who is the victim of this monstrous injustice. And we sense the insolent and calculated mockery of the United States, and of a leading American clergyman, that has engineered this latest persecution.

Our Government dispatches a note of protest and that is all; confirming the fact that the United States has become a paper dragon, unable or unwilling to protect its own citizens.

Red China is an outlaw regime. It has failed to purge itself of contempt for the United Nations after the U.N. proved it to be the criminal aggressor in Korea.

It must be taught that its continuing and flagrant violations of human rights will further alienate it from the community of mankind. To negotiate with a despotic government that has no intention of honoring the spirit of negotiation is to dignify evil.

I therefore propose that the Congress shall pass a resolution, not only condemning Red China but establishing a definite time limit of 90 days within which it must release all Americans known to be held in captivity and must give a satisfactory explanation of those who were taken prisoner but are presently unaccounted for.

The resolution, expressing the will of Congress, shall urge the Government of the United States to take further action if, at the end of this 90-day period, the Government of Red China does not comply with this demand.

The United States shall then immediately break off negotiations with representatives of Red China at Panmunjom and at Warsaw and shall exclude Red China from any contact whatsoever with the United States until all Americans detained by the Chinese Communists are released.

The time has come for the United States to take a firm stand in order to effect the liberation of Bishop Walsh and his fellow Americans who look to us for the protection of their human rights and not wait till the dust settles in their graves.

NEED FOR AREA DEVELOPMENT BILL

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, this second and concluding session of the 86th Congress convened January 6 and until this time very little has been said and no action has been taken regarding S. 722, a bill providing for area redevelopment aid to the Nation's 138 labor surplus areas commonly described as being "pockets of chronic unemployment."

The Douglas-Payne bill, S. 722, which passed the Senate last spring by a vote of 49 to 46 and which was reported out of the House Banking and Currency Committee on May 13, 1959, is now bottled up in the House Rules Committee where it appears to be headed for a legislative death after lingering there since May 19, 1959.

While the Rules Committee refuses to act on area redevelopment legislation, nearly 4 million American citizens or 4.8 percent of the Nation's labor force are hopelessly unemployed. While it is true that the nearly 4 million unemployed are distributed throughout the Nation yet in the 138 labor surplus areas or pockets of chronic unemployment nearly 900,000 are without employment and living on public assistance and surplus commodities.

Among the 138 labor surplus areas, 31 of them are classified as major labor surplus areas, with 558,850 persons unemployed. Please keep in mind that these people residing in the 138 labor surplus areas have been unemployed for years; their unemployment compensation bene-

fits are exhausted; their age is against them; and the only thing they have to their name is the roof over their heads.

Speaking frankly, they should not be expected to migrate elsewhere for employment, as their problem should be solved at the local level. It is the people in these areas of chronic unemployment that area redevelopment legislation will benefit.

Time and time again the need for area redevelopment legislation has been explained to Congress as well as the great effort that labor surplus communities are making to rehabilitate their economy.

Committees of both Houses of Congress have held hearings in Washington and at strategic points throughout the Nation. As a result there are scores of area redevelopment bills pending in both branches of Congress, together with 18 volumes of printed hearings containing nearly 26,000 pages of testimony and costing the taxpayers of the country over $150,000.

Mr. Speaker, it would not surprise me if Congress, since 1955 when the legislation was first introduced, has spent over a half million dollars on hearings, travel, printing, and so forth. The only thing we have to show for this expenditure of funds is the bill, S. 722, now bottled up in the House Rules Committee.

Mr. Speaker, since the Senate has already spoken by approving the area redevelopment bill, S. 722, it is squarely up to this House to take action on the legislation. As already mentioned, S. 722 is tied up in the House Rules Committee where the membership is composed of eight Democrats and four Republicans. In view of the fact that the House of Representatives is controlled by the Democrats by nearly a 2-to-1 majority, the responsibility for getting action on area redevelopment legislation rests solely on the shoulders of the Democrat Party.

Those of us who want immediate action on area redevelopment legislation are not unmindful of the fact that the Senate bill S. 722 is not getting much support from the Eisenhower administration because of the difference in cost between it and the administration bill.

Therefore, since it has been frequently urged during the past 6 years that there is a definite need to compromise conflicting views regarding area redevelopment legislation, those of us in favor of such action repeat again it is the only means of ever obtaining favorable consideration of the legislation at this session of Congress.

Mr. Speaker, our best hope is to have the House approve a bill and then try to reach a compromise through a Senate-House conference committee, as it is only through acceptance of a compromise that hope lies for enactment of an area redevelopment bill.

Time is running out on the 86th Congress, with adjournment predicted early in July or less than 4 months away.

Since we have legislated for practically every segment of the American economy and for varied groups, including foreign nations friendly to this country, in my mind we owe prompt and proper consideration of the plight of the 900,000 hopelessly unemployed who reside in 138 labor-surplus areas which have been suffering from chronic unemployment for several years.

Therefore, it is my sincere hope that the House of Representatives will accept its responsibility for the fate of area redevelopment legislation by prevailing upon the Democrat-controlled House Rules Committee to take immediate action on S. 722, which passed the Senate a year ago.

Such action would pave the way for an early vote on a vital legislative measure concerning the health and welfare of nearly 1 million unemployed Americans.

THE INCREASING FARMER-TO-CONSUMER FOOD PRICE SPREAD SHOULD BE INVESTIGATED

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. TELLER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TELLER. Mr. Speaker, I rise to renew my plea in support of my proposed resolution—House Joint Resolution 451—to authorize a thoroughgoing investigation of the ever-widening spread between what the farmer gets for his product and what the city housewife has to pay when she does her food shopping.

Ample justification for such an investigation may be found in the startling fact that retail food prices have increased 20 percent in the last 10 years, yet prices received by farmers for their crops and livestock decreased by 8 percent in the same period. We are the best fed of all nations, but our farm people receive less than half the income for their labors as do people who work in our cities.

The need for such an investigation has been intensified by our concern over the persistence of creeping inflation. I realize, of course, that the dangers of inflation come from a number of sources, among them our massive defense expenditures, the lack of judgment by Government officials in the expansion or contraction of credit controls, and the failure to adopt an efficient Federal policy for combating recessions. We are, nevertheless, faced with a persistent rise in consumers' food costs which requires the scrutiny of Congress and possible corrective legislation.

I feel confident that such an investigation will yield facts from which we can begin a program for reducing the huge subsidies our Nation has been paying to farmers. The reduction and elimination of these subsidies will, of course, require a many-faceted approach to the overall farmers' problem. It will be necessary, for example, to encourage more rapid economic growth in severely depressed rural as well as urban areas. But the food price spread is an important aspect of the problem, one which vitally affects every city household.

This problem of increasing spread is especially acute with respect to a number of specific products. In 1958 the farmer received 2.4 cents for the wheat in a 19.3 cents loaf of bread. Other ingredients cost 0.6 cent at the farm and the balance—16.3 cents went to processors and marketing agencies. Ten years earlier in 1947–49 the farm value of the wheat in a loaf of bread was 2.7 cents, other ingredients 0.6 cent and the loaf retailed for 13.5 cents—12.2 cents went to the processors and other middlemen. During this 10-year period the marketing spread on a loaf of bread increased by one-third.

The behavior of bread prices is typical of the behavior of the prices of all cereal products. The retail prices of all cereals and bakery products increased 33 percent from 1947–49 to 1958, even though the price of wheat at the farm declined 16 percent during those years. Since 1952, or in the past 6 years which are free from the immediate postwar adjustment problems and the price disturbances associated with the Korean war, the retail prices for cereals and bakery products increased 16 percent even though the price of wheat at the farm was falling 18 percent.

In 1958 the farmer received 10.7 cents for a quart of milk which sold at retail for 24.5 cents. Ten years earlier the farmer received 10.6 cents for a quart which retailed for 20.1 cents. The spread on a quart of milk has increased 45 percent in the past 10 years.

In the past 10 years—from 1947–49 to 1958—prices received by farmers for milk and butterfat dropped 8 percent. Yet the retail prices of dairy products as reported by the Bureau of Labor Statistics increased 14 percent. Since 1952 prices received by farmers for milk and butterfat have dropped 18 percent while retail prices for dairy products increased 1 percent.

In the 10 years since 1947–49, many changes have occurred in food purchases of the average city family. Today the average city family buys fewer low cost potatoes and fewer cereal products than 10 years ago. On the other hand meat and poultry consumption per capita has gone up 8.5 percent.

In spite of this substantial upgrading of the foods purchased, farmers in 1958 received eight fewer dollars from each city family's food purchases than in 1947–49. In contrast, marketing and processing charges in 1958 were $253 higher on the average city family's purchases than in 1947–49.

With retail food prices up 5 percent in 1958 over 1957, and up 20 percent in the last 10 years, it is not surprising that I am receiving many complaints about the high cost of food in my district.

Most families do not realize, however, that out of the approximately $260 increase in their food costs in 1958 as compared with 1947–49, farmers actually received eight fewer dollars. Payments for imported foods such as bananas and coffee increased $15 per family, payments to farmers declined $8, and payments to the middlemen and processors increased $253—almost equal to the full $260 increase.

Mr. Speaker, we cannot remain inactive or satisfied in the face of the fact that more than half of our city families would like to buy more food if they can afford it. Nor ought we to be indifferent that surpluses have accumulated in American storehouses partly because farmers cannot find a market for all the food they are producing.

Accordingly, I again urge the Congress to consider my proposed resolution to investigate the ever-increasing spread between what the farmer gets for his product and what the city housewife has to pay for it.

AFRICAN STUDIES SECTION ESTABLISHED BY LIBRARY OF CONGRESS

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. BOLTON. Mr. Speaker, as a member of the Subcommittee on Africa of the Committee on Foreign Affairs, I want to advise the Members that the Library of Congress has announced the establishment of an African studies section. Designed to provide bibliographical information and other specialized reference services on African subjects, this new section is certain to become an invaluable aid to Members of Congress and research scholars. During the first year of the program, the Library plans to staff the section with three specialists and supplement its already extensive collections with acquisition trips through Africa. Currently some 12,000 African items are acquired annually by the Library, through purchase orders with commercial booksellers abroad, and thousands of additional items are obtained in exchange with governmental, scientific, and learned institutions in Africa.

Creation of the new Africana unit was first recommended in 1958 by the African Studies Association, an organization composed of American social scientists and scholars formed to encourage and support research on Africa. Its realization became possible last December when the Carnegie Corp. of New York awarded a grant of $200,000 to the Library to set up and operate the section for 5 years.

Mr. Speaker, I should like to commend the African Studies Association, the Carnegie Corp., and the Library of Congress for making this African section possible, and to express my hope that it will be widely used in adding to our knowledge of the African Continent.

RESPONSIBILITY FOR FIXING OCEAN FREIGHT RATES ON MAIL

Mr. BONNER. Mr. Speaker, today I have introduced a bill that will vest in the Federal Maritime Board the responsibility of fixing ocean freight rates on mail.

This bill would relieve the Postmaster General of the responsibility of unilaterally determining a fair and reasonable rate for the maritime transportation of the international mails of the United States. The Postmaster General is now placed in the difficult position of sitting as judge in his own cause, and would vest this jurisdiction in an independent third party in the Federal Maritime Board. This is now the common practice with regard to practically all U.S. mail transportation. The Interstate Commerce Commission determines the compensation of the railroads for transporting mail; the Civil Aeronautics Board makes a like determination for the airlines. It is only commonsense and fairplay to both the Post Office Department which performs such a great service for our people and the maritime industry which is so vital to our national defense to enact this bill.

CONTROLLED VERSUS UNCONTROLLED IMMIGRATION

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. WALTER] is recognized for 15 minutes.

Mr. WALTER. Mr. Speaker, the publication the Steuben News contains in its March 1960 issue a most interesting dissertation on the problem of immigration by one of our most prominent experts in that field, Mr. Albert E. Reitzel, who was for many years, until 1955, Assistant General Counsel of the U.S. Immigration and Naturalization Service.

In 1959 Mr. Reitzel served as the very able chairman of the committee of nationality and immigration of the American Bar Association's section of international and comparative law.

Mr. Reitzel's article is as follows:

Three main bills were introduced in Congress in 1959 and are still pending there, proposing far-reaching changes in our immigration law.

Each bill, if enacted into law, would open wide the door for many more tens of thousands of new alien immigrants every year to come to the United States for permanent residence, and would make many other extensive relaxations in the present immigration law. The bills would increase the problem of national security and lessen employment for our own workers.

REASON FOR IMMIGRATION LAWS

Every country finds it necessary to have immigration laws intended to control the bringing, admission, and stay of people from other countries. They are protective laws. But for their requirements and restrictions, present-day means for travel could congest any port in any country any day with people from other countries.

And the congestion could bring on many disturbing problems, such as unemployment and relief burdens. Such laws are increasing in importance because the ever-improving means for speed and comfort in travel are inducing more and more people to travel from country to country. In some countries the tourist trade from other countries is the most growing business. Ease of travel is also boosting progress all over the world by encouraging and aiding persons of special skill and energy to learn about and find better places in which to make use of these qualities. The benefits to themselves and to the places in which they settle are beyond measure.

On the other hand, many people who would like to come to a country for permanent residence have no special qualifications of benefit to any country, and could be a burden. Also, among travelers and would-be immigrants, some may well be persons trying to sneak in—such as spies, Communist agents, smugglers, criminals, and other misfits. So every country, for its own welfare and security, has laws that deny admission to some unneeded classes of people of other countries. The laws, to prevent evasion, must impose, even on people claiming to be coming to the country for only temporary stays, some requirements intended to insure that, if admitted, they will not remain there permanently.

ENFORCEMENT IS VAST OPERATION

The enforcement of the immigration laws of a country is often a vast operation. Most people who make trips away from their home country go as tourists, visitors for business, or as crewmen of ships or aircraft. Even they, generally, are not admitted to another country until they prove at least their name and nationality by passport from their home country or otherwise; and they must satisfy the officer of the country in which they apply to land that their stay there is to be only temporary.

People coming as immigrants to take up permanent residence in a country not their own are not admitted until they likewise prove their name and nationality and meet additional legal requirements and restrictions. Then, if any persons in a country are found to be aliens and there beyond the period for which admitted, or if they have been smuggled in, or are there in violation otherwise of its law, it is generally possible to return them to their home country, in many cases at the expense of the transportation line that brought them.

THE PRESENT LAW

The present immigration law of the United States is the Immigration and Nationality Act of 1952. The act was the result of nearly three generations of experience and nearly 5 years of intensive study in Congress. It was enacted by Congress over the veto of President Truman by a vote of 57 to 26 in the Senate and 278 to 113 in the House of Representatives. It now includes a few minor amendments and is still known as the McCarran-Walter Act.

The act continues to be attacked and defended. Several years ago, the Committee of the U.S. House of Representatives on Un-American Activities disclosed that the Communist Party had created over 180 organizations to exert pressure on Members of Congress to destroy the McCarran-Walter Act. The Communist Party, a law of Congress of 1954 declares, is an active part "of a conspiracy to overthrow the Government of the United States." The pressure of these organizations has aroused patriotic groups such as the American Coalition of Patriotic Societies, the American Legion, the Veterans of Foreign Wars, the Daughters of the American Revolution, and the Sons of the American Revolution to go into action ever since 1957 against bills that would break down that act.

The many ways by which these bills would enlarge the number of immigrants—aliens applying for permanent residence—that may be admitted in each fiscal year under the McCarran-Walter Act and would make other extensive relaxations in it, cannot well be understood without a sketch of its pertinent parts. It is a complex but interesting law, for it deals directly with people on the move all over the world to better their lot in life.

PERTINENT PARTS OF 1952 ACT

The act adopts a formula similar to that required by law ever since 1929 to govern the computation of the number of certain alien immigrants that may be admitted in

any year into the United States. The formula is based on what is generally known as the principle of national origin. It deals with immigrants by the foreign area in which they were born. The area is known as a quota area, a term generally equivalent to the geographical notion of a foreign independent country, a self-governing dominion, etc., outside of this hemisphere. When the principle was adopted, the thought was that about 150,000 was the total of immigrants that could be admitted each year under the quotas, consistent with our capacity to absorb them into our citizenship and with our duty to protect American workers from floods of foreign labor.

For that total, the act declares that the annual quota of immigrants from a quota area shall be one-sixth of 1 percent of the number of inhabitants in the continental United States in 1920 attributable by national origin to that area not counting descendants of alien immigrants from any part of this hemisphere or of people who could not be citizens of our country in its early years.

THE QUOTA SYSTEM

The 1920 census was designated because it was the last one before the inception of that system of quotas. The act allows immigrant natives of a foreign colony or dependency, for which no separate quota is specified or established, to be admitted up to 100 and charged to the quota of the governing country. The quotas are based on the "principle of national origin" for two other purposes, also in fairness to our own people. One is to restrict the admission of new alien immigrants to substantially the same strains of people as the original main strains of our population in 1920. The other is to keep the main strains of new immigrants in about the same proportion to each other as were the then original main strains of our people, generally, as some quotas might not be filled every year. The quotas, and any changes in them, as jointly determined by the Secretaries of State and Commerce and by the Attorney General, must be made public by proclamation of the President.

Strictly speaking, a quota is the number of immigration visas that our Foreign Service officers abroad are authorized to issue to would-be immigrants subject to the quota. An immigration visa is a requirement for admission of such an immigrant to the United States, and would-be immigrants must meet other requirements of the act, such as those relating to mental and physical health and to lack of serious criminal or Communist record.

Immigrants are subject to the quota for the area in which they were born with a few minor exceptions. For instance, the act allots a quota of 105 for immigrants of as much as one-half Chinese race regardless of what foreign country they are natives of, and a quota of 100 for immigrants born in the area of China but not of the Chinese race. Also, the act requires that immigrants of as much as one-half of the stock of people of what the act calls the "Asia Pacific Triangle" be subject to the quotas for areas in that triangle, regardless of what foreign country they are natives. Roughly, the "triangle" embraces all Asiatic countries from India to Japan and all Pacific islands north of Australia and New Zealand.

No quota can be less than 100, except quotas for areas of the "Asia Pacific Triangle." A quota of 100 is allotted by the act to each area of the 20 areas of the "triangle," but if the quota areas there come to exceed 20, the quotas are required to be reduced proportionately so as not to total more than 2,000 a year.

SPECIAL PROVISIONS

Under the complex system of preferences prescribed by the act, preference up to 50 percent, roughly speaking, of each annual quota is available to immigrants urgently needed here because of high education, technical training, or exceptional ability. The other preferences roughly are for parents of U.S. citizens if the citizens are at least 21 years of age and for the spouse and minor children of aliens lawfully admitted here for permanent residence; also, brothers, sisters, married sons or married daughters of citizens of the United States, and the spouses and children of such immigrants.

The total of the annual quotas has been determined to be 154,657. The 5 largest quotas are Great Britain, including Northern Ireland: 65,361; Germany: 25,814; Irish Free State: 13,756; Poland: 6,488; and Italy: 5,645.

Each year a little less than half of the quota for Great Britain and Northern Ireland and a little less than one-third of the quota for the Irish Free State are used. All other quotas are filled each year. No more than 10 percent of any quota may be used in any month, but any unused part of a quota is not subject to this limitation during the last 2 months of the year. Any unused part of any quota for any year expires with that year.

Several classes of immigrants are exempted by the act from the quotas. The number admitted each year is greater by many times than the number of quota immigrants. Only three classes of such nonquota immigrants are large enough for mention here. One of the three large classes includes aliens returning from a temporary visit abroad after having been admitted to the United States for permanent residence.

Another large class includes any alien born in Canada, Mexico, Cuba, Haiti, Dominican Republic, the Canal Zone or any independent country of Central or South America and the spouses and unmarried children under 21 years of age of such alien. But such natives, if Chinese persons, are subject to the quota for Chinese, and if of a stock traceable to stock of what the law calls the "Asia-Pacific Triangle," they are subject to the quotas for areas in that triangle.

The third large class of nonquota immigrants includes any alien who is the spouse or unmarried child under 21 years of age of a citizen of the United States.

All aliens applying for admission, not as immigrants, are required by the act to prove that they are nonimmigrants. They are not subject to the quotas and are admissible for only temporary stays. Most nonimmigrants come as tourists, visitors, crewmen, students, or as diplomatic or United Nations officials and their families and employees.

A big task of the U.S. Immigration Service, to prevent evasion of the requirements as to immigrants, is to take care that nonimmigrants if admitted remain here no longer than for a temporary stay, except in very exceptional appealing cases prescribed by that act.

After a discussion of the three Senate bills (S. 1919, by Senator JAVITS; S. 1996, by Senator KENNEDY; and S. 2178, by Senator DIRKSEN), Mr. Reitzel continues as follows:

THE WALTER RESOLUTION: A SUFFICIENT PROPOSAL

The three main bills contain no plans so practical and controllable with respect to refugee escapees as the pending House Joint Resolution 397 introduced in Congress on May 12, 1959, by Representative WALTER, of Pennsylvania, Chairman of the House Subcommittee on Immigration. It adopts the well-tested definition of refugee escapee in the Refugee Act of September 1957, as meaning "any alien who because of persecution or fear of persecution on account of race, religion, or political opinion has fled or shall flee (a) from any Communist, Communist-dominated, or Communist-occupied area, or (b) from any country within the general area of the Middle East, and who cannot return to such area, or to such country, on account of race, religion, or political opinion;" and the term "general area of the Middle East" as meaning "the area between and including (1) Libya on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudi Arabia, and Ethiopia on the south."

The resolution contains no numerical limitations or specific termination date, and it is not cluttered up with various proposed amendments not related to refugees and for which there is no general demand or heart appeal.

This Walter resolution would authorize the Attorney General to parole into the United States temporarily any such refugee who applies for the parole "while physically present within the limits of any country which is not Communist, Communist dominated," or Communist "occupied" and is "not a national of the area in which the application is made," and also "is within the mandate of the United Nations High Commissioner for Refugees."

FACTS TO BE PUBLICIZED

The resolution would require that on or before January 15 and June 15, of each year the Attorney General submit to Congress a full statement of facts as to each paroled refugee. Further, that if within 90 days thereafter either the Senate or the House passes a resolution in favor of discontinuance of the paroling, the Attorney General shall do so within 60 days thereafter.

That language of the resolution is strikingly different from that of the bills in that it makes clear that Congress would reserve control to terminate the authority to admit refugees, for any such terminating resolution would not require the approval or be subject to veto of any President, whereas a law passed by Congress without such reservation of authority to terminate it or a terminal date could not be terminated except by act of Congress, approved by a President or passed over his veto.

THE PAROLEE PROBLEM

The resolution also would require the paroled refugee, who has been in the United States for at least 2 years and has not been admitted for permanent residence here, to return to the custody of the U.S. Immigration Service. Then the parolee must submit to the procedure and requirements of the Immigration Act the same as other aliens applying for admission for permanent residence here except as to documents such as a passport or immigration visa. Any parolee who meets these requirements must be recorded as lawfully admitted here for permanent residence, otherwise the parolee is to remain a parolee, subject to deportation, if and when possible.

The resolution would be a long-range authority which, if wisely used, would aid in the solution of the world refugee problem by cooperation with the United Nations High Commissioner for Refugees and by negotiation with other nations to obtain a fair distribution of the refugees among the various countries.

The supervision and control retained by Congress in the resolution could prevent overburdening of our country and undermining of our basic national origin policy.

The resolution, apparently, has many adherents in Congress, and no doubt would be approved by the President. It fits in with his proclamation issued in May 1959, designating the year beginning July 1, 1959, as the Refugee Year in this country. It pledges the support of our Government and asks all citizens to aid the privately organized U.S. Committee for Refugees and the many voluntary agencies active in the refugee field.

The proclamation was issued after a resolution, submitted by the United Kingdom

and sponsored by the United States and seven other countries, was adopted by the General Assembly of the United Nations in 1958 had created the World Refugee Year. It encourages each member to cooperate in whatever way deemed most suitable to help solve the refugee problem. The only "no" votes were cast by the Communist-bloc nations.

The primary targets for 1959 and 1960 of the United Nations High Commissioner for Refugees are to help the 9,000 refugees of European origin in China find new lands, and to settle all the tens of thousands of refugees who have been living in camps in Europe for 10 years or more.

THE REFUGEE PROBLEM

Since 1945 our Government has spent well over a billion dollars on various aid programs for refugees, and has taken in more than three-quarters of a million of men, women, and children under special refugee programs. In addition, tens of thousands of refugees were among the immigrants admitted in regular course to our country since 1945. Other countries, also, have aided in such programs and accepted tens of thousands of refugees as immigrants.

The problem of refugees still remain with us as a terrifying result of war, the crushing tyranny of some countries over the minds and bodies of human beings, and the modern means of travel that facilitate overland escape from areas of war and oppression. So vast is the number that the count no longer includes the 12 million East Germans and Sudeten Germans, etc., who have fled to Free Germany and those still arriving at the incredible rate of 2,000 a week, as all of them have full rights and privileges of German citizenship, and are economically integrated shortly after their arrival. Also, the count does not include the 15 million refugees in Pakistan and India, as they are citizens of the countries in which they reside. According to the most reliable estimates, there are presently about 2,350,000 unassimilated refugees.

Of these nearly 1 million are Arab refugees from Israel, and a million Chinese refugees from Red China who are in the British possession of Hong Kong. There are 210,000 Algerian refugees, and 100,000 escapees from behind the Iron Curtain still in Europe, many yet in camps after nearly 20 years. European refugees still in Communist China number 9,000; Tibetan refugees in India more than 10,000; refugees from the Middle East about 5,000. On all of the refugees the sun never sets.

Many tens of thousands of them are in hovels and camps, where comfort and hope are scarce, where the faces of the grown are withered and children never smile.

TARIFF COMMISSION FINDING IN GLOVE RELIEF CASE FLIES IN THE FACE OF THE FACTS AND SHOWS THE FAILURE OF PRESENT ESCAPE-CLAUSE PROCEDURES

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 30 minutes.

Mr. STRATTON. Mr. Speaker, on Monday the U.S. Tariff Commission handed down a decision denying any relief under the escape-clause provision of the Trade Agreements Act for the domestic glove industry in Fulton County, N.Y., which is a part of the 32d Congressional District of that State which I have the honor to represent.

Mr. Speaker, this decision discloses an extremely serious and shocking situation. It makes perfectly clear that existing escape-clause procedures in the present law, as they are presently interpreted and carried out by the Tariff Commission, are totally and completely inadequate to protect the interests of American industries and American working men and women against the threat of unfair foreign competition. Congress must not only be made aware of this; we must act to correct the situation.

The glove industry has long been a classic example of the unfortunate effects of cheap imports from abroad on domestic production. In the years since the end of World War II imports of foreign gloves, selling substantially below the American production because of the vast differential in wages and standards of living abroad, have been coming into this country in greatly increasing numbers. The percentage of the total glove market taken over by foreign imports has increased on the order of three, four, five, and even six times, in some cases; and as a result of this change firm after firm in the glovemaking business in Fulton County, N.Y., has gone out of business and countless trained glove workers and families have gone onto the relief and unemployment rolls. The seriousness of this situation is attested to by the fact that Gloversville has been listed for some time as the most seriously chronic unemployment area in the whole State of New York, a State which has been suffering serious unemployment in many of its areas for many years.

Now, under the provisions of the escape clause, the Tariff Commission is required to recommend to the President appropriate relief for industries which are being injured or toward which serious injury threatens as a result of sharply increased foreign imports. The law also provides that in determining whether such injury is taking place it shall take into consideration, and I quote paragraph (b) of section 1364 of title 19 of the United States Code, "a downward trend of production, employment, prices, profits, or wages in the domestic industry concerned." Now, it would be hard, in my judgment, Mr. Speaker, to find any industry which has suffered more from "a downward trend in employment or production" as a result of foreign imports, than the glove industry. And surely if the escape clause cannot be applied to the glove industry, then it has in fact failed to accomplish the precise purpose which Congress intended it should have in protecting domestic American industries.

And yet, Mr. Speaker, the Tariff Commission did deny all relief to the glove industry in its decision handed down in Escape Clause Investigation No. 7-82. Amazing as it seems, the Commission held that it saw no injury or threat of serious injury to the industry as a result of such foreign imports and accordingly they took no action at all to protect unemployed American workers.

Mr. Speaker, I violently protest these findings of the Commission. They are manifestly not supported by the testimony before the Commission or even the conclusions listed in their own report. Why, according to their own figures foreign glove imports have increased within the past 5-year period by a factor of 100 percent. At the present time the market for imported gloves of all types is 86 percent of domestic production. And it is 169 percent of the market for domestic quality or so-called table-cut gloves. Yet in spite of these increases the Commission says there has been no injury to domestic industry. And it does this by the device of finding that the industry has sustained a profit of some 2 percent over the past few years—mind you, some 2 percent. My goodness, this is surely an impressive figure. And the Commission, in expressing even this figure, has totally ignored the fact that, as its own conclusions demonstrate, much of this meager profit has resulted from other operations on the part of these manufacturers, including imports, in which these manufacturers have had to engage just to survive. What about all the losses sustained by manufacturers who, as the evidence shows, have folded up in the past few years? Well, those were not even figured in. Yet how can you get a fair picture without taking in the losses as well as the profits?

Moreover, completely ignoring the provisions of paragraph (b) of section 1364 of title 19 of the United States Code, the so-called escape clause provision, the Commission has also wholly failed to examine the employment situation in the industry and has ignored the extensive testimony on this point. All it has said is that—

> It may be assumed that the number of production and related workers employed in the manufacture of women's and children's leather gloves has followed the trend of domestic production shown in table 2.

Well, Mr. Speaker, table 2 notes that production of all women's gloves remained relatively constant from 1954 to 1959. But this table also makes it perfectly clear that production of the so-called table-cut or quality gloves declined by 50 percent in just 10 years, from 259,000 dozen pairs in 1950 to 137,000 dozens of pairs in 1958. And these, Mr. Speaker, are the gloves which involve the greatest amounts of skilled labor. Now why has this simple fact been ignored? What more would the Commission need to support a finding of substantial unemployment in the glove industry than this tremendous drop in quality glove production?

Mr. Speaker, the fact is that the Tariff Commission has failed to give adequate consideration to those very facts which under the law it is required to consider.

In fact, I believe the evidence indicates that the Commission's decision was not made on the basis of the evidence presented at all but was made on the basis of other considerations. Why, Mr. Speaker, when I testified in person at this hearing, and sat personally through a substantial part of the proceedings, it was my impression that the minds of a majority of the Commissioners had already been disposed against the glove industry. Members of the Commission openly expressed their disapproval with the representation which the glove industry made and with the industry's responses to its detailed questionnaires. I do not know whether such attitudes are

justified or not, Mr. Speaker, but they were in the minds of the Commission and if they were, the Commission, I believe has an obligation to discuss openly and candidly the extent to which such factors bear on the final decision.

I have today demanded, Mr. Speaker, that the Commission give me a full report on all these matters. I also believe that this case has made it very clear that there is an urgent need to establish some authority above and beyond the members of the Commission themselves to whom interested parties can appeal when, as is the case here, the evidence simply does not support the decision. Mr. Speaker, I believe that industries and interested parties who fail to get what they think is a fair shake from the Tariff Commission should be given the right to appear to a proper court. I am preparing legislation to that effect.

Mr. Speaker, American industry is faced with a serious threat of survival. I believe that it is time that this matter was faced up to by the Members of this Congress so that the jobs of our citizens and the domestic business of our people can be fully and adequately protected. Based on the facts as they have developed in this case, it may well be in order for Congress to undertake a full investigation of the operations of this Tariff Commission to determine why, in fact, the clear intent of Congress is not being followed.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from West Virginia, who has been a real leader in the field of opposition to foreign imports.

Mr. BAILEY. I want to join the gentleman from New York in filing a bitter protest against the action of the United States Tariff Commission in the case of gloves. I would like to ask the gentleman from New York whether the imports that are giving trouble to the industries in your district are coming from Japan or from Europe.

Mr. STRATTON. I will say to the gentleman from West Virginia that in this particular case, which deals with women's and children's leather gloves, the imports are coming from Europe: France, Italy, and Germany. We also, of course, are facing in the knit glove industry almost complete extinction as the result of a heavy flood of imports coming in from Japan, as the gentleman has indicated.

Mr. BAILEY. I would like to ask the gentleman if he thinks that H.R. 5, commonly referred to as the Boggs bill, would not be an encouragement for the industries in your district to set up plants in Europe where they could take advantage of low wages.

Mr. STRATTON. The gentleman is absolutely correct; in fact, he has understated the case. Already American manufacturers, as I am sure the gentleman is well aware, have been moving their operations from my district and many other districts in this country to Europe, and the effect of this bill certainly would be to encourage that. In fact, the American taxpayers would be picking up the tab, if I understand the bill correctly, to make it possible for jobs to be taken away from American working men and women, and certainly I am opposed to that legislation.

Mr. BAILEY. I thank the gentleman.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I will be very happy to yield.

Mr. BOW. I am delighted the gentleman has brought to the attention of the House another instance of where imports of foreign-made goods are doing violence to industry in this country and undoubtedly causing the loss of many jobs to American workingmen. The gentleman will perhaps recall that a few days ago I called the attention of the House to the fact that German steel was being used to build a bridge in Panama. We appropriated $10 million in funds to Panama to build a bridge as a gift to Panama. That steel has been purchased from West Germany. The contract was let for over $7 million. The bid price was only $22,000 less than if it had been American steel. Now, in figuring the $22,000, that did not take into consideration the income tax that would have been paid by the corporation; the income tax that would have been paid by the steelworkers and the transportation tax on the shipment to Panama. So actually the Treasury of the United States has lost considerable in income and the steelworkers are being deprived of their jobs.

Now, if the gentleman will yield 1 minute further, also on the question of the Panama Canal, there are contracts being let at the present time by the Department of the Army. In Plymouth, Ohio, which is not in my district, there is a concern that has been making what they call mules, a mechanical engine that takes the ships through the locks. They are well known for this sort of business. They are the best in the country. There are now contracts being let for mechanical mules on the Panama Canal, but it looks now as though that contract is going to go to Japan rather than to American producers. These mules are used in carrying commerce on the Panama Canal. I think the gentleman should be congratulated for bringing this further matter to the attention of the House and to the American people, and I think it is incumbent upon all of us who are interested in keeping American labor at work and to maintain the free enterprise system of our country, to call these things to the attention of the Congress. I appreciate the gentleman's yielding to me.

Mr. STRATTON. I appreciate the contribution of the gentleman from Ohio. I know that it will be most helpful. I am not familiar in detail with the case to which the gentleman alludes, but as I understand the remarks of the gentleman from Ohio, the funds used to purchase this steel were supplied by the United States; is that correct?

Mr. BOW. That is correct. They were supplied by the United States and, you might say, a great deal of it came from the pockets of the steelworkers of this country who have been paying their income taxes. That money is now going over to Germany. Yes; we appropriate the money in this House through the Commerce Subcommittee, in order to build this bridge. Then we take this money, which comes from the American workingman, and buy the steel abroad.

Mr. STRATTON. I think that is certainly a serious situation. I feel, myself, that we ought to have some sort of an arrangement in the future that funds used in that connection be subject at least to the same provisions of the Buy-American Statute as are applied to funds expended by Federal agencies in this country.

THE ARAB LEAGUE—AN INSTRUMENT OF PEACE?

Mr. MEYER. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. ADDONIZIO] may extend his remarks at this point in the record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. ADDONIZIO. Mr. Speaker, the current issue of the magazine Prevent World War III—No. 55, winter-spring 1960—published by the Society for the Prevention of World War III, Inc., contains a most interesting article entitled "The Arab League—An Instrument of Peace?" This article analyzes the history of the Arab League and its role in maintaining tensions in the Middle East. I believe this article would help to enlighten American public opinion with respect to Middle Eastern affairs, and I am accordingly inserting a condensed version in the RECORD below:

THE ARAB LEAGUE—AN INSTRUMENT OF PEACE?

In the world of politics, the use of catch phrases has a variety of functions. They may be employed to register a genuine achievement. Conversely, they can serve the ends of deception by proclaiming the attainment of an objective so as to conceal abysmal failure. The slogan of "Arab unity" would seem to fall into the latter category. It is forever on the lips of Arab politicians and propagandists. Indeed, it is repeated so frequently that even reputed experts on the Middle East accept this glittering phrase as though it were based on solid fact.

However, when one digs beneath the slogan of "Arab unity," one finds more substance to the charge that it helps to cover up profound and irreconcilable contradictions among the Arab States. A case in point is the Arab League, one of the few institutional setups which is supposed to belong to all of the Arabs. The Arab League, consisting of the United Arab Republic, Jordan, Lebanon, Libya, Morroco, Saudi Arabia, Yemen, Iraq, and Tunisia, is regarded as the Arab's prize exhibit of "Arab unity at work." How true is this allegation?

THE LEAGUE AT CASABLANCA

A few months ago the Arab League met at Casablanca. Press reports quoted the Arab foreign ministers meeting there, that the conference "boosted Arab solidarity from the Persian Gulf to the Atlantic" (Christian Science Monitor, Sept. 9, 1959). Another report (New York Times, Sept. 6, 1959) termed the meeting "a new birth of unanimity." However, when one examines the work accomplished at this much ballyhooed conference, one finds that for all practical purposes it boiled down to the same old broken record, i.e., a pox on Israel. The Christian Science Monitor once noted editorially: "The best thing that the Arab

League can say for itself is that it survives" (Sept. 10, 1959). The next best thing that can be said, is that the League's survival stems from its role as a breeder of hate and violence in the Middle East.

The whole world knows that unanimity vis-a-vis Israel is as simple as pie, and it is almost laughable that the foreign ministers from various Arab States had to travel all the way to Casablanca to reaffirm this rather dreary theme. In a very real sense, the fact that this was just about all that was "accomplished" gives negative proof of the deep-seated antagonism which beset relations among the Arab States. Indeed, before the League was able to convene the conference, the proposal to create a Palestinian Arab government (inspired by the Egyptians) was abruptly dropped. Knowing that Egypt's proposition would be at the expense of the Jordanian state, King Hussein's officials threatened to boycott the meeting unless the idea was discarded. It is also known that Jordan was willing to sit down with Egypt at the League meeting only after President Nasser informed the King through the League's secretary that he was not opposed to Jordan's claims to the throne of Iraq. In return, Hussein is reported to have pledged his support, should Nasser choose conflict with Israel. As one commentator described it, the Arab League Conference in Casablanca petered out in the words of T. S. Eliot "not with a bang but with a whimper." The whimper is a pretty accurate description of the League's "accomplishments" since the day it was founded in March 1945.

LEAGUE'S BACKGROUND

What were the compelling factors influencing the establishment of the League? Perhaps the most important outside factor was British policy in the Middle East. During the war, Great Britain was very much concerned over the spreading Axis penetration into that area. This development created considerable difficulties for the allied states, both in Iraq and in Egypt. Apparently, the British felt that one way to counteract this danger, was to take the leadership in promoting the idea of Arab union. Thus, as Walter Z. Laqueur writes in his book, "The Soviet Union and the Middle East," the British believed that the League "would promote their interest in the Middle East." Furthermore, Mr. Laqueur points out that the British were also concerned with the French and Soviet influences in that strategic area. Consequently, the British Government encouraged the formation of the League and succeeded in pushing Egyptian leadership to the fore.

RIVALRIES

At first glance, the choice of Egypt is surprising. The history of Egypt's relations with other Arab States does not show an intimacy of purpose and action. Mr. Tom Little in his book "Egypt" observes that that country "being by temperament insular, was not pro-Arab, but history and Islam has made it Pan-Arab." The fact that Egypt had remained more or less aloof in her relations with other Arab States and yet showed a marked inclination to lead the Arab world, induced the British to involve her as a counterbalance to the Hashemite dynasty which ruled in Iraq and Jordan. This was particularly necessary in view of the fact that the Hashemites regarded the rest of the fertile crescent, i.e., Syria, Lebanon, and Palestine, as part of their natural domain. Therefore, the League, as the British saw it, was their means of preventing other countries from gaining influence while, at the same time, it was supposed to block any of the Arab governments from dominating the whole area.

The internal factors which brought the League into being were the historical and cultural experiences shared by all of the Arab States. The dream of a united Arab empire was intermixed with the goals of a Pan-Islamic movement which also received powerful support in the Arab States. Furthermore, the League was looked upon as a potential vehicle that could be used against the West.

Yet, these very forces which seemed to make for unity, were burdened by contradictions. Thus, the idea of a united Arab empire is not exactly in harmony with Pan-Islam. Furthermore, the concept of a united Arab empire flies into the face of Arab nationalistic forces. Consequently, despite common bonds of language and religion, the Arab States have different historical developments, different traditions and memories, different physical environments, and different economic needs. It is clear then, that the very premises upon which the League was founded, was rent with contradictions from the very beginning. Egypt aimed at expelling the British forces and preventing the union of Iraq and Syria. Iraq, on the other hand, leaned more and more toward the West while, at the same time, seeking ways and means of gaining control over the so-called fertile crescent. Syria and Lebanon were both lukewarm to the Egyptians and the Iraqis while they sought their aid in expelling the French.

The clashes of interests among the Arab States were recognized in the League's constitution. Article 2 provides that the member states, while collaborating more closely with each other, are guaranteed their independence and sovereignty. Article 8 requires that every member state respect the forms of government prevailing in the other countries and to abstain from action calculated to change them. In short, the League despite all of the fanfare attached to its creation as a symbol of Arab unity, could only be founded on the basis of the status quo. This means it officially recognized that the member states had their own separate interests whose priority could not be denied. In a most enlightening analysis of the Arab League, Mr. J. S. Raleigh wrote: "The Arab League * * * is therefore—paradoxical as it may sound—not a Pan-Arab achievement but on the contrary a bulwark designed to protect the separate national independence of the Arab States, the inter-Arab status quo, against Pan-Arab union schemes" (Middle Eastern Affairs, March 1955). Discussing the rival schemes of the Hashemites versus the Egyptians, Mr. Raleigh further points out that this is clearly reflected in the constitution: "Constitutionally, therefore, the Arab League is based on an essential controversy that has been solved; in fact, it was only by leaving that decisive question open and ambiguous that the foundation of the League, cooperation between Egypt and Saudi Arabia on the one hand, and the Hashemite States on the other, was possible at all."

HOPES AND FAILURES

British hopes with regard to the possibilities of the Arab League have also fallen by the wayside. Here, too, the aim and result are not only wide apart but in a very real sense diametrically opposed to each other. This is seen by the fact though the British sponsored Egypt for leadership in the league, it has been the Egyptians who have been in the forefront in destroying British influence in the Middle East.

It is true that from its very inception, lipservice was paid to the idea of unity under the aegis of the League. However, in the actual workings of the League we find that the member states have more frequently ignored it on major issues. For example, Egypt did not consult the other members of Canal. The League was not advised when Jordan grabbed part of Palestine in 1950 much to the chagrin and anger of the other Arab States. When Iraq signed the Baghdad Pact, she bypassed the League, as did Egypt when it annexed the Gaza Strip in 1949. One could cite many other cases where the member states entered into alliances, military and otherwise, where the League was left in the cold.

The divisions and squabbles among the member states became so bitter that within a few years after its founding it appeared to be a dead letter for all practical purposes. This was particularly true in 1950 when Jordan was denounced by Egypt, Syria, and Saudi Arabia for having annexed western Palestine. Only by resort to the old formula of "unanimity against Israel" was it possible to keep the League intact. Again the League's unifying power was found wanting in the fierce rivalry between Iraq and Egypt. To isolate Iraq, Egypt signed bilateral agreements with Syria and Saudi Arabia outside the League. Moreover, Egypt conceived the so-called Arab Collective Security Pact of April 1950. Ostensibly Israel was the target, but in reality, so Mr. Raleigh points out, it was an Egyptian move "to forestall any Iraqi-Hashemite schemes for union and aggrandizement."

The divisions and conflicts which have characterized inter-Arab relations have put a damper on all major projects sponsored by the League. There have been a number of plans and blueprints for economic cooperation and mutual aid. However, for the most part they have not been implemented. The decision to establish an all-Arab merchant fleet was never carried out. At one time, the League proposed to organize a civil aviation union as well as an all-Arab postal union. On another occasion the League recommended the development of an inter-Arab network of railway and roads. None of these plans have as yet materialized. Instead of economic harmony among the Arab States, one finds more rivalry and discrimination; Jordan is still at the mercy of Syria and Lebanon since she has no natural outlets to the Mediterranean for her export trade. The oil-rich Arab States are penny-pinchers when it comes to helping their less fortunate Arab "brothers."

The difficulty of reaching agreement among the League members evoked an ironic comment by Boutrous Ghali, professor of Cairo University, in his book "The Arab League." "Actually," Professor Ghali wrote, "the achievement of purely technical agreements among the Arab States involves a far more cumbersome process than the conclusion of political agreements with foreign states."

ROLE OF THE LEAGUE

Thus, we find that in all key spheres where the League was supposed to exercise an important influence, very little has been accomplished. Nevertheless, its advocates and supporters pretend that the League is a powerful factor in the life of the Arab States. The present secretary general of the Arab League, Abdel Khaliq Hassouna, is a very active man forever propounding the advantages of the League and assuring outsiders of its vitality and value.

Mr. Hassouna denies that the League is but a shell and vehemently rejects the charge that the League is the tool of any single Arab state. As an Egyptian, Mr. Hassouna's resentment against the accusation that the League is an Egyptian instrument, is quite understandable. But what are the facts? In the first place, the League from its very inception was dominated by Egypt. The first secretary general was also an Egyptian. The permanent headquarters of the League is in Cairo and it is estimated that approximately four-fifths of the League's staff are Egyptian. It is also a fact that members of the League's staff have frequently been borrowed from the Egyptian Foreign Ministry. Moreover, the Egyptian Government foots the major portion of the League's budget.

The political aspects of Egypt's domination are perhaps more evident today than they were before Nasser took over. But even under the corrupt King Farouk the Egyptians dominated the deliberations of the League. It was under Egyptian inspiration that the League was prepared to expel Jordan in 1950. From the very beginning Egypt manipulated the League in such a way as to block the union of Iraq and Jordan. Obviously, Egypt aspired to play first fiddle in the Middle East.

NASSER'S TACTICS

When King Farouk was overthrown in 1952, the Egyptian officer clique headed by Nasser, was faced with important internal problems. There was the Moslem Brotherhood organization which yearned for power and therefore represented a dangerous challenge to the Nasser movement. This was complicated by the fact that the popular Egyptian General Naguib, who had become President of the newly established Republic, appeared to have ties with the brotherhood. Naguib himself, because of his popularity, was a figure to be reckoned with. There were other forces at work, both on the radical left and on the right, which created additional difficulties for Nasser. Therefore, Nasser's main concern in this period was to consolidate his hold on the Egyptian people. Once he was able to build a firm domestic base, then he could take bolder measures in foreign relations.

Under these circumstances, the Arab League marked time while its future role awaited Nasser's evaluation. With all of the difficulties at home, Nasser was in no mood to stir a hornets' nest abroad. Therefore, he tried to assure rival states, particularly Iraq, that his government was seeking friendship and had no designs on others.

In August 1954 Nasser told a friend: "Nuri is in power in Iraq. This is the time to reach an understanding with him" (Tom Little, "Egypt"). In retrospect, this was a remarkable statement, because Nuri al-Said, the late leader of Iraq, has since been depicted by Cairo as the archtraitor to the Arab peoples. Of course, Nasser took this soft line toward Nuri al-Said in 1954 because of domestic difficulties which prevented him from taking a more aggressive stand. Other calculations may have entered into Nasser's tactical moves. Perhaps he hoped to make a deal with Iraq outside of the League which would result in Egypt's leadership of the Arab world. He knew very well that little could be done within the League because the Iraqi politicians had already come to the conclusions that it was nothing but a tool of Egyptian policy.

The extent to which Nasser tried to ingratiate himself with Iraq is illustrated by the fact that in May 1954 he told the Syrian Ambassador that Egypt would not object to Syria joining Iraq or Jordan "as long as there was public support for the policy." This was an astounding position to take, since it meant Egypt's endorsement of the fertile crescent scheme which had been the heart's desire of the Hashemite dynasty. However, before the year was up, Nasser's views had changed. His hope of winning over Nuri al-Said by smiles did not work. On the contrary, under Nuri al-Said's leadership, Iraq entered into talks with Turkey and Britain which eventually resulted in the Baghdad Pact of 1955. Four days after Iraq had entered into an agreement with Turkey which led to the pact, Nasser gave the signal for an unprecedented propaganda attack against Nuri al-Said, and the Iraqi government which he represented was overthrown.

He described Nuri el-Said as a collaborationist and symbol of the old regime of oppression and corruption. By such tactics Nasser was able to incite wide masses of the Arab people and to distract his own people from their pressing problems. This made it possible for Nasser to embark on a bolder and more aggressive foreign policy. It was then that Nasser began to reactivate the Arab League as a means of isolating Iraq and carrying out Nasser's policies through the area.

"DEMOCRATIZING" THE LEAGUE

Nasser has tried in every possible way to polish up the Arab League so that it will appear as the shining symbol of "Arab unity." Membership in the League has been broadened although it still does not cover all of the Arab areas. Lately, the Secretary General of the League has tried very hard to win over Tunisia to participate in the League's work. Thus, Nasser's chief delegate at Casablanca proposed that the League's council quash the resolution by which the League last October (1958) condemned Tunisia for its dispute with Cairo. These gestures have not impressed President Bourguiba who has been one of Nasser's favorite whipping boys. Bourguiba knows that Cairo is still the headquarters of forces that are striving to subvert the Tunisian Government.

THE LEAGUE'S "NEUTRALITY"

In this connection it is noteworthy that both, Tunisia and Iraq, have avoided participation in the League's work for some time. It is obvious to them as it is to any student of the League's operations, that it is in essence an instrument of Nasser's boundless ambitions. The Secretary General of the League told the Christian Science Monitor (October 14, 1959): "I challenge anyone to mention a single instance in which the organization has not been strictly neutral and impartial." Mr. Hassouna must have made this declaration with tongue in cheek. According to article 8 of the League's constitution, every member state is pledged to respect the forms of government prevailing in the other Arab countries and to abstain from any actions calculated to change them.

Yet, it is a notorious fact that the Nasser regime has systematically violated the spirit and letter of this article. Nasser has instigated assassination and revolt in the other Arab countries. His agents and propaganda mouthpieces are constantly striving to undermine Arab governments which refuse to kowtow to him. Practically every country in the Arab League itself has been victimized at one time or another by Egypt's flagrant subversive activities and brazen interference in their domestic affairs. The recent revolts in Iraq and the attempted assassinations of Premier Kassem revealed the long arm of Nasser. In September (1959) Nasser spoke softly to the King of Jordan; the following month King Hussein was called an imperialist tool. On October 12, Jordanian authorities announced the seizure of quantities of arms and explosives smuggled in from the UAR.

VIEWS ON THE LEAGUE

What has the League done to call Mr. Nasser to account? Failure to act does not indicate genuine neutrality but, on the contrary, complicity. If the League were truly neutral, it would have acted long ago against Nasser, since the very essence of the League's constitution is based on the mutual respect that all member states were to have for each other. Without that mutual respect and pledge of noninterference the League would never have been born. The fact that the League has now failed utterly in this respect is perhaps the most convincing proof of its subservience to Egyptian policy. The subordinate relationship of the Arab League to the Nasser regime was described by the Lebanese newspaper Al-Ahrar which wrote that the Arab people "rejoice at the change in the policy of Abdul Nasser who has renounced violence in favor of softer methods in his efforts to regroup the states of the Arab League under his moral authority" (Sept. 13, 1959). The enthusiasm shown by this particular newspaper is in sharp contrast to the prevailing attitude toward the League and its mentor. Here are some examples:

The Jordan daily newspaper "Falastin" devoted a special article to the occasion of the League's 13th anniversary: "The League did not succeeed in its mission and did not bring any benefit to the Arab peoples. From the day of its founding it became a shelter for idlers and dervishes who live at the cost of the Arab peoples and are financed by them. When worms devour the pillars of a building it is best to destroy it, and this is the case with regard to the decayed League. It is therefore fitting that the date of March 22 be observed each year as an annual day of lamentations of the League and not as a day of festivities" (Mar. 22, 1958).

Yehye Hawash, a Palestinian refugee, wrote in "Falastin": "It is better that the League should mourn itself. It is over 10 years now that the League talks about Palestine. What did the Arabs of Palestine gain by this? The League should leave the refugees alone and not use their sad lot for public exhibition" (Apr. 4, 1958).

"After the Egyptian revolution and the start of the struggle between Cairo and Baghdad, the League gradually turned into an Egyptian tool. The chorus of opponents to this phenomenon spread from North Africa to Jordan and Iraq, and the demand was raised that the League's seat be transferred from Cairo to a neutral Arab capital such as Beirut or Khartoum and that the post of Secretary General be given, on occasion, to someone from another Arab country (than Egypt)" ("Al-Hayat," Beirut daily, Aug. 9, 1959).

Thus, it is clear that "Arab unity" finds no solid basis in the Arab League.

PERSONAL INTEREST INCOME SET A NEW ALL-TIME RECORD IN FEBRUARY—A TRIBUTE OF THE ADMINISTRATION'S HIGH INTEREST POLICY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, in February personal interest income set a new all-time record. According to Economic Indicators for March, which was just released yesterday, incomes of individuals from interest payments hit the fantastic rate of $24.3 billion per year last month.

This rate of $24.3 billion is an annual rate on a seasonally adjusted basis, so we may compare it to the rates of previous months. In January personal income from interest was at a rate of $24.1 billion, and in December 1959 it was at a rate of $23.8 billion. In February of 1959 the rate was $21.3 billion. In other words, a few wealthy families who receive their income by clipping bond coupons enjoyed a $3-billion increase between February of 1959 and February of this year.

These figures are, incidentally, provided by the Department of Commerce, not by the Democratic National Committee.

Personal interest income has gone up by leaps and bounds in each and every year since this administration took office.

The general population has enjoyed some years of prosperity and some years of severe recession, since this administration took office. But the people who receive their income from interest have known no years of recession. Under the administration's high interest policy, every year has produced bigger and better prosperity for the moneylenders than the year before.

ONLY INTEREST INCOME HAS BEEN DOUBLED DURING THIS ADMINISTRATION

It will hardly come as a surprise to note that no other kind of income has increased to the extent that personal interest income has been increased—except, of course, incomes and profits of the banks and other financial corporations.

In 1952 personal interest income amounted to $12.1 billion. At the current rate of $24.3 billion a year, it has more than doubled and is now well over twice the total farm income of the country.

Farm income in February was at a seasonally adjusted rate of $11 billion a year. In 1952 farm income was $15.3 billion, which was one-fourth more than personal interest income. Now farm income is less than one-half personal interest income.

Business and professional income—that is, the income of incorporated businesses—has gone up 31 percent since 1952. Wages and salaries have gone up 47 percent since 1952. Personal income from stock dividends has gone up 51 percent since 1952. And rental income has gone up 20 percent since 1952. Of all sources of personal income, only interest income has doubled since 1952.

Does this jump in personal interest income show the full toll of the high interest policy?

No; I have been speaking only of individual income from interest. This does not include interest income of any corporation, any bank, any finance company, any insurance company, or any utility or industrial corporation.

WHO GAINS FROM HIGH INTEREST?

Let us ask who receives the personal interest income and who pays it. When interest income goes up, somebody gains and somebody loses. Consequently, we need only examine this point to get an idea of the scope of the income redistribution which this administration has brought about by raising interest rates. The gainers are very few, because very few families receive any income from interest. Let me illustrate.

Certainly, U.S. savings bonds are the most widely distributed of any kind of interest-bearing asset. These are the small bonds which individuals can buy for $18.75. They can be purchased on the payroll savings plan, and the Government sponsors payroll savings plans in order to encourage the widest possible sales of these bonds. If U.S. savings bonds are held by a relatively few families, we can be sure that other types of bonds and interest-bearing paper are held by even fewer families.

Last year the Federal Reserve Board made a survey which revealed, among other things, how U.S. savings bonds are distributed among American families. The facts are these according to the Federal Reserve survey: 74 percent of the American families own not so much as a single U.S. savings bond, and only 5 percent of the families own 87 percent of all the savings bonds.

From this experience, it would not be unreasonable to guess that 2 percent of the families receive about 95 percent of all the personal interest income.

WHO PAYS THE HIGH INTEREST?

Now as to the question who pays it?

Every American family pays this interest income. No family and no individual is too low on the income scale to be exempted from making a regular, involuntary contribution to high interest. Every American family who buys a home and has a mortgage on it pays; every American family who rents a home or an apartment with a mortgage on it pays. Every American family who buys anything on credit—an automobile, a TV set, a washing machine, clothing, or anything else on credit—pays. Every American family who pays taxes pays.

Every American family who buys anything for cash also pays the high interest costs, because the interest charges are also in the price of the goods. The miners, the manufacturers, the distributors, the wholesalers, the retailers, and the transportation companies all have to pay high interest, and it all shows up in more or less degree in the price of goods charged the ultimate consumer.

So the point is that everybody pays because of the high interest policy, but only a few wealthy families, the banks, the insurance companies, the finance companies, and the Wall Street money manipulators gain from this policy.

HOW THIS ADMINISTRATION HAS REDISTRIBUTED THE INCOME BY RAISING INTEREST RATES ON A TRILLION DOLLARS OF DEBT

All debt in the United States, including both public and private debt, has now reached an estimated $1 trillion. In case we forget how much a trillion dollars is, it is $1,000 billion. All of this is drawing interest which is coming out of the pockets of the overwhelming majority of the American people and going into the pockets of the wealthy few.

Think what an increase of an average of 2 percent on this public and private debt of $1,000 billion means. It means an increased toll of $20 billion a year in interest charges, and it means, in turn, a per capita increase in interest charges of $113 a year, or $565 a year for an average family of five.

The administration's policy of redistributing the income in this manner is bad for the country. The policy has worse results than merely robbing the poor to pay the rich, it is keeping a large percentage of our labor force unemployed; it is oppressing the farmer and driving him off the land; it is eliminating small business and placing control of more of the productive resources in the hands of a few giant international corporations; and last, but not least, it is retarding economic progress, progress in education, and in scientific, and technical advancement.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WALTER for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. STRATTON, for 30 minutes, today.

Mr. SPRINGER, for 40 minutes, on Monday next.

Mr. BAILEY, for 30 minutes, on Tuesday next.

Mr. CURTIS of Missouri, for 1 hour, tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. SANTANGELO.

Mr. KARTH.

Mr. ROOSEVELT, to revise and extend his remarks and insert a copy of a proposed amendment following the remarks made by him in Committee of the Whole today.

(At the request of Mr. MCCORMACK, and to include extraneous matter, the following:)

Mr. SHIPLEY.

Mr. ANFUSO in two instances.

Mr. KING of California.

Mr. BLATNIK (at the request of Mr. MEYER) and to include extraneous matter.

Mr. ABBITT, to revise and extend the remarks he made in the Committee of the Whole today and include extraneous matter.

Mr. WILLIAMS, to revise and extend the remarks he made in the Committee of the Whole today and include extraneous matter.

(At the request of Mr. ROBISON, and to include extraneous matter, the following:)

Mr. KEARNS.

Mr. BOSCH

Mr. WIDNALL.

ADJOURNMENT

Mr. MEYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p.m.) the House adjourned until tomorrow, Thursday, March 24, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communciations were taken from the Speaker's table and referred as follows:

1974. A letter from the Secretary of the Treasury, transmitting copies of the Quarterly Report on the Reconstruction Finance Corporation Liquidation Fund-Treasury Department Activities for the period ending December 31, 1959, pursuant to the RFC Liquidation Act, as amended (67 Stat. 230) and Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

1975. A letter from the Comptroller General of the United States, transmitting a

draft of proposed legislation entitled "A bill to amend the 'antikickback statute' to extend it to all negotiated contracts"; to the Committee on Government Operations.

1976. A letter from the Administrator, General Services Administration, transmitting a report on the progress of the liquidation of the national defense, war, and reconversion activities of the Reconstruction Finance Corporation, to comply with the provisions of the RFC Liquidation Act (Public Law 163, 83d Cong.; 67 Stat. 230, 231), as amended, and with Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

1977. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation entitled "A bill to amend section 1871 of title 28, United States Code, to increase the mileage and subsistence allowances of grand and petit jurors"; to the Committee on the Judiciary.

1978. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation entitled "A bill to withdraw from the district courts jurisdiction of suits brought by fiduciaries who have been appointed for the purpose of creating diversity of citizenship between the parties"; to the Committee on the Judiciary.

1979. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation entitled "A bill to amend section 5021 of Title 18, United States Code"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HEMPHILL: Committee on Interstate and Foreign Commerce. H.R. 7201. A bill to provide for the comprehensive operation of hydroelectric power resources of the United States, and for other purposes; with amendment (Rept. No. 1414). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. H.R. 10550. A bill to extend the Export Control Act of 1949 for 2 additional years; without amendment (Rept. No. 1415). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. S. 1062. An act to amend the Federal Deposit Insurance Act to provide safeguards against mergers and consolidations of banks which might lessen competition unduly or tend unduly to create a monopoly in the field of banking; with amendment (Rept. No. 1416). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11328. A bill to prohibit the transmission of coins in the mails under certain circumstances; to the Committee on Post Office and Civil Service.

H.R. 11329. A bill to provide for grants-in-aid to the States for the construction and operation of narcotic addiction clinics; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H.R. 11330. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. BARRY:

H.R. 11331. A bill to amend the Internal Revenue Code of 1954 so as to permit charitable contributions, bequests, transfers, and gifts to the United Nations or any duly established agency thereof to be deductible for income tax, estate tax, and gift tax purposes; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 11332. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. DIXON:

H.R. 11333. A bill to amend the Communications Act of 1934 with respect to certain rebroadcasting activities; to the Committee on Interstate and Foreign Commerce.

By Mr. DORN of New York:

H.R. 11334. A bill to amend the Internal Revenue Code of 1954 to exempt from tax tobacco products to be used for certain charitable purposes; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 11335. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ELLIOTT:

H.R. 11336. A bill to bring employees of agricultural stabilization and conservation county committees within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1054, and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

By Mr. FOGARTY:

H.R. 11337. A bill to increase the amount authorized to be appropriated for the work of the President's Committee on Employment of the Physically Handicapped; to the Committee on Education and Labor.

By Mrs. GRANAHAN:

H.R. 11338. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. GREEN of Pennsylvania:

H.R. 11339. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. HARRIS:

H.R. 11340. A bill to promote the public interest by amending the Communications Act of 1934, to place certain additional limitations on the transfer of broadcast licenses, to provide for regulation of national networks, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11341. A bill to promote the public interest by amending the Communications Act of 1934, to require a public hearing before the original granting of broadcast licenses, to regulate "payoffs" and "swapoffs" between applicants for such licenses, to grant authority to suspend such licenses, to make more effective the requirement regarding announcements as to broadcast matter which is paid for, to prohibit certain deceptive practices in the case of quiz programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 11342. A bill to strengthen the domestic and foreign commerce of the United States by providing for the establishment of an Office of International Travel and Tourism and a Travel Advisory Board; to the Committee on Interstate and Foreign Commerce.

By Mr. LIBONATI:

H.R. 11343. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHIPLEY:

H.R. 11344. A bill to provide for issuance of a special postage stamp in commemoration of the centennial anniversary of the birth of Jane Addams; to the Committee on Post Office and Civil Service.

By Mr. SILER:

H.R. 11345. A bill to authorize adjustment, in the public interest, of rentals under leases, entered into for the provision of commercial recreational facilities at Lake Cumberland, Ky.; to the Committee on Public Works.

By Mr. DINGELL:

H.R. 11346. A bill to amend title II of the Social Security Act to eliminate the age requirements for entitlement to wife's insurance benefits and widow's insurance benefits, and to eliminate the provisions which reduce a woman's benefits in certain cases where she becomes entitled thereto before attaining age 65; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 11347. A bill to confer on the Federal Maritime Board the authority to determine postal rates for ocean mail transportation; to the Committee on Merchant Marine and Fisheries.

By Mr. CELLER:

H.R. 11348. A bill to include certain officers and employees of the Department of Health, Education, and Welfare within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 11349. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REES of Kansas:

H.R. 11350. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of Louisiana:

H.R. 11351. A bill to amend the Federal Water Pollution Control Act to expand research, extend State and interstate water pollution control program grants, and strengthen enforcement procedures, and for other purposes; to the Committee on Public Works.

By Mr. TOLL:

H.R. 11352. A bill to establish a Federal Recreation Service in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Education and Labor.

By Mrs. CHURCH:

H.J. Res. 658. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House; to the Committee on the Judiciary.

By Mr. BENTLEY:

H.J. Res. 659. Joint resolution authorizing the President to issue annually a proclamation designating as "Hungarian Independence Day" the 23d day of October, the anniversary date of the beginning of the uprising

of the Hungarian people against Soviet tyranny; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H. Con. Res. 641. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Con. Res. 642. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Con. Res. 643. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. FOGARTY:

H. Con. Res. 644. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. IRWIN:

H.R. 11353. A bill for the relief of Bertalan Simon; to the Committee on the Judiciary.

By Mr. JONES of Alabama:

H.R. 11354. A bill for the relief of James Delbert Hodges; to the Committee on the Judiciary.

By Mr. GEORGE P. MILLER:

H.R. 11355. A bill for the relief of Louie Jee Keung; to the Committee on the Judiciary.

By Mr. RAY:

H.R. 11356. A bill for the relief of Chao Ti Shang; to the Committee on the Judiciary.

By Mr. TELLER:

H.R. 11357. A bill for the relief of Marie O'Riley, born Marie Clarke; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Proposal To Issue "Champion of Liberty" Stamp in Honor of Paderewski's 100th Anniversary

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. ANFUSO. Mr. Speaker, the Post Office Department has recently been issuing a series of stamps dedicated to "Champions of Liberty." These stamps are used here and abroad and serve not only to honor the heroes themselves, but also to encourage the peoples who have lost their freedom and independence.

I have recently written to Postmaster General Arthur E. Summerfield suggesting that a stamp be issued in the "champion of liberty" series on November 6, 1960, in honor of the late Polish leader, Ignace J. Paderewski, to commemorate the 100th anniversary of his birth which occurs on that date.

Under leave to extend my remarks, I wish to insert into the RECORD the text of my letter to Mr. Summerfield and his reply, dated March 23:

MARCH 15, 1960.

Hon. ARTHUR E. SUMMERFIELD,
Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: It is my understanding that you have under consideration the suggestion to issue a stamp in the series on "Champions of Liberty" in honor of Ignace J. Paderewski, who was one of the world's great artists and the "Father" of the free Polish Republic that was established after World War I.

As you well know, Paderewski lived in the United States for a number of years and was a great friend of this country. He died in New York in 1941 and is buried in Arlington National Cemetery.

Paderewski was truly a great statesman and a Champion of Liberty of the era of the First World War and later. He helped organize a Polish Army in France from recruits in the United States, Canada, Western Europe, and other countries where Poles live in large numbers. This army fought on the side of the Allies. After the war he helped organize the Polish Republic and for a time served as its President.

A special stamp honoring Paderewski is not only a wonderful gesture on our part in extending recognition to a Champion of Liberty who well deserves this tribute, but it would also serve as a great encouragement to the people of Poland in helping them to maintain their hopes for a free Poland. It should also contribute immeasurably toward the further growth of friendship between our two peoples.

Paderewski's birthday anniversary occurs on November 6, 1960. I urge you to give very serious consideration to the issuance of a stamp in his honor on that date.

Sincerely yours,

VICTOR L. ANFUSO,
Member of Congress.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., March 23, 1960.

Hon. VICTOR L. ANFUSO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ANFUSO: I wish to acknowledge receipt of your letter of March 15, requesting the issuance of a "Champion of Liberty" stamp commemorating the 100th anniversary of the birth of the former Premier of Poland, Ignace J. Paderewski, and to inform you that the issuance of this commemorative stamp is now being considered by my office.

I am delighted to know that you are interested in the issuance of this stamp, and you may rest assured that I will give your request my very careful consideration.

Sincerely yours,

ARTHUR E. SUMMERFIELD,
Postmaster General.

Proposed Jane Addams Commemorative Stamp

EXTENSION OF REMARKS
OF
HON. GEORGE E. SHIPLEY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. SHIPLEY. Mr. Speaker, this year marks the 100th anniversary of the birth of a famous American woman, a fellow Illinoisan, Jane Addams.

I am proposing the issuance of a commemorative postage stamp marking the century which has gone into history since we Americans were first privileged to have this devoted woman among us.

Many remember Jane Addams as a social worker probably well in advance of her time. Others perhaps have lost sight of the fact that she also was an ardent advocate of peace.

Native of Cedarville, Ill., she was a graduate of Rockford and with Ellen Gates Starr she opened the social settlement of Hull House in Chicago in 1889, continuing as its resident head until 1935.

She became the acknowledged leader of settlement work in the entire United States and in 1919 she was chosen president of the International Congress of Women, presiding at conventions at The Hague from 1915 to 1922 and in other conventions at Zurich, Vienna, and Washington.

With Nicholas Murray Butler in 1931 Miss Addams shared the Nobel Peace Prize. She was author of "Democracy and Social Ethics," "Twenty Years at Hull House," "A New Conscience and an Ancient Evil," and "The Second Twenty Years at Hull House."

Her memory lives in the hearts and minds of many Americans today and through the issuance of hundreds of millions of postage stamps will be brought to graphic attention of the present generation.

Fair Employment Practices

EXTENSION OF REMARKS
OF
HON. JOSEPH E. KARTH
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. KARTH. Mr. Speaker, we have for days now been concerned with discussing and acting on one of the basic rights of free American citizens—that of voting.

This is as it should be because the right to the ballot is fundamental to our democracy.

I, for one, regretted however that Mr. CELLER's amendment for creating a Commission on Equal Job Opportunity Under Government Contracts was declared not germane because of an overly restrictive rule under which the bill is being considered. The purpose of the amendment was "(b) To implement the policy of the U.S. Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services."

The right to equal job opportunities is of paramount importance in a thriv-

ing democracy. All that was requested in this amendment is that competent, qualified workers be given a fair chance to hold jobs on federally paid-for projects without regard to their color, race, religion, or national origin.

To those of my colleagues who believe that we here are attempting to punish the South with civil rights legislation, may I point out that the equal job opportunities amendment is as necessary in the North as it is in the South.

The North—especially the great metropolitan centers—has traditionally been the land of opportunity for Negroes of the South who increasingly are being displaced by the agricultural and economic upheavals below the Mason-Dixon line. The unskilled of these people who are strangers to urban life have often met prejudice even in our States. As painful as is this process of integrating people into what to them is an alien way of life, I am confident that the cultural, social, and economic problems are being worked out.

We in the many States of the North, for example, have tackled the problem of discrimination on the job with fair employment practice laws. We attempt with these laws not to erase prejudice from hearts, but to make it possible to be just—to give a man, or a woman, a fair break at getting and holding a job he or she can well do.

I am proud of the record of my State, Minnesota, in this field. We have had an effective statewide fair employment practices statute since 1955. In fact, I was one of the authors of the Minnesota law and helped secure its enactment when I served in the legislature.

I am proud, too, that each of our three major cities, Minneapolis, St. Paul, and Duluth, has local ordinances to implement fair employment practices.

Being just and decent to minorities has paid off for us in Minnesota with peace, mutual respect, and prosperity. In fact, I recommend these qualities highly to those of my southern colleagues who have drunk so deeply from the cup of disregard.

We have temporarily been prevented from offering this amendment, commissioning equal job opportunity under Government contracts, and other amendments just as worthwhile.

But we will be back—again, and again, and again—for the cause of justice in civil rights shall ultimately be triumphant.

Impact of Increasing Imports of Fabricated Products on American Industry

EXTENSION OF REMARKS
OF
HON. CARROLL D. KEARNS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. KEARNS. Mr. Speaker, in a message to the Congress a few days ago, the President expressed his concern over the growing foreign competition to the American exporter and directed the several agencies of the executive branch to take certain steps which may help to strengthen the competitive position of our export industry. He has asked for the support of the Congress toward this end, and such support, I am certain, will be forthcoming, since the economic strength of the United States is a matter which transcends the boundaries between political parties and between sectional interests.

Without in any way minimizing my support of the President's recommendations with respect to exports, I would call your attention to the other side of the coin of foreign trade. The President's message does not deal with this other side of the coin, but I am certain that we cannot effectively and justifiably treat the one side—exports—and ignore the other side—imports. The one bears on the other as the back of the hand bears on the palm.

The disastrous impact of increasing imports of fabricated products on our American industries, particularly the so-called small business element of our industry, and which is felt with special emphasis by the skilled and unskilled laborer who is the veritable backbone of our industry, was clearly stated by Mr. James A. Roemer, chairman of the board of the Sharon Steel Corp., in that corporation's bargaining conference with the United Steelworkers of America, AFL–CIO, on May 15, last. To these pertinent remarks, I would earnestly solicit your attention:

> A very good customer of Sharon Steel bought 13,867 tons in 1955; 18,567 tons in 1956; 15,958 tons in 1957 and only 6,349 tons in 1958.
>
> In this instance, the 10-inch mill lost about 5 weeks' work to foreign competition. Here was three-quarters of a million dollars worth of business and wages that went to Europe, as the contribution of Sharon Steel and its employees.
>
> This foreign material was delivered to the customer's plant at $22 to $30 a ton less than our delivered price. And this customer is not on the eastern seaboard. One of our eastern seaboard customers bought foreign 10-inch mill tonnage at $44 a ton under our delivered price. This gives you some idea of how foreign competition in 1958 affected you and the Sharon Steel Corp.

A highly respected constituent, Mr. Ray F. Eisenbies, president of the Sawhill Tubular Products, Inc., of Sharon, Pa., recently analyzed for me the effect of increasing foreign competition on his company, as well as on other American companies engaged in the manufacture of steel pipe. Imported steel pipe amounted to over 200,000 tons in 1958, and to an all-time high of 553,000 tons in 1959. Mr. Eisenbies tells me that many of his company's markets, particularly those adjacent to ocean harbors, have already been seriously affected and, with the opening of the St. Lawrence Seaway, others will soon feel the impact. The cost of this Nation's economy both in profits and in jobs, is steadily mounting and urgently requires the best thought that can be brought to bear on the solution to the problem in both the executive and legislative branches of the Government.

As a contribution to that solution, I would say that the remedy probably lies not in the erection of high tariff walls against foreign products, but in the establishment of quotas for such products whose unrestricted importation inflicts heavy penalties against American industry and labor and seriously weakens our country's defensive strength. The philosophy of quota limitations has been well accepted as a legitimate and effective means for the protection of American agriculture, as well as American industry and American labor.

Mr. Speaker, there are many other firms in my congressional district—as well as throughout the Nation—that are bleeding because of this unexpected influx of imported goods upon our markets. I hope, therefore, to supplement this report with additional data from firms in my district and throughout the country.

In the meantime, I respectfully urge the Members and the cognizant committees of the Congress to give this matter their prompt and most sympathetic consideration.

A World in Debt to Israel

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Wednesday, March 23, 1960

Mr. RANDOLPH. Mr. President, it was my privilege to have participated at the Israel 12th anniversary dinner, sponsored by the Charleston Committee for State of Israel Bonds, Sunday, March 20, 1960, in our capital city of West Virginia.

My fellow citizens afforded me the pleasurable opportunity to extend greetings on a program in which I preceded that veteran minstrel who mixes wit with wisdom, George Jessel, the "Toastmaster General of the United States," who delivered a meaningful address.

After Cantor Paul Reiss opened the program with the singing of "Hatikvah" and "The Star Spangled Banner," Rabbi Samuel Volkman of Charleston's Virginia Street Temple offered the challenging invocation.

Fred Marks, general chairman of the Committee for State of Israel Bonds, delivered a warm welcome and was followed by Mrs. Benjamin Newman, chairman of the committee's women's division, who spoke helpfully. The Governor of West Virginia's greetings for the State government were presented by his assistant, Charles Straughan. Mayor John Shanklin responded with greetings on behalf of the city of Charleston.

Dr. I. E. Buff, West Virginia State chairman for the 1960 Israel bond campaign, and Mrs. Buff, who serves with Dr. Willard Pushkin as honorary chairmen of the campaign, were most thoughtful and generous as my host and hostess at this impressive event.

Mr. President, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD the invocation offered

by Rabbi Volkman, extracts from Sol Padlibsky's news story of the dinner meeting in the Charleston Daily Mail, Monday, March 21, 1960, and extracts from my remarks on the subject, "A World in Debt to Israel."

There being no objection, the invocation, news story, and Senator RANDOLPH's remarks were ordered to be printed in the RECORD, as follows:

INVOCATION OFFERED BY RABBI SAMUEL VOLKMAN, VIRGINIA STREET TEMPLE, CHARLESTON, W. VA., ISRAEL 12TH ANNIVERSARY DINNER, CHARLESTON, SUNDAY, MARCH 20, 1960

Dear God, we thank Thee for the privilege of living in this period when we witness the might of Thy hand, sovereign amid the flux of world events.

And for signs and wonders manifest in the restoration of a remnant of our people to the land of our forefathers.

For the healing of the wornout hills which exult in their new-found raiment of verdure.

And for the revival of an age-old people now learning to sing a new song of hope and faith in the future. Grant, dear God, that we may share in the pride and the glory of their accomplishments; that the heirs of tomorrow may include us in their prayers of thanksgiving.

Bless this occasion. Bless all words spoken here that they may enhance, ennoble, and strengthen the purpose for which we have come.

We thank Thee for the bread we are about to eat and say altogether:

Boruch Attah, Adonoi Elohenu Melech Ha-Olom Ha-Metzie Lechem Min Ha-Aretz.

[From the Charleston (W. Va.) Daily Mail, Mar. 21, 1960]

(By Sol Padlibsky)

George Jessel, "the toastmaster general of the United States," spurred the sale of $85,500 worth of State of Israel bonds last night at a sellout banquet at the Daniel Boone Hotel.

A sizable amount of the bonds was purchased by non-Jews at the affair sponsored by the Charleston Committee of the Israel Bond Campaign, of which Fred Marks, the master of ceremonies at the banquet, is chairman.

Jessel regaled the diners with his accounts of first meetings with reception committee people in his tour across the United States in his Israel bond campaign. He sprinkled Yiddish words, which lose something in translation, in his remarks.

He told the diners that he didn't have a religious background, and that when he was 8 years old he was alone with his mother on the East Side of New York after the death of his father.

RELIGION IMPORTANT

"I have been in the show business for more than a half century," said Jessel. "A few years ago I realized that it was important to me that I manifest the meaning of living a religious Jewish life.

"The work I am doing in the interest of the State of Israel formerly was undertaken by my good friend, Eddie Cantor. That was about 10 years ago. Cantor suffered a heart ailment, and I pledged to myself that I would carry on Eddie's great work for Israel.

"I have spoken in 110 cities across the Nation in 121 days, and each day has meant increasing gratification of a program that must continue to keep the sacrifices of the Israel pioneers always in our memories."

(Jessel has been honored by Israel's Prime Minister, David Ben-Gurion, in Jerusalem for "unselfish and devoted aid to the State of Israel." Last year, at a dinner in Hollywood, celebrities participated in a "salute to George Jessel" in behalf of Israel bonds. The dinner, which paid tribute to Jessel's 50th anniversary in show business, resulted in the sale of more than $1,500,000 of Israel bonds.)

U.S. Senator JENNINGS RANDOLPH, a guest, characterized the rise of Israel as "one of the greatest achievements in the history of mankind."

REMARKS BY SENATOR JENNINGS RANDOLPH, OF WEST VIRGINIA, 12TH ANNIVERSARY OF THE STATE OF ISRAEL DINNER BY CHARLESTON AND SOUTHERN WEST VIRGINIA BOND COMMITTEES, DANIEL BOONE HOTEL, CHARLESTON, W. VA., MARCH 20, 1960

A WORLD IN DEBT TO ISRAEL

We are here to celebrate the 12th anniversary of the final fulfillment of the words of the prophets and the reward of 2,000 years of Jewish longing and aspirations. We are here also to contribute to the perpetuity and the strength of the State of Israel which presents this fulfillment, and more specifically, to the amelioration of circumstances for some 350,000 Jewish refugees in Israel who remain virtually homeless and unabsorbed. And despite the 12 amazing years of growth and development since the recognition of Israel, the path ahead is still marked with danger signs and strewn with obstacles.

War clouds gather in the Middle East. Reinforcements are again posted on the frontiers of Syria and Jordan. The Suez Canal is still blocked to the ships of Israel. And a fanatic's well-placed bullet in any of the capitals of the Middle East could easily plunge that area into war. Thus, it behooves us each—of whatever religious faith—to examine the nature and reason for our commitment to Israel.

As Americans and as participants in the great enterprise of Western civilization we are committed—within certain limitations—to the support of Israel. Our obligations are both moral and political.

First, we are politically involved in the support of an independent and peaceful development of Israel, because of our part in the United Nations partition of Palestine out of which the State of Israel emerged. This was further sealed by President Truman's immediate recognition of Israel on May 14, 1948, only a few hours after the final withdrawal of the British forces.

But American political support of Israel is not solely a matter of our keeping trust with past resolutions to serve Israeli interests. We have strong and compelling reasons of our own self-interest in our desire to see Israel prosper and flourish in peace. As a cultural enclave of the West, it offers our best hope for the development of democracy in a section of this earth torn for centuries by oriental despotism, intrigue, and tribal rivalries.

And despite the current and continuing tension between Israel and the neighboring Arab States, support of Israel represents the best hope for political stability and orderly progress in the Middle East, hence, our strongest defense against measures of desperation taken by some Arab leaders with their attendant infiltration of Soviet influence. Even though the Communist planners have made some costly blunders in the Middle East, the Red capacity for making mischief is unlimited, and the Russian interest in the stability of that area is far less immediate than that of the Western Powers.

Stated in its bluntest terms, as long as the Middle East is a battleground of the cold war, Russian interests are served by instability and by pitting Israel and the Arab nations against one another, while we must seek to maintain political stability and develop friendship with the Arab nations without sacrificing the legitimate claims of the Israelis.

But more binding than any of these is the moral debt we owe to Jewish culture and tradition for having first awakened the moral consciousness of Western man. In the history of Western civilization perhaps the first truly civilized answer to the question of what each of us owes to his fellow man solely for the sake of man's humanity to man is given by the writer of Leviticus: "The stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt" (Leviticus 19: 34).

The intellectual and spiritual contributions of Judaism were the source of the early nourishment of that which is most precious in Western civilization—the idea of the dignity and integrity of the individual, expressed in the despairing cry of Job that "I will not sacrifice my integrity," even in the face of an omnipotent God—the idea of social justice, served in varied ways and by such diverse personalities as Moses, Spinoza and Karl Marx—and the belief in the brotherhood of all men as the children of one Creator—these values lie at the heart of Western civilization and were the source of much of Christianity and Mohammedanism.

Also, as members of Western civilization and as brothers of the human race we are morally obligated to the cause of a Jewish national homeland as insurance against the persecution and oppression which has marked the life of the Jew in Diaspora. Spinoza, gentle and noble among our great philosophers, wrote that "A free man thinks of nothing less than of death; and his wisdom is a meditation not of death, but of life."

Thus he set forth the text of Israel. For certainly no people has offered its martyrs as bravely and in such numbers as the Jew. The Christian martyrs of the Roman Empire are numbered in the thousands. The Jews cannot name or number their martyred millions in the world of Christendom, culminating—to the eternal shame of all men—in the ghastly and inhuman crematoria of Hitler's making.

There has been a further difference between the lot of the Christian martyr and that of the Jew. The Christian died secure in his faith in the reward of an immediate afterlife. The Jews received no halo and no promise of reward; and though the idea of an afterlife acquired some popularity after the dispersion, it has never been the article of faith, the flaming conviction for the Jew that it is for the Christian. If Jewish martyrdom had meaning it was related to the continuity of Judaism and the hope of the ultimate rebirth of a Jewish national homeland. In the moving words of the ancient lament, "If I forget thee, O Jerusalem, let my right hand forget her cunning—let my tongue cleave to the roof of my mouth, if I prefer not Jerusalem above my chief joy." For this compelling reason, the free nations of the West—which call themselves Christian—must help justify the nameless martyred millions of Jews.

But there is a further debt of Western World to the Jew. Here I speak of the astounding intellectual and cultural contribution Jews have given to our civilization. Not only did the Jewish people give the Western World their own Book in the Old Testament, but it was the Alexandrian Jews who translated the Book of Law, the Pentateuch, into Greek.

It was these Jews and succeeding generations who kept alive the knowledge of classical Greek during the early Middle Ages when the light of learning had been virtually extinguished in Europe. And it was in large part through Jewish philosophers in the service of Moslem courts that classical learning was reborn in Europe, thus laying the foundation for the Renaissance.

This Jewish devotion to intellectual achievement—so strong as to have been thought by many Jews and non-Jews as a hereditary trait—has placed the civilized world in lasting debt. Negligible as a political power in the world at large, and representing less than 1 percent of the world population before World War II, the Jewish people have supplied a leadership far out of proportion to their numbers in every field of human arts and sciences. And though this has been a contribution of individuals rather than of a group, it has been in large part the result of mobilizing the individual's resources in response to the oppression of the group. This capacity perhaps more than any other has been responsible for keeping the Jew alive as a cultural and national identity through 2,000 years of the dispersion.

In this sense, the oppression of the Jewish people may well have been a stimulus to the creativity of individual Jews. But whatever the source, the modern world would be far poorer but for the artistic and scientific contributions of Jews. Indeed, it is not overstating the case to remark that of the four men who have framed the problems of our century, three were Jews. I refer to Charles Darwin—the only gentile of the four—Karl Marx, Sigmund Freud, and Albert Einstein.

Whatever one may think of the conclusions they reached, the works of these four men opened new ways of thinking for mankind and gave a distinctive stamp to the modern world.

One may only speculate on the direction that Jewish creativity will take in the homeland of the State of Israel, though one may safely guess that the amazing Jewish resourcefulness and energy will remain. The brief history of the State of Israel is already filled with the pages of gallantry and courageous self-sacrifice.

Regarding H.R. 1923, a Bill To Amend Title X of the Social Security Act To Enable the States To Provide More Adequate Financial Assistance to Needy Individuals Who Are Blind and To Encourage and Stimulate Needy Blind Individuals To Become Self-Supporting

EXTENSION OF REMARKS
OF
HON. CECIL R. KING
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. KING of California. Mr. Speaker, on January 9, 1959, I introduced a bill to amend title X of the Social Security Act to enable the States to provide more adequate financial assistance to needy individuals who are blind and to encourage and stimulate needy blind individuals to become self-supporting.

Almost a quarter of a century of experience with the Federal-State program of aid to the needy blind has given us a greater understanding of the needs, problems, and capabilities of the men and women whose welfare is the concern of this program. The blind assistance provisions of the Social Security Act were adopted at a time of depression. The primary objective then was relief from the distress of poverty. We now know that assistance can be granted to needy blind people on terms that inescapably perpetuate poverty and dependency. The importance of more adequate relief from poverty among the blind than we now grant cannot be overemphasized. But relief alone is not enough; rather, it must be given on terms which assist, encourage, and impel the recipient to achieve independence and self-support by offering to him hope and opportunity.

A new approach in providing aid to the blind under title I of the Social Security Act has become imperative. This public assistance program will soon become one entirely for blind men and women in the productive years of life. Owing to the greatly expanded coverage and increased benefits under the old-age, survivors, and disability insurance system, those who lose their sight from diseases associated with the aging process will almost exclusively be old-age insurance beneficiaries. Blind workers who have succeeded in securing employment or self-employment in covered occupations will likewise be entitled to old-age benefits upon retirement.

The fact emerges that the category of blind people to be helped by public assistance will in consequence be composed predominantly of those who still have ahead of them years of possible productive effort and contribution to their communities and their families. It is of the utmost importance to these individuals as well as to the country that their productive powers be preserved from atrophy. This can only be done by granting assistance to them under conditions which save and promote their sense of personal worth, individual dignity and self-respect as valued members of a democratic society. Aid to the blind can be made into a program which extends to recipients the American tradition of opportunity. Reshaping the law to accomplish this end in addition to affording greater security from want is the principal purpose of this bill.

The amendments adopted by the Congress in 1956 contained important additions to the purpose clauses of the provisions relating to aid to the blind in the Social Security Act. The Congress recognized that much can be done by agencies administering blind assistance programs to encourage and help blind recipients to attain self-support and self-care. The changes in the law which were then adopted clearly authorized these State agencies to include as regular parts of programs, services by case workers and specially trained personnel designed to assist recipients to regain self-support and self-care. The amendments of 1956 also authorize—but less clearly—State agencies to assist recipients in the development of individual plans to attain self-support by utilizing whatever income and other resources they may possess in efforts to become established in occupations for which they may be fitted or in small business undertakings as well as whatever other ways may be feasible.

It appears unfortunate that, although a goodly number of State agencies are laying plans to add personnel to their staffs for the purpose of providing self-support services, the possibilities of encouraging and helping blind aid recipients to utilize their resources in fulfilling their need to be restored to gainful activity have been neglected. The fault perhaps lies with the inadequacy of the amendments of 1956. The Congress should make it unmistakably clear that the law contemplates and requires the widest possible use by recipients of individual resources in plans to achieve self-support and self-care. The need of every person to be a productive and contributing member of his community should be recognized as fundamental and as of equal importance and vitality as the need for food and shelter. The bill I have introduced would accomplish this objective by proposing several new provisions intended to give a wholly new conception and perspective to public assistance for the blind.

First, the bill proposes that all blind recipients be given incentive by granting them increased exemptions of earned income up to $1,000 per year, and that incentive to gain complete economic independence be retained by gradually reducing aid payments to them through the device of taking into consideration only 50 percent of each earned dollar above $1,000 per year. The existing law was amended in 1950 to provide that $50 per month of earned income be disregarded in determining the amount of monthly assistance. Thousands of blind recipients took advantage of the exemption to improve their slender economic status and some were stimulated to achieve self-support.

But the ceiling on incentive is still retained and the amount of exempted earnings has proved to be too low to gain a firm foothold on the economic ladder. For most it has been impossible to make in a single bound the immense leap from economic dependence to complete self-support which the present exemption necessitates. For fear of losing what little security blind assistance affords, others have been discouraged from making the effort. The method proposed in the bill for a larger exemption and for reducing aid payments gradually as independent earnings increase will at one and the same time enlarge the economic opportunities of the blind, stimulate them to greater efforts to become self-supporting, and enable them to achieve total economic independence.

Second, the bill provides that every aid-to-the-blind recipient shall be entitled to possess at least the assessed valuation of $3,000 of real and personal property; and additional possessions of real and personal property may be approved for individuals whose individual plans for attaining self-support may require their use. The requirement in the present law that all property and income of a blind individual must be utilized exclusively for his maintenance as a prior condition for receiving assistance has succeeded only in either impoverishing the individual who becomes a recipient or compelling him to live in impoverished circumstances without assistance.

To permit individuals to retain and enjoy modest amounts of property while being eligible for assistance is to preserve

a basis for rehabilitation. To enable recipients to utilize their own property and other resources to gain self-support and independence from aid is to put constructive purpose into the law.

Implementing the self-support purpose further, the bill prohibits any public assistance agency from requiring blind recipients to subject their property to liens or transfer to these agencies title to their property as a condition of receiving aid. Encumbering the property of blind aid recipients deprives these individuals of an ability to use their own possessions for self-restoration and rehabilitation. We cannot successfully help the blind to return to productive and useful lives if we permit their futures to be mortgaged or their property to be taken from them because they received assistance in time of need.

Third, the bill also requires that the ability of relatives to contribute to the support of recipients be entirely disregarded in determining eligibility for public assistance. The enforcement of the legal responsibility of relatives to support dependent blind persons has never been financially significant in reducing public assistance expenditures. It has, however, demoralized recipients by constantly emphasizing in their minds their dependent status and sense of helplessness. The enforcement of relatives' liability is unjust to aging parents of blind individuals still in the productive years of life and unfair to their youthful children endeavoring to become established in the world and generally results in spreading poverty rather than relieving it. The enforcement of relative responsibility is frequently disruptive of family relations, creates bitterness and resentment where hope and affection should be fostered and saves little or nothing in the cost of assistance to the blind. Accordingly it has no place in a welfare program which ought to maintain the sense of importance and belonging on the part of a recipient within the atmosphere of good family relations as a sound basis for his adjustment to blindness and restoration to normal life.

Fourth, the bill further provides for equal minimum payments to all eligible blind individuals except that the minimum would be specified by each State and could, therefore, vary with local conditions.

But the present system of individually budgeting recipients on the basis of individual need individually determined by a wide exercise of discretion on the part of individual social workers would be in a large measure replaced. Individual budgeting inescapably leads to the gradual assumption by social workers of control over the affairs and lives of recipients. If every bit of income must be searched out and every resource tracked down before the amount of each month's payment can be determined on the basis of the budgetary deficiency which then exists, the inevitable result is that the blind recipient, already oppressed by a sense of helplessness, soon loses all direction of his supposedly free consumption choices. The fibers of self-reliance are quickly sapped and loss of self-management is the unavoidable consequence. Under these conditions, the personal qualities of morale and enterprise which are indispensable to rehabilitative effort are undermined and destroyed.

The payment of fixed minimum amounts of aid to which all eligible persons are equally entitled as of right will reduce administrative overhead and preserve and promote the moral and psychological well-being of recipients. It will restore to them a power to manage their own affairs. It will nourish initiative and stimulate self-improvement. In contrast to the rigid means test and individual budgeting, equal minimum payments determined by law will provide a floor of security and foster economic independence and social reintegration.

Finally, to assure that aid-to-the-blind payments will more adequately meet the actual financial needs of recipients while they are in distress, the bill raises the ceiling on the matching of State funds by the Federal Government from the present maximum of $65 per month average payment made to each recipient to $75 maximum. When the Social Security Act was first passed in 1935 the maximum payment to any blind recipient in which the Federal Government would participate was fixed at $30 per month, of which the Federal Government would pay one-half. The maximum amount in which the Federal Government will share has been increased by only $35, and even this increase includes average expenditures for medical care not authorized prior to 1950. Yet the cost of living has more than doubled since 1935 and the standard of living to which the American people have become accustomed has sharply risen. The consequence of the Federal Government's failure to keep pace with rising prices has been that even greater poverty and distress has been imposed upon the blind who must depend on public assistance. They have been compelled to eat and dress and live in a manner markedly different from the rest of the community. Many of the States have demonstrated their willingness to meet in part the challenge of the desperate situation thus brought about and have raised payments substantially above the Federal matching ceiling, but, others have fallen far behind. The latest figure available show that average payments throughout the United States are but $69.05 per month, and this includes average expenditures for medical care.

The time has been long overdue for the Federal Government to attempt more reasonably to meet its responsibilities for raising the level of aid to the blind in every State. The bill therefore proposes that $30 out of the first $35 of average monthly payments to the blind shall be paid by the Federal Government. In addition, the variable grant formula adopted by Congress in its 1958 Social Security Amendments is continued. Thus the Federal Government not only will pay $30 of the first $35 of the average payment to all recipients; but, also 50 to 65 percent of the difference between $35 and $75. Accordingly, even the States which have the least ability to raise assistance payments without additional Federal participation because they have the smallest taxable resources, will be enabled to meet the actual needs of the blind recipients more adequately.

Adoption of these amendments will mean that the rehabilitative approach will constitute the very core of the Federal law providing for aid to the blind rather than the present outmoded Elizabethan Poor Laws concept of counting each penny of a resource unto the third generation. We now know from the examples of increasing numbers of blind men and women who successfully work at a wide variety of occupations ranging from electricians and farmers to businessmen and college professors that every blind person who is sound of body and mind is capable in his productive years of completely normal living and economic usefulness. By revising the Federal law, we not only translate into effective statutory provisions the 1956 enactment of the purposes of self-care and self-support; we can also materially encourage and enable the one-third of this Nation's 350,000 blind persons who are dependent upon public assistance to take their rightful places in the economy as taxpayers rather than as tax consumers. It is high time that the Nation's laws providing for aid to the blind catch up with the facts established through a quarter of a century of experience under the Social Security Act.

A Proposal To Establish Clinics for Narcotic Addicts

EXTENSION OF REMARKS

OF

HON. VICTOR L. ANFUSO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1960

Mr. ANFUSO. Mr. Speaker, I am today introducing a bill which provides for Federal assistance to the States for the establishment and operation of outpatient clinics for narcotic addicts. These clinics would follow the British practice with regard to the gradual reduction method of the treatment and the furnishing of narcotics to persons whose addiction seems incurable.

Much has been said and written about the narcotic problem in this country, but we are no nearer a solution of it today then we have ever been. The illicit traffic in narcotics seems to increase from year to year, despite the fact that the Federal Narcotics Bureau and its agents are conducting a relentless fight against drug smugglers, peddlers, and pushers.

Mr. Speaker, I should like to cite some interesting statistics which give us a picture—though not a pretty picture—of this problem. These are official figures taken from testimony presented to the Subcommittee on Treasury-Post Office Departments Appropriations of the House Appropriations Committee at its hearings on January 26, 1960, by Dr.

H. J. Anslinger, the Commissioner of Narcotics, and his immediate assistants.

The total number of active narcotic addicts in the country as of December 31, 1959, was reported to be 45,391, divided as follows:

		Percent
Negro	26,146	57.6
White	11,703	25.8
Puerto Rican	3,889	8.6
Mexican	2,823	6.2
Others	830	1.8

They are divided into age groups as follows:

		Percent
Under 21 years	1,743	3.8
21 to 30 years	24,343	53.6
31 to 40 years	14,058	31.0
Over 40 years	5,247	11.6

On page 145 of the hearings cited above is a list of the number of addicts in all the States, from which I quote the following:

		Percent
New York	20,732	45.7
California	6,471	14.2
Illinois	6,191	13.6
Michigan	2,366	5.2
All others	9,631	21.2

Other States with a fairly large number of addicts are: Texas, 1,566; District of Columbia, 1,116; Missouri, 1,030; New Jersey, 892; Ohio, 619; Pennsylvania, 557; Louisiana, 434.

I might add that the exact number of addicts in the country is not known. It has usually been estimated at about 60,000, based on the number of persons who have been in contact with law-enforcement agencies. Dr. Charles Winick, secretary of the National Advisory Council on Narcotics, has cited one authority who estimates "that there are three addicts who have not been in contact with the law for every one who has." The noted sociologist, Prof. Alfred R. Lindesmith, points out the interesting though regrettable fact that "even if one accepts the minimum estimate of addiction given—namely, the 60,000 figure—there appear to be more drug users in the United States than in all the rest of the Western World combined."

This is a very sad commentary on our society and civilization. Why should the United States, which has the highest standard of living in the world, have such a large number of drug addicts? Of course, I am especially perturbed over the fact that nearly half of the addicts in the country are in New York State. Where are we falling down on the job? Is it our approach to the whole problem that is wrong? Is it the treatment or lack of treatment that constitutes a major factor? Should we place the emphasis on jails, as we are presently doing, or on institutions? If institutions, what kind should it be—hospitals, clinics?

Mr. Speaker, I am no sociologist and do not consider myself an expert in the field of narcotics. My interest in this field stems from the time when I served on the bench as a city magistrate in New York where a number of narcotics cases came to my attention. Much of my information comes from reading some of the literature in this field, discussions with former colleagues on the bench, attorneys, and others. I was particularly impressed with a book on this subject "Who Live in Shadow," written by my very dear friend, Judge John M. Murtagh, chief city magistrate of New York, in collaboration with Sara Harris. On page 166 of the book we read:

> Despite their own transgressions, and expressedly decent sentiments toward addicts, the enforcement agencies vigorously demand ever harsher penalties and ever stiffer laws against addiction. What can they hope to accomplish with their stiffer laws? After all, the punitive, prohibitory approach to the drug problem has been the official policy of the United States for 40 years. No other country in the world has been so sadistic in dealing with addicts. Still there are more addicts in the United States today than in all the other western countries combined, and more juvenile users in New York City than in all of Europe.

Judge Murtagh believes that our present policy is ill conceived and that we should consider a change in attitude. I am strongly inclined to agree with him. In 1951, Congress passed the so-called Boggs law which increased penalties against narcotics violators, but the penalties seem to be hurting more the addicts than the dope racketeers. Our aim should be to break up the drug rings, the big operators and the illicit dealers, while those who are themselves victims of the drug should be aided in every possible way to regain human dignity and become rehabilitated.

Right now we have only two Federal hospitals in the whole country for treating narcotic addicts, one at Lexington, Ky., and the other at Fort Worth, Tex., with combined facilities for less than 2,500 addicts. The only other narcotics hospital in the country is Riverside Hospital in New York City, which can accommodate about 180 addicts and is used exclusively for those under 21 years of age. Oddly enough, New York State, with 45.7 percent of all active narcotic addicts in the country, does not have a single rehabilitation center for the treatment of adult victims. It is well worth noting that the great majority of these people are never rehabilitated because the State courts cannot commit New York residents to Federal institutions.

Mr. Speaker, it is high time that we begin to recognize the drug addict what he really is, namely, a sick person who is badly in need of help and medical treatment, and not as a criminal who is to be thrown into jail and left there to rot. In other words, let us rightly consider it as a medical problem and separate it from the criminal phase of the overall problem. Let us provide the medical care and the rehabilitation for those who are themselves victims, and we shall be in a better position to check the whole problem, including the criminal phase of it.

Many experts in this field have in recent years called for the establishment of clinics to help in the care and rehabilitation of drug addicts by dispensing drugs, either free or at low cost, to those who cannot do without them. Commissioner Anslinger, however, is opposed to this experiment on the ground it would not work, citing an experience back in 1919. The fact is that that experience was of brief duration, but, even at that, some of the clinics were showing good results, yet the Treasury Department closed them all in 1924.

Since then 36 years have gone by and the Treasury Department has not changed its position in the matter. In the meantime, the number of addicts in the country has grown, the problem is greater than ever, and we are still pursuing the policy of jail treatment instead of a policy of medical treatment. I believe it is time for Dr. Anslinger and the Bureau of Narcotics to reconsider its stand on clinics, in the light of events since then, in the light of the seriousness of the problem, in the light of experiences abroad.

Let us look at the situation in Great Britain. There are no specialized institutions there for addicts. Treatment may be obtained in some public hospitals and several private nursing homes. An addict may obtain his supplies for the price of 1 shilling—about 14 cents—per prescription from a registered medical practitioner. One would think there would be wholesale abuse under this kind of a system, but how widespread is narcotic addiction in Britain? In its annual report to the United Nations Narcotic Commission, Britain reported in 1956 a total of 359 known addicts. The year before the total was 335. Washington, D.C., has more than three times as many drug addicts as all of Britain, while New York has 58 times as many. The United States has about three times the population of Britain, but more than 125 times the number of narcotic addicts. We should give serious thought to these facts.

Judge Murtagh in his book raises these questions:

> Is there really anything in the moral law that suggests that we cannot ease the misery and suffering of an addict by the temporary, or if medically indicated, the continued administration of limited quantities of drugs? Indeed is it not rather a violation of the moral law to deny the addict the solace and comfort of the medical practitioner and thereby drive him into the hands of the underworld?

I think the answer to these questions is obvious. I am firmly convinced that if we establish clinics to treat the addicts and to give them limited quantities of drugs under medical care, we could certainly make considerable headway toward a diminution of this problem and toward eventual elimination of the drug menace which is threatening our youth in the larger cities.

Another achievement would be that we would be well on the road to driving out the racketeers and their billion-dollar racket which is thriving on human misery. This could be done by taking the profits out of the illicit drug trade and making it impossible for the racketeers to push their poisonous wares, because the addicts would no longer be dependent upon their mercies and would get the necessary help through legalized clinics.

Mr. Speaker, it is because of all these facts and reasons cited above that I am introducing a bill to establish clinics for drug addicts, somewhat along the British practice for narcotic treatment though not their system which is exclusively in the hands of the medical profession. My

bill provides for the establishment of "narcotic addition clinics" for the treatment of addicts on an outpatient basis. Under this system, drugs would be made available under medical supervision to two types of addicts: First, to those who are capable of leading a fairly normal and useful life as long as they are forced to take a certain drug but not otherwise; second, to those who are undergoing treatment for addition by the gradual reduction method.

The bill calls for an appropriation of $5 million for the coming year to be used as grants-in-aid to States for the construction and operation of such clinics. These grants are to be made to the States on the basis of their addict population, financial need, and State effort. The States receiving such grants will be required to provide an equal amount of funds for the same purpose. In other words, this is to be a joint Federal-State endeavor. The bill also provides that the Surgeon General shall have the authority to make grants to the individual States on the basis of regulations prescribed by him in consultation with State health authorities.

Of special concern to me is the safeguarding of the youth of our country. Young people will not become victims of the racketeers and be subjected to their solicitation if those already tainted can be treated at the clinics, turned into useful citizens and prevented from becoming habitues of the drug habit. My bill aims to prevent drug addiction of youths by removing the profit motive in narcotic trafficking by racketeers.

Mr. Speaker, it is my view that adoption of this bill will help to curtail the havoc being created in thousands of families where some member becomes the victim of dope peddlers. If we can succeed in eliminating the profit motive from the drug market, even partially, we will have made great progress on the road toward eventual curtailment and elimination of this dreaded menace. I urge the committee to give early and very serious consideration to this measure.

Salute to Columbian Bar Association Upon Admission To Practice Before the U.S. Supreme Court

EXTENSION OF REMARKS
OF
HON. ALFRED E. SANTANGELO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. SANTANGELO. Mr. Speaker, March 22, 1960, was the commencement of a new tradition in the history of the legal profession in New York. Thirty-eight members of the Columbian Lawyers Association were admitted to practice before the U.S. Supreme Court. One of them was a woman. I had the high honor and privilege of sponsoring this group before our highest court in the land.

Last year the Columbian Lawyers Association initiated the practice of arranging for the admission of their legal membership to practice before the Supreme Court of the United States. Then 53 members were so admitted.

The Columbian Lawyers Association is a young, flourishing bar association operating in the first judicial department of the State of New York. Its membership consists of more than 600 members and is composed of lawyers of Italian origin who practice principally in the city of New York and the county of Westchester. Many of them are leaders in their respective communities. They are dedicated to guarding our American traditions and to building a sound body of law for our future.

Among its foremost aims is the maintenance of a high standing of conduct for the legal profession, including the prosecuting officers of both the Federal and State Governments and the selection of capable and learned judges to serve in our courts. They are of the firm belief that in order to fulfill the great promises pronounced in our Declaration of Independence and to realize the American goal of equal justice before the law, lawyers must be skilled advocates, sensitive to justice, and with high standards of conduct, both for the bar and the justices of the courts.

The journey to Washington was meticulously prepared by Joseph Contiguglia, a member of the association, and a referee in the workmen's compensation board in the State of New York. Much planning and work was done to transport 38 active lawyers to Washington from the city of New York and other members who were interested in accompanying the applicants. The success of the program was a credit to the planning and preparation which Mr. Contiguglia provided.

Prior to being sworn in by Chief Justice Earl Warren, this bar group had the distinct pleasure of meeting with the Clerk of the U.S. Supreme Court, James R. Browning, for a half-hour. Mr. Browning detailed the intimate workings of the members of the Supreme Court in the exercising of their discretion to review a matter or to decide a case. The explanations afforded the group by Mr. Browning provided a better understanding and appreciation of the tremendous tasks which burden the Justices and the procedures in the accommodation of conflicting viewpoints.

Prior to the formal swearing in, Chief Justice Earl Warren met with the group informally and discussed the aims of the bar association and the Chief Justice stressed the importance of a familiarity with the workings of the Supreme Court and the need of lawyers being admitted to practice before the supreme judicial body.

After the admission to the Supreme Court, the Columbian lawyers had luncheon at the Congressional Hotel. Several Members of Congress attended the luncheon. Representatives VICTOR L. ANFUSO, of Brooklyn; DOMINICK V. DANIELS, of New Jersey; and JACOB H. GILBERT, of the Bronx, addressed the group, pointing out the significance of their membership in the U.S. Supreme Court and the pride that they felt in this demonstration by New York's legal talent.

On the evening prior to their swearing in, a reception was tendered to the group and many of their Washington friends by Mr. and Mrs. Gaspar Morell, a former New Yorker, now a successful Washington builder. Mr. Morell's beautiful home on Kalorama Road, on Embassy Row, provided the scene for happy reunions and pleasant exchanges. Several Congressmen attended the reception, including Congressmen ROBERT N. GIAIMO and EMILIO Q. DADDARIO, of Connecticut. Judge Alexander Holtzoff, of the U.S. District Court for the District of Columbia, attended the reception and, as a former New Yorker, recalled his experiences in that great city and welcomed the lawyers to our Capital. Congressman JOHN J. ROONEY, member of the House Appropriations Committee and chairman of the Subcommittee on the Departments of State and Justice and the Judiciary and Related Agencies of the Appropriations Committee, also welcomed the association and presented the viewpoint of those who control the purse strings in the protection of our court system.

Congressman BASIL L. WHITENER, a member of the Judiciary Committee from North Carolina, also welcomed this legal entourage, and although we were in the process of considering the controversial civil rights bill wherein Members from the North and South disagreed, he demonstrated that our disagreements could exist without the Members being disagreeable. One of the guests was Col. Giovanni Nicollo, assistant air attaché of the Italian Embassy and professor of aerodynamics. He addressed the gathering and expressed his pleasure of this practice of lawyers visiting the Capital City for such a lofty purpose of being admitted to the Supreme Court. Mr. and Mrs. Mario Noto, Assistant Commissioner of the Immigration and Naturalization Service, also graced the reception with their presence. Also in attendance was Inspector Anthony Richitt, of the Metropolitan Police Department. We cannot express fully our appreciation for the hospitality of Mr. Gaspar Morell and his lovely wife, Anita Morell, whose charm has been recently displayed in the Washington press.

The roll of the newly admitted members to the Supreme Court is as follows: John F. Aiello, Charles Bakos, Nicholas A. Basso, Sabino J. Beradino, William J. Bianchi, Carmine J. Capozzola, Ralph A. Cavallo, Leonard A. Conticello, John H. Curcio, Michael A. Del Greco, Michael A. Di Salvo, Thomas Esposito, Max Feigin, Theodore R. Freschi, Joseph P. Giaimo, Arthur F. Lamanda, Vincent J. Mandese, John J. Mangini, John Jay Mangini, Jr., Joseph A. Marchetti, Pascal Marsico, Anthony R. Martorano, Pasquale A. Mele, Edward Howard Mollison, Murray E. Morrison, Alfred F. Muscio, Pasquale Palumbo, Carmine J. Perrotta, Miss Annette M. Pollaci, Joseph F. Romano, Joseph V. Rubino, John C. Sacco, Anthony Serpone, Michael Sibilio, Alfred Frank Sica, Anthony B. Tripodi, Merritt T. Viscardi, and Salvatore Viscardi.

The president of the organization is Michael LaPenna, who was the spokesman for the group with Chief Justice Warren at their preinduction conference.

Now that these lawyers have returned home to New York leaving Washington richer because of their visit, I say to them "Congratulations and Hail Columbian Lawyers Association."

Is the Labor Boss for or Against the Aged?

EXTENSION OF REMARKS
OF
HON. ALBERT H. BOSCH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. BOSCH. Mr. Speaker, there is growing public recognition that all public enemies are not necessarily on "The Ten Most Wanted List" maintained by the Federal Bureau of Investigation. There is a developing realization that certain detractors from our American way of life skillfully operate on the fringes of lawful activity so that it is difficult to attach criminal culpability to them. These new public enemies have been working in our midst for many years bent on the destruction of our national greatness and dedicated to the socialistic glorification of mediocrity.

The type of public enemy to which I refer need not be a gangster, although he frequently comes from such a background; he need not be a Communist, although people of his ilk frequently are; he need not be avowedly anti-American, although he frequently works to further anti-American causes that are contrary to our Nation's military and economic strength. The new public enemy to which I refer is the labor boss who seeks for his own selfish aggrandizement to distort the record on important national issues confronting our people, to reward the slothful by taxing the industrious, and to influence public opinion along the lines of the socialistic thinking in which he professes belief.

These labor bosses preach civil rights while condoning segregation in the ranks of their own labor organizations; they advocate equal economic opportunity while interfering with the rights of American citizens to work; they preach the principles of democracy while practicing totalitarian rule in union office.

These labor bosses deal in distortion and demagoguery to fill the public record with false and misleading statements and are quick to resort to vilification and abuse against anyone who seeks to set the record straight or who has the courage to disagree with them.

Over the weekend the press attributed a statement to United Auto Workers President Walter Reuther that was critical of the President of the United States. Mr. Reuther is reported to have criticized President Eisenhower because of the latter's opposition to a proposal pending before the Congress designed to launch a national health insurance program financed by a compulsory payroll tax imposed on our working population. Mr. Reuther, in effect, said that the President has always had his medical bills paid for by the Government. The truth of the matter is that President Eisenhower through great personal sacrifice has rendered more than 40 years of his life in unparalleled public service in behalf of the citizens of our Nation and against the threat of totalitarian enslavement of freedom-loving people everywhere.

Mr. Speaker, I do not recall similar public service by Mr. Reuther. In the CONGRESSIONAL RECORD for August 20, 1958, my distinguished colleague on the Committee on Ways and Means, the gentleman from California [Mr. UTT], documented by Mr. Reuther's own admission the fact that the President of the UAW was a Socialist. In the CONGRESSIONAL RECORD of January 16, 1941, that great statesman from the State of Georgia, the late Honorable E. E. COX, placed in the RECORD evidence that Walter Reuther at the time he was President of an Automobile Workers local with a membership of 30,000 filed a statement that he could not afford to pay for medical examination and treatment for himself and his wife and that he received such examination and treatment at the expense of the city of Detroit. On August 2, 1955, our patriotic and esteemed colleague from Michigan [Mr. HOFFMAN] placed in the CONGRESSIONAL RECORD documentation of the machinations by this same Walter Reuther to avoid military service during World War II. Mr. HOFFMAN also called attention to the fact that the Reuther brothers while studying in Russia wrote a letter to close friends on January 20, 1934, in Detroit admonishing them to "Carry on the fight for a Soviet America."

Mr. Speaker, I have recently received a letter from the AFL–CIO expressing opposition to some 175 bills that are currently pending before the Committee on Ways and Means having the effect of liberalizing the retirement test in the social security program so that our citizens who have paid for protection under Social Security could continue to engage in more realistic partial employment after they reach age 65. In the CONGRESSIONAL RECORD, my distinguished and courages colleague from Missouri [Mr. CURTIS] referred to labor boss opposition to the liberalization of the retirement test, and I call your attention to his well considered remarks. Mr. CURTIS in effect said that if the labor bosses were really interested in the welfare of the aged, they should support a liberalization of the retirement test instead of trying to force our still potentially productive citizens out of the labor market.

Mr. Speaker, the labor boss is now supporting H.R. 4700, a bill to provide Government payment for certain health care costs incurred by the aged at the expense of our present working population. This labor boss support is in the face of the facts that H.R. 4700 is discriminatory in its application, would impose an excessive cost on the American people, and would detract from rather than improve the quality of the medical care available to our aged.

Dr. H. I. Fineberg has recently written a very excellent analysis of the Forand bill which appeared in the March 27, 1960, issue of the Long Island Press. I will include Dr. Fineberg's comments on this legislation as a part of my remarks:

THE DOCTOR'S CORNER—LAW WON'T PROVIDE BETTER MEDICAL CARE

(By Dr. H. I. Fineberg)

In recent weeks, the Forand bill, has come to the foreground more than ever.

Since we discussed this proposal a few weeks ago, I have been deluged with mail from people in this community—who have accused me of being "anti-old age." Nothing could be further from the truth. I have often declared that every sick person must be taken care of regardless of age, economic status, or creed. There must be only one type of medical care—the best that we have available. Everyone, rich or poor, young, middle aged or elderly, must have it. In this city and State no one needs to forego the services of a doctor of medicine because of inability to pay.

My concern over the legislation recommended by Congressman FORAND is that it would establish a system of medical care under which all of us—the patient, the doctor, and the hospital—would take orders from the Federal Government. As Dr. Frederick C. Swartz, chairman of the national medical society's committee on aging, has pointed out—the result would be poorer, not better, health care for the people of our country.

Dr. Louis M. Orr, president of the American Medical Association, voices our opinion when he says that the interests of the aged could best be served by encouraging further development of voluntary health insurance; by replacing compulsory retirement and age discrimination in employment with more realistic and flexible systems; by curbing inflation; by encouraging construction of nursing homes and other facilities designed to care for the long-term patient efficiently and economically; and by increasing reimbursement of hospitals by local and State governments for care of the needy of any age. We still insist that the voluntary way is the best way—unhampered by bureaucratic control.

Last month, a British physician spoke about the importance of telling the American people of the backbreaking tax load that can result when a government enters the medical care field.

In a speech before Blue Shield people in Chicago, Dr. John B. Reckless reported that, prior to the National Health Service in Britain, the public in that area did not fully realize that a government can levy costs for services not only directly by taking a contribution from a person's income but also by direct and indirect taxation. He stated that the taxation per head in the United States is estimated to be 24 percent whereas in Britain the direct taxation is at least 40 percent.

In addition, Dr. Reckless revealed some examples of Britain's indirect taxation. Their sales tax is as high as 66 percent on automobiles and there is a tax of 100 percent on luxury items such as electrical appliances, iceboxes, television sets, furs, jewelry, cameras, etc.

Government medicine is expensive medicine and it results in overutilization of services. According to Dr. Reckless' figures, in the first 3 years of the government-controlled program in Britain, a country which has 50 million people, the following were issued: 609 million prescriptions and drugs, 7 million sets of dentures and 700,000 appliances. Costs skyrocketed and the government was so embarrassed that they had to impose restrictions.

When the National Health Service was started in Britain, it was estimated that it would cost $500 million a year. Within 3 years, this figure rose to $1.2 billion and now it is $2 billion a year.

Program for Peace

EXTENSION OF REMARKS
OF

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1960

Mr. BLATNIK. Mr. Speaker, a recent survey taken by the Gallup poll revealed a strong trend among our people to insist that the President of the United States should be a "worker for peace." That is, the major criterion for the political leader of our Nation should be that he is dedicated to and capable of developing a positive U.S. program to build a just and enduring peace.

Such a program has been largely spelled out over the past several years by the senior Senator from Minnesota, HUBERT H. HUMPHREY. In a series of addresses and legislative proposals Senator HUMPHREY has issued a dramatic challenge to his fellow Americans to take the leadership in a worldwide cooperative effort to build peace through concrete, specific works of peace.

Much of this program the senior Senator from Minnesota has presented to the Senate in legislative form. In some instances there has been action to implement his proposals.

Mr. Speaker, under leave to extend my remarks in the RECORD, I include a brief summary of the chief points of Senator HUMPHREY's program for peace, a program which could form the basis for a more creative and effective foreign policy for our country in the coming years.

SENATOR HUBERT H. HUMPHREY'S PROGRAM FOR PEACE

Senator HUBERT H. HUMPHREY's program for peace is the result of years of study and experience in the field of foreign affairs. He is chairman of the Senate Subcommittee on Disarmament, a member of the Senate Committee on Foreign Relations, and a former delegate to the United Nations. He has traveled widely and met with the top leaders of the world, including Soviet Premier Khrushchev.

His thesis is that the United States must act boldly with measures to remove the basic conditions and causes of violence and war from the world—poverty, hunger, disease, and illiteracy—and to create a world security system to replace the arms race.

The Humphrey program is a positive program. It is written in solid and bold legislative proposals. These are its provisions:

A MANHATTAN PROJECT FOR PEACE

Early in 1960, Senator HUMPHREY introduced legislation to establish a National Peace Agency, with the responsibility and authority to coordinate America's efforts for peace.

The National Peace Agency would marshal the full scientific genius of America to tackle the immense technical problems of arms control—a "Manhattan Project for Peace." The Agency would be charged with responsibility to find new ways of achieving disarmament agreements and developing workable and safe inspection and control systems.

The Humphrey proposal sets safeguarded disarmament as the basic, immediate goal of the United States. The National Peace Agency would provide the governmental machinery through which that goal could be achieved.

Senator HUMPHREY said on March 7:

The American people are more than willing to pay the billions requested by the President for arms; indeed we are willing to invest far more than that, and for the present we shall be forced to do so. There is as yet no escape from the arms race.

How much more eagerly our people would support an investment in the creation of an alternative to the arms race.

Our people are eager to get on with the creative, humanitarian projects that we have so long dreamed of, eager to plow into the works of peace the dollars we are now pouring into the works of war.

FOOD FOR PEACE

The Humphrey program for peace clearly outlines the "creative, humanitarian projects" which are necessary to remove the conditions of war.

The foundation of his "Works for Peace" is a bold new program contained in legislation introduced in 1959—the International Food for Peace Act.

This legislation would authorize far broader and more positive and constructive use of America's food and fiber abundance as a weapon against hunger and starvation.

A food for peace program would also promote the economic development of backward nations, help to stabilize American agriculture and serve the foreign policy of this country by building essential conditions of peace.

Senator HUMPHREY's legislation provides for increased sales and grants of America's agricultural surpluses and allows for contracts of sufficient duration to enable other nations to plan their development more efficiently.

Today the United States spends more than $1 billion a year just to store food and fiber surplus and many of our leaders consider that surplus a problem of disposal.

The food for peace program would, instead, convert local currencies obtained from loans and sales of food and fiber into positive works of peace. And it would give the American people reason to thank God for the great abundance of their soil, and to find deep satisfaction in the knowledge that it is being used for worthy purposes.

HEALTH FOR PEACE

The Humphrey program emphasizes that disease is the enemy of all men, and that rampant disease can weaken the will of nations and add to the conditions of war.

Senator HUMPHREY has offered legislation to provide additional funds for the World Health Organization to use in the battles against cancer and heart disease and to strengthen the office of Surgeon General of the United States for international health efforts.

His program calls for establishment of a National Institute for International Health, through which medical scientists of the world could cooperate in the war against diseases.

He has also proposed Soviet-American institutes of health in which Russian and American medical scientists could work side by side to fight disease. These institutes—plus reciprocal professorships and fellowships in universities of both nations—would provide international zones of peace, zones of enlightenment, zones of healing.

A WHITE FLEET

One of the most dramatic of Senator HUMPHREY's works for peace is his proposal for a White Fleet—mercy ships which would bring help and relief to the people of disaster areas.

His proposal calls for the United States to demothball Navy ships, reoutfit hospital ships with the help of private foundations, and let them serve as task forces for peace.

These White Fleets could be sent to the scenes of earthquake, flood, hurricane, famine, or disease epidemics. One would be kept in the Mediterranean and the other in southeast Asia—each ready to bring help within 3 or 4 days to any disaster area within 1,000 to 1,200 miles.

Each group could throw into a port 800 to 1,000 hospital beds, operating facilities and laboratories, power for a whole city, and emergency rations for 300,000 people for a full week.

Two White Fleets could be operated at a cost of between $10 million and $15 million—a small investment for a great work of peace.

EDUCATION FOR PEACE

The Humphrey program for peace would also attack illiteracy and ignorance—two basic ingredients of violence and war.

His proposal is based on the premise that underdeveloped countries cannot hope to become strong forces for freedom and peace unless their citizens can develop sound judgment and diverse skills.

It was spelled out in legislation to establish in the executive branch of our Government an International Educational Development Foundation.

This agency would have the authority to assure a vigorous program through which the United States would assist other nations in improving their educational systems.

Public and private groups would be enlisted in an effort to provide more and better schools, teachers, and facilities to areas held back by illiteracy.

Such a program would be financed by local currencies acquired from sale of America's agricultural surpluses.

The pool of such currency now amounts to about $2 billion, and is expected to reach $10 billion by 1963. Only a tiny fraction of available currencies is used for educational purposes. The Humphrey food for peace program would increase the amounts used in the battle against illiteracy and ignorance.

DEDICATION AND ACTION

The Humphrey program for peace recognizes the dedication of all Americans to the goal of a world in which all men are free and secure. It recognizes the latent power and skill of America which can be harnessed to achieve that goal. Creative leadership can harness the great driving force of America in the works of peace, as it has many times mustered it to defend our Nation in great wars.

The Humphrey program for peace calls for hard work and constructive action to take giant strides toward America's goal and to utilize fully America's energies.

With dedicated leadership, that program can succeed and America's goal of an enduring peace can be achieved.

The Balance of Payments Deficit—A Challenge to America

EXTENSION OF REMARKS
OF
HON. WILLIAM B. WIDNALL
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. WIDNALL. Mr. Speaker, on March 9 I was pleased to deliver the keynote speech at the 14th annual world trade conference of the Pittsburgh Chamber of Commerce in Pittsburgh. My topic was "The Balance of Payments Deficit—A Challenge to America."

In my address I stressed the urgent need for reducing the deficit and told of the new program of informational and promotional activity in the foreign-trade field carried on by the Department of Commerce.

In his message to Congress, President Eisenhower outlined those plans. He echoed my expressed views when he said that "increased exports are important to the United States at this time." Besides creating more jobs for Americans, the President said, expanded exports will help to support such essential expenditures abroad as investment, private travel, maintenance of U.S. military forces, and programs of economic cooperation. It came as a source of some satisfaction to me that of the seven comprehensive steps charted by the President to stimulate exporting, five of them were embodied in my Pittsburgh speech. The seven steps the President directed the Government to take are, first, to strengthen the trade promotion services of the Department of Commerce, including its field offices located throughout the United States; second, to expand and give higher priority to the commercial activities of the Foreign Service; third, to expand the agricultural trade promotion activities of the Department of Agriculture; fourth, to place greater emphasis on the prompt reporting of information useful to American exporters; fifth, to establish new overseas trade centers; sixth, to make fuller use of international fairs, trade missions, and other promotional means to stimulate the interest of foreign buyers in U.S. products while continuing to emphasize the basic objectives of the special program for international understanding; and seventh, to emphasize the promotion of tourist travel to the United States.

My own remarks in Pittsburgh follow:

THE BALANCE OF PAYMENTS DEFICIT—A CHALLENGE TO AMERICA

(Remarks by Representative WILLIAM B. WIDNALL, Republican, of New Jersey, at the 14th annual Pittsburgh world trade conference sponsored by the Pittsburgh Chamber of Commerce, at a meeting at the Penn-Sheraton Hotel, Pittsburgh, March 9, 1960)

"The Balance of Payments Deficit—A Challenge to America." Here is a theme which still has an unfamiliar ring in American ears. Unfamiliarity, however, must not be permitted to block proper attention to the important issues underlying this theme.

The first of the two phrases, "the balance of payments deficit," is a rather technical term which not long ago was confined almost entirely to the jargon of specialists in international economics and finance. During the past 2 years, however, it has cropped up repeatedly in statements of public officials and business leaders, and has become commonplace in business and financial journals.

From these sources, the term has found its way with increasing frequency into the daily press, where it startles and sometimes bewilders Americans whose last news of the balance of payments had to do with the postwar dollar gap. This new term, "balance of payments deficit," is one which many of us associate vaguely with the problems of foreign countries, but are surprised and perhaps chagrined to find being used as a name for a problem of our own.

Unfortunately, public understanding of the balance of payments has not kept pace with the growth in news references to it. This conference will contribute much to the wider recognition and better understanding which are needed with respect to those issues. For this reason, the world trade council of the Pittsburgh Chamber of Commerce is to be congratulated for its timely initiative in sponsoring today's meeting.

By way of preface, however, it may be worth while to recapitulate just a few of the most salient features of the current position. Leaving aside all reference to the trends and underlying factors which brought about that position, I would summarize it in very broad outline as follows:

In 1959 total U.S. expenditures abroad amounted to $28½ billion. Slightly more than half of this ($15 billion) was in payment for imports of foreign goods, and another $5 billion went into purchases of various foreign services—shipping, insurance, tourism, and so forth. The remainder included roughly $3 billion for purchases of our oversea military establishments and their personnel, $2 billion for net foreign loans and grants by the Government, over $2 billion for net private investment abroad, and a smaller sum for various private donations and pensions.

Foreign expenditures in the United States last year totaled approximately $25 billion. Over $16 billion of this was in payment for U.S. goods exported and more than $7 billion was received for U.S. services rendered to foreigners and as earnings on our foreign investments. The remainder included relatively small amounts of foreign long-term capital invested here and of unrecorded transactions.

The foregoing figures do not include, either as foreign-aid grants or as exports, military goods transferred without reimbursement. Nor do they include the U.S. subscription to the expansion of the capital resources of the International Monetary Fund.

Now, the U.S. expenditure total which I cited a moment ago exceeded total U.S. receipts on the transactions enumerated by $3.7 billion in 1959. This difference, resulting in equivalent transfers of liquid dollar assets and gold to foreign ownership is, of course, "the balance of payments deficit."

Note that the deficit, so defined, is not a comprehensive measure of the change in our international net worth, by which I mean the excess of our investments and claims abroad over our outstanding liabilities to foreigners, long term as well as short term. In computing the conventional balance of payments deficit, we have treated U.S. foreign investment, both private and governmental, simply as an expenditure, rather than as an acquisition of valuable assets abroad. The result is a measure of the deficit strictly in terms of the effects of the transactions upon our international liquidity position.

This cash deficit in our international accounts, however, is a vitally significant and potentially threatening phenomenon, regardless of the size of our holdings of income-yielding long-term assets abroad, or of annual increases in them. These investments, in the main, are not at all liquid, and could not contribute much, should an emergency arise, to the problem of meeting demands by short-term creditors for withdrawal of their funds.

Fortunately, no emergency is at hand. Our economic and financial position is very strong. This gives us plenty of time to take action that will preclude the development of any emergency, provided that we use that time wisely for the application of policies designed to prevent extended continuation of balance-of-payments deficits on the 1958–59 scale. Drifting for even a few more years at the recent deficit level, however, would surely bring us into an unpleasant situation.

Moderate annual deficits in our balance of payments during most of the past decade, coupled with the large ones recorded in 1958 and 1959, have already raised the liquid dollar holdings of foreign countries—that is, their bank deposits here plus the short-term Treasury securities which they hold—from about $6½ billion at the end of 1949 to $17½ billion at the close of last year. Over the same interval, the U.S. gold stock dwindled from roughly $24½ billion to $19½ billion.

The increase in foreign countries' gold and dollar holdings to date could be regarded, for the most part, as a welcome restoration and redistribution of international reserves. It was a necessary condition for resumption of relatively unfettered multilateral trading patterns, and hence was a conscious objective of U.S. foreign economic policy for a number of years. It has been an essential factor in the recently accelerated dismantling of trade and exchange restrictions by important trading countries. Without it, the highly desirable reestablishment of external convertibility for major European countries a year or so ago could scarcely have been contemplated.

Nevertheless, we must ask how long the propensity of foreign countries to hold dollars as a reserve currency will remain strong enough to make them willing to add anything like $3½ billion per year to their holdings. To date, they have taken the bulk of the liquid funds transferred to them over the past decade in the form of bank deposits and Treasury securities rather than in the form of gold. This attests to the confidence which foreign governments and their citizens have in our currency and to their faith in the economic and political stability of the United States. It also reflects, of course, their requirements for large operating balances to finance their trade both with us and to a considerable extent with each other.

Under present conditions, and with the attitudes now prevailing, our gold stock of $19½ billion represents a rather comfortable international reserve, even though approximately $12 billion of that total is required

for our domestic monetary reserves under existing law. So long as no extraordinary and unexpected demands on our gold stock arise, it bears an ample ratio to our short-term international liabilities.

Still, if those liabilities should continue to rise rapidly, the ratio would soon become less ample. If it fell too low, it would expose our gold reserve to great jeopardy in the event of any development causing serious weakening of the confidence of foreign depositors in the dollar. If for any reason they were to attempt to convert a substantial proportion of their present dollar holdings to gold, or even to obtain full settlement in gold of U.S. balance of payments deficits on the 1959 scale, the simple arithmetic of the relationships I have reviewed is such that the available free gold reserve could be drained off very quickly.

If this happened, I do not believe I need to paint a picture of the chaos and uncertainty which would thus be introduced into international finance and trade.

Fortunately, this bogey is not imminent. Nevertheless, in order to prevent gradual drift into a situation in which it might quickly become a realistic threat, we should be prudent enough to take responsible steps now toward sharp reduction of the excessive deficit recently prevailing in our balance of payments.

The most authoritative projections of our international transactions which are available suggest that some corrective adjustment is already under way. American exports were depressed during 1958 and early 1959 in part by various cyclical and special factors which appear to be in process of reversal. Exports were rising fairly strongly in the latter part of 1959, and are expected to be considerably higher in 1960 than last year. Imports, on the other hand, tended to flatten out after mid-1959, following a very rapid rise during the several preceding quarters, and their further growth in 1960 is expected to be much more moderate than their increase from 1958 to 1959.

The anticipated recovery of the export surplus in our merchandise trade would mitigate appreciably the overall balance-of-payments deficit. According to these projections, the deficit might drop to the $2½ or $3 billion range this year. Such a level, however, would not be nearly good enough. Major efforts are still necessary to reduce it much further.

Over the last quarter century, the U.S. Government has taken the lead by example and negotiation in reducing tariffs and other restrictions to trade. Since World War II we have vigorously put forward our firm belief that liberal international trade policies are essential to free world economic progress and we have attempted to put this belief into practice in our own trading agreements. Despite some setbacks, our overall record is one of which we can justly be proud.

The United States should not try to redress the current deficit in its balance of payments by throwing aside its liberal trade policy and discouraging imports. Rather, we should seek to solve the problem by, among other things, promoting an expansion of our exports.

The advantages of a liberal import policy to the U.S. economy are clear. U.S. industry depends heavily on foreign sources of supply for a very large number of basic materials. For example, one-fourth of our iron ore, one-third of our copper and rubber, and the bulk of our tin, nickel, and newsprint come from abroad. The availability of these imports results in lower production costs and greater efficiency. Imports also give the American consumer a chance to choose from a wider variety of goods than are available from domestic producers, and the competition of foreign goods with those produced at home offers direct and indirect advantages to the consumer in terms of price and quality. While this competition may at times be painful, it helps to keep American producers on their toes; helps to keep our economy dynamic; and helps to keep our prices in line. All of these things mean higher real incomes and a higher standard of living in the United States. Furthermore, it must be borne in mind that trade is a two-way street. Our imports help to finance our exports; without one there could not be the other.

Reversion to a restrictive trade policy would dissipate the advantages mentioned above and would not solve the long-run problem of balancing the U.S. international accounts. On the contrary, backsliding by the United States would tend to be self-defeating since it would encourage a return to greater protectionism in other countries and lead to a contraction of our own exports.

We must not forget the importance of exports to the U.S. economy. Our exports provide employment, increase the volume of output and thus lead to lower costs of production and prices, and add to profits. In 1959, not an especially good year, over $16 billion of U.S. goods were shipped abroad. Many U.S. industries depend heavily on large foreign sales. For example, 40 percent of our tractor production, 35 percent of our civilian aircraft production, and 20 percent of our output of trucks are exported.

At the present time world trade barriers are coming down and we are in a position to reap the fruits of our own liberal trade policies of the past which helped substantially in the postwar recovery of other free world economies.

During the period of the so-called dollar shortage, many countries found it necessary to impose extensive restrictions on imports in order to conserve their meager foreign exchange reserves. These restrictions were highly discriminatory against goods from the dollar area—especially the United States. The need for such restrictions has now been greatly reduced. The war-ravaged economies of Western Europe and Japan have been rehabilitated and most of these nations have built their gold and foreign exchange reserves to quite satisfactory levels. As a result, most of the industrialized countries of Western Europe were able at the end of December 1958 to adopt external convertibility for their currencies, a move which eliminated the financial justification for discriminatory restrictions against U.S. exports.

The U.S. Government has taken advantage of this new situation in world trade and payments to press for the rapid removal of import restrictions and, in particular, those restrictions which are discriminatory against dollar goods. Our view on the lack of justification for such restrictions has been enunciated both in international forums such as the International Monetary Fund, the meetings of the contracting parties to the General Agreement on Tariff and Trade (GATT), and the OEEC and in bilateral representations to the governments of our trade partners.

The need to do away with restrictions and discrimination has been recognized by the other industrialized nations and in some of the newly developing areas as well. Many countries have taken important steps toward reducing their restrictions and the discrimination which they have practiced against American goods. Among the countries which have acted in the past year are: Argentina, Australia, Austria, Denmark, France, Germany, Ghana, India, Italy, Japan, Malaya, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, and the United Kingdom. Some of these countries have virtually eliminated discrimination against the dollar area.

The drive to remove quantitative import restrictions on dollar goods has received so constructive a response and has developed such momentum that we can look forward confidently to further advances in coming months. We can reasonably hope that by the end of the year discrimination against our exports will be almost a thing of the past. The U.S. Government will continue its vigorous efforts toward this end.

The Department of Commerce presently carries on an extensive program of informational and promotional activity in the foreign trade field. Plans are now under way to improve and expand these facilities for exporters. It is planned that these activities will include a strengthening of the Foreign Commercial Service in order to provide timely detailed information on trade prospects; find suitable foreign agents for U.S. firms (that is, you); provide oversea facilities for the dissemination of promotional material by American business firms; assist business firms in adapting their promotional activities to local needs; arrange appointments with prospective purchasers, and the like. In addition to these continuing activities, the Department of Commerce plans to expand its work abroad with respect to trade information centers; in providing foreign exhibits of American products known as world trade centers; through participation in international trade fairs; and through the sending abroad of trade missions of American businessmen to meet with local industry and Government groups. These expanded activities are likely to prove especially helpful to the smaller- and medium-sized firms which do not have adequate foreign trade information, and to other firms which have not fully explored the opportunities which may exist in foreign markets. In this manner our Government is trying to stimulate increased interest and efficiency in foreign sales.

It seems clear to me that the most desirable line of solution is to be found mainly on the side of expanding our sales to foreign countries. Many, though not all, of the means being suggested on the other side—that is, for curbing our payments to foreign countries—tend either to raise questions of contradiction with some other equally important policy objective or to be potentially effective only in the short run.

Happily, however, one of the prime lines of attack not only promises to help on both sides of the balance of payments account, but also coincides fully with one of our most important national economic goals. Moreover, it can be progressively more effective in the longer run than in the immediate future. I refer to the prudent anti-inflationary management of the whole complex of our monetary and fiscal policies.

Quite independently of international trade and finance, of course, it is of the utmost importance that we pursue monetary and fiscal policies designed to avoid inflation and maintain a stable purchasing power for the dollar. Sincere and diligent labor-management cooperation and ingenuity to hold down or reduce costs is equally urgent.

The balance of payments deficit now presents one more powerful reason for pursuit of sound policies in these fields. By maintaining and eventually improving our international competitive strength, along with our domestic economic strength, wise anti-inflationary measures will both facilitate expansion of U.S. export sales and temper the growth of many competitive imports. They will also sustain foreign confidence in the value of dollar reserves and thus minimize any possibility that those funds might be used to drain off our gold reserves.

Another important line of attack on the balance of payments deficit which should be entirely noncontroversial is vigorous diplomatic pressure on our friends and allies abroad to complete the job of removing anachronistic trade and exchange restrictions discriminating against the entry of our goods into their markets. The present administration has pressed energetically for such action by foreign governments. These

efforts, abetted by shifting circumstances in the realm of international commerce, have been rewarded by very substantial progress in the past few years and especially in recent months. Much remains to be accomplished here, however, and our Government must redouble, rather than relax, its vigor on these issues.

To many observers, it has seemed that the obvious and easy way to correct the balance of payments deficit is to reduce some of our expenditures abroad—to tighten our belts and live within the means of our receipts from foreign transactions. As a generalization, however, and with the reservation that certain exceptions may well be in order, I would urge that we eschew this line of solution, at least unless or until we have unsuccessfully exhausted the potentials for achieving balance through expansion of our sales. And I do not think failure is likely if a genuine export drive can be mounted.

The trouble with seeking to cut our expenditures abroad—still generally speaking—is that there are few effective means of doing this which do not have highly undesirable or self-defeating side effects. Most devices for this purpose would either abridge arbitrarily the freedom of choice and the economic welfare of American individuals and business firms, or interfere with the conduct of important international responsibilities which we have assumed for what most of us view as good and sufficient reasons.

For example, an attempt to restrain the outflow of U.S. private capital to foreign countries would not only be rightly resented by the investors as an inhibition of their scope of action and profit opportunities, but would run contrary to our national policy of stimulating and encouraging economic development throughout the free world.

Raising barriers to imports of industrial materials or capital equipment, while perhaps of immediate benefit to the limited groups of U.S. producers thus favored, is always subject to the strong objection that it raises costs, and thus depreciates the competitive positions, of other American producers.

Similarly, new barriers to imports of particular consumer goods would not only tap the consumer's pocketbook to the detriment of other U.S. industries competing for his dollar, but would also impinge objectionably upon his range of choice in spending his income. Any attempt to discourage U.S. tourist travel abroad would be equally open to the latter objection, as well as to others on political and cultural planes. We should do our utmost to develop tourist trade to the United States of America and the flow of funds it will bring to our shores.

Moreover, artificially increased restrictions on purchases from abroad, whether by industry or by consumers, would surely invite retaliation by foreign countries and undermine the international cooperation in reduction of trade barriers which we have led for many years. It would ultimately penalize our exporting producers and their employees through shrinkage of sales opportunities abroad, and thus in the end would not even contribute anything lasting to mitigation of the balance-of-payments problem.

In another area there is little doubt that we could achieve considerable reduction in the balance-of-payments deficit, at least for the short run, by cutting back the size of our oversea military operations and the expenditures which they entail. To do this solely on balance-of-payments grounds, however, at the cost of weakening our strategic position in the cold war, might constitute abdication of responsibility for a larger problem in order to meet a lesser one.

While there is probably room for desirable economies in oversea military expenditures, as in other segments of defense spending, changes in the program should generally be judged on their own merits. On the whole, it seems clear to me that there is less risk in accommodating the balance of payments to the imperatives of the international military situation than in tailoring the defense suit to fit the balance-of-payments cloth.

Similar considerations, though perhaps more controversial, may be advanced against the notion of cutting back our foreign-aid programs primarily in order to reduce the balance-of-payments deficit. Since the greater part of the aid is spent on U.S. goods and services, despite our liberal and statesmanlike policy of worldwide competitive-bid procurement for some of the more important programs, it would require disproportionately large reductions in foreign-aid outlays to achieve a given net effect on the balance of payments. Here, too, in the main, the programs should be judged on their merits in a context much broader than that of the balance-of-payments deficit.

So I return to the thought that primary reliance in meeting that challenge must be placed upon improvement of our international competitive position and expansion of our export sales. This is the path that will lead to the greatest benefits with the least incidental damage to other American objectives, domestic or international.

It seems to me that we have barely scratched the surface of what our country could achieve if we emphasized exports and made them a national objective, as do most of the industrialized European countries. They are export conscious. Goods are designed and styled specifically for foreign markets. They provide servicing of goods abroad and much time and effort is spent on foreign sales. The success of many of these programs is a very wholesome example to us, as we have never made a comparable effort, either through private enterprise or the Government.

Through the activities of the Export-Import Bank, we have for many years been engaged in an effort to promote our foreign trade by financial means. From time to time our efforts in this field have been reviewed. Recently, suggestions have been made that the facilities of the U.S. Government in this field, which up to the present time have been used largely to provide medium- and long-term credits and guarantees, should be expanded to cover exports which are normally traded on the basis of short-term credits. A number of other exporting countries have provided such facilities for their exporters, and there is some evidence that our own exporters have on occasion lost business because more favorable credit terms were available from other countries. We are now exploring the need and usefulness of additional facilities for export credit guarantees and financing in the short-term field.

American business is living in a more competitive world. The Western European economies and that of Japan have recovered their health and vigor. The sellers' market of the postwar period is no longer with us and, henceforth, American products will move in world trade only to the extent that American producers are capable of delivering the right kind of goods at the right prices.

There has been a great deal of concern that American goods are becoming noncompetitive in world markets. However, there is no clear evidence to support a conclusion that the competitiveness of American producers has been impaired. The lower level of our exports during 1958 and 1959 was largely due to abnormal and special factors. With continued economic expansion in Western Europe and Canada and increased exports of cotton and commerical aircraft already on order, we can reasonably anticipate a substantial increase in our foreign sales in the coming months.

Furthermore, it is important to note that in recent years while exports of some U.S. products have declined, U.S. exports of goods embodying advanced technology have continued to rise. Our advantage in world markets has traditionally lain in the innovational field, in our ability and willingness to invest in research and development. We can maintain this advantage. Change is the natural way of our economic life. In adjusting to the realities of a new era, business has a continuing incentive to develop new products and to introduce fresh methods of production and merchandising.

Government can go just so far in furthering opportunity, but your own individual initiative and effort in development will, in the end, bring results for you and the United States.

SENATE

THURSDAY, MARCH 24, 1960

(Legislative day of Wednesday, March 23, 1960)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, new every morning is the love our waking and uprising prove.
For all ventures and endeavors in which we are called to be colaborers with Thee, we bless Thy holy name.

Forgive us for praying that truth may prevail, and then of being afraid of truth and refusing to face it, lest it may destroy our preconceived notions and narrow prejudices.

Forgive us for praying that in spite of all the evil designs and practices of men, Thy kingdom may come, and then being unwilling to have it come through us, lest our selfish comfort may be shattered.

Give us to see that victorious living and serving cannot be ours unless we heed the voice—

"Rise up, O men of God,
Have done with lesser things,
Give heart and mind and soul and strength,
To serve the King of Kings."

In the Savior's name we ask it. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 23, 1960, was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements in connection therewith limited to 3 minutes.

Mr. MORSE. Mr. President, reserving the right to object, I should like to take just a moment to attempt to outline the parliamentary situation which confronts

us, to which I think the request of the distinguished majority leader relates.

I wish to point out to the Senate that my motion to lay on the table——

Mr. RUSSELL. Mr. President, I demand the regular order.

Mr. MORSE. Mr. President, under a reservation of the right to object, I was about to explain the position I was taking on a parliamentary matter. I object.

The PRESIDENT pro tempore. Objection is heard.

CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 131]

Allott	Fulbright	Martin
Anderson	Gore	Monroney
Bartlett	Green	Morse
Beall	Gruening	Morton
Bennett	Hart	Mundt
Bible	Hartke	Murray
Bridges	Hayden	Muskie
Brunsdale	Hennings	O'Mahoney
Bush	Hickenlooper	Pastore
Butler	Hill	Prouty
Byrd, Va.	Holland	Proxmire
Byrd, W. Va.	Hruska	Randolph
Cannon	Humphrey	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N. J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S. C.	Scott
Chavez	Jordan	Smathers
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kennedy	Stennis
Cotton	Kerr	Symington
Curtis	Kuchel	Talmadge
Dirksen	Lausche	Thurmond
Douglas	Long, Hawaii	Wiley
Dworshak	Long, La.	Williams, Del.
Eastland	Lusk	Williams, N. J.
Ellender	McClellan	Yarborough
Engle	McGee	Young, N. Dak.
Ervin	McNamara	Young, Ohio
Fong	Magnuson	
Frear	Mansfield	

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. McCARTHY] and the Senator from Utah [Mr. Moss] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Vermont [Mr. AIKEN] is detained on official business.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Chair announces that a quorum is present.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JOHNSON of Texas. Mr. President, have the yeas and nays been ordered on the motion to table?

Mr. RUSSELL. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There is a sufficient number. The yeas and nays are ordered.

The Chair——

Mr. JOHNSON of Texas. Mr. President, I was informed yesterday that some Senators desired to address themselves to the Clark-Javits amendment. I am, of course, aware of the fact that they cannot address themselves to that amendment if the motion to table is made, unless unanimous consent is obtained. I shall be glad to obtain unanimous consent if it is agreeable to the Senator from Georgia [Mr. RUSSELL] and the Senator from North Carolina [Mr. ERVIN]. If not, we can vote on the motion to table. I desire to get a morning hour, if it is not objectionable.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. RUSSELL. Mr. President, I had desired to address myself to the Senate on matters related on this amendment, and I think the Senator from North Carolina had; but, under the circumstances, my opinion is the Senate should vote on the motion to table, which is before the Senate. If the Senate does table the amendment, we will proceed to other matters.

I call for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] to lay on the table the amendment proposed by the Senator from New York [Mr. JAVITS] and the Senator from Pennsylvania [Mr. CLARK], the so-called Javits-Clark amendment.

On this question the yeas and nays have been ordered——

Mr. JOHNSON of Texas. Mr. President, I had hoped we would have a morning hour, but since the regular order has been requested the clerk will call the roll.

Mr. RUSSELL. Mr. President, it was the Senator from Oregon who objected to the morning hour.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, may we have order, please?

The VICE PRESIDENT. The Senate will be in order.

The clerk will continue to call the roll.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. McCARTHY] and the Senator from Utah [Mr. Moss] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD] and the Senator from Utah [Mr. Moss] would each vote "nay."

On this vote, the Senator from Minnesota [Mr. McCARTHY] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from Minnesota would vote "nay," and the Senator from Indiana would vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Vermont [Mr. AIKEN] is detained on official business.

The Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Vermont [Mr. AIKEN]. If present and voting the Senator from Arizona would vote "yea" and the Senator from Vermont would vote "nay."

The Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Minnesota [Mr. McCARTHY]. If present and voting the Senator from Indiana would vote "yea," and the Senator from Minnesota would vote "nay."

The result was announced—yeas 51, nays 43, as follows:

[No. 132]

YEAS—51

Allott	Ellender	McClellan
Anderson	Ervin	Martin
Beall	Fong	Morton
Bennett	Frear	Prouty
Bridges	Fulbright	Robertson
Brunsdale	Green	Russell
Bush	Hayden	Saltonstall
Butler	Hickenlooper	Schoeppel
Byrd, Va.	Hill	Smathers
Byrd, W. Va.	Holland	Smith
Carlson	Hruska	Sparkman
Chavez	Johnson, Tex.	Stennis
Cotton	Johnston, S. C.	Talmadge
Curtis	Jordan	Thurmond
Dirksen	Kefauver	Wiley
Dworshak	Kerr	Williams, Del.
Eastland	Long, La.	Young, N. Dak.

NAYS—43

Bartlett	Hennings	Morse
Bible	Humphrey	Mundt
Cannon	Jackson	Murray
Carroll	Javits	Muskie
Case, N. J.	Keating	O'Mahoney
Case, S. Dak.	Kennedy	Pastore
Church	Kuchel	Proxmire
Clark	Lausche	Randolph
Cooper	Long, Hawaii	Scott
Douglas	Lusk	Symington
Engle	McGee	Williams, N. J.
Gore	McNamara	Yarborough
Gruening	Magnuson	Young, Ohio
Hart	Mansfield	
Hartke	Monroney	

NOT VOTING—6

Aiken	Dodd	McCarthy
Capehart	Goldwater	Moss

So Mr. MORSE's motion was agreed to.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion to table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. HUMPHREY subsequently said: Mr. President, I ask unanimous consent that there be printed in the RECORD a statement which I have prepared relating to the Clark-Javits amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUMPHREY

PROTECTING VOTING RIGHTS

The central issue in this debate under proposed civil rights legislation is about the manner and method by which we may assure that no citizen be denied the right to vote because of his race or color. It has long been known that Negroes find it difficult or im-

possible to vote in many places in our southern States. This knowledge was the motivating force for the enactment of the Civil Rights Act of 1957. By the 1957 act we created a Commission on Civil Rights to gather factual information and to report to us.

The cardinal responsibility of this fact-finding body was, by law, the duty to investigate complaints of the denial of the right to vote. The Commission made its report some 6 months ago in which it highlighted the fact that Negroes are denied the right to vote, and detailed the obstacles by which these denials are accomplished. It specifically pointed out "that some direct procedure for temporary Federal registration for Federal elections is required if these citizens are not to be denied their right to register and vote in the forthcoming national elections" (p. 141). Conceding that "the new Federal powers provided by the act of 1957 have not been thoroughly tested" (p. 132), the Commission was constrained to report that "in terms of securing and protecting the right to vote the record of the Department of Justice's Civil Rights Division under the Civil Rights Act of 1957 is hardly more encouraging than it was before" (p. 131). At the heart of the Commission's view was the fact that "no one had yet been registered through the civil remedies of the 1957 act (p. 140). Therefore, the Commission concluded "that the existing remedies under the Civil Rights Act of 1957 are insufficient to secure their protection of the right to vote of such citizens" (p. 141).

It is true that, on Monday, February 29, 1960, the Supreme Court of the United States ordered reinstatement of almost 1,400 Negro voters whose names had been purged from the registration lists of Washington Paris, Louisiana. This decision might be thought to require some qualification of the Commission's view with respect to protection of the right to vote of citizens previously registered as voters, but even today, it is still true that no person not previously registered to vote has yet been registered through the civil remedies of the 1957 act.

On September 11 of last year, shortly after receiving and studying the report and recommendation of the Commission on Civil Rights, I introduced the first bill to implement the recommendation of the Commission on the appointment of temporary Federal registrars, S. 2684. With the benefit of the advice and counsel of many individuals who had made an intensive study of the subject, I introduced a second bill, S. 2814, embodying several improvements in legislation designed to authorize the President to appoint temporary Federal registrars in those places where qualified American citizens are being denied their right to register in order to vote by reason of their race or color. This bill, like its predecessor, was in basic agreement with, and closely followed, the recommendation of the Commission.

This bill, like others, was referred to the Senate Committee on Rules and Administration, which heard many witnesses discuss the pros and cons of Federal action upon this matter. In this connection, I should like to quote from the Commission's report a passage which, at this time, we should all take to heart.

"The void created by inaction on the part of the legislative and executive branches of the Federal Government must be filled with positive and constructive measures designed to remove from all Federal policies and practices any semblance of inconsistency with the mandate of the Constitution. Where necessary, laws should be enacted to accomplish this result" (p. 556).

The record of this committee's hearings now is before us, although a formal report is not.

I am of the firm opinion that denials of the right to vote because of race or color are not only a violation of the expressed commandment of the 15th amendment but also constitute a partial repudiation of our faith in the democratic system. Therefore, I hold it to be an inescapable conclusion that the enactment of laws to remedy this existing evil now is essential. I will now discuss the merits of various proposals as offered to protect the right to vote against invidious discrimination because of race or color.

My bill, S. 2814, can be considered a prototype of legislation designed to implement the Federal registrars recommendation; other similar proposals are S. 2719, by Senator MORSE and S. 2783, by Senator JAVITS. A more ambitious and comprehensive bill for the regulation of the election of members of both houses of the Congress is S. 2535, by Senator HART. The administration has seen fit to offer a different method designed to secure the same general objective, through a court-appointed system of Federal voting referees, as reflected in section 7 of the pending bill.

And Senator HENNINGS on March 10, offered a bill, in the form of an amendment to the pending bill, based upon the extensive hearings of the Rules Committee, of which he is the distinguished chairman, calling for the appointment by the President of Federal enrollment officers to register citizens to vote in Federal, State, and local elections. An excellent analysis of Senator HENNINGS' proposal appears at page 5554 of the March 15 RECORD.

The record of hearings of the Rules Committee reveals two different kinds of criticism of the Federal registrars proposals. The first kind of criticism, offered by those who are opposed to any legislation on the subject of voting rights, might summarily be best described as claims of constitutional infirmities. Since I am not a lawyer I do not think it wise to become involved in the refutation of these claims, but it seems to me that the answers included in the record of the hearings are more than adequate to dispel any possible doubts about the validity of legislation providing for Federal registrars. The second kind of criticism, offered by those who agree that additional legislation to safeguard the right to vote now is essential, proceeds from the view that an alternative means to the desired end is preferable. It is this second kind of criticism, and how it best may be met, which I now propose to discuss. I think it goes without saying that the overwhelming majority of the Members of the Senate are firmly convinced that legislation now to protect the right to vote is necessary, and that the overwhelming majority is determined to enact such legislation.

It is my purpose to clarify the features of the alternate methods presently being considered so that we all may have a better understanding of both referee and the registrar proposals, and, through enhanced understanding, so that we may come to agreement upon the best system to adopt to assure the equal right to vote to all American citizens, free from discrimination because of color or race.

The first point of criticism of the registrar proposals, as exemplified by my bill, is that they are limited to Federal elections. It is cogently asserted that the right to vote in State and local elections may well be of even greater importance to those now discriminatorily denied the right to vote in any elections than is the right to vote in Federal elections.

I think that this point is well taken. But it does not follow, as the administration has led many to believe, that the registrar proposal must therefore be rejected in favor of court-appointed referees. There is no reason why the proposals for Federal registrars cannot be extended to cover State and local elections as well as Federal. That, as a matter of fact, is exactly what the distinguished Senator from Missouri, Mr. HENNINGS, did in his Federal enrollment officers proposal, as offered on March 10.

I also invite attention to the supplemental statement of George M. Johnson, member of the Commission on Civil Rights, addressed to the Senate Committee on Rules and Administration on February 5 of this year, to be found at pages 95 and 96 of the record of hearings. Dean Johnson said:

"It has been pointed out that the Commission's proposal would cover voting only in Federal elections; by contrast, the Attorney General's proposal is designed to deal with both State and Federal elections. I should like to explain the reasons for the limited nature of the Commission's recommendations in this regard. Of course our findings as to the existence of discrimination in the registration of voters applied to State and Federal elections alike. Moreover, we were and are fully aware that the commands of the 15th amendment, prohibiting denials of the right to vote on account of race, extend as much to State elections as to Federal ones. Our decision to recommend legislation covering only half of the process, as it were, stemmed from no doubt as to the constitutionality of more ambitious legislation, but rather from practical considerations suggesting a more limited exercise of Congress' undoubted power. The first of these considerations was the dictate of simplicity: to deal with Federal elections only seemed to present less complicated legal and political questions, for Congress has repeatedly enacted legislation affecting the conduct of Federal elections, but seldom undertaken to deal with State elections. The second consideration was the thought that the exertion of Federal power with regard to Federal elections alone would for all practical purposes be sufficient: that is, the States presently conduct both Federal and State elections together, and registration for one is as effective as registration for the other. If the existing discrimination with regard to the Federal aspect of this unified process were eliminated, we should expect that discrimination would as a practical matter also disappear in the other aspects of the election. Moreover, there is a provision in the Civil Rights Act of 1957 designed to provide a remedy for denials of the right to vote by injunction in a suit brought by the Attorney General; this provision clearly applies to State elections. While it has not yet proved to be very effective for this purpose, its usefulness would be greatly augmented in a case where a person had been registered for a Federal election, but was refused registration for a State election."

The views of the Commission as thus expressed by Dean George M. Johnson are fully supported by other outstanding authorities on constitutional law. I refer you to a memorandum from Prof. Paul A. Freund of the Harvard Law School which appears in the CONGRESSIONAL RECORD of Monday, February 29, at page 3897. As to the scope of the bills, Professor Freund has this to say:

"The Commission plan is limited to Federal elections. The Justice plan reaches both Federal and State elections. Presumably the Commission plan is based on the constitutional power of Congress under article I, section 4, which relates to selections for Congress. There is no reason, however, why the Commission plan could not be extended to State elections, by virtue of the authority in the 14th and 15th amendments, each of which provides for appropriate enforcement by Congress."

Similarly, at page 3901 of the RECORD and page 81 of the record of the hearings, a committee made up of Profs. Lewis H. Pollak, Charles L. Black, Jr., and Thomas I. Emerson, of the Yale Law School, state their reasons for the same conclusion.

Therefore, on the basis of the opinions of legal scholars such as those I have here

quoted, I am convinced that the soundest course of action is to simply provide that Federal registrars be authorized to register citizens to vote in all elections, not only Federal, as is already provided for in Senator HENNINGS' bill.

The second point of criticism offered to the registrar proposals, of which S. 2814 may be considered the prototype, was that they failed to provide any means for enforcement of the right to vote, as distinguished from mere registration for voting alone. I do not consider this criticism well taken. It is, of course, true that the Commission recommendation—as published in its report—was addressed to the problem of registration alone. Fairness requires we note the statement of Robert G. Storey, Vice Chairman of the Commission on Civil Rights, made as spokesman for the Commission in appearing before the Senate Committee on Rules and Administration:

"Effective temporary Federal registrar legislation must include some provision which will guarantee that such registrants will be permitted to vote in Federal elections and to have that vote counted. Congress may wish to consider appropriate sanctions, equitable or otherwise, to assure that the vote may be cast and counted" (record of hearings, p. 29).

The same spirit of fairness would seem to require that we here acknowledge the Congress had, in fact, made such considerations for enforcement of the right to cast a ballot and have it counted. Both S. 2719 and S. 2783 relied upon criminal sanctions to enforce the right to vote. S. 2535 had a built-in scheme for enforcement, consistent with the comprehensive nature of the control over election of its own Members contemplated for the Congress: its provision was that no election conducted by the Commission was to be considered valid, for the purpose of seating Members of the Congress, unless the results of the election were duly certified by the Commission whose creation was contemplated by this bill. And my bill, S. 2814, expressly provided that the right to vote was to be enforced by injunctive suits brought by the Attorney General of the United States.

I also note that Senator HENNINGS' Federal enrollment officers bill, which was the result of extensive hearings and careful consideration of the various registrar-type proposals, such as my own, contains adequate and sound enforcement provisions. Permit me to quote from Senator HENNINGS own explanation of the enforcement provisions, which appears in the RECORD of March 11 at page 5251:

"At that time (of appearing at the polling booth) each qualified voter who is enrolled by a Federal enrollment officer shall have the right to vote and to have his vote counted. If any State official or other interested person wishes to challenge the right of any enrollee to vote, he may. Whenever such challenge is made, however, the enrollee shall be entitled to vote and to have his vote counted, subject to a determination of the validity of the challenges by the district court in any appropriate action. I assume that State and local officials will comply with the law once Federal enrollment officers who are their neighbors and fellow voters have done their job. If any of them fails to comply, however, the remedy is simple and certain. The provisions of the act are enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States by the Attorney General. When necessary to assure persons enrolled under the act to vote and to have their vote counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials requiring them to permit persons enrolled under the act to cast their votes and have them counted.

"If the court wishes to issue a temporary restraining order without notice to the local voting official who has threatened to refuse or has refused, or has denied or threatened to deny the right of an enrollee to cast his vote, it may do so under rule 65(b) of the Federal Rules of Civil Procedure."

Senator HENNINGS is a most learned lawyer and he has devoted literally hundreds of hours to this specific issue of how best to protect voting rights. The enforcement provisions which he has written into his bill, as explained, seem to me to fill whatever gap may have existed in the enforcement provisions of the earlier registrar proposals.

I think it is of the utmost importance that we here consider the frame of reference in which the referee proposal would operate, if enacted into law. It is not a new remedy, as the registrar plan is, but rather the extension of an old remedy: a remedy created by the Civil Rights Act of 1957 which, to this date, has yet successfully to secure the registration of even one person who has not previously been registered as a voter. It is a remedy but most sparingly exercised by the Attorney General in the 2½ years it has been law. We are now asked to expand this existing remedy to permit the appointment of voting referees, but not to change the base of initiative for exercise of the remedy. Yet in the past 2½ years this initiative has been exercised only four times, and in one of those four instances, it was exercised in behalf of persons previously registered to vote, not those American citizens who, consistently, over the years, have always been denied the right to register and vote. Small wonder, then, that Commissioner George M. Johnson was moved to note, at page 132 of the Commission's report:

"Section 131(c) of the Civil Rights Act of 1957 (42 U.S.C. 1971(c)) authorizes the Attorney General to 'institute a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order' where 'there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person' of the right to vote. The Commission's report states that this grant of power to the Attorney General has not been fully tested, having been invoked three times. Yet our findings also show that in 16 counties where Negroes constitute a majority of the voting-age population there are no Negroes registered to vote. In 49 other counties where Negroes constitute a majority of the voting-age population, some, but fewer than 5 percent, of the voting-age Negroes are registered. The total absence of Negroes from the registration rolls or the registration of only a few in such counties, in the writer's view, warrants at least an investigation by the Department of Justice to ascertain whether there are not 'reasonable grounds' to institute actions for the preventive relief authorized by the statute. Even if such investigations may be hampered by the inability to examine registration records, they should nonetheless be undertaken."

Therefore, I have grave doubts as to whether the advantages claimed for the court-appointed referee proposal outweigh the disadvantages in attempting by way of such a judicial proceeding to gain voting rights for any significant number of the millions of Negro Americans who are presently disenfranchised.

Similarly, the advantages of administrative simplicity are well demonstrated if we compare the procedures to be followed by those American citizens to whom we now propose to guarantee the right to vote at the time they seek to secure this right under the two systems. The registrar proposal, at this juncture, is no more—and no less—than a fair approximation of the simple administrative procedures prescribed by State law. It is a matter of filling out appropriate forms and meeting certain tests of voter qualification, as prescribed by State law. The referee proposals, on the other hand, are much more complex.

The referee proposal contemplates a judicial proceeding under the existing law, subject to all of the delays inherent in court proceedings, what with congested court calendars, brought to a successful conclusion as the beginning step to secure appointment of a voting referee. If, in such a proceeding, the court should find that the discrimination proved was pursuant to a pattern or practice, then the court, in its discretion might go on to appoint voting referees. The referee, in turn, could accept applications of persons who could prove their qualifications to him, and also prove that they discriminatorily had been denied the right to register to vote. The referee's acceptance of applications would not be tantamount to registration, however; his power would only permit him to report to the court the names of those applicants he found qualified for registration and who either had no opportunity to register or were found unqualified by someone acting under color of State law.

Upon receipt of this report, as Senator HENNINGS spelled out in his statement of March 11, the court would then issue a show cause order inquiring why the court should not order such applicants entitled to vote. Here is opportunity for further delay. The referee's report will be subject to exceptions by the parties defendants in the original action.

This second full-dress litigation, which is in addition to the administrative or ministerial action of the referee to whom the applicants could come only after first being denied the right to register by State officials, also would be subject to the delays of appeal through the courts. It is only after this second full-scale litigation is successfully concluded that the court might then order those applicants entitled to vote.

Detailing this procedure which would be required under the referee proposals reminds me of a paragraph appearing in the Commission's report (p. 69):

"Mr. Mitchell, though a Negro, was not among the complainants, for he himself was a registered elector of Macon County. But, before becoming a voter, he had been required to make three visits to the Macon County Board of Registrars, two appearances before a Federal trial court, two appeals to the fifth circuit court, and one petition to the Supreme Court of the United States. His efforts extended over 3 years."

In our wholly proper determination to secure equal opportunity to vote free from racial discrimination, to those presently improperly disfranchised, we must be careful not to provide for system which, itself, would be "unequal" because it would require more of the present victims of discrimination than is—or would be—required of American citizens of the preferred race. And, in this regard, I think we have been remiss in failing fully to appreciate the true significance of the Commission's recommendation that an administrative procedure be established as the system by which the existing evil may be cured.

Let us bear in mind these clear advantages of the administrative system, as we consider the third criticism of the registrar proposals. The third criticism offered is that the registrar proposals lack the advantage of a judicial finding that the 15th amendment has been violated in a given case before the machinery for Federal registration is set into motion. In the hearings before the Senate Rules Committee, the Attorney General said:

"Now, the only time the Federal Government can interfere with state elections under the terms of the 15th amendment is when there is a judicial decision that the Constitution has been violated" (p. 368).

Now, though I am not a lawyer, that assertion perplexes me. It perplexes me because I can find no mention of the judiciary in the express terms of the fifteenth amendment. What I do find, following the commandment of the first section, is this statement in section two:

"The Congress shall have power to enforce this article by appropriate legislation."

With all due deference to the lawyers, I, as a layman, would say this is a grant of power to the Congress—not to the courts—to make whatever findings are necessary as a predicate to legislation, and then to enact whatever legislation is appropriate to enforce the commandment of section one:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude."

I am pleased to note that Senator HENNINGS, a great constitutional lawyer, is of the opinion that the registrar proposals could constitutionally be extended to cover State and local elections.

Further, I refer to the statement of Commissioner Johnson, appearing at page 94 of the record of the hearings before the Senate Rules Committee, for support of the proposition that the Congress itself may make whatever finding is necessary to set things into motion.

It seems to me that the heart of this third point of criticism of the registrar proposals is the requirement that there must be an opportunity for judicial review of whatever administrative action is authorized by the Congress. But, I know of no reason why judicial review would have to precede administrative action; in fact, the phraseology "judicial review" clearly suggests that the action precede the review by the courts.

We who favor the simplified and prompt administrative type of proceeding to secure the single objective of guaranteeing the right to vote against invasion upon discriminatory grounds are indebted to Senator HENNINGS for his proposal of a system of judicial review consistent with the cardinal purpose of all of the legislative proposals addressed to the solution of the problem. His proposal would permit full judicial review of all aspects of the operation of the registrar proposals without interference or delay in securing the right to vote to those presently denied the right because of race or color. All aspects of the registrars' appointment and operations would be open for full and effective review by the courts after the votes of those persons registered by Federal registrars had been cast and counted. And, under his proposal, neither the outcome of the election nor of the secrecy of the ballot would or could be affected by the vote of any improperly registered person. This, I submit, meets the thrust of the third point of criticism.

But, some may ask, how, when, and where do we set this administrative system in action? I would answer that we have a choice of methods. First, as I have already noted, the Congress itself could make the necessary finding to justify creation of the machinery, and authorize the President to make whatever appointments are necessary, in his discretion, to carry out the purpose of the act. Such action is not essentially dissimilar to the President's long-continued authority to set tariffs. Alternatively, as suggested in the Commission's original recommendation, the Commission on Civil Rights, or such other investigatory body designated by the President, could be authorized to conduct an investigation of complaints submitted by affected persons. If the results of this investigation showed there were reasonable grounds to believe that people in a particular area are being denied the right to vote because of their race or color, the President, in the exercise of his discretion, would be authorized to appoint Federal registrars. This would be essentially a finding of probable cause, not a final determination of anything at all. Its sole effect would be to authorize the President to act. It would not be conclusive as to the right of any particular complainant to be registered—that determination could only be made on the basis of a proper application submitted to the Federal registrar, acting in an administrative capacity after he has been duly appointed. Furthermore, it would not have any effect whatsoever upon State registration officials or the conduct of their offices. The Federal registrar's function would be to supplement, not supplant, the State registration officials; it would prevail only in those places where there is reasonable ground to believe that persons are being denied the right to vote and have their votes counted by reason of race or color. And it would continue only so long as prevailing conditions in such place or places warranted a continuation of this belief founded upon reasonable grounds.

Such a finding, of reasonable grounds to believe persons are being denied the right to vote because of race or color, of course, like the matter of the qualifications of any applicant registered by an appointed Federal registrar, would be open to judicial review after the votes had all been cast and counted, if, at the time for voting, proper challenges were made in accordance with State law. If the courts then should find proper grounds to sustain any challenge, the ballots would be opened and the vote discounted. Thus, neither the outcome of any election nor the secrecy of the ballot would be violated by the addition of properly qualified voters who presently are being denied the right to vote for reasons prohibited by the Constitution of the United States, and the outcome of elections would not be affected by any improperly cast ballots because the votes would be nullified when it was found the ballots were improperly cast.

One additional feature of the registrar proposals merits mention. Professor Freund in the concluding paragraph of the memorandum to which I have referred states:

"It is this feature of the proposals which seems to me the most significant. The Commission plan brings the President into the process of safeguarding the right to vote. The Justice plan seems designed to shield the President from any such participation. As a corollary, the Justice plan imposes on the Federal courts still further responsibilities. There is reason to believe that the Federal judges have been shouldering more than their fair share of responsibility in this general area and that in all fairness the executive branch should lend its weight to the discharge of this national responsibility."

Mr. GORE subsequently said: Mr. President, earlier today I voted against the motion to lay on the table the Clark-Javits amendment. I did so because the record showed that Senators wished to speak on the amendment and offer amendments to it. The distinguished majority leader, the Senator from Texas [Mr. JOHNSON] stated—the statement appears on page 6367 of the CONGRESSIONAL RECORD—that a number of Senators wished to speak on the amendment, and other Senators wished to offer amendments to the amendment.

A motion to lay on the table is a proper parliamentary motion under certain circumstances; but when it is used to close debate and prevent the consideration of amendments, it can become an oppressive parliamentary device. It was for that reason that I voted against the motion to lay on the table.

I would have voted against the Clark-Javits amendment, if the amendment itself had been voted on. I consider it defective in several respects.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Tennessee yield to me?

Mr. GORE. I yield.

Mr. JOHNSON of Texas. I understood that the Senator from Tennessee felt that way; and I made inquiry of the senior Senator from Georgia [Mr. RUSSELL], who desired to make a statement—as he indicated on yesterday, and as he indicated again today—on this amendment; and I also understood that the Senator from North Carolina [Mr. ERVIN] had an amendment which he wished to offer. But today I was told by the Senator from Georgia that, in light of the developments of yesterday, he did not care to pursue the matter further; and I understood that also was true of the Senator from North Carolina [Mr. ERVIN].

I then asked the Senator from Georgia to inform the Senator from Tennessee of that; and the Senator from Georgia told me he would do so. For that reason, I did not do so. The Senator from Georgia told me that he would do it, and I thought he would do it.

Mr. GORE. I am sure the Senator from Texas understands that this statement is not in any way made in criticism of either him or any other Senator. I have merely been stating the reasons why I voted against the motion to lay on the table the Clark-Javits amendment.

Mr. JOHNSON of Texas. I understand that the Senator from Tennessee was not criticizing me in the least.

But the Senators to whom I referred were the Senator from Georgia [Mr. RUSSELL] and the Senator from North Carolina [Mr. ERVIN]; and upon entering the Chamber today, I informed them that I thought the Senator from Tennessee had a so-called Gore rule to cite in opposition to the motion to lay on the table, and that they had better inform him that they did not desire to exercise their rights. And the Senator from Georgia [Mr. RUSSELL] said he would do so.

Mr. GORE. The Senator from Georgia did inform me that he had decided against offering an amendment, or that he had withdrawn the suggestion that he wished to offer an amendment. But I did not receive any such information from any other Senator. And just before the Senate took a recess, on yesterday, the able majority leader had said that certain Senators wished to speak and to offer amendments. I did not know what other Senators might wish to do so.

I should like to read that part of the statement made on yesterday by the distinguished majority leader:

Mr. JOHNSON of Texas. I may state that, following the Senator's motion, I plan to make a motion, but I want to be sure the Senator from Oregon understands, and that other Members of the Senate understand,

that there are presently Members of the Senate who desire to offer amendments to the Clark-Javits amendment; that there are presently Members of the Senate who desire to address themselves to the Clark-Javits amendment; that there are Members of the Senate who have gone to their homes with the understanding that Senators would address themselves to that amendment; and if a motion to table should prevail, those Members of the Senate would not have the opportunity of offering amendments and they would be cut off their rights to even discuss their amendments.

I do not think any Senator would—and I hope no Senator would—want to do that at this stage of the proceedings, in light of the fact that many speeches were made today that were not on this subject, and since Senators have amendments to offer that are important, and have statements to make they consider are very important statements in connection with the amendment. I hope we would not seal their lips without giving them an opportunity at least to speak for 5 minutes as Members of the House are permitted to do under their rule.

As I understand the matter, the able majority leader satisfied himself that such Senators were prepared to vote today on the motion to lay on the table, and did not wish to speak further before the motion to lay on the table was voted on.

Mr. JOHNSON of Texas. Furthermore, I took the steps which I thought would satisfy the Senator from Tennessee. But I did not personally do so; and I apologize for not doing so, because if I had done so, the formula of the Senator from Tennessee would have been met, because I understood from the Senator from Georgia [Mr. RUSSELL] that neither he nor the Senator from North Carolina [Mr. ERVIN] desired to pursue the offering of amendments or the making of statements.

Mr. GORE. I congratulate the Senatory from Texas upon his diligence in protecting the prerogative of his colleagues. I had that information from the Senator from Georgia [Mr. RUSSELL]. I did not have it from any other Senator.

Inasmuch as I had read in the RECORD the statement the able Senator from Texas, the majority leader, had made, and not having been advised to the contrary except by one Senator, I decided to vote against the motion to lay on the table.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour, for the introduction of bills and the transaction of other routine business, and that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated.

AMENDMENT OF ACT RELATING TO COLLECTION AND PUBLISHING STATISTICS OF GRADE AND STAPLE LENGTH OF COTTON

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON AGREEMENTS CONCLUDED UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, Washington, D.C., reporting, pursuant to law, on agreements concluded during February 1960, under title I of the Agriculture Trade Development and Assistance Act of 1954, with the Governments of the Republic of China (Taiwan), Poland, Peru, and Vietnam (with accompanying papers); to the Committee on Agriculture and Forestry.

EXTENSION OF "ANTI-KICKBACK STATUTE" TO ALL NEGOTIATED CONTRACTS

A letter from the Comptroller General of the United States, transmitting a draft of proposed legislation to amend the "Anti-Kickback Statute" to extend it to all negotiated contracts (with accompanying papers); to the Committee on Government Operations.

REPORT ON EXAMINATION OF MILITARY ASSISTANCE PROGRAM ADMINISTERED BY THE AIR FORCE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the military assistance program administered by the Department of the Air Force, dated March 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXAMINATION OF ECONOMIC AND TECHNICAL ASSISTANCE PROGRAM FOR GUATEMALA

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of economic and technical assistance program for Guatemala, International Cooperation Administration, Department of State, fiscal years 1955–59 (with an accompanying report); to the Committee on Government Operations.

DR. HENRY H. COHAN

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Dr. Henry H. Cohan (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 2 OF RIVER AND HARBOR ACT OF JULY 3, 1930

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 2 of the River and Harbor Act of July 3, 1930 (with an accompanying paper); to the Committee on Public Works.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH:

S. 3274. A bill to permit certain veterans pursuing courses of vocational rehabilitation training to continue in pursuit thereof for such period as may be necessary to complete such courses; to the Committee on Labor and Public Welfare.

By Mr. YARBOROUGH (for himself, Mr. SPARKMAN, Mr. MORSE, and Mr. HUMPHREY):

S. 3275. A bill to extend, with respect to World War II veterans, the guaranteed loan programs under chapter 37 of title 38, United States Code, to February 1, 1965; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN (for himself, Mr. YARBOROUGH, Mr. HUMPHREY, and Mr. MORSE):

S. 3276. A bill to amend and extend the veterans' direct home loan program; to the Committee on Banking and Currency.

By Mr. MARTIN:

S. 3277. A bill to readjust postal rates on first-class mail and airmail; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS of New Jersey (for himself and Mr. MORSE):

S. 3278. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 3279. A bill to amend the Public Buildings Act of 1959 to provide a study by the National Capital Planning Commission, the General Services Administration, and the Commission of Fine Arts as to the best location for a new U.S. Court of Claims Building, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

EXTENSION OF GI HOME LOAN PROGRAM FOR WORLD WAR II VETERANS

Mr. YARBOROUGH. Mr. President, for myself, and on behalf of the Senator from Alabama [Mr. SPARKMAN], the Senator from Oregon [Mr. MORSE], and the Senator from Minnesota [Mr. HUMPHREY] I introduce, for appropriate reference, a bill to extend the life of the home loan guarantee program for World War II veterans.

Another bill is being introduced today by the Senator from Alabama [Mr. SPARKMAN], for himself, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oregon [Mr. MORSE], and me, for the purpose of making a similar extension of the veterans' direct home loan program. Although the guarantee extension will be before the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, while the direct loan extension will be studied by Senator SPARKMAN's Subcommittee on Housing, I am hopeful that subcommittee action can come simultaneously so that these bills can come before the Senate for consideration at the same time.

The bill which I have introduced will extend the GI loan program for World War II veterans for an additional period of about 4½ years making it coterminus

with the loan guarantee benefit of Korean veterans.

In April 1958 we passed the emergency housing bill which extended the GI loan program for World War II veterans to July 25, 1960. My bill would further extend this date to January 31, 1965. It also would allow a maximum of 1 year for processing applications received prior to the expiration.

This bill will not affect veterans of the Korean conflict who already have until January 31, 1965, to make use of their GI loan entitlement.

In introducing this measure, I am influenced by two primary considerations. First, there are still well over 9 million World War II veterans who, because of a lack of mortgage money—attributable to high interest rates, and other reasons, have not made use of their benefit. Undoubtedly many of them had their plans disrupted by the credit control requirements which were imposed during the Korean conflict.

It will be recalled that, as veterans of World War II began to build houses, the Korean war broke out, and many veterans of World War II did not have the opportunity to build their homes under the law previously in force.

Hundreds of thousands of others who had met their financing needs through conventional or FHA loans are now seeking GI loan financing to acquire larger and better homes as their families increase or their income levels improve.

But certainly of equal importance in considering the extension is the economic impact of the GI loan program. In 1958 new private housing starts totaled only 1,141,500. In 1959 private housing starts totaled 1,341,500. This truly was a remarkable performance and was sparked in no small degree by the emergency housing bill. I recognize fully that there were other factors in addition to the GI loan program which accounted for this stellar performance. However, the GI loan program played a very significant role and one which we can ill afford to terminate at a time when there still are over 4 million unemployed workers. The housing industry, being the second largest in our economy, cannot be allowed to falter. The best way of assuring its continued strength is by continuing the GI loan program, so as to let that many more million families have the opportunity to build homes by taking advantage of the GI program with its provisions for smaller downpayments.

Mr. President, we all know of the outstanding performance of our veterans in meeting their obligations to repay home loans. Only about 1 percent of the 5½ million home loans have resulted in claims. That is a percentage of less than one-tenth of 1 percent.

The claims paid have amounted to only 8 cents on every $100 of the original principal amount of the loans guaranteed. The loss that the Government has sustained has been infinitesimal. About 1½ million of these loans have been fully repaid.

Weighing these factors one upon the other, the conclusion is inescapable that the program must be extended. By continuing this worthwhile benefit for World War II veterans they will continue to receive recognition for their unstinting service at an insignificant cost to the taxpayer, and at great benefit to our general economy.

By the same token, we furnish an important support to the homebuilding industry, thus adding to its continued strength.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The bill will be received and appropriately referred.

The bill (S. 3275) to extend, with respect to World War II veterans, the guaranteed loan programs under chapter 37 of title 38, United States Code, to February 1, 1965, introduced by Mr. YARBOROUGH (for himself, Mr. SPARKMAN, Mr. MORSE, and Mr. HUMPHREY), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXTENSION OF VETERANS' DIRECT HOME LOAN PROGRAM

Mr. SPARKMAN. Mr. President, on behalf of myself, the Senator from Texas [Mr. YARBOROUGH], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Oregon [Mr. MORSE], I introduce, for appropriate reference, a bill to extend the direct home loan program administered by the Veterans' Administration. Under existing law, this program will terminate on July 25, 1960. This bill extends the program until February 1, 1965, the terminal date of the guaranteed loan program for Korean veterans. The bill also continues the $150 million annual addition to the direct loan fund.

In addition, I have joined with my colleague, Senator YARBOROUGH, chairman of the Subcommittee on Veterans' Affairs, in introducing another bill which would extend the guaranteed home loan program for veterans of World War II for the same period of time.

The direct home loan program was established in 1950 pursuant to Public Law 475, 71st Congress, after the Congress became aware that many veterans desiring to purchase or build homes in remote or outlying areas could not obtain guaranteed loans. Congress has from time to time extended the program so that now the termination date is July 25, 1960.

The guaranteed loan program was established in 1946 and was scheduled to terminate for World War II veterans within 2 years after the Congress declared an end to World War II. The guaranteed program has been extended from time to time and will now terminate on July 25 of this year.

I am aware of the argument made by some that these two programs have served their purpose and that Congress should allow them to end. I cannot subscribe to this argument, for I do not believe it to be true. Conditions in the mortgage market over the last several months have been such that applications for certificates of eligibility under the guaranteed program have dwindled to a minimum. This by no means indicates that World War II veterans do not wish to use this program to obtain needed financing for homes. Indeed, the conditions in the mortgage market have caused many veterans to withhold filing applications for guaranteed home loans. World War II veterans wanting to take advantage of the program should not be penalized because conditions in the money market have prohibited them from obtaining a guaranteed loan, nor should they be penalized because the program is due to terminate before they are able to exercise their rights to obtain such a loan.

There are some 14.5 million veterans of World War II. About 5 million have exercised their rights under the guaranteed or the direct home loan programs. This leaves about 9.5 million veterans who are still eligible to obtain needed housing. In addition, there are some 5.6 million veterans of the Korean conflict. It is estimated that in excess of 750,000 of these veterans have exercised their rights under these programs, leaving some 4.8 million who are eligible.

The guaranteed program for Korean conflict veterans does not expire until February 1, 1965. But unless the Congress acts prior to July 25, many of these Korean conflict veterans will be precluded from using the benefits of the direct loan program because it terminates on July 25 for all veterans.

Some may argue that the veterans of both World War II and the Korean conflict have had sufficient time to use the direct loan program, and, therefore, since they have not exercised their rights, the Congress could let the program terminate as scheduled. This is not true.

In my own State of Alabama, for example, there is a backlog of 1,146 applications for direct loans. The majority of these applications have been on record for as long as 2½ years. The reason that these applications have not been honored or processed is that funds for loans have not been available. Even now, with a national backlog of almost 28,000 applications, funds for making such loans are exhausted.

Surely all of us understand the feelings of veterans who filed applications 2 years ago for a loan. These veterans have been patiently awaiting approval. Now they are faced, after this long wait, with the fact that the program will terminate before they can obtain a loan. Their plight is even worse when it is realized that they do not live in areas where mortgage financing is available through usual channels.

Veterans of the State of Alabama are not the only ones who find themselves faced with this problem. The Veterans' Administration advises me that there is a backlog of some 27,990 direct loan applications in VA regional offices.

Mr. President, I ask unanimous consent to include in the RECORD at the end of my remarks a list, by regional offices, of the number of direct loan applications presently on hand.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Backlog of applications for VA direct loans by VA regional offices as of January 31, 1960

Regional office:	Backlog
Alabama	1,146
Alaska	125
Arizona	-----
Arkansas	877
California	154
Colorado	409
Connecticut [1]	-----
Delaware	14
District of Columbia [1]	-----
Florida	667
Georgia	1,956
Hawaii [1]	-----
Idaho	213
Illinois	801
Indiana	810
Iowa	146
Kansas	88
Kentucky	2,815
Louisiana	788
Maine	233
Maryland	54
Massachusetts [1]	-----
Michigan	153
Minnesota	1,246
Mississippi	451
Missouri	2,208
Montana	385
Nebraska	592
Nevada	103
New Hampshire [1]	-----
New Jersey [1]	-----
New Mexico	134
New York	62
North Carolina	1,237
North Dakota	248
Ohio	2,051
Oklahoma	704
Oregon	90
Pennsylvania	217
Puerto Rico	1,367
Rhode Island [1]	-----
South Carolina	211
South Dakota	338
Tennessee	702
Texas	502
Utah	1,438
Vermont	0
Virginia	411
Washington	640
West Virginia	810
Wisconsin	103
Wyoming	141

[1] No portion of State eligible for direct loans.

Sources: Veterans' Administration.

Mr. SPARKMAN. Mr. President, these two veterans programs have been very beneficial. The programs have assisted numerous veterans of World War II and the Korean conflict to obtain needed housing. There are still many veterans of World War II who desire to exercise their rights under the guaranteed loan program, and there are many veterans of World War II and the Korean conflict who wish to exercise their rights under the direct loan program. I hope that the Senate will approve both the bill to extend the guaranteed loan program for World War II veterans and the bill to extend the direct home loan program for all veterans, so that veterans may continue to obtain the housing they need.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3276) to amend and extend the veterans' direct home loan program, introduced by Mr. SPARKMAN (for himself, Mr. YARBOROUGH, Mr. HUMPHREY, and Mr. MORSE), was received, read twice by its title, and referred to the Committee on Banking and Currency.

IMPROVEMENT OF MASS TRANSPORTATION SERVICE IN METROPOLITAN AREAS

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself, the Senator from Pennsylvania [Mr. CLARK], the Senator from California [Mr. ENGLE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. SYMINGTON], the Senator from Indiana [Mr. HARTKE], the Senators from New York [Mr. KEATING and Mr. JAVITS], and the Senator from Oregon [Mr. MORSE], I introduce, for appropriate reference a bill to assist State and local governments and their public instrumentalities in improving mass transportation service in metropolitan areas.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks and that it lie at the desk for 3 days so that other Senators who wish to cosponsor this measure may do so.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and lie on the desk, as requested by the Senator from New Jersey.

The bill (S. 3278) to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas, introduced by Mr. WILLIAMS of New Jersey (for himself and Senators CLARK, ENGLE, HUMPHREY, SYMINGTON, HARTKE, KEATING, JAVITS, and MORSE), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. WILLIAMS of New Jersey. Mr. President, this bill represents a modification and conceptual expansion of a proposal originally conceived by members of the railroad industry and the American Municipal Association, which represents approximately 13,000 cities and towns throughout the United States.

I believe this more modest measure is a constructive and logical approach to the critical problem of urban strangulation and paralyzing traffic congestion.

And I am pleased that the American Municipal Association has decided to give its full backing and support to this measure in preference to its original proposal.

I am also gratified that a number of Members in the House have joined with me in introducing the bill. The widespread interest in the bill is very encouraging.

I believe it indicates the growing recognition that our urban transportation systems are the bloodstream of our Nation and that we are now undergoing a nationwide hardening of the arteries.

There can be no doubt that this problem of traffic congestion in our metropolitan areas is far more than a matter of local concern.

It is of course a matter of vital local and State concern and responsibility. But it is also a matter of critical importance to the Nation as a whole, especially in this day and age of global tension and conflict.

Our country has a vital national interest in the welfare of the great majority of people who now live in our urban areas.

We have a vital national interest in the economic welfare and wealth producing capacity of our major metropolitan areas. We should also remember that wealth production is tax production.

We have a vital national interest in the free flow of interstate commerce which is expected to reach 2 trillion tonmiles of freight movement by 1975 and which may be jeopardized if all our streets are perpetually choked with traffic.

And we have a vital national interest in keeping the extremely high cost of urban highway construction to the lowest possible level.

We must realize, I believe, that the loss of our mass transportation service in metropolitan areas would throw an unbearable burden on our streets and highways. Conversely, the development of better mass transportation systems would more than pay for itself by greatly reducing the need for other costly public expenditures, like urban highways.

It is my firm belief that the expenditures called for in the proposal I have introduced represent a prudent investment that will pay many dividends for long-range economy in Government spending.

I should like at this time to describe briefly the main provisions of the bill. At a later time I plan to speak at length on the subject.

The first part of the bill would authorize the use of current Federal planning grants, the so-called section 701 urban planning grants of the Housing Act, for the following purposes:

First. To help determine the total transportation needs of our metropolitan areas.

Second. To help formulate programs for the most efficient and economical coordination, integration, and joint use of existing mass transportation facilities.

Third. To help coordinate the planning activities of all the public bodies and agencies responsible for regulating or providing mass transportation services in such areas.

Fourth. To encourage study of the interrelationship between metropolitan area growth and the development of a total transportation system, including especially study of the impact of land use on the total transportation needs of

our urban areas, and conversely, the effect of transportation on land use.

The second part of the bill would broaden the scope of the Housing and Home Financing Agency's Community Facilities Administration to permit this Bureau to make long-term, low-interest loans up to a total of $100 million to State and local governments and their public instrumentalities in order to: First, help finance the construction of coordinated and integrated highway, bus, surface-rail, underground, and other mass transportation facilities in metropolitan areas; and second, help finance the acquisition, construction, or improvement of equipment and facilities for use in mass-transit or commuter service.

EXHIBIT 1

S. 3278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

POLICY AND PURPOSE

SECTION 1. It is the declared policy of the Congress to assist wherever possible the States and their political subdivisions to provide the services and facilities essential to the health and welfare of the people of the United States. The Congress finds that among the most serious problems confronting metropolitan areas are the lack of adequate and coordinated mass-transportation facilities and services, and a lack of comprehensive and inter-related transportation and metropolitan area planning and development. The Congress further finds that the economic welfare of our major metropolitan centers is a matter of critical national concern and that such welfare is threatened by inadequate mass-transportation services.

It is the purpose of this Act to assist and encourage the State and local governments, and their public instrumentalities, to undertake the necessary studies and planning, along with other urban planning activities presently assisted by the Federal Government (1) to determine the total transportation needs of metropolitan areas, (2) to formulate a program for the most efficient and economical coordination, integration, and joint use of existing mass-transportation facilities, and (3) to study the interrelationship between metropolitan area growth and the establishment of various transportation systems for such areas in order to promote the most comprehensive planning and development of both.

It is further the purpose of this Act to broaden the Public Facility Loan Program to specifically authorize financial assistance to the State and local governments, and their public instrumentalities, to provide facilities and equipment for use in mass-transit or commuter service in urban areas, and to integrate and coordinate highway, bus, surface-rail, underground, and other mass-transportation systems in such areas.

URBAN PLANNING GRANTS

SEC. 2. (a) Section 701 (a) of the Housing Act of 1954 is amended by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 701. (a) In order to assist State and local governments in solving planning problems resulting from the increasing concentration of population in metropolitan and other urban areas, including smaller communities, to facilitate comprehensive planning on a continuing basis by State and local governments for urban development and the coordination of transportation systems in urban areas, and to encourage State and local governments to establish and develop planning staffs, the Administrator is authorized to make planning grants to—".

(b) Section 701 of the Housing Act of 1954 is further amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) a new subsection as follows:

"(d) The Administrator shall encourage (1) planning to determine transportation needs and to coordinate and integrate the various elements of mass-transportation systems in metropolitan areas, (2) the coordination of all planning activities of the public bodies or agencies responsible for regulating or providing mass-transportation services in such areas, and (3) the carrying out of studies concerning the interrelationship of transportation and urban development, including the impact of land use and metropolitan growth on the total transportation needs of such areas.

PUBLIC FACILITY LOANS

SEC. 3. (a) Section 202 (a) of the Housing Amendments of 1955 is amended to read as follows:

"Sec. 202. (a) The Housing and Home Finance Administrator, acting through the Community Facilities Administration, is authorized to purchase the securities and obligations of, or make loans to, States, counties, municipalities and other political subdivisions of States, public agencies, and instrumentalities of one or more States, municipalities and political subdivisions of States, and public corporations, boards, and commissions established under the laws of any State—

"(1) to finance specific public projects under State or municipal law: *Provided*, That no such purchase or loan shall be made for payment of ordinary governmental or nonproject operating expenses; and

"(2) to finance the acquisition, construction, reconstruction, maintenance, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass-transit or commuter service in urban areas, and to integrate and coordinate highway, bus, surface-rail, underground, and other mass-transportation systems in such areas: *Provided*, That the total amount of purchases and loans which are outstanding at any one time under this clause (2) shall not exceed $100,000,000. As used in this clause (2), facilities shall be construed to include land, excluding public highways, and any other real or personal property necessary for use in mass transportation."

(b) Subsection (b) of section 202 of the housing amendments of 1955 is amended (i) by striking out "reasonable terms" in paragraph (1) and inserting in lieu thereof "equally favorable", and (ii) by adding at the end of such subsection a new paragraph as follows:

"(3) Interest shall be charged on loans made under this section at a rate determined by the Administrator which shall not be more than the total of one-quarter of 1 per centum per annum added to the rate of interest paid by the Administrator on funds obtained from the Secretary of the Treasury as provided in section 203 of this title."

(c) Section 202(c) of the Housing Amendments of 1955 is amended (1) by striking out "this section" in the first sentence and inserting in lieu thereof "subsection (a)(1) of this section", and (2) by inserting immediately after the first sentence a new sentence as follows: "In the processing of applications for financial assistance under subsection (a)(2) of this section the Administrator shall give priority to the applications of those eligible applicants which he determines (1) have the most workable plans for the development of a coordinated mass transportation system and (2) have the most pressing need for such assistance."

(d) Section 203(a) of the Housing Amendments of 1955 is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "In order to finance activities under this title, the Administrator is authorized and empowered to issue to the Secretary of the Treasury, from time to time and to have outstanding at any one time, notes and other obligations in an amount not exceeding $----------: *Provided*, That of the funds obtained through the issuance of such notes and other obligations not less than $100,000,000 shall be available for purchases and loans under section 202(a)(2) of this title."; and

(2) by striking out the third sentence and inserting in lieu thereof the following: "Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury which shall not be more than the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Administrator of such notes or other obligations, and adjusted to the nearest one-eighth of 1 per centum."

AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959, RELATING TO LOCATION FOR NEW U.S. COURT OF CLAIMS BUILDING

Mr. MORSE. Mr. President, in an editorial on March 18, the Washington Post called attention again to the plans going forward to use the sites surrounding Lafayette Park, now occupied by several historic structures, for construction of a new office building to house the Court of Claims and the Court of Customs and Patent Appeals.

No one can deny that the workload of these courts makes it imperative that they be provided with expanded quarters. But I entirely share the objection of the Washington Post to using the sites around Lafayette Park for that purpose. A much better idea is the one offered by the Post that they be grouped around the U.S. Supreme Court Building, as recommended by the National Capital Planning Commission and the Fine Arts Commission.

I ask unanimous consent to have this editorial from the Washington Post printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 18, 1960]

COURTHOUSE POLICIES

A choice corner fronting on Lafayette Square is swiftly becoming a site for sore eyes (of Texas) as a result of a quarrel involving three courts all in search of a new home. All the courts—the Court of Claims, Court of Customs and Patent Appeals, and Tax Court—are in urgent need of more space. On this there is little dispute. The plight of the Court of Claims is especially desperate; because the court deals only with cases involving the Government, its docket has grown at an awesome rate (6,000 cases are now pending) while its quarters have failed to keep pace.

But is Lafayette Square the appropriate site for a courthouse? Chief Judge Marvin Jones of the Court of Claims contends that his bench should be given sole occupancy of the site on Madison Place and H Street NW. now occupied by the old Belasco Theater

and Dolly Madison House. Judge Jones, a former Texas Congressman, points out that the General Service Administration has assigned the site to his court and that the House Public Works Committee has endorsed the move.

At this point, Chief Judge Eugene Worley of the Court of Customs and Patent Appeals, enters a sharp dissent. His court, too, is in dire need of more space and he proposes the addition of 30,000 square feet to the Lafayette Square edifice so that both courts could be housed together. Chief Judge Worley, also a former Texas Congressman, feels this could be done with a minimum of delay. And doubtless it would be desirable if another 90,000 square feet could be found for the Tax Court.

To a bewildered bystander, one alternative seems clear. The needs of all the courts could be met adequately in a "judiciary square" on the east side of the Supreme Court Building. This is the proposal previously endorsed by both the National Capital Planning Commission and the Fine Arts Commission. Not only would it mean that an area could be created which would comport with judicial dignity (the buildings, perhaps, could be grouped around an Oliver Wendell Holmes Memorial Park) but also that Lafayette Square could then be preserved for an executive use more in keeping with its historical values and its proximity to the White House.

Granted that such a change in plans would mean further delay, and granted that the location might be more inconvenient for the Court of Claims, we still think the idea of grouping the courts in a more suitable site deserves further consideration before the bulldozers begin their work. To meet the problems of delay, surely further space in other Government buildings—or leased private quarters—could be found on a short-term basis.

Mr. MORSE. Mr. President, in order to get a restudy of the question of locating the needed new courthouses, I introduce, for appropriate reference, a bill directing the General Services Administration to bring together recommendations from itself, the National Capital Planning Commission, and the Commission of Fine Arts to determine the feasibility of a "judiciary square" proposal. These recommendations would be brought back to the House and Senate Committees on Public Works for further action.

The old Belasco Theater is one of the buildings which would be razed if the new courthouse were constructed on the square. The February 21, 1960, issue of the Post carried an editorial on the Belasco Theater and its place in the history of Washington. I ask unanimous consent to have this editorial, too, appear at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 21, 1960]

FINAL CURTAIN

A fine old theatrical relic and the graceful home where Dolly Madison once lived now appear doomed by the General Service Administration's latest plans to "improve" Lafayette Square. Only those with hearts of ice could be wholly unmoved by the impending change. The Belasco Theater, second only to the National in local eminence, once carried such lustrous names on its playbills as Sarah Bernhardt, Mrs. Fiske, and DeWolf Hopper. During its years as a USO center, it basked in a brief Indian summer before the Treasury Department turned its velvet-and-gold interior into a vault for Disbursement Office records. And now the shade of L. Stoddard Taylor, the Belasco's last manager, will surely sigh at the news that his 65-year-old stage will soon make way for a Court of Claims given to more prosaic drama.

No less poignant is the fate of the Dolly Madison House a few doors up on H Street. The second oldest private dwelling on the square (Decatur House is older), and once the home of the Cosmos Club, the house is celebrated as the place where Dolly Madison spent the years of her widowhood. It is a house rich in associations on a square limned in history. A catalog of those who have lived around the park evokes the Republic's heroic days: Daniel Webster, William H. Seward, John Hay, Henry Adams, James G. Blaine, Henry Clay, Charles Sumner, Roger B. Taney, Gideon Welles, Stephen Decatur, and John Randolph of Roanoke.

Long ago, the decision should have been made to preserve the residential character which predominated around the square until World War I. The opportunity has been thoughtlessly thrown away. The GSA is preparing to raze most of Jackson Place to make way for a monolithic office building; the AFL–CIO was permitted to build a headquarters mosque that towers grotesquely over St. John's Church; and now one of the city's choicest locations will be awarded to the Court of Claims. Even at this late date some hard questions ought to be raised about whether a courthouse would make the most appropriate use of such a desirable site.

With a little more foresight, the square could have remained as a pleasant patch of the past—with a refurbished Belasco serving, perhaps, as a repertory theater. The chance has long since gone, and our grandchildren may well reproach us for failing as guardians of a heritage worth saving.

Mr. MORSE. Mr. President, no one can quarrel with the need for these new courthouses. But I cannot understand why they must be crowded into the downtown area of Washington, and into the lovely square across from the White House. Destruction of these buildings to make room for new office buildings will deprive Washington of much of the grace and charm which now envelops the White House. I hope this matter can be resolved in favor of their preservation. The Congress is already studying proposals for monuments to such notable figures of our past as James Madison, Woodrow Wilson, and Franklin D. Roosevelt. I am all for appropriate memorials to these great men. I am all for the very large sums which were spent to restore and preserve Independence Hall in Philadelphia, and other sites of significance in American history.

But I do not understand why we cannot preserve what we already have by way of historic sites in the city of Washington, D.C. In addition to their historic import, they also contribute to the beauty of the White House, and I hope that by introducing this measure today, I can assist in their preservation.

I ask unanimous consent to have my bill lie on the table for 3 days so that any Senator who may wish to do so can cosponsor it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I ask unanimous consent that the bill may be printed at this point in the RECORD in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3279) to amend the Public Buildings Act of 1959 to provide a study by the National Capital Planning Commission, the General Services Administration, and the Commission of Fine Arts as to the best location for a new U.S. Court of Claims Building, and for other purposes, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Buildings Act of 1959 is amended by adding at the end thereof the following new sections:

"SEC. 18. The Administrator is authorized to conduct a joint study, together with the National Capital Planning Commission and the Commission of Fine Arts, for the purpose of determining the feasibility of constructing, near the Supreme Court of the United States, adequate facilities to house the Court of Claims, the Court of Customs and Patent Appeals, and the Tax Court of the United States. As soon as practicable after the date of enactment of this section, the Administrator shall submit a report on the results of such study, together with such recommendations as the three agencies may deem advisable, to the Committees on Public Works of the Senate and House of Representatives.

"SEC. 19. In keeping with the national policy of protecting and preserving historic American buildings and sites for the inspiration and benefit of the people of the United States, the Administrator shall preserve and maintain the Dolly Madison House, the Benjamin Taylor House, and the Belasco Theater on Lafayette Square in the District of Columbia, for historical, cultural, and civil purposes. The Administrator is authorized and directed to restore the Belasco Theater to a condition at least equal to its condition at the time it was acquired by the Federal Government. The National Park Service, and the District of Columbia Recreation Department, shall advise and assist the Administrator in the restoration and management of the Belasco Theater as a municipal art center. The Administrator is authorized to accept contributions of money, which shall be deductible for tax purposes, for the purpose of assisting him in the restoration of the Belasco Theater for cultural and civic purposes."

AMENDMENT OF FAIR LABOR STANDARDS ACT, RELATING TO COVERAGE OF CERTAIN EMPLOYEES—AMENDMENT

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (S. 1046) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes, which was referred to the Committee on Labor and Public Welfare, and ordered to be printed.

ISSUANCE OF NONQUOTA IMMIGRANT VISAS TO CERTAIN ALIEN ORPHANS—ADDITIONAL COSPONSORS OF BILL

Mr. WILEY. Mr. President, I ask unanimous consent that the name of the Senator from New York [Mr. JAVITS], be added as a cosponsor of the bill (S. 2004) to eliminate the date of termination of the provisions of law authorizing issuance of nonquota immigrant visas to certain alien orphans, and for other purposes, introduced by me on May 20, 1959.

It gives me great pleasure to welcome him on this important proposal to eliminate the date of termination of the provisions of law authorizing issuance of nonquota immigrant visas to certain alien orphans, and for other purposes.

The PRESIDING OFFICER. Without objection it is so ordered.

EXTENSION OF PROVISIONS OF SUGAR ACT OF 1948—ADDITIONAL COSPONSOR OF BILL

Mr. BENNETT. Mr. President, at the request of the Senator from Pennsylvania [Mr. SCOTT], I ask unanimous consent that his name may be added as a cosponsor of the bill (S. 3210) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by me—for myself and other Senators—on March 16, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RUSSIAN PROPOSAL FOR SUSPENDING NUCLEAR TESTING

Mr. PROXMIRE. Mr. President, yesterday the senior Senator from Minnesota [Mr. HUMPHREY] made another of his many highly significant contributions to this body and our Nation in his appeal for careful and thoughtful consideration of the Russian proposal for suspending nuclear testing. Because I think this speech by the Senator deserves particular emphasis, I call attention to it again today and particularly to these points:

The Senator from Minnesota, who has so thoroughly demonstrated his competence in this field, pointed out that the Russian proposal was similar in three very important ways to a proposal President Eisenhower made last February; namely, the concept of a threshold treaty, a joint research program, and provision for the extension of the permanent ban to cover tests below the threshold.

The President was silent on a moratorium on small tests below the threshold, a proposal made by both the Senator from Minnesota and Russia.

The Soviet proposal differs from Senator HUMPHREY'S proposal in one key way, that is, it fails to specify how many on-site inspections will be allowed.

Mr. President, this Senator regards the Soviet proposal, under these circumstances, as encouraging. I want to lend my voice to that of the Senator from Minnesota in supporting the most careful and thoughtful consideration of the Russian proposal. In doing so, Mr. President, I concur particularly in this statement by the Senator from Minnesota yesterday:

> I happen to want a test ban agreement. But I want to caution all persons who also want such an agreement—and I want one very much—to remember that our desire for progress must not be allowed to prejudice the effectiveness of the system which needs to be developed in order to assure that real progress will be made. In other words, I do not want to gain a so-called political mile today, only to find a year from now, that we have slipped over the precipice and have fallen into a very dangerous situation where cheating, avoidance of inspection, and so forth, could occur and when we would find that the entire agreement which we had thought to be very worthwhile and very important would prove to be of little or no value, and perhaps would even prove harmful to us. Widespread fear of the possibility of such a development would have an extremely prejudicial effect on disarmament negotiations.

Mr. President, the Senate cannot be too often reminded that this is the nuclear age. We live in a completely new world in which war can literally destroy mankind and leave this globe a radioactive corpse. This is of course not to say that we should compromise our freedom or cave in to the Soviets. On the contrary, only freedom permits us to have purpose in our lives. It does mean that these negotiations deserve the most sympathetic and prayerful, as well as discriminating and intelligent, attention from all of us.

THE PSYCHOLOGICAL ASPECTS OF INTERNATIONAL RELATIONS

Mr. SALTONSTALL. Mr. President, with the shrinking of the world brought about by technological advances in communication and transportation and the revolution of rising expectations brought about by the political and economic growth of the underdeveloped peoples of the world, the psychological aspects of international relations become of greater and greater importance.

The existence of the cold war in itself is proof that world public opinion, national prestige, moral suasion—in short, the psychological components of international politics—are extremely important and must not be underrated. The so-called war for men's minds also demonstrates the ever-growing significance of human psychology in today's struggle for peace. Although usually related to more tangible aspects of economic and political existence, emotional factors carry huge influence, sometimes exert a powerful force completely disassociated from the physical facts of the matter, and can dominate policy decisions.

The Communists, Mr. President, do not underestimate the importance of psychology in their efforts at international domination. They devote huge resources of money and manpower to exploit the frustrated emotions of large masses of people throughout the world—to manipulate feelings of fear, pride, guilt, jealousy, inferiority, and revenge to their own advantage. This propaganda program is given top priority because its purpose is to create psychological weakness in their quarry, to drain the will of freedom.

The agency of the U.S. Government which specifically has the responsibility of conducting our operations in the international propaganda field, Mr. President, is the U.S. Information Agency.

Often we forget the critical job that the men and women of the USIA both here in Washington and scattered throughout the world are doing to advance the cause of international "peace and friendship in freedom," to quote President Eisenhower. These people are the modern-day pioneers on the frontier of the battle for men's minds. Mr. George V. Allen, Director of the Information Agency, has recently submitted the 13th semiannual report to Congress covering the USIA's accomplishments during the July 1 to December 31, 1959, period.

This is an impressive report, Mr. President. The study highlights the importance of the President's visits to Europe and to 11 nations in Asia and Africa. It notes the Agency's partial breakthrough in communicating directly with peoples of Soviet Russia through cultural exchange, visits of officials and individual citizens, and increased reception of "Voice of America" broadcasts within the U.S.S.R.

There are three sections of the semiannual report that were particularly interesting to me, Mr. President, because they show what effective programs our international information operation has in the critical newly emerging areas of the world where psychology plays perhaps its largest role. They are: "Highlights of India Program," "Information to the Americas," and "Projecting the United States to Africa." I ask unanimous consent that these excerpts, along with Director Allen's covering letter for the report, be included in the body of the RECORD.

There being no objection, the letter and excerpts were ordered to be printed in the RECORD, as follows:

U.S. INFORMATION AGENCY.

To the Honorable the PRESIDENT OF THE SENATE.

To the Honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIRS: I am honored to submit to the Congress the U.S. Information Agency's 13th Seminannual Report, covering the period from July 1 to December 31, 1959.

By far the most important public affairs developments of the period were the visits of the President, first to Europe and, in December, to 11 nations in Europe, Asia, and Africa. The report indicates the ways in which the Agency sought to expand the effectiveness of these visits to people everywhere overseas.

Another significant achievement of the period was a partial breakthrough in our ability to make direct contact with the people of the Soviet Union.

During 6 weeks of last summer, about 3 million Soviet citizens visited the first U.S. National exhibition ever to be held in Moscow. In opening the exhibit, the Vice President of the United States spoke directly to the Soviet people over their own radio and television and through the pages of the Soviet press. He spoke of freedom and democracy and the basis for a just peace.

Nearly 1,000 Soviet officials and citizens, including the head of their Government, who

visited the United States during the past year, were able to see with their own eyes the economic, political, and social status of the American people. Already, the classic Marxist line about our economic system has undergone a change. Moscow now admits that the masses in America are well fed, well clothed, and well housed.

The job of USIA is to try, in every appropriate and overt manner, to inform the people of foreign countries about the United States. The most difficult task, of course, has been to reach people in the U.S.S.R. During the last 6 months, we have probably told more people in the Soviet Union about the American way of life than during the entire period since the effort began, 15 years ago.

I am confident that we have made progress in our effort to convince the Soviet people that the American Government and people are democratic and peace-minded yet resolute to defend their freedom and to oppose aggression. This has contributed to a better understanding between the two peoples and to the relaxation of tensions between the world's two great atomic powers.

Respectfully submitted.

GEORGE V. ALLEN,
Director.

EXCERPT FROM U.S. INFORMATION AGENCY, 13TH REPORT TO CONGRESS, JULY 1 TO DECEMBER 31, 1959

HIGHLIGHTS OF INDIA PROGRAM

An exposition of farming in the United States, part of a 3-month-long agricultural fair in New Delhi, was opened by President Eisenhower on December 11. A joint undertaking of the Department of Agriculture, the Department of Commerce, the Atomic Energy Commission and the U.S. Information Agency, the U.S. pavilion depicted the operation of an American dairy farm, a poultry farm, a grain farm and a typical small American farm.

The Agency's work on the fair began a year ago and consisted chiefly in helping plan and develop the content of the big pavilion, which was located near the exhibits of the U.S.S.R. and Communist China. The New Delhi Regional Public Affairs Officer was assigned to the fair, using his understanding of the people and the agriculture of India to assure that the American presentation would reflect mutual U.S. and Indian experiences and problems.

USIA assisted in developing the exhibit's theme: "Food, Family, Friendship, and Freedom."

To reinforce this theme and extend the message of the fair throughout the country, USIS India prepared a guidebook and a number of pamphlets for exposition visitors. The cost of the 1,300,000 guidebooks was underwritten by American private industry.

Also in support of the agricultural fair, the post prepared several exhibits, mounted on mobile vans, for display outside the capital city. Exhibit showings, beginning in December, were accompanied by motion pictures on American agriculture and speeches delivered by 4–H members and other farm specialists before local civic, political, and educational organizations.

One of the exhibits is "Life in America: A Progressive Economy." Another, "Not by Bread Alone," shows how people in America's industrialized economy enjoy and participate in the nonmaterial fruits of their own and world culture.

"India's New Horizons," a USIS India booklet on American economic participation in India's progress, won praise from many Indians. Copies were carried on all flights of Air India International. India's Finance Minister called the publication "by far the most remarkable publication I have seen in recent months," and the Minister of Agriculture commented: "I would like to congratulate you on this production and still more for not confining it only to an edition in English."

INFORMATION TO THE AMERICAS

Volatile situations in Cuba and Panama, and scarcely less explosive happenings in some other countries of the hemisphere, called for special efforts by the Agency to keep the area accurately informed on U.S. policies and to improve understanding.

Despite Agency efforts to counter distortion of both current facts and past events, the Castro government, with its strongly nationalistic overtones, was still engaging in frequent denunciation of the United States as the year ended.

USIS Havana took every possible opportunity to explain the official American viewpoint on the many controversial situations that arose in Cuba. For example, when Ambassador Bonsal refuted Cuba's accusation of U.S. complicity in the alleged bombing of Havana, USIS Havana saw to it that the Ambassador's statement was quickly published and distributed throughout Cuba.

The Agency opened a reading room in Santa Clara to provide books and other informational materials of interest to the large number of students and laboring people of the area. USIA supported a binational center which opened in November in Santiago, Cuba, with well-patronized activities designed to improve United States-Cuban understanding.

As part of Havana's Great Fair for Agrarian Reform, USIS presented an exhibit on the U.S. economy which attracted 2,000 to 6,000 persons per night for 2 weeks in September. Films on many aspects of life in the United States, shown as an adjunct to the exhibit, were very popular. So were several USIS pamphlets. One of these, "Martí in the United States," was in considerable demand during the fair. Later it was requested by hundreds of persons who considered it a good exposition of the long history of Cuban-United States interdependence and cooperation.

In Panama the Agency made special efforts to promote accurate local understanding of Canal Zone affairs and to point out the benefits to be derived by both the United States and Panama from continued peaceful collaboration.

Examples of information activities in other parts of Latin America:

The President of Mexico wrote American Ambassador Hill that the Agency's film concerning his October visit to the United States "has pleased me very much." The Ambassador commented that the film is "making a highly favorable impact on theater audiences in Mexico."

Almost a half million Brazilians participated in the activities of the country's binational centers, located in 28 cities and dedicated to broadening understanding between Brazil and the United States.

Export records of the Argentine Government showed that 15 percent of all books shipped from Buenos Aires to the 20 other American Republics were titles published under the agency's translation program. At the end of 1959, the program was producing 9,000 books per day of 35 titles in low-priced Spanish-language editions.

The agency provided the closed circuit television exhibit at the Quito (Ecuador) Fair with 31 hours of programs about the United States.

PROJECTING THE UNITED STATES TO AFRICA

The visit to the United States of President Sekou Touré of the newly independent nation of Guinea gave the agency an opportunity to convey to Guinea, and to the rest of Africa, his impressions of the United States and of American interest in Africa's developing independent nations.

The Voice of America broadcast daily to Guinea and other African countries during the African leader's trip. The agency also provided texts of President Touré's speeches, news reports, photographs, a pamphlet and a color film. These materials were put to use in Guinea through the agency's new post in the capital city, Conakry. The Conakry staff translated material into French, worked with local newspapers and radio stations and made up photographic displays of the Touré trip for use throughout the outlying parts of Guinea.

USIA fully reported the visit of the Crown Prince of Ethiopia to the United States.

Some other agency activities in Africa:

About 112,000 persons saw a demonstration of U.S. technical assistance to Somalia at the International Fair in Mogadiscio in October. The presentation was prepared by USIS Mogadiscio, the International Cooperation Administration and the consulate general. Well attended by fair visitors were showings of 18 agency motion pictures in the Somali language.

The newsreel, "Today," brought up-to-date information about developments in Africa and in the United States to audiences in more than 200 theaters in 9 African countries.

At ceremonies opening a new USIS library at Enugu, Nigeria, the Prime Minister of Eastern Nigeria said, "The achievements of America form the goal of our aspirations. The work of the U.S. Information Center is a constant reminder of benefits which contact with America has brought and will continue to bring us."

A USIS reading room opened in Freetown, Sierra Leone, in November. In its first 3 weeks it had 7,858 visitors and loaned books to more than 1,000 patrons.

OBSERVANCE OF 155TH BIRTHDAY OF HANS CHRISTIAN ANDERSEN

Mr. WILEY. Mr. President, throughout history, the "tellers of tales"—imaginative, creative, attuned to the human spirit, and sensitive to the meanings of life—have left their indelible, enriching mark on the lives and destinies of millions of people.

In a unique way, these dreamers and storytellers have been able to weave real understanding and insight into human experience, into the fabric of their fiction and fantasy.

Reflecting the fundamentals of life—common to all men—their stories have been able to transcend national boundaries, language barriers, cultural differences and multitudes of other obstacles, to stimulate, enthrall and inspire the hearts and minds of people of all ages, in all walks of life, in all lands.

April 2, 1960, marks the 155th anniversary of the birthday of one of the great writers of all times, the famous Danish teller of fairytales, Hans Christian Andersen.

Over the years, his works have reflected a universal appeal, characteristic of real greatness. As a result, over 2,000 editions of his writings have been translated into more than 40 languages.

Born of poor parents, Hans Christian Andersen, a native of Denmark, epitomizes the kind of rags-to-riches story that has become symbolic in our own free enterprise system. Fortunately, a childhood of poverty left no scars of bitterness in his life. To the contrary, he rose to give, through his writings, endless hours of happiness to children, as well as adults, all over the globe.

Through his works, Hans Christian Andersen has made a great contribution, also, to better understanding among people; created a greater realization of their common bonds; and, particularly, stimulated and enlivened the minds and imaginations of the world's children, the adults of tomorrow.

Currently, efforts are being made to strengthen cultural ties, to promote better understanding between peoples of more lands around the globe. Happily, the ties between the people of the United States and Denmark—a land small in size, but great in tradition, accomplishment, and the spirit of its people—have become ever stronger through the years.

Uniquely significant, Denmark—in addition to its homeland observances—celebrates the Fourth of July, our Independence Day, regularly in its own national life.

As a "showcase of democracy," this country has provided for its people what has been called a land of milk and harmony.

The years ahead, I trust, will weld even greater, stronger ties between the peoples of the United States and Denmark.

The enjoyment of Hans Christian Andersen's work in American homelife also is one of the real highlights of the splendid relationships between the United States and the fatherland of this great author.

Because of this, I believe it is particularly fitting that we pay tribute to this great writer, in recognition of the 155th anniversary of his birth.

As I understand it, libraries, schools, educational associations, and other civic and cultural groups are planning special activities of commemoration.

As there is opportunity, I believe it would be also worthwhile for Governors and mayors to pay special recognition on the anniversary, through, for example, proclamation of a special Hans Christian Andersen Week.

The recognition of the birth-anniversary of this universally loved author, through such observances—in addition to being well justified in itself—would also serve in a splendid way to further strengthen the spiritual and cultural bonds between our citizens, many of whom proudly herald Danish ancestry, and the people of Denmark.

THE 5 PERCENT INTEREST RATE ON TREASURY NOTES

Mr. BUSH. Mr. President, I am sorry that the senior Senator from Illinois [Mr. DOUGLAS] is not on the floor. He was here a moment ago. However, I hope that my remarks will be shown to him in today's RECORD.

The senior Senator from Illinois stated on Tuesday, in connection with the 5 percent Treasury notes issued last October, that the fact these notes were oversubscribed some five times was convincing proof that the 5 percent interest rate was too high.

I must say that I am surprised that one so highly reputed as an economist, and with his knowledge of the mechanics of the Government securities market, could actually believe that the true worth of a newly offered Government security can be measured by the extent of the subscriptions.

Surely he recognizes that the Treasury, in order to control the amount of securities it sells, must limit the size of its issues to a predetermined amount, and surely he understand that investors, in expectation of partial allotments, commonly subscribe to several times the amount of securities they really want to obtain.

Since the Senator is an economist of great reputation, he would agree, I am sure, that the only real measure of the success of the Treasury in appropriately pricing a new security is the price at which it trades in the market in the early days following the announcement of the offering. Is it not obvious that unsatisfied subscribers who fail to receive all the securities they wanted in the original offering would immediately rush to buy the new security in the market? And would this not, in turn, push the selling price of the security up to a high level? The security would, in short, trade at a substantial premium on the days following its issuance and for some time thereafter.

Viewed from this logical basis, we find that the so-called magic 5s apparently were appropriately priced. In the first day of trading of these securities, on a "when issued" basis, they closed at $100^{24}/_{32}$, or $100\frac{3}{4}$, just enough above par to indicate a successful financing, but not high enough to indicate too high an interest rate established by the Treasury. On the next day they closed at exactly 101, but thereafter fell back to slightly below 101, and fluctuated around this level until the end of December. It is only since the first of the year that the magic 5s have consistently sold above 101, due to a general easing of the money markets.

The evidence is clear and convincing. The magic 5s were not overpriced in terms of interest in October 1959. It is a peculiar mixture of politics and lack of understanding that would lead one to state that because the issue was oversubscribed, it was by definition, overpriced.

Mr. President, in connection with this subject I ask unanimous consent that an article entitled "Politics and National Credit," published in the Evening Star of March 23, 1960, be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS AND THE NATIONAL CREDIT—SPECULATING WITH ECONOMY CHARGED TO GROUP BLOCKING ACTION ON INTEREST

(By David Lawrence)

While everybody is looking the other way at disarmament conferences and the gyrations of presidential candidates, a piece of political sabotage is going on in Washington that could be dangerous to the economy of the country in the immediate future.

The sabotage consists of a deliberate interference in the Treasury Department's management of the public debt. The interference is coming from a group of so-called liberals in the Democratic Party.

Whether it's partisan politics or sheer demagogery, the fact is that the Treasury, which has the job of refunding billions of dollars of debt each year, is stymied by the refusal of the Democratic Party in Congress as a whole to cooperate with a Republican President. This is a big price to pay for the privilege of having a divided Government.

Certainly the right to determine what interest rates the public will pay for long-term or short-term securities belongs to the Treasury Department, which has to watch carefully the most complicated factors of the law of supply and demand in the credit markets of the country. The Treasury feels out the market carefully and pays the rate it believes will attract investors.

But the Democrats in Congress have put up a roadblock. They insist that the Treasury may not pay more than 4¼ percent for securities that mature more than 5 years hence, but that the Treasury can offer as high a rate as it wishes for securities that are repayable in 5 years or less.

This means that the Treasury is deprived of its power to deal effectively with a refunding of the tens of billions of dollars of the national debt that come due each year. It is frustrating for a government which has so powerful an influence on world credit, and on interest rates throughout Europe especially, to find itself hampered in these delicate and vital financial transactions.

The damage, of course, is largely within the United States. Homebuilding is in for serious setbacks, and this could affect the entire economy and be one of the factors that bring on an economic recession. The National Association of Home Builders is worried. First it was against the interest change, but now it has sent out a letter to its members urging all of them to write to their Congressmen at once to give strong support to a change in the interest rate ceiling "at the earliest possible date." Commenting on this, the Wall Street Journal, in an editorial yesterday, said in part:

"When the Treasury was forced to borrow its billions on short-term notes alone, short-term interest rates went skyrocketing. Last fall the Treasury had to pay 5 percent for notes maturing in less than 5 years. So, not unnaturally, people who had money in savings banks and building associations at much less interest drew out their money and bought the Treasury notes."

"Hence, the homebuilders discovered that the Treasury's unavoidable financing activities are draining money out of the very institutions on which we must rely for mortgage credit. And they concluded that if the Treasury isn't permitted to meet the going interest rates in the long-term market, where it can spread its debt around, we are all going to suffer severely.

"So there you are. Those who refused to let the Treasury deal sensibly with the realities of the marketplace have brought about the very thing they professed they would avoid."

The liberal Democrats now are saying that, because in recent weeks interest rates generally have shown a tendency to decline, this is a vindication of their viewpoint. But the effects of the blow dealt to the Treasury in its power to handle borrowing flexibly will not be so easily removed. The present decline is temporary, and it may even be the precursor of a downward trend in business due to the frustrations in homebuilding.

Senator PRESCOTT BUSH, of Connecticut, Republican, a former investment banker, told the Senate yesterday the business world sees this problem as nonpolitical. He added:

"I say to my friends across the aisle that they're a new set of gamblers. They're speculating with the national credit. It's a reckless thing that they do. They're speculating with this issue because they think they've got a hot political issue. It is most dangerous. I beg them to drop this and give the Treasury a free hand."

Conservative Democrats agree with Senator BUSH, but the so-called liberals seem

bent on interfering with the Treasury's operations—something that could spell economic trouble for America at a fateful time in her history.

THE FARM PROGRAM

Mr. BUSH. Mr. President, the stubborn resistance of Democratic-controlled Congresses has frustrated the efforts of President Eisenhower and Secretary of Agriculture Benson to put into effect a farm program which makes sense.

The present farm program, enacted at the insistence of a bipartisan farm bloc with the consent of the controlling majority does not work and places an enormous burden upon the taxpayers.

In past years, I have voted for termination of the present farm program and against appropriations for agricultural price supports. I intend to so vote again unless a real reform in the program is accomplished.

Mr. President, opinion in my State is becoming increasingly outraged by the failure of Congress to eliminate the scandalous deficiencies in the farm program. An editorial entitled "$3,750 a Minute," which appeared in the Bridgeport Post of March 22, 1960, accurately reflected the views of many people in Connecticut. I request unanimous consent that it may appear in the RECORD following these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

$3,750 A MINUTE

In a recent statement, President Eisenhower told the taxpayers that it costs them $1,500,000 a day for the Government's wheat program. That is at the rate of about $1,000 a minute. But that's only part of the story as the wheat bite is only a small part of the cost of agricultural stabilization, which costs the taxpayers more than $3,750 a minute, or about $5,400,000 a day.

A lot will be heard about this figure in the coming presidential campaign. There are only three brackets of taxpayers whose annual payments to the Treasury could pay for this program.

There are about 5 million citizens whose adjusted gross income runs from $5,000 to $6,000 a year. On the average they are heads of families, own one car and work hard. Each year they turn in to Uncle Sam about $3 billion. The stabilization program costs about $2 billion.

Then there are 3 million in the $6,000 to $7,000 bracket who pay about $2.4 billion a year. The third rich vein of income paydirt are the $10,000 to $15,000 people. There are about a million of these who turn in a little more than $2 billion annually.

The point is that the entire take of millions of taxpayers must go each year to pay for an unsuccessful farm program. The one undisputed fact about the program is that it does not work, never has worked, and it never will. The program is wasteful and ineffective and the taxpayers are paying a terrible price for it. They are also paying a terrible price for the failure of our statesmen to develop a program that will work, or be big enough to scrap the one that doesn't.

The farm problem is almost 40 years old and getting worse and more expensive.

But there is one thing the politicians never forget—the farm vote, and they are being just as careful about it today as they were in 1920, when the farm population was two and a half times greater than in 1960.

CIVIL RIGHTS

Mr. KEATING. Mr. President, after a conference with the distinguished minority leader, I send to the desk an amendment to section 7 of the Dirksen amendment in the nature of a substitute, relating to voting referees.

This amendment contains the changes made by the other body during its consideration of the original voting referee plan, and it has the full approval of the Attorney General and the President.

I offer the amendment in behalf of the minority leader, the minority whip, and my distinguished colleagues, Senators JAVITS and SCOTT.

I ask unanimous consent that the amendment be ordered to be printed and lie on the table and to be read, and that it be considered to have been presented and read within the requirements of rule XXII of the Standing Rules of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I ask unanimous consent that the reading of the amendment be waived. I intend to insert in the RECORD, by unanimous consent, an explanation of the amendment.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. STENNIS. Will the Senator repeat his request?

Mr. KEATING. I have already asked unanimous consent that the amendment be read and that it be considered to have been presented and read within rule XXII of the rules of the Senate.

Mr. STENNIS. Is it an amendment to the pending bill?

Mr. KEATING. Yes; it is an amendment to section 7 of the bill, which is the voting referee section, and it brings it in line precisely with the language which has been adopted in the House.

Mr. STENNIS. Does the Senator request that it be read now?

Mr. KEATING. Yes; then I will ask that the reading be dispensed with, and I will insert in the RECORD at this point an explanation of the changes made in the original section 7 of the Dirksen amendment.

Mr. STENNIS. There would be no objection if it is going to be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment reads as follows:

Strike out section 7, and insert in lieu thereof the following:

"SEC. 7. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"'(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"'"In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"'"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"'"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"'"The court may appoint one or more persons, who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"'"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an

issue of fact shall be held only in the event that the proof in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"'"The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"'"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"'"Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

"'"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words 'qualified under State law' shall mean qualified according to the laws, customs or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

"'(b) Add the following sentence at the end of subsection (c):

"'"Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."'"

The statement, ordered to be printed in the RECORD, is as follows:

STATEMENT BY MR. KEATING

VOTING REFEREE AMENDMENT

In an action brought pursuant to 42 U.S. Code 1971(c), the amendment would permit the following steps:

1. The court makes a finding whether any person has been deprived on account of race or color of a right secured by subsection (a).

2. Upon request of the Attorney General, the court also may make a finding whether such deprivation was pursuant to a pattern or practice.

3. Upon a finding of such pattern or practice, a person of such race or color resident in the area affected is entitled, upon application, to an order declaring him qualified to vote upon proof that he is qualified under State law to vote, has [since such finding by the court] been denied under color of law the opportunity to vote, or has been found not qualified by any person acting under color of law.

4. The Attorney General is responsible for transmitting certified copies of such orders of certification to the appropriate State election officials.

5. Application for certification orders are to be heard within 10 days. The execution of any such orders cannot be stayed if the effect of a stay would be to delay effectiveness of the orders beyond any election day.

6. The Federal court may appoint voting referees [who are qualified voters in the judicial district] to receive applications of persons of the race or color resident in the area.

7. The Federal court may enter supplemental orders, either directly as the result of applications by applicants, or upon the report of the refcrees declaring one or more of the applicants qualified to vote.

8. In proceedings before the voting referees, the applicants shall be heard ex parte.

9. State authorities will have a period of 10 days (or a shorter period, if so fixed by the Federal court) within which to appear and oppose certification of applicants.

10. In case of opposition, the bill provides for a hearing if there is a genuine issue of material fact.

11. [The bill authorizes the court to make an order entitling an applicant to vote provisionally, with appropriate provision for the impounding of the applicant's ballot pending determination of the application.]

12. The bill also provides that whenever any State official is alleged to have committed any practice constituting a deprivation of any right secured by the statute, then this practice shall be deemed that of the State, and the State may be joined as a party defendant. If the State official has resigned or been relieved of his office, and no successor has assumed the office, the proceeding may be instituted against the State. (Changes in previous analysis are in black brackets.)

THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION STRONGLY BACKS THE JUDGESHIP BILL

Mr. KEATING. Mr. President, the house of delegates of the American Bar Association, which has traditionally been in the forefront of efforts to improve our judicial processes, recently adopted a strong resolution urging Congress to enact legislation to create additional Federal judgeships. As this resolution succinctly points out, the increasing quantity and complexity of litigation in the Federal courts has created an extremely congested situation with concomitant delays and hardships on litigants.

It is high time Congress acted to end this logjam in litigation and added the judge power which is so desperately needed to restore timely justice in the Federal courts. I am confident the resolution adopted by the house of delegates of the American Bar Association, a certified copy of which has just reached me, will do much to spur congressional action in this vital area. I ask unanimous consent that it be printed in the RECORD and appropriately referred.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION RESOLUTION, SUBMITTED BY THE STANDING COMMITTEE ON FEDERAL JUDICIARY AND ADOPTED BY THE HOUSE OF DELEGATES, FEBRUARY 22, 1960

Whereas there is a desperate and mounting need for additional judgeships, created by the quantity and complexity of litigation, in certain of the U.S. Courts of Appeals and district courts; and

Whereas the consequent delay in bringing cases to trial in such courts is causing serious hardships to litigants in cases pending therein; and

Whereas critical conditions of court congestion in these courts have placed such burdens on judges now serving as seriously to impede the efficient performance of the judicial function: Now, therefore, be it

Resolved, That the house of delegates of the American Bar Association, in meeting assembled, urges the Congress of the United States, as a matter of the most critical public interest, promptly to enact legislation embodying the recommendations of the Judicial Conference of the United States for the creation of additional judgeships in the U.S. Courts of Appeals and district courts; and be it further

Resolved, That the chairman of the Standing Committee on Federal Judiciary is authorized and directed to appear before the respective Committees on the Judiciary of the U.S. Senate and the House of Representatives, or any subcommittees thereof, in support of such legislation; and be it further

Resolved, That copies of this resolution shall be sent to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and the respective chairmen and members of the Senate and the House Committees on the Judiciary.

JOSEPH D. CALHOUN,
Secretary.

MEDICAL INSURANCE FOR THE AGED

Mr. McNAMARA. Mr. President, yesterday we witnessed another instance of the President and his budget-obsessed administration bullying one of their more enlightened colleagues into line. I refer to the manner in which the Republican high command has effectively stymied the efforts of Secretary Flemming to present even a watered-down program of medical insurance for the Nation's 16 million aged citizens.

Mr. Flemming, who concedes the overwhelming need for some action—any action—in this area, marched bravely into the inner sanctums of the White House last week. We are told that he carried with him the strong but typically silent backing of the Vice President.

He emerged, we are told, somewhat hopeful for the administration's blessing. The administration instead chose to play one of its favorite games—pulling the rug from under the Cabinet officer.

The final act of this farce was given yesterday before the House Ways and Means Committee.

The Secretary appeared with a statement packed with statistics that could lead only to one conclusion—the same conclusion that the Senate Subcommittee on Problems of the Aged and Aging reached several months ago—that something had to be done to provide help to the aged ill and infirm.

But this was not the Secretary's forced conclusion. Here is what he proposed:

> In the effort to arrive at sound conclusion, it will be necessary for us to begin immediately to consult further with experts.
>
> I can assure you that these explorations will be carried forward with maximum speed.

Mr. President, were it not for the gravity of the problems involved, this performance would have to rank as one of the best comedies of the year, and might even top the old Abbott and Costello routine of "Who's on first?"

But the tragic result is that the power and prestige of the administration now appears to be totally committed to opposing a medical program for the aged.

So be it. But this decision should not deter the Democratic Party from an all-out effort to enact such a program. I intend to speak at length on this topic in the near future, and to outline what action I believe is necessary to provide medical insurance for our elderly citizens.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. MORSE. Mr. President, I should like to have the attention of the Senator from Georgia [Mr. RUSSELL].

Earlier this afternoon, the majority leader asked unanimous consent that the Senate might have a morning hour. Under the practice of the Senate which permits a Senator to reserve the right to object, during which time the Senator usually explains the position he expects to take on a unanimous consent request, I sought to make certain comments with respect to my position in regard to the majority leader's request for a unanimous-consent agreement to have a morning hour.

The Senator from Georgia, completely within his rights, asked for the regular order, and thus stopped me from making my explanation. I am sorry he saw fit to deny me an opportunity to explain my position on the majority leader's request and to seek an understanding with him in respect to my motion. I should like to make the explanation now. I think I can do so within the limitation of the 3-minute rule.

What I sought to do, and would have done had I been allowed to complete my statement, was to get a commitment from the majority leader and from the Senate for a yea-and-nay vote on my motion to lay on the table.

Second, I would have sought to obtain from the majority leader an understanding to fix a time to vote on my motion to lay on the table. Contrary to the impression apparently held by some Senators, it was not the position of the Senator from Oregon, nor the position of my colleagues who were in support of the parliamentary position we took yesterday afternoon in respect to my motion to lay on the table to shut off reasonable debate, either on the Clark-Javits amendment or, for that matter, on my motion. Although the motion was not debatable, still we would have been willing to enter into an agreement for reasonable debate on it. Had I been given an opportunity to do so, I should have been perfectly willing to enter into an agreement under which the Senate could have voted on the motion to lay on the table at some time certain later this afternoon.

Of course, that would have been a request to which any Senator could have objected; but at least I was seeking to offer that kind of parliamentary procedure to the Senate, when I was trying to explain my position under a reservation to object, but was prevented from doing so by the Senator from Georgia calling for the regular order. I thought that such a statement ought to be placed in the RECORD, and that it was due me to have it in the RECORD. When the course of action was followed which was followed, a course which refused to let me set forth my reservations in the matter, I had no other alternative, it seemed to me under the circumstances, than to object to the request for a morning hour, and to ask for a quorum call.

During the period of the quorum call, I want the RECORD to show, as the Senator from New York [Mr. JAVITS] and the Senator from Pennsylvania [Mr. CLARK] well know, and can be my witnesses, we sought to work out an arrangement whereby a vote on the Morse motion to lay on the table would have been held later this afternoon—perhaps at 3 o'clock or 4 o'clock—so that other Senators might be given the opportunity during the intervening period to discuss the parliamentary situation which had developed on the floor of the Senate.

Mr. President, I think this unpleasant incident illustrates how unwise it is when we follow a course of action in the Senate of not allowing a Senator, as a matter of courtesy, to express himself by way of a reservation with respect to a unanimous-consent request which has been made.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I have used my 3 minutes.

Mr. JAVITS. I am certain the Chair will allow me 3 minutes.

Mr. President, to support what the Senator from Oregon has said, I should like to state that it was not his desire to cut off debate. He was happy to afford opportunity for debate. But the regular order was called for, and that is the way the situation went.

In addition, I should like to state that Senate action pursuant to a motion to lay on the table is not a vain exercise. When we offer amendments, we hope they will be agreed to; and if they are agreed to, we believe progress has been made by means of the taking of such action. But we are also sufficiently adult to understand that if the majority of the Senate votes against what some of us prefer, that, too, is a decision by the Senate.

The legislative progress the Senate has made shows clearly what a majority of the Senate is willing to do in regard to a civil rights bill; I believe the Senate has now made very clear that, essentially, it wishes to have a bill which basically will be confined to voting rights, in addition to the parts of the Dirksen package, or the administration package, which survive. Certainly the reaching of that decision represents progress.

Therefore, I deeply believe that, notwithstanding that the position taken by the majority of the Senate on the recent motion to lay on the table was contrary to the view taken by the Senator from Pennsylvania [Mr. CLARK], the Senator from Oregon [Mr. MORSE], and myself, the Senate has shown that it has decided that it wants to have a "single engine" voting bill—in other words, essentially a bill based on the voting referee plan. Such a decision represents much more progress than simply the making of generalized speeches and a failure to take any particular position.

I believe that the Senator from Oregon [Mr. MORSE], the Senator from Pennsylvania [Mr. CLARK], and I have rendered a real service in connection with our amendment, for now a decision has been reached by the Senate. I, for one, am willing to work in accordance with that decision; and I believe the result will be that the Senate will have a bill which truly will represent the will of the Senate.

MESSAGE FROM PRESIDENT EISENHOWER TO THE ORDER OF AHEPA

Mr. DIRKSEN. Mr. President, on March 20, 1960, the Order of Ahepa held its 14th biennial national banquet in Washington, D.C. The President of the United States sent to the banquet a message which was read by the Honorable David W. Kendall, a staff assistant at the White House. I ask unanimous consent that the President's message be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

> THE WHITE HOUSE,
> *Washington, D.C., March 19, 1960.*
>
> It is a pleasure to send greetings to the members and guests of the Order of Ahepa assembled at their 14th biennial national banquet in honor of the Congress of the United States.
>
> Over the years, the Order of Ahepa has worked hard and successfully in advancing the goals of education in democracy and better understanding between the people of America and the Hellenic community.
>
> Now I am told, one of of your long-cherished dreams is about to be fulfilled. With the active support of Ahepa, a new institution of higher learning is soon to be established in Boston—a school to be known as the Hellenic University of America. Congratulations. The establishment of this institution will broaden the influence of Hellenic culture which has long been a vital part of the American way of life.

A great university is one of the most powerful and uplifting forces in Western civilization. In our universities, we teach the disciplines of truth in the exercise of our first responsibility—the preparation of our young people for their full rights and duties as citizens of a free land.

On the eve of the 139th anniversary of Greek independence, I salute the Order of Ahepa for its efforts to strengthen the life of our Nation and the peace of the world. Godspeed to their enterprise.

DWIGHT D. EISENHOWER.

LONG-TERM GOVERNMENT BONDS

Mr. CLARK. Mr. President, on yesterday the Government bond market and the Government bill market improved again; and again there arises the question, Why does not the Treasury announce that it will market long-term Government bonds? As each day passes the market continues to improve, and the Treasury seems to have less and less reason for hanging back.

A decision is to be made at the end of this month. All of us await with particular interest that decision, in order to see whether the Treasury will be willing to take advantage of the obvious opportunity to lengthen the term of the Government debt by offering a substantial issue of long-term Government bonds. I hope the Treasury will do so.

I ask unanimous consent that an article entitled "Treasury Issues Continue Strong," which was published today in the New York Times, be printed at this point in the RECORD in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BONDS: EXPERTS ARE PERPLEXED BY CONTINUED SHARP ADVANCE—TREASURY ISSUES CONTINUE STRONG — CORPORATES, MUNICIPALS RISE—DEALERS NOTE ABSENCE OF SPECULATIVE FEVER

(By Paul Heffernan)

The bidding up of the prices of high-grade bonds continued unabated yesterday in a way that left professional dealers almost breathless with perplexity.

Statistically, the trading session was largely a repetition of the recent past. Treasury bill yields on most issues declined further below the 3-percent level. New high prices were scored by the Treasury's newest issues of notes and certificates of indebtedness—4¾-, 4⅞-, and 5-percent issues due in 1961, 1963, and 1964.

Similarly, among top-grade corporate and local government bonds, major new issues moved to new highs. Among them were the 5-percent debentures of the Chesapeake & Potomac Telephone Co. of West Virginia, the Northern Indiana Public Service 4⅞s, the International Bank for Reconstruction and Development 5s, and the American Telephone & Telegraph 5⅜s.

BILLS ARE ACTIVE

Most of the activity in the Treasury market continued to be among the short-dated discount bills and obligations due within 6 years. The new 4⅞-percent notes due in November of 1964 led the intermediate-term part of the market with a gain of $^{18}/_{32}$ that took the bid price to 103$^{21}/_{32}$. The 5s of August 1964 closed at 104$^{1}/_{32}$ bid. The new 4⅞-percent certificates of indebtedness due next February rose to 101$^{12}/_{32}$, a gain of $^{1}/_{32}$.

Among long-term bonds, the bid markups extended to $^{22}/_{32}$ in the case of the 3½s of 1990, the 3s of 1995, the 2½s of September 1972–67 and the 2½s of December 1969–64.

The newest 91-day bills due June 23 closed at 2.72-percent discount, a decline of 19 one-hundredths of 1 percentage point from Tuesday's rate. The rate of discount on the January 15 bills, which have 296 days to run, was 3.14 percent, compared with 3.2 percent on Tuesday.

NO SPECULATIVE FEVER

The dealers in Government securities admittedly were puzzled at the forces feeding the market's strength. "Whatever it is, it's bigger than we are," was one comment.

In comparing the sharp price turnabout with others in the postwar experience of the Government market, dealers noted an absence of the speculative fever that brought get-rich-quick speculators into the market on shoestring margins in the short-lived bull market in bonds that attended the 1958–59 business recession.

Marketmen find it hard to believe that the present price rise is not being overdone, even if they are taking part in the bidding. "Can business conditions be that bad?" was the pointed inquiry of one dealer.

Among local government bonds, the new long-term 4-percent obligations of California were bid up to 102, a new high. Syndicate balances were pared, but by small amounts. About $600,000 was sold out of the Louisiana highway-bond account, reducing the remainder to $1,824,000.

On the New York Stock Exchange bond transactions totaled $5,630,000, compared with $4,970,000 on Tuesday.

The Republic of Cuba 4½s of 1977 sold at 59⅞, a new low, and closed at 60, on an exchange of $21,000.

U.S. Government and agency bonds, Wednesday, Mar. 23, 1960

TREASURY BONDS

Maturities	Outstanding millions	Rate	3:30 p.m. Bid	3:30 p.m. Asked	Change in bid	Yield
1960, November	3,806	2¼	99.12	99.14	+0.4	3.06
1965–60, December	1,485	[1] 2¾	98.26	99.2	+.8	2.94
1961, September	2,239	2¾	98.28	99.0	+.4	3.45
1961, November	11,177	2½	98.8	98.12	+.6	3.54
1962–59, June	5,267	2¼	96.24	96.28	+.6	3.73
1967–62, June	2,112	2½	90.22	90.30	+.22	3.96
1962–59, December	3,456	2¼	96.2	96.6	+.10	3.76
1963, August	6,755	2½	95.22	95.26	+.16	3.84
1968–63, December	2,820	2½	88.14	88.22	+.22	4.04
1964, February	3,854	3	96.30	97.2	+.16	3.84
1969–64, June	3,745	2½	87.20	87.28	+.20	4.09
1969–64, December	3,819	2½	97.4	87.12	+.22	4.10
1965, February	6,896	2⅞	94.0	94.4	+.16	3.98
1970–65, March	4,709	2½	86.24	87.0	+.20	4.11
1971–66, March	2,948	2½	86.12	86.20	+.20	4.02
1966, August	1,484	3	95.2	95.6	+.16	3.89
1972–67, June	1,840	2½	86.12	86.20	+.20	3.89
1972–67, September	2,716	2½	86.2	86.10	+.22	3.91
1972–67, December	3,715	2½	86.12	86.20	+.20	3.05
1969, October	1,276	4	99.30	100.6	+.8	3.98
1974, November	654	3⅜	98.2	98.10	4.14	4.05
1983–78, June	1,604	3¼	88.14	88.22	+.16	4.00
1980, February	884	4	99.14	99.22	+.16	4.02
1985, May	1,135	3¼	88.6	88.14	+.20	3.99
1990, February	1,797	3½	91.6	91.14	+.22	4.00
1995, February	2,741	3	86.24	87.0	+.22	3.67

[1] Exempt from normal income tax.

NEED FOR AN IMPROVED AIRLIFT

Mr. CLARK. Mr. President, the Air Force, the Army, and MATS have been conducting an airlift operation from continental United States to Puerto Rico. The operation has already indicated very clearly what many of us have for a considerable number of months been stating on the floor of the Senate—namely, that our airlift potential is quite inadequate to meet our airlift needs; we simply do not have a modern airlift capability to lift divisions of the Army or battalions of the Marines in adequate numbers, and adequately equipped, to engage in "brush warfare."

I ask unanimous consent that an editorial entitled "Small Slam," which outlines this point of view, and was published on March 22 in the Washington Post, be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SMALL SLAM

The lessons of the Army-Air Force practice airlift to Puerto Rico underscore the urgency of a House Armed Services Subcommittee's plea for modernization of the Military Air Transport Service. By working its crews double time, calling on civil carriers to supplement its operations elsewhere and choosing a nearby island for the exercise, MATS has been able to move 21,000 soldiers in a few days' time. But only a third of the equipment that such a force would need in a real emergency was included in the lift.

If the exercise had been carried out over the Atlantic or the Pacific—as would be the case in a real limited war situation—the picture would have been completely different. Most of MATS' aircraft are old and slow, of World War II vintage. In a full-scale emergency, if island-hopping became impossible because of enemy submarine or missile attacks, MATS would have no more than 29 reasonably modern aircraft capable of strategic, long-haul transportation.

Yet in the face of these known deficiencies, which the so-called Operation Big Slam-Puerto Pines served to illustrate, the President has approved a mere $50 million in the 1961 budget to begin development of a new military jet cargo plane. At best, such a plane might take 5 years to produce. Nothing is provided for acquisition in the meantime of converted commercial jet planes which, in modest numbers because of their great carrying capacity and high speed, could transform MATS into the modern supporting arm that all the services urgently require.

Before the House subcommittee, headed by Representative L. MENDEL RIVERS, completes its timely month-long study of national airlift needs and capabilities, it will

no doubt become apparent that the modernization of MATS is intricately bound up with an unresolved dispute between the Air Force and the civil airlines over MATS' future. The civil view was largely reflected in the President's recent policy statement on MATS which in effect urged that the military get out of the international airline business except for operations essential to its so-called hard core mission.

As interpreted by the private carriers, this would ultimately mean that nearly all of the 1 billion ton-miles of transoceanic cargo now hauled annually by MATS would be shifted to the private carriers, which presently carry a little more than half that amount. The Air Force seems far from ready to accept this interpretation, with MATS arguing that it must maintain at least a 5-hour per day aircraft utilization rate to be ready for the 12-hour per day lift which it is charged with providing in a war. The civil concept of the hard-core-only policy would trim this to 1 or 1½ hours a day.

If the real readiness of the civil reserve air fleet could be improved upon and if MATS could revise its training and other readiness concepts as drastically as the private carriers think it could, perhaps some adjustment of international cargo business in favor of the private carriers could be justified. The carriers insist they cannot afford costly jet cargo planes without assurance of a large slice of the cargo now hauled by MATS.

But however this dispute ultimately is settled, it ought not to stand in the way of an immediate military-civil agreement that provides for the prompt ordering of converted jet liners suitable for military troop and cargo lift. Government and industry ought also to cooperate in the development of more advanced cargo planes, designed to meet both military and civilian requirements. Meanwhile, a Defense Department review of the President's broad policy statement on MATS is proceeding, and in this context and before the Rivers subcommittee the question of who is to operate the new aircraft in peacetime can be further explored. Both the Air Force and the civil carriers recognize the inadequacy of present cargo planes for military and commercial needs, and upon this agreement a program for modernization should be able to proceed.

Mr. CLARK. Mr. President, I also ask unanimous consent that two thoughtful articles on the same subject, written by Hanson W. Baldwin, and published in the New York Times, be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times]

THE AIRLIFT PROBLEM: I—CARIBBEAN EXERCISE EXPECTED TO LEAD TO BROAD STUDIES OF MILITARY TRANSPORT

(By Hanson W. Baldwin)

Clarification, or resolution, of the perennial defense controversy about military airlift requirements may result from exercise Big Slam/Puerto Pine, now starting its second week.

The 2-week maneuver, ending March 28, involves virtually all the Military Transport Service's 483 four-engined passenger and cargo aircraft, and more than 20,000 troops of the Army's Strategic Army Corps. The Puerto Pine phase of the exercise involves the transportation from 14 airfields all over the United States to Puerto Rico and return of the Army troops and of 11,000 tons of supplies. It is the largest military airlift exercise ever held.

The Big Slam phase has intensified for the 2-week maneuver the normal flying activities of MATS to an average of about 8 flight-hours daily for each plane—a rate estimated as minimum wartime tempo. The strain placed on pilots and air crews, in this doubling of their flying time and on maintenance and communications personnel in working 12 or more hours a day, is described as a test of the war readiness of the Transport Service.

FIRST TRAINING OF KIND

It is that, but exercise Big Slam Puerto Pine is also a good deal more. It is valuable training, the first of its exact kind. It is a public relations tour de force directed toward Congress, now considering military appropriations during an election year.

It is also a field laboratory that may produce tentative answers to some of the major problems, difficulties, and controversies that have complicated the issue of military air transportation.

That the Pentagon and Congress are obviously hoping for some answers from exercise Big Slam/Puerto Pine is shown by the schedule of elaborate critiques to follow the end of the operation on March 28.

MATS will hold its own critique at Scott Air Force Base in Illinois early in April. The Army will follow with a similar dissection of the Puerto Pine phase of the maneuver at Fort Bragg, N.C., headquarters of the Strategic Army Corps. Joint critiques will follow in the Pentagon.

About mid-April a Special Armed Service Subcommittee of the House of Representatives, which has been studying the Nation's military airlift capabilities, will be given a full report on the exercise.

The problems to be discussed at these critiques include:

Military airlift requirements; the extent to which these requirements can be met by commercial carriers; the modernization of MATS and the kind of military aircraft required; the effect of developing technology on what were formerly two different and sharply distinct functions—tactical and strategic airlift; and the organizational and command relationships of the Air Force's Tactical Air Command and of MATS and of either of them to the Strategic Army Corps and the Army in general.

Detailed and intensive consideration of all these problems and the close working relationship that has been established between Gen. Thomas D. White, Air Force Chief of Staff, and Gen. Lyman L. Lemnitzer, new Army Chief of Staff, may well lead in time to a greater and more realistic emphasis on airlift requirements for limited, as distinct from general, war.

[From the New York Times, Mar. 23, 1960]

THE AIRLIFT PROBLEM—II—CARIBBEAN GAMES POSE THE MAJOR TASK OF SETTING MILITARY TRANSPORT'S NEEDS

(By Hanson W. Baldwin)

The largest peactime military airlift operation in history—Exercise Big Slam/Puerto Pine—now in its second week, has posed, and may attempt to answer, a number of major air transportation problems.

The first and major problem, which has led to much confusion about the amount of military airlift needed by the Nation, is the statement of requirements. The Joint Chiefs of Staff outlined the general military needs of the Nation to support these strategic concepts and war plans.

The Joint Chiefs have stated the military airlift requirements for general atomic war. MATS says it can meet these requirements with its present force of 483 four-engined passenger and cargo planes.

However, the Transport Service believes that replacement aircraft and a modernization program are needed particularly for some of the aging cargo aircraft such as the Douglas C–124 Globemaster, which is the workhorse of the service's fleet.

REQUIREMENTS UNSPECIFIED

But the airlift requirements for limited war—a small atomic war, or a war waged with conventional weapons only—had never been outlined, at least to the Army's satisfaction.

The Joints Chiefs of Staff apparently believe an airlift adequate for general war is adequate for limited war. But the Army holds that a large part of MATS might be earmarked in a time of emergency for support of the Strategic Air Command and other missions, and that not enough would be available to transport troops overseas quickly.

The Army's statement of requirements has tended to stress mass as well as speed. The Army would like to be able to move at least 1 airborne division, preferably 2—11,890 men to a division—anywhere in the world in a week or less.

Ideally, the Army would like these troops combat-loaded and ready to land on enemy territory instead of using staging bases on friendly soil from which to prepare for an airborne assault. The Army says the 101st Airborne Division can move out of Fort Campbell, Ky., in 4 days but that the limitations of the airfield stretch this out to 7 days.

ALTERNATIVES OFFERED

However, present plans of MATS, the Army declares, contemplate a time period of 28 days.

The Transport Service says that, using all its available planes for troop lift only and assuming that the troops would be landed at a friendly airbase to reload in troop carrier assault aircraft to attack an enemy objective, 15½ days would be required to move one airborne division 5,000 miles.

If all the available transport and cargo aircraft in both the Tactical Air Command, which operates troop carrier assault aircraft, and MATS were used, this time could be cut by a day. If 232 more aircraft of the civil reserve air fleet—commercial planes earmarked for military use in time of emergency—were used, this time might be cut to 9.2 days.

There are thus many different estimates of the time required to move an airborne unit a given number of miles in a certain time. All these estimates differ depending upon the assumptions.

About all the Army and Transport Service agree upon is that more modern airlift is needed; they differ as to kind and amount. Both also seem to agree, with the support of many civilian authorities in the Pentagon, that the Nation's present outline of airlift requirements for general atomic war is unrealistic. They also agree that it places emphasis on the most unlikely kind of war and that more stress should be given to airlift needs for limited war.

Exercise Big Slam/Puerto Pine has stressed, as all troop transportation exercises have done, that any attempt to combine mass and mobility adds up to astronomical aircraft requirements.

All the fuel used in Puerto Rico for the Transport Service's planes was transported there by sea. No ammunition is being airlifted.

SUPPLIES BY AIR LIMITED

Only about one-third of the supply requirements are being transported by air. Medium and heavy tanks cannot be air transported, and even the light tanks can be airlifted only at the rate of one in each aircraft.

The airborne division has 52 light liaison aircraft and helicopters in its organization. These must be disassembled for air trans-

port and the Army now contemplates using a naval aircraft carrier to transport them.

In Lebanon, a sea "tail" of about 25 ships was required to back up and support one airborne battle group of about 2,000 men.

Thus there are many observers who believe that the Army has set its airlift requirements too high and that the concept of total air transportability—the so-called air transportable army—is beyond achievement now or in the foreseeable future.

Instead of attempting to move masses of troops and equipment by air, the objective should be the extremely rapid transportation of fairly small numbers of troops—lightly armed and with limited staying power—to any part of the world.

These fire brigade forces could then be reinforced and supplied, not only by airlift but also by pre-positioned stocks of arms and equipment in various parts of the world and by support from the sea.

Airlift is essential for speed but sealift is equally essential for mass and staying power.

Mr. CLARK. Mr. President, in the second article, Mr. Baldwin comments that about all that the Army and MATS have agreed upon is that more modern airlift is needed. I think all of us agree about that; and I believe Congress has an obligation to provide sufficient funds to make such an airlift possible, even if the President is unwilling to make such a request.

SOUTHERN SENATORS AT THE PASS OF THERMOPYLAE

Mr. TALMADGE. Mr. President, those of us in the Senate who, in the current debate, have undertaken to defend constitutional government have had so many journalistic brickbats thrown our way that we find it exceptional and refreshing to have called to our attention an article in praise of our efforts. Such an article, however, has been published in a recent issue of the Montgomery (Ala.) Advertiser. The article was written by a great jurist—Judge Walter B. Jones, of the 15th Judicial Circuit of Alabama. Judge Jones' article is entitled "Southern Senators at the Pass of Thermopylae." I ask unanimous consent, Mr. President, that the article be printed herewith in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Montgomery (Ala.) Advertiser]

SOUTHERN SENATORS AT THE PASS OF THERMOPYLAE

(By Judge Walter B. Jones)

Two of the most heroic fights in all recorded history are the battle at the pass of Thermopylae and the defense of the Alamo during the war for Texan independence.

You recall that during one of the wars between the Persians and the Greeks, 480 B.C., the defense of the little pass leading from northern to central Greece by King Leonidas and 300 Spartans made history which will never be forgotten. The Spartans opposed the Persian army of about 40,000 soldiers, holding the mountain pass for a whole day after the treacherous Ephialtes showed the Persians an unguarded pass over the mountains so they could attack the Spartans in the rear. When it was suggested to the Spartan leaders that they should retreat because the Persians had so many archers, the flight of their arrows would darken the sky, the Spartan remarked: "So much the better, we shall fight in the shade."

The 300 Spartans stood their ground, Leonidas was killed and not a Spartan was left alive. Years after a monument was erected at Thermopylae to the gallant Spartans. This was the epitaph:

"Go tell the Spartans, thou that passeth by,
That here, obedient to their laws, we lie."

Then history tells how Travis, Bowie, and Crockett and 180 Americans defended the Alamo in 1836. They were besieged by 7,000 Mexicans under Santa Anna for 2 weeks. The Americans were all killed and massacred, but around them lay dead 1,500 Mexican soldiers. "Remember the Alamo" became the war cry of the Texans.

And so today there stands in the U.S. Senate at Washington a group of 18 southern Senators battling with Spartan-like courage for constitutional government, waging heroic struggle against an overwhelming majority from the rest of the country.

Who are these 18 southern Senators? What States made them Senators of the United States?

LISTER HILL and JOHN J. SPARKMAN represent Alabama; JOHN L. MCCLELLAN and J. W. FULBRIGHT, Arkansas; SPESSARD L. HOLLAND and GEORGE A. SMATHERS, Florida; RICHARD B. RUSSELL and HERMAN E. TALMADGE, Georgia; ALLEN J. ELLENDER and RUSSELL B. LONG, Louisiana; JAMES O. EASTLAND and JOHN C. STENNIS, Mississippi; SAM J. ERVIN, JR. and B. EVERETT JORDAN, North Carolina; OLIN D. JOHNSTON and STROM THURMOND, South Carolina; and HARRY F. BYRD and A. WILLIS ROBERTSON, Virginia.

These Senators of the United States from nine Southern States represent the very flower of American statesmanship. Their total length of service in the Senate is 261 years. RUSSELL and BYRD have been in the Senate for 27 years; LISTER HILL, 22 years; EASTLAND and MCCLELLAN, 17 years; JOHNSTON of South Carolina, 16 years; HOLLAND, ROBERTSON, and SPARKMAN, 14 years; and other southern Senators for many, many years.

Seven of the U.S. Senators have served as Governors of their States: HOLLAND, RUSSELL, TALMADGE, ELLENDER, JOHNSTON, THURMOND, and BYRD. Many of them served in the House of Representatives for term after term. Many of them were great trial judges and one of them a member of the supreme court of his State.

These southern Senators of the United States hold the chairmanships of nine powerful Senate standing committees: ELLENDER, of Louisiana, Agriculture and Forestry; RUSSELL, of Georgia, Armed Services; ROBERTSON, of Virginia, Banking and Currency; BYRD, of Virginia, Finance; FULBRIGHT, of Arkansas, Foreign Relations; MCCLELLAN, of Arkansas, Government Operations; EASTLAND, of Mississippi, Judiciary; HILL, of Alabama, Labor and Public Welfare; JOHNSTON, of South Carolina, Post Office and Civil Service.

These great statesmen from nine Southern States, with loftiness of purpose, are standing in the Senate hour after hour, day after day, waging, under the leadership of Senator RUSSELL, a courageous battle against the civil rights bill, a bill which would take away from the States of the Union their time-honored right to determine the qualifications of voters in the State. The bill would place the rights of the States in this respect under referees appointed by Federal judges and would nullify the State constitutions. The bill would enact punitive legislation against the South. Its aim is to punish the South because it stands for obedience to the Constitution.

The States have never delegated to the Federal Government at Washington the power to control elections in the States. There is not one line in the Federal Constitution giving either Congress or Federal judges the power to control and direct elections and voting in the States. The American Bill of Rights distinctly says that the "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

It is a tragic thing that a partisan majority in Congress, on the grounds of political necessity, are attempting to change our form of government. This majority seeks to take away from the States power that has always belonged to them, and give to Federal courts and judges a power the Federal Constitution denies to them. The letter of the Constitution has not changed in all the years since its adoption. It speaks today as it did when it came from the hands of its framers, and it speaks plainly against the civil rights measures now before the Senate.

Northern papers and magazines, the New York Times, the Herald Tribune, Life, Time, Look, and other publications, denounce the 18 statesmen from the South, when they ought to be praising them for their courage and determination in battling for the preservation of the Constitution. These Senators are pictured as standing in the way of the right to vote, and this they are not doing. They are standing for the Constitution. They are battling for the preservation of States rights, for local self-government, and they stand in the Senate unafraid and undaunted.

As I think of these 18 American statesmen, representing 9 Southern States in the Senate of the United States, and recall their courageous stand—call it filibuster if you want to, and probably Leonidas at Thermopylae and Crockett and Bowie at the Alamo filibustered, too—I recall William Wetmore Story's stirring words:

"Speak, History. Who are life's victors?
Unroll thy long annals and say,
Are they whom the world called the victors—who won the success of a day?
The martyrs, or Nero? The Spartans, who fell at Thermopylae's tryst,
Or the Persians and Xerxes? His judges, or Socrates? Pilate, or Christ?"

RIOTING AND KILLING IN SOUTH AFRICA

Mr. MORSE. Mr. President, the mass killings in South Africa I think have shocked the moral sensibilities of the world. Rioting and killings have centered on two areas in the Union: Sharpeville, about 30 miles from Johannesburg, and Langa, a nonwhite township outside Capetown. In both places, the riots grew out of demonstrations conducted in front of police stations against the "pass laws"—mainly the requirement that all "blacks" and "colored" carry identity cards—they are jailed if found without their passes. The great proportion of the casualties—now estimated at roughly 70 dead and 180 injured—occurred at Sharpeville when the Union Government police opened fire on the front ranks of the crowd with submachineguns.

These demonstrations seemingly were intended by the nationalist—Pan-African Congress—leaders to be Gandhi-like civil disobedience incidents eschewing violence. According to press reports, however, the crowd of Africans at Sharpeville threw stones at the police

and refused to disperse; the police then fired and inflicted several casualties. The crowd later grew to about 20,000, and it was then that the policemen used submachineguns. At some point, South African Air Force planes buzzed the crowd in an effort to force its dispersal. Police reinforcements came to the area in armored cars.

Apparently, the situation has quieted down in Sharpeville, but there are reports of continuing rioting in the Capetown area. Africans at Langa are believed to have set fire to at least eight buildings, and there reportedly has been violence in the neighboring township.

The small Liberal Party—a weak voice protesting racial intolerance—has blamed the Union Government's apartheid policy for the massacre. The leader of the United Party—the main opposition, which has failed to promote any alternative to racial segregation, however—has asked for a judicial commission inquiry into the underlying causes of the riots.

There appear in this morning's press newspaper stories, typical being articles in the Washington Post, which I ask unanimous consent to have printed at the conclusion of these brief remarks, to the effect that the Government of South Africa has taken a rather critical attitude toward protests which have been made in the United States concerning this massacre and toward the State Department, which has filed a formal objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, I wish to say to the leaders of the Government of South Africa that the whole world, in my judgment, is incensed about this violation of human rights; is incensed about this inexcusable massacre; is incensed about the fact that there appears to be a lack of recognition on the part of the leaders of the Government of South Africa of the worth of human values. And it is my prayer and hope, Mr. President, that the leaders of the Government of South Africa will come to recognize—and quickly—that the intolerable conditions of racial discrimination which exist in South Africa will bring down upon them the criticism of millions of people in the world whose skin does not happen to be white, just as policies of racial discrimination in the United States are bringing down upon the United States the criticism of these same millions of colored people around the world.

Mr. President, what we are dealing with—and it is an interesting commentary and coincidence, I think—both in South Africa and in the United States, as here in the Senate we consider this matter of human rights together with civil rights legislation, is the growing demand around the world that there be brought to an end discrimination based upon race, color, or creed.

EXHIBIT 1

[From the Washington Post, Mar. 24, 1960]

SOUTH AFRICA REBUFFS UNITED STATES

JOHANNESBURG, March 23.—The Government told the United States in effect today to keep out of South Africa's race troubles.

The Government reacted to yesterday's State Department denunciation of bloodshed as blacks challenged the nation's white-supremacy laws with work boycotts after 2 days of violent demonstrations.

The Foreign Ministry summoned U.S. Ambassador Philip Crowe for a conference, then issued a statement. It said the discussion with Crowe does not mean that South Africa is "conceding the right of the U.S. Government to concern itself with the domestic affairs of South Africa, just as the Union (of South Africa) Government does not concern itself with riots or racial disturbances in other countries."

The statement declared that the State Department had criticized police violence here without knowing all the facts "regarding attacks by many thousands of Bantu (Negroes) on a small police force to whom was entrusted the duty of maintaining law and order."

Later Prime Minister Hendrik Verwoerd declared in Parliament that there was nothing official about the U.S. State Department's statement. It was made in Washington Tuesday by a press officer in reply to a newspaperman's question. He said that in the interests of maintaining good relations with the United States, further discussion should not be indulged in.

Meanwhile, Negro work boycotts threatened to paralyze some important industrial centers.

In the Vereeniging coal mining area, where Monday's worst riots occurred, police charged militant Negro leaders "have created a reign of terror" in Negro settlements to keep people from returning to work.

The South African Press Association reported that today was the worst day for absenteeism in the Vereeniging area industries since the Pan-Africanist Congress launched their campaign Monday.

The boycott was organized as part of the campaign against identity passes, which all Negroes in South Africa must carry at all times.

The campaign opened Monday with demonstrations crushed by police fire that killed about 80 Africans and wounded 200 more.

The African National Congress, which earlier refused to join the smaller Pan-Africanist group in sponsoring the antipass campaign, today sent telegrams to Prime Minister Verwoerd and Justice Minister F. C. Erasmus charging police with brutality in the riots.

Robert Sobukwe, president of the Pan-Africanist Congress, and Potlako Leballo, national secretary, appeared with other Negro leaders at the Johannesburg magistrate's court. The charge against them is incitement, although Verwoerd had originally announced they would be charged with sedition. Trial was set for April 4.

[From the Washington Post, Mar. 24, 1960]

AFRICAN MASSACRE PROTESTS SPREAD; GUIANA OFFICIALS ARRESTED IN LONDON

LONDON, March 23.—"Massacre" and "murder" were among the labels pinned on Monday's African riots in South Africa as protests against police action there continued to be heard around the world.

Indian Prime Minister Jawaharlal Nehru told Parliament in New Delhi today that he "severely deplored the largescale killing" when police opened fire into African crowds demonstrating against pass laws.

He drew a parallel with the 1919 Amritsar massacre in India when British troops killed more than 400 Indians.

In London, police kept close guard on South Africa House, which has been ringed by antiapartheid pickets since early today.

Two leading politicians from Britain's Caribbean colony of British Guiana were arrested during disturbances there and Guiana's chief minister complained he was manhandled by police.

The politicians, Forbes Burnham and Jai Narine Singh, were charged with using insulting words and causing a breach of the peace. The men are in London attending constitutional talks on the colony.

Chief Minister Cheddi Jagan said several police refused to permit him and his companions to walk past South Africa House, its main government building here.

[Jagan, who wants full independence within the Commonwealth, said all eight members of his delegation spent some time picketing South Africa House, the Associated Press reported.

["We went there," he said, "to protest at the shocking behavior of the South African police. But it seems that police can be just as shocking in this country.

["One policeman manhandled me. He was told who I was—and he said if he had a bren gun he'd use it."]

Meanwhile, the executive bodies of the opposition British Labor Party and the powerful Trades Union Congress condemned the massacre in South Africa.

Moscow radio said in its English-language service: "It is high time an end should be put to the racist crimes being committed by the civilizers in South Africa."

The All-African People's Conference secretariat issued a statement in Accra, Ghana, condemning the South Africa Government's inhuman act.

The African National Democratic Party in Southern Rhodesia sent a letter to South African Premier Hendrik Verwoerd expressing the deepest shock and horror that his government had through its police murdered scores of defenseless Africans.

NINE AFRICAN NATIONS CONDEMN SHOOTING

UNITED NATIONS, N.Y., March 23.—Representatives of nine African nations today held an emergency meeting and condemned as a barbaric act the shooting of Negro demonstrators by South African police.

The 29-nation Asian-African bloc will meet Thursday morning to discuss future steps, including whether to call for a Security Council meeting.

African sources expressed confidence they could get ample support for putting the South African conflict on the Council's agenda if the Asian-African group decided to file a request.

They indicated they were encouraged by yesterday's statement by the U.S. State Department expressing regret at the actions of the South African police.

Meeting today were Ethiopia, Ghana, Guinea, Liberia, Libya, Morocco, Sudan, Tunisia, and the United Arab Republic.

Mr. JAVITS. Mr. President, I should like to say a word about the protest of the U.S. Government to the Government of the Union of South Africa with respect to the very tragic events which took place at Sharpeville, and which caused the death of so many of their citizens.

Mr. President, I think the U.S. Government is entitled to support of Americans for having taken this position, and is entitled to have said on behalf of its position that this is a traditional posi-

tion by our country, that it is not meddling in the domestic affairs of any other nation, and that we would not be true to ourselves and to the foreign policy of the United States if our Government did not express just such a protest.

We have done so on many occasions in the past. We protested pogroms in Russia in czarist days. We have protested excesses and crimes, no matter by whom committed, in any part of the world.

We have expressed our protest in a sense of moral indignation, when the operation of law is, as it is doing now in the Union of South Africa, causing so much unnecessary grief and killing solely on the grounds of race and color.

Mr. President, also our Government is serving very profound foreign policy positions in this regard, and again it is its duty to speak, for what is happening in the Union of South Africa will affect all of Africa. I had the instinct to cry out against it on the floor the day it happened. Since then reflection indicates, and the degree of protest which has been aroused indicates, that this is an especially important occurrence in foreign policy terms because of its implications to the millions upon millions of people in Africa, including the new nations of Africa which are now trying to make up their minds whether they will go the way of the free world or will allow themselves to be infected by the Communist world.

Mr. President, those people do not make niceties of distinction among various elements of the free world. A situation like this one on the part of the Government of South Africa prejudices—I say that affirmatively and decidedly—the cause of the free world in the whole world as well as in Africa. It prejudices this cause even more if a government known for its morality and for its instinct of freedom, like that of the United States, should fail to lift its voice against it.

Finally, this is compelled upon us, indeed, by the very Charter of the United Nations, with its efforts to safeguard human rights. I noticed with great interest that George Meany, the president of the AFL–CIO, urges that we appeal to the United Nations and that the United Nations take up this question. It is also pointed out that we have constantly, in the United Nations, sustained motions against this idea of apartheid, which is the root of this horrible problem in South Africa.

Mr. President, I back our Government. Our Government is entitled to support. It has done the right thing. I hope it shall never forget the moral basis of our Constitution, the basis upon which it is founded, and shall never fail to lift its voice when it feels a dreadful injustice is being done to human beings in other countries. I see no reason why other countries should not feel the same way about us. We have never resented it, and they should not resent it, either.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point news articles in regard to this matter.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CRITICISM BY UNITED STATES IRKS SOUTH AFRICA—AMERICAN ENVOY IS INFORMED OF CONCERN—PLANTS IDLE AS WORKERS STAY AWAY

(By Leonard Ingalls)

JOHANNESBURG, SOUTH AFRICA, March 23.—South Africa expressed concern today over the condemnation by the United States of violent action by the police against African political demonstrators.

Philip K. Crowe, U.S. Ambassador to South Africa, was summoned to a meeting with Eric H. Louw, South Africa's Minister of External Affairs, in Capetown. In a statement after a 15-minute talk, Mr. Louw said the South African Government found it necessary to express its concern at the fact that the State Department authorized a press statement without first acquainting itself with the full facts.

Meanwhile, there was an uneasy calm in African dwelling areas near Capetown and Johannesburg where the clashes occurred.

UNOFFICIAL FIGURES HIGHER

According to official count, 72 persons were dead and 184 wounded after shootings on Monday and Tuesday. The police opened fire on demonstrators protesting against laws requiring Africans to carry passes at all times.

Unofficial estimates of the number of casualties place the dead at more than 90 and the injured at more than 200.

The Right Reverend Ambrose Reeves, Anglican bishop of Johannesburg, has charged that the police used dumdum bullets against the demonstrators, producing gaping wounds. The police have denied this. A dumdum bullet is one designed to expand on impact.

Thousands of Africans failed to report for work today at factories in Vereeniging and Vanderbijl Park, 36 miles south of Johannesburg, where the most serious clashes occurred.

It was estimated that 50 to 90 percent of the total labor force stayed away from work. Among the industries crippled was a vast plant of the South African Iron & Steel Industrial Corp. at Vanderbijl Park.

Twelve leaders of the Pan-Africanist Congress, which organized the demonstration against the pass laws, appeared today in Johannesburg magistrates court on charges of incitement and sedition. Among them was Robert Mangaliso Sobukwe, president of the congress. They were held without bail for trial April 4.

ONE-MAN INQUIRIES PLANNED

Dr. Hendrik F. Verwoerd, Prime Minister of South Africa, announced today in Capetown, where the South African Parliament is in session, that two one-man commissions of inquiry would investigate the shootings. He added that a request by the opponents of the Government for a broad inquiry by a judicial commission was still under consideration. Judges of the supreme court, he said, will conduct the one-man investigations.

In his statement about his meeting with Ambassador Crowe, the Minister of External Affairs asserted that many thousands of Africans had attacked a small police force to whom was entrusted the duty of maintaining law and order.

The conversation between Mr. Louw and Mr. Crowe was understood to have been pleasant, with no threat to diplomatic relations between South Africa and the United States. Yet it was also understood that South Africans were deeply disturbed about the U.S. statement.

Mr. Louw made it clear that in raising the matter with Mr. Crowe he was "not conceding the right of the U.S. Government to concern itself with the domestic affairs of South Africa just as the Union Government does not concern itself with riots or social disturbances in other countries."

AFRICANS ISSUE PROTEST

The African National Congress, which refused to join the smaller and more militant Pan-Africanist Congress in its antipass campaign, protested today to Prime Minister Verwoerd against police brutality at the scenes of the demonstrations. It warned that Africans were deeply indignant and demanded the immediate abolition of pass laws and all of many other South African laws based on racial discrimination.

Meanwhile, in African townships near Capetown, Vereeniging and Vanderbijl Park, steel-helmeted policemen armed with submachine guns, rifles, and bayonets patrolled the areas, some riding in armored cars. They appealed over loudspeakers to the Africans to return to work and promised them protection aaginst intimidation by supporters of the antipass campaign.

U.S. DEFENSE STATEMENT

WASHINGTON, March 23.—State Department officials maintained today that they had no choice morally but to speak up against South African police violence against African demonstrators.

Denying that the statement had been inspired for political purposes by anyone outside the Department, they said it had grown out of routine staff conferences. They explained that, after a regular daily review of world news, geographical bureaus had drafted a number of comments, including the one on South Africa.

As usual, they said, the statements had been approved by Andrew H. Berding, Assistant Secretary for Public Affairs, and handed to Lincoln White, press officer, for use in case he was questioned.

Meanwhile, the State Department received from Johannesburg the South African Government's protest telling the United States, in effect, to mind its own business.

DIPLOMATS NOTE IRONY

Diplomats of many countries in Washington chuckled over the irony of the U.S. strong moral stand on racial discrimination just at the moment when mass demonstrations against racial discriminations are taking place in the United States.

State Department officials insisted that Mr. White's statement did not differ in substance from what the United States has been saying officially for years.

They said that the United States had voted each year since 1958 in favor of United Nations resolutions criticizing South Africa for apartheid policy of racial segregation. On five previous occasions when the issue was raised in the United Nations, the United States abstained on the ground that the issue was one for domestic jurisdiction.

MEANY URGES APPEAL TO U.N.

WASHINGTON, March 23.—George Meany, president of the American Federation of Labor-Congress of Industrial Organizations, urged today a strong U.S. appeal for a United Nations investigation of the recent racial killings in South Africa.

Mr. Meany said "these official murders are the bloody fruition of a program of terror and inhuman racialism which negates every principle of humanity and decency."

U.N. COUNCIL MAY MEET

UNITED NATIONS, N.Y., March 23.—The Security Council may be called into session to consider recent outbreaks of violence in South Africa.

MONETARY POLICIES

Mr. MORSE. Mr. President, the March 11 issue of the Rural Electric Minuteman, a publication of the National Rural Electric Cooperative Association, contains among its articles three which, in my judgment, are of particular interest.

The first, entitled "How Money Is 'Made' and Interest Rates Are Set," describes the basic economic factors governing the determination of the interest rate. The second article, entitled "Who Benefits From the High Interest Policy?" presents the findings of Dr. Seymour Harris, a Harvard economist, and W. Summers Johnson, chief economist for the House Small Business Committee, as well as Federal Reserve reports upon this subject. The third article, "Effects of High Interest," in very short compass, points out those segments of the economy which are adversely affected by a high interest rate.

Mr. President, these three articles are educational. I feel that they would be helpful to any of my colleagues who may wish to discuss with a constituent the basics of our monetary policy. I feel that the National Rural Electric Cooperative Association has performed a public service by making this material available in such a convenient form. For that reason, I ask unanimous consent that the articles to which I have alluded be printed at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

How Money Is Made and Interest Rates Are Set

How is our supply of money made, and who decides how much of it there should be?

What about the cost of money—the interest rate? Is it determined by market conditions, like a sack of flour, or is it deliberately forced up or down by Washington policies?

These are key questions in any discussion of tight money, high interest issue.

The Constitution gives the Federal Government the right to coin money and determine the value thereof. In actual practice, the Government has turned over the right to create money to the commercial banks and the Federal Reserve System.

Both literally create money. This is how they do it:

The Federal Reserve System is an agency of the Government, established by Congress in 1913. The System is made up of 12 Federal Reserve banks scattered throughout the country. All national banks must be members of the Federal Reserve System, and other banking institutions may join if they meet the requirements. In addition to acting as the fiscal agents of the Government, the 12 Federal Reserve banks are really bankers' banks. They deal only with commercial member banks.

Under this nationwide banking system, the Federal Reserve allows commercial banks, like those in your hometown, to create money.

The amount they can create is determined by the reserve requirements which the Federal Reserve imposes on its member banks. At present, the reserve requirement averages 20 percent.

This means that the commercial banks can make loans totaling 80 percent of the deposits they have at any one time—the other 20 percent being held in reserve.

For example, if you deposit $1,000 in your local bank, and the reserve requirement is 20 percent, the bank can loan Jim Jones $800. Where does this $800 come from? Not from your deposit of $1,000. The bank simply creates it. The bank credits Jim Jones' account with $800, which becomes a deposit. Added to your original $1,000, the bank now has $1,800 on deposit. The bank has created $800 of new money through a bookkeeping transaction.

The process does not stop there. Since the bank now has another $800 in deposits, it can put 20 percent of it in reserve, make another loan, and create more money—this time $640.

This goes on until the bank has no more money to put into reserve—only then must it stop creating money.

When the Federal Government wants to borrow money it does it in essentially the same way as Jim Jones. The commercial banks create money to buy Government bonds, for example, just as they create money to lend to Jim Jones—subject always to the reserve requirement.

The bank then charges the Government interest on the bonds, just as it collects interest from Jim Jones.

That is how the commercial banks create money. Money is also created by the Federal Reserve System itself.

There are also legal limits to the amount of money the Federal Reserve can create, based in part on national gold reserves. But these limits are so high there will never be a problem of ability to create enough money to keep the economy running smoothly.

Like the commercial banks, the Federal Reserve buys notes and other securities issued by the Government. At present, the Federal Reserve does not buy long-term Federal bonds. The bulk of these are purchased by the commercial banks with created money.

A big argument in the tight money, high interest controversy centers on whether the Federal Reserve should buy more Federal securities, and the commercial banks less.

What difference does it make? For one thing, when the Federal Reserve buys the securities the interest payments come back into the National Treasury. When the commercial banks create money and buy the securities, the interest payments go into bank profits.

How Interest Rates Are Set

How are interest rates determined? One thing is certain—they are not set by free competitive forces in the marketplace. They are deliberately manipulated.

The level of all interest rates are greatly influenced by the policies of the Federal Government. The Government is by far the Nation's biggest borrower (76.4 percent of the total borrowed by corporations, Federal and State Governments in 1958). Most of this borrowing is done by selling bonds, notes, bills, and other securities to investors, including commercial banks.

What the Government is willing to pay on these securities becomes the minimum interest rate. Investors will not lend for less than they can get by buying Government securities. So if you want to borrow, you have to pay more than the Government is willing to pay.

Since the Federal Reserve controls the amount of money and credit in the banking system, its policies also control the level of interest rates to a great extent. When the Federal Reserve tightens up on the money supply, loans become harder for the ordinary borrower to get, and interest rates tend to rise. When this tight-money policy is coupled with the Treasury's willingness to pay a high interest rate on Government borrowings, interest rates skyrocket.

Who makes the top-level monetary policy decisions of the Federal Reserve? They are made by the so-called Open Market Committee—composed primarily of bankers. Some of them are selected by the President, the rest by the private banks themselves. The policies set by this committee are carried out by the Federal Reserve Bank of New York.

In carrying out the policies, the New York bank deals exclusively with 16 or 17 leading Wall Street financial institutions.

Through this process the reserve requirements of commercial banks and, ultimately, the level of interest rates, are determined. The decisions are made by bankers—big bankers.

No voice speaks for the consumer.

Who Benefits From the High Interest Policy?

Seymour Harris, Harvard economist, states that for each 1-percent increase in interest paid by the Federal Government, banks benefit to the extent of an additional $600 million a year.

According to this formula, tight-money policies which have hiked Federal rates by 3 to 4 percentage points have yielded bankers an extra annual bonus in the neighborhood of $1½ to $2 billion.

W. Summers Johnson, chief economist for the House Small Business Committee, points out that "between 1952 and 1958, bank profits, after taxes, had doubled. Yet, 1958 was, for most of the country, a recession year. Insurance company income had almost doubled, and in fact, high interest has been a tremendous bonanza for the whole financial community."

The Federal Reserve reports that bank profits jumped 135 percent in the last 10 years. This seems to be substantiated by the annual report of Wall Street's Morgan Guaranty Trust Co. It indicated that Morgan bank profits after taxes rocketed from $20.4 million in 1950 to $44.2 million in 1959.

Personal interest income and dividends nearly doubled in the same period. But relatively few individuals were in on the bonanza.

A Federal Reserve survey made last year indicates that 74 percent of the American families own no U.S. savings bonds, the most widely held of all the Government's interest-paying assets. Only 5 percent of the families own 87 percent of the whole amount outstanding.

Effects of High Interest

The effects of the tight-money and high-spirited policies are clear enough, declares Representative WRIGHT PATMAN, Texas, one of the country's leading authorities on monetary policy.

"These policies," he says, "have retarded economic growth, retarded construction of schools, homes, roads, and other community facilities, squeezed out small business, weakened the competitive structure of the economy and changed the income distribution in favor of the financial elite."

But what has been accomplished? "Certainly they have not stopped inflation," says the Congressman, "and there is more evidence that they have been a principal cause of the price increases of the past several years rather than a deterrent to price increases."

Even a casual look around reveals the basis for Representative PATMAN's statement.

Federal expenses: In 1959, the high-interest, tight-money policies increased the cost of carrying the Federal debt by at least $1.4 billion over 1958. The total amount required in this year's Federal budget for interest on the debt has grown to $9 billion, second biggest item in the budget.

Homebuyer: Prior to tight money, a homebuilder could obtain an FHA loan at 4 percent for a 25-year period. In 1960, the FHA permissible rate is 5¼ percent and the potential homeowner is also likely to have

to pay finder's fees or discounts in addition, a roundabout way of jacking up interest rates.

Farmer: Farm prices and income are steadily going down (see chart, p. 2), but at the same time farm mortgages and interest rates are going up. What the average farmer pays out for interest has more than doubled since tight money came in.

Farm credit: Most land banks have had to raise their rates on loans to farmers to 6 percent, the legal limit. Many Production Credit Associations are now charging 7 percent or more on new loans.

School construction: Tight-money policies have added at least $400,000 in extra interest charges to the cost of a $2 million school plant financed by a 40-year bond issue. All of it comes out of taxes levied in the school district.

Consumers: Tight-money policies make consumers pay a tribute every time they make a purchase, cash or credit. Manufacturers, wholesalers, and retailers who use any borrowed capital now face higher interest rates which have to be passed along to the consumer as a business cost. Consumers who buy on credit pay an additional tribute estimated at an extra $6 per year per hundred dollars. This adds to the cost of the car, TV sets, washer, dryer, vacuum cleaner, or whatever is bought on time.

DEVELOPMENT AND CONSERVATION OF NATURAL RESOURCES

Mr. MURRAY. Mr. President, natural resource problems are discussed frequently in the Senate, and this is appropriate because natural resources are of such wide and insistent concern to people throughout the Nation. By way of illustration, we may observe that the number of bills dealing with resource matters introduced in each Congress approximates 3,000, and to illustrate citizen interest in this field, one need only examine the daily press. Hardly a newspaper of any day anywhere in the United States but carries several news stories on natural resource development or conservation. The attention that the Senate gives to natural resources is indeed an appropriate response to the interest and concern of the people whom we represent.

Recently, one of our colleagues, the junior Senator from Michigan [Mr. HART] gave a most enlightening and inspiring address on natural resources. Senator HART spoke to the issue stated recently by the distinguished news commentator, Walter Lippmann. Mr. Lippmann refuted those—including those in high positions in the Government—who imply that this Nation is unable to afford essential public needs for schools, roads, housing, health, scientific research, and resource conservation and development.

In his recent address, Senator HART discussed the natural resource problems that face us, and he titled his address "The Size of the Problem and the Shape of the Solution." It is a discussion full of meaningful facts and cogent comments. It is an informed and inspiring expression of confidence that the United States is surely able to do those things needed to ensure its freedom and, in fact, that are essential to its very survival. These, he reminds us, will not be secured in the bargain basement.

It is fitting that this excellent address was delivered to the annual meeting of the League of Women Voters in Detroit. The League of Women Voters is an eminent nonpartisan citizen organization distinguished by its competent and well-informed concern in public affairs. It is a most appropriate forum in which to examine the size of the natural resources problem and the shape of its solution.

The League of Women Voters, ably represented by one of its national vice presidents, Mrs. Arthur E. Whittemore, presented detailed factual testimony and gave strong support for enactment of the proposed Resources and Conservation Act—S. 2549. Additional supporting testimony came from State and local leagues throughout the country.

In the same manner and for the same basic reason, Senator HART, a cosponsor of S. 2549, urged its enactment because, he said, "In this country we operate on the principle that when the people are given all the facts they will make wise decisions." This basic principle of the proposed Resources and Conservation Act has won endorsement of all sectors of the public in every part of the country.

In a short time, it is my hope that printed hearings on S. 2549 will be available and that it can then come before the Interior Committee and the Senate.

In order that Senators will have the benefit of the informative and stimulating address by Senator HART, I ask unanimous consent that it be printed at this point in the RECORD together with Mr. Walter Lippmann's article which appeared in the March 8, 1960, issue of the Washington Post.

There being no objection, the address and article were ordered to be printed in the RECORD, as follows:

OUR NATIONAL WATER SUPPLY—THE SIZE OF THE PROBLEM AND THE SHAPE OF ITS SOLUTION

(Speech of Senator PHILIP A. HART, Democrat, of Michigan, to the annual meeting of the League of Women Voters of Detroit, at International Institute, Detroit)

First of all, let me thank you for your invitation for me to be with you today. As far as my qualifications to speak to this particular group on today's subject: Without doubt or trouble you could find Senators who are more expert on water development, but I yield to none of my colleagues on the subject of the League of Women Voters. There I believe I do qualify. I know about the current agenda, the continuing responsibilities, and even the educational arm—the CCCMF. Domestic tranquility in the HART house requires that I too be current on the league.

Events of the past months have widened and deepened the impact of the league on the Congress. Probably nothing you have done in recent years has left such a fine impression as the testimony of your representatives at the hearings of the Senate Select Committee on National Water Resources of which I am a member. The Senate committee held 23 field hearings in 20 States of the Union. At every single one of these hearings, straight across the country, the league testimony was of the highest order, both as to content and as to presentation. Indeed, one of my fellow committee members was so carried away by the persuasiveness—and attractiveness—of one of your witnesses that when she had difficulty pronouncing his name he assured her: "Mrs. Israelsohn, a lady as charming as you may pronounce my name any way she wants to."

With a group such as this there is no need to take time to establish that we do indeed have a water problem in this country, or to review the reasons why. You are as familiar with those facts as am I. Growth is the basic explanation. As a nation we are moving into a period of population expansion and economic growth never before experienced. Within 40 years our population will double; within 20 years our national production will double. People and production consume national resources, and one of the foremost of these is water. And on the water front, as on so many other fronts in the field of natural resources, we are presently losing ground rather than gaining. Therefore, I would like to discuss with you today the size of the problem confronting us, and then suggest some of the factors involved in solving it.

Let us start by facing up to the fact, presented to us by the Department of Commerce, that in the next 15 years we are going to have to invest $171 billion for water resource development in the continental United States. These investments will not be—nor should they be—all Federal. They will be Federal, State, local, and private. But the investments will have to be made if we are to meet the growing requirements resulting from population growth, industrial expansion and higher living standards.

These investments will be required in all phases of water development—water for domestic, commercial, and industrial purposes; for power; for irrigation; for navigation and recreation; flood control, public sewage utilities and all the other categories with which you are familiar. To cite a few examples which have been presented to our committee and which are particularly pertinent to us in Michigan:

The Nation has barely scratched the surface in terms of the upstream watershed program, which has demonstrated its effectiveness in soil and water conservation. This is the program which provides technical and financial aid to local organizations for flood prevention and water management through soil and water conservation practices on individual farms and ranches and on public lands in the watershed. Nationwide only 3 percent of our 16,000 small watersheds are currently receiving treatment work. Here in Michigan we have five projects under way out of a potential of 99, covering 20 million acres. In State after State, as our committee went about the country, we were told of plans for moving ahead with sizable expenditures under the watershed program.

There is presently a backlog of over $5 billion in meeting our national pollution abatement needs. One quarter of the $171 billion investment which I mentioned, or $40 billion, will be required to correct and prevent detrimental stream pollution. The Michigan Water Resources Commission, which is doing one of the finest jobs in the Nation, estimates that in Michigan alone in the next 5 years we will need to construct 85 sewage treatment projects. The estimated cost for the 73 of these for which figures are available is $88 million.

And what of our municipal water needs? Our Senate committee recently received an authoritative report pointing out that more than one-half of the people of this Nation are already drinking secondhand water. Many will sooner or later be drinking third- and fourth-hand water. Detroit, as you well know, is preparing to meet its population growth by moving ahead with the water pipeline from Lake Huron to Detroit at an expenditure over the next 20 years of $172 million.

And water for recreation? Simultaneously with the increased need for water for municipal use, water for industry, water for agriculture, water for pollution abatement, we

are going to experience a sharp rise in the demand for water for recreation—boating, fishing, swimming, all the relaxations which mean so much in these times of pressure and tension. In the struggle between competing demands for water, recreation has often lost out in the past because we could not measure its benefits in dollars. I am convinced that in the not distant future water will be prized as highly for its recreational value as for its more tangible economic benefits.

As a recent witness in Washington pointed out, we see Buffalo assigning its entire waterfront to shipping facilities, with its residents forced to seek recreation elsewhere; we see seven beaches closed in Milwaukee because of pollution; we see in the Baltimore area less than 1 inch of shoreline per person remaining for recreation. Particularly in the industrialized and populous Middle West and East, the public properly will insist on recreation areas reasonably available to our urban centers.

It is conservative to estimate that there will be a 300-percent increase in the demands on water for recreational purposes in Michigan over the next two decades. No State in the entire eastern half of the United States is more favorably situated with respect to outdoor recreation resources. I hope we will have the wisdom to see that our shorelines and streams, and our lakes and forests, are kept in such condition that they will continue to offer the finest kind of recreation. It will be of enormous economic worth in the years ahead.

As you know so well, the complexities of growth all are interrelated. Increased population causes the expansion of our cities—we need only look out the window to see it; the expansion of our cities gobbles up adjacent farmlands; this in turn means that over the next 20 years, 30 million acres of forest land will be converted into suburban subdivisions, airports, defense installations, and the like. This will be in addition to the 70 million acres of forest land which will be converted to cropland, thereby destroying one-quarter of the Nation's timber-producing capacity at the very time that expanded industry and additional housing will require greater quantities of forest products—and the people will be seeking new forest recreation resources. The moral of this brief recitation of difficulties is that more irrigation of existing cropland could spare some of this forest destruction—and thus we are back again to water conservation.

The solution, as I see it, is twofold: First, we have got to make up our minds what we want to do and then we have got to come up with the funds to do it. With respect to the first point, Senator MURRAY of Montana has led the way in introducing a bill with which you are familiar and which you are supporting. It is S. 2549, to establish a Council of Resources and Conservation Advisers in the White House and a Joint Committee on Resources and Conservation in the Congress, for the purpose of appraising annually our resource development needs. This bill would provide the mechanism whereby all of us in the United States could chart the "what," "when," and "why" of conservation and development of our resources. Certainly this is a logical and necessary first step.

The Bureau of the Budget reported unfavorably on the Murray bill. The Budget Bureau apparently takes the astounding position that the Bureau itself is providing sufficient "overall review and coordination of these water resource programs." With this I disagree completely. The Bureau of the Budget notwithstanding, we do not now have an overall, continuing appraisal of our natural resource development needs. What we have in abundance is duplication, conflict, and confusion. We have one agency paying money to drain marshlands for more cropland while another agency pays money to create marshlands or other suitable havens for ducks to winter. And do not be too intolerant and smug about these conflicts among the executive agencies, because, as Senator MURRAY points out, "they reflect the diversity of the competing citizen groups affected by Federal resource activities." The conflicting demands on water which are found right here in our communities—shall we tap this stream for irrigation or shall we use it for industry, for example—have their proponents within the executive branch to which these conflicts are transferred.

While there are days when we doubt it, in this country we operate on the principle that when the people are given all the facts they will make wise decisions. And so it should be in this area of public policy which is going to involve the expenditure of many hundreds of billions of dollars. The Resources and Conservation Act of 1960, as the Murray bill is called, would permit the American people to have the facts necessary for informed decisions as to what we want done with the Nation's supply of water.

This brings us to the second phase of the solution, namely, the question of the spending of money. And here we are moving onto delicate ground, especially in these politically minded days when an attempt is being made to equate the word "spending" with "irresponsibility."

Let me put it to you as Walter Lippmann did in a recent article: "There are some who will say that we cannot meet all our public needs without abandoning the freedom of our society. There are others of us who say that we must meet these needs, that we can meet them without sacrificing our liberty, and indeed that by meeting them we shall strengthen our liberty. This is the central issue of our time, and no one who is interested in public life can ignore it." Mr. Lippmann takes figures from the fourth report of the Rockefeller Bros. Fund. He shows that we have an unused capacity for growth; that if we utilize our production potential as we used it from 1947 to 1953 (at an annual growth of 4.7 percent instead of the 2.3 percent of the years since then), we can maintain our high standard of living and have added Federal revenue for our public needs such as schools, housing, hospitals, scientific research, and resource development.

Those of us who hold this belief are not suggesting that the Federal Government move in and do these jobs. On the contrary, there is not one of them that does not lend itself to a sharing of the effort. Let me use as an example the Federal water pollution control program established under Public Law 660. In the 4 years this program has been in existence, we have constructed or assured 51 projects in Michigan. The Federal grants for these projects amounted to $5 million and the total cost to $50 million. Thus it will be seen that in Michigan we have considerably topped the excellent national average of six local dollars for every Federal dollar spent in pollution abatement; our record is 10 local dollars for each Federal dollar.

You and I were interested in promoting passing of H.R. 3610, a bill which would have made additional Federal grants available to this pollution control program. Such action was especially important for Michigan, where there is a commendable concern with the pollution problem on State and local levels and where the applicants for funds have exceeded the available construction grants by 3 to 1. Well, the President vetoed H.R. 3610 saying he did it "to stimulate State and local actions rather than provide excuses for inaction." In my book, this reasoning is unsound. It is a completely incomprehensible position to anyone familiar with the performance of State and local governments under the existing law, a law which has provided an outstanding example of intergovernmental cooperation to help solve a national problem vital to the national welfare and which H.R. 3610 would have continued and expanded.

These programs are not going to be cheaper next year or 5 years from now. On the contrary, experience shows that what we delay doing today costs more tomorrow—sometimes by millions of dollars. And so my hope would be that with the recommendations of our Select Committee on National Water Resources, which will report to the Senate and to the Nation by next January; with, at a later date, the report of the Outdoor Recreation Resources Review Commission which is taking an inventory of our resources and requirements for recreation; and with the passage of the Murray bill, devoutly to be wished, we may be in a position before too long to identify what we want to get done in this matter of resource development. Then we need to have the kind of national leadership which will insist that we are going to use our productive capacity to meet these goals, without applying odious labels to those who want to get on with the job.

The concern for prudent management and development of our resources goes back to the days of Theodore Roosevelt. It is a concern which men and women, Democrats and Republicans, have shared. Perhaps with the new interest which you have helped to generate over the past 4 years, we are about to see the day when we will make a frontal attack on our backlog in water resource development.

Properly managing this resource is just part of the job of surviving the contest for the 20th century. Survival, much less success, will not be easy nor will it be cheap. And it will not cost less next year than this; it will not be found in the bargain basement. But it is worth the price, many times over.

[From the Washington Post, Mar. 8, 1960]

THE SIZE OF THE PROBLEM

(By Walter Lippmann)

Here at home the overriding question is how to pay for the public needs of our growing population in an era when our social order is relentlessly challenged. These public needs include not only the rising costs of the race of armaments and the competition among the underdeveloped nations. They include also the rising costs of scientific research, of better public schools, of more adequate hospitals and public health services, public works, roads, water supply and sewage disposal, slum clearance and urban renewal.

There are some who will say that we cannot meet all our public needs without abandoning the freedom of our society. There are others of us who say that we must meet these needs, that we can meet them without sacrificing our liberty, and indeed that by meeting them we shall strengthen our liberty. This is the central issue of our time, and no one who is interested in public life can ignore it.

An excellent newspaper, which I read regularly and greatly respect, the Wall Street Journal, said recently in an editorial that to argue, as I have done, that our public needs have to be met is "to invite us to start surrendering our liberties in panic." For to meet the needs will cost a lot of money, and this will put us on the "dreary road of statism" and "when the individual must face the faceless state, he has only as much free choice as the State chooses to grant."

This would indeed be monstrous if it were allowed to happen. How are we to make up our minds whether it will happen if we decide to devote to defense and to other public

needs enough of our wealth to pay for them? One way to go about deciding it is to look at the problem quantitatively and concretely, and not abstractly and in generalities. Let us then look at some figures.

I am taking my figures from the fourth report of the Rockefeller Bros. Fund which was issued in 1958. It covers all Government expenditures, Federal, State, and local which are for the purchase of goods and services. It omits transfer payments which, like the interest on public debts, "do not make a direct claim on our production of goods and services." The report contains figures for the year 1957 and estimates for the year 1967. The report is, by common consent I believe, expert, disinterested, and obviously it is not partisan.

In 1957 all government purchases of goods and services came to $86.4 billion. In 1967, if we meet the public needs for defense and other things which the authors of the report are agreed upon, the cost will be $153 billion (in 1957 dollars). This gives us an idea of the dimensions of the problem. The question then is whether the expenditure for public purposes of $153 billion in 1967 would revolutionize our society.

In 1957 when we spent $86.4 billion publicly, we were taking 20 percent of our national production, leaving 80 percent in private hands. What would be the situation in 1967 if we carry out the programs to meet public needs which are recommended in the Rockefeller Report The answer to that question will depend on our rate of growth in the next 10 years.

The Rockefeller estimates show that on the feasible assumption that our gross national product can grow at a rate of 4 percent per year, the share taken for public purposes in 1967, if their recommendations as to what is desirable are followed, would be only 24 percent, and the share left in private hands would be 76 percent. This would mean that the rise in private consumption, which on the average has been 2 percent per year, would drop to 1.4 percent. We would not be raising our private standard of life quite so fast as we are now. But we would be raising our public standard and we would be doing it with three-quarters of our product still in private hands. No one can say that on these fairly conservative assumptions we would not still be a free society.

These figures make the assumption that we can grow only at a rate of 4 percent. If, however, we could raise the rate of growth to 5 percent, the position would be changed substantially. We would then be spending for public purposes 22 percent, which is not much more than the present share of our spending, and there would still be left in private hands 78 percent. At the same time consumption would be rising at 2.8 percent, which is above the average.

It is evident then, that the argument of the Wall Street Journal is based on an assumption which is not stated. The assumption is that the U.S. economy, in this age of automation, cannot increase its productivity fast enough to support our growing public needs. The figures I have cited indicate that if we can now achieve a growth rate equal to that of the years 1947 to 1953, that is to say an annual rate of growth of 4.7 percent, instead of the 2.3 percent rate of the years since then, we shall be able to provide the needed public services while maintaining approximately the same ratio of public to private spending as we have today.

I am sorry to use so many figures. But they are necessary in order to put in its true perspective the size of the great problem of our era. When we look at this problem quantitatively, comparing our growing needs with what can be our economic growth, we may conclude that our tasks are big, which makes them interesting, but that they are quite within our capacity.

INVICTUS

Mr. BYRD of West Virginia. Mr. President, some time ago, I was told an interesting story. The story, as I learned it, was about William Ernest Henley and his great poem "Invictus." I am indebted to Representative TOBY MORRIS, of Oklahoma, for the story.

William Ernest Henley had lost one of his legs. A serious infection developed in the other. He sent for Dr. Lister, the great English physician and surgeon, and, after the doctor had examined him, he stated to his patient, in substance: "Young man, I will be quite frank with you. Your condition is very serious indeed, but, if you can stand the ordeal of the treatment that will be necessary, I may save your life, and there is a bare possibility that I might be able to save both your life and your limb."

This was before the days of general anesthetics, and the young man knew, or at least had reason to understand, the excruciating pain he would be compelled to endure to take the necessary treatment. He replied to the doctor that he felt he would and could stand the ordeal. His life and his limb were both saved, and out of his terrible experience came the great poem "Invictus."

Out of the night that covers me,
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud.
Under the bludgeonings of chance
My head is bloody, but unbowed.

Beyond this place of wrath and tears
Looms but the Horror of the shade,
And yet the menace of the year
Finds and shall find me unafraid.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate;
I am the captain of my soul.

DEATH OF BISHOP CARROLL OF THE DIOCESE OF ALTOONA AND JOHNSTOWN, PA.

Mr. SCOTT. Mr. President, the people of Pennsylvania and in many other parts of the Nation have been saddened by the death on Monday of the Most Reverend Howard J. Carroll, bishop of the Altoona-Johnstown Roman Catholic diocese. Bishop Carroll died of a stroke at Providence Hospital in Washington, D.C., where he had come earlier for treatment.

A pontifical mass of requiem was held at St. Patrick's Church in Washington last Tuesday. Bishop Carroll's body will be returned to Altoona where a solemn pontifical requiem high mass will be offered next Monday in the Cathedral of the Blessed Sacrament. He will be buried in the cathedral crypt beside the remains of Bishops Garvey, McCourt, and Guilfoyle.

Mr. President, while Bishop Carroll's contributions to his church are beyond measure, two physical monuments stand to his great work.

For 20 years he was associated with the National Catholic Welfare Conference here in Washington—the first as assistant general secretary. His service from 1938 to 1958 was marked by great expansion and development of the National Catholic Welfare Conference.

When he was named bishop in 1958, one of his great dreams was to complete the Cathedral of the Blessed Sacrament. The cathedral had been started in 1924 and work stopped in 1931. Through Bishop Carroll's efforts the cathedral is today almost completed.

Bishop Carroll was born in Pittsburgh August 5, 1902, and attended Holy Rosary Grade School, Duquesne University, and St. Vincent College. He was ordained April 2, 1927, at Fribourg, Switzerland.

He was assistant pastor of Sacred Heart Church, East End, from 1928 to 1938, and was professor of philosophy at Mount Mercy College for 8 years.

In 1938 he was appointed to the National Catholic Welfare Conference. In 1945 he was named a papal chamberlain and a domestic prelate, with the title of monsignor.

The late Pope Pius XII elevated him to the hierarchy in December 1957. He was consecrated a bishop on January 2, 1958, and celebrated his first solemn pontifical high mass at St. Paul's Cathedral, Pittsburgh, on January 6, 1958.

Bishop Carroll was installed as head of the Altoona-Johnstown diocese on January 23, 1958, by Archbishop John Francis O'Hara of Philadelphia. The diocese has more than 150,000 communicants in Bedford, Blair, Cambria, Center, Clinton, Fulton, Huntingdon, and Somerset Counties.

He was one of three sons given to the church by the late William J. and Mrs. B. Margaret Hogan Carroll of Pittsburgh.

His brother, the Most Reverend Coleman F. Carroll, former auxiliary bishop of Pittsburgh, is the first bishop of the newly created south Florida diocese.

Another brother, Msgr. Walter S. Carroll, died on February 14, 1950, in Rome. He was assigned to the Papal secretariat of state in Vatican City.

CONDUCT OF SENATORS

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. KEATING in the chair). The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, every man has his own code of conduct and his own code of ethics. Senators are human beings. Sometimes Senators seem to think they are endowed with supernatural qualities because they have been selected by great States to occupy seats in this body, and very often our constituents attribute powers to us which we do not have in government by virtue of our positions.

No Senator has a right to prescribe a code of ethics or conduct for any other Senator. What one Senator under his code might consider to be simply a nice, clever, little parliamentary trick another Senator might consider to be a reprehensible act.

Mr. President, on yesterday I had some remarks that I had wished to address to the Senate. I came to the Chamber to

find out whether there was a list at the desk. I was told there was. I asked to have my name placed on the list, and it was so placed.

I came to the Chamber later and inquired as to which Senator preceded me on the list; I was told that the distinguished Senator from New York [Mr. KEATING], who now presides over the Senate, was the Senator whose name was before mine. I went to the distinguished Senator and asked him about how long he thought he would take in addressing the Senate. He stated his speech would be short. I therefore returned to my seat.

Mr. President, I will say that the distinguished Senator from New York has been one of the most able, active, vocal, and relentless adversaries I have encountered over the past 6 weeks in the discussion of the bill which has been the pending business. Certainly, so far as our views on the proposed legislation are concerned, I was under no obligation to protect the distinguished Senator from New York.

It so happened that on yesterday the Senator who had the floor before the Senator from New York was recognized suggested the absence of a quorum, and, after some difficulty, a quorum was obtained. The occupant of the chair announced that a quorum was present, and I arose and looked across the Chamber, observing that the Senator from New York was engrossed in talking to some other person. I did not, Mr. President, claim the floor. It would have been a very easy matter for me to have said, "Mr. President," and to have taken the floor ahead of the distinguished Senator from New York. I somewhat violated the rules of the Senate by calling the Senator's name across the Chamber in a rather loud voice, to attract his attention to the fact that no Senator had the floor and that a quorum was present. The Senator then obtained recognition.

Mr. President, at this juncture I ask unanimous consent to have printed in the RECORD as a part of this brief statement the remarks of the distinguished Senator from New York, beginning at the bottom of the first column, page 6365 of the RECORD for yesterday in which he stated that he had not asked for the quorum. I should like to point out that the distinguished Senator was kind enough to say in the course of his remarks, "I believe the Senator from Georgia is to follow me." So it was well known that my name was next on the list.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. KEATING. Mr. President, I do not wish to be placed in a false light. I wish my colleagues to know that I did not ask for a live quorum.

Mr. RUSSELL. I must apologize to the Senator from New York. I did not know he was addressing a statement to me. I am afraid I was conversing with the Senator from Washington.

Mr. KEATING. No; I was merely explaining, for the benefit of my brethren, that I did not ask for a live quorum. However, I believe the Senator from Georgia is to follow me—and I shall be brief—so that those who are now present may remain to hear my friend from Georgia.

Mr. RUSSELL. I appreciate the generosity of the distinguished Senator from New York. I am certain that the other 99 Members of the Senate could listen to the distinguished Senator from New York with great profit, and in doing so, would improve their knowledge of the existing legislative situation generally and the state of the Union as a whole. I may say that the Senator from Georgia did not suggest the absence of a quorum either.

Mr. KEATING. That is quite true.

Mr. RUSSELL. Although I would have been glad to suggest the absence of a quorum for the benefit of the distinguished Senator from New York, if that had been necessary.

Mr. KEATING. I would do the same for the distinguished Senator from Georgia. I merely wished to set the record straight on that point.

Mr. RUSSELL. Mr. President, I likewise ask unanimous consent to have printed in the RECORD at this juncture what transpired when the distinguished Senator from New York yielded the floor, as shown on page 6366, ending with the remarks of the Presiding Officer at the bottom of the last column on page 6366 with the words "to the rule."

I ask unanimous consent that that may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. MORSE. Mr. President——

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. HART in the chair). The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I wish to discuss for a few minutes——

Mr. RUSSELL. Mr. President, will the Senator from Oregon yield for a parliamentary inquiry with the understanding that in yielding for that purpose he will not prejudice his right to the floor?

Mr. MORSE. Yes; with the understanding that it will not result in causing me to lose my right to the floor; and I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I should like to ask the Chair whether any list is at the desk——

The PRESIDING OFFICER. As the Chair believes the Senator from Georgia knows, a list is at the desk; and the name of the Senator from Georgia is next on the list, after the name of the Senator from New Jersey [Mr. WILLIAMS], who is not present at this time.

Mr. RUSSELL. Mr. President, I did not know that it was possible for an absent Senator to direct the course of recognition by the Chair.

The PRESIDING OFFICER. The Senator from Georgia is, of course, correct.

Mr. RUSSELL. Then the Chair simply decided that he would not follow the list——

Mr. MORSE. Mr. President, a parliamentary inquiry——

The PRESIDING OFFICER. The Chair was wholly conscious that this situation would develop, and determined—and advised those here—that he would adhere to rule XIX, namely, to recognize the Senator whom the Chair heard first address the Chair. In good conscience, the Senator who is now in the chair adhered to that rule.

Mr. RUSSELL. Mr. President, I do not know who selects the Senators who are to preside over the Senate, or just what courtesy they think might be paid to those who have gone through the ordinary ritual of the Senate and have placed their names on the list.

I do not like to quibble about these matters; but it seems to me that it is highly extraordinary procedure to have a list, and to have the list followed until a certain stage of the proceedings is reached, and then get in the chair a Senator who decides that he will not follow the list, but will revert to the rule. The Chair has that right; but I also think I have a right to cry out against such practice.

The PRESIDING OFFICER. Let the Chair state that he only recently came into the chair, and is sure he was not called to the chair for the purpose of unfairly applying any rule.

Within a very few minutes after the present occupant of the chair arrived in the chair, he became conscious that this dilemma would present itself. The Chair thinks the only protection the Chair has in such circumstances—and let the Chair state that he has not sought this role—is, in his judgment, to recognize the Senator whom he first hears address the Chair, because the only rule, "when the heat is on," is rule XIX. The Chair did his very best.

Mr. RUSSELL. Mr. President, several pages were sitting directly to the right of the chair, and it occurs to me that the Chair might have called one of them, and might have directed the page to tell the Senator from Georgia that, although his name appeared next on the list, the Chair was abandoning the list, and intended to revert now to rule XIX. If the Chair had done so, the circumstances might not have been so extraordinary.

But as it is, I still feel that the procedure is highly irregular and improper.

The PRESIDING OFFICER. The Chair respectfully states that in such circumstances, in a situation just short of the intolerable, the only possible procedure is to adhere to the rule.

Mr. RUSSELL. Mr. President, I hope I am not unduly sensitive, but I do say that this was a highly unusual procedure. As I stated yesterday, it was irregular and improper. If Senators can live with themselves and conduct this kind of parliamentary maneuvering, that is up to them and their consciences. I will bide my time and will endeavor at some later date to secure recognition in order to make the remarks that I desired to make yesterday when I was denied the floor by the very unusual parliamentary "horseplay" of a Senator moving to table his own amendment.

Mr. HART subsequently said: Mr. President, earlier today the distinguished senior Senator from Georgia [Mr. RUSSELL] spoke in regard to the situation which existed in the Senate on yesterday at the time when I occupied the chair.

I have examined the portion of the CONGRESSIONAL RECORD which shows the remarks made at that time by the distinguished senior Senator from Georgia, and also the remarks which I made at that time, when I occupied the chair, and also the remarks made by the Senator from Oregon [Mr. MORSE]—all with respect to the propriety of my action at that time, when I was occupying the chair, in recognizing the Senator from Oregon [Mr. MORSE]. I believe that portion of the CONGRESSIONAL RECORD fairly reflects—to the extent that printed words can do so—the situation which existed at that time.

I rise only to make the point that the distinguished senior Senator from Georgia, in his remarks earlier today, I think

characterized the action of the junior Senator from Michigan on yesterday as irregular and improper, and I think perhaps rhetorically wondered whether it was part of a nice parliamentary trick or a reprehensible act.

I want simply to say that the dilemma that faced the junior Senator from Michigan as the Acting Presiding Officer yesterday, though it occurs not frequently, nevertheless does occur on occasions here.

The rule book provides precisely the method that is applicable with respect to the recognition of Senators seeking the floor.

I ask unanimous consent at this point that paragraph 1 of rule XIX be printed at this point in my remarks.

There being no objection, the paragraph was ordered to be printed in the RECORD, as follows:

RECOGNITION

RULE XIX, PARAGRAPH 1

When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. HART. I realize that in the manual "Senate Procedure," by our Parliamentarians, at page 271, there is comment with respect to the list of speakers.

I ask unanimous consent that at this point in my remarks the section to which I have referred at page 271 of "Senate Procedure" be printed in the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

List of speakers (see also "Recognition," pp. 468-475): While in practice the Presiding Officer, for convenience, frequently keeps a list of Senators desiring to speak at the desk, and recognizes them in the order in which they are so listed, the Senator who first addresses the Chair should be recognized upon a point of order being made, and the Chair on various occasions has held that the list at the desk gives way to the rule for recognition.

Mr. HART. I recall, although I was not present at the time, reading an exchange that occurred only a few days ago in the Senate with respect to this very problem—whether we should follow the list, as the senior Senator from Georgia put it then, "Play the list game," or follow the rule. At that time, I discover now, the senior Senator from Georgia expressed himself with respect to the desirable method to follow, as appears at page 5709 of the RECORD of March 16, 1960.

I ask unanimous consent that extracts of his statement, found at page 5709, be made a part of my remarks at this point in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

Mr. RUSSELL. I thank the Senator, and I should like to have that done.

I wish to say that it has always been a custom in the Senate of recognizing first—if several Senators are clamoring for recognition—the majority leader if he is one of those seeking recognition. Next, the minority leader is entitled to recognition. And after that, all the remaining 98 Members of the Senate ought to stand on their feet and seek recognition, and be recognized in the order in which they address the Chair.

Mr. KEATING. Mr. President, will the distinguished Senator from Georgia yield to me?

Mr. RUSSELL. I yield to the Senator from New York.

* * * * *

Mr. RUSSELL. There is nothing junior in connection with recognition by the Chair on the basis of who first addresses the Chair. The first Senator who addresses the Chair is entitled to recognition.

Mr. HART. Lastly, I should state, and I welcome the fact, that I was not present in the Chamber, much less the occupant of the chair, when the exchange that preceded the remarks by the junior Senator from New York [Mr. KEATING] occurred with the senior Senator from Georgia. Those remarks, which he made a part of his observations earlier today, indicate clearly that the senior Senator from Georgia had every reason to anticipate that, under the list, he would next be recognized.

I repeat, I was not even aware of such colloquy. I was not present. I am not sure that the dilemma of the Presiding Officer would have been resolved in the circumstances, even had I been aware of it.

I repeat, the dilemma results from the fact that, for the convenience of the Senate, we do have a list of speakers. I venture that 95 percent of the time it is easy and accommodating and does no harm to adhere to the list. It conveniences all of us.

There are occasions, and the desirable situation is not to be in the chair when they occur, when application of the list leaves one defenseless when the question is raised, "What is the rule?" I deeply regret that the circumstance and the situation developed. I assure the distinguished senior Senator from Georgia that I would avoid doing it to anyone, but most especially with respect to him. I would not have intentionally sought to do violence either to the practice or to the rule.

I would hope that my brief observations might be printed in the RECORD at the point following the remarks of the senior Senator from Georgia.

Again, I hope that this situation will not face another occupant of the chair, but until—if there are rules to be applied that are not in the book—we establish those ground rules, inevitably it will occur; and in behalf of the Senator who is in the chair at the time, I bespeak the study and attention of the Senate to see if there is not some way this difficulty may be avoided.

MESSAGE FROM THE HOUSE

The PRESIDING OFFICER. Will the Senator from Georgia yield so that the Senate may receive a message from the House of Representatives?

Mr. RUSSELL. I yield for that purpose, Mr. President.

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H.R. 8601) to enforce constitutional rights, and for other purposes, in which it requested the concurrence of the Senate.

CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, I ask that the bill be read the first time.

The PRESIDING OFFICER. The Senator from Georgia has the floor. Does the Senator from Georgia yield?

Mr. RUSSELL. Mr. President, I yield for that purpose and for that purpose alone.

The PRESIDING OFFICER. The Chair lays before the Senate the bill (H.R. 8601), which will be read the first time.

The legislative clerk read the bill (H R. 8601) to enforce constitutional rights, and for other purposes, by its title.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. RUSSELL. I yield to the distinguished majority leader, Mr. President.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the bill be read the second time.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. There is objection, Mr. President. I object.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The bill will now go over until the next legislative day.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. RUSSELL. Mr. President, I was retaining the floor, in order to suggest the absence of a quorum. I am glad to yield the floor and to yield that prerogative to the majority leader.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEATING in the chair). Without objection, it is so ordered.

ADJOURNMENT TO 1:35 O'CLOCK P.M.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate adjourn for 3 minutes.

The motion was agreed to; and (at 1 o'clock and 32 minutes p.m.), the Senate adjourned until 1:35 o'clock p.m., of the same day.

THURSDAY, MARCH 24, 1960

The Senate met at 1:35 o'clock p.m., pursuant to adjournment and was called to order by Mr. KEATING.

The PRESIDING OFFICER. Prayer will be offered by our distinguished colleague the senior Senator from Utah [Mr. BENNETT].

Mr. BENNETT offered the following prayer:

Our Father in heaven, we come before Thee again, after this brief pause, to resume our work and to carry out the responsibilities that have been given to us.

We pray that the blessings which were asked to be bestowed upon this body earlier today may continue during the remainder of the session, and that we may have Thy spirit with us to help us to face our decisions and to work with a singleness of purpose for the good of our beloved land.

We ask these blessings in the name of Thy Son, Jesus Christ. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE.
PRESIDENT PRO TEMPORE.
Washington, D.C., March 24, 1960.

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. KENNETH B. KEATING, a Senator from the State of New York, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. KEATING thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, March 24 (legislative day of Wednesday, March 23), 1960, was dispensed with.

CIVIL RIGHTS LEGISLATION

Mr. JOHNSON of Texas. Mr. President, I ask the Chair to lay before the Senate House bill 8601, for a second reading.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate House bill 8601 for a second reading.

The bill (H.R. 8601) to enforce constitutional rights and for other purposes was read the second time.

Mr. JOHNSON of Texas. Mr. President, I move that the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, be referred to the Committee on the Judiciary with instructions to report it back to the Senate not later than Tuesday, March 29, 1960, and I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. EASTLAND. Mr. President, I move as a substitute for the motion of the majority leader that the bill be referred to the Committee on the Judiciary.

Mr. DIRKSEN. Without instructions?

Mr. EASTLAND. Without instructions.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. DIRKSEN. To make sure that the Senate understands what the two motions are, as I understand, the motion of the distinguished majority leader is to refer the bill to the Committee on the Judiciary with instructions to report it back not later than Tuesday, March 29, 1960. As I understand the substitute motion of the Senator from Mississippi, the distinguished chairman of the Committee on the Judiciary, it is to refer the bill to the Committee on the Judiciary without any instructions whatsoever, so no time limit would be involved, as to when the bill might be reported to the Senate.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. Is the motion of the Senator from Mississippi in order?

The ACTING PRESIDENT pro tempore. The Parliamentarian informs the Chair that the motion of the Senator from Mississippi is in order.

Mr. EASTLAND. Mr. President, this shows the rush. We should follow normal parliamentary procedure. The Committee on the Judiciary should not be placed in shackles in the consideration of the bill as the motion of the majority leader would place it.

I have noticed in the press—and I think it is true—that the very heart of the bill is the voting referee provision. That provision has never been considered by the Senate Committee on the Judiciary. It was considered by the House committee, on the basis of a "lynch" provision. There was a legislative lynching.

Weeks after the House bill had been reported, and was before the Rules Committee, the referee provision was brought up. There were two hearings, in which Judge Walsh, Deputy Attorney General, appeared.

The other witness was the Honorable Charles Bloch, who happened to be in town. He just happened to be here on other business. He went before the committee and testified. This was the only semblance of a hearing before the House committee on this very important problem that we are told by the press—and I agree—is the heart of this bill.

There have been no hearings on the referee plan before the Committee on the Judiciary of the Senate. We have been in session in the Senate on the bill for over 5 weeks, and we have only disposed of a few amendments. I say that 3 or 4 or 5 or 6 or 7 days are wholly inadequate for the proper consideration of the House bill. Statements have been made that the Committee on the Judiciary——

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. EASTLAND. I yield.

Mr. McCLELLAN. How long a time did the House have the bill under debate before passage? How many days?

Mr. EASTLAND. Why, it has been about 2 weeks.

Mr. McCLELLAN. I think that is substantially correct.

Mr. EASTLAND. The referee provision was legislated on the floor of the House. It was not reported out of Committee.

Mr. McCLELLAN. Yet we are now being asked, under the original motion, to approve a motion which would direct the Committee on the Judiciary to act in 5 days, and that includes Saturday and Sunday. Is that correct?

Mr. EASTLAND. Yes.

Mr. McCLELLAN. We would ask the committee to act in 5 days without adequate study. Is that correct?

Mr. EASTLAND. Yes. The Committee on the Judiciary of the Senate has been accused of sitting on bills and filibustering. What are the facts?

This civil rights bill was made the pending business in the Committee on the Judiciary on the third day of last August, according to the RECORD. There were four meetings of the committee. On the 21st day of August the proponents of civil rights legislation picked up their marbles and ran home. What were we faced with? We were considering amendments.

There had been introduced in the Senate 17 civil rights bills, which were referred to the Senate Judiciary Subcommittee on Constitutional Rights. To the bill reported by the subcommittee to the full committee seven amendments were offered. One, an amendment in the nature of a substitute, with 12 titles, which embraced the whole field of civil rights, was offered by the distinguished Senator from Missouri. The Senator from New York offered an amendment to that. I say that this is a legislative lynching, because the Judiciary Committee has not had adequate time in which to consider or to go into these complicated amendments and substitute.

In committee, the bill was displaced on the 21st day of August, when we had partly begun to consider the proposed amendments. The information went out in the newspapers all over the country that we were engaged in a filibuster.

Let us take the situation in the Senate. Let us see how the Senate works. The Senator from Illinois offered a substitute amendment for H.R. 8315, consisting of seven sections. To date 70 amendments have been offered to the Dirksen substitute and after 5 weeks of consideration we have disposed of only two of the seven provisions of this bill.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. If we are going to act in good faith as a legislative committee, we must also consider what is pending in the Senate.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. EASTLAND. The bill H.R. 8315, and the amendments proposed thereto weigh a pound and a half. As I have said, "You cannot count them. You have to weigh them." [Laughter.]

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JOHNSTON of South Carolina. It might be well for the Senator to state who has been submitting the amendments. It has not been the group which is opposed to so-called civil rights legislation. They have been submitted by Senators who are advocating civil rights.

Mr. EASTLAND. That is true. What did we face in the Committee on the Judiciary? The Constitutional Rights Subcommittee held extensive hearings. They brought in an innocuous bill consisting of two parts, one extending the life of the Civil Rights Commission—and that was extended last year—and the second requiring preservation of voting rights. That is all that was in the bill the subcommittee reported to the full committee. Only those two proposals were contained in that bill. One of them is law.

What was the reason why they did that? As I read the papers—no member of the committee told me—it was to amend the bill in the full committee, and, while we were discussing the proposed amendments, they took up their marbles and ran away home.

There is no reason why the Judiciary Committee should be shackled with a time limitation placed on hearings. If we are going to legislate in an orderly manner, we must not be shackled. The heart of the bill, the voting referee provision, has not even been considered by the Judiciary Committee. Registrar proposals were referred to the Committee on Rules and Administration and testimony was taken before that committee on them and the voting referee plan.

The Senator from Missouri [Mr. HENNINGS] is the chairman of that committee. The committee has not yet reported one of these proposals to the Senate. Nevertheless, we are now being asked to go into this complicated question in a period of 5 days.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. ERVIN. Will the Senator yield for several questions?

Mr. EASTLAND. Certainly.

Mr. ERVIN. I ask the Senator from Mississippi if it is not his understanding that the House bill represents the first bill ever passed which attempts to confer upon the Federal Government the right to register voters for State, county, and municipal elections.

Mr. EASTLAND. The Senator is correct. The hearings were held after H.R. 8601 had been reported by the committee. The committee had before it the Deputy Attorney General. Then they caught a distinguished lawyer in town, who was here on other business, and they brought him up before the committee, and he testified. I do not believe anyone will say that there were the customary kind of hearings before the House committee.

Mr. ERVIN. Mr. President, I will ask the Senator whether it is not his understanding that the House bill is directed solely to the enforcement of the 15th amendment; that is, it is directed toward the enforcement of the 15th amendment, that no State shall deny or abridge the right of a citizen to vote on account of race, color, or previous condition of servitude.

Mr. EASTLAND. That is correct.

Mr. ERVIN. I will ask the Senator from Mississippi if the Federal courts have not held in case after case that under the 15th amendment and under the 14th amendment Congress only has power to enact legislation which is appropriate to enforce a prohibition, as distinguished from an affirmative course of action.

Mr. EASTLAND. Certainly. The point the Senator is making is that we must have full hearings in the Judiciary Committee, unshackled by a provision limiting the consideration to a few days.

Mr. ERVIN. That is the point I am trying to make by my question. Does the Senator from Mississippi not agree with me in the view that the voting rights provision of the House bill presents a very serious question of both constitutional law and of policy, which merits deliberate consideration?

Mr. EASTLAND. That is true. The distinguished Senator from North Carolina is one of the ablest lawyers in the United States. He is a member of the Committee on the Judiciary. He is one of its prominent members. Would the distinguished Senator from North Carolina say that a filibuster had been in progress in that committee, or were we discussing amendments in their normal course?

Mr. ERVIN. I agree with the observations of the Senator from Mississippi. At the time we ceased to act, we had before us a substitute offered by the able and distinguished Senator from Missouri [Mr. HENNINGS], which, according to my best recollection, was at least 45 pages long, had hundreds and hundreds of sentences in it, each one of those sentences including within its purview at least one case of incurable mental indigestion.

Mr. EASTLAND. That is correct. An amendment was pending which was offered by the distinguished junior Senator from New York [Mr. KEATING]. What could the committee do, after four meetings, with S. 2391 and the numerous amendments thereto before it? The proponents of the legislation picked up their marbles and ran home. They did not want to discuss the matter any more. They said they were going to the floor to bypass the committee.

Mr. President, I do not know of any reason why this bill, H.R. 8601, should not be referred to the Committee on the Judiciary in its regular course. I do not see why any conditions should be placed on the Committee on the Judiciary which are not placed on every other committee in the Senate. It is said that the chairman of the committee and other Senators oppose the bills. That is true. But the same thing happens time and time again, year in and year out, in the Senate of the United States. This bill should be considered in its normal course by the Committee on the Judiciary. I think the substitute motion should be adopted.

Mr. ERVIN. Mr. President, will the Senator yield for one more question?

Mr. EASTLAND. I yield.

Mr. ERVIN. I ask the distinguished Senator from Mississippi if under the Senate rules the Senate could not recall the bill by discharging the committee by a majority vote, if the Senate felt that the committee was not acting as promptly as it should?

Mr. EASTLAND. Of course. In that connection, a motion was made to discharge the Committee on the Judiciary from the consideration of this bill. That motion got only four votes in this body. In the light of that vote by the other Members of the Senate, I now ask why shackles should be placed on one of the great committees of the Senate.

Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I shall take only a minute. It seems to me that if we should, as a matter of Senate procedure, make a bow to the Committee on the Judiciary, I shall not oppose it; but I think the Senate ought to be realistic about what we are engaging in. I think we have a choice in taking a position which lawyers always take when they are arguing any matter of this kind. Assuming what the other party says is correct, which I challenge and do not believe is correct, that "legislative lynching," or "lynching of the legislative process," is what is involved here, I think we have a choice as to whether we want to lynch the legislation.

The Committee on the Judiciary has never reported a civil rights bill. Whatever may be the individual dynamics involved, it is a fact that nobody expects that they will report such a bill. Certainly unless instructions of this nature are imposed on them, we have every reason to expect that tradition and history will repeat itself.

I myself would not feel justified in voting for any motion which would refer this bill to the Committee on the Judiciary; but in view of the great tradition of the Senate honoring its committees, and in view of the fact that I believe many Senators will feel that in deference to this tradition this action ought to be taken, certainly there ought to be a minimum time, a time which is reasonable and decent under the circumstances.

I hope and pray that the Committee on the Judiciary will report a bill which we can support, but I have very little optimism that it will. Nevertheless, I believe the motion of the majority leader is probably the most efficacious and direct course, and should be adopted in order to get definitive legislation.

Mr. JOHNSON of Texas. Mr. President, there is no reason for any extended debate on this purely procedural matter. I think every Member of the Senate is fully aware of what is at stake. I doubt that the vote of any Senator is likely to be changed by any extended discussion. Speaking for myself, I am ready to vote and let the majority of the Senate work its will.

Mr. CARROLL. Mr. President, I was not in the Chamber when this matter was raised. What is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senator from Texas has offered a motion to refer H.R. 8601 to the Committee on the Judiciary, with instructions——

Mr. CARROLL. Mr. President, may we have order? I cannot hear the Chair.

The ACTING PRESIDENT pro tempore. The Senate will be in order. The Chair will endeavor to state the question. The Senator from Texas has offered a motion to refer H.R. 8601 to the Committee on the Judiciary with instructions to report it to the Senate on Tuesday next. The Senator from Mississippi [Mr. EASTLAND] has offered a substitute motion merely to refer the bill to the Committee on the Judiciary. The yeas and nays have been ordered on both motions.

Mr. CARROLL. Mr. President, I should like to address a question to the majority leader. If the bill should be referred to the Committee on the Judiciary, what would be the situation with respect to selection of conferees if the bill is passed by the Senate with changes? As I understand, the Senate as a whole can govern that matter, but what would be the normal procedure? If the bill were referred to the Committee on the Judiciary, would the conferees not come from that committee?

Mr. JOHNSON of Texas. I think that matter would be determined by the majority of the Members of the Senate.

Mr. CARROLL. I understand, but normally would they not come from the membership of the Committee on the Judiciary?

Mr. JOHNSON of Texas. Yes. I think that normally the conferees would come from the committee which had the primary interest in the bill, and the Committee on the Judiciary has, and always has had, primary interest in this subject. But, regardless of which committee has the primary interest, the conferees will be selected by a majority of the Senate.

Mr. CARROLL. May I ask for a further explanation? Let us assume that, as in 1957, the Senate bypasses the Committee on the Judiciary. How would the conferees be selected then? Who would make the selection?

Mr. JOHNSON of Texas. The selection would be made by the same method. If it were desired that the conferees would come from the committee which had the primary interest, that would be the Committee on the Judiciary. If it were desired to have the majority of the Membership, of the Senate, as the rule provides, select the conferees, the majority of the Senate would determine who the conferees would be, as has been the case several times in the past.

Mr. CARROLL. How would the names be presented to the Senate? Would the majority leader present the names, or would they be presented by the chairman of the Committee on the Judiciary?

Mr. JOHNSON of Texas. I think that normally the chairman of the committee would present the names, and each individual Senator could strike from that list of names and suggest the names of substitutes, as he saw fit. That has been done in some instances.

Mr. CARROLL. Is there some reason why we should now adopt a policy of referring a bill to a committee for 2 or 3 days, rather than by bypassing the committee, as was done in 1957?

Mr. JOHNSON of Texas. Yes. I think it was bad procedure then, and I think it is bad procedure now. I think we ought to give the committee a chance to vote on any amendment on which it desires to vote. I think a reasonable period of time should be provided—3, 4, or 5 days—in which to permit the offering of amendments by both sides, and to discuss the House bill and make any additions or deletions the majority of the committee might desire to recommend to the Senate, and then to report the bill to the Senate for consideration on next Wednesday.

I have no doubt that the Senate will very thoroughly consider the bill beginning next Wednesday, if the motion of the Senator from Texas should prevail. Any amendment would be in order, and we would then be in the situation of having given the Committee on the Judiciary an opportunity to make any recommendations it wished to make, to offer any amendments it desired to offer, to hold any hearings it desired to hold, and to file any report it desired to write. But the Senate would be protected from having the bill buried for the rest of the session.

I believe that if the motion of the Senator from Texas shall be agreed to, the orderly procedure will be for the bill to be referred to the Committee on the Judiciary. That committee can then take such action as in its wisdom is dictated, and next Wednesday the Senate can proceed to work its will by majority vote.

Mr. CARROLL. Under the majority leader's motion, will the bill come up automatically?

Mr. JOHNSON of Texas. It certainly will; yes.

Mr. CARROLL. I thank the Senator from Texas.

Mr. JAVITS. Mr. President, will the Senator from Texas yield, in order that I may propound a parliamentary inquiry?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. Mr. President, I rise to a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from New York will state it.

Mr. JAVITS. If the Judiciary Committee did not report pursuant to the resolution, what would be the parliamentary situation when the specified date for the committee to report expired?

The ACTING PRESIDENT pro tempore. If the committee were to fail to comply with the instruction of the Senate, the Senate would have to take further action, to get the bill from the committee.

Mr. JAVITS. The Senate would then have to discharge the committee from the further consideration of the bill, would it?

The ACTING PRESIDENT pro tempore. That is the only method known to the Chair for forcing a committee to act.

The Chair is of the further opinion that there is no precedent for the failure of a committee to comply with a direct instruction by the Senate. But it is not the opinion of the Chair that the committee would fail to comply or would refuse to comply with such an instruction or direction.

Mr. JAVITS. Mr. President, I rise to a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from New York will state it.

Mr. JAVITS. Do all the precedents show that the committees do comply with such instructions by the Senate?

The ACTING PRESIDENT pro tempore. The Chair will advise that the Parliamentarian has not found any case in which a committee has failed or has refused to comply with a mandatory instruction by the Senate.

Mr. JAVITS. I thank the Chair.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the substitute motion of the Senator from Mississippi [Mr. EASTLAND]. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY] and the Senator from Utah [Mr. Moss] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY], the Senator from Utah [Mr. Moss], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate and if present and voting would vote "nay."

The Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent, and, if present and voting, each would vote "nay."

The result was announced—yeas 19, nays 72, as follows:

[No. 133]

YEAS—19

Byrd, Va.	Johnston, S. C.	Sparkman
Eastland	Jordan	Stennis
Ellender	Long, La.	Talmadge
Ervin	McClellan	Thurmond
Fulbright	Robertson	Young, N. Dak.
Hill	Russell	
Holland	Smathers	

NAYS—72

Aiken	Case, S. Dak.	Hart
Allott	Chavez	Hartke
Anderson	Church	Hayden
Bartlett	Clark	Hennings
Beall	Cooper	Hickenlooper
Bennett	Cotton	Hruska
Bible	Dirksen	Jackson
Bridges	Douglas	Javits
Brunsdale	Dworshak	Johnson, Tex.
Bush	Engle	Keating
Butler	Fong	Kefauver
Byrd, W. Va.	Frear	Kennedy
Cannon	Gore	Kerr
Carlson	Green	Kuchel
Carroll	Gruening	Lausche

Long, Hawaii	Morton	Schoeppel
Lusk	Mundt	Scott
McGee	Murray	Smith
McNamara	Muskie	Symington
Magnuson	Pastore	Wiley
Mansfield	Prouty	Williams, Del.
Martin	Proxmire	Williams, N. J.
Monroney	Randolph	Yarborough
Morse	Saltonstall	Young, Ohio

NOT VOTING—9

Capehart	Dodd	McCarthy
Case, N. J.	Goldwater	Moss
Curtis	Humphrey	O'Mahoney

So Mr. EASTLAND's motion was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion of the Senator from Mississippi was rejected.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion was agreed to.

Mr. RUSSELL. Mr. President——

The ACTING PRESIDENT pro tempore. The pending question before the Senate is on agreeing to the motion of the Senator from Texas to refer the bill to the Senate Committee on the Judiciary with instructions to report the same back on Tuesday next.

The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, I desire to make a very brief statement with respect to the vote I shall cast on the motion of the Senator from Texas.

One who holds the views that I hold with respect to this misnamed legislation can find very little to enthuse about in the prospect which lies before us with respect to this motion. It really involves, so far as my views are concerned, the old saw of swapping the devil for the witch. We dispose of one bill which we have been considering for several weeks, but by returning it to the calendar we will provide a vehicle for another to come from the Committee on the Judiciary.

Mr. President, I have seen this kind of motion made a number of times. Other bills have been sent to committee with instructions. Committees are the servants of the Senate, and I do not believe any committee has ever refused to abide by the instructions of the whole Senate.

Mr. President, I shall vote for the motion for one reason. I shall do so because it recognizes the integrity of the committee system of the Senate. I shall do it in the hope—though the hope may be faint—that as the Committee on the Judiciary scrutinizes the bill it will reveal and remove some of its multitudinous defects. That is the proper function of the committee.

Mr. President, sending this bill to committe does not deny me any rights. Because it does recognize the integrity of the committee system, because it does recognize the jurisdiction of the Committee on the Judiciary of the U.S. Senate, which was bypassed on another occasion when such proposed legislation was pending, I shall vote for the motion of the Senator from Texas, even though I do not like the limiting instructions.

Mr. ERVIN. Mr. President, I should like to associate myself with the remarks of the able and distinguished Senator from Georgia. The motion has the virtue of recognizing that the Senate should function through committees. I rejoice in that fact.

I do not like the fact that this is also a coercive course which says, "You have to do something right now, even though you may think it requires more adequate time for consideration."

Mr. MORSE. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MORSE. Although the Senator from Georgia and I were not on the same parliamentary side on another issue earlier today, I should like to point out that he and I did stand together in 1957 when I made a similar motion to send a House civil rights bill to the Committee on the Judiciary, at that time for 7 days. I said then, and I repeat now, in my judgment that is the orderly procedure which ought to be followed in the Senate.

I will say, goodnaturedly, I felt on February 15 we should have followed the same course of action, and I think we would have saved a great deal of time if we had. On that occasion, I made the motion, which lost, that the Senate Committee on the Judiciary should be discharged as of February 25 of civil rights legislation if it did not file a report before then.

I am glad to be able to vote for this motion this afternoon.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Texas to refer the bill (H.R. 8601), to enforce constitutional rights and for other purposes, to the Committee on the Judiciary, with instructions to report back on Tuesday next.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Utah [Mr. Moss] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. Moss], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate, and if present and voting, would vote "yea."

The Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent, and, if present and voting, each would vote "yea."

The result was announced—yeas 86, nays 5, as follows:

[No. 134]

YEAS—86

Aiken	Gore	Martin
Allott	Green	Monroney
Anderson	Gruening	Morse
Bartlett	Hart	Morton
Beall	Hartke	Mundt
Bennett	Hayden	Murray
Bible	Hennings	Muskie
Bridges	Hickenlooper	Pastore
Brunsdale	Hill	Prouty
Bush	Holland	Proxmire
Butler	Hruska	Randolph
Byrd, W. Va.	Jackson	Robertson
Cannon	Javits	Russell
Carlson	Johnson, Tex.	Saltonstall
Carroll	Jordan	Schoeppel
Case, S. Dak.	Keating	Scott
Chavez	Kefauver	Smathers
Church	Kennedy	Smith
Clark	Kerr	Sparkman
Cooper	Kuchel	Stennis
Cotton	Lausche	Symington
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	Lusk	Williams, Del.
Engle	McClellan	Williams, N.J.
Ervin	McGee	Yarborough
Fong	McNamara	Young, N. Dak.
Frear	Magnuson	Young, Ohio
Fulbright	Mansfield	

NAYS—5

Byrd, Va.	Ellender	Talmadge
Eastland	Johnston, S.C.	

NOT VOTING—9

Capehart	Dodd	McCarthy
Case, N.J.	Goldwater	Moss
Curtis	Humphrey	O'Mahoney

So the motion of Mr. JOHNSON of Texas was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion of the Senator from Texas was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

LEAVE OF ABSENCE

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent to be absent from the sessions of the Senate from 12 o'clock tomorrow until 12 o'clock on Wednesday next.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

INVESTIGATION OF CERTAIN MATTERS BY COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar 1129, Senate Resolution 243.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A resolution (S. Res. 243) authorizing the Committee on Interstate and Foreign Commerce to investigate certain matters within its jurisdiction.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment; and was subsequently reported from the Committee on Rules and Administration with an additional amendment.

The amendment of the Committee on Interstate and Foreign Commerce was, on page 3, line 5, after the word "exceed", to insert "291,595".

The amendment of the Committee on Rules and Administration was, on page 3, after line 7, to insert a new section, as follows:

SEC. 5. S. Res. 27, agreed to March 5, 1959, authorizing the Committee on Interstate and Foreign Commerce to investigate certain matters within its jurisdiction, is amended on page 3, line 4, by striking out "$225,000" and inserting in lieu thereof "$228,000".

So as to make the resolution read:

Resolved, That the Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) interstate commerce generally;
(2) foreign commerce generally;
(3) maritime matters;
(4) interoceanic canals;
(5) transportation policy;
(6) domestic surface transportation, including pipelines;
(7) communications;
(8) Federal power matters;
(9) civil aeronautics; and
(10) fisheries and wildlife.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $291,595, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 5. S. Res. 27, agreed to March 5, 1959, authorizing the Committee on Interstate and Foreign Commerce to investigate certain matters within its jurisdiction, is amended on page 3, line 4, by striking out "$225,000" and inserting in lieu thereof "$228,000".

Mr. MAGNUSON. Mr. President, this is the usual resolution to authorize the expenditure of money for the Committee on Interstate and Foreign Commerce. The details of the budget were placed before the Committee on Rules and Administration, which committee has made a report. I ask unanimous consent to have certain excerpts from the report printed in the RECORD at this point as a part of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

The Committee on Rules and Administration, to whom was referred the resolution (S. Res. 243) authorizing the Committee on Interstate and Foreign Commerce to investigate certain matters within its jurisdiction, and providing additional funds therefor, having considered the same, report favorably thereon with an additional amendment, and recommend that the resolution as amended be agreed to by the Senate.

This resolution, as amended by the Committee on Interstate and Foreign Commerce, would authorize the expenditure of $291,595 by that committee, or any duly authorized subcommittee thereof, from February 1, 1960, through January 31, 1961, to make a complete study of any and all matters pertaining to—

(1) Interstate commerce generally;
(2) Foreign commerce generally;
(3) Maritime matters;
(4) Interoceanic canals;
(5) Transportation policy;
(6) Domestic surface transportation, including pipelines;
(7) Communications;
(8) Federal power matters;
(9) Civil aeronautics; and
(10) Fisheries and wildlife.

The additional amendment, reported by the Committee on Rules and Administration (sec. 5 added on p. 3), would authorize the Committee on Interstate and Foreign Commerce to expend not to exceed $3,000 for the same purposes and in addition to the $225,000 authorized by Senate Resolution 27, agreed to March 5, 1959. The necessity for this amendment is explained in a letter to Senator THOMAS C. HENNINGS, JR., chairman of the Committee on Rules and Administration, from Senator WARREN G. MAGNUSON, chairman of the Committee on Interstate and Foreign Commerce, which letter is as follows:

U.S. SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
February 16, 1960.

Hon. THOMAS C. HENNINGS, Jr.,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN HENNINGS: Due to unforeseen circumstances it now appears that our expenditures under Senate Resolution 27 will exceed the authorized amount.

We would appreciate it, therefore, if you would amend Senate Resolution 243, now pending in your committee, to meet this situation.

We estimate now that less than $500 will be needed. However, inasmuch as some of our members and staff were traveling during January in connection with our foreign commerce study, and their expense accounts have not been submitted, I would suggest that the limit of expenditures under Senate Resolution 27 be increased by $3,000 to meet all contingencies.

A suggested draft of an amendment to Senate Resolution 243 is attached for your consideration.

Sincerely yours,
WARREN G. MAGNUSON, *Chairman.*

The purposes of the resolution are more fully stated in a letter to Senator THOMAS C. HENNINGS, Jr., chairman of the Committee on Rules and Administration, from Senator WARREN G. MAGNUSON, chairman of the Committee on Interstate and Foreign Commerce, which letter (with accompanying budget) is as follows:

U.S. SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
January 25, 1960.

Hon. THOMAS C. HENNINGS, Jr.,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN HENNINGS: Senate Resolution 243 is now before your committee for consideration and action. This resolution would authorize the Committee on Interstate and Foreign Commerce to expend not more than $291,595 between February 1, 1960, and January 31, 1961, upon studies and investigations of any and all matters within its jurisdiction. Under Senate Resolution 27, 86th Congress, 1st session, this committee was granted $225,000, the same amount that was authorized for the 2d session of the 85th Congress (S. Res. 224, 85th Cong.). The increase of $66,595 is necessitated by our foreign commerce study, described later in this communication. During the first session of this Congress, the committee on Interstate and Foreign Commerce approved 71 of the 241 bills submitted to it, and the Senate passed 66 of them. Of these measures, 33 were signed into law by the President. The others, with the exception of one measure which is in conference, are pending in the House.

During 1959, the committee held 113 days of open hearings and 34 executive meetings; 19 major and 759 routine nominations considered and reported.

The Committee on Interstate and Foreign Commerce, in accordance with section 136 of the Legislative Reorganization Act, has the responsibility of exercising "continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee." This committee has legislative jurisdiction over a greater number of quasi-judicial agencies than has any other committee; in fact, six of these arms of Congress come under the jurisdiction of the committee. They are: The Interstate Commerce Commission, the Federal Communications Commission, the Federal Trade Commission, the Civil Aeronautics Board, the Federal Power Commission, and the Federal Maritime Board.

In addition to these quasi-judicial boards and commissions, our responsibility to legislatively oversee certain of the agencies in the executive branch of the Government is a major one. Practically all of the activities of the Department of Commerce, for example, are within the jurisdiction of this committee. To a lesser degree, this committee finds within its jurisdiction matters which are the concern of the State, Treasury, Defense, Agriculture, and Interior Departments, and the General Services Administration.

With respect to the foregoing, some examples of such jurisdiction would be international air agreements, the Coast Guard, Military Air Transport Service, Military Sea Transport Service, transportation of farm commodities, fisheries, and transportation of Government freight. The committee also shares with the Committee on Armed Services jurisdiction over the Panama Canal.

I am listing below a brief summary of anticipated activities of the committee:

MERCHANT MARINE AND FISHERIES

Enactment of permanent legislation to authorize the use of dual-rate contract systems or other exclusive patronage arrangements by common carriers in conferences, approved under section 15 of the Shipping Act, 1916, is of highest priority to U.S. vessel operators in the foreign trades. Current temporary au-

thority for continuing such existing approved contracts (Public Law 626, 85th Cong.) will expire on June 30.

Extended hearings and a prompt and thorough study of this highly complex and controversial matter is deemed essential in the interests of the shipping conferences and particularly of their member lines under U.S. registry.

Attention must be given likewise to several phases of cargo preference legislation (Public Law, 664, 83d Cong.), including the GAO ruling (temporarily in abeyance) regarding interpretation of section 901(b) of the Merchant Marine Act, 1936, as to computation of 50-percent allocation of Government aid and financed cargoes "separately for dry bulk carriers, dry cargo liners, and tankers."

Attention must be given also to the problems of the ocean bulk carriers, inasmuch as bulk cargoes—grains, ores, coal, and petroleum—now constitute two-thirds to three-fourths of our country's total export and import trade.

Only cargo preference has made it possible to maintain a minimum fleet of old, uneconomic bulk vessels. And oil import restrictions have hit the independent tanker industry hard. Owners of both types of vessels are asking assistance of one kind or another from Congress. Without an adequate U.S-flag tramp fleet, our steel and aluminum industries could suffer drastically in emergency. Suez pointed up dramatically the need for an adequate tanker fleet.

Coastal and intercoastal shipping must be given consideration also, if the pitifully small present fleets are to be preserved and strengthened. Recent Interstate Commerce Commission and court refusals to stop railroad cuts aimed at competing coastal and intercoastal shipping suggest the need for consideration of legislation to protect these vital links in our country's water transport system.

Requiring committee attention likewise are a number of urgent pieces of legislation carried over from the last session—for all of which hearings will be required. Among the more important of these questions are:

Proposed removal of the statutory 50-percent limitation on vessel construction differential payments.

Legislation to require use of licensed pilots on all vessels navigating U.S. waters of the Great Lakes.

Licensing of independent ocean freight forwarders.

Tightening of present legislation regarding subsidized vessel operators.

Proposed authorization for exchange by vessel operators of older vessels for more useful types from the reserve fleet.

Provision of authority for construction of icebreakers for use by the Coast Guard in arctic waters and Great Lakes Seaway and study of feasibility of atomic propulsion for such vessels.

The committee, aware of advances in oceanography being made by foreign governments, during the 1st session of the 86th Congress actively explored the need for an expanded and coordinated U.S. program of marine research. We believe that the United States is lagging in this scientific field, due in part to absence of a national policy, in part to lack of coordination of efforts, activities, and data by Federal agencies engaged in marine research, biology, and surveys, or in providing facilities for such undertakings.

In the Department of Commerce, the U.S. Weather Bureau, Coast and Geodetic Survey, and Maritime Commission are engaged to some degree in scientific studies of technological marine programs, while the National Bureau of Standards has perfected instruments to assist them.

In the Department of the Interior, the U.S. Fish and Wildlife Service, and the U.S. Geological Survey and Bureau of Mines have direct interests in the resources of the oceans.

The Office of Education of the Health, Education, and Welfare Department has, or should have, concern for the training of marine scientists.

The Department of the Navy is vitally concerned with the problems presented by undersea operation and protection against enemy submarines in the event of emergency, and for that reason has been the major support for basic oceanographic research projects in many private institutions.

The Atomic Energy Commission has an important role in the design and operation of nuclear-powered ships, in nuclear tests in the marine environment, in ascertaining the effects of fallout on marine life, and in determining the feasibility or risk of disposal of atomic wastes.

The National Science Foundation is directed under the Foundation Act of 1950 to develop and encourage the pursuit of a national policy for the promotion of basic research and education in the sciences, to initiate and support such research, to evaluate the research programs undertaken by Federal agencies, and to correlate its programs with those undertaken by public and private research groups.

On June 22, 1959, Senate Resolution 136, recommending long-range intensification of marine research, coordination of agency programs and cooperation with foreign nations in such research on a reciprocal basis subject to approval by the President, was introduced and referred to this committee. The resolution was reported unanimously and, on July 15, was agreed to by the Senate.

On September 11, 1959, S. 2692, cited as the "Marine Sciences and Research Act of 1959," to effectuate through legislation the objectives of the aforementioned resolution, was introduced.

This bill, which has attracted wide interest among, and much more correspondence from scientists, educators, maritime interests, and industrialists in all parts of the country, is now pending before the committee. Continued contact is being maintained by the committee with oceanographic scientists and scientific groups, Federal, State, and private, so that when hearings are held on S. 2692 the committee will have the broadest possible scientific wisdom and opinion on which to evaluate the several sections and provisions of the bill.

In Geneva, on March 17, 1960, the Law of the Sea Conference will meet to decide on two conventions: (1) The extent of the territorial sea, and (2) the extent of the zone contiguous to the territorial sea reserved for the exclusive fishing rights of the coastal nation concerned. These decisions could have very serious consequences to our merchant marine and fisherics.

With respect to fisheries and wildlife, we will consider legislation on research and studies on insecticides, the establishment of an arctic wildlife range, the Bristol Bay salmon fisheries, bounties on fish predators, fish passage facilities over river dams, and many and varied problems pertaining to game fish, commercial fisheries, and wild fowl and wild animal life.

Certain segments of our fishing industry are in a depressed condition and this committee has under consideration legislation providing a program of assistance to correct existing inequities in vessel construction and to enable them to regain a favorable economic status.

During the last year we have seen an alien fishing fleet move into waters adjacent to Alaska. We have under consideration legislation to improve and modernize our fishing industry in order to meet our foreign competition. We must not lose our fishing resources to other nations.

Sport fishing and hunting are rapidly growing in popularity and it is apparent that they will continue to grow during the foreseeable future. Estimates are that the American public will spend 465 million man-days fishing and 180 million man-days hunting this year. This represents an increase of almost 500 percent since 1950. We will have before us legislation to promote effectual planning, development, maintenance, and coordination of this natural resource.

COMMUNICATIONS

We have, and are continuing to hold, extensive hearings on the many problems presented to us by the communications industry. A special ad hoc committee of outstanding experts appointed by this committee to study the allocation of TV channels has reported and hearings will start on this problem next month. Our aim in this respect is to provide for a nationwide competitive television service. To date, the Federal Communications Commission has failed to develop a specific policy that would assure such a service. The Commission has indicated there are five courses open to it, namely:

1. A 50-channel VHF system, retaining the present 12 VHF channels;

2. A contiguous 50-channel VHF system, retaining the present VHF channels 7 to 12, and withdrawing from television use channels 2 to 6;

3. A contiguous 25-channel VHF system, retaining channels 7 to 13;

4. The present 82-channel VHF–UHF system; and

5. A 70-channel all-UHF system.

* * * * *

We anticipate additional hearings on legislation concerning communications common carriers in the domestic and international fields. Over 17 years ago, Congress issued a mandate requiring Western Union to divest itself of its international operations. For a variety of reasons, this company is still unable to accomplish this divestiture and legislation may be necessary. We have before us legislation that would permit the merger of international telegraph carriers.

We are deeply concerned with the problems confronting educational television. We reported legislation on this subject (S. 12) last year, and the bill is now pending in the House. New developments in this field will, we are sure, necessitate additional hearings.

Extensive hearings were held by the committee on the community antenna and booster problems. The so-called booster bill, S. 1886, passed the Senate and is presently pending in the House Interstate and Foreign Commerce Committee. The so-called community antenna bill, S. 2653, was reported favorably by the committee and is pending on the Senate Calendar. Further hearings were held on this entire subject during the adjournment period. This is an extremely controversial subject and will take up a great deal of the time of the committee.

AVIATION

This year marks the first full year of operation of the newly established Federal Aviation Agency which was created by the Federal Aviation Act of 1958. The committee has already initiated hearings designed to review various phases of the discharge of some of the important responsibilities imposed on that Agency as well as the Civil Aeronautics Board, the Weather Bureau, and the Department of Defense under the provisions of the act.

The committee proposes to take a look at the functioning of the Federal Aviation Agency to determine whether new amendments to the act are needed in order to improve the fair and efficient exercising of the manifold administrative duties imposed upon it.

For purposes of intelligent review, the committee has divided the general aviation subject matters into the following categories. They are: (1) Aviation safety; (2) air traffic control; (3) air space management; (4) pilot qualification and certification; and (5) military participation in the Federal Aviation Agency.

Some idea of the vital importance of safety in commercial air transportation may be gleaned from the fact that in 1959 airline passengers totaled a new high of almost 58 million and passenger-miles reached a total of over 37½ billion miles. The committee has been deeply concerned with the mounting toll of civil aircraft accidents during 1959 and for that reason is desirous of determining just what legislative aid and assistance can be given in order to minimize air transportation hazards.

* * * * *

SURFACE TRANSPORTATION

The committee has under consideration, and has set the date for, hearings on legislation involving railroad safety. We are faced with transportation problems in our two new States, and field hearings have been held in both of them. Legislation to provide joint regulation of through and joint rates for transportation between Alaska, Hawaii, and the other States, together with the incorporation and regulation of the Alaska Railroad, are among the measures that must be acted upon.

Authority of the regulatory agencies to suspend and investigate rates filed with them, regulation of the movement of trucks or trailers on railroad flatcars, the freight car supply, and the discontinuance of passenger trains and its effect on commuter service must be looked into. A change in the Department of Defense policy re the transportation of household goods has created almost an uproar among the carriers affected and the effect of this change must be analyzed. Amendments to make motor carriers subject to part II of the Interstate Commerce Act liable for payment of damages is of wide interest to the industry.

These are the highlights. Further, among many other problems, we must also study and evaluate the results of the Department of Commerce transportation study, which is expected to be made public shortly.

FOREIGN COMMERCE

In July 1959 the committee initiated a staff study of the foreign commerce of the United States, designed to illuminate problems of international trade resulting from a radical alteration of world economic relationships in recent years.

This study was undertaken pursuant to Senate Resolution 27 (86th Cong., 1st sess.) and in accordance with the committee's responsibility for matters affecting foreign commerce generally. It is concerned primarily with the problem of maintaining, and possibly of expanding, world markets for American exports at a time when competition from other free world industrial nations is already intense and the potential of a major trade offensive by the Soviet Union is building up.

Considering the function of an expanded export trade in helping to redress the current unfavorable balance of payments, and in offering constantly wider outlets for our growing domestic economy, this has become a matter of exceptional importance. The committee believes that the search for new ways and means of assuring the United States of its fair share of world markets should be pressed, and that the present study will contribute to greater understanding of the complex problems involved.

In addition to the staff assembled for this study, the committee has enlisted the voluntary assistance of an advisory committee composed of 31 outstanding American industrial leaders and economists and a panel of consultants composed of business leaders in local communities in various sections of the country. Further, members of the committee have visited 19 countries of Asia and Africa, and 6 in Western Europe. Trade problems were discussed with local officials, diplomatic officers of the United States, and foreign representatives of our business concerns. Similar inquiries are now underway in Latin America. A member of the advisory committee has also undertaken certain inquiries relating to the study in various countries of Latin America.

The committee intends to obtain the experienced views of U.S. businessmen, industrial leaders, and economists on a number of questions pertinent to the aims of the study, including specific measures which might be taken to encourage or facilitate a greater volume of U.S. exports throughout the world. To this end, hearings will be scheduled tentatively in 1960.

The committee, of necessity, increased its staff for this study, and as mentioned earlier in this letter, this is the reason for the increase in our request for funds this year. We, of course, feel it is more than justified. For the first time in many years, the United States has an unfavorable trade balance, a situation that must not only be corrected, but one that must be analyzed and understood so that our national planning for the future will be in the right direction.

There are many additional problems such as legislation to amend the Federal Power Act and the Natural Gas Act. During the recess, we held field hearings with respect to some of the power problems. More will be necessary.

This committee, as you know, held a long series of hearings concerning our Nation's textile industry. As a result of the report that we issued, committees were formed in the executive branch of our Government, and we intend to have them report the results of their efforts to date.

We actively studied the problems of the automobile industry and favorably reported legislation, which became law, that required disclosure of certain price information to the consumer. We must now review the results of this act to make sure it is accomplishing its purpose. In addition, there is other legislation before us that will affect this industry. Additional hearings will be necessary.

The workload of the Interstate and Foreign Commerce Committee is determined by our plans as outlined above, together with whatever additional legislation is referred to us by the Senate. In view of our wide jurisdiction and the volume of work it covers, we believe you will agree with the unanimous views of our committee that this request is reasonable.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.

Mr. MAGNUSON. Testimony was given before the Committee on Rules and Administration. The budget was unanimously agreed to by all members of the committee on both sides of the aisle.

I shall place in the RECORD a statement showing the varied activities of the committee, which, as Senators know, is one of the busiest committees of the Senate. The amount to operate the committee is approximately the same as it was last year, with the exception of $66,595, which is the budget figure to complete the study on transportation which the committee was directed by the Senate to make. It was directed to make an overall study, and inquire into the whole field of transportation, and make a report to the Senate.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ELLENDER. Will the $66,595 additional which the Senator is requesting complete these transportation studies?

Mr. MAGNUSON. So far as I know, it will. As a matter of fact, the resolution involves the reappropriation of some $70,000, which was not expended under the Senate resolution last session, because the study did not get started. The Senate appropriated some $270,000, and $70,000 was not expended. This is merely a reappropriation. I insisted, as did the Senator from Florida [Mr. SMATHERS], the chairman of the Subcommittee on Transportation, that the study be completed within the total amount the Senate allowed originally.

Mr. ELLENDER. And it is expected that that will be done?

Mr. MAGNUSON. It is expected that that will be done.

Mr. ELLENDER. I notice an increase of $3,000 in the regular appropriation for this year. Why was that necessary?

Mr. MAGNUSON. What item is that?

Mr. ELLENDER. It is in the last paragraph of the resolution.

Mr. MAGNUSON. The $3,000 was to take care of the time between the first of February and now. We had no idea of what some of the regular normal minor expenses might be, such as services, telephone calls, a very small amount of travel, and so forth.

Mr. ELLENDER. Why is not the total amount reduced that much? Of course, the sum involved is relatively small, but in order to give to the committee the same amount it had last year, it strikes me that the sum of $225,000 should be ample.

Mr. MAGNUSON. The clerk of the committee had suggested that the $3,000 be placed in a separate resolution, because it was to take care of some expenses which were not included at the time we appeared before the Committee on Rules and Administration. Certain expenses had been incurred that were not included. This was for last year. We had already agreed to turn some back. I am advised that the amount will not be more than $2,400 or $2,600. But we had no way of knowing how much was required.

Mr. ELLENDER. In any event, the Senator gives us his assurance that the sum to be spent will be about the same as was spent last year.

Mr. MAGNUSON. The Senator is correct.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an outline of the report on Senate Resolution 243.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

OUTLINE OF REPORT ON SENATE RESOLUTION 243

Amount is $291,595, an increase of $66,595 over last year.

There were 241 bills and resolutions (compared to 199 in 1st sess., 85th Cong.) submitted to the committee; 71 were approved (compared to 54 in 1st sess., 85th Cong.); 66 passed by Senate (compared to 52 in 1st sess., 85th Cong.); 33 became law (compared to 30 in 1st sess., 85th Cong.); 778 nominations considered (compared to 520 in 1st sess., 85th Cong.); 113 days of open hearings, 34 executive meetings, 445 witnesses were heard.

MERCHANT MARINE AND FISHERIES

Dual rates: Current authority expires June 30.
Cargo preference: 50–50, etc.
Ocean bulk carriers: Need assistance.
Coastal-intercoastal: ICC and courts on rates have refused to stop railroad rate cuts.
Fifty percent limitation on construction differential.
Pilots on Great Lakes and the seaway.
Independent freight forwarders: Licensing of.
Subsidized operators: Tighten existing law.
Trade into reserve fleet of older vessels.
Icebreakers: Construction of.
Oceanography: United States is lagging.
Law of the Sea Conference: Geneva, in March.
Insecticides: Effect on wildlife.
Arctic Wildlife Range.
Bristol Bay Fisheries.
Fish Predators: Bounties on.
Fish ladders, etc, dams.
Fishing vessels: Construction of.

COMMUNICATIONS

Allocations of TV channels.
Subscription TV.
Network practices.
International common carriers.
Educational TV.
Community antenna and boosters.

AVIATION

FAA Act: Review of.
Cargo aircraft: Guaranteed loans for.

SURFACE TRANSPORTATION

Railroad safety hearings.
Joint and through rates, Alaska and Hawaii.
Alaska Railroad: Regulation of.
Freight car supply.
Household goods: Movement of by DOD.

FOREIGN COMMERCE

Staff assembled, hearings this year.

GENERAL

Federal Power Act and Natural Gas Act amendments.
Textile industry: Review of Executive action.
Automobile marketing: Review of existing law.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Committee on Interstate and Foreign Commerce.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on agreeing to the amendment of the Committee on Rules and Administration.

The amendment was agreed to.

Mr. ELLENDER. Mr. President, in connection with the remarks I made a moment ago, I ask unanimous consent that the budget of the committee, as incorporated in the report, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Budget of the Committee on Interstate and Foreign Commerce to investigate certain matters under its jurisdiction, pursuant to S. Res. 243, for the period of Feb. 1, 1960, through Jan. 31, 1961

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
STAFF					
	3	$8,000	$14,979.45	$1,248.28	$44,938.35
	2	6,180	12,004.02	1,000.33	24,008.04
Professional staff members in following general fields:	[1] 1	6,180	12,004.02	1,000.33	12,004.02
Aviation, fisheries and wildlife, merchant marine	3	6,000	11,709.76	975.81	35,129.28
and Coast Guard, foreign commerce, MATS–	1	5,520	10,925.02	910.41	10,925.02
MSTS study, auto-marketing practices, general	1	5,280	10,532.66	877.72	10,532.66
transportation, television inquiry, and communica-	1	4,980	10,005.82	833.81	10,005.82
tions	1	4,560	9,247.09	770.59	9,247.09
	1	4,680	9,466.33	788.86	9,466.33
	1	4,200	8,568.87	714.07	8,568.87
	1	3,120	6,534.19	544.51	6,534.19
	1	2,880	6,082.04	506.83	6,082.04
	1	4,200	8,568.87	714.07	8,568.87
	2	2,940	6,195.07	516.25	12,390.14
	1	2,580	5,516.84	459.73	5,516.84
Clerical staff: Clerical assistants and stenographers	2	2,460	5,290.76	440.89	10,581.52
	1	2,220	4,838.60	403.21	4,838.60
	3	2,040	4,499.50	374.95	13,498.50
	1	1,860	4,160.38	346.69	4,160.38
Total	28				246,996.56
ADMINISTRATIVE					
Contribution to civil service retirement fund (6½ percent of total salaries)					16,054.78
Contribution to employees health benefit programs (Public Law 86-382, effective July 1, 1960)					810.00
Travel (inclusive of field investigations)					15,000.00
Hearings (inclusive of reporters' fees)					4,500.00
Stationery, office supplies					300.00
Communications (telephone, telegraph, postage)					3,000.00
Newspapers, magazines, documents					200.00
Contingent fund					4,733.66
Total					44,598.44
Grand total, S. Res. 243					291,595.00

[1] Part-time consultants, 1 man-year.
Fund requested, S. Res. 243, $291,595.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

Mr. MAGNUSON. Mr. President, I move that the Senate reconsider the vote by which the resolution was adopted.

Mr. JOHNSON of Texas. Mr. President, I move to table that motion.

The motion to table was agreed to.

ESTATE OF SINCLAIR G. STANLEY—CONFERENCE REPORT

Mr. CARROLL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) for the relief of the estate of Sinclair G. Stanley. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of March 17, 1960, p. 5894, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. CARROLL. Mr. President, the House amended the Senate-passed bill by deleting the provision for the payment of simple interest at the rate of 3 percent per annum from November 1, 1946. The Senate disagreed to the amendment and requested a conference. The conference report is now before the Senate, which would provide that the Senate recede from its disagreement to the amendment of the House, and agree to the same. The conferees on the part of the Senate recommend that the Senate concur in the amendment of the House.

Therefore, I ask that the Senate agree to the conference report.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

STUDY OF TRANSPORTATION POLICIES IN THE UNITED STATES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1130, Senate Resolution 244.

The ACTING PRESIDENT pro tempore. The resolution will be stated for the information of the Senate.

The CHIEF CLERK. A resolution (S. Res. 244) providing for a study of transportation policies in the United States.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the resolution, which was reported from the Committee on Interstate and Foreign Commerce with an amendment, and subsequently reported from the Committee on Rules and Administration without additional amendment.

The amendment of the Committee on Interstate and Foreign Commerce was, on page 4, line 5, after the word "exceed," to insert "$194,100," so as to make the resolution read:

Resolved, That the Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) the need for regulation of transportation under present-day conditions and, if there is need for regulation, the type and character of that regulation;

(2) the area of Federal policy dealing with Government assistance provided the various forms of transportation and the desirability of a system of user charges to be assessed against those using such facilities;

(3) the subject of the ownership of one form of transportation by another;

(4) Federal policy on the subject of consolidations and mergers in the transportation industry;

(5) policy considerations for the kind and amount of railroad passenger service necessary to serve the public and provide for the national defense;

(6) the problems arising from action by the Interstate Commerce Commission in permitting the charge of more for a short than a long transportation haul over the same line in the same direction;

(7) the adequacy of transportation service to and from rural communities in the United States, and the effects of the curtailment of such service in recent years upon the economy of such communities and of the Nation as a whole and upon the national defense and security; and

(8) additional matters of Federal regulation (and exemption therefrom) and Federal promotional policy in regard to the various forms of transportation.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $194,100, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

LEASING OF A PORTION OF FORT CROWDER, MO., TO STELLA REORGANIZED SCHOOLS R–I, MISSOURI, FOR SCHOOL PURPOSES

Mr. RUSSELL. Mr. President, the action of the Senate, in proceeding to consider the resolution which has just been passed, sent back to the calendar H.R. 8315, a bill to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Since about 1 o'clock on February 15, which was several weeks ago, every waking hour of the Senator from Georgia has been directed to the consideration of vast numbers of amendments and other proposals which related to that bill, affecting the Stella Reorganized Schools.

I hope I shall be able to adjust myself to the condition which now obtains, as we are proceeding to consider other matters.

I am reconciled to the fact that probably next week we will be confronted with H.R. 8601, which is entitled "An act to enforce constitutional rights, and for other purposes."

I rather apprehend that that title is almost as misleading as that of the bill which had to do with the Stella Reorganized Schools. However, I will endeavor to familiarize myself with that bill and with that title, and be prepared to meet the amendments which might be proposed.

However, after having lived for over 6 weeks with the Stella school bill I thought it appropriate to bid it a fond adieu.

RED POISON WITH OUR SUGAR

Mr. BRIDGES. Mr. President, some weeks ago, Radio Mambi, a Cuban broadcasting station urged Americans to rise in revolt against our Government. Radio Mambi, which obviously first cleared with Castro, was careful to point out that its call for revolution in the United States did not necessarily imply armed insurrection a la Castro. Americans, we are advised, have other means of fighting "against the monopolies, against large companies, and the nefarious interventionist and colonial policies of their leaders." One of the reasons why Americans may not want to try armed insurrection, according to this Cuban station, is that "there are people who are capable of hurling atomic bombs against those who rebel." Radio Mambi then assures American listeners that there are other and better means of getting rid of our leaders.

The so-called "silly season" in the newspaper field usually runs for a few weeks in July or August when big news breaks may be scarce. Radio Mambi, undoubtedly echoing Castro's thoughts, seems to have extended it to run all the year around. Ignoring for the moment the blatant impertinence of a foreign country's attempting to incite revolution in the United States, I do want to point out to this body that even the professional Communists dropped open advocacy of revolution, at least in this country, 25 years ago. American Communists dutifully and quickly followed the 1935 directives of the seventh world congress of the Comintern in Moscow to tone down and disguise their calls for revolution in this country.

So, we have the incredible spectacle of a responsible Cuban radio station broadcasting demands for a revolution in the United States 25 years after Union Square soapbox agitators had quietly dropped such political incendiarism.

Many influential Americans, including, I suspect, not a few top policymakers in the State Department, have made a serious mistake in attempting to evaluate the Castro revolution and its future course of action. Because it occurred in a Latin American country, they make the mistake of assuming that Castro and his barbudos were merely another set of military adventurers seizing power by force of arms. This has been a not entirely uncommon phenomenon in some countries to the south of us; that all we can do is sit back and wait. The same forces and conditions which brought Castro to power will in good time sweep him and his bearded cutthroats off the stage of history. This is most dangerous, wishful thinking.

The Castro revolution is a Communist revolution and Communists, once they have seized power, know how to dig in and consolidate their iron grip on a country. Let me recall the fatal misdiagnosis which all the so-called experts and authorities made in 1917–19 with respect to the armed seizure of power in two Russian cities by a few thousand obscure Bolsheviks led by two totally unknown Russian agitators named Lenin and Trotsky. These newspaper pundits and alleged experts assured us over and over again that the Bolsheviks would soon be toppled from power by the good common sense of the vast majority of Russians and that their expropriations and excesses would soon reduce Russia to anarchy and economic chaos.

But the Bolsheviks were not toppled from power by the freedom-hungry masses of Russia. Economic chaos did not weaken the grip of the Soviets. Millions died as the result of famines, planned as well as those resulting naturally from Communist inability to organize the economy of their vast empire. Mass terror and mass executions and purges by the secret police, costing hundreds of thousands of lives, clamped on a still tighter dictatorship. In less than 40 years, a few thousand irresponsible Bolsheviks having no popular support whatever have grown into a world Communist empire of some 30 million party members and holding in absolute slavery one-third of all of mankind. So much for the "let's wait and see what happens—these fools cannot last" philosophy.

Castro is no transient or accidental phenomenon. It should have been obvious to a child that a military adventure cannot land on an island like Cuba with 18 or 20 followers and march to power in less than 2 years without powerful outside assistance, protection, and coaching. Castro himself probably did not have Communist guerrilla war-

fare training. It soon became obvious, however, from his tactics that Alberto Bayo, Ernesto Guevara, and others advising him were graduates of Soviet guerrilla warfare schools.

There seems to be a widespread misconception in this country, fostered largely by a section of the press uninformed on Communist techniques of guerrilla warfare, that Castro triumphed because he had a majority of the Cuban people secretly supporting him. Or at least were passively and secretly opposed to the Batista regime. There is no question that the Batista dictatorship was unpopular with many Cubans—what dictatorship is ever popular? But, if Castro was so sure that the overwhelming majority of the Cuban population was solidly behind him, why did he announce on his arrival in Havana that there would be no free elections for at least several years?

Castro won because of a combination of favorable factors: our embargo on arms to the Batista government while Castro was amply supplied by vast logistic support from Communist and other sources. The Batista forces were unable to cope with guerrilla warfare—General Braddock's mistake. Castro had the tactical advantage of mobility and the freedom to strike at one or more selected points, while the regular army and police units were scattered to protect communication, military positions, and property important to the island's economy. Basically, Castro's destruction of sugar crops and other basic products undermined and gradually weakened Cuba's economy. There also must have been considerable disintegration of army morale by skilled infiltrators having Communist training. At least, there seems to be some evidence of considerable diffidence on the part of Batista's troops to wipe out the Castro guerrillas when they represented a negligible threat.

Castro's background and history have been documented in the public press and in congressional committee hearings and reports. For the sake of ready reference, a brief biographical summary is appended at the conclusion of these remarks. To me, the question as to whether or not Fidel Castro is a Communist in the narrow legalistic sense that he carries a Communist Party card or has formally placed himself under secret Communist control is entirely a waste of time. His speeches and his record leave little doubt as to where his true sympathies lie as between the Communist empire and the free world.

A Detroit labor leader once achieved brief fame by cheerfully admitting, when challenged by a man whom he had called a Communist:

> I don't know whether you are a commy or not, but when I see a bird that waddles like a duck, swims around with ducks, looks like a duck, and quacks like a duck, I am going to assume he is a duck.

Castro and his bully boys look like Red ducks, they waddle like ducks, they swim around with Communist ducks, and they quack like Red ducks.

Former close associates who fought with Castro against Batista, responsible and patriotic Cubans who first welcomed his liberation movement, American experts of Cuban affairs, and intelligence officers are in agreement that Castro is carrying out Soviet directives for Cuba. Castro and his associates and apologists in this country naturally deny this. In some Latin American countries, to be anti-American does not necessarily imply pro-Soviet leanings.

The surest test as to whether an individual or a government is secretly pro-Communist is to ascertain what official Soviet sources themselves say about the individual or regime in question. In brief, What is the record? I have had a rather extensive review made of 52 issues of the Communist Worker since Castro came to power last year; the monthly Communist magazine, Political Affairs; Soviet broadcasts during the past year; and a number of top international Communist journals which direct and guide Communist action all over the world.

It has long been a boast of the sinister Soviet Secret Police, "We never make a mistake." Unlike free men who often make mistakes in judgment with respect to potential enemies and real friends, the Communists never praise or support an enemy, and they seldom fail to acclaim or support a secret ally, stooge, or fellow traveler. Communists go to extraordinary espionage lengths in gathering and filing confidential information on non-Communist leaders all over the world. Depending on voluminous dossiers gathered by Communist spies all over the world, it is easy to understand why cynical Soviet leaders generally know exactly whom they are dealing with, be he Hindu, African, American, or Cuban.

Utter cynics and cold-blooded realists who pride themselves on being totally free of all bourgeois delusions, wishful thinking, and idealistic nonsense, Communists since Lenin's time have always been trained never to trust anyone except bona fide Communist Party members. While Communists use reformists, pacifists, religious figures, and all sorts of idealistic people, the record is plain that they never trust any of them. There is abundant evidence in official Communist sources that they do trust Fidel Castro, the new dictator of Cuba.

WHAT THE COMMUNIST PRESS SAYS ABOUT CASTRO

The Worker, which now appears only once a week in tabloid form, devoted the better part of the front page in several issues lauding Castro's seizure of power last year. It published in full the manifesto issued December 18, 1958, by the Popular Socialist Party, the cover name for the Cuban Communist Party. This manifesto wholeheartedly and unreservedly supported Castro. On January 3, 1959, the Communist Party of the United States issued its own formal statement expressing its "ardent solidarity with the freedom fighters of Cuba." Note how quick the Communists have been to take over and convert to their own use a term coined during the Hungarian uprising against communism.

The entire front page of the Worker for January 18, 1959, was devoted to a report by Joseph North, one of its correspondents sent post haste to Havana. North, who has been identified in sworn testimony before a Senate subcommittee as having been a recruiter of Soviet spies, bubbled over with enthusiasm for the new Castro regime before Castro had made any formal announcement of his future policies.

Shortly after the North series of articles on Castro, the national executive committee of the Communist Party, U.S.A., issued a "hands off Cuba" statement unreservedly supporting Castro. Again I repeat: Communists never give 100-percent support to any newly formed non-Communist government if they have the slightest doubts as to the dependability of its leadership. They always leave a loophole or a qualifying hedge in the event of a turn away from communism.

Throughout 1959 the Worker never failed to defend and eulogize Castro and his regime. Even the most casual and perfunctory reading of the Worker leaves no doubt whatever that Fidel Castro is the darling of the Soviet's fifth column in the United States. Only Khrushchev's visit last October temporarily eclipsed Cuban coverage in the Worker. I stated frankly and publicly that I regarded it as a grave mistake to wine and dine Castro when he came to New York last April. The Worker ordered a mass turnout of the party faithful to give the new Cuban dictator a rousing welcome. So much for the Worker.

Let us now briefly examine a more important Communist publication, Political Affairs, which once a month briefs Communist intellectuals and secret party sympathizers on the more important issues, domestic and international, as Moscow wants them viewed and handled. Political Affairs is cited as an "official Communist Party monthly theoretical organ" in the House Committee on Un-American Activities' "Guide to Subversive Organizations and Publications," published in 1957.

The October, 1959, issue of Political Affairs contained an article by the national committee of the Cuban Communist Party, "Marxism and the Cuban Revolution," which is highly revealing in line with my discussion today. The article rejects the thesis that Castro's revolution was something "unique and exceptional" and that it "contradicts the materialist conception of history and the basic thesis of Marxism." The Cuban Communist Party then stated:

> Neither the Cuban revolution in its totality nor the peculiarities of its development contradict or deny the principles of Marxism-Leninism nor the materialist conception of history, although it may have, like every important revolution, new lessons and peculiarities which must be examined, generalized and assimilated by all Marxist-Leninists and all revolutionaries.

There is not a word in this formal statement of the Cuban Communist Party to indicate that it had any doubts as to the Marxist basis and impelling force behind Castro's revolution. There is not a word of doubt or criticism of Castro to be found in the article.

New Times, published in Moscow in English and nine other languages, is a weekly devoted largely to Soviet interpretation of foreign affairs for foreign

Communists and fellow travelers. As far back as October, 1958, New Times tipped off world Communists that Moscow had placed its OK on Castro and his handful of insurrectionaries then holed up in the Sierra Maestra mountains. A long article, "Cuba in Flames," by M. Kremnyov, reviewed the Cuban situation, attacked American "imperialism" as the main cause of Cuba's difficulties, and wound up by giving Castro a nice pat on the head, even though at that time he appeared to the Communists to "have no clear cut political program."

The first issue of New Times for 1959, obviously written in Moscow before the collapse of the Batista government, had this to say about Castro:

> The uprising led by Castro has come to be known as the July 26 revolutionary movement. It has become a mass movement, largely due to the activities of the Popular Socialist Party, which has called upon the people to "support the rising with every ounce of strength, intensify the struggle, spread the mass movement against the dictatorship in city and countryside, combine armed struggle with economic and political struggle and make unity, the united front the watchword."
>
> Supported by the Popular Socialist Party, the partisan movement has grown into a mass liberation movement against the terroristic dictatorship of Batista and the American monopolies that keep him in power.

Castro did not see fit to repudiate this Communist claim of having made him. Moscow and Peiping radio stations broadcasting around the clock in many languages to all parts of the world have never criticized Castro. Nor have they ever indicated that the masters of world communism had the slightest doubts as to where he stood in the cold war between East and West. On the contrary, Communist praise and endorsement of Castro during his first year in power have been unrestrained and without qualifying hedges or reservations as is invariably the case with democratic-nationalist movements and leaders about whom the Communists have the slightest doubts.

To sum up then, a review of world Communist propaganda for the past 2 years, both by radio and printed word, on Castro and Cuba, shows one unbroken pattern of wholehearted support and endorsement. I repeat, Communists never attack their friends or praise their enemies.

THE LITMUS PAPER TEST

There is another scientific test which can be applied to the Castro regime, to determine whether it is, in fact, crypto-Communist. This is to examine the historical step-by-step development of Soviet Russia and Communist China during, say, their first 5 years of power. These characteristic stigmata of Communist takeover and consolidation of total power are:

First. Seizure of absolute state power and the concentration of all power in the hands of a single political party, a Communist oligarchy, an absolute dictatorship.

Second. Abolition of all free elections.

Third. Abolition of all established courts of law, and their replacement by revolutionary tribunals or people's courts of justice.

Fourth. Creation of an omnipresent, all-powerful secret police to defend the revolution and to ferret out counter-revolutionaries.

Fifth. Merciless physical extermination, or imprisonment for long terms, of all known anti-Communists and others with knowledge of the Communist conspiracy.

Sixth. Immediate destruction of all files and criminal records of Communists and their secret allies and supporters.

Seventh. Creation of a vast, all-pervasive network of secret and unpaid informers, reaching into every strata and corner of society.

Eighth. Gradual elimination by slander, economic harassment, and other means of terror of all potential opposition leadership—Rakosi's salami treatment, as applied to the non-Communist parties of Hungary.

Ninth. Concentration camps for the political reeducation of so-called reactionary elements.

Tenth. Progressive suppression of all basic rights—free speech, free assemblage, freedom of thought, and so forth.

Eleventh. Censorship, gradual curtailment, and finally suppression of a free press, again using Rakosi's infamous salami plan.

Twelfth. Institution of total terror as a deterrent to any and all forms of opposition or even protest.

Thirteenth. Sealing the borders to prevent the flight of those seeking freedom abroad.

Fourteenth. Creation of a "workers' militia," while the regular armed forces are purged of all "doubtful elements and counterrevolutionary influences."

Fifteenth. Institution of a propaganda technique characterized by a virulence and falsity uncommon in the non-Communist world. This "two minutes hate" technique, made famous in George Orwell's book, 1984, is designed to concentrate hatred against the country or person deemed by the Communists to be their chief enemy.

Sixteenth. All previous school textbooks and histories are destroyed, or completely rewritten to idolize present leaders and to blacken and defame all non-Communists and anti-Communists.

Seventeenth. The creation of an all-wise, all-loving leader cult—based on Lenin, Stalin, Mao Tse Tung—as part of a new mythology.

Eighteenth. "Newspeak" is introduced, and accepted terminology and semantics are turned upside down; black becomes white, peace becomes aggression, and aggression becomes peace.

Nineteenth. Free labor unions are abolished or are gradually subverted into organs of repression by the state, by having Communists take over all positions of control.

Twentieth. As soon as the revolution is successful, it immediately attempts to spread to neighboring countries, meanwhile publicly protesting that it is purely "nationalistic" and "not for export."

Twenty-first. Gradual suppression of all forms of religion, moving as fast as resistance and other factors can be overcome.

Soviet Russia and Red China took every one of these 21 characteristic steps to power during their first 5 years of existence. With the exceptions of property and religion, Fidel Castro and "Che" Guevara, the apparent Rasputin of his regime, have made substantial progress along at least 20 of these typical Communist steps to total power. Applying this scientific litmus paper test to Castro's regime and pronouncements, can anyone have any lingering doubts as to whether or not it is de facto Communist?

After 40 years, the Soviets still have not succeeded in extirpating religion in the U.S.S.R. The Chinese Reds have made considerable progress in their avowed objective of destroying Christianity in that unhappy country. Stubborn religious faith has caused them to be more careful with respect to the Moslems and Buddhists. Inasmuch as Cuba is overwhelmingly and devoutly Catholic, Castro's atheists naturally have had to go very slowly in any open attacks on religion.

I am reliably informed a move is already afoot to drive the Jesuits out of Cuba, as the first covert move against the Catholic Church. So, while the sickle and hammer may not yet be flying over Cuba, an objective study of Castro's pronouncements and official acts can leave little doubt that he has already started to move against the Catholic Church as a serious stumbling block to total power. Catholic priests are already fleeing Cuba in fear of their lives; and their testimony before the Senate Internal Security Subcommittee in executive session will be highly revealing, when that committee decides to release it.

A former close associate of Castro, Maj. Pedro Diaz Lanz, appeared last year before the Senate Internal Security Subcommittee. He had been Castro's air force chief, and had flown in arms shipments from Florida and Costa Rica to Castro, then in the Sierra Maestra mountains. With every apparent indication of sincerity and of telling the truth, Major Diaz swore that Castro had told him in a private conversation, "I am going to introduce in Cuba a system like the Russians had; even better than the Russian system."

Major Diaz also testified that a number of Castro's closest associates, including his brother Raul, were all Communists, and that the whole Castro regime was infested with known Communists. He further testified that Communists had been placed in charge of special political indoctrination schools in the Cuban Army. It was also Major Diaz's belief that Castro was converting Cuba into a Communist base in the Caribbean.

It may be argued that Major Diaz, while once a close fighting "buddy" of Castro, is today a disillusioned and, hence, a disgruntled individual. Let me then quote briefly from the recent testimony of Gen. C. P. Cabell, Deputy Director of the Central Intelligence Agency. The findings and conclusions

of CIA are in close agreement with those of Major Diaz and other patriotic Cubans who, because of the Castro terror, have been forced to flee their homeland. General Cabell said:

We know that the Communists were concerned when, at the time of his trip to the United States, he showed evidence of a friendly attitude toward the United States.

We know also that it has been the assigned task of the Cuban Communist Party to prevent Castro's revolution from going to the right, that is, from establishing friendly relations with the United States, or ending its tolerance of Communist activities.

Our conclusion, therefore, is that Fidel Castro is not a Communist; however, he certainly is not anti-Communist. His extreme policies, including confiscation of private property, lead him to take positions and make statements such as his violent anti-U.S. outbursts which are extremely useful to international communism and are being exploited by the Communists to the maximum extent.

He has delegated authority in key areas to persons known to be pro-Communists or who are susceptible to exploitation by Communists.

In turn, he appears to be increasingly susceptible to Communist propaganda, which is designed to exploit "evidence" that the United States is an enemy, to discredit charges of Communist influence in Cuba and witch hunting—or as they call it, maccartismo—and to glorify the Cuban revolution, and particularly the agrarian reform, as a pattern for the "liberation" of the masses in other Latin American countries.

It is questionable whether the Communists desire to recruit Castro into the Communist Party, that they could do so if they wished, or that he would be susceptible to Communist discipline if he joined. As I say, that is subject to question.

RED CHINA IN THE CARIBBEAN

General Cabell testified at some length on Red China's suddenly increased interest in Cuba since Castro came to power. There has been a marked increase in pro-Red Chinese activity among Cuba's 40,000 Chinese. A large number of alleged "journalists" arrived in Havana from Communist China almost as soon as Batista had departed. They were warmly welcomed by Raul Castro, who assured them that "there are many things in common between Cuba and China." Castro asked the Chinese journalists to convey his gratitude to the Chinese people and the Red Chinese Liberation Army "for their great sympathy and support of the Cuban Revolution." Over 50,000 American boys gave their lives in Korea, while fighting the people's liberation army.

The CIA spokesman concluded his testimony by saying:

It is an integral part of every Communist program in Latin America to oust U.S. interest from every mine and every petroleum company in Latin America.

General Cabell also added that this "chase out the Americans" agitation included the Panama Canal and our naval base at Guantanamo Bay.

On January 26, President Eisenhower issued a statement on our policy with respect to Cuba. Ambassador Bonsal had been recalled from Havana, to brief the Secretary of State on the current state of affairs in the island republic to the south of us. There did not seem to be much point in maintaining an ambassador at Havana, when, on at least two occasions, it took from 5 to 6 weeks for him to receive the courtesy of an audience with the new Cuban dictator.

The President of the United States expressed his deep concern over deteriorating relations between the two countries. Mr. Eisenhower was perplexed by the unwarranted attacks and abuse continuously hurled at this country by Castro and his spokesmen. The President stated that the United States had nothing but sympathy with, and understanding of, the ideals and aspirations of the Cuban people.

The entire statement was conciliatory and friendly. Many Americans, including perhaps a few members of the President's own party, felt that it was far too mollifying in tone. In this case, a soft answer did not turn away wrath. Castro toned down his diatribes for a few days, and some radio stations and newspapers followed suit, so far as the more virulent type of hate-America propaganda was concerned. However, confiscation of American property continued. There was no discernible attempt on the part of Castro to reciprocate the President's friendly gesture. Indeed, after Mikoyan was invited to Cuba, ostensibly to open a Soviet exhibit, one of his first statements was a fulsome endorsement of Castro's program of expropriation of all foreign-owned property.

One of the favorite and overworked propaganda themes of Cuban broadcasters and newspapers is that Uncle Sam is engaged in a deep conspiracy to overthrow the Castro regime; that Washington is in secret league with Trujillo, and is plotting an armed invasion of Cuba and overthrow of the barbudos. Even the Peiping radio, 7,000 miles from Cuba, has been broadcasting that "American imperialism is intensifying its plot to strangle the Cuban revolution." The Chinese Communists charge that—

U.S. imperialism has started one campaign of intervention after another against Cuba and has resorted to blackmail, intimidation, provocation, and divisive tactics. But all have failed to intimidate the heroic Cuban people. Exasperated by these repeated failures, imperialism has gone even further by preparing direct armed intervention.

I may observe at this point that if more advocates of recognition of Red China and of the seating of Mao Tse-tung's murderers in the United Nations would only spend a little more time reading Chinese Communist publications and radio attacks on this country, and less time making speeches for such recognition, our psychological warfare position and our future security would be considerably strengthened. I personally regard it as a great pity that so many Senators and other influential Americans are so burdened with what they regard as "must" reading, that they have no time to read and study even a small amount of original Communist material carrying current directives and policies of the world Communist conspiracy. Someone once told the story—whether true or not, I do not profess to know—that on the outbreak of war between England and Nazi Germany in 1939, several Foreign Office officials in London rushed to their library to get Hitler's "Mein Kampf," so they could get a quick idea of just what sort of a chap he might be.

Castro and Communist charges that we are plotting to invade Cuba is an old Communist tactic. They always accuse their enemies of doing or intending to do what they, the Communists, themselves are actually doing or plan to do shortly. While Castro's broadcasters fill the air with alarms of Yankee invasions, Cuban soil for the past year has been a staging area for several abortive invasions of nearby Caribbean countries, notably Panama, Haiti, and the Dominican Republic.

New York and Miami are swarming with Castro agents and goon squads which are physically assaulting anti-Castro Cubans, and generally are abusing American hospitality and neutrality. A recent New York Times article estimated these Castro agents as numbering about 200. An investigator for a Senate committee informs me that 500 would be a more accurate figure. I suggest that the Immigration Service get busy, pick up these goons, and deport them to Cuba, where they belong.

Castro and his American apologists, the latter declining in numbers every day, still continue to argue that he and his regime are not Communist or even Communist influenced. But the scientific and infallible test of the deadly parallel which I have outlined between classical Communist takeover of power in Russia and China and Castro's course of action for the past year is enough for me. To expect Castro to come out openly and admit being a Communist or pro-Communist in sympathy seems a bit naive to me. No Latin American secret Communist or Communist sympathizer would ever admit his true feelings and intentions.

As my good friend, the distinguished junior Senator from Florida [Mr. SMATHERS], pointed out recently, South American Communists who were demonstrating against President Eisenhower displayed Fidel Castro's picture—not that of Khrushchev or any other Soviet leader.

There are several excellent reasons why any Latin American Communist who was seeking to achieve power would strenuously deny being a Communist. One is the universal and well-deserved contempt and hatred of all free men for the modern day intellectual "black death" of communism. Second, all of Latin America is stanchly Roman Catholic. It would be utter folly for any Communist adventurer to admit openly that he was a Communist. Third, there remains the Caracas Convention of 1954, in which a declaration of solidarity for the preservation of the political integrity of the American states against the intervention of international communism was adopted by 17 American republics. Argentina and Mexico abstained from voting; and Guatemala, then under Communist influence, cast the only negative vote.

At the Bogota Conference of 1948, and at the Washington Foreign Ministers meeting of 1951, all of the American Republics had gone on record as condemning the interventionist character of international communism. It may be well to call the attention of the Senate to resolution XCIII, and for us to give some thought to its implications:

XCIII. Declaration of solidarity for the preservation of the political integrity of the American States against the intervention of international communism.

Whereas the American Republics at the Ninth International Conference of American States declared that international communism, by its antidemocratic nature and its interventionist tendency, is incompatible with the concept of American freedom, and resolved to adopt within their respective territories the measures necessary to eradicate and prevent subversive activities;

The fourth meeting of consultation of Ministers of Foreign Affairs recognized that, in addition to adequate internal measures in each state, a high degree of international cooperation is required to eradicate the danger which the subversive activities of international communism pose for the American States; and

The aggressive character of the international Communist movement continues to constitute, in the context of world affairs, a special and immediate threat to the national institutions and the peace and security of the American States and to the right of each state to develop its cultural, political, and economic life freely and naturally without intervention in its internal or external affairs by other states.

I

The 10th Inter-American Conference condemns:

The activities of the international Communist movement as constituting intervention in American affairs;

Expresses the determination of the American States to take the necessary measures to protect their political independence against the intervention of international communism, acting in the interests of an alien despotism;

Reiterates the faith of the peoples of America in the effective exercise of representative democracy as the best means to promote their social and political progress; and

Declares that the domination or control of the political institutions of any American State by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat to the sovereignty and political independence of the American States, endangering the peace of America, and would call for a meeting of consultation to consider the adoption of appropriate action in accordance with existing treaties.

II

Recommends that, without prejudice to such other measures as they may consider desirable, special attention be given by each of the American governments to the following steps for the purpose of counteracting the subversive activities of the international Communist movement within their respective jurisdictions:

Measures to require disclosure of the identity, activities, and sources of funds of those who are spreading propaganda of the international Communist movement or who travel in the interests of that movement, and of those who act as its agents or in its behalf; and

The exchange of information among governments to assist in fulfilling the purpose of the resolutions adopted by the Inter-American Conferences and Meetings of Ministers of Foreign Affairs regarding international communism.

III

This declaration of foreign policy made by the American Republics in relation to dangers originating outside this hemisphere is designed to protect and not to impair the inalienable right of each American State freely to choose its own form of government and economic system and to live its own social and cultural life.

THE MONROE DOCTRINE OUTFLANKED

The declaration of Caracas was an attempt by the American republics to close a wide gap in the Monroe Doctrine—the gap created by Communist infiltration into the Western Hemisphere. The Monroe Doctrine of 1823 did not foresee the ideological invasion of the Western Hemisphere by native subversive agents trained in Russia to bring about the overthrow of their own governments from within, without the intervention of foreign troops or mercenaries ferried across the oceans in the classical manner of military invasions of that era.

Mr. President, the Western Hemisphere is today faced with a crisis; namely, the problem posed by the Monroe Doctrine being outflanked by modern psychopolitical warfare which exploits all the successful techniques of infiltration, demoralization, internal division and confusion, and immobilization of counterforces, and finally triumphs through an entirely new form of warfare. It is now possible to subvert and overthrow a nation from within, without using a single armed soldier as an invader—witness Czechoslovakia, China, North Vietnam, and now Cuba. This is the overriding problem which confronts all democratically minded people of North America and South America. This, in large part, I feel sure, led the President to make his recent trip to South America.

TIME FOR A DECISION

Patience is a fine virtue; but if it is carried to an extreme, as a guide for the conduct of diplomatic relations with an upstart dictator, it can create nothing but contempt and even greater indignities. Wishful thinking, "muddling through somehow," and "hoping for the best" are likely to prove just as dangerous and unfruitful as "waiting for the dust to settle" in China.

A Democratic Secretary of State offered that spineless advice as the basis of our policy toward China, when the Communists began their final drive toward power. When the dust finally did settle, all of China had been lost to the free world, and so-called agrarian reformers turned out to be full-blown Communists. A few years later, the dust of death settled over the graves of 50,000 American boys who were killed in Korea by Mao Tse-tung's agrarian reformers. Now we have agrarian reform once more, only this time it is but 90 miles from Florida, instead of 7,000 miles away. And when the dust finally settles in Cuba, if the Cuban people themselves have not by then succeeded in throwing off their present oppressors, it is my prediction that there will be little discernible difference between Castro's "humanistic state" and the communes of Red China.

Hegel, in his "Philosophy of History," observes that "the only thing we learn from history is that we learn nothing from history." Forty-two years of bitter and humiliating experience with Communist duplicity and cynicism seem to have taught us very little. When we are subjected to insults, meaningless doubletalk, and open abuse, is our only answer always going to be an ingratiating smirk and fawning fatuity?

Sixty-two years ago, American soldiers and sailors died to bring freedom to Cuba. American doctors and plague specialists fought heroically to rid that island paradise of the centuries-old curse of yellow fever and other diseases. Excepting, perhaps, only the relations between our country and Canada, relations between Cuba and the United States have been closer and friendlier than those we have had with any other country in the Western Hemisphere. Since World War I, several million American tourists have flocked to Cuba. The Cuban people have always regarded and treated us as friends. Artificially whipped up anti-American hatred, while common in some other Latin American lands, never developed to any serious proportions in Cuba. We liked the Cubans, and they liked us.

All this is now ended, thanks to "Dr." Fidel Castro. Orwell's "two minutes hate," in his remarkably prescient book, "1984," is now being literally carried out almost every night by Big Brother Fidel over Cuban radio and TV stations—except the "two minutes hate" has been stretched out to 3-hour and 4-hour "Hate America" harangues.

The administration has understandably been reluctant to take any steps against Castro, lest we hurt the Cuban people more than we make any impression on Castro. The Cuban people are already suffering so much from economic anarchy, secret police terror, wholesale confiscations, and general turmoil, that no one would wish them to be subjected to additional hardships.

The President's recent speech warning the people of Cuba that while we have the deepest concern for their welfare and future security, we cannot continue forever to keep on swallowing insults and abuse, nor can we be expected to stand by passively while American property is confiscated, American newsmen abused and mistreated and American citizens thrown into prison on flimsy or trumped up charges.

I noted in the papers that Mikoyan, when he was in Cuba, complimented Castro on his seizure of foreign property with promises of ultimate payment. He thought the Castro regime was quite "generous" in offering to pay anything at all for seized property—the Bolsheviks in Russia seized everything and did not even bother to issue paper receipts, Mikoyan boasted.

Just before he departed from Cuba, Soviet Deputy Premier Anastas Mikoyan signed an agreement with Castro to buy 5 million tons of Cuban sugar over a period of 5 years, or a million tons a year. As in all Soviet deals, there is always a hidden hook. Only 200,000

tons will be paid for in cash, the rest will be strictly barter for Soviet manufactured goods—at Soviet fixed prices, needless to add.

The Soviets will pay only the world price for sugar, which is a few cents under $3 a hundredweight. It costs Cuba a trifle over $4 per hundredweight to produce sugar. We pay Cuba cash and around $5.50 per hundredweight. So the loss that Castro will take selling his sugar to Russia will come out of the $150 million bonus above world prices which we pay him for our sugar. It would seem to me that, as long as Castro is so pleased to sell his sugar to the Soviets at a loss of over a cent a pound, we should cut our Cuban sugar quota in the same amounts as they increase their sales to Russia.

Mikoyan also assured Castro that Russia would not dump or resell this sugar in the world market. This was really a noble and big-hearted gesture on the wily Armenian's part. I am going to let the Senate in on a little secret which all the newspaper and other accounts of the Cuban sugar deal missed completely. I had one of my staff phone the excellent Legislative Reference Service of the Library of Congress to find out what sugar cost in the land of the Soviets. The answer was "roughly 5 rubles a pound." Depending on which exchange rate one uses, this makes sugar come to a minimum of 45 cents to a maximum of $1.12 a pound in the land of socialism. The average Russian worker earns 800 rubles a month. So a month's work will get him 160 pounds of sugar. An American worker, under much abused capitalism, can earn the same amount in 1 day's work at $16 a day.

So the Soviets buy crude sugar from Castro at under 3 cents a pound, and resell it to their own people for 45 cents a pound. This amounts to 42 cents a pound profit for refining and transport. This is socialism? Any capitalist country which practiced such an extortionate holdup on its own people for an everyday household commodity would be thrown out of office in 24 hours.

Nor can I resist observing that none of our liberal commentators or columnists caught this cute little swindle in the Castro-Mikoyan sugar deal. They never do.

One-third of all the sugar used in this country comes from Cuba. We have been paying an average price of $5.50 a hundred pounds for Cuban sugar. Last year Cuba had a carryover of some 660,000 tons. This year it is estimated that the Cuban surplus will reach 1,400,000 tons. All the rest of Latin America is allowed to sell less than 275,000 tons of their sugar to this country.

There are a number of Caribbean area and South American countries with great quantities of surplus sugar which they are eager to sell us. Brazil has a carryover of 1,200,000 tons, Mexico 500,000, Dominican Republic 174,000, Argentina 250,000, and Peru 90,000 tons. Jamaica and other British colonies in the West Indies, Guatemala, and several other Central American countries are estimated to have another 100,000 tons of surplus sugar which they would be delighted to sell in this country at the same price as we pay Castro—for sugar mixed with poisonous Red insults and continuous indignities. This makes some 2,334,000 tons of sugar available from Latin America and the Caribbean, to say nothing of possibly another 500,000 from Hawaii, the Philippines, Formosa, and other Pacific sugar producers. In other words, our real friends are eager to sell us all the sugar we need without buying a single pound from Castro.

We have heard a great deal about the necessity of establishing closer ties with Latin America. It has been claimed that we have neglected our sister republics south of the Rio Grande to pour money into Far East and other distant countries. While cultural and other exchanges are all very fine, I suggest that nothing is going to make a more profound impact and engender more lasting good will in Latin America than even a small increase in our imports from those countries.

Our good neighbor, Mexico, is extremely eager to sell us some of her surplus sugar. Haiti is in a critical economic state. A substantial increase of American imports from Haiti, particularly sugar, would be a godsend to that country.

NO SOVIET CHARITY FOR CUBA'S HUNGRY PEOPLE

At this point, I also want to observe that there was no mention in the press stories of any Soviet charity or relief assistance for the poverty-stricken masses of Cuba. The Soviets and their Cuban puppet, Fidel Castro, make a great pretense of being the only true defenders of the poor and that all their efforts are directed toward ameliorating poverty, hunger, and human degradation. A small back page news item a few weeks ago casually mentioned that Cuba last year had received more than $1 million worth of food from the U.S. Commodity Credit Corporation in a period of 6 months. The food distribution was made by the Protestant Church World Service and the Catholic Relief Service. This program of relieving Cuban distress will continue for another year. On the other hand, Mr. Mikoyan rejected any suggestion that Russia do likewise. "We are guided by the principle of trade with all nations at world prices," he said. No charity from Moscow.

I can conceive of no greater contrast between the United States and the U.S.S.R. and no finer exposé of the hollowness of Soviet pretenses of friendly concern for "victims of U.S. imperialism" than this simple fact. We give Cuba a million dollars of food with no strings attached—the Soviets buy some sugar at a cent a pound under production costs and sign a nice trade agreement deal to exchange Soviet goods for the sugar instead of paying cash.

The Department of Agriculture, in a recent bulletin, stated that the price of refined sugar in this country was the highest since 1920. American taxpayers, housewives, and children buying candy in effect make up the $150 million favored nation sugar subsidy we are now paying to Castro. With this money Castro has reputedly sent a purchasing emissary to East Germany to look into the possibility of buying some submarines. The same purchasing agent was also reported as having been in Prague looking for planes and other weapons after Great Britain had refused to sell Castro jet fighters. I need not elaborate on the mischief-making possibilities in the Caribbean which a few submarines and a good air force would give the Castro brothers and their Communist guerrilla warfare advisers so eager to "liberate" their neighbors from the alleged "thralldom of American imperialism."

While Castro is shopping around Europe for modern weapons with which allegedly to protect his revolution against the big, bad imperialists, Cuban imports from the United States last year dropped $110 million. In 1958 Cuba bought $546,200,000 of American products and commodities. Under Castro and "Che" Guevara, Cuba's imports of U.S. goods have dropped to $436,707,000. In his war against Santa Claus and Christmas, Castro last winter even banned the importation of American Christmas trees.

Nations are no different than the people who compose them. No one admires self-abasement, timidity, or weakness. Everyone, regardless of race, creed, or cultural development, respects character, self-respect, integrity—in brief, the man or country which stands up for its rights and dignity. I feel most strongly that the present disgraceful, dangerous, and intolerable situation in Cuba cannot be permitted to go on much longer. Our position throughout Latin America is rapidly deteriorating. Other adventurers and Soviet inspired revolutionaries are being encouraged to emulate Castro and also to spit in Uncle Sam's face.

My opinion on the Cuban situation is not a sudden one. I was one of only two Senators who last July 21 voted against ratification of the International Sugar Agreement Act. I did so because I felt that the Castro regime would probably attempt to sabotage it anyway. Admittedly, U.S.-Cuban sugar quotas and prices are strictly a matter between our two countries. However, Cuba's large surplus crop, which she tries to dispose of on the world market, makes her a key member of the 34 nation sugar convention set up to regulate international sugar problems. Developments in Cuba since last July have amply vindicated my position. Even a casual scrutiny of Castro's record before and after he came into power could leave no doubt whatever that he was anything but a friend of the United States.

It was for precisely this reason that I also introduced last July 8—1959—an amendment to the Mutual Security Act of 1959 empowering the President to suspend aid to any country illegally seizing American property without just compensation. This body supported me and adopted this amendment by a vote of 59 to 32.

I will support legislation giving the President a greater degree of flexibility in fixing Cuba's annual sugar quota and prices. I believe firmly that Cuba's sugar quota should be lowered, not as an act of "punitive retaliation," but simply because of the age-old buyer's prerogative of trading with his friends and

bypassing his enemies. We have plenty of friends south of the Rio Grande whose economies are just as shaky as Cuba's and who are eager to sell to us. Nor am I overlooking our own domestic producers and Puerto Rico, Hawaii, and the Philippines. Now that Castro has made it plain that he wants to "shake off the slavery of American imperialism" and become a ward of the Soviets, there seems to be little that we can do and still retain our self-respect. Castro will learn by bitter experience the wisdom of an old Russian adage, "He who sups with the Devil had better have a very long spoon."

With Castro and his bully boys constantly screaming hatred against America by press and radio, it strikes me that American tourists—that is, those few who still go to Cuba—are taking serious risks against which the State Department should warn them.

Mobs are easily incited. Just a few years ago several Americans who happened to be passing through Baghdad were literally torn to pieces in the streets by blood-crazed mobs who had been incited by Communist broadcasters.

I feel sure that the State Department can find ways and means of discouraging all tourist traffic to Cuba until Castro and his bewhiskered bravos are removed from the scene by a more responsible government.

I, for one, want to reestablish our longstanding friendship with the Republic of Cuba. However, we cannot do this, and retain our national honor and prestige, with an irresponsible regime which flagrantly violates all international laws and solemn obligations by one-sided, executive fiat. I refer to the wholesale, Communist-type confiscation of American property and the continual mistreatment and abuse of American citizens. The recent outrage of holding and grilling a completely innocent American freelance photographer who happened to be a passenger on the French ship which exploded in Havana is a case in point.

Castro's outrageous charges that, somehow, our Government must have been implicated in the explosion, is hardly conducive to the resumption of friendly relations as the State Department pointed out. If there is any scurrilous and completely unfounded charge against this country that Castro or his radio and press echoes have not made during the past 15 months, I simply cannot think of it. They seem to have missed nothing in their long list of alleged villainies against us.

I sincerely hope that the day is not far off when the traditional friendship forged between our two countries 62 years ago in our joint war for the liberation of Cuba can be firmly and permanently reestablished. I doubt that this is possible under the Castro brothers' regime, or that Castro and his Communist advisers have any such desire or intention. And if it is their plan to convert Cuba into a Communist base of operations against the peace and security of the Western Hemisphere, as many intelligence officers and experts are convinced is the case, then all gestures of friendship on our part are merely a stultifying waste of time.

I believe our relations with Cuba should have the general consideration and concern of every American citizen. I am glad the President has brought the question before the country with a request to Congress for the renewal of the sugar quota bill, with flexible provisions, so he may deal equitably with this situation.

I do not believe that any government which continues to confiscate American property, to insult Americans, to attack us without warrant—which has been infiltrated with many Communist leaders who have been trained elsewhere and sent to the government for that purpose—can be anything other than a great threat to us and to the free world. Cuba has always been our friend. The Cuban people have always been our friends. It is a nation only 90 miles from the coast of the United States. I hope and trust that this Congress, this administration, and this country will meet the issue forthrightly.

STUDY OF TRANSPORTATION POLICIES IN THE UNITED STATES

The Senate resumed the consideration of the resolution (S. Res. 244) authorizing a study of transportation policies in the United States.

The PRESIDING OFFICER (Mr. CANNON in the chair). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The resolution (S. Res. 244) as amended was agreed to.

The preamble was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD the budget of the Committee on Interstate and Foreign Commerce, stating how the committee expects to expend this money.

There being no objection, the budget was ordered to be printed in the RECORD, as follows:

Budget of the Committee on Interstate and Foreign Commerce to make a study of transportation policies in the United States pursuant to S. Res. 244, for the period Feb. 1, 1960, through Jan. 31, 1961

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
Professional staff:					
Staff director	1	$8,000	$14,979.45	$1,248.28	$14,979.45
Senior transportation experts	5	8,000	14,979.45	1,248.28	74,897.25
Junior transportation experts	3	6,480	12,491.48	1,041.20	37,483.44
Research assistants	3	3,600	7,438.49	619.87	22,315.47
Clerical and stenographic:					
Clerks	2	2,460	5,290.76	440.89	10,581.52
Stenographers	4	2,040	4,499.50	374.95	17,998.00
Total	18				178,255.13
ADMINISTRATIVE					
Contribution to civil-service retirement fund (6½ percent of total salaries)					11,586.59
Contribution to employees health benefit programs (Public Law 86-382, effective July 1, 1960)					486.00
Travel (inclusive of field investigations)					1,800.00
Hearings (inclusive of reporters' fees)					500.00
Communications (telephone, telegraph, postage, etc.)					500.00
Stationery and office supplies					500.00
Contingent fund					472.28
Total administrative expense					15,844.87
Grand total					194,100.00

Funds requested, S. Res. 244, $194,100.

ADDITIONAL STAFF AND CLERICAL PERSONNEL FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1116, Senate Resolution 265.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A resolution (S. Res. 265) authorizing the Committee on Labor and Public Welfare to employ temporarily an additional assistant chief clerk and additional staff and clerical personnel.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. HILL. Mr. President, this is a resolution to provide additional employees for the Committee on Labor and Public Welfare. All except three of these people are today employed by the committee. In fact, the majority of them have been employed for several years.

The resolution would authorize the employment of three additional people and an increase in salary for one additional person. The three additional people to be employed would be two additional professional staff members to carry on the work of oversight over the Labor-Management Reporting and Disclosure Act of 1959, commonly known as the Labor Reform Act, which was passed during the last session of Congress. Together with these 2 staff members we would have a typist or stenographer, a clerical assistant for those 2 persons.

There would be an increase in salary for an assistant chief clerk. I will say that the assistant chief clerk is named by the minority and has been with the committee some 12 years. The minority

strongly felt that, due to the increased work of the committee and the additional duties and functions imposed upon this assistant chief clerk, as well as the fact that this person had been employed by the committee some 12 years, that this person was entitled to a small increase in salary, which the resolution would provide.

With regard to the two additional staff members, one will be named by the majority and one will be named by the minority.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. ELLENDER. Mr. President, I should like to invite the attention of the Senate to certain facts.

Under the resolution, if agreed to as written, the committee will be provided six additional professional staff members over and above what the regular committees are now empowered to have. It is true, as the Senator from Alabama has said, that of the six additional professional staff members provided for in this resolution, only two would actually be new employees. There were four added, as I recall, in 1957.

As to the clerical assistants, although the resolution calls for eight additional clerical assistants, seven of these positions were authorized in the past. Four were authorized in 1953, and that authorization has been renewed from year to year. One was provided in 1959, and that authorization apparently is to be renewed from year to year, and two were authorized in 1957.

It is now requested that the total clerical staff be increased by one.

I also wish to invite the attention of the Senate to the fact that within a few minutes, I presume, the Senate is going to consider two more resolutions for the Committee on Labor and Public Welfare. One of those would provide the sum of $85,000 to investigate the problems of the aged. This subcommittee, already in existence, is headed by the distinguished Senator from Michigan [Mr. MCNAMARA].

In addition we also have a proposal for the creation of a brandnew subcommittee, which will be headed by the distinguished Senator from New Jersey [Mr. WILLIAMS], as I understand it. The resolution will provide for $50,000 to study problems of migratory labor.

Mr. President, I am also informed it is the intention of the distinguished Senator from Arkansas [Mr. MCCLELLAN] to ask the Senate to extend the life of the Select Committee on Improper Activities in the Labor or Management Field. In the past, we have spent a little over a million dollars in that field. We were given to understand, a few weeks ago, that the committee would be discontinued. Because of some happenings, with which I am not familiar, I understand, however, that an effort will be made to provide some $150,000 to retain that select committee for further investigations.

The point I desire to make, Mr. President, is that the Committee on Labor and Public Welfare already has a regular staff of four professional staff members and six clerical assistants. The pending resolution asks that we provide six additional professional staff members and eight clerical assistants. It is true that some of these people, as has been pointed out, were hired in the past and are simply to be rehired.

There are also two other resolutions to be considered, which I am sure will be agreed to which would further expand the Labor Committee. In addition, in the labor field, we have the Select Committee on Improper Activities in the Labor or Management Field, which, as I understand, will shortly seek additional funds to continue its work.

When will we ever reach the cutoff point? As I have often stated, once these special committees are created they seem not to die. They keep on going.

My good friend from Alabama has stated to the Senate that these additional people will be employed on a temporary basis. I believe, however, that the same language was used earlier when the staff of the labor committee was expanded. Yet, the "temporary" employees are still with us, and now we are being asked to swell their ranks.

I wonder what assurance my good friend from Alabama could give the Senate that these people would really and truly be hired on a temporary basis, and that their employment would not be renewed from year to year, as has been the case in the past?

Mr. HILL. Mr. President, the resolution now pending provides for employment of two additional professional staff members, one to be selected by the majority and one by the minority. They would be used to carry on activities as provided in the Reorganization Act, section 136, for legislative oversight of standing committees, in regard to the administration of the Labor Management Reporting and Disclosure Act of 1959, the act which we passed last September, commonly known as the Labor Reform Act.

I do not know exactly what will be involved. This oversight will relate to activities of the Department of Labor, of the Secretary of Labor, of the General Counsel of the National Labor Relations Board, of the National Labor Relations Board itself, and of the Department of Justice, in the carrying out of the administration of the act. Just what the situation will be a year from now, I will have to say frankly to my friend, I do not know.

Mr. ELLENDER. What is the necessity for these expenditures? Is the Congress supposed to take the position that we must create watchdog committees to see that the laws we pass are properly administered?

Mr. HILL. I should say that in this particular case the subject falls particularly and directly under section 136 of the Reorganization Act, that section being captioned "Legislative Oversight by Standing Committees."

This subject was discussed in the Senate Committee on Labor and Public Welfare, and it was the thought of both the majority and the minority that we should have these two staff members to carry on this oversight work.

I may say that the distinguished ranking minority member of our committee is the distinguished Senator from Arizona [Mr. GOLDWATER]. The Senator knows his interest in these matters. It was the thought of both the majority and the minority that we should have two staff members engaged in this work. The action of the committee in reporting the resolution to the Senate was unanimous.

Mr. ELLENDER. As I pointed out a moment ago, in 1957 the Senate authorized the hiring of four professional staff members to the committee, in addition to the regular staff. It was said at that time that this was supposed to be a temporary state of affairs. But these "temporary" workers are still employed. What do these people do?

Mr. HILL. There are many matters before the committee. In the last session, in January 1959, the membership of the committee was increased from 13 to 15. One of the main reasons for the increase was the increase in the magnitude of work. We have many matters dealing with labor, veterans' affairs, railroad retirement, health, education, and many matters under the head of public welfare.

Mr. ELLENDER. Is the Senator certain of that statement? The membership of most committees has been increased. The Committee on Agriculture and Forestry, of which I am chairman, was increased from 15 to 17. But this was not done because we had more legislation to consider. I believe there was another reason.

Mr. HILL. I can say very definitely that we have more work. There is no question about that.

Mr. ELLENDER. Let us consider the 4 professional staff members and 2 clerical assistants, hired on a temporary basis by the committee in 1957.

Mr. HILL. That is correct.

Mr. ELLENDER. Are those individuals doing the same work for which they were hired 3 years ago, or are they doing something different?

Mr. HILL. One of the members, Frederick R. Blackwell, of South Carolina, is working with the Subcommittee on Veterans' Affairs and Migratory Labor. Mr. Ralph A. Dungan is working with the Subcommittee on Labor. Mr. Merrick——

Mr. ELLENDER. Pardon me, but could the Senator tell me more about this man who is working on migratory labor problems?

Mr. HILL. He is working on veterans' affairs, and the subcommittee had some special work on migratory labor.

Mr. ELLENDER. We shall be asked in a few minutes to provide $50,000 to create a new subcommittee to study this same problem.

Mr. HILL. I will yield to the Senator from New Jersey [Mr. WILLIAMS] at this point, because he is chairman of the subcommittee.

Mr. WILLIAMS of New Jersey. Mr. President——

Mr. ELLENDER. Mr. President, I would like to suggest that we might as well discuss these three resolutions providing funds for investigations of the

Committee on Labor and Public Welfare at this time.

Mr. WILLIAMS of New Jersey. They deal with subcommittees of the Committee on Labor and Public Welfare.

The first resolution, Senate resolution 267, deals with migratory labor, and carries a figure of $50,000.

Mr. ELLENDER. This would create a new subcommittee.

Mr. WILLIAMS of New Jersey. That is a new subcommittee, which was created in August 1959, and received no special appropriation for its activities. It used the general funds of the committee. It traveled in 6 States and held extensive hearings. Our total expenditures were around $5,000. We were fortunate indeed that we were able to call on Mr. Blackwell, who has been named as one of the staff members.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. MANSFIELD. Mr President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The morning hour having expired, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

ADDITIONAL STAFF AND CLERICAL PERSONNEL FOR COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate continue with the consideration of Calendar 1116, Senate Resolution 265.

There being no objection, the Senate resumed consideration of the resolution (S. Res. 265) authorizing the Committee on Labor and Public Welfare to employ temporarily an additional assistant chief clerk and additional staff and clerical personnel.

Mr. ELLENDER. Mr. President, I should like to ask my good friend the chairman of the committee a question.

Since Mr. Blackwell has been studying the migratory labor problem, I ask whether or not he is going to be placed on the staff of this new subcommittee, or whether he will continue as a professional staff member of the parent committee.

Mr. HILL. If the special subcommittee is created, Mr. Blackwell will continue with his subcommittee.

Mr. ELLENDER. Will Mr. Blackwell be paid out of the $50,000 now being requested for the creation of the new subcommittee or will he be one of these additional professionals under the resolution we are now considering?

Mr. HILL. He has been paid for several years under the resolution we now have under consideration.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. ELLENDER. Why is it necessary to create this new subcommittee? This man, Mr. Blackwell, has been studying the subject for the past 3 or 4 years. I wonder why it is necessary to create a special subcommittee.

Mr. WILLIAMS of New Jersey. It is our hope that we can do our job on the Migratory Labor Subcommittee without using the authorization called for in the resolution. We hope to accomplish that by using Mr. Blackwell, and thereby not using all the funds called for by Senate Resolution 267.

Mr. ELLENDER. I say to my good friend from New Jersey that in the subcommittee's budget I notice allocations for a research director, two research assistants, and two employees to do administrative and stenographic work, or a total of five altogether.

Mr. WILLIAMS of New Jersey. The research director and the research assistants provide for the minority getting an assistant and two secretarial positions.

Mr. ELLENDER. I point out that it seems that every time a subcommittee of this character is created, whether such employees are needed are not, there must be one for the minority and one for the majority. It strikes me that since this subject has been studied for some time by Mr. Blackwell, he should be taken off the parent committee's staff and placed under this new subcommittee, so that we can know where the money is going.

Mr. HILL. Mr. Blackwell, the gentleman whom we have been discussing, has served for several years with the Veterans' Affairs Subcommittee. In fact, he became the special consultant to that subcommittee at the time the distinguished Senator from South Carolina [Mr. THURMOND] was chairman of the subcommittee. He still works with that subcommittee. But in addition to his work with the Veterans' Affairs Subcommittee, since he first came with the committee, he has also worked with the Senator from New Jersey [Mr. WILLIAMS] on the Migratory Labor Subcommittee. He has worked with both subcommittees.

Mr. ELLENDER. He is one of the four professional staff members allowed each standing committee.

Mr. HILL. That is correct.

Mr. ELLENDER. What do the others do? There are four already authorized in addition to the four on the regular committee.

Mr. HILL. Mr. Samuel Merrick worked with the Railroad Retirement Subcommittee and with the Juvenile Delinquency Subcommittee——

Mr. ELLENDER. I thought the Committee on the Judiciary had jurisdiction over that subject.

Mr. HILL. Legislation on that subject was referred to our committee and was acted upon by the committee and reported to the Senate by the committee. The Senate passed the bill dealing with juvenile delinquency, and it is now in the House.

Mr. ELLENDER. That is something I did not know. I am glad to have the RECORD show it.

Mr. HILL. We reported the bill in the closing days of the last session, and passed it early in this session of the Congress.

Mr. ELLENDER. That is something that somehow escaped my attention. As I pointed out on several occasions, the resolution creating the Juvenile Delinquency Subcommittee of the Committee on the Judiciary was approved in 1953. It was supposed to last for only 2 years yet it is still with us today. The amount of money we were supposed to spend was about $150,000, at the most. Up to last January we spent $680,000 for studies of juvenile delinquency by this subcommittee. Now we are told that a professional staff member of the Committee on Labor and Public Welfare was responsible for the study upon which was based a juvenile delinquency bill.

Mr. HILL. We not only studied it—we did study it, of course—but we also reported legislation to the floor which the Senate passed, and which is now in the House of Representatives.

Mr. ELLENDER. Here we have a classic example—I will not say of one committee trying to take something from another committee—but of multiplicity of study groups.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HILL. I do not want to interrupt the Senator. However if he will look at the resolution with reference to juvenile delinquency in the Committee on the Judiciary, he will see that it involved a study particularly of the matter of crime. The legislative jurisdiction in this matter of juvenile delinquency, under the rule, is in the Senate Committee on Labor and Public Welfare. Therefore, legislation dealing with juvenile delinquency was referred to the Committee on Labor and Public Welfare. It was considered by that committee and it was reported by the committee to the Senate. The Senate passed it, and it is now in the House of Representatives. The bill was passed by the Senate in the early part of the session.

Mr. ELLENDER. What kind of study does this professional staff member do in the field of juvenile delinquency?

Mr. HILL. He was not studying it so much—of course he was studying it too—as he was acting as a consultant with the committee handling the legislation. His duties were in connection with the holding of the hearings and the calling of witnesses, and so forth. That was his job, just as he did work with the Railroad Retirement Subcommittee, just as he did work with the Youth Conservation Corps Subcommittee, and just as he has done the same work with the Labor Subcommittee. He has worked with all four subcommittees.

Mr. ELLENDER. The Senator has accounted for the work of some of the professional staff members. What about the others?

Mr. HILL. I have accounted for three of them. The fourth is Mr. Frederick Randolph. He is assigned to the minority, and he works on these different matters for the minority.

Mr. ELLENDER. What different matters? All these studies?

Mr. HILL. All these different studies. It is really more than studies. It has to do with testimony and the executive consideration of legislation within the

subcommittee, and executive consideration within the full committee, and then the action that is finally taken by the full committee.

Mr. ELLENDER. I understood the Senator to say that the two additional professional staff members which would be provided under this resolution would study the operations of the Labor Act which was enacted by Congress last year.

Mr. HILL. That is correct. They would study that situation and would constitute legislative oversight consultants to carry out the provisions of that act, and would carry their functions into the Department of Labor, the National Labor Relations Board, the General Counsel's office of the National Labor Relations Board, and the Department of Justice, in connection with the administration of the Labor Act, which, as the Senator well knows, was passed during the last session of Congress.

Mr. ELLENDER. The more we study these matters, and the more we look into the creation of these various subcommittees, the more I am convinced that the time will soon come when we will have to create a special committee to study what these special subcommittees do. There seems to be a great deal of duplication. I believe that in many instances it should be possible for committee chairmen to use their regular staffs to make these special studies.

The Committee on Agriculture and Forestry is now making a study of the Commodity Credit Corporation. I am glad and proud to say that as chairman of that committee I did not come before the Senate to get additional funds to employ additional personnel to make these studies. I was able to use the regular funds provided the standing committee. I am glad to say that the studies so far have revealed several instances of excessive grain-storage charges to the Federal Government. I feel confident that as a result of this study, being made by just a handful of employees of the Committee on Agriculture and Forestry, we will be able to save the taxpayers almost a hundred million dollars. That will be brought to the attention of the Senate in a short time.

I go back to the proposition that if the resolutions that are now before us are adopted, in addition to those already adopted, we will be spending almost $4½ million for "special" investigations. I believe there ought to be a halt to all this.

As I have pointed out on many occasions, each standing committee is permitted to spend about $156,000 for its regular operation. With that money they have the authority to hire four professional staff members and six clerical assistants.

If an investigation were made, it would show that much more money is being spent by these "special" committees than by all the standing committees put together.

As I pointed out, the Committee on the Judiciary spends well over a million dollars on investigating subcommittees, in addition to the $156,000 it is given as a standing committee.

If the creation of these new committees keeps up at the present rate, we will have to have a special committee appointed to investigate the special committees in order to find out how much work they do and how much of it is duplication of other committees.

As I pointed out, and as the distinguished Senator from Alabama has pointed out, although the pending resolution provides for six additional professional staff members and eight clerical assistants, over and above the regular limit of the committee. If these people were to be paid what the chairman of the committee is capable of paying them, it would add $159,845.55 to the payroll of that committee.

It is true that the chairman could spend much less, and I hope he does. That would be in addition to what the Senate gives the committee with which to pay the employees of the standing committee.

As I pointed out a while ago, in addition to all this, we are going to be asked to provide $50,000 for the creation of one subcommittee and $85,000 for the continuation of another subcommittee of the Committee on Labor and Public Welfare.

Mr. HILL. The figures I have, as compiled by the staff of the Committee on Labor and Public Welfare, are not quite in accordance with the figures supplied by the Senator from Louisiana. According to the figures I have, the maximum amount which could be expended under the resolution—I think it would be a smaller figure—but the maximum amount would be $144,121.

Mr. ELLENDER. As I have figured it, that is really what the Senator proposes to do. That is about the amount he would spend.

Mr. HILL. We have on the list one assistant chief clerk, who is already on the payroll, but we are going to increase his salary. I certainly would not expect to expend more than $144,121.

Mr. ELLENDER. Mr. President, since we have discussed Calendar Nos. 1117 and 1118, I presume the Senate will graciously abide by what the Committee on Rules and Administration has done. I have been more or less helpless in the past about preventing the creation of new committees.

Mr. HILL. Mr. President, may we have the question put on the pending resolution?

The PRESIDING OFFICER. The resolution is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the resolution.

The resolution (S. Res. 265) was agreed to, as follows:

Resolved, That the Committee on Labor and Public Welfare is authorized from February 1, 1960, through January 31, 1961, to employ one additional assistant chief clerk, six additional professional staff members, and eight additional clerical assistants to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with section 202(e), as amended, of the Legislative Reorganization Act of 1946, and the provisions of Public Law 4, 80th Congress, approved February 19, 1947, as amended.

STUDY OF PROBLEMS OF THE AGED

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1117, Senate Resolution 266, which, like Calendar No. 1116, Senate Resolution 265, has been pretty thoroughly discussed, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 266) authorizing a comprehensive study of problems of the aged.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the budget figures submitted by the subcommittee be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Budget

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
STAFF					
Legal and investigative:					
Staff director	1	$8,000	$14,979.45	$1,248.28	$14,979.45
Assistant staff director	1	7,260	13,769.66	1,147.47	13,769.66
Editorial and research: Research director	1	7,260	13,769.66	1,147.47	13,769.66
Administrative and clerical:					
Clerk-stenographers	3	2,880	6,082.14	506.83	18,246.42
Clerical assistant	1	2,460	5,290.76	440.89	5,290.76
Total	7				66,055.95
ADMINISTRATIVE					
Consultant fees and expenses					4,000.00
Contribution to civil service retirement fund (6½ percent of total salaries paid)					4,293.64
Contribution to employees' health benefit program (Public Law 86-382, effective July 1, 1960)					330.00
Contribution to Federal employees' group life insurance (27 cents per month per $1,000 coverage)					215.00
Travel (inclusive of field investigations)					5,000.00
Reimbursable payments to agencies					500.00
Hearings (inclusive of reporters' fees)					2,000.00
Witness fees and expenses					600.00
Stationery, office supplies					800.00
Communications (telephone and telegraph)					1,000.00
Contingent fund					205.41
Total					18,944.05
Fund requested (S. Res. 266)					85,000.00

Mr. RUSSELL. Mr. President, I am advised that due to some kind of occult understanding, when a motion is made to proceed to the consideration of these resolutions, the motion is not a motion, but is a request for unanimous consent. I stood here when the majority leader called up by motion the first of these resolutions. I heard him make the motion to proceed to the consideration of that resolution. I make the parliamentary inquiry as to when a motion is not a motion, and when it is a motion.

The PRESIDING OFFICER. The first motion was made during the morning hour. It was made when the Senate was in the morning hour after the adjournment. A motion has just been made to proceed to the consideration of Calendar No. 1117, Senate Resolution 266, but the motion has not been agreed to.

Mr. RUSSELL. Does the Chair hold that the Senate is still in the morning hour?

The PRESIDING OFFICER. No. The morning hour has been concluded.

Mr. RUSSELL. I just heard the distinguished Senator from Montana move that the Senate proceed to the consideration of Senate Resolution 266, Calendar No. 1117.

The PRESIDING OFFICER. That is the pending motion.

Mr. RUSSELL. If that motion should be agreed to, would it not displace the Stella School bill?

The PRESIDING OFFICER. It would displace the Stella School bill?

Mr. MANSFIELD. Mr. President, for the purpose of having the matter clarified, I was informed at the conclusion of the morning hour that the pending business at that time was the Stella School bill, to which the Dirksen substitute had been attached, and that the actual pending question was section 3 of the Dirksen substitute; and therefore, I asked unanimous consent that the unfinished business be temporarily laid aside, and that the Senate continue with the consideration of Senate Resolution 265, Calendar No. 1116.

Mr. RUSSELL. The Dirksen substitute was not attached to the Stella School bill. We are still working on the Dirksen substitute. We have not perfected it.

The PRESIDING OFFICER. The Chair rules that to bring up Senate Resolution 266 without displacing the Stella School bill would require unanimous consent. That has not been asked for. The unanimous consent was obtained to lay aside temporarily the pending business and to consider Senate Resolution 265, Calendar No. 1116, which has now been disposed of.

Mr. RUSSELL. Then, the pending business at present is the motion of the Senator from Montana to proceed to the consideration of Calendar No. 1117, Senate Resolution 266?

The PRESIDING OFFICER. The Senator is correct. If that motion is agreed to, it will displace the pending business. However, if the Senator from Montana asks unanimous consent to lay aside the pending business temporarily, and obtains that consent, then it would not displace the pending business.

Mr. RUSSELL. Oh, yes; if he got unanimous consent. But I heard the distinguished Senator from Montana make a motion. I stood right here and heard the distinguished Senator from Texas move that the Senate proceed to consider these resolutions. It could have been in the morning hour; and in that case, it would not have displaced the Stella School bill. But certainly we are out of the morning hour now, and there will be no other proposed legislation taken up by a unanimous consent in this situation. I shall be happy to consider a motion to proceed to any other legislation, but there can be no unanimous consent given in this situation.

Mr. MANSFIELD. I have not made a unanimous-consent request except at the time the morning hour was concluded. I am moving that these things be done.

Mr. RUSSELL. I am ready to vote.

Mr. MANSFIELD. Mr. President, is the Senate ready to vote on Calendar No. 1117, Senate Resolution 266?

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the consideration of Calendar No. 1117, Senate Resolution 266.

Mr. MANSFIELD. As I understand, certain material has been placed in the RECORD at the request of the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The motion of the Senator from Montana has not been agreed to. The question is on agreeing to the motion of the Senator from Montana that the Senate proceed to the consideration of Calendar No. 1117, Senate Resolution 266.

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. RUSSELL. What is the status of the Stella School bill?

The PRESIDING OFFICER. The status of the Stella school bill is that it is back on the calendar. It has been displaced.

Mr. RUSSELL. What is the status of the Dirksen amendment? I assume it is on the desk.

The PRESIDING OFFICER. The Dirksen amendment is with the Stella bill.

Mr. RUSSELL. How did the Dirksen amendment ever get to the bill, when it has not been agreed to?

The PRESIDING OFFICER. The Dirksen amendment goes back on the calendar with the bill. It will be the pending question when the bill comes up again.

Mr. RUSSELL. If this amendment was offered but was never agreed to, the automatic displacement of the bill before the Senate does not carry with it all the amendments which have been proposed to the bill. It is the bill which goes to the calendar.

The PRESIDING OFFICER. If and when the Stella bill is brought out again, the question would be on agreeing to the Dirksen amendment to section 3.

Mr. RUSSELL. Mr. President, I should like to have the rule read, or any portion of the Journal read, which shows that the Dirksen amendment has been attached to the Stella school bill.

The PRESIDING OFFICER. The Dirksen amendment has not been attached to the Stella school bill. However, it is the pending amendment to the Stella bill. At the time the bill comes up again, the Dirksen amendment will be the pending business. It is an amendment to the Stella school bill.

Mr. RUSSELL. Mr. President, I respectfully challenge that ruling. I know of no rule whereby a bill which is displaced on the calendar when a motion is made to proceed to the consideration of another bill carries with it automatically an amendment which has been offered to the bill. A wide variety of amendments were ready and lying on the table. There must have been some 150 or 200 amendments. Does the Chair hold that all those amendments are now in order to the Stella bill?

The PRESIDING OFFICER (Mr. CANNON in the chair). The Chair is advised by the Parliamentarian that when an amendment has been offered to a pending bill and when that bill goes back to the calendar, the amendment also goes with the bill to the calendar.

At such time as the bill is again called up, the pending question then will still be on agreeing to the amendment which was pending to the bill at the time when the bill was displaced and went to the calendar.

Mr. RUSSELL. Mr. President, I understand that an advisory opinion by the Chair or a response by the Chair to a parliamentary inquiry does not constitute a ruling in concrete form. Therefore, I shall not attempt to appeal from the Chair's response to the parliamentary inquiry.

But I am convinced that the Chair was in error when the Chair held that when the Stella School District bill went back to the calendar, it took with it to the calendar the Dirksen amendment in the nature of a substitute.

The PRESIDING OFFICER. When the Senate proceeded to consider Senate Resolution 266, the Stella School District bill went back to the calendar; and, therefore, the Stella School District bill has been displaced by Senate Resolution 266.

Mr. RUSSELL. Mr. President, I rise to another parliamentary inquiry——

Mr. MANSFIELD. First, Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. At this time, I should like to propound a parliamentary

inquiry: Has the Stella School District bill now been displaced or has it been temporarily set aside?

The PRESIDING OFFICER. The Stella School District bill has been displaced, because the Senate agreed to the motion of the Senator from Montana that the Senate proceed to the consideration of Calendar No. 1117, Senate Resolution 266.

Mr. RUSSELL. Yes. I thank the distinguished Senator from Montana.

Mr. MANSFIELD. I so understand.

Mr. RUSSELL. Mr. President, I rise to another parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. RUSSELL. Am I correct in understanding that I do not waive my rights by failing to file an appeal from the Chair's advisory opinion?

The PRESIDING OFFICER. An appeal could not be taken from the Chair's response to a parliamentary inquiry.

Mr. RUSSELL. That was the ruling which I assumed I would receive from the Chair.

But I am confident that the ruling of the Chair that the Dirksen amendment accompanied the Stella School District bill to the calendar, when that bill was displaced by Senate Resolution 266, cannot possibly stand as a sound precedent.

The PRESIDING OFFICER. The question is on agreeing to Senate Resolution 266.

The resolution was agreed to, as follows:

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to the problems of the aging including, but not limited to, (a) a study of the major problems of the aged, (b) a study of the existing programs of agencies, both public and private, dealing with problems of the aged, (c) a study of the present role of the Federal Government in dealing with problems of the aged, and (d) a study of any additional Federal programs which should be undertaken to help solve the problems of the aged.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $85,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO MIGRATORY LABOR

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1118, Senate Resolution 267.

The motion was agreed to; and the Senate proceeded to consider the resolution (S. Res. 267) authorizing the Committee on Labor and Public Welfare to make a study of any and all matters pertaining to migratory labor.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the budget submitted by this subcommittee be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Budget

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
STAFF					
Legal and investigative:					
Research director	1	$14,740	$9,574.22	$797.85	$9,574.22
Research assistant	2	[illegible]	17,137.74	1,428.14	17,137.74
Administrative and clerical: Clerk-stenographers	2	2,500	11,033.68	919.46	11,033.68
Total	4				37,745.64
ADMINISTRATION					
Consultants fees and expenses					1,000.00
Contribution to civil service retirement fund (6½ percent of total salaries paid)					2,453.17
Travel (inclusive of field investigations)					5,000.00
Reimbursable payments to agencies					500.00
Hearings (inclusive of reporters' fees)					1,500.00
Witness fees, expenses					500.00
Stationery, office supplies					250.00
Communications (telephone, telegraph)					500.00
Contingent fund					550.89
Total					12,254.38
Grand total					50,000.00

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 267) was agreed to, as follows:

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rules XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to migratory labor including, but not limited to, such problems as (a) the wages of migratory workers, their working conditions, transportation facilities, housing, health and educational opportunities for migrants and their children, (b) the nature of and the relationships between the programs of the Federal Government and the programs of State and local governments and the activities of private organizations dealing with the problems of migratory workers, and (c) the degree of additional Federal action necessary in this area.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be fixed so that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that an excerpt from the report on Calendar No. 1118 be printed in the RECORD, following the request of the Senator from Louisiana that the budget be printed in the RECORD.

There being no objection, the excerpt from the report (No. 1088) was ordered to be printed in the RECORD, as follows:

The Committee on Rules and Administration, to whom was referred the resolution (S. Res. 267) authorizing the Committee on Labor and Public Welfare to make a study of any and all matters pertaining to migratory labor, and providing additional funds therefor, having considered the same, report favorably thereon without amendment and recommend that the resolution be agreed to by the Senate.

This resolution would authorize the expenditure of not to exceed $50,000 by the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, from February 1, 1960, through January 31, 1961, to make a complete study of any and all matters pertaining to migratory labor including, but not limited to, such problems as (a) The wages of migratory workers, their working conditions, transportation facilities, housing, health and education opportunities for migrants and their children;

(b) The nature of and the relationships between the programs of the Federal Government and the programs of State and local governments and the activities of private organizations dealing with the problems of migratory workers; and (c) The degree of additional Federal action necessary in this area.

Additional information relative to the proposed inquiry is contained in a letter from Senator LISTER HILL, chairman of the Committee on Labor and Public Welfare, and a memorandum from Senator HARRISON A. WILLIAMS, chairman of the Subcommittee on Migratory Labor, both addressed to Senator THOMAS C. HENNINGS, Jr., chairman of the Committee on Rules and Administration, which letter and memorandum (together with a proposed budget) are as follows:

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
February 8, 1960.

Re Senate Resolution 267.

Hon. THOMAS C. HENNINGS, Jr.,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: On behalf of the Committee on Labor and Public Welfare, I am submitting a memorandum and budget relating to Senate Resolution 267, 86th Congress, 2d session, which authorizes this committee to make a study of any and all matters pertaining to migratory labor. The memorandum has been prepared by Senator HARRISON A. WILLIAMS, Jr., chairman of the special Subcommittee on Migratory Labor of this committee.

Senate Resolution 267 was unanimously approved by the committee at its executive session on February 2, 1950.

May I express the hope that your committee will be able to give favorable consideration to Senate Resolution 267 at an early date.

With kindest personal regards and best wishes.

Very sincerely,

LISTER HILL, *Chairman.*

FEBRUARY 3, 1960.

Memorandum.

To: Hon. THOMAS C. HENNINGS, Jr., Chairman, Committee on Rules and Administration.

From: Senator HARRISON A. WILLIAMS, Jr., Chairman, Subcommittee on Migratory Labor.

Re Senate Resolution 267, authorizing a comprehensive study of migratory labor.

On August 5, 1959, in recognition of the serious problems confronting our migrant farm workers, the Committee on Labor and Public Welfare created the Subcommittee on Migratory Labor. Following its establishment, the following bills were referred to the subcommittee for appropriate consideration and action.

S. 1085, to establish a minimum wage for agricultural employees of farm enterprises using more than 2,244 man-days of hired farm labor annually;

S. 2141, to prohibit the use of child labor in agriculture; and

S. 1778 and S. 2498, to provide for Federal registration of migrant labor contractors or crew leaders.

With these bills before it, the subcommittee embarked upon a comprehensive study of the long-neglected but serious problems of the more than 1 million men, women, and children involved in the migratory agricultural life, performing an indispensable service in traveling from State to State to meet the uniquely heavy seasonal demands of the agricultural industry.

In my own State of New Jersey, approximately 25,000 migratory workers, not including women and children, or nearly half of the total farm population of the State, help each year to plant, cultivate, harvest, and process over $150 million worth of agricultural commodities. These people are of even greater importance in other States. Texas employs 82,000 domestic migrant workers. California uses about 58,000. Michigan ranks third with about 51,000.

The subcommittee began its investigations by conducting two hearings in Washington during the month of August. Sponsors of the pending legislation and departmental witnesses from interested agencies presented their views in these hearings.

During the month of September, the subcommittee held hearings and field trips to observe actual conditions in Michigan, Wisconsin, and Minnesota. These were followed in November and December by similar activities in the Eastern States of New York, New Jersey, and Pennsylvania.

Much excellent information was assembled and a good, albeit complex picture was obtained on the level of achievements of the various States visited and the varying nature of the problems facing not only the migrants themselves, but the farmers and the State and local governments as well.

In some areas we found communities that warmly received their migrant workers in an almost festive atmosphere; in other areas the migrants were virtual outcasts. In some States, we found wages good, but living conditions poor. Elsewhere the housing was good but not the wages.

We discovered, also, the good will and sincere concern of many farm owners for the welfare of their migrant workers. But we found, in addition, many farmers who were earning too little to translate this concern into improved conditions for their employees. We saw the expense to which many farmers have gone to provide decent housing for their workers with no assurance that other growers would do the same. And we learned of the serious problem confronting the farmer who provides good facilities only to have them abused, damaged, and sometimes wrecked by workers who perhaps did not care about the damage they were causing or perhaps, not having ever used them before, simply did not understand their purpose or how properly to use them.

We found migrants who wanted to give their children an education but couldn't because the children were needed in the fields to supplement the family income. Schools wanted to provide education for the migrant children, but lacked adequate statutory authority, adequate funds, and adequate classroom space. Teachers were greatly distressed by the educational deficiencies of migrant children but did not command the resources to do anything about it.

We found, in short, that the migrant workers are truly the most isolated and forgotten people in America. Despite their obvious and valuable contribution to our society, they share few of its fruits and seldom find themselves with the same rights and opportunities as other citizens.

And even though many State and county governments, growers, church groups, and other private organizations have labored long and hard to improve this situation, very little real progress has been made. Except for minor and insignificant variations, the migratory worker of today exactly parallels the migratory worker of three decades ago.

This lack of sufficient and uniform progress stems from the fact that many of the most critical problems in this area, being predominantly interstate in character, are beyond the reach of the State action, and from the further fact that the Federal Government has not yet adequately assumed its share of the burden. Indeed, until the role of the Federal Government is delineated and until appropriate Federal action is taken, there is no reason to believe that the present patchwork of State laws will have any significant impact on the lives of these people.

For these reasons, we must now make studies in depth concerning the interstate characteristics of these problems in order to determine the appropriate role of the Federal Government. Such studies are necessary, I believe, to enable the subcommittee to develop concrete, feasible programs for improving the conditions under which these citizens work and live. A task of this magnitude will, of course, require a considerable increase in activity by the subcommittee as well as a modest addition to staff personnel, which is why I am submitting the attached resolution and budget.

In offering this resolution relative to the forthcoming activity of the Subcommittee on Migratory Labor, it is my hope that a body of solid information can be compiled from further hearings and study, which, together with the useful information now at hand, can be used as a base for the formulation of workable legislation to help facilitate solutions to some of the problems besetting our migrants, our farmers, and our State and local governments. Correspondence from interested individuals and testimony presented at the hearings have already produced a wide range of proposals and ideas. Each of these proposals should be examined and reevaluated as the problems become more clearly defined.

In accordance with procedures established by the Senate Committee on Rules and Administration, the resolution makes provision for the appointment of a minority staff member.

In addition to the limited staff to be retained, the many knowledgeable people in this field will be utilized at every opportunity. Funds are provided for consultant fees and expenses as are funds for payments to agencies which may be able to provide expert technical and advisory personnel to help in regard to some of the particular complex matters under study.

HARRISON A. WILLIAMS, Jr.

ADDITIONAL FUNDS FOR THE COMMITTEE ON PUBLIC WORKS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 1115, Senate Resolution 247.

The motion was agreed to; and the Senate proceeded to consider the resolution (S. Res. 247) providing additional funds for the Committee on Public Works and authorizing the employment of additional clerical assistance.

Mr. ELLENDER. Mr. President, as I understand the resolution, it provides additional funds for the Committee on Public Works and authorizes the employment of additional clerical assistants, and the work the committee will do in this connection will be similar to the work it did last year on the same subject.

Mr. MANSFIELD. That is correct.

Mr. ELLENDER. I understand, also, that the amount being requested for that

purpose this year is the same as the amount requested for this purpose last year.

Mr. MANSFIELD. Yes.

Mr. ELLENDER. I am further informed that all of the $125,000 which was provided for last year was not used, but that $95,000 was returned.

Mr. MANSFIELD. Yes, $95,000 was returned.

Mr. ELLENDER. That being true, I wonder why the committee now asks for the full amount.

Mr. MANSFIELD. I would say that last year the committee was just getting underway. In the meantime, the work has piled up, and the need for funds this year will be considerably greater than the need last year.

Mr. ELLENDER. Is it the intention of the chairman to make use of the entire amount?

Mr. MANSFIELD. Yes, I so understand from talking with the Senator from Oklahoma [Mr. KERR].

Mr. President, I ask unanimous consent that an excerpt from the report which accompanies Senate Resolution 247, which includes a letter from the chairman of the full committee, the Senator from New Mexico [Mr. CHAVEZ], and certain budget figures, be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 1085) was ordered to be printed in the RECORD, as follows:

This resolution would authorize the expenditure of $125,000 by the Committee on Public Works, or any duly authorized subcommittee thereof, from February 1, 1960, through January 31, 1961, to employ on a temporary basis such additional personnel as the committee deems advisable to carry out its functions during the 2d session of the 86th Congress.

Additional information relative to the purposes of Senate Resolution 247 is contained in the report of the Committee on Public Works thereon (S. Rept. 1075, 86th Cong., 2d sess.). The purposes of the resolution are further detailed in a letter to Senator THOMAS C. HENNINGS, Jr., chairman of the Committee on Rules and Administration, from Senator DENNIS CHAVEZ, chairman of the Committee on Public Works, which letter (with accompanying budget), is as follows:

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
February 4, 1960.

Hon. THOMAS C. HENNINGS, Jr.,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: From the Committee on Public Works, on February 3, 1960, I reported Senate Resolution 247, providing additional funds for the use of the committee during the period February 1, 1960, to January 31, 1961. It is requested that your committee consider the resolution at an early date, and I respectfully urge that the committee report favorably thereon.

The need for these funds arises from the heavy and increasing workload of the committee relative to legislation under its jurisdiction. The Federal-Aid Highway Acts of 1956, 1958, and 1959 authorized a $40 billion program for the construction and improvement of the highways of the Nation, to be financed with certain Federal excise taxes on highway users which are placed in the highway trust fund. Those acts and other special acts authorized the submission of reports and studies to the Congress some of which have been submitted and others are due in the near future.

In addition, the President in his budget message for fiscal year 1961 recommended certain legislation affecting the national highway program. It is necessary that there be a continuous study of the status and progress for financing and expediting completion of this huge program. These studies will require an annual review of the program and reports by the agencies, inspection of certain areas, investigation of any irregularities in prosecution of the program, conferences with highway officials and residents, study of the matter of reimbursement for cost of toll roads, study of safety problems, and consideration of any necessary amendments to the legislation in order to avoid delays in the procurement of necessary rights-of-way, equipment, material, and manpower needed for orderly prosecution of the program. The regular Federal-aid program will be carried forward and will require legislation during the present session of Congress to attain this result, as well as making provision for apportionment of funds to the States on the basis of the estimates of costs for completing the Interstate System as submitted to the Congress by the Secretary of Commerce in January 1961.

An omnibus flood control and river and harbor bill totaling $1.566 billion for 152 projects, and authorizing the inclusion of storage for water supply purposes in Federal reservoirs, was enacted during the 85th Congress. Another omnibus bill passed the House during the last session and is now pending before the committee. Those acts will add to the large backlog of previously authorized projects in the United States and its territories, and will provide for orderly development of the Nation's water resources and contribute in a large measure to the domestic economy of the country. Legislation has been enacted authorizing the establishment of study commissions for river basins in the southeastern States and in Texas. Prosecution of these studies will go forward. Further legislation is necessary from time to time to assist in carrying this program forward by authorizing individual projects or increasing basin authorizations. The program must be reviewed periodically in order to obtain up-to-date appraisals of benefits and costs, to determine the need for review and restudy of certain projects, reports, and recommendations, and the need for modification of existing projects. The committee proposes to spend a limited time in the field inspecting some of these projects and holding conferences and hearings with local citizens and organizations interested in various features of water resource development.

Public Law 1018, 84th Congress, amended the Watershed Protection and Flood Prevention Act, to provide for its broader use in assisting local organizations in carrying out projects for flood control and water supply purposes. Approval of plans for certain projects under this act is the responsibility of the Committee on Public Works, and will require extensive studies and investigations.

The Water Pollution Control Act amendments of 1956 authorized Federal aid in the conduct and promotion of research, investigation, experiments, demonstrations, and study for eliminating and improving sanitary conditions of surface and underground waters of the United States. It also authorizes a 10-year program of Federal grants for construction of necessary treatment works for sewage or other wastes discharging into any stream. Constant review, study, and inspection of these matters by the committee will be necessary. This program has been one of the most popular and beneficial programs authorized by the committee. Although the President in his budget message proposed cessation of this program after 1960, legislation has been passed which would broaden and increase the scope of the program. Legislation has also been enacted which would broaden and increase the program for studies in connection with the air pollution problem.

The committee approved 150 Federal buildings having an estimated aggregate cost of $750 million for prosecution under the Lease-Purchase Act of 1954. Authority for approving additional projects under that authority has expired. Some of the authorized projects are now under construction as lease-purchase projects, and others are to be constructed by direct appropriations provided by the last session of Congress. Close supervision of the program will be necessary, and additional policy established for future provision of Federal buildings to be constructed by direct appropriations. Proposals will be submitted to the committee for approval. A public buildings act was adopted during the last session of Congress. The committee has approved 65 buildings under that authority.

Legislation authorizing the Tennessee Valley Authority to finance construction of additional power facilities with proceeds obtained by the sale of revenue bonds passed the Congress during the last session. Additional review and study of proposals advanced, and the prosecution of this large power program will be required.

Legislation authorizing the establishment of a Columbia River Development Corporation to supersede the Bonneville Power Administration for administration, construction, and operation of Federal power facilities in the Pacific Northwest, was introduced in the last session. Hearings on the proposed legislation were held in Washington.

Nomination of members of the Board of Directors of the Tennessee Valley Authority, the Mississippi River Commission, the California Debris Commission, and the Federal Highway Administrator are referred to the committee for recommendation.

Other matters will be considered by the Committee on Public Works requiring special studies relate to water resources development policy, navigation bridge clearances, timber-access roads on forest lands, acquisition of lands in reservoir areas, diversion of water from Lake Michigan, evaluation of recreational benefits from Federal reservoirs, cost sharing on flood control projects, reconstruction of the Alaska Highway, amendments to the highway laws affecting Alaska, and buildings and grounds in the District of Columbia.

A division of the funds requested is as follows:

Salaries	$60,660.37
Contributions to civil service retirement fund	3,942.92
Reimbursable payments to agencies	4,000.00
Travel	33,000.00
Hearings	14,000.00
Stationery	2,000.00
Communications	3,000.00
Contingencies	4,396.71
Total	125,000.00

Your early consideration of Senate Resolution 247 will be greatly appreciated.

Sincerely yours,

DENNIS CHAVEZ,
Chairman.

Budget

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
STAFF					
Legal and investigative: Chief investigator	2	$6,180	$12,004.02	$1,000.03	$24,008.04
Editorial and research: Staff member	1	4,980	10,005.82	833.81	10,005.82
Administrative and clerical:					
Assistant chief clerk	1	5,760	11,317.39	943.11	11,317.39
Assistant clerk (hearing)	1	3,720	7,664.56	638.71	7,664.56
Stenographer	1	3,720	7,664.56	638.71	7,664.56
Total	6				60,660.37
ADMINISTRATIVE					
Contribution to civil service retirement fund (6½ percent of total salaries paid)					3,942.92
Reimbursable payments to agencies					4,000.00
Travel (inclusive of field investigations)					33,000.00
Hearings (inclusive of reporters' fees)					14,000.00
Stationery, office supplies					2,000.00
Communications (telephone, telegraph)					3,000.00
Newspapers, magazines, documents					4,396.71
Total					64,339.63
Fund requested (S. Res. 247), total					125,000.00

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 247) was agreed to, as follows:

Resolved, That the Committee on Public Works, or any duly authorized subcommittee thereof, is authorized under sections 134 and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate from February 1, 1960, to January 31, 1961, inclusive, to (1) make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and of the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any departments or agencies of the Government.

SEC. 2. The expenses of the committee under this resolution, which shall not exceed $125,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1961

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1181, House bill 10233.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 10233) making appropriations for the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

STUDY OF AIR TURBULENCE

Mr. HARTKE. Mr. President——

Mr. MANSFIELD. Mr. President, I yield to the Senator from Indiana [Mr. HARTKE] such time as he may require.

Mr. HARTKE. I thank the Senator from Montana.

Mr. President, yesterday morning I had occasion to attend a brief meeting of the communications subcommittee at which the Chief of the U.S. Weather Bureau, F. W. Reichelderfer, was testifying on a bill to provide for telephoned reports from weather observers. During the time Mr. Reichelderfer was testifying, I made inquiries about the problem of clear air turbulence, a suggested possible cause of the crash a week ago today of a Northwest Airlines turbo-prop plane over southern Indiana.

Mr. Reichelderfer noted that severe turbulence had been predicted for areas of southern Indiana and Kentucky on the day of the crash. He pointed out, however, that present meteorological research is not sufficiently adequate to pinpoint height and exact location and time of such turbulence.

Mr. Reichelderfer's testimony also developed that high altitude turbulence was not known until military pilots reported it. Much of the research into this phenomenon has been done by the military and only lately has this been dove-tailed with that of the Weather Bureau.

Until the advent of high speed jet-powered aircraft this was not much of a consideration except to the extent that air passengers were uncomfortable in turbulence. Now, however, it is a matter of safety. When a fast flying jet smacks into severe turbulence, tremendous stress is put upon the plane. Three times in the last 6 months commercial prop jet planes in this country have crashed apparently because of contact with such turbulence.

"I would guess that we do not have 1 percent of the research that we need to handle this problem," Mr. Reichelderfer told us yesterday. He said that the Weather Bureau has sought larger appropriations for this purpose and that there would be no duplication with similar activity by the Defense Department because there is considerable cooperation and coordination.

I am now seeking from Mr. Reichelderfer a report on what, if any, cuts have been made in Weather Bureau recommendations for such research and by whom. I am certain that all Members of the Senate will be intensely interested in the reply I receive because I feel that everyone is concerned with safer air travel and will be willing to provide whatever additional funds are necessary to make modern air travel as safe as possible.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Edward K. Mills, Jr., of New Jersey, to be a member of the Federal Communications Commission, which was referred to the Committee on Interstate and Foreign Commerce.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Ratchford, one of his secretaries.

ELECTION OF MEMBER TO THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1124, Senate Resolution 276.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 276) electing a member on the part of the Senate to the Joint Committee on Printing and the Joint Committee on the Library.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the resolution (S. Res. 276) was considered and agreed to, as follows:

Resolved, That Mr. BRUNSDALE be, and he is hereby, elected a member on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library, vice Mr. MORTON.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10233) making appropriations for the District of Columbia and other activities chargeable in whole or in part against the revenues of said

District for the fiscal year ending June 30, 1961, and for other purposes.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the pending business?

The PRESIDING OFFICER. The pending business is Calendar No. 1181, H.R. 10233, the District of Columbia appropriation bill.

Mr. PASTORE. Mr. President, I have a few brief remarks to make on the District of Columbia appropriation bill for 1961, which carries the unanimous approval of the Appropriations Committee. The bill as reported to the Senate is $2,970,876 over the total appropriations allowed by the House, $2,313,848 below the estimates requested for fiscal 1961, and $1,605,924 under the total appropriations enacted for fiscal 1960.

In my opinion, this is a good bill. The recommended increase of about $3 million in 1961 is well justified. Over $500,000 relates to costs for 100 additional foot patrolmen in the Metropolitan Police Department, and about $347,000 covers well merited increases in the per diem rates paid local hospitals for the care of local indigent patients. And, in the capital outlay category, three important projects were approved; namely, $1,032,000 for a new elementary school in the vicinity of Fourth and V Streets NW.; $372,000 for the Bennings branch library in northeast; and $250,000 for permanent improvements of school buildings. These added projects are most essential to the public safety, education, health, and general welfare of the Nation's Capital. To help defray these increased obligations payable from the general funds additional Federal loan authority of $1.4 million has been approved. Also added is $1 million to the Federal payment, to provide $26 million instead of $25 million allowed by the House under the $32 million authorization. This is the most equitable way to share the costs of the expanded services which are beneficial to both the Federal Government and to the District of Columbia.

Under this funding program, no deficit spending is authorized; in fact, sufficient money has been reserved for supplemental expenditures anticipated next fiscal year. A modest surplus of $340,000 is expected in the general fund account by June 30, 1961.

In conclusion, Mr. President, I feel it important to pinpoint certain matters covered in the bill; namely, funds for the recruitment of 150 patrolmen are provided, to cope with the increased crime wave in the District of Columbia; funds are provided for a complete lunch program for 4,800 hungry children in the public school system; and, finally, the pupil-teacher ratio in the elementary grades will be approximately 31 to 1.

I will add, also, there are funds for a pilot program in one police precinct to enable the foot patrolmen, the officers, to have two-way radios.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BEALL. I take this opportunity to commend the junior Senator from Rhode Island. Certainly the junior Senator from Rhode Island has worked tirelessly preparing the appropriation bill. I hope the Senate will accept it. It is particularly necessary that the additional policemen be provided for. The need for the additional policemen has been shown time and time again.

I hope the Senate will accept this very modest increase over the House bill, so that we may take it to conference and have it considered. I hope the conference will accept it, and that the additional appropriations will be provided.

Mr. PASTORE. I thank my distinguished colleague, who has been very helpful on the committee. Inasmuch as the Senator has brought up the subject of the additional patrolmen, I think it ought to be said for the record that it might be argued the Police Department has not recruited all of the patrolmen it desires to have, up to a full complement. That is only true because the standards are rather high and the Police Department is ever searching for men who are competent to be policemen on the District of Columbia police force.

Mr. President, what is happening is that the Department is permitting, on a sort of staggered program or arrangement, the present policemen in the Department to work an extra day approximately once a month. In fact, if we allow the additional money, the District of Columbia will have protection up to the maximum amount, even though the Police Department has not been able to recruit up to the full complement. I think that is an important fact to be stated at this time. Until such time as we have a full recruitment, by allowing the additional money we are allowing added protection, because the policemen presently in the Department are working these extra days.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HOLLAND. I congratulate the distinguished Senator upon the bill, and particularly upon the item mentioned by the distinguished Senator from Maryland, relating to the need in the District of Columbia for a larger force of patrolmen, and the fact that the bill will substantially take care of that need.

I think all Senators saw discussion in the press reports only a few days ago, of the regrettable fact that serious crime had greatly increased in the District of Columbia last year. I am sure all Senators know also, with particular regard to the ladies in the District of Columbia, the present situation makes it not at all desirable for them to venture out at night or to go into places which are not customarily frequented.

I think most of us who serve in the Senate know from experience in our own families that the ladies are extremely loath to go out at all at night unless the men are with them, and then they do not care to venture into places very far from the entrance of a hotel or the place where they are going for various social occasions at night.

I think the Senator is not only dealing well with this situation, but I hope that, in conference, the other body will agree to this action. I hope the RECORD will show that Senators have spoken out vigorously in support of the need for a larger police patrol force in the District of Columbia.

Mr. PASTORE. I emphasize again, Mr. President, that I read the hearings of the House committee quite completely and very attentively. The argument was made, of course, that the Police Department had not recruited the full complement, and for that reason the House disallowed 100. We allowed 100 in the supplemental appropriation bill last year. The Police Department asked for 150. The House allowed only 50, and deleted the 100. We have restored the 100. The argument made in the House at the time of the deletion was that the Department had not been able to recruit a full complement. That was a good argument. It was explained to us that by giving the extra time to the present policemen, insofar as the people of the District of Columbia are concerned their lives and property are being protected to the extent of a full complement, until full recruitment can be had.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, before the vote is taken, I should like also to commend the Senator from Rhode Island and to express my appreciation for what he has done to "beef up" the police force in the District of Columbia. I express the hope that in the not-too-far-distant future we shall be able to do something to really bring about the creation of a better police force. It is a good force at the present time, under a very able chief, Chief Murray. I hope we will be able to provide a sufficient number of policemen and that the salaries will be sufficiently high for the Police Department to cope with all problems it must face.

Mr. PASTORE. I thank the Senator.

Mr. BRIDGES. Mr. President, I wish to associate myself with the remarks of the assistant majority leader. I commend the Senator from Rhode Island. I know how sincerely the Senator works on this problem of the District of Columbia fiscal affairs. I particularly want to mention the police situation, which I think is good in this city. The Police Department is under Chief Murray. We could not have a better chief for the job to be done.

Mr. PASTORE. I thank the Senator.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill, as thus amended, be regarded as original text for the purpose of amendment; provided, that no point of order shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 1, after the word "and", to strike out "$25,000,000" and insert "$26,000,000"; in line 19, after the word "appropriated", to strike out "$18,700,000" and insert "$20,100,000"; and in line 25, after the word "fund", to strike out "$14,500,000" and insert "$15,900,000."

On page 4, line 5, after the word "investigations", to strike out "$576,300" and insert "$609,259."

On page 4, line 22, after the word "which", to insert "$230,000 shall be available for District of Columbia employees' disability compensation and."

On page 6, line 5, after the word "fees", to strike out "$1,621,000" and insert "$1,639,600."

On page 6, line 8, after the word "Professions", to strike out "$337,600" and insert "$342,000."

On page 9, line 20, after the word "otherwise", to strike out "$23,217,000" and insert "$23,748,100."

On page 10, line 24, after the word "grounds", to strike out "$10,940,000" and insert "$10,948,000".

On page 11, line 4, after the word "Defense", to strike out "$60,000" and insert "$107,000."

On page 11, line 22, after the word "Justice", to strike out "$5,627,900" and insert "$5,645,320."

On page 13, line 16, after the word "Health", to strike out "$36,551,476" and insert "$36,910,473."

On page 15, line 24, after the word "committed", to strike out "$19,000,000" and insert "$19,145,000."

On page 17, line 24, after the word "license", to strike out "$2,460,900" and insert "$2,469,800."

On page 18, line 8, after the word "vehicles", to strike out "$3,415,000" and insert "$8,489,600", and in line 9, after the word "which", to strike out "$5,142,000" and insert "$5,212,139."

On page 18, line 17, after the word "including", to strike out "$40,000" and insert "$61,000", and in line 20, after the word "Administrators", to strike out "$1,270,600" and insert "$1,296,500."

On page 23, at the beginning of line 18, to strike out "$1,228,000" and insert "$1,272,000."

On page 24, line 23, after the word "Southeast", to insert "elementary school in the vicinity of Fourth and W Streets, Northwest, Benning branch library"; on page 25, line 11, after the word "expended", to strike out "$4,369,000" and insert "$6,023,000"; and at the beginning of line 13, to strike out "$625,000" and insert "$632,000."

On page 36, after line 8, to insert a new section, as follows:

"SEC. 15. Section 5 of the District of Columbia Appropriation Act, 1955, is amended to read as follows: 'Hereafter work performed for repairs and improvements may be by contract or otherwise, except for amounts exceeding $5,000 which shall be determined by the Commissioners; and the Commissioners are authorized to establish a working fund for such purposes without fiscal year limitation, said fund to be reimbursed for repairs and improvements performed under that fund from funds available for these purposes, and payments are authorized to be made to said fund in advance if required by the Director of Buildings and Grounds, subject to subsequent adjustments, from funds available for necessary expenses, including allowances for privately owned automobiles.'"

Mr. PASTORE. Mr. President, I send to the desk three amendments to the bill, none of which change the overall total appropriations recommended by the committee; instead, they are in the nature of perfecting amendments, as they relate only to limitations.

I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated for the information of the Senate.

The CHIEF CLERK. On page 13, line 18, it is proposed to strike out "$21.20" and to insert in lieu thereof "$25."

On page 13, line 19, it is proposed to strike out "$3.50" and to insert in lieu thereof "$4."

On page 25, line 11, it is proposed to strike out "$800,000" and to insert in lieu thereof "$1,600,000."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none; and, without objection, the amendments will be considered en bloc.

The question is on agreeing to the amendments.

Mr. PASTORE. Mr. President, the first two amendments reflect the increased per diem rates for outpatient and inpatient care of indigents in Freedmen's and private hospitals in fiscal year 1961, for which additional funds have already been added in the bill.

Mr. President, the third amendment merely increases the limitation of the amount to be available for expenditure in fiscal 1962 rather than fiscal 1961, in the appropriation "Capital outlay, public building construction." It relates to three projects added by the committee in the total sum of $1,654,000, but of which $800,000 will not be needed for expenditure purposes until after July 1, 1961. This deferred amount represents $300,000 of the $1,032,000 for a new elementary school; $200,000 of the $372,000 for the Benning branch library, and $100,000 of the $250,000 for permanent improvements in school buildings.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Utah [Mr. MOSS], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Utah [Mr. MOSS], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Maryland [Mr. BUTLER] and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

If present and voting, the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], and the Senator from North Dakota [Mr. YOUNG] would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 135]

YEAS—85

Aiken	Fulbright	Martin
Allott	Gore	Monroney
Anderson	Green	Morse
Bartlett	Gruening	Morton
Beall	Hart	Mundt
Bennett	Hartke	Murray
Bible	Hayden	Muskie
Bridges	Hennings	Pastore
Brunsdale	Hickenlooper	Prouty
Bush	Hill	Proxmire
Byrd, Va.	Holland	Randolph
Byrd, W. Va.	Hruska	Russell
Cannon	Jackson	Saltonstall
Carlson	Javits	Schoeppel
Carroll	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S.C.	Smathers
Chavez	Jordan	Smith
Church	Keating	Sparkman
Clark	Kefauver	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	Lusk	Williams, Del.
Eastland	McClellan	Williams, N.J.
Engle	McGee	Yarborough
Ervin	McNamara	Young, Ohio
Fong	Magnuson	
Frear	Mansfield	

NAYS—0

NOT VOTING—15

Butler	Ellender	McCarthy
Capehart	Goldwater	Moss
Case, N.J.	Humphrey	O'Mahoney
Curtis	Kennedy	Robertson
Dodd	Kerr	Young, N. Dak.

So the bill, H.R. 10233, was passed.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

Mr. PASTORE. Mr. President, I move that the Senate insist upon its amendments, request a conference thereon

with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. CANNON in the chair) appointed Mr. PASTORE, Mr. HAYDEN, Mr. KEFAUVER, Mr. FREAR, Mr. BIBLE, Mr. YOUNG of North Dakota, Mr. HRUSKA, and Mr. BEALL conferees on the part of the Senate.

Mr. MORSE subsequently said: Mr. President, the distinguished and able Senator from Rhode Island [Mr. PASTORE] brought to the Senate this afternoon a very good and sound District of Columbia appropriation bill. Now that the bill has been passed, I should like to make these brief comments about it. The Senator from Rhode Island and his colleagues on the District of Columbia Appropriations Subcommittee of the Committee on Appropriations deserve much credit for the workmanlike and conscientious, not to say arduous, duties they have performed. As I am sure the Senator from Rhode Island will agree, the consideration of district legislation is not an easy task, but in my judgment on this appropriation bill for the District of Columbia the committee has accomplished its work with distinction.

The bill, as reported, contains many worthwhile improvement over the legislation as it came to the committee. I should like to discuss briefly some of the items which I welcome especially. I do so as a member of the Committee on the District of Columbia, which is the legislative committee, and as chairman of the Subcommittee of the District of Columbia Committee which has legislative jurisdiction over many of the District of Columbia's functions which are covered by the appropriation bill which the Senate has just passed.

First, I should like to pay deserved tribute to the House Appropriations Committee for having increased the estimates submitted by the Commissioners for the elementary lunch program so that there are now sufficient funds provided to take care of the full number of children the school authorities believe to be in need of the school lunch. I applaud the action of the humanitarian Senator from Rhode Island and the members of his subcommittee for retaining this item at the House figure. It is my understanding that this item will not be subject to revision in conference. It is also gratifying to me that the cost of the program was met by the provision of additional funds so that it does not represent a charge against the other worthy items contained in the school budget.

Second, the committee acted with wisdom, as I see it, in providing the necessary funds for the elementary school at Fourth and W Streets NW. It is my hope that this item can be retained in conference. It would be too bad for the District school modernization and expansion program to receive a setback. As I indicated in my testimony before the subcommittee the fact that 68 out of 183 school buildings in the District are 50 or more years old should spur us to make even greater efforts than we are making.

Third, I believe that the chairman of the subcommittee deserves much commendation for having added funds raising the amount allowable for foster home care for the dependent children who are in our charge. The dedicated employees at Junior Village and the volunteers who walk a dark and lonely road to help to take care of the children on their evenings of community service are doing a magnificent and humanitarian job. The increase in foster home allowances may help to relieve the overcrowded conditions at Junior Village to some extent and thus permit these fine people to concentrate their efforts upon those children who may not be ready for foster home care. In any event the logic of cold hard cash can scarcely be gainsaid. It costs $53 a month under the increased allowance schedule for each child in a foster home. Against this is the $180 a month estimated cost of maintaining the child at Junior Village. When into the balance is brought the benefits to the child of living in a family situation, and that is what the foster home situation permits, the argument for providing these funds assumes overwhelming proportions. Here again, I hope that the persuasive Senator from Rhode Island will be able to retain this increase in conference.

In fact, it is an increase from $50 a month to $53 a month, but the increase of $3 a month, so the authorities told us who are members of the Committee on the District of Columbia, will enable the sending of several scores of these little boys and girls to foster homes within the next few weeks.

Fourth, although an increase of $66,300 for repairs to the Dunbar School swimming pool was not included in the reported bill, I note from the printed hearings on page 145 that, as a result of a pointed question by the Senator from Rhode Island, the District Commissioners are going to give very serious thought to remedial action as soon as possible. I wish to compliment the Senator from Rhode Island upon this sound advice to the Commissioners and express the hope that they will give heed to it.

Mr. President, it is a source of much gratification to me that the bill provides sufficient funds to enable us to reach the 31-to-1 pupil-teacher ratio in grades 1 through 6. While this is not the final goal, it is a significant step forward. I thank the committees for providing these funds for this purpose. The reward to the District in terms of improved instruction and better educated children will, I sincerely hope, become manifest in the years ahead, as this generation of children progresses through school to graduation.

As I said earlier, there are many other areas in which the committee made constructive additions to the bill. Areas such as the additional funds for police protection purposes, the capital outlay authorized for the Benning branch library, and others are of much importance to the District and to those of us who are particularly concerned with the District. One of the most constructive actions taken by the Senator from Rhode Island—and it is one which I certainly hope that he can obtain agreement upon when he goes to conference—is the language contained on page 5 of the committee report relative to providing upon a temporary basis for certain teaching positions which are not financed directly by the bill. Dr. Hansen and his able staff will appreciate, I am sure, the wise discretion generously provided by the subcommittee.

There is really only one area in the bill which I wish the Senator from Rhode Island could have obtained agreement to expand in a greater degree than was done. Here I refer to the ever vexing, and given the objective situation with which the Senate is confronted in these matters, perhaps insuperable problem at this time, of an adequate Federal payment. It is with temerity that I suggest again that the $32 million Federal payment authorized in law might be for once appropriated. I will not weary the Senator from Rhode Island and the Senate with argument, as familiar to him as to the Senate and me, on this point, for I think we are at one on the issue. I simply wish to register my regret that the District must continue for another year, in this regard, as a cinderella.

But, in all candor, it is very difficult for me to find fault with the hardworking and conscientious Senator from Rhode Island who has brought to us a bill which is only 1 percent under the budget estimates. He deserves our thanks, as do his colleagues upon the committee. I should also like to extend my appreciation to the very able members of the professional staff of the committee, in particular to Mr. Harold Merrick, who in his usual manner was most courteous in providing me with technical advice and assistance.

Mr. President, I ask unanimous consent that at the conclusion of my remarks there be printed the testimony I presented before the Appropriations Subcommittee, which may be found on pages 365 to 393 of the printed hearings upon the bill.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. WAYNE MORSE, A U.S. SENATOR FROM THE STATE OF OREGON

Senator PASTORE. We are honored with the presence of the distinguished Senator from Oregon, Mr. MORSE, and if he is ready, we will hear him.

Senator MORSE. Mr. Chairman, you are very kind to hear me.

Before I enter upon my presentation this afternoon, which will be brief, I feel I ought to repeat here what I told a church group at luncheon the other day. I addressed them upon the subject of the appropriation bill which is before your subcommittee today. I told them, as in all sincerity I tell you today, that, in my judgment, both Senator PASTORE and Representative RABAUT deserve high credit and, I will add, much commendation for backing up fiscally the elementary school lunch program for needy pupils this year and in fiscal year 1961.

FREE LUNCH PROGRAM

Testimony presented before my legislative subcommittee on January 14, 1960, indicated a present need for the financing of free lunches for some 4,500 elementary schoolchildren. H.R. 10233 carries funds to do that job for that number of children. Again, I wish to associate myself with a remark made in the course of last year's

debate upon the passage of the fiscal year 1960 appropriation bill by the humane Senator from Rhode Island, when he said: "If we are obliged in good conscience to feed one hungry child in this community, by the same token we have an obligation to feed all of them."

The obligation has been met in this area by the item that is in the bill, $258,000 of which was above the estimates submitted—and was put in the bill, if I am correctly informed, by the House committee—which means that all the children as to whom the school authorities have given proof of being in need of a lunch program under this appropriation will receive it.

I told my luncheon group, and I tell you, that the welfare items have been dealt with most fairly. To receive 124 out of 129 positions requested cannot impose too great a hardship upon the operations of the Department, especially since the one position whose restoration is being sought is that of an administrative rather than a professional employee.

In this welfare area I believe great credit has been earned and is deserved by the subcommittees for having provided the personnel to do the job which needs to be done. With regard to the $179 894 cut in the $6.2-million-plus allotment for grants, should an unforeseen rise in caseload occur, or should costs per case rise, a supplemental appropriation can be sought. Surely, some warning of this would come in time to alert the subcommittee to the need before the 1st session of the 87th Congress is too far advanced.

Senator PASTORE. That is precisely what we told them yesterday, Mr. MORSE.

Senator MORSE. I would completely agree.

PAYMENT TO FOSTER HOMES

I would hope, however, that the subcommittee will give serious thought to increasing the $50 per month payment to foster homes by the $3 a month additional requested. When I weigh the $180 a month cost at Junior Village against the $53 a month foster home request, I think that the $3 a month increase is most modest and has much merit.

Also, the family care that can be given in a family foster home to these children ought to be considered. I am informed that there are some 85 children who could be placed in foster homes if these homes were available. Perhaps the modest increase would make more homes available for these children.

JUNIOR VILLAGE

And I digress for just a moment, Mr. Chairman, to say that I have just returned from Junior Village, where I made an on-the-scene investigation and inspection this morning, and saw some of these children that would be involved in the 85 that could be put into foster homes if the foster homes could be found.

I think the chairman of this committee knows that although I do have sentiment, I am not a sentimentalist in regard to these welfare problems, because I think we have to take a very objective, logical point of view in regard to them—and I will say something about some of these problems before I finish, momentarily—but I do want to say this about this Junior Village: As of today it has a capacity of 255 little, dependent children, but it actually has 434 there. In other words, we have cramped into those rooms, and into those quarters, 434 in an area which really should not have more than 255.

I was in dormitory rooms this morning that should house 12 that are housing 26. I saw, Mr. Chairman, not only the double-decked beds, but under these double-decked beds I saw an extra cot that is pulled out during the night, or during the evening, to fill up whatever floor space is left. When some of the children get into their double-decked cots, the others must tumble into these cots in between the double-deckers.

Now, I want to say this—and I am glad that Commissioner McLaughlin is here—I want to say that if we could only get people to go out and see what is going on in Junior Village, it would make better people out of them. I am certain, as I sit here this afternoon, that I am a better human being because of what I saw this morning and this noon.

If you want a personification of what we mean by way of dedication to human values, you should go out to see what the personnel at Junior Village is doing—and it is typical—the same type of personnel that you, Mr. Chairman, and I have seen in place after place—where such great social service is rendered.

But I do think, because of my position as chairman of the subcommittee of the legislative committee that has the legislative jurisdiction over welfare programs in the District of Columbia, it is particularly fitting that I make this very brief record—and it shall be brief—about this particular project.

May I assure you that I am not going to make a practice between now and May of visiting institutions of public welfare in the District of Columbia; I will do it after May. I think you know all the implications of my remarks. I had to make a visit this time, because this particular project came before my legislative committee in the hearings this morning.

Senator PASTORE. I don't know what you have in mind, between now and May, but I don't know of anything that would help you more than making these visits.

Senator MORSE. I just happen to be impolitic enough not to take advantage of that kind of politics, because I think my duties as a Senator are quite different from my duties as a candidate, and I have no right in any way to bring my duties as a Senator into the critical presidential political arena in regard, certainly, to the welfare programs of the District.

But to get back to the thesis that I want to stress, I want to say for this record that it is a great personnel that we have at Junior Village, composed of dedicated men and women making a great personal sacrifice to really try to do something about the improvement of human welfare in the District.

Second, I want the people of this District to know that this Junior Village, in spite of the cramped quarters, is immaculately clean, although they have their problems, facility problems, not only the crowded conditions, but the need for more facilities.

I had lunch out there; I saw these little boys and girls eat. They didn't know I was coming, this lunch wasn't especially prepared. These lunches are prepared, that is, the schedule for the lunches and the menus for the lunches, are prepared a month in advance.

I was very proud to note of the high nutritional quality of the lunch that was served to these little boys and girls.

Here they are, and I think we should keep in mind who they are. These are not delinquent children, this is not a delinquency village. This is a housing project for children who have been evicted or abandoned or lost, or for various reasons require protection, shelter, and treatment.

HEALTH AND WELFARE COUNCIL REPORT

I want you to keep this in mind, because of a final recommendation that I am going to make as I close my testimony here this afternoon, a recommendation which is based upon the Meyer Foundation financed report of the Health and Welfare Council of the National Capital Area on the subject, "What Price Dependency."

On pages 58 and 59 of "What Price Dependency," there is discussed the subject of the job ahead in regard to the handling of these dependent children.

Mr. Chairman, as I observed these dependent children this afternoon, if—and I am not a social worker, I am not a sociologist—but if our Welfare Department is correct, and I think it is, that an addition of $3 a month to the $50 a month we now make available for foster homes would make it possible to get some, if not all, of these 85 little boys and girls out of that Junior Village that could be placed in foster homes, I am in favor of it. And I think we ought to grant whatever is necessary to allow the $3 per month.

The family care that can be given in a family foster home, I think you will agree with me, makes that kind of an expenditure justified.

I want to say, Mr. Chairman, that the schools too, I think, have faired fairly at your hands and at the hands of your sister committees. I have only two reservations in this area.

LANGUAGE PROPOSAL

First, I would urge the subcommittee to supply language in the bill which would permit the school authorities to shift funds for personal services so that savings which might be made in one area or another could be applied to the financing of the teaching positions requested to be restored. By this device, although not a penny more need be appropriated, the positions could be allowed and the costs thereof, could be absorbed within the overall amount provided.

I know that this involves a matter of policy over which we can have sincere differences of opinion within the Congress. But I do think that when you have administrators that are administering a program as large as the school system, that if you don't have a superintendent in whom you can place confidence for the exercise of wise discretion in transferring positions, in making a saving here and filling a position there, then we really ought to get a new school superintendent.

I want to say at this point, that I have the highest regard for Dr. Hansen. I think we are very fortunate in having a man as able as Dr. Hansen, as superintendent of our schools. I think he is outstanding, and I would plead that this amount of discretion be allowed him within this subject for our school system.

By this device, as I have said, although not a penny more need be appropriated, the positions could be allowed and the costs thereof could be absorbed within the overall amount provided.

Secondly I have a reservation with respect to the elementary school project at Fourth and W Streets NW. I would hope that the delay in this construction will not, in turn, delay future projected construction—I fear it may, but I hope it will not.

It is my understanding that some fear is felt on this score, in that ordinarily there is an informal maximum placed upon the amount of school construction accomplished annually. This ceiling, I gather, is in the neighborhood of $7 to $8 million a year Design delay of next year's construction ought not to be charged against the following year's planned replacement program, because we are not ready with the elementary school project at Fourth and W Streets NW.

Senator PASTORE. I want to say that I quite agree with you. According to the testimony that was adduced in the House, the plans won't be ready much before April 1961. And I think a very able presentation was made here, that unless they could get under contract for construction before the beginning of the fiscal year, it might make the difference between being able to open up that facility at the beginning of the school

year, or having to do without for some time, which would mean the dislocation of the children.

Now, I am pretty much convinced that had that item come in under the Federal loan program, maybe the objection would not have been raised by the House. That is one of the things that we must take into account.

FEDERAL CONSTRUCTION

As I said a hundred times before, the Senator from Oregon knows how I feel about the Federal contribution, and I know what the history of the past has been, we don't have to debate that now. But I do have to face reality and the fact that we do have to have a balanced budget. I do hope that some of these items will be adjusted in such a way that some kind of equity will be accomplished.

I quite agree with you, even with losing a month—here in the Senate we are always talking about the scarcity of classrooms and how much we ought to do for school construction, and yet when it comes to the District of Columbia we seem to reverse ourselves and carry the ball to the other goal.

Senator MORSE. Thank you, Mr. Chairman. As a matter of fact, I hope that the Commissioners next year will give serious consideration to an expanded program of replacement and renovation of the obsolescent buildings presently existing in our school system. I am told that 68 out of 183 school buildings are 50 or more years old. They, in their estimates, clamp a lid upon those of us who feel that we should modernize our plant much more quickly than we are doing. A horrible example, and it is one that I have cited over and over again, is Hine Junior High School. The Board of Education annually requests that this community eyesore be replaced. Each year the request is deleted from the estimates sent up to the Congress. But for the grace of God, we could have had a frightful tragedy in that school last fall. If something is not done about replacing it, and soon, we are but tempting fate and risking a terrible and horrifying possibility of another fire in that structure. The facts may not warrant a replacement in that exact location, but the school officials, by their actions in requesting funds for its replacement, believe that it should be replaced, and I think that we can rely upon them in this instance. Should the Commissioners take no action to fish or cut bait on a Hine replacement, then I respectfully suggest to you gentlemen that we, too, in the Senate have a responsibility and a duty.

I would regret the necessity of introducing special legislation to force the construction of a Hine replacement, because a more orderly procedure would be for the Commissioners to act; but if it becomes necessary to mandate the Commissioners in this matter, I am prepared to give it most careful consideration in the 87th Congress. Given the facts about the school, brought out in open hearings on such a bill, this scandal to those of us who have served upon the District Committee, I am confident, could be eliminated in short order.

SWIMMING POOL AT DUNBAR HIGH SCHOOL

This brings me to one other matter, the swimming pool at Dunbar Senior High School; $66,300 would provide for the repair of this needed facility. For 4 years, 1956 through 1959, this item was eliminated by the Commissioners. Last year it was eliminated by the House. For fiscal 1961, I understand that the Commissioners again vetoed this project.

I gravely suspect that more than fiscal considerations have entered the picture with respect to this item. If they have, the facts should be brought out on the table and faced frankly. In good conscience, if considerations other than fiscal are involved, we must come to grips with the problem. As a Senator whose record on the support of civil rights can stand comparison with that of any liberal in the Senate, I would not be able to face myself if I acquiesced in any manner to a continuation of a segregation-by silence tactic. I strongly suggest that this matter deserves our and your careful attention. I recommend that the $66,300 amount be added to the bill to cover this facility, either through an increase in the funds derived from the borrowing authority or as an outright increase in the Federal payment.

This brings me to my final point. I have some diffidence about bringing it once more to the attention of the subcommittee because I realize full well the difficulties faced by the Senator from Rhode Island whenever an increase in the Federal payment is discussed. It should not be ducked by me, however. The arguments I have made in the past for the appropriation of the full amount presently authorized are as valid as they ever were. The $32 million authorized for this purpose is the very minimum which should appear in this bill under the caption "Federal payment." The $7 million difference between the authorization and the presently appropriated amounts can be applied to reductions in borrowing, it can be saved to make unnecessary some of the tax increase legislation that is pending, it can be used in part, as I have suggested for repair items such as the Dunbar swimming pool, or badly needed new construction at Junior Village, but the important thing is that it be appropriated as an evidence and token of the good faith of the Congress in its relationship to the community.

I feel it would be presumptuous of me, Mr. Chairman, to suggest to this committee the use to which an addition of $7 million could be put, therefore I want to talk but very briefly about one general problem.

It was told to me this morning that the projected construction in Junior Village for three new cottages would take about a million dollars. I think it would be a million dollars well spent. I happen to think it would be a million dollars that an overwhelming majority of the Members of Congress would recommend should be spent if they really took a look at the problems that confront us at Junior Village.

I want this record to show, Mr. Chairman, that I don't think the solution to our social welfare problem is necessarily only more money. That is one need, to be sure, for we must have some money in order to meet some of these present emergency needs.

But I think a proposed solution to the problem is set out pretty well in the Meyer Foundation report on the subject, "What Price Dependency?" Without taking the time to read it, Mr. Chairman, I would ask unanimous consent that there be added to my testimony just what appears on pages 58 and 59 of the record under the heading "The Job Ahead," in which this foundation discussed the three priorities. And I summarize them very quickly.

(See attachment A.)

JUNIOR VILLAGE

The first priority, they feel in the light of their initial assignment, must be to do something about the deplorable situation at Junior Village. Here they talk about this congested condition. When people say, "Senator, what would you do with the extra $7 million." I would start with a million of it for Junior Village, because, you know, I think it would do something for the spiritual values of Washington too, and those are important in a democracy.

We hear so much about the problem that is created by the alleged Negro migration into Washington, D.C. Well, come with me to the Village, see the volunteer help that is offered Junior Village night after night, as colored women who work all day in private industry or in Government jobs, come out there, walk a quarter of a mile on a lonely dark road to the Village, help bathe these babies that have to be bathed at night, and then at 10 or 11 o'clock at night walk back this quarter of a mile, wait for a bus, and go back to their homes.

I say that service is a great contribution to upholding spiritual values in the District of Columbia. When you start comparing that service with the dollar sign, I am going to be on the side always of the spiritual values, because I think we can find the dollar signs if we increase this Federal allotment to the District, as we should, by the additional $7 million.

Second, the report says: "Its second priority, closely allied, is getting children out of Junior Village and into foster homes; especially babies, and teenagers."

I have already commented on that in my testimony in chief.

CITYWIDE ATTACK ON DEPENDENCY

And third, "Its third priority is to launch a citywide attack on dependency."

And I will not, because this isn't the appropriate place, it should be done in the legislative committee, give my bill of particulars for a legislative attack on the problem of dependency in the District of Columbia, which leads, incidentally, to a great deal of delinquency, too, and the problem of poverty, but I will say that it takes money to make an impact on these problems.

Seven million dollars would go but a small way in a major attack on these problems.

FEDERAL PAYMENT

The place for expenditure is clear. I only recommend, Mr. Chairman, that serious consideration be given to meeting the full Federal allotment of $32 million.

As usual, I appreciate very much the opportunity that you always give me as a representative of the legislative committee to come before this Appropriations Committee and call attention to some of the observations I have made in the past year in my work on the legislative committee.

Senator PASTORE. I thank you very much, Mr. MORSE. It has been a pleasure and great assistance to have you come here.

And the two pages that you referred to will be made a part of the record.

Senator MORSE. Thank you very much.

ATTACHMENT A

THE JOB AHEAD

There are two truisms, however hackneyed, about which the committee would remind the Washington community:

You get what you pay for.

You pay for what you want most.

Washington is now getting what it is paying for—the perpetuation of dependency. It is up to the residents of this city to decide whether they want most to do something to reverse the present trend.

Doing something about alleviating the problem will cost a great deal of money, but the committee questions whether not doing something about the problem will not, in the long run, cost much more in actual dollar terms, in real estate values, in a healthy Washington economy.

It adds these considerations to its primary consideration—the welfare of individual human beings—in urging that the Washington community consider the establishment of priorities which can set in motion the multiple kinds of action needed to dispel the dependency shadow which now hangs so heavy over the city.

THE PRIORITIES

Its first priority—in the light of its initial assignment—must be to do something about the deplorable situation at Junior Village.

The committee calls upon the Washington community to support in every possible way the building program at Junior Village.

Its second priority, closely allied, is getting children out of Junior Village and into foster homes; especially babies, and teenagers.

The committee not only supports present Department of Public Welfare efforts to accomplish this goal, but urges greater effort, and intensive cooperation by voluntary agencies and informed citizens.

Its third priority is to launch a citywide attack on dependency.

This is the heart of the matter.

If the Washington community supports the first two priorities which this report suggests, action can be forthcoming quickly.

The third priority requires action on a short-term basis, but action which can lead to the realization of long-term goals as well, many of them embodied in the recommendations contained in this report.

Obviously, recommendations that require congressional legislation to put into effect cannot be accomplished overnight.

But if the long-range goals are kept in view as the short-term goals are accomplished, this city will be moving forward in an orderly way to solve its dependency problem.

ORDER FOR THE CALL OF THE CALENDAR ON MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that on Monday, at the conclusion of the transaction of routine morning business, the Senate proceed to the consideration of the measures on the calendar to which there is no objection, beginning with Calendar No. 95.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I announce that we will follow the consideration of the second supplemental appropriation bill with another supplemental appropriation bill involving appropriations for the National Aeronautics and Space Administration. I am told that the consideration of that bill will be very brief. The Senator from Mississippi [Mr. STENNIS] is handling it. That bill will be followed by the Commerce Department appropriation bill; then by the appropriation bill for the Interior Department and related agencies, and the Treasury-Post Office appropriation bill.

Mr. President, I announce for the information of all Senators that we will have a rollcall vote on all appropriation bills, and that we will dispose of as many of them as possible this evening. I should like to have the Senate sit a little late this evening in order to conclude with the consideration of as many of these bills as possible, so that we can conclude our business for the week tomorrow. If we cannot, we will have a Saturday session.

SECOND SUPPLEMENTAL APPROPRIATIONS 1960

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of H.R. 10743, the second supplemental appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. HAYDEN. Mr. President, the second supplemental appropriation bill, 1960, recommends appropriations to the Senate in the amount of $979,908,000, which is $742,402,000 over the bill as it passed the House of Representatives.

The increase recommended by the committee over the House bill is very large. However, most of this increase, $675 million is for the Commodity Credit Corporation. The House denied the request for this $675 million on the basis that the additional funds were not needed at this time. The Senate Committee believes that this additional amount will be needed by the Commodity Credit Corporation this year and if it is not furnished in the bill pending before the Senate, it will have to be included in either the agricultural bill for 1961 or in the supplemental bill which will come before the Senate this summer. These funds are absolutely necessary if the Department of Agriculture is to conduct mandatory price support operations.

Another large item of increase recommended by the committee is for capital grants for slum clearance and urban renewal. This amount of $35 million recommended by the committee is required by the Housing and Home Finance Agency to liquidate in 1960 a portion of the outstanding obligations. These obligations were entered into as a result of other legislation and the funds recommended herein are required to liquidate the obligations.

The other increases recommended by the committee are of a minor nature and are described in the committee report. I would be glad to answer any questions that may arise with respect to the bill.

Mr. President, I ask that the committee amendments to the bill be agreed to en bloc and that the bill as thus amended be regarded, for the purpose of amendment, as original text, provided that no point of order shall be considered to be waived by reason of agreement to this order.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee amendments agreed to en bloc are as follows:

Under the heading "Department of Agriculture—Commodity Stabilization Service—Acreage Allotments and Marketing Quotas", on page 1, line 12, after the word "quotas", strike out "$1,000,000" and insert "$1,666,800".

Under the subhead "Commodity Credit Corporation", on page 2, after line 1, insert:

"RESTORATION OF CAPITAL IMPAIRMENT

"To partially restore the capital impairment of the Commodity Credit Corporation determined by the appraisal of June 30, 1959, pursuant to section 1 of the Act of March 8, 1938, as amended (15 U.S.C. 713a-1), $675,000,000."

Under the heading "Department of Commerce—Maritime Activities—Operating-Differential Subsidies", on page 2, line 24, after the word "subsidies", strike out "$16,000,000" and insert "$32,000,000".

At the top of page 3, insert:

"STATE MARINE SCHOOLS

"For an additional amount for 'State marine schools', $20,000; and the limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1960, on the amount available for the maintenance and repair of vessels loaned by the United States, is increased from '$150,000' to '$170,000.' "

Under the heading "Department of Defense—Civil Functions—Department of the Army—Rivers and Harbors and Flood Control", on page 3, line 13, after the word "general", strike out "$2,700,000" and insert "$2,800,000".

Under the heading "District of Columbia—(Out of District of Columbia funds)—Operating Expenses", on page 4, after line 3 insert:

"DEPARTMENT OF GENERAL ADMINISTRATION

"For an additional amount for 'Department of General Administration', $20,000, to remain available until expended."

On page 4, after line 7, insert:

"FIRE DEPARTMENT

"For an additional amount for 'Fire Department', $36,000."

On page 4, after line 10, insert:

"PERSONAL SERVICES, WAGE-SCALE EMPLOYEES

"For pay increases and related retirement cost for wage-scale employees, to be transferred by the Commissioners of the District of Columbia to the appropriations for the fiscal year 1960 from which said employees are properly payable, $284,000, of which $19,000 shall be payable from the highway fund, $35,500 from the water fund, and $21,500 from the sanitary sewage works fund."

Under the subhead "Utility Services", on page 5, line 2, after the word "fund", insert "and $38,000 shall be payable from the water fund".

Under the heading "Department of Health, Education, and Welfare—Payments to School Districts", on page 7, after line 1, to insert:

"For an additional amount for 'Payments to school districts', fiscal year 1959, $7,362,000."

Under the subhead "Grants for Library Services", on page 7, line 8, after the word "services", strike out "$100,000" and insert "$131,000".

Under the subhead "Public Health Service—Communicable Disease Activities", on page 7, line 12, after the word "activities", strike out "$125,000" and insert "$160,000".

On page 7, after line 12, insert:

"SANITARY ENGINEERING ACTIVITIES

"For an additional amount for "Sanitary engineering activities", $350,000."

On page 7, after line 15, insert:

"HOSPITALS AND MEDICAL CARE

"The limitation under this head in the Department of Health, Education, and Welfare Appropriation Act, 1960, on the amount

available for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C. ch. 7), is increased from '$2,167,000' to '$2,367,000'."

At the top of page 8, insert:

"INDIAN HEALTH ACTIVITIES

"For an additional amount for 'Indian health activities', $350,000."

Under the subhead "Social Security Administration—Grants to States for Public Assistance", on page 8, line 11, after the word "assistance", strike out "$9,500,000" and insert "$4,000,000".

Under the heading "Independent Offices", on page 8, after line 12, insert:

"OFFICE OF CIVIL AND DEFENSE MOBILIZATION

"Federal contributions

"For an additional amount for 'Federal contributions', including financial contributions to the States pursuant to section 205 of the Federal Civil Defense Act of 1950, as amended, to be equally matched with State funds, $3,000,000."

On page 9, after line 8, insert:

"FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses

"The limitation, established by section 102 of the Independent Offices Appropriation Act, 1960, on the amount available under this head for travel expenses of employees during the current fiscal year, is increased by $10,000."

Under the subhead "Housing and Home Finance Agency—Office of the Administrator—Urban Planning Grants", on page 9, at the beginning of line 23, strike out "$1,500,000" and insert "$1,800,000".

At the top of page 10, insert:

"CAPITAL GRANTS FOR SLUM CLEARANCE AND URBAN RENEWAL

"For an additional amount for 'Capital grants for slum clearance and urban renewal', including grants for the preparation or completion of community renewal programs, $35,000,000."

Under the subhead "National Labor Relations Board—Salaries and Expenses", on page 10, at the beginning of line 16, strike out "$500,000" and insert "$600,000".

Under the heading "Department of the Interior—Bureau of Land Management—Management of Lands and Resources", on page 11, line 19, after the word "resources", strike out "$2,450,000" and insert "$2,860,000".

Under the subhead "Bureau of Indian Affairs—Resources Management", on page 11, line 23, strike out "$310,000" and insert "$360,000".

Under the subhead "Bureau of Reclamation", on page 12, after line 1, insert:

"OPERATION AND MAINTENANCE

"For an additional amount for 'Operation and Maintenance' $735,000, to be derived from the Reclamation fund."

Under the subhead "Management and Protection", on page 12, line 25, after the word "protection", strike out "$125,000" and insert "$150,000".

Under the subhead "Construction", on page 13, line 2, after the word "Construction", strike out "$3,135,000" and insert "$4,982,300".

Under the heading "Department of Justice—Salaries and Expenses, United States Attorneys and Marshals", on page 14, line 23, after the word "marshals", strike out "$200,000" and insert "$300,000".

Under the heading "Department of Labor—Labor-Management Reporting and Disclosure Activities—Salaries and Expenses", on page 15, line 9, strike out "$750,000" and insert "$1,300,000".

Under the heading "Legislative Branch", on page 15, after line 10, insert "SENATE".

On page 15, after line 11, insert:

"For payment to Emma Langer Schaeffer, Lydia Langer Irwin, Mary Langer Gokey, and Cornelia Langer Noland, daughters of William Langer, late a Senator from the State of North Dakota, $22,500."

On page 15, after line 15, insert:

"For payment to H. Maurine Neuberger, widow of Richard L. Neuberger, late a Senator from the State of Oregon, $22,500."

On page 15, after line 18, insert:

"SALARIES, OFFICERS AND EMPLOYEES

"For an additional amount for administrative and clerical assistants to Senators to provide additional clerical assistants for each Senator from the States of Maryland and Wisconsin so that the allowances of Senators from the State of Maryland will be equal to that allowed Senators from States having a population of over three million, the population of said State having exceeded three million inhabitants, and so that the allowances of Senators from the State of Wisconsin will be equal to that allowed Senators from States having a population of over four million, the population of said State having exceeded four million inhabitants, $5,600."

On page 16, after line 8, insert:

"For an additional amount for Office of the Secretary, $1,915: *Provided*, That the basic amount available for clerical assistance and readjustment of salaries in the disbursing office is increased by $3,720."

On page 16, after line 12, insert:

"CONTINGENT EXPENSES OF THE SENATE

"Furniture

"For an additional amount for furniture, $8,690."

On page 16, after line 15, insert:

"EXPENSES OF INQUIRIES AND INVESTIGATIONS

"For an additional amount for expenses of inquiries and investigations, $662,000."

On page 17, after line 18, insert:

"SENATE OFFICE BUILDINGS

"For an additional amount for 'Senate Office Buildings', $12,000."

Under the heading "Department of State—Administration of Foreign Affairs—Salaries and Expenses", on page 18, line 19, strike out "$210,000" and insert "$395,000".

Under the heading "Treasury Department—Bureau of the Mint", on page 20, after line 11, insert:

"CLAIMS FOR DAMAGES AND JUDGMENTS

"For payment of claims as settled and determined by departments and agencies in accord with law and a judgment rendered against the United States by the United States Court of Claims, as set forth in Senate Document Numbered 87, Eighty-sixth Congress, $4,948,934, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided, further*, That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act."

Mr. HAYDEN. Mr. President, the Committee on Appropriations has just concluded a hearing on two supplemental requests for funds submitted in Senate Document No. 90, which was transmitted to the Senate yesterday.

The funds requested are required in order that the Department of Justice and the Department of State may act to meet two emergency situations.

The first of these two emergencies involves the Immigration and Naturalization Service of the Department of Justice. I have sent to the desk a committee amendment, and asked that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 15, after line 3, it is proposed to insert the following:

IMMIGRATION AND NATURALIZATION SERVICE
SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $500,000.

Mr. HAYDEN. Mr. President, this amendment would provide $500,000 to allow the Immigration and Naturalization Service to carry out its responsibilities to prevent illegal airplane flights or other departures from the United States to Cuba. In support of this request the Director of the Bureau of the Budget states:

This proposed supplemental appropriation is to carry out the responsibilities of the Immigration and Naturalization Service to prevent illegal airplane flights or other departures from the United States to Cuba of persons for purposes inimical to the foreign policy of this Nation. It has been necessary for the Service to detail a number of border-patrol officers and equipment to the southeastern part of the United States. To date, the additional costs involved have been absorbed by diverting available funds intended for other purposes, but any further diversion of funds will impair regular programs. The additional cost of maintaining this emergency for the remainder of the year will be $500,000.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. President, I have sent another committee amendment to the desk and asked that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 19, after line 7, it is proposed to insert the following:

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Construction

For an additional amount for "construction", $220,000, to remain available until expended and to be available for the leasing of land.

The PRESIDING OFFICER. The question is on agreeing to the second amendment submitted by the Senator from Arizona.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, with respect to the second amendment, let me say that it provides $220,000 for the construction of facilities for the protection

of residents of the United States from the effects of inadequately treated sewage originating in Tijuana, Mexico. In support of this request, the Director of the Bureau of the Budget states:

This proposed supplemental appropriation is for the construction of facilities to furnish protection for residents of the United States from the effects of inadequately treated sewage originating in Tijuana, Baja California, Mexico. It is essential that remedial action be taken at the earliest possible date to provide relief from critical health hazards and monetary losses in San Diego County, Calif. Funds are not included for the purchase or leasing of lands.

The committee decided to make the funds available for the leasing of lands even though the budget estimate made no such request.

Mr. President, the Senator from California [Mr. KUCHEL] is familiar with this situation, and I shall be glad to have him say a few words.

Mr. KUCHEL. I thank the Senator from Arizona.

Mr. President, I participated in the hearings before the Senate Appropriations Committee in which it was indicated that the administration—in complete agreement with the Government of Mexico—now desires to proceed, by means of the appropriation called for by this amendment, to construct sewage treatment facilities in the vicinity of the Tijuana-San Diego border. This is an international problem which plagues the good people in the county of San Diego.

As the able chairman of the committee has said, it was originally intended that land now owned by the U.S. Navy would be utilized as the site for construction of the sewage disposal plant. However, the Navy is unable to relinquish the use of the land in question.

For that reason, the chairman of the committee and the other members of the committee saw fit to provide, by means of this amendment, for utilization of part of the appropriation to lease property upon which the construction might be had, and so that the amount involved might be augmented subsequently in this session, if necessary to complete this highly necessary health project.

Mr. HAYDEN. Yes. I should like to state that there was an agreement between the U.S. Government and the Government of Mexico with respect to the disposal of sewage from Tijuana. But the populations of both places have increased to such an extent that the sewage disposal system—the cost of which was contributed to by both Governments—is no longer sufficient.

In other words, it is proposed that in this way this matter be taken care of temporarily, and that there be negotiated between the two countries another agreement which will equitably apportion between the two countries the cost of the sewage disposal plant.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. MUNDT. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment submitted by the Senator from South Dakota will be stated.

The CHIEF CLERK. On page 10, between lines 16 and 17, it is proposed to insert the following:

UNITED STATES INFORMATION AGENCY

For purchase of station time and programing of Spanish-language medium-wave radio broadcasts, and, if feasible, television broadcasts, to Cuba designed to cultivate friendship with the people of Cuba, and to improve relations between such country and the United States, $100,000.

Mr. MUNDT. Mr. President, I shall be brief in discussing the amendment, because the committee has acted this afternoon.

I propose this amendment, and state that we authorized the chairman, on behalf of the Supplemental Appropriations Subcommittee, to request that the Senate agree to the amendment.

I wish to say a few words about the amendment, so as to be sure that the purpose of the amendment will be clearly understood, and will be carried out by the administration.

I addressed the Senate on this subject on Tuesday afternoon, and my remarks in connection with the amendment appear in the CONGRESSIONAL RECORD, beginning on page 6271 and continuing on the next several pages of the RECORD.

The purpose of this amendment, simply stated, is to provide $100,000 to be used between now and the end of the fiscal year for the purchase of station time and programing on commercial radio stations, including television stations, if that proves to be feasible, for broadcasting, in the Spanish language on medium-wave radio broadcasts, to the people of Cuba the truth of the American position and American policy.

I read portions of a letter which I have received in response to a telephone call that I made to the U.S. Information Agency on March 21:

This is in response to your telephone request today for information concerning our current activities in Cuba and for a preliminary estimate of what funds would be needed in order to reach Cuba with medium-wave radio broadcasts, using existing commercial stations.

And the gist of the reply dealing with this particular provision is as follows:

With reference to the possibilities of broadcasting to Cuba over existing commercial medium-wave stations, we have been exploring, together with other agencies, the possibility of inaugurating a 2- to 4-hour show in the late evening and early morning hours. Just tomorrow, in fact, we are sending our radio program manager for an on-the-spot analysis of various possibilities, including possible use of WGBS in Miami a 50,000-watt station during the day, reduced to 10,000 watts in the evening hours); WSB in Atlanta; and other stations able to reach Cuba. Our best estimate is that we would need approximately $100,000 for the balance of fiscal year 1960 to secure time on available stations, cover direct line costs from our studios in Washington, and cover the additional talent and special programing costs which would be involved in the preparation and broadcasting of programs.

Let me add only that our committee this afternoon, which has been authorizing the acceptance of the amendment, has been in contact with our Department of State, and the Department has no objection to the passage of this proposal.

Mr. HAYDEN. Mr. President, this matter was brought to the attention of the committee by the Senator. I am directed by the committee to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota on page 10, between lines 16 and 17.

The amendment was agreed to.

Mr. KUCHEL. Mr. President, I call up my amendment identified as "3-17-60—B."

The PRESIDING OFFICER. The amendment offered by the Senator from California will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 7, in line 5, to strike out the figure "$8,330,000" and insert in lieu thereof "22,343,000".

Mr. KUCHEL. Mr. President, on behalf of myself, my distinguished colleague from California [Mr. ENGLE], the distinguished Senators from Alaska [Mr. GRUENING and Mr. BARTLETT], and the distinguished Senator from Kentucky [Mr. COOPER], I offer the amendment which has just been stated by the clerk.

Mr. President, the amendment I have offered will do simple justice to 4,000 American school districts as that justice is spelled out in Public Law 874. Public Law 874 is the policy of the Government of the United States. That policy has been followed each year thereafter. It authorizes aid for the operation of public school districts which are impacted by Federal defense activities within their districts.

When the Federal Government takes over land within a school district for defense or procurement purposes, it brings military and civilian personnel into the district. These are good people. With them come their children. The local school district has an honorable obligation to educate those children, although, in the main, their parents live on a military or defense installation owned by the Government, and therefore not responsible to local ad valorem taxes.

Congress years ago recognized the inequity of such a situation and provided for what can be actually termed as "in lieu" payments to the districts thus impacted. Thus, the homeowners, the common property owners in such a district were not required to shoulder an inequitable burden. There are some 400 such districts in the State from which I come. The estimated cost to comply with Public Law 874 during fiscal year 1960 is $186,300,000.

The amendment I have offered will bring the amount available completely into line with the estimated entitlements of those 4,000 school districts scattered across every section of the land, and which comply with provisions of this Federal law.

If this amendment were rejected, Uncle Sam would renege to the extent of over $3 million to impacted school districts in the State from which I come. Other States likewise would be injured, although in a lesser amount.

I ask unanimous consent that a summary of the entitlements by States under

Public Law 874, prepared by the Department of Health, Education, and Welfare, be inserted at this portion of my remarks, and a brief statement of the purpose of the statute likewise be inserted.

There being no objection, the summary and statement were ordered to be printed in the RECORD, as follows:

Summary of fiscal year 1960 Public Law 874 estimated entitlements, by States, based on data of Mar. 1, 1960

[In thousands of dollars]

State or possession	Currently available by Public Law 86-158	Amount available from 1960 appropriation plus House amendment	Currently estimated fiscal year 1960 entitlement	Amount needed in addition to House allowance for full payment (col. 3 minus col. 2)
Total	[1] 163,957	[2] 172,286	186,300	14,014
Alabama	3,527	3,717	4,030	313
Alaska	5,105	5,379	5,832	453
Arizona	3,416	3,600	3,903	303
Arkansas	866	913	990	77
California	28,190	29,708	32,211	2,503
Colorado	4,217	4,445	4,819	374
Connecticut	1,633	1,732	1,878	146
Delaware	185	195	211	16
Florida	4,362	4,598	4,985	387
Georgia	4,149	4,373	4,741	368
Hawaii	3,292	3,470	3,762	292
Idaho	1,181	1,245	1,350	105
Illinois	2,559	2,697	2,924	227
Indiana	755	794	861	67
Iowa	438	461	500	39
Kansas	4,040	4,258	4,617	359
Kentucky	997	1,050	1,139	89
Louisiana	1,230	1,296	1,405	109
Maine	1,197	1,262	1,368	106
Maryland	6,377	6,720	7,287	567
Massachusetts	4,323	4,556	4,940	384
Michigan	788	831	901	70
Minnesota	390	410	445	35
Mississippi	1,130	1,190	1,291	101
Missouri	1,810	1,940	2,103	163
Montana	1,162	1,225	1,328	103
Nebraska	1,413	1,490	1,615	125
Nevada	1,063	1,121	1,215	94
New Hampshire	844	890	965	75
New Jersey	2,783	2,933	3,180	247
New Mexico	3,828	4,034	4,374	340
New York	3,546	3,737	4,052	315
North Carolina	1,772	1,868	2,025	157
North Dakota	298	315	341	26
Ohio	3,848	4,055	4,397	342
Oklahoma	5,380	5,670	6,148	478
Oregon	908	957	1,038	81
Pennsylvania	3,873	4,082	4,426	344
Rhode Island	1,352	1,425	1,545	120
South Carolina	2,465	2,598	2,817	219
South Dakota	1,552	1,636	1,774	138
Tennessee	1,765	1,860	2,017	157
Texas	9,483	9,994	10,836	842
Utah	1,366	1,440	1,561	121
Vermont	80	85	92	7
Virginia	10,582	11,152	12,092	940
Washington	7,010	7,389	8,011	622
West Virginia	116	122	132	10
Wisconsin	499	525	570	45
Wyoming	636	671	727	56
Guam	593	625	678	53
Virgin Islands	45	47	51	4
Federal installations	9,500	9,500	9,800	300

[1] Will permit payment of 87.51 percent of entitlement.

[2] Will permit payment of 92.23 percent of entitlement.

A BRIEF EXPLANATION OF FEDERAL ASSISTANCE FOR MAINTENANCE AND OPERATION OF SCHOOLS AUTHORIZED BY PUBLIC LAW 874, 81ST CONGRESS (20 U.S.C., CH. 13) AS AMENDED BY PUBLIC LAW 85-620, ENACTED AUGUST 12, 1958

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., August 27, 1958.

I. PURPOSE

The purpose of Public Law 874 is to provide financial assistance for the maintenance and operation of free public elementary and secondary schools to those local educational agencies upon which the United States has placed financial burdens by reason of the fact that (a) local revenues of such agencies have been reduced as the result of acquisition of real property by the United States, or (b) such agencies provide education for children residing on Federal property, or (c) such agencies provide education for children whose parents are employed on Federal property, or (d) there has been a sudden and substantial increase in school attendance as the result of Federal activities.

In addition to payments to local educational agencies, the law provides for transfer of funds to other Federal agencies to provide free public education for children living on Federal property when no local educational agency is able to provide suitable free public education for such children.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my colleague from South Dakota.

Mr. CASE of South Dakota. I am very much interested in the proposed amendment. My understanding is that actually what we have before us is an error in computation. I heard it stated no later than Tuesday by a person connected with the Bureau of the Budget that if there was a liability here, the liability was for the $22 million rather than for the $8 million. Is that correct?

Mr. KUCHEL. The Senator is completely correct. The figure included in the amendment, $22,343,000, represents the revised estimate of the Department of Health, Education, and Welfare as to what is necessary in order that the Federal Government will make allocations to 4,000 public school districts in America to the extent that they are authorized to receive them under the present law.

Mr. CASE of South Dakota. I commend the Senator for offering the amendment. I think the matter should be taken care of now so that these schools can proceed properly for the remainder of the school year.

Mr. KUCHEL. I thank my able friend from South Dakota.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the Senator from Alaska.

Mr. BARTLETT. As the Senator from South Dakota has suggested, the amendment is only a needed effort to rectify a bookkeeping error; and I, too, wish to commend the senior Senator from California for offering the amendment and bringing this situation to the attention of the Senate.

Mr. KUCHEL. I thank my friend.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the Senator from Kentucky.

Mr. COOPER. A few days ago this matter came to my attention. I communicated with the Department of Health, Education, and Welfare. I was informed by the Secretary that the first estimate was an early estimate and that the last estimate would provide funds necessary for the federally affected districts for the remainder of this year. I may say it affects 49 school districts in my State and about 11,000 schoolchildren.

Mr. KUCHEL. I thank the Senator.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the Senator from South Dakota.

Mr. MUNDT. I think the Senator from California is to be commended for bringing this matter to the attention of the Senate now. The figure in controversy represents simply an error in computation. Some of the sponsors of the amendment discussed the matter with me earlier. My own study of it, and results of contacts, indicated to me that the Bureau of the Budget recognizes that the figure which is now in the amendment in the figure which should have been placed in the bill originally.

I suggest to the chairman of the committee that he be willing to accept the amendment. I am sure when we get to conference we will find that the Bureau of the Budget supports the figure.

Mr. HAYDEN. The matter has been considered by the committee.

Mr. President, I ask unanimous consent to include in the RECORD at this point in my remarks a letter from the Acting Secretary of the Department of Health, Education, and Welfare which fully explains the situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, March 11, 1960.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On February 8, 1960, I advised Senator HILL, as chairman of the subcommittee of the Committee on Appropriations which considers appropriations for this Department, that the fiscal year 1960 appropriation for payments to federally affected school districts eligible under Public Law 874 would be sufficient to cover only 95 percent of entitlements contrary to earlier estimates which had been furnished the committee upon its request. The Commissioner of Education testified before your committee on March 2 to the effect that $8,330,000 would be required to pay entitlements of school districts in the fiscal year 1960.

This estimate of requirements for payment of full entitlements was made earlier in the year on the basis of estimates of increases to occur in fiscal year 1960 in numbers of eligible children and average rates of payments. We have just recently completed an analysis of applications received for payments this fiscal year (these are due not later than March 31, 1960) and find the estimate of additional requirements to pay entitlements in full to be greater than that previously estimated and provided to you. This review encompassed some 2,400 applications accounting for approximately 75 percent of the applications we expect to receive for 1960, most of which were received only recently as the school districts rush to meet the March 31 deadline. On the basis of this review, it now appears that the appropriation now available for fiscal year 1960 will be sufficient to cover only 88 percent of entitlements rather than 95 percent as we estimated earlier. Estimated additional requirements to pay entitlemens in full are now estimated to amount to $22,343,000 as compared with the previous estimate of $8,330,000.

Naturally, this sudden increase in requirements is surprising and requires explanation. The fact is that the reported increases in attendance and rates of payment by the applicant districts are much sharper than we had previously estimated. This new information could not have been ascertained without a review of actual applications which were not available when the earlier estimate was made.

This information does not constitute a request for additional appropriations but is rather a correction of earlier information supplied you which has been found to be in error. I wish to reiterate that in line with previous testimony presented to your committee, this Department does not recommend the appropriation of increased funds for fiscal year 1960. As you know, the President has proposed enactment of legislative amendments to the program of assistance to school districts in federally affected areas designed to limit payments to amounts more consistent with the Federal responsibilities and favors restricting the amount of Federal expenditures for this purpose, pending the enactment of revised legislation, by applying the provisions of the present legislation for distributing a lesser amount of funds than the full authorization.

We are now evaluating the effect of this new and revised information on fiscal year 1961.

Sincerely yours,

BERTHA S. ADKINS,
Acting Secretary.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HAYDEN. Yes.

Mr. SALTONSTALL. I am in favor of doing what the Senator from Arizona has recommended. I would, however, point out it is the feeling of the Bureau of the Budget that these payments are not obligatory. While the Government has been paying the full amount, it is not obligated to pay it. The full amount is the figure the Senator from California has indicated.

I would also point out that the President has submitted some legislative proposals for changes in the law. Hearings on these proposals were held by the House last year, but they were not favorably considered. Hearings on the proposals have not been held by the Senate as yet. The amount requested in the budget for fiscal 1961 is $126,695,000. If the proposed changes in the law requested by the President are not enacted, it is estimated that over $200 million will be required in fiscal 1961 to pay full entitlement under the present law. I think, having put the amount of $7,632,000 in for fiscal 1959 for full entitlement, $22,343,000 is the proper amount to put in for full entitlement for fiscal 1960.

I do not quite agree with some of the statements which have been made. It is my understanding this is not a firm obligation, but is a method by which these amounts have been paid in the past.

Mr. HAYDEN. That is correct.

Mr. SALTONSTALL. So if we are to carry through as before, without a change in the law, we ought to put the amount in.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California for himself and other Senators, on page 7, in line 5.

The amendment was agreed to.

Mr. ROBERTSON. Mr. President, I send an amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 19, line 17, to strike out the figure "$750,000" and insert in lieu thereof the figure "$1,500,000."

Mr. ROBERTSON. Mr. President, when the supplemental bill was presented to the House there was a request for $1½ million for administering the public debt. The House saw fit to cut the item in half, eliminating $750,000, and allowing $750,000.

The bill came to the Senate, and on March 2 Mr. Scribner, acting for the Secretary of the Treasury, wrote a letter to the chairman of the full committee stating that the Treasury Department would not ask for restoration of the amount cut, provided it would not be prejudiced later on if it felt a necessity for asking for an additional sum, should it be found necessary.

On March 11, I believe it was, the bill was reported by our committee as we received it from the House, as it pertains to this and other Treasury items.

On March 14 the Secretary of the Treasury, Mr. Anderson, called me on the telephone and said, "We have found, upon a reappraisal of the work to be done in administering the public debt, that we cannot do without the funds we originally contemplated, $1½ million."

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the letter the Secretary of the Treasury wrote me on that subject.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE TREASURY,
Washington, March 14, 1960.

Hon. A. WILLIS ROBERTSON,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: This will confirm my telephone conversation with you this morning concerning the item in the pending second supplemental appropriation bill, 1960 (H.R. 10743) for administering the public debt. Our original estimate for the additional amount needed for this purpose during the balance of the current fiscal year was $1,500,000, and this was allowed by the House of Representatives in the amount of $750,000. Acting Secretary Scribner, in his letter of March 2, 1960, to Senator HAYDEN, stated that we were willing to go along with the judgment of the House with the understanding that we would not be prejudiced from requesting additional funds at a later date if actual experience confirms our original estimates of the amount of work that might be involved in the exchange of series E, F, and J savings bonds for series H bonds and we are unable to meet the situation through other program adjustments.

Since March 2, we have made a complete reappraisal of the work involved in administering and servicing the millions of holders of our public debt obligations. We find that we cannot perform this essential public service without restoration of the appropriation in the pending bill to the amount of our original request. This is not due to any change in the situation with respect to the pending exchange of E, F, and J savings bonds for series H bonds, which was thoroughly covered by Mr. Scribner, but it takes into account other phases of our public debt operations which were not anticipated or adequately taken into account in our forecast at that time.

We have discussed the situation with the Director of the Bureau of the Budget, and he offers no objection to the restoration of this item to the amount originally submitted to the Congress by the President on February 8. Your further consideration of the matter will be appreciated.

Sincerely yours,

ROBERT B. ANDERSON,
Secretary of the Treasury.

Mr. ROBERTSON. Mr. President, I shall quote the pertinent part of the second paragraph:

Since March 2, we have made a complete reappraisal of the work involved in administering and servicing the millions of holders of our public debt obligations. We find that we cannot perform this essential public service without restoration of the appropriation in the pending bill to the amount of our original request.

In the last paragraph the Secretary said he had taken the matter up with the Director of the Bureau of the Budget. The initial budget request was, as I previously mentioned, for $1½ million, and the Bureau of the Budget said,

"Yes; we approve your present request to go back to the original budget estimate."

Mr. HAYDEN. That is the way I understand the situation, Mr. President. The Treasury Department represented to the House the Department would need $1,500,000. The House allowed half of that amount. It was later represented to us that that was all the Department would need, that is, $750,000. Now the Department says, "We want the full amount of the budget request."

So far as I am concerned, I am willing to take it to conference, and see what the House will do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. HAYDEN. I yield.

Mr. LAUSCHE. I invite the Senator's attention to page 2 of the bill, to the item which deals with "Maritime activities." The original sum of $16 million is sought to be increased to $32 million, to cover the differential in the cost of operating the merchant marine.

What is the reason which was given for the request for an additional $16 million?

Mr. HAYDEN. I will ask the Senator from Florida [Mr. HOLLAND], the chairman of the subcommittee which deals with that matter, to answer the question.

Mr. HOLLAND. Mr. President, it is necessary to grant the original request, which was not granted by the House, unless we are going to carry these obligations over into the next year. The requests for payment have now come in in an amount which makes it very clear that the accrued obligations of the United States for maritime activities will be payable to the operators who hold contracts with our Government in the full amount requested by the budget.

I will say to the distinguished Senator from Ohio that the Senator from Florida has handled these items for the past several years, and has tried to impress upon the Maritime Administration the fact that we do not like supplemental requests. At the time of the hearing this year we were given assurance that there would be no further supplemental requests, and that the original bill, which will be considered in a few minutes, would cover the full amount of subsidies payable to the ship operators in this coming year. We were told that they will not be coming to us with a supplemental request again.

Unfortunately, there is a supplemental request for the fiscal year 1960, the current year.

Mr. LAUSCHE. Will the Senator yield further?

Mr. HOLLAND. I should like to read from the justification which appears on page 27 of the sideslips:

Restoration of the full amount of the House reduction is required to (1) avoid placing a hardship on subsidized operators by deferring $16 million in payments until July; (2) maintain the present currency in the payment of subsidy bills—

They are current, and they want to remain current—

and (3) avoid the necessity of requesting supplemental funds in fiscal year 1961.

Mr. LAUSCHE. What was the cause for the inadequacy of the original allocation? Has that been the result of increased costs, wages, and otherwise, in the operating of the ships?

Mr. HOLLAND. All of the subsidies are based upon the difference in the cost of operation of our ships and foreign ships. There is a difference in the pay of our merchant marine, compared with foreign ships, and other costs are also involved.

What we are trying to do is to get these payments on a completely current basis. We have been trying to do so for 3 or 4 years. We are told that if the payment is made for this year, which will be due and payable before the end of June, the Maritime Administration will be on a current basis and will not come back to ask us for supplemental items from now on.

I will say to the Senator that some years ago the Maritime Administration was very much behind in these payments. We gave them an increased amount for auditors. We provided increased personnel to enable them to catch up, and they are catching up. We were told—and we are stating that we were told—that this payment will make them current by the end of this year, so that they will not have to come back to Congress for a supplemental item in 1961. We are very eagerly desirous that the payments remain current, because when the obligations are carried over to the next year it hurts the operators, particularly the small operators, who cannot afford to carry these items long after they are due.

Mr. LAUSCHE. Mr. President, will the Senator yield for a statement?

Mr. HOLLAND. I yield.

Mr. LAUSCHE. In the Interstate and Foreign Commerce Committee there is now pending a bill which will completely remove the limitation with regard to subsidizing the cost of ship construction. The present law provides that the Government will pay the difference between the cost of constructing a ship in the United States and the highest cost of constructing the ship in a foreign country, but in no event to exceed 50 percent of the cost of the ship. The shipbuilders and the merchant marine people are now asking Congress that there be no limitation. The real reason given for the request that there be no limitation is that the steel strike has lifted the cost of wages to such a point that the 50 percent limitation makes it impossible to operate.

My question is: Have wage increases and cost increases been in an amount to require the supplemental appropriation?

Mr. HOLLAND. No. The supplemental appropriation is required to meet the conditions of existing law and the existing operations under that law.

Mr. LAUSCHE. Under the increased wages and increased costs, has the supplemental appropriation been required since we passed the original appropriation a year ago?

Mr. HOLLAND. No. The Senator is talking now about ship subsidies. We are talking about the operating-differential subsidies for the operation of certain voyages. We approved 2,400 voyages for this year. There have been allocated, if my recollection is correct, something over 2,100 voyages. The basis of repayment of a portion of the cost of operation by way of subsidy is laid down by existing legislation.

Mr. LAUSCHE. Yes.

Mr. HOLLAND. The Senator is talking about proposed legislation, about which the Senator from Florida has little information.

Mr. LAUSCHE. No.

Mr. HOLLAND. If the Senator seeks to remove present limitations, that is something I know nothing about. The appropriation about which we are talking is an appropriation to meet the obligations of the United States to operators who are operating under contracts between the United States and those lines, and to pay the bills as they fall due.

We do not believe that under the existing legislation it is good business to leave bills unpaid which fall due within this year, and are audited, certified, and ready for payment. We think it is unfair to the operators who are relying on the existing law. The amounts shown here are amounts due under existing law, and do not relate to any proposed legislation.

Mr. SALTONSTALL. Mr. President, I should like to make one additional answer if the Senator from Florida will permit me to do so.

Mr. HOLLAND. I gladly yield.

Mr. SALTONSTALL. The Senator from Florida has very ably stated the three principal reasons why this appropriation is necessary, namely, deferring $16 million in payments, maintaining present currency, and avoiding the necessity of requesting supplemental appropriations for 1961. The Senator from Florida made it very emphatic that if we did this, there would be no supplemental appropriation in 1961.

The need for the additional $16 million the Senator from Ohio is asking about is due to two things. In 1958, 1959, and 1960, there were lower earnings prevailing in the shipping industry. The lower earnings resulted from various causes—presumably because of the letdown in business in 1958 and 1959.

The other reason is that, by reason of the fact that there are lower earnings, the audited wage subsidy is now being paid on a 90 percent basis prior to the final adjustment, instead of a 75 percent basis as formerly. Otherwise the companies have to borrow money. If the Government owes a bill, it will pay up to 90 percent of the bill before final adjustment, instead of 75 percent.

The Senator from Florida made it very clear that if we put in this money now, it is believed that the money in the 1961 budget will be sufficient to carry

the operation through the year, and that there will be no supplemental appropriation.

Mr. HOLLAND. Let me read into the RECORD a statement from the hearings which bears on this subject. Admiral Ford was the witness. After discussing the reasons already stated by the Senator from Massachusetts and myself, as to why the $16 million obligations would accrue this year, and, if not paid, would hold over until next year, this colloquy took place between myself and Admiral Ford:

Senator HOLLAND. I recall, Admiral, that on the hearing of the annual bill for 1961, I asked whether you expected to have any supplemental requests and my recollection is that you stated categorically that you would not have any.

Admiral FORD. We would not have—excuse me.

The regular bill for 1961 is the one which will come up as we take up the bill for the Commerce Department and Related Agencies, a few minutes after we dispose of this bill.

Senator HOLLAND. I understand this request is for fiscal 1960.

That is the one in the supplemental bill before us.

How does it happen you are in a different situation this year than you expect to be for 1961 when you know the attitude of our committee has been so consistently against supplemental requests?

Admiral FORD. We do not contemplate a deficiency in 1961 and that was based on having the $32 million available which had been requested in the supplemental appropriation.

In other words, they tell us that if we give them this supplemental appropriation, they will not come back for a supplemental appropriation in 1961. We are trying to get on a current basis, so that operators who cannot afford to carry heavy accounts from one year into the next will not have to borrow money. The one who has to pay them is Uncle Sam, under legislation Congress has enacted, and under which the Maritime Board has operated by giving various ship operators contracts based upon existing legislation.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LAUSCHE. Can the Senator tell me what percentage of the cost of operating the merchant marine is paid by the taxpayers of the United States, according to the testimony that was given?

Mr. HOLLAND. The testimony offered this year does not cover that item. The testimony which was offered in earlier years may have contained a breakdown of the item. I do not believe that subject was gone into. What we went into in particular this year was our desire to place the operations on a current basis. We wanted to avoid the necessity for additional supplemental requests, many of which come in, as the Senator knows, in the closing days of Congress. That is not the case this year, because the appropriation bills are clearing earlier than usual. We dislike supplemental requests, and for several years we have been bearing down on the Maritime Agency to get away from supplemental items.

Mr. LAUSCHE. In testimony offered before a committee when I was present at the hearing, the proof was, although not clear, that we were paying 75 cents out of every dollar of the cost of operating the merchant marine. Seventy-five cents is contributed by the taxpayers, out of every dollar spent.

Mr. HOLLAND. I am sure there is some error there, because the combined cost of operation of the whole American flag merchant marine is too huge an amount to have our subsidy, large as it is, operate in such proportions.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MAGNUSON. I think there is some confusion. What the Senator from Ohio is referring to is the proposal which would change the formula for ship construction. However, the Senator from Florida and the Senator from Massachusetts indicated that the supplemental bill referred to ship operations.

Mr. LAUSCHE. I understand that thoroughly.

Mr. MAGNUSON. The 50 percent relating to ship construction has nothing to do with this item. This is the differential between foreign operations and our operations, in the same trade. It applies not to the major part of the American merchant marine, but only the subsidized berth-to-berth operators, who do not represent the majority of our tonnage in the American merchant marine, whereas the ship construction formula applies when any of the subsidized lines builds a ship.

The main reason for the $16 million, as pointed out by the Senator from Massachusetts, is that we used to pay the operating differential subsidy on a 75 percent basis, whatever figure was arrived at, and then there was an adjustment. Sometimes those adjustments required 18 months, or even longer. The formula now calls for 90 percent, with adjustments to take place later. That accounts for most of the $16 million. There is no legislation that I know of to change the Merchant Marine Act, or the formula for operational subsidies. That is what this item deals with.

Mr. LAUSCHE. If I may again put a question to the Senator from Massachusetts, the earnings have been less, and for that reason the cost to the Federal Government is more?

Mr. SALTONSTALL. No; that is not correct. Let me correct that statement.

Mr. LAUSCHE. Surely.

Mr. SALTONSTALL. The earnings have been lower in the past 3 years, starting in 1958. As a result, the Government, rather than pay 75 percent of what it believes is due before the final settlement, is now paying 90 percent before the final figures are adjusted, in order to make it possible for the operators to avoid borrowing money at the banks to carry on their obligations, which makes them even more costly.

The Senator from Ohio asked what proportion is being paid by the Government. I have just checked the figures, and these are the figures:

These operating subsidies are paid on the basis of a certain number of voyages to certain specific places. Going back to 1956, the number of voyages in 1956 was 1,950; in 1957, 2,040; 1958, 2,100; 1959, 2,225; 1960, 2,400; and, contemplated for 1961, 2,400.

I do not think it is possible for us to know what the total costs of operating the merchant marine are.

All we know is that we have to pay certain subsidies to make it possible for American flag vessels to operate in certain voyages, and these are voyages under which the operating subsidies must be submitted to the Federal Government, and they must be paid for.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MAGNUSON. That figure can be easily ascertained. It varies from year to year. It is possible to take the gross operating cost of all the subsidized lines and then take a percentage of what the subsidy payments are. What the Senator from Ohio was suggesting is that there was testimony on the construction costs. That is true.

Mr. LAUSCHE. Oh, no. That is not what I had in mind.

Mr. MAGNUSON. Then the Senator also asked a question which the Maritime Board was going to answer for us, with respect to the 75 percent.

Mr. LAUSCHE. The Senator from Ohio is thoroughly cognizant of the subsidy provided in the operation costs and the subsidy provided in the construction cost, and the figures must be available showing what the total cost of operation is, and what part is paid by the operators and what part is paid by the taxpayers. Those figures must be available.

Mr. MAGNUSON. They are.

Mr. LAUSCHE. Because the law provides that the taxpayers shall pay the difference between the operation of American ships, with American labor, and the cost of operating a foreign ship with foreign labor. We pay the total difference in the cost. My question is—and this will clear it—since we owe them more money, does the $16 million result from the increase in the cost of material and labor?

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HOLLAND. I should first like to answer that question the best I can. In the first place, the Committee on Appropriations did not originate the present legislation. It was passed by Congress. In the next place, the Maritime Board does nothing but administer the present legislation.

The Appropriations Committee has a single duty to perform, and that is to make appropriations with which to pay the bills which accrue under that operation. I have before me the justification from the Bureau of the Budget and from the Maritime Board on this subject, which I will read from page 28 of the worksheets:

All of the amounts shown for payment during the balance of the fiscal year are due and payable as firm obligations of the Government and should be paid as the vouchers are presented. To defer $16 million in pay-

ments to July 1 would nullify to some extent the effect of the changed procedure for paying wage subsidies in that it would probably require some operators to again resort to borrowing to meet operating expenses.

In other words, "borrowing to meet operating expenses" simply increases the amount of the ultimate subsidy which we must pay. Therefore, the Committee on Appropriations, after going into this subject very carefully, and after having had in earlier years the General Accounting Office check from time to time on these operations—and they constantly check upon this subject, and we constantly receive their advice and suggestions as to the propriety of the payments and the accounting methods used—we report to the Senate that unless the additional $16 million is appropriated and made available to pay these bills, the bills are not going to be paid when they fall due, and will force borrowing in many cases, and in that way we will be faced with a higher cost, because of the payment of interest, in addition to doing a hardship to some ship lines which cannot afford it in this business. So we have tried to keep the matter on a current basis.

Mr. LAUSCHE. I understand, but I should like to put my question again. Is this supplemental request for $16 million caused by an increase in the cost of operation either for labor or material?

Mr. MAGNUSON. No.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. WILLIAMS of Delaware. The reason for the supplemental request is that in the appropriation bill last year the Senate increased the number of voyages to be subsidized from 2,225 voyages to 2,400 voyages.

At the time the senior Senator from Ohio joined me in opposing that increase, but we were defeated.

In 1956 the Senate authorized 1950 voyages, and the cost was $140 million. Last year the Senate authorized 2,400 voyages and automatically increased the cost proportionately.

Last year in opposing this increase the Senate was told exactly what would happen. The Senate knew then that its action would necessitate a supplemental appropriation for the additional voyages.

Last year in the appropriation bill the Senate authorized the largest number of voyages in the history of Congress, with the result that today, with the $32 million being added here to the $123 million paid last year, we will be paying the highest amount in subsidies to the merchant marine in the history of the Congress.

However, that decision has been made, and now I join the Senator from Florida in saying that I do not know of anything we can do about it having lost on the vote last year. We can do something about it for next year's obligations when the appropriations bill for the Department of Commerce comes before the Senate. Then we shall be faced with the question as to the number of voyages we wish to authorize for next year. I hope the Senators will support the amendment to cut this authorization. We will then be able to bring the figure back to a more realistic level.

Mr. HOLLAND. Mr. President, I should like to say what I have said heretofore, and in doing so I should like to quote from the justification at page 27 of the sideslips.

> The additional requirement for operating differential subsidy funds is due wholly to the lower earnings prevailing in the shipping industry, which commenced in calendar year 1958, continued throughout calendar year 1959, and have continued thus far into calendar year 1960.
>
> The reduced profit has resulted in a substantial downward change in the subsidy recapture and an upward change in the subsidy payable estimated for these calendar years in the 1960 estimate. This also led to a revision of our procedure for paying wage subsidies resulting in a faster pay-out for this purpose than was estimated originally. Under this new procedure we are making payments of 90 percent of audited wage subsidy payable prior to approval of the final subsidy rate.

Mr. President, if there is something wrong with this program which requires its modification, that should come out of the legislative committee, of which the Senator from Ohio is a member and of which the distinguished Senator from Washington is the chairman. I repeat that the duty of the Committee on Appropriations is to see to it that our bills are paid as they fall due. We have been striving against real difficulties over the last 4 years to put this on a current basis, so that we will not have a great many unaudited reports. We have provided more auditors and we have provided more personnel. We have insisted on their bringing it up to date. We have insisted on getting away from the supplemental requests. For the first time now we have received in the record of the hearing the assurance from Admiral Ford and from the Maritime Board itself that we would not have supplemental requests facing us next year. I believe we are making real progress.

If there is a necessity for a change of the setup, that, I believe, should address itself first to the legislative committee, and next to the judgment of the Committee on Appropriations.

Mr. LAUSCHE. I think the answer to my query is satisfactory. I merely wish to make a brief statement to acquaint my associates with what they can expect. A bill is now pending in the Senate which provides that we proceed to make a study for granting subsidies to railroads for commuter service. Last year we passed a bill which provided a differential subsidy for the building of ships for the fishermen in the northeast section of the country. When that bill was passed, the shrimp fishermen of the Gulf of Mexico said, "We want a subsidy to pay us the differential for the building of our ships." When the salmon and tuna fishermen of the Northwest heard about that, they came to Congress and asked for a similar subsidy.

So beginning with the subsidy for the building of ships for the fishermen of the Northeast, subsidies have spread clear across the country under the assertion that these fishing boats eventually may form an integral part of our national defense.

The point I am trying to make is that before the year is over, we will have new bills before us to provide for subsidies. I contemplate making the fight against them everywhere I can.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MAGNUSON. I do not wish to get into a controversy about the matter of subsidies. The Senator from Ohio has vigorously and rightly alined himself in a fight against subsidies of all kinds and natures. I think that is all right. He has even proposed to the Senate a special committee which would lay the problem of subsidies on the table. I join with him in that. I think the word "subsidy" should be laid on the table. I join with the Senator from Delaware [Mr. WILLIAMS].

But when Congress enacts a law to create a merchant marine and to keep it alive, it is necessary to decide whether we want an American merchant marine or not. If we do not want one, then let us introduce a bill to repeal the act; but let us not enter by the back door and try to do it through appropriations. The Senator from Florida is only doing what the law requires.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MAGNUSON. No; I have not finished yet.

Mr. WILLIAMS of Delaware. Go ahead; I am enjoying the Senator's speech.

Mr. MAGNUSON. I do not see the need for the repeal of the Merchant Marine Act. If subsidies are too high for the American merchant marine, let us change them. If we should not have a merchant marine, let us say so.

This item of $16 million results from 2 things: One, as the Senator from Delaware has pointed out, is the increased number of voyages. But we are paying 90 percent instead of 75 percent, because when business is not good, the recapture is not as much; therefore, the payments have got to come closer to 90 percent. This makes up the $16 million for the increased number of voyages.

The Senator from Delaware says that this is the highest number of voyages we have ever had, in his opinion. Of course it is. I do not believe the number of voyages can remain stationary, year after year, in a growing country, where the export-import gap has now almost reached bottom, so far as the United States is concerned. As things now stand, the American flag will probably be going off the high seas. Foreign competition is taking everything. American ship construction has declined until now the United States stands 14th in the world in the building of ships.

We talk about a lag or a gap. Certainly it is necessary to increase the number of voyages. I do not believe we can be satisfied with the same number of voyages every year, in a world in which commerce is increasing. We do not even have adequate trade routes to Africa, a continent whose commerce is bursting at the seams. Yet our trade gap now is down to rockbottom. We are

at the point where our imports are exceeding our exports. The status of the American merchant marine reflects that.

I do not quarrel with the Senator from Delaware. I surely do not quarrel with the Senator from Ohio. I agree with him. If we are to pay a subsidy, let us put it on the table and see what it is for. If we agree that it is not necessary, that will be all right. But let us not quibble when the Maritime Board compiles a formula, the General Accounting Office examines it, and the Committees on Appropriations in the House and Senate screen it and arrive at a figure which the law says is proper. The Senator from Florida has simply done his duty.

I hope that we will not sit here and suggest, in a country which is growing, that we continue to provide for the same number of voyages year after year. But if that is what is wanted, it will be all right with me.

I have said many times that it is no fun for me to have to urge funds for the merchant marine. If we are to follow the act of 1936, I must stand in the Senate and defend it. The Senator from Florida has to do the same thing. It is no pleasure for us to do it. I wish the American merchant marine could operate in a climate which would be conducive to flying the American flag.

At present, the tonnage flying the flags of Panama, Liberia, Honduras, and other foreign flags is greater than the tonnage of the American merchant marine. Subsidized lines keep only a part of the subsidy.

The Senator from Ohio understands that a large number of tankers are now being laid up because of the competition from foreign-flag ships. The administration, through the Maritime Board is suggesting that we provide a moratorium because of the inability of the American-flag lines to pay their mortgages, and to put the ships in mothballs.

I hope the Senator from Delaware will listen to me. I very seldom say too much to him about this.

Mr. WILLIAMS of Delaware. I assure the Senator I am listening.

Mr. MAGNUSON. The Department of Defense tells us that the American merchant marine is the fourth arm of our defense.

In World War II, the merchant marine carried 95.6 percent of all the cargo shipped to our Allies and our Armed Forces abroad.

If it is desired that the General Accounting Office cut the amount down to the exact cent, that is all right with me. But if we cannot pay the American merchant marine a subsidy under the 1936 act, then the act should be amended.

I think the Senator from Florida [Mr. HOLLAND] has done a fine-tooth-comb job. He is saving the country money by keeping the legal payments up to date, in the long run.

Mr. HOLLAND. I appreciate the kind statement by the Senator from Washington. I desire to make two brief statements. First, there are no fishing fleet subsidies.

Mr. MAGNUSON. If the Senator will yield for a moment, I want to correct one statement. There are no subsidies for salmon fishing boats provided for in the bill.

Mr. LAUSCHE. But there are subsidies for the tuna fleet.

Mr. MAGNUSON. The tuna fishing fleet operates off southern California. If the salmon boats needed a subsidy, the Senator from Washington would be right here trying to get it. I will tell the Senator that.

Mr. LAUSCHE. The Senator from Washington cannot challenge the correctness of the statement I made that the bill began by the claim that the fishing boats of the Northeast would become an integral part of our national defense on the high seas, and that therefore we must subsidize them in an amount which is the difference between the cost of building the ships in the United States and the cost of building them in other countries, not to exceed 50 percent.

Then came the move to include the shrimp fishing boats of the gulf of Mexico and then the fishing fleets of the Northwest.

I do not know where this will end. Maybe I will ask that the whitefish fleet of Lake Erie be subsidized, also.

Mr. HOLLAND. Mr. President, I shall close with two statements. First, the fishing fleets are not included in this subsidy. This is a merchant marine subsidy, and the merchant marine is certainly a necessary factor in our defense.

Second, there could not be a better exemplification than this debate of the wisdom of this agency and others proceeding without supplemental budget items. I shall see to it that they get the record of this debate. We have been insisting for 6 years that they do away with supplemental requests in this agency.

I think Senators who have done a little friendly speaking have helped us illustrate the wisdom of this course, and the record of this debate will be furnished to the Maritime Board.

Mr. WILLIAMS of Delaware. It was a wise man who once said that one who listens with his ears learns more than one who listens with his mouth.

If the Senator from Washington had been listening instead of speaking he would have heard me say to the Senator from Florida that there was nothing we could do about this $32 million.

This obligation was made last year, and now we have no alternative other than to pay it. However, if we want to cut this year's costs that action should be taken when the general appropriations bill for the Department of Commerce comes before us either tonight or tomorrow. At that time we shall be authorizing the number of voyages for the next year. I agree with my friend from Washington that Congress does have that responsibility, and Congress exercised its responsibility last year when it increased those voyages to an alltime high.

Mr. President, the place to cut the appropriation will be in the bill coming up tomorrow. At that time amendments will be offered to reduce this subsidy, and I imagine they will be just as energetically opposed by the Senator from Washington as they were last year. I respect his position, of course. Nevertheless, that will be the time for the Senate to decide whether or not it wishes to cut the overly generous subsidy now being paid to this industry. At that time I will appeal to the Senate for its support in reducing this load for the American taxpayers.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. DOUGLAS subsequently said: Mr. President, I ask unanimous consent that a statement which I have prepared, giving my reasons for voting against the second supplemental appropriation bill, be printed in the RECORD just prior to the vote on the passage of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DOUGLAS

I wish to make a statement concerning why I shall vote against the final passage of the second supplemental appropriation bill for fiscal year 1960.

This bill contains requests for additional sums, over and above the fiscal year 1960 budget estimates of approximately $1 billion. In almost every case these requests were those of the administration and of the Budget Bureau. I was happy to see that the Senate Appropriations Committee granted only $980 million of these requests and cut back on the requests of the administration by some $37.9 million.

Year after year we legislate for the following fiscal year, as we did in the last session of the Congress for fiscal year 1960. Then, in the next session we find that the Budget Bureau, after taking credit for budget cuts or for holding the line against expenditures, comes in, more or less quietly, to request additional funds under the guise of "supplemental" or "deficiency" appropriations.

On the one hand they claim credit for holding the line and with the other they are almost immediately back again to ask for additional funds which either were not in the original budget at all or which were cut by the Congress.

Here is a good example. We are asked to appropriate an additional $1.02 billion over and above the appropriations for the budget requests. This is done quietly. Then when the final tabulations are made, the administration, which initially asked for these funds, calls those of us in Congress who voted for them "budget busters" or "wild spenders" or "budget boosters."

The public should understand what goes on. The public should also realize that in almost every case, these are additional and extra funds, not initiated by the Congress, but asked for and even begged for by the administration and the Budget Bureau.

I will cast my vote against this bill to help set the record straight.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. BRIDGES. Mr. President, is the vote which is about to be taken on the question of the final passage of the bill?

The PRESIDING OFFICER. Yes, on the question of the final passage of the bill.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Georgia [Mr. RUSSELL], and the Senator from Missouri [Mr. SYMINGTON], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Georgia [Mr. RUSSELL], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Maryland [Mr. BUTLER], the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. JAVITS], and the Senator from North Dakota [Mr. YOUNG] are detained on official business. If present and voting, the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from North Dakota [Mr. YOUNG] would each vote "yea."

The result was announced—yeas 79, nays 2, as follows:

[No. 136]

YEAS—79

Aiken	Eastland	Jordan
Allott	Ellender	Keating
Anderson	Engle	Kefauver
Bartlett	Ervin	Kuchel
Beall	Fong	Lausche
Bennett	Frear	Long, La.
Bible	Fulbright	Lusk
Bridges	Gore	McClellan
Brunsdale	Green	McGee
Bush	Gruening	McNamara
Byrd, W. Va.	Hart	Magnuson
Cannon	Hartke	Mansfield
Carroll	Hayden	Martin
Case, S. Dak.	Hennings	Monroney
Chavez	Hickenlooper	Morse
Church	Hill	Morton
Clark	Holland	Mundt
Cooper	Hruska	Murray
Cotton	Jackson	Muskie
Dirksen	Johnson, Tex.	Pastore
Dworshak	Johnston, S.C.	Prouty
Proxmire	Smathers	Wiley
Randolph	Smith	Williams, Del.
Robertson	Sparkman	Williams, N.J.
Saltonstall	Stennis	Yarborough
Schoeppel	Talmadge	
Scott	Thurmond	

NAYS—2

Douglas	Young, Ohio

NOT VOTING—19

Butler	Goldwater	Moss
Byrd, Va.	Humphrey	O'Mahoney
Capehart	Javits	Russell
Carlson	Kennedy	Symington
Case, N.J.	Kerr	Young, N. Dak.
Curtis	Long, Hawaii	
Dodd	McCarthy	

So the bill (H.R. 10743) was passed.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate insist on its amendments, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. MAGNUSON, Mr. HOLLAND, Mr. BRIDGES, Mr. SALTONSTALL, Mr. YOUNG of North Dakota, and Mr. MUNDT conferees on the part of the Senate.

AUTHORIZATION FOR COMMITTEE ON JUDICIARY TO MEET DURING SESSIONS OF THE SENATE FROM TODAY UNTIL NEXT TUESDAY, MARCH 29, 1960, AT MIDNIGHT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on the Judiciary may meet during the sessions of the Senate up until Tuesday night, midnight.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SUPPLEMENTAL APPROPRIATIONS, 1960

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1180, House Joint Resolution 621.

The PRESIDING OFFICER. The joint resolution will be stated by the clerk.

The CHIEF CLERK. A joint resolution (H.J. Res. 621) making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations with amendments.

Mr. STENNIS obtained the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield so I may ask for the yeas and nays, and we will have a rollcall shortly, if Senators will remain in the Chamber.

Mr. STENNIS. I yield.

Mr. JOHNSON of Texas. I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I do not believe it will require over 2 minutes for me to explain this very short appropriation measure, which carries two items, one in the amount of $23 million, which is the item agreed to by the House as a supplementary appropriation for the National Aeronautics and Space Administration, to be used for the Mercury project to send man into space. That is within the 1960 approved budget.

The other item is an item of $79,000, which is a new item, for the Joint Committee on Atomic Energy, which is to be used for the purpose—and this is within the budget—set forth on page 1 of the report, two sentences of which I shall read:

> This amount is required to cover expenses chargeable to the Joint Committee on Atomic Energy in connection with a study group reviewing international atomic policies and programs of the United States in cooperation with organizations and agencies concerned with the atoms-for-peace program. A report to the Congress on this matter is planned by June or July of this year.

Mr. President, if there are no further explanations desired, I yield the floor.

The PRESIDING OFFICER. The first committee amendment will be stated for the information of the Senate.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 1, line 4, after the word "appropriated", to strike out "for the National Aeronautics and Space Administration".

On page 1, after line 6, to insert:

"LEGISLATIVE BRANCH

"SENATE

"Contingent Expenses of the Senate

"Joint Committee on Atomic Energy

"For an additional amount for 'Joint Committee on Atomic Energy', $79,000."

At the top of page 2, to insert: "INDEPENDENT OFFICES".

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD],

the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Georgia [Mr. RUSSELL] would each vote "Yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Maryland [Mr. BUTLER], the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. JAVITS], and the Senator from North Dakota [Mr. YOUNG] are detained on official business. If present and voting, the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from North Dakota [Mr. YOUNG] would each vote "Yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 137]

YEAS—82

Aiken	Fulbright	Monroney
Allott	Gore	Morse
Anderson	Green	Morton
Bartlett	Gruening	Mundt
Beall	Hart	Murray
Bennett	Hartke	Muskie
Bible	Hayden	Pastore
Bridges	Hennings	Prouty
Brunsdale	Hickenlooper	Proxmire
Bush	Hill	Randolph
Byrd, W. Va.	Holland	Robertson
Cannon	Hruska	Saltonstall
Carroll	Jackson	Schoeppel
Case, S. Dak.	Johnson, Tex.	Scott
Chavez	Johnston, S.C.	Smathers
Church	Jordan	Smith
Clark	Keating	Sparkman
Cooper	Kefauver	Stennis
Cotton	Kuchel	Symington
Dirksen	Lausche	Talmadge
Douglas	Long, La.	Thurmond
Dworshak	Lusk	Wiley
Eastland	McClellan	Williams, Del.
Ellender	McGee	Williams, N.J.
Engle	McNamara	Yarborough
Ervin	Magnuson	Young, Ohio
Fong	Mansfield	
Frear	Martin	

NAYS—0

NOT VOTING—18

Butler	Capehart	Case, N.J.
Byrd, Va.	Carlson	Curtis
Dodd	Kennedy	Moss
Goldwater	Kerr	O'Mahoney
Humphrey	Long, Hawaii	Russell
Javits	McCarthy	Young, N. Dak.

So the joint resolution (H.J. Res. 621) was passed.

The title was amended, so as to read: "Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes."

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion to lay on the table was agreed to.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1139, House bill 10234, the Commerce Department appropriation bill.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10234) making appropriations for the Department of Commerce and Related Agencies for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

COMMITTEE MEETINGS DURING SENATE SESSIONS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on Aeronautical and Space Sciences be permitted to meet during the sessions of the Senate on Monday and Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask that the request I made be temporarily vitiated. I recall that a certain Senator had expected to make a speech tomorrow. I shall try to get in touch with him. That fact had slipped my memory at the moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas subsequently said: Mr. President, I renew my request that when the Senate concludes its deliberations today it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, it is the plan of the leadership to have the distinguished senior Senator from Florida [Mr. HOLLAND] make a preliminary statement on the Commerce Department appropriation bill, dispose of any committee amendments that can be agreed to, and carry over any controversial amendments which may require a yea-and-nay vote, and to postpone the vote on final passage until Monday.

That will serve two purposes. First, any committees which may desire to meet can do so on Friday and Saturday. Secondly, it will give Senators a long weekend in order to catch up with work in their offices. It may be that in order to accommodate some of my colleagues who may wish to make speeches tomorrow, I shall ask the Senate to meet tomorrow.

However, I am prepared to assure all Senators that, so far as it is within the control of the leadership, there will be no yea-and-nay votes tomorrow, and it is planned to have any controversial amendments voted on Monday. I shall ask the Senate to remain in session late Monday, if necessary, in order to have yea-and-nay votes on controversial amendments and on final passage of the Commerce Department appropriation bill. Therefore, Senators may make their plans to be absent from the Senate on Friday and Saturday if they desire, or to be in committees during those 2 days.

STREAM POLLUTION

Mr. CARROLL. Mr. President, the Denver Post in its editions of Sunday, March 20, published a thorough and shocking story of water pollution in the South Platte River, beginning at Denver and running through some of the finest farm and ranch country in the West.

The story is one to make strong men shudder. And it has counterparts in dozens of other areas throughout our Nation, a nation that has been warned repeatedly that it soon will be at the limit of its water resources.

Let me describe the course of the South Platte River, so that no Member will think this is "a uniquely local problem"—a term so badly misused by President Eisenhower in his veto message of H.R. 3610 last month.

The South Platte below Denver winds northeastward across the high plains of Colorado and joins with the North Platte in central Nebraska. The waters of the Platte course through many miles of agricultural land in Nebraska before the river merges with the Missouri just below Omaha. The Missouri then winds past parts of Iowa and Kansas to the State of Missouri, runs through that

State, and joins with the Mississippi just north of St. Louis. The augmented Mississippi then touches large portions of Illinois, Kentucky, Tennessee, Arkansas, Louisiana, and Mississippi.

I have not recited these facts simply to give the Senate a speech about geography. The point is that these poisonous wastes in the South Platte River in Colorado can be dangerous to public health thousands of miles away.

The conservative magazine U.S. News & World Report, in an article published on February 29 of this year, cited the presence of microscopic worms in the drinking water of cities the length and breadth of our land—worms which seem capable of traveling hundreds of miles, thousands of miles in rivers, and which are immune to ordinary water treatment methods. As yet, little is known about the precise harm these micro-organisms can inflict on the human body. They constitute only one of a large group of different chemical and biological agents which get into the water we drink.

This Nation's cities are struggling to cope with the threat. Their sources of revenue are limited chiefly to the local property tax and sometimes a local sales tax. Yet they are building sewage treatment plants at an unprecedented rate under the terms of the Water Pollution Control Act of 1956.

However, the U.S. Public Health Service has warned that populations are concentrating at such a rapid rate that we need to double our present pace in building new plants to treat sewage. H.R. 3610 was designed to meet the challenge. Yet the President of the United States has not only vetoed the bill; his fiscal 1961 budget calls for slashing the existing program by more than half.

We must not let it rest there. We dare not let this philosophy of a penny-pinching administration jeopardize the health of our families while it spends millions on similar projects abroad. Another bill must be passed, and passed this year.

Mr. President, I ask unanimous consent that there be printed in the body of the RECORD at this point the Denver Post article about pollution in the South Platte River, and a recent editorial from the same newspaper titled "Congress Should Try Again on Pollution."

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

COLORADO'S "BIG ICKY"—SOUTH PLATTE POLLUTION STENCH SPREADING

(By Marilyn Robinson)

High in the mountains above Fairplay, Colo., the South Platte River has its beginning. The narrow, shallow stream runs clear along mossy banks toward Denver. But it leaves Denver to wind toward Nebraska a murky, smelly river, often more sewage than river.

The words pollution and sewage are not pleasant.

But neither are the smells of the river.

Ask the Adams County resident who lives near the South Platte, along the irrigation canals it feeds or near Barr Lake southeast of Brighton. Ask the people of Brighton. They have been complaining about the odor for years.

"At times the odor's so bad we can't even eat supper," says Mrs. Adeline LeDoux, who lives a few hundred feet from Barr Lake.

"Some nights," says a neighbor, Mrs. Amanda Durland, "the odor gets so bad it chokes you so you can hardly stay in bed."

"Sometimes it's so strong it makes you sick to your stomach," says another Barr Lake resident, Mrs. Mary E. Cimyotte.

TWO DITCHES FLOW INTO LAKE

Two irrigation ditches carrying South Platte water flow into the lake.

One of these is the Burlington. Its headgate is only a quarter of a mile downstream from Denver's main sewage disposal plant at East 51st Avenue and Marion Street. Much of Denver's sewage effluent—the treated sewage mixed with water—flows through the ditch.

The lake doesn't smell much this time of the year. It's frozen over and no water is running through the ditches.

But when the weather warms up, the farmers start irrigating their fields and the wind blows, the people who live around the lake are in for trouble. So are the residents of Brighton.

How does the lake smell? "Like a dirty toilet," is how one woman describes it.

Hold your nose but don't stop reading. This is your problem, too. Every time you flush a toilet or turn on the garbage disposal you are contributing unwittingly to the pollution problem.

Fortunately no community downstream from Denver depends on the South Platte for drinking water.

But the story's different on Clear Creek, a main tributary which flows into the South Platte north of Denver.

The words pollution and sewage are not pleasant. Neither are the taste, smell and appearance of the water many residents of the Clear Creek Basin drink. Westminster, the Baker Metropolitan Water and Sewage District and other communities take water from the creek a good part of the year.

And it isn't very satisfactory. "Sometimes the smell is so bad you can hardly stand to take a shower," says one Westminster resident. "Even in tea you can smell it."

Clear Creek wasn't always a misnomer. Neither was the South Platte always polluted. Some of the State's best fishing still can be found along the upper reaches of the South Platte, but below Denver the river is too polluted for fish to survive.

"When Lewis and Clark came through here they caught trout at Julesburg (near the Nebraska line)," says Thomas L. Kimball, director of the State game and fish department.

"All we've got now between Denver and the Nebraska line is an open sewer. It's no good for game fish and sometimes a self-respecting duck won't sit on it."

The cause?

Today 72 Colorado communities discharge their wastes—toilet flushings, wash water, detergents, kitchen wastes, anything that can go down a drainpipe—into the river or its tributaries.

And 45 industries and mines add their wastes—greases, acids, and oils, potato washings, sugar beet and hop wastes, mine tailings, and meatpacking wastes.

EIGHT AREAS DUMP RAW SEWAGE

Eight communities with a total population of 4,000 dump their sewage raw, the State health department reports.

Denver and some smaller communities, total population 618,000, provide primary treatment which separates the material that floats or settles.

And sewage plants serving 255,000 of the basin's population provide secondary treatment, which separates dissolved and suspended solids from the water.

Because of its size, Denver gets much of the blame for polluting the river. The city is under court order to build an adequate, secondary treatment plant.

Each day Denver dumps 65 to 70 million gallons of effluent into the river. Six months of the year that's more than the normal flow of the river between Denver and Brighton.

The sewage effluent meets State standards on coliform, an index of the number of organisms in the water, by heavy chlorination.

But Denver taxpayers are paying $118,000 a year for chlorine to treat sewage at the main plant and a small plant on Sand Creek. And the city falls far short of other State standards.

Its sewage effluent averages triple the maximum biological oxygen demand or BOD permitted under law, but says John R. Peterson, city sanitation engineer, "There's nothing we can do with a primary plant."

The price of pollution runs high.

Truck farmers north of Denver use South Platte water for irrigation. No one is sure if this polluted water contaminates vegetables, but elsewhere farming has been implicated in outbreaks of typhoid and other diseases. The possibility has caused Denver area vegetables to be banned from some markets in years past.

Dr. Stuart G. Dunlop, University of Colorado Medical School microbiologist, has been running tests on irrigation water, vegetables, and sewage since 1941.

He has found salmonella, the type of organism which causes gastrointestinal illnesses, in irrigation water from the South Platte and Clear Creek. But rarely do the organisms show up on vegetables, he reports.

"Colorado's climate, soil conditions, and irrigation methods have much to do with our failure to find organisms on vegetables," Dr. Dunlop says. "I'd hate to see a sprinkling system used."

The microbiologist concludes vegetable contamination does not appear to be "the public health hazard we once thought."

But vegetables are scrubbed carefully before being eaten in the Dunlop household. The reason: Dr. Dunlop isn't satisfied with laboratory methods for recovering organisms from vegetables and no one has tried to recover viruses.

Vegetable contamination is just one of the public health hazards posed by polluted irrigation water.

Dairy cattle drink from irrigation ditches. Farmers work and children play by them. Irrigation water can seep into farmers' wells, contaminating them.

Along the river and ditches sewage forms sludge banks which serve as harborages for rats and breeding places for flies—both recognized disease carriers—in the summer.

What has Dr. William S. Haynes, Tri-County Health Department director, most concerned about pollution of the river is the danger to water supplies, particularly for those communities which take water from Clear Creek.

Westminster and the Baker Water District, for example, take their water from the creek after six other communities have dumped their often incompletely treated sewage into it.

Treatment makes the water chemically pure but it doesn't necessarily make the waste taste, smell or look clean. And studies suggest it may not be.

A recent State health department survey showed a higher occurrence of diarrheal illnesses among families who drank water from Clear Creek than among families who drank bottled water or well water.

Local and State health officials say they haven't had time or money to study new potential hazards posed by insecticides and detergents.

Detergents make clouds of suds or foam when water is agitated in irrigation ditches and at sewage and water plants in the area. Detergents in the water give it an oily feel and a fishy taste.

"We're not sure what hazard detergents pose but they make treatment more difficult," says William N. Gahr, sanitation director for the State health department.

CHEMICAL POISONS

The insecticides and weedkillers which seep into the river from fields are another unknown factor.

A. E. Williamson, Wyoming's director of environmental sanitation, warns concentrations of chemical poisons greater than those which triggered Federal limits on cranberry sales last fall are in many communities' drinking water. This, he says, is one of the critical problems facing sanitary engineers.

The picture is not all black. Health officials can report some progress in the fight against pollution.

Twenty-three years ago Denver was dumping raw sewage into the South Platte.

Six years ago 15 communities were still dumping raw sewage into the river. Today there are only eight small towns which fail to treat their sewage.

In the same 6 years, the State health department reports, the number of communities with "satisfactory" sewage treatment has climbed from 13 to 51.

FASTER GROWTH

But with increasing industrialization and a rapidly growing population the problem has grown faster than new sewage treatment plants can be built.

New household conveniences add to the problem. Garbage which once ended up in the city dump is ground up by disposal units and washed down the drain. Detergent suds, used by both the housewife and industry, also are washed down the drain and into the sewers.

The answer to the South Platte pollution problem, health officials believe, lies in the proposed metropolitan sewage district. Enabling legislation to permit formation of the district was signed into law Friday by Governor Steve McNichols.

As proposed, the district would include 57 sanitation districts and 26 sewage treatment plants. Its boundaries would run west from Aurora to Golden and from Denver's southern boundary north to Thornton.

Plans are to build a treatment plant at the junction of Clear Creek and the South Platte south of East 74th Avenue between York Street and Colorado Boulevard. Trunk lines would carry sewage to the central plant for treatment.

Money to build the plant and trunklines would come from a long-term bond issue to be paid off by tap fees. Each district would pay according to its volume of sewage and its condition.

Backers estimate cost at $20–$24 million over a 20-year period.

But George Nez, director of the Intercounty Regional Planning Commission and a leader in the consolidation drive, says consolidation will be half as expensive as if districts continue to operate separately, building new plants and enlarging and improving existing ones to meet growing needs.

He estimates districts in the metropolitan area will have to spend $48 million on new plants and improvements over the 20 years if the consolidation plan does not go through.

A secondary plant to serve Denver alone would cost between $8 and $10 million, experts say.

Now that enabling legislation has been passed, the next step is to get the various districts to join the metropolitan district. If they act quickly, Nez says, the bond issue could be presented to voters for approval in the November election.

The plant is expected to take 2 years to build. It is possible, leaders say, that the treatment works could be in operation in 1963.

A less optimistic prediction comes from Sherman Warburton, sanitation director for the Tri-County Health Department. "Sure there's a good chance that they (the districts) will join in—in at least 10 or 12 years," he said.

Warburton is a firm believer in the consolidation. Without it, he warns, the districts "will spend millions for construction and reconstruction and still won't get the job done."

Little Federal aid will be forthcoming for the project. President Eisenhower recently vetoed a pollution control bill which backers estimate would have provided $2½ million in Federal aid to $250,000 for each project.

If the metropolitan sewage district is formed, "we'll virtually have the problem licked," says Dr. Roy Cleere, State health department director.

The plan, he predicts, will serve as an incentive for other communities in the South Platte Basin to do their share to clean up the river.

But it won't be a cure-all.

It will leave unsolved the problem of industrial wastes. During the 2-month sugar beet processing season, industrial wastes—wastes from industrial plants outside sewer districts or cities—volumewise contribute as much to pollution of the river as domestic sewage.

The important difference is that industrial wastes contain fewer harmful bacteria and therefore are less a threat to public health.

Great Western Sugar Co., health officials report, has cut pollution from its sugar beet factories along the South Platte by 70 percent in the last 10 years. The firm is hopeful that by the time the metropolitan sewage plant is ready for operation, science will have whipped the problem of industrial wastes.

Another problem is water supply. Growing population has forced sewage outlets and water intakes closer and closer together. It has left some communities with a poor water supply.

Dr. Haynes and others are hopeful that Blue River water will solve this problem.

Denver's water supply will be doubled when the Roberts Tunnel, which will bring Blue River water under the Continental Divide, is completed. Dr. Haynes says he is hoping that Denver then will sell some of its water to surrounding communities with poor water supplies.

Then there's the dilution factor. Present State law makes no mention of the amount of receiving waters. A sewage plant could meet State standards and still contribute to pollution because there isn't enough water in the river at times to dilute the sewage.

Why worry about pollution?

Hatfield Chilson, Colorado's new Federal district judge and former Under Secretary of the Interior, has spent much of his life helping to decide who has rights to Colorado's limited water supply.

"You can use up your water supply in any of a number of ways—for irrigation, for human consumption, for industry, for waste disposal or by pollution.

"And you can destroy water just as fast—in some cases faster—by polluting it as using it for beneficial purposes," Chilson says.

Colorado is a semiarid State, and the South Platte Basin gets less than the State's average precipitation.

Seven hundred years ago the cliffdwellers of the Mesa Verde in southwest Colorado left their settlements, apparently to search for water. They disappeared from the face of the earth.

The same fate may be in store for the South Platte Basin, where two-thirds of Colorado's population now lives, unless action is taken, the State health department warns.

CONGRESS SHOULD TRY AGAIN ON POLLUTION

Despite Congress' failure to override the President's veto of the water pollution control bill, the vote in the House of Representatives still shows widespread acceptance of Federal responsibility to help solve grave urban problems in general and this one in particular.

The vote was 157 sustaining the President and 249 to override. Though this fell 22 votes short of the necessary two-thirds majority, nevertheless it means that more than 60 percent of those voting favored the bill no matter how much the President disliked it.

The big question: What next? We admired congressional perseverance last year in the housing squabble, when Congress came back again and again with housing bills until the President finally OK'd one.

Now that the veto has stood up, the same strategy on pollution control seems indicated.

While the veto was a hard blow to the Denver area, it does not mean that the idea of metropolitan cooperation on sewage disposal is dead.

It would have been extremely helpful to have had the Federal incentive to go ahead and try something that has never been tried before.

(We stress the word "incentive"; the vetoed bill would have set up matching funds—70 percent local, 30 percent Federal. It would not, as many people believed, have merely turned the problem over to Washington. The initiative and the detailed plans, as well as over two-thirds of the money, would have had to come from local sources.)

The local effort must proceed, though the job may be more difficult and take more years than if the President had not cast his veto.

SMALL BUSINESS AIRLINES COMPLETE 5 YEARS WITHOUT FATALITY

Mr. SPARKMAN. Mr. President, recently it was my pleasure to call attention of the Congress to the outstanding safety record of the Nation's small business airlines.

I was, therefore, pleased to receive a copy of a letter from the Administrator of the Federal Aviation Agency, Mr. E. R. Quesada, to Mr. Clayton L. Burwell, president of the Independent Airlines Association, also recognizing this outstanding safety record, and at this point I insert the text of this letter:

I am impressed by the fine safety record made by your association's member airlines, and I am grateful for the reassurance such an outstanding record gives to the flying public.

You have set an enviable goal for the rest of the industry. Your achievement speaks well for rigid safety standards and careful adherence to the principles of air safety.

My congratulations for 5 years, 3½ million passengers, and 6 billion passenger-miles of safe flying.

CIVIL RIGHTS LEGISLATION

Mr. SPARKMAN. Mr. President, I had prepared a very brief statement which I had intended to make today during the morning hour, with reference to the civil rights bill as it passed the House. In the interest of saving time, I ask that this statement be printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SPARKMAN

The proposed so-called civil rights bill, H.R. 8601, which is scheduled to be approved by the House of Representatives today, is unsatisfactory in every respect.

Many of my colleagues in the House waged a valiant fight against this bill. I commend them for their courageous fight to protect the Constitution and the sovereign rights of the States. However, in spite of their great fight, political pressures prevailed.

Now, I suspect that an effort will be made to wink at the Rules of the Senate, to bypass the Senate Committee on Judiciary, and to place the House bill on the Senate Calendar. I will oppose any such move.

While I have not seen the House bill in its final form, I have followed the debate closely. In my opinion, the bill is totally unnecessary and unsatisfactory. It would impel the U.S. Government into the affairs of the several States. It would disrupt the public confidence in the judiciary.

It would further disturb the relations between the State and Federal Governments.

It would adopt a provision already rejected by the Senate because of its danger to the freedoms of speech, press, and assembly.

The House bill—in its entirety—is a bad bill and I hope the Senate will kill it.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATION BILL, 1961

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. HOLLAND. Mr. President, on behalf of the Committee on Appropriations, I wish to discuss very briefly this evening the appropriation bill for the Department of Commerce and related agencies, which is House bill 10234. The related agencies considered in this bill, aside from the Department of Commerce and its many agencies, are the Panama Canal, the St. Lawrence Seaway, the Small Business Administration, and the Tariff Commission.

The amount of the bill as it passed the House was $760,522,235; the amount recommended to the Senate by the committee is $738,383,300, a net decrease of $22,133,935 from the House bill; a decrease of $61,226,700—approximately 7½ percent—from the budget estimates which total $799,615,000. The amount recommended by the committee is $342,709,600 under the appropriations to date for 1960 which were $1,081,097,900.

The large items in the bill last year which do not recur this year, and which account for most of the difference between last year's bill and this year's bill, are three. First, most of the expenses for the decennial census were provided for in last year's bill. Second, the repayable advances for the Federal-aid highway system of $359 million last year were approximately $200 million more than is required this year to allow for the payment of all items that become due and payable during 1961, and the amount this year is $160 million. Third, the items of forest highways and public lands highways amount to $34 million. Those are not included in the pending bill for reasons which will later appear.

In addition to the recommendation made above relative to the general fund appropriations involved in this bill, reference must also be made to the amount recommended herein for the Federal aid highway program, which, pursuant to law, is derived from the highway trust fund. The committee recommends the appropriation of $2,689 million, as requested in the budget, for the reimbursement of the States for obligations incurred in the Federal aid highway program. This amount includes not only the normal ABC programs, but also the Interstate System. This amount is $1,617,000 over the amount proposed in the House bill.

In the discussion of certain highway items in this appropriation bill it has been necessary in the past 2 years to recite rather involved problems associated with providing funding on a basis consistent with law while treating with budget requests proposing other courses to follow which were not consistent with law. In approaching the perennial problem and its permanent solution, I read for the information of the Senate the statement of the committee appearing on page 6 of our report.

Senators will note from this statement that we are simply asking the Bureau of the Budget to submit a budget in accordance with law and to get away from the practice of submitting a budget not in accordance with the law for forest highways and for public lands highways. I read from the report, as follows:

FOREST HIGHWAYS AND PUBLIC LANDS HIGHWAYS

The committee concurs with the House in refusing to recommend appropriation of funds for these two objectives in accordance with the budget request "to be derived from the highway trust fund."

The budget requests for 3 fiscal years (1959, 1960, and 1961), have not been submitted in accordance with existing law. This committee has twice been presented (1960 and 1961 estimates) with the alternatives of recommending appropriations not authorized by law or increasing the budget by making an appropriation from the general fund.

That is what we had to do last year. Because this bill comes before the Senate early in the session the committee is aware that legislation relating to this matter has again been requested, but we feel we are justified in not approving the items for forest highways and public lands highways. We have insisted that the Bureau of the Budget present items in accordance with the law, and have received written assurance from the Commerce Department that that will be the case. I may say that Assistant Director of the Budget Mr. Staats, yesterday called on me and assured me that we would get budget items in ample time to take care of these items in the way provided by law.

He still hopes that legislation suggested by the administration changing the law will pass, but in the event that it does not pass at an approximately safe date, he has assured us that supplemental budget items will reach us in time for action.

I continue to read from the report:

The committee is aware that proposed legislation relating to this matter has again been requested. It is the sense of the committe that budget estimates in accordance with law be submitted after action upon these proposals (authorizing appropriations from the highway trust fund); or in the event such action is not forthcoming it is expected that a budget estimate will be submitted to this session of the Congress (providing for general fund appropriations).

There are, of course, a great many agencies and a great many items contained in the bill which I have not discussed. However, I am perfectly willing to answer any inquiries that may come up now or at a later time. I believe I am correct in saying that all members of the subcommittee were unanimous in supporting the bill, and that the same is true of the full committee. I understand that the distinguished ranking minority member of the committee, the Senator from Maine [Mrs. SMITH], who has always been most helpful in the hearings and in the consideration of the pending bill, desires to make an introductory statement on the bill and I am glad to yield to her.

Mrs. SMITH. Mr. President, as the ranking minority member of the subcommittee on the Commerce and related agencies appropriation bill, I wish to draw to the attention of Senators on this side of the aisle to the fact that the subcommittee took 797 pages of testimony from the various department heads. In addition, the subcommittee listened with great interest to many well-informed outside witnesses who took the time to appear before our committee to express their views and make their recommendations on various items in this bill.

I congratulate those who appeared for the many fine statements they presented to the committee. Their views, I am sure, helped the committee immeasurably when in executive session we deliberated on the amount of money that should be made available for fiscal 1961. The chairman, the Senator from Florida [Mr. HOLLAND], has already advised the Senate of the amounts of money allowed in each instance, so I will not take the time of the Senate to elaborate any further.

If Senators examine the items in the bill, they will note that out of a total of 39 items the Senate is in agreement with the House on 21 of them. Upon further examination of the remaining 18 items, they will note that the committee in its wisdom saw fit to make additional adjustments either upward or downward, which, I believe, from the testimony presented, are warranted.

On each Senator's desk is a copy of our report. If Senators will look at the front cover of the committee report I believe they will agree that the $22 million reduction under the House figure is a good indication that not only were we striving to take care of the various departments, but were also keeping the taxpayer in mind.

In studying this appropriation bill, I think it is well for every Member of this body to recognize one very salient fact, that our population is growing so fast—and that the greater the number of people, the greater the requirements of administration. It is literally impossible for the size of a Government agency and for the expenditures of that agency to remain static with a burgeoning population. If a population doubles, obviously the agency will have to grow in size and in cost. It does not necessarily have to double and have the same proportionate increase. But inevitably it must grow some, and its costs must increase some.

In view of this, I think it is a tribute to the committee that the amount approved this year in the Commerce and related agencies appropriation bill is so much less than last year's bill.

Mr. President, I feel that the chairman of the subcommittee as well as the very valuable staff members, Mr. John Witeck and Mr. Bill Kennedy, and all the other members of the Appropriations Committee, who have labored tirelessly and diligently in order to get this appropriation bill to the Senate floor, should be congratulated for a job well done.

Mr. McNAMARA and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. HOLLAND. I shall be glad to yield either now or after I have made a request. Perhaps Senators would prefer to defer their inquiries until I have made a unanimous-consent request.

Mr. President, I ask unanimous consent that the committee amendments to the bill be agreed to en bloc and that the bill as thus amended be regarded, for the purpose of amendment, as original text, provided that no point of order shall be considered to be waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection?

Mr. DOUGLAS. Mr. President, reserving the right to object, I should like to ask my good friend from Florida if it is true, as it seems to be shown on pages 10 and 11 of the report, that the Senate bill increases the House appropriation by $330,500 for general administration in the Department of Commerce?

Mr. HOLLAND. I am looking at page 10. The items for general administration in the budget estimates were $5,614,000. The House bill calls for $5,075,900. The Senate recommendations are $5,406,400. That would mean that we have raised the amount in our recommendation for these items by $330,500.

Mr. DOUGLAS. That is what the Senator from Illinois inquired about. May I further inquire if it is true that the bill as presented to us raises the appropriation recommended by the House for salaries and expenses in the Coast and Geodetic Survey by $2,100,000?

Mr. HOLLAND. Yes; the Senator is correct. We raise the amount by $2,100,000, and that raise is for salaries and expenses. The raise which our committee has recommended is largely, if not almost entirely, a raise that will permit the Coast and Geodetic Survey to work with the Federal Aviation Agency in improving air navigation control. The work in connection with that field, so important as it is just now, is divided between three agencies, the Federal Aviation Agency, the Coast and Geodetic Survey, and the Weather Bureau. We have increased the amounts for the Coast and Geodetic Survey and the Weather Bureau to enable them to keep step with the enlarged program of the Federal Aviation Agency, which, as I understood it last year, and from the unanimous action of our committee this year, is regarded by all of us as a very vital service to render in order to make flying safer.

Mr. DOUGLAS. May I further ask if it is true that the Senate bill raises the House appropriation for salaries and expenses in the Business and Defense Services Administration by $594,000?

Mr. HOLLAND. The Senator is correct.

Mr. DOUGLAS. And that it raises the sums for salaries and expenses in the Bureau of Foreign Commerce by $755,000?

Mr. HOLLAND. The Senator is correct. Would the Senator let me comment on those two items?

Mr. DOUGLAS. Surely.

Mr. HOLLAND. The Business and Defense Services Administration and the Bureau of Foreign Commerce increases are almost exclusively addressed to the building of a greater export business for our country just now. We have emphasized those activities because we think they offer the soundest way to retain a favorable trade balance, which in former years we have had, but which has been gradually diminishing during the last 2 or 3 years.

Mr. DOUGLAS. If the Senator from Illinois may be permitted to make his own comment on the Business and Defense Services Administration, I think that so far as business services are concerned, this Bureau is largely worthless. But let me continue.

Do I understand correctly that the Senate bill raises the House appropriation for salaries and expenses in maritime activities by $795,465?

Mr. HOLLAND. The Senator is correct.

Mr. DOUGLAS. And that it raises the appropriation for salaries and expenses in the Patent Office by $65,000?

Mr. HOLLAND. The Senator is correct.

Mr. DOUGLAS. And that it raises the limitation on general administrative expenses in the Bureau of Public Roads by $617,000?

Mr. HOLLAND. The Senator is correct. I should like to make a comment with reference to each of the last three items.

In connection with the maritime activities, the principal reason for the change is to allow what we think will be a very real economy by warehouse consolidation. They are gradually diminishing their store of articles to the point where they do not need all the warehouses, so they are trying to do away with several of them and to concentrate all their articles in two or three places.

The $65,000 item for the Patent Office is for printing expense, without which the information about the granting of patents will be slowed down. We have been trying for 4 years to bring that situation more up to date, and great progress has been made. We think this item is a part of that progress.

With reference to the Bureau of Public Roads, a very considerable item of expense, $617,000, comes entirely from the fact that the Interstate Highway System is assuming very large proportions now, and very greatly increases the burden of accounting, bookkeeping, and investigating in the field. This requires a substantial buildup of personnel.

Mr. DOUGLAS. May I ask if the appropriation for the National Bureau of Standards has been raised above the House appropriation by $1,600,000 for research and technical services, and by $1,030,000 for research and technical service in the so-called special foreign currency program?

Mr. HOLLAND. The Senator is correct. With reference to the foreign currency program, the amount recommended by the Bureau of the Budget, $5 million, and requested by the agency, was, we thought, too large a beginning to make. We think it is appropriate for some of the foreign currencies which must be used in those countries to be used on important objectives.

We asked the Bureau of Standards to work up an agenda of specific projects. That list will be found in the report, I believe, or if not, then in the sideslips. I think it shows a very real program which the scientists in our own agency, the Bureau of Standards, believe will be a most helpful one and will make a beginning on the useful utilization of that part of the foreign currencies which is available for research.

Mr. DOUGLAS. May I further ask the Senator from Florida if, in the case of the Weather Bureau, the Senate bill increases the appropriation made by the House for salaries and expenses by $4,114,000? That is on page 12 of the report.

Mr. HOLLAND. The Senator is correct. The explanation given heretofore with reference to the increase for the Coast and Geodetic Survey is in the same field as this, namely, to enable the Weather Bureau to function in supplying additional weather information required under the expanded Federal Aviation Agency program for safe flying.

Mr. DOUGLAS. Is it true that in the field of research and development the Senate increased the House appropriation by $2,475,000?

Mr. HOLLAND. The Senator is correct.

Mr. DOUGLAS. And by $3,500,000 for the establishment of meteorological facilities?

Mr. HOLLAND. The Senator is correct.

Mr. DOUGLAS. In fact, the only recommendation which the Senate committee made was a reduction of $40 million in repayable advances to the highway trust fund.

Mr. HOLLAND. That was one of the reductions which was made.

Mr. DOUGLAS. And in the forest highways program, liquidation of contract authorization.

Mr. HOLLAND. They are two of the reductions which were made. The Senator is correct. They were the two largest reductions.

Mr. DOUGLAS. Yes. May I ask the Senator if it is true that Secretary of Commerce Frederick H. Mueller, accompanied by Under Secretary of Commerce Philip A. Ray and others, appeared before the Senate committee and asked for the restoration of the House cuts, except for $2 million?

Mr. HOLLAND. The Senator is correct. Those officials appeared before the committee and asked for the restoration of a large part of the cuts. However, the printed record of our hearings will show exactly what the requests were.

Mr. DOUGLAS. I wonder if the Senator will forgive me if I read into the RECORD the statement given by Secretary Mueller at page 528 of the hearings.

Mr. HOLLAND. I am glad to yield for that purpose.

Mr. DOUGLAS. I read:

> We believe our programs are keyed to this objective.

And I read further:

> Such service really is an investment in a growing America. It is an activity which at present only the Federal Government has the capacity and power to create, but which private groups can use to better their own condition and thereby enhance their greatly needed individual contributions to healthy economic growth and national security.

Mr. HOLLAND. May I ask the Senator to what objective he was referring?

Mr. DOUGLAS. The cuts which the House had made. I continue:

> We must assure that curtailment of requested funds does not have the effect of setting back or making ineffective those programs which are needed by the American people at this crucial period of history.
>
> We must not be asleep to opportunities to strengthen our private economy. We cannot be complacent to modern hazards. We dare not deprive our enterprise system of necessary instruments of growth in face of both Soviet economic drives and our own urgent modern needs.
>
> Our programs are financed out of general fund appropriations and out of a highway trust fund. The House reduced our budgets payable out of general funds by $28,408,765. We are requesting restoration of $25,584,565 of that amount. The highway trust fund budget was reduced by $1,617,000, for which we are requesting full restoration.

Mr. HOLLAND. That latter item, I might say, had to be fully restored. It was not understood, in the action taken by the House committee.

Mr. DOUGLAS. This record shows, does it not, that Secretary Mueller came before the committee and pleaded that the cuts which had been made by the House should be restored? Is not that true?

Mr. HOLLAND. The Senator is correct as to most of the cuts. The committee restored a very substantial amount.

Mr. DOUGLAS. About 90 percent of what the Secretary asked for?

Mr. HOLLAND. No; I would not say that.

Mr. DOUGLAS. He wanted $25,584,000 restored, and the committee restored something over $22 million.

Mr. HOLLAND. The totals can better be shown by looking at the titles of the entire bill, which will be found by the Senator on page 12 of the report. The report shows a budget estimate of $705,785,000. The House recommended $677,376,235, making some reductions, which the Senator has mentioned, and some additions. The amount of the reductions is greater than the amount of the additions; but there are a number of additions, as the Senator has indicated.

Mr. DOUGLAS. Not only that, but while I think some of them can be supported, nevertheless some of the so-called reductions, or permanent reductions, are merely bookkeeping changes.

Mr. HOLLAND. One of them is a bookkeeping change, undoubtedly, as the committee's report shows.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. That is the amount for the forest and public lands highways. We have no intention in the world of withholding that amount. That is an important program.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. We objected to having the Budget Bureau consistently putting in a request which, after having been turned down in the House of Representatives on a point of order, came to our committee, to be fulfilled, at the expense of appearing to make our committee much more extravagant than the House committee. The trouble with the Budget Bureau's request was that it was not in compliance with law. So we turned down the Budget Bureau's request on that item; and it will have to be supplied later.

But I want the RECORD to show that there is no disposition whatever on the part of our committee to terminate those important activities. On the contrary, we simply want them to be requested on a basis consistent with law, instead of on a basis inconsistent with law.

Mr. MCNAMARA. Mr. President, if the Senator from Florida will yield——

Mr. HOLLAND. I am glad to yield.

Mr. MCNAMARA. I should like to ask the Senator from Florida to state the amount of the supplemental appropriation item which he expects to come from the Budget Bureau.

Mr. HOLLAND. The Forest Highway request was $36 million. It was stricken out on a point of order in the House of Representatives, because an attempt was made to make it payable out of the trust fund—which would be in accordance with the request of the Budget Bureau, but would not be in accordance with law.

Mr. MCNAMARA. I understand.

Mr. HOLLAND. And the same is true of the item of $3 million for public land highways.

Likewise, I wish to state that the Budget Bureau had eliminated the construction of class 3 roads in the forest highways program, and had ordered no contracting for class 3 forest highway construction.

Since the making of the report, we had a conference which straightened that out, and they have removed that ban. Apparently they based the ban on the fact that those class 3 roads are not part of the Federal aid system, and therefore they felt they are in a different category—as they are, in a way. But that does not mean that they are not a necessitous part of the program authorized by Congress, through the action taken by the subcommittee of which the distinguished Senator from Michigan [Mr. MCNAMARA] is the head.

Mr. MCNAMARA. Again I wish to thank the Senator from Florida for the detailed information he has supplied and for his foresight in taking this action, which is so necessary in order to prevent the trust fund from being overdrawn.

Mr. HOLLAND. I thank the Senator from Michigan.

Mr. DOUGLAS. I take it that these two items will reappear, and that therefore their elimination at this time does not constitute permanent reductions in the appropriations.

Mr. HOLLAND. That is correct—as to these two.

Mr. DOUGLAS. What about the $40 million item? Will it also reappear?

Mr. HOLLAND. Not if the appropriations are made out of general revenue, as they will have to be if the Budget request and the supplemental request are appropriated for in accordance with existing law.

Mr. DOUGLAS. I should like to return to the statement made by Mr. Mueller. Do I correctly understand that it was made on Friday, February 19?

Mr. HOLLAND. Yes. That is shown by the printed record. I must say that the sequence of the hearings this year in one respect was different from the normal hearings, in that the Secretary was not available when we began our hearings; and he made his statement at a later date, after the statements were made by many of the other witnesses.

Mr. DOUGLAS. Is the Senator from Florida aware of the fact that 4 days later—to wit, on Tuesday evening, February 23—the same man, Frederick H. Mueller, went to Philadelphia, and spoke at the Hotel Bellevue-Stratford, at the annual dinner of the Pennsylvania Manufacturers Association.

Mr. HOLLAND. No; I did not know that.

Mr. DOUGLAS. I hold in my hand the speech which Mr. Mueller delivered 4 days later, and I should like to read the following from that speech:

> Of course, all of these bills will not come due in a single wallop. But the accrued liability is a ticking time bomb. Some day, somebody will have to pay. Certain programs may be slashed by a future Spartan Congress.

But it is to be noted that only 4 days before he had begged the committee not to permit the budget for his agency to be slashed.

I read further from Mr. Mueller's speech on February 23:

> And if our private economy is allowed to continue in healthy growth, inevitable burdens may be financed in part from increased income.

But the titanic size of the impending obligations should be taken into account by every responsible citizen, whenever he hears more wild talk about more wild spending.

If we do not slam on the brakes and keep our foot hard-pressed on the pedal, we may very soon confront $100 billion budgets, heavier taxes, higher debts, lower value of currency—all weakening our economy and undermining our defense—all robbing savings needed for investment in growth—all pushing the America of the 1960 decade headlong toward the precipice.

And listen to this:

It is to defend economic growth from ruin that the Eisenhower administration will continue to wage a no-quarter fight against the budget-boosters and the surplus spenders. For, if we can save the surplus for reduction of debt, we can—at the proper time—initiate the much-needed tax reform which business wants so strongly in order to accumulate funds for research and capital outlays that create new business and make new jobs.

Our fight is your fight, too.

I give a copy of Secretary Mueller's speech to the Senator from Florida, in order that he may verify what I have read.

In other words, 4 days after Secretary Mueller testified before the Senate Appropriations Committee, at which time he demanded the restoration of the $25 million item which the House of Representatives had voted to be taken out of the budget of his agency, Secretary Mueller went to Philadelphia, and there denounced the Congress and the Democratic Party for being "wild spenders", and said we must slam on the brakes and must practice economy.

Well, which Mr. Mueller shall we believe? Shall we act in accordance with the request of the Mr. Mueller who, on February 19, begged for more funds for his agency? Or shall we act in accordance with the request of the political spokesman who, on February 23, demanded that cuts be made in the budget?

I think Mr. Mueller must have changed his mind between February 19 and February 23; and I believe that his statement on February 23 is a more mature one and a more responsible one than the statement he made on February 19, and that therefore we should take Mr. Mueller at his word, and should cut back these items to the amounts voted by the House of Representatives, and especially we should cut the items for the administrative expenses of the Secretary of Commerce.

Let me point out that on the same occasion, the Under Secretary of Commerce, Mr. Philip A. Ray, who was with Mr. Mueller at the hearings, and who apparently approved of the request made by his chief, made a journey to Chicago, where he was very critical of a certain Senator, because he said that Senator had voted for large appropriations, and was "a budget buster." So now we find the Secretary of Commerce and the Under Secretary of Commerce criticizing—when their own goose is not involved—expenditures which, of course, the administration originally asked for and which were voted by the Congress; but when their own agency is involved, they demand that all cuts made by the House of Representatives be restored.

Frankly, Mr. President, that is a type of hypocrisy which I believe should be ended. I am sick and tired of having these Republican Cabinet officials go over the country and slander the Democratic Party and slander the Democratic Congress and slander the Democratic Senators, but at other times themselves demand increased appropriations and oppose the making of any cut in the budgets for their own agencies.

So, Mr. President, I believe we should give them a dose of what they say they want. They say they want economy. Let us give it to them. And let us give it to them on their own budgets, in the place where it will hurt.

Furthermore, I notice in the gallery some representatives of the Department of Commerce. Without singling them out for opprobrium, let me say I hope they will carry that message back to the Department of Commerce.

Mr. HOLLAND. Mr. President, the Senator from Florida has been delivering messages to the same group. For instance, if the Senator from Illinois had been in the Chamber a little while ago, he would have heard me demand that the Maritime Board get away from supplemental budget items. And we are about to accomplish that. And the Senator from Illinois would also have heard me read from the record of the testimony given by Admiral Ford, who happened to testify for that particular agency, and who guaranteed that there would not be a supplemental budget item for 1961.

Mr. DOUGLAS. Well, let me say——

Mr. HOLLAND. Mr. President, before I yield again to my distinguished friend, I should like to call attention to the fact that at least the $654 million, as suggested by the Senate committee, is approximately $250 million—in round numbers—less than the $902 million of last year's appropriation, and likewise it is substantially less than the budget estimate of $705 million for this year.

So that, in the first place, I call attention to the fact that even the original request of the Budget Bureau for these agencies this year was very materially reduced, largely, as I have already said in my statement, due to the three nonrecurring items; but, nevertheless, it has been a reasonable approach.

Mr. DOUGLAS. That is just the point——

Mr. HOLLAND. In the next place, I call attention to the fact that most of the suggestions for restoration made by our committee have had to do with fields which we thought were of vital importance to our Nation. They come in two classes, largely, one having to do with what we think will build up our foreign trade more fully; and, second, a larger group, which has to do with bringing about an increase in safety in air travel and transport by keeping up the two agencies in this bill with the program which we are advancing on another, much larger, front, through appropriations for the Federal Aviation Agency.

Mr. DOUGLAS. So far as reductions from last year's appropriations are concerned, they have been largely effected because certain of the appropriations for 1960, such as those for the census, will really not occur in 1961.

Mr. HOLLAND. There are two other items, which likewise are sizable, which I have already mentioned.

Mr. DOUGLAS. What does the Senator think of a Secretary of Commerce who, on the 19th of February, will demand that every item, except $2 million, which was cut in the House bill, be restored, and who will go to Philadelphia and the Bellevue-Stratford Hotel 4 days later and make a speech to the Pennsylvania Manufacturers Association panning the Democratic Congress and saying it is the Eisenhower administration that stands between the country and bankruptcy? What does the Senator think of a man who will do that?

Mr. HOLLAND. In an election year I am not surprised to find that kind of tactics from the other side of the fence from the Senator and myself. I do not think that fact is to be considered at all equal to the question of what are the needs of the country for its essential activities.

Mr. DOUGLAS. In other words, he was lying on one day or another. When was he telling the truth? Was he telling the truth before the Appropriations Committee or when he went up to Philadelphia and spoke at the Bellevue-Stratford?

Mr. HOLLAND. The Senator from Florida thought he was talking truthfully before the committee, and the Senator from Florida noted the unanimous verdict—both of the subcommittee, first, and the full committee—indicated the members thought, on most of the items which the Secretary urged, he was talking in accord with necessary services of vital interest to the Nation.

Mr. DOUGLAS. What does the Senator think of the speech he made at the Bellevue-Stratford?

Mr. HOLLAND. I was not there. I have not read it.

Mr. DOUGLAS. The Senator should read it. I gave it to him.

Mr. HOLLAND. I shall be glad to read it later.

Mr. DOUGLAS. No; I think the Senator should read it now.

Mr. HOLLAND. I heard some of the words read by the distinguished Senator from Illinois.

Mr. DOUGLAS. The Senator has the speech in his hand. The Senator from Florida is a well-educated man. He is able to read very quickly. He has doubled the speech up in his hand. He is not going to read it. I ask him to read it.

Mr. HOLLAND. The Senator from Florida said he would read it. He intends to do so. The Senator from Florida, in the first place, did not appoint the Secretary of Commerce. In the next place, when the Senator from Florida had an opportunity to vote on his nomination, he voted to confirm his nomination. He believes the vote was practically unanimous, if not unanimous, on confirmation of the nomination. The Senator from Florida took at face value most of the testimony of the Secretary. Perhaps we made a mistake in doing

that. If so, the Senator from Illinois will vote his convictions on each item he has referred to.

Mr. DOUGLAS. Is the Senator from Florida aware of the fact that this Secretary of Commerce, who talked so much about economy at the Bellevue-Stratford, wanted a restoration of an item of $161,525 in his own office?

Mr. HOLLAND. The Senator from Florida remembers the Secretary wanted a restoration affecting his own office, and the Senator from Florida felt that much of the request was quite justifiable. So did every other member of the committee—I believe there are 27 members of the Appropriations Committee—when the matter came up for action.

Mr. DOUGLAS. Is the Senator from Florida also aware that the Secretary asked for a restoration of $168,975 in the Office of Field Services under the Secretary of Commerce?

Mr. HOLLAND. Yes; and the Senator from Florida remembers the items that were involved there, and some of them the Senator from Florida felt were quite justifiable, and it was those we granted. I remember in particular that the Budget Director of the Department of Commerce made it very clear to our committee that a sizable part of that request would enable him to have audits and accountings made of the various field offices throughout the Nation, which, up to this time, he had not been able to keep current because of the limited personnel he had. He had been making that request, in one form or another, for some time; and the committee, as I recall—perhaps the figures are not exactly correct—provided for something like 5 out of the 17 auditors requested to travel from one of the field offices to another and to audit the affairs of those offices. The Senator from Florida thought the appropriation would be a measure of economy and efficiency. Apparently the whole committee felt that was the case.

Mr. DOUGLAS. Does the Senator from Florida remember that the Secretary of Commerce asked for the restoration of $5,000 for so-called representation allowances; namely, a fund to enable him to entertain guests?

Mr. HOLLAND. Yes; and the Senator from Florida recalls that a showing was made to our committee that more than $6,000 was spent out of the pockets of the head men of that department last year for the same objective, of entertaining guests coming from other countries, where our officials had gone, and where they had been entertained; and we felt that request was justified.

Mr. DOUGLAS. May I suggest a correction to my good friend?

Mr. HOLLAND. Yes.

Mr. DOUGLAS. It will appear on page 536 of the hearings that last year the officials spent $2,557 of their own money; but they thought they should have spent an addition of $6,102. So the Secretary who talks about economy at a very lavish dinner in the Bellevue-Stratford wants to have his funds increased by $5,000 in order that he may entertain, on a lavish scale, visitors from abroad.

Is it not a good rule that one should not ask others to economize when he himself is not willing to economize? Here is a man who wants everything for himself, but then upbraids the Democratic Party and Democratic Senators because they vote for a certain appropriation.

Mr. HOLLAND. The Senator from Florida has found it to be a pretty good rule to practice what one preaches.

Mr. DOUGLAS. Does the Senator think the Secretary is practicing what he preaches?

Mr. HOLLAND. The Senator from Florida would have to have a broader view than he has.

Mr. DOUGLAS. I invited the Senator to read the speech the Secretary made at the Bellevue-Stratford.

Mr. HOLLAND. I shall be glad to, but let me go into the field of entertainment allowances. Last year we felt, beyond a peradventure of a doubt, that more than $5,000 had been spent——

Mr. DOUGLAS. He said only $2,557 had been spent.

Mr. HOLLAND. The Senator from Illinois is talking about this year——

Mr. DOUGLAS. No. He said last year.

Mr. HOLLAND. Last year another gentleman was Secretary of Commerce, Mr. Sinclair Weeks, and he had entertained, and was well able to pay the cost, because he was, and is still, I hope, a very wealthy man; and he had felt that, because of the fact that he was able to do the entertaining out of his own pocket, he did not want to make the showing which we were told about informally. We were not able to get for the record, therefore, the showing we got this year. However, not only the Secretary, but Under Secretaries and Assistant Secretaries now in the Department, are not within the classification of extremely wealthy men, and they are required, because they have many responsibilities having to do with export business and with relations with our neighboring and friendly countries, to visit those countries. They are treated hospitably there. I think their desire to return that hospitality is a natural one.

I would hate to think that those neighbors and friends who visit us would go away thinking we were less hospitable and less friendly than they were to us.

Mr. MORSE. Mr. President, will the Senator yield for one brief moment?

Mr. HOLLAND. I am yielding now to the Senator from Illinois.

Mr. DOUGLAS. I will yield with the understanding that I do not lose my right to the floor.

Mr. MORSE. I have only one question.

Mr. HOLLAND. Mr. President, I feel like I am between Scylla and Charybdis, but I will yield to Charybdis.

Mr. MORSE. I have only one question. Could we not reduce the cost a good bit if they would serve some good Florida orange juice? That would be much cheaper. It would be much better for them, and it would also be better for the moral standards of the country.

Mr. HOLLAND. Mr. President, since orange juice has been mentioned, I want to make it very clear that representatives of the Department of Commerce and also of the Department of Agriculture have listened attentively to the desires of the citrus industry of Florida and of the fruit producing industries of California, Arizona, Texas, Oregon, and Washington, and to our requests for the assistance which can be rendered by those two departments in helping to rebuild our volume of export trade, which we have not had in sufficient amount since World War II. We feel very kindly toward them.

We hope these people will drink our orange juice. At least they are aiding us in selling a very largely increased quantity of orange juice abroad. When we get good service from them, we want to try to uphold our end of it. We know when these people go abroad to negotiate these arrangements they are entertained, and they tell us they would like to reciprocate.

Mr. MORSE. I have only one suggestion. They should reciprocate with orange juice.

Mr. HOLLAND. I appreciate the suggestion of my distinguished friend. I hope he will not object if I suggest also that they should serve a few Oregon cherries on the side, and also some deciduous fruits from that fine State.

Mr. MORSE. I would be perfectly willing to dispense with the serving of the cherries if we could substitute the orange juice for what they really serve.

Mr. HOLLAND. I shall be very mindful of the suggestion made by my distinguished friend.

Mr. President, I yield again to the Senator from Illinois.

Mr. DOUGLAS. If the Senator from Florida will look at page 535 of the hearings, I believe he will find that Secretary Mueller said, "We are requesting restoration of $25,584,565 of that amount. The highway trust fund budget was reduced by $1,617,000 for which we are requesting full restoration."

Mr. HOLLAND. Where is that shown?

Mr. DOUGLAS. Did the Senator from Illinois give the statement of Secretary Mueller correctly?

Mr. HOLLAND. The Senator did. However, the case for the $1,617,000 was made by Mr. Tallamy in other testimony.

Mr. DOUGLAS. I know.

Mr. HOLLAND. It was a very clear case. One large item which was involved was the payment of the repair costs for roads and highways washed out by hurricanes, floods, and the like.

Mr. DOUGLAS. Did they not come in with a backdoor appropriation for that work?

Mr. HOLLAND. No. There is in the highway bill, and there has been for some time, a provision which allows them to spend up to a certain limitation each year for these emergency needs, and to be repaid therefor.

Mr. DOUGLAS. Did they not get the money at the end of the year last year?

Mr. HOLLAND. They are authorized to be repaid for those amounts actually expended, by a provision of the kind to which the Senator refers, which appears in the bill.

Mr. DOUGLAS. They got the money originally by a backdoor process, and

now we are being asked to repay it in the year 1960–61; is that not correct?

Mr. HOLLAND. No, I do not think so. There is a specific provision in the bill which governs this kind of activity, which recognizes the fact that emergency repairs cannot be foreseen with accuracy, and that when emergency repairs are required in an area—it has to be declared to be a distressed area—and when certain kinds of requirements for participation are met, the Federal money can be spent in certain amounts.

My friend the Senator from Oklahoma has been on his feet for quite awhile——

Mr. DOUGLAS. I am not finished with Secretary Mueller yet, with all deference to my friend.

Mr. MONRONEY. Mr. President, will the Senator yield to me for a brief comment?

Mr. HOLLAND. If the Senator from Illinois is agreeable, I will yield to the Senator from Oklahoma.

Mr. MONRONEY. I would like to say that the Subcommittee on the Commerce Appropriation, of which I have the honor to be a member and of which the distinguished senior Senator from Florida is chairman, did not bother to read what the Secretary of Commerce had to say in a ghost-written speech from the Republican campaign boiler factory. We know what that line is. We hear it every hour on the hour—"We stand for economy—the Democrats are spenders." Then they come to the Congress to ask for recordbreaking appropriations.

We listened to the experts, to the men who have operated these programs both in good Democratic times and in the sorry days that fall upon them under incompetent Republican administrators such as the Secretary of Commerce, to my way of thinking, appears to be.

We are not defending the budget of the Secretary of Commerce here today. We are defending the needs as stated by men like Dr. Reichelderfer, who is one of the finest, most competent scientists we have ever had in the Weather Bureau. Dr. Reichelderfer has served in the Weather Bureau for years, and came up through the ranks.

An additional $10 million was provided in the bill for the Weather Bureau, for the most vital kind of improvement, largely in aviation weather service. This is necessitated by the strangulation which this old-line, highly skilled Bureau has undergone for the past 7 years in the Department of Commerce.

Aircraft are now going up into higher altitudes than man has ever navigated before, and it is necessary to modernize the "horse and buggy" instruments, equipment, laboratories and research which have been starved for many years, so as to provide adequate high-level weather information.

We listened to Dr. Reichelderfer, and we put in the bill an additional $9 million to improve aviation weather information, a part of this amount—over $1 million—is for high altitude observations. These funds will provide for four soundings in the upper air a day, instead of two, at 14 stations, and for extending the height of these soundings to 100,000 feet. This was recommended by the Administrator of FAA, the commander of the Air Force Air Weather Service, and the Director of the Office of Naval Weather Service. This is one of the big items in salaries and expenses in the bill.

If we had previously had some of this weather observation information, perhaps then the extreme turbulence in a dry front, into which the Northwest plane, which disintegrated near Tell City, Ind., may have flown, might be avoided, because this is a phenomenon of the upper air. We are trying our dead level best to get in-flight reports from the pilots who see the atmosphere and clouds from above, and to channel that information into the Weather Bureau network.

Certainly, simply because we have no high regard for the Republican political appointees, we cannot ignore the urgent recommendations of career men such as Dr. Reichelderfer.

Mr. DOUGLAS. Is the Senator from Oklahoma not aware of the fact that when the administration spokesmen want appropriations they trot out their experts and say, "You have to follow the experts or you will be crippling the service"? Then other Secretaries of Commerce go out to make these other pleas. They go out to attack us on the stump for voting for the appropriations they themselves asked for.

I can be perfectly certain that, exactly as Under Secretary Ray went to Illinois and attacked me because I had voted for certain Republican appropriation bills, so a Secretary of another Department will attack me if I vote for this bill.

Does the Senator not think that the Secretary of Commerce should be responsible for what he says and, if he made that speech in Philadelphia, it is to be presumed he meant it? If he did not mean it, let him issue a statement to the press, "I did not mean it, Pennsylvania Manufacturers Association; I was merely talking politics."

Let him say, as Wendell Willkie said in 1941 when he recanted his election statements, "Oh, I was simply making political talk." At least that was manly, even though it wrote down the quality of his political talks.

Does the Senator not think that before we make the appropriation for Under Secretary Mueller we ought to refer the bill to the committee again and ask Secretary Mueller to appear and state what he stands for? Should we not ask him whether he stands upon the Philadelphia speech, in which event we should cut, cut, cut; or whether he stands for what he requested on February 19?

Under which flag does he fly—the black flag of political piracy or the white flag of economy?

Mr. MONRONEY. I am sure Secretary Mueller knows little of what is going on in his department. I do not think he is aware of many of the things which the experts brought out at the committee hearings. However, I think the distinguished senior Senator from Florida is one of the most careful of all appropriations subcommittee chairmen. He searches for the absolute need, regardless of the politically inspired speech to the Pennsylvania Manufacturers Association, which was designed to get campaign contributions.

Mr. DOUGLAS. And undoubtedly he got them.

Mr. MONRONEY. It was designed to get campaign contributions from the fat cats who supply the money.

Mr. DOUGLAS. And it will be used in Illinois against the Senator who is now speaking. It will be used in Oklahoma in due course against the Senator from Oklahoma. I do not think it will be used in Florida against the Senator from Florida.

Mr. MONRONEY. There is no more frugal subcommittee chairman than the Senator from Florida, and no chairman who is more careful about cutting appropriations to the necessary minimum. He takes advice not from Republican officeholders, but from the men who, year in and year out, must provide for responsible administration of the Government.

Mr. DOUGLAS. Do not shift the target. I am not attacking the Senator from Florida.

Mr. MONRONEY. I realize that.

Mr. DOUGLAS. I am attacking the Secretary of Commerce. My good friend from Florida says, "I will ne'er consent"; but, like the lady in Byron's poem, consented still.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from Oklahoma for all his generous and gracious words. I wish they were all merited. I have certainly tried to handle this task in a reasonable way.

I am distressed to hear that the Secretary of Commerce has picked on a person so gentle and humble, so genial, and so incapable of defending himself. My own judgment is that the Senator from Illinois is exactly the opposite of that, and can defend himself against all attacks from any source. I suspect that the Secretary of Commerce will have many occasions to remember reluctantly and regretfully that he singled out the Senator from Illinois as a target, if he did so.

Mr. DOUGLAS. Let me make the record clear. Secretary Mueller did not attack me. He went to Philadelphia and made a speech. Under Secretary Philip A. Ray, who accompanied him before the Appropriations Committee when he asked for more money, went out to Illinois and attacked me as a big spender.

Mr. HOLLAND. The Senator from Illinois is known not only as an economist, but an economical public servant. I shall hope that if he is attacked by any foe he cannot handle himself—and that would be almost inconceivable to me—he will let me come and help to defend him, because if anyone ever has been economical in his work in committee and in his votes on the floor of the Senate, at least in the field where the Senator from Florida attempts to serve, it is his distinguished friend, the Senator from Illinois, who certainly has been economical.

Mr. DOUGLAS. Mr. President, I appreciate this very much, and I will send the certificate of character to Philip A. Ray, Under Secretary of Commerce, and

to my Republican opponents, who, while I am working on the floor of the Senate, belabor me day by day.

Mr. HOLLAND. I hope it will be as effective as I mean it to be. In the meantime, I am distressed beyond measure that anyone should have such poor judgment as to pick a target so hard to assail on the ground of economy as is the distinguished Senator from Illinois.

Mr. DOUGLAS. Mr. President, I do not wish to spin this out at great length, but I wish to give some further material on this extraordinary individual who is Secretary of Commerce, Frederick H. Mueller.

After Mr. Mueller had spoken, as shown on page 541 of the hearings, the Senator from Florida [Mr. HOLLAND] said:

> That is a very strong plea for the restoration of the amounts in the budget request which were cut out by the other body.

Secretary Mueller had asked for restoration of $25,584,565. Listen to this, from page 541:

> Secretary MUELLER. It is not very much.

The amount of $25,584,565 is not very much. This is the man who 4 days later, at the Bellevue-Stratford, denounced Democrats for not having money sense. That is found on page 7 of his speech.

Mr. HOLLAND. I believe that at that time the Secretary was talking about the restoration of cuts in the Bureau of Foreign Commerce. My comment was:

> I understand you are asking for a full restoration in that agency.

Mr. Mueller said:

> That is right.

As I have already stated, we have tried to give emphasis to those appropriations which we think will be effective in helping to rebuild and enlarge the foreign commerce of the United States, and we have been reluctant to grant increases in some other fields.

Mr. DOUGLAS. Mr. Mueller also said:

> It is to defend economic growth from ruin that the Eisenhower administration will continue to wage a no-quarter fight against the budget boosters and the surplus spenders.

Notice the glowing alliteration of those words, the roll of the verbiage, the inflammatory nature of the language, and the high emotional content of the phrases.

Mr. President, I think Mr. Mueller has made his own prescription. I think we should cut the amounts back to the House figures, and that under no conditions should there be restoration of the amounts in the Office of the Secretary of Commerce. Let him practice economy. The representation allowance should go out the window. I am not going to say what it is going to be spent for, but I think Florida grape juice or Oregon prune juice would be a worthy substitute.

In short, we should make Mr. Mueller and his associates, including Under Secretary Philip A. Ray, practice what they preach. It would be a good lesson for them to cure them of political hypocrisy. It might begin to put a little virtue into them. It might show that we Democrats are not such "softies" as they think we are.

What they do is to get worthy people to come before the committee; and when we vote for the appropriations which they request, they telephone to the Republican National Committee, "Go after them, because they voted for the appropriations."

We shall soon have the same issue raised in connection with foreign aid. Under Secretary Dillon will be down here pleading for us to appropriate the full $4,200 million. Then, if we vote for it, the information will be telephoned to the Republican National Committee, which has an honorable man for chairman, but the information will be telephoned to the underlings at the Republican National Committee, and the word will go out. If we support the Eisenhower administration on foreign aid, we shall be attacked by the Republican Party in our home States and in the Nation as a whole.

Sometimes there are two sets of agents, working for different people. One set tries to seduce us into making appropriations. Another set will attack us for making them. Sometimes they may be double agents, people who, on the one hand, urge us to appropriate, and then say later, "We have hooked him. Go after him."

I am tired of this. I think the Eisenhower administration should practice what it preaches. If it believes in economy it should practice economy. If Secretary Mueller attacks Democrats as spenders, and wants economy, let us practice economy on Secretary Mueller.

Mr. President, that is about all I wish to say. I have no quarrel with my good friend from Florida, who is a very fine man. I am sorry that he finds it necessary to yield to the seductive pleas of the administration in these matters. I wish he had greater resistance to the siren calls. I wish he would hold them to their political speeches. I wish he would demand consistency of them; but if he does not, I will.

Mr. HOLLAND. I thank my distinguished friend. I noticed his reference to siren calls. That makes even more important my suggestion of a few moments ago that perhaps I stand between Scylla and Charybdis, because I believe some sirens had a part in that picture.

Now, Mr. President, may I ask my distinguished friend if he wishes to except to any committee amendments so far as my unanimous-consent request is concerned?

Mr. DOUGLAS. I am ready to accept amendments for the Weather Bureau.

Mr. HOLLAND. Does the Senator wish to——

Mr. DOUGLAS. I want to cut out, to eliminate, the general office expenses.

Mr. HOLLAND. Any amendment to which the Senator excepts I will be very glad to except from this unanimous-consent agreement. However, I should like to settle as much as I can this evening, so that we may understand the matters which are not objectionable and which will not be subject to objection on Monday, or whenever we get back to a consideration of the bill. Incidentally, the Senator from Delaware [Mr. WILLIAMS] came over to me to say that he has no objection to the adoption of the unanimous-consent request.

Mr. DOUGLAS. I do not wish to give blanket endorsement to the committee amendments which raise the House figure. I will grant consent to all committee amendments which reduce the House figures. I will grant an exception on the Weather Bureau items which are on page 16, lines 18 and 19, of the bill, and on page 17, line 15, and on page 17, line 21, and I will also grant an exception to the Small Business Administration, on page 22, line 11.

Mr. HOLLAND. And the Coast and Geodetic Survey?

Mr. DOUGLAS. And on page 22, line 13. I want to make an exception on the Maritime Board. In other words I do not wish to accept them. I want to retain the cuts in the appropriations for the salaries and expenses under general administration in the Department of Commerce. I want to strike out $5,000 for official entertainment expenses. I want to make objection to the increases in the Office of Field Services.

Mr. HOLLAND. That is under general administration.

Mr. DOUGLAS. And the Coast and Geodetic Survey. I understand that objections will be offered by the Senator from Delaware [Mr. WILLIAMS] and the Senator from Ohio [Mr. LAUSCHE], who is presiding at the moment, on the maritime sections.

Mr. HOLLAND. I have not heard from the Senator from Ohio. The Senator from Delaware advised me that he expected to attack the number of sailings. That is not a Senate amendment. The number of sailings involved are contained in the House bill.

Mr. DOUGLAS. Do I understand that the Senator from Ohio will attack the Senate amendment?

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). On the basis of the number of trips that are to be sailed.

Mr. HOLLAND. On the number of sailings; as will the Senator from Delaware. When the Senator from Delaware was satisfied that this was not a Senate amendment, he said he would have no objection to the unanimous-consent agreement.

Mr. DOUGLAS. I will try to cut back administrative expenses, which the Appropriations Committee raised over the House figure, so that spartan economy, or at least semispartan economy, will be practiced by the great apostle of economy. Instead of having future Congresses do it, let us do it now. Let a Democratic Congress turn the screws on the appropriations of the Republican wasters and spenders.

Mr. HOLLAND. Mr. President, if I understand the distinguished Senator correctly, he wishes to except these items from my unanimous-consent request. First, the item of salaries and expenses in general administration of the Department of Commerce.

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. Second, the item for salaries and expenses in the office of field services.

Mr. DOUGLAS. That is correct. Then I also wish to except the items on page 6 of the bill, for the Business and Defense Services Administration, salaries and expenses.

Mr. HOLLAND. Also the Senator wishes to except the item of salaries and expenses for the Business and Defense Services Administration.

Mr. DOUGLAS. Yes. Also the increases which the committee granted for the Bureau of Foreign Commerce.

Mr. HOLLAND. Also the salaries and expenses granted by way of increases for the Bureau of Foreign Commerce.

Mr. DOUGLAS. That is correct. Also salaries and expenses, on page 8 of the bill, for the Federal Maritime Board and the Maritime Administration.

Mr. HOLLAND. Salaries and expenses for Maritime activities.

Mr. DOUGLAS. And the administrative expenses.

The PRESIDING OFFICER. May the Chair inquire of the Senator from Illinois whether he is objecting to the operating-differential subsidies?

Mr. DOUGLAS. I understood that the Senator from Ohio objected to them. I object to them, yes. I understood that that objection was going to be made by the Senator from Delaware and the Senator from Ohio, and I did not wish to poach on their field, so to speak.

Mr. HOLLAND. I wish to call to the attention of the Presiding Officer the fact that there is no Senate increase involved in that item. The unanimous-consent request I have made is for the approval of the Senate committee amendments en bloc. We are perfectly willing to except from that unanimous-consent request any amendment which Senators desire to attack. However, we want to settle as many as are not subject to attack. I understand that the Senator agrees to all the reductions, and that he has no objection to the Weather Bureau increases and to the increases for the Small Business Administration.

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. I hope the Senator will take the same position with reference to the Coast and Geodetic Survey, because those increases tie right in with the Weather Bureau.

Mr. DOUGLAS. Yes.

Mr. MORSE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HOLLAND. I yield.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Assuming that we agree to the unanimous-consent request of the distinguished Senator from Florida after he has excluded from it the various items that the Senator from Illinois and the Senator from Ohio and the Senator from Delaware object to, would we then be in the position on Monday to offer any amendment relating to any of these items which are included in the unanimous-consent request?

Mr. HOLLAND. If the Presiding Officer will allow me to state what is contained in the unanimous-consent request, I would say that it would provide that no point of order shall be considered to have been waived by agreement to the order, and that the bill would be regarded for the purpose of amendment as original text, subject to any amendments that might be offered on Monday.

The PRESIDING OFFICER. The ruling of the Chair is that under the proposed agreement there would be no prejudice to the rights of any Member of the Senate to deal with a particular item on Monday.

Mr. HOLLAND. Then I am going to ask that my unanimous-consent request be granted with the previously named exceptions, with the distinct understanding that if we find on Monday that the Senator has failed to except something that he intended to except, I shall be glad to open the matter up. The same thing applies with reference to any other Senators. I wish to settle as much as we can overnight so that at least we will be limiting the fields of argument. Mr. President, with those exceptions I ask that my unanimous-consent request be agreed to.

Mr. DOUGLAS. Just a minute, please. I think I will request that the increase for the Tariff Commission be eliminated.

Mr. HOLLAND. I add to the exceptions the single item of an increase in the appropriation for the Tariff Commission.

Mr. DOUGLAS. I emphasize that that item is for salaries and expenses.

Mr. HOLLAND. "Salaries and expenses" is the only item under the Tariff Commission. The increase there was $160,000.

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. Mr. President, I renew my request, with these modifications.

The PRESIDING OFFICER. Is it the request of the Senator from Florida that all the proposed amendments except the following be agreed to:

On page 2, lines 5 and 6?

Mr. HOLLAND. That is correct. That includes the $5,000 item.

The PRESIDING OFFICER. Also page 2, line 12?

Mr. HOLLAND. That is correct.

The PRESIDING OFFICER. Page 6, line 7?

Mr. HOLLAND. That is correct.

The PRESIDING OFFICER. Also page 6, line 12?

Mr. HOLLAND. That is correct.

The PRESIDING OFFICER. Page 8, line 23?

Mr. HOLLAND. That is correct.

The PRESIDING OFFICER. Page 9, lines 3 and 4?

Mr. HOLLAND. That is correct.

The PRESIDING OFFICER. And lines 6 and 7?

Mr. HOLLAND. That is correct.

I did not understand that Reserve Fleet Expenses——

Mr. DOUGLAS. As I understand, some of these limitations are tied to the original authorization; and when the Senator from Ohio [Mr. LAUSCHE] and the Senator from Delaware [Mr. WILLIAMS] raise the issue on the authorization, I think these figures also will be brought into account.

I intend to support the Senator from Ohio and the Senator from Delaware in the motion I think they are going to make; but they have borne the burden of the fight in the last years and, as I say, I do not intend to fish in their stream tonight.

Mr. HOLLAND. Mr. President, does that complete the list of items?

The PRESIDING OFFICER. On page 23, line 16?

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. That is correct. I think that concludes all the exceptions.

The PRESIDING OFFICER. Without objection, the request is agreed to.

The amendments agreed to en bloc are as follows:

On page 3, line 2, after the word "amended", to strike out "$8,947,500" and insert "$8,898,500".

On page 5, line 5, after the word "law", to strike out "$15,900,000" and insert "$18,000,000".

On page 9, line 22, after the word "cadets", to insert a colon and the following proviso:

"*Provided*, That not to exceed $100,000 of the unobligated balance of the appropriation 'Ship construction (liquidation of contract authorization) maritime activities,' may be transferred to this appropriation for the purpose of providing furnishings and equipment for the Memorial Chapel at Kings Point, New York (62 Stat. 172)."

On page 12, line 14, after the word "Patents", to strike out "$22,535,000" and insert "$22,600,000".

On page 12, line 19, after the word "exceed", to strike out "$29,283,000" and insert "$29,900,000".

On page 13, at the beginning of line 10, to strike out "$200,000,000" and insert "$160,000,000".

On page 13, line 14, after the word "expended", to strike out "$2,687,383,000" and insert "$2,689,000,000"; in line 18, after the word "and", to strike out "$1,579,074,764.47" and insert "$1,579,691,764.47", and in line 22, after the word "and", to strike out "$9,000,000" and insert "$10,000,000."

On page 14, line 16, after "(15 U.S.C. 278d)", to strike out "$18,000,000" and insert "$19,600,000".

At the top of page 15, to insert:

"RESEARCH AND TECHNICAL SERVICES (SPECIAL FOREIGN CURRENCY PROGRAM)

"For purchase of foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104(k) of that Act, to remain available until expended, $1,030,000, of which not less than $800,000 shall be available to purchase currencies which the Treasury Department shall determine to be excess to normal requirements of the United States: *Provided*, That this appropriation shall not be used for the purchase of currencies available in the Treasury for the purposes of section 104(f) of that Act, unless such currencies are excess to the normal requirements of the United States."

On page 16, line 18, after the word "law", to strike out "$43,985,900" and insert "$48,100,000".

On page 17, line 10, after the word "aircraft", to insert "including the transfer from the Department of Defense, without payment therefor, of one aircraft", and in line 15, after the word "equipment", to strike out "$5,025,000" and insert "$7,500,000, to remain available until expended".

On page 17, line 21, after the word "facilities", to strike out "$3,500,000" and insert "$7,000,000".

On page 21, line 15, after the word "provided" and the colon, to insert the following proviso:

"*Provided*, That the next audit of such Coropration by the Comptroller General shall be for the period July 1, 1959, through December 31, 1960, and thereafter such audits shall be for each calendar year:".

On page 22, line 11, after the word "vehicles", to strike out "$5,201,000" and insert "$5,597,000", and at the beginning of line 13, to strike out "$15,763,000" and insert "$17,563,000".

Mr. DOUGLAS. Mr. President, I thank the Senator from Florida. Now may I request of him that he ask Secretary Mueller to appear before his subcommittee on Appropriations and explain his political speech of February 23 at the Bellevue-Stratford, and ask him whether, in view of that, he wishes to withdraw his request for the restoration of the cuts? His testimony before the Senator's subcommittee was on February 19. He went to Philadelphia on February 23. He may have had a deep-sea change during those 4 days.

It would be a pity to deprive him of the opportunity of being where it is obvious he really wants to be. So I wonder if the Senator would have a meeting of his subcommittee tomorrow or on Saturday and ask Secretary Mueller to appear and say whether, in the light of his February 23 speech, he does not want to have the appropriation for his department reduced. I think in fairness to Secretary Mueller this should be done.

Mr. HOLLAND. I appreciate the desire of the Senator from Illinois to be fair to Secretary Mueller, but I will not be in the city on Saturday. If the Senator from Illinois wishes to be present and to question the Secretary at any time when we have a subcommittee meeting at which Secretary Mueller can be present, I shall be glad to invite him to propound his questions at that time. After all, it is the Senator from Illinois who has made this case, not the Senator from Florida.

Mr. DOUGLAS. But we ought to give the Secretary a chance to reform. It may be that between February 19 and February 23 he had a change of thought. It may be that his real self spoke on February 23. If so, we should permit him to come here and purge himself of his hypocritical inconsistency. I believe in being fair to him. I think he should have this opportunity to correct the record. I hope very much that the Senator from Florida will invite him.

Mr. HOLLAND. My invitation will be extended to the Senator from Illinois the next time Secretary Mueller appears before our subcommittee. The Senator from Illinois will be welcome to attend the meeting of my subcommittee and to ask any questions he may wish to address to the Secretary of Commerce.

Mr. DOUGLAS. I think there are representatives of the Department of Commerce in the gallery. I think that, without addressing them, they could take notice of this invitation I wish might be extended. Then I hope Secretary Mueller will feel completely free to come before the committee and explain his February 23 speech. If that represents his consistent philosophy, then I am sure he will not wish to renew his requests for increases in the appropriations to his department.

So I hope this message will be carried to the Department of Commerce tonight, or wherever it is that Secretary Mueller is dining, so that he may have an opportunitly to make himself consistent.

I rather like him. I thought he had a grim sense of humor. I think he will appreciate the opportunity to put himself right with the public. Perhaps the next time he will not attack the Democrats as much. Frankly, I think these fellows should be taught a lesson. People are taught lessons only by making them be consistent.

I do not intend to spin this matter out at excessive length. I think we have covered the subject fairly well. I think the true character of Secretary Mueller has been revealed in these matters. Now is the opportunity for repentance and reform.

Mr. HOLLAND. I thank the Senator from Illinois. It is always interesting and pleasant to engage in colloquies with him. I hope that between now and Monday, in order to lessen our burdens on Monday, the Senator from Illinois will have a opportunity to examine the various items which have been excepted, because I really believe he will find two or three amendments which he will not want to pursue, particularly the ones having to do with the Bureau of Foreign Commerce and the Patent Office. I believe those amendments sell themselves by their merits and are valid.

Mr. DOUGLAS. I do not think I requested an exception of the item for the Patent Office.

Mr. HOLLAND. Yes; I believe the Senator excepted that item.

Mr. DOUGLAS. I think it was a different item.

Mr. HOLLAND. I beg the Senator's pardon. It is the Tariff Commission. I believe the Senator will find on examination that the additions made by our committee for the Bureau of Foreign Commerce relate entirely to the very salutary business of increasing exports and will be approved by the Senator from Illinois. Likewise, I believe that the matters relating to the Tariff Commission will be found to be so necessitous, particularly in view of the greatly increased burdens upon the Tariff Commission, that have ensued from recent legislation, that he probably will not want to pursue that amendment.

If the Senator will advise me prior to the debate on Monday, I shall ask unanimous consent at that time to except any amendments applicable to any items which he finds are not acceptable to him.

Mr. President, I yield the floor.

Mr. DOUGLAS. Mr. President, I thank the Presiding Officer [Mr. LAUSCHE]; and I also thank my good friend, the Senator from Oregon [Mr. MORSE], for being willing to yield temporarily to me.

SITUS PICKETING

Mr. MORSE. Mr. President, I shall speak on a matter which I wish to make a matter of record tonight. If it were not for the fact that the Senate is to adjourn from tonight until Monday, I would postpone these remarks until tomorrow.

I wish to speak on a matter in connection with which time is of the essence, in my opinion. I hope that the majority and the minority leadership, upon reading these remarks in the RECORD, will give consideration to them, and in the next few days will have a conference about a parliamentary course of action in regard to the scheduling of business in the Senate which will result in consideration and action by the Senate on the particular subject matter to which I now turn my attention.

Mr. President, last year, during the closing days of the session, when the Senate had before it proposed labor legislation and various amendments to existing labor law, one issue received a great deal of consideration from Senators, in particular, and also from Members of the House of Representatives. It was an issue in which the building trades have for years been very much interested. It was the issue that is described as the issue of situs picketing, or on-the-job picketing.

It is a very serious and important labor issue which has disturbed the building trades in this country ever since 1953, when the Supreme Court handed down its decision in the so-called Denver Building Trades Council case. That decision had the effect of putting the building trades in the position that if they struck on a construction job or if one craft of the building trades struck on a construction job, the other crafts would find themselves in a difficult position in respect to the secondary boycott provisions under the Taft-Hartley Act. That is true because they would be running the danger of being victimized by subsequent court action, either injunctive or by way of civil damage suits, if they followed the well-established practice of true trade unionists—namely, that of respecting the picket line of a sister craft union.

Mr. President, very often these picket lines are established by a building trade craft because it finds itself confronted by a subcontractor, under a prime contract, who is not hiring union men. Thus a building trade craftsman will find himself in a position in which he will be asked to work side by side with what to the building trade unions is a "scab"—a very ugly word in the trade union movement.

Mr. President, it is not my purpose tonight to discuss the philosophy of trade unionism in respect to this matter. It is only my purpose to point out to the Senate some of the history which was made in regard to this matter at the time of the consideration of labor legislation toward the close of the last session of Congress. I am in a position to be a qualified witness on this subject, because I was one of the Senate conferees, and I was a conferee who refused to sign the

conference report. I shall always be very proud of that fact, Mr. President; and I become more proud of it month by month, as point after point which I made in the debate on that conference report is proven more and more to be true and sound.

Mr. President, there has been considered for some time here in the Senate, proposed legislation which would have the effect of setting aside the decision of the Supreme Court in the Denver Buildings Trades Council case.

There is another facet of that case which I believe I should mention in passing. There is no doubt about the fact that one of the purposes of striking against an employer who might be a subcontractor or a jobber on one of the major building contracts is to use economic force to cause him to hire union men. Mr. President, that has been true of the American labor movement for decades; and tonight I stand on the floor of the Senate as a stanch defender of economic action in industrial relations in this country, but also as one who says that economic action should be a matter of last resort.

But, Mr. President, it will be a sad day in America if we ever reach the time when workers are circumscribed by having taken away from them the right to use economic action as free men and women, in opposition to an employer who follows a course of action which in the opinion of the workers so jeopardizes their economic freedom. Workers must fight to preserve their right to use economic action against employers who follow antiunion policies that have the effect of lowering their standards of living and reducing them more and more to the posture they once occupied in America when the precious right of collective bargaining and the right to strike had to be won by the great sacrifices which American labor in decades gone by made in order to win this precious right of economic action.

As all of us know, Mr. President, American labor has moved far away from the old common law doctrine in the days when a trade union was considered a conspiracy. But the road has been a long one and a hard one, Mr. President; and at times it has been a bloody road. Free men and women have had to follow that road in order to establish the right to strike for economic freedom.

As reactionary, powerful business forces in this country, such as the U.S. Chamber of Commerce and the National Association of Manufacturers, have strengthened their control over various political forces in this country, more and more restrictive legislation upon this precious right to strike has been written on the statute books of the country.

I said it in 1947, when, on this floor, I led the fight against the Taft-Hartley law. I shall always be proud that I led that fight, Mr. President, because, in regard to the particular point I am now discussing, namely, the secondary boycott provisions of the Taft-Hartley law, I warned in 1947 of the great danger to the freedom of American workers which would be created by the secondary boycott provisions of that law. The Supreme Court decision in the Denver Building Trades Council case is based upon the secondary boycott provisions of the Taft-Hartley law.

It is well known that before his death—in fact, in the year 1949—the great Senator from Ohio, Mr. Robert Taft, had come to the conclusion that there was a need for some modification in the action taken in respect to secondary boycotts under the Taft-Hartley law, as well as to some other sections of the law.

The 1953 decision in the Denver case was handed down against situs picketing and ever since 1953 there has been a movement within the Congress to enact legislation which would modify that decision, and would legalize so-called situs picketing. In other words, would legalize picketing that would protect sister unions, whereby, when one craft stretched a picket line on a job site of an employer, subcontractor, or jobber who was not hiring union men, and the picket line had for one of its purposes an organizational purpose, respecting that picket line would not be an illegal course of action.

I happen to know, because I have debated this question over the years—I debated it, I remember, as early as 1956 and 1957 here on the floor of the Senate, and the question has been up almost each year—that there has been growing support for modification of the law in a manner that would have the effect of authorizing situs picketing.

With that statement as a background, Mr. President, I take the Senate to the conference hearings of last year. The Senate had made clear that it was not opposed to situs picketing. We got into conference. We thought we were going along very well on this matter of situs picketing, when we were advised the Parliamentarian of the House handed down a ruling that any amendment accepted in conference in regard to situs picketing would be subject to a point of order in the House. I was quite surprised, when that information came to conference, that the attitude of many of my colleagues in conference was, "Well, that ends that." I saw no reason why it should end it. To the contrary, I took the position in conference, "If that is the position of the House, it is a House problem. The House conferees had better go back and get it cleared up over in the House. I see no reason why we should continue an injustice in the bill against workers just because the House Parliamentarian rules that if we do anything about it in conference it will be subject to a point of order."

It is perfectly clear as to the position I took at that time. I said, "All right. Let us have a little recess in this conference hearing until the gentlemen from the House side go on back and get an amendment through that will permit situs picketing. I do not think you ought to continue an injustice because of some parliamentary ruling that may be raised on the House side."

I had another feeling, Mr. President. I had the feeling that if the leadership on the House side, including the Speaker and the majority whip and the minority leader and the minority whip, had gone to conference among themselves in regard to this matter, if it was as meritorious as there seemed to be general agreement it was, they might have, even on a parliamentary procedural basis, without going through the necessity of adopting an amendment, been able to work out an understanding on the House side that situs picketing could be approved in the conference report. No attempt was made to follow that route. I thought it was the least that could have been done, but no attempt was made to it.

You will remember, Mr. President, that in the conference report we succeeded in having some language included that exempted building trades and exempted garment trades with regard to certain features of secondary boycott restrictions, because it was alleged they were such integrated industries that they functioned, as a matter of integration, on the basis of a direct relationship between contractor and jobber. It was argued that because so much of the work had to be contracted out to jobbers an exemption should be allowed them. So they were given exemptions from certain aspects of the secondary boycott provisions of the bill.

I had no objection to that exemption, provided it was uniformly applied. I offered in conference an amendment which would exempt the building trades and the garment trades, and all other industries which might fall within the same classification, on the unanswerable theory that in this country of ours we ought to have the uniform application of the same rule to all to whom it equally applies.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The Chair has heard what the Senator from Oregon has said.

Mr. MORSE. The Senator from Ohio and the Senator from Oregon have always stood shoulder to shoulder on that principle. I am not sure we have always agreed on its application in every fact situation; but in principle the Senator from Ohio and the Senator from Oregon see eye to eye on this matter. We did see eye to eye on the application of it the other day, when the Senator from Oregon supported the amendment of the Senator from Ohio to section 1 of the so-called Dirksen civil rights bill.

It is the same principle, I will say to the Senator from Ohio, in respect to this whole secondary boycott problem in connection with labor legislation.

Mr. President, I go back to relating what happened in conference. I did not prevail in my suggestion that the exemption for the building trades and for the garment trades be expanded to cover any other industry which could show that the principle of integration among the prime contractors and subcontractor and jobber applied to it, also. I said at the time—as Senators will find in my speech against the conference report—it was alleged in committee that this applied, also, to at least segments of the coal industry. I said, "I do not know whether it does or not. That is a

question of fact. I am not going to argue about matters of fact. I will try to find out what are the facts. Whether it applies to the coal industry or not is a matter of proof, but if it does apply to the coal industry all the more reason why the language suggested by the Senator from Oregon ought to be adopted by the conferees."

In my proposed amendment I specifically mentioned the building trades and garment industry, and I put in language which would make the exemption also apply to any other industry which could show it operated on the basis of the same principle of integration.

Mr. President, what happened was that the majority of the conferees agreed to exemption language just for the building and garment trades. It was accepted by the legislative representatives of the building trades and garment workers. The legislative representatives of the building trades and garment workers awaited the messages which were relayed to them time and time again from the conference room to where they were waiting outside the conference room by those who were in the process of negotiating this arrangement. Sometimes the messages were relayed by staff members of the conference committee, and sometimes they were relayed by Senators, themselves conferees, or by Representatives who were conferees. We sometimes waited considerable periods of time until a Senator or a Representative, or more than one Senator or more than one Representative acting in a group action, went out and had conferences with building and garment trades representatives. I tell the Senate tonight, Mr. President, the building trades representatives will say exactly what I am now stating. That is what happened during the conference. I am not criticizing it; I am simply relating it as the procedure which was followed.

Mr. President, the representatives of the building trades were adamant about this matter. They said they wanted some assurance that if we did not get a situs picketing provision in the labor bill last year, there would be some commitment made that it would be made a matter of business early in this session of Congress. The position taken by the Senator from Oregon was that we ought to rediscuss the whole matter on the floor of the Senate; that we ought to come back to the Senate for instructions.

We all know, Mr. President, we vote a conference report up or down. We cannot amend it. We also know that when things are not going very well in conference, it is sometimes helpful to come back to the parent body to make a report as to what is going on in conference. The parent body is entitled to know that. One simply lays before the parent body the situation which has developed in conference and asks for instructions by saying, "What do you want us to do under the circumstances?"

Mr. President, it happened to be my view, which unfortunately was not shared by others, that if we would come back to the Senate and frankly tell the Senate the situation we were in on situs picketing, there was a pretty good chance the Senate might instruct us to insist with the House conferees that a situs picketing provision ought to be put in the conference report, and that if the House wanted to raise a point of order against it that was the responsibility of the House. If the House had raised a point of order against it, had thrown it out on that ground, and had not seen fit to adopt a House amendment—which I am inclined to think the House would have done, if we had really laid it on the line—then the Senate could have considered at another time any further course of action it might want to take on situs picketing.

In other words, the Senator from Oregon took the position that last September was the time to settle the situs picketing matter.

One of the arguments I made in conference and one of the arguments I made elsewhere was that I thought we ought to get the matter behind us before Congress met in January. I took the position that we knew all the facts, that the evidence was in, and that we ought to decide the matter when that particular bill was before us. Unfortunately another course of action was followed.

Mr. President, leaders of the Building Trades Council have told me what corresponded exactly with my understanding at the time, as I listened to my fellow conferees. They tell me that it was represented to them that if they would go along with the language which was being put in the conference report in regard to making the concession I have already mentioned to the building trades and garment workers industries, then early in the next session of Congress there would be taken up and passed a situs picketing bill in both Houses of Congress. It was represented to them that it was a matter which could be handled very quickly, that there was not any doubt about the fact that such was the prevailing view in both Houses of Congress, and that if they would accept the concessions which were proposed early actions would be taken on situs picketing legislation in this session of Congress.

It is now March 24. Representatives in the Building Trades Council are concerned about the passage of time. So am I.

Mr. President, there was introduced in the Senate on September 3, 1959, S. 2643, by the Senator from Massachusetts [Mr. KENNEDY], for himself and the Senator from California [Mr. KUCHEL], the Senator from Michigan [Mr. MCNAMARA], the Senator from Ohio [Mr. YOUNG], the Senator from Colorado [Mr. CARROLL], the Senator from Illinois [Mr. DOUGLAS], the Senator from California [Mr. ENGLE], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Vermont [Mr. PROUTY].

It is a bill dealing with situs picketing. It is a bill which would have the effect of modifying the Supreme Court's decision in the Denver Building Trades Council case on situs picketing. It is a bill which would legalize situs picketing.

I ask unanimous consent that the entire bill be printed in the RECORD at this point as a part of my remarks.

There being no objection, the bill (S. 2643) was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(b)(4) of the National Labor Relations Act, as amended, is amended to add the following proviso at the end thereof: "*Provided further,* That nothing contained in clause (B) of this paragraph (4) shall be construed to make unlawful where not otherwise unlawful, any strike or refusal to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site, and there is a labor dispute, not unlawful under this Act or in violation of an existing collective bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers."

Mr. MORSE. Starting on line 5 of the bill, on page 1, it reads as follows:

Provided further, That nothing contained in clause (B) of this paragraph (4) shall be construed to make unlawful, where not otherwise unlawful, any strike or refusal to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site, and there is a labor dispute, not unlawful under this Act or in violation of an existing collective-bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers.

That is a very clear statement of a legislative proposal which seeks to legalize situs picketing, and meet the request of the building trades workers of the country for many years since the Denver decision, to remove the great handicap under which they have been placed, because that decision of 1953 brought them in under the secondary boycott provisions of the Taft-Hartley Act.

Mr. President, I am satisfied—and I speak now with the greatest of care in the selection of my words—that this bill was introduced on September 3 in keeping with what the buildings trades representatives believed was the understanding they had worked out in respect to the early consideration of situs picketing legislation in this session of Congress.

When I made my speech at some length—as I recall, about 4 hours and 35 minutes—at the time the conference report on last year's so-called labor reform bill was before the Senate, I made it clear that in this session of the Congress I would offer amendments seeking to correct what I was satisfied were the great mistakes the Congress was making in enacting that bill. It will be recalled that I analyzed that bill section by section in that speech. Mine was the only speech during that debate that analyzed the bill section by section, or analyzed the conference report which involved the bill, section by section. I particularized my objections to the bill.

On February 25 I offered my amendments to the law under the tile "A bill to amend the Labor-Management Relations Act of 1945, and for other purposes," carrying the number S. 3097.

I ask unanimous consent that the bill be printed in full at this point as a part of my remarks.

There being no objection, the bill (S. 3097) was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Labor Relations Act, as amended, is hereby further amended as follows:

"(1) Section 6 of the National Labor Relations Act, as amended, is hereby designated as section 6(a) and said section 6 is amended by adding thereto the following new subsection (b):

"'(b)(1) The Board in its discretion may, by rule or otherwise, decline to take jurisdiction over any labor dispute, unfair labor practice, or representation proceeding if, in the Board's judgment, the effect thereof on commerce is insufficient to warrant the exercise of jurisdiction.

"'Within thirty days after the date of enactment of this subsection, the Board shall clearly establish and publish, by rule or otherwise, such limitations on its exercise of jurisdiction as it proposes to observe for the purpose of excluding from its jurisdiction any labor dispute, unfair labor practice, or representation proceeding: *Provided*, That such limitations shall be substantially in accord with those in effect on August 15, 1959.

"'(2) The Board in the same manner may establish and publish modifications of such limitations on its exercise of jurisdiction as it has established pursuant to paragraph (1), but no such modification shall have the effect of staying or otherwise affecting any proceeding duly instituted before any appropriate court or agency of any State or territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands) prior to the expiration of thirty days' publication of such modification; nor shall any such modification permit the Board to withdraw exercise of its jurisdiction over any proceeding which has been duly instituted before the Board prior to the expiration of thirty days' publication of any such modification.

"'(3) Any person may petition the Board for a determination as to whether a particular case involving a labor dispute falls within the limitations on its exercise of jurisdiction established pursuant to paragraphs (1) and (2). Notice of such petition and its contents shall be given contemporaneously by the petitioner to any known interested person or his representatives, and such notice shall have the effect of staying any proceeding to which the petition refers explicitly, and to which both petitioner and any person or persons given such notice are the parties. Any person given notice may file an answer with the Board not later than ten days after receiving such notice. The Board's determination, unless arbitrary, shall be final and binding upon the petitioner and upon all parties notified by petitioner as provided in this paragraph. If the Board shall make no determination within thirty days after the filing of the initial petition, it shall be presumed that the Board has determined to be outside its jurisdiction any case to which the petition explicitly refers, and to which petitioner and any person or persons given appropriate notice are the parties.'

"(2) Subsection (c) of section 14 of the National Labor Relations Act, as amended, is amended to read as follows:

"'(c)(1) Whenever the Board has declined jurisdiction over an unfair labor practice, the courts of any State or territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands) shall have jurisdiction over such unfair labor practices: *Provided*, That any State or territory may, by legislation or otherwise, provide that an agency rather than the courts thereof shall assume and assert such jurisdiction.

"'(2) Whenever the Board has declined jurisdiction over any labor dispute, unfair labor practice, or representation proceeding any State or territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands) may, by legislation or otherwise, establish an agency to assert jurisdiction over such labor dispute, unfair labor practice, or representation proceeding and such agency shall not be precluded from asserting jurisdiction by virtue of the fact that such labor dispute, unfair labor practice, or representation proceeding affects interstate commerce.

"'(3) In determining unfair labor practice proceedings being presented in accordance with paragraph (1) of this subsection, or in determining labor disputes, unfair labor practices, or representation proceedings pursuant to paragraph (2) of this subsection, the State or territorial court or agency shall apply and be governed solely by Federal law as set forth in section 8 and section 9, as the case may be, and Board and Federal court rules of decision construing said facts.

"'(4) Whenever any State or Territory establishes pursuant to this section an agency to assume and assert jurisdiction over any labor dispute, unfair labor practice or representation proceeding which the Board has excluded from its exercise of jurisdiction pursuant to section 6(b) of this Act, the courts of such States or Territories shall no longer assume or assert jurisdiction over unfair labor practice cases pursuant to paragraph (1) of this subsection except for cases then pending in such courts which may be concluded and determined by them.

"'(5) Proceedings brought in a State or Territorial court pursuant to paragraph (1) of this subsection shall be advanced on the docket and expedited for disposition. Such proceedings shall not be subject to removal to the Federal courts under the provisions of the Judicial Code (Act of June 25, 1948; 27 U.S.C.) as amended.

"'(6) Decisions of an agency or court of a State or Territory shall be reviewed in State and territorial courts according to the State or Territorial law relating to practices and procedure.

"'(7) Judgments or decrees of the State or territorial courts shall be subject to review by the Supreme Court of the United States upon writ of certiorari as provided in the Judicial Code, as amended (Act of June 25, 1948; 28 U.S.C.).'

"(3) Section 10(a) of the National Labor Relations Act, as amended, is amended by repealing the proviso thereto.

"(4) Section 8(b)(4) of the National Labor Relations Act, as amended, is amended to read as follows:

"'(4)(i) to engage in, or to induce or encourage any individuals employed by any person to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services; or (ii) to intimidate any person where in either case an object thereof is—

"'(A) forcing or requiring any employer or self-employed person to join any labor organization or employer organization, or to enter into any agreement not permitted by section (e).

"'(B) forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, unless such other producer, processor, manufacturer, or other person is failing to recognize a union chosen by a majority of his employees or has committed unfair labor practices within the meaning of section 8(a).

"'(C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees or seeking to represent the employees of such employer or to protest the working conditions of such employer other than a work assignment dispute within the meaning of clause D of this paragraph, if another labor organization has been certified as the representative of such employees under the provisions of section 9;

"'(D) forcing or requiring any employer to assign particular work to employees in a particular trade, craft, or class rather than to employees in another trade, craft, or class unless such employer is failing to conform to an order or determination of the Board or an agreed-upon method for the voluntary adjustment of the dispute: *Provided*, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by employees of any person to enter upon the premises of any other person if the employees are engaged in a primary labor dispute: *Provided further*, That, for the purposes of section 8(b) of the Act, the phrase "any person" or "other person" will not be deemed to include the relationship between (i) contractor and jobbers engaged in a system of integrated manufacturing; (ii) joint venturers, prime contractors, subcontractors, or cocontractors, jointly engaged on the site of a building and construction project or similar undertaking; or (iii) businesses doing business with one another when one is owned or controlled by the other or is owned or controlled substantially in common.'

"(5) Subsection (e) of section 8 of the National Labor Relations Act, as amended, is amended to read as follows:

"'(e)(1) It shall be an unfair labor practice for any labor organization and any employer who is a common carrier subject to part II of the Interstate Commerce Act to enter into any contract or agreement, express or implied, whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, or transporting any of the products handled, manufactured, or transported by another person, and any collective bargaining contract entered into herctofore or hereafter containing such an agreement shall be to such extent unenforceable and void.

"'(2) Any contract or agreement between an employer and a labor organization heretofore or hereafter executed which is, or which calls upon anyone to engage in, an unfair labor practice under section 8(e)(1) of the National Labor Relations Act, as amended, shall to such extent by unenforceable and void.'

"(6) Paragraph (7) of subsection (b) of section 8 of the National Labor Relations Act, as amended, is amended to read as follows:

"'(7) to picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where the object thereof is forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees or forcing or requiring the employees of an employer to accept or select such labor organization as their collective bargaining representative unless such labor organization is currently certified as the representative of such employees:

"'(A) where within the preceding nine months a valid election under section 9(e) of this Act has been conducted, or

"'(B) where the union had picketed for more than thirty days in the absence of a petition under section 9(e): *Provided*, That the employer was not paying substandard wages.'

"(7) Section 10(1) of the National Labor Relations Act, as amended, is amended by: (1) adding after the words 'section 8(b)', the words 'or section (e)'; (2) at the end of the first sentence, strike the period and insert a comma and the following: 'and other unfair labor practices growing out of the same labor dispute.'; (3) in the second sentence after the words 'he shall', insert: 'if under all the circumstances equitable relief is appropriate,'; and (4) by inserting before the period at the end thereof the following: 'and section 8(b)(7): *Provided further*, That where a charge is filed under section 8(b)(7), it shall be a defense to show that an unfair labor practice within the meaning of section 8(a) has been committed: *Provided further*, That where there is a failure to seek such appropriate relief the Board shall promptly make public the reasons for such failure.'"

Mr. MORSE. Mr. President, when I introduced my bill on February 25, 1960, I also said, as appears on page 3414 of the RECORD:

Second. The secondary boycott provisions are a rewrite of the law as it stood prior to last year—which constituted a fairly effective prevention of this type of conduct. I had hoped that amendments to this section would do two things: (a) Close the loopholes, which had shown up, to the detriment of legitimate employer interests, and (b) correct injustices which had resulted in the deprivation of union rights. In order words, I viewed the problem as a repair project, based upon the experience of 12 years under the Taft-Hartley Act. My proposals, I believe, constitute such a balancing of interests. Among the most important of these proposals is one which would permit the building trades unions, which in general are not able to avail themselves of NLRB election procedures, to have a means of organization of a job site. I also provided for a hot cargo prohibition in the specific area in which abuses of hot cargo provisions have developed, as shown by the McClellan committee.

Mr. MORSE. Mr. President, on page 6 of that bill will be found the beginning of my suggested amendments which will deal with the matter of secondary boycotts; and on page 7, beginning with line 9, the bill reads as follows:

(D) forcing or requiring any employer to assign particular work to employees in a particular trade, craft, or class rather than to employees in another trade, craft, or class unless such employer is failing to conform to an order or determination of the Board or an agreed-upon method for the voluntary adjustment of the dispute: *Provided*, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by employees of any person to enter upon the premises of any other person if the employees are engaged in a primary labor dispute: *Provided further*, That, for the purposes of section 8(b) of the Act, the phrase "any person" or "other person" will not be deemed to include the relationship between (i) contractor and jobbers engaged in a system of integrated manufacturing; (ii) joint venturers, prime contractors, subcontractors, or cocontractors, jointly engaged on the site of a building and construction project or similar undertaking; or (iii) businesses doing business with one another when one is owned or controlled by the other or is owned or controlled substantially in common.

That part of my bill would accomplish exactly the same result that the bill introduced by the Senator from Massachusetts [Mr. KENNEDY] and his cosponsors last September would accomplish with regard to situs picketing. I have no pride of authorship. So far as this particular point is concerned, I do not care what bill is passed, so long as some bill is passed on the subject that does justice to the building-trades workers of the country. But I give this history because there are before the Senate now two pieces of legislation, the Kennedy bill and the Morse bill, mine covering many other subjects involved in the so-called Labor-Management Relations Act of 1947, but two bills which do come to grips with the situs picketing problem with regard to which the building-trades workers of the country are so very much concerned.

I cannot speak for the leadership of the Senate, but I can say what the representatives of the building-trades groups tell me. They tell me that when it was proposed that they go along with the proposal that was made to them at the time of the conference, that if they would agree to this one concession that was made to them in regard to the construction industry and the garment workers' industry they were promised that there would be early action in this session of Congress on a situs picketing bill. They tell me that they were led to believe and understand that such an arrangement would be acceptable to the leadership of the Senate on both sides of the middle aisle.

I have been in the Senate going on 16 years, and I know how easy it is for misunderstandings to develop. I know how frequently rumors in the minds of some take on the impression of actuality. But I think it needs to be said tonight that there are many in the building-trades industry among the workers who believe that an understanding was reached last fall that if the conference report was adopted in the form it which it was presented to the Senate and agreed upon, early this year a situs picketing bill would pass the Congress.

I believe that it is always unwise, undesirable, unfortunate, and a great mistake ever to have any conversations at any time with any legislative representatives as to what may happen at some time in the future in the Congress. Each one of us knows that no one can bind the Senate. All of us know that no Senator can bind the Senate. We know that no leadership can bind the Senate. We know that no combination of leadership can bind the Senate. It is unfortunate if any misunderstanding such as I am calling to the attention of the Senate has developed and exists.

I have had too many building trades council people confer with me in recent days not to know that misunderstanding is abroad. There are many in the building trades industry who believe that when they entered into what they considered to be "an arrangement," to quote to the Senate the language they used, an "arrangement" in respect to the conference report last year, they felt at least they had what they considered to be a certain understanding or pledge that a situs picketing bill would be passed in the early weeks of this session of Congress. They are coming to me now and saying, "We cannot understand it. We cannot understand it. We are now being told that there was no understanding. We are now being told that it was a mistake if we gained the impression that there was a promise to pass a situs picketing bill. We feel let down."

I have a suggestion to make. My suggestion is that we just start from scratch.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Will the Senator yield for a question?

Mr. MORSE. Yes; I yield.

The PRESIDING OFFICER. In return for the promise, what were those men to do?

Mr. MORSE. I cannot testify as to what they were asked to do. I can only testify what they told me the suggestion was namely, that they go along with the conference report, and that they not make a fight against the conference report. The Senator from Ohio knows what I had to say about that last fall when I said—and I repeat it here—that in my judgment organized labor in this country ought to have fought the conference report, and not gone along with it.

I do know from what some of them have said recently that they wish they had fought it.

Well, I said I had a suggestion to make. My suggestion is, Let us start from scratch. It will not do any good, it seems to me, to get into an argument now in which the disputants say, "You did. I did not," or "You said. I did not say." That kind of controversy is not going to help the situation now. I always like to ask the question, "Where do we go from here?"

We have the Kennedy bill and we have the Morse bill. My suggestion is, Let us get some hearings scheduled on them. That is my plea. Let us get some hearings scheduled.

As a member of the Committee on Labor and Public Welfare, I say from the floor of the Senate now to the chairman of my committee and to the members of the committee, Let us get some hearings scheduled on the issue of situs picketing. There is no doubt about the fact that we have discussed several times in that committee the desirability of early action on a situs picketing bill.

This is March 24. We have a very heavy agenda in that committee. We have much important legislation to consider. We have the minimum wage bill. It is now before the full committee. The subcommittee has reported it to the full committee. We have the job now in the full committee of marking up the minimum wage bill.

So my procedural suggestion is that a subcommittee of the Committee on Labor and Public Welfare go into this subject. It does not necessarily have to be, although I would prefer it, the Subcommittee on Labor of which the Senator from Massachusetts [Mr. KENNEDY] is chairman and of which I am also a member. Of course I recognize that the Senator from Massachusetts is a very busy man these days, and I just do not see how he can do all the things he does. His energy is a marvelous thing for me to behold. I certainly do not want to overtax him, and therefore I do not suggest that there be a burden placed upon him that might overtax him. However, it is for him to make the decision as to the most beneficial expenditure of

his time. So I am taking the position that his subcommittee or some other subcommittee be assigned the duty of proceeding immediately with a hearing on situs picketing. Although I would be very happy to have the Subcommittee on Labor do it, I am perfectly willing to have a specal subcommittee of the Committee on Labor and Public Welfare do it.

All I am saying tonight is that we ought to get on with the job of holding some hearings on situs picketing. In my opinion the leaders of the building trades industry are justified in thinking at least that Congress was going to proceed with the early consideration of a situs picketing bill. I am not saying that they are justified in saying that any pledge was made to them or that they are justified in saying that they were promised that a bill would be passed in the early weeks of this session of Congress.

I do not know that to be the fact. The only fact I know is that they think it is a fact. I have been around here long enough to know that special pleaders—and they are special pleaders, and they would be the first to admit that they are special pleaders—are so enthusiastic about their own position on an issue sometimes that they are inclined to read into statements that are made to them by others meanings which the people making the statements in fact did not intend.

So what I am trying to do tonight is to make the suggestion that we remove this from the whole area of accusation and charges that pledges are not being kept. I am simply suggesting that there are two bills which have been referred to the committeee, and that I believe we ought to proceed forthwith to have same hearings on the bills that involve situs picketing, because—and now I am coming to the merits of the position taken by the building trades council people—such a bill is long overdue. The building trades workers in this country are entitled to the protection for which they are asking. The buildings trades workers are entitled to be removed from the restrictions that are now placed on them by the Supreme Court's decision in the Denver Building Trade Council case, because that brings them under the secondary boycott restrictions of the Taft-Hartley law.

I think that is a fair position for the Senator from Oregon to take, and I am doing it out of a spirit of trying to be constructive in regard to a situation that is a very unhappy one, to use a very mild term of understatement.

Serious misunderstandings are developing over this matter. I think the way to prevent them from developing to undue proportions and getting into the realm of acrimony is to carry out the suggestion I now make:

Let us get on with hearings on a situs picketing bill, either by the regular Subcommittee on Labor Legislation of the Committee on Labor and Public Welfare, headed by the distinguished Senator from Massachusetts [Mr. KENNEDY], or by a special subcommittee, or by the full committee itself. But let us not delay the matter any further, because here is what some of the building-trades people are saying, in effect: "If you do not get action on this matter by the early part of May, then those who have opposed us in the past will be able to use parliamentary techniques and tactics in the Senate. They will get us right up to the 11th hour again, and once more we will be hearing, 'Well, we did our best, but unforeseen conditions and circumstances developed, and all we can do now is to let it go over to the next session of Congress.' "

Mr. President, I do not think we should do that. I do not think we ought to run that risk. I believe we ought to proceed to take action on the situs picketing matter involving the building trades councils now, because whether there is any fault or not, whether any pledges were made or not, whether any promises were given, whether any language was used which led the building trades people to believe that if they went along with the conference report they woud get an early remedy in this session of Congress to this very difficult problem which perplexes them—whether any of those situations or conditions existed or not, the fact is that many persons believe that such conditions did exist.

I believe the best way to wipe this slate clean is simply to say: We are going to give you your day in court. We are going to have hearings. We are going to judge you on the evidence. We are going to decide whether or not you can make a case for situs picketing. If you can, we will report a bill on situs picketing to the Senate, and we will try to have it done within the next few weeks, so that we will not be waiting until the first part of June or the last part of May for final action on such a bill.

I say most respectfully to our friends at the other end of the Capitol that they ought to follow a similar course of action and get a situs picketing bill passed, so that we will hear no more of these charges to the effect that, after all, we are not taking action as the building trades people believed we had led them to believe we would take in regard to situs picketing.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

RESOLUTION BY CITY OF VENICE, ILL., RELATING TO MINIMUM WAGE LAW

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution which I have received from the mayor and City Council of the City of Venice, Ill., asking for an increase in the minimum wage to $1.25 an hour.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 394

Whereas the mayor and City Council of the City of Venice, Ill., are of the unanimous opinion that a minimum wage of $1 per hour is an inadequate wage in these times, and that a minimum hourly wage law providing for a minimum of $1.25 per hour should be adopted by the State of Illinois and by the U.S. Congress; Now, therefore, be it

Resolved by the City Council of the City of Venice, Ill.:

SECTION 1. That the mayor and City Council of the City of Venice, Ill., are of the unanimous opinion that the minimum hourly wage laws now in effect should be amended to increase the minimum wages to the sum of $1.25 per hour by law, both in interstate commerce, and in intrastate industrial activities and commerce.

SEC. 2. That the proper legislative bodies of the State of Illinois and the U.S. Congress are hereby urged to make the necessary amendments in the present legislation or adopt the necessary legislation to accomplish the aforesaid increase in the minimum hourly wages.

SEC. 3. That the City Clerk is hereby directed to prepare and transmit certified copies of this resolution to the proper legislative officials and bodies.

Approved by the City Council of the City of Venice, Ill., this 5th day of February A.D. 1960.

Approved by the mayor of the City of Venice, Ill., this 5th day of February A.D. 1960.

JOHN E. LEE,
Mayor.

Attest:

WILLIAM M. EBERSOLDT,
City Clerk.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

Frank E. Barr, of Kansas, to be an Assistant Postmaster General.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENNEDY:

S. 3230. A bill to amend the Public Buildings Act of 1959 so as to authorize a study for the purpose of determining the feasibility of locating the Court of Claims, the Court of Customs and Patent Appeals, and the Tax Court of the United States near the Supreme Court of the United States, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. KENNEDY when he introduced the above bill, which appear under a separate heading.)

By Mr. LAUSCHE:

S. 3231. A bill to amend part II of the Interstate Commerce Act in order to require proof of payment of State and local taxes as a condition to transferring a certificate or permit issued to a carrier by motor vehicle under the provisions of such part; to the Committee on Interstate and Foreign Commerce.

By Mr. SMATHERS (for himself and Mr. MORSE):

S. 3232. A bill to amend section 5 of the Home Owners Loan Act of 1933; to the Committee on Banking and Currency.

(See the remarks of Mr. SMATHERS when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

ENCOURAGEMENT OF PRIVATE HOMEOWNERSHIP IN LATIN AMERICAN COUNTRIES

Mr. SMATHERS (for himself and Mr. MORSE) submitted a resolution (S. Res. 295) to express the sense of the Senate encouraging loan and guarantee programs to encourage the start of pilot housing projects in Latin America to promote private homeownership, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. SMATHERS, which appears under a separate heading.)

AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959, RELATING TO LOCATION OF CERTAIN COURTS IN THE DISTRICT OF COLUMBIA

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to amend the Public Buildings Act of 1959 to authorize a study for the purpose of determining the feasibility of locating the Court of Claims, the Court of Customs and Patent Appeals, and the Tax Court of the United States near the Supreme Court.

These three courts have all outgrown their present locations. There is pending before the Public Works Committee a plan to locate the Court of Claims in Lafayette Square. This means that many of the historic buildings now fronting that square will be torn down. The Dolly Madison House, the Benjamin Taylor House, and the Belasco Theater have long served as an inspiration to generations of Americans who have visited their Capital City. Certainly, before any irrevocable action is taken to destroy these buildings to provide a site for a courthouse, other sites should be investigated.

I ask unanimous consent to have printed in the RECORD an editorial which appeared in the Washington Post last Friday, entitled "Courthouse Politics."

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the editorial will be printed in the RECORD.

The bill (S. 3280) to amend the Public Buildings Act of 1959 so as to authorize a study for the purpose of determining the feasibility of locating the Court of Claims, the Court of Customs and Patent Appeals, and the Tax Court of the United States near the Supreme Court of the United States, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, and referred to the Committee on Public Works.

The editorial presented by Mr. KENNEDY is as follows:

[From the Washington Post, Mar. 18, 1960]

COURTHOUSE POLITICS

A choice corner fronting on Lafayette Square is swiftly becoming a site for sore eyes (of Texas) as a result of a quarrel involving three courts all in search of a new home. All the courts—the Court of Claims, Court of Customs and Patent Appeals, and Tax Court—are in urgent need of more space. On this there is little dispute. The plight of the Court of Claims is especially desperate; because the court deals only with cases involving the Government, its docket has grown at an awesome rate (6,000 cases are now pending) while its quarters have failed to keep pace.

But is Lafayette Square the appropriate site for a courthouse? Chief Judge Marvin Jones of the Court of Claims contends that his bench should be given sole occupancy of the site on Madison Place and H Street NW, now occupied by the old Belasco Theater and Dolly Madison House. Judge Jones, a former Texas Congressman, points out that the General Service Administration has assigned the site to his court and that the House Public Works Committee has endorsed the move.

At this point, Chief Judge Eugene Worley of the Court of Customs and Patent Appeals, enters a sharp dissent. His court, too, is in dire need of more space and he proposes the addition of 30,000 square feet to the Lafayette Square edifice so that both courts could be housed together. Chief Judge Worley, also a former Texas Congressman, feels this could be done with a minimum of delay. And doubtless it would be desirable if another 90,000 square feet could be found for the Tax Court.

To a bewildered bystander, one alternative seems clear. The needs of all the courts could be met adequately in a "judiciary square" on the east side of the Supreme Court Building. This is the proposal previously endorsed by both the National Capital Planning Commission and the Fine Arts Commission. Not only would it mean that an area could be created which would comport with judicial dignity (the buildings, perhaps, could be grouped around an Oliver Wendell Holmes Memorial Park) but also that Lafayette Square could then be preserved for an Executive use more in keeping with its historial values and its proximity to the White House.

Granted that such a change in plans would mean further delay, and granted that the location might be more inconvenient for the Court of Claims, we still think the idea of grouping the courts in a more suitable site deserves further consideration before the bulldozers begin their work. To meet the problems of delay, surely further space in other Government buildings—or leased private quarters—could be found on a short-term basis.

ENCOURAGEMENT OF PRIVATE HOME OWNERSHIP IN LATIN AMERICAN COUNTRIES

Mr. SMATHERS. Mr. President, on behalf of myself, and the distinguished senior Senator from Oregon [Mr. MORSE], I introduce, for appropriate reference, a bill to amend section 5 of the Home Owners Loan Act of 1933. We are also submitting amendments to the Mutual Security Act and a resolution. All of these are designed toward the same end; namely, the establishment of a series of coordinated pilot projects in housing for the Latin American area.

What we are proposing is by no means a radical departure from established policy. We already have a housing program of sorts in Latin America.

The International Cooperation Administration, through point 4, has been giving its support to the Chilean aided self-help project. Under this program, the Chilean Government supplies the bathroom and the homeowner builds a house around it, paying for land and materials on the installment plan. President Eisenhower visited the San Gregorio aided self-help project during his stay in Santiago and endorsed it enthusiastically in his radio-television report to the people of the United States.

The Ex-Im Bank has made loans of Cooley fund money under Public Law 480 for a Peruvian housing project which the bank judged to be financially sound.

The Development Loan Fund has finally been prodded into giving reluctant approval to Peru's application for a loan of seed capital to begin a savings and loan association.

In other words, we have accepted the principle of Latin American housing, but we have done so haphazardly and, in the instance of the Development Loan Fund loan, with poor grace.

There is, within the administration and within the Congress, little doubt about the contribution which housing development makes to social stability. However, opponents of Latin American housing have two fears: First, that the launching of a housing program would bring a deluge of applications beyond the resources of the U.S. Government to meet and second, that housing would not have the cumulative economic effect which is the primary objective of our assistance program to underdeveloped areas.

Let me spend a few moments on this latter point. As the experience of the U.S. economy amply proves, a native housing industry, drawing upon local labor, local resources, and local production, has a potent influence upon economic growth.

Whether housing is more or less potent in this respect than other industries is somewhat beside the point. For, in addition, to its economic consequences, housing also had profound political and social consequences which are directly in accord with our overall foreign policy objectives.

Experience, not only in the United States but throughout the Western World, has established beyond possible doubt the fact that widespread homeownership contributes vitally to the development of social stability. Those who have a property stake in society are not inclined to accept change for the sake of change.

In a land where there is no middle class, where the masses live in misery and poverty, revolutions, because they promise to destroy the old and cruel order of things, have a powerful attraction. Give these masses, however, a stake in their society, a hope that things can be better, and they are inclined to seek change—which is still required—by more moderate and constitutional means.

For this reason, I believe the doctrinaire view concerning the noncreativeness of housing is very much mistaken. We need, in our approaches to the problems of the underdeveloped areas, to present a balanced program. Otherwise the economic changes which we are seeking rightly to introduce will lead, as the industrial revolutions in this

country and in Great Britain led, to social stability and, eventually, to political upheaval.

Great Britain, and the United States in its turn, experienced great political and social stress as a result of the industrial revolution. We managed, of course, to survive and to develop, in the process, an effective, broad-based, and constitutional political system. But conditions are not what they were 100 or 150 years ago when we were making our way out of the darkness into the light.

The extra factor is the Communist conspiracy, which is dedicated to the objectives of preventing gradual transition through political reform. The question we must ask ourselves, before accepting uncritically the easy assumption that economic development is a cure-all, is whether the case history of the United States might not have been vastly different if the Communist conspiracy had been active at the time, subverting the efforts of the reformers and exacerbating social tensions.

With these considerations in mind the amendments and the resolution which we are today introducing have as their goal the establishment of a limited—and we emphasize the word limited—program of pilot projects to enable us to demonstrate what may be done in the housing field, drawing upon the experience of the United States and molding it to the individual needs of countries in various states of development.

We propose a limited program because the financial resources of the United States, while considerable, are not equal to the task of meeting the overwhelming problem. We believe that a pilot project approach would have the effect of demonstrating to the countries of Latin America and to the underdeveloped nations elsewhere in in the world—the capacity of free capital and free enterprise to solve the problems which confront them. It is our firm conviction that a program of this sort would be irresistibly attractive and would, by the nature of things, generate widespread emulation.

We propose that this program be limited, initially at least, to Latin America because geography and the cultural ties of the area to the United States make it an ideal laboratory for such work. In addition, as I have emphasized in several speeches on this floor, social conditions in Latin America are rapidly approaching the crisis stage, and Latin America, at this moment, stands in need of an effective demonstration of U.S. support.

In sum, the amendments and the resolution would set in motion a multiphase program, drawing upon the facilities of Development Loan Fund, the Export-Import Bank and the International Cooperation Administration, under the overall direction of the President or whomever he might choose to coordinate the program for him.

One important objective of this program would be to share with the countries of Latin America our experience in the savings and loan field. I am deeply convinced that the principle of collective savings and low interest rates will have incalculable effect—but it needs a preliminary boost, which our own savings and loan associations and the Development Loan Fund are qualified to give, provided they have the authority and the inclination.

The proposed amendments would encourage U.S. savings and loan associations and other private sources to invest seed capital, on a controlled basis, in comparable, free economic institutions in Latin America.

The amendments are also intended to demonstrate to the Development Loan Fund and the Export-Import Bank the conviction of the U.S. Government that their inclinations should be directed into these fields.

I am also concerned that our agencies adopt a policy of guaranteeing, through proper channels, investments in the housing fields by private American capital. The overwhelming need in Latin America is for long-term mortgages at low interest rates. In Latin America, interest rates on mortgages sometimes run as high as 24 percent and probably average in the neighborhood of 18 percent. The mortgages may be had for no more than 5 or 10 years. Under such conditions, how many citizens of the United States could afford to own their own homes?

Finally, my amendments are designed to give an effective demonstration of congressional support for the added self-help approach which President Eisenhower, the Senator from Oregon, the Senator from Vermont, and myself have all recently praised. This program as I have already pointed out is now in effect, but the moral support of Congress is, I think, eminently desirable.

The deficiency of our policy in Latin America, as I have many times said, is that it appears to have no design, that it is a collection of bits and pieces, for which we do not receive proper credit. Throughout history, men have recognized that drama and symbolism are necessary to the mobilization of popular sentiment. We in the United States seem to have discovered a means for dissipating drama and for ignoring symbolism. Instead of complaining about ingratitude, we ought to consider in our hearts whether another approach might not achieve our goal.

The PRESIDING OFFICER. The bill, amendments, and resolution will be received and appropriately referred.

The bill (S. 3282) to amend section 5 of the Home Owners Act of 1933, introduced by Mr. SMATHERS (for himself and Mr. MORSE), was received, read twice by its title, and referred to the Committee on Banking and Currency.

The amendments, submitted by Mr. SMATHERS (for himself and Mr. MORSE), to the bill (S. 3058) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, were referred to the Committee on Foreign Relations and ordered to be printed.

The resolution (S. Res. 295) to express the sense of the Senate encouraging loan and guarantee programs to encourage the start of pilot housing projects in Latin America to promote private home ownership, submitted by Mr. SMATHERS (for himself and Mr. MORSE), was referred to the Committee on Foreign Relations, as follows:

Whereas experience in this country has shown that widespread home ownership contributes significantly to social stability; Whereas home ownership on a broad basis has been achieved in this country by the availability of financing through collective savings and the maintenance of low-interest rates through Government guarantees; and

Whereas a strong housing industry in any country, drawing on local labor, resources, and production, is a powerful instrument of economic growth; and

Whereas the objective of the foreign economic policy of the United States is and should be to contribute to basic economic development, to the creation and spread of free financial institutions, and to the improvement, through these means, of social conditions in the underdeveloped countries of the free world; and

Whereas, in pursuing its objective with respect to foreign economic development, the United States must establish and adhere to certain priorities, since its economic resources are not unlimited, giving its main support to projects which have a cumulative effect or which can be used to develop experience relevant to the needs of more than one area; and

Whereas Latin America is an area of the free world in which such high priority projects should receive immediate assistance; and

Whereas in providing such assistance this country would be carrying out the basic objectives of our foreign economic policy in an area which has strong geographical, political, and cultural ties to the United States, and which has demonstrated an acute need for such assistance and for reassurance with respect to the continued interest and support of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) In the administration of the foreign economic policy of the United States there should be developed, in cooperating countries of Latin America, a series of self-liquidating pilot projects in housing;

(2) The development of such projects should be carried out in a coordinated fashion under existing legislation by the Export-Import Bank, the Development Loan Fund, the International Cooperation Administration, and such other Federal agencies as the President may designate;

(3) Assistance with respect to such projects should be provided from funds which are available to such agencies;

(4) Such projects should be planned and carried out with a view to (A) providing experience in countries in various stages of economic development, and (B) achieving a solution to the housing needs according to the peculiar requirements of the various cooperating countries; and

(5) In developing such projects emphasis should be placed upon (A) loans to provide capital for the establishment of savings and loan-type institutions, (B) guarantees of private American capital when invested in loans in the furtherance of such projects, and (C) technical assistance in the development of housing projects financed through such institutions or by loans so guaranteed.

ADJOURNMENT UNTIL NOON ON MONDAY

Mr. HOLLAND. Mr. President, pursuant to the unanimous-consent agreement heretofore entered, I move that the Senate adjourn until noon on Monday.

The motion was agreed to; and (at 8 o'clock and 53 minutes p.m.), the Senate adjourned, under the order previously entered, until Monday, March 28, 1960, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 24 (legislative day of March 23), 1960:

FEDERAL COMMUNICATIONS COMMISSION

Edward K. Mills, Jr., of New Jersey, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1954, vice John C. Doerfer, resigned.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 24, 1960

The House met at 12 o'clock noon.

Rev. William F. Skinner, the Central Presbyterian Church, Downingtown, Pa., offered the following prayer:

O God, our Father, who hast been our dwelling place in all generations: we come to Thee this day with praise of lip, thanksgiving of heart, and humility of spirit.

May we turn to Thee not only when there is none other; but in all things let us seek first Thy will, searching ever for new avenues of implementing love and brotherhood and peace and hope.

Unto our President, our Speaker, and the Members of Congress, Thou hast entrusted grave and great responsibilities; sustain us, O Lord, with the knowledge that Thou art the source of strength and energy, sufficient for every need. Descend Thou upon us; touch our eyes with a vision of Thy majesty and glory; touch our minds with Thy timeless truth; touch our hearts with understanding and love.

Grant that we may seize every opportunity of replacing error with truth, sorrow with joy, misery with happiness, enslavement with freedom, and despair with hope.

Thou hast been our help in ages past, and we rest now in the assurance that Thou wilt be our hope for years to come.

This we pray in the name of Christ. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CIVIL RIGHTS

The SPEAKER. The unfinished business is the reading of the engrossed copy of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The Clerk will read.

CALL OF THE HOUSE

Mr. FLYNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, no quorum is present.

Without objection, a call of the House will be ordered.

There was no objection.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 33]

Anderson, Mont.	Barry	Minshall
Arends	Blatnik	Pelly
Barden	Blitch	Powell

The SPEAKER. On this rollcall 422 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

The SPEAKER. The Clerk will read the engrossed copy of the bill H.R. 8601, to enforce constitutional rights, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1959".

TITLE I

Obstruction of court orders

SEC. 101. Chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Obstruction of certain court orders

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any public school, or (2) directs that any person or class of persons shall not be denied admission to any public school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any public school, shall be fined not more than $1,000 or imprisoned not more than sixty days, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime; provided that any such fine or imprisonment imposed for violation of such injunction shall be concurrent with and not consecutive or supplemental to any criminal penalty imposed hereunder.

"This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

SEC. 102. The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"1509. Obstruction of certain court orders."

TITLE II

Flight to avoid prosecution for damaging or destroying any building or other real or personal property or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act

SEC. 201. Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act

"(a) Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully attempting to or damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(b) Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully imparting or conveying, or causing to be imparted or conveyed, through the use of the mail, telephone, telegraph, or other instrument of commerce, or any other mode of communication, any threat or false information, knowing the same to be false, concerning an attempt or alleged attempt being made or to be made, to perform any act to damage or destroy by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to such an offense, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement: *Provided, however,* That this section shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of such section."

SEC. 202. The analysis of chapter 49 of such title is amended by adding thereto the following:

"1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act."

TITLE III

Federal election records

SEC. 301. Every officer of election shall retain and preserve, for a period of two years from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election, and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply

with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 302. Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 301 to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 303. Any record or paper required by section 301 to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

SEC. 304. Any record or paper demanded pursuant to section 303 shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

SEC. 305. Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

SEC. 306. The United States district court for the district in which a demand is made pursuant to section 303, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

SEC. 307. As used in this title, the term "officer of election" means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.

TITLE IV

Civil Rights Commission extended for two years

SEC. 401. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d) (71 Stat. 635) is amended by adding the following new subsection at the end thereof:

"(h) Without limiting the generality of the foregoing, each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation."

SEC. 402. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d(a)) (71 Stat. 635) is amended by striking out the words "in accordance with the civil service and classification laws," and inserting in lieu thereof the words "without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended."

TITLE V

Education of children of members of Armed Forces

SEC. 501. (a) Subsection (a) of section 6 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(b)(1) The first sentence of subsection (d) of such section 6 is amended by adding before the period at the end thereof: "or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children".

(2) The second sentence of such subsection (d) is amended by striking out "Arrangements" and inserting in lieu thereof "Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements".

SEC. 502. (a) Section 10 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended relating to arrangements for facilities for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(b) Section 10 of such Act is further amended by inserting "(a)" after "SEC. 10.", and by adding at the end thereof the following new subsection:

"(b) Whenever the Commissioner determines that—

"(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide such free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agencies of such determination and shall thereupon have authority to secure possession and use such facilities for the purposes of subsection (a) pursuant to an agreement between such agencies and the Commissioner which includes such terms and conditions as the Commissioner may determine to be necessary to carry out the provisions of this section."

TITLE VI

SEC. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court

may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

(b) Add the following sentence at the end of subsection (c):

"Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."

TITLE VII

Separability

SEC. 701. If any provision of this Act is held invalid, the remainder of this Act shall not be affected thereby.

Mr. McCULLOCH (interrupting the reading). Mr. Speaker, I ask unanimous consent that further reading of the engrossed copy of the bill be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. WILLIS. Mr. Speaker, reserving the right to object, may I ask up to what point the Clerk had read?

The SPEAKER. Page 2, line 20.

Mr. SMITH of Virginia. Mr. Speaker, further reserving the right to object, would the gentleman from Ohio amend his request to permit the reading of section 302 and then omit the balance of the reading?

Mr. McCULLOCH. Mr. Speaker, I would suggest the reading continue and at the proper time I shall again make my request.

The Clerk continued the reading of the bill.

Mr. CELLER (interrupting the reading). Mr. Speaker, I ask unanimous consent that the further reading of the engrossed copy be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POFF. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. POFF. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The clerk will report the motion to recommit.

The Clerk read as follows:

Mr. POFF moves to recommit the bill to the Committee on the Judiciary with instructions to report the same forthwith back to the House with the following amendment: On page 1, line 11, and on page 2, line 1, after the words "Whoever corruptly, or by threats or force," strike out the words "or by any threatening letter or communication,".

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. COLMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLMER. Do I correctly understand that the motion to recommit contains the provision for the so-called Whitener amendment to section 1 of the bill?

The SPEAKER. That would hardly be a parliamentary inquiry. The Clerk has just read the motion.

Mr. POFF. Mr. Speaker, I demand the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

The question was taken, and there were—yeas 118, nays 304, answered "present" 1, not voting 8, as follows:

[Roll No. 34]

YEAS—118

Abbitt	Fountain	Passman
Abernethy	Frazier	Patman
Alexander	Gary	Pilcher
Alford	Gathings	Poage
Alger	Grant	Poff
Andrews	Haley	Preston
Ashmore	Hardy	Rains
Bass, Tenn.	Harmon	Ray
Beckworth	Harris	Riley
Bennett, Fla.	Harrison	Rivers, S.C.
Bennett, Mich.	Hébert	Roberts
Berry	Hemphill	Rogers, Fla.
Boggs	Herlong	Rogers, Tex.
Bonner	Hoffman, Mich.	Rutherford
Bow	Huddleston	Scott
Boykin	Hull	Selden
Brooks, La.	Ikard	Sikes
Brooks, Tex.	Jennings	Smith, Kans.
Brown, Ga.	Jensen	Smith, Miss.
Broyhill	Johansen	Smith, Va.
Budge	Jonas	Spence
Burleson	Jones, Ala.	Steed
Casey	Jones, Mo.	Teague, Tex.
Chelf	Kilday	Thomas
Colmer	Kilgore	Thompson, La.
Cooley	Kitchin	Thompson, Tex.
Cramer	Landrum	Thornberry
Davis, Ga.	Lennon	Trimble
Davis, Tenn.	Loser	Tuck
Dorn, S.C.	McMillan	Utt
Dowdy	McSween	Vinson
Downing	Mahon	Whitener
Durham	Mason	Whitten
Elliott	Matthews	Williams
Everett	Mills	Willis
Evins	Mitchell	Winstead
Fascell	Morrison	Wright
Fisher	Murray	Young
Flynt	Norrell	
Forrester	Oliver	

NAYS—304

Adair	Burdick	Dorn, N.Y.
Addonizio	Burke, Ky.	Doyle
Albert	Burke, Mass.	Dulski
Allen	Byrne, Pa.	Dwyer
Andersen, Minn.	Byrnes, Wis.	Edmondson
Anfuso	Cahill	Fallon
Ashley	Canfield	Farbstein
Aspinall	Cannon	Feighan
Auchincloss	Carnahan	Fenton
Avery	Chiperfield	Fino
Ayres	Celler	Flood
Bailey	Chamberlain	Flynn
Baker	Chenoweth	Fogarty
Baldwin	Church	Foley
Baring	Clark	Forand
Barr	Coad	Ford
Barrett	Coffin	Frelinghuysen
Barry	Cohelan	Friedel
Bass, N.H.	Collier	Fulton
Bates	Conte	Gallagher
Baumhart	Cook	Garmatz
Becker	Corbett	Gavin
Belcher	Cunningham	George
Bentley	Curtin	Giaimo
Betts	Curtis, Mass.	Gilbert
Blatnik	Curtis, Mo.	Glenn
Boland	Daddario	Goodell
Bolling	Dague	Granahan
Bolton	Daniels	Gray
Bosch	Dawson	Green, Oreg.
Bowles	Delaney	Green, Pa.
Brademas	Dent	Griffin
Bray	Denton	Griffiths
Breeding	Derounian	Gross
Brewster	Derwinski	Gubser
Brock	Devine	Hagen
Broomfield	Diggs	Halleck
Brown, Mo.	Dingell	Halpern
Brown, Ohio	Dixon	Hargis
Buckley	Donohue	Hays
	Dooley	Healey

Hechler	Magnuson	Robison
Henderson	Mailliard	Rodino
Hess	Marshall	Rogers, Colo.
Hiestand	Martin	Rogers, Mass.
Hoeven	May	Rooney
Hoffman, Ill.	Meader	Roosevelt
Hogan	Merrow	Rostenkowski
Holifield	Metcalf	Roush
Holland	Meyer	St. George
Holt	Michel	Santangelo
Holtzman	Miller, Clem	Saund
Horan	Miller, George P.	Saylor
Hosmer	Miller, N.Y.	Schenck
Inouye	Milliken	Scherer
Irwin	Moeller	Schwengel
Jarman	Monagan	Shelley
Johnson, Calif.	Montoya	Sheppard
Johnson, Colo.	Moore	Shipley
Johnson, Md.	Moorhead	Short
Johnson, Wis.	Morgan	Siler
Judd	Morris, N. Mex.	Simpson
Karsten	Morris, Okla.	Sisk
Karth	Moss	Slack
Kasem	Moulder	Smith, Calif.
Kastenmeier	Multer	Smith, Iowa
Kearns	Mumma	Springer
Kee	Murphy	Staggers
Keith	Natcher	Stratton
Kelly	Nelsen	Stubblefield
Keogh	Nix	Sullivan
Kilburn	Norblad	Taber
King, Calif.	O'Brien, Ill.	Taylor
King, Utah	O'Brien, N.Y.	Teague, Calif.
Kluczynski	O'Hara, Ill.	Teller
Knox	O'Hara, Mich.	Thompson, N.J.
Kowalski	O'Konski	Thomson, Wyo.
Kyl	O'Neill	Toll
Lafore	Osmers	Tollefson
Laird	Ostertag	Udall
Lane	Pelly	Ullman
Langen	Perkins	Vanik
Lankford	Pfost	Van Pelt
Latta	Philbin	Van Zandt
Lesinski	Pillion	Wainwright
Levering	Pirnie	Wallhauser
Libonati	Porter	Walter
Lindsay	Price	Wampler
Lipscomb	Prokop	Watts
McCormack	Pucinski	Weaver
McCulloch	Quie	Weis
McDonough	Quigley	Westland
McDowell	Rabaut	Wharton
McFall	Randall	Widnall
McGinley	Reece, Tenn.	Wier
McGovern	Rees, Kans.	Wilson
McIntire	Reuss	Withrow
Macdonald	Rhodes, Ariz.	Wolf
Machrowicz	Rhodes, Pa.	Yates
Mack, Ill.	Riehlman	Younger
Mack, Wash.	Rivers, Alaska	Zablocki
Madden	Roberts	Zelenko

ANSWERED "PRESENT"—1

Jackson

NOT VOTING—8

Anderson, Mont.	Barden	Kirwan
Arends	Blitch	Minshall
	Chiperfield	Powell

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Barden for, with Mr. Kirwan against.

Mr. Jackson for, with Mr. Chiperfield against.

Until further notice:

Mr. Powell with Mr. Minshall.

Mr. Anderson of Montana with Mr. Arends.

Mr. PATMAN changed his vote from "nay" to "yea."

Mr. CEDERBERG changed his vote from "yea" to "nay."

Mr. JACKSON. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. CHIPERFIELD]. If he were present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. McCULLOCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 311, nays 109, answered "present" 2, not voting 9, as follows:

[Roll No. 35]

YEAS—311

Adair	Feighan	Mack, Ill.
Addonizio	Fenton	Mack, Wash.
Albert	Fino	Madden
Allen	Flood	Magnuson
Andersen, Minn.	Flynn	Mailliard
Anfuso	Fogarty	Marshall
Ashley	Foley	Martin
Aspinall	Forand	May
Auchincloss	Ford	Merrow
Avery	Frelinghuysen	Metcalf
Ayres	Friedel	Meyer
Bailey	Fulton	Michel
Baker	Gallagher	Miller, Clem
Baldwin	Garmatz	Miller George, P.
Baring	Gavin	Miller, N.Y.
Barr	George	Milliken
Barrett	Giaimo	Moeller
Barry	Gilbert	Monagan
Bass, N.H.	Glenn	Montoya
Bates	Goodell	Moore
Baumhart	Granahan	Moorhead
Becker	Gray	Morgan
Belcher	Green, Oreg.	Morris, N. Mex.
Bentley	Green, Pa.	Moss
Berry	Griffin	Moulder
Betts	Gross	Multer
Blatnik	Gubser	Mumma
Boland	Hagen	Murphy
Bolling	Halleck	Natcher
Bolton	Halpern	Nelsen
Bosch	Hargis	Nix
Bow	Hays	Norblad
Bowles	Healey	O'Brien, Ill.
Brademas	Hechler	O'Brien, N.Y.
Bray	Henderson	O'Hara, Ill.
Breeding	Hess	O'Hara, Mich.
Brewster	Hiestand	O'Konski
Brock	Hoeven	O'Neill
Broomfield	Hoffman, Ill.	Oliver
Brown, Mo.	Hogan	Osmers
Brown, Ohio	Holifield	Ostertag
Buckley	Holland	Pelly
Burdick	Holt	Perkins
Burke, Ky.	Holtzman	Pfost
Burke, Mass.	Horan	Philbin
Byrne, Pa.	Hosmer	Pillion
Byrnes, Wis.	Hull	Pirnie
Cahill	Inouye	Porter
Canfield	Irwin	Price
Cannon	Jarman	Prokop
Carnahan	Johnson, Calif.	Pucinski
Cederberg	Johnson, Colo.	Quie
Celler	Johnson, Md.	Quigley
Chamberlain	Johnson, Wis.	Rabaut
Chelf	Judd	Randall
Chenoweth	Karsten	Ray
Church	Karth	Reece, Tenn.
Clark	Kasem	Rees, Kans.
Coad	Kastenmeier	Reuss
Coffin	Kearns	Rhodes, Ariz.
Cohelan	Kee	Rhodes, Pa.
Collier	Keith	Riehlman
Conte	Kelly	Rivers, Alaska
Cook	Keogh	Robison
Corbett	Kilday	Rodino
Cunningham	Kilgore	Rogers, Colo.
Curtin	King, Calif.	Rogers, Mass.
Curtis, Mass.	King, Utah	Rooney
Curtis, Mo.	Kluczynski	Roosevelt
Daddario	Knox	Rostenkowski
Dague	Kowalski	Roush
Daniels	Kyl	St. George
Dawson	Lafore	Santangelo
Delaney	Laird	Saund
Dent	Lane	Saylor
Denton	Langen	Schenck
Derounian	Lankford	Scherer
Derwinski	Latta	Schwengel
Devine	Lesinski	Shelley
Diggs	Levering	Sheppard
Dingell	Libonati	Shipley
Dixon	Lindsay	Short
Donohue	Lipscomb	Siler
Dooley	McCormack	Simpson
Dorn, N.Y.	McCulloch	Sisk
Doyle	McDonough	Slack
Duiski	McDowell	Smith, Calif.
Dwyer	McFall	Smith, Iowa
Edmondson	McGinley	Springer
Fallon	McGovern	Staggers
Farbstein	McIntire	Steed
Fascell	Macdonald	Stratton
Stubblefield	Vanik	Widnall
Sullivan	Van Pelt	Wier
Taylor	Van Zandt	Wilson
Teague, Calif.	Wainwright	Withrow
Teller	Wallhauser	Wolf
Thompson, N.J.	Walter	Wright
Thomson, Wyo.	Wampler	Yates
Thornberry	Watts	Younger
Toll	Weaver	Zablocki
Tollefson	Weis	Zelenko
Udall	Westland	
Ullman	Wharton	

NAYS—109

Abbitt	Frazier	Passman
Abernethy	Gary	Patman
Alexander	Gathings	Pilcher
Alford	Grant	Poage
Alger	Haley	Poff
Andrews	Hardy	Preston
Ashmore	Harmon	Rains
Bass, Tenn.	Harris	Riley
Beckworth	Harrison	Rivers, S.C.
Bennett, Fla.	Hebert	Roberts
Bennett, Mich.	Hemphill	Rogers, Fla.
Boggs	Herlong	Rogers, Tex.
Bonner	Hoffman, Mich.	Rutherford
Boykin	Huddleston	Scott
Brooks, La.	Ikard	Selden
Brooks, Tex.	Jennings	Sikes
Brown, Ga.	Jensen	Smith, Kans.
Broyhill	Johansen	Smith, Miss.
Budge	Jonas	Smith, Va.
Burleson	Jones, Ala.	Spence
Casey	Jones, Mo.	Taber
Colmer	Kitchin	Teague, Tex.
Cooley	Landrum	Thomas
Cramer	Lennon	Thompson, La.
Davis, Ga.	Loser	Thompson, Tex.
Davis, Tenn.	McMillan	Trimble
Dorn, S.C.	McSween	Tuck
Dowdy	Mahon	Utt
Downing	Mason	Vinson
Durham	Matthews	Whitener
Elliott	Meader	Whitten
Everett	Mills	Williams
Evins	Mitchell	Willis
Fisher	Morris, Okla.	Winstead
Flynt	Morrison	Young
Forrester	Murray	
Fountain	Norrell	

ANSWERED "PRESENT"—2

Jackson	Kilburn

NOT VOTING—9

Anderson, Mont.	Blitch	Minshall
Arends	Chiperfield	Powell
Barden	Griffiths	
	Kirwan	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Arends for, with Mr. Kilburn against.

Mr. Chiperfield for, with Mr. Jackson against.

Mr. Kirwan for, with Mr. Barden against.

Mrs. Griffiths for, with Mrs. Blitch against.

Until further notice:

Mr. Powell with Mr. Minshall.

Mr. JACKSON. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. CHIPERFIELD]. Had he been present he would have voted "yea." I voted "nay." I ask unanimous consent to withdraw my vote and answer "present."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KILBURN. Mr. Speaker, on this vote I voted "nay." I have a live pair with the gentleman from Illinois [Mr. ARENDS]. Had he been present he would have voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

Mr. STRATTON. Mr. Speaker, I am happy to join today in voting for the passage of H.R. 8601, the so-called civil

rights bill. In my judgment passage of this legislation today represents a historic legislative milestone of which all Members of this House can be proud. Because of the parliamentary situation that exists, it is entirely likely that the bill we are passing here today will go onto the statute books in virtually this same form.

Basically this bill does only one thing, Mr. Speaker, and that is to guarantee the right to vote to all citizens of our country regardless of their race, creed, or color. For the first time Congress is about to put upon the books legislation to give real meaning to the 15th amendment to our Constitution. As the distinguished Attorney General of the United States said the other day, either we must take steps now to enforce this amendment and make it a reality or else we should repeal it. Certainly no one, I am sure, would suggest that we ought to repeal this basic and important freedom guaranteed by our Constitution. So we must see that it is made meaningful, and that is precisely what this legislation will do. And after all the shouting is over, I am sure that no Member would really want to stand up in this body and say that he wants to oppose legislation that would give people the right to vote regardless of their race, creed, or color.

Mr. Speaker, the legislation that we are passing today is, in my judgment, moderate legislation. It represents the very least which we in America can and should do and still hold up our heads in today's world as the great exponent of human personal freedom. Personally, I would have preferred to see legislation which went farther in guaranteeing the rights of American citizens in other fields than this bill goes. But at least the right to vote is basic in our system, and in insuring the right to vote we are, in a very real sense, also laying the groundwork for further advances in other directions toward an America in which all citizens will have equal opportunity to enjoy the blessings of happiness and freedom.

Mr. Speaker, we have heard a good deal in the many days in which the House has been debating this legislation about some of the dire effects that might occur if this legislation were adopted. Frankly, I do not believe anyone seriously thinks that any of these gruesome predictions are likely to develop. In fact, it is my hope that this legislation will accomplish its basic purpose primarily as a preventive rather than a cure. For with this legislation on the books I am sure we will have created an incentive on the part of local officials to make sure that there does not develop the kind of pattern of discrimination that would require invoking the measures provided by this law. Any official who might disapprove of the machinery we are setting up here can always forestall its application to his community simply by seeing to it that men and women are not discriminated against because of their race, creed, or color when it comes to voting.

May I say, finally, Mr. Speaker, that I want to commend all my colleagues, and especially those from the southern area of our country who have been so vigorously opposed to this legislation, for the fine, statesmanlike way in which they have conducted themselves during this debate. I also want to express my great admiration for the splendid job that has been done here by my colleague, the distinguished dean of the New York delegation, the gentleman from New York [Mr. CELLER], in steering this legislation through to completion, as well as for the outstanding job, during these many long and tiring hours, done by the gentleman from Ohio [Mr. MCCULLOCH]. The legislation we have here today is truly a bipartisan bill and all of us, I believe, can take pride in having been a part of this bit of history in the making today.

Mr. MEADER. Mr. Speaker, I voted against the motion to recommit of the gentleman from Virginia [Mr. POFF] and I voted against the bill, H.R. 8601.

If the motion to recommit had been a straight motion to send the bill back to the Judiciary Committee for further study, I would have supported it. This technical measure relating to rules of Federal judicial procedure deserves the intensive study of the Judiciary Committee and the best legal talent the committee can assemble. Laws passed to enforce the 15th amendment, particularly the Civil Rights Act of 1957, must be made stronger and more effective. But this must not be accomplished at the expense of violating basic provisions of the U.S. Constitution. The Judiciary Committee could rereport the bill promptly so that it could be passed in this session of Congress.

The motion of the gentleman from Virginia [Mr. POFF], however, was merely an amendment to title I of H.R. 8601 to strike a phrase which has appeared in Federal criminal statutes for the last 60 years. I could not support it.

Mr. Speaker, I have always stood for equal treatment under the law and opposed discrimination. I voted for the Civil Rights Act of 1957, the first major legislation in 85 years to enforce the 15th amendment. Last year, as a member of the Judiciary Committee of the House and its Antitrust Subcommittee, I supported the administration's civil rights bill and after weeks of painstaking and meticulous consideration by the Judiciary Committee, I voted to report out H.R. 8601 and intended to stand with the committee in opposing weakening amendments and to vote for the bill on final passage.

I did oppose such amendments during consideration in committee on the 5-minute rule, including the Whitener amendment which was identical with the amendment contained in the motion to recommit. I also opposed the Budge and Johansen amendments which sought to limit the voting rights of Negroes to elections where candidates for Federal offices were on the ballot.

As a member of the Judiciary Committee I felt it was my responsibility to the House and to the country to study and analyze as completely as I could the voting referee proposal advanced for the first time by the Justice Department January 26, 1960, less than 2 months ago. My study of that proposal during our abbreviated hearings—only two witnesses—and my discussion with colleagues on the Judiciary Committee, with staff lawyers and other lawyers and my own legal research, convinced me that the voting referee proposal was clearly unconstitutional, that it was a rash and revolutionary revision of the rules of Federal civil judicial procedure, that it sought to pervert the Federal judicial system by thrusting upon it ministerial, nonjudicial functions, that it violated the rules of fairplay guaranteed to litigants by the due process clause of the Constitution and that it invaded the powers vested by the U.S. Constitution in the people of the several States. This proposal threatened the equilibrium of the delicate system of checks and balances whereby our unique American Federal system has made possible the maximum liberty and individual self-determination known to any system of government in the history of mankind.

Mr. Speaker, I was not content merely to oppose this unconstitutional proposal advanced by the Attorney General. I sought in a constructive manner first to work out an alternative to strengthen and improve the Civil Rights Act of 1957 in the light of the 2½ years' experience in its enforcement and the litigation brought under it without violating the U.S. Constitution in the fashion I have described above. The majority of the House rejected that alternative.

I then offered individual amendments and supported those offered by others to remove many of the objectionable unconstitutional features of the voting referee proposal. Those efforts, likewise, failed to accomplish the main goal but did achieve the more limited objective of reshaping the voting referee proposal so that its final version was far less objectionable than its first. In that limited accomplishment I take some pride since I am sure that if my voice and the voices of others had not been raised in protest against the original, hastily drafted voting referee proposal, it would not have been perfected even to the point that it was.

Aside from the propaganda benefit it is an idle act for Congress to pass a law which cannot be upheld. I can think of nothing more harmful to the long-range objective of equal suffrage for all citizens than to adopt in an emotionally charged atmosphere a measure so harsh and so violative of basic constitutional provisions that it would be held a nullity.

Mr. Speaker, I did my best to shape H.R. 8601 and the belatedly added voting referee proposal into a law which would mean real, solid progress in the field of civil rights. I wanted to vote for it. But when te House grafted onto it a voting referee proposal which, in my judgment, contains serious, unconstitutional, and unwise provisions, I could not. Under my oath to support and defend the Constitution without any mental reservation or purpose of evasion, I

had no choice but to vote against the measure.

Mr. Speaker, for convenience I include at this point CONGRESSIONAL RECORD references to the amendments I offered and the remarks I made during the debate on H.R. 8601.

March 10, 1960, remarks on my bill, H.R. 11042, an alternative voting referee proposal, pages 5196 and 5221–5222.

March 14, 1960, my amendment to McCulloch substitute containing substance of H.R. 11042, page 5489.

March 15, 1960, remarks on my amendment to McCulloch substitute and remarks on Kastenmeier amendment, pages 5635–5641, 5655.

March 16, 1960, remarks on O'Hara amendment, pages 5755, 5762, 5779.

March 18, 1960, remarks on my amendment to make ex parte referee proceedings discretionary with the judge rather than mandatory, pages 6010–6011, 6014, 6016; remarks on Budge amendment, pages 6019–6020, 6024.

March 21, 1960, remarks on Johansen amendment, pages 6161–6162.

March 22, 1960, remarks on my amendment re alternate referee proposal, pages 6285–6286; remarks on my amendment re permissive ex parte proceedings, pages 6288–6295.

REPORTS FROM COMMITTEE ON APPROPRIATIONS

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Friday, March 25, 1960, to file reports on general government matters appropriation bill for 1961, and the appropriation for health, education, and welfare.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TABER reserved all points of order on the bills.

LEGISLATIVE PROGRAM

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of inquiring of the majority leader as to the program for the balance of the week and for next week.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. McCORMACK. For the balance of this week there are several resolutions from the Committee on House Administration which will be acted upon right away.

Mr. HALLECK. May I inquire of the gentleman, I understood there were three to be called up.

Mr. McCORMACK. I understand there are several more, but I understood they were cleared with the gentleman.

Mr. HALLECK. I had better discuss that with the gentleman later.

Mr. McCORMACK. I announced that there would be three resolutions called up today. I suggest that they wait until Tuesday next to call up any other resolutions.

Mr. HALLECK. I think that would be preferable.

Mr. McCORMACK. I do not like matters to be brought up unless the House has had notice that they are coming up.

Continuing with the program for next week:

Monday will be District Day, and there are seven bills on the District Calendar:

H.R. 10964, to amend the Life Insurance Act of 1934, as amended.

H.R. 10761, indigents, representation in courts.

H.R. 10000, refunds, inheritance taxes.

S. 1159, Alley Dwelling Authority, acquisition of property.

H.R. 10183, amend Fire and Casualty Act.

H.R. 10683, automobile sales, finance charges.

H.R. 10684. Adjusted premiums, Life Insurance Act.

General Government matters appropriation bill for 1961.

House Concurrent Resolution 582, disposal of rubber from stockpile.

S. 1795, Armed Forces promotion and retirement of certain officers.

If any of these other bills are not disposed of on Monday they will follow the appropriation bill for Tuesday.

Tuesday there will be the Labor, Health, Education and Welfare Departments appropriation bill for 1961. There are also several privileged matters to be brought up on Tuesday, out of the House Administration Committee.

I make the usual reservation that any further program will be announced later, and that conference reports may be called up at any time.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. BURLESON. Do I understand the majority leader to suggest that the resolutions for printing which he read be carried over until next week? There is also an election contest that it is intended to be called up today.

Mr. McCORMACK. I have given no indication of that to the House yet, but I understand that in the contested election case there is a unanimous report.

Mr. BURLESON. That is correct.

Mr. McCORMACK. I doubt if anyone would object to that.

Mr. BURLESON. I certainly think they would not.

Mr. McCORMACK. Then there are three resolutions to come up today from the Accounts Subcommittee, one to provide an additional $15,000 for the Committee on Interior and Insular Affairs; a second one to provide an additional $168,000 for the Committee on Education and Labor; and one to provide $400,000 for the Committee on Government Operations.

Mr. HALLECK. Is it the gentleman's purpose to adjourn over the weekend?

Mr. McCORMACK. Yes. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday next week may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Masachusetts?

There was no objection.

PERMISSION TO FILE REPORTS

Mr. BAILEY. Mr. Speaker, on behalf of the gentleman from North Carolina [Mr. BARDEN], I ask unanimous consent that the Committee on Education and Labor have until midnight March 25 to file a report on the bill H.R. 10128, and that minority views may be included therewith.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

POST OFFICE DEPARTMENT'S DISTRIBUTION GUIDE SYSTEM

Mr. GARY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GARY. Mr. Speaker, I have received a letter under date of March 21, 1960, from the Postmaster General. This letter provides an explanation of the Post Office Department's distribution guide system. I believe a copy of the letter has been received by every Member of Congress, or will be received, and I strongly recommend that each Member read it carefully and thoughtfully.

I am proud of those improvements in management and efficiency which have been brought about over the years by the continuing cooperation between the Postmaster General and our House Subcommittee on Appropriations for the Treasury and Post Office Department, which it is my privilege to chair. The dedication of the Postmaster General and his staff are well known to all of us. Indeed, the high quality of the great majority of employees in the postal service is an established tradition over many, many years under many administrations. I know the Postmaster General is right in stating as he does in his letter of March 21, that "we are confident that

the overwhelming majority of post-office employees want to perform a fair day's work for a day's pay."

The distribution guide system deserves a fair trial and I am confident it will receive a fair trial from employees of the postal service. The Post Office Department is strongly on record in the hearings conducted by our subcommittee and again in the Postmaster General's letter of March 21, that the distribution guide system is eminently fair, that it is based on minimum standards, and that it has demonstrated very substantial savings in actual practice. Testimony received during the hearings disclosed that savings annually in one office would amount to $1 million, and we are told that the system will be installed in the 292 largest post offices.

The reductions recommended by the Appropriations Committee and sustained by the House appear modest indeed when viewed in this perspective. We might have cut much more, in expectation of many duplications of the million-dollar saving reported from just one post office, but we have recognized from the very beginning that the full benefits of such a change could not be realized immediately. We have chosen a moderate course which permits the Post Office Department the necessary latitude and freedom to operate effectively and to proceed in an orderly manner with the installation of the distribution guide system and other aspects of the program to modernize the postal system. These things can be accomplished only in an atmosphere of fairness and willingness to bring about improvements, so I support the Postmaster General in his plea for objectivity in regard to the distribution guide system.

The letter follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., March 21, 1960.

Hon. J. VAUGHAN GARY,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN GARY: Because many Members of Congress are receiving letters from representatives of post office clerks organizations in the larger post offices protesting the Department's distribution guides system, I believe it will be helpful both to you and to the Department to give you a complete explanation of what is involved in that program.

The distribution guides are minimum rates of performance in terms of number of pieces of mail processed per minute and per hour provided for the information and guidance of individual employees. The rates are applicable only to the time during which the employee is actually engaged in processing the mail.

The guides were first published in the Postal Bulletin of November 20, 1958. A copy of the Postal Bulletin notice is attached. The notice shows the rates of performance and clearly sets forth the Department's reasons for publishing these guides.

Apparently, because no system was provided whereby employees could be informed of their production, publication of the performance guides had little or no effect in most post offices throughout the country. However, at Brooklyn, N.Y., after several weeks of intensive study and conferences with officers of employees' local organizations, the postmaster instituted a system of recording individual employee performance and notifying each employee every day of the production rate attained by him on the preceding day. This system, which was placed in operation early in March 1959, immediately resulted in a phenomenal increase in production in the Brooklyn post office. Within a very short time practically all of the 1,600 employees involved were performing at or above the guides rates on a sustained basis. Before the end of the year it was apparent that increased productivity in Brooklyn was resulting in a major reduction in operating costs.

It was in the light of this experience that the Department decided to implement the distribution guides system in the 292 largest post offices along the general lines developed at Brooklyn. Implementation began early in January 1960. The system is now in operation in 103 post offices and will be implemented in the remaining 189 post offices having annual receipts of approximately $1 million or more well before the end of the current fiscal year.

The guides rates are based upon actual performance in 43 of our largest post offices over a period of 1 year as reported under the work performance standards system which has been in effect since 1953. The guides do not purport to represent optimum performance but rather the minimum amount of work an employee should accomplish during the time he is actually engaged in performing the respective mail handling functions.

The guides system recognizes that employees do not spend full time on these particular mail handling operations. Among other duties, a certain amount of time is needed by the employee to obtain the mail for distribution and to dispose of the mail which he has distributed. It is also necessary that the employee absent himself from his post of duty from time to time for personal reasons. The employee is not expected to itemize the reasons for lapses in actual distribution but he is required to record the period of such lapses under the general heading of "Non Distribution Time."

We in the Department have been well aware from the beginning that if the guides program was to have a beneficial effect the rates of performance had to be entirely fair and reasonable. Before the guides were published, they were reviewed by a number of people who had long years of mail handling experience, including national officers of employee organizations. None of those who reviewed the guides expressed any opinion other than that they were eminently fair and reasonable, and some expressed the opinion that they were too low.

The employees' representatives generally have not protested that the rates as published are too high. Rather, they have contended that as soon as substantial numbers of employees begin to exceed these rates they undoubtedly will be raised by the Department. I assure you that we have no such plans.

The question has been raised as to whether there is any real need for the distribution guides program in the postal service. As you may know, our estimated expenditure for clerk hire during the current fiscal year exceeds $1.3 billion. This represents more than one-third of our total Post Office Department budget. The major portion of this clerk hire is devoted to mail handling operations covered by the distribution guides system. Prior to the institution of this system, none of these employees had been told what rate of individual performance they were expected to achieve. While some people object to any performance indicators, we believe the great majority of our employees like to know what is expected of them and are proud of their performance records.

We are confident that the overwhelming majority of post office employees want to perform a fair day's work for a day's pay. The distribution guides system merely defines in easily understood terms what the Department considers to be acceptable performance. Over the years, many thousands of our employees have consistently exceeded the guides rates in their daily performance. Despite the reasonableness of the rates, however, in every post office where the system has been installed, a material increase in production has immediately been apparent.

Also, the very nature of the postal service requires that employees work constantly against time. If we are to provide adequate mail service, every employee engaged in processing the mail needs to have a sense of urgency about the performance of his job. The time available for processing outgoing mail is always very limited if we are to connect dispatches of value and the same is true with respect to incoming mails being processed in time to connect with carrier delivery schedules. Reports from the field show conclusively that under the distribution guides system the mail service is being materially improved.

Every effort has been made at all levels of management of the postal service to allay any apprehensions which the employees might feel relative to the installation of the distribution guides system.

Conferences were held in the Department with national officers of the employees organizations before original publication of the distribution guides. Similar conferences were held in advance of implementing the distribution guides system. In every post office where the system is installed, extensive preinstallation conferences are held by regional and departmental officials with the postmaster, supervisors, and employees.

Most careful consideration has been given to every employee complaint against the distribution guides system which has reached the Department.

Following are statements of complaints most frequently voiced, followed by the Department's comment with respect to each:

1. The distribution guides system is a speedup system which is injurious to the physical and mental health of the employees.

We expect accelerated performance only to the extent necessary to produce a reasonable minimum amount of work. Performance rates reflected in the guides are being and, over the years, have been met and exceeded by thousands of employees without harmful effects.

2. The system is especially burdensome on the aged and physically handicapped employees, including disabled veterans.

We are confident that the performance rates prescribed by the guides are readily attainable by all employees. However, postmasters and supervisors are instructed to see to it that under no circumstances are they to permit the system to operate to the detriment of any employee who performs his duties in a conscientious manner.

3. Although the existing guides are reasonable, the Department is sure to increase the requirements to the point where they will become intolerable.

There is no intention of increasing performance rates currently required by the guides. For years letter carriers, rural carriers, and custodial employees have operated under definite individual performance criteria. These criteria have not been raised even though they are universally met. There is absolutely no basis for the contention of the clerks in this regard.

4. The distribution guides system was designed to provide the Department with a basis for taking punitive action against its employees.

Nothing could be further from the truth. The contention is ridiculous and is at complete variance with the record of this Department's treatment of its employees. No disciplinary action has been taken and not a single specific employee grievance has arisen as a result of this program. On the other hand, the Department never has and will not in the future countenance improper conduct or deliberate malingering on the part of any employee.

5. The system of determining the number of pieces processed by an individual through linear measurement is unfair because the number of pieces in a linear foot of mail varies according to mix.

Standard rates of conversion of linear measurements of mail to pieces have been arrived at after exhaustive tests. The variation in number of pieces in the regular mix of mail is inconsequential. Whenever there are unusual mailings involved such as Treasury checks, utility bills, postcards, and the like, provision is made in the guides system for special conversion rates to be applied.

6. The strain on the individual caused by having to meet the guides will cause good employees to leave the service, thus resulting in costly turnover.

There has been no evidence whatever that employees have suffered any ill effects from this program. At Brooklyn, N.Y., where the system has been operating longest, the rate of employee turnover has averaged lower under the guides program than during a comparable period prior to its installation.

7. The system is costly in terms of the manpower required to keep performance records.

Actually, the manpower required to maintain records of performance under the guides program is much less than is required for other work performance systems. We are now developing an integrated system of mail volume and manpower reporting based on the distribution guides system which will result in a net reduction in the number of people who were engaged in such record-keeping before the guides system was installed.

I trust that this letter will serve to provide you with a full explanation of the Department's distribution guides program. I shall be very glad to see that you are supplied with any additional information which you may desire.

Sincerely yours,

ARTHUR E. SUMMERFIELD,
Postmaster General.

[First- and second-class post offices, AMF's and terminals]

GUIDES FOR EMPLOYEES PERFORMING BASIC MAIL HANDLING DUTIES

The chart below lists certain distribution rates to be used by clerks as guides in evaluating their own production and by postmasters and supervisors in evaluating the production effectiveness of individual employees engaged in these basic mail handling operations. It was prepared in response to numerous requests from the field service for a distribution rate guide.

These guides are not to be considered as substitutes for the work performance standards system which has been installed to evaluate the overall effectiveness of groups of employees performing work in units or work centers. In installations having the revised WPS system those distribution rates shall be posted for the information and guidance of the supervisors and employees concerned.

While it is realized that there are variables in similar operations which affect the rates of production from office to office, the guides listed below are productivity rates which are being equaled or exceeded regularly by thousands of employees. These guides do not represent ideal productivity rates but the minimum an average employee should produce without difficulty.

Any clerk who finds that he is not maintaining a satisfactory production rate should carefully examine his methods and procedures and make whatever adjustments are necessary to increase his productivity to an acceptable level.

If after reasonable guidance and counseling an employee demonstrates inability to process his work at a satisfactory rate, the postmaster or terminal manager should give consideration to reassigning the employee to duties which he can perform in an acceptable manner. In reviewing the output of an employee, supervisors must consider not only the rate of production but also the constancy and accuracy of the employee's work. It is important that this be done over a sufficient period so that variations in mail mix, etc., will not lead to unfair conclusions.

(See pt. 715 of Postal Manual.)

Mail-handling operations	Number of pieces of mail	
	Per minute	Per hour
Facing table:		
With bridge	50	3,000
Without bridge	55	3,300
Outgoing distribution:		
Letter primary	39	2,340
Letter secondary	38	2,280
Flats primary	30	1,800
Flats secondary	26	1,560
Parcel post primary	15	900
Parcel post secondary	9	540
Incoming distribution:		
Letter primary:		
3,000 or less scheme items	30	1,800
Over 3,000 scheme items	28	1,680
Letter secondary	26	1,560
Flat primary:		
3,000 or less scheme items	21	1,260
Over 3,000 scheme items	20	1,200
Flat secondary	20	1,200
Parcel post primary	13	780
Parcel post secondary	9	540

ELECTION OF MEMBER TO COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. MILLS. Mr. Speaker, I send to the Clerk's desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution (H. Res. 484) as follows:

Resolved, That CHARLES A. VANIK, of Ohio, be, and he is hereby, elected a member of the standing committee of the House of Representatives on the District of Columbia.

The resolution was agreed to.

PROMOTION AND INVOLUNTARY RETIREMENT OF OFFICERS OF THE REGULAR COMPONENTS OF THE ARMED FORCES

Mr. BOLLING (on behalf of Mr. THORNBERRY), from the Committee on Rules, reported the following privileged resolution (H. Res. 485, Rept. No. 1417), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Armed Services now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or Committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

STRATEGIC AND CRITICAL MATERIALS STOCKPILING ACT

Mr. BOLLING (on behalf of Mr. DELANEY), from the Committee on Rules, reported the following resolution (H. Res. 486, Rept. No. 1418), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 582) providing under section 3(e) of the Strategic and Critical Materials Stockpiling Act, the express approval of the Congress for the disposal from the national stockpile of approximately four hundred and seventy thousand long tons of natural rubber. After general debate, which shall be confined to the resolution, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

EMPLOYMENT OF RETIRED COMMISSIONED OFFICERS BY CONTRACTORS OF THE DEPARTMENT OF DEFENSE AND THE ARMED FORCES

Mr. BOLLING (on behalf of Mr. MADDEN), from the Committee on Rules, reported the following privileged resolution (H. Res. 487, Rept. No. 1419), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration

of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

ESTABLISHMENT OF THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 483, Rept. No. 1420), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2331) to establish the Chesapeake and Ohio Canal National Historical Park and to provide for the administration and maintenance of a parkway, in the State of Maryland, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SOUTHEASTERN POWER ADMINISTRATION

Mr. BROWN of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BROWN of Georgia. Mr. Speaker, the Southeastern Power Administration, with headquarters in my hometown of Elberton, Ga., celebrated its 10th anniversary on March 21.

The agency has marketed 22 billion kilowatt-hours and received total revenues of $102,860,000 during the past 10 years as shown by a statement of Secretary of the Interior Fred A. Seaton.

Southeastern Power Administration sells electric power generated at 11 Corps of Engineer projects to 134 utility customers, most of whom are rural electric cooperatives and cities which by law are given preference in the sale of Federal power.

The 11 operating projects have an installed capacity of 1¼ million kilowatts. In addition, the Corps of Engineers is currently constructing three multipurpose water projects whose aggregate capacity will be 590,000 kilowatts.

The agency does not own any transmission lines but contracts for transmission of federally produced power with owners of existing transmission lines.

The operating projects, and those under construction by the Corps of Engineers, are located in Virginia, Georgia, South Carolina, Florida, Alabama, Tennessee, and Kentucky.

PROTECTING THE AMERICAN FAMILY FARM AND FARMWORKER

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, as the sponsor of H.R. 11211, a bill designed to protect the American farmworker and the family farmer against unfair competition from imported Mexican labor, I offered testimony this morning before the House Subcommittee on Agriculture which has jurisdiction over this legislation. Under unanimous consent I include the text of my testimony at this point in the RECORD:

PROTECTING THE AMERICAN FAMILY FARM AND FARMWORKER

(Statement of Congressman GEORGE MCGOVERN (South Dakota) before the Subcommittee on Equipment, Supplies, and Manpower; Committee on Agriculture, March 24, 1960)

On March 17, 1960, I introduced H.R. 11211 to amend title V of the Agricultural Act of 1949—more commonly known as Public Law 78. This statute governs the recruitment of temporary farmworkers from Mexico for employment in the United States.

As passed by Congress in 1951, Public Law 78 was designed to provide temporary workers for agricultural activities deemed necessary for the national welfare while protecting the interests of American farmworkers. In my estimation, however, it has now been transformed into a means of special advantage for a small number of large farm operators concentrated in a few States. It is my conviction that it works strongly to the disadvantage of the great bulk of family farmers in those States and in other regions of the Nation whose products compete on the national market with those grown on farms using Mexican labor. The law also works to the disadvantage of more than 2¼ million American farm laborers whose earnings and conditions of employment are depressed because of the ready availability of low-cost labor from across the border.

The bill which I have introduced will have as its purpose the elimination of these injustices by providing safeguards against the undercutting of wage and employment standards by Mexican labor and by scheduling the phasing out of the entire foreign worker program.

During the years that Public Law 78 has been on the books, the total income of farm operators in the United States has been declining steadily. Net farm income has fallen from $16.6 billion in 1951 to $11.8 billion in 1959 according to the President's Council of Economic Advisers. During the same time, however, total output has set new records. Farmers have tried to adjust to this situation in various ways.

Small part-time farm operators have increasingly turned to nonagricultural employment to supplement earnings from farming. But the economic position of some 2.7 million family-sized commercial farms has become increasingly more difficult. These farms rely mainly on their own family labor.

The income of farmers stems from two sources: return for capital and return for the farmer's own labor. On medium and small farms, with limited capital, the second form of income is more important than the first. If large-scale farmers in one section of the country can flood the market with goods produced with low-cost labor, the price structure for all farmers is forced downward. Thus the return of the medium and small farmer for his labor—for the products grown with his labor—is related to wages paid on large farms. If, for example, farmers in one very large fertile border area can produce vegetables at wages of 50 cents an hour, or even less, as they apparently have done by use of Mexican labor, it creates a difficult if not impossible competitive situation for farmers in other areas producing similar vegetables with family labor.

Take the case of tomatoes for processing. One State produces around 60 percent of the total national production. Foreign workers at peak comprise 85 percent of the tomato harvest force in this State. Now does the production made possible by these braceros have any effect on family farms? On the prices such farm would receive for growing tomatoes? Perhaps the answer is self-evident. In any event, 1959 tomato production in the bracero-dependent States was more than 40 percent above the 1949–55 average, while production of tomatoes has been declining in other major tomato-growing States.

Recently farmers in California have expanded production of strawberries with bracero labor. These farmers enjoy a competitive advantage over farmers in a number of other States who produce commercial strawberries with American farm labor and with their own families. Who will deny that the large added production made possible by the Mexican program has had an effect on strawberry prices that is detrimental to the U.S. farm families growing commercial strawberries?

Each bracero who works as a ranchhand at wages and living conditions unacceptable to most Americans, is in direct competition with—and lowers the prices received by—the ranchers in my own State and other parts of the Nation.

These examples can be multiplied many times. Increases in production in agriculture—including increases resulting from the availability of low-cost foreign labor—are of added concern since the demand for agricultural products is inelastic. A small increase in supply tends to drive prices down disproportionately, adversely affecting incomes of all producers. The ready availability of Mexican labor for a number of crops has, therefore, contributed to the depressing effect on farm prices and incomes.

The depression of family farm incomes attributable directly to the Mexican program is clearly traceable in the crops where precise hand labor and the vigilance and intelligence of human beings continue to be important. Various fruits and vegetables are among the best examples of such crops.

If Mexican workers were not available, a better balance between supply and demand would be achieved resulting in higher returns for many farmers—reduced government costs for price support operations, especially for cotton, should also result.

One key factor which has helped to preserve the family farm in this country has been the advantage represented by its built-in supply of manpower. In the U.S. economy this has often been the difference between survival or disappearance. Historians have told us that repeated efforts to accumulate and operate large plantation-type enterprise in the fertile Midwest came to naught mainly for this reason. The farm family's labor supply advantage was the basic reason for the prevalance of family-size units there today. Should we now permit continuation of a foreign labor program to nullify this key survival factor for the family farm?

While the operation of Public Law 78 has served to weaken the economic position of the family farmer through indirect means, it has very directly depressed the wages and employment opportunities of American farmworkers. There has been some public debate recently as to whether and in what manner the foreign worker program adversely affects American farmworkers. To my mind it is self-evident. The presence of even a small number of foreign workers in the farm labor market would inevitably have some effect on job opportunities and wage levels. In the last several years we have been bringing Mexican workers into the United States in such large numbers that for every five American farmworkers there is now one foreign worker. Imagine the impact it would have on the standards and wages of American labor if we permitted a like penetration of foreign workers in manufacturing, trade, and other industries.

The 2,300,000 farmworkers are the group least able to withstand this competition. No American workers are so proverty stricken and have such abysmally low living standards as do farmworkers in large sections of the Nation. The Department of Agriculture reported that their annual earnings averaged only $892 for 125 days of farmwork in 1958; with nonfarmwork, they averaged only $961. It is inconceivable that a Nation which has the technical know-how to put a satellite in orbit around the sun should lack the skill to deal with this distressing economic problem.

Recently the Secretary of Labor appointed four prominent consultants to review the administration of Public Law 78. These men were Edward J. Thye, former U.S. Senator from Minnesota; the Very Reverend Msgr. George G. Higgins, director of the social action department of the National Catholic Welfare Conference, Washington, D.C.; Glenn E. Garrett, executive director of the Good Neighbor Commission, Austin, Tex.; and Dr. Rufus B. von Kleinsmid, chancellor of the University of Southern California.

In passing, the only one of these consultants from my general region, former Senator Thye, Republican, of Minnesota, is not only an esteemed and respected public servant, he was also a leading member of the Senate subcommittee which studied and reported Public Law 78. He was intimately acquainted with its objectives and with its difficulties. He was initiator and supporter of the Mexican labor program. For these reasons, I have particular confidence in the unanimous conclusions of this group of whom Senator Thye was one.

The consultants studied the program for 7 months. They visited a number of States observing its operation and discussing it with farmers, government officials, and worker representatives. Their report reveals shocking evidence that, in spite of the best efforts of the Department of Labor to administer the law fairly in the interests of employers and workers, the program has indeed adversely affected American farm labor.

They reported that farmers in some areas were using Mexican workers almost exclusively for certain crops and activities. It was certainly never the intention of Congress that a group of producers should be permitted to withdraw from the domestic labor market. If workers are in short supply, growers in other crops must make appropriate adjustments in their productive practices or in wage offers. When the foreign worker program becomes, as it has, a means of depriving American workers of the opportunity of improving their economic position, the program has become intolerable.

The report also shows that wage rates in areas where Mexican workers are employed have failed to rise at a rate that would have been expected considering the advance of wages in other crops and areas, and that producers who use foreign labor often do not pay their American workers as much as other producers in the same areas. Earnings in some instances have been found to be lower than the 50 cents an hour which Mexico has set as a minimum standard. These facts are incontrovertible. In sum, the consultant's report indicates to me that the Secretary of Labor has been given the impossible task of administering a law with conflicting objectives.

The bill which I have introduced is designed to clarify these objectives, to give the Secretary of Labor additional authority to administer it, and to assure that the conditions of special privilege for a small number of farmers, unfair to the great bulk of farmers, shall not be permitted to continue.

First, H.R. 11211 would clarify the preamble to the law by stipulating that it is to be administered in the interests of the farmworker. I have specifically and intentionally struck out that clause of Public Law 78 making the Secretary of Agriculture responsible for declaring what commodities are to be considered necessary. Since the Secretary of Agriculture has never seen fit to designate any farm product as unnecessary within the meaning of this section, the provision has been meaningless. Under this bill, the Secretary of Labor will have sole authority to determine whether and to what extent the domestic labor supply is to be augmented.

A second important change is to clearly stipulate that the law is to be used solely to provide temporary workers for unskilled activities. Under the present law it is possible for Mexican workers to be used as skilled operators of tractors and other agricultural equipment. Thousands are employed as ranch hands and in other specialties requiring considerable experience. I am told that some 20,000 are employed as regular year-round workers with contracts renewed every 6 months. This represents 20,000 jobs which should be filled by underemployed American workers. Whatever may be the argument for foreign labor supplements at the peak season, I cannot admit a mass labor shortage in year-round farm jobs that is not more properly remedied by improved wages and conditions of employment.

The present law requires that employers, as a condition for obtaining workers from Mexico, must make reasonable efforts to attract American workers. H.R. 11211 strengthens this provision by requiring that employers participate in direct recruitment efforts, and would authorize the Secretary of Labor to assign quotas on the use of foreign labor when necessary to assure active competition for U.S. labor. This is to prevent situations where farm employers, and even entire communities, make only token efforts to obtain and retain American workers while depending on braceros for all labor needs.

H.R. 11211 improves and strengthens the law by assigning to the Secretary of Labor clear authority to define adverse effect situations based on wage and employment data. The consultants found that many of the administrative difficulties that have been experienced stem directly from lack of clarity on this point.

Perhaps the most important new feature of this bill is the provision for terminating the law over a period of years. I have had numerous questions as to why this feature should be added to the bill in preference to the usual 2-year extension. I would like to explain.

It is important to view this law from a historic perspective. As this country grew in strength and expanded from coast to coast, there have often been periods when labor was short for industry and agriculture. Such shortages have traditionally been met by new immigrants settling here and enjoying full rights as citizens. This source of new labor remains open to U.S. farmers, without quota limitations under the general immigration act. The practice of using foreign contract labor when it is to our advantage, sending it home when it is no longer needed or desired, denying it the freedom of job choice while here, is alien to our tradition and not in the best interests of the farmers and agricultural workers of the United States.

The less than 2 percent of our farmers who rely on this labor must be brought to recognize that this law was never intended to be permanent. The intention and philosophy behind it was to provide a temporary stopgap while normal adjustments of production, wages, labor supply, and technology are effectuated. The American people will not tolerate a permanent system of foreign contract labor in agriculture any more than they would in the steel, coal, mining, automobile, transportation, or any other industry.

Recruitment of workers from Mexico began as an emergency measure during World War II. The fact that this program has mushroomed from some 60,000 then to 450,000 now and has become a serious threat to the institution of the family farm and to the agricultural labor force should give pause to those who wish to extend it indefinitely.

My conviction is this: The interest of the family farm is served by elimination of the program much more than by improvement of the protection for domestic workers. Thus, a definite terminal date should be established. Yet, complete termination on June 30, 1961, might be inequitable for those growers who, mistakenly, have permitted themselves to become dependent on Mexican workers; some phasing-out time, time for adjustment, is therefore the way of moderation. H.R. 11211 establishes this period at 5 years. In my view, however, the precise duration and nature of the phasing-out period is of much less concern than that there be at long last a clear-cut agreement on final termination at a specified time in the future.

The American people are becoming aroused over this system which is so alien to our traditions. This was expressed in a recent resolution of the general board of the National Council of Churches of Christ in the U.S.A., which read:

"The present practice of our Government in authorizing the importation of Mexican nationals for agricultural labor in the United States involves human and ethical issues of grave concern to the conscience of Christian people."

It is the sense of H.R. 11211 that the use of foreign contract labor should not be permitted to become a substitute for a constructive program to provide decent standards of wages and working conditions for American farm labor and to protect the institutions of the family farm.

HON. FRANCIS E. WALTER

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, the prolonged standing ovation given by the House to our colleague "TAD" WALTER yesterday at the conclusion of his untiring presiding over our debates on the civil rights bill was certainly a most deserving tribute.

The hearts of Pennsylvanians were, indeed, warmed when we witnessed this

spontaneous and deserving appreciation of the sterling performance of our fellow Pennsylvanian, who has displayed not only his usual fairness and parliamentary skill, but permitted us to witness once more his alertness and his courage in meeting the long series of most difficult problems that face a presiding officer of this body. The pride and love with which we look upon "TAD" WALTER have been once more augmented by the unanimous manifestation of the House.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Speaker, I certainly want to associate myself with the remarks of my friend, the gentleman from Pennsylvania [Mr. FLOOD]. The patience and the consideration to all Members and the skill of the gentleman from Pennsylvania [Mr. WALTER], who presided over the Committee of the Whole, as a parliamentarian, as well as all of his actions are something to be commended. I think he, above anyone else, deserves credit for keeping the debates and the procedure of the Committee on an even keel.

Mr. FLOOD. I thank the gentleman, and the Pennsylvania delegation thanks him also.

STUART SYMINGTON

Mr. MOULDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MOULDER. Mr. Speaker, our great country and the entire world needs a great President of the United States of America, and Senator STUART SYMINGTON has announced his candidacy for this high office.

Mr. Speaker, this great man has the ability, integrity, and strong sense of duty to give and provide the effective executive leadership the American people need and deserve to have in the White House. We are justly proud of this great American, Senator STUART SYMINGTON, of Missouri, and his announcement, which I will read into the RECORD, as follows:

STATEMENT BY SENATOR STUART SYMINGTON

I wish to announce that I am a candidate for President of the United States.

Our generation has a priceless opportunity to lead mankind to a new era of lasting peace and unparalleled progress.

If our children and our grandchildren are to continue to enjoy the American way of life, the next President of the United States must provide the free world with resourceful and decisive leadership.

Only a first-rate, first-class, first-place America can reinforce the world's faith in freedom, and secure a just and lasting peace.

This great Nation has the capacity to be a still greater nation, provided we make the most of our freedom and unleash the full strength of our free enterprise system for the benefit of all.

In the months ahead I intend to emphasize four major policies:

(1) A positive program for peace through negotiation from a position of relative strength, including a world-wide "Good Trader—Good Neighbor" policy.

This program would involve a better foreign service, a more realistic economic development both at home and abroad, and an effective campaign to tell the truth about America.

(2) A sound public investment program in such fields as education, health, slum clearance, highways, water control, and more realistic benefits for the elderly and disabled.

(3) A sound program to reverse the present trend toward the elimination of the family size farmer, and help him attain a standard of living comparable to other Americans.

(4) Policies and programs which would guarantee to every citizen equal rights and equal opportunity.

Much of the cost of these programs can be defrayed out of savings achieved through the elimination of current waste in the management of Government agencies.

At appropriate times I will spell out these proposals in detail.

I have spent most of my life in the field of management—in industry and in the executive branch of Government; and have now had 7 years' experience in the U.S. Senate.

I offer this background and experience as my qualifications for the Presidency.

I am in this campaign to win; and my No. 1 goal is to unite this great country.

I appeal to my fellow Americans for unity—the challenge that confronts us is far more important than the differences that divide us.

I appeal to my fellow Democrats for unity—united we can win this vitally important election.

Let us all work together to make the 1960's a decade of unprecedented progress, with equal opportunity for all.

GENEVA CONFERENCE ON DISCONTINUANCE OF NUCLEAR WEAPONS TESTING

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, for over 16 months the British and United States representatives have reasoned and argued patiently with Soviet representatives at the Geneva conference on the discontinuance of nuclear weapons testing.

From the very beginning the Soviets have made clear their position and from this they have never budged:

First. They have insisted on a total and immediate ban on all testing.

Second. They have treated the inspection system as being something that can be worked out at leisure.

Third. They have tried to brush away the technical limitations of inspection.

Fourth. They would have us buy the test ban and worry about details of inspection afterward.

On March 19 the Soviets publicized and put forth what they claim as a new proposal. They have ballyhooed this as a great concession and one capable of breaking the deadlock. Yet it is obvious from a brief study of their proposition it represents no concession. It is one more attempt to force us into a total ban no matter the technical capability of detection, nor the degree of inspection they will allow in their country.

As you will remember the United States has for many months attempted to reach agreement on a treaty which was as broad as possible, subject only to the condition that all its aspects must be capable of adequate monitoring.

We have established that tests in the atmosphere can be inspected and identified by technical means, as can those at altitude and with certain limitations.

We have established too, however, that the problem of monitoring underground tests, at least those giving a small signal, is much more difficult, if not impossible.

In recognition of these facts the President on April 13, 1959, proposed adoption of an atmospheric-only ban with joint research to improve detection systems. Khrushchev dismissed this proposal out of hand.

After further study and joint technical conferences on seismic detectability, the United States proposed on February 11, 1960, its threshold plan. Under this proposal tests in the atmosphere, in the ocean, and in space up to heights where effective controls can now be agreed, would be forbidden. More importantly those underground and which gave a seismic signal of magnitude greater than a certain value would be forbidden. Those of less than that value, because of the limitations of detection and inspection, would not be forbidden initially by the treaty. Joint research would be undertaken to determine the possibility of lowering the threshold as seismic detectability improved.

The Soviets have responded by claiming to accept the threshold principle and even the threshold value we propose. Yet they have conditioned this acceptance with limitations which make it meaningless. They accept only if there is a simultaneous treaty agreement to forego for several years those tests of less than the threshold value. Along with this they continue to indicate they will accept only the most limited and inadequate onsite inspection for investigation of suspicious events. In essence they continue to insist on a total ban and inadequate inspection.

I was convinced on my trips to Geneva to observe the conference that the Soviets were interested in a ban but only if no real penetration of their country was involved. I was convinced also, that as long as we continue our moratorium while discussions proceed, they are achieving in major part their objective.

We are now entering into a new era in disarmament negotiations, one in which the 10-power disarmament conference is considering many possible areas of agreement. The recent conduct of the Soviets in the test cessation conference has been far from reassuring in regard to real progress in these new areas. It would be tragic in my opinion for us to agree to a test moratorium treaty with the type of arrangements the Soviets visualize. To do so it would involve limitations in this area which were inadequately controlled. Moreover, it would furnish precedent for similar agreements on trust in other, perhaps even more critical areas.

AGRICULTURAL IMPORTS

Mr. THOMSON of Wyoming. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. THOMSON of Wyoming. Mr. Speaker, the U.S. Tariff Commission is presently conducting hearings on limiting the imports of lamb and mutton. On the first day of the hearings, last Tuesday, March 22, 1960, I appeared before the Commission.

I wish to call my remarks to the attention of the House. I believe a reasonable trade policy offers a realistic solution to our agricultural problem on a sound economic basis. This is needed and would correct similar conditions in other industries now and would prevent such situations developing and getting out of hand in the future.

I and others have introduced general legislation which would accomplish this. I again urge that it be favorably considered.

My remarks to the Tariff Commission were as follows:

Mr. Chairman and members of the Commission, it is quite fitting that I should follow the representative of Senator JOHNSON. Wyoming is second only to Texas in production of sheep and wool. It is extremely important to our area, but it is also important to the Nation as a whole.

May I, at the outset, express my thanks and, I am sure, the thanks of almost all of the people of the State of Wyoming, which it is my privilege to represent in Congress, to the Tariff Commission for having instituted, after application, this investigation under the provisions of section 7 of the Trade Agreements Extension Act of 1951, as amended, on its own motion to determine whether lamb and mutton or sheep and lambs are being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like, or directly competitive, products.

Outstanding representatives from the producing and feeding industries are here to present you with the detailed facts and circumstances which I am sure will fully justify your finding that such is the case and recommending appropriate action under the same section 7. I would like to cover this in a general fashion.

May I first of all suggest to the Commission that there can be no doubt that anything which would even tend to weaken the overall sheep-producing industry would do serious injury. Congress has many times, particularly since World War II, recognized the perilous conditions in the industry. The last two of these were in the passing of the National Wool Act of 1954 and its extension in the Agricultural Act of 1958. That had to do with wool, but wool, of course, comes only from sheep. The market for wool and the production of wool is inextricably tied to the market for and the production of lamb and mutton.

By declaration in the law, both the Congress and the Executive have declared that the annual domestic production of approximately 300 million pounds of shorn wool, grease basis, is indicated in the interest of the national security and the promotion of the general economic welfare of the country. This goal has never been achieved.

Under the National Wool Act, incentive payments are made to the producers from the duties collected on imports. Under section 708 of the act, the producers may, by vote, authorize a deduction from these payments for the purpose of developing and conducting promotion programs for wool, mohair, sheep or goats, or the products thereof. This they have done, and a large portion of this money has been spent to promote the sale of lamb and mutton, so as to thereby increase the market at a favorable price and to promote the accomplishment of the purposes of the act.

In spite of their efforts, they are now faced by huge and rapid increases of imported products and live sheep, which heap additional burdens upon them and again threaten to destroy this industry so declared to be essential to the national security and general economic welfare of the country.

Due primarily to increased imports of wool, the number of sheep produced in America was reduced by approximately 50 percent between 1946 and 1954. With an industry in such condition, even a minor adverse change would do serious injury. The change, of course, has been anything but minor. It has been both major and rapid.

Over the past 2 years, imports have jumped from 3.5 million pounds of lamb and mutton to 56.8 million pounds. Since 1957, imports of live sheep for slaughter have jumped from 17,832 head to 75,073 head in 1959. This simply means that in 2 years, the imports of carcass lamb and mutton have jumped by over 1,600 percent, and imports of live sheep have gone up in the same 2-year period by 440 percent.

On the basis of the facts, there can be no doubt that there has been a tremendous increase in imports, both actual and relative to domestic production. There has been a decline in the proportion of the domestic market supplied by domestic producers. This is grounds for relief under section 7(b) of the act.

Figures to be presented to you by producers and feeders will show conclusively that this has adversely affected both prices and profits, as to both the producer and the feeder.

A fact sheet of the U.S. Department of Agriculture, Foreign Agricultural Service, published in January 1960, showed that the United States is the world's second largest agricultural importer, and threatens to become the largest, even importing more than the United Kingdom. This same fact sheet further shows that imports of supplementary, or competitive, commodities have jumped from two-fifths of total agricultural imports to one-half. I quote from the publication:

"In the past 2 years, supplementary imports have increased to one-half of total agricultural imports due to expanded purchases of cattle and meats."

May I, at this point, refer to the consideration being given by the cattle industry in seeking similar relief to that requested in this proceedings. In that regard, I sincerely hope that an investigation will be ordered by the Commission and, after hearing, proper relief granted.

Rising imports of lamb and mutton of cattle canot be divorced. The two coupled together make the situation even worse.

Unless something is done about this, there is every reason to believe, from the equipping of ships on down, that it will continue to the point that it completely breaks the American market, breaks a large number of our American producers and feeders at the same time, thus making an already bad agricultural situation a catastrophe. This could very well break the American economy.

The statement of some supposedly intelligent people that this will take care of itself, because as prices are driven down and the attractiveness of our markets removed, the imports will naturally decline, is an asinine statement on its face. Anyone familiar with the lamb and mutton and beef production and feeding industries knows that prices have not been too high and that even on the basis of the best prices, with the increased costs, a fair profit on investment has generally not been possible.

The production of lamb and mutton does not exist in a vacuum. It is a part of our overall agricultural picture. Yourselves and everyone in the Nation are familiar with the conditions and problems that face us in that regard. According to the figures furnished me by the Department of Agriculture, the imports of mutton and lamb for the fiscal year ending June 30, 1959, were the equivalent of 1,075,000 head of sheep. Figuring four acres of western grazing land required to run one sheep, which is a most conservative figure, that represents the replacement of over 4,300,000 acres. It could further be converted into pasture on dry farm land, irrigated farm land or top farm land. All would be substantial. In addition, land is required for hay and crops to fatten and finish. May I suggest that producers of flocks all over the Nation are threatened. Your investigators will confirm this.

On the basis of increased imports for the last 6 months of calendar year 1959, it appears that the figure for western grazing lands would jump to almost 5 million acres. This, of course, is greatly further aggravated by the startling rise in imports of beef and cattle.

We have only so many acres in the United States that can be used to produce food and fiber. Our agricultural problem is one of overproduction. It cannot be denied that imports of foreign agricultural products, either directly or indirectly, supplant the production of acres in this country. We will be aggravating it instead of solving it, if we permit acres presently in production to be replaced by foreign imports.

Higher wages and higher taxes paid for his equipment and supplies and in his own operations make both the direct and indirect costs of the American farmer and livestock producer higher. They have shown their ability to compete on a fair basis, but they cannot survive the unfair competition from abroad based on lower wages and lower taxes

Total imports of agricultural products for 1959 exceeded $4,100 million. Total exports amounted to $3.7 billion, but of this, $1.3 billion was given away, directly or indirectly, by one device or another, so that the amount sold for dollars amounted to only $2.4 billion. Eight hundred million dollars of this was sold mostly from CCC stocks at less than domestic market price. Therefore, our agricultural exports on a sound economic basis totaled only $1.6 billion, whereas the imports of directly competitive products were over $2 billion.

Various schemes, all at the taxpayers' expense, have been tried to meet our agricultural problem, from high price supports to paying people not to produce, through the soil bank. The soil bank and the acreage restrictions are direct recognition of the interrelation of agricultural products and the fact that it is an acreage problem.

Other schemes, all at the taxpayers' expense, from direct cash payments up and down, are being proposed. All have placed or would place the American farmer in a straitjacket of poverty, but be extremely costly. The efforts of those of us who are trying to do something about this on a sound economic basis will be completely thwarted unless something is done to prevent the free agricultural economy of this country from being destroyed by increased foreign imports produced under conditions of foreign competition.

Let us look at the other side of the coin. The American taxpayer is paying for foreign aid to raise the standard of living of the underdeveloped and undernourished countries. Included in this is Public Law 480. At the same time, when we allow food which would normally go, and should go, to these markets, to be imported into this country just to make a bigger profit, we are taking away from the very people we are trying to help. A large portion of our agricultural products disposed of under the foreign aid program has gone to Asia and the Far East. It is time that the American taxpayer was given some consideration. It is time that the right hand starts paying some attention to what the left hand is doing.

We cannot continue to take away the American farmers' and ranchers' production by imports and give away American agricultural products to those from whose mouths we have taken the food that should have gone to them, and hope to ever solve the agricultural problem on a sound economic basis, or for that matter, hope for this country to survive economically.

A full investigation will show you, I am sure, just as it has shown me, that our agricultural surplus problem, which is one of the main problems plaguing the Nation, could be solved by reduction of the imports which directly compete with American farm products. This would be a sound economic approach, while at the same time those products which have been coming to this country would be diverted to markets where they are much needed.

Those who say this would destroy our exports ignore the facts. We would still export the agricultural products which we are now exporting, on a sound economic basis, because they are going to countries that need them and can afford to pay for them. We would still import the $1.7 billion of agricultural products from other countries which are not raised here and which we really need.

An investigation by the Commission, I am sure, would conclusively show this to be a sound solution to our agricultural problem and the drain on the American treasury and taxpayer. I realize that you cannot do this in its entirety, but taking proper and sufficient action in this proceeding will be a big step in the right direction. It is a step which is contemplated and provided in present law. Being in present law, it may very well be one of the few constructive things that can be done for American agriculture during the present year.

The evidence presented to this Commission and the results of your investigation will show a destruction of profits and a reduction in prices already, with almost a certainty of complete chaos in the future on the basis of the trend, if something is not done to stop and roll back the imports.

The facts speak for themselves, showing an increase of actual imports of lamb and mutton from 3.5 million pounds to 56.8 million pounds in just 2 years, an increase of over 1,600 percent. They will show that total imports for 1959 have jumped to 7.78 percent of the commercial market, and on the basis of trends and the facts, threaten to go to over 18 percent if something is not done.

All of this in an industry that has already been recognized by act of Congress, signed into law by the Executive, to have been already in a perilous condition, and in an industry that has been similarly determined to be essential to the national security and the general economic welfare of the Nation.

I implore the Commission to take appropriate action, and on the basis of your past record, I am confident that you will. The action taken will have to be sufficient to "remedy the serious injury" as provided in the act. I seriously doubt that the permissive increase in tariffs alone will be sufficient, and if it is not clearly so, then quotas should be established to roll back the imports.

I repeat that the Commission has one of the few opportunities under existing law to really do something good for American agriculture on a sound economic basis, and at the same time, to act in the best interests of the American taxpayer and the Nation as a whole.

Thank you for this opportunity to appear before you.

AMENDING HOUSE RESOLUTION 146

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That H. Res. 146, Eighty-sixth Congress, agreed to on February 24, 1959, is hereby amended by striking out "$60,000" and inserting in lieu thereof "$75,000".

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON EDUCATION AND LABOR

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 441 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That, effective from January 3, 1959, the further expenses of the studies and investigations to be conducted pursuant to H. Res. 147 by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $168,000, including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

With the following committee amendment:

Page 1, line 1, strike out "1959" and insert "1960".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 460 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expense of conducting the studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations acting as a whole or by subcommittee, not to exceed $400,000 including expenditures for employment of experts, special counsel, and clerical, stenographic and other assistants, which shall be available for expenses incurred by said committee or subcommittee within and without the continental limits of the United States, shall be paid out of the contingent fund of the House on vouchers authorized by said committee and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

Mr. SCHENCK. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentlefrom from Ohio.

Mr. SCHENCK. Mr. Speaker, I wonder if the gentleman will tell us how much this makes the total amount available to the Committee on Government Operations.

Mr. FRIEDEL. It is $1,040,000, about $135,000 less than the committee received in the 85th Congress.

Mr. SCHENCK. It has been brought to my attention that there is to be a hearing held in California on some subject under its jurisdiction by the Committee on Government Operations, and that for some reason the minority counsel is not to be sent to that meeting. Does the gentleman have any information on that? They certainly would seem to have a sufficient amount of money to take care of that.

Mr. FRIEDEL. I yield to the chairman of the Committee on Government Operations to answer that question.

Mr. DAWSON. May I say to the gentleman that it has not been customary to send a counsel with a subcommittee and it was not done in this case. Usually we permit a staff member to go with the subcommittee when the minority leader is going, because of his illness. We have always done that. Otherwise we do not. That is the way the committee has always been run. We have saved the Government lots of money. I think the work of this committee is known to every Member of the House. I do not believe any Member who has ever served with the Committee on Government Operations has ever accused the chairman of being unfair in his actions toward any minority or any member of the committee.

Mr. SCHENCK. May I say that certainly no one is indicating that the chairman of the Committee on Government Operations is anything but fair in his relationship with the committee. The point that was raised was that this is a rather important hearing, a hearing that may develop some very important information. The minority felt they should have a minority counsel accompany that committee. This resolution allows money for the operation of the committee. I wonder if there was any lack of money and if that is the reason for not sending the counsel on this occasion.

Mr. DAWSON. No, it is not the lack of money, because the sum of money asked for the committee is based on the operations of the committee. This is just the customary operation of the committee. We extend every courtesy to every man on that committee regardless of party.

We do not go into investigations from that standpoint. Our job is to follow the appropriated dollar to see that it is economically and efficiently spent. That we try to do and that we do do. We do not play politics on the committee. We extend to the minority every courtesy and every right, and we are happy to do so. We have a very fine working committee, and we have worked together that way through the years.

Mr. SCHENCK. Mr. Speaker, if the gentleman from Maryland will yield further, when we took this matter of the various committee appropriations up in our Committee on House Administration, there was a very splendid résumé of the savings that had been achieved through the operations of the Committee on Government Operations. I wonder if the chairman will feel it is proper to place that list in the RECORD with such additional information as he may feel is warranted.

Mr. FRIEDEL. In reply to the gentleman's question, and your request that this information be placed in the RECORD, I talked to the gentleman from Illinois [Mr. DAWSON]. He had this information inserted in the RECORD of March 17 on St. Patrick's Day, and it is to be found on page 5917. There is a complete breakdown in the RECORD of the savings of the Committee on Government Operations that had previously been filed with the Committee on House Administration.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. HALLECK. Mr. Speaker, I spoke to the chairman of the Committee on Government Operations just a moment ago about this matter of minority counsel at this particular subcommittee hearing. I would just like to say for the record, I agree with the gentleman that he has been fair and I find no quarrel with that. As a matter of getting the record straight, it is the understanding of many of us that what is proposed out there is a sort of replay of the hearing at which there was developed some very substantial political overtones and the only reason I have brought up this business of minority counsel is because if that is what is to be done again, then I think the minority is entitled to have somebody out there besides a minority Member of the House.

Mr. DAWSON. I assure my distinguished friend of many years that we do not go into matters because of political implications. We go into matters because we feel expenditures may have been made in an unfair way. If the gentleman will permit me to say so, certainly, we would never conduct the committee hearings with the purpose of going into things from the standpoint of politics. The Republican member on that subcommittee was the gentleman from Michigan [Mr. HOFFMAN]. He could not go and he asked me to permit the minority counsel of the full committee to go. I said if it was all right with his side, for him to go instead of sending another Member of the Congress, that would be all right. He said the Congressmen were busy and I consented to that. Then, later they changed their minds again and decided to send a member of the committee instead of the counsel. Of course, that is all right. That has been the normal procedure, and what we are doing here is strictly in accordance with the procedure that we have always adopted.

Mr. HALLECK. Mr. Speaker, just to conclude my part in this colloquy, I want to call this to the attention of the House. After that hearing several years ago, the minority said the following:

> The hearing was a forum provided at the taxpayers' expense for campaign oratory during the closing weeks of a political campaign, and its chief result was unwarranted abuse of a forthright witness for the Department of the Interior.

Mr. Speaker, that minority report was signed by 13 very fair and able Members of the House of Representatives. And that is the only reason I raised the question at this time.

Mr. NELSON. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. NELSON. I would like to make an inquiry of the gentleman from Illinois [Mr. DAWSON] relative to this committee. Is this the same type of investigation as the so-called Chudoff committee? Is this the same committee?

Mr. DAWSON. No, it is not the same committee.

Mr. NELSON. Was the Chudoff committee a part of this?

Mr. DAWSON. The Chudoff committee was a subcommittee of the Committee on Government Operations. Of course, as the gentleman knows, Mr. Chudoff is no longer with us, he is a judge in the city of Philadelphia.

Mr. NELSON. Yes; I understand. But I am making this inquiry because it has been suggested that there have been political overtones here. I might call the gentleman's attention to the fact that when I was Administrator of the REA I was investigated by this same committee; and, if I ever was involved in a political circus, that was it. I want to register my objection to that kind of performance if there are going to be taxpayers' dollars spent on that type of investigation. Where I was investigated, for example, because of the fact I drank coffee with some Republicans. Now that is going a little too far.

Mr. DAWSON. I agree with my colleague that that is going a little too far, but I am sure the gentleman would agree with me that we would not do that sort of thing.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. GROSS. I have no doubt that the Committee on Government Operations has done some good work, but when you run up a bill and ask for more than a million dollars, I want to ask whether there is any other committee of the Congress that gets such a large amount of money.

Mr. FRIEDEL. In the other body, perhaps, but they testified, and it is in the CONGRESSIONAL RECORD, page 5916, that there has been a savings to the Government of $68 million. Any time you spend $1 million to save $68 million, that is good business.

Mr. GROSS. That is good business, but if they saved several hundred million, would you think they ought to have three or four more million? I do not know that that is a criterion exactly.

Mr. FRIEDEL. There is no proof that any of this money is wasted. What they did not spend they turned back to the Government.

Mr. GROSS. How much of a staff does the Government Operations Committee have?

Mr. DAWSON. I imagine about 50.

Mr. GROSS. Someone told me you had nearer 75.

Mr. DAWSON. I do not think that is true. It is two subcommittees.

Mr. GROSS. Even with 50 staff members, it seems to me that in the situation which has been discussed previously, if the chairman had asked a staff member to go with the minority party in a hearing——

Mr. DAWSON. I do not think he will find that trouble in any committee.

This particular situation is raised in the last moment in a manner that I do not appreciate. We have been working together, Democrats and Republicans. We have differed at times, and I can appreciate that we are going to look into matters that perhaps they do not want us to go into, but we have a number of people to look into it. If you will read the report again, you will find that these men have done a good job. It is not an easy thing to follow an appropriated fund and get down to the rock bottom of it. We have done that. We have asked for sufficient money to do it. You have always given it to us. We have returned to you the money we have not spent. We have not wasted any of the money of this Congress.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Iowa.

Mr. HOEVEN. With reference to the hearing contemplated for the west coast, how many staff members does the gentleman from Illinois intend to send out?

Mr. DAWSON. We expect to send enough people to do a good job.

Mr. HOEVEN. How many staff members?

Mr. DAWSON. I do not know. Perhaps two. Sometimes we send a man to a certain place and we will have him go into another job. Certainly you have to have men to do the job. You have to use capable men to have them do a good job and they have to be on the job. I submit to you we have always undertaken to do a good job.

Mr. HOEVEN. Does not the gentleman think, in view of the minority report that has been referred to, after the meeting held in 1956, that certainly the minority should be represented on the staff?

Mr. DAWSON. The minority is represented on the staff. Not only the number that is set up, but we have given them extra ones to help them. They have more than is allowed by law. We have given them a staff. Of course they are charging it up to one of the subcommittees, but I have assigned them to the minority side to work with them regularly. They are at their service.

I am sorry this is brought up in this way because it was not intended to be. We have not had that kind of feeling at any time.

Mr. HOEVEN. The thing that disturbs me is the report that was made by the minority.

Mr. DAWSON. Is that the Chudoff report?

Mr. HOEVEN. It indicates that there were political overtones.

Mr. DAWSON. I could likewise charge the minority.

The SPEAKER. The Chair calls for the regular order. The regular order is, is there objection to the present consideration of the resolution?

There being no objection, the Clerk read the resolution, as follows:

Resolved, That the further expense of conducting the studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations acting as a whole or by subcommittee, not to exceed $400,000 including expenditures for employment of experts, special counsel, and clerical, stenographic and other assistants, which shall be available for expenses incurred by said committee or subcommittee within and without the continental limits of the United States, shall be paid out of the contingent fund of the House on vouchers authorized by said committee and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONTESTED ELECTION CASE OF MAHONEY AGAINST SMITH

Mr. ASHMORE. Mr. Speaker, by direction of the Committee on House Administration and pursuant to clause 20 of rule XI, I call up House Resolution 482, relative to the contested election case of Mahoney against Smith, Sixth Congressional District of Kansas, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That WINT SMITH was duly elected as Representative from the Sixth Congressional District of the State of Kansas in the Eighty-sixth Congress and is entitled to his seat.

The resolution was agreed to.

A motion to reconsider was laid on the table.

"UNCLE SAM"

Mr. ADAIR. Mr. Speaker, in an effort to halt what might prove to be a grave injustice to one of America's most illustrious citizens, I rise in protest against an impending legislative proposal. As you may realize, steps are under consideration which would honor Troy, N.Y., with a shrine as a mark of respect for a man that community claims as the first "Uncle Sam."

In Indiana, and particularly in the district I represent, our people know that buried in a quaint and interesting little cemetery at Merriam, rest the mortal remains of the Nation's original "Uncle Sam." It is the body of Samuel Wilson who died on March 7, 1878, at the age of 100 years and 3 days.

Here are the facts to substantiate the claim that this Samuel Wilson was the original "Uncle Sam" whose interesting life and individuality became the patriotic caricature of the tall figure in the top hat and red, white, and blue suit that became known throughout the world, depicting freedom and liberty.

A little crossroads country store at Merriam still bears the legend of his individuality and carries the message of his existence for all to see. The people of northern Indiana grew up to honor and respect the historical significance and tradition created by "Uncle Sam" Wilson, of Merriam.

To prove our contention, we had definite records and information about him and how he achieved the recognition as "Uncle Sam." To begin with, Samuel Wilson, one of triplets, two boys and a girl, was born in Wilmington, Del., March 4, 1778. When he grew to manhood, to follow his career, he and his brother joined the Lewis and Clark Northwest expedition which he accompanied to a point in North Dakota. Afterward, they returned to their family at Troy-on-the-Hudson, N.Y. Then Samuel went to work for a Mr. Elbert Anderson.

During the War of 1812, Anderson's store served as a Government agency furnishing supplies for the Army. In marking and examining these Government supplies, Samuel Wilson used to write the initials "E.A.-U.S." on them. The "E.A." was for Anderson's store and the "U.S." for Uncle Sam as he had been nicknamed by that time. Through the shipment of these goods, when the initials were identified to all, Samuel Wilson became the popular "Uncle Sam." His tall, spare figure and whiskered face, of the Lincoln type, was then marked for posterity, and it became the subject of artists and was discussed in print and by word of mouth.

After the war, "Uncle Sam" Wilson migrated west. He married a Pennsylvania girl and then drifted on to Indiana. He died March 7, 1878, in Indiana and was buried in the Merriam cemetery.

The people of the United States, I believe, owe a debt of gratitude to this "Uncle Sam" for the outstanding contribution he made to our history and patriotism. Furthermore, I urge that we pay proper respect to him and his survivors by recognizing that he is the original "Uncle Sam" and that he deserves this honor.

I include herewith some accounts of "Uncle Sam" taken from Indiana newspapers:

[From the Indianapolis Star, Feb. 26, 1928]

GRAVE OF ORIGINAL UNCLE SAM FOUND IN NOBLE COUNTY, IND.—KENDALLVILLE NEWSPAPERWOMAN VISITS 93-YEAR-OLD HOOSIER, WHO TELLS HOW FATHER'S NICKNAME CAME TO REPRESENT THE UNITED STATES

KENDALLVILLE, IND., February 25.—A woman's intuition and her love of patriotic history has led to the discovery of the last resting place of the original "Uncle Sam," whom admiring millions of Americans have held in worshipful esteem.

Our histories and encyclopedias have given us a more or less mythical account of the origin of this character in our Nation's history, but no authentic information has heretofore been disclosed of the identity of the man, where he lived and died and how it came about.

A chance remark came to the ears of Mrs. Louise B. Young, of Kendallville, associated with your correspondent in the publication of the Noble Farmer, an agricultural publication. Her nose for news scented a story, and arming herself with a camera she set out for the facts and obtained a picture of the tombstone erected at the grave of "Uncle Sam," buried in a little, obscure graveyard near Merriam, Noble County, Ind., on the route of the Lincoln Highway. The stonecutter made a mistake of 13 years in the date of his death, which has never been rectified, as the family hoped at some time to erect a monument fitting the character it represented.

SON IS VISITED

Visiting the son, John M. Wilson, 93 years old, and his granddaughter, Mrs. Claea Zumbaugh, both living at Albion, the following facts were obtained and fully verified:

Samuel Wilson, one of triplets—two boys and a girl—was born at Wilmington, Del., March 4, 1778, the son of Marmaduke and Mary Wilson, who came to America from Scotland. There were no other children in the family.

Growing to manhood there, Samuel with his brother joined the Lewis and Clark Northwest Expedition in 1804, accompanying them as far as where Mandan, N. Dak., is now located. These young men spent the winter there, returning to St. Louis, Mo., in the spring. Later they returned to Troy-on-the-Hudson, N.Y., where they were joined by their parents. Samuel secured employment with one Elbert Anderson, who owned and operated a general supply store.

When war with Great Britain was declared in 1812, the Anderson store was converted into a Government supply headquarters, with Anderson as commissary and Samuel Wilson as his superintendent, afterward a quartermaster. Among Mr. Wilson's duties was that of examining and marking all packages for Government use. The mark placed on these containers was "E.A.—U.S." Wilson was known by his associates as "Uncle Sam," and one day when a longshoreman was asked the meaning of these initials, he replied by saying, "For Elbert Anderson, the commissary, and Uncle Sam, his superintendent, for he and the United States are all one. He represents the Government, too." Meant as a joke, the idea took hold and Mr. Wilson's name, "Uncle Sam," since that time has been a personification of the United States the world over.

APPEARED IN CARICATURE

Later Uncle Sam began to appear in caricature, in many guises before the Civil War. Although tall and slender, as Mr. Wilson was, it is thought the present conception of Uncle Sam, which began to appear in cartoon in the early 80's, had its inspiration on the tall, gaunt figure of Abraham Lincoln.

"Uncle Sam" had varied experience during the war. He was on board the *Constitution* in that famous 25-minute battle with the *Guerriere* when the latter was sunk. In this battle Uncle Sam was cited for gallantry by Capt. Isaac Hull, and when he was honorably discharged he received two land warrants from the Government. One of these warrants he sold to his son, John M., who now lives at Albion, Ind., while the other went to a Jim Harrison and was also used in Indiana.

After the War of 1812, Uncle Sam went to Pennsylvania where he was united in marriage to a Miss Susan Anderson of

Cumberland County. To this union 10 children were born—7 boys and 3 girls, as follows: Noah, David, Andrew, Samuel, Anthony, James, John, Mary, Angeline, and Lucinda.

By trade and profession Uncle Sam was a tailor and a doctor. His son John now has a lance that was used by Uncle Sam to alleviate the suffering of his patients, in the old days when "bleeding" was regarded as a cure-all for most ailments.

As time rolled on, and the caricature of Uncle Sam became more and more in use, his family developed a strong antipathy to this familiarity, and when they moved to Indiana among strangers they resolved to avoid any further publicity along this line and kept the identity of Uncle Sam a secret. However, a chance remark furnished a clue which when followed brought the above story, which was freely told and fully verified.

Uncle Sam died March 7, 1878, in Kosciusko County, Ind., at the age of 100 years and 3 days. His body was later removed to Merriam where it now rests with other members of the family.

[From the Indianapolis News, Mar. 31, 1955]

RINGSIDE IN HOOSIERLAND—UNCLE SAM'S BURIAL PLACE IN INDIANA

(By Wayne Guthrie)

You may recall that in July I raised a question as to just where Uncle Sam—the real prototype of that picturesque personification of the U.S. Government—is buried.

That query was prompted by a book I was reading at that time, "Stories in Stone," by Charles I. Wallis. It indicated that two localities—one in Indiana and the other in New York—claim that distinction.

On one thing both are in agreement—the man's name was Samuel Wilson.

Persons living near the Christian Chapel Cemetery, near Merriam, Noble County, insist the genuine Uncle Sam is buried there. By the same token that book pointed out that a gravestone in a Troy (N.Y.) graveyard carries an inscription referring to "Uncle Sam."

John J. Favinger, Whiteland, assistant State entomologist, sent me two pictures he took recently of that gravestone, stating that Wilson was a soldier of the War of 1812 and that he was 100 years and 3 days old when he died May 7, 1865.

NEWSPAPERS AGREE ON DATE

An attaché of the reference division of the Indiana State Library called attention to two different articles that appeared in two different newspapers several years ago about this same gravestone. They both refer to the date of death as being March 7, 1878. That obviously is a 13-year discrepancy with the date on the stone itself but one of the articles explained that by saying the stonecutter made that error which had not been corrected because the family at that time hoped to erect a marker more fitting.

Perhaps some highlights from the material contained in those articles might be of interest. For one thing, that Samuel Wilson was born at Wilmington, Del., March 4, 1778, and was one of triplets—two boys and one girl.

Samuel and his brother joined the Lewis and Clark expedition in 1804 and traveled with it until it reached the spot that now is the site of Mandan, N. Dak. There the brothers spent the winter, returning to St. Louis, Mo., the following spring.

Eventually Samuel made his way to Troy, N.Y., where he and a man named Elbert Anderson owned and ran a store. The War of 1812 saw that store become a Government supply headquarters, with Anderson as the commissary and Wilson as quartermaster. Included among the duties that fell upon Wilson was that of examining and marking all the packages designed for Government use. The identification mark was—"E.A.—U.S." I presume the "E.A." referred to Elbert Anderson. It wasn't long before associates started calling Wilson "Uncle Sam." It is not made entirely clear how that began but one point is of interest in that respect.

It said that once a longshoreman, asked what those initials—"E.A.—U.S."—meant, came back with this answer, obviously meant as a rank joke:

"For Elbert Anderson, the commissary, and Uncle Sam, his superintendent, for he and the United States are all one. He represents the Government, too."

JOKE CREATE NATIONAL SYMBOL

Regardless of the fact that it was intended as a joke that name quickly took hold and Wilson afterward was known as Uncle Sam. Since then, too, "Uncle Sam" has been known everywhere as the personification of our Government.

Wilson had some thrilling experiences being on the U.S.S. *Constitution* in the battle in which it sank the *Guerriere*.

At his honorable discharge Wilson got two land grants from the Federal Government. Both of these, which he disposed of to others, were for Indiana land.

Following the War of 1812 Wilson married a Pennsylvania girl and to that union 10 children—7 boys and 3 girls—were born.

QUESTIONNAIRE ON IMPORTANT NATIONAL ISSUES SENT TO RESIDENTS OF THE 39TH CONGRESSIONAL DISTRICT OF NEW YORK

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OSTERTAG] may extend his remarks in the body of the RECORD and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OSTERTAG. Mr. Speaker, this year I distributed a questionnaire on important national issues to a cross section of residents in the 39th Congressional District of New York, which I am privileged to represent. The district includes that portion of the city of Rochester and Monroe County which lies west of the Genesee River, and Orleans, Genesee, and Wyoming Counties.

Replies to the questionnaires were submitted by 5,154 persons, and the tabulations of results furnishes some very interesting and significant information. For example, an overwhelming majority of replies favored a balanced budget and a reduction in farm price supports. By lesser margins the replies supported an increase in the Federal minimum wage standard and a continuation of foreign aid programs.

There was strong opposition to admitting Communist China to the United Nations. A majority also opposed stronger Federal regulation of radio and television programs and Federal aid to support public schools.

Other questions dealt with space exploration, social security, interest rates, relations with Russia and the choice for the next President of the United States.

A complete tabulation of the results is listed below in percentages of the total number of replies:

	Percentages		
	Yes	No	Undecided
1. Do you favor a balanced Federal budget as a means to maintain a stable economy and check inflation?	94.3	3.7	2.0
2. Should the United States greatly accelerate its programs of science and space exploration?	66.5	27.5	6.0
3. Do you favor Federal aid to the States and communities for the support of our public schools?	43.0	54.3	2.7
4. Should the Congress enact legislation to reduce the present levels of price-support subsidies for surplus farm commodities?	81.7	13.8	4.5
5. Do you favor enactment of legislation to provide for stronger Federal regulation of radio and television programs?	45.8	50.2	4.0
6. Should the social security law be amended to—			
(a) Raise the present annual $1,200 ceiling on earnings?	73.3	22.3	4.4
(b) Increase the social security taxes to provide for a program of hospital and medical benefits for eligible retired persons?	49.1	46.4	4.5
7. Do you favor amending the Federal minimum wage law to raise the present minimum rate of $1 an hour to $1.25?	60.5	37.5	2.0

	Percentages		
	Yes	No	Undecided
8. Should Congress enact legislation to remove the present 4¼-percent ceiling on interest rates for long-term Government bonds?	41.3	47.9	10.8
9. Should we continue at the present level our foreign-aid programs of—			
(a) Military assistance?	50.8	39.9	9.3
(b) Economic assistance?	55.9	35.4	8.7
10. Do you believe it is desirable to increase cultural, scientific, and trade relations with Russia?	57.5	36.5	6.0
11. Do you favor admission of Communist China to the United Nations?	16.0	79.1	4.9

12. Who is your choice for the next President of the United States?

Nixon	59.3	Stevenson	2.1
Kennedy	8.1	Others	1.5
Rockefeller	3.4	No selection	22.6

MEDICAL CARE FOR THE AGED: WHAT'S A GOOD ANSWER, MR. PRESIDENT?

The SPEAKER pro tempore (Mr. GEORGE P. MILLER). Under previous order of the House, the gentleman from Oregon [Mr. PORTER] is recognized for 60 minutes.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, several years ago I attempted to hold off a tough

question from one of my sons with the remark "That's a good question." It did not work. His response was, "What's a good answer, Dad."

The President, through Arthur S. Flemming, his Secretary of Health, Education, and Welfare, has said in effect that what to do about medical care for the aged is a good question. Secretary Flemming said yesterday:

All the administration has endorsed is the exploration.

We know it is a good question. What the American people want to know is what is a good answer. Many of us think that the Forand bill—H.R. 4700—is a good answer, maybe not the best but certainly the best we have seen so far.

Yesterday Secretary Flemming told the Ways and Means Committee that the administration had decided it was necessary to "explore further some complex issues" before devising "principles of a practical program." I suggest that it is plain that Secretary Flemming, who recognizes the need, was overruled by the President and by Republican leaders who do not recognize the need. The complex issues are not those of medical care for the aged but of Old Guard reactionary prejudice.

It is good to know that the House Ways and Means Committee is presently concerned with reporting out a social security bill for 1960. I am one of many Members of Congress who believe that among its provisions should be found the kind of protection against hospital and nursing home costs for social security beneficiaries which is contained in the Forand bill.

This proposal extends the scope of our social security system by paying for these costs from the self-financing social security fund, using reimbursement methods closely related to those now used by plans such as Blue Cross and Blue Shield.

THE FEAR OF ILLNESS

It is, I believe, no exaggeration to say that the haunting fear of an expensive illness lies deep in the heart of our older men and women. Too often, we know, they are unable to purchase the kind of protection they need, because of their lowered retirement income. In 1958, 60 percent of people aged 65 and over had less than $1,000 a year in net income.

This concern is not limited to our senior citizens, but is shared by their married sons and daughters who, with heavy family responsibilities of their own, are disturbed by the fact that they cannot always help their parents meet these costs to the degree that they would wish to do so. All evidence shows, moreover, the pressing need for better and more adequate medical care for people in this age group.

But we have become so embroiled in a discussion of how best to take care of this crucial problem that we have, too frequently, lost sight of what the problem is. We have been told, on the one hand, that this kind of protection can be provided through the development of voluntary plans for this purpose, by limiting Government action to people who have been subjected to the needs test of our public assistance programs, or by voluntary low-fee schedules set at the individual discretion of doctors.

The Forand bill has been attacked as a step toward socialized medicine, disregarding the fact that the bill's benefits would be financed through the existing mechanism of our social security plan, using the combined contribution of workers and employers during working years to pay for a paid-up policy on retirement.

WIDE SUPPORT FOR FORAND BILL

In some 25 years of experience with this plan we have learned that this method provides a self-respecting form of protection against the loss of earnings caused by retirement, premature death of the wage-earner, and crippling disability. I am convinced that it is time to extend it to provide similar protection against the threat of heavy medical expense. The Forand bill is a carefully-considered piece of legislation which has been before the Congress for 4 years now. It enjoys the support of organized labor, most senior citizens groups, and public welfare officials—including two former Commissioners of Social Security under this administration. It deserves our serious consideration of its merits, and our support.

It is reassuring to note that the present administration at long last has begun to recognize that the need for better care for our senior citizens, available at a price they can afford to pay. This is a problem which will not disappear through wishful thinking or interdepartmental committees. But I have become increasingly disturbed by the conflicting and confusing stories appearing in the press during the past year, and particularly the past month, as to the administration's shifting solutions to the problem. Allow me to review for you some of the statements and pronouncements which have appeared during this period.

First of all, it may be noted that, in reporting the 1958 amendments to the Social Security Act, the Committee on Ways and Means expressed its great concern with the problem of providing better protection against hospitalization costs for older men and women and asked that the Department of Health, Education, and Welfare prepare a study of various alternatives, to be presented to the Congress in January 1959.

WAITING FOR AN ALTERNATIVE

Three months after the due date, on April 2, 1959, this report was submitted with the statement that its purpose was to present "the most important factual information bearing on this subject" but carrying no conclusions or recommendations. Specifically the report states:

Having completed this compilation, we are now proceeding with an analysis of the policy issues involved with a view to developing specific recommendations.

This statement was made, as you will note, just about a year ago.

During mid-July of 1959, the Committee on Ways and Means initiated a full week of hearings on the Forand bill. In the course of these hearings, Secretary Arthur S. Flemming appeared. Many of us hoped that, at this time, he would come up with a firm policy which the Congress could explore. Again we were disappointed when the Secretary came up with no specific proposal and I, for one, was gratified that the able gentleman from Rhode Island [Mr. FORAND] expressed his concern over the fact that the report itself had been "delayed and delayed," together with his conviction that "if everybody who is interested in trying to find a solution for this problem had been devoting his time to finding a solution rather than fighting a bill that I introduced 2 years ago, perhaps we would have a solution by now."

The Secretary did, however, make one positive statement in his appearance at this time before the Committee on Ways and Means. He took the position that the objective "of making adequate medical care reasonably available to our aged population should, so far as possible, be achieved through reliance upon and encouragement of individual and organized voluntary action." As one reason for his opposition to the Forand bill, he identified the administrative problems which would arise in providing this new kind of protection. He agreed to study the matter further and come up with a more detailed proposal later.

SILENCE FROM THE DEPARTMENT

Throughout the summer and fall there was silence from the Department, except for an occasional reiteration of the position that private voluntary insurance must have a chance to show what it could do. In late October, a policy statement hinted that some changes might be proposed for the social security system, particularly in the public assistance plan, but no mention was made of the health needs of the aged.

Meanwhile, letters from our older men and women continued to pour into congressional offices urging prompt consideration of the Forand bill. During the hearings conducted last fall throughout the country, by the Subcommitee on the Aged and Aging of the Senate's Committee on Labor and Public Welfare, older men and women appeared repeatedly to state that their greatest worry was how they could manage to finance the cost of an extended illness. They were self-respecting men and women, proud of their present self-sufficiency, but greatly concerned by the fear that expensive medical care would wipe out their savings and force them to accept charity in one form or another.

"CONSIDERATION" BY THE ADMINISTRATION

Finally, on February 4 of this year, the President told his news conference that the administration was considering a proposal to increase the social-security payroll tax by one-fourth of 1 percent for both employers and employees to finance better care for the aged—an amount of tax increase identical with that in the Forand bill. It was said, however, that the administration had in mind provisions covering only catastrophic illness among the aged, and that the Department's staff was working on

several alternative plans. The New York Times story on this press conference concluded:

Secretary Flemming has said he recognizes such care as necessary. He has promised to produce a plan to put before the House Ways and Means Committee when it takes up amendments to the Social Security Act [in mid-March].

About 3 weeks later, on February 20, another news story appeared in the New York Times stating that—

Mr. NIXON's leadership during the last week is credited with having broken a long administration logjam, with the result that five alternative plans for medical care for the aged were sent from the Department of Health, Education, and Welfare to the Budget Bureau for an administration decision.

These proposed plans were described as follows:

A plan to cost $90 million the first year for medical care of the indigent aged using the public assistance mechanism. It is generally thought that this plan can be disregarded as it would be paid for by public revenues and would be contrary to the budget policies of President Eisenhower.

A payroll deduction plan to cost $400 million that would involve taking out insurance policies for the aged. The policyholder would pay the first $250 in charges for a serious illness, the Federal Government up to 85 percent of the remainder of the costs.

A payroll deduction plan to cost $500 million, somewhat broader in scope, again with the first $250 deductible.

A payroll deduction plan to cost $750 million to cover all costs but surgery.

A payroll deduction plan to cost $1 billion to provide complete medical care, including nursing-home care, for the needy aged.

It may be noted that, at this point, four of the five plans included the payroll deduction method of financing used in the Forand bill. The story stated further that—

Arthur S. Flemming, Secretary of Health, Education, and Welfare has been trying since last July to draft a plan for medical care for the aged that would be acceptable to the Budget Bureau.

FLEMMING'S DILEMMA

On Monday, March 14, Secretary Flemming appeared before the Committee on Ways and Means, in executive session, still apparently without an answer. On Saturday, March 19, still another news story appeared, noting that the President had conferred with Secretary Flemming. The situation was desperate because the Secretary had told the Committee on Ways and Means that he would be ready to report the administration's position on Wednesday, March 23, which was yesterday. This story, as reported by the United Press International, stated:

Flemming, under pressure of this deadline, apparently hoped to get a final decision quickly.

Informed sources said a voluntary insurance scheme was under serious consideration because of Budget Bureau and Treasury Department objections to other plans.

This time, according to the news story, the administration abandoned the social security method in favor of a system to underwrite private insurance plans, with State and Federal Governments paying the major share of the cost of premiums for low-income individuals. According to this report, this last minute measure would shift the administration of the program from the Social Security Administration to the Public Health Service and finance the Federal share of the program from the general revenues.

Then yesterday, Secretary Flemming told members of the Ways and Means Committee the administration was still looking at the problem. A story in the New York Times today noted:

Mr. Flemming testified at a closed session of the House Ways and Means Committee. He later made public his prepared statement and answered reporters' questions.

"The Cabinet officers, adhering strictly to the Eisenhower team's rules of conduct, refused to discuss the difficulties he had met in seeking Presidential backing of an alternative program."

SUPPORT WITHHELD

At a White House conference yesterday, he outlined his ideas for a subsidized system of voluntary health insurance for elderly persons with low incomes. President Eisenhower sided with Republican congressional leaders in withholding his support, at least for now.

Nevertheless, Mr. Flemming said on leaving the committee room, "I am pursuing this approach just as vigorously as possible.

"All the administration has endorsed is the exploration," he said.

THE FABLE OF THE MILLER

With all due respect, let me say that, as I have followed these news stories, I have been reminded of the fable of the miller and his son who were driving their ass to a neighboring fair where he was to be sold. They had not gone far when they encountered a group of laughing girls returning from town.

"Look there," cried one of the girls. "Did you ever see such fools, trudging along the road on foot, when they could be riding."

So the miller put the boy on the ass and they went on their way. Presently they encountered a group of old men in earnest debate. "There," one of the elders called out, "Look at that idle young rogue riding while his poor old father has to walk."

And so the son got down to walk and the miller took his place on the donkey's back. They proceeded in this manner until they came to a company of women and children. "Why shame on you," they cried, "How can you ride while that poor little lad can hardly keep up with you?" The good miller, wishing to please, then took up his son to sit beside him.

But as they reached the edge of the village a townsman called out to them, "I will report you to the authorities for overloading that poor beast so shamelessly. You big hulking fellows should be able to carry that ass rather than the other way around."

So the miller and his son tied the beast's legs together and, with a pole across their shoulders, carried the ass over the bridge that led to the town.

When they saw this, all the townsfolk came out to laugh. The poor animal, frightened by this uproar, began to struggle to free himself and, in this process, slipped off the pole and over the rail of the bridge into the water and was drowned.

THE ADMINISTRATION'S LIPSERVICE

Mr. Speaker, I submit that we have reached the point at which responsible men in the administration, like the miller and his son, find themselves carrying the beast over the bridge. They have reached this sorry pass to avoid the charge of "socialized medicine," and to give lipservice to the voluntary method and voluntary insurance. In their effort to please all of the special interest groups concerned, they have pleased no one. We can sympathize with their plight. To avoid the charge of "socialized medicine" they have somehow worked themselves into the position of coming up with a plan financed, in part at least, out of the general revenues. By most definitions this method is itself socialistic in the sense that it gives out something for nothing. There is a vast difference in this approach and the social security method based on employee-employer contributions.

Moreover, in the face of their own statement that certain administrative problems might be created by the Forand bill, they seem to have produced, at this time, an administrative monstrosity which, instead of using the well-established and smooth-running social insurance plan, would set up another mechanism in the Public Health Service to provide such care. It will be interesting to see how long this makeshift proposal, the laborious product, to date, of months of high-level meetings, will survive. It seems likely to me that, like the poor animal in the fable, it is now struggling so hard that it is destined to slip into the water and be drowned.

Meanwhile, we must not forget that we are here concerned with providing our senior citizens with the kind of medical care they need in a manner which preserves their dignity and their independence.

It is time, I believe, that we look at the carefully worked out alternative to the administration's proposal-for-the-day approach. What would the Forand bill do? Very simply, it would provide combined hospital and nursing home care for up to 120 days per year for those people entitled to social security benefits—a total of more than 15 million people. Certain surgeons' bills would also be met by the Government. To finance this care, the plan would use the time-tried method of social security. Through an increase in the payroll tax, variously estimated at between 0.50 and 0.80 percent of payroll, the people of this country could, during their working years, pay for the cost of such care in the same way that they now pay for their retirement, survivor, and disability benefits.

THE OBVIOUS ADVANTAGES

This method has a number of obvious advantages. First of all, contributions under the Forand bill are levied over the individual's working lifetime when he is more able to pay for it and not in retirement when he is not. Secondly, employers share half of the cost in the same manner that they share the cost of benefit payments now being made. Thirdly,

the costs of such protection are adjusted to the ability to pay because the payroll tax represents a proportion of earnings regardless of the number of family members covered. The social insurance method, used by the Forand bill, uses the same social principle we now have—to pay a higher family benefit to a man with dependents—to provide them as well with protection against medical costs at a cost related to his earnings, rather than to the size of his family.

A KNOWLEDGEABLE DOCTOR'S OPINION

With medical cost rising, it seems clear the voluntary insurance cannot successfully deal with the health problems of the elderly. In a letter of February 29, 1960, the man who served as president of the National Blue Cross Association in 1957, Dr. Basil C. McLean, M.D., wrote Congressman FORAND:

A lifetime's experience has led me at last to conclude that the cost of care of the aged cannot be met, unaided, by the mechanism of insurance or prepayment as they exist today. The aged simply cannot afford to buy from any of these the scope of care that is required, nor do the stern competitive realities permit any carrier, whether nonprofit or commercial, to provide benefits which are adequate at a price which is feasible for any but a small proportion of the aged. * * *

Legislation along the lines of the Forand bill offers a means of settling an area of difficulty and relieving the voluntary prepayment mechanism to concentrate on better programs within its areas of demonstrated competence. Surely, if OASDI health benefits are "contracted out" voluntary prepayment will be thereby strengthened and its programs will rest upon sounder economic footing.

For hospitals, the measure will provide, for the first time, adequate payment for services rendered to aged patients, relief from an unnecessary burden of long standing, and the kind of dependable financial support that produces growth and vitality for the community's health facilities.

There is good evidence that the American people are in favor of such legislation, in spite of the "scare" words which have been used against it. We know this from the letters that we receive from older men and women themselves. According to two studies by the University of Michigan recently released, more than half of the adult population surveyed favors Government help in providing low-cost medical and hospital care. These studies of public attitudes toward Federal participation in this area were made among 2,000 adults on a national level in late 1956 and in 1957 among 860 persons in Wayne County, Mich. The results were strikingly similar. The national survey showed that 55 percent of people interviewed felt that the Government should "help people get doctors' and hospital care at low cost." Twenty-five percent were opposed and 20 percent expressed no opinion. In the Wayne County study, 63 percent favored Government assistance, and 23 percent were opposed.

Mr. Speaker, I am convinced that we must act promptly in this matter and it is even more important that we act responsibly. Congressman FORAND's bill is, as I have said, a carefully considered proposal. It has been discussed in public hearings both in connection with the 1958 amendments to the Social Security Act, and in a full week of hearings on this one proposal last July. The hard-working gentleman from Rhode Island [Mr. FORAND] has always taken the position that he is open to reasonable changes in the provisions of the bill provided that they are within the framework of the social security system.

TIME FOR ACTION

AIME FORAND is a patient man. He knows that the Ways and Means Committee, of which he is the ranking Democratic member, has many great and complex responsibilities. However, the time will soon be here when, if necessary, action on the House floor will be achieved through a discharge petition.

On Tuesday, March 22, 1960, the gentleman from Rhode Island [Mr. FORAND] filed with the Rules Committee a resolution for a special rule. It is my earnest hope that the Ways and Means Committee will be able to report out suitable legislation to meet this vital problem and that a discharge petition will not after all be necessary. However, it is my belief that most Members of the House recognize the urgency of the problem and that they will insist on action.

In closing I want to bring to the attention of the House two excellent letters I have received. They discuss the need for such legislation as is found in H.R. 4700.

A county health officer in my district wrote to me this month. This is what he said:

MY DEAR MR. PORTER: As you may be aware there is a paper published weekly by the American Medical Association entitled "The AMA News." One of the chief reasons for existence of this paper seems to be opposition to the Forand bill. The issue dated March 7 on the front page there is a headline reading "Write Your Congressman." I am doing so.

Within the past month or two there was an editorial stating that most people past 65 were able to pay a $500 medical bill because they had found by a survey that most people past 65 had $500. The fact that paying that medical bill would wipe out these people's entire savings did not seem to be of any importance whatever. This editorial was to me somewhat nauseating. In fact, it made me just a little ashamed of my profession.

I would suggest that you acquire all the copies of this AMA News published within the last few months. I also want you to know that there is at least one physician in the Fourth District who is for and not against the Forand bill. From my observation the attitude of the general public on the Forand bill does not coincide with that of the American Medical Association.

The second letter comes from a couple in Sutherlin, Oreg., in my district. It reads:

SUTHERLIN, OREG., *October 6, 1959.*

CHAS. PORTER,
Democratic Headquarters,
Roseburg, Oreg.

DEAR SIR: We are a couple almost old enough for social security. Now with everything going higher and higher we are wondering how long we are going to eat, not to mention lights, heat, taxes (we have a trailer, still have to pay approximately $45 a year). Clothes (they do wear out). We get sick oftener than when we were young. Yet when we were young we had group insurance (sometimes paid by the employer) that paid our doctor and hospital bills. Hospital care now averages $18 per day, compared with $10 10 years ago.

Insurance companies won't take a chance on us now. (If they did it would cost so much it would be impossible to carry it.) We might get sick enough to require hospitalization, for this a social security check won't go too far. How about the doctor? He has to be paid. Most of them charge $5 a call. You can't blame them, everything they buy or use is higher. But what are we going to eat on after we pay seven or eight calls to the doctor out of what is left after we have paid the lights, the gas to cook on, taxes, etc., etc., etc.? Many old people, through no fault of their own, have less than $100 a month to live on—per month. I hear someone say, "They can earn $100 a month." Just where are we to look for these $100 jobs, that are work people 65 or over can do? They are too old to learn new jobs. Employers (most of them) don't want you after you are 45 or 50 at the most. You can get awful hungry between 50 and 65.

So what are you, our lawmakers, going to do for us? How about a program for people over 65 similar to the one contemplated for those on welfare? We also need help on our doctor and hospital bills. If we get a job it usually runs over $100 in most cases. Then the social security is bawled up. Maybe the check will be delayed next month as a result. Maybe the job has run out. So, no money to live on. If your taxes are due that month Uncle Sam either charges you interest for deferred payment or sells something you own to get his.

Then after a few years (supposed to be carefree retirement) we pass on to our final resting place. Many have a little salted away to help pay that last expense. But if you have to keep dipping in, we won't have any left. The man or woman who has his own social security account has a small amount. But how about the wife who doesn't have her own account? (That's me.) As long as you have $10 in the savings account, you are not eligible for welfare. Use the savings first, they say. So who is going to pay for me? So how about some bills being passed to help with doctors, hospital, medicine, and at last, funeral bills. Don't ask me where the money is to come. They always seem to find money in the millions of dollars to send to foreign countries, that they never get back. We have paid taxes all of our lives, so we have already paid ours.

Let's get going and do something for those who can no longer do for themselves.

Mr. and Mrs. W. R. P.

[From the Oregon Labor Press, July 3, 1959]

AMA TAKES ONE STEP INTO THE 20TH CENTURY

(From the AFL–CIO News)

The American Medical Association has moved somewhat reluctantly to bring its social viewpoint into line with its scientific know-how by withdrawing its objections to group medical plans.

Plans developed by trade unions and other groups to achieve the best possible health care at the lowest possible cost have demonstrated beyond any possible doubt that the group approach works—and works well. The AMA has, until its recent convention, waged a relentless fight to put these plans out of business.

But after an investigation of the type of medical care furnished by these plans, the AMA has decided to withdraw its opposition—although it still has not given group plans its active blessing and approval.

This is a heartening step, no matter how reluctantly the step was taken.

Now that the AMA has shown an inclination to enter the 20th century of medical economics, it might well consider going the rest of the way. It might reverse some of its

other social viewpoints that date from the days of witch doctors and patent medicines.

If the AMA wants to prove that it is really a 1959 model medical organization, it should withdraw its bitter opposition to proposals that health care for the Nation's aged be provided under the social security system.

[From the AFL–CIO News, July 25, 1959]

SICK PEOPLE NEED HELP NOW

The Eisenhower administration's approach to health care for the aged has an Alice-in-Wonderland tinge to its insistence on "individual initiative" and "thrift" by older persons who cannot afford the cost of medical care.

The House hearings on the Forand bill revealed agreement on the basic problem.

The Nation's 15 million persons aged 65 and over are growing by 1,000 a day. Three-fifths of them have less than $1,000 a year income. They need much more medical care than other people. To get it, many are forced to go on relief.

The American Medical Association, after sparking a $1.6 million campaign to convince the public that President Truman's national health insurance plan was "socialized medicine," is now urging physicians to offer cut-rate fees to retired people in an effort to fend off the Forand bill.

Forand bill opponents argue that Federal action would halt the sale of private insurance for the aged, something the aged can't afford anyhow, and would curtail their freedom of choosing doctors, also something they can't afford.

Organized labor and other supporters of the Forand bill have an answer: the aged need health care now and the people who will finance the Federal program as workers and consumers are willing to pay for it.

[From the White Collar, February 1960]

THE FORAND BILL

The Forand bill (H.R. 4700) would pay in full 60 days of hospital care for all persons eligible for old-age and survivors benefits. It would also pay for the costs of combined nursing home and hospital care up to 120 days a year in addition to certain surgical expenses. The cost of the program would be covered under the social security taxes levied on both employers and employees.

Unlike the contentions of the American Medical Association, this is not socialized medicine. It is purely an extension of the social security system to provide hospitalization and attendant services to those retired under the system including the dependent children of widows. There can be no sincere opposition to this measure.

The great majority of retired persons over 65 receiving social security benefits have no protection whatsoever at a time when their income is far too small to pay for hospital and surgical costs.

The Forand bill deserves the support of the Office Employees International Union.

[From the New York Times, Mar. 23, 1960]

PRESIDENT REFUSES TO BACK MEDICAL AID FOR AGED NOW

(By John D. Morris)

WASHINGTON, March 22.—The Secretary of Health, Education, and Welfare failed today to win President Eisenhower's support for a subsidized system of voluntary health insurance for the aged.

Secretary Arthur S. Flemming outlined his ideas for such a program at a White House meeting with the President and Republican congressional leaders. He had drafted several proposals at the suggestion of Vice President NIXON.

President Eisenhower, siding with his party leaders in Congress, ruled that the problem should be studied further before the administration decided whether to submit recommendations to Congress.

While Mr. Flemming had wanted a showdown at today's meeting, sources close to the Vice President reported that Mr. NIXON was agreeable to a reasonable delay. A spokesman said the Vice President was not backing any proposal now.

The question of health care for the elderly is rapidly becoming one of the main political issues of the presidential election year.

The main catalyst is a bill by Representative AIME J. FORAND, Democrat, of Rhode Island, to provide free hospitalization and medical care for social security pensioners. To finance this, the bill seeks to increase social security taxes.

The Eisenhower administration is vigorously opposed to the Forand bill or any other plan that could be classified as compulsory health insurance or socialized medicine. Secretary Flemming and Mr. NIXON are in accord with official administration policy on that score.

They have been pressing the White House, however, to come forward with an alternative to the Forand bill.

As the prospective Republican Presidential nominee, Mr. NIXON is said to believe that the party cannot afford to take a negative position on what has become a pressing social problem with major political implications.

Congressional sources report that the Forand bill is drawing more mail, for and against, than any other pending issue. Most of the correspondence apparently supports the measure.

Secretary Flemming is scheduled to testify on the Forand bill tomorrow before the House Ways and Means Committee. He was consequently eager to get White House support today for possible alternative recommendations.

Having failed, he is expected to tell the committee that the administration is intensively studying ways to meet the health-care needs of the aged through some system of voluntary insurance. He will reiterate the administration's opposition to the Forand bill and any other program with compulsory features.

A spokesman for the Health, Education, and Welfare Department said the approach now favored by Mr. Flemming was for a system of voluntary insurance supported largely by Federal and State financial aid.

Private companies, under the plan, would provide insurance covering the cost of hospitalization and nursing home care, and the Federal and State governments would share the major costs of the insurance premiums. The insurance would be available at the age of 65 to persons with incomes of less than $4,000.

PLAN KEYED TO INCOME

The amount of Federal-State assistance on each policy would be keyed to the income of the person insured. The subsidies, on the average, would be shared between the Federal Government and the States on a 50-50 basis.

This was the only plan not specifically rejected at today's White House conference, it was understood. Among those rejected was one to finance a health insurance system by higher social security payroll taxes.

Despite much pressure from the public for favorable action, a majority of the Ways and Means Committee opposes the Forand bill. That was a factor influencing the White House decision against making alternative recommendations at this time.

Meanwhile, Mr. FORAND took a preliminary step toward forcing a vote in the House despite the committee's inaction. He introduced a resolution calling for 4 hours of debate, with amendments restricted to any that the Ways and Means Committee might propose. The resolution goes to the Rules Committee, which ordinarily originates such procedural measures.

PLANS DISCHARGE PETITION

Mr. FORAND said he would take the second step next week. This will be the filing of a petition to discharge the procedural resolution from the Rules Committee. If he gets 219 signatures on the petition, the bill will come to the floor.

Vice President NIXON did not participate in today's White House Conference. He is in Florida on a holiday.

An aid outlined his position to reporters today as follows:

The Vice President opposes any bill with compulsory features because it would lead to state medicine. He is against any form of state or socialized medicine.

But he thinks that attention should be given to the problem of elderly people subject to catastrophic types of illness and unable to buy insurance protection.

He has talked to Secretary Flemming on several occasions and has urged the Department to explore the problem thoroughly to see if it can devise a program with voluntary features and some governmental assistance without leading to the possible trap of socialized medicine.

[From the Grants Pass (Oreg.) Courier, Mar. 16, 1960]

BRIGHTER HORIZONS FOR THE AGED

It looks like the wage base on which social security withholdings are computed will rise to around $4,800 a year, in view of the attitude of not only the Democrats in Congress but the Republicans as well, who want to go along with broader aid for the aged as a matter of policy and politics.

And as the base goes up, it provides more money and Congress is aiming to provide more liberal social security payments in this an election year, the disabled will be eligible, according to many Congressmen's views, for disability payments at any age; the retired will be able to earn more annually and still draw social security checks; widows probably are due to get bigger pensions, probably a 10 percent hike; and medical aid for the aged is looming, albeit the AMA—American Medical Association—is kicking the proposal around hoping to find a proposal they can more readily countenance than the ones now in committee.

Doctors and some big insurance companies are opposing medical aid for older people, asserting it will lead to "socialized medicine and a full medical insurance program." Comes the retort by proponents of medical aid that social security was once feared on grounds it would kill off private pension plans, but it didn't. The doctors have great political weight, their organization, the American Medical Association, wields a powerpacked lobby big stick and so * * *.

The search is on for a compromise the doctors can support, or at least, not oppose. It is possible Congress won't get a bill over, unless it is able just to sort of get a foothold or toe-in-the-door idea that can later be used to pry open a full-blown plan for medical help for the old folks. At least it is the beginning of something long hoped for but not expected to materialize. Fact is, these issues have failed of publicity because they are so largely if not wholly, as of now, tied up in committee and consequently are being worked on quietly. But truth will out and so are machinations of the Congress on social security matters outing.

DOCTORS AND THE FORAND BILL

(Prepared by the AFL–CIO department of social security, Nelson H. Cruikshank, director, Jan. 2, 1960)

FOREWORD

In 1960 we shall be observing the 25th anniversary of social security in America.

We have made considerable progress since the days of the county poorhouse. This progress has been made despite the opposi-

tion from organized medicine to the original Social Security Act of 1935 and to subsequent major improvements.

Many public-spirited physicians have shared our regret that the voice of the medical profession has been raised so consistently with the voices of big business and the commercial insurance industry against each new form of social insurance, including the disability amendments of 1956, which have now gained general acceptance.

Today the most serious gap in our family security structure is the failure to provide payments for medical care for retired people and for families whose breadwinner has died. The Forand bill (H.R. 4700) would fill this gap.

There were congressional hearings on this bill in July 1959. Many prominent physicians, aware of the quarter-century successful operation of old-age and survivors insurance agreed with representatives of labor, professional, farmer, and welfare groups that this social security mechanism could be employed to meet the medical needs of retired people. Some of these doctors dared to speak out. They were not all in favor of the bill in its present form, and a number of them made valuable suggestions for ways of improving it. These were welcomed by Congressman FORAND and others who support the proposal.

Excerpts[1] from the statements of these men, all outstanding leaders in the medical profession, are contained in this leaflet. We, in labor, are indebted to these fine doctors for their support and their constructive suggestions.

James P. Dixon, Jr., M.D., commissioner of health, city of Philadelphia, 1952–59; board of directors, Hospital Council of Philadelphia, 1958–59; chairman, Program Area Committee on Medical Care, American Public Health Association, 1958; diplomate, American Board of Preventive Medicine:

"I am a director of the Hospital Council of Philadelphia and appear today on its behalf and specifically on behalf of its committee on government relations which, during the past 4 months, has been making an intensive study of the problem of financing hospital care of the needy in Pennsylvania.

"Unpaid care has become such a drain on the resources of our hospitals that the quality and the availability of hospital services are seriously threatened.

"There are currently about 250,000 people on social security in the five counties of southeastern Pennsylvania, and these people use about 36 percent of all free care given in the area's 58 hospitals. If these beneficiaries were covered by hospital insurance, a third of our free care deficits would be wiped out. State and local grants could then be applied to the remaining two-thirds, and hospitals would be financially able to devote a much larger portion of their income to improvement of services and the raising of wages.

"Under H.R. 4700, benefits would be paid to hospitals for OASDI recipients either directly from the social security trust fund, or indirectly through voluntary insurance plans.

"Such a system * * * would minimize pauperism by making a means test unnecessary for obtaining benefits; it would eliminate the need for any contribution after retirement; it would spread contributions over the individual's working lifetime; it would avoid increasing the costs of voluntary hospital insurance for the younger population because of the inclusion of aged persons; and it would appeal to State and local governments and their taxpayers, as it would tend to keep down the ever-increasing cost of health care under public assistance and State hospital aid programs.

"My experience * * * as a public health executive in the city of Philadelphia brings before me continuously problems of people who are unable to receive the kind and quantity of medical care that a physician practicing in the community would judge it would be necessary for them to receive."

Morris Brand, M.D., medical director, Sidney Hillman Health Center, New York, N.Y.; William S. Hoffman, M.D., medical director, Sidney Hillman Health Center of Chicago; Joseph A. Langbord, M.D., medical director, Sidney Hillman Medical Center of the Male Apparel Industry of Philadelphia; Julius Schwimmer, M.D., medical director, Amalgamated Laundry Workers Health Center of New York:

"The medical directors of the four health centers affiliated with the Amalgamated Clothing Workers of America and serving 110,000 members and spouses strongly recommend passage of the Forand bill.

"In our daily activities we are frequently confronted with the necessity of hospitalizing retired members and their spouses for surgical and nonsurgical conditions as ward cases in municipal and voluntary hospitals because they have not been able to afford hospital and surgical insurance coverage. We have cases on record to prove that retired members who have been advised to be hospitalized for such serious conditions as impending gangrene of the toes, acute thrombophlebitis of the lower extremities, and cancer of the colon were turned away by the hospitals to which we had referred the members. Such situations would not have occurred if these members had adequate personal funds or insurance coverage.

"We know of no adequate remedy for this gap in our medical coverage except an equitable system of national coverage, paid for by the worker during his years of peak earning power.

"In spite of the American Medical Association's official attitude, many physicians like ourselves support the principles of the Forand bill and want it passed."

Leo Price, M.D., Director, Union Health Center, International Ladies' Garment Workers' Union; diplomate, American Board of Preventive Medicine; member, Commission on Medical Care Plans, American Medical Association; associate clinical professor of industrial medicine, New York University:

"The Union Health Center in New York, owned and operated by the ILGWU, serves 140,000 workers in the metropolitan area, providing ambulatory care for them.

"As a rule, garment workers are not large wage earners. Our experience among our patients is that the majority earn between $2,500 to $3,500 a year because of the seasonal nature of the industry.

"Social security and union pensions are almost the sole sources of income for retired patients. Due to their low earnings in past years, their social security benefits do not reach the maximums and their union pensions are only $50 to $65 a month. Obviously, this is not enough to provide even the bare essentials of daily living, much less any additional cost for medical care. We have had evidence of their financial difficulties in medical problems by their inability to pay for low cost drugs at the center which are priced on a cost basis.

"Only a small number of people manage to carry hospitalization insurance on an individual basis after they have retired from the industry where it had previously been provided on a group insurance plan.

"Many patients are reluctant to go to municipal hospitals because of the charity atmosphere and the means test."

Frank F. Furstenberg, M.D., medical director, Sinai Hospital Outpatient Department 1951; director, Sinai Hospital Medical Care Clinic, 1947—administrative responsibility for the program of medical care for Baltimore's public relief clients assigned to Sinai; physician, Allergy Clinic, Johns Hopkins Hospital, 1939; instructor, medicine, Johns Hopkins School of Medicine, 1939; fellow, American Academy of Allergy and American Public Health Association:

"In my function as medical director of an outpatient department we see OASDI beneficiaries when they cannot get adequate medical care. I would like you to take the necessary steps to add outpatient service and comprehensive care for the beneficiaries so that the need for hospitalization will be minimized and the patient will be given preventive diagnostic service outside the hospital.

"Much depends on the rate at which you get medical care. If someone comes to an outpatient department or to a hospital emergency room and is in cardiac failure and needs to be hospitalized right away, there are no questions asked.

"But suppose the person comes with hypertension and incipient failure, and it looks as though he needs medical care but he is a transient and there is a question of indigency. There are many hospitals that will not take care of such patients until they establish eligibility, go through a means test so that the hospital can collect.

"It does not seem fair to me that OASI beneficiaries should have to be pauperized in order to get medical care or that they should have to undergo a means test to obtain medical care."

Caldwell B. Esselstyn, M.D., founder and medical director, Rip Van Winkle Clinic, Hudson, N.Y.; diplomate, American Board of Surgery; fellow, American Geriatrics Society; associate in surgery and special lecturer in preventive medicine and public health, Albany Medical College, 1950; vice president, Group Health Association of America; fellow, American Public Health Association:

"No voluntary insurance plan of any sort can create the necessary resources to provide adequate coverage for this older age group. It is just a question of trying to get blood out of a stone.

"Recently * * * I had an experience with a patient who left the hospital. He was insured under the Continental Casualty program of over 65. His hospital stay over and above what he was allowed through his insurance cost him $538.

"I think this is a very representative case of the kind of things that happen with the best there is in the over 65 policies that are being made available today.

"It is * * * gratifying to see the Federal social security system used as a solution to the problem of more adequate health care for the aged, as proposed in H.R. 4700.

"Representative FORAND has very kindly invited criticism of his bill, and within the spirit of this invitation, I would like to offer * * * suggestions:

"I think that the final draft of this bill must provide for ambulatory diagnostic care in nonprofit institutions.

"It should be passed complete with built-in standards and quality controls.

"The last suggestion I have to make is that certain sums of money be set aside to support and document the experience of programs demonstrating various methods of providing comprehensive care for older people.

"I think the method of remuneration of doctors, the way they are organized, has very little to do with the doctor-patient relationship.

"If the driving force of a doctor is his interest in people, it is not going to be

[1] The full text of the statements of the physicians cited here can be found in "Hospital, Nursing Home, and Surgical Benefits for OASI Beneficaries," hearings before the Committee on Ways and Means, House of Representatives, 86th Cong., 1st sess., on H.R. 4700, July 13 through July 17, 1959, Government Printing Office, Washington, D.C.

affected by the method of payment of the organization under which the care is provided.

"I feel very strongly that this bill would not control medical practice. It would make medical practice as the doctor wants to practice it more available."

Franz Goldmann, M.D., director, health services coordination study, Council of Jewish Federations and Welfare Funds, Inc.; associate professor emeritus, Harvard University school of public health; diplomate, American Board of Preventive Medicine; fellow, American College of Preventive Medicine:

"To look forward, one must believe in old age. If the ideal of growing old gracefully is to become a reality, if the concept of equal opportunity is to be translated into a practical plan, then individual effort must be combined with social action directed toward development of as comprehensive a health program as can be devised on the basis of present scientific knowledge and technical skill.

"To consider solely the frequency of insurance among senior citizens is to disregard the maxim 'thou shalt not worship numbers.' What counts most is the type, scope, and period of benefits covered. Senior citizens, more than any other age group, need home care by physicians, nurses and other personnel, medical and nursing services in the institution for long-term care, and drugs and appliances—benefits rarely, if at all, included in contracts—and they require full coverage of hospital care and professional services in the hospital for a much longer period than is offered by most plans at present.

"Inclusion of health benefits in OASI would be of limited value if the pattern of benefits set by most of the voluntary plans were followed and it would be open to serious question if the emphasis were placed on payment of medical bills rather than on maintenance of high standards of service. These dangers can be avoided, though.

"The bill under consideration (H.R. 4700) has three noteworthy merits: (1) It provides for service benefits, thereby affording very much better protection than that offered to the majority of the persons carrying voluntary insurance; (2) it covers the full costs of hospital service for a period of 60 days, in contrast to the large number of voluntary plans terminating full benefits after about 30 days; (3) it includes nursing home services following hospitalization for a combined total of 120 days, thereby filling a serious gap in the benefits provided by the vast majority of all voluntary plans.

"The bill is deficient in that it calls for coverage of surgical service only, whereas elderly people need nonsurgical services as much, if not more."

George Baehr, M.D., special medical consultant, Health Insurance Plan of Greater New York; member, Board of Hospitals, City of New York; president and medical director, Health Insurance Plan of Greater New York, 1950–57; trustee, New York Academy of Medicine; president, New York Academy of Medicine, 1945–49; chairman, Public Health Council, State of New York, 1955; director of clinical research, Columbia University, 1944–50:

"I am consultant to, and previously president and medical director of, the Health Insurance Plan of Greater New York, which is responsible for virtually the total personal health services of 550,000 people in New York City.

"Most nonprofit health insurance plans such as * * * the Health Insurance Plan of Greater New York * * * have always permitted insured persons to continue their coverage with undiminished benefits after retirement.

"But $90 a year even for virtually total medical and surgical care for a two-person family without any extra doctors' bills at the time of illness seems to be too much to pay out of their small retirement income, especially since they must also carry the full cost of Blue Cross hospital insurance, which virtually doubles the cost.

"Only about one-third convert to individual insurance on retiring and many of these find it impossible to continue to pay the premiums after a year or two. They drop out just when they enter the years of greatest medical need. As a result, slightly less than 4 percent of HIP's 550,000 insurees are 65 years or over, whereas people of this age group constitute 9.1 percent of New York City's population. This clearly demonstrates that the privilege of converting health insurance to an individual contract after retirement will not solve the problem, even though the benefits are continued in full measure and the annual premium rate is almost the same as the group rate.

"Only through the social security mechanism can people of moderate means prepay in advance during their years of employment those high costs of hospital and nursing home care to which most people are exposed in their old age."

[From the Machinist, Mar. 24, 1960]

HOW THEY CARE FOR THEIR AGED

When the House Ways and Means Committee meets this week to consider the Forand bill to provide health care to the aged, the committee will have before it some startling evidence showing that the United States is one of the few major nations of the world without such a program. The evidence, published in a recent issue of the U.S. Government's Social Security Bulletin, was compiled by Daniel S. Greig and Carl H. Farman. This week, Ray Henry, the Associated Press social security columnist, brought the evidence to the attention of millions of newspaper readers. Here's a digest:

The United States is one of the world's few major countries without a government medical-care program for retired people collecting social security payments.

So if Congress adds such a program to social security this year—a move now being seriously considered—it won't be doing something startlingly new.

In fact, this country would be the 34th which furnishes protection against the costs of sickness to retired.

The methods the 33 countries use in providing the care vary widely, as do the methods of financing it and the types of care provided. But these general statements can be made:

The protection is usually provided to pensioners as part of a government sickness insurance or health services program which also covers employed persons.

The benefits usually include general practitioner care and sometimes specialist care, hospitalization, essential medicines, some laboratory services, and dental treatment.

The countries use four broad methods of financing the care:

1. Twelve countries require workers to contribute to sickness insurance programs which cover them both while they are working and after they retire, but no contributions need be paid after retirement.

2. Six countries provide sickness insurance coverage which requires workers to contribute both before and after they retire, but the retirement contributions usually are only a small percentage of their social security payments.

3. Four countries allow pensioners to decide for themselves whether they want medical care under the public sickness insurance program. All require contributions if pensioners ask for coverage.

4. Eight countries cover all residents—including those receiving retirement payments—under comprehensive medical-care programs. The majority of the countries finance their programs from general tax revenues.

Three countries, Canada, Ireland, and Japan, have medical-care programs covering old-age pensioners which use variations of the financing methods named.

[From the Washington Post, Mar. 24, 1960]

HEALTH AND OLD AGE

There is a distressing lack of sensibility and imagination in the administration's failure to propose some system of health insurance for the aged. The Secretary of Health, Education, and Welfare, supported by Vice President NIXON, is said to have tried zealously to win Presidential approval for an alternative to the comprehensive bill introduced by Representative AIME J. FORAND which would finance medical and hospital care for retired persons through increased social security taxes. But the President is reported to be adamantly opposed to the Forand bill, or any other insurance plan, on the ground that it would amount to socialized medicine. This bogus label applied by the propagandists of the American Medical Association to any form of prepayment for medical care is plain nonsense. It is especially dismaying to find President Eisenhower narcotized by it.

Old age is the time of life when, generally, income is lowest and potential and actual illness is at its highest. Why should it be called socialistic for Americans to provide for the health hazards of their retirement years by paying insurance premiums through taxation during their wage-earning years? This is not socialism; it is simple commonsense. It is a practical scheme for enabling citizens to face old age with confidence and self-respect—to know that they need not depend upon the charity of doctors and hospitals for whatever medical care they may require. This is no more socialistic than any other form of social security.

Apart from the obvious interest of the aged themselves in providing for the future, there is a no less obvious national interest in seeing them provided for. Senator MCNAMARA's Subcommittee on Problems of the Aged and Aging offers some interesting statistics. In 15 years, it reports, the over-65 age group will increase from the current 16 million to 22 million; currently, moreover, 1 out of every 3 persons between the ages of 60 and 64 has apparent or close relative in his eighties or older—the medical care of whom represents a serious drain on income.

Insured medical care for the aged will mean more hospitals, more remuneration for physicians, better health for the Nation as a whole. Failure to see this is a failure of responsibility. What a tragedy that the AMA's myopia and callousness should have infected even the President.

[From the New York Times, Mar. 24, 1960]

COMPULSORY PLAN FOR AGED OPPOSED—ADMINISTRATION IS UNITED, FLEMMING TELLS PANEL—EXPLORATION PLEDGED

(By John D. Morris)

WASHINGTON, March 23.—The Secretary of Health, Education, and Welfare told Congress today that the administration was united in its opposition to any form of compulsory health insurance for the aged.

The Secretary, Arthur S. Flemming, promised speedy explorations of possible alternatives but declined to say when recommendations might be ready.

Mr. Flemming testified at a closed session of the House Ways and Means Committee. He later made public his prepared statement and answered reporters' questions.

The Cabinet officer, adhering strictly to the Eisenhower team's rules of conduct, refused to discuss the difficulties he had met in seeking Presidential backing of an alternative program.

SUPPORT WITHHELD

At a White House conference yesterday he outlined his ideas for a subsidized system of voluntary health insurance for elderly persons with low incomes. President Eisenhower sided with Republican congressional leaders in withholding his support, at least for now.

Nevertheless, Mr. Flemming said on leaving the committee room, "I am pursuing this approach just as vigorously as possible.

"All the administration has endorsed is the exploration," he said.

The Secretary's testimony against any form of compulsory insurance was directed particularly at a bill sponsored by Representative AIME J. FORAND, Democrat, of Rhode Island. The measure would increase social security taxes to provide hospital and surgical care for beneficiaries under the old-age, survivors, and disability insurance system.

Mr. Flemming recommended other amendments to the Social Security Act, including disability benefits regardless of age and coverage of self-employed physicians.

PROPOSALS WERE CLEARED

All the proposed changes were cleared with the Republican leaders at yesterday's White House conference. Several others recommended by the Secretary were ruled "controversial" by the leaders. They consequently were not submitted to the committee today.

The committee is considering the Forand bill among proposals for social security revisions. The panel is expected to approve a number of liberalizing changes in the program, but a heavy majority is opposed to the Forand plan.

Mr. FORAND interpreted Mr. Flemming's testimony on the health insurance question as evidence of a sharp difference of opinion within the administration. He said the Secretary's statements amounted to "sweeping health insurance under the rug, at least for the balance of this session."

Secretary Flemming declined to say whether a disagreement existed in the administration or whether he had been hopeful of White House backing for his voluntary plan as recently as last week.

The Flemming proposal, as outlined by an aide, is for an insurance program financed largely by Federal and State appropriations based on the insured person's ability to pay.

Mr. Flemming told the committee that the administration had decided it was necessary to "explore further some complex issues" before devising "principles of a practical program."

He cited "the question of whether State governments, aided by the Federal Government, could provide the difference between the amount paid by the policyholders in the low-income groups and the actual cost of the policy."

"In the effort to arrive at sound conclusions," he said, "it will be necessary for us to begin immediately to consult further with experts in Government, with outside experts and groups and with State officials.

"It is, of course, not possible to predict the length of time that it will take for these consultations."

He assured the committee, however, that the explorations "will be carried forward with maximum speed."

In recommending extension of disability benefits to everyone covered by the social security insurance system, Mr. Flemming estimated that 125,000 of their dependents were now barred by the law's limitation. The law restricts eligibility to insured workers over 50 years of age.

H.R. 4700

A bill to amend the Social Security Act and the Internal Revenue Code so as to provide insurance against the costs of hospital, nursing home, and surgical service for persons eligible for old-age and survivors insurance benefits, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1959".

TITLE I—AMENDMENTS TO TITLE II OF THE SOCIAL SECURITY ACT

SEC. 101. (a) Title II of the Social Security Act is amended by adding after section 225 the following new section:

"Hospitalization, nursing and surgical insurance

"Eligibility for Insurance

"SEC. 226. (a)(1) The cost of hospital or nursing home services furnished to any individual during any month for which he is entitled to monthly benefits under section 202 (whether or not such benefits are actually paid to him) or is deemed entitled to such benefits under the provisions of paragraph 2, or the cost of such services furnished to him during the month of his death where he ceases to be entitled by reason of his death, and the cost of surgical services which are not of an elective nature, shall, subject to the provisions of this section, be paid from the Federal Old-Age and Survivors Insurance Trust Fund to the hospital, physician, and nursing home which furnished him the services. Services to be paid for in accordance with the provisions of this section include only services provided in the United States.

"(2) For purposes of this section, (A) any individual who would upon filing application therefor, be entitled to monthly benefits for any month under section 202 shall, if he files application under this section within the time limits prescribed in section 202(j) be deemed, for purposes of this section only, to be entitled to benefits for such month, (B) such individual shall, whether or not he files application under this section, be deemed to be entitled to benefits under section 202 for such month for purposes of determining whether the wife, husband, or child of such individual comes within the provisions of clause (A) hereof, and (C) any individual shall, for purposes of this section, be deemed entitled to benefits under section 202 if such individual could have been deemed under clauses (A) or (B) of this paragraph to have been so entitled had he not died during such month.

"(3) For purposes of paragraph (2), an individual's application under this section may, subject to regulations, be filed (whether such individual is legally competent or incompetent) by any relative or other person, including the hospital, physician, or nursing home furnishing the hospital, surgical, and nursing home services and, after such individual's death, his estate.

"(4) Payments may be made for hospital services furnished under this section to an individual during his first sixty days of hospitalization in a twelve-month period that begins with the first day of the first month in which the individual received hospital services for which a payment is made under this section, and during his first sixty days of hospitalization in each succeeding twelve-month period; and for nursing home services furnished under this section to an individual if the individual is transferred to the nursing home from the hospital, and if the services are for an illness or condition associated with that for which he received hospital services: *Provided,* That the number of days of nursing home services for which payments may be made shall, in any twelve-month period as described above, not exceed one hundred and twenty less the number of days of hospital services (in the same twelve-month period) for which payments are made under this section.

"(5) The provisions of section 205 relating to the making and review of determinations shall be applicable to determinations as to whether the costs of hospital, nursing home, and surgical services furnished an individual may be paid for out of the Federal Old-Age and Survivors Insurance Trust Fund under this subsection, and the amount of such payment.

"Description of Hospital, Nursing Home, and Surgical Services

"(b)(1) For purposes of this section, the term 'hospital services' means the following services, drugs, and appliances furnished by a hospital to any individual as a bed patient: bed and board and such nursing services, laboratory services, ambulance services, use of operating room, staff services, and other services, drugs, and appliances as are customarily furnished by such hospital to its bed patients either through its own employees or through persons with whom it has made arrangements for such services, drugs, or appliances; the term 'hospital services' includes such medical care as is generally furnished by hospitals as an essential part of hospital care for bed patients; such term shall include care in hospitals described in paragraph (1) of subsection (d); such term shall not include care in any tuberculosis or mental hospital.

"(2) The term 'nursing home services' means skilled nursing care, related medical and personal services, and accompanying bed and board furnished by a facility which is equipped to provide such services, and (A) which is operated in connection with a hospital, or (B) in which such skilled nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

"(3) The term 'surgical services' means surgical procedures (other than elective surgery) provided in a hospital, or in case of an emergency or for minor surgery, provided in the outpatient department of a hospital or in a doctor's office. Surgical services may include oral surgery when provided in a hospital. The term 'elective surgery' means surgery that is requested by the patient, but which in the opinion of cognizant medical authority is not medically required.

"Free Choice by Patient

"(c)(1) Any individual referred to in paragraphs (1) and (2) of subsection (a) may obtain the hospital or nursing home services for which payment to the hospital or nursing home is provided by this section from any hospital or nursing home which has entered into an agreement under this section, which admits such individual and to which such individual has been referred by a physician or (in the case of hospital or nursing home services furnished in conjunction with oral surgery) dentist licensed by the State in which such individual resides or the hospital or nursing home is located, upon a determination by the physician or dentist that hospitalization or nursing home care for such individual is medically necessary; except that such referral shall not be required in an emergency situation which makes such a requirement impractical.

"(2) Any individual referred to in paragraph (1) and (2) of subsection (a) may,

with respect to the surgical services for which payment is provided by this section, freely select the surgeon of his choice, provided that the surgeon is certified by the American Board of Surgery or by another of the American medical specialty boards in a surgical specialty field, or is a fellow of the American College of Surgeons or has been appointed to the attending surgical staff of a hospital accredited by the Joint Commission on Accreditation of Hospitals except that such specification shall not be required in cases of emergency where the life of the patient would be endangered by any delay or in such other classes of cases where these specifications are not deemed practicable by the Secretary after consultation with the Advisory Council, and except that, in the case of oral surgery, such individual may select a duly licensed dentist.

"(3) Regulations under this section shall provide for payments (in such amounts and upon such conditions as may be prescribed in such regulations) to (A) hospitals for hospital services rendered in emergency situations to individuals referred to in paragraphs (1) and (2) of subsection (a) by hospitals which have not entered into an agreement under this section, and (B) physicians for surgical services rendered by physicians not certified by the American Board of Surgery or not members of the American College of Surgery.

"Agreement With Hospitals, Nursing Homes and Providers of Surgical Services

"(d)(1) Any institution (other than a tuberculosis or mental hospital) shall be eligible to enter into an agreement for payment from the Federal Old-Age and Survivors Insurance Trust Fund of the cost of hospital or nursing home services furnished to individuals referred to in paragraphs (1) and (2) of subsection (a) if it is licensed as a hospital or nursing home pursuant to the law of the State in which it is located.

"(2) Each agreement with a hospital under this section shall cover all hospital services included under subsection (b) (which services shall be listed in the agreement), shall provide that such services shall be furnished in semiprivate accommodations if available unless other accommodations are required for medical reasons, or are occupied at the request of the patient, shall be made upon such other terms and conditions as are consistent with the efficient and economical administration of this section, and shall continue in force for such period and be terminable upon such notice as may be agreed upon.

"(3) An agreement with a hospital or nursing home under this section shall provide for payment, under the conditions and to the extent provided in this section, of the cost of hospital and nursing home services which are furnished individuals referred to in paragraphs (1) and (2) of subsection (a) provided that no such payment shall be made for services for which the hospital or nursing home has already been paid (excluding payments by such individuals for which reimbursement to them by the hospital has been assured); but no such agreement shall provide for payment with respect to hospital or nursing home services furnished to an individual unless the hospital or nursing home obtains written certification by the physician (if any) who referred him pursuant to subsection (c) that his hospitalization or care in the nursing home was medically necessary and, with respect to any period during which such services were furnished, written certification by such individual's attending physician during that period that such services were medically necessary. The amount of the payments under any such agreement shall be determined on the basis of the reasonable cost incurred by the hospital or nursing home for all bed patients, or, when use of such a basis is impractical for the hospital or nursing home or inequitable to the institution or the Federal Old-Age and Survivors Insurance Trust Fund, on a reasonable equivalent basis which takes account of pertinent factors with respect to services furnished to individuals referred to in paragraphs (1) and (2) of subsection (a). Any such agreement shall preclude the hospital or nursing home with which the agreement is made from requiring payments from individuals for services, payment of the cost of which is provided by this section, after it has been notified that the cost of such services is payable from the Federal Old-Age and Survivors Insurance Trust Fund, except that it may require payments from such individuals for the additional cost of accommodations occupied by them at their request which are more expensive than semiprivate accomodations.

"(4) Except as provided by regulation, no agreement may provide for payments (A) to any Federal hospital, or to any other hospital for hospital services which is obligated by contract with the United States (other than an agreement under this section) to furnish at the expense of the United States, or (B) to any hospital for hospital services which it is required by law or obligated by contract with a State or subdivision thereof to furnish at public expense except where the eligibility of the individual for such services is determined by application of a means test.

"(5) No supervision or control over the details of administration or operation, or over the selection, tenure, or compensation of personnel, shall be exercised under the authority of this section over any hospital or nursing home which has entered into an agreement under this section.

"(6) Agreements under this subsection shall be made with the hospital or nursing home providing the services, but this paragraph shall not preclude representation of such institution by any individual, association, or organization authorized by the institution to act on its behalf.

"(7) The Secretary shall enter into agreements with qualified providers of surgical services as defined in paragraph (2) of subsection (c). Such agreements shall stipulate that the rates of payment agreed on shall constitute full payment for these services. Such agreements may be made with any qualified individual, or with any association or organization authorized by the surgeons, dentists, or physicians to act in their behalf.

"(8) Nothing in such agreements or in this Act shall be construed to give the Secretary supervision or control over the practice of medicine or the manner in which medical services are provided.

"(9) Except to the extent the Secretary has made provision pursuant to subsection (h) for the making of payments to hospitals and nursing homes by a private nonprofit organization or for the making of payments to physicians, dentists, and surgeons by their designated representatives, he shall from time to time determine the amount to be paid to such provider of service under an agreement with respect to services furnished, and shall certify such amount to the Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund, except that such amount shall, prior to certification, be reduced or increased, as the case may be, by any sum by which the Secretary finds that the amount paid to the provider of services for any prior period was greater or less than the amount which should have been paid to it for such period. The Managing Trustee prior to audit or settlement by the General Accounting Office, shall make payment from the Federal Old-Age and Survivors Insurance Trust Fund, at the time or times fixed by the Secretary, in accordance with such certification.

"Nondisclosure of Information

"(e) Information concerning an individual, obtained from him or from any physician, dentist, nurse, hospital, nursing home, or other person pursuant to or as a result of the administration of this section, shall be held confidential (except for statistical purposes) and shall not be disclosed or be open to public inspection in any matter revealing the identity of the individual or other person from whom the information was obtained or to whom the information pertains, except as may be necessary for the proper administration of this section. Any person who shall violate any provision of this subsection shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

"Medical and Hospital Services Under Workmen's Compensation

"(f) The provisions of subsection (a) shall not be applicable to any services which an individual required by reason of any injury, disease, or disability on account of which such services are being received or the cost thereof paid for, or upon application therefor would be received or paid for, under a workmen's compensation law or plan of the United States or of any State, unless equitable reimbursement to the Federal Old-Age and Survivors Insurance Fund for the payments hereunder with respect to such services have been made or assured pursuant to agreements or working arrangements negotiated between the Secretary and the appropriate public agency. Notwithstanding the above sentence, if (1) the individual's entitlement to receive such services (or to have the cost thereof paid for) under such a workmen's compensation law or plan is in doubt when such services are required, (2) the cost of such services is otherwise payable from the Federal Old-Age and Survivors Insurance Trust Fund pursuant to this section, and (3) the individual makes an appropriate application under such workmen's compensation law or plan and agrees, in the event that he is subsequently determined to be entitled to receive such services (or to have the cost thereof paid for) under such law, to reimburse the Federal Old-Age and Survivors Insurance Trust Fund in the amount of any loss it might suffer through its payment for such services, then the cost of such services may be paid from such Trust Fund in accordance with this section. In any case in which the cost of services is paid from the Federal Old-Age and Survivors Insurance Trust Fund pursuant to the immediately preceding sentence, or is paid from such Trust Fund with respect to any such injury, disease, or disability for which no reimbursement to such Trust Fund has been made or assured pursuant to the first sentence of this subsection, the United States shall, unless not permitted under the law of the applicable State (other than the District of Columbia) be subrogated to all rights of such individual, or of the provider of services to which payments under this section with respect to such services are made, to be paid or reimbursed pursuant to such workmen's compensation law or plan for such payments. All amounts recovered pursuant to this subsection shall be deposited in the Treasury of the United States to the credit of the Federal Old-Age and Survivors Insurance Trust Fund.

"Regulations and Functions of Advisory Council

"(g) All regulations specifically authorized by this section shall be prescribed by the Secretary. In administering this section, the Secretary shall consult with a National Advisory Health Council consisting of the Commissioner of Social Security, who shall

serve as Chairman ex officio, and eight members appointed by the Secretary. Four of the eight appointed members shall be persons who are outstanding in fields pertaining to hospitals and health activities, and the other four members shall be appointed to represent the consumers of hospital, nursing home, and surgical services, and shall be persons familiar with the need for such services by eligible groups. Each appointed member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as described by the Secretary at the time of appointment, two at the end of the first year, two at the end of the second year, two at the end of the third year, and two at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms but shall be eligible for reappointment if he has not served immediately preceding his reappointment. The Council is authorized to appoint such special advisory and technical committees as may be useful in carrying out its functions. Appointed Council members and members of advisory or technical committees, while serving on business of the Council, shall receive compensation at rates fixed by the Secretary, but not exceeding $50 per day, and shall also be entitled to receive an allowance for actual and necessary travel, and subsistence expenses while so serving away from their places of residence. The Council shall meet as frequently as the Secretary deems necessary, but not less than once each year. Upon request by three or more members it shall be the duty of the Secretary to call a meeting of the Council.

"Utilization of Private Nonprofit Organizations

"(h) (1) The Secretary may utilize, to the extent provided herein, the services of private nonprofit organizations exempt from Federal income taxation under section 501 of the Internal Revenue Code which (A) represent qualified providers of hospital, nursing home, or surgical services, or (B) operate voluntary insurance plans under which agreements, similar to those provided for under subsection (d), are made with hospitals, nursing homes, and physicians for defraying the cost of services. Such organizations shall be utilized by the Secretary to the extent that he can make satisfactory agreements with them and to the extent he determines that such utilization will contribute to the effective and economical administration of this section. Such agreements shall not delegate (A) his functions relating to determinations as to whether the costs of hospital, nursing home, and surgical services furnished an individual may be paid for out of the Federal Old-Age and Survivors Insurance Trust Fund under this section and the amount of such payment, and (B) his functions relating to the making of regulations.

"(2) An agreement under paragraph (1) shall provide for payment from the Federal Old-Age and Survivors Insurance Trust Fund to the organization of the amounts paid out by such organization to hospitals, nursing homes, physicians, and dentists, under this section and of the cost of administration determined by the Secretary to be necessary and proper for carrying out such organization's functions under its agreement pursuant to this subsection. Such payments to any organization shall be made either in advance on the basis of estimates by the Secretary or as reimbursement, as may be agreed upon by the organization and the Secretary, and adjustments may be made in subsequent payments on account of overpayments or underpayments previously made to the organization under this subsection. Such payments shall be made by the Managing Trustee of the Trust Fund on certification by the Secretary and at such time or times as the Secretary may specify and shall be made prior to audit or settlement by the General Accounting Office.

"(3) An agreement under paragraph (1) with any organization may require any of its officers or employees certifying payments or disbursing funds pursuant to the agreement, or otherwise participating in its performance, to give surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from the Federal Old-Age and Survivors Insurance Trust Fund.

"Certifying and Disbursing Officers

"(i) (1) No individual designated by the Secretary pursuant to an agreement under this section, as a certifying officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payments certified by him under this section.

"(2) No disbursing officer shall, in the absence of gross negligence or intend to defraud the United States, be liable with respect to any payment by him under this section if it was based upon a voucher signed by a certifying officer designated as provided in paragraph (1).

"Adjustments in Cash Benefits

"(j) For purposes of section 204, any payment under this section to any hospital, nursing home, physician, or dentist, with respect to hospital, nursing home, or surgical services furnished an individual shall be regarded as a payment to such individual."

(b) The amendments made by subsection (a) shall be effective on the first day of the 12th calendar month after the month in which this act is enacted.

(c) Notwithstanding the provisions of section 226(a)(2) of the Social Security Act, as amended by this act, and subsection (b) of this section, applications filed under such section 226 which would otherwise be valid shall, subject to regulations of the Secretary, be considered valid even though filed more than 3 months prior to the effective date of this act, but not if filed prior to the first day of the 4th calendar month after the month in which this act is enacted.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

Changes in tax schedules

Self-Employment Income Tax

SEC. 201. (a) Section 1401 of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income) is amended to read as follows:

"SEC. 1401. RATE OF TAX.

"In addition to other taxes, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax as follows:

"(1) in the case of any taxable year beginning after December 31, 1958, and before January 1, 1960, the tax shall be equal to 3¾ percent of the amount of the self-employment income for such taxable year;

"(2) in the case of any taxable year beginning after December 31, 1959, and before January 1, 1963, the tax shall be equal to 4⅞ percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1962, and before January 1, 1966, the tax shall be equal to 5⅝ percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1965, and before January 1, 1969, the tax shall be equal to 6⅜ percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 1968, the tax shall be equal to 7⅛ percent of the amount of the self-employment income for such taxable year."

Tax on Employees

(b) Section 3101 of such Code (relating to rate of tax on employees under the Federal Insurance Contributions Act) is amended to read as follows:

"SEC. 3101. RATE OF TAX.

"In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages received during the calendar year 1959, the rate shall be 2½ percent;

"(2) with respect to wages received during the calendar years 1960 to 1962, both inclusive, the rate shall be 3¼ percent;

"(3) with respect to wages received during the calendar years 1963 to 1965, both inclusive, the rate shall be 3¾ percent;

"(4) with respect to wages received during the calendar years 1966 to 1968, both inclusive, the rate shall be 4¼ percent; and

"(5) with respect to wages received after December 31, 1968, the rate shall be 4¾ percent."

Tax on Employers

(c) Section 3111 of such Code (relating to rate of tax on employers under the Federal Insurance Contributions Act) is amended to read as follows:

"SEC. 3111. RATE OF TAX.

"In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages paid during the calendar year 1959, the rate shall be 2½ percent;

"(2) with respect to wages paid during the calendar years 1960 to 1962, both inclusive, the rate shall be 3¼ percent;

"(3) with respect to wages paid during the calendar years 1963 to 1965, both inclusive, the rate shall be 3¾ percent;

"(4) with respect to wages paid during the calendar years 1966 to 1968, both inclusive, the rate shall be 4¼ percent; and

"(5) with respect to wages paid after December 31, 1968, the rate shall be 4¾ percent."

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield.

Mr. CURTIS of Missouri. The gentleman you refer to, Dr. McLean, never practiced medicine.

Mr. PORTER. I have no knowledge of that. I do know that the man has been very much concerned with specific medical needs. He knows about insurance programs. I am sure that he speaks with authority on this subject.

Mr. CURTIS of Missouri. I was not doubting that, but the point was it was placed in the RECORD that the doctor was a practicing physician. He is not. I may say that the gentleman involved is very ill. I think that is also in the CONGRESSIONAL RECORD.

Mr. PORTER. You think the gentleman did not know what he was saying because he was so ill?

Mr. CURTIS of Missouri. Yes. I think there is real danger, that was the case.

Mr. PORTER. I want to read what the gentleman said.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Pennsylvania.

Mr. HOLLAND. It may be that some of the doctors are ill through overwork.

Mr. PORTER. I think it is true that many doctors are, because their practice kept them so busy that they did not have a chance to study these matters in the way Dr. McLean has had a chance to do. I am going to read his statement.

I have letters from other doctors. I have many instigated or form letters from doctors against this bill. I find usually that the doctor who supports the bill has sat down and thought it out and expressed himself very well.

Mr. Speaker, I will be glad now to yield to the gentleman from Pennsylvania.

Mr. HOLLAND. Mr. Speaker, I want to join my colleague and commend him for making a very fine presentation of a need for health insurance for elderly citizens.

It seems strange that the President of the United States who might be said to be the No. 1 recipient of socialized medicine in the United States, aims a statement against the Forand bill. The President, since the day he entered West Point, has never had to buy an aspirin tablet. He has received free hospitalization, free medical attention, free physician's attention. The only restriction on him was to contribute the $1.56 to the Army for subsistence during this period of time. He is on a pension, but he still enjoys all these things; his wife enjoys them; his son Major Eisenhower enjoys them; his daughter-in-law enjoys them; his three grandchildren enjoy them. All these enjoy free hospitalization and free medical care; and I say to you it is a disgrace to see 15 million elderly people in America who are trying to live on a small amount of money, who cannot enjoy the health insurance they are willing to pay for through the social security system.

In addition to that I might say we are making beggars of these people. We send them back home and tell them if they can prove before a board that their income is not enough we will get you free hospitalization through the State; and the State then pays the cost of the hospitalization that they should be able to have through a Government hospitalization policy.

I hope these 15 million people become interested.

I might add that in my district we have an organization of over 3,000 pensioners who are actively interested and working supporting the Forand bill. I have been told today that this same type of movement exists throughout the United States. I hope the politicians soon realize what they owe these 15 million elderly citizens of America who have made this country great through their toil in the past.

Mr. PORTER. I thank the gentleman for his statement.

Mr. ALFORD. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield.

Mr. ALFORD. I would like to ask the gentleman if he has any idea of the cost of this type of program?

Mr. PORTER. The overall cost?

Mr. ALFORD. The overall cost, the total cost.

Mr. PORTER. The overall cost, of course, comes out of the deductions from the wage earners just as social security benefits does.

Mr. ALFORD. Does the gentleman know there would be abuses, that individuals who might be extremely wealthy would benefit from this as well as those whom we feel should benefit from it? Is that not inherent in this type of legislation?

Mr. PORTER. I agree that could happen just as it happens under social security. There are many wealthy individuals receiving benefits whether or not they need them. It is an insurance program, not a welfare program. But there are many elderly people who do need it and who will need it. We must meet the need where the need exists.

Mr. ALFORD. I might say to the gentleman that, as physicians, all of us recognize the needs of all individuals and I would like to submit to the gentleman not just those individuals who are 62 or 65 years of age, or over, so far as medical care is concerned in many instances. I can say that personally as an individual having been on the front, as it were relative to this, I have never refused anyone assistance because of financial condition so far as their entitlement to medical care was concerned.

But the cost of this program is not known, I submit to the gentleman, although it has been estimated to be between $1 billion-some odd up to perhaps $3 billion or more. There is adequate evidence everywhere that looking to the Government for a paternal type of care is not the answer to all of our problems. I would like also to submit to the gentleman that in World War II there are actual statistics to show that many, many, in fact, close to a majority, of the turndowns, as it were, because of physical disability were not due to disease or the lack of medical treatment but due to malnutrition.

I would like to submit to the gentleman, does he advocate that the grocery store owners of this country and the merchants of this country supply the necessary food, or that the real estate industry of this country then be called upon to do this, or is it the gentleman's position that we will go all the way to the Government for everything we get in this world?

Mr. PORTER. No. I would like to answer the gentleman's question and comment on some of his other remarks. The Government does for its people what the people cannot do for themselves, to the extent we feasibly do so. We have had a social security system now for a number of years. I know of no bills pending to do away with it, I know of no planks in anyone's political platform to do away with our social security system. This is an extension of a tried and true system. It is a way to spread the cost, the actuarial cost, over the working years when people can afford to make the contribution so that they will be protected in their old age. You ask, do I advocate that everybody should be fed? Yes, I do, although there are ways this is being done now. I do advocate that we should recognize a thing through an established system. I want to add that the need for something to be done for our aged in regard to their catastrophic expense is not an issue between the administration and those of us in our party who would like to see the Forand bill or something like it enacted. It has been admitted by Secretary Flemming. There is a need for something to be done. The question is, What can be done? We say make use of the social security system, which is no longer controversial. It has worked wonders. We advocate extending it so far as it is feasible, and we think it is feasible to extend it.

Mr. ALFORD. May I say to the gentleman that I agree that a need is present. What we are saying, in effect, as far as my position is concerned, is, We do not always look to the social security type of program.

Mr. PORTER. If the gentleman has an alternative I would like to hear it.

Mr. ALFORD. The gentleman does recognize that those individuals who are of social security age at the present time would not have paid anything into the program?

Mr. PORTER. I recognize that.

Mr. ALFORD. As it would be instituted. It seeems to me there would be a great inequity there.

Mr. PORTER. The gentleman would like to propose an amendment to take them out?

Mr. ALFORD. I would like to ask the gentleman this question: Does he believe that the free choice of physicians and medical facilities and the type of institution in which we recognize the American way would be maintained under this type of a system?

Mr. PORTER. Has the gentleman read the bill?

Mr. ALFORD. I have.

Mr. PORTER. There is a free choice.

Mr. ALFORD. The gentleman must realize, if he has studied the bill, that the alleged free choice in this bill is a misnomer. There is no choice whether or not you want this compulsory health insurance, or whether you do not.

Mr. PORTER. Is the gentleman talking about free choice of plan?

Mr. ALFORD. Free choice of the overall plan.

Mr. PORTER. It is a compulsory plan.

Mr. ALFORD. And there is no freedom of selection of doctors, hospital, and nursing facilities, only a choice of those presented to you.

Mr. PORTER. Those choices are very rationally set forth, though, and they provide a very wide scope. Certainly my friend, a doctor himself, would not want improperly certified doctors or institutions to be available for these people. You are not taking that position?

Mr. ALFORD. Absolutely not. What I am saying to the gentleman is this: I absolutely am opposed to socialized medicine. I am absolutely opposed to any bureau that would be set up here that would submit a list of names. What about those individuals that would be left off of the list and so on? I just want to submit for the RECORD that just because my parents may have reached the age of 65 or over, that they should not be deprived of their choice of physician or hospital facilities and so on. In other words, I think this: If we are going to socialize all of the things in one little segment, then we might as well socialize all industries and everything else.

Mr. PORTER. That is absolutely not my thought.

Mr. ALFORD. That is what the gentleman is advocating. There is no right to have free medical care, nursing and other facilities, unless the voters so choose, and I do not think that adequate time has been given under the American system for us to answer all the needs to which the gentleman has alluded. Now, the story of Federal control and regimentation is this, as I understand it: Federal administration, certification of doctors, certification of hospitals, nursing facilities, nursing homes, the fixing of fees and costs, and the promulgation of so many other regulations. Just the other day a veteran whom I believed to be entitled to hospital care, could not be taken care of because of all of the maze of regulations and so on. I submit that we should try other methods before we go to the Federal Government to call up this paternalistic type of procedure.

Mr. PORTER. I think the gentleman is on the side of the administration. He believes we should go exploring further.

Let me read from page 11 of the bill:

> Such agreement shall stipulate that the rates of payment agreed on shall constitute full payment for these services. Such agreements may be made with any qualified individual, or with any association or organization authorized by the surgeons, dentists, or physicians to act in their behalf.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Pennsylvania.

Mr. HOLLAND. The same opposition that we hear from my friend from Arkansas occurred during the days of the Workmen's Compensation Act. I was on a committee of the House of Representatives of the State of Pennsylvania and sat there for months hearing the medical profession come in and tell us that we were on the start of socialized medicine. I would like to ask the good doctor, Do you wish to have the Workmen's Compensation Act withdrawn today from the workers?

Mr. ALFORD. I want to say to my distinguished colleague that I am not an authority on that bill. What I am trying to get across to my colleague from Oregon is this: I was only injecting myself into something which I feel I know firsthand and that is that we recognize that a need is present, but we do not recognize that we must always come to the Federal Government for the answer. That is not the American way. The way of freedom of choice, freedom of enterprise, and so on is the American way.

Mr. PORTER. Does the gentleman want to go back and undo the Workmen's Compensation Act?

Mr. ALFORD. Do you realize that a White House conference has been called on the aging problem and that we are trying to obtain answers to these many questions.

Mr. PORTER. Many conferences have been called by this administration. There is one set on water pollution in December.

Mr. ALFORD. It will be of much more value after we have the White House conference on aging from lay people and social workers, hospital workers, and physicians from all over the United States in this conference, and then we can decide more appropriately and more intelligently, may I say, what would be the best answer to this problem which we are discussing here today.

Mr. PORTER. The gentleman accuses us, those favoring the bill, of wanting to go ahead and socialize everything, yet I suppose the gentleman's position does not include wanting to go back and repeal the Social Security Act. I submit that we should look at these problems as they exist. We have done the exploring. It has been done for many, many years. This idea of further exploration is merely an attempt to delay the solution to the problem now confronting us.

Mr. HOLLAND. If the gentleman will yield, it is interesting to note that members of the AMA fought even the Red Cross and the Blue Cross insurance plans when they were first brought out. They appeared before committees against it. The AMA is a very strong organization. They donated a lot of money in the campaigns in the last few years to people who fought the plan of giving these benefits to the people.

Mr. ALFORD. If the gentleman will yield at that point, I am sorry that I was not one of the beneficiaries of that action. For the record the AMA does not enter into such campaigns.

Mr. HOLLAND. The gentleman may rest assured that I was not, either.

Mr. ALFORD. May I ask at that point, what benefits would we derive under this bill as far as the number of hospital days is concerned? Let us get down to specifics. We are talking about all the problems that involve the aging population, and I want to assure the gentleman this, I am sure that I am more sympathetic to their problem than anyone on the floor of the House today. I should like to ask the gentleman this question. Under the Forand bill what would they be entitled to, how many days of hospitalization would they be entitled to?

Mr. PORTER. The gentleman does not know?

Mr. ALFORD. The measure provides a combined total of 120 days, hospital and nursing home care, each year, but with a maximum of 60 days of hospitalization. The great problem which confronts us today as far as medical care is concerned is the catastrophe that may come upon any one of us, such as a very bad automobile accident.

Mr. PORTER. The gentleman wants the bill written more broadly. Is that his point?

Mr. ALFORD. I want to submit that the Forand bill is not the answer to the problem. It may be an answer to a political problem, but it is not an answer to the medical problem. I submit to the gentleman that we should sincerely try to help the old people of this country, but we ought not to do it in a presidential year, just for campaign purposes. Let us wait until we have all the evidence in before we bring in a verdict. We have had machinery set up to do this.

Mr. PORTER. The amount of money in social security payments is not enough, in many instances, for people to live on, either. But it is the best we have been able to do under all the circumstances to date. The Forand bill has been worked out, it has been studied, by actuaries. It has been approved by many groups including many doctors. It has shortcomings, no doubt about it. But certainly it is devised to meet a particular need. You can call it political. Of course, it is political. Anything that has to do with the needs of the people of this country is political. Social security was political, workmen's compensation was political.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman.

Mr. HOLLAND. First of all, the doctors have had a long, long time to work out some plan to take care of the poor and the needy. In the State of Pennsylvania we have some very large State hospitals. In addition to that, the administration at Harrisburg has to pay these hospitals—I was on the committee on appropriations, and I know—$8.50 for every patient they bring in who cannot pay. That money is paid out from taxes; sales taxes, and locally we are paying it out of real estate taxes. I think this is the way to permit a man to keep his dignity, after he reaches old age. He can go into a hospital and get medical attention without going through all this red tape which the gentleman from Arkansas has indicated we have in the VA today. I might add this—and I am not saying this in any derogatory way at all, that in the last world war, according to the statistics, 49 percent of the boys from Arkansas who were examined were turned down either for mental or physical reasons. That is a very high percentage.

Mr. ALFORD. If the gentleman will permit me to reply, with reference to the whole problem, we recognize the need. The gentleman points up very particularly an age group that is not covered by the Forand bill. We are very sorry that such situations occur, but it shows the futility of this type of measure. The gentleman is now referring to boys 18 and 19 years of age. We are talking about people 65 years of age.

Mr. HOLLAND. I am talking about doctors. Why do the doctors take care of them for nothing?

Mr. ALFORD. May I say something about what has been said here today? We are all in good faith, but to set the record straight, may I say that my medical society has been all for the Blue Shield plan. We have had a committee looking into the fact that that coverage is not as broad as we want. That is the most important problem. We are looking for voluntary methods in this problem that would cover all the people, not just one particular group, and not cover individuals that have a million dollars and are fully able to pay; yet they would be covered just the same under the present Forand type of legislation. We think that is an inequity.

Mr. PORTER. I have a very short time left. If there is anything my friends from California or Missouri wish to say, since your party is in control, I should like to have your contribution.

Mr. CURTIS of Missouri. I have an hour following the gentleman, in which I intend to discuss this problem at considerable length.

Mr. PORTER. Very good.

Mr. HOLLAND. I should like to add one thing to what I said. We Members of Congress are enjoying socialized medicine. We have doctors and nurses to take care of us. We can go to Bethesda or Walter Reed Hospitals and get the best medical care, and all we pay for is our room. We should be the last to deny the people of America the same privileges.

Mr. PORTER. I thank the gentleman.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield.

Mr. CURTIS of Missouri. The gentleman failed to distinguish between employees and other citizens. Everything he has described that a Congressman has is as an employee of the Federal Government. Most employers provide for their employees. That has nothing to do with the issue before us here.

Mr. HOLLAND. Most employers set aside a certain percentage of a man's salary, or an hour's wages, to pay for the health and hospitalization insurance that he enjoys.

Mr. PORTER. That is the Forand bill.

Mr. ALFORD. If the gentleman will yield, I want to thank the gentleman for permitting me to participate in this discussion. I appreciate it very much.

Mr. PORTER. I thank the gentleman.

Mr. MEYER. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Vermont.

Mr. MEYER. I am going to support the Forand bill. I do not necessarily believe that it will provide all of the solution or even the best solution. I think some of the arguments against it are valid in part. But let us at least say that we will take a bill like the Forand bill and if necessary amend or change it, so that in the long run we will have something that is of real service to all the people of the country.

I should also like to state that I took a poll of the people of Vermont and got a very strong sentiment in favor of doing something. I know there is objection to complete medical coverage for all, but I do believe it is the sentiment of the people of Vermont that they want something done in this respect. Just because there are objections to some phases of the Forand bill is no reason why we should not bring it out for action and get something accomplished, rather than just saying, "Let's throw it down the drain."

Mr. RHODES of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield.

Mr. RHODES of Pennsylvania. I should like to say a word about our American way of life. Very often when proposals are made for a social change we hear that argument. To me, the American way of life is to make any change at any particular time the people think it best.

We cannot be proud of many things in our way of life. If you look back in the past, certainly, chattel slavery was part of our way of life. So was child labor and breadlines a part of our way of life.

In the thirties, social security became a part of our way of life. I think it is quite proper and in accord with our way of life to make any change that the times call for.

Mr. PORTER. I thank the gentleman.

INTEREST RATE ON LONG-TERM BONDS

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. PORTER. Gladly.

Mr. HOLIFIELD. Mr. Speaker, I thank the gentleman from Oregon for yielding to me. He has a special order on the Forand bill which is a very important subject today before our country, and I know he is going to make a good speech on that particular section.

Mr. Speaker, we have heard a great deal said about the need to raise the interest rate on long-term Government bonds, and there is a bill, as you know, pending for that purpose, that has been reported out of the Committee on Ways and Means. But we have had a very interesting development during the first 2½ months of 1960. I want to call your attention to some of the things that have been happening. I hold in my hand a January 19 statement of the Treasury Department. It shows that 91-day Treasury bills were sold at an average interest rate of 4.43 percent. I also have in my hand a statement of the Treasury Department dated Tuesday, March 22, which shows that the same kind of bills were sold to the public at 3.03 percent; in other words, 1.4 percent off, 1.4 percent less interest than just 2 months ago.

The offering of bills on January 19 was $1 billion, in round numbers. It was oversubscribed, the applications totaling $1,878 million; in other words, almost twice as much money was offered for these bills as was desired.

The March 22 offering was $1,200 million. Applications ran to $1,953 million, or a good $753 million more than was offered by the Treasury Department and at the low interest rate of, in round numbers, 3 percent. In other words, the interest rate on 91-day notes has gone down 33⅓ percent in 2 months' time.

Now, let us consider the 182-day bills: On January 19 an offering of $400 million was made and $387 million was applied for.

Those sold at an average rate of 4.66 percent interest. Yesterday $400 million, again practically the same amount, was offered, and $719 million subscribed for that offering at an interest rate of 3.17 instead of 4.63, showing a drop of 1½ percent in interest or, again, a drop of 33.3 percent of the interest rate in 2 months' time.

We are down to 3-percent money on short-term bills and this bill which is pending before the Rules Committee would ask us to take off the 4.25-percent interest rate limitation on long-term bonds. Admittedly these are 91-day bills and 182-day bills, but these bills traditionally draw a higher interest rate than do long-term bonds.

Why does the Treasury not offer some long-term bonds right at this time and get an interest rate of around 3 percent? They are holding back on these although the market would absorb it and they want this 4.25 percent limitation removed, which has been on the bonds for some 30 years. We have never had to raise this rate even during World War II. We never had to raise the interest rate when we were running as much as a $54 billion annual deficit. We did not have to raise the interest rate. In fact, the average interest rate on long-term bonds was about 2.75 percent during the time we were running a $54 billion annual deficit.

For 4 straight years when we ran over a $200 billion deficit we did not have to raise the interest rate. But we had a different monetary policy at that time. We had a policy where the Open Market Committee would step in and support the bond offerings on the market in case the big banks or insurance companies did not offer to buy the bonds. At this time we do not have that kind of a policy, where the Open Market Committee traditionally carried a $4 billion or $5 billion inventory of bonds. It is carrying an inventory now at only about $1 billion. They will not go into the market and support the bond price because they want the bonds to sell at the highest interest level possible. Yet in spite of the fact they are not supporting it, the interest rate has dropped, dropped, and dropped, stock prices are coming down on the stock market, which means bonds will be more favorably received because people will flee from stocks to bonds where they have a guaranteed yield. In spite of the drop in the stock market and an additional desire for the bonds, they are willing to take the bonds at around an average of 3 percent.

I say this House ought to look at this trend that is occurring and it ought to consider every facet of this financial refunding operation very carefully.

Another thing I would like to say is that the Democratic Party had a platform plank which I am going to read. This is one of the planks of the Democratic Party:

The Republican debt management policy of higher interest rates serves only to benefit a few to the detriment of the general taxpayer, the small borrower, and the small- and middle-class investor in Government bonds. We pledge ourselves to a vigilant review of our debt management policy in order to reduce interest rates in the service of our common welfare.

It would be well for the Democratic Party to look at the plank in its 1956 platform, and look at the trend in the market on bonds, and be very slow in surrendering the traditional policy of the Democratic Party which has been a policy of low interest rates for the benefit of the people, and not accede to this high interest policy that is for the benefit of interest earners and not the taxpayers that have to pay the interest.

Mr. SLACK. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from West Virginia.

Mr. SLACK. I would like to ask this question: As I understand it, the 3 percent is on short-term bonds?

Mr. HOLIFIELD. Yes; 91- and 182-day bonds.

Mr. SLACK. The point the gentleman is making is that long-term bonds should be offered for this low interest rate, instead of pursuing the policy which they are today.

Mr. HOLIFIELD. Traditionally we have paid high interest rates for short-term bonds because they are in and out of the market; it is not a permanent investment. While the market is down I believe they should offer long-term bonds because we could sell them at a lower interest rate than we are selling the short-term bonds. This is traditionally true, of course. Whether it would be today or not I do not know, but I suggest that the Treasury would be wise to make an offering of 2 billion or 1 billion or 5 billion issues of long-terms bonds and test the market and just see how it would be absorbed before they ask the Congress to remove the 4¼-percent interest rate which has been traditional for several decades.

Mr. SLACK. I thank the gentleman.

Mr. HOLIFIELD. I thank the gentleman from Oregon for yielding to me.

Mr. PORTER. I thank the gentleman for his statement. Certainly, in a Government such as ours, based on public opinion, this is going to be an issue in the campaign this year—how we handle our national debt and also how we provide for our aged.

MEDICAL AND HEALTH CARE FOR THE AGED

The SPEAKER pro tempore (Mr. GEORGE P. MILLER). Under previous order of the House, the gentleman from Missouri [Mr. CURTIS] is recognized for 60 minutes.

Mr. CURTIS of Missouri. Mr. Speaker, I have placed in the RECORD at page 6320 a speech that I gave before the American Academy of General Practice of Physicians at Kansas City, Mo. Three weeks later, I gave the same speech before the convention of Missouri Insurance Agents in St. Louis, Mo.

As I stated, when I placed this in the RECORD, I prepared the speech to be delivered to these seemingly diverse groups. In this speech, I discussed the general background of the problem our society faces on medical care and hospital care for the aged. I expressed the belief that the tremendous progress made in our American society in advancing the well-being of all our American citizens had made ineffective the demagogery which was based on using the Federal Government as the means of transferring wealth from the "haves" to "have nots."

This belief is now being put to a more severe test than I had anticipated. I am wondering if, indeed, it is true we can have a rational, national debate on the subject of Federal spending, and in particular in this health area. Indeed, if the discussion that preceded me on the floor of the House were typical of the caliber of debate that would prevail on this subject, we could move forward in this area, because it was temperate, and it discussed the issues. Unfortunately, that is not the kind of debate we are apparently going to have.

The Committee on Ways and Means has been studying this matter for some time. I have been on the Social Security Subcommittee since 1953. I am presently the ranking Republican on the Social Security Subcommittee. There are many, many complex problems involved in this matter that need a great deal of thought as we proceed.

However, today a pressure group, which is probably the most effectively organized for political action of any group in our society, has apparently decided to use the problem of medical and hospital care for some of the aged as an issue to test whether or not this kind of demagogery can still be used successfully in America. This group of Americans is called Americans for Democratic Action—of which the most powerful segment is the Committee on Political Education of the CIO–AFL dominated by Walter Reuther, a member of the ADA executive committee. COPE has decided to abandon the issue of the Landrum-Griffin bill for the 1960 campaign and see whether or not they can make the Forand bill which purports to meet an aspect of the problem of the medical and hospital care for the aged, do in its stead.

Many of my colleagues probably have been receiving printed 3-penny postcards which have the picture of two fine looking older people, a man and a woman, on one side and a lead quotation in biblical script "Cast me not off" on the other side. Beneath in a box is a quotation from Psalms 71 "Cast me not off in the time of old age, forsake me not when my strength faileth." Under this box is the language: "I urge you to support the Forand bill assuring real health protection to retired citizens." I have been receiving this same card from four States of the Union—Ohio, Illinois, Missouri, and Michigan—as well as from my own district in the St. Louis County area. These cards essentially come through the COPE apparatus; in other words, the organized COPE leaders are leading and participating in the endeavor. These cards are being handed out to older people, of course, and some of the older people may have sent the cards in. The lobbying pressures, however, have not yet come from the older people themselves.

Coupled with the efforts of the COPE apparatus of the ADA have been the efforts of the ADA adherents in the American press. From observation over a period of years some of these members may be identified. For example, Herb Block, the cartoonist for the Washington Post, prepared a very untrue and derogatory cartoon of President Eisenhower's position on the Forand bill, which was printed in the Washington Post recently. Undoubtedly we will begin to see this cartoon reprinted in other newspapers that work with the Washington Post on ADA-sponsored programs. The reporting by certain members of the press, whom we have come to recognize as being part of this apparatus, have been slanting their news stories along this line.

Now the issue that Americans should be concerned about is how do we meet the problem that our old people have in this field of hospital and medical care. It is a serious problem. It is one that has not been completely met in our society, but I would remind my colleagues and our citizens that no society in the history of the world has ever solved this problem and that our society in the year 1960 has probably come closer to solving this problem than any other society ever has.

The progress will be even greater in the future if we do not destroy through unwise action, the programs that are already giving us this progress and that promise further progress in the immediate future.

I might say based upon the programs we now have in effect that an accurate prognostication of the future is that 80 percent of the aged over 65 will have hospitalization in the last part of 1965. The progress that has been made in the past 10 years in particular in meeting the problem of health and medical facilities for the aged has been almost miraculous. The progress in the field of medical health has been so great in these years that it has aggravated the other problem of cost. The very progress in advancing medical science, in drugs, medical and hospital care, has enabled our elder citizens to live on an average of 10 more years. This of course, aggravates the economic problem that each person faces in financing those extra 10 years of life.

Furthermore, the previous mishandling of Federal fiscal affairs by the very people who are now indulging in this blasphemous campaign—by quoting the Bible to imply that those who do not agree with this idea to solve the problems of the aged are thereby casting off the elder citizen—has probably done

more damage to these older people than any other single thing. It is this ADA group that must assume responsibility for the inflation that cut in half the purchasing power of the dollar of these people, almost all of whom are on fixed incomes. Now this group having created this damage would make it worse by interjecting the problem of health for the aged into the political arena. Through a "know nothing" propaganda campaign they are promoting further fiscal irresponsibility on the part of the Federal Government which would have further deleterious effects on the problems of our aged through inflation.

Now let us discuss the Forand bill. Does it really assure real health progress to retired citizens as the 3-penny post card, mass produced by the COPE, states? Or will it damage the progress we have made?

I think it will do damage, that it will throw us backward, and thwart the progress we have made. This is the issue. The issue should not be to get votes; it should be what program is best for our aged citizens and for our society as a whole.

H.R. 4700 would, if it became law, provide the 11 million persons eligible for OASI benefits and their 4 million dependents and survivors with up to 60 days of hospital care, a limited amount of nursing home care, and certain surgical benefits. Sufficient money to pay for this ostensibly would come from an increase in the OASDI payroll tax of one-quarter of 1 percent on the employee, and an equivalent amount on the employer.

But the proposal is discriminatory and neglects a substantial group of our aged.

There are, for example, almost 2 million men and women on old age assistance who would not be benefited by H.R. 4700.

And there are 2.5 million persons over 65 who are not receiving either OASI or OAA, and who are not currently eligible for OASI. H.R. 4700 would not benefit them either. Seven years ago I sponsored legislation which is now law to permit the retired people who were not covered under social security to receive the benefit of a retirement income credit against tax to equalize the situation between persons receiving and not receiving social security benefits which are tax exempt.

Many of these people not on social security have lower cash incomes, on the average, than the incomes of those who receive monthly OASI benefits. These are the people who are most apt to have severe financial difficulties in paying their health care costs.

Putting it another way, the persons really in need would derive no benefit whatsoever from the passage of the Forand bill.

Four million people over 65 are either employed, or wives of employed persons, and presumably are able to meet the costs of health care as well as they ever were. This represents nearly 25 percent of the total older age population, and includes many active workers employed in companies with group health insurance plans.

To sum it up, then, H.R. 4700 would do nothing for those who need it most; and would take no account of the fact that millions of Americans don't need the limited benefits the measure proposes. But it would not cover everybody who is eligible for disability benefits, nor would the measure provide for payment to mental or tuberculosis hospitals.

In the group that would not benefit I might state are our retired teachers and many people who retired on other pension programs and who are not included in social security, primarily because they were born too soon to be covered under the social security program. These people would be completely without benefit from the proposals in the Forand bill. As I previously explained, 7 years ago I sponsored legislation which is now law to permit the members of this age group—our teachers in particular, although there are many others who are retired on pension programs other than social security—to exclude from their income the appropriate amount equivalent to the social security benefits that the social security beneficiaries are receiving.

I point that out as one individual Congressman who has been concerned about the problems of the aged and who has done something in their behalf by action such as the retirement income credit because that is now the law and our people have been receiving the benefit of it for many years.

Yet many of these are people whose cash income, this group that is not covered or mentioned in the Forand bill, is lower on the average than the incomes of those who receive monthly OASI. These are the people who are apt to have financial difficulty in paying their health-care cost.

As I have stated the persons really in need would derive no benefit whatsoever from the passage of this bill. H.R. 4700 would do nothing for those who need it the most.

Those who favor the Forand type of legislation limited, as it is, to this one aspect of our aged citizens, reason from these following premises:

First. The aged are too poor to pay for their medical care, although their medical needs are greater than those of any other age groups.

Incidentally, there is one point that should be driven home. No indigent, no poor older person in America today lacks adequate hospital or medical care if they seek it. In other words, our Community Chest agencies, our welfare programs, are taking care of the indigent. The problem is not the indigent in this particular situation. It is those who can afford to pay, those who have limited means, and those who are confronted with a catastrophic illness who find themselves in a serious plight.

The second argument advanced by those who favor the Forand type of legislation is the aged cannot get private health insurance or, if they can, the insurance is inadequate.

The third argument advanced is these problems can be solved simply by extending the social security system into the field of health care.

Before examining these assumptions and seeking to determine their validity let us look briefly at some of the general aspects of the aged people. The Social Security Act has arbitrarily defined "old age" and despite the fact that old age is relative and based upon physiological changes, the Social Security Act bases it upon birthdays—65 for a man and 62 for a woman.

By this standard there are now some 15.5 million Americans over 65 who can be called aged. This group is living evidence that we have the finest system of scientific medicine in the world and that our standards of life are unparalleled in history.

Each year our older population will increase, and by 1970 this fortunate Nation can expect to have 20 million people over 65. But the growing number of these aged have to some extent caught us unprepared. For example, we are only beginning to understand the waste of human resources involved in the arbitrary retirement of these people because of their chronological age.

I might say one of the greatest needs in the area for reform in the social security law today is the clause that does not permit these people to engage in employment and receive their entire social security benefit entitlement if they earn more than $1,200 a year.

And so far as these people I have been mentioning are concerned—Mr. Reuther and the organization COPE—they are the ones who have consistently resisted any liberalization of this work clause because, as they say, they want these people out of the labor market. The point I am making is this: If the COPE representatives are interested, as they now claim to be—all of a sudden, I might say—in the welfare of the aged people, why do they not direct their attention to this problem of the OASI retirement test? There is no question that if we liberalize the amount of earnings allowed, we are going to have to increase the social security tax. It is simply a question of whether or not the good that we could do by increasing the amount that a person can earn and still stay on the social security rolls will be equivalent to the social good that comes from the cost that we would have to pay through additional social security taxes. That is one of the difficult problems that the Committee on Ways and Means has to grapple with in this area, because we cannot just be Lady Bountiful and say that we love the people and that we will give them everything. We are the ones who have to face up to the fact of where do we get the money, and whom do we take the money from? And, we will be taking the money from the American people.

So millions of men and women, many as capable as they were at 40, are shelved long before they should be; long before they want to be. With retirement, cash income usually drops, and at the same time the need for health care services increases until today it is about twice that of the younger adult. It is this combination of lower income and greater need for health services that has led some well-meaning people to believe that medical care is the most critical problem besetting our aged population. In their opinion, apparently, only the Federal Government can provide an adequate answer.

Against this background let us examine the premise upon which the supporters of H.R. 4700 base their arguments. Although the health needs of our older people may be greater than those in other age groups, are the aged too poor to pay for their own medical care? The answer is that some are, but the overwhelming majority are not. We are told—and the gentleman who preceded me used these figures—that three-fifths of all people over 65 have less than $1,000 per capita annual income. Although in one sense this is an accurate statistic, it would be hard to find a more misleading statistic. It is equally accurate and just as misleading to state that in 1957, the most recent year to which that misleading figure applies, 66.7 percent of all Americans had incomes of $1,000 or less per year. In 1957 almost half of these persons over 14 years of age also had incomes of $1,000 or less per year, and 47 percent of those between the ages of 14 and 65 had incomes below $1,000 a year.

Let us just illustrate this. Suppose we organized a social club with only two requirements for membership, one, that no wives had incomes of their own and, two, that all husbands earned at least $25,000 a year. If we use the same statistical techniques as those employed in compiling the figures of three-fifths of all our people 65 and over have less than $1,000 annual income, we could come up with this statement, that half the members of this social club have incomes of less than $1 000 a year. Obviously the money income figure cited by the Department of Health, Education, and Welfare for those aged 65 and over is of little help to us in considering the financial problems of the aged. Income drops after retirement, yes, but no age group is likely to have as favorable a liquid asset position as the aged, 74 percent of whom now own liquid assets of one form or another. Furthermore, the needs of the aged person are usually less; the heavy expense of raising a family are behind; for the most part homes are paid for. In fact, according to the OASI, almost 3 of every 4 beneficiary couples own their own homes; most of them free of mortgage. And the median equity in nonfarm homes for the homeowner was $8,360; and add to that the household effects and so forth.

Only 4 percent of the aged live in the homes of relatives. A survey in 1957 by the National Opinion Research Center determined that only 9.6 percent of those interviewed would be unable to pay a medical bill of $500.

So when we consider the financial resources of the aged we can do it sensibly only if we know how many have income from employment, social security, pensions, annuities, savings, investments, insurance, and other assets. We can only measure financial resources intelligently if we consider them in terms of family income and assets, not individual income and assets.

Then note the figures used, $1,000 per capita when many of these people, in fact I think the majority of them, are couples. So per capita immediately becomes $2,000 per married couple. And when we attempt to figure out the number of people who cannot afford adequate health care we must know how many already receive it from a religious group, fraternal group, through memberships in a union, as ex-seamen, as members of the Armed Forces.

And what an unfair reference to President Eisenhower the gentleman from Pennsylvania made, because President Eisenhower received all of that as a member of the Armed Forces. We in the Congress have felt that that was a proper and just thing to do.

There are those who receive benefits as professional courtesy, as members of specific religious orders, as veterans entitled to compensation and care.

We know, for instance, that 16 percent of the aged are public welfare recipients. As such under federally aided public funds program, they are eligible to receive medical care and do receive it.

We do not know the answers to questions these facts pose. Here are some things we have got to know. How much do the families of the aged help out? And how many of our older people are affluent or rich?

My point is that the economic problems of older people are not only complex and diverse but difficult to analyze precisely. Yet it is suggested that we take a serious and irreversible legislative action with tremendously important consequences, with no real guideposts.

We are being asked to grope our way through the statistical darkness on the off-chance that we will stumble into an effective solution. No one denies that there are instances of severe hardship among our older people or among any other age group, for that matter. Such cases do exist, although to what degree we can only guess. One of the great things about the social security bill that I believe our committee is going to bring out is that we are paying attention to a very serious problem involving a group of people who are totally disabled, who are below the age of 50. If you are totally disabled, it does not matter whether you are 24 or 55 or 65 or 75. That is an area to which we are directing our attention and that is an area in which I believe the Committee on Ways and Means will present some affirmative legislation to the House. That is an area, I might state, to which the administration has been giving attention.

Certainly the weight of all of the evidence seems to suggest one conclusion. The financial and health problems of the aged have been considerably exaggerated by the proponents of the Forand type of legislation, and on the basis of the facts as we presently know them, it is impossible to justify the creation of a massive Federal mechanism for compulsory national health insurance, even though the mechanism would deal only with a single and somewhat artificially determined category and one segment of our aged population.

Implicit in the thinking of those who support H.R. 4700 is the belief that the health care needs of older people can be conveniently separated from their other needs. Nothing could be a greater mistake. Some of our aged have many needs; housing and recreation; in preparation for retirement; in finding acceptance and understanding within the community; in developing new interests; in using talents and capabilities; in seeking love and affection.

As an example of how interrelated the needs of the aged can be, a former housing commissioner of the State of New York has pointed out that hospital confinement of older people could be reduced by 20 percent if adequate housing were made available for them.

How many Members of Congress realize that last year this Congress passed in the housing bill one of the greatest features to ameliorate this very problem of helping the aged. We made FHA-type loans available to private nursing homes. I may say to those who like to criticize the American Medical Association that they helped sponsor that legislation. I was the main sponsor. I went to them and asked their help on it because, I said, this area of facilities for good, adequate, safe private nursing homes is one of the greatest need of the aged people.

Furthermore, if we could get these private nursing homes we could cut health costs considerably, because the old people in many instances do not have to go to hospitals. The nursing home, which is the facility they really need, costs one-tenth of what a hospital costs. If we can build nursing homes of one floor instead of renovating old mansions of three or four stories we can cut the cost to the aged in that type of modern, up-to-date private nursing home facility.

So there are things being done. Just because there is not a propaganda machine reporting this genuine progress, there is no reason for our people to think that nothing is being done.

Further, the Nation's doctors have repeatedly stated that no person regardless of illness needs to forego a physician's service because of inability to pay. Expert medical testimony before the House Ways and Means Committee established another point. The aged have more than just individual health needs. As Dr. Frederick C. Swartz told the Ways and Means Committee:

> Care for any segment of our population—the aged included—calls for a cooperative attack on the problem by nurses, doctors, hospitals, social workers, insurance companies, community leaders, and others. It requires flexibility of medical technique—an ingredient which would unquestionably vanish the moment Government establishes a health program from a blueprint calling for mass treatment * * *
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> In the case of the aged, their health problem primarily involves acute illness and the so-called degenerative diseases. In a very large percentage of cases, the main need is not for an expensive hospital stay or a surgical operation, but for medical care at home or in the doctor's office.

How many Members have heard of the Visiting Nurses Association? I was the only male member for a good many years of the Board of Directors of the Visiting Nurses Association in St. Louis. It involved the technique of teaching people how to care for people, old people particularly, in their homes, so that they do not have to go to a hospital or even to a private nursing home.

In other cases, the important requirement is nursing care in the patient's home, or the home of relatives. And in still others, custodial care in a nursing home or public facility may be the only answer. The point is that the medical needs of this particular segment of the aged are subject to countless variations.

The Forand bill wishes not only to assist the aged population who do not need the greatest amount of assistance but it wants to move the Federal Government into the very area of medical care where private insurance is now most effective, the area of hospitalization and surgery.

H.R. 4700 is, therefore, like a salvo of grapeshot fired at a smoke-shrouded target. It would apply to only aged persons under social security, but it would apply to them whether they needed help or not, whether they wanted help or not, whether they could use the sort of help the bill undertakes to provide.

Just as you would expect from a volley of grapeshot, most of the ammunition would be well off the aiming point—if, indeed, there is one.

Let us examine the second premise of the bill's supporters—that the aged cannot get private health insurance, or that if they can, their insurance is inadequate.

The record disproves this completely. The growth of private health insurance during the past 25 years—I would say the past 10 in particular—has been phenomenal. Today, 127 million Americans are covered, and it is significant that the amount of health insurance owned by aged people is growing at a rate faster than that of the population as a whole.

Private health insurance is not available to the aged?

Here is the answer:

There are now 37 Blue Shield plans in 34 States which offer coverage for the over-65 age group. In all but three instances, there is a companion Blue Cross plan as well.

An additional 16 Blue Shield plans, in 11 other States, have over-65 programs in various stages of development.

And more than 125 private health insurance firms—some of which are licensed in all States—offer coverage to the aged.

Health insurance benefits for the aged are provided in a number of different ways. Older active workers are, without exception, continued in group insurance plans. Most new group plans provide for continuation of benefits to retiring workers. Other group plans allow the retiring worker to convert his protection to an individual policy. Several insurers are now issuing group plans to such associations of older people as Golden Age clubs.

Most insurers continue into the later years individual contracts issued at younger ages. And contracts especially designed for older people do not require evidence of good health as a condition of eligibility. In fact, after a short probationary period, benefits are paid for loss due to preexisting conditions.

Much of this is quite recent. I may say one of the companies just started out in 1957 with a supplemental plan in Iowa, and immediately next year it extended to four additional States in 1958. In 1959 it extended it to 10 additional States and 17 additional municipal or metropolitan areas, and in the year 1960 it looks like the extension is going to be in 20 States. The point I am getting at is a great deal of this is quite recent, but this whole program has been done almost within the past 10 years.

Finally, there are some insurers who offer health insurance contracts that become paid up at age 65.

This wide diversity of plans reflects free competition among many insurance companies which vie with one another in the effort to provide ever more adequate benefits through more efficient methods.

As for the benefits available to the aged under private health insurance, they are not significantly different from those offered to younger people.

In 1952, only 26 percent of the older age group had some form of health insurance coverage. Today, more than 43 percent—more than 6 million persons—are protected against the cost of health care, with the number of insured rising more rapidly than for any other age group.

A recent study group estimates, and I have used the figure before, that by 1965 that figure of aged covered under health insurance will be 80 percent of our aged population desiring and wanting health insurance to protect themselves. Mind you, in all of this discussion we are not talking about the poor. The poor are already taken care of. We are talking about people who can afford to pay if the insurance is available.

This growth reflects the steady expansion of the voluntary health insurance mechanism, which today provides a cushion against the financial impact of illness for nearly three out of four persons. It also reflects the intensive experimentation carried on by insurance companies, Blue Cross-Blue Shield plans, and other types of health insurance organizations toward broadening the availability and improving the quality of coverage for the aged.

The increase in coverage of those 65 and over can be expected to continue. Better than 70 percent of the total population today enjoy the benefits of voluntary health insurance.

Those who have had this protection during their working years value it, and can be expected to continue it after retirement.

This was not the case, however, with most of the present aged, who did not have this kind of protection during their working years.

The Health Insurance Association of America estimates that 65 percent of the aged needing and wanting protection will be insured by the end of this year; and as I have said this percentage will increase to 80 percent by the end of 1965; and 90 percent by 1970.

Health insurance, like medical care, cannot be dispensed on a production line basis. Health insurance is written in many forms, by many types of insurers, and with a wide variety of benefits. It is this widespread choice, which allows the buyer to select the coverage best suited to his individual needs, that provides the workable alternative to the compulsory system called for by H.R. 4700 and other plans. On the one hand is coverage tailored to meet the invidual's own, particular requirements; on the other is a rigid, single pattern of benefits which bills like the Forand bill would impose on everyone—rich or poor.

The choice is clear. The facts show that private health insurance is increasingly meeting the needs of the aged, as well as the needs of other segments in the population. To substitute a compulsory system of health insurance for a voluntary system of health insurance that has proved its ability and willingness to do the job is neither a responsible nor a sound decision, especially because in the very process of substitution we would be contributing to the demise of private health insurance. This is not a question of adding the Forand bill because of what harm it would do. If we added that, we could not foresee this increased progress in the area, and we would be going backward in solving the problem we are trying to solve.

For it is certain that those compelled by law to carry—at their own expense—the cost of national compulsory health insurance will neither be able nor anxious to carry private health policies as well.

There is the third premise of those backing such proposals as Mr. FORAND'S—that the health problems of the aged can be solved simply by extending the social security system into the field of health care.

As I pointed out, Mr. Speaker, these proposals fail completely to help matters for better than 4 million people—those on old-age assistance, and those ineligible for OASI benefits. Yet this is the category of the aged population most likely to include the hardship cases.

Let us examine a number of other objections to these ill-conceived bills.

Assume, if you will, that we allowed the Federal Government to control disbursement of funds under such programs, as all of them specify; that we allow an agency of the Federal Government to determine the benefits to be provided; that this agency be given the right to set rates of compensation for hospitals, nursing homes, dentists, and physicians; that this agency be empowered to audit and control its expenditures to hospitals, nursing homes, and patients; and that this agency set and enforce standards of hospital and medical care—as indeed, it would be compelled to do.

Could the Federal Government assume these responsibilities—fiscal and otherwise—without affecting the quality of medical care which it dispensed? The answer is clearly that it could not.

The Government, in such a case, would undertake to provide a service purchased from outside sources. It is inevitable that Government would tend to control the purveyors of those services, for he who pays the fiddler calls the tune.

The author of these bills disclaims that intention of meddling with the free practice of medicine. Just the same, if a single Government agency were placed

in the position of buying perhaps 10 to 20 percent of all care in the Nation's general hospitals, it takes no expert to see that this agency would possess great power to influence the operation and management of hospitals.

And possessing such power, no legislative restrictions this Congress could impose could prevent such a Government agency from wielding its power.

In the final analysis, the result of this would be that Government employees would, willy-nilly, be telling the doctors what drugs and treatment they could provide; telling the hospital administrators how to run their hospitals; telling the nursing homes what they could, and could not, do.

Whether this is the intent of H.R. 4700 or not, this certainly would be one of its effects, for as the Supreme Court of the United States has observed, "it is scarcely lack of due process for Government to regulate that which it subsidizes." Indeed the Federal Government may properly be called derelict if it does not ride herd over the money it spends.

If Government pays the bill, Government will regulate the health care it buys with public funds.

There is the matter of unnecessarily overcrowding our hospitals, which are hard pressed as it is to cope with the demands for care of our rapidly growing population. Passage of the Forand bill would mean that our hospitals would be swamped, and our doctors overwhelmed by the increased improper use that would inevitably result.

If this is not predictable, then we have learned nothing from the experience of Great Britain, of Canada, and of other nations which have experimented with national health insurance. It follows, as the night the day, that people will seek to collect a benefit for which they are paying—regardless of whether they need it or not.

The medical profession warns us that patients should be placed in hospitals, nursing homes, and other institutions only when necessary, and that the length of their stay, as well as the treatment they are given, should be governed by their medical condition, and not by the arbitrary limitations of legislation or regulations.

It is a warning that must be heeded. The relationship that exists between a doctor and his patient is an individual and private one. To disrupt it with the intruding presence of Government, to seek to substitute a collective approach for an individual approach to patient care—these are foolhardy actions.

Let me comment briefly on the cost of H.R. 4700—present and future.

It is proposed that it be met by a tax of one-quarter of 1 percent on the employer, one-quarter of 1 percent on the employee, and three-eights of 1 percent on the self-employed.

Is that enough—even for now?

Actuarial estimates by the insurance industry are that costs under H.R. 4700 would range from about $2 billion to $2.4 billion for the first year of the program's operation. By 1980, according to this expert opinion, costs would range from nearly $6 billion to more than $7.5 billion. And that would require a level premium of from 2.32 percent to 2.97 percent of taxable payroll.

That is a far cry from the tax presently proposed.

Beyond that, Mr. Speaker, I should like to remind the Members of Congress that social security taxes are already scheduled to reach 9 percent of payroll by 1969.

The Forand bill increases—whatever they worked out to be—would be in addition to the increases already provided for by law.

According to the Department of Health, Education, and Welfare, presently authorized OASDI benefits will cost us, by the year 2050, between 10.51 percent of payroll—the Department's low estimate—and 15.96 percent of payroll—the high cost estimate.

At what point will the taxpayers rebel? Some of them are now paying more in social security taxes than they pay in income taxes. And as time goes on, and more scheduled increases are put into effect, this trend will be intensified.

The proponents of this type of legislation are suggesting, in effect, that we add to the tax burden, bit by bit, in the effort to determine how much the camel can bear.

I should like to remind them that a point can be reached at which one more straw will break the camel's back. And when that happens, we are apt to see the entire mechanism of social security jeopardized by public rebellion.

Mr. Speaker, bills like H.R. 4700 have no built-in rollback feature. They start small, as a rockslide will; and they end up as avalanches. Once a measure like the Forand bill becomes law, it is idle to wish it off the books; and once passed, no second-guessing will help.

Like Sinbad the Sailor's Old Man of the Sea, H.R. 4700 would cling to the shoulders of the American taxpayer generation after generation.

But if we passed this measure, would it remain in its present form? We would deceive ourselves to think so.

The Members of Congress would, thereafter, face continual demands for more—more expanded coverage, more elaborate benefits. And eventually, the thin end of the wedge having been duly inserted, we would reach the point where everyone—every man, woman, and child in the country—would be under a national, compulsory health insurance plan.

Many of the bill's supporters admit this openly.

For example, I heard Mr. Walter Reuther, of the UAW-CIO, state, in testimony before the Ways and Means Committee last July:

> It is no secret that the UAW is officially on record as backing a program of national health insurance.

To sum up, then, Mr. Speaker, although the corpse of socialized medicine was decently buried nearly a decade ago, it is dead but it will not lie down.

H.R. 4700 is a thinly disguised attempt to resurrect it and the manner in which it is being propagandized as a 1960 election issue demonstrates it.

Furthermore, H.R. 4700 is an effort to create an irreversible mechanism for solving what is, at worst, a temporary problem. Each year, more and more of those who reach retirement age are better equipped financially to live in self-sufficiency.

They are bringing with them, into the retired years, pensions, the health insurance of their choice, property, and a social security card.

We would do them real service if we worked to prevent the erosion of their savings and income by this ceaseless inflation, and if we searched for ways of easing their heavy burden of taxation.

I believe the present programs we have for medical and hospital costs for the aged programs in which the Federal Government plays a part—the State and local government play a part, the private employer, many of our unions, our community chests, our churches, our pious citizens who believe that the commandment "Honor thy father and thy mother" still has modern application, and the old people themselves, who as a matter of dignity want to provide for themselves, play a part, are all doing well. There are devices existing in our society which will solve the problems of the aged in the financing of health care costs in the immediate future. In the last 10 years there has been three times the progress in the field of health for the aged that there has been in the social security program as a whole, in 20-plus years it has been in effect. I believe our society can solve the problem of our aged as well as many other problems that no society has ever solved before. But we are not going to solve them unless we do a lot of hard thinking and a lot of work and unless we eschew demagogery and do not throw the problem in a half-baked manner into the political arena for the purpose of getting votes at one election.

We have ready at hand the device of public assistance—locally administered and locally disbursed, on the basis of known need. We have, ready at hand and hard at work, the voluntary efforts of civic, religious, and health leaders at the community level. We have, ready at hand and operating effectively, the machinery of health insurance.

I suggest that we use them, if the evidence suggests that action must be taken.

But I remind the Members of this House that much evidence must yet be gathered.

In the effort to get the complete facts, President Eisenhower has called the White House Conference on the Aging for January 1961. This Congress has appropriated approximately $2 million for use in preparing for the conference.

We do need more information and it certainly would be premature to consider any action until we have analyzed the more conclusive and complete information which is being gathered and will be presented next January.

To tamper with a system of private medicine that has made this the healthiest Nation in history would be rash; for if we legislate in haste, we shall repent at leisure.

Mr. Speaker, as a part of my remarks I will include an editorial from the March 24 issue of the Wall Street Journal captioned "The Helpless and the Good Society."

THE HELPLESS AND THE GOOD SOCIETY

When anyone—a Congressman, let us say—sees people old, sick, helpless and without the means for either medicines or care, he would be very inhuman indeed not to be moved and to cast about for a way to relieve the distress.

For unnecessary suffering is not only a personal tragedy. To men of compassion it seems also a reproach to society, and from the earliest days of civilization society has groped for ways to care for its old and its helpless. Ancient emperors tried with largess; the feudal system tried to create an orderly place of security for every man; for centuries the church, as the one encompassing agent of society, made efforts to take on the burden of the unfortunate.

So the impulse in Congress behind such measures as the Forand bill which seek to put medical care for the aged under social security is an impulse of good will. And anyone who says the remedy is not as wise as it is charitable, which President Eisenhower has just done by opposing such compulsory measures, risks being branded as bereft of compassion.

Yet a little reflection ought to show that these measures are not merely ineffectual remedies but can defeat the very purposes intended, the proper care of the aged. If the problem were so simply solved, it would have been solved long ago.

To begin with, the proposal to put every old person under a blanket of Government paternalism overlooks the profound progress that the American society has made already in dealing with this problem. It's not smugness for Americans to recognize that, despite the individual cases of hardship, old people here today have better medical treatment and better care than ever before in history or than they do currently in countries where socialism reigns.

So the problem, for America, is first of all the problem of exceptions. Even one case is a matter of concern, but the way to attack the problem of exceptions is not with a remedy that treats all old people as wards of the State.

To do so is not only disproportionate; it is also self-defeating. The smallest calculation would show that if the Government is to undertake to pay the medical expenses for all old people in the country, the amount which can be allocated to each will be small indeed. On the one hand we will have the ridiculous situation of the Government taxing the poor to make medical payments to those able and willing to care for themselves. On the other hand, the truly helpless can receive only a pittance.

To some extent we have already got ourselves in this situation with social security anyway. A Nelson Rockefeller has no need of what the Government will pay him when he is 65, while for others the total allowance will barely keep body and soul together. It is not very intelligent, however well intentioned, to attack the problem of a relatively few indigent old people by this kind of blanket program.

But this is only a part of the difficulty. A graver matter is that the effort to blanket everyone in this paternalism—the cost of it, if one may speak of bookkeeping—diminishes the chances of the vast majority of the people to meet this problem themselves.

Here the Government has already done great injury to all the old people of this country. Reflect, for a moment, on what the deliberate, or recklessly thoughtless, policies of heavy taxation and inflation have done to those who 10 or 15 years ago set aside a substance just to meet this personal problem. If they now find their savings or their pensions, or their insurance, inadequate to today's cost, the blame lies not with themselves but with a Government which has, by those policies, robbed them of part of their substance.

Consider, then, the millions who today are counting on the savings or the private pension plans which have proliferated out of the richness of America.

Twenty or 40 years from now they too will be old, and if the Government is honest with their money they will have no need for charity or paternalism. They will need the pittance the Goverment can give them only if in the meantime that same Government has robbed them further by inflation and taxes to support a costly program started to give them that pittance.

So we are brought to this. There are, and will be, individual cases of misfortune for which society must provide. That our society in many forms already does much for these cases is no argument against further efforts by private citizens, local, and State governments, or even if need be the Federal Government. And we are sure it is not this which President Eisenhower argues against. The good society will always grope for better ways to take care of those who cannot take care of themselves.

But the wise society will not confuse intentions with intelligence. It will not so order itself with vast and costly programs that in trying to relieve the hardships of the few it does injury to the efforts of the many to prepare against them.

To do that, to heap heavier burdens upon all the citizens in the name of freeing them from burdens, is not humane. And, as the world around us shows, making all the people the wards of the State is not the wise way to the good society.

Mr. Speaker, the great interest in social security legislation and improvements in the existing program make it appropriate that Secretary Flemming's prepared statement before the Ways and Means Committee on March 23 be made a matter of record and available to the membership of the House. I ask unanimous consent to include that statement as a part of my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

(The statement follows:)

STATEMENT BY ARTHUR S. FLEMMING, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, BEFORE THE HOUSE WAYS AND MEANS COMMITTEE OF THE U.S. HOUSE OF REPRESENTATIVES, MARCH 23, 1960

Mr. Chairman and members of the committee, first of all this morning, I would like to discuss with your committee some changes in the old age, survivors, and disability insurance provisions of the Social Security Act, that the administration desires to recommend.

We recommend removing the age-50 limitation on the payment of disability insurance benefits.

About 250,000 people—125,000 disabled workers and 125,000 dependents of these workers—would be made immediately eligible for benefits by this provision. This would mean additional benefits of about $200 million in 1961, increasing in the future to an average of over $600 million a year.

We also recommend changes in the disability program discussed with your committee last week. They are: (1) a proposal for eliminating the second 6-month waiting period for applicants with a previous period of disability; (2) a proposal for extending a 6-month trial work period to those who are not under State rehabilitation programs; (3) a proposal for authorizing the Secretary of Health, Education, and Welfare to reverse unfavorable disability determinations by the States, provided applicants request reconsideration of such decisions. The last provision is necessary in this nationwide program in order to provide full assurance of a reasonable degree of uniformity in the determination of rights to benefits in the various States. It would also speed up the processing of some cases and avoid needless and time-consuming appeals.

We recommend also that the benefit for each child of a deceased worker be increased to three-fourths of the worker's benefit amount.

The present law provides that in a survivor case the benefit payable to a child is one-half of what the worker's benefit amount would have been, plus one-fourth of the worker's benefit amount divided by the number of children getting benefits. If there are two children, for example, each child is eligible for a benefit equal to one-half plus one-eighth, namely five-eighths, of the worker's amount. And even though one child goes to work and has his benefit withheld, the other child is still not eligible for the full three-quarter benefit.

About 900,000 children would get benefit increases immediately as a result of this proposal. This would mean additional benefits of about $60 million in 1961, increasing later to an average of about $65 million a year.

Another change that we recommend at this time is to provide benefits for the survivors of people who died fully insured before 1940.

In recent years amendments to the law have usually made eligible not only those who in the future meet certain conditions but also those who met comparable conditions in the past. This was not done, however, in the case of survivors of persons who died prior to 1940.

We believe it would be desirable to apply to this group left out in the 1939 amendments the principle of retroactivity which has been generally applied in the more recent amendments. There are about 25,000 widows 75 years of age and over who would be made eligible for benefits by this proposal. This would mean additional benefits of about $10 million in 1961 for this group.

Another proposal we recommend that would enable more people to qualify for benefits is one that would remedy the situation in present law under which a widow and her children are denied benefits because of a defect in a marriage that she entered into in good faith and believed to be valid.

We also recommend five extensions of coverage under the old age, survivors, and disability insurance program. We propose—

1. That coverage be extended to include services (other than domestic services) performed by a parent for a son or daughter.

2. That coverage be made available to policemen and firemen under State or local retirement systems in all States.

3. That coverage be extended to self-employed physicians on the same basis as that applicable to self-employed people now covered.

4. That the protection of the program be extended to employees and self-employed people in Guam.

5. That nonprofit organizations be permitted to extend coverage to employees who want to be covered without requiring that two-thirds of the employees of the organization consent to be covered. All new employees would be covered compulsorily as under present law.

These changes which I have proposed would constitute a significant advance in the old-age, survivors, and disability insurance program.

I now want to discuss the cost of medical care for the aged.

In approaching this problem I feel that we should keep in mind the developments that have taken place on two fronts.

First of all, there are the very significant steps that the Federal Government has taken in recent years to help deal with the hazards of old age.

The number of persons who benefit from the old-age, survivors, and disability insurance program has increased very materially. At the same time there has been a marked increase in the payments to the beneficiaries. Payments under the old-age assistance program, including medical services, have been liberalized. There has been a sharp increase in the funds the Federal Government has made available for medical research. More and more of these funds are being directed toward problems of the aging. The Hill-Burton program of course has benefited persons of all ages in providing more adequate hospital and other health care facilities. Provision has now been made for providing for FHA type of guarantee for the construction of private nursing home facilities. This could prove to be a significant advancement in dealing with the problem of health facilities and health costs of the aged. Congress has made provision for a White House Conference on Aging in January 1961, at which all problems in this area will be discussed by citizens groups representing all walks of life.

In the second place there are the very significant advances that have been made in recent years in extending the benefits of health insurance to people 65 years of age and over.

We estimate that approximately 42 percent of the persons in this age group now have some protection against the cost of hospital care. While we do not have precise data, I think it is safe to say that approximately 6½ million aged persons currently have some health insurance. Contrast this figure with that for 1952 when it was estimated that only slightly more than 3 million aged persons had any coverage of this kind.

Blue Cross and Blue Shield plans have been extending their benefits and improving their coverage. Several insurance companies have aggressively entered the field to provide better protection to aged individuals.

For example, Blue Cross which operates all over the country has taken various steps to assure that persons age 65 and over are offered the opportunity of obtaining protection against the cost of hospital care. Most local Blue Cross plans provide periodically for "open enrollment" when individuals of any age may subscribe for hospital coverage. Additionally more and more Blue Cross plans are extending the time during which they will pay hospital benefits.

While all the 68 Blue Shield plans will continue coverage after age 65 for persons who have been enrolled before that age, there are 32 plans that now have no age limit for initial enrollment, and 2 others permit enrollment up to age 70. In addition, 25 other plans have similar programs for the aged either approved or in various stages of development.

Insurance companies also have been working to make health insurance available to older people. There is considerable variation in what policies cover and in the benefits they provide. It is difficult to generalize on the protection offered to the aged under insurance company policies. However, the significant fact is that more and more companies are offering group and individual coverage to the aged against the cost of nominal hospital, surgical, and in-hospital medical expenses. Additionally, some insurance companies have recently introduced or will soon present policies that will provide protection against catastrophic cost of long-term or other expensive illnesses.

In addition, more and more employers are extending the benefits of group health insurance to retired persons and their dependents. In many cases the employers are paying all or a substantial part of the cost of the group plan.

In testifying before the members of this committee on July 13, 1959, in opposition to H.R. 4700, I made the following statement:

"Enactment of H.R. 4700 would have far-reaching and irrevocable consequences. It would establish a course from which there would be no turning back. The opportunity for continued growth in coverage and adequacy of voluntary health insurance for the aged would be stifled before its full potential could be gaged. The pattern of health coverage of the aged would have become frozen in a vast and uniform governmental system, foreclosing future opportunity for private groups—nonprofit and commercial—to demonstrate their capacity to deal with the problem."

In the light of all of the developments I have just identified, we are all the more convinced that it would be very unwise for our Government to take any step that would lead to such a result.

Since appearing before the committee last year, we have given consideration to the question of using a payroll tax in order to provide more of the aged with better protection against the risk of catastrophic illnesses. We have decided that even a restricted program of this kind would be subject to the same fundamental objections that we have made to H.R. 4700.

Therefore, I want to make it clear that as an administration, we will oppose any program of compulsory health insurance.

At the same time I desire to emphasize again that I believe that continued progress in the direction of covering an increasingly large percentage of the aged by voluntary hospital insurance programs will still leave us with serious problems. There will still be aged persons whose policies provide inadequate protection. Also there will still be aged persons who will have no protection but who would be willing to participate in voluntary programs if provided with policies at rates that they could afford to pay. This administration—indeed all thoughtful citizens—are acutely aware of the need for approaching these problems with a sense of urgency. But we are no less aware of the necessity for seeking and finding solutions that are sound and that expedite rather than impede the progress we all desire.

We have been investigating, therefore, the feasibility of a program that would help accelerate rather than impede the present voluntary approach to this problem. In these studies we have been keeping in mind the following guiding principles:

1. That there should be no compulsion on anyone to participate in any health insurance program.

2. That there should be no action taken by anyone that would tend to stifle private initiative in the health insurance field. Anything done in this area should build on—and not undermine or replace with a Federal system—the excellent progress that is now being made by private effort.

3. That we should strive to strengthen and stimulate our existing private system so as to foster additional progress—both in terms of scope of protection and numbers of persons protected.

4. That we should preserve and strengthen the private relationships which now characterize the rendering of health care services.

5. That all aged persons should have the opportunity of participating in any program that might be developed.

6. That there should be available to the aged—particularly in the low income groups—protection against the severest burden of health care costs, namely, the financially catastrophic cost of institutional care in connection with long-term and other very expensive illnesses.

Before arriving at a final conclusion as to whether the Federal Government can devise within this framework of principles a practical program, it is going to be necessary for us to explore further some complex issues.

For example, we have been considering methods of relating to his income the amount of money that each voluntary participant would contribute to the cost of an insurance policy. We have been analyzing possible plans under which persons in the lowest income group would make a very small contribution and then the contribution would increase up to a given level of income. Beyond this level the policy holder would be expected to pay the full premium costs.

Also we have been exploring the question of whether State governments, aided by the Federal Government, could provide the difference between the amount paid by the policyholders in the low income groups and the actual cost of the policy. In exploring this aspect of the matter, emphasis is being placed on having the States carry their fair share of the total burden.

We have also been endeavoring to identify the various factors that must be considered in determining the minimum level of protection which the States must provide in order to qualify for Federal matching funds. In exploring this question, we are keeping in mind the fact that the States would be authorized to contract with private groups for the insurance.

Also we are considering the impact of any plan on the quality and availability of health services.

We have not reached a conclusion as to the best manner in which to deal with such basic issues as these. In the effort to arrive at sound conclusions, it will be necessary for us to begin immediately to consult further with experts in Government, with outside experts and groups, and with State officials. It is, of course, not possible to predict the length of time that it will take for these consultations. Moreover, I am not now in a position to predict how long it will take to resolve the basic issues I have just identified and any others that may arise. Deeply sensitive as the administration is, and as I know this committee is, to the human issues here involved, I can assure you that these explorations will be carried forward with maximum speed.

Mr. UTT. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from California.

Mr. UTT. Mr. Speaker, I would like to commend my distinguished committee colleague from Missouri, Mr. CURTIS, for the very able and knowledgeable remarks he is making on the subject of the problems confronting our Nation and its citizens. I will assert from personal knowledge that I know the gentleman from Missouri has diligently directed his energies to finding workable answers to these problems without the needless abandonment of our free enterprise way of life which every American cherishes. The responsible and constructive attitude that he is evidencing by his remarks this afternoon lend encouragement that through his able efforts and through the able efforts of others of us who are working to solve these problems we can find their sound solution.

In our endeavors toward these objectives it is important that we not approve a program that would destroy the very great progress that has already been made in helping our aged citizens

not only meet their health care needs but also their other economic and social requirements.

It is basic that once a social program has been established, that program is never erased even though experience may prove it to be a mistake in major part. It is also true that government can give to its citizens only that which it has first taken from its citizens. Therefore, the Congress in seeking to ameliorate the problems of one segment of our citizenry must be sentient of the effect of congressional action on our entire citizenry. It is also essential that we examine not only the immediate implications of a proposed legislative cure, but we must also examine its long-range implications.

In recent days I have noticed in the press and elsewhere criticism of the administration for not having a total solution today to a prolbem that has existed and challenged the minds of men since the beginning of organized society—namely adequate provision for the aged including their health care problems. This unwarranted criticism has chosen to overlook or has been deliberately unmindful of the outstanding progress that has been made by the present administration to this end. As examples of this progress I cite the following irrefutable facts:

In 1952 the last year prior to the present administration coming into power there were 5 million beneficiaries under the old-age and survivors insurance program contrasted with 13.7 million in 1959 including 460,000 who were receiving disability insurance benefits. The average monthly benefit paid to an old-age recipient under the OASI program in 1952 was $79.25 contrasted with an average monthly payment of $72.78 in 1959.

The range of benefit payments provided under the law in 1952 was a minimum and maximum of $25 to $85 compared with the 1959 range of $33 to $127. The family maximum benefit in 1952 was $168.75 compared with $254 in 1959.

The number of jobs covered under social security in 1952 was 43.8 million compared with more than 53 million in 1959.

The public assistance titles of the Social Security Act have also been improved and liberalized in the intervening years since 1952 to include improved welfare services, expanding medical care provisions, and a substantially increased Federal participation in the financing of augmented benefits.

In 1952 $1.5 billion was spent in old-age assistance payments of which 52.7 percent was Federal funds. The average payment in December 1952 was $50.99. In 1959 $1.9 billion was spent for old-age assistance payments of which 58.8 percent was Federal money. The average payment in December 1959 was $65.86.

In terms of medical care for the aged, medical payments under the old-age assistance program in 1952 amounted to $51.9 million and in 1959 amounted to $218.9 million. In June 1952 20 States had programs providing for vendor medical payments, and in June 1959, 41 States had such a program.

Medical research grants under Federal programs amounted to $18.2 million in 1952 and $141.4 million in 1959 with increasing emphasis devoted to problems of the aged in the latter period.

The Secretary of Health, Education, and Welfare, Mr. Flemming, highlighted the progress that has been made in this area at the time of his appearance before the Committee on Ways and Means on March 23, 1960. At that time Mr. Flemming stated the following:

> The number of persons who benefit from the old age, survivors, and disability insurance program has increased very materially. At the same time there has been a marked increase in the payments to the beneficiaries. Payments under the old-age assistance program, including medical services, have been liberalized. There has been a sharp increase in the funds the Federal Government has made available for medical research. More and more of these funds are being directed toward problems of the aging. The Hill-Burton program of course has benefited persons of all ages in providing more adequate hospital and other health care facilities. Provision has now been made for providing for FHA type of guarantee for the construction of private nursing home facilities. This could prove to be a significant advancement in dealing with the problem of health facilities and health costs of the aged. Congress has made provision for a White House Conference on Aging in January 1961, at which all problems in this area will be discussed by citizens groups representing all walks of life.

Mr. Speaker, the fact that a Government solution to the health problems of the aged is not now available should not be characterized in terms of willful neglect or culpability on the part of responsible Government officials. The absence of a solution does not indicate negligence or indifference on the part of these officials but instead is testimony to the difficulty and magnitude of the problem under consideration.

A solution has been proposed by certain of our colleagues serving in the Congress. This solution was originally sponsored by my able committee colleague from Rhode Island [Mr. FORAND]. I recognize that he has conscientiously advocated the provisions of his bill, H.R. 4700, which would provide surgical, hospital, and nursing home care to present beneficiaries of the OASI program to be paid for by the imposition of a compulsory payroll tax on the presently working population. It is my conviction, Mr. Speaker, that Mr. FORAND'S solution is unwise and unsound. Its enactment would in my judgment create more problems than it answers.

I would make these observations in regard to the so-called Forand proposal:

This is an election year but in the interest of preserving the soundness of our social security system, amendments to the act should not be an election subject. Everyone wants to see our aged citizens get everything in life that it is feasible to provide them with under our free enterprise system. Unfortunately, there are by definition no economic goods and services that are free—someone has to pay. That is true in private enterprise and perhaps even more true in Government enterprise because of the higher cost that usually attends Government endeavors.

It is conceded that to some unascertained extent a problem does exist in connection with health care for our aged citizens. However, I submit that the health care problem is not peculiar to the aged; it frequently is just as acute in the case of individuals and families who have not reached retirement age.

The recognition of the existence of a problem does not of itself establish the obligation of the Federal Government to undertake to provide a definitive answer. Authorities who are knowledgeable of the problems confronting the aged generally recognize that caring for our older citizens calls for cooperative endeavors of family members, insurance companies, professional practitioners, churches, community endeavors, and society generally.

Mr. FORAND'S proposal does not supply a workable answer to the problem of providing for the health needs of the aged. The problem is essentially outside the framework of the social security program as it is now constituted and its inclusion would inevitably serve to weaken the retirement and survivorship aspects of the existing benefit system. I am convinced that those who are most constructively interested in the social security system are not those who seek its overexpansion but instead are those who work to safeguard it from the assumption of obligations that could weaken or destroy the system.

I am mindful of the fact that health care requirements generally increase with age but I am also mindful of the tremendous progress that has been made in recent years toward providing for those requirements under free enterprise and without Government domination. American medicine has placed health care and professional services before economic considerations in providing for the indigent of all ages. The insurance industry is striving to deal effectively with the increasing demand for health care financing for the aged. It is significant to note that in regard to the aged the number with health insurance protection is rising more rapidly than for any other age group. Almost half of our aged population now has health insurance. Furthermore it is projected that the size of this insured group will rise to approximately 90 percent of those who need and want this protection by the year 1970. Doctors have taken formal action in their professional societies to guarantee medical services to the indigent and at half price to the aged generally.

For a number of reasons, not the least of which is inflation, some 18 percent of the aged are public welfare recipients under federally aided public assistance programs. As such these individuals are eligible to receive health care under present programs. In addition, a large segment of our aged population is eligible to receive medical assistance from the Veterans' Administration, military and other Government agencies as well as from private sources.

Today upward of 125 million Americans are protected against illness through some form of voluntary health insurance and through voluntary protection against wage loss due to disability. It is to be regretted that this

protection does not cover 100 percent of our population but it must be realized that Mr. Forand's proposal does not provide protection to 100 percent of our population either.

In fact the Forand bill discriminates against those who through no fault of their own are excluded from the protection of the OASDI program. Our aged population today includes approximately 15.5 million people and 4 million of those people would be ineligible for the benefits under the Forand bill. It also discriminates against the millions of Americans along with their families who today are in the Nation's working force and who have just as real economic problems as the aged. The Forand bill with its statutory limitation on duration of services fails to take care of the catastrophe situation which is the real problem in the health care area.

It is inevitable that if we launch into a Forand type program, pressures will be brought to bear in future years which will lead us to a sweeping, all-inclusive, Government-operated national health program. Such a program would involve the expenditure of vast sums of money, certainly upwards of $20 billion annually.

Such an expenditure would be reflected in the cost of doing business and would cause rising prices so that our domestic producers would be less able to compete in domestic and world markets. The inflationary consequences of this rise in the general price level would adversely affect all Americans and would particularly strike at the very age group that the Forand bill purports to help. As I said, someone pays for what anybody gets, and the Federal Government must maintain supervision over the expenditure by Government of the tax money taken from its citizens.

A massive Government supervised health program is one more step and a major one in the direction of a regimented economy. The inflationary consequences of this proposal carried to its logical extreme would rob the aged in terms of purchasing power of their savings, insurance, bonds, and other liquid assets.

In the 20th annual report of the trustees of the social security trust funds we find that the OASI fund operated at an annual deficit in the 3 years 1957 through 1959. A modest increase in the fund of $62 million is projected for calendar year 1960 but this surplus balance is projected only on the assumption of a $2½ billion increase in tax contributions compared to a $0.9 billion increase in benefit payments. This greater increase in tax contributions over benefit payments projected for 1960 is at variance with the actual experience in 1959 when tax contributions increased only $0.5 billion compared with an increase in benefit outgo of $1.5 billion. This may be true even taking into account the increase in OASI taxes that occurred on January 1, 1960. The membership of this committee is well aware of the fluctuations that can occur with respect to social security income and outgo and we must guard against doing anything that would threaten to impair further the solvency of the existing program. The status of the OASI trust fund at the present time is insufficient to pay 2 years' benefits. Therefore, liberalizations enacted today must inevitably be paid for by tomorrow's taxes.

We all have knowledge of the crowded condition presently existing in hospitals in some areas of our Nation. If we launch a program of Government health insurance at this time, we will be seriously aggravating the current bed shortage by prolonging hospital stays and by the overutilization of hospitals by individuals who could adequately be cared for on an outpatient basis or through other procedures. Overutilization of medical facilities has been the experience in every country launching a national health program. In the United States the experience with governmentally provided hospitalization has demonstrated that the average stay per patient in Federal Government hospitals ranges up to 4.5 times as long as average stays in non-Government hospitals.

The Forand proposal would tax our working population to pay hospital and other health care costs for our aged citizens regardless of their economic circumstances, be they wealthy, poor, or in between. The bill provides for an increase in social security taxes of ¼ of 1 percent each on employees and employers on wages from employment and ⅜ of 1 percent on self-employment. Social security taxes under existing law and without further changes are already scheduled to reach 9 percent of payroll in 1969.

Responsible actuarial estimates in regard to the Forand proposal clearly indicate that the program would be underfinanced by the schedule of tax increases provided in the bill. Testimony was presented to the Committee on Ways and Means during our hearings last year on this legislation pointing out that the first year cost of the program would be in excess of $2 billion and that by the year 1980 the annual costs would range from $6 to $7.5 billion. The necessary increase in social security taxes to cover such costs would very likely serve to preclude other meritorious liberalizations of the Social Security Act. The health care features of the Forand proposal would virtually rule out the possibility of cash benefit increases, liberalization of the retirement test, and the elimination of inequities in existing law. Also, this legislation would for the first time deny to an individual the freedom to choose how he will use his social security benefit dollars. The bill would exact taxes at the same rate from all working individuals but would pay differing benefit amounts for medical care services in the various geographical locations of our Nation.

In 1953 the Congress passed legislation creating the White House Conference on the Aging. Congress already has or will be called upon to appropriate taxpayers' money for this enterprise to the extent of approximately $2 million. Thousands of informed citizens are now busily engaged in State conferences on this subject. It is expected that 3,000 delegates will attend the National Conference to be held in Washington, D.C., next January. The persons participating in this Conference bring experience and ability to their undertakings in behalf of defining and finding solutions to the problems of the aged. To enact a health care program at this time, from which there would be no retreat, would serve to preempt the worthwhile endeavors involved in the White House Conference on the Aging.

For the benefit of interested persons, I would briefly summarize the objections to H.R. 4700 as follows:

1. The Forand amendment is discriminatory. It would tax present workers with little or no regard for their ability to pay and would pay benefits to the aged regardless of their economic circumstances, be they rich, poor, or in between. It excludes 4 million of our aged population who through no fault of their own are denied social security protection. It also excludes the millions of Americans in the working force along with their families who may have just as urgent medical-economic problems as the aged. The proposal falls short of providing for the catastrophy situation.

2. The Forand amendment is unsoundly financed. The tax increases provided in the Forand proposal would increase existing social security taxes by 1969 to 9½ percent with respect to the employed and 6¾ percent on the self-employed. Even these high taxes would be inadequate to pay the costs of the social security system if it included a Forand type health program. Responsible actuarial authorities estimate that the Forand bill is 100 percent underfinanced and project cost estimates for the first year of operation at $2 billion and the annual cost in 1980 of from $6 to $7.5 billion. The existing social security trust fund operated in the red in the 3 years 1957-59 and is in only marginal balance for 1960. The amount of the OASI trust fund is insufficient to pay 2 years' benefits. The Congress must maintain the trust fund in such condition as to assure its ability to perform its intended mission of paying retirement and survivorship cash benefits.

3. The problem of health insurance is essentially outside the framework of the existing old-age, survivors, and disability insurance program. Those who are most constructively interested in the social security system are not those who seek its overexpansion but instead are those who work to safeguard it from the assumption of obligations that could weaken or destroy the system.

4. The Forand amendment disregards the progress that has been made in recent years by the medical profession and the insurance industry to provide health care to the aged. Doctors have formally acted in their professional societies to guarantee medical services to the indigent and at half price to the aged generally. The insurance industry is offering a variety of policies providing health cost protection to the aged. Today almost half of our aged population has health insurance. By 1970 the size of the protected percentage is expected to increase to approximately 90 percent of the aged who need and want such coverage. The Forand proposal would impair these effective voluntary endeavors to solve this problem.

5. The Forand proposal would tend to increase inflationary pressures. The taxes and expenditures caused by the Forand amendment would be reflected in rising prices. This would adversely affect all Americans. It would impair the job security for the present workingman. It would particularly strike at the aged group it purports to help by impairing the purchasing power of their savings, insurance, bonds, and other liquid assets.

6. The Forand amendment would operate to preclude meritorious liberalizations and improvements in existing law by substantially increasing social security taxes solely for health care. The financing costs of the health care features of the Forand proposal would be so great as to rule out any possibility of cash benefit increases, liberalization of the retirement test, and the elimination of existing inequities in the law. The Forand proposal would also for the first time deny to an individual the freedom to choose how he will use his social security benefit dollar. In addition working individuals would be taxed at the same rate under the bill but benefit amounts for medical care services would vary according to geographical location in our Nation.

7. The Forand proposal would preempt the work now in progress of the White House Conference on the Aging. In 1958 Congress authorized the establishment of a White House Conference To Study Problems of the Aging for which approximately $2 million will be appropriated. Thousands of informed citizens are already at this task and 3,000 delegates will attend the National Conference to be held in Washington, D.C., next January. The participating conferees bring experience and ability to their undertaking to define and find solutions to the problems of the aged. The law prescribes that the Conference shall report to the President by April 9, 1961, and it is expected that recommendations to the Congress would be forthcoming shortly thereafter.

Mr. Speaker, it has been alleged that the distinguished Secretary of Health, Education, and Welfare, the Honorable Arthur S. Flemming, in his appearance before the Committee on Ways and Means on March 22, had breached a promise he had made to the committee last year to have a health care plan to submit to the Congress with the convening of the second session. So that the record may be accurately stated on this point I will place in the RECORD as a part of my remarks what the Secretary said last year on this subject. This extract is taken from page 13 of the hearings on H.R. 4700 held by the Committee on Ways and Means in July 1959:

Secretary FLEMMING. Congressman FORAND, first of all, may I comment on your comments relative to the delay in the reports that have been submitted?

I think that I should personally assume responsibility for the delays. As you know, I took office last August. I regard this as one of the most important issues that confronts the Government, both the executive and legislative branch, and I have personally tried to take time first of all, to get acquainted with the contents of the report that was submitted to you, and in the second place I have tried to look at all of the possibilities in connection with the solution of what I recognize, as you recognize, to be a very real problem.

I can assure you that as far as the additional studies that are referred to in my statement are concerned that they will be given my personal attention and I will certainly endeavor to bring them to a conclusion just as rapidly as possible.

My hope would be certainly that they would be available to the Congress when it comes into the second session of this particular Congress.

Now, as far as the administration of a program such as is envisioned by H.R. 4700 is concerned, I think that we do have to keep in mind the fact that this would be a new departure as far as social insurance is concerned.

In the letter that I transmitted to the committee, giving our views on this particular bill, I said this:

"Such a system"—that is, the one envisioned by this bill—"in order to meet the objective of adequate coverage of the risk in an economical manner, must be designed to meet all or substantially all of the costs of those services which the system undertakes to provide. In this significant respect, the compulsory health insurance under H.R. 4700 differs from the old-age, survivors and disability insurance program which contemplates, and in fact provides, an incentive for supplementation of a basic floor of protection through individual incentive and thrift and private insurance."

Then a little later on, I indicate that this program would have far-reaching and irrevocable consequences.

On top of the last page of my letter I indicate this:

"Such foreclosure of future opportunity for private efforts to demonstrate their capacity to deal with the problem would require far more convincing justification than is afforded by present evidence that nonprofit and commercial insurance cannot meet the need. It would demand, moreover, the payment of an additional price in the form of governmental intervention into arrangements that are on the whole better left within the framework of nongovernmental action."

Then I proceed to list some of the new types of administrative problems that would confront the Government if we move in this direction.

This extract clearly indicates that the Secretary had hoped that he would be able to recommend a sound solution; it does not indicate a promise to recklessly advocate something just for the sake of making a recommendation. The statement does indicate the very genuine desire of the administration to develop in a proper way the clear definition of Government's role in contributing to the alleviation of the problem.

Mr. Speaker, it is my view that organized labor is again rendering a disservice to the union membership and to the American people through its political pressures in behalf of the clearly unsound Forand proposal. As I have demonstrated, the labor-boss led advocacy of H.R. 4700 is in total disregard of the facts. The labor bosses are supporting this discriminatory solution fraught with inflationary overtones that is unsoundly financed to conceal the failure of the labor movement to constructively contribute to a solution to the health needs of our aged citizens.

Mr. Speaker, opposition to the Forand bill should not and cannot be construed to constitute indifference to a solution to the health problems of not only our aged citizens but indeed of all of our citizens. In my judgment the opposition to the Forand proposal should instead be construed as indicating a determination to find a proper solution to the problem and an unwillingness to engage in a reckless or a dangerous action. I am sure that there is no responsible official of Government in the executive branch and in the legislative branch who will not work diligently to this end. The solution will not be developed on the basis of political propaganda and pressure. The solution will not be developed by distorting or disregarding all the facts which bear on this challenging and complex issue. The solution will not be developed on the basis of a partisan approach.

Mr. Speaker, I would again commend my colleague from Missouri for his very learned evaluation on the problems confronting our esteemed and respected aged citizens. I join with him in pledging myself to earnest endeavor to find the proper answers to these problems.

Mr. UTT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS of Missouri. I thank the gentleman from California for his very kind remarks.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. Yes, gladly.

Mr. PORTER. I was very glad to have the opportunity to hear the gentleman's presentation, but I am not sure that the late Senator Taft would have agreed with his point of view.

Mr. CURTIS of Missouri. May I say to the gentleman that the late Senator Taft and I were very close personal friends. I managed his campaign in the State of Missouri in 1948 and 1952, and I think he and I were very much in accord in our approach to these matters.

Mr. PORTER. In regard to the Federal Government's role in connection with health?

Mr. CURTIS of Missouri. Yes, I would even say that, because in the days when Senator Taft made some of his proposals, we had not had this progress that I have been recounting. Since 1952, just to take these bold figures, it shows an increase from 26 percent of our people being covered beyond age 65 with health insurance in some form, where we are up to over 60 percent for the year 1960, and we know of the progress and the policies that are in existence which is going to continue this progress. So, you see, we do not stand still in this country. If we will only pay attention to the thing that has made this country great, which is essentially our private enterprise system, our millions of American men and women will be doing things for themselves.

Mr. PORTER. Mr. Speaker, will the gentleman yield further?

Mr. CURTIS of Missouri. I yield.

Mr. PORTER. The gentleman said that part of this campaign was blasphemy and he accused the ADA of being apparently the principal people behind it.

Mr. CURTIS of Missouri. I did. I refer to a specific campaign and I pointed out that it was blasphemous. Actually I referred to a quote that was taken from the Bible and placed out of context, I might say. The blasphemy consists in this—and I suggest the gentleman read the message. The propagandists said that anyone who does not approve of the Forand bill is casting out the older people. That is not what I regard as a proper public debate. And when the Bible is quoted to further that, I say it is blasphemous.

Mr. PORTER. I am sure that the gentleman agrees that the teachings of Christ were that we should take care of the humble and the ill.

Mr. CURTIS of Missouri. But His teachings did not include attacking the motives of those who were trying to do the same thing.

Mr. PORTER. If I may complete my statement, by way of preliminary; the gentleman says that the ADA adherents and the American press—and he cites Mr. Herblock—I am sure the gentleman agrees that the ADA represents a very small segment of the American press, and that the doctors' lobby is far better financed and is working on this matter with far more resources.

Mr. CURTIS of Missouri. No; I do not. I might say to the gentleman that I do not agree with that. As a matter of fact, what is so difficult in coping with an apparatus like the ADA is that some of them project their thoughts and ideas as if they are professors in universities in some instances; others as if they are hard working—I am sure they are hard working—objective news reporters; or that they are objective cartoonists, calling their shots as they see them, instead of working in an apparatus to assist in perpetrating a national propaganda scheme. There is the difference. The doctors, Lord bless them, are not engaged in that kind of an operation.

Mr. ALFORD. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Arkansas.

Mr. ALFORD. There were statements that were made here, and I should like to ask the gentleman from Missouri a question. There were quotations from the Bible and our Lord was mentioned in a statement with reference to the needy. I would like to stress one point, Mr. Speaker. May I ask the distinguished gentleman, who is an authority on this subject, and a very valuable member of the Committee on Ways and Means, this question. The needy and the poor and the indigent of this country are not covered by the Forand bill, are they?

Mr. CURTIS of Missouri. No; the gentleman is correct. I think it is one of the great things in our society that we can say that really the indigent are taken care of today in America. There may be a few here and there; but if their need is called to the attention of anyone, they are taken care of, because we have the facilities in our society to care for them.

The Forand bill, of course, has nothing to do with those people. That is an important point to dwell upon, if this is going to get into a propaganda campaign; that is, that the people of this country understand that the proponents, those who are starting this propaganda machine, are trying to create the impression that they are talking about the needy when in fact they are not referring to any needy group. They are not talking about the needy.

Mr. ALFORD. I thank the gentleman very much.

Mr. PORTER. If the gentleman will yield, I think it should be made clear, and I thought it would be made clear, that the Forand bill insurance program is based upon workers who put aside money when they are making that money. No one has ever said it was a subsidy or welfare program.

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, I want to commend the gentleman from Missouri [Mr. CURTIS] for his very scholarly statement on the needs of the aged.

He has performed a fine public service in calling attention to the weaknesses and inadequacies of H.R. 4700. I, like him, have given much consideration to this very real problem and like him I sincerely believe we ought to give serious consideration to other plans that will recognize the total problem. I hope that those who share our concern on this matter—in and out of Congress—will read and study this fine statement and then join those of us who want to do a more adequate job of meeting this very real problem that needs our attention now.

COST OF LIVING AND THE NATIONAL ECONOMY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, everybody complains about the rising cost of living. Various agencies attempt to state the amount of change in percentage figures. For instance, the Department of Labor puts the increase at 9.8 percent in the period from 1952 to 1960. In computing this increase, they take a selected list of commodities and services that many people buy, and then determine the proportion of each commodity or service in the total, that is, they weight the items. The individual purchaser, or the family unit, may not follow the buying pattern of the general run of people. Low income families must necessarily spend a larger proportion of their incomes for food, for instance. To such a family, the rising cost of living really means the rising cost of food.

So many factors enter into the cost of living that it is unreasonable to expect the average man to trace all of them to their final result. In the final analysis, we tend to want an increasing amount of goods and services as a return for less and less work. Therefore, a good measure of any change in the cost of living would be the total amount of our national product divided by the total number of man-hours spent in its production. The only remaining problem then would be equitable distribution among those who should receive it. There is no doubt that we have increased our productive capacity enormously in the last 20 years through the application of better methods and improved machinery. For instance, production on the farm per man-hour is said to be three times as great as in 1940. Yet the price of food in dollars has gone up instead of down. Why? Is somebody profiting at the expense of the farmer and the consumer? Nearly everybody is willing to point out the culprit. It is the wholesaler, or it is the processer, or it is the transporter. It is the laborer, it is the retailer, it is the cost of advertising. And so on. We can soon get dizzy if we try to follow the reasoning in each case.

One proposal for holding the real cost of living in practical limits would be to equate the value of every item of goods and services with the value of a single unit of some one commodity. If a bushel of wheat served as the unit, for instance, then a cow or an automobile or a coat or a trip to Bermuda or a man-hour of work would be worth so many bushels of wheat, always and everywhere. A few years ago the whole idea seemed attractive in principle. The only difficulty would be to get any considerable number of people to agree on a formula for computing the equivalences. Most schemes for controlling the prices of things suffer the same disadvantage. They sound well, but they cannot be made to work in practice.

At the start of the last war, the Government put an immediate clamp on both prices and wages. We endured this invasion of what we consider our inalienable rights while the war lasted. After the war, prices of goods and wages jumped sharply. Now many people urge that the Government step in and do something to halt the continued rise. Practical plans for doing this do not seem to be in evidence. In the recent prolonged steel strike, the Government was criticized for not intervening on one side or the other. Then, when it did get somewhat indirectly into the negotiations, it was criticized for interference. The only plan officially endorsed by the administration was that everybody should exercise restraint and moderation in attempting to improve his position relative to others. Meanwhile the cost of living continues to go up.

PEACE AND NATIONAL DEFENSE

The establishment and maintenance of peace in this country and in the world is the major concern of all our people. Those whose husbands, sons, and daughters failed to come back from the last war do not want to see another. Those who participated and came back without injury have had enough. All who contributed in a civilian role to the final victory want to avoid the sacrifice of time and energy in another struggle. I served nearly 4 years as a navigator in the Naval Air Corps during the war. I do not want to repeat the experience myself, and I look forward with the greatest horror to the prospect that my children, or my children's children, should be caught in another and more horrible slaughter.

I have introduced legislation setting up a Department of Peace in the Federal Government. The major function of the

Department would be to study causes of friction among nations and ways of resolving differences without resort to arms. But it would be foolish to trust in such a Department alone to preserve the peace in this age of tension. Until we can get universal acceptance of the idea of peace, we must be prepared to fight. While I shall make every effort to achieve the objectives of the Department of Peace, I am equally prepared to support proposals to keep us so strong militarily that no nation dare attack us. We have never in our history engaged in offensive military action, we have no intentions now to start an offensive war, and I believe we never will have. But we know that powerful forces exist in the world intent on our destruction. The only hindrance to letting them loose against us is the sure knowledge that we will meet force with force. The communistic nations alined against us are bullies. They respect nothing but force. The only way to handle a bully is to check him with immediate deterrent force. We are already spending a considerable slice of our national income, perhaps 9 percent, in building up our deterrent strength. It may not be enough. I should prefer to spend billions more now in guarding against disaster than to wait and hope that nothing will happen, and then be compelled to sacrifice not only our money but thousands and millions of human lives in a war that might have been averted if we had only been strong enough. We do not want another Pearl Harbor. The "too little and too late" policies of the 1930's laid us open to the belief that we could be attacked with impunity. After we had been attacked, we had to spend time, money, and men to recover the force and prestige we had lost unnecessarily.

Many men prominent in public life have gone on record to the effect that our preparedness program is too weak and ineffectual. These men belong to both political parties. Their integrity and their understanding of events cannot be questioned. They are in a position to know, and they have the facts on which to base a conclusion. They agree that we are already far below Russia in military effectiveness, and that we are losing ground year by year. They point out that Russia is spending at least twice as large a proportion of her national output on weapons as we are spending. Further, Russia needs desperately to increase the supply of consumer goods, while we enjoy a surplus of practically every civilian commodity. We can well afford to devote a larger share of our income to building up our strength. Meanwhile, administration policies waver from one position to another. They take up one military project after another, spend large sums in its development, and then abandon it for something else. We must get together on a total program that will do the job. It is certain that we have the knowledge by which we can determine our needs. We have the technical skill, the organizational resources, and the materials to make ourselves impregnable. Let us use them to the extent that they are needed. Considerations of economy and of a balanced budget will not save us from annihilation if an atomic war breaks out.

Failure to act now will convince our enemies that we are really bluffing, that we have no firm commitment to a policy of resisting aggression, and that we will refuse to fight at all when the chips are down. Already there is talk of breaking our promises in Europe, in the Middle East, and in eastern Asia. We must bolster up our national will to make the sacrifices necessary. We must restore our military power in international confrontations. Penny-pinching now in the name of economy leads inevitably to waste and extravagance later when the full force of the storm strikes us, as it always has. The best way to preserve peace is to be abundantly able to wage war.

WRONG DONE JULIUS WILDSTEIN, OF NEWARK, N.J.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. ADDONIZIO] is recognized for 15 minutes.

Mr. ADDONIZIO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ADDONIZIO. Mr. Speaker, I rise to correct a serious wrong that was committed against the good name of Julius Wildstein, of Newark, N.J., by the gentleman from Mississippi [Mr. WILLIAMS] on the floor of the House on March 9. It is regrettable when debate descends to the level of personalities, when name calling is substituted for calm and objective discussion. However, we can perhaps excuse a Member resorting to denunciation in the absence of arguments of merit and substance. What is inexcusable is to impugn falsely a man's honor and integrity. A grave injustice has been done to Mr. Wildstein, as the following letter from him makes clear. Under date of March 21, Mr. Wildstein has written me:

NEWARK, N.J., *March 21, 1960.*

The Honorable HUGH J. ADDONIZIO,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN ADDONIZIO: My attention has been called to an item appearing in the CONGRESSIONAL RECORD of March 9, 1960 (No. 44), at page 5063, in which Congressman WILLIAMS, of Mississippi, referring to an item placed in the RECORD by you, attacked me:

"On February 23, 1960, the gentleman from New Jersey [Mr. ADDONIZIO] placed in the RECORD a long apology for the people of Levittown, N.J., who refused to integrate their 'publicly assisted housing' until forced to do so by an order of the New Jersey Supreme Court. In his praise of participants in the lawsuit on the side of integration, Mr. ADDONIZIO pointed out the following:

" 'Instrumental in this splendid victory was Julius Wildstein, Newark attorney and chairman of the commission of law and social action of the New Jersey region, American Jewish Congress, who sacrificed time and energy, without any material compensation, to act as chief attorney for the defendants. He, together with attorneys from the American Jewish Congress, as well as lawyers from other agencies, are to be commended.'

"What Mr. ADDONIZIO did not tell the Congress about Mr. Wildstein was that, several months ago, according to reliable information that has come to me, this same Julius Wildstein sold his home at 356 Seymour Avenue, an integrated neighborhood, to Negroes, and moved over to 19 Lyons Avenue, a protected all-white community, in Newark. For Mr. Wildstein, integration appears to be highly desirable; but desirable only to others. Apparently he does not choose to be integrated himself. This is but one example of the hypocrisy which characterizes this entire controversy, Mr. Speaker."

The statements of Congressman WILLIAMS are completely contrary to the facts, as follows:

1. I did not sell a home at 356 Seymour Avenue. The fact is I never owned a house at 356 Seymour Avenue or anywhere else. For several years I was a tenant occupying a 7-room apartment on the first floor of a 2½-family house at 336 Seymour Avenue. This neighborhood is an integrated neighborhood and was such when I moved into it, a fact of which I was well aware.

2. The house at Seymour Avenue where I lived was sold in April 1959 to Ada-Ozella Corp., which was and is owned and controlled by two Negro families, and I was told by them that it was their intent to occupy the first and second floor apartments. Pending my removal, the two families occupied the second-floor apartment, which was then vacant, and after I vacated one of the families moved into my former apartment.

3. I continued to live at Seymour Avenue in the same house with the two Negro families for over 3 months, at which time I was able to find a 4½-room apartment more suitable to our family needs in an apartment building at 19 Lyons Avenue, Newark, N.J.

Congressman WILLIAMS says that this is a "protected all-white community." It is nothing of the kind. There are several houses in the neighborhood occupied by Negro families.

I hope you will see that the CONGRESSIONAL RECORD carries this correction of Mr. WILLIAM's erroneous statements and of his charge that my efforts and those of the American Jewish Congress and other organizations to end racial discrimination are hypocritical.

Sincerely yours,

JULIUS WILDSTEIN.

DEVELOPMENTS IN THE MANDATORY OIL CONTROL PROGRAM AND ITS IMPORTANCE TO AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. MOORE] is recognized for 30 minutes.

Mr. MOORE. Mr. Speaker, quite frequently, it seems, for one reason or another, men charged with responsible leadership in the executive branch of our Government face criticism and complaints, rather than acclaim, for their efforts.

Thus, it is a matter of considerable pleasure when the opportunity arises to offer praise for an example of steadfastness and courage in Federal Government administration.

I refer to the forthright reassurance recently given the American coal industry by Mr. Elmer F. Bennett, Under Secretary of the Interior, when he announced, with the approval of his superior, Secretary Fred A. Seaton, that the Department has no information that

would justify an increase in oil import quotas for the first 6 months of this year, despite the current high levels of imports.

In a letter to Mr. Joseph E. Moody, president of the National Coal Policy Conference, Mr. Bennett, as Acting Secretary, declared that importers of residual—and I quote him—"should be put on notice that nothing has come to the attention of this Department which leads us to doubt the validity of the import levels which were established for the first half of 1960, and that we have no information which would appear to warrant an upward adjustment in the residual allotment for this 6-month period."

Despite this very clear expression by Mr. Bennett, however, there are well-founded reports that importers of residual oil, consisting mostly of the major international oil companies, expect to bring tremendous pressure on the Department of the Interior, which administers the quotas, to increase them before this half year is over.

These reports are substantiated by the alarmingly high rate at which imports have been running during the first 2 months of this year. In January and February alone, 54 percent of the quota for the entire 6 months was brought in.

If this rate continues—and it shows little signs of abating—many importer-suppliers are certain to exhaust their quotas long before June 30. If this occurs, we may expect to hear anguished cries that critical users of residual oil are without fuel, that free businesses are being forced into hardship by arbitrary and autocratic bureaucracy, and even worse.

It seems, therefore, that it is well to review this whole situation at this time, and to shed the light of pure facts on what is happening before it can become an effective tool in the hands of the international oil corporations to further belabor the domestic fuel industry and the interests of national security.

First, it is essential to remember that, although the imposition of quotas on imported residual oil has been of inestimable help to a stricken American domestic fuels industry, it was essentially a national defense decision, and came only after a Presidential proclamation which followed findings that unrestricted imports posed a threat to the national security.

As Mr. Bennett so properly pointed out in his letter to Mr. Moody:

> In administering the program, we as a Department have to bear this presidential finding in mind at all times. We cannot in good conscience ignore the national security aspect and set the allocation level at a point which permits everyone who wants to bring in residual fuel oil and to bring in as much as he desires.

Recognition by the Federal Government of the serious effect on our defense capacities of unrestricted residual imports is, of course, heartening to the domestic coal industry which has been pointing to this danger for several years.

As a matter of fact, even a continuation of the import quotas at their present levels, in my opinion and that of the leaders of the domestic coal industry, do not furnish satisfactory safeguards against this threat to national security.

When the quotas were imposed, it was decreed that they should restrict residual oil imports to the number of barrels that were brought in from foreign sources in 1957. This was approximately 125 million barrels, or the equivalent of 30 million tons of coal. However, since that time the quotas have twice been adjusted upwards, and now permits, on the basis of the first 6 months of 1960, the import of 156 million barrels annually, or the equivalent of 38 million tons of coal.

Since this is equivalent to about 9½ percent of the total coal produced in the United States in 1959, it is readily apparent what an unfortunate impact the imports of residual—even at present permitted quota levels—is having on the historic markets for American coal.

Keeping this fact in mind, and in view of the anticipated efforts on the part of some importers to seek even further increases in quotas—or even to demand their complete elimination—it is important to review briefly the problem of residual imports and the developments that have led to the present situation.

Residual oil, as the name suggests, is the residuum after the primary products, such as gasoline, kerosene, distillates, lubricants, and so forth, are obtained during the refining of crude oil. There is no commercial production of crude oil accomplished in order to obtain residual oil as such. If there were no market or use for residual oil at all, the fact remains that it would still have to be produced as a byproduct in order to get the other desirable distillates from crude oil. Consequently, there is no relationship between the production of residual and the market demand for it. Supply in this case is governed by the demand for the other petroleum products and, once these have been extracted from crude oil, the producer is faced with the problem of disposing of the remainder—residual oil. For this reason, residual oil is frequently, in times of excess supply, sold at a dump price—that is, a price that has no relation to its cost.

The amount of residual derived from crude oil varies widely with the quality of the crude. In domestic refineries the residual content averages 13 percent of the refinery throughput, while Venezuelan operations and those of the Netherlands Antilles produce 60 percent residual oil. It is oil from these latter sources which constitutes the bulk of residual imports into the United States.

When residual supplies pile up in these oversea refineries, the producers must dispose of the glut. Naturally, they would like to do so as advantageously as possible, but they must get rid of it. To accomplish this, the oil giants turn to the industrial market of the American Eastern Seaboard.

This market is a readymade dumping ground for them. The Eastern utilities are large consumers of fuel. Although traditionally dependent on coal for its boiler fuel, a significant portion of this market has boilers equipped to burn either oil or coal on a quick-switch basis. The determining factor in making a fuel selection is naturally a comparison of the prices per B.t.u. offered by the various fuels. When there is no worldwide glut of oil and prices are correspondingly normal, coal undersells oil in this market, sometimes by a considerable amount. Under this condition the oil producers are not particularly interested in the Eastern utility market, nor are the utilities interested in using any significant quantity of oil as fuel.

However, under the price-depressing effects of an oversupply of oil and with stocks of residual mounting rapidly, the disposal of residual oil becomes more important than the revenue it yields. Under these circumstances, prices are slashed ruthlessly to whatever point necessary to undersell coal in the utility market and the utilities' boiler equipment is rapidly switched to accommodate the imported fuel and take advantage of the favorable price.

Ever since the Suez crisis in 1957, world petroleum supplies have increased steadily and world markets have been glutted with ever-increasing surpluses. Nor is exploration for and consequent discovery of oil deposits waning under the continued oversupply; on the contrary, it is being pursued at a feverish pace. This situation has had a plainly adverse affect on American energy industries.

The domestic petroleum producers have been severely limited by regulatory fiat in their production as a result of the flood of imported oil breaching American shores. For example, Texas wells are currently allowed to produce oil only 10 days of every month. And, of course, the great excess of supply over demand has maintained prices for what oil is produced in a chronically weakened condition. The glut of crude oil has been accompanied, in due course, by a burgeoning oversupply of residual oil which has had a severely injurious effect on the domestic American coal industry.

The growth in U.S. imports of petroleum and petroleum products over the past few years has been startling. In 1954, for example, the value of these imports was $829 million; by 1958 this figure had almost doubled and stood at $1,625 million. Over the same period, the domestic production of crude petroleum went from 2.3 billion barrels to 2.4 billion barrels, an increase of only 4 percent in 4 years.

In an effort to alleviate this distressing situation, in July 1957 the President's Cabinet Committee called for a voluntary program of restrictions on oil imports. This action, mild as it was, helped hold the line on unbridled imports—in 1958 imports represented 18.4 percent of domestic supply as compared with 16.5 percent in 1957. However, this move did nothing to alleviate the problem of residual oil which was not covered under the voluntary program.

It became obvious early in 1959 that the voluntary import restrictions, while a step in the right direction, were not doing the whole job. In March of that year, President Eisenhower issued a proclamation which set mandatory quotas on the importation of petroleum and for the first time recognized the danger of continuing reliance on imported residual oil for fueling basic

American industries. The basis of the Presidential proclamation was that a continued high level of oil imports was injurious to the national security of the United States because it weakened the domestic energy base so vital in time of emergency. The inclusion of residual fuel oil under this mandate plainly interweaves the importation of residual with that of crude oil in the national fuel and energy supply as it relates to national defense.

Imported residual oil increases the dependence of our basic economy on fuel and energy resources from outside the United States, which are, of course, unreliable in time of war, in the same way that imports of crude oil increase this dependence. Imports of residual oil displace domestic sources of fuel and energy in the same way as do imports of crude oil. And the same retardation of growth and of the rate of investment that characterize the effect of excessive imports of crude oil on domestic petroleum development, are apparent in the effect of uncontrolled imports of residual fuel oil on the domestic coal industry.

The original level at which imports were to be maintained under the Presidential order was that of 1957. This standard was followed generally in the establishment of quotas for April, May, and June 1959—as far as residual oil was concerned, this meant roughtly 343,000 barrels per day.

However, the 1957 basis for import restrictions was abandoned when the quotas were set for the final 6 months of 1959. At this time the amount of imported residual to be allowed entry became involved with the estimates of petroleum production and demand made by the U.S. Bureau of Mines. This estimate was predicated on elements of normal demand, abnormal demand because of expected unseasonably cold weather, and an allowance for building of stocks, even though the Bureau had no accurate storage figures to indicate such a need. Under this vague system, the quotas for the last half of 1959 were increased to 365,000 barrels per day. If normal weather had been assumed and no allowance made for stock building, the quota would instead have been cut to approximately 320,000 barrels per day under this system.

With the establishment of the residual quotas for the first 6 months of 1960, at 425,000 barrels a day, the complete abandonment of the 1957 basis became obvious. Emphasizing the abandonment was a revised version of the Presidential Proclamation issued on December 10, 1959, which said in part:

> The Secretary of the Interior shall keep under review the imports * * * of residual fuel oil to be used as fuel and the Secretary may make, notwithstanding the levels prescribed in paragraphs (a) and (b) of this section [the 1957 level] and on a monthly basis if required, such adjustments in the maximum levels of such imports as he may determine to be consonant with the objectives of this proclamation.

While no justification accompanied the announcement of the higher quotas, it is probable that they were again predicated on the postulations of market demand derived by the Bureau of Mines.

Despite the facts that residual stocks were high, prices were weak, and importers had been slow to use quotas during the earlier part of the July-through-December quota period, thus indicating a needed reduction in residual quotas, the allowable imports were actually increased by 60,000 barrels a day. This apparent anomaly was interpreted by the oil importers to signify an open-ending of the control program—an open invitation to use up the quotas and then ask for more. As the Oil Daily, a leading publication of the oil industry, reported an interview with an official of the Department of the Interior.

> He explained that importers can bring in as much of their total 6-month import allowable as they wish during the early months of the year. Implicit in this is that, if importers do run out of quotas well before the June 30 deadline next year, they will be allocated additional import quotas of residual.

Unfortunately, this erroneous assumption seems to have had a strong effect on the marketing actions of the giant oil companies responsible for dumping residual oil in the Eastern United States.

In January of 1960, the first month of the current quota period, an average of 724,000 barrels per day was imported, nearly 300,000 barrels more than the average allowed under the quotas. The January total was more than 22 million barrels. When compared with the overall 6-month allowable of 77 million barrels, this figure is nearly 30 percent of the total quota.

The average daily importation during the month of February 1960 was 669,000 barrels, totaling some 19.4 million altogether. This chewed up another 25 percent of the 6-month quota thus bringing the percent of the quotas used in only one-third of the quota period to 54 percent. This rush to sell residual certainly seems to indicate that the oil giants are doing their best to use up the quotas as fast as possible in the hope of obtaining supplementary allocations once the original ones are exhausted.

It is obvious that if this strategy adopted by the oil importers succeeds, the net result will be the complete destruction of the mandatory control program on residual oil. It is also obvious that the destruction of the mandatory program would be a catastrophe to the American fuels industries and, consequently, to the Nation as a whole. We in this body cannot stand idly by and watch a small group of willful businessmen destroy the energy industries and the national security of the United States.

It is for this reason that I so wholeheartedly commend Under Secretary Bennett for his forthright affirmation that the Department of the Interior will stand firm in the face of this all-out attack on the oil-import control program. This affirmation is an important one to the domestic coal industry, which, as you know, provides an important economic contribution to the State which I represent.

The importation of any residual oil at all is harmful to the domestic coal industry. However, if imports were maintained at the level of 1957, as originally set by the Presidential proclamation, this great American industry could plan on coal displacement of some 30 million tons annually and thus have some stability and continuity introduced into its marketing plans. However, in 1959, of which only the last 9 months were under quota limitations, residual oil equivalent to 38 million tons of American coal was imported. And, even more startling, the level of imports during January and February of 1960 was at a seasonally adjusted annual rate equal to 53 million tons of coal. When one considers that total annual production of coal in this country is currently only slightly more than 400 million tons, the grievous injury done by the accelerated importation of residual oil is readily apparent.

Mr. Speaker, in view of these facts, the members of this body can only urge Under Secretary Bennett to remain steadfast in his position that no new quotas will be granted prior to the June 30 expiration date. Undoubtedly, tremendous pressures will be brought to bear by the oil importers to secure supplementary quotas. This pressure must be resisted. Mr. Bennett and his dedicated associates in the Department of the Interior must successfully defend the mandatory controls on residual oil imports against the planned onslaught of the oil giants so as to safeguard the health of the American fuels industries and consequently insure the maintenance of our national security.

KAISER INDUSTRIES CORP.

The SPEAKER pro tempore (Mr. ALFORD). Under previous order of the House, the gentleman from California [Mr. GEORGE P. MILLER] is recognized for 30 minutes.

Mr. GEORGE P. MILLER. Mr. Speaker, despite the difficulties that many American corporations seem to encounter in developing industrial entities in foreign countries, there are some American businessmen, and in some cases I think they should be referred to as business statesmen, who manage to thrive where the going is toughest.

One American industrial organization whose activities are proving successful in varied fields around the world is Kaiser Industries Corp. Its young, energetic president, Edgar F. Kaiser, is a constant world traveler and he is rapidly placing his organization in the forefront of American companies that are successful in spreading the doctrine of free enterprise around the globe.

I think that one of the reasons this young "business statesman" is so successful can be found in the credo of his organization. The Kaiser affiliated companies believe that an American industrial organization's only real measure of achievement is its contribution to the economic health of a nation and to the well-being of its people.

Another reason was touched on briefly by Kaiser Industries Vice President Chad F. Calhoun, who told Fortune magazine after a recent extended trip abroad:

> One thing Kaiser has learned abroad is not to measure everything in terms of a U.S. yardstick.

The Kaiser organization has applied these principles in Argentina, Brazil, India, Australia, England, Turkey, Israel, and a number of other foreign countries. In fact, it is applying them right now in the independent, 3-year-old nation of Ghana which is moving forward with one of the most spectacular engineering projects of modern times.

Known as the Volta River project, it calls for a series of three dams across the river. The project will require about 5 years to complete and will eventually supply the new nation of Ghana with thousands of kilowatts of electric power to help diversify the country's cocoa-based economy.

Prime Minister Kwame Nkrumah has long recognized the value of the project to the economic development of his country, and he has indicated his determination to have it become a reality.

The Volta River project, Mr. Speaker, has been talked about for more than 30 years, but it took the initiative and understanding of Ghana's Prime Minister, plus the interest of the Kaiser organization to turn the conversation into action.

Under the British, as the Gold Coast Colony, an excellent and thorough report on the Volta project was made in 1956 by the Gold Coast Development Commission chairmaned by Sir Robert Jackson, assisted by the internationally known engineering firm of William Halvron & Partners. World events and conditions and other factors combined to forestall the fulfillment of the project.

When Prime Minister Nkrumah visited President Eisenhower in July, 1958, it was suggested that a reappraisal of the 1956 report be made. The State Department through ICA agreed to pay one-half the cost of this reappraisal. The Kaiser engineers were selected to perform this work. This new report emphasizing the feasibility of the project was submitted to Prime Minister Nkrumah in March 1959.

Shortly thereafter the Government of Ghana made an initial contract with Kaiser Engineers for preliminary engineering design and certain preliminary construction work under a $3 million contract.

Kaiser engineers subsequently under separate contract is constructing about $7 million in preliminary dam work such as access roads, housing, utilities, warehouses, and so forth. Final engineering design is also under way.

The first dam and power plant to be built at Akosombo, on the Volta River, will provide 768,000 kilowatts. All three will generate 1,080,000 kilowatts.

Prime Minister Nkrumah has also called upon Mr. Edgar F. Kaiser to accept the initiative in forming an aluminum consortium, composed of a number of major aluminum producers, for the purpose of building an aluminum reduction plant in Ghana with an initial annual capacity of 120,000 tons. The plant would cost $100 million to $150 million and would tap rich Ghanian bauxite deposits and Volta River power. The ultimate capacity of the plant would be 220,000 tons. The aluminum produced would be supplied to world markets outside the United States.

Mr. Kaiser accepted the Prime Minister's invitation and has since discussed the matter with other major producers. A company has been formed and designated the Volta Aluminum Co. It was formed for the purpose of considering the possibilities of establishing an aluminum industry in Ghana along with the attendant problems and costs involved. I understand, Mr. Speaker, that a review of the situation will be made by the new company and a decision given to the Ghana Government before September of this year.

This, Mr. Speaker, is the kind of cooperation we need between the newly developing countries and American industry. This is the area in which America can make its greatest contribution. We all recognize the strong nationalistic feelings currently evident in the various regions of Africa that are struggling for independence and the right to establish their own governments.

The Volta River project is a means by which we can make a contribution, through the channels of free enterprise, to the economic well being of Ghana and to the soundness of the democratic way of life upon which she is now embarked.

The Ghana Government, Mr. Speaker, has already indicated that it will support its belief in the soundness of the project by providing approximately 40 percent of the funds needed for the Volta Dam and powerplant. This is the kind of project which reflects credit, not only to Prime Minister Nkrumah, but also to the industrial talents of the American corporations involved, and also emphasizes the economic acumen of our international lending institutions.

The Ghana Government embraces democratic ideals and the United States and American industry should do all in its power to assist this young country and its people in developing a strong, active economy that can withstand the blandishments of communism.

The Kaiser organization has proved its mettle in a number of other countries, as well. It has developed a flourishing automotive manufacturing business in Argentina through the establishment of Industrias Kaiser Argentina, S.A., which builds Jeep vehicles and three passenger cars.

It organized Willys-Overland do Brasil in Brazil where it also does a thriving business in the manufacture of Jeep vehicles and two passenger cars. Both of these companies are affiliates of Willys Motors, Inc., of Toledo, which is owned by Kaiser Industries.

Kaiser Aluminum & Chemical Corp. has associated itself with aluminum fabricating firms in Buenos Aires, Argentina, and London, England. In addition, it has developed tremendous bauxite deposits in Jamaica, and is ready to build an aluminum reduction plant in India, the biggest United States-Indian private industrial project to date.

Willys Motors, Inc., has established assembly operations for Jeep vehicles in Turkey, India, and Australia, while Kaiser Engineers are working on projects in India, Australia, and Brazil.

These are only a few of the areas in which the Kaiser organization is showing the way with an enlightened approach to dealing with foreign governments, foreign nationals, and newly developing countries. Wherever possible, Kaiser insists upon a minority stockholder's position in any new corporate entities it helps to organize. This is the kind of an approach that helps to dispel the thoughts of Yankee imperialism generated in the minds of foreign nationals over the years.

This is the kind of approach that warrants the term business statesmen and has brought increasing recognition to the Kaiser organization.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACKSON, for 10 days, on account of official business.

Mrs. BLITCH (at the request of Mr. PRESTON), for an undetermined period, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STAGGERS (at the request of Mr. BAILEY), for 10 minutes, today.

Mr. ADDONIZIO (at the request of Mr. RODINO), for 5 minutes, today.

Mr. GEORGE P. MILLER, for 15 minutes, today.

Mr. MOORE (at the request of Mr. ROBISON), for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. WOLF and to include extraneous matter.

Mr. MACHROWICZ.

Mr. RODINO.

Mr. VAN ZANDT.

Mr. MEADER, at that point in the RECORD immediately following the vote on H.R. 8601 and to include extraneous matter.

Mr. OSTERTAG (at the request of Mr. ROBISON), to extend his remarks in the body of the RECORD and include extraneous matter.

Mr. ADAIR, to extend his remarks in the body of the RECORD at a point prior to the special orders for today and to include extraneous matter therewith.

Mr. BENTLEY.

Mr. BRADEMAS.

(At the request of Mr. ROBISON, the following Members were granted permission to extend their remarks in the CONGRESSIONAL RECORD and to include extraneous matter:)

Mr. KEARNS.

Mr. MICHEL.

Mr. FINO.

Mr. PELLY in two instances.

Mr. CURTIN.

Mr. RAY.

Mr. NORBLAD.

Mr. BARRY.

(The following Members, at the request of Mr. ALFORD, and to include extraneous matter:)

Mrs. SULLIVAN in two instances.
Mr. SANTANGELO.
Mr. BURKE of Massachusetts.
Mr. FRIEDEL.
Mr. GREEN of Pennsylvania.
Mr. MULTER.

ADJOURNMENT

Mr. GEORGE P. MILLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes p. m.), under its previous order, the House adjourned until Monday, March 28, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1980. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Export-Import Bank of Washington for the fiscal year ended June 30, 1959 (H. Doc. No. 362); to the Committee on Government Operations, and ordered to be printed.

1981. A letter from the Assistant Secretary of the Interior, transmitting a copy of the Annual Report of the Activities of the Division of Coal Mine Inspection, Bureau of Mines, for the calendar year January 1, 1959, through December 31, 1959, pursuant to the Federal Coal Mine Safety Act (66 Stat. 692; 30 U.S.C. secs. 451–483); to the Committee on Education and Labor.

1982. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the District of Columbia Traffic Act, 1925, as amended"; to the Committee on the District of Columbia.

1983. A letter from the Chief Scout Executive, Boy Scouts of America, transmitting the 50th Annual Report of the Boy Scouts of America for the year 1959, pursuant to the act of June 15, 1916, entitled "An act to incorporate the Boy Scouts of America and for other purposes" (H. Doc. No. 363); to the Committee on Education and Labor, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THORNBERRY: Committee on Rules. House Resolution 485. Resolution for consideration of S. 1795. An act to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces; without amendment (Rept. No. 1417). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 486. Resolution for consideration of House Concurrent Resolution 582. Concurrent resolution providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximately 470,000 long tons of natural rubber; without amendment (Rept. No. 1418). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 487. Resolution for consideration of H.R. 10959. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; without amendment (Rept. No. 1419). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 488. Resolution for consideration of H.R. 2331. A bill to establish the Chesapeake and Ohio Canal National Historical Park and to provide for the administration and maintenance of a parkway, in the State of Maryland, and for other purposes; without amendment (Rept. No. 1420). Referred to the House Calendar.

Mr. FRIEDEL: Committee on House Administration. House Resolution 437. Resolution amending House Resolution 146, 86th Congress; without amendment (Rept. No. 1421). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 441. Resolution providing additional funds for studies and investigations pursuant to House Resolution 147, 86th Congress; with amendment (Rept. No. 1422). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 460. Resolution providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations; without amendment (Rept. No. 1423). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H.R. 11358. A bill to provide for the coverage of physicians by the insurance system established by title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. ASHMORE:

H.R. 11359. A bill to amend section 4208 of title 18, United States Code, so as to require a report in certain cases as to the suitability of a Federal prisoner for parole; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 11360. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FINO:

H.R. 11361. A bill to prohibit the severance of service connection which has been in effect for 10 or more years, except under certain limited conditions; to the Committee on Veterans' Affairs.

H.R. 11362. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the housing amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. GEORGE:

H.R. 11363. A bill to provide for the establishment of a commission to study and make recommendations to the Congress with respect to the advisability and practicability of retroceding all or part of the District of Columbia to the State of Maryland; to the Committee on the District of Columbia.

By Mrs. GRANAHAN:

H.R. 11364. A bill to provide for the issuance of a special postage stamp in honor of the memory of the venerable Bishop John N. Neumann, C.SS.R., D.D.; to the Committee on Post Office and Civil Service.

By Mr. KEARNS:

H.R. 11365. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LAFORE:

H.R. 11366. A bill to amend title X of the Social Security Act to provide that, without an increase of Federal participating funds, a State plan for aid to the blind may utilize a more liberal needs test than that presently specified in such title; to the Committee on Ways and Means.

By Mr. LANE:

H.R. 11367. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. LENNON:

H.R. 11368. A bill to amend the Federal Employees Salary Increase Act of 1958 to grant certain increases in compensation to employees of the agricultural stabilization and conservation county committees; to the Committee on Post Office and Civil Service.

H.R. 11369. A bill to bring employees of agricultural stabilization and conservation county committees within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN:

H.R. 11370. A bill to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

By Mr. RODINO:

H.R. 11371. A bill to prevent the use of stopwatches, work measurement programs or other performance standards operations as measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. SANTANGELO:

H R. 11372. A bill to eliminate the requirement that veterans have served for 90 days or more to qualify for certain benefits under laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. SHELLEY:

H.R. 11373. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. VANIK:

H.R. 11374. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. WHARTON:

H.R. 11375. A bill to amend section 35 of title 18 of the United States Code so as to increase the punishment for knowingly giving false information concerning destruction of aircraft and motor vehicles; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 11376. A bill to allow credit or refund of gift tax erroneously paid by reason of treating nontaxable divisions of community property as gifts; to the Committee on Ways and Means.

By Mr. MORRIS of New Mexico:

H.R. 11377. A bill to amend the act of October 31, 1949, with respect to payments

to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians; to the Committee on Interstate and Foreign Commerce.

By Mr. MULTER:

H.R. 11378. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. UDALL:

H.R. 11379. A bill to amend the act of December 29, 1916, so as to prevent the mining and removal of coal and other mineral deposits in certain stockraising homesteads, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS:

H.J. Res. 660. Joint resolution providing for the issuance of a proclamation designating March 25 as Greek Independence Day; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.J. Res. 661. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House; to the Committee on the Judiciary.

By Mr. DEROUNIAN:

H. Con. Res. 645. Concurrent resolution expressing the sense of the Congress with respect to the use of aircraft capable of excessive speed in the carrying of passengers for hire; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLTZMAN:

H. Con. Res. 646. Concurrent resolution expressing the sense of the Congress that the U.S. moratorium on the testing of nuclear weapons shall be continued; to the Committee on Foreign Affairs.

By Mr. LANE:

H. Con. Res. 647. Concurrent resolution expressing the sense of the Congress with respect to the conduct of the relations of the United States with Red China; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALFORD:

H.R. 11380. A bill for the relief of Joe J. Farmer; to the Committee on the Judiciary.

H.R. 11381. A bill for the relief of Mrs. Bessie Butler Newson Allard; to the Committee on the Judiciary.

By Mr. BENTLEY:

H.R. 11382. A bill for the relief of Wieslawa Alice Klimowski; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 11383. A bill for the relief of George Paschos, his wife, Demetra Paschos, and their minor child, Paraskevi Paschos; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11384. A bill for the relief of Judy Tom; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 11385. A bill for the relief of Alpo Franssila Crane; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 11386. A bill for the relief of Franziska Grabner; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 11387. A bill for the relief of Vicko Beusan; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 11388. A bill for the relief of Dr. Henry H. Cohan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

390. By Mr. BREEDING: Resolutions adopted at the 32d Annual Meeting of the Intermountain Veterinary Medical Association held January 20–23, in Salt Lake City, Utah, urging the investigation of the imports of sheep and cattle from other countries and the need for adequate quarantine facilities for animals on the Pacific coast be recognized and investigated by the Congress; to the Committee on Agriculture.

391. By Mr. FORAND: Petition of Mrs. Gladys Twomey and 125 others, favoring World War I Veterans' Pension Act of 1960, and payment of a pension to World War I veterans as stipulated in pension bill H.R. 9336; to the Committee on Veterans' Affairs.

392. By Mr. McCULLOCH: Petition of Louis H. Reithman and 39 other members of Allen County Barracks No. 489, Veterans of World War I, Inc., Lima, Ohio, favoring the passage of H.R. 9336, referred to as the World War I Pension Act of 1960; to the Committee on Veterans' Affairs.

393. By the SPEAKER: Petition of Mrs. Lyttleton W. Ballard, Maryland State Society, Daughters of the American Revolution, Ilchester, Md., relative to various resolutions adopted at the 55th Maryland State conference relating to the World Court, the Panama Canal, art as a Communist weapon, peaceful coexistence and disarmament, and cultural exchange; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Forty-second Anniversary of Byelorussian Independence

EXTENSION OF REMARKS
OF
HON. JOHN H. RAY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. RAY. Mr. Speaker, I am glad to join with other Members in recognition of the Byelorussian Independence Day.

The Byelorussian people are among the largest of the many ethnic groups included in the Soviet Union. Unfortunately they had been subjected to czarist Russia's oppressive regime since early modern times and had thus lost their independence, but not their love for independence and freedom. For centuries they struggled against their oppressors, always against heavy odds, and they had no chance to free themselves until 1918.

Soon after the overthrow of the czarist regime by the Russian Revolution, these 10 million Byelorussians felt free, took their fate into their own hands, and proclaimed their independence in March of 1918. Thenceforth for a little more than 2 years they waged a continuous war against their foes on many fronts, particularly against Communist Russians. In 1921, before Byelorussians could consolidate their strength, the country was attacked by Soviet forces, it was overrun, and then made part of the Soviet Union. Since then, for almost 40 years, some 10 million Byelorussians dream of the days when, for a brief period, their homeland was free and they enjoyed independence. Today they observe the 42d anniversary of their proclamation of independence, and hope that soon they will celebrate it in a free and independent Byelorussia.

Phenomenal Growth in Air Traffic Between Pacific Northwest and Hawaii

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. PELLY. Mr. Speaker, the Pacific Northwest congratulates the Civil Aeronautics Board for its unanimous decision of last Friday in which it made the Northwest-Hawaii certificates of Northwest Airlines and Pan American World Airways permanent.

This order by the CAB is particularly significant inasmuch as the States of Washington, Oregon, and Hawaii were indignantly unanimous in their insistence that they were right and the CAB examiner was wrong when he proposed to cut the air service in half.

The Board did not react to pressure; it reacted to logic. When the whole economic picture was spelled out before the Board by Government officials, business and civic organizations from Hawaii and the Pacific Northwest, the CAB lost little time registering its sharp disagreement with the recommendations of its examiner.

There are few sections of this country growing more rapidly than the Pacific Northwest. Addition of Hawaii to our Union of States necessarily means greater travel and commerce between Honolulu and the mainland. You can imagine the stunned reaction of the people in my area, Mr. Speaker, when we learned the CAB examiner proposed that a pattern of competition which had been operating for 12 years suddenly be abandoned and a monopoly substituted in its place.

The growth of Washington and Oregon demands more air service than heretofore. It does not necessarily mean a third carrier on this route, because new jet equipment, flying greater frequencies, will be adequate to meet accelerated travel demands.

Competition itself made this route successful, Mr. Speaker. Starting in

1949 as a first full year of operations, Northwest and Pan American together carried a total of 6 825 passengers. During 1959, a decade later, these 2 fine airlines carried 57,000 passengers. Those of us with confidence in the Pacific Northwest feel that this is only a beginning, and that another 10-year period will witness a phenomenal growth in air traffic between our area and Hawaii.

The CAB did itself proud in maintaining the status quo.

Bradley Wins National Invitation Basketball Tournament

EXTENSION OF REMARKS
OF
HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. MICHEL. Mr. Speaker, on March 26, 1957, just 3 years ago next Saturday, I was given permission to extend my remarks in the RECORD, calling attention of the House to the fact that Bradley University of Peoria, Ill., had been crowned NIT champions. As an alumnus of Bradley, which is located in my congressional district, I was naturally very proud of this achievement, but today, I have, as a result of Bradley's recent NIT championship, even more reason to point up the signal accomplishments of Bradley's basketball Braves.

"Even greater achievements can be expected from Coach Chuck Orsborn and his Bradley Braves in years to come." These words concluded by previous remarks to which I have referred above, and no statement could have been made which would have expressed more accurately Orsborn's future.

In Chuck Orsborn's 4 years as head coach, Bradley has been in four national invitation tournaments. They missed the finals only once since 1957 and they missed a third championship only by the margin of an overtime loss in last year's championship game.

Bradley has been traditionally tough in tournaments. The Braves have a 9-won 3-loss record in the NCAA with two second place finishes included, and in the NIT, they own a 13–8 mark and 2 titles.

This past season's record of 27 wins against only 2 defeats marks the best in Bradley University history. It was, therefore, not surprising to see Bradley's coach, Chuck Orsborn named as the Missouri Valley Conference's Coach of the Year.

Another item of import in Bradley's success was the predominance of sophmores and juniors, so once again we can look to the "years to come." Those who propelled Bradley to their second NIT crown and participated in the Herculean effort by the entire team in overcoming a 12-point deficit in the closing minutes of the championship game to win it going away are as follows: Dan Smith, Ed Wodka, All-American Chet Walker, Al Saunders, Mike Owens, Chuck Sash, Mack Herndon, Chuck Granby, Lee Edwards, Don Kissock, Mickey Tiemann, and Bill Roecker.

Some Case Stories of the Health Needs of Older People

EXTENSION OF REMARKS
OF
HON. THADDEUS M. MACHROWICZ
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. MACHROWICZ. Mr. Speaker, over the past several weeks I have received a number of poignant case stories of the problems of older people in the Detroit area in obtaining and paying for hospital and medical care. My correspondents have been social workers employed in hospitals, family agencies, public welfare departments, and housing projects who, by the virtue of their positions, are in daily contact with the elderly and the sick. Said one social worker whose specific duty is to serve clients in her agency's department of services to the aging:

I daily encounter individuals who, for want of hospitalization insurance as a benefit included in their OASDI grant, are forced to do without necessary medical attention as well as experience extreme hardship due to ramifications flowing from this gap in our welfare structure.

This worker reports the case of a Mr. D who had been a skilled workman for over 45 years and expected, when he retired on OASDI, that his benefits together with the $3,000 he had saved would carry him and his wife comfortably through their later years. However, a serious accident to Mrs. D took the entire life's savings in less than a year's time. Mrs. D's continuing illness requires that something like 25 percent of each month's OASDI check goes for drug costs. Despite the acute financial pressures on this family, they have managed, to date, to maintain themselves without applying for public assistance.

In still another case: Mr. A., after spending all of his savings to provide medical care for his wife who finally died of cancer, was obliged to apply for public assistance to supplement his OASDI benefit. He had, at one time, carried Blue Cross insurance but was obliged to give this up. Although a planful and prudent individual, Mr. A. had no recourse except to obtain public assistance because of the lack of hospitalization and medical care provisions under OASDI.

In another case: A social worker connected with a housing project reported on a survey of services needed among 1,100 residents in that project who are 60 years of age and over; 749 of these individuals needed medical care; while of this group, 693 could not afford such medical care without some form of subsidy. Said this particular social worker:

It seems urgent that legislation be enacted at this time to provide adequate medical care for older citizens through Old Age and Survivors and Disability Insurance.

One of my correspondents carries important responsibilities for the Social Service Department of one of the largest hospitals in the Detroit area. Said this social worker:

In an effort to remain independent, many of these people have attempted to provide for medical needs by purchasing hospital insurance from Blue Cross or other private insurance plans. All of these plans are tremendously expensive in relation to the limited incomes of such persons and they are woefully inadequate in coverage to pay for the extensive and expensive care which many of these people require. We find that many of these patients are unable to pay for outpatient care and medications, as well as extended hospitalization. If they require nursing home care, they are forced to apply for public assistance with all of its humiliations including the encumbrance of their homes which constitutes a blow to their self-esteem out of all proportion to the money value of the property.

It would appear that the Forand bill offers the best plan for medical coverage of this age group. We would hope, however, that any legislation which is finally passed would provide some quality control over the care which is to be provided for older persons.

A report I received from a director of a family service agency in the Metropolitan Detroit area states as follows:

As director of a casework agency which deals with problems around the aged, I can readily attest to the need for more adequate health care of our aged population. Increasing cost of medical care and deflation of the dollar value has resulted for most aged individuals in a pressure and inability to meet even minimal health care costs. In most instances, it is all they can do to meet their basic maintenance needs.

Another social worker who specializes in working with older people provided me with four dramatic illustrations of the acute problems older people are faced with when expensive hospitalization and medical care is necessitated. I will only cite one illustration.

This was a couple, Mr. and Mrs. S, at the point of retirement, who had a combined monthly social security benefit and company pension of $234 as well as $6,000 in savings. Two years after Mr. S's retirement, Mrs. S developed a malignancy. A prolonged period of treatment, surgery and hospitalization used up all their savings. Shortly after Mrs. S's death, Mr. S suffered a stroke. He was hospitalized for an extended period of time. Since he had no one to care for him at his home, he was placed in a convalescent home which was not covered by Blue Cross. Mr. S had to apply for public medical care. He made the statement to me that all his life he prayed for financial independence in his old age and now he was forced to become a charity case for his care.

I am sure these case illustrations could be multiplied again and again not only in my district but throughout the United States. Perhaps the case that touched me most of all was one instance reported to me by another correspondent.

This was an elderly couple who had to move out of a desirable residential area into a slum area because their prolonged illness used up their savings. It was necessary to mortgage their home which they finally lost because their social security benefits were inadequate to make the payments. In their retiring years,

this couple who had lived in this particular section for practically all of their married life were compelled to undergo the tragic experience of losing all they had accumulated because of the costs of sickness.

I am pleased to note that the National Association of Social Workers, with which my correspondents are affiliated, in a statement called "Goals of Public Social Policy," urges that the social security system "contain a provision for medical service to covered persons and their dependents." I recall that, last July, when the Ways and Means Committee held its hearings on the Forand bill, Mr. Norman V. Lourie—chairman of the association's commission on social policy and action, and Dr. Charles I. Schottland—Commissioner of Social Security from 1954 through 1958, testified for the association in favor of the inclusion of health-care benefits in the social security system. At that hearing I asked former Commissioner of Social Security Schottland the following question:

Mr. MACHROWICZ. Do I gather that you think it is perfectly feasible to add such benefits (i.e., health care benefits), and that they can be administered very effectively?

Mr. SCHOTTLAND. Administratively, I think the problem is not as difficult as some of those we faced in the early days of the social security program when we had to start from scratch. I am firmly convinced, as I think are all the persons engaged in the administration, that this program can be very readily handled.

When I read of experiences of the sort I have cited as well as encounter daily old people for whom the cost of illness is devastating and tragic, I appreciate again the urgency of health care benefits for older people. Such benefits would fill the remaining large gap in our social security system.

It was evidence of the sort that I have cited here that caused Senator MCNAMARA's Subcommittee on Problems of the Aged and Aging to put forth as its first recommendation the following:

As its first recommendation for action in 1960, the subcommittee recommends that legislation be enacted to expand the system of OASDI to include health service benefits for all persons eligible for OASDI.

Explanation of Provisions of Bill To Adjust Postal Rates, and for Other Purposes

EXTENSION OF REMARKS
OF
HON. CARROLL D. KEARNS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. KEARNS. Mr. Speaker, the bill increases the rates on third-class mail which consists of circulars, merchandise, books, catalogs, seeds, plants, and so forth, in parcels weighing less than 16 ounces.

When fully effective, namely, January 1, 1962, it is estimated that these rates will produce revenues sufficient to cover the cost of handling third-class mail.

The single piece third-class rate is increased in two steps from the present 3 cents for the first 2 ounces and 1½ cents for each additional ounce to 4 cents for the first 2 ounces and 2 cents for each additional ounce, effective July 1, 1960. On and after July 1, 1962, the rate will increase to 4 cents for each 2 ounces.

The bulk rates are revised upward. The current 16 cents per pound rate for circulars and merchandise is increased to 18 cents per pound on January 1, 1961, and 21 cents per pound on January 1, 1962.

The bulk pound rate of 10 cents per pound for books, catalogs, seeds, plants, and so forth, is increased from 10 cents per pound to 14 cents per pound on January 1, 1961, and to 18 cents per pound on January 1, 1962.

The current minimum piece charges in the existing law are retained but increased from 2½ cents to 3 cents on January 1, 1961, and to 3½ cents on July 1, 1962.

The minimum charge for odd-size pieces is increased from 3½ cents to 4½ cents, effective July 1, 1960.

Forty-second Anniversary of Byelorussian Independence

EXTENSION OF REMARKS
OF
HON. WILLIAM J. GREEN, JR.
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. GREEN of Pennsylvania. Mr. Speaker, tomorrow one of the most dedicated, one of the oldest, and one of the most inspiring anti-Bolshevik, anti-Communist national groups in the world will celebrate the 42d anniversary of the Byelorussian Democratic Republic's Declaration of Independence. I am most happy to join with all White Ruthenians in commemoration of this monumental event in their struggle for freedom and independence.

For hundreds of years despite the facts that the Byelorussians have maintained their own traditions and cultures in a geographically distinct position on the great marshlands of the Dnieper, the Dvina, and the Niemen they have been constantly harassed by powerful neighbors and overrun, occupied, and dominated by various Muscovite governments. Always, however, the spirit of the people has risen above the controls and brutal campaigns designed to stamp out their national existence and eradicate the Byelorussians as a free and independent state.

At the time of the destruction of the old czarist empire after World War I the Byelorussians seized the opportunity presented to create a new Byelorussian Government and, on March 25, 1918, the National Council, Rada, announced the birth of the independent Byelorussian Democratic Republic. That is the event we celebrate today.

Almost immediately the new Government was attacked by its powerful neighbors, the old familiar partitions of territory and abrogation of national rights came into being and, once more, the Byelorussians were a dominated and suppressed people.

But the old struggle still goes on. The Byelorussians are still firm in their belief in those principles of justice and morality which proclaim that governments can only derive their just powers from the consent of the governed. They know that freedom and national independence will one day be won against all the powers of terror and persecution.

Let us honor them on this anniversary of that glowing document which so glowingly expresses their magnificent hopes for national entity.

Honorably Discharged Veterans With Less Than 90 Days' Service Deserve Equality of Treatment

EXTENSION OF REMARKS
OF
HON. ALFRED E. SANTANGELO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. SANTANGELO. Mr. Speaker in recent days many distinguished Members of this eminent body have raised their voices against the unfair treatment and lack of consideration which our country has given to certain segments of our population. To the list of groups unfairly treated, Mr. Speaker, I would add another. I refer to the veterans of the two World Wars and the Korean conflict, of less than 90 days' service, in the matter of non-service-connected disability pension. This is caused by section 521(b) of title 38 of the Code which prescribes 90 days of service, or a service-connected disability as qualifying factors for benefits.

World Wars I and II, and the Korean conflict, to which the pertinent section of the code is applicable, were certainly no brush fires; they were, I submit, periods of the greatest emergency and peril. A grateful people should remember that every individual who entered the service of this country in those perilous times offered his life for the great principle at stake, and it matters little as to the period of time this Nation required his services. The time of 3 months, or 2 months, or 1 month, or a year furnishes no evidence as to the value of the veteran's services to his country in those precarious periods.

Many of these men had to tear up their roots in industry and in employment. Many men closed down their businesses, never to be regained. The economic harm suffered by them because of their entry into the service has never been properly compensated. Arbitrary distinctions for those who have served over 3 months and those who have served less than 3 months have accentuated the harshness and the unfair

treatment. A man who has been inducted into service and who has been honorably discharged should receive equal treatment in the hands of the Government which calls him.

Mr. Speaker, I trust that in due course this body will approve the bill I am today introducing, the effect of which will be to remove from the law the provision which is unfair to veterans of World Wars I and II and the Korean conflict of less than 90 days' service in the matter of non-service-connected disability pension.

Proposed Legislation To Improve the Social Security Act

EXTENSION OF REMARKS
OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1960

Mr. FINO. Mr. Speaker, there has been a great deal of discussion during the present session regarding the advisability of providing medical insurance for our senior citizens. It has been suggested that this might be accomplished through an extension of the social security program. It seems to me that the importance of this issue should not obscure other issues in social security, or the fact that many inequities and inadequacies still exist in that program. As the proportion of older persons in our Nation grows, the importance of providing them security against degrading poverty also grows. For the past 8 years, as a Member of this Congress, I have fought to humanize and liberalize our present system. Today, I would like to discuss five bills which I think will go a long way toward improving the Social Security Act.

First, H.R. 3901 would increase the minimum monthly benefit from $33 to $50. This is not a new idea. I urged that this step be taken in 1956, when the minimum benefit was only $30. Of course, the $3 increase voted in the 1958 amendments was a step in the right direction. But $33 was certainly not enough to live on then and is not enough now, since the cost of living has continued to increase. This seems all the more distressing since the group receiving the minimum benefit is almost by definition the group least able to provide old-age security out of its own resources. Fifty dollars per month is little enough to provide food, clothing, and shelter, but it would come a great deal nearer to that goal than does the present minimum.

Second, H.R. 4799 would repeal the so-called retirement test. As I have already noted, the minimum benefit under the Social Security Act is not enough to keep body and soul together. The same is true where persons are receiving more than the minimum. The maximum possible individual benefit at the present time is $1,524 per year, and the average only $890. This means that many individuals must work to support themselves even after reaching retirement age. Yet, under the retirement test, we begin to take away the meager benefits when the individual begins to earn any significant amount. This seems basically unfair since it hurts the people who are most in need. An individual who has substantial income from investment may keep all of that income and his social security benefits too. It also seems unfair that we tax workers in order to provide security in old age, and then reduce or refuse benefits when they reach the prescribed age. But, even if it were necessary that we have a retirement test, present law operates so inequitably and capriciously that I think we should at least repeal it and start over. For instance, if a man can bunch all of his earnings in 1 month or a few months, he can still get his social security benefits for all the other months, no matter how much his earnings totaled for the year. To my mind this needlessly discriminates against those individuals who can only work at steady jobs for steady wages.

On the other end of the scale, Mr. Speaker, a man who works steadily for steady wages can actually come out with less income from combined earnings and benefits than if he had never worked at all. For instance, if the man earned $1,200.01 in a year, he would lose a full month's benefit, which could amount to over $100. Although I have urged since 1954 legislation improving the retirement test so as to remove these inequities, we have not succeeded in doing so. Therefore, I think we ought to do away with it entirely.

My third bill, H.R. 5308 would eliminate the provisions of present law which reduce the old-age or wife's insurance benefits of a woman becoming entitled to such benefits before she attains age 65. This too is not a new idea and, in fact, was part of H.R. 7225 which passed this body in 1955. The report on that bill by the Committee on Ways and Means stated the situation quite clearly:

> The principle underlying wife's benefits under old-age and survivors insurance is that a married couple should not have to get along on the same amount that is sufficient for a single person. Wives are generally a few years younger than their husbands. Thus, when the husband has to retire many couples have only the husband's benefit until the wife also reaches age 65.
>
> The age of eligibility should be reduced to 62 for women workers, also. A recent study * * * showed that age limits are applied more frequently to job openings for women than for men and that the age limits applied are lower.

These principles have now been recognized, but have not been fully implemented. It is granted that the retirement age should be lower for women because to do otherwise would ignore realities. Nevertheless, present law seems based on the supposition that a woman who retires at age 62 requires a smaller amount upon which to live than if she retires at age 65. It seems to me this supposition is fanciful, and that the provision which is based upon it works undue and unnecessary hardship on women who are precluded from working past age 62 by conditions in the labor market over which they have no control.

I hope that my reference to the present retirement ages will not be construed as approval of them. In fact, I feel that the retirement ages for both men and women should be lowered to levels more in accord with the present condition of the labor market and the changes which are taking place in it. For instance, this Nation has already seen several great changes in its industrial makeup. The introduction of mass production was one. Each of these changes has been accompanied by the displacement of large numbers of workers who gained their livelihood in the older means of production or the older industry. Those workers of advanced years suffered great hardship because they could not market their skills under new circumstances, and could not reasonably be expected to acquire new skills and learn new trades.

It seems clear to me, Mr. Speaker, that such a change is again taking place in this country. Automation is making itself felt in many industries today, and will in the near future affect many more. This change necessitates a reexamination of the present concepts of retirement. As men are replaced by machines, we will be faced with the increasing problem of workers of advanced years whose skills have become unmarketable, who cannot reasonably be expected to acquire new skills, who cannot compete with younger workers in the unskilled trades, and who are still under present retirement age. If the social security program is to provide adequate protection against such risks, it must make its benefits available when they are needed, and not after the worker has been forced to endure a period of poverty or dependence on his children. Therefore, I urge that this body pass my fourth bill, H.R. 2759, which would reduce the retirement age for men to 60 and the retirement age for women to 55. The need for such an amendment to the Social Security Act has already arisen, and will increase in the near future. I think we should do something about it before, not after, it reaches catastrophic proportions.

The fifth and last proposal which I intend to discuss is H.R. 5394. In 1956 we took a great step forward in social security by providing for social insurance against the loss of earning capacity due to physical or mental disability. This legislation partially closed one of the largest gaps in the protection afforded by the social security program. I say partially because present provisions fall a great deal short of answering all our present needs. For instance, only those disabled persons who are 50 years of age or older can qualify for disability benefits. This purely arbitrary dividing line excludes from benefits thousands of disabled workers and their dependents who are suffering great hardship because of the inability of the family worker to maintain them by working. In fact, it seems to me that the disabled persons under age 50 are more likely to be in need of such benefits than persons over age 50 since the younger workers are much more likely to have families, par-

ticularly children, dependent on their earnings. Therefore, my bill would remove the arbitrary age 50 requirement and make disability benefits available to any individual meeting the coverage requirements of the present law. I might add that the taxes we have already imposed on workers in order to provide disability insurance would defray the added cost of my bill so that no increase in the tax would be necessary. This fact was brought out at the recent hearings held by Subcommittee on the Administration of the Social Security Laws of the Committee on Ways and Means. In addition, representatives of the Department of Health, Education, and Welfare testified that removal of the age 50 requirement would present no administrative difficulties. Since we are already taxing the people an amount sufficient to provide such increased protection, I see no reason why we should not give it to them.

It seems to me, Mr. Speaker, that the strength of the social security system depends on our ability and willingness to mold it to meet current needs. These must be evaluated in a realistic way. First and foremost we should always remember that the statistics we deal with must always at some point be translated into human situations. I think the five bills I have discussed today are based on a realistic evaluation of human needs and that they propose changes which must be made to meet those needs.

Anniversary of Byelorussian Independence

EXTENSION OF REMARKS
OF
HON. ROBERT R. BARRY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. BARRY. Mr. Speaker, it was 42 years ago today, March 25, 1918, that the people of Byelorussia cast off the rule of Moscow and proclaimed the independence of the Byelorussian Democratic Republic. I am happy to call attention to the anniversary of that date in remembrance of an oppressed people's struggle for freedom and self-determination. These are the principles for which the United States stands as champion across the world.

Self-determination remains the dream of men everywhere. Few people are more aware of this than the Byelorussians, or White Russians as they are also known to us. For centuries the Byelorussians have been denied control of their own destiny. They constitute a distinct national entity of 15 million people, in spite of persecution, war, deportation, and massacre. These people are united by cultural tradition, a common language, a history of struggle and most of all a common hope for freedom from foreign domination. They have been repeatedly denied this freedom. Ever since conquest by the Russian czars, there have been efforts to end their feeling of national unity, their Byelorussian language, their Byelorussian customs, and the teaching of free democratic principles.

Mr. Speaker, Byelorussians are not allowed to celebrate the occasion of their March 1918 declaration of independence. So it is for us, who are free, to remind the world. Byelorussians who have come to this country remember. Their enterprising spirit and industry have made a substantial contribution to the greatness of the United States. Our citizens of Byelorussian origin are characteristically doing their loyal share in the effort to keep our country prepared to maintain the strength of the free world. But when their thoughts turn toward the homeland of their ancestors, hearts must be heavy indeed.

We, and the rest of the free world, must keep alive the flame of hope and extend encouragement. So today let us pause and pay tribute to this determined and courageous people. We must do all we can to help Byelorussians everywhere strive for the day when these fine people will be able to practice openly the concepts of the four freedoms and true democracy.

Air Service From Pacific Northwest to Hawaii

EXTENSION OF REMARKS
OF
HON. WALTER NORBLAD
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. NORBLAD. Mr. Speaker, the decision of the Civil Aeronautics Board to award permanent certificates to Pan American Airways and Northwest Airlines to fly between Hawaii and the Pacific Northwest is sound, logical, and one to be highly praised. The question of whether one airline should enjoy a monopoly on the route or whether the status quo of a 10-year duration should be maintained is now permanently settled with the Board's recognition that competition is, has been, and always will be essential to good service on this route. With an eye toward President Eisenhower's Executive order that the interests of the Pacific area, from the standpoint of traffic growth potential, be carefully considered in decisions affecting air traffic routes, the announcement has been heralded as being in support of the President's directive.

The far-reaching effects of this decision can be instantly realized. Even now Pan American jets are winging across the Pacific to Hawaii cutting in half the time once required by piston aircraft. With the impetus of competition Northwest Airlines expects to add jet equipment next year and both carriers are ever increasing their schedules to accommodate the extensive traffic growth fomented by population expansion in these regions. Hawaii's new statehood, and the interest thus germinated made it, even more than ever, a focal point of travel enthusiasm.

East coast cities, once a formidable distance from Hawaii, are now brought close by the jet age and it is to be hoped this is a forerunner of CAB decisions bringing to reality the dream of one carrier, direct service from the major cities of the East to the Orient beyond. As underscored by the CAB decision, competition generates productive activity with the public as beneficiary, whereas monopolistic certification as still exists on some routes from the East to the Orient tends to stifle our Nation's air supremacy and frustrate planning for future transportation development and expansion. The CAB is to be congratulated for a decision which will maintain for this country a preeminent position in the airlanes of the world.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. JOHN BRADEMAS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. BRADEMAS. Mr. Speaker, tomorrow, March 25, is the 139th anniversary of the beginning of the struggle of the people of Greece for their independence from the Ottoman Empire. On March 25, 1821 the Greek War of Independence began when the archbishop of Patras raised the flag of freedom in the monastery of Aghia Lavra and the people of Greece dedicated themselves to the attainment of their liberty.

Though nearly a century and a half removed, the atomic age of America can profit greatly from the lessons of the classical age of Greece. These lessons, so basic to liberty-loving civilizations, are freedom, excellence, education, and public service.

Upon just how well we learn these lessons may depend the survival of our political freedom threatened as it is today by the tyranny of communism. In a world where the probable consequence of mediocrity is the enslavement of the human mind, we must strive always for excellence.

To mark the occasion of Greek Independence Day, I have today introduced in the House of Representatives the following resolution:

Whereas the democratic ideals that have made the United States of America the greatest free nation in the world were born many centuries ago in Greece; and

Whereas these ideals have kindled in the hearts of the people of Greece the determination that no sacrifice is too great for the cause of freedom and democracy; and

Whereas in every country people of Greek origin celebrate March 25 as Greek Independence Day, this day marking the beginning on March 25, 1821, of a 7-year struggle of the people of Greece to win their independence from the Ottoman Empire; and

Whereas free men in every nation rejoice that the principles of democracy are again firmly established in the land of their birth: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized and requested to issue a proclamation designating March 25 of each year as Greek Independence Day and that he invite the people of the United States to observe such day with appropriate ceremonies.

Second Look—Bentley Asks for It on Charges Against UAW

EXTENSION OF REMARKS
OF
HON. ALVIN M. BENTLEY
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. BENTLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following text of a wire service story which appeared in the Owosso Argus Press as well as the text of my remarks before a meeting of the Republican Town Club of Lansing, Mich., on March 18. I am inserting the following into the CONGRESSIONAL RECORD because of the discrepancy between portions of the newspaper account and the printed text of my remarks which was made available to the press:

[From the Owosso Argus Press, Mar. 17, 1960]

SECOND LOOK—BENTLEY ASKS FOR IT ON CHARGES AGAINST UAW

LANSING.—Representative ALVIN M. BENTLEY, Republican, of Michigan, has called for a second look at charges of corruption in the United Auto Workers Union.

BENTLEY said Friday night a Republican minority on the Senate Labor-Management Rackets Committee had shown there was "corruption, misappropriation of funds, bribery, extortion, and collusion with the underworld within the UAW."

"These charges brought out by Republican Senators are far too serious to be dropped or ignored" even though the Democratic majority gave the UAW a clean bill of health, BENTLEY added.

BENTLEY, who has announced for the U.S. Senate seat now held by Democrat PATRICK MCNAMARA, spoke to the Republican Town Club.

He said the Senate committee, now out of operation, needs to be replaced by a similar group to pursue charges against the UAW "relentlessly until no stone is left unturned."

BENTLEY also said that Senator JOHN KENNEDY, a committee member and Democratic presidential hopeful, and his brother, Robert, chief counsel for the committee, "deliberately contrived to prevent any real investigation," of the UAW.

PARTIAL REMARKS OF CONGRESSMAN ALVIN M. BENTLEY, BEFORE REPUBLICAN TOWN CLUB, LANSING, MARCH 18, 1960

During the life of the Senate Select Committee on Improper Activities in the Labor or Management Field, a great deal of information was uncovered and brought to light regarding corruption, misappropriation of funds, bribery, extortion, and collusion with underworld elements in labor organizations such as the Teamsters, the Carpenters, the Hotel & Restaurant Workers and other unions. In these investigations, all members of the committee cooperated thoroughly, both Democrats and Republicans. The one exception was the senior Senator from Michigan who withdrew from the committee early in its history and, by that action, showed little evidence of interest or concern in exposing such activities in the field of organized labor.

Now, however, members of the committee have divided sharply in their findings involving the United Automobile Workers. Within the past few days, three sets of separate views have been filed by committee members on this question. They included the views of Senators CHURCH and KENNEDY, filed jointly, and also of Senators MCCLELLAN and ERVIN, also filed jointly. These are the four Democratic members of the committee, Senator CHURCH having replaced our senior Senator from Michigan.

In their views on the Kohler and Perfect Circle strikes, these two sets were critical of both management and the union. The McClellan-Ervin views were more critical of the union than were the Kennedy-Church views. Both, however, completely exonerated the United Automobile Workers insofar as corruption and allied charges were concerned.

In contrast, were the separate views of Republican Senators GOLDWATER, MUNDT, CAPEHART, and CURTIS. In the first place, they accused the chief counsel of the Senate committee, Robert Kennedy, of refusing to make a thorough probe of UAW activities. They stated "throughout the course of the investigation a double standard of committee morality prevailed—one procedure was employed for the unions not connected with Walter Reuther and a different procedure was employed for the investigation of activities of the United Automobile Workers."

This, of course, is a serious charge to be brought against an employee of a congressional committee, especially when that employee happens to be the brother of a leading aspirant for the highest office in our country. However, the minority views continue with reference to the United Automobile Workers: "We are convinced that corruption, misappropriation of funds, bribery, extortion, and collusion with the underworld has occurred within the UAW."

Particular reference is made to the committee hearing of one Richard T. Gosser, formerly senior vice president of the UAW. The minority views continue "we have seen sufficient evidence during the Gosser hearing of kickbacks, terrorisms, collusion with gamblers, conflicts of interest, destruction of records, misappropriation of funds, falsification of records, and evasive tactics to convince us that a thorough investigation of the machinations of this individual and others would produce criminality on a scale comparable to that which has been previously exposed by this committee."

After referring to the damaging fact that two UAW witnesses, when questioned on this matter, took the fifth amendment, the minority views conclude by castigating the Democratic members of the committee for limiting the UAW investigations to participation in the Kohler and Perfect Circle labor disputes and for only making a cursory invited examination of a small part of the UAW's financial records. The minority views state that "from this fragmentary and entirely inadequate and incomplete investigation (the Democrats proceed) to issue a clean bill of health to Reuther, the UAW international, all of its officers and to its more than 1,300 locals and many joint councils."

These are grave and serious charges. If true, they would mean that while exposing graft and corruption in the Teamsters and other unions, the Democratic members of the committee, including Senator KENNEDY and his brother, the committee's chief counsel, deliberately contrived to prevent any real investigation of similar practices within the United Automobile Workers. Further, these charges, if proven, would completely abolish Mr. Reuther's claim that the UAW had received a clean bill of health from the committee in these respects. The charges are far too serious to be dropped or ignored.

Unfortunately, the McClellan committee has now passed into history and is now no longer a vehicle for further investigations of this nature. It is certainly not for me to criticize the Senate but I personally deeply regret that the existence of this committee was not prolonged or that it was not replaced by a similar organization.

For one thing, the committee was established to investigate improper activities in the field of management as well as labor but I have seen little, if any, evidence that there was much exploration in this field. Secondly, charges of as serious a nature as the foregoing against the UAW should certainly not be left unanswered but should be pursued relentlessly until no stone is left unturned.

Happily, we do have a vehicle for this second purpose. You will recall that some time ago Mr. Reuther announced the establishment of a public review board for the purpose of investigating all charges of graft and corruption against the UAW. It is my strong conviction that this board should immediately proceed with a thorough and detailed series of public hearings into the validity of these charges made by Republican members of the McClellan committee.

Naturally the board has no jurisdiction as to inquiring into whether there was a "whitewash" of the UAW on the part of the Democratic members of the committee. But where there are serious charges pending against this union, its officers, and members, I do feel that this board, which, I understand, was created for just such a purpose, should undertake a full and complete investigation of this matter. I therefore call upon Walter Reuther to request the members of his public review board to complete the job which it has now been charged that the McClellan committee left undone. The United Automobile Workers, the largest labor union in our State, should not have these accusations of graft and corruption hanging over the heads of its officers and workers. There should be no shadow of doubt of the good name and reputation of this great organization.

I am certainly not in accord with many of the programs advanced by the UAW. I likewise do not concur fully with their methods of political activity even though I can appreciate and admire the success of their technique. But I am aware of the deep feeling on the part of the people of this country, whether a part of organized labor or not, against graft and corruption on the part of any part of organized labor. The UAW has commendably and properly undertaken to clean its own house. Charges of an extremely serious nature have now been leveled against it. I think the union owes it not only to its own members but to the public at large to have these charges thoroughly investigated by its public review board until the most hardened skeptic remains convinced of its unsullied reputation in this field. I ask Mr. Reuther and the members of the public review board to cooperate in this vital matter.

Byelorussian Independence Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. MULTER. Mr. Speaker, the fate of the Byelorussian people and their his-

tory are so inextricably mixed with those of the Russian people that the distinction between the two peoples is sometimes misunderstood. This misunderstanding stems from the unfortunate fact that for centuries Byelorussians have been subjected to Russian rule, and the Russians have done their utmost to eradicate all Byelorussian national traits. But the Byelorussian people have not forgotten their distinct identity, and have always wanted to regain their freedom and independence. The year 1918 offered them the opportunity they awaited.

In that year, when the despotic czarist regime was gone, the Byelorussians felt themselves free and proclaimed their independence on March 25, 42 years ago. Then they set up the Byelorussian National Republic, and the 10 million Byelorussians were happy under their own government. But their independence was of very brief duration. Early in 1921 Soviet forces attacked and overran the country, and destroyed the Byelorussian National Republic. Fortunately, that did not mean the end of the spirit of freedom among the Byelorussian people. Even though for almost 40 years they have been enduring the oppressive yoke of Communist totalitarian tyranny, they still cling to their drive to be free and pray that at some future date freedom will be their just reward. On this 42d anniversary of their independence day, we echo their genuine sentiment and hope that they will attain their goal.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. RODINO. Mr. Speaker, we pay tribute today to a vital ally, a NATO partner, and an old and dear friend of the United States—the country of Greece. I join all Americans of Greek descent in celebrating the 139th anniversary of Greek independence.

The Greek War of Independence began on March 25, 1821, when Archbishop Germanos of Patras unfurled the national flag of Greece. This was the first step of the successful revolution against the rule of the Ottoman Empire. At first, the war was fought against great odds; but the determination and love of liberty of the Greek people won the sympathy and support of many other nations, including the United States. This was the inspiring rebellion which brought men like Lord Byron from England to join the fight; similarly, it inspired other volunteers from other countries who also loved the cause of freedom. One of these volunteers, it is interesting to note, was an American colonel who brought back to the United States a Greek war orphan whose name was Lucas Miltiades Miller. Mr. Miller became the first Member of Congress of Greek origin. From the State of Wisconsin, he served in the House from 1892 to 1893.

The war of independence was partially successful in 1829 when Turkey recognized Greece as an autonomous principality. In 1832 the hopes of the liberty-loving Greeks were realized and Greece was recognized as a completely sovereign kingdom.

On Greek Independence Day we focus attention on the close ties between the United States and Greece, which date back to the Greek War of Independence and which are reaffirmed in our mutual alliance and friendship today.

Foreign Bid for Electric Locomotives Contract for Panama Canal

EXTENSION OF REMARKS
OF
HON. LEONOR K. SULLIVAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mrs. SULLIVAN. Mr. Speaker, under unanimous consent I submit for printing in the CONGRESSIONAL RECORD some self-explanatory material bearing on the award of a contract for electric mules for the locks of the Panama Canal.

I know nothing whatsoever about the American low bidder in this case but the telegram I received from the concern in question prompted my inquiry to the Secretary of the Army and I include that along with Mr. Brucker's reply.

I believe there will be widespread interest in this matter among those Members—and I believe there are many of them here in the House—who have had incidents of this nature affecting firms in their own districts.

As chairman of the Subcommittee on the Panama Canal, of the House Committee on Merchant Marine and Fisheries, I was, of course, very interested in the Ohio firm's protest and in getting the facts about it. I should point out, howver, that I acted on this without consulting the other members of the subcommittee, so it should be clearly understood I did so in my capacity as Representative from a heavily industrialized congressional district and not as chairman of the subcommittee.

The correspondence referred to is as follows:

WASHINGTON, D.C., *March 16, 1960.*
Subject: Procurement of 39 towing locomotives by Panama Canal Company.
Hon. Mrs. JOHN B. SULLIVAN,
House of Representatives,
Washington, D.C.

Your assistance sought in communicating with Army Secretary Brucker and Panama Canal Company urging subject contract not be awarded to foreign bidder at the expense of American public interest.

We understand decision on this procurement imminent and feel it imperative that the Canal Company and its sole stockholder, Secretary Brucker, give full and proper consideration to all factors bearing on the public interest, which we believe dictates this procurement be awarded the lowest domestic bidder, Plymouth Locomotive Works of the Fate-Root-Heath Co., a small business.

To date the SBA, Commerce Department, and House Select Committee on Small Business have written Army Secretary Brucker, Army Assistant Secretary Roderick, and the Canal Company citing relevant portions Executive Order 10582 (Buy American Act) pertaining to preferential treatment for small business and authority to reject foreign bids not consistent with the national interest.

To summarize pertinent arguments briefly:

In addition to Plymouth two major subcontractors are also small businesses: Cullen-Friestadt Co., of Chicago, and Jackson Gear of Pittsburgh.

Most of the materials for Plymouth Locomotive will come from critical surlpus labor areas of Pittsburgh, Buffalo, and Detroit.

This procurement would provide over 1 million direct manhours of employment for American labor.

Funds recaptured through Federal, State, and local taxes alone will more than offset price differential between the bids of Plymouth and Mitsubishi of Japan.

Also consider it extremely important all concerned authorities recognize that Plymouth is the only remaining American company devoting its principal efforts to the design, engineering, and production of industrial locomotives of the size and type required in this procurement.

Plymouth has been building industrial locomotives since 1908 and has supplied over 1,000 to the U.S. Government, many of which are still in use today.

In recognition of Plymouth's specialized industrial capability, Army Transportation Corps has placed considerable dependence on Plymouth's facilities in its war mobilization plans.

The vital importance of the Canal Zone to U.S. commerce, shipping, and national defense certainly is of significant public interest, especially since these new towing locomotives are expected to have a useful life of nearly 40 years, therefore making access to an assured American source of supply for spare parts, maintenance, and servicing, a most important consideration.

It has been repeatedly acknowledged by responsible Canal Company officials and the Army that the Plymouth proposal is the most acceptable and responsive to the needs of the canal operation.

Considering the above we believe you will agree that awarding of this procurement to Plymouth is the only decision consistent with the best public interest.

We respectfully request your expression of interest in this matter be directed to Secretary Brucker and the Panama Canal Company.

Mr. J. Laspia, our Washington representative, may be called at Sterling 3-8555.

MILES CHRISTIAN,
Vice President, Plymouth Locomotive Works, Plymouth Ohio.

MARCH 17, 1960.
The Honorable WILBER M. BRUCKER,
Secretary of the Army,
Washington, D.C.

DEAR MR. BRUCKER: It has been called to my attention that a Japanese firm is the low bidder to the Panama Canal Company for 39 towing locomotives and 3 cranes to be used in locking ships through the canal. As chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries I am, of course, interested in seeing to it that the Canal Company operates efficiently and economically. However, as a Member of Congress who has had this same situation occur time after time to firms in my own

district, I am deeply concerned over the practice of awarding multimillion dollar contracts by our Federal Government to foreign firms when domestic concerns and their employees can perform the same work at reasonable cost.

Can you tell me how far, if at all, the bid of the Plymouth Locomotive Works of $4,741,867 exceeds the differential required under the Buy-American Act? Are there other factors which should be taken into consideration, such as the availability of spare parts and the prospects for maintenance know-how over the many years that these electric mules could be expected to remain in use? It is my understanding that the Small Business Administration, the Department of Commerce and the House Select Committee on Small Business have all intervened in this matter on the side of the lowest responsible American bidder. Is that correct?

Could I have an early report on this matter so that if the subcommittee were to desire to take up this matter it could be done prior to the awarding of any contract?

With kindest regards, I am,

Sincerely yours,

LEONOR K. (Mrs. JOHN B.) SULLIVAN,
Member of Congress, Third District of Missouri.

DEPARTMENT OF THE ARMY,
Washington, D.C., March 22, 1960.

The Honorable LEONOR K. SULLIVAN,
House of Representatives.

DEAR MRS. SULLIVAN: Your letter of March 17, 1960, to the Secretary of the Army in regard to the invitation for bids for towing locomotives and cranes to be used at the Panama Canal has been referred to me for reply.

An invitation for bids to supply 39 towing locomotives and 3 cranes was issued by the Panama Canal Company in December 1959. The low bid received was submitted by Mitsubishi Shoji Kaisha, Ltd., in the amount of $3,829,900. The next low bidder was the Plymouth Locomotive Works in the amount of $4,741,867. International General Electric was third bidding $5,170,200 and Fairbanks Morse bid $7,152,111.

This procurement is subject to the Buy American Act and the invitation for bids contained a provision that for evaluation purposes the following amounts would be added to bids proposing manufacture outside the United States: (a) $115,000 to cover additional costs of inspection and increased administrative costs; (b) 10 percent to the total bid price; and (c) 6 percent of the total price if the lowest responsive bidder offering domestic materials will produce substantially all such materials in areas of substantial unemployment as determined by the Secretary of Labor.

The Plymouth Locomotive Works has advised since the opening of the bids that all component parts of the locomotives will be manufactured in areas of substantial unemployment. Applying all three additives specified in the invitation the evaluated bid of the Japanese firm would be $4,557,684, or somewhat in excess of $184,000 less than the Plymouth bid.

Detailed comparison and evaluation of the bids have not yet been completed by the Panama Canal Company. Concurrently careful study is being given to the terms of the Buy American Act and the implementing Executive order and regulations to determine whether there is any basis for award to the low domestic bidder notwithstanding the comparatively favorable price quoted by the foreign bidder. These studies include consideration whether award to the domestic bidder is necessary in the national interest from a security standpoint or whether such award would not be inconsistent with the public interest as that phrase is used in Executive Order No. 10582. I assure you that all relevant factors, including those discussed in your letter, will be carefully weighed before an award is made.

Sincerely yours,

GEORGE H. RODERICK,
Assistant Secretary of the Army (FM).

The 139th Anniversary of Greek Independence Day

EXTENSION OF REMARKS
OF
HON. JAMES E. VAN ZANDT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. VAN ZANDT. Mr. Speaker, the celebration of all independence days have profound significance but the celebration on March 25, 1960, of the 139th anniversary of Greek Independence Day, is of especial significance for many reasons. In the first place, the ancient Greeks, who are renowned for the very high premium they placed on freedom and independence, were in a sense the first citizens of the West and of the free world. They showed the world that they preferred to fight for the preservation of their independence rather than willingly submit to conquering oppressors. In the second place, when eventually they were forced to submit to alien tyrants, they proudly maintained their spiritual independence for many centuries. And finally, in 1821 when they saw a chance of regaining their freedom and national independence, they staged a revolt which in the course of many years of bloody warfare, led to the birth of modern Greece.

From the day the stouthearted Archbishop Germanos of Patras raised the standard of the cross over his monastic establishment in 1821 we have followed the course of events in Greece with keen interest and heartfelt sympathy. There never was, and let us hope that there may never be, any doubt as to where our wholehearted sympathy and national interest lie when freedom-loving Greeks have been pitted against foreign oppressors and totalitarian tyrants. We have always held them in exceptionally high esteem. Even before their war of independence we were fully conscious of our debt to Greece, the true cradle and nursery of many human values associated with our civilization. In a sense we have always regarded the Greeks as our cultural and intellectual forebears. When we attained our independence, helpless Greeks were suffering under alien oppressors in their homeland. And when the news of their revolt against the Turks reached us, it was natural for us to hope and pray for Greek success. President Monroe and many prominent legislators in Congress at the time voiced the overwhelming feeling of the Nation in their declarations. In his annual message on December 3, 1822, the President stated:

The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public and personal liberty are associated with our recollections of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret for ages past. It was natural, therefore, that the reappearance of these people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

Famous orators and statesmen also voiced their concern in the matter. Daniel Webster characterized the Greek War of Independence as part of a greater struggle "between absolute and regulated governments." He declared in no uncertain terms that America could not hold aloof from world affairs, and he insisted that it was time for us to take a firm and definite stand on the question of the Greek War.

As one of the free States among the nations—

He said—

as a great and rising Republic, it would be impossible for us, if we were so disposed, to prevent our principles, our sentiments, and our example from producing some effect upon the opinions and hopes of society throughout the civilized world * * * Our side of this question is settled for us, even without our own volition. * * * Our place is on the side of free institutions.

The core of this ringing peroration is in the last sentence: Our place is, and has always been, on the side of free institutions, erected and vigilantly guarded by free men.

Henry Clay was equally clear in expressing the true sentiment of our people in Greek affairs. At that time there was the feeling in some quarters that the display of excess sympathy for the Greeks would offend the Turks. Clay thought that such unworthy reasoning was unbecoming to free men and independent, sovereign states. His indignant retort to those who advocated restraint and caution read:

Are we so mean, so base, so despicable, that we may not attempt to express our horror, utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high heaven?

If the great body of Christendom can look on calmly and coolly, while all this is perpetrated on a Christian people, in its own immediate vicinity, in its very presence, let us at least evince, that one of its remote extremities is susceptible of sensibility to Christian wrongs, and capable of sympathy for Christian sufferings; that in this remote quarter of the world there are hearts not yet closed against compassion for human woes, that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection, and every modern tie.

These few excerpts from two great representative Americans clearly illustrate the true sentiment of our people toward the Greeks in their desperate struggle against tyranny. At the time many philhellenic groups were formed in this country for the purpose of aiding the

brave Greeks; many extended material aid to the Greeks. And in the end when Greek independence was an accomplished fact, we all were overjoyed.

Nor have we wavered since then. During and after the last two World Wars we have done our very best to save Greece from the ravages of war, from the clutches of totalitarianism, and have worked hard in helping to maintain their hard-won and well-deserved independence. Thereby we have gained a worthy ally in our present struggle against Communist tyranny.

Greeks have not only been a freedom-loving people, but they have also been adventurers, and as a seafaring people they have been, and still are, great merchants and tradesmen. In search of freedom as well as for free opportunities, they have geen globetrotters. As such they have flocked to this side of the Atlantic, and today there are more than 600,000 sturdy, hard-working, patriotic, loyal and law abiding Greek-Americans in this great Republic. It is true that the beginning of Greek immigration dates back to some 400 years, but actually, the arrival of the bulk of Greek immigrants are of relatively recent date. Mass immigration had its start during the last decade of the last century, and attained its peak during the 1920's. Since then the number of Greek immigrants have declined, mostly because of legal restrictions, but they are still coming, sometimes under special legislative acts, at about 1,000 or more annually.

In this country Greeks have settled in many metropolitan areas and commercial centers, and they have been a boon to the commercial life in many communities. It is true that in their early days Greek immigrants were employed as farm laborers, construction workers, and in factories. But later many came to our cities and began new careers. There some began business on pushcarts, as fruit and ice cream vendors. Later they owned ice cream parlors, confectionery stores and restaurants. Thus gradually they moved from curb to stand, from stand to store, from little store to big store, and then to chains of stores. From very modest beginnings they have progressively moved up and have prospered greatly. In a few special lines of business they have been exceptionally successful—especially so in the ownership and management of movie theaters and in the motion picture industry. The Skouras brothers are, of course, outstanding examples. And the Stephano brothers, of Philadelphia, claiming to have one of the largest tobacco industry establishments in the country, is the best known case in our own State.

There is another line of activity in which Greeks are famous, and which owes its beginning to a famous Philadelphian, investor John Cheyney. Early in the 1900's he became interested in deep-sea diving and gathered about him a group of Greeks as divers and expert sponge fishers. They then moved to Tarpon Springs, Fla., and there within a few years the town became famous as the sponge market. Today the Sponge Exchange there is owned and operated, almost exclusively, by enterprising and hard-working Greek-Americans. Lowell, Mass., is another community in which Greek-Americans form not only one of the largest elements, but also the most active and enterprising civic leaders.

In the 20th Congressional District of Pennsylvania which I have the honor to represent, we have many fine families of Greek descent, the members of which have distinguished themselves by their high type of citizenship and their adherence to moral and spiritual values. The cities of Altoona and Du Bois, as well as the boroughs of Clearfield, Philipsburg, State College, Bellefonte, and Tyrone have many prominent Greek-American families whose contributions to the cultural, spiritual, business, and civic life of these communities are well recognized and greatly admired and appreciated.

Although the vast majority of the Greek immigrants came to the United States with little else but their desire to work and improve their economic and social status, they have proved to be a valuable asset in their respective communities. Hard working and thrifty, they set as their primary goal to give a higher education to their sons and daughters. They are thirsty for education and learning. And they have shown their talents in many fields. They have brought their contributions to the American arts and sciences in a number of ways. In the realm of music the name of Dimitri Mitropoulos stands high among those of immortal fame as conductors. Nicholas Moscona, a great singer, was a distinguished member of the New York Metropolitan Opera for many years. No less famous is Miss Maria Callas, another talented and gifted singer. Greek-Americans have also distinguished themselves as painters, perhaps the best known among them being George Constant, whose works are represented in the Art Institute of Chicago. There have been prominent Greek-American actors in the motion pictures and theaters. Thus through their industry and ingenuity, through their great gifts and talents, Greek-Americans have contributed greatly to our civilization. But over and above their material and cultural contribution, Greek-Americans are among our most loyal, law-abiding, and patriotic citizens. They have proved devoted servants of our democratic institutions and courageous fighters for the defense of the American way of life. And we remember these fine deeds on this 139th anniversary of Greek Independence Day.

Results of Questionnaire Sent to Cross Section of Residents of First Congressional District of Washington State

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. PELLY. Mr. Speaker, a few weeks ago I sent out a questionnaire on important national issues to a cross section of my constituents.

More than 6,000 replies or more than 20 percent of the questionnaires were filled out and returned to me. I sent these to be tabulated by an independent business firm that does this sort of work and the results are most interesting.

Organized letter writing campaigns can, and often do, give a distorted picture of home sentiment based on a Congressman's daily mail. On the contrary an actual public opinion poll of residents of an area brings the majority viewpoint into much better focus.

This situation showed up especially in the comparison of views from my mail as against the results of my questionnaire on a subject such as Federal aid for teachers' salaries. I have received many letters urging my support of Federal aid for teachers' salaries. Only a few of my letters express opposition to such legislation. When it came to answering the question: Do you favor continued reliance on local and State support for teachers' salaries, rather than Federal grants for this purpose? My tabulation from the questionnaire was 3,641 in favor of continued local and State support as compared with only 1,007 against. A ratio of better than 3 to 1 opposed.

Another significant result was the figure in support of a firm stand on Berlin: 4,551 replied "Yes" only 173 replied "No," which certainly is worth noting right at this time.

Finally, Mr. Speaker, I should point out that in checking with my colleagues from the State of Washington, I find there is great similarity between mine and the percentages shown in the replies to my colleagues. Taking into consideration approximately 250,000 questionnaires circulated in the First, Second, Third, Fourth, and Sixth Congressional Districts of my State, the results on the two questions applicable to schools were as follows:

School construction

Congressional district	Percentages	
	Opposed to Federal aid	In favor of Federal aid
1st	55.4	44.6
2d	52.6	47.4
3d	64.1	35.9
4th	59.7	40.3
6th	51.9	48.1

Teachers' salaries

Congressional district	Percentages	
	Opposed to Federal aid	In favor of Federal aid
1st	78.3	21.7
2d	72.9	27.1
3d	74.2	25.8
4th	80.6	19.4
6th	69.8	30.2

This, Mr. Speaker, certainly insofar as my own State is concerned, is in complete contradiction to the percentages published by groups supporting Federal funds to States for education, such as the National Education Association

which has stated that 70 percent of the citizens of this country are in favor of meeting our school needs by the use of Federal funds.

The willingness of my constituents to participate in this public opinion poll was most gratifying. Several of the questions I asked were difficult to answer with an unqualified "yes" or "no," and thus it was that many of those who answered set forth their views in more detail, and I found such additional comments most interesting. In fact, I have made an index by subject of these comments for further review.

A complete tabulation of my own questionnaire results in percentages is listed below:

	Percentages	
	Yes	No
Foreign affairs:		
1. Do you favor diplomatic recognition of Communist China?	21.6	78.4
2. Should we continue military and economic aid to friendly nations?	83.5	16.5
3. Do you favor United States defense of Formosa?	80.1	19.1
4. Do you approve of a firm stand with respect to Berlin?	96.4	3.6
Schools:		
1. Do you feel the Federal Government should provide grants to States to meet school construction needs?	44.6	55.4
2. Do you favor continued reliance on local and State support for teachers' salaries, rather than Federal grants for this purpose?	78.3	21.7
Taxes:		
1. Do you favor Federal legislation to tighten taxation of cooperatives?	79.4	20.6
2. Should we allow parents to deduct from their income tax tuition paid for children attending college?	67.3	32.7
General topics:		
1. Do you think more federally administered programs should be turned back to the States?	74.9	25.1
2. Do you favor reduction of agriculture price supports?	89.6	10.4
3. Are you in favor of amending the Social Security Act to include medical expenses, the increased cost to be paid by additional contributions by employees and employers?	54.3	45.7
4. Do you believe the Federal Government should have more authority to regulate radio and television programs?	51.8	48.2
5. Do you favor emphasis on a balanced budget in the coming year and applying any surplus on the national debt?	90.8	9.2
6. Do you believe the House of Representatives should continue the Un-American Activities Committee?	83.3	16.7

Joint Federal-St. Louis Study To Determine Causes of High Strontium 90 Level in St. Louis Milkshed

EXTENSION OF REMARKS
OF
HON. LEONOR K. SULLIVAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mrs. SULLIVAN. Mr. Speaker, the U.S. Public Health Service and St. Louis County and St. Louis City health officials today jointly announced the undertaking of a special study into the sources of the high levels of strontium 90 consistently being discovered in St. Louis milk supplies. I am extremely happy that this study is now going to proceed.

The people of St. Louis and surrounding areas have been understandably concerned for several years over the high levels of environmental radiation being reported in that section, and particularly the high levels of strontium 90 in milk. Civic leaders in the St. Louis area have interested themselves in this problem in a very effective manner, and have joined with many of our outstanding scientists in St. Louis to try to find solutions for this invisible menace which threatens the whole Nation.

INQUIRY TO SURGEON GENERAL BY REPRESENTATIVE SULLIVAN

Last fall, I directed an inquiry to Surgeon General Leroy E. Burney of the U.S. Public Health Service asking what was being done or could be done to eliminate or reduce the amount of strontium 90 in our local milk supply. I said that I had read of encouraging research results in developing low-cost techniques for removing this dread contaminant from milk, through joint efforts of the Public Health Service, the Atomic Energy Commission and the Department of Agriculture, and asked when we could look for practical results from this research.

I also inquired if the Public Health Service needed any legislative authority or funds to proceed expeditiously with the development of a commercial process.

In reply, the Surgeon General's office informed me, last October, that they still had to do a great deal of checking into the strontium 90 removal process to determine if milk treated by the so-called ion exchange method or by other methods which have been studied would still retain its nutritional and sanitary quality. I was informed that this research would continue.

ATTEMPT TO FIND AND ELIMINATE CAUSE

Mr. James G. Terrill, Jr., Acting Chief of the Division of Radiological Health of the Public Health Service's Bureau of State Services, then notified me of the plan being considered to try to determine, in cooperation with local and State health officials, the reason for, and the sources of, the high levels of strontium 90 contamination persisting in the St. Louis area. It was the feeling of the Public Health Service that such a study could perhaps be far more practical in reducing the strontium levels in the milk supply than a process for taking it out of milk.

Today's announcement made simultaneously by the Surgeon General in Washington, by Dr. C. Howe Eller, commissioner of health of St. Louis County, and by Dr. J. Earl Smith, director of health and hospitals for the city of St. Louis, of the initiation of such a study in the St. Louis milkshed is therefore very welcome to me, as I know it is to everyone concerned about this serious problem. The Public Health Service press release is as follows:

PRESS RELEASE BY U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE, WASHINGTON, D.C., THURSDAY, MARCH 24, 1960

The second in a series of long-range studies of environmental radiation, now under way in various sections of the country, is being initiated in the St. Louis, Mo., area, Surgeon General Leroy E. Burney announced today. Purpose of the studies is to determine the significance of previous findings concerning radiation levels in that area, according to Dr. Burney.

The project was announced simultaneously today by Dr. C. Howe Eller, commissioner of health, St. Louis County, and Dr. J. Carl Smith, director of health and hospitals, city of St. Louis.

The studies will begin in the near future with a preliminary survey of dairy farms in the various milksheds serving St. Louis. The survey will consist of investigations of water supplies, sources of animal food, climate, farming and animal feeding practices and other variables that may be associated with different types and levels of radioactivity in milk. The final phase of the milkshed study will consist of field experiments to determine whether, if necessary, the radioactive content of milk can be reduced by modifications in dairy farming practices.

One objective of this series will be to determine whether previous strontium 90 findings will obtain throughout the entire St. Louis milkshed, or only part of it. The levels of strontium 90 have been somewhat higher in the St. Louis milkshed than in other areas. However, the St. Louis average levels have been below those which the National Committee on Radiation Protection and Measurements (NCRPM) considers permissible for lifetime exposure by the general population.

Techniques developed in the St. Louis study will be applied to similar milkshed investigations being planned for several other major metropolitan areas in the United States by the Public Health Service in cooperation with State and local health authorities.

The St. Louis study is an outgrowth of negotiations over the past several months culminating in arrangements among the Federal, county, and city health agencies which are expected to become effective within a few days. Under these arrangements the Federal Government will reimburse the St. Louis County Health Department for the cost of personnel, materials, supplies, and travel directly involved in the first phase of the study. The county health department is authorized to enter into agreements with local health departments in adjacent States for the collection and delivery of samples of milk, water, cattle feed, and other materials needed for analysis. The Federal Government will furnish certain necessary laboratory equipment to the St. Louis group, and the Public Health Service's Sanitary Engineering Center, in Cincinnati, Ohio, will assist in laboratory analysis of samples.

The Federal financial share for the remainder of fiscal year 1960 will amount to $35,700.

The total Federal share for fiscal year 1961 will be around $100,000.

Because of the wealth of general information that will be developed on environmental radiation in the St. Louis area, it is expected that more elaborate investigations will follow the initial milkshed study. Such additional research would be part of the nationwide effort of the Public Health Service and State health departments to interpret the significance of radioactivity in the environment. They will be concerned with radioactivity measurements in water, air, milk, and other foods as well as radiation exposures from medical and dental X-rays. Major emphasis will be given to obtaining precise measurements of the amount and kinds of radioactivity taken in by people and also the amounts retained within the body. Actual radioactivity of dietary, water, and air intake among large numbers of individuals will be analyzed, and, by measuring the radioactivity of body wastes, the amounts retained as total "body burden," determined.

The first of these comprehensive studies, in San Juan County, N. Mex., was announced last week by Surgeon General Burney.

The Public Health Service's Division of Radiological Health pointed out that the increasing use of nuclear, medical, and dental X-rays, and radioactive isotopes for industrial and medical purposes makes it mandatory for official health agencies to begin accumulating precise knowledge of the amounts, kinds, sources, and body retention of radioactive substances in many different population groups. Such knowledge is necessary in order that health officials may be able to determine when actual or potential health problems exist, and to develop methods for coping with such problems.

Greek Independence Day

EXTENSION OF REMARKS
OF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1960

Mr. BURKE of Massachusetts. Mr. Speaker, 139 years ago when Archbishop Germanos of Patras raised the standard of revolt in his monastery at Kalavryta against the Turks on March 25, and his people joined him in this national struggle against their oppressors, his daring act ushered in a new day for the Greek people. That courageous deed by a stouthearted dignitary of the Greek Church mared a sharp break from the events of preceding centuries when Greeks were subjected successively to the Romans, the Frankish kings and the Turks. That day became the Independence Day of the Greeks, and today on the 139th anniversary of that memorable event, Greeks mark it as their national holiday.

We, in this country, have always held the Greeks in exceptionally high esteem. We have always had great sympathy for them, and have done our utmost to help them whenever we could. In their fight for freedom and independence against the tyranny of the Turks, and especially in their desperate struggle to maintain their independence against fascism, nazism, communism, and all forms of totalitarianism, they have counted upon our sympathy and on our aid. We are proud to say that fortunately we have been in a position to help them and have not disappointed them. And this has been true in the past as it is at present.

In the early days of the Greek war of independence a number of philhellenic groups were formed in this country for the purpose of raising funds and thus extending material aid to the fighting Greeks. A wave of philhellenic enthusiasm swept over America. President Monroe himself was not immune to the contagion of this philhellenism. This is clearly shown in his annual message on December 3, 1822, when he gave some reasons for our interest in the Greek cause.

The mention of Greece—

He said—

fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal, and devotion in favor of public and personal liberty are associated with our recollections of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret for ages past. It was natural, therefore, that the reappearance of those people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

This was an eloquent and welcome explanation. As the elected head of the Government of this country, he expressed the feeling of our people. No less eloquent was Daniel Webster, perhaps the most illustrious statesman-orator of his day, when he characterized the Greek War of Independence as part of a greater struggle "between the absolute and the regulated governments." He stated that America could not and should not hold aloof from world affairs, and it was time for the people and the Government of this country to take a stand.

As one of the free states among the nations,

He declared—

as a great and rapidly rising republic, it would be impossible for us, if we were not disposed, to prevent our principles, our sentiments, and our example from producing some effect upon the opinions and hopes of society throughout the civilized world. Our side of this question,

He added, referring to the Greek War of Independence—

is settled for us, even without our own volition. Our history, our situation, our character, necessarily decide our position and our course before we have even time to ask whether we have an option. Our place is on the side of free institutions.

There are many fine thoughts and noble ideals in these few sentences of that inimitable orator-statesman, but the core is found in the last sentence, for it reflects the full and free American spirit; our place is, and has always been, on the side of free institutions, erected and kept erect by free men. And the Greeks were among the forerunners of free men who founded free institutions and fought for their preservation.

Nor has our expression of sympathy and our show of kinship of ideas with the Greeks been limited to mere words and declarations. It is well known that whenever Greeks have been in trouble, in need of material aid, we have been generous in helping them. This has been particularly true at the end of the First World War, and of course more so during and since the end of the last war. Early in the course of that war, when Greece was overrun by the Axis forces, our wartime President, the late Franklin Roosevelt, declared confidently that Greece would be liberated and rewarded for her heroic fight on the side of democracies against the forces of barbarism and darkness. He certainly echoed the true and genuine sentiment of the people of this country when he said:

I am glad to have the opportunity to reassure my friends of Greek origin and Greek birth everywhere that it is the desire of the American Government to help Greece to the utmost of its capabilities.

Our postwar role in Greek affairs, our aid to Greece, both financially and militarily, is rather widely known and I need not dwell upon them in detail. As soon as circumstances permitted, toward the end of the last war, we were more generous in aiding Greece than at any time in our history. In March 1947, when we were asked by the hard-pressed Greek Government for urgent emergency and military assistance, we felt that it was our duty to comply with this request. The then President Truman felt that it was our solemn responsibility to give all we could to save Greece from the tightening clutches of communism. In his message to Congress on March 12, the President declared:

I do not believe that the American people and the Congress wish to turn a deaf ear to the appeal of the Greek Government.

Here again the President was echoing the sincere wishes of our people. We could not turn a deaf ear to the appeal of the Greek Government, even though we had already expanded more than $500 million in the form of supplies, lend-lease aid, and under the United Nations Relief and Rehabilitation Administration. Fortunately, we had some more expendable dollars, and we did not seem to mind to add close to $3 billion worth of aid to the Greeks. Yes, the Greeks have deserved well of us. I am indeed glad to say that we were able and willing thus to pay at least a part of our intellectual debt which we all feel humanity owes to Greece and to the Greek genius.

In their enthusiasm for creative things of lasting value the attainments and accomplishments of the Greeks remain unsurpassed and unequaled. In their fervent enthusiasm for liberty and democracy they have struggled against great odds, have fought bravely, and have guarded their democratic institutions tenaciously. For almost 2,000

years, from 146 B.C. to A.D. 1821 Greece was ruled by the Romans, the Frankish kings, and by the Ottoman Turks. From the Battle of Corinth in B.C. 146 when Greece was overrun by Roman legions to the Battle of Navarino, in 1827, when the tyranny of the Ottoman Turks was finally brought to an end in Greece, Greeks lived under alien rule, but during those centuries their spirit of freedom was not extinguished; their dauntless will to fight never deserted them. And the best proof of that was the long, often despairing, and almost endless fight which they carried on for 8 years before they could attain their freedom and independence. Today in celebrating the 139th anniversary of that memorable day, Greek Independence Day, let us hope that they have the will and the power to defend it against all impending and potential dangers of totalitarian tyrants.

Forty-second Anniversary of the Proclamation of the Independent Byelorussian Democratic Republic

EXTENSION OF REMARKS
OF
HON. SAMUEL N. FRIEDEL
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. FRIEDEL. Mr. Speaker, wherever any White Russians or people whose ancestors came from Byelorussia gather, their thoughts are on their ancient homeland which is now suffering under the ruthless heel of despotic Communist oppressors.

It was on March 25, 1918, that Byelorussian patriots such as Lutskievich, Vatslav Lastovski, and others proclaimed their land as an independent republic. However, after the collapse of Germany, the Red army occupied the land and by February of 1919 all Byelorussia was in Communist hands. World War II ravaged that unfortunate country tremendously; 80 percent of all the houses at the cities of Minsk and Homel and 90 percent of Vitebsk were destroyed.

Byelorussia can be pointed to as an example of what befalls human beings who are so unfortunate as to be under Russian bondage. Its leaders and intelligent persons were annihilated and others persecuted; its native culture suppressed and stifled; its religious life almost exterminated; and its people enslaved.

We in the United States, who take liberty and freedom for granted look with horror on the works of atheistic communism everywhere. As an American and as a Member of the Congress of the United States I strongly urge we support the worthy Byelorussian cause for liberation from the cruelties of Soviet Russia and that everything be done to assist them in their legitimate aspirations for justice.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. WILLARD S. CURTIN
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. CURTIN. Mr. Speaker, tomorrow marks the 139th anniversary of the independence of Greece.

I am very happy to join in the celebration of this day, because the idea of independence, as we understand it, had its birth in Greece, and the Greeks were the first to appreciate and enjoy its benefits. It is true that they lost it for many years, but they never lost sight of its value; and they continually struggled and finally regained their freedom and national independence.

Greece has had its share of misfortunes and miseries, especially during the last two World Wars. However, today she is a strategic bastion of the free world against communism. On this 139th anniversary, let us all hope that she will face all dangers that may threaten her in the future with that firm determination and courage which have ever characterized the Greeks throughout their long and glorious history.

Freedom-loving people throughout the world have drawn inspiration from the long, hard, valiant, and epic struggle of the Greek people for their independence. This day has immortalized the bravery and devotion of this proud nation's warriors and martyrs.

Ancient Greece was the cradle of liberty; and apostles of freedom still look to Greece—both ancient and modern—for those sturdy characteristics which make a people great.

On this anniversary, we of the United States salute the Greek people for their monumental contributions—both past and present—to our country and to our civilization.

Family Farm Income Act of 1960

EXTENSION OF REMARKS
OF
HON. LEONARD G. WOLF
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. WOLF. Mr. Speaker, I would like to present my views on the Family Farm Income Act of 1960, of which I have the privilege to be one of the cosponsors.

The bill is designed to raise farm income, reduce surpluses, and slash Government costs. Perhaps it sounds difficult, but I believe it can be brought about. It provides for controlled production at fair price to producer and consumer. American farmers have been plagued by the present policies of the administration. Constantly lowering price supports and a weak control policy has greatly increased our surpluses. Farm income has been going down each year, with another 16 percent drop this year. I am told that the farm population has decreased by 15 percent; in 1952 there were 24.3 million people on the farm while we have only 20.8 million people now. Similarly there has been a reduction of 15 percent in the number of farms; in 1952 there were 5.4 million farms while now there are only 4.6 million farms. Farm net income during this period has dropped from $15.3 billion in 1952 to $9.3 billion by January 1, 1960—that is, a fall of 40 percent. The parity ratio, the relationship between prices paid and prices received by farmers is at the lowest level in 19 years. At the end of 1959 the parity ratio stood at 77, a fall of 23 percent from 1952. This, Mr. Speaker, at a time when farm production expenses are up by 15 percent.

The farmer's share of the consumer's food dollar has declined from 51 cents in 1947 to less than 38 cents at the close of the year. Farm marketing charges have increased by about 40 percent since 1947. Inflation and rising costs have affected the farmers adversely. Prices paid by farmers for commodities used in production, interest, taxes, and wages have risen from 240 percent of the 1910–14 parity base period of 1947 to nearly 300 percent in 1959. Meanwhile, prices received for farm products have declined from 276 percent of the base period of 1947 to around 230 percent in 1959.

Mass movement away from the farms has not fulfilled the prediction that such a shift would solve agriculture's problem of declining income.

Instead the migration of such people has created new problems for rural communities. The movement to the cities has also caused problems in the cities due to competition for a limited number of jobs. The conservation program of this administration has not yielded the desired results. With the present program the farmers can manage to adjust their crop rotation in such a way that it does not result in lower production. Storage charges on the overabundance is costing $1.5 million a day, a colossal drain on the taxpayer. We are in chaos with this program.

The supply of a wide variety of high quality foods is the very foundation of our vast economic growth during the postwar period. It is unfortunate that the farmers who provided that food have not shared fully in the country's prosperity to which they have contributed so much.

With a view to curing some of the ills of the present farm situation the Family Farm Act of 1960 has been introduced. We believe it holds a promise of relief. The salient features of the bill are:

First. It reduces the cost to the Government by reducing the surplus in storage and by paying farmers in kind with grain taken from the existing surpluses. Marketing quotas will be set at a level which will allow a discharge of 10 percent of the surplus stocks each year that are held by the Government. The present storage cost of $1.5 million a day will be reduced drastically each year. It is fair to mention here that any direct

monetary subsidy without controls will tend to increase production. Our farm programs of the last 7 years have built a great surplus that will continue to hang like a Damocles sword over the farm economy and the Nation for many years. This bill provides payment in kind, from the overflowing bins, in lieu of cash payments for the land placed in the soil bank. This would eventually balance the supply and demand aspect and we would not have disproportionately large reserves. It is also provided that the estimated cost to the Government in any year for any commodity shall not exceed 5 percent of the estimated crop sales of any commodity in that year.

Second. Our bill includes a voluntary program requiring a referendum, needing approval of two-thirds of the producers of each commodity to effect a change from the current program. The two-thirds vote feature has been introduced in order to keep the noncompliance farmers from upsetting the program by growing more than those who follow the program. This way all the farmers will be obliged to follow the majority opinion. But if two-thirds of the producers voting in any such referendum do not vote in favor of such a program, the program then in effect under the laws on the date of enactment of this act shall remain in operation. Thus, you see, it would be the farmers themselves who would decide their own program, which, in other words means the farmers are given freedom to choose.

The farmers themselves will adjust supply to demand by means of nationwide marketing orders or other commodity-stabilization procedures.

Third. The bill includes a soil bank feature. To take advantage of this feature the farmer must voluntarily take out of production 10 percent of his tillable land. In addition, to the 10 percent he has the option of putting in up to 30 percent additional tillable land for which he will be paid in-kind from the existing storage stocks.

The bill combines all feed grains as a group and it would enable the producers of feed grain to sit down and evolve a workable total feed grain program.

Fourth. Midwestern dairy producers will be benefited. The bill enables the producers of meat, butter, and cream and producers of milk for manufacturing and fluid consumption, to work out a national program on milk and butterfat which would make sense nationally as well as locally.

Fifth. Under the proposed bill, the school lunch and needy direct distribution program now in operation will receive increased moneys for distribution of high protein foods, not only milk but poultry and meat products also. The Secretary of Health, Education, and Welfare is authorized to spend $500 million each year to purchase these items off the markets and make them available to the needy.

The greater use of these foods would directly create a greater demand for feed grains, to feed additional livestock which would also help to reduce present stocks of feed grains.

Sixth. The bill prepares the way for the Humphrey-Wolf food-for-peace program. I have been an advocate of and have worked for a food-for-peace program for a long time. We will be able to continue to push this program.

This bill tends to eliminate the depressing effects on main street. Under this proposal the placing of entire farms in the soil bank will be eliminated. No farmer will be allowed to put more than 40 percent of his tillable land into the soil-building base; moreover, payments or benefits under the act will be limited to not more than $5,000 to any one farm operator in one year. The present practice all too often is to put the farm in the soil bank and then go to the city to work. This eliminates the demand for many community services normally needed.

I do not believe this is a perfect bill, but it is a step in the right direction. Modifications here and there will undoubtedly improve it. However, it does contain a suggested solution for many of the ills of the present program.

I would like to dwell upon the following features a little more in detail: First, feed grain and livestock; second, distribution of high protein foods in schools; third, small town economic situation; and fourth, food for peace.

FEED GRAIN AND LIVESTOCK SITUATION

The bill combines all feed grains as a group and would enable the feed-grain producers to decide for themselves what production program they want. This would be done by referendum and a two-thirds majority of producers of a specific commodity will make the decision. The combining of all feed grains is very important. Such things as overproduction of wheat often upset the feed-grain situation under the present program. The envisioned commodity-by-commodity approach will not adversely affect other commodities. For example, wheat grown for feed will not be used for human consumption and vice versa. Great market fluctuations of feed grains have many times violently affected the price of livestock. More feed grains mean cheap feed grains thus depressing prices, and vice versa. A shortage of feed grains means high prices for livestock. These fluctuations are not desirable except to the profiteer.

Mr. Speaker, I would like to suggest one perfecting amendment. The bill now provides that only those farmers can vote in the referendum who have in the past, in at least three of the immediately preceding 5 years, sold not less than $500 worth of the commodity in question. Since most of the feed grain producers in my district feed livestock, the feed grains they produce are fed on the farm. The value of their grain production is not counted. These farmers will in many cases become unable to take part in the referendum. In order to cover this point an amendment is needed. The farmers who have produced feed grains of the value of $500 or more, whether sold or fed to their own livestock must not become disenfranchised.

We believe our bill would also directly help the meat, dairy, and hog industry. Without a proper feed grain production planning program, overproduction results, which eventually depresses the farmers price of the meat producing and dairy industries. It is hoped that the part of the feed grain production can be adjusted by increasing production of protein products, part of which under this bill will go to the school program. This would create a significant increased consumption of these abundant feed grains and thus create an additional supply of protein foods for the needy people. It would also provide an opportunity to the midwestern dairy producers to work out a comprehensive national program for milk and butterfat. I would not care to see any change in present marketing orders until this program is effective. I believe this dairy marketing area will deserve very serious study to be sure that we improve on rather than disrupt present marketing orders.

DISTRIBUTION OF HIGH PROTEIN FOOD IN SCHOOLS

The bill provides for the increased distribution of high protein food—milk, poultry, and meat to the schools and the needy. To many schoolchildren the only adequate meal is the one received at school. Many more children should be covered. Many of our needy senior citizens will also be aided.

The envisaged increased production of high protein foods—discussed under the feed grain and livestock—will be effectively consumed for the good of some of the people in areas in great need. Under this provision the Secretary of Health, Education, and Welfare is authorized to spend $500 million each year to purchase these items off the market, and make them available to the needy people. Mr. Chairman, this is a tremendously important section and should go far in helping the folks in real need in America.

SMALL TOWNS ECONOMIC SITUATION

This bill will help improve the situation in small towns. Under the existing program farm families put the entire farm in the conservation reserve, thereby depriving the local farmworkers of jobs. Demand for goods and services is thus in two ways greatly reduced. This has greatly upset many small towns where alternate employment or business opportunities are not available. Many small businesses are forced out. This bill safeguards against putting the entire farm in the soil building base. A family can only retire land up to 40 percent of the total cultivated area. Another balancing feature is that no farm family will get payment or benefit more than $5,000 a year for the retired land. With still 60 percent of the land under cultivation the farmer will have to stay on the farm. This would avoid farm population movement to the cities by putting the whole farm in soil reserve. These redeeming features will aid the economy of many small towns.

FOOD FOR PEACE

I have long been an advocate and have worked hard for a food-for-peace program. Under this bill a provision is made not only to protect our present commitments abroad under Public Law 480 but also to clear the way for my proposed food-for-peace program to help feed some of the hungry people of the world. This provision aims at promoting the foreign policy of the United States by helping to build essential world conditions of peace by the more effective use of our abundant agriculture commodities for the relief of human hunger. Food can foster economic and social developments in less developed countries through the United Nations or its appropriate agencies. Mr. Speaker, I believe our agricultural surplus should be accepted as a blessing rather than a burden. America should feel proud that she is in a position to help feed the millions of undernourished people of the world. This is the only field in which America is a clear leader. Let us broaden the original food surplus dumping program under Public Law 480 in such a way as to include the proposed ideas in the Humphrey and Wolf food-for-peace bills for helping to feed the hungry people of the world.

It is humane to feed our hungry fellow human beings. But when we have such an abundance, we have a very great moral obligation. At the same time it is cheaper to send a bushel of wheat to a needy area than to keep it in bins over the long haul. A workable plan can be developed with wheat surplus countries like Australia, Canada, and so forth. This would avoid ill feelings between the "have" nations. These countries should also extend a helping hand in this humane venture. Agreed, it will be difficult, but this does not constitute an excuse. No great accomplishment in history was ever accomplished without hard work. This solution of our surplus problem is morally, politically, and financially worth a trial. Let us act sensibly and boldly to win friends through food. Let us act now to help our American farmers and our Nation out of the present dilemma.

SENATE

MONDAY, MARCH 28, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God and Father of mankind, in the awareness of whose presence our hearts are gladdened and our strength restored: For all who turn to Thee with true purpose of heart, Thou art as the shadow of a great rock in a weary land.

We are grateful that in the silence of Thy presence the clamor of the world dies away. Give us quietness now, O God, even as there crowd in the duties of another week.

At the very center of our lives may the still waters of Thy grace be as a balm for our jaded spirits.

May we see the world as it is, with all its poignant need; and may we see ourselves as we are stripped of all self-delusion.

Above all, we ask that the prayers we offer with bowed heads may be translated into obedient action, as we turn to face the world with its waiting tasks so close at hand. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 24, 1960, was dispensed with.

REPORT OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of January 18, 1960,

Mr. HAYDEN, from the Committee on Appropriations, reported favorably, with amendments, on March 25, 1960, the bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes, and submitted a report (No. 1203) thereon.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On March 25, 1960:

S. 1193. An act for the relief of Eleanor Constan;

S. 1703. An act for the relief of Raul Jorge Jose Hermitte; and

S. 2028. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

On March 28, 1960:

S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States; and

S.J. 115. Joint Resolution authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 607) for the relief of the estate of Sinclair G. Stanley, and it was signed by the President pro tempore.

ORDER FOR COMMITTEE ON FINANCE TO MEET DURING SENATE SESSION ON WEDNESDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on Finance may be permitted to sit during the session of the Senate on Wednesday.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON RECONSTRUCTION FINANCE CORPORATION LIQUIDATION FUND

A letter from the Secretary of the Treasury transmitting, pursuant to law, a report on the Reconstruction Finance Corporation Liquidation Fund, for the quarterly period ended December 31, 1959 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON PROGRESS OF LIQUIDATION OF NATIONAL DEFENSE, WAR, AND RECONVERSION ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Administrator, General Services Administration, Washington, D.C., reporting, pursuant to law, on the progress of the liquidation of the national defense, war, and reconversion activities of the Reconstruction Finance Corporation, as of December 31, 1959; to the Committee on Banking and Currency.

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT, 1925, AS AMENDED

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Traffic Act, 1925, as amended (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON ACTIVITIES RELATING TO NEW DISTRICT OF COLUMBIA STADIUM

A letter from the Managing Director, District of Columbia Armory Board, Washington, D.C., transmitting, for the information

of the Senate, a résumé of the legislative history, financial data, and tentative time schedule of the operations and activities pertaining to the new District of Columbia Stadium (with an accompanying report); to the Committee on the District of Columbia.

AUDIT REPORT ON EXPORT-IMPORT BANK OF WASHINGTON

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Export-Import Bank of Washington, for the fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES IN FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, a report on backlog of pending applications and hearing cases in that Commission, as of January 31, 1960 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

MAP ENTITLED "MAJOR NATURAL GAS PIPELINES, DECEMBER 31, 1959"

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, a copy of the recently issued map "Major Natural Gas Pipelines, December 31, 1959" (with an accompanying map); to the Committee on Interstate and Foreign Commerce.

INCLUSION OF CERTAIN OFFICERS AND EMPLOYEES OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN ACT RELATING TO ASSAULTS AND HOMICIDES

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to include certain officers and employees of that Department within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 5021, TITLE 18, UNITED STATES CODE

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting a draft of proposed legislation to amend section 5021 of title 18, United States Code (with an accompanying paper); to the Committee on the Judiciary.

WITHDRAWAL FROM DISTRICT COURTS JURISDICTION OF CERTAIN SUITS

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting a draft of proposed legislation to withdraw from the district courts jurisdiction of suits brought by fiduciaries who have been appointed for the purpose of creating diversity of citizenship between the parties (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF DIVISION OF COAL MINE INSPECTION, BUREAU OF MINES

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the activities of the Division of Coal Mine Inspection, Bureau of Mines, for the calendar year January 1, 1959, through December 31, 1959 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF BOY SCOUTS OF AMERICA

A letter from the Chief Scout Executive, National Council, Boy Scouts of America, New Brunswick, N. J., transmitting, pursuant to law, a report of that organization, for the calendar year 1959 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the House of Representatives of the State of Arizona; to the Committee on Appropriations:

"HOUSE MEMORIAL 10

"MEMORIAL REQUESTING THE CONGRESS OF THE UNITED STATES TO APPROPRIATE SUFFICIENT FUNDS FOR PURPOSE OF MAINTAINING, TWENTY-FOUR HOURS A DAY, THE COMPOUND ON THE INTERNATIONAL BORDER AT LUKEVILLE, ARIZ.

"*To the Congress of the United States:*

"Your memorialist respectfully represents:

"The United States maintains a compound at the international border at Lukeville, Ariz., and this station is manned from 8 o'clock a.m. to midnight each day. There is considerable traffic through this border station due to the favorable fishing areas in Mexico for which access is gained through Lukeville, Ariz.

"Unfortunately the international border at Lukeville is not attended by U.S. personnel from midnight to 8 o'clock a.m., thereby causing considerable inconvenience to citizens of this country who are faced with emergencies. For example, it is frequently necessary, because of medical emergencies, to leave Mexico to reenter the United States for the purpose of obtaining proper medical attention. With the gates closed it is impossible to cross the border and therefore the medical condition may be seriously aggravated because of the delay.

"In many instances it is necessary for persons to return to the United States immediately because of emergencies. As a result of the gates being closed from midnight to 8 o'clock a.m., considerable inconvenience occurs to these U.S. citizens.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

"That the Congress of the United States consider the importance of manning the compound at Lukeville, Ariz., for 24 hours each day for the purpose of expediting travel for our citizens between Mexico and the United States. Moreover, it is requested that sufficient funds be appropriated for this purpose."

A resolution adopted by the executive committee of the American Legion, Department of Connecticut, relating to the U.S. Coast Guard Academy; to the Committee on Interstate and Foreign Commerce.

A resolution adopted by the house of delegates of the American Bar Association, at Chicago, Ill., favoring the enactment of legislation embodying the recommendations of the Judicial Conference of the United States for the creation of additional judgeships in the U.S. courts of appeals and district courts; to the Committee on the Judiciary.

A letter in the nature of a petition from the American Automobile Association, Washington, D.C., signed by Russell E. Singer, executive vice president, transmitting a copy of a letter addressed to the Secretary of Commerce by him, relating to a report entitled "Federal Transportation Policy and Program," prepared by the Department of Commerce and transmitted to Congress by the President of the United States on March 14, 1960; to the Committee on Public Works.

CONCURRENT RESOLUTIONS OF SOUTH CAROLINA GENERAL ASSEMBLY

Mr. THURMOND. Mr. President, on behalf of myself and my colleague the senior Senator from South Carolina [Mr. JOHNSTON], I insert, for appropriate reference, three concurrent resolutions of the General Assembly of South Carolina memorializing Congress, first, to enact suitable legislation to prohibit imported shrimp from competing with our shrimping industry and to favorably consider H.R. 8982; second, to take favorable action on H.R. 9336 which provides for pensions of veterans of World War I; and third, to cancel plans for construction of new dams on the Savannah River, to release certain reservoir lands and to place the control of water in the Clarks Hill Reservoir under local water authority. I ask that these resolutions be appropriately referred.

Mr. President, in connection with the last resolution opposing the construction of new dams on the Savannah River, I ask unanimous consent that there be printed in the RECORD an editorial on this subject published in the State, a newspaper published in Columbia, S.C., on March 11, 1960.

The PRESIDENT pro tempore. The concurrent resolutions will be received and appropriately referred and, under the rule, will be printed in the RECORD; and, without objection, the editorial will be printed in the RECORD.

The concurrent resolutions were received and referred as follows:

To the Committee on Finance:

"S. 554

"Concurrent resolution memoralizing Congress to enact suitable legislation to prohibit imported shrimp from competing with our shrimping industry and to favorably consider H.R. 8982

"Whereas, shrimping has become one of South Carolina's most important fishing industries and as a result many millions of dollars have been invested in this industry in this State; and

"Whereas in 1959 nearly 100 million pounds of shrimp were imported from Mexico, Panama, Equador, West Germany, India, Pakistan, and Japan, and placed on the competitive market with shrimp netted not only by South Carolina shrimpers but by shrimpers from all of the Coastal States; and

"Whereas the low price on imported shrimp is reported to be the result of low labor costs in these foreign countries and to some extent as a result of Government aid given these countries by the United States; and

"Whereas those persons in the shrimping industry in this country can no longer reduce their cost to compete with the shrimp being imported, and desire that the United States take some favorable action to control the shrimp being brought into this country that are competing with our own industry: Now, therefore, be it,

"*Resolved by the senate (the house of representatives concurring)*, That Congress be memoralized to enact without delay some suitable legislation to prohibit imported shrimp from being placed in competition with the shrimping industry of our own country and to particularly give favorable consideration to H.R. 8982 now pending before Congress; and be it further

"*Resolved*, That a copy of this resolution be forwarded to the President of the Senate, to the Speaker of the House of Representatives, to the chairman of the Ways and Means Committee of the House of Representatives and to each Member of Congress from this State."

"CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO TAKE FAVORABLE ACTION ON H.R. 9336 WHICH PROVIDES FOR PENSIONS OF VETERANS OF WORLD WAR I

"Whereas, the General Assembly of South Carolina has been informed that various veterans' organizations have year after year taken the position that the aging group of World War I veterans should be given pension consideration in the form of a separate and liberalized pension program; and

"Whereas as recently as 1959 the Veterans of Foreign Wars national convention reiterated its position that these veterans should not be forgotten; and

"Whereas the provisions of H.R. 9336 which is now being considered by the Congress seeks to alleviate the condition in which the veterans of World War I find themselves by allowing for the payment of a pension of one hundred dollars per month for all of those of that group who meet the service requirements as provided for in the proposed bill: Now, therefore, be it

"Resolved by the house of representatives (the senate concurring), That the General Assembly of South Carolina does hereby memorialize the Congress of the United States to take favorable action on H.R. 9336 which will grant to the veterans of World War I a pension of one hundred dollars per month, provided certain requirements of service are met; and be it further

"Resolved, That a copy of this resolution be forwarded to the Senate and to the House of Representatives of the Congress; to each U.S. Senator from South Carolina; and to each Member of the House of Representatives of the Congress from this State."

(The PRESIDENT pro tempore laid before the Senate a concurrent resolution of the General Assembly of the State of South Carolina, identical with the foregoing, which was referred to the Committee on Finance.)

To the Committee on Public Works:

"S. 426

"Concurrent resolution memorializing the Congress of the United States to cancel plans for construction of new dams on the Savannah River, to release certain reservoir lands, and to place the control of water in the Clarks Hill Reservoir under Logan water authority

"Whereas the citizens of both South Carolina and the State of Georgia believed that when the Clarks Hill Reservoir was constructed that the citizens in the vicinity of the reservoir would be allowed a certain amount of water for industrial and municipal uses; and

"Whereas, now that the dam has been completed and the water raised, the people in the vicinity of the project of both States found that they are apparently prohibited from removing water from the reservoir without a special act of Congress; and

"Whereas the Corps of Engineers, after much recent protest, state now, under certain circumstances, reasonable amounts of water can be obtained; and

"Whereas such apparent policy changes are indicative of the need for a more sound and stable control of the reservoir water; and

"Whereas the general assembly believes that the people in the vicinity of the reservoir and the riparian owners on the river above are entitled to a reasonable use of the water and that deprivation of this constitutes a violation of their basic property rights; and

"Whereas it is believed that further construction of dams on the Savannah River should cease and that all reservoir lands above the 335th contour of the Clarks Hill Reservoir should be released and that the land so released should be first offered to the former owners; and

"Whereas the general assembly further believes that the local water authorities are best suited for the control of water of the Savannah River due to the understanding of local conditions and requirements and that the water control of Clarks Hill Reservoir should be taken away from the Corps of Engineers and placed in the hands of local authorities; and

"Whereas it is believed that the location of industry in the area of Clarks Hill Reservoir is essential to the continuation of prosperity in the neighborhood and that the presence of industry is dependent upon the availability of large quantities of water for use; and

"Whereas for the Clarks Hill project the U.S. Government condemned and acquired 44,027 acres of taxable land from which McCormick County receives no revenue except a percentage of rental release for recreational facilities amounting to only $1,083.68 in 1959; and

"Whereas the general assembly believes that the Congress of the United States should be made aware of this great loss in revenue to just one county of the State and reminded that this same type of loss will be suffered by other neighborhoods where large quantities of land are condemned and acquired by the Federal Government and thereby removed from the taxbooks of the county: Now, therefore, be it

"Resolved by the senate (the house of representatives concurring), That the Congress of the United States is hereby memorialized to enact legislation canceling all plans for construction of new dams on the Savannah River and to enact legislation for the release of all reservoir lands above the 335th contour of the Clarks Hill Reservoir with the proviso that such land should be first offered to the former owners; and be it further

"Resolved, That suitable legislation also be enacted to provide that water projects on the Savannah River be removed from the Corps of Engineers and placed in the hands of a local water authority which would place the priority of the water storage in industrial use rather than the hydroelectric project; and be it further

"Resolved, That a copy of this resolution be forwarded to the President of the United States, to each United States Senator from the States of South Carolina and Georgia, and to each Congressman from both of these States in the Congress of the United States, and that a copy of this resolution also be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Congress."

The editorial presented by Mr. THURMOND is as follows:

NO MORE DAMS

Senator L. L. Hester, of McCormick, introduced a resolution in the senate urging a halt to the building of more dams on the Savannah River and release to the public of Clark Hill lands above the high mark.

The senate gave its approval and now the house has concurred.

We are glad to see the general assembly take this stand. The people of the affected area are justly aroused over the proposed plans for further dam construction on the Savannah above Augusta, and over what has happened already.

CIVIL RIGHTS—LETTER

Mr. FREAR. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me by J. S. Bellmeyer, president of Playtex Ltd., of Toronto, Canada, relating to civil rights.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PLAYTEX LTD.,
Toronto, Canada, March 11, 1960.

The Honorable J. ALLEN FREAR,
U.S. Senator,
Senate Building,
Washington, D.C., U.S.A.

DEAR ALLEN: It was a pleasure to visit your office on March 10 and be greeted so nicely by two friends, Miss Jackie Hackett and Miss Joanne Holt. I am sure you know that they made me feel quite at home and quite important. I am sorry that I missed seeing Mary Louise and yourself.

Jackie and Joanne both insisted that I go to the reception section and make myself known to you that I was in Washington but I decided the day was too important for you.

In passing, my thoughts as far as civil rights are concerned are that I believe we should work toward integration at some future time. I say this based upon a visit to Georgia which I made just before my visit to Washington and I know that the colored people are not yet ready for total integration with whites without having our school system suffer, yet I know we must obey the law of the land and in some way the two problems must be reconciled. In this respect, I do not envy you your job but I do believe you voted the way I would have in the Senate the other day.

I certainly was proud to be a citizen of Delaware when you, in each case, made your voice heard rather than just mumbling as unfortunately some of our Senators did.

Thanks again, ALLEN, for the fine way I was received by your office.

Sincerely,

J. S. BELLMEYER.
President.

RESOLUTIONS OF ORGANIZATIONS OF THE STATE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD resolutions adopted by organizations of the State of New York.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ON CIVIL RIGHTS

TO SENATOR LYNDON B. JOHNSON, MAJORITY LEADER; SENATOR EVERETT MCKINLEY DIRKSEN, MINORITY LEADER; REPRESENTATIVE SAM RAYBURN, SPEAKER OF THE HOUSE; REPRESENTATIVE JOHN W. MCCORMACK, MAJORITY LEADER; REPRESENTATIVE CHARLES A. HALLECK, MINORITY LEADER; SENATOR PAUL H. DOUGLAS; SENATOR HUBERT H. HUMPHREY; SENATOR JACOB K. JAVITS; SENATOR KENNETH B. KEATING; REPRESENTATIVE EMANUEL CELLER; REPRESENTATIVE WILLIAM M. MCCULLOCH:

The National Board of the Women's International League for Peace and Freedom, meeting in Philadelphia on February 26–28, 1960, wishes to commend the efforts that the congressional leadership and certain Members of Congress are making for the passage of meaningful civil rights legislation. The league has long felt that our Nation could not honorably tolerate continued violations of freedom and equality of any of its citizens.

Whatever civil rights legislation is enacted, the league believes, should include: (1) Title III (stricken from the 1957 civil rights bill)—the provision to permit Government civil suits in school desegregation and other cases; (2) an effective voting registrar referee measure to secure the right of every citizen to register, to vote, and to have his vote

counted; and (3) provision for technical and financial assistance to States and localities working to implement the Supreme Court decision on school desegregation.

RESOLUTION ON LAW ENFORCEMENT

Whereas due to the high taxes on alcoholic beverages, there has been an increasing amount of illicit distilling depriving the Federal Government of tax revenue; and

Whereas the Federal Government has acknowledged the fact that there is an insufficient appropriation of funds to maintain an adequate enforcement staff: Be it therefore

Resolved, That the National Women's Association of Allied Beverage Industries, Inc., in convention assembled June 17, 1959, in San Diego, Calif., urge the Congress of the United States to recommend to the Appropriations Committee to provide sufficient funds to increase the enforcement staff of the ATTD in order that this illicit distilling be stamped out, and thereby return to the Treasury of the United States tax money of which it is now being deprived.

MARCH 11, 1960.

Hon. JACOB K. JAVITS,
Washington, D.C.

MY DEAR SENATOR JAVITS: At meeting of February 15, 1960, the Holy Name Society of St. Martin of Tours R.C. Church, Brooklyn, N.Y., resolved as follows:

"Whereas as Americans we deplore the relinquishment of American sovereignty and heritage; and

"Whereas the repeal of the Connally amendment would be a grant of national rights and place us in a position of becoming subservient to a foreign court administered by nations of alien philosophies of government; and

"Whereas this action is diametrically opposed to the rising world tide of nationalist feeling; and

"Whereas to permit any world court, on which avowed enemies of this Nation would sit, to decide issues involving the United States of America, is the ultimate folly, and would act to our detriment, especially in this period of world unrest: Therefore be it

"*Resolved*, That this organization declares itself most strongly opposed to repeal of the Connally amendment."

Your kind consideration of the above resolution is requested.

Yours very truly,

F. SAUER, *President*.

MEDICAL CARE FOR THE AGED—MEMORIALS

Mr. JAVITS. Mr. President, the Medical Society of the State of New York and the medical societies of Nassau County, Cortland County, Rensselaer County, Wyoming County, New York County, Nassau County, Ulster County, Montgomery County, and Monroe County, and also the women's auxiliaries of the medical societies of Nassau County, Monroe County, Albany County, Tompkins County, Schenectady County, and Herkimer County, all in the State of New York, memorialize the Congress regarding their opposition to the bill (H.R. 4700) to amend the Social Security Act and the Internal Revenue Code so as to provide insurance against the costs of hospital, nursing home, and surgical service for persons eligible for old-age and survivors insurance benefits, and for other purposes. I ask unanimous consent that the memorials may be printed in the RECORD.

There being no objection, the memorials were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE COUNCIL, MEDICAL SOCIETY OF THE STATE OF NEW YORK

Whereas there is now before the Congress a bill known as H.R. 4700 (Forand bill), which would socialize certain medical care services for social security beneficiaries; and

Whereas the problems concerning the aging population are not limited to medical care alone, but involve housing, environment, and other socioeconomic factors; and

Whereas the Medical Society of the State of New York recognizes that such problems exist among senior citizens and already has taken, and will continue to take, steps to meet these problems, particularly concerning further expansion of the voluntary health insurance plans for the aging; and

Whereas the bill is another gigantic step toward the complete socialization of all medical care; and

Whereas the law would destroy the doctor-patient relationship, result in extensive compulsory taxation, and undermine voluntary health insurance plans and gradually replace them; and

Whereas, because of the outstanding work that has been done by voluntary organizations in New York State, there is no one in the State who has sought medical care who has not received it regardless of economic circumstances; and

Whereas it has been amply demonstrated in New York State that the problems concerning the aging can be met at the county, city, and State level without Federal Government interference and domination; and

Whereas the State medical society maintains that the evidence presented to date concerning the problems of the aging is neither complete nor conclusive and may contain misinterpretations and misrepresentations; and

Whereas Federal intervention without more accurate knowledge of the problem's gravity and dimension is logically untenable and socially dangerous: Now, therefore, be it hereby

Resolved, That the Medical Society of the State of New York reiterates its vigorous and unalterable opposition to H.R. 4700 expressed to the House Committee on Ways and Means in July 1959; and be it hereby further

Resolved, That the State medical society's adamant opposition to this bill, or any other bill of similar type, be once again brought to the attention of all New York State Congressmen and the two U.S. Senators, as well as the chairman of the House Ways and Means Committee.

RESOLUTION OF THE NASSAU COUNTY MEDICAL SOCIETY

Whereas there is now before the Congress a bill known as H.R. 4700 (Forand bill) which calls for the extension of the Social Security Act into the medical and hospital care field through the provision of Federal funds collected for social security to pay the cost of surgical, hospital and nursing home care for beneficiaries of social security; and

Whereas problems of the aged are not limited to medical care alone, but involve many other socioeconomic factors; and

Whereas the Nassau County Medical Society and many other county medical societies, together with the cooperation of the Medical Society of the State of New York and the American Medical Association, are making great strides in solving the problems of the aged, particularly with respect to expansion of the voluntary health insurance plans; and

Whereas it is a known fact that problems of the aged must be solved on a local or State level without Federal interference and domination; and

Whereas the enactment of legislation such as the Forand bill would cause a tremendous rise in social security taxes; which already have reached sizable proportions; and

Whereas the bill would set up a system whereby a Federal agency would establish arbitrary standards for medical care, and dictate fees and charges; and

Whereas the law would destroy the doctor-patient relationship: Now, therefore, be it hereby

Resolved, That the Nassau County Medical Society is vigorously and unalterably opposed to H.R. 4700; and be it hereby further

Resolved, That the Nassau County Medical Society's opposition to this bill, or any other bill of similar type, be brought to the attention of our New York State Congressmen, our two U.S. Senators, as well as the chairman of the House Ways and Means Committee.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF CORTLAND, CORTLAND, N.Y.

Senator JACOB K. JAVITS,
Senator Office Building,
Washington, D.C.

DEAR MR. JAVITS: On the 7th of March 1960, the Cortland County Medical Society passed the following resolution:

"The Cortland County Medical Society is against the enactment of H.R. 4700 into law because we feel that (1) it would undermine voluntary health insurance and gradually replace it because few people would carry both Government and private plans; (2) today about 43 percent of citizens over 65 are covered by voluntary health insurance, showing there is no need for drastic Government intervention such as the Forand bill would provide; (3) by 1965 about 75 percent will be covered by voluntary health insurance; by 1970 about 90 percent; and (4) passage would greatly increase social security taxes which already are growing year by year resulting in smaller pay checks."

Very truly yours,

THEODORE I. JACOBUS, M.D.,
Secretary, Cortland County Medical Society.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF RENSSELAER

The Honorable JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

SIR: The following resolution was passed at the meeting of the Medical Society of the County of Rensselaer on March 8, 1960:

"Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

"Whereas, amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

"Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

"Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

"Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

"Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

"Whereas it would be most difficult if not impossible to provide the best medical care under a government dominated program, which the passage of the Forand bill, or any bill of a similar type would bring about: Now, therefore, be it

"*Resolved*, That the members of the Rensselaer County Medical Society marshal all

their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

"*Resolved*, That a copy of this resolution be sent to Congressman DEAN TAYLOR, Congressman LEO O'BRIEN, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives."

Very truly yours,
DAVID R. TOMLINSON, M.D.,
Secretary.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF WYOMING

Whereas H.R. 4700 (Forand bill) calls for the Federal purchase, through compulsory taxes, of surgical, hospital, and nursing home care for some 16 million social security beneficiaries; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care, and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas authoritative estimates fix the cost at about $2 billion for the first and second years; and

Whereas no adequate proof has been forthcoming showing that a drastic solution, such as the Forand bill, is necessary to meet the needs of the aging: Now, therefore, be it hereby

Resolved, That H.R. 4700, or any similar bill, is vigorously opposed by the Medical Society of the County of Wyoming; and be it hereby further

Resolved, That this opposition of the organization be made known to Congressman HAROLD OSTERTAG; U.S. Senator JACOB K. JAVITS, and U.S. Senator KENNETH B. KEATING, and also, the Honorable WILBUR MILLS, chairman, House Ways and Means Committee, House Office Building, Washington, D.C.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF NEW YORK

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: The following resolution opposing the Forand bill, H.R. 4700, was approved at a meeting of the executive committee of the Medical Society of the County of New York on March 14, 1960. We earnestly request your consideration and sympathetic understanding for these reasons against the passage of this bill:

"Whereas there are increasing efforts to place the practice of medicine under Government control, and amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

"Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

"Whereas the Forand bill would create a Federal agency to set arbitrary standards for medical care and dictate fees and charges and seriously impair the doctor-patient relationship; and

"Whereas it would be virtually impossible to provide the best medical care under a Government-dominated program, which the passage of the Forand bill would bring about; and

"Whereas very swift enrollment in health insurance of individuals over 65 years of age is already occurring on a voluntary basis; and

"Whereas a White House conference has already been called for January 1961 to ascertain the facts for the need for proposed aid to the aged in the field of medical and hospital care: Now, therefore, be it

"*Resolved*, That the Medical Society of the County of New York representing 7,000 physicians in Manhattan, disapprove the Forand bill, or any bill of similar type, and work actively to oppose its passage; and be it further

"*Resolved*, That a copy of this resolution be sent to all Congressmen representing the County of New York, to the Senators of the State of New York, and to the Honorable WILBUR D. MILLS, chairman of the Ways and Means Committee, House of Representatives, Washington, D.C."

Sincerely yours,
SAMUEL FRANT, M.D.,
President.

RESOLUTION OF THE NASSAU NEUROPSYCHIATRIC SOCIETY

The Honorable JACOB K. JAVITS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SIR: The Nassau Neuropsychiatric Society, an organization of over 100 psychiatrists practicing in Nassau County, New York State, has studied the provisions of the Forand bill, H.R. 4700, and has voted to support the resolution of the Medical Society of the State of New York dated January 28, 1960, viz:

"*Resolved*, That the Medical Society of the State of New York reiterates its vigorous and unalterable opposition to H.R. 4700 expressed to the House Committee on Ways and Means in July 1959; and be it hereby further

"*Resolved*, That the State medical society's adamant opposition to this bill or any other bill of similar type, be once again brought to the attention of all New York State Congressmen and the two U.S. Senators as well as the chairman of the House Ways and Means Committee."

Yours very truly,
IRVING L. BAUER, M.D.,
Secretary.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF ULSTER

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: The Medical Society of the County of Ulster, a component of the Medical Society of the State of New York, at its meeting on March 1, 1960, unanimously adopted the following resolution:

"Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

"Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

"Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

"Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

"Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

"Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

"Whereas it would be most difficult if not impossible to provide the best medical care under a Government-dominated program, which the passage of the Forand bill, or any bill of similar type would bring about: Now, therefore, be it hereby

"*Resolved*, That the members of the Ulster County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

"*Resolved*, That a copy of this resolution be sent to Congressman J. ERNEST WHARTON, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives."

Very truly yours,
F. W. HOLCOMB, Jr., M.D.,
Secretary.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF MONTGOMERY

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult, if not impossible, to provide the best medical care under a Government-dominated program, which the passage of the Forand bill, or any bill of a similar type, would bring about: Now, therefore, be it hereby

Resolved, That the members of the Montgomery County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill or any bill of a similar type; and be it further

Resolved, That a copy of this resolution be sent to Congressman SAMUEL S. STRATTON, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF MONROE

Whereas there is now before Congress a bill known as H.R. 4700 (Forand bill), which would socialize certain limited medical care services for social security beneficiaries; and

Whereas the problems of the aged are not limited to medical care alone, but involve housing, environment, and other socio-economic factors; and

Whereas the bill would destroy the patient-doctor relationship, result in increased taxation, and undermine voluntary health insurance plans and voluntary community agencies; and

Whereas because of efficient local voluntary organizations necessary medical care is available to everyone regardless of economic circumstances; and

Whereas evidence presented to date concerning the problems of the aging is neither complete nor conclusive; and

Whereas Federal intervention without more accurate knowledge of the problem's gravity and dimensions is logically untenable and socially dangerous; and

Whereas the bill would not provide assistance to the small group (the indigent) who in some communities might need help; and

Whereas the bill is a direct step toward socialization of all medical care: Now, therefore, be it hereby

Resolved, That the members of the Medical Society of the County of Monroe, N.Y., register their opposition to the Forand bill or any bill of similar type; and be it further

Resolved, That a copy of this resolution be sent to all New York State Congressmen and to Senators KENNETH B. KEATING and JACOB K. JAVITS and to the Honorable WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

DEAR SIR: Here's why the Forand bill should not pass:

Social security was set up to provide retirement income so people would not become public charges. It was not intended to pay medical bills of persons able to pay their own way. The indigent already are being cared for under other welfare programs.

If the Government takes over responsibility for paying medical bills of millions of Americans, the United States will have taken a giant step toward socialized medicine. That's all socialized medicine is: Government providing medical care instead of leaving it to the medical professional and the individual under the free enterprise system.

Why commit billions to pay medical bills through the social security system when most of the people who need such welfare help are not covered by social security?

Our hospitals are sure to be swamped by patients lured by this something-for-nothing program. Doctors and administrators would have the added burden of screening this caseload of people in order to weed out the ones who do not actually need medical care.

There is no way to figure how many billions of dollars the Forand bill would cost. No two patients are alike. Predicting the cost of an illness is impossible. In England, socialized medicine costs turned out to be five times greater than the maximum estimates. Under the Forand bill, this guesswork involves billions to be paid through still higher social security taxes.

Social security already is in the red. Receipts last year were $8,100 million. Disbursements were $9,400 million. A giant medical care program on top of social security would send taxes soaring and make the program still more unsound economically.

The Forand bill would inject the Federal Government in the physician-patient-hospital relationship and its enactment would be followed by control of the health care of the aged by the Social Security Administration.

The Forand bill would use compulsory taxation to undermine voluntary health insurance plans.

Problems concerning the aging are not limited to medical care alone but involve housing, environment, and other socioeconomic factors.

"These are indeed chronic problems of aging and the aged but above all else, they are individual problems of individual human beings. Moreover, if governments will refrain from engaging in activities sure to destroy the purchasing power of people's accumulated dollars, the problem, at most, is temporary. Instituting a permanent program and a new bureaucracy to provide Government health care for the aged, regardless of need, supplies a cure that may be worse than the disease in its ultimate effects on individual freedom and a free society."—American Medical Association, Department of Economic Research, October 31, 1959.

The Forand bill is a major deviation from the original cash-benefit concept of social security and would put the Federal Government in the business of buying a service rather than giving cash benefits to be used as the individual chooses.

The aged would be restricted in choice of a physician or hospital under a Forand program because only physicians, hospitals, and nursing homes entering into agreements with the Federal Government would participate. This would concentrate power in the hands of Federal officials for setting standards for medical care, something the Federal Government is not qualified to do.

If the Federal Government begins paying medical bills for one group, the aged, other groups will demand the same and the resulting financial burden could be ruinous.

The Forand bill would destroy new home care programs, day hospital service, homemaker services, progressive patient care, and new concepts for treatment through outpatient departments and doctors' offices. It also would destroy the incentive for communities to experiment with new techniques in care for the aged at the local level where the problems are known best.

Support for the Forand bill is support for Federal compulsory health care, or, described in another way, support for socialized medicine.

There are neither complete nor conclusive statistics on health problems for the aged. Any attempt to meet the challenge of a health program for the aged without a more accurate knowledge of the problem's dimensions is akin to prescribing for the patient without first making a diagnosis.

The Forand bill is a political approach to a medical problem.

The expense of this social security medical program could jeopardize the retirement security of millions who depend on social security for their basic retirement needs and it could destroy the retirement program of millions now looking forward to the security of a regular income in their old age.

In the voluntary hospitals 90–98 percent, an average of 95 percent, of those over 65 paid their bills through insurance or by themselves. In the municipal hospital, 16 percent paid their way so that of those admitted to the municipal supported institution 84 percent were actually indigent. Only 31 percent of those admitted to the municipal had social security coverage. If the Forand bill had been in force, two-thirds of those patients would have had no help.

This would indicate that legislation, such as proposed by Representative FORAND to make hospital care a general social security benefit, will not fill the need in our community. Most indigent cases receive care through subsidy of the Monroe County Welfare Department. Whenever the Federal Government assumes control of another facet of our life, individual and community enterprise decline.

Studies on a national level indicate that 70 percent of our older population will be protected by voluntary hospital insurance coverage by the end of 1960. It is predicted that 90 percent will be covered by 1970. Industry and labor are working toward this free-enterprise achievement. The recently proposed home care program is another step to reduce medical care costs in our commmunity. It is far better to solve these social problems on a community basis and stimulate local endeavor than expect the Federal Government to provide from "cradle to grave." Any unnecessary additions to our social security structure is not warranted in this inflationary period. The heritage of our children and grandchildren must be considered.

Rochester Regional Hospital Council, data concerning patients over age 65 [1]

	Hospitals								
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	Total
1. Total patients admitted [2]	958	978	192	(3)	1,073	402	(3)	1,134	4,737
2. Number of patients over age 65 admitted	153	131	28	(3)	109	102	(3)	158	[4] 681
3. Number of patients over age 65 with insurance [5]	104	85	17	(3)	83	8	(3)	[6] 109	406
3.1 Number of patients over age 65 who were self-pay [7]	42	35	10	(3)	24	8	(3)	40	159
3.2 Number of patients over age 65 who were indigent [8]	7	11	1	(3)	2	70	(3)	12	103
3.3 Number of patients over age 65 referred to administrators [9]	0	0	[10]	(3)	9	16	(3)	[10]	25
3.4 Number of patients over age 65 with social security	(3)	(3)	(3)	(3)	[11] 67	[11] 32	(3)	(3)	99

[1] All data compiled for January 1960.
[2] Newborn excluded.
[3] Not available.
[4] 14 percent.
[5] Any type of insurance.
[6] Blue Cross only.
[7] With no insurance.
[8] Includes welfare cases and those not on welfare who were able to pay none or part of hospital bill.
[9] As hardship cases.
[10] Unknown.
[11] Estimated.

RESOLUTION OF THE ALBANY MEDICAL CENTER

Senator JACOB K. JAVITS,
Washington, D.C.

DEAR SIR:

"Whereas the Forand bill (H.R. 4700) is an effort to place the practice of medicine under governmental control; and

"Whereas it would, therefore, deter young people from entering the practice of medicine under governmental control; and

"Whereas the doctor-patient relationship would be interfered with by a third party—the Federal Government; and

"Whereas the right of the patient to choose his own physician, hospital, or nursing home is decisively limited; and

"Whereas the bill requires that so-called free hospitalization could create a dangerous overcrowding of space available to the seriously ill; and

"Whereas it would undermine the American tradition of free enterprise, interfering with voluntary health insurance programs, now covering 43 percent of citizens over 65 years of age, and expected to cover 75 percent by 1965, and 90 percent by 1970; and

"Whereas the best medical care could not be obtained under governmental control: Therefore it is hereby

"*Resolved*, That the Albany Medical College chapter of the Woman's Auxiliary to the Student American Medical Association marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type."

Sincerely yours,

CATHERINE KLAMAR,
Secretary-elect.

RESOLUTION OF THE WOMAN'S AUXILIARY TO THE NASSAU COUNTY MEDICAL SOCIETY

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult if not impossible to provide the best medical care under a Government dominated program, which the passage of the Forand bill, or any bill of a similar type would bring about: Now, therefore, be it hereby

Resolved, That the members of the Woman's Auxiliary to the Nassau County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

Resolved, That a copy of this resolution be sent to Congressmen STUYVESANT WAINWRIGHT, STEVEN B. DEROUNIAN, and FRANK J. BECKER; Senator JACOB K. JAVITS; Senator KENNETH B. KEATING; and the Honorable WILBUR D. MILLS, chairman, Ways and Means Committee, House of Representatives.

RESOLUTION OF THE WOMAN'S AUXILIARY TO THE MEDICAL SOCIETY OF THE COUNTY OF MONROE

Whereas there is and will be legislation, before Congress, providing for the socialization of certain medical services for social security beneficiaries; and

Whereas this legislation is an incomplete and partial solution to a complex problem, which includes not just medical care, but also housing, environmental, social, and economic factors; and

Whereas this law destroys the normal doctor-patient relationship, necessitates unpredictable and staggering tax increases, and strikes at the foundation of voluntary health insurance plans; and

Whereas the problem of medical care for the aged is and has been recognized in New York State and giant steps have been taken toward resolving this problem without compulsory Federal aid; and

Whereas this type of legislation is an opening wedge which would eventually lead to the socialization of all medical care, therefore being socially dangerous: Now, therefore, be it hereby

Resolved, That the Women's Auxiliary to the Medical Society of the County of Monroe expresses its vigorous and firm opposition to the passage of any law socializing medical services to the beneficiaries of social security; be it hereby further

Resolved, That this opposition to this type of legislation be brought to the attention of the Congressmen and Senators representing Monroe County in the U.S. Congress.

RESOLUTION OF THE WOMEN'S AUXILIARY TO THE MEDICAL SOCIETY OF THE COUNTY OF ALBANY

Whereas there is now before Congress a bill known as H.R. 4700 (Forand bill) to put the Federal Government into the business of controlling and dominating medical care for the senior population of this country; and

Whereas the enactment of the Forand bill, or any other similar bill, would mean a tremendous increase in the social security taxes already a sizable proportion; and

Whereas it has not been fully proved that the voluntary health insurance plans have not and cannot meet the needs of the aging population; and

Whereas Federal intervention without more accurate knowledge of the problems' gravity and dimension is untenable and socially dangerous, particularly as these problems are not limited solely to medical care but involve many other segments of our economic and social life: Now, therefore, be it

Resolved, That the Women's Auxiliary to the Albany County Medical Society (representing between 200 and 300 members in this community) calls the attention of Congressman LEO W. O'BRIEN, and Senators JACOB K. JAVITS and KENNETH B. KEATING, as well as Hon. WILBUR D. MILLS, chairman, Ways and Means Committee, that this organization is vigorously opposed to the Forand bill or any other proposed law of the Forand type; and be it further

Resolved, That copies of this resolution be forwarded to these legislators with the urgent request that they take action against the Forand bill or any other similar legislation.

RESOLUTION OF THE WOMAN'S AUXILIARY TO THE TOMPKINS COUNTY MEDICAL SOCIETY

Whereas the Forand bill (H.R. 4700) now before Congress is a proposal to amend the Social Security Act to provide for the Federal purchase of certain health care services (hospital, surgical, and nursing home treatment) for social security beneficiaries under a Government-operated program; and

Whereas such a bill is viewed as another big step toward complete socialization of all medical care while at the same time it limits itself to one aspect of the problems of the aging population—the medical—ignoring housing, environment, and other socioeconomic factors; and

Whereas the law would tend to destroy the doctor-patient relationship, result in extensive compulsory taxation, and undermine voluntary health insurance plans (and gradually replace them); and

Whereas it can be shown that the problems concerning the aging can be well met at the county, city, and State level (or by voluntary organizations at any level) without Federal Government direction: Now, therefore, be it hereby

Resolved, That the Woman's Auxiliary to the Tompkins County Medical Society sets forth its opposition to H.R. 4700, and be it further

Resolved, That the Woman's Auxiliary's opposition to this bill, or any other bill of similar type, be brought to the attention of Hon. JOHN TABER, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

RESOLUTION OF THE WOMAN'S AUXILIARY TO THE MEDICAL SOCIETY OF THE COUNTY OF SCHENECTADY

Whereas legislation has been proposed that would amend the Social Security Act to provide for the Federal purchase of certain health care services for social security beneficiaries; and

Whereas such legislation would further increase social security taxes which are already scheduled to reach 9 percent of the payroll—up to $4,800 income; and

Whereas care for the older citizen calls for a flexibility of medical approach and technique—not the rigidity inherent in Government-controlled programs; and

Whereas the proposed legislation is a political approach to a health problem; and

Whereas a nationalized program of this sort would weaken the patient-physician relationship; and

Whereas a bureaucratic system for solving individual health problems of the aged would result in political abuses and administrative waste: Now, therefore, be it

Resolved, That the Woman's Auxiliary to the Medical Society of the County of Schenectady does hereby go on record against the adoption of H.R. 4700 introduced in the 86th Congress by Representative A. J. FORAND, of Rhode Island.

RESOLUTION OF THE WOMAN'S AUXILIARY TO THE MEDICAL SOCIETY OF HERKIMER COUNTY

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult if not impossible to provide the best medical care under a Government-dominated program, which the passage of the Forand bill, or any bill of a similar type, would bring about: Now, therefore, be it hereby

Resolved, That the members of the Woman's Auxiliary to the Herkimer County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of similar type; and be it further

Resolved, That a copy of this resolution be sent to Congressman ALEXANDER PIRNIE, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

FINAL REPORT OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD—SEPARATE VIEWS—(PT. 3 OF S. REPT. 1139)

Mr. McCLELLAN. Mr. President, as chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field, pursuant to Senate resolutions 44 and 249, 86th Congress, I submit part III of the final report of this committee containing the summaries of the testimony and the findings on:

First. The Criminal Syndicate case;

Second. The Joseph Glimco and Taxicab Local 777 of Chicago cases; and

Third. James R. Hoffa and the International Brotherhood of Teamsters.

All of the above findings were unanimously approved by the members of the committee.

Senators MUNDT, GOLDWATER, CURTIS, and CAPEHART, although approving the findings in the criminal syndicate, set forth separate views of their own relating to the establishment of a National Crime Commission. Likewise, on this same matter, separate views were expressed by Senator KENNEDY and by myself. Senators ERVIN and CHURCH joined in the separate views of both Senator KENNEDY and my own views.

I ask that the report be printed, with separate views.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, two press releases which I am making available to the press at this time, in connection with the report. The first press release was prepared in the expectation that this part of the report would be filed on March 23. For reasons which appeared sufficient, the filing of the report has been deferred until today. Since that time, I thought it advisable to add further comments in

connection with the report, at least for the press, and I ask unanimous consent that both press releases be printed in the RECORD at this point as a part of my remarks.

There being no objection, the press releases were ordered to be printed in the RECORD, as follows:

FOR RELEASE OF MARCH 28, 1960, ON FILING OF PART III OF THE FINAL REPORT

Senator JOHN L. MCCLELLAN, Democrat, of Arkansas, chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field, today filed part III of the final report of his committee. Senator MCCLELLAN stated that this third report covers the final hearings on James R. Hoffa, president of the International Brotherhood of Teamsters, as well as the hearings on Joseph Glimco, president of the Taxicab Local 777 of Chicago, Ill. Included also in this report are the findings and conclusions pertaining to the criminal syndicate hearings.

HOFFA

In its third and final report on James R. Hoffa and the International Brotherhood of Teamsters, the committee found that the 1959 hearings served to highlight and underscore previous conclusions reached by the committee that—

1. Hoffa has repeatedly betrayed the members of his own union by entering into business relationships with employers with whom his union negotiated.

2. That Hoffa has misused union funds for his own benefit and that of his friends.

3. That Hoffa has consistently supported the interest of racketeer and criminal friends over those of his own members.

4. That Hoffa and his chief aides have consistently repressed democratic rights within the union.

5. Finally, that the committee remains convinced that if Hoffa continues unchecked, he will successfully destroy the decent labor movement in the United States.

The committee was particularly critical of Hoffa for the betrayal of his membership with respect to the contract negotiations. It pointed out that Hoffa sought to minimize the committee's exposure of shocking conditions within the Teamsters Union by pursuing the theme that corruption is unimportant when measured against the success of Hoffa in negotiating high contracts greatly benefiting the general membership.

The committee report exploded this fallacy and in detail spelled out the numerous occasions in which it found "Hoffa to be faithless to the members of his own union."

1. The committee found in the 1959 testimony instance after instance of unquestionable betrayal of his own union members.

2. Hoffa extended special deals and side arrangements to employers with whom he had special business or social ties.

3. He entered into collusive arrangements by which contract terms were arbitrarily abrogated or watered down to the degree that left them virtually meaningless, without ratification by the membership directly affected, and never reduced to writing.

4. That Hoffa made substantially lower contract offers to employer representatives for the obvious purpose of promoting personal power and undermining the strength of other Teamster Union officials who were opposed to him and his methods.

The committee in its findings listed over nine pages of specific instances where it found that Hoffa was derelict in his duties or had committed improper acts under his trust as president of the Teamsters International.

Included in these findings were severely criticized deals between Benjamin Dranow and the Teamsters Union by which Dranow was able to realize large profits on strange transactions involving Teamster jackets, land deals, department store loans, etc.

One of the criticized transactions involved the ill-fated Florida Sun Valley Teamster project, which victimized hundreds of Teamster members who had invested in this project with the view of having a retirement home.

Hoffa admitted he had an option, which he produced long after the hearings, to purchase a large block of the Sun Valley stock which he could have exercised with great profit had the project been successful. Testimony showed that Hoffa's crony, Dranow, was deeply enmeshed in the financial transactions of the Sun Valley project. It also showed that there was a grave question of the propriety of the use of $500,000 in Teamster money tied up in a Florida bank because of the Sun Valley financial shenanigans.

A bizarre episode disclosed in the hearings was a plot participated in between Dranow and Babe Triscaro, of the Teamsters Union, to use surplus U.S. planes to smuggle arms in the Caribbean area. Apparently $300,000 in Teamster money was earmarked for this strange project, until the committee displayed a keen interest in the transaction.

According to the committee, the record clearly established Hoffa's contempt for duly constituted authority. He made public pronouncements of his intentions to use every device he can to rid himself of the court-appointed monitors and has done exactly that.

One of the more serious charges against Hoffa concerned overt attempts to gain control of the court-appointed monitors with the aid of Harry Bridges and Louis Goldblatt, president and secretary-treasurer, respectively, of the International Longshoremen's Union. The ILA had been ousted from the CIO on the ground that it was Communist-dominated. This and similar instances have been referred to the Department of Justice for their attention.

The committee pointed out that, although Hoffa has promised in the past to rid his union of racketeers, the committee members are convinced that Hoffa does not have, nor did he ever have, any intention of removing any of the racketeers from office, although he and his attorney both admitted that Hoffa had the constitutional power to: "Proceed to revoke or order the revocation of any member who was convicted or pleads guilty to a crime, thus bringing the union into disrepute."

GLIMCO

In its report regarding Joseph Glimco, president of Taxicab Drivers Local Union No. 777, International Brotherhood of Teamsters, the committee described Glimco as one who "possessed none of the qualifications for a bona fide labor leader, and has no interest whatever in the welfare of the 5,000 taxicab drivers, inside workers, and maintenance personnel who comprise the membership of Teamsters Local 777."

The report described Glimco as long prominent in the underworld who at the same time maintained his close connections with Chicago major gangsters and hoodlums while acting as president of the 5,000-member Taxicab Drivers Union in Chicago. The committee in its findings stated that Glimco was shown to be a common thug and criminal who gained control of his union by violence and strong-arm methods which are the stock-in-trade of the Chicago racketeer. He ransacked the union treasury and denied the membership their lawful benefits under the health and welfare plan.

Glimco was found to be involved in the labor-extortion racket in the Fulton Street Poultry Market, where he shook down operators of scavenger trucks in sums ranging from $50 to $125 weekly, in addition to other lump sums.

In his operation of Taxicab Local 777, Glimco operated a "typical gangster-type shakedown in which he forced the officers of the local to pay him as tribute a percentage of their salaries and expense money. His income from this shakedown was approximately $3,000 per month."

The committee found that Glimco had diverted $124,321.45 from the funds of the taxicab local to pay legal fees to defend himself against Federal charges of labor extortion unrelated to the taxicab local. This included moneys paid to a private detective agency to investigate Chicago policemen who helped gather evidence against Glimco. Misappropriation of union funds included payments for membership in the Tam-O'Shanter Country Club of George Marcie, secretary-treasurer of the local, as well as the payment of all expenses for tours of the Caribbean Islands by Marcie and Oscar Kofkin, vice president of the local.

The testimony before the committee showed that Glimco had a record of 36 arrests, including charges of murder, assault with a deadly weapon, and extortion. Glimco was found to be a close associate of hoodlums and public enemies such as Tony Accardo, Paul "The Waiter" Ricca, "Little New York" Campagna, "Tough Tony" Capezio, and Murray "The Camel" Humphreys.

In addition, it was brought out that Glimco as a union leader was a close associate and one of the chief lieutenants of James R. Hoffa. No information was secured from Glimco himself, since he consistently invoked the fifth amendment on all pertinent questions.

CRIMINAL SYNDICATE

The committee, in reporting on criminal syndicates, described the meeting at Apalachin, N.Y., as significant of the growing power of the underworld. As might be expected, most of the hoodlum witnesses invoked the fifth amendment to all pertinent questions. The hearings convinced the members of the committee that underworld infiltration of business and labor is a grave national problem and that the grip of hoodlums and racketeers on the American economy continues to grow.

Separate views were expressed by the members of the committee as to the necessity and requirement of the establishment of a National Crime Commission to deal with the underworld problem on a Federal level. Senators MUNDT, GOLDWATER, CURTIS, and CAPEHART joined in a separate statement in which they stated that they agreed with the position of the Department of Justice that the creation of such a commission would be undesirable and there was no need for creation of any new organization or any substructure on the Federal level to impose itself on already existing and well-functioning organizations.

Senator KENNEDY and Senator MCCLELLAN, in separate views which were concurred in by Senators ERVIN and CHURCH, recommended that either a separate Federal agency be established or an appropriate existing agency be expanded or modified to act as an intelligence gathering agency on organized crime activities.

PRESS RELEASE OF MARCH 28, 1960

In the past 3 years the Senate Select Committee on Improper Activities in the Labor or Management Field has dug deep into the roots of corruption in labor unions. Nowhere did we find corruption more pronounced than in the International Teamsters Union and in the activities of its provisional president, James R. Hoffa.

In this phase of our investigation we were treated to a sad spectacle of a man of undoubted ability using his talents as a force for evil, corruption, and despoilment of a tremendous labor union which had become his captive.

Hoffa has at his command over $39 million in the international treasury and over $100 million in pension funds, which he cunningly utilizes to maintain himself in power. He has over a hundred able lawyers at his beck and call, and commands a powerful lobby in Washington, D.C., which usually operates unseen but quite effectively.

Not so long ago, Hoffa's cohorts issued a purge list of those Members of the Congress, that he was going to use all of the power, union funds, and union propaganda machinery at his command to defeat in the coming election.

Many of those on his purge list welcomed his opposition. They are more than willing to give the voters a choice between themselves and the Hoffa type of dishonest labor leadership opposition. They have faith in the integrity and wholesome judgment of their constituents.

Hoffa is a bold man, and is ruthless and wanton in his operations.

Nowhere is his contempt for law better illustrated than his efforts to undermine the monitorship imposed by the courts. It will be recalled that there was testimony before the committee by Mr. Bartley Crum that Harry Bridges and Louis Goldblatt, of the I.L.W.U., West Coast Longshoremen's Association (ousted by the CIO because of Communist domination) sought to sabotage the monitors on Hoffa's behalf by setting up Crum as a replacement for Mr. Godfrey Schmidt, the then rank-and-file member of the monitors, in the belief that Mr. Crum would be Hoffa's stooge. Crum, however, kept Godfrey Schmidt informed, and the courts and the FBI were likewise informed of these maneuvers. But Mr. Hoffa does not give up easily. The former assistant to the chairman of the monitors—Florian Bartosic—was hired by the International Brotherhood of Teamsters at an increase of salary of $4,000 a year after he left the board of monitors. John Cunningham, a former leader of the plaintiffs in the action which resulted in the appointment of the monitors, switched over to Hoffa's side, and we found that the Teamsters were paying Cunningham's living expenses. Currently, Cunningham, I am advised, is residing in the same hotel as Hoffa—the Woodner Hotel, here in Washington—where he has an unpaid hotel bill of approximately $10,000.

Hoffa's concept is that every man has his price—it's only a question of how much—whether it be money or fear of retaliation or promise of future consideration.

There is still another aspect of the monitorship which bears mention. Since the inception of the monitorship, there appears to have been a desperate and constant harassment of the monitors by a multitude of lawsuits, proceedings, appeals, etc., to keep them, and particularly by Mr. Martin O'Donoghue, the court appointed monitor, from pressing the corruption charges against the Teamsters Union. He now seeks to have one William E. Bufalino appointed a monitor to fill the vacancy created by the resignation of Mr. Daniel Maher.

All this points up the need for constant vigilance and scrutiny to serve and protect the public interest.

William E. Bufalino is a lawyer, I believe admitted to practice law in Pennsylvania. He was three times refused admittance to the bar in the State of Michigan, the State in which he lives and operates.

William Bufalino became the business associate and front for his racketeer uncle-in-law, Angelo Meli, in the Bilvin Distributors, a jukebox distributor and operator, in 1945.

There was $141,000 invested in this distributorship: $46,000 by Angelo Meli; $20,000 by "Poppa John" Priziola; $25,000 by Sam Tocco; and $20,000 by William Bufalino. Fifteen thousand dollars more was borrowed from Carlo DiLiberto and $15,000 was borrowed from Nick Ditta. Angelo Meli is a notorious hoodlum with a long arrest record and was once designated as Detroit public enemy No. 1 by the Detroit Police Department. As for Priziola, he was identified by the Narcotics Bureau in our committee hearings as one of the most important of Detroit's traffickers in heroin. Priziola has a record of 20 arrests and 3 convictions, dating back to 1917. Both Ditta and DiLiberto had achieved long criminal records prior to their affiliation with Bufalino in the jukebox business.

Hoffa set up local 985 as a jukebox local and put Jimmy James (notorious for having stolen almost a million dollars from the Laundry Workers Union) in charge and loaned James $2,000 to start the local. In turn, James put Hoffa's wife and Bert Brennan's wife on the jukebox local's payroll and paid them $6,000. It was admitted that they performed no functions or duties.

James testified in earlier hearings that Bufalino forced his way into the union and he made Bufalino his lieutenant. When James left the local in 1949, James, although residing in Florida, remained on the payroll until 1951. So we had the strange situation of the boss of the jukebox operations becoming the boss of the jukebox union in Detroit.

Bufalino's relatives, the Melis, continued to run their jukebox operations while Bufalino was kingpin of the jukebox union on the other side of the fence, a very handy arrangement.

We have heard testimony of how Bufalino exploited labor in the carwash cases and I would like to repeat my statements made at the close of the hearings of the committee on Bufalino's activities, and I quote (pt. 43, p. 17678):

"The operations of Local 985 of the Teamsters Union, headed by Mr. Hoffa's associate, William E. Bufalino, represents a most disgraceful type of unionism. As it now operates it is a leech preying upon working men and women to provide personal aggrandizement for Mr. Bufalino and his friends. This is true in both the coin-operated machine and the autowash sections of this local, for nowhere in this hearing is there to be found one scintilla of evidence that local 985 has done anything to help the wages and working conditions of its members in these industries. To the contrary, we have had testimony that members of Mr. Bufalino's local had their wages drastically reduced after they became union members and their employers signed contracts with local 985.

"In both the coin-operated machine and the autowash sections of local 985, the operations of local 985 amount to nothing less than a shakedown and extortion of businessmen. It is hoped that the evidence this committee has heard will suggest to law-enforcement officials in Michigan the advisability of taking such appropriate action as may be authorized under State laws to deal with Mr. Bufalino and other officials of local 985.

"I may say I think they perpetrate a dastardly fraud upon human beings the way this union operates. I don't want any misunderstanding about the Chair's conclusion with respect to this character of an operation.

"In the evidence it is also clearly shown that Bufalino got his start in the jukebox business in 1946 in partnership with, and with the backing of, certain key figures of the Detroit underworld. It is also clear that some jukebox companies operating with underworld backing have also had the assistance of Mr. Bufalino.

"Thus, we find a union in alliance with racketeers, and which fails to, in any way, exercise the proper obligations of labor unionism toward its members and toward the community."

One man in particular stands in Hoffa's way—Mr. Martin O'Donoghue, the court-appointed monitor who has stanchly stood his ground despite every legal trick, maneuver, and wearing-down tactic practiced by Hoffa and his lawyers. The public owes a great debt of gratitude to Mr. O'Donoghue.

Bufalino's selection as a monitor becomes of special interest in view of the fact that one of the principal charges against Hoffa is a misuse of union money in the so-called Sun Valley project, a project touted by Hoffa as a retirement haven for Teamster members in sunny Florida. The sum of $500,000 in Teamster money was used by Hoffa as an inducement to obtain financing for this project for his friend, Henry Lower. (Hoffa had taken the precaution of obtaining the option from Lower to purchase a large block of stock from him, which could be exercised if the project was successful.) But Hoffa's crony Lower diverted the money paid by the Teamster members for their lots in Sun Valley and the project became a miserable failure. The appointment of Bufalino becomes singularly conspicuous because, ostensibly, Bufalino would be charged with the obligation and duty of helping to press charges of misuse of Teamster money in the Sun Valley project against Hoffa.

It should be noted Bufalino himself was involved in this shady mess. Bufalino's local 985 obtained a $10,000 loan from Hoffa's local and the same day local 985 loaned the $10,000 to Lower.

Mr. McCLELLAN. Mr. President, I might make these further observations: The select committee is scheduled to expire on the 31st of this month, unless action is taken by the Senate to extend the life of the committee.

A situation has developed which clearly indicates—and I have been of this impression all along—that the powers of this committee should not be permitted to expire. It was my thought originally that the authority and powers of this select committee and all of its records and files should be transferred to the Committee on Government Operations, in order that those records might be kept available, and that there might be supervision and control over them pending a period of time while court actions are in progress growing out of evidence developed by the select committee. Court actions which are in the nature of criminal proceedings are in progress. Persons are being indicted and prosecuted for crimes which have been exposed by the committee. The records of the committee, in many instances, will be required by the law enforcement officers and by the Department of Justice to carry to full benefit the labors of the select committee in this field of activity.

Some opposition has developed to the proposal that the functions of this committee be temporarily transferred to the Committee on Government Operations. When that opposition appeared to be developing, I submitted a resolution, which is now pending before the Committee on Rules and Administration, simply asking for an extension of the select committee for another year.

We are not asking for the extension and continuation of the select committee with the idea or thought of having a continuous investigation or a crusade of investigations, but are asking it primarily for the purpose of holding these records intact and also to have the standby authority to conduct some investigations which may become neces-

sary, as developments which I have referred to in press releases in connection with these reports indicate are necessary or desirable, so that the full benefit of the select committee's labors may be brought to fruition and that maximum results may be achieved.

I therefore shall urge the Senate to continue the select committee for another year.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONG of Hawaii:

S. 3283. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 3284. A bill for the relief of Lee Soon Him; to the Committee on the Judiciary.

By Mr. STENNIS (for himself and Mr. EASTLAND):

S.J. Res. 176. Joint resolution authorizing the preparation and printing of a Supplement to the Constitution of the United States of America, Annotated, as published in 1953 as Senate Document No. 170, 82d Congress; to the Committee on Rules and Administration.

(See the remarks of Mr. STENNIS when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. PROXMIRE:

S.J. Res. 177. Joint resolution proposing an amendment to the Constitution of the United States providing for the nomination of candidates for President; to the Committee on the Judiciary.

(See the remarks of Mr. PROXMIRE when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTIONS

ADDITIONAL COPIES OF JOINT COMMITTEE PRINT ENTITLED "SUMMARY-ANALYSIS OF HEARINGS, JUNE 22–26, 1959, ON BIOLOGICAL AND ENVIRONMENTAL EFFECTS OF NUCLEAR WAR"

Mr. ANDERSON submitted the following concurrent resolution (S. Con. Res. 97), which was referred to the Committee on Rules and Administration:

Resolved by the Senate (The House of Representatives concurring), That there be reprinted for the use of the Joint Committee on Atomic Energy six thousand additional copies of the Joint Committee print entitled "Summary-Analysis of Hearings, June 22–26, 1959, on Biological and Environmental Effects of Nuclear War" printed for the use of the Joint Committee on Atomic Energy during the 86th Congress, 1st session.

OPPOSITION TO TRANSFER OF NUCLEAR WEAPONS OR NUCLEAR SECRETS TO OTHER NATIONS

Mr. PROXMIRE submitted a concurrent resolution (S. Con. Res. 98), opposing the transfer of nuclear weapons or nuclear weapons secrets to other nations, which was referred to the Joint Committee on Atomic Energy.

(See the above concurrent resolution printed in full when submitted by Mr. PROXMIRE, which appears under a separate heading.)

TERRITORIAL DEPUTIES FOR GUAM AND THE VIRGIN ISLANDS

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill which would allow the unincorporated territories of Guam and the Virgin Islands to be represented in Congress. Each of the two areas would elect a territorial deputy who would have the right of debate, but no vote, in the House of Representatives.

Guam is the westernmost territory of the United States, excluding the trust territory, which we hold by mandate, and Okinawa, which we hold under the peace treaty with Japan. The Virgin Islands constitute the easternmost of our territories.

Both of these unincorporated territories have gained experience in self-government under their organic acts. Now the time has come to receive their counsel in the National Congress. From firsthand experience, I know that the people of Guam, through an elected representative, could make valuable contributions to the Congress in connection with the consideration of proposed legislation affecting the Pacific. I am sure the Congress would also benefit from the counsel offered by a representative of the Virgin Islands. The enactment of this bill will, then, mutually benefit the two unincorporated territories and the rest of the United States.

The PRESIDING OFFICER (Mr. CANNON in the chair). The bill will be received and appropriately referred.

The bill (S. 3283) to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives, introduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. GRUENING. Mr. President, I desire to associate myself with the remarks of my distinguished colleague from Hawaii. I believe the legislation he has in mind is highly desirable and is in line with the purpose of giving to all outlying areas the maximum of self-government, according to the basic principles of government by the consent of the governed.

SUPPLEMENT TO THE STUDY ENTITLED "THE CONSTITUTION OF THE UNITED STATES OF AMERICA, ANALYSIS AND INTERPRETATION"

Mr. STENNIS. Mr. President, one of the most useful and authoritative reference sources in matters pertaining to the Constitution is a book prepared by the Legislative Reference Service of the Library of Congress. It is entitled "The Constitution of the United States of America, Analysis and Interpretation." The book was published as Senate Document No. 170 in the 2d session of the 82d Congress.

I think it is an invaluable, and the best one-volume reference on the subject of constitutional law, and that the work done by the staff of the Legislative Reference Service, under the leadership of Edward S. Corwin, who served as editor for this project, should be retained intact.

Since 1952, however, subsequent Supreme Court decisions have greatly affected many areas of constitutional law, and I feel that it is time for the Library to renew their study of this subject and, in a supplemental volume, bring the original text up to date. For this purpose my colleague, the senior Senator from Mississippi [Mr. EASTLAND] and I are introducing a joint resolution authorizing the Librarian of Congress to undertake this worthwhile project.

The amount of money authorized in the original resolution for the preparation of the basic volume was $35,000, exclusive of printing. The cost of printing and binding the 4,385 copies for which funds were appropriated was an additional $32,355.95.

Since this added volume would cover only 8 years, the cost of a supplement would be much less. I think that the money would be well spent in making available a current knowledge of the development of constitutional law made available by a supplemental volume to the original text.

I am sure that the Librarian will again choose as an editor for this project an outstanding lawyer of the stature of Mr. Corwin, and that the work will be accomplished with the impartiality, professional competence, and clarity which characterized the text material of the present volume.

I think that this basic text as supplemented would be an invaluable addition to every Member's office, as well as an aid to students and law libraries and interested persons throughout the country. Certainly such a worthwhile project would more than justify its cost.

To my mind, this work is the best possible source for constitutional study that a busy Senator has. It is convenient and thorough—treating constitutional law in its various legal aspects. We must return to the attitude that our Constitution be seriously studied and applied in our legislative deliberations.

So I introduce for appropriate reference, and ask to have printed at this point in the RECORD, a joint resolution which I introduce for myself and my colleague, the senior Senator from Mississippi [Mr. EASTLAND].

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 176) authorizing the preparation and printing of a Supplement to the Constitution of the United States of America, Annotated, as published in 1953 as Senate Document 170, 82d Congress, introduced by Mr. STENNIS (for himself and Mr. EASTLAND), was received, read twice by its title, referred to the Committee on Rules and

Administration, and ordered to be printed in the RECORD, as follows:

Whereas the Constitution of the United States of America, Annotated, published in 1953 as Senate Document 170, 82d Congress, serves a very useful purpose by supplying essential information;

Whereas such document contains annotations of cases decided by the Supreme Court of the United States to June 30, 1952; and

Whereas many cases bearing upon the analysis and interpretation of the Constitution have been decided by the Supreme Court since June 30, 1952: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress is authorized and directed to have prepared a Supplement to the Constitution of the United States of America, Annotated, published as Senate Document 170, 82d Congress, which shall contain annotations of decisions of the Supreme Court of the United States after June 30, 1952, construing the several provisions of the Constitution. Such supplement shall be printed as a Senate Document in the same style and format as Senate Document, No. 170, 82d Congress. Three thousand copies shall be printed, of which 2,200 copies shall be for the use of the House of Representatives and 800 copies shall be for the use of the Senate.

SEC. 2. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary to carry out the provisions of this joint resolution.

AMENDMENT OF INTERNAL REVENUE CODE, RELATING TO UNLIMITED DEDUCTION FOR CHARITABLE DEDUCTIONS FOR CERTAIN INDIVIDUALS—AMENDMENTS

Mr. CASE of South Dakota. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (H.R. 6779) to amend section 170 of the Internal Revenue Code of 1954 (relating to the unlimited deduction for charitable contributions for certain individuals). This amendment is intended to provide encouragement to students who desire to attend college and at the same time to contribute toward providing the college-trained youth which our country needs at a minimum of expense to the taxpayers.

This amendment would make money spent for tuition, matriculation, and laboratory fees deductible from income in computing net income for tax purposes.

It is recognized that the higher tuition and laboratory fees are generally found in the scientific fields where we need an increasingly large number of graduates. It is also recognized that the colleges which could accommodate a few more students without requiring appropriated funds are often the so-called independent schools. Many of them operate close to the break-even line, even though their tuition fees are sometimes higher than the State-supported schools.

To the extent, then, that reducing income tax liability would encourage students to take the scientific courses with their higher fees or to fill up schools where additional building appropriations are not required, the proposed legislation would offer a double public benefit.

I urge its study and consideration by the members of the Senate Committee on Finance. In the end, they will find, I believe, that the Nation itself would be the great beneficiary from young men and women better trained to meet the tasks of their day, and possessing, in turn, greater income-earning and tax-paying ability as well.

I also submit an amendment to the title of the bill.

I ask unanimous consent that the amendments may be printed and appropriately referred.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table.

ENFORCEMENT OF CONSTITUTIONAL RIGHTS—AMENDMENTS

Mr. JOHNSTON of South Carolina. Mr. President, I submit six amendments, intended to be proposed by me, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, now pending before the Committee on the Judiciary.

Mr. President, the amendments are short, and are accompanied by brief statements. I ask unanimous consent that these amendments, together with my explanatory statements, be printed in the RECORD, and ordered to lie on the table.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table; and, without objection, the amendments and explanatory statements will be printed in the RECORD.

The amendments and explanatory statements are as follows:

On page 2, beginning with line 1, strike out all through line 25 and in lieu thereof insert the following:

"§ 1509. Obstruction of court orders

"Whoever, by threats or force willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

On page 3, in the matter following line 2, strike out "certain".

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

Title I of H.R. 8601 is an unfair and prejudicial provision. This section of the bill, in essence, declares that one type of court order holds a position of priority in our judicial system. It places violations of court orders enforcing integration in schools in a special category with special criminal provisions which are not applicable to any other type of court order.

Advocates of so-called civil rights legislation, and in particular this bill, say the purpose of this legislation is to eliminate prejudice and discrimination. It is highly undemocratic and contrary to the alleged objectives of this bill, as well as being contrary to constitutional principles, to enact legislation of such a prejudicial and unfair nature. If the Congress is going to insist on making the obstruction of court orders by threats or otherwise a criminal offense, then we must see to it that the law applies to all court orders. We should make it a criminal offense to impede, prevent and so forth all Federal court orders.

It is not uncommon knowledge that title I of this bill was initially drafted by the Justice Department and presented to the House of Representatives by emissaries of the administration. While we all have respect for the men of law, I cannot help but say the Justice Department has an outstanding failing and that is the inability to draw up clear and concise legislation. For example, in the bill on page 2, line 2, the language read: "Whoever corruptly, or by threats or force, etc."

I wonder if anyone in the Justice Department could define what "corruptly" means in this legal sense? In my opinion the very insertion of the word "corruptly" in the language of the bill clouds the intent of the legislation. It would be necessary to prove corruption prior to the bringing of charges against anyone for obstructing a court order. In other words, one could, in the absence of corruption, obstruct court orders and be within the law.

I offer an amendment to the bill which strikes out all language beginning on page 2, line 1, through line 25 of the same page, and inserts in lieu thereof the following language:

"Whoever, by threats or force willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

In addition, this amendment extracts the word "certain" from the heading of the section in line 1 on page 2, and does the same in the language of the bill from page 3 between lines 2 and 3.

In fairness to all citizens of our country, in the interest of clear, simple legal terms for sure justice, and in the interest of maintaining the reputation of the Senate and of this committee, I urge the members of the committee to join in adopting this amendment which I offer. I think the good faith of the Members of the Senate should demand this clarification, this simplification and this legalization of title I of this bill.

In addition, let us not forget that just 2 weeks ago the Senate, by a vote of 65 to 19 adopted this very same amendment which I offer now as it was offered by Senator Lausche as an amendment to the Dirksen substitute to the Fort Crowder school bill.

On page 3, line 22, strike out "dwelling house, synagogue, church, religious center, or educational institution, public or private," and in lieu thereof insert "or any other property, public or private, personal or real," and on page 4, line 15, strike out "dwelling house, synagogue, church, religious center or educational institution, public or private," and in lieu thereof insert "or any other property, public or private, personal or real."

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

Nothing is more reprehensible to any man than the hate-bombing and arson which some parts of our country have been experiencing. I want it clearly understood that I am completely opposed to this section of the bill because I do not believe it is necessary. The addition of this provision on our statute books will only cloud the issue because we already have statutes governing a situation against which this legislation is

aimed. However, if the Senate insists on passing this legislation, it is my belief that any law seeking to prohibit such action should be all-inclusive; therefore, I offer this amendment which reads as follows:

"On page 3, line 22, strike out "dwelling house, synagogue, church, religious center or educational institution, public or private," and in lieu thereof insert "or any other property, public or private, personal or real," and on page 4, line 15, strike out "dwelling house, synagogue, church, religious center or educational institution, public or private," and in lieu thereof insert "or any other property, public or private, personal or real."

In some cases specific language is needed in legislation but in this case specific language lessens the coverage of this title. If we are going to include synagogues, churches, religious centers, and educational institutions, why shouldn't we go on and include temples, cathedrals, skyscrapers or any other such buildings. If we have to outline each and every building or vehicle which is to be covered, then there will be some omissions and we will have pages on top of pages of buildings which will have to be included. It is my belief that if such legislation is necessary at all it should necessarily be all-inclusive.

I hope the Members of the Senate will join me in support of this amendment.

On page 5, line 10, strike out all on line 10 through line 5 on page 6 and in lieu thereof insert "general or special election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both."

On page 7, beginning on line 13, strike out line 13 and through line 24 of page 7 and in lieu thereof insert "SEC. 307. As used in this title, the term 'Officer of election' means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general or special election at which votes are cast for candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico."

On page 7, after line 24, there are hereby inserted two new sections as follows:

"SEC. 308. As used in this title, the term 'primary election' shall include any convention by any political party at which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are selected.

"SEC. 309. For purposes of this title, the language 'all records and papers' shall include, in addition to the intent of this title, all records of credentials of those persons attending the convention and records indicating the manner in which delegates to the convention were selected."

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

In many parts of the Nation various political parties hold no primary elections. They nominate their candidates for various offices covered under title III of this bill by convention; in fact, our national parties nominate our candidates in this manner. In many areas of the Nation the major parties, as well as splinter parties and minor parties, nominate candidates for office by convention method and never even know what a primary election is.

Primary elections are voluntary elections, paid for by the members of the parties holding the primary elections, and are not mandatory to my knowledge in any State. Primary elections are elections allowed by State laws to be held if the parties concerned desire to hold these elections. There is no reason in the world for the Federal Government to have anything to do with these primary elections.

For this reason I have before the Senate an amendment which would remove primary elections from coverage by title III of this bill. But if the majority of the Senate insist upon having Federal controls over primary elections I also have pending before the committee an amendment which would enlarge the meaning of the language of this pending legislation to include conventions.

It is only fair that if we are going to require political parties that give to the people the right to vote and select their nominees, then we should also require this bill to cover the nomination of candidates by the closed-shop or convention method.

In my way of thinking it is much more important to preserve the records of how people are selected to attend conventions and how they select nominees at conventions, than it is to maintain records over primary elections. As I said before, conventions sometimes are in the nature of a closed-shop deal, whereas primary elections are open to the scrutiny of the public eye and the press. There is more chance for skullduggery in a convention than in a primary election. Therefore, if we are going to insist on Federal controls over the ways in which parties select their nominees in primaries, then we certainly should not exclude conventions.

I hope the Senate will adopt my first amendment to this title of the bill which will eliminate primary elections from this section. I ask that a vote be taken on this amendment first. If this amendment carries, then I shall withdraw my second amendment asking that conventions be included under the coverage of the bill.

On page 7, after line 24, insert a new section as follows:

"SEC. 308. The provisions of title III shall not apply to primary elections in any State until such time as all States and the Commonwealth of Puerto Rico shall require primary elections in all parties."

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

The reasoning behind this amendment is similar in many ways to the reasoning that has been given for elimination of primaries and/or the inclusion of conventions in my other amendment to section III.

The very nature of section III as it applies to primary elections is discriminatory and will do a great injustice to the democratic processes.

The various parties in the various States which do hold primaries for the benefit of allowing their people to give free expression toward the selection of candidates set up these primaries at great expense and great trouble. Thousands of people volunteer their services and contribute their dollars to pay for these primaries.

If the Senate insists upon title III and the inclusion of primaries and the exclusion of conventions, then, we will, in effect, write a law which will abolish State primaries. No political party with common sense would continue to hold primary elections at great financial expense caused by title III of this bill, if it can accomplish the nomination of its candidates by convention method at little or no expense.

For example, the South Carolina Democratic Party which hold primaries, would be covered by this bill, but if after passage of this bill, the South Carolina Democratic Party decided to no longer hold primaries it would not be covered by this bill. So in effect, this legislation will take away from the people the right to nominate candidates in primary elections. It will destroy primary elections. People who believe in primaries will be penalized by this bill.

I feel that what is good for the goose is good for the gander, and so I offer my amendment which simply provides that no primary election shall be covered by this bill until such time as all States and the Commonwealth of Puerto Rico require the holding of primary elections. This is simply logical justice to all concerned.

On page 7, after line 7, insert the following:

"Whoever shall wrongfully disclose any record or paper produced pursuant to this title shall be fined $1,000 or imprisoned for not more than one year, or both. Wrongful disclosure shall mean any disclosure not provided for in this section."

STATEMENT OF SENATOR JOHNSTON OF SOUTH CAROLINA

If the Senate is going to insist that it is necessary for the Attorney General of the United States to have access to State voting papers and records, then it is also necessary that these voting papers and records should be kept in strictest confidence. Section 305 provides when and where the Attorney General and others may use these papers, but there is no penalty set out for wrongful use or disclosure of any of the information in these papers and records.

Therefore, I offer this amendment which I think is necessary as a deterrent to wrongful and fraudulent use of any of the secret information contained in any of the voting records. My amendment reads as follows:

"Whoever shall wrongfully disclose any record or paper produced pursuant to this title shall be fined $1,000 or imprisoned for not more than one year, or both. Wrongful disclosure shall mean any disclosure not provided for in this section."

I hope the Members of the Senate will join me in support of this amendment.

OFFICE OF INTERNATIONAL TRAVEL AND TOURISM AND TRAVEL ADVISORY BOARD—ADDITIONAL COSPONSOR OF BILL

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the name of the present distinguished occupant of the chair, the Senator from Nevada [Mr. CANNON], be added as an additional cosponsor of the bill (S. 3102) to strengthen the domestic and foreign commerce of the United States by providing for the establishment of an Office of International Travel and Tourism

and a Travel Advisory Board, introduced by me on February 25, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF TARIFF ACT OF 1930, RELATING TO QUOTAS FOR, AND IMPOSITION OF DUTY ON IMPORTATION OF SHRIMP—ADDITIONAL COSPONSORS OF BILL

Mr. ELLENDER. Mr. President, I ask unanimous consent that the names of Senators JOHNSTON of South Carolina, THURMOND, and SPARKMAN may be added as additional cosponsors of the bill (S. 3204) to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota, introduced by me, for myself and other Senators, on March 15, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that my name be added as a cosponsor of Senate bill 3204, the shrimp bill, introduced by the Senator from Louisiana (Mr. ELLENDER) on March 15, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVEMENT OF MASS TRANSPORTATION SERVICE IN METROPOLITAN AREAS—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 24, 1960, the names of Senators CLARK, ENGLE, HUMPHREY, SYMINGTON, HARTKE, KEATING, JAVITS, HENNINGS, BRIDGES, and YOUNG of Ohio, were added as additional cosponsors of the bill (S. 3278) to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas, introduced by Mr. WILLIAMS of New Jersey (for himself and Mr. MORSE) on March 24, 1960.

AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959, RELATING TO LOCATION FOR NEW U.S. COURT OF CLAIMS BUILDING—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 24, 1960, the names of Senators HENNINGS, HUMPHREY, and GRUENING were added as additional cosponsors of the bill (S. 3279) to amend the Public Buildings Act of 1959 to provide a study by the National Capital Planning Commission, the General Services Administration, and the Commission of Fine Arts as to the best location for a new U.S. Court of Claims Building, and for other purposes, introduced by Mr. MORSE on March 24, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. GRUENING:

Address entitled "Where Do We Stand?" delivered by Senator FULBRIGHT at the annual dinner of the Harvard Club of Washington, D.C., on March 22, 1960.

By Mr. KEATING:

Statement prepared by him on the subject of a photographic exhibition held in connection with the White House Conference on Children and Youth.

By Mr. CLARK:

Article entitled "Appeal for the Vanishing Primary," written by Senator WILLIAM PROXMIRE and published in the New York Times magazine of March 27, 1960.

By Mr. STENNIS:

Text of television interview on "Meet the Press," with Senator HERMAN E. TALMADGE.

THE 326TH ANNIVERSARY OF THE FOUNDING OF MARYLAND

Mr. BUTLER. Mr. President, last Friday, March 25, was the 326th anniversary of the founding of the Free State of Maryland, a State which has had the honor and the fortune to be blessed with many gallant and dedicated citizens, but none more patriotic and more American than the late Herbert R. O'Conor, our former Governor and Senator. Senator O'Conor knew and understood the principles upon which Maryland was founded, and reflected the qualities which have kept Maryland in the front ranks of this great country.

On March 24, 1939, Senator O'Conor, then Governor, addressed a gathering at the University of Maryland, in College Park, at another Maryland Day celebration. His words on that occasion, so short a time before this country was plunged into the terrible conflict of the Second World War, contain wisdom and counsel for us today—confronted, as we are, by the protracted challenge of communism.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the statement by the late Herbert R. O'Conor, former U.S. Senator and Governor of Maryland, a great Marylander and a great American.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MARYLAND DAY CELEBRATION, UNIVERSITY OF MARYLAND, MARCH 24, 1939, COLLEGE PARK

Three hundred and five years ago tomorrow the shores of what is now St. Mary's County were the scene of a historic event—the landing of the English colonists who were to open up in this, our sovereign State of Maryland, a new vista of freedom and toleration to the oppressed of all lands. We can conjecture with what joy—yet with trepidation—they came ashore from their tiny ocean craft rejoicing to be once again on dry land after their 4 months of confined, anxious existence on the wintry seas. Yet they doubtless were fearful of the welcome that awaited them from the Indian residents of that vicinity—fearful, too, of the uncertainties that faced them on all sides in that land of primitive forests.

Surely they must have felt themselves sorely beset by dangers, as they fell down on their knees to give thanks to the Divine Power that had brought them safely through their hazardous journey. And torn with anxiety they had a right to be. Could they have looked ahead, to the years of strife with unfriendly Indians and with the even more obdurate hostile settlers of their neighboring colonies; could they have foreseen the heartbreaking struggle against the elements, and the soil, against the internal dissensions that were to rack their little settlement within a comparatively few years, they would have been disheartened. Few there would be to blame them if they had changed their minds, gathered their few belongings and betaken themselves again to the *Ark* and the *Dove* to sail back to a life with which they were acquainted, rather than stay on and fight unendingly against the combined forces of nature and hostile Indians.

Deep seated within their hearts and minds, however, was a determination to endure any sacrifices, to brave any dangers, that they might set up in this new land a principle of government that would be different from that of any on the face of the globe. This was to be a principle of government that would wipe out at one cleansing stroke all the disabilities under which oppressed minorities had been struggling for centuries in the countries of the Old World, and establish a new system under which the people themselves were to be the final arbiter and ruler of their destinies. This was to be a system under which ancient prejudices against class and other distinctions were to be relegated to the limbo of forgotten things. For this had they braved the dangers of the unchartered ocean, for this had they willingly left behind them all that life held near and dear. To them, compared to the galling subjection of mind and of spirit under which they had chafed in the land they had left, the uncertainties and travails of this new land were but fleeting obstacles to be met and overcome with the spirit of the crusaders of old.

As we stand here today, proud of the heritage they have left us, gladly paying our mead of homage to their memory, what have the 3 centuries brought to us to justify the sacrifices and years of toil and privation of these first residents of our great State? Are we, after these more than 300 years of progress in the arts of living and of government, at last free from the prohibitions and the threats that drove them from their established homes to this untried, unknown land?

We have but to look across the sea to the Old World from which these colonists fled, we have but to read the bold headlines that are emblazoned across the pages of every newspaper in the land, to realize that, while many things have changed for the better, while the physical dangers and uncertainties of those early days have given way to more settled conditions, the really important considerations of life are little different today than they were 300 years ago. We are forced to the conclusion that to people of spirit, to those who love liberty and abhor its opposites, to those who subscribe to the God-given principles of freedom of thought and of action—there is rampant in the world today the very same hostility to individual security and to personal rights that drove these free colonists of early Maryland to flee their native land. If there is one worthwhile thought that may well be taken to heart today from a consideration of the achievements of these colonists of early Maryland, and more particularly from a study of the motives that impelled them, it is the fundamental principle outlined so clearly in the Constitution of these United States—namely, that government is made for man and not man for government—that the only justifiable reason for the existence of government is to put into effect the reasoned wishes of the governed. We of America,

among all the peoples of the world—and especially we of Maryland, among all the people of America—must treasure these principles of democratic government, must be willing to sacrifice all rather than yield one iota of them. For it was here in America, and more particularly, here in our own beloved State of Maryland, that these glorious principles first were given to all the world, for all peoples and all classes and all consciences.

Certainly no one would argue that theirs was an easy lot, as they stood that day on the shores of the Potomac, but the dangers that faced them were literally as nothing compared to the greater, more insidious, dangers that today threaten the very fabric of the government toward the creation of which they labored so unceasingly. Theirs were dangers that could be readily seen, and measured, and overcome by honest men working together for the common good. The dangers that lurk all about us today are greater because they cannot readily be detected. So cunning are their proponents, so cleverly do they disguise the subversive purposes toward which they are working, that they are able to deceive even the most well-intentioned at times; they can, and they have, under the guise of patriotism and the common good, been able to win over to their unworthy ends not only unthinking individuals, but even whole organizations, under the perverted plea that they are all working for the common good.

When strong nations can ruthlessly seize weaker nations, and deny even the fundamental civic rights to minorities within their borders—when the rights of whole peoples can be destroyed overnight with impunity—when on all sides the totalitarian doctrine that "Might is Right" begins to be the sole guiding principle, then, indeed, it is time for us in this land of free institutions to be on the alert to preserve and safeguard our hard-won privileges. Further we should lend our moral assistance in any and every direction where it may serve to help stem the ever-rising tide of antagonism to all those things that we as Americans, and as rightful descendants of those hardy Maryland pioneers, rightfully hold sacred.

It afforded me the greatest pleasure to initiate the proposal, which was adopted by the general assembly a few days ago, combining the centenary of the birth of James Ryder Randall with this year's celebration of Maryland Day. This loyal son of our State, who was born just 100 years ago, aptly describes the ideals and principles which characterize Maryland. His lines "For life and death, for woe and weal, thy peerless chivalry reveal, thou wilt not cower in the dust, thy beaming sword shall never rust," depict the spirit, the sentiment and the steadfast aims that are Maryland.

On this 305th anniversary of the founding of our State, we must see to it that the spirit of early Maryland is preserved, now and while there is a single one of us to insure it, for an America, groveling beneath the totalitarian principle of "Everyone and everything for the state" is not to be thought of, much less endured.

Mr. BEALL. Mr. President, last Friday, March 25, a day the Senate was not in session, was the 326th birthday of Maryland. It was 326 years ago last Friday that colonists landed at a Potomac island just off where St. Marys City now stands. Here was founded what subsequently became the State of Maryland, called the Free State.

This designation, the Free State, has significance. One of Lord Calvert's first edicts was that every person had the right to worship according to the dictates of his own conscience, and this became a basic principle of our people. The Maryland Act of Toleration of 1649 was the first such document to espouse the idea of freedom of religion, and was the forerunner of the theme of freedom in the American Constitution. Maryland Day is an important occasion to all freedom loving people everywhere.

Maryland has had a most interesting history. I would like to have printed in the RECORD at this point, as part of these remarks, a list of some of the highlights of Maryland's history.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Capt. John Smith explores coast of Maryland, June 1608.

Charter of Maryland granted to Second Lord Baltimore, June 20, 1632.

The *Ark* and the *Dove* sail for "The Capes of the Chesapeake Bay," November 22, 1633.

The *Ark* and the *Dove* arrive at St. Clements (Blakistone) Island, March 25, 1634.

World's first law of religious freedom passed, 1649.

Seat of government removed from St. Mary's to Annapolis, 1694.

King William's School founded at Annapolis, 1696.

Baltimore-Town erected, July 30, 1729.

Mason and Dixon begin survey of Maryland boundary, 1763.

Peggy Stewart, laden with 2,000 pounds of taxable tea, burned, October 19, 1774.

Formation of Association of Freemen, July 26, 1775.

Maryland declares her independence, July 3, 1776.

First State constitution adopted, November 1776.

Washington College, Chestertown, chartered, 1782.

Annapolis becomes temporary National Capital, November 26, 1783.

Washington resigns commission in Old Senate Chamber, Annapolis, December 23, 1783.

St. John's College, Annapolis, chartered, 1784.

State convention at Annapolis ratifies Constitution of the United States, April 28, 1788.

Maryland cedes District of Columbia to the United States, March 30, 1791.

British repulsed at the Battle of North Point, September 12, 1814.

Bombardment of Fort McHenry; Francis Scott Key writes "The Star Spangled Banner," September 12, 1814.

Beginning of work on first railroad in American (the Baltimore & Ohio), July 4, 1828.

Chesapeake & Delaware Canal opened, October 17, 1829.

First telegraph line in the world built between Baltimore and Washington, 1844.

U.S. Naval Academy opened at Annapolis, October 10, 1845.

"Maryland, My Maryland," written by James Ryder Randal, April 23, 1861.

Battle of Antietam (Sharpsburg), September 17, 1862.

Battle of Monocacy, July 9, 1864.

Chesapeake Bay Bridge dedicated, July 30, 1952.

Baltimore Harbor Tunnel opened to traffic, November 30, 1957.

By direction of the President of the United States, Fort McHenry is site of the first official raising of the 49-star flag, July 4, 1959.

THE 139TH ANNIVERSARY OF GREEK INDEPENDENCE

Mr. BRIDGES. Mr. President, Friday, March 25, 1960, marked the 139th anniversary of the Greek war of independence, and this is my message of greeting to the Greek-American people of the United States on this happy occasion.

On this the 139th anniversary of the Greek war of independence, I send greetings to the people of Greece, the cradle of Western civilization.

Friends of Greece everywhere are happy to know that the country is on the move upward from the dark days of World War II and the harsh and trying times of the attempted Communist takeover by force during the immediate postwar years. It is gratifying to know that the Greek people have achieved financial stability and improved their standard of living.

Through the years the Greeks, true to their traditions of 3,000 years, have always defended the cause of freedom. Today, again, as members of NATO, the Greeks are making a vital contribution to world peace and freedom.

Therefore, on this auspicious anniversary we salute the gallant people of Hellas, the land which gave to the world the three inestimable gifts: Beauty, wisdom, and liberty.

Mr. PROXMIRE. Mr. President, last Friday was the national independence day anniversary of Greece, one of our country's closest and firmest allies in the free world.

Americans have long admired the courage and libertarian tradition of the Greek people. We have admired and supported their strong and fearless resistance against the pressures of Communist imperialism which threaten their independence both from forces outside their borders, and from a tightly disciplined and well-supported subversive movement within their country. Likewise, we all appreciate the important contributions that Americans of Greek descent have made to our own Nation's economic and political growth. It is especially fitting, therefore, that the U.S. Senate recognize this important anniversary of Greek independence and salute the valiant people of Greece and our country's loyal Greek-Americans.

In the State of Wisconsin our several thousand citizens of Greek descent have contributed to our State's proud liberal, political, social, and business traditions in far greater proportion than their numbers would suggest. The first Member of Congress of Greek origin was Lucas Miltiades Miller, a Democrat from Wisconsin, who served from 1892 to 1893. Mr. Miller, was orphaned in the Greek war for independence and adopted by an American colonel who fought in that war as a volunteer.

Mr. President, it is our honor and pleasure today to extend the greetings and good will of our Nation and of the U.S. Senate to our friends and allies in Greece.

Mr. BEALL. Mr. President, March 25 was Greek independence day. The Senate was not in session on that day. I wanted to make some remarks in observance of the success of the Greek struggle for independence from the Ottoman Empire. I ask unanimous consent to have printed in the RECORD a brief statement which I prepared on this subject for the attention of this body.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BEALL, OF MARYLAND, ON OBSERVANCE OF GREEK INDEPENDENCE DAY

March 25 marks the day on which American-Greek organizations throughout the country commemorate the success of the Greek struggle for independence from the Ottoman Empire.

Ancient Greece was the cradle of liberty. It was there that the Western concept of representative government was originated, and it was there that political theories antagonistic to tyranny first were born.

In modern times, the struggle on the part of the Greek people to end suppression by the Ottoman Empire inspired freedom-loving people throughout the world. The world has looked to Greece for that spark of freedom which has remained in the hearts and minds of the Greek people throughout all eras of history.

With the aid of the United States, after World War II, the war-torn economy of Greece was reconstructed. The continuing freedom and security of Greece is of great importance to the free world.

Greece is firmly associated with the North Atlantic Treaty Organization and is one of our true and effective allies.

Americans owe much to the Greeks. In various fields the Greek influence has been felt: architecture, communication, industry, and so on.

In connection with the observance of Greek independence day, I want to pay respect to the people of Greece and to the many great Americans of Greek ancestry.

GREECE, A BULWARK OF FREEDOM

Mr. SCOTT. Mr. President, 139 years ago last Friday, Archbishop Germanos, of Patras, raised the flag of freedom over the monastery of Kalavrita and began the inspiring history of modern Greece.

The Greek war of independence against the Ottoman Empire lasted for 6 bitter years, during which time President Monroe and Daniel Webster in the United States spoke out for the independence of the Greek people. American sympathy for the Greek cause was more than that of one free people in support of another people fighting for its freedom.

Many of the fundamentals of the American system of government derived from principles enunciated centuries earlier by the great Greek philosophers and statesmen. The ideals of freedom, liberty, and national independence, stated with unmatched eloquence by the leaders of ancient Greece, are known to have had a direct influence on the thinking of our own statesmen like Washington and Hamilton.

From 1827, when free Greece elected Demetrios Capodistrias as President, the nation has built slowly but surely against the heavy odds of poverty and wars.

All people have benefited from modern Greece's contributions to science, archeology, history, and law. Intellectual life has been enriched by their poets and men of letters.

To the United States, that nation has contributed more than 1½ million Americans of Hellenic background who have distinguished themselves in a wide variety of fields of endeavor.

As a nation, Greece has strengthened the Western alliance far out of proportion to its size and its 8 million population.

Greece has fought communism longer than has any other nation of the North Atlantic Treaty Organization.

When invading Germans were forced out during World War II, the Communists began moving in. British forces joined with Greek patriots in fighting to hold Athens against Red attack. After the war, U.S. foreign aid helped turn the tide against the Communists.

Our Nation is proud of its partnership with the Greek Nation in the difficult and continuing fight to keep freedom alive. We might very well borrow an ancient Greek phrase which is still commonly used in Greece: "Happiness demands freedom, and freedom demands courage."

CONSTRUCTIVE ADVERTISING BY NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

Mr. AIKEN. Mr. President, for many years, we have been subjected, in our national magazines, to full-page advertising directed at discrediting the rural electrification cooperatives.

This advertising has been destructive in its purpose. It has purported to show that the rural electric cooperatives have unfair advantages over the corporate utilities, thereby making it difficult for the corporations to meet their obligations and pay dividends to their stockholders. The fact that in 1959 the corporate-utility interests increased their net incomes 9 percent over those of the previous year has not lessened their effort to show that the rural cooperatives are harmful to the industry as a whole.

In recent weeks, there have appeared in Life magazine two full-page advertisements sponsored by the National Rural Electric Cooperative Association. What a contrast there has been in the type of advertising.

The REA advertising attempts to build up, not tear down. It expresses pride in our country and faith in the future. It makes no attack upon those who would destroy the cooperatives. It declares, in effect, that it is not necessary to destroy some other business in order to build up your own, because America is great enough to provide expansion for all.

At this time, I wish to compliment the rural electric systems of America for their vision, their fortitude, and their faith in the future of our country.

LOW CRIME RATES OF LITTLE ROCK, ARK.

Mr. FULBRIGHT. Mr. President, during the last 2 or 3 years, Little Rock, the capital of my State, has been much in the news. That publicity was caused by official and individual actions which in many cases were beyond the power of the people of Little Rock to control, and by people who are not representative of that community.

In fact, Little Rock is a beautiful city on the banks of the Arkansas River, and is composed of progressive and law-abiding citizens. In many community enterprises it has shown imagination and leadership. Its housing and urban-development programs have been outstanding—so outstanding, indeed, that Washington, D.C., has enticed the director of Little Rock's program, Mr. Knox Bonner, to come to Washington, to help the Nation's Capital solve its problems in this field.

It gives me genuine pleasure to report also that Little Rock has an unusually fine record in the control of crime.

I ask unanimous consent to have printed in the RECORD at this point in my remarks an editorial from the Arkansas Gazette commenting upon the situation in Little Rock.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR LOWER CRIME RATE

A Federal Bureau of Investigation report of last fall indicating that 1959 would see a sharp drop in the crime rate at Little Rock has been confirmed by an impressive yearend report.

With the exception of homicides, which increased from eight to nine, major crimes were reduced markedly at Little Rock during the past year. This is noteworthy for two reasons. One is that in 1958 the city's crime rate was up 30 percent over the previous year and was well above the national rate. The other is that Little Rock's improvement in 1959 came in a year which saw crime continue generally upward nationally.

FBI figures show that forcible rape increased by 4 percent nationally last year but decreased by 15 percent at Little Rock. Aggravated assault was up 7 percent nationally but down 56 percent at Little Rock. Robbery decreased 4 percent nationally, but 35 percent at Little Rock. Auto theft increased 5 percent nationally but decreased by 30 percent at Little Rock. Burglary, which was unchanged nationally, was reduced by 27 percent at Little Rock.

We may fairly conclude that the work of the Little Rock Police Department is becoming increasingly efficient. To continue our invaluable gains, we should strive to bring the force up to recommended numerical strength. A city that offers lessening comfort to the criminal element is proportionately that much more desirable for the law abiding.

EXAMINATION OF U.S. FOREIGN POLICY BY COMMITTEE ON FOREIGN RELATIONS—CORRESPONDENCE

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD 12 letters I have received from persons commenting on the studies prepared at the request of the Committee on Foreign Relations in connection with its examination of U.S. foreign policy. I would be less than candid if I said that all of the mail which the committee has received is favorable. On the whole, however, the general reaction has been good, and I think the letters I am now presenting for publication indicate that the studies issued by the committee have stimulated a great deal of public interest in the field of foreign relations.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 28, 1960.

The Honorable J. WILLIAM FULBRIGHT,
Senate Office Building.

MY DEAR SENATOR: I am tremendously heartened to have cross my desk the series of studies which have been prepared at the request of your committee. It is like a breath of fresh air to see a sober, conscientious, competent review both of the present condition of our country and the challenges and opportunities which face it in the future. I hope that these documents will be more than committee prints so that they may secure the wide distribution they do in fact deserve.

This letter is especially prompted by the report "Basic Aims of U.S. Foreign Policy," a committee print dated November 25, 1959. At only one point do I find difficulty with the analysis, and it is a point that is a very thorny one for all Americans and both political parties. It is evident at pages 14–17 of the report.

We frankly recognize that "military measures will not provide security, nor will they guarantee victory in the cold war." We recognize that "undue emphasis on military aspects can be an obstacle to cooperation with other nations." We recognize "there are really no sound alternatives to negotiation," and that the Soviet proposals for complete disarmament have to be taken seriously and fully explored. We recognize that "nuclear warfare has made the arms race, with its dangers of total catastrophe, a matter of commanding concern to the man in the street as to the expert and the statesman." We recognize the need for settlement or attenuation of conflicts to help "reduce the dangers and burdens of the arms race."

And yet at the same time we say "we have serious doubts" whether the military requirements of the United States are being met. This suggests that the United States is not doing enough in its military effort and in its military technology. It seems to me that the dollar emphasis of our budget and the intellectual attention of our minds is far more quickly and effectively mobilized on the last point than on the other points. As a result the reminder that we "should proceed simultaneously on both fronts" has tended to be a somewhat empty phrase because we in fact proceed more vigorously on the military front.

We can put $45 billion on that side and wonder whether we have done enough, but when we put a few hundred million dollars into true economic assistance (other than defense support) we wonder whether we can afford to do more. In face of the generosity toward our military posture and the timidity of our support for multinational long-term assistance in economic development, it seems to me other nations must be confused. Our deeds speak so much more loudly than our words that they might well conclude that where our money is, there perhaps our heart is also.

Any change in the policy we have been following in the past must be an act of reason, and a demonstration of our hopes for achieving a more peaceful world. Creative good will actively and faithfully expressed will bear more acceptable fruit than acts of fear and hatred can ever bear. Each of us in our personal life knows in fact that his exercise of creative good will, once undertaken, bears magnificent fruit. How can we then refuse to recognize that the same principle applies to our common behavior as representatives of national governments? Moreover, we must recognize that we are prevented from pursuing the creative program wholeheartedly because of our fears, which make us place so heavy a part of our budget into military programs.

At the root of this conflict in national purposes is a basic difference in fundamental premises. Nations historically are tempted to prepare to refight the last war. In the last war we faced Fascist aggression, and much of our present mentality seems to be heavily conditioned by that experience. If we really believe that our adversary may be planning further military aggression against ourselves or our allies, then our heavy outlays for military measures are understandable. But suppose we take as a first premise that communism will continue to use revolutionary opportunities to convert or subvert additional portions of the world toward communism, rather than act like a Fascist aggressor. This reading of world history recognizes the immediate importance of taking steps to reduce the likelihood that additional nations will turn in desperation to communism as the answer to their yearning to eat quickly of the fruits of the industrial revolution.

Our very richness is an ever-present demonstration of the blessings of modern technology. However, our timidity in sharing the technical skill and making the heavy basic investments which would enable other nations to find their own way to prosperity helps to keep those blessings well beyond the reach of half the world. Our heavy spending on military programs under these circumstances becomes not a tool to success in our policy, but a major handicap in achieving the very aims we seek to serve. It is a handicap against securing more constructive use of our own national resources. The military emphasis also handicaps our aid program because of our confused purposes, for recipient nations are given the feeling that our nonmilitary aid is dependent on the recipient nation's acceptance of our military posture.

Nineteen hundred and sixty ought to be a year in which Americans undertake the great debate and reexamination of both our national purposes and of our methods for achieving these purposes. I feel your committee could make an even greater contribution to this debate, if it could sharpen the issue so that we might choose wisely, knowing fully the dimensions of our problems.

In closing, I only want to say again how much I appreciate the remarkable contribution these documents are. I wouldn't want my remarks to take anything away from my sincere appreciation of the many significant contributions that this and the other documents make to better public understanding of the demands upon us in the years ahead.

Sincerely yours,

BYRON L. JOHNSON,
Member of Congress.

CHILD & WATERS, INC.,
New York, N.Y., December 30, 1959.

SENATOR J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: We recently received a study prepared at the request of the Senate Committee on Foreign Relations entitled, "The Operational Aspect of U.S. Foreign Policy." This was developed at the Maxwell Graduate School at the Syracuse University.

This fascinating document contains one of the most interesting and penetrating collection of comments on our foreign relations policy that has come to my attention in a number of years. It is hoped that this will be given wide publicity and, if possible, I would like to obtain six additional copies.

May I extend my thanks and appreciation to your committee for making this important work possible.

Sincerely,

SOMERSET R. WATERS.

CHICAGO, ILL., *January 19, 1960.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: From time to time, I receive the various studies that the Committee on Foreign Relations has recently sponsored. I must say, parenthetically, that these studies are excellent and the committee is to be congratulated on these long overdue evaluations of American foreign policy aims and objectives. As a citizen, a businessman, as chairman of the international affairs commission of the American veterans' committee and as a member of the American section of the World Veterans Federation who is deeply involved in policy orientation, I am impressed with your vigorous chairmanship of the committee and the good work that it is doing.

Sincerely yours,

BERNARD J. COGAN.

UNIVERSITY OF ILLINOIS,
COLLEGE OF LAW,
Urbana, Ill., January 12, 1960.

The Honorable SENATOR J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: The current publication program of studies on U.S. foreign policy is producing some highly informative and provocative material. I have received all of the studies to date and have read them with great interest.

Of particular importance to me currently is the study prepared by CEIR on "Worldwide and Domestic Economic Problems and Their Impact on the Foreign Policy of the United States." I would very much like to put a copy of this study in the hands of each of my students in my seminar in international transactions. Can you spare eight copies for this purpose?

It was a great pleasure to hear you speak when you appeared recently on our campus, and to meet you afterward.

Yours sincerely,

PAUL O. PROEHL.

EXETER PAPER CO., INC.,
Chicago, Ill., January 5, 1960.

Hon. J. W. FULBRIGHT,
Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: I can't tell you how much I appreciated your thoughtfulness in sending me the additional studies developed by your committee. While I haven't completed the entire series yet, those which I have read so far are extremely enlightening and instructive.

A study of this sort certainly has been vitally necessary. Any reasonably serious student of international relations in general and our own foreign policy in particular, must be appalled by the ignorance and misconceptions prevailing in the country—regrettably even in certain parts of the Government.

I wish that some way could be found to apprise the general public a little more of existing problems—to make them understand the interrelation of the various phases of our relationship with other countries—to help them to understand that political or economic systems ideally suited for the United States may not at all be suitable for a country which is just at the threshold of its development.

The study based on comments by retired Foreign Service officers particularly, gives a great deal of food for thought.

Your committee certainly deserves much credit for instituting this study.

Sincerely,

HEINS H. LOEFFLER,
President.

NEW YORK CITY, *January 6, 1959.*
Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: Thank you very much indeed for the full set of foreign policy studies made by your committee which you so kindly sent me at my request. I had already read most carefully the study on Africa which had come earlier and I shall now read these with equal attention and interest. Thank you, too, for having arranged for me to be on the list to automatically receive copies of future and further studies.

May I congratulate you for initiating and sponsoring such valuable materials for a more thorough and better understanding of the problems in the areas that may affect us in our national life in its broadest aspects—the world as a whole.

Sincerely,

MRS. REBECCA REYHER.

MITAKA-SHI, TOKYO,
November 23, 1959.
Senator J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: The so-called Conlon report prepared for your committee has aroused considerable favorable comment here in Toyko, especially in academic circles. Both in talking to my professional colleagues and for classroom purposes. I feel in great need of having a copy of the report. My teaching includes subjects involving U.S. foreign policy. If it would be possible to send three copies of the Conlon report, I would very much appreciate it.

I am also very much interested in the recommendations made in the study by the Maxwell School at Syracuse. If it is available, I would also very much like to have a copy of that report.

You are to be congratulated for having taken the initiative in calling for studies of these basic questions at such a crucial period in the development of our foreign policy. I am personally in agreement with the general trend of the recommendations which have resulted.

Many thanks.

Sincerely,

DAVID WURFEL.

MANHATTAN BEACH, CALIF.,
January 11, 1959.
Senator J. W. FULBRIGHT,
Senate Office Building, Washington, D.C.

HONORABLE SIR: I wish to thank you for sending me your studies of foreign policy. I had requested, "Summary of Views of Retired Foreign Service Officers," but your office proceeded to send me eight studies more and I wanted you to know I appreciated them very much. So often, I do not realize certain publications are available to me. Usually anything I receive is not read by me alone. My husband and I participate in discussion groups and various activities to which these publications are a great help.

It is so easy to be critical without information. These pamphlets are very informative and helping to educate us especially in those areas where we are very very ignorant.

Thank you and your committee very much.

Yours very truly,

JOY ANN GAULT.

P.S.—I have been an admirer of yours for many years. My only regret is that I have never been able to vote for you.

NAVAL WAR COLLEGE,
Newport, R.I., December 16, 1959.
COMMITTEE ON FOREIGN RELATIONS,
U.S. Senate, Washington, D.C.

GENTLEMEN: I have been following with much interest the release of studies being prepared by various agencies for the committee to supply background for a comprehensive review of U.S. foreign policy.

I should appreciate very much having copies of the reports so far published, and then being supplied by a copy of each additional report as it is published. Is this possible?

I am persuaded that this kind of comprehensive survey cannot fail to serve the national interest.

Thank you for your cooperation.

Sincerely yours,

JAMES A. HUSTON.

INDIANA UNIVERSITY,
Bloomington, Ind., December 9, 1959.
Senator J. WILLIAM FULBRIGHT,
Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: I am much impressed with the potential value of the series of studies on U.S. foreign policy which the Committee on Foreign Relations is sponsoring.

I should be grateful if you would kindly send me a copy of the study possible nonmilitary scientific developments and their potential impact on foreign policy problems of the United States, by the Stanford Research Institute.

Sincerely yours,

CHARLES A. THOMSON.

COLUMBIA UNIVERSITY,
New York, N.Y., February 25, 1960.
CHAIRMAN, FOREIGN RELATIONS COMMITTEE,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Today I received, as a result of my own request, the third part of the Latin-American Study and the study entitled, "U.S.S.R. and Eastern Europe." Earlier I had received other area and special subject studies.

When I received your first shipment I took them to the Law School where I had occasion to show them to certain professors. They asked me to loan them the study covering the area of their interest, and I was glad to do this. Getting them back from the professors now seems to be out of the question, they consider the study they "borrowed" from me to be their property. Well, the quality of the studies is such that I can't blame them for not wanting to give them up. Then, too, the International Law Library has been plaguing me to loan them my set, which, as I've explained, is incomplete.

So, I am asking you, Mr. Chairman, if you can spare one set of the studies issued to date to please send it. We can definitely use a second set, in the International Law Library, where students and researchers have been asking for the studies. From the first set I will take the studies to complete a reference library set and send the leftover studies to professors interested in the specific area or subject covered in the study. The second set, if you can send it, will be given to the International Law Library. It would be ideal if you could make a third set available. It would also go to the International Law Library where demand from students and researchers will be greatest as soon as any one or few of the studies is available there for use. As soon as I complete reading one of the studies you sent on my personal request I make it available to the Law School Library, and this set is incomplete because of the studies I have loaned to professors.

Your help in making any number of sets available will certainly be appreciated. Please be assured that the studies have a definite use and value to students and researchers, and to professors, too.

With best wishes for the continuing success of your important committee and with thanks for making a set available to me, personally,

Very sincerely yours,

JIMMY SCHEAR.

STATE UNIVERSITY TEACHERS COLLEGE,
Oneonta, N.Y., February 24, 1960.
The Honorable J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: Late last year, upon my request you were kind enough to send me a copy of the Draper report and a copy of "Possible Nonmilitary Scientific Developments and Their Potential Impact on Foreign Policy Problems of the United States," 1 of 14 studies prepared for your committee.

After reading the foregoing report by the Stanford Research Institute I am most anxious to see some of the other studies prepared for the committee. I would very much appreciate receiving copies of the following studies: I-B; II; III; IV; XII; XIII; and XIV.

May I take this occasion to commend you for exerting leadership in having such studies made in order to furnish guidelines to your committee.

None, I am sure, would say that the social sciences have all the answers regarding the problems of international relations, but like in so many other areas of human behavior I believe we have not made use of the knowledge we do have. Your committee has certainly established an important benchmark in congressional recognition of the potential contribution of the social sciences.

I trust that since you have pioneered in this respect that you and your fellow committee members will also take the lead in seeking to give the social sciences a more important place within the National Science Foundation. The chart on page 14 of the Stanford report is a tragic commentary on our times.

Please be kind enough to pass along my comments to the other members of the committee.

Thank you again for responding to my previous request.

Yours sincerely,

ROBERT H. BOHLKE.

THE PRESIDENT

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point in my remarks an article entitled "The President," written by Dean Rusk.

Mr. Rusk, as many of us know, or should know, is the distinguished president of the Rockefeller Foundation. He was formerly Deputy Under Secretary of State and Assistant Secretary of State for Far Eastern Affairs. I think he is certainly one of the best qualified men in this country to comment on this problem. I commend the article to the attention of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Foreign Affairs, April 1960]

THE PRESIDENT

(By Dean Rusk)

(EDITOR'S NOTE.—This article is based on one of the Elihu Root lectures delivered re-

cently at the Council on Foreign Relations, New York.)

The United States, in this second half of the 20th century, is not a raft tossed by the winds and waves of historical forces over which it has little control. Its dynamic power, physical and ideological, generates historical forces; what it does or does not do makes a great deal of difference to the history of man in this epoch. If realism requires us to avoid illusions of omnipotence, it is just as important that we not underestimate the opportunity and the responsibility which flow from our capacity to act and to influence and shape the course of events. Involved is not merely a benign concern for the well-being of others but the shape of the world in which we ourselves must live. The range within which the Nation can make deliberate choices is wide; if we do not make them deliberately, we shall make them by negligence or yield the decisions to others, who will not be mindful of our interests. When the emphasis of discussion falls too heavily for my taste upon the limitations on policy, I recall from early childhood the admonition of the circuit preacher: "Pray as if it were up to God; work as if it were up to you."

The foreign policy of the United States since World War II, seen in broad historical terms, has been responsible and constructive. Surely we can say, quietly among ourselves, that it is a matter of no small moment that a nation with so much power has used it with restraint and toward the purposes which dominate this great democracy. If there are occasional suspicions abroad about our motives, they arise in part from the difficulty of comprehending so strange a phenomenon. On the other hand, a very high standard of policy and conduct is imposed upon us by our power and hopes, by the expectations of others, and by the necessities of our situation. But we are not likely to achieve significant improvement in the conduct of our foreign relations simply by thinking up new ideas but rather by serious attention to the manner in which we make policy and translate it into action. Men of long experience in both the executive and legislative branches of Government have serious doubt about whether our present procedures are adequate to the conduct of the public business in our foreign relations over the next quarter century. It is my own view that there is much which can be done within existing constitutional arrangements and that our first task is to exhaust these possibilities before diverting our energies into deeply divisive debates about constitutional change.

The foregoing remarks take on added significance because we are already in a period of more rapid and fundamental change than we have yet experienced as an American Nation. A sense of crisis is a recurrent phenomenon in human affairs but at least two factors suggest that our own period may lay special claim to breathlessness. The one is the rate of change in science and technology. The other is the emergence of scores of independent nations not yet firmly set upon their course and the multiplication of those who must be taken into account in our thinking.

These three premises compel a fourth, namely, that our tasks, our unique constitutional arrangements and the external environment place a special premium upon leadership. I have more confidence than some commentators do in the wisdom of our people and their capacity for understanding the essentials of policy. But public opinion can neither devise policy nor carry it out. It cannot debate it effectively unless the issues are framed and presented for discussion, accompanied by the factual background. It cannot even follow and support, in our kind of society, unless it knows where we are trying to go. The President, with the aid of his Secretary of State and the support of the Congress, supplies the leadership in our foreign relations. Criticisms, direct or implied, are inevitable in discussing this matter, but the problems are bipartisan. Not presumptuously, I hope, but as a restraint upon partisanship, I try to think of these comments as being addressed to the next administration, whatever its political complexion.

II

While Mr. Truman's remark, "The President makes foreign policy," is not the whole story, it serves very well if one wishes to deal with the matter in five words. Most of us have long understood that the powers and responsibilities of the Presidency have grown significantly since 1789 by constitutional interpretation, statute, custom, and changing circumstance. What many of us have not fully recognized is the extent to which the office has been transformed during the past three decades under the impact of two historical changes. The one is the massive in involvement of the Federal Government in the economic and social life of the Nation, an involvement to which both political parties are committed. The other is the revolutionary change in the world about us and in our own place in it. Although men like Jackson, Lincoln, Theodore Roosevelt, and Wilson helped to reduce the shock of the change when it came, the modern Presidency under Franklin Roosevelt, Truman, and Eisenhower has become an office of almost unbearable responsibility.

Since even the old and familiar words carry so much new meaning, it might be revealing to recall briefly the burdens undertaken when a man swears that he "will faithfully execute the office of President of the United States." To save time and to look at the full sweep of the office all at once, let us paint with a light and fast-moving brush, taking for granted much of the detail which is or ought to be the common possession of an educated citizenry.

The President is our Chief of State, the formal and symbolic head of the American Nation. To the rest of the world he embodies the dignity and sovereignty of the Federal Union and has much to do with the image of America projected beyond our borders. He leads our solemn observances and sets the tone of our national life. Whether we move with zest and confidence in our public and private affairs or plod along in apathy or bewilderment turns in large part upon the morale which flows from the White House. The deference instinctively paid to the office and to the man who holds it is itself a source of power and influence and enhances his ability to act, to persuade and to mediate.

The President is the Chief Executive of the Government of the United States, the administrative head of its 10 departments and dozens of independent agencies, staffed by almost two and a quarter million civil servants. Charged by the Constitution to "take care that the laws be faithfully executed," he must recruit competent leadership for the vast machinery of Government and, through evidences of his own interest and concern, inspire the Federal service with devotion, pride and a passion for good performance. Since the chain of administrative command cannot, for both good and bad reasons, keep him fully informed about how things are going, he must take advantage of other lines of communication as well—his personal staff, the flow of mail to the White House, the press, observations of Members of Congress and of his party colleagues. To counteract the inertia of large organization, he keeps it alive and alert by pertinent questions to Cabinet colleagues, by the unexpected phone call, the scribbled note of commendation or criticism, a comment at a press conference.

He soon finds that making policy is not the end of his task, that policy can be negated by what Elihu Root gently called unwilling subordinates. He will discover attitudes and practices in the bureaucracy which become unconfessed laws of public administration. One, for example, is that where an exaggerated emphasis is placed upon delegation, responsibility, like sediment, sinks to the bottom. Now that Professor Parkinson is in this country, he might accept as his own the law that in any large organization the proportion of time spent upon central tasks varies inversely with elevation in the bureaucracy. Another is the law, which has semirespectable roots, that no department or agency can be coordinated by a parallel department or agency; it is infra dig to defer horizontally rather than vertically. Still another is the law that everyone affected by a decision must participate in making it.

The departments and agencies of Government are each concerned about a part of the whole. The President, assisted by his White House staff and the Executive Office, must weld the parts into an effective national effort. He cannot hope to achieve nice consistency in leading a vigorous and diverse people concerned with conflicting interests and aspirations, but he can try to achieve a broad political consistency in the main directions of movement and to limit the waste and frustration which occur when one hand tears down what the other is laboriously trying to build.

The Constitution provides that "The President shall be Commander in Chief of the Army and Navy of the United States."

Borrowed from the powers of colonial governors and probably influenced by the prospect that George Washington would be the first President, the provision is an independent source of constitutional authority and places the President in direct personal command of the Armed Forces. Although Woodrow Wilson did not, Lincoln, Franklin D. Roosevelt and Truman assumed person personal charge of what has come to be called the higher direction of war. The Nation looks to the President to play the primary role in deciding the types and scale of military power it needs to defend itself and to support its policy. He cannot escape the crucial task of weighing risks and burdens, of finding the elusive and hazardous line between too little and too much. He must look to the morale of our fighting men, assure them of the Nation's appreciation and support, and build their pride in their exacting service. On the other hand, he must firmly assert the principle that the first mission of a man in uniform is to do what he is told to do, regardless of the number of stars on his shoulder, and that the military establishment is an instrument, not the master, of policy. Only the President can resolve interservice rivalries and disputes about their respective roles and he, working with the Congress, must seek to restrain the growth of independent political constituencies in support of particular services as deeply repugnant to our constitutional system. As Commander in Chief the President can deploy the Armed Forces and order them into active operations. In an age of missiles and hydrogen warheads, his powers are as large as the situation requires and the contingencies perhaps the most awful with which he has to live. In a period when men are groping toward the control of armaments and the nature of war has changed beyond recognition, the role of the President as Commander in Chief has entered a new phase.

The President is the head of his political party. Indeed, his election is its principal raison d'être as a national party, and has been since the time of Jefferson. Our Federal structure and our constitutionally prescribed terms of office deprive party leadership of some of the instruments of party discipline known to parliamentary systems. Once the moment of quadrennial unity has passed, our parties tend toward aimlessness and factions arise out of regional or special interests and the accidents of personal ambition. But the party to which the President belongs can expect a measure of leadership. His party is drawn together by a common interest in the public response to his performance and a common aversion to the thought that the rascals across the aisle might name his successor. The President can persuade and cajole, threaten and scold, and offer occasional morsels of political advantage. But the vigor of his partisanship is often restrained by his need to cross the aisle and seek support for his policies from among the opposition, especially when the latter controls one or both Houses of Congress.

The President is our chief legislator. His proposals make up the central agenda of Congress. Important bills are drafted by or in close consultation with the executive departments and the Bureau of the Budget. The box scores on must legislation which appear toward the end of a congressional session are used to judge the Congress as well as the President. His veto power, his party leadership and his ability to mobilize public support for his point of view make him a formidable partner in the legislative process.

The President is our chief budget officer. Congress acts upon the budget he proposes and, when all the hubbub is over, passes it with changes of a few percentage points. The Federal budget, about a fifth of the national income, and the fiscal and monetary policies of the Government deeply affect the economic and social life of the country—its incentives, its priorities, its directions of growth and of public and private investment, even the nature and extent of its voluntary effort.

The Founding Fathers saw clearly that the health and stability of our political arrangements would turn upon the President's role as the protector of the Constitution. They singled him out for a prescribed oath that he will to the best of his ability "preserve, protect, and defend the Constitution of the United States." He controls the raw power of the state—the Armed Forces, the FBI, the CIA, the Secret Service, the U.S. marshals. Congress may pass laws, even over the President's veto, but the President must look to their prudent and impartial application. The Supreme Court may sustain the Constitution in deciding between the adversaries before it, but the President must conform the conduct of government to the Court's interpretation of the basic law. A national respect for constitutional process is the glue which holds us together and is properly the brooding concern of the man who holds our highest office. In a constitutional system which cannot possibly work unless those who exercise its powers are determined to make it work, the President must anticipate constitutional crises and bring all the resources of his office to the prevention of situations for which there can be no tolerable answer. President Franklin D. Roosevelt was effectively rebuked by the Nation for resorting to a ward heeler's device to settle his difficulties with the Supreme Court; President Eisenhower failed to use the possibilities of his office to forestall the necessity for bayonets in Little Rock.

In a unique sense the President is the custodian of the national interest. Elected by a national constituency, he speaks to Congress and to the people on the needs of the Nation seen as a whole. His audience is understandably more intimately concerned with personal, local or regional affairs and needs his help to understand what is required of citizens of the United States.

But the modern Presidency cannot limit itself to a national interest narrowly defined. Recorded in solemn treaties and rooted in common interest and circumstance, we are a partner in great coalitions which now include more than 40 nations. Our power has reduced our sovereignty and our decisions must take into account the needs and hopes of those whose fates are linked with ours. If the President fails to meet the demands of leadership of a nation-in-coalition, a reluctant or resistant United States cannot be dragged along by others and coalitions as now constituted would rapidly disintegrate.

I have been describing the powers and responsibilities of the highest office in a nation which acts and moves by consent. In only a limited sense is the President in a position to command; it is the essence of our system that the Constitution confers upon him a license to lead. If we are inclined to think of the President as an executive who sits at his desk and strikes off great decisions, we must balance it by the picture of the President as our chief servant who, somewhat as a sheep dog, must round up a free people and persuade them to move in a given direction for a sufficiently long period to make it possible to act upon a policy. This does not mean that he is limited by public opinion as he finds it, or fears it to be. The people who elect him are capable of understanding and concern and are likely to be responsive to his lead. If the issues are critical and there are marginal doubts, many are resolved when the President goes to the country and asks for its support. When we assess the possibilities of action in terms of public opinion it is crucial to understand the difference between desultory impressions and responses to vigorous leadership.

The powers and responsibilities we have been discussing are those which engage the thought, time and energy of the President himself. By statute and executive order provision can be made for large delegations of function, but ultimate responsibility comes back to the office which has led some to call ours a presidential system of government. He is indispensable, even if he is not irreplaceable.

III

Against this background of what we have called unbearable responsibility, the question arises as to whether the President of the United States can wisely undertake the burdens and hazards of personal diplomacy at the summit. This is not a moment when it is easy to discuss the problem with detachment. But it needs discussion. Earlier American skepticism and reluctance about summit diplomacy have apparently been brushed aside with the warm approval of public opinion here and abroad. The prospect is for a series of summit meetings during 1960 and beyond. The next President of the United States may find himself limited in his freedom to determine how he is to discharge his awesome duties by commitments made by his predecessor in the closing phase of an 8-year administration. If the President of the United States is to assume an active role in negotiations, this will have a serious bearing upon proposals for the reorganization of the higher echelons of the executive branch of the Government. Indeed, it may affect the definition of the circumstances under which the inability of the President should open the way for the Vice President to discharge the duties of the office. Meanwhile, public opinion is moved by desperate hope and the fascinations of the spectacular, and we shall face the problems of distinguishing form from substance and of avoiding the slippery slope of relaxed effort which can lead to disillusionment and critical danger.

To put my readers on an equal footing with me immediately, let me anticipate my conclusion. The President, as Chief of State of the United States, can and ought to undertake a limited and carefully planned program of state visits, short in duration and aimed at the exchange of courtesy and respect as a tangible expression of the good will of the American people. But negotiation at the chief-of-government level is quite another matter. It is not easily accommodated among the peculiarities of our constitutional system; it diverts time and energy from exactly the point at which we can spare it least; it does not give us effective negotiation; such experience as we have had with summit diplomacy does not encourage the view that it contributes to the advancement of American interests. For reasons to which we shall now turn briefly, I conclude that summit diplomacy is to be approached with the wariness with which a prudent physician prescribes a habit-forming drug—a technique to be employed rarely and under the most exceptional circumstances, with rigorous safeguards against its becoming a debilitating or dangerous habit.

It is not surprising that the reasons for American reluctance to go to the summit have not been fully explained, either to our own people or to our friends or enemies abroad. Some we could not expect a President to confess; others would appear tactless to our friends; still others would concede certain tactical advantages to our adversaries. In any event, understanding would be difficult for those who have only the most casual or inaccurate knowledge of our political system, which includes almost everyone beyond our borders. The result is that we are under periodic pressure to appear at the summit ("Isn't negotiation a good thing?") and our oversimplified defense ("We must have prior proof that a meeting would be worth while") appears a bit lame. Perhaps an irresponsible private citizen may risk offense by observations which are denied to responsible statesmen.

Why the reluctance? It rests upon an interlacing of political and constitutional factors with notions about effective diplomacy. The first difficulty is that the President of the United States can take the time to prepare himself as a negotiator on serious subjects only by deferring or neglecting some of his central constitutional and political responsibilities.

The principal negotiator must be much more than a mouthpiece for the sheets of paper put in front of him by a staff, however competent the latter might be. Questions worth discussing at the summit are presumably important questions; if so, they require the full involvement of the negotiator before he reaches the table. He must understand the full scope of the issues, and their innermost detail. He must gnaw at his own position and become familiar with its strengths and weaknesses. If he is to use obscure words, he must understand why he does so and in which directions he can afford to clarify. He must know intimately the positions of others who are to be present, especially where a common front among allies is a major objective of policy. He must be aware of the impact of the issues upon nations not present at the table and upon American interests in all parts of the world. Prudence requires that he anticipate as best he can the most probable attitude of his principal adversary and the range of alternatives with which his opponent might

confront him. He must think carefully about his conduct away from the table itself—the social arrangements, his informal conversations, and, very important, his relations with the press and public opinion. Staff can render invaluable assistance, particularly if by staff we mean the Secretary of State and three or four Assistant Secretaries; but the principal negotiator is in the position of a task force commander who cannot be well served unless he himself fully grasps the situation and knows where he wants to come out. The type of commitment which is required for important high-level negotiation is illustrated by the handling of the first Berlin blockade by Ambassador Philip C. Jessup, the negotiation of the Japanese Peace Treaty by then Ambassador John Foster Dulles, and the development of the Austrian settlement by Ambassador Llewellyn E. Thompson.

But, it will be replied, this is surely not the type of negotiation which occurs at the summit. Exactly. Let us concede in passing that the summit may have other uses, such as to celebrate or confirm agreement already reached through other channels, or as an arena to contest for propaganda advantage, or to "keep talking" to postpone the precipitation of a dangerous issue. If one would add that the summit is conducive to agreement in principle, it might be well to ponder the remark of Secretary George Marshall to a colleague, "Don't ask me to agree in principle; that just means that we haven't agreed yet."

The physical absence of the President from his post in Washington is of enough consequence to be placed upon the scale. The President is as mobile as a jet aircraft, but it is not clear that the Presidency is equally so. One can accept the pleasant and necessary fiction that the White House is wherever the President happens to be and still recognize that prolonged absences from Washington impair the effective performance of the Office. Unless the President is accessible, decisions on important matters are postponed by sympathetic subordinates or settled at the level of the common denominator among the departments and agencies concerned. On his own side, the President will be partially cut off from his Cabinet officers, his personal staff, his usual flow of information, the leaders of Congress and of his own party. In addition, he cannot act with regard to many of the formal and informal aspects of his Office which we have earlier discussed. A President must be free to leave Washington, on business or on vacation, but the effect of his absence is greater than his personal staff would have him believe. The Presidency is not quite the same in Warm Springs or Cairo, Key West, or Potsdam, Augusta, Moscow, Kabul or Santiago, as it is in Washington, D.C.

We are not concerned here about purely technical problems. In the autumn of 1943, Roosevelt, Churchill, and Stalin had an extended exchange about the site of a Big Three meeting. Mr. Stalin preferred Iran and cited his duties in the conduct of the war on the eastern front. Mr. Roosevelt preferred north Africa and repeatedly insisted that he must be sufficiently close to Washington to be able to deal with legislation sent to him by Congress within the 10 days prescribed by the Constitution. His objection to Teheran was that uncertain flying conditions at that season might seriously interfere with this constitutional duty. Stalin refused to budge, even as far as Basra, and the meeting was held in Teheran. In finally yielding, Mr. Roosevelt told Stalin, "You will be glad to know that I have worked out a method whereby, if I receive word that there has been passed by the Congress and forwarded to me a bill requiring my veto, I will fly to Tunis to meet it and then return to the Conference." The charming solution must have confirmed to Stalin that the point had not been serious. It should not be difficult to arrange with congressional leaders, as a matter of constitutional comity, that bills not be forwarded to the President when he is out of the country or, failing that, to insist that the 10-day meter does not begin to run until the bill reaches the President, wherever he might be. Such problems will not bear the freight which Mr. Roosevelt attempted to load upon them; the real issues are more substantial.

Some of us recall that time was of the essence in the decision to interpose American forces against aggression in Korea. Had the series of decisions been postponed on a scale of, say, 24 hours, we should have faced a wholly different situation on the Korean peninsula. President Truman, in Missouri when the first report of the attack reached Washington, could nevertheless authorize immediate reference of the matter to the Security Council and arrive in Washington on the following afternoon to assume full charge of the situation. Jet transport has reduced the difference between Missouri and, say, Western Europe, but guided missiles and alert bombers have almost obliterated the other side of the time equation. Since constitutional arrangements are designed to cover many contingencies which happily never arise, it is not necessarily a sign of panic to suggest that the present strategic situation places a considerable premium upon the immediate availability of the President and Commander in Chief. His absence from the United States, in a personal situation which he himself cannot surely control, suggests a contingent "inability to discharge the powers and duties" of his office and revives under new circumstances the discussion of the same point which arose at the time of Wilson's visit to Europe. It is not unreasonable to consider, if eventually to reject, the possibility of providing by statute that the Vice President shall serve as Acting President during the absence of the President from the United States, leaving it to the two of them to determine which matters, short of great emergency, would be forwarded to the President for an indication of his wishes or held for his return.

The great departments of Government make provision for acting responsibility during the absence of department heads, and the practice is common with private corporations and institutions. However remote one hopes the contingency might be, it is difficult to shake off an underlying uneasiness that one of the most critical duties of the President might be suspended by his inaccessibility, frustrated by the failure of his chief subordinates to agree to act in unison, or usurped by a politically irresponsible general. A provision that the Vice President serve as Acting President during the absences of the President abroad would, of course, mean that Presidents would go abroad only on the rarest occasions—to me one of its most appealing features.

Returning to summit meetings and their capacity to yield constructive agreements, there are lessons from the rich lore of diplomatic experience which are neither controlling nor negligible. The parties can be expected to come to the table in the hope of obtaining an agreement, each on its own terms. The crucial question is whether these terms fit or can be made to fit each other, opening up the possibility of an agreement which each might find advantageous or at least more tolerable than the status quo. To explore this question is the chief purpose of negotiation; if it be known in advance that there is no such possibility then the proceedings, whatever they are called, are not negotiation.

The experienced diplomat will usually counsel against the direct confrontation of those with final authority. Negotiation ad referendum offers greater opportunity for feeling out the situation, exploring the opposing points of view, trying out alternative approaches without commitment, testing general propositions by meticulous attention to detail. The process needs time, patience and precision, three resources which are not found in abundance at the highest political level. The direct confrontation of the chiefs of government of the great powers involves an extra tension because the court of last resort is in session. The costs of error or misunderstanding are multiplied by the seriousness of the issues and the power of those present.

Picture two men sitting down together to talk about matters affecting the very survival of the systems they represent, each in position to unleash unbelievably destructive power. Note that the one is impulsive in manner, supremely confident as only a closed mind can be, tempted to play for dramatic effect, motivated by forces only partially perceived by the other, possibly subject to high blood pressure; the other deeply committed to principles for which his adversary has only contempt, weighted down by a sense of responsibility for the hundreds of millions who have freely given him their confidence and whose fates are largely in his hands, a man limited by conscience, and policy in his choice of tactics and argument, a man with a quick temper and a weak heart. Is it wise to gamble so heavily; are not these two men who should be kept apart until others have found a sure meeting ground of accommodation between them? Is there not much to be said for institutionalizing their relationship?

The skepticism of the diplomat about the blessings of togetherness among heads of government and foreign ministers is well known. The 15th century advice of Philippe de Comines that "two great princes who wish to establish good personal relations should never meet each other face to face but ought to communicate through good and wise ambassadors" is matched in our own century by Sir Harold Nicolson's reservations about the "habit of personal contact between the statesmen of the world." Discounting generously for wholesome professional bias, their views point us toward a well-grounded generalization. Thinking broadly and over the long run, the course of wisdom lies in reducing the impact which accidents of personality have upon the relations among nations. We may recall with satisfaction the personal harmony in which George Marshall, Ernest Bevin, and Robert Schuman labored for allied unity and may try to forget the painful results of the personal difficulties between Anthony Eden and John Foster Dulles. But neither friendship nor aversion is an adequate basis for high policy. Personalities change, sometimes rapidly; but the great tasks of building a tolerable world order endure and national interests reach far beyond the idiosyncrasies of holders of public office.

I must confess to idle speculation about the extent to which the course of world affairs may have been affected by illness among those holding high public office since, say, the time of Woodrow Wilson. I say "idle" because it would probably be impossible to isolate the effects of illness and we cannot know what might have been. But the international list of those who have carried great responsibility while ill is a long one and there are fleeting glimpses of decisions which good health might have turned another way. The point is mentioned because one of the purposes of diplomacy, including its elaborate formality and high

style, is to exclude from great affairs of state the many irrelevancies which spring from human frailty.

If personalities make for complications, these are magnified by the circumstances of a summit meeting. When the Big Three consulted about wartime meetings they seemed much less concerned about getting away from the Germans than about getting away from the press. Apart from the harrowing insistence of the most competitive of the professions, the general atmosphere is that of the football stadium. Is our team winning? Did our man throw him for a loss? Who wins the most valuable player award? But beneath the surface lie the desperate hopes that tensions will be eased, that somehow things will get better. The result is a pervasive pressure toward the creation of illusions—at worst an illusion of victory, at best the pretense of accomplishment where none was achieved.

I must confess that I do not see my way through the inevitable entanglement of summit diplomacy with domestic politics. Can there be any doubt that a summit meeting in the spring and the visit of the President to the Soviet Union in June will give Mr. Khrushchev a chance to influence significantly our coming presidential election? Were not some of just a bit embarrassed when Mr. Macmillan announced a general election almost before the vapor trails of the President's jet had dissolved into British skies? Is the President of the United States to be caught up personally in the difficult task of satisfying General De Gaulle's appetite for grandeur? Can we not anticipate cables from still other quarters reading, "My government will fall unless you come to see us"? And how shall we handle the chain reactions which prestige factors will set off if summitry becomes a habit—the demands of other NATO partners to have a share, the need to show that the exclusive club is not limited to white nations and great powers, the resentment in Latin America if left at the bottom of our interest and concern?

One of the arguments made in behalf of summit meetings is that heads of government can talk things over directly with freedom of action and power to come to agreements promptly and decisively. But the President of the United States is subject to what might be called the Woodrow Wilson Effect—he must keep in mind his ability to make good on his commitments when he gets home. If the summit means bold diplomacy for some, it may well mean timidity for us. A President in Washington, in direct touch with his departments and congressional and party leaders may be able to react more promptly and more confidently than if he himself were present at the table.

A formidable argument for summit diplomacy is the one endorsed by President Eisenhower and repeated by Ambassador Charles Bohlen and others, to the effect that "If you wish to negotiate with the Soviet Union you must talk to Mr. Khrushchev." Standing alone, the argument is not wholly persuasive. Is there point in allowing the Soviet Union to set the style of international negotiation at the cost of disrupting the established political arrangements of other nations? Have we not already made a major concession in yielding to a procedure which works to his advantage and our disadvantage? If he insists upon having a foreign minister to whom he does not wish to give his confidence, is he to impose the same ignominious status upon the Secretary of State of the United States? Can we not insist that it is up to each nation to determine for itself who its highest ranking negotiator is to be? Or cannot Mr. Khrushchev find even one high-ranking colleague whom he can trust to represent him loyally and effectively?

IV

Something else has to be thrown into the scale—and because that something else may be present, I have been unwilling to criticize the exchange of visits between the President and Mr. Khrushchev and the one summit meeting now firmly arranged. It is just possible that significant changes are taking place in the directions of Soviet policy. It may be that the frightfulness of modern war has made itself felt, that the severities of a police state have revealed their dead end and that public opinion is exerting a moderating influence upon Soviet policy by shifting its priorities. It may be that the Communist revolution is reaching the point which other revolutions have reached, where the dogma is enshrined but not very much is done about it. It could even be that Mr. Khrushchev needs summit diplomacy to enable him to bring about certain changes in policy within his own system. If there is substance in these speculations, I would suppose that none of us would regret the President's effort to find out about them. But the risks are as high as the stakes. We are moving into the period in which we have anticipated that we would be at a temporary disadvantage in the strategic field. We are presenting the periodic uncertainty and confusion of a presidential year. Insofar as the public record is concerned, there is little to make us think that Soviet objectives have changed, and much to remind us of the growing strength through which they can pursue them. Dissension weakens the unity of the free world. The President is entitled, on the basis of all the information available to him, to take the risks but one can hope that he will be alert to the dangers of illusion. A democratic people can generate their own false hopes very efficiently; the task of leadership is to confront us with our duties in the light of unpleasant reality.

Let me sum up briefly. What we say and how we should like to appear are of transient importance compared with how we conduct the public business in our domestic and foreign affairs. No propaganda is so effective as an earned reputation as a vital society, offering expanding opportunities for its own citizens and basing its relations with the rest of the world upon mutual respect and underlying decency. If we are entitled to a measure of self-confidence, there are insistent problems which demand our attention: the solidarity of our alliances, our relations with newly independent peoples, the suitability of our Armed Forces for our needs, the orderly growth of our economy, the competitive position of our products abroad, our desperate needs in education, deterioration in our transportation and our great urban centers, the acceptance of our minorities as full-fledged citizens, and, in every vocation, profession or service, our shortage of competent men for leadership. Each can make his own list.

The crucial, indispensable contribution which the President can make to the conduct of our foreign affairs is to enter fully into his office, to use its powers and accept its responsibilities, to lead a people who are capable of responding to the obligations of citizenship. He holds a unique office in a unique constitutional system, which offers him vast powers in exchange for leadership—powers which are as large as the situation requires. With deep compassion we can acknowledge that his are burdens which no man ought to be asked to bear, that the problems before him may reach beyond the capacity of the mind of man, and we can be grateful that there are men with the temerity to seek the office. It is respect for the Presidency which leads one to believe that visits to 20 or more countries in the course of a few months, interspersed by periods of preparation and rest, take too much out of the man and his office. A presidential system cannot easily adjust to an interregnum; a nation moving with such great mass and velocity needs the engineer at the throttle.

Finally, the President must prepare himself for those solemn moments when, after all the advice is in from every quarter, he must ascend his lonely pinnacle and decide what we must do. There are such moments, when the whole world holds its breath and our fate is in his hands. Then every fragment of his experience, all that he has read and learned, his understanding of his own nation and of the world about him, his faith, conscience, and courage are brought to bear. It is in this realization, not in petty criticism, that we can be jealous of his time and energy and resistant to every influence which comes between the man and his burdens.

U.S.S. "TOPEKA"

Mr. CARLSON. Mr. President, the U.S.S. *Topeka* goes to sea again.

Last Saturday, in New York, very impressive services were held recommissioning the U.S.S. *Topeka* as a guided missile ship. Kansas, and particularly Topeka, are proud of the recognition that is being given our State as this modern light cruiser is recommissioned as one of the most modern ships in our Navy.

Many high officials of the Navy, representatives of the Government, and city officials of Topeka, including the mayor, the Honorable Ed Camp, and other prominent Kansans attended the recommissioning.

At the ceremony Mrs. Frank Warren, wife of former Mayor Warren, of Topeka, who christened the cruiser *Topeka* in 1944, was recognized as the sponsor of this ship.

The name *Topeka* among the ships of the Navy has an interesting history. The first *Topeka*, a gunboat, played an important part in the Spanish-American War. The second *Topeka*, which was christened by Mrs. Warren in 1944, was a light cruiser that had an interesting history and entered into many engagements in the Second World War, serving much of her time in the South Pacific. During this service the *Topeka* earned two battle stars and many other awards for operation during that period.

The remodeling of the U.S.S. *Topeka* has been a 3-year task, undertaken in 1957, and culminating in new commissioning ceremonies in New York last Saturday.

The former light cruiser will carry a launcher which can fire two Terrier missiles simultaneously, these two-stage rockets being designed to intercept supersonic bombers. She will keep some of her 6-inch and 5-inch guns which she carried into World War II.

It is her electronic equipment, however, which emphasizes the Navy's present-day mission and performance. The U.S.S. *Topeka* will have 44 radio receivers, 19 transmitters, 8 radar sets, and 18 radar scopes. She will clear the Brooklyn Bridge only when the top of her mast and her radar antennas have been removed.

Mr. President, as I stated in the beginning, we in Kansas are proud of the recognition in the recommissioning of

this light cruiser, U.S.S. *Topeka*, as one of our most modern ships. She has a record of outstanding achievements in the past, and I am confident she will give a good account of herself wherever service calls.

The PRESIDING OFFICER (Mr. CANNON in the chair). Is there further morning business? If not——

Mr. FREAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FREAR. Mr. President, has the morning hour been concluded?

The PRESIDING OFFICER. Morning business has not been concluded.

MEDICAL CARE

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter to the editor of the Delaware County Daily Times, dealing with the problem of the need for medical care in our country today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LABOR UNION OFFICIAL DEFENDS BILL PROVIDING FOR MEDICAL CARE AS VITAL

To the TIMES:

The statement by Dr. William Erb, president of the Delaware County Medical Society, which was published in the January 19 issue of the Delaware County Daily Times, reminds us of the kind of social philosophy which was prevalent in the 19th century.

Dr. Erb claims that health care is a "private personal matter" and "will not be improved when surrendered to the Federal Government." The inference here is that the Forand bill, which TWUA along with the entire labor movement, is supporting, will in some way impair the "private" character of health care. This allegation could not be further from the truth.

First, under the Forand bill the choice of doctor is left to the patient. The only thing that the Government would control is reasonable cost. No doctor would be permitted to charge exorbitant fees for services.

Second, Dr. Erb's exhortation against Government control sounds very much like his compatriots in the AMA who, a generation ago opposed the requirement that all T.B. cases be reported to public authority, opposed compulsory smallpox vaccinations as interference with the "privacy of medical care," and fought immunization against diphtheria by public health agencies. True, these are all "invasions" of the right of private doctors to charge fees for these services, but would Dr. Erb favor rescinding these services?

Again, Dr. Erb states that the Forand bill would cost a "huge slice." In fact, the bill provides that the cost of the entire program could be financed by an additional one fourth of 1 percent of the payroll deduction for social security—hardly a huge slice, is getting pretty worn. This is AMA leveled against the Social Security Act in 1935. Would Dr. Erb repeal social security now? Dr. Fishbein, editor of the AMA Journal, termed old-age insurance as a "definite step toward either totalitarianism or communism." No doubt there are some who would find in this statement an accurate expression of their own feelings. But for the vast majority of American people social security has been a veritable lifesaver at the time in life when all other sources of income are cut off.

Our union and the AFL–CIO says that the Government should take the responsibility for guaranteeing that old people who are in need of medical care, can get it. Recent Senate committee disclosures of profiteering in the drug industry, where drug costs have been driven up in an unconscionable fashion, simply serve to underscore the desperate plight of pensioners who are living on inadequate stipends. These people are unable to afford the cost of decent health care. If our concern for human values has outweighed our concern for protecting the concept of medicine as a "private affair," we proudly affirm our position. The Forand bill, by providing for a system of prepaid health insurance for the aged, is a step in the direction of showing that the American people are not callous to the needs of the growing numbers of senior citizens in our society. In the view of the American labor movement, the welfare of the people comes before all other considerations.

Let us remember that it was the AMA who first opposed even voluntary health insurance plans as "socialism * * * communism * * * inciting to revolution" when they were first proposed. Today, millions of Americans hold voluntary health insurance policies and hundreds of thousands of AMA members honor them.

We are confident that our Nation, despite opposition, will continue to make progress in the area of social welfare. As for the trade union movement, we will continue to advocate measures which will benefit all Americans.

SOL STETIN,
Vice President and Regional Director, Textile Workers Union of America.

POLITICAL CONTRIBUTIONS BY AMERICANS FOR DEMOCRATIC ACTION

Mr. CLARK. Mr. President, on February 18, the distinguished junior Senator from Arizona [Mr. GOLDWATER] inserted in the RECORD material from a paper prepared by a Mr. Frank Childers of Princeton University, concerning an interview Mr. Childers had had with Mr. William L. Taylor, legislative representative for Americans for Democratic Action. This insert appeared under the caption "Loopholes in So-Called Clean Elections Bill."

Americans for Democratic Action, of which I have long been a member and for whose objectives I have great admiration, is frequently maligned. I do not rise to its defense upon every occasion when it is unfairly criticized or misrepresented, because if I attempted to do so I would have little time left for other purposes.

However, occasionally the attacks upon the ADA are so unfair that I feel I must say a word in defense of that organization.

Accordingly, after reading the material inserted by the Senator from Arizona, I called Mr. William L. Taylor to ask him for his side of the story. He replied that he was making a reply in the form of a letter to the Senator from Arizona, which he was requesting that the Senator insert in the RECORD to set the story straight.

My office has checked with the office of the Senator from Arizona and I am advised that although Mr. Taylor wrote the Senator on February 23, the Senator has not placed Mr. Taylor's letter in the RECORD. I am, therefore, taking the liberty of doing so in his stead, since I feel that Mr. Taylor's version of the facts should be given the same attention that has been given the original material.

The Senator from Arizona said he was unable to find the ADA's financial statement on file with the Clerk of the House. I found it very easily, by simply calling the Clerk's office and being informed that statements for several years are on file. The following figures were obtained from the 1958 statement—chosen because it was the latest election year:

The ADA listed a total of $125,000 in contributions in 1958. Of that sum, the UAW is listed as contributing $9,000, or less than 8 percent; total union contributions are listed as $30,000, or 24 percent. These figures verify the correctness of Mr. Taylor's denial of the Senator's assertion that the ADA receives 35 percent of its money from the UAW.

I ask unanimous consent to have printed at this point in my remarks a letter from William L. Taylor addressed to the Honorable BARRY GOLDWATER.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 23, 1960.

The Honorable BARRY GOLDWATER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GOLDWATER: My attention has been called to your speech on Americans for Democratic Action and "Loopholes in So-Called Clean Elections Bill", which appears in the RECORD of February 18, 1960, at page 2887. With all due respect, I must say that in basing your remarks upon statements ascribed to me by a Mr. Childers of Princeton, you were victimized by a student with a wild imagination and no respect for the truth.

A Mr. Childers of Princeton did, indeed, interview me several months ago. (He stated that he was writing a theme on the conservative movement in the United States, that he had spent a couple of days in your office, that he wanted ADA's assessment of the conservative movement and answers to allegations that you had made about the ADA.) During the course of that interview I did furnish Mr. Childers with a copy of "A New Deal for the 1960's" and with a copy of ADA's platform reproduced in the ADA World. This much of Mr. Childers' account is true. The rest of Mr. Childers' report in which he purports to quote me, both directly and indirectly, is simply a collection of lies.

Specifically, to deal with the statements you single out for special attention, I did not tell Mr. Childers that: (1) "ADA receives slightly less than 35 percent of its total moneys from the UAW" or that "labor unions contribute most of ADA's total funds." I would not have made such a statement to him simply because it is not true. Incidentally, in accordance with the Federal Corrupt Practices Act, contributions received by ADA, both from labor and other sources, are reported and are on file with the clerks of

both Houses. (2) "Men and women are sent to States, towns and cities to support candidates favorable to ADA policy." Of course, ADA chapters participate in election campaigns, but Mr. Childers has attempted to twist this to mean something quite different. (3) I "would favor a plan to confiscate all the money and private property in the country, line up all the citizens in a row and give each man a proportional share". If I held such views (which I do not), I would hardly be likely to express them in a casual talk with a student I had never before met, nor could I hold a responsible position with an organization which is opposed to this philosophy.

I do not know what Mr. Childers' motives were in furnishing you with this fictitious account of our conversation. I wish I could believe that he was not very bright, that he took poor notes of our interview and had a poor memory of what was said. But Mr. Childers impressed me as an intelligent student. He discussed with me knowledgably, for example, ADA's support of tax reform legislation introduced during the last session by Senators CLARK, MCCARTHY, DOUGLAS, and PROXMIRE. Thus, I am afraid that this charitable explanation of his actions would not be accurate.

Mr. Childers has not furnished me with a copy of his report and I do not know what is contained in the sections you did not place in the RECORD. In the interest of fairness however, I would appreciate your placing in the RECORD my reply to those sections of his report entered in the RECORD.

Sincerely yours,

WILLIAM L. TAYLOR,
Legislative Representative.

PHILADELPHIA PLANS MORE CITY-SUBSIDIZED RAIL SERVICE

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks an article entitled "Philadelphia Plans More City-Subsidized Rail Service, Fare Cuts," which was published in the Wall Street Journal of February 15, 1960, which I inadvertently forgot to have printed in the RECORD earlier than this.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 15, 1960]

COMMUTER RX?—PHILADELPHIA PLANS MORE CITY-SUBSIDIZED RAIL SERVICE, FARE CUTS—MAYOR TO BE BACKED BY RAILS, OTHER CITIES IN PLEA FOR FEDERAL AID TOMORROW—LATE SHAVES AND EARLY COCKTAILS

(By Michael Creedman)

PHILADELPHIA.—This venerable city of mossy parks, ancient brick row houses, the Liberty Bell, and other historical landmarks, hardly brings to mind an image of bustling civic progress. Its glories, to most outsiders, lie more in the past than the present.

Thus it is all the more surprising to find Philadelphia suddenly seizing the center of the stage with a ready-to-go, areawide program to tackle one of the toughest of all municipal headaches—the perennial commuter crisis.

The Philadelphia plan, in fact, may turn out to be the pattern of the future for many other U.S. cities of more than 500,000 population, if the enthusiasm for it now being shown by mayors of other cities and by eastern railroad presidents means anything.

NEEDED: A FEDERAL SUBSIDY

Basically the plans calls for the creation of a nonprofit municipal corporation—Passenger Service Improvement Corp. of Philadelphia (P.S.I.C.)—which will have the power to contract with local railroads and transit companies to provide commuter service for a flat fee every year. The fee would cover most or all operating costs. All revenues from the service would be credited to the P.S.I.C., which would set fares and schedules and ultimately, it is hoped, buy new equipment and lease it to the railroads. Since this most likely would be a deficit operation for the P.S.I.C., city and railroad officials believe the Federal Government must pick up the tab for part of the subsidy if the plan is to succeed.

Philadelphia's rationalization for the subsidy is this: Since the Federal Government already is footing the bill for as much as 90 percent of the cost of building highways into large cities, thereby helping to strangle them with congested auto traffic, some Federal money might well be spent improving railroad commuter service.

In an experimental program, which it has been financing itself since last 1958, the city already claims some success in getting people out of cars and back into the commuter trains. City-subsidized fare cuts and service improvements on three of Philadelphia's dozen commuter routes have increased ridership on the lines by percentages ranging from 20 percent to 200 percent. Now, Philadelphia is planning to extend the program to all commuter routes.

Tomorrow, Philadelphia's aggressive 61-year-old mayor, Richardson Dilworth, will lead to Washington a delegation consisting of executives from 11 major eastern railroads and the mayors or top officials of Boston, New York, Chicago, Cleveland, Milwaukee, St. Louis, New Haven, Wilmington, and a number of other cities. There details of the plan and of the Federal-aid legislation they want to carry it out will be explained to Senate party chiefs, LYNDON JOHNSON and EVERETT M. DIRKSEN, to the various congressional committees on transportation, and to the White House staff.

INQUIRIES POUR IN

So many inquiries have poured in from other cities since Philadelphia's plan was first announced last month that Philadelphia's city solicitor, David Berger, will hold a 1-day symposium for city attorneys and transit officials from other parts of the country in March, when he'll explain in detail just how the plan was developed and how other cities might follow suit.

Early this week the American Municipal Association, which represents 13,000 cities throughout the United States, will release details of legislation it has prepared for Federal aid for the commuter. The bills, which will be introduced during the current session, almost seem to have been drafted with Philadelphia in mind. They would provide long-term, low-interest Federal loans to municipalities to buy and lease new commuter equipment and a study of grants-in-aid to the cities, on a dollar-for-dollar matching basis, for other improvements in local rail transportation.

George Alpert, president of the financially hard-pressed New York, New Haven & Hartford Railroad, can hardly restrain his enthusiasm for the Philadelphia approach to the commuter problem, though his line goes nowhere near that city. "It is not just another study." The plan is realistic in setting up immediate, practical help," he says.

The Central Railroad of New Jersey, another non-Philadelphia line, has circularized its own riders with a lengthy tribute to "the city fathers of Philadelphia." Their action was taken, the railroad says, "while commuters in New York and Boston wait apprehensively for higher fares and more abandonments, and the leaders of their State and municipal governments hem and haw in search for a solution."

There are other proposed solutions—chiefly reduction of local taxes on railroads and a more liberal attitude by regulatory bodies in granting fare increases—that are being actively pushed. The Long Island Railroad since 1954 has been operating under a redevelopment plan which has halved its State and local taxes. Gov. Nelson A. Rockefeller last year pushed through a program to give other New York railroads tax relief; the State, in addition, has made available $20 million for the purchase of new rail commuter equipment.

LOCAL SUPPORT

Both the Pennsylvania Railroad and the Reading Co., which serve the Philadelphia commuting area, wholeheartedly stand back of the new plan, and, in fact, have been participating for more than a year in the experimental forerunner of it.

The plan has drawn its share of criticism, too. Attempts to gain the backing of the Association of American Railroads for the type of Federal aid which it would require fell apart when presidents of the western railroads dissented violently. Unlike most of the eastern lines, some of the western routes, such as the Chicago & North Western Railway, are still operating commuter service in the black and see no need for subsidies.

One Philadelphian calls it a "Brannan plan for railroads." Another, H. Jerome Jaspan, who claims to represent 1,800 local taxpayers, filed suit to block the granting of a charter to the new P.S.I.C.

The new nonprofit corporation, Mr. Jaspan says, "is just a front. It's just a feedbag to bail out the railroads which are losing money." Although the common pleas court here has overruled Mr. Jaspan's objections and approved the charter, he vows he'll take his case to the highest courts if necessary.

THE SUBURBAN ATTITUDE

Eventually, if the plan is to succeed, the support of suburban towns and counties outside of Philadelphia will be needed. Some of these communities are lukewarm about the prospects. A major fear is that, if they get tangled up with the central city on tackling the transit problem, before long they will be involved in downtown problems such as urban renewal, racial integration, housing, and high taxes.

But, in Bucks County, Planning Commission Director Franklin Wood says, "We don't want to be left out of this thing. Whatever is being developed we want to be part of because we'll regret it later if we aren't. After all, county lines don't mean anything any more. Traffic problems that 20 years ago didn't affect us have come up here now."

Philadelphia officials already can point to some positive gains since their initial experiments were begun a little more than a year ago. On the Reading's Fox Chase line, with the aid of city subsidies, the number of daily train movements was boosted to 14 from 6; fares were slashed from an average of 48 cents to 30 cents. Also, tie-in service with connecting bus lines was instituted, as an added inducement for commuters to leave their cars at home. As a result, the number of riders jumped from 10,521 in December 1958 to 35,982 in December 1959.

ENDING A SLUMP

The Pennsylvania, likewise, has been able to reverse a long-term traffic slide on its Chestnut Hill branch by means of lower fares and better service. The number of passengers on the route which had dropped from 2,627,000 in 1948 to 1,598,000 in 1958, last year turned up by nearly 30 percent.

Most railroads claim the nub of the commuter problem is the wide disparity between the huge amount of equipment needed to handle peak-hour loads and the much smaller amount required to serve the suburbs

during the balance of the day. Daytime travelers have increasingly deserted the rails to drive to town, the carriers say, but the railroads still must maintain a lot of equipment to handle commuter traffic. The Philadelphia scheme is designed to ease city auto congestion by putting more commuters on the rails, but it also seeks to beef up daytime rail travel as well.

While there are no exact statistics on how much the downtown auto traffic congestion in Philadelphia has been lightened by the experiment, a big, red-faced traffic policeman on duty near city hall says, "Since they started that cheap train service there seems to be a lot fewer cars coming through here in the rush hour."

The city figures that for every rider it can get to leave his car in the driveway in favor of public transportation, it saves $170 a year in police, highway construction, maintenance, and other costs.

In the last 10 years, many of the city's older downtown buildings were torn down and replaced in a $250 million program of modernizing. Another $600 million is slated for downtown improvement over the next decade.

"But," says Mayor Dilworth, "unless some way is found to improve mass transit, all the center city development will go down the drain."

THE RAILROADS' MOTIVE

Walter Patchell, vice president of the Pennsylvania, indicates that the preservation of the downtown area also is one of the principal reasons for the carriers' participation in the new plan. "The easiest thing for the railroads to do would be just to get out of the business of carrying commuters, but we realize this would destroy the center of Philadelphia."

Decentralization would mean the loss of thousands of dollars worth of profitable freight business, Mr. Patchell comments. He explains that railroads can perform freight service better than trucks when moving goods from one concentrated area to another. But if the city core is dispersed, truck competition, capable of deliveries to scattered points, would take over.

Even with the subsidies, Philadelphia railroads lost some $7 million bringing commuters into the city last year. And even with the more ambitious program contemplated for the future, according to City Solicitor Berger, "the railroads will never make money on this. At best it will be a break-even deal."

Joseph A. Fisher, president of the Reading agrees. However, he says, "We hope the new nonprofit corporation will absorb more of the costs of operating the service."

New contracts between P.S.I.C. and the railroads will be negotiated every year, and Mayor Dilworth admits that it is possible the rails will receive more money for operating services as time goes on, but he hopes revenues will increase, too.

This year, the Reading and the Pennsylvania will split between $1,400,000 and $1,525,000 for operating two routes, with about $325,000 of this representing contributions from the city. Figures aren't yet available for the third route, on which the contract expires in April. The sums for the first two routes are about the same as were paid out last year on those routes.

THREE ADDED LINES

Negotiations are expected to get under way soon to put three additional commuter lines on a similar basis. All intracity commuter lines here carry about 100,000 passengers daily, with about a fourth of these now riding on subsidized routes.

Philadelphia's suburbanites, outside the plan so far, meanwhile face the prospects of a new batch of fare increases from the Pennsylvania and the Reading in the not-too-distant future. Although Philadelphia usually has intervened in these rate applications in the past, there is some indication that from now on it will concentrate solely on improving the lot of its in-city commuters. This strategy, some city men believe, will have the effect of persuading outlying towns to join Philadelphia's program.

Philadelphia's city officials already are talking of unprecedented boons and frills for their own commuters—new air conditioned cars, spruced-up stations, special trains for theater parties and even electric shavers for late sleepers.

City Solicitor Berger claims he's serious when he suggests throw-away squeeze bottles filled with cocktails for the going-home crowds, fashion shows on the trains and a "Freudian approach" to rail riding, with curvaceous young lady conductors in rush hours and handsome young men to punch tickets on the afternoon shoppers' specials.

Already there's been considerable improvement in commuter morale, on the subsidized routes at least. Mrs. Katherine Harpster, one of the Pennsylvania's two local lady conductors, comments that 2 years ago, just after a fare hike, one of her passengers stopped her as she was punching tickets and snarled, "You don't need a punch. You ought to use a pistol."

"Now," she says, "the only kind of comments I get are friendly."

The ultimate goal of Philadelphia's city fathers is an integrated mass transportation setup for the entire eight-county metropolitan area of more than 4 million population, which includes Camden and other New Jersey cities across the Delaware River. This would also include operation of the privately owned Philadelphia Transportation Co., which carries some 1.1 million riders a day on subway and surface routes. However, complete control of all transit facilities, even if Federal aid becomes available, "will not spring into flower overnight," says Mayor Dilworth.

MILITARY AIRLIFT

Mr. CLARK. Mr. President, if I may, I should like to have the attention briefly of my friend the junior Senator from Mississippi [Mr. STENNIS].

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks the third of a series of articles written by the distinguished military commentator, Hanson W. Baldwin, entitled "The Airlift Problem—III."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AIRLIFT PROBLEM—III—MILITARY TRANSPORT STUDIES QUESTIONS OF TACTICS, EQUIPMENT, AND COMMAND

(By Hanson W. Baldwin)

The Military Air Transport Service, which is flying an average of almost 7 million ton-miles daily during the 2 weeks of Exercise Big Slam Puerto Pine, hopes the maneuver will clarify some of its problems.

The exercise, which includes the transportation of more than 20,000 Army troops to Puerto Rico, ends next Monday. From it the Air Force and Army hope to draw some conclusions about the vexing problems of military airlift.

These problems are numerous; some of the more important ones are discussed here.

ROLE OF COMMERCIAL CARRIERS IN MILITARY AIR TRANSPORT

The Military Air Transport Service, under Lt. Gen. William H. Tunner, operates for the military forces an airways and air communications service, air weather service, air rescue service, air photographic and charting service, and a strategic airlift force.

Some 992 aircraft and 115,000 persons are assigned to MATS, including 4,000 Navy personnel. Of this total, almost 35,000 persons and 483 aircraft are assigned to so-called strategic passenger and cargo airlift.

To meet the war-plan needs of the Joint Chiefs of Staff, MATS is required to maintain a global air transportation system in a state of peacetime readiness that can instantly be expanded to wartime tempo.

This system has long been the target of commercial air carriers and of congressional critics, who maintain that the service is wasteful and competes unfairly with commercial air carriers.

Yet MATS has some convincing answers. Repeated Pentagon and congressional studies indicate that MATS must maintain almost its present level of operations if it is to meet the war-plans requirements of the Joint Chiefs and if it is to be capable of rapid acceleration to wartime tempo.

OPERATION EXPANDED

MATS normally flies an average of about 5 hours a plane a day. During the current maneuver this has been expanded to about 8 hours a plane a day, which is regarded as the minimum necessary for wartime operations.

Prior to the Korean war, MATS flight hours, programed at 3 hours a plane a day, were actually less than 2.7 hours.

When the Korean war began the Joint Chiefs ordered an accelerated tempo of 10 to 11 hours a day. It took MATS 11 months to build up to less than 7 hours a day, even though its personnel were reinforced with reserves. It never reached the Joint Chiefs' requirement.

MATS does not want to be caught short again; it feels that it must maintain its present tempo and volume of operations on its global air routes if it is to maintain war readiness.

THE MODERNIZATION OF MATS

MATS flies four types of passenger and cargo aircraft—the Lockheed C–121 Super-Constellation; the Douglas C–118 Liftmaster, the Douglas C–124 Globemaster and the Douglas C–133 Cargomaster.

These are all propeller-driven planes. The workhorse of the fleet is the C–124; there are 291 of these in MATS. It is a slow and aging plane, with maintenance headaches, although it is still doing yeoman service. The newest heavyweight cargo lifter—a turboprop aircraft—is the C–133. There are only 29 of these; eventually MATS will have 49.

There is rather general agreement that MATS needs modernization, but the unanswered question is whether an entirely new "ultimate" aircraft should be developed, or whether types of aircraft now or soon to be available should be purchased.

MATS is eager to purchase jets; it believes that so-called swing-tailed versions of the Boeing 707 or Douglas DC–8 commercial jet airliners could be modified and developed for military use, capable of using runways 4,000 feet in length or less. A combination of a turbo-fan engine and leading edge flaps and boundary layer control could permit short takeoffs and landings.

However, the Army points out that the fuselage of the 707 or DC–8 is not large enough for outsize cargoes and that adequate cargo planes are the bottleneck of the military transport problem.

Moreover, paratroopers cannot jump from any available jet; their minimum flying speed is too high. The Army prefers an improved version of the Lockheed Hercules C–130, which is used by the troop carrier wings of the Tactical Air Command.

TACTICAL AND STRATEGIC AIRLIFT

The problems of airlift are complicated by the overlapping functions of the Tactical Air Command and the Military Air Transport Service. Both operate troop carrier and military cargo aircraft.

The Tactical Air Command utilizes the C–130 and the Fairchild C–123 assault transport. These so-called "short-legged" aircraft are designed for so-called tactical or assault missions, with troops and cargo combat loaded for jumping or for rapid unloading on an improvised airstrip in an enemy zone.

MATS aircraft, on the other hand, have a so-called "strategic" mission. They are generally bigger, longer range planes. Paratroopers do not jump from them and cargo is not rigged for parachute dropping, nor is it combat loaded.

MATS planes are generally adapted to transporting troops and supplies to a staging area or friendly base, where the troops can be unloaded and then reloaded into Tactical Air Command assault aircraft that would fly them to the enemy objective.

But developing technology has blurred the once-clear distinction between tactical and strategic. So-called tactical aircraft are now achieving longer and longer ranges.

If a two-purpose plane that could combine both strategic and tactical functions could be developed airborne troops could be combat loaded in the United States and flown directly to the scene of action anywhere in the world without using intermediate staging bases.

MATS does not believe this is possible without great sacrifice of speed or other important characteristics. The Tactical Air Command and the Army think that it might be feasible in the future.

ORGANIZATIONAL AND COMMAND RELATIONSHIPS

The Army requested some time ago, and apparently was granted, a single point of contact between the Army and its Strategic Army Corps and the Air Force. Instead of dealing with two Air Force agencies—MATS for strategic lift, and the Tactical Air Command for tactical or assault lift—the Tactical Air Command was to be the point of contact for both.

The purport of a directive issued by Gen. Thomas D. White, Chief of Staff of the Air Force, initially went further than this. It was understood by both the Tactical Air Command and the Army that after the end of Exercise Big Slam/Puerto Pine next Monday the Tactical Air Command would, in the future, exercise control over all peacetime maneuvers involving both the Army and military air transport aircraft. This would be true whether the craft were drawn from MATS or Tactical Air Command.

However, partly as a result of the current exercise, there has been some restudy of this understanding. The question of command and organizational relationship between MATS and the Tactical Air Command and between them both and the Army is therefore one of a number of unresolved problems that the lessons of the current maneuver may help to solve.

Mr. CLARK. Mr. President, I invite the attention of my colleagues to the comments made by Mr. Baldwin to the effect that while the Military Air Transport Service, MATS, is eager to purchase jet aircraft for transport purposes, the Army points out that the fuselage of the 707 or of the DC–8 jet is not large enough for the outsize cargoes and that adequate cargo planes are the bottleneck of the military transport problem.

Moreover, paratroopers cannot jump from any available jet, since their minimum flying speed is too high.

Mr. Baldwin also points out that if two-purpose plane which would combine both the strategic and the tactical functions could be developed, airborne troops could be combat loaded in the United States and flown directly to the scene of action anywhere in the world without using intermediate staging bases.

Mr. President, I am confident that the Committee on Armed Services, of which the distinguished Senator from Mississippi is so able a member, will give close attention of the problem of airlift. I am happy to know the committee will do so, because in my judgment this is one of the unresolved problems of our military forces.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator.

Mr. STENNIS. Mr. President, I highly commend the Senator from Pennsylvania for bringing this matter to the attention of the Congress and of the people of the United States. It is a subject in which the Senator is well versed. I think his position is eminently sound.

Mr. CLARK. I thank my friend for his kind words. No one is doing a better job on the Armed Services Committee in this regard than my good friend from Mississippi.

Mr. President, I desire to address myself to another subject.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

INTEREST CEILING ON LONG-TERM GOVERNMENT BONDS

Mr. CLARK. Mr. President, whenever the Democratic Congress is subject to praise on the financial pages, I think it is sufficiently noteworthy to warrant inviting the attention of my colleagues to the event.

Mr. Paul Heffernan, financial writer for the New York Times, published an article on page 1 of the financial section of that newspaper for Sunday, March 27, in which he described as "fortunate" the resistance of the Congress to the demand of the Eisenhower administration that the 4¼-percent ceiling on long-term Government bonds be lifted.

Imagine my amazement.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to my friend from Tennessee.

Mr. GORE. Mr. President, I read the article to which the Senator from Pennsylvania refers. Secretly, to myself, I expressed the wish that the editorial writer for the New York Times who writes editorials on economic policy, who has been castigating those of us who have resisted the proposed legislation in this regard, would read this article in the New York Times.

Mr. CLARK. I thank my friend for his interjection. I add that I hope Mr. Edward Collins, the New York Times commentator on financial affairs, will also take the time to read Mr. Heffernan's article.

Mr. President, I continue. Mr. Heffernan's exact words were:

It is fortunate that the Congress dragged its feet on the advance-refunding proposal. If the Government last year had carried out advance refunding of 2½-percent bonds with higher coupon issues on terms yielding investors from 4½ to 4¾ percent or more, the higher debt cost would have left the taxpayers saddled with a needlessly heavy burden when the market turned last winter.

Mr. President, most of my colleagues will, I am sure, recall the criticism which has been heaped upon our heads all winter for that fortunate footdragging. We were accused of threatening the safety of the Republic, of causing the gold reserves to be drained out of Fort Knox, of stoking the fires of inflation of trafficking with the soundness of the American dollar.

Now it turns out that what we did was "fortunate."

I think we should take this moment to pay our particular respects to the senior Senator from Illinois [Mr. DOUGLAS], who stood up in the Senate on the day that President Eisenhower sent his bond ceiling removal message to the Congress last year and cautioned us to go slow in responding to the President's request. The Senator from Illinois has stayed steadfastly with that recommendation since.

It has required great courage on the part of the Senator from Illinois to hold to his position under the torrent of abuse which has been directed at him. Today we can all concede that his wisdom is equal of his courage.

In an article in the same newspaper for Friday, March 25, Mr. Heffernan says that "the bond community believes that this would be a good time for the Treasury to come out with an issue of securities due in more than 5 years. It is assumed that $1 billion of such obligations could be absorbed by the market within the 4¼ percent long-term statutory cost limit."

Mr. President, I ask unanimous consent that the two articles by Mr. Heffernan which I have quoted be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 27, 1960]

BOND PRICE CLIMB ECLIPSES DEBATE—DISPUTE IN CONGRESS OVER 4½ PERCENT RATE CEILING NOW APPEARS POINTLESS—YIELDS TAKE HARD FALL—LAWMAKERS ARE EXPECTED TO TURN ATTENTION TO THE STOCK MARKET'S DROP

(By Paul Heffernan)

The sharp 2-month rise in the prices of Treasury and other prime debt securities has thrown into indefinite eclipse a 2-year long dispute about public debate management between the Treasury and antiadministration forces in Congress.

Probably legislation reluctantly activated by Democratic leaders to meet the Treasury's professed needs is now a dead letter. Under such legislation, the Treasury would have

been permitted to do a limited amount of long-term borrowing above the World War I enacted 4¼ percent cost ceiling and to undertake large-scale advance refunding—at higher rates—of major 2½ percent bond issues that will come due in 1961 and thereafter.

Less than 3 months ago there were strong market arguments for giving the Treasury more leeway in fashioning public borrowings. Of the Treasury's 54 issues of marketable interest-bearing securities, 13 were selling at prices to yield 5 percent or more. Of the Treasury's 32 issues of non-interest-bearing discount bills, 8 were selling at prices yielding 5 percent or more.

Last week only 14 of this register of 72 issues of Treasury debt were selling at yields of 4 percent or more. The highest yield was 4.15 percent. The highest yield obtainable from any of the 32 issues of discount bills was 3.36 percent. Bills due in 91 days were selling at rates yielding 2.84 percent, compared with 4.75 percent in early January.

BALKING FORTUNATE

It is fortunate that the Congress dragged its feet on the advance-refunding proposal. If the Government last year had carried out advance refunding of 2½-percent bonds with higher coupon issues on terms yielding investors from 4½ to 4¾ percent or more, the higher debt cost would have left the taxpayers saddled with a needlessly heavy burden when the market turned last winter.

Of course the story is not over, only a chapter. In due course, the eclipse will pass and the Treasury's headache may recur. Did not the Treasury's latest issue of long-term bonds—the 4s of 1969 (put out in 1957 and reopened last year) sell at 109 to yield about 3.05 percent within a year of their first sale? And about 2 years later did not this same issue decline in price to 94.1–16, equal to a yield of 4.71 percent? This could easily happen again, especially if the economy is in for another period of prosperity.

In retrospect, the Democratic reaction to the Treasury's proposals was less than adequate. The partisan opposition offered no pointed objection to the advance-refunding ideas of the Treasury, but marshaled emphatic dissent only against raising the 4¼ percent cost ceiling.

It was also apparent that the partisan political opposition, while unified in its stand against raising the 4¼ percent ceiling, was opposed to the idea for different reasons Some of the dissent smacked of the bipartisan Potomac folklore that low interest rates are "good" and high rates "bad."

Other dissenters were more sophisticated. While admitting frankly that there was no point to the 4¼ percent ceiling, they nevertheless reserved the legislative say-so as leverage for enforcing long-studied but controversial "reforms" on the Treasury and the Federal Reserve. The proposed legislative price for lifting the 4¼ percent ceiling was—

That the Treasury hereafter sell its marketable securities at public sealed bidding.

That future long-term bond issues of the Treasury be made subject to call by the Government within 5 or 10 years after issuance, so that they could be refunded at lower cost should market prices for bonds rise sufficiently.

That the Federal Reserve System pace increases in the money supply—that is, the demand deposits of commercial banks and money held outside banks—to correspond to rate of growth of the gross national product.

WILL ANXIETIES SHIFT?

Probably the market eclipse that has made a dead letter of the 4¼ percent cost ceiling legislation has made a dead letter, too, of certain congressional notions of "reform." Certainly no legislative body could make interest rates fall as sharply as the free market has done in the last 3 months.

More likely, the unshakable anxieties of the legislators will shift quickly—if they have not already done so—from the bond market to the stock market. When will the value of equity shares stop going down? Is a sizable business recession like that of 1957–58 coming into being? A demoralizing depression, like that of the 1930's? Will there be mass unemployment again? Another world war?

Potomac folklore to the contrary notwithstanding, these specters are the dread companions of low interest rates, at least in the memory of the present generation. It is strange to behold the eagerness with which populist legislators in the field of money and credit are ever ready to gallop forth—unwittingly—as horsemen of the economic apocalypse.

[From the New York Times, Mar. 25, 1960]

DISCOUNTS CLIMB FOR BILLS OF UNITED STATES—REST OF LIST ALSO DECLINES—CORPORATES FOLLOW TREND—MUNICIPALS FIRM

(By Paul Heffernan)

The sharp price rise in Treasury and other prime-risk bonds was checked yesterday by the disinclination of dealers to keep following each other's bids upward.

There was a brief flash of renewed bullish bidding in the early trading, but within a half hour dealers had come to the conclusion that the market was more in need of a breather than anything else after the sharp rise of recent weeks.

The price reaction came quickly. It did not take long for a progressive retreat in bidding to develop markdowns extending to 13 32 of a point in the case of certain long-term issues of both war and postwar issue. The 3½s of 1990 closed at 90 20/32, off 18/32.

The Treasury bills and notes of intermediate term also sold off. With the bills, discount rates rose six to eight one-hundredths of 1 percentage point. The June 22 tax anticipation issue was quoted at a rate of 2.78 percent, compared with 2.72 percent on Wednesday. The October bills rose in discount rate from 3.18 to 3.26 percent.

The new 5 percent notes due in August 1964 closed at 103 22/32, a decline of 14/32. The 4⅞s due in November 1964 declined to like extent to a bid price of 103 10/32.

Most market men felt that the price rise in the Government market since early January had been too sharp to be carried farther on the basis of any reasonable appraisal of the economic situation.

It was noted among the dealers that the rise in long Treasury bonds since January 6 reached 7⅝ points in one instance—the 3s of 1995. They stood at 79 4/32 on January 6; on Wednesday of this week they touched 86 24/32.

U.S. ISSUE SCHEDULE

The market men are giving much thought to the Treasury's expected borrowing of $2,500,000 in cash next month. The terms are expected to be made known next week. With only 14 of the Treasury issues selling at yields of 4 percent or more, the bond community believes that this would be a good time for the Treasury to come out with an issue of securities due in more than 5 years. It is assumed that $1 billion of such obligations could be absorbed by the market within the 4¼-percent long-term statutory cost limit. For the rest of the needed money, an offering of $1,500 million of tax anticipation bills due next September is held suitable.

Over-the-counter trading in high-grade corporate bonds followed much the same pattern as Governments. In early trading, bids on new prime issues in market supply were pushed up one-fourth of a point or so. By 11 o'clock, however, the price trend had reversed itself and many issues declined one-half point.

The Pacific Telephone & Telegraph 5⅛-percent debentures got up to 103⅝, only to drop back at the close to 103⅛ bid. The new Northern Indiana Public Service 4⅞s were bid up to 102⅞, but closed at 102½. The Central Illinois Lighting 4⅞s closed at 101⅞ bid after selling at 102⅝. The 5-percent debentures of the Chesapeake & Potomac Telephone Co. of West Virginia closed at 102¼ bid after having been quoted at 102⅞.

Dealers in local government bonds noted little change in the market's recent firm tone. However, public revenue and other obligations commonly quoted in terms of dollars were off about three-eighths on the day. The $25 million Cook County, Ill., expressway issue, which came to market on March 8, was closed out oversubscribed. The balance in the $15 million Louisiana highway account was pared yesterday by about $900,000 to $2,100,000.

The Chase Manhattan Bank executed a secondary offering of $5 million of New York State 3.6 and 3.75 percent bonds due from 1985 to 1995 at yields scaled from 3.35 to 3.5 percent.

On the New York Stock Exchange, bond transactions aggregated $6 million, compared with $5,630,000 on Wednesday. The New York Times combined bond price index went to 84.75, a new high for the year.

The Central Railroad of New Jersey 3¼s of 1987 sold at 37½, a new low.

The Union of South Africa 5½s of 1968 sold at 93¼, a new low.

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an article which was published in this morning's New York Times, entitled "High Rates in 1959 on U.S. Bonds Dented the National Nest Egg."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 28, 1959]

HIGH RATES IN 1959 ON U.S. BONDS DENTED THE NATIONAL NEST EGG—CASH SAVINGS INFLOW FELL AS HOLDINGS OF MAGIC 5's AND OTHER MARKETABLE GOVERNMENT SECURITIES MOUNTED

WASHINGTON, March 27.—The big impact of marketable Government bonds carrying high interest rates on traditional media of savings has been dramatically disclosed by figures on cash savings last year just issued by the Federal Home Loan Bank Board.

These savings took a big tumble last year. After reaching a peak of $18,900 million in 1958, they fell to $13,050 million in 1959. The figure covers the increase in savings in commercial and savings banks, savings and loan associations, credit unions, postal savings, Government savings bonds, and life insurance.

Americans last year invested only 4 cents of each after-tax dollar in these categories of savings, compared with 6 cents in 1958.

The main reason appears to have been the competing attraction of marketable Government bonds, including the magic 5s, plus, to some extent, the stock market. Individuals increased their holdings of marketable Governments last year by an estimated amount of upward of $5 billion.

Only savings and loan associations and credit unions showed any increase in savings flow last year. Life insurance held about even and the rest of the categories fell off sharply. Much the biggest loss was taken by savings accounts in commercial banks, which showed an increase of only $2,680 million in 1959, compared with $6,269 million in 1958.

Savings and loan associations had an increase from $6,064 million in 1958 to $6,572

million in 1959. Mutual savings banks dropped from $2,341 million to $932 million. Individuals reduced their holdings of Government savings bonds by $1,900 million in 1959, compared with only $500 million in 1958. Postal savings also continued to show a net decline—$196 million in 1959, compared with $189 million in 1958. Credit unions were up from $493 million in 1958 to $580 million in 1959.

The fourth quarter of last year showed some increase in the total of these savings over the level of the third quarter, but it was sharply below the final quarter of 1958. The quarterly totals in 1959 were $3,570 million in the first, $3,999 million in the second, $2,479 million in the third and $3,002 million in the fourth. The final quarter of 1958 showed a total of $4,681 million.

Mr. CLARK. Mr. President, it seems very clear indeed that the current trend in interest rates and in money is going to make it not only unnecessary but also very unwise to eliminate the 4¼-percent interest ceiling, and if we can only get bond issues floated now on a long-term basis at less than 4 percent a great deal of the pressure which has been going in to make mortgage money and other mortgage money for the ordinary people of America so hard to get will be lifted.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. CLARK. Mr. President, I desire to address myself to another subject.

The PRESIDING OFFICER. The Senator from Pennsylvania.

WORLD PEACE AND DISARMAMENT

Mr. CLARK. Mr. President, I ask unanimous consent that there may be printed at this point in the RECORD three articles and an editorial which have recently been published on the subject of world peace and disarmament.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 28, 1960]

HERTER'S DECISION

(By Joseph Alsop)

Unless appearances deceive, it is unfortunate that Prime Minister Macmillan has come to Washington to talk with President Eisenhower about the negotiations for a ban on nuclear tests.

It is unfortunate simply because the President decided, on his own hook and before the Prime Minister got here, to do just about what Macmillan wants him to do. Hence Macmillan's intervention will mainly tend to make an independent decision to look as though it has not been independent. Thus, another needless complication will be added to a painfully complicated business.

The decision the President has reportedly taken is to accept, at least in principle, the latest Soviet proposal for a comprehensive ban on nuclear tests. Agreement must also be reached with the Soviets on several other hotly disputed points. But the Eisenhower decision at least resolves the seemingly irreconcilable conflict over underground tests too weak to be detected by an inspection system.

If all goes well, detectable tests will now be banned by a formal treaty providing a full inspection system. And undetectable tests will also be banned by a simple agreement to continue the existing test moratorium for at least another year, while the scientists tinker with their detection methods.

The pros and cons of this intricate device of a treaty-plus-an-agreement were hotly debated before a decision was reached. Macmillan in fact invited himself to Washington because, at one moment, it looked as though the victory would go to those who wished to reject the Soviet proposals out of hand. The debate produced the opposite result after Macmillan had packed his bags, so to say, and before he arrived in America.

The pattern of the debate is still worth study, because of the strong light it sheds on the recent evolution of the Eisenhower administration. To begin with, even the opposition struck a new note. Former Chairman of the Atomic Energy Commission, Adm. Lewis Strauss, literally opposed any kind of ban on nuclear tests. The new chairman, the able John McCone, favors a ban that can be inspected and enforced. But McCone fought the agreement to continue the test moratorium, because such an agreement will cover tests which cannot be detected by the inspection system.

Then, too, a crucial role was played by the new civilian leaders of the Pentagon, Secretary of Defense Thomas Gates and Deputy Secretary James Douglas. The Pentagon used to feel as much distaste as the AEC for any ban on nuclear tests. But Gates and Douglas now cast favorable votes. This is one of several recent and important indications that these two men are quietly bringing a new light into the Eisenhower administration's self-created caves of darkness and winds.

Finally, the President's decision was a major victory, in a very personal sense, for Secretary of State Christian R. Herter. Herter led the fight for the affirmative, constructive approach. He was the spearhead of his side in the argument. And even after the argument seemed to be going pretty badly, as Macmillan's hasty journey proved, Herter got his way in the end.

This was all the more noteworthy, because it was a repeat performance. In the long period of humiliating indecision about this country's policy on general disarmament, Herter played exactly the same role.

When the Coolidge Commission turned in its report, in effect, recommending that the United States could not support any kind of disarmament except fake disarmament, it was Herter who secured the report's rejection. He then fought for an affirmative, constructive approach through week after week of interdepartmental committee meetings. And although the final decision took an unconscionable time to reach, Herter got his way in the end.

Herter's recurring advocacy of sensibility and affirmativeness in dealing with the Soviets by no means implies a lack of firmness. When the Soviets played their trick with the passes of the Western military liaison group at Potsdam, the Secretary of State was the first to insist on a firm response.

Again, when the Pentagon said that high altitude flights to Berlin were "an operational necessity," the Secretary of State took the lead in securing the allied agreement that high altitude flights would be ordered solely because the civilian leaders of the Pentagon took another look at the operational facts, and saw that the alleged necessity did not exist.

In short, what can only be called a Herter style of policymaking is beginning to be fairly clearly discernible. It is a pretty impressive style, too.

[From the New York Herald Tribune, Mar. 28, 1960]

EISENHOWER SEEN ACCEPTING TEST BAN, WITH A CONDITION

(By Roscoe Drummond)

WASHINGTON.—The storm warnings are showing and a debate of hurricane proportion is blowing up in Washington over whether the United States should accept the nuclear test ban as it is likely to emerge from the Geneva Conference.

The argument over the latest Soviet proposal is already ranging from phony to the West's last best chance. British Prime Minister Harold Macmillan is in town to discuss the matter with President Eisenhower, while several powerful Senators are getting ready to oppose an agreement, the terms of which they don't yet know.

I venture one appeal: Let's not grab off a handful of half-facts and rush out of the room with a set of half-baked conclusions bearing little relationship to reality.

There is no doubt that a nuclear weapons test ban is within reach. The negotiating gap between the Soviets and ourselves has been significantly narrowed. From its standpoint Moscow has made some substantial concessions.

We are now entering the most critical stage of the negotiations.

What is most needed right now is to know where we stand, what remains to be settled, and the choices before us.

The area of agreement already reached by the Soviet Union, Britain, and the United States is considerable. Few Western statesmen ever believed we would get so far.

Both sides have agreed to stop all nuclear weapons testing causing poisonous fallout; that is, all tests in outer space, in the atmosphere, under water, or anywhere above ground.

Both sides have agreed on the methods of verification and control for such a test ban.

Both sides have agreed—and this is a new position for the Soviets—that inspection methods are not yet adequate to detect small yield underground tests.

Both sides have agreed to undertake joint scientific studies to try to devise better means of verifying underground tests.

This is exactly where the negotiations stood when the United States and Britain made their latest offer. We offered to sign a treaty to cover everything listed above, thus banning all aboveground and underwater testing which could be inspected. We proposed to exempt underground testing until better means of inspection could be devised.

The next move was up to the Soviets and they didn't wait long to make it. They accepted everything we proposed on condition—that we agree to a voluntary moratorium on underground testing until adequate methods of inspection are developed.

It is to resolve this question—should we accept such a moratorium—that Prime Minister Macmillan and President Eisenhower are conferring. There also remains the issue of the permissible number of onsite inspections in each other's country to verify unexplained earth tremors, which is probably negotiable.

What Mr. Macmillan and Mr. Eisenhower will almost certainly decide is to accept the Soviet proposal, also with one condition. That condition would be that the underground moratorium be limited to something like a year rather than the 3 or 4 years Moscow has suggested.

The basis of their decision would be this:

1. World opinion is never going to tolerate the resumption of atmosphere-polluting nuclear tests. It is 99 to 1 that neither side will resume such tests, with or without a treaty. Therefore, we are either going to end such tests with agreed inspection or end them without getting any agreed inspection. To refuse a short moratorium on underground testing could mean losing the whole agreement on inspection for aboveground testing.

2. We have had a moratorium on underground testing for some 17 months. A 12-month extension could well speed up the joint study of new means of inspection. If

adequate policing cannot be devised then both sides would recover the right to small yield underground tests.

There will be plenty of time for debate. Any such agreement would have to be ratified by two-thirds of the Senate.

[From the Philadelphia Inquirer, Mar. 28, 1960]

A CHANCE TO END A-TEST IMPASSE

Talks by President Eisenhower and Prime Minister Macmillan beginning today at Camp David come at one of those crucial junctures in history when the lives and hopes of millions depend upon a choice of the right road.

In this instance the question is what to do about Russia's provisional acceptance of the joint United States-British proposal for a ban on nuclear weapons tests.

The Western plan calls for an end to tests with the exception that underground explosions of relatively minor intensity would be permitted until a foolproof method of detecting them can be devised.

Russia has announced a willingness to accept this plan provided that all underground tests are banned indefinitely—at least 4 or 5 years. The Soviet idea, in essence, is to rely on the honor system to end the smaller underground atom blasts. In other words we would have no way of knowing whether the Russians actually ended all tests. We would have to take their word for it.

The Soviet word is worthless. Mr. Eisenhower and Mr. Macmillan should be in complete agreement on this point. It would be suicide to gamble national security on the strength of a Kremlin promise.

But the stakes are too high and the danger too great to reject flatly the Russian suggestion. A rejection may be exactly what Premier Khrushchev expects and wants.

Mr. Khrushchev plays his cards of cold war diplomacy cleverly. He apparently has hoodwinked a lot of people in the free world into thinking that Russia is the prime mover in trying to end nuclear bomb tests and that the West is stalling.

Precisely the opposite is true and we believe that spokesmen for both the United States and Britain could be more emphatic on this score. United States and British representatives have been at Geneva intermittently since October 1958 trying patiently to persuade the Soviets to end nuclear weapons tests under a system of adequate international inspection.

Premier Khrushchev adroitly placed the cart before the horse by adopting the Western proposal and tacking on the proviso about banning undetectable underground tests by "gentlemen's agreement."

It seems to us that the surest ground for the West in the present situation is to advance negotiations along the line where some measure of agreement already exists—instead of permitting negotiations to stand or fall solely on the issue of a moratorium on underground tests.

A possible United States-British move at this time would be tentative acceptance of the moratorium idea on a short term rather than a long term basis—on the condition that Russia demonstrate good faith by agreeing to the specifics of an international inspection plan within, say, 6 months.

Remember, the Soviets have accepted the West's inspection plan in principle only. That's a far cry from agreeing to details of precisely who will do the inspecting and under what limitations.

What, then, could be gained by accepting the Soviet proposal unconditionally?

Here is an unusual opportunity for a shrewd move by Mr. Khrushchev to be used to advantage by Mr. Eisenhower and Mr. Macmillan as a means of testing Soviet sincerity. It would be foolhardy to throw away this chance by accepting or rejecting a moratorium on underground tests without qualification, or by rushing blindly into some kind of hasty commitment that might jeopardize Western security.

[From the New York Times, Mar. 28, 1960]

FINLETTER JOINS ROCKEFELLER PLEA—REPUBLICAN AND DEMOCRATIC LEADERS AGREE UNITED STATES MUST PROMOTE WORLD AMITY

Governor Rockefeller, a Republican, and Thomas K. Finletter, a Democrat, agreed yesterday that the United States should lead in seeking a new cooperative world political order.

The Governor and the former Secretary of the Air Force took part in the first 1960 telecast of a Columbia Broadcasting System series, "The Great Challenge," broadcast from the Rockefeller Institute, 66th Street and York Avenue. About 400 spectators were present.

Governor Rockefeller said the United States should seek "a political framework which someday may be comparable to the one we created for our own Nation in the federation of states on a worldwide basis." Such a vision, he held, would give "a hope of confidence to free people."

For the first time, science has given man the capacity to "lift the burdens" from his shoulders, Mr. Rockefeller continued. He foresaw "the greatest and most exciting period in the history of the world." The basic quest, he said, should be "related to the brotherhood of man and the concept of the fatherhood of God."

A positive U.S. role in relation to peoples' hopes for freedom and self-realization, the Governor argued, would be "a stranger force than a negative containment purely of the Soviet and Chinese Communist forces."

The American people, he added, also would not be satisfied with "a military negative containment."

Mr. Finletter said new weapons could destroy mankind, so that war as a method of solving disputes "is out." Peace, he held, must be made "positive" and centered very largely on disarmament, inspected, controlled, and "enforced by the United Nations."

"The rule of law has expanded geographically since the beginning of time," Mr. Finletter said.

Another participant, Dr. Victor L. Butterfield, president of Wesleyan University, Middletown, Conn., said American colleges and universities were "still quite paternalistic and quite authoritarian in the intellectual treatment of students."

Mr. CLARK. Mr. President, the first is an article written by Mr. Joseph Alsop and published this morning, which commends very highly Secretary of State Herter for his active efforts to help attain world peace with disarmament. I concur strongly in the views expressed by Mr. Alsop.

Mr. President, the second is an article written by Mr. Roscoe Drummond, published in the New York Herald Tribune this morning, entitled "Eisenhower Seen Accepting Test Ban, With a Condition." In company with the distinguished senior Senator from Minnesota [Mr. HUMPHREY] I strongly join in Mr. Drummond's views, and I hope the majority of my colleagues feel the same way.

Mr. President, the third is an editorial which was published in the Philadelphia Inquirer of this morning, entitled "A Chance to End A-Test Impasse." I identify myself with that editorial and hope all of the delegates at Geneva will join with the Secretary of State, and, I hope, the President, in pressing for a meaningful treaty in this regard.

The final article, Mr. President, was published in this morning's New York Times, entitled "Finletter Joins Rockefeller Plea." It appears that the fine American and former public servant in Democratic administrations, Mr. Thomas K. Finletter, has joined with Governor Rockefeller of New York in urging that Republican and Democratic leaders agree to go on promoting world amity and world peace through meaningful disarmament agreements.

Mr. President, I yield the floor.

REFINANCING OF GOVERNMENT OBLIGATIONS

Mr. SCOTT. Mr. President, some Senators have indicated that the time is now favorable for the Federal Government to refinance some of its obligations, and thereby remove the pressure of Treasury competition from the market. This may or may not be the fact. But I point out to those Senators that that is precisely what we have been trying to do for quite some time through the enactment of legislation. The Treasury cannot wait until individuals feel that the market condition is suitable, but it should have the power at all times to fund its indebtedness, so that it may take advantage, without the restriction of present statutory limitations, of what is the best market time. The Treasury should not wait for individual Senators to advise it that a given time would be a good moment to refund its obligations, because money might be tight the next week or the next month, and it might be loose a month or two after that.

What the Treasury needs is the statutory authority which it has requested, rather than unsolicited advice.

GOVERNOR DEWEY ON "MEET THE PRESS"

Mr. SCOTT. Mr. President, I think anyone who did not have the opportunity on yesterday to hear, on "Meet the Press," former Gov. Thomas E. Dewey, of New York, missed a memorable program. I am delighted that Governor Dewey's views were made available to so large an audience, and I express the fervent hope that Governor Dewey will be heard from frequently, and on many forums, in the forthcoming months.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. KEATING. I also heard this fine presentation on "Meet the Press." To my way of thinking it was an extremely impressive performance by a most distinguished statesman and a great political figure.

Mr. President, I share the views expressed by my distinguished colleague from Pennsylvania, and hope that Governor Dewey's great talents and ability will be put to further use in government. Governor Dewey can undoubtedly make many significant contributions, and has all the qualities which are needed and important in the field of government.

I sincerely hope that the American Government will avail itself of his many abilities.

I thank my friend from Pennsylvania.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Kansas.

Mr. CARLSON. I wish to associate myself with the remarks just made by the Senator from Pennsylvania and the Senator from New York regarding the appearance of former Governor Dewey of New York, a great Republican, on the "Meet the Press" program last evening. I think he conducted himself in his usual fine manner, and I sincerely hope that from time to time he will continue to make his views known publicly, because I think the Nation is looking forward to hearing from him often.

Mr. SCOTT. Mr. President, I hope the talents of this outstandingly able private citizen will not be denied to public life in the future.

THE WHEAT MARKETING PROGRAM

Mr. MORSE. Mr. President, I was delighted to have the privilege of becoming a cosponsor of S. 3159, a new and, in my judgment, sound program for the orderly marking of our wheat, which has the support of the major farm organizations.

In the February 1960 issue of the Oregon Wheat League's publication the Wheat Field there appears an article which in concise form sets forth the major provisions of this important legislation.

Because of the interest aroused by this program in my State, I ask unanimous consent that the article to which I have referred be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAWG NEW WHEAT PROGRAM

A new program for wheat, supported by eight major farm organizations is being readied for Congress; the proposal will be introduced in February.

Named the "wheat marketing plan," the proposal has been developed jointly by the National Grange, the National Farmers Union, and the National Association of Wheat Growers. In addition, the marketing plan has the support of the National Farmers Organization, the Missouri Farmers Association, the National Corn Growers Association, the American Soybean Association, and the Grain Sorghum Producers Association.

The wheat marketing plan embodies many of the principles of its predecessors, the wheat stabilization and domestic parity plans. Persons acquainted with these proposals are aware that wheat producers' organizations have never supported the current farm program, in either its present form, or earlier forms of the Agricultural Adjustment Act of 1938—as amended.

The wheat marketing plan is a 14-point program that will save taxpayers $572,217,000 after its first year of operation. After 5 years, the net savings to the Government will be $3.7 billion when compared with the present program. Additionally, it will bring about a net annual reduction of 4.6 million tons of feed grain, which presently is greatly aggravating feed grain and livestock markets.

This is how the program works; complete details may be obtained by writing the Oregon Wheat League, Box 438, Pendleton.

HOW THE PROGRAM WORKS

1. The Secretary of Agriculture shall determine the total quantity of wheat for the primary use. This shall be the amount of wheat to be used for domestic food consumption and total exports for the next marketing year.

2. Establish a national wheat requirement for primary use in an amount 150 million bushels less than the amount determined in No. 1 above.

3. Allocate the national wheat requirement for primary use among individual wheat producers on the basis of the normal production on each farm (bushel allotments).

4. Before the start of the marketing year, each qualifying wheat producer will be issued marketing certificates for his share of the national wheat requirement for primary use.

5. In order to become a qualifying wheat producer, a minimum of 20 percent of the wheat-base acreage must be placed in whatever land retirement or conservation program that may be available, except that any producer having a share in the national wheat requirement for primary use of 200 bushels or less shall be exempt from this requirement. Payment for participation in this land-retirement program shall be limited to $5,000 or to the payment earned on 50 percent of the base, whichever is larger. No certificates will be issued to nonqualifying wheat producers.

6. A farmer may plant, harvest, and sell all the wheat he wishes, but wheat sold for primary use must be accompanied by marketing certificates.

7. Marketing certificates are not required for wheat sold for secondary use such as feed, seed, or commercial use.

8. Certificates are valueless unless accompanied by wheat that the producer certifies was produced on his own farm. They are not transferable and are good only for the marketing year for which they are issued.

9. No person shall be allowed to process for food or to export any wheat not covered by marketing certificates.

10. CCC shall not sell any wheat for this primary use at less than 100 percent of the effective parity price. After the program has operated for 1 year, the demand for this primary use will require at least 150 million bushels of CCC wheat, thus the price to producers at the marketplace should approach parity.

11. The CCC inventory of wheat will be reduced in an orderly manner since a substantial portion of the primary use market will come from CCC stocks.

12. Continuation of export subsidies, paid in cash rather than in kind, will be required through the adjustment period.

13. In order to assist in orderly marketing, after the first year a 65 percent of parity loan would be offered to qualifying producers only on certificate wheat. However, for the first year, the 75 percent of parity loan rate should be continued only on certificate wheat due to the difficulties which will be encountered in the transition from an acreage allotment program to a bushel marketing program.

14. When CCC stocks have reached a reasonable level, the share of the national wheat requirement for primary use to qualifying producers shall be increased to meet the market demand for primary use.

MEDICAL AID FOR THE AGED

Mr. MORSE. Mr. President, I was very much pleased and gratified to read in the newspaper this morning that yesterday afternoon in Detroit, Mich., some Democratic candidates for the Presidency of the United States rediscovered the Forand bill. I welcome their support.

I should like to have the RECORD show, however, that in 1958 the senior Senator from Oregon introduced in the Senate a companion bill to the Forand bill. The senior Senator from Oregon has testified at great length in the committee of the House of Representatives on the Forand-Morse bill. Over the past 2 years he has made several major speeches in the Senate urging early action on the Forand bill.

Now that we have new recruits in support of the Forand bill, I hope that in the Senate we can have early hearings on the Morse companion bill to the Forand bill.

I say to the medical profession of the country that "it is coming. You cannot stop it; and you had better join us in perfecting the legislation, so that we may have a bill which will be in the best interests of the old people of the country, a self-liquidating program, a program which will be paid for by the beneficiaries thereof during their working years, and a program which will receive the cooperation, instead of the opposition, of the medical profession."

There is not a syllable in it that endangers the private practice of medicine. On the contrary, it is a program which would put the old people of the country in a position to pay their medical and hospital bills, and their bills for medicine.

It is a sound program, one which carries out a primary obligation of an elected representative of a free people in the Congress, namely, to translate into legislation moral obligations. This Forand-Morse bill involves a moral obligation which all the people of the country, including the Government, owe to the aged of America.

ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

Mr. KEATING. Mr. President, the date of March 25 marks the 42d anniversary of the proclamation of independence of the Byelorussian Democratic Republic. The life of this independent state was regrettably shortened by its partition between Poland and Russia under terms of the Riga Treaty of 1921. Their cherished dream of self-determination was crushed by this treaty, but that dream has not died and will not die in the hearts of the courageous Byelorussians. They have known, all too briefly, what it is to be a nation of free men, in control of their own destinies, and the forces of tyranny can never destroy the spirit that makes freedom, once gained, a treasure ever to be yearned for and fought for again.

We know the fine people of Byelorussia as White Russians. The very name is a symbol of resistance to communism in the free world. Today, 15 million of these victims of brutality are not allowed to celebrate their national anniversary of independence. This fact represents the greater reason why we should mark and honor this day, in the name of a proud and valiant people doomed to silence by official decree. Further, it must be accepted as a sacred trust that we continue to offer hope and

to extend encouragement to the great Byelorussian people. Until the day of their ultimate deliverance dawns, all free men must dedicate their resolve and their energies to the splendid cause of the brave nation which we honor on this occasion.

Mr. LAUSCHE. Mr. President, March 25 was the 42d anniversary of the national independence of the Republic of Byelorussia. Although in the homeland the Byelorussian people are forbidden by their Soviet masters to celebrate national holidays of native patriotic significance, the American citizens of Byelorussian descent join with Byelorussians throughout the free world in commemorating this most important day in Byelorussian history in order that men everywhere will know that the spirit of freedom still survives as a flame in the hearts of all Byelorussians, and that there is still a faith and belief that a truly free Republic of Byelorussia will arise like the fabled phoenix out of the fires of Soviet persecution and oppression.

The people of Byelorussia first proclaimed their land a free and independent nation on March 25, 1918. Yet the young Byelorussian National Republic was soon turned into a battlefield for the armies of Russia and Germany, and then Russia and Poland. Thus, tragedy stalked the Republic and its freedom-loving citizenry.

In 1944, Byelorussian territory was occupied by Russia, and today is known as the Byelorussian Soviet Socialist Republic. The Soviet ignored the natural ethnographical boundaries, and half of its land was redistributed by the Soviet Government to the Peoples Republics of Poland, Lithuania, Latvia, Ukrainia, and Russia itself.

Through the last 16 years of unnatural partition and Soviet control, many evidences have come from behind the Iron Curtain to reassure the free world of the West that the desire for freedom and liberty still lives in the indomitable and courageous souls of the Byelorussians. Communism's greatest weakness is the nationalist spirit within its oppressed bloc of satellite nations. We fail to remember that more than half the population of the Union of Soviet Socialist Republics are merely captives of Soviet's military power, and that the sources of the Soviet's industrial strength lie in the natural resources of these same captive nations.

We must continue to affirm our faith in the American-enunciated principle of self-determination of nations. President Woodrow Wilson, President Franklin D. Roosevelt, and President Dwight D. Eisenhower all have called for this principle to be recognized in the international community of nations.

When acceptance of this principle is fully acknowledged by the nations of the world, then the Republic of Byelorussia will again become sovereign and free, and its citizens will enjoy the fruits of democracy.

Today, we can but salute the lovers and fighters for true Byelorussian independence.

EMMET JOHN HUGHES SPEAKS TO NATIONAL CIVIL LIBERTIES CLEARINGHOUSE

Mr. PROXMIRE. Mr. President, at the 12th annual meeting of the National Civil Liberties Clearing House on March 24, Mr. Emmet John Hughes, chief of the foreign correspondents for Time and Life magazine, and recently appointed senior adviser on public policy and public relations to the Rockefeller family, presented a statement on "The Promise of American Life, 1960: Our International Image."

In his speech, Mr. Hughes calls for debate of such issues as:

First. "Whether without the political involvement of China there can be serious world arrangements on disarmament."

Second. "Why the whole decade of the 1950's has passed without any great debate between Republicans and Democrats on the basic premises or purposes of American foreign policy."

Third. "Why our Government, at one and the same time, pays unprecedented homage and deference to the dictatorship of General Franco in Spain, and professes to be both astonished and concerned by the anti-American passions of revolutionary forces surging through Latin America."

Fourth. That "the free world is not going to have a grander sense of purpose—or self-respect—by hearing oratory pretending that either Spain in the West or Korea in the East is ruled by a free government."

Fifth. That "the whole past 7 years have gone by without the Democratic opposition even inviting serious scrutiny of a single one of the propositions of American world policy, much less inspiring truly creative new propositions, even bold innovations."

Mr. Hughes delineates a case for fresh, hard thinking about the tasks summed up in the words "disarmament, national security, international relations, and freedom."

Mr. President, I ask unanimous consent that Mr. Hughes' remarks be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY EMMET JOHN HUGHES, CHIEF, FOREIGN CORRESPONDENTS, TIME-LIFE, TO THE NATIONAL CIVIL LIBERTIES CLEARING HOUSE, WASHINGTON, D.C., MARCH 24, 1960

I thank you for the honor of being here with you—citizens so clearly, so seriously, concerned with the problems of freedom and freedom's survival. And I plead my respect for you as excuse for the seeming presumption of what I propose to do. This is: to discuss, in a few swift minutes, something of the state of the Nation, of the world, of the hope of freedom—and how we have come to this state.

The question can be put most simply: What time is it? What time is it in a historical sense? For I suggest that all of us—pessimists and optimists, realists and idealists, Democrats and Republicans—can surely agree on one proposition: if we do not know the hour and the day, we can scarcely know the promise, or the peril, of the moment in which we live, or—let it be added—the moment in which we, as a nation, could cease to live.

The time, then, seems marked by three things—distinct but related. It is, in the broadest and grandest sense, the age of explosion. It is also the end of an era. It is—most specifically—a moment of peril, perhaps the moment of peril in the life of America.

What do such phrases as these three mean?

The age of explosion: The sounds and the portents of this are all around us. Plainest of all are the exploding wonders of science. But more than bombs, of course, are exploding: The very lives of almost all nations and empires, nearly all peoples on the earth, are enduring earth-shaking change. All the years since World War II have come to seem almost mere hours in the deathday of old empires as 25 new nations have come to birth. Africa echoes with a drumbeat of change as 220 million people, some 90 percent of them unable to read or to write, have moved massively toward the precarious privilege of ruling themselves. Across Latin America, the sweep of revolution has toppled seven dictatorships in just the years since 1955. And across the world—from Paris and Madrid to Karachi and Rangoon—the sovereignty of the people has been assumed by an extraordinary array of military regimes or army generals. Now, beside the familiar forms of a De Gaulle or a Franco or a Nasser, stand lesser known figures in Burma, Pakistan, Lebanon, Thailand, Sudan. And the long martial line across the globe reminds us that, different as these men are as individuals, almost all of them stand like sentinels, assigned by the people, to guard against the peoples' own doubts and divisions—the trustees of ill-defined hopes, the protectors against ill-defined fears, as old political forms and formulas have trembled and fallen.

And in this age of explosion, of course, the revolution in political wills is matched, in headlong force, by the revolution in economic wants. While the population of the world itself explodes in historic number, peoples who strive to be free also—not illogically—crave to be fed. But the appetite of course is for much more than food alone. It seeks full, lavish satisfaction—in steel mills and electric turbines, dams to harness rivers and railroads to join cities, water where there is sand and heat where there is cold. The smoking stack and spinning generator and plunging mine shaft convey more, indeed, than premise of economic plenty. They have become priceless symbols of popular hope and pride, regarded as vital signs of true nationhood: What self-respecting nation wants to be without its respectable steel mill? Never in the history of man has the huge army of the world's desires been mobilized to storm such dizzy heights—an age of explosion, plainly and profoundly.

No less clearly, we stand at the end of an era. We have reached, as I think most of us sense, the end of the postwar era: the end of one set of devices and designs to adjust and adapt our national life to the age and the world we live in.

The fact is seen most simply in the lives, and in the deaths, of men. Thus the last year saw the passing from the scene of the American Secretary of State who had exercised such rare personal sovereignty over American policy for most of the years of the 1950's. And swiftly following his departure, this policy acquired new manners and methods, if not new substance, as the American Vice President visited Moscow, the Soviet Premier visited America, and the President traveled halfway around the globe in his personal quest of peace. And the aging of leaders of people elsewhere in the world suggests, too, the same historic fact. In Europe, the towering figures of Adenauer and De Gaulle have reached the ages of 84 and 69. In India, Nehru passes his 70th year, and the 400 million people of India

may, in the near enough future, be struggling for new leadership to spare them old chaos.

The signs of the end of an era thus mingle: the aging of men and the coming of events—both men and events great in history. Upon the American scene, there appear both new facts and new awareness of them. They mark 1960, in the political arena, as something more than another presidential election year, and, in the economic arena, something more than the advent of the promised boom of the new decade. Thus, in the very vocabulary of public discussion, the word "negotiation," as applied to Soviet-American relations, suddenly has no longer seemed to carry an ugly or shameful sound. Thus, in the plain measure of sheer military strength, America has fallen toward a place of secondary power. Thus, in the equally plain measure of economic power and productivity, America meets ever sharper challenge from the ever-growing force of the Soviet economy—the end of an era, indeed, and dramatically.

In one historic sense, the age of explosion; in a different historic sense, the end of an era. Together, I suggest, the two shape the present moment—a moment of peril.

Why is it such a moment?

The answer, I suggest, bears upon something more grave, even more close to our lives, than anxiety over the speed or the depth of our scientific probes beyond the atmosphere. For this anxiety can only be a warning symbol of another question, the question of the pace and the profundity of our political thinking about the very earth we inhabit. The serious matter concerns not only the thrust of our rockets, but the thrust of our ideas. It is an issue of not only supreme science but also basic intelligence, affecting not only outer space but inner consciousness. Have we not, in short, largely failed to serve or advance our national purpose in the world, which can be nothing less than a creative and sustained effort to foster freedom, secure order and promote justice?

One fact may measure the true issue and mark the anxious moment in which we stand. It is the fact that the sum of our political and diplomatic strivings, throughout the greater part of the decade of the 1950's, has come to this: We have succeeded in one thing—in postponing serious and direct diplomatic encounter with the Soviet Union until this moment when, in terms of relative military power, we have achieved the weakest position in all the years since World War II. In the rude terms of slogans, we spent, as you know, the greater part of the decade of the 1950's mobilizing actions and policies under the banner of "Negotiation From Strength." Year after year, we have witnessed the deferment of the negotiation and the decline of the relative strength. And thus the plain fact is that the decade has come to end with the practice of something quite fantastically remote from our preachment—more negotiation, less strength.

As we look not to the past but to the future, the advent of the new decade warns of new danger from the long lapse of serious political intelligence and true political purpose.

One specific illustration should suffice. Today negotiation between America and the Soviet Union continues in the sphere of armaments. We all know the tormenting hazards and obstructions (many of willful Soviet design) impeding progress here. But I suggest that we contemplate the consequences not of failure, but of success, in this area—the consequences in the sense of how different are the ways the two nations would view success and use success. For America, the event holds promise in such forms as lower taxes, higher Federal revenues, larger budget surpluses, more consumer goods—all the paraphernalia, in short, of the world of enjoy now, think later. For the Soviet Union, the same event and the same opportunity hold proundly different political promise: not merely an anxiously sought increase in consumer goods but a disciplined dedication of even greater economic resources to the clearly and rationally defined political purpose of winning all the world to its own ways. For American policy, the event offers a chance to do less in the world. For Soviet policy, the event offers a chance to do more in the world.

What is notable about these facts of the immediate past and the immediate future? It is, I repeat, the clear proof that our military lag may be matched or excelled by a historic kind of mental lapse, a lapse and failure of our national capacity to see the world as it is, much less lead or inspire it.

This lapse can be measured by the long parade of our illusions, reaching back across the years. They have been illusions of the most varied and fanciful kind. We all know many of them for we all have believed some of them—

The illusion that somehow both war and negotiation with the Soviet Union could and should be equally avoided;

The illusion that serious policy was defined by the demand for sincerity from an antagonist profoundly and utterly sincere in his hostility;

The illusion that liberation was a rational diplomatic purpose rather than a vulgar political slogan;

The illusion that Soviet communism boasted few resources or ingenuities of its own beyond the capacity to foster treason or to steal the military secrets born of a genius that, by mystic and benign decree of history, could only be American;

The illusion that conferences of foreign ministers can achieve something more than a charade, when the Soviet Union declares in advance of the fact that no other result will be forthcoming;

The illusion that if enough weak and troubled and divided nations affix their signatures to a common treaty some magic alchemy will make the alliance strong;

The illusion that, in the whole critical decision-making process of our Government the vital acts of individual decision could be abdicated in favor of devices called the staff system or the committee method or the expert study, all on the most doubtful political premise that, in politics, many minds are better than one, and without regard to the fact that there exists at no place, at no time, in all recorded history, mention of a great nation in great peril being suddenly saved by decision of a study group;

The illusion that Soviet communism was not only a historic menace but also the prodigiously ingenious and inexhaustible creator of all troubles on earth, so that it could be largely forgotten that—even if Soviet communism were suddenly and marvelously to vanish utterly—this fantastic event would indeed have little if any effect upon such matters as: the boundaries of Israel or the boundaries of Kashmir, the allegiance of Algeria or the allegiance of Silesia, the stability of the Spanish dictatorship or the durability of the French constitution, food for India or markets for Japan, race riots in the Congo or food riots in Calcutta, the power of Germany, the size of Russia, the enigma of China, or the astigmatism of America.

And so on and on. The infinitely varied illusions, not of one man, nor of one administration, nor of one party, but of a whole people.

Whence comes a national life full of so much illusion? There can be, I believe, but one serious answer. It is the failure of our democratic processes, and specifically the two-party system; to dispel illusion, to foster serious national debate, and thus to encourage intelligent national decision.

The life of illusion, in short, has endured for the most elemental reason. In the dialog of our democracy, it has largely been left unchallenged by its mortal enemy, the truth.

This is the heart of the matter. For the rule of democracy demands the sovereignty of truth. This is the law of reason that must govern the conversation of freemen. And without true respect for reason, there can be no true discourse, no great decision.

This failure of our democratic dialog can be simply illustrated. Thus, for example, American world policy has been able, quite recently, to veer from a seeming suspicion of all diplomatic negotiation to a seeming avidity for all diplomatic encounters—and the event has come to pass without a clear attempt by either major party to define its own attitude toward the occurrence. Thus, again, the most dramatic event of recent diplomacy has been, of course, the visit to America by Soviet Premier Khrushchev. He came, he saw, he left. And to this date it is quite impossible to know the attitude, specific, and rational, of either major political party to the event.

Let the whole matter—the question of truth in politics—be stated more explicitly and bluntly. What does such political truth mean?

Here are a few things:

Truth means we need serious and honest debate on future policy toward Communist China, for without the political involvement of China, there can be no serious world arrangements on disarmament. And to the leaders of our national debate, it is time, long since, to say, "Gentlemen, start talking, and please talk sense."

Truth means for all the partisan rhetoric to the contrary, the whole decade of the 1950's has passed without any great debate between Republicans and Democrats on the basic premises or purposes of American foreign policy. The Dulles policy was never, as avowed, a contradiction of the Acheson policy. It was the precise reverse, a continuation of that policy. And to our political leaders, we have the right to say, "Gentlemen, stop the charade and let us get on to the facts."

Truth means we can only be dismayed and disheartened when our Government—at one and the same time—pays unprecedented homage and deference to the dictatorship of General Franco in Spain, and professes to be both astonished and concerned by the anti-American passions of revolutionary forces surging through Latin America (even appointing a study group to analyze reasons for their dislike and hostility). It is time to say to architects of each policy, "Gentlemen, even though we know that all of us are groping and grasping for peace with shaky hands, please let the right one know what the left one is doing."

Truth means we cannot let our political rhetoric fill the air with such a kind of moralizing as only clouds our politics and confuses our morals. We know that there are harsh needs and practical necessities to be met around this shaking earth; and not always can we, or should we, advertise a rationale of righteousness for simple prudence. And the free world is not going to have a grander sense of purpose, or self-respect, by hearing oratory pretending that either Spain in the West or Korea in the East is ruled by a free government. It is time to say to all such orators, "Please plainly tell us what you think is right, what you think is necessary, and what you think is expedient, and stop trying to pretend that all three are the same thing."

Truth means we, the citizens, are weary of all silly promises of absurd, or even plausible, panaceas. We are old enough to know that the implements of foreign policy, diverse though they be, do not include Aladdin lamps or magic carpets or seven-league boots.

So we find it time to say to Democrats and self-designated intellectuals: Please do not continue intimating to us that all will be right in the world with just a few more intercontinental missiles here, a bit more economic aid there. Nor is the issue so simple that our diplomacy can acquire great resonance merely by teaching our diplomats fluency in many languages, thereby giving them many tongues in which to say nothing.

Truth means it is time for Democrats to cease congratulating themselves upon the vagaries and the errors of foreign policy as designed and practiced by their adversaries. For they have little cause for such self-esteem. The whole past 7 years have gone by without the Democratic opposition even inviting serious scrutiny of a single one of the basic propositions of American world policy—much less inspiring truly creative new propositions, even bold innovations. And so it is time to say: Leaders of the Democratic Party, where have you been—all this grave political time?

In short, it is time to address the political leaders of our Nation in some such blunt phrases as these:

"Gentlemen, do not continue trying to imitate the folly of the titans of our automobile industry. Stop trying to sell the people chrome. If you do not, you, too, will prove a poor match for foreign competition. The people are interested in things more serious—where they are going and how, rationally, they may proceed to get there. The people are anxious. They are tired of years diligently spent in evading the issues. And they are weary of the cheap cliches, the empty conventions of partisan behavior.

"The natives of this country, gentlemen, can no longer be bought (neither they nor their votes) with tinsel and bangles and bright-colored beads. Keep up the charades and you will find yourselves talking to a most limited audience, yourselves. You will also, meanwhile, have corrupted the processes, and degraded the dialogue, of democracy itself. Stop, finally, exploiting the vision of bipartisanship, not as a shield of national unity but as a cloak for national complacence. Start the debate going. State issues plainly and dilemmas honestly. Talk truth. And all freemen and their sons will thank you."

Perhaps this is too harshly stated. Yet I do believe, deeply, that some, if not all, of these words speak seriously for a people still capable of great endeavor, through a long period of great trial, and impatient to proceed with their business.

Now, after presuming to issue all these sweeping generalizations upon the historic moment in which we live, I shall not proceed to the further presumption of prescribing some fantastically ideal foreign policy in 3 minutes.

Yet I do dare to suggest a few guiding principles, simple in form but severe in meaning, that seem true—true, that is, to the need of our time, the nature of our Nation, and the hope of freedom. Let me state these principles tersely.

First. We must respect, in our policy and in our preachment to the world, the simple commandment not to take the name of freedom in vain. We cannot pretend that allies by convenience are allies by principle. Nor can we paint or parade our every political action to seem a moral imperative. In a nation, as in a man, the proof of this dedication to moral principles does not lie in the measure of how frequently he recites them—but how rarely he finds it necessary to explain them. And again, with governments as with individuals, the commonest excuse for a failure of intelligence is a profession of virtue.

Second. We must, as a nation, seriously learn to live with risk. This does not mean such unthinkable risks as implied in the fantastic doctrine of massive retaliation, whose very grotesqueness made it incredible, hence politically meaningless. We must live with the risk of making tough political decisions everywhere in the world. Our leaders must have the stamina to take such risks, and our people the patience and wisdom to refrain from cursing every decision that does not produce a political triumph. We cannot be, at one and the same time, a friend to Nasser and his foe. We cannot be friends with French colonists and Algerian rebels.

Third. We must, as a nation in our Nation, demonstrate an understanding and appreciation of politics as the arena of truly historic decision. This means, in world affairs, a keen and profound awareness that not all the guns in the world, nor all the world's food, automatically assure any people's devotion to freedom, for the choosing of freedom is a political act. And this means, in our own Nation, a new and clear appreciation that politics signify something more than an eccentric adjunct to so-called normal civilian or business life. It is a curious fact that we are quite accustomed to testing men to see if they can serve in the Army, to see even if they can drive a car, but we seem to imagine that no special faculties are needed for the most difficult of all arts, the art of government. Thus, if a lawyer can handle litigation, he is presumed to be an accomplished diplomat in dealings among nations, or if a man successfully directs a great corporation, he should be a brilliant architect of national defense. These are shallow and deceptive propositions. They betray contempt for true politics. And if we, as a people, persist in using the word "politics" as a kind of term of abuse, then we have only ourselves to blame for those politicians who, in turn, abuse our good sense and judgment.

Fourth and finally, there is the truth that lies beneath all other truths: It is not enough, as a nation, to seem. It is necessary to be.

Our policies and our politics will command respect in the world only as they command respect at home—no more, no sooner.

We shall find American diplomacy persuasive in the world when America's own political debate seriously—and not frivolously—argues the great matters before us and the world.

We shall find that the political promises of America bring warm and respectful response from black men in Nigeria when the practices of America cease to deserve cold and despising response from the Negroes of Mississippi and Arkansas.

Everywhere we shall be believed, not for what we say, but for what we do, for how we live, for what we are.

We do not seek, quite obviously, to conquer the world. We do seek to convince it. Somehow, it is here that we have failed. This is the failure that we cannot, dare not, suffer, for it strikes at the very root and nature of America as a nation.

This Nation is a political experiment. This is the heart of the American proposition, and it is not an idea essentially cultural or religious or esthetic or imperial. We have not been dedicated to the proposition of proclaiming such faiths as once came out of Israel, nor leading the genuine of art to the summit of a new Greece, nor imposing sovereignty in the manner of Rome. Ours has been, uniquely in the annals of the nations, a political enterprise, a promise to secure order and to foster justice and to nourish liberty.

And so the promise of America and the need of the world meet, as it were, to contrive the trial of the time in which we live. And the historic test is precisely this: Whether America can help bring order to a world threatening chaos, can save liberty from its peril, can extend justice to many people and nations, and to fail in this, therefore, would be no ordinary disaster. It would not mean merely loss of a war. It would mean the death of an idea.

This is what we seem to have forgotten in our preoccupation with quick devices to ease pain or banish peril. And we have tended too, perhaps to lose sight of the crucial truth that intelligence, political intelligence has a place in our Nation's birth and history, almost unique. The very creation of America was an act of applied intelligence, as great, as daring, as inventive, as any act we are called upon to accomplish today in leading other nations from the shadow of fear.

And the creators of America were, as they had to be for their chosen enterprise, intelligent men. They read widely. They studied thoughtfully. They used words carefully. They reasoned conscientiously. They wrote articulately. They debated earnestly. They respected what they used—their intelligence. They looked at the world as it was—not as they wished it to be. They neither feared knowledge nor acknowledged fear. And they loved America, the supreme act and creation of their intelligence.

No less an act, and only a like creation, can hold true promise of guarding what they created.

DOUGLAS BILL AIMED AT LOAN SHARKS VICTIMIZING SERVICEMEN

Mr. PROXMIRE. Mr. President, on Thursday, March 24, William Hussong, the general manager of the Navy Federal Credit Union, told the Senate Banking Committee an eye-opening story of how our American naval personnel are being victimized by loan sharks. The hearings were on the Douglas "truth in lending bill" that would require the lender in any commercial financial transaction to tell the borrower both the total finance charges involved in the borrowing and the simple annual rate of interest.

Mr. President, this testimony surprisingly concludes that the better educated and more well to do may even be more easily victimized than the poor and less educated for whom the loan shark represents a more constant experience.

Because this testimony so fairly and accurately documents the case for the Douglas bill, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIAM A. HUSSONG, GENERAL MANAGER OF THE NAVY FEDERAL CREDIT UNION, BEFORE THE SENATE SUBCOMMITTEE ON BANKING AND CURRENCY IN CONNECTION WITH SENATE BILL S. 2755

My name is William A. Hussong. I am general manager of the Navy Federal Credit Union and have headed the professional staff of this credit union since November 1951. Prior to that time I was associated with the Railway Employees Federal Credit Union in Washington, D.C. I assisted in the organization of this credit union in 1946, serving first as a volunteer treasurer and a member of its board of directors and later as its full-time salaried manager. Previous to my credit union association, I was employed as a railway labor representative by the International Brotherhood of Electrical Workers and by the Railway Employees' Department of the A.F. of L. Thus, for almost 20 years, I have been constantly concerned with problems directly related to matters of personal finances and have devoted a substantial portion of my career to the analysis and solution

of these problems. This "firing line" experience has permitted, and in many instances required, the detailed review and analysis of thousands of case histories of credit transactions involving hardships resulting from usury, fraud, misrepresentation, misunderstanding, poor judgment, etc.

This experience has led me to conclude that the vast majority of the problems involving credit resulted from (1) the debtor's ignorance of the actual and comparative alternate costs of credit, (2) the urgency of the need for credit, and (3) combinations of both.

Ignorance in matters of credit appears to have little relationship to the average individual's level of intelligence or his degree of education with one minor but rather startling exception. In urban areas, persons in educated-medium income groups seem to be less cognizant of the comparative costs of credit than are persons in less educated-low income groups. There are two reasons for this apparent incongruity. The educated person, while generally proficient in calculations involving rates of simple interest, has difficulty recognizing, let alone analyzing the perverted rates spawned by the credit industry. On the other hand, the less educated-low income person, because of the frequency of his contacts with credit merchants and because the total of his "easy payments" usually represent a substantial portion of his paycheck, instinctively seems to have a greater awareness of credit cost. In his words, "he knows when he is being took" but can't say why or for how much.

By credit ignorance, I therefore refer to the fact that the average person is either blissfully unaware of the price he actually pays for credit or he is so confused by the kaleidoscopic language and practices of the credit industry as to be incapable of sound judgment. Credit ignorance is also related to the tendency of most consumers to be more concerned with the product or service under consideration than with the size of the payments to be made or the cost of the credit involved. As a result, the consumer is more likely to evaluate the value of a "time-payment plan" in terms of convenience rather than in terms of actual cost. This is particularly true when urgency is involved. Credit ignorance is therefore closely associated with basic human motivations as well as with the complexities of the credit industry.

This combination of complex credit practices and human weaknesses has provided many opportunities for unscrupulous credit merchants to profit at the expense of the uninformed consumer. To illustrate this point, I have set up a hypothetical situation with myself as the credit seeker. Using actual contracts, I have translated each offering of credit into terms of simple annual interest to show the wide divergency in the actual costs of credit available and to illustrate the hardships which may be imposed upon the consumer. The examples used, as well as those that follow, are all supported by original documents or photocopies of original documents previously furnished the committee. These exhibits are coded NFCU in primary numerical sequence and secondary alpha sequence:

A CREDIT WONDERLAND

"My automobile is in pretty bad shape. It's late fall and I'd like to trade it in for either a new or used car before winter."

Dealer sponsored financing

By franchised dealers: My first step is to call on a franchised auto dealer. Here I am furnished with a brochure (NFCU–1) listing varying amounts to be financed and the amounts of monthly payments for varying maturities. This brochure tells me to study the figures carefully as they can save you hundreds of dollars. Perhaps they could, but a little arithmetic soon showed me that the simple annual rate would be about 25 percent for 18 months and almost 28 percent for 36 months.

Calls on other franchised dealers resulted in such a variance of amounts, financing plans, and charges that they defied comparison until reduced to terms of simple annual interest. This is illustrated by the following finance contracts involved:

NFCU–2, of a national auto finance company, 12 percent simple interest.

NFCU–3, of a national auto finance company, 12 percent simple interest.

NFCU–4, of a local bank, 9½ percent simple interest.

NFCU–5A, of a local bank, 19 percent simple interest.

NFCU–5B is a newspaper advertisement that shouts "no money down" in bold, black type 1¾ inches high. Significantly, this loan (NFCU–5A) carried the highest rate.

By nonfranchised dealers: As the newspaper ads of the nonfranchised dealers offered to sell allegedly comparable cars at prices below those advertised by the franchised dealers, I called on them. Here again, it was necessary to reduce the costs of financing to terms of simple annual interest before factual comparisons could be made. In some instances however, this was virtually impossible. For example, NFCU–6 shows a contract calling for $426 finance charges (actually $429 because of an error in addition) on a principal balance of $795. This made the total obligation $1,280. Payments were to be $43 per month for the first 20 months and $30 per month for the remaining 7 months. Only a competent mathematician could compute the actual simple annual rate for the term of this contract. My figures indicated about 40 percent.

NFCU–7 illustrates another example of the same problem. More expensive than before but easier to translate into terms of simple interest because no payments except the last were made against the principle. In this case, $187.65 was charged to finance $300. Monthly payments of $15 were to be made for 11 months followed by 1 payment of $322.65 or $22.65 more than the original obligation. The simple annual rate carried by this transaction was about 62½ percent.

Other finance plans offered by nonfranchised dealers are illustrated by NFCU–8, 9, and 10 where the simple annual rates charged vary from 36 percent per year to 56 percent per year. (Note, as a group, finance charges made by nonfranchised dealers are always higher than those made by franchised dealers. This accounted for the reason their cars were sold for less.)

By this time, I had been offered contracts involving rates of interest that varied from a low of 9½ percent per annum to a high of 62½ percent per annum. Had I not taken the time to compute and compare these rates, I could have signed any one of these contracts with the firm conviction that I had made a good deal.

Independent financing plans

By finance companies: My next call was on a finance company to whom I was currently indebted and one that makes loans by mail throughout the United States. As its offices were in Maryland and because I needed more than $300, its rates for the amount I requested were regulated by the Maryland industrial finance law, a law typical of those currently in effect in many States. These laws, while they effectively establish maximum charges, are extremely difficult for the average person to interpret or to convert these charges into terms of total cost or annual simple interest rates. Therefore, even though this law was stated on the reverse side of the statement of transaction submitted as NFCU–11, I had difficulty translating the legal verbiage into meaningful figures. NFCU–11, does, however, illustrate how the total charges were compiled. I have set the amounts down here in reverse order for purposes of clarification:

Amount currently owed	$245.00
Less rebate for prepayment	11.06
Net principal balance due prior to new loan	233.94
Add cash received	195.02
Principal amount borrowed	428.96
Charges added:	
Life insurance	7.14
Service charges	19.60
Interest at 6 percent per annum on $490	34.30
Total	61.04
Total note (amount to be repaid)	490.00

Using these figures, I determined that the actual rate, in terms of simple annual interest, was 22.8 percent with life insurance and 20.1 percent without life insurance.

This is an excellent example of the ease in which the average borrower may be misled in his search for credit.

The 6 percent per annum rate as stated on the statement of transaction could mean many things. In this case, a careful reading of the law revealed that it meant one-half of 1 percent per month for the number of months contracted for and applied against the total of all contractual indebtedness. This included the amount of cash borrowed, service charges, life insurance and the amount of interest added. Thus, interest was charged for interest and for carrying charges as well as for life insurance premiums and for the use of the money actually advanced. This 6 percent, as applied to this transaction, is what I call a piggyback rate or a rate that plants a secondary charge on the back of primary charges. The 6 percent per annum rate as stated in the statement of transaction could also be interpreted to mean the percentage to be applied against the amount financed and added to the total indebtedness or it could mean a charge of one-half of 1 percent per month would be applied against the decreasing principal balance.

Further, because of the manner in which the 6 percent is applied and because it represents only a portion of the total charges involved, the prominence accorded this rate is quite misleading. This is not a 6-percent loan, as many people have been led to believe, but a loan of 13 percent at the add-on or discount rate or over 20 percent in terms of simple annual interest. Here is a typical example of what I call the 6-percent shell game. Only the manipulator knows for sure which shell, if any, covers the pea.

To some people, 6 percent is only 1 percent more than they are paying on their home mortgage. Actually, it is closer to 12 percent, or twice the rate they thought they were paying. This conclusion is supported by the Court (*Ford Motor Co. v. Federal Trade Commission*, 120 F. 2d 175, 6th Cir. 1941), when, in a case involving a 6-percent plan of financing, it stated in part: "The average individual does not make, and often is incapable of making, minute calculations to determine the cost of property purchased on the deferred payment plan."

Contacts with other lending institutions of the type previously mentioned resulted in comparable credit offerings. While some of these organizations restricted their service to local clients, a substantial number, particularly those who had offices or affiliates in other States, emphasized the fact that they also did business by mail. NFCU–12 supports this conclusion.

This led me to consider the possibility of borrowing by mail. NFCU–13 consists of

actual ads in one issue of a weekly newspaper with national circulation. One ad carried a repayment schedule which coincided exactly with rates quoted locally. Another quoted "low bank rates" without further identification. One of the remaining seven was the same organization whose plan was reviewed in NFCU–11. (NOTE.—As all of these plans seemed to be available locally, I submit this exhibit only to illustrate the availability of credit by mail and the absence of factual information relating to the charges involved.)

Banks (time payment)

The next source of credit I considered was that offered by banks. Because payment schedules of bank loans frequently appeared in the newspapers and in direct mail promotion, I thought I might save time by comparing the costs as shown in these charts. This proved to be no simple task, as illustrated by NFCU–14, because there was little or no consistency in the manner in which the charts were organized. For instance, had I desired to determine the cost of $500 for 18 months, only one (NFCU–14A) of the six charts furnished by the four banks would have provided this information. The other charts showed $502.20, $499.41, $453.85, and $483.30 as the nearest comparable amount. However, when the charges for loans of these amounts and maturities were reduced to terms of simple annual interest the rates charged by these banks were very comparable; three at 14.8 percent and one at 13.9 percent; all included life insurance. Another very interesting fact developed from the conversion of the charges to basic rates. In one table, a loan of $1,000 for 18 months carried a simple annual rate of 14.8 percent. However, when the maturity of this loan was increased to 36 months the annual simple interest rate jumped to 17.2 percent.

While these comparisons gave me a rough idea of the cost of bank credit, I was told by friends that a number of banks were making auto loans at a 3-percent rate. Telephone calls to these banks supported this rumor to the extent that the 3-percent base rate was an add on rate. This is about 6 percent in terms of simple interest. In addition, there were varying conditions that had to be met. Minimum down payments, life and auto insurance and/or minimum maturities were required in varying degrees to qualify for the 3-percent rate. However, a higher rate was available to those who couldn't qualify for the lower rate. In several instances, the 3-percent rate was available only to current customers or to customers residing in the area contiguous to the bank.

In addition to the sources of credit previously mentioned, I did find other sources and different plans where the costs of credit could be more easily evaluated and compared. These were:

(1) Banks (single payment loans): One payment personal and collateral loans were available to persons with top credit ratings. The borrower signs a note for a limited period of time (usually 3 to 6 months) and repays the amount actually received in cash plus interest computed at annual simple interest on a 360-day basis.

(2) Insurance companies: Loans in the amount of the cash value of insurance policy were available to policyholders. Interest is charged at simple annual interest rates on unpaid balances until the loan is paid in full. Frequency and amounts of payments are controlled by the borrower.

(3) Retail credit stores, small loan companies, credit unions, and others offering rate per month plans: These plans offered time purchases and loans to customers and members (credit unions) at rates of simple monthly interest applied against monthly unpaid balances. This monthly rate is easily converted to an annual rate by multiplying by 12. NFCU–15 illustrates four retail store plans and the basic credit union plan..

(NOTE.—Some confusion may occur in attempting to evaluate the time payment plans of retail stores. This is because a number of retail stores offer their customers the choice of several different types of repayment plans and switch accounts back and forth between no charge, medium charge, and high charge plans in accordance with the rapidity with which the customer liquidates his account. An example of this is the full-page newspaper ad (NFCU–15A) of a department store's time purchase plans. Charges for credit are referred to as a small service charge. In terms of simple annual interest, this small service charge is actually 18 percent for the 12-month plan but drops to 15 percent for the 24-month plan. This was an interesting development as in one of the bank plans (NFCU–14), the loan for the longest maturity carried the highest interest rate.)

By this time, I had been through a "wonderland of credit," where percentages multiply and divide at will, where finance charges materialize on command and fees are collected on the way out. Had I been required by an urgent need to accept credit from the most convenient source, I'm sure that I wouldn't have left this fairyland unscarred.

This "credit wonderland" also had a few side attractions to which I'll refer briefly. These are the sharp practices and rackets that not only inflate the costs of credit, but also impose enormous financial hardships on the debtor, particularly those who can least afford it. They include:

1. The balloon note, illustrated in NFCU–7 where, after 11 monthly payments, the principal amount borrowed actually increased.

2. The dealers practice of selling sales or installment contracts to banks and finance companies.

While I am not questioning this practice as it relates to the activities of reputable organizations, it does appear to add to the cost of credit has definitely been infiltrated by vicious rackets. For instance, it is common practice for many dealers to add a finance charge to the cost of the item bought, then sell the sales contract to a finance company who in turn adds a service or other charge. Thus, the debtor is frequently not aware of the full cost he must pay for credit until advised by the finance company. Almost without exception, these finance companies and even banks give dealers a kickback or establish so called "dealers reserves." This practice is even recognized by law in at least two States—Michigan, and Ohio. Should the debtor find the merchandise defective and complain to the finance company, he is referred back to the dealer who has already been paid and may have little interest in correcting the defect. An honest dealer will make the adjustment but the only way to make the dishonest one meet this obligation is by court action. This, most families cannot afford.

3. Bait advertising, such as "no money down," "low bank rates," "no carrying charge," "our 6 percent plan," "name your own terms." "free service," "guaranteed cash reserve," etc. NFCU–16 contains a few examples. These "come ons" are usually loaded with gimmicks camouflaged to make them palatable, but which usually result in exorbitant charges. As most States do not regulate finance charges on time sales as they do on cash loans, the debtor has little or no protection against the charges made for credit except his own sense of values. Experience has shown the inadequacy of the individual in this area. The no money down "come on" is one of the most vicious as it usually results in people of small means signing two high rate notes; one for the down payment and another for the balance, with payments to be made on each. There are many variations of the no down payment "package."

For instance, a military officer's no money down, 4 percent plan was found to be 4 percent on the amount borrowed as a down payment and to be repaid in 3 months (actually this 4 percent is about 32 percent per year in terms of simple interest). The remaining balance was financed at a rate of over 20 percent per year in terms of simple interest.

Another example of bait advertising is NFCU–16A. This is a direct mail ad stating in part:

"Only ——— finance offers this free service. This service means we guarantee a cash reserve of $750. Extra money is always available for shopping, paying bills, medical or dental care, or even to meet emergencies while traveling. You can have a money guarantee account without using a penny of your own. There is absolutely no cost except on the amount taken out and used.

"For example:

"You withdraw $100 now; monthly repayment is only $6.72.

"You withdraw $300 now; monthly repayment is only $20.16.

"You withdraw $750 now; monthly repayment is only $42.77."

In this example, neither the cost of credit nor the number of payments could be determined by the credit seeker. Computation based on the State law showed the simple annual rate carried by the $100 and $300 loans to be 36 percent but the costs involved in the $750 loan defied analysis. However, many people are borrowing money for merchandise purchases at 36 percent when credit is readily available at retail stores at 18 percent, 12 percent, and even less. Why? Simply because they are unaware of the true costs of credit.

Another example of a misleading ad is NFCU–16D which advertises new cars for $1.25 a week in large black letters. Further down, in very fine print is added "plus insurance and interest for the first 52 weeks." Interest was quoted over the telephone at 6 percent add on. However, even when the actual charge for interest was combined with charges for life insurance, auto insurance and service charges, it was still impossible to reduce the charges for credit to terms of simple annual interest because only $65 would be applied against the principal during the first year.

4. The lack of regulations dealing with the rights of the debtor who desires to prepay his obligation.

Here is another area, particularly with respect to consumer finance plans, that is almost devoid of effective regulation and one wherein the debtor is easy prey for the unscrupulous creditor. Prepayment, without a reasonable reduction in the total cost of credit, will inflate the rate charged to astronomical proportions. If no adjustment is to be made in the event of prepayment, the debtor is at least entitled to be made aware of this fact before he signs the contract. NFCU–17 is a reproduction of a contract in which $125.70 was charged to finance $378.75 for 15 months; a simple annual rate of almost 50 percent per year. After signing the contract, the debtor realized that this charge was exorbitant and tried to pay it off. After considerable argument in which the debtor was represented by an attorney, the creditor agreed to release the debtor from his obligation but charged him $25 for the privilege. This resulted in a rate of 130 percent in terms of simple annual interest.

NFCU–18 consists of personal letters and is presented to illustrate the difficulties even college graduates have in evaluating and discussing credit. The subject matter deals with allegedly exorbitant rates of interest charged naval aviation cadets and junior flying officers in Florida. All are college graduates.

NFCU–18A: The disciplinary officer of a naval aviation cadet battalion writes: "As you are probably well aware, there is a tremendous volume of used- and new-car sales in this area and approximately 80 to 85 percent of the cadets stationed here have cars financed through local agencies, many of which have pretty exorbitant rates of interest."

NFCU–18B: A naval aviation cadet writes: "I have already been taken as far as finance charges are concerned."

NFCU–18C: A second lieutenant, U.S. Marine Corps, writes from California: "I purchased the car last August as a cadet for $1,600, at 8 percent per year, through ——— Investment Co., Pensacola, Fla. The total amount due back came to over $2,100."

(NOTE.—Charges in this case were $500. At 8 percent per year add-on interest, the interest charge for 36 months would only be $384. However, the total charge for 36 months at an 8-percent simple annual interest rate would have been $197.

NFCU–18D: A first lieutenant, U.S. Marine Corps, writes from Florida: "I am having the car financed by a bank, the total interest for which ($2,560) amounts to $498 for 36 months."

(NOTE.—This charge amounts to a simple annual rate of about 12.6 percent.)

NFCU–18E: A lieutenant, U.S. Navy, writes from Florida: "I had finally received an accounting of my balance from ——— Discount Corp. to find that my net (balance owed less rebate for prepayment) was $150 higher than what I expected."

Here are statements made by five persons, all college graduates, four of whom, in one way or another, reveal evidence of basic misunderstandings of credit. The same four also have the impression that they had been overcharged for credit. "A," because of his responsibility for the men in his command, expresses concern over their being charged what he considered "exorbitant rates." The only effective way he now has to advise his men as to what is exorbitant is to analyze each individual contract. How much more effective he could be if it were possible for him to just say, "Don't pay more than —— percent. If you do, you're on your own, and don't expect any help from me."

"B" merely states that he had been "taken" insofar as finance charges are concerned. This is a typical reaction of many intelligent people when they take time to analyze the actual costs of their credit obligations.

(C)'s charges were much greater than warranted by the risk. They were apparently negotiated on the basis of an 8-percent annual rate which proved to be an "add on" or "discount" rate plus other charges rather than a simple interest rate.

(D)'s charges were actually about the best he could do in that locality—but how could he know?

(E)'s difficulty developed when he attempted to prepay his debt and found that his rebate would be about $150 less than anticipated.

NFCU–19 also consists of letters which reflects the writers' misunderstanding of their credit transactions. Three of these letters also illustrate the need to disclose rights of prepayment.

NFCU–19A is from a lieutenant commander in the Medical Corps of the U.S. Navy. He writes from a fleet post office address on the west coast. He reviews a credit transaction in which his actual finance costs amount to 18.7 percent in terms of simple annual interest. He also states, "When I offered to pay up ahead of schedule the manager of the company did not seem enthusiastic. He gave many excuses for not furnishing me with figures showing how much I would save if I paid ahead of schedule. Indeed he suggested my saving would not be substantial because by laws they were required or permitted to keep money that in effect would be unearned interest. I don't believe this."

NFCU–19B is from a lieutenant in the Supply Corps of the U.S. Navy. He provides information showing that he obligated himself to a credit charge amounting to a simple annual interest rate of 16.6 percent, and that he has made 6 payments on a 36-month obligation. He also states, "I do not know the payoff amount of this lien." Here again, the need for a requirement to disclose prepayment privileges is indicated.

NFCU–19C is from a second lieutenant in the U.S. Marine Corps who wrote from a fleet post office address on the west coast. He lists finance charges amounting to a simple interest rate of 14.6 percent and states, "I feel that the interest I am paying on the loan is excessive."

NFCU–19D is from a lieutenant in the U.S. Navy who writes from Corpus Christi, Tex. The finance charges he lists amounts to a simple annual rate of 12.65 percent. He calls this a "high rate of interest."

Both these men seem to feel that the interest they are paying is high. This may or may not be so but—both confused finance charges with interest. It is this matter of semantics that leads to many hardships and misunderstandings. Interest charges, as such, are almost universally regulated and to charge interest at a rate in excess of that permitted by law is considered usurious. On the other hand, finance charges are not so generally controlled. For this reason, many credit seekers find themselves saddled with exorbitant finance charges which they innocently accepted, subconsciously confident that they were protected by law against usurious rates. This false impression is frequently exploited by unscrupulous finance companies who talk in terms of "interest" when discussing finance charges but never include rates of interest in their contracts.

NFCU–19E is from a lieutenant in the U.S. Navy on board ship in the Pacific. He quotes "6 percent" as the charge of financing. Here, the financing is for a 3 year term so the 6 percent is multiplied by 3 and the 18 percent is applied against $3,510, the amount to be financed.

This results in a total charge for credit of $631.80 as the rate is 6 percent per annum add on. At the 6-percent per annum simple interest rate, the total charge for interest on $3,510 for 36 months would have been $324.68 or a difference of $307.12.

Another statement made by this naval officer was: "The State of California requires the payment of $25 when paying off a car contract in advance so this would have to be included." This is most significant when related to (A) who was not aware of this so-called requirement until he attempted to prepay his obligation. Of greater significance is the fact that both men have apparently been misled. The California law permits, but does not require, minimum or prepayment charges as these men were led to believe. The average debtor seeking to prepay his credit obligation usually has to rely on the integrity of his creditor for an equitable adjustment. However, in these two cases, both men used the word "required" in connection with a transaction that could only benefit their creditors.

NFCU–20 is submitted as evidence of the concern we have had over the inability of our members to protect themselves from credit abuses. This exhibit consists of paid newspaper ads, informative brochures, and news bulletins and represents a sampling of our efforts to assist Navy and Marine Corps personnel in their credit transactions.

NFCU–20A brochure: "Used Car buyer beware."

NFCU–20B: Newspaper ad offering the above brochure free to all Navy and Marine Corps personnel.

NFCU–20C: Newspaper ads re "How financing costs can be boosted."

NFCU–20D: Newspaper ad re "Buying on time."

NFCU–20E brochure: "Finance charges and how to watch them."

NFCU–20F brochure: "How much does it cost to borrow money?"

NFCU–20G: House organ, "Shop for your money."

NFCU–20H: House organ, "Don't be fooled."

NFCU–20I brochure: "How to answer an auto dealer."

NFCU–20J brochure: "Three rules to help you avoid paying too much for credit."

NFCU–20K brochure: "Don't get stuck with easy credit."

Unfortunately, our educational efforts like those of others have met with little success. The education of the consumer in the wise use of credit is a challenge many have accepted but none have accomplished. From time to time, public interest is aroused by the viciousness of certain local credit practices and the details of these rackets exposed to the consumer through press, radio, and television. Many labor unions and consumer organizations have distributed literature on the subject. Other groups, such as better business bureaus are constantly engaged in attempts to protect the consuming public from credit abuses.

Unfortunately, all such efforts to educate the consumer, while temporarily effective, soon become dated. Memories are short and new abuses appear to replace the old ones.

The problem of educating the consumer to merely protect himself against credit abuse, let alone to make judicious credit decisions, will continue to defy solution so long as the subject remains complex and the text nebulous. The answer then is not to be found in further fruitless attempts to produce credit linguists, but to reduce this polyglot subject to a common language, a language in which such terms as "rate," "interest," and "amount" mean the same thing to all people.

The following table appeared in the Washington Star on December 2, 1957. This table is presented to illustrate the ease by which the average person could compare and evaluate costs of credit when such costs are reduced to terms of simple annual interest. As a matter of background information, it is important to realize that the costs of credit are generally directly related to the risk involved and the amount of work necessary to service the account. Thus credit extended in small amounts without security for short periods of time will usually carry a much higher rate than for credit extended in large amounts that is secured by collateral and/or for longer terms. A person with a good credit standing or acceptable collateral would be foolish to buy on time at 18 percent when less expensive credit is so readily available to him. However, the average person blithely accepts the higher charges without realizing the difference.

Area interest rates

What individuals typically pay for sales credit and short-term loans in the Washington area:

[Percentage]

	Annual rate on unpaid balance[1]
Loans by commercial banks:	
Loans secured by U.S. Government bonds, State, municipal bonds, common stocks, life insurance, savings accounts:	
Up to $10,000	5 – 6
Over $10,000	4½ – 5
Automobile loans:	
New cars	7 – 9¼
Used cars	7½–11
Home improvement loans (title I)	9½

Area interest rates—Continued

[Percentage]

	Annual rate on unpaid balance [1]
Personal unsecured loans:	
Up to $2,500	6 –11
Over $2,500	5 – 6
Brokerage firms: Collateral loans	5
Life insurance companies	[2] 5 – 6
Credit unions	[3] 12
Small loan companies: [4]	
In Maryland, up to $300	36
In Virginia, up to $300	30
In Virginia, $300 to $600	18
Sales credit:	
Department stores:	
Revolving credit or budget plans	6 –18
Deferred payments on appliances	16 –18
Appliance, furniture, and other stores	18
Washington Gas Light Co	11
Automobile dealers:	
New cars	10½–12
Used cars	11 –20

[1] This must not be confused with an add-on or discount rate; the latter rates are computed on the face amount of the note, even though the outstanding balance declines.

[2] Depends on policy; some old policies provide for loans at 4½ percent.

[3] Some credit unions lend at 8 percent.

[4] Companies licensed under Maryland's industrial finance law can loan up to $1,500 at a 6-percent discount rate plus certain added charges. In the District of Columbia, no small loan companies are licensed because of the low rate and other provisions of the District Small Loan Act.

I have tried, in a comparatively short time, to outline and illustrate some of the basic difficulties experienced by the average person in his sales credit and short-term borrowing transactions.

Because the subject is so vast and complex, I have restricted myself to a review of those problems that apparently could be eliminated by a universal requirement to disclose charges for credit in terms of amount and as a rate per year in terms of simple interest. The appended chart, "Typical credit charges," is a compilation of the current practices of the major organizations extending time sales and cash loan credit and illustrates the basic reason why the average individual does not or cannot get fair value for his credit dollar.

How simple it would be to evaluate and compare credit charges if the section of this chart headed "Typical charges" was replaced by a single column headed "Rate of interest" wherein the typical charges were all reduced to terms of annual simple interest. The most uninformed person could then make objective credit decisions that are now denied even the astute.

For the committee's information, I have also appended an explanation of the method I used to reduce the finance charges (in the examples previously referred to) into terms of simple annual interest. While there are other acceptable methods that could have been used, this one was selected because of its simplicity and because it assumes that equal monthly payments will be made against the principal amount due plus an additional amount each month for interest. Thus, the total amount of each subsequent payment decreases. An alternate method is to establish equal monthly payments that include interest—in which case, the interest is deducted from the amount paid and the remainder applied against the principal. In either case, the total amount paid over the term of the loan is the same but, because of the difference in the monthly declining principal balances, the rate in terms of simple interest is slightly (about one-tenth of 1 percent) different.

In conclusion, I would like to express my gratitude to you and your committee for the privilege of testifying for this, in my opinion, sorely needed legislation. Credit has become a very essential part of the American way of life. In varying degrees, it is available to us all and, like any other commodity, it carries a price tag. But here the similarity ceases because the tag attached to credit is written in a language unintelligible to the average person.

Most of us have learned to shop for the things we buy and for the services we need. Our selections are based on price and quality and we usually have the ability to make sound decisions. However, when we want to purchase credit, we become enmeshed in a web of charges, fees, insurance, and rubbery interest rates. As a result, our credit purchases are usually made on the basis of convenience and assumption rather than on price and quality. The real tragedy is in the fact that few of us realize or will ever know the price we actually pay for credit because of our inability to read and understand the price tags attached to credit packages. There is only one logical solution. Credit must carry informative and meaningful labels—labels that will identify the product and its composition in the same manner and for the same reasons that similar labels are required on certain consumer goods. The housewife shopping for a dress no longer needs to be an expert in fabrics to make her selection or to compare values. She just looks at the label and compares prices. Is not the person shopping for credit involving hundreds of dollars entitled to the same protection as the housewife in her purchase of a $10 dress?

Mr. Chairman, this concludes my testimony. I am at the committee's disposal for questions.

Thank you.

Typical credit charges

	Collateral			Typical charges							Prepayment privileges	Typical rates in terms of simple annual interest
				Percent charges			Lump sum charges					
	Stocks, bonds life insurance, savings accounts, real estate	Consumer goods	Signature only	Simple interest	Add on interest	Discount interest	Finance charge	Service charge	Life insurance	Auto insurance		
CASH LOANS												
Insurance companies	X			X							Yes	5 to 6 percent.
Commercial banks	X			X							do	Do.
Do		X			X						Short rate	7 to 15 percent.
Commercial banks (prime credit risk)			X	X							Yes	5 to 8 percent.
Commercial banks (average credit risk)			X		X or X			X	X		Short rate	10 to 12 percent.
Credit unions	X	X	X	X						X	Yes	6 to 12 percent.
Consumer finance companies:												
Small loans		X	X	X					X		do	30 to 36 percent.
Large loans		X	X			X		X	X	X	Short rate	18 to 30 percent.
CONSUMER FINANCING												
Commercial banks through dealers		X			X or X			X	X	X	Short rate	8 to 18 percent.
Credit unions		X		X						X	Yes	6 to 12 percent.
Auto dealers:												
Through national finance companies		X			X		X		X	X	Short rate	11 to 14 percent.
Through local finance companies		X			X or X		X	X	X	X	Short rate or none.	12 percent to no limit.
Retail stores own plans:												
1 to 3 months' maturity		X			[1]	[1]	[1]	[1]	[1]	[1]	Yes	None.
4 to 12 months' maturity		X		X	or		X or X				do	10 to 15 percent.
12 to 24 months' maturity		X		X	or		X or X				do	12 to 18 percent.
Retail stores through finance companies and banks.		X			X or X		X	X	X		Short rate or none.	10 percent to no limit.
HOME IMPROVEMENT LOANS												
Commercial banks:												
FHA title I			X		X						Short rate	9½ percent.
Own plans	X		X		X or X or X			X	X		do	8 to 12 percent.
Credit unions	X		X	X							Yes	6 to 12 percent.
Finance companies	X		X		X or X			X	X		Short rate or none.	12 to no limit.

[1] No charge.

HOW TOTAL FINANCE CHARGES CAN BE CONVERTED INTO A RATE IN TERMS OF SIMPLE ANNUAL INTEREST

A. Formula for simple interest (1 payment):

Rate of interest per period in decimals × Actual amount borrowed or financed × Period of time in days, months or years = Total amount paid as interest or carrying charges

Example:

0.06×$100×1 year=$6 interest
0.12×$100×1 year=$12 interest

B. Because most personal and consumer loans and time purchases are paid in installments, the formula for simple interest must be expanded to compensate for the periodic reduction in the actual amount due.

Formula for simple interest (installment payments):

$$\frac{\text{Rate of interest per month in decimals} \times \text{Actual amount borrowed or financed} \times \text{Number of payments to be made+1}}{2\times\text{number of payments to be made each month}} = \text{Total amount paid as interest or carrying charges}$$

Example: $100 for 1 year repaid in 12 monthly installments at 6 percent per year and 12 percent per year.

(6 percent per year÷12=0.005 per month and 12 percent per year÷12=0.01 per month)

$$\frac{0.005\times\$100\times(12+1)}{2\times1}=\$3.25 \text{ interest}$$

$$\frac{0.01\times\$100\times(12+1)}{2\times1}=\$6.50 \text{ interest}$$

C. To translate total interest or finance charges into terms of simple interest per month or per year, the previous formula is modified as follows:

(1) $$\frac{\text{Total amount of interest or finance charges}\times2}{\text{Actual amount borrowed or financed}\times(\text{number of monthly payments}+1)}=\text{Rate of interest per month}$$

(2) Rate of interest per month×12=rate of interest per year.

Example: $1,800 to be financed for 3 years costs $400:

$$\frac{\$400\times2}{1{,}800\times37}=\frac{8}{666}=0.012 \text{ or } 1.2 \text{ percent rate of interest per month}$$

0.012×12=0.144 or 14.4 percent rate of interest per year

(NOTE.—This formula assumes that one payment is to be made each month until indebtedness is fully liquidated.)

D. Currently loans and installment financing are offered to the public in many forms, some identical in appearance but vastly different in total cost. For example—an advertised 6 percent loan or cost of financing, standing alone, is meaningless. Six percent, unless further identified, can legally result in wide variances of actual cost and in terms of simple interest.

(1) Six percent add on or $6 per $100 added to the amount borrowed either per year or as a fixed cost with reference to time.

If by year, the actual simple interest would be—

$100 for 1 year

$$\frac{\$6\times2}{100\times13}=0.009231 \text{ per month or approximately } 11.1 \text{ percent per year.}$$

As the maturity of such financing is extended, the rate of interest per year is increased.

$100 for 3 years

$$\frac{\$18\times2}{100\times37}=0.00973 \text{ per month or approximately } 11.7 \text{ percent per year.}$$

If the 6 percent is a fixed cost without regard to time, the resulting rate per year is usually increased. For instance, if the indebtedness is liquidated in 6 months, the rate in terms of simple interest would be about 21 percent per year.

(2) Six percent discounted or $6 per $100 may be deducted in advance. This has the effect of an even higher simple interest rate than results from a 6 percent add on contract.

$100 for 1 year

$100−$6=$94 actual amount borrowed

$$\frac{\$6\times2}{94\times13}=0.009836 \text{ per month or approximately } 11.8 \text{ percent per year}$$

$100 for 3 years

$$\frac{\$18\times2}{94\times37}=0.001035 \text{ per month or approximately } 12.4 \text{ percent per year}$$

(3) Six-percent simple interest or one-half of 1 percent per month on declining balance. This is the only meaningful and factually correct media whereby the average debtor can determine and compare costs of borrowing or financing.

NOTE.—The preceding analyses are all based on a 360-day year (or 12 months of 30 days each). When using a 365-day year or actual days per month, the annual simple interest rate will be slightly less than established by the 360-day formula.

The formula also assumes regular equal monthly payments on the principal plus interest on the decreasing balances. When simple interest is computed on the basis of equal monthly payments including interest, the resulting rate will also be slightly less than that established here. The difference in all cases, however, is only about one-tenth of 1 percent per annum.

MILWAUKEE JOURNAL BACKS FULL DISCLOSURE OF CREDIT TERMS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that a persuasive editorial from the Milwaukee Journal, entitled "Borrower Has Right to Full Disclosure of Credit Terms," supporting the Douglas bill, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BORROWER HAS RIGHT TO FULL DISCLOSURE OF CREDIT TERMS

Senator DOUGLAS, Democrat, of Illinois, deserves encouragement in trying to bring some common sense into our credit-crazy economy. With the support of such responsible organizations as the Better Business Bureau and the Federal Reserve System, he is sponsoring a bill under which people who buy on credit would have to be clearly told what that credit is costing them.

The Senator's "full disclosure" bill is not anticredit. DOUGLAS, a former professor of economics, appreciates the worth of consumer credit, when properly used, in helping people acquire homes, automobiles, and other big purchase items.

What his bill aims at discouraging is excessive use of credit and camouflaging of credit terms so that purchasers are either not informed of credit costs or are misled as to their true amount.

Legislation of this sort cannot be expected to eliminate misuse of credit or keep foolish and gullible people from getting head over heels in debt. But the measure—or one incorporating its principles—should at least help counteract what Harold Rosner, president of Robert Hall Clothes Co., terms the "credit virus."

As an early witness before the Senate Banking and Currency Subcommittee studying the Douglas bill, Rosner declared:

"From my experience of 40 years in the retail apparel industry, I can tell you gentlemen that when the terms are made to seem easy enough to meet, people suffering from the credit virus can no more resist the installment salesman than the gambling or liquor addict can resist his particular type of addiction."

But people who use consumer credit are not the only ones who stand to gain from full disclosure legislation. Businessmen generally should benefit. In 1955 excessive credit boomed auto sales at the expense of other trade. Legitimate dealers in credit would also be protected from unscrupulous competitors. One credit manager testified that in checking a variety of auto finance plans he found contracts calling for interest rates that ranged all the way from a low of 9½ percent a year to 62½ percent a year.

"Every borrower should have the right to full knowledge of the terms and contents of credit contracts, stated in a uniform and truthful manner," says DOUGLAS.

What could be fairer?

ADMINISTRATION RESPONSIBILITY FOR THE RISE IN THE COST OF LIVING

Mr. PROXMIRE. Mr. President, yesterday the New York Times devoted a part of its Review of the Week section to a discussion of living costs, and stated that living costs have risen to a new alltime high. The writers of the review point out that the principal upward force was caused by the continuing rise in the cost of services, especially in hospitalization insurance, and home mortgage insurance.

This statement is very interesting because our friends in the Republican Party on the other side of the aisle emphasize the fact that they are the party which is trying very hard to counter inflation. The fact is that on both of these vital issues, hospitalization insurance, and home mortgage insurance, it is the Democratic Party alone which is fighting hard in an attempt to help our older people and others who need assistance in connection with hospitalization insurance, and is also, of course, trying to persuade the administration to reverse its high interest policies and to reduce interest rates.

In 1952, the last year of a Democratic administration, according to my estimates the average family of four spent for hospitalization about $50 and in 1959 about $100; for mortgage interest in 1952 the average family spent about $75, now it spends about $127.

Perhaps this will enlighten our Republican friends as to why polls show most Americans consider the Democratic Party can best be trusted to fight inflation.

WHEAT PRICE SUPPORT PROGRAM

Mr. MURRAY. Mr. President, because of recent administration attacks on the wheat price support program, I was greatly interested in a column on the subject which appeared in the Great Plainsman recently. It was written by Wayne Darrow, well-known Washington Farmletter writer. Mr. Darrow's column is a reminder of the importance of wheat in the Nation's history, both past and present.

I ask unanimous consent to have the column printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

WASHINGTON WHEAT LETTER

(By Wayne Darrow)

WASHINGTON, D.C.—The future of the wheat growing industry hangs in the balance this spring. What Congress does the next two months may set the pattern for years to come as to how wheat is sold, and

for how much. What it doesn't do may be important, too.

It is unfortunate for the producers of America's No. 1 food that wheat has become the chief symbol of the old farm program which is under fire from the Eisenhower administration, and from much of the press and the public. It is even more unfortunate because even the last die-hards of the old "farm bloc" want to change the program.

Wheat is held up as the horrible example of what happens when the Government steps in to bolster farm prices and income.

It's also too bad, both for wheat growers and the public, that in the bitter fight over farm policy, virtually all the facts about wheat in its role in American history are disregarded, save two: The high cost of the support program, and the mounting surplus.

Forgotten in the political clamor are such facts as these:

Wheat underwrote the opening of the West after the Civil War. Along with beef, pork, cotton, and tobacco, exports of wheat financed a moneypoor America in the building of the cities and of industry. Farm products sent to Europe serviced the United States debt.

Wheat is the most widely grown crop in the United States. It is the most universally grown and used crop in the world. Next to cotton, it looms the largest of any farm product in world trade. Millions of towns and city people depend for their livelihood on handling, processing, transporting and distributing wheat and its products.

Wheat helped win World War I. It was the chief means of relieving hunger and averting collapse in Europe after World War II.

American wheat today is fighting communism in a score of countries where U.S. foreign policy is backed up in part by the much-condemned wheat surpluses.

These past and present services of wheat to the whole economy do not warrant preferred treatment for wheat farmers. But they should be a reminder that the surpluses of one decade may be the salvation of the next. This has happened twice in this century.

National wheat policy should be geared to national welfare, rather than just farmer welfare, and to the future as well as to the present. Wheat should be rated as national wealth, as a national blessing which is vouchsafed to few other countries, and as a universal food that can aid in bringing universal peace.

What's done now about wheat ought not to be done out of the heat of politics, or out of the hysteria into which the public has been aroused by demagogs.

But the clamor about wheat in the spring of 1960 approaches the hysteria stage. This makes for action, and likely enough, for bad legislation.

To read the papers and the speeches one would think the fight is simply one of the Eisenhower administration and the Farm Bureau to get rid of the old wheat program over the opposition of Democrats, big wheat farmers and a few others. The others engaged in the fight want another program, too, including National Wheat Growers Association, Grange, and Farmers Union.

The real fight is between the advocates of several new plans, including that of abolishing the program. The number in Congress who would end it all, if they could, is substantial. The two main views advanced in farm circles are:

1. Eliminate production controls. Reduce price supports gradually, setting them at 75 to 90 percent of the previous 3-year average price. USDA estimates this would reduce support from $1.77 a bushel average now to around $1.38 within three years. This view is held by Secretary Benson, though he emphasizes that he thinks "quality wheat" would sell above support. Farm Bureau also holds to this view. The oft-repeated maxim is that the cure for dollar wheat is dollar wheat.

2. Tighten production controls and put them on a bushelage basis. Provide for X amount of wheat to come out of CCC stocks each year, and thus whittle down surpluses without wrecking current prices. Underwrite farm prices by a loan at some high percentage of parity, or by requiring CCC to sell its stocks at not less than parity. This view is held by National Wheat Growers Association, Grange, Farmers Union, and four other commodity organizations.

House Agriculture Committee started hearings on wheat the second week of March. First try is for a bill giving farmers a choice of programs. Ike said he'd consider such a plan. Failing in this, committee leaders aim to take up the new 1960 plan of National Wheat Growers Association, Grange and Farmers Union.

The choices discussed are: (1) A cut of 20 percent in allotments and support at 85 to 90 percent of parity, or (2) Benson's plan of no acreage allotments and price supports for three years at 75 percent of the previous 3-year average market price.

The "choice plan" may bog down in committee over the question of whether the 15-acre exemption men get to vote. Democratic leaders oppose this because they say it would make mockery of the referendum for bona-fide wheat men who depend on wheat for a living.

The new plan of National Wheat Growers has been gaining converts in Congress. It would restrict marketings to U.S. food and export needs, less 150 million bushels to come out of CCC stocks each year to reduce the Government surplus. CCC wouldn't be allowed to sell below parity, so market prices would tend to approach parity.

Farmers Union proposes to make this plan a part of the over-all farm bill proposed by a score of liberal Democrats. It's also offered as a separate bill by Representative BREEDING, (Democrat of Kansas), with bipartisan backing.

Whatever wheat bill is reported out of House Agriculture Committee stands a 50–50 chance of passage. It will be backed by the top Democratic leadership. It would likely be vetoed because Congress won't be passing anything acceptable to Secretary Benson.

The PRESIDING OFFICER. Is there further morning business?

ADDRESS BY HON. ALAN BIBLE, OF NEVADA, AT UNVEILING OF STATUE OF LATE SENATOR PAT McCARRAN

Mr. BYRD of Virginia. Mr. President, I had the great privilege of attending the ceremony held in the rotunda of the Capitol on the occasion of the unveiling of the statute of the late Senator Pat McCarran which was presented to the United States of America by the State of Nevada.

It was my good fortune to know Senator McCarran very intimately. It so happens that I am using in the Senate Chamber the desk that once was his.

As a Senator, he will always stand preeminent in the annals of the U.S. Senate. He was courageous and exceedingly able, and was dedicated to his public service.

I was profoundly touched by the remarkably able speech made by Senator ALAN BIBLE at the unveiling ceremony. This speech was of such a high standard that it deserves to be printed in the CONGRESSIONAL RECORD. I may say that I have never heard a finer speech on an occasion of this kind, or one better delivered.

I ask unanimous consent that the address be printed in the body of the RECORD as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ALAN BIBLE, OF NEVADA, AT CEREMONY OF UNVEILING OF STATUE OF SENATOR McCARRAN, MARCH 23, 1960

Mr. Chairman, Mrs. McCarran and family, your Eminence, Cardinal Spellman, Dr. Harris, Senator Johnson, and Senator Dirksen, my colleagues, Senator Cannon and Representative Baring, Governor Sawyer and Lieutenant Governor Bell, and friends of Senator McCarran, today I have the high privilege and great honor of speaking for the people of the State of Nevada as we dedicate the statue they place here to the memory of our friend and benefactor, Patrick Anthony McCarran. To his thousands of friends in his beloved Nevada and throughout the country, this strong man has become a symbol of complete independence, of fierce loyalty, of unqualified devotion to this country, and of magnificent courage in the face of his convictions. Right or wrong in the minds of others, Pat McCarran walked the halls of history with head high and eyes set on the far horizon of what he believed was for the ultimate good of his people and his country.

Growing up as he did in the great outdoors of rock and hill and sagebrush, gaining an education by hitching rides on freight trains to go 14 miles up the canyon to the schools in Reno, worshiping his Irish mother and father, and reveling in their wit and willingness to work, Pat McCarran emerged from his childhood with certain attitudes indelibly written into his mind. He did not lose these convictions through the years when he studied for the law by reading Blackstone aloud to the sheep that he herded, out on the sandy hills of the Truckee River canyon. With the completely private attention of the grazing animals, he practiced public speaking, becoming skilled in the art of the now old-fashioned orator. When he later raised his voice to a shout, and gestured vigorously in the ardor of his words, he was doing what came naturally.

He believed in freedom of expression, in every man's right to fight for his convictions, and in his personal responsibility to live up to the oath of office he took when he came to the Senate in 1933. No one ever took more seriously the words of that oath: "To support and defend the Constitution of the United States against all enemies, foreign and domestic; to bear true faith and allegiance to the same; to take this obligation freely, without any mental reservation or purpose of evasion; and to faithfully discharge the duties of his office."

Every man, individually and in the solitude of his own thinking, must interpret those words and live up to his oath of office. Each of us must be, and strive to be, true to the truth that is in us. It is no criticism of Nevada's fiery Senator, that from 1933 to his death in 1954, he gave no quarter to any man who seemed to deviate from the rigid measuring rod that he applied as a standard for judging loyalty to that oath of office. He believed in the Constitution of the United States to the last comma, and he knew it word for word, sentence by sentence, article by article. In 1937, speaking in Philadelphia, Pat McCarran summed up his complete dedication to our constitutional form of government, born in that very city 150 years before, when he said, "The law is not the people. The people is not the law. The law is the spirit of justice governing the people, and its application to individuals, to associations, to every form of civil life must

be so hedged around with reverence and security that the civil courts, established by and with the consent of the Constitution may, in an hour of popular passion, protect all the people from the tyranny of what might be a lawless majority."

It is exceedingly fitting that the great fighter from the Far West should stand here in the Halls of the Congress of the United States clothed in the judicial robes he wore as justice and, for 2 years, chief justice of the Nevada Supreme Court. There he wrote decisions which have stood the test of time, on subjects he explored to their depth because they particularly affected the great western section of this land where he was born.

In 1938, Senator McCarran found himself prominently named on two lists. He was proud of being listed on the so-called roll of honor of those who fought to prevent the Supreme Court packing bill from being passed; and, as a result, he found himself on the administration's purge list. He was reelected overwhelmingly. Nevadans evidently agreed with his thinking that, as he expressed it, "That the courts permitted by the Constitution should be independent of the will or dictate or dominance of any other authority, is the spirit of the organic law."

Nevada's great champion served in the U.S. Senate during two decades of decision. Labor never forgot the vigorous and outspoken support of their early programs. The country's mining industry saw in him one who knew their problems, appreciated their importance, and did such things as holding the floor alone for many hours to defeat an attempt to repeal the Silver Purchase Act and let the price of silver fall below the cost of production. Farmers also knew he believed in their importance in the economic pattern for a strong America. Veterans had his open and persistent support, and with equal fervor, he picked up the cause of the civilian war worker, whom he called the man behind the man behind the gun.

Prophetically, he searched into the vast tomorrows to choose the course he took today. In 1947, for example, he fervently championed the cause of small business. Speaking before the Senate, he proclaimed that "The soul of the individual is being smothered in the struggle of the giants. But these things are well known. Indeed, they are so well known that we are in danger of accepting them as commonplace and inevitable."

I was privileged to travel with him many, many miles, over the desert roads of our native State, in campaign time and out of campaign time. I often heard him use the lines of Oliver Goldsmith from the "Deserted Village." It seems to me that these lines, which he gave so often, typified his philosophy.

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay;
Princes and Lords may flourish or may fade;
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied."

The year 1940 saw the shadow of a great war. Prior to Pearl Harbor, on September 4, 1941, Pat McCarran started his great campaign against those who "have avowedly come here for the purpose of destroying this country. If we espouse the principles of the Constitution of the United States, we will not lend support to those who would destroy this Government." He went further, and it is prophetic that he said in the same speech to the Senate, on the debate to extend lend-lease agreements with Russia: "I despise Hitler and all he stands for, and equally I despise Stalin and all he stands for. I want those two dogs to come together and destroy each other. It would be well for democracy. But I would not lend a word to either one of them because neither is a friend of this country. If Stalin succeeds, then God help democracy, and God help Christianity."

When war was declared on December 7, 1941, Senator McCarran emphatically said that "the American people would have gone to any honorable end to avoid war; but, while we love and crave peace for ourselves and all the peoples of the world, we will not retreat when unprovoked and uninvited attack is forced upon us. A united people will teach a lesson to all aggressors everywhere and remind them that decency still prevails among honorable men."

Senator McCarran left many legislative monuments as a result of his 21 years in the U.S. Senate.

The presence of so many men in this audience who are prominent in the aviation world is a tribute to the work of the man from the sagebrush, in the great field of civil aviation. He always had great pride in his authorship of the Civil Aeronautics Act of 1938.

With his indefatigable will to work, he also initiated much constructive legislation which was all but forgotten in the turmoil of the conflicts of the closing years of his service. Those who had praised him for the Administrative Procedures Act, designed to protect the rights of individuals against "bureaucratic dictatorship," as he called it, joined the chorus of criticism when he was portrayed as one who would admit no displaced persons to the United States. The fact that he was demanding careful screening and strong safeguards to assure that those who came in would not be those intent upon destruction of the land to which they came, was lost in the welter of controversy. When later, as chairman of the Senate Judiciary Committee, it became his responsibility to codify the mass of immigration laws as amended through many decades, he was branded as anti-Jewish, anti-Catholic, anti-Italian, and even anti-Irish. One cannot measure the heartaches suffered during these years by the Senator, his family, his staff, his friends. Few understood his deep fear of "conquest by immigration;" and hateful pressures simply bolstered his determination to carry out the principles in which he heartily believed. Throughout all, Pat McCarran stayed in character—fearless, convinced of the right of his course, and, therefore, immovable.

His analytic power was great. How right he was when he said, "Communism is the biggest booby-trap in human history. You can drift into it if you refuse to think, if you are too lazy to take action to avoid it, if you shut your eyes to realities, if you give ear to the voices that are constantly trying to create and foster dissatisfaction and prejudice, hatred, unrest, and uncertainty." Man of action that he had always been, Pat McCarran determined to awaken the people of the country to the potential threat of subversives—of those men and women, within our own shores, not just having ideas, but actually working to commit those acts which would eventually undermine or overthrow the Government of the United States.

Creation of the Internal Security Subcommittee, and passage of the Internal Security Act of 1950, did serve the purpose he had in mind, which was to keep the people of this country from accepting the spread of communism as "commonplace and inevitable." It also served to bring to this rugged man of the West, now 75 years of age, great physical and emotional strain. In spite of this, the speed with which Senator McCarran traveled the long marble halls of Congress, brought to mind the fact that he had held the record for the hundred-yard dash for more than 20 years.

It is a great source of comfort to those of us who counted this man as our friend, to look back upon August and September of 1953. It was a double golden anniversary for the silver-haired Senator.

Fifty years earlier he had first served in the State Legislature of Nevada, beginning a long career of public service. That same year, he married Harriet Weeks, of Clover Valley, Nev., whom he had courted while they attended the university. Five children were born to them, three of whom are here today. In addition, it was his birthday, on August 8.

I shall never forget, Mrs. McCarran, that night at the fairgrounds in Reno when you and your husband were honored in a ceremony which certainly reflected the great devotion and admiration of the people of our State toward you. Among the plaudits of leaders of American Government and industry where the earnest expressions of appreciation from your friends representing every county in the State. That night, Pat McCarran did one of the most eloquent and beautiful things I have ever seen anywhere—one which typified the real person he was. When called upon to respond, the Nevada Senator walked up to the stage, greeted the audience, turned to his wife sitting in the spotlight there before him, and recited, in its lovely entirety, James Whitcomb Riley's "Old Sweetheart of Mine."

I know in this audience today are those of you who knew this man and loved him. Many of us owe much to him, for what he did for us. Some present today actually listened as he made the statements I have quoted, and you will agree they contain no doubletalk, and no straddling of any fence.

Pat McCarran lived and died as a man of the mountains, built of rock and hardened by the desert winds. Life was never dull to him. But he was gentle, too; and, as the years pass by, I think we will remember him most for the quick smile, the hearty laugh, the great feelings this man had within his heart for his people and his country.

This statue, which our State today presents to the United States, has been formed with careful and skillful hands. Cast in bronze, and built to stand throughout the years, it well can be a symbol of one who lived with unflinching courage, with high patriotism, with uncompromising standards, and with gentleness and kindness clothed in the dignity of statesmanship.

Any life is temporary; but from the mold we build by our way of life, finally emerges whatever pattern there can be for the casting of the soul. From the life of Pat McCarran has come this fine bronze statue, made possible by his beloved State of Nevada and his countless friends. It has been made forever lasting by the hot flame of the molten steel which casts the mold, strangely symbolic of his own way of living.

I am proud to dedicate this statue to the memory of our friend, Patrick Anthony McCarran, whom this country will not soon forget.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. SALTONSTALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE CALENDAR—ORDER OF BUSINESS

The PRESIDING OFFICER. In accordance with the unanimous consent agreement entered on last Thursday, he call of the calendar will take place at this time, starting at the beginning of the calendar.

Mr. JOHNSON of Texas. Mr. President, I desire to inform the Senate that any bills objected to on the call of the calendar may be called up on motion at the conclusion of the call. I make specific reference to Calendar No. 1060, H.R. 7456, to extend for 3 years the suspension of duty on imports of casein, and Calendar No. 1199, S. 2669, to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted small vessels carrying freight to and from places in the inland waters of southeastern Alaska.

Mr. SALTONSTALL. Mr. President, does the majority leader mean by that statement that the consideration of the Department of Commerce appropriation bill will not be resumed today?

Mr. JOHNSON of Texas. No; I did not say anything like that. I said that the two bills to which I referred would be taken up on motion following the call of the calendar. That is a practice which is normally followed. The Department of Commerce appropriation bill will come up after the action on those bills has been completed.

It is hoped that the Department of the Interior appropriation bill can be taken up tomorrow. I inquire of the Chair if the bill has been reported; if so, when; and when will it be eligible for consideration under the rule?

The PRESIDING OFFICER. The Department of the Interior appropriation bill was reported on Friday. It will be eligible for consideration tomorrow, if the hearings and reports are printed.

The clerk will state the first order of business on the calendar.

BILLS PASSED OVER

The bill (S. 1075) to provide for the reimbursement of Meadow School District No. 29, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands within such school district by the Department of the Interior was announced as first in order.

Mr. ENGLE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 91) to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the operations of such act, and for other purposes, was announced as next in order.

Mr. BARTLETT. Mr. President, I ask that that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Let the Chair inquire of the Senator from California and also of the Senator from New York, in order to expedite the call of the calendar, if there are any bills between Calendar No. 133 and Calendar No. 1053 which the Senator may not ask to have go over.

Mr. KEATING. The answer is, Mr. President, that there are.

Mr. ENGLE. Mr. President, I ask that the bills between Calendar No. 133, S. 91, and Calendar No. 331, H.R. 5140, inclusive, go over; and beginning with Calendar No. 397——

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. FREAR in the chair). The Senator from Oregon will state it.

Mr. MORSE. What is now being proposed as the procedure in connection with the handling of the calendar is that we give a bloc or blanket objection. Is that correct?

The PRESIDING OFFICER. If there is objection, the regular procedure will be followed. The Chair was only trying to expedite the calling of the calendar, by having the Senate proceed next to Calendar No. 1045, rather than to have the clerks call individually all the preceding measures on the calendar, to which it is understood objection will be made.

Mr. MORSE. Mr. President, I believe that would be a most unfortunate precedent. When the calendar is called, I think any Senator should be in a position to request an explanation of a measure, for the RECORD, for future reference, and the withholding of objection until that is done, so that explanations may be made in some instances. It does not take much time to proceed with the calendar call in the regular way.

Therefore, I object to the proposal now made.

The PRESIDING OFFICER. Objection is heard; and the next measure on the calendar will be stated.

BILLS AND OTHER MEASURES PASSED OVER

The resolution (S. Res. 131) referring Senate bill 882, for the relief of the heirs of J. B. White, to the Court of Claims, was announced as next in order.

Mr. KEATING. Over, Mr. President.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1617) to provide for the adjustment of the legislative jurisdiction exercised by the United States used for Federal purposes, and for other purposes, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1851) for the establishment of a Commission on a Department of Science and Technology was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1789) to amend section 1(14)(a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, and for other purposes, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MAGNUSON subsequently said: Mr. President, I should like to ask a question of the Senator from California. The Senator from Kansas and I are quite interested in this matter. Let me ask the Senator from California what the objection is, or whether the bill can be placed at the foot of the calendar. The bill relates to freight car shortages.

Mr. ENGLE. Mr. President, I may inform the distinguished chairman of the committee that there are several objections to this particular measure, and those objections have been registered with the official objectors. Personally, I have no objection.

Mr. MAGNUSON. I know that.

Mr. ENGLE. But in making the objection, I am doing so at the request of several Senators.

Mr. MAGNUSON. I thank the Senator from California.

The bill (S. 2308) to validate certain extended oil and gas leases was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1711) to promote the foreign policy of the United States by the more effective use of U.S. agricultural commodities for the relief of human beings and for promoting economic and social development in less developed countries was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2522) to provide for the enrichment and sanitary packaging of certain donated commodities and to establish experimental food stamp allotment programs was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1734) to amend section 409(c) of the Communications Act of 1934 with respect to presentations in any case of adjudication which has been designated for a hearing by the Federal Communications Commission was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2086) to provide for the establishment of a National Wildlife Disease Laboratory was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER AND EXCHANGE OF CERTAIN LANDS TO MASSACHUSETTS PORT AUTHORITY—BILL PLACED AT FOOT OF CALENDAR

The bill (H.R. 5888) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority certain lands in South Boston, Mass., in exchange for other lands was announced as next in order.

Mr. ENGLE. Over, Mr. President.

Mr. MORSE. Mr. President, will the Senator from California withhold his objection, so that a brief statement in regard to the bill may be made?

Mr. ENGLE. Mr. President, I shall be glad to do so.

Mr. MORSE. Mr. President, this is the Massachusetts Port Authority bill again. I ask unanimous consent that there be printed in the RECORD the same argument in support of the Morse amendment to the bill that I previously made in the Senate; and I also ask unanimous consent that my amendment may be printed in the RECORD.

Mr. President, I have requested that those two insertions be made in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SALTONSTALL. Mr. President, reserving the right to object, let me say that I could not hear what the Senator from Oregon requested.

Mr. MORSE. I am requesting that there be printed at this point in the RECORD the same argument I previously made in opposition to the bill, when it previously was before the Senate; and I have also requested that my amendment to the bill be printed at this point in the RECORD, before I make a very brief comment on this bill at this time.

The PRESIDING OFFICER. Is the Senator from Oregon offering the amendment, or does he simply wish to have the amendment printed?

Mr. MORSE. The amendment has already been printed. I shall ask the Senate to act on the amendment when the bill is really being considered by the Senate. However, I understand there is objection to having the bill considered at this time, during the call of the calendar, and that the bill will not be considered by the Senate today. As a result, I see no purpose in calling up the amendment until the bill is actually under consideration by the Senate.

Mr. ENGLE. Mr. President, I have asked that the bill go over.

Mr. SALTONSTALL. Mr. President, do I correctly understand from the Senator from California that there is some other objection to the present consideration of the bill, in addition to the objection by the Senator from Oregon?

Mr. MORSE. Mr. President, if the only objection is mine, let me state that I am perfectly willing to have the bill considered by the Senate at this time. I filed the objection because I did not know whether I would be able to leave the Foreign Relations Committee and reach the floor of the Senate during the call of the calendar today. However, under the circumstances I have no objection to having the bill considered at this time.

Mr. SALTONSTALL. Mr. President, if the Senator from Oregon will consent to have the bill go to the foot of the calendar, that will give me time to get all my data on the bill from my office. I do not have them here now, because I did not know the Senator from Oregon would discuss the bill at this time.

Mr. MORSE. That will be perfectly agreeable.

Mr. President, I ask unanimous consent that the bill be placed at the foot of the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, the bill will be placed at the foot of the calendar.

BILLS AND OTHER MEASURES PASSED OVER

The bill (S. 883) to confer jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon claims of customs officers and employees to extra compensation for Sunday, holiday, and overtime services performed after August 31, 1931, and not heretofore paid in accordance with existing law was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2402) to clarify the authority of the Postmaster General to provide for the expeditious, efficient, and economical transportation of mail, and for other purposes, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 174) to discharge the Committee on the Judiciary from the further consideration of Senate bill 2391 to extend the Commission on Civil Rights and to provide further means for securing and protecting the right to vote was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 169) concerning the desirability of holding an international exposition in the United States was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 910) to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property, and for other purposes, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2168) to amend the Navy ration statute so as to provide for the serving of oleomargarine or margarine was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

Mr. MORSE. Mr. President, will the Senator from California withhold the objection for a moment?

Mr. ENGLE. I am delighted to do so.

Mr. MORSE. Has the Senator from California made the objection because of the objection of the Senator from Oregon?

Mr. ENGLE. The objection to the consideration at this time of Calendar 924 was a policy committee objection.

Mr. MORSE. Very well.

Mr. President, if the Senator from California will permit me to add a word or two, let me say that I am perfectly willing to have the Missouri bill considered whenever the Senate wishes to take it up. At that time I wish to offer my amendment to it.

The PRESIDING OFFICER. Objection has been heard, and the bill will be passed over.

BRIDGES OVER FEDERAL DAMS—BILL INDEFINITELY POSTPONED

The bill (S. 793) to amend title 23 of the United States Code, in order to increase the amount authorized for bridges over Federal dams, was announced as next in order.

Mr. ENGLE. Mr. President, the purpose of this bill is to amend title 23 of the United States Code, in order to increase the amount authorized for bridges over Federal dams. The bill was reported by the Committee on Public Works on September 5, 1959.

When the Federal-Aid Highway Act of 1959, H.R. 8678, was on the Senate floor, an amendment similar to Senate bill 793 was proposed by the Senator from Tennessee [Mr. KEFAUVER] and was accepted by the Senate. That amendment became section 108 of Public Law 342, 86th Congress.

Since the provisions of Senate bill 793 were enacted into law, there appears to be no reason to retain the bill on the Senate Calendar; and I ask unanimous consent that the Senate bill 793 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF COMMUNICATIONS ACT OF 1934—BILL PASSED OVER

The bill (S. 2653) to amend the Communications act of 1934, to establish jurisdiction in the Federal Communications Commission over community antenna systems, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

Mr. MAGNUSON. Mr. President, let me inquire of the Senator from California whether the objection which has been listed with the policy committee came from the distinguished senior Senator from Arkansas [Mr. FULBRIGHT].

Mr. ENGLE. We have received both that objection and others.

Mr. MAGNUSON. There are other objections, in addition to his?

Mr. ENGLE. Yes; and I may add that the bill has not been cleared by the policy committee.

Mr. MAGNUSON. I understood all of us had come to an agreement on the bill, and that there would be no objection. That is why I have made this inquiry. So far as I know, we have complete agreement on the bill.

Mr. ENGLE. I have no personal objection.

Mr. MAGNUSON. I understand.

Mr. ENGLE. The objection I have registered has been registered on behalf of other Senators.

Mr. MAGNUSON. I understand.

The PRESIDING OFFICER. Objection has been heard, and the bill will be passed over.

BILL PASSED OVER

The bill (S. 1447) to amend section 161, title 35, United States Code, with respect to patents for plants, was announced as next in order.

Mr. KEATING. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF FEDERAL COAL MINE SAFETY ACT—BILL PASSED OVER

The bill (S. 743) to amend the Federal Coal Mine Safety Act in order to remove the exemption with respect to certain mines employing no more than 14 individuals was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MORSE. Mr. President, will the Senator from California withhold his objection for just a moment?

Mr. ENGLE. Very well.

Mr. MORSE. I wish to make a brief comment on Senate bill 743, which deals with the whole matter of mine safety.

I think all of us have been shocked by the recent disasters in the mines. I hope this particular bill can be brought up on motion, if it cannot be considered during the call of the unanimous-consent calendar. I hope the bill will be brought up at an early date. It comes from a committee of which I am a member.

The bill has had very thorough consideration, now, for some 2 years; and I believe the time has come for the Congress to take some action by way of legislation, in the interest of protecting the safety of the miners of the country.

The PRESIDING OFFICER. Objection has been heard, and the bill has been passed over.

BILLS PASSED OVER

The bill (S. 609) for the relief of the estate of Gregory J. Kessenvich was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2673) to provide for the appointment of additional circuit and district judges, and for other purposes, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF ELIZABETH J. ANTHONY

The resolution (S. Res. 215) to pay a gratuity of Joseph T. Stratton as executor of the estate of Elizabeth J. Anthony was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Joseph H. Stratton, as executor of the estate of Elizabeth J. Anthony, an employee of the Senate at the time of her death, a sum equal to eight months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARY G. HOSEY

The resolution (S. Res. 214) to pay a gratuity to Mary G. Hosey was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, to Mary G. Hosey, widow of Henry F. Hosey, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SELMA N. PUCKETT

The resolution (S. Res. 216) to pay a gratuity to Selma N. Puckett was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Selma N. Puckett, widow of Leslie C. Puckett, widow of Leslie C. Puckett, an employee of the Senate at the time of his death, a sum equal to two months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EVELYN CLARK

The resolution (S. Res. 217) to pay a gratuity to Evelyn Clark was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Evelyn Clark, widow of Malichia Clark, an employee of the office of the Architect of the Capitol at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

AMENDMENT OF ACT RELATING TO THE COMMISSION OF FINE ARTS

The bill (S. 2778) to amend the act relating to the Commission of Fine Arts was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act Establishing a Commission of Fine Arts," as amended (40 U.S.C. 106), is amended to read as follows:

"SEC. 2. That to meet the expenses made necessary by this Act an expenditure of not exceeding $100,000 a year is hereby authorized."

AMENDMENT OF TARIFF ACT OF 1930

The bill (H.R. 5887) to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that a brief explanation of the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

This bill would put all ground, granulated, or powdered seaweeds on the free list. At the present time crude or unmanufactured seaweeds are free of duty and kelp, a form of seaweed, is free of duty also when ground, granulated, or powdered.

H.R. 5887 would put all ground, granulated or powdered seaweed in the same category as kelp. At the present time the duty is 5 percent. The uses are much the same, namely as a jelling, thickening agent in certain prepared foods and extracts, and is considered a raw material in those uses.

Seaweeds manufactured beyond grinding would not be affected by the bill.

The Finance Committee found no opposition to the adoption of the bill. The Departments of State, Treasury, Commerce, and Labor reported favorably on the bill.

BILLS PASSED OVER

The bill (H.R. 6132) relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies, was announced as next in order.

Mr. PROUTY. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 7456) to extend for 3 years the suspension of duty on imports of casein, was announced as next in order.

Mr. ENGLE. Over by request, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that an analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

Casein has been imported free of duty since September 3, 1957. This bill would continue this free importation until the close of March 31, 1963.

There are really two types of casein—that which is edible and that which is not considered edible and is used for other purposes such as coating paper, glues, adhesives, and so forth. Very little domestically produced casein is used for nonedible purposes, whereas practically all of the imports are nonedible. The two are not considered closely competitive. Since 1952 most domestic skim milk has gone into products other than casein.

Favorable reports were received from the Departments of Agriculture, Labor, and Commerce. The Labor Department stated "The Department is not aware of any unfavorable developments resulting from the free importation of casein." The Department of Agriculture stated that the free importation since 1957 had afforded an adequate testing period and they, too, found no unfavorable developments.

EXCLUSION FROM GROSS INCOME OF CERTAIN NONRESIDENT ALIEN EMPLOYEES

The Senate proceeded to consider the bill (H.R. 135) to amend the Internal Revenue Code of 1954 to exclude from

gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries, which had been reported from the Committee on Finance with an amendment on page 3, line 4, after the numerals "31", to strike out "1958" and insert "1959."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a brief explanation of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A nonresident alien working for an American Embassy or other Government agency abroad presently is not subject to U.S. tax on the salary paid him by the United States since this is income from sources without the United States. In the case of a U.S. civil service retirement pension, the amounts set aside by the Government for the future retirement of a nonresident alien working abroad also are free of tax since if these amounts were paid to him directly they would not be subject to tax. However, to the extent the annuity represents earnings on the amount set aside by the Government, a tax is due on the payments because this is considered as investment income from sources within the United States. On this portion of the annuity payments a 30-percent withholding tax generally is applicable.

The Department of State has indicated that nonresident alien employees consider their pensions to be deferred compensation, and since their earned income is tax free, they expect their pensions also to be tax free. Your committee has also been informed that the imposition of this tax upon the retirement benefits of nonresident aliens has caused severe hardships and has engendered resentment against the United States because of its failure to comply with what is assumed to be its contractual obligation to pay retired alien employees a pension consisting of a specified sum of money.

H.R. 135 provides that amounts paid to a nonresident alien individual by the United States in respect of services performed by an employee of the United States are not to be taxable to him to the extent they are attributable to basic U.S. salary derived from sources without the United States. This will mean that for the typical nonresident alien who has worked for the United States only abroad, no U.S. tax will be payable with respect to his pension.

This provision as amended by your committee is effective for taxable years beginning on or after January 1, 1960.

Both the Treasury Department and the Civil Service Commission favor enactment of this bill.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954

The bill (H.R. 4586) to amend section 4021 of the Internal Revenue Code of 1954 was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. An explanation is asked for.

Mr. BYRD of Virginia. Mr. President, the bill relates to the product sold under the trade name of "Sen Sen."

So far as is known, the product sold under the trade name of Sen Sen is the only aromatic cachou on the market today. Other products which are used for similar purposes, such as mouthwashes, mints, chewing gum, and so forth, are not taxed because they do not fall within the categories of taxable products listed in the law. Thus, the tax on aromatic cachous places them at a competitive disadvantage with nontaxed articles purchased for similar use.

Another reason for not subjecting aromatic cachous to the tax is the fact that they are usually sold at candy stores, confectioneries, and other shops which do not handle other articles subject to the toilet preparations tax. As a result, the proprietors of these stores are burdened with the requirement of collecting and remitting negligible amounts of tax. This fact has in many cases discouraged proprietors from handling the product.

The Treasury Department believes that it would be reasonable to consider this exemption if it can be so considered in isolation to any other tax reductions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION FROM TAXATION OF CERTAIN NONPROFIT CORPORATIONS OR ASSOCIATIONS

The bill (H.R. 6155) to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, I ask for an explanation of the bill.

Mr. BYRD of Virginia. Mr. President, under existing law an exemption from income tax is provided for nonprofit, mutual organizations having no capital stock, which are organized before September 1, 1951, and which are operated for the purpose of providing reserve funds for, and insurance of, shares or deposits in domestic building and loan associations, cooperative banks, or mutual savings banks. H.R. 6155 would extend this exemption to similar corporations or associations organized before September 1, 1957. The amendment would apply to taxable years beginning after December 31, 1959.

There are four such organizations now in existence: Two in Massachusetts, one in Connecticut, and one in Ohio. All of these are nonprofit, mutual deposit guarantee organizations without capital stock organized for the benefit of a group of mutual savings banks or for a group of building and loan associations. These guarantee organizations provide two services for their member banks. First, they provide a deposit insurance fund to aid their members in financial difficulty and in final extremities to pay off the depositors in full if a member bank is liquidated. Second, they also maintain a liquidity fund—which may or may not be a fund separate from the deposit insurance fund—to make loans to member banks which are basically sound but short of liquid assets.

As is indicated by the above description these guarantee organizations, although operating somewhat differently from the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation, provide essentially the same services for their members. The FDIC and FSLIC are Federal corporations and exempt from income tax on their investment earnings. Three of the four private organizations providing essentially the same services for their members also are exempt because they were organized before September 1, 1951, the approximate time when the exemption for these organizations was added to the law. The fourth of these guarantee associations, although performing the same services, was organized on December 6, 1956, under an Ohio statute which became effective on October 12, 1955, and is, therefore, currently denied this exemption.

H.R. 6155 corrects this discrimination by moving forward from September 1, 1951, to September 1, 1957, the date before which these guarantee funds must have been organized in order to obtain income tax exemption.

Mr. MORSE. Mr. President, I am not a member of the committee, and I did not have an opportunity to study this bill or consider it until I listened to the explanation of the Senator from Virginia.

I judge that the question I am now going to put to the Senator deserves an answer "No," but, in order to make a record, I should like to ask it.

As the Senator from Virginia knows, there is growing concern in our country among many about the rapid increase of so-called charitable trusts and the resulting tax problems they create. There are many who believe that we need to review very carefully the charitable trust institution as a device for evading taxes which really ought to be paid by organizations that are, in effect, carrying on private industry enterprises and are using the charitable trust as a way of escaping taxes and putting themselves at a competitive advantage over other private entrepreneurs.

Can the Senator from Virginia assure me that if I vote for this bill I could not, by any stretch of the imagination, be voting for something that could create a precedent which would weaken a subsequent effort for the elimination of tax exemption for many charitable trusts?

Mr. BYRD of Virginia. I can give the Senator that assurance. I share his concern over that entire question. This bill relates to only one company, which was organized in Ohio, and was taxed when other companies were not taxed. It has nothing whatever to do with charitable trusts.

Mr. MORSE. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment in line 8, after the numerals "31", to strike out "1958" and insert "1959."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AUGUSTA FURNITURE CO., INC., OF STAUNTON, VA.

The bill (S. 2779) relating to the election under section 1372 of the Internal Revenue Code of 1954 by the Augusta Furniture Co., Inc., of Staunton, Va., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point an explanation of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

S. 2779 would provide that the election under the provisions of section 1372 of the Internal Revenue Code of 1954 made by the Augusta Furniture Co., Inc., of Staunton, Va., and mailed to the District Director of Internal Revenue, Richmond, Va., on December 2, 1958, shall be deemed to have been filed with such District Director on December 1, 1958.

Subchapter S of the Internal Revenue Code, enacted into Public Law 85-866 on September 2, 1958, contains a provision permitting certain corporations to elect not to be subject to the corporate tax, but instead to have their income taxed directly to their shareholders. In addition, the net operating losses of the corporation are passed through directly to the shareholders. The provisions of subchapter S are available only if the election is filed within the required time period. In the case of any small business corporation having a taxable year beginning after December 31, 1957, and on or before the date of enactment of subchapter S (i.e., September 2, 1958) and which ends after such date, the election was required to be filed within the 90-day period beginning on the day after such date of enactment. This 90-day period expired on December 1, 1958.

Mr. S. W. Sterrett, vice president of the Augusta Furniture Co., Inc., of Staunton, Va., advises that he called the Staunton, Va., office of the Internal Revenue Service and was told that the deadline for filing the election was December 2, 1958, and that any election postmarked that date was in order. (Under sec. 7502 of the 1954 code, a document, other than a tax return, is generally considered to be filed on time if it is mailed and postmarked on or before the date prescribed for filing.) Stockholders of the Augusta Furniture Co., meeting on December 1, 1958, signed forms, and on December 2, 1958, mailed the election to the Internal Revenue Service at Richmond, Va. Subsequently the company was informed by the Richmond office of the Internal Revenue Service that it was 1 day too late, as the deadline for filing the election was December 1, 1958, and that its papers were postmarked December 2, 1958. Mr. Sterrett advises that the error will cost the Augusta Furniture Co. $6,700.

Although the Commissioner of Internal Revenue is authorized by section 6081(a) of the code to grant extensions of time for the filing of certain documents which a taxpayer is required to file, that authority does not apply in the case of an election permitted under the code which specifies the filing date. There is no authority under existing law under which the late election of the Augusta Furniture Co. could be treated as having been timely filed.

As a precedent to enactment of this bill, I respectfully refer you to Private Law 363 (82d Cong.) and Private Law 663 (84th Cong.), both of which involved late elections.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2779) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the election under the provisions of section 1372 of the Internal Revenue Code of 1954 made by the Augusta Furniture Company, Incorporated, of Staunton, Virginia, and mailed to the District Director of Internal Revenue, Richmond, Virginia, on December 2, 1958, shall be deemed to have been filed with such District Director on December 1, 1958.

TREATMENT OF COPYRIGHT ROYALTIES

The bill (H.R. 7588) to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for the purposes of the personal holding company tax was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that a brief explanation of the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The personal holding company tax was developed as a device to prevent the avoidance of the individual income tax by the formation of incorporated pocketbooks for the receipt of certain investment income by a single or relatively small group of individuals. From time to time in the past, Congress has found it necessary to exempt from the personal holding company tax, legitimate types of operating income. H.R. 7588 is a new instance wherein operating income is being subjected to the threat of the personal income holding company tax through changes in business circumstances. The music publishing industry once found its principal market in the sale of sheet music, even though they received some royalty income from music. Recent developments, however, have tended to shift the major sources of music publishing income from the sale of sheet music to royalty income, largely as a result of the fact that radio, television, motion pictures, and the expansion of the use of phonograph records have increased royalty income at the same time when sales of sheet music are correspondingly declining.

The pending bill meets this situation by excluding copyright royalties from the definition of personal holding company if the following conditions are met:

1. More than 50 percent of their gross income is from copyright royalties;

2. Business expense deductions are equal to at least 50 percent of gross income; and

3. They do not have more than 10 percent other personal holding company income.

Your committee has added an amendment to make it clear that copyright royalties do not include income from the leasing of motion picture films which have been held under existing law to be rents and not royalties.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, Senate proceeded to consider the bill (H.R. 7588), which had been reported from the Committee on Finance with amendments, on page 3, line 16, after "section 544.", to insert "This paragraph shall not apply to compensation which is rent within the meaning of paragraph (7), determined without regard to the requirement that rents constitute 50 percent or more of the gross income"; and on page 5, line 22, after "December 31", to strike out "1958" and insert "1959."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TRANSITIONAL PROVISIONS FOR INCOME TAX TREATMENT—BILL PASSED OVER

The bill (H.R. 8684) to provide transitional provisions for the income tax treatment of dealer reserve income was announced as next in order.

Mr. PROUTY. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BYRD of Virginia. I ask unanimous consent that a statement as to two amendments I desire to offer to the bill be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. BYRD OF VIRGINIA

I am sending to the desk two amendments which I ask to be read.

The first of these two amendments simply moves up from July 1, 1960, to September 1, 1960, the date by which taxpayers must elect to have the provisions of the bill apply. This change is made necessary by the elapse of time since the bill was reported by the Finance Committee.

The second amendment makes technical and clarifying changes in the provisions of the committee amendment beginning on line 23 of page 11 of the bill relating to the application of the statutes of limitations on making assessments or refunds for the taxable years to which an election by a a taxpayer under the bill applies. The purpose of the amendment is to make it clear that an election will not apply to a taxable year which has been closed by a closing agreement or compromise after June 21, 1959, even though the taxable year was open on that date.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MORSE. Mr. President, I wish to make a suggestion. I note that the Senator from Virginia, as usual, is ably prepared with explanations of these bills. I think it would be very helpful if we had an understanding that, even though one of the committee bills goes over, if the Senator has a prepared typed explanation of the bill, it can be printed in the RECORD, so that when we study

the RECORD tomorrow, we will have the explanation before us. All we are doing is paving the way for future calendar discussion. If the Senator has the explanations typed, I think they ought to be printed in the RECORD in each instance.

Mr. BYRD of Virginia. Mr. President, I thank the Senator from Oregon.

The PRESIDING OFFICER. The Chair will inquire if the Senator from Virginia expects the bill to be taken up for consideration at the foot of the calendar.

Mr. BYRD of Virginia. I do not think so.

The PRESIDING OFFICER. The Chair will inquire of the majority leader if he expects to make a motion that the bill be considered.

Mr. JOHNSON of Texas. Mr. President, I will say to the Presiding Officer that I do not have any position in that regard.

The PRESIDING OFFICER. The clerk will continue the call of the calendar.

Mr. ANDERSON. Mr. President, I express the hope that the majority leader will confer with the minority leader and will make a motion that the Senate proceed to consider Calendar No. 1073, H.R. 8684, to which there has been objection. Actually, the Committee on Finance spent a lot of time on the bill. All sorts of formulas were brought before the committee. After an enormous amount of work, the bill is before the Senate. The bill would merely allow a small automobile dealer to be relieved from paying taxes on his profits until he got the profits.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. ANDERSON. I am happy to yield.

Mr. KEATING. I join in expressing the hope that the distinguished majority leader will soon make a motion that the bill be considered. I have had a good deal of interest in the bill indicated to me. I should like to see action on it.

Mr. ANDERSON. I hope that may happen.

Mr. BYRD of Virginia. Mr. President, I join in that request.

Mr. ANDERSON. Mr. President, the able chairman of the Committee on Finance, the able Senator from Virginia, was as careful as a man could be in the handling of the bill. We tried to find some possible loophole. So far as the Secretary of the Treasury is concerned, he has approved it, I believe. The bill merely would provide that the dealer would not have to pay taxes on profits until he got the profits.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. ANDERSON. I am happy to yield.

Mr. PROUTY. It is my understanding that the bill involves a revenue impact of something in the vicinity of $80 million. We merely felt it was not properly calendar business.

Mr. ANDERSON. Mr. President, this bill is very fair. What the bill would do, perhaps, is to delay the payment of taxes until the dealer gets his profits. By the same token, we could say that a man ought to pay in advance on everything he expects to make in 1960, and not wait until 1960 is over to see how he comes out.

Mr. PROUTY. I feel there is merit in the proposed legislation. We simply felt it was not properly calendar business.

Mr. ANDERSON. I beg the Senators' pardon. I thought the objection was to the bill. It may not be properly calendar business. I would not argue with the Senator on that question.

I merely express the hope that the majority leader, in consultation with the minority leader, will make a motion to take the bill up for consideration, because the Committee on Finance has spent a lot of time on the bill, and it has finally reached the point where I thought it was satisfactory to all. I thank the Senator from Vermont for straightening me out.

Mr. BYRD of Virginia. Mr. President, I agree with the Senator from Vermont that the bill is not properly calendar business.

The PRESIDING OFFICER. The clerk will state the next measure on the calendar.

TAX ON CERTAIN LAMINATED TIRES PRODUCED FROM USED TIRES

The Senate proceeded to consider the bill (H.R. 6785) to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires, which had been reported from the Committee on Finance with an amendment, on page 2, line 11, after the word "and", to strike out "(4)" and insert "(3)".

Mr. MORSE. Mr. President, may we have an explanation of this bill?

Mr. BYRD of Virginia. Mr. President, a laminated tire consists of a series of rubber pads—cut from scrap rubber tires—held together by a metal band on which the pads are threaded in a manner to form a complete circle. These tires are used for off-highway purposes where the terrain is rough or where there is the hazard of puncture in the case of pneumatic tires. They are used primarily on lifts, cranes, payloaders, weed cutters, and similar types of industrial and farm equipment.

Under present law the laminated tire, which does not go on any public roads, is subject to the tax of 5 cents a pound, Because of the very heavy weight of the laminated tires, this represents a burdensome tax, in some cases representing a burden equal to nearly 20 percent of the retail price of the tire. On the other hand, the pneumatic tires, which to some degree can serve the same purposes, because of their substantially lighter weight, pay a much smaller tax per tire. As a result, the laminated tire industry, which is both a new and a small industry, has found it difficult to develop with the present relatively heavy tax burden and competitive disadvantage.

In view of these considerations, the committee had concluded that it is appropriate to provide a lower rate of tax applicable to laminated tires. Therefore, this bill amends present law—section 4071(a)—by adding a new paragraph providing a tax of 1 cent a pound in the case of laminated tires of the type not used on highway vehicles, where these tires consist wholly of scrap rubber made from used tire casings and where there is an internal metal fastening agent. This is in lieu of the tax of 5 cents a pound to which these tires would otherwise be subject.

The amendment adopted by the Committee on Finance merely corrects a typographical error in the referred print of the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INSTITUTION OF CONTROLS OVER THE MANUFACTURE OF NARCOTIC DRUGS

The Senate proceeded to consider the bill (H.R. 529) to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institutions of controls over the manufacture of narcotic drugs, and for other purposes, which had been reported from the Committee on Finance with amendments, on page 14, after line 10, to insert:

(d) The amendment to subsection (g) of section 4731 of the Internal Revenue Code of 1954, made by subsection (b) of this section, shall not affect any proceeding commenced before such amendment, but such proceeding shall be continued to final disposition as if the amendment had not been made.

And, on page 20, at the beginning of line 6, to strike out "1960" and insert "1961."

The amendments were agreed to.

Mr. MORSE. Mr. President, may we have an explanation of the bill, as amended?

Mr. BYRD of Virginia. Mr. President, H.R. 529, a bill to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes, was reported favorably by the Committee on Finance, with two minor amendments.

The bill is designed to give full effect to treaty obligations of the United States to limit exclusively to medical and scientific purposes the manufacture of narcotic drugs and to require that such manufacture be restricted to persons and premises that have been licensed for the purpose. The present provisions for the control of the distribution and use of narcotic drugs, insofar as the Federal law is concerned, are contained in parts I and III of subchapter A of chapter 39 of the Internal Revenue Code of 1954. These provisions, generally known collectively as the Harrison Act, do not afford a basis for specific quantitative limitation of the manufacture of narcotic drugs. The bill, therefore, gives effect to the treaty obligations by pro-

viding for the licensing of qualified manufacturers of narcotic drugs, and the equitable assignment of manufacturing quotas, based upon the amount of each narcotic drug found to be necessary to supply medical and scientific needs only. Provision is made for adjustment of these quotas as may be found necessary, by increasing or decreasing medical and scientific needs, with due allowance, within the maximum total permissible quantity, for a new, qualified manufacturer, and for clinical development and subsequent manufacture of a new narcotic drug.

The bill also provides for a revision of the procedure, under section 4731(g) of the Internal Revenue Code of 1954, to cover under the Harrison Narcotic Act controls of new drugs which may be found under specified conditions to be readily capable of conversion into drugs having addiction liability, and amends section 4702(a) of the Internal Revenue Code of 1954 to allow, under certain conditions, exceptions from certain Harrison Narcotic Act provisions in favor of preparations having little or no addictive quality.

Provision is also made for the application of Federal narcotic controls over new drugs found and duly reported, under the 1948 protocol procedure, to have addiction liability similar to the narcotic drugs already subject to the Narcotic Manufacturing Limitation Convention of 1931.

A further purpose of the bill is that of amending the Narcotic Drugs Import and Export Act to bring the regulation of exports into conformity with current treaty obligations, and to permit the importation and exportation of certain narcotic drugs for scientific research purposes.

As the bill is intended generally to operate on a calendar year basis, committee amendments made the licensing requirement of section 8 effective on or before January 1, 1961, and added a saving clause as a new subsection (d) of section 4 of the bill, to validate any current proceeding commenced under the present section 4731(g) of the Internal Revenue Code of 1954, to cover a new drug under the Harrison Narcotic Act, notwithstanding the revision of said section 4731(g) of the Internal Revenue Code of 1954 made by section 4 of the bill.

I will say to the Senator from Oregon, the committee held two rather lengthy sessions on this bill, which was unanimously reported. It was recommended by the Departments concerned.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PROPOSED ADDITIONAL BUILDING FOR THE LIBRARY OF CONGRESS

The joint resolution (S.J. Res. 97) to authorize preliminary study and review in connection with proposed additional building for the Library of Congress, was announced as next in order.

The PRESIDING OFFICER (Mr. FREAR in the chair). The Chair asks that the Committee on Public Works be discharged from the consideration of House Joint Resolution 352, which is substantially the same as Senate Joint Resolution 97, that House Joint Resolution 352 be substituted for Senate Joint Resolution 97; that House Joint Resolution 352 be amended by striking out all after the enacting clause and inserting the language of the Senate joint resolution as proposed to be amended; that the House joint resolution, as amended, be passed; and that Senate Joint Resolution 97 be indefinitely postponed.

Is there objection?

Mr. PROUTY. What are the differences?

The PRESIDING OFFICER. The Chair does not know that he is supposed to explain any differences; but the Chair is informed by the Parliamentarian that there is substantially no difference.

Is there objection to discharging the Committee on Public Works from the further consideration of House Joint Resolution 352?

The Chair hears none, and it is so ordered.

Is there objection to the present consideration of House Joint Resolution 352?

There being no objection, the Senate proceeded to consider the joint resolution (H.J. Res. 352) to authorize preliminary study and review in connection with proposed additional building for the Library of Congress.

The PRESIDING OFFICER. Is there objection to striking out all after the enacting clause and substituting the language of Senate Joint Resolution 97, as proposed to be amended by the committee?

The Chair hears none.

The question is on agreeing to the amendment.

The amendment was agreed to, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol, under the direction and supervision of the Joint Committee on the Library, is authorized and directed to prepare preliminary plans and estimates of cost for an additional building for the Library of Congress.

SEC. 2. The Architect of the Capitol is authorized, under the direction of the Joint Committee on the Library, to make such expenditures as may be necessary to carry out the provisions of this resolution, and there is hereby authorized to be appropriated for such purpose the sum of $75,000.

The amendment was ordered to be engrossed, and the joint resolution to be a read a third time.

The joint resolution was read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 97 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 1511) to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes, was announced as next in order.

Mr. PROUTY. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

PARTICIPATION BY THE UNITED STATES IN PARLIAMENTARY CONFERENCES WITH MEXICO

The Senate proceeded to consider the joint resolution (H.J. Res. 283) to authorize participation by the United States in parliamentary conferences with Mexico, which had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 6, after the word "apply", to strike out "during the first session of the Eighty-sixth Congress or."

The amendment was agreed to.

Mr. MORSE. Mr. President, on behalf of the Foreign Relations Committee, I wish to make a brief explanation and then offer an amendment on behalf of the committee.

Mr. President, this joint resolution would provide for annual meetings between Members of the U.S. Senate and House of Representatives, on the one hand, and members of the Mexican Chamber of Deputies and Chamber of Senators, on the other.

It is modeled on the joint resolution passed last year providing for such meetings with members of the Canadian Parliament. The parliamentary conferences with Canada have been extremely successful, and there is every reason to suppose that the proposed meetings with members of the Mexican Congress will be equally beneficial. I might add that the Mexican Congress has already passed similar legislation and has appointed delegates to participate in the meetings.

As House Joint Resolution 283 came over from the House, it provided that the meetings in Mexico should be held when Congress is not in session. In the meantime, the counterpart legislation in Mexico has been passed, and it provides that all of the meetings shall be held while the Mexican Congress is not in session. The Mexican Congress normally meets from the 1st of September until the 1st of January. And of course the U.S. Congress normally meets from early January until sometime in August or September. The difficulty thus presented is readily apparent. The easiest way to remove this difficulty is to delete the requirement in House Joint Resolution 283 that meetings in Mexico be held when the U.S. Congress is not in session, and I offer an amendment to that end.

Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The amendment offered by the Senator from Oregon will be stated.

The LEGISLATIVE CLERK. On page 1, line 4, after the word "annually" it is proposed to strike out through "United States" in line 7, as amended.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. KUCHEL. Mr. President. This is an excellent moment in the history of increasing friendship with our sister Republic of Mexico. I felt honored to be a coauthor of similar legislation introduced in the Senate on this subject. If, as now may be anticipated, annual meetings of representatives of the legislative branch of our good neighbor to the south, Mexico, and representatives of the Congress of the United States, take place, I think the amity, the friendship, and the great cooperation, defensive, economic, cultural, and otherwise, between those two great Republics in this hemisphere will reach a new and greater high.

There are many problems which remain unsolved today between the people of Mexico and the people of the United States. Based, as has just been suggested, upon the pattern of similar legislation with respect to Canada, and based also on what accomplishments have come to the fore by reason of similar legislation with respect to the communities in the Atlantic Alliance, I think it can truthfully be said that this sort of legislative action indeed charts a new day in this bright era of great relations between these two sister nations in the Western Hemisphere.

The PRESIDING OFFICER. The clerk will state the next business on the calendar.

INCOME TAX TREATMENT OF NONREFUNDABLE CAPITAL CONTRIBUTIONS—BILL PASSED OVER

The Senate proceeded to consider the bill (H.R. 7947) relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association, which had been reported from the Committee on Finance with amendments, on page 2, line 15, after "(12 U.S.C., sec.", to strike out "1716" and insert "1718"; and at the top of page 3, to strike out:

SEC. 3. The amendments made by the first section and section 2 of this Act shall apply with respect to taxable years beginning after December 31, 1958.

And, in lieu thereof, to insert:

SEC. 3. (a) The amendment made by the first section of this Act shall apply with respect to taxable years beginning after December 31, 1959. Under regulations prescribed by the Secretary or his delegate, such amendment shall also apply, in the case of any taxpayer, with respect to any taxable year beginning after December 31, 1953, and before January 1, 1960, and ending after August 16, 1954, if the taxpayer—

(1) in computing his taxable income for such taxable year (as shown on his return filed not later than the time prescribed by law, including any extension thereof)—

(A) claimed a deduction, with respect to the sale of a mortgage to the Federal National Mortgage Association, in respect of any amount of capital contributions evidenced by a share of stock issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act, or

(B) computed the proceeds from such a sale by treating the value of any such share received for any such capital contributions as an amount less than the issue price of such share, and

prior to the date of the enactment of this Act, such deduction or treatment has not been disallowed, or, if disallowed, the deficiency attributable thereto has not been paid and has not been used to reduce an overpayment the balance of which (if any) has been refunded or credited; or

(2) after the time prescribed by law for filing his return for such taxable year (including any extension thereof) and prior to the date of the enactment of this Act, claimed a deduction described in paragraph (1)(A) or the treatment described in paragraph (1)(B) (whether by filing a claim for refund or credit in respect of an overpayment, or otherwise), and such deduction or treatment has been allowed and—

(A) an overpayment resulting from such allowance has been refunded or credited, or

(B) a deficiency for such taxable year has been reduced as a result of such allowance and the balance of such deficiency (if any) has been paid.

(b) The amendment made by section 2 of this Act shall apply, in the case of any taxpayer, with respect to any taxable year (whether beginning before, on, or after December 31, 1959), in respect of any share of stock issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act, only if the amendment made by the first section of this Act applies with respect to the taxable year in which such share was issued.

The amendments were agreed to.

Mr. MORSE. Mr. President, may we now have an explanation of the bill?

Mr. BYRD of Virginia. Mr. President, under the act rechartering the Association in 1954, financial institutions selling mortgage paper to the Federal National Mortgage Association are required to subscribe to its common stock at par value. Although this stock is issued at a par value of $100, it has been selling on the market for considerably less.

Taxpayer-subscribers generally have treated the difference between issuance price and market price as an ordinary and necessary business expense since they acquired the stock in order to sell mortgage paper. In 1958, however, the Internal Revenue Service ruled that no part of the purchase price of this stock constituted a deductible business expense. Under the ruling, the entire amount paid for the stock must be treated as the cost of the stock. Thus, no tax effect occurs until the stock is sold by the taxpayer.

The bill, as passed by the House and approved by your committee—except for the effective date—permits a deduction, at the time the stock is issued, of the excess of the issue price of the stock over its fair market value. The bill also provides that the basis of the stock is to be reduced by the amount required to be deducted against ordinary income under the new provision. As a result the taxpayer cannot receive a second tax benefit for the amount previously deducted.

A new effective date has been provided by your committee. The bill as passed by the House was to be effective for taxable years beginning after December 31, 1958. Under your committee's bill, this new treatment will be fully available for taxable years beginning after December 31, 1959, and with respect to prior years to which the 1954 code applies, no deficiency will be assessed for any such year where the taxpayer has treated the amount in question either as a deduction or as an adjustment of income. Thus, the new treatment will be available for all transactions of this type since the rechartering of the Federal National Mortgage Association in 1954. Reduction in the basis of the stock issued in this past period will be required only if the amount was claimed by the taxpayer-subscriber as a deduction or as an adjustment of income.

Mr. MORSE. Mr. President, I have not had an opportunity to study the bill. Will the Senator tell me if this does not encourage the offering of stock to the public at a purchase price known to be in excess of its true value?

Mr. BYRD of Virginia. It is offered by the Federal National Mortgage Association.

Mr. MORSE. Whoever gets the offer, what bothers me, offhand, is whether or not we are apparently underwriting the offering of stock at a purchase price beyond what it is really worth, and, with our other hand, proceeding to give the purchaser some benefit from buying stock which is not worth what he has paid for it, by giving him a tax deduction. I wonder if we should encourage that kind of paper transaction. Should we not encourage them to sell their stock at its true value?

Mr. BYRD of Virginia. At the present time it is required to be valued at $100 par value, when it is frequently selling for less than par value.

Mr. MORSE. I should like to study the bill further. I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SPARKMAN subsequently said: Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar No. 1113, H.R. 7947.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the bill.

Mr. SPARKMAN. Mr. President, I understand that the Senator from Oregon [Mr. MORSE], with whom I have spoken regarding this bill, desired a fuller explanation of the measure.

The measure was initiated in the House of Representatives, of course, but really upon the request of the housing committees, in order to get relief for home builders who we believe are entitled to relief.

In 1954 the Federal National Mortgage Association was reorganized by act of Congress. Prior to that time, it had been a purely governmental operation, engaged in secondary marketing of mortgages. But in 1954 it was made into a semipublic and semiprivate organization. The requirement was added that a person who sold a mortgage to the Federal National Mortgage Association would be required to subscribe to 2 percent of the stock of the corporation. In other words, if a person sold a mortgage of $15,000, we will say, to the Federal National Mortgage Association, he would have to subscribe to $300 worth of stock. Actually that stock is not worth $100 a share. It is sellable in the market, but it has an actual market value measurable day by day. It is selling now at around $55.

When the operator buys that stock—and he must buy it; it is not a matter of choice; he must buy it—under the law now he must carry that stock as of the value of $100, although actually it is worth only $55 today.

It was felt in the beginning that he was entitled to charge this off as a business operation; in other words, to make a deduction of it for internal revenue tax purposes. However, the Internal Revenue Service had held differently.

The result is that he must now carry that dead weight on his books.

It is true that when he sells the stock in the open market and he takes a loss, he is entitled to take a capital loss, but it is necessary for him to hold it for such period of time as would make it possible for him to sell it under those circumstances.

The bill simply provides that when he buys it—being required to buy it, of course—he may treat it as a basis of expense for the excess value of it, knowing that he has been forced to carry it.

There is a second provision in the amendment, which the Senator from Oregon may have noticed, and that second part safeguards against his getting a capital gains benefit later on when he actually sells. There is no chance of the Government having a loss, and the seller would be given more flexibility in the operation of his business, and would be given what I consider to be absolutely fair and equitable treatment.

Mr. MORSE. Mr. President, in view of the explanation of the Senator from Alabama, which satisfies me, I withdraw the objection.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MORE POLARIS SUBMARINES NOW

Mr. COTTON. Mr. President, the Navy Department this morning advised me and other Members of the Congress that it is speeding up the work on seven of the Polaris missile submarines now under construction.

The Navy announcement indicated that, of the nine Polaris submarines now being built, two are so far advanced that no greater speed in their construction is possible, but an additional $52 million will be used to hurry the work on the other seven, including the SSBN-602, the *Abraham Lincoln*, now being built at the Portsmouth Naval Shipyard.

I regard this speed-up as an important step in the right direction. I do not believe there is any other place where we can get as much additional defense, at a time when we need it, for only $52 million as we can get from the Polaris missile program.

At the same time, Mr. President, I wish the Defense Department and the administration would stop nibbling away at the edges and face the problem head on. We need a bold, direct program for increasing the number of Polaris submarines, not just a gesture in that direction.

Admiral Arleigh Burke, the Chief of Naval Operations, has testified that a tripling of the Polaris program for next year is possible and desirable. I believe we must build a full complement of nine Polaris submarines in the fiscal year 1961 shipbuilding program instead of only three, as proposed in the budget.

Such an expansion would cost an extra billion dollars, but it will give us more defense at a lower cost than any other step we could take.

I hope the Congress and the administration, together, will seize this opportunity to provide a defense that cannot be knocked out by one attack; a defense with terrific striking power at minimum cost.

AFFIDAVITS OF DISBELIEF IN CONNECTION WITH THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Mr. GREEN. Mr. President, on Wednesday, January 28, 1960, the junior Senator from Massachusetts [Mr. KENNEDY] introduced for himself and the senior Senator from New York [Mr. JAVITS] S. 2929, a bill to amend the National Defense Education Act of 1958 in order to repeal certain provisions requiring affidavits of disbelief.

On the following Tuesday, February 2, the Committee on Labor and Public Welfare took prompt action on S. 2929, and the measure has been ordered favorably reported to the Senate.

In this connection, I am in receipt of a communication from Mr. Robert E. Tracy, president of the Cammarian Club, the student governing body of Brown University, with a resolution adopted by the club concerning the loyalty oath and disclaimer affidavit provisions of the National Defense Education Act. I also have at hand petitions bearing the signatures of 732 students of Brown University urging the repeal of these provisions.

I ask unanimous consent to have inserted in the RECORD, as part of my remarks, the report of the Cammarian Club.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CAMMARIAN CLUB, MARCH 1, 1960, REPORT, AS AMENDED, ON THE NATIONAL DEFENSE EDUCATION ACT

The National Defense Education Act, passed in 1958, was the beginning of a Federal program to alleviate the increasing pressures on American education. The act has one part (title II, which is concerned with student loans) which is of direct concern to us as college undergraduates. The specific provisions of title II provide for loans of up to $1,000 a year over a 5-year period. Repayment begins 1 year after completion of full-time college study and continues over a 10-year period, with an interest rate of 3 percent per year. Those students entering the field of public school teaching are forgiven 10 percent of the loan for each year of service, up to a maximum of 50 percent of the total amount of the loan. Preference for loans is given to students of high academic caliber, who plan to enter the field of public education and those showing strong backgrounds in science, mathematics, engineering, or foreign languages. These provisions in themselves are not objectionable; they are commendable. However, there are two matters which warrant the consideration of the Cammarian Club and the student body of Brown University, because accompanying these provisions is a conditional two-part stipulation that:

"No part of any funds appropriated or otherwise made available for expenditure under authority of this act shall be used to make payments or loans to any individual unless such individual (1) has executed and filed with the Commissioner an affidavit that he does not support any organization that believes in or teaches, the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods, and (2) has taken and subscribed to an oath or affirmation in the following form: 'I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic.'"

The second stipulation, the oath of allegiance or loyalty oath, is simply an affirmation of the duties every citizen owes to his country. However, the Cammarian Club, as the student governing body of Brown University, challenges the necessity and appropriateness of such an oath as a condition to financial aid for college students, when other Government loans and similar Government transactions require no such oath. Since it appears that subversives would not hesitate to affirm allegiance, the resulting futility of this requirement as an attempt to distinguish loyalty tends to destroy the significance of the oath of allegiance. Moreover, this oath sets a precedent of Government control in connection with Government aid to education. This is of particular importance as Government aid increases, as it appears likely to do. Therefore, it becomes increasingly important that we be cautious in accepting controls and restrictions; and, for this reason, it is here, at the very beginning, that we also must be cautious about establishing a precedent for other controls.

The Cammarian Club feels that the first stipulation, the disclaimer affidavit of the National Defense Education Act of 1958, should be repealed for the following reasons:

1. It is discriminatory. The title of the act suggests that properly educated citizens are our country's first line of defense. However, by demanding the signing of such an affidavit, the Government suggests that well-educated people are also our country's poorest security risks. No other segment of the population is asked to sign such a statement when they apply for Federal aid.

2. The university, as the Government's agent in this matter, is forced to adopt a double standard of values, because only those students in need of financial aid are required to sign this affidavit. As President Keeney explained in his speech of November 20, 1959, to the New England Society of Newspaper Editors:

"Remember that this disclaimer is not extracted by the Government at the time the individual enters into a contract with the Government, but by the college at the time the student enters a loan contract with the college for which the funds are supplied by the Government."

Also since the participating school is required to invest 10 percent of its own funds in each loan and to administer the disclaimer affidavit to each recipient, it too becomes an agent of the discriminatory practice.

3. The wording of the affidavit is vague. What constitutes individual support of an organization? How does the individual know that an organization, with which he affiliates

himself, will not, at some future time, be judged to be one "that believes in or teaches the overthrow of the U.S. Government by force or violence or any illegal or unconstitutional methods?" And, indeed, what are illegal and unconstitutional methods?

4. The affidavit is inherently futile. In the past similar affidavits have led to some perjury convictions; but a person who was truly a subversive or treasonable would not hesitate to sign such an affidavit.

5. It is impossible for such an affidavit to instill loyalty. Loyalty cannot be forced upon anyone. If a system cannot stand the intellectual curiosity and criticism of a college education, such an affidavit will do nothing to cause anyone to remain loyal. True loyalty is based upon free examination of a cause and on the evidence thus obtained; and devotion to this cause is evinced by rational and intellectual affirmation of its ideals.

6. Colleges and universities have been striving for centuries to free themselves from effects of outside influences. This freedom should be equal to that granted to the press, religious groups, and those wanting freedom of assembly. Affidavits of this kind, in the past, have been means of gaining control of institutions and of forcing conformity and oppression upon them. This is not to say that, in this particular case, this is the purpose of the disclaimer affidavit; but the scope and the pioneering nature of the National Defense Education Act demand that no dangerous precedent for future Federal legislation be set forth in the provisions; and this disclaimer affidavit is, in our eyes, a dangerous step toward Federal control of education.

We fully agree with the final remarks of President Keeney in his speech of November 20, 1959:

"Education is supposed to make people clearer thinkers and wiser men. If this is so, and I think it is so, no one should be excluded from education because of an ill-formed belief he holds as a boy of 18."

We therefore believe that the university should not accept any further funds from this program until the loyalty oath and disclaimer affidavit provisions are repealed by Congress.

Respectfully submitted.

JOHN HOLBROOK
(And the executive committee).

REDUCTION OF CABARET TAX—BILL PASSED OVER

The bill (H.R. 2164) to reduce the cabaret tax from 20 to 10 percent was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PROUTY. I ask that the bill go over.

Mr. ANDERSON. Mr. President, I ask unanimous consent that a brief analysis of H.R. 2164, Calendar No. 1114, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ANDERSON

H.R. 2164 reduces from 20 percent to 10 percent the tax imposed by section 4231 (6) with respect to roof gardens, cabarets, and similar establishments. This change in rates is to be effective as of 10 a.m. on the first day of the month beginning more than 10 days after the enactment of this bill.

Your committee is reporting this bill to reduce the cabaret tax for two principal reasons: First, the present 20-percent rate is discriminatory in that the rates of almost all of the other ad valorem excise taxes do not exceed 10 percent; second, the present high rate of this tax is believed to have been a substantial deterrent to the employment of musicians and other entertainers.

In the case of the cabaret tax, the 20-percent rate is particularly onerous because although this tax is classed as an admissions tax its base includes not only the price paid for any admissions but also amounts paid for refreshments, services, and merchandise. Moreover, the 20-percent rate applies only where there is a combination of entertainment and the serving of food or beverages. Where only entertainment is provided the 10-percent admissions tax usually applies; on the other hand, where there is only the serving of food and beverages, generally no tax is imposed. Thus the present 20-percent tax discriminates against the combination of food or beverages and entertainment since either, if provided separately, is taxed at a lesser rate or is not taxed at all.

It is believed that this discriminatory, high rate of the cabaret tax has had a serious adverse effect on the employment of musicians and other entertainers.

Mr. MORSE. Mr. President, I should like to add to the comment just made by the distinguished Senator from New Mexico a very brief observation. I sincerely hope that the bill, which would reduce the cabaret tax from 20 percent to 10 percent, will be brought before the Senate by motion, if necessary, at an early date.

I know that on its face it looks like a type of bill in connection with which it is easy to say that the 20 percent tax should be imposed upon the business involved; in other words, that the excise tax should remain at 20 percent. However, I consider it to be a very unfair tax in its present amount, and I believe it ought to be reduced to a reasonable amount. I believe 10 percent is a fair and reasonable amount and is in line with other excise taxes.

I hope that, merely because this involves a recognized luxury in the field of taxation, we do not continue to follow what amounts, in my judgment, to a punitive principle of taxation.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Objection is heard. The bill will go over.

RESOLUTIONS PASSED OVER

The resolution (S. Res. 258) authorizing the printing of additional copies of hearings concerning unemployment problems in Indiana was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

The PRESIDING OFFICER. The resolution will go over.

The resolution (S. Res. 259) to print with illustrations a committee print entitled "Relative Water and Power Resource Development in the U.S.S.R. and U.S.A." was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Mr. President, over, by request.

The PRESIDING OFFICER. The resolution will be passed over.

PRINTING AS SENATE DOCUMENT REPORT ON COLD WEATHER AGRICULTURE

The resolution (S. Res. 262) authorizing the printing of the report on cold weather agriculture as a Senate document was considered and agreed to, as follows:

Resolved, That there be printed as a Senate document the report prepared by the Science and Technology Division of the Library of Congress on cold weather agriculture and that there be printed two thousand additional copies for the use of the Committee on Interior tnd Insular Affairs.

PRINTING AS SENATE DOCUMENT REPORT OF THE ADVISORY COUNCIL ON PUBLIC ASSISTANCE

The resolution (S. Res. 269) to print as a Senate document with an illustration the report of the Advisory Council on Public Assistance, was considered and agreed to, as follows:

Resolved, That the report of the Advisory Council on Public Assistance be printed as a Senate document with an illustration.

PRINTING AS SENATE DOCUMENT REPORT OF THE ADVISORY COUNCIL ON CHILD WELFARE SERVICES

The resolution (S. Res. 270) to print as a Senate document with an illustration the report of the Advisory Council on Child Welfare Services was considered and agreed to, as follows:

Resolved, That the report of the Advisory Council on Child Welfare Services be printed as a Senate document with an illustration.

RESOLUTIONS PASSED OVER

The resolution (S. Res. 255) providing additional funds for the completion by the Committee on Government Operations of its study of worldwide health and medical research and authorizing the employment of additional personnel, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Mr. President, over by request.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 256) authorizing the printing of additional copies of the unemployment selected readings prepared by the Special Committee on Unemployment Problems was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 257) authorizing the printing of additional copies of the studies in unemployment prepared by the Special Committee on Unemployment Problems, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 260) to print with illustrations a committee print entitled "Relative Water and Power Resource Development in the U.S.S.R. and U.S.A." was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

Mr. MORSE. Mr. President, will the Senator from Vermont withhold his objection for a moment?

Mr. PROUTY. Yes.

Mr. MORSE. Mr. President, I believe this is a report which ought to be available in sufficient supply to be used by all Senators, particularly members of the Committee on Foreign Relations. It is an important report from the standpoint of helping to clarify the thinking of some of us on matters with regard to the challenge which Russia is presenting to us in the field of hydroelectric power development. The expenditure involved in connection with supplying the reprint called for is exceedingly nominal in relation to the great value that would flow from an educational standpoint in making the information available. I hope that at an early date we may get the approval of the Senate for the printing of these additional copies of the report.

I wish to say to the Senator from Utah [Mr. Moss] and the other Members of the Senate who went to Russia that they have given us a very valuable report and have performed a great service to the Senate. Not to make this report available in sufficient supply for use by Senators would clearly be penny wise and pound foolish.

The PRESIDING OFFICER. Objection is heard. The resolution will go over.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON EMPLOYMENT, GROWTH, AND PRICE LEVELS

The concurrent resolution (S. Con. Res. 86) authorizing the printing of additional copies of the hearings on employment, growth, and price levels was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the hearings on employment, growth, and price levels held by that committee during the first session of the Eighty-sixth Congress.

PRINTING OF ADDITIONAL COPIES OF REPORT ON EMPLOYMENT, GROWTH, AND PRICE LEVELS

The concurrent resolution (S. Con. Res. 87), authorizing the printing of additional copies of the report on employment, growth, and price levels was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the report on employment, growth, and price levels prepared by that committee during the first session of the Eighty-sixth Congress.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON ENERGY RESOURCES AND TECHNOLOGY

The concurrent resolution (S. Con. Res. 88), authorizing the printing of additional copies of the hearings on energy resources and technology, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the hearings on energy resources and technology, held by that committee during the first session of the Eighty-sixth Congress.

PRINTING OF ADDITIONAL COPIES OF STUDIES ON COMPARISONS OF UNITED STATES AND SOVIET ECONOMIES

The concurrent resolution (S. Con. Res. 89), authorizing the printing of additional copies of the studies on comparisons of United States and Soviet economies, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the studies on comparisons of the United States and Soviet economies, prepared by that committee during the first session of the Eighty-sixth Congress.

MARKETING QUOTAS FOR RICE

The bill (H.R. 7889) to require marketing quotas for rice when the total supply exceeds the normal supply was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ELLENDER. Mr. President, I ask unanimous consent that a statement explaining the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ELLENDER

This bill provides for the proclamation of rice marketing quotas whenever the supply exceds normal. Existing law requires that supply exceed normal by more than 10 percent before quotas are proclaimed.

Normal supply consists of domestic consumption and exports plus a 10-percent allowance for carryover. This allowance for carryover, which amounts to about 5 million hundredweight, is adequate. Marketing quotas have been in effect for rice since 1955. Their suspension for any year could be anticipated to result in considerable expansion of acreage for that year followed by a difficult readjustment to quotas in the following year. The bill is designed to prevent such a situation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

ACQUISITION OF CROPLAND BY EMINENT DOMAIN

The bill (H.R. 8343) relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 2, line 7, after the word "to," to strike out "one year" and insert "two years."

Mr. ELLENDER. Mr. President, I ask unanimous consent that a brief explanation of the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ELLENDER

This bill would continue acreage allotments on lands acquired by agencies having the right of eminent domain so long as they remain leased to their former owners. It would also permit Federal Government lands to be leased to their former owners for the production of price supported crops without regard to section 125 of the Soil Bank Act.

At present where farm lands are acquired by any agency having the right of eminent domain, the allotments on the farm are pooled for use in providing allotments for other farms owned by the former owner of the farm lands so acquired. This is so even though such former owner remains on the farm under lease from the acquiring agency, continues farming it, and operates no other farm. So long as the former owner is allowed to remain in possession, there would seem to be no reason for not permitting him to operate the farm as he has in the past, and the bill is designed to accomplish this purpose. This will minimize the adverse effect of the Government's land acquisition operations on the individual farmer and the community.

Section 125 of the Soil Bank Act prohibits the leasing of Federal Government lands for the production of price supported crops in surplus supply. The bill would exempt from this prohibition lands leased to their former owner.

The committee amendment gives a former owner who is not in possession of the land at the time the bill becomes effective 2 years, instead of 1, to obtain a lease from the Government and qualify for the continuation of allotments on the land.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

The bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms

on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President, I ask unanimous consent that a short explanation of the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SCHOEPPEL

This bill provides for crediting a wheat farmer who exceeds his allotment, but fails to produce a marketing excess, with the same history he would have received if he had produced an excess and stored it to avoid penalty.

Wheat farmers who either keep within their allotments, or store any marketing excess produced by them, are credited for the purpose of future allotments with acreage history equal to their base acreage. Wheat farmers who exceed their allotments and do not store their marketing excess are credited only with history equal to their allotted acreage, and lose the difference between their allotted acreage and base acreage. Wheat farmers who exceed their allotments but suffer a crop failure so that they have no marketing excess should, of course, be in as good a position as farmers producing and storing an excess. However, the law is not now so construed and such farmers receive credit only for their allotted acreage. The bill would correct this situation by providing for their being credited with their full base acreage.

The committee amendment makes no change in substance, but does make it clear that exempt farms, which could not avoid a loss of acreage history by storing any excess they might produce, will similarly not be able to avoid such loss if they have a crop failure. The committee amendment also clarifies the effective date of the bill.

The committee amendment, except for its last two sentences, has been previously approved by the Senate when it agreed to the conference report last year on S. 1968.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That section 334 of the Agricultural Adjustment Act of 1938, as amended, is further amended by inserting a new subsection (d) between subsections (c) and (e) to read as follows:

"(d) For the purposes of subsections (a), (b), and (c) of this section, any farm—

"(1) to which a wheat marketing quota is applicable; and

"(2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and

"(3) on which the marketing excess is zero shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INCREASE IN EXPENDITURE UNDER THE SPECIAL MILK PROGRAM FOR CHILDREN

The bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PROUTY. Mr. President, while I personally favor the bill, I have been requested that it be held over.

Mr. MORSE. Mr. President, will the Senator withhold his objection for a moment?

Mr. PROUTY. Yes.

Mr. MORSE. Mr. President, if we do not get favorable action on the bill on the call of the calendar, I should like to say that it is certainly a bill that ought to be brought up by motion at an early date for consideration by the Senate. I say most respectfully that I do not see how there could be any possible justification for letting the bill die on the calendar. We cannot deny this assistance to the little boys and girls in the United States who need milk.

It is just as simple as that. It is a great humanitarian bill. We ought to act on it. We ought to provide whatever additional funds are needed to give the boys and girls milk when they need it. I make this statement not from the standpoint of the milk industry, but from the standpoint of the nutritional needs of a lot of little boys and girls in this country to whom we had better be giving some attention, because they happen to be the greatest wealth we have.

Mr. PROUTY. Mr. President, I find myself in perfect and complete agreement with the Senator from Oregon.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have a short explanation of the bill printed at this point in the RECORD.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ELLENDER

This bill would increase the funds available for the special milk program to $85 million for the current fiscal year and $95 million for each fiscal year thereafter. This would be an increase of $4 million from the $81 million now available for the current year and an increase of $11 million from the $84 million now available for fiscal 1961. Because of expanded participation in the program, these increases are necessary to maintain the current payment rates of 4 cents per half pint for schools participating in the school lunch program and 3 cents per half pint for schools not participating in the school lunch program.

The bill would also make the program permanent. The program was first authorized by the Agricultural Act of 1954 and has been expanded and continued from time to time through fiscal 1961. The program has proved very successful and should now be made permanent.

The committee amendments increase the amount of Commodity Credit Corporation funds authorized by the House bill for fiscal 1961 from $85 million to $95 million, make the program permanent, and strike out an authorization for the appropriation of an additional $15 million for fiscal 1961. Use of a combination of Commodity Credit Corporation funds and appropriated funds would result in unnecessary accounting and other fiscal problems.

The report states that because of the inadequacy of funds now authorized to cover expanded participation in the program a reduction of one-half cent per half pint in reimbursement rates has been announced effective April 1. Since the bill was reported the reduction has been deferred to May 1, but if additional funds should not be authorized by then, the reduction would be 1 cent per half pint.

DEPARTMENT OF COMMERCE APPROPRIATIONS, 1961 — BILL PASSED OVER

The bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes, was announced as next in order.

Mr. BARTLETT. Over, Mr. President, because this bill is the pending business.

The PRESIDING OFFICER. The bill will be passed over.

STAMATINA KALPAKA

The bill (S. 1752) for the relief of Stamatina Kalpaka was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Stamatina Kalpaka shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

TIMMY KIM SMITH

The bill (S. 1912) for the relief of Timmy Kim Smith was considered, or-

dered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Timmy Kim Smith, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Lloyd L. Smith, citizens of the United States.

ERICA BARTH

The bill (S. 2165) for the relief of Erica Barth was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Erica Barth shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PETER J. WATERTON

The bill (S. 2177) for the relief of Peter J. Waterton was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (4) of section 212(a) of the Immigration and Nationality Act, Peter J. Waterton may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further*, That this Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

WONG GIM CHUNG

The bill (S. 2247) for the relief of Wong Gim Chung was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Wong Gim Chung shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

CHAIM (HYMAN) EIDLISZ

The bill (S. 2352) for the relief of Chaim (Hyman) Eidlisz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Chaim (Hyman) Eidlisz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available

ANDROS SZASZ

The bill (S. 2361) for the relief of Andros Szasz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Andros Szasz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in the Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

INEZ GONZALEZ ABILEZ

The bill (S. 2419) for the relief of Inez Gonzalez Abilez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Inez Gonzalez Abilez. From and after the date of enactment of this Act, the said Inez Gonzalez Abilez shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

SHIN MORIYOSHI

The bill (S. 2520) for the relief of Shin Moriyoshi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Shin Moriyoshi, shall be held and considered to be the natural-born alien child of Francis W. McGrath and Margaret P. McGrath, citizens of the United States: *Provided*, That the natural parents of the said Shin Moriyoshi shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

EMIL MILAN PRESEREN

The Senate proceeded to consider the bill (S. 247) for the relief of Emil Milan Preseren, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Emil Milan Preseren. From and after the date of enactment of this Act, the said Emil Milan Preseren shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. VOURNAS AND OTHERS

The Senate proceeded to consider the bill (S. 382) for the relief of John P. Vournas, Gus E. Vournas, and John E. Vournas, which had been reported from the Committee on the Judiciary, with an amendment in line 8, after the word "States", to insert a colon and *"Provided*, That no natural parent of the beneficiaries, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor children, John P. Vournas, Gus E. Vournas, and John E. Vournas, shall be held and considered to be the natural-born alien children of Alex Vournas, a citizen of the United States: *Provided*, That no natural parent of the beneficiaries, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALAN JOHN COOMBS

The Senate proceeded to consider the bill (S. 1223) for the relief of Alan John Coombs, which had been reported from the Committee on the Judiciary, with an amendment, in line 7, after the word "fee", to insert a colon and *"Provided*, That the natural mother of Alan John Coombs shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Alan John Coombs shall be

held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That the natural mother of Alan John Coombs shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EVAGELOS MABLEKOS

The Senate proceeded to consider the bill (S. 1913) for the relief of Evagelos Mablekos, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds which may have issued in the case of Evagelos Mablekos. From and after the date of the enactment of this Act, the said Evagelos Mablekos shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAX KOTSCHA

The Senate proceeded to consider the bill (S. 2046) for the relief of Max Kotscha which had been reported from the Committee on the Judiciary, with an amendment, in line 5, after the word "be," to insert "issued a visa and be," so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Max Kotscha may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE C. McKINNEY

The Senate proceeded to consider the bill (S. 2142) for the relief of George C. McKinney, which had been reported from the Committee on the Judiciary, with an amendment, in line 5, after the word "been," to strike out "residing" and insert "physically present," so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 301(a) (7) of the Immigration and Nationality Act, George C. McKinney shall be held and considered to have been physically present in the United States during all the time he was residing abroad with his parents when his father was serving on active duty in the Foreign Service of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSVALDO RIVA COOLIDGE

The Senate proceeded to consider the bill (S. 2164) for the relief of Osvaldo Riva Coolidge, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "available", to insert a colon and "*Provided*, That the natural mother of the beneficiary, by virtue of such parentage, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Osvaldo Riva Coolidge shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided*, That the natural mother of the beneficiary, by virtue of such parentage, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TOMMY TADAYOSHI SHUTO (TADAYOSHI TAKEDA)

The Senate proceeded to consider the bill (S. 2384) for the relief of Tommy Tadayoshi Shuto (Tadayoshi Takeda), which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 1, after the word "available", to insert a colon and "*Provided*, That the natural father of Tommy Tadayoshi Shuto (Tadayoshi Takeda), by virtue of such parentage, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Tommy Tadayoshi Shuto (Tadayoshi Takeda) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided*, That the natural father of Tommy Tadayoshi Shuto (Tadayoshi Takeda), by virtue of such parentage, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUNKO HOSAKA JORDAN

The Senate proceeded to consider the bill (S. 2413) for the relief of Junko Hosaka Jordan, which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of", to strike out "Charles W. and Taeko Jordan, citizens of the United States," and insert "Charles W. Jordan, a citizen of the United States.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Junko Hosaka Jordan, shall be held and considered to be the natural-born alien child of Charles W. Jordan, a citizen of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDGAR HAROLD BRADLEY

The Senate proceeded to consider the bill (S. 2443) for the relief of Edgar Harold Bradley, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 7, after the word "fee", to strike out the period and "Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available" and insert a colon and "*Provided*, That nothing in this Act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Edgar Harold Bradley shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee: *Provided*, That nothing in this Act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PINELOPI YORGIADIS AND DIMITRI YORGIADIS

The Senate proceeded to consider the bill (S. 2271) for the relief of Pinelopi Yorgiadis and Dimitri Yorgiadis, which had been reported from the Committee on the Judiciary, with amendments on page 1, line 4, after the word "Act", to strike out "Pinelopi Yorgiadis and"; in line 7, after the word "visa", to strike out "fees" and insert "fee"; in line 8, after the word "such", to strike out "aliens"

and insert "alien"; in line 10, after the word "deduct", to strike out "the required numbers" and insert "one number"; in line 11, after the word "quota", to strike out "or quotas"; and on page 2, line 1, after the word "quota", to strike out "or quotas are" and insert "is"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Dimitri Yorgiadis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Dimitri Yorgiadis."

NOBUKO STICKLES

The Senate proceeded to consider the bill (S. 2486) for the relief of Nobuko Stickles, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Nobuko Stickels, the widow of Charles F. Stickels, a deceased United States citizen who served honorably in the Armed Forces of the United States, shall be deemed to be a nonquota immigrant.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Nobuko Stickels."

MARGHERITA PINO

The Senate proceeded to consider the bill (S. 2532) for the relief of Margherita Pino which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 5, after the word "child", to strike out "Margherita Pino" and insert "Margherita Pino Zordan"; at the beginning of line 7, to strike out "Mr. and Mrs. Attilio V. Zorcan" and insert "Mr. and Mrs. Vittorio Attilio Zordan", and in line 9, after the word "of", to strike out "Margherita Pino" and insert "Margherita Pino Zordan"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Margherita Pino Zordan, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Vittorio Attilio Zordan, citizens of the United States: *Provided*, That no natural parent of Margherita Pino Zordan, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Margherita Pino Zordan."

BILL PASSED OVER

The bill (H.R. 9660) to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax, was announced as next in order.

Mr. PROUTY. Over.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have an explanation of the bill printed in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BYRD OF VIRGINIA

Since 1926, additions to the tax for late filing of tax returns have been assessed without issuing a statutory notice of deficiency. Under the 1939 code, where the only amount assessed were additions to tax for failure to file a timely return or for underpayment of estimated tax, no statutory notice of deficiency was required, but if a deficiency in tax was also involved, a statutory notice was required prior to assessment. The 1954 code rules, which the Committee on Finance stated "conform to the rules under existing law," recently have been construed by three circuit courts of appeals in such a way no additions to tax can be assessed without issuance of a statutory notice which permits prepayment review in the Tax Court.

Generally, the purpose of sections 1 and 2 of the bill as passed the House and approved by your committee is to restore to the law these longstanding rules of procedure. However, if a taxpayer satisfies the Secretary or his delegate that his failure to file a timely return is due to reasonable cause, no assessment will be made. A taxpayer who is dissatisfied with the assessment may pay the amount and bring suit to recover it in a proper district court or Court of Claims.

The Committee on Finance has added two new sections to the bill.

Section 3 removes the 3-percent limit on medical expenses incurred by the taxpayer for the care of his or his spouse's dependent mother or dependent father, if such dependent has attained the age of 65 before the close of the taxable year.

Thus, all medical expenses (up to the maximum limitation) incurred for the care of such a dependent mother or father over 65 will be deductible, not merely the excess over 3 percent of the taxpayer's adjusted gross income.

Section 4 generally allows a $600 deduction to a taxpayer who maintains a foreign student in his home as a member of his household for a specified period, and permits the foreign student to be taken into account for withholding tax purposes. To qualify the taxpayer for this deduction, the foreign student must not be a citizen or resident of the United States; his presence in the United States must be solely for the purpose of pursuing his education, on a full-time basis, in the 9th, 10th, 11th, or 12th grade for a specified period of at least 7 calendar months at an educational institution. While this provision does not require the taxpayer to meet the support test to qualify for the $600 deduction, it will be denied if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the foreign student in his home.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PROUTY. Mr. President, what action was taken on Calendar No. 1161, S. 2532?

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Calendar No. 1161, S. 2532, was passed. Calendar No. 1162, H.R. 9660, was passed over.

The clerk will call Calendar No. 1163, Senate Joint Resolution 170.

JOINT RESOLUTION PASSED OVER

The joint resolution (S.J. Res. 170) to authorize the participation in an international convention of representative citizens from the North Atlantic Treaty nations to examine how greater political and economic cooperation among their peoples may be promoted, to provide for the appointment of U.S. delegates to such conventions, and for other purposes, was announced as next in order.

Mr. PROUTY. Over, Mr. President.

Mr. MORSE. Mr. President, will the Senator from Vermont withhold his request?

Mr. PROUTY. Yes.

Mr. MORSE. Mr. President, I did not think the joint resolution would be favorably acted on upon the call of the calendar. I think it probably is a measure which ought to be brought up by motion. I believe it is not calendar business, but motion business. I hope it will be called up on motion at an early date.

The Committee on Foreign Relations has worked very hard on this matter. The joint resolution as it is being submitted is quite different from the measure in its original form. Of those who worked hard on it and who are not members of the committee is the distinguished senior Senator from Kentucky [Mr. COOPER], whom I see on the floor. I am certain he shares my view that the Committee on Foreign Relations worked very cooperatively with the proponents of the joint resolution, of whom the Senator from Kentucky is one. I think the joint resolution is very much in the best interests of the foreign relations of the United States and ought to be acted on at an early date. I hope the leadership of the Senate, both the majority and the minority, will schedule the joint resolution for early consideration.

The PRESIDING OFFICER. The joint resolution will be passed over.

REHABILITATION OF THE NAVAJO AND HOPI TRIBES OF INDIANS

The bill (S. 2456) to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635) to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, was announced as next in order.

Mr. MORSE. Mr. President, I understand the Senator from New Mexico [Mr. ANDERSON] wishes to come to the floor to discuss the bill. Therefore, I ask unanimous consent that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ANDERSON subsequently said: Mr. President, if there is no objection, I ask that the Senate revert to Calendar No. 1164 and Calendar No. 1165.

The PRESIDING OFFICER. Without objection, that will be done; and Calendar No. 1164 will be stated at this time.

The LEGISLATIVE CLERK. A bill (S. 2456) to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635), to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians.

The PRESIDING OFFICER. Is there objection to the present consideration of Calendar No. 1164?

There being no objection, the Senate proceeded to consider the bill (S. 2456) to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635), to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 8, after the word "amended," to strike out "to read as follows:" and insert "by inserting "(a)" before the present text and by adding the following subsections (b) and (c):"; at the top of page 2 to strike out:

SEC. 5. (a) Any restricted Indian lands owned by the Navajo Tribe, members thereof, or associations of such members, or by the Hopi Tribe, members thereof, or associations of such members, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases All leases so granted shall be for a term of not to exceed 25 years, but may include provisions authorizing their renewal for an additional term of not to exceed 25 years, and shall be made under such regulations as may be prescribed by the Secretary except that leases of Navajo tribal land may be for a term of not to exceed 99 years. Restricted allotments of deceased Indians may be leased under this section, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in the act of July 8, 1940 (54 Stat. 745; 25 U.S.C. 380). Nothing contained in this section shall be construed to repeal or affect any authority to lease restricted Indian lands conferred by or pursuant to any other provision of law.

And, on page 3, after line 14, to insert a new section, as follows:

SEC. 2. The second sentence of section 1 of the act of August 9, 1955 (69 Stat. 539), as amended by the act of September 21, 1959 (73 Stat. 597), is amended by inserting after the words "Agua Caliente (Palm Springs) Reservation" the words "and on the Navajo Reservation."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and a better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes", approved April 19, 1950 (64 Stat. 46; 25 U.S.C. 635), is amended by inserting "(a)" before the present text and by adding the following subsections (b) and (c):

"(b) Notwithstanding any other provision of law, land owned in fee simple by the Navajo Tribe may be leased, sold, or otherwise disposed of by the sole authority of the Navajo Tribal Council, in any manner that similar land in the State in which such land is situated may be leased, sold, or otherwise disposed of by private landowners, and such disposition shall create no liability on the part of the United States.

"(c) The Secretary of the Interior is authorized to transfer, upon request of the Navajo Tribal Council, to any corporation owned by the tribe and organized pursuant to State law, or to any municipal corporation organized under State law, legal title to or a leasehold interest in any unallotted lands held for the Navajo Indian Tribe, and thereafter the United States shall have no responsibility or liability for, but on request of the tribe shall render advice and assistance in, the management, use, or disposition of such lands."

SEC. 2. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended by the Act of September 21, 1959 (73 Stat. 597), is amended by inserting after the words "Agua Caliente (Palm Springs) Reservation" the words "and on the Navajo Reservation".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to amend the Act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635), to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, and for other purposes."

PERMANENT USE OF CERTAIN LAND IN McKINLEY COUNTY, N. MEX., FOR THE NAVAJO TRIBE OF INDIANS

The bill (S. 2307) to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians, was announced as next in order.

Mr. MORSE. Mr. President, I have been advised by the assistant to the Senator from New Mexico that the Senator would like to have this bill also go to the bottom of the calendar.

The PRESIDING OFFICER. Without objection, the bill will go to the bottom of the calendar.

Mr. ANDERSON subsequently said: Mr. President, I ask that the Senate now revert to Senate bill 2307, Calendar No. 1165.

The PRESIDING OFFICER. Without objection, Calendar No. 1165 will now be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2307) to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians.

Mr. ANDERSON. Mr. President, in connection with Order No. 1165, S. 2307, "Setting aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians," an identical bill, H.R. 6329, was passed by the House of March 7, and was referred to the Committee on Interior and Insular Affairs on March 8.

I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of H.R. 6329, and that H.R. 6329 be considered in lieu of S. 2307.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 6329) to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians.

The bill was ordered to a third reading, read the third time, and passed.

Mr. ANDERSON. Mr. President, I ask that the title of House bill 6329 be amended so as to read: "A bill to convey certain land in McKinley County, New Mexico, to the Navajo Tribe of Indians."

The PRESIDING OFFICER. Without objection, the title will be amended as requested by the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I ask that Senate bill 2307 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, prior to the taking of final action on Senate bill 2307 and the corresponding House bill, I sought recognition, in order to request the making of an insertion in the RECORD. I now ask unanimous consent to have inserted in the RECORD a statement which shows that Calendar No. 1165, Senate bill 2307, does not violate the Morse formula. This statement or memorandum is equally applicable to the House bill which the Senate has voted to pass in lieu of Senate bill 2307.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

S. 2307 authorizes the conveyance, without monetary consideration, of 81.33 acres of federally owned land in New Mexico to the Navajo Tribe.

The 81.33 acres is located 10 miles away from the exterior boundaries of the reservation and has been used in connection with an Indian school. The lands are now surplus to the needs of the Bureau of Indian Affairs. Improvements, including a tribally owned community building valued at $20,000, a Government building converted by the tribe for living quarters at a cost of $3,800, and a Government-owned tool shed worth $125, are on the lands. The land is valued at $10 an acre.

The Navajo Tribe desires to obtain title to the 81-acre tract for the purpose of constructing additional improvements, including overnight accommodations, and recreational facilities, for the use of tribal members. The tribe does not want to undertake the improvements until the title issue is resolved. The tribe has agreed to accept this donation of land in taxable status and without restrictions as to use or management.

The federally owned land is located near Crownpoint, N. Mex., where the Indian Bureau subagency serves approximately 20,000 Navajos residing in an area of approximately 900 square miles. The community has experienced a problem of accommodating the Navajos who travel long distances to visit the subagency. The Navajo Tribe has appropriated approximately $40,000 for the construction of additional improvements such as a meeting place, laundry facilities, sewingroom, recreational area, and overnight accommodations to meet the shortage of accommodations in the Crownpoint community.

Because of the obvious Federal interest involved and the relationship to our guardianship responsibilities relative to the Indians, I approve of the passage of the bill.

The PRESIDING OFFICER. The Chair was under the mistaken impression that the Senator from Oregon had previously submitted the insertion he had in mind.

Mr. MORSE. That is perfectly all right, Mr. President.

BILL PASSED OVER

The bill (S. 2878) to adjust Indian and non-Indian land use areas in the vicinity of the Navajo Indian Reservation in New Mexico, and for other purposes, was announced as next in order.

Mr. PROUTY. Over.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which makes clear that the bill does not violate the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

S. 2878 provides for the conveyance in fee simple certain federally owned lands in New Mexico, excluding mineral rights, to the Navajo Indians. In addition, the bill would adjust and simplify the administration of certain other federally owned lands located in the same area which is near Gallup, N. Mex.

Approximately 30 years ago the Federal Government purchased some 70,000 acres of so-called submarginal lands in the Gallup area and administered the land for the Navajo Indians. About 4 years later, 80,887 acres of railroad grant lands in the same area were reconveyed to the United States and were subsequently administered for the benefit of the Navajos. According to the committee report, the Government contemplated setting aside the lands for permanent use by the Navajos by legislation.

There are approximately 103,239 acres of public domain land in this same area presently used and occupied by the Navajos, that would be affected by the bill. The 103,239 acres are intermingled with Indianlands, being administered by the Bureau of Indian Affairs, or with submarginal and reconveyed railroad grant lands being administered by the Bureau of Land Management and the Forest Service for the benefit of the Indians. The bill seeks to eliminate the confusing and intermingled jurisdiction of these three agencies.

S. 2827 provides an opportunity for the administering agencies to initiate a program of sound land use management and stabilize the land use and security of tenure for resident users. In addition, the legislation would give tribal status to lands that have been held for that purpose.

These lands are presently being used by the Indians and the three Government agencies have no effective means to control the use. According to the Department of the Interior which requested this legislation, continued Federal ownership of these lands will serve no useful public purpose.

I think the committee report and the communications it contains from the Department of the Interior make clear that the public interest would be benefited by better conservation practices as the transfers would permit both the tribe and the Bureau of Land Management to institute a comprehensive management program for all the lands in the area.

Because of the Government's intention to set aside the lands for permanent use by the Navajos and because of the Federal interest involved, I have no objection to the passage of this bill.

The PRESIDING OFFICER. The bill will be passed over.

GRANTING OF 81 ACRES OF PUBLIC DOMAIN TO THE COCOPAH INDIANS IN ARIZONA

The bill (S. 2962) to grant 81 acres of public domain to the Cocopah Indians in Arizona, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which shows that the bill conforms to the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

The purpose of S. 2962 is to place in trust 81 acres of land in Arizona for the Cocopah Indians.

The Cocopah Tribe occupies land set aside for them by Executive order in 1917. They lived on the land in the belief it was included within the original reservation. Recently the Solicitor, Department of the Interior, concluded that the lands in question were not part of the reservation.

Since the Indians were using the land and living on it in the belief it was included in the original reservation set aside for them in 1917, I believe there is a Federal interest involved in making the acreage a part of the existing reservation, and that the proposed transfer has a close relationship to the Nation's guardianship responsibilities relative to the Indians.

I have no objection to the transfer.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2962) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of right, title, and interest in the following described public domain are hereby declared to be held by the United States in trust for the Cocopah Indians in Arizona, subject to any valid existing rights heretofore initiated under the public land laws: lots 14 and 15, section 30, township 9 south, range 24 west; and lots 3, 4, and 5, section 25, township 9 south, range 25 west, Gila and Salt River meridian, Arizona, containing 81.64 acres.

DONATION OF CERTAIN LAND TO THE KEWEENAW BAY INDIAN TRIBE

The bill (S. 2804) to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which shows that this bill does not violate the Morse formula.

While saying that, I wish to extend to the distinguished junior Senator from New Mexico [Mr. ANDERSON] my very deep appreciation for the wonderful cooperation he has always extended to the Senator from Oregon in respect to the proposition of requiring in the transfer of Federal lands a reasonable return to the Federal Government. The junior Senator from New Mexico is one of the most ardent supporters of this doctrine in the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

S. 2804 would authorize the donation of 0.34 acre of land, together with the buildings and improvements thereon, to the Keweenaw Bay Indian Tribe, L'Anse Reservation, Mich. The land and buildings would be held in trust for the tribe.

The land was acquired by the United States for use in connection with the Indian CCC program on the reservation. Since 1942, the garage-office building on the land has been used by the Indians for storage purposes. According to the Committee report, the appraised value of the land and building is less than $1,000. The Indian Bureau has no plans for further use of the building. The tribe desires to improve the building which is adjacent to the land now owned by the tribe but does not desire to do so unless it can get title to the building and land.

Because of the Federal interest involved and the relationship to our guardianship responsibilities relative to the Indians I have no objection to the enactment of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2804) was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in the land described below, together with the buildings and improvements thereon, is hereby declared to be held in trust for the Keweenaw Bay Indian Tribe, L'Anse Reservation, Michigan: A tract of land in the northeast quarter southeast quarter of section 28, township 51 north, range 33 west, Michigan meridian, more particularly described as follows: Beginning at the quarter post between sections 27 and 28 thence west on quarter line a distance of 33 feet as the place of beginning; thence west on quarter line a distance of 100 feet; thence south 150 feet; thence east 100 feet; thence north a distance of 150 feet to the place of beginning, containing 15,000 square feet, or 0.34 acre more or less.

SALE OF CERTAIN TRIBAL LAND OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS, WISCONSIN

The bill (H.R. 6136) to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which shows that this bill, too, conforms to the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 6136 authorizes the Lac du Flambeau Band of Lake Superior Chippewa Indians to sell any tribal trust land or interest therein for the purpose of perfecting land titles and resolving conflicts or disputes in boundaries caused by erroneous surveys dating back to the 1860's. Approval of each transaction by the Secretary of the Interior will be required and sales must be at the fair market value.

The purpose of the bill is to provide the means of resolving ownership controversies between the band and individuals. Therefore, I have no objection to its enactment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

HOLDING IN TRUST OF CERTAIN REAL PROPERTY FOR MEMBERS OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE OF INDIANS

The bill (H.R. 24) to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nev., was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement I have prepared which shows that this bill, too, is not inconsistent with the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 24 provides that all right, title, and interest of the United States in 160 acres lying within the Fort McDermitt Indian Reservation, Nev., shall be held in trust by the Federal Government for the use and benefit of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation.

The land was originally set aside as the Fort McDermitt Military Reservation, and was later transferred to the Secretary of the Interior. For a period of 50 years the land in question was used in connection with an Indian boarding school. According to the committee report, the land and school building have an estimated value of $11,400, and have been declared surplus to the needs of the Bureau of Indian Affairs. It is anticipated that the Indians will use the land for grazing and ranching purposes and the improvements for a recreation center.

Since the proposed gift to the tribe would be in keeping with the earlier action in setting the land aside for the use of the Indians and because of the Federal interest involved, the bill conforms with the Morse formula.

The bill carries out one of the guardianship responsibilities of the Federal Government with respect to the Indians.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

RECONVEYANCE OF CERTAIN TRIBAL LANDS TO ORIGINAL ALLOTTEES

The Senate proceeded to consider the bill (S. 2877) to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD, prior to the passage of Senate bill 2877, a statement showing that the bill does not violate the Morse formula in regard to the transfer of Federal property.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MORSE

S. 2877 authorizes the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

The Muckleshoot Tribe after accepting the Indian Reorganization Act of 1934 embarked on a land use and consolidation program. At the time the tribe owned no tribal lands. One of the basic features of the program was the conveyance of allotted lands to the United States in trust for the tribe, in exchange for land assignments by the tribe to the grantors of other members designated by the grantors.

In June 1958, the Muckleshoot Reservation consisted of 2,117.5 acres of Indian-owned land, approximately 344 acres of which were in tribal ownership. Title to all of these tribal lands was acquired by the tribe from original allottees, or their heirs, devisees, or assigns, in exchange for land assignments in connection with the use and consolidation program initiated by the tribe. These conveyances were made with the understanding that the remainder of the allotted lands would also be conveyed to the tribe as a part of the program. The consolidation program was abandoned after a few of the Indian landowners had actually made conveyances.

The grantors received assignments covering all or a portion of the lands which they conveyed to the tribe. Consequently, the rights they conveyed to the tribe were greater than the rights they received in exchange therefor. They gave up a fee title for a right to use and occupy.

The Muckleshoot Tribal Council makes no claim of ownership of these lands and permits the heirs or the assignees to have full leasing responsibilities. The Council also recommends that the tribal lands be reconveyed to the original allottees or heirs.

I have no objection to the passage of the bill.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2877) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the constitution, bylaws, and corporate charter of the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington, the Tribal Council of the Muckleshoot Indian Tribe may, with the approval of the Secretary of the Interior, reconvey to the former owners, or their heirs or devisees all of the right, title, and interest which the tribe and the United States acquired in restricted allotted lands in exchange for assignments of tribal lands. Each such conveyance shall have the same force and effect as the patent issued to the original allottee.

DELIVERY OF WATER UNDER FEDERAL RECLAMATION LAWS

The Senate proceeded to consider the bill (S. 68) to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 2, line 3, after the word "spouse", to insert a colon and "*Provided*, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where the death of a husband or wife causes lands in private ownership to become excess lands, as that term is used in section 46 of the Act of May 25, 1926 (44 Stat. 636; 43 U.S.C. 423e), and those lands had theretofore been eligible to receive water from a project under the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereto) without execution of a recordable contract under section 46 of said Act of May 25, 1926, the Secretary of the Interior is authorized to furnish water to them, without requiring execution of such a contract, so long as they remain in the ownership of the surviving spouse: *Provided*, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this Act.

Mr. MORSE. Mr. President, may we have an explanation of the bill?

Mr. ANDERSON. Mr. President, the report sets forth that if a family owns a certain piece of ground, the present situation is that not more than 160 acres of the land in a Federal irrigation project can be served with water. However, in a community-property State the ruling is that both the husband and the wife may each own 160 acres of such land.

This bill provides that in case either the husband or the wife dies, the surviving spouse will not be compelled to sell the additional 160 acres immediately, but may retain it for a suitable length of time.

The bill was carefully considered, because such problems frequently arise in community-property States which also are irrigation land States.

Mr. MORSE. In other words, under the policy now proposed, each spouse would be entitled to have water served to 160 acres; and if one of the spouses dies, this bill, if it is enacted, will permit the surviving spouse to continue to protect the land by continuing to obtain water for the total of 320 acres. What is the time provision, if any, in regard to when the additional 160 acres would have to be disposed of?

Mr. ANDERSON. At the time of remarriage. In case a widow who was in such a situation remarried, and if her second husband also had 160 acres, the total then under the control of the hus-

band and wife would be 480 acres. This bill would compel them to sell the extra 160 acres, in order to return to a total holding of 320 acres.

Mr. MORSE. I thank the Senator from New Mexico.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Interior and Insular Affairs.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELIVERY OF WATER TO LANDS IN THE THIRD DIVISION, RIVERTON FEDERAL RECLAMATION PROJECT, WYOMING

The joint resolution (S.J. Res. 150) permitting the Secretary of the Interior to continue to deliver water to lands in the third division, Riverton Federal reclamation project, Wyoming, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pending completion of a repayment contract the Secretary of the Interior is authorized to continue to deliver water to the lands in the Third Division, Riverton Federal reclamation project, Wyoming, during the calendar years 1960 and 1961, as under the provisions of section 9, subsection (d)(1), of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195, 43 U.S.C. 485h(d)) but without regard to the time limitation therein specified.

APPROVAL OF CONTRACT WITH THE CONEJOS WATER CONSERVANCY DISTRICT, COLORADO

The bill (H.R. 6516) to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN LANDS IN SALT LAKE COUNTY, UTAH

The bill (H.R. 5270) to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have inserted at this point in the RECORD a memorandum which shows that this bill does not violate the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 5270 authorizes the Secretary of the Interior to convey to the metropolitan water district of Salt Lake City, Utah, all right, title, and interest of the United States in a 7.7-acre tract of land which was originally donated by the district to the Federal Government for use in connection with construction of the Aqueduct Division of the Provo River Federal reclamation project.

The Federal Government later decided that it did not need the 7.7-acre tract of land in connection with the project. Since the land is not to be used for the specific purpose intended the metropolitan water district desires to have the tract reconveyed to it so that it can use it as an administrative headquarters site for the operation of the project.

The Department of the Interior and the Bureau of the Budget favor the enactment of this bill.

H.R. 5270 is in conformity with the Morse formula because it seeks to carry out the intention underlying the original conveyance by the water district to the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H.R. 5270) was considered, ordered to a third reading, read the third time, and passed.

ACQUISITION OF LANDS FOR THE GEOLOGICAL SURVEY

The bill (H.R. 4483) to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C. 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION OF BICYCLE TIRES AND TUBES FROM THE MANUFACTURER'S EXCISE TAX

The bill (H.R. 8318) to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture of new bicycles from the manufacturer's excise tax on tires and tubes was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of House bill 8318, which has just been passed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD OF VIRGINIA

House Bill 8318 relates to the excise tax on bicycle tires and tubes. Under present law, a tax of 5 cents a pound applies to bicycle tires and a tax of 9 cents a pound applies to inner tubes. These taxes apply to sales of tires and tubes by the manufacturers, producers or importers. Bicycle tires and tubes (whether manufactured here or imported) are subject to tax when sold in the United States to bicycle manufacturers or others for mounting on new bicycles. Similarly, they are subject to tax if the tire and tube manufacturer himself mounts a tire and tube on a bicycle, since such use is deemed to be a sale. However, in the case of bicycle tires and tubes mounted on bicycles outside the United States, where the bicycles are sold in the United States no U.S. excise tax is paid on the bicycle tires and tubes.

The House bill, approved without change by your committee, eliminates this discrimination by providing an exemption for bicycle tires and tubes sold for use in the manufacture, or production of new bicycles, or used by the tire and tube manufacturer for this purpose. The taxes will continue to apply, however, to tires and tubes sold, or used, as replacements.

The changes made by this bill are to be effective the first day of the first month beginning more than 10 days after the date of enactment of this bill.

BILL PASSED OVER

The bill (H.R. 4251) to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of exploration expenditures, was announced as next in order.

Mr. BARTLETT. Mr. President, by request, I ask that the bill go over.

The PRESIDING OFFICER (Mr. CARLSON in the chair). The bill will be passed over.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of H.R. 4251, which has just been passed over.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD OF VIRGINIA

House bill 4251 relates to the limitation on deduction of exploration expenditures.

Under present law an annual exploration expenditure deduction of up to $100,000 is allowed for no more than 4 years. Exploration expenditure deductions may be taken for expenditures made in exploring for ore or mineral deposits (but not for oil or gas).

This exploration expenditure deduction was added by the Revenue Act of 1951. The Finance Committee report indicates that the limitation was provided because of the desire to provide a "special incentive for increased exploration for mineral deposits * * * especially in the case of taxpayers with limited financial resources."

In actual operation, however, this provision has tended to discriminate against smaller producers. This results from the fact that although a taxpayer may claim deductions of up to $100,000 in any one year, he may not take such deductions for more than 4 years. Thus, a relatively large producer may obtain the full benefit of these deductions by claiming $100,000 in each of 4 years. However, a smaller producer whose annual exploration expenditures do not amount to as much as $100,000 will lose part of the benefit.

Your committee has approved the House bill without change. It removes the 4-year limitation, and provides an overall ceiling of $400,000 with an annual limitation on the deduction of $100,000. No taxpayer will be able to claim exploration expenditure deductions in excess of $100,000 for any year, but if his exploration expenditures are less than $100,000 per year, he will be able to deduct them over a longer period than 4 years so long as his total exploration expenditure deductions do not exceed $400,000.

This bill applies to taxable years beginning after the date of enactment.

TRANSPORTATION OF CANADIAN VESSELS BETWEEN HYDER, ALASKA, AND OTHER POINTS IN ALASKA

The bill (S. 2773) to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in Alaska was announced as next in order.

Mr. BARTLETT. Mr. President, I ask that the Senate now proceed to the consideration of Calendar No. 1239.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H.R. 9599) to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2773 will be indefinitely postponed.

TRANSFER OF THE DEVELOPMENT OPERATIONS DIVISION OF THE ARMY BALLISTIC MISSILE AGENCY

The joint resolution (H.J. Res. 567) to effect immediately the transfer of the Development Operations Division of the Army Ballistic Missile Agency to the National Aeronautics and Space Administration, was announced as next in order.

Mr. BARTLETT. Mr. President, on January 14, the President submitted to Congress a proposal designed to transfer the Army Ballistic Missile Agency's Development Operations Division—the Von Braun team—to the National Aeronautics and Space Administration. This proposal was submitted in accordance with provisions of the Space Act of 1958, which requires that any such transfer will become effective 60 days after its submission to Congress, unless Congress adopts a concurrent resolution opposing the transfer.

The House passed House Joint Resolution 567, designed to waive the 60-day waiting period.

The Senate Space Committee took testimony and reported a similar resolution.

Regardless of the resolution, the President received authority to make the transfer when the 60-day waiting period was up. Inasmuch as the original proposal was made on the 14th of January, the 60 days had elapsed by about the 14th of March. In view of the fact that the Senate had not acted, the resolution is no longer germane.

Therefore, Mr. President, I ask that House Joint Resolution 567 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the joint resolution will be indefinitely postponed.

HOSPITALIZATION OF CERTAIN NATIONALS AT ST. ELIZABETHS HOSPITAL

The bill (S. 2331) to provide for the hospitalization, at St. Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act, except as the context may otherwise require—

(a) The term "Department" means the Department of Health, Education, and Welfare.

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(c) The term "State" means a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(d) The term "eligible person" means an individual with respect to whom the following certificates are furnished to the Secretary:

(1) A certificate of the Secretary of State that such individual is a national of the United States; and

(2) Either (A) a certificate obtained or transmitted by the Secretary of State that such individual has been legally adjudged insane in a named foreign country, or (B) a certificate of an appropriate authority or person (as determined in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare) stating that at the time of such certification such individual was in a named foreign country and was in need of care and treatment in a mental hospital.

(e) The term "residence" means residence as determined under the applicable law or regulations of a State or political subdivision for the purpose of determining the eligibility of an individual for hospitalization in a public mental hospital.

SEC. 2. (a) Upon request of the Secretary of State, the Secretary of Health, Education, and Welfare is authorized (directly or through arrangements under this subsection) to receive any eligible person at any port of entry or debarkation upon arrival from a foreign country, and to the extent he finds it necessary, to temporarily care for and treat at suitable facilities (including a hospital), and otherwise render assistance to, such person pending his transfer or hospitalization pursuant to other sections of this Act. For the purpose of providing such care and treatment and assistance, the Secretary is authorized to enter into suitable arrangements with appropriate State or other public or nonprofit agencies. Such arrangements shall be made without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), and may provide for payment by the Secretary either in advance or by way of reimbursement.

(b) The Secretary may, to the extent deemed appropriate, equitable, and practicable by him, (1) require any person receiving care and treatment or assistance pursuant to subsection (a) to pay, in advance or by way of reimbursement, for the cost thereof or (2) obtain reimbursement for such cost from any State or political subdivision responsible for the cost of his subsequent hospitalization.

SEC. 3. If, at the time of arrival in the United States, the residence or the legal domicile of an eligible person appearing to be in need of care and treatment in a mental hospital is known to be in a State, or whenever thereafter such a person's residence or legal domicile in a State is ascertained, the Secretary shall, if the person is then under his care (whether directly or pursuant to a contract or other arrangement under section 2 or 4), endeavor to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for the care and treatment of such person by such authorities and shall, upon the making of such arrangement in writing, transfer and release such person to such authorities. In the event the State of the residence or legal domicile of an eligible person cannot be ascertained, or the Secretary is unable to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for his care and treatment, the Secretary may, if he determines that the best interests of such person will be served thereby, transfer and release the eligible person to a relative who agrees in writing to assume responsibility for such person after having been fully informed as to his condition.

SEC. 4. (a) Until the transfer and release of an eligible person pursuant to section 3, the Secretary is authorized to provide care and treatment for such person at Saint Elizabeths Hospital, at any other Federal hospital within or (pursuant to agreement) outside of the Department, or (under contract or other arrangements made without regard to section 3709 of the Revised Statutes, as amended) at any other public or private hospital in any State and, for such purposes, to transfer such person to any such hospital from a place of temporary care provided pursuant to section 2. In determining the place of such hospitalization, the Secretary shall give due weight to the best interests of the patient.

(b) The authority of the Secretary to provide hospitalization for any person under this section shall not apply to any person for whose medical care and treatment any agency of the United States is responsible.

SEC. 5. (a) Any person admitted to any hospital pursuant to section 2 or section 4 shall, as soon as practicable, but in no event more than 5 days after the day of such admission, be examined by qualified members of the medical staff of the hospital and, unless found to be in need of hospitalization by reason of mental illness, shall be discharged. Any person found upon such examination to be in need of such hospitalization shall thereafter, as frequently as practicable but not less often than every 6 months, be reexamined and shall, whenever it is determined that the conditions justifying such hospitalization no longer obtain, be discharged or, if found to be in the best interests of the patient, be conditionally released.

(b) Whenever any person is admitted to a hospital pursuant to this Act, his legal guardian, spouse, or next of kin shall, if known, be immediately notified.

SEC. 6. (a) If a person who is a patient hospitalized under section 2 or section 4, or his legal guardian, spouse, or adult next of kin, requests the release of such patient, the right of the Secretary, or the head of the hospital, to detain him for care and treatment shall be determined in accordance with such laws governing the detention, for care and treatment, of persons alleged to be mentally ill as may be in force and applicable generally in the State in which such hospital is located, but in no event shall the patient be detained more than 48 hours (excluding any period of time falling on a Sunday or legal holiday) after the receipt of such request unless within such time (1) judicial proceedings for such hospitalization are commenced or (2) a judicial extension of such time is obtained, for a period of not more than 5 days, for the commencement of such proceedings.

(b) The Secretary is authorized at any time, when he deems it to be in the interest of the person or of the institution affected, to transfer any person hospitalized under section 4 from one hospital to another, and to that end any judicial commitment of any person so hospitalized may be to the Secretary.

SEC. 7. In the case of any person hospitalized under section 4 who has been judicially committed to the Secretary's custody, the Secretary shall, upon the discharge or conditional release of such person, or upon such person's transfer and release

under section 3, notify the committing court of such discharge or conditional release or such transfer and release.

SEC. 8. (a) Any person hospitalized under section 4 or his estate, shall be liable to pay or contribute toward the payment of the costs or charges for his care and treatment to the same extent as such person would, if resident in the District of Columbia, be liable to pay, under the laws of the District of Columbia, for his care and maintenance in a hospital for the mentally ill in that jurisdiction. The Secretary may, in his discretion, where in his judgment substantial justice will be best served thereby or the probable recovery will not warrant the expense of collection, compromise or waive the whole or any portion of any claim under this section. In carrying out this section, the Secretary may make or cause to be made such investigations as may be necessary to determine the ability of any person hospitalized under section 4 to pay or contribute toward the cost of his hospitalization. All collections or reimbursement on account of the costs and charges for the care of the eligible person shall be deposited in the Treasury as miscellaneous receipts. Any judicial proceedings to recover such costs or charges shall be brought in the name of the United States in any court of competent jurisdiction.

(b) As used in this section, the term "costs or charges" means, in the case of hospitalization at a hospital under the jurisdiction of the Department of Health, Education, and Welfare, a per diem rate prescribed by the Secretary on a basis comparable to that charged for any other paying patients and, in the case of persons hospitalized elsewhere, the contract rate or a per diem rate fixed by the Secretary on the basis of the contract rate.

SEC. 9. Appropriations for carrying out this Act shall also be available for the transportation of any eligible person and necessary attendants to or from a hospital (including any hospital of a State or political subdivision to which an eligible person is released under section 3), to the place where a relative to whom any person is released under section 3 resides, or to a person's home upon his discharge from hospitalization under this Act.

SEC. 10. The following Acts are repealed, effective upon the date of enactment of legislation appropriating funds for carrying out this Act:

(a) The Act entitled "An Act to provide for the admission to Saint Elizabeths Hospital of insane persons belonging to the Foreign Service of the United States", approved October 29, 1941 (24 U.S.C. 191a).

(b) The Act entitled "An Act to provide for the repatriation of certain insane American citizens", approved March 2, 1929 (24 U.S.C. 196a).

SEC. 11. This Act shall, except as otherwise specified, take effect on the date of its enactment.

KIM YONG CHA

The bill (S. 2538) for the relief of Kim Yong Cha, fiance of Cpl. LeMaine Ellingson, RA55280245, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kim Yong Cha, the fiance of Corporal LeMaine Ellingson, RA55280245, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Kim Yong Cha is coming to the United States with a bona fide intention of being married to the said Corporal LeMaine Ellingson, RA55280245, and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Kim Yong Cha, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Kim Yong Cha, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Kim Yong Cha as of the date of the payment by her of the required visa fee.

MARIA VITTONE AND ROSA FOSTINA

The bill (S. 2541) for the relief of Maria Vittone and Rosa Fostina was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor children, Maria Vittone and Rosa Fostina, shall be held and considered to be the natural-born alien children of Margaret (Maggie) Wesley, a citizen of the United States: *Provided*, That the natural parents of the said Maria Vittone and Rosa Fostina shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PIETRO CAPICI CONTI

The Senate proceeded to consider the bill (S. 2552) for the relief of Pietro Capici Conti, which had been reported from the Committee on the Judiciary, with amendments, in line 8, after the word "natural", to strike out "parents" and insert "mother", and in the same line, after the word "said", to strike out "Pietro Capici Conti" and insert "Pietro Capici Cordaro", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Pietro Capici Cordaro, shall be held and considered to be the natural-born alien child of Giovannina (Jennie) Conti, a citizen of the United States: *Provided*, That the natural mother of the said Pietro Capici Cordaro shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Pietro Capici Cordaro."

ESTATE OF JOHN STEVE

The bill (H.R. 1540) for the relief of the estate of John Steve, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF STATUTE OF LIMITATIONS OF CERTAIN FOREIGN CLAIMS

The bill (H.R. 2740) to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims, was considered, ordered to a third reading, read the third time, and passed.

TATSUMI AJISAKA AND OTHERS

The Senate proceeded to consider the bill (H.R. 8251) for the relief of Tatsumi Ajisaka and others, which had been reported from the Committee on the Judiciary, was an amendment, on page 2, line 10, after the figures "$73", to strike out "Civil Aero Club, $2,505.50;".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HSIAO-LI LINDSAY (NEE LI-HSIAO-LI)

The Senate proceeded to consider the bill (H.R. 9444) for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li), which had been reported from the Committee on the Judiciary, with an amendment, in line 5, after the name "Great Britain", to strike out "notwithstanding the provisions of section 202(a) and 202(b) of that Act," and insert "and the provisions of sections 201(a), 202(a)(5), and 202(b)(2) of that Act shall not be applicable in this case.".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ARTHUR E. COLLINS

The Senate proceeded to consider the bill (H.R. 4826) for the relief of Arthur E. Collins, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 5, after the name "Collins", to strike out "Missouri," and insert "Casper, Wyoming,", and on page 2, line 6, after the word "Act", to strike out "in excess of 10 per centum thereof".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PAINTING AND ILLUMINATION OF RADIO TOWERS

The bill (S. 2812) to amend the Communications Act of 1934 with respect to the painting and illumination of radio towers, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(q) of the Communications Act of

1934 (47 U.S.C. 303(q)) is amended by inserting after the period at the end thereof the following: "The permittee or licensee shall maintain the painting and/or illumination of the tower as prescribed by the Commission pursuant to this section. In the event that the tower ceases to be licensed by the Commission for the transmission of radio energy, the owner of the tower shall maintain the prescribed painting and/or illumination of such tower until it is dismantled."

DETERMINATION OF ELIGIBILITY OF FEDERAL EMPLOYEES FOR UNEMPLOYMENT COMPENSATION

The Senate proceeded to consider the bill (H.R. 3472) to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes, which had been reported from the Committee on Finance, with an amendment, on page 2, after line 2, to insert a new section, as follows:

SEC. 3. Section 213(a)2(B) of the Social Security Act is amended by adding at the end thereof the following language: "If, in the case of an individual who did not die prior to January 1, 1955, and who attained retirement age or died before July 1, 1957, the requirements for insured status in section 214(a)(3) are not met because of his having too few quarters of coverage but would be met if his quarters of coverage in the first calendar year in which he had any covered employment had been determined on the basis of the period during which wages were earned rather than on the basis of the period during which wages were paid (any such wages paid that are reallocated on an earned basis shall not be used in determining quarters of coverage for subsequent calendar years), then upon application filed by the individual or his survivors and satisfactory proof of his record of wages earned being furnished by such individual or his survivors, the quarters of coverage in such calendar year may be determined on the basis of the periods during which wages were earned."

This amendment shall be applicable in the case of monthly benefits under title II of the Social Security Act for months after June 1957, and in the case of the lump-sum death payments under such title, with respect to deaths occurring after such month; the requirements for filing applications for such benefits and payments within certain time limits, as prescribed in sections 202(i) and 202(j) of such title, shall not apply if an application is filed within the one-year period beginning with the first day of the month after the month in which this Act is enacted.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MORSE. Mr. President, I was giving heed to another matter when Calendar No. 1193, House bill 3472, was passed. I should like to have the Senate return to it for the purpose of receiving an explanation of it, and possibly so that I may ask some questions with respect to it. I am concerned with one problem which may be connected with it, which an explanation may remove.

Mr. President, I ask unanimous consent that the Senate reconsider the vote by which it passed Calendar No. 1193, House bill 3472.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the bill was passed is reconsidered.

Mr. BYRD of Virginia. Mr. President, the purpose of H.R. 3472 is to repeal section 1505 of the Social Security Act so that, in determining eligibility of Federal civilian employees for unemployment compensation, their accrued annual leave shall be treated in accordance with State laws.

The Federal employees' unemployment insurance program is administered by the States under agreements with the Federal Government. However, under section 1505 of the Social Security Act no compensation may be paid to a Federal employee during a period subsequent to separation from Federal service when he is being paid for accrued annual leave. The committee's bill, by repealing section 1505, would make the award of unemployment compensation to a separated Federal civilian employee while he has accrued annual leave depend upon the provisions of the appropriate State unemployment compensation law.

COMMITTEE AMENDMENT

Section 3 of the bill, which was added by the committee, is intended to make a technical correction necessary to prevent undue hardship and injustice.

The present law provides that a quarter of coverage under OASI is based on the quarter in which wages are paid. Originally Congress provided that coverage should be based on the period when the covered work was performed, and the retirement test is still based on this concept.

The purpose of this amendment is to qualify for social security benefits certain workers who have worked in covered employment for the required number of quarters, but who are unable to establish such eligibility due to this method now being used by the Social Security Administration in determining the insured status on the basis of the periods in which the wages were paid, instead of the periods during which the wages were earned.

May I state a hypothetical case to illustrate a resultant hardship: A claimant who attained age 65 on January 31, 1955, had worked in covered employment for the minimum requirement of six quarters—ending March 31, 1956, June 30, 1956, September 30, 1956, December 31, 1956, March 31, 1957, and June 30, 1957. His employer paid his wages for the quarter ending September 30, 1956, on October 2, 1956; so they were credited in the next quarter, leaving him with no credit for the quarter in question. This claimant is physically unable to perform any further work and should not be deprived of his earned benefits because of this technicality.

As recommended by the Secretary of Health, Education, and Welfare, the amendment is limited in scope to individuals who did not die prior to January 1, 1955, and who attained retirement age or died before January 1, 1957, so as to give protection to the large group of individuals who were covered by the program for the first time in 1955. It is also limited to coverage acquired in the first year that the individual was in covered employment, since in such periods there is often a lag involved between when actual employment occurs and when wages are actually paid, thus possibly resulting in the loss of a needed quarter of coverage. The amendment would be effective for monthly benefits in respect to months after June 1957, if application therefor is filed within about 1 year after the month of enactment.

It was approved by the Department of Health, Education, and Welfare.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. BYRD of Virginia. I yield.

Mr. MORSE. This is obviously a very complicated bill, when we start considering it in connection with specific cases.

It may be that the hypothetical question I am now going to state to the Senator, for an answer, is not at all applicable, but I am worried about this hypothetical situation. Let us consider a Federal employee who is separated from the Federal service. Because the employee is separated from the Federal service he is entitled to certain accrued benefits which flow to him after separation from the service, which he in fact has earned under our annuity system.

Would this bill provide that because the person is getting those benefits he cannot be considered for unemployment insurance benefits in accordance with some State law, on the ground that he is getting some income from the Federal Government?

Mr. BYRD of Virginia. The State laws would govern that matter. In other words, in determining the eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State law, as is true with respect to other matters relating to this.

Mr. MORSE. If that means anything it means, I suppose, that under the present situation the accrued annual benefits are not now so treated. In other words, is the bill an amendment which makes a concession to the States, so that the States can, in effect, use the payments from the Federal Government as the basis for making an employee ineligible for unemployment insurance benefits under the State law?

Mr. BYRD of Virginia. By repealing section 1505 the bill would make the award of unemployment compensation to a separated Federal civilian employee while he has accrued annual leave depend upon the provisions of the appropriate State unemployment compensation law. As the Senator well knows, the benefits are fixed by the States, in respect to unemployment compensation.

Mr. MORSE. If it is true that the bill would not make any difference at all, then why is it necessary?

I should like to find out what I shall be doing if I vote for the bill. Will I be putting the separated Federal employee in a position where he would be

less protected than he is now? I know that some of our State unemployment insurance benefit laws are shockingly inadequate. We are dealing with this very problem in the Committee on the District of Columbia now, in respect to unemployment insurance benefits in the District of Columbia. This has caused me to make a rather thorough study of the unemployment insurance benefits in our several States. They are pretty sad. I do not want to vote this afternoon for some bill which is going to make them worse.

Let me put it this way: I do not want to vote for a bill which is going to put the States in a position to take further advantage of unemployed Federal employees who have been separated from the Federal service than they now do.

Mr. BYRD of Virginia. I think the intention of the committee was to liberalize the provisions to a certain extent.

Under section 1505, which would be repealed by the bill, it is provided that no compensation may be paid to a Federal employee during a period subsequent to separation from Federal service when he is being paid for accrued annual leave.

Mr. MORSE. I do not know why he should be.

Mr. BYRD of Virginia. That is the law.

Mr. MORSE. That is income. That is as much income as he would get from a stock dividend.

I am sure the Senator from Virginia will not take any offense if I ask for time to study the bill.

Mr. BYRD of Virginia. The Senator from Oregon did not understand me. The bill would repeal that section and provide that the separated Federal employee could get unemployment insurance while receiving accrued annual leave.

Mr. MORSE. He could get it?

Mr. BYRD of Virginia. He could get it.

Mr. MORSE. Then there is no question, under the amendment.

Mr. BYRD of Virginia. The committee bill, by repealing section 1505, would make possible the award of unemployment compensation to a separated Federal civilian employee while he has accrued annual leave coming to him.

Mr. MORSE. Then we are of one mind. I am glad I asked the question. I thank the Senator. I misunderstood the import of the bill.

With that understanding, I have no objection.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H.R. 3472) was passed.

DOCUMENTATION OF VESSEL "EDITH Q." AS A VESSEL OF THE UNITED STATES

The Senate proceeded to consider the bill (S. 1765) to authorize and direct the Treasury to cause the vessel *Edith Q.*, owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges, which had been reported from the Committee on Interstate and Foreign Commerce, with an amendment, on page 1, line 5, after "(46 U.S.C. 11)," to insert "and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883)," so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), the Secretary of the Treasury is authorized and directed to cause that certain vessel now known as the Edith Q. (formerly the Miss Paul), built in 1950, in Nova Scotia, and now owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges, upon compliance with the usual requirements, so long as the vessel is owned and shall continue to be owned by a citizen of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF FOUR C1–SAY–1 TYPE VESSELS TO THE GOVERNMENT OF THE REPUBLIC OF CHINA

The Senate proceeded to consider the bill (H.R. 8042) to authorize the Secretary of Commerce to resell four C1–SAY–1 type vessels to the Government of the Republic of China for use in Chinese trade in Far East and Near East waters exclusively, which had been reported from the Committee on Interstate and Foreign Commerce, with an amendment, on page 3, line 9, after the word "named", to strike out "vessels" and insert "vessels, and less depreciation computed at the rate of 3½ per centum per annum from the date of default under the original contract to the date of sale under this act."

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, if the depreciation is to be computed under a formula in accordance with my understanding of the bill I would have no objection.

Mr. MAGNUSON. Mr. President, I cannot hear the Senator.

Mr. WILLIAMS of Delaware. Mr. President, I should like to ask the Senator from Washington a question.

Under the committee bill, as amended, if the bill is passed, would the depreciation be computed on the statutory sales price as reduced by the payments made under the original contract?

Mr. MAGNUSON. I wonder if the Senator from Delaware would repeat the question. I was getting the report.

Mr. WILLIAMS of Delaware. If the bill is passed as it is presently amended, would the depreciation be computed on the statutory sales price as reduced by the payments which were made under the original contract?

Mr. MAGNUSON. The answer is "Yes," according to the staff.

Mr. WILLIAMS of Delaware. With that clear understanding, Mr. President, I have no objection to the bill.

Mr. MAGNUSON. I also wish to say for the RECORD, Mr. President, this is a bill which has passed the House.

Mr. WILLIAMS of Delaware. Mr. President, the reason I asked the question is that I was talking with the Maritime Commission representatives, and they wanted to be sure as to what the committee intended. With the interpretation just given the net sales price will be $292,410 each, whereas had it been intended that the depreciation was to be computed on the old statutory price with depreciation taken to the present time the sales price would have been only $61,375 each.

I wanted to be sure that there was no misunderstanding as to what we are doing.

Mr. MAGNUSON. The staff understands it as such.

The PRESIDING OFFICER. If there is no further amendments to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to authorize the Secretary of Commerce to resell any two of four C1–SAY–1 type vessels to the Government of the Republic of China for use in Chinese trade in Far East and Near East waters exclusively."

BILL PASSED OVER

The bill (S. 2850) to provide for the appointment of one circuit judge for the 7th judicial circuit was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

REGULATION OF DISTRIBUTION AND SALE OF PACKAGES OF HAZARDOUS SUBSTANCES

The Senate proceeded to consider the bill (S. 1283) to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use, which had been reported from the Committee on Interstate and Foreign Commerce, with an amendment, to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Hazardous Substances Labeling Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term "territory" means any territory or possession of the United States, including the District of Columbia and the Commonwealth of Puerto Rico but excluding the Canal Zone.

(b) The term "interstate commerce" means (1) commerce between any State or territory and any place outside thereof, and (2) commerce within the District of Columbia or within any territory not organized with a legislative body.

(c) The term "Department" means the Department of Health, Education, and Welfare.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "person" includes an individual, partnership, corporation, and association.

(f) The term "hazardous substance" means:

1. (A) Any substance or mixture of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is flammable, or (vi) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(B) Any substances which the Secretary by regulation finds, pursuant to the provisions of section 3(a), meet the requirements of subparagraph 1(A) of this paragraph.

(c) Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the Secretary determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this Act in order to protect the public health.

2. The term "hazardous substance" shall not apply to economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act, nor to foods, drugs and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in bulk containers and used in the heating, cooking, or refrigeration system of a house.

3. The term "hazardous substance" shall not include any source material, special nuclear material, or by-product material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(g) The term "toxic" shall apply to any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

(h)(1) The term "highly toxic" means any substance which falls within any of the following categories: (a) Produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, at a single dose of 50 milligrams or less per kilogram of body weight when orally administered; or (b) produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, when inhaled continuously for a period of one hour or less at an atmospheric concentration of two hundred parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably forseeable manner; or (c) produces death within fourteen days in half or more than half of a group of ten or more rabbits tested in a dosage of two hundred milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for twenty-four hours or less.

(2) If the Secretary finds that available data on human experience with any substance indicate results different from those obtained on animals in the above-named dosages or concentrations, the human data shall take precedence.

(i) The term "corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces.

(j) The term "irritant" means any substance not corrosive within the meaning of subparagraph (i) which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

(k) The term "strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the Secretary. Before designating any substance as a strong sensitizer, the Secretary, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(l) The term "extremely flammable" shall apply to any substance which has a flash point at or below twenty degrees Fahrenheit as determined by the Tagliabue Open Cup Tester, and the term "flammable" shall apply to any substance which has a flash point of above twenty degrees to and including eighty degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester; except that the flammability of solids, and of the contents of self-pressurized containers shall be determined by methods found by the Secretary to be generally applicable to such materials or containers, respectively, and established by regulations issued by him, which regulations shall also define the terms "flammable" and "extremely flammable" in accord with such methods.

(m) The term "radioactive substance" means a substance which emits ionizing radiation.

(n) The term "label" means a display of written, printed, or graphic matter upon the immediate container of any substance; and a requirement made by or under authority of this Act that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears (1) on the outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper and (2) on all accompanying literature where there are directions for use, written or otherwise.

(o) The term "immediate container" does not include package liners.

(p) The term "misbranded package" or "misbranded package of a hazardous substance" means a hazardous substance in a container intended or suitable for household use which, except as otherwise provided by or pursuant to section 3, fails to bear a label—

(1) which states conspicuously (A) the name and place of business of the manufacturer, packer, distributor, or seller; (B) the common or usual name or the chemical name (if there be no common or usual name) of the hazardous substance or of each component which contributes substantially to its hazard, unless the Secretary by regulation permits or requires the use of a recognized generic name; (C) the signal word "DANGER" on substances which are extremely flammable, corrosive, or highly toxic; (D) the signal word "WARNING" or "CAUTION" on all other hazardous substances; (E) an affirmative statement of the principal hazard or hazards, such as "Flammable", "Vapor Harmful", "Causes Burns", "Absorbed Through Skin", or similar wording descriptive of the hazard; (F) precautionary measures describing the action to be followed or avoided, except when modified by regulation of the Secretary pursuant to section 3; (G) instruction, when necessary or appropriate, for first-aid treatment; (H) the word "poison" for any hazardous substance which is defined as "highly toxic" by subsection (h); (I) instructions for handling and storage of packages which require special care in handling or storage; and (J) the statement "Keep out of the reach of children", or its practical equivalent, and

(2) on which any statements required under subparagraph (1) of this paragraph are located prominently and are in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label.

REGULATIONS DECLARING HAZARDOUS SUBSTANCES AND ESTABLISHING VARIATIONS AND EXEMPTIONS

SEC. 3. (a) 1. Whenever in the judgment of the Secretary such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Secretary may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances which he finds meets the requirements of subparagraph (1)(A) of section 2(f).

2. Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall in all respects be governed by the provisions of section 701 (e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act, except that—

(A) the Secretary's order after public hearing (acting upon objections filed to an order made prior to hearing) shall be subject to the requirements of section 409(f)(2) of the Federal Food, Drug, and Cosmetic Act; and

(B) the scope of judicial review of such order shall be in accordance with the third sentence of paragraph (2), and with the provisions of paragraph (3), of section 409(g) of the Federal Food, Drug, and Cosmetic Act.

(b) If the Secretary finds that the requirements of section 2(p)(1) are not adequate for the protection of the public health and safety in view of the special hazard presented by any particular hazardous substance, he may by regulation establish such reasonable variations or additional label requirements as he finds necessary for the protection of the public health and safety; and any container of such hazardous substance, intended or suitable for household use, which fails to bear a label in accordance with such regulations shall be deemed to be a misbranded package of a hazardous substance.

(c) If the Secretary finds that, because of the size of the package involved or because of the minor hazard presented by the substance contained therein, or for other good and sufficient reasons full compliance with the labeling requirements otherwise applicable under this Act is impracticable or is not necessary for the adequate protection of the public health and safety, the Secretary shall promulgate regulations exempting such substance from these requirements to the extent he determines to be consistent with adequate protection of the public health and safety.

(d) The Secretary may exempt from the requirements established by or pursuant to this Act any container of a hazardous substance with respect to which he finds that adequate requirements satisfying the purposes of this Act have been established by or pursuant to any other Act of Congress.

PROHIBITED ACTS

SEC. 4. The following acts and the causing thereof are hereby prohibited:

(a) The introduction or delivery for introduction into interstate commerce of any misbranded package of a hazardous substance.

(b) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the label of, or the doing of any other act with respect to, a hazardous substance, if such act is done while the substance is in interstate commerce, or while

the substance is held for sale (whether or not the first sale) after shipment in interstate commerce, and results in the hazardous substance being in a misbranded package.

(c) The receipt in interstate commerce of any misbranded package of a hazardous substance and the delivery or proffered delivery thereof for pay or otherwise.

(d) The giving of a guarantee or undertaking referred to in section 5(b)(2) which guarantee or undertaking is false, except by a person who relied upon a guarantee or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance.

(e) The failure to permit entry or inspection as authorized by section 11(b) or to permit access to and copying of any record as authorized by section 12.

(f) The introduction or delivery for introduction into interstate commerce, or the receipt in interstate commerce and subsequent delivery or proffered delivery for pay or otherwise, of a hazardous substance in a reused food, drug, or cosmetic container or in a container which, though not a reused container, is identifiable as a food, drug, or cosmetic container by its labeling or by other identification. The reuse of a food, drug, or cosmetic container as a container for a hazardous substance shall be deemed to be an act which results in the hazardous substance being in a misbranded package. As used in this paragraph, the terms "food", "drug", and "cosmetic" shall have the same meanings as in the Federal Food, Drug, and Cosmetic Act.

(g) The manufacture within any territory, of any hazardous substance that is misbranded.

(h) The use by any person to his own advantage, or revealing other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this Act, of any information acquired under authority of section 11 concerning any method of process which as a trade secret is entitled to protection.

PENALTIES

SEC. 5. (a) Any person who violates any of the provisions of section 4 shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $500 or to imprisonment for not more than ninety days, or both; but for offenses committed with intent to defraud or mislead, or for second and subsequent offense, the penalty shall be imprisonment for not more than one year, or a fine of not more than $3,000, or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subsection (a) of this section, (1) for having violated section 4(c), if the receipt, delivery, or proffered delivery of the hazardous substance was made in good faith, unless he refuses to furnish on request of an officer or employee duly designated by the Secretary, the name and address of the person from whom he purchased or received such hazardous substance, and copies of all documents, if any there be, pertaining to the delivery of the hazardous substance to him; or (2) for having violated section 4(a), if he establishes a guarantee or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance, to the effect that the hazardous substance is not in misbranded packages within the meaning of that term in this Act; or (3) for having violated subsection (a) or (c) of section 4 in respect of any hazardous substance shipped or delivered for shipment for export to any foreign country, in a package marked for export on the outside of the shipping container and labeled in accordance with the specifications of the foreign purchaser and in accordance with the laws of the foreign country.

SEIZURES

SEC. 6. (a) Any hazardous substances that is in a misbranded package when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not, under the provisions of section 4(f), be introduced into interstate commerce, or which has been manufactured in violation of section 4(g), shall be liable to be proceeded against while in interstate commerce or at any time thereafter, on libel of information and condemned in any district court in the United States within the jurisdiction of which the hazardous substance is found: *Provided*, That this section shall not apply to a hazardous substance intended for export to any foreign country if it (1) is in a package branded in accordance with the specifications of the foreign purchaser, (2) is labeled in accordance with the laws of the foreign country, and (3) is labeled on the outside of the shipping package to show that it is intended for export, and (4) is so exported.

(b) Such hazardous substance shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury When libel for condemnation proceedings under this section, involving the same claimant and the same issues of misbranding, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdiction shall be consolidated for trial by order of such court, and tried in (1) any district selected by the applicant where one of such proceedings is pending; or (2) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district, reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

(c) Any hazardous substance condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such hazardous substance shall not be sold under such decree contrary to the provisions of this Act or the laws of the jurisdiction in which sold: *Provided*, That, after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such hazardous substance shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State or Territory in which sold, the court may by order direct that such hazardous substance be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Act under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the person obtaining release of the hazardous substance under bond.

(d) When a decree of condemnation is entered against the hazardous substance, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the hazardous substance.

(e) In the case of removal for trial of any case as provided by subsection (b)—

(1) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction;

(2) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

HEARING BEFORE REPORT OF CRIMINAL VIOLATION

SEC. 7. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

INJUNCTIONS

SEC. 8. (a) The United States district courts and the United States courts of the territories shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this Act, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

STYLE OF ENFORCEMENT PROCEEDINGS—SUBPENAS

SEC. 9. All criminal proceedings and all libel or injunction proceedings for the enforcement, or to restrain violations, of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

REGULATIONS

SEC. 10. (a) The authority to promulgate regulations for the efficient enforcement of this Act, except as otherwise provided in this section, is hereby vested in the Secretary.

(b) The Secretary of the Treasury and the Secretary of Health, Education, and Welfare shall jointly prescribe regulations for the efficient enforcement of the provisions of section 14, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary of Health, Education, and Welfare shall determine.

EXAMINATIONS AND INVESTIGATIONS

SEC. 11. (a) The Secretary is authorized to conduct examinations, inspections, and investigations for the purposes of this Act through officers and employees of the Department or through any health officer or employee of any State, territory, or political subdivision thereof, duly commissioned by the Secretary as an officer of the Department.

(b) For purposes of enforcement of this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which hazardous substances are manufactured, processed, packed, or held for introduction into interstate commerce or are held after such introduction, or to enter any vehicle being used to transport or hold such hazardous substances in interstate commerce; (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials, and labeling therein; and (3) to obtain samples of such materials or packages thereof, or of such labeling. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

(c) If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

RECORDS OF INTERSTATE SHIPMENT

SEC. 12. For the purpose of enforcing the provisions of this Act, carriers engaged in interstate commerce, and persons receiving hazardous substances in interstate commerce or holding such hazardous substances so received shall, upon the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times, to have access to and to copy all records showing the movement in interstate commerce of any such hazardous substance, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any record so requested when such request is accompanied by a statement in writing specifying the nature or kind of such hazardous substance to which such request relates: *Provided*, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: *Provided, further*, That carriers shall not be subject to the other provisions of this Act by reason of their receipt, carriage, holding, or delivery of hazardous substances in the usual course of business as carriers.

PUBLICITY

SEC. 13. (a) The Secretary may cause to be published from time to time reports summarizing any judgments, decrees, or court orders which have been rendered under this Act, including the nature of the charge and the disposition thereof.

(b) The Secretary may also cause to be disseminated information regarding hazardous substances in situations involving, in the opinion of the Secretary, imminent danger to health. Nothing in this section shall be construed to prohibit the Secretary from collecting, reporting, and illustrating the results of the investigations of the Department.

IMPORTS

SEC. 14. (a) The Secretary of the Treasury shall deliver to the Secretary of Health, Education, and Welfare, upon his request, samples of hazardous substances which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary of Health, Education, and Welfare and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such hazardous substance is in misbranded packages or in violation of section 4(f), then such hazardous substance shall be refused admission, except as provided in subsection (b) of this section. The Secretary of the Treasury shall cause the destruction of any such hazardous substance refused admission unless such hazardous substance is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

(b) Pending decision as to the admission of a hazardous substance being imported or offered for import, the Secretary of the Treasury may authorize delivery of such hazardous substance to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury. If it appears to the Secretary of Health, Education, and Welfare that the hazardous substance can, by relabeling or other action, be brought into compliance with this Act, final determination as to admission of such hazardous substance may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this subsection, the Secretary may, in accordance with regulations, authorize the applicant to perform such relabeling or other action specified in such authorization (including destruction or export of rejected hazardous substances or portions thereof, as may be specified in the Secretary's authorization). All such relabeling or other action pursuant to such authorization shall, in accordance with regulations, be under the supervision of an officer or employee of the Department of Health, Education, and Welfare designated by the Secretary, or an officer or employee of the Department of the Treasury designated by the Secretary of the Treasury.

(c) All expenses (including travel, per diem, or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in subsection (a) of this section and the supervision of the relabeling or other action authorized under the provisions of subsection (b) of this section, the amount of such expenses to be determined in accordance with regulations, and all expenses in connection with the storage, cartage, or labor with respect to any hazardous substance refused admission under subsection (a) of this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

SEC. 15. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

TIME OF TAKING EFFECT

SEC. 16. This Act shall take effect upon the date of its enactment; but no penalty or condemnation shall be enforced for any violation of this Act which occurs—

(a) prior to the expiration of the sixth calendar month after the month in which this Act is enacted, or

(b) prior to the expiration of such additional period or periods, ending not more than eighteen months after the month of enactment of this Act, as the Secretary may prescribe on the basis of a finding that conditions exist which necessitate the prescribing of such additional period or periods: *Provided*, That the Secretary may limit the application of such additional period or periods to violations related to specified provisions of this Act, or to specified kinds of hazardous substances or packages thereof.

APPLICATION TO EXISTING LAW

SEC. 17. Nothing in this Act shall be construed to modify or affect the provisions of chapter 39, title 18, United States Code, as amended (18 U.S.C. 831 et seq.), or any regulations promulgated thereunder, or under sections 204(a)(2) and 204(a)(3) of the Interstate Commerce Act, as amended (relating to the transportation of dangerous substances and explosives by surface carriers); or of section 1716, title 18, United States Code, or any regulations promulgated thereunder (relating to mailing of dangerous substances); or of section 902 or regulations promulgated under section 601 of the Federal Aviation Act of 1958 (relating to transportation of dangerous substances and explosives in aircraft); or of the Federal Food, Drug, and Cosmetic Act; or of the Public Health Service Act; or of the Federal Insecticide, Fungicide, and Rodenticide Act; or of the Dangerous Drug Act for the District of Columbia (70 Stat. 612), or the Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906 (34 Stat. 175), as amended; or of any other Act of Congress, except as specified in section 18.

REPEAL OF FEDERAL CAUSTIC POISON ACT

SEC. 18. The Federal Caustic Poison Act (44 Stat. 1406) is repealed effective at the close of the sixth calendar month after the month of enactment of this Act: *Provided*, That, if the Secretary, pursuant to section 16(b) of this Act, prescribes an additional period or periods during which violations of this Act shall not be enforceable and if such additional period or periods are applicable to violations of this Act involving one or more substances defined as "dangerous caustic or corrosive substances" by the Federal Caustic Poison Act, that Act shall, with respect to such substance or substances, remains in full force and effect during such additional period or periods: *Provided further*, That, with respect to violations, liabilities incurred or appeals taken prior to the close of said sixth month or, if applicable, prior to the expiration of the additional period or periods referred to in the preceding proviso, all provisions of the Federal Caustic Poison Act shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violations, liabilities, and appeals.

Mr. MAGNUSON. Mr. President, reserving the right to object—and I shall not object—I ask unanimous consent that the Senator from Connecticut [Mr. BUSH] and I may be permitted to have printed in the RECORD at this point two letters and an explanation of the bill relating to distribution and sale of packages of hazardous substances.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

THE DALLES CLINIC,
The Dalles, Oreg., March 7, 1960.

SENATOR WARREN G. MAGNUSON,
Senate Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: I noticed in an Associated Press news release in the Portland Morning Oregonian that you are cosponsoring a bill in the Senate concerning the packaging and labeling of potentially dangerous household products.

I am the physician, who with my associates, cared for Kay Williams, the child who ingested the dishwashing soap, the case that you have probably had called to your attention. I am taking the liberty of enclosing a copy of a letter written to Dr. Ashley, of Portland, for your information and use.

I can speak for myself, and I believe all other physicians who are called upon to serve in these cases, in expressing our appreciation for your efforts to produce legislation which will help to prevent tragedies of this type.

Respectfully yours,

MARTIN D. MERRISS, M.D.

THE DALLES CLINIC,
The Dalles, Oreg., March 5, 1960.

CARL G. ASHLEY, M.D.,
Director, Oregon Poison Control Registry, Portland, Oreg.

DEAR DR. ASHLEY: The following is a résumé of Kay William's clinical course and autopsy.

The child was seen initially about 1½ hours after the ingestion of an electric dishwashing machine soap powder. The parents were under the impression the child had simply gotten some of this powder to its lips and perhaps a small amount in the mouth, but they did not believe it had swallowed any of the granules. The child, when seen, was salivating excessively with a tremendous amount of mucous being lost from the nose and throat, quantity sufficient to saturate several towels in a very short time.

A tracheotomy was performed in order to establish an airway because of laryngeal and epiglottic obstruction. The child did well for the first 24 hours and then began a rapid downhill course and expired at the end of the second day.

Autopsy revealed almost complete destruction of the stomach with the presence of food and a large quantity of blood in the peritoneal cavity. What portion remained of the stomach was so friable that it could be very easily picked apart with the fingers in simply attempting to lift it from the abdomen. The lower portion of the esophagus exhibited the same general condition.

In the course of our investigation of this, we examined the boxes of seven types of electric dishwashing soaps and found only one of the seven contained any listing of ingredients and none of the seven had a label of caution or warning displayed anywhere on the package. Suit is being instituted by the parents of this child in an attempt to force this company to put on such a label.

Respectfully yours,

MARTIN D. MERRISS, M.D.

PORTLAND, OREG., *March 10, 1960.*

Mr. WARREN MAGNUSON.

DEAR SIR: After reading about your pending bill to require labeling of packages of hazardous substances for household use, I feel compelled to write you.

Without knowing the dangers of dishwater detergents, for some time I have been mixing equal parts with water to make a solution for blowing bubbles in the bubble pipes for the children. I am sure that many thousands of other mothers are innocently practicing this same method, endangering their children, too.

Could there perhaps be a special warning to the paper about this danger?

Sincerely,

MRS. CLINTON HESS.

PARTS 1, 2, 6, AND 7 OF THE COMMITTEE REPORT ON S. 1263 (REPT. NO. 1158, 86TH CONG., 2D SESS.)

1. THE PROBLEM

In a single year, your committee was informed, there are more than 200,000 poisonings in the United States, resulting in approximately 5,000 deaths, and the loss of over 89,000 man-years. Your committee was told there are over 300,000 common household products, such as furniture polish, bleaches, detergents, cleaners, etc., containing poisonous or dangerous substances that lack adequate warning labels, and adequate identification of the dangerous substances, information so necessary to the attending doctor in his efforts to aid his patient.

Further, we have been informed by the Public Health Service, that as the result of the recent national health survey, the Service estimates that 600,000 children under the age of 15 will swallow a poisonous or potentially poisonous substance each year.

The Federal Caustic Poison Act of 1927 (15 U.S.C. 401 et seq.) lists 12 chemical substances required to be labeled. It is outdated, and your committee hopes the Congress, by approving this bill, will modernize the protection given the public by the 1927 act.

2. IN GENERAL

In 1927 when Congress first required labels on caustic or corrosive substances conditions were considerably different than they are today. At that time there were only a few hazardous substances used to any extent in and about the household. The development and introduction of many new substances during the postwar years for household use has created a public health problem. These substances are widely used and many are essential to the public. At the same time, the nature of a number of these new products, and the frequent introduction of new ones, has focused attention upon the need for warning the user, whenever the hazards in their use are significant. It is no longer possible to list, as did the Caustic Poison Act, chemical substances by name which should have precautionary labeling. At the same time, to be meaningful and to accomplish the purpose of this bill it is equally important that substances which, as packaged, present only a minor hazard not be required to display a series of precautionary statements, since the public might quickly learn to disregard the importance and significance of precautionary labeling.

The standards established in this bill for determining whether a substance is or is not a hazardous substance are those which are generally recognized at common law in civil liability cases relating to the seller's duty to warn users of the hazards of his products. Thus, substances to be regulated under this bill are carefully defined in the bill. These definitions are the result of meetings between industry groups, the Committee on Toxicology of the American Medical Association, representatives of the Department of Health, Education, and Welfare, and State public health officials who have recognized the need for and have supported legislation on this subject at the State level. In addition to those States having legislation, other States and some cities have adopted regulations to meet the same problem. The first States to adopt comprehensive legislation on this subject were the States of Texas, Kansas, Indiana, and Connecticut which enacted laws in 1957. The definitions in these State laws, which have had the benefit of 2 years of enforcement, are generally consistent with the definitions in this bill.

The testimony of the witnesses at the hearing on August 13, 1959, and letters and statements filed by various interested persons and groups, show a remarkable unanimity of support for the principle of this legislation. There appears to be no objection to this legislation and all suggestions and recommendations for amendments to S. 1283 have been considered by your committee.

6. SUMMARY OF THE AMENDED BILL

This bill first defines a hazardous substance and would provide that any hazardous substance in a container, intended or suitable for household use, which is not labeled in accordance with the requirements of the bill, would be deemed to be a misbranded package. Misbranded packages would be subject to seizure and condemnation and criminal penalties are provided for failure to comply with such labeling requirements.

Provision is made for the Secretary of Health, Education, and Welfare to adopt regulations for the efficient enforcement of the act, including the authority to declare a substance to be a hazardous substance if the Secretary finds that such substance would meet the definition of a hazardous substance in the bill, and if such action would promote the objectives of the legislation by avoiding or resolving uncertainty as to its application. The Secretary would also be authorized to establish reasonable variations, or additional or less stringent labeling requirements, if he found them necessary for the protection of the public health and safety.

Economic poisons subject to the Federal Insecticide, Fungicide and Rodenticide Act, and foods, drugs, and cosmetics subject to the Federal Food, Drug and Cosmetic Act would be exempt from the definition of hazardous substance, since these substances are already regulated by existing legislation.

This bill would require that the label of any hazardous substance in a container intended or suitable for household use show the name and address of the manufacturer, packer, or seller; the name of the hazardous ingredient; a signal word, "Danger," "Warning," or "Caution"; a statement of the hazard; a statement of the precautionary measures; when necessary or appropriate instructions for first-aid treatment; the word "poison" on any substance defined as "highly toxic"; instructions for handling or storage of packages which require special care in handling or storage and the statement "Keep out of the reach of children" or its practical equivalent.

Since many of the reported cases of injury or illness from the use of hazardous substances involve young children, a statement, such as "Keep out of the reach of children," or its practical equivalent in light of the nature of the particular hazard, is an important requirement of this bill.

7. EXPLANATION OF THE AMENDED BILL BY SECTIONS

Section 1: This section contains the title of the bill which will be cited as the "Federal Hazardous Substances Labeling Act."

Section 2: This section defines "hazardous substance" and the terms which are used in this definition; "toxic," "corrosive," "irritant," "strong sensitizer," and "flammable." An additional category of hazard, "generates pressure through decomposition, heat, or other means" is not further defined since its essential meaning is clear. The term "highly toxic" is also defined and will determine those substances on which the word "Poison" must be used.

It is intended by the definition of a hazardous substance to bring within the scope of this bill those substances which, as packaged, may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use. This includes ingestion by children whenever such is reasonably foreseeable (and the bill recognizes that it is often reasonably foreseeable). It is also intended by these definitions to draw as clear a line of distinction as possible between the substances covered by this bill and the substances which are unaffected by it, employing the language of the common law of civil liability in drawing such a line. In order to insure that the definitions will include all substances which should be within the scope of the bill, these definitions are broad in scope. They are not intended, however, to include substances where the hazard is minor taking into account on the

one hand the risk or chance of injury and on the other hand the degree of injury probable or possible in case of accidental or intentional misuse.

It is recognized that any substance used in or about the household can cause some degree of injury or illness if accidentally or intentionally misused. It is the purpose of this bill to require precautionary labeling which is meaningful and will be observed by the user, but not to require labeling on so many of the things that go into a household as to invite carelessness and the ignoring of precautionary statements on substances which present substantial hazards.

The term "highly toxic" is defined in terms of specific laboratory tests with a provision that the Secretary should give precedence to any data on the use of these substances from human experience, if such experience indicates results different from those obtained on animals in these tests. The term "irritant" is defined as one which will induce a local inflammatory reaction on the skin. It is recognized that immersing the hands in water and other mild liquids for extended periods of time will cause irritation of the skin. Precautionary labeling, however, would be required only on those substances which under conditions of customary or reasonably anticipated handling or use will induce a substantial "local inflammatory reaction" as that term is defined and used by the medical profession.

The term "strong sensitizer" is defined and would require a finding by the Secretary that a substance is a strong sensitizer within the meaning of the bill before such substances would be subject to the law. Some portion of the population is sensitive in one way or another to almost every article that enters the household, including foods and household soap. To require precautionary labeling on all such products is not intended. Precautionary labeling would be required under this bill on any substance which affects a significant portion of the population and which may cause a strong or severe reaction, if after a finding by the Secretary that the substance had a significant potential for causing hypersensitivity.

The term "misbranded package" would be defined as one containing a hazardous substance, as that term is defined, in a container intended or suitable for household use, unless the container bears a label stating (1) the name and place of business of the manufacturer, packer, distributor, or seller; (2) the name of the hazardous ingredient; (3) the signal word "Danger" on substances which are extremely flammable, corrosive, or highly toxic; (4) the signal word "Warning" or "Caution" on all other hazardous substances subject to the bill; (5) an affirmative statement of the principal hazard, such as "Flammable, Vapor Harmful"; (6) precautionary measures to be taken except when modified by regulation of the Secretary; (7) instructions for first aid treatment, when necessary or appropriate; (8) the word "Poison" for substances defined as "highly toxic"; (9) instructions for handling and storage of packages which require special care in handling or storage; and (10) the statement "Keep out of the reach of children" or its practical equivalent; for example, "Keep out of the reach of infants," where the products can be properly used by older children. These statements would be located prominently on the label and must be in the English language in conspicuous and legible type, and in contrast by typography, layout, or color with other printed matter on the label.

Section 3: This section would authorize the Secretary to issue regulations for the enforcement of the legislation. The Secretary would be authorized, when in his judgment such action would promote the objectives of the act by avoiding or resolving uncertainty as to its application, to declare substances to be subject to the act if he found that such substance meets the definitions in section 2. It is intended in making such a finding that he will be guided by principles of the common law with respect to the duty owed by a seller to warn of the hazards of his products. The Secretary would be also authorized to establish reasonable variations or additional labeling requirements, in view of the special hazard presented by any particular hazardous substance, as he finds necessary for the protection of the public health and safety. The Secretary would also be authorized to permit less than full compliance with the labeling requirements of this bill when such is not necessary for the adequate protection of the public health and safety. The section would also provide that proceedings for issuing, amending, or repealing regulations shall be covered by pertinent procedural sections in the Food, Drug, and Cosmetic Act.

Section 4: This section specifies the prohibited acts, which include the introduction and delivery into interstate commerce of any misbranded package of a hazardous substance; the alteration, mutilation, destruction, or removal of any part of a label of a hazardous substance; and would make unlawful the failure to permit entry or inspection of a factory or plant in which hazardous substances are manufactured or stored. This section would also prohibit the giving of a false guarantee that the label of any substance is in compliance with this legislation, and would prohibit the use of any container labeled or identified as a food, drug, or cosmetic container or the reuse of a food, drug, or cosmetic container still identifiable as such.

Section 5: This section specifies the penalties for violation of any of the prohibited acts set forth in section 4, and would provide a punishment of a fine of not more than $500 or imprisonment of not more than 90 days for each offense, but for second and subsequent offenses or for an offense committed with an attempt to defraud or mislead, a penalty of imprisonment of not more than 1 year or a fine of not more than $3,000 or both is provided.

Section 6: This section sets forth the procedure for the seizure and condemnation of any hazardous substance subject to this bill which is not labeled in compliance therewith.

Section 7: This section requires the Secretary to give any person an opportunity to be heard prior to the institution of a criminal proceeding for failing to comply with the prohibited acts set forth in the bill.

Section 8: This section would authorize the U.S. district courts and the courts of the territories to issue injunctions to restrain violations of this act.

Section 9: This section specifies the style of enforcement proceedings and would authorize subpenas for witnesses to be served in any district in the United States.

Section 10: This section would authorize the Secretary of the Treasury and the Secretary of Health, Education, and Welfare to prescribe regulations with respect to imports of hazardous substances, and would authorize the Secretary of Health, Education, and Welfare to promulgate regulations for the efficient enforcement of this act. This bill contemplates that such regulations would be made in the manner prescribed in section 4 of the Administrative Procedure Act. It is intended that public hearings should be held on important regulations and that a minimum of 60 days should be allowed for the submission of views by interested persons before the adoption of a proposed regulation as final.

Section 11: This section would authorize entry and inspection of any factory, warehouse, establishment, or vehicle, and of pertinent finished and unfinished hazardous substances and labeling therein. Inspection of unfinished hazardous substances would ordinarily be limited to those few cases where the needed information was not readily available from inspection of the finished hazardous substance. The inspection must be conducted at reasonable times and within reasonable limits and in a reasonable manner, and must be commenced and completed with reasonable promptness.

The section would also authorize the obtaining of samples of the hazardous substance or of the labeling or packages thereof and would require that a receipt be given for the samples obtained. In addition, if an analysis is made, a copy of the results must be furnished promptly to the owner, operator, or agent in charge.

Section 12: This section would require carriers and others receiving hazardous substances to permit access to and copying of any record of a shipment of hazardous substances, would provide that any evidence obtained under this section shall not be used in a criminal prosecution of the person from whom the evidence is obtained, and exempt carriers from the act if they were handling the hazardous substance in the usual course of business as carriers.

Section 13: This section would authorize the Secretary to publish any judgments, decrees, or court orders rendered under this act and to disseminate information regarding hazardous substances in situations involving imminent danger to health.

Section 14: This section would regulate the importation of hazardous substances and require that such substances be labeled in compliance with this act.

Section 15: This section would provide for the separability of any provision of this bill which may be declared unconstitutional or invalid.

Section 16: This section would provide that this bill shall take effect upon its enactment, but provides that no penalty shall be enforced for a period of 6 months after enactment. It would authorize the Secretary to extend the effective date for penalties for a period of not more than 18 months upon a finding that conditions exist which necessitate prescribing of such additional period or periods of time.

Section 17: This section specifies the application of this bill to existing law.

Section 18: This section provides for the repeal of the Federal Caustic Poison Act but preserves any proceedings for violation of the Federal Caustic Poison Act committed prior to the effective date of this bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSPENSION OF TARIFF SCHEDULES

The bill (S. 3005) to amend the act of March 3, 1933 (47 Stat. 1426), relating to the length of time by which the Federal Maritime Board may suspend tariff schedules was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "The Intercoastal Shipping Act, 1933", approved March 3, 1933 (47 Stat. 1426), as amended by the Act of June 23, 1938 (52 Stat. 965) and the Act of August 4, 1939 (53 Stat. 1182), is amended by striking out "four" where it appears in the third section and by inserting "seven" in lieu thereof.

BILL AND RESOLUTION PASSED OVER

The bill (S. 2669) to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted small vessels carrying freight to and from places in the inland waters of southeastern Alaska was announced as next in order.

Mr. FONG. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 285) to authorize an investigation of certain election charges was announced as next in order.

Mr. FONG. Over, Mr. President.

The PRESIDING OFFICER. The resolution will be passed over.

JOHN B. MANTHEY

The bill (S. 2330) for the relief of John B. Manthey was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John B. Manthey is hereby relieved of all liability to refund to the United States the sum of $7,377.00 representing payments of death compensation received by him subsequent to his marriage on September 7, 1947, the said John B. Manthey being permanently incapable of self-support.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John B. Manthey, the sum of any amounts withheld from him on account of the payments referred to in the first section of this Act.

ARISTOGITON ZAHARIADIS

The bill (S. 111) for the relief of Aristogiton Zahariadis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Aristogiton Zahariadis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JOHN GELBERT (ALIAS MAX THEODORE GELBERT)

The bill (S. 1909) for the relief of John Gelbert (alias Max Theodore Gelbert) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, John Gelbert (alias Max Theodore Gelbert) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

MATIAS T. FALCASANTOS

The bill (S. 2406) for the relief of Matias T. Falcasantos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Matias T. Falcasantos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JOSEPH J. O'LOUGHLIN

The bill (H.R. 6027) for the relief of Joseph J. O'Loughlin was considered, ordered to a third reading, read the third time, and passed.

MRS. NELL C. PLAYER

The bill (H.R. 7365) for the relief of Mrs. Nell C. Player was considered, ordered to a third reading, read the third time, and passed.

MRS. VIRGINIA BOND

The bill (H.R. 7933) for the relief of Mrs. Virginia Bond was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN MEMBERS OF THE DEPARTMENT OF THE NAVY

The bill (H.R. 8106) to provide for the relief of certain members and former members of the Department of the Navy for the expenses of storage of household effects was considered, ordered to a third reading, read the third time, and passed.

PERRY LEE GORMAN

The Senate proceeded to consider the bill (S. 1720) for the relief of Perry Lee Gorman, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That sections 15 to 20, inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (5 U.S.C. §§ 765–769), are hereby waived in favor of Perry Lee Gorman, of Cortaro, Arizona, for compensation for disability caused by an injury allegedly sustained by him during the year 1944 while performing services as an employee of the Department of the Navy at the Pearl Harbor Navy Yard, and his claim is authorized and directed to be considered and acted upon under the remaining provisions of such Act, as amended, if he files such claim with the Bureau of Employees' Compensation of the Department of Labor not later than six months after the date of enactment of this Act: *Provided,* That no benefits shall accrue by reason of the enactment of this Act for any period prior to the date of its enactment, except in the case of such medical or hospitalization expenditures which may be deemed reimbursable.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEILA FINLAY BOHIN

The Senate proceeded to consider the bill (S. 2554) for the relief of Leila Finlay Bohin, which had been reported from the Committee on the Judiciary with an amendment, in line 6, after the word "States", to strike out "during all the time she was residing abroad with her parents while her father, Luke Finlay, was stationed abroad as an employee of the United States" and insert "for a period of 5 years after attaining the age of 14 years", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 301(a)(7) of the Immigration and Nationality Act, Leila Finlay Bohin shall be held and considered to have been physically present in the United States for a period of 5 years after attaining the age of 14 years.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER LEO BAHR

The Senate proceeded to consider the bill (S. 2566) for the relief of Peter Leo Bahr, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the provisions of sections 201(a), 202(a)(5), and 202(b) of that Act shall not be applicable in the case of Peter Leo Bahr.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KRSTE ANGELOFF

The Senate proceeded to consider the bill (S. 2607) for the relief of Krste Angeloff, which had been reported from the Committee on the Judiciary with an amendment, in line 6, after the word "of", where it appears the first time, to insert "Mrs.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Krste Angeloff, shall be held and considered to be the natural-born alien child of Mrs. Mile Angeloff, a citizen of the United States: *Provided,* That the natural parents of the said Krste Angeloff shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIA CRITELLI VENTURA

The Senate proceeded to consider the bill (S. 2619) for the relief of Maria Critelli Ventura, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "natural", to strike out "parents" and insert "mother", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Maria Critelli Ventura, shall be held and considered to be the natural-born alien child of Rose C. Saluri, a citizen of the United States: *Provided*, That the natural mother of the said Maria Critelli Ventura shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GERALD DEGNAN AND OTHERS

The Senate proceeded to consider the bill (S. 634) for the relief of Gerald Degnan and others, which had been reported from the Committee on the Judiciary with an amendment, on page 2, at the beginning of line 2, to strike out "$389.71; William C. William, $1,050.27; Herry Eakon, $428; Jacob Beebe, $922.05; Thorval Ohnstad, $1,931.13; Evan S. Henry, $199.63; Henry Pitmatalik, $624.63; D. LeRoy Kotila, $290.32; Bernard Rock, $903.87; Bud J. Carlson, $480.06; Charles F. Curtis, $1,452.25; and A. N. Dake, $130.05." and insert "$286.63; William C. Williams, $755.92; Harry Eakon, $342.49; Jacob Beebe, $743.85; Thorwald Ohnstad, $1,556.32; Evan S. Henry, $199.63; Henry Pitmatalik, $472.22; D. LeRoy Kotila, $217.70; Bernard Rock, $729.79; Bud J. Carlson, $313.05; Charles F. Curtis, $1,111.69; and A. N. Dake, $93.40.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects destroyed as a result of the fire which occurred on October 2, 1958, at Sherman, Alaska, when the claimants were employed by The Alaska Railroad: Gerald Degnan, $286.83; William C. Williams, $755.92; Harry Eakon, $342.49; Jacob Beebe, $743.85; Thorwald Ohnstad, $1,556.32; Evan S. Henry, $199.68; Henry Pitmatalik, $472.22; D. LeRoy Kotila, $217.70; Bernard Rock, $729.79; Bud J. Carlson, $313.05; Charles F. Curtis, $1,111.69; and A. N. Dake, $93.40.

SEC. 2. No part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Gerald Degnan, William C. Williams, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake."

HEIRS OF CAROLINE HENKEL AND GEORGE HENKEL

The Senate proceeded to consider the bill (S. 2333) for the relief of the heirs of Caroline Henkel and George Henkel, and for other purposes, which had been reported from the Committee on the Judiciary with amendments, on page 2, line 3, after the word "flooding", to insert "due to percolation", and in line 11 after the word "flooding", to insert "due to percolation", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the rightful heirs of Carolina and William Henkel, now deceased, and to George Henkel presently residing at Babb, Montana, the sum of $16,000. The payment of such sum shall be in full settlement of all claims against the United States for any damage to the lands allotted to Caroline, William, and George Henkel in townships 36 and 37 north, range 14 west, Montana principal meridian, on the Blackfeet Indian Reservation, Montana, or to the crops of said lands, caused by seepage or flooding due to percolation from the Saint Mary's Canal of the Milk River reclamation project, and for any other alleged injuries to said lands or the crops thereon caused by the construction, operation, or maintenance of works of the Milk River reclamation project.

The payment of such sum shall also be in consideration of the granting of a permanent easement for seepage and flooding due to percolation through and over such lands from Saint Mary's Canal or other works of the Milk River reclamation project. The release of such claims and the granting of such easement in a form and manner satisfactory to the Secretary of the Interior shall be a condition precedent to the making of any payment under this Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of the heirs of Caroline Henkel, William Henkel (now deceased), and George Henkel (presently residing at Babb, Montana), and for other purposes."

MARY ALICE CLEMENTS

The bill (S. 2317) for the relief of Mary Alice Clements was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the War Claims Act of 1948, as amended, limiting the period of time within which claims may be filed thereunder, the Foreign Claims Settlement Commission of the United States shall have jurisdiction to receive and to determine the validity and amount of the claim of Mary Alice Clements, of Washington, District of Columbia, for civilian detention benefits under subsections (a) through (e) of section 5 of such Act, and shall certify to the Secretary of the Treasury for payment out of the War Claims Fund any award made thereunder. The Secretary of the Treasury shall pay, out of such Fund, to the said Mary Alice Clements the amount of any such award so certified by the Commission.

CAPT. CARL J. FISHER

The bill (S. 1154) for the relief of Carl J. Fisher, captain, U.S. Army, retired, was announced as next in order.

The PRESIDING OFFICER. There is an identical bill, House bill 7037, before the Committee on the Judiciary.

Is there objection to discharging the Committee on the Judiciary from the further consideration of House bill 7037?

The Chair hears none, and it is so ordered.

Is there objection to the present consideration of the House bill?

There being no objection, the bill (H.R. 7037) for the relief of Carl J. Fisher, captain, U.S. Army, retired, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1154 will be indefinitely postponed.

PARKER E. DRAGOO

The bill (S. 1328) for the relief of Parker E. Dragoo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Parker E. Dragoo, Supervisory Park Ranger, Department of the Interior, Death Valley, California, is hereby relieved of liability to the United States in the amount of $370.34, representing the amount charged him due to the excess weight of household effects shipped to a new duty station, such excess weight resulting from special packing and crating designed to insure the safe arrival of said effects in a newly developed area not served by common carrier.

RONALD R. DAGON AND RICHARD J. HENSEL

The bill (S. 1408) for the relief of Ronald R. Dagon and Richard J. Hensel

was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects lost as a result of a boating accident on July 11, 1957, on the Susitna River, Alaska, while on official business of the Fish and Wildlife Service, Department of the Interior: Ronald R. Dagon, $121; and Richard J. Hensel, $118: *Provided,* That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JAY R. MELVILLE AND PETER E. K. SHEPHERD

The bill (S. 1410) for the relief of Jay R. Melville and Peter E. K. Shepherd was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects lost as a result of a boating accident on June 14, 1958, on the Bremner River, Alaska, while on official business of the Fish and Wildlife Service, Department of the Interior: Jay R. Melville, $208; and Peter E. K. Shepherd, $306.65: *Provided,* That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MRS. JOHN SLINGSBY AND OTHERS

The bill (S. 2173) for the relief of Mrs. John Slingsby, Lena Slingsby, Alice V. Slingsby, and Harry Slingsby was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to (1) Mrs. John Slingsby, the sum of $250; (2) Lena Slingsby, the sum of $750; (3) Alice V. Slingsby, the sum of $350; and (4) Harry Slingsby, the sum of $50; all of Fargo, North Dakota. The payment of such sums shall be in full settlement of all their claims against the United States for compensation for personal injuries, pain and suffering, loss of earnings, and property damages, and for reimbursement of medical expenses incurred by them, as the result of an accident which occurred near Cle Elum, Washington, on August 14, 1953, when an automobile owned by the said Harry Slingsby and operated by the said Alice V. Slingsby was struck by a United States Army vehicle: *Provided,* That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ESTATE OF HILMA CLAXTON

The bill (S. 2234) for the relief of the estate of Hilma Claxton was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles L. Claxton, of Saint Paul, Minnesota, in his capacity as administrator of the estate of Hilma Claxton, the sum of $696.43. The payment of such sum shall be in full satisfaction of all claims of such estate against the United States for payment of certain money orders payable to Hilma Claxton (deceased), which were issued in Huron, South Dakota, during the period from May 8, 1929, through December 28, 1929, but which were not presented for payment within the period in which they could have been received by the Post Office Department: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

RELIEF OF CERTAIN EMPLOYEES OF THE GENERAL SERVICES ADMINISTRATION

The bill (S. 2430) for the relief of certain employees of the General Services Administration was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Carol S. Stake, William Lockwood, Laura J. Fromm, William Baxter, Selma M. Cohen, Anna Gerlach, Frank J. Frericks, Milton J. Rosasco, Margaret Baird, Margaret Klein, Thomas S. Cunerd, and John G. Arendes are hereby relieved of all liability to the United States arising out of the granting to such persons, as employees of the General Services Administration, of compensatory time off during the leave year 1957 in lieu of annual leave for which such persons had applied, but which had been denied, during the leave year 1956. The Administrator of General Services is authorized and directed (1) to restore to the credit of any such persons whose annual leave was thereafter charged in satisfaction of such liability the amount of leave so charged, including any reduction in the maximum amount of accumulated leave permitted in the case of such person, and (2) to pay, out of any money available for the payment of salaries of employees of the General Services Administration, to any such person who thereafter refunded to the General Services Administration the value of such leave in satisfaction of such liability, an amount equal to the amount so refunded.

JOE KELLER AND H. E. PIPER

The bill (S. 2507) for the relief of Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil-bank benefits was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the 1958 wheat acreage on farm numbered 4–259 in Saline County, Marshall, Missouri, operated by Joe Keller and owned by H. E. Piper shall not be considered to have exceeded fifteen acres by reason of the failure to destroy the wheat acreage which was left standing, but not harvested, in an attempt to comply with instructions received from the county committee. No marketing penalties shall be assessed and no soil bank benefits shall be denied or required to be refunded, on account of such failure.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Joe Keller and H. E. Piper, or either of them, the sum of any amounts received or withheld from them, or either of them, on account of the failure referred to in the first section of this Act.

HARRY L. ARKIN

The bill (S. 2523) for the relief of Harry L. Arkin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry L. Arkin of Denver, Colorado, the sum of $270.90. The payment of such sum shall be in full satisfaction of all claims of the said Harry L. Arkin against the United States for (1) reimbursement for expenses, including insurance costs, incurred by him in having his automobile transported from Germany to the United States upon termination of his duty overseas with the Air Force, the said Harry L. Arkin having been denied shipment of his automobile at Government expense because of a change in Air Force policy which occurred after approval had been given by the transportation officer of the Seventeenth Air Force for the shipment of his automobile by such means, and (2) per diem allowance for the period (March 1 to March 6, 1959) he was permitted to remain in Germany, beyond his scheduled departure date, to await an official decision with regard to the shipment of his automobile: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in

connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

OSCAR A. LaBRANCHE

The bill (H.R. 2849) for the relief of Oscar A. LaBranche was considered, ordered to a third reading, read the third time, and passed.

HARRY E. NELSON

The bill (H.R. 5301) for the relief of Harry E. Nelson was considered, ordered to a third reading, read the third time, and passed.

WILLIAM J. KAISER

The bill (H.R. 6023) for the relief of William J. Kaiser was considered, ordered to a third reading, read the third time, and passed.

VICTOR STIGLIC

The bill (H.R. 6402) for the relief of Victor Stiglic was considered, ordered to a third reading, read the third time, and passed.

NEAL E. ANDERSON

The bill (H.R. 6885) for the relief of Neal E. Anderson was considered, ordered to a third reading, read the third time, and passed.

MISS MARION A. CRAMER

The bill (H.R. 6948) for the relief of Miss Marion A. Cramer was considered, ordered to a third reading, read the third time, and passed.

DON L. HERRING

The bill (H.R. 7079) for the relief of Don L. Herring was considered, ordered to a third reading, read the third time, and passed.

GEORGE W. GIBSON

The bill (H.R. 7116) for the relief of George W. Gibson was considered, ordered to a third reading, read the third time, and passed.

PAUL LEVITT

The bill (H.R. 7447) for the relief of Paul Levitt was considered, ordered to a third reading, read the third time, and passed.

MRS. VIOLA H. ROOKS

The bill (H.R. 7636) for the relief of Mrs. Viola H. Rooks was considered, ordered to a third reading, read the third time, and passed.

MACO WAREHOUSE CO.

The bill (H.R. 8801) for the relief of the Maco Warehouse Co. was considered, ordered to a third reading, read the third time, and passed.

HOO W. YUEY

The Senate proceeded to consider the bill (H.R. 2310) for the relief of Hoo W. Yuey, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the Comptroller General of the United States is hereby authorized and directed, notwithstanding the provisions of an Act providing for the barring of claims against the United States (54 Stat. 1061), to accept and consider any claim filed on his own behalf by Hoo W. Yuey for the return of $704 which was deducted from his Army pay as his contribution to a family allowance payable to his dependents but which was not in fact paid to such dependents and also any claim filed on behalf of his dependent children for the portions of the family allowance contributed by the Government which would have been payable on their behalf but which was not in fact paid, such claim or claims to be filed within one year after the enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Hoo W. Yuey and his dependent children."

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1961

The bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes was announced as next in order.

Mr. BARTLETT. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

TRANSFER AND EXCHANGE OF CERTAIN LANDS TO MASSACHUSETTS PORT AUTHORITY

The PRESIDING OFFICER. The clerk will state the first bill passed to the foot of the calendar.

The CHIEF CLERK. A bill (H.R. 5838) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands.

Mr. SALTONSTALL. Mr. President, since I talked to the Senator from Oregon [Mr. MORSE] I have studied his amendment, and I have talked also with the authorities in Boston, who are familiar with the subject. I will accept the amendment of the Senator from Oregon in order that the bill may be passed at this time, if there is no other objection.

Mr. MORSE. Mr. President, I wish to say to the Senator from Massachusetts that I appreciate very much the position he has taken in regard to this matter. I wish to make this additional statement about the bill. I fully realize that the adoption of my amendment by the Senate may not necessarily mean that it will be included in the bill when it comes back to the Senate from conference. I have had the Morse formula defeated in that way on some occasions, when we adopted an amendment to a House bill, only to find that when the bill returned from conference the Morse formula amendment had been eliminated. I wish to make the record today for the benefit of our Senate conferees. If the bill goes to conference I believe that the Senate conferees are under a great obligation to the Senate, if we are to apply the Morse formula to transfers of Federal property, not to surrender on this point in conference.

If the Boston authorities are willing to accept the amendment—and the Senator from Massachusetts reports that they are—then I say with all due respect that it carries along with it the obligation that the amendment remain in the bill in conference.

If the Senator from Pennsylvania were here I would ask for his attention. We had a similar situation involving the Port Authority of Philadelphia, and it ran into the same situation as the bill involving the Massachusetts Port Authority. Both involve a great sum of money. The people of Philadelphia, after due consideration of my amendment, reached the conclusion that the amendment ought to be adopted, or at least raised no objection to it, and the result is that Philadelphia has applied the Morse formula.

I want to point out that in regard to the particular situation confronting us now, involving the port of Boston, I have no criticism to make of what Boston is seeking to do. It is perfectly understandable that they would attempt to do it if they could. Naturally, I shall do everything I can to prevent their doing it. They wish to get credit for rent-free property that they made available to the Navy for many years, and have it apply under this transfer. As I said before—and I am not going to go through the whole argument again, but will insert it in the RECORD—we should not establish that precedent, because we know how great Government installations are sometimes granted to one community instead of another community. We know that a community will come in, anxious to get a Government installation, because it brings into the community a considerable payroll and brings into a municipality a great addition to the tax base, and say to Uncle Sam, "Come on in. We will give you the property rent free."

I do not have any objection to that. It is a pretty good arrangement sometimes. However, I do not think that we ought to underwrite the policy of

Indian giver on the floor of the Senate in connection with the pending bill. I believe that the Boston authorities should live up to their gift and should not come back now and say, "We want credit for the gift we gave to Uncle Sam." When we reduce this matter to its simplest terms, that is what it amounts to.

Boston now comes in and says, "We want to get credit on this transfer for this naval property, for a gift that we made to Uncle Sam over the years."

That is a bad precedent to establish. If we start carrying that out in the country it will run into many millions of dollars.

I wish to point out the position which the Navy takes on the matter. In a speech I made on this subject, when it was before the Senate previously, on August 19, 1959, I read into the RECORD a letter which I wish to read into the RECORD again. The letter is dated June 18, 1959, which is addressed to the Honorable CARL VINSON, chairman of the Committee on Armed Services of the House of Representatives. In that letter the Navy Department said:

> Staff appraisals have indicated a difference in valuation of the properties to be exchanged in favor of the Navy. It is therefore recommended that the bill be amended to provide for payment of an amount equal to the difference in value of the properties as determined by the Secretary of the Navy after fair market value appraisals.

In other words, the Navy says, in effect, in that letter that the Morse formula should apply. I may say, in defense of the Department of Defense, that time and time again they have underwritten the merits of the Morse formula. They have recognized that, by and large, it takes a great burden off their back, as some of the officials of that Department have pointed out to me when we have discussed the application of the transfers of Federal property to various State subdivisions. The Department of Defense recognizes the merits of the fight I have been putting up since 1946. Since that time, the record shows that by my stubborn insistence that the Morse formula be applied to the transfers of surplus Federal property the taxpayers of the United States have been saved many hundreds of millions of dollars.

We are dealing here with a property transfer which, in my judgment, is of such an economic nature that it ought not to be given any exemption from the Morse formula. This is exceedingly valuable naval property. The Boston authorities should pay the difference in value between the Port Authority property and the U.S. Navy property. The Boston authorities should not ask for a setoff of the rent-free property values they have given the Navy over the years in order to get naval installations in Boston.

I shall take judicial notice, as I believe every other Senator has the right to take judicial notice, that the naval installations in Boston—and we are indebted to Massachusetts for the great assistance it has been to Uncle Sam in respect to our naval installations—I shall take judicial notice that Boston and Massachusetts never lost a cent by way of the so-called rent-free property which they have made available to the U.S. Navy. I say that because the use of that property and the payrolls which have resulted from the use of that property have returned great economic benefits to Boston and Massachusetts. I am happy about it, too. I simply say now that we should not pass the bill without the Morse amendment in it.

I appreciate the willingness of the distinguished Senator from Massachusetts [Mr. SALTONSTALL] to accept my amendment on the floor of the Senate.

But I want to make this statement: I will be watching to see if the amendment is in the bill when it comes back from conference. If it is not, then this very short speech of mine today will be but a short speech of introduction to the next one I shall make on the bill.

Mr. President, I offer my amendment.

The PRESIDING OFFICER. The committee amendment was agreed to on August 19, 1959.

Mr. SALTONSTALL. Mr. President, before action is taken on the bill, I call attention to page 2 of the committee report, submitted by the distinguished Senator from Washington [Mr. JACKSON]. I read one line:

> The value of these parcels of land is subject to question.

As provided in the committee amendment, the final conclusion of the value will be made by the Secretary of the Navy. I am confident that he will be fair in working out a basis to determine any difference of opinion.

Mr. MORSE. I am not speaking to impose any particular value on the property. Of course, the value is in question. That is what the Morse formula seeks to settle. My amendment provides for an appraisement policy. It requires that the property be appraised. That is the legal process which ought to be followed. Then the Federal Government will get its 50 percent of the fair appraised market value of the property in respect to whatever amount of value is over and above the value of the Boston Harbor property. That is all I have ever asked for. After that appraisement has been made by legal proceedings, to determine the fair market value of the property, the taxpayers of the country will then see to it that they get 50 percent of the appraised fair market value of the excess value of the Navy property over the value of the Boston Harbor Authority property. I want to make sure that they are not cut out of it by any conference report which may be submitted which does not have my amendment in it.

The PRESIDING OFFICER. The amendment of the Senator from Oregon will be stated.

The CHIEF CLERK. On page 4, line 19, it is proposed to strike out "(a)."

On page 5, beginning with line 1, strike out all through line 7.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement I made on August 19, 1959, which will make it unnecessary for me to repeat my position in detail.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Aug. 19, 1959]

TRANSFER OF CERTAIN LANDS TO THE MASSACHUSETTS PORT AUTHORITY IN EXCHANGE FOR OTHER LANDS—BILL PASSED OVER

The Senate proceeded to consider the bill (H.R. 5888) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority certain lands in South Boston, Mass., in exchange for other lands, which had been reported from the Committee on Armed Services, with an amendment, on page 4, after line 18, to insert a new section, as follows:

"SEC. 3 (a) As a condition of the exchange of land authorized by this Act the Secretary of the Navy shall require the Massachusetts Port Authority to pay an amount of money equal to the amount, if any, by which the fair market value of the property conveyed by the United States exceeds the fair market value of the property conveyed to the United States, as determined by the Secretary of the Navy.

"(b) The Secretary of the Navy is authorized, with respect to any amount determined by him to be payable to the United States pursuant to the provisions of subsection (a), to waive such portion thereof as he deems equitable in consideration of the rent free use by the Department of the Navy in past years of the land conveyed hereunder by the Massachusetts Port Authority."

The amendment was agreed to.

Mr. MORSE. Mr. President, reserving the right to object to the further consideration of the bill, let me say that House bill 5888 would authorize the Secretary of the Navy to transfer certain Boston Naval Shipyard real estate and improvements to the Massachusetts Port Authority in exchange for certain lands owned by the Massachusetts Port Authority.

The property belonging to the United States has been declared excess to the needs of the Navy. The Massachusetts Port Authority desires to obtain the Federal property for future port development.

The Navy would like to acquire the land belonging to the Massachusetts Port Authority for parking, recreational, and other uses.

According to Senate Report No. 714, the Federal property has been appraised by the Navy at $210,000. The port authority property has been appraised at $127,000. The Federal property consists of 15.9 acres; the port authority property, 3.88 acres.

A letter dated June 18, 1959, addressed to Chairman VINSON, of the House Committee on Armed Services, states in part:

"Staff appraisals have indicated a difference in valuation of the properties to be exchanged in favor of the Navy. It is therefore recommended that the bill be amended to provide for payment of an amount equal to the difference in value of the properties

as determined by the Secretary of the Navy after fair market value appraisals" (Rept. 714, p. 3).

Let me say, Mr. President, incidentally, that I thought that would have been a very sound and very fair way to dispose of the matter, and I am sorry that recommendation was not followed.

Nevertheless, H.R. 5888, as it passed the House, contained no provision requiring the Massachusetts Port Authority to pay "an amount equal to the difference in value of the properties as determined by the Secretary of the Navy after fair market value appraisals."

Mr. President, if the Federal property in question were to be exchanged for port authority property of equal value or if the House bill had provided for payment of the differential in value, as suggested by the Navy Department, no violation of the Morse formula would have been involved. Section 3(a) of the bill, as reported by the Senate committee, would correct this defect.

Section 3(b) of H.R. 5888, as reported by the Senate Armed Services Committee, involves a violation of the Morse formula, because it would allow a deduction of some unknown amount—to be determined in the future by the Secretary of the Navy—in determining the amount payable by the port authority. According to section 3(b), the Secretary, in determining the amount payable to the United States, would deduct the amount "he deems equitable in consideration of the rent-free use by the Department of the Navy in past years of the land conveyed hereunder by the Massachusetts Port Authority."

Mr. President, let me say that if that precedent were to be established by us, it would be very unfair as regards some transactions which already have taken place, as a result of the passage of certain bills during the call of the calendar. For instance, it was not so long ago that the city of Philadelphia was perfectly willing to pay for port facilities, in accordance with the Morse formula, in the case of property there which had been used for a long time by the Government. If we ever start to make any such arrangement when a city or a State had been giving the Federal Government rent-free use of such property, in order to induce the Government to establish there a Federal project which would bring many employees to that area, then we might just as well forget about trying to get the fair market value for the property; and I believe we should then face the fact that if the Federal Government had established in such a community a Federal project which brought great benefits to the community, and if, years later, the community wished to obtain that piece of property, we would have established a precedent which would permit the community to say, "We have been giving the Federal Government the use of the property, rent-free, for many years; and now we should be allowed to deduct that amount, in the nature of free rent, from the purchase price of the property which we now want." Of course, it is perfectly obvious that if the community had wanted to charge such rent in the first place, the Federal Government would not have established the project there.

So that was an independent and separate transaction.

I do not think we should permit the people of Massachusetts, in this case to proceed, after the fact—as they are attempting to do in this instance—to collect for such rent, which they never had any intention of collecting, in the first instance, inasmuch as if they had had declared such an intention, we have no way of knowing that the Federal Government would not have determined to develop the project in some other community.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The 5 minutes available to the Senator from Oregon, under the rule applicable during the call of the calendar, have expired.

Mr. MORSE. Mr. President, unless I am allowed to proceed further, I shall have to object to consideration of the bill at this time.

Mr. HOLLAND. Mr. President, I ask unanimous consent that at this time the Senator from Oregon may be recognized for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the Senator from Oregon may proceed.

Mr. MORSE. I thank the Senator from Florida.

Mr. President, Senate Report No. 714 includes these comments concerning the deduction just mentioned:

"For the past 17 years the Navy has enjoyed free use of the port authority property. While this does not constitute consideration from a legal standpoint, it should be pointed out that had the Navy been required to pay rent it is estimated that the fair rental during this period of time would have amounted to between $75,000 to $90,000."

Senate Report No. 714 fails to indicate that there was any arrangement between the Navy Department and the port authority that the Navy at some future time would reimburse the port authority for the free use of the land in question. Therefore, it is only fair to assume that the free use arrangement was perfectly satisfactory to both parties, and that mutual benefits were involved.

In fact, Mr. President, knowing how these things usually take place, I am willing—in the absence of evidence to the contrary—to take judicial notice that Massachusetts was very desirous, in the first instance, of having this Navy project established in Massachusetts, and was perfectly willing to provide the use of the property, rent free, in order that Massachusetts might have the benefit of the employment of personnel and the payroll and the business which would flow from the establishment of that Federal activity.

Mr. President, in these land transfer cases if we were to permit deductions based upon considerations comparable to those involved in the proposed free land use arrangement, we might just as well forget the Morse formula requirement that the taxpayers of the United States are entitled to fair appraised market values of Federal lands to be sold or exchanged.

I am very desirous of going into the merits of this case with its sponsors and trying to see if there is any justification for passing this bill in violation of the Morse formula on the unanimous-consent calendar call; but there has been no showing, so far as the senior Senator from Oregon is concerned, up to this hour, that would justify the passage of this bill on the unanimous-consent call of the calendar, if I am going to follow—and I assure my colleagues I am going to follow—a consistent course in the application of the Morse formula on a unanimous-consent call of the calendar.

I remember in the last session of Congress the Senators from Pennsylvania had a somewhat similar problem, and after they went into the merits of the question, although they, too, would have liked to have port facilities which ran into the thousands of dollars turned over to the city of Philadelphia without cost, they recognized the merits of the position I had taken.

So, Mr. President, in view of the points I have made, I object to the consideration of the bill on this call of the calendar.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MORSE. Mr. President, I submit amendments, intended to be proposed by me to this bill. I ask unanimous consent that the amendments be received, printed, and printed in the RECORD as a part of my remarks, so that they may be available for discussion the next time the bill is under discussion. I think the amendments ought to be accepted by the sponsor.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table; and without objection, the amendments will be printed in the RECORD.

The amendments submitted by Mr. MORSE are as follows:

"On page 4, line 19, strike out '(a).'

"On page 5, beginning with line 1, strike out all through line 7."

SUSPENSION OF DUTY ON IMPORTS OF CASEIN

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1060, H.R. 7456.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 7456) to extend for 3 years the suspension of duty on imports of casein.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I offer an amendment to strike out "1963," as it appears in the bill, and insert in lieu thereof "July 1, 1960."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 7, it is proposed to strike out "1963" and insert in lieu thereof "July 1, 1960."

Mr. JOHNSON of Texas. Mr. President, the bill extends an act which was originally passed, I am informed, in 1955, and which was extended in 1958. The bill was reported by the House Committee on Ways and Means, then passed the House unanimously, and was referred to the Senate Committee on Finance.

Early in January, I believe—I am speaking from memory—the Committee on Finance reported the bill to the Senate. It affects those who produce casein and who sell commodities in competition with casein. Those who sell or plan to sell commodities in competition with casein inform me that they have not had what they consider to be adequate hearings in the matter. I have spoken with the able Senator from Indiana [Mr. HARTKE] many times about the measure. There are a number of other Senators, including the distinguished Senator from Minnesota [Mr. MCCARTHY], who are interested in having all viewpoints presented and considered.

The distinguished Chairman of the Committee on Finance, the Senator from Virginia [Mr. BYRD], is not on the floor, but I am informed that he has stated he would be willing to review with his committee the possibility of scheduling hearings, so that all persons interested may be heard.

In view of the fact that the present extension will expire at the end of this month, it is thought that by providing

for a 90-day extension to enable hearings to be held, and by being further assured by the proponents of the measure that they will attempt to make certain that the agreement we are now seeking will be carried out in good faith by having the House concur in the amendment to postpone the extension of the act for 90 days, an opportunity will be afforded interested persons to be heard and to enable the committee to make whatever recommendations it desires to make to the Senate prior to July 1, 1960.

I favor the measure as originally reported. The Bureau of the Budget has no objection to the enactment of the bill. The Secretary of the Treasury has advised the Bureau that the Treasury Department has no objection to its enactment. The Secretary of State has informed the Bureau of the Budget that the State Department has no objection to the proposed legislation from the standpoint of foreign economic policy objectives. I am informed that the Department of Agriculture feels the same way. There is considerable sentiment in favor of the extension.

The bill involves a product which is produced by our good neighbors to the South; but because those who oppose the 3-year extension have not had a chance to be heard, I think it is the better part of wisdom to strike out "1963" and insert in lieu thereof "July 1, 1960," with the understanding that hearings will be held promptly, that the committee will make its recommendations, and that we will try to act in the light of its recommendations prior to the adjournment of this session of Congress. All Senators have been very cooperative. I am hopeful that the amendment will be agreed to.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. Mr. President, there is a distinct cleavage in this matter between industry, on the one side, and agriculture, on the other. When the representations were first made to me, I expressed the hope to the chairman of the House Committee on Ways and Means that perhaps the bill could be called back from the calendar, or, at least, that action might be deferred until those who have an interest from the farm side might be heard.

I believe the majority leader has put his finger on the real controversy, because the complaint was that they had had no opportunity to present their case.

There has been considerable discussion about the expenditure of millions of dollars for research and for new facilities in this field, which involves inedible casein, as distinguished from the edible variety which is produced mainly in this country.

Therefore, I believe this compromise solution—to extend the matter for 90 days—will leave the matter where it now stands. The suspension of the duty will not cease. Yet all parties in interest will have full opportunity to present their cases to the Senate Finance Committee.

Mr. HARTKE. Mr. President——

The PRESIDING OFFICER (Mr. BRUNSDALE in the chair). Does the Senator from Texas yield?

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Indiana, who has been very cooperative in connection with this matter.

Mr. HARTKE. I thank the Senator from Texas.

Mr. President, regarding the extension to July 1, 1960, I should like to point out to the Senate that the present situation is such that the extension was scheduled for 3 years. I suggested the possibility of making the extension for 30 days or 60 days; and the distinguished majority leader suggested 90 days, with the understanding that hearings would be held promptly.

There is some dispute as to certain facts. There is a question with respect to the attitude of the Department of Agriculture, particularly in the case of those directly concerned with other competitive items in the agricultural field.

Therefore, I believe it just that all persons and groups concerned have an opportunity to present their cases fully; and I hope that will be possible.

Mr. JOHNSON of Texas. We plan to bring up the bill by motion, and I believe a majority of the Senate will vote in favor of passage of the bill.

The Senator from Indiana has appealed to the leadership on both sides of the aisle, and I think his appeal has merit. He is always just with us, and I believe in the doctrine of reciprocity.

Mr. HARTKE. I thank the Senator from Texas.

Mr. AIKEN. Mr. President——

Mr. JOHNSON of Texas. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. I thank the Senator from Texas.

I wish to say that I have not the slightest objection to having the suspension of the duty on imports of casein continued, so long as the casein that is imported is used for industrial purposes only.

However, we receive many complaints to the effect that casein imported for industrial purposes had been used for food purposes, in competition with the American dairy industry. In view of that situation, I had intended to offer to the bill an amendment to correct that situation.

Inasmuch as the majority leader has proposed an amendment to the bill, so as simply to continue the present status of these imports for 90 days, during which time a hearing can be held and all interested parties can be given an opportunity to appear before the Senate Finance Committee, I have no objection at all to enactment of the bill on those terms, and I do not intend to offer an amendment, provided the amendment offered by the Senator from Texas is agreed to.

However, I wish to state that the junior Senator from New York [Mr. KEATING] could not be present at this time. He has asked to have printed in the RECORD a statement on this bill. On his behalf, I request that the statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KEATING

Many people in my State are very much interested in H.R. 7456, to suspend for 3 more years the duty on imported casein.

I sincerely hope that we will be able to act on this bill in the near future and that at that time the Senate will fully consider all of the points which have been raised relevant to this legislation.

For the edification of the Senate, I submit a brief statement by the American Paper and Pulp Association supporting H.R. 7456, as follows:

"STATEMENT OF THE PAPER INDUSTRY IN SUPPORT OF H.R. 7456, BY ROBERT E. CANFIELD, PRESIDENT, PRINTING PAPER MANUFACTURERS ASSOCIATION, INC.

"Prior to April 1957, casein was dutiable at 2¾ cents a pound. Public Law 85-257 suspended the duty for 3 years until March 31, 1960. H.R. 7456 would extend the suspension of duty on casein for an additional three year period. The bill was passed in the House and has been reported upon favorably by the Finance Committee (Rept. No. 1022, Jan. 13, 1960). Reports favoring passage have been given by Departments of Agriculture, Labor, and Commerce and it is understood also by the Tariff Commission.

"Casein is a product of skimmed milk. It is an adhesive. It is not made in any appreciable amounts in the United States largley because the milk price support program makes production of other skimmed milk products more profitable. It is used by the coated paper industry as an adhesive which holds coating to the paper base stock. Other adhesives made from soya bean are similarly used by the paper industry. Casein is the best adhesive and for certain types of coated paper is the only suitable adhesive. The soya bean adhesives are more easily handled in certain types of coated paper manufacture and, therefore, are used where possible. Determination of which adhesive to use is a manufacturing and technical decision not a financial decision. Reimposition of the duty on casein would not increase the consumption of soya bean adhesives, but would merely impose very substantial extra expense on industry without benefit to American producers of other adhesives.

"There is no substantial objection to the bill, although we understand some soya bean processors have raised some question about it. It is vitally important to the coated paper industry that H.R. 7456 be passed as soon as possible. We urgently request that there be a calendar call so that this bill can be voted upon at the earliest possible time."

Mr. JOHNSON of Texas. Mr. President, I wish to observe that the Senator from Vermont [Mr. AIKEN], in his characteristic fashion of always being fair with his colleagues, has made the kind of statement which I would expect from him. I urge him to submit his well-reasoned views to the Finance Committee, because I know they will be treated with the great respect with which the views of the Senator from Vermont are always treated.

Mr. AIKEN. I thank the Senator from Texas.

Let me say that the amendment I proposed to offer was as follows: In

line 17, after the figure "1963", add "*Provided, however*, That temporary free importation of casein shall not apply to casein intended for human food use."

Mr. JOHNSON of Texas. Mr. President, I may say that I have before me a letter, dated July 22, 1959, from the Department of Agriculture, addressed to the chairman of the House Ways and Means Committee. I shall not take time to read all the letter to the Senate; but part of the letter reads as follows:

In the early part of 1957, the Department carefully studied developments in the production and trade in casein and concluded that the tariff duty on casein imports at the time was not a substantive factor in the import situation and would not be in the foreseeable future. On that basis, on August 27, 1957, the Department recommended that the President approve passage of H.R. 38 which provided that imports of casein be free of duty from the date of enactment through March 31, 1960. It was felt then that the proposed legislation would afford a 3-year testing period in which to observe the effects of duty-free entry of casein.

In recent years, imports of casein have shown a substantial increase. Little casein has been produced domestically because of the low market prices of casein as compared with prices of other dairy products. It appears that, under present conditions, the restoration of the import duty would not raise the market price of casein enough to encourage the use of more domestically produced milk in the production of casein.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Mr. President, I ask unanimous consent that a letter from the Assistant Secretary of State be printed at this point in the RECORD. In the letter it is stated that there is no objection from the foreign policy objective viewpoint to this proposed legislation.

I also ask unanimous consent to have printed in the RECORD a letter from the Office of the Secretary of the Treasury, in which it is stated that the Treasury Department has no objection; and I also ask unanimous consent to have printed in the RECORD a letter from the Acting Assistant Director for Legislative Reference, in which it is stated that the Bureau of the Budget has no objection to enactment of the proposed legislation. I also ask unanimous consent to have printed at this point in the RECORD the letter from the Department of Agriculture to the chairman of the House Ways and Means Committee, dated July 22, 1959.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY
OF THE TREASURY,
Washington, D.C., August 27, 1959.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on H.R. 7456, "To extend for 3 years the suspension of duty on imports of casein."

The proposed legislation would extend for 3 years, that is, until March 31, 1963, the suspension of import duties imposed on casein under paragraph 19 of the Tariff Act of 1930, as amended. The present suspension will expire on March 31, 1960.

Since the commercial aspects of the proposed legislation would be of concern primarily to the Departments of Agriculture and Commerce, the Treasury Department has no substantive comments on them. Should the bill be enacted, the estimated loss of customs revenue will be about $2 million per year.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,
A. GILMORE FLUES,
Acting Secretary of the Treasury.

SEPTEMBER 4, 1959.

The Honorable HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate.

DEAR MR. CHAIRMAN: I refer to your communication of August 22, 1959 acknowledged on August 26, requesting the views of the Department of State on H.R. 7456, "To extend for 3 years the suspension of duty on imports of casein."

The Department has examined H.R. 7456 from the standpoint of foreign economic policy objectives and has no objection to its enactment.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary
(For the Acting Secretary of State).

SEPTEMBER 28, 1959.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reply to your letter of August 22, 1959, requesting a report on H.R. 7456, a bill to extend for 3 years the suspension of duty on imports of casein.

We understand the purpose of the bill is to extend through March 31, 1963, the temporary free importation of casein provided by Public Law 85-257.

The Bureau of the Budget has no objection to the enactment of legislation to accomplish the purpose of this bill.

Sincerely yours,
WILFRED H. ROMMEL,
Acting Assistant Director for Legislative Reference.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 22, 1959.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means,
House of Representatives.

DEAR CONGRESSMAN MILLS: This is in reply to your request of June 8, 1959, for a report on H.R. 7456, a bill to extend for 3 years the suspension of duty on imports of casein.

The Department does not oppose enactment of the bill.

In the early part of 1957, the Department carefully studied developments in the production and trade in casein and concluded that the tariff duty on casein imports at the time was not a substantive factor in the import situation and would not be in the foreseeable future. On that basis, on August 27, 1957, the Department recommended that the President approve passage of H.R. 38 which provided that imports of casein be free of duty from the date of enactment through March 31, 1960. It was felt then that the proposed legislation would afford a 3-year testing period in which to observe the effects of duty-free entry of casein.

In recent years, imports of casein have shown a substantial increase. Little casein has been produced domestically because of the low market prices of casein as compared with prices of other dairy products. It appears that, under present conditions, the restoration of the import duty would not raise the market price of casein enough to encourage the use of more domestically produced milk in the production of casein.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

Mr. JAVITS. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, a great deal of interest has been expressed in this bill by a number of industries, particularly the paper industry. I have before me a statement by the American Pulp & Paper Association. Years ago, I had the privilege of being counsel for the National Paper Trade Association, the wholesalers in this field; and I know a little about this business. I no longer represent them, but I did so for many years.

The American Paper & Pulp Association states:

It is vitally important to the paper industry that House bill 7456 be passed as soon as possible. It ties the interest of the industry in this matter to the interest of the consumer.

It—

In other words, casein—

is not produced in any appreciable amounts in the United States largely because the milk price support program makes the production of other skim milk products more profitable.

Mr. President, I have not had an opportunity to ascertain the views, on a 90-day extension, of the industries which are interested in this matter; but it seems to me, just as a matter of common sense, that if the 90-day extension will keep the situation as it now is, and will provide an opportunity—and let me say that in New York State, as well as in the State of Vermont, very large dairy interests are in operation—for inquiry to be made, in order to ascertain the proper balancing of the interests involved, as between the manufacturing industries, the consumers, and the milk producers, that is desirable.

I believe the majority leader has suggested a course which—especially in view of the fact that it meets the views of the Senator from Vermont [Mr. AIKEN], who has dug into the matter—would seem to be the prudent and the wise one; and I am grateful to the majority leader for yielding to me.

Mr. BYRD of Virginia. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. BYRD of Virginia. I wish to say that we have called a meeting of the Senate Finance Committee for next Monday, in order to have a hearing for both sides.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that it may be in order for the Finance Committee to meet next Monday, in connection with its hearing on Calendar No. 1060, House bill 7456.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I wish to make it abundantly clear that I do not yield any of my views in favor of the enactment of this proposed legislation. I think the bill should be passed by the Senate today, and I think the bill is meritorious.

I believe the chairman of the Finance Committee acted wisely when he reported the bill. But in view of the fact that certain Senators have requested the holding of hearings, and have demonstrated good faith, and are ready to proceed promptly with the hearings, I think the Finance Committee should give to the bill whatever attention it needs, on Monday, and then report the bill, so the Senate can pass the bill before the 90-day period expires.

Furthermore, the opponents of the bill assured us that they were acting in good faith, and that they would not interpose objection to having the House concur in the Senate amendment. I believe that very important, because if the bill is not finally passed by the Congress by March 31, the existing law will then expire. So I want the RECORD to show that if the House does not agree to the March 31 deadline, I would be disposed to bring up the bill by motion, and to have it passed for the 3-year period.

Mr. AIKEN. Let me say that I would be disposed to go along with that course, under the circumstances.

Mr. JOHNSON of Texas. Certainly.

Mr. AIKEN. So far as I know, there is no objection by the dairy industry to the taking of such action if the casein that is imported is used only for industrial purposes. However, there is objection when the casein is imported for industrial purposes, but then, instead of being used in the paint and paper industries, is used for the manufacture of food, in competition with the manufacturers of foods of which we already have adequate supplies or surpluses in this country.

Mr. JOHNSON of Texas. Mr. President, it may very well be that the Senator's suggestion will be the vehicle by means of which all parties concerned can be brought together in regard to the proposed legislation.

Mr. AIKEN. There is no objection whatever to the avowed purpose, insofar as such importations of casein for industrial purposes only do not infringe on other fields.

Mr. HICKENLOOPER. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. As I understand, the Senator is asking that this matter be put over for a period of time. I just came to the Chamber. Is that correct?

Mr. JOHNSON of Texas. Yes. I struck out the 3-year provision and inserted a provision of 90 days, in order that hearings could be held. The people involved said they had not been notified. They wanted to propose something along the line suggested by the Senator from Vermont [Mr. AIKEN]. In view of the fact that no hearings have been held, I thought that was a reasonable request.

Mr. HICKENLOOPER. I understand the Finance Committee has agreed to hold hearings. Is that correct?

Mr. JOHNSON of Texas. Beginning next Monday.

Mr. HICKENLOOPER. From what the Senator from Texas, the majority leader, said a moment ago, I got the impression that he thought these hearings would be concluded Monday.

Mr. JOHNSON of Texas. I had the impression there were two or three groups that had amendments to present along the line of the suggestion of the Senator from Vermont. It was suggested first they would be considered Wednesday. They said it would take a little time. I think they said two groups desired to be heard.

Mr. HICKENLOOPER. I hope hearings will be held as expeditiously as possible, but I would hope they would not necessarily be limited to Monday if it were desirable to have the hearings go over a day or two. From what our soybean people have said, there is much more to this bill than what it appeared to be a few months ago.

I know of three little soybean processing plants in my immediate area, two in my State and one in southern Minnesota, that are beginning to process this so-called competitive product. So manufactured casein is a growing industry in this country. I am sure the soybean people will greatly appreciate the attention of the Senate Finance Committee to this subject, in order to ascertain really what the facts are. These people have told me repeatedly they do not want to be arbitrary, but, by the same token, they do not want preferential tariff treatment to choke off development of this new industry, which is growing at the present time, and which in years past has not been very great.

I may go further, with respect to the comments made by the Senator from Vermont, and say that this product of soybeans will be a competitor in industrial uses as well as in food. I get that information from the soybean people. Basically, that opens the product to wide usage. I think we should be very careful in approaching this matter. There has been little objection to it up to the present time.

Mr. JOHNSON of Texas. Mr. President, in light of what the Senator from Iowa has said, I want to amend my request and get permission for the Finance Committee to meet on Tuesday, and even Wednesday, if necessary, in order to conclude this matter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HICKENLOOPER. The Senator does not mean tomorrow, does he?

Mr. JOHNSON of Texas. Next week.

Mr. AIKEN. Mr. President, I was referring to the dairy industry. I did not have reference to the soybean people. I know they are interested in it. The dairy industry is particularly interested in seeing that casein is not imported and used as a substitute for powdered milk, which has been the practice. I think the procedure we are agreeing to is fair to all persons and industries involved. This measure was reported from the committee without a request from any of those groups for hearings on the bill.

Mr. JOHNSON of Texas. It was reported unanimously by the House committee. Requests have been coming in. The only way to be fair to all parties is to work out a procedure so that hearings can be held. I understand there is no opposition on the part of the opponents to the 90-day period.

They are anxious to have a hearing on it and have their views considered by the Senate. I think they are entitled to that. For that reason I have agreed with the minority leader, the very able Senator from Indiana, and other Senators, that a 90-day period would be reasonable. I hope the House can act on this matter within 90 days, because, if not, the extension period will run out, and then we shall be forced to take up the bill as originally reported.

Mr. HICKENLOOPER. If the Senator will yield, I do not want to prolong this discussion. I think the Senator is being very fair about this. I think what he has proposed will amply solve the problem which immediately confronts us. But this bill was reported by the committee, without any particular consideration one way or the other, sometime in the fore part of January.

Mr. JOHNSON of Texas. January 13th; but it had consideration. Nobody had asked for hearings on it.

Mr. HICKENLOOPER. I was told, very shortly after that, as one person expressed it to me, "It caught us on the blind side." It came so rapidly from committee that they had no notice. They are not criticizing anybody for that situation, but, the first thing they knew, it was put on the Senate Calendar almost immediately after Congress convened.

Mr. JOHNSON of Texas. I would object to that conclusion, because it had been in the committee several months. It had passed the House in July. There was notice of it when it was taken up in the House Ways and Means Committee. No request was made to any member of the committee or any Senator for hearings on it. Such a request would have received the attention of the Senator from Virginia. Now they have made a request. We want to give them an opportunity to have a hearing.

Mr. HICKENLOOPER. I understand, but that was done only 10 days from the time Congress convened in January. I presume everyone is human. I think it is perfectly understandable that they did not know what was happening. In fact, they did not anticipate what happened. As some of the leaders told me, they were "caught on the blind side." They do not say unfair tactics were being used. They merely said they did not know this matter would be reported out of committee as precipitously as it was. They will get their people here and a proper hearing will be had, I am sure, and that is all I am interested in.

Mr. JOHNSON of Texas. That is what the Senator will get. I saw the Senator's request on the calendar. I conferred with his distinguished leader earlier in the day. We thought this procedure would meet the wishes of all Senators.

Mr. HICKENLOOPER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 7456) was read the third time and passed.

The title was amended, so as to read: "An act to extend until July 1, 1960, the suspension of duty on imports of casein."

Mr. KUCHEL. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. JOHNSON of Texas. Mr. President, I want to point out that, in the event we are unable to get action on this measure before the expiration date, we may return to action on the original bill. We are hoping this will be agreeable to our colleagues in the House.

Mr. President, I am speaking of Calendar No. 1069, H.R. 7456, to extend for 3 years the suspension of duty on imports of casein.

Mr. HICKENLOOPER subsequently said: Mr. President, reserving the right to object, I do not want to discuss the particular bill before the Senate. I was chatting with the Senator from Indiana about the casein bill. Did I correctly understand the majority leader to say that if the House would not accept at this time the 3-month extension, he would seek to take up by motion the bill for the 3-year extension?

Mr. JOHNSON of Texas. Or for some other length of time. I have stated that 2 or 3 times during the debate. We are going to try to get the 90-day extension through the House of Representatives. We do not want the whole thing to expire. We must have some kind of legislation.

Mr. HICKENLOOPER. I think the important thing about the entire matter is that we have a hearing. The Finance Committee should give us a hearing on the facts involved. I may object to an extension of the act for 3 years after the hearing, but I would think it would be in perfectly good order for the Senator to ask for anything he wants to ask after the hearing.

Mr. JOHNSON of Texas. I assure the Senator I understand his position. I hope the hearings will be held next Wednesday. I understand that the distinguished Senator from Indiana agreed with the chairman of the Committee on Finance to hold hearings after the extension.

When does the legislation expire? I am willing that a hearing be provided, but I am not willing to bury the bill.

Mr. HARTKE. Mr. President, my understanding with the chairman of the Committee on Finance is that the hearing will be scheduled for Monday.

Mr. JOHNSON of Texas. When does the legislation expire?

Mr. KUCHEL. The legislation expires on the 31st of this month, I will say to my friend.

Mr. JOHNSON of Texas. What day is that?

Mr. KUCHEL. This Thursday.

Mr. HICKENLOOPER. I presume that some resolution extending the legislation for 30 days would be sufficient.

Mr. JOHNSON of Texas. I was trying to give notice.

Mr. HICKENLOOPER. The important thing is that we have a reasonable opportunity to be heard. Regardless of what has gone on in the past, we should have a reasonable hearing before the Committee on Finance.

Mr. JOHNSON of Texas. I have spent all morning trying to work that out.

Mr. HICKENLOOPER. That is the important thing.

Mr. JOHNSON of Texas. I understand.

Mr. HICKENLOOPER. Simply because the House might not agree to a third 90-day extension, I would not want to have the matter brought back here, so that the Senate could pass a 3-year extension.

Mr. JOHNSON of Texas. I do not know whether we will have a 3-year extension. We might have a 3-day extension. I do not know what we can get the House to agree to.

Mr. HICKENLOOPER. I am sympathetic with the Senator's position.

Mr. JOHNSON of Texas. The Senator realizes that we have a problem in the House. I do not want the authority to expire.

Mr. HICKENLOOPER. Yes.

Mr. JOHNSON of Texas. The Senator has one viewpoint, and I have another. I am trying to be fair to the Senator's viewpoint.

Mr. HICKENLOOPER. The Senator is fair.

Mr. JOHNSON of Texas. I thought it would be better if the committee would have a hearing on Wednesday or Thursday, before the authority expires. I thought I had an agreement with the Senator that Wednesday would be satisfactory. What would the Senator say about Thursday?

Mr. BYRD of Virginia. Any day will be all right with me. I thought Wednesday was a little soon, because the witnesses have to come from a distance.

Mr. JOHNSON of Texas. March 31 will arrive a little soon, also. March 31 is next Thursday.

Mr. BYRD of Virginia. The Senate Committee on Finance can have the hearing at any time this week, or on any day next week.

Mr. HICKENLOOPER. Mr. President, I was perfectly satisfied about a hearing beginning next Monday. I certainly have no objection to a device, if the majority leader wants to get some device worked out, so that the legislation will not necessarily lapse on the 31st of the month. That is not the important point. I am perfectly satisfied that the Committee on Finance will have a hearing on Monday.

Mr. BYRD of Virginia. It is the understanding, is it not, that we are to pass the 90-day extension? That would make the legislation expire on July 31.

Mr. JOHNSON of Texas. The House has to agree to that. If there is not a rule and if the House does not agree the whole thing will expire.

Mr. BYRD of Virginia. What is the earliest date the witnesses can get to Washington, D.C.?

Mr. JOHNSON of Texas. Can the witnesses come by Thursday?

Mr. HARTKE. I do not know. This is Monday afternoon. Some people do not like to fly as much as they used to. I do not like to fly these days. Some of these witnesses would like to come on the train.

Mr. JOHNSON of Texas. How long would it take them, by train?

Mr. HARTKE. If the witnesses got started tonight they could not possibly arrive in Washington, D.C., before tomorrow morning. If they started tomorrow night they could not arrive until the next morning.

Mr. JOHNSON of Texas. Would it be reasonable to say the hearing could be held on Thursday and Friday?

Mr. BYRD of Virginia. That could be done.

Mr. JOHNSON of Texas. Mr. President, I modify my request, that the committee be permitted to hold hearings on Thursday and Friday.

Mr. HICKENLOOPER. Mr. President, if the Senator will yield, that is a very short time. These people have to come from the Soybean Belt to Washington, D.C., and they will be asked to testify on Thursday. I think Monday will be satisfactory.

Certainly I would have no objection, if the Senator wants to have a concurrent resolution of some kind passed to extend the legislation for 30 days, to having the hearing after that, to see whether it ought to be put upon a 3-year basis or some other basis. I have no objection to that. It is not a question of trying to see that this is all stopped on the 31st. It is simply a question of a reasonable time for a hearing, before the Senate finally acts on any longtime continuation of the program.

Mr. JOHNSON of Texas. Does the Senator feel there are some witnesses who could not be present Thursday or Friday?

Mr. HICKENLOOPER. I think some of them could be here on Thursday. Some of them could be here tomorrow morning at 9 o'clock.

Mr. JOHNSON of Texas. I think they are here now. [Laughter.]

Mr. HICKENLOOPER. No, they are not.

Mr. JOHNSON of Texas. I have talked to some.

Mr. HICKENLOOPER. There may be a number of people in Washington, D.C., but the people who represent the great segment of the soybean industry have

talked to me on the telephone today, from out in the Middle West. I know they are not in Washington, D.C.

I have no objection. I do not want to delay the matter. It is simply a question of an adequate hearing. These people do not know when we are going to have a hearing. They have to get their statements ready. They have to get their facts in order, and so on, for the hearing. That is not quite as simple as to have a Member of the Senate go before a committee to testify. The Senator is always somewhat familiar with the subject. Many of these people are familiar with the facts, but they still have to get their statements in order, because they are speaking for the record, for their industry and for their businesses.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee be given authority to meet on Thursday and Friday. If the chairman of the committee, after conferring with the respective Senators, after they confer with their constituents, feels the hearing cannot be held at that time, the committee already has authority to meet on Monday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

TRANSITIONAL PROVISIONS FOR INCOME-TAX TREATMENT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1073, H.R. 8684.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8684) to provide transitional provisions for the income-tax treatment of dealer reserve income.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 8684) to provide transitional provisions for the income-tax treatment of dealer reserve income, which had been reported from the Committee on Finance, with amendments, on page 1, line 5, after the word "of", to strike out "1959" and insert "1960"; in line 9, after "(1)" to strike out "computed" and insert "computed, or was required to compute"; on page 3, line 7, to change the subparagraph number from "(1)" to "(i)"; in line 16, after the word "applicable," to strike out "is not" and insert "was not, on June 21, 1959"; on page 4, line 11, after the word "applicable," to strike out "is not" and insert "was not, on June 21, 1959"; in line 20, after the word "exceed", to strike out "10" and insert "5"; on page 8, line 9, after the word "in", where it occurs the first time, to strike out "the trade or business in respect of which the election under subsection (b) applies" and insert "a trade or business"; in line 14, after the word "partnership", to strike out "ceases to engage in the trade or business in respect of which the election under subsection (b) applies" and insert "terminates"; in line 18, after the word "in", where it occurs the first time, to strike out "the trade or business in respect of which the election under subsection (b) applies" and insert "a trade or business"; on page 9, after line 12, to strike out:

(a) DEALER RESERVE INCOME.—For purposes of this Act, the term "dealer reserve income" means that part of the consideration derived by any person from the sale or other disposition of customers' sales contracts, notes, and other evidences of indebtedness (or derived from customers' finance charges connected with such sales or other dispositions) which is—

(1) attributable to the sale by such person to such customers, in the ordinary course of his trade or business, of real property or tangible personal property, and

(2) held in a reserve account, by the financial institution to which such person disposed of such evidences of indebtedness, for the purpose of securing obligations of such person, obligations under such evidences of indebtedness, or both.

And in lieu thereof to insert:

(a) DEALER RESERVE INCOME.—For purposes of this Act, the term "dealer reserve income" means—

(1) that part of the consideration derived by any person from the sale or other disposition of customers' sales contracts, notes, and other evidences of indebtedness (or derived from cutomers' finance charges connected with such sales or other dispositions) which is—

(A) attributable to the sale by such person to such customers, in the ordinary course of his trade or business, of real property or tangible personal property, and

(B) held in a reserve account, by the financial institution to which such person disposed of such evidences of indebtedness, for the purpose of securing obligations of such person or of such customers, or both; and

(2) that part of the consideration—

(A) derived by any person from a sale described in paragraph (1)(A) in respect of which part or all of the purchase price of the property sold is provided by a financial institution to or for the customer to whom such property is sold, or

(B) derived by such person from finance charges connected with the financing of such sale, which is held in a reserve account by such financial institution for the purpose of securing obligations of such person or of such customer, or both.

On page 11, line 8, after the word "in", to strike out "subsection (a)" and insert "subsection (a)(1), or of financing sales of the kind described in subsection (a)(2), or both"; after line 22, to insert:

(e) STATUTES OF LIMITATIONS.—For purposes of applying sections 3 and 4 of this Act, if the assessment of any deficiency, or the refund or credit of any overpayment, for any taxable year was not prevented on June 21, 1959, by the operation of any law or rule of law (other than the provisions of chapter 74 of the Internal Revenue Code of 1954, relating to compromises or closing agreements, or the corresponding provisions of prior revenue laws), the period within which such assessment, or such refund or credit, may be made shall not expire prior to July 1, 1961.

And on page 12, at the beginning of line 8, to change the subsection letter from "(e)" to "(f)".

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none; and, without objection, the committee amendments are agreed to en bloc.

Mr. BYRD of Virginia. Mr. President, I offer some amendments which are technical amendments.

The PRESIDING OFFICER. The amendments will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, line 5, after the word "before", it is proposed to strike out "July", and insert "September".

On page 12, line 7, after the word "to", it is proposed to strike out "July", and insert "September".

On page 11, beginning with line 23, it is proposed to strike out all through line 7 on page 12 and in lieu thereof insert the following:

(e) Statutes of Limitations.—

(1) Extension of period for assessment and refund or credit: For purposes of applying sections 3 and 4 of this Act, if the assessment of any deficiency, or the refund or credit of any overpayment, for any taxable year was not prevented on June 21, 1959, by the operation of any law or rule of law, but would be so prevented prior to September 1, 1961, the period within which such assessment, or such refund or credit, may be made shall not expire prior to September 1, 1961. An election by a taxpayer under section 3 or 4 of this Act shall be considered as a consent to the application of the provisions of this subsection.

(2) Years closed by closing agreement or compromise: For purposes of this Act, if the assessment of any deficiency, or the refund or credit of any overpayment, for any taxable year is prevented on the date of an election under section 3 or 4 of this Act by the operation of the provisions of chapter 74 of the Internal Revenue Code of 1954 (relating to closing agreements and compromises) or by the corresponding provisions of the Internal Revenue Code of 1939, such assessment, or such refund or credit, shall be considered as having been prevented on June 21, 1959.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an explanation of the bill.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

H.R. 8684 relates to tax treatment of certain dealer reserves.

The usual dealers' reserve arises from the sale of customers' installment paper to finance companies. The way in which these reserves arise can be illustrated by an example of an automobile dealer, a business where dealer reserves have been used quite widely. Initially the dealer sells a car to a customer, accepting his note together with a cash downpayment and trade-in as the selling price of the car. The customer then executes a note, usually on forms supplied by a finance company, and the dealer then sells the installment paper to the finance company in return for a partial payment to him by the finance company of the face

amount of the paper. The finance company, however, reserves, or holds back, a portion of the balance due the dealer and in addition may set aside a portion of the finance charge on the paper otherwise due the dealer. Losses incurred by the finance company may be charged against these dealers' reserves.

In transactions of this general type the question is whether this reserve is income to the dealer in the year of the sale of the article and the sale of the installment paper to the finance company or, on the other hand, is income to the dealer only when he actually receives the reserved amount in cash from the finance company.

The Supreme Court on June 22, 1959, in *Commissioner* v. *Hansen, Commissioner* v. *Glover,* and *Baird* v. *Commissioner,* held in these cases that the specific reserves involved were properly reportable as income when "the dealers acquired a fixed right to receive the amounts so retained by the finance companies." These cases held that dealer reserve income is to be reported at the time it is properly accruable, or in general at the time of the sale of the installment paper where this immediately follows the sale of the property. However, many dealers following any of the numerous circuit court decisions to the contrary, have not reported this income until the reserves were withdrawn by the dealers from the finance companies.

In view of this, H.R. 8684 provides two alternative methods for paying the tax due on the income which has not previously been reported. First, it provides that such amounts can be treated as required changes in methods of accounting. In general, this means that the reserves built up prior to 1954 need not be reported for tax purposes, and that only the excess of the current balance over the 1954 balance in the reserve is to be reported. A second alternative provided permits the computation of the deficiencies—or overassessments—which would arise if the income had been reported in the proper years, and then the sum of these amounts—plus interest up to the time of selecting this alternative—may be paid in 10 annual installments, generally beginning in 1961.

Your committee has made the following amendments to the House bill:

(1) Under a committee amendment the taxpayer will be entitled to the benefits of the bill if he is forced by the Commissioner to change to an accrual method of accounting. There was some doubt whether he would be entitled to the benefits of the House bill in such a case.

(2) At the suggestion of the Treasury your committee has reduced the period for electing to pay the deficiencies for the years involved in installments from 10 years to 5 years. The Treasury was of the opinion that a 5-year extension would amply cover the situation.

(3) Your committee has provided that the privilege of paying the deficiencies in installments shall not terminate unless the individual or corporation involved ceases to engage in any business or unless a partnership, of which the taxpayer is a member, terminates. Under the House bill, the privilege was terminated where the individual, the partnership of which he is a member, or the corporation, as the case may be, ceases to engage in the business out of which the dealer reserve arose.

(4) Your committee has applied the benefits of the bill to taxable years which were open for assessment or refund on June 21, 1959, the date of the Supreme Court decisions relating to dealers' reserves. This amendment would permit a taxpayer to make an election under the bill for a year which was closed before he had an opportunity to make such election. The House bill did not provide relief in such cases.

(5) Your committee has also amended the House bill to apply to situations where the customer gave the note or mortgage directly to the finance company under an arrangement whereby the selling price, a part of the finance charge, or both, was retained by the finance company in a reserve account to be ultimately paid to the dealer. The House bill limited the relief to situations where the dealer sells the installment paper to the finance company.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BARTLETT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Alaska to reconsider.

The motion was agreed to.

EXEMPTION FROM INSPECTION OF SMALL VESSELS CARRYING FREIGHT IN INLAND WATERS, ALASKA

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1199, Senate bill 2669.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2669) to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted small vessels carrying freight to and from places in the inland waters of southeastern Alaska.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. BARTLETT. Mr. President, I know of no objection to this bill on the part of any Senator. It was reported unanimously from the Committee on Interstate and Foreign Commerce. It simply seeks to extend for a 4-year period a desirable and even essential maritime arrangement in southeastern Alaska.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to amend section 4426 of the Revised Statutes, as amended, with respect to certain small vessels operated by cooperatives or associations in transporting merchandise of members on a nonprofit basis to or from places within the inland waters of southeastern Alaska and Prince Rupert, British Columbia, or to or from places within said inland waters and places within the inland waters of the State of Washington", approved August 23, 1958 (72 Stat. 833), is amended by striking out "1960" and inserting in lieu thereof "1964".

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of House bill 10234, Calendar No. 1139.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10234) making appropriations for the Department of Commerce and Related Agencies for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate resumed the consideration of the bill.

Mr. JOHNSON of Texas. Mr. President, the pending bill is the Commerce Department appropriation bill. The distinguished Senator from Florida [Mr. HOLLAND], as chairman of the subcommittee, reported the bill. I understand that certain amendments are to be offered.

Mr. President, I give notice that it is expected that the Senate will remain in session late this evening. If possible, we would like to have the proposed amendments acted on today. If not, we shall endeavor to have the Senate meet at an earlier hour tomorrow, so that action can be concluded on the bill, because there will be before the Senate the very important Interior Department appropriations bill, and we hope it can be passed before the Judiciary Committee makes its report on the civil rights bill on Tuesday.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I yield.

Mr. CASE of South Dakota. Was the Senator indicating that the Interior Department appropriation bill would be reached and passed today?

Mr. JOHNSON of Texas. No. It is not eligible for consideration until tomorrow. We have this problem:

We have the Commerce Department appropriation bill, which was carried over at the suggestion of the Senator from Delaware [Mr. WILLIAMS], in order that all Members who desired to be heard may be heard and offer amendments.

When consideration of the Commerce Department appropriation bill is concluded we expect to proceed to the consideration of the Interior Department appropriation bill. It will not be in order until tomorrow, but we hope we can con-

clude consideration of the Interior Department bill tomorrow, because the civil rights bill will be reported back tomorrow evening from the Committee on the Judiciary, and we should like to take it up on Wednesday if at all possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the calling of the roll be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

REMOVAL OF GEOGRAPHICAL LIMITATIONS ON ACTIVITIES OF THE COAST AND GEODETIC SURVEY

Mr. MAGNUSON. Mr. President, I ask that the Chair lay before the Senate a message from the House on the bill, S. 2482, to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes, with the amendment of the House thereto.

The PRESIDING OFFICER (Mr. BRUNSDALE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes, which was, to strike out all after the enacting clause and insert:

That the first section of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C., sec. 883a), is amended—

(1) by striking out "in the United States, its Territories, and possessions";

(2) by striking out "of coastal water and land areas (including survey of offlying islands, banks, shoals, and other offshore areas)"; and

(3) by striking out all of paragraph (2), and by renumbering paragraphs (3), (4), (5), and (6) as (2), (3), (4), and (5) respectively.

Mr. MAGNUSON. Mr. President, the amendment of the House is in the nature of a technical clarifying amendment. It does not change the substantive purpose of the bill in any way.

I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the bill be printed in full at this point in the RECORD for the information of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill, ordered to be printed, reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C., sec. 883a), is amended—

(1) by striking out "in the United States, its Territories, and possessions";

(2) by striking out "of coastal water and land areas (including survey of offlying islands, banks, shoals, and other offshore areas)"; and

(3) by striking out all of paragraph (2), and by renumbering paragraphs (3), (4), (5), and (6) as (2), (3), (4), and (5) respectively.

DEATH OF REPRESENTATIVE RUSSELL V. MACK, OF WASHINGTON

Mr. MAGNUSON. Mr. President, I take the time of the Senate briefly to make an announcement which distresses me greatly. A member of the Washington congressional delegation, Representative RUSSELL V. MACK, just dropped dead on the floor of the House. Representative MACK had served very effectively and ably in the House of Representatives from the State of Washington for many years. I do not know whether he had ever been ill. I do not know exactly what happened. I understand that he suffered a heart attack on the floor of the House.

I had talked with Representative MACK last week, and he appeared to be in good health. He was a valued Member of the House of Representatives, and an esteemed member of the Washington State delegation. I have known RUSSELL MACK for many years. I considered him a very good friend.

I regret this great loss to the State of Washington, and, of course, extend my sympathy to his very fine wife and family. His death comes as a great shock to me and other Members of the House and Senate who knew him.

Mr. BARTLETT. Mr. President, I join the senior Senator from Washington in expressing deep regret at the untimely death of Representative RUSSELL V. MACK, of the State of Washington. I was glad and proud to count him as a friend. He was a fine man, and a good public servant. We who knew him here will miss him greatly. His district will miss him. The Nation will miss him. He served the Nation well.

My wife and I wish to extend our deepest sympathy, in this hour of sorrow, to Mrs. Mack.

Mr. CASE of South Dakota. Mr. President, I wish to join at this time in expressing sympathy to Mrs. Mack and others bereaved by the sudden death of RUSSELL MACK.

I had known RUSSELL MACK for many years, first in the House of Representatives, and then as a colleague serving from the House on conference committees between the Public Works Committees of the House and Senate.

RUSSELL MACK's knowledge of the public works field, whether in connection with highways, rivers and harbors, or flood-control projects, was of great value to our country generally, as well as to the State of Washington.

He was eminently fair, considerate, and tolerant of others, and very effective because of his knowledge and because of his sense of public service.

He was a newspaper editor before coming to Washington, and enjoyed a wide acquaintanceship and the respect of others in the newspaper field.

He was a most useful Member of Congress. The State of Washington and the country have lost a great American and a great statesman.

Mr. CARLSON. Mr. President, I wish to associate myself with the remarks made by the other Senators on the subject of the untimely death of RUSSELL MACK.

DANGERS IN HAPHAZARD DIPLOMACY

Mr. GORE. Mr. President, thanks to the candor of our distinguished Secretary of State, a question which has disturbed me for a long time has flared into public view. I refer to the willingness of the leaders of this country—indeed, of the West—to meet Mr. Khrushchev separately and jointly in a summit conference for no reason, really, other than Mr. Khrushchev thinks such a conference will be useful, at least to him.

Last Tuesday in a public meeting of the Committee on Foreign Relations, the Secretary of State told the committee that the forthcoming summit conference "has no agenda. We don't know what points are going to be discussed. We just assume that the German and Berlin question will come up."

Mr. President, I share the Secretary's assumption that the Berlin question will come up, but I wonder how it will come up—in what context—at whose initiative—under what circumstances—and with what conditions? Will Mr. Khrushchev, in the exclusive company of his three fellow heads of government, assay a major diplomatic thrust? Will he offer a quid pro quo, a long-term agreement on Berlin, perhaps in return for Western recognition of East Germany?

I do not here estimate the effect of such a diplomatic thrust by Mr. Khrushchev or, indeed, whether such a quid pro quo amounts to a plausible possibility. I doubt, however, that the United States and its major allies are prepared to respond to such an initiative with a single clear, resolute voice.

Yet how can the West expect to accomplish anything at the summit—indeed, to come away with their own rights and interests unprejudiced—unless the Western leaders are agreed on the objectives they wish to achieve, the positions they will adopt and unless they make an effort to stay within the orderly processes of diplomatic action?

Mr. Herter assumes, and who would disagree, that the question of Berlin, the broader question of Germany, nuclear weapons tests and the painfully involuted question of disarmament will all come up at the summit. But how and in what form?

Now, the current Berlin issue is essentially artificial. That is, it is a creature of Mr. Khrushchev himself. He created the problem and now demands that we solve it to his advantage. The plain fact is that it is Khrushchev, not we, who is clamoring for a change in the Berlin

situation. It is Khrushchev, not the United States or her allies, who almost daily threatens to act provocatively and dangerously with respect to Berlin and East Germany.

And who can say that the heady Alpine atmosphere and free rein of the summit—without an agreed agenda—will not induce him to create other problems for the West to solve to his gain?

What I am suggesting here is that we examine the rationale for this summit meeting.

I have no quarrel with the proposition that it is a good idea for heads of state to meet and talk over their differences. However, such meetings, riveting as they do the attention of the world, should be undertaken only after the most careful planning and, like all diplomatic undertakings, should be clearly in our national interest. Admittedly the problems that threaten peace will be hard to resolve at best. There is even less chance of resolving them if we have no plan and no hope that such will be done. Without purpose and plan, we will find ourselves lost and drifting in a murky sea of haphazard diplomacy.

Unless there is some reasonable expectation that progress can be made in the settlement of differences and problems, there is no justification for meeting at all. This proposition, though, is now moot. The Paris meeting is scheduled.

What about U.S. leadership? How can the United States avoid either the loss or abandonment of her rightful position as leader of the Western Alliance with the haphazard policies, or lack of policies, which have been outlined to us? Moreover, other nations must wonder if we have lost our will and zest for leadership.

Careful preparation is as necessary for victory in a diplomatic conference as it is in a military campaign. The history of diplomatic failures bears this out. If one examines international conferences since the end of World War I, three outstanding errors stand out boldly:

First. The failure to fix definite, clear objectives in advance with an agreed and definite program or agenda for the conference and a careful definition of our policy on each item.

Second. The lack of detailed agreement and coordination with our allies before the conference begins.

Third. Departures from the previously prepared positions during the conference.

Not all of the above flaws have been present in all conferences. Sometimes it has been one of them, sometimes another, sometimes all.

I do not wish here to labor or overemphasize the desirability of heeding our mistakes and failures of the past. But I do think it is important to bear them in mind. At least, we should remember the most recent summit conference, in Geneva in 1955. Perhaps we should recall, also, that at Versailles the heads of state met before deciding on a carefully arranged program of discussion and without careful advance coordination of their policies. Moreover, President Wilson went to the conference without having secured his own political base at home.

About Versailles, Colonel House later wrote:

> The great fault of the political leaders (Wilson, Clemenceau, Lloyd George, and Orlando) was their failure to draft a plan of procedure.

This is not to say that we should be fearful of international conferences, not at all. Settlement of differences by negotiation is a prime goal of civilization. It is the purpose of diplomacy. And it is good. But, in the present context of world affairs, the requirement, it seems to me, is not a mere willingness to go just anywhere and talk about anything, but rather an insistence that we confer and negotiate about the basic threats to peace in a manner carefully calculated to promote our national interest and the true cause of peace.

If we let Mr. Khrushchev pose the problems and determine their frame of reference, then he can just about assure himself of either a settlement to his advantage or no conclusion at all with blame for failure of the conference falling on us.

This is the point. Mr. Khrushchev—let us face it—is the apostle of the summit conference. He has created the issue that will presumably be the first order of business. I say "presumably" because in the absence of any understanding whatsoever as to what will be discussed, in what order, and in what context, who can say what the first order of business will be? All that we know for certain is that Khrushchev is wily, resourceful, unpredictable, and determined, and that he is completely unhampered by the standard of moral values to which we adhere. Moreover, his approach to the summit has been a model of orderly and logical procedure. He wanted this conference, just as he wanted to be invited to the United States, for his own good and sufficient reasons. In both cases he gained his objective. I dare say he already knows—of this I think we may be sure—what he wants to talk about at this conference, and I am forced to recognize the prospect that those matters will be discussed at the time and in the frame of reference of his making.

In short, it should be clear to us by now that Mr. Khrushchev is an "idea" man constantly in search of a platform, the world's cleverest propagandist. Currently he is performing in France. With the summit we have given him a platform of unrivaled luster and eminence. And we have made no effort to limit the outlets for the exuberant expression of his talents. On the contrary, by visits and return visits, by apparent agreement to a whole series of summit meetings, we have conferred status, if not respectability, upon communism and its leaders. What is more important, in so doing, we have assisted Mr. Khrushchev in his relentless campaign to picture communism as the wave of the future without ever pinning him down to talk about the subjects crucial to our interests in their proper context, if at all.

The Western Powers, on the other hand, really do not know what to expect from this conference. To make matters worse, they are not sure of what, most ideally, should emerge from the conference. To state it simply, there is a slackness, born of uncertainty, in the Western position.

Thus we find the ranking statesmen of the West periodically, and sometimes spasmodically, putting aside their onerous domestic duties in order to huddle together for the purpose of seaming over small but corrosive cracks in the alliance.

Prime Minister Macmillan of Great Britain has hurriedly come here and is now conferring with President Eisenhower. In a short space of time Mr. Adenauer has visited Mr. Eisenhower, Mr. Macmillan has visited General de Gaulle, and General de Gaulle is expected here shortly to talk with Mr. Eisenhower. France and Germany do not see eye to eye with Britain on the Berlin question. Mr. Macmillan is reported to view the latest Soviet nuclear test proposal with considerably more sympathy than President Eisenhower. France wants atomic weapons. Most of the Atlantic Alliance shudder at the mention of a German training base in Spain. The Common Market countries appear to be on the verge of accelerating the schedule for inaugurating their external tariff, thus irritating Britain and the other Outer Seven countries which regard such a move as inimical to their own interests.

Does this state of disunity and irresolution on the part of the West not present an inviting opportunity for Khrushchev to pursue his goal of breaking up NATO and splintering the free world alliance. Surely we can expect him to probe soft spots, to attempt to generate animosities, suspicions, and fears among the allies, as he is doing today in France. Indeed, we have seen from the pattern of his conduct that many of his proposals are designed strictly to exacerbate such animosities among friends. Meanwhile, with complete unity of policy and monolithic determination, Mr. Khrushchev maintains full freedom of maneuver for his side.

This raises the point, Mr. President, that since Mr. Khrushchev is the man who most of all wanted a summit conference, he should have agreed to discuss the central issues in an orderly fashion and in a reasonable and logical context. Such an agreement on his part, I feel quite strongly, should have been a necessary condition to our President's agreeing to attend the conference. The failure to insist upon such procedure, the failure to fix definite objectives and to make careful plans in our own national interest, and the failure to coordinate these objectives and plans in detail with our allies, has raised the prospect of a conference which, although held at the highest level—the summit—may contribute little, if anything, to the resolution of the problems and the threats to peace. Indeed, Secretary Herter said, only last week:

> I am very frank to admit that I am not too optimistic that the summit conference will produce very great results.

Diplomatic victories are seldom achieved haphazardly. Normally they are the result of patient, careful, de-

tailed work. This work involves a point-by-point examination and prudent evaluation in terms of the national interest of each step taken. Diplomatic initiatives must be carefully calculated. Spontaneous suggestions, such as Chancellor Adenauer's recent sudden idea of a Berlin referendum, are not usually fruitful.

Viewing the subject from quite another angle, I am unimpressed by the argument that diplomacy must be conducted only at the summit with the Soviet Union simply because Mr. Khrushchev prefers to do his own negotiating. Mr. President, whatever Mr. Khrushchev's problem is—whether inflated vanity or underdeveloped prestige—it is no problem of ours. He professes contempt for foreign ministers, and often gibes at their lack of authority. Here again, if Mr. Khrushchev cannot find a foreign minister in the Soviet Union adequate to the responsibility, that is his problem, not ours.

I recall that nobody ever doubted the supreme authority of Stalin for Soviet policy. Yet for how many years was Soviet foreign policy personified by a hard, unsmiling, superbly skilled negotiator, known to the world as Molotov, and known to his colleagues of the conference table as "iron pants." Every ranking Western diplomat who ever faced Molotov gave him full marks for his professional talent and attainments. Yet none of them ever had any illusions as to the source of his instructions.

Mr. President, I am all for talking with our friends and with our adversaries, all for employing and expanding the diplomatic process and for adopting each and every measure that will reduce the likelihood of armed conflict in the world. What is necessary is that these processes be pursued in a careful, orderly, realistic manner. The preparations for the forthcoming summit conference do not represent this kind of negotiating procedure. On the contrary, it appears to be a part of a plan to postpone, if not avoid, serious negotiation. A series of summits, we are told, is planned, conditioned only upon just enough achievement at the one to justify the next. Thus, it is planned to resort to amiable, if somewhat aimless, conversation and good-will visits, as a substitute for the careful planning and hard work necessary for correct decisions.

There are positive dangers from failure to reach substantive agreement at a conference between the heads of great and contending powers. The mere scheduling of a summit conference serves to raise the hopes of the peoples of the world, and perhaps appears to ease international tensions. When such a conference breaks up without material accomplishment, increased tensions, rising suspicions, and added fears may result. We are advised by Secretary Herter that these dangers can be minimized by not expecting too much.

But I am not sure the matter is quite that simple. I am not sure, in the first place, that we can, or should, dampen peoples' hopefulness for peace. In the second place, I doubt that it is wise to go to a conference while talking it down, or, to put the matter the other way around, to talk down a conference in which the President of the United States is to participate with the Russian Premier, the British Prime Minister, and General de Gaulle. Such a conference cannot be regarded as unimportant. The world will not be so misled.

Moreover, it would not seem illogical to assume that a participant who publicly admitted he did not expect the conference to succeed would stand a good chance of being blamed for its failure, and not much chance of receiving credit for any possible success.

Even more dangerous than failure to achieve some substantive agreement, however, would be the execution of an improvident agreement. I must in all candor express my concern that the pressure for political agreement may become so strong, and an awareness of the dangers of failure of the conference so compelling, that improvident decisions may be reached. I hope this apprehension is not justified. I regret that circumstances are such that I feel compelled to state it.

Apparently an extended period of negotiations of critical importance lies ahead. This is all the more reason why I feel impelled to speak out today. I do hope no one will interpret this statement as an act of partisanship. I speak out of concern for my country and for other countries which love peace and freedom. And that, Mr. President, is not partisanship.

The mere fact that negotiations are under way does not alter the basic conflict of ideas and ideologies between the free and the Communist worlds.

We must realize the nature of our foe. And I unhesitatingly refer to Mr. Khrushchev as a foe. For him and his associates, the collapse of our system is inevitable. They believe they have the right—not only the right, but a self-professed duty—to dominate all people everywhere. Communists do not suffer from moral restraints. They are zealots who will adopt any means, however antisocial, to gain the remarkable ends they seek so relentlessly.

The Communist creed is an aggressive creed. The Communist creed is one of subversion, revolution, dictatorship, and oppression. Communists use, and intend to use, all of the resources, human and material, of an empire that now encompasses one-third of the people of the world. And Khrushchev is the head Communist. He has great military strength at his command. He has an organized and disciplined party, not only among the one-third of humanity that communism dominates, but in most other countries of the world. Mr. Khrushchev will bring all of these powers and all of these resources to bear, and he thinks time is on his side.

I am for negotiation, let me repeat, all for expanding diplomatic conversation to promote peace. I only insist that it proceed with adequate plan and preparation within the U.S. Government, and with the necessary, detailed unity and coordination with our allies. Otherwise, rather than serving the cause of peace and security, well intentioned summiteers may do violence to these, our most crucial objectives.

It is in this sense that I speak out today and I hope my voice reaches Camp David. It is too late to negotiate an agenda for the Paris summit conference. Mr. Khrushchev already has that one buttoned up, on terms eminently to his satisfaction. But it is not too late to unify the Western position on key issues and upon a plan of procedure. It is not too late for President Eisenhower and our distinguished visitor, Prime Minister Macmillan, to reflect upon the lessons of history. It is not too late for them to contemplate the dangers of playing the game of power politics by ear, or to consider the character of our adversary and the matchless opportunities they have given him for advancing that most material and oppressive of causes—international communism.

Out of such reflection, and perhaps with the benefit of growing experience, there will come a useful reappraisal of the nature of diplomacy, and the danger of failure, on the one hand, and the greater danger of improvident agreements on the other, that are inherent in haphazard procedure in this delicate field. It is in the interest of such a reappraisal that I have made this statement.

Mr. SALTONSTALL. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER (Mr. LUSK in the chair). Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. GORE. I yield.

Mr. SALTONSTALL. I thank the Senator from Tennessee.

I wish to make two brief comments to the Senator from Tennessee, in connection with his speech, which I had an opportunity to follow as he delivered it.

Mr. GORE. First, let me thank the Senator from Massachusetts for his courtesy and his attention. He did me the honor of following my remarks carefully as I delivered them; and I am gratified.

Mr. SALTONSTALL. Certainly I wished to hear what the Senator from Tennessee had to say.

First, let me state that, as one who has known the present Secretary of State for almost 40 years, I know of no man who goes into any meeting or conference or discussion on any subject with greater care or greater preparation than does the present Secretary of State.

The Senator from Tennessee has said that it would not seem illogical to assume that a participant who said he did not expect the conference to succeed would stand a good chance of being blamed for its failure, if it did fail.

Let me state that, judging from what the Secretary of State has said at his press conference and before the Foreign Relations Committee, he has not expressed pessimism. Instead, he has said he expects the conference to succeed, although he has said that he will be very pleasantly surprised if very many objectives are attained.

In other words, he is optimistic, and he hopes the conference will be successful. Certainly he is not pessimistic about its chances of success.

As to preparation for this conference, the Senator has said that we are not going with any objectives that are agreed upon. I wish to say to the Senator that I have talked to the Secretary of State, and he advised me that there are now three working groups, in Washington, Paris, and London, who are preparing the points of view of the Western countries for this conference. When those preparations are completed, I assume the leaders of the Western countries will get together and agree upon the positions that they shall take.

The Senator from Tennessee himself has stated that he is for negotiation—let me repeat what he stated, "All for expanding diplomatic conversation to promote peace." That has been the point of view of President Eisenhower—that he will go to any meeting, anywhere, if he thinks there will be any greater opportunity for peace.

What can come out of the planned meeting will be some general points of view, which can be agreed upon, and which can then go to working groups at a lower level, to work out a definite agreement.

What the Secretary of State meant, I think, is that out of a summit conference there can be no definite agreements that will lead to treaties, but some general understanding among the leaders, points of agreement, which are worthy of further study at the proper working level.

Certainly, the Senator and I want any treaties that are submitted to us to be carefully worked out and that is not possible at a planned meeting.

As I listen to the distinguished Senator and follow him, I want to leave with him these two points. First, I am confident that the Secretary of State, as I have known him over the years, is always optimistic that an agreement may be reached or that advantages can be counted from speaking to leaders of countries; second, that there is careful work being done in preparation for the summit conference.

Mr. GORE. I thank the able and distinguished Senator for his comments. First, I wish to state that I share his appreciation of Secretary Herter. It has not been my pleasure to know him for as long as the distinguished senior Senator from Massachusetts has known him, but it has been my opportunity to know him and serve with him, more or less, for about 20 years. I hold him in high esteem. I said so in a speech in support of the confirmation of his nomination. I say so now.

Secretary Herter, in my opinion, told us the truth. He was frank and candid with the Foreign Relations Committee. For that he is entitled to commendation. It is the situation which he described and revealed that I found so disturbing.

But I should like to say to the senior Senator from Massachusetts that the subject matter of my address today goes far beyond Secretary Herter. It involves the President of the United States, Prime Minister Macmillan, and, to a lesser extent, President de Gaulle. It involves the leadership of the West. As I have said, I am deeply concerned that, in one move after another, the West gives to its arch enemy status and respectability, and adds to his relentless, implacable drive to picture communism as the wave of the future, without ever, at any time, pinning him down to talk about things which are important to our security, in the proper context, if at all. So I say it goes far beyond Secretary Herter.

Now, as to preparation, in the first instance, we are told that President Eisenhower reluctantly agreed to go to a summit conference. I should like to read what Secretary Herter said about that. First, I shall have to read my own question:

> Senator GORE. Is there any reason why the Russian dictator could not delegate the same power to his foreign minister as President Eisenhower should or does delegate to you?
>
> Secretary HERTER. None.
>
> Mr. GORE. Then isn't that a fallacious argument?

I digress to say the argument was made that one reason why diplomacy must be conducted at the summit was that Mr. Khrushchev was the only one who could speak with authority for Soviet Russia.

I return to the colloquy:

> Secretary HERTER. Not necessarily, because you are dealing with an individual personality who himself wants to be the negotiator.
>
> Senator GORE. And, therefore, we accede to his personality and his desire?
>
> Secretary HERTER. To some extent.
>
> Senator GORE. It seems to me what you have said is that we are vague about the purposes of the conference or its results and we did not want it, but we are somewhat being pushed into it. Is that——
>
> Secretary HERTER. I wouldn't say "pushed into it." I would say the President acceded to the desire of the others to go to a summit conference.

I end the quotation there.

This, it seems to me, is clear. I have many quotations from President Eisenhower himself over a period of months, which I could cite to the Senator.

The point I am trying to make is that we agreed to go to this conference, according to the testimony Secretary Herter gave, without any understanding as to what would be discussed, in what order, in what context, or on what conditions. That was the first big mistake.

There is a second mistake, which I think there is yet time to correct. We can now do nothing about the first mistake. I am pleading for correction of the second one. We must have carefully made plans within our own Government, as I have stated, and detailed, careful coordination and unity with our allies on those plans. It is that for which I plead.

I thank the able Senator for his comments.

Mr. ANDERSON and Mr. GRUENING addressed the Chair.

Mr. GORE. I yield first to the distinguished chairman of the Joint Committee on Atomic Energy.

Mr. ANDERSON. I should like to ask the Senator from Tennessee if he does not feel that, as these discussions go on with the British Prime Minister, we get perplexed a bit by what we read in the newspapers, when we compare it with what we get in the official reports? I was going to ask the Senator if he had seen the exact wording of what Tsarapkin proposed at Geneva prior to the end of the week. He proposed it on March 19. When did the Senator from Tennessee first see it?

Mr. GORE. I first saw what purported to be a verbatim text of it on the front page of the Washington Evening Star, I believe on Friday afternoon. It was reported that this came from a press release from the Russian Embassy in Washington, D.C. Is it that to which the Senator refers?

Mr. ANDERSON. Yes. I was referring to the fact that the Joint Committee on Atomic Energy and, so far as I know, the Committee on Foreign Relations of the Senate, had nothing on which to base an accurate judgment, until late Friday afternoon, except the press statement given out by Mr. Tsarapkin, and released by Tass, which is not our favorite source of information.

Mr. GORE. As the Senator knows, the Senator from Iowa [Mr. HICKENLOOPER] and I are the adviser delegates from the Senate to the conference.

The first time I was able to see the official text of the March 19 proceedings and of the Russian proposal was this morning, when an official copy, which I hold, was delivered to my office. I must state that it is classified as "confidential."

Mr. ANDERSON. The Senator will hold it to himself, because it is marked "confidential."

I do not believe that would prevent the Senator from saying whether he understands that the Russians do or do not want to include shots under a seismic magnitude of 4.7 as a part of the treaty. It is my understanding they do. Is that the understanding of the Senator from Tennessee? I believe the Senator will find that on the last page of the text, if the Senator will look at it carefully.

Mr. GORE. The answer is "Yes."

Mr. ANDERSON. I am not trying to cause any conflict, because I like the writer who wrote the article, Mr. Roberts, but the newspaper says that Mr. Eisenhower is insistent he will do nothing to bind the hand of his successor, whoever he may be, except under treaty provisions duly ratified by a two-thirds vote of the Senate. Under that language I think we can rely on the fact that nothing can happen with the Russian proposal, because the Russian proposal insists upon 4 to 5 years of experimentation under a good arrangement which they insist upon tying in to the treaty. The President does not want to put that in the treaty. The President wants to leave it out. Have we not in advance put ourselves almost in an impossible situation with respect to a treaty with the Russians?

Mr. GORE. I hope it is not an impossible situation. It is certainly a strange one.

As the able Senator knows, upon occasion I have had my partisan moments, as most Members of this body do, but

never on this subject. I have been to the Geneva Conference twice. I have spent a number of days at the conference table. I have given to the administration sincere and earnest advice on this subject.

For instance, when I returned from Geneva in November 1958, I visited with President Eisenhower and Secretary Dulles, and I indicated to them then my view that we were taking unrealistic positions, that we had set unattainable goals.

As the able Senator knows, I was aware of the fact that we had conducted underground tests before I departed for Geneva, as was he. I was briefed upon the results of the underground tests, which clearly show it is impossible, with existing equipment, to detect and identify with reasonable certainty small underground tests. Indeed, there is even some question as to how large the explosion must be to permit detection with some fair degree of reliability.

Frankly, I have been critical of the newspapers for misleading the world about the contents of the Russian proposal. I wish to apologize to the newspapers and to the reporters. I find that the official conference communique issued by the three chiefs of delegations is the source of misundertanding.

There is nothing confidential about this, because it was released to the press. I should like to read it:

After an exchange of views the conference decided to issue the following communique:

"The 183th meeting of the conference on the discontinuance of nuclear weapons tests was held at the Palais de Nations in Geneva on March 19, 1960, under the chairmanship of the representative of the United Kingdom. The Soviet delegation submitted a proposal to concede a treaty on the cessation of all nuclear weapons tests including all underground tests producing seismic events of a magnitude of 4.75 or greater embodied in the U.S. proposal of February 11. The Soviet Union accepted as well the U.S. proposal on carrying out a program of joint research and experiments by the U.S.S.R., the United States, and the United Kingdom, provided that all parties to the treaties simultaneously undertake not to conduct during this period any nuclear weapons tests producing seismic events of a magnitude of 4.75 or under. The next meeting of the conference will be held on Monday, March 21, 1960, at 3 p.m."

Obviously the wording of the official communique which was agreed to by Ambassador Wadsworth is responsible for the interpretation of the press media that the Russians had accepted our proposal for a limited test ban treaty, adding only a condition that a moratorium be placed on conduct on those tests which would be excluded from the treaty under our proposal. The proposal submitted by the Russians differs in a number of material respects from that which President Eisenhower submitted on February 11. Here is one of them:

The United States proposal was conditioned upon agreement by the Russians to a specified number of onsite inspections. The number to be permitted each year was to bear a relationship to the frequency of occurrences of natural phenomena within a given area. The Russians make it clear in the document which the Senator holds that onsite inspection is considered by them to be a political matter, and that they will never agree to a quota of inspections bearing a relationship to scientific facts. Moreover, they have never as yet agreed to accept even one inspection.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. ANDERSON. The Senator is reaching a very important point, and one which I think the American people should understand.

The statement is made over and over again that the Russians have accepted our proposal. The Russians accepted it with a proviso, and the proviso completely rejects our proposal. If we can follow what the newspaper writer says—and I think I agree with it—the newspaper writer says that the President also is determined, as Secretary Christian Herter indicated last week, not to accept as part of a test ban treaty the Soviet idea of a continued moratorium for tests below the 19 kiloton threshold. The proposal of Tsarapkin was that we had to take that as a part of the treaty; but if the President determined not to take it as a part of the treaty, have the Russians accepted our proposal, I ask the Senator?

Mr. GORE. The Russians did not even say they accept it. What the Russian delegate proposed was the conclusion of a treaty to ban permanently all tests, including underground tests beyond 4.75 seismic magnitude, provided we also banned, for a given period, all underground tests below that. He made no proposal about the composition of the control commission, on which there is yet no agreement; in the new proposal not one thing is said about the staffing of the inspection teams, on which there is no agreement; not one thing is said about who was going to pay for the inspection; not one thing is said about voting procedure within the commission, or the veto of the budget; not one thing is said about the number of inspections that would be permitted within the Soviet Union. Let me reread this sentence from the communique. In the third paragraph, the first sentence is:

The Soviet Union accepted as well—

The words "as well" would indicate that they had accepted that which had been mentioned theretofore, would they not?

Mr. ANDERSON. Yes, indeed.

Mr. GORE. They had accepted nothing.

In our proposal we specified a 4.75 seismic reading as a threshold, based upon certain criteria for determination of the seismic reading. The Russians in their proposal have indicated no acceptance of these criteria.

The U.S. proposal included a ban on high-altitude explosions to the height to which existing technical equipment would be effective. The Soviet proposal would ban all high-altitude tests, whether they could be detected or not.

The communique states that the Soviet Union "accepted as well" the United States proposal for a joint research program. Actually, the scope of the joint research program was not spelled out at all in the Soviet proposal.

As the Senator knows, when President Eisenhower made his proposal about a joint research program to develop improved techniques for detection, it was spelled out that nuclear tests would be necessary to gain adequate information. Mr. Tsarapkin did not accept this at all. As a matter of fact as revealed in an answer to a question, he specifically rejected it.

Mr. ANDERSON. I was about to ask the Senator if that was not significant. In the Berkner report there was reference to the desirability of underground nuclear tests so that we might find out how accurate the measurements were. Subsequently our scientists mentioned the necessity of going ahead with nuclear testing, whereas Tsarapkin proposed that only chemical tests be used. Is that accepting our proposal?

Mr. GORE. No. He specifically rejected it.

Mr. ANDERSON. That is all I wanted the Senator to come to, because I believe that while the things he is saying are extremely important, and I compliment him on his address, I say to him that if we try to find out what the Russians actually accepted, we find them saying, "Yes; we accept your proposal for stopping tests in the oceans, in the atmosphere, and in outer space, but at the same time you must agree by treaty that you will permit us to have a good faith arrangement for testing of all those explosions or actual occurrences below a seismic reading of 4.75."

That is the sticking point, and will likely remain the sticking point. It has been so for months in advance, during 16 or 17 months of long negotiation. I thought the statement was unfortunate that the Russians had accepted everything that was offered, when they accepted with a proviso. It is as though the Senator were to offer me a bet, and I were to say, "I will accept your offer, but with the proviso that you do not bet on the team you want to bet on."

Mr. GORE. As the Senator knows, I was at the conference table when the conference began. On that day the Russian delegate proposed the conclusion of a treaty to ban all tests permanently. What he proposes here is the conclusion of a treaty to ban all tests permanently, including underground tests beyond a certain magnitude, provided we also agree in the treaty to ban for a specified period all tests below that magnitude.

Mr. ANDERSON. For 5 years.

Mr. GORE. Yes; and in neither instance, neither on the first day of the conference nor on the 19th of March did the Russians propose to accept the inspection system we proposed, to accept our arrangement, or any arrangement for the staffing of the inspection stations, for the dispatch of inspection teams, or to accept any specific number of inspections. I could go on and on. I will say to the Senator that while I have been critical to him, and to a number of my friends—not publicly, fortunately—of the newspaper reporters in Geneva who filed recent stories, I find that the blame goes back to the communique

to which our Ambassador agreed. I must say in all candor that that is not the first time I have seen Tsarapkin win a battle of words with Ambassador Wadsworth.

The Russians will argue all day about one word; and word by word, broadcast by broadcast, day by day, hour by hour, they are conducting a propaganda exercise.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. GORE. I shall be happy to yield in a moment. I wish to make it perfectly plain to the chairman of my committee and to other Senators that I wish to be helpful. It is important that progress be made in the nuclear weapons testing field.

I spoke on the floor of the Senate for 2 hours on February 8, and I urged that progress be made. It is yet possible to make progress and to reach some agreement, and I fervently hope that an agreement can be reached which I can support on the floor of the Senate. However, the procedures to which I have referred are disturbing.

Not only have the people of the United States been misinformed, but the people of the world have been misinformed. I say in all candor that the Russian proposal is as important for what it does not say as for what it says, and even more so.

I now yield to the distinguished junior Senator from Alaska.

Mr. GRUENING. I congratulate the Senator from Tennessee on his alertness, as a member of the Committee on Foreign Relations, in calling attention to his discussion with the Secretary of State, and revealing more clearly than it was revealed by the newspaper accounts which came to us of that meeting, by the impressive speech he has been making on the floor of the Senate, that we go to the summit conference with no preparation.

It is an amazing revelation by the Secretary of State, for whom I have great personal admiration, as has the Senator from Tennessee, and, as I think the Senate has in general, as was demonstrated by the unanimous vote by which Secretary of State Herter was confirmed by the Senate, that, in Mr. Herter's words, "We do not know what points are going to be discussed. We just assume that the German and Berlin question will come up." That is an amazing and disturbing revelation.

I should like to suggest that, as those of us who have observed the relationship between the Soviet Union and our country, most of the meetings which the Kremlin has proposed and into which we have been led or driven were designed largely for its propaganda purposes. Such meetings are used very successfully by the Russians in apparently placing us in an uncomfortable position before the whole world.

I should like to ask the Senator's comment on this point. I wonder whether there may not be, if we have the ingenuity to take advantage of the situation, some benefit in going to a conference at which we do not know, and perhaps the Russians do not know, what will be discussed at such a conference. If we assume that the German and Berlin question will come up, as Secretary Herter assumes and, as probably it will, why cannot we bring up the Hungarian question?

We know that through the years the Russians have placed us in the disadvantageous position where all the subjects of discussion have dealt with the free world, the part of the world which the Russians do not control, but want to penetrate, and never with the enslaved part of the world. If Berlin is to be discussed, why should not Hungary be discussed also? There are other fields of Russian conquest of formerly free people that could properly be discussed also. In other words, we might take the lead in the field of propaganda, as well as the Russians and with far greater validity. I wonder whether that is not something that the administration and the President might well consider.

Mr. GORE. I would say that in that case Khrushchev would accuse us of bringing up a subject whose discussion would increase international tension; while he would continue to threaten to provoke a dangerous situation with respect to Berlin.

Mr. GRUENING. I believe that we would have a very effective answer to that. We could point out to the world, on the basis of our attitude toward the free world and the enslaved people of the world, that the only slave master and the only colonial power left in the world, as the Western Powers rid themselves of their colonies and set them free, is Soviet Russia, which carries on a colonial system of an oppressiveness and ruthlessness that has not been paralleled in the history of the colonialism of the Western World.

Mr. GORE. I believe we might well bring that question up if Khrushchev is going to threaten us over Berlin and create a problem that increases tension and the danger of war; surely we should talk about the problems of the enslaved people behind the Iron Curtain. Unless there is agreement on a definite and detailed agenda, any and every subject can be brought up. Either side can bring up anything, as Secretary Herter has said.

Mr. GRUENING. Why not? Whenever Khrushchev brings up Berlin, we should bring up Budapest, and have a kind of B-B formula.

Mr. GORE. That illustrates the necessity of a careful plan of procedure agreed upon before the conference is scheduled.

Mr. GRUENING. I agree fully with the Senator. He has rendered very useful service in bringing out these points today.

Mr. GORE. I thank the Senator. I hope it is a useful service. There is yet time for the West to prepare a unified position and detailed plans. Unfortunately, as I have said, the opportunity to require Mr. Khrushchev to agree to such a procedure before agreeing to a summit meeting is past. However let us make the most of what remains. That is why I say I hope that our voices will be heard at Camp David. Let the leaders of the two great English speaking peoples coordinate in detail and steel their determination not to yield to the temptations which are apparent, steel their determinations to avoid any compromise of the security of our people. There are not many stable things remaining in public affairs. But one thing must remain stable. Wherever the security of this country is involved, caution must be the watchword.

I now yield to my distinguished and able friend, the junior Senator from Idaho.

Mr. CHURCH. Mr. President, I thank the Senator very much. I have followed his address this afternoon with great interest, and I have noted many passages in his speech. I heard the Senator state, in recalling our past history, that President Wilson went to the Peace Conference at Versailles without having secured his own political base at home.

The Senator will recall that in the Committee on Foreign Relations the other day, having in mind the failure of President Wilson to invite Senators to accompany him to the fateful Versailles Conference, and the losing battle he waged afterward, I inquired of the Secretary of State whether the administration had any plans to invite Senate participation in the coming summit conference. He said that there were no such plans. Later the President's press secretary, Mr. Hagerty, said he would not "bother" to comment on whether there were such plans.

Mr. GORE. That was remarkably condescending of him, was it not?

Mr. CHURCH. I thought so, in view of our past history, and the importance of securing Senate ratification of any treaty.

Now, the Senator from Tennessee has also referred to Mr. Macmillan's visit, and the important discussions which are now taking place with reference to the recent Soviet counterproposal at Geneva. The Senator said:

> It is in this sense that I speak out today, and I hope my voice reaches Camp David.

Is it not so that if a treaty is concluded at Geneva—and I know that both the distinguished Senator from Tennessee and I share a common hope that it would be the kind of treaty we could support for ratification——

Mr. GORE. Wholeheartedly.

Mr. CHURCH. Might it not be important for the president and Mr. Macmillan, at this critical stage in their discussions, to advise with selected Members of the Senate who have been closely conversant with the negotiations which have heretofore taken place at Geneva?

Mr. GORE. I think that is a question which the President himself, because of his position, must decide. Certainly neither the distinguished Senator from Iowa [Mr. HICKENLOOPER] nor I have pushed ourselves into these negotiations. On both occasions that I have been to the conference table in Geneva, I went there on request of the administration. I have no desire to see the Senate push itself into this matter. We do not know at what stage the negotiations may be.

The President of the United States, let me repeat, is the one who must make

that decision. If he should feel that the consultation, views, and advice of the party leaders of the Senate, of the chairmen of committees, or of individual Members of the Senate would be helpful, I feel certain that he would ask for that, and I am certain that every Member of the Senate would respond willingly. That is my feeling on that point.

Mr. CHURCH. I share the Senator's feeling. I would only observe that, inasmuch as any treaty must ultimately be ratified by the Senate, and inasmuch as these talks are taking place in the last months of Mr. Eisenhower's tenure, it seems unlikely that any treaty, if ultimately entered into, could be ratified during the Eisenhower administration. Therefore, since another administration is likely to be involved, and since the Senate's ratification will, in any case, be necessary, I should think it would be doubly advisable to advise and consult, at every possible opportunity, with Members of the Senate who have closely observed the negotiations, so as to open the way for the kind of treaty which the Senate might ratify.

Mr. GORE. May I comment?

Mr. CHURCH. Yes; I should like to have the Senator's comment.

Mr. GORE. As I have said in my speech, there is a positive danger of the failure of international conferences, and there is also the greater danger of an improvident agreement. If an improvident treaty is concluded, then there is the dual danger that the Senate will ratify it or that the Senate will not ratify it. I want to make it doubly and emphatically clear, as I have in many personal conversations with the able junior Senator from Idaho, with whom it is my pleasure to serve on the Subcommittee on Disarmament, that I reserve my judgment, and that the final decision on the advisability of a treaty cannot be measured narrowly upon the terms of weaponry of the United States vis-a-vis Soviet Union. The subject must be viewed in broad context, with particular reference to the moral and political position of the United States in the family of nations.

Let me repeat: I join with the Senator from Idaho in the hope that it will be possible to conclude the kind of treaty in the ratification of which he and I can join.

Mr. CHURCH. I commend the Senator from Tennessee for the eloquent and compelling address he has made this afternoon.

Mr. GORE. I thank the Senator from Idaho very much. He has devoted great study to this problem. I am grateful for his contribution.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. PROXMIRE. I was very much impressed by the Senator's address. I learned much from reading it and listening to the Senator deliver it. However, I want to see if I can add a footnote to the colloquy between the distinguished Senator from Tennessee and the distinguished Senator from New Mexico [Mr. ANDERSON], the chairman of the Joint Committee on Atomic Energy, because I think it might not be wise to have the country get the impression that the distinguished Senator from Tennessee, who is considered a national expert on the matter of nuclear testing, takes the position that there has been no progress at all, and that the Russian proposal amounts to nothing.

In order to be as specific and concise as possible, I refer to a statement by Dr. Hans Bethe, of Cornell University. It seems to me that in one paragraph, in five explicit statements, he sums up the concessions which, he says, the Russians have made. I believe the opinion of the Senator from Tennessee on this matter would be very helpful. Dr. Bethe said:

> The Russians have made several major concessions. 1. They accept the idea of a limited ban. Previously they had insisted on a complete ban on all weapons tests.

Mr. GORE. That must be qualified. They suggest a complete ban in this respect: A permanent ban on all tests, other than underground and on all underground tests beyond seismic magnitude 4.75, and a temporary ban on underground tests below that magnitude. But they do not indicate agreement on any of the necessities for control, inspection, and detection.

So I should say that Dr. Bethe's statement is partially correct. I think I have stated it in its fullest context. I want to be perfectly fair about this point, as well as the others, because this is important. The Russians do, in their proposal, draw a distinction. This is the first time, in my knowledge, that they have in a formal conference acknowledged that there is a distinction. Mr. Tsarapkin in his speech refuses to admit there is any need for a distinction. Nevertheless, although he does not admit that there should be a distinction, by his formal proposal he appears to make a distinction.

This, however, is not the first time that the Russians have recognized a possible distinction. The agreement to have the experts reconvene to consider further the problem of detection procedures in itself constituted de facto recognition. The extent to which they formally draw a distinction, though refusing to admit that it should exist, is of some value.

Mr. PROXMIRE. Second, the Russians admit implicitly that the detection system devised by the experts' conference in the summer of 1958 was inadequate to monitor small underground explosions, whereas at the technical conferences in November and December 1959 they had refused to admit this inadequacy. Is that not correct?

Mr. GORE. I do not find that in the Russian proposal.

Mr. PROXMIRE. Is it not implicit in their testimony?

Mr. LAUSCHE. Mr. President, let me ask to what the Senator is referring?

Mr. PROXMIRE. I am referring to an analysis by Dr. Hans Bethe, the administration's scientific adviser in this entire matter. I am referring to his conclusions, based—I presume—on the information which earlier today has been discussed by the Senator from New Mexico and the Senator from Tennessee. I presume that Dr. Bethe has only the information that is available to us, which is very limited.

Mr. LAUSCHE. Mr. President, at this point will the Senator from Tennessee yield?

Mr. GORE. I yield.

Mr. LAUSCHE. The State Department expert testified on the disparity between the claims made by the Russian scientists at one period and those later made.

The man who testified before our committee distinctly stated that with regard to small explosions, the Russian scientists stated that all tests could be scientifically detected, but later, in a meeting with other scientists, did not reassert their position. There was a distinct disparity between the positions taken by the Russian scientists. In the one place they were adamant in their claim that the scientific tests could determine what was done. But when all the scientists met face to face the Russian scientists did not insist on their earlier position.

Mr. GORE. Let me say that Dr. Bethe is a competent scientific authority. I should be glad to have him point out where he finds this change of position; but since he has stated that is one of his conclusions, I am sure he has very good ground for his statement.

However, I have read this speech of Mr. Tsarapkin very carefully, and it seems to me that Mr. Tsarapkin has held very firmly to the report of the meeting of experts in 1958.

Mr. PROXMIRE. I am sure he has. But my point is that the Russian proposal implies very clearly something that contradicts the Russian statement in the past. I think this gives an advantage which we should recognize and should press.

Mr. GORE. I shall not resist that interpretation. It may be an entirely correct one. I am simply unable to find——

Mr. PROXMIRE. However, since the Russians are making this distinction, it is clear that they recognize that tests below the 4.75 level cannot now be detected.

Mr. GORE. It is possible they have made that concession.

Mr. PROXMIRE. Third, they have made a concession to the U.S. position that a permanent treaty should include only agreements which can be monitored. It seems to me this is an exceedingly important concession—if they concede that the only segment which should be subjected to a permanent treaty is that which can be monitored or detected.

Mr. GORE. I must disagree as to that, because, for instance, the Russian proposal with respect to the high altitude tests goes far beyond President Eisenhower's proposal and far beyond what I have understood was the technical competency for detection at the present time.

Mr. PROXMIRE. I think the Senator from Tennessee is undoubtedly correct. All I say is that the assumption implicit here is that all that should be subject to a permanent treaty is what can be detected and can be subject to

inspection. We may differ with Russia as to what can actually be subject to such tests.

Mr. GORE. If Dr. Bethe means, there, that the Russians draw a clear distinction between a permanent treaty ban on below-ground tests beyond a certain seismic magnitude and a temporary treaty ban on underground tests below a certain seismic magnitude, then I agree with him.

But I wish to point out that, so far as I am concerned, a firm statement of policy by the President of the United States with respect to whatever magnitude of tests will, for so long as it shall remain unchanged, be adhered to as faithfully by our people as a treaty, no matter if the treaty were ratified unanimously by the Senate.

Mr. PROXMIRE. I am sure the Senator from Tennessee is absolutely correct, and that is an exceedingly important distinction and a very vital point to make.

Fourth, in proposing the moratorium, rather than a permanent ban on small underground tests, the Russians accept the idea that part of the treaty can be limited in time, a concept which they have previously vigorously opposed.

Mr. GORE. I agree as to that.

Mr. PROXMIRE. The final concession that the Russians have made is that they have accepted the U.S. proposal to conduct joint, rather than national, research into improved methods of seismic observations.

Mr. GORE. Again, that comes back to the question of what interpretation is placed upon "acceptance." The communique would indicate that they had accepted our plan for research. But, as I have pointed out earlier, the plan of the United States for joint research involved the use of nuclear devices for underground explosions, whereas the Russian proposal—as was pointed out by the senior Senator from New Mexico—is confined to the use of chemical explosions. One is a rabbit, and the other is a horse.

Mr. PROXMIRE. The Senator makes a very important distinction.

It seems to me that it is important that we recognize that the Russians now agree on joint research, rather than national research, into improved methods of seismic observation.

Mr. GORE. I agree that it is important; and I am trying to spell out these distinctions, in the interest of truth and clarity. This is an issue of world-shaking importance. The Prime Minister of Great Britain and the President of the United States, the leaders of the English-speaking world, are now conferring upon it. I think the American people are entitled to full information—as full as can be given. It is in that sense that I am trying to answer meticulously the points the able Senator raises.

Mr. PROXMIRE. I am sure that is true. That is why I commend the able Senator from Tennessee on his very helpful and very important speech.

Mr. CLARK. Mr. President, will the Senator from Tennessee yield to me?

Mr. GORE. I yield.

Mr. CLARK. I should like to make a brief observation, and then ask my friend, the Senator from Tennessee, to comment on it.

First, I wish to commend him for making a splendid speech. I read with interest the prepared copy of his speech, and I listened to part of the speech as he actually delivered it. I concur in what he said in his speech.

Mr. GORE. I thank the Senator from Pennsylvania.

Mr. CLARK. The distinguished Senator from Tennessee pointed out that there had been a failure of leadership and a failure to do the necessary homework, and that that was making it difficult for us to approach the summit conference with any confidence. With all that, I agree.

After the Senator from Tennessee completed his major speech, we got off on a very important subject with respect to which I placed in the RECORD, earlier today, two articles, one written by Joseph Alsop, and the other written by Roscoe Drummond. Their articles were in regard to the present test ban suggestion. And I indicated my concurrence in their point of view. What I should like to get my friend's observations on is this: Is there any great danger that we are going nit picking around here in the Senate with inadequate information, because, as the Senator has pointed out, we do not have complete information, creating, perhaps, a feeling in the country that the Senate is unalterably opposed to any kind of agreement or treaty which may come out of this discussion, when, in point of fact, there is a very real possibility, if not probability, that something of the greatest importance can come out of this meeting, if we keep up our hopes and approach, as the Senator from Tennessee has done, this question on an entirely nonpartisan basis?

Here is what I should like my friend to comment on in respect to Mr. Drummond's observations, which, to me, make excellent sense. I wonder if my friend agrees with me:

> I venture one appeal: Let's not grab off a handful of half-facts and rush out of the room with a set of half-baked conclusions bearing little relationship to reality.
>
> There is no doubt that a nuclear weapons test ban is within reach. The negotiating gap between the Soviets and ourselves has been significantly narrowed. From its standpoint, Moscow has made some substantial concessions.
>
> We are now entering the most critical stage of the negotiations.

Then I skip to get at the essence of his conclusion:

> 1. World opinion is never going to tolerate the resumption of atmosphere-polluting nuclear tests. It is 99-to-1 that neither side will resume such tests, with or without a treaty. Therefore, we are either going to end such tests with agreed inspection—

I stress inspection. We must insist on it. We are not assured we are going to have inspection—

> or end them without getting any agreed inspection. To refuse a short moratorium on underground testing could mean losing the whole agreement on inspection for above-ground testing.
>
> 2. We have had a moratorium on underground testing for some 17 months. A 12-month extension could well speed up the joint study of new means of inspection. If adequate policing cannot be devised, then both sides would recover the right to small-yield underground tests.
>
> There will be plenty of time for debate. Any such agreement would have to be ratified by two-thirds of the Senate.

My final comment, on which I want my friend's response, is this: Does not he think it is very important that the Senate should not convey the impression to our country, to our allies abroad, or, to the Soviet Union, indeed, that we have our minds set against a nuclear test ban, because I do not think the Senate has its mind set against one?

Mr. GORE. I am wholly unaware of any reasonable interpretation of anything that I have said or that any other Senator has said on the floor of the Senate today which would indicate such a conclusion.

Mr. CLARK. I am delighted to hear my friend say that.

Mr. GORE. As the able Senator knows, many questions have been submitted to me, and I have undertaken to reply as fully as I can under the circumstances, and as accurately as is within my capacity.

Mr. CLARK. Nothing I have said has indicated, expressly or impliedly, any criticism of the Senator from Tennessee.

Mr. GORE. I thank the Senator. I am sure that is the fact, but I would not want the mere submission of the question which he has propounded to indicate that there is justification for any conclusion that the debate this afternoon—rather, this probing of a vital issue—constitutes a frozen mind, a closed mind, in opposition to a treaty, or nit picking in any respect.

I agree with Mr. Drummond that a nuclear test ban treaty is within reach. It has been within reach since the conference began—if the Soviets will accept reasonable inspection and controls, to provide to our people and to all people assurance that a violation of the treaty will be detected.

I think there are some other necessary steps. There must also be a plan, definite and specific, to bring within the treaty the other nuclear power, France, and the Soviet's ally and neighbor, Red China, on whose territory the experts recommended the establishment of approximately the same number of inspection stations as on the territory of the Soviet Union.

I want to say, in further comment upon the column by the distinguished writer Mr. Drummond, that the question of effective international control and inspection of tests prohibited by a treaty is far more important than the question of whether we conduct some small underground tests or whether we do not. But in the public mind and in the public press the great emphasis is on the extension of a moratorium on the small tests.

If the Soviet Union is ready to accept President Eisenhower's proposal of February 11 fully, even with the addition of the moratorium, let her representatives say so. They have not yet said so.

They have specifically rejected much of our February 11 proposal and have specifically restated their intransigent positions on the question of composition of the control commission, the staffing of the inspection teams, whether or not a team would be allowed to make an inspection, the budget, and so forth. I will not repeat them. There are a number I have not mentioned.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. GORE. I yield.

Mr. CLARK. Would the Senator not agree that if the Russians were to agree to the conditions the Senator has stated, which may mean more to some than to others, then there is no reason in the world why the Senate would not be willing to ratify a treaty which contained those conditions?

Mr. GORE. I do not think it can be stated quite that simply. This is a matter which involves the security of our country, and I am sure the Senate, whenever it receives a treaty covering it, will give to it the consideration it requires and deserves, and that there will be no "aisle" between us, as we do so. In general, if those conditions were met, I would expect a favorable attitude; but I would be unwilling to go so far as to say that there would be no reasons why the Senate should not accept such a treaty.

Mr. CLARK. Will the Senator yield for a final observation, on which I should like to have his comment, and then I shall yield the floor and thank him for yielding to me?

I am sure the Senator agrees with me we do not want to see the present Senate of the United States get into the same kind of frame of mind that the Senate got into when the Treaty of Versailles was before it for ratification. There are two ways in which that can be prevented. One of them is, I think, within the control of the executive, and that is to confer far more closely and intimately with Members of the Senate, including the Foreign Relations Committee, than has been done done heretofore. The second is not to permit certain individuals in this body, for whose sincerity I have the greatest respect, to put the Senate in a position in which it was intransigently opposed to any nuclear test ban and would not under any circumstances ratify a treaty which contained one.

I hope particularly that Senators of my party will not do that, because I think we are members of the party which really stands for peace and disarmament.

I thank my friend for yielding.

Mr. LAUSCHE and Mr. MONRONEY addressed the Chair.

Mr. GORE. Mr. President, before yielding to my friends I should like to comment briefly upon the remarks of the Senator from Pennsylvania.

President Eisenhower has not ignored the Senate in this matter. I wish to recall once again that before the conference began Secretary Dulles requested Senate representation. I point out that upon my return from the first session at Geneva I went down to see President Eisenhower for the ordinary 15-minute period, and he extended it twice. For 45 minutes we examined, in the most earnest manner, this question.

There has been no lack of cooperation on my part, nor, so far as I know, on the part of the administration.

It is true that we were unable to get the verbatim copy of the Russian proposal last week. I do not know why. The Special Assistant to the Secretary of State, Mr. Farley, called me almost daily, giving me summaries. I find his summary was an accurate one.

Mr. CLARK. It was or was not?

Mr. GORE. It was an accurate one. I have no complaint with respect to the administration's cooperation in this regard. I do not quite understand what is going on now. I assume I am not supposed to.

Mr. CLARK. Particularly with reference to the summit.

Mr. GORE. Yes; and what bearing this has on the summit. It does have a bearing not only upon the summit conference but also upon the general disarmament conference. Unless there is progress made in this conference, it bodes ill for both the other conferences. I hope some progress can be made. It seems to me that understanding on the part of the American people is required and that understanding in the Senate is a necessary step toward the achievement of that understanding.

Mr. CLARK. The Senator is clearly correct.

Mr. GORE. Insofar as the Senate is concerned, I know of no one who has adopted an intransigent attitude. I am sure the Senator does not impute such to anyone. The Senator expresses the hope that no such attitude will develop, I am sure.

Mr. CLARK. The Senator is correct.

Mr. LAUSCHE and Mr. MONRONEY addressed the Chair.

Mr. GORE. I yield first to the senior Senator from Ohio.

Mr. LAUSCHE. Mr. President, I wish to commend the Senator from Tennessee for his deep concern that at the summit conference questions will be approached with the deep and sincere purpose of trying to reach an agreement which will relieve the tensions in the world and lead toward peace.

I have some fear, however, that the discussions which have been had might leave our citizenry in a state of mind that adequate concern is not being given to the general problem of the summit conference.

The Senator from Tennessee was not present at the meeting of the Foreign Relations Committee for a brief period on Tuesday, March 24, when Mr. Foy D. Kohler, Assistant Secretary of State for European Affairs, testified.

Mr. GORE. I was present.

Mr. LAUSCHE. Not at the time Mr. Kohler gave the testimony about what is being done concerning the summit conference.

Mr. GORE. I do not believe I was.

Mr. LAUSCHE. I do not think the Senator was present at that time.

Mr. GORE. I do not believe I was.

Mr. LAUSCHE. At least, while Mr. Kohler was testifying he indicated that disarmament would be a subject of discussion at the conference. Our chairman, the Senator from Arkansas [Mr. FULBRIGHT] said to Mr. Kohler:

> There obviously is a conflict, because the Secretary of State has said that there is no definite agenda prepared.

In reply to the statement made by the Senator from Arkansas [Mr. FULBRIGHT], Mr. Kohler pointed out that there must be some confusion about the subject. He said:

> There is not a long, fixed agenda.

The experience in the 1957 and 1958 preparation, where the State Department prepared ten items of business, and the Soviets prepared twelve, as a result of which the conference produced nothing, was not followed in this instance.

Mr. Kohler said that there were three definite subjects on the agenda. First was the heading of Germany, including Berlin. Second was the subject of disarmament. Third was the East and West relations, which is a sort of "grab bag" covering everything.

Mr. Kohler further said that he believed the experience which they had in 1957 and 1958 supported the judgment not to prepare a long agenda.

When Mr. Kohler said that there were definitely three subjects to be discussed: First, the German situation, including Berlin; second, disarmament; and third, East and West relations—I asked him, "From what source have you obtained this information? Is it your blank statement? How did you obtain the information?" He said, "From the correspondence which has taken place between the Soviets and the United States."

Mr. Kohler further testified that within these three headings most intensive preparations among the allies were being made. He stated he did not believe that with respect to any other conference has there ever been such preparation in progress.

Mr. Kohler further stated that after the original threat of 1958, they proceeded to gather their material and to get ready for the meeting; and that in the preparation France, Germany, England, and the United States were working jointly.

If the Senator will yield further, the point I am trying to make is what the Senator from Pennsylvania [Mr. CLARK] has said—and I am sure the Senator from Tennessee feels likewise—that we do not want our people to believe that we in the Senate are not concerned about reaching an amicable agreement with the Soviets. I do not believe that the Senator from Tennessee, in the face of this testimony by Mr. Kohler, would want the people to believe that nothing is being done with respect to the conference.

I wish to repeat that I was present when the Senator from Tennessee put the question to Mr. Herter. There was justification for the alarm of the Senator from Tennessee about what the conditions were. Mr. Herter stated it was an exploratory program, that the Soviets

had been informed that the United States was prepared to discuss any subject the Soviets might raise. It was solely for the purpose of letting the people of the country know what further was said on the subject that I rose to make this observation.

Mr. GORE. I thank the Senator.

Even though there be an agreement to discuss these three broad and indefinite subjects, I should say that that in no way would meet the requirement of a specific, agreed plan of procedure. Under the head of "East-West relations" Mr. Khrushchev could discuss a missile base in Cuba. As the Senator says, that is a sort of grab bag title. What about all of Germany, including Berlin? This plan of which Mr. Kohler speaks would not indicate an agreement on a plan of procedure. I am glad to have the testimony that committees are working. Secretary Herter gave us some testimony in that regard. He said virtually the same thing. He said:

> Beyond that, nothing has been specified. We just assume that these matters will come up. We have had working groups that are still in the process of working now. We have a foreign ministers meeting.

He proceeds in this general way, and concludes, "so that we may have something more precise when we get to the meeting itself. But as of now many of these matters are in the study stage."

I share the hope of Mr. Kohler; and though Secretary Herter did not exactly express it as a hope, he said:

> We may have something more precise.

It is my earnest desire that the speech I have tried to make today may result in some intensified effort along this line.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. MONRONEY. As usual, I have appreciated and have been greatly enlightened by the distinguished junior Senator's discussion, not only of the need for proper preparation for the summit conference, but for the report which we have received, and the discussion we have had of the Conference on Discontinuance of Nuclear Weapons Tests.

I concur fully with my distinguished colleague in both his views—first, that there are strong signs that we have not exerted the necessary leadership to bring about a common goal of the West while we negotiate with the master of all the East. We apparently do not have the interrelationship necessary for adequate teamwork to present the cause of the free world, whereas, within the vast resources of his Communist organization, both in Moscow and throughout the satellite empire, lights burn late at night, and many minds work diligently on position papers to fill in Mr. Khrushchev, who then becomes the principal actor on the scene.

I am also worried about the situation which the distinguished Senator from Tennessee and the distinguished Senator from New Mexico [Mr. ANDERSON] have described, concerning the approach to a ban on nuclear weapons testing. I think the prayers of all the people of America, and perhaps of all the world, are for a treaty that would ban the testing of weapons, and would really be effective.

It seems to me—and I should like to get the Senator's advice—that with the important wish, dream, hope, and prayer of getting together, there might be the latent danger of a time bomb, in that if we were sold a ton of dross for a pot of gold, if we were sold a phony in stead of a genuine agreement to which our Nation could repair and which we could safely observe, the cause of disarmament would be set back by perhaps a decade, or even a score of years.

Does the Senator share my concern that if we are "booby trapped" into an ill-advised program which is not understood, and we accept it with limitations which we find are not binding upon the Communists, the disillusionment may add up to greater danger than would our failure to come to any agreement?

Mr. GORE. The disillusionment itself would have deleterious effects, one of which might be an increase in suspicion and fear.

Mr. MONRONEY. And a greater armaments race.

Mr. GORE. And a greater armaments race. It is of the utmost importance that the administration, in this negotiation, give the fullest and most accurate advice and information to the American people.

Perhaps some people have wondered why the recent statement of the Russian delegate at the conference is withheld from the American people. The object of our classification and security program is to prevent information vital to our security from reaching a possible adversary or enemy. Obviously, since our adversary has made this statement, he has full possession of it. Indeed, a portion of it was quoted in a press release issued by the Russian Embassy Friday afternoon; and I assure the Senator that the portion of it which had the greatest propaganda value for the Soviets was the portion that was released. Therefore, some may wonder why this statement made by the chief Russian delegate is withheld from the American people. I want to answer that question.

When the conference began, the three parties to the conference agreed that there would be no public release of verbatim colloquies and statements made at the conference table, but that the proceedings could be paraphrased and released in that form. There was this exception, that in certain important instances either party could, with advice to the other conferees, release a verbatim transcript of a statement he had made. I am advised by the State Department that this notice was given by the Russian delegate, and that at least a portion of his statement was made public by the Russians. No rules were broken. The Department asked me, in my use of this copy of the proceedings, to comply with the agreement that had been made. I have complied. I have quoted nothing from it. I have paraphrased some of the contents, as was agreed all would have the right to do. I know the Senator did not ask that question, but it was such an obvious question that I wished to mention it.

Mr. MONRONEY. The point I am trying to make—and I believe the Senator is trying to make the same point—is that we want to be certain in our knowledge and understanding of all phases of the Communist proposal. That does not mean that there is less chance of agreement; but we are seriously ready to consider it if it is a proposal by which we can be protected against evasion or nonobservance of the agreement.

Mr. GORE. As a matter of fact, the conference was proposed by the President of the United States. The United States has been ready since the first day to enter into a realistic agreement. The Soviet delegate proposed on the first day that we conclude a treaty immediately and sign it. He said, "We have a treaty all ready to sign." However, when Ambassador Wadsworth, who through these 18 months has labored hard and in many respects well, brought up the subject of inspection and control, the Russians insisted that we agree on a treaty to ban all tests for all time and that later we would talk about inspection and control.

Mr. MONRONEY. The President's program had been on the table, so to speak, at the conference called by the President, with all the world to see and read and know. Then at the opening of the conference the Russians proposed a new version. They wanted us to accept it without looking at it or without studying it and without proper consideration.

What I am trying to say is that our Government is not dragging its feet on disarmament when we insist on dotting all the "i's" and crossing all the "t's," so that we may know what is meant by the stump speeches and the preamble and the window dressing. We are so interested that we want to see the details of the proposed contract reduced to writing. Is that not what we seek?

Mr. GORE. Indeed, that is the procedure that is being followed now in the general disarmament conference. Just a few days ago, before the position of our government was announced, I made a speech on the general subject of disarmament and peace. I was pleased to see that there was at least some similarity in the administration's approach to the problem with that which I had suggested. There our government is proposing a step-by-step approach to a goal held dear by all mankind.

What did Mr. Khrushchev propose? He proposed total disarmament quickly.

I think the administration is far more realistic in its approach to the question of general disarmament than are the Russians. That is true also of the nuclear weapons testing conference. I believe we must proceed here, specifically, with care and probity.

Mr. MONRONEY. And success will more likely come if we do proceed with care and with the certainty that the proposed agreement is fully understood by all three contracting parties, rather than assume the existence of agreements

which have not yet been reached on many phases of this program.

Mr. GORE. I thank the distinguished Senator.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GORE. I yield to my very distinguished friend, who is a great chairman of a great committee.

Mr. FULBRIGHT. I thank the Senator. I wish to say that I regret very much that I could not be here during the Senator's address, because I had to conduct a hearing on the development loan fund this afternoon. Unfortunately, I was practically alone in committee, and I could not leave to come to the floor. Therefore, I missed the speech itself and also the exchange that followed.

I should like to ask the Senator about two or three things, particularly with reference to questions asked by the Senator from Pennsylvania [Mr. CLARK], which had reference, I believe, to something which took place on the floor before I came in. It has never been my impression that the Senator from Tennessee had expressed any firm opposition or had a closed mind in any respect to agreements in this field. I was surprised, therefore, that something had taken place which led to the possibility of such a belief. I have heard the Senator from Tennessee speak on the subject before, and I have also read some of the things he has had to say on it, and I certainly do not believe that that is his position. Is that correct?

Mr. GORE. It is not my position, and I did not understand the Senator from Pennsylvania to so imply.

Mr. CLARK. I did not suggest any implication to that effect. I was specific about the fact that I was not being critical of the Senator.

Mr. FULBRIGHT. Not critical. I ask for assurance that the Senate of the United States does not have a closed mind with regard to control with the Russians.

Mr. CLARK. I do not want to impute derogatory or unfavorable or uncomplimentary motives to any colleague in the Senate. I have the greatest respect for the sincerity of all of them.

I felt that some of the things which were said earlier today and had been said a couple of days ago, that the Russian proposal was a phony, were unfortunate.

Mr. FULBRIGHT. I was not trying to be critical, nor did I mean to interpret the remarks of the Senator from Pennsylvania as being critical of anyone. I was seeking assurance that this matter was still under consideration and that the Senate or any Senator in particular had not made up his mind firmly on the matter of any agreement.

Mr. GORE. Particularly when no agreement had been reached, and none is likely to be reached for some time.

Mr. FULBRIGHT. I do not believe that is it true. Certainly it is not true in my case.

With further respect to what Mr. Kohler said the other day, I was disturbed, as I know the Senator from Tennessee was disturbed also, by the interpretation that was put on the comments of the Secretary of State. Although I cannot speak for the Secretary of State, I feel, after I have considered what he said, that he did not mean what he appeared to say. I believe that what he expressed was that at any time we deal with the Russians, any fruitful and satisfactory conclusion of negotiations with them is rather remote, and that that has been the history of conferences time after time. I hope he did not intend to say much more than that though I agree that an interpretation of what he said goes further than that.

The Senator from Ohio has referred to Mr. Kohler's statement, but I went further in my examination of Mr. Kohler. I found his statement with regard to the studies in preparation for the summit very disturbing, and I know the Senator from Tennessee did also, namely, that it was not being prepared for sufficiently and thoroughly.

I believe that a great deal of this stems from the President's attitude toward Congress, particularly toward the Democratic Members of Congress. He has shown very little disposition to take them into his confidence, now or at any other time.

I believe that legitimately leaves many people with the feeling that we do not know all that we ought to know. I asked Mr. Kohler about the letter which Khrushchev had written, and Mr. Kohler said flatly that he could not discuss it. I said that it had appeared at least in part in the Herald Tribune, and that it was strange indeed that it could be revealed to Miss Higgins of the New York Herald Tribune, but not to a committee of the Senate. He said that he could not discuss it. Apparently he was under orders not to discuss it in any respect with the committee. That did not leave a very good taste in my mouth. It is a mystery to me why a letter, unless it was specifically agreed that Mr. Khrushchev considered it a personal and confidential letter, should not be released. Having been released, or leaked, as the new term is, to the Herald Tribune, I do not know of any reason why it should not be made available to the committee, and to the public, for that matter, in a more official manner than the way in which it was.

With reference to the statement of the Senator regarding what Mr. Tsarapkin said, I have only seen a summary of it which Mr. Farley brought to me and said:

This is all that can be released now.

I do not quite understand why that should be true. Maybe the Senator's explanation would be a violation of an understanding. That is possible. However, I must agree with the Senator that a little more frank discussion, and taking the public into their confidence, certainly the Senate of the United States, particularly the Committee on Foreign Relations, would be a very healthy step.

I should hate to see develop in the Senate, before we get to the summit itself, the attitude that this is a phony and that there is no hope of any agreement at all. I am not particularly optimistic, but, on the other hand, I think there may be developing circumstances which would induce the Russians to make a worthwhile agreement because of their own problems.

I was impressed by the account in the New York Herald Tribune that Mr. Khrushchev's letter was very moderate and most serious, and that it pointed out the difficulties he would encounter with his allies if we should supply nuclear weapons to our allies. That makes sense to me. It may well be that a community of interest in this particular may be developing. So I do not rule out as impossible at all the conclusion of some kind of reasonable agreement. But I must say that I felt myself somewhat in the dark about both items we have just mentioned. I think it would be very beneficial if we could know more about them.

Mr. GORE. Let me repeat. The administration has given me full and complete information. The only tardiness——

Mr. FULBRIGHT. Has the Senator read the letter from Mr. Khrushchev?

Mr. GORE. I was referring to the conference on nuclear weapons tests. I have been given full and complete cooperation with respect to this conference. I was not referring to the letter at all.

Mr. FULBRIGHT. I am not complaining. Certainly Mr. Herter, whenever I ask to see him or to discuss something, is most gracious. I have no complaint about his conduct at all. I do not understand the reason for secrecy concerning the letter, because I have talked to Mr. Herter personally about it. I was amazed when Mr. Kohler said that he was forbidden to discuss it. This happened only yesterday.

I do not complain of Mr. Herter's relations wtih me. I think, though, that the President has never shown very much interest in consultation with the Senate as a whole, and particularly with the Democratic Members of the Senate.

Mr. GORE. I agree that a matter so important as an exchange between the heads of the two most powerful nations should be discussed with the Committee on Foreign Relations, which has a limited constitutional partnership with the President in the conduct of international affairs. I regret that a matter of this importance is denied to the Committee on Foreign Relations. Still, as the Senator says, it has found its way into a certain newspaper.

Mr. FULBRIGHT. I have perhaps more hopes, although I do not wish to be overemphasizing them, that something may be developing from the conference on nuclear testing, in which the Senator from Tennessee is so interested. I say that without being a member of his subcommittee. But I have it from the development of outside circumstances that there may be reasons for it now that has not existed in the past. The development in France is a new reason why it may be very persuasive on the Russians. The possibility that the Germans may be either developing it themselves or obtaining it from their allies is another. But all these considerations, plus others, offer some reason to believe that the Russians may be really

concerned about the spreading of nuclear information.

Mr. GORE. I agree that it is entirely possible that the Russians desire an agreement. They are certainly most reluctant, however, to accept conditions which our country finds necessary.

Mr. FULBRIGHT. Yes; and I think those conditions are necessary. I would not wish the situation to be otherwise.

Mr. GORE. The American people have been conditioned through two administrations, beginning with the Baruch plan, some 15 years ago, to understand the necessity for inspections by which the American people and the people of the world could be assured that a treaty was being complied with.

Mr. FULBRIGHT. Yes; I think we are quite justified in insisting upon such inspection. I do not believe the problem is insoluble, although the long history of Russia seems to be against it. We are confronted with a historic emotional factor. I suppose no other country today has quite the same background. That is, other countries have not quite the history of secrecy which was a part and parcel of the policy of Russia for, I suppose, 200 or 300 years. It is not a new thing with them. It is not solely an attribute of the Communists. We have referred before in the debate to the famous book by DeCustine, who described in such an interesting manner the great limits to which the Russians went to maintain their secrecy, even in those days more than a hundred years ago. So I think that is a part of the situation we must meet, although not all of it. I think the Communist nature invites the historic tendency to secrecy.

I am very glad the Senator from Tennessee has taken the floor to open the discussion. I regret my inability to be present and to participate in the debate earlier.

Mr. GORE. I thank the Senator from Arkansas. Would he agree with my view that the success or failure of the nuclear weapons test conference, will depend upon acceptance of the principle of international cooperation and the acceptance of a slight limitation on national sovereignty, to the extent of permitting adequate inspection and control necessary to build confidence, and that if we are successful in this specific instance, this success will support optimism for further successful steps toward general disarmament, in which the problems are far more complicated than in a ban on nuclear tests, even though the problems of effectively banning such tests are incredibly difficult and complicated?

Mr. FULBRIGHT. I certainly agree with the Senator. This would be the first step. The establishment of any reasonable monitoring system within Russia would be a major change from the past and would be a reason, I think, to have optimism for the future, assuming that it is done in a reasonable manner, as we wish. I could not overemphasize the importance of accomplishing it, if we possibly can. I did not mean to minimize its importance when I expressed some doubt that it would be a successful first round. Now that the Senator has made his statement, I agree with him completely.

I should like to say a word about summit conferences. I am very sympathetic to the Senator's criticisms of summit conferences per se—I mean the idea of our diplomatic relations and negotiations having to be conducted at the summit very often. I am very reluctant to see that happen. I am very suspicious that it is not a good way to act and does not normally promote better relations.

I believe that because of the peculiar circumstances which have developed by design on the part of Mr. Khrushchev, I have felt that under those circumstances we really had no alternative. I do not wish to encourage summit conferences as normal methods of procedure. I think our established normal diplomatic methods, especially when we use the Secretary of State as our chief negotiator, is a better method.

I hope we will return to that practice. I am reconciled to the summit under the circumstances as they have developed. I believe the British were determined that there be a summit conference, and that that is how we got into the situation. I believe, all factors considered, that we are justified in having such a conference, and I hope the results will be fruitful.

Mr. GORE. The Senator, I know from his comments, will agree with my view that glamorous, 2- or 3-day summit meetings can be no substitute for the careful evaluation of point-by-point negotiation and the hard work necessary to reach correct conclusions.

Mr. FULBRIGHT. I agree with that statement. I do not think it is possible for the President, with the duties which he has, to be properly prepared to be a negotiator. It is utterly impossible, if he were the wisest man who ever lived, to negotiate properly, because there are too many other things to do. This is not the normal procedure. I hope summit conferences will not become common, ordinary occurrences, because I do not think they are properly suited to our system of government.

Mr. GORE. In the natural course of relations between nations, the meeting of heads of states to settle points of difference is a climactic means of formalizing some specific agreements which have been carefully developed, prepared, and essentially arrived at. Would the Senator from Arkansas agree?

Mr. FULBRIGHT. I certainly would agree, in normal circumstances. But we were faced, and we are faced, with a situation which is out of the ordinary. As many people say, we really have not yet liquidated the last war, and I do not know that we shall do so now.

I accept the necessity for this summit meeting, and possibly for another one. I do not agree that this is the normal way, but neither do I agree that it is not calculated to serve our system of government. Our head of state has placed upon him, under our system, great burdens which I do not believe are placed on the heads of other states, under their systems of government. Actually, our Presidents have not undertaken such a course—with very rare exceptions, and those have not been particularly successful.

Mr. GORE. In other words, there are limits to the human capacity.

Mr. FULBRIGHT. Yes. I do not say that as a criticism of this President; it would be true of any President.

Mr. GORE. I understand.

Mr. COOPER. Mr. President, will the Senator from Tennessee yield to me?

Mr. GORE. Mr. President, I yield to my friend and neighbor from the Cumberland Mountains, up the river from Carthage, Tenn.

Mr. COOPER. I thank my friend from Tennessee, and my neighbor down the Cumberland River, from Carthage in the hills of Tennessee, near Kentucky.

I want to commend him for his useful and patriotic service today, in presenting the important subject of the coming summit meeting on the floor of the Senate. I am familiar with his work as an adviser at the Disarmament Conferences, and I know his patriotic impulses have moved him to the discussion of this matter.

I know the Senator will agree, when I say that it would be unfortunate if, from this debate, the country were to receive the impression that the Government of the United States, the President of the United States and the Secretary of State, had no agenda or had not prepared for the summit conference.

I read a few days ago about the colloquy between the Senator from Tennesee and the Secretary of State during a hearing of the Senate Foreign Relations Committee. Not being a member of the committee, I did not know all the circumstances. But I would believe—as has been expressed by the distinguished Senator from Arkansas [Mr. FULBRIGHT], the chairman of the Foreign Relations Committee—that the Secretary of State, Mr. Herter, with his inherent integrity was expressing a view, held by all of us, that in negotiating with the Soviet Union it is difficult to predict what conclusion may be reached. However, the answer interested me, and I made some inquiries.

Mr. GORE. It must interest all of us.

Mr. COOPER. I have found, as I expected, that very serious preparations for the summit conference have been taking place for months.

First, I think it is well to recall that the President of the United States, joined by the Government of France and the Government of Great Britain, invited Mr. Khrushchev to a summit conference; and in the communique which was issued at the time, it was President Eisenhower and his Western colleagues who suggested the agenda. The agenda suggested was the question of Germany, including Berlin; East-West relations; and disarmament.

Following the invitation of President Eisenhower and the Western Powers to Mr. Khrushchev for a summit meeting, preparations immediately began in the State Department. And there was also established a committee, of the Secretary of State, and the Ambassadors of France, Great Britain, and Germany; and this committee began work in preparation for the summit meeting.

Then, as the distinguished Senator will remember, a meeting of the Foreign

Ministers of the Western countries and our Secretary of State was held in Paris, in December 1959 to discuss the summit meeting. Prior to that meeting, consultations had taken place between the Council of Ministers for the North Atlantic Treaty Organization and the Foreign Ministers of our allies and the Secretary of State of the United States; and, if I am not mistaken, the President himself consulted with the representatives of NATO, when he was in Paris.

So, from the very date of the announcement of the summit conference, down to the meeting of the Western Powers in Paris, in December, there had been consultations between the Foreign Ministers of those countries and our Secretary of State, and between our country and NATO, and between the President of the United States, Mr. Adenauer, General de Gaulle, and Mr. Macmillan. And, of course, since that time there have been further conferences.

There has been a continuous process of preparation.

One of the subjects at the summit meeting is bound to be disarmament. The fact that conferences relating to disarmament have been in session is in itself an indication of preparation for the summit meeting. I refer to the conference on general disarmament, and to the second conference—as the Senator from Tennessee knows so well, because he served as an adviser—on the question of cessation and control of nuclear tests.

So I wish to state—and I know it is the desire of the Senator from Tennessee that all these facts be known to the people of the United States—that, as I view the record of our Government, the President, and Secretary of State Herter, it is a record of preparation. And the continuing consultations are effective and necessary methods of preparation.

I should like to make another comment, and then I shall close, for I see that the Senator from Wisconsin [Mr. PROXMIRE] is ready to make a speech.

Mr. GORE. First, I should like to make a comment.

Mr. COOPER. Certainly.

Mr. GORE. Let me say that no one would be more pleased than I with assurance of adequate, careful preparation for the coming conference. The desire to see such a development was the principal reason for my speech—plus the earnest feeling that a word of caution must be expressed, lest the leaders of the free world continue to give to the leader of the Communist world unbridled opportunities to portray communism as a force inevitably to engulf the world. I have made my statement in the earnest hope that it would lead to the correction of such mistakes and such deficiencies as may exist.

I think the Senator from Kentucky knows that I did not raise the subject in the Foreign Relations Committee. The Secretary of State told us there—not in response to a question by me, but in response to a question by the Senator from Idaho [Mr. CHURCH]—that there was no agenda, and that they did not know what subjects would be discussed. I then felt impelled to ask some questions. The answers I received—I took it—were responsibly given; and they revealed a disturbing situation.

If the Secretary of State misspoke himself, I shall be happy to have him say so. However, he has not said so to me.

But regardless of whether he misspoke or whether he did not do so, I wish to state that it is my earnest hope that the debate we have had this afternoon and the expression of concern of so many Senators that our foreign affairs be conducted with probity and preparation will help bring about that result.

Mr. COOPER. Mr. President, I commend the Senator from Tennessee, because I know him well, and I know that is his only purpose.

For myself, I should like to say that I believe a summit meeting was inevitable. The tensions and the problems which divide the United States and Soviet Russia offer great danger, not only to us, but to all the world. So I think it inevitable that this meeting be held, in another attempt to make some progress toward resolving these issues, which I hold the Soviet Union has created.

The Senator has been speaking of disarmament. Of course, that is the ultimate question. But the question of Berlin and Germany is one which might be more immediately dangerous.

I believe, with respect to the question of disarmament, that instead of saying we may have yielded to the Russians, we should say we are still in a period of negotiation. We have not yet agreed to sign a treaty, and I would say the record thus far shows the Russians have yielded in some degree to the United States. The Russians first refused to accept the opinion of American scientists that underground tests could not be monitored. After a time they accepted that viewpoint. They first refused to talk about inspection. Now they are at least discussing inspection.

The Senator from Tennessee, in his position as an adviser to the conference, knows more about the details of the disarmament conference than I do. What I know I read chiefly in the New York and Washington papers, and in the Louisville Courier-Journal.

Mr. GORE. And the Somerset Commonwealth.

Mr. COOPER. Yes, the Somerset Commonwealth of Pulaski County, Ky.; and also the Carthage Courier, of Carthage, Tenn.

Mr. GORE. And the Carthage Courier.

Mr. COOPER. Seriously, it seems the Russians have taken some steps toward an agreement. There are many things that have not been settled and which will have to be settled, for we must be assured of inspection, to be secure.

However, is it not true that the issues surrounding the question of stopping nuclear tests may finally come to this: Will we take the position that underground tests below a certain level are necessary, to acquire the experience to determine whether underground explosions can be detected, or whether such tests are necessary to develop additional weapons for our security? Will we take that position? Or, if we can reach agreement upon the main body of our proposals, will we take the position that we will be willing, for a year, to risk the good faith of Russia, doubtful as its good faith is, in an effort to secure a breakthrough in this great problem of disarmament, and see if we can establish some kind of confidence that may lead to progress in the solution of other issues? Is that not what we may finally have to decide?

Mr. GORE. Taking for granted an agreement upon the composition and operation of the control commission, the composition of the inspection teams, the administrative direction and control of the commission, the question of who is going to pay for it, who will determine what particular criteria justify the dispatch of an inspection team, the number of inspections permitted, whether the number of inspections is to be determined by the physical and scientific facts as they may appear, or whether, as Mr. Tsarapkin insists, this should be a political decision—assuming that agreement is reached on all those questions, then we shall still find it necessary, in order to reach agreement, to invest some faith in the leaders of the Soviet Union, and it will be necessary for them to invest some faith in the leaders of the United States and Great Britain. It will be necessary for them to accept some small infringement of their sovereignty, just as it will be necessary for the United States and Great Britain to accept some small infringement of their sovereignty, to the extent of the necessities of adequate inspection.

I suggest to the Senator there is the further question, then, of extending this arrangement to other countries. As the Senator knows, the original meeting of the experts recommended a worldwide system of inspection and control. Such a system cannot be brought about by an agreement between Great Britain, the United States, and Russia. They can bind only themselves. But they could agree upon a plan of procedure to bring other nations necessary to make of it a workable system, into the agreed arrangement. Even here it is necessary to proceed to some extent upon the basis of faith.

I am not one of those who thinks it is either necessary or possible to have a completely foolproof system of inspection and detection. It is not possible. I do not think it is necessary. And I should like to suggest to the Senator that many people speak very blandly and glibly about inspection. Does the Senator realize that we had an underground test explosion? We knew exactly where it was; exactly at what minute the nuclear device was exploded; and then we undertook to drill from the mountain top into the radioactive cavity. I think after 90 days the scientists and engineers were still unable to find evidence of the nuclear explosion. Finally they successfully drilled a horizontal shaft into the cavity.

So how do we make an inspection? Suppose there is a suspicious tremor of the earth within a 200-square-mile area? With what facilities do we make

the inspection? What kind of technicians are to compose the inspection team? What freedom of movement to and within the area in which the suspicious event occurred are they to have?

These are questions which must be determined in detail and agreed upon. Here, as in every other field of human relations, one successful step of cooperation lends encouragement to the taking of another.

Mr. COOPER. I thank the Senator. I close by saying that we can have confidence that the President of the United States will have in mind always the security of this country in his negotiations. I have no doubt about that.

Mr. GORE. Nor do I.

Mr. COOPER. We must keep in mind also that the negotiations are still going forward, that nothing is yet settled. And I think we ourselves must keep an open mind on this matter.

Mr. GORE. I hope the Senator had an opportunity to read my original text.

Mr. COOPER. I have read it.

Mr. GORE. I thank the Senator.

Mr. COOPER. I had the pleasure of reading it.

Mr. GORE. I want to say I pushed a pencil, in preparing that statement, for about 20 hours. I poured my heart into it, because I have been deeply concerned, and it is my earnest hope that these efforts will be helpful in some small way.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a very brief observation, perhaps ending in the form of a question? I appreciate the Senator's patience, courtesy, and his objectiveness, and also the intense and great knowledge with which he has discussed these questions.

Mr. GORE. I thank the Senator.

Mr. SALTONSTALL. I have listened to all of this with very great and close attention, because I think it has been an extremely serious and important discussion. As I have judged it, we have discussed two broad subjects.

First, we have discussed the question of nuclear power and how to cut down and end the tests of nuclear weapons, so far as we can. I gather that every Senator who has spoken, including the Senator from Tennessee, has expressed the fact that the Senate is openminded in trying to determine whether it agrees with any possible treaty which may come before it as a result of these discussions in Geneva. I think that is a very hopeful result which has come from the discussion this afternoon. Nobody has a closed mind. We are hopeful that there will be an agreement and that it may be possible for us to approve it in the Senate by a two-thirds vote. That is one observation.

The second observation is that I believe we are all hopeful there will be very thoughtful preparations made for the meeting at the summit, and, as a result of those preparations by study groups in Washington, London, and Paris, that the leaders of our three countries who go to that conference will go there in accord, to try to reach some general agreements which ultimately may be able to be worked out by participants at a lower level, in order that out of those agreements may come ultimate treaties which may come before us. I think that is the hope of all of us, as stimulated by the give-and-take of this discussion and by the original remarks of the Senator from Tennessee.

Does the Senator agree with me that this is a very brief but fairly accurate summation of our discussion this afternoon?

Mr. GORE. I agree that the Senator has made an eloquent summary of the hopeful aspects of the debate.

Mr. SALTONSTALL. I thank the Senator from Tennessee.

Mr. GORE. Mr. President, I had not intended in my address today to discuss the nuclear weapons conference in detail, but, as the RECORD discloses, an overwhelming proportion of the questions propounded to me involved this subject, to which I have given a very great deal of study. I hope that my remarks will contribute to the achievement of the maximum agreement which can be safely achieved.

I appreciate the attention and the courtesy of so many of my colleagues this afternoon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. RUSSELL V. MACK, late a Representative from the State of Washington, and transmitted the resolutions of the House thereon.

SIXTH ANNUAL REPORT ON DELINQUENT FEDERAL TAXES

Mr. WILLIAMS of Delaware. Mr. President, today I wish to make the sixth annual report on delinquent Federal taxes.

Six years ago, upon my request, the Treasury Department adopted a policy of compiling an annual statistical report of all types of delinquent taxes as of the close of business of each calendar year. In presenting the previous reports I have been rather critical of the amount of these delinquent taxes and I have been particularly critical of the amount of delinquencies in the employment tax category. Employment taxes represented money which had been withheld from the pay checks of the employees as income taxes, social security taxes, unemployment taxes, etc., and which therefore should be treated as trust funds. Under total tax delinquencies there are included all types of Federal taxes—individual income, excise, corporate, inheritance, employment, and so forth.

To make the report on 1959 is a great pleasure for this is the most favorable one that I have thus far been able to present. During the past 12 months substantial progress has been shown by the Internal Revenue Service in reducing the amount of these delinquencies.

During 1959 the total of all types of delinquent taxes outstanding was reduced over 22 percent from last year, or from $1,375,737,000 to $1,071,016,000. This represents a 33 percent reduction over the 6-year period, or since we started assembling these statistics.

Delinquent employment taxes last year were reduced 17.7 percent, likewise bringing this account down to an all-time low.

I am not indicating that we should be satisfied even with these lower figures, and I am urging the Department to continue its efforts to reduce these accounts. I do feel, however, that in presenting this report, just as I have been critical in the past of those offices which had not shown progress, we should today give them credit for the improvements.

It is true that there are still a few offices which are glaring trouble spots, and I will call attention to them later, but first I shall discuss the favorable results:

Burlington, Vt., which in last year's report was cited as a troublesome area, last year reduced its delinquent employment taxes by 37.8 percent and at the same time reduced the total amount of all delinquencies by 28.4 percent.

Hartford, Conn., shows a reduction in employment tax delinquencies of 21.8 percent and a reduction in total tax delinquencies of 9.2 percent. While this shows progress, it should be pointed out that the amount of delinquent employment taxes is still higher than it was 6 years ago for this office.

Portsmouth, N.H., has a good report. Delinquent unemployment taxes were reduced 13.3 percent while the total amount of all delinquent taxes was reduced 18.3 percent. This brought both of these items down to an alltime low for that office.

Providence, R.I., shows a 10.1-percent reduction in employment tax delinquencies and a 16.2-percent reduction in total tax delinquencies.

Albany, N.Y., is another office which has brought both employment tax delinquencies and total tax delinquencies down to an all-time low, with employment tax delinquencies being reduced by 35.1 percent and the total delinquencies by 6.5 percent.

Brooklyn, N.Y., shows a reduction in both employment tax delinquencies and in total tax delinquencies of 14.4 percent and 16.8 percent, respectively. While this office has shown progress in reducing the total amount of its outstanding accounts, its employment tax delinquencies are still slightly higher than they were 6 years ago.

The same situation is true in the Buffalo, N.Y., office, which last year reduced the employment tax delinquencies 15.5 percent, while it brought its total tax delinquencies down by 21.7 percent.

Lower Manhattan is doing a good job in bringing down the total amount of all tax delinquencies showing a 36.9-percent reduction last year, which represents an alltime low, although that office made no progress last year in lowering the amount of its employment tax delinquencies.

Upper Manhattan has brought down both accounts to an alltime low by showing a 33.2-percent reduction in employment tax delinquencies and a 33.9-percent reduction in total delinquencies.

Baltimore, Md., which last year was complimented for turning in an excellent report, has again done a good job. It reduced employment tax delinquencies by 31.6 percent and the total tax delinquencies by 33.3 percent, with each account now representing an alltime low.

Camden, N.J., which in previous years has been criticized rather severely, showed excellent progress by reducing the employment tax delinquencies by 52.6 percent and a corresponding reduction in total tax delinquencies of 42.9 percent.

Newark, N.J., again has a good report. This office in each of the past 5 years has shown a reduction in the amount of its delinquent employment tax with last year's reduction being 23.5 percent. Total tax delinquencies in the same period were reduced by 14 percent, bringing both items for this office down to another new low.

Philadelphia, Pa., has reduced employment tax delinquencies by 29.8 percent, bringing this figure down about 60 percent lower than it was 6 years ago. Total tax delinquencies last year were reduced 19.6 percent, which also represents a new low.

Pittsburgh, Pa., which in 1958 showed an increase in both employment tax delinquencies and total delinquencies, reduced both accounts in 1959 by 29.8 percent and 28.7 percent, respectively.

Scranton, Pa., reduced its employment tax delinquencies by 14.1 percent and total delinquencies by 4.2 percent, both accounts being new lows.

Wilmington, Del.: This office represents my home State, and I am proud to report that over the past several years they have been doing an excellent job, last year's report being one of the best. Last year they reduced employment tax delinquencies by 46 9 percent and total delinquencies by 38 percent, with both items representing alltime lows.

Cincinnati and Cleveland, Ohio, both have excellent reports; both offices brought their accounts down to alltime lows. Cincinnati reduced its employment tax delinquencies by 16.7 percent and its total tax delinquencies by 28.5 percent. Cleveland reduced employment tax delinquencies by 20.3 percent and total delinquencies by 27.1 percent.

Columbus, Ohio, which in previous years has been sharply criticized for its increase in delinquent accounts, last year showed progress by reducing its employment tax delinquencies by 37.3 percent and total delinquencies by 37.2 percent.

Indianapolis, Ind., reduced delinquent employment taxes by 18.2 percent and total tax delinquencies by 20.2 percent. This is another office which has brought both accounts down to new lows.

Parkersburg, W. Va., reduced employment tax delinquencies by 7.4 percent and total tax delinquencies by 19.9 percent, joining the group of offices reporting new lows for such accounts.

Atlanta, Ga., is another office which in previous years had not shown too good progress. It has an excellent report for last year, showing a 46.7-percent reduction in employment tax delinquencies and a 30-percent reduction in total delinquencies, thereby bringing both accounts down to alltime lows.

Birmingham, Ala., has consistently shown progress in reducing its accounts, with last year's reduction in employment tax delinquencies being 15.7 percent and the reduction in total tax delinquencies, 12.3 percent, both establishing new lows.

Columbia, S.C., reported a 4.9 percent reduction in delinquent employment taxes and a 31-percent reduction in total tax delinquencies.

Nashville, Tenn., reduced its delinquent employment taxes by 32.4 percent and total delinquencies by 20.8 percent, bringing each of these accounts down to a new low for that office.

Chicago, Ill., while reducing employment tax delinquencies and total tax delinquencies by 23.5 percent and 30.4 percent, respectively, still holds these accounts at levels higher than were reported 6 years ago.

Detroit, Mich., is another office which shows reduction in both employment tax delinquencies and total delinquencies, by 6 1 percent and 25 2 percent, respectively. It should be noted again, however, that delinquent employment taxes in this office are still nearly double the amount of 6 years ago. Also, the total tax delinquencies are higher than in 1954. While I am giving credit for last year's improvement, obviously there is still much room for progress.

Milwaukee, Wis., reduced delinquent employment taxes by 28.1 percent and reduced total tax delinquencies by 18.8 percent.

Springfield, Ill., has a good report. This office reduced its employment tax delinquencies last year by 35.7 percent and its total tax delinquencies by 19.1 percent, bringing both items down to new lows.

Aberdeen, S. Dak.: Another good report. Delinquent accounts in this office were brought down to a new low, with a reduction of 34.4 percent in delinquent employment taxes and a 30.3 percent reduction in total tax delinquencies.

Cheyenne, Wyo., reduced delinquent employment taxes by 31 percent and brought its total tax delinquencies down by 20.5 percent, both new lows.

Denver, Colo., joined the group of offices establishing new lows for delinquent accounts by reducing delinquent employment taxes by 34.3 percent and total tax delinquencies by 39.5 percent.

Fargo, N. Dak., reduced delinquent employment taxes by 16.9 percent and total tax delinquencies by 25.4 percent.

Omaha, Nebr., while not making any progress in reducing employment tax delinquencies, did reduce the total tax delinquencies in that office by 39.2 percent, moving both these accounts down to their lowest level.

St. Louis, Mo., is doing a good job in collecting delinquent accounts, with last year's reduction in delinquent employment taxes being 35 percent and total tax delinquencies 34.7 percent, bringing both accounts down to new lows.

St. Paul, Minn., reduced delinquent employment taxes by 21.7 percent and total tax delinquencies by 12.3 percent; however, it should be noted that the outstanding accounts of both these items are still higher than reported 6 years ago.

New Orleans, La., reduced delinquent employment tax accounts by 20.6 percent and total tax delinquencies by 24.5 percent. These are new lows for that office.

Helena, Mont., is doing a better job, with last year's results showing a reduction in delinquent employment taxes of 27.6 percent and in total tax delinquencies of 25.3 percent.

Honolulu, Hawaii, our 50th State, has turned in an excellent report. It has reduced the delinquent employment taxes by 10.3 percent and reduced the total tax delinquencies by 44.3 percent. This brings both accounts down to new lows for that area. Congratulations to Hawaii on its first report as our 50th State.

Mr. FONG. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. FONG. I am happy to hear from the distinguished senior Senator from the State of Delaware that the State of Hawaii reduced its total Federal tax delinquencies by 44.3 percent in 1959.

This figure is about twice the percentage of the national total of 22 percent for the year. I want to congratulate and commend the people of Hawaii for their efforts in substantially reducing their delinquent taxes, and I want to thank the senior Senator from Delaware for bringing this fine report to our attention.

Mr. WILLIAMS of Delaware. I thank the Senator from Hawaii. He has every right to be proud of this report. In its first year Hawaii has done twice as well as the national average in reducing delinquencies.

Mr. FONG. I hope the people of Hawaii will do better next time.

Mr. WILLIAMS of Delaware. Los Angeles, Calif., reported a reduction of 13.4 percent in delinquent employment taxes and a 27.8-percent reduction in total tax delinquencies; however, it should be noted that while making progress last year, employment tax delinquencies in that office are still substantially higher than they were 6 years ago.

Reno, Nev., reported a 27-percent reduction in total tax delinquencies and a 2.6-percent reduction in delinquent employment taxes, which represents new lows for that office.

San Francisco, Calif., has a good report, showing a 25.7-percent reduction in delinquent employment taxes along with an 11.2-percent reduction in total delinquencies, thereby bringing each account down to a new low for that office.

Seattle, Wash., is another office which established new lows for both types of delinquent accounts. Employment tax delinquencies were reduced by 17.5 percent, while total tax delinquencies for the same area were reduced by 19.1 percent.

Puerto Rico also showed improvement last year, bringing its employment tax delinquent account down by 10.3 percent and its total delinquent accounts down by 33.7 percent. Even with this progress, however, delinquent accounts in both categories are still higher than they were 6 years ago.

While many of these offices have excellent reports and while the national total has been reduced by 17.7 percent in employment tax delinquencies and 22.1 percent in total tax delinquencies, nevertheless, there are still a few trouble spots. In some offices we regret to report that delinquent accounts reached new high levels. For instance:

Augusta, Maine, shows an increase in delinquent employment taxes of 38.6 percent and an increase in total tax delinquencies of 144.8 percent bringing both delinquent accounts to a new all-time high for that area.

Toledo, Ohio: The delinquent accounts in this office likewise reached new 6-year highs with an increase of 54.4 percent in delinquent employment taxes and an increase of 89.4 percent in total delinquencies.

Little Rock, Ark., which in last year's report showed a 181-percent increase in total tax delinquencies, reported another increase of 27.5 percent in that account, while delinquent employment taxes in that area jumped 16.8 percent over the previous year.

Oklahoma City, Okla.: While this office reduced its delinquent employment tax accounts by 10.2 percent, the total delinquencies for that same area jumped 30.3 percent. This total for all delinquencies represents a new 6-year high, and both accounts are higher than were shown in the first report, 1954.

Boise, Idaho, reported an increase of 28.8 in delinquent employment taxes, but they did show a 4.8-percent decrease in total tax delinquencies; however, here again is an office which reported delinquent accounts in both categories at levels higher than that of 6 years ago.

These latter-named offices represent trouble spots and are areas which should be given the careful attention of the Commissioner of Internal Revenue. Nevertheless, the overall picture of this year's report is very encouraging.

Certainly at a time when our country is enjoying its highest level of prosperity, it is the best time to collect these delinquent tax accounts. I am glad to note that special emphasis is being placed upon the collection of delinquent employment taxes. Once again I point out that there can be no excuse for delinquencies in this category. Employment taxes represent cash withheld from the employees' pay checks and should be treated as trust funds. Under no circumstance does an employer have the right to divert these funds to his own personal use.

At this point I ask unanimous consent to have incorporated in the RECORD the letter and the reports submitted by Commissioner Dana Latham, Internal Revenue Service, under date of March 1, 1960, along with my own statistical breakdown showing a 6-year report of the various offices.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF
INTERNAL REVENUE,
Washington, D.C., March 1, 1960.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: We are enclosing the data requested in your letter of January 12, 1960, concerning the status of taxpayer delinquent accounts on December 31, 1959. The tabulation shows a breakdown of the total number and dollar value of delinquent accounts by income, employment and other taxes as of December 31, 1959, and 1958, as well as data relating to inactive accounts.

We are pleased to report that for the fourth consecutive year we have been able to reduce both the number and dollar value of our delinquent account inventory. The dollar reduction in 1959 was $304.7 million, or 22.2 percent. This brought the inventory at December 31, 1959 to $1.1 billion, its lowest level since 1953. Just as encouraging was the reduction during the past year of 25.9 percent in the number of delinquent accounts from 1,280,642 to 949,146.

Also worthy of comment in our appraisal of the overall accomplishment in 1959 is that the reduction in dollars outstanding was general throughout the Nation with only nine of 64 districts closing out with a higher dollar inventory than last year. The picture in the employment tax area is almost equally impressive. Here our figures show that the number of accounts has been reduced from 329,457 to 256,287 and the dollar value from $263.2 million to $216.4 million, a 17.8 percent reduction. Fifty-one of the 64 districts shared in this accomplishment.

Although some offices show increases, I can assure you that this is not indicative of a weak enforcement effort on the part of the offices concerned. As has been pointed out to you previously, percentage increases of this nature often result from normal fluctuations or unusual circumstances. Heavy issuances of delinquent accounts late in the year, or one or two large accounts going into a delinquent status will distort the picture when endeavoring to evaluate the performance of a particular office. Particularly is this true when such accounts are of an inactive nature beyond the control of the Service. As you know, inactive accounts are those on which collection must be deferred pending the outcome of litigation, audit determination and other contingent actions. Conversely, the closing of a few large accounts may enable an office to report a reduction instead of an increase.

The reduction in inventories was substantial in both the active and inactive categories, both as to number and dollar amount as illustrated by the figures which follow:

	Active	Inactive	Total
Amount (thousands):			
Dec. 31, 1958	$868,509	$507,228	$1,375,737
Dec. 31, 1959	675,590	395,426	1,071,016
Change from Dec. 31, 1958, to 1959	−192,919	−111,802	−304,721
Percentage reductions	22.2	22	22.2
Number:			
Dec. 31, 1958	1,122,137	158,505	1,280,642
Dec. 31, 1959	853,855	95,291	949,146
Change from Dec. 31, 1958, to 1959	−268,282	−63,214	−331,496
Percentage reductions	23.9	39.9	25.9

In closing we would like to assure you that all offices are current in their issuances, with the result that the enclosed table includes all accounts that had gone into a delinquent status as of December 31, 1959.

Sincerely yours,

DANA LATHAM,
Commissioner.

Delinquent taxes

District and year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
	Number	Amount (in thousands)		Number	Amount (in thousands)	
Augusta, Maine:						
1954	1,145	$665		3,478	$2,582	
1955	1,119	489	−26.4	3,018	1,915	−25.8
1956	1,138	543	+11.0	3,582	1,489	−22.2
1957	1,185	543		4,027	2,032	+36.4
1958	1,176	588	+8.2	3,986	1,569	−22.7
1959	889	815	+38.6	2,992	3,842	+144.8
Boston, Mass.:						
1954	15,058	11,226		57,082	41,306	
1955	11,122	10,000	−10.9	39,723	37,835	−8.4
1956	9,477	9,632	−3.6	36,337	36,896	−2.4
1957	8,826	8,597	−10.7	36,239	30,255	−17.9
1958	9,372	8,456	−1.6	34,992	34,107	+12.7
1959	8,837	8,586	+1.5	30,952	31,601	−7.3
Burlington, Vt.:						
1954	619	241		1,424	644	
1955	441	145	−39.8	1,245	409	−36.4
1956	421	201	+38.6	1,714	685	+67.4
1957	510	236	+17.4	1,936	604	−11.8
1958	762	322	+36.4	2,514	1,009	+67.0
1959	373	200	−37.8	1,601	722	−28.4
Hartford, Conn.:						
1954	4,232	$2,831		22,554	$15,271	
1955	5,079	3,298	+16.4	21,219	15,348	+.5
1956	4,079	3,202	−2.9	21,783	11,445	−25.4
1957	5,156	4,317	+31.8	23,188	14,572	+27.3
1958	4,836	4,370	+1.2	22,122	14,402	−1.1
1959	3,885	3,413	−21.8	16,149	13,077	−9.2
Portsmouth, N.H.:						
1954	1,017	460		2,854	3,252	
1955	810	310	−32.6	2,347	2,179	−32.9
1956	829	315	+1.6	3,144	1,948	−10.6
1957	718	347	+10.1	2,556	1,018	−47.7
1958	779	307	−11.5	2,785	911	−10.5
1959	511	266	−13.3	2,006	744	−18.3
Providence, R.I.:						
1954	1,847	1,204		8,060	7,389	
1955	1,259	894	−25.7	5,985	7,173	−2.9
1956	1,874	1,254	+40.2	7,329	6,041	−15.7
1957	2,447	1,358	+8.2	7,169	3,331	−44.8
1958	2,234	1,383	+1.8	6,828	3,421	+2.7
1959	1,960	1,243	−10.1	5,551	2,864	−16.2

Delinquent taxes—Continued

District and year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
	Number	Amount (in thousands)		Number	Amount (in thousands)	
Albany (14th, New York):						
1954	4,679	$3,559		13,822	$15,061	
1955	4,770	3,454	−2.9	14,246	11,274	−25.1
1956	3,818	3,368	−2.4	14,296	11,142	−1.1
1957	3,960	3,366		15,598	12,223	+9.7
1958	4,177	3,200	−4.9	13,413	8,988	−26.4
1959	3,014	2,074	−35.1	9,233	8,397	−6.5
Brooklyn (1st, New York):						
1954	28,903	18,534		88,275	106,522	
1955	37,482	24,523	+32.3	100,932	133,339	+25.1
1956	33,648	23,624	−3.6	105,604	129,428	−2.9
1957	35,112	24,882	+5.3	108,819	125,382	−3.1
1958	28,275	21,773	−12.4	83,173	90,776	−27.6
1959	22,196	18,637	−14.4	62,176	75,461	−16.8
Buffalo (28th, New York):						
1954	4,664	2,351		21,869	12,368	
1955	4,756	2,916	+24.0	18,203	12,058	−2.5
1956	4,141	2,778	−4.7	20,172	12,309	+2.0
1957	4,836	3,436	+23.6	19,184	12,869	+4.5
1958	4,031	2,969	−13.5	17,021	10,174	−20.9
1959	3,128	2,508	−15.5	10,655	7,961	−21.7
Lower Manhattan (2d, New York):						
1954	22,636	17,622		48,155	171,309	
1955	25,952	20,573	+16.7	53,341	169,476	−1.0
1956	19,669	21,087	+2.4	44,725	153,697	−9.3
1957	17,600	18,495	−12.2	36,963	121,178	−19.2
1958	13,497	13,689	−25.9	30,560	117,200	−5.5
1959	10,081	13,867	+1.3	20,980	73,946	−36.9
Syracuse (21st, New York):						
1954	3,046	1,552		12,486	5,650	
1955	2,565	1,664	+7.2	9,308	5,395	−4.5
1956	3,341	2,019	+21.3	13,955	6,443	+19.4
1957	4,593	2,411	+19.4	16,618	5,921	−8.1
1958	2,974	2,044	−15.2	11,859	5,415	−8.5
1959	2,185	1,841	−9.9	7,287	5,550	+2.4
Upper Manhattan (3d, New York):						
1954	24,420	26,447		67,328	158,538	
1955	31,922	32,691	+23.6	109,567	195,098	+23.0
1956	33,586	31,514	−3.6	124,641	202,676	+3.8
1957	32,209	32,466	+3.0	121,388	176,094	−13.1
1958	30,135	32,199	−.8	116,608	182,180	+3.4
1959	19,616	21,505	−33.2	78,620	120,370	−33.9
Baltimore (Maryland and District of Columbia):						
1954	12,249	6,296		120,870	68,663	
1955	9,577	5,733	−8.9	95,861	62,497	−8.9
1956	6,963	4,402	−23.2	60,642	42,778	−31.5
1957	7,246	5,100	+15.8	44,982	36,069	−15.6
1958	5,965	4,010	−21.3	32,469	25,705	−28.7
1959	3,560	2,739	−31.6	29,066	17,133	−33.3
Camden (1st, New Jersey):						
1954	3,526	2,090		16,986	10,638	
1955	3,684	2,657	+27.1	16,958	16,896	+58.8
1956	4,709	2,950	+11.0	19,659	14,015	−17.0
1957	4,876	3,590	+21.6	19,376	14,881	+6.1
1958	4,379	4,194	+16.8	16,187	15,040	+1.0
1959	2,700	1,984	−52.6	10,848	8,580	−42.9
Newark (5th, New Jersey):						
1954	37,428	24,083		122,953	92,962	
1955	23,673	22,244	−7.6	84,883	79,793	−14.1
1956	17,240	18,193	−18.2	71,578	79,913	+.1
1957	14,575	17,170	−5.6	55,722	55,667	−30.3
1958	10,929	13,291	−22.5	36,048	44,825	−19.4
1959	8,169	10,160	−23.5	30,459	38,527	−14.0
Philadelphia (1st, Pennsylvania):						
1954	18,014	15,700		95,824	63,450	
1955	17,918	17,060	+8.6	87,594	74,744	+17.7
1956	11,923	12,342	−27.6	55,994	66,115	−11.5
1957	7,564	10,317	−16.4	42,254	48,455	−26.7
1958	5,816	8,944	−13.3	29,852	42,563	−12.1
1959	4,387	6,274	−29.8	21,134	34,203	−19.6
Pittsburgh (23d, Pennsylvania):						
1954	4,880	3,800		40,973	28,955	
1955	6,651	5,079	+33.6	34,891	30,144	+4.1
1956	5,251	4,858	−4.3	28,534	23,103	−23.3
1957	4,592	3,583	−26.2	21,759	15,683	−32.1
1958	5,976	4,569	+27.5	27,821	17,374	+10.7
1959	3,998	3,206	−29.8	20,494	12,386	−28.7
Scranton (12th, Pennsylvania):						
1954	2,134	2,345		9,414	7,948	
1955	1,743	2,324	−.8	6,659	7,233	−8.9
1956	1,397	2,220	−4.4	4,975	6,516	−9.8
1957	1,547	2,127	−4.1	5,096	8,075	+23.9
1958	1,598	1,655	−22.1	5,393	6,196	−23.2
1959	1,563	1,421	−14.1	4,897	5,931	−4.2
Wilmington, Del.:						
1954	571	303		5,460	22,009	
1955	683	327	+7.5	4,586	3,639	−83.4
1956	621	301	−7.9	5,522	3,722	+2.2
1957	522	272	−9.6	4,817	3,811	+2.3
1958	331	347	+27.5	3,706	3,296	−13.5
1959	325	184	−46.9	3,435	2,043	−38.0

District and year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
	Number	Amount (in thousands)		Number	Amount (in thousands)	
Cincinnati (1st, Ohio):						
1954	3,431	$1,784		26,545	$15,128	
1955	3,630	1,947	+9.0	24,423	12,685	−16.1
1956	3,060	1,801	−7.4	22,534	11,410	−10.0
1957	3,349	1,980	+9.9	24,995	10,228	−10.3
1958	2,764	1,529	−22.7	16,539	9,681	−5.3
1959	1,886	1,273	−16.7	8,652	6,916	−28.5
Cleveland (18th, Ohio):						
1954	7,958	5,272		49,841	42,963	
1955	8,720	5,523	+4.7	46,546	35,547	−17.2
1956	8,219	5,924	+7.2	39,521	42,590	+19.8
1957	7,431	5,788	−2.2	37,631	36,371	−14.6
1958	5,951	3,794	−34.4	26,206	29,076	−20.0
1959	4,777	3,021	−20.3	16,291	21,195	−27.1
Columbus (11th, Ohio):						
1954	1,207	594		13,054	6,652	
1955	1,290	657	+10.6	11,010	6,624	−.4
1956	1,517	845	+28.6	12,340	9,972	+50.5
1957	1,625	878	+3.9	13,217	9,079	−8.9
1958	1,714	1,087	+23.8	12,916	10,244	+12.6
1959	904	681	−37.3	6,917	6,433	−37.2
Indianapolis, Ind.:						
1954	3,420	2,477		23,475	19,133	
1955	4,767	2,953	+19.2	22,273	20,760	+8.5
1956	3,959	3,120	+5.6	20,007	20,574	−.8
1957	4,667	3,386	+8.5	19,952	21,993	+6.8
1958	3,594	2,907	−14.1	15,511	16,397	−25.4
1959	2,889	2,376	−18.2	10,164	13,072	−20.2
Louisville, Ky.:						
1954	2,019	1,035		12,161	11,834	
1955	2,934	1,228	+18.6	12,963	13,172	+11.3
1956	2,457	1,343	+9.3	12,331	12,930	−1.8
1957	2,468	1,380	+2.7	11,367	10,876	−15.8
1958	1,696	1,117	−19.0	8,725	8,378	−22.9
1959	1,981	1,034	−7.4	7,463	8,682	+3.6
Parkersburg, W. Va.:						
1954	3,221	1,952		15,917	12,931	
1955	2,257	1,376	−29.5	11,094	10,627	−17.8
1956	1,533	1,064	−22.6	8,357	9,032	−15.0
1957	1,574	1,117	+4.9	6,877	6,860	−24.0
1958	1,769	1,077	−3.5	7,794	5,372	−21.6
1959	1,518	997	−7.4	5,243	4,299	−19.9
Richmond, Va.:						
1954	4,692	2,239		32,611	20,986	
1955	5,147	2,663	+18.9	29,332	21,881	+4.2
1956	4,118	2,420	−9.1	26,199	23,932	+9.3
1957	3,988	2,263	−6.4	19,830	15,687	−34.4
1958	3,502	1,929	−14.7	15,574	12,333	−21.3
1959	3,339	2,235	+15.8	14,553	11,927	−3.2
Toledo (10th, Ohio):						
1954	929	392		6,072	3,317	
1955	785	393	+.2	4,855	2,896	−12.6
1956	1,078	617	+56.9	6,277	2,471	−14.6
1957	980	633	+2.5	6,328	3,180	+28.6
1958	981	500	−21.0	6,449	2,373	−25.3
1959	1,396	772	+54.4	5,426	4,495	+89.4
Atlanta, Ga.:						
1954	4,963	2,947		26,021	20,972	
1955	5,889	3,572	+21.2	24,979	18,869	−10.3
1956	5,540	3,432	−3.9	24,713	17,080	−9.1
1957	5,864	3,829	+11.5	25,328	18,972	+11.0
1958	5,981	3,948	+3.1	23,875	15,388	−18.8
1959	4,506	2,101	−46.7	16,554	10,763	−30.0
Birmingham, Ala.:						
1954	4,874	2,299		19,506	19,488	
1955	3,655	1,965	−14.5	16,003	17,636	−9.5
1956	3,658	1,880	−4.3	16,780	21,969	+24.5
1957	3,826	1,772	−5.7	15,986	18,889	−14.0
1958	3,653	1,735	−2.0	14,130	17,066	−9.6
1959	2,489	1,461	−15.7	12,188	14,954	−12.3
Columbia, S.C.:						
1954	3,727	1,078		14,246	7,201	
1955	3,318	822	−23.7	12,972	6,511	−9.5
1956	3,311	850	+3.4	13,202	5,413	−16.8
1957	2,938	948	+11.5	13,339	4,462	−17.5
1958	2,773	1,064	+12.2	11,573	4,471	+.2
1959	1,697	1,011	−4.9	7,141	3,082	−31.0
Greensboro, N.C.:						
1954	5,332	2,016		22,459	26,395	
1955	4,318	1,998	−.8	15,687	21,018	−20.3
1956	4,336	1,957	−2.0	17,696	22,222	+5.7
1957	4,922	2,023	+3.3	17,598	14,872	−33.0
1958	4,186	1,359	−32.8	15,706	12,716	−14.4
1959	4,078	1,441	+6.0	15,763	10,381	−18.3
Jackson, Miss.:						
1954	1,500	636		5,563	4,717	
1955	1,526	596	−6.2	5,231	2,957	−37.3
1956	1,321	656	+10.0	5,371	2,744	−7.2
1957	1,634	684	+4.2	7,229	2,975	+8.4
1958	1,774	852	+24.5	5,999	2,411	−18.9
1959	1,505	614	−27.9	5,165	2,903	+20.4
Jacksonville, Fla.:						
1954	8,451	4,686		31,020	47,883	
1955	8,239	4,996	+6.6	30,918	49,361	+3.0
1956	10,203	6,562	+31.3	36,962	41,846	−15.8
1957	11,447	8,619	+29.8	36,770	39,272	−5.4

Delinquent taxes—Continued

District and year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
	Number	Amount (in thousands)		Number	Amount (in thousands)	
Jacksonville, Fla.—Continued						
1958	10,375	$8,029	−5.7	33,938	$39,915	+1.6
1959	9,947	8,608	+7.2	27,780	34,367	−13.8
Nashville, Tenn.:						
1954	3,721	1,775		15,763	12,463	
1955	3,181	1,601	−9.8	12,971	13,220	+6.0
1956	3,100	1,587	−.8	13,320	11,457	−13.3
1957	3,214	1,679	+5.7	13,248	12,115	+5.7
1958	2,522	1,287	−23.3	10,667	9,053	−25.2
1959	1,910	870	−32.4	8,943	7,166	−20.8
Chicago (1st, Illinois):						
1954	21,439	12,802		136,532	81,659	
1955	22,891	15,915	+24.3	119,822	87,843	+7.5
1956	24,597	20,829	+30.8	143,457	120,971	+37.7
1957	35,678	32,698	+56.9	180,796	154,085	+27.3
1958	25,352	22,996	−29.7	122,072	120,323	−21.9
1959	20,410	17,580	−23.5	76,597	83,625	−30.4
Detroit, Mich.:						
1954	11,891	7,782		68,809	44,787	
1955	16,325	10,808	+38.8	81,569	68,904	+53.8
1956	16,871	13,328	+23.3	93,782	70,964	+2.9
1957	20,538	15,168	+13.8	95,549	68,309	−3.6
1958	18,337	14,121	−6.9	75,443	62,288	−8.8
1959	14,465	13,259	−6.1	45,933	46,530	−25.2
Milwaukee, Wis.:						
1954	3,759	1,704		16,962	16,592	
1955	3,781	2,087	+22.4	14,322	16,279	−1.8
1956	4,534	2,314	+10.8	14,936	13,455	−17.3
1957	4,529	2,551	+10.2	18,403	14,964	+11.2
1958	4,608	3,033	+18.9	12,065	13,418	−10.3
1959	3,090	2,180	−28.1	9,139	10,893	−18.8
Springfield (8th, Illinois):						
1954	4,563	1,903		19,192	9,101	
1955	3,381	1,627	−14.5	12,885	8,723	−4.1
1956	3,374	2,171	+33.4	15,117	8,526	−2.2
1957	3,255	2,007	−7.5	15,829	9,442	+10.7
1958	2,027	1,378	−31.3	8,070	7,126	−24.5
1959	1,432	885	−35.7	5,478	5,759	−19.1
Aberdeen, S. Dak.:						
1954	734	282		3,092	1,255	
1955	604	248	−12.0	2,488	1,613	+28.5
1956	823	248		2,948	1,441	−10.6
1957	788	264	+6.4	2,844	1,391	−3.4
1958	515	209	−20.8	1,865	971	−30.1
1959	439	137	−34.4	1,476	676	−30.3
Cheyenne, Wyo.:						
1954	688	248		2,445	1,629	
1955	727	256	+3.2	2,215	1,344	−17.4
1956	639	264	+3.1	2,126	1,077	−19.8
1957	490	205	−22.3	2,013	1,266	+17.5
1958	616	264	+28.7	2,305	1,326	+4.7
1959	354	182	−31.0	1,480	1,053	−20.5
Denver, Colo.:						
1954	2,754	1,319		9,888	7,552	
1955	3,056	1,642	+24.4	9,748	7,960	+5.4
1956	2,483	1,402	−14.6	10,236	8,142	+2.2
1957	2,346	1,475	+5.2	10,336	7,163	−12.0
1958	2,917	1,586	+7.5	10,946	7,938	+10.8
1959	1,806	1,042	−34.3	7,339	4,795	−39.5
Des Moines, Iowa:						
1954	1,781	770		5,810	9,737	
1955	1,596	749	−2.7	5,207	8,200	−15.7
1956	1,989	989	+32.0	6,729	9,118	+11.1
1957	2,069	947	−4.2	6,351	7,480	−17.9
1958	1,730	850	−10.2	5,101	4,564	−38.9
1959	1,217	683	−19.6	3,995	4,965	+8.7
Fargo, N. Dak.:						
1954	843	310		2,352	1,353	
1955	578	217	−30.0	1,607	1,011	−25.2
1956	563	228	+5.0	2,199	1,336	+32.1
1957	628	236	+3.5	2,135	1,414	+5.8
1958	729	307	+30.0	2,320	1,342	−5.0
1959	397	255	−16.9	1,430	1,001	−25.4
Kansas City (6th, Missouri):						
1954	1,783	884		8,155	9,021	
1955	2,030	1,146	+29.6	7,615	9,433	+4.5
1956	2,522	1,466	+27.9	8,650	8,673	−8.0
1957	2,591	1,497	+2.1	10,168	7,887	−9.0
1958	2,882	1,454	−2.8	9,889	8,820	+11.8
1959	1,754	1,414	−2.7	5,902	8,298	−5.9
Omaha, Nebr.:						
1954	810	548		3,932	4,180	
1955	638	480	−12.4	2,697	3,364	−19.5
1956	770	528	+10.0	3,441	3,544	+5.3
1957	834	585	+10.7	2,884	2,729	−22.9
1958	601	267	−54.3	2,234	2,770	+1.5
1959	512	267		1,764	1,684	−39.2
St. Louis (1st, Missouri):						
1954	1,958	974		11,539	12,267	
1955	2,686	1,323	+35.8	9,999	10,085	−17.7
1956	2,001	1,119	−15.4	8,997	9,606	−4.7
1957	2,202	1,308	+16.8	10,578	10,031	+4.4
1958	2,665	1,302	−0.4	12,875	9,447	−5.8
1959	1,824	846	−35.0	7,876	6,167	−34.7
St. Paul, Minn.:						
1954	3,096	1,929		10,916	9,725	
1955	3,110	2,093	+8.5	9,616	9,270	−4.6
1956	3,590	2,546	+21.1	12,035	11,203	+20.8
1957	3,830	2,711	+6.4	12,512	13,600	+21.3
1958	3,969	2,494	−8.0	11,474	12,139	−10.7
1959	2,376	1,951	−21.7	7,481	10,644	−12.3
Wichita, Kans.:						
1954	2,405	$939		10,542	$7,316	
1955	2,912	1,018	+8.4	10,279	6,757	−7.6
1956	2,300	1,269	+24.6	9,038	8,047	+19.0
1957	2,294	1,299	+2.3	7,703	7,084	−11.9
1958	2,208	1,104	−15.0	7,044	6,621	−6.5
1959	1,815	1,094	−.9	5,612	6,232	−5.8
Albuquerque, N. Mex.:						
1954	1,911	741		5,491	2,824	
1955	1,994	853	+15.1	5,078	2,960	+4.8
1956	1,957	1,062	+24.3	5,888	3,926	+32.6
1957	2,378	1,192	+12.2	6,777	3,935	+.2
1958	2,077	1,075	−9.8	6,085	3,233	−17.8
1959	1,717	1,095	+1.8	4,576	2,915	−9.7
Austin (1st, Texas):						
1954	5,609	3,021		22,355	20,202	
1955	6,580	2,702	−10.5	18,391	12,754	−36.8
1956	5,283	3,080	+13.9	19,534	15,230	+19.4
1957	5,664	3,336	+8.3	23,351	14,386	−5.5
1958	4,445	2,797	−16.1	19,437	12,246	−14.8
1959	3,700	2,439	−12.7	18,126	14,070	+14.8
Dallas (2d, Texas):						
1954	9,311	5,077		31,244	23,748	
1955	6,816	3,608	−28.9	22,420	16,337	−31.2
1956	6,158	3,642	+.9	25,703	20,822	+27.4
1957	8,225	4,750	+30.4	30,526	22,022	+5.7
1958	5,530	3,225	−32.1	23,620	18,221	−17.2
1959	5,515	3,658	+13.4	20,481	18,037	−1.0
Little Rock, Ark.:						
1954	1,801	462		5,431	2,315	
1955	1,259	319	−30.9	4,182	2,108	−8.9
1956	1,179	453	+41.5	4,781	2,355	+11.7
1957	1,209	489	+7.9	5,338	2,465	+4.6
1958	975	374	−23.5	4,115	6,930	+181.1
1959	1,511	437	+16.8	4,481	8,849	+27.5
New Orleans, La.:						
1954	4,566	1,948		19,566	17,472	
1955	4,261	2,260	+16.0	14,225	13,613	−22.0
1956	4,097	2,214	−2.0	15,208	11,536	−15.2
1957	4,300	2,489	+12.4	15,851	10,182	−11.7
1958	4,342	2,420	−2.7	14,751	9,249	−9.1
1959	3,638	1,920	−20.6	12,920	6,977	−24.5
Oklahoma City, Okla.:						
1954	3,311	1,790		9,994	9,043	
1955	3,123	1,825	+1.9	9,455	9,421	+4.1
1956	3,764	2,167	+18.6	12,886	8,737	−7.2
1957	4,998	2,239	+3.3	15,637	7,629	−12.6
1958	3,975	2,189	−2.2	11,580	8,452	+10.7
1959	3,425	1,965	−10.2	9,482	11,017	+30.3
Boise, Idaho:						
1954	1,050	470		3,115	2,083	
1955	1,099	472	+.5	2,949	1,988	−4.5
1956	860	411	−13.1	3,211	2,155	+8.4
1957	812	513	+24.8	3,559	2,280	+5.8
1958	760	395	−23.0	2,812	2,213	−2.9
1959	791	509	+28.8	2,382	2,106	−4.8
Helena, Mont.:						
1954	1,064	436		3,214	2,863	
1955	831	333	−23.6	2,912	2,575	−10.0
1956	1,035	527	+58.2	3,299	1,799	−30.1
1957	1,122	624	+18.4	4,136	2,017	+13.7
1958	1,010	550	−11.8	3,572	2,024	−1.1
1959	802	398	−27.6	2,857	1,510	−25.3
Honolulu, Hawaii:						
1954	1,338	898		4,682	4,620	
1955	1,196	876	−2.4	3,835	4,345	−5.9
1956	1,047	668	−23.7	3,800	3,929	−9.5
1957	1,095	772	+15.5	4,101	3,297	−16.0
1958	989	606	−21.5	3,448	2,887	−12.4
1959	738	543	−10.3	2,092	1,606	−44.3
Los Angeles (6th, California):						
1954	16,989	13,396		86,733	88,047	
1955	22,429	19,706	+47.1	105,039	83,679	−4.9
1956	17,151	16,600	−15.7	92,176	68,937	−17.6
1957	19,853	20,762	+25.0	89,014	76,679	+11.2
1958	19,895	18,723	−9.8	81,683	83,911	+9.4
1959	15,736	16,199	−13.4	58,231	60,562	−27.8
Phoenix, Ariz.:						
1954	2,158	1,384		8,957	5,510	
1955	2,059	1,327	−4.1	7,023	5,057	−8.2
1956	1,533	1,169	−11.9	5,871	4,095	−19.0
1957	2,039	1,306	+19.4	6,760	4,452	+8.7
1958	1,961	1,288	−7.7	6,218	4,276	−3.9
1959	1,881	1,560	+21.1	5,162	4,265	−.2
Portland, Oreg.:						
1954	4,059	2,053		14,799	15,351	
1955	3,950	2,281	+11.1	11,636	12,429	−19.0
1956	2,767	1,934	−15.2	10,300	13,215	+6.3
1957	2,554	2,073	+7.1	10,295	13,139	−.5
1958	2,410	1,766	−14.8	9,496	12,879	−1.9
1959	2,659	1,857	+5.1	9,471	10,798	−16.1
Reno, Nev.:						
1954	1,455	1,480		4,576	6,043	
1955	1,195	1,470	−.6	3,782	6,697	+10.8
1956	1,038	1,574	+7.0	3,545	5,995	−10.4
1957	928	1,393	−11.4	3,739	6,324	+5.4
1958	717	1,174	−15.7	3,152	6,804	+7.5
1959	715	1,143	−2.6	2,665	4,965	−27.0
Salt Lake City, Utah:						
1954	1,671	925		5,554	4,649	
1955	1,491	809	−12.5	4,668	3,560	−23.4

Delinquent taxes—Continued

District and year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
	Number	Amount (in thousands)		Number	Amount (in thousands)	
Salt Lake City, Utah—Con.						
1956	1,374	$778	−3.8	4,505	$3,771	+5.9
1957	1,527	861	+10.6	4,878	3,906	+3.5
1958	1,344	807	−6.2	4,572	4,084	+4.5
1959	1,137	741	−8.1	3,929	3,605	−11.7
San Francisco (1st, California):						
1954	17,616	10,597		85,750	66,858	
1955	17,709	11,951	+12.7	73,245	88,983	+33.0
1956	11,473	9,214	−22.9	61,138	77,550	−12.8
1957	12,797	10,119	+9.8	60,441	74,781	−3.5
1958	12,169	9,562	−5.5	50,947	63,834	−14.6
1959	8,360	7,103	−25.7	37,997	56,626	−11.2
Seattle, Wash.:						
1954	5,932	4,324		27,707	19,804	
1955	6,417	5,409	+25.0	22,634	18,285	−7.6
1956	5,937	5,687	+5.1	20,852	16,441	−10.0
Seattle, Wash.—Con.						
1957	5,715	$4,786	−15.8	20,940	$15,890	−3.3
1958	5,238	3,935	−17.7	18,424	13,462	−15.2
1959	4,315	3,246	−17.5	14,446	10,886	−19.1
Puerto Rico:						
1954	1,530	147		2,020	273	
1955	1,853	252	+71.4	3,249	622	+127.8
1956 [1]	1,307	296	+17.4	2,509	624	+.3
1957 [1]	1,755	375	+26.6	2,674	721	+15.5
1958 [1]	1,612	290	−22.6	2,451	593	−17.7
1959 [1]	1,129	260	−10.3	1,682	393	−33.7
International operations:						
1956	1,504	442		14,321	17,328	
1957	1,884	444	+.4	14,046	17,443	+.6
1958 [2]	1,867	410	−7.6	10,088	14,823	+139.7
1959	1,557	435	+6.0	21,568	35,925	−14.1

[1] Puerto Rico figures included in international operations.

[2] Result of district offices' transferring to this division delinquent accounts of taxpayers known to be abroad and out of reach.

Totals

Year	Employment tax		Percent increase or decrease over preceding year	Total taxes		Percent increase or decrease over preceding year
	Number	Amount		Number	Amount	
		Thousands			*Thousands*	
1954	390,398	$254,062		1,725,474	$1,614,494	
1955	399,269	284,803	+12.0	1,596,615	1,646,383	+1.9
1956	356,748	279,183	−1.9	1,560,685	1,619,629	−1.6
1957	377,253	$300,678	+7.6	1,554,876	$1,504,709	−7.0
1958	329,457	263,186	−12.4	1,280,642	1,375,737	−8.5
1959	256,287	216,439	−17.7	949,146	1,071,016	−22.1

Inventory of taxpayer delinquent accounts: December 1959 and 1958

Region and district	Tax groups [1]																Inactive			
	Income				Employment				Other				Total							
	Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)	
	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958
National total	650,278	898,232	758,873	1,005,270	256,287	329,457	216,439	263,186	42,581	52,953	95,703	107,280	949,146	1,280,642	1,071,016	1,375,737	95,291	158,505	395,426	507,228
Atlanta	60,823	78,113	57,913	69,536	26,132	31,264	16,106	18,274	6,579	6,511	9,596	13,212	93,534	115,888	83,616	101,022	9,133	11,693	34,619	41,929
Boston	49,818	51,316	35,042	36,952	16,455	19,159	14,522	15,437	1,978	2,752	3,287	3,040	59,251	73,227	52,851	55,418	6,600	7,884	20,577	22,684
Chicago	91,943	159,966	100,546	143,220	39,397	50,324	33,903	41,528	5,807	7,360	12,357	18,408	137,147	217,650	146,807	203,155	27,781	60,109	51,768	91,143
Cincinnati	51,967	83,411	53,104	69,532	18,690	21,971	12,390	13,939	4,052	4,332	11,526	10,382	74,709	109,714	77,020	93,854	5,531	11,835	33,258	45,803
Dallas	46,731	54,630	43,613	40,797	19,506	21,344	11,514	12,081	3,829	3,614	6,737	5,453	70,066	79,588	61,864	58,331	5,459	6,981	27,227	23,395
New York City	122,202	178,824	207,565	315,809	60,220	83,089	60,431	75,873	6,529	10,721	23,686	23,141	188,951	272,634	291,684	414,823	12,514	19,539	72,348	107,18
Omaha	29,048	43,535	33,630	40,764	12,494	18,922	7,870	9,836	2,813	3,596	4,016	5,337	44,355	66,053	45,515	55,938	5,330	8,645	19,790	28,018
Philadelphia	91,025	109,989	78,254	101,299	24,702	34,994	25,967	37,010	4,606	6,493	14,583	16,689	120,333	151,476	118,805	154,999	7,420	12,438	48,682	64,163
San Francisco	95,807	130,354	114,144	146,459	37,134	46,523	33,299	38,807	6,231	7,447	9,487	11,106	139,232	184,324	156,929	196,373	15,040	19,061	74,136	82,603
Atlanta region:																				
Atlanta	11,036	16,578	6,898	9,696	4,506	5,981	2,101	3,948	1,012	1,316	1,764	1,744	16,554	23,875	10,763	15,388	1,471	2,219	4,591	6,778
Birmingham	8,958	9,529	12,619	10,130	2,489	3,653	1,461	1,735	741	948	874	5,201	12,188	14,130	14,954	17,066	1,497	1,948	8,430	10,865
Columbia	4,817	8,056	1,784	3,032	1,697	2,773	1,011	1,064	627	744	286	375	7,141	11,573	3,082	4,471	420	805	745	1,118
Greensboro	10,287	10,576	7,932	10,631	4,078	4,186	1,441	1,359	1,398	944	1,008	727	15,763	15,706	10,381	12,716	1,212	1,492	4,380	7,132
Jackson	3,115	3,845	2,024	1,345	1,505	1,774	614	852	545	380	266	214	5,165	5,999	2,903	2,411	449	569	665	824
Jacksonville	16,385	22,038	21,889	27,469	9,947	10,375	8,608	8,029	1,448	1,525	3,870	4,417	27,780	33,938	34,367	39,915	3,346	3,351	13,762	11,796
Nashville	6,225	7,491	4,768	7,233	1,910	2,522	870	1,287	808	654	1,528	533	8,943	10,667	7,166	9,053	738	1,309	2,045	3,417
Boston region:																				
Augusta	1,990	2,539	2,958	915	889	1,176	815	588	113	271	69	66	2,992	3,986	3,842	1,569	311	521	772	458
Boston	21,102	24,426	20,628	23,950	8,837	9,372	8,586	8,456	1,013	1,194	2,388	1,701	30,952	34,992	31,601	34,107	3,347	3,989	11,728	15,567
Burlington	1,144	1,516	477	516	373	762	200	322	84	236	45	171	1,601	2,514	722	1,009	134	195	224	306
Hartford	11,704	16,643	9,097	9,219	3,885	4,836	3,413	4,370	560	643	568	813	16,149	22,122	13,077	14,402	1,769	1,925	6,458	4,848
Portsmouth	1,445	1,897	364	499	511	779	266	307	50	109	114	105	2,006	2,785	744	911	292	382	380	335
Providence	3,433	4,295	1,518	1,853	1,990	2,234	1,243	1,383	158	299	103	186	5,551	6,828	2,864	3,421	747	872	1,015	1,170
Chicago region:																				
Chicago	53,613	92,515	58,210	84,047	20,410	25,352	17,580	22,996	2,574	4,205	7,836	13,280	76,597	122,072	83,625	120,323	18,843	46,508	30,004	56,006
Detroit	29,312	55,011	30,280	45,355	14,465	18,337	13,259	14,121	2,156	2,095	2,991	2,812	45,933	75,443	46,530	62,288	5,551	8,441	15,631	26,185
Milwaukee	5,533	6,910	8,179	9,442	3,090	4,608	2,180	3,033	516	547	534	942	9,139	12,065	10,893	13,418	2,238	3,431	4,046	6,732
Springfield	3,485	5,530	3,877	4,376	1,432	2,027	885	1,378	561	513	997	1,373	5,478	8,070	5,759	7,126	1,149	1,729	2,086	2,220
Cincinnati region:																				
Cincinnati	6,569	13,440	3,226	6,573	1,886	2,764	1,273	1,529	197	335	2,417	1,579	8,652	16,539	6,916	9,681	423	1,187	2,775	4,404
Cleveland	10,526	19,412	17,308	23,435	4,777	5,951	3,021	3,794	988	843	865	1,847	16,291	26,206	21,195	29,076	712	2,380	7,095	9,807
Columbus	5,796	10,892	5,154	8,575	904	1,714	681	1,087	217	310	597	582	6,917	12,916	6,433	10,244	364	842	3,114	5,747
Indianapolis	6,425	11,010	7,567	10,548	2,889	3,594	2,376	2,907	850	907	3,128	2,942	10,164	15,511	13,072	16,397	1,628	2,249	7,599	10,591
Louisville	4,660	6,324	4,616	5,413	1,981	1,696	1,034	1,117	822	705	3,032	1,848	7,463	8,725	8,682	8,378	658	2,333	3,129	5,878
Parkersburg	3,369	5,597	2,881	3,930	1,518	1,769	997	1,077	356	428	422	366	5,243	7,794	4,299	5,372	448	843	1,595	2,514
Richmond	10,773	11,456	8,952	9,482	3,339	3,502	2,235	1,929	441	616	740	921	14,553	15,574	11,927	12,333	1,049	1,491	5,792	6,266
Toledo	3,849	5,280	3,399	1,577	1,396	981	772	500	181	188	323	297	5,426	6,449	4,495	2,373	249	510	2,159	597

See footnote at end of table.

Inventory of taxpayer delinquent accounts: December 1959 and 1958—Continued

Region and district	Tax groups[1]																Inactive			
	Income				Employment				Other				Total							
	Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)	
	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958
Dallas region:																				
Albuquerque	2,658	3,756	1,619	2,037	1,717	2,077	1,095	1,075	201	252	201	120	4,576	6,085	2,915	3,233	351	698	528	710
Austin	13,757	14,368	10,506	8,157	3,700	4,445	2,439	2,797	669	624	1,125	1,292	18,126	19,437	14,070	12,246	1,021	1,568	6,028	4,019
Dallas	13,750	17,123	10,796	12,841	5,515	5,530	3,658	3,225	1,216	967	3,582	2,155	20,481	23,620	18,037	18,221	1,369	1,546	3,853	7,187
Little Rock	2,619	2,876	8,204	6,293	1,511	975	437	374	351	264	208	262	4,481	4,115	8,849	6,930	628	814	7,608	5,580
New Orleans	8,468	9,876	4,091	5,884	3,638	4,432	1,920	2,420	814	533	966	945	12,920	14,751	6,977	9,249	1,048	946	2,768	2,738
Oklahoma City	5,479	6,631	8,397	5,584	3,425	3,975	1,965	2,189	578	974	655	679	9,482	11,580	11,017	8,452	1,042	1,409	6,443	3,162
New York City region:																				
Albany	5,882	8,629	5,588	5,018	3,014	4,177	2,074	3,200	337	607	734	770	9,233	13,413	8,397	9,899	871	1,278	3,164	3,162
Brooklyn	37,955	51,836	47,834	64,425	22,196	28,275	18,637	21,773	2,025	3,062	8,990	4,578	62,176	83,173	75,461	90,776	3,908	5,502	9,014	11,176
Buffalo	6,988	12,400	4,503	5,642	3,128	4,031	2,508	2,939	539	590	950	1,563	10,655	17,021	7,961	10,174	821	1,164	1,561	3,203
Lower Manhattan	10,047	15,146	56,726	97,304	10,081	13,497	13,867	13,689	852	1,917	3,353	6,298	20,980	30,560	73,946	117,290	3,021	4,529	28,480	47,417
Syracuse	4,766	8,388	3,135	2,804	2,185	2,974	1,841	2,044	336	497	574	567	7,287	11,859	5,550	5,415	786	1,372	2,032	2,064
Upper Manhattan	56,564	82,425	89,780	140,615	19,616	30,135	21,505	32,199	2,440	4,048	9,085	9,367	78,620	116,608	120,370	182,180	3,107	5,694	29,098	40,159
Omaha region:																				
Aberdeen	982	1,215	516	662	439	515	137	209	55	135	24	99	1,476	1,865	676	971	48	155	228	452
Cheyenne	1,067	1,507	823	932	354	616	182	264	59	182	49	130	1,480	2,305	1,053	1,326	112	218	155	221
Denver	5,155	7,579	3,287	5,815	1,806	2,917	1,042	1,586	378	450	467	537	7,339	10,945	4,795	7,938	991	970	1,866	3,426
Des Moines	2,398	2,822	3,754	3,218	1,217	1,730	683	850	380	549	529	497	3,995	5,101	4,965	4,564	420	870	1,279	2,278
Fargo	986	1,408	696	934	397	729	255	307	47	123	50	102	1,430	2,320	1,001	1,342	110	115	222	404
Kansas City	3,935	6,660	6,312	6,108	1,754	2,882	1,414	1,454	213	347	571	1,258	5,902	9,889	82,98	8,820	882	1,018	3,775	3,720
Omaha	1,154	1,462	1,329	2,046	512	601	267	267	98	171	88	457	1,764	2,234	1,684	2,770	140	409	1,031	1,385
St. Louis	5,630	9,579	4,546	7,329	1,824	2,665	846	1,302	422	631	775	817	7,876	12,875	6,167	9,447	423	1,551	2,582	4,336
St. Paul	4,285	6,859	7,647	8,477	2,376	3,969	1,951	2,494	820	646	1,046	1,168	7,481	11,474	10,644	12,139	1,278	2,143	5,169	7,426
Wichita	3,456	4,384	4,720	5,243	1,815	2,298	1,094	1,104	341	362	418	274	5,612	7,044	6,232	6,621	926	1,196	3,482	4,370
Philadelphia region:																				
Baltimore	24,578	25,302	12,626	19,778	3,560	5,965	2,739	4,010	928	1,202	1,768	1,916	29,066	32,469	17,133	25,705	1,093	1,549	6,542	9,704
Camden	7,553	10,730	5,712	9,805	2,700	4,379	1,984	4,194	595	1,078	884	1,040	10,848	16,187	8,580	15,040	426	981	714	1,479
Newark	21,077	23,649	24,193	28,056	8,169	10,929	10,160	13,297	1,213	1,470	4,174	3,478	30,459	36,048	38,527	44,825	2,378	3,383	13,678	17,754
Philadelphia	15,780	22,836	21,109	25,432	4,387	5,816	6,274	8,944	957	1,206	6,821	8,187	21,134	29,852	34,203	42,563	1,964	3,527	19,883	24,609
Pittsburgh	15,919	20,862	8,481	11,795	3,998	5,976	3,206	4,563	577	983	700	1,011	20,494	27,821	12,386	17,374	920	2,003	3,331	5,364
Scranton	3,193	3,313	4,388	4,389	1,563	1,598	1,421	1,655	231	482	123	153	4,897	5,393	5,931	6,196	491	743	3,205	3,068
Wilmington	3,605	3,303	1,746	2,045	325	331	184	347	105	72	113	904	3,435	3,709	2,043	3,296	145	252	1,329	2,185
San Francisco region:																				
Boise	1,470	1,812	1,523	1,552	791	760	509	395	121	240	74	266	2,382	2,812	2,106	2,213	359	390	1,280	1,273
Helena	1,907	2,318	907	1,228	802	1,040	398	550	148	214	205	246	2,857	3,572	1,510	2,024	170	269	312	269
Honolulu	1,255	2,330	896	1,961	738	989	543	606	99	129	167	320	2,092	3,448	1,606	2,887	232	468	422	1,361
Los Angeles	40,938	59,388	41,827	60,510	15,736	19,595	16,199	18,723	1,557	2,400	2,537	4,678	58,231	81,683	60,562	83,911	6,785	9,195	22,490	25,040
Phoenix	3,136	4,070	2,347	2,721	1,881	1,961	1,570	1,288	145	187	359	267	5,162	6,218	4,265	4,276	441	485	773	812
Portland	6,337	6,542	8,523	10,756	2,659	2,410	1,857	1,760	475	544	418	356	9,471	9,496	10,798	12,879	1,163	1,383	3,593	3,478
Reno	1,802	2,258	3,398	5,124	715	717	1,143	1,174	148	177	423	508	2,665	3,152	4,965	6,806	244	349	2,879	3,767
Salt Lake City	2,588	3,025	2,745	3,131	1,137	1,344	711	807	204	203	117	142	3,929	4,572	3,605	4,084	349	520	1,722	1,772
San Francisco	27,223	36,143	45,624	51,157	8,360	12,169	7,103	9,562	2,414	2,635	3,899	3,115	37,997	50,947	56,626	63,834	4,179	4,231	37,782	40,188
Seattle	9,211	12,468	6,352	8,317	4,315	5,238	3,246	3,935	920	718	1,288	1,209	14,446	18,424	10,886	13,462	1,178	1,771	2,883	4,642
International operations division	19,854	8,094	35,062	40,903	1,557	1,857	435	410	157	127	428	510	21,568	10,088	35,925	41,823	483	320	13,022	310
Puerto Rico	549	835	102	283	1,129	1,612	260	290	4	4	31	21	1,682	2,451	303	593	219	320	122	310
All other	19,305	7,259	34,960	40,620	428	255	175	120	153	123	397	489	19,886	7,637	35,532	41,230	264	------	12,901	------

[1] The number and dollar value of inactive accounts, shown separately in the columns to the right, are included in these tabulations.

NOTE.—Owing to rounding, components do not always add to totals.

ADMINISTRATION'S SCIENTIFIC ADVISER SEES LATEST RUSSIAN PROPOSAL SUITABLE BASIS FOR TEST BAN

Mr. PROXMIRE. Mr. President, the Noel-Baker prediction of a 50–50 chance for the world to go more than 10 years without nuclear suicide relates most immediately to the Geneva Conference.

Dr. Hans Bethe, of Cornell University, has been a principal scientific adviser to the administration on the technical provisions of a test ban agreement.

Last Wednesday he made an extremely lucid analysis of just why this latest Russian proposal moves this explosive world immeasurably closer to a treaty that may end nuclear testing. I have previously referred to a part of this statement in my colloquy with the Senator from Tennessee [Mr. GORE] on precisely how meaningful was this latest Russian proposal on ending nuclear testing. I ask unanimous consent that the Bethe statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. HANS BETHE, CORNELL UNIVERSITY, MARCH 23, 1960

The latest Russian proposal made last Saturday at Geneva is a major step forward in the negotiation for cessation of nuclear weapons tests. Provided the details can be satisfactorily cleared up it seems to me a suitable basis for a treaty.

The Russian proposal accepts all the points of the latest American proposal for a limited tests ban. It adds to the American proposal only one important point, namely, that there should be a moratorium on small underground tests while the scientists of the nuclear powers do research on better methods for the detection of underground explosion.

In making the proposal the Russians have made several major concessions: (1) They accept the idea of a limited ban whereas previously they had insisted on a complete ban on all weapons tests. (2) They admit implicitly that the detection system devised by the experts conference in the summer of 1958 was inadequate to monitor small underground explosions. Whereas at the technical conferences in November and December 1959, they had refused to admit this inadequacy. (3) They have made a concession to the U.S. position that a permanent treaty should include only agreements which can be monitored. (4) In proposing the moratorium rather than a permanent ban on small underground tests, they accept the idea that part of the treaty can be limited in time, a concept which they have previously vigorously opposed. (5) They accepted the U.S. proposal to conduct joint rather than national research into improved methods of seismic.

Ultimately, the tests cessation agreement will be satisfactory only if complete, fully monitored, permanent, and worldwide. This is not achievable at present because of the deficiencies in our seismic observation techniques. The Berkner panel, in its report of a year ago, has expressed confidence that research will improve the situation. However, it is necessary that both sides have strong incentives to work on this research and to incorporate its results in the system.

In this respect, the Russian proposal seems to be very well balanced. If we concluded now a complete agreement banning all tests, the Russians might not have much incentive to improve the detection system with a time limited moratorium on small tests. However, it would be very much in their inter-

ests to improve the methods of detecting small tests and quickly if possible, less the moratorium expire. Conversely if the ban were limited to large explosions without any moratorium on small ones than the United States might no have much incentive to change this status quo. The moratorium would provide such an incentive because it is very much to our interest to make the duration of the unmonitored moratorium as short as possible. Just as we want to have an assurance that the Russians would want to improve the system, they need an assurance that we will have the same desire. There is no better assurance than to see a clear incentive for the other part to work to the common goal.

No international agreement can be entirely foolproof, it must always be partially based on faith in the other parties good intentions. The only thing that technical methods of inspections can do is to reduce the area in which one needs to rely on good faith. This is accomplished by the present Russian compromise proposal; the area of faith is reduced in scope to small, underground explosions, and in time to a few years.

This seems to me an entirely acceptable risk. The Russians have shown that they are just as anxious as we are to reach a workable agreement satisfactory to both sides. And even in the unlikely case that they should violate the moratorium would this be so catastrophic? We have already a large variety of nuclear weapons of low yields and small sides. The Russians are probably substantially behind us in this area. Underground tests require considerable time of preparation especially in a country that has never carried out such a test and even more if they have to be done in secret and in violation of a treaty. It seems to me very unlikely that within the limited duration of the moratorium the Russians would shift the balance of military power even in the restricted area of small nuclear weapons.

The Berkner report of March 1959 states that great improvements in seismic detection can be expected with about 3 years of intensive research. There is considerable hope that such research, especially if coupled with the installation of unmanned seismic station, in a closer net, will make possible the detection of small nuclear explosions and also of medium-sized muffled explosions of the type now being carried out with conventional explosives by the AEC in Louisiana.

Obviously the U.S. will have to seek further clarification of the Russian proposal. In particular we must be assured that the Russians will permit an adequate number of onsite inspections, and liberal criteria for initiating them. Furthermore, the duration of the moratorium will have to be negotiated. But if these and other details can be satisfactorily cleared up the Russian proposal seems to me to give a good basis for an agreement of test cessation at rather small risk. The risk in the continued and intensified arms race are immeasurably greater.

LAW CAN HELP IMPROVE ETHICAL CONDUCT OF PUBLIC OFFICIALS

Mr. PROXMIRE. Mr. President, the Washington Evening Star on March 23, 1960, published a column entitled "Honesty Not Induced by Laws," in which William S. White stated his belief that the ethical standard of conduct of Government officials cannot be raised by passing laws. On March 28 the Star published a letter which I wrote in answer to Mr. White's column.

Aristotle believed that "good laws make good men," and while I would not argue that we should attempt by law to reform the morals of every citizen, I believe that just as we regulate the conduct of private individuals by the criminal code, we can and should impose a code of conduct on Government officials explicitly proscribing conduct inimical to the public interest. Wisconsin has done this by a statute which has proved very workable. I intend to introduce a bill to this effect at a later date, but I wanted to place my answer to Mr. White on the record at this time.

I ask unanimous consent that the column by Mr. White and my reply be printed at this point in the RECORD.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Mar. 23, 1960]

HONESTY NOT 'INDUCED BY LAWS—CODES OF BEHAVIOR FOR PUBLIC OFFICIALS DESCRIBED AS LIKELY TO BE FUTILE

(By William S. White)

All kinds of bad behavior, ranging from television scandals to the intermittent international nastiness of Nikita Khrushchev, have produced hopeful proposals for improving what rather grandly is called public ethics.

The reformers' purpose is to guarantee men's goodness by new "codes" or by having them sign papers announcing their honesty and decency.

This correspondent has news for the promoters of this kind of ethics. It is news based upon long experience in watching public affairs. Their reforms will come to worse than nothing. The only result will be to increase hypocrisy. For the notion that honesty in Government—or in television or college exams or selling real estate—can be assured by new formulas is as silly as it is well intentioned.

If a public man is honest, he is honest. He will be no more honest if he adopts somebody else's handmade "code" or even if he consents to wear on his lapel a large celluloid button reading "I am an honest man—absolutely." There are, after all, certain codes to live by that are far older and more authoritative than some Senator's private creation. One is called the Ten Commandments.

And if a public man is dishonest, it is simply because he is a crook at heart. It is not because he has neglected his lessons in ethics from reformist Senators or club ladies. All shortcuts to making public men honest are absolutely useless.

And they spring from confusion. For illustration, Senator WILLIAM PROXMIRE, of Wisconsin, has recommended that it be made a crime for a lobbyist to give a lawmaker a cigar or a drink of whisky. Examining the thing, what is its reality? First, if any lawmaker is so cheaply corrupt that two ounces of bourbon will buy his vote, no new code could possibly make a good man of him. There is one remedy and one only: Let the voters get rid of him.

Second, nearly everybody interested in Government is a lobbyist at one time or another in the sense that he wants to see some bill passed or defeated. If, therefore, it be a crime to hand a Senator a cigar, would not a cigarette be evil, too—or for that matter even a civil "good morning"? Such a salutation might well be designed to influence the Senator's thinking.

Moreover, the reformist craze invariably gets out of hand. The new chairman of the Federal Communications Commission, Frederick W. Ford, already has had to issue cautions. Cleaning up anything that really is wrong with this supervisory agency over TV is fine. But to put upon the commissioners such restrictions as to shut them off from all real contact with the men of the industry would be absurd.

For, as Mr. Ford has pointed out to Congress, unless a regulator can mix with those he is supposed to regulate he simply can't have a clue as to what they are up to at any given time.

And as to international ethics, the British—whose sense of humor is usually more active—have now solemnly decided to approach Mr. Khrushchev with a new code. They will ask him to adopt an agreed pattern for international behavior.

The complaint is that Mr. K. now and then departs from the spirit of international good will by saying bad things about the West. But would it mean anything at all, if he took some pledge? If he really wants an East-West settlement he will guard his tongue, on the whole. If he doesn't want one, 10,000 signed pledges not to utter upsetting words wouldn't be worth one Khrushchev kopek.

Finally, there is this: Many years of watching politicians at close hand have convinced this columnist that, speaking generally, the more a public man shouts about his ethics the more reason that is to keep a sharp eye on his actual performance.

[From the Washington Star, Mar. 28, 1960]

A LAW TO KEEP PUBLIC SERVANTS' HANDS CLEAN?

In Bill White's provocative March 23 column, entitled "Honesty Not Induced by Laws," he decries my recent proposal for a "we-mean-business ethics law."

Mr. White, a perceptive and competent newspaperman with great experience, derides my suggestion that, as he writes, we "make it a crime for a lobbyist to give a lawmaker a cigar or a drink of whisky."

I suggest that Mr. White overlooks these facts:

1. This proposal is firmly based on a Wisconsin statute that has been on the books for more than 2 years. Wisconsin newspapermen, lobbyists and public officials agree that it works very well. It works without cramping the understanding or performance of legislators or public officials. There is none of the wining, dining, and vicarious entertaining by lobbyists of legislators or public officials in Wisconsin. At the same time they are not, as Mr. White avers, cut off from the industry which they regulate or for which they legislate. They are not cloistered. They associate freely and regularly. They just pick up their own checks.

Before this law was passed in 1957, there was more than $50,000 per 6-month legislative year reported to the Wisconsin Secretary of State for liquor and food paid for by lobbyists for the benefit of legislators.

The disclosure statute that preceded the present law followed a situation in Wisconsin many, many years ago—when, as Lincoln Steffens reported, State legislatures were considered the "bawdy houses" of government in America, and Wisconsin was typical.

A little inquiry around the country would have further convinced Mr. White that generally most competent observers agree that too many State governments are still bawdy houses.

2. Two former Wisconsin public officials—John Doerfer, the former Chairman of the FCC, and James Durfee, the present Chairman of the CAB—both have accepted hospitality from persons subject to their regulation—since they came to Washington.

Both previously served as chairman of the Wisconsin Public Service Commission. Both discharged this responsibility in Wisconsin under Wisconsin law without engaging in any of the hospitality which has been criticized in Washington. These were the same men. Only the law had been changed.

3. Bill White's argument that you can't legislate honesty conveniently overlooks the obvious fact that most of the criminal statutes of this country and the 50 States are based on legislation against specific acts of dishonesty that cause injury to the public interest. Only the most naive and starry-eyed devotees of perfection in human nature would join White in the argument that legislation outlawing acts of bribery and fraud can be repealed without suffering an increase in bribery and fraud. In my book the purchase of legislative advantage by buying things of value for the legislator is bribery.

4. Let White answer how lobbyists can charge their clients hard cash for the entertainment of public officials and how the lobbyists' clients can deduct the cost of this entertainment from their income tax as a necessary business expenditure. Does White think that this hard cash is not being spent because the corporation and their lobbyists have a cold-eyed and well-justified understanding that the expenditure will get results? If they don't think they are spending their money for this purpose they are defrauding their stockholders and the U.S. Treasury.

No, Mr. White, there isn't any Santa Claus.

White concludes with the intimidating charge to—"keep a sharp eye" on the politician who tries to do anything about ethics—such a politician is probably an unethical scoundrel. As a matter of fact, the political life of the reformer is likely to be, to quote Hobbes, "nasty, brutish and short." It's both unpopular and dangerous. But it's also necessary.

WILLIAM PROXMIRE,
Senator From Wisconsin.

PROPOSED AMENDMENT TO CONSTITUTION PROVIDING FOR NOMINATION OF CANDIDATES FOR PRESIDENT

Mr. PROXMIRE. Mr. President, on April 5 Wisconsin voters will have a chance to voice their preferences in the contest for the Democratic presidential nomination. Wisconsinites are among the small percentage of fortunate Americans who will have this opportunity, since only 15 States in 1960 will hold any kind of a presidential primary and in only five of these is the outcome binding on the delegates to the national convention. What is more, in only three of these five States—Wisconsin, Oregon, and Maryland—is there a contest, and in Wisconsin alone there is a contest between leading contenders where no favorite son is entered to dominate the voting. There even seems to be some trend away from these primaries, for since 1956 three States, Alaska, Minnesota, and Montana—have abolished their primary laws.

I am aware that there has been much criticism of primaries in recent weeks and months. Some of these attacks, such as that of Gov. Adlai Stevenson—who has elected not to enter any primaries this year—have been directed at the basic idea of the primary in which candidates are forced to get out and campaign for the nomination. Certainly it is true that such campaigns require much time, energy, and expenditure on the part of candidates; but in my mind, as one who has participated in five statewide campaigns in 9 years, there is no more important activity for those who seek or hold public office than to engage in this vital educational process with as many voters as possible. So far as the cost of these campaigns is concerned, if the nationwide primary which I am introducing were to be adopted, I would seek effective limitations on expenditures so that all candidates would be on equal footing in this respect.

Most of the other attacks on the presidential primaries have been on the ground that, given their incomplete coverage, the State contests are not very satisfactory tests of strength among prospective candidates. I would certainly not deny that this is the case, although I believe there has been some exaggeration of the so-called atypical character of those States such as Wisconsin where primaries are held. It seems to me, however, that the solution to this weakness is not just to abolish the State presidential primaries, but to adopt a truly nationwide primary. Yesterday I endorsed this idea in an article in the New York Times magazine. Today I am introducing a resolution to accomplish a national primary by a constitutional amendment.

Under the provisions of this amendment candidates who wished to seek their party's presidential nomination would file a petition with the Secretary of State bearing the signatures of at least 1 percent of the votes cast in the previous presidential election, and representing States of large, medium, and small populations.

On the first Tuesday after the first Monday in August of the presidential election years, a primary election would be held throughout the country. As in the operation of the electoral college, each State would be entitled to as many votes as it has Senators and Representatives. Whoever receives the most popular votes in a State would win all that State's electoral votes and any candidate who received a majority of these electoral votes in his party would be his party's candidate. If in any party no candidate received a majority there would be a runoff primary in September between the two candidates who had the most votes in the first ballot.

I would assume that the parties would continue to hold national conventions for the purpose of choosing vice presidential candidates and to write the party platforms.

The idea of a national presidential primary, first officially proposed by President Woodrow Wilson, deserves renewed consideration for several reasons:

First, in an age which seems to be increasingly apathetic and indifferent with regard to politics, the presidential primary is a colorful, exciting, significant contest for public office that will persuade the citizen to discharge the active responsibility which he is so rarely called upon to assume. This I believe, is good for the voter as a man and as a citizen.

Secondly, no one has as much right to say who should be the elected officials of a democracy as the plain voter—all the voters. Certainly this should apply most strongly to the elective office that is the most powerful in the country and constitutes the greatest and heaviest responsibility and authority the American people can give to any man. It should apply particularly to the primary which reduces the choices to two, and almost eliminates any real choice for the millions of Americans who are consistently devoted either to the Democratic or Republican Party. I believe, further, that, in spite of his shortcomings, the plain voter will usually give the better answer in casting his vote.

Finally, I am introducing an amendment for a national primary because the alternatives are no longer acceptable. Public opinion polls have shown that a great majority of the voters, no doubt disillusioned by the television spectacles of the last few national nominating conventions, want a more direct voice in choosing their presidential candidates. They no longer trust the conventions to produce the men they want, because they want a man whom they regard as best for the country, not one who happens to emerge from the political maneuvering of party leaders behind the scenes.

For all these reasons, Mr. President, I believe the time has come to build on the experience of Wisconsin and other States by creating a nationwide presidential primary.

I therefore ask that the proposed constitutional amendment be appropriately referred.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 177) proposing an amendment to the Constitution of the United States providing for the nomination of candidates for President, introduced by Mr. PROXMIRE, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. PROXMIRE. I ask unanimous consent that an article on the subject written by me and published in yesterday's New York Times Magazine appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPEAL FOR THE VANISHING PRIMARY

(By WILLIAM PROXMIRE)

WASHINGTON.—This Sunday hundreds of thousands of Wisconsin citizens are fighting out the presidential primary campaign of 1960. On the steps of churches, over a beer in taverns, in dairy barns and kitchens and automobiles, the argument, the contradiction, the agreement, the joking are rolling along faster and faster as the April 5 deadline approaches, a deadline that may seal the fate of HUBERT HUMPHREY and JOHN F. KENNEDY.

The season of the primaries is upon us and the people of my State are happily engaged in what has become a rare—I think far too rare—American privilege: having a voice in deciding who is going to be either of the two (the nominees of the two major parties) who will have any chance to become the next President of the United States. In future weeks and months the people of some other States will have a similar opportunity.

There are a thousand reasons why this is a disorganized, irresponsible way for the country to be influenced in its choice of the occupant of so great an office. Many of the hundreds of thousands of conversations going on today in Wisconsin, for example, are

irrelevant to the issues. Thousands of votes will be influenced by Muriel Humphrey's homey and simple coffee-hour campaign for husband HUBERT, or racket-busting Bob Kennedy's tireless farm-to-farm barnstorming for brother JACK. And of course KENNEDY's religion is constantly discussed and will persuade many.

Primaries have more serious inadequacies. Some were outlined by David Broder in this magazine a few weeks ago. Certainly the candidates may be hurting each other, and our Democratic organization in Wisconsin may be suffering a division that will take months to repair. And, as Adlai Stevenson pointed out in another recent article, the primaries impose a severe physical, financial, and time-consuming burden on the candidates.

A primary costs hundreds of thousands of dollars, while often exciting no contest at all. This year, for instance, will mark the first significant Democratic presidential contest in Wisconsin in 36 years.

It can be argued that a primary often fails to offer voters a meaningful choice. In 10 of the 15 States that permit presidential preferential polls, delegates to the national conventions are not bound, and often they are little influenced, by the voice of the people. In the remaining five States delegates are bound by the primary results. But in California a favorite-son delegation picked by the Governor will probably be unopposed. Indiana voters are expected to have no alternative to KENNEDY. In Maryland, WAYNE MORSE is the sole alternative to KENNEDY. In Oregon, MORSE will run as a favorite son.

And what kind of choice will the Wisconsin voter really have on April 5? Only two of the five leading Democratic candidates are entered in Wisconsin. How about Symington or Johnson or Stevenson supporters? What choice do they have?

This weakness is only partly answered by the obvious fact that only KENNEDY and HUMPHREY chose to enter in Wisconsin. All candidates were free to enter. Presumably, any candidate really interested in the Democratic nomination, and who thought he had a very good chance in Wisconsin, would try to pick up the delegation by submitting his name.

Another weakness of the Wisconsin primary is that normally Republican voters, recognizing that Vice President NIXON is unopposed and little needs the prestige of a big vote in Wisconsin, can cross over in the primary. If they do so in sufficient numbers and the contest is otherwise reasonably close, Republicans can pick the Democratic nominee.

One answer to this is that Republicans are American citizens, too. Why shouldn't they have a chance to influence the selection of a man who may be their next President? Of course, many Democrats won't buy this answer. They might, however, settle for the certainty that Republicans will be a minority, and probably a small one, in this Democratic primary.

In view of these serious weaknesses and imperfections, what can be said for the practice of having the plain voter play such a telling role in answering the big question?

There are three compelling arguments for the primary.

The first is that in an age of political apathy and indifference, of too much passive diversion and not nearly enough citizen responsibility, the presidential primary is exactly the kind of colorful, exciting, significant contest for public office that will persuade the citizen to discharge the active responsibility that he so rarely is called upon to assume. This is good for the voter as a man and as a citizen.

Besides, there is no more important activity for men who want to be President of the United States than to get out and talk about the Nation's problems with the Nation's citizens. It is too often a temptation for candidates to avoid this most essential obligation of democratic leaders.

Wisconsin today affords an excellent example of the benefits to the voters of a presidential primary campaign. In the past 9 years, I have campaigned intensively five times for statewide office in Wisconsin. I have met and shaken hands with well over a million Wisconsin citizens during this time. Since the presidential campaign began in earnest in Wisconsin, I have once again been out in the State talking with thousands of farmers and workers, tavern keepers, and hardware merchants, housewives, and college students. A sharp and exciting change has come over my State in the past few weeks.

Besides the irrelevant conversations, there is also a gratifying amount of talk about KENNEDY's battle for labor reform and HUMPHREY's fight for the dairy farmer, discussion of KENNEDY's strikingly thoughtful, logical, informed replies to questions—his impressive mental equipment—and of HUMPHREY's broad and deep competence in everything from fiscal policy to foreign policy.

Secondly, the primary makes sense because no one—not brilliantly informed delegates, not hard-working party leaders, not mayors or Governors or Senators—has as much right to say who should be the elected officials of a democracy as the plain voter—all the voters. And this should apply most strongly to the elective office that constitutes the greatest authority and heaviest responsibility the American people can give to any man. It should apply particularly to the primary system, because this reduces the choice of presidential candidates to two, and affords the only real choice for the millions of Americans who consistently vote for one or the other of the major parties in November.

This is true not only because of the faith all Americans presumably share in popular democracy. It is true also on the practical ground that the plain voter, with all his shortcomings, will usually give a better answer than the political professionals in casting his vote. He will do so because he will usually ask the right question.

It has been my experience through three losing and two winning statewide campaigns that the voter almost never votes for a man simply because he thinks he will win. On the other hand—as I will try to show a little later—this is by all odds the major consideration of the party leader, the public official, the delegate.

Instead, the voter usually tries to answer the following question with his ballot: Who will make the best President of the United States? Often he may not have enough information to arrive at the right answer, but frequently he will. Today there is the magic of television and radio. Newspapers are reporting more fully, fairly, and accurately than ever before. And both HUMPHREY and KENNEDY will have talked directly and personally to tens of thousands of Wisconsin citizens by election day.

After this kind of intensive campaign most plain voters may have a closer understanding of the characters, the minds, and the attitudes on big issues of the candidates than Americans have generally had throughout our 170 years of democracy.

The third reason I vote for the primary system is the extremely serious weaknesses of the alternatives. The prime alternative is the selection of delegates by a State convention. Thirty-five States do this exclusively with no public presidential poll.

Why should such delegates—enjoying the wise and personal influence of party leaders, Governors, Senators, newspaper editors, top business and labor officials—usually better informed and more deeply interested than other voters—why should these delegates be considered such a grim alternative?

The answer is evident to anyone who has thoughtfully attended a State convention. Often a party chairman, a Governor, or an unofficial but potent leader will actually select the delegation to the national presidential convention. In doing so, the leader, if his power is great enough, will pick delegates who will be amenable to his persuasion. Otherwise, he will unite with other party leaders until they can put together a strong enough combination to win convention approval. In any event, State conventions select the men and women who will represent the State in determining the presidential nominee on an emphatically partisan basis.

There is one all-pervasive and consistent principle: dedication to the welfare and success of the party as an entity. This is rarely the national party. Is is far more often the State party—or even the dominant faction of the party within the State. The convincing argument is: What candidate can do the party the most good? The answer to this is usually—though not always—which candidate can win? Even a nationally winning candidate may not be best for the leaders in each State.

This victory criterion is the dominant one, but it is not the only basis of selection. The criterion in some cases may be: Will he help the ticket most in our State? The answer in New York may be quite different from that in Mississippi.

In both State and National conventions idealism is obvious. There is earnest concern with the national interest and a desire to nominate the man who will serve the Nation most ably. But the cry that never fails to bring partisan delegates up fighting in the intensely partisan atmosphere of a convention is "the man who will win in November."

From years of experience in campaigns, from public opinion polls, from scattered primary election results the delegates in general make the best guess they can as to who will be most likely to win in November. Of course, their decision is tempered. Even the most popular candidate cannot win if he is not acceptable, for whatever reason, to enough powerful State leaders. But, by and large, the decision is a giant guess on who has the best chance in November.

How much better to go directly to the voter, as Wisconsin is doing, and let him decide. At least let him decide how the votes of his own State should be cast at the national convention, after the voter has asked himself, not who will win, but who will make the best President.

I vote for the primary with all its obvious weaknesses, and though it has been losing ground. From its high point of 22 States, it was down to 19 States in 1956. It has fallen to 15 this year, and in 1964 the number will probably be even less.

Even in my own Wisconsin, where the Nation began the process of popular participation in presidential campaigns by the first direct election of delegates to national conventions in 1905, the primary is in serious danger. The largest newspaper in Wisconsin has asked that State officials give earnest consideration to abolishing it. Top officials of both parties in Wisconsin will be sorely tempted to do so. With the grief the primary causes party organizations when it works, the wonder is that it has survived as long as it has.

For those who believe in popular democracy, the death of the presidential primary would be a tragedy. If the presidential primary disappears, a passive apathetic America will slumber deeper than ever, as the real decisions on who should be President of the United States are determined by a small group of deeply interested men and women in an atmosphere of almost irresistible partisanship.

No one would contend that the present, incomplete system of primaries is perfect, and many of us think the whole nomination process should be overhauled. To this

end I shall introduce in the Senate in the near future a proposal for a constitutional amendment for a nationwide presidential primary through which the rank-and-file voters could choose their own candidates.

Public opinion polls over the past few years have indicated that an overwhelming majority of Americans, no doubt disillusioned by what they have seen of the national conventions since televised coverage began in 1948, favor such a national primary and want a bigger share in choosing presidential candidates.

I propose that in August of presidential election years there be a nationwide primary vote to nominate the presidential candidate in each party which qualified by having polled at least 10 percent of the vote in the previous presidential election. To appear on the primary ballot, a candidate must submit a petition signed by qualified voters equal to at least 1 percent of the total vote cast for all presidential candidates in the previous election. These petitioners must be residents of at least six different States, including two of the States with the largest populations, two medium-sized States and two small States. If none of a party's candidates receives a majority, a runoff primary will be held in September between the two in each party with the greatest number of votes.

Tens of millions of American citizens would thus select the two men who would carry the banners of the Republican and Democratic parties in November. The parties would continue to hold national conventions following the primary, in order to nominate their vice presidential candidates and to write their platforms. Platform writing could then enjoy the attention it deserves. The party platform would also be, as it should be, the direct responsibility of the party's presidential nominee.

I would accompany this proposal with an election-spending law directly relating to these primaries. The law would (1) limit the amount that could be spent by, or on behalf of, all candidates, and (2) require full disclosure of all contributions and expenditures, above a modest minimum amount, 72 hours after being received or paid out.

This highly desirable reform will undoubtedly take some time to bring about—if, indeed, it is ever achieved—but in the meantime we should retain the primaries we have, so that there is at least some opportunity for plain people to influence the nomination.

The presidential primary is not yet dead. It desperately needs improvement. But it is well worth fighting for and saving.

The big issue in this Congress in 1960 has been the battle over the right of all Americans—specifically the southern Negroes—to vote. What a paradox it is that, at the very time we are so deeply and properly concerned with this fight, we are passively permitting almost all Americans to lose the big share of their presidential franchise.

In an America that was founded and has flourished on democracy and that is still dedicated at great cost and risk to fighting for democracy throughout the world, the right of at least some plain Americans to have a voice in the primary election of their President should be enlivened, not killed.

Mr. PROXMIRE. Mr. President, I also ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 177) is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The official candidates of political parties for President shall be nominated at a primary election held in the various States as provided by this article. Voters in each State in such primary election shall have the qualifications requisite for voters in elections of members of the most numerous branch of the State legislature. The time of such primary election shall be the same throughout the United States and, unless Congress shall by law appoint a different day, such primary election shall be held on the first Tuesday after the first Monday in August in the year preceding the expiration of the regular term of President. The places and manner of holding such primary election shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations.

"The name of any person shall be included on the ballot as a candidate for nomination for President in any such primary election only if, within sixty days prior to the day of such primary election, such person shall have filed at the seat of the Government of the United States with the Secretary of State a petition containing the signatures of a number of qualified voters equal to at least 1 per centum of the total number of popular votes cast throughout the United States for electors of President and Vice President in the next preceding Presidential election, including the signatures of a number of qualified voters in each of two of the sixteen most populous States, a number of qualified voters in each of two of the sixteen next most populous States, and a number of qualified voters in each of two of the eighteen least populous States, equal in each case to not less than five per centum of the total number of popular votes cast in the State for electors of President and Vice President in the next preceding Presidential election.

"SEC. 2. Within fifteen days after any such primary, or at such other times as the Congress shall by law provide, the official custodian of the election returns of each State shall make separate lists for each political party of all persons for whom votes were cast as nominee for President and the number of votes for each, which he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the Secretary of State. The Secretary of State shall open all certificates and determine the results of the primary election.

"For the purpose of such determination, each political party shall be entitled for each State to a number of nominating votes equal to the whole number of Senators and Representatives to which such State is entitled in Congress, and the person receiving the greatest number of popular votes in his political party shall be entitled to all of the nominating votes of such political party for that State. The person having a majority of the nominating votes of any political party for all the States shall be the nominee of that party for President. If in the case of any political party no person shall receive a majority of the nominating votes of all the States as nominee for President, than a second primary election for that political party shall be held and the names of the two persons seeking the nomination of that party for President who have received the greatest number of nominating votes in the first primary election shall appear on the ballot in the second primary election. The time of the second primary election shall be the same throughout the United States and, unless Congress shall by law appoint a different day, such primary election shall be held on the first Tuesday after the first Monday in September. The votes in the second primary election shall be counted in the same manner as in the case of the first primary election, and the person receiving the greater number of nominating votes of his political party shall be the nominee of that political party for President. The Congress may by law provide for the manner of choosing a successor in event of the death or resignation, prior to the election, of the nominee of any political party for President.

"This article shall apply to a political party only if its candidates received 10 per centum or more of the total popular vote cast in the next preceding Presidential election for electors of President and Vice President.

"SEC. 3. This article shall take effect at the beginning of the second calendar year following the year in which it is ratified.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

OPPOSITION TO TRANSFER OF NUCLEAR WEAPONS OR NUCLEAR WEAPONS SECRETS TO OTHER NATIONS

Mr. PROXMIRE. Mr. President, recently the winner of the 1959 Nobel Peace Prize, the eminent British statesman, Philip Noel-Baker, said:

I think it quite likely—if I were asked to bet I would say it was about even—that within 10 years the governments will not have disarmed. We shall have had a nuclear war; we, our children and grandchildren will all be dead, and the world will be spinning a lifeless, radioactive, incinerated globe throughout eternity.

Noel-Baker's odds may be a little short. But they deserve our respectful attention. Just last November the Washington Star wrote of Noel-Baker in part:

He is a man of peace who prefers to hope rather than despair, and to be affirmative in spirit rather than cynical or negative. So the Nobel award well becomes him in a world where his kind of faith—faith in the possibility of establishing a system of enduring international security—is needed in the effort to prevent a cataclysmic war.

Well, Mr. President, when the optimistic apostle of faith in establishing international security that will prevent war gives us, all of us, only a 50–50 chance of making it for 10 more years, this Senator thinks it is time for some good, hard, plain talk and action to do something about it.

Limiting the possession of nuclear weapons is one way of doing this. Keeping Mao and Castro out of the nuclear club is a worthy objective.

Mr. President, the task of effectively controlling the lethal power of nuclear weapons is the paramount problem of our time. The potential for destruction of human lives contained in atomic and hydrogen warheads is enormous. If we are to survive we must devise effective means to prevent any accidental triggering of a nuclear explosive.

An important safeguard that was built into our system for keeping control of nuclear explosive devices was the provision in the 1954 Atomic Energy Act which states that nuclear weapons located for strategic reasons outside our

continental limits shall stay in the exclusive custody of the United States. This was one important step toward preventing any unnecessary dispersion or diffusion of control over these explosives. It was wise legislation in 1954, when it was passed, and in my belief it continues to be wise legislation today. It does not in any sense indicate distrust of our allies. It is a prudent restriction which insures that control over our own weapons shall be rigorously centralized, thus subject to every vital safeguard against unwise, unwarranted, and accidental triggering.

Mr. President, I am today submitting a concurrent resolution for the consideration of the Senate, which expresses the sense of the Congress that it is opposed to the distribution or transfer of nuclear weapons and nuclear weapons secrets to other nations. In this I join a number of our colleagues in the House who have introduced similar resolutions. I take this action because I believe it is of the utmost importance that Congress reaffirm the stand it very carefully took in 1954. I believe that there is reason to fear that the dispersal and diversification of custody over our nuclear weapons will increase the danger of incredibly destructive explosions. The more widely nuclear weapons are dispersed, the greater is the danger of "accidental" war.

The resolution contains two provisions. First, it declares the sense of Congress that the United States should not transfer nuclear weapons and nuclear weapons secrets to other nations. Second, it calls on the President to begin negotiations with the Soviet Union, the United Kingdom, and France to achieve agreements prohibiting the transfer of nuclear weapons and nuclear weapons secrets from one nation to another.

I believe that both provisions are of great importance. Both are aimed at limiting diffusion of control over nuclear weapons. I recognize that such a policy requires understanding and cooperation from the nonnuclear powers, as well as a clear demonstration of good will and restraint by the nations which at present do possess the weapons and secrets.

The New York Times of March 20, in an article by William J. Jorden, reports that President Eisenhower has informed Premier Khrushchev that we have no present intention to share nuclear weapons with our allies. According to the article, the President denied allegations that the United States has plans to deliver our nuclear weapons to other nations. The President's statement came in response to a message from Mr. Khrushchev which warned that if we shared nuclear weapons with our allies, the Soviet Government would be forced to consider the same action toward its allies. The article further states that most experts believe that the Soviet leadership shares an opinion widely held in the West, that "the more countries there are with nuclear forces, the greater would be the chance for war resulting from accident or desperation."

I ask unanimous consent to include the entire New York Times article on the President's message to Mr. Khrushchev at the end of my remarks.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, President Eisenhower's correspondence with Mr. Khrushchev has helped settle the question of nuclear weapons dispersion. It is my hope that the resolution I am submitting today will further clear the air by putting the United States firmly on record against such weapons sharing.

There is little doubt that if we share our nuclear weapons and warheads with our allies, then the cold logic of power politics might compel the Soviet Union to take similar action. As the New York Times article states:

> Analysts concede that a spread of nuclear capability and of warheads inside the Western alliance would increase the pressure on Moscow to follow suit. This in turn convinces most officials here and in the alliance that it would be unwise at present to undertake any change in present policy.

The task of carefully controlling nuclear weapons to prevent any accidental or unintended triggering is one which we share with the Soviet Union. It is in the best interests of the entire unhappy fraternity known as the nuclear club to keep the custody of these awesome weapons rigidly centralized, with as little dispersion of control as can humanly be achieved. The present resolution reaffirms the sense of Congress that physical custody of our nuclear weapons should remain in American hands. It is my belief that this continues to be a wise and prudent policy.

I submit the concurrent resolution and ask that it be appropriately referred.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 98) was referred to the Joint Committee on Atomic Energy, as follows:

> Whereas the dispersion and transfer of nuclear weapons to other nations will decrease the chance for negotiating effective international agreements for control of nuclear weapons; and
>
> Whereas the dispersion and transfer to other nations of nuclear weapons will render it more difficult to reach agreement on disarmament; and
>
> Whereas the dispersion of nuclear weapons will increase the chance of nuclear accidents, and of nuclear irresponsibility and nuclear blackmail; and
>
> Whereas the dispersion and transfer to other nations of nuclear weapons will result in the heightening of international tensions; and
>
> Whereas the dispersion and transfer to other nations of nuclear weapons threaten the survival of our civilization, and of the human race: Now, therefore, be it
>
> *Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress (1) that the United States should not transfer nuclear weapons or nuclear weapons secrets to other nations, and (2) that the President should undertake negotiations immediately with the Soviet Union, the United Kingdom, and France to seek agreements prohibiting the transfer of nuclear weapons and nuclear weapons secrets from one nation to another.

EXHIBIT 1

[From the New York Times, Mar. 20, 1960]

UNITED STATES TELLS SOVIET A-ARMS WON'T BE GIVEN TO ALLIES—EISENHOWER IN LETTER TO KHRUSHCHEV DENIES PLAN TO SHARE SECRETS—AIM IS TO ALLAY MOSCOW FEARS

(By William J. Jorden)

WASHINGTON, March 19.—President Eisenhower has informed Premier Khrushchev that the United States has no present intention of sharing nuclear weapons with its allies.

Well-informed sources said the President had pointed out that U.S. law prohibits delivery to others of this country's nuclear weapons. He said that allegations that plans to do so had been adopted were groundless.

The President also has said the Government is hopeful that a comprehensive and enforceable system of disarmament can be worked out that would control nuclear weapons and gradually lead to their elimination.

The President's latest letter to Premier Khrushchev was delivered in Moscow within the last week. Its contents have been a carefully guarded secret in the higher levels of the administration and in restricted foreign diplomatic circles.

The letter was sent in response to a message from Mr. Khrushchev delivered here March 8. The Soviet leader warned that if the United States shared nuclear armaments with its allies the Soviet Government would be forced to consider the same action toward its friends.

Mr. Khrushchev cited plans announced March 2 by Gen. Lauris Norsad, Supreme Allied Commander in Europe, for establishment of a mobile task force of brigade size. In combat the force would be supplied with the most modern weapons. It is to be a multinational force, drawing at first on troops from the United States, Britain, and France.

The Russians in subsequent propaganda attacks have charged that the plan meant distribution of nuclear weapons by the United States to other members of the North Atlantic Treaty Organization.

It is understood that Premier Khrushchev, in his letter to the President, followed closely the line that has been laid down by his propaganda machine. He said the new NATO plan meant the further concentration of weapons of mass destruction and the heightening of tension in Europe.

ARMING OF GERMANS FEARED

Soviet propaganda has described the plan as "largely designed to serve as a new disguise for the nuclear arming of the West German militarists." Having made these allegations, the Soviet Premier said that if these plans were carried out he would have to consider doing likewise; that is, giving modern nuclear arms to Soviet allies.

General Norstad and other high officials here have denied these Soviet allegations. They have noted that in NATO now, and in the planned mobile task force, non-United States troops would get delivery systems but not atomic warheads.

Actual bombs and nuclear warheads for the modern weapons remain in U.S. custody.

President Eisenhower has indicated that this distinction has been misunderstood, whether deliberately or not, by the Russians. He has denied that there has been any change in U.S. policy on this matter.

The Soviet Premier contended that nothing should be done in advance of the May summit meeting that might cloud the atmosphere or heighten international tension. He suggested that the alleged arming of NATO allies with nuclear weapons would do just that.

The President has denied the allegation. But it is understood that he agreed with

the general principle that the major powers should avoid any unilateral action that might worsen relations.

BERLIN'S STATUS A FACTOR

In making this point, it is believed, the President was thinking primarily of the Berlin situation and the Allied hope that the Russians would not do anything in that area that might cause a crisis.

Diplomats here have noted that the Soviet campaign against sharing nuclear weapons is one of long standing. While the charges of the last month have been directed primarily at the planned NATO task force, the arguments themselves long have been made in the Soviet press and radio.

Most specialists doubt that Mr. Khrushchev has ever given serious thought to sharing nuclear weapons with his East European or Chinese allies. First, they doubt that most of the East Europeans would want to assume the risk entailed in controlling nuclear weapons.

They believe, too, that the Russians share an opinion widely held in the West that the more countries there are with nuclear forces, the greater would be the chance for war resulting from accident or desperation.

Finally, many authorities believe Moscow might feel uneasy if nuclear weapons were in the hands of other Communist states. They believe there must be genuine concern over the thought of another Hungarian revolt or a crisis in the Taiwan Strait if nuclear warheads and bombs were involved.

But analysts concede that a spread of nuclear capability and of warheads inside the Western alliance would increase the pressure on Moscow to follow suit. This in turn convinces most officials here and in the alliance that it would be unwise at present to undertake any change in present policy.

This is accepted in the West. With the exception of France, none of the NATO allies now is pressing to establish its own nuclear military force. This includes West Germany, about which the Russians are most concerned.

It was primarily to set at rest such feelings of worry as may exist in the Kremlin that President Eisenhower replied as he did to Mr. Khrushchev. All NATO governments were informed of the Khrushchev letter soon after its arrival here 11 days ago. The allies also have been given a summary of President Eisenhower's reply.

DEATH OF REPRESENTATIVE RUSSELL V. MACK, OF WASHINGTON

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate, resolutions coming over from the House of Representatives.

The Chair laid before the Senate the resolutions of the House of Representatives, which were read, as follows:

HOUSE RESOLUTION 489

In the HOUSE OF REPRESENTATIVES, U.S., *March 28, 1960.*

Resolved, That the House has heard with profound sorrow of the death of the Honorable RUSSELL V. MACK, a Representative from the State of Washington.

Resolved, That a committee of six Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. MAGNUSON. Mr. President, I submit a resolution and ask that it be read, and I ask for its present consideration.

The PRESIDING OFFICER. The resolution submitted by the Senator from Washington [Mr. MAGNUSON] will be read.

The legislative clerk read the resolution (S. Res. 296), as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. RUSSELL V. MACK, late a Representative from the State of Washington.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, at the conclusion of its business today, the Senate, as a further mark of respect to the memory of the deceased, adjourn until 10 a.m. tomorrow.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 296) was unanimously agreed to.

The PRESIDING OFFICER. Pursuant to the second clause of the resolution, the Chair appoints as the committee on the part of the Senate the senior Senator from Washington [Mr. MAGNUSON] and the junior Senator from Washington [Mr. JACKSON].

LET THE FEDERAL RESERVE BOARD MANFULLY ASSUME RESPONSIBILITY FOR THE INTEREST RATE

Mr. PROXMIRE. Mr. President, there has recently come to my attention an address delivered by Mr. Woodlief Thomas, delivered at the 15th annual conference for senior executives in mortgage banking, New York University, on the subject "Why the Government cannot control the interest-rate structure."

When the top economic adviser to the Board of Governors of the Federal Reserve System makes a public address on such a controversial issue as the level of interest rates, and which is then circulated to a wider audience, it is to be assumed that he is motivated by the laudable desire to promote a better understanding of a complicated subject. It would appear that this was the intention from the very outset of Mr. Thomas' statement.

There is—

He says—

a lack of general understanding of the causes of interest rate variations and of the role of interest rates in our economy. This failure to understand has given rise to many ill-conceived and potentially harmful proposals for preventing the fluctuations from occurring.

I am in wholehearted agreement that faulty analysis of a problem is likely to result in mistaken public policies. Consequently, it was with considerable interest that I turned to the section of Mr. Thomas' address on the casual factors determining changes in interest rates. In view of his emphasis on the widespread lack of understanding of the basic determinants of the level of interest rates, one would expect that the adviser to the Federal Reserve Board would take pains to clarify the subject for us. It was, therefore, quite disappointing, as I read on, to find that the discussion produced confusion rather than clarification.

We are told that interest rates like other prices are the result of the interplay of the forces of supply and demand. On the supply side it is the volume of current and past saving that is the important determinant at any given time, and on the demand side it is the "total of all credit wanted by borrowers of various sorts at that time." What is confusing as well as misleading is that when he speaks of "supply" this refers to savings, and when he speaks of "demand" reference is to the volume of credit. One does not have to be a profound student of economics to suspect that there is something wrong here.

In considering the determination of interest rates, what should be equated is the supply and demand of loanable funds at any given time. On the supply side one must take into account not only the volume of savings but also the amount of new credit created by the banks, and the extent to which people are prepared to activate their cash balances. And on the demand side it is important to take into account the loanable funds sought by the private sector of the economy, the public sector, and the extent to which people desire to augment their cash balances.

In examining the interaction of supply and demand in terms of loanable funds rather than savings one comes closer to the realities of the money market. It also puts a different light on the role played by the Treasury and the Federal Reserve System in the determination of interest rates—a role which Government officials only too frequently find it convenient to minimize. I might add that it is this minimization which is in large part responsible for the continuation of congressional ceilings on Government bonds, and on Government insured and guaranteed mortgage loans. But more on this later.

Mr. Thomas' discussion leads up to the main theme of his address which is posed in the form of the following question: "Can and should Government operating through the Treasury or the Federal Reserve or through acts of Congress, stabilize or control the level of interest rates?" The way in which the question is formulated indicates that he is engaged in building up strawmen which are then readily demolished. The keywords are "stabilize" and "control". They serve to create fictitious issues and to draw attention away from genuine problems raised by critics of official monetary, fiscal, and debt management policies. It will suffice to give two quotations that supposedly characterize the views of those who take a different position on the interest rate question from that of Mr. Thomas.

It is frequently suggested that the rise of interest rates should have been prevented from occurring by governmental action of some sort.

There are at least two things misleading about this statement. First, it implies that the critics believe that the Government should prevent any interest rate rise from taking place. Surely, he must know better than that. Those who differ with his point of view are well aware that interest rates are bound to fluctuate with changing economic conditions—they will be higher in times of expanding business activity than in times of declining business activity. Secondly, it makes no reference to the fact that the critics usually refer to a specific time period. It is not any rise but the magnitude of the rise and the extent to which official policies contribute unduly to intensifying or prolonging the rise that are the real issues. Examination of the problem in these terms would show that Federal Reserve and Treasury policies have a considerable impact on the level of interest rates. It would also reveal, to their embarrassment, that the policies adopted have had an adverse effect upon economic growth and stability.

Mr. Thomas' penchant for beclouding issues by misrepresenting the views generally held by critics of official policies is illustrated by the following quotation: "Some commentators have expressed the view that the rise in interest rates has been engineered by the Federal Reserve in a deliberate but futile effort to prevent inflation. Some advance the opinion that the Federal Reserve, instead of causing interest rates to rise, should take action to stabilize rates." Here the key expressions are "engineered," "futile effort," and "stabilize rates." It is simply not the case that those who have found fault with the tight money policy of the Federal Reserve attribute the rise in interest rates solely to the actions of the monetary authorities, nor are they in favor of pegging interest rates as was done prior to the Treasury-Federal Reserve Accord of 1951.

The top adviser to the Federal Reserve Board would hardly deny that his agency's restrictive policies have been defended on the grounds of preventing inflation. What the critics have attacked is the lack of timely flexibility of these policies and the fact that the Board's obsession with fears of inflation has resulted in unduly intensifying the rise in interest rates, in retarding economic growth, and in aggravating economic instability. Examples of such criticisms are the continuation and even intensification of restrictive monetary policies during the first 10 months of 1957, a period when the signs were multiplying that the economy was heading for a business recession. The failure to ease conditions contributed to making the 1957–58 business contraction the sharpest in the postwar period. Another example is the first half of 1953, when the Board's preoccupation with inflation resulted in the prolongation of tight monetary policies, even though the cumulative evidence was pointing to the early predominance of deflationary developments.

There are two propositions espoused by Mr. Thomas which require examination. First, is the statement that there is not much the Government can do to prevent interest rates from rising, except to adopt fiscal policies designed to create an adequate budgetary surplus. Second, even if it were possible for the Government to do more, he doesn't think it should, since its actions would represent an artifical interference with the functioning of interest in its role of distributing resources among various claimants.

It must be quite apparent that underlying these views is the dogma of a free money market in which the unregulated forces of private supply and demand determine the volume and cost of credit. This philosophy of the free market which was first vigorously expounded by the Chairman of the Board of Governors of the Federal Reserve System and by the Secretary of the Treasury, shortly after the present administration took office in 1953, runs counter to the very idea that was the basis for the creation of the Federal Reserve System. The American people had found from long and bitter experience that the best interest of the economy required that a mandatory authority be established that would take an active role in influencing the volume of credit and the course of interest rates.

In the light of the many changes that have taken place in the American economy in recent decades—the increased role of Government expenditures, the magnitude of public debt, the increased importance of consumer debt, the institutional changes in the capital markets—to name only a few, it is disturbing to find a top Federal Reserve economist adhering so rigidly to laissez-faire policies with respect to the money and capital markets and exhibiting such unwillingness to reexamine official doctrines in the light of the needs of our time. I suspect that it is this frame of mind that led one of the most respected men in the field of central banking, Mr. Allan Sproul, formerly president of the Federal Reserve Bank of New York, to declare:

We have excellent research staffs in the Federal Reserve System: able economists and statisticians and devoted students of money and banking problems. But their work needs more cross-fertilization and critical analysis by thoughtful and disciplined minds outside the System who can apply their talents to this special field without the bias of an organizational viewpoint. Not enough work has been done, I would say, on the monetary problems of a mixed Government-private economy, in the functioning and form of a fractional reserve banking system in such an economy, on the growing importance of other financial institutions, which crisscross both the fields of commercial banking and investment banking, and on the performance and characteristics of our money and capital markets. These are subjects which are becoming critical in the development of central banking.

The rigid adherence to the philosophy of the free securities market and the refusal of Government officials to explore new avenues for dealing with our changed financial environment have contributed to the progressive deterioration of the Government bond market during the past 7 years and to the acceleration of the upward climb of interest rates.

It is this attitude on the part of the present administration that has caused its opponents to insist that the 4¼ percent interest ceiling on Government bonds with maturities of over 5 years should not be lifted until major reforms in fiscal, monetary, and debt management policies are instituted. The critics have not found convincing such arguments as that advanced by Mr. Thomas—namely, that the interest ceiling has merely had the effect of forcing the Treasury to borrow on shorter-term obligations; that it has excessively increased the liquidity of the economy; and that it has prevented the Treasury from adopting debt-management policies that would contribute to the maintenance of sustained growth.

In this connection it is highly pertinent to recall the fact that no sooner did the present administration come into office than it launched upon a program of refunding the debt into longer maturities. As all of us know, it has not been very successful in this objective. As was recently pointed out by the report of the Joint Economic Committee on Employment, Growth, and Price Levels—page 39:

In 1952, the average length of the debt was 5 years and 8 months. Thus, the average maturity had fallen by 1 year and 1 month before the administration requested that the interest rate ceiling be removed. The average length of maturities had theretofore been greatly shortened before the administration felt hampered by the rise in the interest rate.

I submit that official policies and a closed mind toward the exploration of new approaches to monetary and debt-management policies have largely contributed to the failure of the administration's objective of lengthening the debt. It has seized upon the issue of the interest rate ceiling as a smokescreen to cover up its own inadequacies.

It will suffice to refer to two of the Federal Reserve policies in recent years which have contributed to weakening the Government bond sector and to the rise in interest rates. First, there is the Board's adherence to a bills-only policy of open-market operations. This was announced about the same time that the Treasury embarked on its debt-lengthening program, early in 1953. It is worth noting that it was Mr. Sproul, whom I have already quoted on the need for reexamining the basic ideas of central banking, who was opposed to this doctrine from the very beginning. It was he who characterized the bills-only policy as placing monetary management in a straitjacket. I see from the latest annual report of the Board, released a few weeks ago, that Mr. Hays, Mr. Sproul's successor at the Federal Reserve Bank of New York, has been continuing to register dissent at the open-market committee of the System concerning its rigidity in confining open-market operations solely to short-term Government securities.

The Federal Reserve Board would do well to ponder the following quotation

from the Joint Economic Committee's report referred to previously—page 42:

> One effect of the bills-only policy is to weaken the long-term market by letting harmful disparities develop between long- and short-term interest rates. There is no reason why the Federal Reserve, when it deems it advisable to buy and sell securities, should not buy or sell securities of varied maturities, including some long-term bonds.
>
> We are not advocating that the Federal Reserve peg the long-term bond market. We are advocating that the Federal Reserve System assume responsibility for the orderly behavior of our credit markets. Such improvement in behavior would make Government bonds more attractive to investors, and hence would lower interest rates on Federal securities.

Mr. President, it is no coincidence that the top official in the Federal Reserve System who fought for more flexible policies with respect to open-market operations was also the one who had a deeper understanding of the limitations of general monetary controls. It was Mr. Sproul who was a vigorous champion in 1955 for giving the System authority for selective controls over consumer credit when experience showed that it was a potent force for inflationary pressures and for economic instability. In contrast was the Board's position that general controls were adequate to deal with inflationary credit developments—a position that is rooted in the philosophy that Government cannot and should not interfere with market processes.

As long as this attitude of complacency toward the adequacy of existing monetary tools prevails it will not be possible to correct the increasing ill-balance between the Government securities market and the private capital markets. It will take more than budget surpluses—as the Joint Economic Committee report has shown—to achieve a better balance and to contain inflationary developments and the hikes in interest rates that accompany such developments. What we need is a more open and experimental mind by those who have the responsibility for steering the course of monetary and debt-management policy.

Mr. President, I yield the floor.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection, it is so ordered.

LEGISLATIVE PROGRAM FOR TOMORROW

Mr. JOHNSON of Texas. Mr. President, I had hoped that today the Senate would be able to complete its action on the unfinished business, the Department of Commerce appropriation bill, and then perhaps also act today on several additional measures of great importance. However, that has not been possible.

On tomorrow, after the Senate completes its action on the Department of Commerce appropriation bill, which I hope will be done at an early hour, it is our hope that the Senate will then consider and pass the Department of the Interior appropriation bill; and if sufficient time remains, we shall then attempt to bring up several other measures.

COMMITTEE SERVICE

Mr. JOHNSON of Texas. Mr. President, I submit, and send to the desk, a resolution for which I request immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution, Senate Resolution 297, was read, as follows:

> *Resolved*, That the Senator from Oregon [Mr. LUSK] be assigned to service on the Committee on Interior and Insular Affairs and the Committee on Public Works; and
>
> That the Senator from West Virginia [Mr. RANDOLPH] be assigned to service on the Committee on Post Office and Civil Service.

The PRESIDING OFFICER. Is there objection to the request for the immediate consideration of the resolution?

There being no objection, the resolution—Senate Resolution 297—was considered and agreed to.

U.S. MILITARY ASSISTANCE PROGRAMS

Mr. CHURCH. Mr. President, last year the Committee on Foreign Relations accepted the recommendation of the administration that authorizations for military assistance appropriations be placed on a long-range basis. The law was changed, so as to provide that for the fiscal years 1961 and 1962, such sums as might be necessary could be appropriated for military assistance. This is an open-end authorization. It means that the executive branch need not come to the Senate Foreign Relations Committee and the House Foreign Affairs Committee with the justification of an authorization request, but may go directly to the Appropriations Committees with an appropriation request.

In my judgment, the Congress made a mistake by changing the pattern of congressional action on the military-aid program which previously had prevailed for nearly 10 years. I think we ought to return to the previous arrangement, whereby military assistance funds were annually authorized and annually appropriated.

The purpose of military assistance is spelled out in the law. Section 101 of the Mutual Security Act states that the purpose of military assistance is "to promote the foreign policy, security, and general welfare of the United States."

It is the business of the Committee on Foreign Relations to consider whether the President's annual programs of military aid will in fact promote the foreign policy of the United States. In agreeing to an open-end authorization for military assistance appropriations, the Committee on Foreign Relations abdicated its responsibility.

Last year the Committee on Foreign Relations took pains to amend the Mutual Security Act so as to strengthen the control over military aid by the Secretary of State. The law now provides that:

> Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the assistance programs authorized by this Act, including but not limited to determining whether there shall be a military assistance program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby

It is incongruous for the committee and the Congress to strengthen foreign policy direction over military aid within the executive branch while, at the same time, relaxing foreign policy review in the Congress.

The mutual security program has always been plagued by an overemphasis on military assistance. Thirty-nine separate countries are scheduled to receive grants of military assistance from the United States under the proposed program for the coming year.

Mr. President, it is a tragedy, in my opinion, that military programs of the United States in Africa are steadily increasing. Africa has been relatively free of armed conflict, and military establishments are exceedingly small compared with any other areas of the world. Africa needs economic development so badly. It needs help in all kinds of things, but it definitely does not need greater armaments.

Latin America is another area where the military justification for arms aid is very hard to find. It is another area where the burden of maintaining military forces directly diverts energy and resources from economic development.

I would call the attention of the Senate to the military assistance program which is proposed for Europe in the coming fiscal year. We know that the Marshall Plan bears a large share of the credit for the return of Europe to prosperity. Europe is prosperous, and becoming more so. Indeed, we are now embarked upon a program to obtain larger contributions of financial aid for the underdeveloped countries from our prosperous partners of Western Europe. Yet, in the face of this avowed objective, the President proposes to increase our military aid program for Europe next year by $100 million. The President is proposing a military assistance program of $459 million for the fiscal year 1961. I do not believe the President's proposal can be reconciled with Europe's growing capacity to pay its own way in providing weapons for its own defense.

Mr. President, perhaps one result of removing the controlling influence of the Committee on Foreign Relations is to be found in the very large increase in the military aid program for next year. Last year at this time the President was asking $1.6 billion for military aid. This year he is asking $2 billion. This is a jump of $400 million in his request

for military assistance appropriations since the authorization was made open-ended.

Expenditures for military assistance are currently running at the rate of $1.8 billion a year. I believe we should not go above that rate. Since there will be, at the end of the fiscal year 1960, a carryover of $2 billion in unexpended balances for military assistance, there is no need for a new appropriation of $2 billion in order to keep the expended rate at the current level.

Accordingly, Mr. President, I am proposing an amendment authorizing not more than $1.8 billion for military assistance in the coming fiscal year. This would effect no meat-ax cut, but it would hold our military aid program at present levels.

Mr. President, another result of the relinquishment of jurisdiction by the Committee on Foreign Relations over the military aid program has been that the desires of the committee, enacted into law, have been ignored. On the recommendation of the committee last year, the following new sentence was added to the Mutual Security Act:

> Programs of military assistance subsequent to the fiscal year 1960 program shall be budgeted so as to come into competition for financial support with other activities and programs of the Department of Defense.

The purpose of this new provision was to "insure that the budget process itself will approach military assistance and domestic defense funds as parts of a single program."

I am quoting from the report of the committee on last year's mutual security bill.

This new requirement in the law has been ignored ever since it was enacted. The chairman of the committee wrote a letter to the Bureau of the Budget and asked what had been done to insure that there would be competition for financial support between the military aid program and other programs of the Department of Defense. A long letter came back in technical language which, when interpreted, meant that nothing had been done. Last week, on March 23, the committee examined the Assistant Secretary of Defense in charge of the military assistance program on this point. He readily admitted the failure to carry out the law. I quote from an exchange between Assistant Secretary of Defense Irwin and the distinguished Senator from Tennessee [Mr. GORE]:

> Senator GORE. Now I have asked you if the General Counsel suggested any change in procedure and you do not have that information just now. Were there any changes in procedure whether on advice of General Counsel or not?
>
> Mr. IRWIN. Not that I know of, Senator GORE.

Mr. President, this is sufficient evidence, to my way of thinking, that the Department of Defense decided that, since the Committee on Foreign Relations was not any longer going to exercise its annual control over the authorization figure for military aid, the Department could relax about carrying out the wishes of the committee as embodied in the law.

I have concluded that there are two changes which should be made in the pending mutual security bill. The annual check on military aid programs by the Committee on Foreign Relations should be restored. Second, we should keep the authorization for military aid programs next year at a level no higher than currently in effect. I therefore submit an amendment to S. 3058 to accomplish these purposes. I send it to the desk, and ask that it be appropriately referred.

The PRESIDING OFFICER. The amendment will be received, printed, and referred to the Committee on Foreign Relations.

Mr. CHURCH. Mr. President, I should like to devote a few minutes to the subject of military aid to Latin America. The history of military aid to the American Republics is one of increasing limitation by the Congress. A good many years ago the Congress wrote into the law a requirement that military aid to Latin America be furnished "only in furtherance of missions directly relating to the common defense of the Western Hemisphere." That requirement was put in to prevent the furnishing of aid to countries in Latin America for the purpose of fighting each other.

The requirement, however, has not proved a very effective limitation. To avoid it, the practice developed that when a country in Latin America wanted some military equipment, a special defense mission would be contrived for the use of such equipment. This mission was then fitted into the Western Hemisphere defense plans so that the furnishing of the equipment by the United States could be justified under the law. A year or two ago, the Congress attempted to prevent this sort of evasion by requiring the President each year to review the previous findings as to the necessity of military missions for Latin American countries in Western Hemisphere defense plans.

Another abuse has been listing as a necessity for hemispheric defense the maintenance of internal security by Latin American countries. The rationale offered was that if war broke out involving the hemisphere it would be important for the Latin American countries to keep order at home. Since Latin American countries are capable of providing their own internal security weapons, and since the relationship of internal security to hemispheric defense was obviously so tenuous, the Congress, 2 years ago, wrote into the law the following additional limitation:

> Internal security requirements shall not, unless the President determines otherwise, be the basis for military assistance programs for Latin American Republics.

Mr. President, in spite of these successive restrictions on military aid to Latin America, the programs have continued to grow. Last year, on the recommendation of the Committee on Foreign Relations, the Congress placed a ceiling on military aid to Latin America. It was provided that the program for fiscal year 1960 should not exceed the program for fiscal year 1959. The idea was that if some military aid was necessary the total should not increase.

But even this direct attempt to limit military assistance in Latin America has proved inadequate. Not in conformance with the spirit of the new limitation, but in the technical letter of the law, the Pentagon concluded that by furnishing military aid on the basis of long-term credit the ceiling could be exceeded.

Mr. President, in view of this history, and for other reasons which I shall mention, the time has come to call a halt.

Purely military justifications for furnishing arms to Latin America are very hard to rationalize. Latin American countries can afford arms for internal security purposes. They do not need any help from the United States. They do not really need additional weapons to defend themselves against attack from another Latin American country. The cooperative defense arrangements which have been worked out by treaty among Western Hemisphere countries provide adequate protection against this kind of threat. If one Latin American country attacks another, the defending country knows that it can call on the Organization of American States, of which the United States is a member, to come to its aid.

What we are talking about, then, as regards military danger in Latin America, is the danger of aggression from outside the hemisphere. Ever since the first declaration of the Monroe Doctrine, the United States has furnished a shield to protect Latin America against attack from without the Western Hemisphere. If Latin America were ever attacked from abroad, world war III would obviously be in progress. And the power of the United States and the NATO countries would then be the chief reliance of all the Western World.

On the economic side, Mr. President, military aid to Latin America not only is not helpful, it has the effect of holding back economic development. Armies cost money to maintain. Weapons are expensive and troop pay is expensive. Latin American countries have urgent, overwhelming needs to develop their economies fast enough to keep up with their rapidly growing population. Every possible resource and energy should be devoted to peaceful economic growth.

In discussing these matters with State Department officials, the argument at this point usually shifts to political grounds. Two assertions are made. One is that military cliques in Latin America exercise great political power and must be appeased; the other is that if the United States does not furnish military equipment some other country will.

Mr. President, I think the importance of these considerations has been greatly overdrawn. It is my impression, from personal experience in Latin America, and it is the testimony of other Senators who have traveled more extensively there than I, that one finds the civilian leaders of Latin American countries pleading

with us to assist their countries to disarm. Some of these civilian leaders have governments which have overthrown military dictatorships, and they see disarmament not only as desirable for economic reasons, but as necessary if civilian control in their countries is to continue. Sometimes they are obliged to bow to pressure from the military within their countries to obtain additional arms, but they tell us privately that they wish we would say "No" more often.

Mr. President, I believe that the political considerations offered in support of military assistance can be met adequately by permitting Latin American countries to continue to buy arms from the United States. If they are determined to buy arms, we ought not to force them to make their purchases in Europe. I would agree to retain the existing authority in the law permitting the U.S. Government to sell military equipment to Latin American countries for dollars.

I would also retain our program of furnishing training assistance to Latin America. I think some good does result from having Latin American military personnel come to the United States to participate in our military schools, and to become acquainted with our way of life.

Mr. President, I likewise appreciate the fact that the executive branch has made commitments to furnish military equipment to Latin America which we cannot dishonor. I think myself that some of these commitments were unwise, but nevertheless they have been made. I agree, therefore, that we should fulfill our existing commitments, but I feel strongly that no new commitments, other than in the training category which I have mentioned, should be made.

Accordingly, Mr. President, I introduce the following amendment which I shall read because it is short:

SEC. 101. Section 103 of the Mutual Security Act of 1954 as amended, which relates to authorizations for military assistance, is amended by adding the following new subsection:

"(d) Beginning with the date of enactment of this subsection, the authority in this title to furnish military assistance to American Republics may be used only to fulfill prior commitments to foreign governments: *Provided*, That this limitation shall not apply to training assistance or to sales under section 106."

This language will accomplish the following purposes: It will, with certain exceptions, stop new commitments to furnish military equipment to Latin America. It will stop the furnishing of weapons on a grant basis or on a credit basis. It will not stop sales of military items for dollars. It will not stop our giving further training assistance.

Mr. President, my amendment is not a rigid cut off of military aid to Latin America. The flow of arms can continue through sales of military equipment. I would also point out that if an emergency arises requiring a grant of arms, the President always retains the power given to him in section 451 of the act to make an exception to the amendment which I am offering, through the use of his contingency fund.

Mr. President, military aid to Latin America has become a habit, I fear. It is a habit which we ought to break. Our neighbors to the South do not need arms. They need help in building their economies, in improving their standards of living, and in increasing their trade. We should help them in these things, while avoiding at the same time, any inducement of our own, which tends to increase the size of their already swollen military establishments.

Mr. President, I send the amendment to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The amendment will be received and printed, and referred to the Committee on Foreign Relations.

Mr. CHURCH. Mr. President, I suggest the absence of a qurorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHURCH in the chair). Without objection, it is so ordered.

METROPOLITAN MASS TRANSPORTATION

Mr. WILLIAMS of New Jersey. Mr. President, I have introduced a bill, together with Senators CLARK, JAVITS, KEATING, ENGLE, HUMPHREY, SYMINGTON, MORSE, HENNINGS, HARTKE, and YOUNG of Ohio, to assist State and local governments and their public instrumentalities in improving mass transportation service in metropolitan areas.

This bill represents a modification and conceptual expansion of a proposal originally conceived by members of the railroad industry and the American Municipal Association, which represents approximately 13,000 cities and towns throughout the United States.

For one thing, the bill calls for a smaller expenditure than had originally been proposed and the program would be administered by the Housing and Home Finance Agency—the closest thing we have to a Department of Urban affairs—rather than by the Department of Commerce, as had been suggested.

I believe this more modest measure is a constructive and logical approach to the critical problem of urban strangulation and paralyzing traffic congestion.

And I am pleased that the American Municipal Association has given its full backing and support to this measure in preference to its original proposal.

I am also gratified that a number of members in the House have joined with me in introducing the bill. The widespread interest in the bill is very encouraging.

I believe it indicates a growing recognition that we cannot postpone action much longer.

I would like now to describe briefly the main provisions of the bill and then discuss, at some length, why such legislation is necessary.

PROVISIONS OF THE BILL

The bill provides for a two-part program of planning and loans in recognition of the fact that the wise, economical, and most efficient expenditure of Federal funds depends heavily on adequate and comprehensive planning. The day has long since passed when we can afford—literally and financially afford—the luxury of ignoring the men and women who do our planning, as there seems to be a tendency to do.

The first part of the bill would authorize the use of current Federal planning grants, the so-called section 701 urban planning grants of the Housing Act, for the following purposes:

First. To help determine the total transportation needs of metropolitan areas.

Second. To help formulate programs for the most efficient and economical coordination, integration, and joint use of existing mass transportation facilities.

Third. To help coordinate the planning activities of all the public bodies and agencies responsible for regulating or providing mass transportation services in such areas.

Fourth. To encourage study of the interrelationship between metropolitan area growth and the development of a total transportation system, including especially study of the impact of land use on the total transportation needs of our urban areas, and conversely the effect of transportation on land use.

The second part of the bill would broaden the scope of the Housing and Home Finance Agency's community facilities administration to permit this bureau to make long-term, low-interest loans up to a total of $100 million to State and local governments and their public instrumentalities in order to:

First. Help coordinate and integrate the construction of highway, bus, surface-rail, underground, and other mass transportation facilities in large, metropolitan areas, and

Second. Help finance the acquisition, construction, or improvement of equipment and facilities for use in mass-transit or commuter service.

Mr. President, it should be noted that both of these programs would be administered by the Housing and Home Finance Agency. At first glance this might seem unusual, but in fact this agency has more to do with metropolitan problems than probably any other agency or department in the Government.

As Dr. William L. C. Wheaton, president of the National Housing Conference, recently wrote:

If we examine the Housing Agency we find that it is no longer a housing agency. It contains programs of housing and urban renewal. It contains the Bureau of Community Facilities with a program of aids to local community facilities and public works. The Housing Agency administers a program of grants for local, county, and State planning assistance and assorted other functions, all affecting the development of urban areas. Indeed, the only major development

aids of the Federal Government to urban areas which are not now contained in the Housing Agency appear to be urban roads and highways and aids for school buildings and hospitals, to the extent that we have such programs. In short, I would contend that the Housing and Home Finance Agency has already become a department of urban development and housing in all but name and prestige.

It would seem only reasonable, then, that the metropolitan problem of providing adequate mass transportation services would properly belong in such an agency as the HHFA.

And I was interested to note that the transportation report just recently submitted by the Department of Commerce gave support to this contention.

The Department's recommendation No. 49 states that the Federal Government should "encourage urban long-range community planning, including total transportation planning to make full use of highway, transit, rail commutation, and all other capacity to minimize total transportation cost and congestion, in full coordination with activities under the Housing Act of 1949 as amended."

But to conclude that this Agency is best equipped and most competent to administer any Federal activity in the field of metropolitan mass transportation does not answer the question whether such activity is necessary or desirable in the first place.

That is the central question: Should the Federal Government concern itself with the problem of insuring adequate metropolitan mass transportation services?

In my judgment, the great weight of evidence and argument leads inevitably to the answer, "Yes."

The problems of skyrocketing metropolitan area growth, the paralysis of traffic congestion, and the obstacles to the free flow of interstate commerce are of such magnitude and consequence—both in human and economic terms—that it just does not make sense to call the problems of urban transportation "a merely local concern" or even "primarily a local problem."

The stakes are so enormous to the Nation as a whole that all levels of government—local, State, and Federal—must accept equal responsibility and must all exert their fullest efforts to achieving a solution to the problem.

I am interested to note that our colleague and friend the senior Senator from Pennsylvania [Mr. CLARK] has suggested in a talk at George Washington University, following through with earlier suggestions he had made, that he proposes the creation of a new department from the present Housing and Home Finance Agency, to serve as a spokesman within the Government for urban communities.

THE NATIONAL INTEREST

There is a tendency, I think, to visualize the problem of metropolitan mass transportation in terms of the convenience of the sleep-eyed resident in Greenwich, Conn., waiting for the 7:15 train to New York City.

However, there are some 16 million people like the one I have described who are totally dependent on some form of public transportation to get to and from work each day. Another 40 million people have less frequent need for mass transportation services.

These are no trifling numbers, but the national interest in this problem is far greater than the convenience and comfort of even this many people.

However, the extent of the national interest cannot be properly appreciated until it is fully realized that transportation and urban life are inseparable.

Modern transportation, the advent of trains, automobiles, and airplanes, have—more than any other single force—made the city what it is today.

Transportation is the bloodstream of an urban, cosmopolitan nation. And we are, as everyone knows, undergoing a national hardening of the arteries.

The transportation system that made our urban life possible now threatens to strangle the major metropolitan areas of the Nation.

This cannot be permitted to continue. The human and economic consequences are too great.

WELFARE OF THE PEOPLE

It is an often repeated fact that the great majority of the people in the United States—over 100 million—now live in the major metropolitan areas of the Nation. By 1975 our population is expected to reach 215 million, and the urban population concentration will be nearly 80 percent of all the people living in the United States.

Their welfare is obviously a prime national concern, and their welfare will depend to a great degree on the transportation systems that are available. And the key to all forms of transportation in the urban areas of the Nation lies in the adequacy of our mass transportation facilities.

Another aspect to the national interest lies in the free flow of interstate commerce.

FREE FLOW OF COMMERCE

The economic activity and growth of the Nation are greatly dependent on transportation. The Nation depends on the movement of goods, all kinds of goods, from missiles to motorboats. And again a tremendous increase in the movement of goods is expected by 1975.

It has been estimated that for every dollar of gross national product in the United States, 3 tons of freight are moved 1 mile. By 1975, if the gross national product reaches $750 billion, approximately 2 trillion ton-miles of freight will have to be moved that year. This is three-quarters of a trillion more freight movement than we have at present.

Again, as a Nation, we have a vital interest in insuring the free flow of that freight. If it is slowed down and impeded because of inadequate urban transportation systems, the whole Nation will be the loser.

FEDERAL HIGHWAY INVESTMENT

A third area of national interest lies in protecting our huge $41 billion investment in the current Federal highway program, about half of which will be spent in the urban areas of the Nation.

The primary objective, of course, is to achieve the best possible transportation system with the lowest and most efficient expenditure of money.

The future development or decline of mass transportation services will play a major role in determining the scope of the highway program and the amount of money that will ultimately have to be spent on it.

It is well recognized, I think, that the loss of our mass transportation services would throw an unbearable burden on our streets and highways. Conversely, the development of better mass transportation systems would more than pay for itself by greatly reducing the need for other costly public expenditures, like urban highways.

Finally and most important there is the critical national interest in the economic welfare of our metropolitan areas as a whole.

URBAN ECONOMIC WELFARE

In 1958 the people living in the metropolitan areas of the Nation held $203 billion, or 66 percent, of the total disposable personal income in the United States.

It seems that we tend to forget that the major metropolitan areas are the major wealth producing centers of the Nation. And wealth production means tax production. Can we, in this day and age of international competition and struggle, afford to allow our metropolitan centers to deteriorate and decay?

The answer would seem obvious. Yet it is happening.

DECLINE OF THE CITIES

The decline of our cities—our major wealth producing centers—began when people decided they wanted to live in urban areas and drive automobiles as well.

Today our cities are being physically and financially crushed by the onslaught of the automobile. Since 1930 the number of cars in the Nation have increased five times as fast as the population. In 1959 there were 68 million cars on the road. In 1975, if present trends continue, the number of cars will be 100 million.

The cost of this development is staggering and will continue to be so unless some hard thought is given to the matter.

The most obvious cost is in the construction of highways, access roads, bridges, tunnels, and parking facilities. These costs in highly developed areas, as we all know, run up into the millions of dollars for the construction of just 1 mile of road.

And to make matters worse, despite our greatest efforts to provide adequate facilities for auto traffic—and the Federal highway program is the largest public works project this country has ever undertaken—there seems to be no hope that in the end traffic congestion will be reduced. In fact, there are many who say that when the highway program is completed in 1975 the congestion will be just as great, or even worse.

There are also other less conspicuous but no less important costs that result from our metropolitan traffic paralysis.

COST OF TRAFFIC JAMS

According to a survey conducted by the New York Times in 1957, it was estimated that the habitual traffic jams that occur in nearly every city cost the Nation $5 billion a year.

The Times also reported that "the economic cost of automobile accidents last year was estimated by the Association of Casualty and Surety Companies at $6.5 billion."

In New York City alone the traffic jams cost over a billion dollars a year. These losses are reflected in wages that are needed to cover time lost in traffic, in the loss of retail sales, new construction, tax revenue and the overly rapid depreciation of vehicles and extra fuel costs.

Certainly this is money that could be put to much better use by a nation in global conflict with a hostile form of government.

WASTE OF LAND

Another serious form of erosion and waste is the amount of land that is being devoured on behalf of the automobile.

In another series of articles appearing in the New York Times last year, Harrison Salisbury wrote: "About two-thirds of downtown Los Angeles is already in thrall to the gods of gasoline."

About 28 percent of the land of that city is taken up by streets, freeways, and service ways. Another 38 percent of the land is devoted to garages, loading facilities, gas stations, and so forth.

Downtown Detroit is another example with 56 percent of all available land in bondage to the streets and parking lots.

Elsewhere across the country the picture is much the same. The percentages may vary. But they have this in common; they are all going up.

Unfortunately, however, our roads pay no Federal or local taxes. The huge costs of our traffic jams and the exhorbitant waste of potential wealth-producing land are bad enough. But this is only the beginning of the proverbial vicious circle.

COMMUTATION AND URBAN SPRAWL

With the advent of the automobile, the "flight to the suburbs" and the "urban sprawl" began.

As one suburb after another filled up, the builders and the bulldozers moved on to the next vacant pasture, thus intensifying the need for automobile commutation.

Although more and more people are moving to increasingly far-out suburbs, they are still continuing to work in the central cities. In fact, New York City is undergoing a commercial renaissance even though its core population is declining.

Thus the congestion continues to mount as more and more people come from suburbs where the density of population is so low that no other transportation than the private car is possible.

Unless, then, adequate and convenient mass transportation facilities are made available closer in to the central city where the population density is high enough, the commuter will have no other choice than to drive his car all the way to work, and governments at all levels will have no other choice than to make his trip possible through road, bridge, tunnel, and parking area construction.

But it does not take much imagination to see that this solution is ultimately and inevitably self-defeating.

Congestion will get worse, highway construction costs will become greater, more revenue-producing land will be wasted, and our once-proud cities will grow weaker and poorer.

At the same time, an enormous amount of money will have to be spent in far-out suburbs to provide duplicate roads, sewers, hospitals, shopping centers, schools, fire departments, police service and so forth.

But no matter how much each community is willing to spend, it can never become a world unto itself. The major employment center will remain in the core city, as will most of the other amenities of an urban civilization.

As the executive director of the New York Metropolitan Rapid Transit Commission, Frank Simon, has said:

> The stock exchange will not move to Englewood. "My Fair Lady" will not have a 3-year run in West Hempstead and the Metropolitan Museum of Art will not move to Tarrytown.

With all these problems before us, it is evident, I think, that transportation is the key to urban civilization.

As Luther Gulick, one of our leading authorities on urban affairs, has written:

> So central to metropolitan life is this problem of physical circulation of men and goods that it might be said that all the rest of our metropolitan problems would become tractable if only we might find out how to solve the transportation problem.

NEED FOR MASS TRANSPORTATION

The question is, How? By reliance on the automobile alone?

The answer is conclusively "No."

Again, to quote from Harrison Salisbury's article last year:

> No matter what the cost, public transit facilities must be provided. Otherwise chaos lies just ahead. That is what the west coast Cassandras—often yesterday's prophets in the freeway temples—are saying today.
>
> Los Angeles provides a classic example of the Malthusian principle applied to the automobile. As cited by Dr. Lyle C. Fitch, first deputy administrator of New York City, this is the law:
>
> "Today's automobile population continually outruns its lebensraum."

Dr. Wilfred Owen, another leading authority on metropolitan transportation problems, writes in his book "Cities in the Motor Age":

> It is clear that even the current extraordinary roadbuilding effort will fall short of meeting all the transport requirements of the big metropolis in rush hours. Often it seems that the more roads we build the heavier the congestion becomes. By 1975 we may find ourselves with a highway system that can handle more vehicles than ever before, yet one that will be just as overburdened as ever.
>
> The answer to the transportation problems of our densely built-up urban centers does not lie in the private car alone. It is becoming more and more difficult to acquire land for rights-of-way and parking. Any real effort to make our vertical cities completely accessible by automobile would eliminate much of the downtown development that makes access worthwhile. In order to preserve the core of the large city, there should be a more balanced attention to all methods of movement—and this means that an adequate public-transit system is essential. Without it the motorist in today's big city may strangle in his own congestion.

Unquestionably, then, metropolitan mass transportation is imperative.

It is vital to the continued welfare of the great majority of people who live in our urban areas.

It is vital to the economic welfare and wealth-producing capacity of the metropolitan areas.

It is vital to the free flow of goods in interstate commerce.

It is vital to the efficient and economical expenditure of Federal funds for highway construction.

For the fact is that it takes 80 lanes of highway to carry the same number of people in 1 hour as can be carried on 2 tracks of rail.

The impact of this difference in capacity can be seen in the estimate that if half the people who now use public transportation to get to work in New York City were to switch to private car, 10 square miles of more parking space would be required, and the street, bridge, and tunnel capacity leading to the city would have to be doubled.

In dollars and cents, it has been calculated that it would cost over $30 billion to provide highway facilities for the people who presently use mass transportation in just the five cities of New York, Philadelphia, Chicago, Boston, and Cleveland.

NEED FOR SOUND PLANNING

If mass transportation is essential and if the Federal Government has a definite interest in, and responsibility for, its development, it is essential that there be sound planning prior to any significant expenditure of Federal funds that may become necessary.

This need is clearly recognized by the Commerce Department's report on transportation. In the section on urban transportation, the question is asked: How can the Federal Government assist in the problem of urban transportation congestion? It should "encourage local authorities to do more long-range land-use planning, in which transportation has a critical part."

The bill I have introduced is designed, first, to encourage comprehensive planning to determine total transportation needs and planning to coordinate existing transportation systems within the development of the city as a whole.

It might be asked: Are we not already doing a lot of planning with the 1½ percent funds available under the Federal highway program?

It is probably true that the Bureau of Public Roads and the highway departments in some States are doing the lion's share of overall planning. But it is questionable whether they are doing all the planning that needs to be done in urban areas, in planning for the proper relationship between roads and the other as-

pects of urban development. In fact the law prohibits the use of these funds for land-use planning.

And it is questionable whether it is desirable that they should do such planning. A number of experts are inclined to feel that this planning should not be divorced from the agencies and officials with primary political responsibility for the total development of the community or urban area.

It is my hope that the city and regional planners who now receive section 701 grants for urban planning will be encouraged to do more areawide transportation planning on their own. And it is my understanding that very little of this is now being done.

The bill would, secondly, encourage the coordination of the planning of all the various public bodies and agencies that have responsibility for transportation services within a single metropolitan area. And they are many.

Nationwide, there are some 46,000 governmental units with some degree of control over our whole transportation structure.

A more graphic description of the balkanization of jurisdiction can be found in a fine transportation study of the Newark area, completed last year by the New Jersey Highway Department and the Department of Conservation and Economic Development. The report states that:

> A list of those active in providing transportation in the Newark area include, among others: The State government acting through the highway departments; the four county governments; the municipal governments, of which there are 34; the New Jersey Turnpike Authority; the Garden State Parkway Authority; private transit companies providing bus and rapid transit services under franchises regulated by the State public utilities commission; the Port of New York Authority; and a number of railroads regulated by the State public utilities commission and the Federal Interstate Commerce Commission.
>
> The result for the Newark area is that at present there exists no mechanism to insure the recognition of the area's total transportation need or to formulate policies for meeting that need in an efficient manner.

IMPACT OF LAND USE ON TRANSPORTATION

Finally and most importantly, the bill would encourage more study of the interrelationship between transportation and urban development.

As Wilfred Owen so well stated, there are two sides to the transportation problem—supply and demand.

"To date," he points out, "attention has been directed exclusively to supplying additional transport capacity. The futility of this one-sided approach is plain."

What we need to do is start tackling congestion at its source.

And unquestionably one of the main reasons people have been fleeing to the suburbs has been to escape the decay and deterioration of the central city, to escape the confinement and the lack of open space and recreation areas, to escape the noise and congestion, the crime and juvenile delinquency.

As Dr. Owen says:

> The ultimate solution to this problem is not to build more and more transport capacity. The central city needs to be redesigned to permit more people to live as well as work there. Transportation problems could be alleviated, for example, if cities would restore close-in areas and make them fit to live in.

In other words there must be an extremely close relation between the development of land uses and the development of transportation systems. There should be much greater effort toward bringing the home and the factory closer together and insuring the proper balance between them.

In Dr. Owen's words, the new highway program, which constitutes our major urban transportation effort, "will be a major influence in renewing the city, and the renewal program may prove to be equally effective in attacking congestion.

> At the very least there is need for a close working relation between road and renewal programs * * * (but) no such unity exists.

COMMUTER EQUIPMENT LOANS

In addition to the types of planning I have outlined, there is a critical and immediate need for Federal assistance to help finance the purchase of new equipment and facilities for use in mass transit or commuter service, especially on rails.

This assistance is based on the premise that, no matter what the future of intercity rail passenger service, the existing suburban rail network must be preserved wherever possible.

This form of travel is by all odds the most efficient, but most important, the enormous capital investment in tracks, stations, and rights-of-way has already been made.

Perhaps the relative inflexibility of rail service is such that further expansion for mass transportation service would be undesirable, except in special instances where the population density is high enough.

But surely it makes economic sense to maintain existing suburban rail service where it is needed and now exists.

ROLE OF RAIL SERVICE

As Dr. Owen concludes:

> Where rapid-transit lines already exist, facilities and equipment should be preserved and modernized to meet the requirements of present users. Subsidies for this purpose are warranted where they will mean a net saving in total outlays for the transport system as a whole.

This bill does not provide for subsidies, however, despite the fact that suburban rail and rapid transit service is unquestionably a heavy money-losing proposition, in most cases.

The bill would provide long-term, low-interest loans of up to $100 million to assist in the purchase, for example, of railroad passenger cars, which in 1958 were on an average of 28½ years old.

There are of course many things that will have to be done to get commuters out of their cars and back onto rapid transit systems, including faster and more frequent service and possibly lower fares.

But modernization of our commuter equipment is a prime requisite.

CONVENTIONAL LOAN COSTS

The problem is that conventional loans carry such high fixed charges that they only tend to increase the loss on what is already a money-losing operation. It is as if you were to try to convince a button manufacturer who was losing a penny on each button to try producing in greater volume.

The current terms on railway passenger equipment, on the basis of the recent purchases of the Chicago & Northwestern, are 15 years and 6 percent.

The importance of fixed costs on metropolitan transportation were clearly shown in the recent report on the transportation plan for the National Capital region here in Washington.

In forecasting the operation of the proposed "Express Transit System," at a time when the regional population is 3 million, the report estimated that fare revenues would amount to $63 million. Operating expenses would be $39 million and amortization of the financing costs would be $31 million, or nearly 50 percent of the estimated revenues.

LOANS FOR UNIFIED FACILITIES

Another important need is for assistance to help finance the coordination and integration of existing highway, rail, bus, subway, and other mass transportation facilities.

Convenience and door-to-door service are two features that have drawn people away from mass transportation and into cars. In fact, these advantages probably in many cases far outweigh comparative costs of public and private transportation.

Certainly, then, it is important to make mass transportation as convenient and rapid as possible in an effort to regain public transportation riders.

As Mayor Richardson Dilworth, of Philadelphia, said just the other day, the goal is "to unite our entire mass transportation system—that is, our surface traction system, our subways and commutation service into one system to serve the entire area."

And I might add that the city of Philadelphia has been undertaking some very bold and interesting steps in the field of mass transportation.

The city's "Operation Northwest" gave the people of Philadelphia added commuter service on two railroads, lower fares, coordinated feeder bus service and free transfers in the city. After 6 months of the experiment, the two railroads had an increase of passengers of 12 and 11.5 percent. It was estimated that the project brought 3,000 fewer cars into the downtown area each week, which represented a saving of about $2,400,000 in parking facilities alone.

The American Municipal Association, in a recent policy statement, also emphasized the need for integrated services.

It stated that "maximum use of feeder services by automobile and bus should be encouraged by locating (railroad) stations at points readily accessible to highways, and by providing ample parking facilities."

The future will inevitably see a great amount of activity, I believe, toward constructing the kind of facilities that will encourage the commuter to leave his car on the outlying fringes of the city and change over to a form of mass transportation.

But even now there is much worthwhile work that could be undertaken to make existing facilities serve the commuter better.

PHILADELPHIA AREA

The situation in the Philadelphia-South Jersey area is a good case in point.

At present the commuter from the Haddonfield-Kirkwood area in New Jersey, if he elects to use public transportation, must either use a bus all the way or ride an infrequent service on the Pennsylvania & Reading Sea Shore line to the station in Camden. He must then transfer to the single track Bridge Line and then transfer again to the subway in Philadelphia.

Under recently proposed plans, there would be a through service on a double track line from Kirkwood to 17th and Locust in Philadelphia, a route that would make maximum use of present facilities and rights-of-way.

BOSTON AREA

In Boston, the Old Colony riders were brought into south station where they had to leave the building and enter the Boston MTA subway through regular street entrances if they wished to continue beyond the south station area. A rider survey showed that 90 percent of the people needed transportation to reach their downtown Boston destination, but that only 20 percent used the MTA subway.

A proposed plan in 1959 called for the integration of the Old Colony line with the MTA subway which would provide single car rides through to Cambridge.

SAN FRANCISCO AREA

San Francisco provides another good illustration of the haphazard growth of metropolitan transportation services.

There are two lines into the San Francisco downtown area, the Southern Pacific from the south and the Key System Bus Line from the east. These two lines have separate terminals and both terminals are 8 to 15 blocks from the area where most of the riders wish to go, and where there is no connecting rapid transit service.

Low-cost loans, then, for the purchase of commuter equipment and construction of integrated mass transit facilities are an essential part of the program that must be undertaken to rejuvenate mass transportation services in our metropolitan areas.

Both the loans and the planning grants represent, I believe, a modest and constructive approach toward the problem.

But perhaps even more important than the dollar and cents value of the legislation I have introduced is the symbolic value.

Passage of this legislation would represent, I believe, an important recognition on the part of the Federal Government that it, too, has a tremendous interest and stake in the survival of our major metropolitan areas—a survival that will in no small part depend on the establishment of good, modern mass transportation systems.

Mr. President, the time for this recognition is now.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 28, 1960, he presented to the President of the United States the enrolled bill (S. 607) for the relief of the estate of Sinclair G. Stanley.

ADJOURNMENT TO 10 A.M.

Mr. WILLIAMS of New Jersey. Mr. President, in accordance with the order previously entered, and as a further mark of respect to the memory of the late distinguished Representative from Washington, RUSSELL V. MACK, I move that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was unanimously agreed to; and (at 7 o'clock and 40 minutes p.m.) the Senate, under order previously entered, adjourned until tomorrow, Tuesday, March 29, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate March 28, 1960:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Maj. Gen. Paul Lamar Freeman, Jr., O17704, Army of the United States (brigadier general, U.S. Army), in the rank of lieutenant general.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Elizabeth R. Bosarge, Bellamy, Ala., in place of C. G. Watkins, retired.

GEORGIA

Melvin L. Burke, Millen, Ga., in place of R. E. Womack, transferred.

HAWAII

Mitsua Watanabe, Kaunakakai, Hawaii, in place of J. D. Lewis, Jr., retired.

IDAHO

E. Ione Clark, Challis, Idaho, in place of M. A. Morrow, retired.

Milan M. Casper, Rigby, Idaho, in place of Willard Adams, retired.

ILLINOIS

Edna M. Parker, Cedarville, Ill., in place of Lorraine Fry, resigned.

Marie A. Billerbeck, Cullom, Ill., in place of H. E. Altig, retired.

Allen J. Gharst, Loda, Ill., in place of H. E. Goodell, retired.

John W. Magnuson, Wilmette, Ill., in place of L. J. Orr, retired.

INDIANA

George L. Reitz, Chrisney, Ind., in place of R. T. Jones, deceased.

Freda L. Tyler, La Fontaine, Ind., in place of R. S. Roberts, retired.

Opal W. LaFollette, New Market, Ind., in place of P. L. Smith, deceased.

Thomas F. Kinder, Rockport, Ind., in place of C. H. Wetzel, retired.

IOWA

G. Elaine Thompson, Hinton, Iowa, in place of W. A. Spies, transferred.

KANSAS

Nolen E. Bond, Dodge City, Kans., in place of C. V. Houlton, retired.

Daryl E. Daniels, Johnson, Kans., in place of A. M. Nall, retired.

Lloyd K. Camp, Sharon Springs, Kans., in place of E. M. Gough, retired.

KENTUCKY

Manie B. Greene, Park City, Ky., in place of C. B. Neville, resigned.

MARYLAND

Walter F. Coppersmith, Jr., Aberdeen Proving Ground, Md., in place of E. F. Provost, retired.

MICHIGAN

Ralph W. Menerey, Brimley, Mich., in place of N. K. Zeigler, retired.

Irene J. Awrey, Oxford, Mich., in place of M. G. Dunlap, retired.

William F. Johnson, Quincy, Mich., in place of N. D. Potter, retired.

Pearl M. Rattray, Rapid City, Mich., in place of C. K. Guy, removed.

MISSISSIPPI

Herbert A. Thompson, Doddsville, Miss., in place of J. M. Parks, deceased.

Ellen G. Feigler, Dublin, Miss., in place of C. E. Feigler, Jr., retired.

Margaret B. Rogers, Falkner, Miss., in place of J. E. Rogers, deceased.

Lillie R. Yelverton, Hattiesburg, Miss., in place of C. N. Yelverton, deceased.

MISSOURI

Fay L. Warren, Larussell, Mo., in place of L. H. Thomas, transferred.

NEBRASKA

Ruth M. Harrison, Beemer, Nebr., in place of F. C. Buhk, retired.

Enlowe E. Harvey, Inavale, Nebr., in place of M. M. Dunn, retired.

Oliver T. Brown, Kenesaw, Nebr., in place of G. E. Brown, transferred.

NEW JERSEY

Aldo J. Rabbu, Bound Brook, N.J., in place of L. J. Bowlby, retired.

NEW YORK

Francis J. Finnick, Canandaigua, N.Y., in place of F. R. Cougevan, deceased.

Bruce H. Busch, Caroga Lake, N.Y., in place of Burton Yates, retired.

Donna A. Dort, Kennedy, N.Y., in place of C. R. Ericsson, deceased.

Franklyn J. McCoy, Lake George, N.Y., in place of H. J. Smtih, retired.

Olga C. Bennett, Mayfield, N.Y., in place of W. F. Agnew, retired.

William A. Pipes, Nesconset, N.Y., in place of W. S. Commerdinger, Jr., retired.

Stanley Wolak, New York Mills, N.Y., in place of Michael Pasternak, deceased.

Ralph H. Walker, Westfield, N.Y., in place of F. S. Richardson, retired.

NORTH CAROLINA

James C. Dial, Pembroke, N.C., in place of J. R. Lowry, retired.

Fred W. Harper, Wake Forest, N.C., in place of J. R. Wiggins, retired.

OHIO

Donna L. Griffith, Pedro, Ohio, in place of Sarah Griffith, retired.

Robert G. Stephenson, Wellston, Ohio, in place of G. W. Rupp, retired.

OREGON

Vernetia M. Hadley, Bly, Oreg., in place of G. G. Casebeer, retired.

PENNSYLVANIA

Gordon R. Hockenbrock, McAllisterville, Pa., in place of L. I. Leister, retired.

Henry W. Weldaw, Jr., Skytop, Pa., in place of F. W. Thomas, deceased.

TENNESSEE

James W. Price, Cornersville, Tenn., in place of V. T. Tankersley, deceased.

TEXAS

James E. Watson, Barry, Tex., in place of C. O. Williams, retired.

James W. McMillan, Kingsville, Tex., in place of P. D. Cauley, Sr., retired.

Walter D. Stephens, Sabinal, Tex., in place of W. C. Giffin, deceased.

UTAH

LeRoy Soelberg, Jr., Grantsville, Utah., in place of P. G. Johnson, deceased.

Jack E. Christensen, Logan, Utah, in place of Eugene Yeates, retired.

VERMONT

Raymond L. Domey, Marshfield, Vt., in place of A. M. Bullard, retired.

VIRGINIA

Austin F. Robinson, Great Falls, Va. Office established November 1, 1959.

WEST VIRGINIA

William R. Hudnall, Marmet, W. Va., in place of M. K. McIntyre, retired.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 28, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Timothy 4: 7: *I have fought a good fight, I have finished my course, I have kept the faith.*

God of all grace and goodness, in our prayer, at this noon hour, we are beseeching Thee to make our hearts the sanctuaries of Thy presence and to lift our minds to a clearer vision of Thy will and way for us.

May these days of crisis, which try our souls and tend to harden them, create within us new resources and capacities, enabling us to follow the loftiest ideals without fear and without faltering.

Inspire us with Thy divine truth and may it lead us in the way of the blessed life and the road of the loving heart girded with a victorious faith and a conquering hope.

Expand and enrich our souls with sympathy and good will toward all men that we may do unto others as we would that they should do unto us and so fulfill the law and the prophets in the spirit of our Lord and Master.

Hear us in His name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 24, 1960, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 621. Joint resolution making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10233. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes.

The message further announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. HAYDEN, Mr. KEFAUVER, Mr. FREAR, Mr. BIBLE, Mr. YOUNG of North Dakota, Mr. HRUSKA, and Mr. BEALL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10743. An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

The message further announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. MAGNUSON, Mr. HOLLAND, Mr. BRIDGES, Mr. SALTONSTALL, Mr. YOUNG of North Dakota, and Mr. MUNDT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 607) entitled "An act for the relief of the estate of Sinclair G. Stanley."

MEDICAL CARE

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HARRISON. Mr. Speaker, on the 2d day of December, the Secretary of Health, Education, and Welfare in a public speech endorsed the principle of the Forand bill when he said he would present to the Congress a positive program for the payment of medical care to OASI beneficiaries. Since then he has not presented such a plan but repudiated his endorsement of it. Later he let it be known that he favored a scheme of medical care for the aged through public assistance on the needs test. Since then he has abandoned that. Later he talked of a subsidy to insurance companies to pay for premiums for medical care, and nothing more has been heard of this. On the 28th day of December he said a voluntary insurance program will provide inadequate protection, but today he announced he is at work on a program to solve this problem by voluntary insurance.

A year ago he was asked by the Ways and Means Committee to submit his recommendations in this field. He has never done so. Several weeks ago he told the committee he would tell us his recommendations last Wednesday. Last Wednesday he said he had no recommendations. Today he says he will have recommendations.

Mr. Speaker, it is fair to ask what kind of game Secretary Flemming is playing with the Congress.

FOODPOWER—U.S.A.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, on Tuesday evening, March 22, a number of Members of Congress and officials of the executive departments of Government as well as other interested people had the opportunity to attend the premiere of "Tomorrow's Foodpower."

This film was produced for the Central Soya Co., Inc., Fort Wayne, Ind., along with a fine brochure entitled "Foodpower—U.S.A." Both the film and the brochure are interesting and colorful. They point up the problems which our growing population will create with respect to the production of food in the coming years. I commend them to the attention of all.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina [Mr. MCMILLAN], chairman of the Committee on the District of Columbia.

Mr. MCMILLAN. Mr. Speaker, I ask unanimous consent to insert in the RECORD an explanation of each of the bills I propose to call up today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDING THE LIFE INSURANCE ACT OF DISTRICT OF COLUMBIA

Mr. MCMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 10964) to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter III of the Life Insurance Act, as amended (sec. 35–501, et seq., D.C. Code, 1951 edition), is amended by adding a new section 41 as follows:

"SEC. 41. (a) Every domestic life insurance company which issues contracts providing for payments which vary directly according to investment experience shall establish one or more separate accounts in connection with such contracts, as directed by the Superintendent. All amounts received by the company which are required by contract to be applied to provide such variable payments shall be added to the appropriate separate account, and the assets of any such separate account shall not be chargeable with liabilities arising out of any other business the company may conduct. Any surplus or deficit which may arise in any such separate account by virtue of mortality experience shall be adjusted by withdrawals from or additions to such account so that the assets of such account shall always equal the assets required to satisfy the company's obligations for such variable payments.

"(b) A foreign or alien life insurance company authorized to do business in the District may be authorized to issue or deliver contracts in the District providing for payments which vary directly according to investment experience only if authorized to issue such contracts under the laws of its domicile.

"(c) No domestic life insurance company shall be authorized to issue such variable contracts, and no foreign or alien life insurance company shall be authorized to issue or deliver such contracts in the District, until such company has satisfied the Superintendent that its condition and methods of operation in connection with the issuance of such variable contracts will not be such as to render its operation hazardous to the public or to its policyholders in the District. In determining the qualification of a company to issue or deliver such variable contracts in the District, the Superintendent shall consider, among other things, the history and financial condition of the company; the character, responsibility, and general fitness of the officers and directors of the company; and, in the case of a foreign or alien company, whether the regulation provided by the laws of its domicile provides a degree of protection to policyholders and the public substantially equal to that provided by this section and the rules and regulations issued by the Superintendent pursuant thereto.

"(d) Every life insurance company which issues or delivers such variable contracts in the District shall file with the Superintendent, in addition to the annual statement required by section 8 of the Act of June 19, 1934 (48 Stat. 1132; sec. 35–407, D.C. Code, 1951 edition), such other periodic or special reports as the Superintendent may prescribe.

"(e) The provisions of this section shall not apply to any contracts which do not provide for payments which vary directly according to investment experience.

"(f) The Superintendent shall have the authority to issue such reasonable rules and regulations as may be necessary to carry out the purposes of this section.

"(g) In the case of a domestic life insurance company which issues contracts providing for payments which vary directly according to investment experience—

"(1) the 2 per centum limitation of clause (1) of subsection (7) of section 35 of chapter II of the Life Insurance Act, as amended (sec. 35–535, D.C. Code, 1951 edition), shall be enlarged to include an additional 2 per centum of the assets held by such company in the separate account or accounts established pursuant to subsection (a) of this section.

"(2) the 1 per centum limitation of subsection (9) of said section 35 shall be enlarged to include an additional 2 per centum of the assets held by such company in the separate account or accounts established pursuant to subsection (a) of this section.

"(3) the 1 per centum limitation of subsection (10) of said section 35 shall be enlarged to include an additional 2 per centum of the assets held by such company in the separate account or accounts established pursuant to subsection (a) of this section."

Mr. McMILLAN. Mr. Speaker, a recent development in the life insurance business is a new type of insurance contract under which life insurance contracts provide for payments which vary in amount depending upon the investment experience of the insurance company. Previously, the most common type of life insurance contract provided for specified premium payments in return for which the insured or his beneficiary would receive a fixed amount when the policy became payable. The variable contract differs in that there is no fixed amount specified as payable to the insured or his beneficiary at the time the contract becomes payable but that the amount payable will be directly related to the investment income experience of the insuring company.

The purpose of H.R. 10964 is to provide in the District of Columbia law, and enable the Superintendent of Insurance of the District of Columbia, to issue regulations concerning companies which write such life insurance contracts in the District.

The bill provides that any life insurance company which issues contracts of insurance calling for payments which vary with investment experience must establish separate accounts for such insurance contracts. All funds received by such company on such contracts must be added to the separate account. Such separate account may not be charged with any liabilities connected with any other business which the company may conduct. In the case of a surplus or deficit, the account is adjusted by withdrawals or additions to the account so that the value of each account is always equal to the amount required to meet the obligations of the insurance company for payments on such contracts.

Foreign life insurance companies may issue variable contracts in the District of Columbia only if authorized to issue such contracts under the laws of the jurisdiction where it is legally domiciled. It must, however, like domestic life insurance companies in the District, first satisfy the Superintendent of Insurance that its financial condition and methods of operation will not be hazardous to the policyholders in the District, and that its history and the character and fitness of the officers and directors qualify it under the law and regulations of the District as enforced by the Superintendent of Insurance. Foreign or alien companies must further satisfy the Superintendent of Insurance that the laws and regulations of the jurisdiction in which it has legal domicile provide at least an equal degree of protection to the policyholder as that provided by the laws and regulations of the District of Columbia.

Under District of Columbia law, domestic life insurance companies are limited as to the percentage of the assets of the company which may be invested in the bonds, stocks, and other evidences of indebtedness of any single legal entity. Since this bill provides that separate accounts must be established for insurance contracts providing for variable payments, this bill carries amendments limiting the percentages of such investments in any single legal entity which may be purchased for the separate accounts by the insurance company.

At the committee hearings no witness presented any objections to the proposal. It was supported not only by the domestic insurance companies but representatives of other life insurance companies from other States. The Superintendent of Insurance of the District of Columbia urged approval of the measure. The bill was likewise approved by the Commissioners of the District of Columbia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPRESENTATION OF INDIGENTS IN DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 10761) to provide for the representation of indigents in judicial proceedings in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The District of Columbia Legal Aid Act of 1959."

SEC. 2. There is hereby created a Legal Aid Agency (hereinafter called the Agency) for the District of Columbia, to provide legal representation of indigents in judicial proceedings in the District of Columbia, as provided in section 3.

SEC. 3. The Agency shall accept assignments to represent indigents in criminal proceedings in the United States District Court for the District of Columbia and in preliminary hearings in felony cases, and in cases involving offenses against the United States in which imprisonment may be for one year or more in the municipal court of the District of Columbia, in proceedings before the Coroner for the District of Columbia and the United States Commissioner, in proceedings before the juvenile court for the District of Columbia, and in proceedings before the Mental Health Commission of the District of Columbia and proceedings in the courts arising therefrom.

The Agency shall from time to time advise each of the courts and tribunals named in this section of the names of the attorneys

employed by the Agency who are available to accept assignments in said court or tribunal. The judges or other presiding officers of the several courts and tribunals may assign attorneys employed by the Agency to represent indigents, such assignments to be upon a case-to-case basis, a group-of-cases basis, or a time basis, as the assigning authority may prescribe. Each such court and tribunal will make every reasonable effort to provide assignment of counsel as early in the proceeding as practicable.

SEC. 4. The legal representation services hereinbefore described shall be provided only to such persons who first subscribe and state in writing upon oath that such person has been unable to hire an attorney and is further unable to pay modest attorney's fee. This oath may be administered by any person under law authorized and empowered to administer oaths. The Board of Trustees may provide more detailed standards and procedures consistent with the rules and policies of the respective courts and tribunals, to carry out the provisions of this section: *Provided further,* That any person making a false oath on any material matter required herein shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 5. The powers of the Agency shall be vested in a Board of Trustees composed of seven members, each serving a term of three years. Each trustee shall be appointed, for a full term or for the balance of an unexpired term, by a panel (of which four members shall be a quorum) consisting of—

the Chief Judge of the United States Court of Appeals for the District of Columbia;

the Chief Judge of the United States District Court for the District of Columbia;

the Chief Judge of the Municipal Court of the District of Columbia;

the Chief Judge of the Municipal Court of Appeals of the District of Columbia;

the President of the Board of Commissioners of the District of Columbia; and

the Chief Judge of the Juvenile Court of the District of Columbia.

Said panel shall be presided over by the Chief Judge of the United States Court of Appeals (or his designee, in his absence).

The Board of Trustees of the Agency shall be appointed initially as follows: three members for three-year terms, two members for two-year terms, and two members for a one-year term. Thereafter each appointment (except an appointment for the balance of an unexpired term) shall be for a three-year term. Each appointee shall hold office until his successor is appointed and qualifies.

SEC. 6. The Board of Trustees of the Agency shall appoint a Director of the Agency, who shall be responsible for the supervision of the legal work of said Agency, and perform such other duties as the Board of Trustees may prescribe. The Board may delegate to the Director such powers of the Board as the said Board may find in the interest of good administration. Said Director shall receive compensation of $16,000 per annum, and shall hold office at the pleasure of the Board of Trustees.

SEC. 7. The Director, with the approval of the Board of Trustees, shall employ such professional and office staff as may be necessary properly to conduct the business of the Agency, subject to the availability of appropriated funds. The Director shall, with the approval of the Board of Trustees, make assignments of the professional personnel of the Agency so as to provide the best practicable handling of the caseload involving indigents in the courts and other tribunals specified in section 3. All attorneys employed to represent indigents by the Agency shall be members of the bar of, and qualified to practice law in, the District of Columbia. The salaries of all employees of the Agency, except the Director, shall be fixed by the Board of Trustees, following the salary scale for employees of similar qualifications and seniority in the office of the United States attorney for the District of Columbia.

SEC. 8. The Director, with the approval of the Board of Trustees may employ volunteer attorneys, without salary, who shall be reimbursed their out-of-pocket expenses properly incurred in the course of their employment.

SEC. 9. All salaried employees of the Agency shall give full time to the Agency work. The Director, with the approval of the Board of Trustees, shall fix the requirements upon the time of volunteer attorneys, and shall fix the office hours of the Agency. No salaried employee of the Agency, including the Director, shall engage in any private practice of the law, and no such employee shall receive a fee for any legal service.

SEC. 10. The Board of Trustees of the Agency shall, on June 1 of each year, submit a report of the Agency's work for the past year to the Congress of the United States, to the Chief Judge of the United States Court of Appeals, to the Commissioners of the District of Columbia and to the Administrative Office of the United States Courts. Said report shall include a statement of financial condition, revenues, and expenses for the past year, prepared by a certified public auditor or by a designee of the Administrative Office. Said Board shall also forward a copy of the report required by this section to each member of the panel described in section 5, and such panel shall meet with the Board of Trustees and Director not later than August 1 of each year to review the work and financial needs of the Agency in the light of the report submitted the previous June 1, as required by this section.

SEC. 11. There is authorized to be appropriated, out of any moneys in the Treasury to the credit of the District of Columbia, not to exceed $75,000 per fiscal year to carry out the provisions of this Act. Such sums shall be appropriated for the judiciary, to be disbursed by the Administrative Office of the United States Courts to carry on the business of the Agency. The Administrative Office in disbursing and accounting for said sums will follow, so far as possible, its standard fiscal practices. The budget estimates for the Agency shall be prepared in consultation with the Commissioners of the District of Columbia, and the appropriations therefor shall be for the judiciary, to be disbursed by the Administrative Office of the United States Courts to carry on the business of the Agency.

SEC. 12. (a) Except as provided in subsection (b), this Act shall take effect on the date of its enactment.

(b) Sections 6, 7, and 8 shall take effect on the date of enactment of the first Act appropriating moneys to carry out the purposes of this Act which is enacted after the date of enactment of this Act, and section 3 shall take effect on the sixtieth day after the date of enactment of such appropriation Act.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. GROSS. Do I understand that all of these bills came out of the committee unanimously?

Mr. McMILLAN. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. McMILLAN. Mr. Speaker, the purpose of this legislation is to provide for the representation of indigents in certain judicial proceedings in the District of Columbia. At the present time the administration of justice in such cases has grown to critical proportions.

As interpreted by the courts, one accused of crime in the District of Columbia is entitled to be represented by an attorney. The courts have recognized similar rights in the case of juveniles and in the case of persons involved in mental health proceedings.

Many of these persons cannot pay even a modest attorney's fee. For them legal representation has to be provided.

During the last several years, with the great growth in the District's population, the provision of this representation on any satisfactory basis has become impossible. Different tribunals have resorted to different methods. Despite every good intention, these methods have been inadequate and grossly inefficient and unfair. The courts themselves, the prosecutors, the bar, and the community agencies are united in judging present methods to be intolerable.

Methods now used all rest on the willingness of private attorneys to accept assignments. In district court, the assigned attorney is prevented from charging a fee. In other tribunals, when a party has no attorney, one is assigned and can charge a fee if he can devise means to get it.

The result is that some people get free representation when they could and should pay for it; some people who should not be required to pay, actually have to pay; and some people who cannot and do not pay, have to depend upon chance to get adequate representation Moreover, increasingly the burden of uncompensated representation falls on a narrow segment of the bar, imposing extreme hardship. These results occur because there is no way that the courts can organize the provision of representation or effectively guard against abuses.

This problem has engaged the concerned attention of the judiciary, the bar, and community agencies in the District for many years. Various suggestions for meeting the problem have been studied. Finally, in 1956 the Bar Association of the District of Columbia created a commission of distinguished citizens to investigate the matter thoroughly and to formulate recommendations. This commission reported in 1958, after an exhaustive study, that it was essential that the problem be met by a properly organized agency with a paid staff of full-time attorneys, depending upon volunteers only to supplement the work of a regular staff. This conclusion was reached after extensive inquiry into experience in other large metropolitan centers throughout the country and a close scrutiny of conditions peculiar to the District.

The statistics demonstrate, in themselves, the staggering proportions of the problem. Applying most conservative standards of estimating, the commission found that each year there were at least 7,500 appointments of attorneys for indigents in criminal cases and the related juvenile and mental health proceedings. Of these about 1,000 were in felony cases in the district court, and about 4,500 in the U.S. branch of municipal court, where preliminary hearings in felony

cases and the more serious misdemeanor cases are conducted. It is obvious that this huge load cannot be handled by the normal case-by-case assignment of a volunteer attorney.

A subcommittee of the House District Committee held hearings on the proposed legislation on May 15 and June 16, 1959. At these hearings prominent judges, public officials of the Federal and District Government were heard. Included among these were E. Barrett Prettyman, chief justice of the U.S. Court of Appeals; David A. Pine, judge of the U.S. District Court for the District of Columbia; Hon. Leonard P. Walsh, chief judge of the municipal court; Hon. Oliver Gasch, U.S. attorney for the District of Columbia; Hon. Joseph P. O'Hara, a former member of the House District Committee and now a member of the Judicial Conference Committee; Chester A. Gray, Corporation Counsel of the District of Columbia; Charles S. Rhyne, past president of the American Bar Association; and W. Cameron Burton, vice chairman of the Committee on Judicial Conference of the District of Columbia Circuit on the Representation of Indigents.

The same subcommittee of the House District Committee which conducted the hearings held executive meetings on the legislation on July 13, 1959, and at a meeting of the subcommittee on February 25, 1960, the subcommittee agreed to report a bill to the full committee for consideration. The full House District Committee, at a meeting on March 2, 1960, after divers points of view, has approved a bill, introduced by its chairman, which incorporates the best features of the various suggestions made to it. It provides for an agency to be governed by a board of trustees to be made up of seven private citizens who will serve without compensation and who will be selected by a panel composed of the chief judges of the several courts of the District and the president of the District Commissioners. Once a year, moreover, this Board will meet with the panel to review its work. The agency will have a director to supervise its activity, and a complement of full-time attorneys, supplemented by volunteers. None of the tribunals will be required to assign cases to the attorneys of this agency, but the agency will make its attorneys available for assignment, except in the appellate courts. Exclusion of the appellate stage is due to the fact that the problem there has not become acute.

Such availability for assignment is confined to criminal cases in the district court, preliminary hearings in felony cases, and in cases involving offenses against the United States in which imprisonment may be for 1 year or more in the municipal court of the District of Columbia, the more serious misdemeanors involving Federal crimes, matters before the coroner and the U.S. commissioner, juvenile cases, and mental health proceedings. This will exclude traffic matters and other less serious or relatively trivial cases.

Assignment, moreover, will be confined to persons able to swear to indigency, and false swearing will be severely punishable—thus filling a gap in present procedure.

The expense of the agency will be met by funds appropriated for the judiciary, but credited against the District's budget, and the appropriation is to be limited to $75,000 a year. There is careful safeguard against improvident expenditure, including disbursal by the Administrative Office of the U.S. Courts and provision for an annual audit.

The committee's proposal has three cardinal virtues. First, an organized means to meet the problem is provided for under competent direction, without imposing an unfair burden on one limited segment of the bar. Second, a governing board of private citizens, with the freedom of a private agency in its personnel policies and methods, assures most efficient and at the same time vigorously independent performance of its duties. And third, service will be confined to those who are truly indigent, thus eliminating abuses inherent in present methods, and will be limited to those types of cases which are sufficiently serious to be of concern to the community.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA TAX LAWS RELATING TO OVERPAYMENTS AND REFUNDS

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10000) to amend further certain provisions of the District of Columbia tax laws relating to overpayments and refunds of taxes erroneously collected, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 14 of title IX of the District of Columbia Revenue Act of 1937, as added by the Act of July 10, 1952, is amended to read as follows:

"SEC. 14. (a) Where there has been an overpayment of any tax, the amount of such overpayment shall be refunded to the taxpayer. No such refund of taxes other than inheritance and estate taxes shall be allowed after two years from the date the tax is paid unless before the expiration of such period a claim therefor is filed by the taxpayer. The amount of refund of taxes other than inheritance and estate taxes shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim, or if no claim is filed, then during the two years immediately preceding the allowance of the refund. No such refund of inheritance and estate taxes shall be allowed after three years from the date the tax is paid unless before the expiration of such period a claim therefor is filed by the taxpayer. The amount of refund of any such inheritance and estate taxes shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim is filed, then during the three years immediately preceding the allowance of the refund. Every claim for refund must be in writing, under oath, must state the specific grounds upon which the claim is founded, and must be filed with the assessor. If the assessor disallows all or any part of the claim for refund, he shall send to the taxpayer by registered or certified mail a notice of such disallowance. Within ninety days after the mailing of the notice of disallowance, if the claim is acted upon within six months after the filing thereof, or within ninety days after the termination of such six months' period, if the claim is not acted upon within such period, the taxpayer may appeal to the Board in the same manner and to the same extent as set forth in sections 3 and 4 of this title: *Provided,* That this subsection shall not apply to the taxes imposed by title II, District of Columbia Revenue Act of 1939, as amended, or by titles I and II, District of Columbia Revenue Act of 1949, refunds of which are otherwise provided for by law and that it shall not apply to the real estate tax."

With the following committee amendment:

Page 3, following line 3, insert the following language: "by the District of Columbia Income and Franchise Tax Act of 1947, as amended."

Mr. McMILLAN. Mr. Speaker, the purpose of this legislation is to extend the period for making refunds of District of Columbia inheritance taxes from 2 years to 3 years and thereby to bring such period into line with the period of 3 years allowed for refunds of Federal estate taxes.

The law relating to the period for the making of refunds of District of Columbia inheritance and estate taxes provides that where there has been an overpayment of any tax, the amount of such overpayment shall be refunded to the taxpayer, but that no such refund shall be allowed after 2 years from the date the tax is paid unless before the expiration of such period a claim therefor is filed by the taxpayer.

The Federal law allows a period of 3 years from the time of the filing of a Federal estate tax return within which to file claims for refund of such taxes. The Federal law provides that Federal estate taxes shall be assessed within 3 years after the return was filed. As a result of the 3-year period allowed by Federal law, it sometimes happens that a Federal estate tax return will not be audited and the tax finally determined until more than 2 years after the District of Columbia inheritance and estate taxes have been paid. If on audit of the Federal estate tax return the net taxable estate is reduced and a refund allowed, it usually follows that a corresponding adjustment in the District of Columbia returns will result in a refund of District of Columbia tax being due to the taxpayer. Under existing District of Columbia law, the refund must be made within 2 years from the time the tax was paid. This sometimes results in a serious injustice where the audit of the Federal return is not completed until more than 2 years after the District of Columbia taxes were paid. The purpose of the proposed legislation is to prevent such injustices.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACQUISITION OF PROPERTY UNDER DISTRICT OF COLUMBIA ALLEY DWELLING ACT

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 1159) to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 3 of the District of Columbia Alley Dwelling Act, as amended (D.C. Code, sec. 5–105), is hereby repealed.

SEC. 2. That subsection (a) of section 5 of the District of Columbia Alley Dwelling Act, as amended (D.C. Code sec. 5–107), is amended to read as follows:

"(a) The Authority shall make a report to the President, which he shall transmit to Congress at the beginning of each regular session, giving a full and detailed account of all operations under the provisions of this Act for the preceding fiscal year, including an itemization of all properties purchased during such fiscal year, setting forth the assessed value of such properties, together with the purchase price therefor.".

Mr. McMILLAN. Mr. Speaker, the purpose of this bill is to repeal subsection (d) of section 3 of the District of Columbia Alley Dwelling Act, which requires that when the National Capital Housing Authority acquires real property in any square by purchase the total amount paid shall not exceed 30 percent over and above the current assessed value of all property or properties acquired in such square.

The Authority must acquire real property in the District of Columbia to carry out its statutory responsibilities of providing decent, safe, and sanitary housing for families of low income in the District, and in so doing it has experienced a longstanding handicap in performing its duties because of the limitation in existing law on the prices the Authority can pay for real property, except by condemnation proceedings.

The result of this limitation is that all acquisitions by the Authority are by condemnation proceedings, instituted by the Department of Justice in the U.S. District Court for the District of Columbia. In most instances, this is a more expensive and time-consuming operation than a direct purchase of the required property on the basis of agreements with property owners. This is especially true since the current assessed value of many properties does not exceed 50 percent of market value.

Section 2 of the bill amends subsection (a) of section 5 of the District of Columbia Alley Dwelling Act, as amended—section 5–107, District of Columbia Code, 1951 edition—so as to require an itemization of all properties purchased during each fiscal year by the National Capital Housing Authority, setting forth the assessed value of such properties together with the purchase price thereof.

The enactment of this measure would result in more efficient and economical administration of the land-acquisition activities of the Authority without removing adequate controls with respect thereto, and, at the same time, would relieve the Department of Justice of additional work with its incidental costs.

The bill was requested by and has the approval of the National Capital Housing Authority and the Board of Commissioners of the District of Columbia. The Commissioners have also been advised by the Bureau of the Budget that there is no objection on the part of that office to this bill.

Enactment of this legislation will involve no additional expenditure by the District of Columbia.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF FIRE AND CASUALTY ACT

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10183) to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Fire and Casualty Act (D.C. Code 35–1323) is amended by adding at the end thereof the following new sentence: "Any company chartered by special act of the legislature of its State or domicile prior to the effective date of this Act, as provided in section 48 of this Act, as a company without capital stock but doing business exclusively on the stock plan and maintaining at all times a surplus of not less than $300,000 shall, in the administration of this Act, be considered as a stock company."

Mr. McMILLAN. Mr. Speaker, section 20 of the Fire and Casualty Act of October 9, 1940, provides that—

Upon complying with the provisions of this act, a foreign or alien company organized as a stock, mutual, or reciprocal company, or as a Lloyd's organization, but not otherwise, may be authorized by certificate of authority to transact in the District the kind or kinds of business which a domestic company similarly organized may be authorized to transact under this act.

The purpose of this legislation is to permit any company chartered by a special act of the legislature of its State of domicile prior to the effective date of the Fire and Casualty Act as a company without capital stock but doing business exclusively on the stock plan and maintaining at all times a surplus of not less than $300,000 to be considered as a stock company for purposes of the administration of the Fire and Casualty Act.

This legislation has the approval of the Superintendent of Insurance for the District of Columbia as well as the Commissioners of the District of Columbia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RETAIL INSTALLMENT SALES OF MOTOR VEHICLES

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10683) to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes, and ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of this Act, unless the context requires a different meaning—

(1) "Commissioners" means the Commissioners of the District of Columbia, or their designated agent.

(2) "District" means the District of Columbia.

(3) "Finance charge" means the total amount to be added to the principal balance to determine the balance of the buyer's indebtedness to be paid under a retail installment contract.

(4) "Governmental charges" means the excise tax, personal property tax, inspection fee, registration fee, recording fee, and such other fees charged by any government, or otherwise authorized by law, incident to the transfer of title to a motor vehicle as the Commissioners may by regulation include within such term.

(5) "Instrument of security" means any promissory note, retail installment contract, or other written promise to pay the unpaid balance of the total amount to be paid by a retail buyer of a motor vehicle.

(6) "Motor vehicle" means any automobile, mobile home, motorcycle, truck, truck tractor, trailer, semitrailer, or bus, but shall not include any boat trailer or any vehicle propelled or drawn exclusively by muscular power or designed to run only on rails or tracks.

(7) "Person" means an individual, firm, partnership, joint stock company, corporation, association, incorporated society, statutory or common law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, committee, assignee, officer, employee, principal, or agent.

(8) "Principal balance" means the cash sale price of a motor vehicle, including accessories and equipment, plus the amounts, if any, included in the retail installment contract, if separate identified charges are stated therein, for insurance and governmental charges, less the amount of the purchaser's downpayment, if any, in money or goods or both.

(9) "Retail installment contract" means a contract entered into in the District or entered into by a seller licensed or required to be licensed by the District evidencing a retail installment transaction pursuant to

which the title to or a lien on or security in the motor vehicle, which is the subject matter of such transaction, is retained or taken to secure the retail buyer's obligations. The term includes a chattel mortgage, conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the value of the motor vehicle sold and it is agreed that the bailee or lessee is bound to become, or, for no further or a merely nominal consideration, has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the bailment or lease.

(10) "Retail installment transaction" means any transaction in which a retail buyer purchases a motor vehicle for a price in excess of the cash sale price and agrees to pay part or all of such price in one or more deferred installments.

SEC. 2. (a) Notwithstanding the provisions of any instrument of security, refinancing contract, or other instrument to the contrary, made or entered into on or after the effective date of this Act, no person shall charge, contract for, receive, or collect a finance charge if such charge exceeds the larger of $25 or an amount determined under the following schedule:

Class 1. Any new domestic motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made and any new foreign motor vehicle—$8 per $100 per year.

Class 2. Any new domestic motor vehicle not in class 1 and any used domestic motor vehicle designed by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made and any used foreign motor vehicle not more than two years old—$11 per $100 per year.

Class 3. Any used motor vehicle not in class 2, and, if a domestic motor vehicle, designated by the manufacturer by a year model not more than four years prior to the year in which the sale is made, and, if a foreign motor vehicle, not more than four years old—$14 per $100 per year.

Class 4. Any used motor vehicle not in class 2 or class 3—$16 per $100 per year.

(b) The finance charge authorized by the preceding subsection shall be computed on the principal balance payable for a motor vehicle from the date of the instrument or contract until the maturity of the final installment, notwithstanding that the balance thereof is required to be paid in installments.

(c) For a period less or greater than twelve months or for amounts less or greater than $100, the amount of the maximum charge set forth in the foregoing schedule shall be decreased or increased proportionately.

(d) The Commissioners shall from time to time investigate the economic conditions and other factors relating to and affecting finance charges, and shall ascertain all pertinent facts necessary to determine what maximum charges should be permitted in such transactions. Upon the basis of such ascertained facts, the Commissioners, notwithstanding the provisions of the preceding subsections, shall from time to time by regulation or order determine and fix the maximum finance charges sufficiently high to result in a fair return on investment to persons engaged in the business of financing retail installment transactions, but not so high as to constitute an unreasonable economic burden on the purchasers of motor vehicles under retail installment contracts. The Commissioners may from time to time, upon the basis of changed conditions or facts, redetermine and refix any such maximum finance charge, but, before determining or redetermining any such maximum charge, the Commissioners shall give reasonable notice of their intention to consider doing so, and provide a reasonable opportunity to persons desiring to be heard with respect to any such proposed determination or redetermination. Notice of the action proposed by the Commissioners shall be published once a week for two consecutive weeks in one or more of the daily newspapers published in the District. Any such changed maximum finance charge shall not affect any preexisting instrument of security lawfully entered into between the seller and the purchaser of any motor vehicle.

(e) (1) The Commissioners are hereby authorized to make and enforce such regulations as they in their discretion deem appropriate to carry out the purposes of this section and to prevent unconscionable practices in connection with retail installment transactions, including, without limitation, provisions:

(i) governing the form and substance of instruments of security;

(ii) requiring that installment payments under instruments of security be made in such relative amounts and at such intervals as the Commissioners may determine;

(iii) requiring that amounts due under instruments of security may be prepaid in full and that the unearned charges, whether for finance, insurance, or for other purposes, attributable to or resulting from such prepayments shall be refunded or credited;

(iv) establishing maximum delinquency, collection, repossession and other charges;

(v) specifying the types and maximum amounts of insurance which may be required, at the expense of the retail buyer, to protect from loss the seller in a retail installment transaction or his assignee or any other person entitled to payments from a retail buyer under an instrument of security;

(vi) respecting the manner and methods of the sale or disposition of repossessed motor vehicles under such conditions, including, without limitation, rights of redemption, as the Commissioners deem advisable;

(vii) requiring the books and records of persons engaged in the business of financing retail installment transactions to be subject to production for examination by the Commissioners.

(2) The Commissioners are further authorized, in their discretion, to make and enforce such additional regulations as they deem necessary to insure that purchasers of motor vehicles under instruments of security are not being required, directly or indirectly, to pay finance, insurance, or other charges in excess of those authorized by this Act or by the Commissioners pursuant to the authority vested in them.

(3) In exercising their powers and authority under this subsection (e), the Commissioners are authorized, in their discretion, to make reasonable classifications (i) according to the parties to retail installment transactions, or (ii) according to the parties to the instruments of security, or (iii) according to the parties involved in repossessions, or (iv) according to other bases, or (v) according to two or more of the foregoing clauses (i) through (iv), and to exercise such powers and authority under this subsection with respect to any one or more of any classifications so made or with respect to all of said classifications.

(f) No provision shall be inserted in any retail installment contract whereby the buyer waives or purports to waive any provision of this Act, and any such waiver of purported waiver shall be void and of no effect. The Commissioners are authorized in their discretion, by regulation (1) to prohibit the inclusion in any retail installment contract of any provision waiving or purporting to waive any provision of any regulation promulgated by the Commissioners relating to retail installment transactions, and (2) to provide that any such waiver or purported waiver, shall be void and of no effect.

SEC. 3. (a) In connection with the licensing of persons under the authority of section 7 of the Act entitled "An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended (title 47, ch. 23, D.C. Code 1951 ed.), the Commissioners are authorized to require either bonds or such other security as they may by regulation deem necessary, of persons licensed to engage in the business of buying or selling motor vehicles and of persons licensed to engage in the business of purchasing contracts for the retail installment sales of motor vehicles, and the Commissioners may, from time to time, and in their discretion, establish classes and subclasses of such persons and, subject to subsection (b) of this section, specify the amount and conditions of the bond to be deposited by each of the members of any such class or subclass. In connection with the licensing of said persons, and the bonding of the members of any class or subclass of the said persons, the Commissioners, in their discretion, may by regulation require applicants for licenses:

(1) to furnish and keep in force a bond running to the District, or other security, to protect members of the public against financial loss by reason of the failure of the licensee or of any officer, agent, employee, or other person acting on behalf of said licensee, to observe any law or regulation in force in the District of Columbia applicable to the licensee's conduct of the licensed business;

(2) to procure and keep in force public liability insurance or property damage insurance, or both;

(3) to appoint the Commissioners as their true and lawful attorney upon whom all judicial and other process or legal notice directed to such person may be served.

(b) The bonds authorized by this section shall be corporate surety bonds in amounts to be fixed by the Commissioners, but no bond shall exceed $25,000, and such bond shall be conditioned upon the observance by the licensee and any officer, agent, employee, or other person acting on behalf of said licensee, of all laws and regulations in force in the District applicable to the licensee's conduct of the licensed business, for the benefit of any person who may suffer damages resulting from the violation of any such law or regulation by or on the part of such licensee or any officer, agent, employee, or other person acting on behalf of the licensee.

(c) Any person aggrieved by the violation of any law or regulation applicable to the licensee's conduct of the licensed activity shall have, in addition to his right of action against such licensee, a right to bring suit against the surety on a bond authorized by this section, either alone or jointly with the principal thereon, and to recover in an amount not exceeding the penalty of the bond any damages sustained by reason of any act, transaction, or conduct of the licensee, or of any officer, agent, employee, or other person acting on behalf of said licensee, which is in violation of law or regulation in force in the District relating to the licensed activity. The provisions of the second, third, and the fifth subparagraphs of paragraph (b) of the first section of the Act entitled "An Act to grant additional powers to the Commissioners, and for other purposes", approved December 20, 1944 (58 Stat. 820; sec. 1-244(b), D.C. Code, 1951 edition), shall be applicable to each bond authorized by this section as if it were the bond authorized by the first subparagraph of such paragraph (b) of the first section of said Act approved December 20, 1944: *Provided*, That nothing in this subsection shall be construed to impose upon the surety on any such bond a greater liability than the total amount thereof or the amount remaining unextinguished after any prior recovery or recoveries.

SEC. 4. Subparagraph (a) of paragraph 46 of section 7 of the Act entitled "An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes", approved July 1, 1902, as amended (sec. 47-2345, D.C. Code, 1951 edition), is amended by striking the words "to revoke" and inserting in lieu thereof the words "to suspend or revoke".

SEC. 5. With the exception of the function of making regulations to carry out the purposes of this Act, the Commissioners are authorized to delegate, with power to redelegate, any of the functions vested in them by this Act.

SEC. 6. The Commissioners are authorized to promulgate regulations to carry out the purposes of this Act: *Provided*, That no such regulation shall become effective until after a public hearing has been held thereon.

SEC. 7. No person shall make any statement required or authorized by this Act to be filed with the Commissioners, knowing that the information set forth in such statement is false.

SEC. 8. Any person who shall willfully violate any provisions of this Act or of any regulation promulgated by the Commissioners under the authority of this Act, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500 or by imprisonment for not more than six months, or both.

SEC. 9. Prosecutions for violations of this Act, or of the regulations made pursuant thereto, shall be conducted in the name of the District by the Corporation Counsel or any of his assistants. As used in this Act the term "Corporation Counsel" means the attorney for the District, by whatever title such attorney may be known, designated by the Commissioners to perform the functions prescribed for the Corporation Counsel in this Act.

SEC. 10. The authority and power vested in the Commissioners by any provision of this Act shall be deemed to be additional and supplementary to authority and power now vested in them, and not as a limitation.

SEC. 11. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or the application of this Act which can be effected without the invalid provision or application, and to this end the provisions of this Act are severable.

SEC. 12. This Act shall take effect on the thirtieth day after the date of enactment of this Act.

With the following committee amendments:

On page 6, strike lines 17 to 20, inclusive, and insert in lieu thereof the following:

"(ii) requiring that installment payments under instruments of security be made in substantially equal amounts and at regular intervals except (1) that the interval for the first installment payment may be longer than the other intervals; (2) that the final installment payment may be less in amount than the preceding installment payments; (3) that where a buyer's livelihood is dependent upon seasonal or intermittent income, one or more installment payments in the schedule of payments included in any such instrument of security may be reduced or omitted; and (4) that any contract covering a new motor vehicle to be used primarily as a demonstrator sold to a bona fide motor-vehicle salesman employed by the seller shall be exempt from the requirement that installment payments be in substantially equal amounts;".

On page 12, line 12, strike the word "willfully".

Mr. McMILLAN. Mr. Speaker, the purpose of this legislation is to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia.

At the present time in the District of Columbia there is no regulation of the rate of finance charges made in connection with sales of motor vehicles on time. The Commissioners of the District of Columbia have the authority to require motor vehicle dealers to be licensed and to be regulated in respect to many phases of their activity. However, the Commissioners are without authority to fix and regulate the rates of finance charges made for installment sales of motor vehicles. The Commissioners also lack the authority to require bonds of motor vehicle dealers or of persons licensed to engage in the business of financing installment sales of motor vehicles. This legislation would take care of these problems.

This legislation would give the Commissioners of the District of Columbia the power to, first, deal with the problem where motor vehicle dealers advertise a car for sale with no down payment or with only a nominal down payment. Within a few days of the purchase the purchaser is required to make a payment in a substantial amount. Because the purchase of an automobile on a deferred payment plan cannot be financed unless about one-third of the purchase price is paid in cash, the amount of the down payment must be raised or "picked up" to this minimum. This requires the customer in many instances to go to a small loan company outside the District to borrow the money necessary for the "pick up" payment. This has resulted many times in failure of the customer to make the installment payments on both loans. Repossession of the vehicle follows and sometimes a deficiency judgment is obtained against him for the unpaid balance due on the motor vehicle.

Second. The evil in connection with the installment selling of automobiles referred to as "balloon" payments. This term is descriptive of a situation where a contract calling for a series of period installment payments in substantially equal amounts includes a provision for one of the payments, generally at the end of the series of installments, to be in a very large amount which the customer frequently cannot make, resulting either in a repossession of the vehicle or a refinancing of the debt. Refinancing is frequently not possible, however, because of the age of the vehicle, and, even if the vehicle can be refinanced, the purchaser is required to pay a substantial charge therefor. This legislation requires that installment payments under instruments of security be made in substantially equal amounts and at regular intervals with the following exceptions: First, the interval for the first installment payment may be longer than the other intervals; second, the final installment may be less in amount than the preceding installment payments; third, where a buyer's livelihood is dependent upon seasonal or intermittent income, one or more installment payments in the schedule of payments included in any such instrument of security may be reduced or omitted; fourth, and any contract covering a new motor vehicle to be used primarily as a demonstrator sold to a bona fide motor-vehicle salesman employed by the seller shall be exempt from the requirement that installment payments be in substantially equal amounts.

Third. The improper practice in the field of automobile financing where a purchaser who has obligated himself to make a series of installment payments acquires sufficient cash to pay off the entire debt before the installments are due, some of the dealers and finance companies will accept the prepayment in full of the installments but refuse to make any refund of the unearned finance, insurance or other charges resulting from such prepayments.

This legislation also authorizes the Commissioners to require of motor vehicle dealers and of persons licensed to engage in the business of purchasing retail installment sale contracts for motor vehicles, bonds, or other security. This is deemed a most important measure for the protection of motor vehicle purchasers from any motor vehicle dealer or finance company inclined to be unscrupulous and overreaching in their dealings with members of the public.

The Commissioners are also authorized to require licensed dealers and finance companies to carry public liability or property damage insurance or both and also the Commissioners are empowered to name themselves as the true and lawful attorney upon whom all process or legal notices directed to any such licensee may be served.

This legislation has the approval of the Board of Commissioners of the District of Columbia.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF LIFE INSURANCE ACT FOR THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10634) to amend sections 1 and 5b of the Life Insurance Act for the District of Columbia, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (1) of paragraph (1) of subsection (c) of section 1 of chapter V of the Life Insurance Act (D.C. Code, sec. 35-701(c)(1)(i)) is amended to read as follows:

"(i) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the Commissioners 1941 standard ordinary mortality table for such policies issued prior to the operative date of the last paragraph of section 5b(d) of

this chapter, and the Commissioners 1958 standard ordinary mortality table for such policies issued on or after such operative date; provided that for any category of such policies issued on female risks all modified net premiums and present values referred to in this section may be calculated according to an age not more than three years younger than the actual age of the insured."

(b) Clause (B) of paragraph (2) of such subsection (D.C. Code, sec. 35–701(c)(2)(B)) is amended to read as follows:

"(B) A net one-year term premium for such benefits provided for in the first policy year.

"Reserves according to the Commissioners reserve valuation method for (i) life-insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (ii) annuity and pure endowment contracts, (iii) disability and accidental death benefits in all policies and contracts, and (iv) all other benefits, except life insurance and endowment benefits in life-insurance policies, shall be calculated by a method consistent with the principles of this paragraph (2), except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums."

SEC. 2. (a) Subsection (d) of section 5b of chapter V of the Life Insurance Act (D.C. Code, sec. 35–705b(d) is amended to read as follows:

"(d) The adjusted premiums for any policy referred to in subsection (a) shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding any extra premiums charged because of impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) 2 per centum of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) 40 per centum of the adjusted premium for the first policy year; (iv) 25 per centum of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less: *Provided, however,* That in applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed 4 per centum of the amount of insurance or uniform amount equivalent thereto.

"In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy: *Provided, however,* That in the case of a policy providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

"Except as otherwise provided in the next succeeding paragraph of this subsection, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 standard ordinary mortality table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the 1941 standard industrial mortality table. All calculations shall be made on the basis of the rate of interest, not exceeding 3½ per centum per annum, specified in the policy for calculating cash surrender values, if any, and paid-up nonforfeiture benefits: *Provided, however,* That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than 130 per centum of the rates of mortality according to such applicable table: *Provided further,* That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the Superintendent.

"In the case of ordinary policies issued on or after the operative date of this paragraph as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 standard ordinary mortality table and the rate of interest, not exceeding 3½ per centum per annum, specified in the policy for calculating cash surrender values, if any, and paid-up nonforfeiture benefits, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured: *Provided, however,* That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 extended term insurance table: *Provided further,* That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the Superintendent. After the effective date of the amendatory Act of 1960, any company may file with the Superintendent a written notice of its election to comply with the provisions of this paragraph after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this paragraph for such company), this paragraph shall become operative with respect to the ordinary policies thereafter issued by such company. If a company makes no such election, the operative date of this paragraph for such company shall be January 1, 1966."

(b) Clause (iv) of the second sentence of subsection (e) of such section (D.C. Code, sec. 35–705b(e)) is amended by striking out "decreasing".

(c) The last sentence of subsection (g) of such section (D.C. Code, sec. 35–705b(g)) is amended by inserting immediately before the period at the end thereof the following: ": *Provided, however,* That the operative date of the last paragraph of subsection (d) shall be as stated therein".

With the following committee amendments:

On page 1, line 10, strike "standard ordinary mortality table" and insert "Standard Ordinary Mortality Table".

On page 2, lines 1 and 2, strike "standard ordinary mortality table" and insert "Standard Ordinary Mortality Table".

On page 4, line 19, strike "standard ordinary mortality table" and insert "Standard Ordinary Mortality Table".

On page 4, line 25, strike "standard industrial mortality table" and insert "Standard Industrial Mortality Table".

On page 5, line 18, strike "standard ordinary mortality table" and insert "Standard Ordinary Mortality Table".

On page 5, line 19, strike "cenutm" and insert "centum".

On page 6, lines 4 and 5, strike "extended term insurance table" and insert "Extended Term Insurance Table".

On page 6, line 20, strike the word "second" and insert the word "fourth".

Mr. MCMILLAN. Mr. Speaker, the purpose of H.R. 10684 is, first, to provide for the use of the most modern mortality tables by insurance companies in the District of Columbia; second, to give effect to the lower mortality on female lives; and third, to make some corrections and clarifications in the Standard Valuation and Standard Non-forfeiture provisions of the District of Columbia insurance laws.

In 1958, the National Association of Insurance Commissioners prepared new mortality tables making adjustments which recognize the improvement in life expectancy of the American public. Legislation enacted by Congress in 1948 called for the use of the 1941 standard mortality table of 1941 by insurance companies established in the District of Columbia. To make use of the 1958 revised and more favorable tables in the District, it is necessary to amend the present law.

A majority of the States of the Union have approved the use of the new 1958 mortality tables and it is expected that the other States will make these tables effective within the coming year. Language in this bill will enable insurance companies in the District of Columbia to use the same mortality tables now being used in most other States.

For many years the more favorable longevity of females has been known and recognized in the insurance business. In recent years, methods have been developed to take this into consideration as that the cost of insurance to females might be adjusted to reflect this lower mortality experience. The method used is that of charging the female life the same premium and provide the same reserves, and cash values for such a policy as would apply in the case of a male 3 years younger. All States permit this method but it cannot be used under the present law of the District of Columbia. This bill would permit the use of the "3-year setback" for female lives in connection with the 1941 mortality table or the 1958 mortality table. The District of Columbia law would then be in harmony with all other States as to the use of this formula in connection with insurance on female lives.

Another amendment relates to the issuance of insurance policies which call for temporary extra premium payments because of some temporary special hazard or a minor temporary health impairment of the insured. At the time the standard nonforfeiture law became a part of the insurance law of the District of Columbia, the language of the amendment excluded the extra premium

for special hazard from the calculation of nonforfeiture benefits where the extra premium ran for the duration of the policy. The clarifying amendment provides that the same exclusion would apply to policies where the extra premiums for special hazard are temporary. This change has been proposed and enacted in some States.

Another clarifying amendment would exclude premiums on level term insurance riders of life insurance polices from the calculation of nonforfeiture values where no such calculation is required when a level term policy is issued as a separate policy.

Finally, there is a minor language change in connection with the use of the word "uniform" and the word "level" in the existing law. The clear intent of the District insurance law was that the two terms be synonymous. Accordingly, the bill provides that the word "uniform" be substituted for the word "level" in the existing law.

In summary, H.R. 10684 carries two major proposals which would make possible the use of the 1958 revised and more favorable mortality tables now in use in a majority of States and permit the use of the "3-year setback" now permitted in all States reflecting the more favorable longevity of females. The remaining changes are corrective and clarifying in nature. The bill is in the interest of the insuring public and will enable insurance companies organized in the District to transact business more nearly competitively with other insurance companies both in the District and in the other States. The bill was endorsed by the Superintendent of Insurance of the District of Columbia, the major life insurance companies of the District, the Life Insurance Association of America, and the American Life Convention. No opposition to the bill was expressed at the committee hearing.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, that concludes the business of the Committee on the District of Columbia.

GENERAL GOVERNMENT MATTERS APPROPRIATION BILL, 1961

Mr. ANDREWS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11389) making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes; and, pending that, I ask unanimous consent that general debate continue for not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. FENTON] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11389, with Mr. ALBERT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ANDREWS. Mr. Chairman, I yield 5 minutes to the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Chairman, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FOGARTY. Mr. Chairman, I rise to pay tribute to a Member of this House who last Friday received the highest award that a university can confer—an honorary degree of doctor of humanities.

Receiving the award was the Honorable MICHAEL J. KIRWAN, of Ohio—the man we all know affectionately as "MIKE" KIRWAN; but the presentation to the gentleman from Ohio does us all honor. In a sense it is the House of Representatives and the American way of life which are honored by the award to Congressman KIRWAN.

This award expresses democracy as it is practiced in our country. Congressman KIRWAN was born in Pennsylvania of working folk and at the age of 7 was employed in the coal mines of that State. At that tender age he was already a member of the miner's union.

He was a breaker boy picking slag in the mines. More important, he was an agile, fast runner and his task in the mine workers' union was to act as messenger to let the members know where their meetings were to be held. This was necessary because the coal operators of that day were alert for any opportunity to break up union organization meetings with club and gun.

MIKE, the breaker boy, the union messenger of the turn of the century, is now a Congressman being honored with a degree of doctor of humanities. This is a measure of how far we have come in our search for understanding between those who work for, and those who manage, industry—a furtherance aided immeasurably by men like MIKE KIRWAN. And Congressman KIRWAN has never forgotten his union background, for today he still pays union dues and has paid them without a break since boyhood.

Congressman KIRWAN went no further in school than third grade. Yet today MIKE KIRWAN is an educated man—educated by his own efforts—pulled up, if you will, by his own bootstraps, and today the boy who never saw school from the age of 9 has received a degree of doctor of humanities—as Dr. J. Stauffer Wilkes, president of Oklahoma City University, stated in announcing the award, "The highest honor this institution can confer." This, too, is a measure of the progress made in America.

Congressman KIRWAN is a Roman Catholic and the university that does him honor is a Methodist university. I think this bare statement illustrates the tremendous strides made in our Nation in the field of religious tolerance.

These items would be regarded as paradoxical in any other civilization that the world has known. Yet in America—in our country—they are normal. Perhaps too often, we fail to realize how far we have come and only when our friend, the gentleman from Ohio, has such an honor conferred upon him do we see a yardstick applied to progress.

Mr. Chairman, why did the Oklahoma City University single out Congressman KIRWAN for this signal honor?

In my office I have a newspaper which takes four columns of type to tell. The CONGRESSIONAL RECORD might be a better testimonial. Those of us who have had the privilege of collaborating with Congressman KIRWAN over the 23 years he has been a Member of this body could testify as to chapter and verse.

Let me cite only a few of the accomplishments of Congressman KIRWAN over the years which have brought him this recognition. Oklahoma City University in conferring this degree mentioned, among many other things, Congressman KIRWAN's contribution to the welfare of the American Indian.

Only recently the Christian Century pointed out that the American Indian is outnumbered 400 to 1 and attains a very low priority on the scale of our social activities. Of all the minorities in this land of minorities the Indian has the poorest health, the least opportunity for education, and occupies the bottom of the economic heap.

But Congressman KIRWAN, with a true Irish love for the underdog, has championed the Indian's cause. When a move was made to cut the appropriation for education and welfare of the Indians in the 1959 budget because of military emergencies, Congressman KIRWAN said, and this, too, is a measure of his devotion to mankind, "Every time we start to do something for the Indians some sort of an emergency comes along and their funds go out the window."

Mr. Chairman, I remember on one occasion our colleague told this House that "No amount of money can wipe away the shame of the way this Nation has treated the Indians—but money would help."

Since Congressman KIRWAN became chairman of the subcommittee which handles appropriations for Indian affairs in 1948 more Indians are in school and college than ever before, more tribes run their own affairs, more timber is being scientifically harvested from Indian lands, thus aiding their economic development; and more roads have been built to and through the reservations than in the entire period of our history before our colleague's time. At the insistence of Congressman KIRWAN this year's funding of Interior appropriations will complete a program which for the first time in 141 years will provide classrooms, buses, roads, and other facilities to allow every Indian child to attend school.

Mr. Chairman, this is one measure to apply to Congressman KIRWAN's humanity.

There are many others. I have cited the Indian problem at length because it illustrates Congressman KIRWAN's love of mankind. But think of the benefits achieved by all American citizens by his efforts.

Since Congressman KIRWAN began his fight to protect the natural resources of the Nation, Congress has voted nearly three-quarters of a billion dollars for the National Park Service. In 1936 only 11,900,000 Americans visited our parks. This year 66 million will get maximum enjoyment and protection from our country's 183 parks.

Mr. Chairman, the recipient of this award from Oklahoma City University has done inestimable service to mankind by his endeavors in pushing through for completion the greatest program of conservation and reclamation ever known to man. Whole States, entire regions, have benefited by the foresight of Congressman KIRWAN. The great Central Valley project in California and the Hungry Horse Dam in Montana are testimonials to his vision. There are other such testimonials just as magnificent.

Yet, in almost every case the projects he has had the vision to press have been national in concept—for Congressman KIRWAN believes that what helps America helps all Americans.

I could cite other things, his record of insistence on mine safety, which has aided in reducing mine casualties—a subject dear to KIRWAN's heart. His record on land management—the record on timber conservation, his record in helping build up the Fish and Wildlife Service.

All of these things have advanced the cause of mankind in our Nation, they have made life easier, safer, more pleasant, and economically more bountiful for millions upon millions of Americans. And in doing so he has reflected great credit on the House of Representatives, for what he has sought, we in the House of Representatives and in the other House as well, have passed. We have helped our country and ourselves in following the leadership of this dedicated man.

Mr. Chairman, Congressman KIRWAN has been honored in Oklahoma. I am proud to do him honor here in the House of Representatives which he loves so well; for he has a deep and abiding affection for this House and the Members of it. Yet, the measure of the man lies in the humility with which he accepts this honor. He told a reporter who interviewed him:

> I am an honorary chief of five Indian tribes in Oklahoma. I guess being a doctor won't hurt that.

Congressman KIRWAN has come far from being a breakerboy picking slag in the mines. I am proud to serve with him in this House and to call him friend, for in my judgment, this man merits the adjective great and he illustrates, better than most, the greatness of the democratic system which produced him.

Mr. FOGARTY. Mr. Chairman, I yield to the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Chairman, I wish to join in paying tribute to our colleague from Ohio.

He is one of the great conservationists of our day, and I believe that in future years the contributions he has made to our natural resources and to their defense and protection will be recognized as among the finest made by any American.

He is, above all, a valued friend to his colleagues in the House, and wise adviser on the intricacies of legislation and of politics. I am certainly not at all surprised that he has been singled out for great academic recognition, and I join in extending my congratulations.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I wish to join the gentleman from Rhode Island in paying tribute to our distinguished colleague from Ohio, MIKE KIRWAN, on receiving recognition from the University of the City of Oklahoma.

Congressman MICHAEL J. KIRWAN, of the 19th District of Ohio, more than any other Member of the House of Representatives, represents a life success story which is typical of opportunities available to every American boy. His life success story has been a magical narration of hardships and perseverance.

He was born in Plains, Pa., on December 2, 1886, and was compelled to leave grade school at an early age to work in the coal mines to aid in the support of his family. He later worked for the Pennsylvania Railroad and continues to pay membership dues in the Brotherhood of Railway Trainmen. During World War I he was an artillery sergeant in France. Before his election to Congress in 1936, he served in the city council of his home city of Youngstown, Ohio.

MIKE KIRWAN has the distinction of being the first Democrat to be elected to Congress from the 19th Congressional District of Ohio. Since 1936 Republican voters in large numbers have joined the Democratic voters in returning MIKE to Congress every 2 years by increasing majorities. The people of his district have learned that MIKE's heart beats in tune with the interest and welfare of the masses of people and especially the taxpayers. His formula for political success is his philosophy that honesty, hard work and loyalty to his friends and constituents is not forgotten when the voters cast their franchise on election day. He is a firm believer that the best politics is the use of ordinary common sense on legislative problems and service to the people.

After becoming a Member of Congress, his ability was soon recognized and he was assigned to the powerful Appropriations Committee. For many years he has been chairman of the Subcommittee on Interior Appropriations. This committee has jurisdiction over the budget requests for reclamation, natural resources, the preservation of forests, national parks, minerals, Indian affairs, fish and wildlife. He is senior member of the Committee on Public Works Appropriations which appropriates for all water projects in the United States and its territories such as flood control, navigation, low flow water for industries, dams and reservoirs. He has discharged the responsibilities of this important congressional work with sincerity and great distinction. His fairness and exhaustive knowledge of all angles connected with these various governmental departments is recognized by all his House colleagues in both political parties. By reason of his insight and knowledge of our natural resources, his decisions and recommendations on controversial matters have rarely been questioned by Members of Congress. His forthright and uncompromising stand against unnecessary "pork barrel" appropriations is admired even by those Members whose congressional districts stand to lose by his steadfast determination to protect the American taxpayers. Congressman KIRWAN's unusual talent to express righteous indignation in an uncffensive manner when he detects a betrayal of public trust or observes a violation of Government policies in the protection of natural resources to the detriment of future generations.

The Democratic Members of Congress, recognizing his political sagacity and knowledge of issues, elected him chairman of the Democratic congressional campaign committee 10 years ago. During his leadership, the Democratic Party has won control of the House of Representatives with but one exception which was the Eisenhower landslide in 1952.

The above narration of MIKE's accomplishments are but a few during his adult life. His career has been sprinkled with disappointments and failures along with his successes. In the true American spirit, since his days as a youthful coal miner, he at no time allowed failures or disappointments to form a barrier to continue working for not only his success but also for the betterment of his community, city, county, State, and Nation.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Chairman, the honor recently bestowed upon MICHAEL J. KIRWAN, is well deserved.

MIKE KIRWAN is a man of fine judgment with the courage to carry out his convictions. He is a considerate, able, industrious Member of Congress, always serving his country in a diligent and conscientious manner.

He is a master of many subjects. His commanding talents, his great political eminence and his long and faithful service as a Representative has earned for him the respect and admiration of the Members of the Congress. His contributions to better government, his rugged integrity, and his unfailing sense of humor and good commonsense are always appreciated by his colleagues and especially by our Committee on Appropriations. His record clearly discloses the fact that he is a friend of the working people, the farmer, industry, and the veteran.

MIKE KIRWAN has no sectionalism in his makup. When the people in any

section of our country need help he is always present and leading the fight to bring about the assistance required.

Mr. Chairman, today I salute a great Member of the House—my friend MICHAEL J. KIRWAN.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Indiana [Mr. DENTON].

Mr. DENTON. Mr. Chairman, I want to join in extending felicitations to our distinguished colleague, MIKE KIRWAN, on receiving the degree of doctor of humanities from the Oklahoma City University.

It has been my privilege to have known MIKE KIRWAN since first coming to Congress a decade ago. As one who has had the honor of a close association with him, I truly can say that he richly deserves the high honor he has just received.

Two years ago, I became a member of the Appropriations Subcommittee of which he is chairman. At that time, I recall how amazed I was at his detailed knowledge of the interior of our country, and at his fairminded approach to all problems. A man of intellect and vision, MIKE KIRWAN is determined that development of national parks, forests, mines, and so forth, be on a countrywide or broad scale, rather than on a local, or narrow scale.

Although there are no Federal installations in his district, and for that matter, there is only one as I understand in the State of Ohio, nevertheless, he has supported all worthwhile Federal projects, regardless of their location.

Moreover, my distinguished colleague is determined that there be no toleration of waste or catering to special interests. I believe that I speak for all of my colleagues in saying that MIKE KIRWAN is one of the most able men whom the State of Ohio, or for that matter, any State, has sent to the U.S. Congress.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. BURKE].

Mr. BURKE of Massachusetts. Mr. Chairman, I am happy to join in with the most distinguished gentleman from Rhode Island [Mr. FOGARTY], in congratulating a great Congressman, the Honorable MICHAEL J. KIRWAN, of Ohio, upon his receiving an honorary degree from Oklahoma City University.

The announcement pleased me greatly because MICHAEL KIRWAN has accomplished more in a lifetime than most men. He is truly a dedicated public servant. He has unusual qualities of leadership. MICHAEL KIRWAN has always placed the interest of our Nation above all other considerations as a Member of the U.S. Congress.

Coming from humble beginnings, he has grown greater in stature each succeeding year. His life is typical American. His success is a living example to the average everyday American on what can be accomplished in this wonderful country of ours.

Yes, MICHAEL J. KIRWAN can truthfully be called "the greatest Roman of them all" and like the great St. Michael, he is a real worker in the Vineyard. I am personally proud to have the privilege to serve with him.

Blessed with the milk of human kindness, MICHAEL J. KIRWAN has made many contributions to our Nation's welfare.

I know I express the sentiments of all who know MICHAEL J. KIRWAN when I say, we are proud of the action by Oklahoma City University in conferring upon him this honorary degree.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I wish to associate myself in the tribute paid by the distinguished gentleman from Rhode Island to our colleague from Ohio.

I wish to remind the membership that MIKE KIRWAN in his early days lived in Monongah, W. Va. Mention has been made of his great accomplishment in getting action on mine safety laws. May I remind my colleagues that Mr. KIRWAN was living in Monongah at the time of the greatest explosion in the history of mining operations of the world, in which 395 miners were killed. He had an early impression of the necessity for mending our mine safety laws.

Being very much of a conservationist myself, I am very much interested in his activities in connection with the development of our natural resources and the enlargement of our national parks so as to furnish recreational opportunities.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Chairman, I should like to join the gentleman from Rhode Island and previous speakers in commending the distinguished gentleman from Ohio [Mr. KIRWAN] upon his having been awarded on Friday last the degree of doctor of humanities by Oklahoma City University.

I had not learned of the conferring of this honor which has come to my good friend, MIKE KIRWAN, until I heard the remarks of the gentleman from Rhode Island this afternoon. Permit me to say that I am happy that Oklahoma City University selected as the recipient of the honor a man who is respected and admired by every Member of this House on both sides of the aisle. He has had an outstanding career here in the House of Representatives.

I am now in my 16th year serving alongside MIKE KIRWAN as a member of the House Committee on Appropriations. We are presently fellow members of the Subcommittee on Deficiencies. My first assignment to a subcommittee was to the Subcommittee on the Department of the Interior of which MIKE is now and has for some years been the chairman.

I came to know him intimately in 1945 when we were together every day, all day, on a 7-week trip to Alaska and the Pacific Northwest. We have traveled together in many parts of the world. Knowing MIKE KIRWAN as intimately as I do and having the respect that I have for him I congratulate Oklahoma City University upon their having selected him as the recipient of their doctorate.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from New York [Mr. KEOGH].

Mr. KEOGH. Mr. Chairman, I, too, would like to join in the remarks that have been made about the distinguished gentleman from Ohio [Mr. KIRWAN]. My colleague and I both arrived together on the convening of the 75th Congress on January 3 of 1937, and it has been my good fortune to come to know him well and favorably ever since. It is, indeed, a source of inspiration to serve with him and to work with and under him. This latest recognition of his obviously sterling qualities is a pleasure to his many friends in and out of the House as I am sure it must be to him. My hope and prayer is that he shall continue for many years in the vibrant, constructive, and serviceable life. He has earned his place among the great in the service of his country, his Congress, and his party.

Mr. FENTON. Mr. Chairman, I appreciate the remarks that have been made here today about my very good friend and colleague, the gentleman from Ohio [Mr. KIRWAN]. I have had the privilege of serving with him for many years on both the subcommittee on Interior Department appropriations and also on the Public Works Subcommitee on Appropriations.

MIKE was born and raised in the anthracite coal region of Pennsylvania the same as myself.

He is not only familiar with the problems of the coal industry in general and sympathetic, but he has a vast knowledge of other sections of our country and their particular problems. To be with MIKE in our committee hearings and to listen to his vast experience and knowledge of the projects, especially in the Interior Department, is to be convinced of his humanitarianism and his love of America.

MIKE KIRWAN deserves everything that has been said about him here today. He is one of my closest friends; he is really a fine American and I want to congratulate him on receiving such high honors from Oklahoma City University, and I wish for MIKE many happy, happy days in the years to come.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to my distinguished colleague.

Mr. ALBERT. Mr. Chairman, I desire to join the distinguished gentleman from Rhode Island in this word of tribute to one of the outstanding Members of the House, the gentleman from Ohio [Mr. KIRWAN]. If anyone in this body deserves a degree of doctor of humanities by reason of a life of service to humanity, it is the distinguished gentleman from Ohio. As an Oklahoman I am particularly pleased that one of the great universities of my own State has recognized his service and has awarded him this degree. As a Methodist I am happy that it was one of the leading Methodist institutions of the country that has seen fit to recognize Congressman KIRWAN.

MIKE came up through life the hard way. He earned his bachelor's degree in the university of hard knocks. He has seen life in all its phases. He has made a contribution worthy of the recognition of the great schools of learning of our country.

An honorary degree is one of the highest awards that can come to a distinguished person. Bishop Angie Smith, of the Methodist Church of Oklahoma, has been quoted as saying that an honorary degree is more important in many ways than an academic degree. The latter can be obtained by anyone of normal intelligence who has the opportunity to pursue his education. The former can only be obtained by recognition for outstanding service.

In this House and in his party leadership MIKE KIRWAN has distinguished himself in more ways than I could possibly mention. Not a man in the United States has done more for the original American than MIKE KIRWAN. The great advances in the standards of Indian education in the last two decades are due in a great measure to the time, effort, and sympathetic understanding that MIKE KIRWAN has put into the problem.

Nobody in this House or elsewhere has done more to advance this country as a whole. MIKE has served with distinction on appropriations subcommittees having to do with the development of the resources of America.

As everyone knows, MIKE's service to his party has been second to none for more than a decade. His work as chairman of the Democratic congressional campaign committee represents, in my judgment, the finest performance of its kind ever contributed by a Member of Congress.

I am happy to welcome this eminent Ohioan to the fold of those who have been honored by Oklahoma schools. MIKE went to Oklahoma as a young man. He knows, and Oklahoma knows, that he is always welcome back. We claim him as an adoptive "favorite son." To paraphrase an expression made popular through the title song of the musical hit "Oklahoma," we proudly say, "You're doing fine, Dr. KIRWAN—Dr. KIRWAN, OK."

Mr. MORRIS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I am delighted to yield to my friend and colleague, the gentleman from Oklahoma.

Mr. MORRIS of Oklahoma. Mr. Chairman, all of us in Oklahoma, I am sure, as well as all of us from all over the Nation are greatly appreciative of the fact that one of our most distinguished colleagues, MICHAEL J. KIRWAN, has recently been accorded the high honor of being awarded doctor of humanities, by the Oklahoma City University. This morning I asked my administrative assistant, Miss Ella Marice Ryan, to call the Library of Congress for a full definition of the term "humanities." There are apparently a number of facets in the definition of that term, but I would like to read this one and comment upon it very briefly. Among other things, the definition of "humanities" is "Whatever concerns man, as distinct from physical nature, especially as expressed most adequately in the great or classic achievements of humanity in literature and art."

I would like to make this very brief comment—that good literature and art, dealing with this subject matter, inspire us to follow the humanities which in essence means the golden rule. But Congressman KIRWAN's great contribution along this line lies in the fact that he has helped so ably to put this inspiration into practical application and to cause it to become a reality by hard, dedicated, efficient work.

I know of no one who follows this philosophy of high service to humanity more faithfully than the recipient of this great honor, Hon. MICHAEL J. KIRWAN, whom we affectionately refer to so often as just "Mike."

Mike is a graduate with high honors of the university of hard knocks, the greatest university of all, whose pupils learn and retain in memory so well the greatest lessons of life.

The Honorable MIKE KIRWAN, Member of Congress, is truly a great man and one of the most outstanding and effective Members of Congress today—and has been for many years.

His great service in behalf of all of our American people including our Indian citizens and other humble minority groups sets him apart, in my judgment, as one truly entitled to this great honor. May God bless him for his kindly Irish heart and his noble work.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Texas.

Mr. THOMAS. Mr. Chairman, I join our friend and colleague the gentleman from Rhode Island [Mr. FOGARTY] in paying this tribute to our friend from Ohio. MIKE KIRWAN is a statesman and a philosopher and, above everything else, he is a son of the people. He is a great American and we all love him and admire him.

Our colleague—we affectionately call him "MIKE"—was given a doctorate by the Oklahoma City University several days ago. Certainly, I know of no man who more richly deserves this outstanding and signal honor than our beloved colleague from Ohio.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I am delighted to join with the distinguished gentleman from Rhode Island [Mr. FOGARTY] in congratulating our beloved colleague from Ohio, the Honorable MICHAEL J. KIRWAN, upon his receiving an honorary degree from Oklahoma City University. I thrilled to the announcement that this great honor was conferred upon him. Such a tribute comes to few men in their lifetime. It comes to fewer men with the kind of a background that is Mr. KIRWAN's. From a humble, austere, education-lacking beginning, he fought his way to the top by sheer force of his own character and personality. His character was forged by hard-working, loving, and devoted parents. It was nurtured in the school of hard knocks and experience. It developed because of an ingrained concern for the problems that beset mankind.

Born in the coal mining area of Pennsylvania, laboring in the wheatfields of the Oklahoma Panhandle, toiling in the oilfields and lumber camps of the great West, ranching, politicking—all have contributed to the sum total of the man honored by Oklahoma City University. His vast experiences and and his wide travel throughout the length and breadth of these United States have given to him a knowledge of this Nation that few are privileged to possess. He understands so exquisitely the values of reclamation, public works, our great natural resources, the magnificent forests and national parks, the Indian reservations. Congressman KIRWAN has transposed this magnificent recognition into legislative action that marks a glorious part of the history of these United States. His name will always enjoy a place of prominence whenever there is talk of the natural resources and beauty of our land. As a matter of record, Mr. Chairman, the name of MICHAEL J. KIRWAN will be inscribed forever, as an honorary member of the National Cowboy Hall of Fame and Museum soon to be built in Oklahoma City. This unique institution will honor those who pioneered the development of the West. Travelers, builders, cowboys—all who have given something to the progress of the West will be enshrined for eternity in this institution. We who know MIKE KIRWAN are proud of his honorary membership in this great project. We are prouder still of the honorary degree of doctor of humane letters that Oklahoma City University presented to him on last Friday, March 25, 1960.

Mr. Chairman, I extend my own personal congratulations to Congressman KIRWAN. It is a high honor richly deserved.

Mr. FOGARTY. Mr. Chairman, I yield to our beloved Speaker, the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I cannot let this moment pass without adding my feeling of great pleasure at the honor accorded our colleague, MIKE KIRWAN, of Ohio. I have served with more than 2,700 men and women in the House of Representatives since I have been a Member. I have never served with a more devoted man than MIKE KIRWAN. Coming up, as many of us did, from small farms and poor neighborhoods, he has made the grade. Oklahoma City University could not have conferred a degree upon a grander fellow than MIKE KIRWAN.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman.

Mr. EDMONDSON. Mr. Chairman, I want to joint in the tribute to a truly great American, whom we regard as an adopted Oklahoman. The Daily Oklahoman of the 26th of March 1960 states that—

> Representative MICHAEL J. KIRWAN, of Ohio, Friday received an honorary degree of doctor of humanities from Oklahoma City University for his "efforts to better the lot of all Americans."

I do not think any degree could have been more aptly conferred. I do not know of any man who has devoted more time and energy trying to improve the lot of humanity than MIKE KIRWAN.

I am grateful for this opportunity to join in the salute to a great Member of this body.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Tennessee.

Mr. EVINS. Mr. Chairman, I should like to join with my colleagues in commending and congratulating our colleague and friend, Congressman MIKE KIRWAN, on the honor which has been bestowed upon him—an honorary degree as doctor of humanity. Hereafter, we shall have to call our friend "Dr." KIRWAN. I congratuate him and I congratulate the Oklahoma City University on selecting Congressman KIRWAN for this honor and for conferring this degree upon him. It has been my privilege for a number of years to serve with MIKE KIRWAN on the Public Works Subcommittee on Appropriations, and I can say, as all of you know, that there is no Member of Congress more devoted and more dedicated than is the gentleman from Ohio, MIKE KIRWAN. He is a faithful representative of the people—of his district, State, and Nation. He is dedicated to the cause of water resource development in America—among the other important issues which he champions. MIKE KIRWAN is in no respect sectional, narrow, or provincial but is broad in his point of view and perspective.

Mr. Chairman, someone has said that democracy is a system of government in which citizens of humble origin can rise to great heights. Certainly, this is true in the case of our colleague and friend MIKE KIRWAN who has risen to great heights, and I commend him and congratulate him. He is a grand gentleman, a patriot, and an all-American.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Chairman, I just want to add a word of appreciation for the fine service rendered by the gentleman from Ohio [Mr. KIRWAN]. He has shown himself to be interested in all sections of the country and in things which I think have a lot to do with the strengthening of our country in the future. The gentleman from Rhode Island [Mr. FOGARTY] in his remarks touched on things which have to do with our natural resources. He, himself, has had a lot to do with the improving health of our citizenry and other aspects of their welfare now and in the future, and I am very happy to join in paying tribute to both of these fine men for the wonderful work they are doing for America not only in our day but for generations to come.

Mr. McCORMACK. Mr. Chairman, one of the hardest working and most valuable and ablest Members of the Congress of the United States is our distinguished friend and colleague the gentleman from Ohio [Mr. KIRWAN]. There is no finer legislator or more dedicated American than Congressman KIRWAN. His life is like a Horatio Alger story. There are so many things I could say about Congressman KIRWAN, that it would take a book to write about him.

Within the past few days our mutual friend MIKE KIRWAN received the honorary degree of doctor of humanities from the Oklahoma City University of Oklahoma City, Okla. There is no person who deserves such an honor more than our mutual friend. In honoring MIKE KIRWAN, the university honors itself.

I extend to my dear friend, Congressman KIRWAN, my hearty congratulations on receiving this great honor, and in congratulating my dear friend, I also congratulate the university for conferring the honor upon him. I repeat, there is no person this university, or any other college or university, could honor more than MIKE KIRWAN.

Mr. HORAN. Mr. Chairman, it is indeed a pleasure for me to join with my colleagues in honoring MIKE KIRWAN. But first I want to pay tribute to the Oklahoma City University for that institution's thoughtfulness. The title "Doctor of the Humanities" really fits MIKE KIRWAN. His first and compelling thoughts have always been, "What is for the constructive good of this great Nation of ours." MIKE knows that serving and building America serves and builds all else.

Mr. O'BRIEN of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'BRIEN of Illinois. Mr. Chairman, I was both surprised and delighted to learn that my old friend MIKE KIRWAN had been given the degree of doctor of humanities by the University of Oklahoma City last Friday. I say surprised, because MIKE and I went to the same college—the college of hard knocks—where the classroom is the world and the teachers are the thousands and thousands of people we encounter from all walks of life. There were many lessons that we learned through all the years of our experiences, but they all can be summed up in one fundamental concept—the Golden Rule.

There never was a finer man, a finer friend or a finer legislator than MIKE KIRWAN. He analyzes every question by the practical test of common sense, and he has a knack of getting to the heart of the issue and of coming up with the right answer. No man in this House is held in higher respect or esteem by his colleagues.

It is rare that a graduate of our alma mater is selected for advance degree and we are all proud that one has been given to MIKE. He has joined the great teachers and great scholars of our country in having received recognition for his outstanding contribution to the advancement of our Nation's affairs. It is an honor he richly deserves. In honoring MIKE KIRWAN, the university has honored itself.

Mr. YATES. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I want to join my colleague, Congressman JOHN FOGARTY, in expressing my profound appreciation for the high honor that has come to our good friend Congressman MICHAEL KIRWAN, of Ohio. It is most appropriate that he should receive the degree of doctor of humanities inasmuch as he is such a profound student of humanity. No Member of this House has a greater insight nor a more sympathetic feeling for his fellow man and his problems than MIKE KIRWAN. The experiences of a long, fighting, eventful life have given MIKE an understanding of the needs of the people that few possess.

Although MIKE would be the first to minimize the honor which has come to him, this comes more from an innate sense of modesty than lack of appreciation of education. He knows its value. His formal schooling was limited, but formal education is only one means of arrivin, at truth. Innumerable contacts and personal relationships with people from the four corners of the globe have given him a mature perspective and deep knowledge of human affairs. He is one of the true philosophers in the House.

I am delighted to pay tribute to him upon the occasion of his receiving this outstanding citation for his fine work on behalf of the people of his community and the country.

Mr. LANE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Chairman, it was good news to hear that Representative MICHAEL J. KIRWAN has been awarded the degree of doctor of humanities by Oklahoma City University.

With typical Irish courage and generosity, he has spent so much of his time in helping worthy causes and battling for the underprivileged that he never gave thought to the recognition and the credit that was due him.

The biography which he submitted in the Congressional Directory is one of the shortest on record, for MIKE is too busy a man to be thinking of himself. His colleagues know of the hard and constructive work that he has put in as one of the veteran members of the Appropriations Committee.

They will never forget the shovel that hangs on the wall of his office reminding every visitor of the men who toil in the mines and of the need for doing everything possible to insure the safety of the miners.

We know of his interest in the only natives of our country, the American Indians. But self-effacing as he is, MIKE could not expect to hide his light forever under a bushel. Good deeds speak for themselves in the most genuine voice of all.

Oklahoma City University has done for MIKE that which he could never do for himself by saying, "This is an honor which you well deserve." And this gives

his many friends in the Congress the opportunity to join in a chorus of appreciation for Representative MICHAEL J. KIRWAN who devotes his life to the welfare of his constituents and to the progress of our Nation.

Mr. GROSS. Mr. Chairman, I am pleased to have this opportunity to join with many of my colleagues this afternoon in complimenting the Honorable MICHAEL J. KIRWAN in connection with the honor recently bestowed upon him.

The life history of MIKE KIRWAN is in part the story of America for it was in this land of opportunity and through his own faith and perseverance that this man of humble origin has been able to win high recognition—recognition that is richly deserved.

Mr. MONAGAN. Mr. Chairman, I want to join in congratulating the gentleman from Ohio [Mr. KIRWAN] on this well-deserved honor which has come to him and to congratulate the University of Oklahoma City on electing such an outstanding public servant for this honorary degree.

MIKE KIRWAN has been particularly helpful to new Members in the quality and the character of the advice which he is always willing to impart.

In addition, he has furnished a superlative example to those of us who are here for the first time, in his constant attention to appropriations bills and the breadth of his information in this vitally important field.

Mr. PHILBIN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Chairman, Horatio Alger in his palmiest days never conceived a greater or more fabulous hero than MIKE KIRWAN.

Jack London never created a more interesting or appealing character.

Shakespeare never portrayed a man with a more agile, inquiring mind, capable of penetrating right to the root of a problem.

And certainly nowhere in the world or in contemporary life is there a more noble Christian gentleman, a more devoted public servant, a more loyal friend, or a man with a greater heart than MIKE KIRWAN.

Like Alger's hero in "Only an Irish Boy," MIKE KIRWAN started at the humblest level and worked and fought his way through the ranks until he reached one of the highest stations in national political life and one of the loftiest pinnacles in the respect, esteem and affection of his fellow countrymen.

Like the great Irish preacher and orator, the eloquent Father Tom Burke, of another era, who, while talking to a monstrous audience in New York City, declared that if his mother came into the hall she would not even know her son, Tom. Reportedly MIKE KIRWAN'S closest friend of boyhood days, Duffy, could not recognize, let alone bring himself to believe, that MIKE had been elected to Congress. He vented his surprise and stupefaction with characteristic raillery, graphically expressing his incredulous state of mind.

But the Members of Congress with whom MIKE KIRWAN has served have unanimously marked MIKE KIRWAN as one of the most beloved, and naturally gifted men who ever served in this body. To a man, we know he belongs here, serving the people of his district and the Nation with an unselfishness, militancy, and effectiveness that virtually knows no peer.

It was with special approbation and feelings of gratitude, therefore, that the House received word that the great University of Oklahoma City had conferred an honorary degree upon Congressman MICHAEL JOSEPH KIRWAN last Saturday, a degree deservedly in the humanities, probably better known in academic circles as doctor of humane letters.

I hasten to join my many colleagues in offering sincerest and heartiest congratulations to MIKE upon this great occasion in his life.

I do not know whether the newly invested academic doctor responded to the conferring ceremony in Latin, as has sometimes been the custom, or not; but of two things I am certain—that the degree in humane letters was never conferred upon a more worthy recipient, and that, on the noteworthy occasion, the Oklahoma air crackled with the lightning of Dr. KIRWAN'S keen wit and some of his listeners squirmed under the pressure of his sharp scalpel, while the most of the enthusiastic audience roared its approval.

This new honor will be borne gracefully by the political prophet of the Mahoning Valley steel district, who left school and started his sensational career before he was 10 years of age to labor in the coal mines, the wheat fields, the oil fields, on ranches and in lumber camps, who gallantly served in World War I as an artillery sergeant in France, and then forged his way through the Youngstown City Council and a maze of obstacles sheerly by the force of his own ability, zeal, and patriotism to the greatest parliamentary body in the world.

The degree of humane letters fits MIKE KIRWAN like a glove because his love of humanity and his humane characters, next to his faith in his God and love of his country, are his most distinguishing characteristics.

His service in the Congress has been conspicuous for its devotion to the cause and needs of the common people of America. His contributions on the old Rivers and Harbors Committee and his many years as member and chairman of the Subcommittee on Interior Appropriations have given MIKE KIRWAN a glorious niche in the history of the American Congress.

Zealous protector and developer of natural resources; diligent preserver of forests; and builder of our great national parks; wise conserver of our minerals, fish and wildlife; generous custodian and benefactor of the American Indian whose various tribes have honored him with membership, sagacious champion of flood control, navigation, water conservation and use for human consumption, industry and recreation; this happiest and kindest of wise legislators has won an enviable place in the hearts of innumerable friends and in the hearts of the American people.

His now famous St. Patrick night parties are testimony to his loyalty and devotion to his Fenian forebears and the cause they represented, who bore the torch of liberty, faith, and peerless love of country.

To his high post as chairman of the Democratic National Congressional Committee, he has given untiring, dedicated and outstanding service and has received the unreserved gratitude of his fellow members and his party.

He is a proud father of a large, talented and lovely family. He treads his way bravely and indomitably through an exceptionally busy life and career, giving a shining example of loftiest American citizenship and public service to his colleagues, his admiring district, his devoted and affectionate friends and the American people.

The new academic doctor will carry his fresh laurels with typical modesty and humility. But he will continue to exemplify for all of us the shining example of what great natural talents can do when they are combined with unflinching character, determination, the spirit of charity and kindness, love of freedom, and dedication to human brotherhood.

May our new doctor of the humanities, carry on his great work with continued good health, success and the joys of family, friendship and service to others which bring happiness to those who strive.

Mr. RIVERS of South Carolina. Mr. Chairman, everybody in this body was thrilled and delighted to hear that our beloved colleague, MICHAEL KIRWAN, is now known as Dr. MICHAEL KIRWAN. Mr. KIRWAN'S great service to his Nation has been recognized by Oklahoma City University. No tribute could have come to any finer person on the face of the earth. MIKE, as we affectionately know him, is beloved and revered by all who know him. His understanding of all people in this great country knows neither north, east, south or west. He understands the conditions, the problems and the vicissitudes of us all. Never have I known him to give an unregarded word, cause or reason to offend the sensibilities of anyone in this great body.

Mr. Chairman, I am proud that Mr. KIRWAN has been recognized for his worth, rewarded for his industry and honored for his great service to mankind. He will wear this distinction to the everlasting credit of the great university which made this honor possible.

Mr. DONOHUE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DONOHUE. Mr. Chairman, it is a particular privilege to join with the

Members here in extending warmest congratulations to our distinguished colleague, Congressman MICHAEL J. KIRWAN, for the great honor that has been bestowed upon him by the Oklahoma City University.

I personally think the officials of this fine educational institution should also be given our congratulations for their selection of a man so preeminently deserving of the official degree of doctor of humanities.

Those of us in this House, and thousands of people beyond this Chamber who have been associated with MIKE KIRWAN, have long esteemed him in our minds, in our friendship, and in our affection unofficially, you might say, as a practicing, learned, doctor of all the humanities; of course, we are all overjoyed that our judgment has been substantiated by the formal degree recognition of this great university.

If there is any living man who knows as much as our distinguished colleague about the foundation and superstructure of what we call humanity, I have never met or heard of him. I know there is not a living man who exercises such knowledge for the benefit of his fellow men with a truer character, more generous heart, more genial nature, more inspiring spirit, more unselfish humility, or more understanding encouragement and sympathy, than the Honorable MICHAEL J. KIRWAN.

Mr. Chairman, not only is this a very joyful day for us and our honored colleague but it is also, in a deep and significant sense, a great day in the educational history of this blessed Nation. MIKE KIRWAN would be the first to simply tell you of the limits imposed by fate on his own early formal educational ambition. Deprived of average opportunities he has, by sheer integrity of character, determination of will, and persevering industry, moved to the heights of public responsibility and formal educational recognition. His knowledge and practice of the art of living and the science of government have indeed been hard earned. The Oklahoma City University has done a distinct service to the people of this country by demonstrating that the custodians of formal educational awards can apply their most rigid standards to the essential work and superior achievements of uncommon character and rightfully and realistically bestow their academic laurels accordingly. Congressman MICHAEL J. KIRWAN has helped mightily to make and keep this country great; the directors of Oklahoma City University, by their action, have helped to prove its greatness, once again.

MIKE, you have once again brought great distinction upon yourself and this House. Sincere congratulations to you and may God grant many more long years of heavenly blessings to you and yours.

Mr. LIBONATI. Mr. Chairman, a true friend of man, Representative MICHAEL JOSEPH KIRWAN, was honored by the University of Oklahoma City, receiving the honorary degree of doctor of the humanities. It was a fitting tribute to one who struggled against every adversity to climb to the pinnacle of power and success that he enjoys today.

Yes, the degree of doctor of the humanities was earned by him many years ago—the years of sacrifice in early youth, working in the coal mines of Pennsylvania. His entire career is a living testimonial to the opportunities that are presented to the youth of America to make good. Hard work is the keystone of success.

We are proud of our colleague and congratulate him on this merited honor. The University of Oklahoma City has made a worthy selection in honoring our distinguished Member of the Congress—a truly great American and a powerful leader in Government.

Mr. FLOOD. Mr. Speaker, it gives me a great deal of personal pleasure to warmly congratulate our distinguished colleague from Ohio, the Honorable MICHAEL JOSEPH KIRWAN, upon his receiving the honorary degree of doctor of humane letters from Oklahoma City University.

Though MIKE has served well the 19th district of Ohio since the 75th Congress, some 24 years, I am sure, Mr. Speaker, that our colleagues would be very much interested in learning that MIKE was born and raised in my congressional district, the 11th Pennsylvania, and we hold MIKE in great endearment and respect for the fine career which he made in the halls of Congress.

In my district we consider MIKE KIRWAN as one of our own and we are delighted that he has received this distinction from Oklahoma City University. Moreover, that university should be congratulated for its wise selection of candidates to whom it awards such degrees.

I am sure, Mr. Speaker, you and the Members of this body join me in these remarks to our colleague from the Buckeye State.

Mr. LEVERING. Mr. Speaker, I greatly appreciate this opportunity to join with my colleagues in adding a word of tribute to the distinguished gentleman from my State of Ohio [Mr. KIRWAN] in connection with the conferring upon him of an honorary degree of doctor of humanities, by the Oklahoma City University.

I never think of this good man—an honest to goodness self-made man—a fighting man with a heart of gold, who made his way from a breaker boy of 7 years of age, picking slag in the mines, to the greatest legislative body in the world, without taking increased pride in our American system that recognizes the freedom and the ability of the individual. MIKE KIRWAN is a living testimonial of this great democracy in which we live.

Because our colleague to whom we pay our respects today did end his formal schooling at an early age, we know that not all education is found in schools. Congressman KIRWAN is a graduate of the college of hard knocks, where the class colors are black and blue. Long before I was elected to this body, I learned from my father-in-law, Usher L. Burdick, a former Member from North Dakota, that MIKE was a real pillar in the House. I leave it to my colleagues as to whether former Congressman Burdick is a judge of men.

Mr. Speaker, I know of no degree more fitting than that of doctor of humanities to be bestowed on our friend and colleague. Congressman KIRWAN is known to all of us as one of the outstanding conservationists of our time. He not only champions the preservation of our natural resources of soil, water, timber, and wildlife, but he is on the firing line year after year for the protection of human resources. I will never forget the calm that came over the House on September 8 last year when the gentleman walked into the well on the question of flood control funds in the public works bill and said:

> We must remember that we also have a responsibility to take care of our own country. I saw thousands being put out of their homes last January—families with children being held in the arms of their parents in zero weather looking at the water coming in the second-floor windows. I urge everyone here to do something for your country. God gave us this country. God gave us the soil, the rocks, the mountains, the woods, the streams. Let us do a good job protecting and preserving them. Let this be one of the times in history that we do something in and for America.

Mr. Speaker, with all the honors his country has bestowed upon him MIKE KIRWAN is a man of humility. In words suggested by Kipling our friend has walked and talked with Presidents, but never lost the common touch. He can "fill the unforgiving minute with 60 seconds' worth of distance run" and "the earth is his and everything that's in it," because he is a man, my friends.

Mr. CANNON. Mr. Speaker, it was my misfortune not to be on the floor the morning the announcement was made of the academic honor conferred on our distinguished colleague from Ohio by one of the great universities of the Nation. And of course with his customary modesty he did not enlighten me.

I was not aware of it until I read of it belatedly in the CONGRESSIONAL RECORD and so am taking advantage of the first opportunity to extend felicitations to him and to the House, which is also honored by this well deserved tribute to one of its outstanding Members.

MIKE KIRWAN is one of the great men of the House and the Nation. The congressional committee of which he is chairman does not contribute to my campaign. He is a typical American and his career might well be an inspiration to every American youth in the land.

From the other side of the track, as a breakerboy working 10 hours a day for 50 cents a day—without formal schooling—without pull or favor or help from anyone—through his own unaided efforts, he has come to membership in the greatest parliamentary body in the world.

But to every assignment along the way he gave the best that was in him. Wherever he found his niche, he worked, indefatiguably and loyally.

> Seest thou a man diligent in business; he shall stand before kings.

What he has achieved the humblest boy who walks the meanest street of the

smallest hamlet in the remotest corner of the land may, under our free American institutions, aspire to achieve.

Mr. Speaker, no academic authority has ever conferred a degree more worthily. If anyone here feels the need of a mental checkup you could do no better than consult Dr. KIRWAN. He is the best judge of human nature I have known. I would rather have his diagnosis of the personality and character of a man than that of the most eminent psychiatrist of the day—and he will not charge you $50 a visit. In fact one of his most notable characteristics is that he does so much for so many, without asking for himself. He loves his fellow man.

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich, and like a lily in bloom,
An angel writing in a book of gold:
Exceeding peace had made Ben Adhem bold,
And to the Presence in the room he said,
"What writest thou?"—The vision raised its head,
And with a look made of all sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the Angel. Abou spoke more low,
But cheerly still; and said, "I pray thee then,
Write me as one that loves his fellow men."
The angel wrote and vanished. The next night
It came again with a great wakening light,
And showed the names whom love of God had blessed.
And lo! Ben Adhem's name led all the rest.

Mr. ANDREWS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I would like to pay my respects to MIKE KIRWAN. I have known him intimately ever since I have been a Member of this House. I am familiar with his many fine traits, and above all his sincerity. In my opinion, he is a Congressman's Congressman.

Mr. Chairman, this bill provides funds for the Executive Office of the President and sundry agencies. There are 14 appropriated items in the bill, and in addition a limitation on travel funds in connection with construction of memorials and cemeteries.

The total appropriation for 1960 for these same items was $13,463,500. So that the funds recommended in this bill represent an increase of $324,000 over the current appropriation. This amount is the net result of increases in the Executive Office of the President and a substantial decrease for the Foreign Claims Settlement Commission.

A total of 1,510 permanent positions are provided for in this bill, and that is a decrease or 51 below 1960. About one-half of this reduction was planned in the budget estimates, and one-half has been imposed by the committee in its recommendations. There is actually a net increase of four positions in the Executive Office of the President, with substantial reductions in the Foreign Claims Settlement Commission and the program for construction of memorials and cemeteries.

The primary increases in appropriations are in the White House Office and in the Bureau of the Budget. The increase requested for the White House Office does not provide for any increase in staff, but the Budget Director indicated that a rather high turnover was anticipated in that staff for the ensuing year, and that additional funds would be needed to make terminal leave payments.

The increase of $235,000 for the Bureau of the Budget includes about $135,000 for increased costs of operating with their present staff, and about $100,000 to increase their staff by about 11 positions. The Budget Director asked for 33 new positions to help him do a better job on the budget. The increase recommended by the committee will permit him to add personnel for the most essential functions, including an expert on automatic data processing equipment.

And I might say, Mr. Chairman, that the Director of the Bureau of the Budget has been working for the last 2 years on the biggest budgets in peacetime history. The record will show that the Bureau has had a substantial reduction in personnel over the past 10 years. The Director told our committee frankly that he had cut his working force too deeply to get the job done.

I should point out to the House that the workload of the Subversive Activities Control Board may increase substantially.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. GROSS. Before the gentleman leaves the subject of the Bureau of the Budget, the Bureau of the Budget cut its work staff, yes, but turned around and hired a lot of management and counseling firms. Is that not correct?

Mr. ANDREWS. That is true.

Mr. GROSS. So it is a question as to whether it was a savings or not.

Mr. ANDREWS. I was speaking of the Bureau of the Budget itself.

I should point out to the House that the workload of the Subversive Activities Control Board could increase substantially in the event of decisions from the Supreme Court which would permit action to be taken under the provisions of the Subversive Activities Control Act of 1950. The appropriation requested in the budget estimates and recommended by the committee will support present operations of the Board, but an affirmative ruling in the Communist Party case could change this situation dramatically. However, the amount carried in the bill is adequate under present circumstances.

One item appears in this bill which was not included in the 1960 act. This is the item for extraordinary alterations and repairs. Even though this did not appear in last year's act, it is not a new appropriation item. This item has been included intermittently and the purpose of the appropriation this year is to restore an operating balance within this fund for possible emergencies in the physical plant of the White House.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. MONAGAN. Do I understand that there is an increase in the amount for the Executive Office of the President of $517,000?

Mr. ANDREWS. Yes.

Mr. MONAGAN. I should first say that the budget estimate represented an increase of $722,000.

Mr. ANDREWS. For the White House?

Mr. MONAGAN. Yes; the Executive Office of the President. The 1961 estimate was $722,000 over the 1960 appropriation.

Mr. ANDREWS. The total amount in this bill for the Executive Office of the President is $10,722,500.

Mr. MONAGAN. As against $10,235,000?

Mr. ANDREWS. That is correct.

Mr. MONAGAN. And as against an estimate of $10,977,000?

Mr. ANDREWS. That is right.

Mr. MONAGAN. So that the estimate was about three-quarters of a million dollars over the appropriation allowed?

Mr. ANDREWS. That is right.

Mr. MONAGAN. And there is recommended an amount in this bill which is a 5-percent increase over the appropriation last year?

Mr. ANDREWS. That is right.

Mr. MONAGAN. Where does that item come in?

Mr. ANDREWS. For the White House offices there is an increase of $177,500. That does not mean there will be additional employees there, but it makes allowance for the possibility that at the end of this administration many of those employees will be separated from the service and they will be entitled to terminal leave.

Mr. MONAGAN. It is an item for compensation of employees in the Executive Office of the President?

Mr. ANDREWS. That is correct, employees who might find their positions terminated at the end of the present administration. Then you will find another item which is an increase over the 1960 budget of $100,000. That is to permit a redecorating job in the White House and to repaint the White House, which is done every 4 years with change of administrations.

Mr. MONAGAN. Is that under the White House offices?

Mr. ANDREWS. The gentleman will find it listed there under extraordinary alterations and repairs.

Mr. MONAGAN. May I ask a question about the Bureau of the Budget? Apparently the appropriation for 1960 was $4.6 million, with an increase of about $235,000?

Mr. ANDREWS. That is correct.

Mr. MONAGAN. What would that go for?

Mr. ANDREWS. It would be for 11 new positions in the Bureau of the Budget; so the increase over last year's appropriation for the Bureau of the Budget is $235,000; however, the amount appropriated in this bill is $200,000 less than the Budget requested for their own shop.

Mr. MONAGAN. In other words, they requested an increase of about a half million dollars?

Mr. ANDREWS. Yes.

Mr. MONAGAN. Which was over 10 percent.

Mr. ANDREWS. They requested in terms of manpower 33 new positions. The committee has allowed them 11 new positions.

Mr. MONAGAN. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FENTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 11389, the appropriations bill for fiscal 1961, to take care of general Government matters, is presented to you today in the amount of $13,787,500 as approved by the Committee on Appropriations. This is an increase of $324,000 over the 1960 appropriations.

The amount recommended by the Bureau of the Budget was for $14,302,500 which is an increase of $839,000 over the current fiscal year of 1960. The committee saw fit to reduce this amount by $515,000.

This bill as you know, represents appropriations made to the Executive Office of the President.

It provides funds for the President's compensation, the White House Office, special projects, Executive Mansion and grounds, extraordinary alterations and repairs, Bureau of the Budget, Council of Economic Advisers, National Security Council, and the President's Advisory Committee on Government Organization.

It also provides for additional funds to be appropriated to the President for emergencies and expenses of management improvement. The amount requested for the emergencies is $1 million and the amount asked for the management improvement was $350,000. The emergency fund was allowed in full and the committee cut the management improvement fund to $40,000.

Three other general Government agencies are also provided for in this bill—namely, the American Battle Monuments Commission, the Foreign Claims Settlement Commission, and the Subversive Activities Control Board. All requested amounts were allowed.

While this is by far the smallest of all the appropriation bills it does contain, nevertheless, funds that are for the Executive—funds for his advisers in economic and military affairs from whose recommendations important decisions are made.

One other item which we think very important in the bill is for the appropriations for the Subversive Activities Control Board. The Board is handicapped in their work by the delays caused by the Supreme Court in its decisions regarding the constitutional validity of the act since 1954. You will recall that in 1954 the Court of Appeals upheld the Board, but the Supreme Court sent it back to the Board with certain instructions.

Last month, February 5, 1960, the Supreme Court granted the Communist Party's petition to review the case and set argument for next October.

A ruling by the Supreme Court affirming the decisions of the Court of Appeals upholding the act and the Board's order could result in a substantial increase in the Board's workload in the latter part of fiscal 1961.

THE WHITE HOUSE OFFICE

The amount requested for the White House Office for 1961 was $2,398,500. This is an increase of $177,500 over 1960.

These funds provide the President with staff assistance and provide administrative services for the White House Office. The committee allowed the full amount.

The White House Office appropriations provide for 272 permanent positions, the same as the current year.

It was also explained that there is contemplated 274 as the average number of all employees, with 278 on the rolls at the end of the year. This is due to the fact that there will be a change in administration in 1961 and that there will be significant amounts of terminal-leave payments to members of the White House organization that occur upon change in administration.

SPECIAL PROJECTS

The budget request is for $1,500,000—the same as 1960. This fund is used by the President for staff assistance on special problems which arise from time to time but cannot be considered the responsibility of an existing agency.

The committee allowed the full amount requested.

The special projects appropriation was first established in 1956 and it is estimated that for fiscal year 1961 it will be staffed by 110 employees—5 less than the current fiscal year.

It is a means of financing special staffs appointed from time to time to advise the President or to coordinate activities for the President which overlapped departments and agencies.

This organization is composed presently of four units; namely, science and technology headed by Dr. George Kistiakowsky, the President's assistant for science; personnel management under Mr. Eugene Lyons; the foreign economic policy unit under the direction of Clarence Randall; and the public works planning headed by Gen. John Bragdon.

In addition to those four units they have special consultants, and so forth, brought in on such specific matters as national security, intelligence, and other special fields on a short-time basis.

It is really an addition or extension of the White House staff set up to coordinate various specific fields and activities for the President which overlapped departments and agencies.

As of February 29, 1960, there was obligated out of this fund, for fiscal year 1960, $778,500 for projects itemized on page 90 of the 1961 fiscal year hearings.

EXECUTIVE MANSION AND GROUNDS

The budget estimate for the Executive Mansion and grounds is $505,000, an increase of $30,000 over the 1960 budget. The committee granted the full amount. As of February 29, 1960, there was obligated $310,357.

These funds provide for the care, maintenance, and operation of the Executive Mansion and the surrounding grounds.

Included also in this budget is $100,000 for extraordinary alterations and repairs. These funds are made available for the incoming occupants of the White House and the amount was granted in full.

There are 72 employees estimated for the Executive Mansion and grounds for 1961; the same number as for the past 2 fiscal years. Of this number 38 people are in the mechanical and maintenance force. These include electricians, gardeners, engineers, carpenters, caretakers, plumbers, storekeepers, and so forth. Average compensation is $5,371.

Thirty-four people are in the domestic force, such as housekeepers, butlers, cooks, doormen, laundresses, pantrywomen, and maids. Average compensation of this group, $3,709.

Of the $30,000 increase over the current fiscal year $25,000 is to pay mandatory increased costs such as salary increases including retirement, electric rate increase, increased elevator maintenance and laundry costs, and Federal employee health benefits.

The rest of the increase, or $5,000, is needed for additional supplies required by increased use, wear and tear.

THE BUREAU OF THE BUDGET

The 1961 request is for $5,100,000, an increase of $435,000 over 1960.

This increase would permit the addition of 33 more positions. These are needed because of additional projects and workloads. Specifically they would have been distributed as follows: 1 in Office of Accounting, 7 in Office of Budget Review, 14 in Office of Management and Organization, 1 in Office of Statistical Standards, 1 in Commerce and Finance, 4 in Military Division, 2 in Resources and Civil Works, 3 in Executive Direction and Administration.

The committee, however, allowed them $4,900,000, or a decrease of $200,000 from their request which would take care of an additional 11 people.

The committee also made a reduction of $5,000 in their request for $120,000 for expenses of travel. Thus the amount granted for travel is $115,000.

The Bureau made a request for a per diem rate of $75. The committee recommends the retention of $50.

In 1951 the personnel in the Bureau of the Budget was 534. In 1952 it was 515. Since that time there has been a decrease each year until the present fiscal year which shows a personnel of 433.

The Bureau of the Budget felt that they should lead the way to try and affect a policy of holding down expenditures and employment.

A point has now been reached in which they feel that in order to keep pace with new situations and deal with troublesome problems with the effectiveness that is expected of the President, and so forth, that they were obliged to ask for 33 new positions which if permitted would have raised their personnel to 466.

As I said before the committee allowed 11 new positions which would bring them to a total of 444.

While the Bureau has cut back on its personnel since 1952 there has been an increase in its appropriated funds. For

example the appropriation for the Bureau in 1952 was $3,608,000. This was decreased in 1953, 1954, and 1955 when it was $3,388,617.

Then in 1956 it rose to $3,559,000, and has continued to rise until 1960 when the estimate was $4,665,000. As previously stated the estimate for 1961 was $5,100,000.

These increases have been brought about by many new responsibilities given the Bureau. For example the creation of an Office of Accounting in the Bureau which Congress authorized to improve financial management across the Government.

New agencies have also been created—the Federal Aviation Agency and the NASA, the outer space agency. Also the greatly increased work in the areas of defense, international matters, and so forth.

In the field of management and organization the Bureau testified that more professional people were necessary because over the past few years there have been growing developments in industry and government in the field of management improvement.

Electronic data is an example of a new technique that should be carried out by the Bureau of the Budget because there is no focal point in the Government for carrying out this activity.

Other problems are coming to the attention of the Bureau of the Budget and have been under study—namely, the problem of foreign currencies; the user charge program.

COUNCIL OF ECONOMIC ADVISERS

The Council of Economic Advisers requested $395,000 for fiscal 1961. This is the same as 1960. The committee allowed them $390,000—a cut of $5,000 from the travel items.

The Council of Economic Advisers analyzes the national economy and its various segments; advises the President on economic developments; recommends policies for economic growth and stability; appraises economic programs and policies of the Federal Government; and assists in preparation of the Annual Economic Report of the President to Congress.

NATIONAL SECURITY COUNCIL

The budget request for 1961 is in the amount of $779,000—a decrease of $13,000 from the appropriations of 1960. The full request was granted.

The National Security Council was established in 1947—Public Law 253, 80th Congress.

This was amended in 1949 and 1951, and in 1949 was transferred to the Executive Office of the President.

Within the structure of the National Security Council are the Operations Coordinating Board and the National Security Planning Board.

PRESIDENT'S ADVISORY COMMITTEE ON GOVERNMENT ORGANIZATION

Established by Presidential Order No. 10432 on January 24, 1953.

The duties of the Committee are to advise the President, the assistant to the President, and the Bureau of the Budget with respect to changes in the organization and activities of the executive branch of the Government, which in its opinion would promote economy and efficiency in the operation of that branch.

Meets on an average of once a month. Also meets with the President from time to time and participates in Cabinet sessions when Government reorganization items are on the agenda.

The Bureau of the Budget Director also participates in the Committee meetings.

The Bureau of the Budget requested $50,000 for fiscal 1961 which is a reduction of $7,500 from the $57,500 appropriated for 1960.

This reduction reflects the elimination of two positions.

It is now estimated that obligations for the current fiscal year will total about $40,000, based on obligations of $22,434 through January 31, 1960.

The request for $50,000 was granted in full.

The authority for the President to transmit reorganization plans to the Congress expired on June 1, 1959. The House on June 2, 1959, passed a bill extending the Reorganization Act of 1949 for 2 additional years. The Senate has not, as yet, acted on the House bill.

While the committee has been functioning in such areas as organization of the Executive Office of the President, Organization for National Security Affairs, Foreign Affairs Organization, and Organization of Federal Transportation Activities, the President has been handicapped insofar as reorganization matters are concerned on account of the expiring of the authorization, June 1, 1959.

If the Congress does not extend the authority to transmit reorganization proposals then he would have the regular course to pursue—that is through regular legislative proposals.

The major steps which have been taken over the past 7 years to improve the executive branch organization and management, in the development of which the President's Advisory Committee on Government Organization has participated actively, are listed on pages 9, 10, 11, and 12 of the Appropriations Committee hearings for 1961. Out of 40 steps or proposals in that time 28 were accomplished and the others are pending transmission to the President or awaiting Presidential action.

EMERGENCY FUND FOR THE PRESIDENT

The amount requested for fiscal year 1961 was $1 million, the same as 1960.

Up to this time there has been no expenditure out of the current fiscal year.

The purpose of this fund is to enable the President to meet emergencies affecting the national interest, security, or defense which may arise at home or abroad and which do not fall within the scope of the regular activities of any agency.

Congress has recognized this need for providing a contingent fund for it for many years.

In fiscal 1959 there was $975,000 utilized but the State Department returned $300,000 as a result of the Second Supplemental Appropriations Act of 1959—which in reality left a balance of $325,000 from the emergency fund that year.

There is no estimate for the number of personnel utilized in this project for 1960 since none of the money has been expended.

The Bureau of the Budget administers the fund.

EXPENSES OF MANAGEMENT IMPROVEMENT

The request for 1961 is $350,000 which is an increase of $225,000 over 1960.

Over the years this fund has been kept at a level of approximately $500,000 and is used principally to contract for outside services or for special projects in the field of management improvement for executive departments. It does not represent, except in unusual cases, a direct employment by the Government, but is used mostly for contracting for outside services.

Since there will be an estimated unobligated balance at the end of 1960 of over $260,000 the committee allowed them $40,000 which would give a fund of $300,000 for 1961. This is a decrease of $310,000 from the Budget request.

The types of projects for which the money from this fund was used can be found on pages 148 to 159, inclusive, of the 1961 hearings of the Subcommittee on Appropriations for General Government Matters.

AMERICAN BATTLE MONUMENTS COMMISSION

Nearing the completion of their construction program by the end of 1961, with the exception of the Hawaii Cemetery project, the request for fiscal 1961 was $1,320,000 which was allowed in full for salaries and expenses.

Much can be said in praise for the fine work that has been done by this Commission on our World War II cemeteries and memorials.

Work originally estimated to cost over $40 million was constructed at around $31 million plus 10 percent overhead or a saving of over $5 million.

Originally there were 14 World War II cemeteries with a memorial in each cemetery, plus enlarging the chapel in the World War I cemetery at Suresnes to be constructed.

In addition to those World War II cemeteries, et cetera, the Commission has been able to add more monuments namely, the monument at Hawaii, at a cost of $2.5 million; the new monument at Brest, $678,000; the West Coast Memorial, $105,000; the East Coast Memorial, $629,000. They have also set aside $110,000 for a monument at Okinawa until approval is granted them by the Bureau of the Budget. They have also paid $16,000 for plans for the General Pershing Memorial.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The request for appropriations for fiscal 1961 for the Foreign Claims Settlement Commission was $260,000 which was allowed in full. This is a decrease of $148,000 from the current fiscal year of $408,000.

They estimate a personnel of 40 for the 1961 fiscal year in contrast to 59 for 1960 on account of the Commission completing action on claims programs under existing legislation.

The principal work of the Commission at this time is the administration of the Czechoslovakian claims program.

The Czechoslovakian Claims Act expires August 8, 1962, unless extended by the Congress. At present there is a balance of $489,915 in the Czechoslovakian Fund.

During the hearings I requested the general counsel of the Foreign Claims Settlement Commission to supply me with a brief history of this Commission and the work it has done. I am including it here at this time for the information of my colleagues in the House.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES,
Washington, D.C., March 22, 1960.

To: Hon. IVOR D. FENTON, Subcommittee on General Government Matters, House of Representatives.

From: Andrew T. McGuire, General Counsel, Foreign Claims Settlement Commission.

Subject: Brief history of the Foreign Claims Settlement Commission.

The Foreign Claims Settlement Commission of the United States was established as an independent agency of the U.S. Government under the authority of Reorganization Plan No. 1 of 1954. It assumed the functions previously exercised by the War Claims Commission, an independent agency, under the authority of the War Claims Act of 1948. It also assumed the functions previously exercised by the International Claims Commission, an agency within the Department of State, under the authority of the International Claims Settlement Act of 1949. In brief the principal purpose of the War Claims Act was to provide machinery for the determination and processing of claims of various kinds against foreign governments for injuries and damages to American citizens arising out of war. The principal purpose of the International Claims Settlement Act was to provide machinery for the determination and processing of claims of various kinds against foreign governments for the nationalization or other taking of American property. However, some war claims have been authorized for determination and processing under the International Claims Settlement Act. The two statutes are very similar. Except as it may be necessary to vary methods of handling between large numbers of comparatively simple claims, i.e., production line claims, and more limited numbers of large, intricate, and complex claims which must be individually handled, procedures are very similar. Under both statutes the claims programs operate against specified filing periods and completion deadlines.

It should be kept foremost in mind that this does not refer to claims against the United States. The funds which go to the satisfaction of claims on all programs, and with only one limited exception, are derived in one manner or other from the foreign governments and not from the taxpayers' pocketbooks. They are gratuities made available through the largess of the Congress. Likewise, the salaries of the Commissioners and the other expenses of the Commission are, in effect, almost entirely paid from these funds.

The War Claims Act required the War Claims Commission to make a study and report with recommendations to the Congress, concerning the whole field of war claims. That report was filed in January 1953. It included a number of recommendations nearly all of which have since been authorized and carried out. The most important of all—the war damage program—has not been enacted into law.

II. CLAIMS PROGRAMS COMPLETED—PAID FROM THE WAR CLAIMS FUND

On March 5, 1957, there was presented to the House Interstate and Foreign Commerce Committee a rather detailed report on the functions and accomplishments of the Commission.

The Foreign Claim Settlement Commission is the legal custodian of the War Claims Fund. The fund consists of all sums covered into the Treasury pursuant to section 39 of the Trading With the Enemy Act, that is, the net proceeds of the liquidation of vested World War II German and Japanese assets by the Office of Alien Property in the Department of Justice. Transfers to the fund have totaled $228,500,000. The present balance is slightly in excess of $500,000.

Utilization of the fund in payment of claims within the jurisdiction of the Commission has been as follows:

1. Awards to members of the American Armed Forces who were held prisoners during World War II, at the rate of $1 for each day of failure to receive the proper quantity and quality of food. This program was completed as directed by the Congress March 31, 1955, with 179,275 awards totaling $49,891,911.

2. Awards to American civilians who went into hiding or were interned by the Japanese in the Philippines, Wake, Guam, or Midway at $25 per month for persons under 18 years of age, and $60 per month for others. This program was completed March 31, 1955, with 9,238 awards totaling $13,668,078.

3. Awards to religious organizations in the Philippines affiliated with religious organizations in the United States, or to the personnel of such Philippine organizations, for expenditures incurred or the value of supplies furnished to beleaguered Americans during World War II. This program was completed March 31, 1955, with 62 awards totaling $2,857,899.

4. Awards to such religious organizations in the Philippines for the postwar reconstruction costs of schools, colleges, observatories, hospitals, and orphanages destroyed during the war. This program was completed March 31, 1955, with 60 awards totaling $17,238,596.

5. Awards to members of the American Armed Forces held prisoner during World War II, at the rate of $1.50 for each day they were abused or mistreated. This program was completed March 31, 1955 with 176,340 awards, totaling $73,377,245.

6. Awards to American civilians and their survivors of a class not covered by the original act who went into hiding or were interned by the Japanese. This program was completed as directed by the Congress August 31, 1956, with 2,191 awards, totaling $4,073,992.

7. Awards to American prisoners of war who had enlisted in the armed forces of our allies. The program was completed August 31, 1956 with 201 awards, totaling $335,836.

8. Awards to American merchant seamen captured and interned by the Japanese and Germans during World War II. The program was completed August 31, 1956, with 176 awards, totaling $327,732.

9. Awards to Americans for losses on bank accounts and other credits sequestered by the Japanese in the Philippines, and to banks in the Philippines which had voluntarily reestablished sequestered American credits. This program was completed August 31, 1956, with 3,162 awards, totaling $10,570,478.

10. Awards, under an amendment to the original statutory authorization, to religious organizations in the Philippines of the same denomination as religious organizations in the United States for (a) the cost of assistance furnished to American civilian and military personnel captured by or in hiding from the Japanese during the war, and (b) the postwar reconstruction costs of schools, colleges, hospitals, and similar institutions, destroyed during the war. The program was completed as directed by the Congress February 6, 1958, with 109 awards, totaling $8,711,482.25.

III. CLAIMS PROGRAMS COMPLETED—NOT PAID FROM THE WAR CLAIMS FUND

Seven programs have been carried through under the International Claims Settlement Act, and one under the War Claims Act, which were not payable from the war claims fund.

1. Awards to prisoners of war and civilian internees in the Korean conflict of the same kind provided for in World War II. This is the only program the Commission has had payable from appropriated funds. It was completed as directed by the Congress August 21, 1956, with 9,241 awards, totaling $8,888,292.

2. Awards to Americans for the loss of property in Panama. A fund of $400,000 was provided by Panama. There were 66 awards, totaling $441,891. The program was completed June 30, 1954.

3. Awards to Americans whose property in Yugoslavia was nationalized or otherwise taken by Yugoslavia. A fund of $17 million was provided by Yugoslavia. The program was completed as directed by the Congress December 31, 1954. There were 876 awards, totaling $18,817,904.

4. Awards to Americans whose claims against the Soviet Union arose prior to November 16, 1933, primarily resulting from the 1917 revolution. Such awards were paid from a fund of $9,100,000 realized from the proceeds of property transferred to the United States by Russia under what is known as the Litvinov Assignment. Awards numbered more than 1,925 and totaled more than $70 million in principal, plus interest. The program was completed as directed by Congress August 9, 1959.

5. Awards to Americans were made with respect to claims against Italy arising from World War II not provided for in the Treaty of Peace with Italy. Claims were primarily those of Americans for damages attributable to Italy which occurred in Greece, Yugoslavia, Albania, and on the high seas. Italy provided a fund of $5 million to cover such claims. Awards totaling $3,608,171 have numbered 482 under both the original provisions of the act and the amendment thereto which, in effect, extended benefits to persons not qualified under the original provisions. Claims under the original provisions were completed on August 9, 1959.

6. Awards to Americans whose claims against Hungary arose out of World War II damage, or, nationalization or other taking of American-owned property (plus a limited category of prewar contract claims). A sum of approximately $2 million was available in the Hungarian fund from the net proceeds of the vesting of certain Hungarian assets in the United States. Awards numbered 1,153 and exceeded $58 million plus interest. This program was completed on August 9, 1959.

7. Awards to American claimants against Rumania were made under circumstances similar to those against Hungary. A fund of approximately $22 million was available from the vesting of Rumanian assets in the United States. Awards numbered 498 and exceeded $60 million plus interest. The program was completed August 9, 1959.

8. Awards to Americans for claims against Bulgaria are likewise for World War II damage to, or, nationalization or other taking of American property (plus a limited category of prewar contract claims). A fund of approximately $2.5 million was available from the vesting of Bulgarian assets in the United States. Awards numbered 217 and exceeded $4,500,000 plus interest. This program was also completed on August 9, 1959.

As to the last five mentioned programs, awards are payable in full up to $1,000 and prorated above that.

IV. CURRENT CLAIMS PROGRAMS

The Commission is in the process of determining claims with respect to some 4,000 Americans under title IV of the International Claims Settlement Act of 1949, as amended (approved Aug. 8, 1958), against Czechoslovakia. This program provides compensation to Americans for the nationalization or other taking of their property by Czechoslovakia. A fund of approximately $9 million is available from the vesting of the proceeds of the sale of certain Czechoslovakian property. The program will be completed on time, September 15, 1962.

Mr. FENTON. Mr. Chairman, I yield such time as he may desire to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, while reading the hearings of the Subcommittee on Appropriations for General Government Matters I ran into something that I thought quite amusing. The gentleman from Alabama [Mr. ANDREWS] was asking questions about funds for the improvement of the White House. As I understand it, certain of that money is to be spent after the next President takes office. Since there are some seven or eight announced and unannounced candidates for the Presidency, it is not possible at this time, I am sure, to settle on any one First Lady in the White House. But, on page 81 of the hearings the gentleman from Alabama asked this question:

When will these improvements be made, before or after the next First Lady moves into the mansion?

And I call the attention of my friend the gentleman from Michigan [Mr. HOFFMAN] to the answer of Mr. Ziehl.

Mr. HOFFMAN of Michigan. Mr. Chairman, if the gentleman will pardon me, will he yield at this time?

Mr. GROSS. I will be happy to yield.

Mr. HOFFMAN of Michigan. Who did you say would be in the White House?

Mr. GROSS. I said I did not know; that there were seven or eight announced and unannounced candidates for the Presidency, so I would not know who the next First Lady in the White House would be who wants to select her own paint.

Mr. HOFFMAN of Michigan. I thank the gentleman.

Mr. GROSS. Now, to start over again. The gentleman from Alabama [Mr. ANDREWS] asked this question:

When will these improvements be made, before or after the next First Lady moves into the mansion?

Mr. ZIEHL. Afterward, according to an incidental piece of information.

This is the first time I ever read in a hearing where an appropriation was based upon "an incidental piece of information."

Mr. FENTON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. FENTON. The gentleman can see that that particular part was not deleted from the hearings.

Mr. GROSS. I am glad it was not. Now, with reference to this bill, I am interested in two or three features of it. First I want to commend the committee for the provision on page 13 of the bill:

SEC. 209. No part of any appropriation contained in this or any other act, or of the funds available for expenditure by any individual, corporation, or agency included in this or any other act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

This eliminates the necessity for offering a similar amendment to each appropriation bill as it comes on and I say again that I want to commend the committee for including this section.

I wanted particularly to address myself to the expenditure of money by the White House for expenses of management improvement. As I understand, there is $260,000 of carryover available for this fund, and the committee has approved $40,000 additional in new money for this fund. My question is, What has this management improvement setup done by way of improving personnel management throughout the Government? I wonder if the chairman of the subcommittee can tell me what has been accomplished through the expenditure of this money over the years?

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am happy to yield.

Mr. ANDREWS. If the gentleman will look at page 148 of the hearings he will find a list of the projects that have been financed from this fund. Now if he will look at page 146 of the hearings he will see where I asked Mr. Stans, the Director of the Bureau of the Budget, who justified this item before the committee:

Mr. ANDREWS. Does the President want this agency or this fund?

Mr. STANS. Yes, the President wants it; and I think, Mr. Chairman, it's a very important way of getting at some of the organizational and operating problems in the Government where the Bureau of the Budget doesn't have the staff to make the studies and there is no other agency in the Government able to perform them.

The budget request for this item was $350,000.

Mr. GROSS. Yes; they wanted it brought up to $500,000.

Mr. ANDREWS. The budget request was for $350,000. The committee approved $40,000. They wanted to keep this fund at a level of $500,000. The committee thought it would be well to keep it at the level of $300,000.

Mr. GROSS. I still cannot understand why the gentleman and the Committee on Appropriations defends this fund. I am unwilling to accept the position of the Bureau of the Budget and I will tell the gentleman why. The Bureau of the Budget since 1953, according to testimony by Mr. Stans, has spent $1,110,000 on projects financed from this fund. The projects include Management of the Federal Trade Commission; Organization and Management of the Federal Power Commission; Organization and Management of the General Services Administration; Comptroller's Activities of the Federal Housing Administration. There are 10 different outside-of-Government firms that were employed on 17 projects, plus 5 other projects where individuals were hired on a consultant basis by the Bureau of the Budget. This money has been spent largely on the hiring of private management engineering firms. Despite the fact that more than $1 million has been spent in this fashion since 1953, employment in the Government has gone up and up. I am sure the gentleman will not dispute that.

This year it is supposed to reach a high of some 2,314,000 people, a substantial increase over last year.

I have been advised that based on a study made by the Bureau of the Budget there are 29 departments and agencies of the Federal Government that have management analysis groups in their headquarters operations. These groups employ over 350 professional career management analysts in their headquarters—over 350 now on the payrolls. Besides these technicians, the larger field activities also have management analysts, so that in total the Federal Government certainly must employ several thousand well-trained personnel management experts.

I trust that the Bureau of the Budget will provide greater leadership in the future for top management in the Federal Government to make use of these career technicians, not go out and hire private engineering firms on a cost-plus basis as is often done.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. MICHEL. The gentleman talks about the increase in Federal employment. He recognizes that the last few years of this administration there have been increases as the administration moved along. The fact shows that today, 7 or 8 years after, the administration has fewer people on the payroll than when this administration took over in 1953. That figure cannot be challenged.

Mr. GROSS. That does not justify the hiring of private consultants when there are qualified employees already on the payrolls and when employment in the classified service is on the increase. What do you propose to do with the people already on the payroll?

Mr. MICHEL. In some instances it is difficult to make savings. For instance, in the case of the Defense Department many people thought by reorganizing it would mean a difference of $5, $6, or $7 billion in the expenditures. I think the result is that we did happen to have a sizable increase. We might normally expect increasing costs. Take, for instance, this item the Director of the Bureau of the Budget is concerned about, whether or not the Government should be buying or renting these large computing machines that cost thousands and thousands of dollars. Some of the departments do not know whether it is correct for them to go ahead and buy the machines or to rent them. We are concerned about the sizable expenditures for renting, but some specialist must go in there and determine whether or not this is the right or wrong thing to do.

Mr. GROSS. Why go out and hire people to tell the Government what to do, when we have in the General Services Administration and other agencies all kinds of experts? That is what we have been doing.

Mr. MICHEL. I do not know that we have been hiring General Services Administration men.

Mr. GROSS. If the gentleman will read the hearings of our manpower utilization subcommittee he will find that the General Services Administration did hire private consultants to tell it what to do in the management of properties. If the General Services Administration, after the years of experience it has had, still must go outside to hire people to tell it how to manage Government property, then there is something sadly wrong. I hope it will not surprise the gentleman to learn that as the result of our hearings, and I am not going to take the time to search out the testimony now, there is no one agency of Government responsible for personnel management, not even the Civil Service Commission.

There is no place or no one that you can turn to fix responsibility for management, yet we are asked to support, with hundreds of thousands of dollars over the years, a management improvement setup in the White House, that I say to you has not been delivering and which ought to be abolished. The money should be spent on concentrating responsibility either in the Civil Service Commission or somewhere else in the Government.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. MICHEL. The gentleman serves on the House Committee on Post Office and Civil Service, and I was wondering if that committee has given any consideration to the establishment of just this kind of thing that the gentleman is talking about.

Mr. GROSS. I suggest that the gentleman read our hearings of last December.

Mr. MICHEL. Has there been any legislation introduced to that effect that we might tie our string to?

Mr. GROSS. We are trying to get some help from all departments and agencies in an effort to determine where responsibility for personnel management should be located.

Mr. MICHEL. Of course, the gentleman surely must agree that since we do not have that in effect or in being, there is nothing seriously wrong with going to an area where we can get good advice.

Mr. GROSS. What I am trying to do is to raise the issue here today so that next year we can get some help from the Committee on Appropriations in anything that we may be able to do through the Committee on Post Office and Civil Service. What I am saying is that we ought to cut out the $40,000 in new money and I intend to offer an amendment to that effect, leaving the improvement management setup in the White House the $260,000 of carryover and giving very serious consideration next year to the abolition of this so-called management group, which is not producing today.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HOFFMAN of Michigan. With reference to the Post Office Department, every time the Postmaster General tries, as he has been trying ever since he came into office, to get a little more efficiency and to cut out some of the waste, someone from the Congress in answer to a lobby that is usually up here and there was one here last week complaining because the Post Office Department is trying to find out whether some of the postal employees are doing anything, and they were undoubtedly in to see the gentleman—they were in my office and they stayed a long, long time. They did not want any standards established to judge so that the Postmaster General or any of his assistants could determine whether they were working or whether they were not. Now if we let the Post Office Department alone once in a while—or not once in a while, but at least part of the time—part of the time if we would just let that businessman alone who is in charge down there and install some of these good things, we could save some money and get some work done.

Mr. GROSS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FENTON].

Mr. FENTON. May I ask how much more time the gentleman would like to have since there are other Members who want time to speak?

Mr. GROSS. I would like to have another 2 or 3 minutes, if the gentleman would yield that time to me.

Mr. FENTON. Mr. Chairman, may I ask how much time the gentleman has consumed?

The CHAIRMAN. The gentleman has consumed 15 minutes.

Mr. FENTON. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Pennsylvania. Last year this appropriations subcommittee developed that there had been a $400,000 raid on the President's emergency fund for the so-called Draper Committee. I wonder if there was any such raid—I find no evidence of it in your hearings this year, but I wonder if there has been a similar raid on the President's emergency fund in attempts to influence the Congress. I wonder if the gentleman could tell me whether there has been a raid in the last year?

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to my colleague.

Mr. ANDREWS. I am happy to tell the gentleman that as of the time when witnesses appeared before the committee, about 2 weeks ago, the testimony was that not one thin dime had been spent from this fund in fiscal year 1960. It could be that the remarks of the gentleman from Iowa on the floor last year had something to do with that although I do not know.

Mr. GROSS. I thank the gentleman. I want to commend the gentleman for having turned up the information last year.

Mr. ANDREWS. The gentleman will find that information in the record of the hearings at page 140. He will find from the testimony on that page that the fund of $1 million is still intact.

Mr. GROSS. I thank the gentleman for his response.

I should also like to ask the gentleman a question concerning this setup in the White House on fundraising within the Federal service.

It is difficult for me to understand why the taxpayers should spend $54,000, or at the rate of about $10,000 a year for five employees, which must mean there are a couple of them drawing extra good money, to ride herd on fundraising within the Federal Government. Why cannot the various agencies, bureaus, and departments handle fundraising for charitable purposes without this expenditure?

Mr. ANDREWS. All those people were assigned by the military to the White House. If you will notice on page 4 of the committee report, we have requested that this practice be stopped.

Mr. GROSS. That is good. I thank the gentleman.

Mr. FENTON. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Chairman, during the last year or two there has been a notably tendency on the part of a very few Johnny-come-lately Members of the House to travel fast and far. That is a laudable ambition and many a bandwagon rider cheers as some ride to the top and sit under a temporary spotlight in an isolated seat. Some stub a toe or slip on a banana skin thoughtlessly dropped by a careless bystander. That has been the opinion as expressed by a few papers here and there in various congressional districts.

Not content with a little pushing and crowding now and then, here and there or possibly what might be termed retaliation because of a few votes, not waiting for a colleague to be defeated or for nature to take its course impatient to be crowned, they have resorted to a denial of seniority rights on committees.

Really convinced we should have a civil rights bill, some disregard the long-established rules and customs of the House and push themselves or their friends to positions they have not earned. For some time it has been my thought the desire for equal rights might drift down to the House membership—some consideration be given to those who had earned the right to this privilege by long service here. It is just possible, as was hinted by the gentleman from Mississippi the other day, that some who seem to claim the right to silence or fix the status of all others, might just find themselves with needed votes come election or caucus day. But enough of that.

The bill now before us provides appropriations for the White House; does it not?

Mr. ANDREWS. Yes.

Mr. HOFFMAN of Michigan. Mr. Chairman, being that kind of a bill, if they have more money than they need or more employees than they have use for around the White House, they might send a few of them up here to the House Office Buildings to operate the elevators in the front of the New House Office Building.

Yesterday and on a couple of other Sundays the bank of elevators was not operating around 5. Some of the Members, your humble servant included, wanted to do some necessary work, some work that might be said to be of a religious nature because it had to do with the welfare of the aged. Yesterday—it happened twice before on successive Sundays—the elevator at the police desk in the New House Office Building was not being operated. There was no one there to operate it except a policeman and he was so busy smoking he could not be bothered. Personally, I do not object to walking down from the fifth floor from over in the southwest corner, but when it comes to climbing up five flights of stairs, I do not like it—especially when someone is being paid to run the elevators. Just why should a Member carry his load up five or even two flights while someone paid to do a job wears the seat of his pants out in some other part of the building. Nor was I able to get anyone at the Superintendent's office.

Now, the gentleman from Texas [Mr. THOMAS] was over there hanging around trying to get a ride up; the gentleman from Texas [Mr. BECKWITH], he was over there. When you get as many as three Members of the House who really want to work or at least make a pretext of wanting to work, should they not have an elevator to get up and down, when there was a man on duty? Or must the older ones just get out of the way so we can elect a young man who can run up; then wear out the springs on his easy chair? With $4 billion something going abroad, I hope one of the leaders on our side, either Mr. ARENDS or Mr. ALLEN, both from Illinois—I understand they are down to the White House every Monday or Tuesday, whenever it is—I wish you would just speak to the President, and if he does not need those employees who are hired in connection with White House service—I suppose he will be going to church at Gettysburg anyway on Sundays—if he does not need all those employees down there, would you or one of you gentlemen mind suggesting to him that he fix it so that we can have somebody up here to run one of those elevators on Sunday—I note you nod—and then Mr. THOMAS and Mr. BECKWORTH, perhaps your humble servant may be able to get up to an office without walking up the stairs. Why let an elevator and an operator just stay stuck?

It may be all right for a leader, a would-be leader, or just a climber to give a Member the runaround but one should not have to take a push from an elevator operator or House policeman.

Mr. FENTON. Mr. Chairman, we have no further requests for time.

Mr. ANDREWS. We have no further requests, Mr. Chairman.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to assist the President in improving the management of executive agencies and in obtaining greater economy and efficiency through the establishment of more efficient business methods in Government operations, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed $75 per diem, by allocation to any agency or office in the executive branch for the conduct, under the general direction of the Bureau of the Budget, of examinations and appraisals of, and the development and installation of improvements in, the organization and operations of such agency or of other agencies in the executive branch, $40,000, to remain available until expended, and to be available without regard to the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 6, line 2, strike out "$75 per diem" and insert "$50 per diem".

Mr. GROSS. Mr. Chairman, if the Subcommittee on Appropriations can make a case for $75 per diem to be paid to consultants and others, in view of the fact that running through this bill we find $50 per diem in several other places—the National Security Council $50 per diem for the hiring of individuals; and the President's Advisory Committee on Government Organization, whatever that is, $50 per diem provisions—if the committee can make a case for this $75 per diem to be found on page 6 in connection with management improvement funds, I will be glad to withdraw my amendment. I wonder if I may have some comment from the chairman of the subcommittee on the $75 figure as contained on page 6 in connection with the management improvement fund.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am happy to yield.

Mr. ANDREWS. I can only say to the gentleman from Iowa that the information given us was that these consultants are very high type people, professional people, men who make high salaries. This has been the law for several years.

Mr. GROSS. Does not the gentleman think that there ought to be a standard set by the Government with reference particularly to people who are being hired to tell the Federal Government what to do in connection with personnel, in connection with management of the Federal Government?

Mr. ANDREWS. No; I think each case should rest on its own merits. I might say to the gentleman that the Bureau of the Budget requested that we remove the limitation of $50 per diem for consultants from the law covering them.

Mr. GROSS. And just let them pay anything they want to pay; is that correct?

Mr. ANDREWS. No; they requested that we remove the limitation of $50 and make it $75, but the committee refused to do so.

Mr. GROSS. Does the gentleman not think this ought to be standardized?

Mr. ANDREWS. No; I think each case should rest on its own merits.

Mr. GROSS. I cannot agree with the gentleman.

Mr. ANDREWS. Some of the people who are called in for consultation are among the best scientists in the country.

Mr. GROSS. These are not scientists who are called in in connection with the management improvement fund.

Mr. ANDREWS. But they do have that type of consultant from time to time.

Mr. GROSS. But why $50 in connection with the President's Advisory Committee on Government Organization? Are those people any less valuable than the people who would be called in in connection with the Management Improvement Fund?

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. MICHEL. Mr. Chairman, I would have to agree in part with what my chairman said in answer to the gentleman's question. I would say, for instance, with respect to the people who are called in on the President's Advisory Committee that it is considered something of an honor by many of them simply to serve. Some of them are willing to sacrifice their time just to serve on the committee. There has been the argument advanced by some in this field that patriotic citizens ought simply to give their time as a service to the Government; but as the Chairman has pointed out in connection with these highly skilled, highly paid individuals, they are people who have already come into their right. They are considered competent to advise the Government because they have made a success of what they have been engaged in themselves. I think the Director of the Bureau of the Budget has said that you just cannot get these highly qualified people under a limitation of $50 per diem.

Mr. GROSS. I have to disagree, respectfully, with my colleague from Illinois. I think if you issued an invitation to management engineering people to come in on a consultant basis at $50 per day, you would have by 4 o'clock this afternoon, if that invitation were issued now, so many that they would be kicking down the doors to work at that figure. I do not think there has ever been the slightest difficulty hiring consultants at that rate and for that purpose.

Mr. MICHEL. The gentleman I think will agree that there are any number of individuals who may pawn themselves off as being specialists or particularly qualified in the field, but we have to take the judgment of some of our responsible individuals downtown as to who are best qualified to get the job done. Undoubtedly there would be many takers by 4 o'clock, but that would not prove anything.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, this has been the law for many years. They tell us they need this money to get the facts that they use in this particular work.

Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 6, line 8, strike out "$40,000".

Mr. GROSS. Mr. Chairman, this is the expenditure I brought up earlier in debate on this bill. There is already $260,000 available to carry on the so-called management improvement proposition at the White House. This would make it $300,000. There is no evidence in the hearings that I could find other than a statement that "maybe we will use the money and maybe we won't." The expenditures, as near as I could determine from the hearings, have not been running above approximately $250,000 a year. I see no necessity whatever for putting $40,000 of new money into this. I think the committee ought to accept this amendment and then next year, as I said before, look very seriously into the proposition of abolishing this White House management improvement fund altogether.

Mr. FENTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the President should not because of lack of funds be prevented from taking timely action in obtaining solutions to management problems or in making needed administrative improvements in executive agencies and functions. Over the years this fund has been kept at a level of approximately $500,000. It is used principally to contract for outside services or for special projects in the field of management improvement for the executive branch. It does not represent except in unusual cases a direct employment by the Government but is used mostly for contracting for outside services.

I think a very fine case was made for this item. The committee saw fit to allow $40,000. There was a balance of $260,000 left in the fund. With this extra $40,000 we allowed, they are given $300,000 to proceed. As I said in the beginning, I do not think the President should be handicapped should anything arise in the executive branch that needs adjustment.

Mr. GROSS. Mr. Chairman, this is in no sense an emergency fund.

Mr. FENTON. It could be an emergency fund.

Mr. GROSS. In what way could it be an emergency? How could it possibly be an emergency?

Mr. FENTON. I certainly am not going to get into a controversy on that. We have to take the advice of the Bureau of the Budget, as to the work they have been compelled to do over the years with the rising amount of functions they have to direct. I think the thing to do is to allow this amount.

Mr. GROSS. The gentleman will agree with me that there are hundreds of personal management people presently in the career service of the Government. Will he not agree with that?

Mr. FENTON. I think that is true, but I do not believe you can rely on that very much.

Mr. GROSS. Does the gentleman not think we either ought to get rid of the people who are on the payroll that we are paying as management experts in various bureaus and agencies and departments of the Government, if we are going to spend this kind of money on hiring consultants to tell the various bureaus and agencies what they ought to do? Does the gentleman not think we ought to get rid of the employees we have?

Mr. FENTON. I am not aware of any excess numbers the President has on his rolls.

Mr. GROSS. I am not talking about the President in this particular case, I am talking about the various bureaus and agencies, with hundreds of them on the payroll. What happens to morale in these agencies when outside consultants are hired to come in and tell them what to do? This is a serious problem, and it is not being met in this way.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to point out that if this amendment prevails, then all the language in the bill from line 20, page 5 should go out since it would be useless language.

Mr. Chairman, there is available in this fund for the next year $260,000. The budget request for funds for this project was for $500,000. The committee decided to keep in the fund $300,000—hence, the appropriation in this bill of $40,000.

I might say in answer to the gentleman from Iowa as to what has been accomplished by this fund, if he will turn to the hearings of last year at page 181, he will find documented there some of the specific cases where actual dollar savings have accrued to the Government as a result of the decisions made by this management organization. Here is another case of an agency created by executive order. The President says that he wants it and says he needs it, and we are willing to give him part of what he asks for or even three-fifths of what he asks for.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. GROSS. These are claimed savings; are they not? I would certainly expect the Bureau of the Budget or any other agency of the Government to justify, or at least try to justify the spending of money for the purposes for which that money was spent. The gentleman must admit that the hiring of these consulting firms has not resulted in less employment in the Federal Government since employment in the Government is going up all the time.

Mr. ANDREWS. Mr. Chairman, I ask that this amendment be defeated and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. ANDREWS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ALBERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11389) making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1960, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. ANDREWS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS CONCERNING HON. MICHAEL KIRWAN

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that all remarks concerning Hon. MICHAEL KIRWAN be printed in the RECORD following the remarks of the gentleman from Rhode Island [Mr. FOGARTY] and that all Members may have 5 legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AUTHORIZING DISPOSAL OF NATURAL RUBBER FROM THE NATIONAL STOCKPILE

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 486) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 582) providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximately four hundred and seventy thousand long tons of natural rubber. After general debate, which shall be confined to the resolution, and shall continue not to exceed two

hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield one-half the time to the gentleman from Illinois [Mr. ALLEN], and at this time I yield myself such time as I may use.

Mr. Speaker, this resolution provides for the consideration of House Concurrent Resolution 582, to express approval of the Congress for the disposal from the national stockpile of approximately 470,000 long tons of natural rubber.

The resolution provides for an open rule, with 2 hours of general debate. The purpose of this legislation is to obtain the express approval of the Congress for the disposition by General Services Administration of approximately 470,000 long tons of natural rubber now in the national stockpile.

I do not know of any objection to the rule, and I now yield to the gentleman from Illinois.

Mr. ALLEN. Mr. Speaker, I have no requests for time on this side, and I yield back the remainder of my time.

Mr. DELANEY. Mr. Speaker, I move the previous question.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 36]

Alexander	Cunningham	Inouye
Alger	Curtis, Mass.	Jackson
Anderson, Mont.	Curtis, Mo.	Johansen
Anfuso	Devine	Johnson, Wis.
Ashley	Diggs	Jones, Mo.
Auchincloss	Dingell	Kluczynski
Bailey	Dorn, N.Y.	Lankford
Barden	Durham	Lesinski
Barrett	Dwyer	Loser
Barry	Evins	McCormack
Baumhart	Fallon	McDowell
Belcher	Farbstein	McGovern
Bentley	Feighan	Macdonald
Blatnik	Fino	Machrowicz
Blitch	Fisher	Mack, Wash.
Bolling	Frelinghuysen	Martin
Bonner	Friedel	Meader
Bowles	Garmatz	Miller, George P.
Bray	Gary	Milliken
Brewster	Gavin	Minshall
Brown, Mo.	Glenn	Mitchell
Buckley	Granahan	Morris, N. Mex.
Cahill	Grant	Morrison
Canfield	Gray	Nix
Cederberg	Green, Pa.	O'Hara, Mich.
Celler	Griffiths	O'Neill
Chamberlain	Gubser	Osmers
Chiperfield	Halleck	Passman
Coffin	Hargis	Patman
Cohelan	Hays	Pillion
Collier	Hébert	Powell
Cook	Hemphill	Reece, Tenn.
Cooley	Henderson	Reuss
Rhodes, Ariz.	Holifield	Roosevelt
Riley	Slack	Tollefson
Robison	Smith, Miss.	Ullman
Rostenkowski	Spence	Vinson
Saylor	Taber	Weaver
Scherer	Taylor	Wharton
Shelley	Teague, Tex.	Williams
Sheppard	Teller	Willis
Short	Thomas	Withrow
	Thompson, N.J.	Zelenko
	Toll	

The SPEAKER. On this rollcall 301 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DISPOSITION OF SURPLUS RUBBER STOCKS

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

ELIMINATION OF CERTAIN OFFICERS OF THE REGULAR ARMY AND REGULAR AIR FORCE

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 485 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the armed forces. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Armed Services now in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. THORNBERRY. Mr. Speaker, House Resolution 485 provides for the consideration of S. 1795, a bill to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces. The rule provides for 2 hours of general debate under an open rule and makes in order the substitute amendment recommended by the Committee on Armed Services now in the bill, S. 1795, to be considered when read for amendment under the 5-minute rule as an original bill.

The purpose of the legislation, as amended, is to improve the quality of the Regular officer corps of the Army and the Air Force.

First. It will permit the Air Force and the Army to retire involuntarily permanent colonels and permanent lieutenant colonels who have three or more times failed of selection to the next higher permanent grade. The proposed legislation is not intended to create vacancies; obviously though, certain vacancies will result, but it will give the Air Force and Army the authority to retire officers who do not measure up to the standards required in their grade in the present day Air Force, and in the Army if they wish to exercise such authority. It is estimated that the Air Force would be given the authority to retire involuntarily some 200 colonels and 500 lieutenant colonels during the next 5 years who have failed of selection three or more times; but no officer would be eliminated under this legislation unless he qualifies for retirement pay. It would be a temporary authority and would expire June 30, 1965.

Second. It proposes to amend existing law with regard to the "show cause" procedure now in existing law applying to the Army and the Air Force under which officers who fail to meet prescribed standards, or officers who are charged with professional or moral dereliction or who are security risks, may be eliminated from the active list. This portion of the amendment is entirely new, permanent, and was not contained in the version of the bill as it passed in the other body.

It would not be applicable to the Navy and Marine Corps as Congress passed the so-called Hump Act in 1959 which permitted the Navy and Marine Corps to retire involuntarily, ahead of schedule, commanders and captains and their Marine Corps counterparts in order to create vacancies for promotion of lieutenant commanders and their Marine Corps counterparts.

I know of no opposition to the rule and I urge adoption of the resolution.

Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Texas has explained very ably and very well the rule making in order the consideration of this bill. The rule provides for 2 hours of general debate. It is an open rule. The testimony before the Committee on Rules showed there was no opposition to the measure in the House Committee on Armed Services, and there was no opposition to the rule in the Committee on Rules. I think this is a bill which will not prove controversial in nature.

Mr. Speaker, I have no requests for time.

Mr. THORNBERRY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

WHY SHOULD AMERICA CONQUER SPACE?

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to address the House

for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BOYKIN. Mr. Speaker, as a part of my remarks, I include a great article that appeared in the Sunday Star in Washington, D.C., March 20, 1960. This article was by America's foremost rocket expert, Dr. Wernher von Braun. The title of this great article, that all of us will appreciate from the very bottom of our hearts, is "Why Must We Conquer Space?" An urgent and inspiring answer to the most vital questions of our times is included in the article written by Alabama's own Dr. von Braun in the Sunday Star.

Recently my wife and I were giving a luncheon for Senator and Mrs. Roland Cooper from Camden, Wilcox County, Ala., and we had invited the Alabama delegation with their wives and many of our prominent men on both sides of the aisle, including many Democrats, as well as some Republicans. We included in this particular luncheon in the Speaker's dining room there in the Capitol BOB SIKES, of Florida; of course, we had both of our great Senators from Alabama, Senator LISTER HILL and Senator JOHN SPARKMAN; Congressman GEORGE GRANT, GEORGE ANDREWS, ALBERT RAINS, BOB JONES, CARL ELLIOTT, KENNETH ROBERTS, ARMISTEAD SELDEN, and GEORGE HUDDLESTON, along with all of their wonderful wives; but we were so happy when we found that Gov. John Patterson and his finance director, Charlie Meriwether, and a group of his cabinet members of Alabama were here, and Mrs. John Sparkman was entertaining Mrs. von Braun; so, of course, we were delighted to have them along with some other people who were visiting us. We had some of the group from Texas, a great many from Alabama, about 64 in all. I wish we could have had every Representative from every State in the Union, but we just did not have a dining room with the space. But we did have some great and good men, and Senator HILL and Senator SPARKMAN, as well as Senator ROLAND COOPER, made great talks. Then, we had our own Gov. John Patterson, who made a splendid talk, that we all enjoyed very much. Of course, Senator HILL and Senator SPARKMAN both talked, and you all know what wonderful men and great orators they are. Then, each one of the Congressmen spoke, and we saved this great man, Dr. von Braun, from Huntsville, Ala., as the principal speaker.

How I wish all of my people in the First District of Alabama could have heard him—not only there, but all over the State and all over this world; but they will, and this article covers some of the things he said. He is coming here again in the next few days, and I am hoping to get some material that I will put in the CONGRESSIONAL RECORD, which goes to every library in this Nation and many other libraries all over the world, and every beat in the State; so all of our people can know what Dr. von Braun has done, is doing, and will continue to do, from Huntsville, Ala. Also, some of this work is being done at our own beautiful Brookley Field at Mobile, Ala., where we have over 15,000 men and women working there under another great leader, Gen. Dan Callahan.

Just this past week we had at Brookley Field Gen. Sam Anderson and Gen. Bozo McKee from Dayton, Ohio, where the Air Force has its headquarters. We have had the great Gen. Nathan Twining down at this field for many years, along with other people, like Homer Gruenther, special assistant at the White House, Charlie Halleck, the leader of the minority side, a Republican from Indiana, his son and his wonderful wife.

Well, the great CARL VINSON is chairman of the Armed Services Committee that handles the Army, the Navy, and the Air Force, as well as the Marines and Coast Guard, or a part of it, and he has been there with us and has been so helpful down through the years. As a matter of fact, everybody helps us and we know that we will not, as Dr. von Braun says, surrender the heavens to the Reds. Not only, Dr. von Braun, will we not surrender the heavens, but we will not surrender the earth either. We want them both, but we are willing to share them with all right thinking people.

Well, I have met many men from all walks of life, but I have never met a more learned man on this subject than Alabama's Dr. Wernher von Braun. We are proud of him; we are proud of his beautiful wife, who has been down to the First District of Alabama with her husband so many, many times, and I know they will come many more times, and I know we will work out something that will be very great and very good—not only for Alabama and our First District of Alabama, but for all mankind; and I will be giving you another message on what we do on this trip. But at this time, I believe they have agreed to let Dr. von Braun and his great team there at Huntsville, Ala., at the Redstone Arsenal, have 100 million new dollars. Well, we have got to do it, and he answers—"Why should America conquer space?" Well, we want to conquer space or anything else that anybody else has done, and this is the last frontier, and I know that Dr. von Braun and many, many other of our men and women from every walk of life in this great Nation of ours are ready to help in any way, shape, or form, and we should have done it a long time ago, and we could have. There is no doubt in my mind that we will.

Dr. Wernher von Braun is the operations chief of the U.S. Army Ballistic Missile Agency, and headed the German Rocket Research Center in World War II. After the war he came to the United States as one of the former enemy technical experts rounded up by our Operation Paperclip. Dr. von Braun is now a U.S. citizen and resides with his wife and two daughters in Huntsville, Ala. By the way, they are expecting another baby, so he tells me, this year.

How I wish we could include the picture of Dr. von Braun which is on the cover of the magazine section of the Sunday Star, but we cannot do that, but I would like for you to see his face, and especially when he is talking about the things we can do yet in this great old world of ours—it lights up. Surely, God has His hand on his shoulder to show him a way where we would, if it comes, have to win a war; but we hope this never comes, because everything he is doing could be used so much better in making peace on earth and good will to all mankind.

I did want the people at home and everywhere else to know about this man and pull and pray for him, for it means much to all of us—every human being in this Nation and the world.

God bless Dr. von Braun and give him strength to carry on the great work he is doing.

[From This Week magazine, Mar. 20, 1960]

WHY SHOULD AMERICA CONQUER SPACE?

(By Wernher von Braun, Director, Development Operations Division, Army Ballistic Missile Agency)

(In one of the most inspiring articles on the subject you will ever read, a man who has dedicated his life to the conquest of space explains simply and fully what space means to our future.)

HUNTSVILLE, ALA.—When we speak of the conquest of space we had better clarify that term right at the outset. For one thing, we do not mean conquest in the sense of beating little green men into submission and staking out a nationalistic claim on the universe. Also, space is a pretty big place—they say it is even bigger than Texas and Alaska thrown together.

Not even the boldest science fiction writer would ever dream of earthmen exploring all the space from here to infinity. When we speak of conquest of space we mean no more than visits to a few of our close celestial neighbors. Nevertheless, some of these neighboring stars may be just as intriguing and just as full of mysteries as our own little planet which until the dawn of the space age we called the world.

No matter how limited his objective, man's conquest of space is the boldest venture he has ever embarked upon. Since time eternal the force of gravity has chained him to the earth's surface. Half a century after man learned to build flying machines whose wings could temporarily overcome his weight, science, and technology are ready to give him the means to soar above the atmosphere and shake off the chains of gravity altogether.

Why must we take up this challenge? Why must we conquer space now that we have the technical ability to do it?

Dr. James R. Killian, the President's former scientific adviser, gave as the main reason "the compelling urge to explore the unknown." Throughout the history of human progress this urge has motivated not only heroic men of action like Columbus or Peary, but also penetrating thinkers like Ptolemy and Einstein. Just plain curiosity has always been a far more effective mainspring for research and exploration than hope for economic returns.

All our modern conveniences had their origin in research which was carried out without regard to practical application and merely because some man wanted to know the how and why of the universe. The automobile, the airplane, our electrical miracles, the clothes we wear, the food we eat, the glasses we use—all are the direct outgrowth of scientific research conducted out of man's innate curiosity.

Because an obscure Austrian monk, experimenting with white and red peas in a corner of the monastery garden, was curious about the statistical results of his cross-breeding

tests, man has learned to grow hardier corn and raise sturdier cattle to feed the hungry millions.

Because a 20th century bacteriologist was curious about certain physical reactions taking place in plain mold, we have penicillin.

Even the most formidable and fateful discovery of our time, thermonuclear energy, was made only because a few men wondered what prevented the sun from losing its heat as rapidly as its tremendous continuous energy losses through radiation would seem to suggest.

The trouble about contemporary research begins when the "compelling urges to explore the unknown" felt by representatives of the many disciplines of science begin to compete for the tax dollar. Sometimes we have some real soul searching to do. Take the question of rocket research versus medical research. Just a few months ago my mother died of cancer, so when I ask myself whether, say, a hundred million dollars of taxpayers' money would be better spent on cancer research or on an attempt to take a few pictures of the far side of the moon, I hesitate to give an answer.

But am I asking myself the right question? Surely there is another aspect to the problem. Suppose everything America stands for in the eyes of the world could be expressed in terms of a stock market rating of so many hundred billion dollars. Suppose further that the fact that the Soviets succeeded in photographing the moon's unseen side reduced that rating by a fraction of 1 percent—say $1 billion. When I now assure you that for one-tenth of that amount America could have done the same thing ahead of the Russians' lunik III, don't you think we can argue it would have been a worthwhile investment?

Whether we like it or not we are engaged in a worldwide popularity contest with the Soviets. We are competing for allies among the many have-not nations for whose underfed multitudes the Communist formula of life has a great appeal. We are seeking friends among the many small countries, rich or poor, which would like to remain outside the powerful magnetic field lines arching from Washington to Moscow, but which in a world of jet travel and intercontinental rockets often have no choice but to side with a richer and mightier partner.

A feat like that performed by lunik III is tantamount to a lost battle in that silent, cold struggle for the hearts of the uncommitted. And lunik II (which planted the hammer and sickle on the moon) was another lost battle, and lunik I (which first went into orbit around the sun) was still another. And the series of sputniks which opened the space age were still more lost battles. We are now moving into a more affirmative position in the cold war, by which to win the hearts and the hopes of the uncommitted.

I do not think we can dismiss this grim competition as a weight-lifting contest between rival rocket teams. When the whole world sits in the audience and the heavens are the stage, pride and prestige are real issues and serve ends which are vital for our Nation's role in the world of men. I just don't believe the American people are ready to concede that they have lost their frontier spirit—just as we enter the struggle for man's last and limitless frontier. I am not ready to believe that America is willing to surrender the heavens to the Reds.

The other day I was giving one of those afterdinner speeches which rocket men seem to be unable to duck in these times. I sounded what I thought was a ringing appeal for a determined U.S. space program and got a big hand. During the ensuing question-and-answer period someone got up and demanded: "Why are you telling us all that? Weren't you connected with the development of the Nazi V–2 rockets that fell on London during the last war?"

All I could answer was that having survived one dictatorship I didn't want my own American-born children nor anyone else's to live under another. Maybe I should have said it seems that you must have passed through purgatory to appreciate heaven.

This would not have been an oratory statement either. It is a source of never-ending surprise for me, how the vast majority of native-born Americans take their cherished liberties for granted, as something they don't have to struggle for. And somehow, I am profoundly worried as to what has happened to the American frontier spirit.

I spent my first 5 years in this country in El Paso, Tex., where "The law west of the Pecos" is still vividly remembered. But during the succeeding years of postwar readjustment of the U.S. economy I have read more and more about labor-management arguments, about higher wages and shorter hours, about trends toward more distraction for youngsters and less study, about a rosy future of leisure and comfort. I have also read, often in the same papers, about completely unexpected Soviet A-bomb tests, about China going Communist, and about Russian rockets accomplishing things that the United States was unable even to repeat.

During my 15 years in the United States I have seen and learned to love so many endearing things about this country and its people that I have to almost force myself to a critical remark. America is not only the richest and technically most advanced country in the world, but also the one where people laugh and enjoy God's world more than anywhere else. But in their constitutionally guaranteed pursuit of happiness many Americans seem to refuse to look at the dark clouds which are rapidly moving up. I fear it is later than we think, and our position in the world is gravely endangered.

During the last war, while I was on the other side, Winston Churchill told his hard-pressed countrymen that all he could offer them was blood, sweat, and tears. I concede that in an election year blood, sweat, and tears make poor campaign slogans. But I think the Soviet space challenge is serious enough to warrant some serious thought. Only a few weeks ago Walter Lippmann wrote: "The voices that will serve this country, and indeed save it, will be those of stern men demanding hard things. They may not yet do as well in the Gallup polls. They will be listened to sooner or later. For they will shatter the belief, now so prevalent among us, that affluence is greatness. It is not. In the history of human society, it has not seldom been the case that when riches were devoted to luxury, it was the mark of their decline."

Space lies out there like a vast, unexplored ocean—accessible to all nations large or small, a challenge for anyone with sailor's blood in his veins. Now that for the first time in history man is about ready and able to build ships which can penetrate that ocean, there can be no question that some men will take up the challenge. Some of them will make great discoveries out there, and some of these discoveries will greatly affect the course of history on our home planet. Shall we exclude ourselves from this contest because we prefer to devote our riches to luxury?

Our competitor in this cosmic contest is tough. His peacetime economy is on a wartime footing, and with great consequence and at great sacrifices in the area of badly needed consumer goods he applies his resources to efforts he deems essential in the overall national interest. The Russian scientists with whom I have talked left no doubt in my mind that their space exploration program not only has been given highest national priority, but that it is also conducted with great competence, enthusiasm, and devotion. We are confronted with a formidable competitor in this difficult field and it would be a disaster if we underrated his ability and determination.

Some people want to know whether space exploration will ever pay off. I am convinced it will, but it is not so simple to provide the unfaithful with ironclad proof. One can quote historical examples, such as Columbus' exploratory voyage, which obviously did pay off. One can point to such potential moneymaking space projects as radio and television relay satellites for worldwide communication. But one cannot put a price tag on such a discovery as the great Van Allen Radiation Belt which was found with the aid of some of our early scientific satellites, and which may prove to be of utmost practical importance for many things on Earth.

We have just opened the door into the limitless reaches of the universe and we can see just far enough ahead to know that man is at the threshold of a momentous area. Here is opportunity, challenge, adventure so tremendous as to exceed anything which has gone before. Here is the tomorrow which youth wants to embrace, and which we must not deny because of a waning of the frontier spirit which made America great.

Within a few decades we can have the means to send large expeditions out into the solar system, to Venus, Mars, and beyond. From their explorations of our neighborly planets these expeditions will bring home a wealth of new scientific insight which will exceed some of our fondest expectations.

It is impossible to predict the nature of all these discoveries; their cumulative effect will be tantamount to a scientific revolution. But it will also be a revolution of human perspective, and here may be space flight's most far-reaching payoff. We need not fear that future space explorers on their heaven-storming journeys will lose their humility. The heavens will surround them as an eternal reminder that there is a force greater than the thrust of their rocket ships, a spirit greater than the cold logic of their computers, a power greater than that of their own nation.

DEWEY SHOULD FOLLOW THE PRESS

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, Sunday afternoon I listened to the interesting, if not informative, discussion between the Meet the Press panel and the former Governer of New York, Thomas E. Dewey.

The thing that struck me most was the extreme political approach Mr. Dewey took to every subject under discussion and the revelation that the former Republican standard bearer has not been keeping himself well informed with the actions of the Eisenhower Republican administration.

How else could he make such an erroneous statement to the effect the Eisenhower Republican administration does not make the most of its publicists? What about the highly paid hordes of press relations experts to be found in every part of this expensive Republican administration of our national affairs?

How else could he make such an erroneous statement that Republican administrators stay in Washington doing a job instead of running about the country talking about their work? No administration in the Nation's history has been as guilty as the Eisenhower Republican administration in the use of high-ranking executives for purely political purposes—even to the extent of using armed services and State Department officials as principals in Republican Party political rallies.

Since Governor Dewey has been out of touch for so long, may I, for his edification, herewith publish a splendid editorial which appeared in the St. Louis Post-Dispatch on Monday, March 14, which gives a factual account of the Eisenhower Republican Clean as a Hound's Tooth Club—and, I am sure, there is a much larger membership. The editorial follows:

ON THE HOUND'S TOOTH

The quick replacement of John C. Doerfer by Frederick W. Ford as FCC Chairman indicates that the administration was not unhappy to see Mr. Doerfer go. A Federal Communications Commissioner who accepted favors from interests subject to FCC regulation was hardly a good advertisement for the Republican Party in a campaign year.

Still the Doerfer case remains an unavoidable reminder that this administration came to power promising to clean up the "mess" in Washington and improve official ethics. It is not the first such reminder, as the record shows:

C. Wesley Roberts resigned under fire as chairman of the Republican National Committee in 1953. It was disclosed that not long after Mr. Roberts had been Kansas GOP chairman, he had accepted a fee in the sale to the State of a hospital which the State already owned.

Hugh W. Cross resigned as Chairman of the Interstate Commerce Commission in 1955. Mr. Cross, a Republican appointee of the Truman administration, had talked to heads of railroads subject to ICC regulation about giving a Chicago transfer contract to an old Republican friend.

Adolphe H. Wenzell in 1954 served as consultant to the Bureau of the Budget on the Dixon-Yates power deal. As an officer of the financial agent for the Dixon-Yates power combine, Mr. Wenzell was exposed as trying to advise both sides.

Harold E. Talbott quit as Secretary of the Air Force in 1955. A congressional inquiry showed that he had retained his partnership in an engineering firm and had used Air Force letters to try to promote his company's business.

Peter A. Strobel departed in 1955 as Commissioner of Public Buildings for the General Services Administration. Mr. Strobel had held onto a 90-percent interest in a firm which had a claim on the Army Engineers, and he negotiated privately with the Army for his firm.

Edmund F. Mansure resigned as Administrator of the GSA in 1956. Explaining why political favoritism had affected insurance brokerage awards subject to GSA jurisdiction, he said "practical politics" dictated that such awards should not go to firms which "did not help this administration get into office."

Murray Chotiner was dropped by the Republican National Committee in 1956 as director of its campaign school. The former campaign manager for Vice President NIXON had interceded at the White House and with the Civil Aeronautics Board in behalf of his private clients.

Robert Tripp Ross resigned as Assistant Defense Secretary in 1957. Congress learned the Army had given an $834,000 clothing contract to a firm headed by his wife and brother-in-law.

Sherman Adams quit in 1958 as President Eisenhower's chief administrative assistant. Mr. Adams, it was found had accepted expensive gifts and hospitality from Bernard Goldfine whose companies had cases before the Federal Trade Commission and Securities and Exchange Commission.

Richard A. Mack left the FCC in 1958. He later was indicted with Thurman A Whiteside of Miami on a charge of conspiring to influence the FCC award of a Miami television license in which Whiteside was interested. Their first trial ended in a hung jury.

John C. Doerfer, to bring the record up to date, resigned from the FCC last week after it was shown he had twice accepted favors and hospitality from the owner of 12 stations subject to FCC regulation.

Other administrations, of course, have suffered from conflicts of interest. But these 11 cases occurred in an administration which was specifically pledged to better the record of the past and was committed to the cleanliness of the hound's tooth.

That tooth is showing cavities.

MEN OF THE SOIL

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, at this time when it seems that the agricultural interests of the country are being ignored to a great degree; at a time when the press in the large metropolitan areas seems to have an unawareness of the necessity for maintaining balance between agriculture, industry, and labor; at a time when the Department of Agriculture itself seems to give little regard to farmers as such but advocates a policy of constant enlargement into big business farming, it is highly important that we give thought and consideration to farm people, the bulwarks of our Nation.

In that connection I take pleasure in including with my remarks a wonderful statement by a young citizen of my State, Mr. Heber Ladner, Jr., now in his junior year at Murrah High School, Jackson, Miss. Heber is the son of our distinguished and outstanding secretary of state; and it is with real gratification that I note the fine thoughts expressed and the realization this young man has of the place the tillers of the soil should have in the appreciation of the American people.

His statement follows:

MEN OF THE SOIL

(By Heber Ladner, Jr.)

From its conception the world has been blessed by the presence of a group of individuals who have willingly and unselfishly shaped its destiny. As constant as the northern star and yet as devoted to their task as the sun, these people live on, performing their God-given task. What is their task? It is cultivating and tilling the earth so as to bring forth increase. The battles against nature and the fickle fecundity of the soil are their omnipresent nemesis. When the crops are planted, they can relax, looking toward God for a bountiful harvest just as their Roman counterpart looked toward Ceres many centuries ago.

Ofttimes the farmer has no opportunity for formal education, but who is to say he is denied tangible benefit. His benign character instills in him virtue. He is not bothered by the isms of the world. Neither is he bothered by the petty philosophy and scholarly conceit of pseudo-intellectuals. Yet these men who claim to possess loftier tenets of wisdom seldom find satisfaction in their search for a utopia or an anarchic paradise.

The education of a farmer is his own systematic study of methods and philosophy. In this study his textbook is the Bible; his test, life. Moreover, his learning is not ended here, for with his almanac he is an astronomer, with his cattle he is a zoologist, but most important, with his fellow man he is a sociologist, fully knowing the give and take, push and pull of associated living.

Attesting to the greatness of men with agrarian concepts is their ability to right themselves when oppressed. The farmer's right of political revolution is tantamont to the moneyed peoples' privilege to juggle the currency so as to benefit their own group. By his democratic forebearance the farmer has become the symbol of America. Lexington, Gettysburg, and Chateau Thierry are places where the battered farmers have stood, and whether on the battlefield or the home front, they will continue to stand as an epithet of freedom.

Though the farmers have borne the brunt of abuse of the aristocracy, they are the picture of pathos. While big business has unceasingly tried to exploit and economically enslave him, the farmer has never been obedient. Since the world cannot subsist without him, truly the farmer holds destiny in his hand.

The future of a man who sees happiness in a handful of soil cannot be doubted. Let him continue, and America will fall in step behind.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. DWYER (at the request of Mr. ARENDS) for March 28 and 29, 1960, for personal reasons.

Mr. CUNNINGHAM (at the request of Mr. ARENDS), on account of official business.

Mr. MILLIKEN (at the request of Mr. DAGUE), until further notice, on account of illness.

Mr. BLATNIK (at the request of Mr. ALBERT), for this week, on account of death in family.

Mr. THOMPSON of New Jersey (at the request of Mr. THOMPSON of Louisiana), for March 28 and 29, 1960, on account of official business.

Mr. WEAVER (at the request of Mr. ARENDS), for March 28 to 31, 1960, inclusive, on account of official duties in congressional district.

Mr. SAYLOR (at the request of Mr. AVERY), for today, on account of attending the funeral of Bishop Carroll.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. OLIVER, for 45 minutes, today.

Mr. LIBONATI, for 1 hour, on March 30.

Mr. LEVERING (at the request of Mr. ALBERT), for 30 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. FENTON and to include extraneous matter.

Mr. JENSEN and to include extraneous matter.

Mr. ALGER.

Mr. IRWIN.

Mr. PORTER.

Mr. PELLY.

Mr. CURTIS of Missouri.

Mr. IKARD.

Mrs. SULLIVAN.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate, of the following title:

S. 607. An act for the relief of the estate of Sinclair G. Stanley.

THE LATE HONORABLE RUSSELL V. MACK, A REPRESENTATIVE FROM THE STATE OF WASHINGTON

The SPEAKER. The Chair recognizes the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, it is not necessary, of course, to tell the Members of the House that we have just had a very shocking and very sad loss when our colleague, the gentleman from Washington [Mr. MACK], a few moments ago, suddenly, while answering the quorum call, passed away. I know those of us of the Washington delegation at this time are hardly able to express ourselves. RUSSELL MACK was very close to us; we were all deeply devoted to him. In fact, last night I met him at dinner. He seemed to be well. Mrs. Mack was with him. They were happy. We all have to go and, certainly, no one could have gone more quickly and easily. But, when I think of the many useful years that our dear friend could have lived, it is very difficult to reconcile death at a time like this.

RUSSELL MACK came to the Congress before I did. I know when I came here in the 83d Congress there were many Members who are sitting here now who then already had learned to admire him and others since then have come to regard him highly. I know in the Committee on Public Works, he was very active. He was the second ranking member of the committee, and was certainly as able and highly respected as anyone on that committee.

RUSSELL MACK was a newspaperman. He had an unusual ability to deal in facts. Because he demonstrated accuracy and a keen and sound business judgment before coming to Congress, he was invited into a position of management and ownership of a newspaper. Both in this way and as a reporter and writer he was unusually successful.

The Members of this House need not be reminded of RUSSELL MACK's same characteristic in his legislative work. He debated vigorously but he never departed from the facts. He was extremely well informed and certainly held the respect and admiration of his colleagues on both sides of the aisle in the highest degree.

His sense of humor, kindliness, and zest for information endeared him to us. He loved his fellowmen. He never said an unkind word about anyone that I ever heard, and his friends are manifold. This day is a sad day. Everywhere RUSSELL MACK is known there will be sadness and sorrow on account of his many friends' profound loss.

However, Mr. Speaker, the real tragedy is to the Nation, State, and people of the Third Congressional District of Washington which our friend served so faithfully and well. The loss of his wisdom and years of experience cannot be readily replaced. No one was more conscientious in the performance of his duties and responsibilities of office. No one was more able in carrying them out.

If I may be personal, as I think it proper at a time like this, I want in tribute to my friend and colleague to acknowledge his help to me and assistance during my four terms here. I always sought his advice and will always remain indebted to him for his help.

It is not easy to find one's words and thoughts on the heels of such a sudden shock. It comes to me, nevertheless, that his wife, Laura, to whom he was so devoted will be left almost alone. There are no children and the close companionship of the years is shattered. My heart goes out to the wife he loved so dearly. But she will in time have her fine memories of a wonderful man. And while there can be no comparison, we who served with her husband will also cherish our memories, too.

May the good Lord ease her anguish and give her strength to endure—as all who are left must endure.

A fine American, a fine legislator, a fine husband, and truly a person of great and good character has gone to his rest. Yes, Mr. Speaker, and not without performing tasks of service worthy to be remembered. In the days ahead, we will indeed remember—a greater tribute I have not words to give at this time, only lips and the tone of my voice must convey the respect and devotion of my heart.

Mr. WESTLAND. Mr. Speaker, will the the gentleman yield?

Mr. PELLY. I am happy to yield to my colleague from Washington.

Mr. WESTLAND. Mr. Speaker, the sudden death of RUSSELL MACK has shocked and saddened us all. Those of us from the State of Washington and other Members who knew him well all learned to respect and honor him. RUSSELL MACK was my friend—a very dear friend. When I first came to the House in 1953 Russ was one of the first to offer me a helping hand. Since then, through our years in the House together I have many times sought his advice and counsel. It was always freely given.

RUSSELL was known throughout the State of Washington for his keen sense of humor and his sincere devotion to the people of his district. As might be expected, Russ passed away in the performance of his Congressional duties—duties which he always performed to the best of his great abilities. The people of the Third Congressional District have lost a true friend and a mighty champion.

Mr. Speaker, into each of our lives there comes on occasion a man whose qualities and virtues are such as to make him stand out and present a standard to whom others might repair. RUSSELL MACK was such a man. He will long be remembered in the councils of the Congress.

Mrs. Westland joins me in offering our profound and heartfelt sympathies to Mrs. Mack.

Mr. HORAN. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Washington.

Mr. HORAN. Of course this comes as a complete shock to me. I did not know RUSSELL until he came to Congress, but through the years I have developed a very deep affection for him. In fact, his wife, my wife, Mrs. Eleanor Smith, RUSSELL, and myself went to dinner last night where we were joined by the gentleman from Washington [Mr. PELLY]. We had a splendid evening. RUSSELL appeared to be in good health.

RUSSELL MACK was a man of tremendous dependence, and tremendous affection for those things in which he believed. He was a stalwart among us. He was greatly revered in the Committee on Public Works, where he did yeoman service.

This comes as a tremendous shock, not only to myself but to my wife, including our entire family, who have learned through the years to know him and to love him.

RUSSELL was a native of Michigan. He moved with his parents to Aberdeen, Grays Harbor County, Wash., in 1895 when he was 4 years old. He grew up in this area when it was, as now, part of the great lumbering industry of the West. RUSSELL attended the public schools in the Grays Harbor area, and attended Stanford University in California and the University of Washington. He began his work in the publishing industry in 1913, interrupted only by his college attendance and service in the 39th Field Artillery, 13th Division, during World War I. RUSSELL is survived by his devoted wife, Laura, and to her the hearts of my wife and me and my entire family go out in this hour.

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Speaker, like the other Members of the delegation, under the stress of this moment, I find it very difficult to make a proper statement. The passing of RUSSELL MACK means a great personal loss. I am the freshman Member of the Washington State delegation, and, while RUSSELL MACK's friendship meant a great deal to me in the years before I came to Congress, the months I have served by his side as a colleague have meant even more. Everyone serving in this House realizes how valuable it is to have sound guidance

and the advice of wisdom and experience in a freshman term. RUSSELL MACK was never too busy to take time from his heavy office and committee responsibilities to give me the kind of help and guidance that I needed. No one in this Congress could have had a better mentor, because he was honest, clear thinking, and devoted to his country and its best interests. The best epitaph I know for RUSSELL MACK is that he was a thoroughly good man. In this day of confused ethics, I think this is the finest tribute that can be paid to any man in public or private life. I have spoken of the personal loss I shall feel, along with all his many friends, but this loss will be overshadowed by an even greater one. Whenever this Nation loses a fine public servant with the stature and the ability and the character of RUSSELL MACK, it is an occasion for sorrow and regret on the part of all Americans. The greatest memorial we could have to the life of RUSSELL MACK is that it will serve as a beacon and a guide for those who come after him to serve their people and their country in public office.

Laura and RUSSELL MACK were a warm and devoted couple. If there can be any comfort at all for Laura Mack at this time of great loss, it will come from the knowledge that it was her devotion and loyalty and friendly warmth that not only gave her husband great happiness in their married life, but helped sustain him and added to his accomplishments through the rigors of his public career.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. Mr. Speaker, I just happened to talk to the gentleman from Washington, RUSSELL V. MACK, in the foyer a few moments ago. He was looking fit. Then all at once, during the rollcall, he fell.

RUSSELL MACK has been a great credit to the State that he represents. The good people of his congressional district will find it difficult to find a man who will merit the respect as a statesman and have the integrity that RUSSELL MACK had.

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Utah.

Mr. DIXON. I think it well at this time to insert in the RECORD the last words which our dear friend spoke. We were standing in line to answer the rollcall. Representative HOFFMAN came over, and I said, "Come over here and stand by Representative MACK, so you will be in good company." I said to Representative MACK, "It is a lovely day today, isn't it?" And he said, "Not to me." I was going to ask him why. And he said, "What is this quorum call all about?" He had not gotten the words out of his mouth before he fell over by Representative JENSEN. There was not a struggle. He just passed on quietly, without any suffering whatever, or without any warning. It is a wonderful way for an individual to go; but, of course, it is hard for those who love him, his folks, and for us who were his colleagues.

We have been very close, and I have enjoyed very much the conversations we have had here together.

He was a great man, a man of principle, a man of honor, and the House has been blessed by his having served in this Chamber.

Mr. WIER. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Minnesota.

Mr. WIER. Mr. Speaker, I would like to express the feelings I am sure that will be expressed throughout the trade union movement and to speak of the friendship and respect I had for the gentleman who has been taken from us this afternoon.

I am sure the trade union movement as represented by unions throughout the country and I know especially by unions in the State of Washington, where they always held Congressman MACK in high esteem as a good loyal friend.

Congressman MACK was very loyal to the cause of working people of this country. He spoke for them and did everything in his power to be of assistance. That is the way I found him throughout my service with him here in the House.

His loss will indeed be their loss.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield.

Mr. ARENDS. Mr. Speaker, experiencing a shock such as this leaves one completely lost for words to express the depth of one's feelings. In the period RUSSELL MACK has been a Member of this Congress I became more and more impressed and inspired by him. He served on what is known as our Minority Whip organization. Never have I enjoyed working with anyone more than I did with RUSSELL MACK. We worked closely together. At all times he showed both ability and a willingness to cooperate in a common cause. Those attributes were ever present. He sought always to do that which was right.

RUSSELL MACK was one of the finest men I have been privileged to know. He served his district and his country well.

I am sure I speak not only for those on this side of the aisle but also for every Member of the House when I say that in the untimely passing of this fine man we have suffered the loss of a great representative of the people. His passing is a great loss to all of us—a loss beyond measure.

To his family I extend my most sincere sympathy. I am sure the Father of us all will comfort them in this sad hour in the knowledge that of RUSSELL MACK it can truly be said: "Well done, my good and faithful servant."

Mr. BROOKS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield.

Mr. BROOKS of Louisiana. Mr. Speaker, I knew RUSSELL MACK well. For years I have been associated with the development of the rivers and harbors of this Nation and with flood control. RUSSELL MACK was an important member of the Public Works Committee of the House of Representatives. We had occasion to invite him very often to our conventions in the lower Mississippi Valley. He frequently accepted the invitations to be with us and felicitate with us on those occasions.

We had occasion to call on him when he could help in flood control and river and harbor development that have done so much in the interest of the great masses of the people in the United States. RUSSELL MACK always responded to these requests for aid. In my judgment he was an able legislator. I am deeply, deeply saddened, Mr. Speaker, by his sudden and tragic death.

During the frequent contacts we have had with RUSSELL MACK we learned to know him and appreciate his fine character, tireless energy, and outstanding ability. We in the lower Mississippi Valley which so often is hit by the storms and floodwaters are going to miss his talents and his abilities.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I know I express the feelings of every Member of this House on both sides of the aisle when I say that we feel this loss and we feel it deeply. RUSSELL MACK came to answer a call of the House in line of duty, but he has answered a higher call.

Congressman MACK was one of our most stalwart, ever-dependable Members, an irreplaceable Member in this body.

I extend to his loved ones my deepest sympathy.

GENERAL LEAVE TO EXTEND

Mr. PELLY. Mr. Speaker, this has been a shocking experience to the Members. I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late RUSSELL V. MACK.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, the sudden death of our colleague RUSSELL V. MACK removes from the House of Representatives one of its ablest and highly respected Members. With a fine newspaper background in his home State of Washington which covered the twin responsibilities of editing and publishing a daily newspaper, RUSSELL MACK came to the 80th Congress well equipped to meet the exacting duties of a Member of Congress.

It was my good fortune to have known RUSSELL for many years and during that period of time the bonds of friendship became stronger year by year. On many occasions I visited the Third Congressional District of Washington with the result that I learned from firsthand observation of the great esteem in which our departed colleague was held by his constituents. It is little wonder that he was elected every 2 years as a further expression of the confidence reposed in him by his neighbors and friends in his congressional district.

Here on the floor of the House RUSSELL MACK was greatly respected by Democrats and Republicans because he was a

colleague of fine moral principles. Despite the fact that his stand on an issue may have been questioned by the opposing political party, our departed friend and colleague always respected the right of any Member to honestly differ with his convictions on any legislative measure. In short, he was a noble gentleman and a valued personal friend.

Because of RUSSELL MACK'S great interest in the veteran population he will be sorely missed. As a past post commander of the American Legion veterans could depend upon their Comrade RUSSEL MACK to support legislation to provide that the disabled veteran and dependents of veterans would be assured adequate consideration by their Government. He made use of his newspaper in publicizing veterans' affairs and pleading the cause of those who, like him, served their country in military uniform.

Mrs. Van Zandt and I together with our son Jamie derived greater enjoyment on the annual congressional tour of New York City because RUSSELL MACK and his wife never missed the opportunity of joining us each year for the 3-day program. Their presence made the trip more enjoyable for the Van Zandt family and likewise for other Members and their families.

It is difficult to recover from the shock of the sudden manner in which RUSSELL MACK was removed from our midst. Therefore, it is realized that the depth of the sorrow that engulfed Mrs. Mack when apprised of her husband's demise proved overwhelming. Mrs. Van Zandt and our son Jamie join me in expressing our heartfelt sympathy to Mrs. Mack in the loss of a loving husband. We pray that God will comfort her and give her the courage and strength to bear her burden of grief in humble resignation to His divine will.

Mr. CHENOWETH. Mr. Speaker, I was deeply shocked and saddened today over the passing of our distinguished colleague from Washington, the Honorable RUSSELL MACK. I wish to extend my sincere sympathy to our colleagues from the State of Washington on the heavy loss they have sustained.

I recall when Mr. MACK came to the House and we formed a friendship which has continued over the years. I had a special interest in talking to him since at that time I had a brother living in his district. He has since passed away, but his widow still resides in Silver Creek, and has commented many times on the outstanding service Mr. MACK was rendering his people.

I liked RUSSELL MACK and I never heard of anyone who disliked him. He was always affable and had a pleasant word for everyone. I had great respect for his character and ability, and he was a most able Member of the House. I can easily understand why the voters of his district returned him to Congress each election with substantial majorities.

Mr. Speaker, the untimely passing of RUSSELL MACK is an irreparable loss, not alone to the people of his district and the State of Washington, but the entire country. We need more men like RUSSELL MACK in public life. I feel a very keen personal loss in his passing and I shall greatly miss him.

Mrs. Chenoweth joins me in extending our deep personal sympathy to Mrs. Mack in her bereavement.

Mr. MACK of Illinois. Mr. Speaker, I was shocked and saddened when death unexpectedly claimed the life of our colleague, RUSSELL MACK of the State of Washington.

Although we were of different political faiths, RUSSELL MACK was one of the first Members of the House to greet me when I came here in 1949. He had been elected in a special election in 1947.

RUSSELL MACK paid a visit to my office shortly after I became a Member of the House. He called to my attention the fact that until his own election the name of "Mack" had never appeared on a congressional rollcall. He remarked on the coincidence that the two Macks—of different political affiliation and from widely distant parts of the country—should be elected within such a short space of time. From that day forward, we were the best of friends and I treasured his friendship.

So it is with a deep sense of personal loss, Mr. Speaker, that I pay tribute this afternoon to our late colleague, for whom I had great respect, and to express my heartfelt sympathy to his family.

Mr. BURLESON. Mr. Speaker, our departed colleague, RUSSELL V. MACK, and I came to the 80th Congress and were in the same freshman class. As all of you are aware, this somehow brings us a little closer together and causes us to have a bit more in common.

In addition to a long association, we had mutual friends in his congressional district, which created closer ties between us.

I know of no man in the House of Representatives who enjoyed more friends or who commanded a higher respect than RUSSELL V. MACK. I knew him to be devoted to duty and highly conscientious in all his actions.

Not only is it a personal loss of a friend, but I know it is a severe loss to the district he represented in the Congress, as well as the entire Nation.

RUSSELL'S wife, Laura, is also a dear personal friend of my family, and we want her to know we are thinking of her in her great loss and in her heartbreak.

Mr. DAVIS of Tennessee. Mr. Speaker, I do not know when I have been so shocked as I was just a few moments ago when my esteemed colleague on the Committee on Public Works, RUSSELL V. MACK, of the State of Washington, left us so suddenly. Indeed, he was about his congressional business and was on the floor of this House answering the last rollcall on earth and responded to the call from his Heavenly Father.

RUSSELL MACK, and his dear wife Laura, have long been my very warm friends. My wife and I have traveled with them great distances, and Laura and Carrie have been very close friends indeed. He has been in my congressional district, has ridden the steamboat *Mississippi*, the official boat of the Mississippi River Commission, from Memphis to New Orleans.

I know of no man in the House who has been more punctual or more attentive to his district. He could ever be depended upon in our Committee on Public Works to take a fair, but positive, position on all matters which came before us. He was a student, and a man who loved rendering service to his fellow man.

I have been fortunate to know many of the intimate stories of his early life. With some pride and considerable humor he told me that he cut meat for a butcher when a youngster, then went to work as a printer, and wound up owning newspapers. Successful in business and dedicated to public life, he leaves behind him an outstanding record of loyalty to country, to his State, and to his fellow man.

I extend my deepest sympathy, and that of my wife as well, to those he leaves behind.

Mr. O'HARA of Illinois. Mr. Speaker, with my colleagues I am stunned by the sudden passing in our presence of one for whom on both sides of the aisle was a real and deep affection. Since first I came to this body the friendship of RUSSELL MACK has meant very much to me, and I shall miss him. When I came to the 81st Congress RUSSELL MACK was a member of the Veterans' Committee and our common interest in the welfare of the Spanish-American War veterans, as well as those of other and later wars, drew us closely together. For the veterans of the war with Spain I truthfully can say that they never had a better or a truer friend in the Congress. RUSSELL MACK in every sense measured up to the highest qualities of manhood. His passing today during the calling of the roll has left us deep in grief. We are brought to the realization of the uncertainty of human life and that the friends who give warmth to our days soon may be the friends who live in the memory of other days and to that memory impart a living warmth. In my memory RUSSELL MACK will continue always to be a strengthening and vibrant part. To his fine wife and his family I extend my deepest sympathy.

Mrs. GREEN of Oregon. Mr. Speaker, the shock of the news of the demise of my friend and neighbor, RUSSELL V. MACK, has been great indeed.

Like every other Member of this House, I have known and admired RUSSEL MACK since coming to the House. But I feel a particular sense of loss since RUSSELL MACK'S congressional district lay directly across the Columbia River from my own and we were, in a very real sense, neighbors. The people of his district and the people of my own shared a great many problems and hopes and aspirations, and I found in the gentleman from Washington a very deep understanding of those problems.

The State of Washington and the people of his congressional district will miss him deeply. This House will miss his wisdom, his understanding, and his devotion to duty.

My sympathy, like the sympathy of us all, goes to his widow in this hour of her grief.

Mr. GROSS. Mr. Speaker, with the Members of the House I was shocked

and deeply moved this afternoon by the sudden death of our colleague, the Honorable RUSSELL V. MACK.

He was a legislator of courage and conviction, an able representative of his district and his State.

In the death of RUSSELL MACK the House of Representatives and the State of Washington has suffered a serious loss.

To his widow and other members of his family I wish to extend my heartfelt sympathy.

Mr. PORTER. Mr. Speaker, RUSSELL MACK could disagree with you and yet not indulge in personal rancor. He was a genial, conscientious Member of Congress. He shared with me deep concern for the plywood industry and also for the cranberry growers. He shares with me a love for the Pacific Northwest. RUSSELL MACK was a friend we shall miss. I join our colleagues in extending deepest sympathy to his wife and family.

Mr. LIBONATI. Mr. Speaker, the death of the distinguished Congressman RUSSELL V. MACK, of the State of Washington, before our very eyes on the floor of the House of Representatives, only emphasizes the truths of life, "Little do we know what the next day will bring."

It seems that he was prepared for the inevitable when he stated just before his collapse that "Not for me," as a reply to Congressman DIXON'S statement "How do you feel? Anyway, this is a fine day."

He was a splendid orator and truly a strong leader in advancing the Republican doctrine in the philosophy of government. He was unswerving in his party loyalties.

There was no question as to where he stood on issues. His forceful oratory was to the point. There was no misunderstanding as to his position.

You might not agree with his argument but you were forced to admit that he developed, logically, the ultimate conclusions that he advocated.

We have lost a great legislator and a dedicated American. His party has lost a strong leader in the cause of Republicanism.

I admired and liked this friendly man. He was considerate of others and loved to talk the time of day.

I enjoyed these little talks. I am proud to have known him, even if for a short time. To his darling wife I, a new friend, extend my heartfelt sympathy.

God took him at his work in a sacred place where other great men now gone, if they had the choice, would have liked to die.

Mr. OSTERTAG. Mr. Speaker, the sudden and untimely passing of our beloved colleague, RUSSELL MACK, comes to us as a severe shock and the country has lost one of our most devoted and able Representatives in Congress.

RUSSELL MACK has made an outstanding contribution to good government and the welfare of the American people during his tenure as a Representative from the State of Washington. He has made an enviable record; one that will long be remembered by those of us who have been privileged to be associated with him in the Congress of the United States. RUSSELL MACK won the respect and admiration of all who knew him and his devotion to duty was unexcelled. His constant and diligent concern for the needs of the people he represented was exceptionally noticeable and he gave unstintingly of his time and efforts in the service of his district and his Nation.

It was my privilege to know RUSSELL MACK, not only as a colleague and associate in the Congress, but as a warm personal friend as well. Mr. Speaker, I want to join with you and the Members of the House in extending heartfelt sympathy to Mrs. Mack and to their family.

Mr. MCINTIRE. Mr. Speaker, the sudden passing of Congressman RUSSELL V. MACK of Washington removes from the House of Representatives one deeply loved by his colleagues. Congressman MACK came to the House of Representatives in 1947, just 3 years before I came to the House in the 82d Congress. Since that time I have had the privilege of his personal friendship. In view of his expert knowledge in the field of public works, I went to him on many occasions for counsel. He was always extremely friendly and very helpful. It was this wonderful characteristic that endeared him to every one of his colleagues. He served his district, State, and Nation, with outstanding distinction.

Mrs. McIntire joins with me in extending our deepest sympathy to Mrs. Mack. We shall always treasure our friendship with RUSSELL and Mrs. Mack.

Mr. THORNBERRY. Mr. Speaker, I am grieved over the loss of our colleague, the Honorable RUSSELL MACK, of Washington.

Since I first came to the Congress I have had the privilege of knowing Mr. MACK and having him as a friend. He and Mrs. Mack live next door to us here in Washington, and we knew and affectionately regarded them as friends and neighbors. RUSSELL MACK was a good man.

He was truly a gracious and fine gentleman. During the 83d Congress I had occasion to consult him on a very difficult problem which existed in the congressional district which I am privileged to represent, and I never had anyone to treat me with more courtesy, consideration, and understanding than did he, and that was his attitude toward everyone with whom he came in contact.

All of us who have had the privilege of serving with him regarded him as a splendid and able Member of Congress. Along with the people whom he represented so well, we suffer the loss of a beloved and respected associate. To Mrs. Mack and his loved ones, Mrs. Thornberry and I extend our great sympathy and the hope that they will receive understanding and comfort in these difficult hours.

Mr. EVINS. Mr. Speaker, with a heart filled with sadness, I with others join in paying a brief but sincere tribute to our esteemed colleague and friend, the Honorable RUSSELL V. MACK of Washington. His passing was saddening and shocking to us all and evidence of the very transitory nature of life, indeed.

I admired RUSSELL MACK immensely and valued his friendship greatly. We came to the Congress together—both of us being Members of the class of the 80th Congress—and for a time our offices were adjoining. I learned to know RUS- and devoted Member of the Congress and I always respected and admired him greatly. There was no more dedicated and devoted Member of the Congress than the gentleman from Washington. He was a conscientious and faithful representative of the people—of his district, State, and Nation.

Although we were of opposite political parties we cooperated on many matters, particularly in the area of public works—which he especially championed.

I know that my wife joins me in expressing sympathy to Mrs. Mack in her bereavement.

Mr. JONES of Alabama. Mr. Speaker, the death of my warm friend RUSSELL MACK of Washington has come as a great shock to me. RUSSELL MACK and I came to the 80th Congress together, and we became members of the House Public Works Committee at the same time in 1947. Throughout the years, we developed an intimate acquaintance.

RUSSELL MACK was a skillful legislator, patient and always objective. His reasoning was never disturbed by impulsiveness nor was it ever motivated from prejudice. He possessed the great attribute of leadership and was a man of refinement, poise, and warm demeanor, He always had a well-founded knowledge of the legislative matters that he dealt with, and this fact accounted for his capable leadership and legislative skill.

As a member of the House Public Works Committee, RUSSELL MACK labored continuously in support of legislation which has brought about the multi-billion-dollar development of the great Columbia River Valley in the Northwest. This multipurpose program means so much to the people of that area in terms of flood control navigation, power development, and conservation of the soil and forests. He has also effectively supported legislative measures for needed development of the rivers and harbors throughout the Nation. All of these splendid contributions will stand as a monument to his long and distinguished service on our committee and in this House.

RUSSELL MACK'S passing at this time is a source of profound shock, grief, and sorrow to all of us who knew him here. Indeed, a great statesman has passed from this scene. At this time, we pay our personal tribute to RUSSELL MACK for his great legislative career, and we extend to his dear wife, Laura, our heartfelt sympathy and personally share with her in this great loss.

Mr. YOUNGER. Mr. Speaker, in the passing of RUSSELL V. MACK we have lost a very companionable colleague and a sincere, extremely capable legislator; and personally I have lost a close personal friend.

It has been my pleasure to have known RUSSELL MACK for many years. As a legislator he had the happy faculty of fighting hard for what he believed but never, even in the hottest debates, did he ever stoop to personal accusations.

He was a most unusual and extremely kind individual. In my legislative and social experience with him, I cannot recall ever hearing him pass an unkind remark about any individual. If he could not say something good about them, he kept his own counsel.

We are all saddened by this sudden taking of our colleague, and I wish to extend my personal sympathy to his bereaved wife, Laura.

Mr. DAGUE. Mr. Speaker, we stand with bowed heads in the presence of the divine intervention which has taken from our midst a dedicated public servant and a stalwart friend in the person of RUSSELL MACK.

To have known RUSSELL MACK was to have enjoyed the rare privilege of his genial personality and the wealth of his years of experience in the field of public relations. To have served with him as a legislator was to have observed his conservative approach to the problems of the day and to have particularly noted the fine distinction he made between those areas that are best served by the Federal Government and the States, respectively.

RUSSELL MACK was a stanch defender of our American way of life and a prime advocate of States rights. His continuing concern was always related to preserving the dignity of the United States within the commonwealth of nations and within that framework to see that the Congress remained truly the voice of the people.

We shall greatly miss this stalwart defender of freedom and truth and our heartfelt sympathy goes out to those who are left to mourn his untimely passing. May our heavenly Protector wrap these bereaved ones in the mantle of His divine care and may they be assured that their beloved now rests on a sunnier shore, there to greet them when they too have crossed over.

Mr. DOOLEY. Mr. Speaker, the passing of RUSSELL V. MACK, the distinguished Representative from Washington, who came to the Congress 12 years ago, was a sad event for all who knew him.

It was my privilege to serve with him on the Public Works Committee of the House. His knowledge of committee affairs, combined with his amicable approach to all problems before that body, made him an invaluable asset. The effectiveness of his work and the benefits of his judgment helped motivate much of the legislation for which the Public Works Committee was largely responsible.

RUSS MACK, besides being a remarkably fine Member of the Congress, informed, articulate, and persuasive, was to me a cherished friend.

Broad in his outlook, generous in his sentiments, and possessed of a gentle kindness, it was a pleasure to be in his company.

Mrs. Dooley and I spent many hours and days with RUSS MACK and his charming wife, and those days shall ever be remembered.

We share her grief in RUSSELL's untimely death. The Congress and the country have lost a rare man.

Mrs. ST. GEORGE. Mr. Speaker, I want to add my tribute to the many others paid to my friend and colleague, RUSSELL V. MACK, of Washington.

RUSSELL MACK came to the Congress shortly after I did, so I have known him for nigh on 14 years. He was in every way a good Congressman, hard working, careful, and fair to all the people of his district, and speaking only on the subjects he knew and on which he had all the facts.

I went once to RUSSELL MACK's district and was deeply impressed by the sincere regard and affection in which he was held by his constituents; their grief and sense of loss at his passing will be very great indeed. To Mrs. Mack and his bereaved family I want to send my heartfelt sympathy in these tragic hours, and hope that they may find some consolation in the thought that he died at his post doing his duty for our country.

Mr. MAGNUSON. Mr. Speaker, all of us here in the House of Representatives have been saddened by the sudden and unexpected death yesterday, here on this floor, of our colleague from the State of Washington, the Honorable RUSSELL V. MACK.

Naturally, those of us from his own State feel that we knew him best, although his friends indeed were legion. We knew him as a conscientious and hard-working representative of the people of his district and State, and yet one capable of the longer view which places the welfare of the Nation as a whole above sectional and political considerations. This, after all, is the ultimate test of a good public servant.

Mr. MACK served 13 years in this body, always with strong dedication to duty. Despite the seriousness with which he approached his work here, he was in personal relationships easygoing and outgiving, which in part explains the host of friends he acquired here and back home during his lifetime. I say in part, because the basis of an unusually high number of lasting friendships always must be the recognition of an innate strength of character, the capacity for making people instinctively know that here is a good man.

Mr. MACK had that capacity, and we who live on say today: "A good man is gone."

If he had to go, we are grateful that his passing came without prolonged pain, but this does not still the voice of sorrow within us, his friends.

Mrs. Magnuson joins me in expressing heartfelt sympathy to his devoted wife, Laura, and to the other members of their family.

Mr. SIKES. Mr. Speaker, this is a very sad day for the Congress. A distinguished and beloved colleague has been struck down in the discharge of his duties. The strain and pressure under which each of us must work has produced many such casualties in our midst over the years. Others of our colleagues have also paid with their lives after leaving the Halls of Congress for their devotion to the duties imposed upon us. Others have paid in broken health as a result of their service to the Nation.

Our colleague, RUSSELL MACK, was a man easy to know and to admire. He was sound in his views and in his principles. His service here was capable and constructive. His was a loyal and dedicated work which benefited all the Nation.

My earnest sympathy is extended to his widow and his family.

Mr. HOEVEN. Mr. Speaker, I was present when my good friend RUSSELL V. MACK passed into the Great Beyond. This is an experience I shall not soon forget.

It has been a rare privilege and a pleasure for me to have served in the Congress with RUSSELL MACK for so many years. I learned to admire and respect him more and more each day. I shall miss him very much in the days that lie ahead.

RUSSELL MACK was a fine legislator who constantly had the welfare of his constituents and his country in mind. He was a true patriot and a great American. He served well his day and generation.

Mr. BUCKLEY. Mr. Speaker, the sudden and untimely death of our distinguished colleague RUSSELL MACK, of the State of Washington, has shocked and saddened me. Thus it is with a profound feeling of sorrow that I utter these few words in praise of a fine Congressman and an outstanding citizen.

RUSSELL MACK and I were associated as members of the Committee on Public Works since he first entered the Congress in 1947. Over the years I grew to know him and to learn by daily contact with him in committee work and on the House floor his ability as a legislator, but more important, his fine qualities as a person and a man.

He was one of the outstanding members of the Public Works Committee of which I now have the honor to be chairman. RUSSELL MACK had the keen mind of a trained newspaperman. He had a firm grasp of the many and varied problems that were presented to the committee, and his contribution to the legislation that was reported out of the committee was an invaluable one.

RUSSELL MACK was a warm human being with a faculty for adding to the enjoyment of the life of all those who had the privilege of coming in contact with him. He will be missed.

Thus it is with a deep sense of personal grief that I pay tribute today to my late colleague, for whom I held the highest respect, and express my heartfelt sympathy to his family in their great loss.

Mr. CURTIS of Missouri. Mr. Speaker, I join with the other Members of this House in their shock and sorrow at the death of the late Representative RUSSELL MACK. His sincere hard work in nearly 13 years in which he represented the people of southwestern Washington earned him a place of deserved respect in this Chamber.

It is significant, in the light of his dedicated service to the country in this body, that he should die while in the performance of this service. RUSSELL MACK was a fine man and an able Member of Congress. It was as recent as 3 weeks ago that I had occasion to make excerpts from one of his speeches delivered on the floor of the House in order to explain a matter of some complexity to the people of my district. His guidance and counsel will be missed by those of us who had learned we might rely on his ability, his efforts, and his integrity.

Mr. SMITH of Mississippi. Mr. Speaker, the sudden death of RUSSELL MACK has been a great shock to all of us, but it was especially distressing to the members of the Public Works Committee, on which he served as an outstanding leader for many years. We were fellow members of this committee from the beginning of my service in the Congress, and we had many pleasant hours together on inspection trips and committee hearings in all parts of the United States.

RUSSELL MACK was a devoted legislator who made a major contribution to all the important legislation that came before our committee. We often had sharp differences about some of the proposals, but we were able to differ without rancor. It will be difficult indeed to replace him.

Mrs. Smith and I extend our deepest sympathy to Mrs. Mack.

Mr. ROBISON. Mr. Speaker, it was necessary for me to be in my congressional district on official business last Monday. Therefore, I was spared the personal shock of witnessing, as so many of my colleagues did, the sudden and tragic death of my friend and colleague on the Committee on Public Works, RUSSELL V. MACK. But the shock I experienced on hearing this sad news on Tuesday morning was nonetheless real.

I think this was because RUSS MACK was such a vibrant person, full of the joys of living, drawing strength and vitality from the challenge of the responsibilities he shouldered so well. He was a champion of and a stubborn and dedicated fighter for the things in which he believed. He fought with equal determination and skill against those other things which he believed to be wrong. There were times, during our committee work together, when we disagreed, once rather sharply, but all of us who have ever found him on the other side of our own position, whatever it might be, have respected his boundless integrity, his candor and honesty, and, most of all, the friendly arm he put upon our shoulders after the battle was over.

John Donne wrote, years and years ago—

> Every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less as well as if a promontory were, as well as if a manor of thy friends or if thine own were; any man's death diminishes me.

It is quite true that the work of our committee and of this Congress will go on, as we close ranks together, almost as if nothing had happened. And yet the strength of our Committee on Public Works of this Congress and of this Nation have been "diminished" by the loss of a man of the stature of RUSS MACK. He will be sorely missed.

Mr. Speaker, my heartfelt sympathy is extended to Mrs. Mack and to the other members of the family.

Mr. ROONEY. Mr. Speaker, I do not think I was ever as shocked in my life as I was not many minutes ago when our distinguished colleague, the gentleman from Washington, Hon. RUSSELL V. MACK, collapsed and died here in the well of the House. This tragic death should be a warning to all of us who work so hard at our congressional duties that there comes a time when we must slow up. RUSSELL MACK never slowed up since he was first elected to the House of Representatives about a dozen years ago. He was a devoted public servant and the second ranking minority member of the House Public Works Committee. His untimely passing is a great loss to the people of his district, his beloved State of Washington, and the Nation.

I extend my deepest sympathy to his devoted wife in her bereavement.

Mr. YOUNG. Mr. Speaker, I want to join my colleagues from the State of Washington and others in paying a brief, but sincere tribute to the memory of our departed colleague and friend, Representative RUSSELL V. MACK, of Washington.

He was a fine gentleman, a genuine representative of his district and his Nation, and a man of great courage in his devotion to the public interest.

He served for many years on the Public Works Committee, where he proved to be at all times broad in his approach, kind in his treatment to those in disagreement with him, and helpful to those of us whose tenure of service on the committee was less than his long and fruitful years of dedicated work on the committee.

He will be greatly missed. In his passing, the Congress of the United States has suffered the loss of one of its Members it could least afford to lose. My deep sympathy goes to his family, to the congressional district he represented so well, to the great State of Washington, and to the Nation.

Mr. CRAMER. Mr. Speaker, it was my privilege to serve with our deceased colleague, Congressman RUSSELL MACK, for the last 6 years on the Public Works Committee, particularly with regard to his being the ranking minority member on the Flood Control Subcommittee. I had the pleasure of working closely with him and knowing firsthand of his dedication to his job as a Member of Congress. He spent many tireless hours toiling for the people of his district, and was one of the best authorities on flood-control matters as well as many other problems before the Public Works Committee and Congress. He was a dedicated public servant, and gave tirelessly of his time and energies, and, typical of that, is the fact that he should spend his last breath in carrying out his congressional duties on the floor of the House.

I remember well the tremendous contribution he made on the floor of the House on many occasions toward better legislation and toward serving all the people. He was a fighter for his point of view, and demonstrated this many times in recent years on the omnibus public works bills, during debate of which he took a most active part.

I also had the privilege of serving under him in the Republican whip organization as the assistant regional whip, he being in charge of the western and southern division, and I can attest to his efforts spent in that important duty. His knowledge, his forthrightness, his ability, will be impossible to replace and the people of the State of Washington and the people of America have lost a great public servant. I have lost a very dear friend, upon whose judgment, and with acknowledgment of his ability, I have on many occasions relied very heavily, and I join in expressions of bereavement to his wife and family.

Mr. TOLLEFSON. Mr. Speaker the House of Representatives lost one of its most able Members upon the death of Representative RUSSELL V. MACK. His zeal and diligence in serving his district, State, and Nation were not surpassed in Congress. A man of high principle and integrity, he enjoyed the sincere respect of his colleagues. His friends both in and out of Congress were legion. All were shocked at the news of his passing.

RUSSELL MACK was one of my real friends and his death was a personal loss to me. He was most cooperative and helpful in connection with problems that confronted me, and gave generously of his time and advice. That he did the same for his other friends was understood by all. I join with them in expressing grief at the occasion of his passing and in extending deepest sympathy to his devoted wife, Laura.

Mr. Speaker, I wish to include with my statement copies of editorials from the Tacoma News Tribune and the Seattle Times, together with a copy of a resolution adopted by the Seattle Chamber of Commerce:

[From the Seattle (Wash.) Times]

REPRESENTATIVE RUSSELL MACK

RUSSELL MACK was a big man, plain spoken and sincere, who hated redtape and folderol. His favorite campaign tactic was to tour his third district in a door-to-door, grassroots appeal. He would walk into a store, his cigar leveled at the world like a cannon, offer a huge hand and say, "I'm RUSSELL MACK, I'm running for Congress and I'd sure appreciate your vote."

In Congress Representative MACK again preferred the direct line of attack. He was an outspoken critic of the import of seafoods from foreign countries. He was equally concerned with programs to encourage the lumbering industry, a mainstay in the economy of his Grays Harbor constituency and the State of Washington.

RUSSELL MACK was a firm supporter of bipartisan foreign policy. He also pushed hard for the development of natural resources in this State. He served six terms in Congress, after winning a special election to that office

in 1947. He was named Republican whip for the 16 Western States in 1955 and was a member of the Republican Party's 20-man policy board.

The State of Washington and the Third Congressional District have good reason to mourn the loss of this big, bluff man who had a talent for getting things done.

[From the Tacoma (Wash.) News Tribune]

MR. MACK'S DEATH GREAT LOSS

Representative RUSSELL V. MACK was a man who served his country and his southwest Washington congressional district with distinction and with a zeal not surpassed in Congress. His death on the floor of the House of Representatives is a great loss to his district, to our State, and the Nation.

Mr. MACK loved his country and he loved to work for good government. Politics, which is only the science of government, interested him intensely and he entered into his congressional office back in 1947 with a zest that one seldom encounters in public life. He was a strong campaigner and a great fighter, and his district has been helped tremendously by those qualities.

The Congressman was a high-ranking member of the House Public Works Committee, a committee so important to the southwest Washington area because improvement of rivers and harbors is in its domain. He worked tirelessly for improvement of the twin harbors, for rivers, for the Westport fishing base. A strong believer in promoting local industry, he fought the import of Russian crab and Japanese tuna and resisted the shipment of lumber to Japan to be manufactured into finished products. He battled for U.S. salmon fishermen's rights—in fact, RUSSELL MACK was a stalwart defender of American industry and the men who work in the mills, the factories, or with the nets.

He wanted an America that is financially sound and therefore worked in behalf of balanced budgets and against the waste of public funds.

His shoes will be most difficult to fill. It would be wonderful if his district should, in a forthcoming special election, find another man such as he.

"MEMORIAL TRIBUTE TO RUSSELL V. MACK

"In recognition of his outstanding contribution to the civic, business, and political development of the State of Washington, and the Pacific Northwest, the Seattle Chamber of Commerce pays tribute to the memory of RUSSELL V. MACK who passed away on the 28th day of March 1960.

"Always he gave willingly and generously of his time, thought, and energy to the welfare and advancement of his State and Nation. The earnestness and leadership he brought to any cause that he espoused and his unselfish devotion to things worth while gives him a lasting place in the memory of all whose privilege it was to know him and to serve with him: Accordingly, it is

"*Resolved,* That the members of the board of trustees of the Seattle Chamber of Commerce adopt this tribute to the memory of RUSSELL V. MACK and, making permanent record of this expression of respect and esteem, convey their sincere and heartfelt sympathy to the members of his family."

Dated this 7th day of April 1960.

SEATTLE CHAMBER OF COMMERCE,
JACK GEOFFROY, *Secretary.*

Mr. PELLY. Mr. Speaker, we Members of the House of Representatives knew our late colleague, RUSSELL MACK, as a Congressman and servant of the people in the Third Congressional District of Washington. Other persons knew him in other ways. For example, many knew him as a newspaper publisher.

I believe it is fitting, Mr. Speaker, that the eulogy presented by Edwin J. Alexander, publisher of the Olympia News, be included in the permanent RECORD at a point following the other tributes to our colleague prior to adjournment of the House on March 28 out of respect to his memory.

This eulogy is as follows:

EULOGY FOR CONGRESSMAN RUSSELL V. MACK

(By Edwin J. Alexander, publisher, the Olympia News, funeral services, First Methodist Church, Aberdeen, Wash., Apr. 2, 1960)

"The other day a friend of mine died. Into my throat came a strange dry lump, and to my heart a depressing weight. Something had gone out of my life. I felt a sense of personal loss and sadness." From a booklet written and published by RUSSELL V. MACK in 1946.

Now our noble friend has fallen—pierced by the arrow of death. The places that have known him shall know him no more, but his virtues are written on tablets of love and memory.

RUSSELL V. MACK was truly one of nature's noblemen—a good man, a true friend, and honored citizen.

Many of you here in this church this morning remember RUSSELL as a boy and as a young man and in the years that followed—know full well that he had won his crown in Heaven ere he had reached the middle period of his good life.

From cub reporter to business manager on the Aberdeen Daily World to publisher of the Grays Harbor Daily Washingtonian—from publisher to Congressman—RUSSELL was a constant exemplar of the cardinal principles that constitute the highest order of the brotherhood of man.

RUSSELL was intensely patriotic. He loved his country with great passion and enthusiasm. RUSSELL linked his personal destiny with the destiny of his country and its flag.

RUSSELL was a powerful champion and defender of our American faith and our American way of life. He went back and forth across this district—yes, this State and our Nation—teaching and preaching and practicing the gospel of Americanism and quickening the spirit of American patriotism in the hearts and minds of our people everywhere.

RUSSELL loved his Grays Harbor and these nine counties and our great State of Washington in such a zealous and ardent manner that it verily excited the local pride within all of us to nearly a bursting point.

People liked RUSSELL because RUSSELL liked people. He enjoyed being with his friends, making new friends and meeting strangers. No one was a stranger for long in RUSSELL'S warm and friendly presence.

A great newspaperman, editor, and publisher, many of us in this place this morning knew him as a kindly, considerate, and generous employer, counselor, and friend.

As a fraternalist we knew him as one sincerely devoted to the principles of brotherly love and fidelity whose outstretched hands were ever ready to assist those in need.

As a citizen we knew him as a dedicated public servant, a dynamic leader, and honored Member of the U.S. House of Representatives, where his brilliant record of service and devotion to country will stand as a lasting monument and tribute to the true patriot that he was.

RUSSELL died as he would have wanted—standing on the floor of the Congress voting for his beloved country.

Mr. PELLY. Mr. Speaker, I offer a resolution.

The Clerk read as follows:

H. Res. 489

Resolved, That the House has heard with profound sorrow of the death of the Honorable RUSSELL V. MACK, a Representative from the State of Washington.

Resolved, That a committee of six Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints to the funeral committee the following Members: Messrs. HORAN, TOLLEFSON, MAGNUSON, PELLY, WESTLAND, and Mrs. MAY.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

ADJOURNMENT

Accordingly (at 2 o'clock and 16 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 29, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1984. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Public Housing Administration, Housing and Home Finance Agency, for the fiscal year ended June 30, 1959 (H. Doc. No. 364); to the Committee on Government Operations and ordered to be printed.

1985. A letter from the Acting Secretary of Defense transmitting a draft of proposed legislation entitled "A bill to amend title 10, United States Code, to allow the crediting of service in any armed force for the purpose of determining grade, position on a promotion list, seniority in grade, and eligibility for promotion of a person originally appointed in the Regular Army"; to the Committee on Armed Services.

1986. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill to authorize the Secretary of the Army to reconvey to the town of Malone, N.Y., certain real property heretofore donated by said town to the United States of America as an Army Reserve center and never used by the United States"; to the Committee on Armed Services.

1987. A letter from the Administrator, General Services Administration, transmit-

ting a report relating to contracts negotiated for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test during the 6-month period ending December 31, 1959, pursuant to Public Law 152, 81st Congress, as amended; to the Committee on Government Operations.

1988. A letter from the Administrator, Federal Aviation Agency, transmitting a draft of proposed legislation entitled "A bill to amend the act of October 9, 1940 (54 Stat. 1030, 1039) in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

1989. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases in the Federal Communications Commission as of January 31, 1960, pursuant to Public Law 554, 82d Congress; to the Committee on Interstate and Foreign Commerce.

1990. A letter from the Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation entitled "A bill to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings"; to the Committee on Interstate and Foreign Commerce.

1991. A letter from the Clerk, U.S. Court of Claims, relative to the claim of *Robert H. Point* v. *the United States*, Congressional No. 6–59, pursuant to sections 1492 and 2509, title 28, of the United States Code, and to House Resolution 351, 86th Congress; to the Committee on the Judiciary.

1992. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 17, 1960, submitting a report, together with accompanying papers and an illustration, on a review of report on Sun River, Mont., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 15, 1947; to the Committee on Public Works.

1993. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 17, 1960, submitting a report, together with accompanying papers and an illustration, on a review of reports on Boone River, Iowa, Tunnel Mill Dam, requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 31, 1957; to the Committee on Public Works.

1994. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 18, 1960, submitting a report, together with accompanying papers and an illustration on a survey of Sesuit Harbor, Mass., authorized by the River and Harbor Act, approved May 17, 1950; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of March 24, 1960, the following bills were reported on March 25, 1960:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10684. A bill to amend sections 1 and 5b of the Life Insurance Act for the District of Columbia; with amendment (Rept. No. 1424). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10964. A bill to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended; without amendment (Rept. No. 1425). Referred to the House Calendar.

Mr. BARDEN: Committee on Education and Labor. H.R. 10128. A bill to authorize Federal financial assistance to the States to be used for constructing school facilities; with amendment (Rept. No. 1426). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDREWS: Committee on Appropriations. H.R. 11389. A bill making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes; without amendment (Rept. No. 1427). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOGARTY: Committee on Appropriations. H.R. 11390. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes; without amendment (Rept. No. 1428). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted March 28, 1960*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. House Resolution 431. Resolution expressing the sense of the House of Representatives that the President should call a White House Conference on Narcotics; with amendment (Rept. No. 1429). Referred to the House Calendar.

Mr. GREEN of Pennsylvania: Committee on Ways and Means. H.R. 8273. A bill to amend the Internal Revenue Code of 1954 to suspend the manufacturers excise tax on mechanical lighters for cigarettes, cigars, and pipes; with amendment (Rept. No. 1430). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of March 24, 1960, the following bills were introduced March 25, 1960:

By Mr. ANDREWS:

H.R. 11389. A bill making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes.

By Mr. FOGARTY:

H.R. 11390. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes.

[*Introduced and referred March 28, 1960*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 11391. A bill to amend the War Claims Act of 1948 with reference to claims arising out of the death of members of the Armed Forces of the United States as the result of enemy action after cessation of hostilities; to the Committee on Interstate and Foreign Commerce.

By Mr. BERRY:

H.R. 11392. A bill to amend section 1 of the act of April 16, 1934, as amended by the act of June 4, 1936 (49 Stat. 1458); to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Kentucky:

H.R. 11393. A bill to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act; to the Committee on Education and Labor.

By Mr. CARNAHAN:

H.R. 11394. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to certain educational institutions; to the Committee on Government Operations.

By Mr. CELLER:

H.R. 11395. A bill to amend section 5021 of title 18, United States Code; to the Committee on the Judiciary.

H.R. 11396. A bill to withdraw from the district courts jurisdiction of suits brought by fiduciaries who have been appointed for the purpose of creating diversity of citizenship between the parties; to the Committee on the Judiciary.

H.R. 11397. A bill to amend the Communications Act of 1934 by adding thereto a new section to prohibit commercial bribery for the purpose of inducing the broadcast performance of musical works; to the Committee on Interstate and Foreign Commerce.

H.R. 11398. A bill to amend the Communications Act of 1934, to strengthen the effectiveness of the Federal Communications Commission in assuring that broadcast licensees, filing renewal applications, continue to operate in accordance with the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. EVINS:

H.R. 11399. A bill to authorize the Secretary of the Interior to permit the occupancy and use by the Congressional Club of certain lands in the District of Columbia which are under the jurisdiction of the National Park Service; to the Committee on Interior and Insular Affairs.

By Mr. GEORGE:

H.R. 11400. A bill to designate the Tuttle Creek Reservoir, Kans., as the Willard J. Breidenthal Reservoir; to the Committee on Public Works.

By Mr. HALPERN:

H.R. 11401. A bill to provide coverage under the old-age, survivors, and disability insurance system (subject to an election in the case of those currently serving) for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

H.R. 11402. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. HARDY:

H.R. 11403. A bill to amend title 28 of the United States Code to provide for the granting of continuances in district courts to members of State legislatures in accordance with State law; to the Committee on the Judiciary.

By Mr. HARMON:

H.R. 11404. A bill to assure orderly marketing of an adequate supply of hogs and pork products; to encourage increased domestic consumption of pork and pork products; to maintain the productive capacity of the hog-farming industry; to avoid the feeding of hogs to less desirable weights; and to

stop further declines in live-weight prices received by hog producers; to the Committee on Agriculture.

By Mr. HERLONG:

H.R. 11405. A bill to provide for the treatment of income from discharge of indebtedness of a railroad corporation in a receivership proceeding or in a proceeding under section 77 of the Bankruptcy Act (11 U.S.C. 205) commenced before January 1, 1960; to the Committee on Ways and Means.

By Mr. LANGEN:

H.R. 11406. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. LATTA:

H.R. 11407. A bill to amend the Soil Bank Act, as amended, and the Agricultural Act of 1956, as amended; to the Committee on Agriculture.

By Mr. LINDSAY:

H.R. 11408. A bill to provide that certain persons born abroad on or before May 24, 1934, and presently residing in the United States, shall be held and considered to have acquired U.S. citizenship at birth; to the Committee on the Judiciary.

By Mr. McDOWELL:

H.R. 11409. A bill to foster development of the use of a product of the United States by providing temporarily for the assessment of duty only on the cost of processing and added material when it is exported for intermediate processing and returned; to the Committee on Ways and Means.

By Mr. GEORGE P. MILLER:

H.R. 11410. A bill to provide for the issuance of a Federal fishing stamp, to give the consent of Congress to a compact relating to the use of a Federal-State fishing stamp in connection with noncommercial fishing licenses for nonresidents of States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOULDER:

H.R. 11411. A bill to amend the Legislative Reorganization Act of 1946 to authorize the review of administrative regulations by committees of Congress prior to their promulgation, and for other purposes; to the Committee on Rules.

H.R. 11412. A bill to establish a free guide service for the U.S. Capitol Building; to the Committee on House Administration.

H.R. 11413. A bill to authorize Federal financial assistance for school construction and teachers' salaries; to the Committee on Education and Labor.

By Mr. SAUND:

H.R. 11414. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. SELDEN:

H.R. 11415. A bill to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas"; to the Committee on the District of Columbia.

By Mr. SMITH of Mississippi:

H.R. 11416. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Kansas:

H.R. 11417. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STRATTON:

H.R. 11418. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States, and to encourage and promote actions by foreign governments to improve their own levels of such wages and working conditions; to the Committee on Ways and Means.

By Mr. BURKE of Kentucky:

H.J. Res. 662. Joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work, on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto; to the Committee on Public Works.

By Mr. LIBONATI:

H.J. Res. 663. Joint resolution authorizing and directing the President to designate September 6, 1960, as Jane Addams Day; to the Committee on the Judiciary.

By Mr. McDOWELL:

H.J. Res. 664. Joint resolution to provide that the Assistant Attorney General charged with the responsibility for the enforcement of the Federal antitrust laws shall be appointed for a term of 8 years in order to give such officer a measure of the independence afforded Federal judges; to the Committee on the Judiciary.

By Mr. MACK of Illinois:

H. Con. Res. 648. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. KOWALSKI:

H. Res. 490. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly, petitioning the Congress of the United States to give favorable consideration to legislation providing benefits for veterans of World War I; and for other purposes; to the Committee on Veterans' Affairs.

Also, memorial of the Rhode Island General Assembly memorializing the Congress of the United States to amend the Federal Social Security Act so that full benefits may be granted to women who have reached the age of 57 years instead of waiting as the law now requires until they reach the age of 62 years, and to men who have reached the age of 60 years instead of waiting as the law now requires until they reach the age of 65 years; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States to give consideration to the questions involved with relation to the proper amendments to laws governing interstate commerce affecting the broad problems of transportation to, from and within the newly created State of Alaska; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States to appropriate sufficient funds for the purpose of maintaining 24 hours a day, the compound on the international border at Lukeville, Ariz., to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Kentucky, memorializing the President and the Congress of the United States to enact legislation enabling the States to correct abuses under the program for aid to dependent children; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to cancel plans for construction of new dams on the Savannah River; to release certain reservoir lands and to place the control of water in the Clarks Hill Reservoir under local water authority; to the Committee on Public Works.

Also, memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to enact suitable legislation to prohibit imported shrimp from competing with our shrimping industry and to favorably consider H.R. 8982; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Commonwealth of Virginia, memorializing the President and the Congress of the United States to propose an amendment to the Constitution of the United States to be known as the freedom of choice amendment relative to human and property rights; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 11419. A bill for the relief of Mrs. Dolores Lumello and Daniele Marchegiani; to the Committee on the Judiciary.

By Mr. LEVERING:

H.R. 11420. A bill for the relief of Ferdinand Hofacker; to the Committee on the Judiciary.

By Mr. NORBLAD (by request):

H.R. 11421. A bill for the relief of the U.S. National Bank of Portland, Oreg.; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 11422. A bill for the relief of Stefan Antal, George Gergel, Paul Sabak, Elisabeth Sabak, Michael Hornak, Helen Hornak, Anna Pentek, Florian Cernansky, and Alexander Slamka; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

394. By Mr. GREEN of Pennsylvania: Resolution of the Council of the City of Philadelphia memorializing the 86th Congress of the United States to enact the Forand bill, H.R. 4700; to the Committee on Ways and Means.

395. My Mr. KOWALSKI: Petition of the Public Utilities Commission of the State of Connecticut pertaining to H.R. 10309; to the Committee on Interstate and Foreign Commerce.

396. By Mr. MONAGAN: Petition and resolution of George J. Griffin, executive secretary of the Public Utilities Commission, State of Connecticut, favoring the adoption of amendment to the Natural Gas Act as embodied in H.R. 10309; to the Committee on Interstate and Foreign Commerce.

397. By Mr. WESTLAND: Resolution adopted by members of Goshen Grange No. 856, Whatcom County, Wash., recommending legislation be enacted requiring all meat imported, to be sold at retail counters in competition with meat produced in this country, be plainly labeled as imported meat; to the Committee on Agriculture.

398. Also, resolution adopted by members of Goshen Grange No. 856, Whatcom County, Wash., requesting action be taken by the Congress to prevent removal of import restrictions on dairy products; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Where Do We Stand?

EXTENSION OF REMARKS
OF
HON. ERNEST GRUENING
OF ALASKA
IN THE SENATE OF THE UNITED STATES
Monday, March 28, 1960

Mr. GRUENING. Mr. President, last Tuesday, our distinguished colleague, the junior Senator from Arkansas [Mr. FULBRIGHT], delivered a highly illuminating address at the annual dinner of the Harvard Club of Washington.

The title of his important speech was "Where Do We Stand?" It was a penetrating evaluation of the status of the United States in the world today. It was a sober and realistic appraisal of the decline of our Nation from its preeminence of leadership and power, a decade ago, to its present, far less influential position, when viewed against the phenomenal rise of Russia and of international communism in the world.

In a sense, our colleague's brilliant address was of something of an epochmaking character, which I think was summarized in his conclusion that the United States will not be restored to its position of influence, prestige, and leadership in the world, that our Nation will not recover its lost vantage, and will not do what is needed to be done in order to achieve that goal, unless and until the control of both the executive and the legislative branches is vested in one political party. Senator FULBRIGHT said that unless the American people vest that control in only one party, the Nation will be courting disaster.

Not wishing to give a political connotation to his address, our able colleague did not tell the Harvard Club which political party he thought that should be, nor was it necessary that he do so. The fact is that never before in our Nation's history has the division of powers which Senator FULBRIGHT deplores existed for so long as it has during the two Eisenhower administrations. Therefore, our colleague's dictum is both new in its affirmation of a transcendently important principle, and, coming in a year of a presidential election, timely and appropriate. It deserves wide recognition.

I ask unanimous consent that his eloquent and constructive contribution to our political science and to the national safety and destiny be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY SENATOR J. W. FULBRIGHT AT THE 77TH ANNUAL DINNER OF THE HARVARD CLUB OF WASHINGTON, D.C., MARCH 22, 1960

Mr. Chairman, I consider it an honor to be invited to speak to this distinguished audience of Harvard men. There are few who question the preeminence of Harvard University in the field of education. The influence of the graduates of Harvard upon the life of our country is unequaled by those of any other institution of learning.

Except for the fact that it descended from Cambridge University, rather than Oxford, there is little in its ancestry of which one may not be proud.

When Senator GRUENING requested that I speak here tonight, I demurred most strenuously, as I was quite aware of the probable conflict in our points of view, inasmuch as I was nurtured on the conservatism of Arkansas University and Oxford. However, upon the earnest plea of ERNEST GRUENING that this group has never before had the opportunity of observing and of hearing a politician from the Ozark Mountains, my native reticence was overcome by my weakness for lecturing, acquired during the years when I was a professor.

I weakened in spite of the fact that I know many of us in public life talk too much.

In recent weeks I have had much sympathy with the point of view of the schoolboy who, when asked to describe Socrates, wrote as follows:

"Socrates was a Greek who spoke very often to the Athenians. They poisoned him."

It seems rather a shame to mar an otherwise festive evening by discussing serious and somber aspects of our national life, but such are my instructions. The most somber subject I can think of tonight is—what is our position in the world today, how are we measuring up to our responsibilities.

Where do we stand today?

A nation with a gross national product that will soon hit a peacetime high of $500 billion and with a per capita income of over $2,500 (nearly double that of any other nation) is debating the extent to which our Armed Forces may be inferior to those of the Soviet Union.

If there is confusion about the facts, some things are clear. It is humiliating that the debate should have to occur. Its occurrence is evidence of our failures. It is a revelation of our lack of foresight, of possessing great riches, yet failing to use them to make ourselves, and keep ourselves, the world's strongest power, although to do less is to invite national extinction.

Mr. Khrushchev, having outrun us, is not one to let our grass grow under his feet. "It would be naive to think," he has said, "that we are going * * * to sit with arms folded" while the Americans "make every effort to raise their rocketry from the state it is now in and reach a better position." But before considering this, let us place the problem in perspective.

Men have anciently yearned for a universal commonwealth. Now we have it. But it is a commonwealth of fear kept going by a precarious balance of terror, a chilling oscillation between negotiation and incineration.

We endure in an era of total crisis. The great truths are denied. Black becomes white, the horizontal vertical. Whole states—as Estonia, Latvia, Lithuania, Tibet—sink from sight. Whole countries—as Hungary—languish behind bars. An ancient culture—as China's—is shattered and remade overnight into the largest anthill slave state men have ever known.

All the world's parts, for the first time, are simultaneously out of joint. And while horrors stalk the earth, weapons of potential universal destruction are hurled to the stars, or into the Pacific not too far from our shores. Everywhere the implacable cage stalks the unwary bird.

Our communications instruments are superb. Yet over huge areas the telephone is silent, the postman is frozen in his rounds, the airplane dare not land. We cannot communicate with the Russian people who occupy one-sixth of the earth's surface nor with the Red Chinese who compose about one-fifth of the world's population. Perhaps half of humanity lies beyond our hailing.

Where do we stand? What is our so-called peace? Is it not a monstrous make-believe to which men lend credence so that thereby they may have the prospect of another day under the sun?

The captains and the kings depart. Yesterday's empires—from Britain's to Japan's—are today dust. The world's stage lately occupied by several powers has been cleared of all but two giant protagonists. They are engaged in deadly conflict even if they are not in physical combat. The one holds half the world in its fist. The other haltingly sustains the remaining half.

We have never faced an antagonist quite like this one. The Soviet Union swiftly leaped from the oxcart to the moon; rose from a second-rate underdeveloped country to loom menacingly over the world.

Master of complex technologies, primitive and advanced, her soldiers march with black bread in their hands and the awful secrets of nuclear fission in their minds. Their leaders are obsessed by a dedicated sense of mission to dominate mankind. It long antedates Karl Marx and it did not falter when the Germans stood at Moscow's gates. Even as we sent stupendous quantities of munitions to the Soviet Union during the war Stalin was plotting for our demise in the postwar period.

Elsewhere, a colossal specter rises in the Far East. It commands the world's largest labor force. At this time 100 million people—a group exceeding half of our total population—are building the world's greatest network of hydroelectric stations, irrigation canals, and dams. Red China is attempting within one generation an enterprise greater than any undertaken by man: that of catching up, in this short time, with the most advanced industrialized nations. Many experts believe she will become a major industrial power during the late sixties.

China's vast population grows. Soon one in three, or one in four, of all men will be Chinese. Awesomely industrious, tough, inured to hardship, China's millions are as the fingers of the hand manipulated by their determined and ruthless masters. They direct a revolution unparalleled in this dimension which, in its pitilessness, has swiftly destroyed a culture ancient when Christ was born.

We may expect that within foreseeable time the fingers will become a clenched fist prepared to smash all that stands in the path of China's domination of the Asian reaches, their resources, and the nearly three-quarters of a billion people who inhabit them.

Returning to the Soviet Union we find that Mr. Khrushchev, even as he bade goodby to these American hosts, repeated what he has often said: "Communism would take us over." Given communism's unrelenting objective—world domination—this goal is logical. We must be the first to go by one means or another. For when the free world's shield is broken those whom it shelters become defenseless.

We have been warned, but have we heard? If we should perish it will not be for lack of warning but for lack of the will to survive.

In this context there is something new under the sun. It is a newness illuminated by the fact that the sun itself is no longer inviolate and unattainable. For the first time a would-be conqueror could win the world; win it in perhaps 30 minutes. He might succeed where others, from Genghis Khan to Hitler, had failed.

How almost overwhelming, then, must be the temptation to such a one to act? How nearly irresistible the compulsion to use his ocean-spanning, catastrophic weapons? How intoxicating the vision that, winning, the world would be one state to do his bidding with its people as his puppets, its continents as his provinces and its seas as his lakes?

How must the aspirant conqueror be moved when he contrasts the position of his country and ours at the end of the war—only 15 years ago—and today? For among nations, as among individuals, what ultimately counts is not being but becoming.

At the war's end we were, incomparably, the world's strongest power, commanding the mightiest fighting force ever assembled, and a monopoly of atomic weapons. Our wartime casualties had been small, our homeland was untouched, our farms and factories had hugely expanded. The world's gold flowed to us. The world's trade fell to us as former rivals were removed from competition. We stood upon the heights of power, prestige, riches. We had arrived.

What of the Soviet Union in 1945? She did not announce her casualties lest they reveal her grave weakness. But they were on the order of 20 million people. She suffered an enormous loss of houses, factories, powerplants, domestic animals. Many thought that for years to come her energies would be absorbed by domestic reconstruction.

But she quickly repaired her war damages. Then she built a giant heavy industry, created new cities, opened vast new lands to cultivation. Above all she advanced education in a mighty surge of passionate and determined effort. For, writes Dr. Lawrence Derthick, U.S. Commissioner of Education:

"The Russians have decided that education is the best means of winning their place in the sun—and on the moon. * * * The Soviet Union is like one vast college campus on the eve of a football game with its greatest rival. That rival is the United States."

This is the mark of our antagonist:

Forty-four years ago communism was confined to a rented room in Zurich, Switzerland. Today it dominates one-third of the earth containing 40 percent of the population and a third of the industrial power.

The Soviet Union's trained cadres operate throughout Southeast Asia, and are now appearing in countries on our doorstep. Promoters of communism swarm over Africa and Latin America. In Egypt the Soviet Union is constructing spectacular works that will dominate world headlines for years to come and enable her to tighten her grip on the strategic Middle East where no former Russian regime had ever been able to penetrate. At the same time she lends money to free-world countries and builds great mills for them as in India. The Soviet Union is on the move.

Thus Lenin's "strategy of encirclement" is not only being fulfilled—it is moving ahead of schedule.

Surprisingly to the West, the Soviet Union exploded an atomic bomb only 4 years after the war's end. Four years later she exploded a hydrogen bomb. Now abreast of us in this field, she forged ahead of us in the conquest of space as she launched man's first satellite and was first to the moon.

She maintains vast armies, and a navy second to ours. No power has ever had, in peacetime, so many submarines. They number 450; two-thirds of them long-range ocean patrol types. In 1956 alone Soviet shipyards built 100 submarines, or one every third or fourth day during the year. This is as many submarines as we have in our entire fleet.

In addition the Soviet Union is mounting a worldwide trade offensive aimed primarily at us. Hence the challenge to us is total. It involves the military, the political, the intellectual, and the industrial. The measures of our antagonist cannot be countered by half measures or by halfhearted competition.

If, Mr. Khrushchev must reason, his country has come so far so fast, how much will it forge ahead of us in the future unless we greatly step up our pace in education, weapons, foreign aid, and foreign trade? But how shall we excel in these fields if we are more concerned with keeping up with the Joneses than surpassing the challenges of Khrushchevs?

How shall others appraise us—to consider only one phase of the struggle—in the light of Dr. Wernher von Braun's remarks about the conquest of space?

Last year he said the Russians disregarded our efforts. "The Russians appear so sure of their technological leadership," he observed, "and their ability to retain the initiative that they do not even consider the possibility someone else might beat them to the moon * * *."

They were right. They got there first.

Gen. Bernard Schriever has also said that there is "very much evidence" that Russia has greatly strengthened its bomber defenses. But the aircraft that might not be able to get through may not even be able to demonstrate their impotence. "For," states Gen. Thomas Power, Chief of the Strategic Air Command, "our bomber bases are vulnerable to surprise attack."

Generals are not to reason why. Their Commander in Chief complains that "too many generals have all sorts of ideas."

Yet mankind moves on ideas. Men with ideas are the makers and shakers of the world. The larger their number serving the country the more fruitful and vigorous the country. But few men of ideas come to Washington. They are not likely to seek service in a government which is scornful of their kind.

Next year, says Representative GEORGE H. MAHON, able chairman of the House Defense Appropriations Committee, America is going into a 2- or 3-year period when the Soviet Union's missile superiority will present "the most frighteningly important situation that we have had in our lives."

Recently three well-informed witnesses appeared before Senator HENRY M. JACKSON's Subcommittee on National Policy Machinery.

The first was Robert A. Lovett, a Wall Street banker, a Republican, and a Secretary of Defense in the Truman administration.

He criticized the Defense Department for "its constant increase in committees (which) has reached a point where they are no longer mere nuisances, but have become positive menaces to the prompt and orderly conduct of business."

In executive session, Mr. Lovett indicated his belief that President Eisenhower leads a dangerously sheltered life as Chief Executive of the Nation. For, he said, the National Security Council protects Mr. Eisenhower from the debates that precede policy decisions.

Mr. Lovett was firmly convinced "we are doing something short of our best" in meeting the "deadly challenge by an implacable, crafty and openly contemptuous enemy."

Finally, he said that the Budget Bureau has authority without responsibility in setting defense policy.

"I would not," said Mr. Lovett, "hesitate to increase the budget."

Mr. Lovett, I repeat, has had an enormous experience with our defense requirements. He is a leading Wall Street banker with a wide knowledge of financing, including Government financing, and is a lifelong member of the Republican Party.

A day later Mr. Robert Sprague testified. An industrialist, chairman of the Federal Reserve Bank of Boston, and consultant to the National Security Council, he also is a lifelong Republican.

Even more outspoken than Mr. Lovett, Mr. Sprague said, "The idea that an increase in spending for survival will bankrupt us is, to put a plain word on it, 'silly'." He pointed out that the Russians put 25 percent of their gross national product into military preparations, while the United States devotes only 9 percent of its gross national product to national security.

Mr. Sprague insisted that the United States be awakened to the scope of the overall Russian threat to us. But who is to ring the alarm bell?

"There is only one man in the United States that can do this effectively, and that is the President," said Mr. Sprague. He continued: "I believe, and this is a personal belief, that the danger is more serious than the President has indicated to the American public."

There ensued then this colloquy:

"Senator EDMUND S. MUSKIE. I gather that you consider our present military program inadequate to the needs?

"Mr. SPRAGUE. That is correct, Senator.

"Senator MUSKIE. And I gather that you consider the deficiencies a threat to our survival?

"Mr. SPRAGUE. I do."

Another critic of the administration's defense policy was Mr. Thomas Watson, Jr., president of International Business Machines Corp. He said:

"We may gain peace of mind by mixing our own doubts about our abilities in rocketry with thoughts of the superiority of our Air Force and other weapons. However, this kind of thinking is not conducive to long-term world leadership."

Asked if he felt the military budget adequate, Mr. Watson replied:

"I do not believe the adequacy of our defense posture can be discussed in the same context as inflation."

Then he went on: "I do not agree with people who suggest that we must not push our economy to any point necessary to win in competing with the Soviet because then we might lose what made our country great. Our national goal should be clear superiority over the Soviet Union in all possible areas, and we should believe enough in our democracy so that we will not be reluctant to enter fully into the contest."

These men believe that our survival is imperiled; that we are not doing enough to assure our security to the greatest degree possible; that we should do more; and if it costs more to do more we ought to pay for it in the spirit of "damn the torpedoes, go ahead."

But let there be no mistake about this. If we are to have peace we must have a high degree of discipline at home. We must understand—and the President is the only man among us who can bring this forcibly to the Nation—that waging peace in our times is a task of formidable proportions second only to waging war.

The successful waging of peace requires a vigorous national administration, an informed people, and a mature people who know that you cannot be adult without

being willing to pay for what you want. It is only in heaven that you can eat your cake and have it too.

This is the melancholy pass to which we have come. It is like the common story of the rich, miserly recluse found starving. There has never been a time when we did not have the resources of men, money, and access to knowledge that might have given us a wide lead over any aggressor and make attack upon us suicidal. Yet we have apparently believed we could not afford to spend enough to secure our liberties.

Money plainly is not power. It is only potential power. It becomes a real power only when used in quantities sufficient to the task. Today although the walls of our world might be tumbled down tomorrow, all our gold could not produce a single missile or enable us to hurl a rocket to the moon.

We must abandon the perilous notion that we can afford security only within the straitjacket of the budget. This is equivalent to throwing 3 feet of rope to a drowning man who is 6 feet away.

If we had tried to fight the last war within the budget, we would have lost. Congress did not say to the Air Force: "For budgetary reasons we can allot you only $2 billion." On the contrary, it said: "Tell us your requirements and we'll find the money."

Since we are now in deadly conflict with a prodigious antagonist, we can neglect nothing that might assure our security. So doing, we might waste some money. But failing, we would lose our lives.

There is no room here for margin of error. Gone are the days of the last two world wars when we could go to the battlefield in our own good time and retrieve the balance. In 30 minutes we could now go from national existence to national death.

Certain it is that we cannot escape biology. When white men came here the Indians wanted what we want: to be let alone. But they were not let alone and could not stand against their antagonists. In the pitiless universe, plants, animals, or men struggle hard enough to survive or they disappear. The Indians are gone. History records their passing. But nature does not weep for them. She is concerned only with the survival of the species; not with some segment of it, not even with the survival of Americans.

Where do we stand? We stand today a nation with prodigious resources, able to afford private luxuries incomparable in history, but trailing the Soviet Union in science, space, armament, and most recently the winter Olympics. Rich in the private sector of our economy, we are poor in the public sector, and we will get poorer if we follow the admonition of our Secretary of Commerce, who branded any politician as irresponsible or an economic illiterate if he were to try to "drain from the bloodstream of the private economy the savings urgently needed * * * for growth."

Look but at the growth we get. Television repairmen being paid more than teachers; 200,000 fewer scientists and engineers than the Soviet Union with half as many college graduates; toilet water at every drugstore; and polluted streams in every State.

Without a sense of purpose we are not able to put our enormous productive capacities to the needs of the Nation. It's every man for himself, and the Nation take what's left.

Of course, if we think Khrushchev was only kidding when he said he would bury us, we have no need to worry. But I, for one, believe our security is at stake. And yet, we stand as a nation, a 20th century Babylon, headless and heartless, a big, fat target for the ably led Communist world and the clamoring, poverty-ridden new states.

Even if we don't know where we stand in the world—even if we would rather not know—it is a fact that we cannot hide our image from the world and this image is as important as any "foreign policy" we might devise.

The challenge to us arises partly from the arrival on the world scene of the Soviet Union, but the challenge also arises from what we have let ourselves become.

The American people ought to be told the bleak truth about their world, the character of the forces arrayed against them, and what they must do, at whatever cost, to survive or even to bring about a state of high security. They must be told that, however humane their society, whatever its ideals, this alone will not save them from destruction by a society armed with the prodigious mechanisms of our times and an implacable determination to dominate all men.

They must be told, furthermore, that the problems they face are incapable of solution within their time or the time of their children; that for decades to come the life of humanity will be threatened by the lava flow emerging from the greatest eruption of all time. They must be reminded of what history and experience demonstrate: That merely because something is desirable does not mean that it will necessarily come to pass; that things men have longed for during centuries are as far from being realized now as they were in the days of Babylon.

The people must be told, too, that it will not be enough simply to react to the Soviet threat and to clean our domestic Augean stables. Goals we must have to which we and mankind may aspire. And once the goals are clarified we must have the fortitude and the patience and the means to attain them.

You have been kind and patient and it is time to bring these remarks to a close. But I cannot conclude without at least a word about what we should do now, about all of this.

Of course, there are many things that need to be done, but there is one thing without which none of them will be done. That indispensable element is the placing of the responsibility for governing and the power to govern this country in the hands of one or the other of the political parties.

I realize that politics has become a naughty word in America, but as long as we retain our constitutional system, political parties are necessary evils. Unless we give the control of both the legislative and the executive branches of our Government to the same party we are courting disaster. There is no other way short of a dictatorship to focus the tremendous talents and the potential power of our people upon the problems which confront us.

It is within the classic tradition of democracy that this particular duty is the exclusive responsibility of the citizen voters of this great Republic, and none of these citizens bear a greater responsibility than those who have had the good fortune to attend Harvard University.

The Byelorussian Story: A Spirit That Cannot Die

EXTENSION OF REMARKS
OF
HON. DONALD J. IRWIN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. IRWIN. Mr. Speaker, March 25 was the anniversary of that momentous day in 1918 when a nation enslaved for centuries proclaimed independence for its people and established the Byelorussian Democratic Republic.

Centuries of suppression by czarist Russia had failed, it was clear on that day, to plunder the ethnic and national ideals of those people. The new imperialistic regime of the Russian Communists relentlessly trod over the Byelorussians just 3 years later, and once again subjugated them to dictatorial suppression.

What has taken place since then illustrates to the world that the Byelorussian hope of liberty and independence, whetted 42 years ago for just a brief span, is undying. Soviet Russia has been unable with its dictatorial forces and subtle propaganda to rob Byelorussia of its ideologies, language, culture, and hope for freedom.

In saluting this dauntless people today, we express hope that the time will not be long in coming when they will again enjoy the freedom which is their national destiny.

Impressive Photographic Exhibition in Connection With the White House Conference on Children and Youth

EXTENSION OF REMARKS
OF
HON. KENNETH B. KEATING
OF NEW YORK
IN THE SENATE OF THE UNITED STATES
Monday, March 28, 1960

Mr. KEATING. Mr. President, all of us are aware that the White House Conference on Children and Youth is now getting under way. Some 7,000 delegates have come to Washington from all over the country to participate in these important deliberations. In connection with the Conference, I should like to call to the attention of the Senate an impressive photographic exhibit which has been assembled especially for this occasion.

I ask unanimous consent that a statement I have prepared on the subject be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KEATING

The subject of this exhibition is the hope of this Nation—its young people. In 350 distinguished photographs, the selective eye of the camera has recorded the hopes and fears, the loves and problems, the triumphs and disappointments of individuals growing up in America.

The 50th Anniversary White House Conference on Children and Youth, called by President Eisenhower, is charged with the great responsibility of planning to help youth build their world for tomorrow. The photographic exhibit on display in the West Ballroom of the Hotel Shoreham visualizes the many challenges that face delegates to the Conference.

There are expressions of a universal nature: the infant's abiding love for its mother, a child's discovery of life's magic in animals and flowers, youth's urge to rebel against what his sometimes illogical nature finds an unfair constriction of authority.

Other pictures focus on particularly American aspects of life: the adolescent boy's engrossing interest in automobiles, the relaxed give and take of learning in a democratic classroom, the problems of providing

equal opportunities for all groups of American youth.

I commend to the attention of Senators this panorama of 350 pictures, which have been generously provided by many leading photographers and organizations, and then, as a public service, edited and assembled for the Conference by the Eastman Kodak Co. of Rochester, N.Y.

In a very real sense this exhibition, which will later be seen in other cities in America and abroad, illustrates the many fruitful discussions taking place in the sessions of the White House Conference. In as real a sense, it has significant meaning in relation to what we say in this Chamber now and in years to come. The camera has recorded the hopes for this country's future, which, in large measure, it is our task to make real.

Hearing Scheduled on H.R. 8146, Affecting Panama Canal Construction Workers With Less Than 3 Years' Service

EXTENSION OF REMARKS
OF
HON. LEONOR K. SULLIVAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mrs. SULLIVAN. Mr. Speaker, a number of Members of the House have spoken to me or have written to me in recent days to inquire about the status of H.R. 8146 now pending before the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries. I am placing this statement in the CONGRESSIONAL RECORD for the information of other Members who might also be interested in this matter. Hearings on this bill are scheduled to commence Tuesday, April 12.

A word of explanation might be in order, and as chairman of the Subcommittee on the Panama Canal I am happy to explain the background of this matter.

Over a period of many years, Congress received requests from construction workers who helped build the canal a half century ago to provide some sort of annuity in recognition of this service. In 1944 Congress enacted a law extending annuities to all Roosevelt medalholders who had served at least 3 years on the isthmus during the construction of the canal. Ever since, the Congress has received requests from other Roosevelt medalholders with more than 2 but less than 3 years of service to have the act amended to include them, too.

This proposal was considered last June 2 and turned down, on the grounds that if the minimum period of service for these noncontributory annuities is reduced to 2 years, it will still cause arbitrary hardship to those with almost but not quite 2 years of service, and eventually, it would have to be extended in all fairness to everyone who spent any time at all on the construction job. I am merely citing the arguments used against the proposal, not prejudging the issue.

Last year when I set up a hearing on this issue, time was provided to all who wished to be heard. All phases of the controversy were covered in detail. A spokesman for the group which seeks to be included testified for almost the entire morning, covering every conceivable argument in favor of the change. Immediately thereafter, the subcommittee voted unanimously to table all bills before us on this subject for the remainder of this Congress. Later in that session, H.R. 8146 was introduced. It is similar to the bills we tabled.

This year a new drive was undertaken by the persons who would be recipients of annuities under a relaxation of the service requirements, and Members of Congress were in receipt of many letters complaining that I, as chairman of the subcommittee, was preventing H.R. 8146 from being considered. I would never want to be pictured in that light. I have tried to make clear to the people involved that the entire subcommittee felt the issue had been thoroughly explored and that there was therefore no chance of any legislation being enacted on this matter in this Congress. However, I said if the subcommittee wanted to reopen hearings, I would certainly schedule them.

As a result of the letters received by many Members of Congress urging action on this legislation, our subcommittee has decided to schedule new hearings, if only to assure all concerned that we never have a closed mind on any subject. However, unless new facts are presented above and beyond the information we have received in previous hearings, I doubt very seriously that the results will be any different.

If any Members wish to testify or submit statements for the record, we will be glad to receive their testimony. Furthermore, we have issued an open invitation to the former Panama Canal construction workers to submit any additional facts they may have on the merits of their case.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of March 26, 1960:

WASHINGTON REPORT
(By Congressman BRUCE ALGER, Fifth District, Texas)

MARCH 26, 1960.

The social security law, due as usual for election-year changes, is before the Ways and Means Committee in executive session. The Forand bill (medical care for OASI recipients) has taken the spotlight, it is true, but other broadening extensions and increased costs will come up, too. Perhaps it is timely, therefore, to raise questions concerning the basic concept of the social security program. Implicit in such questions is the realization that basic fallacies or flaws could destroy the program, despite the well-intentioned hopes of its advocates. After all, many citizens depend on social security income totally or in part for their financial security.

Questions which suggest themselves concern: (1) Compulsion: There is no freedom of choice. Both the cost in OASI taxes and popular reliance on the program preclude individuals taking out private insurance or investing to provide their future income. However, there is no assured return of money, as there is with investment programs. If, in later years, outside income beyond a modest limit is earned, all social security payments must be forefeited by some. (2) The program at best is questionable as to actuarial soundness—as to whether enough tax money will continue to come in to pay the required benefits. Why? (a) The program assumes a continually high and/or rising income to our people. Declining income is not considered a possibility. (b) Another assumption is that there will be an increasing number of new entrants into the program to keep picking up the tab for the older people as recipients of benefit payments. Also, to whatever extent future population growth rate may decrease and longevity increase, our "average age" is getting older and the program more costly. (c) Higher and higher taxes must be levied continually to cover the increasing cost; (present 6 percent tax already slated to rise to 9 percent, presuming no further benefits are added). (3) The program is based on politics and Government paternalism, rather than sound economics. (Note the biannual changes—every election year.) At any time it can be changed as to taxes, benefits, or coverage; or it can be voted out.

Senator GOLDWATER, in a Dallas speech, presented a challenging view of our foreign affairs. In too-brief condensation, he said: (1) We must win any war, cold war included. (2) Our strategy must be to assume the offensive—to pick the places of engagement, the times, and the weapons. (3) We must always strive for military superiority. (4) We must keep America strong economically in freedom. (5) We must always act strong. We want respect first, after which friendship will follow. (6) Foreign aid dispensed in enlightened self-interest, to gain our objectives. (7) We must declare world communism an outlaw movement and deny recognition to Russia. (8) We should encourage captive nations to revolt against communism. (9) We should encourage friendly nations to regain their homelands, as China. (10) We must always be prepared to risk war rather than further appeasement. It is all-out war against enslavement, or peace with freedom. There is no middle ground. The Russians want to destroy our will to resist so we will fall like a ripe plum.

Our defense capability provides some interesting figures. Here are some facts. We now have: (1) Over 1,500 SAC bombers (mobile nuclear missile launching platforms). (2) Over 1,000 jet B–47's. (3) Several hundred jet 52's. (4) 15 carriers with 50 planes each. (5) Hundreds of tactical bombers throughout Europe and the Far East. As for missiles: Between now and 1963, we will have 130 Atlas 6,000-mile-range missiles, 140 Titans for a total of 270 long-range missiles on hardened missile pads; (2) 128 Polaris missiles with range capability (aboard a nuclear-powered sub) of an ICBM; (3) 120 medium-range missiles, Jupiter and Thor, based in range of key Soviet targets. Minimum total of all these missiles is 518, any one of which is capable of destroying an entire Russian city. In contrast, by 1963 Russia is expected to have 300 long-range missiles capable of hitting U.S. targets.

The civil rights debate in the House has ended and the bill passed. Now it goes to the Senate for adoption and or change.

Amendments offered by southern members in the House were all defeated finally, as though southern sponsorship were enough to kill any change suggested. Some defeats included moves to: (1) Limit Federal court appointment of referees to elections involving Federal officials; (2) add a qualification that referees be learned in State and Federal election laws; (3) Delete provision for ex parte hearing of applicants by voting referees; (4) Retain State control over State election records.

The most unreasonable defeat to the southerners was the rejection of a "freedom of speech" amendment which would remove the words "or by any threatening letter or communication" from the bill. Here we are admittedly legislating in a field where Congress "shall pass no law." True, this is a controversy over word definition, even legal grammar (anyone know the difference between "attempts" and "willfully endeavors"?), but the emotional civil rights debate is a dangerous atmosphere for argument. Just one unresolved doubt as to jeopardizing free speech is dangerous. Amendments ruled out of order included: (1) Poll tax abolition; and (2) extending penalties for obstructing court orders to cover all areas, not just school desegregation.

Our Future Is Dependent Upon a Stabilized Dollar

EXTENSION OF REMARKS
OF
HON. BEN F. JENSEN
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. JENSEN. Mr. Speaker, if ever there was a time in the history of our country when economy in Government must be practiced it is now, more so than ever before. This was brought forcibly to the attention of the full House Appropriations Committee on January 20 last, when our Secretary of the Treasury, Robert B. Anderson, and our Budget Director, Maurice Stans, testified before our committee, during which time the following exchange, in part, transpired between Secretary Anderson and me:

Secretary ANDERSON. If the total world should lose confidence in the United States and withdraw gold for that purpose, then we would have an exceedingly serious situation with which to deal. Our obligation, in my judgment, is to be sure that we so conduct ourselves and our country that this does not arise. I think that we do have, as I say, the confidence of other countries, but I believe also that other countries are going to have us under much more critical examination than they have in the past because they are in the position of saying, "How well are you running my stake in your affairs?"

From the standpoint of our being the world's banker and also from the standpoint of how solidly do we maintain the reserve characteristics of our money, that is.

The important thing I would like to point out is that this is rather a new thing for the American economic mind to assimilate. We have gotten into this kind of a position and yet our position and the position of the free world is exceedingly important in relationship to it. We can maintain that confidence if we, from the standpoint of the Government, pursue policies which will lead others to believe that we are going to maintain the purchasing power of our currency and not allow it to erode away.

Mr. JENSEN. Is not the best way to keep the confidence not only of the foreign financiers and foreign nations but also the American people in the stability of the American dollar to spend frugally for Government business?

Secretary ANDERSON. That is part of it; yes.

Mr. JENSEN. It is a big part of it; is it not?

Secretary ANDERSON. Yes.

Mr. JENSEN. Of course it is.

Now, that being a fact, great responsibility rests upon the shoulders of the Director of the Budget and on the Secretary of the Treasury, but an even greater responsibility rests upon the shoulders of Congressmen, and more especially on the shoulders of the members of this committee, the Appropriations Committee of the House of Representatives, where all appropriations are supposed to orginate. That being a fact, it now becomes a national "must," to a greater degree than ever before in the history of America, that we not only defeat any attempts to increase the President's budget, but that we reduce it substantially in order to make sure confidence will be maintained in the stability of the American dollar. If such confidence is not maintained then all is lost. We will have rank inflation and we will lose the confidence of our friends across the seas and we will have chaos on top of chaos in America.

The best example of what takes place in the minds of the American people was exemplified last year when shortly after the opening of the Congress our liberal colleagues introduced many bills which provided for appropriating many, many billions of dollars over and above our regular budget.

The American people spoke out. They flooded their representatives in Congress, and when I say "Congress" I mean the other body also, with demands that expenditures be reduced to a minimum and that all waste and unnecessary expenditures be eliminated. The effect was that the Congress did it because the American people demanded that they do exactly what they had to do in order to keep the American dollar stable.

Mr. Speaker, by so doing, the American people proved again that they are the masters of their own destiny.

I have today introduced the following bill which is a companion bill to the one recently introduced in the Senate by Senators BRIDGES, CURTIS, BYRD of Virginia, and COTTON:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. On or before the fifteenth day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth his estimate of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing and his recommendations with respect to expenditures to be made from funds other than trust funds during such ensuing fiscal year, which shall include an amount not less than $500,000,000 for reduction of the public debt and which shall not exceed such estimate of the receipts. The President in transmitting such budget may recommend measures for raising additional revenue and his recommendations for the expenditure of such additional revenue. If the Congress shall authorize expenditures to be made during such ensuing fiscal year in excess of such estimate of the receipts, it shall not adjourn for more than three days at a time until such action has been taken as may be necessary to balance the budget for such ensuing fiscal year, nor shall it take any such adjournment without having provided for reduction of the public debt during such fiscal year by at least $500,000,000. In case of war or other grave national emergency, if the President shall so recommend, the Congress by a vote of three-fourths of all the Members of each House may suspend the foregoing provisions for balancing the budget and for reduction of the public debt for periods, either successive or otherwise, not exceeding one year each.

"SEC. 2. This article shall take effect on the first day of the calendar year next following the ratification of this article.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Now, Mr. Speaker, and my esteemed colleagues in the Congress, after you have read Secretary Anderson's statement I am sure you will understand how urgent it is that we do all in our power to reduce Federal expenditures to the bare necessities now and that we also pass this bill during this session of Congress.

I only wish space in the CONGRESSIONAL RECORD would permit the inclusion of the entire hearing held with Secretary Anderson and Director Stans, a copy of which I have sent to every banker and a number of other interested people in the Seventh Iowa District upon request.

That hearing, entitled "The Budget for 1961" and available at the House Committee on Appropriations, contains only 135 pages. It should be read by every American who is concerned about the future of our blessed land.

Sympathy for Secretary Seaton

EXTENSION OF REMARKS
OF
HON. CHARLES O. PORTER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. PORTER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following press release and a letter which I wrote to Secretary of the Interior Fred A. Seaton on March 25, 1960. The Al Sarena mine is in my congressional district.

The March 23, 1960, meeting of Texas oil millionaire H. L. Hunt, Secretary of the Interior Seaton, House Minority Leader CHARLES HALLECK, Republican, Indiana, and Senate Minority Leader EVERETT M. DIRKSEN, Republican, Illinois, as reported by a wire service in the Washington Post and Times Herald, drew a letter of condolence from Representative CHARLES O. PORTER, Democrat, of Oregon.

In his letter to Secretary Seaton PORTER said he sympathized with him and added "may Heaven protect you from your friends." The meeting followed the Interior Department's recent rejection of five bids for oil and gas leases that Hunt made on 25,000

acres in the Outer Continental Shelf of Louisiana. The Department said the bids were too low.

The usual appeal to such a decision is through the Bureau of Land Management. Hunt filed a notice that he would appeal directly to the head of the Department. Reportedly this would be the first such direct appeal made under the circumstances.

Representative PORTER'S letter sympathized with Seaton's predicament and commended him for being unavailable for comment and suggested he remain forever unavailable for comment on the interview. PORTER suggested Seaton have a private chat with his Republican friends on the Hill and advise them "Fellows," I'd say, "lay off. I don't care if it is an election year. This business of your squiring a litigant into my private office is embarrassing and even more so when you leave him there with me as though we were a couple of reluctant lovebirds."

The Oregon Congressman told Seaton "I feel sure that you did nothing improper. I remember appreciatively your attitude on Al Sarena." (On an unusual appeal to then-Secretary McKay the lower departments were reversed and title to valuable timber was given to private parties having mining claims. Later Secretary Seaton said no such special appeals would be allowed in the future.)

PORTER recommended that Hunt's attempt to appeal be rejected and that usual procedure be followed. PORTER sent copies of his letter to Senator JAMES E. MURRAY, Democrat, Montana, chairman of the Senate Interior and Insular Affairs Committee, and Representative WAYNE N. ASPINALL, Democrat, Colorado, chairman of the House Interior and Insular Affairs Committee.

The full text of Representative's PORTER'S letter to Secretary Seaton follows:

MARCH 25, 1960.

HON. FRED A. SEATON,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: This is a letter of condolence. You remember the old saying, "I can take care of my enemies but Heaven protect me from my friends." If you have enemies, I don't know of them. The friends to whom I refer are my distinguished colleagues, the affable and obliging minority leaders of the House and Senate, Representative HALLECK and Senator DIRKSEN.

You probably saw the United Press International story in yesterday's Washington Post: "Texas oil millionaire H. L. Hunt, accompanied by the top Republicans in Congress, called yesterday on Secretary of the Interior Fred A. Seaton." The top Republicans were, of course, HALLECK and DIRKSEN.

Your friends said the meeting was "nothing of any consequence—just a personal call on the Secretary" and "just a casual thing, only a pleasantry." Busy as they are, they would have probably done the same thing for any big contributor to the Republican Party.

Tycoon Hunt himself said the meeting was a "routine matter on which I will not make any disclosure at present." He added that he was an old acquaintance and "I am an admirer of his." You, the story noted, were not available for comment.

In sympathizing with you I've tried to figure out just what you could say under these circumstances: "Yes, I know Mr. Hunt. Yes, he was brought to my office by Representative HALLECK and Senator DIRKSEN whose good opinions I cherish. Yes, Mr. Hunt has appealed Interior's rejection of his bids for certain oil and gas leases and he is appealing directly to me, bypassing the Bureau of Land Management. Yes, this has never been done before. Yes, they were with me 40 minutes, then DIRKSEN and HALLECK left and Hunt was with me for another 25 minutes."

So far, so good. But then what? Do you say, "No, I made no deal with him. No, we didn't discuss his appeal." I feel sure that you did nothing improper. I remember appreciatively your attitude on Al Sarena. Oil and some of your predecessors (for example, Teapot Dome) did mix, with scandalous repercussions.

If I were you, I think I would remain forever unavailable for comment on this interview. I would, however, have a private chat with my Republican friends on the Hill. "Fellows," I'd say, "lay off. I don't care if it is an election year. This business of your squiring a litigant into my private office is embarrassing and even more so when you leave him there with me as though we were a couple of reluctant lovebirds."

It may be that the Post story is incomplete in some respects. Perhaps you had arranged for Bureau of Land Management officials to be present throughout the conference although I'm not sure your friends would have liked that. It would have seemed unfriendly for a "personal call" that was a "casual thing" and "only a pleasantry."

I sympathize with you. I have confidence in your integrity and in the integrity, although not the judgment, of Representative HALLECK and Senator DIRKSEN. It is my hope that Mr. Hunt's appeal directly to you will be routed back to the Bureau of Land Management for disposition in the usual manner with the usual safeguards for both the public and the private interests involved. And may Heaven protect you from your friends.

With best wishes.

Sincerely,

CHARLES O. PORTER,
Member of Congress.

H.R. 11313

EXTENSION OF REMARKS
OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1960

Mr. PELLY. Mr. Speaker, recently I introduced H.R. 11313, which amends the Agricultural Act of 1949, as amended, to provide protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States in connection with the employment of workers from Mexico.

Hearings on legislation similar to my bill are presently being held before the Equipment, Supplies, and Manpower Subcommittee of the Committee on Agriculture.

In order to explain to the best advantage the provisions of my bill and the purposes of its introduction, I wish to include my statement presented to the Agriculture Subcommittee in support of this measure:

STATEMENT OF REPRESENTATIVE THOMAS M. PELLY, BEFORE THE EQUIPMENT, SUPPLIES, AND MANPOWER SUBCOMMITTEE, COMMITTEE ON AGRICULTURE, IN SUPPORT OF H.R. 11313, MARCH 28, 1960

I am grateful for this opportunity to testify in support of H.R. 11313. As the sponsor of this bill, I would like to explain briefly the considerations which led me to introduce it.

For some time I have been deeply concerned because of the deep-seated problems created by the presence each year of about half a million foreign farmworkers. From their wartime introduction, when it is true they were most necessary, their numbers have swelled from 90,000 to nearly 500,000 last year. I am convinced that their consistent appearance, year after year for nearly two decades, and in greatly increased numbers, has had a most serious effect upon the employers involved, upon our seasonal domestic workers, and upon certain segments of our agricultural economy.

Recently I have had the occasion to read the report of the consultants appointed by Secretary of Labor Mitchell to review carefully and independently the operations and the effect of the Mexican labor program. This carefully written, dispassionately presented analysis by individuals with no self-interest at stake is a most persuasive one which, I believe, might well present a general avenue for congressional action.

I would call your attention particularly to what is known of the effect of the large-scale use of Mexican workers upon our own farm labor force. I am told that we have a surplus of farm labor in this country—that there is more underemployment in the agricultural worker occupation than in any other major occupational group. I know from the Department of Agriculture reports that farmworker wage rates are far below those paid by any other major industry. I know that agricultural workers are a class apart so far as the protection of many of our labor standards and protective laws are concerned—workmen's compensation, unemployment insurance, minimum wage, and even in protection of the right to organize.

Yet this class of impoverished, underemployed, unprotected workers at the bottom rung of the U.S. economic ladder are the only group of U.S. workers exposed to systematic, Government-arranged competition by a large mass of temporary foreign contract workers. It takes no economist to persuade me that this type of competition, augmentation of the labor supply, can have no effect but to delay improvement of employment opportunities for U.S. farmworkers and to delay or to prevent improvement in the wage structure which might otherwise occur through the influence of labor shortages. That a U.S. Government program is contributing in this manner to the prevention of the welfare of such a group of U.S. workers is, I assert, a tragic, indefensible miscarriage of justice and a blot on the conscience of all thinking Americans.

In passing I would observe that this is not a matter only of our own conscience; it is importantly a matter of the appearance that we Americans give to the rest of the world and particularly to the peoples of the underdeveloped nations—the peoples in whose hands the future of this civilization may rest. These underdeveloped nations have a predominance of their population on the land—often themselves the victims of incredible hardship, deprivation, and exploitation. We seek to encourage these populations and their leaders to look to Western ways—to the example of U.S. democratic and economic methods. We seek to demonstrate to them that our way to economic development is better than and as fast as the way of regimentation by Communist overlords. Then the example that we hold forth to them is that of what the distinguished Secretary of Labor James P. Mitchell has called the "excluded Americans" deprived of all normal protections, paid such low wages that wives, children, grandmothers, and every able-bodied family member must work, and deliberately placed in competition with the hungry millions of underdeveloped Latin Americans. I understand that already this situation has not gone unnoticed in the halls of the United Nations.

In passing, also I must observe that the employers of my own State of Washington who depend almost exclusively on U.S. workers and who commonly pay from $1.25

per hour up have considerable reason to object violently to the price-lowering effect of production in large quantities elsewhere by foreign labor brought in at wages as low as 50 cents per hour and even less. I am amazed that the farm organizations do not better represent the interests of the farmers of the northern half of the country where the use of Mexican workers is relatively minor and wage rates for domestic workers, relatively more adequate.

These are a few of the reasons which have led me to introduce H.R. 11313. These considerations have persuaded me that the only proper position for those interested in economic justice and the application of Christian principles to daily affairs is to oppose continuation of the Mexican labor program for any period of time—unless it is substantially amended. The amendments which I suggest in the bill before this subcommittee are generally parallel to those recommended by the consultants to Secretary of Labor Mitchell.

My bill is different in one respect which I wish to emphasize. In setting out a proposed termination date of July 1, 1969, I am not suggesting that as the time at which the future of the program should again be considered. Rather I am suggesting that date as a final termination date for this program—placed far enough in the future to give ample notice to all economic interests affected. Enough time to develop the domestic labor supply capability which through atrophy some growers and communities may have lost is, in my opinion, of vital importance.

My bill provides that the program may be tapered off during that period. I have chosen not to suggest a rigid percentage reduction each year, preferring to leave to the Secretary of Labor the judgment as to when the decline would be sharper and when it should be less sharp than a straightline trend. I do not regard the 1969 date as necessarily sacrosanct; what I do regard as fundamental is that without further delay a final termination for this program be agreed upon and made the basis of planning by all interested parties.

Thank you, Mr. Chairman and members of the subcommittee, for permitting me to offer this explanation.

Senator Talmadge on "Meet the Press"

EXTENSION OF REMARKS

OF

HON. JOHN STENNIS

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES

Monday, March 28, 1960

Mr. STENNIS. Mr. President, one of the most sincere, and able Senators in this body, the junior Senator from Georgia, recently—March 6, 1960—appeared on the NBC network's "Meet the Press." On this program, with his characteristic logic and convincing reasoning, he presented many of the key reasons why the pending civil rights legislation should be defeated.

In a subsequent column—March 15, 1960—the distinguished journalist, David Lawrence, commented on this program, the scant attention paid to it by the northern press, and then quoted liberally from Senator TALMADGE's presentation—made extemporaneously in answer to searching, and sometimes hostile, questions of members of the panel. As Mr. Lawrence said, he did a "masterful job."

For the benefit of Senators who did not have an opportunity to hear the program, and for the general public, I ask unanimous consent that the text of "Meet the Press" for March 6, 1960, be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

THE NATIONAL BROADCASTING CO. PRESENTS—
MEET THE PRESS

(Produced by Lawrence E. Spivak—Guest: Senator HERMAN E. TALMADGE, Democrat, of Georgia)

ANNOUNCER. Now "Meet the Press," produced by Lawrence E. Spivak. Remember that the questions asked by the members of the panel do not necessarily reflect their point of view; it is their way of getting the story for you.

Mr. BROOKS. Welcome again to "Meet the Press." Our guest today is Senator HERMAN TALMADGE, of Georgia, one of the leaders in the battle by southern Democrats against civil rights legislation. Tomorrow the Senate begins the second week of its record-breaking debate after 6 days of day and night speechmaking. There is only a faint prospect of a compromise. Senator TALMADGE held the floor last night as the Senate recessed after 82 hours of continuous session. His own speeches this week total more than 6 hours. In 1959 Senator TALMADGE took an active part in the southerner's battle to preserve the Senate tradition of unlimited debate. He began his career in politics by managing the governorship campaigns of his father, the late Eugene Talmadge. He himself served for 6 years as Governor before his election to the Senate in 1956. He is an attorney and a businessman, but he prefers to be known as a farmer. He owns two large farms in Georgia.

Mr. MCCORMICK. Senator, what will be the result of this great debate? Don't you think the southerners will have to accept some legislation, at least on voting rights for example?

Senator TALMADGE. I don't think anyone can foretell what the ultimate conclusion will be at the present time. I would say that there are adequate laws already on the statute books, both State and Federal, to guarantee the right of any citizen to vote, provided he is legally qualified in accordance with his State laws.

Mr. MCCORMICK. Do you think the longer and more strenuously the South fights this the harsher the legislation will be when it finally comes and the more outbreaks of disturbances you will have in your own part of the country?

Senator TALMADGE. I would hope, of course, that the Congress of the United States would not follow the efforts of some to enforce the second reconstruction on the South. I am very happy that in my own State we have had no outbreaks of violence of any kind. I hope that that situation continues.

Mrs. MCCLENDON. You say we don't need any more laws to protect the civil rights of Negroes in the South. Then, what can people like yourself, who don't believe in persecuting Negroes, do to insure that the people in your own State don't keep Negroes from voting, like the people in Alabama kept the Tuskogee professors from voting?

Senator TALMADGE. I would say in answer to your question that here are 17 pages of Federal laws that guarantee every citizen in America the right to vote. There are three different remedies. In my own State we have approximately 175,000 to 185,000 Negroes who are registered and who do vote. They have elected officials within my State. Frequently they are the balance of power in mayors' races and local races of all kinds. The Negroes in Georgia do vote in very substantial numbers. In some counties in Georgia we have a greater percentage of Negroes registered than we have of the white population. In three counties in Georgia we have more Negroes registered and voting than there are white people. So that is wholly misinformation that you have received.

Mrs. MCCLENDON. Yes, but there are other areas where you have it gerrymandered so there are just a few Negroes, or if there are more Negroes, they don't get credit for their votes.

Senator TALMADGE. We have no gerrymandering anywhere within my State.

Mrs. MCCLENDON. Don't you think you should conduct a campaign to get the people to get out the Negro vote?

Senator TALMADGE. The junior chamber of commerce in my State usually has an annual project to urge all citizens to register and get out the vote. All citizens who are qualified have been encouraged to vote. We can't help it if some citizens don't exercise that right. My colleague, Senator RUSSELL, inserted in the RECORD this past week a statement by the leader of the National Association for the Advancement of Colored People in Cleveland, Ohio, which stated that only 25 percent of the Negroes in Cleveland were registered and that of that 25 or 26 percent only about 25 or 26 percent of them voted. We have a much higher percentage than that who are registered in Georgia and a far higher percentage vote in Georgia.

Mr. VAN DER LINDEN. We have always considered Tennessee and Texas to be Southern States, and yet we find that the Tennessee Senators, KEFAUVER and GORE, and those from Texas, LYNDON JOHNSON and YARBOROUGH, are giving you no help in your southern filibuster against the civil rights bill. Could you tell us why that is?

Senator TALMADGE. I wouldn't presume to suggest what other Members of the U.S. Senate ought to do. Sometimes it is difficult to determine my own course of action, and certainly every Senator is entitled to vote and to follow his ideas as he sees fit in the Senate.

Mr. VAN DER LINDEN. Speaking of LYNDON JOHNSON, there are some reports that he is losing some of his southern support for the presidential nomination because he is working for a civil rights bill. Do you think he has really been hurt or does he still have a chance for the nomination?

Senator TALMADGE. I have been so busily engaged in fighting this iniquitous, obnoxious, and unconstitutional proposed legislation that I haven't had any time whatever to think of presidential candidates a long time in the future.

Mr. VAN DER LINDEN. Could you think of one for yourself, Senator? Suppose there is a movement in the South as we hear there will be, to have independent electors in some of the States, including Georgia. Could you be drafted to be that candidate?

Senator TALMADGE. I certainly am not a candidate for President or any other national office except the U.S. Senate. I am a realist. I have no illusions about my being elected President or to a lesser office nationally at the present time. I hope I can continue to serve responsibly in the U.S. Senate.

Mr. WILSON. You have undertaken to make it appear here that Negroes are not denied the right to vote in the South, citing your own State of Georgia. The Civil Rights Commission has come to an entirely different conclusion—made an original recommendation on the basis of which some of the legislation now is proposed. Was the Civil Rights Commission completely wrong? Didn't they get the right information on the situation in the South?

Senator TALMADGE. We don't live in a Utopia. I would suggest that our law is not enforced 100 percent everywhere. The Civil

Rights Commission did point out that there are several hundred thousand Puerto Ricans who are disenfranchised in New York State because they cannot speak or write the English language.

Mr. WILSON. What has that to do with Negroes voting in the South?

Senator TALMADGE. You were using the Civil Rights Commission as a final authority in this situation. I wanted to say some of the other things that they reported also. Now, the Senators from New York admit that that situation is true, but they say that they have qualification laws there, and I think New York State ought to have its own qualification laws. We have the same type laws in Georgia and in other Southern States. We have literacy qualifications. The Civil Rights Commission proposed a constitutional amendment that would even permit people who were lunatics and idiots and imbeciles and convicted felons to vote. I don't consider that very authoritative evidence when they make such a recommendation.

Mr. WILSON. You might not consider it authoritative, but wouldn't you have to agree that the overwhelming majority in the U.S. Senate today wishes a new civil rights bill—wishes the 1957 act to be strengthened? Would you agree?

Senator TALMADGE. I would say that in this presidential election year when we elect a President, when we elect a Vice President, and one-third of the Members of the Senate and all of the Congressmen and a great many Governors and statehouse officials, a large number of politicians do pander to the self-interest vote of the National Association for the Advancement of Colored People, and they would like to vote for virtually any legislation that contains the label or the slogan "Civil Rights," regardless of its nature.

Mr. WILSON. Yes, but there was no presidential election in 1957 when the act which is now proposed to be strengthened was originally passed.

Senator TALMADGE. Of course, they anticipate elections. They are ready to appeal to that vote at any time, but they are particularly anxious to appeal to it in a presidential election year.

Mr. WILSON. You just want to go against the overwhelming majority of the Senate, is that your feeling?

Senator TALMADGE. As long as I am a Member of the U.S. Senate I am going to uphold the Constitution of the United States of America. I am going to represent my State and my Nation as I best see fit. And I know that this illegal, obnoxious legislation is not in the best interests, to grant authority to a centralized government in Washington and take it away from the people on the local level.

Mr. WILSON. Let me ask you another question on that particular point: You say this is obnoxious. A large majority of the Senate you admit does not think it is obnoxious. How long do you think that large majority is going to permit what some people call a spectacle to continue?

Senator TALMADGE. I don't consider it a spectacle. As long as I am physically able to continue, I am going to do so, and I can assure you that there are a great many Members of the U.S. Senate who feel likewise. One hundred years following the War Between the States is no time to reenact reconstruction legislation in a much more heinous form than Thaddeus Stevens ever dreamed of himself.

Mr. WILSON. Yet, the Attorney General, the majority of the Senate, a large body of the opinion in this country, do not agree that this is Reconstruction legislation.

Senator TALMADGE. I did not come to the U.S. Senate to practice conformity. I came here to represent my constituents and my country, and I intend to do so.

Mr. WILSON. Nobody is asking you to practice conformity. All people are asking for, as I understand it—and let me ask you this in the form of a question—is an opportunity to vote on the issue. That is all that is being asked for in the Senate?

Senator TALMADGE. There has never been any good legislation defeated by unlimited debate. On the contrary, many, many vicious bills have been defeated by the use of that strategy. During the War Between the States they tried to suspend the writ of habeas corpus. Unlimited debate defeated it in the U.S. Senate.

Mr. WILSON. You do not think it is going to defeat this bill, though, do you?

Senator TALMADGE. I do not presume to guess what it might do. I can tell you as long as I can fight it, I am going to do so.

Mr. BROOKS. Senator, I wonder if we could return to Mr. van der Linden's question about Senator JOHNSON and his presidential ambitions. If the southerners turn thumbs down on JOHNSON for President as a result of his activity in this fight, who might be their candidate?

Senator TALMADGE. I would not presume to know. I have no personal candidate. I do not think my own State delegation has made any choice. I think any thinking in that regard at the present time would be premature.

Mr. BROOKS. Any of the presently avowed candidates, are they softer on the question of civil rights than JOHNSON?

Senator TALMADGE. No. All of the presently avowed candidates for the Democratic presidential nomination support proposals along the lines now pending before the U.S. Senate.

Mr. BROOKS. Should there be a move to cut off debate and that move should be supported by Senator JOHNSON, do you think that might further lose strength for his presidential candidacy?

Senator TALMADGE. I wouldn't want to anticipate "iffy" questions. Right now our problem is fighting this legislation, and right now it requires 24 hours of our time, and certainly we can't take time out to wonder about a presidential candidate July 11.

Mr. BROOKS. Some of your colleagues have expressed alarm over the physical strain of this thing. How are you bearing up?

Senator TALMADGE. Pretty well. Of course, it is a great torture to be put on the grill 24 hours a day, 6 days a week, but fortunately my health is good, and I have been holding up very well under the strain.

Mr. BROOKS. How long do you think you can keep going?

Senator TALMADGE. I think I can keep going indefinitely. I found that during my service in the Navy I could work 7 days a week with about 4 hours sleep a day, and I think I can do as well in the U.S. Senate.

Mr. MCCORMICK. Senator, you compared the figures in Georgia a while ago with the figures in Cleveland. According to the Civil Rights Commission, about 75 percent of the white eligible voters are registered in your State and something around 25 percent of the nonwhite eligible voters are registered. Is that a commendable figure as it stands, do you think?

Senator TALMADGE. Of course, we have literacy qualifications in my State that apply to white and colored prospective voters alike, and no one can make someone assume the obligations and responsibilities of citizenship against their will. In some areas, our white people don't register as well as they ought to. In some areas, our colored people don't register as well as they ought to. But I hold in my hand a photostat of the Cleveland Plain Dealer of Monday, February 29, 1960, and it has a picture of Charles H. Holmes and Harold B. Williams, the officials of the National Association for the Advancement of Colored People in Cleveland, Ohio, and they say that only 26 percent of the Negroes over 21 are registered to vote and that only 26 percent of those registered actually vote. Now we do much better than that in Georgia.

Mr. MCCORMICK. According to the Civil Rights Commission, you don't do much better, but aside from that, do you think two wrongs make a right?

Senator TALMADGE. I certainly don't, but there is no way on earth that anyone can make you register and vote against your will, and I wouldn't presume to try. That is a responsibility and an obligation but no citizen can be forced or coerced to register and vote, and then not all of them have the literacy qualifications. A good many of our white people don't have them.

Mr. MCCORMICK. In that connection, 22 Georgia counties, according to the Civil Rights Commission, have a Negro registration of less than 5 percent of eligible people. Isn't that a tremendous reflection on either your State's educational system or your ability to work up a little enthusiasm for democracy among your people?

Senator TALMADGE. I would say that if it is, there are adequate remedies in our State law, and here are 17 pages of guaranteed voting rights under the Federal law. There are three different rights under the Federal law. First, any citizen who thinks that he is being illegally deprived of the vote can go into the Federal court; he can get an injunction; he can recover damages against the registrar. Second, there is a criminal law. He can be indicted; he can be convicted and sentenced to the Federal penitentiary and fined. And thirdly, there is the Civil Rights Act of 1957 that authorizes this group to have the Attorney General of the United States of America file a suit in the name of the United States of America as their tax-paid private lawyer to enforce their rights.

If those remedies aren't sufficient, there are no laws on the face of the earth that will be.

Mr. MCCORMICK. Just one more thing, Senator. I don't have to point out to you that it was in Terrell County, Ga., that the voting director, or whatever you call him, has in effect defied the Civil Rights Act of 1957 in the face of the Supreme Court decision upholding its validity. How can existing laws get around this open defiance?

Senator TALMADGE. I read his statement. I happen to know that gentleman. He is a graduate of the Harvard Law School. He stated that he would follow the Georgia voting laws, and in doing that, of course, he is performing his duty under the law.

Mrs. MCCLENDON. The Long amendment this past week guaranteeing that the Dirksen substitute bill would not interfere with free speech was voted down in the Senate. I wonder if you feel that the Dirksen bill or the administration bill would cripple the liberties of all the people in the land while attempting to give civil rights to some?

Senator TALMADGE. Why, of course, it would. The very theory of civil rights, that is the present theory of bills now pending before the Congress—and I might say there are over 200 bills in the Senate alone, the last time anyone weighed them they weighed something in excess of 8 pounds; they have quit counting them now, they just weigh them—but it grants rights to one group of citizens that it denies to others. For instance, the Civil Rights Act of 1957: You can't have the Attorney General of the United States as your tax-paid lawyer, yet members of the National Association for the Advancement of Colored People can. You can't have your rights litigated by the chief law enforcement officer of the country. You can't have your defendant rights to a jury trial denied because the Attorney General filed the suit in the name of the United States, but that is what we passed in the Civil Rights Act of 1957.

Mrs. McCLENDON. Do you mean to tell me that under the Civil Rights Act of 1957 that a Negro filing a complaint, has the Attorney General to represent him and that he can do this and a defendant in that case does not have to have a jury trial?

Senator TALMADGE. You have put your finger exactly on it. His right to a jury trial is conditioned by whether the fine exceeds $300 or the jail sentence exceeds 45 days. That is true notwithstanding the Constitution of the United States of America, guaranteeing the right of trial by jury in not one, not two, not three, but in four separate places.

Mr. VAN DER LINDEN. A moment ago I mentioned the move in about half a dozen Southern States to set up machinery whereby they could cast their voes for independent candidates for President if they didn't like the ones produced by the two major conventions. This has seemed to be so alarming to Mr. Paul Butler, the Democratic National Chairman, that he has recently issued a warning to your State and 5 others that they had better not do that because their credentials at the convention in Los Angeles would be challenged. Do you think Mr. Butler's statements like that would be acceptable to your people, or do you think maybe he ought to just quit?

Senator TALMADGE. I doubt if Mr. Butler can speak for the Democratic Party. He has rendered a great disservice to the party already. The party would be much better off if he resigned. It is the duty of the chairman of any political party to try to keep down breaches within the party, to try to heal wounds, and assuage injured feelings, but Mr. Butler has made war on one section of the party. My judgment is he won't last long after the Democratic convention in Los Angeles, come July 11, and the quicker he leaves the party, the better off the Democratic Party will be.

Mr. VAN DER LINDEN. The first part of the Dirksen civil rights bill would make it a Federal crime to obstruct a court order, but only in these school integration cases. Do you know why the court order in only the school cases should be singled out?

Senator TALMADGE. Of course not. It makes it a crime to violate that court order, and that court order alone, when a violation of it is already subject to contempt procedure, but every other court order wouldn't be a crime. But there is one even worse than that. In the second section here, flights to avoid criminal prosecution—where they bomb a church building or a school building. Under that act, it is so discriminatory that someone who fired a five-inch firecracker in a school building in Washington, D.C., and crossed over into Virginia could be tried under the terms of that act. But if some anarchist killed every member of the Supreme Court with a bomb, every member of Congress with bombs, the President of the United States with bombs, he would be exempt. It is a ridiculous thing in the extreme. If it was made uniformly applicable, if it was made constitutional, I could vote for that, where it affects all heinous crimes, but I certainly wouldn't make it apply to a child who shoots a firecracker in a school building and exempt someone who assassinates the President of the United States.

Mr. WILSON. I haven't got it clear yet whether you think there will be any kind of a political backfire in the South this year. Will there be any third party formed? Will there be any kind of an organization to oppose the Democratic nominee in case he is one of those who seems to be a prospect at the present time?

Senator TALMADGE. I think that is premature at the present time. I sometimes wonder how long the Southern Democrats who established the Democratic Party and have nurtured it through all of its years, lean as well as good years, are going to be made the political whipping-boy, year after year, purely for political purposes. Some of these times they are going to begin to resent it, and my judgment is that it is possible this year.

Mr. WILSON. There are 18 of you in the Senate taking part in this filibuster, is that right?

Senator TALMADGE. I don't know that I can speak for any other Senator. I have made speeches at considerable length on the subject, and I am going to do so in the future. All other Senators are better qualified to speak for themselves than I am for them.

Mr. WILSON. The point that I am getting at is that you are really a pretty small minority, and you never have been able to make yourselves effective in national politics for years, not since the two-thirds rule was put through by Roosevelt and Farley, or repealed. The South hasn't been a force in national politics since then, is that right?

Senator TALMADGE. I wouldn't say that the majority is always right. The majority crucified Jesus Christ. The majority is wrong as often as it is right.

Mr. WILSON. Do you mean the majority is trying to crucify the Constitution in this case?

Senator TALMADGE. That is right. Of course, they are. They're trying to crucify the Constitution; they are trying to crucify the South; they are trying to establish a second reconstruction in the South, even more heinous in many forms than the first reconstruction.

Mr. WILSON. No provision in the Constitution for the right to vote without regard to race, creed, or color?

Senator TALMADGE. There are 17 pages of laws that I have demonstrated to this panel; this is the third time. So that is a phony issue.

Mr. WILSON. But the Civil Rights Commission says you are completely wrong Senator.

Senator TALMADGE. I don't accept the Civil Rights Commission report with the same degree of finality that I would the Ten Commandments handed down by the Lord to Moses.

Mr. BROOKS. Senator, I am afraid you are going to have to accept the finality of the program, because our time just ran out. I am sorry to interrupt. Thank you very much, Senator TALMADGE, for being with us.

Medical and Health Care for the Aged

EXTENSION OF REMARKS

OF

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1960

Mr. CURTIS of Missouri. Mr. Speaker, March 23 I placed in the CONGRESSIONAL RECORD, page 6320, a speech that I gave before the American Academy of General Practice—physicians—at Kansas City, Mo. Three weeks later I gave the same speech before the convention of Missouri insurance agents in St. Louis, Mo. As I stated when I placed this in the RECORD, I prepared this speech to be delivered to these seemingly diverse groups. In this speech I discuss the general background of the problem that our society faces of medical care and hospital care for the aged.

I had expressed the belief in that speech that the tremendous progress made in our American society in advancing the well-being of all American citizens had made ineffective the demagogery which was based upon using the Federal Government as a means of transferring wealth from the have to the have-nots. This belief is right now being placed to a more severe test than I had anticipated. I am wondering if indeed it is true that we can have a rational national debate on the subject of Federal spending.

A pressure group which is probably the most effectively organized for political action of any group in our society today has apparently decided to use the problem of medical and hospital care for the aged as an issue to test whether or not this kind of demagogery can still be used successfully. This group is the Americans for Democratic Action, of which the most powerful segment is the Political Committee on Education of the CIO–AFL, dominated by Walter Reuther, a member of the ADA executive committee. The COPE of the CIO–AFL apparently has decided to abandon the issue of the Landrum-Griffin bill for the 1960 campaign and see whether or not they cannot make the Forand bill which professes to meet an aspect of the problem of the medical and hospital care for the aged do in its stead.

Those eligible for disability benefits would not be covered, nor would the measure provide for payments to mental or tuberculosis hospitals.

Despite the fact that old age is relative, and based upon physiological changes, the Social Security Act bases it on birthdays—65 for a man, 62 for a woman.

By this standard, there are now some 15.5 million Americans over 65 who can be called aged.

This group is living evidence that we have the finest system of scientific medicine in the world, and that our standards of living are unparalleled in history.

Each year, our older population will increase. And by 1970 this fortunate Nation can expect to have 20 million people over 65.

But the growing numbers of our aged have, to some extent, caught us unprepared. For example, we are only beginning to understand the waste of human resources involved in arbitrary retirement of these people because of their chronological age.

And so millions of men and women—many of them as healthy and as capable as they were at 40—are shelved long before they should be, long before they want to be.

With retirement, cash income usually drops. And at the same time, the need for health care services increases until it is about twice that of the younger adult.

It is this combination of lower income and greater need for health services that has led some well-meaning people to believe that medical expense is the most critical problem besetting our aged population.

In their opinion, only the Federal Government can provide an adequate answer.

Against this background, let us examine the premises upon which the supporters of H.R. 4700 base their arguments.

Although the health needs of our older people may be greater than those in other age groups, are the aged too poor to pay for their own medical care?

The answer is that some are, but the overwhelming majority are not.

We are told that three-fifths of all people 65 and over have less than $1,000 annual income.

Although in one sense accurate, it would be hard to find a more misleading statistic.

It is equally accurate and just as misleading to state that in 1957—the most recent year to which that misleading figure applies—63.7 percent of all Americans had incomes of $1,000 or less per year.

In 1957 almost half of those persons over 14 years of age also had incomes of $1,000 or less per year. And 47 percent of those between the ages of 14 and 65 had incomes below $1,000 a year.

Supposing we organize a social club with only two requirements for membership: First, that no wives had incomes of their own; and second that all husbands earned at least $25,000 a year.

If we used the same statistical techniques as those employed in compiling the figure of "three-fifths of all people 65 and over have less than $1,000 annual income," we could come up with this statement:

Half the members of this social club have incomes of less than $1,000 a year.

Obviously, the money income figure cited by the Department of Health, Education, and Welfare for those 65 and over is of little help to us in considering the financial problems of the aged.

Income drops after retirement, yes. But no age group is likely to have as favorable a liquid asset position as the aged, 74 percent of whom now own liquid assets in one form or another.

Furthermore, the needs of the aged person are usually modest. The heavy expenses of raising a family are behind. For the most part, homes are paid for. In fact, according to OASI, "almost three in every four beneficiary couples owned their own homes—most of them free of mortgage—and the median equity in nonfarm homes for the homeowners was $8,360."

Only 4 percent live in the homes of relatives.

A survey in 1957 by the National Opinion Research Center determined that only 9.6 percent of those interviewed would be unable to pay a medical bill of $500.

And so when we consider the financial resources of the aged, we can do it sensibly only if we know how many have income from employment, social security, pensions, annuities, savings, investments, insurance, or other assets.

We can only measure financial resources intelligently if we consider them in terms of family income and assets, not individual income and assets.

And when we attempt to figure out the number of people who cannot afford adequate health care, we must know how many already receive it from a religious group, a fraternal group, through membership in a union, as ex-seamen, as members of the Armed Forces, as professional courtesy, as members of specific religious orders, as veterans entitled to compensation and care.

We know, for instance, that 16 percent of the aged are public welfare recipients. As such, under federally aided public assistance programs, they are eligible to receive medical care.

We do not know the answers to questions like these:

How much do the families of the aged help out? And how many of our older people are affluent?

My point is that the economic problems of older people are not only complex and diverse, but difficult to analyze precisely. Yet it is suggested that we take a serious and irreversible legislative action, with tremendously important consequences, with no real guideposts.

We are being asked to grope our way through the statistical darkness on the off-chance that we will stumble into an effective solution.

No one denies that there are instances of severe hardship among our older people—or among any other age group, for that matter. Such cases do exist, although to what degree we can only guess.

Certainly the weight of sound evidence seems to suggest one conclusion:

The financial and health problems of the aged have been considerably exaggerated by the proponents of Forand-type legislation. And on the basis of the facts as we presently know them, it is impossible to justify the creation of a massive Federal mechanism for compulsory national health insurance—even though that mechanism would deal only with a single and somewhat artificially determined category.

Implicit in the thinking of those who support H.R. 4700 is the belief that the health care needs of older people can be conveniently separated from their other needs. Nothing could be a greater mistake. Some of our aged have many needs—in housing, in recreation, in preparation for retirement, in finding acceptance, and understanding within the community, in developing new interests, in using talents, and capabilities.

As an example of how interrelated the needs of the aged can be, a former housing commissioner of the State of New York has pointed out that hospital confinement of older people could be reduced by 20 percent if adequate housing were made available for them.

PRIVATE NURSING HOME LAW WHICH I SPONSORED

Further, the Nation's doctors have repeatedly stated that no person, regardless of age, needs to forgo a physician's services because of inability to pay.

Expert medical testimony before the House Ways and Means Committee establishes another point: the aged have individual health needs. As Dr. Frederick C. Swartz told the Ways and Means Committee:

> Care for any segment of our population—the aged included—calls for a cooperative attack on the problem by nurses, doctors, hospitals, social workers, insurance companies, community leaders, and others. It requires flexibility of medical technique—an ingredient which would unquestionably vanish the moment Government establishes a health program from a blueprint calling for mass treatment.

In the case of the aged, their health problem primarily involves acute illness and the so-called degenerative diseases. In a very large percentage of cases, the main need is not for an expensive hospital stay or a surgical operation, but for medical care at home or in the doctor's office. In other cases, the important requirement is nursing care in the patient's home, or the home of relatives. And in still others, custodial care in a nursing home, or public facility may be the only answer. The point is that the medical needs of this particular segment of the aged are subject to countless variations.

The Forand bill, let me point out, wishes not only to grant the aged population most needy assistance but also to move the Federal Government into the very area of medical care where private insurance is now most effective—the area of hospitalization and surgery.

Rural Development Program—Excellent Work Being Done in Schuylkill County To Build Stability and Prosperity

EXTENSION OF REMARKS

OF

HON. IVOR D. FENTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1960

Mr. FENTON. Mr. Speaker, under leave to extend my remarks in the RECORD I want to direct attention to the Committee for Rural Development.

Last October while Congress was not in session, the President signed an Executive order establishing the committee, and it is possible that some of my colleagues in Congress may not have had this order brought to their specific attention. Certainly the many readers of the CONGRESSIONAL RECORD have not had the opportunity to see the order through the RECORD.

The administration has taken important steps in recent weeks to strengthen and expand the rural development program nationally. This is gratifying news, which will especially interest those Members of Congress who represent rural areas where families on small farms are having a hard time earning an adequate income due to rapid changes in the Nation's agricultural production and competition from the larger commercial units.

I have a firsthand knowledge of the rural development program, since Schuylkill County in my district is presently one of the participating areas. In this county the Pennsylvania Agricultural Extension Service under the very capable direction of Mr. C. L. Robertson, the county agent, his associate county agent, Mr. Guy Temple, and other agencies, have joined with local leadership to promote better farms, better living in rural communities, and new off-farm enterprises.

Among other activities are the following: Through the leadership of those working with the rural development program, Schuylkill County's fine youngsters are being encouraged to participate

in community improvement plans. Industry tours and other vocational guidance programs have also been set up for these young people. Leaders from all over the county are receiving help in tying together and stepping up industrial development plans. Plans to improve the tourist business locally are also going forward.

The Agricultural Extension Service has assigned Guy Temple, associate county agent, to head this program in Schuylkill County and it is with a great deal of pride that I call your attention to the following report just prepared for me by Mr. Temple:

The Schuylkill County rural development program came into being as a pilot program in the fall of 1957. The program first obtained a part-time worker in September 1958. Considerable time has been spent in becoming acquainted with the county, its people, and learning more about the rural development program.

A committee has been formed, namely, the Schuylkill County Rural-Urban Development Council, which is made up of representatives from business and agriculture, as well as other civic and community leaders.

The first work of the council was a problem affecting nearly all rural sections of the county, that of deer damage caused by an overpopulation of deer. The feeding of this deer herd has caused a great economic loss to many farmers of the area. As in all situations, there were two sides to the problem: the landowner having damage and the sportsman desiring a plentiful supply of game. Many individuals and groups had attempted to get this problem corrected. However, their efforts were not fruitful because factual information on damage and loss was not available.

Through the cooperation of the Pennsylvania State University resident and extension staff in the schools of agricultural economics, rural sociology, forestry and horticulture, and a local committee, a questionnaire was formulated. Locally, 4–H members, vocational agriculture departments, and interested groups in the county served as enumerators for the survey. Approximately 60 enumerators assisted in the survey, contacting nearly 200 landowners.

The work completed by the council with the assistance of other organizations confirmed that the deer damage was of a great economic concern to rural landowners. The loss in crops and property damage was $492,000, nearly 5 percent of the total value ($10,686,000) of agricultural production in the county.

These survey results were released to Pennsylvania Game Commission personnel, all county sport associations, and news articles were released to all county newspapers, plus two papers with statewide distribution.

We have since been informed that survey results were a major influence on the Pennsylvania Game Commission decision to place a larger number of antlerless deer licenses in Schuylkill County for the 1959 season.

It is anticipated to provide additional information through meetings and mass media to further improve landowner-and-sportsman relations.

As numerous contacts were made concerning the program it became evident that many people, including county, State, and Federal personnel were not aware of the functions or assistance available from established county, State and Federal public service agencies. This information was assembled in handbook form by the county steering committee and the State extension service provided the funds for printing. The handbook was distributed to community leaders and groups throughout the county. The council hopes to add additional agencies to this handbook and also attempt to keep it up to date.

Early in 1959, an attempt was made to contact as many county groups as possible and present a program to initiate some thought on their immediate community problems. As a result, many problem areas were more clearly defined to the people as well as to the Rural Development Committee.

From those problem areas mentioned, the steering committee elected to place emphasis on the following four areas:

1. Beautification of the county.
2. Zoning.
3. Youth.
4. Agriculture roundtable.

1. Beautification of the county: The various agencies of the rural development program are still working closely through their regular programs, with those farmers who have possibilities of learning the management skills necessary to efficiently operate their farm business. However there are many farmers who do not possess or cannot effectively learn the managerial skills. Consequently the council felt that these people might better their economic position through industrial employment. Therefore, any work done to improve the county will aid the existing industrial development groups in their efforts to attract industry, which will in turn offer this rural low income group new opportunities.

Industrial development groups in the area are doing a fine job in their work to attract and bring in new industry. However their job is made more difficult due to the general appearance of the area. Today industry considers esthetic value of an area as well as other considerations. Years of coal stripping has left many unsightly spoil piles along many of our highways leading into the county, and in some areas, even adjacent to homes. The council contemplated a project to reforest as many of these banks as possible. However an unforeseen, but pleasant circumstance has occurred which has partially sidetracked these plans—the announcement by the Philadelphia and Reading Corporation of their intentions to establish a refining industry in the area that will use some of the material in these banks.

However, experimental work to ascertain the species of trees, grasses and shrubs that are best adapted to culm bank planting is continuing. The Soil Conservation Service, Agricultural Extension are cooperating on this work, with the first trial plantings to be made in April 1960.

There is one beautification project in Mahanoy City, that can be pointed to as completed. A small park in the center of the city is now the pride of that community. It was accomplished through local effort. The Council through the Extension Service assisted this group in drawing up the plans for the park.

2. Zoning: New industries are already locating in the county and there is the possibility of a new Federal highway crossing the county. Many people when considering these possibilities felt the need for some long-range planning and subsequent zoning.

Present plans are for an educational program to provide an opportunity for people of the local communities to learn the true story of zoning, both its advantages and disadvantages. This is an attempt to get the right information disseminated before many false rumors become prevalent.

3. Youth: Many people expressed in the survey that they felt that many rural youth were only aware of farming as an occupation in the field of agriculture. In September of 1959 a new youth program called "Town and Country Business Club" was inaugurated. The program has four State objectives:

1. Provide a greater understanding of business as it operates in the marketing field through firms associated with agriculture.

2. Help in exploring the career opportunities in business closely related to farming so that capable farm youth remain in agri-business careers.

3. Give youth who will remain on the farms a better appreciation of the problems and nature of agricultural marketing.

4. Point up the needs and benefits of training and education for youth anticipating employment with agri-business firms.

Presently 38 different rural youth have attended meetings of this group. The group recently won a statewide contest and in addition had one of the members, Miss Sandra Krebs, chosen as "All-American Teenager" at a related youth power Congress in Chicago. This program also is serving as an avenue for better relationships and interchange of ideas between agriculture and business.

4. Agriculture roundtable: An attempt will be made to develop such a program so as to disseminate information of a public affairs nature to as many rural residents as possible.

In addition to the above-mentioned activities the various agencies involved, soil conservation service, extension service, department of forest and waters, farm and home administration, agricultural habilitation and conservation committee, office of employment security, local chambers of commerce, and others are continuing their own respective programs of aids and assistance to the people of Schuylkill County.

Mr. Speaker, the rural development program, I am convinced, will grow into a major national effort to build stability and prosperity into our fine rural communities.

At this time I would like to include the text of President Eisenhower's Executive Order 10847 setting up the Committee for Rural Development Program on a formal basis to provide leadership and uniform policy guidance to the several Federal departments and agencies responsible for rural development program functions and related activities so that they may take more effective and concerted actions in carrying out those functions and activities and cooperate more effectively with non-Federal participants, both private and governmental, in the program.

The White House, in releasing the Executive order, had the following to say:

Members of the Committee include the Under Secretary of Agriculture, Chairman; the Under Secretary of the Interior; the Under Secretary of Commerce; the Under Secretary of Labor; the Under Secretary of Health, Education, and Welfare, the Administrator of the Small Business Administration and a member of the Council of Economic Advisers designated by the Chairman of the Council.

The rural development program was initiated in 1955 as a cooperative effort of the Federal, State, and local governments, including the participation of private individuals and agencies, to develop the human resources in rural America with particular emphasis on improving the conditions of the numerous low-income families, both farm and non-farm, living in rural areas. In a special message to the Congress, April 27, 1955, the President directed attention to the problems of low-income rural families

and presented recommendations for a concerted program developed in a study and report prepared by the Department of Agriculture.

Operating through State committees and centering in selected pilot counties, the rural development program includes specific activities, such as improving incomes from farming, providing more efficient farm marketing, promoting off-farm work, balancing agriculture with industry, evaluating rural manpower assets, increasing opportunities through vocational training, attaining better health, and improving basic education.

Today's Executive Order makes formal organization arrangements for the Federal Committee for Rural Development Program which has been functioning informally since the program was initiated. The seven-man Committee will direct its activities toward providing leadership and uniform policy guidance to the several Federal departments and agencies responsible for rural development program functions and related activities so that they may take more effective and concerted actions in carrying out those functions and activities and cooperate more effectively with non-Federal participants, both private and governmental, in the program.

Under the Executive order, the Committee is instructed to continue particular emphasis on effective public and private cooperation and leadership for rural development at the State and local levels.

EXECUTIVE ORDER ESTABLISHING THE COMMITTEE FOR RURAL DEVELOPMENT PROGRAM

Whereas a substantial number of families, both farm and non-farm, living in rural areas have relatively low cash incomes and do not share equitably in the economic and social progress of the Nation, and it is desirable to encourage and assist such families by providing greater opportunity for their participation in the Nation's production of goods and services and in community, civic, and other affairs; and

Whereas the Federal Government, in cooperation with the several States and local governments and private agencies and individuals, has undertaken a rural-development program designed to develop the human resources in rural America by a series of concerted actions to identify the needs of low-income rural people and to help them to achieve greater rewards for their contributions to our national progress; and

Whereas the rural-development program has achieved steady progress toward its objectives, and the time has now come to consolidate its accomplishments and to provide more formal Federal organization for the program: Now, therefore, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) There is hereby established the Committee for Rural Development Program, hereinafter referred to as the Committee, which shall be composed of the following members:

(1) The Under Secretary of Agriculture, who shall be the Chairman of the Committee.

(2) The Under Secretary of the Interior.

(3) The Under Secretary of Commerce.

(4) The Under Secretary of Labor.

(5) The Under Secretary of Health, Education, and Welfare.

(6) The Administrator of the Small Business Administration.

(7) A member of the Council of Economic Advisers designated by the Chairman of the Council.

(b) To assure effective functioning of the Committee and uninterrupted participation of each department and agency represented on the Committee, the head of each such department or agency shall designate an appropriate officer or employee of his department or agency as an alternate member to participate in the affairs of the Committee whenever the member may be absent or otherwise unable to participate.

(c) The Committee may request the head of any other Federal department or agency to designate a representative to participate in the affairs of the Committee as desirable in furthering the work of the rural-development program and related activities.

SEC. 2. The activities of the Committee shall be directed toward providing leadership and uniform policy guidance to the several Federal departments and agencies responsible for rural-development program functions and related activities so that they may take more effective and concerted actions in carrying out those functions and activities and cooperate more effectively with non-Federal participants, both private and governmental, in the program.

SEC. 3. In conducting its activities, the Committee shall place particular emphasis on effective public and private cooperation and leadership for rural development at the State and local levels, and to that end shall provide guidance for the conduct of Federal rural-development program functions and related activities in a manner designed to produce maximum State, local, and private participation and initiative in identifying and meeting local needs.

SEC. 4. Each department and agency responsible for functions and activities that can contribute to the objectives of the rural-development program and related activities shall carry those functions and activities forward in such a manner as to make the fullest possible contribution to the objectives of rural development.

SEC. 5. The departments and agencies represented on the Committee shall, as may be necessary for the purpose of effectuating the provisions of this order, furnish assistance to the Committee in consonance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include the detailing of employees to the Committee, one of whom may serve as its executive secretary, to perform such functions consistent with the purpose of this order as the Committee may assign to them.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *October 12, 1959.*

You and Your Future

EXTENSION OF REMARKS

OF

HON. FRANK IKARD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1960

Mr. IKARD. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to bring before the House the following material compiled by our distinguished colleague from New Mexico, the Honorable THOMAS G. MORRIS. This material will be of tremendous benefit to the many high school graduates who might otherwise not be able to continue their education. I think he should be commended for his efforts. The following represents considerable research and I consider it a privilege to have it inserted in the CONGRESSIONAL RECORD:

YOU AND YOUR FUTURE

FUTURE EMPLOYMENT OPPORTUNITIES

A democratic society such as ours is dynamic and growth is a necessary part of the system. With this growth more opportunities are available for well-qualified young people today than ever before in our entire history. Because our Nation is not producing an adequate number of men and women with sufficient qualifications, thousands of interesting and highly salaried positions remain unfilled. Let me illustrate this point with some figures: The Department of Labor surveyed 200 large firms, one-half reported they were unable to hire enough research scientists and engineers; industry needs one engineer and five highly trained technicians for every 40 workers; in 1958-59 it is estimated we were short 135,000 qualified teachers; the journalism and newspaper field has an acute shortage of qualified people.

We live in a civilization and world that requires education. Your future depends on you becoming well educated. The job applicant with advanced training will have a better opportunity to get and hold a job than his untrained fellow worker. During the most recent recession, nearly 1 in 5 unskilled laborers experienced unemployment, while only 1 in 50 professional and technical workers were jobless. White collar workers, who generally have to meet higher educational requirements, were relatively steady in their employment.

By the time you are 25, there will be millions of new job openings in our economy, but most of them will go to persons with a solid educational background. There will be a decline in the number of jobs for unskilled workers and it is estimated that the United States will have one-half million fewer such workers in 1967. Irregular employment and lower wages will face the uneducated in the economy of the future. Yet past experience shows us that many of the 2 million high school graduates of 1960 will not go on to college, and will slip out of the stream of education. In fact, only 45 percent of those who graduate are expected to continue their formal education, either in an institution of higher education or business or vocational school. Are you to be in the 55 percent group and let your education stop?

The Department of Labor estimated that in the next 10 years, business and industry will need about 13½ million additional workers, including 5.1 million skilled and semiskilled workers, 3½ million professional and technical workers, and almost 6 million managerial and other white collar workers. By 1965 there may be a shortage of skilled workers and because of this gap, rapid advancement will be possible for workers with good preparation. In addition to those needed for replacement, we will need 45,000 new doctors, 75,000 college-trained nurses, 485,000 more elementary and high school teachers, 120,000 more college teachers, 80,000 more natural scientists, and 100,000 engineers. Education will be the foremost qualification for these additional workers.

The desire for you to get a job this summer and forget about higher education will be appealing but let me remind you that your economic gain and social satisfaction are merely temporary. The 1960's hold the promise of a decade of historic significance in the development of this Nation and in achieving a better way of life for our citizens. As tools and methods become more and more complex, they offer increasing opportunities to give a better and safer life for all. But, at the same time, they place increased demands upon the worker. He must be prepared to cope with the changes in the nature of work that new machines and methods create. With each change, he must be prepared to enlarge his own knowledge and skill to keep pace with technological progress. Education is the basic equipment which helps a man to grow with his job and to move on to better opportunities. A nuclear physicist and a toolmaker need different amounts of education but both need the same basic

education. They then move on to the particular areas of study required for their respective fields. Only by becoming qualified through a better education will you insure the realization of your greatest ambition.

EDUCATION AFFECTS EARNINGS

Dr. Paul C. Glick, Chief Social Statistician of the U.S. Bureau of the Census, has analyzed lifetime earnings of Americans and compared them with years of schooling. The following findings show how smart it is to be educated.

Years of schooling:	*Lifetime earnings*
1 to 4	$72,000
8	116,000
4 years of high school	165,000
1 to 3 years of college	190,000
4 or more years of college	268,000

He also found that in families headed by grade school graduates, the median annual family income was $4,386 as compared with $5,667 for high school graduate households and $8,143 for college graduates. Education, of course, has far more value than a dollar tag can show. It opens the way to more interesting kinds of jobs and a much more satisfying life.

APTITUDES FOR FURTHER EDUCATION

Many students do not go on to college because they are afraid they do not possess the necessary ability. Perhaps they are a trifle slower than their classmates in grasping things and maybe find it more difficult to comprehend the basic subjects than many of their friends. Those of you who feel this way may, after reading the foregoing statements, think more strongly than ever that there is no place for you in the upper echelons of our highly complex society. Nothing could be further from the truth. Read the following.

Dr. S. Strauss, a teacher in Washington, D.C., conducted a study of the backgrounds of more than 600 Americans who were awarded the Ph. D. degree in recent years. He found that 43 percent had a high school IQ below 120, and several were down in the 90's. One boy with a reported IQ of 94 had been placed in a nonacademic program in his high school by a counselor. Dr. Strauss found that two-thirds were below the top 5 percent of their class, and one-half were below the top 10 percent. He hates to make a sweeping generalization but is inclined to believe that academic progress can be stated as a formula: ability plus effort equals success. The greater the ability, the less effort is needed, and vice versa.

Many an able youth never continues his education because he is unwilling to subject himself to the necessary rigorous discipline or because he strives for other goals. I hate to think of the talent that is wasted because individuals underestimate their abilities. You should consider the above before deciding not to continue your education. If you have average abilities and are willing to work hard at your studies, there is a future and a college for you. Just because a student has to work harder than many of his fellow students does not mean that he shouldn't plan to continue his schooling. On the contrary, very often the so-called slow student outstrips his more gifted classmates, simply because he has to work harder to get what he seeks. So, don't give up. Concentration and effort are, in themselves, qualities in great demand.

PAYMENT OF EXPENSES

It is true, costs of attending a college or university have increased a good deal and particularly in the last 10 years. Many students and families, after looking at the cost of a 4-year college education, are inclined to give up the idea of going to college. However, never before have so many sources of money been available to assist students in meeting expenses. Scholarships, loan funds, and gratuities are available by the thousands, ranging from small prizes offered by a local organization to fellowships worth several thousands of dollars. About one student in five receives scholarship aid in some form from universities, colleges, foundations, private organizations, labor unions, and Federal and State legislatures. During 1959–60 more than $120 million is available for assistance to students. In actual practice, a large number of the available aids go unclaimed. The interested and qualified student who conducts an exhaustive search can usually find a program either general enough or tailormade to fit his own need. The ultimate benefit will outweigh the difficulties of obtaining aid.

PART-TIME WORK

Most of the colleges give part-time jobs to deserving students who are not able to meet all expenses. In fact, more students earn part of their college expense by on-campus jobs than the number receiving institutional scholarships. In New Mexico during the 1955–56 school year, 1,758 students earned an average of $355 per month on part-time jobs while only 1,165 scholarships were given with an average of $207. Indeed, one of the most effective ways a student may earn money for his college education is through summertime employment.

DEFERRED PAYMENTS, "LEARN NOW—PAY LATER"

Since the burden of paying higher costs for an education at a college or university is much greater today, some colleges have seen the need to allow payment of expenses on an installment basis rather than in a lump sum. Generally, tuition must be paid at registration unless special arrangements have been made with the institution. However, nearly all room and board charges may be paid in installments. There are several tuition payment plans that help parents meet college expenses on a monthly basis, such as the Tuition Plan, Inc., 347 Fifth Avenue, New York 16; Insured Tuition Payment Plan, 112 Water Street, Boston 9, Mass.; Midland Time Plan for Education, Marine Trust Building, Buffalo 5, N.Y. Certain banks have also made arrangements for deferred payments with colleges in their communities; for example, the Indiana National Bank, in Indianapolis, has a system where the parent contracts to pay a fixed amount monthly and the bank meets all the college bills when due, up to a certain amount, with payments spread over a 6-year period.

CHILDREN OF VETERANS

Children of veterans who died as a result of disease or injury incurred while in service should write to the New Mexico Veterans Service Commission, Santa Fe. If service was entered from New Mexico, free tuition to New Mexico State schools plus $300 maximum for matriculation, board, room, fees, books, and supplies is offered to those selected on basis of need and merit. National scholarships available for children of veterans are described in the booklet, "Need a Lift?" which may be obtained by sending 15 cents (to cover the cost of printing and postage) to the National Child Welfare Division, the American Legion, Indianapolis 6, Ind. For scholarships and funds on the State level, contact the American Legion, 3205 East Central Avenue, Albuquerque.

NATIONAL DEFENSE EDUCATION ACT

Previously, undergraduate eligibility for Federal support for educational purposes was determined almost exclusively by past military service, commitment to future service, or orphanhood resulting from a parent's death from service-connected injury or disease. These are all still available to those who are in these categories. However, under the new National Defense Student Loan Program, any student who is enrolled on a full-time basis can apply for a loan. It is up to the college to set its own eligibility, but financial need and ability to make good marks are important items that each institution considers. Those students who plan to study teaching, science, mathematics, engineering, or modern languages are given special consideration. There is a limit of $1,000 for each school year and $5,000 for an entire college career; however, it is likely that most loans will be in small amounts. One can repay the loan in installments, starting a year after training is finished and be repaid within 10 years. If you become a full-time teacher in a public elementary or secondary school, the loan will be canceled out at 10 percent for each year you teach, up to a maximum of 50 percent. The interest on the loan is 3 percent starting when the repayment schedule begins. Further information may be obtained from the college you elect to attend.

As of February 29, 1960, New Mexico institutions had made loans totaling $289,230 to 742 students. The 1959–60 school year allocation to New Mexico under the law is $149,545, matched in part by the universities.

FEDERAL STUDENT TRAINEES

The Federal Government participates in and operates certain educational programs in a wide variety of national and international educational activities. However, other than the Education Act, nearly all of the foreign and Federal Government programs require college work before consideration is given. After you have entered college, more information concerning advanced Government programs can be obtained from the dean of students, or the Government department responsible for the area of study in which you are interested.

The Government does have a cooperative work-study program which provides an integration of academic study with practical work experience and training on the job in an organized program, usually of 5 years duration, under which students alternate periods of attendance in college with periods of employment. In addition, there is another program which is the vacation work-study plan, where the student is employed by a Federal agency during the vacation period in locations throughout the United States, with offerings in nearly every field imaginable. These programs give you the opportunity to work under the guidance of professional personnel and help you decide if a particular field is all that you had hoped it would be. Interested students should contact your nearest civil-service office for further information and watch for trainee examination announcements.

There is a student Army nurse program that is available during the third year of a 3-year nursing program or for the third and fourth years of a 4-year training program. Participants are able to continue their education while receiving full pay and allowance as either officers or enlisted personnel in the Army Reserve. For further information write to the Surgeon General, Department of the Army, Washington 25, D.C.

NATIONAL APPRENTICESHIP PROGRAM

Apprenticeship training is a practical answer to the need for maximum development of skills and technical abilities. Training in the skilled trades is good insurance.

New Mexico has an apprenticeship law which provides for a statewide apprenticeship program. The law is administered by the Labor and Industrial Commission, Santa Fe, and a management-labor council acts on policies, with the entire program an integral part of the national program.

There are more than 90 apprenticeable trades, most require at least 3 years' training and many others 4 or more. In New Mexico we have more than 900 in the building-trades program, and only 155 in other trades such as machinists, printers, electrical workers, pressmen, and auto mechanics.

The need for skilled workers and technicians is pressing. Those of you who want to learn a special skilled trade, receive training, while earning and working, contact the Labor Commissioner, New Mexico Apprenticeship Council, Labor and Industrial Commission, Post Office Box 1726, Santa Fe, or State Supervisor, Bureau of Apprenticeship and Training, Department of Labor, room 234, 610 Gold Avenue SW., Albuquerque.

LOAN FUNDS AND SCHOLARSHIPS

You should establish your eligibility to enter the school of your choice and then qualify your financial need if some form of educational aid is required. You or your parents should be prepared to supply evidence that such a need is the case. The college bulletin or catalog lists scholarships and funds available. If more information is desired, ask the dean of the college you plan to attend what is available in the way of scholarships, loan funds, and student employment. However, remember that many awards are made on national scholastic and competitive standing, such as the National Merit, Westinghouse Science, and the General Motors scholarships.

Loan funds, either emergency or long-term up to a year, are maintained by most colleges to assist worthy students, who have evidence of ability to repay. Agreements usually have to be cosigned. It is well to remember that many banks will make loans for tuition, room, and board to students who demonstrate ability and promise.

It is difficult to list all of the many different funds available, with so many varied requirements, all of which are changing constantly. For example, Yale has available funds for boys whose last name is DeForrest; the University of New Mexico has a scholarship for a worthy graduate of a New Mexico high school who is selected on the basis of financial need, interest in engineering, high-school record, and participation in athletics. New Mexico State University awards a scholarship annually to an entering freshman who majors in the dairy field. At Eastern New Mexico University, certain honor students are selected to receive scholarships; New Mexico Military Institute has a scholarship for a young man whose interest in military affairs will assure him a commission; New Mexico Highlands University awards a scholarship to an outstanding high school student who is planning a teacher career. New Mexico Institute of Mines and Technology awards a full tuition scholarship to entering freshmen who have shown superior scholastic ability in high school. To students who show an active interest and ability in drama, New Mexico Western College grants tuition scholarships; St. Michael's College has provision to assist students who have the intellectual ability to do college work but lack adequate finances. College of St. Joseph administers a scholarship based on a competitive examination.

In addition, the International Mineral & Chemical Corp. in Carlsbad offers a $600 4-year scholarship to a resident of Eddy County; Jones Graphic Arts Products Co. of Albuquerque gives a tuition scholarship to a high school graduate from New Mexico or Arizona; the New Mexico Library Association in Roswell gives a $300 scholarship to a girl interested in the field of library work; New Mexico Motor Carrier Association in Albuquerque gives two competitive scholarships of $500 each to qualified applicants planning to attend New Mexico colleges. The AFL–CIO gives six full scholarships, administered by the National Merit Council, three of which are limited to members' children. These are only a few of the many and varied funds available.

It is not necessary for the applicant to have a brilliant high school record. Frequently, the chief purpose of a scholarship fund is to assist a student who has a good, but not necessarily outstanding, record and who can be expected to profit from a college education but is prevented for economic reasons from obtaining one.

After looking over the array of opportunities for scholarships, I suggest you investigate those for which you have a special qualification of special interest. As an example, the education and manpower committee of the New Mexico section of the American Chemical Society sponsors awards to the students making the three top grades on a chemistry examination administered by the New Mexico Institute of Mining and Technology and given by the local high school science teacher. Sears, Roebuck Foundation provides scholarships for freshmen students majoring in agriculture or home economics, who would have had financial difficulty in attending college. This scholarship is administered by the New Mexico State University.

Loans are available to those students who desire to become nurses but lack funds. Write directly to the Bergen Foundation, 6536 Sunset Boulevard, Hollywood 28, Calif., after you have established that you meet the entrance requirements of the hospital where you want to train. The Committee on Careers, National League for Nursing, 10 Columbus Circle, New York 19, has valuable information for prospective nurses. The University of New Mexico has a College of Nursing and several scholarships are available. Contact the dean, College of Nursing. The College of Pharmacy grants freshman scholarships to New Mexico high-school graduates who enter the pharmacy program at the university. For information, apply to the dean, College of Pharmacy, University of New Mexico. The National Foundation, 800 Second Avenue, New York 17, offers 4-year college scholarships for graduating high school seniors entering accredited B.A. programs in physical therapy, occupational therapy, or professional nursing.

Perhaps the State department of education in Santa Fe can give you additional information concerning scholarships and loan programs designed for students planning to become teachers. For those interested in medicine, you should contact the State board of health in Santa Fe or, for more detailed information, the Association of American Medical Colleges, 2530 Ridge Avenue, Evanston, Ill. In most medical schools, there were loan funds available in excess last year. However, bear in mind that you have to be accepted by a medical school before most of the loan funds and scholarships can be considered.

For information relating to foreign scholarships, write to Information and Counseling Division, Institute of International Education, 1 East 67th Street, New York 21.

ARMED FORCES EDUCATION AND TRAINING PROGRAMS

U.S. service academies: Because the opportunities afforded by each academy are as varied as the service they represent, interested students should write to the following:

Army: The Registrar, U.S. Military Academy, West Point, N.Y.

Air Force: Director of Admissions, U.S. Air Force Academy, Colorado Springs, Colo.

Navy: Chief of Naval Personnel, Navy Department, Washington 25, D.C.

Coast Guard: The Commandant, U.S. Coast Guard, Washington 25, D.C.

Merchant Marine: Registrar, U.S. Merchant Marine Academy, Kings Point, N.Y.

January or February is usually the deadline for applications for the next school year for most of the academies. However, the student who prepares himself beyond the high school level will be in a better position to compete for the entrance examinations for future years. In fact, many of those accepted for some of the academies have had training beyond high school.

Reserve Officers Training Corps. Several universities have established ROTC units, with a program of instruction that leads to a commission as a second lieutenant, as you receive your college education. For more detailed information consult the college catalog.

INDIAN STUDENTS

"Higher Education Aids for Indian Young People" is the title of a pamphlet which outlines all available financial aids for Indian students. It can be obtained without charge from the Haskell Institute, Bureau of Indian Affairs, Lawrence, Kans.

The Federal Government, through the Agency Office, Bureau of Indian Affairs, administers three means of assistance. Grants: Each area annually grants small supplementary aids to those who have good records and who need assistance. Working scholarships: There are boarding schools located near colleges which furnish room and board in exchange for 14 hours of work each week. One is located in Albuquerque. Education loans are maintained for emergency cases.

For girls who are financially unable to pursue nurses' training, scholarships are given by the National Society of the Colonial Dames of America. Contact your Bureau of Indian Affairs for complete information. The Indian Board of Home Missions of Congregational Churches of America assists Indian students without regard to religious affiliation or tribe. Many Indian tribes assist their young people. The Jicarillia-Apache has a substantial scholarship program, as do the Navajo and Mescalero-Apache Tribes. Contact your tribal governing body.

CHOICE OF SCHOOL

The counselor or principal in your high school is the best source of information about the choice of a college or university as well as for scholarships offered by local companies or individuals. He has an extensive file of college catalogs and other descriptive publications concerning the facilities of the various institutions. If some of the information you desire is not available through him, the references below list suggested sources of information for prospective college students, their parents, and their counselors. Consult your local library or any library in some of the larger towns for additional information.

CHOICE OF CAREER

If you are undecided as to what field you would like to enter, the American Legion booklet, "Need a Lift?" mentioned above, has compiled a list showing career organizations which will provide helpful information about job opportunities, subjects required, where to get training, and other related topics. Also consult the career planning references below.

A special word for those who may be thinking of an agriculture career. Do not overlook it. It is and will remain the Nation's basic industry. Indeed, the Department of Agriculture estimates that about 15,000 new jobs are created each year for college graduates and only 8,500 to fill them. Dr. R. B. Corbett, president of New Mexico State University, recently stated, "Years ago the common saying was that engineers were a dime a dozen—there is no future in engineering. Yet today men trained in engineering are the scarcest and most demanded in our economy today." He suggests a parallel between engineering and agriculture. The manpower demand is declining in agriculture, but it is changing from a way of life to an exact science. The farmer will need to have a good working knowledge in many fields of science—chemistry, pathology, genetics, and business management. Demands for agriculturally trained people are needed off the farm as

well as on, such as agriculture research, industry, business, education, communication, conservation. There will continue to be jobs for properly trained farm youth.

Please do not forget this is only a part of the vast information available and that I am not a professional educator. The alert student requiring financial assistance to attend college or vocational school, those choosing a career or searching for a training school, will explore many sources not mentioned. Remember that many social and fraternal organizations, denominational and religious groups, foundations, professional associations, labor unions, and some of the larger industrial companies supply financial aid to worthy students.

SCHOLARSHIP AND FELLOWSHIP REFERENCE MATERIALS

"American Foundations and Their Fields," seventh edition, New York, American Foundations Information Service, 1955.

"How to Finance a College Education," Craig, W. Bradford. New York, Henry Holt & Co., 1959; 79 pages; $1.95, paper.

"Handbook on International Study," a guide for foreign students on study in the United States and for U.S. students on study abroad. New York, Institute of International Education.

"Lovejoy-Jones College Scholarship Guide," Lovejoy, Clarence E., and Theodore S. Jones. New York, Simon & Schuster, 1957; $3.95, cloth; paper, $1.95.

"Fellowships in the Arts and Sciences," third edition, 1960–61. Washington, D.C., Association of American Colleges, 1959; 220 pages; $3.75.

"Information on Science Scholarships," National Science Foundation, Washington, D.C., U.S. Government Printing Office, 1957; 6 pages (NSF–57–34).

"U.S. Veterans' Administration," questions and answers on the war orphans education program. Washington, Veterans' Administration Information Service.

"Federal Aid to Students for Higher Education," U.S. Congress, House Committee on Education and Labor. Washington, U.S. Government Printing Office, 1956; 191 pages.

"Government Programs in International Education," House Committee on Governmental Operations. Washington, U.S. Government Printing Office, 1959; 251 pages.

"Financial Assistance for Students in Higher Education," pamphlet, Office of Education, Washington 25, D.C., 1960.

"Medical Scholarship and Loan Fund Program," Council on Rural Health, American Medical Association, 535 North Dearborn Street, Chicago 10, Ill.

"Social Work Fellowships and Scholarships in the United States and Canada," Council on Social Work Education, 345 East 46th Street, New York 17, N.Y.

"Education Grants and Awards in the Field of Music," Music Educators National Conference, NEA Education Center, 1201 16th Street NW., Washington, D.C.

"Information About Business Training and Scholarships," National Association and Council of Business Schools, 2400 16th Street NW., Washington, D.C.

"Credit for College; Student Loan Funds in the United States," College Life Insurance Co. of America. Indianapolis, The Company, 1959.

"National Register of Scholarships and Fellowships," volume 1, scholarships and loans. New York, World Trade Academy Press, Inc., 1958.

REFERENCE MATERIALS LISTING COLLEGES AND UNIVERSITIES

"Accredited Higher Institutions," Office of Education Bulletin No. 1, Washington, D.C.; U.S. Government Printing Office, 1956; 109 pages; 55 cents (1960 edition in preparation).

"American College Counselor and Guide," by Benjamin Fine, New York; Prentice-Hall, Inc., 1955; 413 pages; $4.95.

"American Junior Colleges," fourth edition, edited by Jesse P. Bogue, Washington, D.C.; American Council on Education, 584 pages; 1956 (1960 edition in press).

"American Universities and Colleges," seventh edition, edited by Mary Irwin, Washington, D.C.; American Council on Education, 1956; 1,210 pages; $12 (1960 edition in press).

"The College Blue Book," ninth edition, New York; Christian E. Burckel, Yonkers-on-Hudson, 1959; 1,168 pages; $22.50.

"The College Handbook," 1959–61, by S. Donald Karl and Barbara L. Kiehl; College Entrance Examination Board, 425 West 117th Street, New York 27, N.Y., 1959; 556 pages; $2.

"Education Directory, Part 3: Higher Education 1959–60," Office of Education, Washington, D.C.; U.S. Government Printing Office, 1959; 205 pages; 70 cents.

"Junior College Directory," 1959, by Edmund J. Gleazer, Jr., Washington, D.C.; American Association of Junior Colleges, 1959; 52 pages; $1 (1960 edition in press).

"Lovejoy's College Guide," fifth revised edition, by Clarence E. Lovejoy, New York; Simon & Schuster, Inc., 1959; 290 pages; $2.50.

REFERENCE MATERIALS ON METHODS OF SELECTING A COLLEGE

"Choosing the Right College," by Annette Turngren, New York; Harper & Bros., 1952; 149 pages; $2.50.

"College Bound," by Samuel C. Brownstein; Barron's Educational Series, Inc., Great Neck, N.Y., 1957; 214 pages; $1.98.

"College and You," by Calvin S. Sifford, Bloomington, Ill.; McKnight & McKnight Publishing Co., 1952; 214 pages; $2.50.

"How To Choose That College: A Guide for Students and Parents," by Clarence C. Dunsmoor and Oliver C. Davis, Boston, Mass.; Bellman Publishing Co., Inc., 1951; 52 pages, 90 cents.

"Looking Ahead To Go or Not To Go to College: Deciding for College," Ira M. Smithles Strang Associates, 3376 Washtenaw Avenue, Ann Arbor, Mich.

"How To Get Into College," Frank H. Bowles. New York, E. P. Dutton & Co., 1958. 157 pages, $2.95.

CAREER AND EMPLOYMENT PLANNING

"Planning a College Education," Bucher, Charles A., New York, New York Life Insurance Co., 1958 (indicates college tuition rates and other college fees).

"Lovejoy's Vocational School Guide," New York, Simon & Schuster.

"Guide to Correspondence Study," National University Extension Association, Division of Correspondence Study. Minneapolis, the Association, University of Minnesota.

"Careers in Home Economics," Guide Lines, February 1959; U.S. Office of Education, Washington, D.C.

"Teaching as a Career," pamphlet No. 122, U.S. Office of Education, Washington, D.C.

"Cost of Attending College," bulletin 1957, No. 9, U.S. Office of Education, Washington, D.C.

"Helping Rural Youth Choose Careers," miscellaneous publication No. 771, U.S. Department of Agriculture, Washington, D.C.

"Employing College Students; a Guide for Bank Management," American Bankers Association, Committee on Executive Development. New York, American Bankers Association, 1959.

"Job Guide for Young Workers," 1958–59 edition; U.S. Bureau of Employment Statistics, U.S. Government Printing Office, Washington, D.C.

"Occupational Planning and College," 1954, U.S. Bureau of Labor Statistics, U.S. Government Printing Office, Washington, D.C.

"Federal Jobs Overseas," pamphlet No. 29, January 1959, U.S. Civil Service Commission, U.S. Government Printing Office, Washington, D.C.

"Career Opportunities in the U.S. Foreign Service," Department of State publication No. 6506, February 1958, U.S. Department of State, U.S. Government Printing Office, Washington, D.C.

"Girls' and Women's Occupations," selected references, July 1948–September 1954. (Vocational Division Bulletin No. 257.) U.S. Office of Education, Government Printing Office, Washington, D.C.

"After High School—What?" 1954, leaflet No. 8; U.S. Women's Bureau, U.S. Government Printing Office, Washington, D.C.

"Careers for Women in the Armed Forces," revised edition; U.S. Women's Bureau, U.S. Government Printing Office, Washington, D.C.

"Future Jobs for High School Girls," pamphlet No. 7, 1959; U.S. Women's Bureau, U.S. Government Printing Office, Washington, D.C.

"Career Opportunities in Government," 1958, Institute of Public Affairs, the University of Texas, Austin.

Appeal for the Vanishing Primary

EXTENSION OF REMARKS
OF
HON. JOSEPH S. CLARK
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
Monday, March 28, 1960

Mr. CLARK. Mr. President, in the New York Times magazine of yesterday, March 27, appeared an article by our able colleague from Wisconsin, the Honorable WILLIAM PROXMIRE, entitled, "Appeal for the Vanishing Primary." The article reflects the freshness and boldness of thought that all of us have become accustomed to expect from the Senator from Wisconsin. I commend his article to readers of the CONGRESSIONAL RECORD and ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPEAL FOR THE VANISHING PRIMARY—A SENATOR ANSWERS THOSE WHO WOULD ABANDON THE PRESIDENTIAL PREFERENTIAL POLL, AND SUGGEST THAT THE ANSWER TO THEIR CRITICISMS LIES IN THE EXPANDING SYSTEM

(By WILLIAM PROXMIRE)

WASHINGTON.—This Sunday hundreds of thousands of Wisconsin citizens are fighting out the presidential primary campaign of 1960. On the steps of churches, over a beer in taverns, in dairy barns and kitchens and automobiles, the argument, the contradiction, the agreement, the joking are rolling along faster and faster as the April 5 deadline approaches, a deadline that may seal the fate of HUBERT HUMPHREY, and JOHN F. KENNEDY.

The season of the primaries is upon us and the people of my State are happily engaged in what has become a rare—I think far too rare—American privilege: having a voice in deciding who is going to be either of the two (the nominees of the two major parties) who will have any chance to become the next President of the United States. In future weeks and months the people of some other States will have a similar opportunity.

There are a thousand reasons why this is a disorganized, irresponsible way for the country to be influenced in its choice of the occupant of so great an office. Many of the hundreds of thousands of conversations going on today in Wisconsin, for example, are irrelevant to the issues. Thousands of votes will be influenced by Muriel Humphrey's homey and simple coffee-hour campaigning for husband HUBERT, or racket-busting Bob Kennedy's tireless farm-to-farm barnstorming for brother JACK. And of course, KENNEDY'S religion is constantly discussed and will persuade many.

Primaries have more serious inadequacies. Some were outlined by David Broder in this magazine a few weeks ago. Certainly the candidates may be hurting each other, and our Democratic organization in Wisconsin may be suffering a division that will take months to repair. And, as Adlai Stevenson pointed out in another recent article, the primaries impose a severe physical, financial, and time-consuming burden on the candidates.

A primary costs hundreds of thousands of dollars, while often exciting no contest at all. This year, for instance, will mark the first significant Democratic presidential contest in Wisconsin in 36 years.

It can be argued that a primary often fails to offer voters a meaningful choice. In 10 of the 15 States that permit presidential preferential polls, delegates to the national conventions are not bound, and often they are little influenced, by the voice of the people. In the remaining five States delegates are bound by the primary results. But in California a favorite-son delegation picked by the Governor will probably be unopposed. Indiana voters are expected to have no alternative to KENNEDY. In Maryland, WAYNE MORSE is the sole alternative to KENNEDY. In Oregon MORSE will run as a favorite son.

And what kind of choice will the Wisconsin voter really have on April 5? Only two of the five leading Democratic candidates are entered in Wisconsin. How about Symington or Johnson or Stevenson supporters? What choice do they have?

This weakness is only partly answered by the obvious fact that only KENNEDY and HUMPHREY chose to enter in Wisconsin. All candidates were free to enter. Presumably, any candidate really interested in the Democratic nomination, and who thought he had a very good chance in Wisconsin, would try to pick up the delegation by submitting his name.

Another weakness of the Wisconsin primary is that normally Republican voters, recognizing that Vice President NIXON is unopposed and little needs the prestige of a big vote in Wisconsin, can cross over in the primary. If they do so in sufficient numbers and the contest is otherwise reasonably close, Republicans can pick the Democrats' nominee.

One answer to this is that Republicans are American citizens, too. Why shouldn't they have a chance to influence the selection of the man who may be their next President? Of course, many Democrats won't buy this answer. They might, however, settle for the certainty that Republicans will be a minority, and probably a small one, in this Democratic primary.

In view of these serious weaknesses and imperfections, what can be said for the practice of having the plain voter play such a telling role in answering the big question?

There are three compelling arguments for the primary.

The first is that in an age of political apathy and indifference, of too much passive diversion and not nearly enough citizen responsibility, the presidential primary is exactly the kind of colorful, exciting, significant contest for public office that will persuade the citizen to discharge the active responsibility that he so rarely is called upon to assume. This is good for the voter as a man and as a citizen.

Besides, there is no more important activity for men who want to be President of the United States than to get out and talk about the Nation's problems with the Nation's citizens. It is too often a temptation for candidates to avoid this most essential obligation to democratic leaders.

Wisconsin today affords an excellent example of the benefits to the voters of a presidential primary campaign. In the past 9 years I have campaigned intensively five times for statewide office in Wisconsin. I have met and shaken hands with well over a million Wisconsin citizens during this time. Since the presidential campaign began in earnest in Wisconsin, I have once again been out in the State talking with thousands of farmers and workers, tavern keepers and hardware merchants, housewives and college students. A sharp and exciting change has come over my State in the past few weeks.

Besides the irrelevant conversations, there is also a gratifying amount of talk about KENNEDY'S battle for labor reform and HUMPHREY'S fight for the dairy farmer; discussion of KENNEDY'S strikingly thoughtful, logical, informed replies to questions—his impressive mental equipment—and of HUMPHREY'S broad and deep competence in everything from fiscal policy to foreign policy.

Secondly, the primary makes sense because no one—not brilliantly informed delegates, not hard-working party leaders, not mayors or Governors or Senators—has as much right to say who should be the elected officials of a democracy as the plain voter—all the voters. And this should apply most strongly to the elective office that constitutes the greatest authority and heaviest responsibility the American people can give to any man. It should apply particularly to the primary system, because this reduces the choice of presidential candidates to two and affords the only real choice for the millions of Americans who consistently vote for one or the other of the major parties in November.

This is true not only because of the faith all Americans presumably share in popular democracy. It is true also on the practical ground that the plain voter, with all his shortcomings, will usually give a better answer than the political professionals in casting his vote. He will do so because he will usually ask the right question.

It has been my experience through three losing and two winning statewide campaigns that the voter almost never votes for a man simply because he thinks he will win. On the other hand—as I will try to show a little later—this is by all odds the major consideration of the party leader, the public official, the delegate.

Instead, the voter usually tries to answer the following question with his ballot: Who will make the best President of the United States? Often he may not have enough information to arrive at the right answer, but frequently he will. Today there is the magic of television and radio. Newspapers are reporting more fully, fairly and accurately than ever before. And both HUMPHREY and KENNEDY will have talked directly and personally to tens of thousands of Wisconsin citizens by election day.

After this kind of intensive campaign most plain voters may have a closer understanding of the characters, the minds and the attitudes on big issues of the candidates than Americans have generally had throughout our 170 years of democracy.

The third reason I vote for the primary system is the extremely serious weaknesses of the alternatives. The prime alternative is the selection of delegates by a State convention. Thirty-five States do this exclusively with no public presidential poll.

Why should such delegates—enjoying the wise and personal influence of party leaders, Governors, Senators, newspaper editors, top business and labor officials—usually better informed and more deeply interested than other voters—why should these delegates be considered such a grim alternative?

The answer is evident to anyone who has thoughtfully attended a State convention. Often a party chairman, a Governor or an unofficial but potent leader will actually select the delegation to the national presidential convention. In doing so, the leader, if his power is great enough, will pick delegates who will be amenable to his persuasion. Otherwise, he will unite with other party leaders until they can put together a strong enough combination to win convention approval. In any event, State conventions select the men and women who will represent the State in determining the presidential nominee on an emphatically partisan basis.

There is one all-pervasive and consistent principle: dedication to the welfare and success of the party as an entity. This is rarely the national party. It is far more often the State party—or even the dominant faction of the party within the State. The convincing argument is: What candidate can do the party the most good? The answer to this is usually—though not always—which candidate can win? Even a nationally winning candidate may not be best for the leaders in each State.

This victory criterion is the dominant one, but it is not the only basis of selection. The criterion in some cases may be: Will he help the ticket most in our State? The answer in New York may be quite different from that in Mississippi.

In both State and National conventions idealism is obvious. There is earnest concern with the national interest and a desire to nominate the man who will serve the Nation most ably. But the cry that never fails to bring partisan delegates up fighting in the intensely partisan atmosphere of a convention is "The man who will win in November."

From years of experience in campaigns, from public opinion polls, from scattered primary election results the delegates in general make the best guess they can as to who will be most likely to win in November. Of course, their decision is tempered. Even the most popular candidate cannot win if he is not acceptable, for whatever reason, to enough powerful State leaders. But, by and large, the decision is a giant guess on who has the best chance in November.

How much better to go directly to the voter, as Wisconsin is doing, and let him decide. At least let him decide how the votes of his own State should be cast at the national convention, after the voter has asked himself, not who will win, but who will make the best President.

I vote for the primary with all its obvious weaknesses, and though it has been losing ground. From its high point of 22 States, it was down to 19 States in 1956. It has fallen to 15 this year, and in 1964 the number will probably be even less.

Even in my own Wisconsin, where the Nation began the process of popular participation in Presidential campaigns by the first direct election of delegates to national conventions in 1905, the primary is in serious danger. The largest newspaper in Wisconsin has asked that State officials give earnest consideration to abolishing it. Top officials of both parties in Wisconsin will be sorely tempted to do so. With the grief the primary causes party organizations when it works, the wonder is that it has survived as long as it has.

For those who believe in popular democracy, the death of the Presidential primary

would be a tragedy. If the Presidential primary disappears, a passive, apathetic America will slumber deeper than ever, as the real decisions on who should be President of the United States are determined by a small group of deeply interested men and women in an atmosphere of almost irresistible partisanship.

No one would contend that the present, incomplete system of primaries is perfect, and many of us think the whole nomination process should be overhauled. To this end I shall introduce in the Senate in the near future a proposal for a constitutional amendment for a nationwide Presidential primary through which the rank-and-file voters could choose their own candidates.

Public opinion polls over the past few years have indicated that an overwhelming majority of Americans, no doubt disillusioned by what they have seen of the national conventions since televised coverage began in 1948, favor such a national primary and want a bigger share in choosing Presidential candidates.

I propose that in August of Presidential election years there be a nationwide primary vote to nominate the Presidential candidate in each party which qualified by having polled at least 10 percent of the vote in the previous Presidential election. To appear on the primary ballot, a candidate must submit a petition signed by qualified voters equal to at least 1 percent of the total vote cast for all Presidential candidates in the previous election. These petitioners must be residents of at least six different States, including two of the States with the largest populations, two medium-sized States, and two small States. If none of a party's candidates receives a majority, a run-off primary will be held in September between the two in each party with the greatest number of votes.

Tens of millions of American citizens would thus select the two men who would carry the banners of the Republican and Democratic parties in November. The parties would continue to hold national conventions following the primary, in order to nominate their Vice Presidential candidates and to write their platforms. Platform writing could then enjoy the attention it deserves. The party platform would also be, as it should be, the direct responsibility of the party's Presidential nominee.

I would accompany this proposal with an election-spending law directly relating to these primaries. The law would (1) limit the amount that could be spent by, or on behalf of, all candidates, and (2) require full disclosure of all contributions and expenditures, above a modest minimum amount, 72 hours after being received or paid out.

This highly desirable reform will undoubtedly take some time to bring about—if, indeed, it is ever achieved—but in the meantime we should retain the primaries we have, so that there is at least some opportunity for plain people to influence the nomination.

The presidential primary is not yet dead. It desperately needs improvement. But it is well worth fighting for and saving.

The big issue in this Congress in 1960 has been the battle over the right of all Americans—specifically the southern Negroes—to vote. What a paradox it is that, at the very time we are so deeply and properly concerned with this fight, we are passively permitting almost all Americans to lose the big share of their presidential franchise.

In an America that was founded and has flourished on democracy and that is still dedicated at great cost and risk to fighting for democracy throughout the world, the right of at least some plain Americans to have a voice in the primary election of their President should be enlivened, not killed.

SENATE

TUESDAY, MARCH 29, 1960

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

Dr. Julius Mark, senior rabbi, Temple Emanu-el, New York, N.Y., offered the following prayer:

Almighty God and Father, for ages past men have sought Thee. Where might they find Thee? How might they know Thee? Thou art as close to us as breathing, yet art farther away than the farthermost star. Thou art as familiar to us as the light of the sun, yet art as inscrutable as the vast solitudes of the night. To the seer of old Thou didst say: "Thou canst not see my face, but I will cause all my goodness to pass before thee."

Thus, Thy presence is manifest in the goodness which dwells in the hearts of all—whether they occupy stations that are exalted or humble—who strive to make this world a happier place for Thy children of all races, religions, and nations to inhabit by strengthening the bastions of freedom and forging more securely the bonds of human brotherhood in Thy fatherhood. Bless Thou the Members of this great legislative body, the Senate of the United States, who have been chosen by the citizens of our country to preserve and advance our precious democracy.

Gathered in this great Capital City, upon the invitation of the President of our country, are thousands of citizens from every section of our land to deliberate upon how best they can assist our children and youth to assume the responsibilities of citizenship in a nation dedicated to liberty. Wilt Thou, O Father, cause them and all of us to realize that if we build in wood, it will some day rot. If we build in marble, it will crumble before the onslaughts of time. Even if we build in steel, it is destined to flow as water before the melting processes of the universe. But if we build in human character—if we build usefulness, integrity, respect for law, and simple goodness in the lives of our youth—then we build for eternity. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 28, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1159) to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10000. An act to amend further certain provisions of the District of Columbia tax laws relating to overpayments and refunds of taxes erroneously collected;

H.R. 10183. An act to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia;

H.R. 10684. An act to amend sections 1 and 5b of the Life Insurance Act for the District of Columbia;

H.R. 10761. An act to provide for the representation of indigents in judicial proceedings in the District of Columbia;

H.R. 10964. An act to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended; and

H.R. 11389. An act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 10000. An act to amend further certain provisions of the District of Columbia tax laws relating to overpayments and refunds of taxes erroneously collected;

H.R. 10183. An act to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia;

H.R. 10684. An act to amend sections 1 and 5b of the Life Insurance Act for the District of Columbia;

H.R. 10761. An act to provide for the representation of indigents in judicial proceedings in the District of Columbia; and

H.R. 10964. An act to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended; to the Committee on the District of Columbia.

H.R. 11389. An act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes; to the Committee on Appropriations.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the following subcommittees were authorized to meet during the session of the Senate today:

The Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare.

The Subcommittee on Knowles Dam, of the Committee on Interior and Insular Affairs.

The Committee on Foreign Relations.

The Judiciary Subcommittee of the Committee on the District of Columbia.

On request of Mr. JOHNSON of Texas, and by unanimous consent, the NASA Authorization Subcommittee of the Committee on Aeronautical and Space Sciences was authorized to meet during the session of the Senate tomorrow.

Mr. JOHNSON of Texas subsequently said: Mr. President, as I understand

the situation, the Subcommittee on Veterans Affairs of the Committee on Labor and Public Welfare has been authorized to meet during the session of the Senate today. I am prepared to vitiate that request, but I understand it is acceptable for the subcommittee to continue its meeting.

Mr. DIRKSEN. That will be fine.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON COMMODITY CREDIT CORPORATION SALES POLICIES, ACTIVITIES, AND DISPOSITIONS

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report of the General Sales Manager, concerning the policies, activities, and developments, including all sales and disposals, with regard to each commodity which the Commodity Credit Corporation owns or which it is directed to support for the month of December 1959 (with an accompanying report); to the Committee on Agriculture and Forestry.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO CREDITING OF SERVICE IN ANY ARMED FORCE

A letter from the Acting Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to allow the crediting of service in any Armed Force for the purpose of determining grade, position on a promotion list, seniority in grade, and eligibility for promotion of a person originally appointed in the Regular Army (with accompanying papers); to the Committee on Armed Services.

RECONVEYANCE TO TOWN OF MALONE, N.Y., OF CERTAIN REAL PROPERTY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the Secretary of the Army to reconvey to the town of Malone, N.Y., certain real property heretofore donated by said town to the United States of America as an Army Reserve Center and never used by the United States (with an accompanying paper); to the Committee on Armed Services.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on Department of the Army contracts for military construction awarded without formal advertisement, covering the period July 1 through December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

ACCELERATED CONSTRUCTION PROGRAM OF FLEET BALLISTIC MISSILE (POLARIS) SUBMARINES

A letter from the Acting Secretary of the Navy, reporting, for the information of the Senate, on the construction of nine Fleet Ballistic Missile (Polaris) submarines, at an additional cost of approximately $52 million; to the Committee on Armed Services.

AUDIT REPORT ON HOUSING AND HOME FINANCE AGENCY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Public Housing Administration, Housing and Home Finance Agency, for the fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

AMENDMENT OF SECTION 302 OF COMMUNICATIONS ACT OF 1934, RELATING TO CONTROL OVER RECEIVING ANTENNA TOWERS

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting a draft of proposed legislation to amend section 302 of the Communications Act of 1934 (to authorize FCC control over the installation, height, and location of receiving antenna towers, 47 U.S.C. 302) (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

AGREEMENTS FOR OPERATION OF CERTAIN CONCESSIONS AT WASHINGTON NATIONAL AIRPORT

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting a draft of proposed legislation to amend the act of October 9, 1940 (54 Stat. 1030, 1039) in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

CLARIFICATION OF POWERS OF CIVIL AERONAUTICS BOARD

A letter from the Chairman, Civil Aeronautics Board, Washington, D.C., transmitting a draft of proposed legislation to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

REPORT OF GIRL SCOUTS OF AMERICA

A letter from the President and National Executive Director, Girl Scouts of the United States of America, New York City, N.Y., transmitting, pursuant to law, a report of that organization, for the fiscal year ended September 30, 1959 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc, were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 70

"Resolution memorializing the Congress of the United States to propose an amendment to the Constitution of the United States

"Whereas since the earliest days of the Union of the United States, the individual States have exercised certain basic rights within their respective borders; and

"Whereas this system of State rights has produced beneficial results and is in accord with the principles of local self-government; and

"Whereas such rights are in keeping with the basic design of our federal system: Now, therefore, be it

"Resolved by the house of delegates (the senate concurring), That the Congress of the United States is hereby memorialized to adopt and offer to the States for ratification or rejection the following amendment to the Constitution of the United States.

"This amendment shall be known as 'the freedom of choice amendment.'

"The right of the owners and operators of all kind and description, their agents, servants, and employees, of all hotels, restaurants, inns, cafes, bars, ice cream parlors, soft drink stands, motels, apartment houses, trailer camps, cemeteries, dance halls, skating rinks, bath houses, barber shops, beauty shops, and other privately owned places of public accommodation or amusement, to choose their own guests, patrons, and tenants, shall not be abridged.

"The right of every citizen to employ or not to employ other persons of his own free discretion, shall not be abridged. Nothing in this section shall be construed to impair the right of organized labor to contract or bargain collectively.

"The right of churches, lodges, fraternities, sororities, private clubs, and all other privately owned and operated institutions and associations, to choose their own guests, patrons, and members, shall not be abridged.

"The rights of owners of land to contract with other owners of land, either individually, or through associations, for the use and occupancy of privately owned lands, in the same neighborhood, shall not be abridged; provided that no owner of land shall be compelled to join in any such contract or become a member of any neighborhood association, and, provided, further, that the right and freedom of such contracting owners to give written consent by a majority vote shall not be restricted or abridged by law or contract so as to prevent the giving of such consent to any person solely because of said person's race, color, creed, or nationality. The term 'neighborhood' shall mean whatever area the contracting parties may designate.

"Unless restricted by his own voluntary agreement, the right of any property owner to sell or lease his property to another person of his own choice shall not be abridged.

"Educational policies, including administration, finance, subject matter of instruction, assignment of pupils and all matters pertaining thereto shall be exercised exclusively by the several States solely as the legislative bodies thereof shall determine to be in the best interests of the people of said State, or by such other means as provided by such legislative bodies including initiative and referendum voting.

"Rules and regulations pertaining to intrastate transportation and all other intrastate public agencies shall be exercised exclusively by the States.

"Resolved further, That the clerk of the house of delegates is instructed to send copies of this resolution to the Congress of the United States and to the Virginia delegation in the Congress.

"Attest:

"E. GRIFFITH DODSON,
"Clerk of the House of Delegates."

A concurrent resolution of the Legislature of the State of South Carolina, favoring the enactment of legislation to prohibit imported shrimp from competing with our shrimping industry and to favorably consider House bill 8982; to the Committee on Finance.

(See the above concurrent resolution printed in full when presented by Mr. THURMOND (for himself and Mr. JOHNSTON of South Carolina) on March 28, 1960, p. 6567, CONGRESSIONAL RECORD.)

A concurrent resolution of the Legislature of the State of South Carolina, favoring the cancellation of plans for construction of new

dams on the Savannah River; to release certain reservoir lands and to place the control of water in the Clarks Hill Reservoir under local water authority; to the Committee on Public Works.

(See the above concurrent resolution printed in full when presented by Mr. THURMOND (for himself and Mr. JOHNSTON of South Carolina) on March 28, 1960, p. 6568, CONGRESSIONAL RECORD.)

REPORT ENTITLED "NATIONAL POLICY MACHINERY IN THE SOVIET UNION" (S. REPT. NO. 1204)

Mr. JACKSON. Mr. President, from the Committee on Government Operations, pursuant to S. Res. 115, 86th Congress, I submit a report on national policy machinery in the Soviet Union.

I ask that this study, which was prepared by the staff of the Subcommittee on National Policy Machinery, in cooperation with the executive branch, be printed as a Senate report.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Washington.

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT COMPILATION OF STUDIES ON UNITED STATES-LATIN AMERICA RELATIONS

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original concurrent resolution (S. Con. Res. 99), which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document a compilation of the studies on United States-Latin American relations prepared under the direction of the Subcommittee on American Republics Affairs of the Committee on Foreign Relations, pursuant to S. Res. 330, agreed to July 31, 1958, as amended by S. Res. 31, agreed to February 2, 1959, and S. Res. 250, agreed to February 9, 1960.

SEC. 2. There shall be printed ten thousand additional copies of such Senate document. Such additional copies shall be for the use of the Committee on Foreign Relations and the Subcommittee on American Republics Affairs.

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT COMPILATION OF STUDIES ON U.S. FOREIGN POLICY

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original concurrent resolution (S. Con. Res. 100), which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document a compilation of the studies on United States foreign policy prepared under the direction of the Committee on Foreign Relations, pursuant to S. Res. 336, agreed to July 31, 1958, as amended by S. Res. 31, agreed to February 2, 1959, and S. Res. 250, agreed to February 9, 1960.

SEC. 2. There shall be printed ten thousand additional copies of such Senate document. Such additional copies shall be for the use of the Committee on Foreign Relations.

AVAILABILITY OF CERTAIN COMMITTEE RECORDS TO U.S. DISTRICT COURT FOR EASTERN DISTRICT OF MISSOURI—REPORT OF A COMMITTEE

Mr. McCLELLAN. Mr. President, from the Committee on Government Operations I report an original resolution, and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The resolution (S. Res. 298) was read, as follows:

Whereas the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations has in its possession certain records pertaining to an investigation dealing with the American Lithofold Corporation, of Saint Louis, Missouri, which investigation was conducted in 1951 by the Subcommittee of the Committee on Expenditures in the Executive Departments pursuant to S. Res. 156, Eighty-second Congress; and

Whereas staff members of the subcommittee have received subpenas from the United States attorney in the city of Saint Louis, Missouri, requesting certain of these records for presentation in connection with a court case, entitled United States of America against Robert J. Blauner, Homer W. Stanhope, and Robert A. Blauner; and

Whereas under rule 30 of the Standing Rules of the Senate such documents in the hands of the subcommittee are the property of the Senate and may not be released without a resolution of the Senate: Therefore, be it

Resolved, That the subcommittee is granted leave to permit properly designated staff members to appear as witnesses before the United States Court in and for the eastern district of Missouri pursuant to the subpenas and to permit the copying and presentation of certain records for examination in connection with the court case, and thereupon to be returned to the possession of the subcommittee.

Mr. McCLELLAN. I may say for the record that eight of the nine members of the Committee on Government Operations agreed to the resolution. One was absent.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an explanation of the resolution which I have reported.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCCLELLAN

In 1951 the subcommittee of the Committee on Expenditures in the Executive Branch of the Government, which subsequently became known as the Committee on Government Operations, conducted extensive hearings concerning the influence in Government procurement. This case primarily involved the American Lithofold Corp. of St. Louis, Mo., its owners, Robert J. Blauner and his son, Robert A. Blauner and the circumstances surrounding the securing of loans from the RFC in the amounts of $80,000 and $565,000. Mr. Homer W. Stanhope was the controller and secretary of the American Lithofold Corp.

The Department of Justice has indicted Robert J. Blauner, Robert A. Blauner, and Homer W. Stanhope for the willful evasion of filing income taxes by the Lithofold Corp. for the year 1951 and for conspiracy to defraud the Government in the evasion of taxes by the Lithofold Corp. Trial in this case is being held in the U.S. District Court for the Eastern District of Missouri, and the Department of Justice feels that the testimony of Robert J. Blauner, together with other matters in the possession of this subcommittee will be of assistance to the Government in the proper presentation of its case. The material requested of the Subcommittee on Investigations consists mainly of subpenas which were served in 1951, together with the testimony of Robert J. Blauner.

There are nine Senators on the Committee on Government Operations. Eight Senators have specifically approved this resolution, these being Senators JACKSON, ERVIN, MUSKIE, GRUENING, MUNDT, CURTIS, JAVITS, and myself. The other member of the committee has not agreed with the resolution nor has he objected to it.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal stockpile inventories as of January 1960, and ask unanimous consent to have it printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL STOCKPILE INVENTORIES, JANUARY 1960

INTRODUCTION

This is the second in a series of monthly reports on Federal stockpile inventories under the Department of Agriculture, General Services Administration, and the Office of Civil and Defense Mobilization. It is for the month of January 1960.

The report is compiled from official data on quantities and cost value of commodities in these stockpiles submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the agencies involved.

The three agencies reported that as of January 1, 1960, the cost value of materials in their stockpile inventories totaled $15,987,206,000 and as of January 31, 1960, they totaled $15,821,247,000, a net decrease of $165,959,000 reflecting acquisitions, disposals, adjustments, etc., during the month.

Different units of measure make it impossible to summarize the quantities of com-

Summary of cost value of stockpile inventories

[In thousands]

Agency and program	Beginning of month, Jan. 1, 1960	End of month, Jan. 31, 1960	Net change, reflecting acquisitions, disposals, adjustments, etc.
Department of Agriculture:			
Price support program:			
Agricultural commodities	$7,349,095	$7,176,549	−$172,546
Exchange commodities—strategic and critical materials	103,353	118,399	+15,046
Total, price support program	7,452,448	7,294,948	−157,500
Defense Production Act program	3	3	
Total, Department of Agriculture	7,452,451	7,294,951	−157,500
General Services Administration:			
Strategic and critical materials:			
National stockpile	6,209,713	6,201,314	−8,399
Federal Facilities Corporation, tin inventory	9,519	9,519	
Defense Production Act program	1,424,006	1,447,856	+23,850
Supplemental stockpile	644,902	696,306	+51,404
Supplemental stockpile inventory in transit	45,045		−45,045
Total, General Services Administration	8,333,185	8,355,005	+21,820
Office of Civil and Defense Mobilization:			
Civil defense stockpile	201,570	171,291	−30,279
Grand total	15,987,206	15,821,247	−165,959

modities and materials which are shown in tables 1, 2, and 3, but the cost value figures are summarized by agency and program in the table above.

Detailed tables in this report show opening inventories at the beginning of the month in quantity and cost, transactions during the month, and the closing inventories at the end of the month. Each inventory is shown by commodity except the national stockpile, for which commodity detailed is classified.

Pertinent information and explanation are set forth in notes accompanying the respective tables. Statutory authority and program descriptions are shown in the appendix to the report.

The inventories covered by the report are tabulated in detail, as follows:

Table 1: Agricultural price support program inventories under Commodity Credit Corporation, Department of Agriculture, January 1960: Including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act.

Table 2: Strategic and critical materials inventories under General Services Administration, January 1960: Including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile.

Table 3: Civil defense stockpile inventory under the Office of Civil and Defense Mobilization, January 1960.

TABLE 1.—*Agricultural price support program inventories under Commodity Credit Corporation, Department of Agriculture, January 1960: Including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act*

EXPLANATORY NOTES

The Department of Agriculture defines the content of the columns as follows:

Program and commodity: Lists each commodity in the form in which it exists when extended support, and in some instances in a form to which the supported commodity is processed or converted to increase marketability. The commodities are grouped under the appropriate statutory subclassifications as "Basic," "Designated nonbasic," "Other nonbasic," and "Exchange."

Unit of measure: The applicable unit used in the accounting records and reports of the Corporation.

Inventory, beginning of month: Quantity: In number of units. Cost value: All inventories are recorded in the accounts at cost. "Cost value" is comprised of the initial cost of the commodity plus storage, handling, transportation, and accessorial expenses paid or accrued up to the date of reporting. The initial cost of inventories acquired by delivery of collateral securing loans is the unpaid balance of the notes plus storage and other charges advanced, any equities due or paid to producers on warehouse-stored collateral (by Public Law 85-835, and beginning with 1959 crop production, the Corporation will not make equity payments to borrowers on unredeemed price support loan collateral, title to which it acquires on or after maturity of the loans), and the net value of any quantity or quality differences determined upon delivery of farm-stored collateral. Amounts paid to leading agencies participating in the loan program for crop years prior to 1958 were recorded as a part of inventory cost.

Adjustments: Warehouse settlements, exchanges and transfers (net): Warehouse settlements include the net differences in quantity and/or value represented by the net of overdeliveries, premiums, underdeliveries, and discounts arising from movement of commodities. Exchanges represent the net change in quantity and/or value for inventories exchanged or in process of exchange. On completed exchanges, the change in value represents differentials due to location, quality, and quantity. Unprocessed commodities removed from inventory for conversion or processing (on a contractual or fee basis and excluding conditional sales) are included as a reduction of inventory. Processed commodities acquired as a result of this conversion or processing are included as an addition to inventory.

Acquisitions: As reflected in accounting records and reports; and includes commodities acquired by delivery of collateral securing loans, commodities purchased under terms of purchase agreements, commodities purchased directly from producers or processors as a part of the support operation but not under purchase agreements; and processed commodities acquired by purchases which offset conditional sales of unprocessed commodities from inventory. The cost value of acquisitions is described under the explanation of the cost value of inventory.

Carrying charges added to investment after acquisition: Total costs of storage, handling, transportation, and other accessorial expenses incurred during the month.

Disposals: As reflected in accounting records and reports. Inventory transactions generally are recorded on the basis of transfer of title. Disposition commitments are not reflected in the accounts. Cost value: Represents acquisition value plus applicable amount of carrying charges. The amount of cost allocated to commodities removed from inventory is determined with the view of retaining in the inventory accounts the cost of commodities remaining on hand. The cost allocated to commodities removed from price support inventory is generally computed on the basis of average unit cost of the commodity reflected in the inventory accounts for the applicable crop year and general storage location. In the case of commodities generally stored commingled (e.g., bulk grains and bulk oils) the crop year is determined on the first-in first-out basis. In the case of commodities stored in identified lots, the crop year is determined by lot identification.

Inventory, end of month: Closing inventory after transactions for the month have been applied to the inventory at the beginning of the month.

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, Jan. 1, 1960		Transactions during the month								Inventory, end of month, Jan. 31, 1960	
				Adjustments		Acquisitions		Carrying charges added to investment after acquisition	Disposals				
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value		Quantity	Cost value		Quantity	Cost value
PRICE SUPPORT PROGRAM													
Price support program:													
Agricultural commodities:													
Basic commodities:													
Corn	Bushel	1,235,090	$2,172,954	−77	−$156	984	$1,332	$9,632	6,084	$14,415		1,229,913	$2,169,347
Cornmeal	Pound					36,270	1,269	2	36,270	1,271			
Cotton, extra long staple	Bale	60	16,909					26	1	328		59	16,607
Cotton, upland	do	7,523	1,311,878			841	128,338	2,047	1,668	273,995		6,696	1,168,268
Peanuts, farmers' stock	Pound	25,089	2,399			3,053	246	85	12,778	1,279		15,364	1,451
Peanuts, shelled	do	68,968	11,486			3,018	378	57	3,992	565		67,994	11,356
Rice, milled	Hundredweight	3,687	39,745			18	160	222	165	1,752		3,540	38,375
Rice, rough	do	3,160	17,882	(1)	−40		4	164	372	2,123		2,788	15,887
Tobacco	Pound	6,045	4,005			2,774	1,799	2	3,358	2,203		5,461	3,603
Wheat	Bushel	1,109,175	2,892,141	−65	−92	65	129	16,512	7,541	25,243		1,101,634	2,883,447
Wheat flour	Pound					162,513	8,446	−2	160,293	8,329		2,220	115
Total, basic commodities			6,469,399		−288		142,101	28,747		331,503			6,308,456

See footnotes at end of table.

TABLE 1.—*Agricultural price support program inventories under Commodity Credit Corporation, Department of Agriculture, January 1960: Including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act*—Continued

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, Jan. 1, 1960		Transactions during the month								Inventory, end of month, Jan. 31, 1960	
				Adjustments		Acquisitions		Carrying charges added to investment after acquisition	Disposals				
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value		Quantity	Cost value		Quantity	Cost value
PRICE SUPPORT PROGRAM													
Price support program—Continued													
Agricultural commodities—Continued													
Designated nonbasic commodities:													
Barley	Bushel	64,648	$76,185	−5	−$20	−5	−$4	$1,222	1,751	$2,360		62,887	$75,023
Grain sorghum	Hundredweight	269,302	701,682	−7	−60	−8	−27	7,067	338	1,009		268,949	707,652
Honey	Pound	2,002	196					17	338	39		1,664	174
Milk and butterfat:													
Butter	do	17,236	10,252			7,458	4,322	245	8,655	5,317		16,039	9,502
Cheese	do	28,700	10,126			70	25	197	8,109	3,022		20,661	7,326
Milk, dried	do	59,716	8,831			52,778	7,354	427	31,199	4,789		81,295	11,823
Milk, fluid	do					18,487	758		18,487	758			
Oats	Bushel	17,484	13,316	−105	−60	13	8	253	3,566	3,037		13,826	10,480
Rye	do	3,176	4,051	−14	−13			77	148	213		3,014	3,902
Tung oil	Pound	26,309	5,577			2,001	420	38	101	22		28,209	6,013
Total, designated nonbasic commodities.			830,216		−154		12,856	9,543		20,566			831,895
Other nonbasic commodities:													
Beans, dry, edible	Hundredweight	(1)	2									(1)	2
Cottonseed oil, crude	Pound	6	1			8	1		8	1		6	1
Cottonseed oil, refined	do	1	(1)						1	(1)			
Flaxseed	Bushel	438	1,396	−27	−79	3	7	−6	389	1,243		25	75
Lindseed oil	Pound	55,616	6,671					17				55,616	6,688
Rosin	do	14,474	1,160						14,474	1,160			
Soybeans	Bushel	17,651	40,250	−5	−19	20	42	172	4,816	11,013		12,850	29,432
Total, other nonbasic commodities.			49,480		−98		50	183		13,417			36,198
Total, agricultural commodities			7,349,095		−540		155,007	38,473		365,486			7,176,549
Exchange commodities—strategic and critical materials: [2]													
Aluminum oxide, abrasive, crude	Pound	29,105	1,973			4,881	277	22				33,986	2,272
Antimony, metal	do	1,933	445					2				1,933	447
Asbestos, amosite	do	3,999	499			−3		6				3,996	504
Asbestos, crocidolite	do	2,701	427			540	68	4				3,240	499
Bauxite	do	764,440	4,930			670,807	3,789	57				1,435,247	8,776
Beryl ore	do							(1)			(1)		
Beryllium copper master alloy	do	626	1,242			122	245	1				748	1,488
Borate	Carat					1,000	2,550					1,000	2,550
Cadmium	Pound	184	247					(1)				184	247
Chrome ore, chemical grade	do	81,311	691			19,160	167	25				100,471	883
Chrome ore, refractory grade	do							1		2			
Chrome ore, Turkish, metallurgical.	do	44,132	1,202					−2				44,132	1,201
Chromium metal	do	920	884			436	419	1				1,356	1,304
Colemanite, Turkish boron minerals.	do	10,478	274					1				10,478	275
Copper	do							(1)			(1)		
Diamonds	Caret	2,896	35,396									2,896	35,396
Ferrochrome, high carbon	Pound	79,232	13,555			15,645	3,205	24				94,877	16,785
Ferrochrome, low carbon	do	31,491	6,723			560	221	−1		−2		32,051	6,944
Ferromanganese	do	2,492	141			1,753	166	1				3,245	308
Fluorspar, acid grade	do	16,409	298			22,496	408	7				38,905	713
Fluorspar, metallurgical grade	do	65,057	929					2				65,057	931
Lead	do	60,698	5,912					1				60,698	5,913
Manganese ore, chemical grade	do	49,852	2,059					2				49,852	2,060
Manganese ore, metallurgical grade.	do	134,914	2,726			27,606	492	113				162,520	3,332
Manganese ore, natural, battery grade.	do	21,062	999			9,707	452	5				30,769	1,455
Mercury	do							(1)			(1)		
Mica	do	525	913				−3	1				525	911
Palladium	Troy ounce	60	1,016									60	1,016
Quartz crystals	Pound	77	1,166			5	98	6				82	1,270
Selenium	do	87	566			10	52	(1)				97	618
Silicon carbide	do	19,430	1,779			5,982	526	23				25,411	2,328
Thorium nitrate	do	2,720	6,165			160	359	22				2,880	6,546
Tin	do	4,257	4,326			1,187	1,204	9				5,444	5,539
Titanium sponge	do	1,500	1,800					7				1,500	1,807
Zinc	do	35,538	4,070					16		5		35,538	4,081
Total, exchange, commodities—strategic and critical materials.			103,353				14,695	356		5			118,399
Total, price support program			7,452,448		−540		169,702	38,829		365,491			7,294,948
Defense Production Act inventory: Cotton, American-Egyptian.	Bale	(1)	3									(1)	3
Total, Department of Agriculture			7,452,451		−540		169,702	38,829		365,491			7,294,951

[1] Less than 500.

[2] See appendix, for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

NOTE.—Figures are rounded and may not add to totals.

TABLE 2.—*Strategic and critical materials inventories under General Services Administration, January 1960: Including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile*

EXPLANATORY NOTES

The General Services Administration defines the content of the columns as follows:

Program and commodity: Identifies the program and the minerals, metals, fibers, and oils acquired under the program.

Unit of measure: The standard weight or measure of minerals, metals, fibers, and oils determined to be the stockpile unit of measure.

Inventory, beginning of month: Opening inventory represents quantity and cost of material in storage at the beginning of the accounting period.

Adjustments: Represents increases (+) or decreases (−) of material in inventory other than increases from acquisitions or decreases from disposals. Decreases occur from theft, loss incurred while in transit to stockpile location, repacking from one type of container to another, beneficiation of a low-grade material to a higher grade, and the removal of material for sampling and testing purposes. Increases occur from return of material previously removed for sampling and testing purposes and from quantities received at storage locations in excess of quantities billed by the contractor. A new chemical analysis of the materials may cause an increase or decrease where the weights are based on chemical and moisture content. Increases or decreases are also made from findings of audits of inventory and accounting records.

Acquisitions: For the National Stockpile and Defense Production Act acquisitions include open market purchases at contract prices; intradepartmental transfers at market or appraised value at time of transfer; transportation to first permanent storage location; and, beneficiating and processing cost in upgrading materials. For the supplemental stockpile acquisitions include the market value or CCC's acquisition cost whichever is the lower at time of transfer from CCC.

Disposals: Cost of disposals are calculated at the average unit price of inventory at time of removal from inventory. For the national stockpile inventory disposals consist of sale of materials that by their nature would deteriorate if held in storage for lengths of time; and, sale of materials that have been determined to be obsolete or excess to the needs of Government. For the Defense Production Act inventory disposals consist of sale of materials that have been determined to be obsolete or excess to the needs of Government.

Inventory, end of month: Closing inventory represents quantity and cost of material in storage at the end of the accounting period.

[In thousands]

Commodity	Unit of measure	Inventory, beginning of month, Jan. 1, 1960		Transactions during the month						Inventory, end of month, Jan. 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Cost	Quantity	Cost	Quantity	Cost	Quantity	Cost	Quantity	Cost
National stockpile, total (classified detail omitted)			$6,209,713		−$4,378		$1,855		$5,876		$6,201,314
Federal Facilities Corporation: Total, tin	Long ton	4	9,519							4	9,519
Defense Production Act:											
Aluminum	Short ton	690	350,039			20	9,969			710	360,009
Asbestos, chrysotile	Short dry ton	2	2,103							2	2,103
Bauxite, metal grade, Jamaica type	Long dry ton	1,370	18,168							1,370	18,168
Beryl	Short ton	2	976			(1)	18			2	994
Bismuth	Pound	23	52							23	52
Chromite, metallurgical grade	Short dry ton	788	28,622			9	327			797	28,949
Cobalt	Pound	20,641	43,774			196	4,194			20,837	47,968
Columbite	do	11,068	54,424	−63	−659					11,005	53,765
Copper	Short ton	136	75,587		20					136	75,608
Cryolite	do	39	10,676							39	10,676
Fluorspar, acid grade	Short dry ton	20	1,394							20	1,394
Graphite, lubricating	Short ton	1	178							1	178
Lead	do	8	3,036							8	3,036
Manganese, battery grade, synthetic dioxide	Short dry ton	4	2,524							4	2,524
Manganese, metallurgical grade	do	2,838	161,463			78	2,913			2,916	164,377
Mica, muscovite block, strained and better	Pound	5,186	28,041	(1)	(1)	238	1,836			5,424	29,378
Mica, muscovite film	do	93	503			1	3			94	506
Nickel	do	149,794	131,511		751	5,033	3,322	8,824	4,518	146,002	131,067
Palladium	Troy ounce	8	177							8	177
Rare earth residue	Pound	5,551	594			437	53			5,988	647
Rutile	Short dry ton	8	1,458		17					8	1,475
Thorium	Pound	720	36			58	3			778	38
Tantalite	do	925	6,075	63	357					989	6,432
Tin	Long ton	1	1,038							1	1,038
Titanium	Short ton	22	162,332		5,309					22	167,641
Tungsten	Pound	79,811	325,459		−2					79,811	325,457
Subtotal, DPA commodities			1,410,243		5,792		22,639		4,518		1,434,156
Machine tools inventory:											
In storage	Tool	1	9,285		−15			(1)	39	1	9,232
On lease	do	(1)	4,466							(1)	4,466
On loan	do	(1)	13							(1)	13
Subtotal, DPA machine tools			13,764		−15				39		13,710
Total, Defense Production Act			1,424,006		5,777		22,639		4,556		1,447,866
Supplemental stockpile: [2]											
Aluminum oxide, fused, crude	Short ton	101	12,784							101	12,784
Antimony, metal	do	7	3,970		2					7	3,973
Asbestos, chrysotile	Short dry ton	5	3,499							5	3,499
Bauxite, metal grade, Jamaica type	Long dry ton	1,702	24,632			163	2,268			1,865	26,901
Bauxite, metal grade, Surinam type	do					475	6,853			475	6,853
Beryl	Short ton	7	12,965			1	1,296			7	14,261
Bismuth	Pound	1,146	2,579							1,146	2,579
Cadmium	do	6,108	10,287			140	236			6,248	10,523
Chromite, chemical grade	Short dry ton	14	9,121			3	1,865			17	10,987
Chromite, metallurgical grade	do	963	153,881			69	9,921			1,032	163,802
Chromite, refractory grade	do					153	4,379			153	4,379
Cobalt	Pound	1,077	2,169							1,077	2,169
Colemanite	Long dry ton	33	2,152			6	411			40	2,563
Columbite	Pound	42	235							42	235
Copper	Short ton	9	6,215		−190	(1)	239			9	6,264
Diamond, industrial: stones	Carat	7,010	91,823							7,010	91,823
Fluorspar, acid grade	Short dry ton	402	22,671			43	2,474			445	25,145
Graphite, natural Ceylon, amorphous lump	do	1	341							1	341
Iodine	Pound	242	231							242	231
Lead	Short ton	176	48,640			15	4,209			192	52,848
Manganese, battery grade, natural	Short dry ton	31	2,881			4	378			35	3,260
Manganese, chemical grade, type B	do	17	1,407		−67					17	1,340
Manganese, metallurgical grade	do	1,037	99,563		−119	11	1,052			1,048	100,497
Mercury	Flask					16	3,396			16	3,396
Mica, muscovite block, strained and better	Pound	197	591		−6					197	586
Mica, muscovite film	do	17	184			9	100			26	284
Mica, muscovite splittings	do	4,429	5,295			135	162			4,565	5,457
Palladium	Troy ounce	463	8,309			25	459			488	8,768
Quartz crystals	Pound	82	1,099							82	1,099

See footnotes at end of table.

TABLE 2.—*Strategic and critical materials inventories under General Services Administration, January 1960: Including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile*—Continued

[In thousands]

Commodity	Unit of measure	Inventory, beginning of month, Jan. 1, 1960		Transactions during the month						Inventory, end of month, Jan. 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Cost	Quantity	Cost	Quantity	Cost	Quantity	Cost	Quantity	Cost
Supplemental stockpile—continued											
Rare earths	Short dry ton	2	$2,427							2	$2,427
Ruthenium	Troy ounce					15	$533			15	533
Selenium	Pound	60	436		−$17					60	419
Silicon carbide, crude	Short ton	38	7,417			16	3,141			53	10,559
Thorium nitrate	Pound					1,200	2,696			1,200	2,696
Titanium	Short ton	5	18,937			1	2,943			5	21,879
Tungsten	Pound	4,485	15,627							4,485	15,627
Zinc	Short ton	294	72,535			11	2,788			306	75,323
Total supplemental stockpile			644,902		−396		51,800				696,306
Supplemental stockpile inventory in transit: [2]											
Bauxite	Long dry ton	638	9,756					638	$9,756		
Beryllium copper master alloy	Short ton	(1)	1,482					(1)	1,482		
Cadmium	Pound	140	189					140	189		
Chrome ore, Turkish, metallurigcal	Short dry ton	28	1,532					28	1,532		
Chromite, refractory	do	153	4,378					153	4,378		
Chromium metal	Short ton	1	1,551					1	1,551		
Colemanite	Long dry ton	6	391					6	391		
Ferrochrome, high carbon	Short ton	7	2,232					7	2,232		
Ferrochrome, low carbon	do	11	4,662					11	4,662		
Ferromanganese	do	5	1,036					5	1,036		
Fluorspar, acid grade	Short dry ton	43	1,728					43	1,728		
Lead	Short ton	15	2,972					15	2,972		
Manganese ore	Short dry ton	4	372					4	372		
Mercury	Flask	16	3,396					16	3,396		
Mica	Pound	145	252					145	252		
Palladium	Troy ounce	25	426					25	426		
Ruthenium	do	15	533					15	533		
Silicon carbide, crude	Short dry ton	16	2,847					16	2,847		
Thorium nitrate	Pound	1,200	2,720					1,200	2,720		
Zinc	Short ton	11	2,592					11	2,592		
Total supplemental stockpile inventory in transit			45,045						45,045		
Total, General Services Administration			8,333,185		1,004		76,294		55,477		8,355,005

[1] Less than 500.
[2] See appendix, for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

NOTE.—Figures are rounded and may not add to totals.

TABLE 3.—*Civil defense stockpile inventory under the Office of Civil and Defense Mobilization, January 1960*

EXPLANATORY NOTES

The Office of Civil and Defense Mobilization defines the content of the columns as follows:

Program and commodity: Composite groups of many different items.

Unit of measure: Shown only for engineering supply units and hospital functional units; not feasible by other composite groups.

Inventory-quantity: Shown only for 2 items, namely, engineering supply units and civil defense emergency hospital functional units. It is not feasible to furnish quantity figures on the other commodity groups because they are composite groups of many different items. To report quantities, it would be necessary to list several hundred different items.

Inventory-cost value: The dollar value figures on commodities in the civil defense stockpile inventory reflect essentially the actual costs of the commodities. No transportation, delivery, or storage costs are included. However, these statements should be qualified by the fact that the total inventory includes Government excess property items valued at over $2,000,000 (a little more than 1 percent of the total), which were acquired by Office of Civil and Defense Mobilization at little or no cost. These materials are received into the inventory on 1 of 3 value bases: Items similar or identical to items purchased in the open market for stockpile purposes are accepted at the average unit cost for similar items purchased; the remaining items are accepted at a current fair value, if such has been determined, or at the original acquisition cost to the Federal Government, if a current fair value has not been determined.

Adjustments: Represents inventory pricing adjustments resulting from recalculation of fixed average unit prices, transfers of commodities from one composite group to another, etc., during the month.

Acquisitions: Materials placed in inventory during the month, including return to inventory of items previously released from inventory for reworking, etc. Value stated in terms of actual costs of the commodities.

Disposals: Materials removed from inventory during the month, including items released from inventory for reworking, etc. Value stated in terms of average unit costs.

Inventory at end of month: Closing inventory after transactions for the month have been applied to the inventory at the beginning of the month.

[In thousands]

Commodity	Unit of measure	Inventory, beginning of month, Jan. 1, 1960		Transactions during the month						Inventory, end of month, Jan. 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Value	Quantity	Value	Quantity	Value	Quantity	Value	Quantity	Value
Engineering stockpile (engine generators, pumps, chlorinators, purifiers, pipe and fittings).	10-mile unit	(1)	$6,210							(1)	$6,210
Medical bulk stocks and associated items at OCDM locations.			105,763		[3] −$2,496		$1,027		[5] $280		104,014
Medical bulk stocks at manufacturer locations.			34,544						[4] 30,046		4,497
Chemical and biological equipment			1,214		−21						1,193
Radiological equipment			6,168		241		39		[5] 199		6,251
Civil defense emergency hospital functional units.	Each	2	38,822		−317					2	38,506
Replenishment units for hospitals			8,950		1,671						10,621
Total, civil defense stockpile			201,670		−921		1,067		30,525		171,291

[1] Less than 500.
[2] Includes $1,671,000 transferred to "Replenishment units for hospitals."
[3] Inventory writeoff (certificate of destruction).
[4] Outdated blood plasma released from inventory for reworking into sera which, when received back from contractors, will be debited as a receipt into the stockpile.
[5] Granted to States and to other Federal agencies.

NOTE.—Figures are rounded and may not add to totals.

APPENDIX

UNITED STATES DEPARTMENT OF AGRICULTURE—COMMODITY CREDIT CORPORATION

The price support program

Price-support operations are carried out under the Corporation's charter powers (15 U.S.C. 714), in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958, and, with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities—namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1962. Price support for other nonbasic agricultural commodities is discretionary, except that whenever the price of either cottonseed or soybeans is supported the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. The producer's commodities serve as collateral for price-support loans. With limited exceptions, price-support loans are nonrecourse, and the Corporation looks only to the pledged or mortgaged collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Disposition of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of 1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Defense Production Act program

The programs authorized by and certified to the Secretary of Agriculture under the provisions of the Defense Production Act are administered and operated through the Commodity Credit Corporation.

All present and past programs involve the acquisition and disposition of agricultural commodities or products thereof. Commodities acquired are entered in and maintained through the inventory accounts of the Corporation. As the commodities are disposed of, the realized gains or losses are recorded by CCC as a receivable against the Secretary of Agriculture. Administrative expenses of the Corporation are recorded in this receivable; and interest is compounded monthly on the total amount of CCC's investment at the same rate per annum as that paid by the Corporation on its borrowings from the Treasury.

The net total of realized gains and losses, CCC's administrative expenses, and CCC's interest expense represented a payable item under the revolving fund.

The recording of realized gains or losses represents a cash basis, inasmuch as the amounts recorded represent the net results of actual dispositions. Values of inventories on hand at reporting date are not included in these fund accounts and therefore allowances for losses are not included. Administrative and interest expenses are accounted for on an accrual basis. All values are at cost.

When a program is completed, the Secretary of Agriculture secures funds by issuing interest-bearing notes to the Treasury and reimburses CCC. Interest on the notes issued by the Secretary is accrued monthly, compounded semiannually, as an accrued liability of the revolving fund.

GENERAL SERVICES ADMINISTRATION

Strategic and critical materials stockpiling and related programs

1. National stockpile: The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. GSA is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Civil and Defense Mobilization. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OCDM. In addition, GSA is responsible for disposing of those strategic and critical materials which OCDM determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V-7, issued by the Director of the Office of Civil and Defense Mobilization and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

2. Tin received from Federal Facilities Corporation: Public Law 608, 84th Congress (50 U.S.C. 98 note), provided among other things, for the continuation of operation of the Government-owned tin smelter at Texas City, Tex., from June 30, 1956, until January 31, 1957. It provided also that all tin acquired by the Federal Facilities Corporation by reason of such extension should be transferred to GSA.

3. Defense Production Act: Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, GSA is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Civil and Defense Mobilization.

4. Supplemental stockpile: As a result of a delegation of authority from OCDM (32A C.F.R., ch. I, DMO V-4) GSA is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. App. 2191-2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

Civil defense stockpile program

This stockpiling program, under authorization of Public Law 920, 81st Congress, section 201(h), is designed to provide some of the most essential medical and engineering supplies for emergency use in event of enemy attack. Materials and equipment not normally available or not present in the quantities needed to cope with such conditions are stockpiled at strategic locations. The Office of Civil and Defense Mobilization stockpile procured to date including medical supplies, emergency engineering equipment, and radiological instruments is stored and maintained in a nationwide warehouse system consisting of medical and general storage facilities.

EXPLANATORY NOTES RELATING TO THE REPORTING OF STRATEGIC AND CRITICAL MATERIALS ACQUIRED BY EXCHANGE OR BARTER OF AGRICULTURAL COMMODITIES

Surplus agricultural commodities in the Commodity Credit Corporation's price-support inventory may be exchanged or bartered for strategic and critical materials under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), and other basic legislation including the CCC Charter Act, as amended, Agricultural Act of 1954, and the Agricultural Act of 1956.

Except for small amounts which may go to the national stockpile, the strategic and critical materials acquired by Commodity Credit Corporation under the barter program are transferred to the supplemental stockpile.

Direct appropriations reimburse Commodity Credit Corporation for materials so transferred from the price-support inventory.

The General Services Administration is charged with the custody and management of strategic and critical materials, and becomes the responsible reporting agency when title to these bartered materials is placed in the supplemental stockpile.

For purposes of this report, strategic and critical materials acquired by barter may appear in three inventories, reflecting the stages of the transfer of title.

1. The Department of Agriculture reports those to which the Commodity Credit Corporation still has title, prior to transfer to the supplemental stockpile.

2. The General Services Administration reports those which have been transferred from the Commodity Credit Corporation exchange inventory in two parts:

A. Materials for which title is "in transit" from Commodity Credit Corporation to the supplemental stockpile.

B. Materials for which title has passed to the supplemental stockpile.

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost value of materials in nine Federal stockpiles inventories as reported by the Department of Agriculture, General Services Administration, and the Office of Civil and

Defense Mobilization, on January 31, 1960, totaled $15,821,247,000. January activity in these stockpiles resulted in a net reduction of $165,959,000.

The net change in these stockpile inventories reflects acquisitions, disposals and adjustments. The January activity and the end-of-the-month totals are summarized as follows:

[In thousands]

Inventories by agency and program	Cost value, January 1960	
	Net change during month	Total, end of month
DEPARTMENT OF AGRICULTURE		
Price support program:		
1. Agricultural commodities	−$172,546	$7,176,549
2. Exchange—strategic and critical materials	+15,046	118,399
Total, price support program	−157,500	7,294,948
3. Defense Production Act program		3
Total, Department of Agriculture	−157,500	7,294,951
GENERAL SERVICES ADMINISTRATION		
Strategic and critical materials:		
4. National stockpile	−8,399	6,201,314
5. Federal Facilities Corporation, tin inventory		9,519
6. Defense Production Act program	+23,860	1,447,866
7. Supplemental stockpile	+51,404	696,306
8. Supplemental stockpile inventory in transit	−45,045	
Total, General Services Administration	+21,820	8,355,005
OFFICE OF CIVIL AND DEFENSE MOBILIZATION		
9. Civil Defense stockpile	−30,279	171,291
Grand total	−165,959	15,821,247

These figures are from reports certified by the agencies involved as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

INCREASES AND DECREASES

Major net decreases in cost value during the month were reported as follows: $144 million in cotton; $32 million in civil defense medical bulk stocks; $11 million in soybeans; $9 million in wheat; and $8 million in the national stockpile.

These decreases were partially offset by major net increases including: $13 million in aluminum and aluminum ores; $6 million in chrome and chrome ores; and $6 million in grain sorghum.

AGRICULTURAL COMMODITIES

Of 24 agricultural commodities in Commodity Credit's $7.2 billion price support inventory on January 31, 1960, those leading in cost value include:

Wheat, with 1.1 billion bushels at a cost of $2.9 billion; corn, with 1.2 billion bushels at a cost of $2.2 billion; and cotton, with more than 6.7 million bales at a cost of $1.2 billion.

STRATEGIC AND CRITICAL MATERIALS

Strategic and critical materials are shown in six inventories totaling $8.5 billion, including the $6.2 billion national stockpile for which itemized detail is classified. Combined figures from the other five inventories show materials (in all grades and form) leading in cost value as follows:

Aluminum, bauxite, etc., with 5.2 million tons at a cost of $436 million; tungsten, with 84 million pounds at a cost of $341 million; and manganese and manganese ores, with 4.1 million tons at a cost of $279 million.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

The civil defense stockpile is shown in seven composite groups totaling $171 million. Nearly 65 percent is in medical bulk stocks valued at $109 million.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH:

S. 3285. A bill to amend section 106 of title 38, United States Code, to provide benefits under laws administered by the Veterans' Administration for service in the Women's Army Auxiliary Corps; and

S. 3286. A bill to amend title II of the Social Security Act to include Texas among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage, under State agreement, for only those State and local employees who desire such coverage, and permit Texas to obtain social security coverage, under State agreement, for policemen and firemen of such State who are in positions covered by a retirement system; to the Committee on Finance.

(See the remarks of Mr. YARBOROUGH when he introduced the above bills, which appear under separate headings.)

By Mr. DOUGLAS:

S. 3287. A bill for the relief of Marija Gruskovnjak; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 3288. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of certain surplus property to State fishery agencies; to the Committee on Government Operations.

By Mr. BYRD of Virginia:

S. 3289. A bill to amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social security purposes; to the Committee on Finance.

By Mr. BARTLETT (for himself, Mr. ANDERSON, Mr. BIBLE, Mr. CANNON, Mr. GRUENING, Mr. JACKSON, Mr. MAGNUSON, Mr. MURRAY, and Mr. MCGEE):

S. 3290. A bill to amend section 120(a) of title 23, United States Code; to the Committee on Public Works.

By Mr. HART:

S. 3291. A bill to authorize the Housing and Home Finance Administrator to make certain modifications in the terms of sale of the Oakdale Residents Cooperative Housing Project of Royal Oak Township, Oakland County, Mich.; to the Committee on Banking and Currency.

By Mr. CLARK:

S. 3292. A bill to provide for the establishment of a Department of Housing and Metropolitan Affairs, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. CLARK when he introduced the above bill, which appear under a separate heading.)

By Mr. HAYDEN (for himself, Mr. BRIDGES, and Mr. STENNIS):

S.J. Res. 178. Joint resolution relating to the payment of salaries of employees of the Senate; to the Committee on Rules and Administration.

By Mr. RANDOLPH (for himself and Mr. BYRD of West Virginia):

S.J. Res. 179. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; and

S.J. Res. 180. Joint resolution providing for the designation of the last Tuesday in April of each year as Teachers Day; to the Committee on the Judiciary.

CONCURRENT RESOLUTIONS

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT COMPILATION OF STUDIES ON UNITED STATES-LATIN AMERICAN RELATIONS

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original concurrent resolution (S. Con. Res. 99) to print as a Senate document a compilation of studies on United States-Latin American relations, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of committees.")

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT COMPILATION OF STUDIES ON U.S. FOREIGN POLICY

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original concurrent resolution (S. Con. Res. 100) to print as a Senate document a compilation of studies on U.S. foreign policy, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of committees.")

RESOLUTIONS

AVAILABILITY OF CERTAIN COMMITTEE RECORDS TO U.S. DISTRICT COURT FOR EASTERN DISTRICT OF MISSOURI

Mr. MCCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 298) concerning the appearance as witnesses of certain staff members of the Senate Permanent Subcommittee of the Committee on Government Operations in a Federal court proceeding in St. Louis, Mo., which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. MCCLELLAN, which appears under the heading "Reports of committees.")

ADDITIONAL COPIES OF ST. LAWRENCE SEAWAY MANUAL

Mr. WILEY submitted a resolution (S. Res. 299) authorizing the printing of additional copies of the question-and-answer review of the St. Lawrence Seaway, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. WILEY, which appears under a separate heading.)

BENEFITS FOR SERVICE IN WOMEN'S ARMY AUXILIARY CORPS

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference, a bill to extend veterans benefits to the former members of the Women's Army Auxiliary Corps. Strange as it may seem, women serving in the WAAC's who did not continue their service when that organization was changed to the Women's Army Corps late in 1943 are not eligible for veterans' benefits except for line-of-duty disability. This bill, similar to bills introduced in the House by Representative MEYER of Vermont, and Representative ANFUSO of New York, would allow these women veterans' benefits on the same terms, with equivalent qualifications and restrictions, as those accorded to male veterans of the same period.

The bill as introduced would provide prospective benefits only, and in this form has been reported on favorably by the Veterans' Administration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3285) to amend section 106 of title 38, United States Code, to provide benefits under laws administered by the Veterans' Administration for service in the Women's Army Auxiliary Corps, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Finance.

COVERAGE OF TEXAS POLICEMEN AND FIREMEN UNDER SOCIAL SECURITY

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference a bill to bring the policemen and firemen of the State of Texas, so desiring, under the coverage of social security. This bill, when supplemented by appropriate State legislation, would provide complete freedom of choice among all present Texas employees under State retirement systems as to whether or not they would come under social security. The provision of this bill adding coverage for policemen and firemen is coupled with a provision adding Texas to the States permitted split retirement systems.

A good many States now have this provision of law allowing the policemen and firemen of their States to come under the Federal social security system and also their local retirement systems.

Under the split retirement provision, each individual in the groups affected, teachers, firemen, policemen, and so forth, would be able to choose whether they desired their own retirement plan alone, or the State retirement plus social security.

There has been some misapprehension among some teachers groups and some policemen and firemen groups in my State that if Texas were put into the system with the other States that have optional social security provisions, the policemen, firemen, and teachers of Texas would thereby be precluded from participating in the local, city, or county retirement systems. But the provisions of the bill protect them. It is purely optional, and if the teacher groups in any city, or in a State as a whole, should join in this optional retirement plan, they would get the benefits under the Federal social security plan and also the local teachers', firemen's or policemen's retirement plan.

I think this bill, if enacted, would do much to help local governments in my State in recruiting and retaining career employees, as well as being very helpful to the older career employees now facing retirement on a very meager income.

This problem is accentuated by the fact that many of the smaller cities or towns have inadequate or no retirement systems for policemen and firemen because they cannot finance such retirement systems. This bill is particularly desirable for the smaller cities and towns and for certain groups of school employees who do not now come under the provisions of the teachers' retirement systems.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3286) to amend title II of the Social Security Act to include Texas among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage, under State agreement, for only those State and local employees who desire such coverage, and, permit Texas to obtain social security coverage, under State agreement, for policemen and firemen of such State who are in positions covered by a retirement system, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Finance.

DEPARTMENT OF HOUSING AND METROPOLITAN AFFAIRS

Mr. CLARK. Mr. President, I introduce, for appropriate reference, a bill to provide for the establishment of a Department of Housing and Metropolitan Affairs, and for other purposes.

I ask unanimous consent that the bill may lie at the desk for 2 days, so that other Senators who wish to join as cosponsors of the bill may do so.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Pennsylvania.

The bill (S. 3292) to provide for the establishment of a Department of Housing and Metropolitan Affairs, and for other purposes, introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. CLARK. Mr. President, I ask unanimous consent that the bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF DEPARTMENT; OFFICE OF SECRETARY

SECTION 1. (a) There is hereby established an executive department which shall be known as the Department of Housing and Metropolitan Affairs (hereinafter referred to as the "Department"). There shall be at the head of the Department a Secretary of Housing and Metropolitan Affairs (hereinafter referred to as the "Secretary"), who shall be appointed by the President by and with the advice and consent of the Senate. The Secretary shall receive compensation at the rate now or hereafter prescribed by law for the heads of departments.

(b) The Secretary shall cause a seal of office to be made for the Department of such design as the President shall approve, and judicial notice shall be taken thereof.

UNDER SECRETARY AND ASSISTANT SECRETARIES

SEC. 2. (a) There shall be in the Department an Under Secretary of Housing and Metropolitan Affairs, and three Assistant Secretaries of Housing and Metropolitan Affairs, who shall be appointed in the same manner as the Secretary and who shall perform such duties as may be prescribed by the Secretary. The Under Secretary and Assistant Secretaries shall receive compensation at the rate now or hereafter prescribed by law for under secretaries and assistant secretaries, respectively, of the executive departments.

(b) In the absence of the Secretary or when he is unable to perform the duties of his office the Under Secretary shall act as Secretary. In the event of the absence of both the Secretary and the Under Secretary, or in case both are unable to perform the duties of the office of Secretary, an Assistant Secretary to be designated by the Secretary shall act as Secretary; or in the absence of designation by the Secretary, the Assistant Secretary who is senior in office shall act as Secretary.

TRANSFERS TO THE DEPARTMENT

SEC. 3. (a) All functions of the Housing and Home Finance Administrator are hereby transferred to the Secretary. All agencies of the Housing and Home Finance Agency, together with their respective functions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), and all other functions, personnel, property, records, and unexpended balances of appropriations, allocations and other funds (available or to be made available) of the Housing and Home Finance Agency, are hereby transferred to the Department.

(b) The President shall from time to time exercise his authority under the Reorganization Act of 1949 with a view to further consolidating within the Department such functions and agencies of the Government as will further the purposes of this Act. The President shall submit to the Congress on or before January 3, 1961, a report setting forth what action has been taken or is proposed to be taken by him in accordance with the provisions of this section and the reasons therefor.

RESEARCH AND TECHNICAL ASSISTANCE

SEC. 4. (a) The Secretary shall (1) conduct a continuing study of problems peculiar to urban and metropolitan areas, including problems of coordinating Federal programs as they affect such areas, and (2) provide technical assistance to State and local governmental bodies in developing solutions to such problems. Such assistance shall include whenever appropriate the dissemination to interested bodies of the results of the studies undertaken pursuant to this section.

(b) The Secretary shall from time to time make such recommendations to the Congress, as a result of the studies to be undertaken under this section and after consultation with appropriate representatives of State and local governments, as he shall determine to be appropriate.

(c) As used in this section the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

COORDINATION OF FEDERAL ACTIVITIES AFFECTING METROPOLITAN AREAS

SEC. 5. The Secretary shall advise the President on the coordination of Federal programs as they affect metropolitan areas, and shall initiate consultation among officers of departments and agencies concerned, and among Federal, State, and local government officials, in order to improve the coordination and effectiveness of Federal programs in contributing to the solution of the problems of metropolitan areas.

ABOLITIONS

SEC. 6. The Housing and Home Finance Agency (exclusive of the agencies thereof transferred by section 3 of this Act) and the Office of the Housing and Home Finance Administrator are hereby abolished. The Secretary shall make such provisions as may be necessary in order to terminate any outstanding affairs of the agencies and offices abolished by this section.

ADVISORY COMMITTEES

SEC. 7. The Secretary may establish such advisory committees on urban affairs as he may determine to be desirable and in furtherance of the purposes of this Act. The members of any such committee shall be reimbursed for actual travel and subsistence expenses incurred in attending meetings of the committee.

AMENDMENT

SEC. 8. Section 158 of the Revised Statutes of the United States, as amended (5 U.S.C. 1), is amended by adding at the end thereof the following:

"Eleventh: The Department of Housing and Metropolitan Affairs."

REPORT

SEC. 9. The Secretary shall cause to be prepared, published, and transmitted to the Congress an annual report of the activities and accomplishments of the Department.

INTERIM APPOINTMENTS

SEC. 10. Pending the initial appointment of officers of the Department, the functions of any such officer may be performed temporarily (not in excess of sixty days) by such officer of the Housing and Home Finance Agency, including its constituent agencies, as the President shall designate.

EFFECTIVE DATE

SEC. 11. The provisions of this Act shall take effect on the first day of the third calendar month following the month in which this Act is enacted.

ADDITIONAL COPIES OF ST. LAWRENCE SEAWAY MANUAL

Mr. WILEY. Mr. President, I submit, for appropriate reference, a resolution to authorize the printing of 80,000 additional copies of the Foreign Relations Committee print, "Questions and Answers on the St. Lawrence Seaway."

Originally published in 1954, the manual was recently revised by the St. Lawrence Seaway Development Corporation and republished.

During this period, there have been a number of developments, including stepped up trade and commerce, further improvement of Great Lakes ports and harbors projects, expansion of trade, and the completion of the St. Lawrence Seaway project. Because of these steps of progress—and the promise of greater commercial and tourist potential of the seaway in the years ahead—there has been ever-widened interest in the waterway.

As a sponsor of the Wiley-Dondero law authorizing the seaway, I am naturally gratified by the facts: First, that first-year traffic, despite difficulties, was up substantially over previous years; second, the traffic is expected to make further annual increases in the years ahead; and third, the completion of the project has resulted in increased economic activity and planning that will, I believe, benefit the whole economy.

As a result of this program, there have been floods of inquiries on the project. These have come from businesses and industry, chambers of commerce, trade associations, historians and historical societies, educational institutions, State governments, Federal departments and agencies, and a wide variety of other individuals and organizations interested in the economic, commercial, travel, trade, or other aspects of the St. Lawrence Seaway.

Because of this great interest, requests for the question-and-answer manual—although this was only recently reprinted—have already far exceeded the supply.

As we know, the American taxpayer has a $140 million investment in the seaway. However, this expenditure is expected to be paid off—and I am confident it will be—by tolls on the ever-increasing volume of traffic through the seaway. However, the debt can be repaid—and the benefits for the Nation reaped—only if the seaway is a success.

The question and answer manual, I believe, is making a constructive contribution toward better understanding the history, operation, and potential of this great waterway.

In view of these factors—reflected in the tremendously wide range of interests in information on the seaway—I believe the reprinting of additional copies of the question-and-answer manual would be in the best public interest.

Now I request unanimous consent that the resolution be printed in the RECORD.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 299) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed for the use of the Committee on Foreign Relations eighty thousand additional copies of a question and answer review of the Saint Lawrence Seaway.

CONSTRUCTION AT CERTAIN MILITARY RESERVATIONS—AMENDMENT

Mr. GREEN submitted an amendment, intended to be proposed by him, to the bill (S. 3006) to authorize certain construction at military installations, and for other purposes, which was referred to the Committee on Armed Services, and ordered to be printed.

CHANGE OF REFERENCE

Mr. MURRAY. Mr. President, the concurrent resolution (H. Con. Res. 7) declaring the sense of Congress on the closing of Indian hospitals, and the bill (S. 3262) to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians, have been referred to the Committee on Interior and Insular Affairs. Both measures have to do with problems involving Indian medical care and the operations of the Public Health Service.

Inasmuch as responsibility for the provision of health services to Indians has been transferred from the Department of the Interior to the Public Health Service and since legislation affecting that agency is within the jurisdiction of the Senate's Committee on Labor and Public Welfare, I ask unanimous consent that both measures be re-referred to the Committee on Labor and Public Welfare.

The Senators from New Mexico [Mr. CHAVEZ and Mr. ANDERSON] are the sponsors of the Senate bill. Their offices advise me that they have no objection to the referral of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

APPOINTMENT OF MEMBER OF THE NATIONAL OUTDOOR RECREATION RESOURCES REVIEW COMMITTEE

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Chair has been requested by the Vice President to announce the appointment of Senator HENRY M. JACKSON, of Washington, to be a member of the National Outdoor Recreation Resources Review Committee, created by Public Law 470, 85th Congress, vice the late Senator Richard L. Neuberger, of Oregon.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. PASTORE:

Address delivered by Senator MONRONEY at the 60th annual dinner of the Society of the Friendly Sons of Providence, R.I., March 17, 1960.

By Mr. CHURCH:

Statement of Senator MCGEE before the U.S. Tariff Commission, on March 22, 1960.

APPROPRIATIONS PURSUANT TO THE EISENHOWER ADMINISTRATION ECONOMY DOCTRINE

Mr. DOUGLAS. Mr. President, yesterday we had a very amusing illustration of Eisenhower economy, when the Commissioner of the Food and Drug Administration, Mr. George P. Larrick, appeared before the Senate Appropriations Committee and asked for improved housing for the cows and dogs the Bureau cares for. He asked for an additional appropriation of $80,000 for an additional building to house 14 cows, or an average cost of housing each cow of approximately $5,700. He also asked for an appropriation of approximately $2 million to better house 720 dogs, in order that they might have air-conditioned

quarters, ample runways, and opportunity for exercise and all the other finer things of life.

I hold in my hand the transcript of the testimony given by Mr. Larrick on yesterday before the Appropriations Committee. The requested appropriation for the dogs averages approximately $2,700 per dog, and I understand that the cost for the added facilities would be $30 per square foot, whereas the average cost for office buildings in the city of Washington is $16 per square foot.

Mr. President, I like both dogs and cows; and it may well be that today the Food and Drug Administration is not treating its dogs and its cows properly. But I submit that this is an excessive cost; and it is in sharp contrast with the policy of the Eisenhower administration in refusing to make any adequate appropriations for the education of schoolchildren, in opposing adequate funds for urban renewal, in opposing public housing to rehouse persons displaced by urban renewal and by the highway program; in fact, they are providing more money per dog and more money per cow than the amount needed to house a baby. Mr. President, I protest at this false sense of values.

I know it is going to be very hard to appeal to the Eisenhower administration on the basis of the fact that the children need these sums and need adequate housing. But perhaps the Eisenhower administration should consider the matter from this point of view: How can cows and dogs be healthy unless there are efficient human beings to attend them? So possibly the Eisenhower administration might be willing to appropriate more money for children and for health facilities for children, because they would become better cowtenders and better dog tenders.

In any event, Mr. President, I wish to say that if this specific appropriation is contained in the bill which comes to the floor of the Senate, the Senator from Illinois will oppose it; and if it is not eliminated from the bill, the Senator from Illinois will vote against the bill on final passage.

PROTECTION AGAINST POTENTIAL POISONS ENDANGERING FAMILIES

Mr. BUSH. Mr. President, the Senate yesterday passed unanimously S. 1283, the proposed Federal Hazardous Substances Labeling Act, which was sponsored by the distinguished chairman of the Committee on Interstate and Foreign Commerce [Mr. MAGNUSON] and myself.

The Magnuson-Bush bill is for the protection of human life and health, providing warning against the potential poisons endangering American families which are in common household use.

There are more than 300,000 common household products, such as furniture polish, bleaches, detergents, cleaners, and so forth, containing poisonous or dangerous substances that lack adequate warning labels, and adequate identification of the dangerous substances, information so necessary to the attending doctor in his effort to aid his patient.

In a single year, the committee was informed, there are more than 200,000 poisonings in the United States, resulting in approximately 5,000 deaths, and the loss of over 89,000 man-years of work.

The most tragic victims of these accidents are young children who swallow household aids left within their reach. The Public Health Service estimates that 600,000 children under the age of 15 will swallow a poisonous or potentially poisonous substance each year, and that 500 of them will die as a result.

The Magnuson-Bush bill has now gone to the House of Representatives where, I hope, prompt action will be taken upon it.

Mr. President, I ask unanimous consent that an editorial from the Stamford Advocate of March 23 discussing the bill may be printed in the RECORD following these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Stamford Advocate, Mar. 23, 1960]

DANGEROUS IGNORANCE

How many times has a parent remarked, with a mixture of pride, humor, annoyance, and perhaps, a little concern, "The things my child swallows; it's a wonder he hasn't killed himself?"

The wonder is that the parent is so little concerned, for more people are killed each year by swallowing the wrong things than die from such dread diseases as scarlet fever, meningitis, polio, and diphtheria combined.

The answer is ignorance. Today there are over 300,000 common trade name items that contain poisonous materials, found as common household possessions. By far the largest number are without any warning as to their lethal nature or any information as to the contents that would help a doctor treat a child who had swallowed them.

Here in Connecticut we are better off than in most of the country, having had legislation regulating the labeling of hazardous substances suitable or intended for household use, since 1957.

However, at present there are practically no interstate controls.

Connecticut's Senator PRESCOTT S. BUSH has sponsored a bill to correct this situation. It has been carefully researched and studied for several years, and no one seems to oppose it. This act—Senate bill 1283, amended, should be pasesd. But in an election year, with legislative calendar crowded, a measure that does not excite the public may get lost in the shuffle.

Senator BUSH needs no encouragement to keep on working for this bill. He has done a praiseworthy job already. However, a little evidence that the public wants this bill passed might help him convince other Members of Congress not to overlook its importance.

The Public Health Service estimates that every year 600,000 children swallow household aids left within their reach, and 500 of them die. The entire population of Stamford, men, women and children, working a 40-hour week for a year, would just about make up for the total man-years of work lost each year through such poisonings.

Without proper labeling parents are unaware of the dangers involved, and fail to take proper precautions; and many deaths have occurred because the doctor did not know what was in the item the child swallowed.

The next time you sit at your desk, light a cigarette, and take pen in hand to write a letter, stop and find out whether the container of furniture polish, the can of lighter fluid and the bottle of ink are properly labeled, and then write that letter to a Congressman.

NUCLEAR TEST BAN

Mr. PROXMIRE. Mr. President, once again I repeat the quotation to which I referred yesterday, from the eminent British statesman and Nobel Prize Winner Philip Noel-Baker:

I think it quite likely—if I were asked to bet I would say it was about even—that within 10 years the governments will not have disarmed. We shall have had a nuclear war; we, our children, and grandchildren will all be dead, and the world will be spinning a lifeless, radioactive, incinerated globe throughout eternity.

I repeat this warning, Mr. President, because I find that, somehow, the Senate has lost its sense of urgency about the problem of ending nuclear testing. Of course, the Russians have a long record of broken promises. The current negotiations suggest serious areas of suspicion of the Russians on the test ban. The Senator from New Mexico [Mr. ANDERSON] and the Senator from Tennessee [Mr. GORE] have performed a great service in alerting the Nation and the country to these dangers.

But, Mr. President, at the same time, the Senate should recognize that the future of humanity may very well be at stake here. It is not impossible that the Senate of the United States, with the best of intentions, may become the stumbling block preventing a treaty ending nuclear testing that would work and that could provide an important first step toward disarmament and peace.

Indeed, we must approach this problem with eyes wide-open and as realistically as possible, but we must approach it—we must move forward, we must make progress, we must work and strive and fight to achieve peace, and we undoubtedly must be willing to assume some risks to do it.

With all this in mind, Mr. President, I ask unanimous consent that an excellent, well-balanced editorial on this whole subject, which appeared in this morning's Washington Post, be printed in the RECORD at this point. This editorial wisely concludes:

Plainly the practical hope lies in establishing a less ambitious system of inspection at the outset and working toward confidence by degrees. Insistence on perfection would be the sure way to doom the present opportunity altogether. It is much to the credit of Messrs. Eisenhower and Macmillan that this seems to be the premise upon which they are proceeding.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENSE ON TESTING

The formula that President Eisenhower and Prime Minister Macmillan reportedly have discussed for responding to the Soviet nuclear test proposal makes very good sense. Quite apart from any urging by Mr. Macmillan, the President is said to have decided to agree to a voluntary moratorium on the testing of small nuclear weapons in connection with a treaty banning larger tests, but only for the remainder of his term of office. If the Soviet Union were cooperating effectively on joint research into methods of

detecting smaller tests, he would recommend to his successor that the moratorium be continued.

For the first time the Soviet Union has recognized the distinction between larger nuclear tests, which would be banned specifically by treaty under an inspection and control system, and smaller tests, which cannot now be reliably detected. The virtue of the President's formula is that it would make possible a positive reply—subject, of course to the establishment of satisfactory inspection criteria—while reserving a sort of performance check on the moratorium. Soviet leaders are surely aware of the constitutional point that a President cannot bind his successor except by treaty.

In coming to this decision Mr. Eisenhower has withstood many protests within and outside the administration to the effect that any such course would be appeasement. Some persons frankly want to continue the testing of smaller nuclear weapons for military purposes; other fear that any treaty or moratorium could be evaded. For example, Prof. Freeman J. Dyson of the Institute for Advanced Study at Princeton argues in the new issue of Foreign Affairs for continued testing to develop small clean hydrogen weapons that would not require a fission trigger; he also suggests a method of decoupling nuclear explosions whereby relatively large tests in buildings above ground might be concealed.

Dr. Dyson is a respected nuclear physicist. He may have a theoretical point in the possibility he advances for camouflaging tests, although other competent scientists at least tentatively disagree. Even if he and the like-minded Dr. Edward Teller are right in their general thesis, however, the practical effect of such suggestions, if used as the basis for policy, would be to render nearly hopeless for chance of any agreement with the Russians. The root question is as much one of philosophy as of physics.

With sufficient effort it seems to be within the ingenuity of man to frustrate almost any system that can be devised. Yet as another respected scientist, Dr. Hans Bethe, reminds in his comment on the Soviet proposal, the Berkner report last year held out great encouragement for the development through more research of a reliable detection system for small weapon tests. A closer net of unmanned seismic stations, Dr. Methe adds, would increase the possibility of detecting muffled explosions. It is a pity that such men as Dr. Dyson and Dr. Teller do not devote as much time and talent to evolving a reasonable effective system as to proving that no system will work.

Calculated risk has become a cliche, but that is essentially what is at stake. It is altogether unnecessary to exaggerate the benefits of a nuclear test agreement, or to believe that the Soviet leaders have in any way abandoned their political objectives, to understand that this is one of those times in history at which an agreement may serve a mutual advantage. The problem is to build as many safeguards as possible into a system that will be acceptable on both sides.

It would be splendid, indeed, if the Russians would suddenly agree to complete inspection and an open world; but the frame of reference must be what is attainable. Plainly the practical hope lies in establishing a less ambitious system of inspection at the outset and working toward confidence by degrees. Insistence on perfection would be the sure way to doom the present opportunity altogether. It is much to the credit of Messrs. Eisenhower and Macmillan that this seems to be the premise upon which they are proceeding.

Mr. PROXMIRE. Mr. President, I also ask unanimous consent that a brilliantly lucid and thoughtful column by Mr. Walter Lippmann, entitled "A Treaty in Sight," and emphasizing the positive, also be printed in the RECORD at this point. First, I should like to read, very briefly, the last two paragraphs:

The critical country here is not France or West Germany. The critical country is China. For it has what Britain, France, and Germany do not have, the basic characteristic of a true nuclear power. This is to have so large a territory that it can hope to survive an attack.

If we look ahead, if we take account of the great balance of world forces, we must think it would be a disastrous folly not to become alined with the Soviet Union, when there is a chance to do so, against the spread of nuclear weapons.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A TREATY IN SIGHT

(By Walter Lippmann)

There is now a good chance that a treaty and a voluntary agreement prohibiting nuclear tests will be ready for signature at the summit meeting in May. Some specific points have still to be negotiated. But on the main issues there is no longer any important disagreement.

About 10 days ago the Soviet Government accepted, with one condition, the proposal made last month by the President. It agreed that the treaty should cover only test explosions which can be monitored. This means all the explosions which pollute the air.

The condition attached to this acceptance of the Eisenhower proposal is that for a period of years, perhaps 4 or 5, there shall be a voluntary agreement not to make small underground test explosions which are not yet prohibited by treaty. During this moratorium there would be, as the President first proposed, joint scientific studies to improve the existing monitoring devices.

The President is ready to accept the principle of this moratorium. But for obvious constitutional reasons he is not able to agree to the 4- or 5-year moratorium which the Russians want. He has no legal power to bind his successor, and the most he can do is to obtain promises to maintain a shorter moratorium from Mr. NIXON and the leading Democratic candidates. This ought to satisfy Mr. Khrushchev. For if the joint studies are carried out with energy and sincerity, there will be no serious doubt that the moratorium will be extended further.

Even if a treaty is signed at the summit in May, the Senate will not be able to act on it in this session. It will lie over until next winter, and this means that all the candidates for Federal office will have to take a stand on it during the election campaign. In all likelihood, barring unforeseen developments, the treaty will be popular, for the risks are very small, and the gains may be very great.

What are the risks? There is no risk at all that the big explosions prohibited by treaty could be carried out in secret. The treaty itself provides for a network of monitoring stations. But even more important, so it seems to me, is the fact that we are not capable by our own instruments of detecting the kind of explosion which the treaty would prohibit. We are able, so to speak, to monitor the monitors, to check and to doublecheck.

What about the smaller underground explosions which would not be prohibited by the treaty but which would be subject to a short moratorium? Theoretically, since by definition they cannot be detected by existing instruments, the Soviets may during the past year have been conducting such underground tests. But no one thinks the Soviet Union has done this.

Why? Leaving out all considerations of good faith, sneak tests would be very dangerous. For while the scientists agree that the smaller explosions underground cannot surely be distinguished from earthquakes, it is also true that they cannot surely be concealed. The penalty for cheating would be enormous. What is more, for the Soviet Union the advantages from cheating would be unimportant. For the Soviet Union has no big military interest in perfecting the smaller nuclear weapons. She has big rockets to carry big weapons, and a massive reserve of infantry for conventional warfare.

For the United States the prohibition of small test explosions is a concession. It probably means that we shall not be able to perfect beyond their present state the smaller nuclear weapons. Congress, no doubt, will study this thoroughly. But so far as I can make out, there are plenty of fully informed and responsible people in the Government who think that our arsenal of weapons is already very good indeed, and that military perfectionism is not a national necessity.

The advantages of the treaty and an agreement can be measured only by what would happen if they failed. If, having come so near to an agreement, the three nuclear powers quarrel, the race in nuclear weapons will not only be resumed but it will be expanded. If we three, who have nuclear weapons, cannot agree to limit them, then all other powers which wish to count in world affairs must make or must buy nuclear weapons.

The critical country here is not France or West Germany. The critical country is China. For it has, what Britain, France, and Germany do not have, the basic characteristic of a true nuclear power. This is to have so large a territory that it can hope to survive an attack.

If we look ahead, if we take account of the great balance of world forces, we must think it would be a disastrous folly not to become alined with the Soviet Union, when there is a chance to do so, against the spread of nuclear weapons.

DEATH OF REPRESENTATIVE RUSSELL V. MACK, OF WASHINGTON

Mr. JACKSON. Mr. President, we were all shocked yesterday to learn of the sudden passing on the floor of the House of Representatives of our colleague, Russell V. Mack, Member of Congress from the Third Congressional District of the State of Washington.

It was my privilege to have served in the House with Representative Mack from 1947 to 1952. He was an able Member of the House. During his long service in that body, he followed the resource development program very closely as a senior Republican member of the House Public Works Committee.

Representative Mack was liked by all who knew him. He was an amiable fellow; he had a delightful sense of humor; he enjoyed people.

Mr. President, our State has lost a devoted public servant, and I have lost a personal friend. To his wife, Laura, I extend my deepest sympathy.

Mr. KEATING. Mr. President, I wish to say a word or two about the sudden and tragic death of my friend and former colleague, the distinguished Member of the House of Representatives, Russell V. Mack.

It certainly came as a shock to me to hear of the sudden event which happened yesterday on the floor of the House.

I served with Russ in the House of Representatives. He came to the 80th Congress, in a special election. He was one of my very good friends during all my service in the House. He was always cooperative. He was completely dedicated to the welfare of his constituency and his Nation. He worked tirelessly and very effectively as a member of the House Public Works Committee, with special emphasis on the Federal highway program and rivers and harbors development. He was the Republican whip for the Western States, and in that respect played a vital role in the work of my party in the other body.

We shall always remember Russ Mack as an able legislator and a fine American. I join with my colleagues in expressing my deepest sympathy to Mrs. Mack and other members of his family.

Mr. MUNDT. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from New York in tribute to Russ Mack. His death was a tragic surprise to all of us. It occurred during the course of his duties on the floor of the House yesterday. Russ Mack had a buoyancy about him, and a confidence, and an American conviction which were most commendable. He was an exceedingly useful Member of the House of Representatives.

I have had the pleasure of speaking in the home congressional district of Russ Mack. I know how greatly he was admired and how deeply he was loved by his own constituency. Mrs. Mundt and I join in extending our condolences to Mrs. Mack, and in expressing the sentiment that America has lost a great crusader for freedom in the tragic passing of Russ Mack.

Mr. KEATING. I thank my friend from South Dakota for his tribute to Representative Mack.

APPROPRIATIONS COMMITTEE REPORT ON H.R. 10401

Mr. MURRAY. Mr. President, I wish to compliment the chairman of the Appropriations Committee, the Senator from Arizona [Mr. HAYDEN], and the members of the committee, for the excellent bill they have brought before the Senate to provide funds for the Department of the Interior and related agencies for fiscal year 1961.

This bill is $36 million over the President's budget. There will be those who will endeavor to label this a spending bill. The increase in this bill is but 6 percent over the President's estimate and, in my judgment, the President's estimate was very deficient. An excellent example is the budget for the Forest Service where an increase of $19.5 million has been suggested by the committee. The increase is almost entirely in accord with the estimate of needed funds submitted to the Congress last year by the Secretary of Agriculture. In the case of the Bureau of Land Management, the committee's recommendation is $4 million over the President's budget request, but again every penny of the increase is supported by data developed in the Department of the Interior on conservation needs.

The Park Service budget, while below the budget estimate, is substantially in accord with the schedule for Mission 66—again, a program prepared by the administration. The $6 million increase for the Bureau of Indian Affairs is likewise well supported by the documentation available at the Department, and the same is true of the $2.9 million for the Fish and Wildlife Service.

The administration simply has failed to present a realistic budget. It has failed to request funds to make needed investments in natural resource development. The agencies combined in this bill are largely revenue producing agencies developing income for the Federal Government estimated over $500 million annually. By making the needed investments, we will increase the revenues while at the same time assure a sound program of conservation on our public lands. I would like to quote what my colleague, the minority leader, the Senator from Illinois [Mr. DIRKSEN] said when he testified before the committee on this bill:

> Now, I came over, Mr. Chairman, to get a little money out of this committee, if I possibly could. That is a laudable enterprise, and it is a little disconsonant, I think, with my general attitude, but I always like to see the merit of a project take its due course.

As the Senator from Illinois pointed out, while one may have a general attitude of being opposed to spending money, if a program has true merit it should proceed.

Our Appropriations Committee has listened to all of the requests. It has weighed them carefully and it has endeavored to select those having merit. The money has been provided not on the basis of the President's budget, but on the basis of merit. This is a good bill, in fact it is the best I have ever seen for resource conservation. I congratulate the committee and I hope that our conferees will be as effective in maintaining our position with the House as they have been in convincing the majority of the Senate on the soundness of the conservation investments they have written into this bill.

FAITH

Mr. BYRD of West Virginia. Mr. President, this month marks the 100th anniversary of the birth of a great American statesman, William Jennings Bryan. Bryan was a man of monumental ability and sterling character. He was one of the greatest orators of all time. I like him best for his unshakable faith in his God and in immortality. His was the kind of unfaltering devotion and faith so needed in our land today. Regarding faith, Bryan said:

> Faith is the spiritual extension of the vision; it is the moral sense which reaches out toward the throne of God and takes hold upon those verities which the mind cannot grasp.
>
> The great things of the world have been accomplished by men and women who had faith enough to attempt the seemingly impossible and to trust to God to open the way.
>
> Faith is a heart virtue; doubts of the mind will not disturb it if there is faith in the heart.
>
> Faith in the triumph of truth, because it is truth, has ever been an unfailing source of courage and power. Faith leads us to trust the omnipotence of the Ruler of the Universe, and to put God's promises to the test.
>
> Faith is as necessary to the heart of the individual as it is necessary to worldwide peace. What can equal the consolation that comes from reliance upon the care of Him who gives beauty to the lily, food to the fowls of the air, and direction to all?

Mr. President, as a fitting sequel to Bryan's words on faith, I wish to close with "To a Waterfowl" by one of our country's great poets, William Cullen Bryant:

Whither, midst falling dew,
While glow the heavens with the last steps of day,
Far, through their rosy depths, dost thou pursue
Thy solitary way?

Vainly the fowler's eye
Might mark thy distant flight to do thee wrong,
As, darkly painted on the crimson sky,
Thy figure floats along.

Seek'st thou the plashy brink
Of weedy lake, or marge of river wide,
Or where the rocking billows rise and sink
On the chafed ocean-side?

There is a Power whose care
Teaches thy way along that pathless coast—
The desert and illimitable air—
Lone wandering, but not lost.

All day thy wings have fanned,
At that far height, the cold, thin atmosphere,
Yet stoop not, weary, to the welcome land,
Though the dark night is near.

And soon that toil shall end;
Soon shalt thou find a summer home, and rest,
And scream among thy fellows; reeds shall bend,
Soon, o'er thy sheltered nest.

Thou'rt gone, the abyss of heaven
Hath swallowed up thy form; yet, on my heart
Deeply hath sunk the lesson thou hast given,
And shall not soon depart.

He who, from zone to zone,
Guides through the boundless sky thy certain flight,
In the long way that I must tread alone,
Will lead my steps aright.

The PRESIDING OFFICER. Is there further morning business?

RALPH ROBEY'S COMMENTS ON THE JOINT ECONOMIC COMMITTEE REPORT

Mr. DIRKSEN. Mr. President, Ralph Robey, one of the country's most distinguished economists, presently economic adviser to the National Association of Manufacturers, and from 1946 to 1953 its vice president and chief economist, has had a long career in observing economic trends. After receiving his Ph.D. in Economics from Columbia University in 1938, he was associated for many years with the banking community in New York, ultimately serving with the Federal Reserve bank of that city.

Following extensive teaching in the fields of banking and finance, he became the finance editor of the old New York Evening Post, during the period 1931 to 1933, and a contributing editor to the

financial page of the Washington Post from 1933 to 1935. He has also been an associate editor of Newsweek magazine.

He has written extensively on monetary problems, and his comments on the recent report of the Joint Economic Committee, which appear in the NAM News of March 18, are of interest to everyone concerned with economic trends.

I ask unanimous consent that they may be printed at this point in the body of the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

Under the Employment Act of 1946 it was provided that there should be created a President's Council of Economic Advisers and a Joint Economic Committee. The latter was given the function of reviewing the annual Economic Report of the President and making its appraisal to the Congress. The committee has done this year after year and also has made many special studies. Last year it got the authority to make an investigation of unemployment, growth, and price levels. Its report on this was issued a few days ago. The majority report of the committee is almost as bad as the staff study. It reads much more like a campaign manual than a serious economic analysis, and it split the committee wide open. The minority report, signed by the six Republican members, says that the majority report is "partisan, cavalier about simple rules of logic and evidence, and disrespectful of legitimate differences of values, opinions, and judgments." In more detail it is said "the majority report is needlessly partisan * * * is unbalanced and evasive * * * is internally inconsistent."

The majority report is 61 pages long; the minority report, 20 pages. Senator BUTLER, Republican, of Maryland, in addition to signing the minority report, added some 40 pages of further analysis and criticism. This is of high quality—the best in the entire volume. Senator BUTLER says that the majority report "makes 12 generalized recommendations, 1 of which embraces 9 separate Federal programs." He briefly discusses each of these recommendations and concludes: "Most of the policies set forth in the majority's report would entail additional Federal spending, leading to more inflation, price instability, and eventually unemployment."

TWO HUNDRED THOUSAND DOLLARS FOR STUDY

Congress authorized $200,000 for this study. Over 100 witnesses were heard by the committee, all of whom did an enormous amount of work in preparation for their appearance; and 23 special papers were written for the use of the committee. All of this material is available to students and the public, and much of it is truly excellent. Most persons, however, have neither the time nor the inclination to go over such a mass of economic discussion.

At the moment, therefore, there is no escaping the conclusion that scores and scores of our best economic scholars have been imposed upon, that the prestige of the Joint Economic Committee has been undermined to a serious degree, and that a wonderful opportunity for constructive work has been lost—probably lost irretrievably.

DISSATISFACTION WITH THE CIVIL RIGHTS BILL

Mr. TALMADGE. Mr. President, this week I received in the mail a copy of the report to the resolutions committee drafted by the Georgia State delegation to the forthcoming Oberlin College Mock Convention. It was prepared under the direction of Delegation Chairman Fletcher E. Campbell, Jr., and sets forth forcefully and eloquently many points which we of the South have been endeavoring to make during the course of the current debate on the misnamed civil rights bill now before this body.

Mr. Campbell suggested that I have this report inserted in the CONGRESSIONAL RECORD "as evidence that the southern people are not the only ones dissatisfied with the civil rights bill." I commend Mr. Campbell and his associates for their perceptive analysis of the issue, and I ask unanimous consent, Mr. President, that the text of their report be printed herewith in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

For years the South has been the whipping boy of the Democratic Party. Every election year the North attempts to shove punitive laws, in the guise of civil rights legislation, down the throat of the South. In the following arguments, we the undersigned will attempt to show why a new voting-rights bill is unnecessary, unconstitutional, and would bring about undesired and deleterious effects.

The passage of a Federal referee bill would be unnecessary because there are adequate State and Federal laws already on the books which protect the Negro's right to vote. These include, under Federal laws: (1) From the Civil Rights bill, 1957, which gave the Attorney General the right to bring suit against a State on behalf of a citizen, as that citizen's tax paid lawyer, even if that individual did not want him to do so. (2) Statute 18 U.S.C. 242 made it a crime to deny the right to vote to anyone qualified under State laws. (3) Statute 42 U.S.C. 1983 under which a citizen may sue for injunctive relief or damages if deprived of rights or immunities guaranteed under the Constitution and laws of the United States.

We defy anyone to name one person who, when deprived of the right to vote on the basis of his race or color, has not gained protection in the exercise of that right if he has sued in a Federal or State court.

Contrary to the report of the Resolutions Committee on the platform, the Civil Rights Act of 1957 does give the Attorney General the right to sue in the behalf of an individual.

In addition to these possible remedies, there existed 10 pages of other remedies which an alleged disfranchised voter had prior to the passage of the Civil Rights Act of 1957. (See CONGRESSIONAL RECORD, Feb. 18, 1960, p. 2868.)

In light of this voluminous legislation already in force, in addition to State laws, we fail to see any compelling need for further legislation in the field of voting rights.

* * * * *

Systematic denial of voting rights on the basis of race or color cannot be shown to exist in more than a very few localities in the South.

There are many counties in the Southern States in which a higher percentage of Negroes vote than the national average of whites.

FLORIDA

	Percentage
Clay	73.9
De Soto	74.5
Hardee	72.3
Monroe	80.7
Okeechobee	90.7
Santa Rosa	80.2
Walton	67.6
Washington	69.9

GEORGIA

	Percentage
Appling	83.8
Atkinson	88.9
Bryan	64.5
Butts	66.0
Camden	67.5
Candler	73.3
Chattooga	98.4
Dodge	71.0
Gordon	82.9
Greene	77.0
Haralson	100.0
Liberty	87.6
Lumpkin	100.0
Paulding	72.5
Tattnall	70.5
Walker	80.4
Wayne	87.3
White	97.9
Whitfield	99.2

LOUISIANA

Arcadia	80.1
Allen	75.0
Evangeline	100.0
Jefferson	76.5
Lafourche	69.1
Sabine	67.2
St. Charles	75.2
Vermilion	82.3

NORTH CAROLINA

Alamance	83.4
Catawba	69.5
Cherokee	100.0
Clay	68.2
Davie	68.2
Gaston	100.0
Haywood	71.7
Lincoln	69.4
McDowell	87.4
Macon	100.0
Mitchell	100.0
Polk	87.4
Stokes	96.6
Swain	80.9
Yancey	73.3

VIRGINIA

Norfolk	100.0
Northumberland	69.9
Hampton	100.0
Radford	63.3

ALABAMA

Colbert	70.8
De Kalb	67.7
Lauderdale	84.5
Walker	67.0

Mr. Hannah, the Chairman of the Civil Rights Commission, admitted under oath, "The voting situation in Georgia is pretty good and getting better."

Only in a few counties can crookedness on the part of election officials be found. It is our feeling that it is not worth punishing the whole South for the political gain of northern Republicans solely to alleviate the situation in five counties.

In addition, the Civil Right Committee admits that Negro apathy plays a large part in the low voting percentage, which he shows throughout the country.

"Apathy is part of the answer. In Atlanta, from all accounts, Negroes can register freely and 29 percent have done so, but 44 percent of the whites have registered. Similarly, in New Orleans Parish, some 28 percent of the Negroes are registered, compared with 60 percent of the whites. It may be that a lesser proportion of Negroes than of whites are registered in Northern and Western States. Gallup polls indicate that outside the South the voting turnout of Negroes is less than that of whites; according to the Gallup surveys an average of 53 percent of Negroes voted in the four national elections from 1948 to 1954, compared with a white average of 61 percent. Such apathy may stem from lack of economic, educational, or

other opportunities, but it does not constitute a denial of the right of vote."[1]

A disparity in voting percentages between white people and minority racial groups exists abundantly outside the South. The State of Idaho excludes all Chinese and Mongolians. The Civil Rights Commission report shows that there have been more sworn voting complaints in California (47), than in South Carolina, Georgia, Virginia, North Carolina, and Texas combined (43), from 1957 through 1960. The Civil Rights Commission reports that the State of New York denies nearly 200,000 qualified Puerto Ricans the right to vote in violation of the Treaty of Paris of 1898, which granted the full rights of American citizenship to Puerto Ricans. In Cleveland, Ohio, only 26 percent of eligible Negroes are registered, while in Atlanta, 29 percent of qualified Negroes actually do vote.

We do not presume to tell Idaho, New York, or Ohio how to run their elections, but we resent being pilloried by those who have yet to set their own house in order.

Therefore, we fail to see that any need for new legislation can be demonstrated.

We believe that the proposed civil rights legislation would result in deleterious effects, not only to the South, but to the whole Nation and to our system of constitutional government.

In the first place, we have heard complaints by the Attorney General that the dockets of Federal courts are now impossibly overloaded. Now, the Attorney General would like to overload them even more by enacting his civil rights plan.

It is evident to us that the referee plan is an attempt on the part of the Republican Party to make political hay in northern urban areas. All they are doing is making a play for the Negro vote. This is evidenced by the fact that they will not accept a Democratic-sponsored plan which accomplishes the same thing.

The proposed civil rights law is patterned after an old reconstruction law of 1871, under which a smart Republican lawyer, John I. Davenport, was able to swindle the U.S. Treasury out of $2½ billion, and managed to keep the Republicans in power in New York and elsewhere for 20 years. He did this by preventing his political enemies from voting. Finally, fed up with Republican corruption, Democratic majorities swept Grover Cleveland into office with a Democratic Congress in 1892, and this nefarious law was repealed.

This latter-day reconstruction law, proposed by the administration is more sweeping than its predecessor in that it includes State and local elections as well as Federal.

Instead of preventing voting, as Davenport's law did, this law would serve to stuff the ballot box, and does not even give the State registrar a day in court. Power to appoint these referees is the power to control elections by the people who do the appointing.

This proposal makes the Federal courts administration bodies in addition to their wide and sweeping powers of discretion in interpreting and declaring the law. This proposal, if enacted, would provide a spawning ground for corruption. Referees may be imported from out of the State where the alleged discrimination has taken place. Indeed they need not be Americans at all. Nothing is to say that they cannot be hoodlums, Communists, Egpytians, Siamese, or people who have no understanding whatever of American democracy.

This plan would relieve States of all responsibility to handle even local elections, and the desire to do so, because they would know that the Federal Government would do it for them. Logically, the next step will be municipal elections run by the Federal Government at bayonet point.

Therefore, very real harm could result from the implementation of the plan proposed by the resolution committee under section 1 of the civil rights plank.

Enactment of the proposed laws would clearly be unconstitutional. The only references to voting in the Constitution, upon which advocates of this legislation can rely, are:

1. Article 1, section 2, clause 2, which states that qualifications for voting for the U.S. House of Representatives shall be the same as those for the most numerous branch of the State legislature in the State to which the law applies.

2. Article 1, section 4, clause 1, which states that Congress may alter the times, places, and manner of holding elections.

3. Article 2, section 1, clause 2, which states that members of the electoral college shall be appointed as the legislature of their States may see fit.

4. Article 2, section 1, clause 3, which states that the time of choosing electors shall be determined by conference.

5. Amendment 15, which states that no person shall be denied the franchise on grounds of race or color.

6. Amendment 17, which stipulates that the qualification of voting for U.S. Senators shall be the same as those for electors to the U.S. House of Representatives.

7. Amendment 19, which granted the vote to women.

It is neither stated implicitly nor explicitly that the States are prohibited from or limited in the running of their own elections.

The Founding Fathers never intended that the right to determine voter qualifications should be prohibited to the States.

"Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the principle, in this case, would have required no comment." (Hamilton, Federalist 59.)

The same Alexander Hamilton spoke again on the subject of Federal authority in election running, when in Federalist 60, he wrote:

"Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualification of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution and are unalterable by the legislature."

Many State courts have upheld this doctrine of State discretion in the field of voter qualifications. In such cases as *Livesly* v. *Litchfield, People* v. *English, People* v. *Guden,* and *Board of Commissioners* v. *Sheridan County* the Supreme Courts of Oregon, Illinois, New York, and Wyoming upheld the right of the State to determine the qualifications for enfranchisement.

The U.S. Supreme Court has not been slow to uphold States rights in this area. The first major exposition of this came in the famous case, *United States* v. *Reece.* Later, *in Minor* v. *Happersett,* Mr. Chief Justice Waite delivered the opinion of the Court, saying:

"It is true that the United States guarantees to every State a republican form of government. * * *

"The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had governments when the Constitution was adopted. In all, the people participated to some extent, through their representatives elected in the manner specially provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is, therefore, to be presumed that they were such as it was the duty of the States to provide. Thus, we have unmistakable evidence of what was republican in form, with the meaning of that as employed in the Constitution. * * *

"Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon anyone, and that the constitutions and laws of the several States which commit that important trust * * * are not necessarily void, we affirm the judgment."

In 1915, in *Guinn and Beal* v. *United States,* Mr. Chief Justice White reaffirmed these principles:

"Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and of the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals."

After the first world war, in *Newberry* v. *United States,* the Court continued to uphold the doctrine it had previously propounded. Mr. Justice McReynolds spoke for the Court:

"We find no support in reason or authority for the argument that because the offices were created by the Constitution, Congress has some indefinite, undefined power over elections for Senators and Representatives not derived from section 4. The Government, then, of the United States, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication."

With greater emphasis he added:

"We cannot conclude that authority to control party primaries or conventions for designating candidates as bestowed on Congress by the grant of power to regulate the manner of holding elections. The fair intendment of the words does not extend so far; the framers of the Constitution did not ascribe to them any such meaning. Nor is this control necessary in order to effectuate the power expressly granted. On the other hand, its exercise would interfere with purely domestic affairs of the State, and infringe upon liberties reserved to the people."

Modern courts have been no exception. During the war, Mr. Justice Stone reiterated his predecessors in *United States* v. *Classic*:

"Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity to the requirements of State law subject to the restrictions prescribed by section 2 and to the authority conferred on Congress by section 4, to regulate the times, places, and manner of holding elections for Representatives."

He went on to say:

"Pursuant to the authority given by section 2 of article I of the Constitution, and subject to the legislative power of Congress under section 4 of article I, and other pertinent provisions of the Constitution, the States are given, and in fact exercise, a wide discretion in the formation of a system."

Very recently—2 years ago—this doctrine was again challenged by the NAACP. Even the present Court, with its reliance on

[1] "Report of the Civil Rights Commission," 1959, p. 52.

psychological and sociological evidence was won over by the compelling arguments based on precedent and the Constitution. This same Court which handed down *Brown* v. *Board of Education* also declared, through Mr. Justice Douglas, in *Lassiter* v. *Northampton County Board of Elections:*

"We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason* (133 U.S. 333, 345–347)) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. Cf. *Franklin* v. *Harpers* (205 Ga. 779, 55 S. E. 2d 221), appeals dismissed 339 U.S. 946. It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage. *Stone* v. *Smith* (159 Mass. 413–414, 34 N. E. 521). North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards."

In the light of nearly unanimous legal evidence, we submit that this proposal is repugnant to the letter and spirit of the Constitution, which, after all, the hotheads have had their say, is still the supreme law of the land.

SUSPENSION OF DUTY ON IMPORTS OF CASEIN

Mr. JOHNSON of Texas. Mr. President, we had an amendment to House bill 7456, to extend for 3 years the suspension of duty on imports of casein, that was drafted on the floor yesterday, in consultation with the Senator from Illinois [Mr. DIRKSEN], the Senator from Vermont [Mr. AIKEN], and other Senators. The bill has not been messaged to the House. It is a House bill.

I ask unanimous consent that the vote on the passage of the bill be reconsidered, that the amendment also be reconsidered and amended to read as follows: On line 7, strike out "1960" and insert in lieu thereof "March 31, 1960," and on the same line, strike out "1963" and insert in lieu thereof "July 1, 1960."

That is a purely technical correction, but in order for the House to concur, this needs to be done before the Senate messages it to the House at noon.

The PRESIDING OFFICER. Without objection, the bill will be reconsidered and amended in accordance with the unanimous-consent request, and that the bill as amended be passed.

Mr. AIKEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

The PRESIDENT pro tempore. Is there further morning business? If not, without objection, the Chair will lay before the Senate the unfinished business.

Mr. HOLLAND. Mr. President, I ask that the unfinished business be laid before the Senate, and that then an amendment be offered, with the suggestion of the absence of a quorum to come thereafter.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. JOHNSON of Texas. I am not suggesting the absence of a quorum. The Senator from Delaware [Mr. WILLIAMS] said he believes the amendment referred to will be acceptable. The procedure suggested by the Senator from Florida is very agreeable to us.

Mr. HOLLAND. Mr. President, to what amendment does the Senator refer?

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WILLIAMS of Delaware. Have the committee amendments been agreed to?

The PRESIDENT pro tempore. The committee amendments have not been agreed to.

Mr. WILLIAMS of Delaware. Are other amendments now in order?

Mr. HOLLAND. Mr. President, I cannot hear the distinguished Senator. What is the amendment?

Mr. WILLIAMS of Delaware. My question is, Would any amendment offered from the floor be in order? I have an amendment, but do I not have to wait to offer it until after the committee amendments have been considered?

Mr. HOLLAND. Mr. President, may I explain the situation?

The PRESIDENT pro tempore. Yes.

Mr. HOLLAND. The committee discussed the bill last Thursday. The distinguished ranking minority member has concluded her discussion. I have concluded my discussion.

The Senator from Illinois suggested that he had some amendments, but that he had to appear before the Committee on Foreign Relations on a matter of great importance to his State.

My understanding was that the Senator from Delaware was ready to offer an amendment. I am perfectly willing for that amendment to be first considered. It relates to the number of voyages.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. HOLLAND. I yield.

Mr. JOHNSON of Texas. I ask unanimous consent that it may be in order to consider the amendment of the Senator from Delaware, notwithstanding the fact that the committee amendments have not been agreed to.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, the Senator from Delaware has two amendments. I told the Senator I would not be ready to give him an answer with respect to one of them until the Senator from Maine [Mrs. SMITH] and the Senator from Washington [Mr. MAGNUSON] were present and I could submit it to them. The other amendment relates to the voyages, and we are ready to proceed on that amendment. I ask that the Senator offer that amendment.

Mr. WILLIAMS of Delaware. Mr. President, the first amendment I want to offer is the one which I think can be agreed upon. The Senate has adopted it a time or two before. I think we can quickly dispose of it. I should like to send that amendment to the desk.

The amendment would merely provide that those companies which benefit under this bill from Government subsidies would not be able to, in turn, offer any public official reduced or free transportation on our American ships.

Mr. President, I offer the amendment, send it to the desk, and ask that it be stated.

Mr. HOLLAND. Mr. President, I regret that the Senator has offered that amendment first, because I told the Senator very specifically I would not be able to answer a question which he had propounded to me about it until the ranking minority member of the committee was present and had a chance to be consulted and until the Senator from Washington [Mr. MAGNUSON] had also been consulted. My understanding was that the Senator had another amendment as to which he was ready to proceed. I think it would be better to follow that course of action. Otherwise, we shall have to have a quorum call now and get the two Senators I have mentioned to the Chamber.

Mr. WILLIAMS of Delaware. Mr. President, I have no objection. I have a second amendment which I could offer.

Mr. HOLLAND. I ask the Senator to offer that amendment.

Mr. WILLIAMS of Delaware. I am simply wondering if the Senator from Florida is willing to accept this second amendment?

Mr. HOLLAND. The Senator from Florida is not willing to accept any amendment under the conditions which now exist.

The Senator from Florida is willing, so far as he is concerned, to accept the amendment with reference to free trips, but he made it very clear to the Senator from Delaware that other Senators had to be consulted.

Mr. WILLIAMS of Delaware. Mr. President, I offer the other amendment, which I send to the desk and ask to have stated.

Mr. HOLLAND. Therefore, the Senator from Florida has insisted that the other amendment be considered.

Mr. WILLIAMS of Delaware. I will submit the other amendment first.

Mr. JOHNSON of Texas. Mr. President, has my request been approved?

The PRESIDENT pro tempore. Yes.

Mr. BUTLER. Mr. President, before the amendment is stated, will the Senator from Delaware yield to me?

Mr. WILLIAMS of Delaware. I yield.

Mr. BUTLER. Did the Senator say that the amendment had heretofore been approved by the Senate?

Mr. WILLIAMS of Delaware. The Senate approved it last year.

Mr. BUTLER. There was not a record vote. Has not that amendment been refused by the Senate by two record votes?

Mr. WILLIAMS of Delaware. It was refused by the conferees, but it was approved by the Senate. The amendment was approved by the Senate each time it was voted on, but it was knocked out in conference. I am hoping that this time the House will accept the amendment.

I cannot see how they can do otherwise.

Mr. BUTLER. Do I correctly understand that the amendment has been approved by a majority vote of the Senate on two occasions?

Mr. WILLIAMS of Delaware. Yes. It was approved last year and approved with very little objection.

Mr. HOLLAND. Mr. President, I do not know what the Senate has done heretofore. I made it very clear to the Senator from Delaware that with respect to this particular amendment we should wait until there can be more general discussion. With respect to the other amendment, it will certainly not be contested by the committee. I believe the Senator is ready to proceed, and I suggest that that amendment be offered.

Mr. CARLSON. Mr. President, will the gentleman from Delaware yield if he has the floor?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. Before the amendment is offered, I should like to discuss briefly an item dealing with the Weather Bureau. Does the Senator from Florida have any objection?

Mr. HOLLAND. I do not have the floor; but if the Senator from Delaware will yield to me for that purpose, I shall be very glad to yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, I am greatly interested in the need for additional weather reporting facilities. It happens that we have one of the oldest weather reporting stations in north central Kansas, at Concordia, Kans. I am thoroughly familiar with that area. I do quite a little flying in private airplanes.

There is an area in which there is an inadequate reporting service. There are fine radar facilities at Kansas City, Wichita, Denver, and Lincoln, Neb. However, there is a great void in a certain area.

I followed with interest some of the reports, observations, and letters in the record of the hearings. I wish to read one sentence, found on page 617, relating to forecasts.

In the interest of maximum safety and efficiency in the management and use of the navigable air space, it is of the utmost urgency that the weather forecasting service be brought up to a level which will meet the existing requirements of the air traffic control system and its users.

It is that particular sentence that I wish to call to the attention of the Senator from Florida, chairman of the subcommittee, as indicating the need for this additional service. I have had several contacts with Dr. Reichelderfer and the FAA with regard to this need. I think they understand the situation.

I fully appreciate the problem from the standpoint of appropriations, when it comes to establishing new or expanded facilities. However, I cannot let this opportunity pass without stressing the need for an extension of the service in this area. We have a Weather Bureau station. We have an airport where a building could easily be constructed, and good radar facilities could be provided without great cost.

As I have stated, I do a good deal of private flying in this area. There are several hundred flying farmers and hundreds of private airplanes in the State of Kansas. I call attention to the need for this particular service. I do not propose to offer any amendments, but I want the RECORD to show that there is a need for this service, which would be of great value to the many people who use this section. It could be important to commercial aviation, because there would then be an adequate reporting service. The Weather Bureau submits reports morning, afternoon, and evening from a central station. I find from the hearings that some have suggested that a difference of 2 minutes can mean the difference between safe flying and an accident.

I appreciate the kindness of the chairman of the subcommittee in allowing me these few minutes to discuss the problem.

Mr. HOLLAND. I am glad to have the Senator discuss it.

The subcommittee and the full committee, by unanimous action, restored to the bill the full request for the Weather Bureau for the improvement of flight safety. The other body had substantially reduced the amount.

The Senator from Oklahoma [Mr. MONRONEY], who is known to be interested in this field, took a very great interest in this particular item. He interrogated Dr. Reichelderfer and other witnesses at some length.

I am unable to state whether the particular objective which the Senator mentioned is served by allowing the full request of the Weather Bureau. Whatever is comprehended within the full request made by the Weather Bureau, and supported by the aviation industry, was restored to the bill, because we felt that this was an objective of such compelling interest that we should take that course.

I am sorry I cannot tell the Senator from Kansas specifically about the Concordia station.

Mr. CARLSON. I wish to commend the chairman of the subcommittee and the full committee for bringing in the recommendation that the full amount requested by the Weather Bureau and the FAA be allowed for this important service. I cannot think of anything more urgent, in view of the increasing air traffic, than the need for extension of safety facilities and services. It is important to those who fly, particularly those who fly in small aircraft. We live in an area where they are used to great extent.

I plead with the chairman of the subcommittee for future consideration. I am confident that in some areas there is an inadequacy of air reporting service. Further consideration should be given the subject in future years.

Mr. HOLLAND. I thank the distinguished Senator.

All the requests for restoration were granted. Whether this particular item was included, I am in doubt. I suggest to the distinguished Senator that there will be another supplemental bill, and if he regards this particular item of great importance, I invite him to appear before the subcommittee at that time and be heard.

Mr. CARLSON. I assure the chairman that I shall be delighted to appear and present this request. I can state to the chairman that the Weather Bureau and the Federal Aviation Agency are thoroughly familiar with my request. I shall be happy to appear before the subcommittee.

Mr. GORE. Mr. President, the distinguished senior Senator from Florida, as chairman of the subcommittee, has the deepest interest in the Nation's highway program. He and I have discussed the problem with respect to the pending bill, and have concluded—which I think he will confirm—that we should explore together the possibility of finding a satisfactory answer to the problems relating to the deficiency bill which is anticipated and the legislative bill, which is likewise anticipated. I should like to make the fact of our conversation and undertaking of joint effort in this regard a matter of record.

Mr. HOLLAND. I thank the distinguished Senator from Tennessee for his able and constructive remarks, and also for his continued interest in the highway program, which is shared by the Senator from Florida.

Last year there was considerable discussion of this subject, at which time the point in greatest issue was whether or not advancements would be made out of general funds to meet all obligations of the United States under the Federal-aid program, which would come due in the fiscal year 1960.

At that time, as I recall, we made available $359 million for that purpose. This time the request of the Bureau of the Budget was for $200 million for 1961 for that same objective, and the amount was reduced to $160 million, for reasons with which the Senator is familiar. This amount will accomplish the full objective. That is, there will be no default during the fiscal year 1961, which can be foreseen, in the payment of the Federal part of any Federal-aid project.

There is another point, however, in which the Senator from Tennessee is very greatly interested—and I share his interest. I refer to the problem of getting back to the original schedule for

allocation of projects, particularly in connection with the Interstate System. The Senator from Tennessee and I have discussed this question at length, and quite sympathetically. We both wish to get the program back on the track. The question which has been discussed between us relates to what would be the best method. I have felt that the Public Works Committee has a particular task, because it has to do not merely with this particular year, for which we are providing in this bill, but also with other years, in the future.

We are exploring the matter and we shall continue with the exploration, in the hope that we shall find a method to accomplish what the Senator from Tennessee and I both wish to accomplish.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield further.

Mr. GORE. I thank the Senator. The statement which the able Senator has made, that there be no deficiency in meeting the requests of the States for reimbursement is conditioned and made possible by the fact that the administration has instituted a slowdown procedure by which the vouchers of the various States are held back. That means that the program itself is prevented from proceeding upon schedule. This is a part of the problem which the able Senator and I will jointly seek to resolve.

Mr. HOLLAND. Yes; the Senator is correct. As a matter of fact, both of us are exceedingly eager to step back to the original tempo of the interstate program. The question is how to accomplish it. That is a serious question. The Senator from Florida is inclined to think it requires action by the legislative committee. The Bureau of Public Roads has stoutly taken the position that under existing law it has no authority to make allotments for the future except insofar as revenue is foreseeable. On that there may be some difference of opinion.

Mr. GORE. In any event, the crux of the problem is money. Is that not right?

Mr. HOLLAND. The crux of the problem is money, not just for this year, but for the future, to handle the program. The Senator from Tennessee and the Senator from Florida wish to get the program back on schedule.

Mr. GORE. I thank the Senator.

Mr. HOLLAND. If the Senator from Delaware is ready to present his amendment, we can proceed.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The question is on agreeing to the first of the amendments which were excepted under the unanimous-consent agreement, unless the Senator from Delaware has an amendment to offer to it.

Mr. WILLIAMS of Delaware. I am willing to offer the amendment. If it is satisfactory to the Senator from Florida I shall reverse the order of presentation and submit first the amendment mentioned. The Senator from Washington is out of the Chamber at the present time, however——

Mr. HOLLAND. I appreciate that courtesy.

Mr. WILLIAMS of Delaware. I understand that the Senator from Washington is also interested in the second amendment. It does not make any difference which one I present first; however, I did promise to the Senator from Washington that he would be notified. Perhaps I could offer one of these amendments and then have a quorum call so as to alert the Senator from Washington.

Mr. HOLLAND. I thank the Senator. His reasoning is impeccable. If he will say which amendment he will offer, and then offer whichever amendment he wishes to offer at this time, I shall suggest the absence of a quorum.

Mr. WILLIAMS of Delaware. The Senator from Washington wishes to be present during the consideration of both amendments. I send an amendment to the desk and ask that it be stated, following which we can have a quorum call.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the appropriate place in the bill it is proposed to insert a new section, as follows:

No common carrier by water subject to the Shipping Act of 1916, as amended; the Merchant Marine Act of 1936, as amended; or any other Act; shall directly or indirectly issue any ticket or pass for the free or reduced-rate transportation to any official or employee of the United States Government (military or civilian) or to any member of their immediate families, traveling as a passenger on any ship sailing under the American flag in foreign commerce or in commerce between the United States and its Territories and possessions; except that this restriction shall not apply to persons injured in accidents at sea and physicians and nurses attending such persons, and persons rescued at sea, and except that this restriction shall not apply to persons referred to in section 405(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1145(B)), relating to steamship companies carrying mails of the United States: *Provided further*, That nothing in this Act shall prevent the United States Government from entering into contractual arrangements with said companies for reduced transportation rates involving the traveling expenses of those Government employees (military or civilian) when such transportation costs are paid for by the United States Government.

Any person or corporation who knowingly violates this Act shall upon conviction thereof shall be fined not less than $500 nor more than $10,000 at the discretion of the Court for each such violation.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, this amendment is the same as the one the Senate approved last year.

The purpose of the amendment is to prohibit the merchant marine from offering free or subsidized rates of transportation to any public official, and that prohibition will apply to public officials in the legislative branch as well as in the executive branch. This would apply the same rules to the Merchant Marine as now apply to the railroads and airlines.

When we stop to consider that Congress, in subsidizing this industry during the past 5 years, has voted total subsidies amounting to more than $1 billion, I believe it only proper to ask that this amendment be adopted. Subsidies are approved by both the Congress and the executive branch, and to allow the industry to continue to offer free or reduced-rate transportation to the officials who voted for the appropriations or to those who recommended the appropriations is to subject both the Members of Congress and officials of the executive branch to a great deal of criticism. I do not say that the decisions of these officials have been influenced by such free transportation or reduced rates. Nevertheless, in recent weeks much has been said in the press about officials of various executive agencies who have accepted excessive entertainment from those with whom in their official capacity they have done business. I believe the Congress should begin to live in accordance with the code it lays down for the officials of the executive branch.

On two previous occasions the Senate has approved this amendment. Unfortunately, each time it was rejected by the House.

If we now approve the amendment, however, we should approve it with the clear intention of having the Senate conferees instructed to insist on the amendment.

If the amendment is adopted, it will restrict any shipping company from giving to any official or employee of the U.S. Government or to any member of that employee's immediate family free transportation or reduced transportation rates below the rates offered to the general public. The amendment would not prevent a Government official or any member of his family from traveling by ship at excursion rates if those rates were offered to the general public.

As I have said, I do not charge that any public official's decision has been influenced as a result of his receiving such lower rates or free transportation; but the Congress and the executive branch have laid down a code which provides that gifts and excessive entertainment from those with whom they do business are not proper, and I think it is time for Congress to begin to live by the same code.

Recently a high-ranking Government official was forced to resign from his position as a member of an agency of the executive branch after it was disclosed that he had accepted a subsidized vacation from those with whom he was doing business in his official capacity.

Again I ask, what is the difference between a situation in which a Government official accepts subsidized hotel facilities, on land, and a situation in which a Government official accepts subsidized vacation by water?

This bill, which is offered now in the form of an amendment, has been approved by the various executive agencies of the Government. I have before me a letter addressed to the chairman of the committee, signed by Leo A. Hoegh, of

the Budget Bureau, in which he states that they have no objection to the amendment.

I also have before me a letter from the Secretary of the Treasury in which it is stated that this Department has no objection to this proposed legislation.

I also hold in my hand a letter from the Department of the Interior in which it is stated that this Department has no objection to this proposed legislation.

A similar report has come to me from the Department of Agriculture.

The Department of the Navy states that it will have no objection provided the legislation is amended so that the Navy can contract for the transportation of its military personnel. That suggestion has been included, and therefore the Navy's objection to this amendment has been eliminated.

I also have before me a letter from the Department of State to the effect that the State Department makes no objection to the proposed legislation.

The Interstate Commerce Commission very properly has stated that the matter is out of its jurisdiction and that it is not making any recommendation.

So again I say that I think this amendment is drafted in a form which has universal approval by the executive branch of the Government. Hearings were held several years ago by the Interstate and Foreign Commerce Committee, but they failed to act. I think the Senate should take this long overdue action.

I hope the chairman of the subcommittee who is in charge of this appropriation bill will see fit to accept the amendment at this time.

Mr. HOLLAND. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. Let me ask the distinguished Senator from Delaware whether I correctly understand that the amendment applies only to officials of the legislative branch of the Government and officials of the executive branch of the Government or to their families.

Mr. WILLIAMS of Delaware. That is correct.

Mr. HOLLAND. There is no application of this provision to the general public, is there?

Mr. WILLIAMS of Delaware. No, sir.

Mr. HOLLAND. May I say that I have conferred with the distinguished ranking minority member of the committee, the Senator from Maine [Mrs. SMITH]. I have conferred with other Senators on the floor who have particular knowledge of this field. I have already stated, in an earlier statement, that, so far as I am concerned, I have no objection to this amendment. I am very happy, with the concurrence of the Senator from Maine [Mrs. SMITH], to take this amendment to conference.

Mr. WILLIAMS of Delaware. I appreciate that statement. I know it is as far as the Senator from Florida can state; however, having had some experience with conference committees, I should like to emphasize that I would expect the Senate conferees to insist upon this amendment just as strenuously as they would on any other amendment. We would be forced to discuss it again should it be eliminated in conference. This is something in which the Senate and the Congress, as a whole, would be very lax indeed if we do not give it our approval.

I did not mean by that statement to question the sincerity of the Senator from Florida. All I want to emphasize is that this amendment is not being offered merely as a token gesture to be taken to conference and dropped. I am really in earnest about it and will insist upon its being retained in the bill.

Mr. HOLLAND. The Senator from Florida has already said he personally favors the principle of the amendment. He said he saw no reason why, for example, to make it personal, a Senator or Member of the House should travel free, or at reduced cost, on lines subsidized by laws passed by Congress.

I want to remind the Senator from Delaware that, in conference, the Senator from Florida is only one of several Senate conferees. There are House conferees, likewise. I want to remind the Senator from Delaware that this is legislation. We are making no point of order. We are perfectly willing to take the amendment to conference. I hope the amendment can remain in the bill. I will do my best to see that it remains in the bill. But any matter that is offered on the floor, without having a hearing on it by the committee, and which is legislation, as the Senator knows, is in a precarious situation in conference. I would not want the Senator from Delaware to take the assurance that the Senator from Florida is going to favor its being kept in conference as assurance that the amendment is going to remain in conference, because the Senator from Florida does not, and cannot, go that far. He will do his best.

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mrs. SMITH. I should like to concur 100 percent in what the distinguished Senator from Florida has said. I will join the Chairman in doing what I can to keep this amendment in conference, and I am sure the able Senator, the chairman of the committee, will in his usual persuasive manner do his utmost to uphold the position of the Senate.

Mr. WILLIAMS of Delaware. I thank both the Senator from Florida and the Senator from Maine. I fully recognize that the amendment was subject to a point of order because it is legislation. If the point of order had been raised, however, I had another amendment embracing the same proposal that I would have offered. This would not be subject to the point of order; however, it does not spell out the proposal as carefully as does the pending amendment. This amendment, as it is drafted, has the approval of the agencies.

I appreciate the acceptance of the amendment by the Senator from Florida and his committee, and I know he will do his best to keep it in conference.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BUTLER. Did the Senator say he wanted Members of Congress and members of the executive branch to have no greater right in this connection than the public generally?

Mr. WILLIAMS of Delaware. No. I said that if this amendment were adopted, Members of Congress and public officials in general, which includes members not only of the legislative branch but also of the executive branch, would be eligible for no rates offered by the shipping companies other than those regular rates which are offered to the public in general.

Mr. BUTLER. The Senator knows the shipping companies offer reduced rates to the public—perhaps not generally, but reduced rates are offered—does he not?

Mr. WILLIAMS of Delaware. I have heard the Senator from Maryland [Senator BUTLER] say that at times reduced rates are offered to some large shippers. This amendment does not deal with that problem.

Mr. BUTLER. Would the Senator be willing to have his amendment go across the board and cover all persons traveling?

Mr. WILLIAMS of Delaware. This amendment as drafted would prohibit any public official from accepting reduced rates. If the Senator wants to offer an amendment extending the restriction to the public generally, I shall be glad to give it consideration. That is an entirely different proposition, however.

Mr. BUTLER. I would like to see the amendment apply to everybody, not merely to Members of Congress and the executive branch. I do not think we ought to pick out any particular segment of the public. If we are to have such a provision, I think, it should apply generally, as the railroad law does. It should apply to the public generally, and not merely to certain officials.

Mr. WILLIAMS of Delaware. This amendment does apply exactly in the same manner as does the railroad law and as does the law for the airlines.

Mr. BUTLER. It does not apply in the same way, because the railroads cannot give rebates to anybody, and that is what I would like to see this proposal do. If we are to have a law on this subject, let us make it apply to everybody. Let us not exempt Mr. A, and say to Mr. B, doing the same thing, "You are fined $10,000 for giving Mr. C a certain ticket that you could give Mr. A."

Mr. WILLIAMS of Delaware. This amendment does not exempt anybody. If the committee has a different approach to this problem why has it not reported a bill dealing with this subject?

Mr. BUTLER. We have made such offers. If the Senator will include the public generally, that would be all right, but I do not believe in making fish of one and fowl of another.

Mr. WILLIAMS of Delaware. When the proposal was drafted by the legislative counsel and submitted to the agencies I was advised that it should be confined to public officials. It follows the same pattern established when Congress

passed the law prohibiting railroads from granting public officials subsidized vacations.

The law that was passed by Congress several years ago correcting this situation as it affects both the railroads and the airlines dealt only with public officials. For that reason, I am trying to lay down the same rule with respect to shipping companies.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. I think the Senate now understands the measure as applying only to officials of the executive and legislative departments and their families. Is that correct?

Mr. WILLIAMS of Delaware. That is correct.

Mr. HOLLAND. Do I correctly understand, likewise, the proviso which I now read, "*Provided further*, That nothing in this act shall prevent the U.S. Government from entering into contractual arrangements with said companies for reduced transportation rates involving the traveling expenses of those Government employees (military or civilian) when such transportation costs are paid for by the U.S. Government" accepts the mass travel arrangement the Government has always, by contract, entered into concerning larger movements of personnel?

Mr. WILLIAMS of Delaware. That is true. The exception was included on the recommendation of the Department of Defense and of the various divisions thereof. When the movement of troops, military personnel, or civilian personnel and their families, is handled solely at Government expense the departments will still have a right to enter into contractual arrangements with the shipping companies. This amendment would in no way affect that when such expenses are paid entirely by the Government.

Likewise, a clause was put in to take care of the situations where the Post Office Department uses some personnel to handle mail during the traveling of the ships.

I repeat, in all instances where the Government itself is directly responsible for the payment of the transportation, the amendment does not and should not apply. It applies only when traveling at other than Government expense.

The language was drafted to conform with the same type of legislation which the Congress enacted years ago, first in connection with the railroads and later in connection with the airlines.

This would put the ships under the same rules as was provided at that time for the other two means of transportation.

Mr. HOLLAND. Mr. President, I thoroughly agree with the proposed legislation as explained by the Senator from Delaware.

Mr. DOUGLAS and Mr. BUTLER addressed the Chair.

Mr. WILLIAMS of Delaware. I yield first to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Delaware yields to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I congratulate the Senator from Delaware for the amendment. The Senator from Delaware is one of the most vigorous fighters for economy in the Senate. He was not only a fighter for economy when the Democrats were in power in the executive branch of the Government, but he is also a fighter for economy when the Republicans are in power.

The Senator has been willing to try to cut down the subsidies for ship construction, although some of the major shipbuilding companies in the country are located in his own State. I think the Senator deserves the highest praise for his attitude.

The Senator from Illinois was one of those who had some part to play in eliminating free travel of public officials on the airlines, because that was used as a method of influencing officials and Members of Congress.

I shall support the Senator in this proposal. I would like to ask him a question, if he will permit. The Senator from Florida has indicated that he would accept the amendment of the Senator from Delaware, but if the Senator goes to conference on it will he not find strong opposition from the House conferees?

Mr. WILLIAMS of Delaware. The Senator from Florida may find strong opposition, but the Senator has given me his assurance that he is accepting the amendment in good faith and will support it in conference. There was no question in my mind about the Senator's being sincere when he told me he would do this.

Mr. DOUGLAS. I have no doubt about the Senator's sincerity.

Mr. WILLIAMS of Delaware. I think the Senator will do what he can. If, perchance, the amendment is not agreed to, then we in the Senate will have a chance, when the matter comes back to the Senate, to express our opinion at that time.

Mr. DOUGLAS. All I am trying to do is to suggest that perhaps the hand of the Senator from Florida would be strengthened if we could have a yea-and-nay vote on this matter, so that the Senate with a clear voice could state its support of the Senator from Delaware and of the Senator from Florida. I hope very much that my good friend from Delaware will ask for a yea-and-nay vote on this matter, in order to help the Senator from Florida defend the position which the Senator from Delaware so eloquently puts forth.

Mr. MAGNUSON. We have already voted on this matter. I think that should be said.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. The Senator from Illinois was not here when I stated what I think I should repeat now, since he is on the floor.

I reminded the Senator from Delaware that this language is clearly legislation. Notwithstanding that, the committee has not raised a point of order, because the committee favors the legislation. I quoted the distinguished Senator from Maine, the ranking minority member, as feeling, along with the Senator from Florida, the Senator from Washington, and others, that this is good legislation and should prevail.

Also, in complete fairness, I reminded the Senator from Delaware that any legislation which is placed on an appropriation bill presents no easy situation in conference. I told the Senator I would fight as hard as I could for it. The Senator from Maine has said the same thing. I do not want that to be taken to mean we are guaranteeing the language will stay in the bill. I hope it will. We will do all in our power, because the Senator from Florida thinks there is involved a question of the good repute of the Senate and of the House. I do not think that any Member of the Senate or the House wants a reduced rate or better treatment than the public generally from a concern which is operating in very large part out of subsidies paid by the U.S. Government.

I think every Senator and every Member of the House of Representatives will feel that way about the matter. I hope we will find that situation to exist in the conference.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I will yield to the Senator in just a moment.

I accepted the assurance of the Senator from Florida in good faith. Certainly I like victories by yea-and-nay votes, but I am a great believer that when one has a victory offered he should take it. I am not pushing my luck too far. If the Senate is willing to accept the amendment, I am perfectly willing to stop talking and let it pass.

I have the utmost confidence both in the sincerity and in the integrity of the Senator from Florida and the distinguished Senator from Maine [Mrs. SMITH], both of whom I know are in support of the amendment. This time we will have several friends in court when this matter goes to conference.

Mr. DOUGLAS. Mr. President, will the Senator yield to me?

Mr. WILLIAMS of Delaware. I yield to the Senator from Illinois.

Mr. DOUGLAS. I am sure the Senator from Florida and the very much beloved Senator from Maine will do their best on this matter, but they are going into a very severe struggle with the House conferees. I have always felt that when one is moving to attack it is not enough to send a rifle squad up to the front, but that one should have a supporting detachment behind them. The best reenforcement we could give to the Senators would be a ringing yea-and-nay vote. I am confident the amendment would pass by an overwhelming vote. Then the Senators would not enter the conference chamber with empty hands, but would enter with the massed power of the Senate behind them.

While of course I shall not insist upon a yea-and-nay vote if the Senator from Delaware feels it should not be asked for, I plead with the Senator to reconsider his determination and to come still

further to the assistance of our beloved comrades as they work for economy and for the elimination of unfair privilege.

Mr. WILLIAMS of Delaware. I assure the Senator from Illinois that when I came to the Chamber this morning I came with the full intention of asking for a yea-and-nay vote. I had advised the secretaries of the Senate to alert the Members that there would be a yea-and-nay vote.

However, I had expected we would have a little more difficulty getting the amendment agreed to than has developed.

I repeat, I am a great believer that when one is winning, the sooner one can yield the floor and accept the victory the better. I am not unmindful of an incident which occurred a couple of years ago when my distinguished friend from Virginia, the chairman of the committee, agreed to accept an amendment of the Senator from Pennsylvania, who then decided to seal his victory with a yea-and-nay vote. The Senator's victory soon turned into a defeat.

I know in this instance the result would be entirely different, but nevertheless I am offering the amendment to get it approved. When I get it agreed to, I shall have accomplished my purpose.

Mr. DOUGLAS. What will the Senator do when these fine representatives of ours come back to the Senate from the conference with this provision eliminated?

Mr. WILLIAMS of Delaware. If that happens I will be on the floor ready to defend my position.

Mr. DOUGLAS. Will the Senator fight for it again?

Mr. WILLIAMS of Delaware. I did before, and I shall do so again.

Mr. MAGNUSON. Mr. President, will the Senator yield to me?

Mr. WILLIAMS of Delaware. I will yield to the Senator in just a minute.

One reason I am willing to let this pass quickly is that I recognize that they have a point, that the amendment is legislation on an appropriation bill and would be subject to a point of order. To that extent I am in a weak position. As I pointed out, however, had the point of order been raised I had another amendment which would have made this merely a proviso on the bill, which would have bypassed the point of order. This latter proposal is not drafted in exactly the kind of language I should like to have it nor the kind which is in this amendment. That is the reason I did not offer it first.

I think our hands are strengthened by having the complete language in the bill. The Senators have graciously agreed to accept the complete language in the bill, which, as I said before, is the language approved by the various executive branches, and which is worked out in careful detail. We will be in a much stronger position by getting the complete text in the bill than by compromising it. Again—when you are winning, never tempt your luck too far.

Mr. DOUGLAS. Mr. President, I defer to the judgment of my good friend from Delaware, but over the night I read "The Vicar of Wakefield," written by Oliver Goldsmith, and in that book the author describes how the son of the vicar, Moses, went to town with a cow and sold a very valuable cow in return for some green spectacles, which were of absolutely no use. I only hope that the Senator from Delaware does not find he has sold the affirmative decision of the Senate for some green spectacles, which turn out to be of no assistance.

Mr. WILLIAMS of Delaware. I assure the Senator from Illinois that he has nothing to worry about. I have my spectacles in my pocket to make sure that I can see what is going on. [Laughter.]

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Washington.

Mr. MAGNUSON. This subject has been before the Senate on many occasions.

Mr. DOUGLAS. And the proposal has never been approved.

Mr. MAGNUSON. Oh, yes.

Mr. DOUGLAS. It has always been lost in conference.

Mr. MAGNUSON. That is why I want the Senator from Illinois to bear with me for a moment.

The last time the provision was put in the bill it went to conference, and the House absolutely refused to accept it. The conference report was brought back to the Senate, and there was a rollcall on the conference report. This was one of the points that was raised. The Senate voted, 53 to 34, to turn it down. So when the Senators talk about rollcalls, there have been some rollcalls.

Mr. WILLIAMS of Delaware. Mr. President, the state of the Senator is correct; however, it was in the closing days of the session when the conference report came back, and the argument was effectively used that the Senate must accept the conference report or get no legislation. I appreciate the force of that argument, but this time it will not be applicable.

We have another strong point which we did not have then. In the past 12 months a great deal has been said by various committees in the House and Senate on the subject of "payola" being used on the side of influence disc jockeys and others, including Government officials. These men were criticized for accepting free entertainment. Recently the head of one of our Commissions resigned as a result of protests by the public that he had accepted lavish entertainment from those concerned with decisions he was making.

Much of the criticism resulted from the good work of committees in the House of Representatives. With all that background I have the feeling that there is a different spirit in the Congress than there was when this question was previously under consideration. I am confident that there is more respect for this problem in the House than there was before. I do not see how either the House of Representatives or the Senate could criticize an official in the executive branch of the Federal Government for accepting lavish entertainment on a yacht in Florida or hotel accommodations in some city which are paid for by some taxpayer and still support a code of ethics which provides that Members of Congress or other public officials may accept the free transportation or reduced rates offered to us by one of the largest and most heavily subsidized industries in the country.

We cannot say that these subsidized vacations have not been offered. I do not wish to deal in personalities. A few years ago, however, as I previously pointed out, I was a member of the Committee on Interstate and Foreign Commerce. During the time we were taking testimony in that committee on a bill affecting the maritime industry a letter was sent to the chariman of the committee in which each member of the committee was offered a free vacation. The offer was made to myself and my family, and to every other member of the committee and his family, of a free trip anywhere in the world—not just to Europe or South America, but anywhere the member wished to go on any American-flag ship.

I denounced that offer then as being highly improper, and I denounce it now. I contended that the ship operators had no right to offer such free trips. The letter was withdrawn, and the invitation cancelled. But the fact that that can be done and the fact that reduced rates of transportation can be offered by this heavily subsidized industry indicates that the time is long overdue for correcting the situation.

I am glad we are in agreement, and I very much appreciate the attitude of the subcommittee in accepting the amendment. The language meets all the objections which were once made by officials of the Defense Department and various other agencies of the Government who did not want to be handicapped in making contract arrangements with these companies to transport military personnel and their families in instances in which the Government is paying all the cost.

I appreciate the fact that we are making a legislative record in support of language being added by the Senate. I think the House will be cognizant of this debate. I am confident that the amendment will be accepted and will be upheld in conference.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. DOUGLAS. I wish again to commend the Senator from Delaware for his action, and to say that I hope his optimistic appraisal of the situation may be borne out.

But knowing of the adamant position of the House in times past, I am somewhat fearful that the brave warriors whom we send into battle unequipped with adequate weapons may be overpowered. I would prefer a ringing roll call vote, showing that the Senate stood solidly behind the Senator from Delaware; but inasmuch as he does not intend to ask for it, I will not ask for it. However, I believe we will both pledge that if the bill comes back from the conference with this item eliminated, we shall fight it until doomsday.

Mr. MAGNUSON. Mr. President, I think the record should be kept straight. I have it before me.

When the bill came to the floor of the Senate after having been reported from the committee in the form passed by the House, there was added on the floor of the Senate an amendment to prohibit the issuance of free or reduced rate transportation to officials or employees of the Federal Government.

That was the bill which went to conference, with the added title, title II, in dispute. The managers on the part of the House disagreed with title II, on the ground that it was not germane to the bill.

On the conference report there was a rollcall. Fifty-three Senators voted to delete the matter, and 34 voted to keep it in the bill. That was done on September 9, 1959.

We have had no conference with the House since that time. Whether Members of the House have changed their minds or not, I do not know. I do not know what the Senate would do with the conference report. However, there was a vote on this question, and there was a substantial ringing vote at that time, because of the point raised by the Senator from Florida, that the item was legislation.

I do not know that any Member of the Senate has a monopoly on righteousness. All of us have our own particular codes, and we feel all right about it. There is no monopoly on righteousness in any individual.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MAGNUSON. Let me finish what I have to say.

There is really no objection to the goal sought by the amendment of the Senator from Delaware. In the first place, I do not know of any particular instances in which such a thing has happened. If there be such instances, I do not know about them. We have asked the Maritime Board about the situation. There was a hearing in the Senate Committee on Interstate and Foreign Commerce 2 years ago, I believe, at which the Senator from Delaware appeared. We discussed the question thoroughly for 2 or 3 hours in the committee. The committee voted the proposal down at that time, on the basis that there was no particular need for it.

There are certain practical considerations in this connection which must be looked to, so far as placing the provision in an appropriation bill is concerned. There is a practical situation involved.

First, the provision could apply only, of course, to subsidized lines.

Second, it would have to apply to the general public also. What is applied to Government officials should be applied, in a broad sense, to the general public.

Third, there is a certain flexibility of accommodations in passenger ships. They are very much different from airplanes or railroad trains. It has been customary, since men have sailed the seas and ships have carried passengers, to allow the captain of the ship to do what he thinks is right, even so far as eating is concerned. The Senator from Illinois knows that there is a great rush to see who sits at the captain's table on a voyage. It is fashionable of itself, and a mark of distinction.

Mr. DOUGLAS. Mr. President, will the Senator yield for a moment?

Mr. MAGNUSON. Let me finish.

There are certain practical considerations.

I do think, of course, that the Senator from Delaware should explore the fact that there is no objection to anyone getting abroad a ship, whether he is a Government official or a member of the general public, with the exception of excursions sometimes——

Mr. WILLIAMS of Delaware. The amendment is clear on that point.

Mr. MAGNUSON. That any such person should not pay the minimum rate, whatever it may be. There are a few ships which have minimum rates, and there are all kinds of different rates. For example, one person likes the port side, while another person likes the starboard side. Actually on some trips to Europe, because the ship is traveling east, the staterooms on the starboard side are at little premium because the other side is the north side, and the sun does not shine as well on that side. That is a practical problem in ships.

I know that the amendment will be taken to conference, and I hope the House will accept the principle of what the Senator from Delaware wishes to establish. In other words, we do not wish to see anyone traveling on a ship with any more rights than anyone else. However, I do not believe we should lay down a broad proposal, or even suggest by implication that there have been some abuses in connection with this matter. I do not know of any. I do not know of any so far as our committee is concerned. The chairman of the committee has never gone on these trips himself. That does not mean that I would not have gone. I simply did not have the time. However, members of the committee have gone to places on ships, and we have always paid the fare out of committee funds. When a member of a committee gets aboard ship, I suppose it is only natural for the captain to say to him, "You sit at the captain's table"; or things of that kind. If the amendment can be practically reduced to the fares involved, and if it can be applied to everyone, including the general public and Government officials, and everyone else, the objective of the amendment is good, and there is no reason why the amendment should not be adopted.

That is my feeling. The Senator knows that. I hope he also will understand that there are some practical legislative matters involved and there is also the point of the germaneness of legislation on an appropriation bill. I hope the House will accept the amendment.

Mr. WILLIAMS of Delaware. I appreciate the comments the Senator has made.

Mr. MAGNUSON. We should keep this in some perspective. We should not point a finger and say because there is a climate with respect to some of these things that everything is bad or that someone else should judge someone else's conscience. My conscience, the conscience of the Senator from Illinois, the conscience of the Senator from Florida, and the conscience of the Senator from Maryland are our own consciences. We have to live with our conscience. That is our business. I do not wish to see any implication left in the RECORD by the amendment that there is any Member of Congress—as far as I know this applies to the House—I have not been able to run anything like this down yet but the Maritime Board would be the only one that would know if there has been any abuse whatsoever with respect to this matter—I do not know that there would be any abuse in the future if we did not adopt the amendment. However, the objective is good.

Mr. WILLIAMS of Delaware. I appreciate what the Senator from Washington has said. I will repeat once more that the amendment applies only to the fares charged. The amendment is in line with the action which was taken many years ago by Congress in respect to laying down ground rules for the railroad industry and later for the airline industry.

I agree with the Senator from Washington that I did not, in presenting the amendment, wish to cast any reflection on anyone. In fact, I will repeat what I said in presenting the amendment. I said I was not charging that Government officials who are responsible for making decisions in Government have been influenced in their decisions by the granting of a special rate to them. I have said that it could happen and that that is a bad policy, and it should be corrected before we do have trouble. Congress years ago adopted two laws, one relating to the railroad industry and the other relating to the airline industry. On many occasions Congress has been critical of officials of the executive branch of the Government for accepting what many of us feel is excessive entertainment from industry. Let us agree to live by our own rules.

I called attention to an offer which I consider to be improper and which was made to the members of our committee. The industry did offer members of the Senate Committee on Interstate and Foreign Commerce free trips if we wanted to take them. I am sure all Members of the Senate will agree that that was an improper offer.

Mr. MAGNUSON. We turned it down unanimously.

Mr. WILLIAMS of Delaware. Yes: but the fact that the offer was made by the industry and the further fact that we could have accepted such trips, shows that there is need for legislation in this field.

Again, I thank the subcommittee for accepting the amendment. I hope that this will be the last time we will have occasion to discuss the matter on the floor of the Senate, except later to congratulate the conferees when they return with this amendment included in the bill.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. DOUGLAS. I do not wish to prolong this discussion. However, in view of the statement which the Senator from Washington has made that we should beware of undue self-righteousness, I merely wish to add that I wholeheartedly agree with him. I certainly think we should avoid all self-righteousness. As a matter of fact, I think that self-righteousness or spiritual pride should be the eighth deadly sin. While one should avoid self-righteousness at all costs, there is also the old saying, "Caesar's wife should be above suspicion."

That is one reason why the amendment should not only be adopted by the Senate, but adopted by both Houses and both parties, and become law.

Mr. HOLLAND. Mr. President, I should like to say just one thing in addition. A Senator during the debate spoke about an offer made by a shipping line to the committee. Of course he was talking about a legislative committee, the Interstate and Foreign Commerce Committee, because I would not want anyone to think, from a reading of the RECORD, that any shipping line had come to the Committee on Appropriations and had made such an offer to it. No such suggestion was made, ever, to the Appropriations Committee.

Mr. MAGNUSON. The Senator from Delaware explained that.

Mr. WILLIAMS of Delaware. That offer was made to the Committee on Interstate and Foreign Commerce.

Mr. MAGNUSON. It was made in a letter sent to us. I do not know how long ago it was.

Mr. WILLIAMS of Delaware. Several years ago; and I have been working to get this law approved ever since.

Mr. MAGNUSON. About 10 years ago. It was made by the executive director of one of the groups. It was not sent by a shipping line. It was thought that some members of the Committee on Interstate and Foreign Commerce should know something about the problems of the merchant marine. It was thought that would be a good idea. The shipping lines later said, "We cannot do this." We turned down the offer.

I said at the time that I hoped some members of the committee could take such trips on official business, so that they would know something about the problems of the merchant marine. Since that time some of the members have taken such trips, and the committee has paid for them out of committee funds.

Mr. HOLLAND. I can easily see such a situation arising in a legislative committee, because they are charged with the supervision of the merchant marine and its operation. The Appropriation Committee is in a different situation. I never heard of such a suggestion being made or such an offer having been made to the Appropriations Committee. I simply wanted to get the RECORD clean on that point.

Mr. WILLIAMS of Delaware. I think I made it clear that it was the Committee on Interstate and Foreign Commerce. However, to keep the RECORD straight, the RECORD should show also that the offer was rejected by the committee.

Mr. HOLLAND. I understand so.

Mr. WILLIAMS of Delaware. Since that time I have consistently tried to have this legislation enacted. That offer was made to our committee while it was considering legislation which was vital to the industry. I considered the offer then and consider it now to have been a highly improper suggestion.

Mr. COOPER. Mr. President, I think the amendment has been clearly explained by the Senator from Delaware; also, the statements made by the Senator from Florida [Mr. HOLLAND] and the Senator from Maine [Mrs. SMITH] are clear. I think we are all in agreement concerning the amendment.

Mr. HOLLAND. I hope we will accept it.

Mr. LAUSCHE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. I should like to associate myself with the statements made concerning the merits of the proposal submitted by the Senator from Delaware. I am grateful to the Senator from Florida for accepting the proposal. In my opinion, if Congress is going to demand a meticulous observance of what some persons may call high morals in accepting hospitality, Congress should set the example, so that we under no circumstances will accept hospitality to which censure might be attached. It is on that basis that I subscribe to the statement made by the Senator from Florida.

Mr. WILLIAMS of Delaware. I thank the Senator from Ohio and the Senator from Florida and all others who are supporting the approval of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

The PRESIDING OFFICER. The first committee amendment which has been passed over will be stated.

The CHIEF CLERK. On page 2, line 5, after the word "Commerce", it is proposed to insert "including not to exceed $5,000 for official entertainment expenses", and in line 6, after the amendment just above stated, to strike out "$2,660,875" and insert "$2,822,400".

Mr. DOUGLAS. Mr. President, I rise to discuss the amendment to the provision for salaries and expenses for general administration which increases the House appropriation by some $161,525. It is an appropriation for the administrative expenses of the Secretary of Commerce himself.

On Thursday evening last, I pointed out the contradiction between the acts of the Secretary of Commerce and the speeches of the Secretary of Commerce, stating that when he appeared before the Senate Committee on Appropriations he asked for an increase of more than $25 million over the amount appropriated by the House, and that 4 days afterward he went to Philadelphia and spoke before the Pennsylvania Manufacturers Association, where, among other things, he said:

> It is to defend economic growth from ruin that the Eisenhower administration will continue to wage a no-quarter fight against the budget boosters and the surplus spenders. For if we can save the surplus for reduction of debt, we can—at the proper time—initiate much needed tax reform, which business wants so strongly.

In other words, in his speech before the Pennsylvania Manufacturers Association, the Secretary of Commerce, Mr. Frederick H. Mueller, emphasized economy and stated most clearly that it was the members of the progressive bloc in the Members of the progressive bloc in Congress who wanted to increase expenditures, despite the fact that he had himself asked for the increase of $25 million.

Mr. President, let us see the facts about the activities, budgetwise, of the Secretary of Commerce, and then compare them with his speech.

I hold in my hand an official document entitled "The Commerce Budget In Brief," issued by the U.S. Department of Commerce, Office of Budget and Management, and which was published under the authorization of Mr. Frederick H. Mueller, Secretary. Pages 2 and 3 give a summary of the appropriations which the Department requested. The summary compares the requests with the appropriation made for the current fiscal year.

This estimate shows that the Secretary of Commerce, who was making speeches about the need to reduce the Federal bureaucracy and resist the budget boosters, was coming in and asking for big increases in the personnel of his own Department.

For example, he was asking for 93 new general administration positions, of which 59 were to be in his own office and 34 in the Office of Field Services. He was asking for 45 new positions in the Bureau of the Census; 139 new and additional positions in the Coast and Geodetic Survey—I should make it clear that all those new positions were additional; he was asking for 54 new positions for the Business and Defense Services Administration, a service which, so far as I can tell, has been relatively useless and largely confined to soft talk, sweet talk, and Republican propaganda.

He was asking for 89 new positions in the Bureau of Foreign Commerce; 13 new and added positions in the Office of Business Economics; 101 new positions in the Maritime Administration; 164 new positions in the National Bureau of Standards, 295 new positions in the Weather Bureau; 77 new positions in the Bureau of Public Roads; or a total addition of 1,070 new positions above and beyond the 19,286 positions which had existed at the end of 1959.

He was therefore asking for an increase in the permanent staff of the Department of Commerce of close to 6 percent, or, to be precise, 5.6 percent.

As we know, the rate of growth of the American economy in the 7 years since the Eisenhower administration took office has been at an average rate of only 2.3 percent. So the Department of Commerce was proposing an increase in the bureaucracy of that agency in 1 year at a rate approximately 2½ times that of the rate of growth of the national product. This seems to be a new type of

law, Mueller's law; namely, to expand the personnel of the Department of Commerce at a rate greatly in excess of the national growth rate.

Mr. Mueller has been making very eloquent speeches on growth. But what he thus demonstrates is that he is really concerned with the growth in the personnel of the Department of Commerce. Indeed, the growth rate in that Department has been quite extraordinary. Mr. Mueller is proposing to increase it still further.

The House cut the requested appropriations of the Department of Commerce by about $28 million; and in the general administration item now before us it rejected the bulk of the proposed increase of 59 positions in the office of the Secretary and Under Secretaries. Instead the House allowed 10 of the 59 positions in the field of transportation, but did not allow the rest of the 49 positions.

Mr. Mueller came back before the Senate committee on February 19, 1960, and asked for the restoration of those 49 positions, and the Senate committee restored approximately half of the total.

Mr. Mueller made an eloquent plea also that he should be given $5,000 for entertainment to pay for the expenses of food and other condiments to entertain foreign guests, saying that the previous Secretary, Mr. Sinclair Weeks, had a private income and had done this, and that the present Secretary and his Under Secretaries and Assistant Secretaries felt that this item should no longer be borne as a private expense. The Secretary said that the top Secretaries had spent $2,557 of their own money in the preceding year, but felt that they should have spent $6,112. They were thereupon given $5,000 for entertainment expenses in the provision now under consideration.

These are the facts of the Secretary's official recommendations to the Senate.

Now let us see what Mr. Mueller the orator said. I have now not merely his speech of February 23, but a number of his other "economy" speeches made during the same period. Although at the same time he was asking for 1,070 additional positions and was trying to get appropriations for those additional positions, he was out on the road, selling himself as the great advocate of economy, and implying that the Democrats, particularly the so-called liberal wing of the Democrats, were budget boosters and surplus spenders.

I mentioned last Thursday the speech of February 23, at the Bellevue-Stratford Hotel, which the distinguished Senator from Pennsylvania [Mr. CLARK] will recognize as probably the ritziest of Philadelphia hotels, where the young buds of Philadelphia society have their coming out parties to the music of Meyer Davis, and which is the natural habitat of the Pennsylvania Manufacturers Association—that and the Union League Club, just a few doors down the street.

But I wish to refer to some other orations by the Secretary of Commerce, because they are really such gems that the country should not be denied the privilege of hearing them, and a much larger audience for them is greatly to be desired.

For instance, on January 14, when it was cold in the North, the Secretary of Commerce followed the wandering birds and went south to Florida, and delivered a speech before the Fort Lauderdale Chamber of Commerce. Undoubtedly he enjoyed the Florida sunshine at that time. It would be interesting to know if he enjoyed it at Government expense. In the course of that speech he had some comments to make about the deterioration of the moral fiber of the American people and the American Government during the period when the Democrats were in power. He said:

> Bureaucracy encroached on private decision making and control of private industry. Money-wasting schemes were the hit parade. Deficit spending became chronic. Federal debts increased as the value of the dollar declined. The rich were smeared by tongues and the poor were soaked by taxes.
>
> And along with fiscal burdens went a weakening of moral fiber. Corruption, the inevitable camp follower of Government waste and extravagance, slithered into many areas, including Government. Decent people everywhere hung their heads in shame.

Then Mr. Mueller said:

> What happened? You recall what happened. The disenchanted, dissatisfied American people from all parties rose up in wrath and demanded a change.
>
> And they got it. A new administration dedicated to sound economic policies came in, and spendthrifts and left-wingers went out. Confidence returned with a tide of constructive conservatism.

Mr. President, I now skip a paragraph, and then read further from Mr. Mueller's oration, as follows:

> Standing in the clutter of redtape, business cried out emphatically: "Bureaucrat go home, and let us run our own affairs."
>
> Business insisted on a halt to extravagance and a stop to the calculated policy of inflation that hiked costs, debased currency, and robbed future economic security. It demanded tax relief and a balanced budget.

He then went on to claim that "in the past 7 years these sound requests have been met."

Mr. President, when we read this swelling prose, we would think the Eisenhower administration was diminishing the number of so-called bureaucrats. I think that term is frequently unjust when it is applied to public servants. But since it has been used by the Secretary of Commerce, it is interesting to note that at the same time when he was saying that under the Eisenhower administration, bureaucrats were going home, he demanded the enactment of a new bill which would bring a thousand and seventy new bureaucrats into his own Department of the Federal service.

Mr. President, to call that attitude hyprocrisy would, I think, be an understatement.

I now read from pages 4 and 5 of this most fulsome speech by Mr. Mueller:

> This month we begin a new year and a new decade. A new session of Congress has just started. Candidates for the presidency are entering the ring for the election year contest. Every one of these factors will have a profound effect on current events and on the destiny of this Nation. Every one will affect your livelihood, your welfare, your economic prospects.
>
> Will prosperity be encouraged, or will it be sabotaged by inflation?
>
> Will public wisdom prevail, or will the Nation be lured into reckless paths by the Pied Pipers of radicalism, posing as the trailblazers of economic growth?
>
> Will the dike be held against a tidal wave of election year pressures for new spending sprees that will increase the peril of inflation?
>
> These are vital questions that require plain, honest answers.

I pause here, Mr. President, to state that the spending spree in the Department of Commerce was the spree the Secretary of Commerce was proposing to have by getting a thousand and seventy new positions. He was something like the drunken man who believes that everyone else is tight, but is not himself able to recognize his own insobriety.

Then the Secretary of Commerce said:

> Now that the threat of another steel shutdown has been removed, and if the Congress doesn't pile up roadblocks, the gross national product can soar to the half trillion dollar peak before summer.

I read further from this speech by Secretary Mueller:

> That dream is too close to fulfillment to allow reckless politicians or radical advocates to destroy. That dream can come true if you pitch into the battle for sound government and sustainable economic growth. For the fight for a balanced budget and a sound dollar is your fight, too.

But apparently it is not the fight of the Secretary of Commerce, because he is proposing the creation of a thousand and seventy new positions in his Department. He urges everyone else to fight the Democrats as "budget boosters" and "reckless politicians," but he, himself, tries to slip around to the back door and get the pap for himself.

I now read from page 6 of his speech:

> Not content with record prosperity, they call for blisters on the boom. They hope to divert public funds needed for desirable private growth to unnecessary Federal projects.

Well, Mr. President, I think that one unnecessary Federal project is certainly the establishment of 1,070 new jobs, which the Secretary of Commerce is proposing—with 59 of them in his own office, and with $5,000 for entertainment.

I read further from the speech by the Secretary of Commerce:

> They want to unbalance the budget and thereby pile up deficits for our children to pay off. They prefer to have politicians spend the money which private citizens worked so hard to earn and who should have the right to spend or save. They are so blind and reckless that they are even willing to play with the fires of inflation.

Mr. President, I want that money to be saved. But the Secretary of Commerce in his appeals to Congress wants to spend it for his political appointees.

I have read those quotations from his speech of January 14, 1960, however, to show how he publicly attacks others as spendthrifts.

Apparently the Secretary of Commerce remained for some time in the delightful sunshine of the Southland; but a little later he journeyed slightly northward; and on the 19th of January he spoke in

Charlotte, N.C., before the Charlotte Chamber of Commerce, at the Park Center. I find rather interesting some of the statements he made on that occasion, as follows:

Today, we have in the Congress a conservative coalition from both parties, who foster a sound economy. Today, we also have in the White House a President who presents a sound budget.

But Mr. Mueller wanted a "sound budget" along with 1,070 new positions in his Department of Commerce.

Then he said:

I can think of no immediate public service more in the interest of the Nation and in the self-interest of business than for North Carolina businessmen and their associates from the Atlantic to the Pacific to become Paul Reveres and spread the alarm of threatened inflation to every village and farm in America.

On page 4 of his speech, this magniloquent orator stated:

Too long, too many businessmen have huffed and puffed but remained inactive when spendthrifts have tried to raid the national treasury, when leftwing smearmongers have tried to poison the public mind against business, when irresponsible politicians have tried to harass business, burden business, and in some cases have succeeded in ruining certain businesses.

You'd better speak up now—while you have a public with a desire to hear you.

But then he spoke up before the Senate committee in favor of the establishment of 1,070 new positions, with 59 of them in his own office; and he wanted an increase in his public relations staff, so that he might have more of these hair-raising speeches written for him.

Let me say that I want to congratulate the committee upon turning down his requested increase for more public relations staff. That was a good job. But Secretary Mueller tried his best to saddle the taxpayers with the expense of employing more speech writers to denounce the Democrats and to denounce the Congress as "spenders."

I read now from page 5 of the speech by the Secretary of Commerce:

But I warn that the very presence of an expected budget surplus is an almost irresistible temptation to the spenders. They already are licking their chops at the prospect of eating up the surplus. They will want to throw away your money on unnecessary projects or, as a lure to the public, to shave certain taxes before paying off some moral obligations on the debt.

We shall need another great public response this year to protect the budget surplus from the greedy clutches of election year pressure groups.

Mr. President, I do not know who is licking his chops; but I think the high officials of the Department of Commerce are the ones who are licking their chops at the prospect of getting $5,000 of entertainment money which will provide them with good filet mignon, together with the liquid condiments which can be used to wash down said filet mignon.

They are evidently going to get it, because, upon the insistence of the Secretary, the committee yielded; and saying it would "ne'er consent, consented," and put in the bill this $5,000 allowance for entertainment, and also about 50 percent of the added appropriations requested for the Office of Secretary which had been eliminated by the House.

The Secretary went on to say:

I urge all businessmen to get into the budget fight.

I urge them, too. I urge them to get into the fight and to begin in their own department and to reduce appropriations there.

I do not know how much longer the Secretary stayed in the land of the South and enjoyed the sun, possibly at Government expense. But the 10th of February found him in New York, and, sure enough, he spoke before the Union League Club. The Secretary of Commerce finds it irresistibly attractive to appear before Union League Clubs. They act toward his presence as a powerful magnet does to filaments of iron which may be scattered around. He responds with a tropism which inevitably leads him into the hallowed precincts of the Union League Clubs.

Let us take some passages from this New York speech, which, though delivered in a colder climate, is hotter, or perhaps just as hot, as the speech he delivered in Florida:

The group on the right insists: "Give private initiative a chance to do most of the job itself. Keep Government's fingers out of our pocketbooks and Government controls out of our front offices. Bureaucrat, go home and stay there."

At the same time he was trying to get 1,070 new bureaucrats in his own Department. I echo his sentiments: Bureaucrats in the Department of Commerce, go home. I would include the Secretary among that list.

He goes on to say:

I do not believe New York businessmen and their associates elsewhere are going to keep mum this year when any irresponsible politician or any economic illiterate tries to drain from the blood stream of the private economy the savings urgently needed for investment in research and capital outlays that create more business, more employment and more economic growth.

I hope they do not keep mum this year. I hope they are not mum today. I hope they register, with a ringing voice, their disapproval of this Secretary of Commerce, who hoped to add 1,070 employees to his own Department, and thereby inflate bureaucracy, when he and others are saying the number of Federal employees should be reduced.

The Secretary goes on to say:

Had it not been for a fighting, veto-swinging President, backed up by a conservative coalition from both parties and supported by an overwhelming public opinion at the grassroots, the spenders would have blown holes in the sandbags and a flood of inflation would have engulfed this Nation—from Wall Street to Main Street.

His speech writer, however, gave out on language and had to insert certain paragraphs in this speech which were almost identical with the paragraphs he used in that sonorous speech of February 23 at the Bellevue-Stratford Hotel: He said:

Someday, somebody will have to pay. Certain programs may be slashed by a future Spartan Congress. And if our private economy continues in healthy growth, inevitable burdens may be financed in part from increased income.

Then this paragraph:

If we do not slam on the brakes and keep our foot hardpressed on the pedal, we may very soon confront $100 billion budgets, heavier taxes, higher debts, lower value of currency—all weakening our economy and undermining our defense—all pushing the America of the 1960 decade headlong toward the precipice.

It is to save the economic growth from ruin that the Eisenhower administration will continue to wage a no-quarter fight against the budget-boosters and the surplus spenders.

The Secretary loves that phrase, or his speech writer loves that phrase so well that it does double duty and has appeared several times. Perhaps it was the loss of ingenuity on the part of the Secretary's speechwriter which made the Secretary ask for the addition of 2 more speechwriters to the 11 he already had.

Mr. President, I do not object to a Secretary of Commerce going around the country making political speeches. I do not object to the Under Secretary of Commerce, Mr. Philip A. Ray, coming to Chicago and denouncing me. I will answer him. He denounced me as a budget buster and surplus spender. That is not true, but he has a right to denounce me.

But I do not think he or the Secretary should denounce me with the assistance of public money, or denounce the Democratic Party and the Democratic Congress and circulate their releases with public money. If he wants to make political speeches, let them be written in the Republican National Committee, at private expense.

I am not going to stand here on the floor of the Senate and vote to appropriate money which is not needed, in order that the Secretary of Commerce may more effectively and more improperly libel members of my party, and members of my branch of the Democratic Party, and libel me. I am not going to put in their hands public money which they can use to misrepresent conditions. If they want to misrepresent, let them do it with their own money, and we will meet it with our own money—about $1 of our money to $20 of theirs.

So I want to make an appeal to the chairman of the subcommittee, my good friend the Senator from Florida: Will he not agree to eliminate the increase of $161,000 which the committee has recommended over the House figure and instead reinstate the cut which the House imposed?

Mr. HOLLAND. Mr. President, I appreciate the concern and the consideration of the Senator from Illinois, but the committee did not grant all that the Secretary of Commerce requested in this matter.

Mr. DOUGLAS. The committee granted about 50 percent of it.

Mr. HOLLAND. It granted 24 out of 49 positions which the Secretary requested to be restored. We very carefully left out the additional personnel for information or publicity, to which I think the Senator has referred, and we granted only the increases in those cases which we thought were required.

We granted, by unanimous action of our subcommittee and our full committee, those requests. I could not make the concession which the Senator has suggested.

May I, while I am on my feet, say that the distinguished Senator from Arizona [Mr. HAYDEN], the chairman of the full committee, has advised me that the Senator from Missouri [Mr. SYMINGTON], has a matter on the Interior bill on which he is very anxious to make a statement before he leaves on business which is presently taking most of his time, and the Senator from Arizona would like us to allow him to break in with his statement on the Interior bill at such time as is convenient to the Senator from Illinois.

I suggested that we allow the Senator to complete on this matter. Then, if the Senator from Arizona is ready, I am willing to have the other matter handled. If not, I will answer briefly to the Senator from Illinois and let the Senator from Arizona break in at any time he is ready to do so.

I take it for granted the Senator from Illinois is agreeable to that procedure.

Mr. DOUGLAS. Certainly. I want to accommodate the Senator from Missouri.

Mr. President, I am disappointed at what the Senator from Florida has said. Secretary Mueller is a man who publicly talks about economy, but who already has an inflated staff. This man wants 59 new positions in his own office, and the committee has granted him 24 new positions, in addition to the 10 allowed by the House, as I read the reports. If this man believes in economy, he should try to get the work done with the same staff. Instead, he wants to increase his staff, and he wants $5,000 for entertainment.

Mr. President, the Senator from Illinois is not a wealthy man, but he is willing to offer to the Secretary of Commerce, for whom he does not entertain a passionate affection, a case of Illinois tomato juice, to aid in the entertainment of guests. I think the Senator from Oregon would be willing to offer a case of Oregon prune juice. I think we could get a case of orange juice from the Senators from California and from the Senators from Florida. I see the Senator from Florida [Mr. HOLLAND] nods assent.

Mr. President, we already have a guarantee of three cases of liquid refreshment, which would be much better for the Secretary of Commerce than what he is likely to buy, which will permit him to entertain his guests in a style becoming a Republican Secretary of Commerce. We do not want to be severe on him in the slightest.

Will not my good friend agree to my request to eliminate this recommendation?

Mr. HOLLAND. Mr. President, the Senator from Florida could not grant that request. The committee went rather carefully into this matter and decided that $5,000 would be a very small allowance, considering the amount of visitation which the Secretary, the Under Secretary and the Assistant Secretaries are required to make in the course of their official duties, in the visiting of commercial agencies of other countries, and the return visits which the officials of those countries make in the United States. We tried last year to get a definite figure, and we could not obtain it because the previous Secretary, Mr. Weeks, was not willing to try to capitalize what he had actually spent, which I have since learned was a good deal more than $5,000 for entertainment. Mr. Weeks, of course, is a very wealthy man. That does not happen to be the case with reference to the present Secretary or to the others in the Department.

The Senator from Florida was not alone in his feelings. The committee as a whole felt that a small, reasonable allowance should be made not as an addition but to be found out of the appropriations in general for the office. We put on the limitation of $5,000. The Senator from Florida still feels that is a small limitation, and we would not want to leave our top officials in this field of foreign commerce in such a situation that they could not return the hospitality which is shown to them when they are abroad, when the chiefs of other nations in this field come to the United States.

So, much as the Senator from Florida appreciates the approach which the distinguished Senator has made—and it has been a considered approach—the Senator from Florida does not feel he could yield on that point, because to yield would be to yield the convictions of the full committee of 27 Senators, which committee felt this was an agency which ought to be given a small allowance for this purpose.

The Senator knows we have very much larger allowances in the State Department. We have a similar allowance in the St. Lawrence Seaway budget, which has been very well spent. We have checked on that very carefully. That is also handled by the subcommittee of which the Senator from Florida is the chairman. We have other allowances for these necessary contacts and friendly entertainment, whether abroad or in the United States, which exist as part of the official activities of some of our top officers.

We think that $5,000 is a minimum in this matter. Therefore, I would not want to either decrease it or to destroy it, other than by a vote of the Senate, and I therefore cannot accept the suggestion so kindly made by the Senator from Illinois.

Mr. DOUGLAS. Mr. President, what is the parliamentary situation? Has the amendment been agreed to?

Mr. HOLLAND. No. The amendment is pending. The Senator from Florida understood that the Senator from Illinois wanted to contest certain of the amendments. If the Senator from Illinois is ready for a vote, so far as he is concerned, the Senator from Florida will reply very briefly. Then we can ask for a vote on the amendment.

Mr. DOUGLAS. I am ready.

Mr. HOLLAND. Mr. President, first I invite attention to the fact that in spite of the fact that the Secretary of Commerce requested the restoration in exactly the amount suggested by the Senator from Illinois, the full amount of $369,125, the committee, after going through the request very carefully, and after going through the personnel setup very carefully, agreed to restore only $161,525, or a little more than 40 percent of the request made by the Secretary of Commerce.

We did not do that either because of or in spite of any speeches made by the Secretary of Commerce, whether in Florida or elsewhere. We did it because we felt the requests were legitimate and that the need for the service was actual. We felt the small increase of approximately 5 percent, I believe it was, from the budget for this objective in the earlier year, was appropriate. The budget in 1960, I believe, was $2,660,000. An increase of $161,525 is a small increase. We felt it was justified. Therefore, we recommended it.

Again I want to invite attention to the fact that we did not recommend restoration of the remaining $207,600. In other words, we tried to use what we thought was judicious selection, and we tried to recommend that which was most needed. We would not have recommended any restoration unless we had felt that the case was made for the need for the additional personnel.

I could easily go through the list of personnel, but I do not think that will be necessary. That is shown in the report and the committee memorandum.

So far as the Senator from Florida is concerned, he is willing to let the matter stand upon that basis. I feel very strongly that a case was made both for this very small increase and for the $5,000 allowance. I hope the Senate will follow the unanimous recommendation of the subcommittee and the unanimous recommendation of the full committee in this matter.

Mr. President, we are ready for a vote.

The PRESIDING OFFICER (Mr. LUSK in the chair). The question is on agreeing to the committee amendment on page 2, line 5 and line 6. [Putting the question.]

Mr. DOUGLAS. Mr. President, I ask for a division.

Mr. HOLLAND. Mr. President, I suggest the absence of—Mr. President, I see other Senators are in the Chamber. A division vote will be all right.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, line 5 and line 6. A division is requested.

On a division, the amendment was agreed to.

Mr. DOUGLAS. Mr. President, in view of the action of the committee and in view of the action of the Senate, with the small number of Senators present, I shall not press the further economies, which I was prepared to urge, amounting to $1 million. This was the test vote, and further efforts would be useless. I wish, however, to serve notice that I shall want a yea-and-nay vote on passage of the appropriation bill at an appropriate time. It is my intention to vote against the passage of the appropriation bill as a whole.

Mr. President, unless we apply the pruning hook and cut out the waste in

the budgets of the Eisenhower administration the country is going to lose money, and we can be certain that the orators of the Republican Party will be out next summer and fall smearing the Democrats for voting the very appropriations for which the Republicans asked.

If the Democrats in this body wish to commit political suicide, and give the Republicans the sharp knives which will be buried in our backs, and if the southern Members of this body wish to sacrifice the northern Democratic Members, well and good. The coalition of Republicans and conservative Democrats can have its way. But I think it is about time to strip off much of the hypocrisy in connection with this matter, so that we may know whether we are for economy or not.

Mr. HOLLAND. Mr. President, I do not like the word "hypocrisy," and I do not like the word "coalition," where none exists.

Mr. DOUGLAS. I was speaking of the Secretary of Commerce and not the Senator from Florida. But there certainly is a coalition.

Mr. HOLLAND. I am sure the Senator from Illinois does not wish to be on record against all the increases which we recommended. I recall that the other day he stated that in his opinion the increases granted the Weather Bureau were good. He stated that in his opinion the increases granted the Coast and Geodetic Survey were good. We allowed increases in several other instances which I do not now recall. So I hope the Senator from Illinois will make clear for the RECORD just what increases he thinks were not justified.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. If we had been able to effect this economy and certain other economies which I had in mind, it was my intention to vote for the bill. But it is now clear that since this committee amendment is approved, all the other amendments increasing the appropriations will also be approved. Therefore, I serve notice that, I shall have to vote against the bill on final passage, and I shall ask for a yea-and-nay vote on final passage.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. JOHNSON of Texas. It is customary to have yea-and-nay votes on final passage of all appropriation bills, and in connection with the ratification of all treaties. If the yeas and nays have not been ordered, they will be.

Mr. HOLLAND. Mr. President, if I correctly understood the recent statement of my friend the Senator from Illinois [Mr. DOUGLAS], he does not intend to press his objections to certain other committee amendments. I therefore ask that the remaining committee amendments not agreed to en bloc the other day, be agreed to en bloc at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 12, after the word "possessions", to strike out "$2,415,025" and insert "$2,584,000".

On page 6, line 7, after the word "Administration", to strike out "$3,772,000" and insert "$4,366,000".

On page 6, line 12, after the word "reports", to strike out "$2,384,100" and insert "$3,139,100".

On page 8, line 23, after the word "Administration", to strike out "$14,125,335" and insert "$14,920,800".

On page 9, line 3, after the word "allowances", to strike out "$8,009,700" and insert "$8,086,000".

On page 9, line 6, after the word "warehouses", to strike out "$1,190,835" and insert "$1,320,800".

On page 9, line 7, after the word "expenses", to strike out "$4,924,800" and insert "$5,514,000".

On page 23, line 16, after the word "individuals", to strike out "$2,295,000" and insert "$2,455,000".

Mr. HOLLAND. Mr. President, I understand that the Senator from Delaware [Mr. WILLIAMS] and the Senator from Ohio [Mr. LAUSCHE] have an amendment which they propose to offer, relative to the voyage limitations in the bill.

I understand also that the Senator from Alabama [Mr. SPARKMAN] and the Senator from Massachusetts [Mr. SALTONSTALL] have an amendment which will not change the amount of the bill, relative to the Small Business Administration.

So far as the Senator from Florida knows, there are no other amendments to be offered. However, the Senator from Florida may be surprised by some Senator having an amendment to offer as to which the Senator from Florida has not been advised.

I now yield to the Senator from Arizona [Mr. HAYDEN], with the understanding that I shall not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIOR DEPARTMENT APPROPRIATIONS, 1961

Mr. HAYDEN. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 10401, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, in order to permit the Senator from Missouri [Mr. SYMINGTON], to offer an amendment at this time. He would be greatly inconvenienced if he could not offer the amendment at this time.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HAYDEN. Mr. President, in order that the amendment of the Senator from Missouri may be considered in order, I ask unanimous consent that the committee amendments may be agreed to en bloc; that the bill, as so amended, be considered as original text for the purpose of further amendment; and that no points of order against legislation in an appropriation bill are waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

Under the heading "Title I—Department of the Interior—Departmental Offices—Office of Saline Water—Salaries and Expenses", on page 2, line 8, after the word "uses", to strike out "$1,355,000" and insert "$1,755,000".

Under the subhead "Construction", on page 2, line 10, after the word "For", to insert "an additional amount for", and in line 14, after "(72 Stat. 1706)", to strike out "$2,040,000" and insert "$2,440,000".

Under the subhead "Office of the Solicitor—Salaries and Expenses", on page 3, at the beginning of line 4, to strike out "$3,248,000" and insert "$3,348,000".

Under the subhead "Office of Minerals and Exploration—Salaries and Expenses", on page 3, line 17, after "$550,000", to strike out "including not to exceed $150,000 for administrative and technical services,".

Under the subhead "Bureau of Land Management—Management of Lands and Resources", on page 4, line 8, to strike out "$24,525,000" and insert "$28,554,000".

Under the subhead "Oregon and California Grant Lands", on page 4, line 21, after the word "lands", to insert "an amount equivalent to", and on page 5, line 2, after the word "herein", to strike out "shall be in lieu of payments to counties" and insert "is hereby made a reimbursable charge against the Oregon and California land-grand fund and shall be reimbursed to the general fund in the Treasury".

Under the subhead "Bureau of Indian Affairs—Resources Management", on page 7, line 25, after the word "law", to strike out "$22,684,000" and insert "$24,338,000", and on page 8, line 1, after the amendment just above stated, to strike out the comma and "and in addition, $754,000 of the revolving fund for loans, Bureau of Indian Affairs, shall be used in connection with administering loans to Indians".

Under the subhead "Construction", on page 8, line 16, after the word "contract", to strike out "$13,575,000" and insert "$14,825,000".

Under the subhead "Road Construction (Liquidation of Contract Authorization)", on page 9, line 7, after "(72 Stat. 834)", to strike out "$13,000,000" and insert "$16,000,000".

Under the subhead "Geological Survey—Surveys, Investigations, and Research", on page 12, line 11, after the word "activities", to strike out "$43,000,000" and insert "$45,065,000".

Under the subhead "Bureau of Mines—Conservation and Development of Mineral Resources", on page 13, line 16, after the word "substitutes", to strike out "$21,667,000" and insert "$22,624,000".

On page 13, after line 21, to insert:

"CONSTRUCTION

"For the construction and improvement of facilities under the jurisdiction of the Bureau of Mines, to remain available until expended, $2,885,000."

Under the subhead "National Park Service—Manager and Protection", on page 15, line 18, after "(except the Missouri River Basin)", to strike out "$18,500,000" and insert "$19,076,000".

Under the subhead "Maintenance and Rehabilitation of Physical Facilities", on page 16, line 2, after the word "Service", to strike out "$15,000,000" and insert "$15,250,000".

Under the subhead "Construction", on page 16, line 12, after the word "exceed", to strike out "$2,100,000" and insert "$2,925,000", and in line 14, after the word "property", to strike out "$18,000,000" and insert "$18,460,000".

Under the subhead "Construction Liquidation of Contract Authorization)", on page 16, at the beginning of line 22, to strike out "$30,000,000" and insert "$31,000,000".

Under the subhead "Fish and Wildlife Service—Bureau of Sport Fisheries and Wildlife—Management and Investigations of Resources", on page 18, line 14, after the word "deer", to strike out "$18,220,000" and insert "$18,770,000".

Under the subhead "Construction", on page 18, at the beginning of line 20, to strike out "$3,485,000" and insert "$4,841,000".

Under the subhead "Bureau of Commercial Fisheries—Management and Investigations of Resources", on page 19, line 10, after the word "law", to strike out "$6,249,000" and insert "$7,051,000".

Under the subhead "Office of Territories—Administration of Territories", on page 22, line 1, after the word "Samoa", to strike out "$2,560,000" and insert "$3,060,000".

Under the heading "Title II—Related Agencies—Department of Agriculture—Forest Service—Forest Protection and Utilization", on page 28, line 14, after the word "lands", to strike out "$88,159,700" and insert "$101,495,800".

On page 29, line 2, after the word "law", to strike out "$16,332,000" and insert "$20,545,400".

On page 29, line 10, to strike out "$12,334,800" and insert "$13,584,800".

Under the subhead "Access Roads", on page 30, line 9, after "(16 U.S.C. 471, 472, 475, 476, 551)", to strike out "$1,000,000" and insert "$2,000,000".

Under the subhead "Acquisition of Lands for National Forests—Superior National Forest", on page 30, line 16, after the word "amended", to insert "by purchase, condemnation or otherwise", and in line 17, after the word "expended", to insert "and to be available without regard to the restriction in the proviso in section 1 of that Act".

Under the subhead "Land Acquisition, National Capital Park, Parkway, and Playground System", on page 33, after line 20, to strike out:

"For necessary expenses for the National Capital Planning Commission for acquisition of land for the park, parkway, and playground system of the National Capital, as authorized by the Act of May 29, 1930 (46 Stat. 482), as amended, to remain available until expended, $250,000, which shall be available for the purposes of section 1(a) of said Act of May 29, 1930: *Provided*, That not exceeding $50,000 of the funds available for land acquisition purposes shall be used during the current fiscal year for necessary expenses of the Commission (other than payments for land) in connection with land acquisition."

And, in lieu thereof, to insert:

"For necessary expenses for the National Capital Planning Commission for acquisition of land for the park, parkway, and playground system of the National Capital, as authorized by the Act of May 29, 1930 (46 Stat. 482), as amended, to remain available until expended, $1,050,000, of which (a) $250,000 shall be available for the purposes of section 1(a) of said Act of May 29, 1930, (b) $400,000 shall be available for the purposes (exclusive of advances) of section 1(b) thereof, and (c) $400,000 shall be available for the purposes of section 1(c) thereof: *Provided*, That not exceeding $75,000 of the funds available for land acquisition purposes shall be used during the current fiscal year for necessary expenses of the Commission (other than payments for land) in connection with land acquisition."

Under the subhead "Outdoor Recreation Resources Review Commission—Salaries and Expenses", on page 37, line 15, after the "(5 U.S.C. 55a)", to strike out "$950,000" and insert "$1,000,000".

Mr. SYMINGTON. Mr. President, I send to the desk an amendment to House bill 10401, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri will be stated.

The LEGISLATIVE CLERK. On page 16, line 14, it is proposed to strike out "$18,460,000" and insert in lieu thereof "$21,413,125 (of which $4,603,125 shall be available for the continuation of construction of the Jefferson National Expansion Memorial);".

Mr. JAVITS. Mr. President, I ask the Senator whether there is opposition to the amendment from the minority side. I see no minority member of the subcommittee in the Chamber. I shall have to suggest the absence of a quorum in order to determine whether there is any opposition on this side of the aisle.

Mr. HAYDEN. The Senator from South Dakota [Mr. MUNDT] has been consulted about it.

Mr. JAVITS. I shall be present in the Chamber, and will suggest the absence of a quorum if necessary. I thought I would ask the Senator whether there was agreement with the minority as to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I have joined in cosponsorship with my distinguished senior colleague of an amendment providing for an increase in the Department of Interior appropriations for fiscal year 1961 for the Jefferson National Expansion Memorial in St. Louis, Mo.

The history of the Jefferson National Expansion Memorial on the riverfront in St. Louis, Mo., is familiar to most Members of the Senate.

And the reasons for Senate approval of this important national project will be ably set forth by Senator HENNINGS.

However, there is one point that bears emphasis—the obligation of the Federal Government.

Since 1934 the Federal Government has been on record as approving the project. In 1935 the city of St. Louis made its share of the funds available.

Eighty-two acres along the riverfront have been cleared for 17 years. The city and the local sponsors of the Jefferson Memorial have been extremely patient.

Now that full authorization has been given and actual work on the project is under way, the Federal Government has an obligation to see that its commitments are fulfilled.

The major features of the project can be completed by 1964, the date which representatives of the Federal Government have given, if a total of $4.6 million is made available during fiscal year 1961.

This will assure that the project is kept on a reasonably orderly and economic basis. The Budget recommendation, if approved, would result in slowdowns and delays and increase the overall cost to the city and the Federal Government.

A local redevelopment program is going on in conjunction with the memorial. Revitalization of this area means increased revenues for the Federal Government which may more than repay the investment in the national memorial.

Assurances have been given as to completion date; local projects are moving ahead; actual work on the memorial is under way.

The Federal Government should take action to assure speedy completion of this magnificent memorial to the men and era of westward expansion.

I urge approval of the amendment providing for increased appropriations for the Jefferson National Expansion Memorial in St. Louis, Mo.

Mr. President, I ask unanimous consent to insert at this point the excellent statement of the Honorable Raymond R. Tucker, mayor of St. Louis, made before the Senate Appropriations Committee on behalf of the Jefferson National Expansion Memorial.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE RAYMOND R. TUCKER, MAYOR OF THE CITY OF ST. LOUIS, BEFORE THE SUBCOMMITTEE ON INTERIOR DEPARTMENT OF THE SENATE APPROPRIATIONS COMMITTEE, THURSDAY, FEBRUARY 18, 1960

Senator HAYDEN, members of the subcommittee, I appreciate this opportunity to appear before your committee in behalf of a national project which the Director of the National Park Service has termed "teamwork of Federal and local interests at its best."

At your understandable request, this will be a relatively brief statement; but I must emphasize that its brevity is not to be considered a measure of the gravity of its substance.

The Jefferson National Expansion Memorial is a national undertaking authorized by the Historic Sites Act of 1935, further confirmed by the act of 1954, as amended, providing "for the construction of the Jefferson National Expansion Memorial." As you know, under these authorizations, the Federal Government matches every $1 of city or other local financial contributions with $3.

Since 1942 the 40-block 82-acre site on the riverfront in downtown St. Louis has been cleared and ready for its contemplated improvement as a national memorial. Title is vested in the Federal Government.

Naturally, funds for this project were not sought during the Second World War or during the Korean war. Between 1945 and 1948, however, private funds of $225,000 were raised for a nationwide architectural competition for the design of the memorial, and the Secretary of the Interior approved the award-winning Saarinen design.

The vexing problem of the elevated trackage of the Terminal Railroad Association delayed the progress of the project for some time until cooperative action by all local parties brought about the track relocation required by the design. The Terminal Railroad Association contributed $500,000 to this relocation.

The solution to this problem made it possible to begin actual construction work

on the memorial site, and the new railroad tunnel project is well under way.

Mr. Chairman, the beginning, at long last, of construction on the memorial site was of real national significance. As a recent editorial in the St. Louis Post-Dispatch put it, "the riverfront park is a Federal undertaking, a monument to a most significant fact in our history: the Louisiana Purchase and the subsequent westward expansion of the Nation, the fact that made the United States a continental country stretching from the Atlantic to the Pacific instead of being hemmed in and perhaps dominated by France, Spain, and Great Britain."

The city of St. Louis has, to be sure, a special interest in the orderly completion of this project because it has invested its own bond issue money and stands ready to invest more. Further, the city has made a massive investment in this memorial in that it has for more than 20 years removed 40 downtown blocks from its tax rolls and, more important, from contributing to the local economy.

Pursuing the special interest of the city in this national memorial, I requested from the National Park Service a work schedule showing program items and amounts with the dates such items could be put to contract. Such a schedule was provided, and it shows that the memorial can be completed by 1964, with the very last items being put to contract in 1962. That schedule is attached to this statement.

This was great news for the city and the Nation. After decades of economic loss, the memorial site would be completed to the fulfillment of its purpose. The work schedule of the Park Service demonstrated that the target date of 1963 stated by its Director in a speech in St. Louis could virtually be met. Mr. Wirth indicated in that speech that the National Park Service in its Mission 66 planning estimated that 3 million visitors annually would visit the memorial by 1966.

It would be highly desirable for the Jefferson National Expansion Memorial to be dedicated in 1964, the bicentennial year of the founding of the city of St. Louis.

It is also particularly noteworthy that the announcement of the completion of the memorial by 1964 has triggered very firm plans for private enterprise developments totaling more than $119 million for areas adjacent to the great memorial. Private capital is prepared to give the great memorial surroundings fitting in function and appearance to the purposes of the memorial.

Now, if the work schedule of the National Park Service is to be met—and this is so important for so many reasons—Federal appropriations must be closely geared to its requirements.

The Federal appropriation proposed in the President's budget message for fiscal year 1961 is $1,650,000. This figure is more than $4 million short of the Federal funds which can be utilized during the fiscal year according to the work schedule of the Park Service.

Indeed, not only could $5,686,875 of Federal funds be usefully and properly obligated during fiscal 1961, but also an additional $2,503,125 could be obligated during the present fiscal year, 1960.

Thus the budget proposed by the administration for the period during which $8,190,000 could be used is a mere $1,650,000.

This figure is hopelessly inadequate to keep memorial construction on schedule. If the $1,650,000 proposed by the administration is adopted, it will represent a fundamental failure of the Federal Government to keep faith with its partner in this project.

If $1,650,000 is accepted for fiscal year 1961 in the name of balancing the budget, it would represent an absurdly shortsighted policy which would involve more costs in the longrun completion of the project.

1. In testimony before the Interior Department Appropriations Subcommittee of the other Chamber, Mr. Wirth, Director of the National Park Service, stated that the appropriation of $1,650,000 would delay completion of the project "by at least a year."

At least a year means another 12 months of a 40-block area making no contribution to the economy of the city, State, or Nation. At least a year means added difficulties in encouraging the release of tens of millions of dollars of private enterprise development money.

2. During the same appearance, Mr. Wirth testified that the delay which a $1,650,000 appropriation would mean would involve additional costs of at least $570,000 for limited phases of the project. Mr. Wirth did not go on to project the obvious increases owing to longer range rises in prices and wages.

Is it not the opportunity and duty of the Congress to correct such extra costs to the taxpayers which the administration-imposed delay would bring?

3. It is a further subject of concern that this kind of limited appropriation, evidence of a snail's pace attitude on the part of the Federal Government, would become a precedent for similar action in future years. Such an approach could stretch the project out over a tedious and costly 10 years.

4. It has been said that the $1,650,000 is really a major increase in Jefferson Memorial appropriations since no funds were appropriated last year.

This is an extraordinary argument, since an unsuccessful effort was made to obtain a supplementary appropriation of $2,500,000 last year. Further, during this current fiscal year, $500,000 has been expended, which represents the Terminal Railroad Association's contribution, which has not yet been matched by Federal funds.

Indeed, on the $3 to $1 basis, the city of St. Louis, in face of a possible $1,650,000 appropriation this year, need only legally come up with $50,000 of matching funds.

5. Possibly the most inconceivable limitation of a $1,650,000 appropriation is the fact that the railroad track relocation work now under contract or to be done with the newly appropriated money could not be made operational until future project items were completed.

This further emphasizes the vicious degree to which the arbitrary budget figure of $1,650,000 tears down the well coordinated work schedule of the National Park Service.

6. Although some planning money has now been spent for later phases of the project, under a $1,650,000 appropriation it would be possible to put items 9 through 12 of the attached schedule under contract (with city matching money) only if no funds were made available for further advance planning or supervision or reserve purposes.

This would impose further delay on the orderly progress of the memorial.

7. It should also be noted that it would be very difficult to catch up with the Park Service schedule by doubling up on later appropriations.

The items in the work schedule come in a planned sequence, and some contracts must precede others. The foundation must be built before the superstructure.

Mr. Chairman, I think there are forceful reasons why the Congress should put right the role of the Federal Government in this project.

The Federal Government has a genuine obligation to the city of St. Louis and the Nation to see to the completion of this monument to our magnificent westward expansion. To delay completion further would be costly folly.

Thank you.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I should like to address the Senate briefly on another matter, although I do not wish to intrude on my colleagues.

Mr. HOLLAND. I have no objection at all to the Senator from New York doing that. However, I should like to conclude the present matter of the amendment offered by the Senator from Missouri, and then get back to the other appropriation bill.

Mr. JAVITS. I should like to state to my colleague that I have had a request from the senior Senator from South Dakota [Mr. MUNDT] that he be advised when the pending amendment comes up for discussion, because he wishes to be present and have an opportunity to speak on it. I feel he should be given that opportunity.

Mr. SYMINGTON. Mr. President, I still have the floor. I have not yielded the floor.

Mr. JAVITS. I thought the Senator had given up the floor.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). The Chair thought the Senator from Missouri had yielded the floor; and therefore the Senator from New York was recognized.

THE BALANCE OF PAYMENTS

Mr. JAVITS. Mr. President, there has been considerable discussion lately about the international balance of payments, which have been running adversely to the United States, to the tune of about $3.8 billion a year.

A few days ago an article on this subject appeared in the New York Times. In the article, the question was very seriously raised as to whether there were grave dangers to the United States inherent in the imbalance of international payments, by virtue of the possibility of a withdrawal of large balances which central banks, notably European central banks, had on deposit here, and which might seriously affect our gold stock and the general financial position of our country; also whether there were any ideas about revising the international monetary situation which are now so heavily dependent on our dollar.

In connection with the article published in the New York Times, I made inquiry both of the Federal Reserve System, through its chairman of the board, Mr. William McChesney Martin, and of the Treasury. Some days ago I inserted in the CONGRESSIONAL RECORD the statement of the Federal Reserve Board on this point. In that statement, it was pointed out that the fears which were set forth in that article were not warranted. It was felt that the situation is very well in hand.

I now have a letter from the Treasury Department, signed by Mr. Julian B. Baird, Under Secretary of the Treasury. My office has communicated with the Treasury Department with respect to the introduction of the letter into the RECORD.

The letter is very interesting, in that it indicates that the Treasury feels that things are very well in hand. At the same time the Treasury shares some

concern about the imbalance of international payments, and states:

We cannot afford indefinitely anything like the size of the deficit incurred during 1958 and 1959.

The Treasury states that, although it feels this deep concern, it also feels that there is no real danger, and that everything that should be done is being done in respect of this problem.

For myself, I feel that what the Treasury has said, coupled with what the Federal Reserve Board has said, emphasizes again my deep conviction that we must take active measures dealing with the imbalance in international payments.

First, I feel that we must expand our exports. I am glad to note that the President is giving articulation to this matter and that the Government departments are working upon measures toward that end. I shall speak in detail in a minute on this and other points.

We should also increase tourism in the United States from abroad and seek partnership aid programs with our allies to assist less developed countries.

Although the Treasury believes that the matter is in hand, I feel that we should not and cannot stand still.

I also feel that careful consideration should be given to some type of international central banking function for the free world. Perhaps this could be done through the extension of one of the existing international financial organizations, of which there are quite a number, and the leading one of which is, of course, the International Bank for Reconstruction and Development and the International Monetary Fund.

We believe that would be quite consistent with the strengthening of our own Federal Reserve System and of the central banks of other nations. The financial operations of the free world will sooner rather than later have to be phased into the greater economic integration of the free world in the current decisive economic struggle between the free world and the Communist bloc.

Mr. President, I ask unanimous consent that there may be printed in the RECORD as a part of my remarks the letter from the Secretary of the Treasury to which I have referred, together with an enclosure, being the remarks of Alfred H. von Klemperer, assistant to the Secretary of the Treasury, at a meeting of the American Management Association, at the Hotel Astor in New York on February 22, 1960, bearing on this subject, which was referred to in the letter of the Treasury to me.

There being no objection, the letter and enclosure were ordered to be printed in the RECORD, as follows:

UNDER SECRETARY OF THE TREASURY,
Washington, D.C., March 21, 1960.

Hon. JACOB K. JAVITS,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: We have been aware of the New York Times article by Mr. Edwin L. Dale, Jr., which you forwarded to us on February 12, and we are glad to present our views in this connection.

As Secretary Anderson indicated to the House Committee on Appropriations on January 20, no run on our gold stock need be envisaged as long as we retain the confidence of the countries which keep part of their external reserves in short-term dollar assets. As the Secretary indicated, we have this confidence at present and we can maintain it if we pursue monetary and fiscal policies which will preserve the purchasing power of our currency. The Secretary also expressed the hope that we will always remain on the international gold standard, and indicated that no change is contemplated in the present international monetary system.

While we recognize that foreign holdings of liquid dollars represent potential claims on our gold reserves, some of these foreign dollar holdings constitute working balances in connection with international trade, or are left in the United States as investments. We are, of course, aware that we cannot afford indefinitely anything like the size of the deficit incurred during 1958 and 1959, and that we must work toward a reasonable equilibrium in our balance of payments.

With respect to the fear that an elimination of the deficit in the U.S. balance of payments would mean payments or trade difficulties for the rest of the world, we would suggest that the counterpart of a reduction in our deficit would be a diminution in the export surpluses which are now exerting an inflationary pressure on a number of economically advanced countries and which lead to excessive acquisitions of gold and liquid dollar holdings by those countries. The diminution of these export surpluses would be expected to result from increased imports of U.S. goods and services.

The relationship of the size of our deficit to the outflow of gold in a given period is a result of a number of factors, including the policies of the individual central banks and monetary authorities whose total liquid reserves are increasing at a given time. In 1959 the Treasury gold stock was reduced by $1,078 million, a substantially smaller amount than in 1958, when the outflow of gold amounted to $2,247 million.

We believe our gold reserve gives us the flexibility required to permit vigorous action in case of a U.S. recession. It is one of the purposes of monetary reserves to enable a country to meet temporary balance of payments deficits without limiting its ability to deal with domestic economic problems.

We feel that the recent increase in the resources of the International Monetary Fund and the considerable dollar balances accumulated by foreign countries have adequately taken care of the present problem of international liquidity. It would be unfortunate if Mr. Dale's article would create the impression that the Treasury Department was studying this problem with a view toward a change. The attention of the Department was drawn to a number of proposals made publicly in this field, and it naturally studies these proposals as it does all matters bearing on our balance of international payments problem.

Enclosed is a copy of a recent address by Mr. Alfred H. von Klemperer, Assistant to the Secretary, on the subject of "The U.S. Balance of Payments in a Changing World Economy," which might be of interest to you.

Please do not hesitate to call upon us again if we can be of further assistance to you in this respect.

Sincerely yours,

(S) Julian B. Baird,
JULIAN B. BAIRD,
Under Secretary.

THE U.S. BALANCE OF PAYMENTS IN A CHANGING WORLD ECONOMY

(Remarks by Alfred H. von Klemperer, assistant to the Secretary of the Treasury, at a meeting of the American Management Association, Hotel Astor, New York City, Monday, February 22, 1960)

Let me first express my sympathies to you for having to start what promises to be a most stimulating and interesting 3-day symposium with a subject as unexciting and complicated as the U.S. balance of international payments. This is particularly true today, since this is not only a Monday morning but also a legal holiday and we probably should all have stayed in bed. Having said this, I must hasten to assure you, however, that the activities which you will be discussing during the next few days have a very direct bearing on our balance of payments and that the latter is today a topic of very considerable importance in its own right. That was not always so. Many of you, I am sure, have often struggled extensively with the balance of payments of foreign countries in connection with your companies' receivables abroad or other payments in connection with prospective imports or investments. Few of us, however, have paid much, if any, attention to our own. This was one problem about which we did not have to worry because of our comfortable trade surpluses and because of our large external reserves which frequently exceeded 50 percent of the world's total holdings of monetary gold outside Russia.

It is only a few years ago that most of the public was thinking of the U.S. balance of payments in terms of a dollar shortage and that many of our efforts were bent on helping other countries to rebuild their dollar reserves. Ever since the end of the war this has been one of the purposes of many of our financial policies in the international field. Now suddenly during the past year we have had to take a new look at a new situation, and suddenly fellows like me are being invited to speak on a subject so largely ignored by meetings of this type in the past. This newly found importance of a previously quiet subject has not come upon us unexpectedly but it is rather the cumulative effect of a number of factors which have developed quietly and gradually in our international payments position.

In every year since 1950, with the exception of 1957 because of the Suez crisis, the United States has experienced a deficit in its international balance of payments. The general factors which have brought about this deficit are easily established. There is no one factor which could be singled out; there are a number of them of equal importance. On the outflow side of our balance of payments we have been extending substantial governmental economic aid, to foreign countries, and our private citizens and corporations have been investing heavily abroad. Our large military establishments overseas have involved large additional foreign exchange expenditures abroad on the part of our troops and their dependents.

From 1956 through 1958, for example, these three categories of public and private expenditures averaged $8.7 billion. In these 3 years our military expenditures abroad averaged $3.2 billion, private U.S. capital outflow $3 billion, and U.S. Government capital $2.5 billion. In 1959, partly as a result of prepayments of over $400 million by European countries on their postwar indebtedness to the U.S. Government, and a reduction of about one-half billion dollars in private U.S. capital outflow, these three expenditure categories were reduced in total but remained very large at $7.4 billion. Our merchandise imports, however, rose by $2.4 billion, more than offsetting these reduced outpayments. In this connection it should, however, be noted that private investment abroad frequently creates valuable assets, the income from which is an item of dollar receipts in our balance of payments.

With respect to imports, our expanding domestic economy has generated growing needs for raw materials from foreign sources, a factor which has become increasingly important as we have depleted sources of supply of some of these materials in our own country. As our standard of living has increased, our citizens have been able to afford

more extensively the finished products of other countries and many of these are in the luxury class. The very activity which you will be discussing here has contributed to our deficit—perhaps rather modestly so far, but possibly in an increasing ratio when and if the twin problems of cost and efficiency will more strongly affect your domestic and foreign sales. The increase in our imports has been rather spectacular and has been an important factor in our worsened trade balance. They averaged about $11 billion in the early 1950's, were nearly $13 billion in 1958, and showed a record figure of over $15 billion last year.

To cite a few of the items in which our imports have grown: As late as 1956, we exported about $200 million more automobiles than we imported, but in the year ending September 1959 our automobile imports were ahead of our exports by about $450 million. Under the influence largely of the steel strike, we shifted last year from a net exporter of finished steel products to a net importer. In the textile field, our change from a net exporter to a net importer began as early as 1956, and in the year ending September 1959 our export deficit in these products reached a record high.

On the earning side of our balance of payments ledger conditions have deteriorated too. During the early postwar years we experienced little competition in selling our goods in foreign markets. The demand for our products was virtually unlimited, and it was restricted only by the extent to which we were willing to supplement foreign exchange resources of foreign buyers by dollar grants and loans. As the decade of the fifties progressed, however, and the economies of Western Europe and of Japan were restored, competition to our exports for foreign markets increased. Export categories which declined notably were iron and steel products, steel scrap and pig iron, crude petroleum, coal, cotton, agricultural machinery, industrial tractors, power generating equipment, office machinery, commercial motor vehicles, passenger cars, and textiles. Recently, our exports have failed to keep pace with our imports, and our merchandise export surplus is no longer sufficient to pay for the outflow of public and private capital—this is one of the cardinal factors in our balance of payments problem today.

As a result of the above developments, gold and dollar holdings of other countries have increased considerably and we have had to dip into our gold reserves which are now down to $19.5 billion after a high of $24.6 billion at the end of 1949. During the early fifties when this movement started it was not a cause of concern to us. In fact, we were anxious to assist foreign governments in building up their financial reserves. Recently, however, we have had to reorient our thinking to some extent. In the early postwar period we could be reasonably certain that the dollars acquired by foreigners would be spent for U.S. goods and services within a reasonable period. "The dollars all come home eventually" we used to say. As the dollar shortage disappeared, we could no longer feel this assurance since now the growing foreign short-term dollar holdings became a potential claim on our gold rather than being used for the purchase of our goods. The growth of these dollars holdings during the past 2 years has been quite remarkable and reflects clearly the changed international position of the United States. Although in the past decade foreigners had regularly been making gold and liquid dollar gains from their transactions with the United States, the average from 1950 to 1957 being $1.3 billion a year, they gained $3.4 billion in 1958. The estimate for 1959 is a foreign gain of $3.7 billion, and the National Foreign Trade Council predicts that foreign gains will be at the very substantial level of $2.9 billion in 1960.

Taking a longer look back, liquid dollar holdings of foreign countries, i.e., bank deposits and short-term high grade investments, nearly tripled during the past decade. They rose from a level of approximately $6.4 billion at the end of 1949 to over $17.5 billion at the end of November 1959. This includes short-term dollar holdings of foreign governments (mostly those of Western Europe) which rose from approximately $3 billion to $9 billion during this period, and private short-term holdings which rose from approximately $3 billion to $7 billion. The rest of the increase was in foreign-held longer term U.S. Government bonds and notes held on both official and private account which rose to $1.5 billion from one-half billion dollars.

Now let us contrast these changes in foreign dollar holdings with the condition of our gold reserves. At the end of December 1959 our stock of gold stood at $19.5 billion, as compared with a level of $24.6 billion at the end of 1949. Of this amount, over $12 billion are required for our own monetary reserves, which are fixed by law at 25 percent of the note and deposit liabilities of the Federal Reserve System.

Of course, today's gold stock of the United States is a rather comfortable reserve. As long as we do not have to be concerned about any unusual and unexpected demands on our gold supply, the present ratio of gold to foreign dollar holdings is an ample one. After all, it is convenient for foreigners to keep their reserves in a first-class convertible currency where they can earn a good return on their funds, as contrasted to gold where safekeeping and other costs rather than income are incurred. Also, large operating balances are required in connection with their trade with the United States, and it is thus really not in the interest of the owners to withdraw these balances and convert them into gold. The existence of large liquid dollar holdings by foreigners attests to the confidence which other governments and their citizens have in our currency.

Let me say a few words about the implications of these $17½ billion of bank balances and short-term U.S. Treasury securities which foreign countries hold here. They are here in large part because their owners consider the dollar a "reserve currency"; that is to say, they have enough faith in the economic and political stability in our country to leave part of their external financial reserve in our currency instead of gold or some other currency. The U.S. dollar today is the important reserve currency of the world, although such international reserves are also kept in pound sterling, in particular, by members of the sterling area. The fact that our dollar is a reserve currency creates for us special problems of liquidity and of money-market administration and imposes special responsibilities on our monetary authorities. Like a prudent banker, the U.S. Government must organize its affairs in such a manner as will inspire the confidence of its depositors. Our gold stock is, as I said before, a comfortably large reserve against the potential claims—that is, foreign dollar holdings—under the present conditions. Clearly, however, as the ratio of our gold to potential liabilities becomes smaller we must pay increasing attention to this problem. This is one of the important consequences of our changed international position. Clearly, the United States cannot afford for many years the balance-of-payments deficits of anything like the size incurred during 1958 and 1959. A number of published studies on the export picture predict an improvement in the export volume during 1960, some of which, however, may be of a temporary nature. Nevertheless, a strong effort must be made now to work toward a reasonable equilibrium in our international payments. There are a number of ways in which this can be attempted—but not all of them are equally appealing.

Let me underline at this point the very close relationship between this question of an internationally strong dollar and our domestic monetary and fiscal policies, and the important extent to which these policies are under continuous scrutiny by those who keep their monetary reserves in dollars. Our Government is well aware of the need to sustain the value of the dollar through the prudent conduct of our monetary and fiscal policies, and to thus maintain and strengthen our competitive strength internationally as well as our economic strength domestically. To accomplish this objective, it has sought to follow fiscal policies which would avoid inflation and yet meet the very large requirements for public expenditures both at home and abroad. It has followed monetary policies designed to maintain a stable purchasing power for the dollar and an adequate basis for large and growing savings. These policies were always important. Now that we must watch our balance of payments more closely, they assume added significance. We can no longer ignore the mutual effect which domestic and international economic factors have on each other in relation to our general well-being.

Beyond these basic requirements of domestic policy there are a number of administrative and other measures in the international field which could give relief to our balance-of-payments situation.

We could cut down severely on our foreign expenditures, either for military or economic aid, or both. This approach, however, would have important military and political consequences and in the case of economic aid reductions might affect our efforts to assist the underdeveloped countries in their struggle to raise their standards of living. Also on purely financial terms we may in some cases lose more than we would save in foreign exchange. We can and have, of coure, reduced our aid to those countries which do not need it any longer. In particular, we are engaged in negotiations with other economically strong countries in an effort to have them share with us an increasing amount of our aid to the underdeveloped countries. This is a long-range undertaking but one which promises considerable savings in the end. We have also negotiated a charter of the International Development Association through which the other, stronger countries will make available substantial amounts of their currencies for loans to the underdeveloped areas of the free world.

Another cure to our balance-of-payments problem which we must reject is the effort to cut our imports through increased duties or restrictions. This approach would run counter to the international commercial policy we have increasingly followed and sponsored for nearly three decades. Moreover, even from the point of view of purely national interests, our capacity to sustain the growth of our own standard of living without drawing upon essential resources from abroad is highly questionable. Present U.S. commercial policy is designed to promote the expansion of sound two-way trade between the free nations through the reduction of barriers which impede the enlargement of such world trade. This we have done by reducing tariffs on a reciprocal basis and by insisting upon the elimination of quantitative restrictions as soon as the need for them has disappeared. Since the war, world commerce has expanded considerably. We believe that the leadership of the United States in pressing for international trade in conformity with our own commercial policy is in no small measure responsible for this.

The principal vehicle for accomplishing general tariff reductions has been the international agreement known as the General Agreement on Tariffs and Trade (GATT) to which the United States is a contracting party under the authority of our Trade

Agreement Act. Thirty-six other countries are also contracting parties to the GATT by which more than 80 percent of world trade is covered.

As a result of this international agreement, we have obtained tariff concessions from other countries on about $7 billion of U.S. exports in return for concessions which we have granted on an equivalent value of imports from abroad. Another general conference of the GATT countries is scheduled for September of this year when we hope particularly to minimize the impact of the Common Market tariff on U.S. exports.

The GATT forum has been a restraining influence in preventing trade contraction resulting from the unnecessary use of quota restrictions. During the last two or three sessions of the contracting parties in particular, the consultation provisions of the GATT, in coordination with related provisions of the International Monetary Fund articles, have enabled U.S. representatives to obtain a very considerable relaxation of balance-of-payments restrictions, expecially discriminatory ones, previously imposed on our exports. You see, then, that GATT has not been a one-way street of U.S. concessions but has been mutually profitable.

In our view continuation of the liberal commercial policy exemplified by our trade agreements program is amply justified. To reverse our policy by resorting to restrictions might merely serve to contract world trade without any special benefits to us.

More realistic and feasible than a cut in foreign aid or restrictions on our imports is the effort now being made to improve our competitive position in foreign markets. A sustained and many-pronged effort to improve our exports may in the long run have considerable success, particularly if the countries of Western Europe which now have large surpluses in their balance of payments recognize the need to encourage imports from the United States and other areas.

As you know, the Department of Commerce carries on an extensive program of informational and promotional activity in the foreign trade field. Plans are now under way to improve and expand these facilities for exporters. It is planned that these activities will include a strengthening of the Foreign Commercial Service in order to: provide timely detailed information on trade prospects; find suitable foreign agents for U.S. firms (that is, you); provide overseas facilities for the dissemination of promotional material by American business firms; assist business firms in adapting their promotional activities to local needs; arrange appointments with prospective purchasers; and the like. In addition to these continuing activities, the Department of Commerce plans to expand its work abroad with respect to trade information centers; in providing foreign exhibits of American products known as world trade centers; through participation in international trade fairs; and through the sending abroad of trade missions of American businessmen to meet with local industry and government groups. These expanded activities are likely to prove especially helpful to the smaller and medium-sized firms which do not have adequate foreign trade information, and to other firms which have not fully explored the opportunities which may exist in foreign markets. In this manner our Government is trying to stimulate increased interest and efficiency in foreign sales.

It is interesting to contemplate on what our country could achieve if exports could ever become the matter of national objective which they are in most of the industrialized countries of Europe. Italy exports partly to reduce unemployment, and the United Kingdom to be able to buy food and raw materials. They and other countries are export conscious, they style many of their goods specifically for the foreign markets, provide servicing of their goods abroad, and devote a not inconsiderable part of their national effort to foreign sales. In the United States neither Government nor private enterprise make, on the whole, a comparable effort. They should, and they must if we are to continue our present international political and economic activities.

Aside from a promotion of our exports, our efforts to improve our capacity to compete have so far been directed chiefly at a reduction of tariff barriers and quota restrictions, and to the removal of discriminatory controls on dollar imports which some other countries still maintain. Secretary of the Treasury Anderson, in September of last year in a statement to the annual meeting of the International Monetary Fund, indicated the view of the United States that countries which no longer suffer from inconvertibility in their current account balance do no longer have any balance of payments justification for continued discriminatory restrictions under the articles of that organization. Since that time many countries have reduced their barriers to our imports, and we are further pursuing our efforts to diminish such discrimination. Under Secretary of State Dillon, at a meeting of the GATT held in Tokyo last October, outlined the difficulties which we have recently encountered in our balance of payments, and urged the removal of discriminatory restrictions against our imports and just prior to that meeting the IMF had declared that most countries no longer had balance of payments justification for trade discrimination. At the general negotiating sessions for the reduction of tariffs which are to begin in September of this year under the auspices of the GATT, we intend to pursue our goal of expanded opportunities for our exports. New emphasis is being given to these measures as a recognition by us and, I may add, most of our friends abroad, of changed conditions.

Through the activities of the Export-Import Bank, we have for many years been engaged in an effort to promote our foreign trade by financial means. From time to time our efforts in this field have been reviewed. Recently, suggestions have been made that the facilities of the U.S. Government in this field, which up to the present time have been used largely to provide medium and long-term credits and guarantees, should be expanded to cover exports which are normally traded on the basis of short-term credits. A number of other exporting countries have provided such facilities for their exporters, and there is some evidence that our own exporters have on occasion lost business because more favorable credit terms were available from other countries. We are now exploring the need and usefulness of additional facilities for export credit guarantees and financing in the short-term field.

The remaining direction of our present efforts to ease the difficulties in our balance of payments is related to U.S. procurement in connection with our foreign aid program. Vance Brand will talk to you about this policy in greater detail.

Well, where does all of this leave you gentlemen and where does it affect the activities which you hope to develop as the result of your meetings here? Obviously you will be importers of merchandise when you have developed your foreign sources of supplies. That means you will contribute through your payments to the accumulation of short-term assets in the United States by the industrialized nations or you will increase the ability of the poorer nations to purchase goods and services in the United States. Potentially you will have other points of contact with the balance of payments. For instance, if you establish your own subsidiaries abroad to supply you with component parts you will contribute to the outflow of U.S. investments in the form of funds, equipment or know-how. You see, you are a very interesting group to those in the Government who are following balance of payments developments. In fact, you are one of the segments of our economic international life which we are and shall analyze rather carefully. In any case, whatever your direct effect on the balance of payments, yours is a problem of costs and efficiency. If you can improve these, you are doing a service to our economy and I wish you, therefore, all possible good luck in your endeavors.

THE ECONOMIC STRUGGLE

Mr. JAVITS. Mr. President, I should like to address the Senate on another subject, but one which leads directly from the one I have now discussed. I invite attention to an address which I was privileged to make on Sunday, March 27, 1960, at the 15th annual breakfast of the Grand Lodge of Masons of the State of New York, at two hotels in New York City, the Hotel Astor and the Hotel Commodore, on the subject of "The Economic Struggle—A World Message for 1960."

I ask unanimous consent that the text of the address may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ECONOMIC STRUGGLE—A WORLD MESSAGE FOR 1960

(Remarks of Senator JACOB K. JAVITS Sunday morning, Mar. 27, 1960, at the 15th annual breakfast of the Grand Lodge of Masons of the State of New York, Hotel Astor, New York City)

To really strengthen President Eisenhower, Prime Minister Macmillan, and President de Gaulle when they meet with Chairman Khrushchev at the summit in May, the free world must achieve a level of economic unity and integration sufficient to impress Khrushchev that he cannot easily win and is likely to lose the economic struggle which is the decisive issue of the "cold war" in the 1960's. Whether in this or the succeeding summit meetings, this is the way to get an agreement to really ease world tensions.

The leading industrial powers of the free world have it within their grasp to start winning this decisive economic struggle right now by the implementation of the new partnership efforts for trade expansion and for economic development of the less developed free world areas. If this result can be achieved by May 16, then President Eisenhower will be negotiating from a position of unsurpassed strength which the Communist leaders will respect as much if not more than Western military strength as a potent war deterrent. The chances are bright but it is not a foregone conclusion.

We must root out complacency and self-satisfaction wherever they exist—in our local society, in our industrial complex, in our educational or cultural institutions, in every branch of Government—they are very real and dangerous impediments to the necessary economic, social, and political action. We must bring ourselves to comprehend the truth. The hearings of the Subcommittee on National Policy Machinery of the Senate Committee on Government Operations of which I am a member and Senator JACKSON is chairman certainly show that. At worst, we are engaged in a grim struggle for survival in the era of the A and H bombs; at best, we have the chance to lead mankind to a new plateau of peace, health, and well-being based on modern technology encompassing also the world's less developed

areas—much higher than anything man has ever known before. But it becomes clearer every day that the key to this latter hope rests in the outcome of the epic economic struggle between the Communist bloc and the free world now opening the 1960's and due to dominate the decade.

As the architects of our foreign economic policy strive to put the machinery in smooth operating order, a climate of public awareness must develop far more positively than it has so far—one which will communicate to those of us in the Congress the willingness of the American public to undertake whatever regimen of self-discipline or make whatever sacrifices may be required.

There is one nation on earth capable of setting off a prosperity explosion which will be felt in the most remote corners of the free world and that nation is the United States. But it will not come about through natural combustion. These are the factors which in concert could trigger such a prosperity explosion:

Adequate programs for free world economic development including enactment of the President's $4.1 billion mutual security program, implementation of the all-important "Dillon plan" of partnership aid with our industrialized allies who should help the United States share the heavy burden of assistance to less developed areas, support of the new International Development Association which will heavily rely on soft currencies to make development loans in less developed regions.

Enlisting the private sector of the U.S. economy for the duration of this economic struggle so that less developed areas could learn and benefit from the same enterprise resources and know-how which have given us the world's highest standard of living by (1) encouraging U.S. investors to establish foreign business corporations in less developed areas and (2) by setting up a U.S. corporate technical assistance program which would contribute the services of qualified technical, managerial, and other expert personnel to free world and United Nations' technical assistance programs.

Boosting our export expansion program so necessary to meet our balance of payments deficits by a Government program of commercial as well as political export credit guarantees, and by tripling our number of foreign visitors annually so that the number of our foreign tourists will be roughly equivalent to the 1½ million American travelers who go abroad every year—this could be done most expeditiously, through the establishment of a U.S. travel commission and an office of international travel.

Gearing up U.S. industry to successfully compete and sell more in foreign markets and give effective help to development of the less developed areas acceptable to their peoples through boosting U.S. productivity under the leadership of plant or community established labor-management productivity councils with the first pilot groups to be sponsored by a new Federal Bureau of Productivity Councils and also congressional action to provide trade adjustment assistance to the workers and the industries adversely affected by foreign imports we find it advisable to admit in the national interest so that our factories and work force can become more competitive or transfer to new lines.

Some of these objectives are virtually within our grasp. The U.S. leadership in foreign economic policy is beginning to shape up as one of the outstanding accomplishments of the Eisenhower administration, with major attention now on the "Dillon plan," named after the Under Secretary of State, C. Douglas Dillon.

It may equal the fame of the Marshall plan as the industrialized free world nations—mainly our NATO allies, Japan and other friendly free world nations—through liberal trade policies and partnership aid programs seek to assist more than 800 million people of the less developed areas most of whose skins are yellow, brown, or black, and whose average income is under $100 annually. They should achieve a level of opportunity where the average person can enjoy life, build a future for his children, and come to hold as precious as we do political freedom and its heritage of citizenship responsibility.

The principles of the "Dillon plan" were adopted last fall by the Fifth NATO Parliamentarians' Conference in Washington when it accepted the recommendations of its Economic Committee (I had the honor to be its chairman), then further refined when the Organization for European Economic Cooperation, the United States and Canada met in Paris last January when Under Secretary Dillon formally presented the U.S. proposal for a great economic community of the industrialized nations of the free world. Early this March in Washington, nine capital exporting nations of the West and Japan, calling themselves the Development Assistance Group, met to discuss methods to stimulate additional private and public investment. This coming Tuesday, March 29, a meeting of major importance occurs when the OEEC members, the United States, and Canada, meet again primarily to reconcile trade and tariff conflicts between the six Common Market nations and the seven countries led by the United Kingdom in the new European Free Trade Association.

A successful March 29 meeting means that both factions will agree to avoid acts which could unfairly discriminate against exports of nonmembers including, Japan, Canada, the United States, and would put an end to speculation that a trade war may be brewing among the industrial giants of the free world

Scheduled for April 21 is another "Dillon plan" meeting at which negotiations will revolve around the specifics of the Organization for Atlantic Community Economic Cooperation. As each step is taken, effective economic integration of the free world with full respect for national sovereignty, moves that much closer to reality.

A serious setback to U.S. leadership in this effort could occur if the Congress, yielding to unusual campaign year pressures, sought to slash the President's mutual security program for fiscal 1961. The economic aid provision, spearheaded by the Development Loan Fund seeking $700 million in new authorization, is larger than the military assistance request—it is imperative that the President's program stay very largely intact, indicating to our allies that the United States is prepared to meet its responsibility and inviting them to follow suit. These other nations have got to supply from private and public sources new billions in investment capital if the free world is to keep from forfeiting millions of people to the Communist bloc which operates its $700 million aid program on a hit-and-run basis, seeking the quick political advantage regardless of the real value of the soundness of aid to the recipient nation's economy. The free world is investing about $3.20 per capita in the less developed areas vs. 56 cents for the Communists but their coldblooded techniques have given them propaganda value far outstripping this difference—our effectiveness however, is much more important and can cancel out quickly their propaganda claims.

The mutual security program may come under heavy fire by those who mistakenly single it out as the chief reason why the United States has a $3.7 billion balance of payments deficit—a deficit which has not yet become an emergency, Treasury Secretary Anderson assures us, but is a trend which should be stemmed. However, as he is quick to point out, mutual security is an expenditure determined by our own national security requirements and not one to be solely dependent on our economic forces of demands and supply.

There are areas where negotiation to do our common job most effectively could now be most fruitful. At my request, the Defense Department has provided me with a breakdown on U.S. military expenditures overseas which indicate that there very possibly is an area in which a greater share of cost now being borne by us should properly be assumed by our allies. More than three-fourths of total U.S. defense expenditures in the European NATO countries annually involve the United Kingdom, West Germany and France—adding up to $1.3 billion or about one-third of our international balance of payments deficit in 1959. More than half of U.S. expenditures to all European NATO countries during 1958 and 1959, according to the Defense Department, went for (1) major equipment purchases, (2) construction, (3) materials and supplies, and (4) contractual services.

Since the United States currently spends about twice as much in proportion to its gross national product on defense expenditures as our NATO allies in Europe, these four expenditure categories could well become the basis for new negotiations and cost sharing with these nations.

I would urge our NATO allies now to negotiate on those items at one and the same time as they arrange to enlarge their share in the economic development programs for the less developed areas.

Another current of discussion also stemming from our international payments deficit situation concerns rumblings that the intensified competition from foreign imports will drive us to protectionist policies. Such a mood is not yet discernible in the Congress, but it would be unwise not to take note of the fact that the Tariff Commission's workload on cases where industries are seeking escape clause action or other relief because of imports has nearly doubled. What has yet to be proposed, though I for one am preparing such legislation, is a major bill in the trade adjustment assistance field so that when the decision is made that the overriding national interest in a freer trade policy may require the admission of imports, those domestic employers and employees whose livelihood is threatened can be eligible for loan funds and training programs equipping them to make the transition to another field. If Congress can find a suitable formula then protectionism may become as dead a word in our international vocabulary as isolationism.

There are some export techniques which the United States could very profitably import from our strongest competitors in foreign and domestic markets. The first is a system of export credit guarantees similar to those in operation in some foreign countries for up to 40 years. In the first half of 1959, when U.S. exports were still lagging, many of these countries made remarkable export gains. If an evaluation of the Export-Import Bank's new export credit guarantee program covering political risks were undertaken at the end of this year in relation to similar systems in other nations, it may well reveal that short-term export credit guarantees should cover commercial risks as well if American businessmen are to enjoy the same advantages available to many of their most successful competitors.

A second technique worthy of import by the United States is the establishment of a permanent, well-staffed Travel Commission and Office along the lines of legislation I recently submitted. We are the only major nation with tourist appeal which does not have one while the leading European nations spend about $10 million annually in the United States to advertise themselves—the

tiny island of Nassau alone spends 20 percent of that amount. Just as tariff restrictions have been easing in the free world, major travel limitations have been partially raised or completely lifted so that this is the right time to establish a U.S. Travel Commission and Office, operating on the equivalent of about 1 percent of what foreign tourists spend here annually, or about $10 million, and to start to close the tourist gap which sees Americans spend nearly twice as much abroad as their foreign counterparts spend in the United States annually.

The responsibility of every segment of our economy's private sector in the economic struggle with the Communist bloc is most forcefully driven home in terms of the productivity race between our two nations. Right now the United States has a huge lead with the average U.S. worker producing about 2½ times as much as the average Soviet citizen, but 10 years ago our lead was 3½ to 1. There is every evidence that in the U.S.S.R. the decision was made that no sacrifice is too great if that gap can be closed. In the United States, little of our economy is in any sense centrally controlled, so that it is incumbent upon each of us in our roles as consumer, employee, investor, manager, and farmer, to understand and support those measures which require individual or joint action to increase productivity while we protect the welfare and rights of the individual, if our system is to survive in the current economic struggle.

Mr. JAVITS. Mr. President, in this address I pointed out the general thesis I have been propagating, that I believe the decade of the sixties will be characterized by the intense economic struggle between the free world and the Communist bloc because, although the struggle for survival is epitomized in the so-called missile and rocket race, which of course would be so decisive in terms of survival that it has to be ruled out as a factor, except as a factor of defense security, the Russians have stated that they feel they can beat us, and beat us decisively, through the operation of their economic system as against our own.

Hence, while all of us live in the shadow of extinction by the A- and H-bombs, which surrounds the whole world, if we are to function as a world living in freedom, we must proceed along the line of competition, which is living competition, and in which the Russians say they expect to "bury us" to use Khrushchev's own words, in the fight which is the international economic struggle.

So it seems to me that it would be a great mistake to fix our eyes so closely upon survival alone as to miss the fact of survival as an elementary condition precedent to the struggle for freedom. In the case of the Communists, if we are to win the struggle for freedom, we must win the decisive struggle which is opening in the decade of the sixties.

Toward that end, and stemming directly from the analysis of our international imbalance in payments, to which I referred a few minutes ago, I think it is very important that Congress alert itself not only to all the things we have been doing, but to all the things we have to do, for the central element of whether we can win this economic struggle is whether the one-billion-plus people of the free world, whose skins are yellow, black, or brown, who live on standards of living, in round figures, of about $100 a year per capita, and who occupy the less-developed areas of the free world, are getting the rate of development which is acceptable to them, to such an extent that they will reject the Communist ideas as to how this development may best be attained by them.

Authoritative surveys on this subject indicate that we are falling far short in the amount of money and credit which we are making available, as well as in the number of technicians whom we are making available in our technical assistance program. For these reasons, our country has to fix its eyes upon new opportunities, and these, largely, are established in three areas.

The first area is new aid in partnership with our industrial allies to provide assistance to the less developed parts of the free world. That whole idea is now coming to be known by the name of the Under Secretary of State, Douglas Dillon, and is called the Dillon plan. The Dillon plan proposes active partnerships with the other industrial nations, many of them members of NATO, in order to increase very materially the amount of aid and credit which is going to the less developed areas, without increasing the heavy burden which the United States is already carrying.

A number of moves are going forward to that effect. I am very proud to say that this whole effort had its origin in the Economic Committee of the NATO Parliamentarians Conference, of which I have the honor to be the Chairman. We shall see some developments within a few days, now, as well as at the April 21 meetings of various combinations of countries. This action should be very portentous in implementing this idea, and also in strengthening the hand of the President, the Prime Minister of Great Britain, and the President of France at the summit conference, which is expected to take place in the middle of May.

So the first area is the increasing of aid to the less developed areas through partnerships with other industrialized nations.

Area No. 2 is to enlist the private economic system of the United States far more actively than it has been enlisted in the economic struggle. This means an expansion of exports. It means also an expansion of investment abroad through the passage of the necessary legislation for that purpose. This is generally known as the Boggs bill, which is pending in the House of Representatives. My own bill, which is generally to the same effect, is pending in the Senate. It means also an expanding of our exports through credit guarantees. A new program for that purpose has just been initiated by the Export-Import Bank. It means expanding the number of tourists from abroad in the United States. A million and a half Americans travel abroad annually, but only 600,000 or 700,000 foreigners travel in the United States each year. This means an imbalance of from $2 billion to $2,500 million, so far as we are concerned, comparing what American tourists spend abroad and what the American tourist industry takes in.

Point No. 3 is the gearing up of our means of production to compete successfully in world markets with the means of production in other countries. We cannot compete in everything, but it has always been the genius of the United States to find enough areas in which to compete so as to sustain our enormous economic production machine. Thus we need to have a much greater rate of productivity than we now have, and we need to come abreast of the increases in productivity which the Communist bloc, particularly the Soviet Union, is showing, and which are much greater than ours.

In that regard, we shall see much more automation in this country than we have before, but we must be very wise and careful to make certain that the automation, which must come, will not be at the expense of the workingman. We must make certain that he is not thrown out on the scrap heap simply because of the advent of new machines and new techniques. We should make certain that the Government and the industry of the Nation will begin to finance a humane transition to new jobs, new places of employment, and new opportunities, with the result, as shown by our history, that although automation may displace some persons, it will increase the aggregate of production, the aggregate of prosperity, and the aggregate of employment.

These are, roughly speaking, the areas in which I believe our country must do the enormous amount of work which confronts us in the 1960's, in the decisive economic struggle with the Communist bloc.

THE 139TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE

Mr. JAVITS. Mr. President, the 139th anniversary of the independence of Greece, which was celebrated on March 25, is a day of special significance to Americans. It is a time for us to stop, to remember, and to be grateful for the rich contributions of the Hellenes to Western civilization. We need only to look about us here in the Nation's Capital to see in the architecture of our Government buildings the influence of ancient Greek culture.

The Greek love for liberty is the foundation of our representative government. Our revered statesman, Thomas Jefferson, was a scholar of Greek history and philosophy, and we can see the influence of the thinking of the age of Pericles in our Declaration of Independence. The Greek city-state has served for centuries as a precursor for government "by and for the people."

The Hellenic civilization has also immeasurably enriched our culture. The sculptures of Praxiteles and Lysippus have survived to represent the ideal of beauty. The Statute of Liberty standing in New York Harbor to greet all who visit our land is an echo of the great statue of Athena which graced ancient Athens.

It was appropriate, in view of this role of Greece in the formulation of our Nation, that we should in turn inspire

Greece to gain her independence from the Turks in 1821, and that some of our citizens should aid the Greeks in that struggle. Since their liberty was won, Greece has been one of the embattled outposts of freedom in our modern world. Greek legions fought the troops of Fascist Italy during World War II and were crucial in the Mussolini defeat. The diversion of some of Hitler's forces from the Russian campaign to conquer the defiant Greeks is believed by some to be one of the turning points in that war which led ultimately to Hitler's defeat. Greece also is a symbol of the successful fight against Communist subjugation, and she now stands as a bulwark against Communist aggression in the eastern Mediterranean.

We all join in paying tribute at this time to the Greek people, and to the more than half a million Americans of Greek extraction who have given so much to enrich our Nation and our world.

Mr. KEATING. Mr. President, Friday, March 25, was the 139th anniversary of Greek independence. It is altogether fitting that we should mark this significant date in history, for it serves to revive in the minds of freemen the epochal day in 1821 when the Greek people broke and cast aside the oppressive shackles of bondage.

Poets have spoken of the glory that was Greece. The glory that was Greece and the glory that is Greece remain, eternalized by the bravery, the wisdom, and the manifold gifts of a great and imperishable race. For long centuries Greece has been enshrined in history as the cradle of liberty and of learning. Her influence has radiated throughout the civilized world, and wherever it has touched, there has flowered a part of the glorious spirit that Greece has always symbolized for the seeker after freedom and the seeker after truth. In a sense, every civilized man is an heir of the bountiful riches that Greece has scattered across the face of the world. The immortal names of her great teachers and philosophers stand like monuments to culture, timeless as the waters that wash the lovely shores so revered by poets and so sung by them.

On this memorable occasion in the history of Greece, and indeed in the history of the free world, we were signally honored by the opportunity to have as our Senate luncheon guest Reverend Father George L. Papadeas, pastor of St. Paul's Greek Orthodox Church in Hempstead, Long Island. Father Papadeas, by virtue of the outstanding spiritual, intellectual, and social gifts he has dedicated to the service of his fine community, came to us as a symbol of the great nation whose anniversary of independence we honored that day. He typifies, as well, the close and unbreakable ties that link us to the revered and admirable nation that freedom must forever call its spiritual home.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent to have printed in the RECORD an address given last Sunday, March 27, by Judge John C. Pappas.

Last Sunday, March 27, on the occasion of the celebration of the 139th anniversary of Greek independence day, one of our leading citizens of Massachusetts, Judge John C. Pappas, was presented with the Man of the Year Award of the Greek Orthodox Cathedral of New England at the new auditorium of the Greek Theological School in Brookline, Mass.

Judge Pappas has had a distinguished career of devotion to public service. He has been an outstanding attorney, one of Boston's leading businessmen and is well known for his philanthropic work in many civic endeavors.

In fact Judge Pappas' career symbolizes America's tradition as a land of opportunity. Coming to this country at an early age he has devoted himself to improving the well-being of others. I congratulate the Greek Orthodox Cathedral of New England for choosing Judge Pappas for this distinguished award.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF JOHN C. PAPPAS AT THE 139TH ANNIVERSARY OF GREEK INDEPENDENCE DAY CELEBRATION, SUNDAY, MARCH 27, 1960, AT THE NEW AUDITORIUM OF THE GREEK THEOLOGICAL SCHOOL IN BROOKLINE, MASS.

Thank you, George.

Your eminence, your grace, Reverend Fathers, my dear friends, to you, leaders of my own home community of Boston, our distinguished guests, and all who are assembled here, I want to express to you my warmest, humble thanks for this great honor which you have bestowed on me today. I want you to know that I shall cherish the memories of today for the rest of my life. Over the years I have received many honors from many groups, but this one which comes to me from my own people and my own dear friends is, naturally, appreciated more fondly than any other. On behalf of my mother, my dear wife and seven children, my brothers and sisters, and my friends and coworkers in our church and in the Hellenic University Foundation, please accept my affectionate thanks.

This honor, which you have awarded me today, is something which I value for another reason: I think that each person in this room knows how long I have cherished the idea of doing something to assure a continuation of our great heritage. The creation of the proposed Hellenic University of America seems to me to be almost a part of our destiny in America.

We conceive and plan that the Hellenic University will be created in the full image of American higher education. It will be nonsectarian—open to all qualified students of whatever race, creed, and color—coeducational so that its opportunities will be open to all. And most important, it will have academic freedom to teach and search for the eternal truths of the great past—and to lead for the future.

Both the ancient Greek and the modern Greek, throughout the world, have been dedicated to the principles of free enterprise and of peace. In America, today, there is no task, no work, no challenge more urgent than the education of youth. A few weeks ago, the distinguished president of Tufts University stated, "The growing premium we place on education, the increased expectations made of education, must obviously be met by a growing investment of our resources in education expressed in percentage of the gross national product and in human energy and dedication."

Charles W. Eliot, late president of Harvard, once said that when truly American universities appeared they would be indigenous to our soil and relevant to our time, and would grow out of a national need.

The Hellenic University, in its founding, becomes further evidence of the love which we bear our country, the United States of America, and our further desire to bring to all of our fellow citizens the opportunity, through education, for the blending of the classic Greek tradition in culture and democracy with the American fabric.

If we are to be true to the heritage of our race and our country, we must affirm our dedication to the principles of crisis and challenge, of need and fulfillment; and we must do our part toward the alleviation of this problem.

My friends, there is hardly any necessity for me to tell you that a national need exists in higher education even now. Ten years from now, the national need will be grave—almost 750,000 young men and women will not be accommodated in existing liberal arts institutions of higher learning unless these institutions expand or new institutions are started. These statistics apply to the northeastern region of the United States alone. The figure for the United States will be over 3 million.

The concept of the Hellenic University has received the enthusiastic approval of non-Greeks, in addition to the vigorous approval of our own people.

Congressman JOHN W. MCCORMACK, majority leader of the House of Representatives, in his usual thoughtful manner, talked about our people in America and of our hopes for the creation of the Hellenic University of America in his remarks in the House of Representatives on Monday, September 7, 1959.

Last Sunday, March 20, on the occasion of the 14th biennial congressional banquet of the order of Ahepa, our revered and beloved President Eisenhower sent a personal message to the gathering which was read by the Honorable David W. Kendall, Special Counsel to the President. The message reads as follows:

"It is a pleasure to send greetings to the members and guests of the order of Ahepa assembled at their 14th biennial national banquet in honor of the Congress of the United States.

"Over the years, the order of Ahepa has worked hard and successfully in advancing the goals of education in democracy and better understanding between the people of America and Hellenic community.

"Now I am told, one of your long-cherished dreams is about to be fulfilled. With the active support of Ahepa, a new institution of higher learning is soon to be established in Boston—a school to be known as the Hellenic University of America. Congratulations. The establishment of this institution will broaden the influence of Hellenic culture which has long been a vital part of the American way of life.

"A great university is one of the most powerful and uplifting forces in Western civilization. In our universities, we teach the disciplines of truth in the exercise of our first responsibility—the preparation of our young people for their full rights and duties as citizens of a free land.

"On the eve of the 139th anniversary of Greek independence, I salute the order of Ahepa for its efforts to strengthen the life of our Nation and the peace of the world. Godspeed to their enterprise.

"DWIGHT D. EISENHOWER."

And, there have been many other unsolicited messages of congratulations, donations, promises of donations, and pledges of support from innumerable non-Greeks from throughout the country, including our dear friend, His Eminence, Richard Cardinal Cushing of Boston.

Let us give America another great institution of learning, equal to our existing great and world famous universities. A university where any American of any ethnic back-

ground will be proud to send his sons, a university towards the establishment of which any American will be willing to contribute.

Such a university then will be the contribution of the American of Greek extraction to American life and culture.

The establishment of a Greek-sponsored university in New England seems to me to be particularly appropriate because it was to New England shores that first came those seeking freedom. And, it was in New England that the first colleges were established.

I have talked with many persons associated with colleges and universities and they are thrilled with the decision of the seminary board to establish our university. They think it is a wonderful idea.

Indeed, it is a wonderful idea that our university will be established in Boston—the "Athens of America."

There are some who say to us that this is too great a project for us to undertake, that we do not have the resources nor the manpower to fulfill such a great plan as the building of a Hellenic University of America, which would be the gift of our people to higher education in America.

I say to you—look about you. Look at what we have already accomplished here at our theological school. Look at Brandeis University in our own back yard and what has been accomplished in Waltham in a short 13 years.

I only wish that people from outside Greater Boston could spend 1 day at the Holy Cross Orthodox Greek Seminary in Brookline to see and inspect the beautiful grounds and buildings comprising our school as you have seen today. I am certain that if they could visit the seminary and talk with the students and faculty members, they too would come away dedicated and prepared to accept the challenge of creating the Hellenic University of America.

Today, we are gathered here to celebrate the 139th anniversary of the modern independence of our native land, Greece. It is fitting and proper that I speak to you today as I have, for true freedom—true democracy—is the heritage of Greece; and this heritage can only be brought into being and into proper focus through education.

There is a strong bond between our celebration of Greek independence and our actions in beginning this project, which will lead to the establishment of the Hellenic University of America; and I feel that this honor, which you have bestowed on me today, is a tribute to the work and the dedication which all of us will put forth toward the realization of our goal and the strengthening of that bond—thus making this honor yours and mine.

Again, let me express to you my warmest and deepest thanks for this great honor, and let me pledge to you that I shall, as your emissary, continue this work which will build a Hellenic university with dedication, with ardor, and with fervor so that as Hellenic-Americans we will together express a small part of our thanks to this great country of ours through this educational symbol of democracy, freedom and peace.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. HENNINGS. Mr. President, on behalf of my colleague, the distinguished junior Senator from Missouri [Mr. SYMINGTON], and myself, I have prepared an amendment, which I understand is already at the desk, on page 16, line 14, to strike out the sum of $18,460,000 and to insert in lieu thereof $21,413,125, of which $4,663,125 shall be available for the continuation of construction of the Jefferson Memorial National Expansion at St. Louis, Mo.

In joining in offering this amendment to the pending measure, making appropriations for the Department of the Interior and related agencies, I do so because the bill now before the Senate, as reported by the Committee on Appropriations, contains $1,650,000 for the Jefferson National Expansion Memorial in St. Louis, Mo. This amount was recommended by the Bureau of the Budget to the President of the United States.

The amendment would add to the funds included in this appropriation measure an additional $2,953,125 for the continuation of the construction of the Jefferson National Expansion Memorial.

The Jefferson National Expansion Memorial is on the west bank of the Mississippi River at St. Louis, Mo. This beautiful memorial will mark the gateway to the West and will stand as a symbol of those westward migrations which originated in St. Louis at the turn of the 19th century.

In these days, when such vast sums are being spent for the all-necessary defense, the conquering of space, and other matters related to the national security and the economic well-being of the Nation, I think we should not overlook, at the same time, some of the symbols, some of the landmarks, which remind us of and call our attention constantly to the great heritage which we, the people of the United States, have from those who have gone before us. From those who have blazed the trail ahead of us; those who have conquered the wilderness; who have pushed their way to the westernmost limits of the continent. Many of those expeditions—for example, that of Lewis and Clark—began at the city of St. Louis.

The preservation of the places where historic events occurred will, I believe—as one who long has been very much absorbed in history, especially American history—keep alive the cherished traditions of our great country. I think that historic shrines, such as the Jefferson National Expansion Memorial, will serve to remind all of our people of our westward expansion and the struggle, the fortitude, the stamina, and the courage it required, and our continued progress toward goals our ancestors could perhaps never have imagined. The Jefferson National Expansion Memorial is a project which was understaken jointly by the people of St. Louis and the Federal Government. It has been a project of long standing, Mr. President. I believe it commenced about the year 1933, and it has struggled through periods of abatement and difficulty, such as the period of World War II, and several periods of recession, and times when there has been waning enthusiasm on the part of some for the continuance of this project.

The Director of the National Park Service has termed it "teamwork of the Federal and local interests at its best." The construction of the memorial was authorized by the Historic Sites Act of 1935, and was further confirmed by the act of 1954. Congress has authorized and obligated itself for about $17 million as the Federal contribution. Of this amount, only $2,640,000 has been appropriated for the project. Under these authorizations, the city of St. Louis stands ready to provide $1 for each $3 provided by the Federal Government. St. Louis—the city in which I was born and raised—has a special interest in the orderly completion of the Jefferson National Expansion Memorial, because it has invested its own bond issue money of $5,750,000. At this time the contributions are $500,000 ahead of the Federal appropriations on the $1 to $3 ratio basis.

Furthermore, for nearly 20 years the city has removed 40 downtown blocks from its tax rolls, for the use of this memorial; and there is now on the west bank of the Mississippi River a vast area of wasteland which not only is unlovely as it meets the eye, but also is an economic and, indeed, an esthetic crime.

However, this is not a St. Louis project or a Missouri project; this is a national project which will stand on the site of the transfer of the upper Louisiana territory. It will be a fitting memorial to Thomas Jefferson and those early pathfinders and settlers whose spirit and vision made possible the westward development of the United States.

Mr. President, because I have been extremely close to this project since it was but a dream of a group of St. Louisians, I am quite familiar with its history, and it is a history of unbelievable delay. When I was a Member of the House of Representatives, I worked for the authorization of the Jefferson National Expansion Memorial. I introduced the original resolution through the Senate Rules Committee 8 years ago.

A site for this project was acquired in 1936, and architectural plans were completed in 1948. For approximately 25 years this project has aroused the interest and, indeed, the intense activity of the people of the great city of St. Louis. Some of those years were years of frustration; some of them were years of discouragement. But now we are beginning to see the result of all those endeavors.

Despite local and national activity extending back beyond 1935, major construction work on the project got under way only last year. On June 23, 1959, work was started on the relocation of the terminal railroad tracks, and the new railroad tunnel is well under way. It is vitally important to make the relocated

railroad tracks operational, since this work must be completed prior to the construction of the substructure of the memorial.

At the same time, funds should be available for archeological salvage in order to preserve artifacts excavated at this time in the old area, formerly occupied by Indians, frontier plainsmen, early settlers, and so forth. This area is part of the original site of the city of St. Louis.

The limitations placed upon the construction of the memorial by inadequate funds will necessarily delay the memorial's completion. However, the mayor of St. Louis and the officers of the Jefferson National Expansion Memorial Association, under the guidance of the National Park Service, inform me that the additional sum of $2,953,125 will allow work to proceed at the minimum rate. I hope the Congress will recognize its obligation to complete this memorial, and will approve this amendment, for here will be told the inspiring story, not only of statesmen, but also of hardy men and women whose courage and enterprise were responsible for our westward territorial expansion.

Mr. President, I ask unanimous consent that additional facts supplied to me by the National Park Service be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Authorization for Federal appropriation by act of May 17, 1954	$5,000,000
Additional authorization provided by act of September 6, 1958	12,250,000
Total authorized for Federal appropriation	17,250,000
Contributions from non-Federal sources required on a $1 (contribution) to $3 (Federal) basis by terms of the authorizing legislation	5,750,000
Total estimated fund availability (Federal and contributions)	23,000,000
Appropriated pursuant to foregoing authorization by Second Supplemental Appropriation Act, 1956	2,640,000
Contributed by:	
City of St. Louis	880,000
Terminal Railroad Association	500,000
Total	1,380,000
Total amount made available to date	[1] 4,020,000
1961 budget estimate (Federal)	$1,650,000
Contributions required to match cumulative Federal appropriations	50,000
Total	1,700,000
Anticipated availability based upon approval of 1961 budget estimate	5,720,000

[1] At this point contributions are $500,000 ahead of the Federal appropriation on the $1 to $3 ratio basis.

Mr. HENNINGS. Mr. President, these figures amplify the basic facts that of the $17,250,000 Federal obligation, only $2,640,000 has been appropriated by the Congress. St. Louis stands ready to handle its financial share under the statutory scheme approved by Congress, and we are seeking an addition of $2,953,125 to allow work on the memorial project to proceed at the minimum rate.

Mr. President, I ask unanimous consent that an editorial from the St. Louis Post-Dispatch, tracing the history of the Jefferson National Expansion Memorial, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Mar. 27, 1960]

GATEWAY OF THE WEST

We're going West tomorrow, where the promises can't fail.
O'er the hills in legions, boys, and crowd the dusty trail.
—*Stephen Vincent Benet*

"Napoleon Bonaparte, like Milton's Satan on his throne, sat unapproachable in his bad eminence." So Henry Adams begins his characterization of the enemy who "had to be faced and overawed by the gentle optimism of President Jefferson." Talleyrand, "who never forgave himself for having once believed in a popular revolution," had persuaded Napoleon to "pacify Europe and turn the energies of France toward the creation of an empire in the New World and was the more sure of success because, in the reactionary spirit of the time, he commanded the sympathies of all Europe in checking the power of republicanism in its last refuge."

It seemed that "10,000 French soldiers, trained in the school of Hoche and Moreau, and commanded by a future marshal of France, might have occupied New Orleans and St. Louis before Jefferson could have collected a brigade of militia in Nashville." The Federalists blindly cried for a war against France—a war which probably would have reestablished French power along the whole length of the Mississippi, which might have brought about the secession of the territory between the Appalachians and the river, and which would have entrenched British and Spanish power on the young nation's flanks.

Americans too rarely recall how their country was almost confined to the original 13 States—divided by slavery—on a continent under European control. The prudence, the vision and the daring of Jefferson overcame this dark threat. Through the Louisiana Purchase he made possible the expansion of the United States from ocean to ocean as a world power. This work must stand in the first rank of American accomplishments. Surely the people, especially Western people, will insist that it be commemorated by the national monument which has been started on the St. Louis riverfront.

The riverfront national park—to be dominated by a 619-foot stainless steel arch symbolic of the Gateway of the West—as suggested by a committee of St. Louis citizens appointed December 15, 1933, by Mayor Bernard F. Dickmann and headed by the late Luther Ely Smith. Franklin D. Roosevelt responded with enthusiasm. On June 15, 1934, he signed a congressional joint resolution establishing the U.S. Territorial Expansion Memorial Commission to formulate plans for the monument. St. Louis was proud to join in financing it on the basis of $1 for each $3 of Federal money. On September 10, 1935, the voters approved a $7,500,000 bond issue and on December 21, 1935, the President made available $6,750,000, matched by $2,250,000 in city funds, for the acquisition of the 41-block site.

From the beginning this was a national project. Three Senators and three Members of the House of Representatives had to be among the nine members of the Memorial Commission. Title to the site was given to the Government. The development was put in charge of the National Park Service. St. Louis made its bargain with Washington because, after all, it was on the St. Louis riverfront that Capt. Amos Stoddard took over the Louisiana Territory from the French. Here was the starting point of Lewis and Clark, Pike, Ashley, Fremont, and the mountain men who blazed trails to Oregon, to Santa Fe, and to California. And it was the jumping-off point for the settlers who went West in their moverwagons.

Enthusiasm was high a quarter of a century ago. The preliminary work was pushed along rapidly. By May 1942 all buildings had been cleared from the site and from the city's tax books. The beautiful old courthouse—in which Dred Scott started his suit for freedom—was added to the site by the city. The war, however, forced a halt until 1945 when St. Louis citizens raised $225,000 for an architectural competition for the design of the memorial. The winner was the conception of Eero Saarinen which Aline B. Loucheim praised in the New York Times as "a noble, symbolic monument, fitting, beautiful, and impressive."

The arch and the other elements in the Saarinen design were approved by the Federal authorities on May 25, 1948. But the war's delay, the use of the area as a vast parking lot, and the reluctance of the railroads to relocate their riverfront tracks gave objectors in Congress and elsewhere their opportunity. President Truman did dedicate the site on June 10, 1950, but it was not until May 17, 1954, that Congress authorized construction. And it was not until 1956 that it voted $2,640,000 for preliminary work. But slowly enthusiasm was rekindled, and the National Park Service set 1964, the bicentenary of St. Louis, as its target for completion of the arch.

With this assurance that the Government would keep its part of the bargain, public and private interests in St. Louis committed themselves to the enhancement of the areas adjacent to the national memorial. Almost 50 additional blocks are to be cleared. New approaches have been built. A new bridge across the Mississippi, a stadium, and accommodations for visitors to the memorial have been given the "green light." In all, St. Louis will expend far more in the neighborhood than it will cost the Government to finish the memorial. Yet now Washington again threatens to allow the work to come to a money-wasting halt. The administration's budget includes only $1,650,000 for the project. A minimum of $4,603,125—to be supplemented by $1,534,375 in city funds—is needed to keep the work on schedule.

The St. Louis delegation in Congress is making a fight for this appropriation. This is not a grab for "pork." It is a request that the Government honor its pledge. And St. Louis, we trust, will have the support especially of all the Representatives in Congress of the trans-Mississippi West. The national park is a memorial to those who made the West a part of the Nation. It seems inconceivable that Congress—which has freely commemorated lesser men and lesser events—will not raise this monument to Jefferson and those others who laid the foundation of the grandeur and the power of the United States.

Mr. HAYDEN. Mr. President, Mayor Tucker of St. Louis appeared before the committee and requested the committee to recommend an additional $8 million for the continuation of construction of facilities at the Jefferson National Ex-

pansion Memorial. I requested the Mayor to reconsider his request, and advise the committee as to the sum he felt was an absolute minimum for construction in fiscal 1961. In a letter to me, dated February 20, Mayor Tucker advised the committee that he had reconsidered, and that he felt that a total appropriation of $4,603,125 would be required. The mayor's letter is found on page 887 of the Senate hearings.

As I understand the Senator's amendment, it provides for an additional $2,953,125, which with the $1,650,000 included in the budget estimate and the bill, will provide for a total of $4,603,125, the sum requested by Mayor Tucker.

Mr. President, I am precluded from accepting the amendment offered by the Senators from Missouri, but it is my personal view that these additional funds should be provided, in order that adequate facilities may be provided in time for the bicentennial of the founding of St. Louis, which is 1964.

If the Senate adopts the amendment, we shall take it to conference and see what the House will do about it.

I should like to ask the Senator from South Dakota to comment on this proposal.

Mr. MUNDT. Mr. President, it is never a very pleasant assignment when one has to resist the persuasive pleas of one's colleagues for an appropriation of concern to the State they represent. That is especially true when it is an appropriation of this type, which is designed to aid the construction of a very meritorious project. It is one I have visited. I know something about it. I think it is doing a great job of improving one of the fine American cities. Naturally, there is a lot of appeal in the presentations made by the Senators from Missouri.

On the other hand, part of the function of the Appropriations Committee is to scrutinize these appeals and to try, if possible, to keep them within the budget, because we are opposed to, and must guard against, the perils of, inflation.

I listened to an impassioned speech this afternoon from the other side of the aisle about the fact that too much money was being incorporated in these appropriation bills, and he was calling upon the members of his party to resist the pleas and asking for a rollcall on every appropriation bill. I favor that procedure. The statistics are before us. I will say there is no question in the minds of the members of the committee so far as the merit of this memorial is concerned. It is purely a question of arithmetic. Should we spend this extra unbudgeted $3 million now for this purchase? This plea was made to the Appropriations Committee of the House of Representatives, which heard the testimony, and that committee turned it down on the basis that they thought we should practice economy and try to keep within the budgetary recommendations, at least on those projects which have no economic productivity, and which are not in the nature of investments which bring back dividends, such as those produced by irrigation, reclamation, and flood control projects.

This request is in an area which has much appeal. It is a very fine memorial and an artistic project. It commemorates a great epic of history.

After the House turned the request down, the same representations were made to the Senate committee, and the Senate Committee on Appropriations concluded that what we should do is keep within the budget recommendation of $1,650,000, so we rejected the request.

As a consequence, as a ranking member of the subcommittee which rejected the request, and as a member of the full committee which supported the subcommittee's action, I think that what should be done is to have this issue decided by the Members of the Senate themselves. The Appropriations Committee, by its action, has recommended against it, on the basis that, if we are going to start practicing economy, we have to vote for it as well as talk about it. That means, rather than go $3 million out of balance, or $3 million beyond the budget recommendation, if that is desired by the Members of the Senate for this project, the Senate should so express itself by voting on the issue before us. Our committee has done its best to practice intelligent economy.

Mr. President, I resist the request for this extra $3 million as a member of the Appropriations Committee charged with being the watchdog of the people's money in this area. Our committee did not accept it on the basis I have stated, which action was approved by the full committee. It is now for the full Senate to decide.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. MUNDT. Yes.

Mr. HENNINGS. I appreciate the Senator's statement. I know that he would like to see this project approved, because it is really a symbol of the gateway of the West, and his State was one which was settled and populated by people who passed through this area which we are now undertaking to commemorate.

I do not know whether the distinguished Senator from South Dakota recalls that when he and I were in the House together, the matter was then initiated. The city of St. Louis has, for many years, since it cleared the old buildings off the area on the slope leading down to the levee and thence to the Mississippi River, had this vast area with nothing whatsoever on it. The officials have been doing all they can to conform with the suggestions and terms of the architects and the National Park Service and those who have the matter in charge.

As I have indicated, the railroads have moved their tracks, after considerable negotiations and delay, in order to make the memorial appear as it should, unimpeded to the levee.

The Senator from South Dakota has spoken about economy and investments in projects that have a return. We feel that the downtown area of St. Louis is suffering immeasurably because of this wasteland on the riverfront. We believe that condition depreciates real estate values in that area. We believe if we had something in that area which would attract people to downtown St. Louis, and to the city of St. Louis, and, indeed, to the West, it would be of economic benefit to the entire area. I speak not only of St. Louis, but of the West.

While I understand the Senator's sense of duty, which requires him to express his objections to this proposal, at the same time I appreciate the moderation with which he has expressed them.

Mr. MUNDT. I thank the Senator. I recall the time when we were in the House together and when this legislation was initiated and approved. As I say, normally, when a Senator undertakes, in the interest of economy, to resist an appropriation, he attacks the project. In this case I have not done that, because it is a meritorious project. The Senator appeals very much to my heartstrings, but we still have the problem of our purse strings to think about. As one who believes in trying to keep our budget in balance, I urge the Senate to uphold our committee's effort to economize wherever possible without detriment to the public interest.

If it is the desire of the Senate to go beyond the recommendation of the budget by $3 million for this purpose, I think it is a responsibility which the Senate should assume and act upon knowing the history of the matter. Certainly the Senator from South Dakota does not deny that the project itself is a very good project. I do not believe that there is any danger, however, of the city of St. Louis deteriorating or disappearing if this provision is not passed now or if we do not add the $3 million now. That is a very valuable piece of property.

Mr. HENNINGS. I would not suggest that.

Mr. MUNDT. I wish we had it in South Dakota. It is an excellent piece of property.

All this does not deny the fact that ultimately the people want the archway to the West. I do not blame the people of the community for wanting that. Under normal times, I think the United States is justified in making such appropriations. We have done it over and over again.

The question now before the Senate is simply whether, under our financial circumstances, we should appropriate the extra $3 million beyond the budget request in order to accelerate this project when our national defense and so many other matters are placing heavy demands on the Federal Treasury.

I shall await the decision of the majority of the Senate.

Mr. HAYDEN. Mr. President, I request a division on this question.

The PRESIDING OFFICER (Mr. Moss in the chair). The question is on agreeing to the amendment of the Senator from Missouri [Mr. SYMINGTON] to the Department of the Interior appropriation bill. On this question a division is requested.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELCOME TO REV. DR. JULIUS MARK

Mr. KEATING. Mr. President, the Senate is honored today by the presence of the Reverend Dr. Julius Mark of Temple Emanu-El, in New York City, who was invited to deliver the convocation on this date. Reverend Dr. Mark, who has won deserved recognition by his contributions to the spiritual and community life of his city, is presently in Washington, D.C., in connection with the White House Conference on Children and Youth. Yesterday, he was one of the speakers at the opening sessions of this important Conference. As one of the Senators of his home State of New York, I am proud to extend the welcome of the Senate to Reverend Dr. Mark on this occasion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to my colleague.

Mr. JAVITS. Mr. President, I had the pleasure of greeting the rabbi this morning on behalf of both my colleague and myself, and I should like to state that Reverend Dr. Mark delivered one of the finest and most moving prayers we have heard in the Senate. I join with my colleague, on behalf of our State, in paying tribute and honor to this very distinguished spiritual leader.

Mr. KEATING. I thank my colleague from New York. I certainly share the sentiments which he has expressed regarding the eloquence of and the merit of the prayer delivered by Reverend Dr. Mark.

DEATH OF A. FRANK KATZENTINE

Mr. KEFAUVER. Mr. President, Mr. President, I rise to pay my respects and a tribute to the dear and devoted friend of mine, A. Frank Katzentine, of Miami Beach, Fla., who suddenly died of a heart attack at his home in Miami Beach on Sunday. I am sure that my distinguished colleagues from the State of Florida will join with me in the conclusion that Colonel Katzentine was a rare and unusual personality. I presume to speak these words in the Senate because I believe that I have known him longer than the distinguished Senators from his own State, and he was one of my closest and most loyal friends. I take this opportunity also because the business of the Senate prevents me from going to Miami on Wednesday to express face to face my condolences to his wonderful and loyal wife and pay my last respects to this dear friend of mine.

I have known Frank Katzentine since he was a student at Vanderbilt University in my State and I was a student at the University of Tennessee. From our rivalry on the football gridiron there developed a close and warm personal friendship that has continued and grown stronger through the years. Thus the unexpected news of his untimely passing was as much of a shock to me as if I had lost a brother. However, I would not presume upon the Senate's time merely to give expression to my personal grief. Frank Katzentine was an individual and a symbol of great American qualities that deserves recognition in this forum. As his friend I bespeak of these qualities of heart and mind which were his.

Frank Katzentine graduated from the law school at Vanderbilt, went to his native State of Alabama and thence proceeded to the Miami area where he has resided since 1925. He was extremely successful in the practice of law and was actively associated with Mr. Carl Fisher, the founder of Miami Beach, in the growth and development of that great area. He served as mayor of Miami Beach from 1932 to 1934, and in 1934 was named the outstanding young man in community service by the National Junior Chamber of Commerce. His civic attainments and his contributions to his community are so numerous that I will not undertake to catalog them. It is sufficient to say that there were few significant movements of a civic or charitable nature in his area that did not count Frank Katzentine among the leaders.

Two activities of a particular category claimed priority on his interests and his boundless energy. One was the organization, promotion, and development of a project for the establishment of an international cultural and trade center in Miami Beach which, when completed, will be utilized to effectively promote cultural and trade relations between the United States and the countries of Latin America. Frank Katzentine learned to speak the Spanish language so that he could more effectively utilize his talents for the development of better relations with our neighbors to the south. I am informed that he was active in this enterprise at the time of his sudden death.

The other activity which also claimed his interest was the organization of the Crime Commission of Greater Miami. When Colonel Katzentine returned from the Air Force after World War II, where he had served with distinction and great honor, he found that during his absence the community was being infiltrated with undesirable elements. Colonel Katzentine was the architect of a citizens group which developed procedures to effectuate better law enforcement and eliminate, insofar as possible, official corruption and lawlessness in his community. I have discussed many times with Frank Katzentine the problems of racketeering and law enforcement and the manner in which public-spirited citizens could most effectively participate to maintain decent government and effective law enforcement in their communities. For his efforts in this endeavor Colonel Katzentine received national recognition and gave of his time and experience to other metropolitan areas in the organization of citizens' committees to deal with this problem. Although he had served as the organizer and the first chairman of the Crime Commission of Greater Miami, at the time of his death he had resumed at the request of his community the responsibilities again as the chairman of this commission.

As I have said, Frank Katzentine was a rare and unusual personality. He had a great capacity for friendship and abiding compassion for the unfortunate and underprivileged. He resented corruption and dishonesty with an almost fanatic zeal. He made enemies along the way because of his intolerance of fraud and short cuts. Those who knew him well loved him. Others who felt the scorn of his indignation over wrongdoing feared him. I think it is fair to say that not only is his community a better place for his having been there, but the institutions and agencies of the Federal Government give promise to following higher standards because Frank Katzentine felt that he was a victim of a miscarriage of justice. Those of us who have been privileged to enjoy his loyal and dedicated friendship will greatly mourn the sudden passing of this great American citizen.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. I wish to add my words of condolence to the widow of Frank Katzentine, and my words of praise to Frank himself. He was a fine citizen. He honored me by being a colonel on my staff when I served as Governor.

He was assigned as a colonel in the U.S. Army to accompany General Chen, commanding general of the Chinese Air Force, in the tour around our Air Force bases during World War II. He did a fine job in that assignment, and in other public relations assignments which were given to him. He was a great patriot and a good friend. I shall certainly miss him.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1961

The Senate resumed the consideration of the bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. SYMINGTON].

Mr. LAUSCHE. Mr. President, I rise to express my opposition to this proposal. The Federal Government is in financial straits. It has had difficulty selling its bonds. It has operated on a deficit basis for 24 out of the past 29 years.

I feel sympathetic toward the general proposal to build the proposed monument in St. Louis as a memorial to President Jefferson. However, I think it would be the better part of prudence not to try to do it at this time, when we are constantly scraping for money to fulfill the obligations of the Federal Government.

There is a question as to whether or not we have appropriated adequately for the military defense; and I think it would be far better at this time to de-

clare a moratorium on the building of monuments. We have many of them. If there are others which ought to be built, the time will always be available to provide the money and to have them constructed.

To repeat, I believe that at this time we ought not to be spending money for any other purposes than those which are essential and absolutely indispensable. On that basis, I contemplate not voting for the amendment of the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am sure the Senator from Ohio realizes that this agreement and contract was made in 1935, between the U.S. Government and the city of St. Louis, on the basis of the city of St. Louis putting up $1 for every $3 put up by the Federal Government. The project was delayed during the war and then it was started again after the war. It is 25 years old. The holes are there and the bulldozers are on the scene. The project is going ahead. The fact is that the Bureau of the Budget has requested $1,650 000, instead of the total of $4,600,000, including the original $1,650,000, needed to keep the project moving on an orderly and economic schedule.

This is not a new monument. It will cost the taxpayers, unless the Federal Government completely violates its agreement, which is unthinkable, a great deal more to stop the project and move all the people off than it would to have the project continue.

Originally $8 million-plus was asked. That has been reduced by about 50 percent. This particular amount is needed in order to keep the project going.

Finally the bicentennial of St. Louis is to be celebrated in 1964. The citizens of that city, after years of waiting, are eager, if possible, to complete the program which has been off and on now for 25 years, by the time of the bicentennial. I hope my friend will give consideration to that fact at this time.

Mr. LAUSCHE. The Senator from Missouri has made a rather potent argument. However, for my own part I want it known that as new proposals are presented for the building of monuments, which will probably happen every year, and perhaps more than once each year, I shall adhere to the principle that there are other services which require money, and that there is an absolute need for beginning to reduce the deficits under which we are operating.

I declare now that I will vote against building any monuments while we are in the financial stringency in which we find ourselves.

Mr. ANDERSON. Mr. President, I do not wish to detain the Senate. However, I support strongly what the Senator from Missouri [Mr. SYMINGTON] has said and what the Senator from Missouri [Mr. HENNINGS] has said in committee. I believe that the solution worked out by the able Senator from Arizona [Mr. HAYDEN] is a good one. I have been associated with this venture for a long, long time. The Government has made its representation. The people of St. Louis have put up their money. We delayed it during the war. I think we can now go ahead with it. I support strongly the Senators from Missouri in their presentation, and I hope it will be sustained.

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LAUSCHE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAYDEN. Mr. President, I ask for a division.

The PRESIDING OFFICER. The question is——

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Wyoming [Mr. MCGEE] are absent on official business.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from West Virginia would vote "yea" and the Senator from Nebraska would vote "nay."

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Nebraska [Mr. CURTIS] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is detained on official business. If present and voting, the Senator from Kentucky [Mr. MORTON] would vote "nay."

The Senator from Nebraska [Mr. CURTIS] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Nebraska would vote "nay," and the Senator from West Virginia would vote "yea."

The result was announced—yeas 47, nays 37, as follows:

[No. 138]

YEAS 47

Anderson	Hayden	Monroney
Bartlett	Hennings	Morse
Bible	Hill	Moss
Byrd, W. Va.	Holland	Murray
Cannon	Jackson	Muskie
Carroll	Johnson, Tex.	Pastore
Church	Johnston, S.C.	Smathers
Clark	Jordan	Sparkman
Eastland	Kefauver	Stennis
Engle	Kerr	Symington
Fulbright	Long, Hawaii	Talmadge
Gore	Lusk	Wiley
Green	McCarthy	Williams, N.J.
Gruening	McNamara	Yarborough
Hart	Magnuson	Young, Ohio
Hartke	Mansfield	

NAYS 37

Aiken	Dirksen	Mundt
Allott	Douglas	Prouty
Beall	Dworshak	Proxmire
Bennett	Fong	Robertson
Brunsdale	Frear	Russell
Bush	Goldwater	Saltonstall
Butler	Hickenlooper	Schoeppel
Byrd, Va.	Hruska	Scott
Carlson	Javits	Smith
Case, N.J.	Keating	Thurmond
Case, S. Dak.	Kuchel	Williams, Del.
Cooper	Lausche	
Cotton	Martin	

NOT VOTING—16

Bridges	Ervin	Morton
Capehart	Humphrey	O'Mahoney
Chavez	Kennedy	Randolph
Curtis	Long, La.	Young, N. Dak.
Dodd	McClellan	
Ellender	McGee	

So Mr. SYMINGTON's amendment was agreed to.

Mr. JOHNSON of Texas subsequently said: Mr. President, I move that the vote by which the Symington amendment was agreed to be reconsidered.

Mr. SYMINGTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed at the proper point in the RECORD, in connection with the consideration of the Interior Department appropriation bill, a statement by the Senator from Arkansas [Mr. FULBRIGHT] on a section of that bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FULBRIGHT

I was highly gratified by the action taken by the Senate Appropriations Committee on the Interior appropriation bill. The members of the committee indicated an acute awareness of the need for placing additional emphasis on the Nation's conservation programs. I want to take this opportunity to express my appreciation to the committee members for their enlightened attitude toward resource development.

The conservation programs financed by this appropriation bill are essential to the future well-being of all our citizens. Indeed, the support which the Congress provides these projects determines, in many respects, the status of the natural resources which our children will inherit. If the Congress fails to devote adequate funds for resource development, future generations will suffer the consequences. We must look upon these expenditures as an investment in our Nation's future, on which we will reap ample dividends.

I would first like to comment briefly on the committee's recommendations for activities of the U.S. Forest Service. I cannot

overemphasize the importance of Forest Service activities to Arkansas, and the entire Nation. The demand for wood products is growing rapidly. The current demand for southern timber is expected to double by the end of this century. The effectiveness of Forest Service research and management programs will be a large factor in determining whether our forests will be capable of meeting future timber requirements. Although the supply of timber is increasing, many problems must be solved if we expect to meet the challenge ahead.

A healthy forestry industry is essential to the economy of Arkansas. This industry provides almost half the industrial employment in the State. The value of wood products far outranks the value of any other industrial product. The importance of Arkansas' forests is indicated by the fact that almost 6 out of every 10 acres in the State are in timber. The two national forests in the State cover almost 2½ million acres, and 1959 timber sales from them totaled nearly $4 million. Arkansas' economic progress is irrevocably tied to her timber resources, and the efficient development and utilization of our timberland is largely dependent on the work of the U.S. Forest Service.

Last year the administration unveiled the "program for the national forests"—accompanied by appropriate fanfare and publicity. This plan for carrying out long-needed conservation projects was welcomed by all conservationists. The Congress indicated its concern about the status of the forestry conservation program by providing an additional $11 million in a supplemental appropriation bill to initiate the program. The administration's concern about our forestry resources appears to be short-lived since the budget request is more than $17 million less than the amount needed to keep the program on schedule. The committee's approval of an additional $17,594,000 to fully implement the program for the national forests was welcomed by all who are concerned about moving forward with this essential work. The basic justification for these additional funds was concisely stated on page 24 of the committee report as follows:

"In recommending these additional funds the committee has taken into consideration the fact that if these Federal lands are to provide their share of a greatly increased demand for timber, water, forage, and recreation of an ever-increasing population—estimated to be 215 million by 1975; 325 million by the year 2000—we must now provide for a more intensified management program and an expanded research program."

The forestry industry in Arkansas appreciates the importance of forestry research. Two forest research centers are located in the State, at Harrison and Crossett. The information developed at these centers has contributed immeasurably to improving my State's timber resources. Both centers are working on important projects but are hampered by lack of sufficient funds. The committee's recommendation of an additional $4,213,400 for forest research will result in placing greater emphasis on these promising leads, and other neglected projects throughout the country.

I want to mention one project being worked on at the Harrison center which is especially promising. It has been estimated that from 6 to 10 million acres in the Ozarks region are suffering from the blight of brush. This land is furnishing little, if any, return on the landowners' investment. There is considerable evidence that much of this land could be converted to profitable use for either grazing or commercial timber production. The Harrison center has initiated research to find the answers to many problems involved in large-scale brush conversion on the many varying soil types in the region. This is necessarily a long-range project, but with adequate funds available the work could proceed much faster. Approximately $25,000 will be spent on the project in the 1961 fiscal year according to the allocation set up under the budget request. If the full amount needed to implement the research phase of the "Program for the National Forests" is appropriated, I understand that an additional $15,000 to $25,000 will be devoted to this essential project.

I am vitally interested in brush control since the problem is so critical in a large portion of Arkansas. If this wasteland could be converted to a productive use, the economy of the Ozarks would be virtually transformed. Of course, the information developed from this research project would be applicable, in varying degrees, to the many other sections of the country suffering from this same problem. I cannot imagine a more secure investment for the taxpayers' money than this vital research project.

There are several other items in this appropriation bill which are important to Arkansas. The Fish-Farming Experiment Station, to be operated by the Fish and Wildlife Service, is of special interest to me since I introduced the legislation which authorized the project. This research project is designed to solve many of the problems encountered by those who have entered this new type of farming. It has been estimated that over 100,000 acres in Arkansas alone are devoted to rotation of field crops with fish production. It is a new industry with immense potential. I am proud of the fact that Arkansas has pioneered in this field, and it is only fitting that the research station is located in the State.

As the Members of the Senate will recall, the Congress appropriated $350,000 last year to complete the construction of the facility. No funds were included in the budget request. It is expected that the contract for construction will be awarded shortly, and that the station will be ready to begin operation by the end of this calendar year. The administration failed to request funds for the project again this year. If the administration's view were followed, the plant and equipment at the station would remain idle, without so much as a watchman to protect the Government's investment, for the entire last half of the 1961 fiscal year. This is a strange type of economy. The House Appropriations Committee added $100,000 to begin operations at the experiment station, and the Senate committee has concurred in that action. I am pleased that both committees recognized the significance of this project. The information which will be developed at this experiment station is essential to sound progress in the fish-farming industry.

The Senate committee has concurred in the House action in adding $70,000 to the budget request of $95,000 for expansion of research to control depredations of blackbirds and starlings. The Congress recognition of this serious problem is gratifying to those of us concerned with this serious matter. It has been estimated that the damage to crops in Arkansas from these birds amounts to $5½ million each year. At least 28 States are affected in varying degrees by blackbird and starling depredations. There are no organized programs for control and destruction of the birds, and, as a consequence, farmers try various ways to save their crops from the birds. The methods used are often dangerous to other wildlife, and even to humans. The only answer is to find ways, through research, to control or destroy these birds on a scientific basis. The haphazard attempts now being made to correct the situation can only lead to more serious trouble. The additional funds approved by the House and Senate committee will provide a total of $165,000 for research into the problem during the next fiscal year. I consider this to be a minimum amount in view of the critical nature of the situation in Arkansas and the other affected States.

I wish to mention my interest in a proposed program for needed improvements at the Corning, Ark., Fish Hatchery. Arkansas is proud of its reputation for good fishing waters. The fishing demand on lakes and streams is increasing each year and there is a real need to expand fish hatchery output to satisfy the requirements of fishing enthusiasts. The Fish and Wildlife Service has proposed a plan for much needed improvements at the Corning Fish Hatchery. The construction of the station was not completed because of the advent of World War II, and improvement of the facilities has been postponed ever since. The committee has recommended $100,000 for this long-overdue work. I know that the expansion of the hatchery will greatly aid in maintaining Arkansas' reputation for good fishing.

The last item which I shall discuss is the budget request for a total of $50,703 to initiate operation of the Pea Ridge Battlefield National Park in Arkansas. I sponsored a companion bill to the House bill which authorized this park. The land for the park was purchased with funds provided by the State of Arkansas, and the deed to the property was presented to the Department of the Interior a short time ago. I am pleased that this important battle is being appropriately recognized by the Federal Government and is being made a part of the National Park system.

The items I have mentioned are those of particular importance to Arkansas and to me. There are other worthy items covered in this bill which I could mention, but I do not wish to burden the RECORD unduly.

I again commend the committee for taking the long-range view toward resources conservation. The pressures of our expanding population and the increased leisure time available to our people have created unprecedented demands on our forests and other recreational facilities. We are woefully behind in many ways in meeting current demands. Unless we prepare today, the past errors in neglecting our resources will be compounded. We cannot afford to delay any longer in proceeding with a sound and progressive program for developing the full potential of our forests and parks.

I urge the Senate to approve the full amounts recommended by the committee for this important work.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

Mr. HAYDEN. Mr. President, the Senate will recall that as a matter of convenience to Senators, the Department of Commerce appropriation bill was laid aside, and, by motion, the Senate proceeded to consider the Department of the Interior appropriation bill.

I now ask unanimous consent that the Senate temporarily lay aside House bill 10401, the Department of the Interior appropriation bill, and resume the consideration of House bill 10234, the appropriation bill for the Department of Commerce and related agencies.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. YOUNG of Ohio. Mr. President——

Mr. LAUSCHE. Mr. President——

The PRESIDING OFFICER. The Senator from Ohio.

Mr. LAUSCHE. Mr. President, I should like to ask a question of the Senator from Florida [Mr. HOLLAND] in regard to the pending bill.

Mr. YOUNG of Ohio. Mr. President, I yield to my colleague, if I may do so without losing my right to the floor.

Mr. LAUSCHE. Let me say that I was rather bewildered, because the Chair was looking to my right, and then the Chair stated that the Senator from Ohio was recognized; and I could not put the two together. [Laughter.]

Mr. YOUNG of Ohio. I yield.

Mr. LAUSCHE. Mr. President, I wish to ask a question of the Senator from Florida [Mr. HOLLAND]. At Plymouth, Ohio, there are what are known as the Plymouth Locomotive Works. That organization bid on an invitation to install three cranes and to supply a number of towing locomotives for the Panama Canal. A letter which has been addressed to me makes inquiry, in view of the fact that the low bidder on that equipment was a Japanese firm, as to whether the smallness of the difference between the bid of the Ohio company and the bid of the Japanese company warrants giving the job to the Plymouth Locomotive Works, in Ohio.

I should like to ask the Senator from Florida whether this matter has been brought to his attention, and what he understands the facts to be.

Mr. HOLLAND. Mr. President, the matter the distinguished senior Senator from Ohio [Mr. LAUSCHE] has mentioned—and I am sure it is also of concern to the distinguished junior Senator from Ohio [Mr. YOUNG]—has been brought to the attention of the Appropriations Committee, and, specifically, to the attention of the Senator from Florida, as chairman of the subcommittee which deals with the Panama Canal appropriations.

The facts are these: The Panama Canal required 39 additional towing locomotives and 3 cranes, and asked for bids upon that rather substantial amount of new equipment. The two best bids were as follows: One was by the Mitsubishi Co., of Japan, which was the low bidder, at $3,829,900.

The next lowest bid was that of the Plymouth Locomotive Works, to which the Senator from Ohio has just now referred. Its bid was in the amount of $4,781,867—or more than $900,000 in excess of the bid by the Mitsubishi Co.

There are already in the law several provisions by means of which preferences are lawfully given to U.S. manufacturers, as compared with foreign manufacturers. For instance, under the Buy American Act—which is 41 United States Code, 10(a) to 10(d)—there is a requirement that an advantage of 10 percent of the total bid price accrue to the American supplier.

There is also an additional advantage of 6 percent of the total price if the lowest responsible bidder offering domestic materials—which in this case was the Plymouth Locomotive Works—will produce substantially all such materials in areas of substantial unemployment, as determined by the Secretary of Labor. That condition was met by the Plymouth Locomotive Works.

There is a third differential in favor of American manufacturers, and it likewise was calculated in connection with the bid—namely, a differential or advantage in the amount of $115,000 to cover additional costs of inspection and increased administrative costs which would be incurred if a foreign purchase were made.

However, after the application of all three of those differentials in favor of an American manufacturer, there is still a substantial difference in favor of the Mitsubishi bid. That difference has been evaluated by the Department of the Army, in a letter from Mr. George H. Roderick, Assistant Secretary of the Army, to the distinguished senior Senator from Ohio [Mr. LAUSCHE], as being around $184,000—still after taking into account all three of these differentials.

In that situation, when I was approached by the Senators from Ohio, I thought that I should say to them that I did not feel that in this case we could justifiably make for larger differentials and insist that the Secretary of the Army make the purchase in this country. If so, I believe the result would be that foreign bidders would lose all interest in trying to compete for any of our orders; and, likewise, in this case they would feel they had been mistreated, since, notwithstanding these announced differentials, the bid of the Japanese company was so far below the next best bid.

I hope my distinguished friends from Ohio will understand the situation, and will agree that in such a situation, if we are to keep good faith with foreign bidders whom we invite to bid, we should abide by the law which is on the statute books.

Mr. YOUNG of Ohio. Mr. President, as we understand the matter, the distinguished senior Senator from Florida has given every consideration to the request made by my colleague, the distinguished senior Senator from Ohio [Mr. LAUSCHE] and myself.

It is my further understanding—and I trust that the Senator from Florida will correct me if I am in error—that there was a realization on his part and on the part of other members of his subcommittee of the grave concern on the part of the Senators from Ohio on this matter. I am sure that it was his desire to be of real service, if possible, to the Plymouth Locomotive Works, which is a fine business organization in our State and, as a matter of fact, is located in my home county.

May I ask whether it is a fact that not only the senior Senator from Florida [Mr. HOLLAND], but other members of the committee, gave every consideration to our request?

Mr. HOLLAND. I do not know how many members of the committee have been contacted, other than myself and possibly two or three other members. But, so far as I know, all of them came to the same conclusion. We addressed our inquiry to the Secretary—I believe that is his correct title—of the Panama Canal Company, Mr. Whitman, who acquainted us with the facts.

Although I cannot make a decision for the Senate or for the Department of the Army or for the country, I simply have stated to my two friends from Ohio that it seems to me that in such a situation we would not be acting in good faith if, under the facts in this situation, we declined to award the bid to the Mitsubishi Co.

Senators will recall that the United States is buying all over the world. We have installations everywhere. We are inviting foreign people who are qualified to make bids for these important installations. Whenever they so clearly underbid our people, we can regret that fact, but we cannot reshape it.

Mr. YOUNG of Ohio. We regret it. May I express my appreciation to the Senator from Florida.

Mr. HOLLAND. Mr. President, in commenting on what the distinguished junior Senator from Ohio has said, I have tried to treat the whole situation just as I know the Senator from Ohio would treat a matter in my State. In my view, there was only one honorable course for the Department of the Army to follow. I believe we came to the same conclusion.

Mr. YOUNG of Ohio. I am not making any criticism of the Senator from Florida. In fact, I commend him for his fairness.

Mr. LAUSCHE. The bid of the Japanese company was $900,000 below that of the Plymouth company. Is that correct?

Mr. HOLLAND. That is substantially correct.

Mr. LAUSCHE. Under the rules laid down by U.S. law, 16 percent of the bid of the Japanese company, and also $115,000 was added to the bid of the Japanese company. Is that correct?

Mr. HOLLAND. The Senator has stated the matter substantially as it is.

Mr. LAUSCHE. Even with the addition of the 16 percent and the $115,000 to the Japanese bid, it was still $184,000 below the bid of the Plymouth company. Is that correct?

Mr. HOLLAND. The Senator is correct.

Mr. LAUSCHE. If the Japanese bid were rejected, the cost to the taxpayers of our country would be about $900,000 more than it will be under existing conditions?

Mr. HOLLAND. The Senator is correct.

Mr. LAUSCHE. I might say, for the benefit of my colleague, I contacted the Department of State hoping it might look sympathetically upon the position of the Ohio company; and the Department stated that in its opinion it would not be to the best interests of the United States if this low bid were rejected and the second bid accepted.

Mr. HOLLAND. The Senator is correct. I happen to know about that inquiry also. I do not know how the two Senators from Ohio could have been more diligent in trying to see that their Ohio company was given every possible reasonable consideration.

Mr. LAUSCHE. I thank the Senator very much.

STOP SENSELESS SIREN SHRIEKING STUPIDITY

Mr. YOUNG of Ohio. Mr. President, Washington civil defense planners intend to stage a mock atomic bombing accompanied by a massive test evacuation of communities. Officially, it is known as Operation Alert—1960.

The utter senselessness of this Operation Alert is that the brainless wonders picked on May 3, 1960, for this program.

A high-ranking civil defense official probably said to one of his fellow boondogglers, "We must plan some exercise to justify official titles and salaries."

It points out clearly what I have repeatedly asserted—that our civil defense program is being managed by subaverage planners drawing big salaries at taxpayers' expense to operate this superannuated bureaucratic monstrosity. Again their ignorance and ineptitude is displayed in planning a civil defense exercise for next May 3.

Mr. President, it so happens that May 3, 1960, is primary election day in the State of Ohio, as well as in Indiana, Alabama, Florida, and the District of Columbia. This information may come as a shock to those who are feeding at the public trough as civil defense officials.

It seems unbelievable, but it is a fact that on the very day that important elections are to take place in four States and the District of Columbia, civil defense boondogglers have scheduled another one of their ridiculous and ineffective alerts which this time includes massive test evacuations.

On the one hand all possible persuasive efforts are employed by public and private media to urge citizens to register and to vote. On the other hand, an official agency of the Federal Government will conduct a project that may make it impossible for some of our citizens to vote and present a serious obstacle to others.

Mr. President, this is an inexcusable situation and an outrageous display of bungling on the part of the civil defense bureaucrats.

A simple 5-minute job of research could have easily informed them of the fact that May 3, 1960, was election day for millions of Americans. Any informed citizen knows that it is a time of year in which primary elections are traditionally held. Certainly, with all the publicity attending these elections in this presidential election year, someone in the civil defense agency might have ascertained this fact.

Any elementary schoolchild could have obtained this information in a few minutes in his school library. Evidently, however, it was too big a job for the officials of the Office of Civil and Defense Mobilization.

The people from Lorain, Ohio, may be told to flee toward Cleveland, 25 miles away, and at the same time the people of Cleveland may be fleeing toward Lorain. This could result in the most gigantic traffic jam that ever existed.

It is ironic that of the $76 million requested for this agency, $47 million, or 62 percent of the total appropriation request, is designated for salaries and expenses of these officials and employees.

In spite of the fact that this agency allocates a higher percentage of its budget for salaries than do most governmental departments, there was no one—not a single official—who had the foresight or who took the trouble to avoid this fiasco.

The official publication for Operation Alert states that it is designed and will be conducted to train and test governments, industry, private organizations, and the public under simulated emergency conditions to respond to the contingency of general war.

Mr. President, the absurdity, the wastefulness, and the complete lack of reality in the present civil defense program is almost beyond belief. At this very moment, the Soviet Union is capable of firing intercontinental ballistic missiles toward targets in this country within 15 to 18 minutes. With perhaps 5 minutes' warning at the most, missiles fired from Soviet submarines off our coasts could strike any vital target in our country.

Everyone seems to understand this basic fact of the atomic age except, apparently, those bureaucrats operating the Office of Civil and Defense Mobilization.

During World War II, there was some sense to the theory of evacuation of large urban areas in event of enemy bombings. However, the entire character of warfare has been changed by the great scientific discoveries of the past 20 years. Evacuation programs belong with the past decade.

The defense of the civilians of America is so important that it must no longer be left to this outmoded, obsolescent agency. It rightfully should be a duty of the Armed Forces of this Nation.

In Ohio, and I am sure it is true in other States also, polling places are set up in schools, fire stations, and other government buildings as well as in private buildings.

Will these buildings be available on May 3 for use while the drill is being conducted, or are local officials to be forced to locate alternate polling places on such short notice? If they are available, what are waiting voters to do while these buildings are being utilized for the purposes of this drill? At the very least, this project will seriously disrupt orderly voting procedure.

In my home city of Cleveland, Ohio, there is an election booth in the Cuyahoga County civil defense headquarters. Can anyone imagine the confusion that prospective voters will face in that particular situation?

If this proposed alert is taken seriously by American citizens, it will be somewhat difficult to conduct meaningful primary elections in Ohio, the other States, and the District of Columbia on that day. It will be an almost criminal interference with the most cherished right of every American—the right to vote.

Nothing could be sillier and more uncalled for than this useless civil defense exercise. Citizens will be annoyed; voters will be seriously hampered; and volunteer civil defense workers, who deserve consideration, who are the only ones who have made sacrifices for civil defense, will be imposed upon by salaried civil defense officials.

This is typical of the wasteful and, in fact, stupid planning of the Office of Civil and Defense Mobilization at a time when every Government official in the Nation and in the States is urging citizens to vote. Now they call for an evacuation alert which will impede the voting.

Of course, it may be possible, though I doubt it, that civil defense officials realize the American people are not being taken in with these foolhardy schemes and, therefore, will not respond to them on May 3, or any other day.

Mr. President, for over 2 months the Senate of the United States has been engaged in a great debate, primarily devoted to providing equal voting rights for all Americans. This issue has not only occupied the time and attention of the Congress of the United States, but has attracted the attention of the entire world.

It is a shameful fact that at the same time the useless civil defense agency has recklessly scheduled make-believe air raid drills on a vitally important election date in several States, an action which, if taken seriously, could result in preventing many citizens from exercising the right to vote.

Mr. President, I assert that defense of civilians is the obligation and the duty of the Armed Forces of our country. In time of grave national emergency the Chief Executive would become a virtual dictator, as did Abraham Lincoln during the War Between the States, which we northerners call the Civil War. Although it was a brutal war at that time, today it would be considered only a limited or brush-fire war. At that time, as I have said, President Lincoln became a virtual dictator. We may be certain that in a time of grave emergency with the Soviet Union or Red China, or both, the President of the United States would immediately take charge and place the Armed Forces of our country in charge. No civilians in armbands would be permitted to direct the defense of our citizens.

Paid civil defense officials—ex-Governors and ex-officeholders—who are now sounding sirens and planning evacuation programs which are senseless, and probably dangerous, would not be permitted to interfere with the movement of the Armed Forces nor to jeopardize the safety of civilians.

Evacuation programs, perhaps effective had we been bombed in World War II, have no place in nuclear warfare, in this era. Such programs would cause the worst traffic jams ever experienced.

Notwithstanding this, Mr. President, the facts are that not one paid civil defense official in Ohio has provided a shelter in his basement or backyard, although apparently they are advocating them for others, in addition to this huge evacuation program.

I ask the question, For what purpose do these officious, paid armband wearers sound sirens to the annoyance of our citizens? I challenge anyone to come forward with an intelligent answer.

ORDER OF BUSINESS

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Senator from Georgia is recognized.

Mr. HARTKE. Mr. President, I ask the distinguished Senator from Georgia to yield to me for a minute or so, so that I may ask a question of the Senator from Florida.

Mr. RUSSELL. Mr. President, I would be happy to yield to the Senator from Indiana, if it does not impair my right to the floor. I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. HOLLAND. Mr. President, may I ask that my right to answer the question be also included in the unanimous-consent request?

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. HARTKE. Mr. President, I should like to ask the distinguished senior Senator from Florida a question with regard to the pending bill, Calendar No. 1139, making appropriations for the Department of Commerce and related agencies. I should like to ask whether the research and development programs as requested by the Weather Bureau are included or are not included, in regard to air safety research?

Mr. HOLLAND. Mr. President, I am glad the Senator has inquired about that item. I am fully mindful of the fact that the Senator has had, in his own State, a very great tragedy recently, which, of course, has been the cause of grief to him and to the people of the Nation. I am glad to tell the Senator that the committee has replaced in the bill—and the amendment of the committee has now been agreed to, replacing in the bill—all of the requested appropriations of the Weather Bureau for making flying more safe in this country.

Mr. HARTKE. I thank the distinguished Senator from Florida. I also compliment the committee, particularly in view of the fact that Mr. Reichelderfer of the Weather Bureau said even this amount of money will be sufficient only to cover about 1 percent of the total amount of money needed in research to really get into this tremendous problem of clear air turbulence, considered to be one of the possible causes of the two crashes in Texas and in Indiana. If we are going to have any real answer to this problem we shall have to provide the money and do the research. The Weather Bureau says if it can get the money it will get on the job and put this item at the top of the list, so far as priority is concerned.

Mr. HOLLAND. Mr. President, in further answering the Senator I will say that the subcommittee and the full committee are both fortunate by having as members the distinguished Senator from Washington [Mr. MAGNUSON], the chairman of the Committee on Interstate and Foreign Commerce, and the distinguished Senator from Oklahoma (Mr. MONRONEY], the chairman of the subcommittee which has to do with aviation. Both Senators very earnestly and assiduously supported the replacement in the appropriation bill of the item for the Weather Bureau to which the Senator from Indiana has addressed himself.

Mr. HARTKE. I think all people who fly on the air lines should thank these gentlemen for their interest in this important matter.

Mr. President, I thank the Senator from Georgia for yielding to me.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Delaware [Mr. WILLIAMS], without in any way impairing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I submit an amendment to the pending bill, with the understanding that I shall discuss the amendment after the Senator from Georgia has completed his remarks.

The PRESIDING OFFICER. The amendment will be received and printed and lie on the desk.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may yield briefly to the distinguished Senator from Oklahoma without impairing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

PRESIDENTIAL CAMPAIGN BROADCASTING

Mr. MONRONEY. Mr. President, 23 Senators have joined in sponsoring the Presidential Campaign Broadcasting Act, which I believe is essential legislation if we are to have an informed public making its choice for the presidency this fall on genuine issues rather than on illusions created by expensively staged political entertainment.

Three newspapers in my own State and one in a neighboring State have seen fit to comment encouragingly on the idea of a great debate over TV. I would like to share these with Senators who are thinking on this problem.

I ask unanimous consent to have printed in the RECORD editorials on our proposal of 2 hours of free TV time each week from the Enid (Okla.) Daily News of March 12, the Tulsa (Okla.) World of March 12, the Oklahoma City (Okla.) Advertiser of March 17, and the Des Moines (Iowa) Register of March 16.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Enid (Okla.) News, Mar. 12, 1960]

MONRONEY'S TELEVISION BILL MAKES GOOD SENSE

Oklahoma Senator MIKE MONRONEY has a good idea for some new legislation. Senator MONRONEY and a group of Senators believe that television networks and stations should be required to provide free time for presidential nominees this year. Under a bill which they have drawn up, 1 hour of free time each week would be given for interviews of candidates for a period of 8 weeks before the November election. Furthermore, another 60 minutes would be provided in each of these weeks for each of the candidates for rebuttal.

Very few television stations or networks will admit it but the airwaves belong to the people. Through the peoples' representatives—an agency of the Government which in this case is the FCC (Federal Communications Commission)—the airwaves are leased or allocated to individuals or corporations for use in the public interest. We can think of nothing more in the public interest than a series of television debates by candidates for the high office of the President of the United States.

In the past, it has been a terrific financial strain on both parties to provide adequate television time for presidential candidates. After a presidential campaign, the major political parties usually find themselves hundreds of thousands of dollars in debt and the next few years are spent throwing $100-a-plate dinners and benefits to get out of hock. Then, too, under present conditions, there is a tendency to make a show or a production of a political appearance of this caliber. High-powered orchestras, actors, and actresses are frequently used to sway votes.

Senator MONRONEY'S bill makes a lot of sense and merits serious consideration by the Congress.

[From the Tulsa World, Mar. 12, 1960]

TV DEBATE PLAN IS WORTH A LOOK

The proposal of Senator MIKE MONRONEY that television time be set aside next fall for the use of the major presidential candidates has fallen afoul of industry criticism. We do not believe the Senator deserves some of the brickbats he's taking.

What MONRONEY suggests is that perhaps as much as 90 minutes weekly be reserved free of charge as a public service and, we think helpfully, to give the American public a high level discussion of issues.

It is not original with MONRONEY. Two-time presidential aspirant Adlai Stevenson gave a boost to the idea a couple of weeks ago in a widely read magazine article. It was Mr. Stevenson's thought that a 90-minute television debate of the issues could be provided free of charge to the two major parties on a weekly basis through the general election campaign.

We don't think it is too much to ask of the networks as a service to the public they are licensed to serve. The inauguration of a debate series featuring the presidential candidates strikes us as a badly needed political instrument for the education of the public on the issues of the day. Generally speaking, the voting public has but a vague and cloudy impression of the essential differences in political philosophy which characterize Republicans and Democrats. In public appearances specifically aimed at discussion of major issues, the public as well as the candidates would benefit. Most of the confusion that muddles campaigns would dissipate.

Essentially, we are opposed to the idea of legislating controls over industry. That includes television, too. It seems to us the networks themselves should pick up the Stevenson-Monroney idea and apply it or some facsimile of it on a voluntary basis. Ninety minutes weekly is a lot to ask the public to hold still for, and since the campaign runs many weeks, 30 minutes weekly for each side probably would suffice to give attention to all major issues.

The point is, MONRONEY has a good idea. But it ought to be up to the networks, not Congress, to develop it.

[From the Oklahoma City (Okla.) Advertiser, Mar. 17, 1960]

WANT TO BET?

(By Freda Ameringer)

I am sorry to disagree with my friends, Bruce Palmer and Tom Johnson, of local broadcasting circles, but I think Senator MIKE MONRONEY is 100 percent right on his bill to require TV networks and stations to provide free time for Democratic and Republican candidates for President to bring to the American people a full discussion of the issues in this fall's campaign. For a period of 8 weeks 2 hours each week would be divided equally between the two candidates.

And I would be willing to wage a new Easter bonnet with either or both of these gentlemen that men like Murrow, Sevareid, Huntley, and Brinkley are quite likely to go along with Oklahoma's junior Senator.

Can anyone, at the moment, think of a more certain method of increasing respect for networks and stations, a better way to score in the important field of public service?

As a matter of fact, something of this sort has been in the air for some time—not in Oklahoma City, of course, where monopoly daily newspapers carry on their brainwashing attempts as to everything reactionary with a deadly monotony that's hard for many of us to take.

Months ago a man by the name of Charles J. Selden, Iowa City, Iowa, wrote this letter to the "most prominent presidential possibilities of 1960," sending a copy to the "Letters From the People" column of the St. Louis Post-Dispatch:

"Since you are among those men out of whom the nominees for the Presidency will come, I would like to know how you would feel about a series of nationally televised debates on four successive Sundays in the October before the 1960 election. These debates would be hour-long programs between the two candidates on four issues (one each time) which a qualified and responsible group of men would select, a group, say, such as the National Press Club.

"It seems to me that with such a plan the American people would have an opportunity to see just where the candidates really stood on vital issues. It would also, I think, help keep campaigns centered upon ideas rather than personalities or slogans, or other such accouterments of elections which could hamper our democratic way of life.

"Such a series would cut campaign costs and I think might even establish a healthy precedent for future elections. If both parties were to commit themselves now, as well as the prospective candidates, there would be no reason why such an idea could not become a reality."

In the same issue the Post-Dispatch editorialized in these words:

"What Mr. Selden proposes is not altogether new as an idea. The Post-Dispatch is among those who have deplored the level of much of recent presidential campaigning and has urged that debate be turned to as a means of sharpening issues, through well-defined positions which the voter can compare and evaluate. In our view, a series of televised debates might well be sponsored by the U.S. Government as a public service. The letter from Iowa City puts the need in good clear terms. We hope it will become a reality next year."

Senator MONRONEY is probably taking at face value the oft-repeated statement that the air belongs to the people—he'd like to see some of the airways available during the coming campaign. TV representatives will be asked to testify at committee hearings on the bill and, no doubt, there will be much lively discussion as the measure is considered in Congress.

Who knows, the networks, smarting under quiz show and payola criticism, may welcome this opportunity to build back in public esteem?

Anyway, good luck to Senator MIKE.

[From the Des Moines Register, Mar. 16, 1960]

FREE TV TIME FOR CANDIDATES?

A measure to require television networks beginning September 1 to give 3 hours of free TV time each week to the presidential nominees is reported picking up widespread Senate support. The proposal, introduced last week by Senators WARREN MAGNUSON, Democrat, of Washington, and MIKE MONRONEY, Democrat, of Oklahoma, is scheduled for early consideration by the Interstate and Foreign Commerce Committee.

The measure calls for all of the networks and television stations to give each of the candidates time for a weekly 1-hour presentation and one-half hour for rebuttal. Presidential candidates eligible for the free time would be those representing political parties which captured at least 4 percent of the vote in the last presidential election.

Only the Republican and Democratic nominees would be eligible in 1960 under this standard. Each of the presidential candidates would be allowed to turn over some of his free time to his vice-presidential running mate.

The proposal is an attempt to provide for a running national debate between the major candidates. It represents also an attempt to cope with the tremendous cost of television time by getting around the equal time rule. The present rule obligates a television station to give free time to all presidential candidates, including those of splinter parties, if it provides time for one. The rule has operated in practice to discourage networks from giving free time to any candidate.

Broadcasting officials have been asking Congress for years to revise the rule to enable them to provide more programs of a political nature during campaign years. But they are likely to have some serious misgivings about the Magnuson-Monroney approach. A similar proposal several years ago caused broadcasters to wonder why they, rather than newspapers and assembly halls, should be singled out by the Government to turn over a fixed amount of their time free of charge.

One reason is that they are in the public domain, subject to Government regulation, and already required by law to provide a reasonable amount of time for public service programs. But requiring stations to carry specific programs by Government order would represent a sharp departure from traditional practice.

Nevertheless, there is need to make fuller use of television during campaign years. The British have solved this problem by providing a block of free radio and television time and permitting the various parties to arrange an equitable division among themselves. We hope the Magnuson-Monroney bill will serve as a spur for some serious thinking on how the United States can make its television facilities a more effective tool for national education on the candidates and issues.

Mr. MONRONEY. Mr. President, I thank my distinguished colleague for yielding to me.

Mr. MAGNUSON. Mr. President, will the Senator yield to me for a brief insertion in the RECORD?

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may yield to the Senator from Washington with the understanding that it will not impair my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

THE SERVICES OF THE BUREAU OF FOREIGN COMMERCE

Mr. MAGNUSON. Mr. President, in the discussion of the appropriation bill for the Department of Commerce and related agencies we are naturally indirectly engaged in the study of U.S. imports as they relate to the Bureau of Foreign Commerce in the Department of Commerce and the foreign posts in the State Department.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement regarding this matter.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Interstate and Foreign Commerce Committee, of which I am the chairman, is engaged in an important study of U.S. exports. Businessmen, representing both large and small businesses, have time and again emphasized the necessity for the Federal Government to provide them with the information vital to oversea operations. The Bureau of Foreign Commerce, working closely with the foreign posts of the State Department, is the major source of help in dealing with the complexities of export trade.

The larger companies with representatives in Washington are able to visit the Bureau and obtain a great deal of information but state that they need much more assistance. In the case of the smaller companies, lack of resources of the Bureau is a tremendous handicap to them since they cannot come to Washington for direct contact with the technically competent staff. Unless the Bureau is given adequate funds to disseminate the invaluable information which they receive by means of publications, smaller businessmen cannot hope to enter export trade.

A few of the more vital services which the Bureau should perform more effectively include:

A much wider dissemination of export opportunities obtained by contacts in foreign countries.

The publication of more trade lists of businessmen in foreign countries who are potential buyers.

Individual reports on the reliability and standing of foreign businessmen.

The expansion of trade contact surveys.

The Bureau receives a geat deal of information from around the world on commercial and economic conditions. It is of the utmost importance that this information be available to all by publication. The "Foreign Commerce Weekly" and the "World Trade Information Series" are excellent media for prompt dissemination but their value is severely handicapped by curtailment due to lack of funds. Consequently, in this complex trade situation the business-

man is not informed immediately of all changes in basic economic conditions, opportunities for specific sales, changes in laws and regulations, and a multitude of other elements affecting his decision to trade and the success of his actual operations.

In the face of the growing importance of increasing our exports, the resources of the Bureau have been whittled away. I strongly urge that they be given adequate means to expand their vital services to the businessman, who must rely heavily on the information they alone can make available.

Mr. MAGNUSON. I thank the Senator from Georgia for yielding to me.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia has the floor.

LEGAL AND CONSTITUTIONAL ISSUES INVOLVED IN THE RECENT RACIAL DEMONSTRATIONS

Mr. RUSSELL. Mr. President, several days ago the daily press carried reports of press conferences held by Thurgood Marshall, head of the large legal staff of the national colored peoples association, outlining the basis of the favorable decision he will demand from the Supreme Court of the United States in the cases involving violations of the rights of private property by thousands of Negro college students in a number of southern cities.

The New York Times on Sunday, March 20, carried an article concisely stating Marshall's contentions. I shall read this article into the RECORD:

WASHINGTON, March 19.—Lawyers of the National Association for the Advancement of Colored People drafted a master plan today for defending Negroes arrested for lunch-counter demonstrations in the South.

Thurgood Marshall, counsel of the NAACP, announced that the arrests would be challenged as violations of the 14th amendment to the Constitution.

"We are going to appeal every fine," Mr. Marshall announced.

The strategy was charted at a meeting of 62 lawyers who will defend more than 1,000 Negroes facing trial for antisegregation demonstrations, mainly by sitdown tactics at lunch counters.

The 14th amendment says that no State shall "deprive any person of life, liberty, or property, without due process of law, nor deny any person within its jurisdiction the equal protection of the laws."

"The lawyers," Mr. Marshall said, "are in agreement that use of public force either in the form of arrest by the police or conviction by the courts is in truth State enforcement of private discrimination and is in violation of the 14th amendment."

"Furthermore we have outlined other related legal doctrine which will be applied, depending upon differences in State laws, the manner in which the arrests were conducted and the way in which different types of protests have been made."

Students have been arrested and charged with violating "a multitude of laws and ordinances," the NAACP legal chief said.

He cited charges of trespassing, assault, parading without a license, and violating fire regulations by blocking aisles in stores

"Some have been accused of conspiracy to obstruct commerce," he said. "All of these and similar laws are in our opinion being used as means to enforce racial discrimination."

"The NAACP legal defense and educational funds," he said, "is ready to assist in every case in which it is called upon."

Mr. Marshall said the NAACP had raised $40,000 for defending those arrested in the sitdown demonstrations. However, he said, most of this has already been spent on bail and legal fees.

The NAACP lawyers are meeting at the Howard University Law School. The conference will end tomorrow.

The report in the Washington Post of the same date refers to Marshall as the No. 1 courtroom lawyer in the fight for Negro rights, and quotes him as asserting that any Negro has a constitutional right to be served in any business establishment in the same manner as any other person that the owner or proprietor of the establishment may choose to serve, without regard to the wishes of the owner.

This article also carries the threat to take each of the more than 1,000 cases which have already arisen to the Supreme Court "if necessary." All of the members of the inferior judiciary are well aware of Marshall's phenomenal record of success in the Supreme Court. They are familiar with his unique ability to have the Court transpose his arguments and briefs into what the Court calls its decisions. This threat to carry every one of the more than 1,000 cases to the Supreme Court if necessary will suffice to frighten those U.S. district judges who are more concerned about being reversed than they are about being right.

His statements puts such district judges on notice that they can expect reversal by the Supreme Court if they do not accept his interpretation of the 14th amendment. In a large number of cases involving the reversal of other decisions and new and surprising interpretations of the Constitution, the Supreme Court has stated Marshall's views as faithfully as the dummy parrots the words of the ventriloquist.

Despite his mesmeric influence over some of the members of the Court, I cannot believe that a majority of that body will accept the strained and distorted construction which Mr. Marshall places upon the 14th amendment as he seeks to apply it to the planned epidemic of sitdowns.

Let us examine briefly some of his contentions. Due to some recent Supreme Court decisions and the frequent public statements and interviews of Mr. Marshall and his army of lawyers, it is understandable if laymen may have gotten the idea that the 14th amendment deals solely and exclusively with the rights, privileges, and immunities of Negro citizens of the United States.

As a matter of fact, the words "race" or "color" do not appear in the 14th amendment. It may be surprising to some people to learn that this amendment is supposed to protect the life, liberty and property of white citizens equally with the Negro.

It is supposed to guarantee "equal protection of the laws" to whites as well as colored persons. The pertinent section of the 14th amendment reads as follows:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

As a matter of fact, the 14th amendment to the Constitution created no new privileges. The fifth amendment to the Constitution already provided that "no person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Section 2 of article IV of the original Constitution provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

So it is very clear that the 14th amendment merely prohibited the abridgment by State action of privileges or rights that were already granted by the Constitution, and guaranteed to all citizens the equal protection of the laws.

So far as I am advised, prior to Thurgood Marshall's advent before the bar of the Supreme Court, no lawyer had seriously contended that the "equal protection of the laws" clause of the 14th amendment could possibly be construed to deny any owner of private property the right to control his property and to legally enjoy its use. Indeed, the "equal protection of the laws" clause was considered to protect property at least to the extent that it grants social prestige. However, I do not lose sight of the fact that no other lawyer before Mr. Marshall had ever persuaded the Supreme Court to accept the writings of Gunnar Myrdal, a Swedish Socialist, as the supreme authority on the Constitution of the United States, to be respected over the clear intent of that document and more controlling than oft-reiterated decisions of the Supreme Court over many years as to its construction.

It is now seriously contended, however, that instead of affording "protection" to a property owner, the equal protection clause of the 14th amendment denies the protection of any law, including the police power, if a citizen—white or Negro—who owns property, undertakes to exercise any selectivity whatever in choosing customers.

If any person undertakes to assert the unchallenged right, long enjoyed under existing law, to do business with whomever he chooses to the exclusion of a Negro citizen, it is now claimed that his property may now be taken away or withheld by a group of trespassers. Under this contention, the equal protection clause of the 14th amendment denies the property owner any police protection whatsoever.

In the simplest terms, it is claimed by Marshall and his associates that if a person refuses to do business with a Negro, the Negro has the right under the 14th amendment to take possession of the business of such person and the owner has no legal remedy.

Mr. President, the New York Times, on Monday, March 21, quotes Mr. Marshall from Charlotte, N.C., as placing an

even more bizarre interpretation on the 14th amendment, and I quote from the New York Times of that date:

The director-counsel of the NAACP legal defense and educational fund, made his remarks at a news conference. Later he addressed a "freedom mass meeting" sponsored by the NAACP Charlotte branch.

He told reporters that the NAACP would defend with all its resources every person involved in a court action because of "a lawful and peaceful demonstration." The matter was thoroughly covered at a lawyers' conference just ended at Howard University in Washington, he added.

He noted that those who entered stores with the purpose of buying were known in legal terminology as "business invitees." Common law once held, he added, that an owner could arbitrarily withdraw this so-called invitation.

However, he asserted, court rulings more recently have tended in the other direction. The size of an establishment often figures in such a ruling, he commented, adding:

"A small, very swanky dress shop may say 'I just don't want to deal with you.' But a large shopping center, say, would not have a clear-cut right to restrict its service to people of one race."

I assert, Mr. President, that this is indeed a remarkable pronouncement of the recent philosophy that our Constitution is a flexible document. It is asking the Supreme Court to play upon the 14th amendment as an accordion, compressing it in the case of the "small, swanky dress shop" to protect the rights of that property owner, but expanding it to use the same language to deny the same right to a "large shopping center."

I wonder how fantastic we can get in groveling before the ever-increasing demands for special privilege asserted by the NAACP and their lawyers.

The 14th amendment does not say that only a "small, swanky dress shop" has "equal protection of the laws." It says that no State shall deny to any person within its jurisdiction the equal protection of the laws.

If Marshall and his associates convince the Supreme Court of his contention that all of the city ordinances and all of the State laws designed to protect the owners of private property in the enjoyment of property rights must fall upon the demand of the Negro citizens as conflicting with the equal protection clause of the 14th amendment, he will succeed in having that Court rewrite the 14th amendment to make it read: "No State shall be permitted to protect the property or other rights of a white person if it interferes with the wishes of a Negro."

His construction can be used to deny the right of private property to any white citizen of this country. Under this construction, no white person can claim equal protection of the laws if any Negro desires to invade his property. Marshall even contends that no policeman can intervene to protect private property rights in cases where those rights are challenged by a Negro.

Mr. President, this fantastic construction of the Constitution cannot and will not be sustained by reasonable men. The 14th amendment is applied to white and Negro citizens alike. The equal protection clause means that any Negro citizen is entitled to own property and to operate a business on exactly the same terms as any white citizen. Under the equal protection clause, no Negro can be compelled to enter any place of business anywhere that he does not desire to enter.

"Equal rights" does not mean that two persons of different races can be compelled against the will of one of them to enjoy their rights together at the same place and at the same time. That denies "equality"—that creates special privilege.

Mr. President, if there is such a thing as property rights still existing in this country, the 14th amendment and its equal protection and due process provisions mean that if any person—white or Negro—enters upon the property of another citizen, he does so on the terms fixed by the owner of the property on which he enters. Equal protection and due process means equal protection and due process, and it cannot be twisted and distorted to compel one person to do business or to associate with another against his will, so long as it affords that other person the free and untrammeled right to own property and to operate his own business as he sees fit.

Let us examine for a moment the argument that the use of the police power to protect the right of a private citizen in the enjoyment of his property violates the "equal protection" provision of the 14th amendment. If the owner of the property has no right to invoke the police power to protect his property, what are his rights? Must he surrender his property to any casual trespasser who might claim discrimination? If he is to be denied the police protection that he is taxed to create, what will happen if he employs privately a guardian to protect his property? Under the common law, the owner of property is entitled to use such force as is necessary to repel unwanted trespassers from his property. Under the common law, the owner of a business establishment is entitled to do business or refuse to do business with any other person as he sees fit.

What happens if the courts were to sustain Marshall's contentions that the owner of property has no right to invoke the protection of the police department if the trespasser upon his property is a Negro?

What happens if the owner of the property or his employee uses force to eject the trespasser from his property? Under the construction of the "equal protection of the laws" by Marshall and his associates, would the Negro trespasser under the "equal protection" clause have the right to call for police protection against the owner of the business who seeks to eject him?

It would seem that this is the contention. The property owner would be denied any police protection from the intruders, but the intruders would be afforded police protection under this same clause reading "the equal protection of the laws." This would be a throwback to the stone age and the law of the jungle. This would mean that we would deny the use of the police power of the State to protect citizens who have violated no law. But that is what we are told the Supreme Court should decide our sacred Constitution to mean.

What a travesty. This is neither equality nor equal protection of the laws. This is special privilege.

Mr. President, this is anarchy.

I noted in one of the news columns that former President Harry S. Truman, when asked about the sitdowns at Louisville, Ky., said:

If anyone came into my store and sat down, I'd throw him out.

Mr. Truman is a little old to be compelled to rely on the law of the jungle to protect his property in a society built by private enterprise.

ALL AMERICANS HAVE LICENSES

There has been advanced also the unusual contention that if any person is operating under a license issued by a State or a subdivision thereof, that all of the acts of such private individuals become State action under the terms of the 14th amendment.

In today's complex society, a person can hardly get across the street without holding some form of license or franchise from a State. For example, the owner of every automobile in the United States is required by State or local law to have a license before he can operate his automobile. In some States, and in many communities, a man cannot legally possess a dog unless he has secured a license from a unit of government. It is sheer foolishness to say that the acts of private persons of whom a State has required license, become the acts of the State.

WHOSE "LAW OF THE LAND"

I should like to ask, Mr. President, What has happened to all of those who have charged that those who are opposed to mixing the races in the schools are guilty of flouting the law of the land? For several years, scarcely a day passed that some editorial writer, NAACP lawyer, radio or television commentator did not charge that any who oppose the decision in the Brown case were challenging the law of the land.

A great many men of the cloth have thundered from their pulpits that those who were questioning whether or not this decision comported with our Constitution were in fact challenging the law of the land.

The decisions of the Supreme Court and of the Federal judiciary generally, as of today, clearly, definitely, and specifically proclaim that each citizen has the right of choice as to others with whom he will trade or do business.

It is interesting to see our sanctimonious brethren who denounce the white South for violating "the law of the land" for opposing the decision in the Brown case vigorously applauding and urging on and on the thousands of Negro college students in their organized campaign to violate property rights of others as clearly defined and established by decisions of the same courts.

The Supreme Court of the United States, in the so-called civil rights cases of *United States* v. *Nichols et al.* (109 U.S. 3), specifically holds that the 14th amendment cannot be used to deny to an individual the right to dis-

criminate in the selection of his customers even when it is supported by a statute passed by Congress. If these hypocrites were sincere in their position that the Supreme Court decisions are the "law of the land," they would have condemned and stopped these student demonstrations, instead of praising them, on the basis of this decision of the Court that still stands after 76 years.

Mr. President, I ask unanimous consent to have this decision, beginning on page 3 and ending on page 26, printed in the RECORD at the conclusion of my remarks.

There being no objection, the decision was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. RUSSELL. Mr. President, to those of the new school of thought who contend that a court decision becomes outdated with the passage of a few years, I would point out that as recently as July 16, 1959, the U.S. Court of Appeals for the Fourth Circuit, in the case of Williams against Howard Johnson's Restaurant reasserted this right of the owner of private property to be free in the use and enjoyment of his property.

Let me read some of the pertinent and cogent parts of this decision, as found in Federal Reporter 268, second series, page 845. This refers to the old civil rights statute, which was stricken down by the Supreme Court of the United States in 109 United States 3, to which I have already referred.

1. Civil rights (5): The Civil Rights Act of 1875, insofar as it is constitutional, creates no cause of action against privately owned restaurant based on its refusal to serve persons assertedly because they are Negroes. Act March 1, 1875, sections 1, 2, 18 Stat. 335.

2. Constitutional law (213.254): Customs of people of State do not constitute State action within prohibition of the 14th amendment to U.S. Constitution. U.S.C.A. constitutional amendment 14.

3. Constitutional law (216): Where statutes of State did not require private restaurant operators to exclude Negroes from their establishments, no acquiescence of State in exclusionary practices would amount to State action within condemnation of 14th amendment to Federal Constitution. U.S.C.A. constitutional amendment 14; Code Virginia 1950, sections 18-327, 18-328, 35-26, 56-196, 56-325, 56-326, 56-390, 56-396.

4. Commerce (16)—

They tried all the usual approaches including the commerce clause:

A restaurant was not engaged in interstate commerce merely because, in course of its business, it furnished accommodations to general public and served persons traveling from State to State. U.S.C.A.; Constitution, article I, section 8, clause 3; Interstate Commerce Act, section 3(1); 49 U.S.C.A. 3(1).

5. Constitutional law (216): A privately operated restaurant, as an instrument of local commerce, was at liberty to deal with such persons as it might select, and the commerce clause and the 13th and 14th amendments of the Federal Constitution did not operate to prevent its proprietor from excluding Negroes. U.S.C.A.; Constitution, article I, section 8, clause 3; amends 13, 14.

I hope everyone will note the next to the last sentence on page 848, which sums up the decision as follows:

As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select.

Be it noted in passing that Chief Judge Sobeloff, who presided and concurred in this opinion, is the same Sobeloff who, as Solicitor General of the United States, presented the Government's position to the Supreme Court in the Brown case.

Since that decision, the U.S. District Court for the District of Maryland, on February 16, 1960—this year—in the case of Slack against Atlantic White Tower System, has reasserted the ancient right of the owner and operator of a restaurant to select his customers. The gist of the case is contained in this sentence which I quote:

In the absence of statute, the rule is well established that an operator of a restaurant has the right to select the clientele he will serve, and to make such selection based on color, if he so desires.

It is interesting to note that the plaintiff in this case raised and stressed the contention that the issuance of a license to operate a restaurant was "sufficient to make its action in excluding patrons on a racial basis the equivalent of State action."

The Court proceeded to show the complete fallacy of this contention and I ask unanimous consent that the Court's discussion of the contention that the act of the individual was State action because of the license be printed at this point in the RECORD.

There being no objection, the Court's discussion was ordered to be printed in the RECORD, as follows:

STATE ACTION

(From decision in the U.S. District Court for the District of Maryland; *Sara Slack* v. *Atlantic White Tower System, Inc.* (Civil No. 11073) decided February 16, 1960)

The action inhibited by the first section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful (*Shelly* v. *Kraemer*, 334 U.S. 1, 13). Plaintiff seeks to avoid this limitation by arguing that the admission by the State of a foreign corporation and the issuance to it of a license to operate a restaurant "invests the corporation with a public interest" sufficient to make its action in excluding patrons on a racial basis the equivalent of State action.

The fact that defendant is a Delaware corporation is immaterial. Once admitted to do business in the State of Maryland, it has the same rights and duties as domestic corporations engaged in the same business. This factor does not distinguish the case from *Williams* v. *Howard Johnson's Restaurant*, where the State action question was discussed at page 847.

The license laws of the State of Maryland applicable to restaurants are not regulatory. See *Maryland Theatrical Corp* v. *Brennan* (180 Md. 377, 381, 382). The City Ordinance No. 1145, November 27, 1957, adding section 60½ to article 12 of the Baltimore City Code, 1950 edition, which was not offered in evidence or relied on by plaintiff, is obviously designed to protect the health of the community. Neither the statute nor the ordinance authorizes State or city officials to control the management of the business of a restaurant or to dictate what persons shall be served.

Even in the case of licensees, such as race tracks and taverns, where the business is regulated by the State, the licensee does not become a State agency, subject to the provisions of the 14th amendment (*Madden* v. *Queen's County Jockey Club*, 296 N.Y. 243, 72 N.E. 2d 697, cert. den. 332 U.S. 761, cited with approval in *Greenfield* v. *Maryland Jockey Club*, 190 Md. at 102; *Good Citizens Community Protective Association* v. *Board of Liquor License Commissioners*, 217 Md. 129). No doubt defendant might have had plaintiff arrested if she had made a disturbance or remained at a table too long after she had been told that she would only be sold food to carry out to her car. But that implied threat is present whenever the proprietor of a business refuses to deal with a customer for any reason, racial or other, and does not make his action State action or make his business a State agency. Plaintiff cites *Valle* v. *Stengel* (3 Cir., 176 F. 2d 697). In that case a sheriff's eviction of a Negro from a private amusement park was a denial of equal protection of the laws because under the New Jersey antidiscrimination law the Negro had a legal right to use the park facilities.

Plaintiff cites such cases as *Nixon* v. *Condon* (286 U.S. 73) and *Smith* v. *Allright* (321 U.S. 649) for the proposition that when individuals or groups "move beyond matters of merely private concern" and "act in matters of high public interest" they become "representatives of the State" subject to the restraints of the 14th amendment. The distinction between holding a primary election and operating a restaurant is obvious, and has always been recognized by the courts. Defendant has not exercised powers similar to those of a State or city.

In *Kerr* v. *Enoch Pratt Free Library of Baltimore City* (4 Cir., 149 F. 2d 212), also relied on by plaintiff, "the library was completely owned and largely supported by the city; in practical effect its operations were subject to the city's control" as the fourth circuit pointed out in distinguishing the library case from *Eaton* v. *Board of Managers of the James Walker Memorial Hospital* (4 Cir., 261 F. 2d 521, 527).

The argument that State inaction in the face of uniform discriminatory customs and practices in operating restaurants amounts to State action was rejected in *Williams* v. *Howard Johnson's Restaurant* (4 Cir., 268 F. 2d 845). Moreover, as we have seen, the factual premise for the argument is not sound in the instant case.

The clerk will enter judgment in favor of the defendant, dismissing the complaint.

Mr. RUSSELL. Mr. President, there is little doubt that the Socialists and the Communists and those who would change our system of government have seized upon the present "hate-the-South" campaign as a means of pressing for the passage of general laws—either by the Congress or by the Supreme Court under the guise of a judicial proceeding—that will prove to be the entering wedge to the destruction of our form of government.

RIGHT TO OWN AND CONTROL PROPERTY ENDANGERED

Mr. President, when the right of private property is endangered or denied, it is not only a blow to those who are fortunate enough to own property; it is a blow to all of the rights of the people of this country.

The contention that the owner of a property has no rights whatever in a State court if the exercise of the right to control private property is challenged by a citizen of any special class or group points the way to the destruction of the right of private property, the right which

is the anathema of the extreme radical and Communist groups in the world today.

I consider this to be a challenge to the system of government that has heretofore flourished in a society dedicated to free private enterprise and recognition of property rights. One of the outstanding differences between our system and the Communist is the right to own property that free Americans enjoy. That right is denied to every person who lives within a communistic state. Mr. President, I regard this matter as a very important one. In my opinion it is so important that the people of this country are entitled to know the views of all of the candidates for the most exalted office on earth on this question.

If the 14th amendment can be construed in this manner to deny the property rights of the owner of a drugstore or a restaurant, it can be twisted in such a fashion to deny the right of property in a home, or an automobile, a television set, or a milk cow.

Mr. President, the various candidates for the high office of the Presidency of the United States, in both of the political parties, should make their views known on this issue. They should make it perfectly clear as to whether or not they believe in the right of private property and of a person to control and enjoy private property, or whether they support the claim of constitutional right, to the action of any group, race, or class—by the sitdown technique or otherwise—to invade and impair the right of private property in these free United States of America.

This question of the right of private property goes deeper than the present mobilization of the Negro college students in southern cities. It goes further than the question of the political support of the National Colored Peoples Association in the coming presidential campaign.

If the Constitution is to be distorted in this fashion in one section of the country, we may be sure that no person in any other section of the country can feel secure in his property rights. Political groups cannot take away the right of the owner of a drugstore in a southern town to operate his business as he chooses without affecting the rights of every person who owns property anywhere in these United States.

Every candidate for President should be willing to make a clear and unequivocable statement as to whether he believes that the "equal protection of the laws," as set forth in the 14th amendment, applies to white property owners, as well as Negro demonstrators. If the people who own property are to be denied the protection of the police power of their States and communities and are compelled to resort to the law of the jungle to protect their property, let them be told it now from the candidates for the Presidency—one of whom will appoint future Justices of the Supreme Court.

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I am glad to yield.

Mr. HOLLAND. Does not the Senator from Georgia think that the question of the ownership of property by Negroes is also an important point which has been overlooked in the current discussion?

Mr. RUSSELL. It certainly is. I have stated that Negroes own property and, of course, are entitled to the same protection in the enjoyment of their property rights as is any other citizen of the United States. Certainly that question is a rather important one in the State from which I come. I have read, on many occasions, and I have never seen the statement challenged, that the city of Atlanta, Ga., has within its population, more millionaires of the Negro race than do all the other cities of the Nation outside the South, combined. A number of Negroes in Atlanta, Ga., in the enjoyment of their constitutional rights, have accumulated more than $1 million each; and they enjoy the property they have acquired. Any number of businesses in Georgia are owned and operated by our Negro citizens. I believe the only bank that is owned and controlled solely by Negro citizens in the United States that is a member of the Federal Reserve System is in Atlanta, Ga.; and in that city and elsewhere in Georgia a number of building and loan associations, with assets amounting to millions of dollars, are owned and controlled by Negro citizens, and thousands of homes and businesses are owned by Negro citizens. Some of them are rather small; some of them are quite large.

Throughout Georgia and elsewhere in the South literally tens of thousands of Negroes own their own homes and farms, and they are entitled to the enjoyment of their private property; and I would defend their rights just as vigorously as I favor defending the property rights threatened today.

Mr. HOLLAND. I know the Senator from Georgia would do so.

My attention was called by a committee of Negro citizens at Bartow, Fla., to the thousands of Negro citizens who are distressed at the prospect of having their private property—whether it be a restaraunt or a boarding house or a bowling alley, or a dance hall, or other property, for all of which they have to purchase licenses, in order to operate them—invaded by white people, to whom those Negro property owners refer as "poor white trash," because that is the type of people they thought would invade their businesses. Those Negro property owners have protested, on the ground that such an invasion by such persons not only would destroy their businesses, but also would bring about breaches of the peace; and they have pointed out that the people of color in that area would be the ones who would suffer the most in the final analysis.

Does the Senator from Georgia agree with that analysis of the situation?

Mr. RUSSELL. I completely agree with the analysis which has been submitted by the Senator from Florida.

Mr. HOLLAND. I am grateful for that concurrence. It seems to me that both the Members of Congress and other persons in the country have been thinking of such matters solely from the viewpoint of how the businesses of white persons would be affected, whereas I believe the injuries which also would be visited upon the property owned by Negroes in the country would be more devastating to their property than would the injury which would occur to property owned by white people.

The Senator from Georgia has referred to drugstores. The press seems to be obsessed with the idea of referring only to department stores and variety stores. However, the Senator from Georgia knows as well as I do that in every courthouse town and in every small town throughout the southern part of the Nation, where 50 million people live, the meeting place of the people is in the drugstores. At noontime they get their lunches in the drugstores, and they buy there their coffee and sandwiches and Coca-Cola—which had its inception in the city of Atlanta, to which the Senator from Georgia has just now referred—or in the drugstores they buy other soft drinks. The drugstore is the place where the working people—the secretaries, the auditors, the bookkeepers, and the salesladies—in all the businesses in those small towns meet for lunch. And, as the Senator from Georgia knows, a group of tables is always available there, and the drugstore is always a meeting place where business people go to get their lunch and also to have a little recreation and to enjoy a little visiting.

Can the Senator from Georgia think of anything which would be more disruptive of the fine basis of living and of association throughout the Southland than a rule which, in effect, would hold that because the drugstores sell medicines or cosmetics to Negro citizens, therefore those stores must destroy this system of having lunch and purchasing sandwiches and enjoying soft drinks and the like in all the drugstores from Delaware to the Rio Grande?

Mr. RUSSELL. Mr. President, I have already stated, or tried to make clear, that it was utterly senseless to say that the equal protection of the law clause could be used to accomplish the disruptive effect the Senator from Florida has mentioned.

Mr. HOLLAND. I appreciate the Senator's devoting his time to this able presentation, for which I compliment him. I hope people will be thinking about this broad subject in the way it should be thought about, rather than simply as related to foreign-owned variety stores and department stores.

Mr. RUSSELL. The demonstrations have not been limited to foreign-owned stores. They are the ones that have made the press. But in a number of instances the property of drugstore owners has been denied them, and it is contended by those who are going to see to it that these cases are defended, even if there are a million of them, that the people have a constitutional right to come in and, in effect, close down the business of the owner of a store because he did not choose to do business with them. The right of selectivity is a very basic right to any person engaged in business, without which—unless it happened to be a public franchise amount-

ing to a monopoly which such store owners do not have—a person's business could not long endure.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. RUSSELL. Yes.

Mr. HOLLAND. Does not the Senator believe the deprivation of the right of selection, which is involved in this whole philosophy, and which he is criticizing so properly, is the same philosophy which is involved in the FEPC and similar measures which have been urged so eloquently by ultraliberal associates coming from other parts of the country?

Mr. RUSSELL. It is an essential element of both the Socialist and Communist philosophy. What is overlooked here is the fact that the right of association and the right to choose one's associates was so plain and manifest to all those who wrote the Constitution that it would never have occurred to them it was necessary to say that a citizen had the right to select his own associates. They could not have imagined there would be serious contention that a court decree could force one to associate with people one did not desire to associate with. I care not what one's race, color, or creed—one of the inalienable rights that is given to him is his right to choose his associates. It is a very tragic thing that we have courts that will distort constitutional laws and in effect deny the right of American citizens to choose their associates.

The rights of the States have been whittled away, bit by bit, for many years. About the only original power left for them to exercise is the police power, the function of maintaining peace and order, and protecting the lives and properties of their citizens.

If the Federal Government, the power of the Federal judiciary, is to strike down this last remaining power, and then deny the States the right to protect life and property of their citizens, on the flimsy excuse of attributing to the whole State the acts of one of its citizens, then we shall have, in effect, killed our dual system of government, the government of States within a Federal system. This great civilization, which is our heritage, is derived from this dual system of government; of indestructible States in an indissoluble Union. If this be the holding, we shall have interred that system and we shall have done it before we have arranged for the totalitarian state with its powerful police force, the national police.

Mr. President, mistake it not, if there is created in this country a condition of anarchy under which a citizen cannot call for the police to protect his property, and has to resort to his own naked physical strength in its defense, it will not be long before we will have a totalitarian state with its national police.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BUTLER. I deem it a great privilege to have been present in the Chamber to hear the very learned and able address of the Senator from Georgia. As the Senator knows, I am not a candidate for President of the United States, but as a U.S. Senator I bear a great responsibility, not only to the people of my State but to the people of the United States, and as such I subscribe to the thesis of the Senator's speech and thank him for bringing it to the attention of the people. I will support him in this regard.

Mr. RUSSELL. I thank the Senator. His statement is in keeping with his respect for orderly government in this country. There is no stronger or more valiant defender of constitutional government in this body than the distinguished senior Senator from Maryland.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield to the Senator from Florida.

Mr. SMATHERS. I merely wanted to say I consider it a very high privilege to have sat here and heard this very outstanding discussion of the far-reaching meaning of the so-called sitdowns that are going on around the country. I could not help being persuaded by the unanswerable logic of the position taken by the able and distinguished Senator from Georgia. My only regret is that more Senators were not here to listen to his speech. I hope that they will avail themselves of the opportunity of reading it in the RECORD, because I am certain that even those who come from areas outside the South, having read the speech, could no longer be in sympathy with the actions which are being followed by some of those students in the so-called sitdowns. Even though they might be in great sympathy with the ultimate goals sought to be attained, I am certain that, after reading the statement and discussion by the able Senator from Georgia, they could not approve of the methods by which the students are going after the achievement of those goals. I regard his address as an able and enlightened discussion of the issue involved. I am glad I was present to hear it.

Mr. RUSSELL. I wish to express my deep appreciation for the Senator's very complimentary remarks. I only wish I could deserve them.

EXHIBIT 1

CIVIL RIGHTS CASES

(*United States* v. *Stanley*, on certificate of division from the Circuit Court of the United States for the District of Kansas; *United States* v. *Ryan*, in error to the Circuit Court of the United States for the District of California; *United States* v. *Nichols*, on certificate of division from the Circuit Court of the United States for the Western District of Missouri; *United States* v. *Singleton*, on certificate of division from the Circuit Court of the United States for the Southern District of New York; *Robinson & Wife* v. *Memphis and Charleston Railroad Company*, in error to the Circuit Court of the United States for the Western District of Tennessee.)

(Submitted October term, 1882; decided October 15, 1883)

CIVIL RIGHTS—CONSTITUTION—DISTRICT OF COLUMBIA—INNS—PLACES OF AMUSEMENT—PUBLIC CONVEYANCES—SLAVERY—TERRITORIES

1. The first and second sections of the Civil Rights Act passed March 1, 1875, are unconstitutional enactments as applied to the several States, not being authorized either by the 13th or 14th amendments of the Constitution.

2. The 14th amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress for enforcing it is not direct legislation on the matters respecting which the States are prohibited from making or enforcing certain laws, or doing certain acts, but is corrective legislation, such as may be necessary or proper for counteracting and redressing the effect of such laws or acts.

3. The 13th amendment relates only to slavery and involuntary servitude (which it abolishes); and although, by its reflex action, it establishes universal freedom in the United States, and Congress may probably pass laws directly enforcing its provisions; yet such legislative power extends only to the subject of slavery and its incidents; and the denial of equal accommodations in inns, public conveyances and places of public amusement (which is forbidden by the sections in question), imposes no badge of slavery or involuntary servitude upon the party, but at most, infringes rights which are protected from State aggression by the 14th amendment.

4. Whether the accommodations and privileges sought to be protected by the first and second sections of the Civil Rights Act, are, or are not, rights constitutionally demandable; and if they are, in what form they are to be protected, is not now decided.

5. Nor is it decided whether the law as it stands is operative in the Territories and District of Columbia: the decision only relating to its validity as applied to the States.

6. Nor is it decided whether Congress, under the commercial power, may or may not pass a law securing to all persons equal accommodations on lines of public conveyance between two or more States.

These cases were all founded on the first and second sections of the act of Congress, known as the Civil Rights Act, passed March 1, 1875, entitled "An act to protect all citizens in their civil and legal rights." 18 Stat. 335. Two of the cases, those against Stanley and Nichols, were indictments for denying to persons of color the accommodations and privileges of an inn or hotel; two of them, those against Ryan and Singleton, were, one on information, the other an indictment, for denying to individuals the privileges and accommodations of a theater, the information against Ryan being for refusing a colored person a seat in the dress circle of Maguire's theater in San Francisco; and the indictment against Singleton was for denying to another person, whose color was not stated, the full enjoyment of the accommodations of the theater known as the Grand Opera House in New York, "said denial not being made for any reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude." The case of Robinson and wife against the Memphis and Charleston Railroad Co. was an action brought in the Circuit Court of the United States for the western district of Tennessee, to recover the penalty of $500 given by the second section of the act; and the gravamen was the refusal by the conductor of the railroad company to allow the wife to ride in the ladies' car, for the reason, as stated in one of the counts, that she was a person of African descent. The jury rendered a verdict for the defendants in this case upon the merits, under a charge of the court to which a bill of exceptions was taken by the plaintiffs. The case was tried on the assumption by both parties of the validity of the act of Congress; and the principal point made by the exceptions was, that the judge allowed evidence to go to the jury tending to show that the conductor had reason to suspect that the plaintiff, the wife, was an improper person,

because she was in company with a young man whom he supposed to be a white man, and on that account inferred that there was some improper connection between them; and the judge charged the jury, in substance, that if this was the conductor's bona fide reason for excluding the woman from the car, they might take it into consideration on the question of the liability of the company. The case was brought here by writ of error at the suit of the plaintiffs. The cases of Stanley, Nichols, and Singleton, came up on certificates of division of opinion between the judges below as to the constitutionality of the first and second sections of the act referred to; and the case of Ryan, on a writ of error to the judgment of the Circuit Court for the District of California sustaining a demurrer to the information.

The Stanley, Ryan, Nichols, and Singleton cases were submitted together by the Solicitor General at the last term of court on the 7th day of November 1882. There were no appearances and no briefs filed for the defendants.

The Robinson case was submitted on the briefs at the last term on the 29th day of March 1883.

Mr. Solicitor General Phillips for the United States:

"After considering some objections to the forms of proceedings in the different cases, the counsel reviewed the following decisions of the court upon the 13th and 14th amendments to the Constitution and on points cognate thereto, viz: *The Slaughter-House* cases, 16 Wall. 36; *Bradwell* v. *The State*, 16 Wall. 130; *Bartemeyer* v. *Iowa*, 18 Wall. 129; *Minor* v. *Happersett*, 21 Wall. 162; *Walker* v. *Sauvinet*, 92 U.S. 90; *United States* v. *Reese*, 92 U.S. 214; *Kennard* v. *Louisiana*, 92 U.S. 480; *United States* v. *Cruikshank*, 92 U.S. 542; *Munn* v. *Illinois*, 94 U.S. 113; *Chicago B. & C. R.R. Co.* v. *Iowa*, 94 U.S. 155; *Blyew* v. *United States*, 13 Wall. 581; *Railroad Co.* v. *Brown*, 17 Wall. 445; *Hall* v. *DeCuir*, 95 U.S. 485; *Strauder* v. *West Virginia*, 100 U.S. 303; *Ex parte Virginia*, 100 U.S. 339; *Missouri* v. *Lewis*, 101 U.S. 22; *Neal* v. *Delaware*, 103 U.S. 370.

"Upon the whole these cases decide that—

"1. The 13th amendment forbids all sorts of involuntary personal servitude except penal, as to all sorts of men, the word servitude taking some color from the historical fact that the United States were then engaged in dealing with African slavery, as well as from the signification of the 14th and 15th amendments, which must be construed as advancing constitutional rights previously existing.

"2. The 14th amendment expresses prohibitions (and consequently implies corresponding positive immunities), limiting State action only, including in such action, however, action by all State agencies, executive, legislative, and judicial, of whatever degree.

"3. The 14th amendment warrants legislation by Congress punishing violations of the immunities thereby secured when committed by agents of States in discharge of ministerial functions.

"The right violated by Nichols, which is of the same class as that violated by Stanley and by Hamilton, is the right of locomotion, which Blackstone makes an element of personal liberty. Blackstone's Commentaries, book I, chapter 1.

"In violating this right, Nichols did not act in an exclusively private capacity, but in one devoted to a public use, and so affected with a public, i.e., a State, interest. This phrase will be recognized as taken from the *Elevator* cases in 94 U.S., already cited.

"Restraint upon the right of locomotion was a well-known feature of the slavery abolished by the 13th amendment. A first requisite of the right to appropriate the use of another man was to become the master of his natural power of motion, and, by a mayhem therein of the common law to require the whole community to be on the alert to restrain that power. That this is not exaggeration is shown by the language of the court in *Eaton* v. *Vaughan* (9 Missouri 734).

"Granting that by involuntary servitude, as prohibited in the 13th amendment, is intended some institution, viz., custom, etc., of that sort, and not primarily mere scattered trespasses against liberty committed by private persons, yet, considering what must be the social tendency in at least large parts of the country, it is "appropriate legislation" against such an institution to forbid any action by private persons which in the light of our history may reasonably be apprehended to tend, on account of its being incidental to quasi-public occupations, to create an institution.

"Therefore, the above act of 1875, in prohibiting persons from violating the rights of other persons to the full and equal enjoyment of the accommodations of inns and public conveyances, for any reason turning merely upon the race or color of the latter, partakes of the specific character of certain contemporaneous solemn and effective action by the United States to which it was a sequel—and is constitutional."

Mr. William M. Randolph for Robinson and wife, plaintiffs in error.

"Where the Constitution guarantees a right, Congress is empowered to pass the leigslation appropriate to give effect to that right. *Prigg* v. *Pennsylvania*, 16 Peters, 539; *Ableman* v. *Booth*, 21 How. 506; *United States* v. *Reese*, 92 U.S. 214.

"Whether Mr. Robinson's rights were created by the Constitution, or only guaranteed by it, in either event the act of Congress, so far as it protects them, is within the Constitution. *Pensacola Telegraph Co.* v. *Western Union Tel. Co.*, 96 U.S. 1; *The Passenger Cases*, 7 Howard, 283; *Crandall* v. *Nevada*, 6 Wall. 35.

"In *Munn* v. *Illinois*, 94 U.S. 113, the following propositions were affirmed:

"Under the powers inherent in every sovereignty, a Government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each shall use his own property.

"It has, in the exercise of these powers, been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc.

"When the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public, for the common good, as long as he maintains the use.

"Undoubtedly, if Congress could legislate on the subject at all, its legislation by the act of 1st of March 1875, was within the principles thus announced.

"The penalty denounced by the statute is incurred by denying to any citizen 'the full enjoyment of any of the accommodations, advantages, facilities, or privileges enumerated in the first section, and it is wholly immaterial whether the citizen whose rights are denied him belongs to one race or class or another, or is of one complexion or another. And again, the penalty follows every denial of the full enjoyment of any of the accommodations, advantages, facilities, or privileges, except and unless the denial was 'for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude.' "

Mr. William Y. C. Humes and Mr. David Posten for the Memphis and Charleston Railroad Co., defendants in error:

Mr. Justice Bradley delivered the opinion of the court. After stating the facts in the above language he continued:

"It is obvious that the primary and important question in all the cases is the constitutionality of the law: for if the law is unconstitutional, none of the prosecutions can stand.

"The sections of the law referred to provide as follows:

" 'SECTION 1. That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

" 'SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous conditions of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offence forfeit and pay the sum of five hundred dollars to the persons aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offence, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That all persons may elect to sue for the penalty aforesaid, or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this provision shall not apply to criminal proceedings, either under this act or the criminal law of any State: *And provided further*, That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively.'

"Are these sections constitutional? The first section, which is the principal one, cannot be fairly understood without attending to the last clause, which qualifies the preceding part.

"The essence of the law is, not to declare broadly that all persons shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, and theaters; but that such enjoyment shall not be subject to any conditions applicable only to citizens of a particular race or color, or who had been in a previous condition of servitude. In other words, it is the purpose of the law to declare that, in the enjoyment of the accommodations and privileges of inns, public conveyances, theaters, and other places of public amusement, no distinction shall be made between citizens of different race or color, or between those who have, and those who have not, been slaves. Its effect is to declare, that in all inns, public conveyances, and places of amusement, colored citizens, whether formerly slaves or not, and citizens of other races, shall have the same accommodations and privileges in all inns, public conveyances, and places of amusement as are enjoyed by white citizens; and vice versa. The second section makes it a penal offense in any person to deny to any citizen of any race or color, regardless of previous servitude, any of the accommodations or privileges mentioned in the first section.

"Has Congress constitutional power to make such a law? Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments. The power is sought, first, in the 11th amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power. We have carefully considered those arguments, as was due to the eminent ability of those who put them forward, and have felt, in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass. But the responsibility of an independent judgment is now thrown upon this court; and we are bound to exercise it according to the best lights we have.

"The first section of the 14th amendment (which is the one relied on), after declaring who shall be citizens of the United States, and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that:

"'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'

"It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the 14th amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect: and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. A quite full discussion of this aspect of the amendment may be found in *United States* v. *Cruikshank*, 92 U.S. 542; *Virginia* v. *Rives*, 100 U.S. 313; and *Ex parte Virginia*, 100 U.S. 339.

"An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give to Congress power to provide laws for the general enforcement of contracts; nor power to invest the courts of the United States with jurisdiction over contracts, so as to enable parties to sue upon them in those courts. It did, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected: and this power was exercised. The remedy which Congress actually provided was that contained in the 25th section of the Judiciary Act of 1789, 1 Stat. 85, giving to the Supreme Court of the United States jurisdiction by writ of error to review the final decisions of State courts whenever they should sustain the validity of a State statute or authority alleged to be repugnant to the Constitution or laws of the United States. By this means, if a State law was passed impairing the obligation of a contract, and the State tribunals sustained the validity of the law, the mischief could be corrected in this court. The legislation of Congress, and the proceedings provided for under it, were corrective in their character. No attempt was made to draw into the U.S. courts the litigation of contracts generally; and no such attempt would have been sustained. We do not say that the remedy provided was the only one that might have been provided in that case. Probably Congress had power to pass a law giving to the courts of the United States direct jurisdiction over contracts alleged to be impaired by a State law; and under the broad provisions of the act of March 3, 1875, chapter 137, 18 Stat. 470, giving to the circuit courts jurisdiction of all cases arising under the Constitution and laws of the United States, it is possible that such jurisdiction now exists. But under that, or any other law, it must appear as well by allegation, as proof at the trial, that the Constitution had been violated by the action of the State legislature. Some obnoxious State law passed, or that might be passed, is necessary to be assumed in order to lay the foundation of any Federal remedy in the case; and for the very sufficient reason, that the constitutional prohibition is against State laws impairing the obligation of contracts.

"And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity: for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty and property (which include all civil rights that men have), are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation, that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking. It is not necessary for us to state, if we could, what legislation would be proper for Congress to adopt. It is sufficient for us to examine whether the law in question is of that character.

"An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the 14th amendment on the part of the States. It is not predicated on any such view. It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses, and shall be prosecuted and punished by proceedings in the courts of the United States. It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applies equally to cases arising in States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws, as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society toward each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

"If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress with equal show of authority enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the States may deprive persons of life, liberty, and property without due process of law (and the amendment itself does suppose this), why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters? The truth is, that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the 10th amendment of the Constitution, which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

"We have not overlooked the fact that the fourth section of the act now under consideration has been held by this court to be constitutional. That section declares 'that no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty

in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.' In *Ex parte Virginia*, 100 U.S. 339, it was held that an indictment against a State officer under this section for excluding persons of color from the jury list is sustainable. But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualifications for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws, namely, those which make mere race or color a disqualification; and the second clause is directed against those who, assuming to use the authority of the State government, carry into effect such a rule of disqualification. In the Virginia case, the State, through its officer, enforced a rule of disqualification which the law was intended to abrogate and counteract. Whether the statute book of the State actually laid down any such rule of disqualification, or not, the State, through its officer, enforced such a rule; and it is against such State action, through its officers and agents, that the last clause of the section is directed.

"This aspect of the law was deemed sufficient to divest it of any unconstitutional character, and makes it differ widely from the first and section sections of the same act which we are now considering.

"These sections, in the objectionable features before referred to, are different also from the law ordinarily called the civil rights bill, originally passed April 9, 1866, 14 Stat. 27, chapter 31, and reenacted with some modifications in sections 16, 17, 18, of the Enforcement Act, passed May 31, 1870, 16 Stat. 140, chapter 114. That law, as reenacted, after declaring that all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and none other, any law, statute, ordinance, regulation or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any rights secured or protected by the preceding section (above quoted), or to different punishment, pains, or penalties, on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and subject to fine and imprisonment as specified in the act. This law is clearly corrective in its character, intended to counteract and furnish redress against State laws and proceedings, and customs having the force of law, which sanction the wrongful acts specified. In the Revised Statutes, it is true, a very important clause, to wit, the words 'any law, statute, ordinance, regulation or custom to the contrary notwithstanding,' which gave the declaratory section its point and effect, are omitted; but the penal part, by which the declaration is enforced, and which is really the effective part of the law, retains the reference to State laws, by making the penalty apply only to those who should subject parties to a deprivation of their rights under color of any statute, ordinance, custom, etc., of any State or Territory: thus preserving the corrective character of the legislation. Revised Statutes, sections 1977, 1978, 1979, 5510. The civil rights bill here referred to is analogous in its character to what a law would have been under the original Constitution, declaring that the validity of contracts should not be impaired, and that if any person bound by a contract should refuse to comply with it, under color or pretence that it had been rendered void or invalid by a State law, he should be liable to an action upon it in the courts of the United States, with the addition of a penalty for setting up such an unjust and unconstitutional defense.

"In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right; he will only render himself amenable to satisfaction or punishment; and amenable therefor to the laws of the State where the wrongful acts are committed. Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offences, but abrogation and denial of rights, which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights for which the States alone were or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for, the evil or wrong actually committed rests upon some State law or State authority for its excuse and perpetration.

"Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and the conduct and transactions of individuals in respect thereof. But where a subject is not submitted to the general legislative power of Congress, but is only submitted thereto for the purpose of rendering effective some prohibition against particular State legislation or State action in reference to that subject, the power given is limited by its object, and any legislation by Congress in the matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited State laws or proceedings of State officers.

"If the principles of interpretation which we have laid down are correct, as we deem them to be (and they are in accord with the principles laid down in the cases before referred to, as well as in the recent case of *United States* v. *Harris*, 106 U.S. 629), it is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the 14th amendment. That amendment prohibits the States from denying to any person the equal protection of the laws, and declares that Congress shall have power to enforce, by appropriate legislation, the provisions of the amendment. The law in question, without any reference to adverse State legislation on the subject, declares that all persons shall be entitled to equal accommodations and privileges of inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges. This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation, and assumes that the matter is one that belongs to the domain of national regulation. Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject, is not now the question. What we have to decide is, whether such plenary power has been conferred upon Congress by the 14th amendment; and, in our judgment, it has not.

"We have discussed the question presented by the law on the assumption that a right to enjoy equal accommodation and privileges in all inns, public conveyances, and places of public amusement, is one of the essential rights of the citizen which no State can abridge or interfere with. Whether it is such a right, or not, is a different question which, in the view we have taken of the validity of the law on the ground already stated, it is not necessary to examine.

"We have also discussed the validity of the law in reference to cases arising in the States only; and not in reference to cases arising in the territories or the District of Columbia, which are subject to the plenary legislation of Congress in every branch of municipal regulation. Whether the law would be a valid one as applied to the territories and the District is not a question for consideration in the cases before us: they all being cases arising within the limits of States. And whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another, is also a question which is not now before us, as the sections in question are not conceived in any such view.

"But the power of Congress to adopt direct and primary, as distinguished from corrective legislation, on the subject in hand, is sought, in the second place, from the 13th amendment, which abolishes slavery. This amendment declares 'that neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction'; and it gives Congress power to enforce the amendment by appropriate legislation.

"This amendment, as well as the 14th, is undoubtedly self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances. By its own unaided force and effect it abolished slavery, and established universal freedom. Still, legislation may be necessary and proper to meet all the various cases and circumstances to be affected by it, and to prescribe proper modes of redress for its violation in letter or spirit. And such legislation may be primary and direct in its character; for the amendment is not a mere prohibition of State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.

"It is true, that slavery cannot exist without law, any more than property in lands

and goods can exist without law: and, therefore, the 13th amendment may be regarded as nullifying all State laws which establish or uphold slavery. But it has a reflex character also, establishing and decreeing universal civil and political freedom throughout the United States; and it is assumed, that the power vested in Congress to enforce the article by appropriate legislation, clothes Congress with power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States: and upon this assumption it is claimed, that this is sufficient authority for declaring by law that all persons shall have equal accommodations and privileges in all inns, public conveyances, and places of amusement; the argument being, that the denial of such equal accommodations and privileges is, in itself, a subjection to a species of servitude within the meaning of the amendment. Conceding the major proposition to be true, that Congress has a right to enact all necessary and proper laws for the obliteration and prevention of slavery with all its badges and incidents, is the minor proposition also true, that the denial to any person of admission to the accommodations and privileges of an inn, a public conveyance, or a theater, does subject that person to any form of servitude, or tend to fasten upon him any badge of slavery? If it does not, then power to pass the law is not found in the 13th amendment.

"In a very able and learned presentation of the cognate question as to the extent of the rights, privileges, and immunities of citizens which cannot rightfully be abridged by State laws under the 14th amendment, made in a former case, a long list of burdens and disabilities of a servile character, incident to feudal vassalage in France, and which were abolished by the decrees of the National Assembly, was presented for the purpose of showing that all inequalities and observances exacted by one man from another were servitudes, or badges of slavery, which a great nation, in its effort to establish universal liberty, made haste to wipe out and destroy. But these were servitudes imposed by the old law, or by long custom, which had the force of law, and exacted by one man from another without the latter's consent. Should any such servitudes be imposed by a State law, there can be no doubt that the law would be repugnant to the 14th, no less than to the 13th amendment; nor any greater doubt that Congress has adequate power to forbid any such servitude from being exacted.

"But is there any similarity between such servitudes and a denial by the owner of an inn, a public conveyance, or a theater, of its accommodations and privileges to an individual, even though the denial be founded on the race or color of that individual? Where does any slavery or servitude, or badge of either, arise from such an act of denial? Whether it might not be a denial of a right which, if sanctioned by the State law, would be obnoxious to the prohibitions of the 14th amendment, is another question. But what has it to do with the question of slavery?

"It may be that by the Black Code (as it was called), in the times when slavery prevailed, the proprietors of inns and public conveyances were forbidden to receive persons of the African race, because it might assist slaves to escape from the control of their masters. This was merely a means of preventing such escapes, and was no part of the servitude itself. A law of that kind could not have any such object now, however justly it might be deemed an invasion of the party's legal right as a citizen, and amenable to the prohibitions of the 14th amendment.

"The long existence of African slavery in this country gave us very distinct notions of what it was, and what were its necessary incidents. Compulsory service of the slave for the benefit of the master, restraint of his movements except by the master's will, disability to hold property, to make contracts, to have a standing in court, to be a witness against a white person, and such like burdens and incapacities, were the inseparable incidents of the institution. Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offences. Congress, as we have seen, by the civil rights bill of 1866, passed in view of the 13th amendment, before the 14th was adopted, undertook to wipe out these burdens and disabilities, the necessary incidents of slavery, constituting its substance and visible form; and to secure to all citizens of every race and color, and without regard to previous servitude, those fundamental rights which are the essence of civil freedom, namely, the same right to make and enforce contracts, to sue, be parties, give evidence, and to inherit, purchase, lease, sell and convey property, as is enjoyed by white citizens. Whether this legislation was fully authorized by the 13th amendment alone, without the support which it afterward received from the 14th amendment, after the adoption of which it was reenacted with some additions, it is not necessary to inquire. It is referred to for the purpose of showing that at that time (in 1866) Congress did not assume, under the authority given by the 13th amendment, to adjust what may be called the social rights of men and races in the community; but only to declare and vindicate those fundamental rights which appertain to the essence of citizenship, and the enjoyment or deprivation of which constitutes the essential distinction between freedom and slavery.

"We must not forget that the province and scope of the 13th and 14th amendments are different; the former simply abolished slavery: the latter prohibited the States from abridging the privileges or immunities of citizens of the United States; from depriving them of life, liberty, or property without due process of law, and from denying to any the equal protection of the laws. The amendments are different, and the powers of Congress under them are different. What Congress has power to do under one, it may not have power to do under the other. Under the 13th amendment, it has only to do with slavery and its incidents. Under the 14th amendment, it has power to counteract and render nugatory all State laws and proceedings which have the effect to abridge any of the privileges or immunities of citizens of the United States, or to deprive them of life, liberty or property without due process of law, or to deny to any of them the equal protection of the laws. Under the 13th amendment, the legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not; under the 14th, as we have already shown, it must necessarily be, and can only be, corrective in its character, addressed to counteract and afford relief against State regulations or proceedings.

"The only question under the present head, therefore, is whether the refusal to any persons of the accommodations of an inn, or a public conveyance, or a place of public amusement, by an individual, and without any sanction or support from any State law or regulation, does inflict upon such persons any manner of servitude, or form of slavery, as those terms are understood in this country? Many wrongs may be obnoxious to the prohibitions of the 14th amendment which are not, in any just sense, incidents or elements of slavery. Such, for example, would be the taking of private property without due process of law; or allowing persons who have committed certain crimes (horse stealing, for example) to be seized and hung by the posse comitaus without regular trial; or denying to any person, or class of persons, the right to pursue any peaceful avocations allowed to others. What is called class legislation would belong to this category, and would be obnoxious to the prohibitions of the 14th amendment, but would not necessarily be so to the 13th, when not involving the idea of any subjection of one man to another. The 13th amendment has respect, not to distinctions of race, or class, or color, but to slavery. The 14th amendment extends its protection to races and classes, and prohibits any State legislation which has the effect of denying to any race or class, or to any individual, the equal protection of the laws.

"Now, conceding, for the sake of the argument, that the admission to an inn, a public conveyance, or a place of public amusement, on equal terms with all other citizens, is the right of every man and all classes of men, is it any more than one of those rights which the States by the 14th amendment are forbidden to deny to any person? And is the Constitution violated until the denial of the right has some State sanction or authority? Can the act of a mere individual, the owner of the inn, the public conveyance or place of amusement, refusing the accommodation, be justly regarded as imposing any badge of slavery or servitude upon the applicant, or only as inflicting an ordinary civil injury, properly cognizable by the laws of the State, and presumably subject to redress by those laws until the contrary appears?

"After giving to these questions all the consideration which their importance demands, we are forced to the conclusion that such an act of refusal has nothing to do with slavery or involuntary servitude, and that if it is violative of any right of the party, his redress is to be sought under the laws of the State; or if those laws are adverse to his rights and do not protect him, his remedy will be found in the corrective legislation which Congress has adopted, or may adopt, for counteracting the effect of State laws, or State action, prohibited by the 14th amendment. It would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or business. Innkeepers and public carriers, by the laws of all the States, so far as we are aware, are bound, to the extent of their facilities, to furnish proper accommodation to all unobjectionable persons who in good faith apply for them. If the laws themselves make any unjust discrimination, amenable to the prohibitions of the 14th amendment, Congress has full power to afford a remedy under that amendment and in accordance with it.

"When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that State, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. There were thousands of free colored people in this country before the abolition of slavery, enjoying all the essential rights of life, liberty, and property the same as white citizens; yet no one, at that time, thought that it was any invasion of his personal status as a freeman because he was not admitted to all the privileges enjoyed by white citizens, or because he was subjected to discriminations in the enjoyment of accommodations in inns, public conveyances, and places of amusement. Mere discriminations on account of race or color were not regarded as badges of slavery. If, since that time, the enjoyment of equal rights in all these respects has

become established by constitutional enactment, it is not by force of the 13th amendment (which merely abolishes slavery), but by force of the 13th and 15th amendments.

"On the whole we are of opinion, that no countenance of authority for the passage of the law in question can be found in either the 13th or 14th amendment of the Constitution; and no other ground of authority for its passage being suggested, it must necessarily be declared void, at least so far as its operation in the several States is concerned.

"This conclusion disposes of the cases now under consideration. In the cases of the *United States* v. *Michael Ryan*, and of *Richard A. Robinson and Wife* v. *The Memphis & Charleston Railroad Company*, the judgments must be affirmed. In the other cases, the answer to be given will be that the first and second sections of the act of Congress of March 1, 1875, entitled 'An act to protect all citizens in their civil and legal rights,' are unconstitutional and void, and that judgment should be rendered upon the several indictments in those cases accordingly."

And it is so ordered.

Mr. BUTLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUTLER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RABAUT, Mr. NATCHER, Mr. CANNON, Mr. RHODES of Arizona, and Mr. TABER were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1159. An act to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act; and

S. 2482. An act to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. The amendment of the Senator from Delaware will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 8, line 12, it is proposed to strike out "two thousand four hundred" and to insert in lieu thereof "two thousand two hundred twenty-five."

Mr. MANSFIELD. Mr. President, I want to express my deep personal appreciation to the Senator from Florida [Mr. HOLLAND] and the chairman, the Senator from Arizona [Mr. HAYDEN], for the good work they have done in getting the forest highway program back in shape.

We in Congress have been faced with an absolute abuse by the executive branch of its responsibility to carry out the Highway Act as it relates to forest highways.

In 1957 the executive branch undertook to revise the historic, well-accepted formula which distributed forest highway funds. This accords a 50-percent weight to national forest acreage and a like weight to estimated forest value. The 40 States participating in the program had been fully satisfied with the old formula and the old values. Without one bit of consultation with the States and on the eve of the year when the Highway Act was up for revision by Congress, this formula and national forest values were changed. This was done when it was well known that Senator GORE would hold hearings on forest roads throughout the West.

A number of us deeply interested in the forest highway program joined to sponsor an amendment which reversed the arbitrary administration change in well-established law.

In the 85th Congress we also considered the President's request that the forest highway expenditures be placed in the trust fund and that class 3 forest highways, those not on the Federal aid primary or secondary routes, be eliminated from Federal financing. Both proposals were rejected by the Congress.

I assumed, as I am sure that every other Member of this body did, that this decision by the Congress was accepted by the administration and that the law would be carried out as provided.

It was a shock to me to discover in February of 1960 that someone in the Bureau of the Budget had taken it unto himself to instruct the Secretary of Commerce that effective July 1, 1959, no further forest highway funds would be allocated to class 3 forest highways. The basis for this amazing decision was that the President was again going to ask Congress to change the law.

Never in my legislative experience have I heard that any President has suggested he had the power to stop the operation of existing law because he planned to ask Congress to change it. If this were to become the mode for Government operation, the entire concept of representative government would be lost.

Again the President has made his highway request for fiscal year 1962 and 1963, but on top of this he sought a change in existing law on forest highways as a part of the appropriation bill for 1961. He sought approval of trust fund financing—an approval that must be secured from the Public Works Committee.

I am pleased to see that the Appropriations Committee report minces no words in explaining to the administration how it is to proceed if it wants to obtain permission to finance the forest highway program from the trust fund.

At this time I want also to express my warm appreciation to the members of the Appropriations Committee for the way in which they cured the efforts of the executive branch to kill vitally needed construction work on class 3 forest highways and to repeal a law by administrative fiat.

If the Bureau of the Budget wishes to continue to perform services of value it should perhaps undertake to achieve a better understanding of the processes of representative government.

I ask unanimous consent at the conclusion of my remarks that the several letters involving myself, the Secretary of Commerce, the Bureau of Public Roads, the Senator from Florida [Mr. HOLLAND], the Senator from Arizona [Mr. HAYDEN], and the Senator from New Mexico [Mr. CHAVEZ], relative to class 3 forest highways, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
February 29, 1960.

Hon. MIKE MANSFIELD,
U.S. SENATE,
Washington, D.C.

DEAR SENATOR MANSFIELD: This letter is written in response to your communication of February 18 with its enclosures which referred to the Thompson River road in Montana.

The road discussed in the letters from your constituents is Montana Forest Highway Route 56 which extends from U.S. Route 10A at a point 4 miles east of Thompson Falls for a distance of approximately 45 miles northerly along Thompson River to U.S. Route 2. It is a class 3 forest highway, i.e., a forest highway not presently included in any Federal-aid highway system.

The President's legislative program for fiscal year 1960 proposed financing forest highways that are included in the Federal-aid system from the highway trust fund. The same plan is contained in the legislative proposals for fiscal year 1961. Because of this situation the Bureau of Public Roads had no alternative but to suspend, as of July 1, 1959, the obligation of forest highway funds for projects on Class 3 forest highways since they are not included in any Federal-aid system.

In view of this situation improvement of the Thompson River road with forest highway funds cannot currently be approved by Public Roads. However, if the route is found eligible for addition to the Federal-aid secondary system, financing would then be possible with forest highway funds or with Federal-aid funds matched with State funds. Since the initiation of such system revisions rests with the State it would be appropriate for your constituents to discuss this matter with the State highway commission.

We trust that the above information adequately describes the situation as applied to the Thompson River road. We will gladly discuss this matter further if you

find this desirable. The enclosures that accompanied your letter are being returned as you requested.

Sincerely yours,

ELLIS L. ARMSTRONG,
Commissioner of Public Roads.

Enclosures.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
March 8, 1960.

Hon. DENNIS CHAVEZ,
Chairman, Senate Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Attached for your consideration is a letter dated February 29, 1960, which I recently received from Mr. Ellis L. Armstrong, Commissioner of Public Roads.

In the third paragraph of this letter you will note the procedure the Bureau of Public Roads is following on class III forest highways which, in my opinion, constitutes a clear violation of existing laws. The inclusion of a subject in the President's legislative proposals, is a proposal and no more until the Congress acts and the President signs a new law on the subject. I believe the Bureau of Public Roads must be bound by the existing law. The concept expressed in this letter is an entirely new legislative procedure.

As you know, the President's effort to revise the Forest Highway Program by the appropriation bill for the Department of Commerce was objected to in the House and was knocked out on a point of order.

I am not asking that your committee review the Thompson River Forest Highway situation but I did want to call your attention to the affect of the Bureau of Public Roads' policies which has ruled out of the forest highway program all roads in the system that are not also eligible to receive other Federal aid.

It is my opinion that the forest roads most in need of forest highway financing are those which are not on any other Federal aid system. The approach used by the administration appears to me to be one designed to help least the roads which are most in need.

In 1958 your committee accepted an amendment to the Highway Act proposed by me and a number of other Senators which, among other things, directed a study to be made of forest highway needs. This study suggests adding 28,884.3 miles to the forest highway system, of which 14,921.2 miles, or half, would be in the class of roads not on any other Federal aid system.

Out of the present forest highway system comprising 24,398.5 miles only 4,471.9 miles are not eligible for other Federal aid. This certainly illustrates that a major deficiency in the forest highway network are the roads not eligible for other Federal aid. The study illuminates the inequities which will be created by the adoption of the administration's proposal.

When the Bureau of Public Roads appears before your committee, I would appreciate your discussing with them the basis for eliminating the class III forest highways from participation in funds currently authorized. I do not believe this action is in accord with the existing law.

Your consideration in this matter is most appreciated, and with best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
March 12, 1960.

Hon. FREDERICK H. MUELLER,
Secretary of Commerce,
Washington, D.C.

My DEAR MR. SECRETARY: It has been called to my attention that in the present administration of the forest highway program certain significant changes have been made, not in accordance with existing law, but apparently on the basis of changes proposed in legislation not yet enacted.

I am informed that effective July 1, 1959, no contracts are being entered into for "forest highways not on any Federal-aid system." This action has apparently removed 4,472 miles of the 24,400 mile forest highway network from participation in the Forest Highway program. When considering the 1958 Highway Act, Congress did not authorize elimination of the types of highway to be covered by this program.

I would appreciate your furnishing me with copies of the letters, memoranda, or similar administrative releases by which the policy put into effect July 1, 1959, was promulgated. It would also be appreciated if this material were supplemented by such other correspondence between the Bureau of Public Roads, the Department of Commerce, and/or the Bureau of the Budget which would clearly show by whose authority this policy was established.

When the Commerce appropriation bill is called up on the floor of the Senate, I am sure that this matter will come up for discussion. In view of the situation where a policy has been adopted, which is at variance with existing law, and where the Committee on Appropriations has already found it necessary to defer recommending funds until budget estimates in accordance with existing law are submitted, I feel it most necessary to be informed of the circumstances and facts in connection with this matter.

A copy of this letter is also being sent to the Honorable Bertram D. Tallamy, the Federal Highway Administrator.

Yours very sincerely,

CARL HAYDEN,
Chairman.

THE SECRETARY OF COMMERCE,
Washington, D.C., March 16, 1960.

Hon. CARL HAYDEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HAYDEN: I have examined carefully into the matter covered in your letter of March 12, 1960, concerning restriction of contracts for forest highways not on Federal-aid systems. Such a restriction was placed into effect by the administration in connection with its legislative proposal to the Congress in 1959 that financing of forest highways be transferred to the highway trust fund on the premise that the majority of such highways were on Federal-aid highway systems and that most of the remainder could be placed on a Federal-aid system by request of the States. I am pleased to inform you that the restriction to which you refer has been removed.

As you know, legislation is now pending before the Congress to provide the necessary basic authority to transfer the financing of forest highways and public lands highways to the highway trust fund. This Department has an informal understanding with the Bureau of the Budget that if the pending legislation is not approved by the time the last 1960 supplemental is processed for submission to the Congress, this submission will include a request for a general fund appropriation to finance forest highways, and public lands highways expenditures during fiscal year 1961.

In view of the above information, the communications mentioned in your letter are not enclosed, but they will be made available if they are still a matter of interest.

I appreciate the opportunity of cooperating with you in the furtherance of these roads programs.

Sincerely yours,

FREDERICK H. MUELLER,
Secretary of Commerce.

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
Washington, D.C., March 17, 1960.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: This is in further reference to our recent correspondence concerning improvement of Montana Forest Highway Route 56.

The legislative situation, outlined in my February 29 letter to you, has been reviewed and a decision has been made to again approve projects for construction or reconstruction of forest highways not on the Federal-aid system. I have today informed our field offices of this decision.

I trust that this decision will satisfy the concern expressed in the letters from your constituents on this subject.

Sincerely yours,

ELLIS L. ARMSTRONG,
Commissioner of Public Roads.

Mr. HOLLAND. Mr. President, first I wish to express my appreciation for the gracious words of the Senator from Montana.

Second, I want to say that the Senator from Arizona [Mr. HAYDEN] has been extremely aggressive in this matter. The two of us, along with some others, have affirmative assurances from the Bureau of the Budget which will take care of the long-term picture. The other problem—the problem of the class 3 roads in the forest highways—has already been taken care of.

So I think the Senator may be completely reassured, except that I believe we are still awaiting the supplemental budget item for 1961, which has been promised us by the Bureau of the Budget.

Mr. MANSFIELD. I understand, but I want the Senator to know how much I personally appreciate, on behalf of all of us in the West, the personal interest he has taken in our problems and the great assistance he has rendered. We are greatly indebted to him.

Mr. HOLLAND. It has been a great pleasure.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS].

Mr. WILLIAMS of Delaware rose.

Mr. HOLLAND. Mr. President, the Senator from Delaware was on his feet. I assumed he intended to address the Chair.

Mr. WILLIAMS of Delaware. I was about to explain the amendment; however, if the Senate is in the mood to accept it, I shall not delay the Senate but let it vote. This is such a good amendment. It is another noncontroversial amendment from my standpoint.

Mr. HOLLAND. I compliment the Senator upon his optimism and his confidence in his own judgment. I am sorry to have to tell him that the members of the subcommittee and the members of the full committee are unanimously of the opinion that his judgment is not sound in this particular matter. We shall have to oppose him, though it is with regret that we do so.

Mr. WILLIAMS of Delaware. With that expression perhaps I had better proceed to enlighten the Members of the Senate.

The purpose of this amendment is to reduce the number of voyages which will

be authorized in this bill upon which the Government can contract to pay subsidies. The adoption of this amendment will reduce the appropriations about $20 million.

Last week we had before us a supplemental appropriation bill which called for an additional $32 million to pay for the operational subsidies of our merchant marine. That was to pay for the increased operational subsidies that had been authorized last year above the $128 million contained in the original appropriation bill.

I made the statement then—and the Senator from Florida was in agreement with it—that the Senate had no alternative other than to appropriate the $32 million last week, because at the time the general appropriation bill was before us last year the Senate rejected an effort which was sponsored by myself and other Senators to cut back the number of voyages upon which the Maritime Administration was authorized to make subsidy agreements. Having rejected that amendment, and in effect having instructed the Maritime Administration to proceed to make the contractual arrangements with the shipping companies for 2,400 voyages the Senate had no alternative other than to proceed to pay them.

The pending amendment does not affect the construction differential subsidies for building the ships. This deals only with the subsidies paid for the operation of the ships. In the past 8 years to pay for these operational differential subsidies to the American merchant marine Congress has appropriated more than $1 billion. So I think it is high time that we begin asking ourselves the question, How much longer can we continue to increase these operational subsidies?

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I shall be glad to yield in just a moment. I should like to complete this statement.

In 1956 we authorized the Maritime Administration to make contracts for 1,950 voyages. In 1957 we authorized 2,040 voyages; in 1958 we authorized 2,100 voyages; and in 1959, 2,225 voyages. Last year we authorized 2,400 voyages, and this year the Senate bill recommends another 2,400.

The amendment I have at the desk proposes to cut this number back to 2,225 voyages, or the 1959 level, which in itself was an alltime high so far as authorization of voyages is concerned.

Certainly we need an American merchant marine, and I have supported legislation to protect our American merchant marine. But, at the same time, I do think that the American taxpayers need some consideration. We have gone far afield when we continually increase subsidies.

As an example of how far we have gone in subsidizing this industry I cite one particular case. First, however, I yield to the Senator from Maryland, and then I will proceed.

Mr. BUTLER. I wish to ask the Senator a question in connection with the amount of the subsidy. Did the Senator say it was $1 billion?

Mr. WILLIAMS of Delaware. $1,011, million.

Mr. BUTLER. Is that an operating subsidy only, or does that include the construction differential subsidy too?

Mr. WILLIAMS of Delaware. No. That is only the operational subsidy.

Mr. BUTLER. Does the Senator have a memorandum of how much has been recovered under section 606 of the Merchant Marine Act of 1936?

Mr. WILLIAMS of Delaware. No, I have not. I have figures for the appropriations which have been made and the payments which have been authorized by Congress, both for the operational subsidy as well as for the construction differential subsidy. The construction differential subsidy during the war was handled under a different formula, and I do not have those figures.

Mr. BUTLER. I am not speaking of the construction differential subsidy. The Senator knows, however, that under section 606 of the Merchant Marine Act of 1936, any subsidized company, after earning 10 percent of the capital invested in the enterprise, must pay half of that amount back to the Government of the United States; and in some instances the entire subsidy has been paid back. In several instances a very substantial portion of the subsidy has been paid back. It would be very helpful, for the purposes of this record, to have the amount of recapture alongside the figures representing appropriations.

Mr. WILLIAMS of Delaware. I agree with the Senator that it would be helpful, and I hope the committee can furnish that information. I would suggest that the information be incorporated in the RECORD at this point. However, I believe the amount is an insignificant fraction of that which has been appropriated, overall.

Mr. BUTLER. Mr. President, will the Senator further yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BUTLER. I have in mind a figure from the beginning of the subsidy program, under the 1936 act, up to the present time. It is my impression that the annual average does not exceed $45 million. Does that sound correct?

Mr. WILLIAMS of Delaware. I have no figures beyond 1950. I do have the figures for the past 10 years. It is my understanding that during the war the subsidy was substantially lower because freight rates were much higher and all the shipping companies were naturally operating at full capacity. Therefore subsidies were much lower during the war, which may bring the overall, 30-year average figure down.

Mr. BUTLER. They do.

Mr. WILLIAMS of Delaware. I do know that in the past 8 years we have paid, in operational subsidies alone in excess of $1 billion. That does not cover construction differential subsidies. I have the figures for the construction differential subsidies only beginning with the year 1955. I do not have any figures for 1958 if any was paid that year. For the period from 1955 to 1961 the construction differential subsidies amounted to $516 million. Altogether, in the past 10 years we have paid in both operation and construction differential subsidies a total of $1½ billion.

Mr. BUTLER. But the Senator realizes that the operational subsidy to which he refers is a subsidy given by the Government of the United States for the purpose of putting the American merchant marine on a par with his foreign competitors in the payment of crew wages and the maintenance of the vessel. It does not go beyond that. It merely puts the American operator in a competitive position with his foreign competitor. If the Senator believes, as he has stated, that we should have an American merchant marine, it seems to me that that is a very small price to pay.

Mr. WILLIAMS of Delaware. I agree we want a merchant marine under the American flag, but I think that we have gone far beyond that which is necessary in order to maintain it. I respect the position of the Senator from Maryland, but personally I feel that we have gone much further than the taxpayers can afford in supporting this industry.

Mr. HOLLAND. Mr. President, may I furnish one additional bit of information, with the Senator's permission?

Mr. WILLIAMS of Delaware. I shall be glad to have the Senator do that.

Mr. HOLLAND. In 1958 there was no construction differential subsidies appropriation, because our committee found that there was a substantial unexpended balance; therefore we recommended that no new appropriation be made. Congress agreed with us, and no appropriation was made.

Mr. WILLIAMS of Delaware. As I said I did not have any figures for that year; however, the figures for the other years are as follows: For 1955, $52,496,000; for 1956, $63,325,000; for 1957, $67,610,000; for 1958, none; for 1959, $119,205,000; for 1960, $107,750,000; and the estimate for 1961, $106,000,000.

This is a total of $516,446,000 paid on construction differential subsidies.

Mr. HOLLAND. The Senator is correct with respect to that list as compared with the list I have in my file, which was supplied by the Maritime Administration.

Mr. WILLIAMS of Delaware. I appreciate the Senator's statement.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Ohio.

Mr. LAUSCHE. I suggest to the Senator from Maryland and the Senator from Delaware that they turn to page 400 of the testimony. There is found a tabulation showing the subsidies from 1947 down to 1961. The figures for 1960 and 1961 are estimates. I believe the table shows the operational subsidies. The domestic cost for all voyages made by the merchant marine, as shown by the table, was $2,460,036,825. The subsidy accrual was $1,421,965,702.

The recapture during that whole period was $194,389,397. The estimated subsidy payable was $1,227,576,305.

That latter figure is not exactly correct, because it is subject to further accounting. However, it is pretty close to being correct. That shows how much money the taxpayers have given to the U.S. merchant marine, privately owned, in the operation of ships on the high seas.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the contribution of the Senator from Ohio with respect to showing the amounts reclaimed under the recapture clause. While it is a significant item, when we take it in comparison with all the subsidies that have been paid or accrued, it is not as important a factor as it may seem.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. Mr. President, the table cited by the Senator from Ohio is, of course, for 15 years, as contrasted with the 10-year table which was just mentioned by the Senator from Delaware. Furthermore, the recapture figure which was furnished a few minutes ago by the distinguished Senator from Maryland is included in the last table's computation. The total recapture for 15 years was $194,389,397. That is subtracted from the accrued subsidy to arrive at the figure given by the Senator from Ohio of $1,227 million-plus for the 15-year figure.

Mr. WILLIAMS of Delaware. That is correct. I appreciate the contribution of the Senator from Ohio and the Senator from Florida in placing these figures in the RECORD. The taxpayers should know what it is costing them to subsidize this industry.

As I said before, there may be some argument for some of the subsidy, but it has gone entirely too far. During the last 8 years the figures were much higher than they had been in earlier years. Operational subsidies during these past 8 years alone exceeded $1 billion, and the construction subsidies in the last 6-year period exceeded a half billion dollars.

Mr. BUTLER and Mr. SALTONSTALL addressed the Chair.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator yield; if so, to whom does he yield?

Mr. WILLIAMS of Delaware. I yield first to the Senator from Maryland.

Mr. BUTLER. I think, to make the RECORD clear, it should be stated that a subsidy contract is awarded only to an operator who is operating a first line ship on an essential trade route. In addition to that, the law under which the subsidy is created hedges about the contract in such a way that the operator cannot make an excessive or abnormal profit out of his operation. If he does, as the Senators know, one-half of the excess goes back to the Government of the United States in the form of recapture subsidies. Therefore, it seems to me that, while the figure of $1,011 million for the operation of the American merchant marine over a period of 15 years may sound like an alarming figure, we must recognize the fact that we have ships operating on the central trade route which the United States cannot give up unless it intends to surrender the business to a foreign nation. In addition, the operating subsidy is of such a nature that the persons who operate these ships cannot make an excessive profit.

I think that is protection enough for the people. In other words, there is involved an element of national defense. There is also the element of the essential trade route, because the United States must carry some of its foreign commerce; otherwise it will cease to be the great Nation it is. When we hedge it about with the provisions of the Merchant Marine Act of 1936, it seems to me that the people are being protected. If that is what it costs to keep our flag on the high seas, it is a price well paid.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SALTONSTALL. Mr. President, I thank the Senator for yielding. The Senator from Ohio and the Senator from Delaware, last week, when we debated the subject on the supplemental appropriation bill, asked for certain figures, which we could not furnish at that time. Since that time I have tried to get these figures, and I have them today. I have them broken down. They are quite interesting. I will put these figures in the RECORD, but I should like to state, first, that the subsidies are a great deal less proportionately than we had thought. For instance, there are 939 ships in our active merchant marine at the present time, of which 526 are engaged in foreign trade. That includes 19 tankers which are not eligible for subsidy, or a total eligibility of 507. There are 413 ships in the domestic trade, which are not eligible for subsidy. For those 312 which were getting a subsidy in 1958, the subsidy was 19.6 percent of their total operating cost. In other words, they had an operating cost of $509 million, in round figures. The depreciation was $40 million, and the overhead was $72 million. The operating subsidy was $139 million, or 19.6 percent.

The Senator's direct recommendation goes to cutting down the voyage limitation. Actually, there are under contract 1,986 voyages. If we add the 405 maximum voyages that can be put on the list by June 30, 1960, we will have a total of 2,391 contractual voyages for the next fiscal year.

Why is an increase proposed? No new trade routes are contemplated. These ships are to be operated on the old trade routes. The necessity, as I understand it from the Maritime Administration, is simply that the ships are getting very old, and that since there is the problem of refinancing the fleet, which can be done only at a very high expense, it is necessary to keep the operating subsidies up and to provide for the operation of additional voyages, on a subsidized basis, because the profits of the merchant marine in 1958 and 1959 have slipped away.

So the request for additional voyages this year over last year up to 2,400, is subject to two things. First, there are no new trade routes. The additional voyages are to enable the operators to operate a sufficient number of subsidized voyages to make up for the heavy operating expenses with the lowered profits which they receive.

So I think they are completely justified, without putting on new trade routes, if we are to keep our merchant marine functioning.

Mr. WILLIAMS of Delaware. I appreciate the statement of the Senator from Massachusetts; however, I return to my original question. If we did not utilize the additional voyages last year—we authorized 2,400—then what is the objection to reducing the number of voyages to 2,225 as provided in the amendment? Even that number is higher than was requested by the Bureau of the Budget. It would still be the highest number ever authorized with the exception of last year. We are not rolling the number of voyages back to an unrealistic low level; we are only rolling it back to the alltime high level estimated by Congress in 1958. Certainly that is the least we should do. Let us examine some of the subsidies and see how they are operating.

I should like to read an article published in Time magazine for February 29, 1960, which comments on this question. I read from page 112 of the magazine:

SHIPPING—ENDS AGAINST THE MIDDLE

If a ship has neither a bow nor a stern, it is certainly not a ship. But it is a nifty little method of getting the benefits of U.S.-built ships without the high cost. On order last week from the Hamburg yards of German shipbuilder Willy Schlieker (Time, Oct. 26) were the midsections of six vessels for Mobile's McLean Industries, Inc. With a booming business carrying highway trailer vans by sea, McLean decided to add six new vessels, each with a capacity of 476 vans, to his fleet of trailer ships. The problem was that if the vessels were built abroad they could not ship between domestic ports. (U.S. coastal trade is limited to U.S.-built ships.) But if they were built at home, the cost would run between $10 million and $12 million per vessel.

McLean's solution is to play both ends against the middle. Schlieker will build only the midsections, which can then be towed across the Atlantic and enter the United States as "fabricated steel." McLean turns them into ships by simply buying old T-2 war-surplus tankers, hiring U.S. yards to graft the bows and sterns onto his German midsections, thus qualifying as "built in America." Total cost: less than $5 million a vessel, a saving of 50 percent to 65 percent. So simple is the idea that other U.S. firms (e.g., American Ship Building) have ordered the midsections for several big ore carriers from Schlieker.

This shows how one company is getting around the law but still getting their subsidy.

Some Senators may argue that the answer is to subsidize further American shipyards so that more ships can be built in this country.

Mr. BUTLER. Not at all.

Mr. WILLIAMS of Delaware. The problem goes beyond that. This amendment does not even touch construction differential subsidies. I do

not believe we can continue to pour money into a subsidy program which is continuously allowing shipping companies to bypass the intent of Congress under such a loose arrangement.

I call attention to another situation and one which I mentioned only the other day. I do this because it is well for us to know how far we are going in this matter. I call attention to the subsidy paid to the American Export Lines. In 1944, the U.S. Government built two ships, which cost $3,146,293 apiece. In 1948, 4 years later, the Government sold those same ships to the American Export Lines for $1,100,387. Those ships were operated by the American Export Lines in the period 1948–1958 with operational differential subsidies, which is the same subsidy program we are considering here now.

The subsidy paid during the 10 years on one of those ships was $6,796,000, and on the other $6,553,000.

Remember the two ships originally cost the Government $3,146,293 each, and we sold them to the company for $1,100,000. Then the Government paid the ship line $6,500,000 to operate each of these ships for the next 10 years.

As if that were not enough, a couple years ago the Government bought the same ships back, paying $1,575,000 each or 50 percent more than we sold them for 10 years earlier. If that is not an example of going too far and if that does not indicate that it is time to call a halt to these ever-expanding expenditures, I should like to hear the answer.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SALTONSTALL. I simply say that the Senator gets many things mixed up. First, a tanker is not eligible for a subsidy, as I understand. The Senator spoke about tankers coming from Europe.

Second, if the Government made a bad deal in selling ships and buying them back again, that has nothing to do with the proper operating subsidy.

Mr. WILLIAMS of Delaware. The Senator from Massachusetts said I was mixed up, but I think he may be the one who is wrong. The construction of tankers is subsidized. I want him to comment on both tankers and merchant ships. They are two separate subjects, yes, but both are affected by these subsidy programs.

Mr. SALTONSTALL. I will try to answer the Senator's first question, which he asked me before he started on the subject of the German subsidy. He asked why it was necessary to accept new applications. The Maritime Board says it has been working on applications for several years and has been engaged in processing them. They concern 79 ships, involving a total of 405 maximum contractural voyages, which have progressed to the point where they could be approved prior to June 30, 1960. That is the reason why the Maritime Board has been acting carefully. It has taken a couple of years. Now they are ready to approve them, for the reasons I have already stated to the Senator. I shall not bore him with reading the information at the present time.

Mr. WILLIAMS of Delaware. We are in complete agreement that if we authorize these additional voyages, the Maritime Administration will have no trouble in making contractual arrangements and spending all the money which we will provide. Most agencies can spend it if we will appropriate it.

But I still say that if Congress is concerned about the amount of the subsidies, the way to stop it is to stop authorizing the number of contractual arrangements which can be made. That is the only chance we have to cut the appropriation. I think the Senator from Massachusetts will agree that in this particular bill, $150 million is being asked to pay for operational differential subsidies that were authorized last year.

So the only way to reduce the cost of this subsidy is to reduce the number of voyages authorized. That is why I belive this item should be cut back this year. I emphasize again that this will not be cutting the number of voyages back to an unrealistic level; it will be cutting them back to a figure which still is slightly higher than was requested by the Budget Bureau.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Delaware yield; and, if so, to whom?

Mr. WILLIAMS of Delaware. I yield first to the Senator from Ohio.

Mr. LAUSCHE. I should like to ask the members of the committee whether it is not a fact that the recommendation was for 2,190 voyages for this year, instead of the 2,400 which have been approved. I am reading from page 401 of the hearings, as follows:

> The limitation on the number of voyages has been continued at the current rate, 2,400, instead of 2,190 as proposed in the budget.

Mr. HOLLAND. Mr. President, may I reply to that?

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. The Budget Bureau cut the request of the Maritime Board very heavily. My recollection is that the Maritime Board wanted as many as 2,600 voyages authorized. At any rate, we considered the matter very carefully, and now they are going to need 2,400. The House committee had provided for that before we did, and allowed 2,400 voyages. This is the first time the House committee has allowed, in the beginning, that many.

I call the attention of the Senate to the fact that the opening of the Great Lakes to transportation by oceangoing vessels is a very large factor in connection with this matter. Fifty voyages already have been approved; and the report to the committee from the Maritime Administration shows that it has pending before it 112 applications, which it shortly will approve, for Great Lakes operations alone, along with 259 that are ready to be acted on; and some of them have been made by our very largest operators, and one of them is the subject of litigation which is about to be decided. I believe that operator is the largest one we have.

So my first statement, in reply to the question by the Senator from Ohio, is that the maritime people requested a great many more, and the Budget cut down the number to a number which both of these committees—neither of which is fond of subsidies—felt was insufficient to meet the need. In other words, there now are pending, and ready for action, enough practically to use up every one of the 2,400, so we are informed by the Board.

The second point I wish to make—and then, being a landlubber, I shall retire behind fortifications on the other side of the aisle, and shall leave this question to my friend, the Senator from Maryland, who is a seaman, and to my friend, the Senator from Massachusetts, who is a sailor, and to my friend, the Senator from Washington, who I think is probably the best informed of all Members of the Senate on this subject—the second point I wish to make is that this subsidy arrangement was instituted before we came upon this scene; it was instituted before I became a Member of the Senate. It was instituted, as a matter of fact, in the interest of protecting the security of the United States.

We are trying to enable the system to function properly.

The total cost, which has been referred to a number of times here—including both the operating differential subsidy and the construction differential subsidy—per year, at the present level, per person, is just a little more than $1.50—for every person in the United States.

Mr. LAUSCHE. Will the Senator from Florida state the amount in millions of dollars?

Mr. HOLLAND. For both the subsidies, the total is between $270 million and $300 million, over the last several years.

My question is this: Is the security of the United States, in connection with the operation of an active merchant marine, worth $1.50 to $1.60 per person per year?

Second, if it is not worth that much, where should the remedy be applied? Certainly it should not be applied in the Appropriations Committee, which has the duty of seeing that the bills contracted for, in the interest of the people of the Nation, by action of the Congress, are met.

So it seems to me that if the Senator from Delaware has a point—and I certainly do not dispute the matter with him; he probably knows more about the maritime business than I do—if he thinks the subsidy law is not sound, the place to take up that matter is in the Committee on Interstate and Foreign Commerce, of which I believe my distinguished friend the Senator from Ohio is one of the most distinguished members; and other members of that committee are in the Chamber at this time.

The Appropriations Committee has the duty and the responsibility of seeing to it that the programs established by the

Congress for the security and the safety of our country are carried out.

So far as I am concerned, I do not like subsidies. Everyone knows that as regards agricultural subsidies, I have been opposed to them, and the people of my State are opposed to them. I feel the same way about other subsidies.

I believe that this question, which has been decided by the Congress, with the approval of all the Presidents during those years—must be considered in light of the decision of the Congress that the merchant marine is a line of defense which we must maintain, even if some cost is involved.

The question is whether it is worth $1.50 or $1.60 per year per person in the Nation to have the safety which is had as a result of the existence of a large and useful merchant marine.

Mr. President, having made that statement, and being a land soldier, I shall now retire behind the fortifications to which I have referred, and I shall leave the matter to those who are sea soldiers, so they may argue it further.

Mr. WILLIAMS of Delaware. Mr. President, I hope the Senator from Florida will remain on this side of the aisle, where I believe he properly belongs. He is more than welcome. [Laughter.]

Certainly I agree that we must protect the security of the United States. But, Mr. President, part of the security of the United States is dependent upon the maintenance of the solvency of the Nation, and I do not think there is any better way for us to have our Nation go broke than for the Congress to start justifying projects which involve more than $100 million on the basis of the statement, "Well, the cost is only 50 cents a person, and who cares about half a dollar? Or the cost is only 25 cents a person, and who cares about a mere quarter?"

Yet, Mr. President, this Nation can be "quartered" into bankruptcy; and that has almost been done. In fact, in the last 30 years there have been only 5 years in which the Federal Government has had a balanced budget.

All of us are opposed to subsidies, and we speak against subsidies; but to be against subsidies is something like being against sin: Everyone is against it, but seldom do we do anything about it.

Mr. HOLLAND. Mr. President, both the Senator from Delaware and I have tried to stop subsidies in the field of agriculture, as I am sure he will agree.

Mr. WILLIAMS of Delaware. Yes, I do agree. But I believe we must start reducing all subsidies.

It is ridiculous to say that cutting down on this subsidy would result in the destruction of the American merchant marine. The Bureau of the Budget, which represents the President of the United States and the administration, certainly is not trying to destroy the American merchant marine. All the Bureau of the Budget recommends is 2,190 voyages, but even under my amendment, there would be 35 more voyages than the number suggested by the Director of the Bureau of the Budget. So we are not being miserly in making this proposed cut.

A few weeks ago I placed in the RECORD statistics showing that a series of vessels are being bought back at prices higher than those for which they were originally sold.

We simply cannot sit back and say this is a responsibility of the Committee on Interstate and Foreign Commerce. When this law was passed, it provided that the number of voyages would be determined each year by the U.S. Congress, upon the recommendations of its committees. Certainly the Appropriations Committee is charged each year with determining the number of voyages which are to be recommended for the next year, and when we determine the number of voyages to be recommended we automatically determine the amount of the subsidy. This is not the responsibility of the Committee on Interstate and Foreign Commerce. Instead, this is the responsibility of the Appropriations Committees and of the two Houses of Congress. So we have that responsibility today in connection with our vote, and this is our chance.

Mr. LAUSCHE. Mr. President, will the Senator from Delaware yield? I should like to answer the comments the Senator from Florida has made.

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Entirely too frequently are arguments made on the basis of the per capita cost to the people of the United States. In trying to demonstrate the impact, it often is stated that the cost of a certain program will be 2 cents per person, or some such amount, for the entire population of the country. But what does that mean? It is quite an effective way of deluding the people into believing that nothing serious will happen as a result.

But let me say that the aggregate amount of subsidy which will be paid under this bill will be $289 million, for 1 year—$160 million for the operation of the ships and $120 million for the construction of new ships, through subsidies.

I am sure the argument made by the Senator from Florida most forcibly demonstrates how attractive it is for companies to get into the merchant marine business or, if they are already in it, to expand their operations.

It has been said that there are 2,700 voyages asked for. Certainly there are. The shipping companies are guaranteed 10 percent. That is what is in the book. That is what they generally get. That is how it is calculated.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. LAUSCHE. Just a moment. Let me finish my statement.

These companies are told, "The U.S. taxpayer will give you the difference between operating your ships with American labor and what it costs to operate them with foreign labor." Furthermore, they are told, "When you get a new ship built, we will pay you the difference between building it in the United States and building it in a foreign country, provided the amount is not in excess of 50 percent of the cost of that ship."

I submit to the taxpayers of this country that certainly is a great inducement for the companies to get into the merchant marine business. But it does not stop there. We are shipping tremendous quantities of surplus food. Under the law, it is guaranteed that 50 percent of the surplus food shall be carried on ships in the American merchant marine.

Mr. President, I am concerned about the security of my country. I yield on that proposition to no one in the Senate. But I am concerned about it also from the standpoint of the ever-increasing number of elements of our economy that are asking for subsidies.

The last ones to come on the stage are the railroads. Representatives of the railroads came before our committee and stated, "You are subsidizing the merchant marine. You are subsidizing commercial air carriers. You are subsidizing inland water carriers. You have got to subsidize us." My query is, Where does it end? Each one of them says, "We cannot operate unless the Federal taxpayer will give us a part of his money so that we can stay in business."

What is the ultimate destiny? The destiny is that the Government will move more and more into governmental financing of private business, and finally the Government will be running the railroads, and ultimately we shall have, in semblance, a reproduction of the socialistic governments that are spreading throughout the world.

In the committee hearings on this subject, the shipping companies are now asking that the 50-percent limitation on the cost of subsidizing the building of ships be removed. I questioned the Chairman of the Maritime Board. I asked him, "What amount were you subsidizing in 1936, when the law was passed?" He said, "The difference was 32 percent." It then went up to 40 and 45 percent. I asked him, "What is the difference now?" He said, "52 percent." I asked him, "Do you expect to stop at 52 percent?" He said, "No. The steel strike is going to bring the cost of building ships up." I asked him, "Who will pay for the additional cost, under your formula?" He said, "The taxpayers." I asked him, "Where do we go if this practice continues, wherein the Federal Government will pay the full difference of the cost?" His answer was, "We go into governmental operation."

I submit to you, Mr. President, this question does not involve merely the merchant marine. We are dealing with the whole philosophy of government. So far as I am concerned, Congress cannot deny the railroads a subsidy if it is going to grant subsidies to all the other modes of transportation. And if Congress finally grants subsidies to the railroads, how is it going to deny subsidies to other types of businesses? More and more the Federal Government will move into the operation of business.

If I can help it, we are not going to do it. I am not going to be knocked down by the argument that the Communists are subsidizing; therefore the United States must subsidize. Our governments are different in principle and philosophy. If we espouse the philosophy that we have to subsidize because the Communists subsidize, then we are

adopting the communistic concept of what government ought to be.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the contribution of the Senator from Ohio in support of the amendment. Everything he has said is unquestionably true. There is just one point which he left out of the argument in support of the amendment; namely, that even on the remaining portion which is paid by the shipowner the Government guarantees Government-financed mortgages up to 87½ percent of the cost. We are now having to foreclose on some of those ships and take them back. I shall presently refer to an article which appeared in Barron's the other day. That is a leading national financial weekly, and certainly is a magazine which believes in the American free enterprise system. Yet that magazine strongly criticizes the subsidies being paid to this industry.

Mr. President, I am not concerned that any Congress, under any political party, will vote this country into socialism, but we can go into socialism by the back door if we are not careful and do not stop these ever-expanding subsidy programs.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Florida.

Mr. HOLLAND. I should like to make one more comment. Then I think I shall be able to keep my word, and leave the argument to other Senators. The Senator from Ohio has suggested that it is not appropriate to count the costs of a security program in terms of the cost per person per year. I think it is. The cost of a dollar and a half, or $1.60, is not much, especially when we consider it against a cost of $222 per person per year—and it is a little more than that—that our people spend in direct costs on the Army, Navy, Air Force, and Marines. The total cost is a little over $40 billion. With a population of 180 million, Senators will find that cost comes to a little more than $222 per year.

Question: Is it worth a dollar and a half or more per person per year to have an effective method of transport and supply on the seas and on the oceans which occupy such a large part of this earth?

One more comment. For some reason, and I do not know how we got into it, we have been combining in this argument two forms of subsidies. One is on ship construction, which has to do with two elements: First, our shipyards are more expensive to operate than those elsewhere, because those shipyards pay their workmen more. Second, and let us not forget this, we want our ships built for the American merchant marine so that they will be available and most effective in time of war, and we insist on having built into those ships such elements of speed and cargo-carrying capacity as will be most helpful and effective in the event there should be a war. But even considering the two together—and there is only one that is related to this particular discussion, and that is the operating differential—the total cost, if added together, is, as I have said in the discussion, anywhere from $1.50 to $1.60 per person per year, which should be considered in relation to the cost of more than $222 per person per year spent in direct costs on the armed services.

Mr. President, the Senator from Ohio is one of the most eloquent, as well as one of the most dedicated and devoted men in this body. I hope the Senator will address himself to this subject matter in the legislative committee of which he is such a valued member, because it seems to me that the points which the Senator has been urging—not 100 percent, but almost so—are points which are most proper to be considered in connection with the question, What shall be the type of legislation we use to deal with this subject?

There is very little of what the Senator has said, in my humble opinion, which would justify Congress in not sustaining the program under way to the degree it was intended to be sustained by the Congress when it was passed, and intended to be sustained by the people who have supported, consistently, the idea that we must have available in time of emergency and in time of crisis an effective, fast merchant marine which can meet our obligations in all parts of this farflung earth. We have our American boys literally all over the earth now, and the American responsibility is there.

Even though this probably will require some change, I suggest that the change should come from the legislative committee.

I honor the Senator from Ohio, as he well knows. I hope the Senator will address himself to the question with the same dedication and the same zeal in the legislative committee that he has demonstrated here. I suggest that this is not the place for most of the argument which the Senator has so ably advanced.

I thank the Senator from Delaware for yielding to me.

Mr. WILLIAMS of Delaware. Mr. President, very seldom do I find myself in disagreement with my good friend from Florida. However, I should like to invite his attention once again to the fact that the proposal now before us was not reported by the Committee on Interstate and Foreign Commerce. The Committee on Appropriations, of which the Senator from Florida is a member, recommends to the Senate the number of voyages which shall be approved for this subsidy. The only committee in the Congress which has anything to do with the matter is the Committee on Appropriations. Considering legislation with respect to this subject is not a function of the Committee on Interstate and Foreign Commerce. I was a member of that committee several years ago.

Surely the Appropriations Committee may confer with the Committee on Interstate and Foreign Commerce, and I am sure the committee does, but the authority rests with the Committee on Appropriations.

The final word rests with the U.S. Congress. We shall vote here today for or against reducing the number of voyages to 2,225. I emphasize again that that would still be 35 voyages more than was recommended by the Director of the Bureau of the Budget as being necessary to maintain the defense of this country and to keep our flag properly on the high seas.

Mr. LAUSCHE rose.

Mr. WILLIAMS of Delaware. Mr. President, I promised to yield to the Senator from Maryland [Mr. BUTLER], and then I shall yield to the Senator from Ohio.

Mr. BUTLER. Mr. President, I thank the Senator from Delaware.

I do not relish disagreement with my dear friend from Ohio, because I may be found to be in error, but it seems to me that the Senator's argument has no validity in connection with a subsidy to the American merchant marine. The American merchant marine, unlike the railroad system of America, and unlike any other private business, is in competition with foreign nations. These foreign nations have cheaper labor and have cheaper materials. All of the costs to the foreign nations, throughout, are cheaper than the costs to our merchant marine.

The purpose of the subsidy, as the Senator well knows, is not so that these operators may make a profit, but in order to bring the American operator up to a competitive position with respect to his foreign competitor.

That is not true with respect to the railroads. The railroads compete one against another. That is not true with respect to the airlines, which compete one against the other on absolutely equal terms.

In addition, as has been so ably pointed out by the Senator from Florida, we are here, in reality, dealing with a part of the national defense. I am convinced of that fact. If I were not convinced of it I would not be on the floor today addressing the Senate. I believe that the American merchant marine is as vital to the national defense as the Army, the Navy, the Air Force, or the Marine Corps. The present President of the United States concurs in that opinion. The present Chairman of the Joint Chiefs of Staff agrees with that proposition.

I know there are many men in Washington now who are very much concerned about the future of the American merchant marine. They are not the operators, but instead they are the people who are charged with the responsibility of the defense of America.

I think when we deal with this subject, if we permit ourselves to say, "This is simply another subsidy, like the farm subsidy or any ordinary subsidy," we fall into error immediately.

This is a subsidy which is essential to defense. Had it not been for the American merchant marine in the so-called Korean police action we would have been seriously endangered. The ships of America transported 5 millions of people to Korea. We transported millions and millions of gallons of petroleum products. We took heavy tanks and equipment in the ships. That is the only way we could get them there. If we had not had those ships, woe be unto America.

That is the anxiety of the President of the United States. That is the anxiety of the Joint Chiefs of Staff. They say today, "We do not have enough ships, and the ships that we have are not being operated as they should be operated. We do not have enough voyages."

That is why these men come to the Congress now to ask that we keep the American merchant marine at least able to carry a minimum responsibility in time of emergency.

Mr. WILLIAMS of Delaware. Mr. President, I shall yield to the Senator from Ohio in just a moment, but I have a comment to make.

I appreciate the feelings of the Senator from Maryland. The Senator has quoted no less an authority than the President of the United States, who, as the Senator says, feels very strongly that we must maintain an adequate merchant marine in the interest of our national defense, our security, and the general economy.

However, what did the President of the United States, whom the Senator quoted, actually say? The President said that 2,190 voyages were enough. The amendment which we have pending would provide 35 more voyages than even the President said was necessary. So no less an authority than that quoted by my good friend from Maryland has said that we do not need the 2,400 voyages in order to keep the American merchant marine properly functioning on the high seas.

Again, the suggestion was made that the Senator from Ohio was in error when he compared the subsidy of the shipping industry with the railroad industry because, it was stated, the merchant marine is not competitive with our railroads.

That is not quite correct. We have some shipping on the inland water routes which shipping is heavily subsidized by the American taxpayers. In addition to that, we have the coastwise shipping which is in competition with the American railroads. So, as we subsidize under either operational or construction subsidies we cannot say this does not compete with our railroads.

I will go further than the Senator did in his statement. I will say that if we are going to expand the subsidy for the American merchant marine eventually we will reach the point where we must subsidize the railroads to keep them functioning. Then how long will it be before the trucking industry will come to Congress to say, "You help our competitors. Where are we to find help?"

Sometime—somewhere—this has got to stop.

Mr. BUTLER. The truckers are all competing on the same market.

Mr. WILLIAMS of Delaware. They are competing with shipping.

Mr. BUTLER. All of those firms have to pay the same labor costs. They have to pay the same costs for equipment. In respect to the merchant marine, we do not have that situation.

Mr. WILLIAMS of Delaware. Then why do we pay a subsidy of one single dollar to the American merchant marine on the coastal or inland waters?

Mr. BUTLER. We do not.

Mr. MAGNUSON. We do not.

Mr. WILLIAMS of Delaware. I beg the Senator's pardon. Does the Senator from Massachusetts [Mr. SALTONSTALL] think we do not subsidize these ships?

Mr. BUTLER. What ships?

Mr. HOLLAND. Not on the coastal waters.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Florida made the statement that the Committee on Interstate and Foreign Commerce should handle this subject, when the basic law comes before the committee.

I wish to call the attention of my colleagues now—especially that of the Senator from Florida—to the fact that the shipping industry is asking that we amend the shipbuilding law so as to remove the 50-percent limitation. I argued against it in committee. Undoubtedly there will be brought to this floor a bill providing that the limitation be completely removed.

I point out that the differential between labor costs in the United States and in foreign nations has grown worse since 1936, and it is continuing to grow worse. That means that each year the taxpayer will have to increase his contribution for subsidizing the shipbuilding industry, at least.

With respect to the railroads, for 2 years I have been a member of committees in which the argument was made that "This industry is the backbone of our national defense. Without the railroads everything collapses. The merchant marine will not be able to haul, because it can haul only when the railroads bring the merchandise to the ports on the Atlantic and Pacific Oceans."

The railroads say, "Give us the taxpayers' money." I do not know how we are going to stop them unless we stop the expansion of all these programs.

With respect to the merchant marine, I do not claim that we can pull out by the tail what is already down the pit, body and soul. It is practically beyond redemption. But I do not intend to let go of the tail at this time. I am going to hold onto whatever I can. That is my position.

I thank the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Ohio.

I repeat that we are subsidizing our intracoastal shipping, the shipping on inland water routes. We have been heavily subsidizing that shipping by direct votes in the Congress, and paying for it at the expense of the American taxpayers. We cannot say that the American railroads are not operating in competition with a subsidized industry. I did not think my friends would question that statement. I see Senators shaking their heads. I shall be glad to yield to any Senator who wishes to take exception to the statement that we are subsidizing shipping on inland water routes, either by paying a construction differential subsidy or by selling them the ships at an exceptionally low price. In either event it is a subsidy.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SALTONSTALL. The best information I have from the Maritime Administration itself, within the past 48 hours, is that there are 507 ships in the active fleet eligible for subsidies, of which 312 are subsidized. There are 413 ships in the active fleet in the domestic trade, that are not eligible for subsidy, and 19 tankers in the foreign trade that are not eligible for subsidy. That is the information given to my by the Maritime Administration this week.

Let me say this to the Senator from Delaware and the Senator from Ohio: The Committee on Appropriations has allowed the additional voyages which are in dispute because we feel that if those ships are to operate in the foreign trade, the additional voyages are necessary if we are to keep the ships operating. The subsidies actually paid for 19.6 percent of the cost of operation in the year 1958.

If this is wrong, we must either keep it going right or we must cut it out altogether. In my judgment this is the way to keep it going right.

If the Congress wishes to change the law and say "We are not going to have this law; we are not going to have this merchant fleet operating in foreign trade," then certainly the Appropriations Committee should change the amounts and change the method of calculation. But if we are to maintain the program, we must do what we think is right to keep an operating merchant marine in competition in the foreign trade.

Mr. WILLIAMS of Delaware. The Senator from Massachusetts will agree that even if the Senate should accept the pending amendment, it would reduce the number of voyages authorized to 2,225, which would still be higher than the number which was recommended by the Budget Bureau and by the President of the United States as being necessary. Is that not correct?

Mr. SALTONSTALL. The number is higher than that recommended by the President of the United States, but not as high as the number recommended by the Maritime Administration which it feels is necessary. The number is not as high as the number approved by both the House and Senate committees.

Mr. WILLIAMS of Delaware. It is higher than the figure recommended by the President. I recognize that it is not as much as the agency itself would like to have. The Senator from Massachusetts, however, has been here long enough to know that there is not money enough, nor could we borrow money enough, to give the agencies all they want. No agency ever gets all it wants. If it did, we would often be throwing out the money with scoop shovels. When it is said that the amount of the proposal is less than the agency asked for, I am not in the least concerned. But I am concerned when we

keep spending even more than what the President of the United States said was necessary.

Mr. SALTONSTALL. This budget was made up before the figures for 1958 and 1959 came in, presumably. Certainly we did not have them before that time. The costs have gone up, and business has gone down, so that greater subsidies are necessary if we are to keep the vessels in the foreign trade.

Mr. WILLIAMS of Delaware. Where has there been any recommendation from the President or the administration to the effect that they made an error when they submitted the budget?

Mr. SALTONSTALL. If the Senator had been a member of the Committee on Appropriations as long as I have, he would know that administrations, whether Republican or Democratic, make a good many mistakes, as we do in the Congress.

Mr. WILLIAMS of Delaware. We are trying to correct some of them here now.

Mr. SALTONSTALL. And we are trying to keep the Senator from correcting them the wrong way.

Mr. WILLIAMS of Delaware. The question was raised a moment ago as to whether or not we subsidize any part of the shipping industry which operates in competition with American railroads. This would be those operating on inland waterways or on the coastwise shipping. I will cite a specific case and leave it to the judgment of the Senate and the American people as to whether or not this is a subsidy.

In 1950 Congress passed a bill authorizing the sale of three ships to the Great Lakes shipping industry. They were to serve on the inland water routes, hauling iron ore and other freight, which conceivably could also be hauled by railroad. The Congress authorized the sale of these three ships which had been built in 1946. They were the best freighters we had. The first one cost the Government $7,700,000; the second one $7,800,000; and the third one $9,100,000, or a total of more than $24 million. They were built in the Bethlehem shipyard in Baltimore, which certainly builds good ships.

This was just 4 years after those ships were built, and they were not battle scarred; they were in the very best of condition. Congress sold them to this company for use on the Great Lakes for $102,944 each. That is a total of a little less than $309,000 for ships which, 4 years earlier, had cost the taxpayers more than $24 million.

As if that were not enough, at the time I denounced that transaction on the floor of the Senate I called attention to the fact that the same company had gone to another Government agency, the RFC, and arranged to borrow approximately $4½ million using the same ships as collateral. If that is not a subsidy, I wish someone would redefine the term.

I do not know how much further we can go than to sell for a little less than $309,000 three ships costing more than $24 million and then agree to loan the company $4½ million, using those ships as collateral. Without any fear of contradiction, I will say that we have been subsidizing our inland water route shipping, and we are also subsidizing our coastwise shipping. Call it a grant, if you please; but I say that whatever you call it, the American taxpayers have gone far enough.

I conclude by pointing out again that the adoption of this amendment would still leave a greater subsidy for the merchant marine than was recommended by the Budget Bureau.

Mr. President, I ask for the yeas and nays on my amendment.

I suggest the absence of a quorum.

Mr. McNAMARA. Mr. President, will the Senator withhold his suggestion for a moment?

Mr. WILLIAMS of Delaware. I withhold it for a moment, but I shall renew it later.

THE CIVIL RIGHTS CONTROVERSY

Mr. McNAMARA. Mr. President, in today's edition of the Washington Post, several distinguished Americans highlighted the basic issues of the civil rights controversy in which we find ourselves.

I refer to the letters which appeared in the Post letter column—one authored by the distinguished Senator from Alaska [Mr. GRUENING]; the other written jointly by Joseph L. Rauh, Jr. and William Taylor, officers of Americans for Democratic Action.

These letters demonstrate why the Senate will fail in its obligations if it does not enact a civil rights bill—that will provide immediate guarantees of voting rights for all Americans. I am in agreement with the thoughts expressed in these two communications.

I ask unanimous consent that these letters be inserted at an appropriate point in the body of the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS AND WRONGS

WASHINGTON, D.C.—Editorially, you have stated that the most important feature of any civil rights measure this year is the effective guarantee of the right to vote. I support this view.

Your editorial of March 25, however, indicated support for the proposition that the Senate should take the House-passed bill without substantial change and that this "could save a great deal of wear and tear on patience," and that the bill was "morally correct."

Frankly, I cannot support the proposition that it is the "wear and tear" on Senators with which we should be concerned. How are we to justify accepting as meangingful a bill which requires the individual Negro of the South, in such areas where both denial of the franchise and intimidation have been clearly shown, to run a double gantlet?

Is it "morally correct" to require each Negro voter—after a court has found a pattern of voting discrimination where he lives—to test out that discrimination by presenting himself in person to register before local officials who have previously opposed Negro voting? To what economic and physical reprisals will each Negro citizen running this gantlet be subjected? Why is the administration through the Attorney General insisting upon such roadblocks to voting?

There are some of us who cannot agree with you that the House-passed civil rights bill will "go far toward assuring every qualified citizen the right of a voice at the polls." To those who would give as the answer, that we should presume that the voting officials will follow the order of the court, I would say that, after the finding by the court of a pattern of discrimination, is it not up to the officials responsible for such a pattern to demonstrate to the court that they have in fact changed? Why must the burden rest upon the individual Negro citizen to prove time and again that the pattern still exists?

ERNEST GRUENING,
Senator from Alaska.

AMERICANS FOR DEMOCRATIC ACTION,
Washington, D.C.

The civil rights bill passed by the House might have been a significant achievement in McKinley's day or even in Harding's, but as the 1960 version of a bill to protect constitutional rights, it can only be counted a failure. Our country needs much more than a voting rights bill today; yet from the House it did not even get a workable voting rights bill.

Look at the hurdles that stand in the way of registration of Negro citizens under the House bill:

First, the Attorney General must institute a suit under the 1957 Civil Rights Act; in 2½ years he has brought only four or five cases over the entire South.

Second, even after the Attorney General wins the case, he must prove a pattern or practice of discrimination against Negro voters before the referee provision comes into effect.

Third, even though the State voting registrar has been legally adjudged guilty of systematic discrimination, the Negro applicant must take the humiliating and sometimes perilous course of seeking out and attempting to register before that hostile State official.

Fourth, after the humiliation and delay in seeking out a hostile and evasive State registrar, the Negro applicant must go before the referee and prove to him that State officials had denied him registration despite his qualification as a voter.

Fifth, the Negro applicant must appear before the judge, if the State objects to the referee's report, and prove his case once again.

Bluntly put, the referee provision as passed by the House may well be a step backward. Under the 1957 Civil Rights Act, it seems quite likely that a court of equity could now adopt a more expeditious and less burdensome referee system than the one adopted by the House bill.

The Senate leadership is already attempting to pressure Senators into accepting the House bill with the threat that, if they try to improve it, they will risk a stalemated House-Senate conference and perhaps no bill at all. But in view of the inadequacies of the House bill, little is being risked; those who are genuinely concerned with protecting civil rights rather than obtaining political credit for enacting a bill called civil rights, should be prepared to run that risk in order to get a bill worthy of the name "Civil Rights Act of 1960."

JOSEPH L. RAUH, Jr.
WILLIAM TAYLOR.

THE PROBLEMS FACING YOUTH

Mr. McNAMARA. Mr. President, I should like to call the attention of the Senate to an article by Eve Edstrom in today's edition of the Washington Post.

The article cites a presentation to the White House Conference on Children and Youth by one of Michigan's most distinguished citizens, Prof. Wilbur J. Cohen, of the University of Michigan.

Prof. Cohen's basic thought is that we can never really solve the problems facing the youth of the Nation until we have effectively abolished the still present incidence of poverty in the United States.

I ask unanimous consent that this article be inserted at an appropriate point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERAL PROGRAM TO REDUCE POVERTY

(By Eve Edstrom)

A national policy to abolish poverty is needed during the next decade if family life is to be substantially improved, delegates to the White House Conference on Children and Youth were told yesterday.

The conference's goal, a former top social security official declared, should be to eradicate want, ignorance, squalor, and idleness and prevent disease among every child and youth in the Nation.

To help achieve this goal, Wilbur J. Cohen, professor of public administration at the University of Michigan's School of Social Work, declared the Nation's social security program should be extended to include health insurance.

Cohen, former research director for the Social Security Administration, declared that it "is just not true" that employment and economic growth have solved the problems of our low-income families. Currently, he said, about one-fifth of all the children in the Nation are in low-income families.

A program to accelerate the reduction of poverty, he said, involves a number of measures and cannot be left to the "impersonal elements of the marketplace."

He called for improved unemployment insurance programs, broader public assistance coverage, and an expansion of health services.

While noting that voluntary health insurance is increasing among middle and high-income families, he noted it has remained relatively stable among those with low incomes.

"The lowest percentage of voluntary coverage is among the families who need it the most: Coverage of only 32 percent in families in which the head is a woman and only 29 percent where the head is disabled," he said.

"In another study, one-half of the low-income families who put off seeing a doctor or dentist mentioned financial reasons as compared with only 5 percent among those with the highest incomes.

"Voluntary health insurance helps those with the highest incomes the most and helps those least who need it most. These facts indicate that it is doubtful whether we can give all the health protection needed to low-income families with children by sole reliance on the present voluntary health insurance arrangements."

He declared "an important next step in providing basic protection to American families" is to provide health coverage through social security such as is provided in the bill introduced by Representative AIME J. FORAND, Democrat, of Rhode Island, which is shaping up as one of the most controversial issues before Congress during this election year.

Cohen revealed that a research study that he just completed showed that "more than half of the adult population in the Nation favored Government action to help people get medical care at low cost."

LEAVE OF ABSENCE

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent that I may be excused from attendance on the sessions of the Senate until Thursday afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR TESTING BAN

Mr. CLARK. Mr. President, in connection with the current debate dealing with a treaty banning nuclear tests, I ask unanimous consent that excerpts from the remarks of the chairman of the Disarmament Subcommittee, the Senator from Minnesota [Mr. HUMPHREY] may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS BY SENATOR HUBERT H. HUMPHREY, WAUSAU, WIS. MARCH 26, 1960

Today has been a colorful, exciting day—full of caravans and bands and the stuff of American politics that stirs the blood and makes the heart glad. It has been a thrilling day for me—and, I hope, for you, too.

But when the bands have gone, when the banners have been furled and the crowds have disappeared, you and I are still left to face the problems of the day, to contemplate their complexities, and to search for their solutions. Of problems there are many; but the greatest of them all, I think you will agree, is the winning of a true and lasting peace.

The world has so long been at war or on the verge of war that the winning of the peace has become a sort of liturgy—a phrase we all say and believe in, but whose meaning we no longer question or fully understand as we say it. Of course, mankind has always yearned for peace. But in the 1960's, peace takes on a new meaning. It means the preservation of civilization from its own destruction.

We live in a unique age. Man has gone on, through the years, perfecting more and more deadly and destructive weapons. Now, we appear to have achieved the ultimate in destructiveness: The power to destroy civilization itself.

Fifteen years ago, man exploded the first atomic bomb. Try to think back 20 years—or even 16—to the times before the bomb was a reality. Would any of us ever have dreamed that we would today, such a short time later, consider a weapon with the explosive power of 19,000 tons of TNT a small weapon? Yet that is the degree of destructiveness man has achieved: 38 million pounds of TNT is a small weapon. You may now begin to see why the winning of a true peace takes on a special meaning—and a special urgency. It means the capacity to save ourselves from total obliteration. In the winning of peace, therefore, the problem of disarmament takes the central place upon the world stage.

As chairman of the Senate Subcommittee on Disarmament, I have had the duty of concerning myself with this awesome problem, of struggling with its technicalities, of groping for new avenues of approach that might offer the hope of an agreement between nations that they will not blow each other into oblivion.

Today, the world stands as close to such an agreement as it has stood since nuclear weapons first emerged. Today, for the first time, agreement is within sight, if we and the Russians can grasp the opportunity and have the capacity to bridge the remaining gaps that divide us.

Last October, in Pontiac, Mich., I presented the outlines of a possible solution to the disarmament impasse. It was a four-point program.

First, a treaty permanently banning all nuclear tests except small underground tests, with adequate inspections to enforce the treaty.

Second, a temporary moratorium on the underground testing of the smaller weapons that are difficult to detect.

Third, a joint research program with the Russians to improve the techniques of detecting small underground explosions.

Fourth, if the research should bear fruit, the expansion of the treaty would be expanded to include a prohibition against the smaller weapons tests. If it failed, the moratorium would be ended, and the small testing would resume.

That was last October. In February of this year, President Eisenhower proposed to the Russians a program embodying, in principle, three of these four points. Only on the suggestion of a moratorium on small underground tests was the President's proposal silent. The Soviets rejected the President's proposal out of hand.

But a week ago today, they reversed themselves. They offered to agree to a program which, with one crucial exception, was identical in principle to the solution I had suggested last October, including a temporary moratorium on small weapons tests.

I say "with one crucial exception": The Soviets failed to designate the number of inspections inside Russia which they would permit in order to enforce the test-ban treaty.

Thus, two main differences now separate us from the Russians. Our official proposal to them says nothing about a temporary moratorium on small weapons tests. Their proposal to us says nothing about a definite number of inside-Russia inspections.

Today I renew my proposal of last October. I call upon our Government to agree to a moratorium of specified duration on the underground testing of smaller weapons—but only on condition that the Soviets agree to an adequate number of inspections to make a major test-ban treaty safe and enforceable.

There are those who will say there is risk in agreeing to a moratorium that cannot be enforced. There is danger, they point out, that the Russians will cheat and will secretly go on testing smaller weapons in underground explosions that cannot be distinguished from earthquakes.

Yes, there is risk, but I say it is a small risk. We would have some means of detecting the smaller explosions if the Russians went ahead with their tests. We would have control stations inside Russia under the permanent test-ban treaty that would precede the moratorium. We would continue to have the listening stations in our own country and in the countries of our allies. And we would have our regular intelligence sources.

And there is an added possibility, about which we will know more in a matter of weeks: the possibility of unmanned, automatic detection stations to record the signals of even the faintest explosions. At this moment, such stations are being tested and we will soon know more about their effectiveness.

Yes, there is risk in a moratorium, but the risk is small—and it must be weighed against the risk of a continued stalemate and a continued buildup of the power of annihilation on both sides.

Remember, my friends, the nuclear club is no longer as exclusive as it once was. France has broken down the door, and it is only a matter of time before other nations force entrance as well. And, as the club grows larger, the dangers of nuclear war by accident grow too, and the difficulties of reaching and policing a disarmament treaty multiply.

Time is against us, my friends. We must make every effort to seize the opportunity now offered to us, before it is too late.

I do not wish to mislead you or to oversimplify the problem. Success may be within reach, but it is not yet in our grasp. There are a number of technical problems to be hammered out in patient negotiations with the Soviet. There remains the vital problem of effective inspection—that crucial obstacle that has always stood in the way of agreement.

On that, of course, we must not yield. On this point, I urge that we stand firm, and I am confident the President will do so. But on the question of a moratorium let us not be inflexible. Let us show a willingness to bend a little if the Russians will do likewise.

If our President will but express America's yearning for peace and a beginning to disarmament; if he will but show a disposition to take a step toward the Russian position in return for a concession from them, then perhaps the summit meeting will be crowned with success. I will join with all other Americans, regardless of party, in thanksgiving and gratitude.

For peace is no partisan issue. But, my friends, the peace we want must be enduring. It must have deep roots. Peace is not passive; it is active. It will not come to those who wait for it, who are afraid to reach out for it, who are too timid to risk little to win much. Nor can peace be won by slogans.

There can be no peace in a world plagued by poverty, hunger, disease, or illiteracy. The winning of peace is far more than the controlling of arms and weapons.

Aristotle rightly said that poverty is "the parent of revolution and crime." Then why tolerate it—especially when mankind has at its hand wealth and power of fantastic dimensions?

The world cries out for leadership that will reach out for peace—that will undertake willingly the long, tedious, and costly (but richly rewarding) task of creating a decent world in which peace can take root and flourish.

Mr. CLARK. Mr. President, I ask unanimous consent also to have printed in the RECORD at this point an article on the subject written by Chalmers M. Roberts, and published in the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IKE'S PLAN FOR TEST BAN DURING TERM REVEALED

(By Chalmers M. Roberts)

President Eisenhower has hit upon a way to meet the constitutional question involved in a unilateral nuclear-test moratorium. Whether intentional or not, the idea has obvious political ramifications in this presidential election year.

Mr. Eisenhower is insistent that he will do nothing to bind the hand of his successor, whoever he may be, except under treaty provisions duly ratified by a two-thirds vote of the Senate.

He also is determined, as Secretary of State Christian A. Herter indicated last week, not to accept as part of a test-ban treaty the Soviet idea of a continued moratorium for tests below the 19-kiloton "threshold." Inspection and control mechanisms for these tests would be the subject of future Soviet-American-British joint research, under the American treaty proposal as accepted by the Russians.

HOW PLAN WOULD WORK

Therefore the President has decided on this course, provided that an acceptable treaty is negotiated on all the currently outstanding points: He will himself continue the unilateral ban outside a treaty on the so-called small tests until next January 20 and he will recommend that his successor, to be inaugurated that day, continue the ban provided the Soviets are then cooperating in the joint research.

Four years ago when Democratic Presidential Candidate Adlai Stevenson suggested a unilateral American ban on testing, Vice President RICHARD M. NIXON called the idea of an uninspected ban "catastrophic nonsense." However, by President Eisenhower's order a unilateral ban has now been in effect almost 17 months during the test-ban treaty negotiations and without inspection.

NIXON is now the expected Republican presidential nominee and it was announced Saturday that he will sit in with the President and British Prime Minister Harold Macmillan during their talks this week on the test-ban problem. Hence he will be a party to the Eisenhower plan if it is put into effect.

BIG CHANGE FROM 1956

Under the procedure decided on by Mr. Eisenhower, Democratic presidential candidates also are likely to end up agreeing to continue the ban, subject to Soviet cooperation on the research work. This would tend to take the issue out of the presidential campaign, a big change from 1956 when Stevenson was hammered long and hard by the Republicans, including both the President and NIXON.

Formally, the Russians are insisting that a continuation of the ban on small tests must be written into the treaty for a period of 4 or 5 years. But the Soviet news agency, Tass, last week carried a dispatch recognizing that a U.S. President could not commit his successor except through a treaty. This is taken here as indicative that a continuation of a unilateral ban outside a treaty would be acceptable to Moscow.

Of 19 proposed parts and three annexes to the test-ban treaty, only five or six articles and two annexes are as yet not agreed upon. Aside from the under-threshold issue, other key points not yet agreed on include (a) rights, privileges, and immunities of international inspectors; (b) the number of on-site inspections per year for suspected hidden tests above the 19-kiloton level; (c) functions of the international control commission, including staffing of both control posts and roving inspection teams. There is virtual agreement on another point: an exception to the ban for internationally monitored nuclear explosions for peaceful purposes.

Mr. CLARK. Mr. President, I also ask unanimous consent that there be printed in the RECORD a letter to the editor of the New York Times, written by Hans A. Bethe, the leading consultant of the Government on this subject, and published in the New York Times of March 29, 1960.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SOVIET TEST PLAN EXAMINED—PROPOSAL CONSIDERED TO GIVE GOOD BASIS FOR AGREEMENT

To the EDITOR OF THE NEW YORK TIMES:

The Russian proposal made on March 19 at Geneva is a major step forward in the negotiations for cessation of nuclear weapons tests. Provided the details can be satisfactorily cleared up, it seems to me a suitable basis for a treaty.

In regard to furthering research on detection, the Russian proposal seems to me very well balanced. If we concluded now a complete agreement banning all tests, the Russians might not have much incentive to improve the detection system. With a time-limited moratorium on small tests, however, it would be very much in their interest to improve the methods of detecting small tests as quickly as possible.

Conversely, if the ban were limited to large explosions without any moratorium on small ones, then the United States might not have much incentive to change this status quo. The moratorium would provide such an incentive because it is very much to our interest to make the duration of the unmonitored moratorium as short as possible. Just as we want to have an assurance that the Russians will want to improve the system, so they need an assurance that we will have the same desire.

SCOPE OF COMPROMISE

No international agreement can be entirely foolproof. It must always be partly based on faith in the other party's good intentions. The only thing that technical methods of inspection can do is to reduce the area in which one needs to rely on good faith. This is accomplished by the present Russian compromise proposal: The area of faith is reduced in scope to small, underground explosions, and in time to a few years.

This seems to me an entirely acceptable risk. The Russians have shown that they are just as anxious as we are to reach a workable agreement, satisfactory to both sides. And even in the unlikely case that they should violate the moratorium, would this be so catastrophic?

We have already a large variety of nuclear weapons of low yield and small size. The Russians are probably substantially behind us in this area. Underground tests require considerable time of preparation, especially if a country has never carried out such a test, and even more if they have to be done in secret and in violation of a treaty.

It seems to me very unlikely that within the limited duration of the moratorium the Russians could shift the balance of military power even in the restricted area of small nuclear weapons.

Obviously the United States will have to seek further clarification of the Russian proposal. In particular, we must be assured that the Russians will permit an adequate number of on-site inspections, and liberal criteria for initiating them.

Furthermore, the duration of the moratorium will have to be negotiated. But if these and other details can be satisfactorily cleared up, the Russian proposal seems to me to give a good basis for an agreement on test cessation at rather small risk.

The risks in the continued and intensified arms race are immeasurably greater.

HANS A. BETHE.

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an article on the subject written by Walter Lippmann in his syndicated column "Today and Tomorrow," published in the Washington Post of March 29, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TREATY IN SIGHT

(By Walter Lippmann)

There is now a good chance that a treaty and a voluntary agreement prohibiting nuclear tests will be ready for signature at the summit meeting in May. Some specific points have still to be negotiated. But on the main issues there is no longer any important disagreement.

About 10 days ago the Soviet Government accepted, with one condition, the proposal made last month by the President. It agreed that the treaty should cover only test explosions which can be monitored. This means all the explosions which pollute the air.

The condition attached to this acceptance of the Eisenhower proposal is that for a period of years, perhaps 4 or 5, there shall be a voluntary agreement not to make small underground test explosions which are not yet prohibited by treaty. During this moratorium there would be, as the President first proposed, joint scientific studies to improve the existing monitoring devices.

The President is ready to accept the principle of this moratorium. But for obvious constitutional reasons he is not able to agree to the 4- or 5-year moratorium which the Russians want. He has no legal power to bind his successor, and the most he can do is to obtain promises to maintain a shorter moratorium from Mr. NIXON and the leading Democratic candidates. This ought to satisfy Mr. Khrushchev. For if the joint studies are carried out with energy and sincerity, there will be no serious doubt that the moratorium will be extended further.

Even if a treaty is signed at the summit in May, the Senate will not be able to act on it in this session. It will lie over until next winter, and this means that all the candidates for Federal office will have to take a stand on it during the election campaign. In all likelihood, barring unforeseen developments, the treaty will be popular, for the risks are very small, and the gains may be very great.

What are the risks? There is no risk at all that the big explosions prohibited by treaty could be carried out in secret. The treaty itself provides for a network of monitoring stations. But even more important, so it seems to me, is the fact that we are not capable by our own instruments of detecting the kind of explosion which the treaty would prohibit. We are able, so to speak, to monitor the monitors, to check and to double check.

What about the smaller underground explosions which would not be prohibited by the treaty but which would be subject to a short moratorium? Theoretically, since by definition they cannot be detected by existing instruments, the Soviets may during the past year have been conducting such underground tests. But no one thinks the Soviet Union has done this.

Why? Leaving out all considerations of good faith, sneak tests would be very dangerous. For while the scientists agree that the smaller explosions underground cannot surely be distinguished from earthquakes, it is also true that they cannot surely be concealed. The penalty for cheating would be enormous. What is more, for the Soviet Union the advantages from cheating would be unimportant. For the Soviet Union has no big military interest in perfecting the smaller nuclear weapons. She has big rockets to carry big weapons, and a massive reserve of infantry for conventional warfare.

For the United States the prohibition of small test explosions is a concession. It probably means that we shall not be able to perfect beyond their present state the smaller nuclear weapons. Congress, no doubt, will study this thoroughly. But so far as I can make out, there are plenty of fully informed and responsible people in the Government who think that our arsenal of weapons is already very good indeed, and that military perfectionism is not a national necessity.

The advantages of the treaty and an agreement can be measured only by what would happen if they failed. If, having come so near to an agreement, the three nuclear powers quarrel, the race in nuclear weapons will not only be resumed but it will be expanded. If we three, who have nuclear weapons, cannot agree to limit them, then all other powers which wish to count in world affairs must make or must buy nuclear weapons.

The critical country here is not France or West Germany. The critical country is China. For it has what Britain, France, and Germany do not have, the basic characteristic of a true nuclear power. This is to have so large a territory that it can hope to survive an attack.

If we look ahead, if we take account of the great balance of world forces, we must think it would be a disastrous folly not to become allned with the Soviet Union, when there is a chance to do so, against the spread of nuclear weapons.

Mr. CLARK. Mr. President, these articles once more emphasize the desirability of strong public support for a meaningful treaty banning nuclear tests. I commend them to my colleagues, and I associate myself with their conclusions, particularly those of the distinguished senior Senator from Minnesota [Mr. HUMPHREY].

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, I yield the floor for the present. The Senator from Washington also wishes to address the Senate on the pending bill. I shall suggest the absence of a quorum later.

Mr. MAGNUSON. Mr. President, the hour is getting late, and the distinguished chairman of the Committee on Appropriations has the Interior appropriation bill before the Senate also, and he would like to have that bill passed preceding the business of tomorrow, because that business may or may not—I hope it may not—delay other business of the Senate. So I shall be very brief.

We have had our annual discussion on the merchant marine. This is an annual show. It is always the same cast. We have not had any new actors for a long time. It is always in the same words. It is always the same result, too, incidentally. I am sure anyone listening to this debate year after year must come to the same conclusion, or become even more confused about it than he was when they first heard it.

Basically, what the Senator from Delaware and the Senator from Ohio, the Senator from Florida, and all other Senators are trying to do is not to spend any more money than we have to spend to keep the country going. That includes certain things in which the Federal Government participates, and one facet of that is the merchant marine.

We agree upon all that. But then in the play, in the third act, the actors get on two sides of the question.

There has been a great deal of misunderstanding—not deliberate misunderstanding—about the basic problem involved and about the basic reasons and about the testimony. There have also been some statements made on figures which need to be corrected. The Senator from Washington himself has stated some figures, thinking that he was correct in stating them, only to find that, while the figures were not wrong, they had to be corrected.

The American merchant marine, of course, is in a unique situation. I will not go into that in detail. I shall put into the RECORD a great deal of what I have prepared on the subject, which I hope will help clear up some of the misunderstanding. I have compiled a long statement on the subject.

I hope this will be my last appearance in this show. Perhaps what I have prepared will clear up some of the misunderstanding.

I have looked over the figures very carefully, and I have been very careful to see to it that there is as little confusion as possible on this matter. I hope the Senator from Delaware and other Senators interested will read my statement.

Here is an example of the confusion. There has been a great deal said about the coastwise and intercoastal shipping being subsidized. Well, if we consider the isolated sale of some ships some years ago, that might be termed a grant, because since we could not use the ships otherwise, they could be used in the coastwise trade. However, the law prohibits a subsidy being paid—that is, an operational differential subsidy—for any coastwise or intercoastal operation. That is one misunderstanding.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MAGNUSON. I permitted the Senator to speak for most of the afternoon, and I did not ask him a question.

Mr. WILLIAMS of Delaware. I merely wished to point out that I had said that they were subsidies that were paid as construction subsidies, and I cited specific examples.

Mr. MAGNUSON. Yes. That is one of the things. It has been said that the inland water shipping was subsidized. That is not true under the Merchant Marine Act. If we wish to say that the use of the locks in the river and the fact that the ships take advantage of the dredging by the Army Engineer Corps, constitutes a subsidy, I suppose in a sense they are indirectly subsidized.

It has been said that the airlines are subsidized. Of course we never had an aviation industry that did not start subsidized. Even though we say they are now off the subsidy, they are indirectly still subsidized by the provision for weather reports, airports, and many other things.

Someone has said that the railroads will come in and ask for a subsidy. The railroads have been subsidized ever since they started to operate. When they came in with their testimony in connection with the Transportation Act of 1958, they had a list showing the construction of dams and locks for the inland waterway system, and someone prepared a chart showing the value of the land given the railroads. It all added up to the fact that if we want to keep a balanced transportation system for the general good of the Nation, we have to do what we are doing.

Someone said today that pretty soon we will have to subsidize the trucking industry. Well, indirectly, the trucking industry is subsidized every time we build a road. We do tax the industry. They pay a user's tax. I suppose there is not a business in the United States, if we dig deep enough into the figures—and I am not as expert in figures as the Senator from Delaware is—we will find that almost every business in the country receives some kind of indirect subsidy. During the war, the big corporations received subsidies.

I may say to the Senator from Delaware that in our discussion about ship sales, some of the figures we used were incorrect. I have asked the Maritime Board to correct both of us. I have not quoted the resale and trade-in figures, but I will quote what they have said, because they have taken the figures given.

The Government traded in some industrial plants it had built during the war and sold them at lower prices to industries because the Government did not need them. The Senator from Delaware knows that. Many big industries today have had the advantages of trade-in as a result of a war. In this instance, many of the ships were built during wartime, and we did not need them after the war. They were disposed of under the Ship Sales Act. I have the report of the Maritime Board on trade-ins under the Ship Sales Act which was sponsored by Congress. I think the average of surplus sales of war-built materiel runs, according to the General Services Administration, less than 5 percent of its cost. The average for war-built ships, many of them obsolete, and many of which would have had to be scrapped, except that we kept them running in order to haul cargoes and get some taxes back, ran well over 35 percent, and in many cases from 55 to 60 percent. I think that is a pretty good record.

Because the same kind of argument as is made today was made between World War I and World War II, the American merchant marine was allowed to deteriorate, and the American flag left the high seas. The nation spent $17 billion to build the fleet which was used in World War II, and which hauled 95.6 percent of the tonnage overseas. That was because we did not have a merchant marine. If we had spent one-fiftieth of that amount each year from World War I to World War II, probably $10 billion could have been cut off the amount which was spent during World War II for the construction of our merchant marine.

There is much misunderstanding about voyage limitations. The truth is that the Merchant Marine Act establishes authority in a Maritime Board or a Maritime Commission to establish what are called essential trade routes throughout the world in the interest of the United States and the welfare of our commerce in wartime, and also for our defense. The act does not say anything about the number of voyages. It provides that the ships shall qualify.

The Maritime Board, as it is called now, what used to be the Maritime Commission—I wish the Senator from Delaware would listen to what I am saying. I listened all afternoon to him.

Mr. WILLIAMS of Delaware. I assure the Senator from Washington that I am not only listening to every word, but I am enjoying his speech.

Mr. MAGNUSON. It is necessary for a contractor to apply to the Maritime Commission, or now to the Maritime Board, to justify his request.

I think we ought to get the facts clear for the record.

Many Senators have said to me today, "Why don't you simply say nothing, and we will vote?"

My answer was, "I hate to see the record left in that way. Every year it is necessary to correct it."

It is necessary to justify the voyages. There is no limitation on their number at all. The carrying of essential trade goods has to be justified by an objective board. The Maritime Board, in my opinion, requires pretty good evidence before it will justify trade routes.

I point out on the map I have in my hand the trade routes which exist today throughout the world. The dark lines indicate the 790 voyages a year. The number goes down to less than 100 voyages a year.

If the Senator from Delaware will examine the map, he will see nothing but small lines, indicating less than 50 voyages a year to South America, to Africa, and to Australia, continents which are bursting—and again I repeat myself—at the seams, but they are the continents to which we have few or no trade routes. That is why the number of such trade routes should not be fixed, but should be left flexible.

The Senator from Florida [Mr. HOLLAND] does not decide the number of trade routes. That decision is made by the Maritime Board. The Senator from Delaware has heard this statement many times. The Maritime Board wants a figure within which they can live consistent with the expansion of trade. I do not believe we want the number to remain static.

As will be seen on the map, there is only one line operating to the west coast of Africa. All other maritime nations operate more voyages than we do to the same parts of South America.

If the Maritime Board is authorizing voyages on trade routes which are not justifiable, then we ought to raise the question with the Board. When we authorize 2,200, 2,300, or 2,400 voyages, that does not mean that that is the number they will operate. But the Board will hold hearings to determine the number to be operated.

World population is expanding, and commerce is expanding. I think the Board can live within this amount. That is the purpose of the provision.

The House considered this matter and went over it with a fine-tooth comb, and decided that 2,400 was the proper number of voyages. Maybe it will be decided that more voyages will be needed, when this map is examined. Every year a large number of applications is received. Certainly we want our commerce to expand; we do not want it to remain static. The Senator from Delaware suggested that we should never go above what has been the highest number of voyages. I do not think we can do that in an expanding world, in an expanding America, which wants to keep its place in the world.

We hear much about gaps. We hear about missile gaps and all other kinds of gaps. But if we do not watch out, there will be a bigger gap in our merchant marine operations than in anything else we can talk about.

Mr. President, I do not want to talk any more. I want to place in the RECORD a statement concerning this whole subject. I think it is an objective analysis of it. It sets forth figures which we have talked about and bantered back and forth with respect to the whole matter. I have checked, rechecked, and double checked them.

I think this matter poses a question, as I have said many times today. If we want to have an American merchant marine, then of necessity we must do some of the things which are here proposed. If we do not want to have a merchant marine, then we ought to do something about seeking the repeal of the act head on.

The limitation on voyages was placed in the law for the first time by the Appropriations Committee, as legislation on an appropriation bill; otherwise, there would never have been anything in the appropriation about voyages, because the voyages have to be justified under the act. It is simply not possible for additional voyages or new trade routes. It is necessary to spend days, weeks, and even months to justify them economically and otherwise. That is what I assume the Board does.

The Maritime Board has not been overexpansive in the development of trade routes as can be seen from the map, or in the number of vayages. But in the growing and expanding world in which we live, it is necessary to maintain our position, both for our security and our economic well-being.

Mr President, I ask unanimous consent that the statement I have prepared be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

The debates and colloquies in which we have engaged the past few days and nights concerning the merchant marine and the Commerce Department appropriations now before us have been a healthy development.

To those of us whose responsibility it is to be informed in this important area of national interest—and who have devoted many long hours and days of committee meetings and study to the subject—it is gratifying to see the interest of others.

It has become apparent from these discussions that there are those in this distinguished body who are confusing the end with the means, and there are others who base their points of view more on some misunderstanding than on fact where the merchant marine is concerned.

These basic facts we must keep before us:

An irrefutably strong American-flag merchant marine is a necessary and basic instrument of our national policy as recognized in the Merchant Marine Act passed by Congress in 1936.

This fleet of ships is essential to our peacetime commerce—particularly with reference to the Soviet economic challenge about which I will have more to say shortly—and vital to our national defense. It is no less vital in this missile age in which we live.

In order to maintain such a fleet in the face of the wide disparities between American and foreign costs, the Congress must provide subsidy assistance in both the operating and the building of ships.

It is at this point that some have been confusing the end with the means. The end—the objectives—are clearly and forcefully stated in the Merchant Marine Act of 1936. This legislation, with amendments as they have become necessary, has stood the test of time—24 years of effective operation.

It is a good act.

It is a sound legislation and it reflects sound national policy.

As I have repeatedly said, if there are those who wish to repeal the act, let them introduce a bill to do so. But until this might be done let us not hamstring the effectiveness of the act by whittling away at the appropriations—the means—by which it must function if it is to fulfill the objectives set forth by Congress.

The debate of the past few days has raised some serious challenges regarding our American Merchant Marine. These challenges must not go unanswered.

In a recent speech on this floor, the able senior Senator from Delaware made some very critical remarks about merchant marine subsidies as well as about the agency charged with administering that program. The Senator's comments—if I interpret them correctly—characterized subsidies as guaranteeing profits. Further, the Senator implied that faulty administration of the 1936 act permitted steamship operators to realize windfalls when they trade in vessels as part of a vast ship replacement program now under way.

Objection has been made to operating differential subsidies for American shipping, seeming to imply that he would be content if our great Nation were fully dependent upon the ships of foreign nations to carry our commerce and support our defense.

As legislators, if we are to rely on this in arriving at balanced judgments by which we steer our course as a leading maritime nation, we are, indeed, wallowing deeply in a sea of misinformation. Like all Senators, I would prefer that American industry should operate free of Government-provided protections or preferences. Steamship operators, rugged competitors and free enterprisers that they are, would devoutly prefer this course.

Yet, a shrinking world has forced domestic producers of goods and services to compete with similar offerings from countries less well endowed than we in terms of their standard of living.

In 1936, after exhaustive investigation and hearings, Congress determined that an American-flag merchant marine was essential for our commercial welfare and our national security—a finding that has many times since been confirmed and reconfirmed in studies and reports by the military, by government, by universities, and by other groups.

Having thus determined, Congress, through legislation, provided subsidies for operating and constructing ships. These subsidies are designed to put our maritime industry on a parity with foreign competitors as to certain costs.

Again, like all Senators, I agree that such assistance to industry must be carefully watched and administered. Implict in this watchdog function, which we all share, is the obligation to inform ourselves accurately and fully so that responsible administrative and legislative consideration will result.

Let us, then, share some facts about the American merchant marine.

Operating subsidy costs: The question has been raised by the Senator from Ohio as to the taxpayer's share of the cost of operating the subsidized segment of our merchant marine.

The answer is: Relatively little. About 80 cents out of every dollar of cost is paid for by the operator. About 20 cents of every dollar is paid for by subsidy.

In 1958, the total operating expenses of the lines under subsidy contract—including depreciation and overhead—were $712,607,165. Of this amount subsidies payable totaled $139,770,672, or 19.6 percent of the total.

It should be clear that the steamship operator, paying as he does 80 cents out of every dollar of expense, lacks no incentive to reduce expenses and improve efficiency wherever possible.

It is important to note that over 80 percent of all the operating subsidy dollar are paid to labor, offsetting America's high labor costs as compared with lower foreign costs.

Do subsidies guarantee a profit? The Senator from Delaware is not alone in his misunderstanding that just because a steamship operator receives subsidy he is therefore guaranteed a profit. This is perhaps one of the least understood aspects of our national maritime program.

Subsidies in no way guarantee the operator a profit. Like the golfer's handicap, they simply put him into the game on a parity footing with his competition. After that he is on his own to earn a profit or not, according to his ability.

Under the 1936 act, if he earns a profit greater than 10 percent of the capital "necessarily employed" in his business, he then is in a recapture position and must begin to repay subsidy to the Government up to the full amount received.

Only recently we have had an example of the fact that subsidy gives no guarantee of profits. The American Banner Line in 1957 entered the transatlantic passenger trade with a converted mariner operating under subsidy agreement. After constant unprofitable operation, the line was forced to go out of business only a few months ago.

Ship trade-ins: In his recent speech on this floor, the Senator from Delaware condemned both shipping companies and the Maritime Administration for the present trade-in prices of older ships. He characterized this programs a "bonanza," a "windfall."

I submit that this is not an issue, nor a subject, that calls for semantical skyrocketry such as this, but for sober scrutiny of the facts.

The facts are—

The trade-in and build program is fully authorized by statute.

Its legality has been confirmed by both the Comptroller General and the Maritime Administration.

It falls within the scope of our national maritime objectives and policy and is fully consistent with the parity principle established in the Merchant Marine Act of 1936.

It is economically sound, and it is absolutely essential if the Government and the operators are to achieve the orderly replacement of our aging fleet.

What may seem to be unreasonable trade-in allowances for older ships is about 10 percent less than the value placed on similar ships in the unrestricted world market.

American operators who do not hold subsidy contracts with our Government are permitted to sell obsolete vessels in the world market, but only to friendly foreign nations and with certain restrictions.

This means that their ships actually have less than a truly free market value— they have what is termed a "restricted market" value which might average about 10 percent less than "unrestricted market" value.

Should American operators with subsidy contracts be penalized because they do business with the Government? Should they be deprived of the opportunity to get trade-in prices for their ships equal to those of other American companies without subsidy? I think not.

There is no sleight of hand going on in ship trade-in, as some seem to believe. They should remember that there has been a tremendous upward change in ship prices throughout the world since these ships were originally acquired—most of them 14 years ago. Ship prices, like all costs, have soared. And these soaring prices apply also to the new ships that operators must build under present-day wage and material costs.

As we all know, the maritime industry has no corner on inflation. Every industry and every individual faces it. How, on the one hand, can Congress and the Government insist that ship operators live up to their contracts and invest millions of dollars in new ships * * * then, on the other hand, say: "But you must take less for your trade-in vessels than you could get in world markets if you were permitted to sell them in world markets, which you cannot do under terms of your contract with Uncle Sam." Neither Congress nor Government can, in equity, take such a position.

Retaining these trade-in vessels in America's reserve fleet, as contrasted with selling them in foreign markets and to foreign competitors, may be in the best interests of the Government and the taxpayer.

Ship replacement program: To qualify for a subsidy contract, a steamship company must agree to assume many contractual obligations.

It must agree to man its ships only with U.S. crews.

It must agree to maintain regularly scheduled services over trade routes declared essential by the Government. In maintaining such regularity, its ships must sail on schedule whether their cargo holds are full or not.

It must agree to repair its ships in U.S. shipyards and to supply and equip them with American-made goods.

But the most critical and costly obligation of all is the operator's agreement to replace his vessels before they become obsolete.

As part of their contractual agreement, and at the insistence of the Government, operators with subsidy contracts are now committed to and embarked upon such a program.

It is a vast and expensive program * * * but a necessary one if our Nation is to continue as a maritime power.

It is in many respects a unique program. Involving as it does the replacement of some 300 ships in a 10- to 15-year period, it is the largest ship construction program in our Nation's peacetime history. It has been moving slowly—No. 14 in the world.

It is unique in another respect and this is the partnership relation between the shipping industry and the Government in executing the program. The 1936 Merchant Marine Act provides that, in order to maintain a strong American shipbuilding industry, construction differential subsidies will be paid directly to the shipyards to place them on a parity with foreign shipyards where costs are lower. This enables operators, who are required under their contract to build in American yards, to purchase ships at costs comparable to those abroad.

To some Senators who have studied the 1936 act, this is an old and familiar story. To others it is not. I shall not belabor the point, nor the technical details of how this program operates.

But I do say that all of us in the body should feel a keen responsibility to inform ourselves accurately about the ship replacement program, the necessity for it, and the manner in which it is being carried out under existing legislation. In the hands of the Congress lies the fate of this country as a maritime power. It is a responsibility we cannot and must not shirk, and it is one

we must discharge with full regard for the consequences it holds not only for our country but for the free world as well.

To date we have not met it fully. The 14 steamship companies operating under subsidy contracts have committed, or are committing, themselves to vast expenditures of private capital. They have, with success, tendered their bonds and their stocks to private investors to raise new capital needed for this program. With the Maritime Administration they are engaged in long-range planning for ships of superior design and greatly improved cargo loading and carrying capacity.

Under this program, four new passenger liners, two each for Grace Line and Moore-McCormack Lines, are already in service. On March 31, the first cargo vessel in the program, the SS *James Dykes* owned by Lykes Bros. Steamship Co., will enter service. Forty-one other ships are now either contracted for or under construction.

But this is not enough, either to meet the problem of fast-approaching obsolescence of our fleet, or to keep American shipyards sufficiently busy to retain and hold together their trained work forces.

In 1958 contracts for 19 ships were let under this program. In 1959 only 15 contracts were let. This is despite the fact that it is generally recognized that, in order to replace our merchant fleet on a phased-out basis and to keep our shipyards productively occupied, we must build at the rate of 25 to 26 ships a year.

If we are to achieve this objective, if we are to keep America's merchant fleet competitive with the fleets of other nations, if we are to retain a trained reservoir of talent and shipbuilding facilities, if we are to do all these things, the Congress must implement the purposes of the 1936 act through appropriations that will make such a program possible.

As I say, to date we have not done so. We must. And before we can act, we must understand.

Among other things we must understand is the relation of our American-flag merchant marine to our national welfare, both commercially and for our national security.

Members of the Senate may say: "This is the Senator from Washington State talking. He is from a seaboard State. Naturally, he has an interest in shipping, but why should we?"

May I answer that question? I invite you to lay these facts alongside the fiction that our merchant marine is important only to those Americans who live in seaport cities.

Our merchant marine employs more than 200,000 people from every section of the country in seafaring, shoreside, and shipbuilding jobs.

It is an important customer of American farms. The 14 companies operating under subsidy contracts buy more than $19 million worth of food from American producers each year.

It is a substantial taxpayer, the contract lines alone paying in excess of $20 million a year in Federal income taxes; withholding an estimated $50 million in taxes annually for employees; and paying an estimated additional $14 million annually in payroll taxes.

Consider the offset factor of these taxes against the net cost of operating subsidies for shipping. It is estimated that since 1946, 85 percent of the net operating subsidy costs paid out by the Government has been offset by the Federal income taxes paid in by shipping companies and their employees.

In all, it is estimated that the Merchant Marine, counting its seagoing, shoreside, and shipbuilding and ship repair segments, contributes better than $5 billion annually to the U.S. economy.

These are direct returns from our Merchant Marine. Let's look at some of the less direct returns from foreign trade which benefits us all—

Every 9 minutes a vessel loaded with foreign trade cargo enters or leaves a U.S. port. About one out of every four of these vessels sails under the American flag.

In total, more than 4½ million Americans are provided direct employment as a result of our foreign trade—much, but not enough, of this foreign trade being carried by American ships.

But let's bring foreign trade a little closer home. For instance, more than 1 million Ohio factory workers owe their paychecks to foreign trade, and thus, at least in part, to American ships that make this trade possible. Or is he aware of the fact that in 1956 Ohio's share of our export trade was more than $1 billion? These are facts.

If we plowed under every square foot of Illinois—including the cities, towns and hamlets—and made it into one gigantic farm it still would not provide acreage enough to raise the crops and farm products carried to overseas markets by ocean going ships in just 1 recent year. It is a fact.

One million Texas residents of this great State working in factories, service industries and on farms benefit directly from merchant ships and foreign trade. It is a fact.

We from California and Oregon and Washington, should be aware that our three States combined have some 1,400,000 manufacturing workers who work in industries directly affected by ocean commerce.

It may come as news that in Minnesota and the Dakotas that 1 out of every 3 job holders in their three-State area are affected by foreign trade; that these workers earned an estimated $2 billion in a recent year and produced exports valued at more than $400 million. Yet this is a fact.

And from the land-locked States of Arizona, Colorado, Montana, New Mexico, Utah and Wyoming it is of interest that more than half a million workers in their area were affected by foreign trade in 1958 and that their share of export trade was worth nearly $3,000 million. This, too, is a fact.

So it can be seen that each of us has a common tie that binds us to ships and to foreign trade and the impact they exert on jobs, payrolls, income, purchases and taxes in our home States and areas.

There has been much discussion lately about America's currently unfavorable balance of trade. There has been concern expressed by economists and others over the fact that last year our balance of payments deficit amounted to $4 billion.

Were it not for our American merchant marine this deficit might well have been $5 billion instead of $4 billion. This is so because, in 1959, it is estimated that American-flag vessels sailing in international commerce either earned or avoided disbursement in foreign exchange balances of approximately $1 billion.

This $1 billion is not an insignificant figure. It is one-quarter of the deficit and, on the positive side, it is a contribution to our intangible national exports that is there only because we have an active American merchant marine.

Americans—all Americans—have another and even greater reliance on ships. This has to do with the vital role these ships play in our national defense. This has been so well documented by others that I shall not attempt to restate here except to say this: Qualified experts confirm that, despite missiles, despite atomic submarines, and despite the many other ways which man has devised to conduct modern warfare, the dependable cargo ship and the passenger-transport remain as the essential links of supply between our Nation and the free world, whether the wars be hot or cold.

This view has been supported and reaffirmed within very recent weeks by two major studies, one undertaken by the Department of Commerce at the President's request and the other by the National Research Council of the National Academy of Sciences.

The Commerce study of Federal transportation concludes, after detailed examination, that "A merchant marine and shipbuilding industry are essential to national defense and peacetime commerce."

The National Academy of Sciences study group, with Adm. Arthur W. Radford as chairman, concludes, and I quote:

"The U.S. merchant marine should be prepared to play a significant national security role in three types of conflict: (a) the intensifying political-economic conflict (cold war) that is with us now; (b) the spectrum of limited wars which we may face at any time at the option of the enemy; and (c) the more remote possibility of general nuclear war."

The Academy report emphasizes that the Soviets and their satellites are expanding their merchant fleets. It says, and I quote: "The United States must use its merchant marine defensively to counter economic thrust—it must also use it positively as a weapon in the cold war arsenal."

But it goes on to warn, and I quote:

"The fleet in general, however, is qualitatively deficient for limited war purposes because of inadequate speed, relatively low cargo-handling rates, and lack of 'over the beach' capability—coupled with obsolescence.

"In the event of general nuclear war, the merchant marine could play a vital role in rescue, rehabilitation, and restoration. It is likely to be the least damaged transportation resource."

The report concludes that a nuclear war is not likely; therefore there should be undertaken "a foresighted, positive program designed to meet cold and limited war needs which will go a long way toward producing an effective fleet for general war tasks."

Here, as in numerous reports that have preceded these, are clear mandates to Government, the Congress and the shipping industry to revitalize our merchant marine. These are facts and findings from competent authorities that detail the course before us.

Not as clearly delineated, but nonetheless as commanding in the attention we should give them, are the merchant marine aspirations of the Soviets and their satellites.

In 1956, the Russians stopped producing naval surface vessels in their shipyards and began to build merchant ships. Today the Soviets are operating 800 merchant ships.

At the rate the Soviet bloc is building, it is expected that by 1975—15 years from now—they will have 13 million tons of shipping, or about 8 percent of the world tonnage.

The Soviets don't build ships overnight. And neither do we. But today as we sit here and debate the future of America's merchant marine, Soviet shipyards, Polish shipyards, Yugoslav shipyards, Red China shipyards, and the shipyards of Eastern Germany are bursting with activity and with orders.

Why? Why does the Soviet bloc place such stress on merchant ships when their economy so desperately needs this productive capacity for other purposes?

To discover the answer we must rearrange our thinking about Russia—just as Mr. Khrushchev and his planners have rearranged theirs.

Most of us are inclined to think of Russia as a landpower. We forget, perhaps, our lessons of history showing that Russia colonized sections of our own country and other parts of the world as well; that historically, it has consistently sought outlets to the sea. As a nation it is, therefore, very much at home on the sea.

Today, because it fits its strategy for world domination, Russia is again looking

to the sea. If it can become, at one and the same time, a great landpower and also a great seapower, look for a minute at how the Kremlin's objectives can be served.

What better way could they proceed to "bury" us and the rest of the free world economically, than to drive other merchant shipping off the seas through devastating undercutting of rates, through dumping strategic materials on world markets at bargain-basement rates?

What better way is there to supply and sustain revolutionary movements in debilitated countries than through funneling into them by your own controlled shipping the manpower, the propaganda materials, the arms and the equipment to keep the fires of hatred and unrest at white heat?

Ocean shipping can be for Russia the means by which it can cross international boundaries with impunity, planting its poison as it goes, expanding its influence everywhere.

This the Soviets have done in supplying arms to Egypt. They came aboard Russian merchant ships.

As part of their economic penetration of Yemen, the Russians landed goods and personnel from their own ships, just as the armed Kurdish tribesmen sent to Iraq to foment discord were landed from Russian ships.

And now, currently, the Russians are seeking to extend from 3 to 12 miles the traditional limit on territorial waters in which a nation has exclusive sovereignty. Look behind this move and we see that, if such an extension is made, Russia thereby acquires 3 million miles of additional coastal territory. It can be clearly seen from this that Russia, with her 500 submarines, is emphasizing the role of seapower.

Today, the Soviet Union is second only to the United States in seapower, having replaced Great Britain, the free world's traditional guardian of the seas.

Are we to permit, can we afford to permit, the Soviets to gain the sea ascendancy they seek?

The answer is obvious and the challenge is great. This is another reason we need an American merchant marine.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield.

Mr. LAUSCHE. Is it not true that in the last 3 years there has come before the Committee on Interstate and Foreign Commerce, of which the Senator from Washington is chairman, the following bills contemplating an expansion of the subsidies which the taxpayers have to pay: First, 2 years ago, when we increased the subsidy for the building of two passenger ships, one for the Atlantic and one for the Pacific, we raised the subsidy 55 percent?

Mr. MAGNUSON. That is correct. With respect to the two passenger ships, we had long hearings. We did not actually raise the subsidy. What we did was to allow more of a flexibility between what was considered the defense features and what the company would install. The operational subsidies, if the ships had been built and operated, would have been the same.

Mr. LAUSCHE. I am speaking of the construction subsidy. Those two companies were paid for the cost of installing what would amount to war-service equipment and facilities.

Mr. MAGNUSON. Yes.

Mr. LAUSCHE. That was paid for separately; but we increased the construction subsidy until it amounted to 55 percent, instead of 50 percent.

Mr. MAGNUSON. I think 56 percent is more nearly correct, if the ships are built. But they have not yet been built.

Mr. LAUSCHE. I understand.

Next, those who serve the merchant marine felt that the drydocks in which the ships are repaired should also be included as beneficiaries of the subsidy. The argument for that was that the drydocks form a part of our national defense, and that therefore the cost of the drydocks should be included in the cost of construction, in connection with the determination of the subsidy.

Mr. MAGNUSON. I do not recall anything of that sort. There was a bill to make the floating drydocks eligible for mortgage insurance; but that is not a subsidy.

Mr. LAUSCHE. My understanding was that the subsidy was to be extended to the floating drydocks, on the basis of the argument that the floating drydocks are essential to the national defense. Of course, if the cost of the drydocks is included, there could equally well be included the cost of storage facilities, and so forth. But perhaps I am in error as to that.

Mr. MAGNUSON. That bill dealt with mortgage insurance.

Mr. LAUSCHE. Is there not also before the Congress a bill to provide a subsidy for the fishing fleet—on the ground that eventually the fishing fleet will become a very important, integral part of our national defense?

Mr. MAGNUSON. That bill has been passed by Congress. It provides for a construction differential subsidy for fishing fleets of a certain nature.

Mr. LAUSCHE. Yes.

Is it not also a fact that there is now before our committee a bill to remove the 50 percent limitation on the subsidy for the construction of ships?

Mr. MAGNUSON. That is correct, but it would not remove the 50 percent limitation, although that impression may have been gained by some. The bill merely provides for payment of the difference between the cost of foreign construction and the cost of domestic construction, whenever that difference is in excess of 50 percent. Only the amount in excess of that limitation would be paid. Of course, the excess could be less than 50 percent, and then it would not be paid.

Mr. LAUSCHE. Is it not also a fact that, generally speaking, the subsidy program is growing, instead of decreasing, and that that has been the trend since the general act was passed in 1936?

Mr. MAGNUSON. I do not quite go that far with my friend the Senator from Ohio.

We have not changed the 1936 act in any respect, so far as I know, as regards the operating differential subsidy. We did provide for an extension for the construction of the two so-called superliners—on the theory that they constituted a special project. That was very unusual. As a matter of fact, it has become so unusual and so difficult to finance, that the ships have not yet been built, although their construction was authorized and directed approximately 7 years ago.

There is the proposal to change the 50-percent differential subsidy, to the extent that if the cost goes above 50 percent, the excess above 50 percent shall be paid. But during all that time the 1936 act has not been changed.

Mr. LAUSCHE. But at least the subsidy situation has not improved since the passage of the 1936 act; and if there has been a change, it has been in the direction of having the subsidy situation get worse, instead of better, has it not?

Mr. MAGNUSON. As a matter of fact, we have not made any changes at all. The superliners have not been built. And the other bill has not even been brought up; it is only a proposal.

Mr. LAUSCHE. But there was the fishing fleet bill.

Mr. MAGNUSON. But that fleet cannot be properly included in the merchant marine.

Mr. LAUSCHE. That shows the ridiculous aspect of this matter, because the fishing fleet has been included in the merchant marine, on the theory that the fishing fleet would be a part of the national defense. That argument was made on the floor of the Senate.

Mr. MAGNUSON. There was some testimony to that effect, but that was only incidental. The Navy testified that some of the fishing vessels were used during the war, as patrol vessels.

But so far as the Treasury or the Budget is concerned, we have not actually changed the Merchant Marine Act of 1936—with one exception.

Mr. HOLLAND. Mr. President, if the Senator from Ohio will yield, I should like to ask that the yeas and nays be ordered on the question of agreeing to the amendment of the Senator from Delaware.

Mr. LAUSCHE. I yield.

Mr. HOLLAND. Then, Mr. President, on the question of agreeing to the amendment of the Senator from Delaware, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Is there a sufficient second?

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, I have no further questions.

Mr. MAGNUSON. Mr. President, I intended to place in the RECORD a letter from the Maritime Administration which sets forth some figures—even though they do not have anything to do with the pending amendment—in regard to trade-in allowances and the purchase price of some of the ships which have been mentioned during the debate. But, instead of having the letter printed in the RECORD, I shall merely keep the letter available for examination by any Member who wishes to examine it—instead of placing the letter in the RECORD, and cluttering up the RECORD to that extent.

Mr. WILLIAMS of Delaware. Mr. President, I have listened with interest to the remarks of the Senator from Washington. I was particularly interested when he attempted to show that our objection to the proposed increase of this appropriation is futile; he said that

on many previous occasions we have lost this battle, and he indicates that perhaps we shall lose it today. However, that is no argument against an amendment when we think we are right.

It is important to bear this in mind when we are making an effort to hold down the budget. The fact that in the last 30 years the budget has been balanced only five times illustrates the problem of cutting down on any spending proposal.

The continuous votes in the Congress for increased expenditures are gradually eating away the substance of the American people—the taxpayers of our Nation.

In regard to the figures I have mentioned earlier, let me say that every one of them has been obtained from the Maritime Administration.

Some have tried hard to claim that no subsidy was involved in the sale of the ships for use on the Great Lakes, but again I call attention to the fact that ships costing more than $24 million were sold to the Great Lakes shipping companies for a total of $310,000, and they were sold within 6 months of the beginning of the Korean war. By no stretch of the imagination could those ships be regarded as surplus, nor can it be denied that this is a subsidy.

Furthermore, thereafter the Government authorized the construction of other ships of a similar type at a cost of nearly $10 million each. Some of the arrangements which have been made under the guise of subsidizing the American merchant marine have been utterly fantastic. It is high time that these facts be recognized, and that such arrangements be ended.

Again, a few weeks ago I called attention to the fact that the Government is now taking back ships at prices of $1½ million although 10 or 12 years ago the same ships were sold for $1 million. Yes—the price at which the Government is taking them back is in some instances 50 percent more than the price for which the Government sold them 10 or 12 years ago. Yet the Senator from Washington has described those ships as "junk." If they are only junk, why is the Government paying $1½ million for them?

Mr. President, the yeas and nays have been ordered on the question of agreeing to this amendment. When the vote is taken Senators will be voting on the question of expanding these subsidies far beyond what the Budget Bureau recommended.

Certainly we would not be cutting back this subsidy too much if we cut it back in accordance with the recommendation of the Bureau of the Budget.

Unless the Congress proceeds in the direction of cutting these subsidies, rather than increasing them, the budget will never be balanced.

I ask unanimous consent to have printed at this point in the RECORD the article entitled "The United States Should Cut Its Losses on Tankers," which was published in Barron's magazine for February 15, 1960. The article points out very plainly how far down the subsidy road we are going, and emphasizes the fact that it is time for a halt to be called.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNITED STATES SHOULD CUT ITS LOSSES ON TANKERS

Of all the ships to which men commend their fortunes, perhaps none has encountered more ups and downs of late than the tanker. Just a few years ago, it will be recalled, Messrs. Livanos, Niarchos, and Onassis became the wonders of the financial world; as a symbol of unparalleled affluence, the tanker owner all but replaced the Texas millionaire. Under the relentless pounding of events, however, the glamour and glitter have begun to fade. Aristotle Onassis has had difficulties with the U.S. Government. According to recent estimates, nearly one-quarter of total tanker tonnage has been laid up. Most distressing of all, a new fleet of tank ships, largely financed with Federal assistance and flying the Stars and Stripes, is perilously close to floundering in the choppy economic seas.

In an effort to stave off disaster, its owners have sent out urgent calls to Washington for help. In particular, they seek immediate relief from contractual obligations which have grown as burdensome as any albatross. With an eye toward the long pull, moreover, they are pushing for a privileged, and highly profitable, status in the transportation of petroleum to these shores. Lacking such aid, say the storm-tossed mariners, they are bound to go under; the U.S. Maritime Administration, willy-nilly, may wind up with a large fleet of tankers on its hands. While this, of course, would be an untoward event, the proposed alternative is clearly worse. For one thing, at heavy cost to both producers and consumers, it would turn the flow of imported oil into a tight little monopoly. Furthermore, at the national expense, it would bail out not only a small group of private speculators, but also a blundering Federal agency, which probably should be overhauled from stem to stern. Like a beacon on a foggy night, then, the tale of the tankers sheds a piercing light on what is wrong with U.S. shipping policy.

The sorry saga dates back to the time of Suez, when the U.S. Government, alarmed at a temporary shortage of tankers, decided to spur their construction. The Maritime Administration was authorized to offer private operators a number of incentives, including the privilege of making a relatively small downpayment (ranging from 20 percent to as little as 12½ percent) on a new vessel, and borrowing the balance on a mortgage insured by the Agency. Under this attractive scheme, shipowners agreed to build upwards of 20 tankers, at an estimated cost of $250 million. Long before their completion, however, the market tides had turned. Instead of facing a scarcity of oil, the free world soon found itself burdened with a glut. To make matters worse, this country last year imposed stiff quotas on foreign shipments of crude oil and products. As a consequence, tanker charter rates have dropped to a 5-year low, and a great deal of tonnage, including some vessels which never have hauled a cargo, is on the beach. Several federally insured mortgages are threatened with default; in at least one case, the Maritime Administration actually has begun to make the necessary payments of principal to the lender. Unless help is forthcoming shortly, cry spokesmen of the harassed owners, the whole fleet may sink into bankruptcy.

To stay afloat, they are urging, first, that the Maritime Administration be empowered to throw them a temporary lifeline, i.e., to meet their mortgage payments as the need arises. The agency, out of skimpy reserve funds, has taken this sympathetic tack with one hard-pressed debtor. Under a bill introduced last week by Senator MAGNUSON, Democrat, of Washington, MA would have the right to draw on the Treasury as well. Whatever shape it may take, the expedient is thoroughly unsound. For one thing, the surplus of tankers may persist for years; most observers in the trade, indeed, expect it to grow considerably worse before it gets better. At best, vessels burdened with excessive capital and operating costs, as are the new U.S.-flag tankers, would have trouble surviving in anything but a global crisis. Hence, by trying to tide over the shipowners, instead of simply foreclosing, the Maritime Administration might be throwing good money after bad. In any case, it would be committed to unseemly speculation for the rise.

To be sure, under a second proposal advanced by the owners, the rise would be swift. Briefly, they have asked the Office of Civil and Defense Mobilization to rule that, in the national interest, half of all the petroleum imported into the United States must be carried in vessels flying the American flag, i.e., their ships. Such an extraordinary decree, of course, would constitute a vast windfall for the group. At a stroke it would turn a hopeless excess of tonnage into a severe local shortage, thereby driving up charter rates and creating, for the favored few, a buoyant prosperity and the prospect of handsome capital gains.

The rest of the country, however, would have to foot a steep bill. Such shoddy commercial tactics would cost the United States a precious tradition of maritime freedom which it now shares with almost every other nation of the West. They would exact a heavy toll from the oil companies, thereby leading, sooner or later, to higher fuel costs for factory and home alike. What the tanker owners are seeking, finally, would put American industry, already none too robust competitively, at a further disadvantage in the markets of the world. The upkeep of ships, as Plautus once observed, is one of the two most expensive things on earth. To support a fleet of tankers, on the terms outlined above, is plainly more than the United States can afford.

Far from expanding its maritime commitments, then, the only sensible course for Washington to follow is to cut its losses. In the process it would do well to take another look at the national policies which have led to the construction of an armada of commercially unviable vessels, as well as at the officials who apparently would spare nothing to keep them afloat. The federally financed tanker fleet has been a fantastic waste of resources, private and public alike. From this sad experience, let the United States salvage whatever wisdom it can.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I request unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. Mc-

GEE], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

I further announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. MCGEE], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "nay."

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from West Virginia would vote "nay," and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Delaware [Mr. FREAR] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from Delaware would vote "yea," and the Senator from Missouri would vote "nay."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Connecticut [Mr. BUSH], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is detained on official business.

On this vote the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from West Virginia would vote "nay."

The result was announced—yeas 28, nays 54, as follows:

[No. 139]

YEAS—28

Aiken	Dworshak	Mundt
Allott	Ervin	Prouty
Bennett	Fong	Proxmire
Brunsdale	Goldwater	Schoeppel
Byrd, Va.	Hruska	Scott
Carlson	Javits	Talmadge
Case, S. Dak.	Jordan	Thurmond
Cotton	Keating	Williams, Del.
Dirksen	Lausche	
Douglas	McClellan	

NAYS—54

Anderson	Eastland	Holland
Bartlett	Ellender	Jackson
Beall	Engle	Johnson, Tex.
Bible	Fulbright	Johnston, S.C.
Bridges	Gore	Kefauver
Butler	Green	Kerr
Byrd, W. Va.	Gruening	Kuchel
Cannon	Hart	Long, Hawaii
Carroll	Hartke	Lusk
Chavez	Hayden	McCarthy
Church	Hennings	McNamara
Clark	Hill	Magnuson
Mansfield	Muskie	Sparkman
Martin	Pastore	Stennis
Monroney	Robertson	Wiley
Morse	Saltonstall	Williams, N.J.
Moss	Smathers	Yarborough
Murray	Smith	Young, Ohio

NOT VOTING—18

Bush	Frear	Morton
Capehart	Hickenlooper	O'Mahoney
Case, N.J.	Humphrey	Randolph
Cooper	Kennedy	Russell
Curtis	Long, La.	Symington
Dodd	McGee	Young, N. Dak.

So the amendment of Mr. WILLIAMS of Delaware was rejected.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. BUTLER. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland to lay on the table the motion of the Senator from Florida to reconsider.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, on behalf of myself, the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mr. MORSE], the Senator from Kentucky [Mr. COOPER], the Senator from Montana [Mr. MURRAY], the Senator from Alaska [Mr. GRUENING], and the Senator from New Jersey [Mr. WILLIAMS], I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 23, between lines 8 and 9, it is proposed to insert the following:

GRANTS FOR RESEARCH AND MANAGEMENT COUNSELING

For grants under section 7(d) of the Small Business Act, as amended $2,080,000.

On page 23, line 8, it is proposed to strike out "$50,000,000" and to insert in lieu thereof "$47,920,000."

Mr. SPARKMAN. Mr. President, on March 18 I submitted an amendment to H.R. 10234, the Commerce Department appropriation bill. Several colleagues joined me in submitting the amendment to provide funds for the continuation of the Small Business Administration's counseling and research grants program.

Now on behalf of myself and Senators SALTONSTALL, FULBRIGHT, PROXMIRE, MOSS, MORSE, COOPER, MURRAY, GRUENING, and WILLIAMS of New Jersey, I offer the original proposal and one other. The first part would add $2,080,000 to the SBA appropriation. The second would reduce another part of the SBA appropriation by an equivalent amount. The net effect would be to leave the total SBA appropriation unchanged from the amount in the bill as reported by the Appropriations Committee.

The amendment reads as follows:

First, on page 23, between lines 8 and 9, insert the following:

GRANTS FOR RESEARCH AND MANAGEMENT COUNSELING

For grants under section 7(d) of the Small Business Act, as amended, $2,080,000.

Second, on page 23, line 8, strike out "$50,000,000" and insert in lieu thereof "$47,920,000."

Section 7(d), added to the Small Business Act by the Small Business Investment Act of 1958, provides for a program of grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small business enterprises. The act provides that no grant shall exceed $40,000 annually and that only one grant shall be made in any State.

The first grants under this program were made last June for fiscal year 1959. The 1960 grants will be made in April, I am told. The Small Business Administration submitted a budget request for funds to continue the program in 1961, but the Bureau of the Budget denied the request.

On March 18, when I submitted my original amendment, I reviewed the history of this counseling and research program. I pointed to the need for it, as determined by the Banking and Currency Committee, and to statutory recognition by the Congress of this need on two separate occasions. I also explained that the program was originally funded by putting idle Federal Reserve Act funds to work. Rather than review my points here, I should like to bring in the views of a non-Government spokesman.

Last Tuesday, Dr. W. Arnold Hosmer, professor in the Harvard Graduate School of Business, appeared before the Senate Small Business Committee in support of the counseling and research grants program. Dr. Hosmer is an eminent scholar in the field of business education, but he is also a successful small businessman. He is president of one manufacturing firm and chairman of the board of another. He obviously knows both what needs to be done and what can be done under the research grants program.

Certainly the committee was impressed with Dr. Hosmer's testimony. It can be summarized in these points concerning the program:

First. It results in applying to the purpose at hand much more than the amount appropriated. When a project is approved and the grant of $40,000 for 1 year is made to one of the institutions in the State, the large investment in men and facilities is made available as a basis and background for this research. There is a multiplier effect. More in men and resources is made available than is covered by the $40,000 granted to the institution, and that is true throughout the institutions of the country.

Second. This is a peculiarly American type of effort: The projects are developed and proposed by many men in many institutions. The total effect over a term of years will represent the free creative thinking of a large number of able and devoted men.

Third. This type of research has been going on for 30 years or more, with increasing effectiveness. Research in

management has proved to be one of the major forces in our increase in productivity. Yet it has been developed primarily by and for large corporations.

Fourth. It is difficult for small enterprises to do extensive research, especially of the second type. The State grant program is an opportunity to give assistance on a nonrigid and typically American basis.

Fifth. For 75 years the trust problem has been a central feature of American life. It has been approached too exclusively from the point of view of repressing large units. This program represents a second and newer approach—helping small enterprises to do an even more effective job than at present of competing with large units.

Sixth. The 10 percent of small businesses with the best management are a tremendously valuable national resource. In operating results they match or surpass our largest corporations. They have worked out in the fire of competition management methods vitally needed among other small firms.

One of the most intriguing aspects of the program is that it can be a means of recording these proven management methods and making them available for use more broadly among small businesses as a whole.

Seventh. In this program the inquiries now under way or recently completed give promise of being highly valuable. But as in other research, the full effect is cumulative and can be expected to increase in value over a term of years.

Eighth. This program has been, and is, well administered.

Ninth. The fact that it applies to each of the States is an advantage. It serves as an incentive to creative thinking on small business in all of the 50 States. I consider this basis of $40,000 per State very wise.

Tenth. This program can increase national productivity to a degree that will increase the Federal revenue more than the amount of the expenditure required, and probably many times that expenditure.

Mr. President, I hope that Senators will give serious consideration to the testimony of this eminent scholar and successful businessman, and will support the amendments to continue the program which he so capably advocates.

Our second amendment requires a word of explanation. By the amendment we would reduce a $50 million appropriation to the revolving fund to $47,920,000. SBA uses the revolving fund to carry out several of its programs including the small business loan program. Of course, I would not want to reduce the revolving fund appropriation if it appeared that the reduction would hinder the loan program. The reduced appropriation should in no way affect the rate or volume of SBA business loans. The Administrator of the Agency stated to the Appropriations Subcommittee that the $50 million appropriation should provide a margin of $15 million above the estimate of funds required for loans. All that we will do today in adopting the second or offsetting amendment will be to reduce the margin from $15 million to approximately $13 million.

I urge Senators to support these amendments.

Mr. HOLLAND. Mr. President, inasmuch as the amendment does not change the amount of the bill in any way, and inasmuch as it would carry out the recommendations of the chairman, the ranking minority member, and other members of the Select Committee on Small Business, and is requested by many people and agencies, I am willing to take the amendment to conference. I understand that my distinguished colleague, the ranking minority member, concurs with me in that position. The chairman of the Select Committee has correctly stated my view.

Mr. JOHNSON of Texas. Mr. President, I commend the Senator from Alabama for offering this amendment. I am very appreciative also of the attitude taken by the distinguished chairman of the subcommittee. Both Senators have been friends of small business, and I think this is a very excellent amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. SPARKMAN].

Mr. PROXMIRE. I am a cosponsor of this amendment. Funds for the continuation of this program were included in the original budget request of the Small Business Administration, but were cut out by the President's Bureau of the Budget. This is another action which makes one wonder about the administration's attitude toward small business.

The purpose of this research program is to find new ways to aid small businesses to improve their management. Increasingly we know that lack of management skill is at least as frequent a cause of small business failure as lack of capital. When we held hearings last summer in the Small Business Subcommittee of the Committee on Banking and Currency, I was much impressed by the unanimous agreement on the part of some 10 witnesses who appeared before us that the program filled a very great need and should be continued. I know that the program in Wisconsin, where a grant was made to the State's Department of Resource Development, has proved to be very valuable. The testimony from other States leads me to believe that if we can continue to help small businesses to develop better managerial techniques we will have supplemented the need of small business for capital.

This program of grants to land grant colleges, universities, and other State agencies is a modest one since only one grant can be made in each State and the maximum grant which can be made is $40,000.

I would also like to emphasize that we can continue this program for fiscal 1961 without increasing this appropriation by transferring the necessary $2,080,000 from the small business revolving fund. This would reduce that fund from $50 million to $47,920,000 but would, I am assured, leave that fund with a comfortable cushion reserve.

I strongly urge the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. SPARKMAN].

The amendment was agreed to.

CIVIL RIGHTS LEGISLATION—FILING OF REPORT BY JUDICIARY COMMITTEE

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on the Judiciary, in the event it has not reported House bill 8601, the Civil Rights Act of 1959, to the Senate prior to adjournment today, be directed to file such report prior to midnight tonight, with the Secretary of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

STRENGTHENING OF COMMISSIONED CORPS OF PUBLIC HEALTH SERVICE

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2220) to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personel matters, and for other purposes, which were, on page 1, line 4, strike out "1959" and insert "1960"; on page 3, line 4, strike out "1959" and insert "1960"; on page 3, line 7, strike out "1961" and insert "1962"; on page 3, line 13, strike out "1959" and insert "1960"; on page 9, line 17, strike out "1959" and insert "1960"; on page 9, line 23, strike out "1959" and insert "1960"; on page 10, line 3, strike out "1959" and insert "1960"; on page 10, line 5, strike out "1959" and insert "1960"; on page 10, line 14, strike out "1959" and insert "1960"; on page 10, line 24, strike out "1959" and insert "1960"; on page 11, line 11, strike out "1959" and insert "1960"; on page 11, line 14, strike out "1959" and insert "1960"; on page 12, line 11, strike out "1959" and insert "1960"; on page 12, line 15, strike out "1959" and insert "1960", and on page 13, line 6, strike out "1959" and insert "1960".

Mr. HILL. Mr. President, this bill is recommended by the Department of Health, Education, and Welfare, with the approval of the Bureau of the Budget. It is designed to strengthen the commissioned corps of the Public Health Service. The bill was passed on the call of the calendar by the Senate at the last session. The House has passed the bill exactly as the Senate passed it, except to change the date 1959 to 1960 in one instance, and in another instance, to change 1961 to 1962.

I have consulted with the distinguished minority leader [Mr. DIRKSEN] and the distinguished ranking minority member of the committee [Mr. GOLDWATER] and they are in perfect agreement that the Senate should concur in the House amendments.

I move that the Senate concur in the House amendments en bloc. They in-

volve merely a change in dates, in one instance from 1959 to 1960, and in the other from 1961 to 1962.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. HOLLAND. Mr. President, was the amendment of the Senator from Alabama [Mr. SPARKMAN] agreed to?

The PRESIDING OFFICER. It was.

Mr. HOLLAND. I know of no further amendments.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from North Carolina [Mr. ERVIN], the Senator from Delaware [Mr. FREAR], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. MCGEE], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from North Carolina [Mr. ERVIN], the Senator from Delaware [Mr. FREAR], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Georgia [Mr. RUSSELL], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Connecticut [Mr. BUSH], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is detained on official business.

If present and voting, the Senator from Connecticut [Mr. BUSH], the Senator from Indiana [Mr. CAPEHART], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS] would each vote "yea."

The result was announced—yeas 79, nays 2, as follows:

[No. 140]

YEAS—79

Aiken	Goldwater	Mansfield
Allott	Gore	Martin
Anderson	Green	Monroney
Bartlett	Gruening	Morse
Beall	Hart	Moss
Bennett	Hartke	Mundt
Bible	Hayden	Murray
Bridges	Hennings	Muskie
Brunsdale	Hill	Pastore
Butler	Holland	Prouty
Byrd, Va.	Hruska	Proxmire
Byrd, W. Va.	Jackson	Robertson
Cannon	Javits	Saltonstall
Carlson	Johnson, Tex.	Schoeppel
Carroll	Johnston, S.C.	Scott
Case, S. Dak.	Jordan	Smathers
Chavez	Keating	Smith
Church	Kefauver	Sparkman
Clark	Kerr	Stennis
Cotton	Kuchel	Talmadge
Dirksen	Lausche	Thurmond
Dworshak	Long, Hawaii	Wiley
Eastland	Lusk	Williams, N.J.
Ellender	McCarthy	Yarborough
Engle	McClellan	Young, Ohio
Fong	McNamara	
Fulbright	Magnuson	

NAYS—2

Douglas	Williams, Del.

NOT VOTING—19

Bush	Frear	O'Mahoney
Capehart	Hickenlooper	Randolph
Case, N.J.	Humphrey	Russell
Cooper	Kennedy	Symington
Curtis	Long, La.	Young, N. Dak.
Dodd	McGee	
Ervin	Morton	

So the bill (H.R. 10234) was passed.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I move that the Senate insist upon its amendments, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer [Mr. MUSKIE] appointed Mr. HOLLAND, Mr. ELLENDER, Mr. MAGNUSON, Mr. KEFAUVER, Mr. HAYDEN, Mrs. SMITH, Mr. BRIDGES, and Mr. SALTONSTALL conferees on the part of the Senate.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HAYDEN. Mr. President, I call attention to the figures on page 1 of the report. It will be noted that the committee considered budget estimates totaling $538,513,300 for the agencies and bureaus of the Department of the Interior exclusive of the Southeastern Power Administration, the Southwestern Power Administration, the Bonneville Power Administration, and the Bureau of Reclamation; and for several related agencies which are listed on page 2 of the report.

The committee recommends definite appropriations totaling $574,442,500 for the programs and activities of these agencies, which is an increase of $42,883,900 over the House bill and an increase of $35,929,200 over the budget estimates.

Mr. President, the major increases recommended by the committee are for the programs of the following agencies:

Office of Saline Water, $800,000;

Bureau of Land Management, $4 million;

Bureau of Indian Affairs, $5,900,000;

Geological Survey, $1,700,000;

Bureau of Mines, $3,800,000;

National Park Service, Construction Program, $1,860,000;

Bureau of Sport Fisheries and Wildlife, $2,100,000;

Bureau of Commercial Fisheries, $800,000;

Office of Territories, $500,000; and

U.S. Forest Service, $19,500,000.

Mr. President, it is the view of the committee that these additional funds are required to provide for strengthening management programs of public lands and for expanded research programs to assure full development of public and private resources.

Attention is called to the fact that the total increase of $35,929,200 recommended is only about 7 percent of the estimated $500 million of revenue that will be derived from public lands administered by the agencies involved.

It represents less than one-twentieth of 1 percent of the total request of $79.4 billion for new obligational authority in the President's budget.

Of the total increase recommended, $19,500,000 is for the activities of the U.S. Forest Service. I think the statement on page 24 of the report clearly expresses the view of the committee with respect to the activities of the Forest Service. This statement reads:

> In recommending these additional funds the committee has taken into consideration the fact that if these Federal lands are to provide their share of a greatly increased demand for timber, water, forage, and recreation of an ever-increasing population—estimated to be 215 million by 1975; 325 million by the year 2000—we must now provide for a more intensified management program and an expanded research program.

I shall be glad to answer any questions that any Senator may have with respect to the bill.

Mr. MANSFIELD. Mr. President, I wish to make a few brief remarks about the usual fine work done by our distinguished chairman of the Senate Appropriations Committee [Mr. HAYDEN], and his colleagues when they prepared the Interior Appropriations bill. They have again taken into consideration the welfare and orderly development of the Nation's resources and have reported a good bill. There is probably no other money bill which is so important and so basic to my State of Montana.

I was especially pleased with increases provided for our forest programs. It is vital that we give renewed vigor to the protection, proper utilization, and replenishing of our wooded lands. The $19,799,500 increase provided in this bill will allow the U.S. Forest Service and other agencies to more adequately meet our forest needs. The committee expressed great wisdom in providing these increases, continued delay would be detrimental to the Nation's well-being.

The funds provided for the fish and wildlife programs also have my wholehearted approval and I was especially pleased with the $130,000 which will allow the rehabilitation and modernization work to be completed on the Creston Fish Hatchery in Montana. This is a new item and the bill also provides $90,000 for completion of the warm water fish hatchery at Miles City and $220,500 to continue work on the Benton Lake Wildlife Refuge, both have been approved by the House.

The funds provided for the National Park Service will allow the agency to proceed with some of the early construction on the Camas Creek portion of the International Loop Road which will eventually provide a circular route through Glacier National Park and on into Waterton-Lakes National Park in Canada. This will facilitate better travel in both parks.

Finally, I am most pleased with the $600,000 item for modernization and new construction at the Busby School on the Northern Cheyenne Indian Reservation to be operated by the Bureau of Indian Affairs. The existing facilities are overcrowded and inadequate. This boarding school can make a major contribution in educating these fine young Indian children, but little can be accomplished under existing conditions.

These increases provided by the Senate Committee on Appropriations are important, they are not extravagant, and I do not think we can be labeled "big spenders" for wanting to improve our forests, adequately protect our fish and wildlife resources, improve and expand our national park facilities which have become major recreational attractions in this country, and to provide for the improved educational and economic standards of our Indians. I hope that the Senate will be able to prevail upon our colleagues in the House and send a bill to the President with these increases.

Mr. STENNIS. Mr. President, I thank the Senator for yielding, and I will be brief. I think all Senators owe the Senator from Arizona, as well as other members of the subcommittee, a special debt for going so thoroughly into the nationwide problem of having an adequate forestry program, not only in research but also in management and marketing and all the related problems that go with it. In the humble opinion of the Senator from Mississippi, these appropriations are laying the groundwork for truly a new day, and I think the amount that has been included in this bill is the minimum amount that could be expected to make a reasonable start on this nationwide program. It is not an area matter; it is entirely for the Nation; and not only for this generation, but for future generations, as well.

I commend the Senator again, most highly, for what he has done.

Mr. HAYDEN. I thank the Senator from Mississippi.

Mr. ENGLE. Mr. President will the Senator yield?

Mr. HAYDEN. I yield.

Mr. ENGLE. I wish to join in commending the distinguished senior Senator from Arizona upon the fine report and the wonderful work he has done in making available these moneys for the natural resources development of our country. I especially commend him and his committee for the appropriation relating to the saline water investigation. That appropriation was increased by $400,000, in order, as the report states, "to strengthen its research program, especially in basic research, on the problems of the conversion of saline and brackish waters."

There is no program presently pending which could do more to revolutionize conditions throughout the world than a major breakthrough in this particular area.

I was the author of this legislation in the House of Representatives. The distinguished junior Senator from New Mexico [Mr. ANDERSON] was a coauthor of the last bill which was passed, and I feel certain that he, too, would join in commendation of this particular item.

Another matter of very essential importance to us who live in the coastal areas is the amount of increase in funds made available for research. An increase of $642,000 has been provided for research programs under the Bureau of Commercial Fisheries. There is no industry which has had more difficulty than the fishing industry of this country. Our fishing fleet has been laid up. It can no longer compete. Unless it becomes possible to find better ways to catch fish faster, we shall simply have to go out of the market. The increased appropriation is in line with the program to improve the fishing industry. I am grateful to the Senator and his committee, as I am certain the people connected with the fishing industry of the Nation will be grateful to them for this increase in funds.

Last, but not least, is the amount of money made available, in addition to that requested by the Bureau of the Budget, for the national forest program. The distinguished chairman has already alluded to a part of the statement made in the report on page 24. I call attention to the fact that an additional $12,330,100 was allowed in the areas of timber resource management, recreation, public use, and forest-fire protection.

We are especially grateful to the chairman for his consideration in respect to the $1 million allowed for the rehabilitation of recently burned areas. This million dollars is set aside to help rehabilitate some 128,000 acres of land which have been burned over and are in need of reforestation. A major portion of this area is in the southern part of California, as the distinguished Senator from Arizona well knows.

These are only three of the major items in which I have a particular interest. The whole bill is an excellent one. I join in the commendation of the chairman and of his committee, who have rendered a real service to the Nation.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CASE of South Dakota. Mr. President, I want to speak my appreciation, also, of the statesmanship which has been shown by the committee headed by the distinguished Senator from Arizona. The Senator from Arizona is chairman not only of the Committee on Appropriations but also chairman of this particular subcommittee.

I also wish to express appreciation for the work of the Senator's colleagues on the subcommittee, including my own colleague from South Dakota [Mr. MUNDT].

I should like to mention three items in connection with the bill, although I believe the whole bill 's an example of a bill which is an investment in the future of America.

First, I should like to comment on the saline water program. The distinguished junior Senator from California [Mr. ENGLE] carried the flag in the House of Representatives for the original demonstration program. It was my privilege to sponsor the bill in the Senate for the original research program, and to have the privilege of appearing before the subcommittee headed by the Senator from Arizona on various occasions in that connection.

The appropriations provided in this bill mean that the program has entered a new phase. I refer to the appropriation for the construction of demonstration plants.

The distinguished Senator from New Mexico [Mr. ANDERSON] initiated or introduced the legislation for the demonstration plant which handled sea water. I introduced the bill which authorized the construction of plants relating to brackish waters, one of which will be at Webster, S. Dak. In this bill we are appropriating money for the construction of those plants, four of them already selected, as to the process I stated, and the fifth, as I understand, to be chosen in the early future.

This item may well be the most distinctive feature of the bill, because it is a new feature in the construction field. Nothing is more important to the development of the country and its future progress than the assurance of a good water supply. The desalination of water,

both sea water in the coastal areas and brackish water in inland areas, offers great promise in that field.

I think at this time I should also express appreciation for the work of the Secretary of the Interior and Dr. Miller in prosecuting the program. I am glad to see the distinguished chairman nod his assent to my statement.

I wish to mention two additional items—and I shall only mention them. One relates to the appropriation for the forest program. That is always an investment. We get back so much more than we put into it that it is good business. For the country to harvest its timber properly, roads are necessary; and reforestation is necessary to maintain the resource. The committee has recognized its responsibility and has acted in a statesmanlike manner in that regard.

The other item I wish to mention relates to the allowance for roads on Indian reservations. My colleague from South Dakota [Mr. MUNDT] was responsible for bringing to the committee's attention the importance of hard surfacing a road in the Crow Creek Reservation, in South Dakota, in connection with a project about to be built; where Indians are being rehabilitated; and where some industrial development can take place with an adequate highway. This highway will afford direct connection to the construction work for both the Highmore and Chamberlain communities.

I commend the chairman and the committee for their favorable consideration of this item.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. HOLLAND. I recall that in the justification which accompanied the budget a showing was made for the first time, and a request was made, for funds to acquire lands in the Everglades National Park in the amount of $450,000. While that amount was not mentioned in the report, I believe it is included, because I note the following words on page 17:

> The programs for construction of buildings and utilities and land acquisition submitted in the justifications in support of the budget estimate have been approved.

Am I to understand that the $450,000 for the park mentioned is included in the appropriation?

Mr. HAYDEN. That is correct.

Mr. HOLLAND. I thank the distinguished chairman.

The Senator will recall that the Florida Forestry Department was particularly interested in two items of research related to the reforestation of the sand hills areas in our State and in the adjoining States of Alabama, Georgia, and South Carolina. There was another station in Brewton, Ala., as well as two in Florida, Marianna and Lake City, which were interested.

I note, on page 27, in the first line, that apparently an item of $2,713,400 was provided in the bill and covered in the report for forestry research which was not allocated, but which was made available for these three objectives and others, whichever might be considered most important by the Forestry Department. Is that correct?

Mr. HAYDEN. The Senator is correct.

Mr. HOLLAND. Then the fund of $2,713,400 covers these items, or might cover them, as well as others?

Mr. HAYDEN. That is correct.

Mr. HOLLAND. I thank the distinguished chairman for recognizing these needs.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CHURCH. I join with my colleagues in commending the distinguished chairman of the Committee on Appropriations for the exceptionally fine work that has been done on the bill. In particular, I should like to comment that the committee has added $1,742,500 for soil moisture conservation on public lands.

In a State like Idaho, where much of the land under cultivation is land reclaimed from areas which were once arid, the objective of this program, to increase the carrying capacity of soil and to retard runoff, is of very great importance.

I also wish particularly to commend the committee for adding the item of $400,000 for weed control, and for specifically directing reinstatement of the beet-leaf hopper-control program.

As the Senator from Arizona will recall, during the course of the hearing I addressed to him a letter in regard to this matter, and I enclosed a copy of a letter which I addressed to Secretary Fred A. Seaton, also in regard to this matter. I ask unanimous consent that those two letters be printed at this point in the RECORD; and I wish to commend the committee for the very constructive action it has taken.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
February 4, 1960.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations, U.S. Senate, Washintgon, D.C.

DEAR SENATOR HAYDEN: Your committee will take up on February 8 the requests of the Department of the Interior, Bureau of Land Management. I am interested in the programs of that bureau which have direct application to the rehabilitation and improvement of the Taylor Grazing Act lands in the State of Idaho, specifically the soil and moisture conservation activity and the weed control activity. Requests for these programs for 1961 have been sharply reduced over 1960, and 1960 was a reduction over 1959.

In Idaho, for example, the beet-leaf hopper-control program has been eliminated in the 1961 requests, and the total weed control allocations proposed are only $125,000, compared to $300,000 for 1960, and $391,000 for 1959.

These programs were designed to improve the range, which is the only hope to reverse the disastrous trend of range carrying capacity cuts. They are sound programs, accepted and cooperated in by the range users. It is shortsighted to the point of blindness to cut them out in the interest of economy.

Recently the Public Lands Subcommittee of the Interior Committee held a hearing in Twin Falls, Idaho, where range users testified as to the cuts being imposed on them. In every case they were severe, in some cases up to 80 percent. The users are deeply disturbed.

I have asked the Secretary of Interior to comment on his reasons for cutting back these programs for fiscal year 1961, and I enclose a copy of my letter to him.

I would decply appreciate it, Senator HAYDEN, if you could have the Secretary or his representative answer the questions posed in my letter to him.

Sincerely,

FRANK CHURCH.

U.S. SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
February 4, 1960.

Hon. FRED A. SEATON,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: At my request, the Public Lands Subcommittee recently held a hearing at Twin Falls, Idaho, on grazing problems. Senator FRANK E. MOSS presided, and 60 witnesses, all users of the Federal range (both BLM and Forest Service), vigorously objected to the pattern of reductions being applied to them. In many cases, these cuts are equivalent to an order to get out of the livestock business.

I realize that your Department administers only the Taylor Grazing Act lands, and not the Forest Service. As to these lands, the only conclusion that could be reached from the testimony was that the management officials feel that the range is deteriorating, and rapidly. The range users do not agree that the range is or has deteriorated to the extent that cuts of up to 80 percent in the carrying capacity are justified. But if such a trend is present, then it certainly seems to me that your Department has an affirmative duty to try to reverse it. As I understand it, the soil and moisture and weed control programs were inaugurated for this purpose.

Thus it is that I am shocked to learn that you have asked for less money for both soil and moisture conservation and for weed control in fiscal year 1961 than in fiscal year 1960. In Idaho, the very valuable beet-leaf hopper program would be cut out entirely under your 1961 budget requests.

Livestock operations constitute a major fraction of total agricultural income in Idaho, and Idaho is an agriculture State. I will have occasion, as soon as I have reviewed the transscript of the Idaho hearings, to consult with you about land management decisions which are causing such havoc in this industry. In the meantime, however, I hope you will furnish to the Senate Appropriations Committee when you appear there on February 8, a detailed explanation of your plans for range rehabilitation work, and the reasons why you have cut back your estimates as to the amount of money you need for this work.

Sincerely,

FRANK CHURCH,
U.S. Senator.

Mr. MORSE. Mr. President, I wish to commend the Appropriations Committee for the lasting service it has performed for conservation by providing additional funds for every resource management program in this bill. The work done by the agencies covered by this bill forms the backbone of a national conservation effort. The distinguished senior Senator from Arizona [Mr. HAYDEN] once again deserves the heartfelt thanks of every conservationist in the Nation.

The administration sent up a budget request for substantially less than was needed to meet our conservation needs. The committee has corrected this shortcoming.

The most flagrant example of budget deficiencies was in the case of the Forest Service. Last year we had unveiled by Secretary Benson and his Assistant from Oregon, Mr. Peterson, a long-range program for the national forests. Their report glowed. It listed accomplishments, but forgot to mention that these were in a large measure due to the constant increases granted by the Congress, over and above their penny-pinching budget. The report waxed eloquent on what would happen if we made needed investments in conservation. This was a "Madison Avenue" effort in full dress. Cost figures were furnished, when the Congress demanded them, and then the administration started to back away.

Last year we gave the program a big start, without one single bit of help from its proponents downtown.

This year's budget estimate was woefully inadequate. I ask unanimous consent that there be printed in the RECORD a table showing the approximate percentage of needed funds in the Eisenhower budget and the amounts provided by the Senate.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Percent of 1961 needs met by administration's budget	Percent of 1961 needs met by Senate
Timber sales	100	100
Reforestation	60	100
Recreation	90	100
Wildlife	60	100
Range management	85	100
Range revegetation	82	100
Range improvements	83	100
Soil and water	62	100
Mineral claims, etc	87	100
Land utilization projects	77	100
Forest fire protection	91	100
Structural improvements	81	100
White pine blister rust control	100	100
Other pest control	87	100
FOREST RESEARCH		
Forest and range research	85	100
Forest protection research	85	100
Forest products research	81	100
Forest resources research	92	100
Forest research construction	40	100
Forest roads and trails	100	100
Access roads (purchase)	50	100

Mr. MORSE. Mr. President, the Appropriations Committee gets a complete 100-percent score. The administration scores as low as 40 percent on research construction, 50 percent on the purchase of access roads, 60 percent on reforestation and wildlife, and 62 percent on soil and watershed management.

These are the basics of conservation; and the Bureau of the Budget has flunked on every test.

I do not want to detain the Senate long. This example illustrates completely the poor record of this administration on conservation. The Senate action on the Bureau of Land Management, Bureau of Indian Affairs, Fish and Wildlife Service, and the Park Service is replete with other examples of how the budget has been improved.

Mr. President, in conclusion I wish to say, in behalf of the conservationists of my State and in behalf of the other groups in my State which have received justice at the hands of the Senate Appropriations Committee, by means of the excellent appropriation proposals made by the Senator from Arizona [Mr. HAYDEN], in behalf of the Senate Appropriations Committee, that I extend my very sincere thanks.

Mr. MURRAY. Mr. President, I wish to join my colleague, the junior Senator from Montana [Mr. MANSFIELD], in congratulating the chairman of the Appropriations Committee, the senior Senator from Arizona [Mr. HAYDEN] for the excellent and complete resource bill he has brought to the Senate.

He will recall that over 45 Senators joined with me in urging that $20 million be added to the Forest Service budget.

The committee has provided the money the administration said it needed last year but refused to ask for this year.

The bill treats every conservation program of the Department of the Interior fairly. This bill is a conservation landmark.

Mr. BIBLE. Mr. President, I wish to join in the commendations paid to the senior Senator from Arizona [Mr. HAYDEN]. It certainly is one of the high privileges of serving in the Senate to have the privilege of serving on the Appropriations Committee, particularly on the Interior Department Appropriations Subcommittee, with the distinguished Senator from Arizona. I believe he has brought to us a very fine bill, and in that connection has been constantly motivated by his vital interest in intensifying the management and conservation of our natural resources.

Other Senators have mentioned various items of great interest to them in that connection. I wish to mention the increase which has been made in the item to accelerate the research in the field of mineral resources. If there is any particular segment of our entire economy that needs help and assistance at this particular time, it is the mineral industry. Certainly I join with my very able chairman in my active interest in seeing constant progress made in this field, as well as in the others.

Mr. President, it is unfortunate that the junior Senator from Wyoming [Mr. MCGEE], was unable to be in the Chamber this afternoon. He has been detained because of floods which have been occurring in Nebraska. He hoped to be here today; and he has prepared a very fine statement. I ask unanimous consent that the statement prepared by the junior Senator from Wyoming [Mr. MCGEE], be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCGEE

The Interior Subcommittee of the Senate Appropriations Committee and, indeed, the full committee have been faced with a very difficult task in evaluating the administration's budget requests for the Interior Department and related agencies this session. The difficulty of the task has arisen from the fact that in many areas the budget did not seem to provide for the intensified management and development of our precious national resources which seems necessary in this challenging era.

The subcommittee and the full committee, under the wise, patient, and very able leadership of our chairman and my colleague, Senator HAYDEN, have reported a bill which represents a forthright attempt to perform this task and to meet the challenge it embodies.

The recommendations of the committee are based upon careful and searching inquiry and represent a sure and positive response to the needs of the Nation.

One of the very important areas in which the bill contains increases over the budget requests is in the appropriation for the National Forest Service. Here both our committee and the Senate Committee on Interior and Insular Affairs, under the vigorous leadership of Montana's distinguished senior Senator [Mr. MURRAY] have recognized that our national forests contain vital resources in the fields of timber, water storage, and recreation and that our burgeoning population will make these resources even more valuable to future generations than they are to our own.

I suggested and I have supported the addition of sufficient funds to the appropriation for the Forest Service to implement the program for the national forests which was promulgated by the Forest Service last year.

In such fields as range resource management, soil and water management, forest research, and reforestation I feel that it is particularly important that we bring this program to fruition.

Last year the Forest Service presented to the committee a program of increased investment which they felt would maintain these resources and increase their value and usefulness to the American people in the future. These are the funds needed to keep the program on schedule, and I feel that if we do not keep it on schedule in these all-important first years, it will be so impaired that the vital objectives which it contains may never be reached.

Another of the areas in which I felt the budget was insufficient was in the failure to ask funds in the requests for the Geological Survey and the Bureau of Mines for programs of mineral exploration, resource development and metallurgical process study.

Recently, in response to my request, the U.S. Geological Survey prepared a document entitled "Mineral and Water Resources of Wyoming." This document is a brief but very revealing study of the mineral and nonmineral resources in my State and, also at my request, contains suggestions as to the development of these resources for industrial and commercial use. It is, it seems to me, in our western public land States with their tremendous mineral resources that we are going to provide the materials which will enable our economy to meet the severalfold challenge of the coming decades. We are challenged by the fact that our population is growing very rapidly; we are challenged by the fact that the industrial competence and productivity of the Soviet Union is growing by leaps and bounds. Our system of philosophical values is constantly challenged by the need to provide a response to these obvious threats to our economy and to our liberty. Our efforts, especially in these fields of mineral research and resource development must be broad enough and imaginative enough so that our economy will prosper and so that our ideals will be sustained.

The results of the study by the Geological Survey which I have mentioned caused me to ask Secretary of the Interior Seaton during our recent hearing to report on the opportunities which existed for new Department programs which would increase our mineral reserves and strengthen the economic base of the Rocky Mountain area.

In response to this request Secretary Seaton supplied for the record of the hearing a recommendation for the expenditure of $500,000 for the Bureau of Mines to implement programs for the development of methods of mining thick beds of coal with high percentage recovery, the development of supplies of coking coal, the development of improved oil field production methods, for chemistry and refining studies of Rocky Mountain oils and for stepped up research on a conversion of oil shale to oil.

Within this appropriation it will also be possible to conduct mining research, utilization studies on little-used metals, and metallurgical research on marginal ores.

A like sum was recommended for the Geological Survey to be used for geochronology and lead isotope studies and for geologic and topographic mapping.

These appropriations are now included in the bill and are examples of other such additions by the majority which reflect a positive concern with real needs. This concern on my part is first with Wyoming and the West, but in addition these programs are vital if our beloved Nation is to advance with confidence to meet the unimagined threats and opportunities of a troublous future.

Mr. MUNDT. Mr. President, I wish to join the many Senators who already have paid their tributes to the Appropriations Committee's subcommittee on these appropriations, and to the Appropriations Committee as a whole, in connection with the action the committee has taken on the annual appropriation bill for the Department of the Interior.

This bill deals with vital economic assets which are essential to every one of the 50 States of the Union. Each one of the 50 States has natural resources which are dealt with in this bill; and by dealing with them constructively and consistently we are dealing with the sinews of the Nation which are required in order to produce the revenue with which to meet some of the great challenges which confront our country.

I wish to refer briefly to a matter which has not been mentioned today by other Senators, but which has long been of great concern to me—namely, the additional progress which is being made, by means of this bill, in the direction of giving the American Indians the chance to which they are entitled. Sometimes some persons grow discouraged, and ask, "Are we ever going to solve the Indian problem?"

Of course that problem has existed for a long time; it existed prior to the time when the first Englishman came to this continent. I believe we are making progress. It is not dramatic progress; but it seems to me that anyone who has studied the development of the Indian country and has watched the development of the Indian people must realize that progress is being made, and is being made at an accelerated rate.

We have moved in the direction of providing much better educational opportunities not only for young Indians, but, through the vocational-training programs, also for the adult Indians. Those programs constitute an essential first step in helping the Indians relocate themselves off the reservations and become assimilated in the economy of the country.

We are also making progress in the direction of providing better economic opportunities for the American Indians. They are gradually moving into better homes, and gradually they are having better diets.

Through the activities of our committee we have transformed the concept of an Indian jail to an Indian community building, part of which is a jail for the incarceration of an occasional bad Indian, but most of which is used for a library and for a meeting place, in order to keep good Indians from becoming bad Indians. So there is much hope in connection with what is being done.

I believe we are winning the battle that has long been waged in the interest of providing a just opportunity and a fair opportunity for the American Indians. That battle has not yet been won; more remains to be done. But it is good to know that we are beginning to solve the problem, and that headway is being made.

Let me say that Senators who are supporting the Appropriations Committee in connection with the pending bill may do so in the knowledge that the Americans—the Indians—to whom we have owed the most for the longest period of time are finally being given consideration which will lead to the solution of their problems.

Mr. President, I have canvassed the situation among Members of the Senate on this side of the aisle, and I find no opposition to the pending bill. I am very hopeful that when the yea-and-nay vote is taken on the bill, it will receive the support of all Members of the Senate.

Mr. BARTLETT. Mr. President, the growth and the development of the West depend to a very measurable extent upon the adequacy and the character of the appropriations which are made for the Department of the Interior. In the West there has been some growth and some development—considerable, in fact—since 1912. That was the era when the vision, persuasive qualities, and intelligence of the chairman of the committee were first applied to the national scene.

In previous bills appropriating funds for the Interior Department and in this bill, he and his colleagues have done a magnificent job. The money they have made available has been an investment in resources and in people.

I desire to go further than to commend the chairman and those who have worked with him. I want to praise them, and I want to express especial appreciation for the action of the committee in adding $886,000 for land surveys in Alaska, and in making available a quarter of a million dollars for a forest research laboratory in interior Alaska, where we have much timber that has never been commercially utilized to any extent. The placing of a laboratory, probably at the University of Alaska, will open up wonderful possibilities in this direction.

To sum it up, Mr. President, I believe that when this bill becomes law, the growth and development of the West, to which this committee has already made such a magnificent contribution, will be accelerated.

Mr. HAYDEN. I yield to the junior Senator from Alaska.

Mr. GRUENING. Mr. President, I desire to join my colleagues not only to commend, but to thank the distinguished chairman of the Appropriations Committee, the senior Senator from Arizona [Mr. HAYDEN], and the other members who helped in producing this fine bill, which is an excellent demonstration of their realization of the importance of preserving and developing our natural resources.

We in Alaska are particularly grateful for what the chairman and the committee have done. I think the restoration of the Nation's forest conservation and development program is an action that cannot be praised too highly. We in Alaska are grateful for the restoration of the $250,000 forestry laboratory at or near Fairbanks, and for the funds which will permit our essential land surveys, which were not included in the President's budget, to proceed.

I want to say, in passing, that the senior Senator from Montana [Mr. MURRAY] has also made a great contribution, continuously, by emphasizing the importance of conserving and preserving our forestry resources, and deserves great credit, as does the junior Senator from Mississippi [Mr. STENNIS], for the result in the bill we are about to pass.

I think this bill will go down as one of the more important Interior Department appropriation bills passed during the last 7 years, because it has wisely restored what a rather narrow-minded and shortsighted budgetary policy seeks to deprive our Nation from having.

Mr. HAYDEN. Mr. President, I yield to the Senator from Hawaii [Mr. LONG].

Mr. LONG of Hawaii. Mr. President, I wish to join my other colleagues in commending the distinguished chairman of the committee and the members of the committee for a job well done.

Sometimes there is a tendency to overlook a small item, particularly when it is an item that involves people who are 4,500 miles away. I wish to express my appreciation for the fact that the committee included an item for completing the jet air runway in American Samoa. There was no voice raised in their behalf, but the committee saw fit to grant an appropriation that was sorely needed.

Mr. HAYDEN. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I do not wish to delay action on the bill, but I want to join other Senators in expressing my appreciation for the fine job done by the committee, particularly with respect to the forestry program and the fishery research program.

I know the rest of the items in the bill will be very beneficial to the development of our country.

Mr. HAYDEN. I yield to the Senator from California [Mr. KUCHEL].

Mr. KUCHEL. Mr. President, I would be recreant if I did not add my grateful thanks for the guidance which the chairman has given the Appropriations Committee. I thoroughly enjoyed my participation in the committee under his leadership.

I think this piece of legislation, which is about to be approved by the Senate

unanimously, is one more unnecessary demonstration of the effectiveness of the leadership of the Senator from Arizona, and I thank him for it.

Mr. BIBLE. Mr. President——

Mr. HAYDEN. I yield to the Senator from Nevada [Mr. BIBLE].

Mr. BIBLE. In my earlier remarks I overlooked something. I think we would be remiss if those of us on the committee did not say we valued highly the services of Bill Woodruff, the clerk, who with his patience and his ability to know where each of the items was in this bill, has been so helpful to all of us.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Delaware [Mr. FREAR], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. MCGEE], and the Senator from Georgia [Mr. RUSSELL], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Delaware [Mr. FREAR], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. MCGEE], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Georgia [Mr. RUSSELL], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Connecticut [Mr. BUSH], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Kentucky [Mr. COOPER], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Kansas [Mr. SCHOEPPEL] are detained on official business. If present and voting, the Senator from Connecticut [Mr. BUSH], the Senator from Indiana [Mr. CAPEHART], the Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "yea."

The result was announced—yeas 78, nays 0, as follows:

[No. 141]

YEAS—78

Aiken	Goldwater	Magnuson
Allott	Gore	Mansfield
Anderson	Green	Martin
Bartlett	Gruening	Monroney
Beall	Hart	Morse
Bennett	Hartke	Moss
Bible	Hayden	Mundt
Brunsdale	Hennings	Murray
Butler	Hill	Muskie
Byrd, W. Va.	Holland	Pastore
Cannon	Hruska	Prouty
Carlson	Jackson	Proxmire
Carroll	Javits	Robertson
Case, S. Dak.	Johnson, Tex.	Saltonstall
Chavez	Johnston, S.C.	Scott
Church	Jordan	Smathers
Clark	Keating	Smith
Cotton	Kefauver	Sparkman
Dirksen	Kerr	Stennis
Douglas	Kuchel	Talmadge
Dworshak	Lausche	Thurmond
Eastland	Long, Hawaii	Wiley
Engle	Lusk	Williams, Del.
Ervin	McCarthy	Williams, N.J.
Fong	McClellan	Yarborough
Fulbright	McNamara	Young, Ohio

NAYS—0

NOT VOTING—22

Bridges	Ellender	O'Mahoney
Bush	Frear	Randolph
Byrd, Va.	Hickenlooper	Russell
Capehart	Humphrey	Schoeppel
Case, N.J.	Kennedy	Symington
Cooper	Long, La.	Young, N. Dak.
Curtis	McGee	
Dodd	Morton	

So the bill (H.R. 10401) was passed.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion to lay on the table was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. CHAVEZ, Mr. KEFAUVER, Mr. BIBLE, Mr. MUNDT, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, three or four bills have been cleared by the policy committee, which I should like to have the Senate consider. I understand there is no great controversy in regard to them, and I do not anticipate any rollcalls in connection with them.

Mr. President, I should like to have the attention of the distinguished minority leader.

Mr. President, the first bill is Calendar No. 1138, H.R. 9331, a bill to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children.

The second bill is Calendar No. 1114, H.R. 2164, a bill to reduce the cabaret tax from 20 to 10 percent.

The next bill is Calendar No. 1162, H.R. 9660, to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax.

Possibly we shall make a motion to consider Calendar No. 1166, S. 2878, to adjust Indian and non-Indian land use areas in the vicinity of the Navajo Indian Reservation in New Mexico, and for other purposes; Calendar No. 1059, H.R. 6132, relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies; and Calendar No. 893, S. 910, to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property, and for other purposes.

Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

INCREASE IN EXPENDITURE UNDER THE SPECIAL MILK PROGRAM FOR CHILDREN

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1138, H.R. 9331.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 1, at the beginning of line 10, to insert "and for each fiscal

year thereafter,"; in the same line, after the word "exceed", to strike out "$85,000,000" and insert "$95,000,000", and on page 2, after line 7, to strike out:

SEC. 2. Such Act is further amended by adding after the first sentence thereof the following new sentence: "In addition to the funds hereinbefore made available, there is authorized to be appropriated for the purposes of this Act for the fiscal year beginning July 1, 1960, such amount as may be deemed to be necessary but not to exceed $15,000,000.".

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have printed in the RECORD a statement of my views in regard to Calendar No. 1138.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS

I favor this bill because it serves the double purpose of expanding the nutritional opportunities for our children and helping to realize more closely the national potential for the consumption of fluid milk. It is a fundamental proposition that adequate consumption of milk for our country's diet will have an enormously beneficial effect upon dairy farmers everywhere. Great efforts and much expenditure has been made in promoting the consumption of milk. Here in this bill is an outstanding way in which this wonderfully health building commodity can be built on a broader base and last through the life of many million Americans. As one of the leading dairy States of the Nation, this bill is of great interest to the State of New York and I am very pleased to see the completion of legislation on it.

SCHOOL CONSTRUCTION ASSISTANCE

Mr. GOLDWATER. Mr. President, last Friday the House Education and Labor Committee reported its school construction assistance bill, H.R. 10128. The minority report on this measure is one of the most significant documents I have read on the subject of Federal aid to education, and because it is likely that the House and Senate will go into conference on some form of this legislation, I should like to bring to the attention of my colleagues several points of the House minority views.

During the time Federal aid to education was before this body, I had occasion to comment on the actual need for Federal funds in assisting State programs. Office of Education survey data in the House minority views show that of the 45 States supplying the data a total of 30 reported no classroom shortage or backlog in borrowed up districts, or districts which exhausted their borrowing capacity for construction purposes.

The other 15 States reported a total of 237 borrowed up districts which had a total shortage or backlog of a maximum of 3,086 classrooms. The 237 borrowed up districts reported in the survey amount to only six-tenths of 1 percent, or 6 out of every 1,000, of the Nation's 40,000 school districts. The enrollment in these districts is less than 1.5 percent of the United States total.

I should like to quote one paragraph from the minority views which I believe places this entire subject in proper focus:

We fully realize, of course, that there are many considerations and problems confronting the States and localities in financing school construction, beyond the problem of debt limitation. We believe there are local situations, not reflected in the borrowed up district survey, which retard and prohibit adequate financing of the schools. In almost all such cases, however, the problem can be laid directly in the lap of the State government which is constitutionally responsible for education in the first place.

Mr. President, I ask unanimous consent that the minority views be printed as a part of my remarks.

I want to express extreme gratification for the attention which has been paid to this by the Senator from New Hampshire and the Senator from Maryland.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS

This report, submitted by the undersigned members of the committee, stems from a realization that a strong system of public education is important to our Nation's strength.

Education's problems must be solved by the soundest possible means. To turn our backs on the needs of today, or to neglect the demands of tomorrow, would serve to shortchange our country's future and waste our precious intellectual potential. In like manner, to overstate a problem, to conjure up imagined ills, or to transform the whole educational system into a problem child, is to do great injustice to the American people.

Five years ago President Eisenhower advocated a program of Federal assistance, allocated on a basis of need, to accelerate the construction of elementary and secondary school classrooms.

Since then, as this report shows, great strides have been made in classroom construction. If it is correct to assume that specific areas still need to be assisted by the Federal Government, we believe that consideration should be given to a simple debt retirement program, as proposed by the administration and embodied in H.R. 11122.

As reported by the committee, H.R. 10128 is seriously defective. It would allocate Federal funds among the States simply on the basis of schoolage population, without regard to need or financial ability to construct schools. In the development of any Federal program of this kind, Federal aid should be pinpointed so that truly needy areas get the help. The bill's present formula for distribution of funds is clearly faulty in this respect.

Another weakness in the committee bill is that the States will not be obligated immediately to match Federal funds. This is unfortunate, especially because the basic merit of this method of securing participation by the States is recognized in the bill's requirement for matching in the second and third years of the program.

Neither the Subcommittee on General Education, nor the full committee, held any public hearings on the subject of this bill, or the bill itself, in the present session of Congress. There is a positive need for such hearings. We are fully aware, of course, that the general subject has been explored, and reexplored, over the last decade; yet, despite this exploration, the majority apparently is unaware of what actually has occurred, and is now occurring, in the way of classroom construction. No adequate and effective program of Federal aid can properly ignore the rapidly shifting patterns of need and response which have taken place in education in this country.

A great deal of the past testimony available to the committee has been along the line, as expressed by one witness, that "the need for school construction is greater than ever" and "we have to run faster and faster just to stand still." What has been emphasized is the impact of the increased birth rate, after World War II, on elementary and secondary school enrollments and thus on the demand for school facilities. The Nation has passed this "hump" in school enrollments; yet, the majority has ignored the overall cumulative effectiveness of State and local efforts in coping with the problem.

LESS FUTURE NEED FOR NEW CONSTRUCTION

The number of additional classrooms needed each year presently is made up of three components: namely, (1) classrooms required to house new or additional enrollment over the previous year's enrollment, (2) classrooms needed to replace facilities that are abandoned for such reasons as consolidation of local districts, population shifts, and poor condition of the structure, and (3) classrooms needed to reduce or eliminate a so-called backlog reportedly consisting at the beginning of the 1959–60 school year of 132,400 classrooms, which, according to the Office of Education fall survey for 1959, is made up of 66,400 classrooms reported by the States as needed to accommodate enrollment in excess of "normal" capacity and 66,000 classrooms reported as needed to replace "unsatisfactory" facilities.

All sorts of backlog figures have been bandied around before congressional committees over the years and to this day no one in authority can be sure of the exact total nor has any analysis been brought to our attention which would indicate that the backlog ever could be entirely eliminated—if for no other reason than timing alone. That is, timing actual construction to coincide with the presumption of obsolescence, or the loss of a school by fire, or with unexpected increases in enrollment in any one school. We do not question the existence of some backlog. We do believe, however, that there is and will continue to be an irreducible minimum backlog of classroom need, regardless of any question as to Federal aid. To the extent this exists, and for other reasons discussed later in this report, the urgency of the presumed classroom shortage is considerably diminished.

The number of classrooms each year for additional enrollment over the next 10 years can be determined with considerable confidence. Most of the pupils who will make up the enrollment are already born and countable. The latest Office of Education projections are shown in column 2 of accompanying table 1. The net annual increase is shown in column 3 (table attached).

The dramatic decline in the annual enrollment increase begins for the school year 1965–66. Summary of the data is as follows:

Average annual increase 1955–59	1,200,000
Average annual increase 1960–64	1,100,000
Average annual increase 1965–69	600,000

Translation of the enrollment increases into classroom needs is shown in column 4 of table 1. Summary of these classroom facts is as follows:

Average number needed annually 1955–59	40,000
Average number needed annually 1960–64	36,700
Average number needed annually 1965–69	20,000

TABLE 1.—*Projected enrollment in public elementary and secondary schools and estimated number of additional classrooms needed, 1960 to 1969*

School year	Projected enrollment (in thousands)		Estimated number of additional classrooms currently needed for each year		
	Number [1]	Net increase over previous year	For increased enrollment (rounded to nearest 100) [2]	For replacements [3]	Total
(1)	(2)	(3)	(4)	(5)	(6)
1960–61	37,196	1,212	40,400	16,000	56,400
1961–62	38,047	851	28,400	16,000	44,400
1962–63	39,187	1,140	38,000	16,000	54,000
1963–64	40,320	1,133	37,800	16,000	53,800
1964–65	41,484	1,164	38,800	16,000	54,800
1965–66	41,488	404	13,500	16,000	29,500
1966–67	42,514	626	20,900	16,000	36,900
1967–68	43,148	634	21,100	16,000	37,100
1968–69	43,840	692	23,100	16,000	39,100
1969–70	44,497	657	21,900	16,000	37,900

[1] Source: U.S. Office of Education tabulation dated Jan. 21 1960. Projected enrollments based on Office of Education official school enrollment data and Bureau of the Census official projection of population aged 5 to 17.

[2] Computed on basis of 30 pupils per classroom (col. 3 above ÷ 30). Most estimates in recent years are on this basis, although some use 28 pupils per classroom. Application of the 28-pupil basis would increase the annual figures by about 7 percent. On the other hand it should be noted that these projections are on basis of total enrollment for the entire school year which exceeds total enrollment at the beginning of each year and is approximately 11 percent greater than the average number of pupils actually in daily attendance in the schools.

[3] Based on average number (15,941) of classrooms abandoned or replaced during past 4 years, the only years for which data are available from Office of Education.

Determination of the number of classrooms needed each year to replace facilities currently abandoned is much more uncertain. Where obsolescence is involved, the practice varies widely all over the country as to just how long a school facility will be continued in use or whether it will be remodeled rather than abandoned. For the purpose here we based the estimate on actual practice as reported by the Office of Education. The available data show that abandonments have averaged a little less than 16,000 classrooms per year.

Combination of these two categories of current classroom needs each year gives the total classroom requirements for additional new facilities needed. These annual totals, which appear in column 6 of table 1, are summarized as follows:

Average total needed annually 1960–64 ---------- 52,700
Average total needed annually 1965–69 ---------- 36,100

SCHOOL CONSTRUCTION RATES IN RELATION TO THE NEED

When America's public schools open next fall for the beginning of the 1960–61 school year, the Nation's overall physical plant will contain approximately 1,330,000 classrooms. These are instructional rooms, including laboratories and shops, but not including auditoriums, gymnasiums, lunchrooms, libraries, study halls, and multipurpose rooms. Approximately 680,000 classrooms, or more than one-half the total, will have been constructed since World War II. With the exception of a relatively small volume of facilities constructed with Federal assistance in federally affected areas (under Public Law 815, 81st Cong., as amended) these classrooms will have been built with State and local resources.

The construction rate in each of the last 10 school years is as follows:

1950–51 ---------- 44,000
1951–52 ---------- 48,000
1952–53 ---------- 50,000
1953–54 ---------- 55,000
1954–55 ---------- 60,000
1955–56 ---------- 63,280
1956–57 ---------- 68,660
1957–58 ---------- 72,070
1958–59 ---------- 70,000
1959–60 ---------- 62,700

Summary of the construction rates is as follows:

Average annual construction 1955–59 ---------- 66,900
Average annual construction 1950–59 ---------- 59,400

In terms of the overall national outlook, it is perfectly clear that the States and localities have mounted the construction effort necessary to meet the need without any program of general Federal aid for this purpose. It is also evident that the construction peak has been crossed and within 5 years the number of classrooms required to keep fully abreast of additional needs will be only half as much each year as actually have been built in the past few years.

Not only are past and present construction rates adequate to keep up with the future needs each year to house expected enrollment increases and provide replacements for abandoned facilities, but they are adequate, also, to produce a number of additional classrooms more than equivalent to the backlog of 132,400 as of the present school year (1959–60). Moreover, the backlog would be reduced to inconsequential proportions in little more time than the period covered by H.R. 10128.

The construction rate for the preceding 5 school years (1954–58) averaged 66,800 classrooms per year. Projection of this annual average, a rate which the States and localities have demonstrated they can attain, would produce 467,600 classrooms by the beginning of the 1966–67 school year. Since only 329,800 classrooms would be needed for annual enrollment increases and replacements up to then, the remainder would be more than equivalent to the 132,400 backlog for 1959–60 (see table 2).

Similarly, the construction rate for the present school year is reported by the States as 62,700. Projection of this lower rate in like manner would produce 501,600 classrooms by the 1967–68 school year as compared with new enrollment and replacement needs of 366,900 or an excess of 134,700.

On the basis of still another assumption, namely, a declining rate that would average 58,000 classrooms per year, a total of 580,000 classrooms would be produced up to the beginning of 1969–70, as compared with additional enrollment and replacement needs of 443,900, or an excess of 136,100. It should be noted that the average annual rate of 58,000 classrooms used in this computation is less than the annual average of 59,400 classrooms constructed during the 10-year period 1950–59, and very substantially less than the highest annual rate of 72,070 in 1957–58.

These projections have made full allowance for the reported backlog as of 1959, in addition to new classroom requirements each year. Even making such allowance for the backlog, a great deal less construction will be required over the next 5 to 10 years than has taken place in recent years. But we are convinced that careful analysis of the actual composition of the backlog figure would reveal that a very considerable volume of the reported backlog is of an unavoidable or temporary nature, having no direct bearing on the issue of the need for Federal aid, while some more of it arises out of the method of compiling the figures and is irrelevant to the question.

TABLE 2.—*Estimated construction of public elementary and secondary classrooms and excess over current annual needs, 1960–69* [1]

School year	Estimated classrooms constructed and excess over current needs for each year					
	At average annual rate for preceding 5 years		At present (1959–60) rate as an average annual rate		At a declining annual rate averaging below present rate [2]	
	Number	Excess over col. 6 in table 1	Number	Excess over col. 6 in table 1	Number	Excess over col. 6 in table 1
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1960–61	66,800	10,400	62,700	6,300	58,000	1,600
1961–62	66,800	22,400	62,700	18,300	58,000	13,600
1962–63	66,800	12,800	62,700	8,700	58,000	4,000
1963–64	66,800	13,000	62,700	8,900	58,000	4,200
1964–65	66,800	12,000	62,700	7,900	58,000	3,200
1965–66	66,800	37,300	62,700	33,200	58,000	28,500
1966–67	66,800	29,900	62,700	25,800	58,000	21,100
1967–68	[3]	[3]	62,700	25,600	58,000	20,900
1968–69	----------	----------	[4]	[4]	58,000	18,900
1969–70	----------	----------	----------	----------	[5] 58,000	[5] 20,100

[1] Source: Computations based on U.S. Office of Education construction data in tabulation dated Jan. 26, 1960, and related tabulations.

[2] The present rate for 1959–60 of 62,700 classrooms is a net 4,100 below the previous 5-year average. The projected average of 58,000 is 4,700 per year below the previous 5-year average. Construction has not been below 58,000 in any year since 1953–54 when the total was 55,000.

[3] Classrooms equivalent to backlog would be constructed as of beginning of 1966–67 school year since construction of new requirements for each year occurs largely during preceding year. Thus, construction rate beginning in 1966–67 need be no greater than necessary to meet current annual need in each following year (col. 6, table 1).

[4] See note 3 above. Backlog equivalent as of beginning of 1967–68 school year.

[5] See note 3 above. Backlog equivalent as of beginning of 1969–70 school year.

All that has been reported in the basic statistics is that as of the fall of 1959 a total of 132,400 classrooms were needed, of which 66,000 were to replace unsatisfactory facilities and 66,400 to accommodate excess enrollment. Before basing any national policy on these backlog figures, we ought to know the circumstances surrounding the classrooms that go into the count. For example:

1. How many of the backlog classrooms represent new or replacement facilities, the construction of which has already been authorized by local or State authorities, or which is in the planning stage preliminary to such authorization?

2. How many classrooms in the backlog represent needed replacements, or additional new facilities, in school districts having adequate financial capacity, but whose voters or State authorities have not authorized the necessary bond issues or other financial arrangements?

3. How many of the backlog classrooms represent replacements for outdated one-room schoolhouses or multiple-room facilities in districts which would be consolidated, but whose voters have not yet approved of the consolidation?

4. How much of the backlog is made up of classrooms needed to replace unexpected losses because of fire, storm, or other disaster, and to what extent were such losses covered by insurance?

5. What part of the backlog is attributable to an unexpected influx or shift in population, the essential problem being a lack of leadtime in which to provide new facilities?

6. Inasmuch as excess enrollment is "the number of pupils in excess of normal capacity" and "normal capacity" is, by definition, determined according to varying State and local standards, there can be little doubt that a considerable amount of the backlog reported as needed for excess enrollment is merely a "paper" shortage as far as any Federal-aid question is concerned. For instance, "normal capacity" may vary anywhere from, say, 28 or less pupils per classroom in one place to 30 in another, and if both places have 30 pupils in a class, one has excess enrollment and the other does not. More importantly, unknown thousands of the Nation's 40,000 school districts could and undoubtedly do report excess enrollments averaging 1 or 2 pupils per class. These would go into the national totals, even though the reporting districts have no intention, or any urgent need, to build new facilities for such enrollment. There is an average of about 33 classrooms per school district in the United States. Excess enrollment averaging only 1 pupil per classroom would contribute 33 pupils to the national total, although posing no particular problem locally and certainly no emergency. Similar contributions to the total from only one-third of the school districts would result in a national "paper" backlog of approximately 15,000 classrooms for this reason alone. Accordingly, before accepting such backlog figures as a reliable indication of classroom need, we should at least find out how many districts have significant excess enrollment problems and where they are—on a comparable basis from State to State.

We are firmly convinced that the answers to these questions and other related ones would enable us to see the classroom backlog problem in its proper perspective. There can be no doubt that refinement of the figure would show, as we mentioned earlier, that at any given time of enumeration there would be a substantial number of classrooms needed which would represent a residual or irreducible minimum. Classrooms in this category would be reported in the backlog whether or not there were any general Federal aid for school construction. We believe, also, that a substantial part of an accurate backlog count would be a reflection of a 1- or 2-year timelag in meeting the need rather than any indication of an emergency situation requiring Federal intervention.

The implication of this analysis is that actual State and local construction requirements, over and above the number of classrooms necessary to meet current new needs each year for the next 5 to 10 years, will be much less than the reported backlog of 132,400. Accordingly, overall construction rates can be expected to decline markedly, particularly within 5 years, and the financial obligations imposed upon State and local resources will correspondingly diminish. At the same time, most States and regions of the country can be expected to be on an approximately currently construction basis.

Even without any refinement of the backlog figures as reported, many of the States already appear to be on or near a currrent construction basis. The Office of Education report on the 1959 fall survey shows the following States, for example, which are anticipating their needs and have scheduled more construction during the present year than the classrooms they reported in their backlog at the beginning of the year:

State	Total classrooms fall 1959	Backlog as of fall 1959	Classrooms scheduled for completion 1959–60
Delaware	3,150	111	222
Indiana	33,930	1,505	2,000
Ohio	65,822	2,634	2,867
Wisconsin	31,241	310	1,650
California	108,000	4,600	10,000
Oklahoma	25,997	1,009	1,125

California, whose 108,000 classrooms last fall comprised the largest school plant in any State, has a State bonding program and has been anticipating the need for its enormous population increase and going ahead with the construction. Numerous States in all regions of the country, although not wholly current are maintaining construction rates that lag perhaps a year, more or less, but which approach currency. Examples of these are as follows:

State	Total classrooms, fall 1959	Backlog as of fall 1959	Classrooms scheduled for completion, 1959–60
Connecticut	16,294	952	707
New Jersey	35,506	3,728	1,900
Rhode Island	4,584	416	242
Michigan	61,943	8,700	4,100
Nebraska	14,951	521	461
North Dakota	5,950	350	250
Louisiana	25,062	2,003	1,540
Mississippi	16,534	3,686	1,849
North Carolina	38,599	3,412	1,533
Colorado	14,988	1,125	800
Oregon	14,987	694	583
Texas	75,251	4,557	3,098

Many additional States fall near the ones illustrated in relation to the currency of their construction efforts. Although the available data are far from adequate, the States with the greatest reported need relative to total classrooms available appear to be Kentucky and Alabama. The former, as of the fall of 1959, reported a need of about 8,600 classrooms, of which 7,500 were to replace unsatisfactory facilities included in the State's total plant of 21,800 classrooms. Alabama reported about 6,400 needed, around two-thirds of which would be for new additions to the State's plant of 23,693 classrooms. In this connection, it should be noted that Alabama has authorized the issuance of $100 million in State bonds for public school construction. We are advised that the sale of these bonds has begun.

It is clear therefore that the status and progress of school construction programs varies greatly among the States. It is equally clear that most of the States are not now confronted with anything resembling an emergency problem in this connection.

CLASSROOM NEED IN RELATION TO SCHOOL DISTRICT DEBT LIMITATIONS

Advocates of general Federal aid have told the committee repeatedly over the years that more and more school districts had exhausted their resources and that even the States themselves were unable to build the schools needed. In this connection, information on the extent to which school districts have exhausted their borrowing capacity for construction purposes has been made available this year by the Office of Education. The report, "Survey of Public School Classroom Shortages in the Fall of 1959 in Borrowed-up Districts," dated February 1960, states that "despite the wealth of related information available, nothing exactly comparable to the results of this survey have been provided before."

What constitutes borrowing limitations and thus the definition of a borrowed-up school district varies widely, of course, all over the Nation. The question runs the whole gamut of the complex field of public finance, beginning with State constitutional and statutory fiscal provisions and going on through actual property assessment practices and the resulting tax structure. It must also be borne in mind that State fiscal programs are not static and that today's restrictions on financing need not apply tomorrow.

The survey data, which were reported to the Office of Education by the State Departments of Education, are summarized as follows:

On the 45 States supplying the data, a total of 30 reported no classroom shortages or backlog in borrowed-up districts (including Maryland and Rhode Island, where State legislative action on school bonds is customary). These States enroll 67 percent of the pupils in the 50 States, and they contain likewise 67 percent of the classroom backlog reported as of the beginning of the 1959–60 school year.

The other 15 States reported a total of 237 borrowed-up districts which had a total shortage or backlog of a maximum of 3,086 classrooms. The total school enrollment in these 237 districts was less than 541,000 pupils and 107 of the districts were small ones having less than 600 pupils. The 15 States reporting the borrowed-up districts enroll 18 percent of the Nation's pupils and they reported 20 percent of the total backlog as of the 1959–60 school year.

Five States could not provide the data needed (including Illinois, which reported a classroom shortage in borrowed-up districts, but did not report the number of classrooms). These States taken together had 15 percent of the Nation's enrollment and reported a total backlog of 17,191 classrooms (13 percent of the total reported for 1959–60).

The classroom shortage of 3,086 in borrowed-up districts is 12 percent of the total backlog in the 15 States reporting such districts. It is 3 percent of the total backlog in the 45 States from which full data were obtained.

The conclusion of the survey report is that, "in the Nation as a whole, legal barriers to borrowing are not the major obstacle to elimination of the classroom shortage, when all possible sources of borrowing legally open to the district are taken into account."

These data are significant, we believe, as a further indication that the majority should have gone into the question of pinpointing the need before jumping again to the conclusion that a program of general Federal aid would be the proper solution.

The 237 borrowed-up districts reported in the survey amount to only six-tenths of 1 percent, or 6 out of every 1,000, of the Nation's 40,000 school districts. The enrollment in these districts is less than 1.5 percent of the U.S. total. Allowing for a margin of error in the survey, and broadening its scope to take in several hundred additional marginal districts with school construction needs, would not alter the fundamental fact that the construction problem is not of general proportions throughout the Nation.

We fully realize, of course, that there are many considerations and problems confronting the States and localities in financing school construction, beyond the problem of debt limitations. We believe there are local situations, not reflected in the borrowed-up district survey, which retard and prohibit adequate financing of the schools. In almost all such cases, however, the problem can be laid directly in the lap of the State government, which is constitutionally responsible for education in the first place. Most of our States, while appropriating State funds for operating our schools, have not used the broader tax base of the State for school construction purposes. This is the real core of the problem. The States that have entered into financing school construction generally have done so with spectacular results.

The fact remains that construction requirements for new enrollment in the past 5-year period, 1955–59, approximated $8 billion. In the next 5 years (1960–64) it will be approximately $7.3 billion. In the period 1965–69 it will drop sharply to $4 billion. Thus even in the next 5 years, which would cover the 3-year period contained in H.R. 10128, the States and localities will have to finance $700 million less in construction for new enrollment than they did in the last 5 years. This sum is almost as much as the 3-year total of $975 million in Federal funds that would be authorized by the bill, a fact which, in our judgment, rules out the necessity for the enactment of the bill in its present form. The further $4 billion reduction in the requirements for 1965–69 further amplifies the situation. If the Congress were to have such a program as H.R. 10128 in operation from 1965 to 1969, it would be authorizing the appropriation of $1.6 billion in Federal funds to the States, at a time when school construction needs were dropping by $3.3 billion below the previous 5-year requirements and $4 billion from the 1955–59 peak.

It should also be noted that the first year's authorization of $325 million in unmatched funds would build only a little over 8,000 classrooms, or an average of two-tenths of 1 percent of one classroom per school district in the United States. It is obvious, therefore, that the great bulk of the Nation's school districts could not expect any substantial assistance under the provisions of the bill.

IN CONCLUSION

We believe that a program of Federal assistance to education cannot be justified if it ignores the difference in needs and resources that exist in different sectors of this Nation. States and local school districts have mounted an effort in school construction over the past 10 years which, if maintained and encouraged by proper Federal action and restraint, will essentially eliminate the problem over the next 5 years. Passage of H.R. 10128, as reported, would tend to delude thousands of school districts all over the country into the expectation of ever-increasing Federal funds and thereby cause them to hold up bond issues and delay construction they would otherwise undertake.

Therefore, we recommend immediate and intensive hearings in which the facts advanced herein can be fully explored.

LEGISLATIVE PROGRAM

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. JOHNSON of Texas. Mr. President, I want to be sure all Senators understand that Calendar No. 1035, S. 743, to amend the Federal Coal Mine Safety Act, cannot be considered this evening. We were prepared to take the bill up by motion, but I understand from the distinguished Senator from Virginia [Mr. ROBERTSON] that Senators are not in a position to consider the bill this evening. The Senator from Pennsylvania [Mr. CLARK] does not desire to have the bill considered; is that correct?

Mr. ROBERTSON. That is correct. The senior Senator from Virginia [Mr. BYRD] and both Senators from Kentucky desire to be present. Senators would need a little notice. The Senators left the Chamber without receiving any notice that the bill might be considered. We are all very much interested in the bill. We hope we shall have some notice when a motion is to be made to consider the bill. We would have to object to immediate consideration of the bill by unanimous consent.

Mr. JOHNSON of Texas. Mr. President, I should like to give notice that all bills reported by the policy committee are subject to being taken up by motion. These bills include Calendar No. 1114, H.R. 2164, to reduce the cabaret tax from 20 to 10 percent; Calendar No. 1162, H.R. 9660, to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax; Calendar No. 1166, S. 2878, to adjust Indian and non-Indian land use areas in the vicinity of the Navajo Indian Reservation in New Mexico, and for other purposes; Calendar No. 1059, H.R. 6132, relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies; Calendar No. 893, S. 910, to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property, and for other purposes; Calendar No. 1035, S. 743, to amend the Federal Coal Mine Safety Act in order to remove the exemption with respect to certain mines employing no more than 14 individuals; Calendar No. 1178, H.R. 4251, to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of exploration expenditures; and others cleared by the policy committee.

I shall not make a motion that all of these bills be considered this evening.

Because of what has been said by the Senator from Pennsylvania [Mr. CLARK] and by the Senator from Virginia [Mr. ROBERTSON], Calendar No. 1035, H.R. 743, will not be considered tonight.

Mr. ROBERTSON. Mr. President, the Senator from Virginia appreciates that courtesy.

ADDRESS BY SENATOR MORSE AT MICHIGAN JEFFERSON-JACKSON DAY DINNER

Mr. MORSE. Mr. President, last Saturday night I addressed the Michigan Jefferson-Jackson Day dinner at the Midwest Conference of Democrats, Detroit, Mich. I prepared a manuscript for that occasion.

A few paragraphs were deleted in the actual delivery, Mr. President, but the entire manuscript was released as a press release.

In the course of my remarks, I said:

Another human rights issue for which the Democratic Party must continue to fight is adequate health care for our aged. A fine liberal Democrat, Congressman FORAND, of Rhode Island, has given us a great example of what fearless leadership can accomplish in a great humanitarian cause. His health insurance bill for the aged seeks to carry out our duty as a political party to promote the general welfare of people.

I am sure that the Senator from Michigan [Mr. MCNAMARA] and the Senator from Massachusetts [Mr. KENNEDY], who are here tonight, will join me in trying to get passed through the Senate a bill which carries out the principles of the Forand bill in the House and the Morse bill in the Senate.

In 1958, it was my privilege to be the first to introduce in the Senate a companion bill to the Forand proposal providing health insurance for the aged. That year, I also offered my bill as a floor amendment to the parsimonious and totally inadequate 7-percent social security increase. There wasn't much interest in it at that time in the Senate, but we were at least able to put into the RECORD during the debate the distressing facts of inadequate medical care for those 65 years of age and over. Unfortunately, we could not even get a rollcall vote on it, but in the 2 years since then, we have gained remarkable support. I think it is time to put the Republicans on record before the 1960 election on this human welfare issue.

Congressman FORAND is making a valiant effort to bring his bill out of the House committee. If he is unable to do so, and if likewise a Senate committee fails to report it, I pledge that I shall again offer my companion bill to the Forand proposal for health insurance under our social security system for the aged as a floor amendment to any legislation to which it may be germane prior to adjournment in July. Time has come for the Members of Congress to stand up and be counted on the issue of needed security for the aged of our country.

Mr. President, I ask unanimous consent that my entire manuscript be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR WAYNE MORSE, AT THE MICHIGAN JEFFERSON-JACKSON DAY DINNER, MIDWEST CONFERENCE OF DEMOCRATS, DETROIT, MICH., MARCH 26, 1960

Fellow Democrats, this meeting of Midwest and Michigan Democrats who are honoring two of the greatest historic leaders of our party, Thomas Jefferson and Andrew Jackson, is a proud occasion for Democrats.

Among the distinguished leaders of the Democratic Party who are here tonight—including most of the announced and some of the unannounced candidates for the presidential nomination—we have many men of presidential caliber. Any one of them would serve our Nation with great distinction and honor in the White House.

May I say facetiously that I suspect we also have with us some very able unannounced candidates for the Vice Presidency, too.

Democrats may differ as to which potential nominee would make the best President, but we are unanimous that any one of them is a great statesman, compared with the Republican heir-apparent.

I am not one to say that in 1960, any Democrat can win. I think that no matter whom we nominate, there is a lot of tough

going ahead. But win we can, and win we must for the sake of the destiny of our country.

We will win, if we take the issues to the American people in this campaign, and demonstrate once again, as President Truman did in 1948, that the Democratic Party can always be counted on to fight for a program which will promote the general welfare of all the people. In keeping with the spirit and philosophy of Thomas Jefferson and Andrew Jackson, the Democratic Party must make clear in the campaign of 1960 that we can be counted on to protect the economic weak in our country from exploitation by the economic strong.

Democrats may differ also as to the emphasis and order of priority which should be given to the major political issues demanding solution in this period of national and world crisis. You hear it said that public discussion and debate within our party in respect to major domestic and foreign issues should be avoided.

Those who so contend seem to forget that vigorous political debate between candidates on vital issues is an essential part of our democracy. We should remember that a monolithic political party is as destructive of democratic processes as a monolithic state. It is only where issues are freely discussed that sound public policy can be arrived at.

Fortunately, the Democratic Party has historic, built-in protections against control by a high command. We are a party of brains, energy, and independence of mind. As long as we stay that way, we will never have our candidates, and our platform picked for us by reactionary political bosses.

Politics by the dictation of bossism is the Republican way. No one knows that better than I do. I refused to submit to the political expediency, compromise of political ethics, and reactionary political bossism of the Republican Party. After years of fighting for liberalism in the Republican Party, it became perfectly evident to me that the only hope for constitutional liberalism is within the Democratic Party of Jefferson, Jackson, Wilson, Franklin Roosevelt, and Harry Truman. Upon the invitation of leaders of the Democratic Party in my State of Oregon and the Nation, endorsed by thousands of rank and file Democrats, I proudly joined the Democratic Party, and I have no regrets.

Several thousand Democrats in my State have placed my name on the presidential ballot as a favorite-son candidate. Many Democrats in the District of Columbia and the State of Maryland have organized a campaign in my behalf, and I shall take the issues as I see them to the Democratic voters in those campaigns. Many other Democratic supporters are working in my behalf for delegates in convention States.

My campaign will be based on the teaching of Jefferson that a democracy can be no stronger than the enlightenment of its people. I shall discuss the issues of this campaign as I see them, believing that political debate on the vital issues is an essential part of political education in our democracy.

We Democrats must never forget that the true wealth of America is not material wealth. It is not a Wall Street; it is not the smokestacks of our factories. The true wealth of America is human wealth. It is people. It is 180 million people who are the heirs of the great constitutional legacy handed down to us by the far-seeing revolutionary patriots of Jefferson's time. They made clear in the debates and the historic documents they wrote which brought into being our constitutional guarantees of economic and political freedom for the individual that the primary objective of our system of constitutional self-government is to promote the general welfare of all of our people at all times. That doctrine is the very essence of the liberalism of the Democratic Party.

This human rights doctrine of the greatest good for the greatest number, protecting at the same time the constitutional economic and political rights of minorities, epitomizes the political programs of such great liberal Democratic Presidents as Jefferson, Jackson, Wilson, Franklin Roosevelt, and Truman.

There are those who say that we have entered a new era and the human welfare goals of the New Deal of Roosevelt and the Fair Deal of Truman are no longer applicable to the needs of the Nation. Nothing could be more wrong. It is wrong because the philosophical principles of liberalism of the era of Roosevelt and Truman, based upon the general welfare doctrines of Jefferson, are immutable. They must not be compromised at the altar of political expediency in the historic campaign of 1960.

The great issue of protecting human rights presents us with a political crisis in our country today. The Democratic Party must not try to duck it. It can never justify compromising it. Liberals must remember that when they compromise a principle, there is no principle left. They must recognize that the only practicality is an ideal put to work.

The Democratic Party in this hour of history must face up to the challenge of putting the political ideals of the 14th and 15th amendments of the Constitution to work. Voting rights legislation is not enough of an answer to the demands of millions of our people that they be granted full first-class citizenship in the United States.

An effective enforcible voting rights law should be passed in this session of Congress, but there should be added to it enforcement procedures and legal remedies which will guarantee the carrying out of the historic decisions of the U.S. Supreme Court in respect to desegregation.

Another human rights issue for which the Democratic Party must continue to fight is adequate health care for our aged. A fine liberal Democrat, Congressman FORAND of Rhode Island, has given us a great example of what fearless leadership can accomplish in a great humanitarian cause. His health insurance bill for the aged seeks to carry out our duty as a political party to promote the general welfare of people. I am sure that Senator MCNAMARA and Senator KENNEDY who are here tonight will join me in trying to get passed through the Senate a bill which carries out the principles of the Forand bill in the House and the Morse bill in the Senate.

In 1958, it was my privilege to be the first to introduce in the Senate a companion bill to the Forand proposal providing health insurance for the aged. That year, I also offered my bill as a floor amendment to the parsimonious and totally inadequate 7 percent social security increase. There wasn't much interest in it at that time in the Senate, but we were at least able to put into the RECORD during the debate the distressing facts of inadequate medical care for those 65 years of age and over. Unfortunately, we could not even get a rollcall vote on it, but in the 2 years since then, we have gained remarkable support. I think it is time to put the Republicans on record before the 1960 election on this human welfare issue.

Congressman FORAND is making a valiant effort to bring his bill out of the House committee. If he is unable to do so, and if likewise a Senate committee fails to report it, I pledge that I shall again offer my companion bill to the Forand proposal for health insurance under our social security system for the aged as a floor amendment to any legislation to which it may be germane prior to adjournment in July. Time has come for the Members of Congress to stand up and be counted on the issue of needed security for the aged of our country.

Time prevents my mentioning but one more issue—this one in the field of foreign policy. Much has been said about the missile gap, and I shall continue to give full support to maintaining our military defenses so that Russia will always understand that she has everything to lose and nothing to gain by an aggressive course of action against the free world. But let us not forget that we are living in a strange paradox.

There also exists a serious peace gap. History teaches that the Western Powers and Russia and her Communist satellites cannot continue down the road of history with a mad, immoral, nuclear armament race and not finally topple over the brink into the abyss of nuclear war to void all hope of victory.

The people of the United States want no war that can be prevented with honor. I am satisfied those people throughout the world, who understand the delicate balance which exists in the world today between war and peace want no war. The cry of humanity is for peace with freedom.

We Democrats must carry the peace issue to the Republicans in this campaign because a continuation of the brinkmanship policy of the Eisenhower administration if it is not stopped will increase greatly the danger of eventual war.

The frequent circumventing of the United Nations by the Eisenhower administration has weakened a needed program for perfecting through the United Nations a sure foolproof, testproof, controlproof disarmament program.

We should never let the people of the United States in this election forget that it was the heir apparent to the Republican nomination, the Vice President of the United States, who sent up the trial balloon for the administration in 1954, calling for American armed intervention in Indochina, while at the same time, our diplomats in the State Department, through secret diplomacy, were seeking to get the British to go along with such a preventive war policy. As Eden's memoirs clearly document, it was Churchill and Eden who scotched that proposal of brinkmanship on the part of the Republican administration.

These famous words of Franklin Roosevelt are significantly applicable to the hour of great foreign policy crisis in which we live. They are dramatically apropos to the responsibility of the Democratic Party in our time to face up to the peace gap. On this issue, the Democratic Party and the American people should never forget those famous and dramatic words of Franklin D. Roosevelt, "Our generation has a rendezvous with destiny." In this campaign, we must take the peace issue to the American people. If we do we shall win and we shall deserve to win.

INCREASE IN AUTHORIZED MAXIMUM EXPENDITURE UNDER THE SPECIAL MILK PROGRAM FOR CHILDREN

The Senate resumed the consideration of H.R. 9331, increasing the authorized maximum expenditure under the special milk program for children.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that an excerpt from the committee report on the bill be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill with the committee amendments would increase the amount of Commodity

Credit Corporation funds to be used for the special milk program to $85 million for the current fiscal year (from $81 million); increase such authorization for next year to $95 million (from $84 million), and continue the program thereafter on a permanent basis at $95 million annually. The program is currently authorized only until June 30, 1961.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act to extend and increase the authorized maximum expenditure for the special milk program for children."

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McNAMARA. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

CASTRO AND SUGAR

Mr. DWORSHAK. Mr. President, I am a cosponser of a bill to amend the Sugar Act, and in that connection I ask unanimous consent to have printed in the RECORD an editorial entitled "Castro-Soured Sugar," which was published recently in the Post Register of Idaho Falls, Idaho.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CASTRO-SOURED SUGAR

Not only Idaho, but the Nation has an important stake in proposed changes in the Sugar Act. The four point program calls for:

(1) Extension of the act through 1964; (2) an increase in the basic quotas for the domestic beet and mainland cane areas by 150,000 tons and 50,000 tons respectively; (3) authority for the President to reduce the quota for a given calendar year for any foreign country if he finds and proclaims this to be necessary in the national interest; and (4) a change in the present procedure and regulations for allotting deficits when a producing area fails to fill its sugar quota because of crop failure or other reasons.

If there is contention over the amendments, it will undoubtedly be focused on the one giving the President authority to reduce the quota for any foreign country if found necessary for "the national interest." It should be bountifully evident to the Nation at large by now that Premier Castro of Cuba is doing his shouting best to upset the sensitive equilibrium which is the signal virtue of the sugar act. Cuba supplies the United States with one-third of our sugar and should Castro's political and economic tumult continue to widen the Atlantic Ocean between the two countries, Uncle Sam simply will have to protect himself. Certainly now there is no prospect for any improvement in relations as the unpredictable premier woos the Communists and assaults the United States with a whimsy that would be laughable if it were not so deadly.

The President must be allowed to fill the void in sugar supply to this country which will undoubtedly be occasioned by Castro's industry-wrecking policies. The sugar beet and cane production in this country fills about one-fourth of this Nation's supply. The rest comes mostly from Cuba, Puerto Rico and the Virgin Islands. The sugar act now encourages the domestic sugar industry to not only maintain its present production but to share importantly in the increased domestic demand. This country should not be left without any sugar resources certainly even if it can be produced cheaper elsewhere. In time of emergency, there should always be at least a minimum platform for providing this country with its sugar.

The right of the President to reduce an import country's quota for other reasons than maintaining the sugar supply balance, can be argued as well. Cuba has made sugar agreements with Russia. Castro has already moved in on American industry in Cuba. He calls it purchase but the repayment plan to American investors with 20 year bonds at 4½ percent interest is hardly purchase. The bonds will no doubt be worthless.

He has also widely accused the United States with every heinous crime, from bombing Cuban cities to blowing up ammunition ships. There is possibility that Castro might even try to oust the U.S. naval base at Guantanamo Bay. In addition, Castro might well have signed a partnership pact with the Soviets during the recent visit of Soviet Deputy Premier Mikoyan.

With this menacing cloud hovering over the U.S. sugar program, it would seem only wise to give the President the power of free agency to prevent Castro's recklessness from undermining our sound sugar program.

We don't have to take his accusations and his sugar, too.

REDUCTION OF CABARET TAX

Mr. JOHNSON of Texas. Mr. President, I move the Senate proceed to the consideration of Calendar No. 1114, H.R. 2164.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 2164) to reduce the cabaret tax from 20 percent to 10 percent.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement on the pending bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS

I favor this bill for the reasons that it eliminates a discriminatory tax rate and reduces the effect of a tax which has had a real deterrent effect on the employment of musicians and other entertainers in restaurants, and other places of entertainment where food is served.

The present 20 percent rate is discriminatory in that the rates of almost all other ad valorem excise taxes do not exceed 10 percent, particularly since it is charged only where there is combined service of food or beverages and entertainment, while the tax on either, if separate, is substantially lower.

The adverse effects of this tax on the employment of musicians is well known and has been testified to by such organizations as ASCAP. The constant elimination of entertainment in restaurants and other places serving food or beverages is in part a direct effect of this tax, coming together with recent technological changes in the entertainment field to cause a serious drop in the employment opportunities for live entertainment.

New York, as the entertainment capital of the Nation has felt particularly the effects of this tax on employment, and I am pleased that the Senate has had this opportunity to complete legislative action on its reduction.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an excerpt from the report on the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. GENERAL STATEMENT

H.R. 2164 reduces from 20 percent to 10 percent the tax imposed (by sec. 4231(6)) with respect to roof gardens, cabarets, and similar establishments. This change in rates is to be effective as of 10 a.m. on the first day of the month beginning more than 10 days after the enactment of this bill.

II. REASONS FOR THE BILL

Your committee is reporting this bill to reduce the cabaret tax for two principal reasons: First, the present 20-percent rate is discriminatory in that the rates of almost all of the other ad valorem excise taxes do not exceed 10 percent; second, the present high rate of this tax is believed to have been a substantial deterrent to the employment of musicians and other entertainers.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ANDERSON. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

PROCEDURE FOR ASSESSING CERTAIN ADDITIONS TO TAX

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1162, H.R. 9660.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 9660) to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment, on page 2, after line 17, to insert a new section, as follows:

SEC. 3. (a) Section 213(a) of the Internal Revenue Code of 1954 (relating to deduction for medical, dental, etc. expenses) is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the following amounts of the expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent (as defined in section 152):

"(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

"(A) the amount of such expenses for the care of any dependent who—

"(i) is the mother or father of the taxpayer or of his spouse, or is an individual who stands in loco parentis to the taxpayer or his spouse, and

"(ii) has attained the age of 65 before the close of the taxable year, and

"(B) the amount by which such expenses for the care of the taxpayer, his spouse, and such dependents (other than any dependent described in subparagraph (A)) exceed 3 percent of the adjusted gross income.

"(2) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

"(A) the amount of such expenses for the care of the taxpayer and his spouse,

"(B) the amount of such expenses for the care of any dependent described in paragraph (1)(A), and

"(C) the amount by which such expenses for the care of such dependents (other than any dependent described in paragraph (1)(A)) exceed 3 percent of the adjusted gross income."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1959.

And on page 4, after line 4, to insert a new section, as follows:

SEC. 4. (a) Section 151 of the Internal Revenue Code of 1954 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

"(f) CERTAIN FOREIGN STUDENTS.—

"(1) IN GENERAL.—An exemption of $600 for each individual (other than an individual who is a dependent (as defined in section 152))—

"(A) who is not a citizen or a resident of the United States;

"(B) whose presence in the United States is solely for the purpose of pursuing his education in the ninth, tenth, eleventh, or twelfth grades at an educational institution in the United States;

"(C) who is a full-time student in the ninth, tenth, eleventh, or twelfth grades at an educational institution in the United States—

"(i) during each of seven calendar months during the calendar year in which the taxable year of the taxpayer begins, or

"(ii) during a period of not less than seven calendar months which ends within such calendar year; and

"(D) who, during the seven calendar months referred to in subparagraph (C)(i) or during the period referred to in subparagraph (C)(ii), has as his principal place of abode in the United States the home of the taxpayer and is a member of the taxpayer's household.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to an individual for any taxable year in any case in which the taxpayer receives any money or other property as compensation or reimbursement for maintaining such individual in his home as a member of his household. Clause (ii) of paragraph (1)(C) shall not apply with respect to an individual for any taxable year if the taxpayer was entitled to an exemption under this subsection for such individual for the preceding taxable year by reason of the application of clause (i) of paragraph (1)(C).

(3) EDUCATIONAL INSTITUTION DEFINED.—For purposes of paragraph (1), the term 'educational institution' has the meaning assigned to it by subsection (e)(4)."

(b) Section 213(c) of such Code (relating to limitations on deduction of medical, dental, etc., expenses) is amended by striking out "subsection (c) or (d), relating to additional exemptions for age or blindness" and inserting in lieu thereof "subsection (c), (d), or (f), relating to certain additional exemptions".

(c) Section 3402(f)(1) of such Code (relating to withholding exemptions) is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; and"; and

(3) by adding after subparagraph (E) a new subparagraph as follows:

"(F) an exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151(f) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit."

(d) The amendments made by subsections (a) and (b) shall apply with respect to taxable years beginning after December 31, 1959. The amendments made by subsection (c) shall apply with respect to wages paid on or after the first day of the first month which begins more than 20 days after the date of the enactment of this Act.

Mr. KERR. Mr. President, this is a bill which was passed by the House and sent to the Senate and, in the Finance Committee, approved with two amendments. The bill as it came to the Senate, deals with the procedure for assessing certain additions to tax.

Section 291(a) of the 1939 Code, as construed by *United States* v. *Erie Forge Co.* ((3d C.A. 1951) 191 F. 2d 627, cert. denied 343 U.S. 930), provided that additions to income tax, asserted by reason of failure to file a timely return, were to be assessed and collected under the deficiency procedure if the additions to tax were measured by the amount of a deficiency but not if measured by the tax shown on the return.

The Department, proceeding under what it believed to be the law and what had been held to be the law, ran into litigation which made it necessary that certain amendments for purposes of clarification be adopted. That is the purpose of H.R. 9660 as it came to the Senate.

Section 3 of the bill was added by your committee. It removes the 3-percent limit on medical expenses incurred by the taxpayer for the care of his dependent mother or dependent father or the dependent mother or father of his spouse or a dependent individual who stands in loco parentis to the taxpayer or his spouse, if such dependent has attained the age of 65 before the close of the taxable year. The 3-percent limitation permits a deduction for medical expenses only to the extent they exceed 3 percent of the taxpayer's adjusted gross income. Under the existing law, the 3-percent limitation is removed only with respect to medical expenses for the care of a taxpayer or his spouse, if either has attained the age of 65 before the close of the taxable year. The amendment applies to taxable years beginning after December 31, 1959.

Section 4, the other amendment of the bill, allows a $600 deduction to a taxpayer who maintains a foreign student in his home as a member of his household for a period of not less than 7 months during which the foreign student is enrolled full time at an educational institution, defined in the statute. To qualify the taxpayer for this deduction, the foreign student must not be a citizen or resident of the United States; his presence in the United States must be solely for the purpose of pursuing his education in the 9th, 10th, 11th, or 12th grade at an educational institution in the United States; and he must be a full-time student in such grades in such educational institution during each of 7 calendar months in the calendar year in which the taxable year of the taxpayer begins, or during a period of not less than 7 calendar months which ends within such calendar year.

The bill was brought to the Senate with the overwhelming approval of a majority of the committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax, and for other purposes."

Mr. KERR. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

ORDER FOR ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYMENT TO LOCAL GOVERNMENTS OF SUMS IN LIEU OF TAXES AND SPECIAL ASSESSMENTS

Mr. JOHNSON of Texas. Mr. President, I had intended to take up Calendar No. 893, S. 910, but I understand that some minority Members are not present.

Mr. DIRKSEN. The minority Members are present.

Mr. JOHNSON of Texas. If there is no objection I will move that we take up the bill.

Mr. DIRKSEN. There is objection.

Mr. JOHNSON of Texas. May I inquire who is objecting?

Mr. DIRKSEN. I am. [Laughter.]

Mr. JOHNSON of Texas. The objection of the Senator from Illinois is good enough for me.

ADJUSTMENT OF INDIAN AND NON-INDIAN LAND USE AREAS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1116, S. 2878, to adjust Indian and non-Indian

land use areas in the vicinity of the Navajo Indian Reservation in New Mexico, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 9, after the word "approximately", to strike out "5,165" and insert "5,325"; after line 12, to insert:

Township 13 north, range 17 west, section 32, northeast quarter southwest quarter, northwest quarter southeast quarter, south half southeast quarter.

On page 3, line 23, after the word "approximately", to strike out "102,336" and insert "102,696"; on page 4, line 8, after the word "to", to strike out "all minerals" and insert "all oil, gas, and other minerals"; on page 6, line 11, after the numerals "12", to strike out "section 14, northeast quarter;" and insert "section 14, northeast quarter, southwest quarter;"; on page 8, line 19, after the word "quarter", where it appears the first time, to strike out "section 32, northeast quarter southwest quarter, northwest quarter southeast quarter, south half southeast quarter;"; on page 9, line 6, after the word "quarter", where it appears the first time, to strike out "northeast quarter southwest quarter;"; on page 10, line 11, after the word "sections", to insert "(1,)"; in line 15, after the word "quarter", where it appears the first time, to strike out "east half southeast quarter;"; on page 14, line 1, after the word "quarter", where it appears the first time, to strike out "northwest quarter;"; in line 18, after the word "quarter", to strike out "section 14, northwest quarter" and insert "section 14, northeast quarter;"; in line 24, after the word "quarter", where it appears the second time, to strike out "section 32, northwest quarter, south half;" and insert "section 32, northeast quarter, south half;"; and on page 17, at the beginning of line 14, to strike out "section 12, northeast quarter northeast quarter, west half northeast quarter, west half, southwest quarter southeast quarter;" and insert "section 12, northeast quarter northeast quarter, west half northeast quarter, west half, southeast quarter southeast quarter;"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to convey certain federally owned lands to the Navajo Tribe, and to make other land tenure adjustments in order to consolidate use areas and facilitate land and resource administration.

SEC. 2. The lands in the following-described areas that were acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriations Act of April 8, 1935 (49 Stat. 115), section 55 of title I of the Act of August 24, 1935 (49 Stat. 750, 781), the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 525), or subsequent emergency relief appropriation acts, and that were transferred by Executive Order Numbered 7975, dated September 16, 1938, as amended, from the Secretary of Agriculture to the Secretary of the Interior for administration for the benefit of the Navajo Indians, consisting of approximately 5,325 acres, are hereby declared to be a part of the public domain subject to administration and disposition under the public land laws:

New Mexico principal meridian, New Mexico:

Township 13 north, range 17 west, section 32, northeast quarter southwest quarter, northwest quarter southeast quarter, south half southeast quarter.

Township 12 north, range 18 west, section 4, northwest quarter; section 5, east half east half; section 7; section 8, east half northeast quarter; section 9, west half; and section 30, north half.

Township 12 north, range 19 west, section 25.

Township 13 north, range 19 west, section 29, south half south half; section 30, south half south half; section 31, north half northeast quarter, southwest quarter northeast quarter, west half, northwest quarter southeast quarter; section 32, north half, northeast quarter southwest quarter, southeast quarter; and section 33, north half, southwest quarter.

Township 12 north, range 20 west, section 5, south half; section 11; and section 27, southeast quarter.

SEC. 3. The lands in the following described areas that were acquired by the United States under the authorities cited in section 2 of this Act, consisting of approximately 2,080 acres, are hereby declared to be a part of the national forest in which they are located subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended and supplemented.

New Mexico principal meridian, New Mexico:

Township 13 north, range 17 west, section 22, south half southwest quarter northeast quarter, south half southwest quarter northwest quarter, southwest quarter, north half southeast quarter, north half southwest quarter southeast quarter, northwest quarter southeast quarter southeast quarter, southwest quarter southwest quarter southeast quarter; section 23, southeast quarter; section 25; section 27, south half north half, southeast quarter; and section 35.

SEC. 4. All of the right, title, and interest of the United States in the lands in the following-described areas that are public domain (approximately 102,696 acres), national forest lands (approximately 3,086 acres), lands acquired under the authorities cited in section 2 of this Act (approximately 61,398 acres), railroad grant lands that were reconveyed to the United States under the Act of March 3, 1921 (41 Stat. 1225, 1239), and are administered by the Secretary of the Interior for the benefit of the Navajo Tribe pursuant to Interior departmental order of September 1, 1939 (approximately 80,877 acres), and land withdrawn by Executive Order Numbered 1864 (approximately 543 acres), excluding title to all oil, gas, and other minerals therein but including title to appurtenant improvements and water rights, are hereby conveyed to the Navajo Tribe, and such land shall not, because of Indian ownership, be subject to any exemption from taxation, or to any restriction on use, management, or disposition:

New Mexico principal meridian, New Mexico:

Township 3 north, range 6 west, sections 14, 18, 22, 24, 26; and section 34, northeast quarter northeast quarter.

Township 3 north, range 7 west, sections 12, 14; and section 24, north half, north half southwest quarter, east half southeast quarter.

Township 14 north, range 12 west, section 8, west half northwest quarter.

Township 14 north, range 13 west, section 20; and section 24, north half, southeast quarter.

Township 15 north, range 13 west, section 2, northwest quarter.

Township 16 north, range 13 west, section 2; section 10, northwest quarter; section 26, northwest quarter; and section 36.

Township 6 north, range 14 west, section 4, northeast quarter, southwest quarter; sections 6, 8; section 10, southwest quarter northeast quarter, south half northwest quarter; section 12, east half; section 14, south half; and sections 18, 22, 24, 26, 34.

Township 7 north, range 14 west, section 12, northeast quarter; section 18, east half northeast quarter, northwest quarter northeast quarter; section 22, west half; and sections 24, 28, 30.

Township 14 north, range 14 west, section 4, north half, southwest quarter; section 6, north half; and section 14, northeast quarter.

Township 15 north, range 14 west, section 16; and section 28, southwest quarter.

Township 16 north, range 14 west, sections 4, 6, 20.

Township 17 north, range 14 west, section 34, lots 1, 2, 3, 4, south half south half.

Township 7 north, range 15 west, sections 4, 7, 12, 14, 18, 19; section 20, west half; section 24, north half, southwest quarter, south half southeast quarter; section 26; section 30, south half; and sections 31, 34.

Township 8 north, range 15 west, section 6, northwest quarter northwest quarter; and section 12, northeast quarter, southwest quarter.

Township 10 north, range 15 west, section 6, north half northeast quarter, southwest quarter northeast quarter, north half northwest quarter, southeast quarter northwest quarter, south half southwest quarter; and section 10, northwest quarter.

Township 15 north, range 15 west, section 2; section 4, north half, southwest quarter; section 6; section 8, north half, southwest quarter; section 10, northwest quarter, south half; section 12; section 14, northeast quarter, southwest quarter; section 16, north half; and section 18, lots 1, 2, 3, 4, 5, north half northeast quarter, northeast quarter northwest quarter.

Township 16 north, range 15 west, section 6, northwest quarter; section 8, northeast quarter, north half south half; section 10, northeast quarter; section 12, west half; section 13, west half; section 14, northwest quarter, south half; section 17, southwest quarter; section 18, northwest quarter, southeast quarter; section 19, northeast quarter; section 22, south half; section 24, southeast quarter; section 25, east half east half northeast quarter, southeast quarter; section 28, west half, southeast quarter; and section 30, north half.

Township 17 north, range 15 west, section 34, lots 1, 2, 3, 4, south half south half.

Township 7 north, range 16 west, sections 1, 3, 4, 5; section 6, northeast quarter; sections 7, 9, 11; section 12, southwest quarter; sections 13, 15, 17, 19, 21, 23, 25, 27; section 28, northeast quarter northeast quarter; and sections 29, 31, 33, 35.

Township 9 north, range 16 west, section 4, north half northeast quarter northeast quarter, southeast quarter northeast quarter northeast quarter, northwest quarter northeast quarter, south half northeast quarter.

Township 10 north, range 16 west, section 4, northwest quarter northeast quarter, southwest quarter southwest quarter; section 14, west half southwest quarter; section 28, northwest quarter; and section 34, southeast quarter.

Township 15 north, range 16 west, sections 4, 6, 8, 10, 12; and section 14, lots 1, 2, 3, 4.

Township 16 north, range 16 west, sections 4, 8; section 12, northwest quarter northeast quarter, northwest quarter, west half southwest quarter, southeast quarter southwest quarter; section 14, southeast quarter; section 18, north half north half, southeast quarter; section 20, north half, southeast

quarter; section 22, northwest quarter, south half; section 24, southwest quarter; section 26, southwest quarter; section 28, northeast quarter; and section 34, east half east half.

Township 17 north, range 16 west, section 34, lots 1, 2, 3, 4, south half south half.

Township 30 north, range 16 west, section 21, lots 1 to 16.

Township 13 north, range 17 west, section 3, lots 1, 2, 3, 4, west half west half; section 4, northwest quarter, south half; section 5, south half north half, south half; section 6; section 7, northeast quarter, west half; section 8, north half north half, southwest quarter northwest quarter, southeast quarter southwest quarter, south half southeast quarter; section 9, east half, north half northwest quarter, east half southwest quarter; section 16, east half; section 18, southwest quarter; section 20, north half northeast quarter, southwest quarter; section 21, east half; section 28, north half, southeast quarter; section 30, lots 1, 2, southeast quarter southwest quarter, southeast quarter, southeast quarter northeast quarter; and section 33, east half, east half west half.

Township 14 north, range 17 west, section 4, north half, southeast quarter; section 6, east half east half, east half west half; section 8, west half, southeast quarter; section 10, west half northwest quarter; section 16, west half, southeast quarter; section 18; section 20, north half, southeast quarter; section 22, lots 1, 2, 3, 4, west half west half; section 28, north half, southeast quarter; section 30; section 31, north half north half, south half south half; section 32, west half southeast quarter, and section 34, lots 1, 2, west half northwest quarter.

Township 15 north, range 17 west, section 6, north half; section 8, southwest quarter; section 18, northeast quarter; section 22, lots 1, 2, 3, 4; section 28, northeast quarter; section 32, east half east half, northeast quarter northwest quarter, southwest quarter; section 33, west half, south half southeast quarter; and section 34, lots 3, 4, west half southwest quarter.

Township 16 north, range 17 west, section 12; section 14, north half, southwest quarter; section 18, northwest quarter, south half; section 20; and section 26, northwest quarter northwest quarter southwest quarter, south half northwest quarter southwest quarter, southwest quarter southwest quarter.

Township 17 north, range 17 west, section 34, lots 1, 2, 3, 4, south half south half.

Township 11 north, range 18 west, section 6, north half northwest quarter northeast quarter, southwest quarter northwest quarter northeast quarter, southeast quarter southeast quarter northeast quarter, north half northwest quarter, southwest quarter northwest quarter; north half southeast quarter northwest quarter, southwest quarter southeast quarter northwest quarter, west half southwest quarter, southeast quarter southwest quarter, south half northeast quarter southwest quarter; southwest quarter northwest quarter southeast quarter, east half northwest quarter southeast quarter, southwest quarter southeast quarter, east half southeast quarter.

Township 12 north, range 18 west, sections (1,) 2, 3; section 4, northeast quarter; section 5, west half northeast quarter, west half, west half southeast quarter; section 6, northeast quarter; section 8, northwest quarter, west half east half, south half southwest quarter, section 9, east half; section 10, north half, southwest quarter; section 11, north half, southeast quarter; sections 13, 14; section 15, north half north half, south half; section 18, northwest quarter northwest quarter, northwest quarter northeast quarter, east half northeast quarter, south half; section 19, north half; section 20, east half, southwest quarter; section 22, south half north half, south half; sections 23, 24; section 25, north half, north half south half; section 26, north half; section 27, north half, southeast quarter; section 28; section 30, south half; and sections 31, 32, 33, 34, 35, 36.

Township 13 north, range 18 west, section 1; section 2, northwest quarter, south half; section 3; section 4, east half, northwest quarter; sections 5, 6, 7, 9, 10, 11; section 12, north half, southwest quarter; sections 13, 15, 17, 18; section 19, southwest quarter; sections 20, 21, 22, 23, 24, 25; section 26, northeast quarter northwest quarter, west half northwest quarter, northwest quarter southwest quarter, south half south half; sections 27, 28, 29, 31, 33, 34; and section 35, northwest quarter, south half.

Township 14 north, range 18 west, section 1; section 3, south half; section 4, southeast quarter; section 6, northwest quarter; section 7; section 8, northeast quarter, east half northwest quarter; section 9; section 10, southeast quarter; sections 11, 13; section 14, southwest quarter; section 15, north half, north half south half; section 17; section 19, east half; section 21, northwest quarter, south half; sections 23, 24, 25, 26, 27; section 29, northeast quarter, south half; sections 31, 32; section 33, northeast quarter, south half; section 34, southeast quarter; and section 35, east half east half, west half west half.

Township 15 north, range 18 west, section 12, east half.

Township 11 north, range 19 west, section 1; section 2, north half; section 3, north half north half, southeast quarter northeast quarter, south half southwest quarter, southeast quarter, northeast quarter southwest quarter; section 4, southeast quarter; sections 5, 6, 7, 9; section 10, northeast quarter; sections 11, 12, 13, 14, 15, 17; section 18, east half; and section 24, south half.

Township 12 north, range 19 west, section 1, north half; sections 3, 4; section 5, northeast quarter, south half; section 7, northeast quarter northeast quarter, south half northeast quarter, northwest quarter northwest quarter, south half; sections 9, 11; section 13, north half, north half southwest quarter, east half southeast quarter; section 14, north half, north half southeast quarter, southeast quarter southeast quarter, southwest quarter southwest quarter; section 15, east half northeast quarter, south half; section 17, southeast quarter, west half; section 19; section 21, west half; sections 22, 23; section 24, north half; section 27; section 28, east half; sections 29, 31, 32, 33; section 35, northeast quarter northeast quarter, west half northeast quarter, northwest quarter, northwest quarter southwest quarter, south half south half; and section 36.

Township 13 north, range 19 west, section 1, northeast quarter, south half; sections 2, 3, 5, 6, 7, 8; section 9, west half east half, west half; section 10, southeast quarter; sections 11, 12, 13; section 14, northwest quarter, south half; section 15; section 17, north half, southwest quarter; section 18; section 19, north half; section 20, north half, north half south half; sections 21, 22, 23; section 24, east half; sections 25, 26; section 27, north half northeast quarter, south half southeast quarter, west half; section 28; section 29, north half, north half south half; section 30, north half, north half south half; section 34; section 35, north half, southeast quarter; and section 36.

Township 14 north, range 19 west, section 1, south half; sections 3, 5; section 7, south half; section 8, north half; section 9, west half east half, west half; section 11; section 12, east half; section 13; section 14, northwest quarter; section 15, west half west half; section 17, northeast quarter, south half; section 19, northeast quarter, south half; sections 21, 23, 25; section 26, east half, northwest quarter; section 27; section 29, northeast quarter, south half; sections 30, 31; section 32, south half; and sections 33, 35.

Township 11 north, range 20 west, section 1; section 3, northeast quarter, south half; section 4, northwest quarter northeast quarter, northeast quarter northwest quarter, south half southeast quarter; sections 5, 6, 7, 8, 9; section 10, west half; section 11; and section 12, north half, west half southwest quarter, east half southeast quarter.

Township 12 north, range 20 west, sections 1, 3; section 4, south half; section 5, north half; section 6, east half, southwest quarter, sections 7, 9, 10; section 12, north half; section 13, north half north half, southwest quarter northeast quarter, south half northwest quarter, southeast quarter southeast quarter; section 15, north half north half, south half northwest quarter, southwest quarter, south half southeast quarter; section 17; section 18, west half; section 19; section 20, southeast quarter; section 21; section 23, northwest quarter northeast quarter, north half northwest quarter, southwest quarter northwest quarter, south half; section 25, south half; section 27, north half, southwest quarter; section 28, west half northwest quarter, southeast quarter northwest quarter, northwest quarter southwest quarter; sections 29, 30; section 31, north half northwest quarter, south half southwest quarter, southeast quarter; section 33; section 34, east half east half; and section 35.

Township 13 north, range 20 west, sections 1, 11, 12; section 13, north half, southeast quarter; section 14, northeast quarter; sections 22, 23; section 24, north half, southeast quarter; section 25, north half northwest quarter, south half southwest quarter, southeast quarter; section 27, east half, north half northwest quarter, southeast quarter northwest quarter, southwest quarter southwest quarter; section 32, northeast quarter, south half; section 33; section 34, north half, southeast quarter; and section 35.

Township 14 north, range 20 west, sections 3, 4, 5; section 6, east half; sections 7, 8, 9, 11; section 12, northwest quarter; section 13, west half; section 14, northwest quarter; sections 15, 17, 19; section 20, northeast quarter; sections 21, 22; section 23, west half east half, west half; sections 25, 26, 27; section 28, east half; section 30, northwest quarter, that part of southwest quarter lying north and west of Atchison, Topeka and Santa Fe Railroad right-of-way; and sections 34, 35.

Township 15 north, range 20 west, section 1; section 2, northeast quarter northeast quarter, northwest quarter northwest quarter, south half north half, south half; sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15; section 16, southeast quarter southeast quarter; sections 17, 18; section 19, southwest quarter northeast quarter, northwest quarter northwest quarter, south half northwest quarter, south half; section 20, north half, southeast quarter; sections 21, 22; section 23, southwest quarter; section 24, east half; section 25; section 26, north half, southwest quarter; sections 27, 28, 29; section 30, southwest quarter northeast quarter, northwest quarter northwest quarter, south half northwest quarter, southwest quarter; sections 31, 32, 33; section 34, north half north half, southeast quarter northwest quarter, southwest quarter northeast quarter, northeast quarter southwest quarter, southeast quarter southeast quarter; and section 35; north half, southwest quarter.

Township 11 north, range 21 west, section 1; section 3, lots 1, 2, 3, 4, 5, 6, south half northeast quarter, southeast quarter; section 10, lots 1, 2, 3, 4, east half; and sections 11, 12.

Township 12 north, range 21 west, section 1, south half southeast quarter; section 11, southeast quarter; section 12, east half, south half northwest quarter, northeast quarter northwest quarter, southwest

quarter; section 13, northeast quarter, south half; section 14, west half; section 15, lots 1, 2, 3, 4, east half; section 22, lots 1, 2, 3, 4, east half; section 23; section 24, west half; sections 25, 26; section 27, lots 1, 2, 3, 4, east half; section 34, lots 1, 2, 3, 4, west half east half; and section 35.

Township 13 north, range 21 west, section 1, that part lying north and west of Atchison, Topeka, and Santa Fe Railroad right-of-way; section 2, that part lying north and west of Atchison, Topeka, and Santa Fe Railroad right-of-way; and section 3, lots 1, 2, 3, 4.

Township 14 north, range 21 west, section 1, north half southwest quarter; section 3, lots 1, 2, 3, 4; section 10, lots 1, 2, 3, 4; sections 11, 12, 13, 14; section 15, lots 1, 2, 3, 4; section 22, lots 1, 2, 3, 4; section 23; section 25, south half north half, south half; section 26, west half; section 27, lots 1, 2, 3, 4; section 34, lots 1, 2, 3, 4; section 35, northeast quarter northeast quarter, south half northeast quarter, southwest quarter northwest quarter, south half; and section 36, northeast quarter, that part lying north and west of Atchison, Topeka and Santa Fe Railroad right-of-way, northwest quarter, southeast quarter, that part lying north and west of Atchison, Topeka and Santa Fe Railroad right-of-way.

Township 15 north, range 21 west, section 1; section 2, south half north half, north half southwest quarter; section 3, lots 1, 2, 3, 4; section 10, lots 1, 2, 3, 4; section 11; section 12, northeast quarter northeast quarter, west half northeast quarter, west half, southeast quarter southeast quarter; sections 13, 14; section 15, lots 1, 2, 3, 4; section 22, lots 1, 2, 3, 4; sections 23, 24, 25; section 26 southwest quarter; section 27, lots 1, 2, 3, 4; section 34, lots 1, 2, 3, 4; and section 35, west half.

SEC. 5. The Secretary of the Interior is hereby authorized in his discretion and under such rules and regulations as he may prescribe to accept conveyances of Indian tribal and allotted lands, and conveyances of privately owned and State-owned lands, and relinquishments of valid homestead entries or other applications, including Indian allotment selections, within San Juan, McKinley, Valencia, Socorro, Rio Arriba, Bernalillo, and Sandoval Counties, New Mexico, and to exchange therefor an equal value of unreserved and unappropriated public lands within those counties so that the holdings within the area may be consolidated into an improved land-use pattern: *Provided*, That either party to an exchange under this section may reserve minerals, easements, or rights of use. The Secretary is authorized to execute any title documents necessary to effect such exchanges. (Lands conveyed to the United States pursuant to this section shall become a part of the public domain subject to administration and disposition under the public land laws if they are outside the areas described in section 4 of this Act, and they shall be reconveyed to the Navajo Tribe in an unrestricted status if they are within the areas described in section 4. Title to lands acquired by an Indian tribe, band, or group, or individual Indians by exchange pursuant to this section shall be acquired in the same status, trust, or unrestricted as the case may be, as the title to the lands disposed of by exchange, and any trust title so acquired by the United States shall be subject to the laws and regulations applicable to the other trust lands of such tribe, band, group, or individual. When such lands are located within the exterior boundaries of national forests in any of the counties heretofore named in this section, conveyances of Indian tribal or allotted lands, conveyances of privately owned and State-owned lands, and relinquishments of valid homestead entries or other applications, including Indian allotment selections, may be accepted and national-forest lands may be granted in exchange therefor pursuant to the Act of March 20, 1922 (42 Stat. 465), as amended (16 U.S.C. 485, 486).

SEC. 6. The owner of the minerals that are excluded from the conveyances made by section 4 of this Act shall have the right to mine, remove, and develop them under such rules and regulations as the Secretary of the Interior may deem necessary to enable recovery of the minerals and to prevent undue interference with the surface use of the lands. Nothing in this Act shall be deemed to validate any application, entry, or other claim under the mining and mineral leasing laws initiated while the lands were withdrawn by order of the Secretary of the Interior.

SEC. 7. There is hereby repealed the last paragraph of section 13 of the Act of March 3, 1921 (41 Stat. 1225, 1239), which reads:

"The Secretary of the Interior is hereby authorized in his discretion, under rules and regulations to be prescribed by him, to accept reconveyances to the Government of privately owned and State school lands, and relinquishments of valid homestead entries, or other filings, including Indian allotment selections, within any township of the public domain in San Juan, McKinley, and Valencia Counties, New Mexico, and to permit lieu selections by those surrendering their rights so that the holdings of any claimant within any township wherein such reconveyances or relinquishments are made may be consolidated and held in solid areas: *Provided*, That the title or claim of any person who refuses to reconvey to the Government shall not be hereby affected."

SEC. 8. Nothing in this Act shall affect valid rights existing at the date of approval of this Act.

SEC. 9. The provisions of this Act shall become effective upon the acceptance of its terms by the governing body of the Navajo Indian Tribe: *Provided*, That such acceptance is made within one year from and after the date of approval of this Act: *Provided further*, That the Navajo Tribe agrees to eliminate from its suit now pending before the Indian Claims Commission under the Act of August 13, 1946 (60 Stat. 1049), any claim based on alleged inadequate compensation for lands subject to this Act, and to renounce any other claim it may have with respect thereto. Nothing contained in this Act shall be construed as an admission of liability on the part of the United States with respect to these or any other lands.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be printed in the RECORD at this point an excerpt from the committee report.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The primary purpose of S. 2878, introduced by Senator ANDERSON, of New Mexico, is to convey in fee simple certain federally owned lands excluding mineral rights, located within the State of New Mexico to the Navajo Tribe of Indians. The bill would also adjust and simplify the administration of certain other federally owned lands located in the vicinity of Gallup, N. Mex.

During the 1930's the Federal Government purchased approximately 70,000 acres of so-called submarginal lands in what is commonly referred to as the Church Rock-Two Wells area of New Mexico, near the city of Gallup. These acquisitions authorized by title II of the National Industrial Recovery Act of June 16, 1933, the Emergency Relief Appropriations Act of April 8, 1935, the Bankhead-Jones Farm Tenant Act, and later emergency relief appropriation acts, have been administered for the Navajo Indians. In addition, 80,887 acres of railroad grant lands in the same area were reconveyed to the United States under the act of March 3, 1921, and subsequently administered for the benefit of the Navajos by secretarial order of September 1, 1939. It was contemplated that at some future date legislation would be enacted setting aside the lands for permanent use by the Navajos.

In addition to the lands referred to above, there are approximately 103,239 acres of public domain presently used and occupied by Navajos, without cost, that would be affected by the bill. These public lands, administered by the Bureau of Land Management, are so intermingled with Indian lands or with submarginal and reconveyed railroad grant lands that are being administered for the benefit of the Indians, that separate administration of the tracts by the Bureau of Land Management is wholly impracticable. A staff member of the Joint Committee on Navajo-Hopi Indian Administration who has visited the area reports that the physical location of the tracts has prevented the Bureau of Land Management from exercising any effective control over grazing, resulting in a steady deterioration of the forage resource. Carrying capacity of the range varies from three to six cattle-year-long per section. The lands are actually used by the Indians, but the Bureau of Indian Affairs has no effective means to control the use. Continued Federal ownership of these lands will serve no useful purpose. Not only is it the purpose of S. 2878 to resolve this problem, but the enactment of this legislation will permit the tribe and the Bureau of Land Management to initiate a comprehensive management program for the lands in the area that will result in better conservation practices.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to convey certain federally owned lands in New Mexico to the Navajo Tribe of Indians and for other purposes."

Mr. JOHNSON of Texas. Mr. President, I moved that the Senate reconsider the vote by which the bill was passed.

Mr. ANDERSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RATE OF TAX ON ISSUANCE OF SHARES OR CERTIFICATES OF STOCK BY REGULATED INVESTMENT COMPANIES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1059, H.R. 6132.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 6132) relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an excerpt from the committee report on the pending bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Under present law the documentary stamp tax on original issues of stock is levied at the rate of 10 cents per $100 of actual value. The documentary stamp tax on stock transfers, on the other hand, is levied at the rate of 4 cents per $100 of actual value.

Regulated investment companies which operate as open-end mutual investment companies, however, do not usually provide for the trading of their securities. Instead they issue new securities to those desiring to buy their stock, and redeem the stock of those desiring to sell. As a result they pay a 10-cents-per-$100 issuance tax on transactions which to others would result in a transfer tax of 4 cents per $100 of actual value.

The bill provides that the issuance tax in the case of qualifying regulated investment companies is to be imposed at the rate of 4 cents per $100 of actual value, rather than the 10-cent rate otherwise applicable. This is to be effective for stock sold after the date of enactment of this bill.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. KERR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954, AS AMENDED—AMENDMENT

Mr. SMATHERS (for himself and Mr. MORSE) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 3058) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, which was referred to the Committee on Foreign Relations, and ordered to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 29, 1960, he presented to the President of the United States the enrolled bill (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, I congratulate the distinguished occupant of the chair (Mr. BYRD of West Virginia) for the diligent and effective and judicious manner in which he has performed his duties and I thank all my colleagues for their cooperation.

Under the order previously entered, I now move that the Senate stand adjourned until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 46 minutes p.m.) the Senate, under the order previously entered, adjourned until tomorrow, Wednesday, March 30, 1960, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 29, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Luke 4: 40: *Why are ye so fearful? Where is your faith?*

Almighty God, whose mercies outnumber all our necessities, we are coming unto Thee constrained by Thy love, beseeching us to believe that Thou art willing and able to supply us with every needed blessing for each new day.

Fill our minds and hearts with a more vivid and vital faith for we humbly confess that in our daily thoughts and life we so frequently allow it to become deleted of its wonder and diluted of its power.

Grant that amid the yearnings of our troubled world and the tangle of human affairs we may be confident that beyond the dark clouds, which veil our vision, the sun of righteousness is still shining and Thy mighty purposes are working and being fulfilled.

We are remembering with grateful affection Thy servant, one of our colleagues, who has departed this life and answered the highest of all calls to dwell with Thee in eternal blessedness, having rendered many years of able and devoted service to our beloved country. Bless the members of his bereaved family with the assurance of Thy nearness and the consolation of Thy grace.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed the following resolution:

SENATE RESOLUTION 296

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable RUSSELL V. MACK, late a Representative from the State of Washington.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, at the conclusion of its business today, the Senate, as a further mark of respect to the memory of the deceased, adjourn until 10 o'clock ante meridian tomorrow.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nev.;

H.R. 1540. An act for the relief of the estate of John Steve;

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims;

H.R. 2849. An act for the relief of Oscar A. LaBranche;

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C. 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey";

H.R. 4586. An act to amend section 4021 of the Internal Revenue Code of 1954;

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah;

H.R. 5301. An act for the relief of Harry E. Nelson;

H.R. 5887. An act to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list;

H.R. 6023. An act for the relief of William J. Kaiser;

H.R. 6027. An act for the relief of Joseph J. O'Loughlin;

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin;

H.R. 6402. An act for the relief of Victor Stiglic;

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes;

H.R. 6885. An act for the relief of Neal E. Andersen;

H.R. 6948. An act for the relief of Miss Marion A. Cramer;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7079. An act for the relief of Don L. Herring;

H.R. 7116. An act for the relief of George W. Gibson;

H.R. 7365. An act for the relief of Mrs. Nell C. Player;

H.R. 7447. An act for the relief of Paul Levitt;

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks;

H.R. 7889. An act to require marketing quotas for rice when the total supply exceeds the normal supply;

H.R. 7933. An act for the relief of Mrs. Virginia Bond;

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects;

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers excise tax on tires and tubes;

H.R. 8801. An act for the relief of the Maco Warehouse Co.; and

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and joint resolutions of the House of the following titles:

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 529. An act to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes;

H.R. 2310. An act for the relief of Hoo W. Yuey;

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes;

H.R. 4826. An act for the relief of Arthur E. Collins;

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 5888. An act to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands;

H.R. 6185. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951;

H.R. 6329. An act to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians;

H.R. 6785. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires;

H.R. 7456. An act to extend for 3 years the suspension of duty on imports of casein;

H.R. 7588. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for the purposes of the personal holding company tax;

H.R. 7947. An act relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association;

H.R. 8251. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 8684. An act to provide transitional provisions for the income tax treatment of dealer reserve income;

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li);

H.J. Res. 283. Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico; and

H.J. Res. 352. Joint resolution to authorize preliminary study and review in connection with proposed additional building for the Library of Congress.

The message also announced that the Senate had passed bills, a joint resolution, and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 68. An act to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife and upon the death of either;

S. 111. An act for the relief of Aristogiton Zahariadis;

S. 247. An act for the relief of Emil Milan Preseren;

S. 382. An act for the relief of John P. Vournas, Gus E. Vournas, and John E. Vournas;

S. 1223. An act for the relief of Alan John Coombs;

S. 1328. An act for the relief of Parker E. Dragoo;

S. 1408. An act for the relief of Ronald R. Dagon and Richard J. Hnensel;

S. 1410. An act for the relief of Jay R. Melville and Peter E. K. Shepherd;

S. 1720. An act for the relief of Perry Lee Gorman;

S. 1752. An act for the relief of Stamatina Kalpaka;

S. 1765. An act to authorize and direct the Treasury to cause the vessel *Edith Q.*, owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges;

S. 1909. An act for the relief of John Gelbert (alias Max Theodore Gelbert);

S. 1912. An act for the relief of Timmy Kim Smith;

S. 1913. An act for the relief of Evagelos Mablekos;

S. 2142. An act for the relief of George C. McKinney;

S. 2164. An act for the relief of Osvalda Riva Coolidge;

S. 2165. An act for the relief of Erica Barth;

S. 2173. An act for the relief of Mrs. John Slingsby, Lena Slingsby, Alice V. Slingsby, and Harry Slingsby;

S. 2177. An act for the relief of Peter J. Waterton;

S. 2234. An act for the relief of the estate of Hilma Claxton;

S. 2247. An act for the relief of Wong Gim Chung;

S. 2271. An act for the relief of Dimitri Yorgiadis;

S. 2317. An act for the relief of Mary Alice Clements;

S. 2330. An act for the relief of John B. Manthey;

S. 2331. An act to provide for the hospitalization, at St. Elizabeths Hospital in the District of Columbia, or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes;

S. 2333. An act for the relief of the heirs of Caroline Henkel, William Henkel (now deceased), and George Henkel (presently residing at Babb, Mont.), and for other purposes;

S. 2352. An act for the relief of Chaim (Hyman) Eidlisz;

S. 2361. An act for the relief of Andros Szasz;

S. 2384. An act for the relief of Tommy Tadayoshi Shuto (Tadayoshi Takeda);

S. 2406. An act for the relief of Matias T. Falcasantos;

S. 2418. An act for the relief of Junko Hosaka Jordan;

S. 2419. An act for the relief of Inez Gonzalez Abilez;

S. 2443. An act for the relief of Edgar Harold Bradley;

S. 2456. An act to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635) to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, and for other purposes;

S. 2486. An act for the relief of Nobuko Stickels;

S. 2507. An act to relieve Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil bank benefits;

S. 2520. An act for the relief of Shin Moriyoshi;

S. 2523. An act for the relief of Harry L. Arkin;

S. 2532. An act for the relief of Margherita Pino Zordan;

S. 2541. An act for the relief of Maria Vittone and Rosa Fostina;

S. 2552. An act for the relief of Pietro Capici Cordaro;

S. 2554. An act for the relief of Leila Finlay Bohin;

S. 2566. An act for the relief of Peter Leo Bahr;

S. 2607. An act for the relief of Krste Angeloff;

S. 2619. An act for the relief of Maria Critelli Ventura;

S. 2669. An act to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska;

S. 2778. An act to amend the act relating to the Commission of Fine Arts;

S. 2779. An act relating to the election under section 1372 of the Internal Revenue Code of 1954 by the Augusta Furniture Co., Inc., of Staunton, Va.;

S. 2804. An act to donate to the Keweenaw Bay Indian Tribe, l'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon;

S. 2812. An act to amend the Communications Act of 1934 with respect to the painting and illumination of radio towers;

S. 2962. An act to grant 81 acres of public domain to the Cocopah Indians in Arizona;

S. 3005. An act to amend the act of March 3, 1933 (47 Stat. 1426), relating to the length of time by which the Federal Maritime Board may suspend tariff schedules;

S.J.Res.150. Joint resolution permitting the Secretary of the Interior to continue to deliver water to the lands in the third division, Riverton Federal reclamation project, Wyoming;

S. Con. Res. 86. Concurrent resolution authorizing the printing of additional copies of the hearings on employment, growth, and price levels;

S. Con. Res. 87. Concurrent resolution authorizing the printing of additional copies of the report on employment, growth, and price levels;

S. Con. Res. 88. Concurrent resolution authorizing the printing of additional copies of the hearings on energy resources and technology; and

S. Con. Res. 89. Concurrent resolution authorizing the printing of additional copies of the studies on comparisons of United States and Soviet economies.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following titles:

S. 2482. An act to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

The message also announced that Mr. BRUNSDALE has been elected a member on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library, vice Mr. MORTON.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10233) making appropriations for the govern-

ment of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes, with Senate amendments thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees: Messrs. RABAUT, NATCHER, CANNON, RHODES of Arizona, and TABER.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on H.R. 10233.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE LATE RUSSELL V. MACK

Mr. PELLY. Mr. Speaker, I take this means of informing my colleagues as to the funeral arrangements for our late colleague, the Honorable Russell V. Mack. Friends may call at Gawlers Funeral Home, 1756 Pennsylvania Avenue, Washington, D.C., from 6 p.m. to 10 p.m. tonight, Tuesday, and from 12 o'clock noon to 6 p.m. on Wednesday.

The funeral will be held at 11 a.m. Saturday, April 2, Whiteside Funeral Home, Aberdeen, Wash.

HON. RUSSELL V. MACK

Mr. AUCHINCLOSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. AUCHINCLOSS. Mr. Speaker, when death visits us suddenly and without warning we are shocked and stand back in awe at its majesty. We naturally think of the stricken one and with sacred thoughts wonder what it all means. Such a condition encompassed us when Russell Mack was stricken and summoned to his reward. But, my colleagues, I can testify that Russell Mack had no fear of death. We had discussed it recently and I took much courage from his calm and deep faith in the knowledge that his Redeemer liveth.

In the past few years I got to know Russell Mack well and I can testify with assurance to his high standards, to his hate for the false, and to his fearless outlook in life and its potentialities. He had a rich sense of humor which drew many men to him where they enjoyed the warmth of a friendship which was not of the ordinary kind. He had a keen feeling of responsibility to his constituents and to the problems which confronted him in his life of service; he was truthful and sincere in his approach and never resorted to cheap tricks or demagogery. His Americanism was dynamic and with his unselfish spirit he stood out among men. As time passes we will appreciate more and more how great is his loss to his friends and the Nation, but the example he has set in his service among us will long endure.

I extend to his wife and loved ones my most sincere sympathy and may they have the solace of understanding, the peace of acceptance, and the deep and abiding comfort of faith.

HON. EDWIN E. WILLIS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, now that the debate on the civil rights bill has shifted again to the other body, I should like to take this opportunity to praise my distinguished colleague from Louisiana, the Honorable ED WILLIS, who led the fight against this legislation for the members of the Louisiana delegation and for that matter for the minority members of the entire Committee on the Judiciary. I had the privilege of nominating Congressman WILLIS for the great Committee on the Judiciary some years ago, and I am happy indeed over the wonderful record that he has established in Congress. I was pleased to hear the many compliments paid him as we temporarily concluded this debate several days ago.

All of the members of our delegation stood with him as he was our spokesman on this issue.

I thought that he did a particularly magnificent job in pointing out what we consider the many glaring constitutional defects of the civil rights bill. This was particularly true in his handling of the "conclusive presumption" and the "pattern of practice" doctrines as well as the ex parte proceedings, the extension of the voter referee for State and local elections, and other dangerous and unwarranted proposals all of which carry us back to the unhappy days following the War Between the States.

As Congressman WILLIS so ably pointed out, the bill goes entirely too far, it goes too fast, and it will continue to compound the problems of men and women of good will of both races.

It is hoped that the strong voice of Congressman WILLIS will continue to be heard on the Judiciary Committee and that he will have an opportunity to exert his influence in the conference.

I am certain that all of my Louisiana colleagues join in congratulating him and wishing him well.

COMMITTEE ON THE JUDICIARY

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight tonight to file a report on House Joint Resolution 397.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER

Mr. SPRINGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Mr. Speaker, I had a special order on yesterday for 40 minutes. My inquiry is, Does that special order hold over until today so that mine would be the first special order today?

The SPEAKER. The gentleman will have to ask unanimous consent to obtain a new special order.

THE LATE HON. RUSSELL V. MACK

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes today, following the legislative business and other special orders on the passing of our late colleague, Judge Mack. He was one of the greatest and finest men I have ever known; one of the greatest legislators and one of the great figures of our time. I should like the opportunity to pay tribute to his courage.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE THREE R's

Mr. MUMMA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MUMMA. Mr. Speaker, until yesterday the words "McGuffey Readers" sounded to me like something of a mystery book. I heard a lot about them but had never seen them.

Mr. Speaker, in today's mail I received the set of seven volumes of McGuffey Readers which I had ordered from the American Council of Christian Laymen at Madison, Wis. My colleague, the Honorable CLIFFORD MCINTIRE, of Maine, had told me about them being available. I thought other Members might be interested in their availability. If you wish to see them, either Mr. MCINTIRE's or my office will be glad to show them.

The volumes themselves comprise the Primer, and run next, from the First Grade Reader through the Sixth Grade Reader. They have been closely associated with good education for a long time.

Education in itself is an important thing. It is a basic tool to help unlock the doors of knowledge through the practical application of learned logic. It is the threshold over which our scientists pass in the development of the comforts of life, and even destruction or self-preservation, or be it the niceties or esthetical things in life.

The McGuffey Readers have been closely associated with the basics in education and it is interesting to learn that right here in the Nation's Capital, there is to be a school especially devoted to the three R's. According to the tremendous response reported, it would appear that going back to the three R's is not a backward step but rather a forward step back in the right direction.

ONE HUNDRED AND THIRTY-NINTH ANNIVERSARY OF GREEK INDEPENDENCE

Mrs. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. CHURCH. Mr. Speaker, on March 25 the people of Greece and their friends everywhere marked the 139th anniversary of Greek independence.

The ideals of liberty and human dignity have long been cherished by the people of Greece. Their passion for independence and their determination that the rights and freedom of the individual shall prevail have inspired all freedom-loving people throughout the ages.

It is fitting that on this memorable occasion we pause to reflect on the importance of this Nation to the free world. The courage of Greece in facing up to the Communist threat and her efforts for the people for the free world are striking examples of the determination of the Greek people to preserve their liberty and to foster it throughout the world. The continuing independence and security of Greece is of vital importance to all of us. I myself have been in Greece last November and was thrilled to note the progress that had been made and in particular the spirit among the people.

We hail Greece as a full-fledged and consecrated partner in our effort to keep men and nations free.

(Mrs. CHURCH asked and was given permission to revise and extend her remarks.)

PAN AMERICAN DAY

Mr. SELDEN. Mr. Speaker, I offer a resolution (H. Res. 491) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the House of Representatives hereby designates Tuesday, April 12, 1960, for the celebration of Pan American Day, on which day, after the reading of the Journal, remarks appropriate to such occasion may occur.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 37]

Alexander	Barden	Bonner
Allen	Barry	Boykin
Anderson, Mont.	Blatnik	Brown, Mo.
	Blitch	Broyhill
Ashley	Bolling	Canfield
Celler	Jensen	Reuss
Chiperfield	Loser	Rivers, S.C.
Coad	McDowell	Shelley
Coffin	Martin	Short
Collier	May	Spence
Cunningham	Meader	Taber
Dwyer	Miller, George P.	Taylor
Forand		Thompson, N.J.
Frelinghuysen	Milliken	Tollefson
Gavin	Mitchell	Tuck
Grant	Morris, N. Mex.	Vinson
Gubser	Nelsen	Weaver
Hargis	Patman	Willis
Jackson	Powell	Zelenko

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate for the rest of this week.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FEDERAL COMMUNICATIONS COMMISSION

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. WHITENER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. WHITENER. Mr. Speaker, during the past several months the Federal Communications Commission has been the subject of criticism in certain quarters. This criticism, I feel, has created an erroneous impression in the minds of some of our people with respect to the very fine service that administrative officials within the Commission are rendering to the American people.

From time to time it has been necessary for me to contact various administrative officials in the Commission regarding problems arising in my congressional district. In every instance I have found that these officials have discharged their duties under the law in a very courteous, efficient, and cooperative manner. I have not, of course, requested any favors or any action that was not in accord with the law or the regulations of the agency.

The administrative officials within the Federal Communications Commission are performing excellent service under very difficult circumstances, and they deserve the support and respect of the American people.

GREEK INDEPENDENCE DAY

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, on yesterday it was my intention to ask unanimous consent that my remarks relative to the significance of March 25 to all Americans of Greek origin be inserted in the RECORD. That day is the commemoration day of the successful efforts of the people of Greece to separate themselves from the Ottoman Empire. Owing to the tragic happenings here on the floor when our distinguished and beloved colleague, Russell Mack, of Washington, stepped suddenly across the threshhold into a new and greater opportunity for living, I was unable to make that request.

I therefore ask that my remarks of yesterday be inserted in the body of today's RECORD, as follows:

Mr. Speaker, March 25 marked a significant day for Americans of Greek origin and Greek people throughout the world, as it commemorated the success of the Greek struggle for independence from the Ottoman Empire.

The history of both ancient and modern Greece is a source of inspiration to liberty-loving peoples all over the world. Ancient Greece was the cradle of Western civilization, spawning such cherished concepts as the rule of law and representative government.

At the close of World War II, Greece was buffeted by strong pressures from within and without which threatened to engulf the country in a tragic civil war. Through timely U.S. assistance, stability was achieved and the Communist insurrection suppressed. Further economic assistance was provided by the Marshall plan, and the shattered economy of Greece was reconstructed to new high levels of achievement.

Today, Greece stands united with us in the North Atlantic Treaty Organization, an important member of the collective security system of the free world. On the occasion of her independence, I am happy to join with the more than 1½ million Americans of Hellenic background in honoring the Greek people for their distinguished contributions to the Western World.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATION BILL, 1961

Mr. FOGARTY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11390) making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies, for the fiscal year ending June 30, 1961, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Wisconsin [Mr. LAIRD] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

Mr. GROSS. Mr. Speaker, reserving the right to object, this is a $4.2 billion appropriation bill. Does the gentleman think it can be adequately discussed so that the Members of the House will have a reasonable idea of what is contained in this bill in a matter of 2 hours of general debate?

Mr. FOGARTY. I will say to the gentleman from Iowa we will do the best we can. I will certainly try to answer any questions that arise during general debate on any aspect of the bill.

Mr. GROSS. And the gentleman does not expect to unduly shorten the time under the 5-minute rule?

Mr. FOGARTY. No. I have never done that, and I do not expect to do it now.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Rhode Island.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11390, with Mr. KEOGH in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. FOGARTY. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I take great pleasure in presenting to you for your consideration this afternoon the annual appropriation bill for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year 1961. This is the 14th year that I have participated in the preparation and presentation of this appropriation bill. This is the 10th year I have had the privilege of presenting the bill to the membership of the House as chairman of this Subcommittee on Appropriations.

May I say at the outset that we have five devoted members on our subcommittee. The gentleman from Indiana, [Mr. DENTON], who has been a member of the committee for some years now, has given me invaluable aid in the long hours that we have been working on this bill since the middle of January. Certainly he deserves a great deal of credit for the number of hours he has spent and the effort he has exerted in behalf of the people with regard to these particular programs. Then, I do not know of a more devoted person in this House than my friend, the gentleman from Minnesota, [Mr. MARSHALL]. He, too, has spent the same long hours and put the same enthusiastic feeling into this appropriation bill.

On the Republican side, the gentleman from Wisconsin, [Mr. LAIRD], has been a member of this subcommittee for 4 years, and is the ranking minority member. I am very happy to say that we are presenting to you a unanimous report from both sides of the aisle. I know it must have been tiring to him at times to sit through all these hearings, and listen to all the questions that I had to ask before he had a chance to interrogate. But he did, and today we are together in bringing this appropriation bill to you for your consideration. The gentleman from Michigan [Mr. CEDERBERG] has been giving the same kind of cooperation; so that all in all I do not know of a harder working subcommittee in the Congress than this subcommittee. They have been on the job all the time.

Also, we could not do all this work ourselves unless we had an exceptionally fine clerk. I suppose the chairman of every subcommittee in Congress will brag a little bit about his clerk, but I would like to say I know there is not a finer clerk or staff assistant to any committee in the House, whether legislative or appropriations, than our own clerk, Robert Moyer. He has been doing an outstanding job in providing us with the necessary information we need in order to direct the proper questions to those who appear before our committee and to bring to you a report that is worth while.

Mr. Chairman, this bill, as the gentleman from Iowa [Mr. GROSS] has said, calls for over $4 billion this year. That is a compromise figure. It is less than I wanted, I will say to the gentleman from Iowa. I think we could very well spend a couple of hundred million dollars more in this bill and do a better job for the people of our country. Others will say that this bill contains too much money this year, and I can understand their feeling, too. This is the result of a compromise. We come to you with this unanimous report asking you today to approve a bill calling for the expenditure of $4,184 million, which is $127,900,000 more than was appropriated for fiscal 1960 and is $183,938,000 more than the President asked in his budget for next fiscal year.

The committee's 1961 appropriation allowances for the Department of Health, Education, and Welfare and the Department of Labor are based upon some facts and general principles which I wish to state before discussing the detailed activities of these two important Departments.

I for one have not been impressed with the contention that the Federal Government cannot afford to press forward toward assurance of a minimum decent living for all people and toward provision of publicly financed facilities—schools, hospitals, laboratories—on the scale which the country needs.

This country has a tremendous capacity to produce, and this output of goods and services is the source of our wealth. The total output of goods and services—the gross national product—has gone up from $354 billion in 1945 to $484 billion in 1959—both figures are in 1959 prices; and investment to insure production in the future is up.

Our economic system is so productive that we have been able to expand Government programs and at the same time continue to raise private living standards. Government expenditures for defense and for other purposes have risen, and we have practically built a new industrial plant for the Nation over that period. This record is good, but we certainly have no cause to be complacent because we are the richest country in the world.

Look first at the individuals and the groups at the bottom of the economic ladder. The rise in the average family income after taxes glosses over the fact that half of the families are below the average—and some so far below as to constitute a national scandal. We still have laboring groups that are being exploited. We still have areas of unemployment. We still have families ruined by catastrophic illness. We still have discrimination in employment. We still have older people who have worked long and honorably, but who do not have a modest, decent living.

Many of the Federal Government's programs for dealing with such problems are administered by the Department of Labor and the Department of Health, Education, and Welfare. Neither organization has been visibly concerned with establishing an imaginative vigorous program, adequately financed, to reduce these problems.

This is the richest country in the world, but we tend to act poor when the time comes to consider more adequate financing of the things that we should do as a community and as a Nation. What we really lack is not the economic capacity, but more often the will, the sense of purpose and the vision to move ahead instead of standing still.

The claim that the Nation cannot afford more medical research, more hospitals, more medical schools, or more school classrooms, is usually not the real reason people are against increased effort in these fields. The same is true of the claim that all of these programs would be better carried out if only they were returned to the States. This is nonsense. Return of the total responsibility for these functions to States would mean starving them to death. In point of fact, the States are doing their part financially. In 1959 the States collected between $1.5 and $2 billion additional tax revenue. These are legislated increases, and not just higher tax returns because economic conditions are good. States and localities are collecting about a third of all governmental taxes—they collect about $30 billion per year, and all Federal taxes amount to about $70 billion per year. They are not shirking their tax responsibilities. They are pushing their ability to tax closer to the limit all the time.

No; the real reason for opposing sustained, modest increases in Federal health and welfare activities, for example, is that some people just do not think these things should be done by Government because they cost money, and they do not believe in having the Federal Government finance these activities simply because it has the tax resources to do a good job.

Yet, looking to the future, even conservative groups assume that we are going to get wealthier year by year—not wealthier in terms of inflated dollars, but wealthier in terms of goods and services. The Rockefeller report on the U.S. economy pointed out that "We may

reasonably expect a continuation of a growth rate of 3 to 4 percent per year over the next decade and beyond. In fact, a growth rate of 5 percent is possible if we realize fully our impressive opportunities for economic expansion."

If we maintain even the medium growth rate of 4 percent, we will be able to expand all Government programs, including defense, as well as such domestic programs as school construction, hospital construction, research, health, and road construction. At the same time, this growth rate will support expanded private investment in better plants and equipment, and increases in family income after taxes. And this can be done without inflation.

Our real problem is not lack of economic capacity. It is lack of leadership and of a political philosophy that will capitalize boldly and affirmatively on the opportunities that are before us. It is not irresponsible to recommend strengthening good Federal programs.

Irresponsibility consists of failure to look at problems squarely, to look at our national capacity to solve them, and to take a considered line of constructive action. Irresponsibility arises when facts are not faced.

The recommendations of the Committee on Appropriations are not based on the idea that Federal Government should do everything for everybody. They are based on the idea that there are selected, high-priority areas of need which we can and must meet. The committee does not advocate spending for the sake of spending. It does not recommend increases in all areas. It recognizes that Federal expenditures must be paid for. But—having searched diligently for priorities, and keeping in mind the vigor and growth of our economy—the committee recommends a series of selective increases in expenditures for the Department of Labor and the Department of Health, Education, and Welfare.

With this general background, I would like to present certain of the more important recommendations of the committee.

First, the administration budget contained many reductions for the coming year from the level of the present year. These cuts amounted to about $177 million. Vocational education was cut back $2 million. This has been one of the most popular programs in Congress and in the country. We have restored that $2 million. Hospital construction was cut back $60 million from $186 million back to $126 million. We are not asking you to appropriate today the full $186 million that was appropriated for this fiscal year but we have raised the requested amount about $24 million to bring the total amount up to $150 million. We must bear in mind also that the authorization for this program is $211 million.

Then for the schools in federally impacted areas, for the maintenance and operation of these schools and for the construction of schools in these areas, there was a cut of $80 million. Because of the overwhelming vote of Members of this body every time the appropriation has been cut in the past, we restored the full amount of $80 million in these two areas. This will meet 100 percent of what they are entitled to under the formula of the law Congress passed in 1950 and has since extended, according to Office of Education estimates.

The next sizable cut we restored was in the area of grants to States to build waste-treatment plants. It was cut back $25 million this year, and $25 million last year. We restored that cut last year and you agreed with us. This year we have again restored the cut of $25 million to make it $45 million, the same as in the 1960 appropriation.

Then there were smaller cuts by the administration for control of tuberculosis and control of venereal disease.

In the Department of Labor, we did reduce some of their appropriations. You will see that we have cut most salaries and expense appropriations by relatively small amounts. Last year we allowed for the increased cost of 1 extra day's pay. This year the Department was attempting to get around giving up the increase for that nonrecurring cost. We have taken action to recover all of the saving for that item.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Iowa.

Mr. GROSS. Has the gentleman reached page 11 of the bill yet, dealing with the Bureau of Labor Statistics?

Mr. FOGARTY. No. I thought I would go down each item and give a brief explanation of the cuts and the increases.

Mr. FULTON. Will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Pennsylvania.

Mr. FULTON. I congratulate the gentleman on his excellent statement. May I say first that I think the committee has been wise in compromising and coming up with a good figure. The gentleman spoke of the possibility that $200 million could be added for health purposes. Into what fields would that go?

Mr. FOGARTY. I would put some into hospital construction, construction of research facilities. I would increase the loans for defense education. I would increase the research activities in the Institutes of Health. They are all areas that could be justified. And there are other programs, too. For instance, I would increase the amount for the Children's Bureau for the problems of juvenile delinquency, vocational rehabilitation, and others, if I had my own way. I think in the Department of Labor, we could have increased some of the items for better service to the people who are working for a living.

We cut a small amount out of the Secretary's Office. For international labor affairs they asked for an increase of $150,000 and we reduced that by $30,000.

In the labor management reporting and disclosure activities which is a result of the Landrum-Griffin bill, they asked for $5,500,000 for 1961. We allowed them $5,250,000 which is a decrease of $250,000. The reason we did not allow the full amount they asked for was that they asked for $1,500,000 in the supplemental bill for 1960. The House of Representatives a few weeks ago only allowed $750,000. The other body has raised that amount to $1,300,000. So with that amount in the supplemental bill, they could not staff up by the end of this year to the level on which the 1961 request was based. This cut is in no way a reflection upon the management of this particular department.

With reference to the Bureau of Employment Security, there was an increase of 10 or 11 new positions requested for improvement of State and Bureau office operations at a cost of $111,000. We have disallowed this requested increase.

The item, "Grants to States for unemployment compensation and employment service administration," was cut $5 million and the item of unemployment compensation for Federal employees and ex-servicemen was cut $5 million.

With reference to the Bureau of Labor Statistics, they asked for $10,519,000 which is a reduction of $500 in salaries and expenses.

On the revision of the Consumer Price Index, we allowed $1,250,000 which was all they asked for. This is a 5-year program to revise the index.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. GROSS. Under the item of "Bureau of Statistics," there is language including temporary employees at rates to be fixed by the Secretary of Labor without regard to the civil service laws and the Classification Act of 1949. What is being proposed to be done here? Is it proposed to do violence to the Classification Act?

Mr. FOGARTY. These are just temporary employees who will be hired for a few weeks at a time in various cities throughout the country to make sample surveys. They often cannot get people from the Civil Service rolls for a few weeks temporary work and these will be, for the most part, quite low paying jobs.

Mr. GROSS. So there will be some regulation with respect to these employees and some standards set up?

Mr. FOGARTY. Yes.

Mr. GROSS. And they will not be paid more than is presently paid to the Bureau of the Census people?

Mr. FOGARTY. The gentleman is correct; it is for the same type of work.

Mr. GROSS. This is not opening the thing wide open then; is that correct?

Mr. FOGARTY. No, it does not.

Mr. GROSS. I thank the gentleman.

Mr. Chairman, will the gentleman yield further?

Mr. FOGARTY. I yield.

Mr. GROSS. On page 19, there is an item for the purchase of foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954. Is this sort of thing going to grow?

Mr. FOGARTY. I could not tell you. This is something new. The justifications were not the best when we received them and the people defending the request admitted that plans are not firm. This is one way of using some of the foreign credits under Public Law 480 that might not be used otherwise, and instead

of using American dollars to do this kind of work they are taking advantage of these foreign credits. This is something new in this bill this year. I cannot answer the gentleman's question as to how big it is going to grow.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. LAIRD. With reference to the gentleman's question, I would like to state that the Department has the authority to use these funds at the present time.

The importance of this new arrangement is that the Commodity Credit Corporation will be reimbursed and it will not be charged to Agriculture as has been the case under the arrangement in the past. In several of the appropriation bills this year there will be a section or sections like this which will provide that the Commodity Credit Corporation will be reimbursed as far as their bookkeeping transactions are concerned, so that it will not be charged to the agricultural program.

The CHAIRMAN. The gentleman has consumed 15 minutes.

Mr. FOGARTY. Mr. Chairman, I yield myself 10 additional minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Iowa.

Mr. GROSS. I realize there is only a small amount involved in this particular provision. My concern is that we do not create a device which will serve to accelerate the foreign aid program on the basis that no matter how much we may give them or what they pay for these products in counterpart funds, we will bail them out.

Mr. FOGARTY. I understand the gentleman's concern, because I asked the same questions myself. On our committee we had Mr. LAIRD who is very conversant with Public Law 480, and also Mr. DENTON, who is well acquainted with the foreign-aid programs.

Mr. DENTON. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Indiana.

Mr. DENTON. I shared the same fears that the gentleman from Iowa mentioned. We were assured that there are no dollars leaving the country. This is a bookkeeping transaction. This money must be appropriated before it can be used, but it will simply be a credit to the Commodity Credit Corporation so that the country comes out even. We are utilizing these funds that are already available in foreign countries.

Mr. GROSS. You are addressing yourself to the language on page 19?

Mr. DENTON. That is correct.

Mr. GROSS. Then we find it again on page 21 for the purchase of foreign currencies.

Mr. DENTON. That is exactly the same thing, the same type of transaction. It can only be used for specific purposes. There must be specific appropriation before they can use it, and it will be credited back to the Commodity Credit Corporation.

Mr. GROSS. I frankly confess I do not know all that I ought to know about it, even after listening to this colloquy.

Mr. FOGARTY. I will say frankly to the gentleman that I do not know all the answers either, but we are going to watch it carefully.

Mr. GROSS. I thank the gentleman.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. CURTIS of Missouri. I notice in your committee report you discuss in the beginning the employment of older persons and express concern that there has not been more progress in this area. I have been checking the hearings, and I was surprised to find that there is no mention of probably the greatest deterrent today in getting older people into the labor market, which is the $1,200 earnings limit in social security, under which people can receive social security benefits and still work. I was wondering if the gentleman had any observations to make on that point.

Mr. FOGARTY. The only observation I can make is that I hope your committee will take action soon to increase that earnings up to $1,800 or $2,000.

Mr CURTIS of Missouri. I am happy to hear the gentleman state that, because one of our difficulties has been the position of some of the top labor leaders of the country, that every time we undertake to liberalize this they oppose it. The greatest difficulty we are having today in getting the older people into the labor market is this working class.

Mr. FOGARTY. I think the gentleman has made a good point. In the South, in Florida, for instance, this has a tendency to cut wages way down, some of these people are willing to work 40 hours a week practically all year and get only that $1,200 maximum so that they won't lose their social security benefits.

Mr. CURTIS of Missouri. The gentleman from Colorado [Mr. JOHNSON] has introduced a very interesting bill in this area which, instead of shutting people off at $1,200, there would be a graduated scale. There is a lot of possibility in the suggestion of the gentleman from Colorado.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman.

Mr. WIER. I was very sure myself when the gentleman from Missouri asked the gentleman from Rhode Island what he had to suggest, that the gentleman from Rhode Island would recommend that the Ways and Means Committee report out the Forand bill.

Mr. CURTIS of Missouri. That is one of my points. The Forand bill does nothing to meet the problem of these elderly people. That is the reason some of us are concerned about the Forand bill and are opposed to it, I might say.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mrs. KELLY. In the new section to which the gentleman refers on page 19, relating to foreign currencies, what are they to be used for?

Mr. FOGARTY. They are to be used for studies in the educational systems of foreign countries.

Now, continuing with the bill we have brought to the House. For promotion and further development of vocational education the bill includes $33,702,000, an increase of $2 million above the amount requested, and the same as the amount appropriated for 1960.

For grants for library services we have allowed an increase of $200,000 above the request, and an increase of $1,400,000 above the amount appropriated for 1960. The $7,500,000 in the bill is the maximum authorized.

As I mentioned before the bill includes an increase of $79,617,000 above the request for schools in federally impacted areas and $17,280,000 above the amount appropriated for 1960. This restores the full amount of the cut in the administration budget and meets our moral commitments under existing law.

NATIONAL DEFENSE EDUCATION ACT

The subcommittee has had two opportunities during this session to review the progress of the Office of Education in administration of the National Defense Education Act. On January 6 we held a special hearing to determine the progress of the programs to date. Again in the hearings held in February we covered this program in greater detail for the coming fiscal year. Only 18 months have expired since the National Defense Education Act was passed and already the progress reported by educational officials across the Nation is promising and reassuring.

I am pleased to report to the House that the programs authorized under the National Defense Education Act are having a most beneficial effect on our education system and the results anticipated by the Congress when this legislation was signed on September 2, 1958, are well on the way to realization. The State and local educational agencies, the colleges and universities, and our private school systems have accepted the provisions of the National Defense Education Act with appreciation and zeal and have moved forward in cooperation with the Federal Government to take advantage of the very important provisions which the Congress had in mind to strengthen the national defense of this country by improving educational programs.

Of even greater significance than the Federal contributions under the NDEA is the fact that the States, local school districts, and colleges and universities are increasing the funds provided for education at their levels. This is proof that the important goal of NDEA—the stimulation of greater interest and greater support of education—is meeting with success.

For example, the Commissioner of Education reported to the committee that the spectacular acceptance of the student loan program among the colleges and universities and among our college students "has obviously added a new dimension to the methods by which students finance their education." Likewise the advances made under the other

titles of the NDEA are very promising. I would like to cover for you in a few words some of the most important accomplishments that have been brought to light to date under the National Defense Education Act.

The financial help provided by the student loan program has made it possible for about 131,000 students either to stay in college or to begin their college education. The overwhelming response to this program by both colleges and students has exceeded all expectations. About 1,400 institutions, located in all sections of the country, representing over 85 percent of the total college enrollment, are participating in the program. The demand for loans thus far has been greater than the funds available. For example it was reported last fall that student loan requests to institutions exceeded available funds in over 400 institutions to the extent that 8,000 loan applications were denied and 16,000 students received less than their requests. A supplemental appropriation is now pending for 1960 to make up the deficit currently existing in this loan fund. Over 650 institutions have now reported a need for additional funds.

The rising costs of a college education and the increased numbers of students who hope to attend college make it imperative that funds be made available so that no needy, deserving student be denied a loan.

We must give the youth of our Nation the opportunity to realize its full potential. We cannot afford to waste the talents of our young people. There is no better way to assure the growth and strength of our country than to make available the opportunity of a college education to our future leaders.

Our country urgently needs more young people trained in science, mathematics, and foreign languages. If we are to remain world leaders, this Nation must do everything possible to meet its shortages in these fields. Instruction in these fields has lagged dangerously because of inadequate Federal and State support. We must continue the start we have made in overcoming our deficiencies. Special teaching equipment is essential to sound instruction. Title III provides for the acquisition of equipment and specialized supervision to overcome the serious shortage which continues to exist in our public schools.

Response by the States to this program has been tremendous. They are anxious to do their share in solving the problem by matching the Federal funds. In 2 years about $400 million will be used to equip our schools but even this investment will fall short of meeting all our needs. Foreign language instruction is being strengthened in the high schools and extended to the elementary schools. Language laboratories are being established in many of our high schools. Courses in science and mathematics are being offered in many additional schools and improvements are being made in established courses through improved science laboratories.

Reports from the States tell of dramatic accomplishments. The Governor of Pennsylvania has stated:

> Thousands of children are receiving added educational benefits. With the equipment provided by this program, youngsters are learning more quickly and effectively those subjects that are vital to their intellectual development and to the future of our Nation. The initial success of the National Defense Education Act in Pennsylvania should be convincing evidence that our schools can be measurably improved by help from the Federal Government.

The State of California reported recently:

> We believe that NDEA has been of tremendous help to California, that it has encouraged local school districts to move out and improve the quality of instruction; to raise their equipment standards, to find more effective teaching materials, to upgrade the service of their teaching staff, and to more carefully articulate the programs of instruction at all levels. NDEA has enabled the State department of education to offer new and important services to local school districts.

Language enrollments in the Georgia secondary schools has practically doubled. New Hampshire reported to the Office that—

> For the first time in the history of public education the Government has specifically recognized and supported academic instruction.

These are examples of the types of reports being received from all parts of the country—from State leaders, from school officials, from teachers, from students. They are all aware of the need, and aware of the good that this program is doing.

There is a desperate need for more college teachers. Over the next decade we will be faced with a shortage of about 40,000 teachers. The graduate fellowship program is helping to meet this need as well as helping to expand graduate facilities. Some 2,500 students are currently being supported in graduate work which will qualify them for the teaching profession. The demand for fellowships has far exceeded the number authorized in the National Defense Education Act. In 1960 over 5,000 applications were received for the 1,500 fellowships available for that year. Geographic dispersion of graduate programs has been accomplished as evidenced by the approval of 406 programs in 136 institutions representing 47 States.

The serious shortage of college teachers in all fields must be overcome. It will avail us little to urge and stimulate our elementary and high school students to continue on with a college education if the colleges have too few and inadequately trained teachers when they get there.

It is estimated that each year a quarter of a million able students fail to complete their high school education. It is not possible to estimate the number of students each year who aimlessly drift into the wrong fields; the number who remain unaware of their true ability level; and the number who are improperly guided. Through the stimulation of this section of the act, great strides have already been made in awakening in the States and the local schools an awareness of how serious this problem is and the need for immediate steps to correct it. Oklahoma has already increased its guidance programs over 700 percent. By June 30, 1960, almost 2 million students will have benefited from the specialized and advanced training given to their counselors, and about 4 million tests will have been given to students to assist in the evaluation of the student and to provide a basis for guiding him in the proper direction. We cannot continue to place round pegs in square holes in our high schools today any more than we can afford to weaken our national defenses by reliance on obsolete weapons. We must do everything we can to assure that each citizen contributes his maximum potential in the field in which his talents lie.

Today some 2 million Americans are stationed overseas and each year 1 million or more of our citizens can expect to visit foreign shores in one capacity or another. We are no longer isolated, because of distance, from personal contact with our neighbors in foreign lands. The jet age has changed all this—but until the National Defense Education Act was passed, there was no impetus given to providing our children with the knowledge of languages which they will need to an ever-increasing degree. The increase in communication among nations in science, medicine, business, and government point up sharply our existing national deficiency in the field of foreign languages. Some indication of how serious this deficiency is in terms of the quality of instruction may be gathered from the comment of the director of one of the language institutes sponsored by this program. The director reported that less than 10 percent of the high school foreign language teachers in attendance could carry on a simple conversation in the language they taught. This is not a reflection on the teachers so much as it is a reflection of our failure to foresee years ago the need for the quantity and quality of foreign language instruction which would be needed today. We should strive to forge ahead in this area—we certainly cannot do less than make a whole-hearted effort to overcome the existing deficiency.

The funds provided under this section of the National Defense Education Act have afforded unique opportunities to increase greatly both the scope and the quality of American education. You are already aware of the tremendous shortage of teachers in our schools. The development of new educational media is already helping teachers to improve their teaching skills, and is also providing more students with the opportunity of learning from some of the finest and most outstanding teachers we have. An example of work in this field is research on the use of educational television to reach gifted youngsters living in rural communities in Maine with special supplementary pro-

grams of instruction. Other studies now in progress include the development and testing of devices for self-instruction and the exploration of the use of audio-visual materials for improving parental attitudes toward educating deaf children. This program is designed to adapt the best of our scientific and technological progress to the improvement of the education of our children. This is no time for us to think in any terms other than focusing our efforts on providing the classroom with the same quality of technological improvements we are so eager to put in our homes and our automobiles and in our defense weapons.

When Congress passed the National Defense Education Act 2 years ago it was aware that advancing technology required even greater emphasis on the training and retraining of individuals for useful employment as technicians or skilled workers in areas needed for national defense. The program under this section of the act permits States, through area vocational education centers, to reach interested individuals in all parts of the State. About 60 percent of the present enrollment is in extension classes and two-thirds of the 300 programs are post-high-school level. The 130,000 students in such fields as electronics, electrical technology, mechanical drafting and design, chemistry, instrumentation, and electronic data programing will help meet the shortage of skilled workers in these critical fields. Of equal importance is the fact that this program is helping these 130,000 student to qualify for positions at higher pay levels in growing and expanding industries, thus providing benefits for their communities as well as the Nation.

In recent years we have become more and more aware of the fact that we need to know much more about our educational system from a national viewpoint as well as on a State and local level. Until this program was fostered by the National Defense Education Act, however, very little had been done to standardize the type, quantity, and quality of the statistical data accumulated by the various school districts throughout the country. Under this section of the act significant progress has been made in the adaption of standard terms, definitions, and units of measure to make State statistics more comparable on a national basis, as well as in the improvement of State systems for data gathering, accumulation, and reporting. This program is a real partnership between the States and the Federal Government in providing us with the information we need in the planning of programs to meet such problems as the classroom shortage and the teacher shortage. There is no substitute for timely, accurate, and understandable facts concerning the foundation of our society—our educational system.

In the Public Health Service, for the control of tuberculosis, the bill includes $5,930,000, an increase of $500,000 above the request, and $522,000 below the amount appropriated for 1960. All of the increase is earmarked for the very important work of casefinding under the grants to States which has been cut $1 million by the budget.

For communicable disease activities there is an increase of $400,000 which is the partial restoration of the cut of $700,000 in the venereal disease control program. This was cut from $700,000 at a time when the incidence of these diseases is on the increase, and especially so among teenagers.

For environmental health activities the bill includes $25,640,000, an increase of $2,290,000 above the request and $10 million above the amount appropriated for 1960.

Last year, the committee noted the increasing significance of environmental factors affecting health. It requested the Public Health Service to make a thorough study of environmental health problems and means of dealing with them, and to submit a report before the hearings on the 1961 budget. The committee has now reviewed this report and has held special hearings on this subject in which medical and engineering experts from various sections of the country participated.

The unanimity of scientific opinion has added to the committee's conviction that greater effort in controlling adverse factors in the environment is essential to the preservation of the health and well-being of the Nation's population. Technological development and increasing population are contributing greatly to economic growth and national income. At the same time they are threatening the environment with increasing concentrations of chemical and physical agents capable of inducing disease processes. The beneficial and the adverse effects of this technological development must be kept in balance.

Across the Nation, increased research effort is devoted each year to economic growth and the development of new and useful products, and a proportionate effort must be devoted to the control of the potentially harmful wastes produced from their manufacture and use. The Public Health Service has advised this committee that the two primary public health threats of today are, first, chronic diseases, and, second, health hazards of the environment. Indeed, it appears that these may be related and that environmental contaminants may contribute materially to the development of many chronic disease conditions.

The budget for 1961 was prepared well in advance of the completion of the Surgeon General's report and perhaps would have been more in conformity with it had the timing been different. The budget did indicate some progress in the fields of water-pollution control, air-pollution control, and radiological health, although practically every expert in these fields who testified before the committee pointed out that the amounts were inadequate to do the kind of job that needs to be done. However, the 1961 estimate as presented made no substantial provision toward meeting several of the most serious problems in the environmental health field which were brought to the attention of the committee in the Surgeon General's report and the special hearings on it. The principal serious omissions in this regard concern the fields of accident prevention, occupational health, and the program for milk, food, and general sanitation.

The Surgeon General's report on environmental health described the activities of official health agencies in the accident prevention field as falling "far short of meeting the need for effective measures to reduce the toll taken by accidents, particularly among children." This opinion received strong concurrence from an outstanding expert in the field who appeared before the committee. With accidents the No. 1 cause of death for children and young adults in the prime of life, the lack of emphasis in this field cannot be condoned. The bill, therefore, includes an increase of $1 million to permit the Public Health Service to initiate an effective, well-balanced program. On the basis of information submitted to the committee in the Surgeon General's report, such a program should include a national data collection and evaluation system; a comprehensive research program to determine the underlying causes of accidents which we need to know as a basis for more effective prevention and control activities; the development and application of better methods of prevention; and a vigorous effort to demonstrate tested control procedures to public officials, industry, and the general public.

Testimony was received to the effect that the occupational health program of the Public Health Service had been spread too thin to adequately fulfill its responsibilities and that the research activities, particularly in the toxicological field have lagged. With increasing levels of industrial activity resulting in a larger working force, the introduction of many new materials including toxic agents, more extensive automation and new and more widespread industrial hygiene hazards generally, the Committee believes that additional support is clearly indicated for this program and expects that a portion of the increase over the budget request be used for this purpose.

The newer environmental technology in connection with milk and food processing methods, sanitation problems related to air transportation, food service and sanitation facilities on bus lines, and problems in shellfish sanitation have all increased greatly in recent years to bring new and different burdens upon the public health agencies which must deal with them. A major lack, which has been demonstrated clearly to the committee in testimony presented to it, is research needed to develop improved methodologies to cope with these problems. In the areas of milk certification, shellfish certification, the maintenance of high standard of quality for food, drinking water and sanitation on interstate carriers, responsible health authorities urgently need new and more

effective tools to cope with the ever changing problems and so to protect the health of the public. However, the research effort has lagged badly in these particular areas. Last year at the prodding of the committee some corrections were made in the field operations but nothing has been done to improve the inadequate research backup. The bill provides for an increase of approximately $290,000 to provide for a more nearly adequate research effort in this basic area of environmental health.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Alabama.

Mr. ROBERTS. I would like to take this opportunity to congratulate the gentleman from Rhode Island and his splendid committee on providing some funds in the field of accident prevention. I think it is highly important, because we know that among children it is the No. 1 killer. I was delighted to see that these funds would be provided and that the work that has been going on in the Public Health Service can be expanded to some degree. It is still not enough, but it does offer some hope for the future. I think certainly the gentleman is to be congratulated, and in saying that I know I speak the sentiments of the members of my Health and Safety Subcommittee. We heartily endorse the appropriating of these additional funds.

Mr. FOGARTY. I thank the gentleman.

Mr. DENTON. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Indiana.

Mr. DENTON. I, too, want to congratulate the gentleman from Rhode Island on the way he has handled this bill. It is a pleasure to serve on this committee under his chairmanship, because this bill deals with so many things in which people are vitally interested, and because of the way the chairman handles the bill. He has an intimate knowledge of all the details that come before his committee. He is not only interested in the subject matter in the ordinary sense, but so much so that he forgets time; he forgets to take time to eat; all he can think of is the work on the bill; he drives on for weeks and weeks to get the best possible bill for these programs that are so important to the American people.

I think he has done a great work, he is an outstanding humanitarian, and I hope he will be able to carry out his new programs. I have served on this committee with the chairman several years. He has a nonpartisan bill which he is presenting today. There were cuts made in the administration budget which no one expected to stand up, and they had to be restored.

It would have been easy to make some phony cuts which would have resulted in a bill that was under the budget. The chairman of the committee did not do that. He has brought in here a fair bill and I say he is to be congratulated for bringing this bill before the Committee today.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Virginia.

Mr. GARY. I rise to commend the gentleman and his committee for recommending for the various health research programs more than the President requested for those programs. These increases lead me to say that I think it is very important that we begin to look after this country to some extent. We are spending billions of dollars on various programs abroad, we are trying to look after the health of the entire world and, certainly, when we do that we do not want to neglect the health of the people here in the United States.

I may say to the gentleman, too, that I am not the least worried over the fact that he has increased the President's budget to some extent because I can assure him that our committee will recommend far more of a reduction in the foreign aid bill than he is adding to this bill. So far as the budget is concerned, I assure him that, if the House follows the recommendations of our committee on foreign operations, even with the additions in this bill, the President's budget will not be increased.

Mr. FOGARTY. For grants for waste treatment works construction the bill includes $45 million, an increase of $25 million above the request, and the same amount as was appropriated for 1960. The amount requested in the administration's budget is completely unrealistic in view of the urgency of need and the growing hazard of water pollution as it directly affects the safety of the Nation's drinking water supplies, and other legitimate uses of rivers and lakes. Nor does the argument that this is a local problem, and not a Federal responsibility, hold up under objective analysis. It is seldom that the locality which builds the waste treatment plant gains more than a small part of the advantages that result. It is other communities downstream and often even in a different State that really benefit.

The committee is deeply impressed by the widespread and complete support of outside citizens groups and national organizations in this field, and the stern warnings of professional individuals and groups, that the control of water pollution is the essential key to preserving our national water resources.

This grant program has provided significant stimulus to construction of essential waste treatment works. As of January 15, 1960, about 2,000 grants have been made for projects certified by the States and meeting the other requirements of the act. The average ratio has been one Federal grant dollar to 5 local dollars. The rate of construction of these municipal water pollution abatement works is now about $400 million per year compared to an average annual construction rate slightly over $200 million for the 5-year period 1952–56. In view of the fact that there is still a backlog of needs for sewage treatment plants exceeding $1,750 million, the committee feels that this is no time to reverse the progress being made.

Then for grants for hospital construction the bill includes $150 million, an increase of $23,800,000 above the request, and a decrease of $36,200,000 below the amount appropriated for 1960. Any doubts concerning the complete inadequacy of the budget can easily be resolved by a simple review of the statistics regarding this program.

As of January 1, 1960, plans submitted by the State agencies show need for 845,402 additional hospital beds and 257,030 additional nursing home beds or a total of 1,102,432. The funds requested in the budget, when combined with funds used for hospital and nursing home bed construction outside the program, will produce an estimated 43,628 beds, or less than 4 percent of the additional beds which States indicate are needed.

State agencies report that if there were no limitation on Federal funds they would have, during 1961, sufficient State and local matching funds to start work on 1,020 projects costing a total of $1.2 billion which would require Federal matching funds in the amount of $489 million.

While the amount recommended by the committee is not aimed at filling all the existing needs it will certainly do a better job than the woefully inadequate budget presented to Congress.

Under hospitals and medical care, the committee recommends a transfer of $2,819,000 from the appropriation "Employees' compensation claims and expenses," in the Department of Labor and we have allowed them $200,000 additional over the budget to give better service to the patients in these hospitals run by the Public Health Service. We also restored a $600,000 cut in long-term professional nursing training program.

In connection with Indian health activities the expert on the committee is the gentleman from Minnesota [Mr. MARSHALL], who has done such a wonderful work with the Indian program since we have had the responsibility of providing health services and health facilities for them. We have increased the health activities by $750,000 and the construction of Indian health facilities by $2 million on the basis of the recommendations made by the gentleman from Minnesota [Mr. MARSHALL] on the basis of his frequent visits to these areas and considerable study of the problems.

I shall turn now to the National Institutes of Health.

When the Budget was sent to Congress in January there were some who tried to show that a $400 million budget for the National Institutes of Health was a forward-looking budget that would allow greater progress in 1961. Before the hearings were concluded it was apparent that the budget did not provide for advances nor even for a leveling off of the NIH programs. It represented a retrenchment, a step backward, and it was so testified by the many public witnesses who appeared before the committee on this subject. These witnesses were eminent doctors and specialists in this field. Many are members of the advisory committees and study sections of the National Institutes of Health and so are not only experts in their professional field but quite knowledgable regarding the NIH, its current activities, and its needs for the future.

Just the fact that the budget was for exactly the same amount as the appropriation for 1960 makes it obvious that the administration simply picked an arbitrary figure rather than assessing the needs and gearing the budget to them.

The committee held long and exhaustive hearings on this subject with the Secretary, the Surgeon General, each of the Institute directors, and with many of the leading professional people in the field outside the Federal Government. The committee became more firmly convinced as the hearings progressed that the budget was completely inadequate and would be a real backward step in the field of medical research. After careful evaluation of the needs and availability of facilities and personnel the committee is recommending an increase of $55 million.

The House can take honest pride in acting over the years as the agent of our people in giving this Nation the strongest program in the world for a research attack on disease. This is one area in which the obligation of the Federal Government to translate the popular will into action is unchallenged. It is an activity whose return, in both humanitarian and economic terms, is as high as that resulting from any public expenditure. We have created, by deliberate action on the part of the Congress, the most effective means of fighting disease that has ever been known.

This is the best bargain the American people have bought since the Louisiana Purchase.

In the cancer field, the actual and possible advances are much greater than even the optimists expected a few years ago. It is possible, according to experts in the field, that there may soon be confirmation that some forms of human cancer are caused by viruses. Thus, it is not at all visionary to look forward to the development of new and powerful means of preventing cancer by attacking the viruses.

Cancer diagnosis is becoming more positive, particularly in the critical early stages.

The gigantic program of systematic search for chemicals that will attack cancer is proceeding well. At this time, 110 drugs have shown enough promise to be used in clinical trials. More than 8,000 patients are now being treated with these drugs.

These directly applicable studies are backed by the fundamental investigations that provide the base for future advances.

In mental health, the new drugs continue to produce results both for the sick individuals and their families, and for all citizens as taxpayers. Increasing numbers of mental patients are being discharged and kept out of mental hospitals through use of the drugs. Studies on means of caring for mentally ill patients is paying off. In demonstration, projects financed by Mental Health Institute grants, for example, many so-called backward patients—silent, withdrawn, emotionally dead—have been treated successfully and actually released through more intensive treatment.

In the heart-disease field, advances are being made on all fronts. Drugs to lower blood pressure are improved every year. A recent development is a drug that not only lowers blood pressure but does so without producing side effects like dizziness and nausea. Progress is being made toward more effective prevention of the blood clots, or dissolving them after they are formed. This will help in preventing coronary heart disease and strokes, and in treating these conditions.

Advances of comparable importance are being made in every medical field, and all of these are fully documented in the hearings of the committee.

These advances have been made by a total national medical research program which could not have existed in its present strength, vigor, and freedom without Federal funds.

Many people say, and honestly believe, that Federal funds are driving out private support for health and medical research. This is a strange notion, and one contradicted by the facts. Look at medical school construction, for example. An authoritative study by the Association of American Medical Colleges published in February 1960 shows that more than $1.6 billion has been spent since 1948 for construction of medical schools and affiliated institutions. Of this, $1.4 billion—about 80 percent—came from private sources. Under the Hill-Burton Act, the Research Facilities Construction Act and under special programs for construction of heart and cancer research facilities, about $200 million has been provided. But this relatively small Federal aid has been a potent means of attracting private money. More than $3 in private matching money has been produced for every $1 in Federal money.

Two things have happened: $200 million in Federal funds have drawn more than $700 million additional in private matching money; and then in addition, another $700 million has been given for medical schools in private gifts entirely apart from Federal construction aid.

In the face of these historical facts, how can anyone claim that the Federal construction funds have—as the saying goes—"driven out private money"?

The same things are true of support of research in progress—not construction, but equipment, animals, assistants, research materials, and so forth. Of course, Federal research aid has gone up. But so has private giving. In 1947, philanthropic support for medical research amounted to $15 million. By 1959, this had risen to $80 million.

The truth of the matter is that there has been a public awakening as to the meaning and potential of medical research. As a result, both private and public support has risen. Federal aid to medical research does not drive out private support. The two complement each other.

In the face of a clear need for medical research, the demonstrated capacity of the scientists to use the money effectively, and our ability to afford selective increases in our medical research expenditures, the administration followed the now familiar path. The budget proposed for fiscal year 1961 was $400 million—the same level as 1960.

There was a little clever accounting to make it appear that the program was moving forward. In fact, the President's budget stated an increase of $14 million for research. But training funds were actually cut back by $8 million, and an unprogramed reserve of $6 million in fiscal year 1960 was added to make up the research grant item.

The committee, on the other hand, recognized certain critical facts with respect to NIH research grants. The cost of conducting medical research is rising. These increased costs, even by the Department's own conservative estimates will amount to $15 million. So there is no doubt that less could have been accomplished with the administration's budget than we are doing this year. As to what the real needs for research grants are, conservative forecasts show that $45 million more than the $210 million proposed for research grants in the President's budget would be needed if all meritorious research projects submitted to the NIH were to be supported in fiscal year 1961. The committee recommends that the amount for research grants be increased by $29.6 million. This will not provide 100 percent financing of all approved applications, but it is another solid step forward.

In considering research support, the committee heard extensive testimony not only on the amounts of money needed, but also on the ways in which research and scientists can be aided most effectively.

Deliberate efforts are needed to provide in increasing measure the kinds of resources required for modern medical research. These include such resources as large facilities for provision of experimental animals, resources for clinical investigation, and large-scale equipment including computers and ancillary devices. Testimony from both official and unofficial witnesses stressed this continuing adaptation to new needs is an essential part of a sound system for support of medical research.

As a beginning the Congress directed the National Institutes of Health to initiate in 1960 a program of grants to create a limited number of therapeutic and metabolic research units for carefully controlled clinical studies in a wide range of diseases. Added funds in the amount of $3 million were provided for this purpose, with $500,000 contained in the appropriation of each of six Institutes. This is proving to be an extremely valuable program directed to a critical need, and funds are provided for its continuation in 1961.

The committee recognizes that in addition to these research centers which serve the generalized clinical research purposes of medical research institutions, needs for clinical and other research in the specific fields represented by the categorical Institutes should be met. If the Institutes and their advisers judge that a portion of the increases provided for the Institutes can best be used for the creation of such centers,

such action would be within the intent of the committee.

As a specific part of this program to establish research centers, the committee has received convincing evidence that there is a pressing need for the construction of facilities in a limited number of cancer research institutions. These institutions cannot compete on an equitable basis for the more general support provided under the health research facilities construction program. The committee believes that at least part of this need for construction of cancer research facilities must be met as soon as possible in the public interest. It therefore added to the appropriation request of the National Cancer Institute the sum of $5 million for this purpose, to be administered on a nonmatching basis.

Turning from research to training, the committee decided that the budget as submitted simply could not be accepted. There is in progress a perfectly logical 3-year program for shifting the time of payment of training grants so that the funds can be available before schools open in the fall. Under the President's budget this process would stop in midstream.

As things used to be, many colleges and graduate students would not know until late in the fall whether they would receive assistance, and, if so, how much. So over a 3-year period, it is planned to pay training grants for a given school year from the appropriation for the preceding fiscal year. The committee thinks this is a sensible, helpful move, and funds are provided for a further transition to the new basis. Moderate increases are provided for expansion of training grants.

Two particular programs of broad interest to the American people deserve special attention. The first of these relates to juvenile delinquency. Over the past years, the committee has actively pushed research in such areas as aging, mental retardation, alcoholism, and drug addiction. The existence of more active effort in these fields is the direct result of committee study and recommendations, and House action.

Now action is indicated on the especially troublesome and socially alarming problem of juvenile delinquency. Although the Nation has been alert to the dangers of juvenile delinquency for some time, no concerted efforts were being made and no coordinated program of activity was being developed. Last year, at the request of this committee, the National Institute of Mental Health took the lead in conducting, in cooperation with the Children's Bureau, a careful and thorough study of what can and should be done in the field of juvenile delinquency. This study has been completed and a comprehensive report has been submitted to us. The report includes, among other recommendations, careful forecasts about the needs for and the kinds of research and manpower that will be required to solve this devastating social problem. Accordingly, the committee has directed that $1 million of the increased funds provided in this bill be specifically set aside and used for the purpose of undertaking new programs and activities aimed at solving the problem of juvenile delinquency.

A second area of special effort is the use of scientists from other countries, and carrying out of research abroad, for a wider attack on disease problems of interest to this country. Scientists of the highest professional reputation have pointed out to the committee that many disease problems will require research that cannot effectively be carried on just within the boundaries of this country. Take, for example, the possible effect of diet—intake of various kinds of fats, formation of cholesterol, and so forth—on atherosclerosis. The best way to study this question is to study population groups with widely different dietary habits, and for this, groups in other countries must be studied. In the field of cancer, witnesses told the committee of unexplained and startling differences in the occurrence of different kinds of cancer in various parts of the world. To take one example, cancer of the liver is very frequently in many parts of Africa, in comparison with this country. Cancer of the stomach is much more frequent in Japan than in this country. These things should obviously be studied intensively.

The significance of research on an international scale was called sharply to my attention last May in Geneva, Switzerland. As chairman of the committee considering the health appropriation of the Department of Health, Education, and Welfare, I had an opportunity to attend the 12th World Health Assembly of the World Health Organization last May as a delegate of the United States.

This Assembly considered a comprehensive report on international medical research which recommended that WHO become much more active in stimulating and supporting medical research. With leadership provided by this country, WHO decided to expand its medical research efforts. We should certainly support this program, as well as our own international medical research activities.

Mr. Chairman, this has been an unusually difficult budget to deal with. The administration, by submitting a completely unrealistic budget and by minimizing the needs of medical research, placed the committee in the position of having to examine the needs of NIH with unusual care. The hearings were more extensive, detailed, and searching than in my 10 years of experiences as chairman of the committee. All of the members of the committee worked hard and effectively.

The next item is St. Elizabeths Hospital. We gave them an increase for much-needed additional personnel. We gave them $148,000 over the budget request, which, along with reimbursements, will allow for 150 additional positions.

We allowed the full amount of the increase of $60,000 requested in the budget for the Children's Bureau for additional activities in the field of juvenile delinquency.

Every outside witness who appeared before us this year regarding grants to States for maternal and child welfare, pleaded with us to appropriate the full authorization for the crippled children's program. We have increased that program by $3.333 million in order to bring it up to the full authorization.

The child population of the country today is the highest in our history. There has been an increase of over 10 million children in the last 10 years. Additional financial burdens have had to be assumed by many local governmental agencies due to the National Foundation withdrawing support for children crippled with polio. Yet in the last 5 years the Federal share of the crippled children's program has been increased by only $1 million. It is difficult to understand why the Budget proposed only an increase of $667,000 in view of the obvious great need. Even that amount can hardly be considered to be an increase in view of the fact that a special appropriation of $1,500,000 was made for fiscal years 1959 and 1960 for surgical correction of congenital heart defects. The committee will expect that part of the increase provided be used for that purpose.

We have given Howard University everything they asked for.

In the Office of the Secretary we made some minor cuts but have allowed for all mandatory increases in costs for next year.

All in all, the Department of Health, Education, and Welfare was increased by $197,400,550.

The related agencies, National Labor Relations Board, the Mediation Board, Railroad Retirement Board, the Mediation and Conciliation Service, and Soldiers' Home, with minor adjustments, have received about what they asked for.

The grand total of the bill is $4,184,022,731, an increase of $127,906,750 over 1959 and an increase of $183,938,750 over the budget.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. In the field of health, education, and welfare, most of the duties assigned to the Secretary are transferred to the regions, so to speak. We have a number of regions out West. Recently there was a plan advocated to coordinate those with the Office of Defense Administration and do away with one of them. Now, is there any plan in this appropriation bill to do away with any regional office?

Mr. FOGARTY. No. I will say to the gentleman that we had this problem last year, and we straightened it out in conference. The question was asked of the Secretary of Health, Education, and Welfare, and on page 134 of the hearings you will find the answer. The answer is "No."

Mr. ROGERS of Colorado. And I can be assured that we will get the service in the West, in the Mountain States, and have a continuation of our regional offices?

Mr. FOGARTY. That is right.

Mr. ROGERS of Colorado. I thank the gentleman.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I notice the committee recommends an increase of $2,070,000 for the National Labor Relations Board. I was wondering if the gentleman would be good enough to tell me whether the committee took into consideration the McKenzie report of last year, which contained, perhaps, the most devastating indictment against any agency of our Government, when it showed that the National Labor Relations Board was replete with inefficiency, and whether the committee had taken into consideration at all the American Bar Association resolution adopted at its meeting in February 1960, calling for a congressional investigation as to what is going on in the National Labor Relations Board.

Mr. FOGARTY. No; we did not take that into consideration. The committee did not increase their budget. This is what they asked for because of the backlog of cases, and because of the requests that we had from the union leaders and business that we do something about reducing this backlog of cases that exists today.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. FOGARTY. Mr. Chairman, I yield myself 5 additional minutes.

Mr. PUCINSKI. The gentleman would be interested to know that I intend to offer a resolution calling for a congressional investigation of the NLRB, because last year, during the great debate on the labor bill, I said that we cannot and will not have management-labor peace in America until the National Labor Relations Board exercises the duties assigned to it by Congress, which it has not been doing. And I am delighted to know that the American Bar Association agrees with that position.

I thank the gentleman for yielding.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from New York.

Mr. FARBSTEIN. I want to compliment the gentleman and his subcommittee for the juvenile delinquency portion of his report and the appropriation that goes with it.

Recognizing the critical nature of the problem of juvenile delinquency in the country, the Henry Street Settlement, which is located in my congressional district and directed by Miss Helen Hall, a very fine person, well known for her great efforts in social and welfare work, commenced a project seeking to determine the causes and cure for this sorrowful situation existing among some of our young people. I am certain that the citizens of this Nation will applaud the action of this committee in recognizing the great need for Federal action in this situation and supporting the work of the settlement.

I can think of no better way for the Congress to recognize the need for research into the subject of juvenile delinquency than by passing the appropriation bill before us today. I shall be pleased to vote for it.

Mr. FOGARTY. I had occasion to visit the Henry Street Settlement a year ago, and I found it to be one of the best in the country. They have qualified for grants from the Institutes of Health for a 5-year program that they have undertaken. And, they are doing a real good job.

Mr. FARBSTEIN. I am certain they will, and I am sure the money will be used to very good advantage.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Texas.

Mr. BECKWORTH. I want to commend the gentleman for the very wonderful job he has done on this piece of legislation. I have been interested in this aspect of the work dealing with the chance of older people to obtain employment. At times we have discovered in Government places where older people have difficulty obtaining work. I think you will find now, for example, that a deputy U.S. marshal cannot be hired if he is over 40 years of age. To what extent has the gentleman undertaken to review the policies of the Government itself with respect to hiring older people, if at all?

Mr. FOGARTY. In general the Government maximum is much higher.

Mr. BECKWORTH. Mr. Chairman, I speak of it, I might say, with reference to a division of the Department of Labor that is undertaking to study the problems of the aged in their efforts to get work. Is there such a division within the Department of Labor? Is there such an agency in that department?

Mr. FOGARTY. No; there is not. We have asked the Secretary of Labor over a period of 3 or 4 years to do some research in this area and to try to come up with some recommendations that would result in some real accomplishments in this field. But very little has been accomplished. We gave them money for research projects and demonstration projects 3 or 4 years ago. That is why we have stated in the report that we are not satisfied with the progress that has been made.

The employment services in the Department of Labor have done a fairly good job in trying to place people over 45 years of age in jobs, but not nearly enough.

The Women's Bureau in the Department of Labor made a survey a couple or 3 years ago and came up with some concrete findings such as that just because a stenographer might be 45 years of age did not mean that she was any less efficient than one who was 22 or 23 years of age. Through those studies and statistics they are trying to educate employers of our country to understand that the employment of a person over 45 years of age is not a risk; that in many areas they can do a better job because they are better trained and have better skills.

Mr. BECKWORTH. Mr. Chairman, what I would like to emphasize, if the gentleman will bear with me, is this; if there is a division within our Government that is studying methods by which older people may obtain work and be employed. Certainly that division should first begin with the Government itself, all aspects of it.

Mr. FOGARTY. I think the gentleman has made a very good suggestion and we shall keep that in mind.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentlelady from Missouri.

Mrs. SULLIVAN. I, too, want to compliment the gentleman from Rhode Island and his entire subcommittee for the excellent job they have done on this bill. At the proper time I intend to submit a proposal for a series of specific increases to the Food and Drug Administration for programs on which there is no disagreement or controversy but for which additional funds are desperately needed. I do not know whether the managers of the bill will support me on that, but I hope I can get some support.

Mr. FOGARTY. Mr. Chairman, I will have to answer the gentlelady from Missouri this way, that I am in here supporting the bill. As I have said, there are items I would like to have seen increased. One of them was the Food and Drug Administration. But it was not increased. There were others on my committee who thought some of the increases that we have suggested were too great. So the bill is the result of a compromise. As chairman of the committee I feel constrained to support the bill as is, although in my own heart I know more money could be used.

Mrs. SULLIVAN. Mr. Chairman, I thank the gentleman.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I, too, want to commend the committee, particularly with respect to the comment that was made in the report on the $200 million of appropriated funds that have to go to the support of abandoned families.

Mr. FOGARTY. Mr. Chairman, may I say that the gentleman from Indiana [Mr. DENTON] has done an admirable job on that subject in the hearings. He is responsible for that section in the report to which the gentleman refers. He has had a bill in the Congress for some years to do something about it.

Mr. VANIK. I am aware of that. I wanted to call attention to the fact that this has gone up 67 percent in the last 2 years. I wonder if the gentleman can tell us at this time whether he feels that the Federal Government is making every effort to hold this cost in check.

Mr. FOGARTY. We think they could do a better job, but I should prefer to let the gentleman from Indiana, Mr. DENTON, answer that question more fully a little later. The gentleman from Indiana has been doing such a good job in this area. We think the Federal Government can do a better job and also that the local communities and the States can, in this particular area.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Mr. Chairman, I should like to commend the gentleman for his usual outstanding job.

I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD at the conclusion of the remarks of the gentleman from Rhode Island, Mr. FOGARTY.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Iowa.

Mr. KYL. May I ask for information, in the area of juvenile delinquency what is a demonstration project?

Mr. FOGARTY. A demonstration project may be similar to the one referred to by the gentleman from New York [Mr. FARBSTEIN], the Henry Street Settlement, where they have a 5-year program. I think the expression was that it was a saturation program. They take a 4- or 5-block square area and do everything they know how to in combating juvenile delinquency, to see whether or not they can eliminate it in that area. If that demonstration project works out, then it will be applied to other areas throughout the country.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from West Virginia.

Mr. HECHLER. Mr. Chairman, as usual the gentleman from Rhode Island [Mr. FOGARTY] has done an outstanding job. I believe this Congress should declare war—war on the diseases which are cutting short the lives or productive capacities of thousands of American citizens every week.

I feel that the Federal Government is uniquely qualified to provide the massive assistance to launch all-out attacks on four major crippling diseases which must be stemmed now, for all four are advancing in frequency.

I refer to cancer, heart disease, arthritis, and mental disorders, two great killers and two great cripplers.

If we can succeed in setting up the research programs, control centers and therapy institutions to make full-scale attack on these four dread enemies of man, I predict that within a decade of such all-out war, we would have not only reversed the growing toll taken by all four, but would have succeeded in finding positive cures or effective measures for control of all of them.

I am pleased to note that the committee, reflecting the urgency for promoting these programs, has very wisely increased the administration's request for all four—adding $13.6 million to cancer research funds, $12.3 million for mental health studies, $8.6 million for heart research, and $5.3 million for arthritis and metabolic disease activities.

I am grateful that Congress is responding to public needs in this manner, and I strongly urge that these enlarged appropriations be approved without question.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I want to take this opportunity to congratulate my friend, the distinguished gentleman from Rhode Island, Mr. FOGARTY, and the members of his Subcommittee on Appropriations for their diligent work and the forthright manner in which they have proceeded on this bill. I know that all Americans join with me in saluting this committee for the humanitarian increases that have been made in the fields of health, education and welfare.

It is to be regretted that this administration has not seen fit to request adequate funds with which to carry on vital programs so necessary to the well-being of a growing population. I know of nothing more important than finding new ways of stamping out dread diseases, building more facilities, including hospitals and nursing homes for the care of our people and in appropriating more money for education in all fields. I am sure there will be stars in the crowns of our colleagues who had the wisdom and foresight to see the need of providing these facilities.

In closing, let me assure you that my people will readily and willingly share the cost of these increases because they realize they are so badly needed. The $180-million-plus increase over the President's recommendations will certainly be a meritorious expenditure of public funds and I deeply appreciate the fact that this Committee and this Congress recognized their responsibility and are doing something about it.

On behalf of my people, I again say thanks.

Mr. KIRWAN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Ohio.

Mr. KIRWAN. I want to congratulate the members of the Labor and Health, Education, and Welfare Appropriations Subcommittee. It has been my privilege since I have been a member of the Committee on Appropriations to serve on four different committees, one of them has been this subcommitee to which I have referred. In my opinion, it is the most difficult committee in the Congress on which to serve. That committee is dealing with some of the most important problems that face mankind. I congratulate the gentleman and his committee on one of the finest jobs ever done in the Congress.

Mr. FOGARTY. I thank the gentleman.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I want to commend the gentleman from Rhode Island [Mr. FOGARTY] and his Subcommittee on Appropriations for the positive action they have taken in the whole sweep of public health as reflected in the bill they bring to the floor this afternoon. I suppose there are few, if any, other appropriation bills that touch such a tremendous cross section of the American public as this bill does. The activities provided for by this legislation have a direct effect upon the health of the Nation. Of course, Mr. Chairman, this is an area that tugs at the minds and the heartstrings of the mass of our people.

I sympathize that the committee is trying to arrive at a dollar amount that will do the best job possible for the great programs that are in being and must continue in the field of public health. With the constant pressures from every direction, with enthusiasts demanding more for their particular activities, with special groups pushing their programs, with new challenges to be met—all of these, Mr. Chairman, make the job of this committee extremely difficult. Under these circumstances, I know that the committee has worked diligently to bring in a bill that will do the job that the American public wants based on real sense of responsibility.

Mr. Chairman, one area in which I have been extremely interested is that dealing with the problem of juvenile delinquency.

During the last decade, there has been a 50-percent increase in our population in the 10–17-year-age group and statisticians predict that by 1980 there will be another 50-percent increase in this age group. As is evident from recent outbreaks and upswings in the juvenile crime rate, some positive steps should and must be taken if this problem is to be effectively combated. I believe that this bill recognizes this problem and is an attempt to alleviate it.

I was extremely pleased to see that the committee has added $1 million to the appropriations for the National Institute of Mental Health, and has also approved an increase of $60,000 for the Children's Bureau for additional work in this field.

This appropriation comes at a particularly propitious time because the golden anniversary of the White House Conference on Children and Youth is presently considering the problems created by juvenile delinquency. Its members should be heartened by the actions of this committee.

Another field in which I have been intensely interested is that of mentally retarded children. The million dollars in this area was sorely needed and should be highly beneficial to an area which has been too long neglected.

The members of the committee should be congratulated. Congressman FOGARTY, subcommittee chairman, has worked long and hard to present an acceptable bill. He deserves the gratitude of millions of Americans whom this bill will assist, and which will better the health and welfare of this country.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Tennessee.

Mr. EVINS. The distinguished gentleman knows I have spoken with him in the past regarding the cut in the appropriations for vocational education particularly, and the agricultural agents and home demonstration agents. It is my understanding that the Bureau of the Budget cut this item and the gentleman and his committee have restored the fund.

Mr. FOGARTY. The $2-million cut has been restored in this bill, yes.

Mr. EVINS. I thank the gentleman.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Maryland.

Mr. FOLEY. I commend the chairman and the members of the subcommittee for restoring the funds under the aid-to-education program under Public Laws 815 and 874. We in Montgomery, Washington, and Frederick Counties in the Sixth District of Maryland are very happy to see this development.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, the chairman of this subcommittee, the gentleman from Rhode Island [Mr. FOGARTY] and the members of the subcommittee have done a wonderful job in connection with this bill.

I am particularly interested in the sections which concern the National Institutes of Health, and I have a particular interest in the National Institutes of Health because I have visited them in Bethesda, where they are located, and I have seen at first-hand the remarkable work that is being done there.

It is in these Institutes that dedicated scientists are working on medical problems which are on the frontiers of medical science. If they continue to work on them, there will be solutions which will have beneficial results for the health of the human race which cannot be calculated. In this field Government is doing, and doing superlatively well, a job which could not be done in any other way, and even though there are increases in this bill over the amounts previously expended and requested, I can think of no field in which such increases are more fully justified.

Mr. FOGARTY. I thank the gentleman very much. I am glad the gentleman from Connecticut brought this up. We have the National Institutes of Health at Bethesda. The clinical center cost $60 million to build and equip. It is a 500-bed hospital with special research facilities. It is the greatest research facility in the world today. I am sure that the Institute directors would go out of their way if Members of Congress would go out there to see it and ask them questions about what they are doing. We have been convinced this is a great and good work. This project was started under the leadership of my predecessor on this committee, our former colleague, Mr. Keefe, of Wisconsin. He and I teamed up to get the original appropriation for this center back in 1947. Now they are in full operation. They are making wonderful headway. That is one of the reasons we have increased the expenditures for medical research in this bill.

May I make just one other point before I take my seat, Mr. Chairman. We do not increase these appropriations unless we have some pretty good advice. During the hearings this year, after we listened to all of the Government witnesses, we listened to about 100 outside witnesses. We had some of the greatest doctors in the world appear before our committee. Without exception, they have asked us to increase these expenditures for medical research. They gave us examples of some of the great gains that have been made in the past 2, 3, 4, and 5 years. I only wish all Members of the Congress could take the time to read the hearings, especially on the Public Health Service and the testimony of doctors who came from all sections of the country. They are world renowned experts in their respective fields. Then, I think most of our colleagues would agree we ought to be spending more money than we are recommending here today to be appropriated by the Congress.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. JUDD. Mr. Chairman, I want to confirm most heartily what the distinguished gentleman from Rhode Island has just said about the National Institutes of Health. When we embarked upon this great program in 1947, I frankly had some misgivings that it might become a somewhat mechanized agency without adequate imagination and flexibility to do the superior research we hoped for. I feared that the personal element might be submerged and that the highest grade scientific workers might not be attracted to work in it. But, I was completely wrong. The National Institutes of Health has no peer anywhere in the world to my knowledge, not only as to the magnitude, comprehensiveness, and variety of work being done, but most important of all, as to the superior quality and scientific excellence of the men and women who have given up lucrative private practice or resigned from university posts to come here to work in this magnificent institution where the best research in the world is being done on the difficult disease problems that so far have eluded solution by all the scientific brains that have been working on them in almost every country in the world today.

Mr. Chairman, nothing that any Members of this Congress have done during the time that I have been here is more important than what our former colleague, the gentleman from Wisconsin, Mr. Keefe, and the gentleman from Rhode Island have done in this field so vital to every human being, along with their many other excellent services to our people.

Mr. FOGARTY. I thank the gentleman very much, and I especially appreciate the remarks of my colleague, Dr. JUDD, who has been many places throughout the world as a medical missionary. I thank him very much.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. O'NEILL. Mr. Chairman, I, too, want to join my colleagues in congratulating the gentleman from Rhode Island [Mr. FOGARTY] for the magnificent job that he has done as chairman of this committee and, of course, also congratulate the committee for the splended work they have done. I commend the gentleman for the erudite and learned discussion of the bill today. In recent years I have noticed that the medical profession has given to our colleague, the gentleman from Rhode Island, some great honors. Mr. Chairman, I know of no man who is truly more worthy of the honors that they have thus bestowed. As we study the history of your particular bill here, we find the Federal Government was, indeed, lacking in its work in this field until such time as our colleague became chairman of the committee. Again, Mr. Chairman, the gentleman from Rhode Island and the entire staff and membership of the committee are to be congratulated upon the excellent job that they have done.

Mr. FOGARTY. May I just correct one statement that has been made. I have said this on the floor time and time again. I served my apprenticeship under our late colleague, Frank Keefe of Wisconsin, who was chairman of this committee when I was appointed to it. I do not know of a man who pioneered and worked in any field with more enthusiasm and with more respect from his fellow Members in the Congress than Frank Keefe. I said that when he left and I am very happy to say also that I could not do these things unless our committee was together with me. Our thanks should go to my fellow members on the committee—the gentleman from Indiana [Mr. DENTON], the gentleman from Wisconsin [Mr. LAIRD], the gentleman from Minnesota [Mr. MARSHALL], the gentleman from Michigan [Mr. CEDERBERG]—who are doing such a wonderful job. We have come to you with a unanimous report. It is not one sided. It is a compromise, but no one of us could do this alone.

Mr. JUDD. Mr. Chairman, will the gentleman yield further?

Mr. FOGARTY. I yield.

Mr. JUDD. Mr. Chairman, if our great friend, Frank Keefe, were alive and here today, nothing could give him greater and deeper satisfaction than to know how ably and devotedly the gentleman from Rhode Island has carried on extended and improved the work that they together pioneered. He would be properly proud of the great work the gentleman from Rhode Island has done and is doing.

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Chairman, once again the House Committee on Appropriations acting on the enlightened recommendations of the Fogarty subcommittee, has made a giant contribution to the health and welfare of the American people in the drafting of an appropriations bill for the agencies of Government which most directly touch the lives of all of the people. The committee has had the courage and the imagination to look behind the cold figures and statistics of a Presidential budget to find and expose flaws in logic and tragic failures in leadership in the enforcement

of laws which literally mean life or death for every citizen.

So, once again, the people of the United States can say a prayer of thankfulness for the fate which placed a JOHN FOGARTY in charge of appropriations for the public health and welfare. This bill now before us is, in itself, just a lot of figures on a balance sheet. But behind the bill is a committee report which is a remarkable piece of work—in the tradition of past accomplishments of the Fogarty subcommittee toward better health, improved educational opportunities, and a happier life for every man, woman, and child in this Nation. Most remarkable of all is the set of hearings of the subcommittee containing the encouraging and often amazing testimony on which the committee's recommendations are based. Truly this is an outstanding legislative achievement.

I cannot find words to express the depth of my personal appreciation for the subcommittee's painstaking investigation into our health and welfare needs, and for the political greatness its members have demonstrated in substituting compassion and imagination and vision for the cold bookkeeping approach the President has proposed for determining what we should spend in the coming year to improve the quality of living of the American people. Therefore, I take this opportunity to express the gratitude of the people I represent in the Third Congressional District of Missouri to the members of the Fogarty subcommittee—JOHN E. FOGARTY, of Rhode Island, WINFIELD K. DENTON, of Indiana, FRED MARSHALL, of Minnesota, MELVIN R. LAIRD, of Wisconsin, and ELFORD A. CEDERBERG, of Michigan—for their work in the development of this legislation now before us for debate and decision. And similar credit should go to all of the members of the full Committee on Appropriations who voted to uphold the judgment and recommendations of the Fogarty subcommittee in reporting this bill to the House.

EXPANSION OF MEDICAL RESEARCH

No one knows or can foretell how many lives will be saved in America and in the world by virtue of the greatly stepped-up research of the National Institutes of Health the bill makes possible into the crippling and killing diseases which plague mankind. Nor can we foresee the full extent of the consequences in the advancement of our way of life as the result of improvements recommended in this bill in programs of public health, sanitation, medical care, hospital construction, social security, education and educational research, and countless others administered by the newest of our Cabinet departments, that of Health, Education, and Welfare, and the vital programs of the Department of Labor as well.

Since last Friday, when this bill was reported out by the Appropriations Committee, it has been described in some quarters as a $4 billion budget buster, because it runs nearly $200 million over the President's budget. But I do not think the scare terminology worries anyone who bothers to read the committee report and to see where that extra money goes—most of it, $113 million to the Public Health Service, for such things as basic health research by the NIH, and for hospital construction under the Hill-Burton Act, and for waste treatment grants to the States, and so on.

For instance, this bill has in it $102,500,000 for the Cancer Institute, an increase of $13,500,000 over the budget; it has nearly $80 million in it for the Mental Health Institute, or $12 million over the budget; it has $71,500,000 for the Heart Institute, or $8,500,000 over the budget; with smaller but proportionate amounts and proportionate increases for the Dental Institute, Arthritis and Metabolic Diseases Institute, Allergy and Infectious Disease Institute, and the Neurological Diseases and Blindness Institute. So $55 million of the total increases in this bill goes directly to the National Institutes of Health, giving them a total of $455 million. Is this work worth such expense?

Well, let us put it this way: Can the money be spent efficiently and effectively to seek and perhaps to find answers to the riddles of mankind's worst ills? On the basis of the subcommittee's searching investigation and analysis, we can only reply "Yes." Again, we might ask whether as a Nation enjoying the highest national income in all history, and outstripping the whole world in comforts and amenities of life, we can afford such an outlay. The answer again is very definitely "Yes."

PROGRAMS FOR CHILDREN OF AMERICA

What is the dollar value of a child's life saved by research into leukemia or into new vaccines or into rheumatic fever or cystic fibrosis or any of the many areas of outstanding medical discovery which might be made possible under this section of the Federal budget? It is irreligious and profanely clumsy to put money values on such things, assuming even that it were fiscally possible to do so. Nevertheless, it takes money—and lots of it—to solve the mysteries and make the discoveries which mean life instead of death for otherwise doomed children, and it takes more money to make these discoveries medical practicabilities for the general public.

I cannot imagine anyone in the Congress wanting to prevent or delay such stepped-up research as proposed in this bill, but if it should be attempted here, I am sure the attempt would fail. Several years ago, it took a series of rollcall votes in which each of us had to stand up and be identified by name, to prevent an attempt of that nature from succeeding, and I trust that we will not have to go through that again for awhile, at least.

Therefore, since the increases proposed in this bill will no doubt enjoy widespread support in the House, I do not want to belabor their merits further, but rather I want to repeat here the gratitude I personally feel and which I know the people of St. Louis share in feeling for the truly magnificent strides to be made possible in our health and enjoyment of life because of the statesmanship and courage of Mr. FOGARTY and his colleagues in drafting this legislation.

In St. Louis, and in Missouri generally, we support and approve the additional $2 million above the budget request provided in the bill for vocational education, bringing the total up to last year's amount of $33,702,000; we appreciate the $24 million added for Hill-Burton funds and the $25 million added above the budget for waste treatment programs; the $3,333,000 added above the budget to the maternal and child health program to be used specifically for crippled children; the $1 million earmarked in the mental institute program for expanded research on juvenile delinquency and the $60,500 provided for the Children's Bureau for cooperative work in this field, to pick out just a few items in this huge $4 billion appropriation. I have mentioned mostly items on which the committee found the President's budget recommendations either silent or inadequate.

NEED FOR INCREASES FOR FOOD AND DRUG ADMINISTRATION

Now, however, after this sincere praise of the committee recommendations in this bill, I want to turn critically to one paragraph of the appropriation bill which makes me less than happy—and which I feel absolutely requires amendment if the spirit behind the recommendations for other major areas of public health work provided for in the bill is to be carried out also in one of the most vital public health watchdog programs of the Federal Government. I am referring to the appropriation for the Food and Drug Administration.

The bill calls for $16,852,000 for FDA, which is the exact amount suggested by the President. On the plus side is the fact that the proposed figure represents an increase of about $3 million over the amount provided a year ago for the current fiscal year. That would seem to be a good, substantial hike upward—an increase of more than 20 percent. But the committee report itself takes pains to point out that the amount requested by the administration is inadequate to maintain the minimum rate of expansion called for 5 years ago by a citizens' advisory committee at a time when the Food and Drug Administration's responsibilities were less than they are today. As we all know, Congress has enacted several new laws in this field in the interim.

The committee suggests that perhaps it is time to have a new citizens advisory committee survey the agency's needs. I say the needs are rather obvious—more money and still more money for staff, equipment, and other facilities. Of course, also, the agency needs some stronger teeth in some of the laws it enforces, but primarily it needs a lot more money than the President recommends and even a lot more than the citizens advisory committee of 4 years ago estimated FDA would need by now. That is because we have added new burdens on FDA since 1955.

NEGLECT OF FDA BY EISENHOWER ADMINISTRATION

We all know the history of the Food and Drug Administration's stepchild

treatment during the early days of this administration and for several years thereafter. The consequences of that neglect are still being felt, to the disadvantage of every consumer and of the health of our people. I think it might help if I briefly review the history of FDA appropriations since Mr. Eisenhower became President.

His first Secretary of Health, Education, and Welfare was not at first convinced of the importance of the FDA. It was not until the citizens' advisory committee appointed by that Secretary made its sensational report in 1955 that the departmental top command and the Bureau of the Budget began to appreciate the seriousness of FDA's situation. The advisory committee in June 1955, called for a three-to-four-fold expansion of FDA within 5 to 10 years. Its report frankly acknowledged that this agency was financially unable to carry out its minimum responsibilities to the public.

1955 ATTEMPT TO INCREASE FUNDS

Many of my colleagues here will remember, Mr. Chairman, that immediately after the citizens' advisory committee report was made public in June 1955, I introduced a supplemental appropriation bill to begin carrying out those recommendations. The HEW Secretary and the Budget Bureau, however, opposed any such action. It took us a full year thereafter to get any funds to begin to carry out the vast expansion program called for in the comprehensive report based on the advisory committee survey.

If we had started on this expansion program immediately, as I had hoped, and at the level proposed by the advisory committee, we could have completed the fourfold expansion of the agency by June of this year, within 5 years from the filing of the report in 1955. Instead of quadrupling FDA's size by June of this year, 1960, however, we can, under present proposals, expect only a doubling of the 1955 size by June 1961, and we are approaching that level only because the Appropriations Committee and the House last year disregarded the President's budget and threw an extra unbudgeted $2 million into the Food and Drug Administration's battle against filthy, adulterated, dangerous, misbranded, or fraudulent foods, drugs, and cosmetics.

SLOW RATE OF FDA EXPANSION

The agency had 877 people at the time of the citizens committee report in June 1955. The staff rose to 1,031 by June 1957, 2 years later; to 1,180 by June 1958; and to 1,312 by June of last year, when the Appropriations Committee decided it needed a much bigger push upward. Consequently by this June, the agency should have a total of 1,660 positions. Under the proposed budget, it could have 2,000 by June 1961. However, that is not maintaining the 15 percent per year rate of expansion necessary to complete the expansion program in even 10 years, because 147 of the 783 jobs added to FDA's rolls since the citizens committee report of 5 years ago have been required to carry out responsibilities added to the agency's workload after 1955, either by enactment of the Food Additives Act of 1958 or by the assignment to FDA of specialized responsibilities in connection with radioactive contamination of food. So actually, we have had very little done to expand the capabilities of the Food and Drug Administration to cope with its day-to-day routine work in protecting us against hazardous foods, drugs, and cosmetics.

CRANBERRY EPISODE A RESULT OF FUND SHORTAGE

This is a disgraceful record, it seems to me, and one for which the present administration deserves gloves-off condemnation. Considering the way the Federal Government can and does throw millions and billions into all sorts of projects and programs and experiments without having the least idea of whether the expenditures are going to turn out to be wise or foolish, it seems to me there is a valid reason to give the food, drug, and cosmetics watchdog agency enough money to determine whether the products we buy and consume are safe or poisonous, honestly or fraudulently represented, pure or adulterated.

Otherwise, we run into these periodic crises when agriculture and industry are thrown into turmoil, and the consuming public is scared to death. There would be no need for an episode such as occurred with the cranberries if the FDA had been able, as a continuing thing, to collect and test enough samples of various agriculture commodities to know where contaminated crops were coming from and to embargo them before they spread through the country, and before the whole industry must be turned upside down. This is just one illustration of what happens, and what could be prevented, if the FDA had the funds it needs for a real policing job.

AMENDMENT TO BE PROPOSED

I, for one, Mr. Chairman, think the agency should have the money it needs to do that kind of job. And I intend to do what I can in that direction in connection with this bill. When it is opened for amendment, I intend to submit a proposal for a series of specific increases to the Food and Drug Administration, for programs on which there is no disagreement or controversy, but for which added funds are desperately needed.

I do not know whether the managers of the bill will support me in this effort. I hope they will. I would appreciate their help. I say in all sincerity that the recommendations I will make for increases are based entirely on the evidence collected by Mr. FOGARTY and his subcommittee in their hearings—where the needs are spelled out in convincing detail.

RADIOLOGICAL MONITORING

I am going to ask for an additional $982,000 for the Food and Drug Administration for the specific purpose of acquiring necessary and highly specialized scientific equipment, and the people to operate it, for detection of foodstuffs contaminated by radioactivity. This is not something new I am proposing. The bill now contains about $1 million for this purpose. It is not enough—a fact the subcommittee's hearings have fully documented. Most of the additional $982,000 I will ask for is to cover the cost of buying scientific equipment for each of the 18 district offices of the FDA. The rest is for some additional manpower to use this equipment.

Why do I say "some additional manpower"? Because the bill now before us provides for the employment of 90 scientists, some in Washington and the rest in each of 10 of the 18 district offices, to carry on this radiological detection work. The subcommittee brought out in the testimony that the decision to employ experts in only 10 of the 18 districts was an arbitrary one made by budgeteers and not by scientists—that the need is clear for such experts in each of the 18 districts. I certainly know we need extensive work of his nature in the St. Louis district, located as we are in the area of highest radiative fallout in the country.

ST. LOUIS TO BE INCLUDED

Under the present budget we will be covered, so I am not making a narrow plea for my own city. St. Louis, Detroit, New York, San Francisco, Dallas—when it opens, Atlanta, Chicago, Denver, New Orleans, and Baltimore are to have experts in radiological detection under the bill as it now stands. But eight other offices—Philadelphia, Seattle, Minneapolis, Boston, Kansas City, Cincinnati, Buffalo, and Los Angeles—would not. I see no reason for such distinction, and I note from Mr. FOGARTY's questions that he did not either, and neither did the Commissioner of Food and Drugs, Mr. Larrick. This was a budget decision, I repeat. Mr. Larrick, in reply to questions, frankly said the work was needed in every district office—to locate batches of food contaminated from radiation and to monitor radioactivity of food. Some of it has been found to be highly radioactive. Only FDA does this monitoring—not Atomic Energy or Public Health Service—when it comes to food supplies.

Now I have discussed why more manpower is needed for this work—to cover the eight district offices now excluded. But let me tell you the further fact that as the bill now stands, none of the district offices—not one of them—will have the necessary scientific equipment to conduct the work for which they will have scientists assigned. You will have 90 experts on radiation in food sitting around without equipment they need for their work. How could that happen? It could and did happen as a result of the complexity of the appropriation process and the foot-dragging of the Bureau of the Budget. Let me explain:

MIX-UP IN APPROPRIATIONS PROCESS

The Budget Bureau allowed FDA to ask for $332,000 in a 1960 supplemental request for the scientific equipment to be used in the 1961 fiscal year by the 90 scientists programed in the 1961 budget for 10 district offices and the Washington headquarters for this radiological survey of food. However, the Appropriations Subcommittee handling the supplemental requests denied the request for $332,000 on the ground that this was a matter more properly to be considered in connection with the regular 1961 estimates by the subcommittee which would consider FDA's appropriation. But—and

this is incredible—the matter could not properly be placed before the Fogarty subcommittee by FDA at the time this bill was being prepared. The Budget Bureau hadn't cleared it. So we have the anomalous situation in this bill of providing for 90 jobs for scientists but neglecting to provide the equipment they will need to do their work.

As a minimum then, just to give the 90 scientists called for in this bill a chance to do the work they will be assigned, we would have to provide right now in this bill the $332,000 proposed as a 1960 supplemental but not included in the supplemental appropriation bill. If we did just that, we would be taking care of the needs of the 10 district offices I mentioned, including St. Louis.

But if we are to have a comprehensive nationwide program for detecting presence of radioactive contamination in food, we need staff and equipment in each district office—and I again mention those which have been left out by the budget: Philadelphia, Seattle, Minneapolis, Boston, Kansas City, Cincinnati, Buffalo, and Los Angeles. To equip all 18 offices with necessary scientific equipment—75 platinum dishes for $9,750; an isotope scaler for $5,000; a flame photometer for $1,000; about $8,000 worth of monitoring devices each, and so on, or a total of about $30,000 per district office—we would have to appropriate not $332,000 but about $570,000 for equipment alone. With the added staff which would be needed to cover all 18 districts, therefore, the total needed above and beyond what is already in this bill comes to $932,000. My amendment will specifically allocate an increase of that amount to work on detection of radioactive contamination of food. And I am sure that if the Members will just check the arithmetic—by asking the chairman of the subcommittee or by reading the hearings at page 222 and thereafter—they will recognize the absolute imperativeness of this increase.

RENOVATION OF FDA DISTRICT OFFICES

The next point my amendment will cover will apply to renovation and modernization of FDA's district offices. Three of them—Detroit, Dallas, and Atlanta—are new. Three others are in the process of modernization which will be completed by June 1961, under funds included in this bill. They are Los Angeles, Buffalo, and New York. Also, under the bill as now written, renovation and modernization of quarters and equipment are to be started in the coming year on a 2-year phased program at four more districts—Boston, Cincinnati, Minneapolis, and Kansas City. That leaves eight which will still be in deplorable condition, with their renovation delayed far into the future. That is because the Budget Bureau does not intend to spend any more money for this purpose in the short period remaining in this administration's term of office, despite the really desperate need for suitable space and equipment for the people who are being hired as a part of the agency's expansion program.

To complete the three offices whose renovation is now under way—that is, Los Angeles, Buffalo and New York—and to undertake the first part of a 2-year renovation program for all 12 old offices which now need modernization so badly, would require $1,650,000 more than this bill proposes for 1961. I intend to submit a request for that additional amount as part of my amendment of the bill. It will cover Boston, Cincinnati, Minneapolis, Kansas City, Denver, New Orleans, Philadelphia, Seattle, St. Louis, Baltimore, Chicago, and San Francisco. Members from those areas who have visited their district Food and Drug office, as I have occasionally visited the one in St. Louis, will certainly acknowledge the compelling need for modernization of facilities and equipment.

According to the information at page 234 of the hearings, the first year of a 2-year phased program would cost $140,000 and the second year $180,000 for Denver, New Orleans, Philadelphia, and St. Louis; and the figures for Baltimore, Chicago, San Francisco, and Seattle would be $210,000 the first year and $240,000 the second. The grand total for making all eight offices efficient and more effective within the next 2 years would be $3,080,000. My amendment will ask for about one-half of that for this coming year.

TESTING OF CROP SAMPLES FOR PESTICIDES RESIDUES

The last area to which my amendment will be directed is that of testing of crop samples for pesticides residue. This is the cranberry problem spread out over the entire agricultural economy. No farmer wants to poison the consumer and no agricultural organization believes really that foodstuffs should be sold containing illegal and poisonous residues of pesticides. However, some farmers fail to read the directions carefully, some are perhaps in a hurry, some perhaps are careless. It is up to FDA to spot contaminated food before it goes into the stores and before a national alarm has to be sounded. If FDA could spot test as little as 1 percent of raw agricultural shipments—just 25,000 a year out of 2½ million shipments—it would represent a tremendous expansion of the agency's activities in tracking down contaminated shipments. At present, it makes only about 4,000 to 6,000 such test samplings a year. It would cost nearly $1 million more a year to do a 1-percent sample than is provided in this bill. I am going to ask for that additional amount.

The vegetable growers of Missouri wrote me earlier this year expressing concern over the way the cranberry incident was handled, and when I asked how they thought a problem of this sort should be handled—certainly they did not think the consumer should buy food contaminated through illegal use of a weedkiller or pesticide—they replied that FDA should find these contaminated shipments before they reach the grocery shelves. I certainly agree. I think everyone does. The present rate of test samplings of raw agricultural shipments, however, is not adequate to bring about that desirable result. Do the farmers think it is worth $1 million more of Federal expenditures a year, as part of a $4 billion appropriation bill, to prevent future cranberry episodes in some other type of crop? I am sure they think so. And so do the consumers. I am not against use of these pesticides if it is done properly and legally. But we should not permit careless use of them to poison or harm the consumer.

NEED FOR GREATER INSPECTION FORCE

Mr. Chairman, I have listed three specific areas in which I intend to seek specified additional fund allocations for the Food and Drug Administration. The total added cost of my amendment will come to $3,591,000, raising the FDA total to $20,443,000.

I have picked out three desperate areas of need for this agency. I could have picked others—and more of them—for instance, the Food and Drug Administration can now inspect the factories under its jurisdiction only about once every 5½ years. This is ridiculous. In order to strike an average like that, it means the inspectors hit the frequent violators often, and the average well-run establishment practically never. Yet every plant should be looked into at least once a year if only to keep the officials responsible for sanitation and purity on their toes.

Yet to accomplish this modest goal, we would have to divert all of the inspection staff to this one assignment, and in addition hire 400 new inspectors each year for the 5 years, and increase the agency's budget each year for 5 years by about $3,500,000 a year so that at the end of those 5 years the staff would be doubled and the annual appropriation would also be doubled over the levels proposed for the coming year. Even then they could not visit every food processing plant every year. I call attention to the tabulation on page 249 of the hearings to bear me out on this.

I suggest that we should eventually build up FDA to the point where it can visit every food processing plant at least once a year. I heartily endorse the idea of having that effective an agency to protect our health from filthy, adulterated, misbranded, or fraudulently packaged or even dangerous foodstuffs. But I am afraid we must be realistic about this. Even if we gave FDA the money to begin such an expansion program, it could not hire and train the necessary staff immediately. We must, however, plan and proceed in that general direction, but at a practical and realistic rate.

NEW BURDENS PUT ON FDA, AND MORE TO BE ADDED

This bill before us now is a modest continuation of the slow rate of progress made up to now in building up FDA's resources and effectiveness. We have given the agency new duties in the Food Additives Act, and we may soon pass further legislation expanding their responsibilities in such areas as control of household poisons, pretesting of cosmetics for safety—a proposal very close to my heart—clearance of therapeutic devices, control of commerce in amphetamines and barbiturates, and so on. All of these things will carry a price tag in the agency's future appropriation requirements.

I am sure there will be some handwringing in some quarters over these added expenditures, as they become nec-

essary, but I think we have to develop and maintain a sense of proportion about the comparatively few millions of dollars spent in this activity. Just look at what we are including in this bill for cancer research alone—more than $100 million—and we are all for it, as we should be. But if we could rid the market of contaminated foods which now cause untold misery as well as great economic harm, if we could more effectively protect the consumers from poisons in foodstuffs or cosmetics, if we could cut down on highway accidents caused by illicit use of pep pills, if we could reduce the deaths from barbiturate poisoning, if we could rid the market of quack nostrums and fraudulent devices alleged to be capable or producing magic cures for any and all illnesses, if we could be certain the food we eat and the drugs we purchase and the cosmetic preparations we use are truly pure as the law requires, would it not be worth about $20 million of our taxes this year? I think so. And I intend to ask for a total appropriation of about that amount for FDA—with the increases above the budget specifically allocated to the three areas I cited of greatest immediate and overriding need: that is, equipment and staff for detection of radioactivity in foodstuffs; renovation and modernization of all district FDA offices; and stepped-up sampling of raw agricultural shipments, up to a level of 1 percent of shipments, for detection of foodstuffs contaminated by improper or illegal use of pesticides or weedkillers.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, I rise to speak, for a very few moments, on the magnificent job that has been done this year—as it has been done every year since I first came to the House—by the Subcommittee on Labor-HEW Appropriations, under the courageous and farsighted leadership of the gentleman from Rhode Island [Mr. FOGARTY].

Historically, the budget process has been one in which the Congress, acting through its Appropriations Committees, has had to sift the requests sent down by the Departments, in the hope of separating the truly needed items from the padding put in by the Departments in the hope of getting a little extra.

Under this administration, this process, as it affects the Department of Health, Education, and Welfare, has been turned inside out.

Instead of the President, the Budget Bureau and the agency asking for as much as they can use, and the Appropriations Committee and the House cutting these requests to the bone, in order to save money, the committee has had to question the departmental witnesses carefully in order to determine how much money will really be needed to carry out the invaluable programs carried on by the Department, funds for which have already been pruned beyond the point of prudence by the President and the Budget Bureau.

The gentleman from Rhode Island and his distinguished colleagues on the subcommittee have always been able to find "fat" in this Department's budget, and they have always been willing to trim it. But, they have also had to examine carefully the needs of the programs involved and compare these needs with the often inadequate requests which the Budget Bureau and the President have allowed the Department to send to the House.

The schoolchildren of America and their parents—the patrons of our rural libraries—the men and women who are suffering from the dread diseases which the National Institutes of Health are trying to conquer—the recipients of social security benefits—the Mexican farm laborers who are brought in under Public Law 78, and the American farm laborers who must compete with them for subsistence—the blind, the deaf, the mute—all these people have cause to be eternally grateful that the gentleman from Rhode Island and his colleagues have not followed the lead of the administration and lumped them into the category of the unnecessary.

There are a few items in this bill in regard to which I would like to make some special comments, Mr. Chairman.

Above all other items, I am pleased to see the substantial increase in funds for the prevention and control of juvenile delinquency—funds to be used for the training of personnel and for research and demonstration projects.

I congratulate the gentleman from Rhode Island for his foresight, his understanding, his leadership.

In the money for the Office of Education, there is carried $7,500,000 for the operation of the Library Services Act of 1956. As it happened, the hearings on legislation to renew this act for another 5-year period began before my own Subcommittee on Special Education just this morning.

Among the facts brought out in that hearing was the amazing statistic that at no time has the full amount of money authorized under this act actually been appropriated, though the act has been on the books for 5 years, and has accomplished an incredible amount, even under short funds.

This is no reflection on the subcommittee. The administration has consistently requested far less than this program needed and could use. The committee has increased those requests, sometimes over the bitter opposition of the administration's friends in this body. This year, for the first time, the committee has felt able to increase the authorization to the full amount. I hope the House will support the committee's recommendations.

The administration, true to its philosophy in regard to education, has substantially reduced its requests for the impacted areas programs below last year's funds, and below the funds which will be needed to meet the entitlements under the acts. Again, the committee has had the courage and the foresight to increase the funds to meet the needs of our federally affected school districts, instead of the needs of the President's balanced budget.

The committee is to be especially commended for its grasp of real national needs in increasing the appropriations requested for the National Institutes of Health. These magnificent research centers are frontline installations in our warfare against our most deadly and relentless enemy—disease.

The $55 million which the committee has added to the President's inadequate requests for these activities is a tiny fraction of what it cost to develop new instruments of death. Yet the contribution which the NIH will make to human welfare, to the fight against the diseases which kill and cripple millions annually is, in my estimation, a far more important contribution to the history of the human race than is embodied in all the billions we are investing in weapons which will have failed in their mission if ever they have to be used.

Mr. Chairman, when the distinguished chairman of the Appropriations Committee, the gentleman from Missouri [Mr. CANNON] reports a public works money bill to this House, we know that his committee has very carefully examined the requests for these funds in the light of the useful device known as the benefit-to-cost ratio. Devised by persons who have examined minutely the good which a proposed project will bring to the community it serves, and to the people of the Nation, this ratio must demonstrate that such benefits outweigh several times the costs of the project before the project can be authorized or funded. This is a very wise procedure, Mr. Chairman, and the taxpayer is protected by it at the same time that the development of our natural resources is made possible.

We are willing to appropriate very great sums for resources development because we have been able to see, through the device of the benefit-to-cost ratio, how such expenditures are not simple outlays of nonrecoverable funds, but are, instead, investments, bringing to the Treasury and to the Nation income which eventually exceeds the cost.

I would like to suggest that we might learn to look upon the appropriations for the Department of Health, Education, and Welfare—or some of them—in terms of the benefit-to-cost ratio.

All too often we look upon appropriations for education, for health, for welfare as being money spent for which we will never see any return.

But this notion is at direct variance with the observable facts.

Mr. Chairman, how much is lost to the Nation's economy each year through the enforced idleness which major diseases imposes upon our labor force? How often has the Nation been denied the talents of great and good men through the sudden attack of cancer, or heart disease, or one of the other diseases which the NIH seek to fight? Just yesterday, this House lost a gallant Member to heart disease. Earlier this month my own State lost a great Senator as an aftermath to his fight against cancer. No year, no month, scarcely a week goes by without some man succumbing to one

of these dread killers—some man whose worth to the Nation is invaluable.

The benefits of the research and the activities of the National Institutes of Health are surely vastly greater than the cost.

What is the cost of inadequate education to this Nation, Mr. Chairman? To begin with, and only to begin with, the cost as of today has included our tremendous loss of prestige and of a sense of security because the Soviets have pulled ahead of us in scientific and technical education. But the cost to the community of substandard schools, of inadequate library service, of our shortcomings in the other areas in which the Department of Health, Education, and Welfare works, are far greater than this.

And the benefit to be gained from spending funds to improve local educational facilities are not limited to the local areas themselves.

The statistics of the Selective Service System show clearly the cost, in terms of the lives of young men, to communities which do have adequate schools, of those communities which do not. The latter send young men to the armed services, only to have them sent home for educational deficiencies. In wartime—in an emergency when the demands are great, the former must make up the slack. This is clearly a cost to the local communities which is far greater than their share of the cost of existing Federal programs for education. Here again we might well examine the ratio of benefits to costs, in order to determine whether the appropriations asked for in this bill are money out of the national pocket—or contributions to the national investment portfolio—gilt-edged investments in the country's future.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, each year Congress is enacting new legislation which vastly affects the budgets of the Departments of Labor, and Health, Education, and Welfare. I often have the feeling that many Members of Congress, when called upon to vote on new programs which originate in the legislative committees dealing with these two departments, pay too little attention to the costs of new programs. These new programs come back to haunt our subcommittee after being enacted into law. The Department of Health, Education, and Welfare is concerned with programs of so many different aspects of our developing society that its budget is mushrooming from one year to the next. In this session of Congress, the legislative committees are considering over 30 new programs to be assigned to this Department. Attached to some of these programs are tremendous costs. I plead with this Congress to consider these costs at the same time authorization legislation is being considered and not pass the buck to the Appropriations Committee next year.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE BUDGET

This budget bill which is before you today contains several increases which are the direct result of legislative action by the Congress. One hundred and eighty-three million dollars of the increases provided for in this bill are in four programs. The programs are as follows:

[In thousands]

	Congressional authorization	President's 1961 budget	Increase in this bill
Sewer treatment	$50,000	$20,000	$25,000
Hospital construction aid	211,200	126,200	23,800
Impacted aid, school districts—payments and construction	250,702	171,085	79,617
Medical research	(1)	400,000	55,000

[1] Unlimited.

This table presents clearly the $183,417,000 in increases that were provided by the House Appropriations Committee. The largest increase is in the area of aids and construction funds under Public Laws 815 and 874 which provide assistance for educational purposes to areas of Federal impact. The Congress within the past 5 weeks, through its action on the supplemental appropriation bill for 1960, decided to fully fund these programs at 100 percent of entitlement. I was in the minority in taking this approach. I feel it is necessary that both Public Law 815 and Public Law 874 be modified, because the distribution formula in the present law is not equitable. This, however, is a matter for the legislative committee to change and cannot be changed through the appropriation process.

Those who would advocate that we should continue to provide for full entitlement authorization under present legislation for schools in federally impacted areas should give consideration to the nature and volume of expenditures that this program contemplates for the future. It was started on a modest basis to take care of a restricted and an immediate problem. In 1961 it will reach the staggering total of entitlements of at least $213 million for payment of operating expenses alone and an additional $63 million for aid in construction. Unless the law is changed, the present trends will require appropriations for these two programs by 1965 of almost $450 million.

It is obvious that the time has come to give serious consideration to the President's request for a modification in this legislation to discharge more appropriately the Federal Government's responsibility with respect to these school districts. Federal civilian employment in the United States has remained stable for the past several years and the number of military personnel in the United States has been reduced by over 200,000 since 1955. Yet, in spite of this situation, the cost of these programs has increased by amounts all out of proportion to changes in the size of the Federal establishment and will continue to increase by leaps and bounds because of increased costs and student-wage population unless corrective action is taken now to restrict Federal payments to areas of clear justification. This matter warrants immediate consideration and action by the Committee on Education and Labor.

The $25 million increase provided for sewer facility aid is merely a recognition of the feeling of a majority of the Members of Congress to fund this program. It will be recalled that during this session 62 percent of the House voted to override President Eisenhower's veto and increase the funding for sewer facilities to $70 million. The $45 million figure represents the lowest compromise that could be arrived at by the House Appropriations Committee in view of the vote earlier in this session on the President's veto.

The two examples pointed out above apply equally as well to the two other areas of increase contained in this bill. These increases are pointed out in an effort to call to the attention of the House the problems involved because of authorization legislation which has already been enacted into law. The same can be said for hospital construction and medical research.

Mr. Chairman, I am impressed with the fact that year after year approximately two-thirds of the budget of the appropriations for the Department of Health, Education, and Welfare, is in the area of grant and aid programs to the States. More than $2 billion goes for grants to States for public assistance. These funds are paid out on a formula basis enacted by this Congress, with an "open-end" appropriation, and constitute a clear obligation of the Federal Government. It would be an idle gesture to cut this appropriation since it would only mean a supplemental appropriation next year. Here is a table, in millions of dollars, of the grants and aids to States and local political subdivisions contained in this bill:

	Millions
Defense education	$171.0
Vocational education	33.0
Public assistance	2,083.0
Child welfare	51.8
Sewer facilities	45.0
Hospital construction	150.0
Vocational rehabilitation	54.0
Public health service	23.0
Library services	7.5
Impacted school aids	251.0
Colleges of agriculture and mechanical arts	2.5
Medical schools, grants and construction	110.0
Total grants and aids	2,981.8

From the above table, one can readily see that of the total budget of the Department of Health, Education, and Welfare, which is presented to you today for action in the amount of $3,619,044,531, only $637 million is appropriated for the carrying out of purely Federal activities.

DEPARTMENT OF LABOR BUDGET

In looking at the overall budget of the Department of Labor, the lack of flexibility and reducibility in this budget is even more evident. The total budget as

presented you for the Department of Labor is $542,245,300. Of this amount, $428 million is made up in two areas. These two areas are: Grants to States, unemployment compensation, and employment service, $321 million; unemployment compensation for Federal employees and ex-servicemen, $107 million; making a total for these two appropriation items of $428 million. Both of the formulas under which these programs operate are definitely fixed by Congress and any reduction by the Appropriations Committee below the amount needed to carry the programs forward during fiscal year 1961 would have to be made up through a supplemental appropriation. From these figures, it can readily be seen that the balance provided for the Department of Labor, to carry on its particular Federal responsibilities under all other laws passed by Congress and covered by this budget, amounts to $114 million.

MEDICAL RESEARCH

Mr. Chairman, I would like to direct the attention of the House to the items covered in the area of medical research. I realize that within the next 2 months the Senate will act upon this appropriation bill. It has come to us on good authority that the Senate plans to add to this bill an additional $200 million over and above the appropriation provided for in our committee report. This large increase should be resisted by the House. The bill which we present to you in this area provides for a balanced program. It balances medical manpower, research facilities, and medical research needs for fiscal year 1961.

Mr. Chairman, I make this statement with a deep conviction that the Federal Government can and should act on behalf of the people in ways that recognize the increasing dependence of mankind without jeopardizing our basic freedoms and independence. It is also my conviction that the Federal activities can and must be governed by mature consideration of what the Nation can afford to invest in its future. It is my desire to see medical research make orderly progress in this country. This will and can be done under the figure established in this appropriation bill. The figure of $455 million for the National Institutes of Health should be maintained by the House of Representatives. The House should stand firm in its position in support of this figure. My conviction in support of the appropriation in the amount of $455 million for Federal activities in the field of medical research is based on careful study and consideration by our House Appropriations Committee.

This conviction is reflected in the appropriation measure that is now before the House of Representatives for action. It is apparent in its every provision, but it is nowhere more apparent than in its provision for sustaining and selectively broadening the programs of the Public Health Service.

I shall not comment here on the health problems with which we are today confronted as individuals, as families, as communities, and as a Nation that is a leader among nations. We have only to look about us, and to look at ourselves, to see the scope and urgency of these problems and to recognize the need for their speedy and orderly resolution.

Neither shall I comment on the progress that is now being made toward the control and eradication of disease in man. We see evidences of such progress on all sides; and although much remains to be done, there is abundant reason for the Congress to be proud of the role it has played in making the advances possible.

In urging support of the Labor-HEW appropriation bill as reported, however, I do wish to emphasize several additional factors that have significantly influenced those aspects of the measure having to do with the people's health.

WORLDWIDE IMPACT OF U.S. HEALTH PROGRAMS

My colleagues are fully aware that we live on a planet which has rapidly expanding populations and rapidly shrinking political, social, and economic dimensions. At this time in history, the profile of the world's population is being divided between two ideological camps, only one of which recognizes the freedom and dignity of man. Peoples and nations are struggling not merely for survival, but for positions of leadership in an ever more complex world society. Today, more than at any time in history, our actions must be taken in the light of their impact on those who share with us the occupancy of the planet called earth.

I shall not introduce into this discussion the question of how well the United States achieves its national and international objectives through programs of foreign aid, technical assistance, mutual security activities, and so on. Let me merely say that dollars and words are not likely to succeed in the achievement of these objectives in the absence of a sound example in our own programs here at home. And I know from my own experience that the people of other nations particularly expect us to set an example in forward-looking health programs.

My experiences at the World Health Assembly in Geneva last year made it clear that the United States is the acknowledged world leader in the field of health and that health issues provide a common bond that can forge understanding and cooperation among the nations of the world. Our image in this hemisphere and abroad is clarified and enhanced by what we do in our health programs here and by how we extend the benefit of our experience to the people of other lands. I believe we must continue to clarify and enhance that image. This is one reason why I rise to speak in support of the recommendations for strengthened health programs under the 1961 Labor-HEW appropriation bill as proposed by our committee.

PROVISION OF PUBLIC HEALTH SERVICES

One of the traditional and most important of the health activities encompassed within the Department of Health, Education, and Welfare relates to the more widespread and effective use of the knowledge now available for the prevention, treatment, and control of disease. The Public Health Service has special responsibilities to give leadership and stimulus in this field. The responsibilities for actually providing medical and public health services, however, rest with the professional groups and with State and community agencies. The role of the Federal Government diminishes in proportion to the effectiveness with which a given measure is put into medical or public health practice.

I mention this point because it is the reverse of a trend which, from my point of view, sees far too many activities increasingly focused in the Federal Government. It is one more reason for my support of the bill that is before you.

INCREASING KNOWLEDGE THROUGH RESEARCH

Another vitally important Public Health Service function is that of acquiring new knowledge through study and research in the health sciences. In recommending increases for this purpose, particularly for research appropriations to the various National Institutes of Health, the committee has been responsive to the evident and pressing need to accelerate the search for new weapons to bring heart disease, cancer, mental illness, and the other major diseases of today under control. It has also been responsive to the judgment of a large number of scientists who testified that there are needs and opportunities which require funds above the budget request. And it has reiterated its confidence that Public Health Service mechanisms for the support of medical research are sound and meet the needs of non-Federal scientists and scientific institutions.

PROGRESS AND ADVANCES

The dramatic advances, the promising new leads, and the new programs that are being fostered to strengthen the Nation's attack on disease and disability provide convincing evidence of the wisdom of investing public funds in medical research. At the risk of being unfair by excluding literally dozens of outstanding accomplishments in the field of medical research in the past year, I would like to mention briefly some of the specific gains that the committee was privileged to make a part of its record.

Although cancer continues to be the second leading cause of death from disease in the United States, research is making steady progress. One interesting aspect of this research is the evidence that viruses are associated with cancer in animals. Even though there is no direct evidence to make a similar association of viruses with human cancer, the experts in this field are more than ever optimistic that they can trace some forms of human cancer to a viral infection. During the search for the cause of cancer, we continue to see improved techniques in detecting cancer and in the improved approaches to treatment through surgery and chemicals. These approaches, according to a recent report of the Public Health Service, indicate an improvement in the cure rate over the

past 25 years from 1 in 4 to 1 in 3. In terms of people, this improvement means that thousands of people are alive today who otherwise would have died of cancer had the former rate continued.

Disorders of the brain and nervous system are not only the primary cause of crippling in the United States; they are also the No. 3 killer among the causes of death from disease. Despite these sobering facts, past research findings of the past are now making it possible to control several crippling neurological conditions. New surgical methods for the relief of involuntary movement have been refined. Techniques for precisely locating tumors within the brain have been simplified. And many persons who formerly would have faced years in darkness now have sight because of corneal transplants, increasing skill in cataract surgery, and new drug therapy for glaucoma.

There has been a steady decline in the number of patients in our big mental hospitals despite the fact that there has been a general increase in the admission rate to these hospitals. The experts tell us that this not only means that more people are getting the treatment they need and more of them are getting well, but also that we are now beginning to reap the dividends from past research that has developed these treatment methods.

Encouraging progress has been reported in the effort to solve the problem of high blood pressure, a condition which contributes a large percentage of deaths from all heart ailments. For example, scientists have found that certain agents that stop the action of enzymes, often referred to as the building blocks of life, can be used to lower blood pressure. This knowledge cannot be put to immediate use, but it will open up a new area of research which the committee has been assured is most promising. Another effort of high potential benefit is a program of collaborative research studies among the National Heart Institute, industry, universities, medical schools, and Public Health Service to evaluate drugs we now have that may be effective in the treatment of high blood pressure and other heart ailments.

When we consider the health and disease problems of today, we are somewhat prone to think of them in terms of the number of people they kill or disable. Yet the problems of dental and related diseases cost the people of this country almost $2 billion each year in dental services. Tooth decay, of course, leads today's list of dental problems, and laboratory and clinical research in the past year has provided new knowledge and concepts. The so-called resistance factor to tooth decay, for example, has been traced to a particular group of oral bacteria rather than being attributable to a genetic trait as formerly believed. These factors have been proved in laboratory animals and have given new impetus to the search for specific bacteria that cause tooth decay in humans.

One of the most interesting approaches in arthritis research is now going on under the theory that an allergic reaction may be a cause of rheumatoid arthritis. This implies that those who acquire the disease are overly sensitive to certain substances. Although the scientists still have no positive assurance that such is the case, we have been told that research on this line is increasingly promising and may eventually lead to the basic cause of this particular type of arthritis.

These few examples of the forward march of medical research are hardly representative of the entire field of medical and biological research being supported by the appropriations our committee has considered. But I believe that they are representative enough and significant enough to suggest that the future prospects for even greater advances are not only bright for the citizens of this country, but also rather convincing evidence of past investments of public funds in medical research.

I should like to point out to my colleagues in the House of Representatives, however, a little-known aspect of the rate of growth in Federal support of medical research.

We often hear a point made of the "explosive" increase in funds available for medical research. In point of fact, medical research support is keeping pace with the increases in support for research in all fields. Medical research represented about 5 percent of the Nation's total research and development effort a decade ago. It is a little over 5 percent of all research and development today. There has been no "explosion" in medical research per se, but there has been growth in all research, based on and derived from the productive capacity of our Nation during a period of rapid expansion in our economy.

When viewed in this context, the funds recommended for support of medical research in the Labor-HEW bill follow a pattern that has been consistent over a period of many years, and I urge the Members to support their committee's recommendations in this regard.

DEVELOPING MEDICAL RESEARCH RESOURCES FOR THE FUTURE

My final point for discussion in connection with the health aspects of the 1961 Labor-HEW appropriation has to do with the need to develop additional resources now to meet the greater needs of the future. We must not permit shortages of manpower and facilities to become acute in the years ahead.

In the manpower field, Public Health Service programs provide support for training in a wide range of disciplines and specialties. The bill that is before you will permit these programs to be continued, with selective expansion in critical areas.

I have found a shortage of facilities to be both a present deterrent and a future threat to the Nation's medical research effort. A present Public Health Service program of matching grants for research facilities meets some of the needs, but is far from adequate. There are, for example, a limited number of specialized research facilities which need and can effectively use additional research construction help; they cannot, however, compete equitably with other more general research institutions for matching grants. This inequity is corrected in part in the bill that is before you. This bill will provide funds to meet the highest priority needs which exist at two or three of these specialized cancer research institutions. The No. 1 priority exists at my own State university in Wisconsin. This bill will meet Wisconsin's needs. It is hoped that by next year the other seven or eight research institutions in this area will be in a position to submit construction grant applications for cancer research facilities under this new program.

In a somewhat similar vein, there are a number of other resources which need to be developed if our medical research programs are to press forward steadily and with maximum effectiveness. During the current year, the Public Health Service has established essentially experimental programs seeking to create facilities for carefully controlled clinical study and for primate colonies of several sorts. These resources were minimally supported in 1960 and are proposed at the same level in 1961, but can be expected to move ahead and broaden in years to come.

SUMMARY ON HEALTH

Illustrations such as those just cited serve as reminders that in dealing with the health aspects of Labor-HEW, we are making judgments in areas that can vitally affect every man, woman, and child alive today, as well as generations yet unborn.

As responsible legislators, we must be assured that the activities covered are appropriate in substance, effective in mechanics of administration, and adequately financed.

As legislators responsible to our constituencies, we must not fail to take every step forward that leads in the direction of the goals the people have very clearly in mind—victories, both partial and total, over diseases.

I believe that the appropriation level for medical research before us is a sound one in the light of all of the questions that have been and can be brought to bear upon it.

MEDICAL RESEARCH FACILITIES

Turning now to another aspect of this highly complex health problem, I should like to make special mention of the need for research facilities to keep pace with the growing promise of medical research. I have received a number of letters from reseach specialists outside Government, especially those interested in cancer research, indicating that universities and other research organizations feel an acute need in this area. I should like to quote briefly from a letter from Dr. Alfred Gellhorn, director of the Institute of Cancer Research, Columbia University, in this connection:

It is almost incredible that with the recognized urgency of making progress in the control of these major public health problems and with the large appropriations which are voted by Congress to foster and expedite research * * * and to train additional scientific personnel, practically nothing is done to increase the existing physical facilities where the research and training is

carried out. This is a major bottleneck which has the potentiality of slowing the flow of results which will ultimately lead to effective control measures.

Other letters from such institutions as the University of Wisconsin, the University of Chicago, the University of Michigan, and a number of cancer research institutes, expressed similar concern and described the difficulties they are experiencing in raising matching funds to take advantage of the Federal funds available under the Health Research Facilities Construction Act.

This year for the first time our subcommittee was advised that legal authorization still exists for non-matching grants under section 433(a) of the Public Health Service Act for the construction of research facilities. Accordingly, in the light of what appears to be an urgent need, the bill provides for $5 million in nonmatching grants for the construction of cancer research facilities.

The testimony before our subcommittee on the budget request of the Department of Health, Education, and Welfare clearly indicated that at a time when 90 percent of the scientists who ever lived are at work, and when breathtaking progress is being made in medical research, it would be a great pity to put a drag on this progress simply through the lack of brick and mortar. The Federal Government is providing funds to carry out medical research under conditions which show that facilities are badly lacking. Scientists who have completed their research training often have had to move into other fields simply because there was no room available in laboratories. Over a year ago, I started correspondence with medical leaders in our country. I have found facilities, particularly in the area of cancer research, are badly needed if this progress is to go forward. There is a greater need for facilities than any other single thing as far as making progress on cancer goes. I would like to include at this point in the RECORD some of the correspondence which I have had with medical authorities in this particular area:

THE UNIVERSITY OF WISCONSIN,
THE MEDICAL SCHOOL,
Madison, June 15, 1959.

Congressman MELVIN R. LAIRD,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: The enclosed letter and statement are self-explanatory.

As a member of the subcommittee on the Departments of Labor and Health, Education, and Welfare, you are the best informed of all our Representatives from Wisconsin on the subject in question. This is an important proposal and is modest in amount, is nonrecurring, and can accomplish much good. I believe that this should be a popular bill.

Would you be willing to introduce a bill which would embody the ideas expressed in this proposal? If you are willing, we shall gladly furnish more detailed information which you may need to prepare a bill in proper form. I hope it is not too late to introduce such a measure as an amendment before the end of the present session.

Within the next couple of days, copies of this statement will also be sent to each Senator and each Member of the House of Representatives from the State of Wisconsin. In addition, because of their special interests, I will send copies to Senators Hill and Neuberger, Congressmen Fogarty and Meader, Drs. J. B. Heller, Director of the National Cancer Institute, Harry M. Weaver, vice president for Research of the American Cancer Society, Sidney Farber, director, Children's Cancer Research Hospital in Boston, and Mrs. Mary W. Lasker, head of the National Health Education Committee.

Sincerely yours,
H. P. RUSCH, M.D.,
Director.

THE UNIVERSITY OF WISCONSIN,
THE MEDICAL SCHOOL,
Madison, June 15, 1959.

Congressman MELVIN R. LAIRD,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: Recently Dr. C. A. Elvehjem, president of the University of Wisconsin called a meeting of several scientists from a number of departments to consider how progress on the cancer problem could be accelerated. The results of the discussion of this committee are summarized in the enclosed statement. We are convinced that the views expressed would receive the enthusiastic support and approval from other scientists both on our campus and at universities elsewhere. The statement has the full approval of Dr. Elvehjem and Dr. J. Z. Bowers, dean of our medical school.

It is my firm conviction that the need for more space for research in this country should be met before funds are provided for the support of research abroad.

A copy of the enclosed statement is being sent to each of the Representatives and Senators from Wisconsin, as well as to Senators Hill and Neuberger and to Congressman Fogarty. We hope that you will agree with our statement and give this matter your favorable support.

Respectfully yours,
H. P. RUSCH, M.D.,
Director.

THE UNIVERSITY OF WISCONSIN,
Madison, June 15, 1959.

Congressman MELVIN R. LAIRD,
Marshfield, Wis.

DEAR CONGRESSMAN LAIRD: President Eisenhower, in a talk before the American Medical Association on June 9, called for accelerated progress in the fight against cancer. It is our considered opinion that if cancer research is to move ahead, funds must be made available for the construction of research laboratories. We urge that the 86th Congress appropriate at least $20 million to be distributed to carefully selected cancer research laboratories for this purpose without the present requirement of matching funds.

Substantial financial support is being provided for cancer research by both public and private funds. As a result of this support, the number of research projects and trained personnel have steadily increased. We now face a critical shortage of laboratory space. In universities throughout the country, ideas are waiting to be tested and men are anxious to test them, but the ultimate victory over cancer will be postponed unless the needed space is provided.

At the present time funds are available for the construction of health research facilities but are granted only if matching funds are provided by the local institution. This places laboratories which are part of a university and which conduct full-time research concerning a specific disease, like cancer, in a serious dilemma. The pressures of increasing enrollments require that major emphasis at universities be given to the construction of teaching facilities; therefore, some research institutions at universities are being inadvertently handicapped because they cannot obtain the matching funds locally which are needed for expansion.

Some Members of Congress have recently proposed an increase in the expenditure for cancer research for the coming year. We strongly urge that a minimum of $20 million be made available for 1 year for the construction of facilities for cancer research and that such grants be without the requirement of matching funds. This minimum amount would, for example, provide approximately $2 million to each of 10 research centers. It is suggested that these funds be administered by the National Advisory Council of Health Research Facilities of the National Institutes of Health.

Respectfully yours,
Prof. Robert Bock, Prof. Robert Burris, Prof. A. R. Curreri, Prof. David Green, Prof. H. O. Halvorson, Prof. Marvin Johnson, Prof. J. A. Miller, Prof. V. R. Potter, Prof. J. Price, Prof. H. P. Rusch, Prof. F. Skoog.

THE UNIVERSITY OF WISCONSIN,
Madison, June 24, 1959.

Congressman MELVIN R. LAIRD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: In reply to your letter of June 17, I am sending the following information to you:

The serious effort to settle the cancer problem began in this country shortly after World War II. At that time the space available for this purpose was critically short, and Congress appropriated funds for construction facilities for several years. In the intervening years the number of people engaged in cancer research has increased greatly, as can be seen from the fact that membership in the American Association for Cancer Research, which is limited to professional senior investigators with considerable experience in this field, has increased from 558 in 1949 to 1,028 in 1959. The construction of laboratories has not kept pace with the annual increase in trained investigators and assistants eager to work in this field.

Investigations on cancer are being conducted at a number of institutions in this country. The following list by States includes most of the laboratories engaged exclusively or primarily in cancer research:

Alabama: Kettering-Meyer Laboratory, Southern Research Institute, Birmingham.

California: Department of Pathology, University of Southern California Medical School, Los Angeles; Division of Cancer Research, University of California Medical School, San Francisco.

Florida: Cancer Research Laboratory, University of Florida, Gainesville; Medical Center, University of Miami, Miami.

Illinois: Ben May Laboratory for Cancer Research, University of Chicago, Chicago; Department of Cancer Research, Michael Reese Hospital, Chicago; Division of Oncology, Chicago Medical School, Chicago.

Kansas: Department of Oncology, University of Kansas Medical School, Kansas City.

Maine: Roscoe B. Jackson Memorial Laboratory, Bar Harbor.

Massachusetts: Children's Cancer Research Foundation, Boston; Huntington Laboratories, Massachusetts General Hospital, Boston.

Michigan: Detroit Cancer Institute, Wayne State University, Detroit.

Minnesota: Division of Cancer Biology, University of Minnesota Medical School, Minneapolis.

New York: Roswell Park Institute for Cancer Research, Buffalo; Institute of Cancer Research, College of Physicians and Surgeons,

Columbia University, New York; Sloan-Kettering Institute for Cancer Research, New York.

Oklahoma: Oklahoma Medical Research Foundation, University of Oklahoma, Oklahoma City.

Pennsylvania: Institute for Cancer Research, Philadelphia.

Texas: M. D. Anderson Hospital and Tumor Institute, University of Houston.

Wisconsin: McArdle Memorial Laboratory for Cancer Research and Cancer Research Hospital, University of Wisconsin Medical School, Madison.

U.S. Government: National Cancer Institute, Bethesda.

The above list is presented for your general information. It is as complete as I could make it at the moment, and several centers may have been inadvertently omitted. I am not suggesting all of the centers named above require additional space at this time. In a few cases the need for additional space has probably been alleviated by recent construction, and some of the institutions would not be eligible if the criteria set forth below were to apply. I am certain, however, that the limiting factor at this time in a number of these institutions is a critical shortage of research space.

Decisions concerning space requirements must be based solely on merit and need. To insure an impartial decision on this matter I urge that recommendations concerning the allocation of such funds be made by the Surgeon General of the Public Health Service on recommendation by the National Advisory Council of the Health Research Facilities of the National Institutes of Health. This organization would be in an excellent position to furnish a more detailed list and could certainly provide a more accurate estimate of the monetary value of existing facilities than is available to me. However, on the basis of my own contact with these institutions, I would say that the capital investment in the existing facilities listed above varies from about $100,000 to about $15 million. The total facilities represented by the list could be estimated at between $50 and $70 million.

As I pointed out in my earlier letter, a single appropriation of $20 million for 1 year would allow 10 institutions to expand their facilities by $2 million each, or, in terms of a total existing valuation of $60 million as listed above, this amounts to an increase of about 30 percent in available space specifically committed for cancer research.

In my opinion, the standards of eligibility for the proposed construction grants, which would not require matching funds, must be very high to assure that the money will be spent to the greatest advantage. The criteria for judging grant eligibility and priority should be even more exacting than is the case when matching funds are required.

It is, therefore, suggested that the allocation of funds for construction be based on the following criteria:

1. Eligible institutions should have an established record of outstanding work in cancer research.

2. Eligible institutions or key personnel therein should be affiliated with universities or colleges. Universities are responsible not only for a great deal of research, but it is here that our future investigators are trained, so that a shortage of space handicaps not only our present research progress but that for the future as well.

3. Institutions that should not be eligible for these construction facilities are industrial laboratories and Federal laboratories such as the National Institutes of Health, National Cancer Institute, Atomic Energy Commission, etc.

Sincerely yours,

H. P. RUSCH, M.D.,
Director.

COLUMBIA UNIVERSITY,
COLLEGE OF PHYSICIANS AND SURGEONS,
INSTITUTE OF CANCER RESEARCH,
New York, N.Y., February 18, 1960.

Hon. MELVIN LAIRD,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: It has come to my attention that you are considering the introduction of a bill in Congress which would provide emergency building funds for cancer and heart research laboratories. I am delighted that you recognize the great need which exists for this type of support and I sincerely hope that your efforts will be successful. It is almost incredible that with the recognized urgency of making progress in the control of these major public health problems and with the large appropriations which are voted by Congress to foster and expedite research on heart disease and cancer and to train additional scientific personnel, practically nothing is done to increase the existing physical facilities where the research and training is carried out. This is a major bottleneck which has the potentiality of slowing the flow of results which will ultimately lead to effective control measures.

At our institution a large scale and productive program of cancer research, training of laboratory scientists and physicians in this area and cancer patient care is in progress. On the basis of the work which has been done and which is ongoing, there has been little difficulty in securing adequate funds from governmental and private agencies to carry out our research. Now, however, we are in the position that it is impossible to pursue new avenues of investigation, to expand existing productive research or to train additional young M.D.'s and Ph. D.'s in the field of cancer because our laboratory facilities are already overcrowded.

The Institute of Cancer Research at Columbia University has a number of laboratories in the medical school proper. In addition there are research laboratories at the cancer research hospital affiliated with the College of Physicians and Surgeons, the Francis Delafield Hospital. This unit is professionally staffed by the Columbia-Presbyterian Medical Center although it is a New York City hospital administered by the New York Department of Hospitals. At a relatively small cost it would be possible to add one or two laboratory floors to the Delafield Hospital thereby more than doubling the currently available cancer research space. This very real need cannot be met in the foreseeable future by existing laboratory construction procedures since neither New York City nor Columbia University have funds for the Federal matching plan.

The following research programs in cancer research await additional laboratory space before they can be implemented:

(a) Cancer chemotherapy development through modification of quantitative biochemical differences between normal and tumor cells.

(b) The biological and biochemical mechanisms of resistance of cancer cells to chemotherapeutic agents.

(c) The application of biochemical genetics to cancer research.

(d) The study of the cancer cell membrane by biopsysical methods.

(e) The chemical characterization of the lipids of tumor cells.

(f) The neurological complications of neoplastic disease.

(g) The investigation of the causes of the terminal wasting of tumor-bearing animals and cancer patients.

(h) The physiological control mechanisms of enzyme synthesis and activity.

As you can see, the research productivity of our group could be increased significantly if additional laboratory space could be obtained. Similar space problems clearly plague a number of other institutions across the Nation. Your plan to enable hard-pressed research groups in cancer and heart disease to obtain Federal funds for construction without local matching funds is a most encouraging development in a difficult and frustrating situation.

Very sincerely yours,

ALFRED GELLHORN, M.D.,
Professor of Medicine; Director, Institute of Cancer Research.

UNIVERSITY OF CHICAGO,
DIVISION OF THE BIOLOGICAL SCIENCES,
Chicago, Ill., July 17, 1959.

Hon. MELVIN R. LAIRD,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: Dr. Harold P. Rusch, director of the McArdle Memorial Cancer Research Laboratory at the University of Wisconsin, has written his Senators and Congressmen to the effect that the number of trained personnel and research projects aimed at the control or eradication of cancer has steadily increased and states that the bottleneck at the present time is the absence of adequate laboratory space. I should like to support his request strongly that a minimum of $20 million be made available for construction of facilities for cancer research devoid of the present requirement for matching funds.

For example, at the University of Chicago, and we are not unique, we have planned an underground research laboratory, to be devoted primarily to the solution of the cancer and heart problems, for which we have had an approved Government fund in the amount of $750,000 for approximately 2 years. As yet we have been unable to raise our share and unless we are successful in the very near future—and there seems little prospect of this—we will have to release the funds and forego our plans. This will badly cripple our cancer research program.

The deficits we are incurring annually as a result of increasing costs of research plus inadequate research overhead are a real handicap. Some of the private universities are now planning medical student tuition of $1,500 within the next year or two and yet the tuition costs probably cover only about 20 percent of the universities' medical education program. The research fellowship program of the Public Health Service and the American Cancer Society has been successful in developing a large number of young scientists who cannot put their ideas into an active research program without some new facilities; and unless the universities get some relief in the form of operating expenses and more liberal arrangement for additional space, the problem will proceed from serious to critical in a very short time. I would urge these suggestions by the scientists of the University of Wisconsin receive your strong support because they clearly point out a national need for which the people of this country expect support in the interests of their better health.

Sincerely yours,

L. T. COGGESHALL, M.D.,
Dean.

UNIVERSITY OF MICHIGAN
MEDICAL SCHOOL,
DEPARTMENT OF BACTERIOLOGY,
Ann Arbor, Mich., January 4, 1960.

Hon. MELVIN LAIRD,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR MR. LAIRD: Research on health problems in universities is often handicapped by lack of space. In fact, one can often obtain funds with which to hire technical help, such as research associates or technicians, or to employ graduate students or medical students on a part-time basis, but the lack of

physical facilities for such people offers a serious handicap in pushing programs of research as rapidly as the senior investigator would like. This handicap is so serious that, in my opinion, it is materially lengthening the time when significant advances will be made in conquering some of our serious diseases, such as cancer and some forms of heart disease. The crowded conditions in many university laboratories is almost unbelievable.

A solution to this problem would be for the Federal Government, which receives a fair share of the taxpayers' dollars at present, to turn back to the institutions of the several States funds for building adequate facilities for research and teaching. It is impossible to draw any sharp line between research and teaching in a university. The value that has come to the Nation from the training of graduate students with research funds supplied by the taxpayers through the Federal Government is tremendous. It is only when a graduate student can serve as an apprentice to an expert investigator having available adequate space and equipment that he will be properly trained.

If our Nation is to have available an adequate number of health scientists in the near future to meet the need for training more medical students and for solving some of our many serious health problems, such as cancer, heart diseases, infectious diseases, and mental health problems, we should now be in the process of giving the right kind of training to the teachers and investigators of 1965. The time is really later than one thinks. Hence it is impossible to wait for funds from the State legislatures to get on with this job.

At a recent committee meeting of the American Cancer Society in New York, Dr. Harold P. Rusch, of the University of Wisconsin, informed me of your enlightened interest in attempting to make available funds from Federal sources for capital outlays, such as would be needed for modernizing old structures so as to increase their effectiveness, or even building new ones to aid in the teaching and research responsibilities of the universities in the fields of cancer and heart disease.

The matching fund philosophy is quite ideal in many ways, but what is one to do when the States find themselves in a situation where matching funds are not available in adequate quantities? It seems to me that the logical thing to do would be for the Federal Government to turn back to the States some of the tax dollars which, because of diversion to the Federal treasuries for good and adequate reasons, makes these same dollars unavailable to the State administrations. Obviously, as a scientist, I have very little appreciation of the legal problems involved in these problems. I simply know that problems exist and are becoming more critical year by year as we are faced with the sharp population increase which obviously calls for more of everything. Certainly this is true in the health sciences.

In closing, I hope that you will accept my thanks and appreciation for your efforts in solving an important problem presented to you by Dr. Harold Rusch.

Sincerely yours,

W. J. NUNGESTER, M.D.,
Chairman.

CANCER RESEARCH INSTITUTE,
NEW ENGLAND DEACONESS HOSPITAL,
Boston, Mass., January 6, 1960.

Congressman MELVIN R. LAIRD,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: I have learned from my good friend Dr. Harold P. Rusch, the director of the McArdle Memorial Laboratory at the University of Wisconsin, of your effective interest in the provision of more adequate facilities for research. I believe that the present system of support for construction of research facilities used by the Public Health Service is an excellent one.

It has been a great advantage to have a number of added research facilities made available through the U.S. Public Health Service, the U.S. Atomic Energy Commission, the Department of Agriculture, and other agencies through their national and other laboratories, but there is still urgent need for provision of increased laboratory facilities all across the country. A good start has been made in meeting this increased need for facilities through the construction items in the research budgets of these agencies. The research construction program of the Public Health Service on a matching fund basis has proved to have many advantages.

I know personally of the fine work done at the McArdle Memorial Laboratory at Madison, work that would not have been done as effectively or as soon and perhaps would not have been done at all had it not been for the facilities of the laboratory. It is illogical to be confronted by a number of problems, some of them extremely urgent as in the case of cancer, to provide funds for the carrying on of research, provide funds for the training of research personnel, but not to have facilities in which the problems may be worked upon or the trained persons attack these urgent problems. In the past when scientists were few, laboratory space could be found. Now when 90 percent of the scientists that ever lived are working actively at the present time, now, when breathtaking progress is being made in medical research, it would be a great pity to put a drag on this progress simply through the lack of brick and mortar. However, local participation in construction costs is a valuable feature. It increases local interest, support, and understanding. It prevents waste.

I earnestly hope that you, together with Senator HILL, Congressman FOGARTY, and others of your colleagues who have made such outstanding contributions to progress in the field of cancer and public health in general through enlightened efforts, will continue to be successful in convincing the Congress that the splendid work so ably begun in the field of health must be continued and expanded.

Mathematicians can work with pencil, paper, and slide rule. A theoretical physicist needs calculating devices, a chemist needs laboratories, a cancer research worker, or indeed the research worker in any biomedical field, needs not only extensive laboratory facilities but needs in addition research wards where his discoveries may be applied for the benefit of patients or animal colonies where his hypothesis can be tested.

I am very pleased to learn of your enlightened approach to this problem, and I am deeply grateful to Dr. Rusch for bringing it to your attention.

Sincerely yours,

SHIELDS WARREN.

THE INSTITUTE FOR CANCER RESEARCH,
Philadelphia, Pa., January 15, 1960.

Hon. MELVIN R. LAIRD,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN LAIRD: The enclosed copy of letter to the Surgeon General of the U.S. Public Health Service in support of the bill which you submitted is self-explanatory.

There is no doubt that your views are correct. We have immediate needs which, so far as we can determine, can be met only in this manner, and I am hopeful that the Congress will recognize the magnitude and the urgency of the problem by acting favorably on your proposal.

I am sending copies of this letter to Senators Neuberger and Hill and to Congressman Fogarty because of their interest in cancer research. There is also enclosed a copy of a letter which I have sent to Dr. J. R. Heller, and to which I referred in my letter to Dr. Burney.

Your own interest and efforts to help are deeply appreciated by all of us who are trying to establish cancer research centers of the highest caliber.

Sincerely yours,

T. R. TALBOT, Jr., M.D.,
Director.

THE INSTITUTE FOR CANCER RESEARCH,
Philadelphia, Pa., January 12, 1960.

Dr. L. E. BURNEY,
Surgeon General,
U.S. Public Health Service,
Washington, D.C.

DEAR DR. BURNEY: It has come to my attention that the CONGRESSIONAL RECORD, on July 30, 1959, contained a proposal for an amendment to title VII of the Public Health Service Act, to provide for an emergency program of Federal aid for the construction of cancer and heart disease research facilities. A bill was introduced by Congressman MELVIN R. LAIRD which would make it possible for making grants-in-aid for the construction of facilities for research relating to cancer and heart disease on a nonmatching basis.

There is no doubt that the availability of funds on a nonmatching basis would greatly accelerate what we are already planning to do, and that urgently needed research facilities could be created which would otherwise be either delayed or impossible.

For example, we have recently been notified that in August 1960 we will be awarded $750,000 from the Health Research Facilities Branch of the National Institutes of Health. We requested $1,125,900 and are now faced with the difficult task not only of matching the $750,000, but of raising an additional $725,000 in order to fulfill our immediate needs for laboratory facilities—the total cost of which will be at least $2.25 million.

In addition to this, the Institute for Cancer Research must find approximately $1 million for a clinical research unit, to be built as soon as possible.

One point that should be emphasized when one interprets the term "facilities for research relating to cancer," is that basic clinical investigation is just as important as laboratory research, especially in a cancer center such as we are creating here at the Institute for Cancer Research. I should like to urge, therefore, that special consideration be given to including clinical research facilities in this proposal, provided that it can be clearly demonstrated that such facilities are designed for this purpose.

In this connection it is appropriate to refer to a letter which I sent to Dr. J. R. Heller on December 1, 1959, copy of which is enclosed. This letter discusses "Report No. 309 to accompany H.R. 6769, 86th Congress, from the Committee on Appropriations;" and may have an important bearing on the bill which Mr. LAIRD has introduced.

I hope you will let me know if I can provide further information which will be helpful; and I should like to express my personal gratification with the manner in which the National Cancer Institute has attempted to fulfill its responsibilities.

Sincerely yours,

T. R. TALBOT, Jr., M.D.,
Director.

DECEMBER 1, 1959.

Dr. J. R. HELLER,
Director, National Cancer Institute,
Bethesda, Md.

DEAR ROD: I have read with interest the record of congressional committee hearings in which it was stated that consideration should be given to "the establishment of cancer centers in 10 or more places in the country" (Rept. No. 309 to accompany H.R. 6769; 86th Cong.; from the Committee on Appropriations).

I should like to register with you some of my views and hopes regarding this proposal. This question should be thoroughly discussed and I shall, therefore, do my best to analyze the various factors which should be understood if the best decisions are to be made.

Our first obligation is to make the best use of facilities which are already in existence. There are two aspects of this to be considered: (1) improving or supplementing existing physical facilities, and (2) providing increased as well as more flexible support of operating costs.

We must also define what is meant by the term "cancer center." I assume that this is intended to imply that the very best clinical care, clinical research, and laboratory research, all dedicated to the study of malignant disease, will be assembled at one location and under one administrative body. Thus, the term implies a large degree of autonomy in order that highly concentrated effort can be directed to the vast problem of cancer. Medical school affiliation or university affiliation is probably essential; but complete control by either of these is not. The main purpose of an institute within a cancer center is, or should be, research. The chief purpose of a medical school is teaching. We would all agree that there is considerable overlap in these functions, but the main emphases are clear.

If one lists the seven or eight largest cancer research laboratories it can be seen that most of them qualify to be called institutes on the basis of their functional autonomy. In some the major emphasis is clinical. Almost all of them have a hospital or are associated with a hospital out of which they grew or into which they were placed. The relationships between the clinical and the laboratory aspects of cancer research have created special problems for each of these institutions, and each will require an individualized type of support in order to round out their function as a cancer center. All of them, however, would benefit greatly from better and more flexible support of operating costs.

The Institute for Cancer Research should certainly be included in the list to which I referred above. The replacement value of our laboratories is about $6 million, and our budget is now about $1,300,000 per year.

Our plans for the future are the result of more than 2 years of intensive study and discussion with many experts in the field of cancer research. It has been agreed that we should proceed as rapidly as possible to (a) enlarge our laboratory facilities, and (b) create a clinical facility on our own campus.

We have recently learned that the Health Research Facilities Branch of the U.S. Public Health Service has awarded us $750,000 toward the completion of our laboratory expansion which, it is estimated, will cost about $2,200,000. This award will be announced in August 1960. We are now actively at work to find the remaining funds. We are also doing everything in our power to bring about a clinical unit which will be either affiliated with or will cooperate with other medical institutions in this city.

The Institute for Cancer Research, therefore, is in a unique position. It is one of the largest institutes in existence which is concerned with basic laboratory research in malignant disease; but it has no clinical facilities. This must be corrected, and I am confident that ultimately it will be.

It would be tragic if the large resources which we now have were not made the basis for creating a complete cancer center. With the availability of sufficient funds for a clinical unit this could be accomplished rapidly. If, on the other hand, a large cancer center were to be established elsewhere in this community, especially at this time, then much of what we now have here would be wasted. In addition, I cannot overlook my conviction that what is needed in America is not only more—but better. Any nation has just so much talent and ability. Our task should be to make what we have into the best, and to provide the finest facilities. In order to do this we must first complete what we have already started.

There is much more which could be said in support of our thesis that we have, at the Institute for Cancer Research, a valuable nucleus for a cancer center in the best sense of the word. I shall not burden you with further details at this time, but I hope that you will let we know if there is anything that I should do in order to provide more information.

With kind regards,

Sincerely yours.

T. R. TALBOT, Jr., M D.,
Director.

THE WISTAR INSTITUTE,
Philadelphia, Pa., January 22, 1960.

Congressman MELVIN R. LAIRD,
House of Representatives, Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN LAIRD: I have heard of your proposed bill entitled "Emergency Program for Cancer and Heart Disease Research Facilities" and should like to tell you how valuable I believe the passage of such a bill would be. One of the major problems facing investigators working on fundamental research is the shortage of building facilities and the difficulty in obtaining funds for such facilities. While many organizations are willing to contribute to supports of specific research programs, building funds are most difficult to obtain. The lack of space and facilities often result in curtailment of activity and delay in obtaining results.

In order to make progress which would lead to a more rapid solution to many of the problems of fundamental research, building facilities are urgently required. I should, therefore, like to tell of my strong support for your proposed bill.

Sincerely yours,

HILARY KOPROWSKI, M D.,
Director.

The $5 million appropriation to the National Cancer Institute will start an effective program to meet the needs for cancer research facilities. This bill provides the funds to meet the highest priority needs which exist at two or three of these specialized cancer research institutions. The committee has agreed that the No. 1 priority happens to exist at my own State University of Wisconsin. This bill will meet Wisconsin's needs. It is hoped that by next year the other seven or eight research institutions in this area will be in a position to submit construction grant applications for cancer research facilities under this new program.

Mr. Chairman, I would like to include in the RECORD a story which appeared in the Wisconsin State Journal of Madison, Wis., under date of Friday, March 25, 1960. This article expresses in part some of the outstanding work being carried on at this important cancer research center.

U.W. STORY SHOWS GAINS ON DISEASE

(By John Newhouse)

Wisconsin's topflight cancer research team talked about its accomplishments Thursday, and it was an impressive story.

And it affects all of you who have only a 3-to-1 chance of living 5 cancer-free years once the disease has been discovered in your body.

They told a story that promises bettering of those odds—particularly in some forms of cancer where the odds are even longer.

FROM THEORY TO PROOF

One part of the team, that of basic research, was represented by Dr. Charles Heidelberger, whose salary has just been guaranteed for life by the American Cancer Society, so long as he stays in research.

He was the man who had the theory that a hungry cancer cell could be tricked into accepting a chemical that looked to it like food, but in reality was a poison.

He tailor made the chemical, in McArdle Institute, and distributed it to all the institutions in the country interested in trying it out.

The other half of the team—the clinical group interested in seeing if the drug would cure cancer in humans—was represented by Dr. Anthony Curreri, of the Cancer Research Hospital of the University of Wisconsin.

And his faith in the drug and his theories of how it should be administered—particularly at a time when discouraging reports were being made by others—finally proved its worth.

ADVANCES NOTED

"From 22 to 25 percent of colon cancers will respond to the drug, and about 30 percent of breast cancers," Dr. Curreri reported.

Further, now that the original 5-fluorouracil (5-FU for short) has proved its worth, another drug has been developed.

The new drug is called, for short, 5-FUDR.

"With 5-FUDR, we get a response in about 40 percent of colon cancers, and even better in cancers of the breast," Dr. Curreri said.

One of the big problems of the latter drug, he said, is its cost.

"The first kilo or about 2¼ pounds, cost $65,000," he said. "Now the cost has dropped to about $350,000 for 10 kilos—or $35,000 a kilo. And there is a possibility that it will drop to around $10,000 a kilo ultimately." (About 1/100th of a kilo is needed to treat a patient over a course of four or five dosages.)

The new drug was developed by Dr. Heidelberger, along with Robert Duschinsky, of Hoffman-LaRoche Laboratories in Nutley, N.J.

CLUE TO COST

One of the ingredients for the first small amounts to be made was found in minute quantities in salmon semen, which gives a clue to the immense cost of making the drug.

The seriousness of the problem of cancer was outlined Thursday by Dr. Robert Samp, staff member of the research hospital.

"Sixty years ago, cancer was regarded as the black death," he said. "We had no weapons to fight it. Fifty years ago, the chances of living 5 years, free of the disease after discovery, were 10 to 1 against you. Twenty-five years ago, they were 5 to 1.

"Today, they're 1 to 3. Under the most favorable circumstances, with the tools in general use, 1 to 2 is about the best we could expect."

That meant, he said, that other tools had to be found. One of these, he said, was chemotherapy—or use of chemical compounds.

Dr. Heidelberger told of his interest in a clue from Jefferson Medical College, of Philadelphia. There they'd found that cancer cells used more of a basic food substance—uracil—than normal cells.

FOOLING THE CANCER

So he removed a hydrogen atom from the uracil molecule, and replaced it with a fluorine atom. He figured that the cancerous cells would eat the new molecule but—because it had been changed—be unable to make one of the products it needed for growth.

He made the new compound.

They tried it on mice, and rats, and dogs, over a long period. The drug looked promising. It was distributed all over the country, with Dr. Curreri getting his share.

There was one drawback which they had expected. This was that the drug would

attack normal cells as well. But they depended upon the greedy cancer cells, most in need for food, to eat the most and die the first without reproducing.

And there was another drawback, too. That was that there were other "greedy" cells in the body. One spot was that of the bone marrow, where white corpuscles are made. Another was in the lining of the intestines, where cells take a terrific abuse from stomach fluids breaking down food and have to be replaced at a rapid rate.

And there was little percentage in killing the cancer cells if you killed the marrow cells and the cells which made up the protective mucous lining of the stomach as well.

PATIENTS HELP

Dr. Curreri was interested in finding where the new drug preferred to go in the human body. He found patients willing to take the drug, in combination with a radio isotope tracer, a few hours before surgery. Then, after the surgery the patients were due to get anyway, the drug was traced by the pathologist.

And it was found that the cancer cells absorbed most of the drug, bone marrow the next most, the intestine lining the third most, the liver fourth, and that there were negligible amounts in the rest of the body.

With this clue, cautious dosages were given to others who volunteered. By the end of 6 months, it was raised to what they felt were optimum levels. But they didn't get the results they wanted.

The reasoning then, by Dr. Curreri and Dr. Fred J. Ausfield, was that the levels would have to be raised to the point where beneficial cells would have to be made "sick" to kill the cancer cells.

It made for discomfort on the part of the patient. But, time after time, it caused a regression (or shrinking) of the cancer.

BIG BREAKTHROUGH

And they had made a big breakthrough in cancer research.

They know, at the university today, that they don't have the universal answer to the thousands of types of cancer.

Research is continuing. They're using the new drugs in combination with other drugs, or with X-ray, to get better results than using various methods singly.

And they are confident that some day more breakthroughs will come and that those odds—of 3 to 1—will be bettered immeasurably.

MEDICAL ECONOMICS

Mr. Chairman, I should like to make a few remarks in support of a portion of the present bill which applies to medical economics. I should like to call to your attention certain specific areas which strike me as being worthy of special interest in reviewing the responsibilities of the Federal Government relative to health.

One of these has to do with the rising costs of medical and hospital care, in relation to the general cost of living. It was brought out in the hearings that during a recent 10-year period while the general cost-of-living index was rising 22 percent, hospital costs rose 92 percent. There are a number of reasons underlying this disproportionate increase, some of which are well understood and some of which are not.

We were informed in the subcommittee that personnel costs account for the major portion of this increase; that, in effect, hospital salaries and wages have only recently risen to reasonable levels. It is also clear that there has been greatly increased utilization of hospitals, partly because of the fact that some two-thirds of the American people are now covered by some form of hospital insurance. Further, of course, thanks to advances in medical knowledge the patient is able to get better treatment, much of which depends on expensive equipment and the like.

But there are many unknowns still remaining in this field of hospital utilization and medical economics. I believe that the Nation should be able to turn to the Public Health Service for enlightenment in this field. Therefore, I am encouraged to note that the service as proposed in the President's budget is pursuing a number of studies—at a comparatively low cost—to elucidate the facts in this area. It is my personal belief that the Public Health Service could profitably devote more of its resources than are presently programed to the exploration of these factors which affect the availability of medical knowledge.

ENVIRONMENTAL HEALTH ACTIVITIES

All of you are well aware of the increasing potential hazards to human health in our environment—in air pollution, water pollution, radiation, and the like. I was pleased to see that the Public Health Service is planning within the budget as submitted to the Congress a consolidation of these activities under unified direction so that their various programs in these related fields will be mutually supporting. I am convinced that the increased appropriations recommended in this area by the President are of the utmost importance.

Two Public Health Service installations—the Communicable Disease Center in Atlanta and the Sanitary Engineering Center in Cincinnati—serve as bridges between the acquisition of fundamental knowledge and its application in the Nation's health programs. The Service conducts a large share of its applied research through these institutions, and most of its training courses for State and local health personnel and those from industry.

Both of these facilities have grown greatly, both in size and in national and international stature, within the past few years. Although both have recently moved into larger quarters, the Service has presented cogent reasons for the need for further physical expansion. Accordingly, funds were recommended by the President for planning future construction in connection with these facilities, and for other needed construction.

NATIONAL HEALTH SURVEY

I have been favorably impressed with the work done in the past 3 years by the National Health Survey in assessing the amount of illness and disability in the United States. The data developed by the survey, using interview methods with a selected sample of the population, show dimensions of our national health problem which are not revealed by a study of mortality figures alone. They show a staggering number of man-days lost through disability, through injuries and chronic diseases, through such things as relatively minor upper respiratory infections. This year the survey is beginning to collect complementary data through health examinations which will, among other things, indicate how much validity can be assumed for information gathered through interviews. I am confident that the expenditures necessary to mount this health examination program will yield a great deal of essential information as to the true nature and relative importance of our health problems.

It seems to me that in emphasizing medical research, and stimulating insofar as is practicable, we must also look with equal attention to the application of research results. There is nothing more tragic than lives lost and disabilities suffered through delay or failure to put into practice medical knowledge which has already been developed in the laboratory. It is balance between research and application, within the framework of economic feasibility, which must be sought in expenditures for public health.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman.

Mr. GROSS. On page 28 of the bill, line 4, there is this language:

Including not to exceed $10,000 for temporary services at rates not to exceed $100 per diem—

Does this mean the hiring of more consultants at $100 a day?

Mr. LAIRD. This is the hiring of temporary consultants in the area of Indian health. They are medical technicians. I support the payment of up to $100 for these medical technicians.

Mr. GROSS. Elsewhere in Government we find consultants are paid $50, $75 per day and now today $100. Yesterday we had a bill before the House in which there was a variety of per diems for consultants with the top being $75. Today it is $100 per day.

Mr. LAIRD. I believe the gentleman will find that the language is "not to exceed $100." The people used in this work will have to be paid $100 in order to get an effective medical technician into these particular areas.

Mr. GROSS. Of course, the gentleman has been here long enough to know that when you say "not to exceed $100" that is the per diem that will be paid. To go further into the bill, on page 28 there is this language:

Payment for telephone service in private residences in the field, when authorized under regulations—

And so forth. Does this set a precedent for the installation of telephones in private residences, can the gentleman tell me?

Mr. LAIRD. I cannot answer the gentleman as to whether this sets a precedent. I believe it is necessary in the area of Indian health activities for these doctors to have a phone. I think the gentleman from Minnesota [Mr. MARSHALL] who went out and made an investigation of this problem can give the gentleman that information.

Mr. GROSS. I am of the opinion that these doctors can afford to pay for their own telephones.

Mr. LAIRD. The gentleman perhaps would favor spending funds to set up offices for these doctors in these areas?

Mr. GROSS. Not at all.

Mr. LAIRD. I am opposed to setting up separate offices.

Mr. GROSS. I would not be for that, either.

Mr. MARSHALL. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Minnesota.

Mr. MARSHALL. It must be borne in mind in the first place that many of these doctors are located in very remote areas. Also it must be borne in mind that because they are located in these remote areas they are faced with a great many emergency problems and on very short notice they must call and make arrangements to take care of these indigent patients in hospitals that may be far removed from their personal residence. It has been my privilege to visit some of these places where some of these doctors live. They are a really dedicated group of people. In my estimation the amount of money which we spend on this per diem for these specialists is returned manyfold in the services that they render to the Indians.

One of the real problems we have in connection with Indian health is that these people are not operating on a daily or hourly basis. They are on call you might say 24 hours a day. And with all of the problems of living in remote areas it seems to me that this is certainly an item which is justified.

Mr. LAIRD. And does not the gentleman from Minnesota agree that the effect of this provision is to give better service to these people and in the long run will save money, over a plan to set up a separate office which would cover service for a period of 8 or 10 hours a day. These people are giving 24 hours of service per day in this particular area.

Mr. MARSHALL. I certainly agree with the gentleman.

Mr. LAIRD. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. CEDERBERG].

Mr. CEDERBERG. Mr. Chairman, this appropriation bill, as usual, is one of the bills that we face every year that affects our health and many other activities. It touches all of our communities and all of our States.

During the discussion we have had here today we have been apprised of the dollars extended to the various areas by this legislation. However, I think any Member who takes the time to really look into the Federal activities covered in this legislation will readily find that the Federal Government is getting into practically every area that you can imagine. I think the Congress is going to come to the point where we are going to have to take one of two roads. We must decide whether the Federal Government is going to continue to get into various new programs, whatever they may be, or we must decide that there are certain things that are local and State in responsibility.

I recognize that as our economy has become more complex our Federal responsibilities certainly have become more numerous. You will find in this bill $45 million to assist communities in the construction of their sewage treatment facilities. This in my opinion is very definitely a local responsibility. However, I recognize that we do have a Federal responsibility in this area when it comes to water pollution research. I think the Federal Government can conduct research of this kind of problem much better than a given State can, but the application of the research, in my opinion, should be done solely by the local communities and States.

If the Federal Government is going to get into all these problems, whether in the field of health, education, or what not, then I just do not believe we can ever look forward again to any tax reduction at the Federal level. We ought to be willing, if we are going to get into these areas, to support increased Federal revenues to pay the bill. Our deficits are growing year after year. We are mortgaging the futures of our children and our grandchildren.

Therefore, if we in the Congress of the United States are going to continue to embark upon these new programs, some of them worthy, as they may be, then we also ought to be willing to stand up and raise revenue to pay the bill. I think it is foolhardy to increase appropriations year after year and also to advocate tax reduction.

The legislation we have here today is about the best we could expect to get. It touches many of the areas of vital concern to us all in the area of medical research. We are all interested in research in regard to cancer, heart disease, mental health, or whatever it may be. But looking over the past history of these appropriations, I wonder if we have not been increasing these a little faster than we are able to train the people adequately to carry on this research. If it takes $50 or $100 million to get real results, I think everyone would support it. But I cannot find that we can put a dollar sign on any of these research endeavors and say they are going to bring a given result, however desirable the purpose may be.

Considering Federal aid and the participation the Federal Government has in some of these areas, I would say the overwhelming majority of the medical schools in the United States would have to close their doors if the research funds in this appropriation bill were denied them.

I was interested some weeks ago when Dr. Harlan Hatcher, president of the University of Michigan, was in Washington and he made the statement that of the total budget of the University of Michigan, of some $92 million over $20 million is Federal money at this time. These Federal moneys are becoming so integrated in these institutions that to remove them or in any way to reduce them drastically would have an adverse effect on these institutions.

Mr. Chairman, I support this legislation although, frankly, there is some of the authorizing legislation that I opposed.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CEDERBERG] has expired.

Mr. FOGARTY. Mr. Chairman, I yield such time as he may require to the gentleman from Indiana [Mr. DENTON].

Mr. DENTON. Mr. Chairman, I yield to my colleague, the gentleman from Indiana [Mr. BRADEMAS].

Mr. BRADEMAS. Mr. Chairman, from the 3d of April to the 9th of April of this year we are going to celebrate National Library Week in our country. That celebration will have a special significance in the State of Indiana this year because of the splendid action of both the Subcommittee on Appropriations and the full Committee on Appropriations in recommending that $7.5 million, the full authorization for the rural library service program, be included in the bill this year, rather than the $7.3 million recommended in the President's budget.

Mr. Chairman, I want to pay tribute to the distinguished chairman of the subcommittee, the gentleman from Rhode Island [Mr. FOGARTY], and my distinguished friend the gentleman from Indiana, a member of the subcommittee [Mr. DENTON], for their fine leadership in making possible the retention of these funds.

The fact of the matter is that the State of Indiana is the only one of the 50 States and 3 territories in this Nation that has steadfastly refused to accept any of the Federal funds that are available under the rural library service program. This refusal amounts to an obstinate, shortsighted, and willful giveaway by the Republican Governor of Indiana, Harold W. Handley, of the tax moneys of Hoosier taxpayers to the citizens of all the other 49 States which do benefit by participation in the program.

Mr. Chairman, it is ironical that recently Governor Handley proclaimed National Library Week in Indiana for April 3–9. Apparently he is willing to include the people of Indiana in Library Week but he is not very willing to see them in libraries.

The fact of the matter is that the public librarian in the Governor's own hometown of LaPorte, Ind., wrote to me the other day to give his full support to Indiana's participation in this program.

The newspaper published in Governor Handley's hometown, the LaPorte Herald-Argus, has editorially strongly endorsed the participation of Indiana in the program.

Seven Democratic Congressmen from Indiana and the distinguished junior Senator from Indiana, the Honorable R. VANCE HARTKE, as well as all four of the announced Democratic candidates for the nomination for Governor of our State and the speaker of the State House of Representatives, as well as the minority leader of the State Senate, have endorsed the participation of the State of Indiana in the rural library service program.

We in Indiana now have an opportunity, because of the action of the distinguished Committee on Appropriations, to make use of our share of the funds provided by this act, funds provided in part by the tax moneys of Hoosier citizens. I want again to con-

gratulate the members of the committee and express once more my appreciation to my distinguished friend, the gentleman from Indiana [Mr. DENTON], for their leadership on this important matter.

The issue of participation in the rural library program is now squarely drawn. The people of Indiana will decide next the issue in November. The leaders of the Republican Party in Indiana are on record against our participation. All of the Democratic candidates for Governor favor our participation.

Mr. Chairman, I am confident the people of Indiana will choose wisely.

Mr. DENTON. Mr. Chairman, this is very largely an Indiana question. There are 800,000 people in the State of Indiana who are without library service and it is believed that for another million the library service is inadequate.

Mr. Chairman, of the 50 States in the Union, Indiana is the only one which has not taken advantage of the rural library program. For this reason, the Budget Director reduced this appropriation from $7.5 million to $7.3 million. Indiana's share is approximately $193,574. The gentleman from Indiana [Mr. BRADEMAS] has pointed out that we hope after the first of the year, when we have a new Governor, that Indiana will take advantage of this library program the same as the other States. I also want to thank the committee for restoring this money so that Indiana will be treated the same as other States in the Nation.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. DENTON. I yield.

Mr. HECHLER. Mr. Chairman, the library services program has meant a great deal to the State of West Virginia. More than 184,000 books, including basic reference collections, have been provided West Virginia libraries under this worthwhile program. I hope the State of Indiana will be able to take advantage of this program. Strengthening our public libraries where books are readily available to all of our citizens, regardless of their ability to pay, is one significant way to expand the educational frontier so vital to our national survival.

Mr. DENTON. Mr. Chairman, the Library Association, women's clubs, the Parent-Teachers Association, and the Farmers Union all appeared before our committee and asked to have this fund restored. I told them they were probably talking to the wrong people and that they ought to talk to the Governor of Indiana to get him to take advantage of the program. They said they would.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. DENTON. I yield to the gentleman from Ohio.

Mr. VANIK. I take this opportunity to congratulate the gentleman from Indiana [Mr. DENTON] for the splendid job he did in pointing up the recent increase in appropriations for aid to dependent children; $200 million in this budget, with an additional $100 million to be spent by the State and local agencies to provide for the care of families that are abandoned by parents that are living; I wonder if you could tell the committee what special efforts are being made by the Department of Health, Education, and Welfare to reduce this rising cost.

Mr. DENTON. We were assured by the Secretary that if the prosecutor would ask the welfare people they would work through the social security and locate these runaway fathers. This had been a working rule for some time, he said, but the Department had passed a regulation recently to that effect. A trial run was made in the city of Cleveland with great success. I served as a prosecuting attorney, and I know how hard it is to make these recalcitrant parents support their children. It is much easier to get the money from the welfare people. But it is an outrageous situation. I hope that the welfare will cooperate with the prosecution. I would ask that in those cases where there are fathers who are not supporting their children that welfare will turn over their reports to the law-enforcement officers to see that the men who are guilty are prosecuted.

Mr. VANIK. Does the gentleman feel that we should approach this problem solely in this way, or is there need for enacting a flight-from-family-responsibility law?

Mr. DENTON. Ever since I have been here I have had such a bill in the hopper. I got a hearing from a Judiciary Committee the first year, but nothing since. The FBI opposed it because they did not want to be operating as police court officers. I think a Federal so-called runaway-pappy bill should be enacted.

Mr. VANIK. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Chairman, I want to take this opportunity to commend this committee for its concern with the skyrocketing rise in the cost of the aid to dependent children program. It is shocking that $200 million in Federal funds plus an additional $100 million in State and local funds are paid to support children who have living runaway fathers who could and should support these children. Of the total number of dependent children cases, 90 percent have living fathers who dodge their family responsibilities.

Providing for abandoned children costs the Nation $800,000 a day, a 67-percent increase from the $540,000 per day cost of this program 2 years ago. At this rate of increase this item of public expense is rising more phenomenally than any other peacetime Government expense.

Our distinguished colleague, the gentleman from Indiana [Mr. DENTON], is absolutely correct when he stated during the hearings on February 4, 1960:

> There is no reason why men who bring children into the world should not support them, and that seems to be the terrible weakness, that nothing is done to require them to support their children.

In America it is relatively easy for a weak-willed father to abandon his children. He simply crosses the State line, moves to a new community, obtains a new job, and often creates a new family circle. There are times when he may obtain a new social security number through the use of an alias or fraudulent name and thereby shield himself from apprehension.

Secretary Flemming is to be commended for the modest relaxation of OASI records to locate runaway fathers of dependent children supported through Federal funds. Unfortunately, local agencies have not made full and complete use of these facilities, and this approach is of course ineffective where the runaway father uses an alias and establishes a new account number.

Last summer, at the request of Congressman WIDNALL and myself, the Department of Health, Education, and Welfare proceeded with a special survey study in three scattered communities in America including the Cleveland, Cuyahoga County, area. As a result of this special effort, in my community, of 290 errant fathers, 111 were located. Sixty-three were located with social security records as the chief source of this information. As a result of the special effort, 37 support orders were obtained, and 5 entered into voluntary agreements to support their children. The results of this special effort were not insignificant and point the way to saving hundreds of millions of dollars.

In my opinion, the only real solution to this problem would be the enactment of a law prohibiting interstate flight from family responsibility. The Attorney General does not desire the additional work that would be involved. The FBI undoubtedly feels it is already overburdened with its established responsibilities, while the Social Security Administration would undoubtedly resist a widescale opening of its records to permit the effective administration of such a law.

This problem is so grave and so vital to the national interest that it must be approached in a giant step. If runaway fathers are quickly apprehended, the word will pass like wildfire that this nation will not tolerate this escape from family responsibility. Not only will tremendous savings in public funds be effected, but family life will be made more stable.

It has also recently come to my attention that one government agency will be making payments of benefits to a runaway father, while at the same time another agency of the government will be making payments for the support of his neglected children. In my community I recently came upon a case in which the runaway father was receiving disability benefits from the Veterans' Administration while making absolutely no contribution to his abandoned family for a period in excess of 7 years. If this family were not sustained through the diligent efforts of the working mother, it would be eligible for aid to dependent children, while the government would be subsidizing the maintenance of the runaway father.

Certainly in these circumstances we should preclude the payment of any public benefits to a beneficiary who neglects his family obligation at the expense of the Federal Government, the

State and local governments, his family, and the entire community.

Mr. FOGARTY. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. MARSHALL].

Mr. MARSHALL. Mr. Chairman, it is a real pleasure to serve on the Subcommittee on Labor and Health, Education, and Welfare Appropriations under the leadership of our esteemed colleague, JOHN FOGARTY. He is a fair, considerate chairman who constantly strives to make an arduous task as pleasant as possible for his fellow members. He not only knows his subject but is genuinely interested in every phase of it. He has a sincere regard for his fellow man and puts his heart into his work.

ABLE COLLEAGUES

My colleague from Indiana, Congressman DENTON, shares this real interest. I know that his understanding of the many problems of labor and of people give him a fine insight into the programs with which we work. His knowledge and experience as a lawyer have been of great value to the committee.

On the other side, we have my good friend from the neighboring State of Wisconsin, Congressman LAIRD, who has the special ability of going directly to the heart of the problems before us. An able Representative; it is a pleasure to work with him.

Our colleague from Michigan, Congressman CEDERBERG, has a vast knowledge of the many special areas considered in our hearings. He is a diligent and conscientious worker who makes a genuine contribution to our proceedings.

A REWARDING EXPERIENCE

Because the programs with which we deal affect all of our people so intimately, our hearings are an unusually rewarding experience. Since we all share a desire to promote the welfare of our fellow citizens, cooperation comes easy. All of us are disappointed at times that we cannot move forward more rapidly in one area or another. We have tried to resolve these differences as reasonably as possible and within the limitations we know exist at a time when so much of our income is devoted to military defense.

I doubt, Mr. Chairman, if any other committee of the Congress enjoys so broad a view of American life as we do in our hearings. We can see the progress being made on many fronts to improve the daily lives of millions of our fellow citizens. The programs we discuss are concerned with their work, their health, their retirement years, and their community schools and hospitals.

DEPARTMENTS AFFECT EVERYONE

The Department of Labor and the Department of Health, Education, and Welfare, between them, touch the lives of every American at some point. There is no concern more properly a Representative's than the concern for human lives and human needs. For this reason, I will always be grateful for the opportunity to serve on this committee.

It is not enough to commend my colleagues for the fine working spirit of the committee because this can also be attributed to the witnesses who appear before us.

DEDICATED PUBLIC SERVANTS

For the most part, they are dedicated men and women determined to help improve the lot of their fellow citizens by carrying out the work of their agencies efficiently and effectively. Some of them have devoted a lifetime of service to the sick and needy. Some of them have made sacrifices to stay in Government service and many of them will leave their mark of accomplishment. Just as it is an inspiration to us, it must be a satisfaction to them to see the great accomplishments to which they have contributed over the years.

We are sometimes tempted to be discouraged by needs still unmet or jobs undone, but we can take hope in gairs we have made and are making in some vital areas covered by the bill before you.

SECRETARY LOOKS TO FUTURE

The future presents still new challenges. Some of these were outlined for us by the Secretary of Labor, one of the ablest men in the President's cabinet, in a discussion of the decade ahead.

The estimates of the Department of Labor have important meanings for our immediate future. The great and rapid change taking place around us is surely one of the big stories of our time. It has social and economic implications which by their very nature become political implications.

LABOR FORCE TO GROW

The Secretary says our labor force will increase by 20 percent between 1960 and 1970 and farm employment will decline at almost the same rate. Farm families, however, will remain one of the major sources of manpower in this continuing shift to a predominantly industrial economy.

According to the Secretary, the trend of the last century will be accelerated in the decade ahead. In 1910, one out of three persons lived on a farm. Now, 1 out of 10 lives on a farm. About 6 million people are actually employed in farming, almost the same number as there were in 1870.

MORE FOOD—FEWER FARMERS

There is no better testimony to the technological revolution in agriculture which has made the American farmer the most efficient producer in the world. While our population has grown by 141 million people in the last 90 years, its food and fiber needs are more than met by the same number of farmers.

As farm manpower requirements are reduced, there is a substantial increase in the number of people leaving farms. Young people, especially, are leaving the farms in greater proportion than any other age group.

JUMP IN 18-YEAR-OLDS

In the general population, birth rates are expected to remain high and death rates to decline. The number of young people reaching the age of 18 each year will hold at about 3 million until 1965 when it will jump to almost 4 million each year for the next half of the decade.

The total working force will increase by 13.5 million workers, the biggest 10-year jump in our history. Twelve million of these will come from the age groups under 25 and over 45. The only group to decline in both number and percentage will be the 35 to 44 group which includes the depression babies of the 1930's.

INCREASE IN SERVICE TRADES

Another historic change is taking place, the Secretary told us, in the kind of jobs available to these new workers. Since 1950, there are more people employed in providing services than in producing goods and this trend is continuing.

Scientific and technological advances in most industries will demand better education and training. Estimates are that 7 out of 10 people entering the labor force in the 1960's will be high school graduates or will have done some college work. Ten years ago, it was 6 out of 10.

SCHOOLING INCREASES EARNINGS

About seven and one-half million of the new workers, however, will not have completed high school and 2½ million of these will not have completed a grade school education. Thus, 30 percent of all young workers entering the labor force in the next 10 years will lack a high school education.

In general, the labor studies show that those with more schooling have higher earnings while unemployment is much higher among those with the least education.

NEED SKILLED WORKERS

To make best use of our manpower potential, we must give special thought to this part of the work force. There is sufficient emphasis on the highly specialized sciences as a result of the sputnik scare. Similar effort must now be directed to young workers with other abilities.

One important step is expansion and improvement of training on the job, including apprenticeships for the skilled trades. Every worker must be placed in a job that best fits his talents and he must be trained to make full use of these talents on the job.

UTILIZE FARM SKILLS

A highly mobile work force like ours presents new opportunities for those who are trained to accept them. Consequently, special attention should be directed to the young people leaving farms who already have skills that can be better developed and utilized.

Mr. Chairman, the Secretary of Labor should be commended for the foresight in studying the needs of the years immediately ahead. It gives us an opportunity to prepare in an orderly manner rather than be swept up in the current of change. Whether we like it or not, that change is taking place all around us and we must accept its challenges. There is no waste so tragic as the waste of human resources.

It is not my purpose to attempt to review in detail the work of all of the agencies for which funds are included in this bill. I do, however, want to call attention to some items which might be

overlooked in a bill of such broad consequence and which deserve our attention because of their present or future implications.

LABOR REPORTS COST MONEY

One of the Department of Labor items which merits attention is the increased cost of administering the Bureau of Labor-Management Reports as the result of enactment of the so-called Griffin-Landrum bill. The budget request of the Bureau is for 620 positions at a cost of $5,500,000 to the taxpayers. We reduced the amount by $250,000 on top of an $835,000 reduction made in the Department's request by the Bureau of the Budget.

Neither of these reductions necessarily indicate true savings since the Department's original request was based on factual material about increased workloads under the new law. The reductions made by the Bureau and by our committee were made largely because it is a new program and it is wise to have some operating experience upon which to base appropriations. It is possible, however, that if the work is properly done, appropriations will have to be increased in the future.

REPORTS MEAN EMPLOYEES

The House will recall that another provision of this act calls for the reporting and disclosure of welfare and pension plan data. For administration of this provision, the Department requested 81 positions at a cost of $523,900.

To carry out its responsibilities under the new law, the National Labor Relations Board has asked for approximately $3 million which includes an additional 100 new job positions.

IMPOSES FUTURE OBLIGATIONS

This helps to point up one of the real problems we constantly face in the Committee on Appropriations. How can we accurately measure the future cost of Government on the basis of the obligations we assume in our legislative acts from day to day? True, these obligations are sometimes ignored but this does not solve the problem; it only postpones the day of reckoning.

An example is our failure to meet the cost of providing credit for military service for men covered under the Railroad Retirement Act. The Congress approved legislation providing credit for military service and the Federal contribution for this purpose totals $133,354,000 through December 31, 1958.

MOCKS DEBT LIMIT

When we pass over such obligations, we are contributing to an unsound fiscal policy which too often makes a mockery of the statutory debt limit. On behalf of our committee, it should be pointed out that we have consistently urged the administration and the Bureau of the Budget to resolve this matter once and for all. The legislation as now written is clear enough and the Bureau's delaying tactics are unjustified.

COMMEND GENERAL HAISLIP

It is not possible, Mr. Chairman, to single out all of the people who appear before us who do a particularly good job of administration. I do, however, wish to commend Gen. Wade H. Haislip, Governor of the U.S. Soldiers' Home. He is a capable administrator and a forthright witness. His clear and concise manner of testifying might well be an example to other witnesses.

There appears to be some reduction in the quantity of surplus agricultural commodities made available to the Soldiers' Home. It is my hope that this situation will be corrected.

INDIAN HEALTH PROGRESS

In turning to the Department of Health, Education, and Welfare, I want first to discuss some of the Indian health problems in which we have taken a special interest. We are beginning to make progress and this is always an interesting stage in the development of any program.

Much remains to be done, of course. It would be unfair to give the House the impression that the progress being made gives hope of immediate reduction of Federal expenditures. On the contrary, the current appropriation still falls considerably short of the estimated $60 to $65 million annually recommended in a comprehensive study of the problem.

DEATH RATES CUT

This year your committee is recommending $48,276,000 for Indian health activities and $8,965,000 for construction of Indian health facilities. We believe this will enable the Public Health Service to carry forward the essential efforts which have contributed to the progress.

This is again a program in which progress can be measured in terms of human lives. The low standard of health care available to Indians in many parts of our country was certainly a major contribution to the extraordinarily high death rate. It is most encouraging to see that the efforts of the past 5 years offer new hope and have already increased life expectancy.

TUBERCULOSIS DEATHS DOWN

Tuberculosis, once the No. 1 cause of death among Indians, today ranks eighth. In the 5 years, 1954 through 1958, the tuberculosis death rate dropped 42 percent among Indians. The drop among Alaska natives was even more spectacular—over 80 percent.

Reported new cases of tuberculosis have dropped 26 percent in the same 5 years among Indians and by 60 percent among Alaska natives.

INFANT MORTALITY CUT

Infant death rates have always been tragically excessive among Indians. Nearly one-fourth of all Indian children die in the first year, compared to only 7 percent in the general population. Indian mothers are being encouraged to seek medical assistance and more babies are being born in hospitals. As a result the Indian death rate for the first month now compares with the general population but the rate jumps to five times higher in the remaining 11 months.

Gastroenteric and other diseases due to inadequate sanitation on Indian reservations rank high as causes of sickness and health. Deaths from gastroenteric diseases are 10 times greater among Indians than among the general population, although there is evidence of a decline in the Indian rate.

TRACHOMA TREATMENT UP

Notable progress has been made against trachoma an eye disease that can cause blindness. It was found on most of the reservations in the Southwest and afflicted 10 to 25 percent of those examined. Subsequent treatment resulted in a reported cure rate of 85 to 95 percent.

These are some of the welcome signs of progress. Remember, we are not dealing in statistics here; we are dealing in human beings. These are lives saved or health restored to men, women, and children who are our fellow citizens.

DEATHS CAN BE REDUCED

More can and is being done. Indian health problems of today are much like those of our whole population a generation ago. Most illnesses and nearly a fifth of the deaths among Indians can be prevented.

Over half of the Indian population is under 20 years of age because of the high death rate. The average age of Indians at death is 40 years while it is 62 for all races. Deaths from influenza and pneumonia, tuberculosis, gastroenteritis and other communicable diseases are 3 to 10 times greater than in the general population.

MORE PREVENTIVE ACTIVITIES

To provide the kind of medical treatment and health services which makes this progress possible, we need to develop hospital and clinical facilities in many parts of the country. At the same time, we are moving into improved preventive activities designed to create more healthful living conditions.

At first glance, the budget request for a $2,026,000 increase in funds for health activities would appear to be an improvement in medical treatment. The Congress, however, has passed Public Law 86-121, the Indian Sanitation Facilities Act. Diversion of funds and personnel to implement the act would actually leave the health activities funds at last year's level. The committee fails to see how funds and personnel can be utilized in the sanitation program without an adverse effect on the medical and health programs.

New hospitals are coming into operation at Sells, Ariz., and Gallup, N. Mex.; approximately $735,600 is required to staff these hospitals.

INCREASED CONTRACT CARE

At the same time, funds have proven insufficient in some States to meet contract care needs. Your committee has provided an increase of $750,000 and our report expresses the desire that this increase be used primarily to meet contract care obligations.

Hopelessly inadequate sanitation facilities have long been recognized as source of much disease and poor health among Indians. Because it is so important that the worst of these sanitation deficiencies be eliminated, your committee is especially interested in the most effective and economical use of the funds available.

USE FUNDS WISELY

In our hearings, we discovered that despite the fact that Indians are required to provide all on-premise labor some of the projects cost up to $1,000 per family. These projects do include both development of sanitary water sources and a waste disposal system. Because of distances and circumstances involved, these costs may be justified.

However, we immediately face the question of whether such sums might not be better spent on other aspects of Indian health which yield yet greater results. Accordingly, we caution the Public Health Service to carefully analyze each project to prevent use of resources which might be more beneficial in another application.

STEADY PROGRESS IS GOAL

Considering the overall program for Indian health activities, there undoubtedly are members who feel that more funds might accelerate the progress we are witnessing. There are, however, administrative and personnel problems which must be met first if we are to insure the maximum benefit intended for the Indian families served by these programs.

The committee feels that a steady rate of progress will be of more lasting benefit and will prevent costly problems which can only result in poorer service to the very people we are trying to help.

HOUSING IS GREATEST PROBLEM

Nowhere is the seriousness of our problem better demonstrated than in the area of construction of Indian health facilities. The Public Health Service originally requested $11,388,000 which was reduced to $6,964,000 by the Bureau of the Budget.

The greatest single problem remains adequate housing. Without decent living quarters, it is impossible to recruit and retain the doctors and professional health personnel on whom the whole health program depends. When responsibility for health care was transferred from the Bureau of Indian Affairs to the Public Health Service, housing facilities were not included.

NEED IN ISOLATED AREAS

To relieve the immediate problem, so-called Picket housing was provided for temporary occupation. Deterioration has made many of these units unfit for human occupancy yet 301 are still in use. We are concerned about good facilities for the patients themselves; now we must also face up to the need for decent quarters for the dedicated men and women assigned to these isolated areas where acceptable housing is nonexistent.

The service's original request would have provided 236 units. The budget allowed 76 units, a cutback from last year's 88 units despite the growing need. The committee feels that there is no justification for falling farther behind and has provided funds for 49 additional units, or a total of 134. It would be desirable to move ahead even more rapidly but we are aware of the many demands on the limited funds available and feel that the recommendation before you at least represents steady and economical progress.

MOBILE HOUSING IS USEFUL

Public Law 85–241 requires that all public quarters for commissioned officers be made adequate by July 1, 1961, or else be demolished or otherwise disposed of. It is not my purpose to evaluate or criticize that legislation. We need to remember, however, that the very nature of Indian health activities results in housing requirements of both a temporary and permanent nature.

In some cases, the need will exist only for the next 5 to 10 years. To use permanent housing funds to meet temporary needs is to compound our problem. This is a problem still to be faced since the deadline date of July 1, 1961, was extended only 1 year.

Your committee has recommended, therefore, that some of the increased funds be used for a pilot program to determine if portable housing might be a satisfactory solution in such areas. The design and construction of house trailers or mobile homes has improved greatly in recent years and this possibility should certainly be considered at temporary posts. It would present advantages over the substandard housing now available in these areas and would permit more rapid improvement.

COMMUNITY COOPERATION NECESSARY

Necessity for some longer range planning seems indicated by the testimony before the committee so that goals can be established and available resources be efficiently used.

Community cooperation is to be earnestly solicited on the basis of well-formulated plans and well-defined responsibilities. In working out arrangements with States and local communities, the responsibilities of all parties should be clearly understood before funds are designated or commitments made.

NEED HOUSING IN GALLUP

The committee was disappointed to learn that adequate housing may not be available for the additional personnel needed to put the new hospital at Gallup, N. Mex., into operation in January 1961. The Public Health Service and the Congress had assurances that housing would be provided through local resources.

The community would benefit not only from the increased hospital payroll but in the sale and rental of housing. The hospital is much needed and failure to provide adequate housing would be a serious problem. It is hoped that the people of Gallup, N. Mex., recognize this so that the hospital may be put into operation without further delay.

NEW HOSPITALS OPEN

A new hospital at Eagle Butte, S. Dak., is scheduled to be opened this month and the Sells, Ariz., hospital is expected to be in operation in December of this year. The contract for a hospital at Keams Canyon, Ariz., is expected to be awarded this month.

The hospital at Shiprock, N. Mex., will soon be complete. There has been some delay in completion of the hospital at Kotzebue, Alaska, but it is hoped that the facility can be finished next year.

MODERNIZATION IN PROGRESS

By the end of this year, modernization of hospitals at Rosebud and Pine Ridge, S. Dak.; Browning, Mont.; and White River, Ariz., will be completed. The committee is pleased that the 15 authorized health centers and clinics have all been completed.

Funds are included in the bill before you for replacement hospitals at San Carlos, Ariz., and Barrow, Alaska. Major alterations are authorized in other locations in accordance with the budget requests.

JOINT CONSTRUCTION USEFUL

While no funds were budgeted for construction of joint hospital facilities under Public Law 85–151, the committee feels that the number of communities ready to build since the budget was prepared warrants reconsideration.

This obviously seems to be a more economical means of providing hospital facilities for Indians and we recommend that a part of the increased construction appropriation be devoted to this purpose. Indian beds in community hospitals are the best way to provide health services in many locations and the committee report urges that the program move ahead expeditiously.

DELAY CAN COST MONEY

The House can readily see that the health problems of Indian families are great. The steady progress being made warrants the relatively modest increases necessary to achievement of the goals anticipated in the survey mentioned earlier which estimated a required budget of $60 to $65 million.

Once we have repaired the damages of long neglect, we can hope to level off and finally reduce some of these expenditures. To ignore some of these needs any longer can only lead to more expensive programs in the years ahead while the ravages of disease and illness add to the untold human suffering.

VOCATIONAL EDUCATION ESSENTIAL

As our report states, everyone concerned must have anticipated our action in restoring funds for the promotion and further development of vocational education.

While the Secretary of Labor was warning us that young workers, farm and nonfarm, in the next decade must be better educated and better trained, the Secretary of Health, Education, and Welfare was asking for a cut in the very program designed to provide this training.

STRONG LOCAL SUPPORT

Under the provisions of the George-Barden Act, vocational education is being provided in the fields of agriculture, distributive occupations, home economics, trades and industry, practical nursing, and the fishery trades. Most of the programs are organized and operated by local school boards.

To insure the maximum of local control and local benefit, the operating edu-

cational agency determines the occupations for which training will be provided, as well as the curriculum and the content of the courses offered. About $4 of State and local funds are spent for every Federal dollar contributed.

MINNESOTA PROGRAM GROWS

As the program is made available to more and more young people, the share of Federal participation has declined. Mr. Harold M. Ostrem, chairman of the Minnesota Vocational Association Legislative Committee, has provided us with some valuable information on the development of the program in my State. Almost 100,000 persons are enrolled in Minnesota. The program is supported with 85 percent local and State funds as compared to 15 percent in Federal funds. Continuation of the technical education program is vital as the demand for skilled technicians increases. The demand is growing in both the manufacturing and service industries.

LOCAL AND STATE FUNDS

The following chart indicates the growth of the program in our State in the past 5 years:

Enrollments in Minnesota vocational education programs

Year	Agriculture	Distributive	Home economics	Trade and industrial	Total
1955	28,200	2,976	33,355	12,689	77,220
1956	26,742	3,273	34,154	14,987	79,156
1957	26,583	3,583	34,780	17,050	81,996
1958	27,964	3,897	37,160	20,408	89,429
1959	27,152	3,704	38,145	21,607	90,608

The following chart shows the amount and percent of funds provided by the local, State, and Federal Governments in support of vocational education programs in Minnesota:

Local, State, Federal funds for Minnesota vocational programs

Year	Local		State		Federal		Total
	Amount	Percent	Amount	Percent	Amount	Percent	
1955	$1,660,265.27	44.0	$1,453,476.04	37.9	$695,523.21	18.1	$3,839,264.52
1956	1,880,979.52	44.1	1,633,018.87	38.1	762,459.31	17.8	4,282,458.00
1957	2,111,204.15	43.6	1,885,195.03	38.9	846,577.50	17.5	4,843,076.68
1958	2,358,802.48	43.2	2,286,978.83	41.5	843,948.14	15.3	5,509,786.45
1959	2,268,311.54	42.3	2,281,050.72	42.1	811,479.45	15.6	5,415,861.71

Had the ill-timed budget reduction been permitted to stand, the contribution to Minnesota would have been reduced $49,240 in a year in which our legislature is not in session. Many States would have suffered the same problem. It is inconceivable that the officials responsible would expect the Congress to disrupt this important program at the very time it seems most needed.

RURAL LIBRARY SERVICE IMPROVING

Mr. Chairman, the Library Services Act was designed to promote free public library services in rural areas without such services or with inadequate services. This purpose is being achieved and your committee has recommended the authorized appropriation of $7,500,000 for the next fiscal year.

Testimony from the States indicates that county and regional libraries fostered under the program have brought free library service for the first time to over 1 million rural people and have substantially improved service to another 7½ million.

IMPORTANT AID TO EDUCATION

The State and local support given this program is witness to its importance to the rural community. Two dollars of State and local money were spent last year for every dollar of Federal money. On an overall basis, State appropriations have increased 54 percent since 1956 and local appropriations have risen 45 percent over the same period.

Regional libraries and bookmobiles in the rural areas of this country provide a ready and free source of the books and other informational material so important to continuing self-education and in supplementing formal education.

OPPORTUNITY FOR RURAL CHILDREN

To give rural children the benefit of library services already enjoyed by their city cousins is an important contribution to real education. The influence of good books is immeasurable. Certainly children should not be denied them because of isolation, the very condition in which books and informational material may be most useful.

Here again, the important thing is local acceptance of the program and local management for the maximum local benefit.

The thousands of citizens in rural counties who have joined together in county and regional efforts to provide library service for themselves and their families are to be commended for public service of the highest order.

POLLUTION CONTROL IMPROVES

The committee has allowed the same amount as was appropriated for 1960 to carry on the fight against the growing hazard of water pollution. Significant progress has been made under the Water Pollution Control Act in protecting our national water resources.

While the local community shares most of the burden, most often other communities and other States downstream receive the greater share of benefits in terms of unpolluted water. There is obviously some benefit to the community building its waste treatment plant, but the downstream benefits illustrate the cooperative nature of the program.

BLATNIK AUTHORED PROGRAM

Local support is again indicated by local expenditures of $5 for every dollar of Federal expenditure. Minnesota has been in the forefront of this program and properly so since it was the dedicated effort of my friend and colleague, JOHN BLATNIK, that initiated the program.

The magnitude of the task before us in protecting essential water supplies seems overwhelming but we are making steady progress.

HOSPITAL SPACE LAGS

Over the past 12 years, Mr. Chairman, the Hill-Burton program has played a major role in development of the Nation's hospital system. A concept of long-range planning has been fostered and widely applied. High standards of design and construction and promotion of improvements in hospital administration have improved hospital services.

During the past year alone, more than 26,000 hospital beds and nursing home beds were added to the Nation's health resources through construction grants.

CONSTRUCTION COSTS RISING

The committee is recommending $150 million, a reduction below the current appropriation, but certainly a more realistic figure than the budget offered.

Sharp population increases and the rising obsolescence of existing hospitals tends to offset the progress being made in reducing the deficit. But just to keep even with population increases and the replacement of obsolete facilities is preferable to an unwarranted cutback at this time. It must also be remembered that construction costs have increased by more than 50 percent since 1948.

NURSE TRAINING STEPPED UP

Mr. Chairman, we are all aware that the Nation is faced with a critical shortage of nurses. The program administered by the Division of Nursing Resources provides consultation to hospitals to improve efficiency of nursing services, develops new methods of providing nursing services, and provides scholarships for advanced training of nurses under the Health Amendments Act of 1956.

Assistance is provided both for short-term intensive training courses and long-term training for teaching, administrative, and supervisory positions. Your committee recommends an additional $600,000 in order that the long-term training program can be continued at present levels in view of the number of pending applications and the serious shortage of properly trained nurses in this field.

CRIPPLED CHILDREN SERVICES

I want to call attention now to a situation which has earned the special attention of the committee in providing services for crippled children. Grants are made to the States, as you know, to provide medical, surgical, corrective, and other care for children who are crippled or who are suffering from conditions which lead to crippling. The States participate in the program financially and develop the services to be provided by State and local agencies.

There has been an increase of over 10 million children in the last 10 years and the number requiring special assistance has increased accordingly. At the

same time, the National Polio Foundation has withdrawn support for children crippled with polio, imposing additional financial burdens on local governmental agencies.

HEART TREATMENT INCREASED

The committee recommends that the full increase of $3,333,000 in grants for maternal and child welfare be utilized in providing services for crippled children.

The House will recall that a supplemental appropriation was made last year for services to children with congenital heart disease. About 10,000 children received treatment last year and about 2,200 underwent necessary operations.

PROVIDE EXTRA CARE

The States have indicated that they would use increases to reduce waiting lists and to accept for care more children not only with orthopedic handicaps, but also with cerebral palsy, epilepsy, cystic fibrosis, hearing loss, and a wide variety of other handicapping conditions.

The primary aim is the saving of human life and giving handicapped children an opportunity to grow up as useful citizens. Vocational rehabilitation depends upon physical rehabilitation and corrective treatment of crippled children is surely an investment in our future.

MEDICAL RESEARCH ADVANCES

The capable chairman of our subcommittee has done his usual excellent job in presenting to the House the advances made by the National Institutes of Health. Here again, we need to think in terms of investment in our future and our children's future. The relentless fight against disease and illness is made up both of dramatic victories and long years of expensive and tireless research. The victories on every front are cause for continued hope.

If money alone could guarantee victory everywhere, I am sure we would all be willing to pay the cost. Unfortunately, money alone does not buy knowledge. We are limited by the number of trained men and women who alone can carry forward the patient and painstaking search for new knowledge. We are making impressive progress against the physical and mental afflictions so costly in lives and resources as more trained doctors, scientists, and technicians turn to the new frontiers.

URGE READING OF HEARINGS

The testimony of these experts presents a fascinating document of human endeavor and determination to conquer our age-old enemies. Sometimes progress is disappointingly slow, other times there are exciting breakthroughs that give new impetus to the efforts of these truly dedicated men and women. I would urge every Member and every interested citizen to read the testimony of the Institute's experts and of the outside medical and scientific experts who are the daily participants in this age of discovery.

In closing, Mr. Chairman, I repeat that the committee has attempted to bring out the best balanced bill possible within the limits of our financial commitments in all other areas of Government. We can and do disagree on individual items but the overall bill should give us an opportunity to make steady progress in the many areas of human endeavor so vital to all of our people. We are grateful for the courteous consideration with which our recommendations are received each year by our colleagues.

Mr. FOGARTY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CLEM MILLER].

Mr. CLEM MILLER. Mr. Chairman, this bill provides $2,290,000 for environmental health activities. It would be very appropriate if a portion of that amount were to be used to stamp out a very serious growing menace in northern California. This is the great infestation of our lakes, particularly prevalent at Clear Lake, where swarms of gnats by the billions create a severe health hazard, as well as grave economic consequences to the area. Local government and the State of California are both doing their part in eradicating this pest. It is now spreading to Federal reservoirs. Therefore it is appropriate that the Federal Government should assist in its control. I hope the Department will give careful consideration to allocating $65,000 to cooperate with other levels of government to conquer this problem.

On another part of this bill, as one who comes from an area with many Federal employees, this committee is to be commended for restoring funds for Public Laws 815 and 874. Recently, a school superintendent remarked to me that without the full implementation of these funds, it would be impossible for his district to operate.

Mr. LAIRD. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I rise in support of H.R. 11390. I would like to congratulate the chairman and the members of this subcommittee for restoring the full 100-percent funds for payment to federally impacted school districts under Public Law 815 and 874.

These school districts must prepare their budgets a year in advance. The 32-percent deficit in the budget this year for Public Law 874 funds would have seriously crippled these school districts. There is one district in my congressional district that has 95 percent of its children from an airbase. To impose a 32-percent deficit on that school district would have been to saddle 32 percent of the cost of educating 95 percent of the children on the remaining 5 percent of the families who happened to be farmers adjoining the airbase. This would be an impossible burden, one that could not have been borne and one that should not have been borne because this is rightly an obligation of the Federal Government which deposited this 95 percent of the children on this school district, children who live on a Federal installation.

I want again to thank the chairman and members of the committee for their consideration of these school districts in restoring these funds.

Mr. LAIRD. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS.]

Mr. GROSS. Mr. Chairman, I am delighted that the political situation in the State of Indiana has been settled so swiftly and satisfactorily to all concerned on the floor of the House this afternoon.

With respect to this bill I doubt that in my short time as a Member of Congress I have seen more legislation written into one appropriation bill than this one carries, and at the proper time I expect to offer at least a point of order or two.

I want to address myself particularly to the so-called national defense education provision. I understand from the hearings, there was $5,294,000 available for this purpose in 1959; $12,800,000 in 1960; and in this bill some $20,750,000. Am I approximately correct?

Mr. FOGARTY. That is about it; yes.

Mr. GROSS. On page 429 of the hearings I note that fellowships have been given and Federal funds used for the study of subjects such as these: African studies, social welfare, political science, philosophy, behavioral psychology, psychology of classroom teaching, folklore, the theater, music, physiological psychology, entomology, and the ecology and economics of flowing waters. Perhaps I am not very intelligent, but under this National Defense Education Act what are these people supposed to be educated in? I wonder if someone on either side of the aisle could tell me; is it supposed to be in connection with defense or is it something else? Is this just a sugar-coated title such as we have had on other occasions?

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield, and I thank the gentleman from Wisconsin for giving me time on this bill.

Mr. LAIRD. Mr. Chairman, I believe the Defense Education Act is a sugar-coated title. I believe the word "defense" was included in the title by the legislative committee in order to sell it to the Congress. It does not seem to me that many of the purposes that are being served by the act are of a defense nature.

In discussing this matter with the people who administer the program my impression is that they do not feel the same urgency the members of the legislative committee felt as far as defense was concerned, because their action in the area of fellowships is certainly not in keeping with the title of the act. These titles I think are somewhat misleading.

Mr. GROSS. If the gentleman will permit me to interrupt him, do I understand correctly that these are simply a few of many other similar subjects of studies for which fellowships have been granted and for which substantial Federal funds are being expended?

Mr. LAIRD. Had I been administering the program I would not have selected these samples; I think better ones could have been selected.

Mr. GROSS. The gentleman does not deny that fellowships are being granted for the study of these subjects?

Mr. LAIRD. No, I cannot deny that.

Mr. GROSS. How much is being spent for this kind of boondoggling in the name of national defense?

Mr. FOGARTY. There was a table put in the RECORD. We asked the committee for it, and the head of that organization, for whom I have a great deal of admiration as an administrator in the Department of Education, furnished these tables and he has the figures which show total payments under title V. As the gentleman from Wisconsin [Mr. LAIRD] has said, this table 4 is a little misleading because it was not tied to just science, mathematics and foreign languages, but it was also applied to higher education in order to obtain teachers. They claimed at the time the bill was passed they faced a shortage of 40,000 teachers in the next 10 years. These subjects are taught in various schools and colleges throughout the country. The advisory board that has been set up consists of people who are, I understand, very learned on the problems of education and they approved these fellowship grants for the particular departments the gentleman has mentioned.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LAIRD. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GROSS. Mr. Chairman, does not the gentleman from Rhode Island think we ought to quit kidding the public in thinking that this is a national defense act when we permit them to give out these fellowships for the study of such things as "ecology and economics of flowing water?"

I had to go to the dictionary to find out what "ecology" means. I assume the rest of the Members of the House know.

Anyway let me give you the definition of "ecology":

"The branch of biology which deals with the mutual relations between organisms and their environment."

Why "ecology" is related to flowing water rather than stagnant water I do not know. Does not the gentleman think we ought to quit kidding ourselves and the public by calling this a national defense education act?

Mr. FOGARTY. I cannot argue with the gentleman on that. I think it was an aid to education bill, it is something that was needed, but I cannot argue with the gentleman on that.

Mr. GROSS. I imagine if we dug deep enough we would find fellowships in culture, dancing, jazz, and various and sundry other subjects?

Mr. FOGARTY. No; not under the leadership of such a man as we have at the head of this department. I think he is one of the best educated in our country, and he has bent backward to see to it that the act is administered in the right way.

Mr. GROSS. Well, he has approved fellowships for studies of the theater and music in this so-called Defense Education Act.

Mr. FOGARTY. Why not ask the gentleman from Alabama, who is chairman of the subcommittee on the legislation, that question? He knows much more about it than I do.

Mr. GROSS. I would be glad to have the gentleman from Alabama shed some light on this subject.

Mr. ELLIOTT. I call the gentleman's attention to the fact that this bill was in major proportions to begin with and is now a national defense education act. We found in our several years' study of this problem, for instance, that there was a very great shortage of laboratory equipment for the teaching of laboratory sciences in the high schools of America. We have appropriated to date many millions of dollars to try to remedy that deficiency. We found that about one-fourth of the best brains of America were not attending colleges because of the fact in most instances they were financially unable to do so. We provided a system of loans by which we gave them the opportunity.

Mr. GROSS. I am well aware of that because you have a good many millions in here for that purpose.

Mr. ELLIOTT. Yes; and we have 101,000 boys and girls going to college with the benefit of those loans.

Mr. GROSS. That is fine but tell us about the contribution to defense.

Mr. ELLIOTT. And the loans will be paid back.

Mr. GROSS. What did you mean when you labeled this as the "National Defense Education Act"?

Mr. ELLIOTT. We meant that in the national defense of this country, if we achieve everything that we must achieve, we must provide opportunities for the development of the young minds of America as rapidly as we can possibly do it. They are really our first line of defense in this age. We said in the act itself, "the defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge." In other words we were talking and thinking about the mental resources, and their development for defense. Of course, the gentleman recognizes that there must be some balance in the weight given the various subject matter fields. We put more restrictions into the National Defense Education Act than many people felt that we should. The gentleman evidently thinks we did not put enough. I call his attention to the fact that an engineer or scientist must study English, history, languages, and he is allowed to elect a certain number of subjects and I think young college students have always elected courses they considered easy. Now, let me say this to the gentleman. We found that in the field of the highest trained teachers, those with Ph. D. degrees, that instead of making progress in America, we were training fewer Ph. D.'s each year to fill the teaching spots in the colleges than we did the year before and that there was a very, very great backlog of need. Now, we provided for 1,500 fellowships; 1,000 the first year, this year 1,500. We tried to stimulate the colleges to expand their graduate schools, and I will say to the gentleman that we have, primarily as a result of the act, stimulated many colleges to expand their doctoral programs. We did not try to say to these particular people what fields they would have to teach in to qualify for the fellowship; or to put it another way, what fields they would have to study in, because the need in all fields was so great that we just left that open to the choice of the fellowship holder. And, I will say to the gentleman, in connection with the example that he has given, had I been administering the act, I doubt very seriously if I would have granted the fellowships that he complains of.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. LAIRD. Mr. Chairman, I yield 5 additional minutes to the gentleman from Iowa. I think he is serving a useful purpose in developing this point, particularly how the National Defense Education Act applies to folklore. And, he might also pursue the point on the fellowship programs on jazz.

Mr. GROSS. Yes. I wanted to ask the gentleman how he could warp this national defense title out of shape to include folklore, among several other subjects.

Mr. ELLIOTT. Well, may I say to the gentleman that I asked—and I am sure that this information may have been available to him—I asked the Commissioner of Education to give some information about that. And, here is what he said:

> As to the approved program in folklore at Indiana University, this program was established in 1953 and is the first of its kind in the United States.

Mr. GROSS. Wait just a moment. When the gentleman speaks of Indiana, I recall the allegation just a few moments ago that Indiana was being shortchanged. Now I find that they are in the money again; is that correct?

Mr. ELLIOTT. I will say to the gentleman, my longtime friend, who came to the Congress at the same time I did, that I am not concerned with that feature. I am just trying to give the gentleman information.

Mr. GROSS. Go ahead, but please do not take quite all of my time.

Mr. ELLIOTT. Does the gentleman have any time?

Mr. GROSS. I yield to the gentleman. Go ahead.

Mr. ELLIOTT (continuing).

> Among the faculty are a number of internationally distinguished folklore scholars. The doctoral program is designed so that the student is trained to teach in an English department or a department of anthropology. Courses include American Folklore, Russian Folklore, Ballads and Folk Poetry, Primitive Religion, African Folklore, The Theory of Myth in Modern Ethnology, and Folklore, Contemporary Problems and Issues in Ethnological Theory, Folk Culture of the Baltic Peoples, and Folklore of the Southern and Western Slavs.
>
> It should be pointed out that the teaching and study of folklore at European universities have strong support. The vast folklore archives, the folklore institutes and

museums, the successful folklore congresses, and the highly coveted university chairs and professorships of folklore in European countries have placed Europe well ahead of the United States in this field. The academic study of folklore is particularly advanced in the Soviet Union, Germany, and the Scandinavian and Slavic countries. For us to match their efforts requires that we do far more than we are now doing in this field.

Mr. GROSS. Do I understand from what the gentleman has just said that we are shipping students overseas to foreign countries to study folklore?

Mr. ELLIOTT. No, sir; not under the National Defense Education Act.

Mr. GROSS. Because they have some excellent courses over there? Or is this peculiar to the University of Indiana?

Mr. ELLIOTT. Let me say to the gentleman as I have already said that the University of Indiana is the only university in the country, according to this information, that has been granted any fellowships in this field. I believe there were two or three of them out of a total of 1,500 fellowships. I do not have the figures; does the gentleman have that information?

Mr. GROSS. No, I am looking for information.

Mr. ELLIOTT. Does the committee have the exact number of fellowships out of the 1,500 that are in folklore?

Mr. FOGARTY. We have one program and five fellowships.

Mr. ELLIOTT. There is one program in the United States, and five fellowship holders under the NDEA. Let me say to my friend that this fellowship program is designed to train college and university teachers to help make up the woeful shortage existing today. Many of the world famous scientists who appeared before our committee urged that no restriction as to subject matter fields be written into the act, on the theory that the sciences would automatically draw a large percentage of the fellowship holders. That is exactly what has happened. Of the 2,500 fellowships granted to date, 982 of them have been in the sciences and engineering. Others have been in the social sciences, education, and the humanities. I think that makes a pretty well-rounded program.

Mr. GROSS. Does the gentleman mean to say there will be only one defense educated professor who will be capable of teaching folklore? What is the gentleman going to do about all the rest of the Nation and those who need defense education in folklore?

Mr. ELLIOTT. The gentleman, of course, is being facetious about that.

Mr. GROSS. I would not want to short-change the rest of the people of this country. Let me ask the gentleman about jazz? Was the gentleman aware that they were going to teach jazz when he sponsored this National Defense Education Bill?

Mr. ELLIOTT. No. I was aware that a Board of Advisers, acting with the Commissioner of Education, was going to select out of the people who applied for these fellowships a range of fellowships scattered over the whole field of learning. That is all I was aware of at the time. I said earlier I might not have granted all the fellowships that the Commissioner of Education and his advisors granted.

Mr. GROSS. The gentleman does not think that this has very much to do with national defense, does he?

Mr. ELLIOTT. I think that a large number of highly educated scholars has a great deal to do with defense. I think they will have more to do with it in the future.

Mr. GROSS. Mr. Chairman, before my time again expires, I call the attention of the gentleman from Rhode Island [Mr. FOGARTY], to the language contained in this national defense educational activity as set out on page 17:

> But allotments pursuant to section 302 or 305 of such act for the current fiscal year shall be made on the basis of the maximum amounts authorized to be appropriated under section 301 of such act.

Does not the gentleman agree with me that this is an open invitation to deficit spending?

Mr. FOGARTY. No. This has appeared in other acts over a period of years in order to make it possible for States that have put up their part of the money to take advantage of the allotments that have not been taken up by other States.

Mr. GROSS. But does not the gentleman think this is an invitation to deficit spending?

Mr. FOGARTY. No; I do not look at it that way. I do not agree with the gentleman. We have been doing this in other programs where States have going and good programs, where the State legislatures have appropriated funds to match funds, while other States have not put up such funds. We allow these States to take up the funds of those States that have not put up money to match; for instance, in vocational rehabilitation and other programs.

Mr. GROSS. Does not the gentleman think that this bill ought to have been cut to the extent that it would preclude the continuance of some of these activities that have been discussed here in the last few minutes.

Mr. FOGARTY. No; I bow to the men on this advisory board. We have a great need for additional teachers. I am not a teacher myself; I am not an expert in education. I do not want to be put in the position of saying what should be taught and what should not be taught in any school or college.

Mr. GROSS. I will say to the gentleman and to the other Members of the House that if we are going to engage in this sort of thing in the name of education, there is not very much hope of ever reducing the $292 billion of debt; and I think we had better begin to be concerned. If we are going to indulge in this kind of boondoggling we had better be honest and put a tax increase through the House of Representatives and this Congress, as the gentleman from Michigan suggested a little while ago. We had better have the courage to face up to this situation. We cannot go on indefinitely piling up the debt and never paying on it.

Mr. FOGARTY. I do not find fault with the gentleman. I believe that he believes in continuing appropriations for educational and medical research and the other things we have in this bill.

Mr. GROSS. I doubt if the taxpayers want to continue to pay through the nose for some of the things we have just been discussing.

Mr. LAIRD. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HALEY].

Mr. HALEY. Mr. Chairman, I take this time to inquire of the chairman of the committee concerning Indian health facilities. I notice on page 28 of the bill, under "Construction of Indian Health Facilities" there is a total of $8,964,000. Is this money sufficient to complete the Indian hospital facilities at Shiprock, Eagle Butte, Gallup, and Sells?

Mr. FOGARTY. I would rather the gentleman from Minnesota [Mr. MARSHALL] would answer, because he has been out there.

Mr. MARSHALL. Actually for the hospitals the gentleman mentions those funds were made available for this fiscal year, not the coming fiscal year. With reference to Eagle Butte, that was opened this month. Shiprock will be completed soon. Sells will be open in December and Gallup in January. Those construction funds for the completion of these hospitals were appropriated in this fiscal year. I would say to the gentleman we are appropriating some money in this appropriation bill for the construction of a hospital at San Carlos, N. Mex., and the planning money for a hospital at Point Barrow, Alaska.

Mr. HALEY. I thank the distinguished gentleman for giving me these dates. I know he and the committee are aware of the fact that especially at Eagle Butte and Sells these facilities are very badly needed. Of course, they are in a rather isolated part of the country. I hope they will be completed as soon as possible because there is a dire need for these facilities.

Mr. EDMONDSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Chairman, I appreciate very much the action of the subcommittee in recommending additional funds for Indian health.

The gentleman from Rhode Island, Mr. FOGARTY, has once again shown able leadership in support of a program to bring the health standards of the American Indian up to the levels of the general public. I support these needed increases.

The additional funds provided in the fields of medical research, mental health, and pollution control represent sound recognition of the urgent national problems in these fields, and are sure to meet with general public approval.

Increases granted for vocational education and rehabilitation, hospital construction and school construction are

also needed and thoroughly justified, and and I am glad to support these provisions of the bill.

On the other hand, I am pleased to see that the subcommittee has recommended reductions in the requests of the administration in a number of items, totaling more than $10 million, where justification for the requests was inadequate. I join the subcommittee in supporting these cuts in the appropriation requests, and urge passage of H.R. 11390.

Mr. RHODES of Pennsylvania. Mr. Chairman, I commend the gentleman from Rhode Island [Mr. FOGARTY] and the members of his subcommittee for their splendid job in handling this important appropriation bill.

A reading of the hearings demonstrates their diligence and the remarkable understanding which these gentlemen have in these complex and interrelated fields. This is particularly true in the public health field. The American people are fortunate indeed to have such able and devoted public servants as the gentleman from Rhode Island looking after the health needs of our Nation. It is with great pleasure that I rise in support of the amounts recommended in this bill by the committee.

I would like to comment briefly on the Public Law 85–544 grant program to assist schools of public health. Funds for this 2-year emergency program are not contained in this bill because the authorizing law is due to expire at the end of the present fiscal year, June 30, 1960.

Funds had previously been appropriated in fiscal 1959 and 1960 budgets to make possible the strengthening of public health training programs in the 11 schools of public health which train urgently needed personnel for Federal, State, and local public health positions. These schools are located at the following universities: Yale, Harvard, Columbia, Pittsburgh, North Carolina, Tulane, Minnesota, Michigan, California, Johns Hopkins, and the University of Puerto Rico.

During the subcommittee hearings, the chairman questioned Dr. James Shafer of the Public Health Service as to the effectiveness of the Public Law 85–544 program:

Mr. FOGARTY. Have these grants been a good thing?

Dr. SHAFER. We feel they have been used for very good purposes by the schools of public health. We have discussed the situation with schools in recent months and find that over 70 percent of the additional funds made available through the act have gone for new faculty. A small amount has gone for equipment and renovation of space.

Another substantial part of the funds has gone to starting new teaching programs in some of the new fields in public health, so we feel the funds have been most effectively used.

Last June, hearings were held by the Health and Safety Subcommittee of the House Interstate and Foreign Commerce Committee on H.R. 6871 and companion bills to extend and broaden the public health training program along lines recommended by the report of the Surgeon General's National Conference on Public Health Training, as presented to Congress in January 1959. Unfortunately, there was not time to act on this bill in the first session because the expiration date of the related traineeship programs required that our committee report legislation extending those programs before considering overall public health training needs.

Mr. Chairman, it is vital that this needed public health training assistance be extended beyond its June 30 expiration date. The growing shortages of trained public health specialists are a threat to the health and safety of the American people. There were more than 2,500 budgeted, but unfilled vacancies in State and local public health agencies 2 years ago. It is even higher now.

There are new demands for skilled personnel throughout the country to deal with such problems as air pollution, water pollution, radiation hazards, mental and emotional illness, food additives, health needs of the aged, accident hazards in transportation, heart disease, and cancer.

Advanced training for these and other specialties is provided only in the 11 schools of public health, 5 of which are State-supported and 6 privately endowed. Each of the schools is and has been operating at a deficit for the past several years in providing such training facilities. The schools are, in effect, subsidizing the training of public health specialists for the Federal Government, for all 50 States, and many foreign countries as well. During the last year, these deficits amounted to nearly $4 million. Two-thirds of the students of these schools are sent by the Federal Government; almost all the graduates enter the public service at some level of government.

The gentleman from Rhode Island [Mr. FOGARTY] has been a stanch supporter of the Public Law 85–544 program since its inception. The original authorizing legislation was cosponsored in the Senate by the distinguished senior Senator from Alabama [Mr. HILL]. The able chairman of the Health and Safety Subcommittee, the gentleman from Alabama [Mr. ROBERTS] is also a cosponsor of H.R. 6871.

I trust that a way may be found to continue this effective and vitally needed public health training program this session and that funds may be included later in the year in a supplemental appropriation bill.

Mr. METCALF. Mr. Chairman, I, too, wish to congratulate the members of this committee for an excellent job in the public interest; for rejecting administration proposals to cripple, then end, programs to clean up our streams and lakes, help States and local communities build needed hospitals, and meet the Federal responsibility for schools in areas of Federal impact, such as a military base, other Federal installation, or an Indian reservation.

You also have earned the gratitude of millions of Americans with the increases you voted for vocational education, extension of rural library services, environmental and Indian health, tuberculosis control and the attacks by the National Institutes of Health on cripplers and killers such as arthritis, blindness, heart disease and cancer.

The only misgivings I have about the bill under consideration have to do with the appropriation for the Federal Mediation and Conciliation Service, which received a reduction of $187,600 from the budget request.

I became impressed with the ability and efficiency of the men of this Service during the recent strike, which shut down the copper mines in Montana for nearly 6 months.

After negotiations broke down completely, officials of both labor and management asked members of the Montana congressional delegation to do what we could to get bargaining resumed. In turn, Senator MURRAY, Senator MANSFIELD, and I asked the Mediation Service Director, Mr. Joseph F. Finnegan, to intervene. Soon after he did so, the strike was settled on terms satisfactory to both parties to the dispute.

When we were receiving conflicting information about offers and demands, we asked the Service's Great Falls, Mont., mediator, Bob McClellan, to give us a report. His objective report was of material assistance in the settlement, as also was the team of negotiators, including Deputy Director Robert H. Moore; Arthur C. Viat, the Service's San Francisco regional director; George Hillenbrand, San Francisco mediator, and Dan Edwards, Salt Lake City mediator, who helped bring about the settlement.

The appropriation request for the Service was for $4,093,000. The bulk of the $187,600 increase above the appropriation for fiscal 1960 was for 12 additional mediators, their training, transportation, and supporting clerical positions. This, the Service considers the minimum increase necessary to handle the workload increase.

The caseload now often requires the 200 mediators to work well beyond the 40-hour week. At Butte, the mediators started Saturday morning, worked through the weekend, and wound up with an all-night session Wednesday night. Because of other pending cases, these men could not be given compensatory time off—and they are not paid for overtime.

There is every reason to expect the present workload to increase. Many important contracts are open this year, among them airframe and most of the telephone contracts. Contract reopenings are permitted in rubber, petroleum, and shipping. Both General Electric and Westinghouse contracts expire in October.

In addition, the Service will need to be active in thousands of other contracts where the issues are becoming more complex.

I know the committee has thoroughly gone into the needs of the Service; and I hope funds will be provided to permit continuation of the worthwhile work of this agency.

And now, Mr. Chairman, I call attention to another matter. At his press conference on February 10, President Eisenhower was asked about the school support bill passed by the other body. His reply included these words:

"I do not believe the Federal Government ought to be in the business of paying a local official."

During debate on the Interior Department Appropriation bill, I pointed out that the measure under consideration provided money to help pay the salaries of at least 95,653 local officials, including State-employed farm foresters and other employees in the cooperative fire control program and in the State fish and game departments of all 50 States.

Under this bill before us today, Federal money would help pay the salaries of at least 562,000 State and local officials, including some 316,666 public elementary and secondary schoolteachers.

At least 48,903 are paid under three programs in the Labor Department. They include 48,713 man-years in employment security and unemployment compensation programs in all 50 States; 165 persons in cooperative employment statistics work in 41 States, and 25 in the wage-hour and public contracts North Carolina State agreement. For the purpose of this total, I have used 48,713 man-years to mean that many full-time jobs, although I understand it means up to 60,000 employees, many of whom are called in on a part-time basis as the workload increases, and are released when the workload decreases.

The incomplete list of such positions I have from the Department of Health, Education, and Welfare includes:

Office of Education—77,475—including 75,000 teachers, teacher trainers, supervisory and clerical staff, under "Grants for vocational education," including the "Area vocational program," 1,653 under "Defense educational activities," among them administrators, counselors, supervisors, secretarial and clerical staff members at the State and local level; 822 professional consultants, clerks, and bookmobile drivers in the library services program.

Office of Vocational Rehabilitation. Average employment of State vocational rehabilitation agencies during fiscal 1959 was 4,225.

Social Security Administration. It is estimated that 55,000 people are engaged full or part time in administering one or more of the federally aided public assistance programs.

Health programs. Federally aided State and local health departments were hiring 59,742 doctors, nurses, dentists, dental hygienists, engineers, sanitarians, laboratory personnel and health educators on December 31, 1957, the most recent date on which I have a report.

During fiscal 1959, Federal payments went direct to 3,762 local districts for maintenance and operation—including teachers' salaries—of schools in areas of Federal impact, such as a military or other Federal installation or an Indian reservation. Total enrollment of these districts was 9.5 million, or about one-fourth of all children attending public elementary and secondary schools in this Nation.

If those children were in classrooms averaging 30 pupils to a teacher, then Federal funds helped pay the salaries of 316,666 teachers.

As I have said before, I favor the use of Federal tax funds for paying these local officials, including schoolteachers. Before action on this bill in the other body, I hope someone will ask the President to make his position clear. Does he want these local officials, including hundreds of thousands of teachers, to continue to be paid in part with Federal funds, or does he want Federal support withdrawn from these programs?

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

REVISION OF THE CONSUMER PRICE INDEX

For expenses necessary to enable the Bureau of Labor Statistics to revise the Consumer Price Index, including temporary employees at rates to be fixed by the Secretary of Labor without regard to the civil service laws and Classification Act of 1949, as amended, $1,250,000, to remain available until June 30, 1964.

Mr. GROSS. Mr. Chairman, I make a point of order against the following language on page 11, line 15, "including temporary employees at rates to be fixed by the Secretary of Labor without regard to the civil service laws and Classification Act of 1949."

Mr. FOGARTY. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island.

Mr. FOGARTY. Mr. Chairman, I have to admit that this is legislation, but if the gentleman from Iowa insists upon the point of order, we are going to increase the cost of revising the Consumer Price Index. It is the desire of both labor and management that we keep this index current. We were informed that when temporary employees are hired for a few weeks at a time, it is inefficient and, at times, almost impossible to go through the civil service procedures to employ that kind of help. By striking out this language, it will increase the cost of this program.

The CHAIRMAN. The Chair would inquire of the gentleman from Iowa as to whether the point of order is directed to include the language appearing on page 11, lines 17 and 18, "and Classification Act of 1949, as amended."

Mr. GROSS. Mr. Chairman, the point of order applies to the language which reads as follows: "including temporary employees at rates to be fixed by the Secretary of Labor without regard to the civil service laws and Classification Act of 1949, as amended."

Mr. LAIRD. Mr. Chairman, may I be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I hope the gentleman from Iowa will withdraw his point of order. I believe it is true that the point of order does lie against this particular section, but the provisions that are written in this section—lines 15, 16 and 17 merely apply to temporary employees. The particular language between the commas on line 15 down to the comma on line 18, if stricken from the bill would make the cost of this revision much higher. Mr. Chairman, it is necessary to hire these people on a temporary basis and the exemption applies merely to these temporary employees.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield.

Mr. GROSS. Does the gentleman state unequivocally that this applies only to temporary employees? Does he state that this exclusion applies only to temporary employees?

Mr. LAIRD. That is correct. It is the intent of our committee that it apply only to temporary employees, and it will be so administered, I can assure the gentleman.

Mr. GROSS. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

FOOD AND DRUG ADMINISTRATION

Salaries and expenses

For necessary expenses not otherwise provided for, of the Food and Drug Administration, including not to exceed $80,000 for construction of a laboratory barn at the Agricultural Research Center, Beltsville, Maryland; reporting and illustrating the results of investigations; purchase of chemicals, apparatus, and scientific equipment; payment in advance for special tests and analyses by contract; and payment of fees, travel, and per diem in connection with studies of new developments pertinent to food and drug enforcement operations; $16,852,000.

Mrs. SULLIVAN. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: Page 13, line 4, strike out "$16,852,000" and insert in lieu thereof "$20,443,000, of which not to exceed $1,932,000 shall be used for radiological monitoring and research, including purchase of equipment therefor, $2,550,000 shall be used for renovation and modernization of Food and Drug Administration district offices, and $1,500,000 shall be used for surveillance and enforcement activities with respect to permissible use of agricultural poisons and pesticides."

The CHAIRMAN. The gentlewoman from Missouri [Mrs. SULLIVAN] is recognized in support of her amendment.

Mrs. SULLIVAN. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Chairman, I have explained at some length during general debate the purpose and the scope of my amendment. It sounds much more extensive than it really is. The Members should note that the figures included in the amendment for outlays for certain activities are total amounts for those purposes, including, not only the increases I am proposing but also the amounts already in the bill for those purposes. The total of increases for the three programs comes to $3,591,000.

I am proposing an increase of $932,000 for radiological surveys. The bill already contains provision for $1 million for this purpose. The $1 million figure would permit hiring scientists for only 10 district offices instead of 18, and would not include necessary scientific equipment. Under my amendment, all 18 district offices would have staff scientists working on radiation contamination of food, and all 18 would be able to obtain the essential scientific equipment they

need. That is No. 1 of the three proposals.

The second deals with renovation of district offices. The bill contains $900,000 for this purpose; I am adding, or seeking to add another $1,650,000 so as to include once again all 18 district offices in the modernization program. Otherwise the Denver, New Orleans, Philadelphia, Seattle, St. Louis, Baltimore, Chicago, and San Francisco offices would be left out of this modernization program for several more years, until 1964. The need for this modernization in equipment and facilities is now urgent in all district offices except the three new ones and three others at which modernization is halfway completed. But 12 old offices are a disgrace, and only 4 of them would be included in the modernization program in this coming year unless my amendment is accepted. It takes 2 years to set up these offices once the work begins. I am asking for enough money to start on the last eight offices.

Third, my amendment provides for an increase of $959,000 in funds available for test sampling of raw agricultural shipments for illegal residue of poisons. The bill contains only $541,000 for this purpose. Under the budget, FDA can make only about 4,000 to 6,000 tests a year. The testimony was they should test at least 1 percent of all shipments or 25,000 out of 2½ million shipments a year. To do that would take the $959,000 more a year that I am proposing. This is not a proposal to stop the use of pesticides—but to make sure they are not used improperly on food.

I emphasize, Mr. Chairman, that adding up the figures listed in my amendment would give a misleading impression. The totals seem to add up to more than $6 million because they include not only the increases I am proposing but the amounts already in the bill. The actual total of increase is $3,591,000 and it is urgently needed for the very specific purposes outlined in my amendment. We would be providing this money for definite requirements, not for a vague general account. I have fought for a more effective Food and Drug Administration for 8 years and with these added funds I feel we would be getting results. I urge its adoption.

SUBCOMMITTEE ESTABLISHED NEEDS IN TESTIMONY

The details on my amendment are clearly outlined in the committee's hearings. I have taken the areas which the subcommittee itself spotlighted as being of urgent importance and which the questioning of the subcommittee established as being inadequately covered in the budget.

On the question of radioactive contamination of food, this is work only the Food and Drug Administration does, under Presidential assignment within the Government, as well as under its basic law. Atomic Energy does not do this particular job; neither does the Public Health Service. FDA is supposed to find any contaminated radioactive food and to make the necessary tests to determine what is happening to food as a result of fallout and any other factor causing radioactive contamination of food supplies.

STRONTIUM 90 IN MILK IN ST. LOUIS

We have a great deal of concern in St. Louis, particularly about this problem. Milk supplies there have the highest strontium 90 content of any city in the country. This is indeed worrisome. The Public Health Service and our local health authorities are cooperating in a milkshed study to find out what environmental or other factors are causing the high strontium level in milk. But that is different from the work done under the Food and Drug Administration in checking food supplies across the country for evidence of radioactivity of any type. Of course, radiation is a cumulative thing, as we all know.

EIGHT DISTRICT OFFICES AND ALL EQUIPMENT OMITTED

There was a ridiculous mixup in the appropriation for scientific equipment for this radiological survey. The Budget Bureau put it into a supplemental request; the Supplemental Appropriations Subcommittee said, "No; it belonged in the regular estimate for 1961," but the Budget Bureau did not get around to clearing a request to the Fogarty subcommittee for the equipment in connection with this bill now before us. So none of the scientific equipment will be available to be put to use unless my amendment is agreed to. The Budget Bureau proposed only $332,000 for equipment, that is, for only 10 districts. All 18 need it. It runs to about $30,000 per district office. If my amendment is adopted, the eight district offices now left out of this study entirely would be included. They are Philadelphia, Seattle, Minneapolis, Boston, Kansas City, Cincinnati, Buffalo, and Los Angeles. Is there any reason why people served by those offices should eat radioactive foodstuffs merely because the Budget Bureau wants to include only 10 FDA district offices in the program? It does not make sense.

MODERNIZATION OF DISTRICT OFFICES

In renovating district offices, it is a 2-year program in each case. So unless my amendment is adopted, it will be years before the older offices are brought up to 20th century requirements. As I said, I want to include all of them, including Denver, New Orleans, Philadelphia, Seattle, St. Louis, Baltimore, Chicago, and San Francisco in the modernization program in the coming year so that they will not have to wait until 1964 as projected by the Budget Bureau's suggestions in this respect.

PESTICIDES RESIDUES

As to the pesticides residues, believe me, a stepped-up sampling and testing program would be the best thing that could happen to the agricultural chemicals industry. Right now they are on the defensive and making it sound as if a lot of so-called food faddists are forcing the Government to forbid use of all chemicals in agriculture. I am no food faddist or zealot but I do believe in keeping poisons out of the food we eat, if it is at all possible. If tolerances are set up, they should be adhered to and respected, or the shipment should be seized and destroyed. There can be no argument over that—the law is clear as to use of these chemicals and must be obeyed. Unless we give the FDA the funds to make a representative study of pesticide residue by testing a 1-percent sample of shipments a year, we encourage carelessness in the use of pesticides and the first thing the farmer knows is that the whole country is refusing to buy a particular vegetable or food because of the carelessness of a small group and the fact that the Government couldn't catch the bad shipments until they were already spread across the grocery stores of the Nation.

So if the Members want to restore calm on the pesticides residue front, and end these alarms, let the agency sample enough shipments to catch the bad ones in time.

All in all, my amendment is neither extreme nor extravagant but merely carries on and amplifies and makes stronger programs already under way but handicapped by insufficient money.

Mr. CHELF. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Kentucky.

Mr. CHELF. Mr. Chairman, I want to commend the gentlewoman on her very fine presentation and on the contents of her proffered amendment. I think it is not only a reasonable one, but a fair and needed one. I agree with the gentlewoman that the people of America are certainly entitled to this protection. I think they are not only entitled to it but I think they ought to have it. If we had had your amendment last year the innocent public would not have suffered—they would not have been scared half to death. In addition the farmers who produced the product of cranberries would not have suffered severe financial loss. I am for opening up and staffing all 18 offices throughout the 50 States. The American public is entitled to this protection and assurance.

Mrs. SULLIVAN. I thank the gentleman from Kentucky and yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Rhode Island.

Mr. FOGARTY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. DINGELL. Mr. Chairman, I rise to discuss another part of this particular bill not having to do with the amendment before us. I was hoping that the distinguished chairman of the subcommittee would insert in the CONGRESSIONAL RECORD the amount contained in this bill for research on water pollution, for enforcement of water pollution laws, and for the collection of basic data on water

pollution, and the amount for construction grants.

Mr. FOGARTY. Those figures are not set forth in the budget, but I will be glad to get them and place them in the RECORD.

Mr. DINGELL. I would like to read several other things into the RECORD.

Mr. Chairman, recently the Department of Health, Education, and Welfare turned out a release on a meeting between Secretary Flemming, officials of the Public Health Service and the Water Pollution Control Advisory Board, in which there were a number of recommendations made. I want to again bring this to the attention of the subcommittee chairman. One of the recommendations was that:

> In view of increased public and congressional awareness and interest in the Federal water pollution control program, and their consequent interest in appropriations for such program, the Board believes that the budget should contain a separate and distinct item for water pollution control activities so as to be readily identifiable at all stages of the budget and appropriation process.

I notice that along these lines the report of the committee on this particular piece of legislation appearing on page 14 includes some language reading as follows:

> In last year's report, the committee suggested that serious consideration be given to consolidating and setting forth the activities in water pollution control, air pollution control, and other environmental health activities in a more clearcut manner.

The committee went on to say:

> The committee gave serious consideration to setting these forth individually in the accompanying bill.

It continued a little further along:

> In view of these uncertainties, the committee has deferred this matter, but will expect the 1962 budget to have like environmental health activities consolidated in the Bureau of State Services and the component parts set forth as separate appropriation items.

My question to the chairman of the subcommittee is this: In view of the remarks included on page 14 of the report, is it the intention of the subcommittee to insist that these items in the budget be set forth as separate items and not be lost in the shuffle as they have been in the past?

Mr. FOGARTY. I would not want to be in the position today to say that the committee will insist next year, because there was some problem still to be ironed out in the Public Health Service itself. That is one of the reasons we did not do anything about it this year. I might say most outside witnesses who appeared before our committee did advocate what the gentleman is advocating now and personally, I think it is a good idea, but I do not know what the committee will do.

Mr. DINGELL. I appreciate the gentleman's remarks. I would like to point out last year's report, page 10, to the following:

> The committee also recommends that in the preparation of the budget for 1961 serious consideration be given to setting forth separately in the budget all water pollution control activities, and all air pollution control activities. This will give everyone concerned a much clearer picture of what is being spent on these activities than is shown when they are partially amalgamated under the general title "Sanitary Engineering Activities," and partially set out separately.

My question is, How long are we going to recommend this thing before we buckle down and get some action on it? Apparently the reports of your committee mean nothing to the Surgeon General and the Bureau of the Budget.

Mr. FOGARTY. We are making real good progress. We put that in the report last year. It was the unanimous feeling of the committee that something should be worked out. A report was issued by the committee on environmental problems. That report has been issued, but more problems have come up than we expected, and it was impossible to get that ironed out this year. We hope by next year that will be ironed out.

Mr. DINGELL. I commend the gentleman and I may say I am one of his most enthusiastic champions in the House of Representatives.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FOGARTY. Mr. Chairman, I rise in opposition to the pending amendment, and I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman. I just wanted to say that I recognize the difficulty and the problem. My criticism is not directed to the methods of the committee or the subcommittee, but I think it is high time that we insist that this legislation include a specific, an enunciated amount for these particular items, specifically for water pollution, because it has come to my attention that the very heavy cost of enforcement on this is probably as high or higher than any other item in the Federal budget today and that something on the order of 30 percent of the amount for enforcement is being drained off into other channels, in paying salaries in this and other departments of Health, Education, and Welfare, and that these same funds for water pollution control enforcement are being used for such noteworthy purposes as inspection of toilets on trains moving in interstate commerce and inspection of crabmeat and mussels. That is the reason I bring this to the attention of the House and to urge on the committee that these matters be set forth as separate items and be included in the recommendation of the committee in two separate reports.

Mr. FOGARTY. I thank the gentleman.

Mr. Chairman, I am very reluctant to rise in opposition to the amendment offered by my dear friend, the gentlewoman from Missouri [Mrs. SULLIVAN]. I do so because we have a unanimous report from our committee. And, as I tried to explain to the committee, there are some items that I thought should be raised that are not raised and some that my friends on the other side thought were too high. As a result we came out with this compromise bill, and I agreed, as chairman of the committee, to support the bill as is. As a result, I am rising in opposition to the amendment offered by my dear friend for these two reasons. I commend Mrs. Hobby, when she as the first Secretary of the Department of Health, Education, and Welfare, established a voluntary committee of experts in this field to determine what was needed in the area of personnel and facilities for the Food and Drug Administration to do a good job. We, as a committee, have been trying to keep up with the recommendations made by that committee. Last year the committee raised this appropriation by $2 million, because it was $2 million short of keeping pace with the recommendations of this committee. However, this year we have a $3 million increase in the budget to keep pace with those recommendations.

We say in the report, because of legislation passed by the Congress, because of additional responsibility placed on the Food and Drug Administration by the Congress, and the increase in population and expansion in the drug field and other new factors, that perhaps this committee should be reconstituted and another survey made. There is one item, however, in the gentlewoman's amendment amounting to $300,000 for equipment. I think perhaps that is needed, but our committee did not have the evidence before it; we did not have the justification, because this item was justified in a supplemental bill. It was not allowed in the supplemental bill that was passed by the House a few weeks ago. Because we did not have an opportunity to listen to the justifications, we did nothing about it, and I would prefer that we allow that to go to the Senate. I assume they will justify this at this time when they appear before the Senate committee. As far as the district laboratories are concerned, I agree with the gentlewoman there. We are trying to do everything we can to bring them up to date, to get up-to-date equipment. We are making headway, perhaps not as fast as some of us would like it, but we are progressing in that direction. And, this year's budget recommending a $3 million increase shows we are going in the right direction, and trying to do a good job. We sympathize with all that the gentlewoman has stated. I have been trying to get more money for the Food and Drug Administration for each of the last several years.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I would like to ask the gentleman from Rhode Island this question. In the hearings, Mr. Larrick appeared before you, as I recall. On pages 228 and 230 you asked Mr. Larrick this question:

> Mr. FOGARTY. How much do you think you need to do a good job?
>
> Mr. LARRICK. About a million and a half dollars.

That does not include the $332,000 that was asked for in the supplemental for 1960 for equipment. The amendment that I have covers this $1 million already in the bill plus this $332,000 for the of-

fices plus the additional, so that all the district offices could buy this equipment. I wanted to ask this question. The bill as it stands now does supply money to hire scientists in these districts, does it not?

Mr. FOGARTY. Yes.

Mrs. SULLIVAN. But, with the scientists hired, they will not have the equipment to make the study, unless the other body puts the money in.

Mr. FOGARTY. I thought it was necessary that the $300,000 be appropriated in the supplemental bill because they said that if they could receive it at that time they would save 90 days. If it goes into this bill now it will not be available until July 1 and there will be a 3-months delay, so they would not be able to put those scientists to work for 3 months.

The CHAIRMAN. The time of the gentleman from Rhode Island [Mr. FOGARTY] has expired.

The Chair recognizes the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Missouri [Mrs. SULLIVAN]. I know of her long interest in the work of the Food and Drug Administration, but I think if the Members will look for a few minutes at the record of increases for the Food and Drug Administration, during the 6 years that I have served on this committee, they will see that the amounts have gone from $6,779,000 in 1957, to $9,635,000 in 1958; $10,917,000 in 1959; $13,800,000 in 1960. And now we bring to you today a bill appropriating $16,852,000 for the activities of the Food and Drug Administration.

The chairman of our subcommittee, the gentleman from Rhode Island, has pointed out that last year the committee did add $2 million to this particular appropriation item for 1960 to keep up with the Citizens' Committee recommendation. The figure in this bill provides funds for 1961 to keep up with the Citizens' Committee recommendations.

I have worked closely with the Food and Drug Administration. I have great respect for the Commissioner, Mr. Larrick, and for his deputy, Mr. Harvey. These men are doing a fine job in the protection of the consumer, in other words the American people. They can do an efficient job with the amount recommended in the bill. In answer to the question which I asked them directly, they testified that real progress could be made with this budget for the Food and Drug Administration for the fiscal year 1961.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentlewoman.

Mrs. SULLIVAN. Since the report that was made in 1955, has not the Food and Drug Administration been given added work to do, especially since the food additive amendment?

Mr. LAIRD. There has been an increase in the workload, but I would like to point out to the gentlewoman from Missouri that since 1959 we have increased the personnel for the Food and Drug Administration from approximately 1,300 to 2,000 employees. To keep this agency effective it should have a proper rate of progress in its growth. By adding $3,600,000, as proposed in the gentlelady's amendment, on top of the increase already provided in the bill, I believe would be going beyond that proper rate of growth. I doubt that they could train people efficiently to carry on this work at the rate proposed by this amendment.

Mrs. SULLIVAN. If the gentleman will yield for a short statement, all these years we have been very meager in the amount we have increased this department, saying that we have given them more money than they can absorb. If they know they have this money they can hire the needed scientists and get the needed equipment, and get their offices modernized as they should be to do the load of work that we put on their shoulders.

Mr. LAIRD. I believe the $3 million we have provided as an increase in this bill will carry out the type of program to which the gentlewoman refers.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Rhode Island.

Mr. FOGARTY. The budget this year allows for 136 positions for the food additives work and 116 for the radiological activities in the Food and Drug Administration in addition to keeping up with the minimum rate for basic activities as recommended by the Citizens' Committee. This is set forth on page 240 of our hearings.

Mr. LAIRD. That is correct, the bill will provide for meeting the requirements of the Citizens' Committee recommendations, taking into consideration these added responsibilities.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri [Mrs. SULLIVAN].

The question was taken; and on a division (demanded by Mrs. SULLIVAN) there were—ayes 41, noes 83.

So the amendment was rejected.

Mrs. SULLIVAN. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: Page 13, line 4, strike out "$16,852,000" and insert "$17,184,000, of which not to exceed $332,000 shall be used for acquisition of equipment for radiological monitoring and research."

Mr. FOGARTY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, the last 5 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

PURCHASE OF NECESSARY EQUIPMENT

Mrs. SULLIVAN. Mr. Chairman, I will not take up the full 5 minutes for discussion of this amendment, since I covered it previously as part of my remarks on the amendment by which I attempted to add more than $3 million to the appropriations for the Food and Drug Administration. This amendment adds only $332,000, or the amount needed to purchase radiological monitoring equipment for the Washington office and for 10 of the 18 district offices of the Food and Drug Administration. Each of these 10 offices is to have a staff of scientists assigned to work on radioactive food.

As I said before, there was a ridiculous budgeting mixup over this $332,000. The Budget Bureau included the amount in a supplemental request for 1960; the Appropriations Subcommittee handling the second supplemental bill said no, it belonged instead in the regular estimates for 1961. But the Budget Bureau did not clear this request as part of the 1961 budget estimates, and so it was not presented to the Fogarty subcommittee when the bill now before us was being prepared.

BUDGET BUREAU MIXUP

Hence we have the situation shaping up of 90 scientists being hired to do radiological work in the coming fiscal year in Washington and in 10 district offices of FDA, but they will not have the necessary equipment to carry on their duties, unless this amendment is agreed to.

There is no question about the need. The whole thing is a case of fiscal confusion, nothing else. The money will have to be spent in the coming year because otherwise the staff assigned to do this work will not be able to do their jobs. The equipment in question is highly specialized and will take perhaps 6 months or more to purchase, being described as "long leadtime" equipment. I urge adoption of this amendment.

Mr. FOGARTY. Mr. Chairman, I again have to rise in opposition to the amendment offered by my friend, the gentlewoman from Missouri [Mrs. SULLIVAN]. The same argument applies to this amendment as applies to the other amendment. The House took action on this request only a few weeks ago. The other body took similar action, and the Food and Drug Administration is now before the committee of the other body on this particular bill. I would suggest, since we did not go into it thoroughly enough in our committee because it went to the Committee on Supplemental Appropriations, that we allow the other body to work its will and I am sure if it is put in by the Senate, it will receive favorable consideration from our side of the aisle.

Mr. LAIRD. Mr. Chairman, I concur with the views expressed by the chairman of our committee. Our committee will look very carefully into the matter, so that we may give it the proper consideration in conference if it is added by the other body. But we have had no hearings on this particular request before our subcommittee. I hope the amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri [Mrs. SULLIVAN].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GRANTS FOR LIBRARY SERVICES

For grants to the States, under allotments for the current and prior fiscal year, pursuant to the Act of June 19, 1956, as amended (20 U.S.C. 351–358), $7,500,000, to remain available until expended: *Provided*, That the unobligated balances of appropritions granted under this heading for the fiscal year 1960 shall be merged with this appropriation.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 16, beginning with the word "*Provided*" on line 12 and running through line 14 as follows:

Provided, That the unobligated balances of appropriations granted under this heading for the fiscal year 1960 shall be merged with this appropriation.

Mr. Chairman, I make the point of order that the said language is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island [Mr. FOGARTY] desire to be heard on the point of order?

Mr. FOGARTY. Mr. Chairman, I will have to concede the point of order. But, this provision was to take care of some unobligated balances occurring in this program that could have helped other States that had matched or put up their money to match their part of the library services fund.

The CHAIRMAN. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

DEFENSE EDUCATIONAL ACTIVITIES

For grants, loans, and payments under the National Defense Education Act of 1958 (72 Stat. 1580–1605), $171,000,000, of which $44,000,000 shall be for capital contributions to student loan funds and loans for non-Federal capital contributions to student loan funds, of which not to exceed $1,000,000 shall be for such loans for non-Federal capital contributions; $57,750,000 shall be for grants to States and loans to nonprofit private schools for science, mathematics, or modern foreign language equipment and minor remodeling of facilities and for grants to States for supervisory and other services, but allotments pursuant to section 302 or 305 of such Act for the current fiscal year shall be made on the basis of the maximum amounts authorized to be appropriated under section 301 of such Act; $9,000,000 shall be for grants to States for area vocational education programs; and $15,000,000 shall be for grants to States for testing, guidance, and counseling: *Provided further*, That no part of this appropriation shall be available for the purchase of science, mathematics, and modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source.

Mr. MARSHALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it has never been my pleasure to serve with a group of people on a committee that are more enjoyable to serve with than the members of the committee which reported this bill to you.

Furthermore, I want to say I do not have any quarrel with the people who have sincerely felt they were doing something for the educational system of this country when the National Defense Education Act was passed. I am prompted to make some remarks at this time, Mr. Chairman, because some of my questioning in the committee seemed to have generated quite a lot of conversation on this floor a few moments ago. I think we have reached a plateau in the National Defense Education Act, and I think we are now in the position where we should review some of the consequences of that act.

I am greatly disappointed in the act. I am greatly disappointed because it seems to me in the first place in connection with student loans we have done a terrible thing, in that we have separated citizens of this country and have permitted some to get some benefits and have left the rest out. We ought to do one of two things with the National Defense Education Act as far as student loans are concerned. We should not make loans available to anybody or else we should have them available to everybody. We ought to say to everybody, "Here is a check for your boy or girl to go to school." When we get away from that concept we permit the misuse of Federal funds. I think we are doing a great deal of damage to our educational system in this country that may take years to overcome. In many respects loans ought to be made only to students of financial need. At present, loans are not being made on that basis.

Further than that, Mr. Chairman, I have talked with university and college presidents, and they are greatly concerned about this program, because it puts them in the position of being a collection agency. They do not like features of this program. To my colleagues let me say when you go home you take an opportunity to visit with some of the college people and see what they think about it. Then next year perhaps we can take some action on these things.

Secondly, you will find as you go into your districts in connection with some of these college and school departments make use of the money simply because they are getting it from Uncle Sam. They do not feel it is of any material value or assistance to them or their problems.

Title IV is a small part of the National Defense Education Act, but I say to you that the Office of Education, which has paid no more attention to some of the things that have been done, approved those fellowships. They ought to have some of the other administrative features of their work gone into. It is my feeling that if you find out the neglect and careless operation on the part of one office of the program you will find it in other aspects.

I regret to say these things, because in connection with our educational program it is highly important that we give our children an opportunity for the best education available. It has been referred to that this is a milestone in education. To me this is a millstone of the worst possible kind. When you go home to your district make a study of this program and see what it means. More parents in this country should have the responsibility of the education of their children. I do not want we in Washington or anywhere else to dictate what the educational system of this country shall be. There are some damaging things along that line in this program. I say to you that those of you who believe that the Federal Government ought to do more in the field of education, let us review some of the programs that we have. Let us review some of the aids to Federal education, and we will find practically all of those programs have become involved in administrative redtape and bureaucracy. That small amount of the money goes to help the boy or girl who actually needs assistance to go through school. Federal aids to education based on past performances are uneconomical of expenditures and often waste of human resources. Parents with their interest in the education of their children are a bulwark of the strength of our progress and democracy. Let us never forget that.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. MARSHALL] has expired.

(By unanimous consent, at the request of Mr. GROSS, Mr. MARSHALL's time was extended 1 minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman for the warning signals he has raised on the subject of the National Defense Education Act. I further want to commend him for his questioning in the committee which produced much of the information which has been discussed this afternoon.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Virginia.

Mr. GARY. I commend the gentleman for his remarks. I have the privilege of serving as a member of the board of trustees of the University of Richmond, and after careful study of this program our university refused to initiate a program in accordance with its provisions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PELLY. Mr. Chairman, I rise in opposition to the pro forma amendment merely to say that I join with the previous speaker and agree with him. I think the Members of the House may well go home as he suggested and study this program. I commend the gentleman.

The Clerk read as follows:

Page 18, line 8, "Expansion of teaching and education of the mentally retarded."

Mr. GROSS. Mr. Chairman, should not the Clerk be reading on page 17? Fifty-seven million dollars, page 17, line 15?

The CHAIRMAN. The Clerk had read to line 8 on page 18.

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 17, line 19, which reads as follows:

But allotments pursuant to section 302 or 305 of such act for the current fiscal year shall be made on the basis of the maximum amounts authorized to be appropriated under section 301 of such act.

I make the point of order that this language constitutes legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island care to be heard on the point of order?

Mr. FOGARTY. Mr. Chairman, I am in no other position than to concede that it is legislation on an appropriation bill; but it will change the basic effect of the act, throw it out of control. However, if the gentleman insists on his point of order, there is nothing else I can do.

Mr. GROSS. I insist on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa insists on his point of order.

The point of order is sustained.

Mr. GROSS. Mr. Chairman, I desire to reserve a point of order to the language on page 18, line 1, reading as follows:

Provided further, That no part of this appropriation shall be available for the purchase of science, mathematics, and modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source.

I desire to reserve the point of order and ask for recognition.

The CHAIRMAN. The gentleman from Iowa is recognized on his reservation of a point of order.

Mr. GROSS. Mr. Chairman, I should like some explanation of this item. I am unable to understand what is proposed to be done in this language on page 18:

That no part of this appropriation shall be available for the purchase of science, mathematics, and modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source.

Mr. FOGARTY. I will say to the gentleman that this amendment was added to this bill in the Senate, the so-called Bridges amendment. The language in the bill I think is self-explanatory, that no moneys appropriated in this bill shall be used for the purchase of equipment for these schools if it can be identified as coming from any Communist country, or country under a Communist regime.

Mr. GROSS. But it can be purchased if it is not available elsewhere; is that correct?

Mr. FOGARTY. That is correct.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Gladly.

Mr. LAIRD. I think it is very important for the gentleman to realize that without this amendment the equipment that is available here could be purchased if made in Russia or any other Communist-dominated country. This is a limitation, and I believe that the limitation is an appropriate one. It is true that a point of order would lie against it in the House, but this was inserted in the Senate by the senior Senator from New Hampshire. I hope the gentleman will withdraw his point of order.

Mr. GROSS. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

ASSISTANCE TO STATES, GENERAL

To carry out the purposes, not otherwise specifically provided for, of section 314(c) of the Act; to provide consultative services to States pursuant to section 311 of the Act; to make field investigations and demonstrations pursuant to section 301 of the Act; to provide for collecting and compiling mortality, morbidity, and vital statistics; not to exceed $1,000 for entertainment of officials of other countries when specifically authorized by the Surgeon General; and to provide traineeships pursuant to section 306 of the Act; $22,620,000.

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found on page 23 of the bill, line 1, reading as follows: "not to exceed $1,000 for entertainment of officials of other countries when specifically authorized by the Surgeon General."

I make the point of order that this is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island [Mr. FOGARTY] desire to be heard on the point of order?

Mr. FOGARTY. Mr. Chairman, as I read this language, it is just a limitation in this appropriation bill that they shall not exceed $1,000 for this purpose. We are more and more sending our people abroad and we exchange ideas, plans, and the know-how. It is unfair for us to expect our people working for a modest salary to pick up the check for entertainment that is expected when these foreign visitors come to this country. This is a very moderate amount, and I submit it is just a limitation on an appropriation bill and is germane.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. GROSS. Yes, Mr. Chairman; I insist on the point of order.

The CHAIRMAN (Mr. KEOGH). The Chair is ready to rule.

The gentleman from Iowa makes a point of order directed to the language appearing on page 22, line 25, beginning with the words "not to" and extending to page 23, to and through line 3, on the ground it is legislation on an appropriation bill.

It would appear to the Chair that this is language intended to permit of the making available of the sum of $1,000 for entertainment of officials of other countries. It is not in essence or in words a limitation on any appropriation made here. In the absence of the citation of any substantive authority for this, the Chair is compelled to sustain the point of order.

Mr. FOGARTY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOGARTY. The Chair stated "through line 3." Does the Chair mean line 3 or line 2?

The CHAIRMAN. The Chair was in error. The point of order was directed to the language appearing on page 23, line 2, to and through the words "Surgeon General."

Mr. GROSS. Mr. Chairman, if the Chair will permit, the point of order begins at the bottom of page 22, line 25, including the words "not to."

The CHAIRMAN. The gentleman is correct.

The Clerk read as follows:

INDIAN HEALTH ACTIVITIES

For expenses necessary to enable the Surgeon General to carry out the purposes of the Act of August 5, 1954 (42 U.S.C. 2001) (including not to exceed $10,000 for temporary services at rates not to exceed $100 per diem for individuals, when authorized by the Surgeon General); purchase of not to exceed twenty-seven passenger motor vehicles, of which fourteen shall be for replacement only; hire of passenger motor vehicles and aircraft; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the purposes set forth in sections 321, 322(d), 324, and 509 of the Public Health Service Act, $48,276,000.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 28 beginning in line 4 as follows: "(including not to exceed $10,000 for temporary services at rates not to exceed $100 per diem for individuals, when authorized by the Surgeon General)" on the ground that this is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island desire to be heard?

Mr. FOGARTY. It is my understanding, Mr. Chairman, that this language is needed in order to get some of our best brains to go into remote areas of these Indian reservations. By not allowing the language to remain in the bill is doing a disservice to the Indian population. I do believe in the basic law there is authority permitting such language as this.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. LAIRD] desire to be heard?

Mr. LAIRD. Mr. Chairman, I am sure that a point of order does not lie against this language. This program is very badly needed.

The CHAIRMAN. Does the gentleman from Iowa insist on his point of order?

Mr. GROSS. Yes, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

CONSTRUCTION OF INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailers; and provision of domestic and community sanitation facilities for Indians; $8,964,000, to remain available until expended: *Provided*, That such expenditures may be made through the Department of

the Interior at the option of the Secretary of the Department of Health, Education, and Welfare.

Mr. GROSS. Mr. Chairman, I make the point of order against the language on page 28, line 22, which reads "*Provided*, That such expenditures may be made through the Department of the Interior at the option of the Secretary of the Department of Health, Education, and Welfare" on the ground that that, too, is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island desire to be heard on the point of order?

Mr. FOGARTY. Yes, Mr. Chairman. I rise in opposition to the point of order raised by the gentleman from Iowa. The gentleman from Iowa is having a wonderful day today on these points of order. Most of these language items have been carried in this bill for years, and the reason most of them have been carried is because they allow more efficient operations and are saving us money. This is one of the real good examples. The Public Health Service was given the job of providing health facilities for the Indians. The Department of the Interior have a larger construction program for their part of the Indian program and they have the setup now to handle this kind of a program, so we are providing that the Interior Department facilities be used to handle the health construction program. If the point of order is made we are going to have to set up an entirely new staff in the Public Health Service and it is going to cost, I do not know how many thousands of dollars more, to do the job. It is going to be done one way or the other. If the Public Health Service has to set up new facilities to handle this matter, I do not know how much more it is going to cost than go through the existing setup of the Department of the Interior.

Mr. GROSS. Mr. Chairman, further on the point of order, the gentleman from Rhode Island has addressed himself to everything but the point of order, and I would suggest to him that in future legislation he get some authorizing legislation for the things that he is attempting to do in this appropriation bill.

The CHAIRMAN. The Chair appreciates the helpful observation. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. EDMONDSON. Yes, Mr. Chairman. It is my belief that at the time the health responsibility of the Department of the Interior was turned over to the Public Health Service in the Department of Health, Education, and Welfare there was a provision in that legislation at the time of the transfer of health responsibilities, which occurred just a very few years ago, that would make it possible for interim arrangements to be worked out in regard to plant and in regard to equipment. And, I think what we are facing here is the interim situation in which it may very well be that some authorizing legislation may be necessary for a permanent base. But, we are up against an interim situation in which the approach provided in the bill is absolutely essential to an efficient operation.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard?

Mr. LAIRD. Mr. Chairman, I believe the gentleman from Oklahoma has stated correctly the situation that we face. I hope that the gentleman from Iowa will withdraw his point of order. I believe that the added expense involved in setting up such a facility in the Department of Health, Education, and Welfare at this time is not justified, and I hope that he will allow this language to continue in the bill.

The CHAIRMAN. Does the gentleman from Rhode Island desire to be heard further?

Mr. FOGARTY. Mr. Chairman, may I make this observation. In the 14 years I have been on this committee and in the 10 years that I have been chairman, we have never gone to the Committee on Rules to have them waive points of order on any appropriation bill that we have ever brought to the floor, and I do not intend to in the future. But most of these things are very minor and things that the legislative committees have not bothered to take up. As far as I am concerned I would much prefer that these things like adjustments in allotment formulas, that the Departments and majority of Congress want, and other items like that, be taken care of in legislation rather than our having to bother with them. Most of these things have been put in this bill at the request of others, not on the intiative of the committee.

Mr. LAIRD. Mr. Chairman, I do hope that the gentleman will reconsider his insistence upon the point of order. This particular item is carried in our bill as a temporary matter and I think it would be indeed a mistake to take it out of the bill.

Mr. JUDD. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Minnesota on the point of order.

Mr. JUDD. Mr. Chairman, I am sorry we do not have here the text of the law which transferred the medical care of our Indian population to the Public Health Service. As the author of the original bill, I am sure that it had language which authorized the Public Health Service to carry on medical care for the Indians through the Department of the Interior and its existing agencies when that could be done to greater advantage and without greater cost. Whether that language in the original bill was retained in the final law, I do not recall, and we do not have the text of it here.

The CHAIRMAN (Mr. KEOGH). The Chair is ready to rule. The gentleman from Iowa makes a point of order directed against the language appearing on page 28, line 22, beginning with "Provided" and running through line 25 on the ground that it is legislation on an appropriation bill.

The Chair is of the opinion that the language is obviously legislation on an appropriation bill and therefore sustains the point of order; making the observation with respect to the arguments raised by two of the gentlemen that if the language is in existing law then it is not necessary in this bill.

Mr. McGOVERN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am going to take just a moment of time to inquire of the Chairman relative to the contract medical care program for Indian citizens. I have received communications from my district, and I am sure that is true of some of the other Members, indicating that funds for this valuable program have been exhausted. I am wondering to what extent the committee has dealt with this problem in terms of providing funds for the coming fiscal year.

Mr. MARSHALL. Mr. Chairman, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman.

Mr. MARSHALL. In the first place, we are not dealing with the supplemental bill. It is my understanding that the other body has placed in the bill approximately $350,000 to carry on the work for the rest of this fiscal year. When our committee went over this item we felt that the contractual health item was one that was short, based upon the operation of this fiscal year. So we put in the bill for Indian health activities $750,000 above the budget, with the feeling that most of that would be used to take care of this contractual care. We thought that was the biggest need.

As the gentleman from South Dakota knows, it is hard to determine exactly how much money will be required for this particular item because in the first place we do not know how many epidemics we might have, we do not know what the health requirements will be. Our committee felt that the contractual care item is taken care of in this bill.

Mr. McGOVERN. I thank the gentleman for his explanation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL RESEARCH AND SERVICES, NATIONAL INSTITUTES OF HEALTH

For the activities of the National Institutes of Health, not otherwise provided for, including research fellowships and grants for research projects and training grants pursuant to section 301 of the Act; regulation and preparation of biologic products, and conduct of research related thereto; and grants of therapeutic and chemical substances for demonstrations and research; $52,660,000: *Provided*, That funds advanced to the National Institutes of Health management fund from appropriations included in this Act shall be available for purchase of not to exceed ten passenger motor vehicles for replacement only; not to exceed $2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General; and erection of temporary structures: *Provided further*, That all appropriations made to the Public Health Service in this Act, and available for research or training projects, may be expended pursuant to contracts made on a cost or other basis for supplies and services, including indemnification of contractors to the extent and subject to the limitations provided in title 10, United States Code, section 2354, except that approval and certification required thereby shall be by the Surgeon General.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 29, line 13, beginning with the words "not to exceed $2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General."

I maintain that that is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island desire to be heard on the point of order? If not, the point of order is sustained.

The Clerk read as follows:

DENTAL HEALTH ACTIVITIES

For expenses not otherwise provided for, necessary to enable the Surgeon General to carry out the purposes of the Act with respect to dental diseases and conditions, $12,604,000.

Mr. HALLECK. Mr. Chairman, I move to strike out the last word in order to inquire of the majority leader if he can give us the program for tomorrow and the balance of the week.

Mr. McCORMACK. I stated last week there would be several resolutions out of the House Committee on Administration. They are as follows:

House Resolution 472, to authorize printing as a House document a publication entitled "Sports-Fishing Industry in California and the Pacific Northwest," 1,500 copies.

House Concurrent Resolution 607, authorizing the printing as a House document of the pamphlet entitled "Our American Government. What Is It? How Does It Function?" and an additional 1,074,000 to be printed for congressional distribution.

Senate Concurrent Resolution 80, authorizing the printing of 1,000 additional copies of part 1 of the hearings on an inquiry into the satellite and missile programs.

H.R. 7923, to eliminate the fixed limit of authorization for expenditures of the Commission of Fine Arts.

House Joint Resolution 502, authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

House Joint Resolution 546, authorizing the Architect of the Capitol to present to the Senators and Representative from Hawaii the first official flag of the United States bearing 50 stars which is flown over the west front of the Capitol.

Senate Joint Resolution 128, to establish a commission to formulate plans for a memorial to James Madison.

There were two rules adopted yesterday, and both the bills referred to therein will be brought up on tomorrow. They are on the program. The first is House Concurrent Resolution 582, referring to the disposal of rubber from stockpile, and the second, S. 1795, relating to Armed Forces promotion and retirement of certain officers. If those bills are passed tomorrow, there is no further legislation for the rest of the week.

M. HALLECK. I thank the gentleman.

The Clerk read as follows:

SALARIES AND EXPENSES

For the divisions and offices of the Office of the Surgeon General and for miscellaneous expenses of the Public Health Service not appropriated for elsewhere, including preparing information, articles, and publications related to public health; and conducting studies and demonstrations in public health methods, $6,800,000.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this bill carries an appropriation of $4,095,000 for St. Elizabeths Hospital. I wish to congratulate the committee for including this appropriation and including also an increase of $148,000. Certainly we have every responsibility and humane obligation to help the poor patients at this hospital.

However, I could support this legislation a good deal more conscientiously if I were not confronted over the weekend with a statement made by the chief psychotherapist of this hospital. Quoting from the Evening Star of March 25, the story said:

The chief psychotherapist (at this hospital) said today that persons who distribute obscene material and those who condemn it are "brothers under the skin."

Mr. Benjamin Karpman, a goateed iconoclast who was an acquaintance of Freud, enlivened a panel discussion of "obscenity and censorship" at the National Civil Liberties Clearing House with his observations on human frailties.

He is quoted further as saying:

"You'll never be able to outlaw smut because there is a basic need in the human being to have smut," he warned after the issue of legal control of obscenity had been debated by several other speakers.

He said further:

The trouble, he said, lies in the fact that Americans are still overly puritanical in their attitudes toward sex and the way they raise their children. He also pointed a finger at the public schools.

"In order to do away with smut you will have to change the entire educational system," he said.

Dr. Karpman said pornophilia, which is obsessive interest in obscenity, may be covered up by a reaction formula.

"Crusading against obscenity has an unconscious interest at its base. In other words," he told the meeting at the Sheraton-Carleton Hotel, "those who like to distribute obscenity and those who condemn it are brothers under the skin."

Mr. Chairman, I was shocked to read the statement made by this psychotherapist, particularly when we consider that the House of Representatives overwhelmingly joined with the distinguished gentlewoman from Pennsylvania [Mrs. GRANAHAN] recently and, with only one dissenting vote, passed her bill, which would give the Postmaster General greater powers to eliminate this smut and pornographic literature from the mails. I am proud to say I was a cosponsor of this legislation. I understand the Postmaster General himself is in favor of this legislation. Many distinguished newspapers across the country have brought to the attention of the entire community the mounting torrent of filth, pornography, and smut that is going through the mails to our children. To hear this psychotherapist, the head of a psychotherapy clinic at a hospital which the Federal Government maintains, make this sort of statement, to me, is most disgusting. I hope the appropriate committee of this House, which has this particular hospital under its jurisdiction, will look further into the philosophy of this individual. I do not challenge his right to his professional opinion, but I certainly wonder, and wonder very loudly, whether he has the qualifications to serve in this very important position.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield.

Mr. POFF. First of all, let me commend the gentleman most wholeheartedly on the courageous statement he is making. Then, may I ask the gentleman, if it is true as the doctor said that those who condemn obscenity are brothers under the skin with those who purvey obscenity; does it not logically follow that those who condemn those who condemn obscenity are brothers under the skin?

Mr. PUCINSKI. Not being a psychotherapist, I am not in a position to answer that question.

Mr. TOLL. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield.

Mr. TOLL. I want to commend the gentleman for protecting the fair name and motives of the gentlewoman from Pennsylvania [Mrs. GRANAHAN].

Mr. PUCINSKI. I thank the gentleman.

The Clerk will read.

The Clerk read as follows:

SOCIAL SECURITY ADMINISTRATION

Limitation on salaries and expenses, Bureau of Old-Age and Survivors Insurance

For necessary expenses, not more than $203,200,000 may be expended from the Federal old-age and survivors insurance trust fund: *Provided*, That such amounts as are required shall be available to pay the cost of necessary travel incident to medical examinations for verifying disabilities of individuals who file applications for disability determinations under title II of the Social Security Act, as amended: *Provided further*, That $10,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes as amended (31 U.S.C. 665), only to the extent necessary to process claims workloads not anticipated in the budget estimates and after maximum absorption of the costs of such claims workload within the existing limitation has been achieved.

Mr. HARDY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do this to inquire of the gentleman from Rhode Island whether there was any request for an appropriation to reimburse the social security fund for expenditures in connection with veterans' benefits under the gratuitous coverage provided during World War II and the Korean war.

Mr. FOGARTY. No; there were not any requests and the committee did not go into it. But, we did go quite thoroughly into the lack of requested appropriations for the same reason in the railroad retirement board where, we understand, $133 million is due under the law. I do not think there is anyone in the House who is more familiar with the law than you because we were quoting you in the hearings, and we still assume the law is the law until it has been changed. It has not been changed yet,

and these funds are required to be appropriated into the railroad trust fund and also into the social security fund.

Mr. HARDY. I thank the gentleman.

I would like to call to the attention of the Committee what this situation is. I had the honor in the 84th Congress to be chairman of the Select Committee on Survivors' Benefits, which brought in a bill and a report which resulted in enactment of Public Law 881. At that time we pointed out that the social security trust fund had been depleted by some $250 million in making payments to survivors of service personnel who were covered by gratuitous wage credits. It was also pointed out that annually thereafter there would be payments aggregating about $20 million a year, which means that by now we have run up a total deficit in that fund of about $350 million. That is the amount which we owe to the social security trust fund. The trust fund belongs to the participants in that fund. The Bureau of the Budget has deleted the requests for appropriations to cover the depletion of the social security fund, ignoring completely the authority contained in Public Law 881 which specifically provided that the trust fund should be replenished out of the Federal Treasury. We set up a formula under that act to provide for the repayment in 10 years of the $250 million and for the repayment annually of future disbursements made pursuant to the gratuitous social security coverage. Action in this matter is long overdue. I can see no real reason for the elimination of these amounts and earnest inquiry reveals none. There is, of course, the possibility—which I hesitate to suggest—that this might have been one dubious device to protect the precarious balance of the administration's budget.

The gentleman from Rhode Island [Mr. FOGARTY] has confirmed my grapevine information to the effect that the requests for money to replenish the social security fund were stricken by the Bureau of the Budget. It is my understanding that the Social Security Administration, in compliance with section 406 of Public Law 881, has since 1958 included these funds in its budget submission. It is my further information that, each time, the Bureau of the Budget has arbitrarily stricken this item.

Now, Mr. Chairman, I think the Bureau of the Budget goes a little too far. It, in effect, is exercising an item veto. Moreover, it is violating the law which all Federal officials are sworn to enforce.

Let me repeat, the social security fund is a trust fund, and the U.S. Government administers that fund strictly in a fiduciary capacity. In paying claims based on the gratuitous coverage provided during the World War II and Korean periods there was a definite obligation on the part of the General Treasury to replenish the fund. That fund belongs to the participants who have contributed to it. Let me remind this House that beneficiaries under the gratuitous coverage made no contribution to this fund, but there was a commitment of our Government to pay the claims arising from wartime service. In effect, what we have done is to take money which belongs to the participants of the social security program and use it for general Government purposes, and if the fund is not replenished then we have condoned the misuse of funds entrusted to the administrative branch.

Serving with me on the Survivors Benefits Committee were four distinguished Members of this House. The gentleman from Texas [Mr. TEAGUE], the gentleman from Texas [Mr. KILDAY], the gentleman from Massachusetts [Mr. BATES], and the gentleman from New Jersey [Mr. KEAN]. We studied this matter thoroughly and it bothered us to find that the Government had so long neglected to replenish this fund. So, we recommended, and the Congress approved, section 406 of Public Law 881 which provided, in essence that the Social Security Administration was authorized to include in its annual appropriations for each of the next 10 fiscal years sums equal to one-tenth of the aggregate liability, plus accrued interest at the average rate of interest earned by the fund. At the time of our hearings the amount due the fund was estimated at $250 million. We also proposed, and Congress concurred, that annual appropriations should be made to cover benefits accruing in the future from the gratuitous coverage provided prior to the enactment of Public Law 881.

Mr. Chairman, perhaps I should have offered an amendment at this point, and if I had realized earlier what the situation is I would have gotten together the figures on the amount which would be required to make the social security fund whole. Let me express the hope that when this bill is considered by the Senate that body will add the amounts necessary to carry out the congressional will as expressed in Public Law 881.

Mr. Chairman, just as a rough calculation it looks as though the Treasury of the United States, as of now, owes the social security trust fund about $350 million. In essence, deletion of this item from the budget in prior years may have enabled the Treasury Department technically to avoid showing a violation of the statutory debt ceiling.

Mr. DONOHUE. Mr. Chairman, it was the unanimous judgment of our Original Thirteen States, as expressed in their Independence Declaration, that all men are endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness.

In my opinion there is no measure coming before this body, more fully designed to promote the enjoyment of these rights to American citizens than the appropriations bill, now under consideration, for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961. The basic units and activities of these executive departments are more closely connected with the lives of our citizens than any other agency of our Government "for the people."

That is why I would feel remiss in my duty if I did not urge you all to approve and accept the appropriation here unanimously reported and recommended to us by the distinguished Subcommittee on Appropriations directed by our esteemed colleague, the Honorable JOHN E. FOGARTY, of Rhode Island. The recommendations of the sucommittee are unanimous and represent the best compromise decision of reasonable and capable men.

There is no greater authority on this subject in this country than Representative FOGARTY. One of the greatest joys of my legislative experience here has been to listen to his clear, concise, and forthright explanation of the provisions of this bill which he has been presenting annually to this House for the past 10 years. It is an everlasting tribute to his acknowledged integrity, scholarship, and leadership that the recommendations of his conscientious subcommittee have been so overwhelmingly and regularly adopted without prolonged debate or technical quibbling on such a vitally important measure.

Mr. Chairman, to attempt to either regulate or improve the health and happiness of human beings in terms of dollars and cents is a most difficult, if not impossible, task. We are all, I am certain, agreed on the necessity for practicing economy in Government expenditures and to preserve our financial stability and world position. However, I think we are further agreed that gestures of doubtful economy at the expense of lowering national standards of working conditions, health protection, and educational advancement is most unwise and impractical, more especially in these days of communistic competition.

For that fundamental reason, I most earnestly hope that no crippling reductions will be attempted during our action on this bill; indeed, it is my deepest hope that the moderate increases recommended by the subcommittee and the chairman, principally in the fields of hospital construction, vocational education, assistance to the schools in federally impacted areas, grants to States to build waste-treatment plants, and research at the National Institutes of Health will be unanimously accepted.

I would like to emphasize that the subcommittee has not advocated general increases in all the areas covered by this bill. The subcommittee adopted the very sensible approach that there are certain selective and essential areas of public need that can and must be met in the national interest. It would be most difficult to justify any wide disagreement on these specific activities the subcommittee has chosen for their special attention.

The fundamental objective of the subcommittee, so obviously and patriotically revealed in their report, was to keep all of the many and varied activities of these two major public service Departments of Government in operation at their highest economically efficient level while encouraging a selected few activities to moderately advance their scope of service in response to particular and proven expanding public needs.

Mr. Chairman, the appropriations we grant under this measure are designed to continuously improve the Christian, civilized working conditions of our people and to protect and advance the health of

all our citizens, particularly children, women, and the aged. It is obvious, therefore, that this appropriations bill is of the greatest importance to the progress of our national welfare and that is why each of us have the highest obligation to devote the most conscientious attention to it.

At a time when we are generously granting billions of dollars to aid our foreign allies, let us not be neglectful of our own citizens. At a time when we are telling the world of our better way of life, as opposed to Communist barbarism, let us not dangerously reduce any of these public services whose contributions to national progress have been universally acknowledged. At at time when we are engaged in a life-and-death struggle with the curse of communism, let us take no unwise chances of disrupting the high morale of our own good people. In conscience, let us vote in support of the continuing and full functioning of these units and agencies whose services are, indeed, in the national interest and emphatically good for all Americans.

Mr. BROYHILL. Mr. Chairman, I rise to endorse favorable action by the House by which the appropriation for aid to schools in federally impacted areas has been continued.

My position on Federal doles or gifts to the schools of our Nation to help them educate our children has been consistent throughout my terms in the Congress. I am firmly opposed to such aid. At first glance, it may seem, then, that my equally consistent stand in favor of full appropriations for the aid to federally affected areas programs is contradictory to my overall position on general Federal aid to education. I do not believe that it is. The federally affected areas programs have been incorrectly labeled "aid," "assistance," "grants"—connoting beneficence, good will, and charity on the part of the Federal Government toward these particular communities. If this were true, I would oppose the programs vigorously. But it is not true, as I propose to show.

The payments under these two programs are merely assumption by the Federal Government of its just responsibility to those communities in which it operates. The reason for this responsibility is twofold. First of all, the presence of Federal Government operations within a community tends to swell the public school enrollments in the community to a marked extent, thereby necessitating the construction of new facilities, as well as an increase in operation and maintenance costs. But the second side of the responsibility is yet more significant. Property owned by the Federal Government cannot be taxed. This means that at the same time that these activities of the Federal Government are adding enormously to the expense of operating the public school system, they are subtracting from the tax base upon which the school district can draw. When a private business moves into a community, it may produce a great swelling in school enrollment, but at the same time it swells the tax base.

Secretary Flemming, in his testimony last summer before a subcommittee of the Committee on Education and Labor, repeatedly and rightly labeled this assistance as "payments in lieu of taxes." In speaking on behalf of the President's proposals to cut payments under these two laws, Secretary Flemming described the philosophy behind these programs as follows:

> I believe that the Federal Government should provide assistance to those school districts whose school revenues are impaired by reason of the tax-exempt status of Federal property.
>
> I also believe that this assistance on the part of the Federal Government should be reasonably related to the school revenues actually lost by school districts by reason of the tax-exempt status of Federal property.

Since we are agreed that the payments under these programs are "payments in lieu of taxes," then it would seem logical, when debating the amount of appropriation, to consider just exactly how much is lost in taxes due to the presence of tax-exempt Federal property, and compare that to the amount received under these programs. If these payments really exceed the tax loss, then we must agree with Secretary Flemming and the President that the programs should be cut.

Last summer figures were compiled in my constituency, the 10th Congressional District of Virginia, to illustrate the impact of Federal Government activities on the operation of the public schools in the northern Virginia communities of Arlington County, Fairfax County, Alexandria, and Falls Church. It was estimated that almost $12 million would be added to local tax revenue if the federally owned land were privately owned. In these northern Virginia communities a very high proportion of local tax revenue is channeled into the public school systems. It therefore seems most apparent that the amounts these school districts would receive if this property were privately owned would be considerably in excess of the $1,138,255.28 now received each year under Public Law 874. Furthermore, almost $94 million has been spent in these communities since World War II on school construction. Unquestionably the primary cause of the vast increase in enrollment that necessitated this plant expansion was increased Federal Government activity. Yet the Federal Government payments under Public Law 815 have been only $17 million or 23.7 percent of the construction costs.

It seems obvious, then, that these communities are being underpaid rather than overpaid. It is hard for me to understand why Secretary Flemming, after so well describing the Federal responsibility to these communities, is recommending an appropriation that would cover only 68 percent of the entitlements under Public Law 874 and only 70 percent of the entitlements under Public Law 815 for fiscal year 1961. I hold that this is both illogical and unjust.

The people in my district have done an extraordinarily fine job of helping their school systems cope with the 338-percent increase in enrollment over the last 13 years. So large is the Federal impact on the area that 51 percent of the pupils in our public schools are federally connected, and payments under Public Law 874 comprise 11.8 percent of the school budgets. If the Federal payments were cut as drastically as Secretary Flemming recommends, the impact on our school districts would be disastrous.

Secretary Flemming has stated that the Federal Government has a responsibility to compensate "those school districts whose school revenues are impaired by reason of the tax-exempt status of Federal property." I agree with him completely. And I do not see how a reduction in the appropriation for these programs now or in the future can mean anything but a shirking of that responsibility.

Mr. Chairman, the payments under Public Laws 815 and 874 are not Government doles or gifts, but rather are "payments in lieu of taxes." It seems only just that we continue to appropriate the full amount authorized in these laws, thereby enabling the Federal Government to more adequately carry out and fulfill its responsibility to those communities in which it operates.

The Clerk concluded the reading of the bill.

Mr. FOGARTY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House without amendment, with the recommendation that the bill be passed.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. KEOGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11390) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. FOGARTY. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PUCINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 363, nays 10, not voting 57, as follows:

[Roll No. 38]

YEAS—363

Abernethy	Alford	Anfuso
Adair	Andersen, Minn.	Arends
Addonizio	Andrews	Ashley
Albert		Ashmore

Aspinall	Foley	Mailliard
Auchincloss	Forand	Marshall
Avery	Ford	Matthews
Bailey	Forrester	May
Baker	Fountain	Merrow
Baldwin	Frazier	Metcalf
Baring	Friedel	Meyer
Barr	Fulton	Michel
Barrett	Gallagher	Miller, Clem
Bass, N.H.	Garmatz	Miller, N.Y.
Bass, Tenn.	Gary	Mills
Bates	Gathings	Minshall
Baumhart	George	Moeller
Becker	Giaimo	Monagan
Beckworth	Gilbert	Montoya
Belcher	Glenn	Moore
Bennett, Fla.	Goodell	Moorhead
Bennett, Mich.	Granahan	Morgan
Bentley	Gray	Morris, Okla.
Berry	Green, Oreg.	Moss
Betts	Green, Pa.	Moulder
Boggs	Griffin	Multer
Boland	Griffiths	Mumma
Bolling	Hagen	Murphy
Bolton	Haley	Murray
Bosch	Halleck	Natcher
Bow	Halpern	Nelsen
Bowles	Hardy	Nix
Brademas	Harmon	Norblad
Bray	Harris	Norrell
Breeding	Hays	O'Brien, Ill.
Brewster	Healey	O'Brien, N.Y.
Brock	Hébert	O'Hara, Ill.
Brooks, La.	Hechler	O'Hara, Mich.
Brooks, Tex.	Hemphill	O'Konski
Broomfield	Henderson	O'Neill
Brown, Ga.	Herlong	Oliver
Brown, Mo.	Hess	Osmers
Brown, Ohio	Hiestand	Ostertag
Broyhill	Hoeven	Passman
Budge	Hoffman, Ill.	Pelly
Burke, Ky.	Hogan	Perkins
Burke, Mass.	Holifield	Pfost
Burleson	Holland	Philbin
Byrne, Pa.	Holt	Pilcher
Byrnes, Wis.	Holtzman	Pillion
Cahill	Horan	Pirnie
Canfield	Hosmer	Poage
Cannon	Huddleston	Poff
Carnahan	Hull	Porter
Casey	Ikard	Preston
Cederberg	Inouye	Price
Chamberlain	Irwin	Prokop
Chelf	Jarman	Pucinski
Chenoweth	Jennings	Quie
Church	Johnson, Calif.	Quigley
Clark	Johnson, Colo.	Rabaut
Coad	Johnson, Md.	Rains
Cohelan	Johnson, Wis.	Randall
Colmer	Jonas	Ray
Conte	Jones, Ala.	Reece, Tenn.
Cook	Jones, Mo.	Rees, Kans.
Cooley	Judd	Rhodes, Ariz.
Corbett	Karsten	Rhodes, Pa.
Cramer	Karth	Riehlman
Curtin	Kasem	Riley
Curtis, Mass.	Kastenmeier	Rivers, Alaska
Curtis, Mo.	Kee	Roberts
Daddario	Keith	Robison
Dague	Kelly	Rodino
Daniels	Keogh	Rogers, Colo.
Davis, Ga.	Kilday	Rogers, Fla.
Davis, Tenn.	Kilgore	Rogers, Mass.
Dawson	King, Calif.	Rogers, Tex.
Delaney	King, Utah	Rooney
Dent	Kirwan	Roosevelt
Denton	Kitchin	Rostenkowski
Derounian	Kluczynski	Roush
Derwinski	Knox	Rutherford
Devine	Kyl	St. George
Diggs	Laird	Santangelo
Dingell	Landrum	Saund
Dixon	Lane	Saylor
Donohue	Langen	Schenck
Dooley	Lankford	Scherer
Dorn, S.C.	Latta	Schwengel
Dowdy	Lennon	Scott
Downing	Lesinski	Selden
Doyle	Levering	Sheppard
Duiski	Libonati	Shipley
Durham	Lindsay	Sikes
Edmondson	Lipscomb	Siler
Elliott	McCormack	Simpson, Ill.
Everett	McCulloch	Sisk
Evins	McDonough	Slack
Fallon	McFall	Smith, Calif.
Farbstein	McGovern	Smith, Iowa
Fascell	McIntire	Smith, Miss.
Feighan	McMillan	Springer
Fenton	McSween	Staggers
Fino	Macdonald	Steed
Fisher	Machrowicz	Stratton
Flood	Mack, Ill.	Stubblefield
Flynn	Madden	Sullivan
Flynt	Magnuson	Teague, Calif.
Fogarty	Mahon	Teague, Tex.
Teller	Van Pelt	Wier
Thomas	Van Zandt	Williams
Thompson, La.	Wainwright	Wilson
Thompson, Tex.	Wallhauser	Winstead
Thomson, Wyo.	Walter	Wolf
Thornberry	Wampler	Wright
Toll	Watts	Yates
Trimble	Weis	Young
Udall	Westland	Younger
Ullman	Whitener	Zablocki
Utt	Whitten	
Vanik	Widnall	

NAYS—10

Abbitt	Hoffman, Mich.	Smith, Va.
Alger	Johansen	Tuck
Gross	Kilburn	
Harrison	Smith, Kans.	

NOT VOTING—57

Alexander	Frelinghuysen	Morris, N. Mex.
Allen	Gavin	Morrison
Anderson, Mont.	Grant	Patman
	Gubser	Powell
Ayres	Hargis	Reuss
Barden	Jackson	Rivers, S.C.
Barry	Jensen	Shelley
Blatnik	Kearns	Short
Blitch	Kowalski	Spence
Bonner	Lafore	Taber
Boykin	Loser	Taylor
Buckley	McDowell	Thompson, N.J.
Burdick	McGinley	Tollefson
Celler	Martin	Vinson
Chiperfield	Mason	Weaver
Coffin	Meader	Wharton
Collier	Miller, George P.	Willis
Cunningham		Withrow
Dorn, N.Y.	Milliken	Zelenko
Dwyer	Mitchell	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Anderson of Montana with Mr. Allen.
Mr. McGinley with Mr. Martin.
Mr. Alexander with Mr. Jackson.
Mr. Vinson with Mr. Taylor.
Mr. Buckley with Mr. Taber.
Mr. Morris of New Mexico with Mr. Chiperfield.
Mr. Celler with Mr. Cunningham.
Mr. Kowalski with Mr. Ayres.
Mr. Shelley with Mr. Barry.
Mr. Reuss with Mr. Meader.
Mr. George P. Miller with Mr. Lafore.
Mr. Morrison with Mr. Kearns.
Mr. Zelenko with Mr. Dorn of New York.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Powell with Mr. Collier.
Mr. Willis with Mr. Weaver.
Mr. Coffin with Mr. Milliken.
Mr. Hargis with Mr. Gubser.
Mr. Bonner with Mr. Gavin.
Mr. Boykin with Mr. Frelinghuysen.
Mr. Loser with Mr. Jensen.
Mr. McDowell with Mr. Short.
Mr. Blatnik with Mr. Tollefson.
Mr. Barden with Mr. Withrow.
Mr. Patman with Mr. Wharton.
Mr. Burdick with Mr. Mason.

Mr. HOFFMAN of Michigan and Mr. JOHANSEN changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

BLACK ROCK CHANNEL AND TONAWANDA HARBOR

Mr. DULSKI Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, since the building of the St. Lawrence Seaway, Buffalo, N.Y., and the surrounding area need assistance. Under leave to extend my remarks, I include a statement of the Buffalo Chamber of Commerce, Buffalo N.Y., in support of improvements to Black Rock Channel and Tonawanda Harbor located in the Buffalo area.

The statement follows:

The Buffalo Chamber of Commerce reaffirms its longstanding position in favor of several much needed improvements to the Black Rock Channel and the Tonawanda Harbor. These facilities have always been an integral part of the overall system of navigable waterways on the Niagara Frontier, but are currently in need of modernization to meet the needs of the new St. Lawrence Seaway era.

The Black Rock Channel is the navigable channel in the upper 13½ miles of the Niagara River from its head in Lake Erie at Buffalo, to and including Tonawanda, N.Y., the western terminus of the New York State Barge Canal. The importance of this channel is clearly illustrated by the following table of tonnage handled over the past 10 years:

Year:	*Tons*
1949	3,637,612
1950	4,641,025
1951	4,244,990
1952	3,527,748
1953	4,385,256
1954	3,577,050
1955	4,363,617
1956	4,517,748
1957	4,645,443
1958	3,722,174

Over 4 million tons moved through the channel in 1959, and it has been estimated that its potential could easily reach 20 million tons per year if the Seaway depth of 27 feet were available.

In recent years a wide variety of industrial firms have invested heavily, both in land and in facilities, along the entire length of the Niagara River from Buffalo to Niagara Falls. During this period, however, the 46-year-old Black Rock Lock has gradually fallen into a state of obsolescence, the size of lake steamers has increased considerably, and the St. Lawrence Seaway has introduced oceangoing vessels to our waterways which are larger than ever before known.

In view of the obvious potential of this channel, the Buffalo Chamber of Commerce strongly urges that a study be progressed by the U.S. Army Corps of Engineers to determine the advisability of a Federal project for accomplishing the following improvements:

(1) Black Rock Lock: Replace with a modern lock capable of handling newer and bigger vessels of all types.

(2) Black Rock Channel: Deepen to at least 27 feet, realine and widen to 300 feet to accommodate two-way traffic, and extend beyond present turning basin past North Tonawanda.

(3) Tonawanda Harbor: Deepen to at least 27 feet.

After careful consideration, the chamber believes that these improvements would be in the public interest, and would do much to enhance the industrial growth of the Buffalo metropolitan area.

PLAZA OF THE AMERICAS

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, yesterday I introduced a bill designed to create an enduring symbol of U.S. friendship for our Latin American neighbors. This measure, if enacted into law, would designate in the Nation's Capital an area which would be a fitting tribute and durable demonstration of the esteem in which we hold our sister republics.

Prior to the introduction of this legislation, I examined the ideas of designating a street as the "Avenue of the Americas," or a bridge as the "Bridge of the Americas." It soon became apparent that changing the name of a street of appropriate beauty and dignity poses real problems. Past experience in the District of Columbia has demonstrated that tampering with historic names of streets is looked upon with disfavor by many people who cherish the tradition and lore associated with the original names. The same applies to bridges. Moreover, on streets where there are many residences and businesses, the necessity to alter letterheads and inform clients, customers, and friends of the change has occasioned a storm of protests.

Further investigation has turned up what I believe to be an ideal solution, devoid of the problems inherent in changing street and bridge names.

The two blocks bounded by Constitution Avenue on the south, C Street NW. on the north, and running from 17th to 19th Streets, contain a number of reminders of inter-American friendship and cooperation. On the corner of 17th Street and Constitution Avenue, the District of Columbia is privileged to have the magnificent Pan American Union Building, seat of the Organization of American States and center of many of the dramas that have highlighted the American Republics' 70-year efforts to attain peace and justice in the Western Hemisphere through cooperative endeavors. Behind it stands the new Pan American Administration Building which houses the secretariat of the Organization of American States. Nearby are the statues of Simón Bolívar, great liberator of the northern states of South America; and José Artigas, the national hero of Uruguay.

The bill which I have introduced would designate that portion of Washington I have described as the Plaza of the Americas. The proposal has strong support from the Pan American Liaison Committee of Women's Organizations which is engaged in effectively furthering inter-American understanding and good will. I am confident that Congress will share my desire to christen so suitable an area in our Capital as a symbol of the friendship and common cause of the 21 American Republics.

ARE WE DOING RIGHT BY EDUCATION?

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, ours is an age of statistics, of figures, of debates about figures. The focal points of many of our current controversies about defense, outer space and disarmament, center around conflicting figures coming from different sources. It is often a bewildering task to attempt to determine which of these statistics are meaningful.

But one group of figures which stand out in my mind as being unquestionably meaningful are the figures recently released by the U.S. Office of Education pursuant to the problems of our educational system—figures for fall 1959; released December 1959. These statistics would be meaningful even if our world were at perfect peace, even if there were no cold war. We do not need to compare these figures with any for the Soviet Union; they are shocking just in themselves.

At the present time we need 132,400 additional classrooms—U.S. Office of Education.

This lack of classroom space means overcrowded classrooms or half-day sessions in some parts of every State in the Union. It has been estimated that some 10 million of our public-school children are being educationally handicapped by this overcrowding. Ten million is almost one-third of our entire public-school enrollment—total enrollment in public elementary and secondary schools in fall 1959 was 35,286,177, according to the U.S. Office of Education.

Our whole concept of public education for all is being challenged by this shortage. It has been a traditional American belief that each child has the right to free and equal education through grade 12. If we deny him equality of educational opportunity, we thereby deny him the equality of opportunity that we guaranteed in the Preamble to our Constitution.

I recently received letters from two school administrators in my home State of Oregon who have just returned from a trip to the Soviet Union. Both of these men were impressed with some facets of the Soviet educational system, but felt that in some respects it had been overrated. Both stressed that one of the great merits of our system as compared to the Russians' was our stress on the individual.

THE RIGHT TO BE FREE AND EQUAL

But are we providing free and equal education for each individual child when almost a third of our children are receiving inferior instruction because of the classroom shortage? I think not.

There is another facet to this inequity. Last fall we hired, in this Nation, 98,858 teachers with substandard credentials—U.S. Office of Education—teachers who are not fully prepared to teach, but who are teaching our children. When you consider that each of these teachers will probably teach an average of 30 children, the number of children penalized by the shortage of qualified teachers is high.

So not only is the classroom shortage causing a great injustice, but the shortage of qualified teachers is magnifying the inequity.

Many who look at these figures agree they are shocking, but they throw up their hands in a gesture of hopelessness. Others will shrug. They say that the States and local areas must handle the problem themselves.

But a long look at the causes of both shortages will serve to show the weaknesses of each of these reactions.

WHAT ARE THE REASONS?

First, what are the reasons behind the teacher shortage? Is it just that there are not enough qualified people interested in teaching? A major reason is that so many of the people interested in and qualified to teach either drop out of the profession or never even enter it. It has been estimated that 3 out of 10 college graduates qualified to teach, never do so. It is further estimated that each year 8 percent of our teachers leave the profession—National Education Association. Stop up this sieve.

Studies conducted to determine the reasons behind these dropouts find, first, dissatisfaction with the low salary received; second, disgust at overcrowded or otherwise unsatisfactory working conditions; and third, a general reaction against the low status level assigned to the teaching profession.

Many say that these are insoluble problems. But are they? Would not increases in salary eliminate problems one and three—in our society, status so heavily rests on salary earned—and could we not eliminate the largest cause of unsatisfactory working conditions by building those additional classrooms? It would seem that most of the problems causing a shortage of qualified teachers could be solved by an increase of funds.

WHAT CAUSES CLASSROOM SHORTAGES?

But what about the classroom shortage? Why does it exist at all? Why has it not been erased? Can it be erased? This giant backlog exists because of the cessation of classroom building during World War II followed by the unprecedented increases in enrollment that are still going on. Although the State and local areas have been making record-breaking school construction efforts for years, they are barely able to meet each year's new enrollment and replacement needs. But if we could eliminate the backlog, the construction figures of the

last few years indicate that the States and local communities could then meet the present and future needs that each year brings.

How can this backlog be eliminated? Most of the studies conducted on this problem indicate that the State and local communities cannot do it alone, or at least cannot close the gap for many, many years.

It seems apparent to me that this is a time when our principles of justice and equity for our individual citizens demand temporary financial assistance from the Federal Government. President Eisenhower himself explained the philosophy behind this approach in his special message to the Congress on education on January 12, 1956:

> The responsibility for public education rests with the States and the local communities. Federal action which infringes upon this principle is alien to our system. But our history has demonstrated that the Federal Government, in the interest of the whole people, can and should help with certain problems of nationwide scope and concern when States and communities—acting independently—cannot solve the full problem or solve it rapidly enough.
>
> Clearly, this is the kind of situation we face today in considering the school classroom shortage. (CONGRESSIONAL RECORD, vol. 102, pt. 1, p. 436.)

In that year, 1956, and in the following year, 1957, the President recommended temporary, large-scale Federal aid so that the backlog needs for classroom construction could be eliminated. The White House Conference which he had called in 1955 had recommended such action.

WHY DID THE PRESIDENT CHANGE HIS MIND?

Why the President has now changed his position when the same needs still exist, I cannot understand. His words in this year's state of the Union address seem to overlook the need for the direct approach which he formerly felt was so desirable. It seems most strange that the man who only 3 years ago was recommending a crash Federal program to eliminate this problem now claims:

> We cannot be complacent about educating our youth.
>
> But the route to better trained minds is not through the swift administration of a Federal hypodermic or sustained financial transfusion. The educational process, essentially a local and personal responsibility, cannot be made a leap ahead by crash, centralized governmental action.

It is my opinion that a "crash, centralized governmental action," or "Federal hypodermic," whichever phrase you wish to use, is indeed just what is needed and would certainly cause our educational process to leap ahead.

If we could eliminate the accumulated need for those 132,400 classrooms, and could temporarily assist in the raising of teachers' salaries, the State and local governments could then not only keep pace with future classroom needs, but would have funds left to channel into raising the salaries of their teachers.

A big step forward toward the solving of these problems is taken with the legislation proposed in H.R. 10128 which has been favorably reported by the Education and Labor Committee. This School Construction Assistance Act of 1960 would help individual States solve their classroom shortages. The State educational agency alone is responsible for administering the funds based on estimated school-age population.

The bugaboo of Federal control in this legislation is simply not there.

Of course, I would like to see Congress help school districts pay their teachers better salaries. We get what we pay for, and I think we may expect more men and women to leave the teaching field if more lucrative jobs are available. I know there are dedicated men and women who will remain in the field. I know also that we cannot always expect that devotion to hold the head of a family in a profession which does not offer sufficient financial reward to enable him to take care of his family.

I am hopeful that the 87th Congress will enact legislation providing Federal assistance for teachers' salaries. I would be delighted if the 86th Congress did. However, it is better to be realistic and seek what is obtainable. There is an old saying about half a loaf being better than none.

The nourishment to our children may not be what we would like, but at least there would be nourishment where there now is none.

THE FAIR LABOR STANDARDS TRADE AND FOREIGN SELF-ASSISTANCE ACT OF 1960—A BILL TO DEAL WITH THE THREAT OF FOREIGN IMPORTS

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, on yesterday I introduced for appropriate reference legislation designed to deal with the increasingly serious problem of foreign imports and the disastrous effect which these imports are having on employment in America and on the financial solvency of our domestic industries.

My bill, which has been entitled the "Fair Labor Standards Trade and Foreign Self-Assistance Act of 1960," and has been designated as H.R. 11418, is a fresh attempt to meet this serious problem with full recognition that events of the past few years, and indeed of the past few days, have demonstrated that existing provisions of law are wholly inadequate to meet it. As the recent decision of the Tariff Commission in connection with the glove industry in my district in Fulton County, N.Y., has demonstrated so tragically, the so-called escape clause procedure, under section 7 of the Reciprocal Trade Agreements Act of 1951, as amended, is completely inadequate to protect our industries, and it makes little difference from a practical point of view whether this inadequacy lies within the wording of the law itself or in the way in which it is being implemented and interpreted by the present members of the Tariff Commission. The fact is that domestic industry and American working men and women are without any effective protection from the devastating effects of these cheap foreign imports and we in this Congress have an urgent and solemn responsibility to adopt legislation to provide that needed protection. I believe that my bill meets that need.

My bill, Mr. Speaker, would accomplish two things. First of all it would open up a new opportunity for action to deal with the threat of cheap foreign imports by basing such action upon the existence, in those countries from which foreign imports come, of low wage rates or unsatisfactory working conditions which are so significantly below standards existing here in the United States as to give foreign manufacturers and producers a competitive advantage over American manufacturers or producers. Incidentally, my bill would place the power for making such a finding as well as for making appropriate recommendations to deal with it on the Secretary of Labor, thereby bypassing the present Tariff Commission which has failed so miserably to meet this present need itself.

May I say, Mr. Speaker, that this first portion of my bill follows closely legislation recently introduced in the other body by my distinguished colleague, the junior Senator from New York State, Mr. KEATING, in S. 2882. I believe that Senator KEATING's bill is a most significant piece of legislation in recognizing that corrective action against imports must be taken not merely on the basis of injury or threatened injury to a domestic industry, as provided for in the escape clause procedure, but also on the basis of the existence of a differential between wages and living standards here and those abroad, a differential which, in fact, lies at the heart of all competition from foreign countries. Incidentally, S. 2882 has received substantial support from a great number of manufacturers as well as many forward-looking and progressive labor organizations, and I believe that my colleague from New York is to be commended for having blazed this significant trail.

There are, however, in my judgment, one or two changes that need to be made in S. 2882, and these have been incorporated in H.R. 11418. For example, the language of S. 2882 is somewhat vague with regard to limitations placed upon the Secretary of Labor in recommending additional tariff restrictions or import quotas. I have attempted to eliminate any area of doubt by giving the Secretary of Labor a free hand in dealing with this matter so long as any proposed tariffs or import quota does not exceed what was in existence on July 1, 1934, the date on which the reciprocal trade program first became effective.

Secondly, S. 2882 continues to give the President of the United States the same kind of veto power over measures recommended for the relief of industries hard hit by foreign imports that is already contained in our present reciprocal trade legislation. Experience has amply dem-

onstrated that as a result of this absolute presidential veto power it is almost impossible to get practical help for domestic industries, even in those cases where the Tariff Commission itself has made a favorable recommendation. My bill would remove this veto power and would require the President to put into effect the recommendations of the Secretary of Labor made pursuant to this legislation.

The second major objective of my bill, Mr. Speaker, is to chart a somewhat novel course in dealing with the foreign countries from which these imports come. It provides that in lieu of imposing any additional tariff levy against a foreign import, the President shall be empowered to enter into negotiations with the foreign countries concerned looking toward an agreement under which the foreign countries themselves would collect the increased tariff levy, rather than have it collected in the United States, provided these countries would first agree to utilize the funds thereby collected toward raising the wages and improving the working conditions of their own working men and women.

Mr. Speaker, it is my sincere conviction that the threat of foreign imports can never be fully eliminated until the gap between wages and working conditions in this country and those in countries abroad is eliminated. The legislation which I have introduced offers what I believe to be a reasonable and constructive step in the direction of eliminating that differential and thereby bringing more quickly into balance conditions in those countries who are now competing with us and who are experiencing a substantial competitive advantage over us as a result of their lower wages and lower working conditions. This legislation would make it clear to these countries that our increased tariff levies are not designed primarily to raise revenue for ourselves but are designed rather to achieving the elimination of these trade differentials. In this way we would be underlining to our foreign friends our desire to help in this constructive and positive development of their own country.

Of course, the establishment of equal conditions of this kind is one of the long-range objectives of our present foreign assistance program. But all too often we have seen that, in spite of the huge sums that we have sent abroad, these differentials have not been reduced. My legislation would certainly reduce to some extent the funds needed for foreign assistance. And while I realize that it would not replace the Mutual Security Program overnight, it would, in my judgment, be a very substantial step forward in the direction of encouraging foreign countries to help themselves rather than continuing to rely on old Uncle Sam.

Mr. Speaker, it may be that there are ramifications of this legislation which have not been fully explored or fully provided for. Certainly its approach is a novel one. Let me say that I would be most happy to have from my colleagues any comments or suggestions they might have on this legislation. This bill has been offered as one suggestion for dealing with an increasingly serious problem. Some legislation is desperately needed to meet this problem and to take this economic sword away from over the heads of the working men and women of America.

Under leave to extend my remarks, I include herewith the text of H.R. 11418:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Labor Standards Trade and Foreign Self-Assistance Act of 1960".

FINDINGS

SEC. 2. Sweatshop labor conditions are prohibited by law in the United States. The rapid expansion of American foreign trade in recent years, in effect, permits foreign industries in which wages and working conditions are below American standards to compete with domestic industries in which wages are significantly higher and in which minimum wages and working conditions are set by the laws of the United States and the several States. Many American industries, especially those in which labor costs constitute a high proportion of the total production cost, have been injured or are threatened with serious injury as a result of such competiion. As a result of these conditions unemployment is sharply on the increase in areas where domestic industries are faced with such competition. Some American manufacturers, in an effort to compete, have curtailed domestic production thereby reducing domestic employment, and have either undertaken to import similar goods manufactured abroad or have replaced their domestic manufacturing facilities with facilities built in foreign countries, thereby still further reducing domestic employment. To provide relief for American industries so affected and to reduce unemployment among American men and women in such industries, steps must be taken (1) to equalize the conditions of competition between American industries and those operating in foreign countries with lower wages and working conditions; and (2) to encourage foreign governments to take action of their own to raise wages and working conditions in their respective countries. To accomplish these objectives the following procedures are established.

PROCEDURES

SEC. 3. (a) Upon the request of the President, or upon resolution of either House of Congress, or upon application of the representative of any domestic industry or employee organization in a domestic industry, or upon application of any interested party, or upon his own motion, the Secretary of Labor (hereinafter referred to as the "Secretary") or his designee shall make an investigation of any situation in which it is alleged that the differential in costs, due to the existence of wage rates and working conditions significantly below United States standards, gives foreign manufacturers or producers a competitive advantage over United States manufacturers or producers.

(b) In carrying out an investigation and hearings under the foregoing procedure, the Secretary shall to the extent practicable consider (among other factors): wages and all other forms of remuneration for work performed, labor productivity, production costs and the components thereof, levels of automation, working conditions, levels of unemployment, legislation or regulations pertaining to working conditions, and living standards in the United States and in the country or countries of origin of the imported article or articles under investigation.

(c) The Secretary shall request the views of the Tariff Commission in writing on relevant trade and international factors in all cases in which he deems such information necessary to the investigatory process under this Act. He may in addition request the views of any other interested agency or agencies.

(d) Should the Secretary find that a domestic industry is being or is likely to be injured by imports of goods which are produced in foreign countries under wages and working conditions below United States standards, or that serious unemployment exists in a domestic industry as a result of increased imports of such goods, he shall recommend to the President such new or additional duties, import quotas, or other remedies as he shall deem necessary or proper in each case, but—

(1) in no event shall the rate or rates of any such new or additional duty be higher than the rate or rates in effect on July 1, 1934, on the product in question or, if the rate is specific or compound, then higher, with respect to the specific rate or the specific part of the compound rate, than the ad valorem equivalent of such rate in effect on July 1, 1934, or, if the product was not imported in commercial quantities before July 1, 1934, then higher than the ad valorem equivalent of the specific or compound rate or rates applicable to the product when it was first imported in commercial quantities subsequent to that date; and

(2) in no event shall any such new or additional import quota reduce the import volume of the product in question (measured by quantity if satisfactory statistics are available, otherwise by value) to a share of the domestic market for the product less than the share of such market supplied by the imports of such product on July 1, 1934.

(e) Upon receipt of the Secretary's report and recommendations, the President shall by order impose such new or additional duties, import quotas, or other remedies as are recommended by the Secretary to be necessary to afford relief to the domestic industry involved; except that in the case of goods for which additional duties are recommended, he may, in lieu of imposing such duties, open or cause to be opened with the foreign country or countries concerned negotiations looking toward agreements with such country or countries under which such additional duties will be suspended by the United States provided the foreign government concerned agrees to levy on such goods (prior to their shipment out of the foreign country concerned) a tax in local currency equivalent to such additional recommended duty and further agrees that the receipts of such levy will be used by it in a manner satisfactory to the President to raise the level of wages, construct housing, or increase educational benefits or will be otherwise expended for purposes and projects designed to raise the level of wages and standard of living in the foreign country concerned.

(f) The Secretary shall make and publish, with dispatch and in no event more than six months after the request, application, or resolution is made, a report on each request, application, or resolution under this Act.

(g) Any order issued pursuant to this Act may be modified, suspended, or terminated under the procedures herein established.

(h) The new or additional duties or import quotas imposed by the President or other action taken by him under this Act and any modification, suspension, or termination thereof, shall become effective on such date as he shall specify in his order and shall be treated for administrative purposes as a part of the Tariff Act of 1930.

(i) The Secretary shall, within ninety days after the enactment of this Act, promulgate procedural regulations to give effect to the authority conferred upon him hereunder.

EFFECTIVE DATE

SEC. 4. This Act shall take effect as soon as practicable, on a date to be specified by the President in a notice to the Secretary of the Treasury, but in any event not later than ninety days after the date of enactment.

INTERNATIONAL EDUCATIONAL EXCHANGE PROGRAM

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the American people are waking up to the fact that we must give increasing assistance, recognition, and honor to education. Our survival and our progress depend upon it.

In legislating the Fulbright Act, the 79th Congress recognized that education is the greatest liberating influence in human experience. The community of knowledge has no political boundaries. Eventually, it will dissolve such artificial barriers as the Iron Curtain.

The U.S. Government has taken the leadership in promoting the international educational exchange program. Under it, Americans and nationals of other countries are awarded grants to teach, study, lecture, conduct research, act as consultants or engage in other educational projects.

The funds for carrying out the program under the Fulbright Act are certain foreign currencies or credits owed to, or owned by, the Treasury of the United States. Under executive agreements with foreign governments, programs involving American teachers are currently in effect in the following countries: Argentina, Australia, Austria, Belgium and Luxembourg, Burma, Chile, Colombia, Denmark, Finland, France, Germany, Greece, Iran, Italy, Japan, the Netherlands, New Zealand, Norway, Pakistan, Peru, Thailand, Turkey, and the United States.

It is a genuine distinction to be chosen for one of these grants.

The successful candidate must be recommended by the U.S. Office of Education to the Board of Foreign Scholarships which makes the final selection.

It is a privilege for me to announce that a constituent from my home city of Lawrence, Mass., has acquired the knowledge of her subject and the teaching skill to earn one of these awards.

Miss Justine Marcia Devlin, of 9 Allyn Terrace, Lawrence, has received a grant for the purpose of attending the summer seminar for American teachers of German at Goethe Institute, Munich, Germany.

Justine is the daughter of Mark H. Devlin, Jr., who was an athletic star at Holy Cross College, and went on to build a successful career as teacher, coach, and director of athletics at Lawrence high.

She is one of the 20 outstanding teachers in the Nation who were chosen from a list of highly qualified applicants for these grants.

This honor reflects credit on herself, her parents, and the teaching standards at Lawrence High where she is a member of the faculty.

Congratulations to Miss Devlin for a genuine achievement.

JAMES BRENDAN CONNOLLY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, the modern Olympic games after a period of about 1,500 years, during which no such international sports meetings were held, were instituted in 1896 in Athens, Greece, so that the present Olympic games, for all practical purposes, particularly in our day, started in 1896.

In the Olympic games held in Athens in 1896, 484 athletes from many nations participated. As an indication of the great international interest in the Olympic games, when they were held in Helsinki in 1952, 5,781 athletes participated. During the period between 1896 and 1952, at least 35,000 athletes have participated in this great international sport event.

In the 1896 games, the United States sent to Athens a small but able team of athletes as follows: James Brendan Connolly, Bob Garrett, Herbert B. Jamison, Francis A. Lane, Albert C. Tyler, Arthur Blake, Thomas E. Burke, Ellery H. Clark, Thomas P. Curtis, William H. Hoyt. Each and every one of these American representatives are outstanding athletes and at the Olympic games of 1896 brought honor and glory to the United States.

The question is often asked, "Who was the first winner and champion at the Olympic games of modern times?"

The answer to that question is that the winner of the first contest at the Olympic games in Athens in 1896 was James Brendan Connolly of Boston, Mass.

The day after the U.S. team arrived at Athens, Greece, the first contest of the Olympic games was the hop-step-jump, and Jim Connolly won this contest jumping a distance of 45 feet, a record that stood for the next 13 years. This victory of the late Jim Connolly took place on April 6, 1896. By the victory of Jim Connolly, the American flag was the first flag to fly from the Victory Pole.

In the Olympic games of 1896, Jim Connolly and the other nine members of the U.S. representatives at the Olympic games made outstanding history in the field of athletics, and Jim Connolly and the others brought honor and glory to the United States.

It is well that we pay tribute to these men and by doing so, keep alive in the minds of the youth of America the ambition to emulate their actions in the field of athletics and in future Olympic games, by their victories bring honor and glory to the United States.

In addition to his great athletic ability, Jim Connolly was a great American and one of the finest gentlemen that I have ever met. He was gifted in many other directions. Because of his knowledge of the sea and of seafaring men, based upon his own experiences in the North Atlantic, aboard oil tankers in the Gulf of Mexico, and whaling voyages with the great Capt. Morgan Ingrebicksen, and a member of the famous Massachusetts 9th Regiment in the Spanish-American War, and as a war correspondent in World War I, Jim Connolly is the author of a number of books, at least 25 books, for which he will always be remembered by all lovers of literature of the sea. He is the author of such books as "Out of Gloucester" and "Canton Captain." Among booklovers, and particularly those of books relating to the sea, Jim Connolly is one of their favorite authors.

If alive today, Jim Connolly would be 91 years old. He passed away only a few years ago, but his productive life, his noble outlook on life, his philosophical and kind mind has left its favorable impression for countless generations to come. He will not only always be remembered for the excellent books of which he is the author, but particularly as the winner of the first event in modern Olympic games, and the honor and glory that this victory brought to the United States.

SMALL BUSINESS COMMITTEE

Mr. MULTER. Mr. Speaker, I ask unanimous consent that Subcommittee No. 2 of the House Small Business Committee may sit during general debate during the session of the House tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ATTACKS ON CHURCHES

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, the controversy over the recently exposed—and repudiated—Air Force manual continues. Some weeks ago, when the Air Force, in a moment of incredible carelessness, allowed a manual to be issued, containing long discredited and absurd charges against America's churches, it was assumed that the controversy would soon be settled. The Air Force's promptness in withdrawing the manual gave further room for hope that this tempest would soon be removed, even from the teapot in which it had arisen.

But the critics of the National Council of Churches have seized upon the publicity given to the manual to again sing their hymns of discord. In a recent article in the New York Times, the people who are leading this cantata of calumny are described, and the basis for their opposition to the National Council—in-

deed, to any church group or individual who disagrees with their particular ideology—is well summed up.

The article reads as follows:

EXTREMISTS TRY TO CURB CLERGY—MOVES TO BAN SOCIAL ISSUES CAUSING PROTESTANT RIFT

(By John Wicklein)

Protestant leaders in the Midwest and in Texas believe a concerted effort is being made by extreme economic and religious conservatives to keep ministers and church councils from speaking out on social issues and force them to "stick to the gospel."

The effort, they say, has intensified in the 6 weeks since an Air Force training manual drew attention to long-standing assertions by ultra-conservatives that Communists had infiltrated the major Protestant denominations and their federation, the National Council of Churches.

The council protested the manual, and the Defense Department withdrew it with apologies. The withdrawal incensed fundamentalists. They insisted in rallies that the charges were true, and demanded that the publication be reinstated.

This weekend the Reverend Dr. Roy G. Ross, general secretary, sent a letter to all Members of Congress stating that the council and its 33 constituent bodies "are and always have been unalterably opposed to communism."

But the council "insists not only on the right, but also on the duty of the churches and of religious communions and their members to study and comment upon issues, whether, political, economic, or social, which affect human relations," he went on.

It is on this point that liberal and moderate ministers run into violent disagreement from fundamentalist clergy. The conservatives insist that the church "preach the Bible and teach Sunday school," and keep out of social and political debates.

"The basic issue in the present controversy is still the old fundamentalist-modernist argument," the Rev. Dr. Roe Johnston, minister of the First Presbyterian Church in Indianapolis, said in an interview last week.

"The fundamentalists have found a new club in these Communist charges, and it gets them more publicity than they ever had before, and so they are going to flail away."

Ministers such as Dr. Johnston, a former football star at Annapolis, are not afraid to speak strongly on social issues. But many others, according to executives of local church councils, are afraid that if they do they will be attacked as Communist sympathizers or undercut financially.

INTIMIDATION SEEN

A Chicago denominational official saw the attacks as attempts at intimidation in the manner of the late Senator Joseph R. McCarthy, Republican, of Wisconsin, with guilt by association as the chief weapon.

"If we lose the freedom of the pulpit," he said, "then we're gone."

He noted that the attackers had not been able to name any incumbent official of a major denomination or the National Council as a Communist.

That moderate and liberal clergymen have genuine fears for this freedom was indicated in interviews last week in four areas, where pressure from ultra-conservative clergy and laymen had been reported—Cincinnati, Indianapolis, Chicago, and Houston.

The pressure, these men agreed, stems from two sources:

Wealthy laymen in and out of mainline denominations who object to social, economic, and political pronouncements by local ministers, denominational leaders and officers of the National Council.

Theological conservatives who object to liberalism in matters of belief, which predominates within the major denominations affiliated with the council.

The efforts of the one group, according to local church council executives, reinforce the efforts of the other.

Those opposing the council have found guidance in the nightly broadcasts of Fulton Lewis, Jr. For the last 3 weeks the commentator has devoted a third of his daily broadcasts on 310 stations across the country to attacks on the council and liberal clergy leaders.

LEWIS OFTEN QUOTED

Midwestern ministers say Mr. Lewis is the source most frequently quoted to them when their parishioners ask questions such as "What are you going to do about the Communists in our denomination?"

Mr. Lewis was asked whether he was making his attack on the council as a kind of crusade.

"Yes, I am," he replied. "I think that the National Council of Churches in many of its functions is a very fine organization. But it should not, however, be represented as the spokesman for 38 million Protestants when it is not the spokesman."

This objection was also heard across the Midwest. At the council's headquarters here, James G. Wine, associate general secretary, said the organization was aware of the criticism.

"Certainly we do not speak for 38 million people," he said. "No one could. And you'll note that pronouncements adopted by our General Assembly always say the delegates 'urge' the churches to do thus and so, never that they have to do it."

Mr. Lewis said he wanted to stress "that the Air Force manual told the truth and should never have been repudiated."

The council, he said, "should not speak out on political issues, and so far as they speak out on social issues, it should be from a religious standpoint."

WOULD WITHHOLD FUNDS

He has suggested his listeners write to J. Howard Pew, former president of the Sun Oil Co., and head of the United Presbyterian Foundation, for a report Mr. Pew wrote opposing the council's participation in "current secular affairs."

Mr. Pew, in a speech in Chicago a week ago, warned his denomination that men of wealth would continue to withhold contributions to the corporate church until it stopped making pronouncements on social issues, such as civil rights and collective bargaining. He has been supported by Gen. Robert E. Wood, former head of Sears, Roebuck & Co., and other affluent laymen.

In an interview Mr. Pew said:

"I would be just as much opposed to their making these pronouncements if they were enunciating my philosophy. These people do not have the knowledge and the competence in these areas. They should stick to ecclesiastical subjects."

The local minister, he said, has a responsibility in ethical and moral considerations that does not apply to the corporate church.

The Reverend Dr. Eugene Carson Black, chief executive officer of the United Presbyterian Church disagreed with Mr. Pew.

"In all my ministry," he commented, "I have never been criticized for meddling in political affairs by any church member who agreed with the views expressed.

"The stake that the Protestant churches have in this whole business is to keep themselves free to teach and preach the Gospel. Those who are pressing the church to keep out of economic and political areas, whether they know it or not, are attempting to make in this country a tame, kept church such as all totalitarian states attempt."

Support for slanderous accusations against liberal churchmen "normally comes from people who combine conservative theology with conservative economics and politics, specifically including worthy men of the far right," he declared.

He said he would not put it past the Communist Party to try to push this kind of confusion in the Protestant churches.

RAISES RED CONNECTION

"If there are Communists in this thing," he said, "I am sure they are using these extreme anti-Communists as their unwitting tools to try to destroy the Protestant churches, which have always been implacable foes of the Communist Party and ideology."

Dr. Blake and other major denominational officials listed these fundamentalists as chief sources of attacks on the more liberal clergy:

Maj. Edgar C. Bundy of the Air Force Reserve, chairman of the Church League of America in Wheaton, Ill., a lecturer and pamphleteer. He led the group in the Illinois Department of the American Legion that condemned the Girl Scout handbook as un-American.

Myers G. Lowman of Cincinnati, executive secretary of Circuit Riders, Inc., organized in 1951 by 33 Methodist laymen to oppose socialism and communism in the Methodist Church.

The Reverend Carl McIntire, of Collingswood, N.J., founder of the American Council of Churches, a small schismatic group, and editor of The Christian Beacon, which is devoted to attacks on the national council.

Verne P. Kaub of Madison, Wis., organizer of the American Council of Christian Laymen and a pamphleteer, who supports Mr. McIntire.

The Reverend Billy James Hargis of Tulsa, Okla., president of The Christian Crusade, lecturer and radio speaker. His pamphlet, "The National Council of Churches Indicts Itself on 50 Counts of Treason to God and Country," was cited as source material in the Air Force training manual.

HEAVY FINANCIAL BACKING

All these men have said they draw financial support from contributors to their organizations, or from lecture fees.

Church council executives say the major costs of their operations—the distribution of pamphlets and air time for radio programs—are underwritten by two independent oil operators in Dallas and a Philadelphia industrialist. Attempts to reach these men and their business offices for confirmation have proved unavailing.

The five appear to have strong financial backing. Several weeks ago a small radio station in Illinois was offered $5,000 a week to broadcast Mr. McIntire's "Reformation Hour." The clergyman is heard on 90 stations across the country.

After 1936, when the Presbyterian Church in the United States of America withdrew his ordination, Mr. McIntire concentrated his attack on that church. Later he shifted to attacks on the Roman Catholic Church, and more recently to the national council.

Material used over the years by the five antiliberals was quoted freely in the Air Force manual as proof that Communists were a guiding force in the council and major denominations.

Their chief sources of "documentation" are quotations from one another, information against clergymen in the "raw" files of the House Committee on Un-American Activities, unevaluated testimony (sometimes their own) before that committee, and writings by them inserted in the CONGRESSIONAL RECORD by ultraconservative Senators and Representatives.

OMISSION IN CHARGE

A charge circulated by these men and Mr. Lewis is that Bishop G. Bromley Oxnam spoke at a dinner of the Congress of American-Soviet Friendship.

Omitted from the charge is the fact that the time was November 8, 1942, when the United States was officially allied with the

Soviet Union, that those present included Owen D. Young, the late Cordell Hull, Lord Halifax, Edward Stettinius, Jr., and Senator Kenneth McKellar, Democrat of Tennessee, and that sponsors of the Congress included Senator Leverett Saltonstall, Republican of Massachusetts, and Christian A. Herter, now Secretary of State.

Charles P. Taft of Cincinnati, brother of the late Republican Senator Robert A. Taft and an Episcopal layman active in the National Council, called the charges "chiefly an anti-intellectual attack."

"They don't want to discuss the Communist conspiracy on any intellectual basis," he said, "because they don't show at all that ministers preach Communist doctrines. They always merge proposals for social welfare with communism, with an anti-intellectual refusal to make a discrimination between them. In a sense, it is the same sort of anti-intellectual attack that Senator McCarthy made on proposals for social welfare."

Churchgoers in Houston, Tex., seemed by far the most disturbed over the charges of communism. A council official described it as a "disaster area" for old-line protestantism.

This may be because the area mixes religion with conservative economic and social thought: A car parked outside a large Fundamentalist church has a sticker that reads "Constitution Party—Repeal the Income Tax"; a lighted sign in front of an insurance company division office says, "Joy shall be in heaven over one sinner that repenteth."

Independent, emotional-appeal churches are springing up all over the city in attractive contemporary buildings containing church schools, nurseries and air-conditioning.

At one, the Berachah Church, Major Bundy last Sunday, drew 4,000 persons to four rallies against the National Council.

"Moderns and liberals hate the word fundamentalist, because it deals with the fundamental teachings of the Bible and because it means the fundamentals on which this country was founded," he told them.

REFERS TO PROFESSOR HERE

Churchmen who do not agree with his definition of fundamentals, he implied, are soft on communism.

He said a retired professor at Union Theological Seminary in New York had been identified as a Communist. He charged that the professor had been active in the National Council, which was not true.

"The National Council of Churches is on the same block in New York City as Union Theological Seminary and Columbia University," Major Bundy observed, and added: "Birds of a feather, eh?" His audience laughed.

But officials of the Greater Houston Council of Churches think the situation is serious.

"There is a readiness of the people in this Bible belt to accept these charges," the Rev. Virgil E. Lowder, executive director, said. "Most pastors are being pretty cautious about saying anything in rebuttal, for fear of reprisals."

The council decided it had to reply, and it did in a television talk by the Reverend John D. Craig, a Presbyterian minister and former president of the Houston Association of Ministers.

"Of course the Communists have tried to infiltrate the churches, just as they have tried to infiltrate the business and professional groups," Mr. Craig declared. "But they have not been successful in the churches, because it is too hard for them to pretend to be Christians."

Criticism of the church councils comes from persons within as well as outside old-line churches.

W. Hume Everett, Houston division attorney for the Ohio Oil Co., has written to all vestrymen of St. John the Divine Episcopal Church asking them to withhold contributions from the local, State, and national councils so long as they speak out on social affairs.

"They don't speak for me," he said in an interview.

"They support, without exception, all socialistic laws. The primary purpose of the local, State, and national councils is not to promote the love of Jesus Christ, but more Government control."

Mr. Everett said he knew and had worked with Major Bundy.

"Bundy advises people to leave their churches, but I want to work inside the church. I want to persuade the pastors to leave us poor, dumb laymen to take care of politics, and take care of the spiritual guidance that will help us do this."

WIDENING EFFECTS

The attack has had an effect in other cities.

In Wichita, Kans., the board of deacons of the largest American Baptist church in the country voted to cut off the church's $33,000 contribution to the denomination in protest against its membership in the National Council.

While a reporter was in local church council offices in the Midwest, phone calls came in from ministers and laymen asking about the Communist charges and what would be done about them. Ministers reported their congregants confused and disturbed by the issue.

"This is the first time I've seen our clergy angry," the Reverend Laurence T. Hosie, executive secretary of the Greater Indianapolis Church Federation, said. "The whole American concept of the right to differ within your loyalty to the country is being challenged here."

The Indiana area of the Methodist Church reported that Communist charges concerning the authors of the revised standard version of the Bible had led members of the Central Avenue (Indianapolis) Methodist Church to ask the minister to stop using it. The members said they did not want any Red-oriented scripture.

American Legionnaires in a Presbyterian Church were reported to have asked that funds be withheld from the denomination until it dropped its affiliation with the National Council.

The Legion, which has its national headquarters in Indianapolis, has taken no official stand on the Air Force manual, but the charges have been discussed at meetings in local posts.

Neil E. Watterman, Americanism chairman of the Legion's Hamilton County (Cincinnati) Council, said the manual "certainly is an important part of the education concerning Communist infiltration, and we will be using it in lectures before the Kiwanis, PTA, and church groups."

He said he had used pamphlets by Mr. Lowman for reference when his committee had been asked if a person was a good individual to have as a speaker.

The Circuit Rider pamphlets, which Mr. Lowman says are devoted exclusively to listings of subversive affiliations of clergymen and laymen, are distributed widely in and outside the Methodist denomination.

Church leaders in Cincinnati, Mr. Lowman's home, say he has been able to keep the issue alive in the area.

In an interview Mr. Lowman said he was glad the manual issue had come up.

"I think this controversy is the best thing that ever happened for conservative religion in this country," he said. "It's brought it down to a matter of survival for the National Council of Churches."

He said his only concern was that church facilities not be used for subversion or socialistic purposes.

"My position is that the National Council of Churches and its program addresses itself in the main to the grievances and the animal appetites of man," he went on. "The program goes under the fancy title of 'social gospel.'

"We are for a minister speaking out on any issues except the promotion of socialism, communism, or pro-Communist activities."

Last year Mr. Lowman was paid $54,500 by the Georgia Commission on Education as a "secret investigator" in its efforts, according to Gov. Marvin Griffin, "to keep our educational institutions free and segregated."

Mr. Lowman has attacked leaders of the Greater Cincinnati Council of Churches as subversive. In 1952 he applied for a job as public relations director of the council. He was refused.

The Reverend Raoul C. Calkins, district superintendent of the Cincinnati area of the Methodist Church, commented:

"The whole implication that within Protestantism there is a lack of loyalty to the United States and a tendency to be loyal to communism is just ridiculous and unfounded."

Today, following the appearance of the article found above, the New York Times ran an excellent editorial on the subject. The editorial points out clearly, and without equivocation, that the attacks on our churches are attacks upon the basic freedom of the religious bodies of the Nation to speak out on subjects that concern them, as they concern us all. As this editorial points out, what we are witnessing in the attacks on the National Council, is an attack upon religion itself.

The editorial follows:

AN ATTACK ON RELIGION

Two thousand years ago the Christian religion was considered so subversive that its founder was put to death and its followers driven underground. Times have changed since then, except in some of the Communist areas. Yet, as John Wicklein wrote in this paper yesterday, a bitter and ignorant attack is now being made on a Protestant organization, the National Council of Churches, on the ground that it is infiltrated by Communists and other left-wingers. The attack was brought out into the open when the Air Force withdrew, with apologies, a training manual which made just these charges.

If anyone will take the trouble to read the New Testament, or certain parts of the Old Testament, he will find that the prophets, including the Man of Nazareth, had indeed little reverence for riches or the possessors of worldly power, and had, on the contrary, a deep pity for the poor and the afflicted. All through the centuries the Christian church in all its phases and divisions has had a social as well as a religious message. Like other great religions, Judaism included, it has been repeatedly stirred by social reform movements.

In this light we may look again at those fantastic mentalities who attack what one of Mr. Wicklein's informants called "the freedom of the pulpit." So far as there is anything beyond a moronic vacuum in these attacks, they are really directed at all efforts to reconcile our society with the Ten Commandments and the Sermon on the Mount. An intrachurch struggle is no doubt going on and in this dispute the general public outside the affected denominations need not take part. We have a right, however, to object to any attempts to intimidate the ministers of any religion. The symptoms of the present anticlerical campaign are recognizable in their similarity to other discreditable incidents over many decades and even generations. They are cheap, silly, and irreligious.

GRAIN STORAGE RATES REQUIRE ADDITIONAL STUDY

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, recently the Department of Agriculture has announced a planned reduction of storage rates of approximately 19 percent on Government-owned grain.

I am convinced that such a drastic reduction would work a great hardship on many farmers, country elevators, and farmers' associations.

In a recent public meeting which I called to discuss storage rates, a group of 210 interested farmers and elevator storage men recommended that any reduction in storage rates or handling charges be postponed for further study. These responsible men meeting at Huron, S. Dak.; March 27, convinced me that existing rates are not too high. The services rendered by the country elevator and others who store a vital part of our Nation's food supply are services that for the most part are not being overpaid.

It is true that there are instances of profiteering and irregularity in the storage industry, and these cases should be met by vigorous Government action. Such special cases could be dealt with by granting recapture authority to the Department so that the Government could recover excess profits that might be made by certain storage interests.

I have today introduced legislation expressing the sense of Congress that the Department of Agriculture continue for an additional year existing storage rates and handling charges with the provision that authority for recapture of excessive profits be granted to the Department.

Under unanimous consent, I include my resolution and the resolution passed at the Huron meeting at this point in the RECORD:

HOUSE CONCURRENT RESOLUTION 651

Whereas the Department of Agriculture recently announced its intention to decrease by 19 percent the storage rates on Government-owned grain; and

Whereas a reduction in storage rates would affect and could be injurious to thousands of farmers, farmers' organizations, and country elevators who are presently operating under uniform storage agreements; and

Whereas in some cases existing rates may result in excessive profits, and the Government should be authorized to recapture such excessive profits; and

Whereas a determination and justification of changes in either storage rates or handling charges must be based upon an overall study of costs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Department of Agriculture rescind its recent proposal to decrease by 19 per centum grain storage rates on Government-owned grain, and continue for one year the uniform storage agreement contracts now in effect, including storage rates and handling charges, in order to provide time within which to negotiate any needed changes in rates and to provide a basis for recapture of excessive profits.

RESOLUTION PASSED AT HURON, S. DAK., MARCH 27, 1960

The following resolution was unanimously adopted on March 27, 1960, by 210 farmers, managers, directors, and representatives of farmers and country elevators meeting in the courtroom of the Beadle County Courthouse, Huron, S. Dak.:

"We earnestly recommend that the U.S. Department of Agriculture rescind its recent proposal to decrease by 19 percent grain storage rates on Government-owned grain.

"We recommend, instead, continuance for 1 year of the uniform storage agreement contracts now in effect, including existing storage rates and handling charges, so as to provide ample time to negotiate any needed changes in rates."

THE LATE HONORABLE RUSSELL V. MACK, REPRESENTATIVE FROM THE STATE OF WASHINGTON

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, it would take not one minute but hundreds of minutes, yes, thousands of minutes to pay real tribute to the late Judge Mack of Washington, who passed away literally in our very midst on the floor of Congress yesterday. Certainly, no man ever lived who deserves more justly the undying gratitude of the veterans of our country than Judge Mack of Washington. Judge Mack served on our Committee on Veterans' Affairs when I was chairman of it and he was a constant help and inspiration. He was very successful in securing passage of legislation. Great of stature he was great in heart and kindliness. Wholesome and enthusiastic, he made people realize the power and possibilities of America. Nothing was too small for his interest.

When I first met Judge and Mrs. Mack on their arrival in Washington I rejoiced that we would have their friendship and understanding.

They were not interested just in their State of Washington—but in the world. They traveled all over the United States. Able and fearless, Judge Mack fought for his country in peace as he did as a soldier in World War I. He died in the service of America. Beautiful Mrs. Mack, his beloved wife, has the comfort of knowing she was always by his side leading him on. May God grant her solace. I mourn with her deeply and with the State of Washington and the Nation.

FREEDOM OF THE PRESS AND THE TARIFF ISSUE

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 30 minutes.

Mr. BAILEY. Mr. Speaker, on July 30 of the past year a protest was made on this floor against the press coverage of the tariff and trade issue. Half a dozen members joined me in expressing deep dissatisfaction over the manner in which the metropolitan press had treated the news relating to the so-called Reciprocal Trade Agreements Program and the tariff battle in general over the years. It was our opinion that a biased press had given very inadequate coverage to those who spoke for reasonable protection of American industry against destructive imports, while at the same time it gave full coverage to the statements, opinions, and views of those who, both in and out of the Government, advocated more tariff reductions.

In support of these views there was inserted in the RECORD an exchange of correspondence between Mr. O. R. Strackbein, Chairman of the Nationwide Committee on Import-Export Policy, and Mr. J. Russell Wiggins, president of the American Society of Newspaper Editors.

Subsequently as more material became available it was placed in the RECORD of September 9, 1959.

At that time Mr. Wiggins had agreed to lay before the board of directors of ASNE—American Society of Newspaper Editors—an offer of $2,000 in cash made by Mr. Strackbein to any ASNE member who could answer a series of questions on the tariff and trade developments of the past 25 years by reference to newspaper columns.

I am informed that no one took the trouble to make the effort to win the prize. At this point in the RECORD I wish to insert an article written by Mr. Strackbein published in the Bulletin of ASNE February 1, 1960. This will bring up to date some of the developments in this complaint:

THE PRESS IS IMPERFECT

(By O. R. Strackbein, chairman, National Committee on Industry, Agriculture, and Labor on Import-Export Policy)

On June 18, 1959, the writer sent a complaint against the character of newspaper coverage of the "protectionist" side of the tariff and trade question to the president of the American Society of Newspaper Editors, Mr. J. Russell Wiggins.

The essence of the grievance was that while the subject of tariffs and trade as a whole had been given publicity to the point of saturation over the years, the protectionist side had been systematically downgraded and badly slighted, particularly by the metropolitan press.

The complaint held that the newspapers were largely in support of the trade agreements program and in effect enlisted as partisans on the side of the Government and as such unabashedly used the news columns in the legislative tariff battles before Congress as pawns in the contest. The combination of newspapers and Government, the complaint indicated, produced an effect almost undistinguishable from the press in totalitarian countries. It was all but impossible for outsiders to break through this "cordon sanitaire."

The complaint also said that the metropolitan newspapers did not carry the rationale of the "protectionists" but confined themselves mostly to brief quotes of conclusions from protectionist spokesmen. In contrast the liberal trade position was spread before the public in its philosophical justification and in its practical political aspects in all detail. Generally the protectionist spokesmen were dismissed as "high-tariff" lobbyists or characterized as anachronistic throwbacks to William McKinley.

The president of ASNE replied that he did not agree with the indictment and that

there was therefore nothing to be discussed. Upon further insistence by the complainant the ASNE executive said there was no committee, board or group of the press that had powers of review to which such a complaint as the writer's could be submitted.

Yet further correspondence revealed the existence of the Freedom of Information Committee of ASNE but it was said that its function was to prevent or protect suppression of news not by newspapers but by National, State, and local governments. The writer felt incredulous over such a state of affairs and said so. He thought there "must be" some provision for the hearing of complaints.

In the end the president of ASNE agreed to lay the complaint together with any pertinent material before the society's board of directors which was to meet in October 1959.

The writer produced citations from the legislative history and various developments in the course of the past 4 or 5 years of the trade agreements program, together with observations on the treatment accorded these events by the press.

He listed five specific complaints among many other possible ones and supported them with exhibits and citations. While the exhibits were somewhat voluminous the volume was thought to be justified by the importance of the issue. This was also better than to err on the side of deficiency, particularly when earlier correspondence had produced the cry that the complaint was too general and lacked evidence.

Before the board of directors met, the writer made a cash offer of $2,000 to any member of the ASNE Freedom of Information Committee or board of directors who could achieve a grade of 75 percent or higher in answering some 75 questions on various aspects of the trade agreements program by consulting newspaper files and providing citations of newspaper, page and column. This offer was designed to test the news coverage by a method that might be vastly superior to a count of column inches.

The offer was received in complete silence by those who could have entered the contest. Perhaps $2,000 was a sum so small that no one was tempted. Not a single nibble was recorded.

The writer also asked permission to appear before the ASNE board; but the request was denied. The board met October 31 and disposed of the case with apparently little ceremony on the grounds that the ASNE could not tell any newspaper what to print or not to print. It said there was no board of review but even if there were one, in the opinion of the board, the complaint would be found to be without foundation. It also said that complaints of the kind before them should be made to individual newspapers.

The writer followed this admonition by directing another letter to Mr. Wiggins in the latter's capacity as executive editor of the Washington Post as well as president of ASNE. This complaint was no more productive than the first.

The author concluded that there was no avenue of reaching the press as an institution. It was an impenetrable monolithic exception to the democratic processes. The press, on the other hand, is rightly jealous of its constitutional safeguard; but it appeared to the writer that no human activity should be free of all accountability when such activity failed to fulfill the obligation that rests on it, as it does on all who exercise a privilege as vital in its impact on the public as news communication.

All other professions have established standards, including the law, medicine, and pharmacy. The public is protected against adulterated food, fraudulent weights and measures, and the principle of caveat emptor has been set aside in these fields. Those who teach our children must meet certain scholastic requirements as must those who look after our health. In journalism there are no such requirements even though the character of public enlightenment depends greatly on what people read in newspapers.

Beyond rising standards of education, training and competence, other professions have set up codes of ethics and proper practice.

The field of journalism has neither and seems to lie beyond the public conscience, headstrong and untouchable.

Such incorrigibility may arise in some degree from inability to find a means of discipline that would not impinge disastrously on the freedom of expression that should surround the press. That such means of discipline do exist, if a little positive rather than negative thought is given the subject, seems indisputable; and the need, as indicated in the complaint, is great indeed.

It will be noted from this article that Mr. Strackbein requested permission to appear in person before the ASNE's board which met on October 31, 1959, in order to present his documented complaint; and that his request was denied. In lieu of a personal appearance Mr. Strackbein filed a complaint under five headings, each supported by citations. This document, together with the citations, is offered for the RECORD at this point:

THE NATIONWIDE COMMITTEE
ON IMPORT-EXPORT POLICY,
Washington, D.C., October 28, 1959.

Members, the Board of Directors, American Society of Newspaper Editors.

GENTLEMEN: On June 18, I wrote to the president of your society complaining against the press coverage of the tariff and trade problem, alleging that while the "liberal" trade side of the issue had been fully publicized the "protectionist" side had been downgraded and only fragmentarily presented over a long period of years.

In that letter I presented no evidence to support the charge of bias and your president, Mr. J. Russell Wiggins, turned away on the grounds that I had provided no evidence.

Subsequently, on August 26, instead of presenting evidence I submitted a list of some 75 questions by which newspaper coverage of the subject could be tested. I offered a cash payment of $2,000 to Mr. Wiggins or to members of the ASNE Freedom of Information Committee who could make a passing grade of 75 percent in reply to the questions, provided that each answer were supported by a specific newspaper citation. This was not to be a test of knowledge but of newspaper coverage.

Mr. Wiggins agreed to lay my proposal before the board of directors of the society; and I subsequently extended the cash offer to members of the board and extended the expiration date of the offer.

I desire now to call attention to specific and serious failures of the metropolitan press to report on important aspects of the tariff and trade issue as it developed and how through these failures the country was left woefully uninformed or misinformed on the subject, and still remains so.

1. The trade agreements program was recommended to Congress and to the country under false pretenses, the record now demonstrates overwhelmingly.

The repeated Presidential and other executive assurances, including those of successive Secretaries and Assistant Secretaries of State and other Cabinet members, that the trade agreements program would not be allowed to injure American industry, were liberally disseminated to the public through the press.

Attached hereto as exhibit A is a partial record of direct quotations from three Presidents, several Secretaries of State, other Cabinet members, Under Secretaries, Assistant Secretaries, and others, who testified from 1934 to 1958 before congressional committees or issued statements and in all apparent sincerity piled assurance upon assurance that should serious injury occur to any domestic industry, as a result of error in tariff reductions or of unforeseen developments, a sure remedy was at hand in the escape clause. (See "Escape Clause Assurances and Interpretations," exhibit A, pp. 2, 3, 9, 11, 13–17, 19, 22, 24, 25.) Copies were sent to you on October 9.

COMPLAINT

Despite numerous charges that the administration of the trade agreements program, especially in the manner of negotiation and more particularly in the sterility of the escape clause of the Trade Agreements Act had failed to carry out the numerous executive avowals and assurances, the public and even Congress were left in almost complete ignorance of the facts. The newspapers, for reasons of their own, achieved an almost perfect record of failure to print the protests and statements of those who pointed to the vast discrepancy between assurances and performance.

Since the membership of Congress depends in great part upon the newspapers for its information, for the simple reason that Members can neither sit on all committees nor read all committee reports, the failure of the newspapers to print the complaints of those who were adversely affected by the trade agreements program created the impression not only in Congress but throughout the country that the Executive assurances were being carried out. At least, there was no reason to believe the contrary. This very state of ignorance permitted successive Presidents and other leading officials to continue to repeat the false assurances to Congress and to the public without fear of effective challenge from any quarter.

This type of failure to print replies to public officials whose very position makes news of their words goes to the very foundation of news judgment. The professional newsman's excuse is that the President's very position or that of any high government official automatically confers news value on his utterances.

This view and the practice flowing from it underlie much of the common complaint that we have a government of men and not of laws.

A public issue is a public issue. If it has national importance, as the amount of copy printed on the tariff and trade issue indicates this subject to have, then the newspapers that print only the one side of the news and suppress or neglect that of the opposition to the Government, are guilty either of implicitly conspiring with the Government or of abject failure to understand the basic principles that must guide the generation of sound public opinion.

Unquestionably guidelines could be established to serve under precisely such circumstances. These matters are entirely too serious to be left to the personal moods and prejudices or judgment of individual editors.

2. The record of Executive action under the power delegated to the President under the Trade Agreements Act has been a sharp variance from the Executive assurances.

The principal instruments for carrying into effect the numerous but false Executive assurances referred to in No. 1 above, are the Committee for Reciprocity Information, which guides the negotiators of trade agreements, and the escape clause which was designed to provide a remedy against serious injury from imports in keeping with the Executive assurances.

Exhibit B, attached hereto, is a record of Tariff Commission recommendations sent to the President and the President's disposition of the cases. The period covered ranged from September 1950 to September 1956.

The analysis sets forth the President's reasons for refusing to promulgate Tariff Commission recommendations. In a separate analysis the cases in which the President accepted the Commission's recommendations in whole or in part are compared with those that he rejected.

COMPLAINT

The entire record of Presidential rejection of Tariff Commission recommendations has on numerous occasions been set forth in speeches on the floor of Congress, in statements, speeches, and publications, but, with few exceptions, no account of this shocking record will be found in the press. Yet the record so obtrusively contradicts the long line of Presidential and Executive assurances that the very magnitude of the discrepancy should be newsworthy.

The Tariff Commission itself has found injury in less than half of the 80-odd cases that have come before it under the escape clause. The President in turn has accepted the Commission's recommendation in only 11 cases and diluted all but 2 of them. He has failed to put into effect 7 unanimous recommendations of the bipartisan Tariff Commission.

The failure of the press to expose this record to the public, whether deliberate or not, cannot be defended on the grounds that the subject itself was not newsworthy. Too many columns of praise, originating in great degree from Government handouts, have appeared in our newspapers to give color to such a defense. They have been quite uniform in extolling the supposed virtues of the trade agreements program. It has been a case of saturated reporting on one side and a virtual freezeout on the other.

3. Executive domination in the field of foreign trade. How the State Department enlarged a delegation of limited power from Congress to the President into an effective eviction of Congress from its post of constitutional authority.

An intense battle has raged for 10 years over the ousting of Congress by the State Department from the twin congressional functions of making the tariff and regulating foreign commerce. Exhibit C, attached hereto, traces the development in some detail chronologically. Copies were sent to you on October 14.

The question has been raised many times in Congress, in hearings, on the floors of both Houses, and in public statements and debates. Bitter complaints were made at the various stages by which the State Department, representing the President, tightened the noose around the congressional neck.

COMPLAINT

The complaint in this instance could best be expressed by asking a question:

Where was the free press of this country?

If the press cannot rise higher than the level of espousing favorite causes of the owner or editor of this or that newspaper, and, becoming totally submerged in its own quest, is wholly oblivious of the great principle embodied in the phrase "the right to know," how can it hope to be worthy of its privileged status?

If the press will not give currency to grievances, complaints, and exceptions to developments, such as the loss by Congress of its constitutional authority, while the developments are under way, it will have abdicated the most basic function that freedom of the press should fulfill. If it will uphold this freedom only when the suppressed ideas are those with which it agrees but is indifferent to or even conspires in, the suppression when the ideas are those with which it disagrees it will have sold its birthright for a beakerful of cynical brew.

There was much that was newsworthy along the winding way of trade agreement legislation and administration that led to the Laocoon-like fate of Congress at the hands of the State Department; but the newspapers generally not only did not themselves speak up; they did not echo those who did voice strong objections.

The late Senator Eugene D. Millikin, Republican, of Colorado, questioned the Department very closely and at great length in hearings before the Senate Finance Committee on the point of State Department usurpation of power through the proposed ITO charter and the General Agreement on Tariffs and Trade, both in 1947 and 1949. His penetration and perspicacity were extremely uncomfortable to those who so hungered for State Department domination of the field of tariffs and trade that they ran recklessly out of bounds in international commitments. Unfortunately, he might as well have saved his monumental effort so far as the press was concerned, and also so far as the contemporary philosophy was concerned, heady and ephemeral though it may have been. His thoughts were not in the jetstream of popularity. He was no faddist.

Other Senators and Members of the House battled vigorously along the same front, with results as bootless and echoless as greeted Senator Millikin.

The press was not interested. The effect was that of Ariel flapping his wings in a void. The American public is conditioned, somewhat after the manner of Pavlov's dogs, to believe that nothing can be important if the newspapers pass it by; and that was why Senator Millikin's inquiry did not prosper. The free-trade moon was in the ascendancy and romance will be served.

4. The United States is a low-tariff country today. Its duties have been shrunk an average of about 80 percent in their protective effect. Protectionists do not propose a high tariff nor do they seek to return to logrolling methods of the past.

The United States has been second to none in lowering its trade barriers. Protectionists have not advocated a return to the days of high tariffs during the past decade; nor do they advocate the old type of tariff revision by Congress.

COMPLAINT

The newspapers have generally been extremely backward in disseminating to the public the extent to which our tariff has been dismembered; possibly because the envisioned paradise of a peaceful world that was to be ushered in with free-flowing trade still seems some perceptible distance away. The United States until recently was still commonly referred to as a high-tariff country. Protectionist statements when given space in the usual bob-tailed form of a paragraph or two in the newspapers were attributed generally to high-tariff spokesmen. This was done quite consistently in news columns and was not at all confined to editorials.

Numerous editorials, on their part, often linked the protectionists with the Smoot-Hawley tariff, the better to discredit them, never mind how poorly the characterization fitted the facts. The great change that had taken place in the protectionist ranks, notably away from big business, was never reflected by the press. The logrolling days were exhumed and paraded as if there were any remote connection between them and the escape clause route.

This in itself was not necessarily objectionable and could be swallowed as a part of the American scene; but it did not belong in the American scene when it was accompanied by denial of an effective reply in the news columns to those who were misrepresented. It then became an obscene spectacle, representing the debauchery of a principle held to be sacred by many, including thousands of editors.

The only possible excuse is that we do not see ourselves as others see us; nor do we recognize injustice readily when we ourselves are the dispensers. The one who steps on another's foot is often unaware of his misstep; but he usually recognizes the other one's right of dissatisfaction with the offending stance. If, of course, the latter does not register any objection he has only himself to blame if his discomfiture continues.

Another excuse is given form in the assertion that the public is not interested in certain subjects and that the tariff is one of them. Why then would the public be interested in all the volume of pro freer trade copy that was pitched at it? Also newspapers are themselves capable of preventing the generation of public interest, if they are so minded. They can either build up a subject or impose a blight; and they know how to achieve either effect.

5. During congressional consideration of bills extending the trade agreements legislation and on other appropriate occasions information that was vital in weighing the merits of the issue did not gain currency because the press failed to carry it.

Executive lobbying became rampant in 1958 in the extension of the Trade Agreements Act. Exceedingly loose, unsupported and exaggerated estimates were made purporting to show how many people were employed in foreign trade pursuits. These estimates were given currency in the press, often as representing official figures, and nothing that was said to the contrary got off the ground. Estimates of the impact of imports on domestic employment seldom saw the light of day in news columns, unless the estimates greatly understated the effects. Contrary estimates were ignored almost completely.

The Department of Commerce rushed through 162 surveys on the meaning of foreign trade to congressional districts represented by Members of Congress thought to be doubtful in their stand. One hundred and fifty of these were released to Members of Congress. These surveys were a shocking array of half-truths, dubious projections, and interpolations, not worthy of the imprint of any Federal department. The protests that were issued against them by Members of Congress and others met the usual fate of outright dismissal by the press. The result was to encourage executive lobbying of a low order through the consent implied by silence.

While the trade bill was under active consideration in Congress in 1958 the administration also came forward with a mineral subsidy bill of scandalous proportions, considering the circumstance that it was timed to wean away votes from the opposition to the trade bill. In the end, after having served its purpose, the House killed the subsidy bill.

The silence of the press was phenomenal. The same press that played up the Dixon-Yates contract could find nothing to say about the minerals subsidy bill as a vote-purchasing maneuver. It was sharply denounced on the floor of the House. What happened to the copy if any was produced? Or did the reporters know that the man at the desk would merely yawn if he received the story? If so, why and how did the reporters know this?

A number of massive attacks have been made on the floor of the House against State Department domination of the tariff and trade field. The press, with minor exceptions, has been both deaf and mute. Were these attacks of no importance? Is Congress not a coordinate branch of the Government? Why then are the words of a Secretary of State or of the Vice President, or some private figure, important and newsworthy when they praise the trade agreement program, if what a number of Congressmen say on the floor is unworthy of printer's ink?

The Congress has a number of times declaimed heatedly over the fact that the General Agreement on Tariffs and Trade has never been submitted to Congress for ratification. The State Department refuses submittal, in the meantime tightening its control over the congressional function. Anyone may go through the files of our newspapers over the past 10 years and find little or no reflection of this contest. Why? Is GATT of such trivial moment that its legitimacy or illegitimacy is a matter of indifference?

When the ITO Charter failed in Congress and when the OTC went down, why was there little or no news about it? Certainly not because the subjects lacked news value. There was abundant news that had the effect of advocating these organizations.

Numerous other incidents that could have been as newsworthy as what did find its way into headlines and articles occurred but fell on sterile ground so far as the press was concerned. Was this accidental or was there some monitoring in the background?

The press does not always shape events and sometimes fails, as does other human endeavor, if it seeks to do so. It is, of course, not the function of the press to shape events but rather to supply the raw materials by the absorption of which the public itself will better know how to shape events—helped, of course, by editorial or commentators' interpretations.

Undoubtedly there is a great temptation, not always resisted, to mold this raw material to ends that will warm the heart of the molder; and perhaps beget him the name of kingmaker or possibly kingbreaker.

Yet, in other fields equal temptations are faced and surmounted. The banker learns how to swim in a medium of money without being corrupted. The policeman knows how to carry a gun or a truncheon without running amok. The military have become accustomed to keeping their powder dry.

None of this discipline was accomplished without the great service of the press itself. Even so there are still lapses. Bankers needed laws to tame them and prevent maneuvers behind the scenes that represented abuse of power. Police forces have had to be restrained; and the military have been subordinated, at least to a degree, to civil authority.

The press, however, has been left free and to its own devices, under constitutional guardianship. It itself wields the power of the word. Yet there is no visible mark of distinction that will set off the editor or publisher from his fellow man so that it might be said of the press, "This estate needs no surveillance, no accountability. It is a law unto itself, answerable to no one."

It is said that the pen is mightier than the sword, and this power may be wielded for good or for evil. Concern over the conduct of the press should therefore be no less urgent than vigilance over the military.

At this very time the position of the United States as a result of contradictory domestic and foreign economic policies is highly vulnerable to import competition. The 25-year-old policy of trade agreements has exhausted such benefits as lay in it. It has released foreign competitive forces against which we presently have virtually no defense in view of present executive hegemony in a legislative field.

Our technological lead over other countries is fast being dissipated and our Government can only juggle one policy against another, leaving the fallout to the Treasury. We subsidize cotton, wheat and other products to uphold exports. There is pressure to bail out economically distressed areas in this country; and this would again fall on the Treasury. Yet our Treasury is already in a very uncomfortable position. We are running heavy deficits in our foreign account. Gold is flowing out and our exports are falling while imports are rising. The comparative cost situation is such that an early reversal seems most unlikely.

Yet the necessary remedial steps are shunned. The longer they are shunned the worse will be inevitable adjustment. The newspapers will not give the space that is necessary to lift the subject from neglect to a forum. With few exceptions they will not print what goes against the official trade policy, after the manner of the press in totalitarian countries. In this case, however, the explanation is different. It is not fear of the President. It is because the press agrees with him. Yet, the effect is the same. As well jam the airwaves and draw the iron curtain. The effect is again the same.

The judgment here expressed about the position of the United States may or may not be unassailable. That is not the point. The point is that the people are entitled to know what the reasoning is, what the pros and cons are; and that is not what they have had in this field and not what they are now getting. That is the core of this complaint.

Sincerely,

O. R. STRACKBEIN,
Chairman.

Let me simply state the title of the five complaints contained in the foregoing document:

1. The trade agreements program was recommended to Congress and to the country under false pretenses, the record now demonstrates overwhelmingly.

2. The record of Executive action under the power delegated to the President under the Trade Agreements Act has been at sharp variance from the Executive assurances.

3. Executive domination in the field of foreign trade. How the State Department enlarged a delegation of limited power from Congress to the President (under the Trade Agreements Act) into an effective eviction of Congress from its post of constitutional authority.

4. The United States is a low tariff country today. Its duties have been shrunk an average of about 80 percent in their protective effect. Protectionists do not propose a high tariff nor do they seek to return to logrolling methods of the past.

5. During the congressional consideration of bills extending the trade agreements legislation and on other appropriate occasions information that was vital in weighing the merits of the issue did not gain currency because the press failed to carry it.

The burden of the complaint was, first, that the discrepancy between repeated Presidential and other high official assurances from Secretaries of State and other Cabinet members, namely, that no domestic industry was to be injured or jeopardized by the tariff reduction program, on the one hand, and the actual record in terms of rejection of Tariff Commission recommendations for tariff increases by the President, on the other, remained virtually unknown to the public. The press, despite many congressional references to the fact, failed to inform the public, thus allowing it to believe that the solemn official assurances had been kept.

Second. Another complaint was that because the public was not informed, the State Department was able to replace Congress as the branch of the Government that regulates our foreign commerce even though the Constitution clearly lodges this authority in Congress.

Third. The press also failed to disabuse the mind of the public of the notion that the United States is still a high tariff country. This failure was not because there was a lack of information on the subject. More than once it had been pointed out how drastically our tariff had been lowered. This was done successively on the floor and elsewhere, but reference to newspaper files would find little if any reflection of this highly significant fact.

Fourth. Also it was protested that while protectionist forces did not advocate tariffwriting by the Congress and did not seek return to logrolling, their position continued to be represented to the public as high tariff and as local selfish interests by the newspapers, thus holding aloft a false image to the public.

Fifth. Finally it was complained that the methods resorted to by the executive departments in lobbying for the passage of the trade agreements legislation in 1958 were condoned by the public only because the public was kept uninformed thereof. This was not because sharp protests were lacking. They were made clearly and in detail on the floor of this House.

Other vital information on the progress of the Trade Agreements Act—its maladministration, the increasingly untenable competitive position of the United States in international trade, and protests against the almost complete domination of the field by the State and Commerce Departments—have also not found their way into the metropolitan press.

Mr. Speaker, these are serious complaints and I may say that my own experience during the years of my close association with legislation on this subject and participation in many debates on the floor confirms the complaints. I think they are soundly based.

I was therefore deeply disappointed when the ASNE board of directors refused to hear Mr. Strackbein in person to present the complaint.

The next step in this controversy is represented by the reply of the secretary of ASNE to Mr. Strackbein after the meeting of its board on October 31. This letter follows:

AMERICAN SOCIETY OF NEWSPAPER EDITORS,
Detroit, Mich., November 2, 1959.

Mr. O. R. STRACKBEIN,
Chairman, The Nation-Wide Committee on Import-Export Policy, Washington, D.C.

DEAR MR. STRACKBEIN: In connection with your correspondence with Mr. J. R. Wiggins, I have been directed by the board of directors of the American Society of Newspaper Editors to advise you as follows:

"That the board of directors has no authority from the membership of the American Society of Newspaper Editors to sit in judgment on the performance of individual newspapers, or on the performance of the press as a whole, and that complaints about news coverage should be directed to the individual newspapers involved;

"And that the secretary be further directed to advise Mr. Strackbein that, notwithstanding the fact that they have neither the responsibility to pronounce judgment upon the press nor the authority to enforce any judgment they did pronounce, they have read his material because as individuals they are concerned with the good name of the press which he has attacked and have discovered no concrete charges of the sort that

would warrant an investigation or inquiry by the sort of tribunal he advocates, even if such an agency did exist."

Sincerely,

LEE HILLS.

The secretary quoted the board of directors as saying that it had no authority to "sit in judgment on the performance of individual newspapers." Complaints should be "directed to the individual newspapers involved," it said further.

The board nevertheless said it had read the material submitted by Mr. Strackbein and while it had no authority in the premises, it "discovered no concrete charges of the sort that would warrant an investigation or inquiry by the sort of tribunal he—Mr. Strackbein—advocates, even if such an agency did exist."

It should be noted here that the board dodged all responsibility but yet pronounced judgment. This judgment was, of course, in the nature of a reaction of the accused against the accuser; and, under our concept of dissociation of the judge from participation in a judgment in which he has a stake, this is an odd expression indeed and seems to reflect the strange notion that the press is above the common rules and ethics that govern our society in all other spheres.

At this point I wish to insert into the RECORD the reply made by Mr. Strackbein to the members of the ASNE board of directors on November 24:

THE NATION-WIDE COMMITTEE ON IMPORT-EXPORT POLICY.
Washington, D.C., November 24, 1959.

Members, Board of Directors, American Society of Newspaper Editors.

DEAR MEMBER: I have been notified by the secretary of your board, Mr. Lee Hills, of the action taken on October 31 by your board in response to my complaints laid before Mr. Wiggins, your president, and yourselves as members of the board of ASNE.

Undoubtedly you have acted according to the best of your lights and therefore with sincerity.

I must, however, totally disagree with your disposition of the complaint, in the sense that you simply walked away from it back into the journalistic world where apparently neither law or discipline nor accountability prevails. You left the complainant the privilege of looking into a vacuum.

This vacuum is now visible in its totality. A complainant against the press has no recourse and there is not the slightest inclination to give even the least consideration to making provision for recourse or appeal. It is obvious that the board of directors of the American Society of Newspaper Editors views with the deepest contempt anyone who raises his voice in protest against newspaper practices.

It is noted that while you sidestepped any responsibility you nevertheless pronounced judgment on my complaint. You have here indulged the dubious luxury of judging without in any way exposing your judgment to review, appeal or counteraction.

The only theory by which your action could be justified is that freedom of the press cannot survive the discipline that is the foundation of civilized human society; or that any discipline must be self-administered by the press itself.

The latter view has real merit but the merit that it has is not enhanced by the kind of negative and petulant attitude that was predominant in the ASNE response in the course of the present complaint.

I am moved to say that as revealed up to now in this case "freedom of the press, American style" seems to mean repression, suppression, exaggeration, or distortion of the news by newspapers to suit themselves, with effective and practical recourse to none—in other words, "the public be damned."

Is that what the first amendment to our Constitution intended? Did it mean to free the press from all accountability except as it itself might deign to listen?

To hold that the right to determine what is and what is not to be printed is a matter for private decision by the editor is to say that the discretion of the editor is superior to the public's right to know. To accept this view would be to twist the first amendment into an instrument of protection for possible news manipulation. It would make of the editor the arbiter of public enlightenment. This would be more acceptable if newspapers could be called to account for biased reporting on controversial issues, judged by agreed standards of news measurement. Otherwise it is justifiable and acceptable only in fair weather; but not when the "chips are down."

I had asked to appear before your board to present my complaint. This request was denied. It is true that the request came late and your meeting had already been scheduled for a Saturday with little flexibility, if any, for unexpected business.

Because of the exceedingly important substance of the complaint I now make a request to be heard at your next meeting.

If ASNE has no guiding function with respect to its membership it would seem that it would at least wish to entertain suggestions and give consideration to them. Unless newspapers believe that what is fed into the minds of their readers is a matter of indifference, editors and publishers should be concerned as much about mental poisoning as they are about adulteration of food and the pollution of the water supply. They may indeed avow such concern; but what evidence can they adduce of a meaningful and practical concern?

Sincerely yours,

O. R. STRACKBEIN,
Chairman.

It will be noted that Mr. Strackbein renewed his request to appear before the ASNE board. On December 11 Mr. Wiggins informed Mr. Strackbein by letter that the board of directors of the society had no wish to conduct a hearing on the issues raised.

I wish to call particular attention in Mr. Strackbein's letter to the following passage:

The vacuum is now visible in its totality. A complainant against the press has no recourse and there is not the slightest inclination to give even the least consideration to making provision for recourse or appeal. It is obvious that the board of directors of the American Society of Newspaper Editors views with the deepest contempt anyone who raises his voice in protest against newspaper practices.

In recent times we have heard a great deal about the need for either self-regulation or public regulation of the radio and television industry. I can see no difference between these media of communication and the newspaper publishing industry. The public is as much at the mercy of newspaper editors and publishers as is the case with radio and television. Also, it is equally true that the latter media are covered as thoroughly by the first amendment to the Constitution—guaranteeing freedom of speech and freedom of the press—as are the newspapers.

Many newspapers have joined in condemnation of radio and TV practices and have called for self-regulation if not public regulation. What is it that sets the newspapers apart from the radio and TV?

I do not say that public regulation of the press is desirable at this point. I do say that the lack of self-regulation and the absence of any newspaper society to which complaints can be made with the hope that they will be entertained and investigated, is a serious shortcoming of the press and greatly reduces public confidence in its integrity.

The board of directors of ASNE, as already noted, informed Mr. Strackbein that "complaints about news coverage should be directed to the individual newspapers involved."

This rejoiner, of course, was merely another way of telling the complainant to go fly a kite, so far as seeking a response from the society itself was concerned or so far as hoping for a spark of collective responsibility was involved.

In pursuit of the society's stricture Mr. Strackbein called a press release issued by the Nation-Wide Committee on Import-Export Policy on November 18 to the attention of Mr. Wiggins, as executive editor of the Washington Post. I include this letter of notification at this point in the RECORD. The letter was dated November 27:

NOVEMBER 27, 1959.

MR. J. RUSSELL WIGGINS,
Executive Editor, the Washington Post, Washington, D.C.

DEAR MR. WIGGINS: In my previous correspondence with you as president of the American Society of Newspaper Editors objection was made by you that my complaint about the press treatment of the "protectionist" side of the tariff and trade issue was too general. The ASNE board of directors came to the same conclusion.

Without agreeing in any way with these characterizations I shall now present one that will not lack in specifics and simplicity.

This complaint is directed to you in your capacity as executive editor of the Washington Post.

The facts are brief.

On November 18, 1959, the board of directors of the Nationwide Committee on Import-Export Policy held a meeting in Washington, D.C., and adopted a program relating to the tariff and trade policy of the United States during the coming year.

The reasons for the adopted position were set forth in a preamble. Among them were the new technological posture of other countries and the bearing of this on the competitive position of this country.

The Washington Post was notified by telephone of the meeting and told that a press release would be issued.

No report of the meeting or the statement of policy adopted appeared in the Washington Post. This is the basis of my protest.

ASNE has disavowed any right or authority to tell any newspaper what it should or should not print. I do not know who has suggested that the society has or should have such power. A code of fair journalistic practice would not tell any newspaper what it should print. It would simply provide rules for the judgment of newsworthiness of alleged news and fair play with respect to it.

Considering the reluctance of ASNE to go near the water there is no recourse other than to go directly to an individual newspaper.

Since I am a regular reader of the Post I know of no better medium to which to address my complaint.

So that you may have a basis of judgment I enclose a copy of the press release and the program aforementioned.

My protest arises as much from my interest as a reader as from my connection with the nationwide committee.

I think that as a reader of your newspaper I have a right to demand that you serve the news. The reader's right to know extends as much to failure to print as it does to false and distorted accounts of events.

You may feel constrained to say that if I do not like the Washington Post I am under no obligation to buy it. Is that the reply a grocery store can properly make if it is accused of selling adulterated or contaminated food? Is mental fare of a lower order than alimentary fare and therefore of no concern to anyone in point of accountability of the suppliers?

In order to forestall another round of letters I wonder if you would be good enough to set forth your justification for failure to report the news in your columns if you hold the failure to be justified.

Sincerely yours,

O. R. STRACKBEIN,
Chairman.

This letter speaks for itself. It called attention to the failure of the Washington Post to print a line from the release. Mr. Wiggins replied on December 2. His reply is printed below:

AMERICAN SOCIETY OF
NEWSPAPER EDITORS,
Washington, D.C., December 2, 1959.

Mr. O. R. STRACKBEIN,
Chairman, the Nation-Wide Committee on Import-Export Policy, Washington, D.C.

DEAR MR. STRACKBEIN: Thank you for calling my attention to your release of November 18.

This has not come to my attention previously inasmuch as I was in Chicago at the time you put your release out.

Statements of various groups, as you know, must compete with each other for the attention of news editors and for space in newspapers on any given day, and the editors in charge apparently felt that the news value in this particular release was not as great as that in some other releases which we carried.

No newspaper pretends to carry in its columns all the matter that is offered to us for publication. Part of its service to its readers consists in selecting the statements which it deems to be newsworthy, based upon the position of the author, the substance of the matter offered, and its relation to other news in the day. The subject is an interesting and controversial one about which we have carried a great deal of matter on both sides, including statements recently by some very important persons as to the trade balance situation in particular.

Thank you very much for sending us your material which we shall always examine with interest and, we hope, that we will on occasion be able to use some of the releases which you offer.

Sincerely yours,

J. R. WIGGINS.

The principal explanation provided by Mr. Wiggins was contained in the one paragraph that said:

Statements of various groups, as you know, must compete with each other for the attention of news editors and for space in newspapers on any given day, and the editors in charge apparently felt that the news value in this particular release was not as great as that in some other releases which we carried.

"The editors in charge apparently felt"—these words reflect the responsibility of the newspaper. The real question is why did the editors feel as they did? Is news a matter of such levity that no objective yardstick can be applied? Is an editor justified in passing over any news release that according to his whim or prejudice or according to the interest of his employer, should not see the light of day?

The press constantly rails at the failure of the Government to give out information; and the press is right in demanding the airing of governmental activities, this side of impairment of the national security. Why then should the press itself feel free to suppress news willy-nilly without any thought of justification other than to say "the editors in charge apparently felt" that the news value was not great enough?

Let me say that the press release in question came from an organization that represents 70 or more industries, agricultural and labor groups, that are associated on a national issue that is itself very much in the news. The author of the press release was the chairman of that organization. The organization has membership throughout the United States. The press release related to a meeting of its board of directors and the position it took in relation to a national issue. The position was a new one and represented an aspect that had not previously been given to the public. Two years ago the very subject of the release provided the occasion of perhaps the hardest fought issue in the 85th Congress, namely, the trade agreements extension bill.

Now, what is news? Is potential news subject to slaughter in the editorial rooms if its import runs contrary to the beliefs, philosophical, economic, political, or religious, of the editor and/or publisher? Is that what the first amendment meant to protect?

Is this practice any better than hiding behind a hood as a cowardly means of avoiding detection? Is no one entitled to ask any questions or to call for the credentials of the anonymous slaughterer of news?

Let me point out that Mr. Strackbein is not alone in his complaint. I have used his material because I am familiar with the field and with the circumstances. I repeat, he is not alone. I, together with many of my colleagues, have witnessed the same blackout of news time after time when a dozen or more Members have spoken on this floor on the same subject that interests him.

Newspapers may dismiss his case on the grounds that he represents special interests in the capacity of a lobbyist. That of itself should make no difference. The merits of the case rather than the question of advocacy should be the arbiter. Be that as it may, let me point out that when Members take the floor in bitter complaint against Executive policy, failure of the press to print the news is then no longer a matter that can be excused on the grounds that what a lobbyist says is not news.

Moreover, there are other lobbies that are very much in the news almost constantly. What is the ground of discrimination? What determines which lobbies are newsworthy and which are not? Some basis of objective judgment of news treatment assuredly could be found.

More than once when those who support the protectionist side of the trade issue have spoken out on the floor, the press gallery has been populated by a scattering of two or three reporters. On one occasion I called attention to the emptiness of the press gallery. Who assigns the reporters and who indicates to them that no matter what might be said in the course of the speeches on the floor nothing worth noting or reporting is about to occur? It can hardly be an accident that reporters stay away.

Is it the drabness of the subject? This is the excuse often used; but that cannot be the case because the newspapers carry many columns on the one side of the subject; nearly all of it reports of speeches, statements or outgivings by executive departments that happen to accord with the views of the newspapers on the subject.

Mr. Speaker, this is a very serious matter. It is not too much to say that Congress itself cannot legislate intelligently if the newspapers do not faithfully report the news and refuse to give the pros and cons of the arguments for and against particular points of view.

Members of Congress are diligent readers of newspapers. It is their business to keep in touch with sentiment, with information on subjects on which they are not and cannot be experts. They cannot read all committee reports and therefore lean heavily on newspapers to keep them informed. Unfortunately if the newspapers do as biased a job in other fields as they have done in that of tariffs and trade the Member who entrusts his knowledge of affairs to the news column will be badly deceived and misinformed. He could not possibly legislate properly and would do much better to drop his newspaper reading accordingly.

I do not believe that newspapers and news magazines, for that matter, have made as abominable a record in all other fields as they have perpetrated on the tariff and trade front in the past 10 or 12 years. I have had full opportunity to note the deficiencies and distortions, not necessarily in reporting, but in what has been printed. The record has been one wholly unworthy of the press and I am both surprised and saddened by the attitude exhibited by the American Society of Newspaper Editors as represented both by its president and its board of directors.

Nothing could have been more effective, beyond my own experience, in convincing me, than their action, that they have been guilty as charged; and that only because of their powerful position were they able to avoid answering and thus could duck their high responsibility to the public. It is quite evident that they were unable to refute the complaint on any fair basis; that is, by replying and agreeing to lay their reply along with the complaint before an impartial referee. This they haughtily and, I think, very culpably refused to do.

If the metropolitan press is to be worthy of its privilege under the Constitution it must, so far as reporting on

the tariff issue is concerned, change drastically its record of the past decade or two.

In order to round out this presentation I wish to insert in the RECORD the reaction of the dean of one of our leading schools of journalism. On November 25, 1959, he wrote a letter to Mr. James L. Gallagher, assistant to Mr. Strackbein. The letter follows:

UNIVERSITY OF MISSOURI,
Columbia, November 25, 1959.

Mr. JAMES L. GALLAGHER,
Assistant to the Chairman,
Commission on Import-Export Policy,
Washington, D.C.

DEAR MR. GALLAGHER: Thank you very much for sending me the kit of material covering the treatment of the press on the tariff and trade question.

The material provides excellent grist for discussion, and I shall also pass it along to our freedom of information center, in case it is not already in their files. We should like to reproduce Mr. Strackbein's paper as a bulletin in the FOI series which I hope you are familiar with. May we have that permission?

There are many points in Mr. Strackbein's speech of October 14 which I would like to discuss with him, point by point. I have been involved for many years with the problem of accreditation of schools of journalism, and am now serving on a committee which is designing standards of evaluation for accrediting committees.

Critics of accreditation have accused me of preparing to license the press through licensing schools of journalism. Of course we cannot even consider licensing schools of journalism, the press, or individuals who speak or write in public, with or without press and broadcasting facilities.

The schools of journalism have the basic objective of attempting to inculcate professional standards in future journalism practitioners, to the end that the best interests of society will be served. I am sure most of our students and graduates would agree with Mr. Strackbein in his generalizations about what the press should be. These young journalists will someday be editors and publishers of the country's leading newspapers.

We hope that because of their adherence to what we teach in the way of ethics and principles of journalism men like Mr. Strackbein will not feel called upon to advocate press controls for the reasons he sets forth.

Sincerely yours,

EARL ENGLISH, *Dean.*

Dean English of the Missouri School of Journalism did not dismiss the complaint in as cavalier a manner as did Mr. Wiggins and other editors. He asked permission to reproduce Mr. Strackbein's paper.

In a letter from Prof. Quintus C. Wilson, head of the Department of Journalism, University of Utah, he said the kit containing the complaint and exchange of correspondence with Mr. Wiggins "will be used as required reading for students enrolled in those classes."

Dean W. C. Clark, of the School of Journalism at Syracuse University, said in a letter dated December 10, 1959:

It seems to me that Mr. Strackbein has struck upon an interesting device for measuring newspaper coverage, and I am sure that the professors and students here will be interested.

I hope you will keep me informed.

In fairness to Mr. Wiggins let me say that the tone in his latest letter changed considerably. This may be evidence of his recognition of the merits of the complaint. I do not know. In any event the exchange follows:

DECEMBER 8, 1959.

Mr. J. R. WIGGINS,
President, American Society of Newspaper Editors, Washington, D.C.

DEAR MR. WIGGINS: Your letter of December 2 in reply to my complaint about failure of the Washington Post to carry a report of this committee's program as adopted on November 8, was no doubt composed in a spirit of good will. At least it was verbally so arrayed.

Unfortunately it left us exactly where we were. Your powers of evasion border on the miraculous. An eel in a barrel of lubricant could do little better.

I asked you, in order not to lead into another round of correspondence, to set forth the reasons for the omission. The core of your reply was contained in the statement that "the editors in charge apparently felt that the news value in this particular release was not as great as that in some other releases we carried." I was asking for a yardstick. You gave me a coiled spring.

That is hardly an answer to my query. It is not a question of what the editors "apparently felt" that counts. What the editors felt is no justification unless you contend that the editor governs by divine right and cannot be questioned. I doubt that this notion, apparently so prevalent in the editorial world, is acceptable today or that it can stand the test of analysis. The intuitive powers and judgment of an editor may be great and entitled to respect; but editors, to repeat, are human and fallible, and therefore at times meritorious of challenge and inquiry.

That the assertion above quoted can be used as an answer to a serious complaint reflects nothing more clearly than the self-appointed and self-anointed guardianship set up by the press over the minds of the people, impenetrable to inquiry, contemptuous of grievances and free to pursue personal whims, aversions and aberrations.

What are the credentials of these demigods that presume to sit as tutelaries, arrogant, mediocre, or noble, as the case may be, over human destiny? What scrutiny have they survived on their way up?

In schools and colleges the work of pupils and students is graded. Certificates and diplomas are issued upon a showing of reasonable mastery and competence. Lawyers, physicians, pharmacists, veterinarians, nurses, and teachers are all subjected to certain requirements held by society to be minimum guarantees of quality of service. These requirements are laid down because what these practitioners do greatly affects other members of society.

But anybody can aspire to be an editor, schooled or unschooled, wise or unwise. A lawyer's and a doctor's license can be revoked upon showing of malfeasance, malpractice, etc.

Even judges of our highest courts can be removed for cause. Does this possibility then unbalance the delicate scale of justice? The Chief Executive can be impeached. Does this fact vitiate and subvert his power? But the editor is immune. The better he can fool the public the more secure his status; and he has the perfect instrument for fooling the public. He can smother back-talk and remonstrances if he is so minded, and mute the echoes of the cries raised by the distraught and the aggrieved. He has the instrument. Who will say that he will not upon occasion abuse it?

Is he entitled to this high berth?

Why would ultimate restraints and disciplines any more vitiate the freedom of the editor than they destroy the medical, legal, and similar professions or mutilate to any greater degree the hands of justice and the arms of the police? Discipline has precisely the opposite effect in these other fields.

In what respect, specifically, is the press different from these other lines of human endeavor? Is the doctor not free, is the lawyer not free, is the judge not free to do what is right, for being subject to discipline and restraint? Wherein does the editor differ? What makes the freedom of the press less sturdy under discipline than the administration of justice, for example? Is this freedom so delicate a flower that it will crumble under the least breath of adversity? No editor worthy of his name would make such a claim. Then this defense of freedom of the press with the response that nobody, but nobody, must have any power of surveillance over it, lest it wither and die, may be humbug and poppycock.

The refusal of editors to accept or approve responsiveness to complaints against their molding of the contents of the human mind may also represent nothing better than preference for freebootery or the resentment of the prima donna against interference.

As citizens we demand that the teachers of our children from the primary grades up through the secondary and college levels have a minimum of training and education as attested by certificates or degrees. Is this important? Why do we exact such evidence of competence and qualification? Evidently we are concerned about the training of the minds of our future citizens.

The journalistic field is apparently devoid of any requirements. Yet adult and voting citizens, those who run our affairs, are all subject to the influence of news as it comes to them through newspapers. Are their minds and what goes into them not also important?

Who are the reporters, the editors, the publishers who supply this news? Where are their certificates of competence, their licenses to mold public opinion? They should be subject to the highest requirements of all.

Politicians have to go before the people under conditions that allow them to be scrutinized. They must display their qualifications or lack of them so that the people may see. This is a part of their responsiveness; and later they must come up again for reindorsement or discard on their record. The people then have only themselves to blame if they are poorly represented.

Newspaper editors and publishers and reporters escape without such public accountability. To say that the buying of the newspapers creates such responsibility is not an acceptable answer. Opium peddlers would no doubt also like to rest their case on such a response.

It is obvious from your own response to my letter that there is no way to compel a reply on the merits of the case. The wholly subjective judgment to which you resort lies beyond any and all law other than that of the jungle. I think we newspaper readers, both as readers and as citizens, are entitled to something better.

Sincerely,

O. R. STRACKBEIN,
Chairman.

THE WASHINGTON POST
AND TIMES HERALD,
Washington, D.C., December 10, 1959.

Mr. O. R. STRACKBEIN,
The Nationwide Committee on Import-Export Policy, Washington, D.C.

DEAR MR. STRACKBEIN: I am sorry that you found my letter of December 2 so unsatisfactory.

The Washington Post employs a staff of competent news editors who have no instruction from us other than that of judging the news on its merits. The releases which you submit to our newspaper and all of those submitted by others, are read with an open mind.

The judgments at which our news editors arrive certainly may be open to reproach from time to time. We have not been able to find anything better than human beings to staff the newspaper, and human beings are notoriously subject to error.

I am not sure what a jury of 12 good men and true would decide if they had before them the question of whether or not the news desk did or did not deal wisely with the release which you submitted.

In fairness to the news editors I think it must be said that their views as to what is newsworthy and the views of public relations persons who are employed by various interests to get their point of view into print are bound to differ. This is no reproach to the integrity of either one. There is here a conflict of interest. You and other persons with a propaganda message to get across have an honest and sincere belief that what you have to say is most important. News editors cannot be expected to view with the same eyes the question of whether or not your utterance has the highest news value.

I cannot promise you that this or any other newspaper, on any given day, will find what you have to say publishable by any ordinary standards of news judgment.

I can assure you that the information which you have to submit will always be received here with interest and the judgments which you have to offer will be read with respect.

On the next occasion when you have a news announcement from your group, expressing their point of view on a current development of any kind, I would appreciate it if, in addition to sending it through regular channels, you would direct a copy of it to me.

Sincerely yours,

J. R. WIGGINS.

THE NATIONWIDE COMMITTEE
ON IMPORT-EXPORT POLICY,
Washington, D.C., March 1, 1960.

Mr. J. RUSSELL WIGGINS,
Executive Editor, the Washington Post and Times Herald, Washington, D.C.

DEAR MR. WIGGINS: This refers to your letter of December 10, 1959, in reply to mine of December 2.

I have not written sooner to thank you for your efforts in that letter to set forth the editor's position, both because of the press of other matters and because of your own extended absence abroad.

You will, however, pardon me, I hope, if I return to the subject of our previous correspondence. To be sure, this correspondence has already been prolonged but that is not a consideration where so much is at stake.

First, let me say that I appreciate your assurance of personal attention to any press release that we might have from time to time. In mid-January we did have one and it was sent to your managing editor in your absence. Your newspaper carried an account of it, which, while not very complete, was nevertheless a great improvement over previous coverage. For that, thank you.

Going back to your letter, however, I have some observations. You say "in fairness to news editors I think it must be said that their views as to what is newsworthy and the views of public relations persons who are employed by various interests to get their point of view into print are bound to differ. This is no reproach to either one."

With that statement I would not quarrel.

Then you say:

"There is a conflict of interest here. You and other persons with a propaganda message to get across have an honest and sincere belief that what you say is most important. News editors cannot be expected to view with the same eyes the question of whether or not your utterance has the highest news value."

Here is where much of the trouble will be found to lie. You seem to assume that news editors are objective while lobbyists cannot achieve such a state. I am not one who believes that any human being, including editors, can be wholly objective in a controversy that carries a high emotional charge. That is all the more reason, however, why objective measures should be established. Of course, even these would have to be judged and applied; but they could greatly improve the objectivity of editors, if only by making them conscious of subjective inclinations.

Also there should be a greater receptiveness by editors to complaints from the outside; and these should not be dismissed on the grounds that such complaints are necessarily merely self-serving. All complaints are self-serving, directly or indirectly, or a man would be a fool to lodge one, or a mere busybody. The courts, for example, do not entertain complaints that are devoid of substance and self-interest. Except for chronic cranks observers keep their tongue unless they have something concrete to complain about.

Here let me introduce a special point, one that may be overlooked very easily. I believe that newspapers fail to comprehend, except from their own point of view, what it means to be in competition with spokesmen of a governmental policy. Newspapers complain about the suppression of news by government, and rightly so; and they have undertaken to do something about it. Your Freedom of Information Committee was set up for the purpose of protesting undue secrecy of governmental agencies. This purpose is commendable.

What you should sometime contemplate is a news situation in which the newspapers agree with governmental policy. You speak of propagandists. Against Government public information handouts, official pronouncements, etc., the outsider has poor enough a standing. If the newspapers happen also to be ranged on the side of the Government, eagerly printing all that it and its supporters say, the outsider has about the chance of a tennis ball trying to bowl over the Washington Monument.

The indifference of editors to "freedom of information" under such circumstances inevitably leads the contemplator to conclude that might evidently does make right, for who could be more right than the editor when he has the Government back of him or vice versa?

The "Leviathan" of Hobbes (big government) grows bigger and more formidable as the years go by; and the newspapers are among its surest promoters. Big government is never quite so big as when it captures the press or dominates it. The effect is about the same.

I hope that you will give long and sober thought to this observation. Again let me point out that interested parties are not necessarily always wrong; and also let me add that I do not think that even you are wholly wrong.

Sincerely yours,

O. R. STRACKBEIN,
Chairman.

This exchange of letters comes much closer to recognition of the issue by the ASNE president who undertakes to explain in general the problem of editors in judging the news.

The question of an appeal from the newspapers to an impartial referee who might hear complaints and the establishment of a code of editorial practice still remain unanswered.

The schools of journalism throughout the country should be greatly interested in this question, as some of them have already shown themselves to be, much to their credit. I present here Mr. Strackbein's reply to Dean English of the University of Missouri School of Journalism, dated December 17, 1959:

DECEMBER 17, 1959.

Mr. EARL ENGLISH,
Dean, School of Journalism,
University of Missouri,
Columbus, Mo.

DEAR MR. ENGLISH: I have been greatly interested in your letter of November 25 to James Gallagher, of this office.

A reading of the letters enclosed herewith will illustrate the absence of any yardstick for judgment of news by editors. This lack of standards leave news development to a rule-of-thumb approach. This is a very loose process indeed and hardly in keeping with the weighty responsibility that rests on the press.

It is my belief that objective standards can be established in this field as a general guide to news editors; also that a code of journalistic practices can be set up, covering the ethical field and defining unfair practices as well as other malpractices.

This becomes all the more desirable because a smaller and smaller part of the total news can be printed as news coverage expands, and as foreign news begins to compete more and more with the domestic.

The interest of the reader as the consumer of news should be given greater weight, both in his capacity as a citizen who is entitled to be reliably informed by the media upon which he relies, and as a professional or business man, or politican or statesman, whose judgment could be misled by misinformation, by lack of information or by partial and distorted accounts of the news.

As a customer of newspapers and as one who needs them, reads them, relies on them and takes guidance from them, both personally and in carrying on my work, I believe that something vital is lacking in our journalistic efforts to cover the news and to fulfill the responsibility to the people envisioned by those who wrote the first amendment to our Constitution.

The question of judging news is not a simple one. It is quite complicated and should be approached from several directions. Without intending an exhaustive analysis several elements of inquiry are presented here as a preliminary probe or exploration:

1. The interest of newspapers as private enterprises carried on for profit:

(a) The treatment of news as merchandise and the shaping of it in a manner calculated to produce the greatest consumer interest and therefore the greatest circulation and monetary return through—

(1) Attraction of readers by special features catering to different groups: sports page, comics, women's section, society page, gardening, etc.

(2) Attraction of readers through sensational news items of crime, domestic relations, scandal, violence, fads, etc.

(b) The influence of these practices in crowding out or minimizing space devoted to other subjects on the grounds—

(1) That the latter are dry, prosaic, abstruse, too technical and do not attract readers.

(2) That they are beyond the common grasp and common interest.

(3) That circulation figures are the best test of whether the newspaper is providing what the readers want.

(4) That what the readers (customers) want represents the highest standard that can be found.

(c) Effect of advertising on news:

(1) News "plugs" favoring particular advertisers.

(2) News slanting to suit advertisers.

(3) News suppression to suit advertisers.
(4) Editorial favoritism to advertisers.
(5) Coldness or hostility toward nonadvertisers.

2. The right of the public, i.e., the readers, to unbiased information on local, State, national, and international events:

(a) As necessary for the exercise of sound judgment.

(b) As assurance against deception and misguidance—

(1) By suppression of news that is not favored;

(2) By falsification of news;

(3) By unequal treatment of news from opposing sources;

(4) By favoring some news through prominent display for reasons that may be subjective, arising possibly from personal predilections of the editor and/or publisher, but having no universal validity;

(5) By relegating other news of equal value to inconspicuous parts of the newspaper because of philosophical animosity toward the import of the news or an adverse material interest in its impact, if given currency.

3. Greater fidelity of the press to the public trust placed in newspapers as media of public enlightenment under the grace and protection of the first amendment of the Constitution, through—

(a) Judgment of news by objective standards, such as—

(1) Impact of an event, statement, opinion, action, announcement or development upon—

(A) The public, the Nation, the State, the locality.

(B) The course of foreign affairs.

(C) Political, educational, scientific, economic, religious, or similar thought.

(2) Actual newness of events, etc., under a(1):

(A) Completely fresh and new or unique.

(B) New facet of an old subject.

(C) New light on, or new development in, a controversial issue.

(b) Adoption and adherence to ethical standards set forth in a code designed to condemn practices that adulterate, distort, suppress or otherwise tamper with the purity of news.

(c) Avoidance of malpractices growing out of—

(1) Circulation rivalry among newspapers.

(2) Engagement in heated campaigns as partisans.

(3) Propagation of particular political or social philosophies.

(4) Use of newspaper ownership as an instrument of personal power or for the promotion of personal prejudices, ambitions, or phobias.

(d) Eschewal of practices such as—

(1) Character assassination.

(2) Consignment of personalities to oblivion by systematic failure to mention them if they advocate policies or programs that may be anathema to the particular newspaper or its editor.

(3) Building up by unduly favorable mention and headlining of personalities who do advocate and support policies or programs favored by the particular newspaper or its editor.

(4) Quotation out of context as a means of conveying a false impression.

(e) Greater responsiveness to charges of news bias, distortion, omission, etc.

COMMENTS

The operation of newspaper enterprises as business ventures for profit has in its favor the same factors that sustain private enterprise in general and need not be mentioned. They are quite substantial and stand on their own feet.

Such a setting for news gathering and dissemination does, however, create some side effects that give rise to many of the grievances and complaints that are constantly leveled at the press.

The remedy should not be elimination of private enterprise since no satisfactory substitute has been anywhere exhibited to date. This fact in no way excuses or justifies the abuses of the first amendment by the private-enterprising press. The newspapers should themselves adopt codes of ethics and fair practice and take steps to enforce them. The private press, for being private and therefore frequently reflecting individual personalities, has need for discipline of recalcitrant and offending practitioners. This need is reinforced by the position of vantage occupied by the press, which often has a virtual or actual monopoly of news dissemination.

It should not be more difficult to define malpractices and ethical standards in this field than in others, such as law, medicine, etc.

NEWS JUDGMENT

Standards for the judgment of news are not easily devised nor easily applied; but few worthy accomplishments are easily consummated.

Nothing, of course, is more obvious than the failure of physical measurement of space in a newspaper to reflect fidelity of coverage. Yet between the extremes of omission and saturated coverage must lie the bases of judging adequacy or inadequacy of coverage. A more effective technique is to inquire into what the public is entitled to know about a subject in which its knowledge must depend largely upon the newspapers and then to determine whether the minimum information has in fact been supplied by the press.

Failure to print proffered news, from whatever source, of course, also needs justification. Since newspapers are in the nature of a public utility and often partake of certain features of monopoly and since obviously not everybody can equip himself with a newspaper to provide a medium of free speech, criteria of news rejection, or omission should be evolved and inculcated in the news profession.

CONVERSION OF NEWS INTO AN INSTRUMENT OF PROPAGANDA

If news on controversial issues obtains considerable space in the newspapers the most pertinent question would be how faithfully the opposing views are placed before the readers. This is not so much a matter of counting column inches as it calls for examination of news items for their content, particularly as they reflect or fail to reflect the rationale of the opposing forces and the views of the principal exponents. Public enlightenment requires equal exposure to opposing views.

It is hardly the function of newspapers to use their vast powers of building up or of blighting as a means of determining what personality is to prosper in the public eye and who is to be consigned to oblivion. This is perhaps one of the greatest temptations that face editors and also presents one of the greatest potential sources of injustice and rancor, bitterness, and hatred, in other words, perversion of the free-press principle.

Freedom of the press does not justify or condone character assassination. Certainly practices that produce such results are not entitled to the protection of the first amendment. Strict rules should govern in this field as a guide to editors.

Quoting out of context or quoting only such parts of statements or speeches as represent lapses or the weakest sample of a spokesman or candidate or public figure who is in the ill grace of an editor or publisher should be marked as malpractice and condemned.

CONCLUSION

Responsiveness of the press to the readers and to the public should be a first principle or even a condition precedent to enjoyment of the great freedom under which the press functions. There should be means of holding the press to its high responsibility. The first concern of the press should be fidelity to its privileged status.

Sincerely yours,

O. R. STRACKBEIN,
Chairman.

Mr. Speaker, this subject should be regarded as open until the newspapers do what so many of them are urging upon the radio and television companies, namely, adopt codes of ethics and rise to the level of their high privileges and responsibilities.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain related material.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THE AGRICULTURAL SITUATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. SPRINGER] is recognized for 40 minutes.

Mr. SPRINGER. Mr. Speaker, my office adjoins that of the House Committee on Agriculture.

During the past several weeks, the committee has been meeting to hear from all segments of agriculture and from all national farm organizations as to what can be done to improve the present farm situation. The farmer is certainly deserving of, and entitled to, a fair share of the national income. Legislation is badly needed to help him implement his income and reverse the trend presently going on in agriculture throughout the United States.

During the fall of 1959, I traveled in my mobile office into 56 of the 72 communities of my district. I talked with farmers in the villages and on the farms. The farm population has been deeply disturbed that net farm income has declined substantially in the past few years while other sectors of our economy have gone on to new records. Loss of income has been felt by business in the towns and villages of the 22d District of Illinois that supply the needs of our farm population. If we had not had price supports, surplus removals, and marketing agreement programs, the farmers' income in 1959 would have been at least $3 billion lower or a net income of 25 percent less.

In 1959, the integrated program of price supports, surplus removals, and marketing agreements covered approximately 70 percent of the value of all crops produced, and livestock products. In 1959, between 90 and 95 percent of all farmers, producing crops and livestock for marketing, were directly or indirectly benefited by existing price stabilization and marketing agreement programs that prevented further impairment of agriculture income.

According to figures which I have been able to compile from the Department of

Agriculture, the average city worker spent only 25 cents out of every dollar for food for himself and his family. Before World War II, that same worker spent approximately 40 percent of his earnings on food. It is easily recognizable that the same worker could not have fed his family at the low prices of the last 5 years except for the improved efficiency and productivity of the farms of America. Since 1953, farming has almost gone through a revolution in production. By the addition of limestone, phosphates, and other fertilizers, we have increased productivity and efficiency by substantial amounts.

In recent months, I have read many newspapers and magazine articles from metropolitan publications of parity payments made to farmers. This has given a general impression that the farmer was the only person in America who has received a subsidy in recent years.

This is one of the greatest misconceptions that city people have with reference to American agriculture. There is an impression among city people that agriculture is subsidized to a much greater extent than other segments of our economy and that agriculture is being subsidized in vast amounts by the Federal Government. Some articles have pointed to substantial payments made to those farms beyond the Mississippi consisting of thousands of acres to a farm.

This is certainly not the true picture of agriculture as I find it in central Illinois.

The best and latest figures on that subject are found in the Federal budget and I would like to point out that the 1959 Federal budget, under "Special analysis and tables—Investment, operating, and other budget expenditures," lists actual expenses for 1958 for "Aids and special services," as follows:

Total agricultural aids and special services, $686,000,000.

Total business aids and special services, $1,251,000,000.

Total labor aids and special services, $363,000,000.

So, whatever may be said about subsidies in the Federal budget, it must be admitted that agriculture is not alone in this respect.

I have mentioned these misconceptions because there has never been a time in our history when it was more important for the average citizen—the consumer—to be informed on agricultural policies as today. It is most important that city people understand that the farm problem is their problem, too.

I think it is generally admitted that consumers get more and better foods today, with an expenditure of a smaller percentage of their total income, than in any other period in history.

Figures prepared by the Department of Agriculture economists show that in 1914—which is 1 of 3 years cited by the Department of Labor as being a year of the fairest exchange between labor and agriculture—the average factory employee could buy 3½ pounds of bread with an hour's earnings. In 1929 he could buy 6 1/10 pounds with 1 hour's earnings; in 1953 he could buy 10 7/10 pounds.

These economists have set up a table for other major foods showing what 1 hour's average factory pay bought in 1914, 1929, and 1953, as follows:

		1914	1929	1953
Round steak	Pounds	0.9	1.2	1.9
Pork chops	do	1.0	1.5	2.0
Butter	do	.6	1.0	2.2
Milk	Quarts	2.5	3.9	7.5
Eggs	Dozen	.6	1.1	2.5
Potatoes	Pounds	12.4	17.7	32.6
Oranges	Dozen	------	1.3	3.6
Bacon	Pounds	.8	1.3	2.2
Tomatoes	No. 2 cans	------	4.4	10.0
Cheese	Pounds	1.0	1.4	2.9

The largest reduction in the price of food in comparison with wages has occurred during the years of the development of the present program that had as its aim a parity income for agriculture. It is evident, therefore, that consumers have gotten their greatest concessions in prices of food and fiber at the time of the growth of farm income stability.

As farm income has declined, the prices of most things that farmers buy are going up. The farmer has found himself in a price squeeze. The individual farmer, in the middle, finds that he has less and less money remaining after paying expenses as time goes on. These weaknesses in farm prices show the working of supply and demand in the farm markets. Supplies of nearly everything that the farmer produces are huge, while the demand for them is going down. What has been said about the prices in this paragraph can also be said about farm labor, farm supplies, fertilizers, feeds, and seeds.

What is the solution for this squeeze between farm income and the price the farmer pays for what he uses? Mr. Speaker, I am one of those who understands that the agriculture problem is not one that can be easily solved in one piece of legislation or by one stroke of the pen. However, there is one thing for sure, we must not let farm income continue to drop.

For the first time in several years, the House Agriculture Committee is giving an examination to revision of legislation that would tend to do two things: First, stabilize prices; second, to remove surpluses hanging over the present market in the form of set-aside of grain now in Government storage bins. In addition, I believe we could administer present law with a more optimistic approach with respect to the future of agriculture. In this, it does not help by saying that barter is not practical; or objecting to selling our commodities on markets because other countries object; or by saying that it is not possible to remove unmanageable surpluses; or by failing to use research sufficiently to find uses for agricultural products; third, I believe we can administratively review and strengthen agriculture by not selling Government surpluses on the market when prices are abnormally depressed.

I trust also that the House Committee on Agriculture will press forward with legislation which can receive nonpartisan support on both sides of the aisle, and which we can pass at this session of the Congress. I emphasize, again, that such legislation must come in 1960 not in 1961 and 1962. The farmer needs assistance now.

I intend to do my best when such legislation reaches the floor to see that it does pass in 1960. All Congressmen who have the total welfare of this country at heart ought to resolve all questions of doubt in favor of farm legislation in 1960. The farmer is entitled to and asks for only a fair share of the national income, and, again, I don't believe reasonable people whether they are in the city or the country believe that American agriculture is entitled to any less.

Mr. SCHERER. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. SCHERER. Mr. Speaker, I would like to take this opportunity to compliment my colleague from Illinois on his excellent and informative statement. I am sure some of the cogent arguments he has made will be helpful to us who represent industrial areas to better understand the acute problems which the farmer has in districts such as that represented by my able colleague insofar as solution of the farm problem is concerned.

Mr. SPRINGER. I thank the distinguished gentleman, who represents a purely city district, for his understanding of some of the farmer's problems.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. QUIE. I was in the gentleman's district a week or so ago and I might say that the gentleman's constituents with whom I spoke are well aware of the good job he is doing in representing them in Washington and the argument that the gentleman is presenting now speaks well of the concern he has for the income of the farmers in his district.

There is one question that comes to my mind. The gentleman spoke of the fact that when surpluses are sold back on the market at the time prices are depressed it results in a detriment to the income of the farmer. Does not the gentleman think it would be good if the price at which these surpluses were sold on the market were higher? They could be sold at 105 percent of parity.

Mr. SPRINGER. I do believe that the prices of Government-stored surpluses should be higher than they are at the present time. I say to the gentleman again that we have been selling on the open marketplace at times, for instance, corn, some 55 to 60 carloads per day. When prices are depressed it seems to me we ought to refrain from selling Government-owned surpluses, in an effort to recover a better price in the open marketplace for the farmer.

Mr. QUIE. I think the gentleman is absolutely correct. Any agricultural leader, and I think all farmers, recognize that this surplus is the biggest price deterrent that they have.

Mr. SPRINGER. I thank the gentleman. He is one of the ablest members of the Committee on Agriculture and his views are respected nationwide.

May I say with reference to his last statement, as one of the authors of 480, the Foreign Agricultural Trade and Development Act of 1954, it has been my privilege to have traveled over most of the world in an effort to dispose of many surpluses we have in America at the present time, especially soybeans and corn, under Public Law 480.

Mr. QUIE. I think the farmer can really give thanks to the gentleman for his foresight in helping to enact Public Law 480 which will allow surpluses to be used to feed needy people all over the world.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. NELSEN. I wish to thank the gentleman for his recognition of the farm problem, being a farmer myself. I think it is unfortunate that so many people in our populated areas are looking upon this program now with a great deal of criticism. The surpluses that have been built up and some of the costs involved in the farm program are sort of being laid in the laps of the farm people of the country when in reality a good deal of these costs cannot really be charged to them. We need a proper understanding of these things. The gentleman has called them to our attention today. As a farmer, I want to say that I appreciate very much his remarks.

I might call the attention of my colleagues to the fact that I will be introducing a bill—the gentleman from Minnesota [Mr. QUIE] has introduced one—that I think would do some good to the family farm operations of the country. I hope my colleague presently in the well of the House will examine the bill when it is introduced and will give us some help. I know he will. I thank him for his participation today. I believe it will be very helpful in bringing the story of the agricultural problems of our country to all of the people.

Mr. SPRINGER. I thank the distinguished gentleman from Minnesota knowing that he is a farmer and one who has been very much interested in the welfare of farmers generally. I will be glad to help him on any plan to improve the farmers' present situation.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. KYL. I am interested in your comments regarding the attitude of city people toward the farmers. I especially appreciate this statement of yours, because it points up a source of help which we, from the farm States, need. This agricultural problem belongs to the city people as well as it does to the farm folks. There is not a single industry which buys more or sells more or borrows more money or pays more interest than does the farm industry. The farming industry requires a great deal more steel than does the entire auto industry; it uses a considerable percentage of the Nation's supply of tires each year, and so on down the line.

Mr. Speaker, I want to commend the gentleman for his very able statement and thank him for bringing this matter to our attention. This is everybody's problem; not just the problem of the farmers.

Mr. SPRINGER. I thank the gentleman from Iowa for his kind words.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

A BILL TO ESTABLISH A COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maine [Mr. OLIVER] is recognized for 45 minutes.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. OLIVER. Mr. Speaker, today I have introduced a resolution which is designed to authorize the spadework of research, necessary as a base for the enactment of legislation which will be really effective in stemming the overwhelming flood of noxious smut being produced, distributed, and sold to our people, especially our youth.

There is no necessity for me to advise the Members of this body of the urgency of the problem which is posed by the threat of this filthy sewage, infesting and poisoning the minds of our people. One does not have to be puritanical, Mr. Speaker, to shudder with revulsion as he, only casually, inspects the magazines, the paperback books, and the lurid advertising which accompanies them, which are now offered for sale to the American public.

The volume of this filth is increasing, not only through the mails, but through every medium of traffic in interstate commerce. As a corollary, which I believe is closely related, the volume of sex crimes and antisocial behavior is also increasing.

As a member of the House Post Office Subcommittee on Postal Operations, under the able leadership of our distinguished chairlady, the gentlewoman from Pennsylvania, KATHRYN GRANAHAN, I have been especially alerted to this distressing situation through the hearings and conferences which our committee has conducted during the past year, in several sections of the country, including Philadelphia, Los Angeles, San Francisco, Omaha, Chicago, and here in Washington, of course.

These activities of this committee, together with the reports of several similar committees of previous years indicate beyond any question of doubt that America is tolerating the existence of a cesspool of printed and pictured sewage which must be cleaned up. Pornography, obscenity, or smut, whatever you may choose to call it, which is produced, purveyed, distributed, and sold to our people for a "fast buck," regardless of its disastrous impact, is nothing other than an unconscionable exploitation for financial gain of the general welfare of this Nation. In my opinion, this characterization applies equally to the printer, producer, and the publisher, as well as the newsstand, theater, and store owner. The psychotic sick writer of this dirt is more to be pitied than blamed. He probably can find no other way to make a living. It might be profitable for the people of America to pension these so-called authors for retirement to some isolated island retreat where they might concoct their dirty brew only for each other's edification and quarantine them from contact with the majority of American people who are revolted by their offerings.

We know, Mr. Speaker, that the majority of the people do not condone the traffic in this objectionable and repulsive material. Our youth warn against it.

It was most gratifying and encouraging for me, this past week, to visit with one of Spingarn High School's representative young ladies, Miss Henrietta Johnson, of Washington, D.C., who prepared the following essay for me which is most pertinent to my remarks today. Henrietta symbolizes the protest of American youth against this un-American subversion of our standards of decency by those who produce, distribute, and sell this poison:

Ralph Waldo Emerson said, "The true test of civilization is not the census, nor the size of cities, nor the crops—no, but the kind of man the country turns out."

This, in truth, is America's mission, the building of worthy citizens. Our Constitution with its Bill of Rights furnishes us a unique framework for accomplishing this objective. Next in importance to "freedom of religion," I would certainly place "freedom of speech," and of the press. It is chiefly through these freedoms that American ideas and principles have spread and developed. Under the guise of this precious freedom, many peddlers of filth are carrying on a financially profitable business at the expense of America's most precious resources, her youth.

The situation is fast reaching alarming proportions. Many communities have been inundated by floods of material that are unquestionably obscene. This pornography has been incorporated into decks of cards, pictured in comic books, and often transmitted to films. We cannot expect our young to remain undefiled by such blatant portrayals. In the face of lowered standards of decency, it is not surprising that sex crimes have been steadily on the increase in recent years. According to figures compiled by the Federal Bureau of Investigation, more boys of 18 and 19 are committing more rapes today than males in any other age group. The percentage of rapists under 20 has gained alarmingly since 1940. Other signs of contamination of youth are the increase in perversions and the recent increase in venereal diseases. Over half such cases, according to authorities, are among teenagers and young adults.

It is sad to note that one of America's largest and wealthiest industries, the motion picture, must bear much of the blame for this letdown in morality. Both Protestant and Roman Catholic clergymen have decried the emphasis on sex evidenced by

the industry. Citizens are raising their voices and writing letters of complaint; newspapers are fretting over the conditions, and State legislatures are passing stiffer censorship laws. There seems but little being accomplished, however, beyond an awareness of the fact that pictures are becoming "frank," "adult," or "dirty," that morality is somehow slipping away, and that something ought to be done.

We must face the fact that nearly half of all moviegoers in this country are teenagers and to turn them away from a number of the films would mean turning away millions of dollars, which, after all, is the reason for movies.

These are the facts. Here we have a picture that is not pretty, but neither is it hopeless. Americans have a tradition of winning wars. This is but one more. Just what can we do to stamp out this nauseating evil of pornography?

The cure of this evil, like charity, also begins at home. Parents, whose chief business is the rearing of their children in ways of right thinking and right action, must face up to their responsibilities. They have the responsibility of setting good examples.

All citizens can do something. We can make an effort to keep communities free of printed filth. We can work through all possible agencies to clean up advertising that flaunt sex across billboards, newspapers, and magazines.

Whenever we come across smutty literature and pictures that arrive in the mail, we can send them to the U.S. Postal Inspection Service in Washintgon, D.C. Send along the envelopes in which they come, for these may give clues. Do not make the mistake that many parents have made—that of destroying the material in disgust. The Federal Government cannot eliminate pornographic activities without involvement of the mails. Adults can wage unceasing war against the evil by seeing that civic clubs wage unceasing attacks against filth vendors in school areas, candy stores, newsstands, and all likely places.

Lend your support to your law enforcement officials in their battle against filth. Help where possible to put teeth into laws to stamp out pornography. And finally, parents, see that your children receive sound and sensible education in sex so that they can withstand any perversion that they may meet at the hands of dirt peddlers. In the final analysis, there is but one real censor in the United States today, and his job grows heavier each hour. That censor is each parent. If, as Americans, we can take to heart this advice of churchmen, educators, and law enforcement officials, we can help make a real advance against the evil forces that threaten to destroy the younger generation.

As this intelligent and alert young student has indicated, Mr. Speaker, and as we all know, the legislative tools which we forge here in the Congress are so blunted and ineffective because of the cry of censorship which is raised, whenever an approach is suggested to meet this challenge, that the several committee reports resulting from congressional inquiries during these past several years in my opinion can never be effectively implemented.

Despite, Mr. Speaker, the resistance and the opposition of those who discredit and disparage any and all attempts to meet headon this critically increasing menace, it is my conviction that this war against the poison of smut must be relentlessly and even more aggressively accelerated. The defeats experienced through judicial decisions, recently, whereby local ordinances, State and Federal statutes and administrative decisions have been nullified, forcefully demonstrate that such must be the determination of those of us who are convinced that the problem is rapidly growing more acute.

During the past week, the editorial captioned "To the Impure," in the Washington Post, which reads as follows, illustrates the resistance to almost any approach, based on existing law:

TO THE IMPURE

The Post Office Department seems to have something of an obsession about obscenity. It has a responsibility under the law to keep obscene matter from flowing through the mails; and undoubtedly the traffic in obscenity is a serious national nuisance. We think there is indubitable truth, however, in the rather handsome and wholly creditable admission made the other day by the Department's General Counsel, Herbert Washburton, that "possibly due to zeal, we have gone too far to point up the problem. We may not have been as steadfast and as unbiased as our obligations called for."

The latest manifestation of the Department's zeal takes the form of a legend or admonition imprinted on envelopes by stamp canceling machines which says, "Report Obscene Mail to Your Postmaster." The legend fails, however, to define obscenity. No doubt this is because, as Mr. Washburton acknowledges, "It is a difficult problem, even under court holdings, to identify what obscenity is."

Postmaster General Summerfield has abundantly demonstrated that he doesn't know. He seems to think that anything that offends his personal canons of purity, including even so widely admired a work of literature as Lady Chatterley's Lover, is obscene. And it is unlikely that a horde of amateur Anthony Comstocks will sharpen his esthetic perceptions. Besides, there is an awkward big brotherliness about this kind of prying into the contents of mail pouches which most Americans, we surmise, will find thoroughly disquieting.

This editorial comment, Mr. Speaker, appeared to me to be so obviously unfair and irresponsible that I wrote the following protest to the editor of the Post, which was published in part:

MARCH 21, 1960.

EDITOR, THE WASHINGTON POST,
Washington, D.C.

TO THE EDITOR: Your editorial, captioned "To the Impure," which was published in the March 20 issue (Sunday) of your newspaper really hits below the belt, in my opinion. No person, particularly those of us in political life, denies to editorial writers the right to express opinion. But, it is appropriate and necessary, as I understand my public responsibility, to point out irresponsibility when, and if, it appears in editorial columns. Certainly, the editors of the Washington Post are among the most alert critics in the business whenever politicians become vulnerable because of any official irresponsibility, and, therefore, properly subject to intellectually honest criticism. By the same token, it seems only fair that your editorial opinion, in this instance, should be questioned.

As a member of the House Post Office Subcommittee on Postal Operations, I have been officially involved in the problem of sharpening the existing legislative tools as well as forging new tools for the Post Office Department in order that the frightening increase in volume of the nauseating and poisonous filth of obscene and pornographic material flowing through the U.S. mails may be stemmed. Certainly, you will agree that the privacy of the home should not be invaded with this unsolicited smut. Therefore, when the Postmaster General enlists the cooperation of the fathers and mothers of America through the authorization of the envelope imprint "Report obscene mail to your postmaster," it would appear that editorial responsibility by editors of the integrity such as yours should be exercised; if not in support of such constructive administrative efforts, then, in restraint of rather insidious criticism of the Postmaster General's constructive action.

You know very well that the postal laws prohibit prying into the contents of mail pouches. But, you have implied, through your comment, based upon the technique of guilt through association, which you have already been quick to condemn and, properly so, when used by others that "prying" is involved.

Furthermore, using the half quote and the lifting out of context techniques of those who would gain their own ends, without any semblance of fairness by giving the whole story, have again demonstrated editorial irresponsibility far beyond any conceivable call to duty even in the support of those who base their opposition to efforts to control this flood of printed, filmed, and photographed sewage on the self-serving cry of censorship.

The reported words of General Counsel Warburton, were not quoted, in full, by you but only the portions which served the purposes of your far from constructive editorial. Those of us in the political area label this "foul." Surely, even you editorial writers should call such obvious omissions irresponsible journalism.

We are all most conscious of the never-ending debate of the issue involved in censorship versus free speech; but, it seems to me that your editorial, in this instance, has utilized censorship in that you refused to use the complete text of the Warburton statement. Why censor the portion which would place an entirely different connotation upon his remarks? Your readers may well ask who is censoring whom?

The Department's banning of "Lady Chatterley's Lover" was entirely proper, in my opinion and, to use your own words, this decision of the Postmaster General was "widely admired" by those of us who do not consider it to be a classic but rather a menace to the basic requirements of our family life; namely, marital integrity under all circumstances. If your newspaper ever used the so-called four letter words, so generously poured into this classic, as you call it, you would lose a large portion of your circulation overnight and you very well know it. In other words, if it seems to be constitutional to protect the printing of such "gems" of the English langage in books, why do you defenders of unrestrained free speech not use them as frequently in your columns and editorials? If I, as a Member of Congress, attempted to read passages from "Lady Chatterley's Lover" from the well of the House Chamber, I would be declared out of order in less time than it would take to utter them. Would this be censorship?

If so, then, the greatest forum of free speech in the world must be as guilty of censorship according to your yardstick of unrestrained self-expression as is the Post Office Department in your opinion.

Perhaps, if you would refer, as quoted below, to these words of Norman Thomas, whom most unbiased persons recognize as one of the greatest defenders of the rights guaranteed by the first amendment to the Constitution, you may be persuaded to evaluate further your editorial position with regard to this issue of merchandising printed and pictured sewage versus censorship.

"An idea, even a wrong idea—a bad idea in economics—in politics, and so on, can be met in the marketplace by a true idea and history, at least in America, bears out this statement—that, on the whole, a true idea wins a victory * * *.

"The appeal that is then suggested by an idea is wholly different from the kind of thing about which you have just had testimony. To the unformed life of a child, the perversion of what, in itself, is a life-giving sexual instinct, is a terrible thing for society and does not fall in the class of ideas which were defended as able to win their own victories." (Hearings on Juvenile Delinquency, Obscene and Pornographic Materials, 1955, pursuant to S. Res. 62, 84th Cong.)

The proponents and exploiters of the cult of unrestrained self-expression gain great comfort and solace from editorials such as yours. Has society as a whole no rights to protect itself?

Your customary courtesy will be deeply appreciated if you may find the space to publish this statement.

Sincerely yours,

JAMES C. OLIVER,
Member of Congress.

Another illustration of the resistance to any action at all in this struggle against the sale of smut is found in the following excerpts from the speech of Dr. Karpman, chief psychotherapist, at St. Elizabeths Hospital of this city, as reported in the Washington News of last Saturday:

SMUT CRUSADERS MAY PROTEST TOO MUCH, DR. KARPMAN SAYS

Crusaders against pornography actually may be trying to cover up their own unconscious interest in lewd pictures and literature, Dr. Benjamin Karpman, chief psychotherapist at St. Elizabeths Hospital, said yesterday.

"You'll never be able to outlaw smut because everybody needs a certain amount of it. Our society is too puritanical," he told the National Civil Liberties Clearing House Conference here.

"Interest in obscenity * * * may be covered up by a reaction formation," he said.

"The interest may be denied by bitter opposition to all forms of obscenity, the same as a condemnation and attack against homosexuals may cover up * * * latent homosexuality. Crusading against obscenity has an unconscious interest at its base."

None of the speakers at the conference specifically mentioned Postmaster General Arthur E. Summerfield's drive against pornography or his ruling that D. H. Lawrence's novel "Lady Chatterley's Lover" was too obscene to be sent through the mails.

In a related development, a Federal court of appeals in New York yesterday unanimously ruled that the novel could be mailed. This upheld a lower court decision overturning the Summerfield ban.

Dr. Karpman said interest in pornographic material stems in part from the fact that "we are suffering from too much repression." He said the country needs "10 Freuds and 20 Kinseys to break down repression."

Interest in obscenity goes back to "early childhood" and is a "neurotic-manifestation," he said.

"Obscenity," he explained, "can make no appeal, exert no influence or power, nor make converts except in those cases of individuals whose phychological make-up has the necessary specific conditioning. Hence, obscenity cannot undermine public morals."

To have an effect, he said, smut must "fall on proper soil; it cannot manufacture this soil."

This expression of opinion of Dr. Karpman is not shared by all psychiatric doctors, Mr. Speaker, for which we thank God. But, the real point for the purpose of my discussion, here today, is that he admits in part that smut, falling upon the curious or receptive mind, which could be the unformed mind of the adolescent, or the sick psychotic mind, can have an effect which I assume that even the Doctor would admit would be a damaging effect, not only to the individual, but also to society, especially if that effect caused a brutal sex crime, which as a matter of record has happened in too many instances.

It seems to me, Mr. Speaker, that these words of Dr. Karpman indicate most emphatically that the research project which my resolution authorizes is urgently needed. Only through such a scientific and legal study, as this proposal establishes, will this Congress or any other Congress have the expert findings upon which effective legislation to reach the source of this poison may be based. I do not have the time to reply in detail to the points which Dr. Karpman made in his pertinent and timely speech, but I am appreciative of the contribution which he has made so far as pointing up the need for an authoritative research of the question of cause and effect in the relationship of smut to antisocial behavior.

Fully realizing these phases of the problem, therefore, I am attempting in this resolution, which I have introduced today, to make this, as yet, untried approach. I think that it makes sense and I hope that I may persuade the membership of this House to support me so that we may stop spinning our wheels, at least during this Congress, and start to make some progress basically toward the objective of winning the war against this pernicious and insidious poisoning of our people.

Following the suggestions of Mr. Kenyon of the Magazine Publishers Association, Dr. Carl Menninger, the eminent psychiatrist, and others who have advised me similarly that there has been no official scientific or legal determination of any causal relationship between exposure to pornographic, obscene, and smut material and antisocial behavior such as sex crime, brutality, bestiality, abuse, and so forth, it is my purpose through this resolution to authorize and direct such a research survey for the objective of making such a determination.

If this study is made and such a relationship established, it appears to me reasonably certain that really effective legislation, based upon such a finding, can be enacted and thusly, reach the source of this sewage without justifying the cry of censorship by those who now profit in dollars from poisoning society while demanding for their acts of license the protection of that same society on constitutional grounds.

This resolution is self-explanatory, as may be determined by a quick scanning of its provisions and is included herewith:

A BILL TO ESTABLISH A COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF FACT AND DECLARATION OF POLICY

SECTION 1. The Congress finds that there is a rapidly increasing commercial traffic in noxious printed and pictured material dealing with acts or suggestive acts of sexuality and sexual deviations and perversions. Effective control of the flow of such material in commerce requires a scientific evaluation of the existence and extent of the causal relationship between the traffic in such material and criminal, delinquent, or other undesirable or antisocial behavior on the part of juveniles and the public generally. The magnitude of the problem is such that the full resources of the Federal Government are necessary to cope with it. The seriousness of the problem is such that adequate scientific information is required for a solution by which this social threat to the general welfare of our people (including our children) may be met.

ESTABLISHMENT OF THE COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

SEC. 2. (a) For the purpose of carrying out the policy set forth in section 1 of this Act, there is hereby created a commission to be known as the Commission on Noxious Printed and Pictured Material (in this Act referred to as the "Commission").

(b) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members, appointed by the President, as follows:

(1) One from the Senate;

(2) One from the House of Representatives;

(3) Two from the Post Office Department;

(4) Two from the Department of Justice, one of whom shall be from the Federal Bureau of Investigation;

(5) One from the Bureau of Customs, Department of the Treasury;

(6) Three from the clergy, of whom one shall be Protestant, one shall be Roman Catholic, and one shall be Jewish;

(7) One who shall be prominent in the field of psychiatry;

(8) One who shall be prominent in the field of psychology;

(9) One who shall be a prominent citizen who is a parent of a school-age child or children;

(10) One who shall be a responsible official in the publishing industry; and

(11) One who shall be a responsible official in the motion picture industry.

(b) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) CONTINUATION OF MEMBERSHIP UPON CHANGE OF STATUS.—A change in the status or employment of any person appointed to the Commission pursuant to subsection (a) of this section shall not affect his membership upon the Commission.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Eight members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence,

and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 7. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $50 per diem for individuals.

EXPENSES OF THE COMMISSION

SEC. 8. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

DUTIES OF THE COMMISSION

SEC. 9. (a) INVESTIGATION AND ANALYSIS.—The Commission shall—

(1) conduct a scientific investigation of the relationship between the production, distribution, and sale and reading or viewing of noxious printed or pictured material dealing with acts or suggestive acts of sexuality, and sexual deviations or perversions, and the commission by the readers or viewers thereof of criminal, delinquent, or other antisocial acts; and

(2) analyze the law pertaining thereto, and recommend appropriate revisions to the Congress.

(b) REPORT.—The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than June 30, 1961, at which date the Commission shall cease to exist.

POWERS OF THE COMMISSION

SEC. 10. (a) HEARINGS AND SESSIONS.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C., secs. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) OBTAINING OFFICIAL DATA.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

Mr. Speaker, I shall welcome any and all cosponsorship from my colleagues which may be extended for support of this resolution. Somebody has expressed himself as follows: "All that is necessary for the triumph of evil is for enough good men to do nothing."

This rapidly increasing traffic in smut is evil, Mr. Speaker. The preponderant majority of our people are good men, Mr. Speaker. More effort being extended by more good men is urgently needed. The adoption of this resolution will forge an effective weapon for good men to initiate action against this evil.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I am very glad to yield to my friend and distinguished colleague from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Speaker, I would like to commend the gentleman from Maine for the very pointed remarks that he has made. This is a subject on which much more than talk should take place within the Congress. I think it is particularly revolting and disgusting to find on newsstands within a block of the Capitol of the United States some of the worst types of magazines and booklets that can be found throughout the country.

I know that the gentleman knows, as a member of that special subcommittee, the efforts that have been made by Postmaster General Summerfield to alert the people of the United States to the serious problem that exists today with reference to obscene literature. I hope the gentleman is successful in the efforts that he is making and I want to assure him of my support.

Mr. OLIVER. I thank the gentleman very much for his comment. I would like to say to the gentleman further that I have already introduced, as I previously stated, a resolution which I hope may be effective in helping the Members of this and the other body to get legislation that will reach the situation concerning which he has just been speaking; namely, this borderline material that is on the shelves of our drugstores and newsstands in every section of this country. This is the kind of material it seems to me that existing law does not reach. When the gentleman referred to the Postmaster General, I want to say to him that I heartily concur in what he has said with respect to the efforts which he has made during the last several years to alert the American people to the menacing threat involved in this kind of material.

I would like also to say that in my remarks I have included a letter which I wrote to the editor of the Washington Post as a result of their editorial, to which I have referred. They chose to print this letter in part. I thought the more significant comments which I made in my letter to the editor were not included. I can understand why they were not, because they did not have the space. On the other hand, I think in the RECORD for today Members of Congress who are interested may read in full the reactions which I felt and in which letter I highly commended the Postmaster General for the work which he has been doing.

Mr. Speaker, I am very glad to have had the observations of the gentleman from New Jersey. I would like to say that it is beyond words that I can readily summon to express the feeling that I have with regard to this problem as a whole. It seems to me that it calls for the kind of action which not only Postmaster General Summerfield has been taking, but which every other executive or administrative head of this Government should follow through and cooperate with.

Mr. LEVERING. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from Ohio.

Mr. LEVERING. I had the honor last year of serving on the committee to which the gentleman has just referred and had the opportunity to work on the matter to which the gentleman is so forcefully addressing himself today. I want the RECORD to show that I associate myself with the remarks of the gentleman from Maine on the question of obscenity, as it has a tendency to erode the moral fiber of our future citizens.

Mr. OLIVER. I thank the gentleman very much for his comment. I know the time the gentleman has served on that committee; as a matter of fact, I replaced the gentleman on that committee. I have a complete appreciation of the contribution he made during the time he was working with this subcommittee. I feel that the constituents of his State and his district must appreciate and will appreciate what he has done in this particular area.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wish to commend the gentleman on his remarks today. I know the great struggle he is putting up to reduce the traffic in pornographic literature in this country. I am well aware of the many remarks the gentleman has made calling attention to the ultimate danger this practice will have on the young and the old people of America.

May I point out that the psychiatrist referred to in the article the gentleman mentioned earlier I believe is a psychotherapist. I think there is a distinction between the two.

Mr. OLIVER. I am very glad the gentleman called that to my attention. I think probably that is correct. I must confess I am not an expert with regard to these professional terms. I think the gentleman has made a very pertinent correction to my remarks, and I am very glad to accept it.

I also noted that the gentleman earlier in the afternoon called attention to the same newspaper story to which I have just called attention. It seems to me this has aroused more than just passing interest. I thank the gentleman for his comment.

Mr. PUCINSKI. The gentleman will recall that I had requested the appropriate committee of this Congress to look into this situation a little more deeply to see what are the motivating factors behind this kind of quiet campaign to overcome the work of the Congress to deal with this problem that confronts America today.

Mr. OLIVER. I thank the gentleman. May I say further it seems to me it is a rather sad commentary that in the very appropriation bill which we have acted upon today, relating to the cost to this Government and to the taxpayers of this Nation of ours for the costs, so called, incident to juvenile delinquency. Trying to do something about this great problem of juvenile delinquency that confronts us we had to appropriate dollars which probably would double what they were even 4 or 5 years ago for this same purpose. I think the remarks of Dr. Karpman to which we have been referring are significant in the light of today's appropriations for delinquency. I think it is most timely that we have had these observations today.

Mr. PUCINSKI. I thank the gentleman.

WHO ARE WE DEFENDING?

The SPEAKER pro tempore (Mr. ASPINALL). Under previous order of the House, the gentleman from Ohio [Mr. LEVERING] is recognized for 30 minutes.

Mr. LEVERING. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter and also to include a table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LEVERING. Mr. Speaker, day by day I am more and more appalled by the policies of our Government with reference to the protection of our American industry and our people against foreign competition. In the beginning I want to make it clear that I believe we must maintain a sound and sensible mutual security program, we must have world trade, but I also believe we must be careful not to kill the goose that laid the golden egg.

The American people, already laboring under a crushing burden of taxation, are willing to sacrifice further for defense, but, Mr. Speaker, I propound this question in all sincerity, "Who are we defending?"

Under the Buy American Act and the Small Business Act we ostensibly are concerned about the preservation of small business in this country—and we talk a great deal about giving this segment of our economy a fair share in defense contracts, but all too often and with increasing frequency of late I learn of some fine domestic industry losing out to a foreign bidder. I am very much concerned about the fact that prior to the executive order of December 17, 1954, a foreign bid had to be 25 percent below the domestic bid to be acceptable, but that under this order which is still in effect today, the percentage is changed for all practical purposes to 6 percent although under some conditions it can be 10 percent. Why?

Today I want to talk specifically about the case of Plymouth Locomotive Works of the Fate-Root-Heath Co. located in my congressional district—a fine small business concern employing less than 500 people, and the Mitsubishi Co. of Japan, one of the world's largest monopolies with one of the world's cheapest labor supplies. These two companies are now competing on bids to supply 39 or possibly 49 locomotives to the Panama Canal Company for towing ships through the locks as part of our defense program. Incidentally, Mr. Speaker, I can speak from personal knowledge about both of these companies. Plymouth Locomotive is an outstanding example of a small American industry which has for over 60 years contributed to the economic growth, prosperity, and overall betterment of the community of Plymouth, Ohio. It is the only company in this country which designs, engineers, and builds the size and type of industrial locomotives called for in the Panama Canal Company specifications. During World War II this company built large quantities of locomotives for the United States and her allies. At a most critical period, eighteen 6-ton locomotives were built in record time, knocked down and flown to Burma in the first airborne locomotive flight of its kind by the Air Transport Command. Crippled by a labor shortage and under adverse conditions over 200 Plymouth locomotives were delivered to Russia and 100 others went to France. In addition, many have been built for ordnance depots, naval bases, coastal defense, and for other purposes.

Now as to the Mitsubishi combine, if you will pardon a personal reference, Mr. Speaker, may I say that during World War II, I spent more than a year along with many other American prisoners of war as a kind of coolie slave in one of their factories shoveling slag on boxcars 10 hours a day, 7 days a week on a ration of two rice balls a day. The Japanese workers in the plant fared little better—they received an extra sweet potato now and then. I certainly hold nothing against the Japanese people, but I will leave it to the judgment of any man of reason, as to whether workmanship under such conditions can possibly match that in American industry.

Now, Mr. Speaker, at this very moment, the Secretary of the Army has under consideration the matter of awarding a bid to this foreign firm to supply the 39 locomotives for a total of $3,829,900. The Plymouth Co.'s bid is in the amount of $4,741,000.

Actually it appears that a fair and just analysis of these two low bids allowing the percentages which I believe justified for small business and critical labor, the foreign bid is 1.6 percent higher than the Plymouth bid.

Mr. Speaker, under unanimous consent I include a table to prove this point.

A suggested analysis is as follows:

Plymouth Locomotive	$4,741,867
Mitsubishi Shoji Kaisha Ltd.	3,829,900
Mitsubishi Shoji Kaisha Ltd. (19.2 percent low)	911,967
Mitsubishi bid	3,829,900
Additional for Panama Canal Co. expenses (to cover additional cost of Panama Canal Company's inspection at the foreign location and increased administrative costs)	115,000
Total Mitsubishi bid (16.8 percent low)	3,944,900
10 percent buy American	382,990
Total Mitsubishi bid (8.7 percent low)	4,327,890
Requested 6 percent small business	229,794
Total Mitsubishi bid (3.9 percent low)	4,557,684
Requested 5 percent critical labor	191,495
Total Mitsubishi bid (1.6 percent high)	4,749,179

I have been conferring with the Plymouth firm, the Small Business Administration, and officials of the Department of Defense for the past several weeks and for the life of me I cannot understand how the foreign company can be awarded this contract if we really mean what we say about protecting the national interest.

Why should we, in Heaven's name, give this defense contract to a foreign firm and deny employment and the profits from all the component parts that would be purchased in Ohio and other critical domestic surplus labor areas?

Of recent date, the Shelby Air Force Supply Depot in the area of Plymouth has been going through the process of phasing out its operation. This has placed a great number of people on an unemployment status.

Westinghouse Air Brake Co., Le Roi Division, is moving its plant out of nearby Greenwich, Ohio.

Republic Steel Co. in Canton, Ohio, has advised me that they are working only 4 days per week in some departments.

Fruehauf Trailer Co. has already laid off one-fourth of their employees. Myers Pump of Ashland has laid off a number of employees and the General Motors Fisher Body Plant in Mansfield is presently laying off a considerable number of workers.

The counties of Richland and Ashland alone, I am informed have an unemployment list of 2,893 which is fast approaching the figure considered by the Labor Department to be critical labor surplus.

We find that the total man-hours required per locomotive including processing and construction would be 26,660. With reference to the loss of revenues which would result from awarding this contract to the foreign bidder, Plymouth Locomotive last year paid in taxes the sum of $421,752. Considering the 2½ years it is contemplated it will take to deliver the order for the Panama Canal, the company estimates it will pay close to $500,000 in taxes to the Government

by reason of this particular contract alone while they are doing other business at the same time.

Then, there is the overriding question of our national security. How can we justify spending more than half our entire budget year after year for defense—for our national security—working tirelessly in this tension-laden era to achieve combat readiness and combat effectiveness and at the same time employ a company on the other side of the globe to supply equipment for one of the most vital defense areas in this hemisphere? What about the availability of spare parts and service in the event of an emergency?

As a matter of fact, Mr. Speaker, I wonder how long we can continue to meet our needs for defense and our commitments for foreign aid under the current expanding policy of preferring foreign nations to our own?

Mr. Speaker, I think the time has come to reverse this "anybody but America" fad.

On yesterday as Members of the House paid tribute to our distinguished colleague, the gentleman from Ohio [Mr. KIRWAN] on the occasion of his being honored by Oklahoma City University with an honorary degree of doctor of humanities, I could not help recalling the occasion in the well of this house on September 8th of last year when that gentleman said:

We must remember that we also have a responsibility to take care of our own country.

MITCHELL MAY

Mr. MULTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, I take this time to salute one of America's most distinguished citizens upon the celebration of his 90th birthday. I refer to none other than Mitchell May. Born in Brooklyn, N.Y., in 1870, he attended its public schools, Brooklyn Polytechnic Institute, and Columbia University Law School. He was admitted to the bar in 1893 and very soon was recognized as an outstanding and distinguished lawyer. He was elected as a Democrat to the 56th Congress and served from March 4, 1899, to March 3, 1901. He was not a candidate for reelection, preferring to devote himself to the service of his community by staying closer to home. He served on the New York City Board of Education, then as an assistant district attorney of Kings County, and was elected successively to the high offices of secretary of state of the State of New York, county judge of Kings County, and justice of the State supreme court.

After his retirement from the latter office because of the constitutional age limit, he resumed the practice of law as one of the most eminent members of the bar.

In every office that he graced, he served with honor and distinction. His genial personality, his scholarship, his practicality in dealing with everyday affairs and his love for his fellow man have been an inspiration beyond measure to all that have had the privilege to know him.

I am pleased to commend to the attention of our colleagues an editorial which appeared in the Brooklyn edition of the New York Journal American of March 24, 1960, as follows:

JUSTICE MAY

Mitchell May retired as a State supreme court justice 20 years ago, but the nonagenarian remains today as prominent in the Brooklyn community as he was during almost 50 years of public service.

His name has become synonymous with the compassion and understanding which exemplify a true champion of justice.

Justice May, born in the Williamburg section and a life-long resident of Brooklyn, recently attained his 90th year.

Fittingly, the Nestor of the Brooklyn bar will be tendered a testimonial dinner by the Brooklyn lawyers division of the United Jewish Appeal next Wednesday at the Park Manor, Brooklyn.

The dinner invitation reads:

"In the annals of men whose love of humanity makes the divine teachings a living faith, Judge Mitchell May has written a glorious page."

This is an apt description of Judge May's contribution to his fellow man, whom he began serving in 1893 as a Congressman at the age of 23.

During his years on the bench, his wisdom and scholarship made him one of the most beloved jurists in the city.

It is with pride that we join the United Jewish Appeal Lawyers Division in wishing Judge May a happy birthday and many more to come.

Our very best wishes go forward to Mr. Justice May.

EXTENSION OF REMARKS

Mr. ALBERT. Mr. Speaker, I had the privilege this morning of hearing Maj. Gen. Lionel C. McGarr, one of the great combat soldiers of our Army, and presently commandant, U.S. Army Command General Staff College, as he addressed the congressional command and operations group.

Mr. Speaker, I think this lecture is worthwhile reading for all Members of Congress as well as others, and I ask unanimous consent to extend it as a part of my remarks in the CONGRESSIONAL RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ESTABLISHMENT OF COUNTY INDUSTRIAL AGENT PROGRAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, two of the major socioeconomic problems facing the United States today are, first, the heavy movement away from rural areas; and second, as industries move from a community where they have been established for years, the community is faced with either an unemployment problem or a decrease in population.

Mr. Speaker, last summer I had the opportunity of visiting a town which was faced with this very problem. The total population numbered 35,000. The one dominant local industry was preparing to close its doors and move elsewhere. Thus, by the end of 1960, there will be 8,000 people unemployed in this community. Of course, there is another alternative—these 8,000 people and their families could move with the industry, thus leaving a population vacuum in the community which will have a serious effect upon the total economic life of the community.

With rapid industrialization in the 20th century, the constant shuffling of population has been a direct result. As industries relocate, families are forced to move with the industries in order to maintain their employment. This means leaving the small town or farm which, in many cases, has been the home of the family for generations.

For several years, and especially after visiting the community referred to above, I have been groping with the problem of how we can maintain a healthy rural and small urban community economy that has produced so many leaders in America and yet keep pace with the progressive industrialization pattern of the Nation.

What I am saying, Mr. Speaker, is that there must be a way whereby the family can continue to live in the small town, where kids can continue to watch life renewed on the family farm or can frolic in the swimming hole, spending many happy hours in the outdoors, whether it be on a farm or in the rural town.

For these reasons, I introduced today a bill which would establish a county industrial agent program. The prime function of this agent would be to create new employment opportunities in rural communities and depressed areas without substantially reducing employment in other areas of the United States.

The County Industrial Agent Act would be set up on the same basis as the county extension program which receives its financial support in equal shares from the county, State, and Federal Governments. I believe this bill proposes a program which will stimulate these areas to help themselves.

Mr. Speaker, it is my firm belief that the introduction of new industries and activities using new materials and processes and producing new products, or satisfying new industrial, consumer, and governmental desires, will stimulate many new employment opportunities for the young people who are leaving rural areas each year. Further, I believe it can be a great help in bridging the gap in areas depressed by the loss of industry.

If the present trend of these communities losing their populations is continued over a long period, it will mean the gradual disintegration of the community and all its physical resources built up over the years—schools, stores, hospitals, banks, office buildings, homes, churches, and all of the community services which were acquired at great expense and which are now wasting away.

All too often, the people of the area move away in search of jobs elsewhere because there is no work in their community. We have not even considered the great personal tragedies which loss of income can produce.

In a vast, expanding America, it is not right that these once proud communities with close family ties should be permitted to die upon the vine. It is far better that Congress meet the responsibility placed before it and take the positive type of action proposed in this County Industrial Agent Act. We are trying to reduce unnecessary blight and decay of the affected rural and small urban communities by maintaining the population through new employment opportunities.

On the basis of testimony presented at the hearings before the Senate Banking and Currency Committee, it is clear that the communities which have been hit by economic misfortune have not been content to sit idly by in the face of adversity. On the contrary, most of the communities have shown traditional American resourcefulness in efforts to achieve local economic rehabilitation. Local Chambers of Commerce and regional area redevelopment groups are in existence in practically all of the communities and have been working steadily for the past several years to solve their problems through local subscription, community development drives, and by the use of many other devices to raise funds. Courageous local efforts to bring in new industry or to expand existing businesses have been made, but these have, in the main, failed to meet the urgent needs. The conclusion is clear that these local communities are virtually powerless to reach a full solution of their problems without some type of outside economic assistance. Volunteer help must have full-time paid leadership to achieve quick and effective results.

The following are a few suggestions of what the county industrial agent's responsibilities might be:

First. Provide information such as market and industrial site research and other information to the Department of Commerce coordinating body and disseminate information and advice from various governmental agencies.

Second. Provide technical assistance, such as evaluating and helping to develop potentialities for economic growth, to community development organizations and the chambers of commerce.

Third. Provide extension-type night school training for potential industrial workers and for those forced to learn new skills as a result of a depressed area employment gap.

Fourth. Coordinate Federal and State assistance programs with local volunteer groups.

The text of my bill follows:

H.R. 11455

A bill to improve commerce and industrial development through the establishment of a county industrial agent program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF THE CONGRESS

SECTION 1. The Congress finds that there exists special circumstances in certain areas of the United States which cause such areas to be at a disadvantage insofar as economic development and social stability is concerned for the following reasons:

(1) Excessive concentration on one product or one nonbasic industry.

(2) Changing agricultural technology, which produces a need for fewer and fewer workers, combined with a significant drop in farm incomes has caused supportive towns and industries to become depressed areas.

(3) A nonintegrated approach to the problems of economic development in underdeveloped or depressed communities.

PURPOSE OF ACT

SEC. 2. The purpose of this Act is to:

(1) Promote the economic development of certain areas of this country which have been known as one-industry areas.

(2) Preserve, improve, and protect the sociological advantages of rural communities and family farm living through the creation of new economic opportunities.

(3) Reestablish as rapidly as possible the industrial and commercial bases of communities outlined in paragraphs (1) and (2) of this section, so that emigration to large urban areas will decrease.

(4) Establish extension-type education programs to teach alternative jobs and technical skills to residents of areas described in section 1 of this Act.

(5) Develop a well-organized and integrated approach to the problem of area economic development through Federal-State-local cooperation.

COUNTY INDUSTRIAL AGENT PROGRAM

SEC. 3. In order to carry out the purposes of this Act, the Secretary of Commerce is authorized to establish a County Industrial Agent Program as part of the Office of Area Development, and to appoint that number of industrial agents which he deems appropriate to carry out the purposes of this Act, but no fewer than one-half the number of county agricultural extension agents provided by the Department of Agriculture on the date of enactment of this Act.

COOPERATION WITH CERTAIN AGENCIES AND ORGANIZATIONS

SEC. 4. The Secretary of Commerce and the industrial agents are authorized to cooperate with government officers and agencies and commercial, agricultural, and labor organizations on a local, State, and national level for the purpose of receiving (1) support and assistance in the establishment of an area development program, and (2) support and assistance in training persons in alternative job skills.

APPROPRIATIONS AUTHORIZED

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

FORTY-SECOND ANNIVERSARY OF THE PROCLAMATION OF THE INDEPENDENT BYELORUSSIAN NATIONAL REPUBLIC

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BENTLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BENTLEY. Mr. Speaker, I understand that March 25 marked the 42d anniversary of the proclamation of the independent Byelorussian National Republic and that this date was traditionally observed by all Byelorussian communities throughout the country including the Byelorussian Association in Detroit. It was 42 years ago, in 1918, when the Russian Bolshevists, after seizing political power in the former Russian Empire, invaded with their armies the free Byelorussian Republic, violated the sovereignty of the newly formed state, committed atrocities against the people and forcibly overthrew the freely elected democratic government.

It continues to be our expressed hope that all captive peoples behind the Iron Curtain, including the Byelorussians, will one day again enjoy the God-given right of freedom and self-determination and it is certainly our hope that this day will come soon. I, therefore, take pleasure in joining in the observance of this memorable anniversary and congratulate the Byelorussian Association in Detroit for their part in this observance.

GREEK STRUGGLE FOR INDEPENDENCE FROM THE OTTOMAN EMPIRE

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BENTLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BENTLEY. Mr. Speaker, I understand that March 25 signified the anniversary of the success of the Greek struggle for independence from the Ottoman Empire and that this date is hailed as Greek Independence Day by American-Greek organizations throughout the country. As one who has applied for membership in the American Hellenic Educational Progressive Association, better known as AHEPA, it is a pleasure for me at this time to express the justified pride which the 1½ million Americans of Hellenic background feel as a result of the noteworthy contributions they have made in America in all major fields of endeavor, including architecture, communications, business, and government.

I wish to include herewith as part of my remarks a brief memorandum which I received regarding the significance of this memorable occasion:

The Americans of Greek origin and Greek peoples throughout the world celebrate March 25, which brought the end of suppression of the Greek nation by the Ottoman Empire.

Freedom-loving people throughout the world have drawn inspiration from the struggle of the Greek people for independence.

Ancient Greece was the cradle of liberty. Apostles of freedom still look to Greece, both ancient and modern. For it was there that the Western concepts of representative government and the rule of law were originated, and it was in classical Greece that political theories antagonistic to tyranny first were born, later to mature and inspire the great republican movements of modern civilization.

After World War II, when strong pressure was applied by the Soviet Union and subversion by the Communists had engulfed the country in civil war, the United States came to the aid of Greece. As a result of assistance from this country, the war-torn economy of Greece was reconstructed and the Communist insurrection was suppressed.

The continuing freedom and security of Greece is of great importance to the free world. At the same time, the security of

Greece as a free nation contiguous to the Soviet bloc is vitally dependent on the strength of the Western alliance. Greece is firmly associated with the North Atlantic Treaty Organization in planning for the defense of the Mediterranean.

ADDRESS OF CHARLES H. BROWER, PRESIDENT OF BATTEN, BARTON, DURSTINE & OSBORN, INC.

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. ST. GEORGE] may extend her remarks at this point in the RECORD and include an address.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, the following address, delivered before the Advertising Federation of America, in Boston, on February 9, 1960, by Charles H. Brower, president of Batten, Barton, Durstine & Osborn, Inc., is a hard-hitting, hard-thinking talk on present day trends that is well worth our perusal, and may help in our work for the future of our country.

This speech is truthful and factual. We need more truth if we are to remain free, and we need more facts if we are to distinguish truth from falsehood:

THE YEAR OF THE RAT

(By Charles H. Brower)

Those people who believe in statistics tell us that things really boomed in the latter half of 1959. Car loadings were up. Retail sales were up. Dow-Jones averages were up. But the things that were really up were the production and use of rose-colored glasses. Rose-colored glasses were used in main for gazing happily into the golden haze that came to be known as the "soaring sixties." Rose-colored glasses are never made in bifocals, for nobody reads the small print in dreams, nor are they interested in handwriting on the wall, or clouds no bigger than a man's hand on the horizon.

There are, however, only two things that we really know about the sixties: First, they will not perform as advertised, for no decade ever has. Try it yourself—pick any decade. Did anyone call it in advance or even come close? Certainly not. The second thing that we know is that we are already in the sixties today—and they look very much like the same old neighborhood. Nothing has really happened to change things except that we have crossed a line which we ourselves have drawn in the sands of time. It is only 1960 because the Chinese have not yet been able to convince us that it is the year 4658, which they celebrated on January 28 as the year of the rat.

We have started out, for instance, by a wave of church desecrations—and by throwing a nice fresh billion dollars to the insatiable money eater. The money eater has eaten up half the value of the American dollar in the past 20 years. Each year in the past four he has eaten another penny.

We are not a nation that is enthusiastic about having its money eaten. So, from time to time, we have taken bold measures against the money eater. We have deplored him from the pulpit and caricatured him in the press. We have called upon our economic doctors and made big medicine. But no one can make the animal take the medicine.

It is not hard to see why. Hunting for the causes of inflation in the field of economics and finance is like hunting for crocodiles in Nome. For all I know, there may be a crocodile in Nome—but it's not the place to look when you find yourself suddenly short of crocodiles.

DISEASE OF THE BACKBONE

Economic phenomena do not cause inflation any more than high thermometers cause hot weather. Inflation is a disease of the American backbone and can be cured only by large and frequent doses of courage and unselfishness.

Traditionally the American dollar comes out of every war wearing wound strips, for war without conquest creates no wealth. There is a bill to be paid—but no one wants to pick up the check, and this is where the real trouble starts.

When any ship—except the ship of State—begins to founder at sea, certain traditions are observed; certain courtesies prevail. The captain stays on the bridge, pitting his authority against the tendency to panic. The crew man the pumps and help the women and children into the lifeboats. The strong give up their lifejackets to the weak.

But when our country begins to sink into the sea of inflation, a different picture is seen. The captain stays on the bridge all right, but his orders are unheard in the shouting as the lifejackets are wrested from the weak by the strong. The crew man the pumps, but more often than not they pump the sea in instead of out. Gangs of passengers band together with the silly, but desperate, conviction that they can keep their small part of the ship afloat, even though all the rest may sink. Labor seeks to keep its section afloat by ceaseless demands for more take-home and more fringe benefits. The farmer demands that his part of the deck be kept solid under him by price supports. Management has more than once left one part of the ship and set up in another where conditions seemed more favorable. Meanwhile Government, beset by scores of demands backed by the threat of political punishment, grabs everyone it can catch and holds him under a drowning tide of confiscatory taxes.

But it won't work. A bill that is owed cannot be paid by passing it around. It can't be paid by the natural, unorganized victims, the people on fixed incomes, for there are not enough of them. It can be paid by hard work, by devoted management—by returning an honest day's work for a full day's pay, by ending Government waste, by insisting on a balanced budget, by doing away with all needless jobs in every industry, by starting to reduce our almost $300 billion debt instead of buying a new roof for it each year. But who wants that?

WHAT INFLATION THRIVES ON

Inflation thrives on living it up. On getting more and spending more. And boy, do we love to do that. Inflation makes a $20,000 man out of a $10,000 man. It makes millionaires out of people who never could have been millionaires otherwise. It makes us all poor boys who made good because our fathers made so much less than we do. But it also saps and destroys all the good disciplines that made us great. Today, it seems, the only way to be penny-wise is to spend the penny—the only way to be pound-foolish is to save the pound. Smart people no longer pay debts; they incur them. For being in debt is another way of passing the bill to your neighbor. You don't have to borrow money, of course. You can borrow trips to Europe. Or anything you like. Name it, and you can have it now and pay later. And by lumping all of your small debts into one impossible total, you can get the finance company to do all your bookkeeping for you.

Even old familiar sayings take on new and sinister meanings. When we were taught that "God helps them that help themselves," it was an admonition to idlers and daydreamers. Nowadays it seems more of a divine go-ahead for the shrewd and the ruthless.

Nobody needs to be told today not to count his chickens before they hatch. Today people do not wait for the eggs to hatch. They eat the eggs, then borrow to buy chickens.

I have said that inflation is a disease of the American spinal column. What I have not said is that almost all of our troubles come as a result of the same disease. The disease might be called epidemic cynical selfishness—it is the healthy cells of rugged individualism gone wild.

Epidemic cynical selfishness. Or, E.C.S. It might be called "me-first-itis," or "make way for No. 1," or "what's in it for me?" or "good guys finish last," and it is about as far away from the Golden Rule as it is possible to get. And I do not think you can name a sickness of our modern society that does not go right straight back to that epidemic cynical selfishness.

Here are a few: juvenile delinquency, increasing divorce rate, death on the highways, the rising crime rate, church and synagogue desecrations, and the evils which have recently beset our own business—rigged quiz shows, payola, and TV commercials which are less than truthful.

Every one of those is directly related to our new cult of mass selfishness. And so, for that matter, are a lot of less dire habits—such as always getting away first at the traffic light, such as the Lower Slobovia school of teen-age dress, such as defacing our pleasant land with trash thrown from cars.

COAST-TO-COAST CHEATING

Suppose I take just one of the symptoms of our time: the rigged quiz show. We were all properly indignant about this spectacular form of coast-to-coast cheating. But we do not read the message right if we all decide to chop down our antennas, or even if we heap too much blame upon the young and uneasy industry in which it occurred. And it is not for Charles Van Doren that we should mourn. It is for the rich, the poor, the brilliant, the ordinary, the gifted, the unskilled, the taxi drivers and the professors—for all the people who took the fixing quite in stride and never complained until one man felt that he had not been paid enough.

There are plenty of rigged quizzes that are not on TV, you know. Take the one in which Uncle Sam asks us each year how much money we earned last year • • • and then hires 50,000 men to make sure that we do not cheat.

Consider the quiz held every second at the checkout counter of the supermarket. Executives of our large chainstores have decided that one-fourth of us will not steal under any circumstances; one-fourth of us will steal anything, especially if it's nailed down; and the other half of us vary according to the strength of the temptation and the chances of getting away with it.

Consider the quizzes held in our colleges. Twenty and thirty years ago the great hope was the honor system. This system exists in only a handful of colleges today, and in most cheating is an accepted practice—one professor estimating that one in every three students cheats regularly.

This country today is filled with men who always go first class on expense accounts but who happily adjust to tourist when on their own; with people who would never think of stealing from a wallet they found, but who almost always return a half-empty day to their employers.

Our business today is getting more than its share of the attention of those in the government. Certainly, anyone who attended our midwinter conference last Friday in Washington, or who read his Sunday morning papers, will find little difficulty in un-

derstanding that we, as an industry, are looked upon as transgressors. But let no one think that the root of all our country's evil has been belatedly discovered within our midst, or that we have cornered the market on deviousness. No, whatever evil there is in the advertising industry—and I for one am sure that we have even less than our share—is but a sign of our time.

SOMEBODY GOOFED

The trouble that epidemic cynical selfishness brings us may be great. For selfishness is not the path of democracy. Selfishness is the path of tyranny. In a dictatorship the strong and selfish subdue the others, and a government based on terror exists—but the very foundation of democracy is that each must sacrifice something for the good of all.

Just now the sputniks and luniks of tyranny seem to fly better than ours. This is not, I think, because the Russians are greater scientists, or because they captured the better Germans. It is because the launching of such a complicated mechanism requires the utmost teamwork by thousands of people. And thus far the threat of liquidation has been a better incentive to teamwork than the responsibility of the individual. It is the tiny things that fail with us—the average cost of failing components in recent rocket heartbreaks was around $2.60. As they say, "Somebody goofed"—someone who didn't realize perhaps how much democracy depended upon him that day. Indeed, the goof-off in this country has become a sort of status symbol—it takes a real he-man to let everyone else down and get away with it.

Now it is a fascinating characteristic of our people that we are greatest when we have a cause. Communities visited by storm and flood do not have time for selfishness or me-firstitis. And all of us were better, tougher, less selfish, and finer people when we had a Fascist empire to get off our backs. Today we seem to have nothing much to do. We are no longer building our house. We are not defending it. We are just living in it. And we are so bored with prosperity and happy-happy happiness that we hardly know what to do.

Of course, there is danger, perhaps the greatest that we have ever faced. But it is not too clear or too present. We don't really believe it. We can't visualize our daughters being carried off by Red invaders, or nuclear bombs actually falling in the streets of our cities. We cannot really believe that Mr. K., whose wife looks so much like somebody's mother, would ever be unkind with his nuclear weapons.

Besides, we can't depend upon disaster to pull us together this time, for if it strikes, we will have nothing left to pull together.

What else brings out greatness in people? Leaders. Yes, even in times of peace real leaders can set a nation aflame with enthusiasm. But in a democracy we don't want just one big man on horseback—we need a hundred thousand of them at all levels, in every village, town, school, factory, and farm.

THE WRONG PEOPLE

Which brings me back just for a moment so the disease analogy again. Medical science often studies healthy tissue to determine what elements fight disease and decay. Haven't we been spending too long a time studying the wrong people? What would happen if, for a while, we turned our microscopes away from studying the selfish, the crafty, the lazy and the morally weak, and focused them instead on the industrious, the honest and the morally strong?

What would happen if we stopped psychoanalyzing and dissecting the chicken-chested kids in leather jackets * * * and started to pay some real attention to the squares who have not yet stabbed a teacher or mugged an elderly woman?

Think of the millions and millions of dollars we have spent trying to find out what makes the delinquent delinquent. Think of the billions of hours that sociologists have spent trying to understand the criminal, to comprehend the urge to alcoholism, to analyze the broken home.

Is there any professor in any college across this land who has written, is now writing, or is even thinking of writing, a book on the noncriminal mind? Has there been a paper delivered in the past 20 years dealing with nonneurotics, nonalcoholics, nondelinquents, nonscrewballs? Has any great foundation offered a grant to promote the study of the simple, corny, honest, God-fearing American? You know the answer as well as I do.

Yet even the breeders of animals know better than this. Nobody tries to develop winning racehorses by studying the losers. Nobody even develops prize pigs by studying the runts.

We have taken the good guy for granted so long in this country that we know nothing whatever about him. Is he religious? Sometimes, but quite often not. Was he properly whaled by his parents when young? Again sometimes, but quite often not. Was he a delight to his teachers in school? Not always; often he was the lad who turned their hair gray.

But do we know about the bad guy? You bet we do. We know that he is misunderstood, misguided, misdirected, miserable, and a victim of his environment. We know that we must pity and pamper him, and pay for his rehabilitation. We must at all costs—and the costs are almost beyond measure—be nice to him.

I trust I will not be thought unsympathetic if I must say nuts to him—and to our national preoccupation with the overwrought and discontented * * * with the anxiety-ridden student who cannot afford premium gas for his Jaguar * * * with the neurotic personality, the disturbed psyche, and the complex complex.

Russia is not panting at our heels today. * * * Russia is walking all over our feet. Isn't this a sensible time to get our attention for the time being from the remedial and to the excellent?

SUGGESTION FOR SCHOOLS

Couldn't our grade schools somehow give as much extra time to the development of the gifted, the brilliant, and the natural leaders as they give to those who have not yet adjusted to group play?

Must our secondary schools continue to pump our colleges full of the well-off, the show-off, and the goof-off * * * along with the talented and the able and the devoted? According to Dr. James Conant, between 30 and 40 percent of our young people go to college today. But no one knows whether or not it is the right 30 or 40 percent. We think that if Mom and Dad were what used to be known as college material, Junior must be college material, too. Except that Junior may think that Mom and Dad and study are all from Squaresville, which I am told is no place. We have implicit trust in regents and college boards, even though we know that most teachers in junior and senior year have learned to predict the questions pretty well.

THE SEARCH FOR EXCELLENCE

I, for one, do not ask that we abandon the charitable instincts that mark us as Americans. I do not even suggest that we abandon our role as the feeder and father of the world's hungry and fatherless. I ask only that we look for talent and excellence as avidly as we look for uranium—and that we cherish it and cultivate it as thoughtfully as we do many of our less valuable natural resources.

If there were a suspected Communist in your neighborhood, you would know where to report him. If there were a good left-handed pitcher with a fast drop in your high school, the scouts from both leagues would be after him. But if you ran across a junior Einstein, would you know what to do about him?

It is true that the Ford Foundation is scratching at the surface of this problem. But this is not basically the Ford Foundation's problem. It is your problem. And it is my problem.

I think that our educators, our ministers, our editors, our businessmen, our unions, and our organizations like yours should join in a mammoth talent hunt to be sure that we are giving every gifted boy and girl as much attention as we give our better criminals. It could easily start right here. There have, from time to time, been some thrilling manhunts in our country—but there has never been one like this—in which a whole dedicated nation might work together to uncover this treasure of brains which Dr. Conant believes is hiding in unlikely places all over America.

Thus we might in time develop the leadership that a democracy needs—a leadership that would again give us the right to include that word "United" in the name United States of America—a leadership at all levels that would make it smart to be hard working, honest, and unselfish—that would point out the stupidity of inflation, laziness, moral weakness, delinquency, divorce, tax evasion goofing off, and freeloading.

It won't be done in a day, perhaps not in a decade.

Meanwhile, what can you and I do about ourselves?

WE CAN START TODAY

We can start taking our temperatures today, I think, and see whether or not we are victims of that American disaster disease—epidemic cynical selfishness. Let's let someone beat us at the light; let's let the other fellow win one argument; let's even let the wife have the last word—and see how much it hurts.

Our secret weapon as a nation was given us 1,700 years before we were a nation by a man who said, "Love thy neighbor as thyself."

Maybe we can't love our neighbors right at first, after so many years of loving ourselves. But we might start by treating them as allies at least.

When the management man hates the union man, when the city man hates the farmer, when the workingman hates the professor, when the white-collar man hates the blue-collar man, when the rich man hates the poor man, and everybody hates the Government, that is when the Kremlin rocks with laughter.

We may never learn to love the jolly folks in the Kremlin—but it doesn't seem fair to us to make them kill themselves with laughter.

You know about that tide in the affairs of men, which, taken at the flood, leads on to fortune.

There is also a tide in the affairs of nations—and this may be it for the United States.

If it is, let us pray that you and I will not be found wanting. Thank you.

THE LATE COLONEL FREDERICK H. PAYNE

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CONTE. Mr. Speaker, I have received the sad news that an outstanding

American citizen, businessman, and public servant, Col. Frederick H. Payne has passed away.

A leader in the industry of Massachusetts, he was one of the organizers of the Greenfield Tap & Die Co., and was, concurrently, president of the Mechanics Trust Co. of Boston. Prior to World War I, he served as bank examiner for the State of Massachusetts.

During World War I, he served in the Army Ordnance branch and was in charge of procurement for an eastern sector of the United States. He rose from the rank of major to colonel. After the war, he continued to serve in the Ordnance branch as assistant chief of the Bridgeport Ordnance District.

In 1930 he served the Federal Government in the post of Assistant Secretary under Patrick J. Hurley, then Secretary of War. In this capacity he had the supervision over the procurement of all military supplies and in the preparation of American industry for war. He resigned his post at the end of President Hoover's term of office. In 1946, he was called by former President Truman to Washington for consultations on the problems of industry in preparedness for war.

A man of the highest integrity and of great ability, Colonel Payne dedicated himself with equal fervor to duties of business, government, and community welfare. In all he exemplified a charitable devotion which endeared him to those whom he knew and to those whom he served.

I know that my distinguished colleagues join me in extending, in this hour of bereavement, to the Payne family, our deep sympathies and profound condolences.

ONE HUNDRED AND TWENTY-NINTH ANNIVERSARY OF THE INDEPENDENCE OF GREECE

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CONTE. Mr. Speaker, the kingdom of Greece, stanch friend of the United States and exemplary member among free nations, celebrates the 129th anniversary of its independence. On March 25, 1821, the Greek people asserted their right for freedom by rising up against the imposed rule of the Ottoman Empire. During the fierce and brave struggle, the famous British poet, Lord Byron, gave his life. The success of the brave Greek people in achieving independence won the admiration of freedom-loving men throughout the world.

Considering the incalculable debt which Western civilization owes to Greece, it is certainly fitting that we join with her in commemorating this important anniversary. The heritage and basic philosophy of democracy bequeathed by Greece to all men shall always remain the source for the immutable principles by which all peoples who are free and all those who aspire for freedom can hope and live.

THE LABOR BOSS VERSUS THE AGED

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BOSCH] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BOSCH. Mr. Speaker, yesterday I posed the question, "Is the labor boss for or against the aged?" Recent events suggest the question was somewhat rhetorical and that the answer is already known—the labor boss is opposed to the best interests of the aged citizens of our Nation.

The labor boss has consistently favored printing press money and extravagant Government spending schemes in total disregard of the inevitably inflationary consequences. Nothing more adversely affects the economic security of the aged who are living on fixed incomes than the ravages of inflation and spiraling prices.

The labor boss has negotiated compulsory retirement ages in industrial contracts so that workers are forced out of the labor market at an arbitrary chronological age without regard to the employment capabilities of the individuals involved.

Now the labor bosses have taken a new tack in their relentless endeavors to drive the aged from employment opportunities.

I have received a letter dated March 25, 1960, from the AFL–CIO opposing the more than 175 bills pending before the Committee on Ways and Means which would liberalize the retirement test so as to allow beneficiaries to earn more than the $1,200 yearly without loss of benefit entitlement. In its opposition to improving the economic opportunities for our aged, the AFL–CIO contends that this meritorious improvement would be discriminatory, costly, and counter to the basic purpose of the system. In short the AFL–CIO would deny to our aged citizens the right to work and would force them to rely solely on the bounty of the Federal, State, and local governments for their economic survival.

Mr. Speaker, this position of the AFL–CIO is completely contrary to the American way of life; this labor boss attempt to dictate to our aged should be resisted and rejected by all thinking Americans.

The AFL–CIO opposition to a liberalized retirement test ignores the needs and abilities of our aged. The problems confronting our senior citizens cannot be solved by Government handouts. Progress in medical science and improved health practices have added years of productivity to the lives of the aged. These people should be given maximum freedom in self-determination as to how the individual will spend those years. If the aged individual wants to retire immediately, he should be allowed to do so. If he desires to phase into his retirement gradually by maintaining a program of partial employment, he should be allowed to do that; or if he would retire for a period and then desire to return to work, he should be allowed to do so. In short, Mr. Speaker, the AFL–CIO should not be allowed to dictate the employment-retirement decisions of our aged through labor boss' resistance to warranted improvements in the retirement test under our social security program.

Mr. Speaker, as a part of my remarks I will include the letter dated March 25 which I received from the AFL–CIO opposing liberalization of the retirement test:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS.
Washington, D.C., March 25, 1960.

HON. ALBERT H. BOSCH,
Member, Ways and Means Committee,
House Office Building, Washington, D.C.

DEAR MR. BOSCH: As you know there are some 175 bills which have been referred to the Committee on Ways and Means which propose to modify the so-called retirement test in the Social Security Act.

Some of these propose simply to increase the amount which individuals can earn without forfeiting social security benefits; others propose to abolish the test altogether.

We have no doubt that these measures have been introduced with no other intention than to liberalize the conditions under which retired persons and surviving members of workers' families are eligible for monthly benefits. An examination of the practical effects such proposals would have if adopted, however, raises a serious question as to whether they would, in fact, be beneficial to the greater number of people who look to the social security system for their economic security.

There is attached a memorandum from the director of the AFL–CIO social security department which sets forth in some detail our reasons for not favoring these proposals. In brief summary they can be stated as follows:

1. The proposals would add substantially to the cost and benefit only a small minority. For the most part that minority would be made up of the people who least need social security benefits.

2. There are other improvements in the system that would help a vastly greater number of people—including those, such as widows with young children—who need benefits far more than the relatively well to do. These improvements can be obtained at the same or even less cost.

3. The retirement test proposals are not only costly in themselves, but would add to the cost of all future benefit improvements.

4. They go counter to the basic purpose of the system which is to replace a part of earned income lost on retirement, or because of the death of the family breadwinner.

To be sure there are anomalies in the present provision for determining retirement, and there are needed administrative improvements. We are glad that the Committee on Ways and Means has asked the Department of Health, Education, and Welfare to study this matter and report on possible changes. We in the AFL–CIO would certainly welcome improvements that would make the application of the test more equitable without adding to the cost of the system so as to jeopardize needed improvements for the great majority of social security beneficiaries now and in the future.

We would appreciate your keeping these points in mind as a member of the Ways and Means Committee while the committee is considering changes in the social security program this year.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

INTERNATIONAL DISARMAMENT

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HALPERN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HALPERN. Mr. Speaker, the recent convening of the 10-nation disarmament talks has stirred anticipation and hope throughout the world that a sound, enforceable agreement on the cessation of nuclear testing and the eventual destruction of armaments stockpiles can be negotiated. The terrible threat of nuclear annihilation can only lead reasonable men to make every effort, consistent with good faith, to come together and agree to the placing of a steel vise around nuclear weaponry.

The current negotiations have already produced agreement in principle on some of the major aspects of international disarmament. It is up to all of us to support the efforts of our negotiators to reduce such agreements to hard, binding, and enforceable provisions.

The nightmare over mankind must be dispersed by the calm intercession of reason at as early a date as possible.

Unreconciled speculations over the peril of fallout only increase the demand for an enforceable cessation of testing. Continued contamination of the atmosphere has been vigorously decried by experts without dissent.

The growing roster of nations which do or shortly shall possess the capacity for producing nuclear weapons makes it urgent that immediate agreement on weapons control be attained. Expansion of the nuclear club can only aggravate the opportunities for catastrophe.

Failure to reach an agreement on nuclear weapons will in turn, react disadvantageously on attempts to reach a workable resolution of the conventional disarmament problem.

Mr. Speaker, the American people are beginning to involve themselves more and more into this great matter. Knowledge and increased comprehension are leading to the realization that every effort, consistent with our national security, should be made to reach solid agreement on the cessation of testing and the commencement of disarmament, nuclear and conventional, under international controls.

Recently, typical I am sure of programs throughout the Nation, a series of seminars calling for sanity in nuclear policy were held in Queens, N.Y., for religious leaders on the subject of "The Responsibility of Man in the Nuclear Age." These seminars analyzed the biological, psychological, religious, and political aspects of the nuclear age.

Mr. Speaker, I am sure that the President has the prayers of these spiritual leaders as well as men of good will everywhere for the successful culmination of the efforts to secure the execution of agreements for the cessation of nuclear testing under adequate inspection and control systems, and, for the commencement of general disarmament.

EXPORTS, IMPORTS, AND THE U.S. BALANCE OF INTERNATIONAL PAYMENTS

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OSTERTAG] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OSTERTAG. Mr. Speaker, for the past year many of us have been concerned about certain developments in our international trade, our international balance of payments and their effect upon the economic development and progress of our Nation. Our traditional favorable balance of trade has narrowed in recent years and the deficit of our international payments has grown larger. In addition there have been expressions that some of our commodities are being priced out of world markets by wage and price movements, and that our foreign investment policies are causing us, in some cases, to export jobs instead of goods.

As a result I requested the Library of Congress last fall to undertake a study of the entire situation and to pull together in a single report all the information which reflected these developments. Such a report would bring more light to this difficult and many-sided problem, and put these developments into better perspective. The study was made by Dr. Howard S. Piquet, senior specialist in international trade and economics at the Library of Congress. The Legislative Reference Service has just released an 88-page report entitled "Exports, Imports, and the U.S. Balance of International Payments." It contains a great amount of information on the many aspects of this important situation.

The report covers the broad expanse of interwoven programs and policies which are a part of these developments. It illuminates many aspects of these programs on which there are often more opinions than facts. It contains a number of excellent charts which graphically illustrate the balance of payments situation of the last decade.

Many proposals have been advanced for strengthening our position on these matters and the report reviews them. Some already have been implemented by the administration, and others merit additional consideration. Not all of them will be embraced by everyone, of course.

Some of the proposals are these: Substitute in a number of ways "payments in kind" for unilateral dollar payments, transfer to our allies a larger share of the cost of military defense and economic aid, step up efforts to increase exports, and continue to oppose strongly any and all inflationary actions.

Some improvements already have been noted in our trade and payment balances in recent months, I am happy to say, and we are encouraged to believe that this trend will continue. Nevertheless, I would like all my colleagues to have the benefit of this Legislative Reference Service report and therefore will include the summary and conclusions of the report following these remarks. In addition, I would like to point out some other interesting and important data contained in the body of the report.

The United States has had a deficit in its international payments in every year except one, since 1950. The imbalance has only become alarming in the past 2 years when it exceeded $3 billion.

This worsening of the imbalance is attributed to two major changes. They are a lessening of the margin of our exports over imports—our trade balance was about $1 billion in 1959—and a large increase in the outflow of capital for foreign investment. Before 1956 the inflow of foreign investment into the country and the returns from our own foreign investments always exceeded the outflow of dollars for new U.S. investments and payments on foreign investments in the United States. Since then, more investment capital has been flowing out than coming into the country. It should be noted that much of the increase in our investment has been due to Government programs to finance the disposal of surplus agriculture products.

The study reveals that imports have increased somewhat faster than our gross national product during the last 5 years, but exports have failed to increase as rapidly as the gross national product. In the last 5 years, the gross national product has gained by 29 percent, our imports have grown by 37 percent, and exports by approximately 20 percent. Automobiles and iron and steel products have been largely responsible for the bulge in imports. Auto imports for example, have increased more than 11 times since 1954.

The narrowing of the margin of our exports over imports is a disturbing development under present conditions. New aggressive promotion of our exports has begun, and it is hoped that this will improve the situation. However, a careful review of our import policies also would be in order to strengthen our trade position.

Federal nonmilitary grant programs to foreign nations have remained quite stable in recent years at about $1.6 billion, but our costs abroad for maintaining our Armed Forces in foreign lands has risen considerably in recent years to more than $3 billion annually. This does not include military assistance in the form of equipment and services or dollar payments made to Americans. It includes only dollars which are paid to foreign nations for support of our forces.

We are already urging our allies, of course, to share a larger portion of the defense burden of the free world. The report contains a table which shows that the United States spends a greater share of its gross national product for defense than do any of our European allies. The United States spent more than 10 percent of its gross national product for defense in 1958; other nations show 7 percent for France and England; 5.4 for Canada; and 3.1 percent for West Germany.

The report points out, too, that our programs of economic assistance finance directly or indirectly, more than one-eighth of all U.S. exports of goods and

services. Agriculture exports are particularly aided in this fashion; Government programs financed about one-third of the total agriculture exports of $4 billion in 1958. It is clear that our present agriculture programs are costly on all sides; not only is the price support program costly, but it has resulted also in a substantial decrease in cotton exports and costly disposal programs for surplus crops.

Maintaining of stable prices and checking of inflation are just as important to foreign trade as they are to domestic economics. The report reveals that inflation in the United States during the present administration has been less than in most other countries. Prices of consumer goods in the United States have risen about 10 percent since 1953. In West Germany the increase in prices has been 14 percent; England and Sweden, 20 percent; Canada, 11 percent; and France, 31 percent.

This data supports some steps which have already been taken by the administration and suggests still other courses of action. I hope this report will prove to be helpful and will receive the consideration of all concerned with "Exports, imports, and the U.S. balance of international payments."

Following are the summary and conclusions of the report:

EXPORTS, IMPORTS, AND THE U.S. BALANCE OF INTERNATIONAL PAYMENTS

SUMMARY

The balance of international payments is nothing more than a two-sided statement showing the number of dollars entering, and the number leaving, the country for stated reasons over a given period of time. It should not be confused with the narrower concept of the balance of trade, or the more fundamental concept of a balance sheet of the Nation's economy. The fact that the United States currently has an excess of international dollar payments over receipts does not mean that its economy has become weak. On the contrary, it is stronger than ever.

The large increase in the excess of payments over receipts has resulted from the continued payment of between $4 and $5 billion a year to maintain the U.S. Military Establishment abroad and to pay for nonmilitary foreign aid, a large increase in U.S. foreign investment, and the fact that the economies of Western Europe and Japan have recovered from the war. For the first time those countries are able to compete in the world markets. Because of weakness in their reserve positions they have chosen to spend a large proportion of their dollar surpluses to build up their monetary and banking reserves. They have been doing this by accumulating dollar balances in the United States and, to a certain extent, by increasing their gold holdings. At what point they will stop building up the reserves and begin buying larger quantities of U.S. exports depends on relative prices, interest rates, national monetary policies and, above all else, relative inflation in their own countries and in the United States.

As long as the leading countries of the world were operating under the international free gold standard they were not conscious of any balance of payments problem because payments and receipts could not get far out of line with each other. Today, however, the correctives of the free gold standard are no longer operative and countries intervene whenever their international payments greatly exceed receipts.

Exports and imports of goods and services account for the great bulk of the international movement of dollars into, and out of, the United States. Although the United States has had an annual adverse balance in its international payments ever since 1950, it did not become large enough to occasion concern until 1958 when it suddenly increased from around $1.5 billion to $3.4 billion.

Two unilateral payment accounts—accounts that represent the payment of dollars without the direct receipt of anything in return—are the cost of maintaining the U.S. Military Establishment abroad and nonmilitary foreign aid that is given in dollars. In recent years the former has been increasing, while the latter has been decreasing. Together, they have been fairly constant, at between $4 and $5 billion per year.

It would be misleading to compare changes in the U.S. balance of international payments in 1958 or 1959 with 1957 or 1956 because of the Suez crisis that occurred in the autumn of 1956. That crisis occasioned such an abnormal increase in U.S. exports that in 1957 the excess of exports over imports reached a high point of $6.5 billion compared with the more normal excess in the years immediately preceding the crisis of about $3 billion. In 1958 the favorable trade balance receded to the more normal figure of $3.5 billion. In 1959, however, it narrowed to approximately $1 billion.

The most appropriate years for comparison are 1953–55 and 1958–59. The increase in the adverse balance of payments between 1954 and 1958 can be accounted for by increased capital outflow alone, while about 60 percent of the increase in the adverse balance in 1959 was caused by the narrowing of the favorable trade surplus and about one-third by the outflow of capital.

Merchandise exports

U.S. exports increased only slightly less than the gross national product between 1950 and 1959. There were two big bulges in exports, the first in 1951 during the Korean War, and the second in 1956–57, following the Suez crisis. The excess of merchandise exports over merchandise imports was actually greater in 1958 than in 1955. Most of the narrowing of the export surplus did not occur until 1959.

Between 1954–55 and 1959 (first 7 months) U.S. exports increased 20 percent, compared with an increase in gross national product of 29 percent. Most of the failure of exports to increase by as much as the gross national product can be accounted for by the falling off in the exports of raw cotton and iron and steel mill products. Most of the other decreases in exports, including cotton manufactures, nonferrous metals, civilian aircraft, petroleum and dairy products were offset by increases, including: industrial machinery, grains and grain preparations, chemical specialties, rubber products, oil seed and oils, industrial chemicals, radio and television apparatus and office machinery.

Exports as a whole in 1959 were still higher than exports in 1954–55 by $2.4 billion.

Merchandise imports

Although imports of certain consumer goods, such as automobiles and glass products, have increased greatly since 1954–55, total imports have increased by 37 percent, or 8 percentage points more than the increase in gross national product.

If the increased imports of automobiles, alone, are omitted from the picture the increase in imports is 30 percent, a rate only slightly higher than the increase in gross national product (29 percent). Except for automobiles, most of the increased imports in excess of the increase in gross national product have been offset by decreases in other lines. There have been substantial decreases in imports of: coffee, copper, cocoa, ferro-alloys, tin, wool, grains and feeds, and nickel. However, there have been important changes in the composition of imports. Imports of foodstuffs and beverages have fallen off, largely because of the big drop in the price of coffee. Other important declines have been in cooper, tin, wool, grains and feeds, nickel and sisal. The principal increases have been in petroleum, iron ore, aluminum and bauxite.

Imports of semi-processed materials show a substantial increase, principally because of increased imports of certain iron and steel mill products. Imports of consumer manufactured goods, particularly automobiles, have been increasing.

On balance, there is little evidence to support the assertion that the United States is "pricing itself out of world markets" in any general sense. The decline in the merchandise export surplus between 1954–55 and 1959 can be accounted for by the increased imports of automobiles and petroleum, together with the decreased exports of raw cotton. Generally speaking, increased imports have been more significant than decreased exports in the narrowing of the merchandise export surplus.

Capital movements

From 1951 to 1955 the inflow of earnings on U.S. investments abroad, together with the inflow of new foreign capital, exceeded the outflow of new U.S. foreign investment and payments of earnings on existing foreign investments in the United States, by as much as $1 billion a year. Since 1956, however, the net outflow of dollars on account of new investment and earnings on existing investment has exceeded the inflow by as much as $1.5 billion a year. The largest part of the earnings received from U.S. investments abroad have been earnings on direct investment. Such investment has been increasing in recent years largely because of the formation of the European Common Market and the European Free Trade Association, which have provided inducements for U.S. capital to establish production facilities within those free trade areas.

It is still too early to know whether the United States is entering a new phase in its international financial position. If there is to be a substantial and persistent increase in the net movement of U.S. capital abroad it is to be expected that there will be a changed relationship between exports and imports, with the latter eventually expanding, relative to the former.

Gold movements and dollar balances

The widening of the international payments deficit of the United States in 1958 and 1959 was accompanied by the loss of over $3 billion of monetary gold. Nevertheless, the United States still has ample gold reserves, even above the 25 percent legal minimum reserve against outstanding Federal Reserve notes and deposits. The United States still has over half the world's total monetary gold and foreign withdrawal of gold was considerably smaller in 1959 than in 1958. It is significant that the countries of Western Europe not only have slowed down their acquisition of gold, as they have succeeded in building up their own gold reserves, but that they have not withdrawn dollars. In fact, even while withdrawing gold, they have been adding substantially to their dollar reserves in U.S. banks, thereby demonstrating continued confidence in the U.S. dollar.

Areas in which action has been proposed

Some of the remedies that have been proposed to decrease the deficit in the balance of international payments would involve major changes in foreign policy. Since the balance of payments deficit is a superficial phenomenon, relative to foreign policy, it would seem short-sighted to allow important features of the latter to be

scrapped merely for the sake of balance in the former. The maintenance of the U.S. military establishment overseas and the rendering of non-military foreign aid either are essential to U.S. foreign policy, or they are not. If they are essential, they should not be abandoned merely for balance of payments reasons.

The same reasoning applies to restrictions against merchandise imports and the subsidization of exports, in view of the expressed liberal foreign trade policy of the United States.

Devaluation of the dollar would be evidence of a major departure from the policy of maintaining the dollar as an important international reserve currency, and could lead to disastrous competitive devaluation.

Among proposals that have been made that, for the most part, seem consistent with existing U.S. foreign policy objectives, are the following:

A. That payments "in kind" be substituted, wherever possible, for unilateral transfers, particularly for nonmilitary foreign aid and for the support of the U.S. military establishment abroad.

B. That the United States ask the Western European countries to assume a larger proportion of the cost of foreign aid to underdeveloped countries and of the cost of the common defense of the free world.

C. With respect to gold and the international payments system—

1. That assurance be given to other countries that the United States will maintain the price of gold at $35 per ounce, either by Presidential pronouncement or a declaration of Congress.

2. That the present 25 percent legal minimum gold reserve requirement against Federal Reserve notes and deposits be reduced, or eliminated, so as to free almost $12 billion of gold for the settlement of international accounts.

3. That steps be taken to establish an international reserve bank to serve the countries of the Atlantic Community or, alternatively, that the International Monetary Fund be expanded to perform this function for its entire membership.

D. That U.S. industry do a better job in exporting, with respect to selling methods, market research, product styling, etc., and that efforts to liberalize international trade not be further throttled.

E. That inflation not be permitted to get out of hand.

CONCLUSIONS

The fact that the United States has an adverse balance in its international payments is not a cause for alarm, as far as the basic economic strength of the country is concerned. However, it does present a problem with respect to gold and confidence in the dollar that cannot be ignored.

There is danger that solutions will be applied that go far beyond the area of money and finance, in which the problem lies, into the area of foreign policy. In particular, there is danger that the objectives of foreign policy may be sacrificed, unintentionally, because of preoccupation with the relatively superficial problem of maintaining balance between international monetary payments and receipts.

The balance of payments problem consists of two parts, the first, an explanation of what is happening with respect to the flow of dollars into, and out of the country, and the second an explanation of why receipts have failed to increase to balance the increased dollar outflow. Credit money (as opposed to the precious metals) is of ultimate value only in the country that issues it and there is an inexorable tendency for money to return to its home base. Thus, U.S. dollars tend to return to the United States, British pounds sterling tend to return to Great Britain, and so on.

An analysis of international dollar payments and receipts, in and of itself, does not constitute an explanation of why receipts are lagging behind payments. Under the old free gold standard, the unimpeded international movement of gold would have brought about adjustment of prices between countries, thereby effecting balance in international payments fairly quickly. In the absence of an automatic adjustment mechanism, there is in almost every country fear that the adjustment of its economy to the economies of other countries will have deflationary effects which all are loathe to face.

After World War II European countries were unable to generate sufficient exports to balance the aid payments that the United States was making to them under the Marshall plan. Indeed, it was because Europe lacked capacity that the Marshall plan was necessary in the first place. The monetary reserve positions of the European countries were weak and it was necessary for them to acquire gold or to build up their dollar balances in the United States. The fact that the United States maintained parity between the dollar and gold made it a matter of indifference to them whether they accumulated gold or dollar balances. The dollar had become the world's major international reserve currency.

All through the period of the dollar shortage, the United States was incurring a deficit in its balance of payments at the rate of about $1.5 billion a year, the amount by which other countries were increasing their dollar reserves. Unilateral dollar payments by the United States, for maintenance of its Military Establishment abroad and for nonmilitary grant aid, remained fairly constant throughout the 1949–59 decade at $4–$5 billion a year.

By 1958 the countries of Western Europe and Japan had become competitive in world markets and they were able to generate exports in volume. According to the theory of economic adjustment, the steady unilateral outflow of dollars from the United States should have stimulated a return of dollars in the form of demand for U.S. exports. Merchandise exports, in fact, did increase, relative to merchandise imports between 1950 and 1958 to the extent of 63 percent, compared with an increase of 44 percent in merchandise imports. Because of the sharp increase in imports in 1959, however, the increases in exports and imports in the 1950–59 period were 60 percent and 69 percent, respectively.

If services and merchandise trade are considered together, dollar receipts in the period 1950–58, including interest and other earnings on foreign investment, increased 69 percent, compared with an increase on the payments side of only 54 percent.[1] Thus, until 1958 there was a tendency for dollar receipts on current account to increase more rapidly than dollar payments.

However, the increase was not substantial enough to offset the unilateral transfers of approximately $5 billion a year, together with the large increase in U.S. foreign investment after 1955. The excess of dollar payments over dollar receipts loomed large in 1958 and 1959 because other countries did not spend enough dollars for U.S. merchandise and services. Instead, they chose to add to their monetary reserves in the form of dollar balances and, in 1958 as in 1953, to replenish their gold holdings. Commodity prices, interest rates, and national monetary policies all played a role. In 1959 they chose to curtail purchases of gold and again to add to their dollar balances.

[1] Because of the narrowing of the export trade surplus in 1959, dollar receipts on current account increased 66 percent, compared with an increase of 78 percent in dollar payments in the 1950–59 period.

Dollars have been returning to the United States, but not in the form of concentrated demand for U.S. merchandise and services. When it will become profitable for foreign holders of dollars to increase their purchases of U.S. merchandise remains to be seen. In large measure, it will depend on U.S. prices, relative to prices abroad. For this reason, among others, it is essential that inflation be restrained.

Although there is little evidence that the United States is being priced out of world markets, in any general sense, it is true that exports have not been increasing as rapidly as they should in view of the continued unilateral export of dollars. It is evident, furthermore, that national agricultural policy, particularly with respect to cotton, has had the effect of impeding U.S. exports at a time when foreign manufacturing industry has been becoming more competitive. As long as U.S. foreign policy calls for the unilateral outflow of $4 to $5 billion a year, it is essential that exports increase.

It is difficult to know to what extent it is safe to rely on the broad forces of economic adjustment. The increase of exports relative to imports in the fourth quarter of 1959 is encouraging in this regard and may signify that the forces of adjustment are already well under way.

If it is decided that the forces of economic adjustment are too sluggish, a further question arises as to whether intervention should try to assist the economic forces to adjust, or whether it should prevent them from doing so. Proposed solutions run all the way from those that would be inconsistent with major foreign policy objectives, such as severe cutbacks in the U.S. Military Establishment abroad and in foreign aid, to those that would assist the forces of adjustment within the framework of existing foreign policy, such as the encouragement of better exporting methods and procedures.

Areas in which action has been proposed

A. The substitution, wherever feasible, of payments "in kind" for unilateral dollar transfers: Since what is of concern is the excess of international dollar payments over receipts, a logical solution would be to substitute nondollar payments for dollar payments, wherever possible. The excess of payments over receipts does not signify any economic or financial incapacity within the United States. The close to $5 billion that is being paid abroad currently to maintain our oversea Military Establishment and for nonmilitary foreign aid exert no great strain on the country's domestic economy.

It would seem logical to substitute payments "in kind" for dollar payments to cover part of the cost of maintaining our troops and military installations abroad. It might even be feasible to persuade American oversea military personnel to accept part of their compensation, including a small premium, in the form of savings certificates that could be spent only in the United States.

No one seems to know how much of the $1.5 billion of nonmilitary grant aid is in the form of dollars. Offshore procurement, which in fiscal 1959 accounted for $500 million, clearly necessitates the use of dollars. Even some of the aid that is given in the form of surplus agricultural commodities involves dollars. The best available estimates indicate that approximately one-half of the $1.5 billion involves the transfer of dollars. It does not seem unreasonable to anticipate that perhaps $1 billion of the $5 billion now being spent to support the U.S. Military Establishment abroad and as nonmilitary grant aid, together, could be transferred from the "dollar" category to the "in kind" category.

The recent requirement that the proceeds of dollar loans granted by the Development Loan Fund be spent entirely in the United States was a step in this direction, although there is some question as to whether the

move was adequately explained to the public at the time it was announced.

A similar result could be achieved by reducing offshore procurement. Such a move, as well as the "Buy American" requirement of the Development Loan Fund, would add to the cost of foreign aid, although probably not substantially.

B. Transfer to our allies of a larger share of the cost of military defense and economic aid: The rapid economic recovery of Western Europe raises the question of whether those countries should not be called upon to pay a larger proportion of the cost of the common military defense and economic developmental aid. Immediately following World War II, when the Marshall plan was inaugurated and the North Atlantic Treaty Organization was formed, it was understood that Europe would not be expected to make huge dollar expenditures, because of the then worldwide dollar shortage.

In view of Europe's economic recovery and the disappearance of the dollar shortage, it has been suggested that Europe assume a larger share of these costs. Whether or not the Western European countries are bearing a fair share of the cost of military defense and economic developmental aid, it is clear that, as far as their balance of payments positions are concerned, they are now in a better position to pay than they were a few years ago.

The fact that the United States has been spending over $3 billion a year, for quite a few years, to maintain U.S. military bases throughout the world indicates that the American people believe the maintenance of an adequate global military posture is vital to this country's self-interest. If they do not believe this our foreign military establishment is wasteful and should have been cut back long ago.

If, however, the maintenance of U.S. military forces abroad is essential to world peace, it would be tragic to abandon the effort merely because of temporary international payments difficulty. The size of our foreign military establishment should be determined as part of the overall defense picture, not as an aspect of the balance of payments problem.

The same reasoning applies to nonmilitary foreign grants. Either such aid is essential to U.S. foreign policy, or the $1.5 billion per annum that it costs is being wasted.

Both types of expenditure have been justified by the administration and in Congress on the ground that they are vital to foreign policy. It would not be flattering to our good judgment as a nation if, at the first sign of a financial cloud on the horizon, we were to scrap our basic long-term objectives.

The military equipment and supplies that are being furnished to other countries under the mutual security program (military assistance) and which amount to between $2 and $2.5 billion a year, are not included in the expenditures herein referred to. Military assistance is given "in kind," rather than in dollars, and does not directly affect the balance of international payments.

C. Suggestions with respect to gold and the International Payments System: (1) Devaluation of the dollar in terms of gold: Many foreign countries maintain their reserves in both gold and dollars, with the result that the United States has become a major banker for the free world. International confidence in the dollar, therefore, is vital. Unless the dollar is maintained at its present parity with gold, foreigners will transfer much of their dollar holdings to gold. If the United States were to raise the price of gold above its present level of $35 an ounce it would undermine confidence and lead to a "run" on gold. Far from solving the problem of international imbalance, devaluation of the dollar would aggravate it and could participate an international financial crisis.

2. Assurance that the $35 per ounce price of gold will be maintained: Such an assurance might be a good way to enhance confidence in the dollar among foreigners who hold a substantial proportion of their reserves in dollars. Assurance could be by Presidential pronouncement or by a declaration of Congress. Although it would afford no permanent guarantee against devaluation, it could allay the fear that a change is imminent.

3. Reduction, or elimination, of the 25-percent minimum gold reserve requirement: The present 25-percent legal gold reserve requirement against Federal Reserve notes and deposits is something of an anachronism, since neither notes nor deposits are any longer convertible into gold. Because of the requirement, approximately $12 billion of the $19.5 billion monetary gold stock of the United States is earmarked for this purpose and cannot be used to settle international balances. If the requirement were reduced, or abandoned, there would be considerable addition to the approximately $7.5 billion of "free gold" now available for the settlement of international balances.

Most countries have given up the gold reserve requirement for their central banks. In Europe, the only countries retaining a provision that their central banks hold a minimum gold reserve are Belgium and Switzerland.

Little concern was manifested, either in the United States or abroad, when Congress reduced the reserve requirement from 40 percent against Federal Reserve notes and 35 percent against deposit liabilities to 25 percent against both in the Gold Reserve Act of 1945. Further action would best be taken at a time when confidence in the dollar is unquestioned. Action taken at a time when there is concern over the dollar might have an unfortunate psychological effect.

4. International pooling of gold reserves: The centralization of gold reserves on a national basis, which the establishment of the Federal Reserve System in 1914 made possible, did much allay the fears of financial panic and was a vast improvement over the old National Banking System.

What applies within a country also could apply internationally if the political means for effecting it could be found. It has been suggested that the countries of the Atlantic Community—particularly the United States, Canada, and the United Kingdom—pool their gold reserves by forming an Atlantic Community Reserve Bank. As an alternative, the authority of the International Monetary Fund could be expanded to enable it to perform this function.

Economically, such a solution to the problem of "international liquidity" would be logical. The difficulties are essentially political and involve questions of national sovereignty as related to money.

D. Try to increase merchandise exports, relative to merchandise imports: Governmental restriction of imports would widen the export trade surplus by reducing imports. Within a short time, however, the effect would be to throttle exports also. For more than 25 years the United States has led the movement for the mutual reduction of tariffs and other trade barriers. It has done so through the reciprocal trade agreements program and by leadership in the formation of the General Agreement on Tariffs and Trade. At the moment, quite properly, it is urging other members of the GATT to eliminate whatever discriminatory quotas they still impose against U.S. exports. The strongest argument for such action is the disappearance of the dollar shortage.

The imposition of intensified restrictions against imports would be an announcement to the world that the United States had abandoned leadership with respect to international economic cooperation. Other countries would follow suit and world trade would become engulfed in a contracting spiral that would aggravate national economic problems everywhere.

American industry never has been particularly export minded. In the past, the home market has been so large that U.S. manufacturers have looked upon foreign markets as not much more than convenient sales outlets whenever, for one reason or another, there has been contraction in the home market. This has been the case especially since World War II, while dollars were in short supply and Europe was not able to compete internationally. Since U.S. production costs could not be seriously undercut by Europe, there was little reason for most U.S. producers to fear European competition.

Now, however, the situation is changing. European producers of manufactured goods not only have recovered from the war, but they have become competitive. It is important that U.S. exports increase, but if the increase is brought about by governmental subsidy, either direct or indirect, it will only aggravate the problem by inviting retaliation. Other governments can play the same game. Competitive export subsidization by all countries would lead to the intensification of barriers against imports everywhere and result in a contracting spiral of world trade. Only by improvements in productive efficiency, by the reduction of costs, and by better selling methods can exports be increased. It is particularly important that U.S. manufacturers style their products for export to satisfy the demands of foreign buyers.

Now that the Western European countries and Japan have improved their balance of payments positions, there is little reason for them to continue to discriminate against U.S. goods. Discrimination was tolerated during the period of the dollar shortage because other countries were not able to generate the exports needed to acquire dollars. This is no longer the case and the United States, quite appropriately, has appealed to other countries, particularly the members of GATT, to abandon their discriminatory import restrictions.

Response to the appeal has been gratifying. It is estimated that the reductions in dollar discrimination announced in 1959 will make possible an expansion of at least $300 million a year in U.S. exports. The movement needs to be continued and the United States Government should call attention to such barriers wherever they persist.

The European Common Market (Belgium, Netherlands, Luxembourg, France, West Germany and Italy) and the European Free Trade Association (United Kingdom, Norway, Sweden, Denmark, Switzerland, Austria and Portugal) are sympathetic with the idea of liberalizing trade and have announced their desire to negotiate with the United States for that purpose. As has been often stated, trade is not a one-way street. Once the discriminations against U.S. exports have been terminated, in accordance with the principles of the International Monetary Fund and the General Agreement on Tariffs and Trade, the next step is to seek the reduction of other trade barriers on a mutual basis.

E. Curb inflation: The importance of curbing inflation can hardly be over-emphasized in any analysis of the balance-of-payments problem. U.S. dollars that reach the hands of foreigners through the sale of merchandise, through investment, foreign aid or in any other way are of value, ultimately, only in the United States. The problem of the balance of payments is: Why are outstanding dollars so sluggish in returning to the United States, relative to the rate at which dollars are being paid out?

Fundamental to all economic analysis is the operation of compensatory, or corrective forces. In the absence of rigidities of one kind or another, dollars now extant will either return to the United States to purchase merchandise or services, or be accumu-

lated in the form of dollar reserves. Clearly, there is a limit to the dollar reserves that are needed by other countries. If the forces of inflation should gather momentum the United States would become a poor place in which to buy because of high prices, and dollars would be converted into gold, even if gold reserves are accumulated to a greater degree than necessary.

It is important, therefore, that prices in the United States not rise too high relative to prices in other countries if U.S. exports are to increase. Fortunately, there is reason to believe that other countries, particularly in Europe, appreciate the nature of the gold and dollar problem and that they will not accumulate gold needlessly. Already there are signs that the forces of adjustment are at work. Preliminary figures for U.S. exports in the fourth quarter of 1959 showed improvement, relative to imports, compared with 1958 and there are signs that wages are rising faster in Western Europe than in the United States.

All this could be upset, however, if inflation in the United States should get out of hand.

BILL FOR SURVEY OF MERAMEC RIVER BASIN

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I have today introduced a bill calling for a review of the Corps of Engineers flood control survey of the Meramec River basin in which lie 24,000 acres of land available for development as part of the eastern Missouri-southern Illinois complex centered on the city of St. Louis.

The original survey of this valley, which includes parts of Franklin, Jefferson and St. Louis Counties in Missouri, was conducted by the Corps of Engineers in 1949. As a result of this survey there were authorized three dams, one upstream on the Meramec and one each on its two tributary streams, the Big and Bourbeuse Rivers. By the construction of these three dams it was shown that the flood problem which plagues the lower river valley and hinders its development could be relieved.

Following the survey and the authorization of the project, opposition to it arose which has since blocked any appropriation of funds for the completion of the plans, including bringing the survey up to date. This bill provides for bringing up to date the information that is available on this problem of flooding in the Meramec basin so that a proper plan may be drawn for flood protection and the prevention of the damage that accompanies flooding.

The Federal Government has quite properly taken the paramount role in controlling the problems of flooding on the navigable waterways of the United States and on those tributaries which, by their flooding, affect these navigable waterways. The relationship of the Meramec to the Mississippi is an example of such a situation. There is an important place, of course, for efforts on the part of State and governmental and private local groups.

Studies of this problem of flood control in the Meramec basin are now being conducted by Washington University of St. Louis and by other interested groups. I believe that by working in cooperation with the Corps of Engineers a plan can be formulated which will protect this area which is ripe for residential and industrial development. There is little question but the survey will show that flood damage caused by failure to protect against flooding is far in excess to the cost of adequate protection. The formula required by the Army Engineers must show a cost-benefit ratio which makes any project economically feasible.

GODIN DE LEPINAY: FORGOTTEN PRECURSOR OF THE PANAMA CANAL

Mr. LEVERING. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FLOOD. Mr. Speaker, over a period of years I have addressed the House on various aspects of the Panama Canal question—historical, juridical, administrative, and the transcendent issue of type of canal for increased transit capacity. The preparation of my statements has involved many hours of critical examination of an extensive literature. Yet, despite the volume of source material that is available, the canal question is far from exhausted as a challenging opportunty for those who wish to grapple with it.

What is perhaps its most fascinating story is that of the plan under which the Panama Canal was constructed and has been subsequently operated. It appears in the mass of published material as rare nuggets of precious metal in a mine.

The plan traces back to the International Congress for Consideration of an Interoceanic Canal that assembled at Paris in 1879 under the leadership of Ferdinand de Lesseps, who applied the full force of his prestige and genius to secure approval by this Congress for a canal at Panama of sea level design.

Only one engineer in that Congress had adequately studied the problems involved. When he saw the trend toward a sea level decision, he rose in strong protest and proposed what he described as a practical plan.

Briefly stated, his plan provided for constructing terminal dams at Gatun and Miraflores to impound the waters of the Rio Chagres on the Atlantic side of the Continental Divide and the Rio Grande on the Pacific side to form two lakes about 80 feet high, joining the lakes thus created by a channel cut through the central mass, and connecting the lakes with the oceans by locks. This, he stated, was not only the best plan for engineering, but also best for navigation.

De Lepinay's brilliant idea was ignored and the great effort of France to build the Panama Canal tragically failed. Nevertheless, his conception of that plan and his dramatic presentation of it before the Paris Congress in 1879 established him as the architectural and engineering genius who originated the plan under which the Panama Canal was eventually constructed. His name was Adolphe Godin de Lepinay y de Brusly (1821–1898).

The next towering figure in Panama Canal history did not appear until 1905, after the United States had undertaken the task of its construction.

Possessing the ability to reduce problems to their simplest denominators, he soon recognized that the plan that utilized in the highest degree the forces of nature and did not go against nature was that providing a high-level lake and lock canal, hus converting the Rio Chagres into a beneficent agency and reducing the hazards involved in cutting through the Continental Divide.

After a memorable struggle in the Congress in 1906, known as the battle of the levels, he brought about, with the support of the Isthmian Canal Commission, Secretary of War Taft, and President Theodore Roosevelt, the great decision of the Congress for the high-level lake and lock plan—essentially the same plan urged by De Lepinay in 1879. This great engineering leader was John F. Stevens—1853–1943—who has won fame as the basic architect of the Panama Canal.

The full Stevens plan, approved by him on August 3, 1906, duplicated the De Lepinay proposal with the Atlantic locks at Gatun and Pacific locks at Aquadulce to provide two terminal lakes with uninterrupted summit navigation between the locks—an arrangement that would have provided the best operational canal practicable of achievement.

Unfortunately, Stevens' foundation investigations for the Pacific locks, which had to be made in haste, proved unsatisfactory and he felt constrained by political and economic forces clamoring for immediate action, which could not be ignored, to proceed with a Pacific lock plan that he did not approve.

Twenty days later, on August 23, 1906, still confident that this crucially important question would rise again, he voided his Pacific lock plan marking it, "not to be destroyed but kept in this office," and proceeded with the lake-lock plan that separated the Pacific locks into two sets.

In 1908, after Stevens had resigned his position as Chief Engineer of the Isthmian Canal Commission, Col. William L. Sibert—1860–1935—the Commission member then in charge of lock and dam construction, made further studies, discovered suitable foundations for consolidating the Pacific locks, and submitted a definite plan for building them at Miraflores to provide a summit level anchorage at the Pacific end of the canal to match that at the Atlantic end.

Regrettably, for reasons that do not seem valid, Sibert's recommendation was not adopted, and the Panama Canal was completed with what many years of experience has demonstrated as a fundamental error of operational design. This error was not understood in the

Congress in 1939 when it authorized construction of a third set of locks near the existing locks, which, if completed, would have greatly compounded the operational problems and navigational hazards in the Pacific sector of the canal.

Fortunately, the start of World War II served to stop construction on this project after an expenditure of only $75 million of its authorized $277 million. It also led Panama Canal officials, operating and engineering, to study the problems of operations as the true criteria for fundamental canal planning.

Out of these studies grew what is known today as the Terminal Lake-Third Locks Plan, which provides for the elimination of the bottleneck locks at Pedro Miguel and the consolidation of all Pacific locks near Aguadulce, which is south of Miraflores. Presented on May 20, 1943, by its author, Commander Miles P. DuVal, then captain of the post, Balboa, in charge of marine operations of the Pacific sector of the Panama Canal before the Panama section of the American Society of Civil Engineers, in a very important paper, "The Marine Operating Problems, Panama Canal, and the Solution," the question of increased trans-isthmian transit capacity has attracted world attention. Moreover, it has led students in various parts of the Nation to review Panama Canal history and to place into better perspective the contributions of its engineering leaders whom Sibert, Stevens, and De Lepinay stand out as men of great understanding and vision.

It was, therefore, with the greatest interest, Mr. Speaker, that I read in the December 1959 issue of the Panamanian magazine, Loteria, a fascinating article on Godin de Lepinay by Dr. Ricardo J. Alfara, an eminent student of Panama Canal history, distinguished jurist and diplomat, and former Minister of Foreign Relations and President of Panama, and now a member of the International Court of Justice at The Hague. In the course of his able and informative article, Dr. Alfara pays tribute to various persons identified with the development of the Panama Canal enterprise, including Pedro J. Sosa, distinguished Panamanian engineer, after whom Sosa Hill at the Pacific entrance of the Canal is named.

In order that Dr. Alfaro's timely contribution may be more widely distributed, especially to the Congress and other Government agencies, maritime interests, our colleges, and universities, I include it as part of these remarks.

The article follows:

GODIN DE LEPINAY, FORGOTTEN PRECURSOR OF THE PANAMA CANAL

(Lecture delivered by Dr. Ricardo J. Alfaro on February 20, 1953, in the auditorium of the Alliance Française de Panama)

The vistors, looking at the significant monument which was erected in our capital to the French pioneers of the interoceanic canal, have been able to admire on it the effigies of a group of famous men, whose positive merits and outstanding services had won for them the spot which they now occupy in this Valhalla of Science. Here we have, first of all, the noble figure of Fernando de Lesseps, who contributed to the Panama undertaking his dynamic force, his faith, and the awe-inspiring prestige of the Suez triumph. There is Navy Lt. Luciano Napoleon Bonaparte Wyse, his features revealing energy and talent, the indefatigable explorer of the American isthmuses, whose organizational genius had shaped the Panama project and unerringly had pointed to the site which nature and science had indicated for the consummation of the union of the oceans. There is Pedro J. Sosa, the meritorious Panamanian, who had began his magnificent career as Wyse's companion in his daring explorations of the plains, mountains, and rivers of our isthmus. Here is Armando Reclus who, following in the footsteps of Onésimo and Eliseo, had given lustre to a name which seems to symbolize modern geography. Over there is Leon Boyer, who had directed the effort of transposing into rock and soil the mathematical calculations on which the fundamental excavations of the gigantic project were based. And over to one side is the bust of a man who had not directly worked on the canal, but who had contributed indirectly to its realization because he was the originator of the scientific discovery which brought out one of the factors which had determined the French sacrifice, but which had at the same time guaranteed the American success. I refer to Carlos J. Finlay, the distinguished Cuban scientist, who had revealed to us the fact that the mosquito is the carrier of yellow fever.

But missing among the busts of the monument is that of an enlightened man whose name appears casually on Plaque VIII of the beautiful narrative of Octavio Méndez Pereira in which he masterfully traces the four-hundred year old saga of the Panama Canal. That man was the French engineer Adolphe Godin de Lépinay who, at the scientific congress held in Paris in 1879, had sketched with the vision of an eagle the plan of the canal which is now a reality, the project which time and nature were going to prove as the only one capable of transforming the French precursors into the final implementors of the great interoceanic waterway.

The role which Godin de Lépinay has played in the Panama Canal project is as candid as it is fundamental, and to fully grasp his merits we must delve into the background of the picture, the historic antecedents leading to his memorable oration at the Congress of Paris.

Those who have read about the canal know full well that the idea of linking the two oceans dates from the epoch of the first discoverers and conquerors, starting with Christopher Columbus who was eagerly searching for the strait which would clear the way to fabulous and distant lands. Since the first years of the Conquest, Alvaro de Saavedra and Andagoya, Pedrarias, and Antonelli, Hernán Cortes, and Balboa, Antonio de Galvano and López de Gómara had become identified with the great dream. The dream had never ceased to stir man's imagination in the 17th and 18th centuries, but early in the 19th century, Alexander von Humboldt stated that, from the kingdom of New Granada to the capital of Mexico, there was not a single mountain, not a single hill, not a single city, whose elevation above sea level was known with certainty. "Nor do we know today," he stated, "the altitude of the mountains which traverse the Isthmus of Panama." Based on this line of reasoning Baron von Humboldt advocated the need for conducting full explorations and taking exact measurements of all areas through which the construction of an interoceanic waterway would seem possible.

Notwithstanding this wise recommendation, Von Humboldt let his imagination soar to the point, no less, of formulating new projects for canals located all along the continental coastline from Canada to Patagonia including, among others, a route which incorporated the famous Cura de Nóvita Canal the grounds for which were more firmly anchored in fantasy and rumor than in geographic facts. Although Von Humboldt had not given priority to his project for the Panama isthmus, at least he was convinced that it was here where the two oceans were closest and the Andes mountain range lowest; but he was bemoaning the fact that the lowest elevation of the isthmus mountains was not actually known; and this uncertainty had possibly been the reason why he had refrained from advocating the Panama route in the first place.

Von Humboldt's clamor for topographic explorations was not to attain significance until 1844, when French engineer Napoleon Garella came to Panama to gather firsthand information and take measurements permitting him to formulate his canal project which, though not very practical because it required the construction of a tunnel and a large number of locks, had scientific value in view of the data which it contributed to the solution of the problem. Then came various explorations, studies, and plans in which the dreamers, speculators, and imposters were being confused with the authentic geographers and engineers. Into this group fell the projects of Cullen in 1850, of Gisborne in 1852, of Prevost in 1853, of Strain in 1854, of Airiau in 1860, and of Bourdiol in 1861. Projects were also formulated and important explorations conducted in that period by the American Antonio de Gogorza, who claimed to have discovered documentary evidence in the archives of Spain of the existence of a low-altitude opening in the San Blas region (or inlet) which would permit the easy construction of the waterway; by Flachet who, upon exploration of the terrain, disavowed the statements of Gogorza; and by De Lacharme and General Heine who corroborated them.

Of greater value were, undoubtedly, the expeditions during the administration of General Grant by U.S. Navy Commander Thomas O. Selfridge, with the assistance of Commander Edward P. Lull, in 1870, 1871, and 1873, and by Lt. Frederick Collins in 1875. Selfridge explored the San Blas region and also went to the Gulf of Urabá, with the intention of studying the possibilities of communication via the Atrato River. Selfridge's notes on his explorations, a copy of which he guarded like a nugget of gold, is a veritable arsenal (treasure-trove) of highly interesting facts, figures, and information on the geography, etnography, fauna, flora, and climatic conditions of Panama. He formulated several canal projects, some of which were among those considered by the Congress of Paris in 1879.

Meanwhile, other explorations were being carried on, and other projects emerged in Mexico and Central America. The Mexican territory narrows considerably on the Isthmus of Tehuantepec, while, at the same time, the altitude of the continental mountain range diminishes. But as compared with the Isthmus of Panama, neither the closeness of the oceans nor the orographic decline had appreciable value. The Isthmus of Tehuantepec is some 130 miles wide, whereas the distance between Panama and Colón is only some 50 miles; and the mountains, which in Panama had an approximate 330 feet altitude in the Culebra Cut, in Tehuantepec have a minimum elevation of 750 feet; hence, the projects outlined for communication by water through that region required an absurdly large number of locks and a prohibitive length of time for the transit. In 1842 the Mexican Governor granted José de Garay a concession for the construction of a canal or a railroad, and the latter put the Italian engineer Gaetano Moro in charge of the project studies. The Moro project, which partially made use of the Coatzaocalcos River, required 161 locks; the project of the American Schufeldt called for a 144-mile-wide canal with 140 locks. It is only natural that no major importance was

given to the possibilities of Tehuantepec as a waterway. However, this route had the unequaled advantage for the United States that it was closest to its east and west coasts. For that reason thought continued to be given to the Tehuantepec scheme, and, in the face of the formidable excavation difficulties, a project emerged which provided for the transit of ships on enormous platforms, mounted on rails and pulled by locomotives, a device which the inventor Eads called "ship's railway," as a substitute for a maritime canal. The Nicaragua route had greater scientific and practical value. Extensive explorations had been made, and even American companies had set to work on the project. The basis of the Nicaragua Canal project was the existence of the big lake of the same name and of the San Juan River which carries the waters of the lake to the Caribbean Sea and a long section of which is navigable. To complete the interoceanic seaway one only had to cut through the slender strip of land, barely 12 miles wide in its narrowest part, which separates the waters of the lake from those of the Pacific Ocean. However, despite its apparent simplicity, the route presented serious difficulties. The meandering of the San Juan River produced many, and such pronounced, curves that, although the distance between its source in the lake and its mouth on the Caribbean 70 miles "as the crow flies," measured by the river course the distance is 122 miles. The total length of the canal itself, according to the terminal point chosen on the Pacific coast, varies between 278 miles by the Realejo route and 182 miles by the Rivas and Brito course. On this latter route no less than 21 locks would have been required.

Nevertheless, American public opinion openly favored the construction of the canal through Nicaragua, and this route was always regarded as the most formidable rival of the Panama Canal. That alternative had been supported by the Spooner Act and was not considered finally abandoned until the Treaty of November 18, 1903, was ratified.

The explorations which Wyse, Reclus, Sosa, and Verbrugghe had been carrying on between 1876 and 1878 on the Isthmus of Panama were the point of departure for the Panama Canal's march to victory. A scientific congress held in Antwerp in 1871, and another, held in Paris in 1875, put in evidence the enormous interest of the world of commerce and politics in the interoceanic canal project. A corporation, International Civil Inter-oceanic Canal Society, was formed in Paris; its president was Gen. Etienne Turr, and it included among its officers the most prominent figures of that period, such as the scholar Littré, Octavio Feuillet, General Davoust, the Duke of Auerstadt, Isaac Pereire, and various engineers of repute. This corporation underwrote the studies which were made on the ground by a commission headed by Luciano Bonaparte Wyse and including among its membership the naval officers Reclus, Bixio, and Pouydesseau, the prominent engineers Sosa, Celler, Lacharme, Millat, Barbier, Baudoin, the Italian Musso, the Austro-Hungarian Gerster, and the Englishman Brooks whose life history, like Bixio's, was one of heroic achievement. Two Panamanian pilots, Caranza and Recuero, because of their knowledge of the native language, besides serving as guides acted as interpreters and were in command of the native labor force.

The commission traveled through the isthmus, from the regions adjacent to the Panama-Colón line to the virgin forests of Darién, and accomplished its mission amid innumerable hardships. The fruit of its labors and studies were five different projects, all bearing the distinguished signatures of Wyse, Sosa, and Reclus. Naturally, among those projects, the authors gave priority to the sea-level canal extending from the Bay of Limón to the piers of Panama, following the valleys of the Chagres and the Rio Grande Rivers, and approximately 47 miles long.

In February 1878, Wyse went to Bogotá and obtained from the Colombian Government a concession for the construction of the canal, by virtue of a contract which he signed on March 20 with the Minister of Foreign Relations of the Union, General Eustorgio Salgar, and which was approved by act of Congress, bill [joint resolution?] No. 28 of May 18 of that year.

A year later, on May 15, 1879, an International Congress on Interoceanic Canal Studies was held, organized by the Geographic Society of Paris and Fernando de Lesseps, whose interest in the undertaking had been successfully enlisted. Presided over by Admiral de la Roncière-Le Noury, the Congress was to decide on the plan which it considered most workable insofar as the interoceanic canal was concerned.

Twenty-two countries were represented at the Congress, which were, listed in alphabetical order [in Spanish], the following: Germany, Austria-Hungary, Belgium, China, Colombia, Costa Rica, El Salvador, Spain, United States, Great Britain, Guatemala, the then Kingdom of Hawaii, the Netherlands, Italy, Mexico, Nicaragua, Norway, Peru, Portugal, Russia, Sweden, and Switzerland. The Colombian delegation included, naturally, our great Pedro J. Sosa. The French representation, as was to be expected, had the majority and was divided into two groups; one called Committee, and the other called Delegation. Members of the second group were Abel Couvreux, the former builder of the Suez Canal; Gustave Eiffel, the creator in later years of the famous tower which bears his name; Flachat, the explorer of the Darién; and Adolfo Godin de Lépinay, chief engineer of bridges and highways.

Without going into further detail regarding the notables who attended the Congress or had to do with its organization and operation, I shall limit myself to mentioning that the battle of the canal routes was being fought at the meetings of that Areopagus of explorers, navy men, engineers, promoters, and geographers. Ammen and Menocal advocated the Nicaragua Canal. Commander Selfridge warmly supported his Atrato and Napipi River project. The Tehuantepec route was defended by the Mexican Garay, the son of the man who had obtained the concession in 1842. Wyse presented his projects: That from Acanti to the Gulf of San Miguel via the Tiati, Tupisa, Chucunaque, and Tuira Rivers, a sea-level project, with 22 locks and 1 tunnel; that from the Bay of San Blas at the mouth of the Bayano River, at sea level and also with tunnel; that from the Bay of Limón to the Bay of Panama via the Chagres River Valley, at sea level and an open cut, as specified in the sketch of this plan.

One of the last speakers was Godin de Lépinay. The biographical data which I have of the famous engineer indicate that he was born in 1821. He entered the School of Bridges and Highways in 1842, and 4 years later graduated as aspirant, engineer, class III. The following year he was already ordinary engineer, class II. He distinguished himself in various jobs, chiefly in connection with railroads, and in 1860 was nominated Chevalier of the Legion of Honor and appointed chief engineer, class II. Ten years later he had risen, in the same post, to class I, and in 1879 he revealed his scientific genius in his study of the Panama problem. He wrote books and performed work of outstanding value. Thus a career was consummated which found him rising, step by step, to prominence and honors and standing out in his professional life with the firmness of a block of granite.[1] This was the man who stood up at the Congress of Paris to outline a project which, at the time rejected by his contemporaries, was going to be acclaimed by posterity 35 years later.

De Lépinay examined the problem in all its aspects—the financial, the technical, the time of transit, the distance, and even the human aspect—and then, referring to Tehuantepec, Nicaragua, and Panama, separately, stated: "It seems clear, therefore, that all geographic reasons are in favor of Panama." But on the Colón-Panama route via the Chagres and Rio Grande River valleys, he proposed a substantial modification: He advocated a canal with locks, with a big artificial feeder lake. His conception, as Bonaparte Wyse described it in his book entitled "The Panama Canal," was the following: "The two mountain ranges, between which the Valley of Chagres is situated, in certain points forming narrow canyons, would be utilized to close off the valley at one of those points and thus to raise the surface of the waters of the river. This would create an artificial lake, a kind of central reservoir, which would cut in half the bulk of the excavation work, preserving all the advantages which the Colón-Panama line offers." The level of the lake would be raised by a set of locks, and the descent to the Pacific would be effected by means of another set of locks so designed as to make it possible to solve the problem of the tides. In support of this project, more economical and to be realized in much less time, Godin de Lépinay pointed out the great financial and technical difficulties of the sea level canal and said:[2]

"One considerable objection is the price, which is such that it makes impossible, under the terms of execution which have been imposed, to provide a sufficient reward for the capital invested. The Americans, who have made a special study of this question, have recognized that the project is financially impracticable if the cost goes much above $100 million (534 million francs).

"We are therefore fully qualified to arrive at the conclusion that the cost should not exceed the indicated figure, so that the capital may be safely invested.

"The Panama sea-level project involves an expenditure of more than 1 billion (francs). The reason for this high figure resides in the fact that a project of the Suez Canal type is being presented here; i.e., without locks, although the natural conditions are [Nature is] absolutely opposed to it. To work in that manner, under such adverse conditions, is to want to do violence to Nature instead of making use of it, which is the first principle of the engineering profession."

How simple, how profound, and how convincing is Godin de Lépinay's line of thinking. Then he continued:

"What does a lock represent? A loss of 36 minutes when hand operated, of a quarter of an hour when moved by mechanical devices, like in Liverpool. Putting it at half an hour, which is still beyond reality, would mean that for the traffic through the canal in which the locks reduce the average speed to 7 kilometers, a pair of locks represents, in [terms of] time, at best, 7 kilometers of travel.

"Supposing that there are 5,000 ships in transit, it will mean 5,000 hours for the navigation of the entire world, i.e., an annual loss of 100,000 francs, if we compute 1 hour at 20 francs, which represents a capital of 2 million.

"In order to obviate the nuisance which this insignificant figure represents, it is being proposed to expend 120 million, the approximate total average savings which the installation of a pair of locks would mean for the construction job.

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[1] "Like the Rock of Gibraltar" (translator).

[2] It should be borne in mind that all of the quotes are re-retranslations of the original; some of the flavor may have been lost somewhere along the way (translator).

"The creation of an artificial lake at the height of the locks would do away with all these inconveniences (raising the level of the watershed, soil excavation, etc.), while it would replace, at the same time and to a large extent, a narrow canal waterway of a minimum width of 1,000 meters, through which vessels will be able to travel rapidly and to meet and pass without having to stop.

"There will thus be, at this low height, a veritable bosphorus, extending from one ocean to the other, which would be accomplished by way of steps of minor length and adjustable locks, possible of easy and rapid clearance.

"It is, I repeat, the natural medium ["site"], because it does away with the [excavation] work, the unhealthiness of the soil, and is of greater advantage to navigation."

De Lépinay presented still other arguments, which I am not quoting to avoid boring you, but fate was against him. Irrespective of the pertinency of his observations, of his canal project with locks and a big artificial lake, which today exists as a splendid reality, the project was not accepted. The idea of a sea-level canal dominated the Congress. It was endorsed by the great De Lesseps who was fascinated by the perspective of repeating his Suez feat on the American isthmus. It also had the decided support of Wyse, the soul and muscle of the undertaking. Since the beginning of his explorations in 1876, Wyse had been voicing that conviction and that idea. On page 133 of his book he writes:

"Among the known projects we first discarded those requiring locks. Therefore, we did not feel compelled to occupy ourselves with only the territory of the United States of Colombia, where one could still expect to find a route for a sea-level canal. Only in the case of having to recognize the absolute impossibility of such a route would we have contented ourselves with a canal with locks."

On May 28, the Fourth Committee of the Congress declared itself in favor of the sea-level canal, and the following day, the plenum of the Congress, by rollcall, gave the majority of votes to the resolution proposed by De Lesseps, which read as follows:

"It is the understanding of the Congress that the excavation of an interoceanic canal at sea-level, so desirable in the interest of commerce and navigation, is feasible; and that, in order to make use of the indispensable facilities of access and control which a waterway of that nature should afford, above all, the canal should extend from the Bay of Limón to the Bay of Panama."

The sea-level canal project thus having been approved, De Lesseps acquired, by way of transfer, the concession which Colombia had given to Wyse. Thereupon he went to Panama for the solemn inauguration of the implementation of the project on January 1, 1880. The following year the "Compañía Universal del Canal Interoceánico" [Universal Interoceanic Canal Co.] was constituted.

It would not respond to the purpose of this brief dissertation if I were to enter into the details of the operations carried out by the French company, nor to narrate the technical, sanitary, and, particularly, the financial difficulties which had at the end of 9 years led the company into bankruptcy. This matter had caused a great deal of debate, since it was proved that, with reference to the causes of the French disaster in Panama, there had been much slander, exaggeration, malice, and error.

But after examining all the circumstances, evaluating all the facts and dissipating the passions of yore, it may be stated that the main reason underlying the catastrophe had been the insistence on building a canal at sea level. If there had been unlimited funds and unlimited time the canal could have been built. But for a private company, which had to produce profits for its stockholders, the time element was responsible for demonstrating that there was no possible hope for success.

Commenting on the idea advocated by Godin de Lépinay, the engineer A. Dumas, in an article on the Panama Canal published in 1905 in Le Génie Civil, observed:

"The altitude of the body of water [waterway?] so obtained not only makes possible the diminution in equal volume of the depth of the excavations which must be cut through the mountains, but that enormous spillway could accommodate without trouble the fluvial waters which it would be extremely dangerous to have flow into the trench of an ordinary canal. Unfortunately this solution did not in the Congress of 1879 receive the welcome that it would have deserved—because its adoption would have been able to prevent the disaster to which the selection of the sea-level canal had led."

Godin de Lépinay's triumph came after the Congress. In his book of 1886 Bonaparte Wyse endorsed his project and praised it in these terms:

"This solution, so brilliant and so well adapted to the meteorological and hygienic [sanitary] conditions of the tropical countries, must, however, indispensably be endorsed if the errors, waste, and loss of time which render, from a financial point of view, more difficult every day the termination of the sea-level canal which would constitute a radical, and therefore, the best solution. This project, much more economical than all of those that have been proposed, has the merit that it aids nature rather than opposes it, and from this point of view it conforms to the true principles of the engineering profession."

Later on Wyse, Sosa, Jacquemin, Rivas, and Sautereau, expressed themselves in favor of de Lépinay's plan, with modification, as to detail. When the Universal Co. went bankrupt, the Guillemain committee adopted the plan which provided for a canal with locks. Finally, when the Government of the United States had to decide on the transcendental alternatives of a sea-level canal or a canal with locks, it decided in favor of it, and posterity give the idea of Godin de Lépinay the final OK on August 15, 1914, when the SS *Ancon* traveled from the Atlantic to the Pacific through the waters of the canal, and so the realization of the grandiose 4-century-old dream was announced to the commerce of the world.

In any case, there was glory for France's scientific know-how and spirit in the achievement of the canal. In the exploration, in the studies, in the organization, and in the initiation of the work, the French pioneers of interoceanic communication had written pages [made history] and nothing could dull its splendor. The canal is a reality today, due to the organizational and scientific genius of the American administration which has won, with insuperable energy, efficiency, and ability, the enormous distinction of successfully completing the greatest feat accomplished by the science of engineering. But to the eight wonders of the canal being in operation, through which today more than 6,000 ships per year pass every year, and looking at that prodigious achievement, with its giant Gatún lock, with its imposing 165 square mile lake which tamed the wild Chagres and transformed the fearful menace that it had been into a docile servant; and with its locks and marvelous hydraulic escalator on which the vessels ascend and descend easily and rapidly in their transit from ocean to ocean; it is only fair to add for the record that the idea of the canal was conceived 74 years ago in the brilliant mind of a man of genius whose name was Adolphe Godin de Lépinay.

(Source: Lotería (Panama), December 1959, pp. 80–91.)

EDUCATION OF THE BLIND

Mr. LEVERING. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. BURKE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BURKE of Kentucky. Mr. Speaker, on yesterday I introduced the bill H.R. 11393 which concerns the education of the blind, the wider distribution of books and other special instruction materials for the blind, and would increase the appropriation authorized for these purposes, and otherwise improve the educational and instructional services available to the blind through the American Printing House for the Blind.

Although this splendid institution is located in Louisville, Ky., the importance of its work is felt in every State and in every congressional district in the United States. The American Printing House for the Blind is the source not only of important braille material and teaching devices for blind persons, but in that place there also originate the "talking books" and many other audio devices which have made the education of blind persons education in a true sense.

The American Printing House for the Blind was chartered in 1858 by the Kentucky Legislature, and for more than a century it has been internationally renowned for its activities in furnishing books and other educational material to blind persons. Beginning in 1879 the Federal Government has participated in the distribution of books and tangible apparatus to all blind children throughout the United States through the activities of the American Printing House for the Blind. From time to time the authorized appropriations have been increased.

In the late 19th century, when this important work began, practically all blind children who were attempted to be educated were residents of institutions for the blind. Now, in 1960, more than half of the blind children of school age in this country are being educated in programs with sighted children; that is to say they are attending the common schools. Therefore, the inadequacy of the act of 1879 to provide books and other teaching material and apparatus to the blind children of the United States has become generally apparent. The bill, H.R. 11393 is intended to revise the act of 1879 to equate the program with 1960 needs. The principal purpose of the bill is to provide for maximum selection, use, and distribution of federally provided material in each State to meet the needs of all blind children wherever they may be educated. The bill H.R. 11393 will, by including the various State departments of education among the approved recipients of books and materials from the American Printing House for the Blind,

go a long way toward assuring distribution under proper auspices of the material to all blind children. The bill also proposes so to amend the act as to allow the trustees of the American Printing House for the Blind to establish advisory committees on publications, tangible apparatus, research and other important fields of activities. The members of these advisory committees would be selected from the trustees of the American Printing House for the Blind, the various State superintendents of public instruction and the various superintendents of public institutions for the education of the blind.

Mr. Speaker, education of the blind in the United States has progressed wonderfully over the past few years. Not the least among the factors in this improvement has been the continuing excellence of the activities of the American Printing House for the Blind. The demands for educational material for the blind have so increased by virtue of improvements in techniques, that the bill H.R. 11393 would seek to permit the need better to be met by increasing the authorized annual appropriation for the distribution of books and other material by the American Printing House for the Blind from the present $400,000 to $1 million. The fact that the amount of Federal funds herein involved is as small as it is, is, I submit, a tribute to the dedicated and heroic work which has been done under the educational programs for the blind over the years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VINSON, on account of official business.

Mr. SHELLEY (at the request of Mr. DOYLE), for the balance of the week, on account of official business.

Mr. CUNNINGHAM (at the request of Mr. ARENDS), for March 30, 1960, on account of official business.

Mrs. DWYER (at the request of Mr. ARENDS), for March 30 to April 4, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. OLIVER, for 45 minutes, today.

Mr. LEVERING, for 30 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. SPRINGER, for 40 minutes, today.

Mrs. GREEN of Oregon, for 1 hour on Wednesday, April 6.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. LEVERING and to include extraneous matter.

Mr. STRATTON and to include extraneous matter.

Mr. JOHNSON of Colorado and to include extraneous material.

Mr. PHILBIN.

(The following Members (at the request of Mr. QUIE) and to include extraneous matter:)

Mr. AUCHINCLOSS.

Mr. MILLER of New York.

Mr. BENTLEY.

Mr. WALLHAUSER.

Mr. BERRY.

Mr. ROBISON.

(At the request of Mr. LEVERING, and to include extraneous matter, the following:)

Mr. DINGELL.

Mr. WOLF, to revise and extend his remarks in the special order today and to include extraneous matter.

SENATE BILLS, JOINT RESOLUTION, AND CONCURRENT RESOLUTIONS REFERRED

Bills, a joint resolution, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 68. An act to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife and upon the death of either; to the Committee on Interior and Insular Affairs.

S. 111. An act for the relief of Aristogiton Zahariadis; to the Committee on the Judiciary.

S. 247. An act for the relief of Emil Milan Preseren; to the Committee on the Judiciary.

S. 382. An act for the relief of John P. Vournas, Gus E. Vournas, and John E. Vournas; to the Committee on the Judiciary.

S. 1223. An act for the relief of Alan John Coombs; to the Committee on the Judiciary.

S. 1328. An act for the relief of Parker E. Dragoo; to the Committee on the Judiciary.

S. 1408. An act for the relief of Ronald R. Dagon and Richard J. Hensel; to the Committee on the Judiciary.

S. 1410. An act for the relief of Jay R. Melville and Peter E. K. Shepherd; to the Committee on the Judiciary.

S. 1720. An act for the relief of Perry Lee Gorman; to the Committee on the Judiciary.

S. 1752. An act for the relief of Stamatina Kalpaka; to the Committee on the Judiciary.

S. 1765. An act to authorize and direct the Treasury to cause the vessel *Edith Q.*, owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Merchant Marine and Fisheries.

S. 1909. An act for the relief of John Gelbert (alias Max Theodore Gelbert); to the Committee on the Judiciary.

S. 1912. An act for the relief of Timmy Kim Smith; to the Committee on the Judiciary.

S. 1913. An act for the relief of Evagelos Mablekos; to the Committee on the Judiciary.

S. 2142. An act for the relief of George C. McKinney; to the Committee on the Judiciary.

S. 2164. An act for the relief of Osvalda Riva Coolidge; to the Committee on the Judiciary.

S. 2165. An act for the relief of Erica Barth; to the Committee on the Judiciary.

S. 2173. An act for the relief of Mrs. John Slingsby, Lena Slingsby, Alice V. Slingsby, and Harry Slingsby; to the Committee on the Judiciary.

S. 2177. An act for the relief of Peter J. Waterton; to the Committee on the Judiciary.

S. 2234. An act for the relief of the estate of Hilma Claxton; to the Committee on the Judiciary.

S. 2247. An act for the relief of Wong Gim Chung; to the Committee on the Judiciary.

S. 2271. An act for the relief of Dimitri Yorgiadis; to the Committee on the Judiciary.

S. 2317. An act for the relief of Mary Alice Clements; to the Committee on the Judiciary.

S. 2330. An act for the relief of John B. Manthey; to the Committee on the Judiciary.

S. 2331. An act to provide for the hospitalization, at Saint Elizabeths Hospital in the District of Columbia, or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes; to the Committee on Education and Labor.

S. 2333. An act for the relief of the heirs of Caroline Henkel, William Henkel (now deceased), and George Henkel (presently residing at Babb, Mont.), and for other purposes; to the Committee on the Judiciary.

S. 2352. An act for the relief of Chaim (Hyman) Eidlisz; to the Committee on the Judiciary.

S. 2361. An act for the relief of Andros Szasz; to the Committee on the Judiciary.

S. 2384. An act for the relief of Tommy Tadayoshi Shuto (Tadayoshi Takeda); to the Committee on the Judiciary.

S. 2406. An act for the relief of Matias T. Falcasantos; to the Committee on the Judiciary.

S. 2418. An act for the relief of Junko Hosaka Jordan; to the Committee on the Judiciary.

S. 2419. An act for the relief of Inez Gonzalez Abilez; to the Committee on the Judiciary.

S. 2443. An act for the relief of Edgar Harold Bradley; to the Committee on the Judiciary.

S. 2456. An act to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635), to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2486. An act for the relief of Nobuko Stickels; to the Committee on the Judiciary.

S. 2507. An act for the relief of Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil bank benefits; to the Committee on the Judiciary.

S. 2520. An act for the relief of Shin Moriyoshi; to the Committee on the Judiciary.

S. 2523. An act for the relief of Harry L. Arkin; to the Committee on the Judiciary.

S. 2532. An act for the relief of Margherita Pino Zordan; to the Committee on the Judiciary.

S. 2541. An act for the relief of Maria Vittone and Rosa Fostina; to the Committee on the Judiciary.

S. 2552. An act for the relief of Pietro Capici Cordaro; to the Committee on the Judiciary.

S. 2554. An act for the relief of Leila Finlay Bohin; to the Committee on the Judiciary.

S. 2566. An act for the relief of Peter Leo Bahr; to the Committee on the Judiciary.

S. 2607. An act for the relief of Krste Angeloff; to the Committee on the Judiciary.

S. 2619. An act for the relief of Maria Critelli Ventura; to the Committee on the Judiciary.

S. 2669. An act to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska; to the Committee of Merchant Marine and Fisheries.

S. 2778. An act to amend the act relating to the Commission of Fine Arts; to the Committee of House Administration.

S. 2779. An act relating to the election under section 1372 of the Internal Revenue

Code of 1954 by the Augusta Furniture Co., Inc., of Staunton, Va.; to the Committee on the Judiciary.

S. 2804. An act to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon; to the Committee on Interior and Insular Affairs.

S. 2812. An act to amend the Communications Act of 1934 with respect to the painting and illumination of radio towers; to the Committee on Interstate and Foreign Commerce.

S. 2962. An act to grant 81 acres of public domain to the Cocopah Indians in Arizona; to the Committee on Interior and Insular Affairs.

S. 3005. An act to amend the act of March 3, 1933 (47 Stat. 1426), relating to the length of time by which the Federal Maritime Board may suspend tariff schedules; to the Committee on Merchant Marine and Fisheries.

S.J. Res. 150. Joint resolution permitting the Secretary of the Interior to continue to deliver water to lands in the Third Division, Riverton Federal reclamation project, Wyoming; to the Committee on Interior and Insular Affairs.

S. Con. Res. 86. Concurrent resolution authorizing the printing of additional copies of the hearings on employment, growth, and price levels; to the Committee on House Administration.

S. Con. Res. 87. Concurrent resolution authorizing the printing of additional copies of the report on employment, growth, and price levels; to the Committee on House Administration.

S. Con. Res. 88. Concurrent resolution authorizing the printing of additional copies of the hearings on energy resources and technology; to the Committee on House Administration.

S. Con. Res. 89. Concurrent resolution authorizing the printing of additional copies of the studies on comparison of United States and Soviet economies; to the Committee on House Administration.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1159. An act to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act.

S. 2482. An act to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

ADJOURNMENT

Mr. LEVERING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 30, 1960, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1959, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 15, 1960.

HON. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: In compliance with section 4(a) of Public Law 85-804, reports of contractual actions taken in calendar year 1959 to facilitate the national defense are enclosed herewith.

Table I shows that 243 actions with an estimated cost of $8,261,000 were approved under the authority of this act. Included in this number are 19 actions for which the cost cannot be estimated because the Government's liability is contingent on the occurrence of an accident, such as a nuclear mishap. Of the amount originally requested or claimed by contractors on approved actions $877,000 or 9.6 percent were disapproved. In addition, 134 cases in which claimants had requested $7,830,000 were denied in their entirety.

Included in the summary table and listed separately in table II are actions involving an estimated or potential cost of more than $50,000. Although it is not possible to estimate the cost of the contingent liability cases, for the purpose of this table, each such case is assumed to have a potential cost of more than $50,000. The 30 actions listed in table II account for $7,398,000, or 90 percent of the total cost of all cases that were approved in calendar year 1959.

Sincerely yours,

PERKINS MCGUIRE,
Assistant Secretary of Defense (Supply and Logistics).

TABLE I.—*Summary report of contractual actions taken pursuant to Public Law 85-804 to facilitate the national defense, January-December 1959*

[Dollar amounts in thousands]

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Department of Defense, total	243	$9,138	$8,261	134	$7,830
Amendments without consideration	6	6,149	6,087	25	5,189
Correction of mistakes	153	1,337	833	77	2,770
Formalization of informal commitments	59	1,308	1,267	32	371
Contingent liabilities	19				
Disposition of property	2				
Advance payments	3				
Other	1	74	74		
Army, total	18	6,288	5,980	7	2,833
Amendments without consideration	2	6,144	5,850	5	2,696
Correction of mistakes	7	39	25	2	137
Formalization of informal commitments	6	31	31		
Disposition of property	2				
Other	1	74	74		
Navy, total	120	$1,576	$1,485	14	$302
Amendments without consideration	2	76	38	1	51
Correction of mistakes	73	417	403	13	251
Formalization of informal commitments	29	1,083	1,044		
Contingent liabilities	16				
Air Force, total	105	1,274	796	113	4,695
Amendments without consideration	2	199	199	19	2,442
Correction of mistakes	73	881	405	62	1,882
Formalization of informal commitments	24	194	192	32	371
Contingent liabilities	3				
Advance payments	3				

Source: Office of the Secretary of Defense, Mar. 4, 1960.

TABLE II.—*List of contractual actions with actual or potential cost of $50,000 or more taken pursuant to Public Law 85-804 to facilitate the national defense, January-December 1959*

Name and location of contractor	Actual or estimated potential cost	Description of property or service	Justification
Amendments without consideration:			
Army:			
Iceland prime contractor, Keflavik, Iceland.	$330,000	Construction of 32 military facilities	To grant relief to contractor for loss incurred and thereby to insure continuation of contractor in essential work of defense program.
CIMR, Paris, France	5,519,691	Construction of 2,403 housing units in France from funds made available pursuant to Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 83-480).	To prevent default on part of contractor which would result in estimated delay of 6 months in availability of vitally needed housing for military personnel, and in a cost increase far in excess of amount approved for this contractor.
Air Force: Trad Electronics Corp., Asbury Park, N.J.	198,890	Signal generators, headset adapters, and oscilloscopes.	To prevent delay of 9 to 12 months in delivery of items essential to Air Force instrument landing system program. This delay would have resulted from contractor's inability to proceed with work because of lack of funds, and time required for a new contractor to complete work.

TABLE II.—*List of contractual actions with actual or potential cost of $50,000 or more taken pursuant to Public Law 85–804 to facilitate the national defense, January–December 1959*—Continued

Name and location of contractor	Actual or estimated potential cost	Description of property or service	Justification
Correction of mistakes:			
Navy:			
Holley Carburetor Co., Warren, Mich.	54,020	Repair kits	Contractor failed to itemize cost of 39 out of 85 parts included in this kit. Mistake was obvious and should have been apparent to contracting officer.
Esso Export Corp., New York, N.Y.	170,880	Storage of Government-owned petroleum products at Reykjavik, Iceland.	Contractor omitted use charge which it paid to the Icelandic subcontractor for year ending June 30, 1959. Mistake should have been apparent to contracting officer.
Air Force:			
Aid Corp., Clayton, Ga.	92,422	Nacelle intake heater adapter shields	To correct errors in engineering drawings supplied by Government.
Aerojet-General Corp., Sacramento, Calif.	110,609	Training program for weapons system engine.	To include anticipatory cost provision for training program which was omitted from amendment to basic contract for developing an engine.
Formalization of informal commitments:			
Navy:			
Sperry Rand Corp. (Sperry Gyroscope Division), Long Island, N.Y.	400,983	Test equipment for Sparrow missile	To reimburse contractor for tools and test equipment used in Sparrow program, on basis of letters of intent and informal commitment issued during Korean war.
Chrysler Corp., Detroit, Mich.	161,567	Protection, maintenance, and repair of Government-owned Naval Industrial Reserve Aircraft Plant, Warren, Mich.	To reimburse contractor for cost of services furnished after expiration of existing contract on June 30, 1957, until new agreement could be consummated on Oct. 31, 1957.
Shell Oil Co., New York, N.Y.	280,588	Aviation fuel and lubricants	To reimburse contractor who, acting in good faith on apparent authority of Air Force officers ordering supplies, furnished such supplies without contractual coverage.
Contingent liabilities:			
Navy (15 cases):			
General Dynamics Corp., Electric Boat Division, Groton, Conn.			
New York Shipbuilding Co., Camden, N.J.			
Ingalls Shipbuilding Co., Pascagoula, Miss.			
Atomic Energy Commission, Washington, D.C.	(1)	Work on nuclear-propelled vessels	To indemnify the contractor against liability on account of claims for death or injury or property damage arising out of nuclear radiation connected with contract work.
University of California, Berkeley, Calif.			
Newport News Shipbuilding & Dry Dock Co., Newport News, Va.			
Bethlehem Steel, Shipbuilding Division, Quincy, Mass.			
Lockheed Aircraft Co., Marietta, Ga.	(2)	CV-1 aircraft	To insure contractor against loss of his personal property by fire. Because of size of Government-owned plant and wooden roof construction, contractor is unable to obtain adequate fire insurance.
Air Force:			
Lockheed Aircraft Co., Marietta, Ga.	(2)	C-130B aircraft	To insure contractor against loss by fire of personal property at Government-owned plant. Because of wooden roof, contractor is unable to obtain adequate fire insurance.
All participants in CRAF program	(2)	Civil reserve air fleet program standby contract for furnishing by contractor of aircraft and services in emergency.	To indemnify contractors participating in this program against any exclusions under carriers' insurance program not covered by war risk insurance pursuant to title XIII of Federal Aviation Act of 1958.
Astrodyne, Inc., McGregor, Tex.	(2)	Facilities contract	Government wished to use for rocket storage certain areas of Air Force Plant No. 66 previously furnished to contractor. This action is to indemnify contractor for any liability incident to rocket storage.
Other: Army: Societe Nationale des Chemins de Fer Francais (SNCF), Paris, France.	73,603	½ cost (exclusive taxes) of reconstructing bridge at Revigny and rehabilitating spur line between Revigny and Magneville.	To permit shipments from U.S. Army Ordnance Depot to be made by direct route at annual savings of $25,000 to $30,000 and to permit additional annual savings of $15,000 by discontinuing operation of 6 buses now needed to transport indigenous depot employees.

[1] The amount of this liability cannot be estimated, since it is contingent on the happening of the event described in justification column.

[2] Not possible to determine.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1995. A letter from the Assistant Secretary of Agriculture, transmitting a report for the month of December 1959 relating to all sales and disposals with regard to each commodity which the Commodity Credit Corporation owns or which it is directed to support; to the Committee on Appropriations.

1996. A letter from the Secretary of the Army, transmitting the semiannual report of the Department of the Army on contracts for military construction awarded without formal advertisement covering the period July 1 through December 31, 1959, pursuant to Public Law 86–149; to the Committee on Armed Services.

1997. A letter from the Comptroller General of the United States, transmitting a copy of a report on the audits of Government Services, Inc., and its employee retirement and benefit trust fund and supplemental pension plan for the year ended December 31, 1959; to the Committee on Government Operations.

1998. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation entitled "A bill to amend the Communications Act of 1934, as amended, to authorize control over the installation, height, and location of receiving antenna towers"; to the Committee on Interstate and Foreign Commerce.

1999. A letter from the Director, Administrative Office, U.S. Courts, transmitting a draft of proposed legislation entitled "A bill to clarify the status of circuit and district judges retired from regular active service"; to the Committee on the Judiciary.

2000. A letter from the Assistant Secretary of the Navy (Personnel and Reserve Forces), transmitting additional material relating to a letter dated May 1, 1959, and recorded as executive communication No. 935, which related to the Department of the Navy's position on paying its ungraded employees on a weekly basis; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SISK: Committee on Interior and Insular Affairs. H.R. 9142. A bill to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes; with amendment (Rept. No. 1431). Referred to the Committee of the Whole House on the State of the Union.

Mrs. PFOST: Committee on Interior and Insular Affairs. H.R. 8567. A bill to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes; without amendment (Rept. No. 1432). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of California: Committee on the Judiciary. House Joint Resolution 397. Joint resolution to enable the United States to participate in the resettlement of certain

refugees; with amendment (Rept. No. 1433). Referred to the Committee of the Whole House on the State of the Union.

Mr. RABAUT: Committee of conference. H.R. 10233. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes (Rept. No. 1434). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 11423. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. BARING:

H.R. 11424. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. BOGGS:

H.R. 11425. A bill to amend section 302(b)(1) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. BRADEMAS:

H.R. 11426. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. CLARK:

H.R. 11427. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. DENT:

H.R. 11428. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving services in metropolitan areas; to the Committee on Banking and Currency.

H.R. 11429. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. DINGELL:

H.R. 11430. A bill to amend the Migratory Bird Treaty Act to increase the penalties for violation of such act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GALLAGHER:

H.R. 11431. A bill to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes; to the Committee on Education and Labor.

By Mr. HARMON:

H.R. 11432. A bill to amend title II of the Social Security Act to increase all benefits thereunder by 25 percent and to provide that full benefits (when based on attainment of retirement age) will be payable to both men and women at age 60, and for other purposes; to the Committee on Ways and Means.

By Mr. INOUYE:

H.R. 11433. A bill to provide for the conveyance of certain real property of the United States situated in Hawaii to the city and county of Honolulu, Hawaii; to the Committee on Armed Services.

By Mr. KARTH:

H.R. 11434. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. KNOX:

H.R. 11435. A bill to provide for equalizing the conditions of competition between domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. McGINLEY:

H.R. 11436. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. MONAGAN:

H.R. 11437. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the donation of foreign excess property to medical institutions, hospitals, clinics, health centers, schools, colleges, and universities; to the Committee on Government Operations.

By Mr. WESTLAND:

H.R. 11438. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WINSTEAD:

H.R. 11439. A bill to authorize and direct the transfer of certain personal property to State and county agencies engaged in cooperative agricultural extension work; to the Committee on Government Operations.

By Mr. BURKE of Massachusetts:

H.R. 11440. A bill to provide an allowance for work clothing for certain postal field service employees; to the Committee on Post Office and Civil Service.

By Mr. HEMPHILL:

H.R. 11441. A bill to amend section 610 of the Federal Aviation Act of 1958 so as to prohibit the sale or consumption of alcoholic beverages aboard certain commercial aircraft operating within the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. JENNINGS:

H.R. 11442. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. KING of California:

H.R. 11443. A bill to amend the Internal Revenue Code of 1954 to grant an additional income tax exemption for a taxpayer supporting a dependent who is blind; to the Committee on Ways and Means.

By Mr. MORRIS of Oklahoma:

H.R. 11444. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. RIVERS of Alaska:

H.R. 11445. A bill to amend the Act of August 1, 1956 (70 Stat. 898); to the Committee on Interior and Insular Affairs.

By Mr. ASPINALL:

H.R. 11446. A bill to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters; to the Committee on Public Works.

By Mr. McGINLEY:

H.R. 11447. A bill to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters; to the Committee on Public Works.

By Mr. O'BRIEN of New York:

H.R. 11448. A bill to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters; to the Committee on Public Works.

By Mr. SISK:

H.R. 11449. A bill to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 11450. A bill to authorize Federal assistance to Guam and American Samoa in major disasters; to the Committee on Public Works.

By Mr. WESTLAND:

H.R. 11451. A bill to authorize Federal assistance to Guam and American Samoa in major disasters; to the Committee on Public Works.

By Mr. CURTIS of Missouri:

H.R. 11452. A bill to provide for a survey of the Meramec Basin, Mo.; to the Committee on Public Works.

By Mr. HOLLAND:

H.R. 11453. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. OLIVER:

H.R. 11454. A bill to establish a Commission on Noxious Printed and Pictured Material; to the Committee on Education and Labor.

By Mr. WOLF:

H.R. 11455. A bill to improve commerce and industrial development through the establishment of a county industrial agent program; to the Committee on Interstate and Foreign Commerce.

By Mr. JENSEN:

H.J. Res. 665. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. PERKINS:

H.J. Res. 666. Joint resolution providing for the establishment of a National Children's Day; to the Committee on the Judiciary.

By Mr. HARMON:

H. Con. Res. 649. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. KARTH:

H. Con. Res. 650. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. McGOVERN:

H. Con. Res. 651. Concurrent resolution that it is the sense of the Congress that the Department of Agriculture continue for 1 year the uniform storage agreement contracts now in effect and also provide a basis for recapture of excessive profits; to the Committee on Agriculture.

By Mr. BURDICK:

H. Con. Res. 652. Concurrent resolution that it is the sense of the Congress that the Department of Agriculture continue for 1 year the uniform storage agreement contracts now in effect and also provide a basis for recapture of excessive profits; to the Committee on Agriculture.

By Mr. DENT:

H. Res. 492. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. BARING: Joint Resolution No. 5 of the Nevada State Senate memorializing the Congress of the United States to permit the Director of the Mint to furnish blueprints or parts to put Carson City Mint press in operable condition to strike silver medallions; to the Committee on Banking and Currency.

Also, Joint Resolution No. 6 of the Nevada State Senate memorializing Nevada congressional delegation to oppose legislation providing for the continuance of the Federal tax on local telephone service; to the Committee on Ways and Means.

Also, Joint Resolution No. 1 of the Nevada State Assembly memorializing the Congress of the United States, Nevada's congressional delegation and the Bureau of Indian Affairs of the U.S. Department of the Interior to continue aid to American Indians; to the Committee on Interior and Insular Affairs.

Also, Joint Resolution No. 2 of the Nevada State Assembly memorializing Nevada's congressional delegation to take action to obtain funds for the paving of the road into Kings River Valley, Humboldt County; to the Committee on Public Works.

By the SPEAKER: Memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to take favorable action on H.R. 9336, which provides for pensions of veterans of World War I; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DORN of New York:

H.R. 11456. A bill for the relief of Rosario LaRosa; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11457. A bill to authorize the Honorable Albert P. Morano, a former Member of Congress, to accept and wear the awards of Commendatore dell' Ordine Al Merito della Repubblica Italiana tendered him by the Government of Italy and the Cross of Commander of the Royal Order of the Phoenix conferred upon him by His Majesty the King of the Hellenes; to the Committee on Foreign Affairs.

By Mr. FRIEDEL:

H.R. 11458. A bill for the relief of Chan Jung Yee; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 11459. A bill for the relief of Mrs. Elethia Louise Rawlins; to the Committee on the Judiciary.

By Mr. SCHENCK:

H.R. 11460. A bill for the relief of Edouard E. Perret; to the Committee on the Judiciary.

By Mr. THOMSON of Wyoming:

H.R. 11461. A bill for the relief of Vincent F. Bassin; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

399. By Mr. GIAIMO: Petition of Mr. and Mrs. Jerome Mandelowitz and 71 other residents of the State of Connecticut pertaining to the late Senator Richard L. Neuberger's program to combat the disease of cancer; to the Committee on Interstate and Foreign Commerce.

400. By Mr. GROSS: Petition of 53 residents of Waterloo, Iowa, and vicinity in support of H.R. 4488, to raise the minimum wage to $1.25 per hour and extend minimum wage coverage to include retail and service employees; to the Committee on Education and Labor.

401. Also, petition of 15 residents of Mason City, Iowa, in favor of payment of a pension to veterans of World War I, as stipulated in H.R. 9336; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

He Wants To Go in Business

EXTENSION OF REMARKS

OF

HON. ROBERT W. LEVERING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1960

Mr. LEVERING. Mr. Speaker, the Centerburg Gazette, one of the fine weekly newspapers in the congressional district it is my honor to represent, carried an editorial comment in its March 24, 1960, edition which points up one of the reasons why the conservation reserve, a new version of the soil bank, as proposed by Secretary of Agriculture Benson and the Farm Bureau Federation is unacceptable to farmers, businessmen, and consumer alike. I make this statement even though I believe there is merit in the conservation reserve idea, providing it is properly designed and programed.

The Farm Bureau-Benson bill suggests amending the Soil Bank Act by taking some 60 million acres out of production over a 3-year period by authorizing payments in cash by the Government of $400 million for 1961, $465 million in 1962, and $530 million in 1963. Many businessmen on Main Street and particularly those who deal in farm implements, fertilizer, seed, insecticides, gasoline, oil, and other goods and services required by farmers, are strenuously opposed to this proposed legislation because it permits the taking of entire farms out of production. Some have gone so far as to suggest that such a law would make "ghost towns" of many small cities in rural areas. It is also believed by those who have carefully studied the Farm Bureau-Benson's proposal that it would have little or no effect on the most serious aspect of the present farm problem—that of the huge stocks of surplus commodities now held in ships, bins, and warehouses all over the country and in the case of wheat alone, costing the taxpayers a thousand dollars a minute. One of the reasons for this conclusion arises out of the fact this proposal provides for payments in cash, instead of in kind as provided by the Levering bill. Payment in kind, as you know, refers to payments in grain and other commodities out of surplus stocks.

Mr. Speaker, it appears to be agreed on both sides of the aisle that by reason of the dire situation in agriculture, particularly among the family type operators, a new bold and realistic farm program should be adopted promptly to reverse the present trends under existing programs which are fast leading us to conditions as bad or worse than those we experienced in the 1930's. We need to take action now before the distress in agriculture takes a greater toll on the general economy. But we also know as a practical matter that we must have a bill which will merit the support of all the people—the consumers, which of course includes farmers. In this connection many of our colleagues have frankly stated they cannot get backing from their constituents to vote for the conservation reserve if payments thereunder are to be made in cash, and particularly if the program does not effectively come to grips with the problem of cutting the outrageous cost of storage by disposing of present stockpiles.

Mr. Speaker, under leave to extend my remarks in the RECORD, I include the editorial comment from the Centerburg Gazette which dramatizes the policy of paying money to landowners be they farmers or whatever, for doing nothing. The item follows:

HE WANTS TO GO IN BUSINESS

(A reader gave us the following letter that some of you may find amusing.)

To the SECRETARY OF AGRICULTURE.

DEAR MR. SECRETARY: My friend Smith received a check for $1,000 from the Government for not raising hogs. So I am also going into the not-raising-hogs business. What I want to know is: What is the best kind of hogs not to raise? I would prefer not to raise razorbacks, but if necessary will just as gladly not raise Poland Chinas or Durocs.

How much will you pay me for not raising 100 hogs? And will the same rate apply if I increase my nonraising capacity to 1,000? Also, will you pay me for not raising 10,000 bushels of corn, which I will not feed to the hogs which I am not raising? Please answer soon, as this looks like a fine year for not raising hogs. By the way, can I raise a couple of hogs on the side, so we can have a little ham and bacon to eat?

Bishop Walsh

EXTENSION OF REMARKS

OF

HON. GEORGE M. WALLHAUSER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1960

Mr. WALLHAUSER. Mr. Speaker, the entire free world is shocked at the

action of the Chinese Communist regime in incarcerating Bishop James Edward Walsh.

We have made strong protests, including a statement by Secretary of State Herter, and I understand that our Government made the strongest possible protest to the Chinese Communist represenative at the meeting of March 22 at Warsaw.

The Communist ideology does not permit any opposition. This brave and sincere disciple of the church, by remaining loyal to his flock, has become an inspiration to all who are true to their ideals. He is a man of the greatest integrity and has gained the widest recognition through his 30 years in China. He has become a symbol, because the citizens of the free world are being made increasingly aware of the Communist theory of destroying that with which they disagree.

It is my hope and prayer that his sacrifice of personal safety will not be in vain, and that he will be released in good health to continue his dedicated service.

Byelorussian Independence Day

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. DINGELL. Mr. Speaker, Byelorussia is the vast country extending from the eastern borders of Poland to the approaches of Moscow. It is a cold, but fertile, land and its inhabitants are rugged and rustic rural workers. These people, though numbering a bare 10 million today, have been living in that country from time immemorial. There they led a simple life and were fairly content with their lot, until several centuries ago their country was overrun by the Moscovites, as the Russians were then called. They were brought, much against their will, under the rule of autocratic Russian czars. During that time they were neither free nor happy. They were oppressed, and the czarist government did its best to obliterate all traits of nationalism or national feeling among them, but the Byelorussians persisted in their opposition. They struggled against that regime with all the means at their disposal, and successfully maintained their national identity. And, in 1918, when the czar's government was overthrown, they had their chance for freedom and independence.

Byelorussian leaders seized upon this opportunity and in March of that year proclaimed their independence and established the Byelorussian Republic. Then for about 2 years these unfortunate but brave souls waged wars on many fronts for the preservation of their independence and for their national existence. But the forces opposing them were formidable. Even if they could settle their differences with the Poles on the west and others on the south, they could not cope with the aggressive and constantly advancing Red army of the Soviet Union. In 1921 the country was overrun by Communist Russian forces and it was made part of the Soviet Union. Thus came to an end the free and independent Byelorussia after a brief and precarious existence of about 2 years.

Today these struggling and hard-working Byelorussians are held down in their homeland by Communist totalitarian regime and do not enjoy any of the freedoms which many of them regard as their hard-earned reward, a reward which was taken away from them by heartless Russian Communists 39 years ago. On the observance of the 42d anniversary of Byelorussian Independence Day, one can ardently hope that these deserving people will once more regain their freedom and enjoy it in their homeland.

Import Quota To Control the Import of Lamb

EXTENSION OF REMARKS
OF
HON. FRANK CHURCH
OF IDAHO
IN THE SENATE OF THE UNITED STATES
Tuesday, March 29, 1960

Mr. CHURCH. Mr. President, the distinguished junior Senator from Wyoming [Mr. McGEE] ably represented his State at a hearing of the U.S. Tariff Commission on March 22, 1960. Much of what he said concerning the sheep industry in Wyoming is applicable also to the sheep industry in Idaho, and I have vigorously joined with him in urging the Tariff Commission to adopt an import quota to control the import of lamb, mutton, and live animals which is threatening to ruin the domestic industry.

I ask unanimous consent that Senator McGEE's statement to the Tariff Commission may be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GALE W. McGEE, OF WYOMING, TO THE U.S. TARIFF COMMISSION, MARCH 22, 1960

Mr. Chairman and members of the Commission, I am here today to support the action of the sheep industry in seeking relief from certain foreign imports of lamb, mutton, and live animals. These imports have reached the point where they are causing considerable distress to the sheep industry, a very vital industry to my State. I feel confident the position of the industry as a whole has been or will be adequately reflected by representatives of the national associations. Therefore, I should like to confine my remarks today to the problem which is facing our people in Wyoming.

Eighty-five to ninety percent of the lambs produced in our State are feeder lambs. The general market for these lambs tends to be the west coast for the lambs produced in the western part of the State; while those produced in the eastern part of the State are generally shipped into the areas of Colorado, Nebraska, Iowa, and Kansas.

Last July the price for feeder lambs in Wyoming was 19 cents per pound. When it was announced the Delfino interests were importing sheep into the California area, the price of feeder lambs in western Wyoming immediately dropped to 17 cents a pound. If we compute an average weight of 70 pounds per feeder lamb, this means there was an immediate loss to the producer of $1.40 per animal. For a grower selling 1,200 lambs, the size of an average band, this means a loss of $1,680. This price drop was also reflected in the lambs grown in the eastern part of my State, and it was extremely detrimental to the economy of the State of Wyoming.

Let us next consider the old ewe market. In 1958 old ewes sold for an average price of $10 per head. Last year because of imports, the price was $5 to $7 per head with very little market for old ewes. When we consider the fact that 70 percent of our mutton which is used in manufacturing meat was imported, it is quite easy to ascertain why the old ewe market suffered extremely in 1959.

On the dressed lamb market, there were many instances where lambs imported from Iceland were retailed on the east coast for 39 cents per pound. The wholesale price in most other areas amounted to at least 39 cents per pound; and considering a 30-percent gross markup for retail, the effect on the domestic price was quite drastic.

The announced price for New Zealand and Australian dressed lambs has ranged from 25.5 cents to 38 cents per pound, with the majority being in the area of 27 cents to 28 cents. At the same time, because of increased costs of production in the United States, the price per pound of a dressed domestic lamb ranged from 37 cents to 50 cents. Since a price of 47 cents to 50 cents for the domestic lamb is required in order to show a profit for the producer, the American grower is in an extremely unfavorable position.

The Congress has recognized the problem facing the domestic sheep industry by passing the National Wool Act. Notwithstanding this and other congressional action, it is my feeling the industry is still in jeopardy.

The alternatives with which we are faced at the present time are to increase the tariff on imports or to provide for import quotas. I feel that a certain amount of imports could properly supplement the domestic industry by sustaining a year-round market for lamb and allowing the people of the United States to eat this delicacy at all times of the year rather than the various seasons as it has been so often in the past. These imports, however, should not be allowed to the extent where they completely ruin the domestic industry; and for this reason, I would like to recommend the adoption of an import quota based upon some historical volume of imports, such as an average for the past 5 years. This would include years of low import, such as 1956, and also years of high import, such as 1959; and I believe that would be a good balancing factor. I hope the members of this Commission can approve an action of this type.

I appreciate the opportunity to appear before you today to express my views on this very important subject.

The Bishop James Edward Walsh Case

EXTENSION OF REMARKS
OF
HON. JAMES C. AUCHINCLOSS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. AUCHINCLOSS. Mr. Speaker, I am pleased to read in the papers that

the United States has delivered through the appropriate channels a definite and strong diplomatic note to Red China protesting the imprisonment of that great humanitarian, Bishop James Edward Walsh, of the Roman Catholic faith. This man, who has devoted much of his lifetime to the relief of suffering and distress among the Chinese people, has been rewarded by the brutal Communists with contempt and unspeakable human treatment. It is only one more incident in the indictment against Red China in their desire for admission to the community of the United Nations. This is proof of their insensibility to the cause of justice and as the note of the State Department says, it is a showing of their "complete indifference to humanitarian principles and callous disregard of universally accepted standards of international law and behavior among civilized nations."

It is to be greatly regretted that the Governor of my State of New Jersey, Robert E. Meyner, recently advocated the admission of this international pirate, Red China, into the fellowship of the United Nations. I submit that this is a realm of internationalism where a politician, ambitious for high office, had better keep out until he matures and has a wiser and better appreciation of the differences between "humanitarian principles and callous disregard of universally accepted standards of international law."

Forty-second Anniversary of the Independence of the Byelorussian Democratic Republic

EXTENSION OF REMARKS
OF
HON. SAMUEL S. STRATTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. STRATTON. Mr. Speaker, last Sunday, March 27, marked the 42d anniversary of the independence of the Byelorussian Democratic Republic. This occasion is important for many reasons, but especially because it serves to remind us once again, as we always need to be reminded, that the Soviet Union continues to hold in subjection millions on millions of people who deserve to be free and have a right to be free, and in whose freedom we in America have a deep and abiding stake.

Although the Soviet Union has paid lipservice to this burning desire for independence on the part of 10 million people of Byelorussia by incorporating them into the Soviet Union as a separate republic, no one of course is fooled into thinking that this procedure really represents anything but complete subjection to the Communist dictatorship.

Forty-two years ago, on March 25, 1918, the people of Byelorussia first tasted freedom after decades of oppression and tyranny under the czars. But this freedom was short lived. After 2 short years the flame of freedom was extinguished and the earlier tyranny of the czars was replaced by the darkness of an ever more vicious tyranny of Soviet communism.

Mr. Speaker, in spite of these unhappy events, the hope of freedom still lives on in the memory of the people of Byelorussia and I join with them today on this 42d anniversary in hoping that the day will not be far away when freedom will come again to the Byelorussian people.

Crowdus Baker, Great American

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. PHILBIN. Mr. Speaker, in common with many citizens of Massachusetts, and in particular Greater Boston, I was delighted and truly gratified to learn of the recent election of the distinguished Mr. Crowdus Baker to be president of the world-renowned business and merchandising establishment of Sears, Roebuck & Co.

The selection of Mr. Baker to this high and honorable post is not only a most impressive tribute of confidence by the leaders of this great firm in his character, ability, and his superlative qualifications, but it is another striking example of the opportunities for advancement to highest posts of responsibility in the business affairs of our Nation which are implicit in our great and incomparable free enterprise system.

Mr. Baker's brilliant career is another very impressive and striking instance of steady rise from the ranks by dint of great ability, industry, devotion to duty, and superlative general qualifications, to top leadership in one of the greatest business organizations in the world.

Born in Dallas, Tex., February 27, 1906, of stalwart American folks, Crowdus Baker was graduated from Terrell Preparatory School in that beautiful city and later from the famous Austin College in Sherman, Tex., class of 1928.

Setting his sights on loftiest peaks of achievement and willing to work hard in order to gain his objective, he joined the Sears company in 1929.

It was not long before his industrious habits, fine traits of character, winning personality, agile mind, and fine qualities of leadership deeply impressed his superiors and in 1935, he was assigned as operating superintendent of the large Sears mail-order house at Seattle.

From that time on, Baker's promotion to more and more responsible posts was surprisingly rapid. The company came to regard him as one of its most able and promising young executives and in 1939, named him to become superintendent of the huge Boston mail-order house which covers the entire Northeast section of the country. In 1945, so well had he handled his assignments and duties, he was designated general manager of Sears operations in Boston, after having served as operating superintendent of a similar unit in Philadelphia.

It was here in our great Massachusetts city of Boston that I first had the privilege and pleasure of knowing this great American and watching his unusual and outstanding work in his own company and his remarkable contributions, far beyond the call of duty, to many worthwhile activities in the civic, charitable, and business-development life of our historic capital city. His tireless energy and his ever-willing and ever-ready response to many demands made upon him to take part in community betterment projects became a source of wonder and admiration to those of us familiar with the many facets of his very busy life.

In a sense, the progress which Crowdus Baker has made in his career has been truly phenomenal. But it certainly comes as no surprise to those of us who were in a position to observe and note the broad sweep of his talents, the obvious and outstanding qualities of leadership he possesses, and his special aptitude for inspiring confidence and making friends wherever he went.

Crowdus Baker is a man of exceptionally broad horizons, possessed of the drive, spirit of determination and resourcefulness, adaptability, so often necessarily a part of the makeup and attributes of leaders in every field.

Kindly and generous of impulse, warm and sympathetic in nature, he never hesitates to join with others in improving the opportunities and bettering the lot of those who struggle and toil.

He is endowed with practical vision and marked powers of decisive action and is known for his sense of fairness and his ability to make sound judgments.

All these qualities admirably equip him for the high post of responsibility he has assumed because they mark him indelibly as a man who has his feet on the ground and who knows how to deliver the goods in the literal, as well as the figurative, sense.

The famous firm of Sears, Roebuck has not only made a wise choice but it deserves to be heartily congratulated for recognizing merit, character, and ability in making this appointment. It is in instances like this one where young men starting at the bottom can by their own powers and industry work their way to the top that the American people are constantly refortified in their faith in our great productive economic system. This particular appointment is notice to the world that there are no frontiers of opportunity in this country, that everyone who has the ability and is willing to work can reach highest levels in American business life.

Of course, everyone cannot be president of Sears, Roebuck, and everyone possessed of gifts and talents cannot necessarily attain highest leadership. There are unpredictable elements of chance, fortune, personality, and other factors that come into advancement and progress in any field. But it is very refreshing to know that in the main, American boys starting from scratch can and do work their way to the top by virtue of their own gifts, their own spirit of resolution, and their own hard work.

The many friends of Crowdus Baker in the business, civic, and social community of Boston join me, I am sure, in rejoicing with him in this well-deserved recognition of Crowdus Baker's outstanding abilities. And we hail him, not only as an outstanding business leader, who has demonstrated his capacity for getting things done, but as a warm, considerate, and generous friend, a humane personality, vitally interested in American life, in the American people, and in helping to solve the great problems of the hour.

I am happy indeed to extend my heartiest congratulations to him, to his family, and to his company, which I think has demonstrated great wisdom in making this appointment. In succeeding President Charles A. Kellstadt, Mr. Baker will have no easy task. He will have to live up to a very high standard of performance indeed, one that has deeply impressed the Nation and that portion of the world familiar with it. He is succeeding a great, a worthy, and another distinguished business leader who has left a proud and indelible imprint upon his company and the history of our times.

I wish for Crowdus Baker long life and continued good health, great and steadily increasing success in his vital work, and all those choice blessings of the Lord which come from family, friendship, and the joys of sincere loyal living. And I wish for him and his dear ones most abundant measures of happiness in the years to come.

Address by Hon. A. S. Mike Monroney, of Oklahoma, at the 60th Annual Dinner of the Society of the Friendly Sons of Providence, R.I.

EXTENSION OF REMARKS
OF
HON. JOHN O. PASTORE
OF RHODE ISLAND
IN THE SENATE OF THE UNITED STATES
Tuesday, March 29, 1960

Mr. PASTORE. Mr. President, on Thursday evening, March 17, 1960, the Society of Friendly Sons of Providence, R.I., gathered for its 60th annual dinner. This dinner is the central secular function of St. Patrick's Day, always religiously and enthusiastically observed in the State of Rhode Island.

The society's toast to the United States indicates the patriotic tone of the dinner; and from this U.S. Senate in years past have gone our colleagues to add luster to the night, and oratory to this toast to our Nation.

To call the roll of only a few, the names of Senators Kennedy, Symington, Mansfield, McNamara, O'Mahoney, and Truman come to mind. Glowing comments on the appearance this year of the junior Senator from Oklahoma are summed up in the delighted expression of the president of the Society of the Friendly Sons, Mr. Nelson G. Burke. "The address of Senator A. S. MIKE MONRONEY," President Burke writes, "was most inspiring and the rapt attention of his audience was in itself a tribute."

As if it had been planned that way, the Senator from Oklahoma's emphasis on our weapon of faith in this nuclear age was in perfect balance with the address of the Most Reverend Paul Hagarty, bishop of the Bahamas.

Bishop Hagarty spoke of the world revolt of the underprivileged, seeking freedom from ignorance, freedom from starvation, freedom from the tyranny of economic pressure. The Senator from Oklahoma [Mr. MONRONEY] spoke of the material power of "the scientific sixties" to lift the underprivileged—fortified by our religious faith to win the confidence, the minds, and hearts of men.

I request that the address by the Senator from Oklahoma [Mr. MONRONEY] be printed in the CONGRESSIONAL RECORD as a document of encouraging science, sound economy, and inspiring philosophy.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR A. S. MIKE MONRONEY BEFORE FRIENDLY SONS OF ST. PATRICK, PROVIDENCE, R.I., MARCH 17, 1960

What an honor it is to be chosen as the one to respond to the traditional toast of the Friendly Sons of St. Patrick to our own United States.

What an additional honor it is to be chosen as one of the members of such a distinguished panel of participants as the Most Reverend Paul Hagarty, bishop of the Bahamas; the Most Reverend Russell J. McVinney; Rev. Francis P. Brady; Hon. John P. Hartigan, judge of the U.S. Court of Appeals; Hon. Edward B. Hanify, attorney and corporation counsel; and your many other distinguished guests.

Sixty years, sure; and 'tis a long, long time for the Irish to be getting along together. And it is as significant a milestone in the history of the United States as it is in the history of your fine association of Friendly Sons. It runs the gamut of life in these United States. Your 60 years parallel the milestones of our Nation's great progress—from shillelaghs to Chevrolets—from leprechauns to lace curtains—from Shamrocks to solar space.

I am so glad to be in home State of two of our greatest and friendliest Senators: Senator THEODORE FRANCIS GREEN and Senator JOHN "O'PASTORE." Theodore's great good humor and the sharp, inclusive wit and eloquence of Johnny make them the Senate's top Democratic team.

Sixty years—a fabulous 60 years in the life of the United States and of the Friendly Sons of St. Patrick—is but a tiny dot over the centuries of recorded history. But in these 60 years which you celebrate tonight the dot of the 60 years in history's span is as huge as our planet itself in our progress.

Frontiers of which your founders never dreamed are crossed every hour on the hour. From terrestrial to celestial is the signet of the scientific sixties. Traffic is getting so heavy in outer space that they'll be wanting traffic lights between the moon and the sun and the stars to avoid disastrous collisions.

Your founders, all progressive men, could not be heard in voice beyond this room. Tonight we hear the "beep beep" of Pioneer V's voice from 675,000 miles away—in a few months, perhaps, from the far side of the sun.

The vision of your founders—seafaring men though they might have been—was limited on a clear day to Martha's Vineyard or Nantucket from a few miles offshore. Today we can see from the dark side of Tombstone, Ariz., on our TV or to the dark side of the moon.

Mankind is on the move. We are breaking out of our two-dimensional world and into the third dimension—that of the vertical. For the tens of thousands of years of man's progress from his caves, he has spread out to find new paths to faraway points, as our Pilgrim Fathers did in settling a new continent. As transportation from the covered wagon grew to the train and steamship, his world widened.

With the crossing of each new frontier they sought out the new. That was the spirit that our forefathers brought to this coast and carried on the whaling ships that sailed the Straits of Magellan as they rounded the Horn to the broad Pacific.

Their sons kept on until all the oceans were charted and explored—and then started to explore the jungles, the swamps, and the poles. We've climbed the highest mountains in the world, gone up the Amazon, reached the darkest of Africa. We've crossed the North and South Poles so often that the path looks like a superhighway.

Progress in the pioneer spirit is the stuff of which America is made. But in reality, until the past two decades, with all his travels and explorations, man had scarcely gone farther in one direction than his caveman ancestor. That was in the direction of the third dimension—the vertical.

Since the Wright brothers first powered flight in 1903 at Kitty Hawk, that dimension has been expanding—first, timidly, to 100 feet—to 500 feet. And now we see at long last man challenging the voids and the vacuums of outer space—venturing into a new dimension with courage and ingenuity.

In the last year we have seen spectacular new things happen in the field of the vertical: referring to Z–52, KC–135, X–15 (Scottie Crossfield—150 miles into outer space), and B–70.

And now we train the astronauts for space. This is not an idle jest or something out of the science comics. It is real. Today we know—or soon will know—more about what man will meet in outer space than Columbus knew about what he would meet as he sailed westward across the Atlantic.

But as we get the signal loud and clear of the scientific sixties, it is not—we are finding—entirely a blessing. Electronics have shrunk distances and put the whole world within range of voice, sound, and sight. I could have flown to Paris and back to Newfoundland by jet in the span of time I took to come from Washington to Providence by train today.

And with this constantly shrinking globe have come to mankind powers from new energy sources undreamed of 15 years ago. Rockets with thrust to reach the moon and the sun and the stars. Explosives that can annihilate entire States with their blast. Speeds of ICBM's from outer space that can reach Providence from Moscow—or from the United States to Moscow (it's as short either way) in 19 minutes. These fantastic speeds make interception or defense unlikely, and only by equal power of destruction through retaliation can we make reasonably certain that this catastrophic attack by thermonuclear warfare does not occur.

To be prepared requires our Nation to have the ability to retaliate in equal and certain destructive capacity. Then, and only then, can we feel any sense of security from attack.

Thus, in the dawn of the scientific sixties we find as our forefathers found when they landed on this continent that only the strong can be secure. Then it meant survival of a few dozen lives from Indian attack. Today it means the survival of tens of millions from destruction in the first 10 hours of an atomic war.

I do not mean to make this speech a grim one. I would be less than frank if I did not remind you that at no previous time in our great history have we been as vulnerable to a catastrophic attack if we let weakness erode our strength or our position of leadership in the free world.

This is the challenge to this generation. One-third of the world's people are behind the Communist Iron Curtain. They total slightly over 1 billion. One-third (another billion) are in the neutral area of the world. And slightly less than one-third reside in the free world.

Both the free world and the neutral world depend perforce upon the leadership of the United States. If we fail ourselves—we fail them as well.

As I see it, we cannot win the cold war with arms—atomic or conventional. We might—yes, we must—prevent it from becoming an atomic world war III. Our decisive strength in weapons alone will not be enough, however, either to prevent the shooting war or win the cold war.

It seems to me that we have one weapon that the Communists can never have. It is the weapon to bridge the chasm between the destructive side of science and the hope for the best era of Christendom. This is the weapon of our faith—of our belief in an Almighty and Divine Power—and that mankind was made in the image of this holy and Supreme Being. It is the belief that we are our brother's keeper. It is our belief in "right makes might" and not in "might makes right." Without that faith, a godless, materialistic power, even with modern arms, cannot achieve a victory. The mind, morals, and spirit of man must control science or else a Frankenstein of science will destroy us.

Given the strength and courage to hold off the destruction of nations by atomic war, we can change the headlong emphasis of "science for death" into "science for life." If we have the faith and the determination to serve—as this generation must serve the peoples of the world—we can and will win.

Instead of beating our swords into plowshares we must beat the atom bomb into mankind's greatest servant. Today more than 100 diseases which have plagued mankind since history began are yielding to diagnosis and treatment with atomic isotopes. Through our research in "science for life" we are attacking cancer and other killers that have heretofore been called incurable.

In the field of agriculture, experiments are under way that may produce entirely new food products, through the use of atomic isotopes. New fruits, vegetables, even superior breeds of livestock, may result from these agricultural experiments in changing nature to work better for mankind.

Engineering uses may revolutionize recovery of energy from coal and oil veins through controlled underground explosions of small atomic bombs. Harbors can be opened in many parts of the world, such as South America and Africa, where no ports are availabel today, through gigantic underground blasts of atomic energy. Canals or reservoir sites likewise may one day yield huge benefits from the conversion of atomic energy from war to peace.

This one-third of the world that is neutral—looking either to the Communist way of life or at our free way—today is in the darkness of the 18th or 19th century. Ordinary fuel such as coal or oil must be shipped halfway around the world to supply the fuel for electrical generators. Consequently, in such countries as Thailand I have seen them burning teakwood and mahogany beneath the boilers of their generators to supply the low current to burn the electric lightbulbs in the tourist hotels. The people there have thus far missed this 20th century.

But with the magic of atomic energy, low-cost atomic reactors can, and someday will be built that can bring an electrical world to the darkest of Africa and to the villages of India. No longer will it be impossible to generate electricity because of the high cost of shipping fuel halfway around the world. A package of uranium, no larger than a package of cigarettes, can light and heat a village of 5,000 for an entire year.

Yes, even the miracle of fresh, pure water may be created by breakthroughs with atomic energy. Millions of acres today are desert because the scant supply of surface water is insufficient or out of reach of irrigation works. Yet I have seen the desert of the Middle East transformed in Israel by irrigation into a land as fertile as the Garden of Eden. The magic of water can make the desert bloom and can offer hope for the tens of millions of hungry people who now barely subsist.

Yet at the shoreline of the oceans, the Mediterranean, the Red Sea, the Pacific, and the Atlantic is the world's largest storehouse of water. Its salt content makes it kill instead of grow the produce of the land.

We are nearing breakthroughs with conventional fuels on desalination of this sea water at costs comparable with surface irrigation. When this is achieved, and it is not far away, we can hold out hope to these millions that low-cost machinery either with conventional or atomic power can bring them the water they need to turn their dry, parched lands into rich orange groves and fertile acres to produce food in abundance.

These are but a few of the things that the scientific sixties hold out for us to do. We must retain the faith of our forefathers to pioneer, to show the true and kindly face of Uncle Sam, and to carry our message of faith and good will to the underprivileged people of the world.

This we can do with the same kind of courage, hard work, and sacrifice that America has shown through our long history. The oppression of hate, of distrust, and destruction can be conquered if we use the tools of the scientific sixties as well as our pioneering forebears used the crude tools of their day. Victory will come when we win the hearts and minds of the men of the world, and only faith in our religious life, in our tools, and in ourselves will bring it.

To cry out that we must draw back—to be too timid to dare to risk some of our substance for spectacular new gains tomorrow—will mark us, as it has marked many nations during the past 60 years of this society's existence, as powers of the past and not as world powers of tomorrow.

Faith, courage, and work hold out to a nation—willing to strive hard enough for the goal—the eternal blessings of the world's people.

May they say of this generation of Americans that—

We kept the peace through strength and courage.

We lit the lamp of science to shed its brilliance for all mankind.

And thus we blazed the path to a better life for all of the world's people.

Poll Results

EXTENSION OF REMARKS

OF

HON. ALVIN M. BENTLEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1960

Mr. BENTLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following results of my annual questionnaire as well as certain charts showing the occupational breakdowns which should be of interest to Members of this body:

POLL RESULTS

(By ALVIN M. BENTLEY, Congressman, Eighth District, Mich.)

Out of some 30,000 questionnaires which were sent out in January, 7,632 were returned for a gratifying percentage of 25.4 percent. Here is the way the eighth district voted:

1. The problem of labor-management conflict, resulting in situations such as the steel strike should be dealt with by the Congress. Along which of these lines do you think the Congress should consider legislation. (1) Compulsory arbitration, 12.7 percent; (2) prohibition of industry-wide strikes, 17.4 percent; (3) factfinding boards with power to make recommendations, 19.6 percent; (4) application of antitrust laws to big labor, 27.9 percent; (5) Government regulations of both wages and prices, 10.9 percent.

2. The question of a continued deficit in our international balance of payments and the resulting loss of gold and dollars is one of the most serious problems that faces the new Congress. One aspect is the low-cost foreign competition which we face at home, as well as abroad. What alternatives would you suggest to meet this situation: (1) Subsidize American exporters to meet the difference in labor costs, 3.9 percent; (2) raise tariffs and impose import quotas to protect our industries against low-cost foreign goods, 33.8 percent; (3) prevent U.S. companies located abroad from exporting their products here, 37.2 percent; (4) reduce dollar expenditures overseas by cutting back on our troop commitments abroad and limiting foreign aid, 33.5 percent; (5) require dollar loans and grants abroad to be spent in the United States, 45.5 percent.

3. The problem of our defense effort being behind the Soviet Russians in certain aspects concerns many people greatly. Do you think we should: (1) Go all out to match the Russians in every phase of defense regardless of cost even if it means higher taxes, 11 percent; (2) continue our present levels of defense spending for a balanced program, 37.6 percent; (3) make every effort to reach a workable agreement with the Russians for disarmament, 38.2 percent.

4. The social security tax rose to 3 percent on employers and employees alike on January 1 and is scheduled to reach 4.5 percent by 1969. Should the program be amended to include the following benefits even if higher taxes are required: (1) Lowering the retirement age, 32.7 percent; (2) increasing the present limit of $1,200 on outside earned income, 44.9 percent; (3) providing hospital, nursing care and surgical benefits to eligible persons, 32 percent; (4) tying social security benefits to living costs, 37.2 percent.

5. Consideration is being given in Congress to eliminate all present tax deductions (except the $600 exemption) and then reducing the present rates about 40 percent with the minimum rate at 12 percent, and the maximum at 55 percent. Some of the deductions which might be removed include expense accounts, long-term capital gains, local and State taxes, interest payments, income splitting for married couples, tax-free interest on bonds of States and cities and charitable contributions. Social security benefits might be taxed and personal exemptions for old and disabled persons would disappear. Depreciation allowances would end but corporation taxes might be cut to 44 percent. Net rental value of house would be treated as income. Would you favor eliminating all these de-

ductions in return for lower tax rates: Yes, 23.2 percent; no, 64.9 percent.

6. Are you in favor of: (1) More Federal aid for education and to boost teachers' pay, 15.6 percent; (2) Federal aid to local public works, 4.1 percent; (3) Federal aid for depressed areas, 28.4 percent.

7. Do you think that Federal credit should be extended to veterans, 12.3 percent; farmers, 5 percent; small businessmen 12.7 percent.

8. What should Congress do to solve the farm problem: (1) Raise supports and tighten production controls, 2.3 percent; (2) gradually decrease supports and controls, 41.7 percent; (3) eliminate all supports and controls at once, 28.2 percent; pay farmers the difference between the market price and the support price with production controls, 4.2 percent; (5) gear supports to farm production costs, 10.9 percent.

Question 1

	Total	No answer		(1)		(2)		(3)		(4)		(5)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	141	11.6	106	8.7	279	22.9	205	16.8	311	25.5	177	14.5
Worker	2,023	194	9.6	319	15.8	278	13.7	563	27.8	399	19.7	270	13.3
Business	866	115	13.3	91	10.5	151	17.4	119	13.7	325	37.5	65	7.5
Profession	972	94	9.7	125	12.9	130	13.4	167	17.2	419	43.1	37	3.8
Housewife	448	60	13.4	56	12.5	92	20.5	103	23.0	96	21.4	41	9.2
Officeworker	719	67	9.3	103	14.3	124	17.2	149	20.7	218	30.3	58	8.1
Other	1,385	205	14.8	166	12.0	274	19.8	192	13.9	359	25.9	189	13.6
Total	7,632	876	11.5	966	12.7	1,328	17.4	1,498	19.6	2,127	27.9	837	10.9

Question 2

	Total	No answer		(1)		(2)		(3)		(4)		(5)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	157	12.9	61	5.0	328	26.9	498	40.9	376	30.8	550	45.1
Worker	2,023	148	7.3	82	4.1	804	39.7	897	44.3	652	32.2	938	46.4
Business	866	111	12.8	23	2.7	297	34.3	248	28.6	312	36.0	396	45.7
Profession	972	153	15.7	11	1.1	218	22.4	261	26.9	368	37.9	418	43.0
Housewife	448	59	13.2	17	3.8	173	38.6	148	33.0	115	25.7	184	41.1
Officeworker	719	67	9.3	25	3.5	268	37.3	239	33.2	254	35.3	314	43.7
Other	1,385	164	11.8	75	5.4	488	35.2	549	39.6	483	34.9	675	48.7
Total	7,632	858	11.1	294	3.9	2,576	33.8	2,840	37.2	2,560	33.5	3,475	45.5

Question 3

	Total	No answer		(1)		(2)		(3)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	173	14.2	96	7.9	464	38.1	486	39.9
Worker	2,023	247	12.2	281	13.9	746	36.9	749	37.0
Business	866	118	13.6	78	9.0	341	39.4	329	38.0
Profession	972	107	11.0	114	11.7	403	41.5	34	35.8
Housewife	448	62	13.8	49	10.9	157	35.0	180	40.2
Officeworker	719	81	11.3	86	12.0	289	40.2	263	36.6
Other	1,385	226	16.3	133	9.6	468	33.8	558	40.3
Total	7,632	1,014	13.2	837	11.0	2,868	37.6	2,913	38.2

Question 4–A

	Total	No answer		(1)		(2)		(3)		(4)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	230	18.9	315	25.8	497	40.8	313	25.7	395	32.4
Worker	2,023	164	8.1	1,056	52.2	828	40.9	739	36.5	723	35.7
Business	866	123	14.2	240	27.7	466	53.8	204	23.6	268	30.9
Profession	972	117	12.0	218	22.4	523	53.8	234	24.1	381	39.2
Housewife	448	54	12.1	113	25.2	205	45.8	174	38.8	170	37.9
Office worker	719	69	9.6	233	32.4	377	52.4	207	28.8	295	41.0
Other	1,385	221	16.0	321	23.2	534	38.6	575	41.5	606	43.8
Total	7,632	978	12.8	2,496	32.7	3,430	44.9	2,446	32.0	2,838	37.2

Question 4–B

	Total	No answer		I am		I am not	
		Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	164	13.5	167	13.7	888	72.8
Worker	2,023	210	10.4	97	4.8	1,716	84.8
Business	866	80	9.2	45	5.2	741	85.6
Profession	972	83	8.5	42	4.3	847	87.1
Housewife	448	49	10.9	96	21.4	303	67.6
Officeworker	719	60	8.3	57	7.9	602	83.7
Other	1,385	194	14.0	702	50.7	489	35.3
Total	7,632	840	11.0	1,206	15.8	5,586	73.2

Question 5

	Total	No answer		Yes		No	
		Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	148	12.1	186	15.3	885	72.6
Worker	2,023	223	11.0	495	24.5	1,305	64.5
Business	866	69	8.0	230	26.6	567	65.5
Profession	972	77	7.9	306	31.5	589	60.6
Housewife	448	73	16.3	96	21.4	279	62.3
Office worker	719	74	10.3	217	30.2	428	59.5
Other	1,385	241	17.4	244	17.6	900	65.0
Total	7,632	905	11.9	1,774	23.2	4,953	64.9

Question 6

	Total	No answer		(1)		(2)		(3)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	641	52.6	124	10.2	48	3.9	406	33.3
Worker	2,023	966	47.8	380	18.8	93	4.6	584	28.9
Business	866	504	58.2	136	15.7	41	4.7	185	21.4
Profession	972	523	53.8	181	18.6	33	3.4	235	24.2
Housewife	448	212	47.3	72	16.1	16	3.6	148	33.0
Officeworker	719	338	47.0	121	16.8	32	4.5	228	31.7
Other	1,385	776	56.0	174	12.6	50	3.6	385	27.8
Total	7,632	3,960	51.9	1,188	15.6	313	4.1	2,171	28.4

Question 7

	Total	No answer		Veterans		Farmers		Small businessmen	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	879	72.1	148	12.1	123	10.1	69	5.7
Worker	2,023	1,324	65.4	333	16.5	91	4.5	275	13.6
Business	866	647	74.7	47	5.4	21	2.4	151	17.4
Profession	972	752	77.4	56	5.8	32	3.3	132	13.6
Housewife	448	309	69.0	68	15.2	18	4.0	53	11.8
Officeworker	719	438	60.9	118	16.4	36	5.0	127	17.7
Other	1,385	997	72.0	170	12.3	57	4.1	161	11.6
Total	7,632	5,346	70.0	940	12.3	378	5.0	968	12.7

Question 8

	Total	No answer		(1)		(2)		(3)		(4)		(5)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	164	13.5	55	4.5	352	28.9	280	23.0	84	6.9	284	23.3
Worker	2,023	243	12.0	53	2.6	791	39.1	646	31.9	85	4.2	205	10.1
Business	866	75	8.7	9	1.0	423	48.8	290	33.5	16	1.8	53	6.1
Profession	972	94	9.7	16	1.6	551	56.7	221	22.7	27	2.8	63	6.5
Housewife	448	69	15.4	11	2.5	197	44.0	103	23.0	26	5.8	42	9.4
Officeworker	719	76	10.6	9	1.3	338	47.0	203	28.2	31	4.3	62	8.6
Other	1,385	248	18.0	20	1.4	535	38.6	410	29.6	49	3.5	123	8.9
Total	7,632	969	12.7	173	2.3	3,187	41.7	2,153	28.2	318	4.2	832	10.9

Tabulation of Poll

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1960

Mr. BERRY. Mr. Speaker, I have just completed the tabulation on a questionnaire which I mailed to every boxholder outside of first-class postoffices and to all addressees receiving their mail in first-class offices in my congressional district. I am inserting the results in the RECORD in order that all Members of Congress and others reading the RECORD may know how the people of western South Dakota feel on some of the most important issues.

Not only, Mr. Speaker, did about 8 percent complete their returns, but most of them took advantage of space provided in the questionnaire to express their opinions and to explain their stand on specific questions and issues.

I have saved for future reference many quotes from these comments, a few of which I should like to pass on. For instance, a number questioned why we should spend such large sums on the space program, one said, "We don't need another planet to subsidize."

There were a large number of farmers who demanded a repeal of the present farm program, saying "It is only making the large farmers larger and the small farmer smaller," or "What chance does a young man have to get a start under the present program?" Another said it this way, "Neither the Middlewest nor the Nation can afford to experience a serious depression resulting from low farm prices, and we cannot afford to continue to build up surpluses and spend billions in storage. No fair-minded foreign nation should complain if we put our house in order by using tariffs and quotas."

On the subject of foreign aid, one man said, "Christ performed miracles to teach the people to care for themselves, but he did not start feeding all the hungry people of the world."

On the subject of small business one man said, "The small businessman is being put out of business with high taxes—yet he is the backbone of the Nation." Another said, "The small businessman can work out his own problems if he is not taxed to death."

On the need for a balanced budget and reducing Federal regulation and control, one said, "It seems that our people

have been convinced that the only way they can be prosperous is to gradually surrender their freedoms to Government control." Another said, "If the present rate of Federal expenditures continues, our children will see the day when the Government is taking their entire income and giving them a planned program from the cradle to the grave; all that then remains is to deny them the right to vote and they have had it."

The same thought was said this way, "I am for balancing the budget. I am against spending money we do not have. for benefits that do not benefit." Another said, "If you want your father to take care of you, that is paternalism; if you want your mother to take care of you, that is maternalism; if you want Uncle Sam to take care of you, that is socialism; if you can take care of yourself, that is Americanism."

On Federal aid to education one said, "The farther money gets away from home, the less comes back." Another said, "The States and local governments should handle their own problems rather than crying for Federal help for every project that arises." Another put it this way, "Federal aid is inherently dangerous and absolutely unnecessary. The States can and will take care of their own school problems if left alone. The United States of America has the best all-around educated population in the world—what more do we want?"

I would close the quotations with this final shot, "A citizen's only recourse is profanity and a letter to his Congressman; the Congressman's only recourse is profanity and the burden of writing a sympathy letter back to the citizen."

Following, Mr. Speaker, is a complete tabulation on a percentage basis of the answers to the questions asked:

[Percent]

	Yes	No	Not certain
1. Do you believe sufficient emphasis is placed on our missile and space programs?	59	19	22
2. Do you consider our defense budget to be adequate?	64	11	25
3. Should we continue our mutual security military and economic aid to friendly nations?	62	13	25
4. To bolster farm income do you favor—			
Increased crop supports and controls?	15	62	23
Enactment of domestic parity program for wheat with allotment based on bushel rather than acreage quotas?	43	25	32
Preventing foreign competition with tariffs and quotas?	50	24	26
5. Do you favor an increase in gasoline tax even though failure to pass would slow down the interstate highway program?	37	52	11
6. Has the Federal Government given sufficient attention to the problems of the small businessman? (Please comment)	20	35	45
7. Do you believe the Federal minimum wage should be raised?	22	65	13
8. Should labor unions be brought under the antitrust laws?	79	8	13
9. Do you favor reducing the national debt before tax cuts are made?	78	12	10
10. Do you favor legislation to tighten taxation on cooperatives?	61	20	19
11. With respect to education should the Federal Government:			
Consider it a local and State problem?	68	19	13
Give aid for school construction?	43	43	14
Help pay teachers' salaries?	22	61	17
If you favor Federal aid should a tax levy be made to cover the cost rather than add it to the national debt?	48	17	35

Those who indicated their business as farming answered question 4 as follows: 4(a) 35 percent said "yes," 55 percent said "no," and 11 percent "uncertain"; 4(b) there were 68 percent who said "yes," 21 percent "no," and 11 percent "uncertain"; on 4(c) 66 percent said "yes," 14 percent said "no," and 20 percent "uncertain." On question 9, 87 percent said "yes," 7 percent "no," and 6 percent "uncertain."

The ranchers were even more definite on question 4 with only 13 percent answering "yes" on 4(a), 79 percent saying "no," and 8 percent "uncertain"; on 4(b) there were 49 percent answering "yes," 34 percent "no," and 17 percent "uncertain"; and on 4(c) there were 73 percent who said "yes," 10 percent "no," and 17 percent "uncertain." On question 9 there were 86 percent who said "yes," 11 percent "no," and 3 percent "uncertain."

Of those who classified themselves as farmer-rancher, on 4(a) there were 27 percent answering "yes," 49 percent "no," and 24 percent "uncertain"; on 4(b) a total of 55 percent said "yes," 21 percent "no," and 24 percent "uncertain"; and 4(c) found 64 percent answering "yes," 10 percent "no," and 26 percent "uncertain." On question 9 there were 72 percent answering "yes," 18 percent "no," and 10 percent "uncertain."

An interesting category was the teachers on question 11. On 11(a) there were 37 percent anwering "yes," 39 percent saying "no," and 24 percent "uncertain"; on 11(b) there were 63 percent answering "yes," 18 percent "no," and 19 percent "uncertain"; on 11(c) there were 48 percent answering "yes," 34 percent answering "no," and 18 percent "uncertain"; while on 11(d) there were 60 percent of the teachers answering "yes," 8 percent "no," and 32 percent "uncertain." These returns indicate that the teachers themselves are divided on the subject of Federal aid to education and a large majority feeling that if any such program is instituted there should be a tax levy to cover the cost.

Let's Not Strangle Our Poultrymen

EXTENSION OF REMARKS
OF
HON. WILLIAM E. MILLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1960

Mr. MILLER of New York. Mr. Speaker, some 20 bills have been introduced in this House that would have the effect of strangling many of the poultrymen of my State and the rest of the country in a chicken-wire labyrinth of Government controls.

The sponsors call these bills the Family Farm Income Act of 1960 but I have a feeling their definition of income and the definition the free farmers of my State place on income are quite at variance.

Poultrymen have repeatedly resisted attempts to impose Government production control on their industry. These bills provide for such controls whether the poultrymen of my State want them or not. If two-thirds of the poultry producers in the Nation decided they wanted regimentation by government, it wouldn't matter what the local and regional wishes of large numbers of poultrymen, hatcherymen, feed suppliers, processors, marketing agencies, and consumers thought was best.

For instance, the act specifies a price target for eggs. At present, in order to achieve this target, about 50 percent above current levels, egg production would have to be cut back 40 percent on a farm-by-farm, producer-by-producer basis.

The poultry industry, by resourcefulness and ingenuity, has greatly expanded its market. The industry has greatly increased the consumption of poultry meat and of eggs by putting on the market a high-quality product at a reasonable price. By so doing, the industry has greatly increased its own income and much improved the diet of the American consumer.

The proposal in the family farm income bill would turn back the clock and put this industry on the basis of scarcity rather than abundance. It would curtail the income of the industry, reduce the quality of the American diet, and increase the costs of doing business. All of this would be contrary to the often-stated preference of the people in the poultry industry themselves.

It is clear that those who framed the family farm income bill of 1960 were either unaware of the facts regarding this industry, or they have deliberately set about to regiment a group of people who have steadfastly adhered to the principle of freedom and responsibility.

Why We Must Abolish the Army, Navy, and Air Force

EXTENSION OF REMARKS
OF
HON. BYRON L. JOHNSON
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1960

Mr. JOHNSON of Colorado. Mr. Speaker, at the time the Congress presumably unified the Armed Forces to get rid of duplication it achieved some-

thing else. It got triplication and quadruplication instead of unification.

Our colleague from Connecticut—Representative FRANK KOWALSKI, a retired U.S. Army colonel with 33 years of continuous service as infantry commander, battalion and regimental commander, Chief of Training, G–3, European theater, and later Deputy Military Governor of Japan under General MacArthur, first commandant of the Army Command Management School until his retirement in 1958—has written an excellent statement of the case for true unification. I have found both junior and senior officers of the Armed Forces, as well as numerous enlisted men, firmly convinced that only a complete unification will be adequate to meet the needs of the American people for a unified defense force. The next President, whatever his name, will certainly want to reexamine the organization of the Department of Defense.

I believe that Congressman KOWALSKI has made a brilliant contribution to this reexamination, not only in his bill, H.R. 9874, but in an article appearing in the April 1960 issue of True, written in cooperation with Martin L Gross, which I commend to the attention of the Members. He writes:

WASHINGTON, D.C.—If war should erupt tomorrow, the Army's crack airborne divisions at Fort Bragg, N.C., and Fort Campbell, Ky., are poised and ready for combat anywhere in the world on 2-hour notice. There is only one drawback; they don't have enough planes.

Repeated Army requests to the Air Force to equip these units with transport planes have been turned down, as have their pleas to at least earmark specific planes for emergency call. According to testimony before the House Appropriations Subcommittee, the planes available now could airlift only one of the three strategic divisions.

To the Army, the additional planes would mean the difference between a crippled outfit and a fully integrated fighting force; the Air Force, however, sees the Army request as an attempt to usurp their hard-won status as an independent service. This Army-Air Force battle is, at present a stalemate.

This type of pettiness between the armed services has contaminated almost every aspect of our defense structure, from budget to Reserve training, supply, missile warfare, and even air defense. In fact, the independent existence of our three major fighting forces—the Army, Navy, and Air Force—has created a meaningless miasma of waste, rivalry, inefficiency, and duplication that is uselessly devouring a huge chunk of our $41 billion defense budget, and could eventually destroy us.

In the Mediterranean area, which I visited last summer, the Navy has built two air bases of its own—Rota Naval Air Base in Spain and Port Lyautey in Morocco—while several Air Force bases in the sector, equipped to handle the same planes, are often half used. In fact, one giant base in Morocco is completely deserted.

Not long ago, the Air Force initiated a frantic and expensive campaign to recruit and train fighter pilots for air defense, while at the same time the Navy and marines were discharging some of their trained pilots as part of a reduction in force.

The waste, in men and money, is often patently ridiculous. At the Middletown air materiel area, the Air Force had accumulated $8,400,000 of excess helicopter parts, which they planned to sell off as surplus at a fraction of the original cost. Meanwhile, the Army was placing new orders for the same parts, with the same manufacturer, for the same model helicopter. Only the fortunate interference of the General Accounting Office helped salvage part of this amazing fiasco.

In the missile field, after wasting half a billion dollars and perhaps a year's time by producing duplicate IRBM's—the Air Force Thor and Army Jupiter—we have now learned that, desipte the well-meaning last minute intervention by the Defense Department, not even the rocket engines are interchangeable.

During the development of the rockets, according to congressional reports I have secured, both the Air Force and Army hoarded scientific information from each other almost as scrupulously as from the Soviets. When the Defense Department ordered the rocket engines made by the same contractor (the Rocketdyne Division of North American Aviation) the two services jealously insisted on making individual minor design changes. The contractor was simultaneously—and expensively—making two different rocket engines for the Government for the same job.

Neither are the men interchangeable. Now that operational control of the Jupiter has been shifted to the Air Force, trained Army missile artillerymen at Huntsville, expert in Jupiter firings, have been replaced simply because they wear the Army's olive green instead of the Air Force's blue.

And, to take an even more ridiculous example, the Air Force is now claiming that Air Force personnel should be stationed aboard the Navy's new ballistic-missile submarines in order to shoot off the Polaris missile. "Anything that flies belongs in the Air Force" seems to be their theory.

Another scene of the interservice battle is Fort Hamilton, an Army base in Brooklyn, where duplication is costing the taxpayers a cool $10 million a year. Four hundred soldiers, 50 officers, and 400 civilians operate the fort for the sole purpose of processing Army men coming in and leaving the country by air—a job which was already being done efficiently for the other services at McGuire Air Force Base in nearby New Jersey.

In addition to paying for the useless Hamilton, the Government is also forced to maintain a special Military Air Transport lounge at Idlewild ($18,000 a year) for these men, bus service from Hamilton to the airport, and a duplicate force of 23 airmen at Idlewild to reprocess this separate Army shipment.

The Army's arguments for this $10 million pork barrel are transparently thin—the lack of sufficient transient space at McGuire (even though Fort Dix is next door) and the statement that Air Force doctors do not require medical exams prior to takeoff, while the Army does. Even a former commanding officer of Hamilton recently told me that he considered the fort to be a complete waste of money and manpower.

During the last 5 years, the three services have avariciously fought each other for the lion's share of almost $200 billion spent in defense funds—each firmly convinced that the Nation would be completely secure if only their individual projects could be accomplished.

The combined result of their efforts is easy to state, but difficult to swallow: (1) an ill-equipped miniature Army of 14 divisions; (2) a Navy—whose only modern weapons are a few nuclear-powered submarines—weighted down with the outmoded concept of surface ships and outnumbered 4 to 1 by the Soviet sub fleet; and (3) an Air Force of relatively slow SAC bombers vulnerable to fighter plane and antiaircraft attack, and 40 exposed SAC bases lacking even a system for keeping bombers in the air around-the-clock,

Our meager supply of ICBM missiles (three at this writing) are stretched skyward at Vandenburg Air Force Base in California unable to fire without a 15-minute leadtime and vulnerable to a nuclear hit even a hundred miles away. "Hard" (concrete-emplaced, underground stored) solid-fuel ICBM's are still years away, even though we have already sunk billions into the missile program.

The answer to the riddle of how to extricate the world's leading power from so mismanaged a defense picture—an answer that unfortunately has vociferously been blocked by certain nearsighted admirals, generals, powerful lobbyists for retired officer groups, administration leaders, and even some Congressmen—is the complete unification of our three services into one U.S. Armed Forces, with one job and one uniform.

I have recently introduced a House bill, H.R. 9874, that will eliminate the three services and reorganize the new Armed Forces along the lines of "function" instead of the outmoded concepts of land, sea and air, which have become ridiculous in an era of missile-launching submarines and paratroop infantry.

In dollars and cents, I believe full unification could mean a saving of $7 billion a year—a straight 15 percent of last year's $46 billion defense expenditure.

"The interservice rivalries are worse than before," the head of the Defense Appropriation Subcommittee recently commented. The reason, one of the best arguments for unification now, is the shameless battle for the defense dollar and control of sophisticated weapons—part of each service's strategy to make themselves indispensable, and immune to destruction by the others.

As a result, instead of three services, we have more like a dozen, each with its own costly overhead. Each service flies combat planes, each has missile arms, and the prime offender—the Navy—has its own surface fleet, its own missile service both above and under water, its own army (the Marines), and its own Air Force, both land and sea based.

My bill will unite these diverse groups into one, with branches logically organized according to jobs that have to be done. One of the two major branches would be planning, staffed by professional military planners trained from college on. They will develop military plans for the entire Armed Forces on every level for today, 5, 10, even 25 years ahead.

The second branch would be combat, in charge of the operations of all field units, whether they are surface vessels, land troops, or ICBMs. Assisting these two major groups would be seven military agencies—Research and Development, Training, Personnel, Procurement, Transportation, Service, and Inspection, all of which might be incorporated into a third major group support.

In a typical military situation—air defense, for instance—the planning group would determine what was required in terms of men, weapons, and strategy. Research and development, in coordination with procurement, would have the weapons designed and built. Personnel and training would provide the skilled men who, together with the weapons, would then be delivered to combat for operational use.

Compare this with the circuslike squabble between the Air Force and Army that is now fouling up our weak air defense capability; a power struggle that vividly dramatizes the tragic failings of our present military organization. Air defense has historically been divided between Army antiaircraft and Air Force fighter planes. However since missiles have replaced both of these techniques, both services have been building parallel antiaircraft missile systems that have thus far cost us $3 billion and have still not provided us with proper air defense.

The still-unresolved tussle revolves around the Air Force Bomarc, an expensive, long-range (400 mile), quick-firing (30 missiles in 2 minutes), 2,000-mile-per-hour ground-to-air missile, and the Army's Nike-Hercules,

a shorter range (75 miles), relatively inexpensive, but slower firing (one-third of a squadron in 15 minutes) weapon. At the height of the fight, the opposing contractors—Western Electric for Nike, and Boeing for Bomarc—took full page newspaper ads on the virtue of their system, while the services slugged it out in congressional halls. The Army sent Congress a strong memo while the Air Force leaked the top secret—and unfavorable—results of a Nike-simulated-combat test.

A controversy that would have been settled in planning in a unified service has now split the U.S. Congress and even reached the White House. The Senate Armed Services Committee recently declared that the Nike was virtually obsolete, while the House decided that the Army plan was cheaper and slashed the Bomarc budget. The dilemma was thrown into the lap of the President who has announced a now common, but potentially dangerous military compromise—a little of each.

Service bickering touched the ridiculous recently when Army suggestions to build the $10 billion Zeus antimissile missile were pooh-poohed by the Air Force as visionary—only to have a top Air Force general back the Army's argument. Lt. Gen. Laurence S. Kuter, Air Force head of the North American Air Defense Command, states that he has an urgent requirement for the Army's anti-ICBM Zeus, and has asked the Pentagon and the Joint Chiefs to reverse their stand against developing the weapon.

The missile war between the services points up the gain unification would make by creating a single research and development division, headed either by a civilian or military man. (In the new Armed Forces I am proposing, only combat and training groups need be uniformed military men.) R. & D. is a $14.5 billion a year weapons business, spurred on by private contractors who supply 70 percent of the weapons ideas and who help the competing services multiply the number and duplication of projects.

The waste is monumental. According to the House Committee on Government Operations, $2.3 billion was spent last year on antiquated weapons projects. Services start, then phase out before completion, projects that probably would never have been initiated under a unified R. & D. setup—follies like the quarter-of-a-billion-dollar Navy jet seaplane, the P6M. Its sole memorials are six delivered airplanes and a $12 million base in North Carolina.

Recently the Air Force and Navy eliminated overlapping projects to develop high energy boron aircraft fuels—after spending $232 million. At the same time, the Air Force was being refused—on the grounds of economy—an equivalent amount needed to keep 68 SAC bombers in the air around the clock to prevent total destruction of our retaliatory forces while still on the ground.

A single efficient procurement and supply department, instead of our present three agencies, would save more millions. Twenty-six recent contracts of the Navy and Air Force analyzed by the General Accounting Office showed Uncle Sam had been overcharged $42 million. In the Air Force cases, the Accounting Office placed the blame at their procurement group's "inadequate analysis of contractor's figures" and a naive tendency to accept their word for fact.

The mere existence of separate supply agencies, reluctant to talk to one another, has created some ludicrous examples of not only duplication but even hoarding of supplies. In one case the Navy was able to ship JP-4 fuel from Perth Amboy, N.J., to Florida while the Air Force planned a shipment of the same fuel from South America to New England. When they learned of the comical situation they attempted to make an exchange, but negotiations finally broke down. The two ships sailed in opposite directions on a $33,000 nonpleasure voyage for the American taxpayer.

The lack of liaison is unbelievable. Once when the Federal Government was disposing of a mass of hacksaws and frames at a fraction of cost the Navy was buying thousands of new hasksaws from the same manufacturer at full price. Army supply then graciously repeated the incident, this time with hammers. In addition, each of the services insist on minute differences in "specs," even on such things as folding chairs, needlessly raising the cost for all.

A new byproduct of the supply snafu has been a tendency by the services to hoard—to buy more than they need as a possible hedge against lean budget days for their branch. A Department of Defense survey of supply management recently found that inventory of general items was "long" by 34 percent—or $100 million worth. There is an overlap in distribution patterns, duplicate items stockage, and cross backhaul, the report states unemotionally.

Two dramatic cases of hoarding were uncovered. The Air Force promptly canceled $46 million in contracts when millions of dollars in excess electronic equipment were found in four supply bases, including ones in San Antonio and Oklahoma City. The Navy was found "collecting" a surplus of 793 spare aircraft engines, at a cost of $68 million, yet they had orders in for 204 more.

To their credit, the Defense Department has recently attempted to make the services coordinate their supply efforts—but without success. As of today, only 20 percent of our defense needs are being supplied through centralized procurement.

Unfortunately, the waste can be tallied in more than money and missiles. Our lack of unification has been equally harsh with vital manpower, often doing the same job in three different services.

In all, I estimate that total unification of the services would release 500,000 "duplicate" and useless servicemen who could make up the enlarged muscle of a single fighting force.

In post offices and stores throughout the country 7,000 recruiting personnel from four services (counting Marines) are doing a job 2,000 could handle in a unified service. Thousands of more men operate three entirely separate communications networks in Europe, Africa, and the Mediterranean. The Navy, when queried by me on this, merely stated that they "were studying it."

I have received letters from our security agents, especially CIC men in Japan, complaining that they were doing the same work—often on the same case—as Air Force Intelligence. The reserve situation is equally befuddled. Each service maintains staffed but only partially used armories and reserve training centers in almost every major city—instead of a single civilian training facility.

In Europe, I visited large hospitals for servicemen and their dependents, each operated by separate services with its own administration—and each ultimately headed by a different two-star surgeon general and his staff in the Pentagon. The waste of trained enlisted men and officers in the administration of three separate transportation, judge advocate, special services, engineers, ordnance, finance, and other groups, is virtually unbelievable.

If unification is so desirable, why hasn't it been accomplished heretofore? The answer, I believe, is the false confidence the Nation has gained from a series of phony plans in the name of unification. One of the greatest obstacles has been the creation—and failure—of the Joint Chiefs of Staff idea.

"It seems quite apparent in this regard," says a House Committee on Appropriations report, "(that) the Joint Chiefs of Staff, as a corporate body, is not providing the kind of advice and leadership which this country requires." Gen. Maxwell Taylor, former Army Chief of Staff, reiterates this, pointing out the Joint Chiefs spend much of their time in useless and wasteful fighting for their individual services.

My unification bill, by eliminating the separate services, dissolves the Joint Chiefs. Instead, the Secretary of Defense, a civilian, will be aided by a deputy secretary chosen from among the Armed Forces and limited to a 4-year term. Their council of war will be made up of the chief of planning, the chief of combat, and either the chief of support or any of the seven chiefs of the supporting groups—training, procurement, transportation, R. & D., service, personnel, inspection—whose advice is needed.

The chiefs of combat and training will necessarily be commissioned officers, but all other chiefs may be career civilians with years of experience in their specialty. All chiefs shall be appointed by the President, with the consent of the Senate, and shall serve 4 years unless reappointed. The combat chief, however, shall not be reappointed. All deputy chiefs shall be chosen from the ranks of commissioned officers.

In my bill I have carefully avoided the establishment of a single, all powerful Chief of Staff as proposed by General Taylor and other fellow critics of our military organization. Not only is it uncalled for in a single service dominated by a Secretary of Defense and chiefs of functions—but we should be wary of creating a potential "man on horseback" who might overshadow the President and possibly seize power in an emergency.

Specialization will be a key factor in the new U.S. Armed Forces. Unlike World War II when, according to a Pentagon-supported study, "The Ineffective Soldier," whole divisions were lost because of misuse of skills, the new service will train men in a specialty and try to keep him there with proper incentives. Although combat and training groups will be uniformed, career civilians will be used whenever possible—especially since they ultimately cost less, are often better trained, and can have a lower turnover rate.

Interservice fights, now the bane of our system, will be eliminated. Strategy conflicts—say between air-to-ground missiles and conventional nuclear bombs—will be decided by the Chief of Planning, while operational clashes will be arbited by the Chief of Combat. To them it will be an objective military problem, not an emotional defense of a partisan service viewpoint.

"We'd be better off if we all wore the same uniform," Vice Adm. Hyman Rickover, father of the atomic submarine, reportedly stated. I concur and will suggest to Congress that a unified service be outfitted in a single new uniform, a symbol of the discarding of old loyalties. We should also eliminate two other divisive elements, the separate promotion lists and the separate service academies. The present promotion system makes it imperative for an ambitious young officer to agree with his service viewpoint, even if he is not convinced it is in the national interest.

The three service academies—West Point, Annapolis, and Colorado Springs—should properly be campuses of the same Armed Forces Academy. New traditions, common to all three, should be developed and the curriculum of future officers revamped from its archaic emphasis on naval boiler-room engineering or the strategy of General von Clausewitz. Whenever possible we should use civilian campuses to train cadets in electronics, geopolitics, business administration, and missile engineering.

In my 33 years of Army service, I have spoken to hundreds of career men who agree on the urgent need for total unification. Public opinion polls show the majority of Americans have a similar viewpoint. Yet all unification attempts have been thwarted—mainly by a skillful clique of men that cen-

ters around the U.S. Navy. After playing such an important role in World War II, the tradition-laden Navy is deathly afraid they will be overpowered under full unification and loose control of the Marines and Navy air groups.

Former head of the Joint Chiefs, Admiral Radford, was an outspoken foe of unification, and current attempts to block unification are being aided by powerful lobbyists including the Navy League, a pressure group of retired naval officers and businessmen, and by a group of powerful pro-Navy Congressmen on key committees.

Back in June 1941, a proposal to unify the services because of impending war was vigorously opposed by the Navy. In 1944, the Richardson Committee recommended one Defense Department with a general staff and a single commander, but it was vetoed by Admiral King, then Joint Chief of Staff, despite support by the Army and Air Corps. Since then, the Navy stand on unification has not varied.

There have been a series of paper reforms drafted since World War II, which have actually delayed effective unification. In 1956, the Military Air Transport Service was ordered to become the central transport group for all services. But today, the Navy, SAC, and others still run their own transport planes.

In 1958, Congress—at the President's request—passed the Defense Reorganization Act which reshuffled some of the Pentagon chain of command and further entrenched the Joint Chiefs. During 1959, when the act was supposed to reduce interservice squabbles, fights like the Bomarc-Hercules tiff ranged louder than ever before. These have undoubtedly been honest attempts to improve the situation, but I believe time has shown that patchwork reforms only further delay the creation of a unified Armed Forces.

Eliminating the Army and Navy—gallant services that have existed since the founding of the Republic—is not a trivial task. But replacing them, and the Air Force, with a single modern integrated fighting force—stronger and larger and richer at its very birth than its combined predecessors—may well be the one stoke of action that will insure our Nation's survival.

We Challenge the Future With the Lessons of the Past

EXTENSION OF REMARKS

OF

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1960

Mr. ROBISON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following speech which I delivered at the dinner meeting of the board of governors of the New York State Association of Young Republican Clubs, Saturday, March 26, 1960, at the Sheraton Inn, Binghamton, N.Y.:

WE CHALLENGE THE FUTURE WITH THE LESSONS OF THE PAST

It is a distinct pleasure and privilege for this middle-aged Republican to be asked to speak to this fine gathering of young Republicans from all over the Empire State. The abundance of enthusiasm and spirit that is evidenced here tonight bodes well for the cause of Republicanism in this crucial presidential election year as well as for the future.

It is my understanding that this year also marks the silver anniversary of the young Republican organization. My congratulations to you. Seldom has a fledgling political organization come into existence with less favorable prospects than did yours. Twenty-five years ago, the New Deal and the man who was its chief symbol were indeeed riding high. It even looked for a time—when "as Maine went so went Vermont"—as though the Grand Old Party might be headed for extinction. Happily, however, that did not come to pass and one of the salient reasons why it did not was the tenacity and dauntless enthusiasm of those early young Republican founders and members who nurtured this organization into the thriving operation it now is. By their example, they proved to their elders that there was still plenty of life left in our party, plus the resiliency to come back again and again despite repeated maulings by F.D.R. and the divergent groups he managed to hold together within the Democratic Party.

Now, as you young Republicans pass your 25th birthday and move into your second quarter century, your Nation is also entering into a new decade—one that promises to be even more changeable and challenging than the last. In a few months, we Republicans will be asking the people to give our candidate for President a new 4-year lease on the Executive leadership of this country, and to return the Federal legislative processes to Republican guidance. I do not think it out of place to say that the very survival of this Nation may well depend upon the success of our appeal.

The major challenge confronting us today is, of course, the persistent and relentless drive of communism toward an unchanged goal—a Communist-controlled world. This threat is real and formidable. It encompasses all fields of human endeavor. It is military, political, economic, and psychological.

Last fall the chief spokesman for the Soviet Union boldly and brazenly presented the nature of this challenge to us as one would throw a gantlet at a rival's feet. His words were backed by the force of some rather spectacular achievements. This experience undoubtedly served to help shake all of us out of a mood of something closely akin to apathy, and to replace such a mood with one of critical self-analysis, in a too-long-delayed attempt to find out not only where we stood, as a nation, but whither we were going.

Although the first half of that double-barreled question should be the easiest area in which to find common agreement, one will find considerable difference of opinion even as to where we are. From a purely materialistic standpoint, it would seem as though we are in a rather enviable position.

As a people, we have more of almost everything than anyone else, whether we are talking about bathtubs, telephones, or even debts, both public and personal. From a spiritual standpoint, however, I have confessed to a considerable sense of uneasiness, along with many others, when such vexing problems as racial discrimination and juvenile delinquency are viewed by far too many Americans as things we can worry about tomorrow; when the philosophy of a womb-to-tomb security has quite common acceptance as a proper national goal, and when many of our citizens seem more interested in television scandals and tailfins than in such obvious essentials as education and scientific and medical research.

And yet, for all of the more obvious defects that may exist in our way of life, America, with less than 7 percent of the world's population, is looked to for protection, aid, and leadership by almost every other nation on earth—both inside and outside the Iron Curtain.

In 1858, Abraham Lincoln referred to America as "the last, best hope of mankind." If that was true a century and more ago, what would Lincoln say today, as he would see, with us, the growing threat of communism, a billion people under the iron heel of Communist oppressors, and the ravages of socialistic experiments in Great Britain, France, and Italy, to say nothing of the United States.

It is human to pause in gratitude for the blessings that have flowed from our American heritage. In some 183 years, we have managed to attain a greater degree of freedom and a higher standard of living for the great mass of our people than was ever dreamed possible in 10,000 years of recorded history. Our wealth and our industrial capacity have been the deciding factor in two world wars, though other nations have had as much or more territory, and many nations have had greater natural resources.

What, then, caused this miracle that has been America?

I believe it was due to the vision of the men and women who founded this Republic, and to the free enterprise system of government that they created—a republican representative government unique in all history. Regardless of the commonly accepted definition of a liberal today, I also believe that those early geniuses were the true liberals of the ages—that they were as God inspired as the prophets of the Bible, and that their concepts of Government are as true and as binding today as they were in 1776 and 1789.

Is there an epoch in human history more inspiring or more intellectually absorbing than that in which freedom was launched in our American experiment? Through it we broke the authority of the church over the state, and kept the human mind free to find its own approach to God. We denied the right of the state to tax without the consent of the taxed. We drew a fine line of distinction between the freedom of the individual and the authority granted to his chosen representative. "Freedom is to be a slave to nothing," was the overzealous ambition of the Founding Fathers. Out of it all we set about to place in the hands of Government a minimum of power, and authority only to establish rules of the road over which we were to travel. In no case did we consent to become slaves or wards of Government. The very heart of our delegation of authority was limited to the "consent of the governed." We were consciously concerned with that critical point where our representatives might take over the authority vested only in the voters. This was, in truth, an obsession in the minds of the men who fashioned the Articles of Confederation, and later the Constitution itself. "That government is best which governs least," and "the closer government stays to the people the better the government," was the epitome of their plan, and in their minds such a premise was strong enough to endure the test of time.

These things, plus a belief that individual responsibility is a corollary of individual freedom, are our heritage, and now is a timely moment to stop and ask ourselves if we are worthy of it.

These concepts of government brought to our shores men and women who wanted opportunity rather than security. They still do, even though to many Americans our heritage has become only a cloak of respectability and decency which we wrap around our frailties and our selfishness. These concepts of government, together with the incentive for a man to retain for himself and his children, in the Horatio Alger tradition, the wealth he created, brought forth this hitherto dynamic society of ours and opened new horizons for civilization. They can continue to do so, unless we forget that such ideals, if not zealously maintained, will drift into impotence or even destruction.

The ironic fact today is that we Republicans who would hold fast to these principles—truly the most "liberal" in history—are frequently labeled "reactionaries" by self-styled "liberals"; whereas many of these "pseudoliberals" are diametrically opposed to most of the basic concepts of Washington, Jefferson, Franklin, and the other Founding Fathers.

It is no coincidence that during the past 26 years of which 22 have seen the Democratic Party firmly in control of Congress, we have traveled back a long way toward European paternalism and collectivism, and the farther we travel that road the more impossible it becomes to turn back.

I see this reflected in many of the letters I am receiving from my own constituents, even though they are, I think, by tradition more conservative in their thinking than people from many similar areas. Taken by and large, it seems quite obvious that to more and more of our citizens Uncle Sam is taking on what a psychologist would call a "father image"—that, to them, our Federal Government should be, and was meant to be, not only the "great protector" but also the "great provider." Riding the crest of this trend, the Democrat majority in this, the 86th Congress, is striving to further expand such a governmental role into areas wherein, no matter how acute the seeming need, we would be creating new Federal responsibilities. I am thinking here of such things as Aid to Depressed Areas; Federal Aid for Education, not just for construction purposes where there is a demonstrable financial need, but for across-the-board construction and even, perhaps, to subsidize teacher salaries; acceptance of the responsibility to pay hospital, surgical, and nursing-home costs for social security retirees, and so on. To the proponents of such legislation, the idea that private enterprise or local government has either the incentive or the capability to solve any of such problems is unthinkable.

At the same time, in the field of business, that same Democrat majority seeks to further push the long nose of Government into new areas of decision and control. I am thinking here of such things as a broad extension of minimum wage-and-hours laws far beyond the original intent and meaning of the "Interstate Commerce" clause of the Constitution, establishment of Federal standards for unemployment insurance which responsibility more appropriately belongs to the several States that are cognizant of their own local conditions, and so on. It is as if the proponents of such legislation have forgotten what our forebears knew so well: That any government can become a dictator, not just an umpire, when it tries too hard to control our lives.

Many of the decisions that this and future Congresses will be making will be motivated by a desire to insure our survival—not only our physical survival in this Atomic Age, which is a story in itself—but our economic survival, and by a desire to "guarantee," as if that were possible by governmental dictate, a rate of economic growth that will exceed or outstrip that of the enemy that has boasted it will "bury" us.

Now survival is not a partisan issue but it is up to the people to decide which of the two approaches toward that goal offers the best hope of long-lasting success. In considering such a decision, I submit that the people should take note of the fact that, while we used to refer to ourselves as a free people, we now customarily refer to ourselves as a free Nation. This must mean that, without even realizing it, we have been taking incentive and freedom from the individual and nationalizing those qualities, in a selfish effort to meet our wants as well as our needs, in what may well prove to be a vain grasping for security rather than survival.

The difference between the two major political parties, although blurred at times in military or foreign policy areas, has never been more apparent that it is on this particular subject. I have briefly mentioned the Democratic approach. The Republican Party, on the other hand, stands four-square behind the proposition that this Nation's greatness has come, and can only continue to come, from the tremendous God-given strength in each of us that is unlocked when a man is his own master, reaching for his own destiny, with the opportunity to move constantly toward a better life. To restore the American principle of individual and community incentive and thus to mobilize that strength for the Nation's good is the Republican road to a stronger America.

In a sense this means that we must urge the people to consider the Nation's need for a concept of self-denial, something that, admittedly, has no more political appeal than does a snowball in this community that has seen altogether enough snow to last it until next winter. But aren't you growing a little tired of watching too many of the various segments of our economy, of late, led to the top of "Democrat hill" and shown the "promised land" which will be theirs—at the expense of every other segment of the economy—if only they will vote right next November?

There are side aspects of this Democratic approach that likewise cause me concern. During my 3 years in Congress I have seen very few of my Democratic colleagues from areas other than the South who seem to have the slightest awarness of the fact that our national debt is in the neighborhood of $300 billion and that other built-in obligations of the Federal Government, which will fall due automatically in the not-too-far-distant future, boost that indebtedness to close to three-quarters of a trillion dollars.

And yet how can any legislator who calls himself responsible ignore the fact that the interest on that public debt alone now amounts to over $8 billion a year—a sum greater than all the income that came into the Federal Treasury as late as 1941 and all Federal expenditures as late as 1936.

In seeking to promote economic growth by the magic of massive injections of Federal moneys into our economy, as most of these same Democratic colleagues of mine say they are willing to do at the risk of creeping inflation, they seem totally unaware of the historically proven fact that inflation is like an opiate that, in its early stages, may produce a sense of well-being and prosperity but, like any other drug, also requires increasingly large dosages to produce the same stimulation and, after continued usage, produces moral decay, social injustice, and eventual economic stagnation. One of the better examples of that sort of social injustice is cheerfully ignored by those who now promote the extension of hospital, surgical, and nursing home benefits through the social security system for a minority of our senior citizens, as if that was the sole problem those citizens face, when, in fact, their real problem is how to maintain any sort of a decent standard of living in the face of increasing costs not only for those items but for housing, food, clothing, and a modicum of entertainment, under the damper of steadily higher tax rates, Federal, State, and local. Of course, there is a genuine crisis in providing health services to retired persons, but, in treating that alone, we would be seeking only to alleviate one of the many effects of deficit financing rather than trying to diagnose and cure the cause thereof. It's a little like taking aspirin for a cold—the cold sufferer may feel better for awhile, but he still has his cold.

That same Democratic majority in Congress also clings to the obsolete failure of a grim fairytale that is our farm-subsidy program, under which the American taxpayer shells out over a million and a half dollars every day just to store our harvests of insanity, because to eliminate it and liberate the farmer might be a costly political action.

Did you know that, under this wasteful hodgepodge, your family and mine each owns surplus products worth an estimated $233.33, including 60 pounds of cotton, 14 bushels of wheat, 21 bushels of corn, 300 pounds of grain sorghum, a fifth of a pound of tobacco, a peck of soybeans, 4 pounds of resin, nearly 5 pounds of assorted dairy products, and 1½ pounds of shelled peanuts?

So you see, the more we lean on Uncle Sam, the greater the habit becomes. All of our Federal programs to "help" someone, or to meet a need that is more fancied than real, start small and end big, and the bureaus set up to administer them multiply like rabbits and are even harder to kill off.

These are but a few examples of the signposts along the road that we have been following under Democratic guidance since the organization of the Young Republicans 25 years ago. To a considerable extent, each of us, through our own apathy and selfishness may have contributed to our movement down that road, but with courage and sacrifice for the things we believe in we can still reverse our direction.

We can help America reject self-indulgence and demand self-sufficiency.

We can help America return to those principles of thrift, industry, incentive, and person-to-person charity which conquered this once hostile continent and made America the goal and the beacon-light for all free men and women, everywhere.

This is your challenge as well as mine. As interested and spirited young Republicans it will be your job to carry a portion of the campaign for Republican candidates this fall. The aid of your feminine members can be most effective not only because they are the best salesman our party has, but also because, for the first time in our history, the women's vote perhaps will outnumber that of men.

This will be a soul-searching year of debate and decision for all Americans. The future of this Nation belongs to you, even as does the future of this party. You will play a great part in shaping both.

Near the beginning of my remarks, I gave you a quotation from Lincoln. I would like to close with another. In an earlier time of decision, not unlike that we now face, he said to the Americans of his day: "It is your business to rise up and preserve the Union and liberty for yourselves, and not for me. I appeal to you again (he said) to constantly bear in mind that not with politicians, not with Presidents, not with office seekers, but with you (the people) is the question: Shall the Union and the liberties of this country be preserved to the latest generation?"